
Minutes
Cumberland County Board of Commissioners
October 18, 1999, 7:00PM
Regular/Rezoning Meeting

PRESENT: 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

ABSENT: Chairman Tom Bacote

INVOCATION: Commissioner J. Lee Warren, Jr.
PLEDGE OF ALLEGIANCE

AMENDMENTS TO AGENDA:

1. Rezoning Case P99-69 will be considered as a contested case.
2. Item #5 will be moved to the end of the Agenda and the Board will go into Closed Session for an Economic Development matter.

1. PUBLIC HEARINGS

Uncontested Cases:

Upon finding the requests to be reasonable, neither arbitrary or unduly discriminatory, and in the best interest of the public and that conditions imposed on the conditional use overlay districts are reasonable, neither arbitrary or unduly discriminatory and in the public interest, the following motion was offered for the Uncontested Cases:

MOTION: Commissioner King moved to follow the recommendations of the Planning Board on Uncontested Cases A,B,C,D,F,&G.

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

A. Case P99-61. Conditional Use Overlay District to allow one house and two mobile homes for Residential Use on the same parcel in an A1 Agriculture District on the east side of Carl Freeman Road, north of NC HWY 210, the property of James Brisson.

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

1. The person residing in the residence is to be of the immediate family (parent, wife, child brother or sister);
2. When there is a change of occupancy, the family member's name is to be submitted to the planning staff; and
3. There are to be no additional units placed on the site.

B. Case P99-64. Conditional Use Overlay District to allow an automobile washing facility in a C1 Local Business District at 3631 Boone Trail, the property of E.M. & Fay Snead.

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

1. Any lighting used to illuminate the site is to be directed away from adjacent properties and to the interior of the lot;
2. The signage for this development is to comply with applicable sign regulations as set forth in Article IX of the County Zoning Ordinance for C1 Local Business District zoning, and proper permits be obtained prior to the installation of any permanent signs on the property;
3. The hours of operation be limited to 6:00AM to 11:30PM;
4. Car washes as a primary use shall be limited to a maximum of four bays. Each may be a combination of automatic and self-service car washes; however, only one of the bays may be devoted to an automatic car wash;
5. Automatic car washes that are able to wash a series of cars in

tandem shall not be allowed ;

6. Stacking lanes with capacity of up to three vehicles shall be provided for vehicles waiting to use automatic car wash facilities and two vehicles per bay for self-service car washes;

7. No storage, repair or servicing of vehicles shall be allowed within the car washing facility;

8. The associated lanes and driveways shall be covered with an all-weather surface. Provisions shall be made for an on-site drainage system to capture water used to wash vehicles. The storm drainage plan shall be evaluated to determine that water from the facility will not have a detrimental effect on adjacent property or streets;

9. The facility shall be designed to allow adequate traffic flow for cars to enter and exit the facility safely. No portion of an exit or an entrance shall be less than 50 feet from the right of way of an intersection;

10. The use shall provide a safe access to the street only through defined driveway locations;

11. Buffering shall be provided in accordance with Section 7.27 of the Cumberland County Zoning Ordinance;

12. Parked or waiting vehicles may not block sidewalks, driveways or streets;

13. Single-bay facilities with automated brushes and multiple-bay self service facilities shall provide an area for the parking of one car per bay to be used as a dry down area.

C. Case P99-67. Conditional Use Overlay District to allow a warehouse for the storage of acoustical ceiling panels and grids in a R10 Residential District, north of Cameron Road, south of Elk Mill Road, the property of Steve & Peggy Jacobs.

The Planning Board recommends approval of the Overlay District.

D. Case P99-68. Rezoning from A1 Agriculture to R40A Residential or to a more restrictive zoning district on the east side of John Hall Road, north of Tabor Church Road, the property of Arnold and Lora Jones.

The Planning Board recommends approval of R40A.

F. Case P99-70. Rezoning from R10 Residential to R6 Residential or to a more restrictive zoning district, west of Marykirk Drive, the property of Raymond Carroll Thomas & James & Linda Kizer.

The Planning Board recommends approval of R6.

G. Case P99-71. Rezoning from A1 Agricultural to RR Rural Residential or to a more restrictive zoning district on the north side of James Dail Road, the property of Wallace Baggett.

The Planning Board recommends approval of RR.

Contested Rezoning Case

H. Case P99-66. Rezoning from RR Rural Residential to C1 Local Business or to a more restrictive zoning district on the northern intersection of Maxwell Road and NC HWY 24, property of Lacie Tew.

The Planning Board recommends denial of C1 and approval of HS(P) Planned Highway Service District.

SPEAKERS:

1. John Lennon: Mr. Lennon stated he is president of Lennon Oil Company and he wishes to build a convenience store at this location. He said he has been in this business for years. This store will provide fueling lanes as well as a Subway shop. He noted there are no convenience stores within several miles of this location. He reviewed a site plan which includes the possible location of HWY 24.

Commissioner Baggett inquired how far this establishment would be from the Cape Fear High School complex, to include the Middle School and County Library, and the proposed Veteran's Park. Mr. Lennon said he thought it was about a mile. Commissioner Baggett said his concern was this establishment could become a hang-out for students if not properly managed. He asked that the owner work closely with the schools to assure this would not be a problem.

Commissioner Warren inquired how many stores Mr. Lennon has. Mr. Lennon said he just recently sold 22 of his stores to The Pantry. He said he still supplies three stores today. He noted that Mr. Ray Bean would own and manage this store.

2. Ray Bean: Mr. Bean said he has had experience in the operation of a business of this type for 23 years. He noted he wants to

go into business for himself. He said this would be a first class operation. He noted there would be two employees on the premises at all times and he would work with the schools in the area to assure his business would not cause a problem.

MOTION: Commissioner Blackwell moved to approve HS(P).

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

E. Case P99-69. Rezoning from PND Planned Neighborhood to C1 Local Business or to a more restrictive zoning district at 759 McArthur Road, the property of Chalmers & Margaret Collier.

The Planning Board recommends denial of C1 and approval of O&I.

SPEAKERS:

1. Mr. David Collier. Mr. Collier is representing his mother who is the sole owner of this property. He said the C1 rezoning would give them more options in marketing the property. He asked the Commissioners to consider the C1 request.

2. Mr. Billy Byrd: Mr. Byrd is a neighbor. He noted the neighbors in the area have no objection to rezoning this property C1.

MOTION: Commissioner Warren moved to approve the C1 rezoning request.

SECOND: Commissioner Blackwell

DISCUSSION: Commissioner King noted that the petitioner said he could live with the O&I rezoning, approved by the Planning Board. In response, Mr. Collier noted he did say that, but the C1 would give them more options in utilizing the property, and his Mother would much prefer the C1. Commissioner Blackwell noted the following businesses in this area, i.e, car repair, barber shop, dental clinic, welding shop, well service business, etc. Commissioner Baggett pointed out this area has become a thoroughfare and is not a quiet neighborhood anymore. He said he thought the C1 was reasonable under these circumstances. Commissioner King pointed out the Planning Board voted unanimously to rezone to O&I.

VOTE: **FAVOR:** Commissioners Warren, Blackwell, Melvin, Tyson, Baggett

OPPOSED: Commissioner King

Street Renaming:

I. Renaming of Yellow Bell Drive to Little Lake Drive within the Cotton Fire District.

BACKGROUND: A petition was submitted to rename Yellow Bell Drive to Little Lake Drive. The Cotton Fire Department was contacted and had no comment as to the proposed name. The property owners have been notified. Three of six owners responded, two were in favor of Little Lake Drive, with one in opposition.

SPEAKERS:

1. Steve Autry: Supports the renaming to Little Lake Drive.
2. Geddie Autry: Supports the renaming to Little Lake Drive.

MOTION: Commissioner King moved to approve renaming of Yellow Bell Drive to Little Lake Drive, within the Cotton Fire District.

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

J. Renaming Northwest portion of Sisk Culbreth Road to Royal Street within the Godwin/Falcon Fire District.

BACKGROUND: A petition has been received to rename the northwest portion of Sisk Culbreth Road to Royal Street. Property owners abutting the road have been notified. The Planning Department notes that 4 of the 8 owners have responded with 4 opposing the name change and 1 in favor.

SPEAKERS:

1. Joe Ezzell: Mr. Ezzell said he is not clear why there has been a request to change the name. He noted he has had a business on this road for 25 years. A name change would cost him time and money. Does not care if the name is changed within the Godwin town limits; however, is opposed to changing the name in the county portion.
2. Mr. James Lucas: Opposed to name change.
3. Mr. Rufus Tart: Opposed to name change.

MOTION: Commissioner Baggett moved to retain the name of Sisk Culbreth Road for the portion outside the town limits of Godwin, noting the Town of Godwin would have to take action to change the name within their city limits.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

K. Renaming of a portion of Sapona Road (SR2000) to Sunnyside School Road within the Vander Fire District.

BACKGROUND: A petition has been received to consider renaming a portion of Sapona Road, east of Hughes Road within the Vander Fire District. A representative of the Vander Fire Department said they would prefer the name to remain Sapona Road.

Ninety-two of 105 people responded to a survey letter regarding name preference. Twenty-two people liked Old Cotton Gin Road, 10 liked Pleasant Grove road, 46 liked Sunnyside School Road, 6 liked Pleasant Grove Church Road, and 6 liked Sapona Road.

SPEAKERS:

1. Pat Allen: Supports the name change to Sunnyside School Road.

MOTION: Commissioner Warren moved to support renaming Sapona Road east of Hughes Road to Sunnyside School Road.

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

Minimum Housing Hearing

L. MH679-99. Property of Thomas J. Roberts, 4766 South Main Street, Hope Mills, NC. PIN 0413-86-9608

Affidavit of the Housing Inspector's Report: *I, Kim Reeves, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:*

PROPERTY OWNER: Thomas J. Roberts

PROPERTY ADDRESS: 4766 South Main Street, Hope Mills, NC (1973 Skyline 12x66

mobile home) VIN 0112494G.

TAX PARCEL IDENTIFICATION NUMBER: 0413-86-9608

SYNOPSIS: This property was inspected on 4/22/99. The property owner was legally served with Notice of Violations and was afforded a hearing on 5/19/99. Mr. Roberts 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 8/19/99. The property owner was notified of the appeal procedures when he was served with the Findings of Fact and Order. No appeal was filed.

Upon my visit to the property on 10/6/99 and today's date, no corrective action had been made to the structure. No permits have been obtained from our office, or the Health Department, and the owner has failed to list the mobile home for property taxes. The structure is presently vacant and reasonably secured (doors secured, some windows open). 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 \$6,800.00. The Assessor for Cumberland County has this mobile home presently valued at \$1,500.

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

SPEAKERS:

1. Thomas Roberts. Mr. Roberts noted there are actually three buildings on this property. He said he is trying to bring them up to code; however, he is doing one at a time. At this point, he has replaced the plywood throughout the home and has new sheet rock over ½ of the residence. He said he has bought appliances but they are not in the house. He noted he would need about 4 more months to complete the project. He said he could not work on it daily because of his job.

Commissioner Blackwell asked why he did not attend the hearing at the Inspection Department. He said it slipped his mind. Mr. Blackwell noted the hearing would have been an opportunity for Mr. Roberts to make his case.

MOTION: Commissioner Warren moved to:

- adopt the order & report of the Minimum Housing Inspector as the true facts in this case;
- delay a decision on the case until April 3, 2000 in

order to give the owner time to get the house up to code.

SECOND: Commissioner Tyson

DISCUSSION: Commissioner King asked Kim Reeves, Minimum Housing Inspector, about her description of the property as opposed to Mr. Robert's version that he is making progress on the building. Ms. Reeves said she has not been able to get into the building to verify improvements. She said every time she makes an appointment to go through the house, no one shows up; therefore she cannot verify what work has been done on the inside. She also noted she has been dealing with Ms. Emma Myers (Mr. Roberts' girlfriend) as he is not available. Ms. Reeves said there is debris all over the lot. Ms. Reeves said she has tried at least 15 times to make contact so she can look at the house, to no avail. Commissioner Tyson stated to Mr. Roberts that the County is trying to help him by giving him more time; however, he asked Mr. Roberts if he could make it possible for our Minimum Housing Inspector to have access to the property to verify improvements. Mr. Roberts indicated he would cooperate in making the property accessible to Ms. Reeves (in March, 2000), before the Board considers this case again.

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

2. CONSENT AGENDA

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

SECOND: Commissioner Tyson

DISCUSSION: Commissioner Blackwell asked that the record reflect that although he is voting in the affirmative, he does not support the budget revision dealing with an increase in budget for the Winding Creek building, specifically.

VOTE: **UNANIMOUS**

A. Approval of Minutes: October 4, 1999

ACTION: Approve

B. Approval of the Cumberland County Work Force Investment Act Five-Year Strategic Local Area Plan.

BACKGROUND: The Work Force Investment Act (WIA) was signed into law

on August 7, 1998, which provides the framework for a unique work force preparation and employment system designed to meet both the needs of the nation's businesses and the needs of job seekers. The Work Force Development Center is the designated administrative entity to administer the WIA.

ACTION: Approve the Plan as recommended by the Work Force Development Board.

Mr. David McCune, Chairman of the Work Force Development Board, Mr. Pat Hurley, Work Force Development Staff and Mr. Glen McQueen, Chairman of ESC, noted the effective service provided to the citizens through their program.

C. Approval of a PWC utility easement for telecommunications termination enclosure at the County Health Center.

BACKGROUND: This utility easement allows erection of a telecommunications termination enclosure and associated cabling on the Health Center property. The building will be constructed of pre-cast concrete panels with an exposed aggregate finish similar to the Health Center. The building will serve as a terminal for fiber optic cable network which PWC has been installing throughout downtown Fayetteville. This system is an integral part of the County GIS.

ACTION: Approve the utility easement.

D. Approval of a Joint Census 2000 Resolution establishing a "Complete Count Committee".

BACKGROUND: A committee that was established to discuss preparations for the Census 2000 has concluded that a "Complete Count Committee" be established. A joint resolution to be adopted by the Board of Commissioners, the Board of Education and the Fayetteville City Council addresses the membership of the committee. This committee will plan and implement a comprehensive public awareness program to assure all residents of Cumberland County will be counted in the Census 2000.

ACTION: Adopt Resolution & authorize the Chairman to make the appointments.

RESOLUTION

WHEREAS, the Cumberland County Board of Commissioners, the Cumberland County Board of Education and the Fayetteville City Council are committed to the welfare of all the citizens of the City of Fayetteville and Cumberland County; and

WHEREAS, the Cumberland County Board of Commissioners, the Cumberland County Board of Education and the Fayetteville City Council understand a unique opportunity exists to participate in and influence the Census 2000; and

WHEREAS, in the spring of 2000, households across America will receive Census forms asking residents to take part in the decennial population tally that seeks to determine how many people live in the United States, who they are, where they live and how they live; and

WHEREAS, at stake in the Census 2000 are billions of dollars in federal aid as well as accurate political representation and influence for communities at the state and national levels; and

WHEREAS, Census data will also help local governmental bodies effectively and efficiently plan for the future.

NOW. THEREFORE, BE IT RESOLVED that in order to accomplish the goals of a more accurate and cost efficient Census 2000, and to ensure the citizens of Cumberland County, as well as the City of Fayetteville, receive all of the federal aid to which our community is entitled, the Cumberland County Board of Commissioners, the Cumberland County Board of Education and the Fayetteville City Council hereby take the following action:

1. The Cumberland County Board of Commissioners, the Cumberland County Board of Education and the Fayetteville City Council hereby appoint a CENSUS COMPLETE COUNTY COMMITTEE;
2. The CENSUS COMPLETE COUNT COMMITTEE shall be charged with working with the Census Bureau and its representatives, as well as all relevant local, state, federal and private agencies and organizations in promoting CENSUS 2000 to all of our People;
3. The COMPLETE COUNT COMMITTEE may provide assistance to the Census Bureau to recruit temporary employees;
4. The COMPLETE COUNT COMMITTEE shall make every effort to develop outreach and public awareness activities particularly designed

to meet the needs of all residents and to reach those citizens considered "hard to enumerate";

5. The COMPLETE COUNT COMMITTEE shall encourage every resident to accurately complete the Census Questionnaire and promptly return it by mail;

6. The COMPLETE COUNT COMMITTEE shall initially be composed of three (3) representatives from each of the three governing bodies jointly authorizing this Resolution;

7. The COMPLETE COUNT COMMITTEE shall also be authorized by each governing body to expand its number as deemed necessary, to include representatives from all other local municipal governing bodies, business and private industry as well as religious, socio-economic and community service agencies and organizations;

8. That appointments by the three governing boards to the initial COMPLETE COUNTY COMMITTEE shall be made within seven (7) days of the date of this Resolution and said COMMITTEE shall hold its first meeting no later than October 29, 1999; and

9. That April 1, 2000, be designated – CENSUS DAY in Cumberland County, North Carolina, as well as the City of Fayetteville, North Carolina.

E. Report on formal bid awards for \$100,000 or less approved by management.

BACKGROUND: The following bids were awarded:

1. Ammunition for Sheriff's Office – September 29, 1999:

Items 2-6: Awarded to Arrington in the amount of \$26,003

Items 1&7: Awarded to Jim's Gun Jobbery in the amount of \$7,910.30.

Note: The ammunition was jointly bid by the County and the City of Fayetteville.

BID TALLY: See Attachment A to these Minutes.

F. Approval of a Proclamation proclaiming October 23-31, 1999, RED RIBBON WEEK in Cumberland County.

BACKGROUND: The Cumberland County Coalition for Awareness, Resources & Education of Substances is asking the Board to proclaim October 23-31, Red Ribbon Week.

ACTION: Adopt proclamation.

PROCLAMATION

WHEREAS, alcohol and other drug abuse has been identified as one of the greatest threats to the future of our nation, and the 15 to 24 year old age group is dying at an alarming rate; and it is crucial that visible, unified preventative education efforts by community members are established to reduce the demand and use of drugs; and

WHEREAS, the National Family Partnership, the Partnership for a Drug-Free North Carolina and Cumberland County C.A.R.E.S. are sponsoring the NATIONAL RED RIBBON CAMPAIGN offering citizens the opportunity to display their dedication to a drug free lifestyle; and the National Red Ribbon Campaign will be held in every community in America during Red Ribbon Week; and

WHEREAS, business, government, law enforcement, schools, religious institutions, services organizations, youth, physicians, senior citizens, military, sports teams and individuals will pledge their faithfulness to a healthy drug free lifestyle; and Cumberland County commits its resources to ensure the success of the Red Ribbon Campaign;

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners does hereby proclaim October 23 –31, 1999, RED RIBBON WEEK, and encourages all citizens to participate in drug prevention education activities, as a visible statement that we are strongly committed to a drug free community.

G. Approval of a resolution requesting Cumberland County receive its share of State Lead Regional Organization Funding.

BACKGROUND: The NC General Assembly passed legislation appropriating State funds to Lead Regional Organizations for development assistance to local governments.

ACTION: Adopt Resolution requesting the funds be released to Mid Carolina Council of Governments.

RESOLUTION

WHEREAS, Lead Regional Organizations have established productive voluntary working relationships with municipalities and counties across North Carolina; and

WHEREAS, the 1999 General Assembly recognized this relationship through the appropriation of \$990,000, or each year of the biennium to help Lead Regional Organizations assist local governments with grant applications, economic development, community development, and to support local industrial development activities and other activities as deemed appropriate by local governments; and

WHEREAS, these funds are not intended to be used for payment of member dues or assessments to a Lead Regional Organization or to supplant funds appropriated by the member governments; and

WHEREAS, in the event a request is not made by the County of Cumberland for release of these funds to the Lead Regional Organization, the available funds will revert to the State's general fund; and

WHEREAS, in Region "M", funds in the amount of \$55,000 will be used for local technical assistance and other local economic development projects.

NOW, THEREFORE BE IT RESOLVED that the Cumberland County Board of Commissioners requests the release of its share of these funds, \$25,525.48, to Mid Carolina Council of Governments at the earliest possible time in accordance with the provisions of state law.

H. Budget Revisions:

(1) Library

- a. Revision to reclassify one full-time Library Technician position into three part-time Library Technician positions allowing for simplified scheduling (B00-130) Funding Source – County**
- b. Increase in revenue/expenditures in the amount of \$1,895 to budget Cumberland Community Foundation, Inc. grant to purchase software (B00-174) Funding Source – Grant**

(2) NC Elderly Handicapped Transportation: Decrease in revenue & expenditures in the amount of \$96,897 to adjust budget to reflect EDTAP state budget (B00-178) Funding Source – State

(3) Health

a. Pharmacy: Increase in revenue/expenditures in the amount of \$126,480 to recognize additional fees to be earned (B00-179) funding Source – Fees

b. Child Service Coordination: Revision in the amount of \$7,500 to appropriate fund balance to recognize escrow Medicaid Title 19 earnings to be used for interpreter services (b00-185) Funding Source – State

c. Maternity Clinic: Revision in the amount of \$7,500 to appropriate fund balance to recognize escrow Medicaid Title 19 earnings to be used for interpreter services (B00-186) Funding Source – State

d. Immunization: Revision to increase expenditures for drugs \$28,000 by using lapsed salaries and to recognize additional fees to be earned (\$23,700) (B00-180) Funding Source – Fees

(4) Work Force Development: Increase in revenue/ expenditures in the amount of \$432,000 to budget for new Emergency Disaster Relief funds (B00-187) Funding Source – Federal

(5) Detention Facility/Winding Creek/General Fund: Revision to recognize proceeds from the sale of COPS; to adjust project expenditures to actual; to approve the associated Capital Project Ordinance for the detention facility; to reimburse the General Fund for prior up front costs; and to budget for replacement of financial software (B00-201,202,202A) Funding Source – COPS and County

(6) General Government/Civic Center: Revision in the amount of \$45,000 to transfer funds to the Civic Center for expenses associated with marketing and hosting an all star hockey game (B00-198&198A) Funding Source – County

REGULAR AGENDA

3. Nominations to Housing Appeals Board (2 vacancies)

BACKGROUND: The following vacancies exist:

James E Stinson (regular member)	Did not accept his reappointment
Susan Mills position from	Was appointed to regular member Alternate position.

Nominees:

Commissioner Blackwell nominated Simpson Burton (alternate member) to fill Mr. Stinson's position (regular member). He also nominated Mary Raynor to fill Susan Mills' position and Glen McKeithan to fill Mr. Burton's position. Commissioner King nominated Barry Bullock to fill one of the alternate positions (Mills or McKeithan).

4. Presentation by Cumberland County Fire Chiefs' Association

BACKGROUND: The Fire Chief's Association made a presentation on the operation of and services provided by our county volunteer fire departments. Mark Barnes, Fire Chief of the Westarea Fire Department, made the presentation. Some of the major points in the presentation:

- we have over 600 volunteer firefighters in Cumberland County;
- services provided include fire prevention, fire suppression, emergency medical services, rescue and hazardous materials response;
- volunteers answered a total of 8,817 calls in 1998;
- firefighters completed 144,000 hours of training in 1998 (time spent training is volunteered time);

- most departments require each member to maintain a minimum of 240 hours of training annually;
- funding sources include 10 cents per \$100 property valuation, fund raisers, and contracts to provide service in specific areas within the city limits of Fayetteville;
- if volunteers did not volunteer, it would take 6 persons to staff each county station, times three shifts;
- average reimbursement for volunteers is \$5.00 per call;
- reimbursement for 600 volunteers who make 300 calls a year @ \$5.00 a call equals \$900,000 as opposed to the cost of full time people which would be in excess of \$10,000,000, annually;
- other costs related to fire services are station maintenance, vehicle purchase, vehicle maintenance, utilities, training, & small tools and equipment;
- Cumberland County leads the state in fire protection services;
- Cumberland County has considerably lower I.S.O ratings than other comparable counties;
- the fire tax has stayed the same for 44 years;
- the total county fire budget for all stations for FY99 was \$5,137,883;
- reduction in our fire tax rate would affect staffing, response time and reduced services (EMS, Rescue, Hazardous Materials);
- reduction in the fire tax rate would affect insurance premiums, equipment maintenance, equipment purchases, and a decrease in fire prevention programs in schools and daycare facilities;
- the bottom line is our volunteers provide "service beyond the call of duty".
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The Board thanked the Cumberland County Volunteer Firefighters for their outstanding service to the citizens of this county.

5. Presentation on Advance Internet Technologies, Inc.

This item moved to the end of the agenda as a Closed Session item.

6. Consideration of a request for a sanitary sewer extension to serve the Kelly Hills/Slocumb Road area.

BACKGROUND: A petition has been received requesting county assistance in providing public sewer to serve this area. This area would clearly benefit from the extension of public sewer. However, due to topographic conditions, the cost of extending sewer to the area is substantial and exceeds the amount of funds currently available in the Water & Sewer Capital Reserve Fund. Furthermore, if the project was financed through special assessment, the amount of the individual assessment would be excessive and cost prohibitive. Community Development is reviewing the situation to determine if the area qualifies for financial assistance through the Block Grant Program. In all likelihood a combination of financial assistance sources will be needed in order to fund the sewer extension.

ACTION: If the Board wishes to address this matter, it is recommended that an engineering feasibility study be conducted to refine the cost and design of a system that would meet the needs of this area and that Community Development be directed to proceed with an income survey to see if they would qualify for some block grant funding.

Mr. James Fleming, a resident of the area, asked the Board to help them with their sewer problems.

MOTION: Commissioner Baggett moved to direct staff to move forward with the engineering feasibility study and further to direct our Community Development Department to conduct the income survey to see if the area would qualify for some block grant funding.

SECOND: Commissioner King

DISCUSSION: Commissioner Tyson asked Mr. Baggett to amend his motion to include the adoption of a Resolution asking for federal financial assistance to meet some critical public water and sanitary sewer needs in Cumberland County.

AMENDED

MOTION: Commissioner Baggett moved to direct staff to move forward with the engineering feasibility study, the income survey and adopt a resolution requesting federal financial assistance to meet our water and sewer needs.

SECOND: Commissioner King

VOTE: UNANIMOUS

RESOLUTION

WHEREAS, many areas of Cumberland County are not served by public water and sanitary sewer systems; and

WHEREAS, over 50,000 septic tanks exist in Cumberland County many of which are in various states of failure resulting in groundwater contamination and the potential for public health problems; and

WHEREAS, many county residents must depend on individual wells for water supply and many such wells are in danger of contamination from failing septic tanks; produce water laced with harmful and destructive minerals; and are running dry due to the depletion of subsurface aquifers; and

WHEREAS, Cumberland County is a low wealth county characterized by below average per capita income and comparatively low property tax base thereby rendering the county and its citizens ill equipped financially to provide critically needed public water and sanitary sewer infrastructure.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners requests the county's Congressional Delegation consisting of the members of the US House of Representatives serving Cumberland County and the members of the US Senate serving the State of North Carolina to secure on behalf of the citizens of Cumberland County financial assistance in the form of grants and/or low interest loans that may be available from the federal government to construct public water and sanitary sewer systems or to seek legislation to provide grants and/or low interest loans if such do not currently exist.

7. Consideration of approval of Change Order #2 for Wellons Construction, Cumberland Industrial Center Phase XI Improvements

BACKGROUND: This change order in the amount of \$30,419.59 involves replacing an existing 48" CMP culvert under Technology Drive with two 81"x59" CMPA culverts as determined by NCDOT. This is required as a condition for acceptance of Technology Drive into the State system for maintenance. The work will be done on a time & materials basis with a not to exceed amount of \$51,000. There is a current balance of \$20,580.41 in the contract with Wellons Construction and the additional \$30,419.59 is available in the contingency line item in the FY99 Industrial Park Budget; however, the funds were not appropriated in the FY00 budget.

ACTION: Approve Change Order #2 in the amount of \$30,419.59, revise the total contract amount to \$305,686.39 and approve associated budget revision (B00-200).

MOTION: Commissioner King moved to approve.

SECOND: Commissioner Warren
VOTE: UNANIMOUS

8. County Policy Committee Report and Recommendations

A. Legal action against businesses that fail to list.

BACKGROUND: Garrett Alexander, Tax Administrator, and the County Policy Committee recommend that a policy be adopted allowing his office to pursue legal action against businesses which fail to list personal property. At this time over 300 businesses have ignored their obligation to list their taxes. NCGS 105-308 makes the willful failure or refusal to list property for tax purposes within the time prescribed by law a Class 2 misdemeanor. Prior to the County taking legal action, these businesses will be given 30 days to comply; at the end of 30 days, the County will file charges. The businesses will receive notification of their responsibility to file through certified mail. If that mail is not accepted, the Sheriff's Office will deliver the notice to the property owner.

ACTION: Approve the policy to take legal action as noted above.

MOTION: Commissioner King moved to approve.
SECOND: Commissioner Blackwell
VOTE: UNANIMOUS

B. Revisions to the Tax Refund Policy

BACKGROUND: The Tax Administrator and the Policy Committee recommends an increase in the minimum amount refunded from \$2.00 to \$5.00.

ACTION: Approve the increase in the minimum tax refund policy from \$2.00 to \$5.01.

MOTION: Commissioner Blackwell moved to approve.
SECOND: Commissioner Tyson
VOTE: UNANIMOUS

C. Revisions to the Minimum Tax Bill Policy

BACKGROUND: The Tax Administrator and the Policy Committee

recommends an increase in the minimum tax bill from \$2.00 to \$5.00, effective July 1, 2000 for the tax year 2000-2001.

ACTION: Adopt Resolution

RESOLUTION

WHEREAS, NCGS 105-321(f) authorizes boards of commissioners to allow the County Tax Collector to treat as paid minimal tax bills in amounts less than it cost the county to send the bill up to an amount of five dollars (\$5.00);

WHEREAS, on August 21, 1995, the Cumberland County Board of Commissioners adopted a resolution directing the County Tax Collector to treat as fully paid minimal tax bills of two dollars or less; and

WHEREAS, the direct and indirect cost to Cumberland County for sending out an individual tax bill is at least five dollars; and

WHEREAS, it would be in the best interest of the county to treat these minimal tax bills as completely paid rather than to expend collection efforts on them.

NOW, THEREFORE BE IT RESOLVED by the Cumberland County Board of Commissioners that:

1. The Cumberland County Tax Collector is hereby directed to treat as fully paid minimal tax bills of five dollars or less;
2. This resolution shall be effective for tax bills beginning with the 2000-2001 tax year; and
3. This resolution shall remain in effect until amended or repealed by future resolution of the Board of Commissioners.

MOTION: Commissioner Warren moved to approve.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

5. CLOSED SESSION: Presentation on Advance Internet Technologies, Inc..

MOTION: Commissioner Warren moved to go into Closed Session to discuss

an economic development matter.

SECOND: Commissioner King
VOTE: UNANIMOUS

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

SECOND: Commissioner Tyson
VOTE: UNANIMOUS

MEETING ADJOURNED: 9:45PM

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