
Minutes
Cumberland County Board of Commissioners
August 21, 2000, 7:00 p.m.
Regular/Rezoning Meeting

PRESENT: Chairman Edward G. Melvin, Jr.
Vice Chairman J. Lee Warren, Jr.
Commissioner Talmage S. Baggett, Jr.
Commissioner J. Breeden Blackwell
Commissioner Jeannette M. Council
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

INVOCATION: Commissioner H. Mac Tyson II
PLEDGE OF ALLEGIANCE

RECOGNITION: J.F. Hall – Emergency Planning Committee
Marshall B. Pitts, Jr. – Juvenile Crime Prevention Council
Ricky Strickland – Emergency Planning Committee

Commissioner Tyson presented the following Resolution to County Manager Cliff Strassenburg:

RESOLUTION

WHEREAS, Clifford G. Strassenburg has recently given notice of retirement effective October 1, 2000 from the position of Cumberland County Manager; and

WHEREAS, the Cumberland County Board of Commissioners hereby not only extends its thanks for Cliff Strassenburg's 27 years of past service, but also for such services still being done and to be done in the future toward helping to bring about a smooth transition to a new county manager.

NOW, THEREFORE IT IS RESOLVED that the Cumberland County Board of Commissioners extends its thanks to Cliff Strassenburg for all past, present and future

service, in addition to this Board's best wishes on all future endeavors.

ADDITIONS TO AGENDA: Cliff Strassenburg asked the Board to add the following item to the Closed Session: Economic Development Matter.

MOTION: Commissioner Baggett moved to approve the addition.

SECOND: Commissioner King

VOTE: UNANIMOUS

1. Public Hearings

Uncontested Rezoning Cases:

A. Case P00-1. A Conditional Use Overlay District and Permit to allow a masonry business in an A1 Agricultural District at 2259 Smith Road, west of NC HWY 87, the property of Lorraine and Telina Adams.

The Planning Board recommends approval of the Conditional Use Overlay District and Permit. The following conditions will be attached to the permit:

- parking on site is to be in accordance with regulations in the County Zoning Ordinance;
- direct access is to be provided from Smith Road;
- a site-obscuring buffer is to be established on the east and west sides of the site; and
- no outside storage is allowed on the site.

The conditional use permit application and related agenda materials will be accepted as part of the record.

NO SPEAKERS

MOTION: Commissioner Baggett moved that the Board of Commissioners finds that this conditional use district overlay application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest and that the following conditional use be approved: masonry business in an A1 Agricultural District at 2259 Smith road, west of NC HWY 87, the property of Lorraine and Telina Adams.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

MOTION: Commissioner Baggett moved that the Board of Commissioners finds that this conditional use permit application if developed as proposed,

- will not materially endanger the public health and safety, and
- will not substantially injure the value of adjoining or abutting property, and
- will be in harmony with the area in which it is to be located, and
- will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners,

and that it be approved.

SECOND: Commissioner King

VOTE: UNANIMOUS

B. Case P00-39. The rezoning from A1 Agricultural to C1/CU Local Business/Conditional Use Overlay District and Permit to allow a car wash and auto repair operation, or to a more restrictive zoning district, on the south side of Sand Hill Road, west of NC HWY 87, the property of Paul Wenfred Davis Trust.

The Planning Board recommends approval of the Conditional Use Overlay District and Permit, subject to the following conditions on the permit:

- lighting to illuminate the site is to be directed away from adjacent properties and to the interior of the lot;
- signage shall comply with applicable sign regulations as set forth in Article IX of the County Zoning Ordinance for C1 Local Business district zoning and proper permit(s) must be obtained prior to installation of any permanent sign(s) on the property;
- hours of operation are limited from 7:00AM to 10:00PM;
- car wash as a primary use shall be limited to a maximum of five bays with each having space for only one vehicle within the bay at one time;
- the use may be a combination of automatic and self-service car wash; however, only one of the bays may be devoted to an automatic car wash;
- automatic car wash able to wash a series of cars in tandem shall not be allowed in the C1 Local Business District;
- stacking lanes with capacity of up to five vehicles shall be provided for vehicles waiting to use automatic car wash facilities and two vehicles per

bay for self-service car wash;

- no storage or repair of vehicles shall be allowed within the car wash facility (note: vehicles waiting for service or repair shall be stored in a designated area that is screened/buffered from residential areas);
- associated lanes and driveways shall be covered with an all-weather surface; provisions shall be made for an on-site drainage system to capture used water to wash vehicles; the drainage plan shall be evaluated to determine the water from the facility will not have a detrimental effect on adjacent property or streets;
- the facility shall be designated to allow adequate traffic flow for cars to enter and exit the facility safely; no portion of an exit or entrance shall be less than 50 feet from the right-of-way intersection;
- the use shall provide safe access to the street only through defined driveway locations;
- a sight-obscuring wall or hedge shall be provided adjacent to residential property;
- parked or waiting vehicles may not block sidewalks, driveways or streets;
- vacuum facilities shall meet setbacks of the applicable zoning district;
- single-bay facilities with automated brushes and multiple-bay self-service facilities shall provide space for the parking of one car per bay to be used as a dry-down area;
- the auto repair facility shall be operated in accordance with all applicable local, state and federal regulations; and
- any further development of the site will require site plan approval.

The conditional use permit application and related agenda materials will be accepted as part of the record.

NO SPEAKERS

MOTION: Commissioner Baggett moved that the Board of Commissioners finds that this conditional district overlay application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest and that the following conditional use to allow a car wash and auto repair operation on the south side of Sand Hill road, west of NC HWY 87, the property of Paul Wenfred Davis Trust be approved.

SECOND: Commissioner Warren

VOTE: UNANIMOUS

MOTION: Commissioner King moved that the Board finds that this conditional use permit application, if developed as proposed

- will not materially endanger the public health and safety, and
- will not substantially injure the value of adjoining or abutting property, and
- will be in harmony with the area in which it is to be located, and
- will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners,

and that it be approved.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

C. P00-46. A Conditional Use Overlay District and Permit to allow a commercial hauling operation in an A1 Agricultural District, south of Butler Nursery Road, east of the Gainey Road Intersection, the property of Lewis C. and Debbie G. Tyson.

The Planning Board recommends approval of the Conditional Use Overlay District and Permit, subject to the following conditions:

- parking on site shall comply with regulations in the county zoning ordinance;
- a site obscuring buffer is to be established where fencing is indicated on the site plan;
- no outside storage is allowed on the site;
- no junk vehicles are to be store on the site;
- lighting is to be directed inward away from residential areas; and
- hazardous materials are to be disposed of in accordance with all applicable regulations.

The conditional use permit application and agenda materials related will be accepted as part of the record.

NO SPEAKERS

MOTION: Commissioner Council moved that the Board of Commissioners finds that this conditional district overlay application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest and that the following conditional use be approved: a commercial hauling operation in an A1 Agricultural District, south of

Butler Nursery Road, east of the Gainey Road intersection, the property of Lewis C. and Debbie G. Tyson.

SECOND: Commissioner King

DISCUSSION: Commissioner Bagget inquired as to the nature of the hauling operation. Mr. Lewis Tyson, petitioner, noted this site will be used as a commercial storage and shop for commercial trucks. There will be no hauling of gravel, dirt or rock.

VOTE: UNANIMOUS

MOTION: Commissioner King moved that the Board finds that this conditional use district overlay permit application, if developed as proposed

- **will not materially endanger the public health and safety, and**
- **will not substantially injure the value of adjoining or abutting property, and**
- **will be in harmony with the area in which it is to be located, and**
- **will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners,**

and that it be approved.

SECOND: Commissioner King

VOTE: UNANIMOUS

Contested Rezoning Cases:

D. Case P00-45. The rezoning from A1 Agricultural to R30A Residential, or to a more restrictive zoning district, on the north side of NC HWY 210 South, and east of Stedman-Cedar Creek Road, the property of John W. Davis.

The Planning Board recommends denial of the rezoning request.

SPEAKERS: Mr. Sidney Wayne Hair. Mr. Hair said he owned the property adjacent to the property that is being proposed for rezoning. He said the addition of more mobile homes in the area would devalue his property and the property of other homeowners in the area.

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

SECOND: Chairman Melvin

VOTE: UNANIMOUS

E. Case P99-78. A Conditional Use Overlay District and Permit to allow the storage, repair and restoration of vehicles in an RR rural Residential District at 3615 Pine Cone Lane, the property of Samuel B. Snyder.

The Planning Board recommends denial of the rezoning request.

The conditional use permit application and related agenda materials will be accepted as part of the record.

NO SPEAKERS

MOTION: Commissioner Baggett moved that the Board of Commissioners fails to find that this conditional use district overlay application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that it be denied.

SECOND: Commissioner King

VOTE: UNANIMOUS

MOTION: Commissioner Tyson moved that the conditional use permit applications and related materials to the Conditional Use District Overlay cases be made a part of the record.

SECOND: Commissioner King

VOTE: UNANIMOUS

2. CONSENT AGENDA

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

SECOND: Commissioner King

VOTE: UNANIMOUS

A. Approval of Minutes: August 7, 2000

ACTION: Approve

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

Lucy B. McBryde Subdivision: Wall Street, Hillsboro Street, Pine Street

ACTION: Approve

C. Approval of Transfer of Air Truck to the Cumberland County Fire Chief's Association

BACKGROUND: As a cost-savings measure for the current fiscal year, the County Emergency Management Department wishes to transfer title of its 1985 GMC Air Supply Truck, VIN 1GTHP32M8F3507753 to the Fire Chief's Association, a non-profit benevolent association. This truck is used throughout the County to refill life-support apparatus for firefighters. This arrangement will assure the equipment is garaged, maintained and readily available to the firefighters in Cumberland County.

ACTION: Adopt Resolution authorizing publication of the required notice in transferring the title.

RESOLUTION

WHEREAS, the Cumberland County Emergency Management Department wishes to transfer ownership of its 1985 GMC Air Supply Truck, VIN 1GTHP32M8F3507753 to the Fire Chief's Association as a cost-savings measure to the County; and

WHEREAS, NCGS 160A-265 & 279 give the Board of Commissioners the authority to transfer such property;

NOW, THEREFORE, the Board of Commissioners resolves that the 1985 GMC Air Supply Truck, VIN 1GTHP32M8F3507753 shall be disposed of by transferring title to the Cumberland County Fire Chief's Association; and it further

RESOLVES that a notice be published in a newspaper of general circulation identifying the Air Supply Truck and the County Manager is authorized and directed to convey it no less than ten (10) days after publication of such notice.

D. Budget Revisions:

(1) Community Development

a. Public Service: Revisions in the amount of \$17,286 to transfer funds from CDBG to the General Fund to budget half of a position for Family & Consumer Education (B01-039-039A) Funding Source – Federal

b. HOME Program: Increase in revenue/expenditures in the total amount of \$414,198 to re-program unexpended FY2000 funds for the Women's Center funds and the required match from the General Fund (\$40,35) (B01-088) Funding Source: Federal and County

(2) Elderly and Handicapped Transportation Fund: Increase in revenue/expenditures in the net amount of \$98,786 to budget additional funds from the state, reduce the transfer from the General Fund by \$13,893, and to budget interest earned in FY00

(B01-094) funding Source – Federal and County

(3) Sheriff's Office

a. **COPS More Grant 98: Revision in the total amount of \$288,723 to re-program unexpended FY00 grant funds (\$227,080) and to appropriate fund balance for the required match of \$61,643, (B01-092) Funding Source – Federal & County**

b. **Federal Forfeiture-Justice: Revision in the amount of \$320,000 to appropriate fund balance to purchase in-car video systems and bomb removal robot (B01-091) Funding Source – Federal Forfeiture**

(4) Social Services: Revision in the amount of \$140,667 to reallocate revenue to a newly established revenue line for NC Health Choice (B01-044) Funding Source – Federal & State

(5) Health Department

a. **Environmental Health: Increase in revenue/ expenditures in the amount of \$2,431 to recognize additional funding for inspections of summer food service program sites for children (B01-090) Funding Source – Federal**

b. **Various Departments: Revisions in the total amount of \$165,826 to budget escrow earnings in several organizations to complete the medical record scanning project (B01-093-093D) Funding Source – Escrow Earnings**

(6) Library: Revision in the amount of \$34,897 to transfer lapsing vacant position funding to part-time salaries to hire four Computer Lab Technicians (B01-089) Funding Source – County

(7) Work Force Development - Welfare to Work: Revision in the amount of \$452,000 to reprogram unexpended funds from FY2000 (B01-096) Funding Source – Federal

(8) Juvenile Crime Prevention – Administration: Revision in the amount of \$2,007 to recognize additional revenue and expenditures (B01-97) Funding Source – State

(9) General Government Other: Revision in the amount of \$90,474 to appropriate fund balance to budget the transfer of county matching funds to Community Development as previously

approved by the Board (B01-98) Funding Source - County

REGULAR AGENDA ITEMS

3. Appointments to Boards & Committees

MOTION: Commissioner King moved to appoint the nominees in Items A,B,D,E,&F.

SECOND: Commissioner Warren

VOTE: UNANIMOUS

A. ABC Board (1 vacancy)

Nominee: Lula Crenshaw

B. Adult Care Community Advisory Committee (3 vacancies)

Nominees: Susan Phillips
Joan Fitzpatrick Reed
Clyde Sessoms

C. Cape Fear Valley Health System Board of Trustees (2 vacancies)

Nominees: Alisa E. Debnam (reappointment)
Emmett (Sonny) Fogle
Donald W. LaHuffman

VOTING: Alisa E. Debnam (reappointment): Unanimous
Emmett (Sonny) Fogle: Commissioners Blackwell, Warren, Melvin
Donald W. LaHuffman: Commissioners Tyson, King, Council, Baggett

D. Cumberland County Juvenile Crime Prevention Council (2 vacancies)

Nominees: Rev. Joseph Bathe
Monika Simmons (at-large representative)

E. Joint Senior Citizens Advisory Board (2 vacancies)

Nominees: Betty J. Garcia (reappointment)
Marie Tomlin (reappointment)

F. Work Force Development Board (1 vacancy)

Nominee: Ole Sorensen (reappointment)

4. Consideration of funding for the Cumberland County Health Care Council

BACKGROUND: The Council requested funding of \$150,000 for FY01. Management initially recommended funding of \$15,000; however, all funding for the Health Care Council was eliminated during the Board's review and final adoption of the budget. He noted, however, \$13,000 of FY00's appropriation had been rolled over to this year and was available. Commissioner King requests the Board revisit this issue and consider an appropriation of \$75,000. If money is approved, it will have to be appropriated from the County's Fund Balance.

ACTION: Consider Commissioner King's proposal to provide \$75,000 funding.

Commissioner King noted that the work of this committee requires staff to secure and assess information that will allow the committee to make responsible recommendations to the Board of Commissioners. Mr. King also noted that most everyone on the Council is a professional and does not have the time to attend to those detailed duties. He also noted that Mr. Richard Parks, CEO, Cape Fear Valley Health System has offered to provide some staff to collect information that will be needed for the Council to assess the cost of providing health care at the Emergency Room as well as cost from other health care providers

Commissioner Blackwell suggested that some of the other stakeholders share in the responsibility of funding this Council. He also said he would like to see a plan of what the Council hopes to accomplish. Commissioner Blackwell noted the County's financial position and expressed concern about taking money from the Fund Balance.

Dr. David Gilbert, a member of the Health Care Council, noted the difficulty in collecting the information that is needed. He said the County is spending \$20 - \$40 million on health care for the indigent; however it is not being spent efficiently. He noted that it is important that we get a handle on the cost. However, it will take someone who can do the leg work and someone who knows where to go to get the information. He also said that while the hospital staff can be helpful in providing assistance, it would be good to have an independent person to help collect and review the information.

Commissioner Blackwell noted that the new CEO at Cape Fear Valley Health System is looking at reorganization of emergency room services and also keeping some of the clinics open at night to hopefully cut down on emergency room use. He suggested we give the hospital system an opportunity to assist the Health Care Council. He also suggested we ask the other stakeholders and professionals in the health care delivery system to come to the table and offer assistance.

Commissioner Council noted her concern about the uninsured and underinsured citizens in our county; however, she was not convinced spending \$75,000 would help at this point. She suggested we look more closely at this matter before we provide more funding.

MOTION: Commissioner Council moved to table this item at this time.
SECOND: Commissioner Baggett

DISCUSSION: Following some discussion it was suggested that this item come back to the Board in 90 days, which will be November 20, 2000.

Commissioner Council amended her motion to table until November 20, 2000. At that time the Council will bring back an itemized budget request and results of progress that has been made by using the personnel at the hospital system to help with compilation of information.

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

OPPOSED: Commissioner King

5. Consideration of funding for the Veterans Council

BACKGROUND: Commissioner Baggett requested the Board consider funding in the amount of \$500 for the Veterans Council to use for their Veterans Day parade. If the Board desires to provide funding it will come from the County's Fund Balance.

ACTION: Consider Commissioner Baggett's proposal to provide funding.

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

SECOND: **Chairman Melvin**

VOTE: **UNANIMOUS**

6. Consideration of approval of Lease & Franchise Agreement for Recreation Concession Operations (Second Reading):

**Baldwin Elementary School – Park
Honeycutt Elementary School – Park
E.E. Miller Elementary School – Park
Lake Rim Park**

BACKGROUND: The Board approved the first readings at its August 7 meeting.

ACTION: Approve the second reading.

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

SECOND: **Commissioner King**

VOTE: **UNANIMOUS**

7. Consideration of proposed revision of the Animal Control Ordinance (second reading)

BACKGROUND: The Board approved the first reading of this ordinance with some amendments as follows:

- definition of "Running at Large" on page 3 has been revised to reflect an exemption for licensed, currently tax paid hunting dogs supervised while engaging in a lawful actual or simulated hunt;

- revised civil penalties in Section 3-98 will become effective 1/1/01; the county attorney also recommends that the balance of the Ordinance be made effective 10/01/00, rather than immediately, to give the Animal Control Office a month to transition to the new provisions.

ACTION: Adopt the Ordinance with the above amendments.

Mr. Leon Goldstein, a member of an ad hoc committee of the City Council, appointed to make recommendations to the City Council for improvement of animal control within the city limits. Mr. Goldstein suggested the Board of Commissioners look at an alternative structure concept for housing animals.

Commissioner Baggett inquired about the proposed Ordinance for the City of Fayetteville and the provision about a new license charge in addition to the County's charge. Mr. Goldstein noted there is a provision in his committee's proposed ordinance for the additional fee. The fee, if approved, will provide a site license that residents in the City of Fayetteville will have to display, indicating they have pets on the premises. Commissioner Baggett inquired if this is the first step in a process that will establish a separate animal control program within the City of Fayetteville. Mr. Goldstein maintained it would provide for a better quality of life for the citizens of Fayetteville.

MOTION: Commissioner Warren moved to approve the second reading of the Ordinance.

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

8. Consideration of an Ordinance Making it a Misdemeanor to Taunt, Harass, etc. Sheriff's Office K-9 dogs

BACKGROUND: Sgt. Tim Loughman, supervisor of the Sheriff's Office K-9 dog unit, requests that the Board of Commissioners adopt an ordinance making it a misdemeanor to taunt, harass, obstruct, injure, etc. any K-9 unit dog. He advises there have been at least three instances in the past year when these animals have been taunted while in the officer's vehicle when the officer was responding away from the vehicle. No statewide law covers such a circumstance

ACTION: Consider whether to adopt the proposed ordinance.

MOTION: Commissioner Warren moved to adopt the Ordinance.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

9. Consideration of a Request from Cumberland County ABC Board for Interlocal Agreement

BACKGROUND: The ABC Board adopted a resolution at its August meeting asking the

Board of Commissioners to approve an agreement between the two boards under which the Office of the County Attorney would provide legal counsel to the ABC Board at its regular meetings and for routine contract and administrative matters. Should counsel be required for major assignments, the ABC Board would retain separate counsel.

ACTION: Consider whether to enter into the interlocal agreement.

MOTION: Commissioner King moved to approve.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

10. **CLOSED SESSION: Attorney/Client Privilege Matters and Economic Development**

MOTION: Commissioner King moved to go into Closed Session to discuss the above noted items.

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

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

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

MEETING ADJOURNED: 8:50PM.

Clerk to the Board

[Return to top of page](#)

Page last updated 8/23/00