

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
FEBRUARY 17, 2004, 7:00PM

PRESENT: Jeannette M. Council, Chair  
John T. Henley, Jr., Vice-chair  
Talmage S. Baggett, Jr., Commissioner  
J. Breeden Blackwell, Commissioner  
Kenneth S. Edge, Commissioner  
Billy R. King, Commissioner  
Edward G. Melvin, Jr., Commissioner  
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 Breeden Blackwell

PLEDGE OF ALLEGIANCE - Christian Pilgrim - 8<sup>th</sup> grade - Reid Ross

Recognition of Outgoing Board Members:

James Carson - Civic Center Commission  
Eleanor McGinnis - Board of Health  
Dr. Joseph F. Johnson - Library Board of Trustees  
C. Kim Nazarchyk - Library Board of Trustees  
Billy Manning - Senior Citizens Advisory Board

Cumberland County 250<sup>th</sup> Anniversary History Briefing - Mayor Wayne Lucas, Town of  
Falcon; Mayor Billy Horne, Town of  
Stedman

1. PUBLIC HEARINGS

**UNCONTESTED CASES**

The County Manager noted that Case K has no opposition and the Board could consider it as an uncontested case.

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

**MOTION: Commissioner Blackwell moved that the Board follow the  
Planning Board recommendations in Cases A,B,C,D,E and K.**  
**SECOND: Commissioner Melvin**  
**VOTE: UNANIMOUS**

Rezoning

- A. Case P03-93. The rezoning of a 5.02-acre portion of an 18.06-acre tract from C(P) to RR, or a more restrictive zoning district, at 5418 Clinton Road, owned by Michael L. Norris.

The Planning Board recommends approval of RR.

- B. Case P03-94. The rezoning of 29.65 acres from HS(P)/CUO to A1, or a more restrictive zoning district, at 6250 Wade-Stedman Road, owned by Ralph P. and Martha A. Bogle.

The Planning Board recommends approval of A1.

- C. Case P04-02. The rezoning of .28 acres from R6A to C3, or to a more restrictive zoning district, at 4429 Cumberland Road, owned by Curtis B. Hatcher.

The Planning Board recommends approval of C3.

- D. Case P04-03. The rezoning of 23.8 acres from A1, RR and C1/CUO to C(P), or to a more restrictive zoning district, at 4793 South NC Hwy 87, owned by J. Franklin Johnson, III.

The Planning Board recommends approval of c(P).

- E. Case P04-04. The rezoning of .40 acres from R6 to R6A, or to a more restrictive zoning district, at 3221 Natal Street, owned by Billie J. and William D. Davis.

The Planning Board recommends approval of R6A.

Conditional Use Overlay

**MOTION:** Commissioner Blackwell moved that the conditional use overlay district applications in Cases F-I are reasonable, neither arbitrary or unduly discriminatory and in the public interest, and that they be approved.

**SECOND:** Commissioner King  
**VOTE:** UNANIMOUS

**MOTION:** Commissioner Blackwell moved that the Board finds that each of the conditional use district overlay permit applications, if completed as proposed in Cases F-I, 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 they be approved, with conditions as noted.

**SECOND:** Commissioner Melvin  
**VOTE:** UNANIMOUS

- F. Case P03-96. Revision of a Conditional Use Overlay Permit to allow a produce stand and café in an HS(P)/CUO and RR/CUO District on 1.19 acres, at 3353 Dunn Road, owned by Sundust, LLC.

The agenda packet will be accepted as part of the record.

The Planning Board recommends approval of the revised conditional use overlay permit as submitted to the Planning Department.

- G. Case P03-97. A Conditional Use Overlay District and Permit to allow used car sales, car repairs and an office in an R10 District, on .46 acres, at 5843 PermaStone Lake Road, owned by Ronald D and Wanda J. Walker.

The agenda packet will be accepted as part of the record.

The Planning Board recommends approval of the conditional use overlay district and permit with the following added conditions:

- no more than 3 vehicles used in conjunction with car sales and service are to be allowed on the site at one time;
- auto repair is to be made to only vehicles currently being sold;
- no unlicensed vehicles are allowed on the site;
- all lighting is to be directed inward away from adjoining properties
- buffering is to be in accordance with the application and site plan submitted by the applicant;
- two parking spaces are allowed for customers; and
- the applicant is required to either obtain Zero Lot Line Subdivision approval or go before the Cumberland County Board of Adjustment for approval of a setback variance and then obtain a No Approval Required Subdivision.

- H. Case P04-11. A Conditional Use Overlay District and permit to allow mini-storage units and RV/Boat storage in an R6 district containing 18.61 acres on the south side of Cliffdale Road, east of Rim Road, owned by Bone Creek Investments, LLC.

The agenda packet will be accepted as part of the record.

The Planning Board recommends approval of the conditional use overlay district and permit with the following added conditions:

- the natural buffer surrounding the tract is to remain;
  - a vegetative buffer is to be placed along the entire southern boundary; and
  - landscaping is to be in place as proposed on the conceptual plan submitted by the applicant.
- I. Case P04-19. Revision of a Conditional Use Overlay Permit to allow a quilting business, instruction and sewing machine repair on 1.0 acre in a PND district on the east side of Ramsey Street, north of Bethune Drive, owned by John R. and Carol S. Watkins.

The agenda packet will be accepted as part of the record.

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

- hours of operation: 10:00am – 9:00pm;
- 12 total employees
- twenty-four parking spaces required
- buffering as defined in Section 10.2 of the Zoning Ordinance be provided along the rear property line;
- signage to be the same as that allowed in the R10 District; and
- approval of the conditional use overlay permit will nullify Case P03-77.

### **CONTESTED CASES**

#### **Rezoning**

- J. Case P04-06. The rezoning of 106.6 acres from A1 to R40, or to 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 R40 district.

**MOTION: Commissioner Baggett moved to forward this case back to the Planning Board, as the petitioner wants to modify the request.**  
**SECOND: Commissioner Edge**  
**VOTE: UNANIMOUS**

**Note: The case will come back to the Board at its March 15 meeting.**

- K. Case P04-07. The rezoning of .31 acres from R6A to C(P), or to a more restrictive zoning district, at 5000 Cumberland Road, owned by Mann and Byrd, LLC.

The Planning Board recommends approval of C(P).

NOTE: This case was approved with the uncontested cases.

#### **Conditional Use Overlay**

The agenda packets for cases L, M, and N will be accepted as part of the record.

- L. Case P03-84. A Conditional Use Overlay District and Permit to allow a trucking business and storage of equipment on 5.62 acres, in an A1 District, at 2690 Indiana Court, owned by James W. Bourgoyne.

Commissioners Melvin and Blackwell noted they had made visits to this site.

The Planning Board recommends approval of the conditional use overlay district and permit with the following conditions:

- no outside repair work will be performed;
- only three tractors and three trailers will be allowed to be parked on the site;
- a buffer of Leland cypress (a minimum of five feet tall) will be placed along Indiana Court 100 feet from the centerline of Matt Hair Road all the way beyond the shop for 20 feet with a five foot dog-eared, twin-sided wooden

- fence with slats 2 ½ inches apart with a 5 ½ inch board to be placed behind the Leland cypress trees – the trees and fence are to be maintained;
- only private vehicles are allowed to drive on Indiana Court;
- the shop is to be modified to operate from the far side of Indiana Court behind and to the side of the house;
- all instructions from DOT regarding paving of roads are to be followed;
- drainage of all fluids from the vehicles is to be taken off of the site;
- all lighting is to be directed away from Indiana Court; and
- pressure washing and fluid removal are to comply with DENR regulations.

Commissioner Baggett requested that the Board allow him to abstain on Cases L&M, as he knows the petitioners and has provided some legal counsel to them.

**MOTION: Commissioner Blackwell moved that Commissioner Baggett be allowed to abstain on cases L&M.**

**SECOND: Commissioner King**

**VOTE: UNANIMOUS**

SPEAKERS:

All speakers were sworn in.

Lee Zuravel - Attorney representing the petitioner. Mr. Zuravel noted that this area is very rural. His client wishes to operate a trucking business (park trailers and do repairs). There are four employees; hours 24/7; however, most of the work is done during 8:00AM – 5:00PM. The petitioner has three tractors and 6 trailers. There are only 3 of each at any one time on the premises. There is no loading or unloading of trailers. No additional lighting or signs will be needed. He noted that Mr. Bourgoyne has been in the trucking business for 17 years, prior to the initial zoning of this area (1996). He also noted that Ms. LeBlanc, who will be appearing in opposition to this case, even allowed Mr. Bourgoyne to park his vehicles on her property at one time. DENHR has inspected the property and found no violations. Mr. Zuravel asked that one of the conditions be removed because of a cost problem with putting up a fence and the Leland Cypress (\$9,000). He also asked that the buffer be required only in front of the shop area and not across the entire property line.

Lilly Council – lives beside the property. Has no problem with the request. His business does not bother her.

Debbie Candelario – the business does not bother her.

Jana Berg – Attorney for Carolyn LeBlanc. Ms. Berg noted that the petitioner has not been running this business as it is today for 17 years. He was an independent trucker at one time. The business has grown and currently he runs a dispatch terminal with multiple-thermo units. The noise of the compressor coming on and going off is disruptive to Ms. LeBlanc. She said Ms. LeBlanc can hear the noise over her vacuum cleaner. Ms. LeBlanc had her property appraised and it was appraised at \$72,000, about \$20,000 less than the tax value on it. Ms. LeBlanc is concerned about the noise and possible contamination of the ground water in the area. In response to a question, it was noted Mr. Bourgoyne has been running this business, in its current state, for about 2 years. Ms. Berg asked the Board to deny this request for a conditional use overlay district.

Carolyn LeBlanc – Ms. LeBlanc said she has lived here since 1988. She said he has not been running the business as it is today for 17 years. She noted that the refrigerated units run all the time and upset her quality of life. She said the operations are about 200-250 feet from her back door – she said she has no life because of the noise.

Cheryl Bass – lives on Matt Hair. She said this business has not been operating for 17 years. Although she has no problem with the trucking business, she does not think it belongs in this area.

In response to some questions, Mr. Bourgoyne noted that he has been driving a truck since 1979. He also said that the Sheriff's Office has been out as a result of a complaint, but found no violations of the noise ordinance. Mr. Bourgoyne said EPA has checked him and no citations were issued.

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

**SECOND: Commissioner Melvin**

**VOTE: FAVOR: Commissioners Henley, Council, Blackwell, Melvin, King and Edge**  
**ABSTAINED: Commissioner Talmage Baggett**

**MOTION: Commissioner Melvin moved that the Board of Commissioners finds that this conditional use overlay permit application, if completed as proposed, and with conditions as noted above, except that the five foot dog-eared twin-sided wooden fence with slats be deleted as a condition, 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 King**

**VOTE: FAVOR: Commissioners Henley, Melvin, Edge, Blackwell, Council and King**  
**ABSTAINED: Commissioner Talmage Baggett**

- M. Case P03-85. A Conditional Use Overlay District and Permit to allow a trucking business and storage of equipment on 1.14 acres, in an A1 District, at 5694 Matt Hair Road, owned by John R. LeBlanc.

The agenda packet will be made a part of the record.

The Planning Board recommends approval of the Overlay District and Permit with the following added conditions:

- only one tractor and two trailers will be allowed to be parked on the site at any one time – parking to be allowed behind Mr. LeBlanc’s dwelling only – no parking allowed on the south side of Mr. LeBlanc’s property;
- a buffer will be placed along the property lines adjoining Ms. Carolyn LeBlanc’s property line starting 80 feet from the centerline of Matt Hair Road and extending approximately 337 feet;
- the buffer is to include a shadow box style fence with a dog-eared top – the fence is to be constructed of treated yellow pine, composite wood or plastic and is to be a minimum height of seven feet and a maximum distance from the ground of one foot – the fence boards should be five and one-half inches wide and have a maximum spacing of two and one-half inches – the fence is to have a 12 foot wide gate on the southern end of the Progress Energy line and should be in the center of the easement – the gate should be constructed so as to be a continuation of the fence appearance – no gate is required under the South River line – the fence is to be well maintained – any leaning of the fence or broken boards are to be repaired;
- pressure washing and draining of fluids are to be done in a manner that complies with DENR Air Quality regulations;
- all lighting is to be directed inward, away from Ms. Carolyn LeBlanc’s property; and
- all instructions from DOT regarding paving of roads are to be followed (i.e. road paving and strengthening).

All speakers were sworn in.

**SPEAKERS:**

Lee Zuravel – representing the petitioner. Mr. Zuravel noted that Mr. John LeBlanc, the petitioner, only parks one tractor and two trailers on said property. He noted that Carolyn LeBlanc, who will speak in opposition to the rezoning, never appealed the value on her property to the Tax Office.

Lilly Council – Supports the conditional use overlay district application. The trucks are not a problem for her.

Jana Berg, representing Carolyn LeBlanc. She said that Ms. LeBlanc is sandwiched between two trucking businesses. She said there is no natural barrier between the properties. She said, typically, truck operations are located in a C1 district. She noted the appraiser for the property, Roger Wendall, indicated the property did not appraise at tax value because of the trucking business on each side of Ms. LeBlanc’s property.

Roger Wendall – Appraiser. Mr. Wendall said the county does not follow its own ordinance. He said there is nothing in the A1 district category that allows for a trucking industry. He said this is a C3 use in an A1 district.

Carolyn LeBlanc – opposed to the conditional use overlay district. She said Mr. LeBlanc’s business was not there when she moved there. She said she has to leave home to get some sleep.

Cheryl Bass – Ms. Bass said Mr. LeBlanc’s business just recently started up. She said people don’t want this kind of business in this area. She said it is not best for the community.

**MOTION:** Commissioner Melvin moved that the Board of Commissioners finds that this conditional use overlay district application is reasonable, neither arbitrary or unduly discriminatory, and in the public interest, and that it be approved.  
**SECOND:** Commissioner Edge  
**VOTE:** **FAVOR:** Commissioners Henley, Edge, Council, Blackwell, Melvin, King  
**ABSTAINED:** Commissioner Talmage Baggett

**MOTION:** Commissioner Melvin moved that the Board of Commissioners finds that this conditional use district overlay permit application, if completed as proposed, with the conditions as noted above, except that the requirement of a 7-foot fence shall be deleted, will not materially endanger the public health and safety, will not substantially inure 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 Blackwell  
**VOTE:** **FAVOR:** Commissioners Henley, Edge, Council, Blackwell, Melvin  
**OPPOSED:** Commissioner King  
**ABSTAINED:** Commissioner Talmage Baggett

- N. Case P03-95. A Conditional Use Overlay District and Permit to allow a beauty shop in an R5 District, containing 1.62 acres, at 1439 Seventy-First School Road, owned by Lynn D. Smith and wife, Yang-Cha Smith.

The Planning Board recommends denial of the overlay district.

The Agenda Packet will be made a part of the record.

All speakers were sworn it.

SPEAKERS:

Lynn Smith – Mr. Smith asked for the overlay district so his wife could start a beauty salon on the property. It is two acres and their home would also be on the property. He said this salon would be a convenience to the local residents and would not substantially increase the traffic. Water and sewer is available and they would connect to it.

**MOTION:** Commissioner Baggett moved to deny the request.  
**SECOND:** Commissioner Edge  
**VOTE:** **UNANIMOUS**

Other Planning Matters

- O. Public Hearing on Wade Study Area Detailed Land Use Plan

Will Denning, Planning Department, reported the following.

The Planning Board prioritized the Wade Areas as the sixth area to receive detailed planning review. The Land use Plan contains a comprehensive review of all existing features, conditions and policies that may impact the development of the study area. The cornerstone of the plan’s development was its citizen participation. The Wade Citizen Planning Committee, a group of volunteers from the Study area, worked with the Planning Staff to develop the Plan. The Study Area is in the northeastern portion of the county and is traversed by two north-south corridors, Interstate 95 and US 301 (Dunn Road). The Outer Loop/Us Highway 13 Extension will be constructed along the southwestern portion of the Area. The highest concentration of population is within the town limits of Wade. Water service is provided within the town limits and along US 301 South to Eastover Central School, which is outside the Study Area. NORCRESS has been established to develop plans for a sewer system for the northern portion of the County, which includes a portion of the

Wade Study Area. The following goals/objectives were formulated and prioritized by the Citizen Planning Committee as follows:

- to provide adequate public safety and emergency services to residents within the Study Area;
- maintain and provide adequate utilities to meet current and future needs of the residents within the Study Area;
- provide attractive, affordable and safe housing for residents in the Area, offering a wide range of housing types and prices that meet the needs of the residents and are compatible with the existing housing stock;
- provide a wide variety of active and passive recreation facilities, parks, and programs accessible to all residents of the Study Area;
- provide networks of streets/highways, mass transit service and bicycle and pedestrian facilities that meet the needs of the residents within the Study Area;
- provide adequate economic development opportunities for residential, commercial and industrial development that is dynamic, diverse and capable of providing a full range of economic and business opportunities within the Study Area; and
- improve the visual appearance of the Study Area.

The Wade Town Board makes the following recommendations to accomplish the above goals:

- the Urban Services Area concept, proposed in the 1971 Cumberland County Land Use Plan and re-endorsed in the 2010 Plan is applicable in the Wade Study Area;
- that Wade's Municipal Influence Area be extended;
- that the Nodal/Corridor concept be continued in the Wade Study Area;
- that the Transitional Use and Zoning Policy Concept be used in the Wade Study Area;
- that River road, Church Street, Wade-Stedman Road, Dunn Road and Sisk Culbreth Road be designated entrance corridors and that all new development along these corridors be made attractive through the planting of trees and appropriate landscaping;
- that the Town of Wade should develop a water/sewer extension policy for areas outside of its Town limits, requiring any new development within the NORCRESS Sanitary District to hook up to the system, and the Town of Wade should increase the amount of available water by drilling new wells or connecting to the Eastover Sanitary Sewer District, Harnett County or the city of Dunn Water systems;
- that the Town support a transportation plan that would include vehicular, pedestrian, rail and water transportation;
- that the recommended Parks and Open Space Plan in the Study Area include formal and informal sites; and
- that the Wade Land Use Plan be followed to provide for orderly growth in the community (commercial development area, office and institutional uses area, medium density residential and farmland area)
- that Wade promote industrial development;
- that Wade implement smart growth policies; and
- that a Wade Study Area Citizen Planning Committee serve as a link between the Citizens in the Study Area and the Planning Board to provide input and oversight regarding future planning activities within the Study Area.

**MOTION: Commissioner Baggett moved to accept the Plan as information.**  
**SECOND: Commissioner King**  
**VOTE: UNANIMOUS**

## 2. Consent Items

**MOTION: Commissioner Blackwell moved to follow staff recommendations on the items on the Consent Agenda.**  
**SECOND: Commissioner Henley**  
**VOTE: UNANIMOUS**

- A. Approval of minutes for the February 2, 2004 regular meeting.

**ACTION:** Approve

- B. Approval of Report and Recommendations of the City-County Liaison Committee Meeting held on January 29, 2004.

1) Community Development

BACKGROUND: The City-County Liaison Committee discussed merging the County and City of Fayetteville's Community Development departments. The Liaison Committee directed the managers to come up with a feasibility plan to merge the departments and present it to the City-County Liaison Committee meeting in April.

ACTION: Endorse action taken by the City-County Liaison Committee

2) Planning & Inspections

BACKGROUND: The City-County Liaison Committee discussed joint efforts of the County and City of Fayetteville Planning/Inspections Departments. Jimmy Teal presented a timeline for a **newly created** Cumberland County Joint Planning Board, to convene in July, 2005. The City-County Liaison Committee recommends a county-wide planning Board. This joint planning board will have 15 members, 4 from the County, 4 from the City of Fayetteville and 1 appointed from each of the other seven municipalities. A technical committee composed of the County Planning Director, City of Fayetteville Planning Director, Hope Mills Planning Director, Spring Lake Planning Director, a PWC representative, a liaison from Fort Bragg, a liaison from Pope Air Force Base and a school representative would oversee staff in actually planning activities. In addition, the Managers were instructed to bring back a plan for the physical co-location of the City and County Planning/Inspections Departments, regardless of whether the two Planning Boards merge. A report will go to the City-County Liaison Committee in April.

ACTION: Endorse the actions of the City-County Liaison Committee.

C. Approval of North Carolina Department of Transportation Request to Acquire Easements Affecting Portions of the Cumberland County Cemetery.

BACKGROUND: NCDOT is constructing a new road which will connect 401/Raeford Road with Business 95/301. A portion of the project will widen Bingham Drive in Fayetteville which will affect the Cumberland County Cemetery, better known as the Cumberland Mills Cemetery. The first phase, Project No. 8.2442902, is a temporary construction easement for a maximum distance of thirteen feet southwesterly along Bingham Drive. The second phase, Project No. 8.1442602, is a permanent utility easement located along the southerly line of the cemetery. The permanent easement will involve the relocation of two grave sites located on the boundary of Bingham Drive right of way; this relocation will be done later in this project. Relocation is governed by NCGS, Chapter 65, and NCDOT. Procedural safeguards are mandated such as written notice to and reimbursement of reasonable expenses incurred by the next of kin, advertisement in a newspaper of general circulation and recording of a certificate in the County Register of Deeds. Ordinarily, NCDOT requests the County to donate county-owned land to these projects. However, the Cemetery Commission recommends and NCDOT has agreed to reimburse the County for these takings. The Cemetery Commission requests that the proceeds of this transaction be deposited into the Commission's account since it has no independent source of income other than the occasional sale of cemetery plots.

ACTION: Authorize the Chairman of the Board of Commissioners and the Clerk to submit two certified copies of the minutes of this meeting to NCDOT and sign any documents necessary or desirable to grant the easements and comply with NCDOT procedures.

D. Approval of Health Department Delinquent Accounts to be Turned Over to Collectors.

BACKGROUND: The Board of Health approved writing off \$126,091.78 as bad debts and turning them over to a contracted collection agency – Professional Recovery Consultants, Inc. This write-off of bad debts is in compliance with the Board of Health's recommendation to write off bad debts every quarter.

ACTION: Approve the action of the Board of Health.

E. Budget Revisions:

ACTION: Approve

(1) Workforce Development-National Emergency Grant

Revision in the amount of \$2,280,828 to establish a new organization with the first installment of a \$6,001,899 grant from the Department



of Labor. Funds are to be used to provide employment-related assistance for military spouses and Department of Defense civilian employees. (B04-340) **Funding Source – Federal**

(2) Library Grants

Revision in the amount of \$20,000 to budget a LSTA Strengthening Library Collections Grant. (B04-341) **Funding Source – State**

(3) Health Administration/Jail Health

Revision in the amount of \$30,000 to reallocate expenditures to fund contracted services in the Jail Health program. (B04-343 and B04-343A) **Funding Source – Reallocation of Budgeted Expenditures**

(4) Mental Health

a. Adult Periodic - Revision in the net amount of \$6,000 to reconcile the County budget with State budget and to increase expenditures. (B04-346) **Funding Source – State and Reallocation of Budgeted Revenue**

b. DSS Family Preservation – Revision in the net amount of \$33,462 to reconcile the County budget with the State budget. (B04-347) **Funding Source – State and Mental Health Fund Balance**

c. Substance Abuse Periodic – Revision in the net amount of \$6,000 to reconcile the County budget with the State budget and to increase expenditures. (B04-352) **Funding Source – State and Reallocation of Budgeted Revenue**

d. Various Departments – Revisions to reconcile the County budgets with the State budgets. (B04-345, B04-348 through B04-351, and B04-353 through B04-357) **Funding Source – Reallocation of Budgeted Revenue**

(5) Cotton Fire District

Revision in the amount of \$100 to increase expenditures to cover unanticipated refunds to taxpayers. (B04-359) **Funding Source – Fire District Tax**

(6) Juvenile Crime Prevention

Revision in the amount of \$12,389 to recognize additional state funding for the Juvenile Assessment Center. (B04-360) **Funding Source – State and In-kind**

## REGULAR AGENDA

3. Presentation by District Attorney Ed Grannis Regarding the Cumberland County Detention Population.

BACKGROUND: Ed Grannis shared with the Board concerns about the ever-growing jail population. The new jail just occupied is already essentially full. When the population reaches 500, the management of the jail goes into some form of "crisis" mode, because it is then we experience problems which are to be expected in an overcrowded jail. The population of the jail was 470, at the end of January, 2004. Today the population is 490. With annexation taking place in July, 2004, it is anticipated the jail will likely be close to its full capacity. The District Attorney asked that the Board of Commissioners consider

providing funds necessary to hire an additional Assistant District Attorney, who would be used to manage the jail population. He noted that the daily decisions being made for the last several years in managing the jail have been made by his senior prosecutors. The new person would be hired through the Administrative Office of the Courts and would replace the senior prosecutors whose time could better be spent expediting the movement of cases through the court system. While it is the responsibility of the State to provide the dollars to fund assistant district attorney positions, the State is broke. The new position could be funded for approximately \$50,000 for one year. If, in doing so, we were able to maintain a population of 450 rather than 500, one could realize a savings of \$60.00 per day per inmate, which would equal \$3,000 per day. Mr. Grannis noted that while he cannot guarantee they can maintain the population at a certain number, this additional assistant district attorney will assist him in moving toward that goal. Mr. Grannis would like to start this program on April 1 to run for three months at an approximate cost of \$11,000 - \$12,000. Should the County decide it is not happy with this program, it would give a 90-day notice that it be terminated.

**ACTION:** Management and the Sheriff support this jail population management proposal and recommend the Board approve and fund the program for a period of 15 months, from April 1, 2004 – June 30, 2005, with the option to terminate with 90 days notice.

**MOTION:** Commissioner Edge move to follow staff recommendation and approve the funding for 15 months.

**SECOND:** Commissioner Ed Melvin

**DISCUSSION:** Vice Chairman Henley inquired about the total number of DA's. Mr. Grannis indicated he has 17 on staff now, with one vacant position (frozen slot). Vice Chairman Henley suggested a letter should be sent to the legislative delegation outlining how the freezing of these positions affects counties cost-wise, to include the point that counties have to fund any medical need of an incarcerated individual. Commissioner King said he did not believe the County should be funding a state responsibility. He said he thinks it sends the wrong message to the State that the County will pick up the slack. Commissioner Baggett said that while it is unusual for counties to become involved in funding assistant district attorney positions, this is a novel approach in desperate times. He said we should support this trial program because it is the right thing to do. He noted that if we reduce the jail population by 50, we can save the county \$3,000 a day. Commissioner Blackwell said he would like to see some figures in 90 days as to how this program is working and what savings have occurred. Commissioner King noted that there are some prisoners in the jail who have been there for over 2 years awaiting trial. He inquired what we are doing to correct these problems. The District Attorney noted he has the discretion to designate non-capital cases; however there are 58 people in the jail charged with 1<sup>st</sup> degree murder. He also noted the problems getting these cases to trial because of the full calendar. Commissioner Henley said staff and the DA should come up with formula of how we will determine the savings once we implement this new program. The District Attorney said he would make a report to the Board every 90 days. Commissioner Edge amended his motion to include the requirement for a report every 90 days.

**VOTE:** FAVOR: Commissioners Henley, Edge, Council, Baggett, Blackwell, and Melvin

OPPOSED: Commissioner King

4. Presentation by Neil Yarborough of a Petition Requesting Reconstruction of the Lake Upchurch Dam.

**BACKGROUND:** Homeowners in the immediate vicinity of Lake Upchurch are requesting the Board to assist them in rebuilding the dam and restoring the Lake by approving a special assessment for reconstruction of the Lake Upchurch Dam.

Neil Yarborough, attorney representing the residents, noted the County has participated in this type of project when they did the McFadyen Lake Dam reconstruction.

**MOTION:** Commissioner Blackwell moved to authorize the county manager, county engineer, and county attorney to bring back a Preliminary Assessment Resolution to the Board at its April 1 meeting.

**SECOND:** Commissioner King

**DISCUSSION:** Commissioner Edge inquired about how we would address the issue of a portion of the lake being in Hoke County. Mr. Yarborough noted that most of the lake is in Cumberland, and Hoke County residents would not be affected.

**VOTE:** UNANIMOUS

5. Presentation by Harry Shaw Regarding the Cross Creek Linear Park Plan.

Mr. Shaw noted that the purpose/mission is to develop Cross Creek from downtown Fayetteville to the Cape Fear River as the Cross Creek Linear Park, for recreation and for revitalization and economic development of downtown. The Park would be developed in phases. The cost of the four phases will be approximately \$2 million. Funding efforts will be from grants, businesses, industries and local citizens. It will take 7-10 years to complete. He asked the Board to support this project.

**MOTION: Commissioner Blackwell moved to adopt the concept.**

**SECOND: Commissioner Henley**

**DISCUSSION: Commissioner Blackwell inquired as to how the County could help. Mr. Shaw noted that a pedestrian bridge between the Library and the Village Green area might be a way the county could participate. The cost to build the bridge is \$55,000. Mr. Shaw noted that in applying for grants they would apply for those which do not dictate how the monies can be spent.**

**VOTE: UNANIMOUS**

**Note: This vote does not approve the funding of the bridge.**

6. Presentation by Bill Martin Regarding the Cumberland County Business Council Activities.

Mr. Martin noted that despite vacancies in key positions during the first half of the year, the CCBC implemented a number of aggressive programs to create new jobs and attract new investment. Among them were:

- called on 30 local firms to encourage retention/expansion;
- selected four target industries for business recruitment;
- development 3,600 business contacts;
- initiated direct mail program;]
- hosted visits by four prospects, developed proposals for 8 clients;
- selected three downtown development projects (Cool Springs housing, Capitol entertainment, 200 Block of Hay mixed use)
- met with twelve local, regional & national developers interested in downtown projects.

Mr. Martin noted that the CCBC and its affiliates are now fully staffed and expect to aggressively pursue its goals for the remainder of the year.

7. Consideration of Agreement Regarding a Proposed Joint Appearance Commission.

The Policy Committee previously considered a proposal that the Board of Commissioners enter into an interlocal agreement with the City of Fayetteville relative to a joint appearance commission. The Policy Committee was generally favorable about this issue, with the specifics of representation on the commission to be worked out. The City has proceeded with a proposed interlocal agreement for a 15-member Joint Appearance Commission. The City of Fayetteville and County would each appoint four members, with each of the other municipalities appointing one member each. The Commission would have advisory powers and not be a regulatory agency. The City of Fayetteville's Planning Department would provide the staff support to the Commission. The agreement has been approved by Linden, Spring Lake, Stedman, Wade, Godwin, Falcon and Fayetteville. Hope Mills approved it at its February 16 meeting.

**ACTION: Approve interlocal agreement as presented.**

**MOTION: Commissioner Blackwell moved to approve.**

**SECOND: Commissioner King**

**DISCUSSION: Commissioner Baggett noted that this Appearance Commission has advisory powers and is not a regulatory commission. Commissioner Henley noted concern about the makeup of the Commission in that it may be hard to find a qualified talent pool in each of the municipalities. Commissioner Baggett noted that it does not require the person live in the municipality to be appointed.**

**VOTE: UNANIMOUS**

8. Nominations to Boards and Committees

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

**BACKGROUND: Brenda Matthews, Robert Searle and Patricia Paul will complete their initial one-year terms on this Committee.**

ACTION: Nominate for a three year term.

Nominees: Brenda Matthews, Robert Searle and Patricia Paul (reappointments)

9. Appointments to Boards and Committees

A. Equalization and Review Board (3 Vacancies)

**MOTION: Commissioner Blackwell moved to appoint the nominees in 9A, 9B and 9C.**

**SECOND: Commissioner King**  
**VOTE: UNANIMOUS**

**MOTION: Commissioner Henley moved to appoint George Turner, Chairman, W. Carroll Beard, Jr., First Vice Chairman, and Curt Alexander Second Vice Chairman of the Equalization and Review Board.**

**SECOND: Commissioner Blackwell**  
**VOTE: UNANIMOUS**

1) Nominees:

Appraiser Position: Swayne Hamlet (Reappointment)  
Industrialist Position: W. Carroll Beard, Jr. (Reappointment)  
At-Large Position: William "Bill" Holland

2) Appoint Chairman, First Vice Chairman and Second Vice Chairman.

B. Minimum Housing Appeals Board (1 Vacancy)

Nominee: Jimmy Ragland

C. Transportation Advisory Board (3 Vacancies)

Nominees: County Health Director or Designee: Sharon Stanley

At-Large Representatives: Tammye Rey  
Elyse Arthur

10. Closed Session: A. Personnel Matter Pursuant to NCGS 143.318.11(a)(6)

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

**SECOND: Commissioner Melvin**  
**VOTE: UNANIMOUS**

**MOTION: Commissioner Edge moved to go back into Open Session.**

**SECOND: Commissioner King**  
**VOTE: UNANIMOUS**

The Board reported it had received a request from the County Attorney asking the Board to accept his recession of his letter of resignation.

The Board agreed to accept his request.

**MOTION: Commissioner Blackwell moved to adjourn.**

**SECOND: Commissioner Melvin**  
**VOTE: UNANIMOUS**

**MEETING ADJOURNED: 11:57PM.**

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**Clerk to the Board**

