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**Minutes**  
**Cumberland County Board of Commissioners**  
**April 17, 2000, 7:00 PM**  
**Regular Meeting**

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**PRSENT:** Chairman Edward G. Melvin, Jr.  
Vice Chairman J. Lee Warren, Jr.  
Commissioner Talmage Baggett  
Commissioner J. Breeden Blackwell  
Commissioner Billy R. King  
Commissioner H. Mac Tyson II  
Cliff Strassenburg, County Manager  
James Martin, Deputy County Manager  
Juanita Pilgrim, Asst. County Manager  
Grainger Barrett, County Attorney  
Marsha Fogle, Clerk to the Board  
Jerry Thomas, Planning Staff

**ABSENT:** Commissioner Tom Bacote (due to illness)

**INVOCATION:** Commissioner H Mac Tyson II

**PLEDGE OF ALLEGIANCE**

**Amendment to the Agenda:** Cliff Strassenburg, County Manager, noted that Item 2I (4) (Community Development Budget Revision) should be deleted from the agenda as no action is needed.

**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 classifications, the following motion was offered:**

**MOTION:** Commissioner King moved to follow the Planning Board recommendation on the Uncontested Rezoning Cases.

**SECOND:** Commissioner Warren

**VOTE: UNANIMOUS**

**A. Case P00-14. The rezoning from R10 Residential and M(P) Planned Industrial to C3 Heavy Commercial, or to a more restrictive zoning district, on the south side of Mid Pine Road and west side of Legion Road, the property of Fritz and Johanna Konig, Cliffdale Corner Incorporated and Legion Crossing Incorporated**

The Planning Board recommends denial of C3 and approval of C(P).

**B. Case P00-16. The rezoning from C(P) Planned Commercial to R6A residential, or to a more restrictive zoning district, on the north side of Camden road and west side of King Charles Road, the property of Marilyn T. Perno**

The Planning Board recommends approval of the R6A rezoning.

**C. Case P00-17. The rezoning from R10 Residential to C1 Local Business or to a more restrictive zoning district on the west side of Hope Mills Road and north of Queensdale Drive, the property of Mark A. and Dong Y. Warren**

The Planning Board recommends approval of the C1 rezoning.

**D. Case P00-18. The rezoning from R6A Residential to C(P) Planned Commercial or to a more restrictive zoning district, west of Gillespie Street and south of Kathryn Street, the property of Sudie Taylor**

The Planning Board recommends approval to C(P).

**E. Case P00-20. The rezoning from R10 Residential to RR Rural Residential, or to a more restrictive zoning district, southwest of the intersection of Bailey Lake Road and Rockford Drive, the property of James Duncan McNeill**

The Planning Board recommends denial of RR and approval of R20.

**Contested Rezoning Cases**

**F. Case P00-12. The rezoning from HS(P) Planned Highway Service to C-3 Heavy Commercial or to a more restrictive zoning district at 2540 Gillespie Street, south of West Mountain Drive, the property of Rozella Strickland**

The Planning Board recommends denial of the rezoning request.

Speaker: Mr. R.L. Chauncey: Mr. Chauncy said he needed a commercial zoning designation so he could open a coffee shop and game room on the first floor of the establishment and an exercise equipment and tanning bed operation on the second floor. He said he did not want to go with the conditional use overlay option as he felt it would be too restrictive.. He noted other commercial type businesses in the area. Mr. Chauncey noted he just wanted to be able to operate his business and that a zoning classification, except conditional use overlay, that would allow him to do that is ok with him.

Commissioner Tyson noted some of the uses allowed in C-3 which could present a problem in this area such as billboards and adult-type establishments.

A C(P) zoning classification requires 2 acres and the only way this piece of property could have 2 acres would be for the right of way on Gillespie Street to be included in the acreage.

Commissioner Baggett noted his concern about the C-3 rezoning as this is a major thoroughfare into our community and a C-3 rezoning allows many uses that could detract from the character of the area.

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

**SECOND: Commissioner King**

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

**OPPOSED: Commissioner Tyson**

**G. Case P00-19. A Conditional Use Overlay District and Conditional Use Permit to allow a home-based catering business in an A1 Agricultural District on the northwest side of Henry Smith Road and northeast of County Line Road, the property of Anna Smith Lee McLean**

The Planning Board recommends approval of the Overlay District and the Permit.

## No Speakers

Upon finding the request for conditional use overlay district to be reasonable, neither arbitrary or unduly discriminatory and in the public interest, the following motion was offered:

**MOTION:** Commissioner Baggett moved to approve the conditional use overlay district as recommended by the Planning Board.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

**MOTION:** Commissioner Baggett moved to approve the Conditional Use Permit to allow a home-based catering business in an A1 Agricultural District as recommended by the Planning Board.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

## Minimum Housing Hearing

**H. Case MH572-98. Ronnie Jamison – 4023 Catherine Drive, Fayetteville, NC 28304 – PIN 0434-21-6502**

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

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

**BACKGROUND:** That the following is a report on Case Number MH 572-98 and is identified by Item Number 1-H.

**PROPERTY OWNER:** Ronnie Jamison

**PROPERTY ADDRESS:** 4023 Catherine Drive, Fayetteville, NC

**TAX ID NUMBER:** 0434-21-6502

**SYNOPSIS:** This property was inspected in 12/1/98. The property owner and parties of interest were legally served with Notice of Violations and afforded a Hearing on 4/21/99. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by ad ate not later than 7/21/99. The property owner and parties of interest were notified of the appeal procedures when served with the *Findings of Fact and Order*. An appeal was filed. The Housing Board of Appeals granted a thirty (30)

day extension, making the new compliance date 8/20/99. Upon my visit to the property on 3/8/00 and 4/17/00, no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, this structure constitutes a fire, health, and safety hazard. The estimated cost to repair this structure to a minimum standard for human habitation is \$56,000. The Assessor for Cumberland County has this structure presently valued at \$0.00.

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

No Speakers.

**MOTION: Commissioner Warren moved**

- to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; and
- to order the property owner to remove or demolish the dwelling within 60 days; and
- to order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action; and
- to direct the Clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

**SECOND: Commissioner King**

**VOTE: UNANIMOUS**

## **2. Consent Agenda**

Commissioner Breeden Blackwell removed Items 2H and 2I(5) from the Consent Agenda.

**MOTION: Commissioner King moved to follow staff recommendations on the items on the Consent Agenda, excepting Items 2H and 2I (5).**

**SECOND: Commissioner Baggett**

**VOTE: UNANIMOUS**

### **A. Approval of Minutes: April 3, 2000**

**ACTION: Approve**

### **B. Approval of Additions to the State Secondary Road System:**

**Lake Rim North Subdivision: Gooden Drive, Turkey Ridge Drive, Deep Swamp Lane**

**ACTION:** Approve the above roads for the system.

**C. Approval of a proclamation designating April 24-30, 2000, “Community Development Week” and April 28, 2000 “Community Development Day” in Cumberland County**

**ACTION:** Adopt

**PROCLAMATION**

WHEREAS, the Community Development Block Grant (CDBG) Program has operated since 1975 to provide local governments with the resources required to meet the needs of persons of low and moderate income; and

WHEREAS, the CDBG Program has had a significant impact on our local economy through job creation and retention, physical redevelopment and improved local tax bases; and

WHEREAS, CDBG funds are used by thousands of neighborhood-based non-profit organizations throughout the nation to address pressing neighborhood and human service needs; and

WHEREAS, Cumberland County, North Carolina, and other local governments have clearly demonstrated the capacity to administer and customize the CDBG Program to identify, prioritize and resolve pressing local issues such as the provision of decent, affordable housing; neighborhood and human service needs; job creation and retention; and physical redevelopment.

NOW, THEREFORE the Board of Commissioners of Cumberland County proclaims the week of April 24-30, 2000 “Cumberland County Community Development Week” and April 28, 2000 “Community Development Day in Cumberland County” and urges all citizens to join us in recognizing the Community Development Block Grant Program and the important role it plays in our community.

**D. Approval of declaration of surplus wrecked vehicle and authorization to accept insurance settlement**

## BACKGROUND:

Date of Accident: 2/27/00  
Vehicle: 1995 Ford Taurus  
VIN: 1FALP524XSA193024  
Mileage: 126,511  
Department: Sheriff  
Settlement Offer: \$5,528.75  
Insurance Company: Seibels Bruce Group, Inc.

**ACTION:** Declare vehicle surplus, authorize Risk Manager to accept settlement amount and allow Seibels Bruce Group, Inc. to take possession of wrecked vehicle.

### **E. Approval of a technical revision to the county policy regarding eligibility for health insurance plan coverage**

**BACKGROUND:** On April 6, 2000 the Finance Committee considered and approve a proposed technical revision to the county policy regarding eligibility for health insurance plan coverage as follows:

“Any person who (a) was not eligible for the Local Government Employees’ or Law Enforcement Officers’ Retirement System and (b) had been enrolled In the County’s health insurance plan for a continuous period of 36 months or more, may elect in writing, following and upon separation from service with the County, to continue enrollment in the County’s health insurance plan, provided such person pays the entire monthly premium (i.e., total of employee portion plus county match) for such coverage.”

**ACTION:** Follow the recommendation of the Finance Committee and approve the revision as noted above.

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

**BACKGROUND:** The County Purchasing Policy delegates authority to the County Manager to award formal bids for the purchases of \$100,000 or less. Bids have been received for a truck chassis and truck body for the Sheriff’s Office as follows:

<u>Company Name</u>	<u>Truck</u>	<u>Truck Body</u>	<u>Truck and</u> <u>Body</u>
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Quality Truck Bodies		\$24,776.00	
Reed Lallier	\$26,572.84	\$24,976.00	\$50,648.85*

- If we buy both the truck and truck body from Lallier, we will receive a commercial rebate of \$900.00.

The bid was awarded to Reed Lallier Chevrolet for a total bid amount of \$50,648.84 after reduction of the \$900.00 rebate.

**ACTION:** Record in the Minutes.

#### **G. Approval of bid award for banking and lockbox services**

**BACKGROUND:** The County recently completed a request for proposal process for banking and lockbox receipt services (two separate RFPs) through Robert S. Segal, CPA, & Associates. The process included advertising the RFP, sending RFP's to all banks in Cumberland County, meeting with all interested representatives to answer questions and receipt of sealed proposals on March 24, 2000. An evaluation of the proposals are attached to these minutes as Attachment A.

The "Primary Banking Services Proposals" columns present the estimated annual interest income and banking costs that would incurred for each of the six banks submitting banking services proposals. The column "Estimated annual lockbox costs" presents the estimated annual costs of four lockbox proposals that were received. One bank, Centura, proposed that if both of its proposals were accepted, it would further discount its cost of services by \$1,200 annually. On a combined basis, the Centura proposals provide the greatest amount of interest income, after deducting banking costs. Centura is the current provider of banking and lockbox receipt services for Cumberland County.

The Finance Committee met on April 6, 2000 and recommends the County enter into a contract with Centura Bank to continue banking and lockbox services.

**ACTION:** Approve the contract with Centura Bank.

#### **H. Declaration of surplus solid waste equipment and authorization to dispose of through auction**

**BACKGROUND:** On March 20, 2000, the Board of Commissioners declared surplus



some 80 pieces of Solid Waste Equipment and authorized sale at public auction on April 6, 2000. At the sale, some items were sold that had not previously been declared surplus; those items are as follows:

<u>Equipment/Item</u>	<u>Bid Price</u>
Compressor	\$ 225
Trailer, Low Boy, 25 ton5,	750
Fork Attachment, ACS	400
Bucket Attachment, JD	1,600
Truck, Ford Ranger, P/U	1,750
Forklift, 6000 lb., Military	6,100
Loader, Rubber tire, with Bucket	13,000
Metal Racks, Tube steel	35
Truck, Air Force Chassis, 1953	500
Rex Landfill compactor	1,500

**ACTION:** Declare the above equipment surplus and accept the sale of the items as noted above.

Commissioner Blackwell asked how items that had not been declared surplus were sold. Mr. Strassenburg, County Manager, noted this equipment was found and was in with the surplus equipment. He said bids were received on it. He noted he has instructed the Solid Waste Department to be more careful when selling surplus equipment.

**MOTION:** Commissioner Blackwell moved to declare the above equipment surplus and accept the sale as noted above.

**SECOND:** Commissioner Warren

**VOTE:** UNANIMOUS

## **I. Budget Revisions**

**(1) Cooperative Extension Program: Revision in the total amount of \$7,407 to establish the budget for Cooperative Extension Service projects which have their own funding sources (B00-611) Funding Source – Other**

**(2) Social Services Other:**

- a. **Child Care:** Increase in revenue/expenditures in the amount of \$134,858 to recognize additional State funding for subsidized daycare. (B00-609) Funding Source – State
  - b. **Adoption Incentive:** Increase in revenue/expenditures in the amount of \$12,000 to establish funding for special adoption incentives (B00-608) Funding Source – State
  - c. **Hurricane Floyd:** Increase in revenue/expenditures in the amount of \$200,000 to establish funding to assist Hurricane Floyd victims with housing related repairs (B00-610) Funding Source – State
- (3) **School Law Enforcement:** Increase in revenue/expenditures in the amount of \$49,253 to recognize funding for the Gang Resistance Education and Training Program (GREAT) (B00-606) Funding Source – Federal
- (4) **This item deleted from Agenda (Community Development/Industrial Development Budget Revision)**
- (5) **Mental Health:** Revision to appropriate fund balance in the amount of \$179,327 to adjust debt service payments for the Winding Creek MH facility (B00-545) Funding Source – Fund Balance

Commissioner Blackwell noted he was opposed to appropriating funds for the Winding Creek Facility.

**MOTION:** Commissioner King moved to approve the revision.  
**SECOND:** Commissioner Baggett  
**VOTE:** **FAVOR:** Commissioners King, Baggett, Warren, Melvin, Tyson  
**OPPOSED:** Commissioner Blackwell

- (6) **General Government Other:** Revision in the amount of \$75,000 to recognize additional NC gasoline tax refunds (B00-618) Funding Source – State
- (7) **Social Services:** Increase in revenue/expenditures in the amount of \$14,875 to recognize additional funding for Adult Day

**Care services (B00-612) Funding Source – State and Federal**

**(8) Public Buildings Other: Revision to appropriate fund balance in the amount of \$132,632 to fund unanticipated expenditures for maintenance and utilities for county buildings (B00-620) Funding Source – County**

**Regular Agenda Items**

**3. Nominations to Boards/Committees:**

**A. Board of Health (1 vacancy)**

**BACKGROUND:** Ms. Janet Lindbloom resigned her nurse position on the Board of Health. Her term would have expired January 1, 2001.

**ACTION:** Make nominations to fill the registered nurse position.

**Nominations:** Commissioner Baggett nominated Annette Lanier.  
Commissioner Warren nominated Mary Buie.

**B. Adult Care Home Community Advisory Committee (1 vacancy)**

**BACKGROUND:** Pamela Suggs Story will complete her initial appointment on this committee. She is now eligible to be appointed to her first full term.

**ACTION:** Nominate Pamela Suggs Story for her first full term (3 years).

**Nomination:** Pamela Suggs Story

**C. Work Force Development Board (2 vacancies)**

**BACKGROUND:** The Work Force Development Board is requesting that Cathy Lada and Russ Mason be replaced because of non-attendance at consecutive board meetings (9 missed meetings and 8 missed meetings, respectively).

**ACTION:** Nominate to fill these vacancies in the private sector positions. You must make at least three nominations for these two vacancies to comply with the requirement that private sector representatives must be at least 150% of the number of individuals appointed.

Nominations: Commissioner Blackwell nominated Billy Manning.

More nominations will be made at the next meeting.

**D. Community Health Care Council (5 vacancies)**

**BACKGROUND:** The following terms will expire on the Health Care Council. All of the appointees are eligible for reappointment.

Medical Society Appointee Surgery Representative: Dr. Michael Bryant

Medical Society Appointee OBGYN Representative: Dr. Johnnie Jones

Town of Spring Lake Representative: Clinton Smith

Town of Stedman Representative: Sherri Roberts

Long Term Care Representative: Carolyn Tracy

**ACTION:** Nominate the above people for reappointment to a three-year term.

Nominations: All those eligible as noted above.

**4. Appointments to Boards/Committees**

**A. Equalization and Review Board (5 vacancies)**

At-Large Positions (2 vacancies):

Nominees: Ike Collins

David Dauria

Frank L. Matthews, Sr.

**VOTING:** Ike Collins: Commissioner King

David Dauria : Commissioners Blackwell, Tyson, Warren, Baggett and  
Melvin

Frank L. Matthews, Sr.: Commissioners Blackwell, Tyson, Warren, Baggett,  
Melvin and King

Mr. David Dauria and Frank L. Matthews, Sr. were appointed.

**MOTION:** Commissioner Baggett moved to appoint Mr. William

**Holland, Mr. Sherrill W. Jernigan and Mr. Lesley R. Manns, Sr. to this Board in their respective positions.**

**SECOND: Commissioner King**

**VOTE: UNANIMOUS**

Businessman Position (1 vacancy)

Nominee: William E. Holland

Farmer Position (1 vacancy)

Nominee: Sherrill W. Jernigan

Home Builder (1 vacancy)

Nominee: Lesley R. Manns, Sr.

**B. Board of Adjustment (2 vacancies)**

Nominees: Regular Member Position: J. Norman Moore, Jr.  
Alternate Member Position: Gary Lee Collier

**MOTION: Commissioner King moved to appoint the nominees in Items 4B, 4C & 4D, respectively.**

**SECOND: Commissioner Baggett**

**VOTE: UNANIMOUS**

**C. Adult Care Home Community Advisory Committee (1 vacancy)**

Nominee: Melissa Evonne Reed

**D. Nursing Home Advisory Board (1 vacancy)**

Nominee: Vera M. Fox

**5. Parks and Recreation Department Matters:**

**A. Consideration of Lake Rim Park Buildings – Change Order 1**

**BACKGROUND:** On May 3, 1999, the County entered into a contract with United Developers to construct an administrative office, maintenance building and picnic pavilion at Lake Rim Park for \$401,605. On February 22, 2000, United Developers submitted a price of \$39,564 to construct a second pavilion/shelter at Lake Rim Park.

**ACTION:** Approve Change Order 1 to construct an additional pavilion/shelter at Lake Rim Park in the amount of \$39,564 and increase the contract amount to \$441,169.

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

**SECOND:** Commissioner Tyson

**VOTE:** UNANIMOUS

### **B. Consideration of increasing the contract price of the Stoney Point School/Recreation Center Project**

**BACKGROUND:** On August 10, 1999, the County entered into an agreement with the Cumberland County School System to integrate a recreation center component into the new Stoney Point Elementary School. The contract price is \$650,000 for the 5,750 square foot staff and activity area and 9,236 square foot gym/stage area. Bids were solicited for the project and the low bid exceeded the budget estimate of \$7,893,261 by about \$1,000,000. The cost overrun has impacted the recreation center component. The school is needed by the fall of 2001 and cannot be delayed by rebidding the project. In order to move ahead, the School is requesting an additional \$150,000 from Parks and Recreation which will raise the contract price to \$800,000. This will be about \$53 per square foot.

**ACTION:** Approve increasing the amount from \$650,000 to \$800,000.

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

**SECOND:** Commissioner Warren

**VOTE:** UNANIMOUS

### **6. Report and recommendation of the County Finance Committee regarding unresolved physician credentialing matters arising from the purchase of Highsmith Rainey Memorial Hospital**

**BACKGROUND:** On April 6, 2000 the County Finance Committee discussed Cape Fear Valley Health System's process for credentialing physicians formerly on staff at Highsmith Rainey Hospital. It was noted that some physician credentialing matters remain unresolved. The Committee adopted a motion to "recommend that the Board of Commissioners requests the Board of Trustees at Cape Fear Valley Health System expedite the processing of all unresolved physician credentialing matters arising out of the acquisition of Highsmith-Rainey Memorial Hospital and requests the Board of Trustees ensure such process comports with due process and all applicable legal requirements and

further that it schedule such matters for consideration by the Board of Trustees and resolution at the April 26, 2000 Board of Trustees meeting".

**ACTION:** Consider the recommendation above.

**MOTION:** Commissioner Tyson moved to defer action on this item at this time and that it be considered along with Closed Session items at the end of the agenda.

**SECOND:** Commissioner Baggett

**VOTE:** UNANIMOUS

**7. CLOSED SESSION:** Economic Development Matter and Basil vs Cumberland County DSS and attorney client matter.

**MOTION:** Commissioner Warren moved to go into Closed Session to discuss the above items.

**SECOND:** Commissioner Tyson

**VOTE:** UNANIMOUS

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

**SECOND:** Commissioner Tyson

**VOTE:** UNANIMOUS

**MOTION:** Commissioner King moved that the Board of Commissioners requests the Board of Trustees at Cape Fear Valley Health System expedite the processing of all unresolved physician credentialing matters arising out of the acquisition of Highsmith-Rainey Memorial Hospital and requests the Board of Trustees ensure such process comports with due process and all applicable legal requirements and further that it schedule such matters for consideration by the Board of Trustees and resolution at the April 26, 2000 Board of Trustees meeting".

**SECOND:** Commissioner Melvin

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

**OPPOSED:** Commissioner Warren

**MEETING ADJOURNED:** 8:50PM

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