

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
APRIL 19, 2004, 7:00PM
REGULAR/REZONING MEETING

PRESENT: Chairman Jeannette M. Council
Vice Chairman John T. Henley, Jr.
Commissioner Talmage S. Baggett
Commissioner J. Breeden Blackwell
Commissioner Kenneth S. Edge
Commissioner Billy R. King
Commissioner Edward G. Melvin
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, Deputy Director, Planning/Inspections
Marsha Fogle, Clerk to the Board

INVOCATION - Commissioner Kenneth Edge

PLEDGE OF ALLEGIANCE - Pia Chapman, Douglas Byrd High School

Special Recognitions:

Pia Chapman, Morehead and Parks Scholar

Seventy-First High School 2004 4A State Basketball Champions

Community Development Presentations:

Thanena Wilson, Community Development Director
Sonya Green, Community Services Manager
Mary Alice Underwood, Senior Loan Analyst
Sylvia McLean, Accountant
Bobby Thomas, Housing Services Manager
Carlis Sweat, Housing Rehabilitation Specialist
Phil Leffew, Housing Program Coordinator

Amendments to the Agenda:

- Add Closed Session for Attorney Client Matter
- Move Rezoning Case P04-24 from Contested to Uncontested
- Delay action on Rezoning Case P04-18

MOTION: Commissioner Edge moved to add a Closed Session for Attorney Client matters, move Case P04-24 from Contested to Uncontested, and delay action on Rezoning Case P04-18 for 45 days.

SECOND: Commissioner King

VOTE: UNANIMOUS

1. Public Hearings

Uncontested Cases

MOTION: Commissioner Baggett moved to follow the recommendation of the Planning Board on Cases P04-21, P04-22, and P04-24.

SECOND: Commissioner King

VOTE: UNANIMOUS

Rezoning

- A. Case P04-21. The rezoning of an 11.0-acre portion of two tracts totaling 95.88 acres from R10 to R5A, or a more restrictive zoning district, on the south side of Spring Avenue, west of South Pine Tree Lane, owned by McCormick Farms.

The Planning Board recommends approval of R5A.

- B. Case P04-22. The rezoning of 3.41 acres from A1 to RR, or a more restrictive zoning district, on the north side of Huckleberry Road, east of White Plains Drive, owned by James E. Blanchard, Sr.

The Planning Board recommends approval of RR.

Contested Cases

- C. Case P04-06. The rezoning of 21.0 acres from A1 to R40, or a more restrictive zoning district, at the southwest quadrant of Butler Nursery and Marsh Roads, owned by Cumberland Group, LLC.

The Planning Board recommends denial of the rezoning request.

Speakers:

James McLean – representing the petitioners. Mr. McLean noted that, with the widening of Highway 87, access to the area is better. He said that R40 is best suited to control growth and would be appropriate for this area.

Hank Hutaff – buyer of this property. He said he did not believe an increase of 15 lots would affect the density in this area too much.

Celine Shoup – In favor of the rezoning. Concerned about development on Ramsey Street and the overcrowding of the schools there. She noted the schools in the Grays Creek area are better able to handle this subdivision.

Mark Seffels – Mr. Seffels, surveyor for the project, supports the rezoning. He said there is very little farm land in the area, mostly wooded and wet lands. He said it is ideally suited for homes.

James McRae, Jr. – Opposed to the rezoning. Many residents in the Grays Creek area oppose this rezoning. This is a rural area and they want to keep it that way. The company buying the property is from Wilmington. There is no water and sewer in the area. Concerned that if the property is rezoned, it will open the way for more requests for rezoning. Also, it will affect the schools; huts are currently being used at Grays Creek Elementary.

James MacRae, Sr. – Opposed to the rezoning. Residents don't want the land rezoned. Planning Board has said no to this twice. He asked the Board to honor the recommendation of the Planning Board.

James Cain – Opposed to the rezoning.

The Public Hearing was closed.

MOTION: Commissioner King moved to deny the rezoning request.
SECOND: Chairman Council
VOTE: FAVOR: Commissioners King, Council, Henley, Baggett,
Blackwell, Edge
OPPOSED: Commissioner Melvin

- D. Case P04-18. The rezoning of 5.18 acres from RR to R6, or a more restrictive zoning district, at 7315 Rockfish Road, owned by Irina Anderson.

The Planning Board recommends approval of R6.

This case was postponed for 45 days.

- E. Case P04-24. The rezoning of 40.05-acre portion of a 65.36-acre tract from R5A/CUO, R6/CUO and C(P)/CUO to C(P), or a more restrictive zoning district, on the south side of Raeford Road, east of Cliffdale Road, submitted by John Gillis.

The Planning Board recommends approval of C(P).

Other Public Hearings

- F. Community Development 2004 Annual Action Plan.

Thanena Wilson, Director, Community Development reviewed the Plan with the Board. She noted that total funding for Program Year 2004-05 is \$2,771,492. Most of the funding will be used for housing activities.

Speakers: None

2. Consent Agenda

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

SECOND: Commissioner King
VOTE: UNANIMOUS

- A. Approval of Minutes for the April 5, 2004 regular meeting.

ACTION: Approve

- B. Approval of Affirmative Marketing Policy and Fair Housing Marketing Plan.

BACKGROUND: Under the HOME Program, each participating jurisdiction must adopt affirmative marketing procedures and requirements for rental and homebuyer projects containing five or more HOME-assisted housing units. Affirmative marketing steps consist of actions to provide information and otherwise attract eligible persons in the targeted housing market to the available housing without regard to race, color, national origin, sex, religion, familial status or disability. In addition, the American Dream Downpayment Initiative, which is a new component of the HOME Program, has requirements for planned, targeted outreach for residents and tenants of public and manufactured housing, and for other families assisted by public housing agencies. These requirements have been included in the Affirmative Marketing Policy.

ACTION: Adopt the Plan

- C. Approval of Revisions to Homebuyer Assistance Program Policy.

BACKGROUND: The American Dream Downpayment Initiative was signed into law on December 16, 2003. Funds made available under the ADDI statute have been allocated to participating jurisdictions to assist low-income families to become first-time homebuyers. Cumberland County received an allocation of \$84,099. Qualified applicants can receive up to \$5,000 for down payment and/or closing cost assistance. Community Development is also proposing the use of CDBG funds in the First-time Homebuyers Program.

ACTION: Approve the revisions to incorporate the use of CDBG and ADDI funds in the Homebuyer Assistance Program effective July 1, 2004.

- D. Approval of Adoption of a Sliding Fee Scale for the Solid Waste Department Landfill Tipping Fees.

BACKGROUND: In March of this year, Bobby Howard, Solid Waste Director, requested the Finance Committee approve revising the Landfill Tipping Fee from \$37/ton to \$27/ton, in order to generate greater volume and thus reduce our declining revenues. The Finance Committee recommends a sliding fee scale be adopted as shown below, effective May 1, 2004:

CUMBERLAND COUNTY SOLID WASTE DEPARTMENT
PROPOSED FEE CHANGE BASED ON VOLUME

<u>Commercial/Industrial Waste Only Tons/month</u>	<u>Price Per Ton</u>
0 to 999	\$ 30.00
1000 to 1199	29.00
1200 to 1399	28.00
1400 to 1499	27.00
1500 or more	26.00
To be determined by County Manager, Asst. County Manager, And Solid Waste Director	25.00
<u>Shingles (C&D)</u> (Landfill can use in road beds)	25.00/ton
<u>C&D Waste – tons per month</u>	
0 to 99	37.00

100 to 199	35.00
200 or more	30.00

Mulch, screened mulch, double ground mulch

All pickup trucks	\$10.00 flat fee
Dump trucks and others	\$ 5.00 per cu. yd.

Regular mulch is free; screened mulch is \$5 per cubic yard, double ground mulch is not currently produced.

NOTE: Proposed change involves screened mulch which would be priced @ \$5/cu.yd. or \$10/per pickup truck load and double ground would be priced the same as screened mulch.

NOTE: Price per ton will be based on customer's cumulative monthly tonnage of all waste classifications.

E. Approval of Sole Source Purchase Under NCGS 143-129(f).

BACKGROUND: NCGS 143-129(f) provides guidance on situations in which formal bidding requirements are not applicable. Covered under this statute are situations in which standardization or compatibility is the overriding consideration. The Department of Social Services is in the process of upgrading its existing imaging system. It requests using its current vendor, DTI Integrated Business Solutions, for upgrade of its imaging system equipment.

ACTION: Approve upgrade through DTI Integrated Business Systems.

F. Budget Revisions:

ACTION: Approve

(1) Sheriff

a. Sheriff/Federal Forfeiture - Revision in the amount of \$65,225 to recognize Governor's Crime Commission Data Sharing Grant (\$62,850) and transfer of Federal Forfeiture fund balance (\$2,375) for required match. (B04-411 and B04-411A) **Funding Source – Grant and Federal Forfeiture Fund Balance**

b. Detention Facility/General Government – Revision in the amount of \$205,000 to reallocate expenditures to fund underestimated water expenditures for the new Detention Facility. (B04-433) **Funding Source – Reallocation of Budgeted Expenditures**

(2) Library Grants

Revision in the amount of \$2,500 to recognize Collaborative Virtual Reference Pilot Project grant to purchase up to two new computers to assist with participation in the NCKnows program. This program will provide virtual reference service to all North Carolinians. (B04-414) **Funding Source – Grant**

(3) Social Services - Revision in the amount of \$45,793 to recognize additional revenue for Crisis Intervention and Energy Assistance Programs. (B04-416) **Funding Source – Federal**

(4) Health

a. Environmental Health - Revision in the amount of \$32,273 to budget additional revenue received for computer hardware. (B04-424) **Funding Source – State**

b. Breast and Cervical Cancer Screening – Revision in the amount of \$6,000 to budget additional revenue received from the State. (B04-425) **Funding Source – State**

- c. Family Planning Clinic – Revision in the amount of \$9,125 to budget additional revenue received from the State. (B04-434)
Funding Source - State

(5) Federal Forfeiture - Treasury

Revision in the amount of \$14,412 to appropriate fund balance to support Sheriff's Office operating a Basic Law Enforcement Training (BLET) Academy. (B04-428) **Funding Source – Federal Forfeiture Treasury Fund Balance**

(6) Day Reporting

Revision in the amount of \$260 to reallocate budgeted expenditures to fund employee reclassification from Custodian Janitor II to Janitorial Crew Leader. (B04-429) **Funding Source – Reallocated Budgeted Expenditures**

(7) Public Buildings Equipment Maintenance/General Government

Revision in the amount \$8,500 to reallocate budgeted expenditures to fund overtime for night, weekend, holiday, after hours, callbacks and emergencies. (B04-427) **Funding Source – Reallocation of Budgeted Expenditures**

(8) Public Buildings Other/General Government

Revision in the amount of \$40,000 to reallocate budgeted expenditures for repair and maintenance of 31 elevators. (B04-432) **Funding Source – Reallocation of Budgeted Expenditures**

(9) Mental Health

Developmental Disabilities Contracts - Revisions in the amount of \$8,000 to reallocate budgeted expenditures for traumatic brain injury service. (B04-426 and B04-426A)) **Funding Source – Reallocation of Budgeted Expenditures and Revenues**

(10) Public Safety Other

Revision in the amount of \$12,500 to fund expenditures for an additional Assistant District Attorney to expedite cases through the court system to relieve over crowding in the detention facility. (B04-436) **Funding Source – Reallocation of Budgeted Expenditures and Revenues**

(11) NORCRESS Water & Sewer District

Revision in the amount of \$2,125 to reallocate budgeted expenditures to cover additional cost of acquiring easements and to approve the associated Capital Project Ordinance. (B04-431) **Funding Source – Reallocation of Budgeted Expenditures**

REGULAR AGENDA ITEMS

3. Consideration of Proposed Schedule for Fiscal Year 2005 Budget Work Sessions and Public Hearing.

BACKGROUND: Management anticipates submitting the FY05 proposed budget to the Commissioners on May 24, 2004. Several work sessions will be needed. Note: The Board

may adopt the budget at any time on or after the Public Hearing, which is proposed for Monday, June 7.

ACTION: Consider the budget work session dates below:

Monday, May 24, 5:30PM – Budget Presentation – Room 564
Thursday, May 27, 5:30PM – Department Head Appeals – Room 564
Monday, June 7, 7:00PM – Public Hearing – Room 118
Monday June 14, 5:30PM – Budget Work Session – Room 564
Tuesday, June 15, 5:30PM – Budget Work Session – Room 564

MOTION: Commissioner Blackwell moved to approve the above budget meetings and resolved to move the June 7, 2004, 9:00AM meeting (regular meeting) to 7:00PM on June 7, 2004.

SECOND: Commissioner Melvin

DISCUSSION: Chairman Council noted that the Planning Board would like to meet with us, and perhaps we could meet with them prior to one of our budget sessions.

VOTE: UNANIMOUS

4. Consideration of Declaration of Surplus Property and Authorization of Upset Bid Process.

BACKGROUND: In November, 1994, the County acquired by tax foreclosure property located off of Georgetown Circle, PIN 0407-48-621. The property abuts and is partly under McFayden Lake. The total acreage is 8.30, of which 1.42 acres is land not under the lake. The amount of the foreclosure judgment including interest and costs was \$6,006.69. G.N. Yarborough, Trustee, has offered to purchase the property for \$6,006.69 and has deposited \$600.67 in the Finance Office. The tax value of the property is \$5,810.00.

ACTION: Declare property surplus, authorize staff to receive the above bid and initiate an upset bid process for the property. If the upset bid process is authorized, direct staff to accept the highest qualifying bid plus costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

MOTION: Commissioner King moved to approve.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

5. Nominations to Boards and Committees

- A. Board of Adjustment – Alternate Member (1 Vacancy)

BACKGROUND: Johnnie Lee Council, an alternate member of the Board of Adjustment, was appointed as a regular member to the Board of Adjustment on April 5, 2004.

ACTION: Nominate to fill the alternate member vacancy.

Nominee: Joe Potts

- B. Cumberland County Home and Community Care Block Grant Committee (2 Vacancies)

BACKGROUND: James Fleming (Older Consumer Position) has completed his second term and is not eligible for reappointment. **Mr. Willie Loftin** has been recommended to fill this vacancy. Gretta Reese has completed her first term and is eligible for reappointment.

Nominees: Willie Loftin
Gretta Reese

- C. Mental Health Board (2 Vacancies)

BACKGROUND: The Mental Health Board has the following vacancies:

Drug Abuse Rep. (Family Consumer): Christopher Godwin has resigned. The Mental Health Board recommends the nomination of William H. McDougal to fill the position.

At-large position: Doug Brisson has resigned. The Mental Health Board recommends the nomination of Diane Tolar to fill the position.

Nominees: Drug Abuse Rep.: William H. McDougal

At-large position: Diane Tolar and Evelyn Shaw

6. Appointments to Boards and Committees

MOTION: Commissioner Blackwell moved to appoint the nominees in A,B,&C to the respective Boards/Committees.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

A. Air Quality Stakeholders' Committee (1 Vacancy)

Nominee: Shirley Pillow

B. Board of Health (1 Vacancy)

Nominee: Dr. Christopher J. Barnes

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

Nominees: Sheriff's Office Representative: Lt. Myron Sampson
Fayetteville City Policy Representative: Sgt. Anthony Kelly
EMS Provider or Firefighter Representative: Kim George

D. Nursing Home Advisory Board (5 Vacancies)

Nominees: Lora Watson (Reappointment to Full 3-Year Term)
Deborah Atkinson
Patty McArdle
Marilyn Lamb Naughton
Barbara B. Ward
Timothy D. Copeland

Voting: Lora Watson – Unanimous
Deborah Atkinson – King, Melvin, Council, Henley, Edge,
and Baggett
Patty McArdle – Unanimous
Marilyn Lamb Naughton – Unanimous
Barbara Ward – Unanimous
Timothy D. Copeland – Commissioner Blackwell

RECESS THE BOARD OF COMMISSIONERS' REGULAR MEETING.

The Commissioners' meeting was recessed.

CONVENE THE KELLY HILLS/SLOCOMB ROAD WATER & SEWER DISTRICT GOVERNING BOARD MEETING (SEE SEPARATE AGENDA) / ADJOURN

The Kelly Hills/Slocomb Road Water & Sewer District Governing Board meeting was convened. Minutes from the meeting may be found in the Water & Sewer Minute Book.

CONVENE THE NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD MEETING (SEE SEPARATE AGENDA) / ADJOURN

The NORCRESS Water & Sewer District Governing Board meeting was convened. Minutes from the meeting may be found in the Water & Sewer Minute Book.

RECONVENE THE REGULAR BOARD OF COMMISSIONERS' MEETING.

The Commissioners' meeting was reconvened.

7. Closed Session: A. Personnel Matter Pursuant to NCGS 143-318.11(a)(6)
B. Attorney-Client – NCGS 143-318.11(a)(3)

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

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

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

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

MOTION: Commissioner King moved to adjourn.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

ADJOURN: 9:58PM

Clerk to the Board