

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
DECEMBER 15, 2003, 7:00 PM
REGULAR/REZONING MEETING

PRESENT: Chairman Jeannette M. Council
Vice Chairman John T. Henley, Jr.
Commissioner Talmage S. Baggett, Jr.
Commissioner Kenneth S. Edge
Commissioner Billy R. King
Commissioner J. Breeden Blackwell
Commissioner Edward G. Melvin
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Asst. County Manager
Grainger Barrett, County Attorney
Nancy Roy, Planning & Inspections Director
Tom Lloyd, Deputy Director, Planning/Inspections
Ann Hymes, Deputy Clerk to the Board

INVOCATION - Commissioner John Henley

PLEDGE OF ALLEGIANCE – Winston Pantelakos, Van Story Elementary – 3rd Grade

Cumberland County 250th Anniversary History Briefing – Mayor Huell Aekins

Mayor Huell Aekins recounted some historic milestones from the history of the Town of Wade, which was originally chartered on March 11, 1889.

1. Public Hearings

Uncontested Rezoning Cases

- A. Case P03-90. The rezoning of .48 acres from R10 to C1, or a more restrictive zoning district, at 4444 Cumberland Road, owned by Earnest D. Powell and Wife, Alice F. Baker-Powell.

The Planning Board recommends approval of C1.

Upon finding the request to be reasonable, neither arbitrary or unduly discriminatory and in the public interest, the following motion was offered:

MOTON: Commissioner Blackwell moved to follow the Planning Board recommendations and approve Item 1A.

SECOND: Commissioner King

VOTE: UNANIMOUS

Contested Rezoning Cases

- B. Case P03-89. The rezoning of a 1.2 acre portion of a 2.0 acre tract from R10 to C1, or a more restrictive zoning district, at 590 North Reilly Road, owned by Joe O. and Eva G. Amberger.

The Planning Board recommends approval of C1 for a depth of 150 feet from Reilly Road to line up with the existing commercial line along Reilly Road.

SPEAKERS:

- (1) Walter Smithers, Real Estate Agent representing land owner, Joe Amberger – in favor of the rezoning. Mr. Smithers stated the owner would like to sell the property to someone who would

- put a business or small strip mall on the zoned portion of the lot.
- (2) Tom Parent – opposed to the rezoning. Mr. Parent said a strip mall is not needed. Concerned about additional traffic and the lack of public sewer service.
 - (3) Joe Bath – opposed to the rezoning. Mr. Bath expressed concerns about drainage problems already existing on the property.
 - (4) Sharon Valentine – opposed to the rezoning. Ms. Valentine stated that neighbors are still upset because Mr. Amberger cut down 75 and 80 year old trees on the property a year ago.
 - (5) Lou Swiderski – opposed to the rezoning. Mr. Swiderski also expressed concerns about the drainage and traffic problems.

Commissioner Baggett inquired if this land was included in the city annexation area, and will the city accept the rezoning that the county adopts. Mr. Lloyd, Deputy Planning Director, stated it was in Phase V, and it has been the city's practice to follow as closely as possible the county's zoning for areas annexed into the city.

MOTION: Commissioner Henley moved to deny the rezoning request.

SECOND: Commissioner Baggett

Discussion continued. Commissioner Edge commented that the county should not put off zoning matters because the land will be annexed. Commissioner Baggett emphasized the need for the city and county to combine their planning boards to address cases such as this.

SUBSTITUTE MOTION: Commissioner Melvin moved to follow the recommendation of the Planning Board.

SECOND: Commissioner Edge

VOTE: APPROVE: Commissioners Council, Edge, King and Melvin

VOTE: OPPOSED: Commissioners Baggett, Blackwell and Henley

2. Consent Items

Amendment to the Agenda: The County Manager asked that Item 2B be withdrawn for discussion.

MOTION: Commissioner Blackwell moved to approve Consent Items A, C, D, and E.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

- A. Approval of minutes for the December 1, 2003 regular meeting.

ACTION: Approve

- B. Approval of 2004 Board of Commissioners' Regular and Certain Special Meeting Dates.

County Manager, James Martin, stated that the NACo Legislative Conference will be held February 28 thru March 2, 2004 in Washington, DC. Several commissioners and staff are planning to attend the conference.

ACTION: Adopt regular meeting dates and special meeting dates for 2004, as follows:

REGULAR MEETING DATES

January 5, 2004, 9:00AM

January 20, 2004, 7:00PM – Meeting Canceled

February 2, 2004, 9:00AM

February 17, 2004, 7:00PM
 March 1, 2004, 9:00AM – Meeting Canceled
 March 15, 2004, 7:00PM
 April 5, 2004, 9:00AM
 April 19, 2004, 7:00PM
 May 3, 2004, 9:00AM
 May 17, 2004, 7:00PM
 June 7, 2004, 9:00AM
 June 21, 2004, 7:00PM
 July 6, 2004, 9:00AM – Meeting Canceled
 July 19, 2004, 7:00PM – Meeting Canceled
 August 2, 2004, 9:00AM
 August 16, 2004, 7:00PM
 September 7, 2004, 9:00AM (Tuesday)
 September 20, 2004, 7:00PM
 October 4, 2004, 9:00AM
 October 18, 2004, 7:00PM
 November 1, 2004, 9:00AM
 November 15, 2004, 7:00PM
 December 6, 2004, 9:00AM
 December 20, 2004, 7:00PM

SPECIAL MEETINGS

March 29, 2004, 6:30PM* – Towns of Wade, Godwin, Falcon
 April 13, 2004, 6:30PM* – City of Fayetteville
 August 31, 2004, 6:30PM* – Town of Spring Lake
 September 30, 2004, 6:30PM *– Town of Linden
 October 12, 2004, 6:30PM – City of Fayetteville
 November 30, 2004, 6:30PM* – Town of Hope Mills
 December 7, 2004, 6:30PM* – Town of Stedman

*Town hall meetings will immediately follow Board meeting.

MOTION: Commissioner Blackwell moved to cancel the March 1, 2004 County Commissioners' Meeting.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS

C. Approval of County Policy Committee Report and Recommendation Regarding Health Insurance for Board of Education Members.

BACKGROUND: At its December 4, 2003 meeting, the Policy Committee recommended that the Board of Commissioners adopt a resolution authorizing Board of Education members to participate in the County's health insurance plan provided that the County is paid the full monthly premium for coverage under the plan. The Board had previously approved such participation provided the County was reimbursed annually the full amount of claims paid on behalf of and the administrative costs attributable to Board of Education members participating in the plan in excess of the premiums paid by such participants for each plan year. The Chairman of the Board of Education requested that the Board of Commissioners revise the resolution to allow participation without that reimbursement provision.

ACTION: Adopt resolution as recommended by the Policy Committee.

RESOLUTION

RESOLVED, by the Cumberland County Board of Commissioners that, pursuant to G.S. 115C-38, as part of their compensation members of the Cumberland County Board of Education shall be eligible to participate in and be covered by the County's medical and hospitalization plan, provided that the Board of Education shall by interlocal agreement satisfactory to the

County Attorney agree to pay to the County's medical and hospitalization plan the full monthly premiums for such coverage.

D. Approval of County Facilities Committee Report and Recommendation Regarding the Former Washington Drive School.

BACKGROUND: Bids were received on November 13, 2003 for removing all combustible materials stored in the building:

Bidder: Associated Industrial Services, Inc.
Amount: \$22,745 (base bid)
Alternate 1: \$28,980
Total Bid: \$51,725

Bidder: R&W Demolishing
Amount: \$25,000
Alternate 1: \$55,000
Total Bid: \$80,000

Bidder: RA-EMS Environmental
Amount: \$34,250
Alternate 1: \$61,750
Total Bid: \$96,000

Bidder: Interstate Contracting
Amount: \$49,650
Alternate 1: \$45,500
Total Bid: \$95,150

The base bid includes removal of all materials stored throughout the facility, removal of the deteriorated floor in the gym, separation of the materials into metal, non-painted wood, painted wood, household garbage and household hazardous waste, and disposal of materials at the appropriate landfill.

The Alternate 1 includes selective demolition, including asbestos materials as required, of the gym and attached shops. Note: The contractor will not be required to remove underground utilities or below grade foundations associated with the structures to be demolished.

ACTION: Award the bid to Associated Industrial Services, Inc. in the amount of \$51,725 for the base bid plus alternate #1 and approve associated budget revision (B04-187)

E. Budget Revisions:

ACTION: Approve

(1) Social Services

Revision in the amount of \$55,481 to budget additional Crisis Intervention and Energy funds. (B04-182) **Funding Source - State**

(2) NC Controlled Substance Tax

Revision in the amount of \$64,000 to appropriate fund balance to purchase a bomb dog and to fund other operating expenditures (B04-183) **Funding Source - NC Controlled Substance Tax Fund Balance**

(3) Emergency Services Grants

Revision in the amount of \$296,720 to establish a new organization for Emergency Services Grants and to budget a

Department of Homeland Security Grant. (B04-184) **Funding Source – Federal Grant**

(4) Mental Health

- a. Developmental Disabled Child Outpatient/Spainhour - Revision in the amount of \$2,500 to transfer funds from Developmental Disabled Child Outpatient to Spainhour to purchase equipment. (B04-185 and B04-185A) **Funding Source – Reallocation of Budgeted Expenditures**
- b. Developmental Disabled Contracts - Revision in the amount of \$24,305 to budget State funding for Brain Injury Support Services through Community Partnership Inc. (B04-186) **Funding Source – State**

(5) Register of Deeds/Automation

Revisions in the net amount of \$19,408 to budget for new Register of Deeds Deputy II position and to increase the Automation Fund as required by state statute. (B04-180 and B04-180A) **Funding Source – Register of Deeds Fees**

(6) General Litigation

Revision in the amount of \$150,000 to appropriate fund balance to budget for additional liability claims. (B04-189) **Funding Source – General Litigation Fund Balance**

Items of Business

3. Consideration of Additional Air Quality Strategies – Presented by Nancy Roy Director of the Planning Department.

Ms. Roy, Planning and Inspections Director, stated that on October 6, 2003, the Board of Commissioners approved six Land Use Strategies to improve the air quality in Cumberland County. The Board had earlier approved one milestone described in the Early Action Compact in December 2002. In order for Cumberland County to meet the next milestone, additional Conservation and Awareness Strategies are recommended for approval. The strategies are: (1) Discourage open burning on ozone alert days (orange or above); (2) Use renewable energy sources when available (example: solar and methane); (3) Encourage construction of energy efficient buildings, retrofitting of public buildings; (4) Student outreach through education systems; (5) Public education and outreach at community events and churches; (6) Speakers Bureau; (7) Air quality web page/public information; (8) Continue air quality educational system at local libraries; (9) Conduct an age appropriate school poster/essay contest. Develop an air quality week to kick off the ozone season.

MOTION: Commissioner Blackwell moved to adopt the additional Conservation and Awareness Strategies.

SECOND: Commissioner King

VOTE: UNANIMOUS

4. Consideration of Design, Colors and Motto for the New County Seal.

BACKGROUND: On October 20, 2003, the Board of Commissioners approved the drawing for the new County seal. The drawing was submitted by Mauri Ferrari, Graphic Design Instructor at Fayetteville Technical Community College. The drawing illustrates eight (8) rays representing the Cumberland County

municipalities. The colors and motto of the seal were not selected. On December 4, 2003, the Policy Committee met and agreed to recommend two colored seals to the Board of Commissioners. One seal includes the colors blue, gold and black; and one seal includes the colors gold, green, purple and black. Mr. Roy Parker, Jr. has been asked to present motto recommendations.

ACTION: Select design, colors and motto for new County seal.

The Commissioners reviewed the two colored seals recommended by the Policy Committee. No motto recommendations have been received.

MOTION: Commissioner Henley moved to adopt the blue, gold and black colored seal with eight rays representing the eight Cumberland County municipalities.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

5. Nominations to Boards and Committees

A. Transportation Advisory Board (1 Vacancy)

BACKGROUND: Densie Lucas has completed her first term. She is eligible for reappointment and wishes to serve another term.

ACTION: Nominate the above.

6. Appointments to Boards and Committees

The Board voted unanimously to appoint the nominee in Item A.

A. Adult Care Home Community Advisory Board (1 Vacancy)

Nominee: Lisa Chavez

7. Closed Session: A) Property Matters Pursuant to NCGS 143-318.11(a)(5)
B) Attorney Client Matters Pursuant to NCGS 143-318.11(a)(3)
C) Economic Development Matter Pursuant to NCGS 143-318.11(a)(4)

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

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

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

SECOND: Commissioner Henley

VOTE: UNANIMOUS

MOTION: Commissioner Baggett moved to adjourn (8:50 PM).

SECOND: Commissioner

VOTE: UNANIMOUS

MEETING ADJOURNED: 8:50 PM

Deputy Clerk to the Board