MINUTES OF THE TOWN OF HOPE MILLS BOARD OF COMMISSIONERS
REGULAR MEETING
MONDAY MAY 18, 2009, 7:00 P.M.
BILL LUTHER BOARD MEETING ROOM

Mayor Dees called the Regular Meeting of the Hope Mills Board of Commissioners to order on Monday, May 18, 2009, at 7:00 p.m.

GOVERNING BODY MEMBERS PRESENT
Mayor Eddie Dees, Mayor Pro tem Bob Gorman, Commissioners Doris Luther, Tonzie Collins, Jackie Warner, and Eddie Maynor.

GOVERNING BODY MEMBERS ABSENT - None

STAFF PRESENT
Town Manager Randy Beeman, Assistant Town Manager/Town Clerk Connie Spell, Town Attorney John Jackson, Human Resources Administrator Debbie Disbrow, Finance Director John Ellis, Parks and Recreation Director Stan Braswell, Public Works Director Bruce McLaurin, Police Lt. Joel Acciardo, Stormwater Administrator Melanie Clerkley.

INVOCATION AND PLEDGE OF ALLEGIANCE
Chief Building Inspector Mike Bailey gave the invocation followed by the Pledge of Allegiance led by Mayor Dees.

1. APPROVAL OF AGENDA – ADDITIONS OR DELETIONS.

Motion was made by Commissioner Luther, seconded by Commissioner Collins and carried unanimously to approve the agenda as presented.

2. PRESENTATIONS. None

3. PUBLIC HEARINGS. None

4. PUBLIC COMMENTS.

Mr. Michael Mitchell, 5411 Thompson Circle, spoke in favor concerning Captain John Smith becoming Hope Mills next Chief of Police. He said he did not want to undermine the application process and all the applicants should be considered for the position. Mr. Mitchell said there were a great number of citizens that appreciate Captain Smith and he was well received in the community.

Mr. Mitchell expressed his concerns with the property tax increase due to the county tax revaluation and wanted to know if the Board planned to lower the property tax rate for the Town.

Mayor Dees stated the Board would consider a budget work session to discuss the matter of the tax rate.

Mr. Jessie Bellflowers, Post Commander VFW 10630, said on behalf of the Veteran's of Foreign Wars he would like to inform the Board of the Memorial Day Ceremony on Monday, May 25th at 10:00 a.m., Freedom Memorial Park and the Annual Ceremony at 4:00 p.m.

Mr. Bellflowers briefly explained the Adopt-A-Unit program that was conducted by the VFW. He said the VFW purchased two American Flags and sent them with the adopted unit to Iraq to be flown above their camp. Mr. Bellflowers said since their return they have both of the flags and would like to have them flown on Memorial Day at Freedom Park and the flag pole at the lake. Mr. Bellflowers asked to have a light placed on the flag at the lake.

A discussion followed concerning a light being placed on the flag pole at the lake. Mayor Dees stated the town would consider the request along with the lake landscape plan.

5. CONSENT AGENDA:

Mayor Dees presented the consent agenda and asked if there were any items the board wished to be placed on the regular agenda for further discussion.

Commissioner Luther made a motion to have item (b) moved to the regular agenda for further discussion. Commissioner Warner seconded, and unanimously carried.

Commissioner Collins made motion to approve the remaining agenda items. Commissioner Luther seconded, and the motion carried unanimously.

a. Consideration to approve minutes of the March 23, 2009 Special Meeting.

The Board approved the minutes of the March 23, 2009 Special Meeting as written.

b. Consideration to adopt Budget Ordinance Amendment No. 27 and No. 28 to budget funds for construction costs of sidewalks along Hope Mills Bypass and NC 59 Hope Mills Road – Powell Bill Fund.

Item moved to the regular agenda for further discussion.

c. Consideration to approve Financial Statement as of April 30, 2009.

The Board approved the Financial Statement as of April 30, 2009.

d. Consideration to adopt BB&T Resolution and Agreement for Deposit Account authorizing the signature of Finance Director John Ellis as a designated representative for the Town of Hope Mills.

The Board adopted the BB&T Resolution and Agreement for deposit account authorizing the signature of Finance Director John Ellis as a designated representative for the Town of Hope Mills.

A copy of the Resolution is filed in the Book of Resolutions in the Town Clerk's office.

"END OF CONSENT AGENDA"

6. OLD BUSINESS:

a. Consideration to adopt Budget Ordinance Amendment No. 27 and No. 28 to budget funds for construction costs of sidewalks along Hope Mills Bypass and NC 59 Hope Mills Road – Powell Bill Fund.

The Town Board on May 6, 2004, entered into a municipal agreement with NCDOT to have a sidewalk constructed along the Hope Mills Bypass, between SR1141 and SR1131 from Bingham Drive to Legion Road. The town's portion or cost for Project U-0620 is $13,794.30 which is due on May 31, 2009.

Mr. Beeman said project U-2308 A&B was entered into on March 12, 2001 for sidewalks along NC59 Hope Mills Road south of SR1003 Camden Road at Hope Mills Road to US401 Business in Fayetteville. He said the town's portion was $55,458.50 which is due June 5, 2009.

Mr. Beeman said there was no money allocated in the current budget to reimburse NCDOT. He said he was requesting the sum of $69,252.80 to cover the town's total cost for both projects. Mr. Beeman said this amount is the towns 30% of the total construction costs per municipal agreements.

Mr. Beeman stated the first payment of $13,794.30 for Project U-6020 was due May 31, 2009, and $55,458.50 for Project U2308 A&B was due June 5, 2009.

A discussion followed concerning the time line in which the contract was entered into and the time in which the Town was invoiced.

Commissioner Luther made a motion to adopt the following Budget Ordinance Amendment No. 27 and No. 28, with a payment plan to be considered. Commissioner Maynor seconded the motion.

Ayes: Commissioner Luther, Commissioner Maynor, Commissioner Gorman, Commissioner Warner

No: Commissioner Collins

Motion carried 4 to 1 to approve Budget Ordinance Amendment No. 27 and No. 28.

BUDGET ORDINANCE AMENDMENT
NUMBER TWENTY SEVEN

BE IT ORDAINED by the Governing Board of the Town of Hope Mills, North Carolina, that the following amendment be made to the Powell Bill Fund for the 2008-2009 budget ordinance.

Section 1. To amend the Powell Fund for expenditures related to the construction costs of sidewalks along the Hope Mills Bypass, between SR1141 and SR1131 from Bingham Drive to Legion Road, the expenditures are to be changed as follows:

Account	Current Budget	Increase (Decrease)	Revised
Capital Outlay-Improvements	$ 0	$13,794.30	$ 13,794.30

Section 2. To provide for the additional costs, the following revenue sources are as follows:

Account	Current Budget	Increase (Decrease)	Revised
Fund Balance Appr.	$1,283,369.37	$13,794.30	$1,297,163.67

Section 3. Copies of this amendment shall be furnished to the Town Clerk and to the Budget Officer and the Finance Officer for their direction.

Adopted by the Hope Mills Board of Commissioners this 18th day of May, 2009.

BUDGET ORDINANCE AMENDMENT
NUMBER TWENTY EIGHT

BE IT ORDAINED by the Governing Board of the Town of Hope Mills, North Carolina, that the following amendment be made to the Powell Bill Fund for the 2008-2009 budget ordinance.

Section 1. To amend the Powell Fund for expenditures related to the construction costs of sidewalks along NC 59 Hope Mills Road South of SR1003 Camden Road at Hope Mills to US401 Business in Fayetteville, the expenditures are to be changed as follows:

Account	Current Budget	Increase (Decrease)	Revised
Capital Outlay-Improvements	$ 13,794.30	$55,458.50	$69,252.80

Section 2. To provide for the additional costs, the following revenue sources are as follows:

Account	**Current Budget**	**Increase (Decrease)**	**Revised**
Fund Balance Appr.	$1,297,1673.67	$55,458.50	$1,352,622.17

Section 3. Copies of this amendment shall be furnished to the Town Clerk and to the Budget Officer and the Finance Officer for their direction.

Adopted by the Hope Mills Board of Commissioners this 18th day of May, 2009.

7. NEW BUSINESS:

a. Consideration to approve Withers & Ravenel, Inc. agreement to develop a Stormwater System Base Map as required by the town's Phase II Stormwater Permit (fund allocated in the 200-2009 budget).

Melanie Clerkley Stormwater Administrator reported the Town's Phase II Stormwater Permit requires that the Town develop a Storm Sewer System Base Map. She said this was a mandatory requirement from the State and must be completed in order to be in compliance with the Town's Phase II Stormwater Permit. Ms. Clerkley said the Storm System Base Map will serve as a record of the entire stormwater system infrastructure.

She said after reviewing proposals from several qualified firms, Withers & Ravenel, Inc., was recommended to perform the stormwater inventory for the Town.

Commissioner Luther made a motion to approve Withers & Ravenel, Inc. agreement in the amount of $60,000.00. Commissioner Collins seconded, and the motion carried unanimously.

A copy of the Agreement is on file in the Book of Agreements in the Town Clerk's Office.

b. Case No. 09-008. Consideration of the O'Reilly Auto Parts Store, C(P) Site Plan Review, located north side of North Main Street and across from Dove Drive.

Mr. Ed Byrne Cumberland County Planning reported the property was 1.01 acres located off of North Main Street. He said this case was heard in January 2009 and was referred back to the developer to make certain changes to the site plan. Mr. Byrne said the proposed building was 7,200 square feet and the lot has 265 feet of road frontage along North Main Street. He said the proposed drive into the site would be lined up across from Dove Drive and lateral access connections have been provided to both adjacent properties to allow for any future interconnectivity. The developer will be constructing a deceleration lane into this development.

Mr. Byrne said the developer re-designed the site from the original submittal to meet the requested changes by the County Planning Staff. He said items were addressed such as drive locations, reservation of right-of-way, dumpster location, loading space and lateral access drives. He said the Hope Mills Plan Review Committee and County Planning Staff had reviewed the revised plans for all the requested changes and recommend approval of the proposed development.

Mr. Byrne displayed an aerial photo of the property.

A discussion followed concerning the type of buffer needed on the property; solid vegetation, privacy fence, chain link fence with vegetation.

Commissioner Luther made a motion to approve the site plan with conditions to have concrete sidewalks and require a buffer combination of a fence and vegetation in the rear of the property. Commissioner Collins seconded, and the motion carried unanimously.

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Hope Mills Zoning Ordinance and permits required to place any structure within this development from the Hope Mills Inspections Department, in Town Hall at 5770 Rockfish Road. For additional information, the developer should contact a Town Inspector.

2. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to Code Enforcement at the time of application for building/zoning permits. (Section 86-76, Public Water and Sewer Systems Hope Mills Subdivision Chapter)

3. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land is subject to the Post-Construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Hope Mills Stormwater Department. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site, a copy of the Town's *Post-Construction Permit* must be provided to the Town Inspections Department.

4. For any new development, the developer may have to provide the Hope Mills Inspections Department with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Town and County Planning Staff prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to the Town Building Inspector at the time of application for any building/zoning permits.

5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

6. Landscaping must be provided in accordance with Section 102A-1202(n), Landscaping, Hope Mills Zoning Ordinance and/as shown on the site plan. The following are the minimum standards for the required landscaping of this site:

    a. Five large shade trees or 16 small ornamental trees within the front yard setback area;
    b. Two small ornamental trees and 24 shrubs are required in the building yard area;
    c. Two trees and 15 shrubs trees are required within the parking area.

    In addition, the developer is strongly encouraged to retain as many existing trees as possible and will receive credit for required landscaping for doing so; also:

    a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
    b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.

7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision Chapter and Zoning Ordinance for the C(P) zoning district must be complied with, as applicable.

9. The proper assigned address for this site is 3205 N Main Street.

10. This conditional approval is not approval of the permit for the freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIV of the Hope Mills Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)

11. Reservation of 15 feet of right-of way along NC HWY 59 (N Main Street) is required and the metes and bounds for the reservation must be reflected on any future site plans. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line.

12. Curbs and gutters must meet the NC Department of Transportation's (NCDOT) standards and specifications.

13. A concrete sidewalk is required to be constructed along NC HWY 59 (N Main Street)

14. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris.

15. The existing fire hydrant must be re-located and installed along N Main Street; hydrants must be located no further than 1,000 feet apart and at a maximum of 500 feet from any lot.

16. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 86-128(b), Underground utilities required, Hope Mills Subdivision Chapter)

17. The developer must obtain a driveway permit from the Hope Mills Street Department and the NC Department of Transportation (NCDOT). <u>A copy of the approved driveway permit must be provided to Code Enforcement at the time of application for building/zoning permits.</u>

18. Turn lanes may be required by the Hope Mills Street Department and NC Department of Transportation (NCDOT).

19. All lighting is required to be directed internally within this development and comply with the provisions of Section 102A-1202(m), Outdoor Lighting, Hope Mills Zoning Ordinance.

20. A solid buffer must be provided and maintained along the side and rear property lines where this tract/site abuts residentially zoned properties in accordance with the provisions of Section 102A-1202(g), Buffer Requirements, Hope Mills Zoning Ordinance. (Note: Chain link fencing by itself cannot be used to satisfy the buffer requirement.) If a vegetative buffer will be used to satisfy this condition then at a minimum a chain link fence must be constructed and maintained along the rear buffer located on the O'Reilly Auto Part Store side on the buffer. The current site plan shows a wooden privacy fence to be used as a buffer with landscaping located along the fence line.

21. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.

22. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of 16 off-street parking

spaces are required for this development. (Section 102A-1302, Off-street parking, Hope Mills Zoning Ordinance.)

23. A minimum of one off-street loading spaces(s) measuring 12' x 25' with 14' overhead clearance must be provided for this development. (Section 102A-1303 Off-street loading, Hope Mills Zoning Ordinance.)

Advisories:

24. The applicant is advised to consult an expert on wetlands before proceeding with any development.

25. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

c. Case No. 09-056. Consideration of Crosswinds, zero lot line subdivision review, request for a waiver from Section 2302.A "Municipal Influence Areas", County Subdivision Ordinance, Regarding Street Offset, Right-of-Way radius and re-consideration of previously approve requirement for grass swales; Located at the south end of SR3704 (Crosswinds Drive) and on the north side of SR 2997 (Heidelberg Drive), east of SR 1132 (Legion Road).

Mr. Ed Byrne Cumberland County Planning reported the developer had submitted for approval of a waiver from the Hope Mills Municipal Influence Area for development standards for a zero lot line subdivision regarding street offset and 25 foot right-of-way radius requirements. He said the developer had also requested a reconsideration of the condition that requires rolled asphalt curbs with grass swales along the streets as part of the drainage system instead of having concrete curbs and gutters. Also, the developer would like to remove grass swales from the condition as part of the review.

Mr. Byrne reported the Cumberland County Joint Planning Board on December 18, 2007 approved the subdivision following the Hope Mills Board of Commissioners recommendation to waive the concrete curbs and gutters and to allow the rolled asphalt with grass swales. He said the grass swales would be required to be constructed between rolled asphalt curb and gutter and the sidewalks. The previous approval was for 85 lots of which 25 had been platted and the current proposal would add an additional 61 lots for a total of 146 lots.

Mr. Byrne said the Hope Mills Subdivision Ordinance requires the street intersections that do not line up directly across from each other, a minimum off-set of 125 feet from the center line of each street. Mr. Byrnes said the proposed connection of Crosswinds Drive at SR2997 Heidelberg Drive is designed to have an offset distance of 56 feet from the existing Acordia Lane. Mr. Byrne said the developer was unable to line the two streets up due to the existing wetlands located on lot 61 at this location. The proposed road could not be shifted to the west in order to meet the 125 foot minimum offset due to the existing house on the adjacent property. He said Heidelberg Drive is a dead end road which has seven lots past the proposed intersection; only one lot has an exiting home. Mr. Byrne said Acordia Lane is a Class "B" & "C" private street which serves an existing religious worship facility and seven residential lots with a home on each lot.

Mr. Byrne reported the Hope Mills Subdivision Ordinance requires all street intersections to have 25 foot right-of-way radius at the intersecting points of the streets. The developer is requesting to be allowed to reduce the radius size to 15 feet for one side of the proposed Crosswinds Drive at Heidelberg Drive due to the existing wetlands. The proposed Crosswinds Drive located was designed so as to not to impact the wetlands without acquiring the additional land from the adjacent property.

Mr. Byrne said the County Planning Staff recommends denial of the reconsideration to remove the requirement from the grass swales because the Hope Mills Board of Commissioners based their recommendation of no concrete curbs and gutters on the reason that grass swales would be provided. The staff recommends that if the grass

swales are to be removed from the requirement then the developer be required to install the concrete curbs and gutters.

Mr. Byrne also display aerial photos of the property and a discussion followed concerning the previous plans for the concrete curbs, gutters and grass swales.

The Hope Mills Plan Review Committee and County Planning Staff recommends approval of the waiver request regarding the street offset and 25 feet corner radius requirements based on the following:

1. Existing wetlands location would be impacted by the proposed road if relocated to line up with the existing private street.

2. The proposed road could not be adjusted to meet the minimum 125 feet due to the existing home on the adjacent property.

3. The remaining 15 feet distance would prevent the 25 radius due to the street location because of the wetlands.

4. The existing state road being a dead end road and the private streets having limited traffic at this location.

Action 1. Commissioner Luther made a motion to recommend approval of the asphalt curbs and gutters and remove grass swales from the condition. Commissioner Gorman seconded, and the motion carried unanimously.

Action 2. Commissioner Gorman made a motion to recommend approval to allow the street offset at the intersection of Heidelberg Drive and Crosswinds Drive. Commissioner Collins seconded, and the motion carried unanimously.

Action 3. Commissioner Collins made a motion to reduce the radius size to 15 feet due to the existing wetlands. Commissioner Luther seconded, and the motion carried unanimously.

Action 4. It was consensus of the Board to approve an additional condition that sidewalk be placed a minimum of 2 feet off the curb, and a temporary turn around at the end of lots 101,102,119, and 120 at Crosswinds Drive.

8. REPORTS AND INFORMATION ITEMS:

a. Town Manager's update.

Railroad Crossing – Johnson Street
Viper Radio System – 800 Mega Hertz System
Skate Park
Pier Construction Information – Lake Number One
Agreement Hope Mills Youth Association, Park and Recreation
Lake Ordinance Update
Sales tax error in distribution of Article 46 ¼ cent
Graffiti update

The Board expressed concerns with the repair progress of the Railroad Crossing at John Street.

Mayor Dees reference an Eagle Scout that had built a skate board project and asked staff to look into possibly having an Eagle Scout help with the skateboard park in Hope Mills.

b. Department Monthly Reports.

The following departments presented written reports:
Inspections Department, April 2009.
Fire Department, April 2009.
Public Works, April 2009
Sanitation, April 2009

Parks & Recreation Department, April 2009.
Police Department, April 2009.

c. Committee Reports. None

d. Update report on the Hope Mills Lake/Dam project.
Town Manager Randy Beeman reported that Mr. Gordon Rose stated all the paper work had been submitted to Dam Safety as of Monday, May 11th. He stated he had no further response from Dam Safety.

Mr. Beeman reported PWC staff was working on painting the graffiti on the sewer pipe.

Informational items:

a. Graffiti Ordinance.
A draft Graffiti Ordinance was presented to the Board for their review and Mr. Beeman stated the Board would consider at the next regular meeting.

b. Edward Byrne Memorial Justice Assistance Grant (JAG)
Mr. Beeman report the grant had been submitted on Friday.

It was consensus of the Board to schedule a Budget Workshop for Wednesday, May 27th at 7:00 p.m.

9. STAFF COMMENTS. - None

10. OFFICIAL COMMENTS.

Commissioner Gorman
- Requested Mr. Bailey to look into the Jackson Automotive property. Stated approximately six years ago Mr. Jackson was to place a fence around the business and there was to be no junk cars stored on the property.
- Expressed concerns with landscaping at the Holiday Inn Express.
- Stated the lake park hours needed to be enforced.

Commissioner Collins
- Expressed concerns with debris at the bulkhead.
- Reported there was a sinkhole on the side of the bridge.

Mr. Beeman reported the Buildings and Grounds staff was aware of the matter and a work-order to have it repaired had been issued.

Mayor Dees
- Reported the Town would be closed on Memorial Day, Monday, May 25th and there would be no garbage pick-up.
- Reminded everyone of the Memorial Day Ceremony on Monday, May 25th at 4:00 p.m.

11. ADJOURNMENT.

There being no further business, the meeting was adjourned at 8:33 p.m.

_____
Eddie Dees, Mayor

ATTEST:

_____
Connie F. Spell, MMC
Town Clerk