

**TOWN OF HOPE MILLS
BOARD OF COMMISSIONERS REGULAR MEETING MINUTES
MONDAY AUGUST 20, 2018, 7:00 P.M.
WILLIAM F. “BILL” LUTHER, JR. AND DORIS LUTHER MEETING ROOM**

Mayor Jackie Warner called the regular meeting of the Hope Mills Board of Commissioners to order on Monday, August 20, 2018 at 7:00 p.m.

GOVERNING BOARD MEMBERS PRESENT

Mayor, Jackie Warner; Mayor Pro Tem, Mike Mitchell; Commissioners; Jessie Bellflowers, Pat Edwards, Meg Larson and Jerry Legge.

STAFF PRESENT

Town Manager, Melissa Adams; Town Clerk, Jane Starling; Finance Director, Drew Holland; Public Works Interim Director, Don Sisko; Fire Chief, Chuck Hodges; Police Chief, Joel Acciardo; Development & Planning Administrator, Chancer McLaughlin; Stormwater, Tyler Riddle; and. Deputy Fire Chief, Steve Lopez Also present was Town Attorney, Dan Hartzog, Jr.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was led by Pastor Michael Mathis, Mission Field Ministries

1. APPROVAL OF AGENDA – ADDITIONS OR DELETIONS.

Motion made by Mayor Pro Tem Mitchell and carried unanimously, to approve the agenda with the addition of a discussion of the Festival Committee recommendation for the date of the spring festival and the Mayor’s Youth Leadership Committee under new business .

2. PRESENTATIONS.

a. Presentation of the Joint City County Appearance Commission’s 10th Annual Appearance Award to the Town, by Mayor Warner.

Mayor Warner explained that on August 9th the Town was a recipient of the Joint City County Appearance Commission’s top award for restoring the Hope Mills Lake to its former glory in downtown Hope Mills. Ms. Kathy Johnson of the Hope Mills Appearance Committee, Mayor Pro Tem Mitchell, and Town Manager Adams accepted the award on the Town’s behalf.

b. Presentation from Stephen Fleming, Fleming and Associates, Regarding Phase Two of the Lake Park Project.

Mr. Fleming provided a PowerPoint presentation and gave handouts to the Board of a schematic design and explained that anything on the design can be changed. He explained how a bulkhead would allow changes to the slope that would improve accessibility for citizens. He also explained that if the Board wishes to have the swimming area handicapped accessible it would best be done in the kayak launch area.

Motion made by Mayor Pro Tem Mitchell and carried unanimously, to add a handicap ramp near the launch and options for one or two stairs and remove the swim platform.

3. PUBLIC HEARINGS.

Public Hearing for Proposed Voluntary Annexation No. 2018-01- BEING ALL OF LOT 4, AS A PLAT ENTITLED "CAROLYN R GRANT" (4.93 acres) is located on SR 2333 (Corporation Drive) and is the exact distance of 1 mile (N) from the intersection of Route No./Road SR 2252 (Chickenfoot Road) towards the City of Fayetteville, but **is not within** the city of Fayetteville. LOT 4 CAROLYN R GRANT, Lot frontage 527.80 ft. facing the west is N 72°54'28" E, N 18°26'04"W, S 71°33'58", N 17°57'39" with a lot depth of 412.11ft. Lot 4 is in the Rockfish Township of Cumberland County. This would be a non-contiguous annexation.

This item was presented by Chancer McLaughlin who explained this is the annexation hearing to allow the public to have input.

Mayor Warner opened the public hearing at 7:46 p.m. and there were no speakers. The public hearing was closed.

4. PUBLIC COMMENTS.

Mr. Ralph Molina, 6807 Uppingham Fayetteville, NC 28306, spoke about Lone Survivor.

5. CONSENT AGENDA:

- a. Consideration of Approval the Minutes from the August 1, 2018 Special Meeting.**
- b. Consideration of Approval the Minutes from the August 1, 2018 Special Closed Session Meeting.**
- c. Consideration and Approval of Officer Hart to attend Police Law Institute course in Salemburg, NC. The Course is for 10 days at cost of \$110 already in budget.**
- d. Consideration to Accept the July, 2018 Financial Statements.**

Motion made by Commissioner Edwards and carried unanimously, to approve the consent agenda as read.

6. OLD BUSINESS: None

7. NEW BUSINESS:

a. Consideration and Discussion of Q-Star Graffiti and Vandalism Deterrent Systems to Purchase Cameras through FlashCAM Technology in the Amount of \$15,719.00.

Motion made by Commissioner Edwards and carried unanimously, to approve the purchase of the Q-Star Graffiti and Vandalism Deterrent Systems Cameras through FlashCAM Technology in the Amount of \$15,719.00.

b. Consideration and Discussion of a Possible Cancellation or Date Change for the September 10, 2018 Meeting.

Town Manager Melissa Adams presented this item and reminded the Board that she would be representing the Town in an award ceremony in Seattle for the design of the Lake Dam on September 10, 2018.

Motion made by Mayor Pro Tem Mitchell and carried unanimously, to cancel the September 10, 2018 meeting.

c. Discussion of an Ordinance for Frontage Road Access between Shopping Plazas, Requested by Commissioner Larson.

Commissioner Larson presented this item and explained that she had mentioned this previously. She asked about an ordinance that would create a frontage road between businesses and keep traffic off of Hope Mills Rd. Development & Planning Administrator, Chancer McLaughlin; responded and stated “in our current subdivision ordinance we have a requirement for lateral access but in my opinion it is very vaguely worded.”

Motion made by Commissioner Larson and carried unanimously, to ask Development & Planning Administrator, Chancer McLaughlin to bring back recommendations strengthening the ordinance language to encourage lateral access.

d. Consideration and Discussion of Annexation Ordinance 2018-01.

Development & Planning Administrator, Chancer McLaughlin presented this item.

Motion made by Commissioner Bellflowers and carried unanimously, to approve with the stipulations; Due to the fact that permits were issued in the County and that the project is

currently still under construction, all permits issued prior to annexation should remain under the jurisdiction of Cumberland County. To include any permits needed for the issuance of the final Certificate of Occupancy as well. Any future permits needed after annexation and after the issuance of the final CO from Cumberland County would then fall under the jurisdiction of the Town of Hope Mills. Staff is also requesting C(P) Planned Commercial District for Initial Zoning as this is the district that the development was initially approved under.

e. Consideration and Discussion of Zoning for Annexation of Dirtbag Ales.

Development & Planning Administrator, Chancer McLaughlin presented this item.

Motion made by Commissioner Bellflowers and carried unanimously, to approve with the stipulations; Due to the fact that permits were issued in the County and that the project is currently still under construction, all permits issued prior to annexation should remain under the jurisdiction of Cumberland County. To include any permits needed for the issuance of the final Certificate of Occupancy as well. Any future permits needed after annexation and after the issuance of the final CO from Cumberland County would then fall under the jurisdiction of the Town of Hope Mills. Staff is also requesting C(P) Planned Commercial District for Initial Zoning as this is the district that the development was initially approved under.

f. Consideration and Adoption of Panhandling Ordinance.

Town of Hope Mills

Panhandling Ordinance

Ordinance No. 2018-05

a. *Purpose.* The purpose of this section is to prohibit and regulate begging or otherwise canvassing the public for contributions for the private benefit of the solicitor or any other person, as well as to ensure unimpeded pedestrian and vehicular traffic flow, to maintain and protect the well-being of the public, and to otherwise foster a harassment-free climate in public places.

b. *Definitions.* As used in this section:

Accosting means approaching or speaking to someone in such a manner as would cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon his or her person, or upon property in his or her immediate possession.

After Dark means from one-half hour after sunset until one-half hour before sunrise. The times of sunset and sunrise will be established by the times listed in The Fayetteville Observer or another publication of similar distribution.

Automated Teller Machine means any device or machine, linked to a financial institution's account records, which is able to carry out transactions, including, but not limited to, account transfers, deposits, cash withdrawals, balance inquires, and mortgage and loan payments, and includes an automated banking device as defined by G. S. § 14-113.8(1a).

Beg, Solicit, or Panhandle includes, without limitation, use of the spoken, written, or printed word, or other acts as are conducted in the furtherance of the purpose of immediately collecting contributions of money, food or employment for oneself or others. As used in this ordinance, the word "solicit", and its forms, includes begging and panhandling.

Financial Institution means a bank, trust company, savings and loan association, credit union, check-cashing business, or other entity principally engaged in the business of lending money or receiving or soliciting money on deposit.

Forcing Oneself upon the Company of Another means:

1. Continuing to solicit in close proximity to the person addressed after the person to whom the solicitation is directed has made a negative response, either verbally, by physical sign, by attempting to leave the presence of the person soliciting, or by other negative indication;
2. Blocking the passage of the person solicited; or
3. Otherwise engaging in conduct that could reasonably be construed as intending to compel or force a person to accede to a solicitation.

Person means an individual, firm, partnership, association, corporation, organization, or any other group acting as a unit.

Public Area means any area to which the general public has access, and includes, but is not limited to, public streets, rights-of-way, alleys, roads, highways, sidewalks, driveways, bridges, parking lots, parks, playgrounds, plazas, any property owned or operated by the city, and streets open to the general public and any buildings, premises, or other structures open to the general public including the doorways and entrances to such buildings, premises, or other structures and the grounds enclosing them.

(c) It shall be unlawful for any person to beg, solicit, or panhandle in any of the following ways:

1. By accosting or by forcing oneself upon the company of another;
2. By soliciting in or near any public area
3. By procuring or attempting to procure goods or money from another in a manner or under circumstances manifesting an express or implied threat or coercion;

4. By soliciting in any public transportation vehicle owned or operated by the Town, or within 50 feet of any station or stop for such vehicle;
5. By soliciting within 50 feet of any entrance or exit of any bank or financial institution, or within 50 feet of any automated teller machine, without the consent of the owner or other person legally in possession of such facilities. Provided, however, that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility;
6. By soliciting on private property if the owner, tenant, or lawful occupant has asked the person not to solicit on the property, or has posted a sign clearly indicating that solicitations are not welcome on the property;
7. By soliciting from any operator or passenger of a motor vehicle while standing, sitting or loitering in any street or highway, including the shoulders or median strip, but excluding sidewalks;
8. By soliciting within 50 feet of any outdoor dining area or outdoor merchandise area, provided such areas are in active use at the time;
9. By soliciting from a person standing in line waiting to be admitted to a commercial establishment; or
10. By soliciting after dark.

- d. *Penalty.* Any person who violates any of the provisions of this section shall be guilty of a misdemeanor as provided in G.S. 14-4 and, upon conviction, shall be subject to a maximum fine of \$500.00 per occurrence, or imprisonment, or both.
- e. *Severability.* If any provision of this section is declared invalid or unconstitutional for any reason, the remaining provisions shall be severable and shall continue in full force and effect.

Adopted this 20th day of August, 2018.

Jackie Warner, Mayor

Attest:

Jane G. Starling, CMC, Town Clerk

Motion made by Mayor Pro Tem Mitchell and carried unanimously, to adopt an ordinance to prohibit panhandling as written.

g. Consideration and Adoption of Handing Items from a Vehicle Ordinance.

Ordinance No. 2018-04

An Ordinance to Prohibit the Passing of Items to or from the Occupant of a Motor Vehicle on a Roadway.

1. *Intent of section.* This section is intended to provide for the free flow of motor vehicle traffic on public streets and highways in the town. The Town Board finds that persons who distribute any item to, receive any item from or exchange any item with the occupant of a motor vehicle upon a roadway presents a threat to the free and safe flow of motor vehicle traffic. By this section, the Town Board intends to promote the health, safety and welfare of the citizens traveling by vehicle or on foot in the city.

2. *Definitions.* For purposes of this section, the following definitions apply:

a. **Pass/passing** means distributing any item to, receiving any item from, or exchanging any item with the occupant of a motor vehicle that is located in a lane of travel on the roadway.

b. **Roadway** means all public streets and highways within the city that have lane markings. This definition excludes private roads and private property, and it is further not intended to apply to neighborhood roads that do not have permanent pavement markings on them. This definitions also excludes areas in which parking is permitted in the city,

c. **Item** means any physical object.

3. *Prohibition on roadways.* It shall be unlawful to violate any of the prohibitions set forth below in the city.

a. No person shall knowingly distribute any item to, receive any item from, or exchange any item with the occupant of any motor vehicle when the vehicle is located in a lane of travel on the roadway.

b. This section shall not apply to the distribution, receipt or exchange of any item with the occupant of a motor vehicle on private property or in a permitted parking area.

c. This section shall not apply to any law enforcement officer acting within the scope of his/her official duty.

d. This section shall not apply to the distribution, receipt or exchange of any item with the occupant of a motor vehicle located in the roadway in order to assist the occupant after a motor vehicle accident, with a disabled motor vehicle or where the occupant is experiencing a medical emergency.

4. *Exemption.* So long as it does not impede the normal movement of traffic on the street or highway, this section shall not apply to the distribution of newspapers on the non-traveled portion of any street or highway pursuant to N.C.G.S. § 20-175(d).

5. *Enforcement.* Sworn officers of the Hope Mills Police Department are authorized to issue civil citations for violation of this section.

6. *Penalty.* Violation of this section shall be a civil violation, and carry a civil penalty.

a. Amount of penalty:

i. For a first violation - written warning

1. It shall be prima facie evidence that a person has already received a written warning under this section if the records management system of the Hope Mills Police Department indicates that such a warning has been given. No officer or other person shall be required to testify or otherwise be present to establish the fact that a prior warning was given in any civil proceeding to enforce this section.

ii. For a second violation within 12 months following the date of the first violation - \$25.00 civil penalty

iii. For a third or subsequent violation within 12 months following the date of the preceding violation - \$100.00 civil penalty

1. The date of the preceding violation for this section shall be considered the latter of:

a. The actual date of the preceding violation if the civil penalty is paid, on time and without contesting hearing;

b. The date the civil penalty is actually paid, if the penalty is not contested at a hearing; or

c. The date the hearing officer upholds the penalty; if the penalty is contested.

7. *Severability.* If any provision of this section is declared invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall be severable and shall continue in full force and effect.

Adopted this 20th day of August, 2018.

Jackie Warner, Mayor

Attest:

Jane G. Starling, CMC, Town Clerk

Motion made by Mayor Pro Tem Mitchell and carried unanimously, to adopt an ordinance to prohibit the passing of items to or from the occupant of a motor vehicle on a roadway as written.

h. Discussion of Former Golf Course Property, Heritage Park, and Former Lakebed #2 Opening for Public Use, Requested By Mayor Pro Tem Mitchell.

This item was presented by Mayor Pro Tem Mitchell. He stated his interest was to explore the possibility of allowing public access to Town property by the citizens.

Consensus was for the Board of Commissioners to take a “walking work shop” tour of Town property on October 17, 2018 at 9 a.m. to evaluate the three properties. Staff was instructed to create maps showing parking for the event to be distributed with the public notice.

i. Consideration and Discussion of the Festival Committee’s Recommendation for the Spring Festival Date.

Motion made by Mayor Pro Tem Mitchell and carried unanimously, to set the date of a spring festival for the town to be the 3rd weekend in May next spring and going forward. Also to include Friday, Saturday, and Sunday and to place it on the Town’s calendar starting in 2019.

j. Consideration and Discussion of Resuming the Mayor’s Youth Leadership Group Meetings.

Motion made by Mayor Pro Tem Mitchell and carried unanimously, to authorize the Mayor to contact the three local high schools, Jack Britt, South View, and Gray’s Creek to engage three students per school to work with the Mayor’s Youth Leadership Committee. To meet at 6pm prior to the Board of Commissioner’s second meeting of the month.

8. REPORTS AND INFORMATION ITEMS:

a. Manager’s report.

Town Manger, Melissa Adams provided a report on Town activities and staff accomplishments.

1. Rockfish Road Sidewalk - Drawings of new curb and storm alignment have been sent to DOT for review and approval. NCDOT has notified us that we were selected for a federal audit. Tentative date is scheduled for September 18th.
2. New museum location - Public Works Staff has begun discussions with consulting architects concerning design and reutilizing materials from the Fountain Lane house and the Episcopal Parrish house.
3. Episcopal Parrish House improvements to the appearance - Public Works Staff has cleared the front stoop, removed the handicap ramp, painted the railing, and removed some piping.
4. Reminder: Eel migratory season - Next migratory season runs from September 1st to October 15th - 2018.
5. Dam Inspection - Laura Shearin-Feimster, PE, Environmental Specialist, and Senior Engineer with Schnabel Engineering; visited the Dam site August 14th to take pictures and gather information concerning the application for the Envision Award. They will be submitting the application this fall.
6. Fountain Lane House - Hazardous material sampling was completed August 16th. Samples have been sent to the laboratory for testing and analysis.
7. NCDOT will be extending the turn-around bulb at the intersection of Main Street and Golfview Road. Responsible agencies are being notified to move their respective wires. Public Works staff has discussed road markings at intersection of Rockfish Road and Main Street with NCDOT.

8. NCDOT's projected timeline for the widening of N.C. 59/South Main Street to three lanes from Parkton Road to Shipman Road is; the first Public Meeting is projected to be held winter 2018, with ROW acquisition to begin winter 2020.
9. Per Police Chief Acciaro, the Police Department will begin videoing Town owned property with their drone. Staff will work out the details within the next couple of weeks.
10. On Thursday, August 16th Governor Roy Cooper visited a home on Bishamon Street in Hope Mills that was damaged by Hurricane Matthew in 2016 and rehabilitated through the N.C. Housing Finance Agency.
11. I will meet with Kevin Monroe, Deputy Director Intergovernmental Affairs on Wednesday, August 22nd at 10:00 a.m. at Town Hall to discuss three properties that have been submitted to the State Hazard Mitigation staff for acquisition. The paperwork was completed and confirmed by the State, in December, 2017. To date the Town has heard nothing regarding the property acquisition.
12. Attorney Hartzog has received the Best Lawyers in America 2019 Award for Municipal Law.
13. I would like to take this opportunity to thank all the staff that volunteered at the Food Truck Rodeo last Thursday night. We had over 100 children that received back to school supplies and we collected many items to be donated to the FayOne event and for the Alms House.

b. Reminders

- **Thursday, August 23, 2018 7:00 p.m.** Veterans Affairs Commission meeting, Parks and Recreation Center.
- **Monday, August 27, 2018 6:30 p.m.** Parks & Recreation Advisory Committee, Parks and Recreation Center.
- **Monday, Sept. 3, 2018 LABOR DAY HOLIDAY**, Town Hall Closed.
- **Thursday Sept. 6, 2018 Hope Meals**, Food Truck Rodeo, Town Hall parking lot beginning at 5:00 p.m.
- **Monday, Sept. 10, 2018** Dam Rehabilitation Award Luncheon in Seattle WA.
- **Monday, Sept. 10, 2018 12:00 noon** Chamber Luncheon at Parks and Recreation Center.
- **Monday, Sept. 10, 2018 6:30 p.m.** Parks & Recreation Advisory Committee, Parks and Recreation Center.
- **Monday, Sept. 10, 2018** Board of Commissioners Regular Meeting at 7:00 p.m. in the Luther Meeting Room.

c. Department Monthly Reports.

- Fire Department, July 2018
- Police Department, July, 2018
- Inspections Department, July, 2018
- Parks & Recreation, July, 2018

- Stormwater Department, July, 2018
- Public Works Department, July, 2018
 - Sanitation
 - Service Garage
 - Buildings & Grounds
 - Street

10. STAFF COMMENTS.

None

11. OFFICIAL COMMENTS.

Commissioner Bellflowers congratulated Attorney Hartzog on his award and stated he also was humbled and honored to recently attend the Sandhills Purple Heart banquet. Commissioner Edwards congratulated Attorney Hartzog on his award and thanked Town Manager Adams for the success of truck rodeo and other events pointing out that Ms Adams is always right there with staff involved in town activities. Mayor Pro Tem Mitchell thanked everyone for coming out. He said the meeting with Gov. Cooper and staff was very good, and asked the media to please be balanced and publish both sides of a story. Mr. Mitchell volunteered to share the Commissioners side. Commissioner Larson congratulated Attorney Hartzog on his award and asked him if she had a conflict of interest as recently written about in the press. Mr. Hartzog replied, “No” she did not have a conflict of interest. Commissioner Legge also congratulated Attorney Hartzog and thanked everyone for praying for his daughters’ recovery and stated she is doing very well. Mayor Warner asked that we advertise for the Veterans Affairs Committee opening and reminded everyone of the Hero’s Homecoming event.

12. ADJOURNMENT.

The meeting adjourned at 8:26 p.m.

Jackie Warner, Mayor

Attest:

Jane G. Starling, CMC, Town Clerk