

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MAY 19, 2003, 7:00 PM
REGULAR/REZONING MEETING

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

INVOCATION - Commissioner John Henley

PLEDGE OF ALLEGIANCE – Devin Olden, 3rd Grade Student–College Lakes Elementary School

Introduction of Ex-Officio High School Participant – Joe Gonzalez – Terry Sanford High School

Addition to the Agenda:

Public Hearing on the closing of a portion of Knox Street between Sandy Valley Road and East Mountain Drive.

Speakers: None

MOTION: Commissioner Blackwell moved to adopt the Order closing a portion of Knox Street.

SECOND: Commissioner Council

VOTE: UNANIMOUS

ORDER CLOSING A PORTION OF KNOX STREET

WHEREAS, a Petition has been submitted to the Cumberland County Board of Commissioners by Robert A. Smith, Eugene W. Melton and Mark Norton to close a portion of Knox Street in Cumberland County; and

WHEREAS, following proper notice, said Board held a public hearing on the question of closing of such street on the 19th day of May, 2003, and heard from all interested persons who appeared with respect to whether the closing would be detrimental to the public interest or to any individual's property rights; and

WHEREAS, pursuant to the public hearing the said Board finds and determines that such public street is not under the control of the NC Department of Transportation, that no person would be deprived of reasonable means of ingress and egress to their property by such closing, and that it is therefore not contrary to the public interest to close such street.

NOW, THEREFORE, the Board of Commissioners of Cumberland County hereby RESOLVES pursuant to authority granted by G.S. 153A-241, that the public street more particularly described below is, and it hereby is closed:

That part of Knox Street as is shown on a map of South Lawn Development in Plat Book 11, Page 27 In Cumberland County Registry and located between the northwest boundary of the right of way of Ladley Street and the northeast boundary of the right of way of Sandy Valley Road as shown on said Plat.

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

1. Public Hearings

Uncontested Rezoning Cases

Because no one signed up in opposition to Contested Cases F&G, they were moved to the uncontested cases.

Upon find the requests to be reasonable, neither arbitrary or unduly discriminatory, and in the public interest, the following motion was offered on the Uncontested Rezoning Cases:

MOTION: Commissioner Warren moved to follow the Planning Board recommendations in Cases A-G.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

- A. Case P03-06. The rezoning of 92.0 acres from CD, RR, R15/CUO and R10/CUO to R5A, or to a more restrictive zoning district, on Gillis Hill Road, south of Raeford Road, owned by Edmond M. Williams et. al and John McN. Gillis, Jr.

The Planning Board recommends approval of R5A for the property north of the 100-year flood line (approximately 72 acres).

- B. Case P03-32. The rezoning of .90 acres from A1 to RR, or a more restrictive zoning district, at 7692 Sisk Culbreth Road, owned by Joseph and Nancy Ezzell.

The Planning Board recommends approval of RR.

- C. Case P03-34. The rezoning of 2.0 acres from CD to A1, or a more restrictive zoning district, at 6327 Sisk Culbreth Road, owned by Randy G. and Tammy H. Stone.

The Planning Board recommends approval of A1.

- D. Case P03-35. The rezoning of .96 acres from C3 to R6, or a more restrictive zoning district, at 1410 Lillington Highway, owned by Charles M. Ball.

The Planning Board recommends approval of R6.

- E. Case P03-36. The rezoning of .87 acres from R10 to C(P), or a more restrictive zoning district, at 4018 Camden Road, owned by Henry G. and Bonnie T. Joyner.

The Planning Board recommends approval of C(P).

Contested Rezoning Cases

- F. Case P03-29. The rezoning if 2.66 acres from A1 to R40A, or a more restrictive zoning district, at 6828 Cooper Creek Road, owned by Upton Tyson.

The Planning Board recommends R40A.

Speakers: None

- G. Case P03-39. The rezoning of 4.37 acres from A1 to R40A, or a more restrictive zoning district at 5508 Chicken Foot Road, owned by Weldon Maxwell.

The Planning Board recommends denial of the rezoning request.

Speakers: None

Conditional Use Overlay Cases

- H. Case P03-25. Revision of a Conditional Use Overlay Permit to allow a submitted site plan of 15 lots and the elimination of curb and gutter on 9.0 acres, in an R20/CUO District on Cypress Lakes Road, southeast of Sand Hill Road, owned by Barbara A. Jones, Jack C. Preister and A. N. Prewitt.

The packet materials were entered into the record.

The Planning Board recommends approval of the revision of the permit with the following conditions:

- the requirement for the curb and gutter be eliminated;

- subdivision will be allowed for 15 lots; and
- all lots will egress and ingress by Kiara Drive

Speakers: None

MOTION: Commissioner Warren moved that the Board of Commissioners finds that this conditional use district overlay permit application, if completed as proposed with the above noted conditions, 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 Blackwell

VOTE: UNANIMOUS

- I. Case P03-41. A Conditional Use Overlay District and Permit to allow a Children's Development, Aquatic and Fitness Center, on 2.56 acres in an RR District at 2316 Willoughby Drive, owned by Mark A. Stout.

The packet materials were entered into the record.

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

FITNESS FACILITY:

- Hours of operation: Monday-Friday 5:30AM to 7:00PM,
Saturday – 7:00AM to 7:00PM
Sunday – 1:00PM to 6:00PM

SWIM CLUB:

- Hours of operation – May 26 through September 5:
Monday-Saturday – 7:00AM – 7:00PM
Sunday – 1:00PM – 6:00PM

Signage will be in accordance with Section 9.4 of the Cumberland County Zoning Ordinance.

Speakers: None

MOTION: Commissioner Blackwell moved that the Board of Commissioners finds that this conditional use district overlay application is reasonable, neither arbitrary or unduly discriminatory, and in the public interest and that it be approved.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

MOTION: Commissioner Blackwell moved that the Board of Commissioners finds that this conditional use district overlay permit application, if completed as proposed, and with the conditions noted above 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, 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 Henley

VOTE: UNANIMOUS

Minimum Housing Hearing

- J. Property owned by John & Shelby Parker
Case No. MH-1734-2002
778 Rembrandt Drive, Fayetteville, NC
Parcel ID No. 9487-62-8787

AFFADAVIT OF THE HOUSING INSPECTOR'S REPORT
BEFORE THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS

I, George Hatcher, Inspector for the County of Cumberland Planning and Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on case number MH 1734 2002 and is identified as Item Number 1J.

PROPERTY OWNER: John and Shelby Parker

PROPERTY ADDRESS: 778 Rembrandt Drive, Fayetteville, NC (doublewide mobile home and 600 square foot detached garage)

TAX PARCEL IDENTIFICATION NUMBER: 9487-62-8787

SYNOPSIS: This property was inspected on November 6, 2002. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on November 26, 2002 and a subsequent Hearing on January 28, 2003. NO ONE attended either Hearing. It was order that the dwelling be repaired to a minimum standard for human habitation and detached garage be repaired to required minimum standards or be demolished and the debris removed from the premises by a date not later than April 4, 2003. The property owners and parties of interest were notified of the appeal procedure when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on May 9, 2003 and today's date no corrective action had been made to the structures. The structures are presently vacant and completely unsecured. In its present state, these structures constitute a fire, health and safety hazard. The estimated cost to repair the dwelling and detached garage to a minimum standard for human habitation is \$30,000. The Assessor for Cumberland County has this structure presently valued at \$2,291.

RECOMMENDATION: It is the recommendation of the Planning and Inspection Department that the doublewide mobile home and detached garage be demolished and the debris removed from the lot.

Speakers: None

MOTION: Commissioner Blackwell moved to

adopt the order and report of the Minimum Housing Inspector as the true facts in this case;
order the property owner to remove or demolish the dwelling within 30 days;
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
direct the Clerk to the Board to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner King

VOTE: UNANIMOUS

2. Consent Agenda

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

SECOND: Commissioner Council

VOTE: UNANIMOUS

A. Approval of minutes for the May 5, 2003 regular meeting.

ACTION: Approve

B. Approval of Proposed Additions to the State Secondary Road System:

<u>Grays Creek High School:</u>	Celebration Drive
<u>Kelly Hill Subdivision:</u>	Treadway Court
<u>Lake Lynn Subdivision:</u>	Davidson Drive, Vassar Circle

ACTION: Approve

C. Approval of Cumberland County Juvenile Crime Prevention Council Contracts Representing Funding Allocation for July 1, 2003 – June 30, 2004.

BACKGROUND: Cumberland County is projected to receive \$955,368 in state dollars for fiscal year 03-04. Matching funds are required in order to be eligible. It is requested that Cumberland County provide \$193,428 in matching funds for fiscal year 03-04, which is the same amount as the county provided in fiscal year 02-03.

ACTION: Approve

D. Approval of the FY04 Home and Community Care Block Grant for Older Adults Agreement between Cumberland County and Mid-Carolina Area Agency on Aging, and 2003-2004 County Funding Plan.

BACKGROUND: The total Block Grant for FY04 is \$1,209,634 with a local match in the amount of \$102,358 required from the County.

ACTION: Approve

E. Approval of Bid Award for Grays Creek Recreation Center.

BACKGROUND: Bids were received for this project on April 17, 2003 (attached to these minutes). Bids were taken for both single prime and multi-prime construction. The sum of the lowest multi-prime bids for general, plumbing, mechanical and electrical construction produced a lower construction cost than the single prime bid. In addition to the base bid, alternate bids were taken for renovation work to Grays Creek Middle School at the request of the Board of Education. An interlocal agreement between the County and Board of Education will be drafted describing the use and occupancy of the recreation center on school property and the terms of repayment to the County by the Board of Education for the renovation work to the school.

The construction budget for the recreation center is \$870,000. The total of the lowest multi-prime bids is \$1,001,270, leaving a shortfall of \$131,270. There are sufficient funds in the Recreation Department Fund Balance to make up the shortfall. The MBE/WBE participation in the construction contracts totals 22.3%.

ACTION: Accept negotiated bids with the low multi-prime contractors for Alternates 1&2 in the amount totaling \$143,456, contingent upon execution of an interlocal agreement with the Board of Education for repayment to the County for the cost of this work, and approve associated budget revision (B03- 410).

General Construction: M&E Contracting, Inc.
Base Bid: \$770,470
Alternates 1&2: \$883,857

Plumbing Contract: McGirts Plumbing
Base Bid: \$38,900
Alternates 1&2: \$45,923

Mechanical: Smiths Refrigeration
Base Bid: \$103,900
Alternates 1&2: \$115,371

Electrical: EMSCO
Base Bid: \$88,000
Alternates 1&2: \$99,575

F. Approval of Bid Award for Library Materials.

BACKGROUND: Bids were received on April 10, 2003 for library materials (attached to these minutes as Attachment B)

ACTION: Approve the bid from Baker & Taylor in the amount of \$705,211.

G. Approval of Declaration of Surplus Cape Fear Valley Health Systems Equipment and Furnishings and Authorization for Disposition.

BACKGROUND: The Hospital Board of Trustees declared certain equipment surplus to the needs of the hospital. The items will be sold using the upset bid or negotiated offer process, or will be scrapped and traded in as deemed appropriate by the Hospital, or transferred to other county departments. (list of items attached to these minutes as Attachment C).

ACTION: Declare surplus and authorize the Hospital System to dispose of as noted above.

H. Budget Revisions:

ACTION: Approve

(1) Tax Administration

Revision in the amount of \$4,134 to appropriate fund balance to budget for Tax Management and Doyle Hartley audits. (B03-408) **Funding Source –Fund Balance Appropriated**

(2) Health

- a. School Health/Immunization Clinic – Revisions in the amount of \$12,000 to reallocate funds from School Health to Immunization Clinic because school nurses have charged their time to Immunization Clinic while participating in the Sixth-Grade School-Site Hepatitis B

Immunization Initiative. (B03-390 and B03-390A) **Funding Source – Reallocation of Budgeted Expenditures**

- b. Immunization Clinic – Revision in the amount of \$8,000 to budget additional revenue in order to fund anticipated expenditures for the remainder of the current fiscal year. (B03-395) **Funding Source- Fees**

(3) Soil & Water Conservation

Revision in the amount of \$389 to recognize additional revenue received from the sale of trees. (B03-405) **Funding Source – Tree Sales**

(4) Planning & Inspections

Revision in the amount of \$2,252 to reallocate expenditures to fund step increases based on a Career Progression Plan previously approved for County Inspectors. (B03-404). **Funding Source – Reallocation of Budgeted Expenditures**

(5) JCP Programs/DSS Group Home/General Government Other

Revisions in the net amount of \$1,473 to decrease the transfer of funds from General Government Other to JCP Programs (-\$1,626) and to adjust the County's budget to the revised State budget for Juvenile Crime Prevention Programs (-\$5,501) and the DSS Group Home (\$8,600). (B03-412 through B03-412B) **Funding Source – State and County Fund Balance**

(6) Mental Health

- a. Smart Start – Revision in the amount of \$15,996 to adjust the County Budget to reflect allocated Smart Start funding. (B03-397) **Funding Source – State**
- b. Smart Start Daycare – Revision in the amount of \$8,893 to adjust the County Budget to reflect allocated Smart Start Day Care funding. (B03-398) **Funding Source – State**
- c. Mental Retardation/Mental Illness Administration – Revision in the amount of \$3,039 to decrease fund balance appropriated. (B03-399) **Funding Source – Mental Health Fund Balance Appropriated**
- d. Mental Retardation/Mental Illness Contract Services – Todd Specific – Revision in the amount of \$178,500 to budget additional state funding received. (B03-401) **Funding Source – State**
- e. Mental Retardation/Mental Illness Case Management – Revision in the amount of \$2,026 to decrease fund balance appropriated. (B03-400) **Funding Source – Mental Health Fund Balance Appropriated**

(7) Animal Control

Revision in the amount of \$15,440 to reimburse General Government for the purchase of a vehicle that had been totaled. (B03-393) **Funding Source – Reallocation of Budgeted Expenditures and Insurance Settlement**

(8) NC Controlled Substance Tax

Revision in the amount of \$42,000 to appropriate fund balance to purchase 12 hand-held radios. (B03-407) **Funding Source – NC Controlled Substance Tax Fund Balance Appropriated**

Items of Business

3. Nominations to Boards and Committees

A. ABC Board (1 Vacancy)

BACKGROUND: The term of Lula Crenshaw will expire June 30, 2003. Ms. Crenshaw is eligible for reappointment and wishes to serve another term.

NOMINEES: Lula Crenshaw
Elmer Floyd

B. Adult Care Home Community Advisory Committee (3 Vacancies)

BACKGROUND: The terms of Janet Pelley, John Poulos and Pamela Suggs Story expire in April, May and June of 2003, respectively. They are all **eligible for reappointment**.

ACTION: Nominate to fill the vacancies.

Nominees: Janet Pelley
John Poulos
Pamela Suggs Story

C. Fayetteville Area Convention & Visitors Bureau (1 Vacancy)

BACKGROUND: The term of James R. Smith will expire June 30, 2003. Mr. Smith is not eligible for reappointment. He is serving in the at-large position.

NOMINATION: John C. Mitchell

4. Appointments to Boards and Committees

A. Animal Control Board (1 Vacancy)

Nominee: Tommy Griffin

The Board voted unanimously to appoint Tommy Griffin.

B. Board of Adjustment (5 Vacancies)

Nominees:

Regular Members: J. Norman Moore, Jr. (Reappointment)
Robert Waddle (Reappointment)
Gary Lee Collier

Alternate Members: Johnnie Lee Council
George Quigley

MOTION: Commissioner Blackwell moved to appoint the above nominees.
SECOND: Commissioner Council
VOTE: UNANIMOUS

C. Equalization & Review Board (3 Vacancies)

Nominees:

Chairman: Swayn Hamlet
First Vice Chairman: George Turner
Second Vice Chairman: W. Carroll Beard, Jr.

MOTION: Commissioner Council moved to appoint as noted above.
SECOND: Commissioner King
VOTE: UNANIMOUS

D. FTCC Board of Trustees (1 Vacancy)

Nominees: Billy Davidson (Reappointment)
William S. Wellons, Jr.

Vote: Billy Davidson: Commissioners Henley, Blackwell, Warren
William Wellons: Commissioners Council, Edge, Baggett, King

E. Jury Commission (1 Vacancy)

Nominee: Mae Harris

MOTION: Commissioner Blackwell moved to appoint Mae Harris.
SECOND: Commissioner Council

VOTE: UNANIMOUS

F. Recreation Advisory Board (6 Vacancies)

Nominees: Dean Smelcer, Jr. (Reappointment)
John Pone, Sr. (Reappointment)
Willie Cooper

One-Year Term Extensions: Maxey Dove, III
Rev. Floyd Johnson
David Varnadoe

VOTE: Commissioner Edge move to appoint as noted above.
SECOND: Commissioner Warren
VOTE: UNANIMOUS

5. Consideration of Canceling the July 7 and July 21, 2003 Board of Commissioners Meetings.

BACKGROUND: Last year the Board canceled both regular meetings for July due to national conference and other anticipated activities during the month of July.

ACTION: Consider cancellation of the July 7 and July 21, 2003 meetings.

MOTION: Commissioner Blackwell moved to cancel the July 7 and July 21, 2003 meetings.
SECOND: Commissioner Henley
VOTE: UNANIMOUS

Commissioner John Henley urged everyone to attend some of the Festival of Flight activities.

6. Consideration of Appointment of Register of Deeds.

BACKGROUND: George Tatum, Register of Deeds, has been appointed to a State position and has submitted his resignation as Register of Deeds of Cumberland County. The Executive Committee of the Democratic Party met on Tuesday, May 13, 2003 and nominated County Commissioner J. Lee Warren, Jr. as the Party's recommendation to the Board of Commissioners to fill the Register of Deeds position.

ACTION: Approve the recommendation of the Democratic Party Executive Committee and determine effective date of appointment.

Chairman Baggett read the following letter to the Board from Commissioner Warren:

"It is with sadness and great anticipation that I tender my resignation as a member of the Cumberland County Board of Commissioners, effective May 28, 2003, 7:45AM. I have enjoyed serving the citizens of Cumberland County as a commissioner since December 7, 1992. Many changes have occurred, many milestones realized, and I am so proud to have been a part of the process. I am looking forward to continuing my public service as Register of Deeds in Cumberland County, and I look forward to working with the Board in that capacity. Best wishes as you continue to lead our county forward."

The Board approved allowing Commissioner Warren to abstain from a vote in this matter.

MOTION: Commissioner Blackwell moved that the Board accept the nomination of J. Lee Warren, Jr., as Register of Deeds to fill the unexpired term of George Tatum, effective May 28, 2003, 7:45AM.
SECOND: Commissioner Henley
VOTE: UNANIMOUS

Board members thanked Commissioner Warren for his service and wished him well in his new job as Register of Deeds.

Commissioner Warren thanked the Board and staff for their friendship and service. He said of the Board and staff "Everyone one of you are unique leaders and bring a completely different perspective to this board. You are all like an artist's palette of colors, each vibrant and unique and when coordinated together, create a wonderful work of art."

Chairman Baggett recessed the meeting.
Chairman Baggett reconvened the meeting.

MOTION: Commissioner Warren moved to adjourn (7:40PM).
SECOND: Commissioner Council
VOTE: UNANIMOUS

