

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
JUNE 21, 2004, 7:00PM  
REGULAR MEETING

PRESENT: Jeannette M. Council, Chair  
John T. Henley, Jr., V. Chair  
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  
Amy Cannon, Asst. County Manager  
Cliff Spiller, Asst. County Manager  
Grainger Barrett, County Attorney  
Marsha Fogle, Clerk to the Board  
Tom Lloyd, Deputy Planning/Inspections Director

INVOCATION - Commissioner Ed Melvin

PLEDGE OF ALLEGIANCE

Recognition of Outgoing Board Members:

Doug Stephens – Board of Adjustment

John McNatt Gillis, Jr. – Joint Planning Board

Special Recognition: American Legion Award for Outstanding Achievement  
in the Employment of Older Workers During 2003 -  
Patrick Hurley, Director of the Senior Aides Program

Addition to Agenda: Closed Session for Personnel Matter – NCGS 143-318.11(a)(6)

**MOTION: Commissioner Blackwell moved to add a Closed Session for a  
Personnel Matter, as noted above.**

**SECOND: Commissioner Henley**

**VOTE: UNANIMOUS**

1. Public Hearing and Consideration of a Final Assessment Resolution for Public Water Service to the Windridge Subdivision.

BACKGROUND: The Board of Commissioners at its meeting on May 17, 2004 adopted a Preliminary Assessment Resolution authorizing staff to move forward with the project and setting June 21, 2004 as the date of the public hearing.

SPEAKERS:

Tom Cooney – Director, Utilities Department. Mr. Cooney read the following letter into the record from Charlene Hodges Griggs.

“Your planned public hearing date is during my once-a-year family reunion out of state, so I hope this letter on my behalf will give me a voice in the water situation in Windridge. I am a 65 year old single female who can no longer work. Your proposed Public Water System Extension to the Windridge Subdivision would be an extreme financial hardship and is something I do not need or want. I built this little retirement house just 3 ½ years ago and I invested more than \$5,000 for a well, well house, and water filter system. I had to leave off a lot of things I wanted in order to preserve my pipes and fixtures from rust. Since there was public water 1 ½ blocks from my house, I inquired about public water but was told I would have to pay for water from some place way down Chicken Foot Road, which was too expensive. Where is the starting point of this proposal? My water has been tested numerous times and is suitable. Again, this would be an extreme hardship for something I do not need. Thank you for your attention to my concerns.”

Michael Bain – has lived in Windridge Subdivision for 10 years. Supports the water but requests the County pay more of the cost. He noted a PWC fee of \$1130 in addition to the monthly cost.

Commissioner Henley inquired about the total cost of the project. Mr. Cooney indicated the estimated cost of the project is just at \$300,000. He said funds are available in the county's water and sewer fund. He also noted the county has FIF credits at PWC it could use to help defray some of the cost.

Commissioner Edge inquired about the number of homes the system would serve. It will serve 81 homes. Seventy percent (70%) of the residences signed the petition.

Commissioner Baggett said the Board could set a troublesome precedent by waiving the Facility Investment Fees.

**MOTION: Commissioner King moved to approve the project as presented.**

**SECOND: Commissioner Baggett**

**DISCUSSION: The Board discussed the term of the loans, i.e. 5 years vs. 10 years and the difference between this project and Kelly Hills, Linden, Eastover projects. No grants are available for this project. In response to a question, Mr. Cooney noted the county's credits would expire after a certain period of time if we don't use them. The County Manager said he was not comfortable adopting the Final Resolution if changes were going to be made. He suggested we delay action.**

**Commissioner King withdrew his motion.**

**MOTION: Commissioner Henley moved to defer action on this matter until August 16, 2004 and forward to the Facilities Committee and ask it to come up with a recommendation regarding using PWC credits to help defray the cost.**

**SECOND: Commissioner Edge**

**VOTE: UNANIMOUS**

## 2. Public Hearings – Zoning Cases

### Uncontested Cases

#### Rezoning

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

**MOTION: Commissioner King moved to follow the recommendation of the Planning Board of the two uncontested rezoning cases.**

**SECOND: Commissioner Melvin**

**VOTE: UNANIMOUS**

- A. Case P04-37. The rezoning of a 12.69-acre portion of a 24.93-acre tract from C(P) to R5, or a more restrictive zoning district, at 3429 Black and Decker Road, submitted by Pastor Allen Collins.

The Planning Board recommends approval of R5.

- B. Case P04-39. The rezoning of a 1.95-acre portion of a 39.45-acre tract from HS(P) to A1, or a more restrictive zoning district, on the north side of Wade-Stedman Road, East of I-95, owned by Ralph and Martha Bogle.

The Planning Board recommends approval of A1.

#### Conditional Use Overlay

- C. Case P04-35. A Conditional Use Overlay District and Permit to allow a produce market and retail sales of merchandise in an R6A District on 1.0 acre at 415 Buhmann Drive, owned by Christine B. Farmer.

The Planning Board recommends approval of the Overlay District and Permit with the condition that the property is to be continuously owned and operated as a bona fide farm with sales from the tract being predominantly from produce raised on the tract and abutting tracts.

Commissioner Baggett asked that he be allowed to abstain on this case, as he has given the applicant advice on this particular zoning matter.

Without objection the Board allowed Commissioner Baggett to abstain.

**MOTION:** Commissioner Henley 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 King

**VOTE:** UNANIMOUS with Commissioner Baggett abstaining.

**MOTION:** Commissioner Henley moved that the Board of Commissioners finds that this conditional use district overlay permit application, if completed as proposed and with the condition that the property is to be continuously owned and operated as a bona fide farm with sales from the tract being predominantly from produce raised on the tract and abutting tracts, 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 Edge

**VOTE:** UNANIMOUS

### Contested Cases

- D. Case P04-18 **\*\* REQUEST TO DELAY \*\***. 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 Petitioner has requested the Board delay action pending the finalization of a contract for purchase of the property in question.

**MOTION:** Commissioner Edge moved to delay action for 60 days.

**SECOND:** Commissioner Blackwell

**VOTE:** UNANIMOUS

- E. Case P04-38. The rezoning of a 186.33-acre portion of a 217.67-acre tract from RR to R10, R5A, O&I and C(P), or a more restrictive zoning district, on the north side of Raeford Road, east of the County line, submitted by Larry King and Associates.

The Planning Board recommends approval of R10, R5A and O&I & C(P).

The City of Fayetteville has requested the County not take action on this rezoning request.

**SPEAKERS:**

Ralph Huff - partner in the development of this property. Mr. Huff noted that the bad soils are mostly located in the R5 area. He said a traffic impact study has been done and a stoplight will go in at the corner of Hoke Loop Road and HWY 401. He also noted that an area north of this tract is being developed and will have about 75 homes. Mr. Huff noted the combined mixed uses in this large tract of land will lend itself to a well-planned and self-contained community. He noted some urgency in the rezoning as a written offer on the property will expire July 1. A buffer will be built on HWY 401 for half of the frontage so that the condos and apartments will not be visible from the road. Mr. Huff said there is a large ravine on the property which currently houses a substation.

William Wanovich – Mr. Wanovich appeared in opposition to the rezoning. He noted this area will be annexed by the City of Fayetteville, effective July 1, 2004. He suggested the City should consider the rezoning request instead of the County. Mr. Wanovich noted concerns about the rezoning as follows:

- rezoning was hurried through;
- schools will be overcrowded;
- additional cost for the city;
- not following the 2010 Plan
- State has not had time to look at erosion and drainage.

Mr. Wanovich urged the County to not take action on this rezoning.

The Public Hearing was closed.

**MOTION:** Commissioner Baggett moved to approve the rezoning request as recommended by the Planning Board.

**SECOND:** Commissioner King

**DISCUSSION:** Commissioner King inquired about the time frame with this rezoning case. Mr. Tom Lloyd, Deputy Director Planning/Inspections Department, said this rezoning case was handled in the same manner as all cases. Commissioner Henley noted that when annexed the City will review and issue site plan, erosion control, etc. permit for this development.

**VOTE:** UNANIMOUS

Conditional Use Overlay

- F. Case P04-32. A Conditional Use Overlay District and Permit to allow an automotive repair shop in an R40 District on 6.49 acres at 3488 Nash Road, owned by David L. and Kelly A. Crawford.

The Planning Board recommends denial of the Overlay District and Permit.

No Speakers.

Commissioner King noted that the automotive repair shop would actually be located at the back of the property, and would not affect the community. He pointed out this is a rural area.

**MOTION:** Commissioner Baggett moved to follow the recommendation of the Planning Board and deny the Overlay District.

**SECOND:** Commissioner Blackwell

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

OPPOSED: Commissioner King

Amendments to Cumberland County Zoning Ordinance

- E. Case P04-40: Amendments/Revisions to the Cumberland County Zoning Ordinance, Section 5.31.1, Manufactured Homes must be constructed after July 1, 1976, and Section 10.2, Definitions of Specific Terms and Words, "Mobile Home Park," to allow for relocation of pre-1976 manufactured homes when closure of a manufactured home park is mandated by a government agency.

The Planning Board recommends approval. The amendment alleviates an unnecessary burden on citizens not being allowed to move their pre-1976 manufactured homes due to a government requirement.

No Speakers.

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

**SECOND:** Commissioner Henley

**VOTE:** UNANIMOUS

**The Ordinance may be found in the County Ordinance Book.**

3. Presentations

- A. Presentation on the Institute for Community Leadership – Dr. Larry Norris.

Dr. Larry Norris, president, FTCC, reviewed a project that would identify, develop and empower community members to commit to leadership roles in addressing the issues of the Fayetteville/Cumberland County area. He noted the Institute for Community Leadership will be a joint effort designed to provide 40 local citizens an opportunity to participate in activities leading to community leadership and membership on boards and commissions. There is no charge to participants. The program will be supported by a grant from The Community Foundation and by sponsoring agencies which are City of Fayetteville, County of Cumberland, Cumberland County Public Schools, Fayetteville State University, Fayetteville Technical Community College, Methodist College and Dr. Loleta Wood Foster, the Volunteer at-large representative. Dr. Suzan Cheek has been hired as the Executive Director. Participants must be nominated by one of the sponsoring partners and be a resident of Cumberland County. County government may sponsor four people. Applications must be in by July 12, 2004. The program will run from September to April, excluding December.

- B. Presentation of the Tourism Development Authority Annual Report – Billy Wellons, Chairman.

Mr. Wellons presented the following report:

TDA Funds have been distributed as follows:

Cumberland County Crown Coliseum	686,519.11
Arts Council of Fayetteville	217,756.26
Fayetteville Area Visitors/Convention Bureau	800,938.96

Note: There is also \$100,661.53 on hand that is due to the Arts Council, which will be remitted to them in early July as part of its quarterly payment.

The TDA has obligated the following funds:

Seniors Call to Action (SCAT)	\$12,000
Civil War Trails	22,800
Strike Force 2008	25,000
Festival of Flight	34,780.80
Cross Creek Linear Park	25,000

Note: Some of the obligations mentioned above span more than one fiscal year.

Unobligated Fund Balance:                    \$288,497.71

- C. Consideration of County Facilities Committee Report Regarding the Animal Control Center and Sheriff’s Training Center Projects.

BACKGROUND: The County Facilities Committee received a presentation at its meeting on June 8, 2004 regarding the status of these projects. The Committee asked that the presentation be made to the Board of Commissioners. The Committee made no recommendation.

The Animal Control structure is a pre-engineered metal building. The front facade is brick veneer to comply with the restrictive covenants in the Industrial Park. The remaining building envelope is a metal panel wall system. The proposed interior finishes can be described as school house construction, durable and low maintenance. Square footage for the Animal Control building is currently at 27,040. The total estimated construction cost is \$3,329,902 which equates to about \$123 per square foot. Design and contingencies increase the estimate to \$3,829,388. It had been estimated the cost would be \$2,580,000. The difference in the cost is attributable to the increased size of the facility and the current construction market. The facility is about 18% larger than projected.

Mr. Stanger, County Engineer, noted that some of the cost in the \$3.8 million is actually for equipment.

The Project Team is requesting direction from the Board on how to proceed. The size of the Animal Control Center would have to be drastically reduced to bring the costs in line with the current CIP. The facility was designed to accommodate 10-15 years growth for the Animal Control Department. The size of the kennel areas could be reduced, but the County would probably have to revisit the needs of Animal Control again in a relatively short period of time.

Mr. Stanger, County Engineer, said there may be some ways to cut down on the cost; however, he felt the \$3.8 million figure was pretty much in line with what it will cost to build the project.

A detailed construction cost estimate has not been completed for the Sheriff’s Training Center; however, it is expected the cost will be more than originally anticipated.

Commissioner Melvin expressed concern about the cost and suggested we scale back on the project.

The County Engineer noted the building is well designed and has been designed for 15 year growth. He said it can be expanded.

Commissioner Edge said he hoped by bidding both projects at one time would reduce cost. He suggested that the Board cap the project and that it be bid with alternates so the county can add on or deduct.

Commissioner Henley suggested the time has come to do the project. He inquired why the initial estimate was so low. The County Engineer noted there was no detailed design at that stage. He also noted construction costs have escalated.

In response to a question, the County Manager noted money is available even at the increased cost to do the project. Funds remain from the DSS and Detention facilities to do the project.

Commissioner Blackwell noted that this project has been considered since 1991. Studies have been done and recommendations made to replace the current animal control shelter. The County owns the property (site in the Industrial Park), FAEDC has no concerns about putting the Shelter in the Park, the funding is available and the facility is being placed where there is the highest concentration of abandoned animals.

**MOTION: Commissioner Blackwell moved to proceed with the Animal Control facility as planned.**

**SECOND: Commissioner King**

**DISCUSSION: Commissioner Council inquired if there would be space available for educational seminars for the public. The response was yes. Commissioner Melvin said there were too many bells and whistles and the cost is too much. The County Engineer said staff would do all it can to keep cost under control. Commissioner Edge said he would support the motion, but that does not mean he will vote for the project if the bids are excessive. Commissioner Baggett suggested that the County sell the site which houses the current Animal Control Facility and use the money to help offset the cost of the new facility.**

**VOTE: FAVOR: Commissioners Baggett, Henley, Council, Blackwell, Edge, King**

**OPPOSED: Commissioner Melvin**

#### 4. Consent Items

- A. Approval of minutes for the June 7, 2004 regular meeting which included the Public Hearing on the proposed FY2004-05 budget.

**ACTION: Approve**

- B. Approval of Corrected Minutes of the May 17, 2004 Board of Commissioner's Meeting regarding the Windridge Special Assessment Project.

**BACKGROUND:** The Board at its meeting on May 17, 2004 moved to "authorize a special assessment project and schedule a public hearing for June 21, 2004, 7:00PM", based on the recommended action in the memo to the Board. The Preliminary Assessment Resolution which authorizes staff to move forward and advertise the Public Hearing should have been included in the approved minutes.

**ACTION:** Correct Minutes of May 17, 2004 to include the adoption of the Preliminary Assessment Resolution, consistent with the Board's intent.

- C. Approval of Contracts for the County Manager, Finance Director, County Attorney and Clerk to the Board.

**ACTION:** Approve the contracts for fiscal year 2005 and authorize the Chairman to sign. The contracts are consistent with budgetary authorization reflected in the approved FY05 budget.

- D. Approval of Amendment to Cape Fear Valley Health Systems Fiscal Year 2004 Capital Budget.

**BACKGROUND:** On May 26, 2004 the Hospital Board of Trustees approved an amendment to the FY04 Capital Budget in the amount of \$5,382,000 to reflect capital expenditures anticipated for this fiscal year in connection with the Master Facility Plan.

**ACTION:** Approve the amendment.

- E. Approval of Lake Upchurch Engineering Agreement.

**BACKGROUND:** The Board of Commissioners at its meeting on May 17, 2004 adopted the final Special Assessment Resolution for this project. The next phase is to secure engineering services. The firm of Schnabel Engineering South, located in Asheboro, NC, has been providing engineering services to the Lake Upchurch homeowners and

Lake Upchurch Power Company prior to the County's involvement with the project. Staff met with Dr. Dan Marks, P.E. of the Schnabel firm to review the project status and discuss providing engineering services under contract with Cumberland County. Dr. Marks reviewed the conceptual design and the Hydrologic & Hydraulic Study prepared for the dam restoration project. Both the Federal Energy Regulatory Commission and NC State Dam Safety have tentatively approved the conceptual design.

**ACTION:**

- Approve the engineering agreement with Schnabel Engineering South in an amount not to exceed \$137,000.00;
  - Approve associated budget revision (B04-510)
- F. Approval of Change Order for Grays Creek Recreation Center, Change Order E-1, Electrical Contract.

**BACKGROUND:** This change order, submitted by EMSCO, is for additional work requested by the Board of Education. The total cost of all additional electrical work is \$17,589.29 of which \$12,010.88 is County related and \$5,578.41 is School related. There is sufficient money in the Grays Creek Recreation Center line item to fund the Change Order.

**ACTION:** Approve change Order E-1 for EMSCO in the amount of \$8,089.29 and revise the total contract amount to \$107,664.29.

- G. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – Lot 97A and 97B; PIN 9493-57-3358, Lake Upchurch Estates Section C (Located on Pine Lane off of Lake Upchurch Drive).

**BACKGROUND:** On or about May 27, 1999, the County acquired by tax foreclosure the above noted property. The amount currently owed including interest and costs is \$2,625.12. Mr. Eddie Williams has offered to purchase the property for \$2,625.12 and has deposited \$262.51 in the County Finance Office. The tax value of the property is \$20,000. The property is surplus to the needs of the County.

**ACTION:** Accept the offer, plus costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price

- H. Approval of Scheduling a Public Hearing and Consideration of Resolution of Intent to Close a Portion of the Proposed Shenandoah Dr. Extension.

**BACKGROUND:** Property owner Thomas J. Foldesi petitioned that the easternmost twenty feet of the proposed Shenandoah Drive Extension in Seventy First Township be closed. The NCDOT confirms that this portion is not state maintained and has no objection to the abandonment. The Fire Marshal and Planning Department also do not object.

**ACTION:** Adopt resolution calling for a public hearing to consider the petition for closing and declaring the Board's intent to consider the request.

**RESOLUTION OF INTENT TO CLOSE PUBLIC ROAD  
AND CALL FOR A PUBLIC HEARING ON THE QUESTION**

WHEREAS, Thomas J. Foldesi has submitted a petition to the Cumberland County Board of Commissioners (the "Board") to close the easternmost twenty foot portion of the Proposed Shenandoah Drive Extension, north of Shenandoah Drive located in Seventy First Township; and

WHEREAS, it appears that such public street is not under the control of the NCDOT; that no person would be deprived of reasonable means of ingress and egress to his/her property by such closing; and that such closing would therefore not be contrary to the public interest.

NOW, THEREFORE, BE IT RESOLVED that the Board will consider the issue of whether to close the following public street in accordance with NCGS 153A-241:

*The easternmost twenty foot portion of the Proposed Shenandoah Drive Extension, north of Shenandoah Drive as shown on Cumberland County Tax Maps as a portion of PIN #0406-63-1117.*

AND BE IT FURTHER RESOLVED, that the Board calls for and shall hold a public hearing on the question of the closing of such street on the 16<sup>th</sup> day of August, 2004 at 7:00PM in the Commissioners Meeting Room (Room 118) First Floor, New Courthouse, 117 Dick Street, Fayetteville, NC. The Board shall hear all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual's property rights.

AND BE IT FURTHER DIRECTED, that notice of consideration of whether to close said street and of the public hearing on such matter shall be published once a week for four successive weeks before the hearing in a newspaper of general circulation in Cumberland County and posted in at least two places along the street during the time; and that a copy of this resolution shall be sent by certified mail to each owner as shown on the county tax records of property adjoining the public road or easement who did not join in the request to have the road or easement closed.

I. Approval of Scheduling a Public Hearing and Consideration of Resolution of Intent to Close Prospect Drive.

BACKGROUND: Property owners Anthony Dean Keeton, Carl C. Britt and wife Susan D. Britt petitioned that Prospect Drive located on the western margin of Brushy Hill Road in Rockfish Township be closed. NCDOT confirms that Prospect Drive is not a state maintained road and has no objection to the abandonment. The Fire Marshal and Planning Department also do not object.

ACTION: Adopt resolution calling for a public hearing to consider the petition for closing and declaring the Board's intent to consider the request.

RESOLUTION OF INTENT TO CLOSE PUBLIC ROAD  
AND CALL FOR A PUBLIC HEARING ON THE QUESTION

WHEREAS, Anthony Dean Keeton, Carl C. Britt and wife Susan D. Britt submitted a petition to the Cumberland County Board of Commissioners (the "Board") to close Prospect Drive located on the western margin of Brushy Hill Road and the eastern margin of Parcels 9484-95-5842 and 9484-95-5748 in Rockfish Township; and

WHEREAS, it appears that such public street is not under the control of the NCDOT; that no person would be deprived of reasonable means of ingress and egress to his/her property by such closing; and that such closing would therefore not be contrary to the public interest.

NOW, THEREFORE, BE IT RESOLVED that the Board will consider the issue of whether to close the following public street in accordance with NCGS 153A-241:

*The portion of Prospect Drive located between the western margin of Brushy Hill Road and the eastern margin of Parcels 9484-95-5842 and 9484-95-5748 as recorded in Plat Book 108, Page 7 in the Cumberland County Registry.*

AND BE IT FURTHER RESOLVED, that the Board calls for and shall hold a public hearing on the question of the closing of such street on the 16<sup>th</sup> day of August, 2004 at 7:00PM in the Commissioners Meeting Room (Room 118) First Floor, New Courthouse, 117 Dick Street, Fayetteville, NC. The Board shall hear all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual's property rights.

AND BE IT FURTHER DIRECTED, that notice of consideration of whether to close said street and of the public hearing on such matter shall be published once a week for four successive weeks before the hearing in a newspaper of general circulation in Cumberland County and posted in at least two places along the street during the time; and that a copy of this resolution shall be sent by certified mail to each owner as shown on the county tax records of property adjoining the public road or easement who did not join in the request to have the road or easement closed.

J. Approval of Hope Mills Recreation Center Agreement.

BACKGROUND: Under this agreement the County and Town of Hope Mills would agree to construct a 21,064 square foot recreation center at the Hope Mills Municipal Park next to the Hope Mills Community Center.

ACTION: Approve Agreement

- K. Approval of Renewal of Lease and Franchise Agreement for Food Services at the Cumberland County Mental Health Center's Roxie Avenue Center (2<sup>nd</sup> Reading).

BACKGROUND: The first reading of this Franchise Ordinance for A&R Wilson Enterprises, Inc. to provide food services to the Mental Health Center on Roxie Avenue was approved on June 7, 2004.

ACTION: Approve Second Reading

- L. Approval of Proposed Temporary Permit Fee for Tattoo Vendors.

BACKGROUND: The Board of Health at its meeting on May 18, 2004 approved the implementation of a Temporary Tattoo Permit Fee of \$150.00. This permit will allow an artist to tattoo at conventions or in other temporary situations only. The permit is valid for up to 14 days.

ACTION: Approve

- M. Approval of Ordinance Assessing Property for the Cost of Demolition:

Case No. MH 1785-2003

Property Owner: Lucille Baldwin Life Estate

Property Location: Lot Across from 449 Bainbridge Road, Stedman, NC

Parcel Identification Number: 0496-22-5213

BACKGROUND: On October 20, 2004, the Board enacted an ordinance directing that the structure located on a lot across from 449 Bainbridge Road, Stedman, NC be demolished by the owner. The owner failed to comply with the demolition order, so the Minimum Housing Inspector had the structure demolished at a cost of \$1,100. The cost of the demolition shall be assessed to the property and shall constitute a lien against the property upon which the costs were incurred.

ACTION: Adopt the Ordinance (Ordinance may be found in the Minimum Housing Ordinance Book).

- N. Report on Proposed Joint City-County Human Relations Commission.

BCKGROUND: The City and County staff have agreed on a proposal for a joint Human Relations program. The Fayetteville Human Relations Department would provide the same services to county residents as it presently provides to City residents. The Board of Commissioners would appoint four members to an 11 member board. Two of these members will be appointed in July 2004 and two will be appointed in July 2005, to continue on a rotating basis. The appointment process would be revised with the 2005-2007 appointments to allow Spring Lake, Hope Mills and covered municipalities to share in the appointment opportunities. Effective July 1, 2004 the County would provide one Human Relations specialist at an annual cost of \$45,062.40 (FY05 base pay and fringe benefits). The employee would be paid by the County and assigned to FHRD full time. Evaluations, discipline and awards for this County employee would be done collaboratively by the City FHRD director and the County's Community Development director or their designee. FHRD will track separate county expenses quarterly during the first year of the agreement to ensure costs are shared in a fair and proportionate manner and provide service reports to the County and City Managers on a quarterly basis.

ACTION: Direct the County Attorney to draft, with the City Attorney, a form of Interlocal Agreement setting forth the terms of this joint relationship and authorize the Chairman of the Board to sign on behalf of the County.

- O. Budget Revisions:

ACTION: Approve

- (1) Social Services Other

Revision in the amount of \$20,600 to recognize additional state funding for Smart Start. (B04-491) **Funding Source – State**

(2) Westarea Fire District

Revision in the amount of \$300 to increase expenditures to cover unanticipated refunds to taxpayers. (B04-494) **Funding Source – Fire District Taxes**

(3) Library Bond Fund

Revision in the amount of \$2,788 to increase expenditure budget in order to expend the remaining library construction bond funds including accrued interest. (B04-498) **Funding Source – Interest and Library Bond Fund Balance**

(4) General Government Other

Revision in the amount of \$15,640 to recognize Help America Vote Act (HAVA) Title I funding received in order to make all polling places accessible to voters with the full range of disabilities. (B04-499) **Funding Source – State Grant**

(5) Group Insurance

Revision in the amount of \$600,000 to budget funds for the year end audit accrual. (B04-501) **Funding Source – Group Insurance Fund Balance**

(6) NC Controlled Substance Tax

Revision in the amount of \$35,000 to appropriate fund balance to purchase automated Inmate Verifier and Palmprint/fingerprint Tracker system. (B04-503) **Funding Source – NC Controlled Substance Tax Fund Balance**

(7) Health

a. Jail Health - Revision in the amount of \$14,623 to recognize fees earned. (B04-500) **Funding Source- Fees**

b. Immunization Clinic - Revision in the amount of \$9,000 to budget additional revenue projected to be earned. (B04-505) **Funding Source – Fees**

c. Pharmacy - Revision in the amount of \$13,000 to adjust revenues to actual projected amount to be earned. (B04-506) **Funding Source – Health Fund Balance and Fees**

d. Child Health Clinic – Revision in the amount of \$9,000 to adjust revenues to actual projected amount to be earned. (B04-507) **Funding Source – Health Fund Balance and Fees**

e. Sexually Transmitted Disease Clinic – Revision in the amount of \$40,000 to adjust revenues to actual amount projected to be earned. (B04-508) **Funding Source – Health Fund Balance and Fees**

(8) Community Development Linden Revitalization Project

Revision in the amount of \$149,982 to return program income received from the sale of real property acquired with the Belt Boulevard Revitalization Project (\$133,299) and the payoff of a Linden

housing rehabilitation loan (\$16,683) to the North Carolina Department of Commerce Division of Community Assistance. (B04-504) **Funding Source – Community Development Fund Balance**

(9) Mental Health

Revision in the amount of \$30,302 to reduce revenues and expenditures to reflect allocated budget and fees from the state. (B04-495) **Funding Source – Mental Health Fund Balance and Fees**

(10) School C.O. Category II

Revision in the amount of \$17,000 to reallocate existing expenditure budget as approved by the Cumberland County Board of Education. (B04-509) **Funding Source - Reallocation of Budgeted Expenditures**

(11) School C.O. Category III

Revision in the amount of \$2,500 to reallocate existing expenditure budget as approved by the Cumberland County Board of Education. (B04-509A) **Funding Source – Reallocation of Budgeted Expenditures**

Items of Business

5. Consideration of Request to Discuss the PWC and City of Fayetteville Policy Regarding Water and Sewer Extensions into Unincorporated Areas of the County.

Commissioner Baggett noted the importance of PWC to the residents of the County. He expressed some concern about the policy regarding water/sewer extensions into unincorporated areas of the County, a policy directed by the City of Fayetteville. He said this issue is something that needs to be discussed and asked that it be added to the City-County Liaison meeting agenda for July 22, 2004. Commissioner Baggett said he hoped that some day ownership of PWC could be shared by the City and the County.

6. Consideration of Appointment of Voting Delegate for the NACo Conference, July 16-20, 2004.

**MOTION: Commissioner King moved to appoint Breeden Blackwell.**

**SECOND: Commissioner Henley**

**VOTE: UNANIMOUS**

7. Nominations to Boards and Committees

A. Cumberland County Juvenile Crime Prevention Council (4 Vacancies)

**BACKGROUND:** The JCPC has four vacancies as follows:

Shakeema Burns – person under 21 – eligible for reappointment  
Carmon Jean Battle – Juvenile Defense Attorney – eligible for reappointment  
Henry Berry – at-large – eligible for reappointment  
John Godbolt – at-large – resigned. John Clark recommended to fill vacancy

Nominees: Shakeema Burns  
Carmon Jean Battle  
Henry Berry  
John Clark

B. Joint Appearance Commission (4 Vacancies)

**BACKGROUND:** Earlier this year the Board approved an interlocal agreement establishing a county-wide Joint Appearance Commission. The Board shall appoint four of the fifteen members. Two will be appointed for a one year term and two will be appointed for a two year term. Thereafter, all appointments will be two-year terms. Where possible, appointees

shall have had special training or experience in a design field, such as architecture, landscape design, horticulture, city planning or a closely related field.

Nominees: Anne Adams  
Jacqueline Jones  
Elizabeth B. "B.G." Moore  
Dianne Howard Sheppard

8. Appointments to Boards and Committees

A. Board of Adjustment (1 Vacancy)

Nominees: George Quigley

Commissioner Henley added the name of Oscar Davis to the nominee list.

VOTING: George Quigley – no votes  
Oscar Davis – Unanimous

B. Criminal Justice Partnership Advisory Board (8 Vacancies)

Nominees: Ed Grannis – District Attorney Position  
Ron McSwain – Public Defender Position  
Billy King – County Commissioner Position  
Richard Hayes – At-Large Position  
Judge Kimbrell Tucker – At-Large Position  
Ralph Spivey – At-Large Position  
Frederick H. Frimet – At-Large Position  
Sherry Miller – Criminal Defense Attorney Position

**MOTION: Commissioner Blackwell moved to appoint the above nominees by acclamation.**

**SECOND: Commissioner Melvin**

**VOTE: UNANIMOUS**

C. Joint Planning Board (1 Vacancy)

Nominees: Doug Stephens  
Roy Turner

Commissioner Melvin withdrew the name of Doug Stephens.

**MOTION: Commissioner Henley moved to appoint Roy Turner.**

**SECOND: Commissioner Blackwell**

**VOTE: UNANIMOUS**

Mental Health Board (2 Vacancies)

Nominees:

Mental Health Representative from a  
Citizens Organization or Primary Consumer: Louis Collazzo  
Diane Palmer

Individual w/Management or Business Expertise: Bobbie L. Grammer  
Jim Hankins  
Sohee Weatherall

Voting: Louis Collazzo – Commissioners Henley, Council, Edge, Blackwell, Melvin and King

Diane Palmer – Commissioner Baggett

Bobbie Grammer – Commissioner Baggett

Jim Hankins: Commissioners Edge, Henley, Council, Blackwell, Melvin

Sohee Weatherall – Commissioner King

9. Closed Session for a Personnel Matter – NCGS 143-318.11(a)(6)

**MOTION:** Commissioner Blackwell moved to go into Closed Session for a Personnel Matter as noted above.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

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

**SECOND:** Commissioner Henley

**VOTE:** UNANIMOUS

**MEETING ADJOURNED: 10:05PM.**

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Clerk