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**Minutes**  
**Cumberland County Board of Commissioners**  
**September 20, 1999, 7:00PM**  
**Regular/Rezoning Meeting**

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PRESENT: Chairman Tom Bacote  
Commissioner Talmage Baggett  
Commissioner Breeden Blackwell  
Commissioner Billy King  
Commissioner H Mac Tyson II  
Commissioner J. Lee Warren, Jr.  
Cliff Strassenburg, County Manager  
Juanita Pilgrim, Asst. County Manager  
Grainger Barrett, County Attorney  
Doug Canders, Staff Attorney  
Jerry Thomas, Planning Department  
Marsha Fogle, Clerk to the Board  
ABSENT: Commissioner Ed Melvin – Out of Town

INVOCATION: Commissioner Mac Tyson  
PLEDGE OF ALLEGIANCE

RECOGNITION: Board/Committee Members:

Marion Gillis-Olion – Joint Planning Board  
Barbara Malone – Board of Adjustment  
Clifton McNeill, Jr. – Board of Adjustment  
Mike Ratcliffe – WorkForce Development Board  
H.B. Smith, Jr. – Board of Adjustment  
Thurman Whitted – Industrial Facilities & Pollution Control  
Financing Authority

Eastover Allstars: Kimberly Page, Zan Parsek, Regina Lucas,  
Rebekah Lucas, Lauren Izzell, Ashley Coleman, Rebekah Byrd,  
Amanda Smith, Elizabeth Sykes, Chanel Ballard, Emmy Autry,  
Audrey Smith, Mack Page, Jeff McPhail, Mike Izzell,

Mental Health Center – National Accreditation  
Appearing: David Bruton, Secretary of the Department of Health  
& Human Services, Dr. John Baggett, Director of the Division of Mental  
Health, Developmental Disabilities & Substance Abuse Services and Elizabeth  
Carey. (Secretary Bruton noted that Cumberland and Johnston Counties are  
the only two counties in the State of North Carolina which have received  
National Accreditation).

Senator Tony Rand

Students from Webster University

Cliff Strassenburg, County Manager, noting opposition to Rezoning Case B, moved it to Contested Cases.

**1. PUBLIC HEARINGS:**

**Uncontested Rezoning Cases**

**Upon finding the requests to be reasonable, neither arbitrary or unduly discriminatory and in the public interest, and that the property within such proposed district is suitable for all uses permitted by the new classification, the following motion was made concerning the Uncontested Cases (Case A&C):**

**MOTION: Commissioner Warren moved to follow the recommendation of the Planning Board on the uncontested cases.**

**SECOND: Commissioner Baggett**

**VOTE: UNANIMOUS**

**A. Case P99-62. The Rezoning from C(P) Planned Commercial to R10 Residential or to a more restrictive zoning district at 2951 George Owen Road, the property of Wayne E. Egan..**

The Planning Board recommends approval of R10.

**C. Case P99-65. Revisions and amendments to the Cumberland County Subdivision Ordinance, Appendix B, Article III, General Requirements and Minimum Standards of Design, Section 3.16, Lots Subject to Flooding, by adding and deleting certain text to be consistent with the County Flood Damage Prevention Ordinance, and Article IV, Improvements Required, Section 4.3, Other Requirements, Item D. (2), to specify Little Rockfish Connection Fees.**

The Planning Board recommends approval of the revisions and amendments to the subdivision ordinance with changes as noted below:

*Section 3.16: "Any interpretation by the County Engineer may be appealed pursuant to Section 6.5-55 of the Flood Damage Prevention Ordinance."*

*Section 4.3: "Where any portion of a subdivision, group development, or mobile home park is within 1,000 feet of the Little Rockfish Creek-Bones Creek Sanitary Sewer Interceptor System that was funded by the County of Cumberland or is required to connect to this system based on any of the above regulations, the public utility shall be extended. Prior to all connections to the Little rockfish Creek-Bones Creek Sanitary Sewer Interceptor System and prior to issuance of any building permits, a connection fee must be made to the County of Cumberland to be administered by the County Engineering Department".*

*Add sixth condition as follows: "When determined by the County Engineer that the extension is not feasible, the County may accept a connection fee and waive the 1000-foot extension requirement. The County Engineer shall submit his written recommendation to the Planning Board".*

**Contested Rezoning Cases**

**B. Case P99-63. The rezoning from CD Conservancy and A1 Agricultural to M(P) Planned Industrial**

**or to a more restrictive zoning district on the south side of NC HWY 53-210, the south end of Vance West Road, and east side of Evans Dairy Road, the property of Cumberland County.**

The Planning Board recommends approval of M(P)

SPEAKERS:

1. Anna Carswell: Ms. Carswell questioned the necessity of rezoning the CD portion of this tract of land.

The County Manager noted the reason for rezoning the entire tract is it is easier to follow property lines. He also noted the County would not be able to develop in the wetland area.

Upon finding the request to be reasonable, neither arbitrary or unduly discriminatory and in the public interest, and that the property within such proposed district is suitable for all uses permitted by the new classification, the following motion was made:

**MOTION: Commissioner Baggett moved to approve the rezoning to M(P).**

**SECOND: Commissioner Warren**

**VOTE: UNANIMOUS**

**D. Case P99-44. The addition of a Conditional Use Overlay District to allow storage of equipment, materials and supplies in a C(P) Planned Commercial District on the northwest corner of Wilkes Road and East Jenkins Street, the property of Billy H. and Alice R. Barefoot.**

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

- *the site is to be developed in accordance with the site plan and application submitted;*
- *site-obscuring buffer is to be established and maintained between residential and commercially zoned districts (includes the fence walls along both sides of Mr. Hill's property);*
- *setback requirements are to be adhered to with the exception of the 10-foot variance granted in 1998; and a determination is to be made on accessory and permanent structures when determining setbacks (5 feet is required for accessory building);*
- *the storage containers and tractor/trailer may remain on site if certification is made by a professional engineer to the Inspections Department that the containers meet NC Building Code specifications.*

SPEAKERS:

1. Billy Barefoot: Owner of the Crane Service at this address. He asked the Board to approve the overlay so he can continue to operate his business.

Upon finding the request to be reasonable, neither arbitrary or unduly discriminatory, and the conditions and other performance criteria proposed to be imposed are reasonable, and in the public interest, the following motion was made:

**MOTION: Commissioner Blackwell moved to approve the recommendation of the**

**Planning Board.**

**SECOND: Commissioner King**

**DISCUSSION:** Commissioner Baggett noted he had visited the site and believed the Overlay District is appropriate. Chairman Bacote suggested that the Board approve an M(P) rezoning, as the area is commercial in nature. He suggested we ask the Planning Board to take a look at the Land Use and Zoning in the Wilkes Road area.

**AMENDED**

**MOTION:** Commissioner Blackwell moved to approve the recommendation of the Planning Board on Cases D&E, and ask the Planning Board to take a look at the land use and Zoning in the Wilkes Road area.

**SECOND: Commissioner King**

**VOTE: UNANIMOUS**

**E. Case P99-45. The addition of a Conditional Use Overlay District to allow open storage of equipment, materials and supplies in a C(P) Planned commercial District on the north side of Wilkes Road, the property of Billy H and Alice R. Barefoot**

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

- *the site is to be developed in accordance with the site plan and application submitted;*
- *site-obscuring buffer is to be established and maintained between residential and commercially zoned districts (includes the fence walls along both sides of Mr. Hill's property);*
- *setback requirements are to be adhered to with the exception of the 10-foot variance granted in 1998; and a determination is to be made on accessory and permanent structures when determining setbacks (5 feet is required for accessory building);*
- *the storage containers and tractor/trailer may remain on site if certification is made by a professional engineer to the Inspections Department that the containers meet NC Building Code specifications.*

Motion in Case D applies to E also.

**F. Case P99-54. The addition of a Conditional Use Overlay District to allow the sale of second-hand items in an Agricultural District on the west side of NC HWY 87, north of Smith Road, owned by Garry & Ortha Capasso.**

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

**SPEAKERS:**

1. Miriam Rogers (speaking for petitioner): Note: Ms. Rogers had to leave the meeting because she was scheduled to be admitted to the hospital, and was having breathing difficulties. She wrote the following note for the Board's consideration: "I'm sorry – I'm here but I'm sick and unable to stay. I have a lung disease and I'm having a great deal of difficulty in breathing. I'm being admitted to Cape Fear Sleep Center for test. If this can be heard next month that would be appreciated if not I understand – and I will abide by the Committee's decision. Thank you." Signed by Miriam Rogers. 486-5715.

2. Russell Attaberry: Opposed to the rezoning. Area is an eyesore. Needs to be

cleaned up. Cars park on the side of the road causing problems and potential opportunity for wrecks. In addition HWY 87 is in the process of being widened and then there will be a real parking problem. He said this business is not compatible with the neighborhood and is of no benefit to the public.

**MOTION:** Commissioner Warren moved to deny the rezoning request.

**SECOND:** Commissioner Blackwell

**DISCUSSION:** Commissioners Blackwell and Baggett said they visited the property, noting it is an eye sore and safety hazard.

**VOTE:** UNANIMOUS

**G. Case P99-59. The addition of a Conditional Use Overlay District to allow an electrical contracting business in an R10 Residential District at 245 West Mountain Drive, the property of Mark and Christy Ponder.**

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

**SPEAKERS:**

1. Lee Zuravel (Attorney, representing the petitioner, Mark Ponder): The petitioner wants to continue to operate an electrical contracting business out of his home. This use will not have an impact on the surrounding neighborhood. He plans to build no additional structures. Operating hours are from 7:30AM – 5:00PM. There will be a maximum of six employees. Some of these employees will drive to this location to receive their job assignments; cars will not be left on the premise. The petitioner will place a privacy fence along the property line at the back of the lot. He said this use is compatible with the other uses in the neighborhood, i.e., moving and storage business, D&J Motor Company, and Rainbow International. He urged the Board to approve the Overlay District and not stifle the growth of small business.

2. Duane Gilliam: Supports the rezoning request. Commissioners can put conditions on the Overlay District to address concerns of citizens in the area.

3. Tracy Cook (resident on Belair Street): Tracy Cook noted the entrance to this business is off of Belair Street. Also noted cars parked on the side of the road (employees vehicles) and delivery trucks coming and going. The ad in the newspaper for this business indicates 24 hour service. Very concerned that the business would lower property values in this residential area. Urged the board to deny the rezoning request.

4. Jennifer Beamon (2513 Belair Street) This business is right in her back yard. She noted the petitioner had agreed to put up a fence; however she is concerned that the business could make it difficult to sell her house, if she ever wanted to.

**REBUTTAL:** Lee Zuravel: Neighbors on the left and right side of Mr. Ponder have no objection to the rezoning.

Commissioner Blackwell asked Mr. Ponder if he lived at this residence. Mr. Ponder indicated he did. He said he bought the property because it had a storage building at the back so he could store his equipment. He said he wanted to keep his equipment/materials on the lot as he felt they would be more secure. Commissioner Tyson asked if there was ingress and egress from West Mountain Drive. Mr. Ponder indicated there was none. Commissioner Blackwell inquired

as to whether Mr. Ponder could relocate into a commercial zone. Mr. Ponder said he could not financially do so at this time. However, he indicated he could rent some space for the storage of equipment, trucks, etc.

Commissioner Tyson noted he had requested the County Manager to come up with some conditions that could be placed on site which would address some of the concerns. Upon statement of these conditions, Commissioner Tyson offered the following motion:

**MOTION:** Commissioner Tyson moved to approve the Overlay District with these additional conditions:

- property would be accessed from West Mountain Drive only;
- hours of operation are from 7:30 to 5:00PM;
- no on-street parking for employees or customers;
- no unloading or loading from Belair Street;
- no outside storage of equipment;
- privacy fence erected at back of lot (Belair Street);
- no retail sales
- no fabrication of components and no signs on property.

**MOTION DIED FOR LACK OF A SECOND**

**MOTION:** Chairman Bacote moved to deny the rezoning request.

**SECOND:** Commissioner King

**DISCUSSION:** Commissioner Baggett noted he had visited the site and even though it is a transitional neighborhood, was concerned about the issue discussed by Mrs. Beamon which was resale of property in the area. Commissioner Blackwell noted this was a tough case for him as he has a son about the same age as Mr. Ponder who operates a small business; however, he said his son knows he can't operate it out of his home. He questioned why Mr. Ponder was not aware of the zoning in the area. Mr. Ponder said he did not know he could not run the business out of his home when he bought this property.

**VOTE:** FAVOR: Commissioners Bacote, King, Blackwell, Baggett, Warren, Melvin

OPPOSED: Commissioner Tyson

H. Case P99-60. The rezoning from R6A Residential to M(P) Planned Industrial or to a more restrictive zoning district on the north side of Clinton Road, east of Cornelius Avenue, the property of Home and Joyce Bullock and Welbuilt Homes, Inc.

The Planning Board recommends approval of M(P).

Upon finding the request to be reasonable, neither arbitrary or unduly discriminatory and in the best interest, and that the property within such proposed district is suitable for all uses permitted by the new classification, the following motion was offered:

**MOTION:** Commissioner Blackwell moved to follow the recommendation of the Planning Board and approve the M(P).

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

## **Street Renaming**

### **I. Renaming of SR 1823 to Lonnie Matthews Road within the Godwin/Falcon Fire District.**

BACKGROUND: Staff identified SR 1823 (formerly known as Matthews Road) as a road to be renamed since it duplicated the existing Matthews Street within the City Limits. On March 27, 1990, the Board of Commissioners adopted SR 1823 as the official name because the residents and staff could not determine an acceptable name. The Board of Commissioners at their August 16, 1999 meeting requested staff to contact Larry Eason regarding the naming of SR 1823. Mr. Eason agrees to the name of Lonnie Matthews Road as an official name.

ACTION: Approve the name Lonnie Matthews Road.

SPEAKERS: None

**MOTION: Commissioner Baggett moved to approve the name.**

**SECOND: Commissioner King**

**VOTE: UNANIMOUS**

### **Other Public Hearings:**

### **J. Public Hearing regarding the use of funds for the Rural Operating Assistance Program.**

BACKGROUND: The program includes \$106,626 for Elderly and Disabled Transportation Assistance Funds and \$45,760 for Work First Transitional/Employment Funds. The application will be submitted to the NCDOT for final approval and allocation of funds. The application will be submitted after final approval of the Board of Commissioners scheduled for October 4, 1999. Funds will not be received until November 30, 1999.

**MOTION: Commissioner Tyson moved to accept this presentation as information.**

**SECOND: Commissioner Baggett**

**VOTE: UNANIMOUS**

### **K. Consolidated Annual Performance and Evaluation Report for Community Development.**

BACKGROUND: This report has been available for public review since September 13, 1999, and will be available through September 27, 1999. As a part of citizen participation requirements, a public hearing must be held to receive citizen input.

SPEAKERS: None

**MOTION: Commissioner Baggett moved to accept the report as information.**

**SECOND: Commissioner King**

**VOTE: UNANIMOUS**

### **L. Public Hearing on Industrial Revenue Bond Financing in an amount not to exceed \$7.5 million for Moore Machine Company.**

BACKGROUND: About two years ago, Moore Machine Company came before the Cumberland County Industrial Facilities & Pollution Control Financing Authority for the purpose of obtaining

initial approval for a \$3,000,000 Industrial Revenue Bond financing for a location in Cumberland County. The project has been under development for several years and the project scope has expanded and costs have increased. There is now a need for a higher dollar amount authorization up to \$7,500,000. On August 24, 1999, the authority approved an amended inducement agreement in the amount of \$7,500,000. A public hearing is required in order to increase the amount.

**SPEAKERS:**

1. Harry Whalen, President, FAEDC: Mr. Whalen asked the Board to support the increase in the bond financing as noted above. He told the Board this company continues to grow and provide substantial jobs to our citizens.

**ACTION:** Approve the resolution increasing the amount of the Plan of Financing.

**RESOLUTION**

**REAPPROVAL OF INDUSTRIAL PROJECT FOR E&R MOORE FAMILY LIMITED PARTNERSHIP AND MOORE'S MACHINE COMPANY OF FAYETTEVILLE, INC. AND APPROVAL OF THE PLAN OF FINANCING OF INDUSTRIAL REVENUE BONDS IN THE PRINCIPAL AMOUNT OF UP TO \$7,500,000**

WHEREAS, the Cumberland County Industrial Facilities and Pollution Control Financing Authority (the "Authority") has agreed to assist in the financing under the NC Industrial & Pollution Control Facilities Financing Act (the "Act") of an industrial project for E&R Moore Family Limited Partnership and Moore's Machine Company of Fayetteville, Inc. (collectively the "Company"), whereby the Company will acquire, rehabilitate and equip a facility for the manufacture of machine parts for original equipment manufacturers in Cumberland County (the "Project") and has indicated that agreement by the execution of an Inducement Agreement dated December 16, 1997 and an Amended and Restated Inducement Agreement dated August 24, 1999 (collectively, the "Agreement"); and

WHEREAS, the Authority has agreed to issue its bonds not to exceed \$7,500,000 Industrial Development Revenue Bonds (Moore Machine Company Project), Series 1999 (the "Bonds"), the proceeds of which will be loaned to the Company to finance the Project; and

WHEREAS, under Article 51B of Chapter 143 of the NC General Statutes, the North Carolina Federal Tax Reform Allocation Committee must allocate a sufficient amount of North Carolina's "volume cap," as defined in Section 146 of the Internal Revenue Code of 1986, as amended (the "Code") to the financing; and

WHEREAS, the Rules of Procedures of the NC Department of Commerce require that the governing body of a county approve in principle any project to be financed under the Act; and

WHEREAS, the Board of Commissioners is required under the code to hold a public hearing after publication of due notice regarding its approval of the plan of financing of the Bonds and has so done as shown by the Certificate of the Clerk;

WHEREAS, Section 147(f) of the Code requires that the Board of Commissioners approve the plan of financing for the Bonds; and

WHEREAS, the Authority intends to issue its Tax Exempt Adjustable Mode Industrial Development Revenue Bonds (Moore Machine Company Project); Series 1999 (the "bonds") in

the principal amount of not to exceed \$7,500,000 which is expected to be secured by a letter of credit issued initially by Wachovia Bank, N.A.; and

WHEREAS, under Section 159C-4 of the Act the issuance of bonds under the Act must be approved by the governing body of the county in which the project to be financed under the Act is located;

NOW, THEREFORE, the Board of Commissioners of Cumberland County, meeting in regular session at Fayetteville, North Carolina, on September 20, 1999, does the following:

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR CUMBERLAND COUNTY:

1. The proposed "industrial project" consisting of the acquisition, rehabilitation, and equipping of a facility for the manufacture of machine parts for original equipment manufacturers by Moore's Machine Company of Fayetteville, Inc., and E&R Moore Family Limited Partnership in Cumberland county and the issuance of bonds in an amount not to exceed \$7,500,000 therefor are hereby reapproved in principle.
2. The Board of Commissioners hereby requests the North Carolina Federal Tax Reform Allocation Committee to allocate up to \$7,500,000 of North Carolina's 1999 "volume cap," as defined above the financing of the Project.
3. The Board of Commissioners hereby approves and reapproves the plan of financing as required by Section 147(f) of the Code.
4. The Board of Commissioners hereby approves and reapproves the issuance of the Authority's Industrial Development revenue bonds (Moore Machine company Project), Series 1999 in the principal amount of not to exceed \$7,500,000 for purposes of Section 159C-4 of the Act.

**MOTION:** Commissioner Warren moved to approve.

**SECOND:** Commissioner Blackwell

**VOTE:** UNANIMOUS

## 2. CONSENT AGENDA

**MOTION:** Commissioner Warren moved to follow staff recommendation for the items on the Consent Agenda.

**SECOND:** Commissioner Tyson

**DISCUSSION:** Commissioner King inquired if Slocumb Road residents are eligible for funding as mentioned in Item 2J on this agenda. Ms. Wilson, Community Development Director, indicated they could apply if they meet the criteria.

**VOTE:** UNANIMOUS

- A. Approval of Minutes: August 30, 1999 (2 special meetings) & September 7, 1999

**ACTION:** Approve

- B. Approval of additions to the State Secondary Road System:

**Birch Creek Subdivision:** Davis Bynum Drive, Jacobs Creek Circle, Franzia Drive,

**Bolla Drive**

**Albert McCauley Subdivision: Saraya Drive**

**Eastover Village Subdivision: Mercedes Drive, Sara Lane, Sandpiper Road**

**Pinewood Subdivision: Atwood Terrace**

**C. Approval of a proposed turn lane at Ramsey Street for the DSS Building Project.**

BACKGROUND: The NCDOT proposes to construct a right turn lane on Ramsey Street between the new entrance to the DSS Administration Building and the Martin Luther King Jr. Freeway. The project will require ten feet of right of way across the county's property. NCDOT requests that Cumberland County donate the necessary right of way for the project. Pending acquisition of the right of way and signalization work at the railroad crossing, the turn lane is scheduled for construction in February/March 2000.

ACTION: Approve the dedication of ten feet of property along Ramsey Street to NCDOT.

**D. Approval of a proposed turn lane at Ramsey Street for the DSS Building Project.**

BACKGROUND: On June 7, 1999, the Board of Commissioners approved a utility easement for Carolina Telephone and Telegraph for the purpose of locating a telecommunication substation on the DSS Administration Building property. Subsequent to this action, Sprint discovered that the substation would be required to meet a 50 feet front yard setback from Hillsboro Street. The existing easement is 60 feet in debt and is not adequate to provide the required building setback. As such, Sprint is requesting the easement be increased to 60 feet wide by 80 feet deep. The location remains unchanged.

ACTION: Approve the revised utility easement as noted above.

**E. Approval of an amendment to the Cumberland County Hospital System, Incorporated, Articles of Incorporation**

BACKGROUND: The Board of Directors of Cumberland County Hospital System, Inc., d/b/s Cape Fear Valley Health System has approved amending its Articles of Incorporation, primarily to reflect additional representation of the medical community. The Board of Commissioners' approval is required for the amendment to become effective and be filed with the NC Secretary of State's Office.

ACTION: Approve the amended Articles of Incorporation

ARTICLES OF AMENDMENT  
OF  
CUMBERLAND COUNTY HOSPITAL SYSTEM, INC.

1.

The name of the corporation is CUMBERLAND COUNTY HOSPITAL SYSTEM, INC.

2.

The articles of incorporation of the Cumberland County Hospital System, Inc., as amended, are hereby further changed and amended in Article III, Article V, Article VI and Article IX, as follows:

A.

Article III is changed and amended to delete the reference in the first paragraph thereof to "Chapter 131" and to insert in lieu thereof "Chapter 131E."

B.

Article V is changed and amended to read in its entirety as follows:

ARTICLE V

The Board of Commissioners shall appoint twenty Trustees who shall be the directors of the Corporation. These Trustees shall direct the management of the Corporation, and perform the duties and have the responsibilities of corporate directors. All Trustees shall serve at the pleasure of the Board of Commissioners, which may declare the office of any and all Trustees vacant, and reappoint Trustees to fill such vacancies. No Trustee may be removed from office except for just cause.

The County Manager shall be a non-voting, ex officio member of the Board of Trustees.

The Board of Trustees shall be comprised of the following:

- a) Five medical doctors licensed to practice medicine in the State of North Carolina. The medical staff of Cumberland County Hospital System, Inc. shall nominate two of these physicians, and the Medical Society of Cumberland County shall nominate one other of these physicians. Such nominations shall not be binding upon the Board of Commissioners, but the Board of Commissioners shall give such nominations preferential consideration.
- b) Two nurses licensed to practice nursing in the State of North Carolina, who shall not be employees of the Hospital System.
- c) The seven members of the Board of Commissioners.
- d) Six at large members who shall be chosen from the citizens and residents of Cumberland County, North Carolina, who shall be eighteen years of age or older, and who shall demonstrate an interest in and concern for the quality of health care for Cumberland County's residents and the Corporation's patients.

The term of office for all Trustees shall be three years, provided, however, that each member of the Board of Commissioners shall serve during his or her term in office, and further provided that a Trustee appointed to fill an unexpired term shall serve the remainder of that term.

The terms of the members of the Board of Trustees shall be staggered, and appointments shall be made, so that approximately one-third of the Trustees' terms shall expire each year (other than members of the Board of Commissioners, who shall serve during his or her term in office).

All vacancies in the membership of the Board of Trustees by reason of death, resignation, or as otherwise provided by the By-laws, shall be immediately reported by the Board of Trustees to the Board of Commissioners. The Board of Commissioners shall fill such vacancies as soon as practicable by appointment for the remainder of the unexpired term only.

Except for the three Trustees nominated by the Medical Staff and the Medical Society, and the seven County Commissioners, the Board of Trustees may suggest to the Board of

County Commissioners the nomination of appropriate persons for the Office of Trustee when any such Office may become open from time to time, for whatever reason.

No person (except members of the Board of Commissioners) shall serve more than two consecutive full terms of three years as a member of the Board of Trustees. Service as a Trustee for the remainder of an unexpired term or of a staggered short term shall not be included in computing maximum consecutive service on the Board of Trustees. No employees of the Corporation shall be eligible to serve as Trustee. Every Trustee shall be subject to and comply with such conflicts of interest statutes, regulations, ordinances, rules, policies and codes as may be applicable.

C.

Article VI is changed and amended to read in its entirety as follows:

The Corporation shall have and exercise all powers granted or available to public or municipal hospitals in North Carolina, by statute, regulation, rule, or otherwise by law, including those powers formerly granted by former NC General Statute 131-98 as it existed on June 13, 1975. The Board of Commissioners from time to time, however, in its discretion, limit, restrict, or reserve to itself the same and may impose conditions and place requirements on the Corporation in the management lease agreement between the County and the Corporation. While the Corporation should have the powers required for it to conduct its business affairs efficiently, the Board of Commissioners, as the body politic representing the citizens of Cumberland County, who are the beneficial owners of the County's hospital facilities, reserves and retains the final responsibility and final authority under the law for the management of the County's hospital system, and for planning and providing health care to the public through public resources.

D.

Article IX is changed and amended to read in its entirety as follows:

#### ARTICLE IX

The Board of Trustees shall cause annual, certified audits to be made of the Corporation by an accounting firm selected by the Board of Trustees. The Board of Trustees shall also cause a budget to be prepared for each fiscal year which, prior to final adoption by the Trustees, shall be submitted to and approved by the Board of Commissioners, in the form, content and at the time requested by the Board of Commissioners. Additionally, the Corporation shall furnish each member of the Board of Commissioners with the monthly financial operating statements reflecting income and expenses for the operation of all health care facilities. Any expenditure in excess of the adopted budget will require approval of the Board of Trustees. Expenditures in excess of the capital account as set forth in the adopted budget shall require approval by the Board of Commissioners.

Except as hereby specifically set out above the articles of incorporation of the Cumberland County Hospital System, Inc. certified June 13, 1975 and as amended, remains unchanged and in full force and effect.

3.

The foregoing Articles of Amendment were adopted at the regular meeting of the Board of Trustees of the corporation held on the 25<sup>th</sup> day of August, 1999, after due notice in

accordance with the provisions of the By-laws, a quorum being present at such meeting, and a majority of the trustees having voted in favor of such Amendment. The Corporation has no members and no members having voting rights. The Trustees perform the functions of Directors.

4.

The foregoing Articles of Amendment shall be effective upon their filing with the NC Secretary of State.

**F. Approval of an Ordinance Assessing Property for the Costs of Demolition of Structures pursuant to the Minimum Housing Code:**

**1. Property of Albert Hunter Smith, II, Lot 13, Riverside Mobile Home Park, Tabor Church Road, Fayetteville, NC MH179-97 – PIN 0463-94-0127.**

**ACTION:** Adopt Ordinance assessing the cost of demolition in the amount of \$495.00. (The Ordinance may be found in the Minimum Housing Ordinance Book).

**2. Property of Jamie R. Yarborough, Lot 16, Blanch Drive, Stedman, NC. MH327-97 – PIN 0495-08-5596.**

**ACTION:** Adopt Ordinance assessing the cost of demolition in the amount of \$1,600. (The Ordinance may be found in the Minimum Housing Ordinance Book).

**3. Property of Rosetta Burgess, 466 Wilkes Road, Fayetteville, NC. MH257-97 – PIN 0436-52-2818.**

**ACTION:** Adopt Ordinance assessing the cost of demolition in the amount of \$1,995. (The Ordinance may be found in the Minimum Housing Ordinance Book).

**G. Approval of bid award for the town of Spring Lake Sanitary Sewer Project.**

**BACKGROUND:** Community Development is working with Hobbs, Upchurch & Associates regarding the feasibility of sanitary sewer improvements for the Town of Spring Lake. This project is now ready for implementation. Community Development is phasing funding for this project from its 1995, 1996, and 1998 Program Year allocations. Bids have been solicited from eligible contractors in the area. The following bids were received:

|                                 |              |
|---------------------------------|--------------|
| Sanford Contractors             | \$393,785.08 |
| Odell Smith & Sons Construction | \$712,577.00 |
| Bill's Backhoe Service          | \$463,462.00 |
| Site Group, Inc.                | \$548,116.00 |

**ACTION:** Award the bid to Sanford Contractors, Inc., in the amount of \$393,785.08.

**H. Budget Revisions**

**(1) Public Health**

**a. WIC: Increase in revenue/expenditure in the amount of \$30,284**

**to budget additional State funding. (B00-086) Funding Source – State**

**b. Child Health: Increase in revenue/expenditure in the amount of \$6,240 to recognize additional State funding. (B00-141) Funding Source – State**

**c. Dental Clinic: Increase in revenue/expenditure in the amount of \$5,223 to recognize additional State funding . (B00-142) Funding Source – State**

**(2) Water & Sewer Fund: Revision in the amount of \$25,000 to appropriate fund balance to transfer funds approved by the Board of Commissioners 9/7/99 to provide advance funding to the Eastover Sanitary District. (B00-146 & 146A) Funding Source – County**

**(3) Social Services Department: Increase in revenue/expenditure in the amount of \$91,950 to recognize additional funding for Crisis Intervention Program (B00-147) Funding Source – Federal**

**(4) 1998 School Bond Projects: Revision in the amount of \$47,788,218 to: (1) budget proceeds of voter approved G.O. Bonds to be issued in the future (\$44,820,000); (2) budget additional interest revenue recognized through FY99 (\$2,968,218); and (3) adjust budgeted expenditures for school projects to agree with Board of Education budget. (B00-150) Funding Source – G.O. Bonds & other**

**(5) Juvenile Crime Prevention: To reallocate revenue/expenditure to specific programs (B00-153) Funding Source – State**

**(6) Mental Health: Revision to reclassify Lead Worker IV position approved by the State. (B00-139) Funding Source – State**

## **REGULAR AGENDA ITEMS**

### **4. Appointments to Boards/Committees**

#### **A. Board of Adjustment (1 vacancy)**

Nominees: David T. Olsen  
Barry Bullock

VOTING: David T. Olsen: Commissioners Blackwell, Tyson, Melvin, Bacote, Warren and Baggett  
Barry Bullock: Commissioner King

Mr. Olsen was appointed.

#### **B. Joint Senior Citizens Advisory Board (1 vacancy)**

**MOTION: Commissioner Warren moved to appoint Ms. Lee by acclamation.**  
**SECOND: Commissioner Tyson**

**VOTE: UNANIMOUS**

Nominee: Helen Lee

**C. Housing Appeals Board (4 vacancies)**

Nominees: Chester G. Oehme, Jr. (reappointment)  
James E. Stinson (reappointment) Matthew Mikeska (fill vacancy of Gary Lancaster):  
Note: Mr. Mikeska notified this office on September 10 he cannot accept this appointment as he is being moved to a new job location.

Tom Royston (nominee for Alternate member, Mikeska's slot):

Commissioner Blackwell nominated Susan Mills (an alternate member) for Mr. Lancaster's position (regular member). He also nominated Nathaniel Brown to fill Ms. Mills' position (alternate member).

**MOTION: Commissioner Blackwell moved to appoint the nominees (Chester Oehme, Jr., James Stinson, Susan Mills, Tom Royston and Nathaniel Brown).**

**SECOND: Commissioner Warren**

**VOTE: UNANIMOUS**

**4. Consideration of a resolution authorizing submission of High Unit Cost Grant Application for the Multi-Purpose Reservoir Project.**

**BACKGROUND:** The County recently contracted with Hobbs, Upchurch & Associates to perform a preliminary siting and feasibility study to identify and evaluate sites within and adjacent to Cumberland county for a multi-purpose reservoir. Although the preliminary siting study has not been finalized, there appears to be viable sites on the Little River and Big Rockfish Creek. A water supply reservoir is an eligible project for funding through the NC Clean Water Revolving Loan and Grant Fund. To ensure the county's reservoir project receives consideration for these funds, it is necessary to make applications.

**ACTION:** Adopt Resolution authorizing the submission of an application to the State for funding of the proposed multi-purpose reservoir through the Clean Water Revolving Loan & Grant.

**RESOLUTION  
AUTHORIZING APPLICATION FOR STATE FUNDING  
OF MULTI-PUPOSE RESERVOIR PROJECT**

WHEREAS, The Federal Clean Water Act Amendments of 1987, Federal Safe Drinking Water Act Amendments of 1996, and the NC Clean Water Revolving Loan and Grant Act of 1987 authorize the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems and water supply systems; and

WHEREAS, Cumberland County has need for and intends to construct a water supply system project described as the Multi-Purpose Reservoir Project; and

WHEREAS, Cumberland County intends to request state loan and/or grant assistance for the project.

NOW THEREFORE BE IT RESOLVED THAT:

Cumberland County will arrange financing for all remaining costs of the project, if approved for a state loan or grant award.

Cumberland County will adopt and place into effect on or before completion of the project a schedule of fees and charges which will provide adequate funds for proper operation, maintenance and administration of the system and the repayment of all principal and interest on the debt.

Cumberland County agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure to make scheduled repayments of the loan, to withhold from the County any State funds that would otherwise be distributed to the County in an amount sufficient to pay all sums then due and payable to the State as repayment of the loan.

Cumberland County will provide for efficient operation and maintenance of the project upon completion of construction.

Thomas B. Bacote, Chairman, Board of Commissioners, and successors so titled, is hereby authorized to execute and file an application on behalf of Cumberland County with the State of North Carolina for a loan and/or grant in aid in the construction of the project described above.

Thomas B. Bacote, Chairman, Board of Commissioners, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

Cumberland County will apply with all Federal, State and local laws, rules, regulations and ordinances applicable to the project and to Federal State grants and loans pertaining thereto.

**MOTION:** Commissioner King moved to approve.

**SECOND:** Commissioner Warren

**VOTE:** UNANIMOUS

**5. Detention Center Project matters**

- a. Approval of bid awards for construction

**BACKGROUND:** Bids were received on August 18, 1999 for construction of the detention center as follows:

|                                 |                     |              |
|---------------------------------|---------------------|--------------|
| Beers Construction, Atlanta, GA | Base:               | \$37,900,000 |
|                                 | Alternate G-1: Add: | \$ 20,000    |
|                                 | Alternate G-2: Add: | \$ 80,000    |
| J.A. Jones, Charlotte, NC       | Base:               | \$38,400,000 |

Alternate G-1: Add: \$ 25,000  
Alternate G-2: Add: \$ 250,000

Miller Building, Raleigh, NC

Base: \$36,120,000  
Alternate G-1: Add: \$ 6,200  
Alternate G-2: Add: \$ 240,700

The bids do not include any additional environmental work that may be required by the State.

**ACTION:** Accept the bids and award the bid to Miller Building Company in the amount of \$36,360,700 (includes Alternate G-2 for roof system), and approve associated budget revision (B00-154).

Commissioner King inquired as to the minority participation in this project. Mr. Tom Cooney, Staff Engineer for the County, noted it is the County's policy to encourage at least 15% minority participation on our contracts.

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

b. Amendment #6 to the Architectural Services Agreement

**BACKGROUND:** This amendment provides for full on-site representation during construction, enhanced design team support including site visits to review ongoing construction activities, enhanced office support for the contractor to ensure rapid responses to requests for information and resolution of conflicts that may arise with the plans and specifications, provide W/MBE compliance monitoring utilizing local minority consultants, provide assistance with specifying and acquiring Furniture Fixtures and Equipment to properly operate a facility of this type and to provide for professional transitions for the Sheriff's Office to assist in a smooth operation transition from the linear concept facility to the new direct supervision facility.

Compensation for services rendered shall be at a stipulated sum of \$1,731,924 with reimbursable expenses billed at direct cost and not to exceed \$73,010 without prior written authorization from the County Manager. The total not to exceed fee is \$1,804,934 for this amendment.

**ACTION:**

Approve amendment #6 in the amount of \$1,731,924 for the construction administration, FF&E and transition planning services and reimbursable expenses not to exceed \$73,010 and the associated budget revision (B00-155).

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

**6. Consideration of a proposal to share funding with the City of Fayetteville for a study of center city organizational issues.**

**BACKGROUND:** With the demise of the Fayetteville Partnership, a void has been created in the

public/private partnership for center city revitalization and development. An Ad Hoc Steering Committee has been formed headed by Harry Whalen, FAEDC President, to develop recommendations for a new organization to fill the void and to spearhead center city development. The Committee proposes engaging a Resource Team from the NC Downtown Development Association to study and make recommendations to guide the Committee in establishing a new organization. The estimated cost of the study is \$4,000 - \$6,000. The City Manager proposes the city and county jointly fund this study.

**ACTION:** Authorize the expenditure of up to \$3,000 from the funds appropriated for the Fayetteville Partnership in the FY00 budget to pay one-half the cost of the study.

Commissioner King asked if any money would be coming from the private sector to help pay for this study. The response was no. Commissioner Tyson noted the Chamber may be willing to kick in some money for the study. Commissioner Baggett noted this appropriation would come out of the money that was appropriated for Fayetteville Partnership for this fiscal year.

**MOTION:** Commissioner Blackwell moved to approve an appropriation up to \$3,000 for this study.

**SECOND:** Commissioner Baggett

**DISCUSSION:** Commissioner King noted the important of private participation in this effort and that we should encourage the private sector to participate.

**VOTE:** UNANIMOUS

## **7. Report on preparations for the Census 2000.**

**BACKGROUND:** Management has directed Mike Osbourn of the County Planning Department as Census coordinator. Mr. Osbourn has completed Phase 1&2 of the Local Census review adding a total of 23,147 records to the Census Bureau's database for Cumberland County. Mr. Osbourn will continue coordination with the Bureau of Census through the post-census day reviews, checks and follow-up activities.

Cliff Strassenburg, County Manager, has been appointed to The Governor's County Committee (a committee to assure all North Carolinians are counted in Census 2000). This Committee is currently developing a strategy to assure the creation of local Complete County Committees in all 100 counties. The Census Regional Director, Susan Hardy, will provide us information on how members of the armed forces are to be treated for Census purposes.

The Office of State Planning estimates the 1990 Census undercounted Cumberland County By 2.0% to 2.4%. To avoid a repeat in Census 2000, the county needs to create a Complete Count Committee and undertake a number of activities to assure accuracy. Management will present recommendations on initiatives that Cumberland County will take at the appropriate time.

**ACTION:** Adopt Resolution

### **RESOLUTION CONCERNING COUNTY SUPPORT OF CENSUS 2000**

WHEREAS, questionnaires for the US Census 2000 will be delivered to residents of Cumberland County in March of 2000; and

WHEREAS, many residents may not know that individual Census responses are private and cannot be shared outside the Census Bureau, just as they may not know about the important relationship between their return of Census questionnaires and key public services, as well as the funding to support these services; and

WHEREAS, millions of dollars in federal and state funds are allocated to Cumberland County based on Census results, including funds for education and school facilities, community development, health care services, aging programs and job training; and

WHEREAS, accurate Census data helps the county, other local governments and community organizations more adequately develop short-term and long-range action plans, siting of facilities and service priorities to meet local needs; and

WHEREAS, the county has populations of residents that are particularly hard to reach, such as transient or seasonal workers, illiterate residents, non-English speaking communities, the homeless, members of the Armed Forces and residential students; and

WHEREAS, all counties have been invited to work closely with US Census officials in planning for and implementing Census 2000; and

WHEREAS, the NC Association of County Commissioners urges officials in all 100 counties to promote an accurate county for Census 2000 by undertaking positive steps to increase public awareness of Census 2000 and assisting the Bureau of Census with its enumeration tasks.

NOW, THEREFORE BE IT RESOLVED that the Cumberland County Board of Commissioners commits to promote an accurate count of Cumberland County for Census 2000 by:

- organizing a county-wide Complete County Committee involving other local governments, churches, schools, business leaders and civic organizations in developing Census strategies, especially targeting those communities or individuals most difficult to reach;
- hosting public meetings, open houses or other events leading up to and during March and April 2000 to promote the Census;
- producing news releases and using other communications tools, including the county's website to inform residents about the importance of completing and returning the Census questionnaire; and
- assisting the Census Bureau in reviewing its enumeration plan for the county and providing lists of sites to contact residents without permanent residence (shelters, soup kitchens, etc.).

**MOTION:** Commissioner Baggett moved to adopt the Resolution.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

## **8. Consideration of the transfer of the Museum of the Cape Fear property to the State of North Carolina.**

**BACKGROUND:** Commissioner Blackwell requested this item be placed on the agenda. The building and property occupied by the Museum of the Cape Fear is owned by the county and

leased to the State of North Carolina on a long-term lease for \$1 per year. Commissioner Blackwell proposes the ownership of the property be transferred to the State. That will allow us to qualify for renovation funds and will further relieve the county of any future liability. The county has not plans for use of the property upon expiration of the current lease..

**ACTION:** Declare the property surplus to the needs of the County and authorize an intergovernmental transfer to the State of North Carolina.

**MOTION:** Commissioner Blackwell moved to declare the property surplus and authorize an intergovernmental transfer to the State.

**SECOND:** Commissioner Warren

**DISCUSSION:** In response to a question, the county manager said we could put a reversion clause in the contract stating the property will revert back to the County if the Museum of the Cape Fear ceases to exist on the site.

**VOTE:** UNANIMOUS

**9. Consideration of extending Cross Creek Township lines coterminous with the City of Fayetteville city limits.**

**BACKGROUND:** The City of Fayetteville is asking the Board of Commissioners to extend the boundary of Cross Creek Township to include all the area within the city limits of Fayetteville as of January 1, 1990. This will assist the City in determining growth since the last census.

Commissioner Baggett stated his concern that if the County would continue to expand the Township lines as annexation takes place, then Cross Creek Township could extend all the way to the Hoke County line at some point in time. Jimmy Teal, Assistant Manager for the City of Fayetteville, said Fayetteville would not request any more extensions of the line. Commissioner Tyson noted if the Board approves this request, the perception of the public may be that the County approves the aggressive annexation of the City. Commissioner Warren noted that those township lines mean a lot to the citizens in the county and is of historical value to them.

**MOTION:** Commissioner Baggett moved to deny the request to extend the boundary of Cross Creek Township.

**SECOND:** Commissioner Warren

**DISCUSSION:** Commissioner King said he accepted the City's statement they would not ask for future boundary extensions and as he understands the request this will simply allow them to acquire better census information. Chairman Bacote expressed concern about extending the lines. Following some further discussion, Cliff Strassenburg, County Manager, noted that extending the lines would actually skew the information the City seeks to acquire.

**VOTE:** FAVOR: Commissioners Blackwell, Baggett, Warren, Bacote, Tyson  
OPPOSED: Commissioner King

**10. Consideration of an amendment to the County Animal Control Ordinance regulating the apprehension of wild dogs running loose.**

**BACKGROUND:** The Animal Control Department has recently encountered a severe problem apprehending a pack of unvaccinated, wild dogs running loose within populated and commercial areas. The dogs have evaded repeated efforts to trap them, to use baited food to sedate them or bring them into custody with tranquilizer darts. With the re-emergence of rabies within the domestic pet population for the first time since 1994, this presents an unacceptable public

health risk to our county. Therefore an ordinance has been drafted to address the apprehension of wild dogs. The Ordinance would authorize the Animal Control Director to request assistance from a Sheriff or other appropriate municipal police authority in order that the application of deadly force be effected by a sworn law enforcement officer who has a marksman rating and/or qualification.

Grainger Barrett, County Attorney, noted they would like for the ordinance to apply to other wild animals also.

**ACTION:** Adopt Ordinance

**MOTION:** Commissioner Blackwell moved to approve.

**SECOND:** Commissioner Warren

**DISCUSSION:** Commissioner Tyson said because of liability issues a deputy sheriff should be the one to shoot the animal. Animal Control Director Carlton Person said he would like for his people to have authority to shoot the animals. It was noted Animal Control employees could not do the shooting because they are not qualified on the use of firearms. It was also noted the Animal Control employees could be trained in the use of firearms.

**COMMISSIONER BLACKWELL WITHDREW HIS MOTION.**

**MOTION:** Commissioner Blackwell moved to refer this to the Policy Committee for review and recommendation.

**SECOND:** Commissioner King

**DISCUSSION:** Commissioner Warren noted he had sent a memo to the County Manager in reference to Animal Control and the need for additional equipment, employees and a new facility.

**SUBSTITUTE**

**MOTION:** Commissioner Tyson moved to approve the Ordinance, adding wild dogs, as suggested by the County Attorney, and stipulating that authority to use deadly force is limited to a qualified law enforcement officer, to include the Animal Control employees, following certification with a weapon.

**SECOND:** Commissioner Warren

**DISCUSSION:** Chairman Bacote suggested that the Policy Committee look at this to make sure the County has covered all the bases.

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

OPPOSED: Commissioners Blackwell, Bacote & King

**VOTE ON**

**ORIGINAL**

**MOTION: UNANIMOUS**

**MEETING ADJOURNED: 11:30PM**

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