

Members:
George Turner, Chair
Alfonso Ferguson Sr., Vice-Chair
Winton McHenry
Gregory Parks
Marva Lucas-Moore



Alternates:
Robert E Davis
Stacy Michael Long
Linda Amos
Quinsentina James

CUMBERLAND COUNTY BOARD OF ADJUSTMENT

130 Gillespie Street
Fayetteville North Carolina 28301
(910) 678-7602

MINUTES
August 20, 2020
7:00 PM

Members Present

George Turner
Alfonso Ferguson
Gregory Parks
Marva Lucas-Moore
Robert E. Davis

Absent Members

Winton McHenry

Staff/Others Present

Betty Lynd
Dena Barner
Rick Moorefield
(County Attorney)
David Moon

Chair Turner called the meeting to order at 7:02 p.m. in Public Hearing Room #3 of the Historic Courthouse.

Chair Turner stated the procedural matters are to turn off all cell phones and other electronic devices, other than the camera, are fine and if asked to speak at the podium to please speak clearly into the microphone as the meeting is being recorded. Although there are no set time limits for any speaker addressing the board, the board asks speakers to not repeat what has been previously stated. If there is no new evidence to offer please make the board aware of your agreement with the previous speakers. If any board member wishes to speak or ask any questions please ask to be recognized by the Chairman before speaking.

1. INVOCATION

Alfonso Ferguson

PLEDGE OF ALLEGIANCE

Recited by all.

2. ROLL CALL

Mrs. Lynd called the roll. For the audience, Mrs. Lynd stated a quorum was present. Mrs. Lynd also introduced Mr. Moorefield, county attorney for the board.

3. SWEAR IN STAFF

Chairman Turner swore in staff.

4. ADJUSTMENTS TO THE AGENDA

Added the Oath of Office for Ms. Linda Amos

5. OATH OF OFFICE

Mrs. Lynd delivered the Oath of Office to new Alternate Board of Adjustment member Ms. Linda Amos.

6. APPROVAL OF THE NOVEMBER 21, 2019 MINUTES

Mr. Parks made a motion to approve the minutes from the November 21, 2019 meeting with any necessary corrections, seconded by Mr. Ferguson. The motion passed unanimously.

IN FAVOR	
TURNER	YES
FERGUSON	YES
PARKS	YES
LUCAS-MOORE	YES
DAVIS	YES

7. APPROVAL OF REVISED RULES OF PROCEDURE – All Board of Adjustment meetings will begin at 6 PM starting with the September 17, 2020 meeting and all meetings going forward.

Ms. Lucas-Moore made a motion to approve the change of meeting start time from 7PM to 6PM, seconded by Mr. Parks. The motion passed unanimously.

IN FAVOR	
TURNER	YES
FERGUSON	YES
PARKS	YES
LUCAS-MOORE	YES
DAVIS	YES

8. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)

There were none.

9. PUBLIC HEARING DEFERRALS/WITHDRAWALS

P20-02-C: CONSIDERATION OF AN APPEAL FROM THE CODE ENFORCEMENT OFFICER’S DECISION REGARDING THE OPERATION OF AN OUTDOOR FIRING RANGE IN A RR RURAL RESIDENTIAL & CD CONSERVANCY DISTRICT ON 13.46+/- ACRES, LOCATED AT 1654 & 1675 VETERANS DRIVE, SUBMITTED BY DEREK ORENT ON BEHALF OF AMERICAN LEGION POST #230 (OWNER). **DEFERRED TO SEPTEMBER 17, 2020**

Ms. Lucas-Moore made a motion to defer P20-02-C to September 17, 2020, seconded by Mr. Ferguson. The motion passed unanimously.

IN FAVOR	
TURNER	YES
FERGUSON	YES
PARKS	YES
LUCAS-MOORE	YES
DAVIS	YES

10. POLICY STATEMENT REGARDING APPEAL PROCESS

Mrs. Lynd read the policy statement.

11. PUBLIC HEARING(S)

P20-01-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A BILLBOARD IN A C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING FOR ALL C(P) USES DISTRICT ON 2.07+/-

ACRES, LOCATED AT 2960 CUMBERLAND ROAD, SUBMITTED BY ROY L. & SHEILA J. BULLOCK (OWNERS).

Chairman Turner read the case heading for Case No. P20-01-C.

Mrs. Lynd asked the board to accept the portion of the boards packet pertaining to this case be accepted into the record.

Mr. Ferguson made a motion to accept the packet of P20-01-C into the record, seconded by Ms. Lucas-Moore seconded. The motion passed unanimously.

	IN FAVOR
TURNER	YES
FERGUSON	YES
PARKS	YES
LUCAS-MOORE	YES
DAVIS	YES

Mrs. Lynd reviewed the zoning, sketch map, and land use of the area surrounding subject property. She briefly reviewed board packet material. Mrs. Lynd stated findings of facts is being requested by staff and is included in the back of your packet.

MS. LUCAS-MOORE: Will it be the same size as the billboard that's there now or is it the 40 foot? Is that the same size at what you're replacing it with?

MRS. LYND: The applicant may be able to answer that but right now it is a single-sided billboard the proposed is a double-sided A-frame billboard.

CHAIR TURNER: But it's 40 feet high?

MRS. LYND: No, It's 40 feet wide. A billboard cannot be higher than 35 feet.

CHAIR TURNER: Of course, you know what a guy like me thinks. I'm sitting here trying to figure out how the city doesn't realize that they haven't Annexed that yet, it's right in the thick of things they don't let things like that pass by. Let me open the public hearing, we have one speaker signed up that's Mr. Roy Bullock. Would you like to come forward sir? Do you swear or affirm the testimony you'll give the board will be the truth, the whole truth and nothing but the truth so help you God?

MR. BULLOCK: I do. Yes sir.

CHAIR TURNER: Please state your name and address for the record.

MR. BULLOCK: Roy Bullock, 1426 Berkshire Rd, Fayetteville, NC 28304. The sign that's there is a 40 foot sign. The proposed sign should be a 10 x 36 foot sign. That's a correction that needs to be made.

MS. LUCAS-MOORE: So that's a 10 x 36?

MR. BULLOCK: 10 x 36 excuse me 12 x 36.

MS. LUCAS-MOORE: Okay. Double-sided?

MR. BULLOCK: Double-sided, yes ma'am.

MR. MOOREFIELD: Mr. Chairman, to correct the record, the applicant indicated that a correction needs to be made in your site packet. What is that correction that needs to be made sir?

MRS. LYND: The site plan shows it at 40 foot so if we make the correction to 36 two-sided

MS. LUCAS-MOORE: So at the first page up under explanation of request its where it's located?

CHAIR TURNER: The explanation on the request says the sign will be 10 foot x 36 foot, digital sign.

MR. BULLOCK: It should read 12 x 36, the 40 is the old sign.

MR. MOOREFIELD: Just so we have the correct record, your site plan for the Board of Adjustment special use permit shows the proposed sign is supposed to be 40 feet?

MR. BULLOCK: No sir, that should be 36.

CHAIR TURNER: What do you see Rick, that I don't see?

MR. MOOREFIELD: Site plan. The two feet measurements on the site plan. The rezoning shows 40 feet.

MR. BULLOCK: I think they got confused with the size of the old sign.

MR. PARKS: Can you correct that right now without any problem?

MRS. LYND: The application and the staff report and the packet you've accepted into the record states 10 x 36. The site plan submitted shows a length of 40 which is where the discrepancy is but if you'll just accept the correction, if it's 40 foot wide and ends up being 36 he's still covered set back wise but as Mr. Moorefield ask to make a correction to accept the correct size into the record.

CHAIR TURNER: Do we need to correct that, Rick?

MR. MOOREFIELD: Yes sir and what you're correcting is on the first page, it's a two sided 12 foot by 36 foot digital sign, am I correct sir?

MR. BULLOCK: Yes sir.

MR. MOOREFIELD: And on the site plan, the length shown or I guess the width shown of the facing of the billboard is 36 feet instead of 40 feet.

CHAIR TURNER: Okay. Anybody have any questions on that?

MR. FERGUSON: On page three, correct that.

MR. PARKS: Page three on the plot plan you see on the top right there it's got the V, its got a 40 foot mark, that's 36 now.

MR. FERGUSON: Right

CHAIR TURNER: Well it does say ten by 36 on page three of his application. In the handwritten application is states proposed two sided ten by 36.

MR. DAVIS: It has to be 12 by 36 on page three.

CHAIR TURNER: Should be 12 by 36. Yes sir.

MR. MOOREFIELD: Yes sir Mr. Chairman, all I'm trying to do is make sure that the record is the accurate record.

CHAIR TURNER: Well we want to be sure we do to because if he puts up the wrong sign and then

MR. BULLOCK: Yeah, I apologize for that too. I didn't catch it either. I did not catch it.

MR. MOOREFIELD: Are those the only two changes Mr. Bullock?

MR. BULLOCK: That's all I see. Yes sir for the proper size.

CHAIR TURNER: So at this point what will need is a motion to accept these changes for the sign to be 12 foot by 36 foot and correct page three and the site plan, particularly the site plan. Is everybody good with that?

Mr. Parks made a motion to accept the changes to the packet of P20-01-C into the record, seconded by Mr. Ferguson. The motion passed unanimously.

	IN FAVOR
TURNER	YES
FERGUSON	YES
PARKS	YES
LUCAS-MOORE	YES
DAVIS	YES

MR. BULLOCK: Here in the finding of facts, I wanted to share with you, it ask the question will it endanger the public health or safety in accordance with plans submitted and recommended? I would answer that by saying no, it will not. It will have the ability to post amber alerts, weather alerts, silver alerts and public service announcements. It gives it the ability that it does not have now. The sign that was there has been there since 1963. We just want to upgrade it. Number three - asks will it maintain or enhance the value of the property? It will, we're making approximately a quarter of a million dollar investment, to modernize the sign that's there. Something that weather will not hinder as much as it does a pole sign as it is now. Any other questions?

CHAIR TURNER: Okay. We have to make these four findings of fact and you've addressed one and three what about two and four?

MR. BULLOCK: Okay, the use meets all required conditions and specifications that I was giving, yes it does. And four, the location and character of the use, if developed according to the plan as submitted and recommended will be in harmony with the area in which it is to be located and is in general conformity with the Cumberland County most recent comprehensive Land Use Plans? Yes. If there's any, I've been asked about trees, plantings, but according to what I've been told there's no requirements for me to do that. Although the property does have alot of trees on it, we did improve the property by cleaning it up. I shared with the previous meeting, we actually had to haul eleven tractor-trailer loads of trash where they had been dumping, everybody had been dumping on it. We hauled it off and of course that was on us. We tried other avenues to get some help but it was not available but it was all there when we bought it. That's the improvements we've made to it. As you could see the property was clean and we have a constant effort to maintain it, to keep it presentable.

CHAIR TURNER: Okay, anything else? Stay with us for just a minute. Stand by. There's no one else to speak for or against, so I'm going to close the public hearing. Anyone have any questions of Mr. Bullock?

MR. FERGUSON: On this landsite, what is it, that's just his empty lot?

MR. BULLOCK: Yes sir excluding now, that there is a house on that. Other than that, it was a wooded lot. There had been houses there in the past and they were torn down and it was just left to grow up and basically a dirt road dumpsite it was it became until we bought it.

MR. PARKS: How long ago did you buy the property?

MR. BULLOCK: It's been approximately five or six years. Yes sir and we have since, the centerpiece that you see cut out, in the middle of it there, we have since acquired that, in this year.

CHAIR TURNER: I think we noticed you own both of them. You have the whole corner pretty much there. Any other questions? No, okay, we may call you back. Rick could I ask you a question about something that sticks in my head? Wasn't there an issue, it may not matter here, wasn't there an issue years ago with a digital billboard on Ramsey Street that ended in a lawsuit?

MR. MOOREFIELD: That was a city code issue. Because this is a digital board and I see that this is in that special airport overlay district, I would inquire whether staff has made sure that there are no conflicts with that overlay district with the digital billboard.

MRS. LYND: Correct, we do send anything within the airport overlay to the airport and if a comment is not indicated on the staff report, it means we received no comment from the airport itself.

MR. MOOREFIELD: Are there any things in the airport, that special district, that address digital lighting or anything?

MRS. LYND: Right, not currently the airport overlay district only addresses height due to the FAA regulations currently.

CHAIR TURNER: I would have never thought the airport district came that far.

MRS. LYND: It does and actually well a little further down there's also the coliseum tourism overlay district which definitely would have had a bearing on billboards as there is additional spacing requirements and stuff but in the general airport overlay district it deals mostly with height.

CHAIR TURNER: Well your coliseum's board district doesn't go there?

MR. PARKS: They've got a digital board out at the coliseum.

MRS. LYND: Right, those were all grand fathered in.

MR. PARKS: Interesting, they say they interferes with some bandwidth or something or are they saying a pilots going mistake a digital sign for

MR. MOOREFIELD: I don't know, I was just making sure that wasn't an issue. I just brought it up because it is in an overlay district.

CHAIR TURNER: I was on the coliseum board when we did the coliseum overlay district and I never got a full understanding of what there problem was with billboards and that to begin with other than the fact they didn't want anymore billboards, and I don't know why. It is part of that but its not part of this. And I wouldn't of thought of the airport district. Okay, anybody have anything else? Is there a motion?

MR. PARKS: I make a motion that we make the findings of facts Chairman Turner.

MR. MOOREFIELD: You really do need to state those findings of facts for the record.

MR. PARKS: I make a motion that we accept the findings that we have agreed on here. Is that how you want me to do it? How do you want me to do it Rick?

CHAIR TURNER: Based on information provided by the applicant?

MR. MOOREFIELD: They have the finding of fact stated items one thru four on page two you incorporate those into your hearing as the findings of fact.

MR. PARKS: In my motion I agree with the findings of statue one thru four and accept those as listed.

CHAIR TURNER: Based on the testimony from the applicant we don't have any other issues with it? I thought there was a safety issue from the digital billboards.

MR. MOOREFIELD: There is not a county issue. I think it is a city issue. The argument is that changing data on the billboard attracts the drivers attention and diverts them from driving and that sort of stuff.

CHAIR TURNER: But that's not an issue for us tonight?

MR. MOOREFIELD: It's not addressed in our billboard ordinances.

Mr. Parks made a motion to approve Case P20-01-C Special Use permit to allow a billboard in a C(P) Planned commercial/CZ Conditional Zoning for all C(P) uses district on 2.07+/- acres located at 2960 Cumberland Road, Mr. Ferguson seconded. The motion passed unanimously.

	IN FAVOR
TURNER	YES
FERGUSON	YES
PARKS	YES
LUCAS-MOORE	YES
DAVIS	YES

12. DISCUSSION/UPDATES

MRS. LYND: Yes chair, I would like to give Mr. David Moon a moment to introduce himself as the new deputy director to the Board.

CHAIR TURNER: We're glad you're here because we need all the direction we can get.

MR. MOON: There's a lot to learn, I can tell you that. I'm David Moon. I'm the Deputy Director of Planning and Inspections. It's wonderful to be here. I'm glad to be able to serve Cumberland County. I have thirty-four years of experience as a professional planner. Most of my experience has been in the state of Florida. I'm originally from the northeast New England, educated in the Midwest at Ohio State and a small school called Baborse University. The Fayetteville area is wonderful and I'm already enjoying the restaurants and the downtown. I've already had the opportunity to drive thru all of the eight municipalities/towns and thru the farmlands and country area as well. It's a pleasure to be here and I hope to be of service to the county. Thank you.

MR. PARKS: Glad you're here. You're also handling inspections? Planning and Inspections?

MR. MOON: I've been directed to lead building inspections and code enforcement as well as central permitting.

MR. PARKS: Oh really.

MR. MOON: I'll also be handling special projects and assignments that are handed to me.

CHAIR TURNER: You got your hands full. We're glad you're here.

MRS. LYND: Thank you chair. Mr. Moon will probably also be in contact with you guys a lot because he'll be taking point on things like training and stuff for you all so you should be getting some contact from him as well as myself. I don't plan on abandoning you. The second item is due to bringing on Ms. Lucas-Moore as a regular member we have an additional vacancy for an alternate so be looking out in your emails for an email from Dena giving you applicants that could be nominated to the Board of Commissioners as a new alternate member. Also we have a regular member who has missed three meetings in a row and the current rules of procedure. We're definitely going to try and make contact with him one more time. We may be asking you all to appoint an additional regular member as well. That is all the updates from staff.

MR. MOOREFIELD: Mr. Hasty out with family medical situation, please keep him in your prayers.


CHAIR TURNER: Anything else?

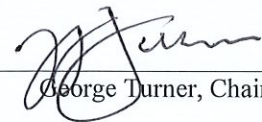
MRS. LYND: No sir. We will have a meeting September 17th, 2020 at 6:00 pm

13. ADJOURNMENT

Mr. Davis made a motion to adjourn, seconded by Mr. Parks. The motion passed unanimously. Meeting adjourned at 7:38pm.

	IN FAVOR
TURNER	YES
FERGUSON	YES
PARKS	YES
LUCAS-MOORE	YES
DAVIS	YES


Dena L Barner, Clerk to the Board


George Turner, Chairman