

**TOWN OF HOPE MILLS
BOARD OF COMMISSIONERS REGULAR MEETING
MONDAY, APRIL 4, 2022, 7:00 P.M.
LUTHER BOARD MEETING ROOM**

CALL TO ORDER – Mayor Warner

INVOCATION – Pastor Ellen McCubbin, Hope Mills United Methodist Church

PLEDGE OF ALLEGIANCE – Mayor Warner

1. APPROVAL OF AGENDA – ADDITIONS OR DELETIONS.

2. OFFICIAL COMMENTS.

3. PRESENTATIONS: NONE

4. PUBLIC HEARINGS: NONE

5. PUBLIC COMMENTS:

Each speaker is asked to limit comments to three (3) minutes, and the total comment period will be 30 minutes or less. Citizens should sign up with the Town Clerk to speak prior to the start of the meeting. Please direct comments to the full board, not to an individual board member or staff member. Although the Board is interested in hearing your concerns, speakers should not expect Board action or deliberation on subject matter brought up during the Public Comment segment. Topics requiring further investigation will be referred to the appropriate town officials or staff and may be scheduled for a future agenda.

6. CONSENT AGENDA:

- a. Consideration of Approval of Draft Closed Session Minutes from the January 18, 2022 Regular Board of Commissioners Meeting.
- b. Consideration of Approval of Draft Closed Session Minutes from the February 21, 2022 Regular Board of Commissioners Meeting.
- c. Consideration of Approval of Draft Closed Session Minutes from the March 7, 2022 Regular Board of Commissioners Meeting.
- d. Consideration of Approval of Draft Minutes from the March 21, 2022 Regular Board of Commissioners Meeting. **TAB 1**

- e. Consideration of Approval of Ordinance S2022-02 Revisions to the Hope Mills Fire Protection Ordinance. These are minor changes and have been reviewed by the Town Attorney. **TAB 2**

All items on the Consent Agenda are considered routine, to be enacted by one motion and without discussion. If a member of the governing body requests discussion of an item, the item will be removed from the Consent Agenda and considered separately under New Business.

“END OF CONSENT AGENDA”

7. OLD BUSINESS:

8. NEW BUSINESS:

9. REPORTS AND INFORMATION ITEMS:

- a. Manager’s Report. **TAB 3**

- b. Reminders.

- Thursday, April 7, 2022 @ 6:00 p.m. **Prime Movers** Luther Board Room Town Hall.
- Monday, April 11, 2022 @ 6:00 p.m. **Sunshine Committee** in the Recreation Center at 5766 Rockfish Rd.
- Wednesday, April 13, 2022 @ 6:00 p.m. **Historic Preservation Committee** in the Recreation Center at 5766 Rockfish Rd.
- Friday, April 15, 2022 **Good Friday Holiday** – Town Offices Closed.
- Monday, April 18, 2022 @ 7:00 p.m. **Board of Commissioners Regular Meeting**, Luther Board Room in Town Hall.
- Monday, April 25, 2022 @ 6:30 p.m. **Appearance Commission** in the Recreation Center at 5766 Rockfish Rd.
- Thursday, April 28, 2022 @ 6:30 p.m. **Veterans Affairs Committee** in the Recreation Center at 5766 Rockfish Rd.
- Monday, May 2, 2022 @ 7:00 p.m. **Board of Commissioners** Regular Meeting, Luther Board Room in Town Hall.
- Thursday, May 5, 2022 @ 6:00 p.m. **Prime Movers** Luther Board Room Town Hall.
- **MAY 7, 2022 HOUSEHOLD HAZARDOUS WASTE AND SHRED EVENT**

- c. Committee Liaisons update on Committee Activities.

- Commissioner Bryan Marley - Historic Preservation Committee
- Commissioner Grilley Mitchell - Appearance Commission, RLUAC (Regional Land Use Advisory Commission)

- Commissioner Joanne Scarola – Veterans Affairs Committee
- Mayor Pro Tem Dr. McCray - Parks & Recreation Advisory Committee, Prime Movers
- Mayor Jackie Warner- Mayor’s Youth Leadership Committee, Mid-Carolina Council of Governments, FAMPO TPB (Transportation Policy Board), FCEDC Municipal Advisory Meeting Liaison

10. STAFF COMMENTS.

11. CLOSED SESSION:

- a. Called Pursuant to 143-318.11 (a) (7): To hear reports on investigations of alleged criminal conduct.

12. ADJOURNMENT.

TAB 1

**TOWN OF HOPE MILLS
BOARD OF COMMISSIONERS REGULAR MEETING MINUTES
MONDAY, MARCH 21, 2022, 7:00 P.M.
LUTHER BOARD MEETING ROOM**

Mayor Jackie Warner called the regular meeting of the Hope Mills Board of Commissioners to order on Monday, March 21, 2022 at 7:00 p.m.

GOVERNING BOARD MEMBERS PRESENT

Mayor Jackie Warner, Mayor Pro Tem Dr. Kenjuana McCray; Commissioners Jerry Legge, Bryan Marley, Grilley Mitchell and Joanne Scarola.

STAFF PRESENT

Town Manager Scott Meszaros, Town Clerk Jane Starling, Finance Director Drew Holland, Parks & Recreation Director Lamarco Morrison, Public Works Director Don Sisko, Stormwater Administrator Beth Brown and Planning & Economic Development Director Chancer McLaughlin. Also present was Town Attorney Dan Hartzog, Jr.

INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was led by Rev. Tim Gore, Liberty Hospice Chaplain, followed by the Pledge of Allegiance led by Mayor Jackie Warner.

Mayor Warner remarked former Sheriff Moose Butler passed away.

1. APPROVAL OF AGENDA – ADDITIONS OR DELETIONS.

Motion made by Commissioner Legge, seconded by Commissioner Scarola and carried unanimously, to approve the agenda as presented with the removal of Consent Agenda item b, moved to New Business item c.

2. OFFICIAL COMMENTS.

Mayor Warner remarked she passed out the Greater Fayetteville Business Journal.

Commissioner Mitchell thanked Town staff for making Hope Mills great.

Commissioner Legge encouraged everyone to attend Spring Sports Opening Day on April 9th.

3. PRESENTATIONS:

- a. Presentation from Nore Brantley Regarding Internships in Partnership with CC Schools, The Town of Hope Mills, And the ICON Program Through Cumberland County.

Ms. Nore Brantley of Cumberland County Schools presented the ICON internship program which stands for innovative career opportunities now. Ms. Brantley remarked ICON Program began with NC Works Career Center Youth Services Contracts and partnerships with PWC and the City of Fayetteville and added FTCC and several private companies. What the program entails is paid internships for Cumberland County Schools' students that are 16 years of age or older. ICON Program begins with employability/soft skills training, and a competitive interview process. Interns work for 32 hours per week for 4-6 weeks. The program is projected to start back up in summer 2022.

Discussion ensued.

Motion made by Commissioner Mitchell, seconded by Commissioner Scarola and carried unanimously, to partner with ICON Program and instruct the Town Manager and Finance Director to look into how many interns would be feasible for the Town and costs.

b. Public Safety Building Project Update Presented by Scott Garner, Architect.

Mr. Scott Garner of Garner Brown Architects remarked the contractor is currently working on roof panels and interior work. Exterior panels are projected to be installed next month as well as exterior lighting that was recently approved.

4. PUBLIC HEARINGS:

a. **Annexation Case A2022-01** Camden Commons. Plat Book 00147-Page 0196, 82.503 Contiguous Acres.

Mayor Warner opened the public hearing at 7:32 p.m.

Mayor Warner called for comments for or against Annexation Case A2022-01. There were none.

Motion made by Commissioner Marley to close the public hearing.

Mayor Warner closed the public hearing for Annexation Case A2022-01 at 7:32 p.m.

- Authorize staff initiating the initial zoning of Camden Commons at the Planning Board Meeting: May 17, 2022.

Motion made by Mayor Pro Tem Dr. McCray, seconded by Commissioner Marley and carried unanimously, to approve Annexation Case A2022-01 Camden Commons and authorize the initial zoning of 82.503 +/- acres of land to the MXD/CUD Mixed Use/Conditional Use District.

b. **Annexation Case A2022-02** Camden Preserve. Plat Book 00146-Page 0152, 52.94 Contiguous Acres.

Mayor Warner opened the public hearing at 7:33 p.m.

Mayor Warner called for comments for or against Annexation Case A2022-02. There were none.

Motion made by Commissioner Marley to close the public hearing.

Mayor Warner closed the public hearing for Annexation Case A2022-02 at 7:33 p.m.

- Authorize staff initiating the initial zoning of Camden Preserve at the Planning Board Meeting: May 17, 2022.

Motion made by Commissioner Mitchell, seconded by Mayor Pro Tem Dr. McCray and carried unanimously, to approve Annexation Case A2022-02 Camden Preserve and authorize staff to begin the initial zoning process to designate the development under the R7.5 Single Family District. Staff is also requesting initial zoning to the CI(P) Planned Local Business District for a small 0.724-acre portion at the northwest corner along Camden Road.

5. PUBLIC COMMENTS.

Mr. Rod MacLean, 5435 Fountain Lane, Hope Mills, NC. Mr. MacLean spoke in regard to his concern for paying for wetland mitigation due to the sale of the Trade Street Museum property.

Mr. Mark Sternlicht, 2712 Bennington Drive, Fayetteville, NC. Mr. Sternlicht remarked he is a Superior Court Judge and is running in the next general election to keep his seat.

Ms. Rosalyn Hood, 3808 Chantelle Drive, Fayetteville, NC. Ms. Hood provided her background information, to include over 20 years of military service, and remarked she is running as a democratic judicial candidate.

6. CONSENT AGENDA:

- a. Consideration of Approval of Draft Minutes from the March 7, 2022 Regular Board of Commissioners Meeting.
- b. Moved to New Business.
- c. Consideration of Authorizing the Town Manager to Execute Agreements Associated with the 2022 Household Hazardous Waste and Shred Event on May 7, 2022. Items are included in the current budget.
- d. Consideration of Approval to Discontinue Work on CSX, Johnson Street Sidewalk Project as Instructed by the Board of Commissioners During the Budget Retreat.

- e. Consideration of Approval of Budget Amendment #24. This covers change order #6 and construction loan interest for the John W. Hodges Public Safety Center project previously approved at the February 21, 2022 meeting.
- f. NON-HEARING **P12-55**. Initial zoning of 39.43+/- acres to MXD Mixed Use Development/CUD Conditional Use District or to a more restrictive zoning district; located on the southeast side of SR 1108 (Lakewood Drive) and on the north side of SR 1112 (Rockfish Road); owned by Traemoor Village Owner's Association Inc. and HCC Investments LLC. (Hope Mills).
- g. Consideration of Approval of Board, Commission, and Committee Policy. The Board of Commissioners and town volunteer groups and have reviewed this document.
- h. Consideration of Approval of the Statewide Mutual Aid Agreement. This is a routine process that the State requests every few years.
- i. Acceptance of the February 2022 Financial Report.

“END OF CONSENT AGENDA”

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

7. OLD BUSINESS:

- a. Consideration to Authorize the Town Manager to Enter into an Agreement with the John R. McAdams Company, Inc. for the Provision of Heritage Park Phase I Construction Documents.

Parks & Recreation Director Lamarco Morrison remarked pursuant to the Mini Brooks Act, the Town ran a 15-day RFQ process and McAdams was the only firm that submitted a proposal. This worked well for the Town as McAdams already completed the Master Plan phase and Design Development phase plan for the project. This part of the plan has already been budgeted and planned for.

Motion made by Commissioner Marley, seconded by Commissioner Legge and carried unanimously, to authorize the Town Manager to enter into an agreement with the John R. McAdams Company, Inc. for the provision of Heritage Park Phase I Construction documents.

8. NEW BUSINESS:

- a. Consideration of Nominations for Town Volunteer Committees.

Motion made by Commissioner Marley, seconded by Commissioner Mitchell and carried unanimously, to approve the Nominating Committee recommendations for Town volunteer committees.

- b. Discussion of Five for Friday Program and Pledge. Requested by Mayor Warner.

Mayor Warner encouraged Town officials and Town staff to take the pledge and participate in Five for Friday by collecting 5 pieces of garbage each Friday to combat the Town's litter problem.

- c. Consideration of Approval of Sale of Trade Street Museum Building as Instructed by the Board of Commissioners During the Budget Retreat.

Commissioner Scarola commented she was contacted by residents with concerns regarding the permit tied to the dam and museum project. Mayor Warner responded Heritage Park has been designed to be an outdoor museum.

Discussion ensued.

Motion made by Commissioner Mitchell to sell the Trade Street Museum building by sealed bids in accordance with NCGS 160A-268 and the motion carried 3 to 2, with Commissioner Scarola and Commissioner Legge voting against.

9. REPORTS AND INFORMATION ITEMS:

- a. Manager's Report.

Town Manager Meszaros provided a copy of the Manager's Report included in the agenda packet. Town Manager Meszaros updated that Schnabel will be here during the week of April 4th to inspect the dam. Public Works will be lowering the lake level approximately one foot to accommodate the inspection.

- b. Reminders.

- Tuesday, March 22, 2022 @ 6:30 p.m. **Appearance Commission** in the Recreation Center at 5766 Rockfish Rd.
- Thursday, March 24, 2022 @ 6:00 p.m. **Veterans Affairs Committee** in the Recreation Center at 5766 Rockfish Rd.
- Monday, March 28, 2022 @ 6:30 p.m. **Parks and Recreation, Advisory Committee** in the Recreation Center at 5766 Rockfish Rd.
- Monday, April 4, 2022 @ 6:00 p.m. **Mayor's Youth Leadership Committee Regular Meeting**, in the Luther board room at Town Hall
- Monday, April 4, 2022 @ 7:00 p.m. **Board of Commissioners Regular Meeting**, in the Luther board room at Town Hall.

- Thursday, April 7, 2022 @ 6:00 p.m. **Prime Movers** Luther Board Room Town Hall.
- Wednesday, April 13, 2022 @ 6:00 p.m. **Historic Preservation Committee** in the Recreation Center at 5766 Rockfish Rd.
- **MAY 7, 2022 HOUSEHOLD HAZARDOUS WASTE AND SHRED EVENT**

c. Department Monthly Reports

- Fire Department, Feb., 2022
- Police Department, Feb., 2022
- Permitting, Feb., 2022
- Stormwater Department, Feb., 2022
- Public Works Department, Feb., 2022
 - (1) Sanitation
 - (2) Service Garage
 - (3) Buildings & Grounds
 - (4) Street

10. STAFF COMMENTS.

Town Clerk Starling remarked additional copies of the Five for Friday pledge are available. Mayor Warner requested Town Clerk Starling be the point of contact and collect the pledges.

11. CLOSED SESSION.

- a. Closed Session Called Pursuant to NCGS 143-318.11 (a) (6) to Discuss a Personnel Matter.

Motion made by Mayor Pro Tem Dr. McCray, seconded by Commissioner Marley and carried unanimously, to conduct a closed session pursuant to NCGS 143-318.11 (a)(6) to discuss a personnel matter.

Mayor Warner instructed the Board to assemble in the front conference room at 8:07 p.m.

At 9:17 p.m. Mayor Warner called the regular meeting back to order.

Motion made by Mayor Pro Tem Dr. McCray, seconded by Commissioner Marley and carried unanimously, to seal the minutes of the closed session until such time as the release of the information would no longer frustrate the purpose of the closed session and further no action was taken.

12. ADJOURNMENT.

Motion made by Commissioner Legge and carried unanimously, to adjourn the meeting.

Mayor Warner adjourned the meeting at 9:18 p.m.

Jackie Warner, Mayor

ATTEST:

Jane G. Starling CMC, NCCMC
Town Clerk

DRAFT

TAB 2

Meeting Date: March 21, 2022



AGENDA FORM

TO: Scott Meszaros, Town Manager

FROM: Charles L. Hodges, Fire Chief

SUBJECT: Revision to Town Ordinance Chapter 38 / Fire Prevention and Protection

BACKGROUND INFORMATION:

The current Fire Prevention and Protection ordinance was adopted by the BOC and went into effect May 1, 2017. The fire department has reviewed chapter 38 for accuracy and has added language for clarification and deleted items that are no longer applicable.

STAFF RECOMMENDATION, IF APPLICABLE:

Place Fire Prevention and Protection Ordinance with revisions on consent agenda for review.

RECOMMENDED ACTION:

Approve revised Fire Prevention and Protection Ordinance.

FISCAL IMPACT:

Currently Budgeted Requires budget amendment No fiscal impact.

ATTACHMENTS:

Revised ordinance with new language and deleted language (red / strike through)

This agenda form has been reviewed by:	Initial & Date
Town Manager	SWM 3/15/22
Finance Director	
Town Attorney	
Department Head (s)	CLH 03/08/22
Town Clerk	JGS 3/30/2022

Chapter 38 - FIRE PREVENTION AND PROTECTION¹¹

Footnotes:

--- (1) ---

State Law reference— Authority to appoint firefighters, employ a fire chief and maintain a fire department, G.S. 160A-291—160A-294; municipal authority to regulate or prohibit explosive and corrosive substances, G.S. 160A-183.

ARTICLE I. - IN GENERAL

Sec. 38-1. - Fire ~~department~~Department.

- (a) The fire department shall be designated as a municipal fire department and a governmental entity of the town.
- (b) The fire department's primary response district shall be the corporate limits of the town. However, the department shall respond to emergencies outside of the corporate limits when requested through local, county, state and interstate mutual and automatic aid contracts or compacts, providing the fire department has resources to do so.
- (c) The fire department shall provide services to include, but not be limited to:
 - (1) Fire suppression.
 - (2) Emergency medical care (emergency medical technician (EMT) basic level).
 - (3) Rescue (to include extrication and certain types of technical rescue).
 - (4) Hazardous materials response (operations level).
 - (5) Special operations (to include land search and rescue, underwater search and recovery and certain types of demolition activities).
 - (6) Fire inspections (to include plans review).
 - (7) Fire investigation.
 - (8) Fire prevention.
 - (9) Fire and ~~safety-Life Safety~~Safety education.
- (d) The fire department shall maintain apparatus, facilities and equipment for the purpose of responding to and providing essential emergency services.

Secs. 38-2—38-20. - Reserved.

ARTICLE II. - FIRE DEPARTMENT

Sec. 38-21. - Organization.

- (a) The fire department shall consist of a fire chief and a sufficient number of officers, firefighters and other staff to adequately maintain and operate the department. The town manager shall appoint the fire chief and the fire chief shall appoint other officers.
- (b) The fire department may adopt its own operating policies and guidelines not inconsistent with this Code, and subject to the approval of the town manager.
- (c) The fire department shall consist of, but not be limited to, the following positions (see job descriptions):
 - (1) Fire ~~chief~~Chief.

- (2) Deputy ~~fire chiefs~~Fire Chiefs.
- (3) Assistant ~~fire chiefs~~Fire Chiefs.
- (4) Fire ~~marshals~~Marshals (inspectors).
- (5) Training ~~officers~~Officers.
- (6) Captains.
- (7) Lieutenants.
- (8) Engineers.
- (9) Firefighters (career, part-time and volunteer).

(d) Fire department personnel shall be members of the State ~~Firemen's~~Firefighter's Association.

Sec. 38-22. - Career ~~firefighters~~Firefighters.

- (a) The number of career department personnel shall be determined by the number approved in the annual budget.
- (b) Candidates for career firefighter positions must meet the minimum criteria as per job posting.
- (c) The fire department may conduct testing of applicants to determine appropriate job knowledge and skills.
- (d) Full-time firefighters shall be compensated in accordance with the town personnel policy.

Sec. 38-23. - Part-time ~~firefighters~~Firefighters.

- (a) The number of part-time firefighters shall be determined by the fire chief with approval of the town manager.
- (b) Candidates for part-time firefighter positions must meet the minimum criteria as per job posting.
- (c) The fire department may conduct testing of applicants to determine appropriate job knowledge and skills.
- (d) The town shall provide workman's compensation for all part-time personnel.
- (e) Part-time firefighters shall be compensated in accordance with the town personnel policy.

Sec. 38-24. - Volunteer firefighters.

- (a) The number of volunteer firefighters shall be determined by the fire chief with approval from the town manager.
- (b) Volunteers shall be recruited from as reasonable a geographical distance from the fire station as necessary so as to maintain a quality recruitment program. ~~However~~However, they must reside within the county. Candidates for volunteer firefighter shall meet the minimum criteria at the time of application:
- (c) Volunteer firefighters shall be compensated for responses and training according to the established method of the town.

Sec. 38-25. - Standard ~~operating guidelines~~Operating Guidelines/Policies.

- (a) Standard operating guidelines (SOGs) and department policies ~~and procedures~~ shall be adopted by the fire chief and based on best practices. The standard operating guidelines, ~~policies and policies and procedures~~ shall be subject to approval by the town manager. Copies shall be made available to department personnel.
- (b) The department's SOGs and policies ~~and procedures~~ shall be a separate document and shall be reviewed on a regular basis and updated as needed.

Sec. 38-26. - Nuisance/~~inoperable fire alarm systems~~Inoperable Fire Alarm Systems.

- (a) Fire alarm users and alarm companies shall maintain alarm systems in such a manner as to eliminate or minimize false alarms.
- (b) The alarm user shall provide a responsible representative to respond to the alarm site within 30 minutes upon request of the fire official.
- (c) It shall be determined that four or more false fire alarms within a calendar year shall constitute a public nuisance.
- ~~(d) The town shall allow three false alarm activations per user per calendar year without penalty.~~
- (e) A civil penalty shall be issued by the fire official for more than three false alarms within a calendar year and fines assessed according to the adopted fee schedule.
- (f) No fee will be assessed if the false alarm is caused by physical damage from lightning or natural disaster; from interruption of electrical power or activation due to actual smoke, fire or water flow from a sprinkler head with or without fire.
- (g) Except for alarm testing, it will be unlawful for any person to maliciously activate an alarm system when no fire exists.
- (h) A civil citation can be issued by the fire official to the individual responsible for the false activation.
- (i) If, in the event a structure required to maintain a working fire alarm system by the fire code is deemed inoperable and out of service, the fire official shall order the occupant to maintain a documented fire watch while the structure is occupied and until the fire alarm system has been tested and deemed operable by the fire official.
- (j) Any new commercial building ~~with an approved fire alarm and/or fire suppression system~~constructed within the town's fire district shall install and maintain at the property owner's expense, a Knox Box system that is approved by the fire official.

Sec. 38-27. - Fire ~~hydrants~~Hydrants.

- (a) The fire chief or his designee shall approve the placement of all new fire hydrants located within the town's fire protection district.
- (b) The location of fire hydrants shall be to provide the fire department with an adequate water supply along the most advantageous avenue of approach and/or gives the fire department a tactical advantage.
- (c) Where a portion of a facility or building constructed or moved into the town is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.
- (d) Hydrants shall be installed every 500 curb feet in residential subdivisions. The maximum distance from any point on a street or road frontage to a hydrant shall not exceed 250 feet, provided that the fire-flow requirement for the structure is 1,750 gallons per minute (GPM) or less. Structures requiring an increased fire-flow may be required to install additional hydrants. A commercial structure with an approved and installed automatic sprinkler system, shall have a fire hydrant installed within 100 feet of the automatic sprinkler system's fire department connection (FDC). The maximum distance from any portion of a commercial structure to a hydrant shall not exceed 300 feet.
- (e) Hydrants within the town's fire district shall be serviced and inspected ~~twice annually~~biannually by fire department personnel.
- (f) Flow testing and repair of hydrants shall be conducted by the Fayetteville Public Works Commission (PWC).

~~(g) The town shall adopt the National Fire Protection Association (NFPA) standards of color coding hydrants to indicate the range of water flow. They are as follows:~~

Color gallons per minute (GPM)	
Light blue	1,500 GPM or greater
Green	1,000 GPM—1,499 GPM
Orange	500 GPM-999 GPM
Red	less than 500 GPM

Sec. 38-28. - Open ~~burning~~Burning.

(a) Open burning shall be unlawful within the corporate limits of the town except for the following:

- (1) Fires built for cooking.
- (2) Fires built for warmth.
- (3) Bonfires.
- (4) Pushup fires built for development clearing.

(b) Fires built for cooking or warmth must be in an approved container made of a noncombustible material such as steel, concrete, clay or similar material. Generally, approved containers include, but are not limited to: barbecue grills and fixed or portable commercial outdoor fire places. Metal barrels of 55-gallon capacity or less may also be used provided a spark arrestor screen used. Only natural vegetation, commercial fire starter logs, charcoal, liquid propane or natural gas may be used as fuel in these containers. An adequate method of extinguishment must be present and the fire must constantly be attended by a responsible adult until the fire is extinguished. Other requirements as found in the International Fire Code and the state department of ~~environment and natural resources~~environmental quality may also apply.

(c) Bonfires and fires used for land clearing within the town limits are authorized by fire department permit only and shall meet all the requirements of the International Fire Code, state clean air act and state department of ~~environment and natural resources~~environmental quality.

(d) In the event that the state fire marshal issues a state wide burning ban or the county fire marshal issues a county wide burning ban, all burning permits issued by the town shall be ~~null and void~~invalid. Any fires burning by an issued permit shall be extinguished until such a time as the burning ban is lifted.

(e) The fire official shall order any fire extinguished that is determined to not be in compliance with the fire code, town ordinance or present an undue risk.

Sec. 38-29. - Road ~~closures~~Closures/Obstructions.

Any company or agency conducting operations-activities that impedes the normal flow of vehicular traffic and/or requires road closure within the cooperate limits, shall notify the fire department immediately. The company or agency shall indicate the reason ~~for the closure~~ and the estimated duration of the workobstruction.

Secs. 38-30—38-46. - Reserved.

ARTICLE III. - FIRE PREVENTION CODE (FIRE CODE)

Sec. 38-47. - Purpose.

The purpose of this article is to provide the town with rules and regulations to improve public safety by promoting the control of fire hazards; regulating the installation, use and maintenance of equipment; regulating the use of structures, premises, and open areas; providing for the abatement of fire hazards; establishing the responsibilities and procedures for code enforcement; and setting forth the standards for compliance and achievement of these objectives.

Sec. 38-48. - Authority.

The board of commissioners, pursuant to the authority conferred by G.S. 160A-291 and 160A-292, does hereby ordain and enact into law this article.

Sec. 38-49. - Jurisdiction.

The provisions of the fire code adopted in this article shall apply equally to both public and private property, and it shall apply to all structures and their occupancies located within the town's fire protection district unless otherwise specified. A description of the town fire protection district shall be maintained at the town hall.

Sec. 38-50. - Interpretation.

This article shall be deemed an exercise of the police powers of the town for the preservation and protection of the public health, safety and welfare. This article shall be liberally construed for that purpose.

Sec. 38-51. - Adoption of ~~fire code~~Fire Code.

The board of commissioners hereby adopts and incorporates herein by reference, the most current edition of the International Fire Code with state amendments to include appendix (B, C, D and F) and any additions, deletions, revisions or exceptions adopted by the state. The most current edition of the International Fire Code with state amendments shall mean the fire code in effect at the time of inspection.

Sec. 38-52. - Adoption of appeals procedure.

The board of commissioners hereby adopts and incorporates herein by reference, the appeals procedure as set out in 203.1.2.2 of volume 1-A of the state administrative code and policies for appeals from a decision, order or determination by the fire official of a violation of the fire code.

Sec. 38-53. - Enforcement of article.

- (a) It shall be the duty of the fire chief, fire marshal and/or their designee to enforce all laws and ordinances of the town to include, but not limited to, the following:
- (1) The prevention of fires.
 - (2) The storage, sale and use of combustible, flammable or explosive material.
 - (3) The installation and maintenance of automatic and other fire alarm and fire extinguishing systems.
 - (4) The maintenance and regulation of fire escapes.
 - (5) The means and adequacy of fire exits.
 - (6) The maintenance and adequacy of fire lanes and fire department access roads.

- (7) The installation and maintenance of fire hydrants for the purpose of suppression.
 - (8) The investigation of the origin, cause and circumstances of fires.
 - (9) The documentation of fire cause and loss.
- (b) The fire chief, or their designee shall have such other powers and perform such other duties as are set forth in other sections of this article and as may be conferred and imposed from time to time by law. The fire chief may delegate any powers or duties under this chapter to other qualified department personnel.

Sec. 38-54. - Inspections.

- (a) The fire chief, fire marshal and/or their designee shall inspect or cause to be inspected all public buildings and businesses in which the fire code is applicable, to ensure compliance.
- (b) In situations where previous codes were in effect at the time a structure was erected or a business was established, the appropriate fire code shall be enforced until which time the new code may apply.
- (c) The fire chief, fire marshal and/or their designee in conducting inspections has the lawful right to enter on any premises subject to the fire code within their jurisdiction at any reasonable hour or if exigent circumstances exist for the purpose of inspection or other enforcement action, subject to any requirements imposed by the Constitutions of the United States and the state.
- (d) The fire chief, fire marshal and/or their designee shall conduct inspections of premises to determine compliance with the standards and requirements of this article and the fire code upon receipt of a complaint from the public, a request from another code enforcement officer, during regular required inspection interval, if there is reason to believe that a condition exist that are immediately hazardous to life and health or on his own initiative.
- (e) All new businesses established within the jurisdiction of the town and subject to the fire code, shall be required to obtain a fire inspection prior to being open to the public. No oversight or dereliction of duty on the part of the fire chief, fire marshal and/or their designee shall be deemed to legalize the violation of any provision of this section or the fire prevention code.

Sec. 38-55. - Compliance.

- (a) It shall be unlawful for any person to violate this article, to permit or maintain such a violation, to refuse to obey any provision thereof or to fail or refuse to comply with any such provision or regulation except as variation may be allowed by the action of the fire chief, town manager or board of commissioners in writing. Proof of such unlawful act or failure shall be deemed prima facie evidence that such act is that of the owner or other person in control of the premises. Prosecution or lack thereof of the owner, occupant or person in charge shall not be deemed to relieve any of the others.
- (b) In the event that a duly authorized representative of the fire department is denied entry to a premises for the purpose of investigation or inspection, they may upon sworn affidavit before a lawfully appointed magistrate of the general court of justice, judge, clerk, or assistant or deputy clerk of any court of record whose territorial jurisdiction encompasses the property to be inspected obtain an administrative search and inspection warrant G.S. 15-27.2 for the purpose of inspection. The warrant shall be served by the fire official and sworn law enforcement personnel shall escort the fire official during the course of the inspection.

Sec. 38-56. - Remedies.

- (a) In the event that the fire official determines that a hazard exists that poses an immediate threat to life and health, he shall order the hazard or operation to be halted or removed immediately. If immediate removal cannot be accomplished, the fire official shall issue a stop-work order in writing to the owner or occupant of the premises. The premises shall be declared off-limits and the fire official shall take steps to ensure entry is denied by posting a sign at or near the entrance to the premises advising the

public of the same. The fire official shall ensure that operations have ceased until which time he determines that operations may safely resume.

- (b) In the event that fire code violations are discovered, the fire official shall submit in writing a list of the violations found, corrective action to be taken and a time period not to exceed 30 days for the premises to become compliant. The fire official can authorize in writing, additional time depending on the nature of the violation.
- (c) The serving of any such order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of same to such occupant personally or leaving it with any person in charge of the premises or in case no such person is found on the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of such premises. Whenever it may be necessary to serve such an order upon the owner of the premises, such order may be served either by delivering to and leaving with such person a copy of the order or if such owner is absent from the jurisdiction of the fire official making the order, by mailing such copy by certified mail to the owner's last-known address.

Sec. 38-57. - Appeals.

Where any person seeks relief from a decision, order or determination by the fire official enforcing the provisions of this article, such person shall follow the appeals procedure set out in 203.1.2.2 of volume 1-A state administrative code and policies.

Sec. 38-58. - Inspection schedule.

In order to preserve and to protect public health and safety, and to satisfy the requirements of G.S. 153A-364 and G.S. 160A-424, political subdivisions assuming inspection duties as set out in G.S. 153A-351 and G.S. 160A-411 shall have a periodic inspection schedule for the purpose of identifying activities and conditions in buildings, structures, and premises that pose dangers of fire, explosion or related hazards. Such inspection schedule shall be approved by the local governing body and shall be submitted to the division of engineering of the state department of insurance. In no case may inspections be conducted less frequently than described below:

- (1) Every six months: public schools.
- (2) Once every year:
 - a. Hazardous.
 - b. Institutional.
 - c. High rises.
 - d. Assemblies (except those noted below).
 - e. Common areas of multiple-family dwellings.
- (3) Once every two years:
 - a. Industrial.
 - b. Educational (except public schools).
- (4) Once every three years:
 - a. Assemblies (with an occupant load less than 100).
 - b. Businesses.
 - c. Mercantile.
 - d. Storage.
 - e. Churches.
 - f. Synagogues.

g. Miscellaneous Group U occupancies.

- (5) On unattended or abandoned structures, the fire official shall affix a letter on the premises in a conspicuous place at or near the front entrance to such premises requesting an inspection in accordance with section 107 of the International Fire Code. This order of notice shall be mailed by certified mail with return receipt requested to the last-known address of the owner, occupant or both. If the owner, occupant or both shall fail to respond to said notice within ten calendar days, the actions by the fire official shall be deemed to constitute an inspection in accordance with the fire code.

Sec. 38-59. - Plans ~~review~~Review.

The fire chief or his designee shall:

- (1) Review all site and building plans.
- (2) Make recommendations based on fire codes and town ordinances affecting fire department operations.
- (3) Approve the final plans prior to construction.

Sec. 38-60. - Fire ~~suppression equipment registration~~Suppression Equipment Registration.

- (a) Companies providing installation, servicing, repair and/or inspection on portable fire extinguishers and/or wet or dry fire suppression systems to include, but not be limited to, hood suppression systems and sprinkler systems within the town, shall register with the town fire department. Registration shall include company information, scope of work performed, make/model of systems certified to work on and certificate of insurance.
- (b) All work shall be performed in accordance with the state fire code and applicable NFPA standards. The fire official has the right to issue a stop-work order, as well as issue fines for any work being performed outside the scope of the fire code. A list of companies who have registered with the fire department will be maintained.

Secs. 38-61—38-78. - Reserved.

ARTICLE IV. - HAZARDOUS MATERIAL AND SUBSTANCE ABATEMENT

Sec. 38-79. - Purpose and ~~authority~~Authority.

- (a) The fire chief or his designee shall have the authority to summarily abate or remedy hazardous materials which are emitted into the environment in a manner as to endanger the health or safety of the general public or the environment.
- (b) The fire chief or his designee shall have the authority to enter public or private property with or without the owner's consent, to respond to hazardous materials emergencies. The fire chief or his designee shall determine the type, amount and quantity of equipment and personnel required to adequately abate and remedy all hazardous materials which are emitted into the environment.

Sec. 38-80. - Spill ~~control equipment~~Control Equipment.

Each motor fuel dispensing facility within the town shall maintain absorbent materials and a waste container for the purpose of mitigating hazardous material spills. The quantity and type shall be approved by the fire official. Any hazardous materials spill of two gallons or more shall be reported to the fire department.

Sec. 38-81. - Responsibility.

Any property owner and/or person exercising control over hazardous materials that create a hazardous materials emergency shall be held financially liable for the response, abatement and remedial costs incurred by the town and/or fire department during the emergency.

Sec. 38-82. - Fee ~~schedule~~Schedule.

The town shall charge for fire inspections, re-inspections and permits based on the fee schedule adopted by the board of commissioners on an annual basis and be such fee shall be collected by the town's finance department. Exemptions: Local, state and federal government-owned facilities.

Sec. 38-83. - Cost ~~recovery for response~~Recovery for Response; see attached cost recovery sheet.

- (a) Fire department response is based on the complexity and nature of the actual or perceived emergency therefor, response may be limited to one or multiple apparatus and personnel.
- (b) The town shall charge a cost recovery fee for certain incident responses. The purpose of the cost recovery fee is to recoup costs associated with personnel and equipment used for the following incidents:
 - (1) Arson, an unlawful act using fire that is attempted or completed and willful and wanton in nature.
 - (2) Hazardous materials; due to neglect and/or illegal acts in handling, storage, transportation or use.
 - (3) Response for malicious, mischievous or illegal acts, including, but not limited to: false reporting of a fire, bomb, or explosive device, activation of fire alarm system when no fire is present, illegal fireworks and unlawful burning.
- (c) Rates shall be based per hour or any part thereof.
- (d) In the event that a suspect is brought before a judge for the purpose of ascertaining innocence or guilt, the cost recovery sheet will be included in the investigating officer's file so that a judge may order restitution to the town for services rendered.
- (e) Cost for equipment and personnel shall be found in the town's fee schedule.

Sec. 38-84. - Fines for ~~fire code violations~~Fire Code Violations.

- (a) The fire official shall assess fines for violations of the fire code as established by the board of commissioners.
- (b) Depending on the severity, nature and timeframe set by the fire official for corrective actions to be taken; the owner or occupant may be charged a fine for each day the premises is not in compliance with the fire code.
- (c) The town's finance department shall collect payment for all fines.

Sec. 38-85. - Payment of penalties.

- (a) Any charge assessed by the fire official in accordance with this article shall be payable within 30 days from the date of assessment. Under special circumstances the timeframe may be extended by the fire official with the approval of the town manager.
- (b) The responsible party shall have ten days to appeal the decision of the fire official to the board of commissioners through the town manager in writing, whereupon the matter will be placed on the agenda for the board of commissioners for final resolution.
- (c) Any charge not paid within the required time period shall have a lien upon the land or premises where the violation took place and shall be collected as unpaid taxes pursuant to the authority of G.S. 160A-193 and G.S. 105-1 et seq. Any charges pursuant to this article shall be repaid upon the terms and conditions as set by the board of commissioners and failure to comply and shall be collected as unpaid taxes.

Sec. 38-86. - Fireworks.

- (a) The possession, manufacture, storage, sale, handling and use of fireworks within the corporate limits of the town are prohibited by the International Fire Code except for those allowed by the state.
- (b) Manufactured fireworks that are legal and illegal are as follows:
 - (1) Legal:
 - a. Sparklers.
 - b. Fountains.
 - c. Smoke devices.
 - d. Snakes and glow worms.
 - e. Trick noise makers.
 - f. Toy pistol caps.
 - (2) Illegal:
 - a. Explosive fireworks.
 - b. Aerial fireworks.
 - c. Roman candles.
 - d. Bottle rockets.
 - e. Firecrackers.
 - f. Similar devices.
- (c) Display fireworks are authorized for special events and celebrations providing they meet the following:
 - (1) The board of commissioners has approved the display.
 - (2) A qualified company has been contracted to provide the service.
 - (3) The company is legally licensed and bonded to do so through the state.
 - (4) A permit has been obtained from the fire official.
 - (5) Equipment used for the demonstration has been inspected and approved by the fire official.
 - (6) The display site has been approved by the fire official.
 - (7) Appropriate fireguards and barricades are in place.
 - (8) The fire official may postpone or cancel any fireworks demonstration if it is determined that it may pose undue risk or danger.
- (~~e~~)(d) The fire official may seize or cause to be seized any fireworks from any person or premises where it is determined to be illegal in nature.

TAB 3



Town of Hope Mills

MANAGER'S REPORT

April 4, 2022

PUBLIC WORKS:

Johnson Street: All parties notified of Board of Commissioners directive to discontinue project. NCDOT preparing invoice for reimbursement.

Town Hall Irrigation and Lighting: Working irrigation.

Public Safety Building: Installing plumbing. Installing roofing. Installing and finishing drywall.

Rec Center Skylight Closure: Materials ordered. Scheduling TBD.

Hope Mills Dam: 2022 Engineer's inspection scheduled for week of April 4th. Lake level will be lowered to enable inspection of Cycle # 1 walls.

Lakeview Sidewalk: Receiving proposals to replace damaged sections along the dam.

PARKS & RECREATION:

Park Development

Chapel Restroom Building: The Town is awaiting approved contracts from the Contractor's attorney before work can begin. Executed contracts are anticipated to be submitted to the Town by early April, 2022

- The Inspection Department has issued a building permit for construction. The permit is contingent upon receiving an approved site plan from Planning Development. HMPR is working with Jenkins Consulting Engineer, PA to revise the civil and site plan for approval by the Town's Planning Department.

Heritage Park: Town executed contracts has been sent to McAdams for signatures. Executed contracts are anticipated to be received by April 1st.

Municipal Park Splashpad & Inclusive Playground: The Town has completed the review of the 75% Construction Documents by McAdam, and has submitted a Value Engineering plan to ensure the project comes in within the approved budget. A virtual meeting was held with McAdams on March 24th to discuss comments and revisions.

PARKS & RECREATION (CONT'D):

Special Events

- Spring Clean Up Events (Town Wide Yard Sale, Litter Sweep, HHW, Shred-it): Saturday May 7, 2022, 9:00 a.m. - 1:00 p.m.
- Working on Corporate Sponsorship catalogue and marketing material.
- Starting the process of CAPRA Accreditation
- Veteran Affairs – Tax Assistance Program ongoing
- Municipal Arts Allocation Grant mural complete, unveiling was held on Monday, March 21

Summer Specialty Camps - Registration begins April 1st:

- Art-O-Rama Camp
- Creative Fitness Camp
- Warrior Spirit Karate Camp
- Music Mania Camp
- Under Construction Fit Kids Camp
- Soccer & More Camp
- Multi-Sport Camp

Upcoming:

- Family Fishing Clinic - June
- Self Defense Workshops for ages 15-17, 18+ and 55+ - May & June

Athletics:

The Athletics Division is almost complete with registration for Spring Athletics, which includes baseball, softball, indoor soccer and wrestling. Attached is the number of participants with a revenue of over \$34,000.

- HMPR is expecting an increase in 14U baseball once registration is complete. It is anticipated that an additional 15-20 participants will register which will yield \$600 in revenue.
- Opening Day for Youth Baseball and Softball will be on April 9th beginning at 9:00 a.m. at Brower Park.

