TOWN OF HOPE MILLS
BOARD OF COMMISSIONERS REGULAR MEETING
MONDAY, SEPTEMBER 21, 2009, 7:00 P.M.
BILL LUTHER BOARD MEETING ROOM

Mayor Eddie Dees called the regular meeting of the Hope Mills Board of Commissioners to order on Monday, September 21, 2009, at 7:00 p.m.

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

GOVERNING BOARD MEMBERS ABSENT. None

STAFF PRESENT
Town Manager Randy Beeman, Assistant Town Manager/Town Clerk Connie Spell, Human Resources Director Debbie Disbrow, Finance Director John Ellis, Chief Building Inspector Mike Bailey, Public Works Director Bruce McLaurin, Sanitation Supervisor Billy Thompson, Garage Supervisor Roy Howard, Police Chief Robert Hassell.

INVOCATION AND PLEDGE OF ALLEGIANCE
The invocation was rendered by Rev. Ron Godbolt, Christ Gospel Church, followed by the Pledge of Allegiance led by Commissioner Warner.

1. APPROVAL OF AGENDA – ADDITIONS OR DELETIONS.

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

2. PRESENTATIONS. None

3. PUBLIC HEARINGS. None

4. PUBLIC COMMENTS.

Chris Pusey, 409 Chicago Drive said the board had met previously concerning changes to the Legion Road Apartments. He said he left the meeting planning on reconfiguring the entrance and working with Chief Building Inspector Mr. Bailey and Fire Chief Hodges to make sure the entrance was constructed the way the Town wanted it. Mr. Pusey said he had gone on vacation and his business partner attended the meeting on his behalf and things did not go well. He said they were working on how the Town of Hope Mills wanted things done and who to contact for approvals. Mr. Pusey said it was a misunderstanding and lack of action on his part and would never happen again.

5. CONSENT AGENDA:

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

The following actions were affected:

a. Consideration to approve Minutes of the August 17, 2009 regular meeting.

The Board approved the Minutes of the August 17, 2009 Regular Meeting as presented.

b. Consideration to approve Budget Amendment No. 15 allocating drug funds to purchase office furniture for the Police Department, $1,757.00

The Board approved Budget Ordinance Amendment No. 15 allocating drug funds to purchase office furniture for the Police Department, $1,757.00.

A copy of the Budget Ordinance Amendment is filed in the Book of Ordinances in the Town Clerk's office.

c. Consideration to authorize purchase of service truck for the garage, $35,117.23, funds allocated in the 2006-2010 budget.

Finance Director John Ellis reported the service truck was included in the budget and the amount budgeted was sufficient. He said the board would need to approve the purchase along with installment financing.

The Board approved the purchase of service truck for the garage, $35,117.23.

d. Consideration to approve request for fee waiver, Jessie's Dream Car Show.

Town Manager Randy Beeman reported on June 15, 2009 the board approved the request of Mr. David Pulliam to conduct their annual Jessie's Dream Show at the Hope Mills Lake on September 26, 2009. He said the town adopted a revised Fee Schedule effective July 1, 2009. Mr. Pulliam requested a fee waiver because the event was approved prior to the adoption of the Fee Schedule.

The Board approved fee waiver for Jessie's Dream Show, September 26, 2009.

"END OF CONSENT AGENDA"

6. OLD BUSINESS: None

7. NEW BUSINESS:

a. <u>CASE NO. 09-100</u>. Consideration of Silver Bells Medical Facility, C(P) Site Plan Review, Hope Mills Zoning Ordinance; Zoning: C(P); Total Acreage: 1.53 +/-; Located at 2356 John Smith Road.

Mr. Ed Byrne, Cumberland County Planning displayed a map and aerial photos of the subject property and said the developer had submitted a two story medical office building for approval. He said the site was located on two separate tracts, which will be required to be recombined into one lot. Mr. Byrne said the stormwater will be handled on site in a proposed permanent wet pond at the rear of the development. The proposed building will have a total of 10,968 square feet. He said the developer had 215 feet of road frontage along SR 1135 (John Smith Road)

Mr. Byrne said the Hope Mills Plan Review Committee had reviewed the case and had no objections to the site plan and a stormwater permit would be required before any other building permits may be issued.

In response to a question from Commissioner Maynor, Mr. Byrne said from his understanding the retention pond would be a permanent wet pond.

Motion was made by Commissioner Collins, seconded by Commissioner Luther and carried unanimously to approve Case No. 09-100.

The approval is subject to the following conditions:

<u>Pre-Permit Related</u>:

1. The Town of Hope Mills has tree preservation provisions in their ordinance; the developer must contact Mike Bailey, Hope Mills Chief Building Inspector concerning the removal of trees from this site prior to obtaining a tree removal permit.

2. A recombination plat (also known as a "No Approval Required" or "NAR") must be submitted to County Planning and then the Town of Hope Mills for review and approval for recording with the County Register of Deeds, and the plat must be

recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

3. Five copies of a revised site plan be submitted for staff review and approval with the revision providing lateral access on each side of the subject property for future interconnectivity purposes.

Permit-Related:

4. 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.

5. 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 the Town Building Inspector at the time of application for building/zoning permits. (Section 86-76, Public Water and Sewer Systems Hope Mills Subdivision Chapter)

6. 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 State's *Post-Construction Permit* must be provided to Town's Inspections Department.

7. 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 Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Hope Mills Building Inspections at the time of application for any building/zoning permits.

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

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

    a. Four large shade trees or 13 small ornamental trees within the front yard setback area;
    b. Two small ornamental trees and 16 shrubs are required in the building yard area;
    c. Four trees or 22 shrubs are required within the parking area.

    In addition:

    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.

10. A *Certificate of Occupancy* will not be issued until a Zoning Inspector inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

11. 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.

12. This conditional approval is not approval of the permit for the freestanding sign. 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.)

13. 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.

14. 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)

15. The owner/developer shall secure and maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.

16. The permanent wet detention pond must be completely secured by a fence with a locked gate prior to the final building inspections.

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

18. Turn lanes may be required by the Hope Mills Street Department and/or the 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 property line 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 cannot be used to satisfy the buffer requirement.) (Note: If a vegetative buffer is to be used in conjunction with 6 foot high fencing, then the vegetation must be located between the fence and the common property 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 five spaces for each doctor practicing on the premises off-street parking spaces are required for this development. (Section 102A-1302, Off-street parking, Hope Mills Zoning Ordinance.) (Note: The number parking proposed on the site will allow for a maximum 11 doctors.)

<u>Plat-Related</u>:

23. Prior to the submission of the recombination plat for approval for recording, a concrete, or other approved surface material, sidewalks are required to be constructed

along SR 1135 (John Smith Road). (Section 86-122(g), Sidewalks, Hope Mills Subdivision Chapter)

24. Easements for the lateral access, required by Condition No. 3 above, be reflected on the recombination plat.

25. The proposed recombined lot must have a lot number, acreage and the bearing and distances reflected on the recombination plat.

26. Any/All easements must be reflected on the recombination plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.

27. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the recombination plat when submitted for final approval. (Section 86-35(3), Certificate of Ownership and Dedication, Hope Mills Subdivision Chapter)

28. The developer is reminded that the improvements must be in place or that the recombination plat approval will only be granted in accordance with Section 86-36 2 or 3, Final Plat – Guarantees of Improvements, Hope Mills Subdivision Chapter. (Note: Once the improvements (sidewalks) are in place, the developer is responsible for contacting Hope Mills Street and Inspections Departments to schedule an inspection of the improvements.)

Plat-Required Statements:

29. All structures shall be shown on the recombination plat or the plat shall reflect the following statement:

> "Nonconforming structures have not been created by this recombination."

Advisories:

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

31. 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.

b. Consideration to approve purchase of a leaf truck from Piedmont Truck Center, $66,112.00 and approve Budget Amendment No. 16 allocating additional funds needed for purchase.

Finance Director John Ellis said the purchase of a leaf truck was included in the budget and was to be financed with an installment purchase agreement. He said the truck requested is more than the original amount and if the Board approves the purchase of the leaf truck, they would need to approve Budget Amendment No. 16 ($27,112) to bring the amount to $66,112.00.

Motion was made by Commissioner Collins, seconded by Commissioner Maynor and carried unanimously to approve the purchase of the leaf truck and Budget Amendment No. 16 allocating additional funds to purchase leaf truck from Piedmont Truck Center.

A copy of the Budget Ordinance Amendment is filed in the Book of Ordinances in the Town Clerk's office.

c. Consideration to approve the installment financing resolution for the purchase of the service truck and leaf truck.

Finance Director John Ellis said he had obtained 3 proposals for installment financing for the purchase of the leaf truck and service truck for the garage. He said the total amount

financed is $101,229.23 and requested annual payments for 3 years with the first payment one year from the financing contract date. Below is a summary of quotes received:

BB&T Governmental Finance	3.190%
RBC	3.790%
First Citizens Bank	4.50%

Motion was made by Commissioner Collins, seconded by Commissioner Luther and carried unanimously to approve the Resolution approving Financing Terms with BB&T in an amount not to exceed $101,230.00 with an annual interest rate not to exceed 3.190% subject to the review and approval of the attorney.

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

d. Discussion of ban on plastic in landfills effective October 1, 2009 and recycling.

Town Manager Randy Beeman reported the North Carolina Legislature provided a restriction on land filling plastics. He said during the budget preparation and deliberation staff approached several contractors in our region who offer recycling programs. The public utilizes the convenience centers in the immediate area where there are proper disposal facilities.

Mr. Beeman recommended staff revisit the recycling program as a total package for the Town of Hope Mills.

Commissioner Collins said he had spoken with Landfill Supervisor Bobby Howard and he stated it would be no cost to the town to depose of the plastics, but it would have to be separated from the other household trash.

In response to a question from Mayor Dees, Mr. Beeman said the residents would be notified through a letter from Public Works Director Bruce McLaurin informing them that they could no longer place plastic bottles in with their household trash and the reason why.

Commissioner Collins said if the residents did not separate the plastic bottles the Town would be fined.

Commissioner Warner asked staff to look into the Go Green Initiative. She said under the Go Green Initiative, Waste Industries would provide the blue recyclable containers and they would pick them up at least once a month.

Commissioner Maynor asked staff to revisit the recycling program in its entirety for the Town of Hope Mills and bring information back to the Board.

e. Consideration to approve Professional Engineering Services proposal.

Mayor Dees said after they accepted the bid for engineering services from Hazen & Sawyer, they declined to provide the monitoring services. He said Mr. Beeman had met with Dam Safety this past week and the Town is still required to have monitoring service and the first report was due by September 30, 2009. Mayor Dees said the bids had been resubmitted and the Town received two bids, one from Mosher Engineering and the other from MacTec.

Mayor Dees said Mr. Al Tyson of MacTec was involved in the construction of the current spillway and Mosher Engineering also employees Mr. Tim LaBounty who was the original engineer of record. He said both firms have some experience with the project.

Mayor Dees said the board would have to approve a firm for services based on their engineering qualifications and not on financial reasons.

Mayor Dees said Attorney Jackson was absent tonight and the board would like for him to look over the firm's contract. He said depending on which firm is picked the board

could then recess the meeting until tomorrow night and make a final approval of the contract.

In response to a question from Mayor Pro Tem Gorman, Mr. Beeman said looking at the credentials of both firms, he would recommend Mosher. He said Mosher had actually worked on the construction of the Dam and both MacTec and Mosher had been involved in testing mode, core sampling, hydrology and hydraulics, but Mosher had done more dam construction.

Mr. Beeman said when he met with Dam Safety on Friday, they were very deliberate in their presentation stating they understood the withdrawal of Hazen and Sawyer, they understood the town had to meet certain parameters, advertising, and requesting bids, but they held the line on the deadline of September 30th.

Commissioner Warner and Commissioner Collins expressed concerns with both of the firms being involved in the construction of the dam and it being a conflict of interest. Commissioner Warner said she felt they should be held accountable for the dam being constructed right.

Motion was made by Commissioner Collins to recess the meeting until Tuesday, September 22, 2009 until the Town Attorney could look over the proposal.

After further discussion the motion died due to lack of a second.

Commissioner Maynor said he felt the town was being held hostage by being demanded to monitor a new entity that was messed up by someone else.

In response to a question from Mayor Dees, Mr. Beeman reported that 20% of all the States dams have to be monitored.

Commissioner Luther said she felt Mosher might be the better of the two for the simple reason Mr. LaBounty was there in the beginning and he might see some things that were not done to compliance.

Mayor Pro Tem Gorman made a motion to accept proposal from Mosher Engineering, Inc., for Dam monitoring and for them to submit a contract, Commissioner Luther seconded the motion.

After further discussion the vote on the motion was as followed:

AYES: *Commissioner Luther, Commissioner Gorman, Commissioner Maynor (Commissioner Maynor abstained from voting but not excused from voting, and by State Law is counted as an ayes vote).*

NOES: *Commissioner Collins, Commissioner Warner*

Motion carried three to two.

The Board discussed recessing this meeting to give the Town Attorney an opportunity to review the proposal. Motion was made by Mayor Pro Tem Gorman, seconded by Commissioner Collins and unanimously carried to recess the meeting until Wednesday, September 23, 2009 at 6:00 p.m. to give the Town Attorney time to review the contract.

f. Consideration to establish Hope Mills Lake Improvements/Water Structures Committee.

Town Manager Randy Beeman said the recent appearance of lake structures and improvements of various bordering property owners garners the review of policy and ordinance applications. He said the current town policies and ordinances do not provide support and direction as to these improvements and structures.

Mr. Beeman encouraged support and board action to consider establishing a committee for research, development and presentation of policy and/or ordinance for the benefit of the public and preservation of Hope Mills Lake.

Mr. Beeman said he would like the board members to consider and suggested membership to include; Mike Bailey, Connie Spell, and Town Manager and should have at least one board member and one lake property owner.

Commissioner Collins suggested the committee to also include a resident of Hope Mills who is not a lake property owner.

Motion was made by Commissioner Collins, seconded by Commissioner Luther and unanimously carried to approve establishment of committee to include Town Manager Randy Beeman, Town Clerk Connie Spell, Chief Building Inspector Mike Bailey, one board member, one lake property owner and one resident of Hope Mills who is not a lake property owner.

8. REPORTS AND INFORMATION ITEMS:

Reports:

a. Department Monthly Reports.

The following departments presented written reports.

- Inspection Department, August 2009.
- Fire Department, August 2009.
- Police Department, August 2009.
- Parks & Recreation Department, August 2009.
- Public Works – Building & Grounds, Sanitation, August 200

b. Committee Reports.

- Appearance Committee planting information update.

Town Manager Randy Beeman said the board approved $400.00 to assist with landscaping around Hope Mills Lake. He said the Appearance Committee, Historical Committee and the Friends of the Lake Committee had met with Cumberland County Planning department concerning the proposal which utilizes existing town and committee materials in the development.

He said Mr. Denning took the proposal to North Carolina State University graduate program for their assistance in plan development. He said the plan augments the 2030 growth plan, Hope Mills Heritage Plan, and the Friends of the Lakes ideas.

Mr. Beeman said the Appearance Committee was planting three trees on the east side of the dam between the walkway and Lakeview Drive. He said this location and the tree planting was not in conflict with the North Carolina State University program.

c. Update report on the Hope Mills Lake/Dam project.

Mr. Beeman said there were no further updates to report.

Jimmy Clark, Church Street, addressed the board concerning the dilemma with the monitoring firm withdrawing. He said there were approximately 12,000 dams in the State and only 20% were being monitored. He said the State had a list of firms that monitor lakes, and it should not be impossible to find a firm that is independent of what we already have.

Mayor Dees said they had asked Dam Safety for a list of those firms and the ones that were geographically within the Towns location were asked to submit a proposal.

Jessie Bellflowers, 3306 Harrisburg Drive, addressed the Board concerning when Hazen & Sawyer withdrew their proposal and if Hazen & Sawyer was still the engineer of record.
Mr. Beeman stated a letter had been received from Hazen & Sawyer after the last meeting stating their withdrawal.

Michael Mitchell, 5411 Thompson Circle, said he has found himself torn because he had fought very hard for the lake in the past 3 or 4 years and he did not want to see the Town hire an engineer that has a conflict of interest with the Town. He said even though he is lake front property owner and he loved the lake, he would prefer the Town let Dam Safety pull the plug on the lake and draw some attention from State Representative Rick Glazier and Senator Tony Rand in Raleigh to get something done for the nine million dollars the State has paid for this project.

Information:

a. Information on GovDeals performance.
Mr. Beeman said the process and performance of Gov Deals is very effective and efficient. He said the fee was 7.5% and is reasonable considering the costs of advertising, and GovDeals provides a broad base of contacts. For the period of July 1, 2009 – August 31, 2009 the Town had received $9,395.74 for items sold utilizing Gov Deals.

b. Information on the Town of Hope Mills website.
Mr. Beeman said he had been working with some of the local businesses, with town staff and staff of the MPA Program for assistance in getting the website moving forward.

9. STAFF COMMENTS. None

10. OFFICIAL COMMENTS.
Commissioner Luther
- Thanked everyone for coming out to the meeting.
- Thanked the individuals that spoke and said the board would take into consideration their comments. She said this was a hard decision for everyone and they have worked years to get the lake back and the Town is in a dilemma now on where to go from here.

Commissioner Maynor
- Thanked the individuals that spoke.
- He said the Town was truly in a dilemma concerning the lake.
- Thanked everyone for coming out to the meeting and he was glad to have Mr. Braswell back at work.

Commissioner Warner
- Thanked everyone for coming out to the meeting.
- Thanked everyone that participated in the Litter Sweep on Saturday and thanked Tasty Foods and Sonic for providing the lunch.
- Suggested to the Appearance Committee and the Town Manager to look into making the gateway into Hope Mills more inviting.

Commissioner Collins
- Thanked everyone that participated in the Litter Sweep.
- Thanked Mrs. Sally Bailey for what she does for the Town.
- Recommended painting the two old gates at the lake to make them a part of the gateway into Hope Mills.
- Thanked everyone that spoke and he appreciated everyone coming out to the meeting.

Commissioner Gorman
- Thanked the individuals that spoke.
- Said he respects all the opinions of the individuals that spoke tonight.
- Thanked everyone for coming out to the meeting.

Mayor Dees

- Thanked everyone for coming out to the meeting.
- Thanked the individuals that spoke and he appreciated their opinion.
- Expressed condolences to the family of Town Historian Mr. Eddie Brower.
- Recommended naming the room in Town Hall where the artifacts are kept, the "Eddie Brower Archives Room".
- Asked everyone to keep Fire Chief Hodges wife in their prayers.
- Thanked everyone that participated in the Litter Sweep.
- Reminded everyone of Ole Mill Days, October 24th.
- Thanked everyone that came out to Police Chief Hassell's welcoming reception.
- Thanked the Friends of Hope Mills Lake for helping clean out the rest of the lake bed.

11. ADJOURNMENT.

At 8:35 p.m., Commissioner Luther made a motion to recess the meeting until Wednesday, September 23, 2009, 6:00 p.m. Commissioner Warner seconded, and unanimously carried.

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EDDIE DEES, MAYOR

ATTEST:

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Connie F. Spell, MMC, Town Clerk