

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
JUNE 17, 2002, 7:00 PM
REGULAR/REZONING MEETING

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

INVOCATION: Commissioner Jeannette Council
PLEDGE: Briana Bowen – Pre-Kindergartener – W.T. Brown Elementary
EX-OFFICIO HIGH SCHOOL STUDENT: Nicole Andres, Senior- Reid Ross Classical

OATH OF OFFICE - Charles A. Register, Eastover Sanitary District

Recognition of Outgoing Board/Committee Members:

Robert Bennett – Stormwater Advisory Board
Pam Jenkins – Community Health Care Council
Stephen R. Satsky – FTCC Board of Trustees
Doug Stephens – Cemetery Commission

Amendments to the Agenda:

Add: Consideration of an amendment to the wrecker fees – Consent Agenda
Add: Consideration of approval of declaration of surplus property – mainframe
in Information Services Department – Consent Agenda
Add: Closed Session – Personnel Matter

MOTION: Commissioner Edge moved to approve the above additions to the Agenda.
SECOND: Commissioner Council
VOTE: UNANIMOUS

1. PUBLIC HEARINGS

Uncontested Rezoning Cases

The County Manager noted that there was no opposition to Case P02-41 (a contested case); and he suggested moving it to the Uncontested List.

Upon finding the requests to be reasonable, neither arbitrary nor 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 Warren moved to follow the Planning Board recommendation on the Uncontested Rezoning Cases (Cases A-K).
SECOND: Commissioner Council
VOTE: UNANIMOUS

- A. Case P02-31. The rezoning from 1.15 acres from R6A to C3 or a more restrictive zoning district at 1274 Lillington Highway, owned by Lillie M. Thomas

The Planning Board recommends approval of C3.

- B. Case P02-34. The rezoning of 31.71 acres from A1 to C(P) or a more restrictive zoning district, on Poverty Flats Road, south of Goldsboro Road, owned by Jasper C. and James M. Williams

The Planning Board recommends approval of C(P).

- C. Case P02-39. The rezoning of .99 acres from A1 to R10 or a more restrictive zoning district on Bramble Street, south of Cypress Lakes Road, owned by Thomas R. and Alfred N. Prewitt

The Planning Board recommends approval of R10.

- D. Case P02-40. The rezoning of 3.0 acres from A1 to R40 or a more restrictive zoning district, at 6110 Goldsboro Road, owned by James L, Jr. and Belinda D. White

The Planning Board recommends approval of R40.

- E. Case P02-43. The rezoning of 9.71 acres from A1 to R40 or a more restrictive zoning district on Ramsey Street across from Bay Trace Drive, owned by Thomas W. and Cynthia M. Bill

The Planning Board recommends approval of R40.

- F. Case P02-44. The rezoning of 2.0 acres from A1 to R40A or a more restrictive zoning district at 6023 New Hope Church Road, owned by Evelyn D. Carroll

The Planning Board recommends approval of R40A.

- G. Case P02-45. The rezoning of a .04 acre portion of a .32 acre tract from R6A to C3 or a more restrictive zoning district at 2040 Draughone Avenue, owned by Oaka Lee Parker, Jr.

The Planning Board recommends approval of C3.

- H. Case P02-47. The rezoning of 48.6 acres from R15 and RR to R10 or a more restrictive zoning district on Hoke Loop Road south of Hodhat Drive, owned by Ed Williams and John Williams, et.al.

The Planning Board recommends approval of R10.

- I. Case P02-48. The rezoning of 5.0 acres from A1 to R40A or a more restrictive zoning district at 576 Palestine Road, owned by Terry E. Bowden

The Planning Board recommends approval of R40A.

- J. Case P02-54. The rezoning of 2.0 acres from A1 to R40A or a more restrictive zoning district at 7018 Alisha Lane, owned by Durwood J., Sr., and Marilyn A. Hudson

The Planning Board recommends approval of R40A.

- K. Case P02-41. The rezoning of 4.72 acres from A1 to R40 or a more restrictive zoning district at 7346 Fire Department Road, owned by Joe J. and Lisa F. Hodges

The Planning Board recommends approval of R40.

Contested Rezoning Cases

- L. Case P02-50. The rezoning of 1.4 acres from RR to M(P) or a more restrictive zoning district at 1593 and 1577 River Road, owned by Affordable Portables of Fayetteville, Inc., and Wayne T. Williams, Sr., and wife

The Planning Board recommends approval of M(P).

Speakers:

Wayne Williams – petitioner. Mr. Williams explained the history of the purchase of the property. One piece of property was purchased in June, 1998, the other piece was purchased in November, 1999. He said the property was being used as a motorcycle repair shop. He noted that when he had the property appraised it was appraised as commercial. He said there is some opposition to the rezoning. He said there is a sand pit across the road and also some new homes in the area (most of which were built after he started his business). He said businesses in the area have not been detrimental to the residential growth. He said a neighbor reported sewage at the back of his property in April of this year. The Health Department investigated and noted a problem with the septic tank serving his office. He said he has corrected the problem. In reply to a question, Mr. Williams noted he had given a 10 foot easement along the railroad track (utility easement).

Lonnie Jackson – opposed to the rezoning.

Josey Monroe Watson – daughter of the original owner of the property. Opposed to the rezoning.

Cornell Monroe – Opposed. Built a new home in 1999 on family-owned property. Mr. Monroe said the property was never used for commercial purposes. He noted the prior owner had been cited for sewage problems and that Mr. Williams was aware of the problems when he bought the land.

Upon finding the request to be reasonable, neither arbitrary nor 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 and approve the rezoning.

SECOND: Commissioner King

VOTE: UNANIMOUS

Conditional Use Overlay Cases

- M. Case P02-08. A Conditional Use Overlay District and Permit to allow automobile sales and automobile and lawn mower parts and accessory sales on 1.0 acre in an A1 District at 6898 & 6904 Goldsboro Road, owned by Faustino Espino

The Planning Board recommends approval of the Overlay District and Permit with the following conditions:

- (1) A solid buffering is to be around the eastern, western & southern boundaries of the site;
- (2) All lighting is to be directed inward away from surrounding properties;
- (3) No outside storage is to be allowed on the site;
- (4) The Health Department is to approve the site for well and septic;
- (5) A maximum of five vehicles are to be stored on the property for sale;

- (6) All vehicles to be sold are to be located behind the existing buildings;
- (7) A complete site plan indicating the layout of parking and display area for vehicles is to be submitted for approval by the Planning Staff; and
- (8) One paved driveway is to be allowed off of Goldsboro Highway.

Speaker(s): (Oath given) James Wrench – Mr. Wrench spoke for Mr. Faustino Espino. Mr. Wrench asked the Board to approve the overlay district with conditions. However, he noted that the condition that requires the used cars that are for sale be placed behind the store does not make a lot of sense to him. He asked that he be allowed to place the cars in front.

MOTION: Commissioner Warren moved to approve the Conditional Use Overlay District based on the findings that the request is reasonable, neither arbitrary or unduly discriminatory and in the public interest.

SECOND: Commissioner King

VOTE: UNANIMOUS

MOTION: Commissioner Warren moved to approve the Conditional Use Overlay Permit with conditions as recommended by the Planning Board, except that #6 shall be deleted as a condition, based on the findings that the proposal will not materially endanger the public health and safety; will not substantially injure the value of adjoining or abutting property; will be in harmony with the area in which it is to be located; and will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners.

SECOND: Commissioner King

VOTE: UNANIMOUS

SECOND: Commissioner Council

VOTE: UNANIMOUS

- N. Case P02-42. The rezoning from R10 to O&I and a Conditional Use Overlay District and Permit for residential use in O&I for portions of a 5.22 acre tract at 5948 Fisher Road, owned by James C. Pate and Faye L. Yopp

The Planning Board recommends approval of the Conditional User Overlay District and Permit on Tract 2.

Speakers: None

MOTION: Commissioner King moved to approve the Conditional Use Overlay District for Tract 2 based on the findings that the request is reasonable, neither arbitrary or unduly discriminatory and in the public interest.

SECOND: Commissioner Council

VOTE: UNANIMOUS

MOTION: Commissioner King moved to approve the Conditional Use Overlay Permit for Tract 2 based on the findings that it will not materially endanger the public health and safety; will not substantially injure the value of adjoining or abutting property; will be in harmony with the are in which it is to be located; and will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners.

SECOND: Commissioner Council

VOTE: UNANIMOUS

Ordinance Amendments

- O. Case P02-53. Amendment to the Cumberland County Code of Ordinances, Chapter 32, Tables 1-f and 1-H by adding Wireless Communications and Accessory Sales in alphabetical order

The Planning Board recommends approval.

Speakers: None

MOTION: Commissioner Baggett moved to approve the amendment to the Zoning Ordinance based on the fact that it is reasonable, neither arbitrary or unduly discriminatory, and in the public interest.

SECOND: Commissioner Edge

VOTE: **FAVOR:** Commissioners Henley, Edge, Baggett, Blackwell, Council and Warren.

OPPOSED: Commissioner King

- P. Case P02-56. Amendment to the Cumberland County Code of Ordinances, Appendix A, section 10.1 “Definitions” by adding “Residential Habilitation Support Facility” and “Family Care Home” alphabetically; amend Tables 1-A-1, 1-A02, 1-B, 1-B-1, 1-C-1, 1-E and 1-H by adding the above created uses as permitted or Conditional uses; amend Section 2.1 by creating Section 2.12(b) establishing a one-half mile separation for family care homes; and amend Section 3.5 by creating Section 3.57 “Minimum Requirements for Residential Habilitation Support Facilities

The Planning Board recommends approval. The County Attorney noted his memorandum about group home applications that were substantially in progress by May 1, 2002, the date of legal notice of the proposed changes.

Speakers:

Mr. Nick Herman – Chapel Hill Attorney representing the Cumberland County Providers Association. Mr. Herman said the ½ mile limit is unlawful and in violation of the Federal Fair Housing Act. He said that federal courts in the 3rd, 6th, 7th and 10th Circuits have made this finding. However, the 4th Circuit has not ruled on this matter.

He asked the Board to postpone action on this issue until the court has ruled on the suit that will be filed against the City of Fayetteville, who established a ½ mile limit also.

Bessie Magby – President of the Cumberland County Providers Association. Ms. Magby said the Providers Association opposes the ½ mile restriction. She said it would have an impact on the way they do business. She said if money is a concern, the Board needs to get legislation passed that would require other counties to pay for clients who are going to another county for treatment. Ms. Magby indicated she has 8 homes in Cumberland County with 37 clients.

Michael Singleterry – Opposed to distance requirement. Does not believe the county has 300 group homes. Noted that most of the kids in the homes are not from Cumberland County. Said it was difficult for the local providers to get local kids. In response to a question, Mr. Singleterry said he has 12 homes in Cumberland County and a total of 15 in North Carolina.

Alice Smith – Opposed to distance requirement. Ms. Smith has 18-20 homes in North Carolina; seven of them are in Cumberland County.

Terry Merritt – Mr. Merritt is in favor of the restrictions on group homes. He noted the cost and tax burden placed on local residents to support out of county clients.

Ronald Lewis – Mr. Lewis said he had invested money in a home and the rules are changing on him. He asked that since he had invested money and time he be allowed to continue with his project. His project will be located at 4050 Doc Bennett Road. (The

County Attorney noted this was one of the projects that will be allowed to continue). This is Mr. Lewis' first home.

Gloria & James Elliott – Mr. and Mrs. Elliott also noted they have invested considerable money and time in opening a home in Cumberland County. They asked that they be allowed to continue with their project. (The County Attorney noted that this is one of the projects that will be allowed to continue.) Their home is located in Cliffdale West. Mr. Elliott said he believed the homes generated revenue for the county. He noted that he pays his employees \$7.00 an hour the first year; \$8.00 the second year and \$10.00 after three years. He also noted he pays benefits.

Lloyd George – Mr. George said he felt the Board should be more concerned with the quality of the homes in the county as opposed to the quantity.

The Public Hearing portion of the meeting was closed.

Chairman Blackwell reviewed some statistics compiled by the Special Education to Children in Group Homes Legislative Study Committee, dated January 10, 2001, concerning the number of children in our Cumberland County School System and the cost to the taxpayers in Cumberland County. Chairman Blackwell noted that Cumberland County absorbed \$401,193 in cost at the school system for out of county students (117).

In addition the report reflects that Cumberland County is #1 in the top six counties which have group homes:

Cumberland County	179 homes
Durham	53 homes
Gaston County	45 homes
Guilford County	61 homes
Mecklenburg County	152 homes
Wake County	90 homes

Commissioner Edge noted he had attended the May Planning Board Meeting at which Mr. Herman noted his firm would be bringing a lawsuit against the City of Fayetteville because of its ½ mile restriction. To this point no lawsuit has been filed. Mr. Edge noted the importance of working at the state level to make changes so the money follows the children.

MOTION: Commissioner Edge moved to adopt the Ordinance as recommended and that those people who have already invested money and time in the establishment of a group home be allowed to continue their project, upon meeting the following criteria prior to May 1, 2002: (1) the applicant has entered into a binding commitment to lease or purchase the property for the purpose of operating a group home; (2) the applicant can demonstrate, such as through a letter issued by the Zoning Inspector, that it had been advised by the Zoning Inspector that the County had no regulations restricting placement of group homes and that a group home was permitted use at the intended location; (3) the applicant had scheduled or had an inspection or approval required by the State Division of Facilities Services, such as by the Fire Marshal or the Health Department's Environmental Health Section, for establishment of a group home; and (4) the applicant can establish that it had expended substantial funds, such as \$2,500 or more towards establishment of the group home (examples would include for disabled access, for a disabled accessible van, installation of smoke alarms, for rewiring of an older residence to code, etc.)

SECOND: Commissioner Warren

DISCUSSION: Commissioner Henley inquired as to why so few Cumberland County clients are placed in Cumberland County group homes.

SUBSTITUTE

MOTION: Commissioner King moved to delay action on this matter until any lawsuit against the City of Fayetteville has been decided.

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

VOTE ON ORIGINAL

MOTION: FAVOR: Commissioners Henley, Edge, Baggett, Blackwell & Warren
OPPOSED: Commissioners King and Council

Chairman Blackwell said a committee should be assembled to look into the issue regarding the number of Cumberland County clients in Cumberland County group homes. The Committee will report back to the Board in 60 days. (The committee will consist of Commissioners Baggett, King, Council, DSS, Health and Mental Health Department Heads, and appropriate Staff from the County Manager's Office)

Other Public Hearing

- Q. Consideration of renaming Wilson Avenue to Grubb Lane (Manchester Fire District)

BACKGROUND: Staff received a petition to consider renaming a portion of Wilson Avenue located off the eastern side of S. Pine Tree Lane within the Manchester Fire District. Seven property owners were provided an opportunity to vote on this issue; four voted for the name change; one voted against; and there was no response from two. The Manchester/Spring Lake Fire Department was contacted and did not express objection to the name change. Spring Lake Middle School adjoins the properties; therefore the Roads will not connect.

Speakers: None

ACTION: Approve the name change.

MOTION: Commissioner Warren moved to approve the name change.

SECOND: Commissioner Council

VOTE: UNANIMOUS

2. Presentation of Averagesboro Battlefield Commission matters

- A. Resolution in Support of Civil War Preservation Trust's TEA-21 Grant Application for the Preservation of Historical Land and Viewsheds in Cumberland County

MOTION: Commissioner Warren moved to adopt the Resolution and endorse the Grant Application for the Oak Grove Plantation House Enhancement Project.

SECOND: Commissioner King

VOTE: UNANIMOUS

BACKGROUND: The Averagesboro Battlefield Commission is submitting an application for the preservation of historical land and Viewsheds in Cumberland County. In addition it is asking the Board to endorse the application for the Oak Grove Plantation House Enhancement Project. The Commission will indemnify the County and accept full responsibility to the County for completion of the project in order to enhance the application. The Preservation North Carolina has agreed to serve as the Commission's backup entity in the unlikely event that the Commission is dissolved as a corporation.

ACTION: Adopt Resolution

RESOLUTION IN SUPPORT FOR THE CIVIL WAR PRESERVATION
TRUST'S TEA-21 APPLICATION

WHEREAS, in accordance with the NC Department of Transportation procedures, letters of support from local governments or state agencies supplement Transportation Enhancement applications; and

WHEREAS, the Civil War Preservation Trust has applied for Transportation Enhancement funding in Cumberland County to acquire historic Civil War battlefield property; and

WHEREAS, the acquisition of historic Civil War battlefield property provides increased heritage tourism attractions that provide economic benefits to Cumberland County.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cumberland County supports the Civil War Preservation Trust's Transportation Enhancement application; and

BE IT FURTHER RESOLVED THAT THE Board of Commissioners understands that it is not being asked to serve as fiscal agent for this project or provide matching funds and that any funds committed by the Board of Commissioners would be on a voluntary basis as the Board of Commissioners deems appropriate.

- B. Endorsement of Averasboro Battlefield Commission's TEA-21 Grant Application for the Oak Grove Plantation House Enhancement Project.

ACTION: Approve

3. Discussion concerning the renaming of the Charlie Rose Agri Expo Center

BACKGROUND: Commissioner Baggett noted that the Civic Center Board has made some decisions concerning the marketing of the Crown Coliseum which would refer to the Charlie Rose Agri Expo Center and the Crown Expo Center. Mr. Baggett noted that the names of the buildings at the complex will not be changed. Commissioner Baggett noted the farming community was instrumental in raising money for the Charlie Rose Agri-Expo building, and he understood their concerns of the word "Agri" is not used when referring to the building.

Mr. Wayne Collier, Jr., speaking for the farming community noted that the building was built specifically for farm agency use. He said the agri community worked very hard to bring the idea of the Agri-Expo building to fruition. He noted they raised a lot of money and lobbied hard for state monies for the project. He noted that only \$350,000 of county money went into the construction of the Agri-Expo building. He noted concern that by omitting the "agri" portion of the name would ultimately circumvent the true purpose of the building. He said he understands the need to market the Crown Center, but felt it important to maintain the agri reference in the name.

Mr. Jim Cooper, Chairman of the Civic Center Board, said he and the Civic Center Board appreciate the interest of the Farm Bureau in this matter. He said the name of the building has not changed, only the way it is marketed which will be as the Crown Expo Center. He said the Crown Center is recognized across the southeastern United States, it is the opinion of the Civic Center Board that marketing the Charlie Rose Agri-Expo Center as the Crown Expo Center would bring in more business, giving the Agri-Expo Center more exposure.

Commissioner Warren noted the importance of agriculture to Cumberland County. He shared the importance of the 4-H Program to his son.

Commissioner Baggett said he wished there had been more communication between the Civic Center and the farm groups prior to the marketing decision.

4. CONSENT AGENDA

The following items are pulled from the Consent Agenda: Items 4B, 4H, 4I, 4J, & 4N.

MOTION: Commissioner Baggett moved to follow staff recommendations on the items on the Consent Agenda, excepting the items noted above.

SECOND: Commissioner King

VOTE: UNANIMOUS

- A. Approval of Minutes: June 3, 2002 regular meeting, June 3, 2002 Special Meeting and June 6, 2002 Special Meeting

ACTION: Approve

- B. Approval of renewal of Time Warner Cablevision Franchise (1st Reading)

BACKGROUND: The Franchise Agreement will renew the Franchise for 10 years through June 30, 2012. The company's existing franchise actually expired in mid-2000 and was extended by the Board through September 13, 2001 to match the expiration of the City's franchise. It has continued in force on a "carry-over" basis since then. The Franchise is non-exclusive, but does require the Board to impose similar requirements on any additional entity that the Board franchised. The Company will pay a franchise fee of 5% of gross revenues on covered cable services, but not on any telephone or Internet service. The agreement continues the company's commitment to serve all areas in the county with an average of 20 homes per mile. It will work in new subdivisions of that density to put service extensions in place during subdivision construction. The company offers parental control devices and procedures. During the period of renewal negotiations, the company upgraded its system to at least a 750 MHz bandwidth system, using a combination of cable and fiber-optic liens running out from nodes. It offers 200 analog and digital channels, is interactive and addressable, and gives customers the option of renting digital convertors. While Time Warner has rolled out its RoadRunner Internet service, the FCC recently ruled that such Internet services are not subject to local government regulation because they are not cable services. The agreement provides a process for the parties to periodically review and evaluate service at the five year point.

ACTION: Approve renewal of the Franchise for 10 years, beginning July 1, 2002 (First Reading). The Board's approval is subject to such minor changes, additions, or deletions as may be approved by the County Manager and the County Attorney.

Commissioner Blackwell inquired when Fort Bragg and the City of Fayetteville would be adopting the Franchise. The County Attorney said that Time-Warner's attorney is preparing franchises tailored to the different bodies, and the work is ongoing for Fort Bragg and Fayetteville. However, basically everything is in place and the franchises will be adopted by those entities shortly. This will come back to the Board of Commissioners August 5, 2002.

MOTION: Chairman Blackwell moved to approve the first reading of this Franchise.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

- C. Approval of a Resolution of the Cumberland County Board of Commissioners declaring as surplus its interest in two hazmat vehicles and authorizing their conveyance to the City of Fayetteville

ACTION: Adopt Resolution

RESOLUTION

WHEREAS, the County funded a one-half interest in two HazMat vehicles jointly with the City of Fayetteville; and

WHEREAS, the vehicles are now aged and surplus to the needs of the County;
and

WHEREAS, the Board of Commissioners wishes to authorize conveyance of its interest in the two vehicles to the City of Fayetteville and the City of Fayetteville intends to further convey the vehicles to Cedar Creek Fire Department and to Lafayette Village Fire Department.

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that, pursuant to GS 160A-274, it approves conveyance of the County's interest in a 1987 Chevrolet Step Van communications/research unit, #890968 and a 1991 Chevrolet Hi-Cube Van decontamination unit, #910950, to the City of Fayetteville; and

BE IT FURTHER RESOLVED that the Board of Commissioners authorizes the Chairman of the Board or the County Manager to execute and the Clerk to the Board to acknowledge any documents of title and conveyance in form satisfactory to the County Attorney conveying said vehicles to the City of Fayetteville.

D. Approval of Community Development Housing Program Policies

BACKGROUND: There are some changes that need to be made to further secure the County's interest in our housing projects and to clarify certain servicing issues. Therefore, an Insurance Servicing policy is proposed. For the Owner-occupied Housing Rehabilitation Program, we are removing the cap on the maximum loan amount as our Rehab Specialists have found it difficult in some instances to do all of the necessary repairs on a house with the limited funds. Community Development is also recommending a new Rental Rehabilitation Program to be implemented July 1, 2002.

ACTION: Approve the Insurance Servicing and Rental Rehabilitation Program policies for implementation July 1, 2002 (may be viewed in the office of Community Development).

E. Approval of Completion Contractor for the Cumberland County Detention Center

BACKGROUND: The County Attorney notes he has reviewed for legal sufficiency the Completion Agreement for the Detention Center between the County, Miller Construction Company's Surety (American Home Assurance Group) and the Completion Contractor designated by the Surety (Lee F. Cowper, Inc.). It is his opinion that the Agreement and the arrangements contemplated in it for completion of the Detention Center by Cowper are not subject to any further bidding requirement. When the project was originally bid and awarded to Miller, one condition was that Miller provide a performance bond. Under that bond, Miller's Surety assured performance of the project and its completion. Upon Miller's default, the surety had the obligation to cause the project to be completed. One of its rights is to designate a contractor to complete Miller's obligations. Under this Completion Contract the parties will enter into Change Order 3 to the original construction contract, where the County will pay no more than the amount of \$1,917,216.72 remaining of its obligation under the construction contract. The surety will furnish the balance of the cost to complete the project, \$3,530,502.

ACTION: Authorize the Completion Agreement between the County, American Home Assurance and Lee F. Cowper, Inc. and approve associated budget revision (B02-478)

F. Approval of FY03 Home and Community Care Block Grant for Older Adults Agreement between the County of Cumberland and Mid Carolina Area Agency on Aging, and the 2002-03 County Funding Plan

ACTION: Approve the Agreement and Funding Plan.

G. Approval of an offer from Cape Fear Baptist Church to buy .12 acres of former Les Maxwell School property

BACKGROUND: Cape Fear Baptist Church has offered \$600 to purchase a .12 acre piece of the former Les Maxwell School property. This piece had formerly been conveyed to the Cumberland County Association for Indian People. The Association has delivered a quitclaim deed for this piece back to the County; they have no objection to the transfer of this piece of property to the Church. Notice of the bid was published in the Fayetteville Observer and no upset bid was received.

ACTION: Approve the conveyance of the property to the Church and authorize the Clerk and Chairman to execute appropriate documentation.

- H. Approval of Franchise Agreement and Ordinance for new DSS Building (Robertson's Food Service) 1st Reading

Commissioner Council asked to review the specifications required by the county for the food service franchises in items H, I, & J. Staff will forward the specifications to Commissioner Council.

MOTION: Commissioner Council moved to approve the first reading of the Franchise Ordinances (Items H, I & J).

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

BACKGROUND: This Agreement will allow Robertson Food Services, Inc. to operate a snack bar at the new DSS Building located at 1225 Ramsey Street.

ACTION: Approve 1st Reading.

- I. Approval of Franchise Agreement and Ordinance for Cumberland County Mental Health – Bradford Avenue Center (A&R Wilson Enterprise, Inc) 1st Reading

BACKGROUND: This Agreement will allow A&R Wilson Enterprises to operate a snack bar at Mental Health's Bradford Avenue Center.

ACTION: Approve 1st Reading.

- J. Approval of Franchise Agreement and Ordinance for Cumberland County Mental Health – Roxie Avenue Center (A&R Wilson Enterprise, Inc.) 1st Reading

BACKGROUND: This Agreement will allow A&R Wilson Enterprises to operate a snack bar at Mental Health's Roxie Avenue Center.

ACTION: Approve 1st Reading.

- K. Approval of Resolution to Request Acceleration of Scheduling and Funding of NCDOT Project R-2609-US Highway 401 from Cumberland County to Wake County

ACTION: Adopt Resolution

RESOLUTION

WHEREAS, the Cumberland County Board of Commissioners has found it necessary to request acceleration of Project R-2905 (US 401) in the current FY2002-2008 Metropolitan Transportation Improvement Plan (MTIP);

WHEREAS, US Hwy 401 is a major route through the State of North Carolina connecting several rapidly developing towns and cities to include Raleigh, Fuquay-Varina, Lillington and Fayetteville;

WHEREAS, US Hwy 401 is in need of improvements in order to provide adequate capacity and increase the safety of drivers;

WHEREAS, the Cumberland County Board of Commissioners has considered the economic development on a regional level to include several Planning Areas and Divisions.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners requests acceleration of funding and scheduling of MTIP Project R-2906 on this 17th day of June, 2002.

- L. Approval of Rhonda Graham as Deputy Finance Officer for the Cumberland County Civic Center

ACTION: Adopt Resolution approving Rhonda Graham as Deputy Finance Officer for the Civic Center.

RESOLUTION

WHEREAS, due to the operation requirements unique to the Cumberland County Civic Center a need exists for checks to be issued during all hours of the day and night. These checks are drawn on official depositories that contain funds held on behalf of others; and

WHEREAS, the timing, amounts or payees of these checks cannot be anticipated and, in most cases, the checks must be issued immediately; and

WHEREAS, the timing of the checks requires the appointment of a Deputy Finance Officer and, in addition, more than one person must be authorized to countersign each check; and

WHEREAS, NCGS Chapter 159 entitled “The Local Government Budget and Fiscal Control Act”, authorizes the governing board to appoint deputy finance officers to designate individual(s) to countersign the checks and to fix the amount of the faithful performance bond to be provided by appointee.

NOW, THEREFORE to facilitate the operational requirement of the Cumberland County Civic Center, the Board of Commissioners hereby RESOLVES that:

- Ms. Rhonda Graham is appointed a Deputy Finance Officer and is authorized to sign the checks/drafts issued on the checking and savings accounts maintained by the Cumberland County Civic Center;
- The appointee will provide a faithful performance bond in the amount of \$20,000.00.

M. Budget Revisions

(1) Health

- a. Adult Health – Amount - \$7,000 – to budget additional earned revenue (B02-475) Funding Source Fees
- b. Family Planning – Amount - \$8,000 – to budget additional earned revenue (B02-476) Funding Source – Fees
- c. Laboratory – Amount - \$21,500 – to recognize additional lab fees to purchase supplies (B02-480) Funding Source – Fees

(2) Law Enforcement Block Grant 2000 – To appropriate \$338 of interest received last fiscal year and to recognize \$333 of interest revenue received this fiscal year (B02-472) Funding Source – Prior/Current Year Interest Income

- (3) Public Safety Other/General Government Other – Amount - \$182,303 – to reallocate contingency funds to budget for mandatory Youth Detention costs (B02-460) Funding Source – Reallocation of Budgeted Expenditures
- (4) School Capital Outlay – Category I – Amount \$1,200,00 – to appropriate school sales tax fund balance to fund roofing projects as approve by the Board of Education (B02-457) Funding Source 0 School Sales Tax Fund Balance
- (5) Mental Health
 - a. Willie M Departments – Revisions to budget State Allocation reduction for FY02 (\$695,642); to budget the transfer of funds (\$14,389) from Willie M. Respite and Willie M Outpatient Treatment departments to the Willie M Alternate Family Living department; and to budget additional fees of \$181,405 (B02-464-464G) Funding Source – State and Fees
 - b. MR/MI Case Management/Administration/Contracted Services – Revisions in the net amount of \$25,000 to transfer funds from the MR/MI Case Management Dept. and MR/MI Administration Dept. to the MR/MI Contracted Services Dept. to budget for increase in contracted services for supervised living (B02-461-461B) Funding Source – Reallocation of Budgeted Revenues & Expenditures
 - c. MH-Willie M Paraprofessional/Willie M Case Management – Amount - \$4,500 – to transfer state funds from the Paraprofessional budget to the Case Management budget for room and board contracts (B02-471-471A) Funding Source – Reallocation of Budgeted Revenue & Expenditures
 - d. MH-High Risk Prevention – Amount - \$6,745 – to establish a new Substance Abuse Education Specialist position (B02-463) Funding Source – Federal Grant
 - e. MH-Administration – Amount \$5,000 – appropriate fund balance to budget additional funds in order to increase the contract for the Area Board Attorney (B02-466) Fund Source – Mental Health Fund Balance
 - f. MH-Medical Records – Amount - \$9,000 – to budget appropriate fund balance for the maintenance on a dictation system and to print medical record forms (B02-468) Funding Source – Mental Health Fund Balance
 - g. MH-DD Contracts – Appropriate fund balance of \$20,000 and increase fees by \$25,000 to budget additional funds needed for supplies and services (B02-469) Funding Source – Fees & Mental Health Fund Balance
 - h. SA Periodic/Adult Periodic/Periodic Outpatient Services – Amount - \$158,938 – to allocate state funds with federal funds per the NC Dept. of Health & Human Services Division of Mental Health (B02-470-470B) Funding Source – Reallocation of State & Federal Revenue
- (6) Civic Center/Prepared Food & Beverage Tax Fund – Amount - \$200,000 –transfer funding from the Prepared Food and Beverage Tax Fund to the Civic Center Fund to fund actual operating cost for fiscal year ending June 30, 2002 (B02-479-479A) Funding Source – Food & Beverage Tax

- (7) Special Fire Tax District Fund – Amount - \$5,288 – to recognize additional tax revenue and distribute Special Fire District funds to the five low wealth districts and to the Fire Chief’s Association (B02-465) Funding Source – Special Fire District Tax

N. Consideration of an amendment to the wrecker fees

BACKGROUND: When the wrecker fee schedule was approved at the meeting on May 6, 2002, some items were inadvertently left off of the schedule.

ACTION: Adopt the amended fee schedule:

AMENDED WRECKER FEE SCHEDULE
(For Towed Vehicles of 8,000 Pounds or Less)

<u>Type of Service</u>	<u>Amount</u>
Mileage charge	\$2.25 per mile (over 1 st 10 miles)
Towing service call, 24 hours a day	\$90.00
Use of dollies or Rollback on a dolly required tow	\$45.00
Labor charge for a recovery	\$20.00 for every 15 minutes
Use of Speedi-dry or other absorbent	\$10.00
Recharge fire extinguisher	\$15.00
Vehicle storage inside building or under shelter	\$15.00 per day
Vehicle storage outside	\$12.00 per day
Wait charge (does not include hook-up, recovery, Debris cleanup, or any other labor performed at Scene that is charged under another listing)	\$1.00 per minute (after 1 st 10 minutes)
After hours lot charge (access to lot after hours)	\$30.00

Fees charged to Wrecker and Towing Services

Initial application and inspection	\$50.00
Annual inspection & license renewal	\$25.00
Administrative/dispatch fee paid by towing customer to Cumberland County (collected by towing firm on each rotation call)	\$ 5.00

Amended Fee Schedule is effective immediately upon adoption.

O. Approval of Declaration of Surplus Property for Information Services

BACKGROUND: At the May 20, 2002 Commissioners’ meeting, the Board approved the purchase of a new Multiprise 3000 Mainframe system.

ACTION: Declare the old system surplus and give authorization to dispose of it. (The county has received a bid of \$5,250 for the old machine. The bid is valid through July 8, 2002.)

REGULAR AGENDA

5. Nominations to Boards/Committees

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

BACKGROUND: The following positions are vacant:

Clemonteen McCummings – moved out of county
Marion E Wall – resigned

ACTION: Nominate to fill vacancies

Nominees: Lela Clark
Claudette Tompkins

6. Appointments to Boards/Committees

MOTION: Commissioner Council moved to appoint the nominees in item 6A & 6B, respectively.

SECOND: Commissioner King

VOTE: UNANIMOUS

A. Adult Care Home Community Advisory Committee (1)

Nominee: John Poulos

B. Juvenile Crime Prevention Council (5 vacancies)

Nominees: Substance Abuse Professional – Stuart Bowers
Member Faith Community – Rev. Joseph Bathe (reappointment)
Person under 21 – Shakeema Burns
Juvenile Defense Attorney – Carmon Jean Battle
Member Business Community – Marya Fuentes (reappointment)

7. Approval of Bond Order Authorizing the sale of \$14,875,000 General Obligation Bonds for the purpose of financing School Facilities

BACKGROUND: The Bonds will finance school facilities. About \$10.7 million of the proceeds will go towards completion of the new high school in Grays Creek. The balance will be used by the school system for various currently undesignated capital improvement projects. The bonds are expected to be sold by the NC Local Government Commission on July 30, 2002. The Bond Resolution sets a maximum interest rate of 6%.

ACTION: Adopt Bond Resolution (Attachment A to these Minutes)

MOTION: Commissioner Council moved to approve.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

8. Consideration of cancellation of the July 1, 2002 Board of Commissioners' meeting

MOTION: Commissioner Baggett moved to approve the cancellation of the July 1, 2002 meeting.

SECOND: Commissioner Council

VOTE: UNANIMOUS

9. Closed Session: Attorney Client Matter(s): Including National Alliance for the Mentally Ill, Cumberland County, NC, Inc. vs. Cumberland County & Hall vs. Cumberland County (NCGS 143-318.11(a)(3)) and a Personnel Matter (NCGS 143-318.11(a)(6).

MOTION: Commissioner Warren moved to go into Closed Session for the above noted reasons.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

MOTION: Commissioner Warren moved to go back into Open Session.

SECOND: Commissioner King

VOTE: UNANIMOUS

MOTION: Commissioner Council moved to appoint Aaron J. Donaldson, Tax
 Administrator, effective today, at a salary of \$80,000, annually.
SECOND: Commissioner King
VOTE: UNANIMOUS

Meeting adjourned: 10:45 PM

Clerk to the Board