
Minutes
Cumberland County Board of Commissioners
November 20, 2000, 7:00 p.m.
Regular Meeting
Cumberland County Courthouse, Room 118
Fayetteville, NC

PRESENT: Chairman Edward G. Melvin, Jr.
Vice Chairman J. Lee Warren, Jr.
Commissioner Talmage Baggett
Commissioner J. Breeden Blackwell
Commissioner Jeannette M. Council
Commissioner Billy R. King
Commissioner H. Mac Tyson II
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Cliff Spiller, Asst. County Manager
Amy Cannon, Asst. County Manager
Grainger Barrett, County Attorney
Marsha Fogle, Clerk to the Board
Matt Rooney, Interim Planning Director

INVOCATION: Commissioner H. Mac Tyson II

PLEDGE OF ALLEGIANCE

RECOGNITION: Outgoing Board/Committee Members

Debbie Crain: Cumberland County Community Child Protection/Fatality Prevention Team

John Malzone: Cape Fear Valley Health System Board of Trustees

ADJUSTMENTS TO AGENDA:

Add: Public Hearing: Item 1H – Work First Program

Delete: Item 2C – Approval of 10-year lease for Windows of Opportunities and refer to the County Facilities Committee

MOTION: Commissioner Warren moved to approve the adjustments as

noted above.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

1. PUBLIC HEARINGS

Uncontested Rezoning Cases

Upon finding the amendments and revisions of the Subdivision Ordinance to be reasonable, neither arbitrary or unduly discriminating; and upon finding the rezonings to be reasonable, neither arbitrary or unduly discriminating, 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 (A,B,C,).

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

A. Case P00-56. Spring Lake Municipal Influence Area. Consideration of amendments and revisions to the Spring Lake Municipal Influence Area referred to in the Cumberland County Subdivision Ordinance, Section 1.8.4 "Definitions, Municipal Influence Area."

BACKGROUND: The Planning Board recommends approval.

No Speakers

B. Case P00-64. The rezoning from RR Rural Residential to R10 Residential or to a more restrictive zoning district, between Cottonwood and Buttonwood Avenues, west of Acacia Drive, the property of Gillis Development Corporation.

BACKGROUND: The Planning Board recommends approval.

No Speakers

C. Case P00-66. The rezoning from R6A Residential to C(P) Planned Commercial, or to a more restrictive zoning district, on the west side of Dunn Road, north of its intersection with Baywood Road, the property of Culbreth Investments, LLC.

BACKGROUND: The Planning Board recommends approval.

No Speakers

CONTESTED REZONING CASES

D. Case P99-73. The rezoning from O&ICU and R15/CU to C(P)/CU (Planned Commercial District with a Conditional Use Overlay District), or to a more restrictive zoning district, and an application for a Conditional Use Permit to allow retail uses for a 7.40 acre area on the south side of Raeford Road, west of Cliffdale Road Extension, the property of Westin LLC and John A. Williams, et.al.

BACKGROUND: The Planning Board makes no recommendation on this case.

SPEAKERS:

1. Neil Yarborough, Attorney for the buyer of the property, noted the significant economic development opportunity for the county if this conditional use overlay district is approved. Mr. Yarborough noted this project will bring in a \$7 million new investment, generate \$73,850 a year in annual ad valorem taxes and will generate 80 new jobs. Mr. Yarborough said \$300,000 in sales tax would also be generated annually. The Bi-Lo stores have already invested approximately \$25 million in Cumberland County with stores at four other locations. Mr. Yarborough also said that this particular location at the intersection of Cliffdale and Raeford Road, is one of the hottest in Cumberland County. He said Bi-Lo has submitted a "neighborhood sensitive" plan for this project. It has committed to the following: a 50 foot no tree buffer, a six foot fence and a ten foot buffer zone. Mr. Yarborough noted that with the current zoning, a variety of things could occur at this intersection that would be more intrusive than an upscale grocery store. He noted the lights will be oriented away from the neighborhood. A water/sewer easement will be provided across the grocery store land for the neighborhood. Mr. Yarborough also noted that some of the residents in the Tunbridge Subdivision are in favor of this project. Mr. Yarborough stated it is not a matter of "whether" this area will develop, but when and what will go there.

2. Jerome Brown, resident of Tunbridge Subdivision. Mr. Brown noted this community has been back to fight this rezoning several times. He said this rezoning is not in the best interest of the neighborhood. He said if you look at what the public good is, in his opinion there is none. He said that there are five grocery stores within a five mile radius of this intersection. He said this rezoning would be bad planning and not in keeping with the 2020 Plan. He also noted that at the last Planning Board meeting there was a 3-3 tie on this issue, recognizing this is a bad plan. He also noted that if other grocery stores close as a result of too many grocery stores concentrated in one area, you really do not derive more tax benefits. Mr. Brown said this rezoning would not enhance the

neighborhood or provide for quality of life for the neighborhood. He asked the Board to deny the rezoning request.

3. George Matthews, President of Tunbridge Community Watch. He said the neighborhood is not opposed to economic development and they are not against Bi-Lo. However, he said there are seven stores within a seven-mile radius of this area. He said he does not believe people will be buying more groceries with this new store, but perhaps reshuffle their grocery money. He said the county won't see a tax increase if one of these stores should close. He asked the Board of Commissioners to reject the rezoning request.

4. Stu Pollock: Resident of Tunbridge Subdivision. Poor plan which has no transition between residential and commercial. Building will butt up against the neighborhood with insufficient buffers. Also concerned about drainage from the parking lot to the neighborhood.

5. Neil Yarborough, in rebuttal. Mr. Yarborough noted the Planning Board will have to approve the site plans. He said this is a valuable site which will produce 80 new jobs and much needed sales tax for the county. He said that we want to think of ourselves as a "regional commercial center" and this upscale grocery store is part and parcel to developing as a commercial growth center. He noted that most of the grocery stores in the immediate area are Food Lion stores and this would give the citizens an option.

MOTION: Commissioner King moved to deny the rezoning.

SECOND: Commissioner Blackwell

DISCUSSION: Commissioner Blackwell noted the following concerns: (1) 3-3 Planning board split; (2) Planning Staff recommended denial; (3) Planning Board members unsure of what they were going to do; (4) people in the neighborhood have a lack of faith in government and elected officials when the issue keeps coming back up for consideration when it was originally denied.

Commissioner Baggett said the piece of property at this particular intersection makes it extremely marketable and something is going to go here sooner or later, and the alternative may be worse than what is being proposed here. Commissioner Baggett inquired of Mr. Yarborough if his client would be willing to install a ten-foot high barrier as opposed to a six-foot fence. Mr. Yarborough indicated his client would be willing to go up to a ten-foot high fence.

Commissioner Melvin said he would hate to see this project go down the drain.

SUBSTITUTE

MOTION: Commissioner Melvin moved to find this conditional use overlay district application reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that the conditional use for commercial and retail be approved.

SECOND: Commissioner Tyson

DISCUSSION: Commissioner King said he thought this action is poor planning. He said

if you look around the county you will see a lot of empty grocery stores. In addition, he said he was not persuaded that grocery stores will be a tax enhancement. In response to a question, the County Attorney said we will retain the current underlying zones.

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

MOTION: Commissioner Melvin moved that the Board finds that this conditional use

permit application, if developed as proposed will (1) not materially endanger the public health and safety; (2) not substantially injure the value of adjoining or abutting property; (3) be in harmony with the area in which it is located; and (4) 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 Tyson

DISCUSSION: Commissioner Council said she would like the buffer to be aesthetically pleasing with evergreen buffers. It was noted the Planning Department would address the type of buffer to be used. Note: The petitioner agreed to provide both a six foot high fence and a ten foot high visually obscuring landscape buffer.

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

E. Case P00-68. A Conditional Use Overlay District and Conditional Use Permit to place two mobile homes in an R10 Residential District on the south side of Church Street, east of Freedom Lane, the property of Cladie C. Terry, Jasper L. Roberts, and Jewell E. Roberts

BACKGORUND: The Planning Board recommends approval.

SPEAKERS:

1. Jimmy Terry: Requested the rezoning for mobile homes so the family can live close together.

2. Bill Witiak: Representing his son who is concerned about mobile homes going into an area that may become a park.

MOTION: Commissioner Baggett moved that the Board finds this conditional use

district overlay application for a mobile home to be reasonable, neither arbitrary nor unduly discriminatory, and in the public interest and that it be approved.

SECOND: Commissioner King

VOTE: **FAVOR:** Commissioner Blackwell, Warren, Melvin, Council,

Baggett and

King
OPPOSED: Commissioner Tyson

MOTION: Commissioner Baggett moved that the Board finds that this conditional

use permit application, if developed as proposed will (1) not materially endanger the public health and safety; (2) not substantially injure the value of adjoining or abutting property; (3) be in harmony with the area in which it is to be located; and (4) be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board, and that it be approved.

SECOND: Commissioner Blackwell

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

King
OPPOSE: Commissioner Tyson

F. Case P00-75. Amendments and revisions to the Cumberland County Subdivision Ordinance, Article 1, Section 1.8, Definitions (U) Municipal Influence Area

BACKGROUND: The Planning Board recommends approval.

SPEAKERS:

- 1. Walter Moorman: In favor of the revisions/amendments. If not approved, concerned the County will be enforcing an ordinance over which we have no control or jurisdiction.**
- 2. John Tyson: In favor of the revisions/amendments. Could e confusion about what standards to enforce, the County's or the Town of Hope Mills, The action by the Joint Planning Board does not have anything to do with the withdrawal of Hope Mills from the Joint Planning Board. Is concerned the county is setting our annexation areas for municipalities.**
- 3. John Gillis, Chairman, Planning Board Land Use Codes Committee: He said this issue has been before us for awhile. He noted the importance of having time lines and budget parameters in place; our current MIA leaves out time lines. He said 10 years seems to be a reasonable horizon for planning services that must be provided when annexing an area. He said when we enforce rules over which we have no control we assume some risk. In favor of the revisions/amendments.**
- 4. Roberta Waddle (former member of the Joint Planning Board): Opposes the**

amendments because she feels it will hinder cooperation between the city and county in planning efforts.

5. Jimmy Teal, City of Fayetteville: Asked the Board to postpone making a decision at this time. He said there is no hurry to do this.

In response to a question, Mr. Teal noted that the standards between the City of Fayetteville and the County are not much different.

Commissioner Blackwell asked the County Attorney if he needed more time to make the ordinance more precise or if what has been presented will work ok. Mr. Barrett, County Attorney, indicated he had corrected some of the language; however, he felt he could, with more time, clarify it further, although there would be no substantive changes.

MOTION: Commissioner Blackwell moved to refer this item to the County Attorney

to confer back with the Planning Board Chairman and Land Use Committee Chairman to clarify the language in the amendments.

SECOND: Commissioner Melvin

DISCUSSION: Commissioner Baggett noted there would be no substantive changes and that the clarification could be done at a later time.

SUBSTITUTE

MOTION: Commissioner Tyson moved to approve the amendments/revisions utilizing the following language:

- **amend Section 1.8(u) of the Cumberland County Subdivision Ordinance by adding “as provided by Section 3.20.2” at the end of the first sentence and re-writing the third sentence to read: “The map shall be amended as provided in Section 3.20.2.”**
- **in the proposed amendment, change the proposed first sentence to read “Except as provided in this paragraph, this Ordinance shall apply to all areas of Cumberland County outside of the municipal city or town limits of any incorporated municipality within Cumberland County.”**
- **amend section 3.20.2 of the Subdivision Ordinance by inserting the proposed amendment as the new first paragraph of such section.**

SECOND: Commissioner Warren

DISCUSSION: Commissioner Blackwell said he was receiving mixed messages as to whether or not the County Attorney is satisfied with the above language or would like some more time to further clarify the amendments/revisions.

The County Attorney said while the above language is adequate, he believes he could make it better.

Commissioner Blackwell withdrew his original motion.

SUBSTITUTE

MOTION: Commissioner Council moved that we defer action until the County Attorney presents in writing the specific language to be used in these amendments/revisions.

SECOND: Commissioner King

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

MINIMUM HOUSING HEARING

G. Case MH1131-00 (Property of Henry L. White, 6543 Amanda Circle, PIN # 9496-81-4903)

Affidavit of the Housing Inspector's Report before the Board of Commissioners:

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

BACKGROUND: The following is a report on case number MH1131-00.

Property Owner: Henry L. White

Property Address: 6453 Amanda Circle, Fayetteville, NC

Tax Parcel Identification Number: 9496-81-4903

SYNOPSIS: This property was inspected on 5/11/00. The property owner and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 6/15/00. Mr. White's agent, Mr. William Herndon, 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 a date not later than 8/15/00. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. The property owner signed a Burn Release authorizing the fire department to burn the structure for training purposes; however, on 8/21/00 the fire department decided they could not burn the dwelling. Based on this, Mr. White was granted an additional 60 days to bring the property into compliance. The new compliance date was 10/15/00. Upon my visit to the property on 11/08/00 and today's date, 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 \$37,500. The Assessor for Cumberland County has this structure presently valued at \$7,800.

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

SPEAKERS:

1. Deputy Prevatte: Urged the Board to take action to demolish the house. He noted the walls are separated from the foundation, and he is concerned it could collapse on someone. Also noted a lot of foot travel in the area inviting problems in the neighborhood.

MOTION: Commissioner Baggett moved:

- to adopt the order and report of the Minimum Housing Inspector as the true facts in this case;
- order the property owner to remove or demolish the dwelling within 30 days;
- order the Inspector to remove or demolish the swelling, if the owner fails to do so and impose a lien on the real property for the cost of such action; and
- 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 Tyson

VOTE: UNANIMOUS

H. Public Hearing for the Cumberland County Work First Program Plan

BACKGROUND: Mr. Bill Scarlett, Director, DSS Department, said the purpose of the public hearing is to allow public comment on the plan. The plan will be available for review and comment in the Office of the Clerk to the Board of Commissioners and the Director's Office at the Social Services Department. The Plan will come back to the board at the December 4th meeting for formal approval.

NO SPEAKERS

2. CONSENT AGENDA

MOTION: Commissioner King moved to follow staff recommendations on the items on the Consent Agenda, excepting item 2C, which was referred to the County Facilities Committee.

SECOND: Commissioner Council

VOTE: UNANIMOUS

A. Approval of Minutes: November 6, 2000

ACTION: Approve

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

Cumberland Industrial Center: Technology Drive, Production Drive, Corporation Drive

ACTION: Approve

C. Approval of a 10 year lease for Windows of Opportunity

BACKGROUND: The County presently leases on an annual basis the former Washington School property on Ames Street in Fayetteville to Windows of Opportunity. This organization carries out a public purpose, and has requested a ten-year lease because it has plans to develop a comprehensive campus on the property and expand its employment and supported living opportunities for its clientele.

ACTION: Authorize the County Manager or designee to publish a Notice of Intent to Lease County Property once after approval, and to execute the lease no sooner than ten days after said publication.

This item was deleted from the agenda and will be referred to the County Facilities Committee.

D. Approval of an amendment to the contract with The Women's Center (Community Housing Development Organization) (CHDO)

BACKGROUND: The Women's Center of Fayetteville was designated a CHDO by the County to participate in the Community Development HOME Program. The current program, called Lease to Home, allows The Women's Center to purchase VA foreclosed properties (preferably discounted), rehabilitate them if needed, rent them to qualified families/individuals, and then after three years sell them to the renter. The financing on each of these properties was to be provided by Community Development and a private lender. The County's contract with The Women's Center requires a first position lien on all the properties purchased with HOME funds. The requirement is based on the fact that the private lender would be loaning money on a line of credit secured by The Women's Center's office building, not the individual properties purchased. The current interest rate on the loans is 9.5%. However, The Women's Center has been able to negotiate financing with another lender that would be more favorable for the program at 5.5%. In order for them to take advantage of this opportunity, the lender has asked that the County subordinate its first position lien. A savings of \$6,000 can be realized with this alternative financing. In an effort to allow more flexibility in the structuring of the Lease to Home program, Community Development proposes (1) subordinating to private lenders upon prior approval by the County; (2) permitting The Women's Center to purchase properties other than VA foreclosures; and (3) extending contract period which expires January 31, 2001.

ACTION: Follow the above recommendation from Community Development.

E. Approval of the Second Reading of an amendment to the Franchise

Agreement for the Dogwood Deli at the DSS Building

BACKGROUND: The Board approved the First Reading at the November 6, 2000, meeting. The amendment allows for a reduction in the commission payable to the County to 6% of the net sales with a minimum amount of \$600 per month.

ACTION: Approve Second Reading.

F. Report of Formal Bid Awards of less than \$100,000, approved by Management

BACKGROUND: Management awarded the follow bid for the purchase of books for the Library System:

Book Wholesaler's Inc.	\$53,836.25.
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A tabulation of bids received is as follows:

Baker & Taylor:	\$50,085.60
Book Wholesaler's Inc.	\$53,836.25
Ingram Library	A valid bid was not submitted

Although Baker and Taylor submitted the low bid, there are internal problems at their processing facilities which could affect the delivery date to the County. Due to the nature of the Smart Start program, the Library must have assurance of a timely delivery. That is why the Library recommended and the County Manager awarded the bid to Book Wholesaler's Inc.

G. Budget Revisions

(1) Public Library & Information Center

a. Library: Revision in the amount of \$44,105 to transfer funding from lapsing salaries to contracted services to cover the cost of temporary library employees until new staff can be hired (B01-227) Funding Source – County

b. Gates Grant: Increase in revenue/expenditures in the amount of \$167,063 to recognize two awards from the Gates Foundation to be used to create computer training lab in the Headquarters library and to add additional computers to all six branches and the law library (B01-229) Funding Source – Other

c. Foreign Language: Increase in revenue/expenditures in the

amount of \$12,091 to recognize additional fees earned from subscriptions and special interlibrary loan services (B01-340) Funding Sources – Fees

(2) General Government Other

a. Revision in the amount of \$860,295 to decrease appropriated fund balance and transfer the funding to contingency (B01-232) Funding Source – County

b. Revision in the total amount of \$143,999 to reduce contingency to fund expenditures for Pretrial Release (\$9,574), Public Safety Other (\$116,425); Public Buildings Equipment Maintenance (\$18,000). (B01-224 & B01-234-236) Funding Source – County

(3) Mental Health

a. Adult Services – Partial Hospitalization: Revisions in the amount of \$48,050 to appropriate fund balance to extend the rental agreement on two facilities due to delay in occupancy of Winding Creek and to renovate offices on Bradford Avenue after the Children’s Program moves (B01-223-223B) Funding Source – Mental Health Fund Balance

b. Adult Services Contracts: Increase in revenue/ expenditures in the amount of \$50,000 to recognize additional funding for a contract with the Cumberland County Sheriff’s Department under the Police Partnership Project (B01-222) Funding Source – Federal

(4) Administration: Revisions in the amount of \$17,342 to fund prior manager’s remaining accrued vacation time and related fringe benefits (B01-231) Funding Source – Appropriated Fund Balance

(5) Elderly & Handicapped Transportation: Increase in revenue/ expenditures in the amount of \$1,372 to reconcile the county budget with the current year FAST contract (B01-237) Funding Source – Other

(6) Governing Body: Revision in the amount of \$23,582 to transfer funding from contingency for commissioners travel and conference expenses (B01-225) Funding Source – County

REGULAR AGENDA

3. Nominations to Boards/Committees

A. Cumberland County Industrial Development & Pollution Control Financing Authority (1 vacancy)

BACKGROUND: Mr. F. Lyndon Ramey, Jr. has resigned his position. A replacement is needed to fill his unexpired term (September 2003). Mr. H.B. Smith, Jr., a former charter member of the Authority, has expressed an interest in serving again. He is eligible to do so.

ACTION: Make nominations to fill the vacancy.

Nominee: H. B. Smith, Jr.

4. Appointments to Boards/Committees

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

Nominee: Ander J. Dunham, Jr.

B. Cumberland County Community Child Protection/Fatality Prevention Team (3 vacancies)

Nominees:

Vivian Strickland Parent of a child who died before reaching 18th birthday

Mattie Pipkin At-Large

Helen Pierce At-Large

C. Joint Senior Citizens Advisory Board (1 vacancy)

Nominee: Helen Lee

D. Mid-Carolina EMS Advisory Council (1 vacancy)

Nominee: Ernest J. Morine

5. Consideration of the County Finance Committee Report/Recommendation

A. Consideration of funding requests from the Cumberland County Library & Information Center presented at the November 2, 2000, County Finance Committee

BACKGROUND: At the Finance Committee meeting on November 2, 2000, the Library

presented the following requests for consideration:

1. Funding in the amount of \$266,144 to fund 17 positions, reduced materials budget and reduced operational expenses;
2. Beginning January 2001, authorization to use lapsed salary and benefit funds to hire temporary employees for all current and future vacancies;
3. Beginning January 2001, requests that the hiring freeze for all library vacancies be lifted to reduce the cost of hiring temporary employees;
4. Allow the Library to use their revenue collections instead of turning them back in to the County.

The Finance Committee recommends:

1. an appropriation from the General Fund in the amount of \$28,000 to cover the loss of the decrease in State funding as a result of a cut in county funding;

ACTION:

1. Approve a budget revision (B01-228) transferring \$28,000 from the General Fund to the Library budget to cover the amount of funding not received from the State.
2. Management will continue to consider budget revisions for over realized collections on an individual basis taking into consideration realization of all budgeted revenue sources for the department.

B. Procurement Card Program

BACKGROUND: The Procurement Card Program, in use for 11 departments, has turned up no significant problems following a six-month trial. Based upon the experience, Amy Cannon, Assistant County Manager, recommends that we continue the program and gradually issue cards to additional interested departments. Each potential cardholder must attend a training session before a card is issued.

The Finance Committee recommends that the Procurement Card Program be continued and that cards be issued to other departments as requested.

ACTION: Follow the recommendation of the Finance Committee.

C. Resolution requesting the Public Works Commission to extend sewer service to the Kelly Hills/Slocomb Road area

BACKGROUND: The Finance Committee discussed the sewer needs of the Kelly Hills/Slocomb Road area. Mr. James Fleming attended the meeting and presented a copy of a contract for water and/or sewer connections to Main

6. Consideration of the County Personnel Committee Report and Recommendations:

A. Employee Assistance Program

BACKGROUND: The County Personnel Committee considered a proposed special entry rate plan for Certified Employee Assistance Program (CEAP) employees. The plan is in response to difficulties experienced by the Mental Health Center in the recruitment and retention of CEAP employees. Additionally, it is a requirement of the Council on Accreditation certification for Mental Health to retain a CEAP on staff. Further inability to recruit experienced CEAP employees will jeopardize Mental Health's ability to continue providing EAP services. The Personnel Committee recommends approval of the special entry rate plan and budget revision.

ACTION: Consider whether to approve a special entry rate plan for CEAP employees, along with associated budget revision (B01-233).

B. Proposed Classification Changes

BACKGROUND: The County Personnel Committee considered several proposed classification changes in the Tax Administrator's office, the Sheriff's office and the Communications Center. (See attachments A-C)

The Personnel Committee recommends approval of the classification changes as presented along with the budget revision.

ACTION: Approve the classification changes and budget revision (B01-226).

7. Consideration of a proposal to enhance the County's economic development opportunities with construction of an industrial shell building

Appearing: Linda Lee Allen, Chairman, FAEDC
Keith Allison, Chairman, FAEDC Shell Building Committee
Harry Whalen, President, FAEDC

BACKGROUND: The Fayetteville Area Economic Development Corporation Board of Directors approved development plans for an industrial shell building. This shell building has been identified as a basic component to our community's marketing effort. FAEDC will construct a 130,000 foot shell building in the County's Industrial Park. FAEDC is seeking incentives from Cumberland County for an appropriate amount of funds equal to the property taxes on the proposed shell building, backing of FEDC's loan for construction of the building, donation of a site at Cumberland Industrial Center and coverage of interest payments after a two-year period. It is expected the shell building will lease or sell within one to two years.

ACTION: Consider approval of the shell building proposal.

8. Consideration of a proposed Cumberland County Economic Development Investment Policy

BACKGROUND: Harry Whalen, President, FAEDC, requests the Board to consider an investment policy which includes the following principles:

- Any grant must provide the County a high return on investment, taking into account tax of the project for up to a ten year period from the date of the start-up of the project (NCGS 158-7.1(d2));
- Any grant must be preceded by an agreement with the company involved, binding it to minimum levels of capital investment and quality job creation & providing for recoupment of initial grants and/or reductions in amounts of forward funded grants, in the event that it fails to meet those minimum required levels (NCGS 158-7.1(d2)(2));
- Investments of county funds by the way of EDIP grants shall be in items which leave value in the county in the event of a curtailment or closure of the operations within the industrial facility, such as site acquisition, site preparation, internal infrastructure, job training, etc.
- Terms and application of the EDIP policy shall allow existing industries to receive consideration for grants that are on terms equal to or better than those available to a company considering locating its first facility in the County;
- The provision of EDIP grants must be competitively necessary in order to induce the company being recruited to locate its new or expand its existing facility in the county.

Each project will be considered on a project-by-project basis. In determining whether to make an EDIP grant to a project, the following factors, among others, will be considered:

- total capital investment including site acquisition, site improvement, building cost and equipment;
- the number, type and quality of jobs created;
- wage levels;
- potential for future expansions and increased employment;
- site specific issues that impact positively on public infrastructure expansions which will stimulate development in areas of the county, thereby benefiting overall community development;
- the potential for the project to attract other companies which would be suppliers to or affiliated with that company;
- other factors promoting the public welfare and deemed relevant by the Board in its discretion.

In order to qualify for an EDIP grant from the county, the project must meeting certain minimum threshold requirements as follows:

- the minimum level of capital investment for a new project in the County is \$5,000,000 and \$2,500,000 for expansion of an existing facility in the county;
- minimum level of new jobs that must be created for a new project is 25; expansion of existing facilities must result in the creation of at least 5 new jobs;
- wage levels of jobs created must equal at least 100% of the average wage for the applicable industry sector paid in the county;
- the project must involve a facility to be used for manufacturing, distribution, corporate or divisional headquarters, back office operations (i.e., telemarketing, call center, check clearing, etc.) research and development, air courier hub, or processes which involve the utilization of high technology or innovative new technologies.

For a project to be considered by the Board for an EDIP grant, it must meet ALL of the above minimum project qualifications. Additional qualifications may be required by the Board in its discretion, on a project-by-project basis.

Even though a project might meet all of the above minimum project qualifications, it will not be considered if any of the following factors apply:

- If the expansion project would result in a net reduction of the ad valorem tax valuation of all facilities in the county owned by the company, or its parent, subsidiary or affiliated companies, a grant will not be provided;
- If the company, or a parent, subsidiary or affiliated company is not current in all ad valorem tax payments to the county;
- No prior commitment to an EDIP grant shall be binding if the company originally receiving the grant assigns it to another company, unless the Board has consented to such assignment in writing;
- The financial condition of the company receiving the grant must not be such that the ability of the company to meet its obligations is in reasonable doubt;
- No EDIP grant will be provided if the project would result in degradation to the environment in the county or pose a significant risk of an environmental hazard.

EDIP grants will generally be made in installments to be paid in the future, but in extraordinary, impactful projects, such grants may be made at the time of the commitment of the project to locate in Cumberland County. Such grants may be used for one or more of the following purposes, depending upon the terms approved by the Board:

- site acquisition;
- site preparation;

- internal site infrastructure;
- external infrastructure;
- other improvements to the site;
- job training costs not otherwise reimbursed by grants from the Community College system or tax credits pursuant to the state statute;
- other purposes which leave value in the community as determined by the Board on a project-by-project basis.

The procedure for considering a project for an EDIP grant is as follows:

- company will negotiate the terms with the County's Economic Developer and Manager (the Board has the sole discretion and final authority to approve such grants);
- county will conduct a full financial review of the company to assure it can meet its performance requirements;
- a public hearing will be held regarding the grant (NCGS 158-7.1);
- the Board will approve the terms of the grant agreement by resolution and must specifically find that such project will benefit the public interest and promote the public welfare of the citizens in the county;
- an EDIP grant agreement will be executed which contractually binds the County to make the grants, and the company to meet the capital investment, job creation and wage level requirements, to which they mutually agreed; a failure of the company to meet the requirements will result in recouping a pro rata portion of any grants given previously or a pro rata reduction of any future grants;
- the company will provide periodic verification of its compliance with the requirements to which it has agreed as appropriate and/or, at the request of the County's Economic Director, and by a means agreed upon between the county and the company on a case by case basis.

These guidelines are not retroactive to any project which has been announced prior the adoption of the guidelines. These guidelines are effective November 20, 2000.

9. Update on the clean-up of the site of chlorine gas leakage in Vander, NC

BACKGROUND: Thomason Plywood in Vander has recently been identified as a hazardous chemical locate due to leakage of chlorine gas from old canisters which are stored on the property.

Commissioner Baggett has asked for an update on this matter. The following information was provided by the County fire Marsha's Office:

July 2000: after a survey of the facility, it was determined Woody's
Salvage

Yard had never been inspected to the Fire Marshal's Office;

September 5, 2000: went to Woody's to conduct inspection, unable to locate owner;

September 25, 2000: met with owner (Mr. Dotson) & conducted an inspection; left written report with owner;

October 5, 2000: contacted the following people/departments/agencies concerning problems at the site: Health Department, Inspections Department, Seaboard Coastline, State Air Quality, State Ground Water, County Attorney's Office;

October 23, 2000: Mr. Dotson picked up copy of inspection report (he was given until November 25, 2000 to make corrections);

November 7, 2000: responded to chemical leak at site (chlorine leak); evacuated area for several hours;

November 8, 2000: agencies met on site with Mr. Dotson (to include EPA, Mr. Robert Runge);

November 9, 2000: EPA assumed responsibility for the site and for clean up of the hazardous materials and for further investigation.

10. CLOSED SESSION: Personnel Matter and Attorney Client

MEETING ADJOURNED:

Clerk to the Board