
Minutes
Cumberland County Board of Commissioners
August 16, 1999, 7:00 PM
Regular Meeting

PRESENT: Chairman Thomas B. Bacote
Vice Chairman Ed Melvin
Commissioner Talmage Baggett
Commissioner J. Breeden Blackwell
Commissioner Billy R. King
Commissioner H. Mac Tyson II
Commissioner J. Lee Warren, Jr.
Cliff Strassenburg, County Manager
James Martin, Deputy County Manager
Juanita Pilgrim, Asst. County Manager
Grainger Barrett, County Attorney
Marsha Fogle, Clerk to the Board

INVOCATION: Commissioner Ed Melvin
PLEDGE OF ALLEGIANCE

RECOGNITION: County Retirees: Julia Godwin, Tax Administration
Orling Eastridge, Sheriff's Office

Committee Members: Sid Gautam, ABC Board
Maxine McCoy - FTCC Board

AMENDMENTS TO AGENDA:

Cliff Strassenburg, County Manager, reported that the petitioner in Rezoning Case P99-54 is out of town because of a family emergency and the person that was to represent him at this meeting was admitted to the hospital. Therefore, it has been requested that this case be postponed until September 20, 1999.

MOTION: Commissioner King moved to postpone this hearing until September 20, 1999.

SECOND: Commissioner Tyson

DISCUSSION: Commissioner Warren noted that the Planning Board recommends denial of the rezoning request and that there are people at this meeting who have signed up to speak in opposition. He said he did not think it fair to put this off.

VOTE: **FAVOR:** Commissioners Blackwell, Tyson, Melvin, Bacote & King
OPPOSED: Commissioners Baggett and Warren

The County Manager reported that the Inspection Department would like to withdraw Minimum Housing Case 643-99 (S) as the property was inspected today and the petitioner has brought the property into compliance.

MOTION: Commissioner Warren moved to approve withdrawal of this Case by the Inspection Department, based on their report that the owner has complied with the Order to remove the mobile home from the lot.

SECOND: Commissioner King

VOTE: UNANIMOUS

1. **PUBLIC HEARINGS:**

Uncontested Rezoning Cases

Upon finding and determining that the conditional use overlay district proposed in the following cases and the conditions and other performance criteria proposed to be imposed are reasonable, neither arbitrary or unduly discriminatory, and that the reclassification of the existing zoning district is reasonable, neither arbitrary or unduly discriminatory, the following motion was made:

MOTION: Commissioner Melvin moved to follow the recommendation of the Planning Board on the Uncontested Cases.

SECOND: Commissioner King

VOTE: UNANIMOUS

A. Case No. P99-32. Addition of a Conditional Use Overlay District to allow residential uses in a C3 Heavy Commercial District on the west side of US 301/I-95 Business, south of Lafayette Street, owned by Eva B. Goins.

The Planning Board recommends approval of the Conditional Use Overlay District with the added conditions as follows:

- there will be no more than 2 residences on the property;
- the property must meet the setbacks of the C3 Heavy Commercial District.

Note: A group development review will be necessary prior to the addition of a second unit.

B. Case No. P99-37. Rezoning from R10 and R6A Residential to C3 Heavy Commercial or to a more restrictive zoning district on the southwest corner of Cumberland Road and Natal Street, owned by John Thomas and Judy J. Beasley.

The Planning Board recommends approval of C3.

C. Case No. P99-47. Addition of a Conditional Use Overlay District to allow a family resource center in an R6A Residential District on the east side of Pine Tree Lane, owned by Multicultural Community Development Services, Inc.

The Planning Board recommends approval of the Conditional Use Overlay District for an area adjacent to and parallel with Pinetree Lane bounded by a 124 foot depth and extension of the 75 foot line to intersect with the 134 foot line as it intersects the southern portion of the property and back to Pinetree Lane.

D. Case No. P99-48. Addition of a Conditional Use Overlay District to allow two structures in an A1 Agricultural District on the west side of Graye Fryers Lane, a Class C Private Street on the south side of Tabor Church Road, owned by Eddie Ray Starling.

The Planning Board recommends approval of the Conditional Use Overlay with the following added conditions:

- the unit is only for the daughter that is legally blind;
- the tract cannot be subdivided;
- the unit is to be placed on a permanent foundation with tongue and axles removed;
- the A1 setbacks are to be honored.

E. Case No. P99-49. Rezoning from C1 Local Business to C3 Heavy Commercial or to a more restrictive zoning district on the southeast corner of Cumberland Road and Horner Drive, owned by Buddy Ray and Shirley Jean Shelton.

The Planning Board recommends approval of C3.

F. Case No. P99-51. Rezoning from R40 Residential to RR Rural Residential or to a more restrictive zoning district on the south side of Tabor Church Road, east of Cedar Creek Road, owned by Tina Linthicum Holmes.

The Planning Board recommends denial of RR and approval of R30A.

G. Case No. P99-52. Rezoning from R10 Residential to O&I Office and Institutional or to a more restrictive zoning district on the west side of US HWY 401, south of Shawcroft Road, owned by Carolyn Boose and Carolyn Bulen.

The Planning Board recommends approval of O&I.

Contested Rezoning Cases

H. Case No. P99-43. Rezoning from A1 Agricultural to C(P) Planned Commercial or to a more restrictive zoning district on the north side of NC HWY 24, east of Shelton Beard Road, owned by J&M Investments.

The Planning Board recommends denial of the rezoning request.

SPEAKERS:

1. James Hay. Mr. Hay lives across the road from this property. He noted the property in the area is farmland and residential and the traffic is heavy. He asked the Board to deny the rezoning request.

Note: The petitioner was not present at the meeting.

MOTION: Commissioner Blackwell moved to follow the recommendation of the Planning Board and deny the rezoning.

SECOND: Commissioner Baggett

DISCUSSION: Commissioner Baggett stated he had visited the area and he felt it would be a real shame to allow this expansion. Note: There is no buffer at all around the mini storage units. The units were put in approximately 3 months prior to the initial zoning in the area. The owner did not request a change from the A1 during the initial zoning process. Chairman Bacote expressed concern there was no buffering around the units already on the property. Commissioner Warren suggested the Board could address those issues with conditional use overlay.

SUBSTITUTE

MOTION: Chairman Bacote moved to send this case back to the Planning Board to consider conditional use overlay.

SECOND: Commissioner King

VOTE: FAVOR: Commissioners Bacote, King, Melvin, Tyson and Warren
OPPOSED: Commissioners Baggett and Blackwell

I. Case No. P99-50. Rezoning from PND Planned Neighborhood to C3 Heavy Commercial or to a more restrictive zoning district on the west side of US HWY 401, south of Elliott Bridge Road, owned by Alvin R. West.

The Planning Board recommends denial of the rezoning request.

SPEAKERS:

1. David Nimocks. Mr. Nimocks stated to approve this rezoning would be "spot" zoning. He asked the Board to deny the rezoning request.

MOTION: Commissioner King moved to follow the recommendation of the Planning Board and deny the rezoning request.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

J. Case No. P99-53. Rezoning from R6A Residential to C(P) Planned Commercial or to a more restrictive zoning district on the south side of East Jenkins Street near Womble Street, owned by Larry Allman and Ricky Allen Stephens.

The Planning Board recommends denial of the rezoning request.

SPEAKERS:

1. Larry Allman (petitioner): Mr. Allman said he wanted to combine this lot with the one he owns behind it. He said his plans are to put up a fence and plant junipers around the property as he has done with the lot behind it. He said this rezoning would actually enhance the neighborhood. He will use this property to continue to repair vehicles used in his business. Mr. Allman said he would not be using Wiles Road to access the property. He said if the Board could not zone it C(P) he would be amenable to accepting a restricted use for the property. Mr. Allman stated that he was not present at the Planning Board meeting to present his case because he had the incorrect date on his calendar.

MOTION: Commissioner Blackwell moved that this case go back to the Planning Board to afford Mr. Allman an opportunity to present his case and note his willingness to accept a conditional use overlay district for this piece of property.

SECOND: Commissioner Tyson

SUBSTITUTE

MOTION: Commissioner King moved to approve the request for C(P).

SECOND: Commissioner Baggett

Commissioner Blackwell withdrew his motion, making Commissioner King's

Substitute Motion the only motion on the floor.

VOTE: FAVOR: Commissioners King, Baggett, Blackwell, Tyson, Melvin, and Warren

OPPOSED: Chairman Bacote

K. Case No. P99-54. Addition of a Conditional Use Overlay District to allow the sale of second hand items in an A1 Agricultural District on the west side of NC HWY 87, north of Smith Road, owned by Garry and Ortha Capasso.

The Planning Board recommends denial of the Conditional Use Overlay District.

This Rezoning Case was postponed until September 20, 1999, 7:00PM.

Road Name Changes:

L. Consideration of renaming roads within the Godwin/Falcon Fire District.

(1) Dumpster Road (SR 1859) to Leitha Lane.

Commissioner Baggett asked that he be allowed to abstain from voting on this matter because his father owns property on this road.

MOTION: Commissioner Warren moved to allow Commissioner Baggett to abstain from voting on this matter.

SECOND: Commissioner King

VOTE: UNANIMOUS

MOTION: Commissioner Warren moved to rename Dumpster Road to Leitha Lane.

SECOND: Commissioner Tyson

VOTE: UNANIMOUS (Commissioner Baggett abstained from voting).

(2) State Road 1823 to Rafter Road

Commissioner Baggett noted that only three people own property on this road; one is deceased, and one is a life estate. The life estate is Irene Eason. Her son Larry Eason did not receive notification of this name change. Mr. Baggett said he would like to allow some time for Mr. Larry Eason to have input on this matter.

MOTION: Commissioner Baggett moved to continue this hearing to September 20, 1999, 7:00PM, to allow Larry Eason to have some input on this road renaming.

SECOND: Commissioner King

VOTE: UNANIMOUS

M. Consideration of renaming Linden Road (SR 2814) to Flea Hill Road

in the Eastover Fire District

No Speakers

MOTION: Commissioner Warren moved to approve the renaming of Linden Road (SR 2814) to Flea Hill Road in the Eastover Fire District.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

N. Consideration of renaming Collard Street to Lords Acres in the Big Creek Fire District

Michael Osbourn, E911 Planning Coordinator, noted that seven of the eleven property owners voted in favor of naming the road Lords Acres. The other four residents voted for Royal Williams Road.

SPEAKERS:

1. John Masson: Property in and around this road has been in the Royal & Williams family for over 100 years. He thinks it appropriate to name the road after the two families.
2. Linda Masson. Ms. Masson was raised on this road and went to school in this area. She is the great, great, great granddaughter of Nathan A. Williams. Would like to see the road named Royal Williams Road to maintain their heritage.
3. Donald Royal: The road goes through his property. Supports the Royal Williams name.
4. Urella Orgega: Supports Royal Williams name.
5. Cleveland Overbee: This is his birthplace. Supports Royal Williams name.

MOTION: Commissioner Baggett moved to name the road Royal Williams.

SECOND: Commissioner Warren

VOTE: UNANIMOUS

Minimum Housing Cases:

0. Case No. MH533-98. Elijah and Janice Young - property located adjacent to 3830 Rocosso Place, Fayetteville, NC, PIN: 0434-41-0037

*Affidavit of the Housing Inspector's Report
Before the Board of Commissioners*

I, John Bernard, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

*PROPERTY OWNER: Elijah & Janice Young
PROPERTY ADDRESS: Next to 3830 Rocosco Place, Fayetteville, NC
PIN: 0434-41-0037*

SYNOPSIS: This property was inspected on 10/2/98. The property owner was legally served with Notice of Violations and was afforded a Hearing on 12/3/98. Mr. & Mrs. Young attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than march 16, 1999. The property owners were notified of the appeal procedures when they were served with Findings of Fact and Order. No appeal was filed. Upon my visit to the property on July 16, 1999 and today's date, no corrective action had been made to the structure. The structure is presently vacant and secured. In its present state, this structure constitutes a fire, health, and safety hazard. The estimated cost to repair this structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has this structure presently valued at \$0.

RECOMMENDATION: It is the recommendation of the Inspection Department that the structure be demolished and the debris removed from the lot.

SPEAKERS:

1. Elijah Young: (Owner) Mr. Young asked when Cumberland County came under a dictatorship, telling people how to use their property. He said he has owned this property all of his life. He said no one lives in this house; he uses it for storage. Again, accused the County of being a dictator. Mr. Young used abusive language toward the Minimum Housing Inspector for the County of Cumberland.

Commissioner Baggett asked if pictures were available on this property. Mr. Barnard noted the difficulty in getting on the property to take pictures.

Mr. Young responded he would take the building down; however he did not

know when he could do it as he is under a doctor's care.

MOTION: Commissioner Melvin moved to:

- adopt the order and report of the Minimum Housing Inspector as the true facts in this case;
- to order the property owner to remove or demolish the dwelling within 180 days;
- to order the Inspector to remove or demolish the dwelling if the owner fails to do so and impose a lien on the real property for the cost of such action; and
- direct the Clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.
-

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

Commissioner King stated he would like to see photographs of all properties in these Minimum Housing Cases, as it assists the Board in making decisions. Commissioner Warren said that if the Minimum Housing Inspectors need the assistance of a deputy to acquire these pictures, they should make a request to the Sheriff's Department. Chairman Bacote reiterated the need for pictures.

P. Case No. MH661-99. William P. Ray, 230 Hoke Loop Road, Fayetteville, NC, PIN: 9477-83-6962

*Affidavit of the Housing Inspector's Report
Before the Board of Commissioners*

I, Doyle W. Hubbard, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

PROPERTY OWNER: William P. Ray
PROPERTY ADDRESS: 230 Hoke Loop Road
PIN: 9477-83-6962

SYNOPSIS: This property was inspected on 3/18/99. The property owner was legally served with Notice of Violations and was afforded a hearing on 4/21/99. Mr. Ray did not attend the hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 6/5/99. The property owner was notified of the appeal procedures when served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 7/16/99 and today's date, no corrective action had

been made to the structure. The structure is presently vacant and secured. In its present state, this structure constitutes a fire, health and safety hazard. The estimated cost to repair this structure to a minimum for human habitation is \$4,000.00. The Assessor for Cumberland County has this structure presently valued at \$500.00.

RECOMMENDATION: It is the recommendation of the Inspection Department that the mobile home be demolished and the debris removed from the lot.

NO SPEAKERS

MOTION: Commissioner Melvin moved to

- adopt the order and report of the Minimum Housing Inspector as the true facts in this case;
- to order the property owner to remove or demolish the dwelling within 90 days;
- to order the Inspector to remove or demolish the dwelling, if the property owner fails to do so and impose a lien on the real property for the cost of such action; and
- direct the Clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

Board members reiterated the need for pictures.

Q. Case No. MH419-98. Ricky and Sherry Blackwell, 1956 Yarborough Road, Fayetteville, NC, PIN: 0420-55-5309

*Affidavit of the Housing Inspector's Report
Before the Board of Commissioners*

I, Doyle W. Hubbard, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

PROPERTY OWNER: Rickey & Sherry Blackwell
PROPERTY ADDRESS: 1956 Yarborough Road
PIN: 0420-55-5309

SYNOPSIS: This property was inspected on 4/3/98. The property owner was legally served with Notice of Violations and was afforded a hearing on 6/9/98. Mr. & Mrs. Blackwell did attend the Hearing. It was ordered that

the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 8/9/98. The property owner was notified of the appeal procedures when served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 7/16/99 and today's date, 90% of the structure has been torn down and most of the debris removed from the property. The structure is presently vacant and unsecured. In its present state, this structure constitutes a fire, health and safety hazard. The estimated cost to repair this structure to a minimum for human habitation is \$35,000.00. The Assessor for Cumberland County has this structure presently valued at \$1,492.00.

RECOMMENDATION: It is the recommendation of the Inspection Department that the mobile home be demolished and the debris removed from the lot.

SPEAKERS:

1. Rickey Blackwell (owner): Mr. Blackwell said he has torn down all of the building except an 8 x 10 foot structure he would like to use for storage. He noted he is in the process of cleaning up the debris on the lot.

MOTION: Commissioner Warren moved to

- adopt the order and report of the Minimum Housing Inspector as the true facts in this case;
- order the property owner to rehabilitate the 8' x 10' structure within 180 days;
- order the Inspector to rehabilitate the property or remove or demolish the dwelling if the owner fails to do and impose a lien on the real property for the cost of such action; and
- direct the Clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

R. Case No. MH242-97. Lorraine Adams and Telina S. Adams, RR 1, Box 146A, Hope Mills, NC, PIN: 0443-22-6923

*Affidavit of the Housing Inspector's Report
Before the Board of Commissioners*

I, Doyle W. Hubbard, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and

say:

PROPERTY OWNER: Lorraine Adams & Telina S. Adams
PROPERTY ADDRESS: RR 1, Box 146A, Hope Mills, NC
PIN: 0443-22-6923

SYNOPSIS: This property was inspected on 9/9/97. The property owner was legally served with Notice of Violations and was afforded a hearing on 1/6/99. Telina Adams did attend the Hearing and Ms Lorraine Adams did not attend the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 4/6/99. The property owner was notified of the appeal procedures when served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 7/16/99 and this date, no corrective action had been made to the structure. The structure is presently vacant and secured. In its present state, this structure constitutes a fire, health and safety hazard. The estimated cost to repair this structure to a minimum for human habitation is \$30,000.00. The Assessor for Cumberland County has this structure presently valued at \$3,320.00.

RECOMMENDATION: It is the recommendation of the Inspection Department that the Structure be demolished and the debris removed from the lot.

No Speakers

MOTION: Commissioner Melvin moved to

- adopt the order and report of the Minimum Housing Inspector as the true facts in this case;
- order the property owner to remove or demolish the dwelling within 90 days;
- order the Inspector to remove or demolish the dwelling if the owners fails to do so and impose a lien on the real property for the cost of such action; and
- direct the Clerk to incorporate the findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

S. Case No. MH643-99. Ray Johnson, 7080 Raeford Road, Fayetteville, NC, PIN: 9496-47-4953

This case was withdrawn by the Inspection Department because the owner has

come under compliance with the ordinance.

2. CONSENT AGENDA

MOTION: Commissioner King moved to follow staff recommendations on the items on the Consent Agenda.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

A. Approval of Minutes: August 2, 1999

ACTION: Approve

B. Approval of Bid Awards:

(1) Front loader refuse truck - Solid Waste Department

BACKGROUND: The following bids were received:

<u>Cavalier Equipment Company</u>	2000 Volvo WX64 w/EZ Pack	\$136,283.10
	2000 Mack MR688S w/ EZ Pack	\$139,269.75
<u>Central Carolina Trucks</u>	2000 Volvo WDX64 w/EZ Pack	\$139,202.00
<u>Triad Mack Sales</u>	200 Mack MR688S	\$138,754.19
<u>Southern Truck Service Inc.</u>	2000 Crane Carrier	\$147,932.00

ACTION: Award the bid to Cavalier Equipment Company in the amount of \$136,283.10.

(2) Pine Forest Recreation Center

BACKGROUND: Bids were received on August 4, 1999. (Attachment A to these Minutes).

ACTION: Award the bids as follows and approve associated budget revision (B00-078):

<i>General Construction</i>	<i>Ace Construction Company</i>	
\$417,150.00		
<i>Plumbing Construction</i>	<i>Town & Country Plumbing</i>	\$ 31,447.00
<i>Mechanical Construction</i>	<i>Bass Air Conditioning</i>	\$ 28,863.00
<i>Electrical Construction</i>	<i>Atkin's Electrical</i>	\$ 56,155.00

Note: The general construction bid includes a 3% contingency; the plumbing, mechanical and construction bids include a 5% contingency. An additional 3% unencumbered contingency in the amount of \$16,000 has been requested (included in the budget revision) for construction materials testing services and unforeseen conditions that may arise during construction.

C. Budget Revisions:

(1) Mental Health

- a. **General Support:** Increase in revenue/expenditures in the amount of \$25,586 for a new Patient Relations Representative IV position. Position required due to increased CAP services (B00-075) Funding Source - Fees
- b. **DD Child Outpatient:** Increase in revenue/expenditures in the amount of \$34,010 for a new Habilitation Specialist II position. Position required due to increased CAP services (B00-075A) Funding Source - Fees
- c. **DD Adult Outpatient:** Increase in revenue/expenditures in the amount of \$34,010 for a new Habilitation Specialist II position. Position required due to increased CAP services (B00-075B) Funding Source - Federal
- d. **Medical Services:** Revision to adjust physician salaries (B00-076) Funding Source - Fees
- e. **Alcohol Drug Women:** Revision in the amount of \$5,000 to roll forward funds allocated for the Maranatha Half Way House for Women (B00-079) Funding Source - Federal
- f. **ICF/HUD Homes:** Increase in revenue/expenditures in the amount of \$95,152 to recognize additional Medicaid revenue (B00-080) Funding Source - Federal

(2) Engineering: Revision in the amount of \$8,000 to appropriate fund balance to rebudget FY1998 design and construction administration services for the cooling tower and chiller at the main library (B00-077) Funding Source - County

(3) Recreation: Revision in the amount of \$650,000 to budget the Raeford Road Recreation Center to be built in conjunction with the new school as a result of the construction agreement with the

B. Cape Fear Valley Health System Board of Trustees (2 vacancies) and confirmation of Medical Society appointment.

MOTION: Commissioner Warren moved to appoint the nominees in Items B,C,&D by acclamation.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

Nominees: Dr. Sid Gautam
John C. Keefe (reappointment)
Dr. Zane Walsh (Medical Society appointment)

C. Cumberland County Industrial Financing and Pollution Control Financing Authority and the Cumberland County Financing Corporation (1 vacancy)

Nominee: Carol Downing

D. Joint Senior Citizens Advisory Board (2 vacancies)

Nominees: Jack Harnsberger
Katherine Marable

4. Request for matching funds to conduct a Natural Area Inventory of Cumberland County

BACKGROUND: The Cumberland County Conservancy, an affiliate of the Sandhills Area Land Trust, is requesting a \$10,000 appropriation from the County to help fund a Natural Area Inventory of Cumberland County. The County funds plus an equal amount being requested from the City of Fayetteville will be used to match a \$20,000 grant from the NC Natural Heritage Program. The Inventory will be conducted by the NC Division of Parks and Recreation. This is the first step in the process of developing a program of work and priorities for land protection by the Cumberland County Conservancy. The Inventory will identify significant natural heritage areas, including plant, animal and natural features, and will interface with the city/county GIS system. Once the Inventory has been completed, property owners can voluntarily apply for restrictive use of their property which may reduce the tax value on that land. This property will be held in a land trust. In addition, the Inventory will assist the County in providing information on environmentally sensitive areas which

the County may want to use.

ACTION: Approve the \$10,000 appropriation, contingent upon the Conservancy securing the additional \$10,000 needed to match the \$20,000 grant.

Commissioner Baggett inquired whether this would have any affect on our reservoir project. The County Manager indicated it would not affect the project, in fact it could help us with important environmental information that would be needed if the reservoir project goes forward.

MOTION: Commissioner King moved to approve the \$10,000 appropriation contingent on the Conservancy securing the additional \$10,000 to meet the match.

SECOND: Commissioner Blackwell

DISCUSSION: Commissioner Warren recognized Mr. Phil Crutchfield, a professional Biologist, who indicated this Inventory is very much needed.

VOTE: UNANIMOUS

5. Detention Center and Mental Health Facility Installment Payment Revenue Bond financing matters:

A. Consideration of additional underwriters

BACKGROUND: The County has been asked by the Department of the State Treasurer to consider adding local banks as underwriters for the \$50 million detention center bonds. Chairman Bacote recommends that the County add Wachovia and First Union Banks to our financing team and that the underwriters be assigned the following percentages:

Robinson Humphrey	50%
Jackson Securities	35%
Wachovia Bank	7.5%
First Union Bank	7.5%

ACTION: Consider the proposal to add two underwriters and the adjustment of participation rates.

MOTION: Commissioner King moved to approve Chairman Bacote's recommendation as noted above.

SECOND: Commissioner Baggett

DISCUSSION: Commissioner Blackwell noted that letter received from the Department of the State Treasurer suggested that "net designated" policy was the preferred policy in compensating firms for their sales. The letter suggests that "group net" policy, approved by the Board for this bond issue, causes the team to lose incentive to sell bonds because they know they will get an underwriting fee regardless of whether they add value to the transaction. Commissioner Blackwell suggested that the County should

change from "group net" to "net designated". Commissioner Warren noted that the percentages above reflect a 15% decrease in what Robinson Humphrey will receive. (At a previous meeting, the Board approved 65% for Robinson Humphrey and 35% for Jackson Securities). Commissioner Warren suggested the Board give Robinson Humphrey a management fee to compensate for this 15% loss, as they will do the lion's share of the work on this bond sale. In response to a question concerning how much time the Board has to consider this matter, Mr. Strassenburg, County Manager, said it is a decision that needs to be made right away as Staff will have to appear before the LGC on September 7, 1999 and everything has to be in place. The bonds will be sold on September 15, 1999. Mr. Strassenburg inquired as to the amount of a management fee, noting a previous fee of 50 cents per \$1,000 bond sold. Commissioner Warren said that would be satisfactory. Chairman Bacote noted that in the previous bond sale, Jackson Securities did not realize their fair share from the sale. Commissioner Blackwell noted that the County has indeed taken a positive step by increasing the participation for Jackson Securities in this transaction. In response to a question, Mr. Strassenburg stated that all of our past bond sales have been "net designated". Commissioner Blackwell said he could not discount the letter from Janice Burke in the State Treasurer's Office suggesting that the County should perhaps reconsider their decision to go with "group net" as opposed to "net designated". Commissioner King said he felt the letter came close to dictating local policy. He noted that under "net designated" lesser known companies don't get as much of the action as the big name companies. In response to a question, Amy Cannon, Finance Director, reiterated the importance of adding the two banks to our team. She said she believed we would get broader distribution.

SUBSTITUTE

MOTION: Commissioner Warren moved to

- add First Union and Wachovia Bank to our list of underwriters;
- approve the following percentages:

Robinson Humphrey	50%
Jackson Securities	35%
Wachovia	7.5%
First Union	7.5 %
- approve a management fee for Robinson Humphrey in the amount of 50 cents per \$1,000 bond sold

SECOND: Commissioner King

DISCUSSION: Commissioner Melvin noted that Jackson Securities only placed one order in the last bond issue and it was for their portfolio.

VOTE: UNANIMOUS

b. Consideration of calling a public hearing and approving a resolution authorizing the submission of a financing application to the NC Local Government Commission

BACKGROUND: Cumberland County proposes to finance construction of the new detention center and of the mental health facilities at Winding Creek by entering into an installment financing agreement for an amount not to exceed \$55,000,000.00. We expect construction bids for the detention center to be opened on August 18, 1999 and for the installment financing agreement to come before the Board at its September 7, 1999, meeting for its consideration. In order to maintain this schedule, the Board needs to consider calling a public hearing on the proposed financing and authorizing the County manager to submit to the NC Local Government Commission an application for approval of the installment financing agreement for an amount not to exceed \$55,000,000.00.

ACTION:

1. Set the public hearing for September 7, 1999, 9:00AM and adopt a Resolution authorizing the County Manager to submit an application for approval of the financing agreement.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Cumberland County Board of Commissioners will hold a public hearing on September 7, 1999, 9:00AM, in the Commissioners' Meeting room, Cumberland County Courthouse, 117 Dick Street, Fayetteville, North Carolina, or as soon thereafter as the hearing can be held. The hearing will address the financing by Cumberland County, North Carolina (the "County") of (a) the construction and equipping of a detention center, together with buildings for kitchen, laundry, infirmary and administrative uses and parking facilities related thereto, on a ten acre site on Worth Street in downtown Fayetteville, and (b) the acquisition, renovation and equipping of a mental health facility in the Winding Creek Office Building on a three acre site on Executive Place near downtown Fayetteville (the "Project"). The financing will be accomplished by the execution, delivery and performance of an installment financing agreement (the "Agreement") between the County and the Cumberland County Finance Corporation (the "Corporation") and the sale by the Corporation of revenue bonds payable from amounts received by the Corporation from installment payments paid by the County pursuant to the Agreement. The principal amount of the installment payment revenue bonds, which may be in one or more series, will not exceed \$55,000,000, including provision for the cost of issuance. Pursuant to N.C.G.S. 160A-20, the County's payments under the Agreement will be secured by a lien and security interest in the Project, but neither the Corporation's bonds nor the County's payments

under the Agreement are a debt or obligation of the County and no deficiency may be entered against the County for any breach of the Agreement. The County's entry into the Agreement must be approved by the North Carolina Local Government Commission. All persons interested in this public hearing, including the financing and Agreement, are encouraged to attend and express their view.

RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS
AUTHORIZING THE MANAGER TO SUBMIT FINANCING APPLICATION TO THE
NC LOCAL GOVERNMENT COMMISSION

WHEREAS, the County proposes (a) the construction and equipping of a detention center, together with buildings for kitchen, laundry, infirmary and administrative uses and parking facilities related thereto, on a ten acre site on Worth Street in downtown Fayetteville, and (b) the acquisition, renovation and equipping of a mental health facility in the Winding Creek Office Building on a three acre site on Executive Place near downtown Fayetteville (the "Project"), to be financed by the execution, delivery and performance of an installment financing agreement (the "Agreement") between the County and the Cumberland County Finance Corporation (the "corporation") and the sale by the Corporation of revenue bonds in an amount not to exceed \$55,000,000.00, payable from amounts received by the Corporation from installment payments paid by the County pursuant to the Agreement; and

WHEREAS, the Board of Commissioners has called a public hearing with respect to such financing for the Project,

NOW, THEREFORE, the Cumberland County Board of Commissioners authorizes and directs the County Manager, the County Finance Director, and other appropriate officers of the County, to prepare and submit to the NC Local Government Commission an application for approval of such financing as described above for the Project in an amount not to exceed \$55,000,000.00, and the actions of the County Manager, County Finance Director and other officers of the County in connection therewith are hereby ratified, approved and confirmed.

MOTION: Commissioner King moved to approve the Public Hearing for September 7, 1999, 9:00AM and the Resolution Authorizing the Manager to submit a Financing Application to the North Carolina Local Government Commission, as noted above.

SECOND: Commissioner Melvin

DISCUSSION: Commissioner Blackwell noted that we are authorizing up to \$55,000,000 and we have not yet received the bids on the projects. In

addition, he noted the detention center project is estimated for \$50,000,000. The Manager noted the estimate for the detention center is \$50,000,000 and that we have to put in a figure we know the bids for both projects (the detention center and the Winding Creek Project) will not exceed. Commissioner Blackwell asked the Minutes to reflect that he has not in the past and does not now support the Winding Creek Project portion of this bond and therefore could not vote in favor of this motion; however he does support the bonds for the detention center. He inquired if we could separate the two projects so he could vote for the detention center and not the Winding Creek. In addition he noted he is supportive of holding the Public Hearing on this matter. Commissioner King noted his motion included approval of the Public Hearing and the Resolution authorizing the Manager to file the application (includes both projects).

VOTE: FAVOR: Commissioners Tyson, Melvin, Bacote, Warren, Baggett, King
OPPOSED: Commissioner Blackwell (noting his approval of the bonds for the detention center and the public hearing)

6. Consideration of approval of proposed revisions to the Cumberland County Flood Damage Prevention Ordinance

BACKGROUND: Proposed revisions to the ordinance are summarized below:

- Revisions to terminology throughout the ordinance to incorporate revisions to the National Flood Insurance Program, Code of federal Regulations, Title 44, Section 59, from which our current ordinance was originally adopted;
- The addition of the term "cumulative substantial improvement" to comply with requirements for a repetitive loss community in the Community Rating System (CRS). Cumberland County voluntarily participates in the CRS so that residents can obtain flood insurance at a reduced premium.
- Corrections of typographic and reference errors.
- Clarification of the appeal process in Section 6.5-55 and the term "misdemeanor" in Section 6.5-56 and as recommended by the Institute of Government.
- Expanded language in Section 6.5-22 as recommended by the NC Emergency Management Agency to include adoption or exclusion of official jurisdictional changes as they occur.
- Clarifications regarding the certification requirements for attendant utilities of structures placed in a special flood hazard area (SFHA).

- Clarifications regarding the certification requirements for structures placed in a SFHA that are elevated by means of compacted fill.

- Clarifications regarding the requirements for manufactured homes placed in a SFHA and references to the State Building Code.

ACTION: Approve the Amendments.

MOTION: Commissioner Baggett moved to approve.

SECOND: Commissioner King

VOTE: UNANIMOUS

7. Consideration of approval of funding for emergency repairs and replacement of Courthouse and LEC generators.

BACKGROUND: During a routine inspection of the emergency generators for the LEC, engine oil was discovered on the floor underneath one of the generators. A thorough inspection of both generators revealed that fuel had leaked into the crankcase and had diluted the engine oil while in operation during a power outage. The diluted engine oil could cause an explosion or the engine to seize, rendering them useless. These generators are 25 plus years old make it impossible or very difficult to find replacement parts. These generators back up the 911 System, Sheriff's Dispatch, Emergency Management and the Jail. Because these are life safety operations, these generators should be replaced to advert any potential loss of life. Replacement generators will take about 70 days to obtain and temporary rental generators have been connected. Although the existing generators are deemed unreliable for emergency services operations, the units could be retrofitted for use in non-critical buildings. The motors have less than 400 operating hours and they are not considered to have reached their useful life until 8000 or more operating hours. Our generator serviceman recommends the generators be repaired as opposed to selling them for salvage value. The following is a breakdown of the costs:

Rental generators \$5,750/mo x 4 months	\$23,000
Retrofit existing generators	\$10,000
Replacement generators & installation	\$77,000
 Total	 \$110,000

The generator at the courthouse was inspected at the same time as the LEC's generators. It was discovered that this generator has similar problems, however, repair parts are still readily available because it is not the same manufacturer. The generator serviceman recommends that this unit be repaired. It will be necessary to rent a generator while it is being repaired. In addition, there is a need to provide emergency power backup

for the county mainframe computer and the new telephone PBX system. The existing emergency generator does not have the capacity to handle the additional electrical load and the installation of a separate generator is required. The following is a breakdown of the costs:

Rental generator \$5,500 x 1 month	\$ 5,500
Repair existing generator	\$ 2,500
125 KW generator & automatic transfer switch	\$31,000
Wiring	\$15,000
Engineering	\$ 5,000
TOTAL	\$59,000

An appropriation of \$169,000 would be required from the General Fund Balance for the emergency generator needs for the Courthouse and Law Enforcement Center.

ACTION: Appropriate \$169,000 from the General Fund Balance to make necessary repairs and approve associated budget revision (B00-082).

MOTION: Commissioner Warren moved to approve.

SECOND: Commissioner King

VOTE: UNANIMOUS

8. Consideration of approval of Franchise Ordinances and Lease Agreements for Baldwin School Park and E. Melvin Honeycutt Elementary School Park concessionaire services - 2nd reading

BACKGROUND: The Board approved the 1st reading of these Franchise Ordinances on August 2, 1999.

ACTION: Approve the 2nd reading.

MOTION: Commissioner Warren moved to approve.

SECOND: Commissioner King

VOTE: UNANIMOUS

9. Discussion of the process for replacing key personnel

BACKGROUND: Commissioner King requested this matter be placed on the Agenda for discussion. Commissioner King noted that the County has some key people who will be retiring in the not too distant future, namely the County Manager, in addition to some other key positions that need to be filled in other departments. Mr. King suggested the County should be thinking about the process of how these positions will be filled. Cliff

Strassenburg, County Manager, noted he is eligible for retirement, but is not yet in a position to retire and at this point cannot provide a date. Mr. Strassenburg stated he has been in public service since 1963. He also said he would give ample notice once he determines his retirement date. Commissioner Baggett suggested that perhaps this is an item the Personnel Committee could discuss. He also said he hoped it would be a long time before Mr. Strassenburg retires.

Commissioner King agreed that this is something the Board could refer to the Personnel Committee at the appropriate time.

MOTION: Chairman Bacote moved to give Mr. Strassenburg a vote of confidence.

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

10. **CLOSED SESSION: Personnel and Attorney Client Matters**

MOTION: Commissioner Blackwell moved to go into Closed Session to discuss a

Personnel matter and attorney client matters.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

MOTION: Commissioner Melvin moved to go back into Regular Session.

SECOND: Commissioner Warren

VOTE: UNANIMOUS

MOTION: Chairman Bacote moved to increase the County Attorney's salary to \$89,000.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

MEETING ADJOURNED: 10:30PM

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Page last updated 4/22/00