

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
OCTOBER 21, 2002, 7:00PM
REGULAR/REZONING MEETING

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

INVOCATION: Commissioner Billy King

PLEDGE: Thurman L. Tatum, III, Warrenwood Elementary School

Ex-Officio High School Student: Trelanie Green, Senior Class President,
Jack Britt High School

RECOGNITION: Outgoing Board/Committee Members:

Richard Everett, Workforce Development Board
William Lowe, Workforce Development Board

1. PUBLIC HEARINGS

Uncontested Rezoning Cases

Upon finding the rezoning 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 following motion was offered:

MOTION: Commissioner Edge moved to follow the recommendation of the Planning Board on the uncontested rezoning cases (A-C).

SECOND: Commissioner King

VOTE: UNANIMOUS

- A. Case P02-72: The rezoning of a 5.97 acre portion of a 46.61 acre tract from R5A to C(P) or a more restrictive zoning district between McArthur Road and Ramsey Street, south of Stacy Weaver Drive, owned by Joseph Riddle, III

The Planning Board recommends approval of C(P).

- B. Case P02-76: The rezoning of a .63 acre portion of a 2.40 acre tract from R6A to C3 or a more restrictive zoning district at 1813 Shaw Road, owned by June Raye Davis

The Planning Board recommends approval of C3.

- C. Case P02-78: The rezoning of 37.55 acres from RR to R10 or a more restrictive zoning district, on the north side of Camden Road, west of Waldo's Beach Road, owned by K. Douglas and Faye S. Barfield

The Planning Board recommends approval of R10.

Conditional Use Overlay

- D. Case P02-64: A conditional use overlay district and permit to allow a sewing business on .66 acres in an R6A District at 106 & 108 Hopedale Street, owned by James and Oksun King

The Planning Board recommends approval with the condition that all lighting be directed inward.

SPEAKERS: None

The packet material is submitted for the record.

MOTION: Commissioner Baggett moved that the Board 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 King
VOTE: UNANIMOUS

MOTION: Commissioner Baggett moved that the Board of Commissioners finds that this conditional use district overlay permit application, if completed with the conditions recommended by the Planning Board, and as proposed, 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, and that it be approved.
SECOND: Commissioner King
VOTE: UNANIMOUS

- E. Case P02-79: A conditional use overlay district and permit to allow a drapery sewing business on .33 acres in a R10 District at 7594 Shumont Drive, owned by Elva I. Monge.

The Planning Board recommends approval with the following conditions:

- signage is not to exceed two square feet;
- no additional employees or nonresidents will be allowed

SPEAKERS: None

The packet material is submitted for the record.

MOTION: Commissioner Baggett moved that the Board 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 King
VOTE: UNANIMOUS

MOTION: Commissioner Baggett moved that the Board of Commissioners finds that this conditional use district overlay permit application, if completed with the conditions recommended by the Planning Board, and as proposed, 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, and that it be approved.
SECOND: Commissioner King
VOTE: UNANIMOUS

OTHER PUBLIC HEARING

- F. Petition to abandon Bingham Place (SR 3051)

BACKGROUND: Arran Lakes Baptist Church, which owns property adjacent to Bingham Place that runs between Thornwood Place and Bingham Drive, has requested that this portion of Bingham Place be abandoned. A records check by the County Attorney's Office indicates there are no other adjoining landowners, and that NCDOT, the Planning Department and the Lafayette Village Fire Department have no objections to the closing.

SPEAKERS:

B.A. Robinson – concerned that property owners were not given individual notices. Thought his property was touching the Bingham Place.

Mark Robinson – supporting his father. Wants to make sure they will continue to have access to their property.

Dale McDonald – Questions answered. Church did not notify members.

Stanley Carter – New road (Bingham Place) already done. Church is using old Bingham Place property as parking. Just a formality to abandon right of way.

Jerry Eckert – Rose Group – Engineer for project. Mr. Robinson's property does not touch that portion of old Bingham Place that is to be abandoned.

It was ultimately determined that Mr. Robinson's property did not touch the portion of Bingham Place that is to be abandoned, and that Mr. Robinson would have ingress and egress to his property via the new Bingham Place road.

MOTION: Commissioner Warren moved to adopt the order abandoning Bingham Place (SR 3051).
SECOND: Commissioner King
VOTE: UNANIMOUS

ORDER ABANDONING BINGHAM PLACE (SR 3051)

WHEREAS, a request has been submitted to the Board of Commissioners by Arran Lakes Baptist Church adjoining landowner, to abandon Bingham Place (SR 3051) located in Seventy-First Township, Cumberland County; and

WHEREAS, following proper notice, the said Commissioners held a public hearing on the question of the abandonment of such street on the 21st day of October, 2002, and heard all interested persons who appeared with respect to whether the abandonment would be detrimental to the public interest or to any individual property rights; and

WHEREAS, pursuant to the public hearing the said Commissioners finds and determines that such public street is not under the control of the NC Department of Transportation; that no person would be deprived or reasonable means of ingress and egress to his property by such abandonment; that it is therefore in the public interest to abandon such street.

NOW, THEREFORE THE Board of Commissioners of Cumberland county hereby RESOLVES, that the public street more particularly described below be and it hereby is, abandoned:

All of Bingham Place that runs between Thornwood Place (SR 3052) and Bingham Drive (SR 1141) as is shown on a plat of Arran Lakes Baptist Church, Plat Book 107, Page 93, in Cumberland County Registry.

And the Board further RESOLVES that a certified copy of this Resolution be recorded in the Cumberland County Registry.

2. CONSENT AGENDA

Item G will be voted on separately.

MOTION: Commissioner King moved to follow staff recommendations on the items on the Consent Agenda, excepting item G which will be voted on separately.
SECOND: Commissioner Henley
VOTE: UNANIMOUS

A. Approval of Minutes: September 30, 2002 & October 7, 2002

ACTION: Approve

B. Approval of consolidation of the Fire Marshal's Office with the Emergency Services Department

BACKGROUND: In Management's efforts to seek ways to improve services and reduce cost to the citizens of Cumberland County, they believe that a consolidation of the Fire Marshal's Office and the Emergency Services Department will meet those objectives. The Administrative Assistant position in the Fire Marshal's office will be eliminated, and the employee will be transferred to a vacant position in the One-Stop Shop of the Planning and Inspections Department.

ACTION:

- (1) reclassify Emergency Services Director, Grade 75, to Grade 76 at a salary of \$65,872;
- (2) reclassify the Communications Supervisor, Grade 68, to Deputy Emergency Services Director-E911 Communications, Grade 69, at a salary of \$39,210;
- (3) reclassify the Deputy Emergency Services Director, Grade 67, to Deputy Emergency Services Director-Emergency Management/Fire Services, Grade 69, at a salary of \$36,009;
- (4) reclassify the Fire Marshal, Grade 71 to Senior Fire Inspector III, Grade 68, at a salary of \$42,446;
- (5) reclassify the Assistant Fire Marshall III positions, Grade 67, to Fire Inspector III positions, Grade 67;
- (6) abolish the Administrative Assistant I position in the Fire Marshal's office at a savings of \$28,467;
- (7) approve associated budget revisions (B03-168 -168A)

C. Approval of new Varicella Vaccine charge – Health Department

BACKGROUND: The Board of Health approved the new \$60.00 fee at its September 17, 2002 meeting. The current charge for the vaccine is \$50.00.

ACTION: Approve the increase in the fee from \$50.00 to \$60.00.

D. Approval of request for bad debt write-off for the Cumberland County Health Department

BACKGROUND: The Board of Health, at its September 17, 2002 meeting, approved writing off \$59,911.04 as bad debts, and turning them over to collection agencies.

ACTION: Approve writing off \$59,911.04 as bad debts and turn them over to collection agencies.

E. Approval of a proposal to conditionally commit Community Development funding to the Southview Green Apartments project

BACKGROUND: Murray Duggins of United Developers has requested that the County participate in the construction of an affordable housing apartment called Southview Green, which will be located on Elk Road in Hope Mills. The developer is proposing construction of 72 garden style 2 and 3 bedroom apartments. Mr. Duggins requests \$360,000 from Cumberland County Community Development entitlement funding, 2003 and 2004 program years, at an interest rate of 2% for 20 years. Other funding sources will include private financing, State funding through the NC Housing Finance Agency, and low-income housing tax credits. This project is eligible under our Affordable Housing Program and is consistent with the housing goals identified in our Consolidated Plan. The commitment is contingent upon the approval of the Annual Action Plans for Program Years 2003 & 2004, and upon the completion of a satisfactory environmental review as determined by the County.

ACTION: Approve and authorize the County Manager to sign a Letter of Conditional Commitment with Murray Duggins of United Developers.

F. Approval to declare certain foreclosed real property surplus to the needs of the County

BACKGROUND: The County has acquired by tax foreclosure certain real property as noted below:

Lots 35,36,38 Wilma Street, Dawson Ld, PIN 0438-07-4450, Value: \$3,000
Lot 6, Blk C, East Acres Subd, PIN 0437-90-1769, Value: \$32,562
1 acre vacant lot, Durden Avenue, PIN 0408-29-6638, Value: \$7,223
Lot 90 Lake Upchurch Ests, Sec. C, PIN 9493-57-5773, Value: \$8,000
Lot 94 Lake Upchurch Ests. Sec. C, PIN 9493-57-4585, Value: \$8,000
Lot 95 Lake Upchurch Ests. Sec. C, PIN 9493-57-4560, Value: \$8,000
.50 ac Mt. Calvery Ch Prop (Old), PIN 0444-16-1487, Value \$4,025
.27 ac McGill Ld 105x113, PIN 9486-46-7492, Value: \$7,500
Lot 41 Woodland run, Sec. 2, PIN 0554-65-1678, Value: \$600.00

ACTION: Declare surplus to the needs of the county.

- G. Approval of final Incentive Agreement with Cingular Wireless LLC and revised Interlocal Agreement with the City of Fayetteville

BACKGROUND: In 2001, the Board of Commissioners held a public hearing on and approved the provisions of an economic development incentive agreement with Cingular Wireless LLC. At this point, Cingular Wireless has refined its capital and job investment levels and commits to provide direct capital investment of \$15,000,000 and 900 full-time equivalent employees at an average annual salary of \$23,000 with benefits. The County and City of Fayetteville will provide incentive payments over a five-year period totaling \$1,392,060.00 or \$278,412 annually. The County will pay \$190,800 and the City \$87,612 annually. Each annual incentive payment is contingent on benchmark investment levels being certified to the County, and payment of property taxes, each year.

ACTION: Approve the Incentive Agreement with Cingular Wireless LLC and the amended Interlocal Agreement with the City of Fayetteville.

MOTION: Commissioner Baggett moved to approve.
SECOND: Commissioner Council
VOTE: UNANIMOUS

- H. Approval of a Proclamation proclaiming October 23-31 "Red Ribbon Week" in Cumberland County

ACTION: Approve

PROCLAMATION

WHEREAS, alcohol and other drug abuse has been identified as one of the greatest threats to the future of our nation, and the 15 to 24 year old age group is dying at an alarming rate; and it is crucial that visible, unified preventative education efforts by community members are established to reduce the demand and use of drugs; and

WHEREAS, the National Family Partnership, the Partnership for a Drug-free North Carolina and Cumberland County C.A.R.E.S are sponsoring the National Red Ribbon Campaign offering citizens the opportunity to display their dedication to a drug free lifestyle; and the National Red Ribbon Campaign will be held in every community in America during "Red Ribbon Week"; and

WHEREAS, business, government, law enforcement, schools, religious institutions, service organizations, youth, physicians, senior citizens, military, sports teams and individuals will pledge their faithfulness to a healthy drug free lifestyle; and Cumberland County commits its resources to ensure the success of the Red Ribbon Campaign.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners does hereby proclaim October 23-31, 2002 "Red Ribbon Week" in Cumberland County and encourages all citizens to participate in drug prevention education activities, as a visible statement that we are strongly committed to a drug free community.

- I. Budget Revisions

- Source
- (1) Emergency Dispatch – B032-164: Appropriate fund balance, \$1,600, to recognize donation received in FY2002 to assist in furnishing/equipment the Emergency Operations Center in support of disaster relief. Funding Source – Prior Year Donation
 - (2) Social Services/Social Services Other
 - a. **B03-165** - \$12,172 – to reallocate budgeted revenue from IV-D Child Support to the newly established Shares IV-E and Shares SFHF revenue accounts. Funding Source – Reallocation of Budgeted Revenue
 - b. B03-166 - \$69,073 – to recognize additional funding for energy assistance subsidy and administration. Funding Source – Federal and State
 - (3) Mental Health
 - a. Child & Family CBA In-Home – B03-158 - \$3,223 – to reallocate budgeted expenditures to upgrade a Human Services Clinical Counselor II to full qualification. Funding Source – Reallocation of budgeted expenditures
 - b. Administration – B03-159 - \$10,715 – to relocate budgeted expenditures to fund a position reclassification to General Utility Worker to assist in servicing 15 locations. Funding Source – Reallocation of budgeted expenditures
 - c. Medical Services – B03-160 - \$42,995 – to reallocate budgeted expenditures to fund a new Physician IIIB position for hospital inpatient services. Funding Source – Reallocation of budgeted expenditures
 - (4) Health
 - a. Mosquito Control – B03-155 - \$5,582 – increase revenue and expenditures to recognize state funding received. Funding Source - State
 - b. Environmental Health – B03-156 - \$441 – increase revenue and expenditures for additional state funding received. Funding Source – State
 - c. Administration – B03-162 - \$7,408 to reallocate budgeted expenditures to fund a reclassified position from Accountant I to Local Public Health Administrator I. Funding Source – Reallocation of budgeted expenditures
 - d. School Health – B03-163 - \$353,358 – to increase revenue and expenditures for additional funding received from Board of Education to hire 9 additional school health nurses. Funding Source – Board of Education
 - e. CSC – B03-161 - \$271 – to reallocate budgeted expenditures to fund a salary increase for public health nurse position. Funding Source – Reallocation of budgeted expenditures

REGULAR AGENDA

3. Presentation of the Cumberland County Library FY2002 Annual Report

Jerry Thrasher, Library Director, presented the annual report for FY2002.

Highlights and Achievements

Grants received: \$54,206 for automated public computer sign-in/network printing;

\$26,345 to establish a reading tutor program for second grade students;
\$36,840 to purchase and promote Spanish language materials
\$3,000 to support summer reading program

Total Items Loaned: 1,985,848

Total Programs Presented: 5,353

Total Attendance at Programs: 128,992

Total Expenditures: \$6,617,749

No action needed.

4. Presentation of the Proposed Schedule of Values for the 2003 Revaluation

BACKGROUND: State Statute 105-317(b)(1) requires that uniform schedules of values, standards and rules be prepared for each revaluation of real property, one for appraising property at market value and one for appraising property at its present-use value. The Board of Commissioners must review and approve the Schedule before January 1 of the year they are to be applied. Before approval, notices must be published and the public must be given an opportunity to comment on the proposed schedule. Once the schedule is adopted, Statutes provide a period of 30 days for appeal to the NC Property Tax Commission. The Schedule of Events is recommended as follows:

October 21, 2002	Submit Schedule of Values to Board of Commissioners
October 22, 2002 public	Advertise Schedule of Values are available for inspection
November 4, 2002	Public Hearing on Schedule of Values
November 18, 2002	Board adopts Schedule of Values
November 19, 2002	Advertise that the Schedule has been adopted and any appeal must be in writing to the NC Property Tax Commission within 30 days
November 26, 2002	Second date to advertise notice of adoption
December 3, 2002	Third date to advertise notice of adoption
December 10, 2002	Fourth/final date to advertise notice of adoption
December 18, 2002	Last date that the Schedule of Values can be challenged

ACTION: Direct the Tax Administrator to advertise that the Schedule has been submitted to the Board of Commissioners, is available for public inspection in the Office of the Tax Assessor, and that a public hearing on the Schedule of Values will be held by the Board of Commissioners on Monday, November 4, 2002, 9:00AM in Room 118, Cumberland County Courthouse.

Commissioner Baggett asked that a copy of the Schedule of Values be provided, at no cost, to the Farm Bureau, Home Builders Association and the Board of Realtors.

MOTION: Commissioner Council moved to direct the Tax Administrator to advertise that the Schedule has been submitted to the Board of Commissioners is available for public inspection in the Office of the Tax Assessor, that a public hearing on the Schedule of Values will be held by the Board of Commissioners on Monday, November 4, 2002, 9:00AM in Room 118, Cumberland County Courthouse, and that a copy of the Schedule of Values be provided to the Farm Bureau, Home Builders Association and the Board of Realtors, at no charge.

SECOND: Commissioner King
VOTE: UNANIMOUS

5. Consideration of County Facilities Committee report and recommendations:\

- a. To seek a site other than the Alphin property for the location of an animal control facility and to defer commencement of the design process.

BACKGROUND: Members of the Finance Committee expressed concerns that an animal control facility adjacent to our new Industrial Business Center may affect its viability.

ACTION: Approve seeking a site other than the Alphin property for the location of a new facility.

- b. To solicit designs for a Cumberland County seal

BACKGROUND: The County now uses the State seal as its official seal. It was suggested that the County contact the high schools and inquire if students in the arts program would like to submit a design for a county seal.

ACTION: Approve solicitation of designs for a county seal.

- c. To add the Greater Fayetteville Futures slogan (History, Heroes and a Hometown Feeling

BACKGROUND: Chairman Blackwell suggested updating our "Welcome to Cumberland County" signs by adding a panel with "History, Heroes, and a Hometown Feeling". Estimated cost is \$2,650. Funds are available in the budget for this.

ACTION: Add panel.

MOTION: Commissioner Warren moved to approve 5a,5b & 5c.

SECOND: Commissioner King

DISCUSSION: Chairman Blackwell noted the importance of moving forward as soon as possible with a new animal control facility. Commissioner Warren asked that management put the "History, Heroes and a Hometown Feeling" on the county's website.

VOTE: UNANIMOUS

6. Consideration of County Policy Committee report and recommendation

- a. To adopt a policy on public use of county-owned facilities

BACKGROUND: The Policy Committee, at its meeting on October 3, 2002, recommended adoption of a policy for the use of county-owned facilities. Since then, the DSS Department has submitted comments to some of the policy, i.e., use of the room for lobbying purposes, definition of "excessively loud", the standard that a use policy be consistent with the particular goals and mission of the department may be unintentionally limiting, and the phrase that allows use of a meeting room for training where no fee, or only a nominal fee is charged, conflicts with the provision that a facility's use policy give consideration to reimbursement of staffing or clean-up costs.

ACTION: Consider whether to approve the Policy as recommended by the Policy Committee or send back to Policy for further review.

MOTION: Commissioner Council moved to approve.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

7. Nominations to Boards and Committees

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

BACKGROUND: On September 16, 2002, the Board appointed Ms. Diane Noel to one of the three vacant positions. Ms. Noel has declined the appointment. Also, Mr. Thomas E. Jones has completed his initial appointment. He is eligible for reappointment.

Nominees: Thomas E. Jones (reappointment)

Pam Griffin

B. Area Mental Health Board (1 vacancy)

BACKGROUND: Dr. Joseph Baggett has resigned his position on the Area Mental Health Board, effective December 31, 2002. He was serving in the "licensed physician" position. The Area Mental Health Board recommends that Dr. Melvin Henderson be appointed to fill this vacancy.

ACTION: Nominate Dr. Melvin Henderson

Nominee: Dr. Melvin Henderson

C. Minimum Housing Appeals Board (1 vacancy, alternate member)

BACKGROUND: Mary Raynor, an alternate member, was appointed to a regular member position. A replacement is needed to fill her vacancy.

Nominees: Carl Manning

D. Wrecker Review Board (1 vacancy)

BACKGROUND: Captain Craig Hart will complete his first term on the Wrecker Review Board. He is eligible for reappointment.

Nominee: Captain Craig Hart (reappointment)

8. Closed Session: Attorney-Client Privilege – NCGS 143-318.11(a)(3)

MOTION: Commissioner King moved to go into Closed Session for the above Matter (Attorney-Client Privilege – NCGS 143-318.11(a)(3).

SECOND: Commissioner Henley

VOTE: UNANIMOUS

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

SECOND: Commissioner King

VOTE: UNANIMOUS

MOTION: Commissioner Council moved to adjourn.

SECOND: Commissioner King

VOTE: UNANIMOUS

Meeting Adjourned: 9:10PM

Marsha Fogle, Clerk to the Board