

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
DECEMBER 17, 2001, 7:00PM  
REGULAR/REZONING MEETING**

PRESENT: Chairman J. Breeden Blackwell  
Vice Chairman Talmage S. Baggett  
Commissioner Jeannette Council  
Commissioner Kenneth Edge  
Commissioner John Henley  
Commissioner Billy R. King  
Commissioner John Henley  
James Martin, County Manager  
Juanita Pilgrim, Deputy County Manager  
Cliff Spiller, Asst. County Manager  
Amy Cannon, Asst. County Manager  
Grainger Barrett, County Attorney  
Tom Lloyd, Planning Department  
Marsha Fogle, Clerk to the Board  
Barry Warren, Planning Director

INVOCATION: Commissioner Lee Warren

PLEDGE OF ALLEGIANCE: Lindsay Poe, Vanstory Elementary School

**1. PUBLIC HEARINGS**

**INITIAL ZONING CASE – LINDEN**

- A. Case P01-96. Initial zoning of 38.8 (+ or -) square miles to A1, CD, RR, R40A, R40, R30, R20, R15, R6A, PND, PND/CU, C(P), C3, M(P) and M2 for an area bounded by Harnett County on the North, the Cape Fear River on the East and Southeast; Area 1 on the Southwest and Areas 15A and 15B on the West**

The Planning Board recommends certification of the zoning map.

Barry Warren, Planning Director, reviewed the map that was certified by the Planning Board. (A copy of the map is on file in the Planning Department).

Commissioner King inquired if activities currently being pursued on the properties in the initial zoning area would be allowed to continue. Mr. Warren said they would.

**SPEAKERS:**

1. Beverly Raynor – owns 80 plus acres in the rural Linden area. She said her property is zoned M2. She said they have tractors, plows, log trucks and other equipment which they use to help their neighbors. She said zoning shows no respect for others rights. She said the Board should zone those who want to be zoned and leave others alone. She said with the recommended zoning of her property she would be able to put up an adult hotel. She said she does not need to have her taxes increased. She asked the Board to deny the initial zoning for Linden, or at least not zone those who do not want to be zoned.
2. William Cockfield – Strongly supports zoning and the protection it offers the residents.
3. Edward Carter – The initial zoning of Linden was defeated in 1999. He said the new residents moving into the area failed to plan by not checking to see if the area was zoned. He said some people moved to Linden because there is no zoning. He said the new subdivisions could plant trees, shrubbery, and put up privacy fences, which would solve their problems. Opposed to zoning.
4. Tom Keith – wants to request a change from what the Planning Board recommended.
5. Terry Samperton – Supports zoning.
6. Carol Samperton – She and her family moved there 27 months ago. They were surrounded by farmland; now everything has changed. There are two

- junk yards and a mini-mall adjacent to their community. Supports zoning as it protects all residents.
7. Amy Samperton – Supports zoning.
  8. Joe Hair – Opposed to zoning. No one has been able to tell him how zoning will help him.
  9. Louis Morgan – Has 120 acre farm. Has survived without zoning for the last 40 years. Concerned that his brother who has a one acre lot on the farm could not rebuild on the one acre if his house burned or was destroyed because in A1 you have to have two acres in order to build on. Opposed to zoning.
  10. Craig Purcell – presented a petition in support of zoning. Does not want Linden to look like the old Hay Street, Bragg Boulevard or Reilly Road. Zoning protects the general welfare of everyone. Urged the Board to make a decision for the betterment of the entire area. Strong supports zoning.
  11. Margaret Raynor – Does not live in the Linden area; however owns land there. Zoning makes good sense and will promote sound and planned growth. Urged the Board to do what is good for the entire county and zone the Linden area.
  12. Isaac Byrd – Concerned that a home on a small lot could not be replaced if it is destroyed.

Barry Warren, Planning Director, assured everyone that if a home is destroyed it can be built back. He said there are several ways to address the issue, one is through zero lot line, where you can use the density to your advantage in rebuilding. In addition, Mr. Warren noted it has been the policy of the county to allow residents in an initial zoning area sixty days to make application, at no cost, for rezoning.

**MOTION:** Commissioner King moved to approved certification of the map as presented and recommended by the Planning Board.

**SECOND:** Commissioner Council

**DISCUSSION:** Commissioner Edge inquired if the residents would be notified that they have sixty days to submit an application for rezoning, at no cost. Mr. Warren said they do not usually send individual notifications. Commissioner Edge said he would like to see everyone notified.

**AMENDED**

**MOTION:** Commissioner King moved to approve certification of the map as recommended by the Planning Board, and to direct the Planning Staff to notify the Linden residents, affected by the initial zoning, that they have until March 1, 2002 to submit an application for rezoning their property, at no cost.

**SECOND:** Commissioner Council

**VOTE:** UNANIMOUS

### **Uncontested Rezoning Cases**

Because there is no opposition in Case P01-92, it was moved to the Uncontested Cases.

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

**MOTION:** Commissioner Warren moved to follow the recommendation of the Planning Board in the Uncontested Rezoning Cases.

**SECOND:** Commissioner Henley

**VOTE:** UNANIMOUS

- B. Case P01-90. The rezoning of 1.83 acres from A1 to RR, or to a more restrictive zoning district, at 3534 Lacewood Court, owned by Upton Tyson.

The Planning Board recommends denial of RR and approval of R40A.

- C. Case P01-91. The rezoning of .63 acres from R6A and R6 to C1, or to a more restrictive zoning district on the southeast corner of

**the intersection of Natal and Chapman Streets, owned by Sara R. Barbour.**

The Planning Board recommends approval of C1.

- D. Case P01-92. The rezoning of 1.53 acres from A1 to R40A or to a more restrictive zoning district, at 5348 Chicken Foot Road, owned by Carla Frances Gibson.**

The Planning Board recommends approval of R40A.

- E. Case P01-93. The rezoning of 1.3 acres from R10 to R6A or to a more restrictive zoning district at 6217 Fisher Road, owned by Priscilla Gardner.**

The Planning Board recommends approval of R6A.

### **Conditional Use Overlay**

- F. Case P01-88. A conditional use overlay district and permit to allow office and retail space on 1.2 acres in an R10 District at 590 North Reilly Road, owned by Joe O. Amberger.**

The Planning Board recommends approval of the overlay district and the permit with the following condition:

- lateral access will be provided to the lots to the north and south of the subject property

### **SPEAKERS:**

Jana Berg (representing the petitioner): Ms. Berg said the plan approved by the Planning Board is not acceptable to the owner of the property. She noted that in the Reilly Road Study, the area is characterized as transitional. She noted that in 1992, the road was widened to 5 lanes, making commercial development more attractive than residential development. She also said the noise level does not lend itself to residential development. She said her client actually owns 2 acres, but only wants to rezone 1.2 acres and keep the back part of the lot as a buffer area. She said there had been some talk that the owner cut down the trees to avoid a problem and make the residential neighborhood mad, when in fact he has been planning to cut the trees for over a year, and it just so happened the contractor cut the trees down a week or so ago. Ms. Berg said in actuality only 2 residents will be affected by the rezoning and a part of a third residence will be affected. She said it is good planning to rezone the property C1.

Thomas Parent (Summerhill resident): Mr. Parent, speaking for his neighborhood asked the Board to deny the conditional use overlay district. He said the neighborhood did not have a problem with C1 one lot deep on Reilly Road. He also noted his concern with a portion of the county ordinance (8.14 -8.18) which allows parking lots on residential zoned property. He said the code needs to be changed. Mr. Parent noted the area is already saturated with buildings which are empty. He also noted that Dominos Pizza has to have its septic tank pumped out about every three days. He reiterated the neighborhood has not problem with the C1 rezoning one lot deep; however they are opposed to anything else.

Jana Berg, representing the attorney, said it appears Mr. Parent and her client agrees about the rezoning. As far as the septic tank problem, she noted that adjacent lots often perk differently and it is the Health Department's job to determine whether or not a septic system will work.

Commissioner Henley said he was a bit confused about the rezoning request. The Planning Board is recommending conditional use overlay and the petitioner is asking for C1. The County Attorney noted the Board may not approve the overlay district unless the petitioner wants it. In order to clarify some of the confusion, Tom Lloyd, Planning Department, noted that the petitioner originally asked for C1. The Planning Board did not want to do the C1 for the whole tract so they approved C1 for the front 150 feet and the overlay district for the back 150 feet.

**MOTION:** Commissioner King moved to deny the request for a conditional use overlay district.

**SECOND:** Commissioner Henley  
**DISCUSSION:** The Commissioners noted concern about the portion of the Zoning Ordinance which allows parking and/or other support in a residential area.  
**VOTE:** UNANIMOUS

**MOTION:** Commissioner Edge moved to direct the Planning Board to look at the wording in the Cumberland County Zoning Ordinance, Section 8.15-8.17, relating to the section which allows a parking lot or other support of a commercial activity in a residential area and bring back a recommendation to the Board of Commissioners in 60 days and that a moratorium be declared on any land development request that would involve such use, until the Board of Commissioners has taken action on the Planning Board recommendations.  
**SECOND:** Commissioner Council  
**VOTE:** UNANIMOUS

**2. CONSENT AGENDA**

Commissioner Henley asked that 2B be considered separately from the other items on the Consent Agenda.

**MOTION:** Commissioner Edge moved to follow staff recommendation on the items on the Consent Agenda excepting Item 2B.  
**SECOND:** Commissioner King  
**VOTE:** UNANIMOUS

**A. Approval of Minutes: December 3, 2001 and December 5, 2001**

**ACTION:** Approve

**B. Approval of Bid Award for Dental Clinic equipment for the Public Health Department (based on quality rather than low bid)**

**BACKGROUND:** The following bids were received for dental equipment and cabinetry:

ADEC	Incomplete
Sullivan Schein	\$115,917.44
Thompson Dental	\$129,568.00

The Health Department recommends awarding the bid to Thompson Dental Company because of the following reasons:

- the bid is based on providing ADEC equipment which is ISO 9001 certified, (which provides greater assurance of quality, fewer defects and greater durability) while the bid from Sullivan-Schein is based on providing Pelton & Crane equipment that is not ISO certified;
- the additional features offered by the ADEC equipment over the Pelton & Crane equipment are as follows:
  - swing down arm rests in the dental chairs for easier handicapped entry;
  - fiber option illumination for the dental handpieces on the duocarts and dental units for better treatment delivery (note that UNC School of Dental Medicine, Chapel Hill, has just built a new dental clinic, including fiber optic illumination);
  - third axis of rotation for the dental lights to allow better positioning of the dental light for illuminating the oral cavity;
  - greater flexibility for settings on the x-ray head and alignment lines on the tube head to increase diagnostic quality of dental radiographs.

- the Thompson Dental Company has a service technician in the Hope Mills area who has provided satisfactory service to the Health Department in the past; service from Sullivan-Shein is an unknown;
- the Thompson Dental Company has a satisfactory track record as the vendor of dental equipment for health departments in Duplin, Pitt, Wayne, Orange, Craven, Franklin, Columbus and a five county group called Albemarle Regional Health. Sullivan-Shein has not provided a list of county health departments they have worked with.

**ACTION:** For the above reasons, the Health department recommends that the bid be awarded to Thompson Dental in the amount of \$129,568.00.

Following some discussion concerning awarding the bid to the high bidder, as opposed to the low bidder, the following motion was offered:

**MOTION:** Commissioner Henley moved to award the bid to Thompson Dental in the amount of \$129,568.  
**SECOND:** Commissioner King  
**VOTE:** UNANIMOUS

**C. Approval of amendment to the Community Development Action Plan to add FTCC Public Facility Project in Spring Lake and the attached budget revision**

**BACKGROUND:** The County received a Section 108 loan guarantee commitment in the amount of \$1,500,000 to finance the construction of the Spring Lake Family Resource Center. The project was completed using approximately \$1,000,000 of the funds. In January of this year a request was submitted to HUD to reallocate the remaining balance of approximately \$500,000 to a project for FTCC. The funds will be used to pay for architectural design services. The proposed project is eligible as a public facility activity under 24 CFR 570.703(l) and will meet the national objective by the creation of 46 new jobs. Twenty-six of these jobs will be made available to low and moderate income individuals.

Because this is a new project, Community Development must amend its Action Plan to include the Project.

**ACTION:** Approve amending the Action Plan to include the project and approve the budget revisions (B02-237).

**D. Approval of an amendment to an Interlocal Agreement with the City of Fayetteville for animal control services**

**BACKGROUND:** This amendment provides that both jurisdictions will use the County Animal Control Department to provide animal control enforcement services and animal shelter services. The County's Animal Control Department will administer and enforce both Chapter 3 of the County Code and Chapter 7 of the City Code, the respective Animal Control Ordinances, as well as maintain and operate the shelter. It provides that the County will provide the personnel to provide these services, but shall not be obligated to provide a higher level of service in the City than in the County. It deletes an obsolete section regarding equipment. It provides that the City shall not make any appropriation to the County but that all licenses, fees and penalties collected will be retained by the County. It provides for termination on 180 notice rather than only at the end of a fiscal year. It also re-states the board's direction to the staff to use its best efforts to implement a micro-chipping pilot test program over an 18 month period.

**ACTION:** Approve amendments to the Interlocal Agreement with the City as noted above.

**E. Approval of Cape Fear Valley Health System subleases**

**BACKGROUND:** Cape Fear Valley Health Systems has certified that the subleases are on economic terms that are substantially equivalent to the current market value and recommends approval.

Fayetteville Heart Center – Space Lease Agreement – Raeford Clinic  
Dr. Ernesto Graham – Space Lease Agreement – Raeford Clinic  
Lafayette Clinic – Space Lease Agreement – Raeford Clinic

ACTION: Approve the subleases.

**F. Approval of Cape Fear Valley Health system's filing a Certificate of Need Application with the NC Division of Facility Services to relocate a total of 21 acute care beds from Highsmith Rainey Memorial Hospital to Cape Fear Valley Medical Center**

BACKGROUND: On December 5, 2001, the Cape Fear Valley Health System Board of Trustees approved Cape Fear Health System filing a Certificate of Need application to relocate a total of 21 acute care beds from Highsmith Rainey Memorial Hospital to Cape Fear Valley Medical Center.

ACTION: Approve filing the Certificate of Need.

**G. Approval of Option to purchase property for Grays Creek Regional Park from Birchwood Farms, Inc.**

BACKGROUND: In 1996, the County began implementing a 10-year Recreation Master Plan. The plan was to be delivered in three phases, consisting of youth sports field and school park improvements, construction of recreation centers and regional parks. At this time there is an opportunity available for parkland acquisition. The land is a 25.62 acre tract located in the Grays Creek area. The property is near the new Grays Creek High School and would adjoin the proposed new middle school property. The owner of the property, Birchwood Farms, Inc., has agreed to grant the County a purchase option for the proposed parkland for \$5,000. If purchased within the five-year option period, the price would be \$10,000 per acre. In addition, because of school construction, the County would have access to public water and sanitary sewer services.

ACTION: Approve entering into a Purchase Option with Birchwood Farms, Inc., as noted above.

**H. Approval of Settlement Agreement – Hindle vs. Department of Social Services**

BACKGROUND: Sharon Hindle filed a grievance against DSS because she was not interviewed or selected for the position of Deputy Director. She has now offered to settle the matter by resigning as a DSS employee and providing professional services for not more than 30 hours weekly for three years at the direction of Social Services Director William Scarlett. The annual cost would be \$47,908. Although there is a strong likelihood of success on the merits of the case, the Social Services Director and the Social Services Board recommend settling on this basis because it will facilitate a restructuring of the Department and save \$16,000 a year during the three year term of the professional contract. A list of work assignments proposed for the professional services agreement is as follows:

Administration/supervision of the internship program at DSS  
HIPPA Coordination  
Grant Writing  
Program Auditing  
Resource Management Evaluations  
Data Analysis/Data Merging  
Geographical Assignment of Staff  
Food Stamp/Disaster Planning  
Work First Extension Review  
Search for increased funding opportunities in Adult Services area

ACTION: Approve Settlement as noted above.

**I. Approval of the salary of the new Director of Elections**

BACKGROUND: The Board of Elections has appointed Terry Robertson, Director of Elections (Grade 72) at \$45,931, retroactive to November 13, 2001. This is the same

salary of the previous Board of Elections Supervisor. NCGS 163.35 requires the Board of Commissioners to approve the salary.

ACTION: Approve the salary of \$45,931 for Terry Robertson.

**J. Budget Revisions:**

- (1) Library: Revision in the amount of \$8,245 to upgrade two Computer Lab Technicians to Library Associate II positions and to upgrade a Library Technician to an Office Support III position (B02-228) Funding Source – Reallocation of Budgeted Expenditures**
- (2) Community Development**
  - a. Revision in the amount of \$813,151 to re-program FY00-01 CD grant funds into FY01-02 budget (B02-235) Funding Source – Federal**
  - b. Economic Development – Revision in the amount of \$60,000 to reprogram FY00-01 Grant funds into FY01-02 budget (B02-236) Funding Source – Federal**
  - c. Infrastructure: Revision in the amount of \$55,000 to re-program FY00-01 Grant funds in FY01-02 budget (B02-238) Funding Source – Federal**
  - d. ESG: Revision in the amount of \$808 to appropriate ESG grant funds into FY01-02 budget (B02-239) Funding Source – Federal and Grants**
  - e. HOME Administration: Revision in the amount of \$147,119 to re-program FY00-01 unexpended HOME funds into FY01-02 budget (B02-240) Funding Source – Federal**
  - f. SHP: Decrease in revenue/expenditures in the amount of \$11,261 to adjust re-programmed funds in FY01-02 to reflect actual funds available for re-programming (B02-241) Funding Source – Federal**
- (3) Mental Health**
  - a. SA Incentive Grant: Decrease in revenue/expenditures in the amount of \$8,200 to reconcile budget with allocation and grant terms (B02-206) Funding Source – Federal**
  - b. Medical Services: Revision in the net amount of \$144,500 to budget to extend contract for physician for vacant psychiatric position and contract with a second medical recruiting firm (B02-229) Funding Source – Mental Health Fund Balance & Reallocation of Budgeted Expenditures**
  - c. Medical Records: Revision in the net amount of \$1,313 to fund the position of Medical Records Manager III (B02-230) Funding Source – Medical Health Fund Balance & Reallocation of Budgeted Expenditures**
  - d. Thomas S Administration: Revision in the amount of \$1,892 to reclassify Habilitation Specialist III to Habilitation Program Coordinator (B02-231) Funding Source – Reallocation of Budgeted Expenditures**
  - e. DD Adult Outpatient: Revision in the amount of \$2,660 to reclassify Habilitation Program Coordinator to**

**Habilitation Program Supervisor (B02-232) Funding Source – Reallocation of Budgeted Expenditures**

- (4) **Tax Assessor:** Revision in the amount of \$31,000 to adjust budget to hire temporary employees to assist in the tax listing and revaluation (B02-234) Funding Source – Reallocation of Budgeted Expenditures
- (5) **Environmental Health:** Revision in the amount of \$4,609 to budget for the software upgrade, data conversion and training for the Ikon Scanning System (B02-244) Funding Source – Health Department Escrowed Earnings
- (6) **Social Services:** Revision in the amount of \$12,607 to budget for temporary workers using lapsed salaries and L-T Screen revenue (B02-243) Funding Source – L-T Screen Fees
- (7) **NC Elderly/Planning/General Government:** Revisions totaling \$106,815 to budget actual amount of grant funds received or to be awarded to the Elderly and Handicapped Transportation; to increase the local match for the CTP grant to the required 15% for the base CTP grant and to budget required 10% local match for technology per the State approved CTP grant; and to allocate expenditures per requirements (B02-227-227B) Funding Source – State Grants & CTP local match

**REGULAR AGENDA**

**3. Nominations to Boards and Committees**

**A. Adult Care Home Community Advisory Committee (2 vacancies)**

BACKGROUND: There are currently two vacant slots on this Committee:

Carla Blake – Declined a previous appointment  
Karla Timm – Resigned due to work conflicts

ACTION: Nominate to fill the vacancies

Nominees: Commissioner Council nominated Dorothy Usher Wright  
Chairman Blackwell nominated Patricia Hodges

**B. Cumberland County Industrial Facilities and Pollution Control Financing Authority (1 vacancy)**

BACKGROUND: Sharon Drake, previously appointed on September 4, has declined her appointment.

ACTION: Make nominations to fill the vacancy.

Nominees: Commissioner King nominated Dr. Annette Billie

**4. Appointments to Boards/Committees**

**MOTION:** Commissioner King moved to appoint the nominees, respectively, in items 4A, 4B and 4C.

**SECOND:** Commissioner Edge

**VOTE:** UNANIMOUS

**A. Animal Control Board (1 vacancy)**

Nominee: Edwin A. Hamblin (at-large position)

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



Nominees: Medical Doctor – Dr. Rakesh Gupta (reappointment)  
General Public Representative – Dr. Dudley C. Miller (reappointment)

**C. Criminal Justice Partnership Advisory Board (1 vacancy)**

Nominees: County Commissioner position – Billy King

**5. Consideration of amendments to the Cumberland County Fire Code to maintain conformance with the State Fire Prevention Code**

BACKGROUND: The State has adopted a revised NC Fire Prevention Code, effective January 1, 2002.

ACTION: Amend Section 6.2-3 of the County Code to substitute a reference to the “NC State Fire Prevention Code” for the current reference to the “NC State Building Code, Volume V, Fire Prevention” and delete Subsection 6.2-23(7) and Section 6.2-26.

Note: The ordinance shall become effective upon its adoption.

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

**SECOND: Commissioner Council**

**VOTE: UNANIMOUS**

**6. Consideration of an Act to authorize Cumberland County to increase its Occupancy Tax and to create a Tourism Development Authority**

BACKGROUND: The General Assembly has enacted Session Laws 2001 Chapter 484, AN ACTION TO AUTHORIZE CUMBERLAND COUNTY TO INCREASE ITS OCCUPANCY TAX AND TO MAKE OTHER ADMINISTRATIVE CHANGES TO ITS OCCUPANCY TAX. The law authorizes the Board of Commissioners by resolution to levy an additional up to 3% occupancy tax, above the current 3% threshold. The tax would be phased in, 1% after January 1, 2002, 2% after January 1, 2004 and 3% after January 1, 2005. If the Board authorizes the additional tax levy, it must establish a Cumberland County Tourism Development Authority (“TDA”), which shall be a public authority. The Board shall designate one member of the Authority as the chairman and shall determine the compensation, if any, to be paid to the members of TDA. The law specifies the composition of the TDA, which largely tracks the composition of the FACVB board of directors (except that the CEO of the Civic Center is not a member of the TDA governing board) plus an additional public member who shall not be affiliated with travel and tourism and who shall reflect the cultural diversity of the county.

Half of the net proceeds of the first, existing 3% occupancy tax would continue to come to the County for major repairs, renovations, rehabilitation or other capital improvements for the Civic Center. The other half of the first 3% tax will be remitted to the TDA to distribute to the FACVB to advertise the Civic Center and to promote travel and tourism within the County.

Half of the net proceeds of the additional levy will be remitted to the TDA. The TDA will use that to promote travel and tourism and for tourism-related expenditures within the County. The TDA will distribute the other half of the additional tax to the Arts Council for the arts festivals and other arts events that will draw tourists or other business travelers to the area. The law states that the TDA and the Arts Council are encouraged to give favorable consideration to the tourism - related expenditures of SCAT and the MLK Committee. The law also states that the Board shall use the provisions of GS 153A-155 to levy, collect and administer the additional levy. The Board may authorize the additional levy after a public hearing is held on at least 10 days notice. The increased levy may then become effective on the first day of a month, the earliest being the first day of the second month after the date the resolution is adopted.

ACTION: Set Monday January 28, 2002, 7:00PM as the public hearing on the question of authorizing an additional 1% occupancy tax levy, effective March 1, 2002, of an additional 2% occupancy tax levy effective January 1, 2004, and an additional 3% occupancy tax levy effective January 1, 2005, and direct the Clerk to the Board to publish a notice of the public hearing in a newspaper of general circulation in Cumberland County not less than 10 days before the hearing.

Commissioner Council inquired if the current Convention and Visitors Bureau Board must be appointed as the new TDA. The County Attorney indicated it did not.

**MOTION:** Commissioner Council moved to schedule the public hearing for January 28, 2002, 7:00PM and direct the Clerk to the Board to publish a notice of the public hearing in a newspaper of general circulation in Cumberland County not less than 10 days before the hearing.

**SECOND:** Commissioner Baggett

**VOTE:** UNANIMOUS

**7. Consideration of scheduling a Board of Commissioners Planning Retreat**

**ACTION:** Set dates for Planning Retreat

The Board set the following dates for the Planning Retreat:

February 5, 5:00PM and February 7, 5:00PM

**8. CLOSED SESSION: Attorney Client Matters – including Fayetteville Publishing vs. Cumberland County**

**Property Matter**

**MOTION:** Commissioner Council moved to go into Closed Session for the above noted matters.

**SECOND:** Commissioner Henley

**VOTE:** UNANIMOUS

**MOTION:** Commissioner Edge moved to go back into Open Session.

**SECOND:** Commissioner Council

**VOTE:** UNANIMOUS

**MOTION:** Commissioner Edge moved to direct management and the County Attorney to close the purchase of the Alphin tract, (for Cedar Creek Business Center) and further direct management to investigate potential purchasers for the westerly 4-acre portion of the tract on which the residence and kennels are located.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

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

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

**MEETING ADJOURNED: 10:15PM.**

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Clerk to the Board

**MEETING ADJOURNED:**

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Clerk to the Board

