

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
NOVEMBER 17, 2003, 7:00PM
REGULAR/REZONING MEETING

PRESENT: Chairman Talmage S. Baggett, Jr.
Vice Chairman Jeannette M. Council
Commissioner J. Breeden Blackwell
Commissioner Kenneth S. Edge
Commissioner John T. Henley, Jr.
Commissioner Billy R. King
Commissioner Edward G. Melvin, Jr.
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Cliff Spiller, Asst. County Manager
Grainger Barrett, County Attorney
Tom Lloyd, Deputy Director, Planning/Inspections
Mitzi Champion, Public Information Officer
Marsha Fogle, Clerk to the Board

INVOCATION - Commissioner Kenneth Edge

PLEDGE OF ALLEGIANCE - Taylor Warren - Vanstory - 4th Grade

Introduction of Ex-Officio High School Participant -

Christina Blanco, SGA President, Jack Britt High School

Cumberland County 250th Anniversary History Brief - Bruce Daws

Bruce Daws spoke about the naming of Cumberland County and its geographical creation from earlier-formed counties.

Addition to the Agenda: Economic Development for Closed Session

MOTION: Commissioner Blackwell moved to add the above item to the Closed Session.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

Commissioner King asked that the Board recognize the FSU Football team by inviting them to a commissioners' meeting, and that the Chairman write a congratulatory letter to the Coach.

1. Public Hearings

Uncontested Rezoning Cases

MOTION: Chairman Baggett moved that Case E be voted on separately and that he be excused from voting on this case because of the appearance of a conflict of interest.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

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

MOTION: Commissioner Edge moved to follow the Planning Board recommendations on Items A-D.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

- A. Case P03-79. The rezoning of 4.27 acres from C(P) to M(P), or a more restrictive zoning district, located on the south side of West Manchester Road, west of Bragg Boulevard, owned by Gary E. and Paula J. Edge.

The Planning Board recommends approval of M(P).

- B. Case P03-81. The rezoning of 1.19 acres from A1 to R40, or a more restrictive zoning district, located at 1356 Sand Hill Road, owned by Bobby G. and Juanita Hicks.

The Planning Board recommends approval of R40.

- C. Case P03-82. The rezoning of 18.6 acres from R10 to R6, or a more restrictive zoning district, located on the south side of Cliffdale Road, east of Rim Road, owned by James L. and Helen Melton Teague, Beverly C. and Howard A. Culbreth Jr. and Eva C. Russell.

The Planning Board recommends approval of R6.

- D. Case P03-86. The rezoning of 22 acres from R6A to C(P), or a more restrictive zoning district, on the west side of US HWY 301, north of South Main Street, owned by L. G. Hulon/Byrd Mann Investments.

The Planning Board recommends approval of C(P).

- E. Case P03-88. The rezoning of 2.22 acres from A1 to R40, or a more restrictive zoning district, at 6266 Bend of River Road, owned by Floyd E. Barefoot.

The Planning Board recommends approval of R40.

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

MOTION: Commissioner Melvin moved to follow the Planning Board recommendation and approve R40.
SECOND: Commissioner King
VOTE: FAVOR: Commissioners Melvin, King, Henley, Edge, Council and Blackwell
ABSTAIN: Commissioner Baggett

Contested Rezoning Cases

- F. Case P03-87. The rezoning of 6.27 acres from A1 to R20, or a more restrictive zoning district, located at 467 Palestine Road, owned by Ernest H. and Barbara B. Smith.

The Planning Board recommends approval of R40.

Mr. Tom Lloyd, Deputy Director, Planning and Inspections Department, noted that R40 will accommodate the six lots Mr. Smith is requesting for his development.

SPEAKERS:

- (1) Ernest Smith – Mr. Smith said he would like to have the R20 rezoning so he can build six homes (1800 square feet) on ½ acre lots on the property. He said the land is sandy and will drain well. Mr. Smith noted that water may be available from Linden in the next 18 months. While the R40 will accommodate Mr. Smith, the R20 will give him more flexibility.
- (2) William Bell – Opposed to the rezoning. Mr. Bell said he owns the property next to Mr. Smith. He has a 3,000 square foot home. He

feels that building homes in the 1800 square foot range may affect values. He said it is a rural area and he would have a subdivision in his back yard if the rezoning is approved.

- (3) David Nimocks – Mr. Nimocks owns property across the street. Opposed to R20. He has no problem with R40. Concerned about high concentration of septic tanks.

In response to a question, Mr. Lloyd noted that the Board has approved R15 in the area a couple of months ago to a subdivision with commitment for water service consistent with the policy to approve higher densities where sewer or water or both are to be available.

Commissioner Blackwell noted that it will be very hard to keep the rural flavor of the area once Highway 13 is completed. The transition is already occurring rapidly on Palestine Road.

MOTION: Commissioner King moved to approve R20.
SECOND: Commissioner Council
VOTE: FAVOR: Commissioners King, Council, Edge, Baggett, Blackwell, Melvin
OPPOSED: Commissioner Henley (voted in opposition because R40 would provide the six lots requested by the petitioner)

2. Consent Agenda

MOTION: Commissioner Blackwell moved to approve Consent Agenda Items.
SECOND: Commissioner King
VOTE: UNANIMOUS

- A. Approval of minutes for the November 3, 2003 regular meeting.

ACTION: Approve

- B. Approval of Resolution to Submit a Certificate of Need Application to the State of North Carolina for Phase I of the Cape Fear Valley Health System Master Facility Plan.

BACKGROUND: The Hospital System will submit a Certificate of Need application for Phase I of the Health System’s Master Facility Plan.

ACTION: Adopt Resolution approving submission of the Certificate of Need application.

RESOLUTION

WHEREAS, Cape Fear Valley Health System (“CFVHS”) has developed a Master Facility Plan which calls for the expansion and renovation of facilities on the campus of Cape Fear Valley Medical Center; and

WHEREAS, Phase I of the plan entails, among other things, the construction of a new 6-story patient tower with additional acute care bed capacity and two parking decks, and the renovation of current space occupied by the Emergency Department and Imaging Department to serve as the primary outpatient diagnostic and treatment facility.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners, as Lessor under that certain Restated Management Lease Agreement dated April 30, 1999, that it consents to submission by CFVHS of certificate of need application(s) in 2004 necessary to authorize the development of Phase I of the Master Facility Plan; said application(s) shall include a request for authority to increase CFVHS’s acute care bed capacity to the fullest extent

permitted in the final 2004 State Medical Facilities Plan, with a capital expenditure not to exceed \$150,000,000.

C. Approval of Reimbursement Resolution for Certain Capital Expenditures of the Cape Fear Valley Health System.

BACKGROUND: This resolution will allow the hospital system to reimburse itself preliminary capital expenditures from the proceeds of revenue bonds planned to be issued next year for major improvements to the facility.

ACTION: Approve Resolution.

RESOLUTION

WHEREAS, Cumberland County anticipates that Cape Fear Valley Health System ("CFVHS") may use the proceeds of Cumberland County revenue bonds, yet to be issued, to reimburse certain identified capital expenditures; and

WHEREAS, pursuant to Treasury Regulation 1.150-2, the Cumberland County Board of Commissioners desires to authorize its County Manager or Assistant County Manager for Finance to execute on its behalf the declaration of official intent to be reimbursed with proceeds of bonds for identified capital expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that its County Manager or Assistant County Manager for Finance, shall be and hereby are, jointly or severally authorized to evidence its official intent to be reimbursed with proceeds of bonds for identified capital expenditures pursuant to Treasury Regulation 1.150-2 by executing and submitting the form Declaration of Official Intent with such revisions and modifications needed to comport with federal regulations, as they may change from time to time, as may be acceptable to the County Attorney.

D. Approval of a Resolution of Support for the 8th Congressional District Comprehensive Economic Development Strategic Plan.

BACKGROUND: In response to adverse economic conditions affecting the 8th Congressional District in recent years, the US Economic Development Administration (EDA) provided an opportunity for the District to develop an economic recovery strategy. A CED Committee, composed of representatives from each of the District's ten counties was formed to oversee the preparation of a district-wide strategy. The CED Committee selected Fluor Global Logistics Strategies to lead the study process. The NC Department of Commerce also assisted in the process of preparing the plan. This plan will be submitted to the US Economic Development Administration for funding considerations. The CED Committee has endorsed the plan and resolutions from all ten counties will be included in the Plan submitted to EDA.

ACTION: Adopt Resolution

RESOLUTION

WHEREAS, the County of Cumberland County, North Carolina is a member of the 8th Congressional District Comprehensive Economic Development Strategy (CEDS) Committee; and

WHEREAS, the specific responsibility of the 8th Congressional District CEDS Committee was to prepare a CEDS; and

WHEREAS, the CEDS Committee has completed work on and endorsed a CEDS.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cumberland County hereby endorses the 8th Congressional District CEDS as a tool

to direct economic development efforts which will benefit the entire 8th Congressional District.

E. Approval of Deputy Finance Officer Designation for Crown Center.

BACKGROUND: Lisa Foster, Finance Director for the Crown Center, will be signing checks for the Crown Center's checking and savings account.

ACTION: Adopt Resolution approving Lisa Foster as Deputy Finance Officer for the Crown Center.

RESOLUTION

WHEREAS, due to the operational 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 159, Article 3, entitled "The Local Government Budget and Fiscal Control Act", authorizes the governing board to appoint deputy finance officers to designate individuals(s) to countersign the checks, and to fix the amount of the faithful performance bond to be provided by the appointee.

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

- Lisa Foster 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.

F. Approval of FY 2005 Community Transportation Program Annual Grant Application.

BACKGROUND: In compliance with the NCDOT, Public Transportation Division, the FY2005 Community Transportation Grant application must be advertised and made available for citizens' review. A public hearing was held on November 7, 2003; no requests were received at the public hearing. The total budget is as follows:

Federal/State Grant:	\$	66,277
Local match		11,660
TOTAL	\$	77,937

ACTION: Approve and submit application.

G. Approval of Resolution Revising the Ordinance Levying a Tax on Gross Receipts Derived from Retain Short-Term Lease or Rental of Motor Vehicles

BACKGROUND: Effective July 1, 2000, the state legislature authorized counties to levy taxes on and collect a one and one-half percent tax from businesses engaged in the business of short term leasing or renting vehicles. Cumberland County chose

to levy the tax and enacted the Gross Receipts Tax Ordinance, Article IX, Sections 7-381-386 of the Cumberland County Code. Since then the County has collected \$1,976,621.72 for the county and municipalities, with 2003-04 year to date collections at \$150,535.31. The Tax Administrator recently began auditing the affected businesses to ensure compliance with the ordinance. Once audits are completed, there may be taxpayers who wish to appeal decisions made by the auditors. Upon reviewing the ordinance, the Tax Administrator and the County Attorney recommend that the ordinance be amended to include provisions regarding administration, enforcement and penalty provisions. Amendments to the ordinance include replacing the 5% penalty with a 10% penalty for failure to pay the tax, a ¾% per month interest rate or 9% per year and the power of commissioners to delegate the power to conduct appeals and compromise taxes for good cause in some cases.

ACTION: Adopt Resolution amending the Ordinance. (Attachment A to these Minutes)

H. Budget Revisions:

ACTION: Approve

(1) Health

- a. Medical Records/Administration/Management Support - Revision in the amount of \$14,491 to increase Processing Assistant III position in Medical Records from part-time to full-time. (B04-151 through B04-151B) **Funding Source – Reallocation of Budgeted Expenditures**
- b. Bioterrorism Response Team – Revisions in the amount of \$59,834 to budget additional State funding. (B04-152 and B04-153) **Funding Source – State**
- c. Bioterrorism Preparedness and Response – Revision in the amount of \$62,036 to budget additional State funding. (B04-154) **Funding Source – State**
- d. Bioterrorism Smallpox Vaccination Plan/Strategic National Stockpile - Revision in the amount of \$88,970 to create a new organization for new State funding received for Smallpox Vaccination (\$81,582) and Strategic National Stockpile (\$7,388). (B04-157) **Funding Source – State**

(2) Mental Health

- a. Personnel - Revision in the amount of \$7,500 to appropriate fund balance for advertising of hard to fill positions. (B04-158) **Funding Source – Mental Health Fund Balance**
- b. Adult Periodic – Revision in the amount of \$12,000 to appropriate fund balance for maintenance and repairs to aging facilities. (B04-159) **Funding Source – Mental Health Fund Balance**
- c. Managed Care/Medical Services – Revision in the amount of \$33,726 to transfer Nurse Clinician position from Managed Care to Medical Services. (B04-160A and B04-160B) **Funding Source – Reallocation of Budgeted Expenditures**

(3) Social Services

- a. Revision in the amount of \$23,965 to re-establish a Social Worker III position using currently budgeted funds no longer needed for vacant positions. (B04-162 and B04-162A). **Funding Source – Reallocation of Budgeted Expenditures**
- b. Revision in the amount of \$368,794 to appropriate fund balance to budget unexpended Adoption Incentive funds received in prior years. (B04-165) **Funding Source – Fund Balance Appropriated**

(4) Sheriff Department

Revision in the amount of \$149,945 to establish new organization for the 2003 Local Law Enforcement Block Grant for Federal funding of \$134,946 and county match of \$14,999. (B04-163) **Funding Source – Federal and Fund Balance Appropriated**

(5) Grays Creek Fire District

Revision in the amount of \$100 to increase expenditures for unanticipated refunds to taxpayers. (B04-164) **Funding Source – Fire District Tax.**

REGULAR AGENDA

3. Presentation by Matthew Smith, Jr. on the 2003 Rotary Christmas Parade.

Matthew Smith noted that the Christmas Parade will be held December 13, 2003, 11:00AM. The grand marshals of the parade are the Power Puff Girls (Blossom, Bubbles and Buttercup)

4. Presentation by Maurizia Chapman on the FY 2006-2012 Fayetteville Area MPO Metropolitan Transportation Improvement Program (MTIP).

BACKGROUND: The MTIP update process for FY2006-2012 began locally about two weeks ago with a series of public walk-in meetings to solicit input from citizens (advertised in the Fayetteville Observer and through public service announcements). The deadline for citizens' input was November 3. Preliminary list of projects is as follows:

<u>Project</u>	<u>Miles</u>	<u>Cost</u>
SR1219 (Ireland Dr) SR 1141 (Cumberland Road) to US 401 (Raeford Road) –Widen to multi lanes	2.1	8,750
SR1592 (Glensford Rd), US 401 (Raeford Road) to SR 1400 (Cliffdale Rd) – widen to multi-lanes, part on new location	1.2	9,600
SR1400 (Cliffdale Rd), McPherson Church Rd to SR 1404 (Morganton Rd) – widen to multi-lanes	0.9	7,900

Harnett Co – SR1121 (Ray Rd), NC 3.4 13,265
210 to SR1120 (Overhills Rd) - widen
to multi-lanes

Ms. Chapman noted that any recommendations/comments should be presented to her prior to December 15, 2003. The actual Program has to be submitted by the summer of 2005.

5. Consideration of Motto and Colors for New County Seal.

MOTION: Commissioner Blackwell moved to forward this item to the Policy Committee.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

Commissioner Council suggested that the shape of the county be designated by 8 rays (the number of municipalities in the county).

6. Nominations to Boards and Committees

A. Community Child Protection Fatality Prevention Team Vacancies (3 Vacancies)

BACKGROUND: Vacancies are as follows:

Vivian Strickland (parent of a child who died before reaching 18th birthday)
Ms. Strickland is eligible for reappointment and wishes to serve.

Mattie Pipkin (at-large) – Eligible for reappointment and wishes to serve.

Helen Pierce (at-large) – Eligible for reappointment; does not want to serve another term. Recommendation: Kathryn Person

ACTION: Nominate the above.

Nominees: Vivian Strickland, Mattie Pipkin, Kathryn Person

B. Cumberland County Home and Community Care Block Grant Committee (3 Vacancies)

BACKGROUND: Vacancies are:

June Kohlhepp (Older Consumer) – Resigned. Carolyn Kitts recommended.

Deborah Whitley (Older Consumer) – Completed 1st term. Does not want to serve again. Recommendation: Virginia Kelly

Yvonne King (Aging Service Provider) – Completed 2nd term.
Recommendation: Toney McCray

Nominees: Carolyn Kitts, Virginia Kelly, Toney McCray

C. Mental Health Board (1 Vacancy)

BACKGROUND: Vacancy:

Moses Ben Watson (Drug abuse – Family consumer) Completed 2nd term.
Recommendation: Christopher G. Godwin

Nominee: Christopher G. Godwin

D. Transportation Advisory Board (4 Vacancies)

BACKGROUND: Vacancies:

Jerome Brown (Urban Transit Provider) Completed 1st term. Wishes to serve another term.

William Duke (County DSS Director designee) Completed 1st term. Wishes to serve another term.

Richard Everett (DSS Work First) Completed 1st term. Wishes to serve again.

Patrick Hurley (Workforce Development Director) Completed 1st term. Wishes to serve again.

Nominees: Jerome Brown, William Duke, Richard Everett, Patrick Hurley

E. Wrecker Review Board (3 Vacancies)

BACKGROUND: Vacancies:

Gary Holder (Wrecker License Appointee) – Eligible for reappointment.

Mark Norton (Wrecker License Appointee) – Resigned. Recommendation: Larry Sessoms, Larry's Towing Service

George Moyd (County Appointee) – Completed 1st term. Does not wish to be reappointed. Mr. Chuck Epler, Eagle Motor Company has expressed interest in serving.

NOTE: Sgt. Vick Ward (Highway Patrol appointee) has been transferred. Awaiting Highway Patrol recommendation to fill the vacancy.

Nominees: Gary Holder, Larry Sessoms, Chuck Epler

7. Appointments to Boards and Committees

The Board voted unanimously to appoint the nominees in A-C.

A. Library Board of Trustees (3 Vacancies)

Nominees: Richard P. Higgins, Sr.
Jacqueline B. Lee
Maxine McCoy

B. Local Emergency Planning Committee (5 Vacancies)

Nominees: At-Large Representative: Ruth Rice
At-Large Representative: Kimberly McLamb
Transportation Representative: David Boyette
Operator of Facilities Representative: Joel Blake
Operator of Facilities Representative: Scott Lester

C. Minimum Housing Appeals Board (1 Alternate Member Vacancy)

Nominee: John Williams

8. Closed Session: Attorney-Client Matter Pursuant to NCGS 143-318.11(a)(3).
Economic Development – Pursuant to NCGS 143-318.11(a)(4)

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

MOTION: Commissioner Melvin to go back into Open Session.
SECOND: Commissioner Blackwell
VOTE: UNANIMOUS

MOTION: Chairman Baggett moved to adjourn (8:55PM).
SECOND: Commissioner King
VOTE: UNANIMOUS