
Minutes
Cumberland County Board of Commissioners
July 17, 2000 - 7:00 p.m.
Regular/Rezoning Meeting

PRESENT: 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
James Martin, Deputy County Manager
Grainger Barrett, County Attorney
Marsha Fogle, Clerk to the Board
Jerry Thomas, Planning Department Staff

INVOCATION - Commissioner Tal Baggett
Mike Cassanova - Christian Firefighter's
Association

PLEDGE OF ALLEGIANCE

Presentation in Memory of Firefighter Stephen Craig Patterson

Commissioner H. Mac Tyson II read and presented the following Resolution to the family of Stephen Craig Patterson.

RESOLUTION

WHEREAS, Stephen Craig Patterson, Jr. was born 3 January 1968 and died 6 July 2000, survived by his parents, wife Donna Williams Patterson, children Cara Danielle Patterson (age 4), Craig Hampton Patterson (age 2) and Christen Donna Patterson, born 21 June 2000; and

WHEREAS, Stephen Craig Patterson Jr.'s life in Cumberland County was characterized and marked by the giving of his talents and time to and seeking to help other persons as a skilled firefighter, plumber, provider and peacemaker, up to and including the date of his death.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Cumberland County Board of Commissioners that July 6-18, 2000 is declared to be an official time of mourning in Cumberland County for Stephen Craig Patterson, Jr. with the County Manager and Sheriff of Cumberland County being instructed to fly all flags in front of the Cumberland County Courthouse at half staff on July 18, 2000, that the Cumberland County Board of Commissioners extends the Board's

thanks to GOD for the life of Stephen Craig Patterson, Jr. and the Board's condolences to Stephen Craig Patterson, Jr's. family, and that this Resolution be made a part of the Minutes of this Board.

Presentation of a Resolution in Memory and in Honor of Commissioner Thomas B. Bacote from the Department of Social Services

Mr. Luther Packer, Chairman, DSS Board read and presented a Resolution to the family of Deceased Commissioner Thomas B. Bacote in memory of his service to the County.

RESOLUTION IN MEMORY OF THOMAS B. BACOTE

WHEREAS, the Cumberland County Board of Social Services is committed to the protection of children, the disabled and elderly, and the strengthening of families; and

WHEREAS, successful outcomes for families is the responsibility of the entire community; and

WHEREAS, Thomas B. Bacote was a leader in this community and was an advocate for the economically disadvantaged and the more alienated members of our community; and

WHEREAS, Thomas B. Bacote's work provided encouragement; his patience, an example; and his perseverance, a model for all of us.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Social Services Board strongly and unanimously memorializes Thomas B. Bacote as a friend of the people.

Presentation in Memory of Commissioner Thomas B. Bacote from the Board of Commissioners.

Commissioner Billy R. King presented a plaque to the family of Commissioner Thomas B. Bacote in memory and in honor of his service on the Board of Commissioners.

Recognition of County Retirees:

Dr. Jesse Williams - Health Department
Carrie Sparks - Social Services Department

Recognition of Outgoing Board/Committee Members

Rev. Dr. Joseph Fleming - Cumberland Cemetery Commission
James Herron - Social Services Board
Marshall A. Lanter - Workforce Development Board

Tom Royston - Housing Appeals Board

AMENDMENT TO THE AGENDA

Mr. James Martin, Deputy County Manager, asked the Board to add the following item to the Consent Agenda:

Consideration of a Resolution of the Cumberland County Board of Commissioners to the Hope Mills Board of Commissioners requesting that it postpone action that would alter that Town's Joint Planning participation to allow for dialogue.

MOTION: Commissioner Baggett moved to add the above item to the Consent Agenda.

SECOND: Commissioner King

VOTE: UNANIMOUS

1. Public Hearings

Upon finding and determining that the reclassification of zoning in the following cases is 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 offered:

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

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

Uncontested Rezoning Cases

A. Case P00-36. The rezoning from A1 Agricultural to R40A Residential, or to a more restrictive zoning district, on the east side of South River School Road and south of Kennel Road, the property of Gail Bennett Autry.

The Planning Board recommends approval of R40A.

B. Case P00-37. The rezoning from A1 Agricultural to R40A Residential, or to a more restrictive zoning district, on the north side of School Road, between Chicken Foot and King Hiram Roads, the property of William and Betty Garr.

The Planning Board recommends approval of R40A.

C. Case P00-38. The rezoning from RR Rural Residential to M(P) Planned Industrial, or to a more restrictive zoning district, on the southeast side of I-95,

between Doc Bennett and Claude Lee Roads, the property of Graham and Elizabeth Moore.

The Planning Board recommends approval of M(P).

D. Case P00-40. The rezoning from R10 Residential to R6A Residential, or to a more restrictive zoning district, at the bend in Warhorse Street, west of Sharon Street and south of Cumberland Road, the property of Robert Lee and Eunice Brisson Morris.

The Planning Board recommends approval of R6A.

E. Case P00-42. The rezoning from A1 Agricultural to RR Rural Residential, or to a more restrictive zoning district, located at the intersection of Bainbridge and Obershea Roads, the property of James L. and Mary R. White.

The Planning Board recommends approval of RR.

F. Case P00-43. The rezoning from C3 Heavy Commercial to RR Rural Residential, or to a more restrictive zoning district, on the west side of H. Clark Road and north of Butler Nursery Road, the property of Emma Hayner.

The Planning Board recommends approval of RR.

G. Case P00-44. The rezoning from C(P) Planned Commercial to M(P) Planned Industrial, or to a more restrictive zoning district, northwest of the corner of Gillespie Street and Black and Decker Road, the property of Hubert Clodfelter.

The Planning Board recommends approval of M(P).

2. CONSENT AGENDA

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

SECOND: Commissioner King

VOTE: UNANIMOUS

A. Approval of minutes for the June 19, 2000 regular meeting.

ACTION: Approve

B. Approval of the minutes for the following Special Meetings:

May 19, 2000	June 12, 2000
June 5, 2000	June 13, 2000
June 6, 2000	June 19, 2000

ACTION: Approve

C. Approval of Additions to State Secondary Road System

Upchurch Sands Subdivision: Hypony Trail

Wheatland Subdivision: Harvestgrain Drive, Cherrybark Drive, Eastfield Avenue, Deerview Trail

Arran Hills Subdivision: Delmar Street

ACTION: Approve

D. Approval of an Exception to the Conflict of Interest Rule - Emergency Repair Program.

BACKGROUND: Community Development received an Emergency Repair Program intake from an applicant who is related to the Senior Loan Analyst. The applicant is eligible for assistance under the program. Since the Senior Loan Analyst is a relative of the applicant, the Community Development Finance Officer will handle all matters related to this case. The County Attorney's Office has issued an opinion that granting assistance to this client, who is a relative of an employee in the Community Development Office, will not result in a Conflict of Interest in violation of State law or County ordinances, provided the staff person:

- has disclosed on the record the nature of the conflict;
- does not engage in deliberations concerning the matter;
- disqualifies herself from acting on the application; and
- does not communicate regarding the matter with anyone who will make a decision about this application.

Community Development has complied with all of the above points.

ACTION: No action needed.

E. Approval of Community Housing Organization (CHDO) Designation - Kingdom Community Development Corporation.

BACKGROUND: Under the HOME Investment Partnership program (HOME), Community Development is required to set aside a minimum of 15% of its annual HOME entitlement for specific activities to be undertaken by a special type of nonprofit called a Community Housing Development Organization (CHDO). Kingdom Community Development Corporation (CDC) has submitted an application to our office for approval as a CHDO. It appears they meet all criteria to be designated a CHDO. Community Development is working with Kingdom CDC to identify a specific project or projects to be administered by this CHDO. HOME funds currently available for commitment to this CHDO include 1998 and 1999 HOME set-aside funds totaling \$235,345. Kingdom CDC will also be provided \$42,200 in operating funds from the 1999 HOME allocation.

ACTION: Approve the designation of Kingdom CDC as a CHDO and the associated budget revision (B01-010).

F. Approval of a Resolution for a Tax-Exempt Loan for the Stedman Volunteer Fire Department to Purchase a Fire Truck.

BACKGROUND: The Stedman Volunteer Fire Department has applied to United Financial of North Carolina for a loan in the amount of \$290,000 to purchase a fire truck. One requirement for the loan to be tax-exempt is that the Board of Commissioners approves the transaction. Approval does not obligate the County in any way regarding payment of the debt.

ACTION: Adopt Resolution

RESOLUTION

BE IT RESOLVED that the Board of Commissioners of the County of Cumberland hereby approves a tax-exempt loan to the Stedman Volunteer Fire Department, Inc. from United Financial of North Carolina, Inc. in the principal amount of \$290,000 for the purpose of purchasing a fire truck;

BE IT FURTHER RESOLVED that the approval of the loan is given solely for purposes of the public approval requirements for tax-exempt financing applicable to the Volunteer Fire Department and such approval does not obligate the County of Cumberland or its Board of Commissioners in any way regarding repayment of the debt.

G. Approval of a Resolution for a Tax-Exempt Loan for the Lake Rim Volunteer Fire Department to Purchase a Fire Truck.

BACKGROUND: Lake Rim Volunteer Fire Department has applied to First Citizens Bank for a loan in the amount of \$200,000 to purchase a fire truck. One requirement for the loan to be tax-

exempt is that the Board of Commissioners approves the transaction. Approval does not obligate the County in any way regarding payment of the debt.

ACTION: Adopt Resolution

RESOLUTION

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Board of Commissioners of Cumberland County, North Carolina does hereby approve a tax-exempt loan to the Lake Rim Volunteer Fire Department from First Citizens Bank and Trust Company in the principal amount of \$200,000, which loan is for the purpose of the purchase by the VFD of a fire truck or fire trucks, and which fire truck(s) or fire station will be owned and operated by the VFD at 7690 Raeford Road, Fayetteville, NC;

BE IT FURTHER RESOLVED that the approval of the loan to the VFD set forth above is given solely for purposes of the public approval requirements for tax-exempt financing applicable to the VFD because of Section 150(e)(3) and Section 147(f) of the Internal Revenue Code of 1986, as amended, and such approval does not obligate the County or its Board of Commissioners in any way regarding repayment of the debt.

H. Approval of Bid Award for Remedial Repairs to the Mental Health Crisis Stabilization Center.

BACKGROUND: The following bids were received for this project:

<u>Company</u>	<u>Base Bid</u>	<u>Alt. G-1(Silicone)</u>
Baker Roofing	\$408,324.00	\$14,671.00
Carolina Restoration	\$ 87,437.00	\$15,400.00
Don Jessop Construction	\$319,712.00	\$48,800.00
Salem Contracting	\$129,169.00	\$11,910.00
Shaw Construction	\$157,904.00	\$27,500.00
Southern Roof Maint.	\$103,659.00	\$10,970.00
Strickland Waterproofing	\$411,382.00	\$28,800.00

Note: Base bid includes 3% contingency allowance.

The remedial work includes:

- removal of the concrete coping stones along the parapet walls and replacement with an aluminum coping system;
- sealing the brick window sills;
- resealing all junctures of metal roofing to masonry walls;

- addition of gutters at the roof bay projections; and
- replacement of the skylights.

The low base bid plus Alternate 1 was submitted by Carolina Restoration and Waterproofing, in the amount of \$102,837.00. This includes a 3% in-contract contingency. The architect's estimate of probable construction cost was \$171,345.

ACTION: Award the bid to the low bidder as noted above.

I. Approval of the Tax Collector's Preliminary Report and Proposed Annual Settlement.

BACKGROUND: NC General Statutes, Section 105-373, requires the Tax Collector of Cumberland County after the 1st day of July of each year to render a preliminary report to the Board of Commissioners concerning persons whose tax liabilities remain unpaid and to propose an annual settlement of taxes charged to him for collection for the past year. The preliminary report includes a list of persons owning real property whose taxes for the tax year 1999-2000 remain unpaid, a list of persons not owning real property whose taxes for the year 1999-2000 remain unpaid (the proposed insolvent list) and a statement under oath by the Tax Collector that he has made diligent efforts to collect such taxes. The proposed settlement consists of the amounts of taxes with which the Tax Collector has been charged for the year and the amounts of credits against such charges. The real and personal property tax balance is charged to the forthcoming tax year.

ACTION: Adopt Resolution

**RESOLUTION ACCEPTING PRELIMINARY REPORT OF THE TAX COLLECTOR
CREDITING THE INSOLVENT LIST, AND APPROVING
PROPOSED ANNUAL SETTLEMENT**

WHEREAS, North Carolina General Statutes, Section 105-373, requires the Tax Collector of Cumberland County after the 1st day of July of each year to render a preliminary report to the Board of Commissioners concerning persons whose tax liabilities remain unpaid and to propose an annual settlement of taxes charged to the Tax Collector for collection for the past ten years; and

WHEREAS, the Tax Collector has submitted such preliminary report and proposed settlement.

NOW, THEREFORE the Board of Commissioners of Cumberland County hereby **RESOLVES:**

- That the preliminary report of the Tax Collector of Cumberland County, consisting of a list of persons owning real property whose taxes for the year 1999-

2000 remain unpaid and the principal amount owed by each person, a list of the persons not owning or who have not listed real property whose taxes for the tax year 1999-2000 remain unpaid and the principal amount owned by each person (the proposed solvent list) and a statement under oath by the Tax Collector that he has made diligent efforts to collect such taxes, be and it hereby is, accepted;

- That the Board hereby finds that the persons on the list of those that do not own or have not listed real property are insolvent as that term is used in G.S. 105-373, directs that the list of such persons be entered into the minutes of the meeting of the Board as the insolvent list, and further directs that the amounts on such list be, and hereby are, credited to the Tax Collector in his annual settlement; and

- That the proposed settlement of the Tax Collector, appended hereto, for taxes in his hands for collection for the tax year 1999-2000, be and it hereby is, approved and that he be, and thereby is, charged with the amounts set forth in the settlement under the heading "Charges" and credited with the amounts set forth in the settlement under the heading "Credits".

See Attachment A to the Minutes.

J. Approval of the FY01 Tax Charge to the Collector.

BACKGROUND: In accordance with NCGS 105-321(b) before delivering the tax receipts to the Tax Collector in any year, the Board of Commissioners shall adopt and enter into its minutes an order directing the Tax Collector to collect the taxes charged in the tax records and receipts.

ACTION: Approve the levy and charge the Tax Collector with the responsibility to collect the taxes. (Attachment B to the Minutes)

K. Approval of Health Card and Hepatitis A Vaccine Fees for the Public Health Department.

BACKGROUND: The Board of Health approved a fee increase for Health Cards from \$15 to \$20 and established a new fee of \$17.50 for hepatitis A vaccine.

ACTION: Approve the fees.

L. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure - Lt. 2, R. E. Cole Sub., Sec. 6.

BACKGROUND: In 1990 the County acquired by tax foreclosure Lot 2, R.E. Cole Subdivision, Section 6 in Beaver Dam Township. The amount owed plus interest and costs is \$763.27. The

appraised value is \$4,375.00. The Board of Commissioners previously declared the property surplus to the needs of the County. Mr. Danny Gleaton has bid \$1,515.00 on the property. No upset bids have been received.

ACTION: Accept Mr. Gleaton's bid of \$1,515.00 and upon receipt of the balance of the purchase price, authorize the Chairman to execute a deed to Mr. Gleaton.

M. Report on the Disposal of Surplus Property Pursuant to N.C.G.S. 160-A-226(a).

BACKGROUND: The Board adopted a Resolution authorizing the Assistant County Manager to dispose of certain personal property worth less than \$5,000 per item or group of similar items which have become obsolete, unusable, economically unrepairable or otherwise surplus to the needs of the County. The Assistant Manager must provide semiannual reports to the Board summarizing disposals between the preceding January 1, and July 31.

ACTION: Accept and approve the report (Attachment C to these Minutes).

N. Budget Revisions:

ACTION: Approve

(1) Health Department

a. **Childhood Lead Poison Prevention:** Decrease in revenue and expenditures in the amount of \$2,000 due to termination of State funding. (B01-001) **Funding Source-State**

b. **Child Services Coordination:** Increase in revenue and expenditures in the amount of \$10,192 to budget additional funding to contract for a CSC program assistant. (B01-002) **Funding Source-State**

c. **Maternal Health:** Revisions to transfer \$50,024 funding from Maternal Health Fees to Escrow Fund Balance. (B01-003) **Funding Source-State & Escrow Fund Balance**

(2) Workforce Development

Increase in revenue and expenditure in the amount of \$155,930 to recognize additional funding for the Summer Youth Program. (B01-009) **Funding Source-Federal**

(3) **NC Cooperative Extension**

a. **Cooperative Extension Program:** Increase in revenue and expenditures in the amount of \$51,093 to establish the FY2001 budget. (B01-006) **Funding Source-State**

b. **Cooperative Extension Service:** Revision in the amount of \$5,200 to roll forward Pesticide Container Recycling funding from FY2000. (B01-018) **Funding Source-State**

(4) **Law Enforcement Block Grant 1999**

Revision in the amount of \$228,459 to recognize a Department of Justice grant for equipment rental in the amount of \$205,613 and to appropriate fund balance for the required County match of \$22,846. (B01-005) **Funding Source-Federal and County**

(5) **NC School Bonds**

a. **1998 School Bonds:** Revision to transfer unexpended funding from completed projects to the Massey Hill project and contingency and to approve the associated revised Capital Project Ordinances. (B01-007) **Funding Source-G.O. Bonds**

b. **NC School Bond Projects:** Increase in revenue and expenditures in the net amount of \$18,047,102 to establish funding for various projects and to approve the associated revised Capital Project Ordinances. (B01-019) **Funding Source-NC School Bonds**

(6) **Tax Assessor**

Revision in the amount of \$18,450 to appropriate fund balance to contract for the development of the gross receipts tax system on short-term lease and rental vehicles. (B01-020) **Funding Source-County**

(7) **Community Development**

Revisions in the total amount of \$2,312,161 to reprogram unexpended funds from FY2000. (B01-011 through B01-017) **Funding Source-Federal**

(8) Special Fire District

Revision in the amount of \$284,006 to allocate the FY2000 Special Fire District Tax to qualifying Fire Districts. (B01-021) **Funding Source-Special Fire District Tax**

O. Consideration of a Resolution asking the Hope Mills Board of Commissioners to postpone action that would alter that Town's joint planning participation to allow for dialogue.

RESOLUTION

WHEREAS, the Town of Hope Mills participates with Cumberland County in a Joint Planning board and joint planning efforts; and

WHEREAS, the Cumberland County Board of Commissioners has endorsed and continues wholeheartedly to endorse the value and benefit to the citizens of the respective jurisdictions of those joint planning efforts; and

WHEREAS, the Town of Hope Mills Board of Commissioners has indicated an intention to review its relationship with those joint planning efforts.

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that it respectfully requests the Town of Hope Mills Board of Commissioners to postpone any action that would alter Hope Mills' role in or participation in those joint planning efforts in order to allow the Chairman of the Joint Planning Board and the County Manager to engage in a dialogue with the Hope Mills Board Mayor, Town Manager and Planning Director about this matter.

ACTION: Adopt Resolution

REGULAR AGENDA

3. Nominations to Boards and Committees

A. Adult Care Home Community Advisory Committee (1 Vacancy)

BACKGROUND: Effie Ellis will complete her first term on this Committee on August 31, 2000. She is eligible for reappointment.

ACTION: Nominate Ms. Ellis for a second term.

Nominee: Effie Ellis

B. Mid-Carolina EMS Advisory Council (1 Vacancy)

BACKGROUND: Chief Alan Nobles who is filling the EMS Provider/First Responder position on this council has retired and a replacement is needed. Mr. Benjamin Major has been recommended to complete Mr. Nobles' term.

ACTION: Nominate Mr. Major to complete Mr. Nobles' term.

Nominee: Benjamin Major

4 Consideration of a Proposal to Develop an Economic Development Incentive Policy.

BACKGROUND: Economic development is highly competitive and companies look to communities to offer lucrative incentive packages to locate in their communities. The Fayetteville Area Economic Development Corporation's Goals and Objectives and Program of Work for FY01 identifies the development and adoption of an incentive policy as a priority. FAEDC President Harry Whalen, Chairman of the Board of Commissioners Ed Melvin and county management met with Ernie Pearson of the Sanford Holshouser Law Firm to discuss the services the law firm can provide regarding the formulation of an economic development incentive policy. Mr. Pearson is widely regarded in North Carolina and beyond as an expert in the area of economic development incentives. In addition to preparing the economic development incentives policy, Mr. Pearson will provide a legal opinion that will serve to provide an element of defense for the County in the event a lawsuit results from the application of the policy. The fee for Mr. Pearson's services is \$2,500 plus reimbursement for incidental expenses. Sufficient funds are available in the County's Industrial Inducement Fund. On June 27, 2000 the FAEDC Board approved the development of an incentive policy and recommends that the Board of County Commissioners retain the Sanford Holshouser Law Firm to prepare a proposed incentives policy. This expense is nonrecurring and will not impact future county budgets.

ACTION: Approve the retention of the Sanford Holshouser Law Firm to develop the incentives policy and authorize the County Manager to sign an engagement at a fee of \$2,500 with an added provision that reimbursable expenses be capped at a maximum of \$250.00.

MOTION: Commissioner Baggett moved to approve.

SECOND: Commissioner Warren

VOTE: UNANIMOUS

5. Designation of a Voting Delegate for the NCACC 2000 Conference.

BACKGROUND: A voting delegate needs to be selected for the NCACC 2000 Conference held August 10-13, 2000.

ACTION: Select a delegate for the conference.

MOTION: Commissioner Warren moved to appoint Commissioner King the voting delegate for Cumberland County.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

6. Consideration of Initiating a Rezoning Request for Former Case P99-73.

BACKGROUND: Case P99-73, the rezoning from R15/CU Residential and O&I Office and Institutional to C(P), an area on the south side of Raeford Road, west of Cliffdale Road, the property of Westin, LLC and John A. Williams, et al. Was heard by the Board of Commissioners on February 21, 2000 and denied.

Chairman Melvin requests that the Board of Commissioners consider initiating a rezoning request to consider a conditional use overlay for this property.

MOTION: Commissioner Warren moved to initiate a request asking the Planning Board to consider conditional use overlay for this property.

SECOND: Commissioner Baggett

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

OPPOSED: Commissioner King

MEETING ADJOURNED: 7:30PM

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