
**ACTION AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
OCTOBER 15, 2012
6:45 PM**

INVOCATION - Commissioner Marshall Faircloth, Chairman

PLEDGE OF ALLEGIANCE –

PUBLIC COMMENT PERIOD (6:45 PM – 7:00 PM)

Cumberland County Cares Award:

Michael Brown, Muzzle Loader Instructor, Cumberland County Sharpshooters 4-H Club

Employee Recognition Award – **SAM LUCAS, COUNTY ENGINEERING**

Recognition of J. Lee Warren, Jr. Inducted as President of the North Carolina Association of Register of Deeds

Presentation of North Carolina Housing Finance Agency Award to Thanena Wilson, Cumberland County Community Development Director for the HOPE VI Development Project

Presentation by Mark Culbreth of the Cumberland County School System on the “Reading Rocks” Program - **NOT PRESENTED**

REQUEST TO ADD AS ITEM 3.G. RENAMING OF ROADS SEVERED BY HIGHWAY I-295 PROJECT AND TO ADD AS ITEM 10. CONSIDERATION OF AUTHORIZING THE CHAIRMAN TO SIGN DEED OF CORRECTION TO AIT PROPERTY

1. Approval of Agenda – **APPROVED WITH ADDITIONS AS REQUESTED**
2. Consent Agenda – **APPROVED CONSENT ITEMS 2.A. – 2.H.(5)**
 - A. Approval of minutes for the October 1, 2012 regular Board of Commissioners meeting.
 - B. Approval to Extinguish a Deed of Easement between Martha D. West and the County of Cumberland regarding the Averagesboro Battlefield. **(Pg. 8)**

C. Approval of Report and Recommendation of the Cumberland County Facilities Committee: (Pgs. 13-23)

- 1) Lease of the Robeson S&L Building to the FACVB and Adoption of the Resolution of Intent (Pg. 13)
- 2) Lease of the J.P. Riddle Stadium to Hometown Sport Inc. (Swamp Dogs) and Adoption of Resolution of Intent (Pg. 21)

D. Approval of Report and Recommendation of the Cumberland County Finance Committee: (Pg. 24-34)

- 1) Regarding the Treatment for Effective Community Supervision (TECS) (Pg. 24)

E. Approval of Report and Recommendation of the Cumberland County Policy Committee: (Pgs. 35-63)

- 1) Revised Noise Ordinance (Pg. 35)
- 2) Rules and Regulations of the Cumberland County Public Utilities Division (Pg. 48)

F. Approval of a Proclamation Proclaiming October 24, 2012 as “Ammie McRae Jenkins Appreciation Day” for her service to our State and our County. (Pg. 64)

G. Approval of a Proclamation Proclaiming the Week of October 22-27, 2012 as “Red Ribbon Week” in Cumberland County. (Pg. 65)

H. Budget Revisions: (Pgs. 66-73)

- (1) General Government Other (Pg. 66)

Revision in the amount of \$81,840 to appropriate fund balance to re-budget unexpended Public Response funds from FY12. (B13-131) **Funding Source – General Fund Fund Balance**

- (2) Health (Pgs. 67-74)

- a. Family Planning Clinic - Revision in the amount of \$39,584 to reallocate revenue due to an unanticipated reduction in state funding. (B13-124) **Funding Source – Reallocation in Budgeted Revenues** (Pg. 67)

- b. Health Education - Revision in the amount of \$5,000 to recognize the Wolfe Mini Grant that will fund training for health department staff to

implement the community-based volunteer program- The Friendship Project. The goal is to increase the likelihood of pregnant women having a full-term, healthy pregnancy. (B13-126) **Funding Source – Grant** (Pg. 68)

- c. Bioterrorism Preparedness & Response – Revision in the amount of \$30,023 to budget additional state funding. (B13-125) **Funding Source – State** (Pg. 69)

(3) Child Support Enforcement (Pg. 70)

Revision in the total amount of \$204,750 to budget Federal revenue of \$135,135 and fund balance appropriated of \$69,615 to fund Clerk of Court filing fees on behalf of Child Support clients. (B13-134) **Funding Source – Federal and Fund Balance Appropriated**

(4) Sheriff- Federal Forfeiture (Pg. 71)

Revision in the amount of \$150,000 to appropriate federal forfeiture fund balance to purchase five patrol vehicles. (B13-135) **Funding Source – Federal Forfeiture Fund Balance Appropriated**

5) Eastover Sanitary District Phase II/Eastover Sanitary District General Fund (Pg. 73)

Revision in the net amount of \$18,318 to facilitate the close out of the Eastover Sanitary District Phase II capital project by recognizing additional revenue of \$18,318 and reallocating expenses. Remaining funds of \$44,669 will be transferred to the Eastover Sanitary District's General Fund. (B13-132 and B13-132A) **Funding Source – Fees**

3. Public Hearings (Pgs. 75-105)

Uncontested Rezoning Case

- A. Case P12-51: Rezoning of 20.38+/- acres from CD Conservancy and A1 Agricultural to A1 Agricultural or to a more restrictive zoning district; located at 1554 and 1622 Yarborough Road; submitted by James S. Stewart Sr., Lenise E. Stewart, James S. Stewart Jr. and William T. Stewart (owners). (Pg. 75) – **APPROVED A1 AGRICULTURAL DISTRICT FOR PORTIONS OF SUBJECT PROPERTY LOCATED OUTSIDE THE SPECIAL FLOOD HAZARD AREA (SFHA) AND CD CONSERVANCY FOR ALL AREAS WITHIN THE SFHA**

Contested Rezoning Case

- B. Case P12-28: Rezoning of 1.00+/- acre from RR Rural Residential to C2(P) Planned Service and Retail or to a more restrictive zoning district, located at 4446 Clinton Road, submitted by Janice Ivey and Tommy D. Faircloth (owners) and Garriss Neil Yarborough, Esq. **(Pg. 78) – APPROVED C2(P) PLANNED SERVICE AND RETAIL**

Contested Conditional Zoning Case

- C. Case P12-26: Rezoning of 1.75+/- acres from C1(P) Planned Local Business and A1 Agricultural to C(P) Planned Commercial/ CZ Conditional Zoning District for a convenience store, restaurant and for profit indoor recreation/amusement or to a more restrictive zoning district, located at 3634 Chicken Foot Road, submitted by Dharmesh Patel on behalf of Grays Creek Groceries, LLC. (owner). **(Pg. 82) – APPROVED C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING DISTRICT**

Zoning Ordinance Text Amendments

- D. Case P12-33: Revision and amendment to the Cumberland County Zoning Ordinance amending Article II, Interpretations, Calculations, and Definitions, Section 203 Definitions of Specific Terms and Words; amending Article IV, Permitted, Conditional and Special Uses, Section 403, Use Matrix by inserting *internet café/video gaming* as a permitted use in the C(P) Planned Commercial district column; amending Article IX, Individual Uses, by creating Section 911.1, entitled: Internet Café/Video Gaming and listing specific development standards; and updating the table of contents as appropriate. **(Pg. 93) – APPROVED AND ADOPTED TEXT AMENDMENT WITH REMOVAL OF THE RESTRICTION FOR NON-OPERATING HOURS**
- E. Case P12-61: Revision and amendment to the Cumberland County Zoning Ordinance amending Article II, Interpretations, Calculations and Definitions; Section 203, Definition of Specific Terms and Words, specifically: Kennel; Article IV, Permitted, Conditional, and Special Uses, Section 403, Kennel Operations; and Article IX, Individual Uses; Section 912, Kennel Operations; repealing provisions authorizing approval of the Temporary Housing/Boarding of Dogs in Residential Districts and updating the Table of Contents if appropriate. **(Pg. 99) – APPROVED AND ADOPTED TEXT AMENDMENT**

Subdivision Ordinance Text Amendment

- F. Case P12-60: Revision and amendment to the Cumberland County Subdivision Ordinance amending Article XXIII, Improvement and Design Standards; Section 2304, Streets; sub-section C, Private Streets; allowing for the land area within a Class “C” private street to be counted for density purposes; and updating the

Table of Contents if appropriate. **(Pg. 104)** – APPROVED AND ADOPTED
TEXT AMENDMENT

**G. RENAMING OF ROADS SEVERED BY HIGHWAY I-295 PROJECT –
APPROVED RENAMING AS FOLLOWS:**

<u>CURRENT NAMES</u>	<u>PROPOSED</u>
SEVERED PORTION OF JACOB ST	BENJAMIN ST
SEVERED PORTION OF GARNER ST	PINEVIEW ST
SEVERED PORTION PF PINEVIEW ST	JOSSIE ST
SEVERED PORTION OF GARNER ST	JACOB ST
SEVERED PORTION OF JOSSIE ST	MCLEAN TRAIL DR

ITEMS OF BUSINESS

4. Report by Buck Wilson, Public Health Director on Mental Health Clinic Services for Quarter Ending September 30, 2012. **(Pg. 106)** – RECEIVED REPORT –
**PUBLIC HEALTH DIRECTOR TO REPORT ON A MONTHLY BASIS
FOR THE NEXT THREE MONTHS**
5. Report on Status of the Delivery of Mental Health Services in Cumberland County.
(Pg. 111) – RECEIVED REPORT
6. Consideration of Request from Mental Health for \$1,217,894 in Additional Funding through December 31, 2012. **(Pg. 118)** – REQUEST REFERRED TO
FINANCE COMMITTEE
7. Discussion of the Cumberland County Travel Policy. **(Pg. 131)** – COUNTY
**TRAVEL POLICY REVISED TO INCLUDE STATEMENT WITH THE
ADVANCE THAT IMMEDIATELY FOLLOWING THE TEN-DAY
REIMBURSEMENT PERIOD, ANY ADVANCE AMOUNT WILL BE
PAYROLL DEDUCTED 100% UNTIL SATISFIED.**
8. Nominations to Boards and Committees **(Pgs. 142-155)**
 - A. Cumberland County Home and Community Care Block Grant Committee
(3 Vacancies) **(Pg. 142)**
**NOMINEES: ROBIN KIVETT
ANTIONETTE HERNANDEZ
CASSANDRA MCMILLON**
 - B. Joint Senior Citizens Advisory Committee (1 Vacancy) **(Pg. 150)**
NOMINEE: GLENDA DYE

9. Appointments to Boards and Committees **(Pgs. 156-166)**

A. Air Quality Stakeholders' Committee (2 vacancies) **(Pg. 156)**

<u>Nominees:</u>	<u>Town of Linden Stakeholder:</u>	Janice Lucas (Reappointment)
	<u>FTCC Stakeholder:</u>	Richard Rice

**APPOINTEES: JANICE LUCAS
RICHARD RICE**

B. Cumberland County Juvenile Crime Prevention Council (1 Vacancy) **(Pg. 160)**

Nominee: Member of Faith Community: Shawn Withy-Allen

APPOINTEE: SHAWN WITHY-ALLEN

C. Library Board of Trustees (3 Vacancies) **(Pg. 165)**

Nominees: Daisy D. Maxwell (Reappointment)
Mary E. Thomas (Reappointment)
Sara VanderClute (Reappointment)

**APPOINTEES: DAISY D. MAXWELL
MARY E. THOMAS
SARA VANDERCLUTE**

10. **CONSIDERATION OF AUTHORIZING THE CHAIRMAN TO SIGN DEED OF CORRECTION TO AIT PROPERTY - APPROVED**

ADJOURN