
Minutes
Cumberland County Board of Commissioners
March 19, 2001, 7:00 p.m.
Regular/Rezoning Meeting
Cumberland County Courthouse, Room 118
Fayetteville, NC

PRESENT:Chairman J. Lee Warren, Jr.
Vice Chairman J. Breeden Blackwell
Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner John Henley
Commissioner Talmage Baggett
Commissioner Billy King
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
Tom Lloyd, Planner III

INVOCATION: Commissioner John Henley

PLEDGE:Michael Koonce, Van Story Hills Elementary School

1. PUBLIC HEARINGS

Uncontested Cases

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

MOTION: Commissioner Blackwell moved to follow the Planning Board recommendations on the Uncontested Rezoning Cases.

SECOND: Commissioner King

VOTE: UNANIMOUS

A. Case P01-05. The rezoning from R10 Residential to RR Rural Residential, or to a more restrictive zoning classification, south of the intersection of Crystal Springs and Camden Roads, the property of David B. Suggs.

The Planning Board recommends approval to RR Rural Residential.

B. Case P01-07. The rezoning from A1 Agricultural to R40A Residential, on Godwin

Falcon Road, adjacent to the I-95 Interchange, the property of Gwendolyn McMillan, Dorothy McDuffie and Cleveland Myles.

The Planning Board recommends approval of R40A.

- C. Case P01-09. The rezoning from R10 Residential to C1 Local Business or to a more restrictive zoning classification, on the south side of Cumberland Road, west of the Seaboard Coastline Railroad, the property of James P. and Viola Jacobs.**

The Planning Board recommends approval of C1 Local Business.

- D. Case P01-10. Rezoning from A1 Agricultural to RR Rural Residential or to a more restrictive zoning classification, on the north side of Sand Hill Road, east of Cypress Lake Road, the property of Joe and Janie Purdie.**

The Planning Board recommends approval RR Rural Residential.

- E. Case P 01-11. The rezoning from M(P) Planned Industrial to A1 Agricultural, or to a more restrictive zoning classification, on Wilmington Highway, north of East Mountain Drive, the property of John and Margaret Koenig.**

The Planning Board recommends approval of A1.

CONDITIONAL USE OVERLAY CASES

- F. Case P00-74A. A Conditional Use Overlay District and Permit for a Coin Operated Unmanned Car Wash and Oil Exchange operation in an RR Rural Residential District on the southwest side of Fisher Road, between Lakeway and Kenmore Drives, the property of Gilbert Buie Heirs.**

The Planning Board voted to make no recommendation on this case.

Mr. Lloyd asked that the agenda material on this item be included as part of the record of this matter.

SPEAKERS: (Oath was given)

1. Heman Clark, Attorney – Speaking for the petitioner. Mr. Clark asked the Board to consider this property owner's request. He said this Oil Exchange Operation would not harm the community. He also noted that Fisher Road will indeed become commercial in the future.
2. Brett Buie, petitioner. Mr. Buie said he has decided not to open the car wash, but will concentrate on building his automobile service business. The widening of Hope Mills Road is causing him to move his current business.
3. Lori Epler – Ms. Epler said that Mr. Buie really needs to relocate his business. Relocating in this location is the best thing for him. The land is in the family and he will be

able to purchase it at a discount. He is currently leasing property on Hope Mills Road, and the move to Fisher Road will allow him to own as opposed to leasing. Ms. Epler noted that sewer has been determined since the Planning Board meeting to be not available; however the County Health Department has indicated a waste water system permit would be granted if a site soil evaluation proves the site would support one. A preliminary soils investigation, completed by Southeastern Soil & Environmental Associates, Inc., indicates the site could be designated provisionally suitable for a conventional subsurface waste disposal system to serve no more than a 20 employee facility.

Commissioner Blackwell thanked the Board for their reconsideration of this case. He presented the following fact:

- this case has been to the Planning Board three times, with no citizen opposition;
- the main opposition comes from the Planning Board;
- the Planning Board unanimously approved this case on December 5, 2000;
- the car was proposal is no longer a part of the request;
- the Buies will abide by all conditions imposed;
- the property is 8/10's of a mile from schools;
- the Buies want to own their own business and not lease/rent anymore;
- the loss of parking at their current location on Hope Mills Road is causing the Buies to have to move their business.

Commissioner Blackwell noted he does not know the Buie family personally and they are not friends. He said he would not profit in any way if this conditional use overlay district is approved. Mr. Blackwell noted he felt he made a mistake the last time this case came before the Commissioners, and that is why he put it back on the agenda for reconsideration.

MOTION: Commissioner King moved that the Board of Commissioners finds that this conditional use district overlay application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that it be approved.

SECOND: Commissioner Blackwell

VOTE: FAVOR: Commissioners King and Blackwell

OPPOSED: Commissioners Henley, Edge, Warren, Baggett, Council

CONTESTED REZONING CASE

G. Case P01-08. The rezoning from RR rural Residential to O&I Office and Institutional, or to a more restrictive zoning classification, on the north side of Fisher Road, west of Lakewood Drive, the property of Paul and Ruby Ruffin.

The Planning Board recommends approval of O&I for the front 200 feet of the property and R10 for the remainder.

SPEAKERS:

1. Paul Ruffin, petitioner. Mr. Ruffin said he has owned this property since 1972. He wants to sell it to a buyer who is planning to put up nice office buildings. (Property is across from Autry Grading)

Upon determining that the rezoning request 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 classifications, the following motion was offered:

MOTION: Commissioner Baggett moved to follow the recommendation of the Planning Board on this case.

SECOND: Commissioner King

**VOTE: FAVOR: Commissioners Baggett, King, Edge, Blackwell, Warren, Henley
OPPOSED: Commissioner Council**

MINIMUM HOUSING HEARINGS

H. Case MH838-99 – Lonnie Brown, Deceased, 2239 Tolgate Road, PIN 0415-19-4040.

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

I, Doyle w. Hubbard, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on Case number MH838-99 and is identified as Item Number 1H.

Property Owner: Lonnie Brown, deceased
Property Address: 2239 Tolgate Road
Tax Parcel ID Number: 0415-19-4040

SYNOPSIS: This property was inspected on 12/28/99. After numerous hearings and meetings with family members, all parties of interest were legally served with Notice of Violations and were afforded a Final Hearing on 11/21/00. No parties of interest 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 3/5/01. All parties were notified of the appeal procedures when they were served with Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 3/6/01 and on 3/19/01 no corrective action had been made to the structure. The structure is presently vacant and secured. 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 \$29,500.00. The Assessor for Cumberland County has this structure presently valued at \$11,917.00.

RECOMMENDATION: The Inspection Department recommends that the structure be demolished and the debris removed from the lot.

NO SPEAKERS:

MOTION: Commissioner Baggett moved

- **to adopt the order and report of the Minimum Housing Inspector as the true facts in this case;**
- **to order the property owner to remove or demolish the dwelling**

within 60 days;

- **to order the Inspector to remove or demolish the dwelling if the owner fails to do so and impose a lien on the real property for the cost of such action; and**
- **to direct the Clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds Office**

SECOND: Commissioner Council

VOTE: UNANIMOUS

I. Case MH701-99 – Ronnie L. and Sherrie L. McGahee, 4740 Old Spears Road, PIN 0415-05-18-6868

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

I, Doyle W. Hubbard, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on case number MH 701-99 and is identified as Item Number 11:

Property Owner: Ronnie L. & Sherrie L. McGahee
Property Address: 4740 Old Spears Road
Tax Parcel ID Number: 0415-05-18-686

SYNOPSIS: This property was inspected on 5/21/99. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 7/28/99. Sherrie McGahee & Attorney Robert McCoy 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 10/28/99. The property owners and parties of interest were notified of the appeal process when they were served with the Findings of Fact and Order. An appeal was filed. The Housing Appeals Board granted two continuances with final compliance date being 9/24/00. An updated title search revealed two additional parties of interest who were served with Notice of Violations and were afforded a Hearing on 2/13/01. No party of interest 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 2/28/01. The parties of interest were notified of the appeals procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 3/6/01 and on 3/19/01 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 \$75,000. The Assessor for Cumberland County has this structure presently valued at \$841.00.

RECOMMENDATION: The Inspection Department recommends that this structure be demolished and the debris removed from the lot.

SPEAKERS: (administered oath):

1. Jeff Gershen – lives next door to the property. Eye sore, unsafe. Need to do something immediately.

MOTION: Commissioner Blackwell moved

- to adopt the order and report of the Minimum Housing Inspector as the true facts in this case;
- to order the property owner to remove or demolish the dwelling within 30 days;
- to order the Inspector to remove or demolish the dwelling if the owner fails to do so and impose a lien on the real property for the cost of such action; and
- to direct the Clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds Office

SECOND: Commissioner Henley

VOTE: UNANIMOUS

J. Case MH1297-00 – Calvin and Gloria C. Terrell, 118 Salmon Drive, PIN 0425-70-4071

Affidavit of the Housing Inspector's Report to 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: That the following is a report on case number MH 1297-00 and is identified as Item Number 1J:

Property Owner: Calvin & Gloria C. Terrell
Property Address: 118 Salmon Drive (1983 Park 28x60 doublewide mobile home (VIN MHCNCA80804)
Tax Parcel ID Number: 0425-70-4071

SYNOPSIS: This structure suffered extensive fire damage on July 5, 2000. The property was inspected on 10/12/00. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 10/21/01. Mr. and Mrs. Terrell 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 1/21/01. 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. Upon my visit to the property on 3/9/01 and on 3/19/01 no corrective action had been made to the structure. The structure is presently vacant and completely 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 \$50,400. The Assessor for Cumberland County has this structure presently valued at \$1,000.

RECOMMENDATION: The Inspection Department recommends that the structure be demolished and the debris removed from the lot.

NO SPEAKERS

MOTION: Commissioner Council moved

- to adopt the order and report of the Minimum Housing Inspector as the true facts in this case;
- to order the property owner to remove or demolish the dwelling within 30 days;
- to order the Inspector to remove or demolish the dwelling if the owner fails to do so and impose a lien on the real property for the cost of such action; and
- to direct the Clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds Office

SECOND: Commissioner Edge

VOTE: UNANIMOUS

OTHER PUBLIC HEARINGS

K. Kelly Hills/Slocomb Road Water and Sewer District

BACKGROUND: The County Engineering Department is preparing a grant application for the Unsewered Communities Program administered by the NC Rural Center in an attempt to secure funding for the Kelly Hills/Slocomb Road Sanitary Sewer Project. In order to qualify for the program, it will be necessary to create a qualified unit of local government in the Kelly Hills project area that will be the actual applicant. The Board of Commissioners has previously discussed the possibility of creating a water and sewer district in this area which would mean the definition of a qualified unit of local government. A public hearing must be held prior to March 30, 2001 in order to submit the grant application by March 30, 2001. The purpose of this public hearing is to allow citizen input into this project.

No action is required.

SPEAKERS:

1. Joyce McNeill: Ms. McNeill has lived in Kelly Hills since 1977 and has experienced the sewer problems first hand for the past 23 years. She said she has tried everything. They currently have to have their septic tank pumped periodically. She noted sewage running in the yards and down the streets. She is a nurse and most concerned about disease. She has even dug trenches to channel the sewage to one place. She said she is sick of this and being embarrassed when people visit her neighborhood. She urged the Board to do whatever it can to help them.
2. Reginald Ennett – Asked the Board to listen to the concerns of Kelly Hills residents. Noted the deplorable conditions existing in Kelly Hills.

No action needed.

2. CONSENT AGENDA

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

SECOND: Commissioner King
VOTE: UNANIMOUS

A. Approval of Minutes: February 19, 2001 Regular Meeting

ACTION: Approve

B. Approval of Minutes: February 23 & 24, 2001, Planning Retreat; and March 7, 2001, Special Meeting

ACTION: Approve

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

Brookrun Subdivision: Prestige Boulevard, Shillinglaw Circle, Megal Court, Mariah Court

ACTION: Approve

D. Approval of a Proclamation proclaiming March 2001 "American Red Cross Month" in Cumberland County

ACTION: Approve

PROCLAMATION

WHEREAS, the American Red Cross was founded in 1881 by Clara Barton, a woman selflessly devoted to the needs of humanity; and

WHEREAS, compassion, courage, character, civic duty – are inherent in the Red Cross mission to prevent and relieve human suffering, and Cumberland County, North Carolina shares these grand ideals; and

WHEREAS, the Red Cross, chartered and authorized by Congress to act in times of need, provides compassionate assistance to people afflicted by personal, local or national disasters; and

WHEREAS, Red Cross volunteers from The Highland Chapter responded to more than 185 single family disasters last year – providing food, clothing, shelter and mental health support; and

WHEREAS, people have counted on the Red Cross for the information and skills they need to be safe at home, at work, at school and at play. Last year, the Highlands Chapter trained nearly 7,700 people in lifesaving CPR and first aid, babysitting, lifeguard training and water safety; and

WHEREAS, the American Red Cross provides lifesaving blood and blood products whenever and wherever needed – always with the safety of the blood supply as its number one priority; and

WHEREAS, Red Cross staff deploy with the U.S. military to provide emergency communications and a caring presence to service men and women separated from their families;

and

WHEREAS, in 1943, President Franklin Delano Roosevelt called upon the American people with this request: "..... that during this month our people rededicate themselves to the splendid aims and activities of the Red Cross".

NOW, THEREFORE the Cumberland County Board of Commissioners hereby proclaims March 2001 as "American Red Cross Month" in Cumberland County.

E. Approval of a Proclamation proclaiming March 20th as "Youth Art Day" in Cumberland County

ACTION: Approve

PROCLAMATION

WHEREAS, the month of March has been designated as National Youth Art Month; and

WHEREAS, the Eastover-Central Elementary School students as well as students from all across this nation will participate in enriching art activities designed to expand the students' mind and spirit; and

WHEREAS, through this integration of the arts curriculum, Eastover-Central has integrated the arts into the core curriculum to maximize student growth and achievement; and

WHEREAS, through this integration of the arts curriculum, Eastover-Central has achieved the status of a "School of Excellence" where 90% of students in tested areas are mastering at or above grade level; and

WHEREAS, the students, staff and community of Eastover-Central will celebrate March 20th with a "Best Work" night for parents to view their student's outstanding achievements in the classroom and culminate this activity with a "Best Work" Art Show in which all students will participate and ribbons will be awarded.

NOW, THEREFORE the Cumberland County Board of Commissioners hereby proclaims March 20, 2001 as "Youth Art Day" in Cumberland County and urges all citizens to commend its observance.

F. Approval of a Proclamation proclaiming April 2001 as "Child Abuse Prevention Month" in Cumberland County

ACTION: Approve

PROCLAMATION

WHEREAS, our children deserve the best we have within us and look to us to be their protectors, role models, heroes and heroines; and

WHEREAS, children who are loved and nurtured grow up to love and nurture others. They give back to their own families, their neighborhoods, and the entire State the good that

was bestowed on them. The cycle continues; and

WHEREAS, over 127,000 children are reported as abused and neglected each year, and at least 21 children died in 1999 due to abuse. The rest live on, but they often carry the burden of their abuse into adulthood; and

WHEREAS, child abuse and neglect know no social or economic boundaries. We dedicate our energies to preventing child physical abuse, sexual abuse, emotional abuse, neglect, and their terrible legacy; and

WHEREAS, preventing child abuse and neglect is the responsibility of every citizen and community action and involvement are essential to breaking the cycle of abuse; and

WHEREAS, it is vital that we join together to reach out to parents and children to prevent the senseless abuse and neglect of all children.

NOW, THEREFORE the Cumberland County Board of Commissioners hereby proclaims April 2001 "Child Abuse Prevention Month" in Cumberland County and urges our citizens to support this observance.

G. Approval of a Proclamation proclaiming April 16-22, 2001 "Community Development Week" and April 20, 2001, "Community Development Day" in Cumberland County

PROCLAMATION

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

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

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

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

NOW, THEREFORE I, J. Lee Warren, Jr., by virtue of the authority vested in me as Chairman of the Cumberland County Board of Commissioners, do hereby proclaim the week of April 16-22, 2001, Cumberland County Community Development Week and April 20, 2001, Community Development Day in Cumberland County and urge all citizens to join us in recognizing the Community Development Block Grant Program and the important role it plays in our community.

H. Consideration of Declaration of Surplus County Property and Authorization to accept Insurance Settlement

BACKGROUND:

Date of Accident:	February 23, 2001 1992 Crown Vic 2FACF72W3NX224512 Mileage: 123,539 Sheriff's Office Settlement: \$3,325.55 State Farm Insurance	February 17, 2001 1998 Crown Vic 2FAFP71W9WX116962 Mileage: 67,707 Sheriff's Office Settlement: \$12,445.75 Travelers
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Both of these are total loss settlements.

ACTION: Declare vehicles surplus, accept settlements and allow State Farm and Travelers to take possession of wrecked vehicles.

I. Approval of Bid Award for HVAC Renovations to the AIT Center (former DSS Building)

BACKGROUND: The following bids were received:

T.R. Driscoll	Base Bid: \$226,410 Alt. 1: \$64,700 Alt. 2: \$30,910
Bass Air Conditioning	Base Bid: \$269,905 Alt. 1: \$79,191 Alt. 2: \$8,738

The bids quoted will not allow for all of the required work to be completed. So the Engineering Department entered into negotiations with the apparent low bidder, T.R. Driscoll in an effort to maximize the funds available with work required. However, the County Attorney felt the changes incorporated into the project were such that all competitors should be allowed to rebid. The project was rebid again with the cost saving changes included with the new scope of work.

The only bidder this time was T.R. Driscoll in the amount of \$178,610. Alternate 1 was \$64,700 and Alternate 2 was \$14,726.

The County Engineering Department recommends the bid be awarded to T.R. Driscoll, Inc. in the amount of \$264,486 which includes the base bid, both alternates and a \$6,450 in-contract contingency allowance.

ACTION:

1. Reject bids received on December 14, 2000 which would not allow for required repairs;
2. Accept the Bid received on February 14, 2001 from T.R. Driscoll, Inc. in the amount of \$264,486 (\$258,036 Base Contract, \$6,450 in-contract contingency)

J. Approval of Bid Award for boiler replacement in the Cumberland County

Auditorium

BACKGROUND: The following bids were received:

Smith's Refrigeration, Inc.	\$130,336
Barnes Ivey Mechanical	\$134,444
Superior Mechanical Services	\$141,265
T.R. Driscoll, Inc.	\$148,900
Boiler Masters	\$149,600
Northstate Mechanical	\$154,700
Superior Pipe Company	\$162,431
ILB Piping	\$182,763

ACTION: Accept the bids and award to Smith's Refrigeration, Inc. in the amount of \$136,852, which includes a 5% in-contract contingency, and approve associated budget revisions (B01-476-476A)

K. Approval of NC Rural Center Grant Application for Kelly Hills/Slocomb Road Sewer Project

BACKGROUND: THE County Engineering Department with assistance from Wooten Company is preparing a grant application for the Unsewered Communities Program administered by the NC Rural Center in an attempt to secure funding for the Kelly Hills/Slocomb Road Sewer Project. The grant application requires a resolution from the Board of Commissioners. The resolution specifies that should the grant funds be awarded, the Board of Commissioners will establish a rate schedule, provide for operation and maintenance of the sewer system and adopt a sewer use ordinance. It is anticipated that the District would contract with PWC for operation and maintenance of the sewer system. The Grant Program will fund up to 90% of the project costs with a cap of \$3,000,000. The applicant must commit a minimum of 10% of the project costs; however, to secure the maximum number of points in the application, a local match of 20.1% must be shown. PWC has committed \$130,000 towards the cost of the sewer lift station and force main provided the County would do likewise. In addition, a commitment for \$500,000 from Community Development has been secured which will ensure that the maximum number of points under the local funding category in the grant application will be given.

ACTION: Adopt the Resolution, commit \$130,000 from the County Water & Sewer Fund to help meet the local match and approve associated budget revision (B01-509).

RESOLUTION

WHEREAS, the Federal Clean Water Act Amendments of 1987, Federal Safe Drinking Water Act Amendments of 1996, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 and the North Carolina Clean Water and Natural Gas Critical Need Bond Act of 1998 have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems; and

WHEREAS, the County of Cumberland has need for and intends to construct a wastewater collection system project known as Kelly Hills/Slocomb Road Sanitary Sewer Project; and

WHEREAS, the Board of Commissioners of Cumberland County intends to create a Water and Sewer District for the Kelly Hills/Slocomb Road Area pursuant to NCGS 162A-86; and

WHEREAS, the Board of Commissioners of Cumberland County, acting for and on behalf of the proposed Kelly Hills/Slocomb Road Water and Sewer district, intends to request state grant assistance for the project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Cumberland County:

THAT, the County of Cumberland will arrange financing for all remaining costs of the project, if approved for a State grant award.

THAT, the County of Cumberland will adopt and place into effect on or before completion of the project, a schedule of fees and charges which will provide adequate funds for proper operation, maintenance and administration of the system, a capital reserve fund for future system improvements, and the repayment of all principal and interest on the debt.

THAT, the County of Cumberland will provide for efficient operation and maintenance of the project through an agreement with the Public Works Commission of Fayetteville on completion of construction thereof.

THAT, the County of Cumberland intends to adopt a sewer use ordinance consistent with the current Sewer Use Ordinance of the Public Works Commission of Fayetteville if this project is approved for a State grant award.

THAT, J. Lee Warren, Jr., Chairman and successors so titled, is hereby authorized to execute and file an application on behalf of Kelly Hills/Slocomb Road Water and Sewer District and the County of Cumberland with the State of North Carolina for a grant to aid in the construction of the project described above.

AND THAT, the County of Cumberland has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations and ordinances applicable to the project and to Federal and State Grants and loans pertaining thereto.

L. Approval of assignment of Griffin Grant Writing & Consulting Contract to Randall Funding and Development and memorandum of Understanding with Frontier Insurance Company

BACKGROUND: In January, 2000, the County entered into an agreement with GGW&C for it to apply for grants on the County's behalf. In return for a \$95,000 fee, GGW&C guaranteed to obtain at least \$1,000,000 in grants for the County. The County required the company to purchase a performance bond. A few months into the agreement, the consultant notified the County he was ill and attempted to assign the contract to Randall Funding and Development Corporation. (This company is comprised of some of the same people who worked for GGW&C). According to the terms of the initial agreement, any such assignment requires the prior written approval of the County. The County began negotiations with the parties, but GGW&C was unresponsive and, in effect, defunct. The County deemed and declared GGW&C in default of the contract and duly notified the surety. In the meantime, the County had several grant writing proposals pending and, because the people who formed Randall Corporation had also worked on these same grant proposals, Management deemed it appropriate to continue with the grant

writing assistance provided thus far. The Office of the County Attorney wanted to ensure the surety's continued obligation to guarantee performance of the performance bond despite the fact that contract deadlines for certain performances would have to be extended due to the extended negotiations. This Memorandum of Understanding is the culmination of discussions with the surety, Randall, and Management to accomplish these goals. In this Memo of Understanding the surety expressly acknowledges that the County may still hold the surety liable for Griffin's default under the contract and also agrees with the reasonable time adjustments that the County and Randall have determined are necessary to carry out the contract. The surety has been kept fully informed of the discussions between the County and Randall, and has interviewed the staff of Randall to assure itself that Randall is capable of performing the required work. Moreover, Randall has signed a Letter of Agreement which states that immediately upon approval from the Board of Commissioners, Randall shall commence providing consultant services to the County and also acknowledges and agrees to the negotiated revised time lines.

ACTION: Consider approval of the Memorandum of Understanding between the County and the surety as well as the approval of the Letter of Agreement between the County and Randall.

M. Approval of Cumberland County Hospital System, Inc. Sublease Agreement for property located at 522 Beaumont Road

BACKGROUND: Cape Fear Valley Health System has approved a lease with Dr. Frank Paul for 1,150 square feet of space located at 522 Beaumont Road. The rent is \$800 per month and the term of the sublease is from January 1, 2001 through December 31, 2001.

ACTION: Approve the lease.

N. Approval of Grant Award – John H. Wellons Foundation, New Beginnings Transitional Housing Program

BACKGROUND: Cumberland County has been awarded \$669,088 from the Supportive Housing Program for the New Beginnings Transitional Housing Program. This competitive grant award is a renewal of the same grant from the Department of Housing and Urban Development that was originally awarded to the County in 1995. The New Beginnings program provides scattered site transitional housing and supportive services for homeless victims of domestic violence for up to 24 months.

ACTION: Approve acceptance of this grant, authorize the County Manager to sign the grant agreement and approve associated budget revision.

O. Approval of a Resolution to submit a grant application to the NC Division of Community Assistance and the NC Housing Finance Agency for Hurricane Floyd Crisis Housing Assistance Funds

BACKGROUND: In December, 1999, the State of North Carolina made funds available through the Low Income Home Repair and Rehabilitation Program and the Replacement Housing Grant Program, administered by the NC Division of Community Assistance and the NC Housing Finance Agency. Cumberland County is applied to receive these funds on behalf of eligible homeowners living within the county's corporate limits. Though Cumberland County was not identified as a target county for these funds, fifteen families have been prequalified for this program through an application process completed by the NC Housing Recovery Assistance Center in Lumberton. The County applied for \$792,498 to rehabilitate/repair or to even replace homes for these hurricane

victims. This grant will be administered by the Community Development Departments. Funds for service delivery costs are also included in this grant amount. There are no matching requirements for these funds and no local commitment of general funds is required.

ACTION: Adopt Resolution allowing submission of grant application and acceptance of grant funding. Also approve the Program Assistance Policy (copy in the Office of Community Development).

RESOLUTION

WHEREAS, the NC General Assembly has made funds available as a part of the Crisis Housing Assistance component of the Hurricane Floyd Reserve Fund; and

WHEREAS, the NC Division of Community Assistance administers these funds through the Low Income Home Repair and Rehabilitation Program and the Replacement Housing Grant Program; and

WHEREAS, the purpose of the Low Income Home Repair and Rehabilitation Program and the Replacement Housing Grant Program is to assist with the repair or replacement of damaged homes owned and occupied by low income victims of Hurricane Floyd; and

WHEREAS, fifteen households in Cumberland County have been identified that appear to be eligible for such funds; and

WHEREAS, Cumberland County is eligible to apply for such funds on behalf of the victims.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners hereby authorizes submission of a grant application to secure funds in the amount of \$792,498 from the NC Division of Community Assistance to administer a Crisis Housing Assistance Program through the Cumberland County Community Development Department; and

BE IT FURTHER RESOLVED that the Board accepts such funds upon approval of the grant application.

P. Approval of Day Reporting Center's FY02 Application for Continuation of Implementation Funding to the NC Justice Partnership Program

BACKGROUND: The Day Reporting Center is funded through the NC Criminal Justice Partnership Program. The continuation of funding application must be approved by the Board of Commissioners and the CJPP Local Advisory Board. The local Criminal Justice Partnership Program Board approved it on March 13, 2001. The application is in the amount of \$270,093.

ACTION: Approve application.

Q. Approval of designation of Agent for Federal Assistance under the Disaster Relief Act.

BACKGROUND: The Cumberland County Emergency Management has been involved with a mitigation project removing a structure from a flood way north of Spring Lake along the Little

River. Harold Beverage, previous Director of Emergency Management, was the designated agent for this project, but has since left county employment. A new agent will need to be designated.

ACTION: Designate William Elmore, Interim Director of Emergency Management, as the designated agent for obtaining federal financial assistance under the Disaster Relief Act.

R. Confirmation of a portion of fire district line between Gray's Creek and Pearce's Mill Fire districts.

BACKGROUND: Some questions have arisen between Gray's Creek and Pearce's Mill Volunteer Fire Departments about a portion of the boundary between the two fire districts. Pearce's Mill had asserted that an oral modification of the boundary had been entered into in the past. The County Attorney advised that, legally, the Board of Commissioners' action establishing the fire district lines could not be modified by an oral agreement between the two fire departments. The two fire departments have agreed to the boundary line as noted in the Resolution below.

ACTION: Approve the Resolution.

RESOLUTION

WHEREAS, the Board of Commissioners has previously adopted boundaries for the Gray's Creek and Pearce's Mill Fire Districts; and

WHEREAS, the Board of Commissioners wishes to amend a portion of the boundary between the Gray's Creek and Pearce's Mill Fire Districts upon the recommendation and with the consent of the Boards of Directors of both Gray's Creek and Pearce's Mill Volunteer Fire Departments.

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that it amend the boundary between Gray's Creek and Pearce's Mill Fire Districts as and only to the extent set forth herein:

"Beginning at a point on the west bank of the Cape Fear River, also being Evans Landing, and being located on the North Carolina grid system, 83 datum, at coordinates X=2048966.3 Y=444941.3; thence in a southwesterly direction S 49 degrees 55' 07" W 3536.67 feet to a point being on said grid, at coordinates X=2046468.7 Y=442437.3; thence in a southwesterly direction S 50 degrees 19' 36" W 923.56 feet to a point being on said grid, at coordinates X=2045812.3 Y=441787.6; thence in a southwesterly direction S 50 degrees 46' 03" W to and along the northern property line of that lot described in Book 4229, Page 688 and shown in Plat Book 87, Page 43 as Lot 3, Cumberland County Registry, and passing by the Henry Clark Place, 2445.56 feet to a point being on said grid, at coordinates X=2044062.3 Y=440079.3; thence in a southwesterly direction S 50 degrees 59' 01" " 3487.72 feet along the northwest property line of that lot described in book 4631, Page 802, and of that lot described in Book 2570, Page 755, Cumberland County Registry to the center of rockfish Creek at a point being on said grid, at coordinates X=2041558.3 Y=437651.5.

S. Budget Revisions

(1) Mental Health

- a. **EEAP – Increase in revenue/expenditures in the amount of \$9,668 to budget for additional Federal Funds to hire two Work First participants through temporary services for outreach services (B01-484) Funding Source – Federal**
- b. **Periodic Outpatient Services – Increase in revenue/expenditures in the amount of \$2,075 to budget for additional State funds to purchase smoke alarms, motion sensors, intercoms, etc. for clients in therapeutic homes (B01-486) Funding Source – State**
- c. **DD Adult Outpatient – Increase in revenue/expenditures in the amount of \$13,862 to budget for additional fees to hire a Habilitation Specialist II for 25 new CAP slots (B01-487) Funding Source – Fees**
- d. **Adult Periodic/Periodic Outpatient Services – Increase in revenue/ expenditures in the amount of \$5,244 to budget for additional State funds to purchase adaptive equipment for deaf clients to provide specialized clinical evaluations of deaf children, and to fund travel (B01-510&510A) Funding Source – State**
- e. **Majors Grant – Revision to appropriate fund balance in the amount of \$21,000 to budget for the purchase of a vehicle (B01-511) Funding Source – State**
- f. **Medical Records – Revision in the amount of \$30,102 to appropriate fund balance to budget for purchasing an upgraded dictation system (B01-485) Funding Source – Fund Balance Appropriated**

(2) Health – Pharmacy – Decrease in revenue/expenditures in the amount of \$152,000 to adjust revenue/expenditure accounts to the amount actually projected to be earned and expended (B01-492) Funding Source – Fees

(3) Register of Deeds – Revision to appropriate fund balance in the amount of \$17,000 to fund shortfall due to FY01 budget reductions (B01-495) Funding source – Fund Balance Appropriated

(4) Community Development – Infrastructure/Economic Development – Revisions in the amount of \$392,172 to transfer funds within Community Development to provide funds for the housing rehabilitation program (B01-493&494) Funding Source – Federal

(5) Social Services

- a. **Increase in revenue/expenditures in the amount of \$857,252 to recognize additional funding for SmartStart and NC Child Care (B01-506) Funding Source – Federal & State**
- b. **Increase in revenue/expenditures in the amount of \$250,000 to recognize additional funding for the Energy Assistance Program and**

Crisis Intervention Program (B01-505) Funding Source – Federal

(6) Sheriff

- a. **School Law Enforcement COPS – Revision in the amount of \$5,416 to budget Career Development Steps for Deputies (B01-471) Funding Source – County**
- b. **Sheriff – Revision in the amount of \$31,833 to budget Career Development Steps for Deputies (B01-472) Funding Source – County**
- c. **Jail – Revision in the amount of \$10,873 to budget for Career Development Steps for Deputies/Jailers (B01-473) Funding Source – County**
- d. **Sheriff – Law Enforcement Block Grant 99 – Increase in revenue/ expenditures to budget for interest received (B01-496) Funding Source – Interest Income**
- e. **Law Enforcement Block Grant 2000 – Increase in revenue/ expenditures in the amount of \$194,012 to budget the Federal Department of Justice Local Law Enforcement Block Grant 2000 and a 10% County match (B01-507) Funding Source – Federal & Fund Balance Appropriated**
- f. **School Law Enforcement Local – Revision in the amount of \$5,224 to budget Career Development Steps for Deputies (B01-470) Funding Source – County**

(7) School Capital Outlay Category I, II & III – Increase in revenue/ expenditures in the total amount of \$2,507,683 to rebudget unexpended capital outlay funds from prior fiscal years

(8) Library

- a. **Increase in revenue/expenditures in the amount of \$9,950 to budget for additional funding from a second grant from the Bill and Melinda Gates Foundation. The grant will enhance the computer-training lab at the headquarters Library and add additional computes and supplies to all six branches (B01-502) Funding Source – Gates Foundation**
- b. **Increase in revenue/expenditures in the amount of \$4,500 to budget for additional grant funding from the NC Department of Cultural Resources to help purchase incidental furniture items for new computer lab (B01-503) Funding Source – State**

(9) Public Safety Other – Increase in revenue/expenditures in the amount of \$8,650 to budget matching funds to purchase a pickup truck for the County Forest Ranger (B01-513) Funding Source – Fund Balance

Appropriated

(10) Cooperative Extension – Revision in the amount of \$2,100 to recognize additional revenue/expenditures for the Baby Think It Over Program (B01-515) Funding Source – Other

REGULAR AGENDA

3. Nominations to Boards/Committees

A. Adult Care Home Community Advisory Committee (5 vacancies)

BACKGROUND: The following positions need to be filled:

Gale R. Allen – Non participation – Replace
Gertrude Armstrong – declined reappointment – need replacement
Bessie McLean – resigned – need replacement
Joan Fitzpatrick Reed – resigned – need replacement
Teresa H. Raynor – completing initial term – reappoint

Nominees: Teresa H. Raynor
Sandy Cooper
Ada Harris
Francis Macomber
Chaplain Dana Smith

B. Equalization and Review Board (1 vacancy)

BACKGROUND: Mr. Crawford McKeithan, Jr., was appointed to serve a second term on the E&R Board. He has advised he cannot accept the appointment.

ACTION: Nominate someone to fill the Appraiser position.

Nominee: Swayn Hamlet

C. Mid Carolina EMS Advisory Council (2 vacancies)

BACKGROUND: The following positions will be vacant as of April 30, 2001:

Community College Representative: Anita McIntosh – Eligible for reappointment
Ambulance/Rescue Director – Wally Ainsworth – Eligible for reappointment

Nominees: Anita McIntosh
Wally Ainsworth

D. Minimum Housing Appeals Board – Alternate (1 vacancy)

BACKGROUND: Jerome T. Scott was reappointed to a second term. He has declined the

appointment.

Nominee Jimmy Ragland

E. Nursing Home Advisory Board (1 vacancy)

BACKGROUND: Doyle Hubbard will complete his initial term on this Board on April 30, 2001. He is eligible for appointment to his first full term.

NOMINEE: Doyle Hubbard

F. Wrecker Review Board (1 vacancy)

BACKGROUND: Mr. Kenneth Dean Melvin was appointed to the Wrecker Review Board on 2/5/01. He has advised he will be unable to accept the appointment.

Nominees: Teresa Melvin

G. Work Force Development Board (1 vacancy)

BACKGROUND: Lloyd Horne has resigned his position on this Board. He was serving in the Community Based Organization representative position. Ms. Roberta Kishbaugh, Director of Better Health of Cumberland, has been recommended to fill Mr. Horne's unexpired term.

Nominee: Roberta Kishbaugh

4. Consideration of a request to brief the Board regarding Advanced Internet Technologies Economic Development Agreement with the County. Appearing Clarence Briggs and Alex Lekas

Mr. Lekas brought the Board up to date on the progress AIT has made since its move into the old DSS building. To date AIT has spent \$1.25 million in improvements to the building and created 150 jobs at a payroll of more that \$4 million. The second floor of the AIT Center is being renovated to accommodate the company's internal growth. And, the ground floor will soon house a 15,000 square foot data center that will create even more jobs. Mr. Lekas also noted AIT is working out a deal for the laying of a fiber optic ring around Fayetteville that will provide voice, video and data service. PWC is providing the actual fiber and AIT will light it. AIT also has several other projects planned, i.e., one is to launch a telephone service to sell voice, video and data.

5. Consideration of retaining the services of a lobbyist to represent Cumberland County in the NC General Assembly

BACKGROUND: At the Board's retreat on February 14, 2001, there was some discussion about the County's need to have someone represent it in the General Assembly. It was agreed this matter would be placed on the agenda for the March 19, 2001 meeting.

Chairman Warren noted the idea of a lobbyist is a tool we and our legislative delegation can use to get our message to the General Assembly and was suggested with no adverse reflection on our hard-working local delegation. Commissioner Edge noted that while this is an idea worth pursuing, our budget situation at this time does not lend itself to hiring a lobbyist.

Commissioner Baggett said he supports the idea of a lobbyist; however, he fears our legislative delegation may misunderstand our intentions.

MOTION: Commissioner Baggett moved to table this concept temporarily until we have a chance to explain to our delegation that we want to use this person to assist them in lobbying other members of the General Assembly for our needs.

SECOND: Commissioner Council

DISCUSSION: Commissioner Blackwell said he had spoken to a lobbyist and he believes the advantages far outweigh the disadvantages. Some of the advantages include, a constant presence in the state legislature, help us in prioritizing our needs, assist us when special needs arise, etc. Mr. Blackwell said the lobbyist should possess some of the following characteristics: proven track record, receptability, standing in the General Assembly, and credibility. He said a good lobbyist would come to us with a plan and should have great people skills. Commissioner Henley suggested the County ask the municipalities to participate in the funding of a lobbyist, who would also work for them in the legislature.

VOTE: UNANIMOUS

6. Consideration of the County Facilities' Committee Report and Recommendation

A. Animal Control Shelter

The Committee's position is that because funding is not available to build a new shelter there is no need at this time to hire an architect.

B. Washington Drive Elementary School Property

At its March 8, 2001 meeting, the Facilities' Committee unanimously voted to recommend that the Board enter into a long-term lease agreement with windows of Opportunity, Inc. for the 16 acre portion of the Washington Drive Elementary School tract occupied by it. The rest of the 21 acre tract, approximately 5 acres (basically the portion on the east side of the closed right of way of Washington Drive, and the area where the old school building itself sits), would be designated for MLK Committee to incorporate into an expansion of the MLK Park. That transaction would take place at some time in the future after the County has complied with any appropriate orders of the Fayetteville City Inspections Department. Management believes that the school building itself has severe structural and other deficiencies and will probably have to be demolished. During the interim period before the MLK Committee puts its plan into effect, Windows of Opportunity requests the County's permission to continue using the 5 acre portion, subject to a 30 day notice provision. Once MLK starts to expand into the 5 acre portion, Windows of Opportunity will move the prefab building that currently sits on that portion, perhaps with assistance from the County.

ACTION: Adopt Resolution summarizing the proposed transaction and authorizing publication of notice.

RESOLUTION

WHEREAS, the County currently leases the Washington Drive Elementary School property to Windows of Opportunity; and

WHEREAS, Windows of Opportunity is a non-profit, tax-exempt organization that operates a sheltered workshop, and operating a sheltered workshop is a public purpose; and

WHEREAS, the Board of Commissioners believes that it will be in the best interests of Cumberland County to enter into a 10 year lease with Windows of Opportunity for the approximately 16 acre portion of the site that lies generally west of the closed right of way of Washington Drive;

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that it approves, pursuant to G.S. 160A-279 and 267, the proposed lease with Windows of Opportunity generally in the form as submitted to this meeting, with such changes, additions or deletions thereto as the County Manager may approve, and it further directs the County Manager to publish a legal notice as required by G.S. 160A-267, giving notice of the proposed transaction, and it further authorizes him and the Clerk to the Board to execute and attest, respectively, such lease on behalf of the County no earlier than 10 days following publication of such notice.

Commissioner Council inquired if both parties were in agreement about the property. The County Attorney noted that there are still some issues that need to be worked out: movement of a security fence, drive way issue, and the old Washington Drive school building. It was noted the building has asbestos and there are some sections in the building that need to come down. Mr. Tom Cooney, Staff Engineer, said the approximate cost to demolish the entire building is \$500,000. He also noted it may be possible to save some of the building. The County Attorney said that he did not believe the Martin Luther King Committee can afford to pay that kind of money to demolish the building.

While there are still details to be worked out, Commissioner Baggett said he was confident the two groups could work together. Lula Crenshaw noted the leasing of the 16 acres to Windows of Opportunity would not hamper any plans the MLK Committee has for the five acres they wish to lease.

MOTION: Commissioner Council moved to follow the recommendations of the Facilities Committee on items A&B.

SECOND: Commissioner King

VOTE: UNANIMOUS

C. Workstations for District Attorney's Office

BACKGROUND: Additional personnel and added programs have created a need in the District Attorney's area for work area stations. The County Facilities Committee recommended forwarding this item to the Board of Commissioners for consideration.

The following bids have been received for the project:

	Corporate Interiors	Office Sales	Williams Office Envio
Reception area	\$ 3,912.66	\$ 2,528.43	\$ 3,154.79
Private Office/worthless Checks	7,224.02	4,573.53	5,558.42
Betty's Office	7,929.36	5,199.54	6,491.26
Records/file area	26,099.29	17,178.28	20,253.42
Jill's area	443.52	367.47	468.57

TOTAL	\$45,608.85	\$29,847.25	\$ 35,926.46
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ACTION: Award the bid to Office Sales, Inc. in the amount of \$29,847.25.

MOTION: Chairman Warren moved to approve awarding the bid to Office Sales, Inc. in an amount not to exceed \$30,000.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

7. CLOSED SESSION: Attorney Client Matter

MOTION: Commissioner Blackwell moved to go into Closed Session to discuss an Attorney Client matter.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

MOTION: Commissioner Baggett moved to go back into regular session.

SECOND: Commissioner Council

VOTE: UNANIMOUS

Meeting adjourned: 10:15PM

Marsha Fogle, Clerk to the Board