

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
DECEMBER 19, 2005, 6:45PM
REGULAR/REZONING MEETING

PRESENT: Billy R. King, Chairman
Kenneth S. Edge, Vice Chairman
Commissioner Talmage S. Baggett
Commissioner J. Breeden Blackwell
Commissioner Jeannette M. Council
Commissioner John T. Henley, Jr.
Commissioner Diane Wheatley
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Cliff Spiller, Asst. County Manager
Amy Cannon, Asst. County Manager
Tom Lloyd, Planning/Inspections, Deputy Director
Grainger Barrett, County Attorney
Ann Hymes, Deputy Clerk
Marsha Fogle, Clerk

INVOCATION - Commissioner Jeannette Council

PLEDGE OF ALLEGIANCE – Allysa Pilgrim, Cross Creek Early College High School
Taylor Pilgrim, Northwood Temple Academy

PUBLIC COMMENT PERIOD (6:45 PM – 7:00 PM)

Recognition of Retired North Carolina Court of Appeals Judge Patricia Timmons-Goodson

Recognition of Outgoing Board Members:

Gail Riddle – Library Board of Trustees
Jim Caldwell – Transportation Advisory Board
Patrick Hurley – Transportation Advisory Board

1. Presentations

- A. Presentation by Senator Larry Shaw Requesting Support of a Resolution Encouraging Progress Energy to Locate a Facility in Cumberland County.

Senator Shaw asked the Board to adopt a Resolution supporting the creation of jobs in Cumberland County through the construction and operation of a Progress Energy Nuclear Reactor facility. Senator Shaw noted the County's unemployment rate is 6.3% and the closing of Black and Decker will greatly affect the County. He said he has spoken with Progress Energy officials who have told him they are looking for a county to welcome them into. The adoption of a Resolution by the Board of Commissioners would let Progress Energy know that we are interested in this project.

ACTION: Adopt Resolution

RESOLUTION SUPPORTING A NUCLEAR REACTOR FACILITY
IN CUMBERLAND COUNTY

WHEREAS, Cumberland County is a low-wealth county with an unemployment rate of 6.3% which is significantly higher than the State's rate of 5.5%; and

WHEREAS, Cumberland County's unemployment rate will suffer another setback when Black and Decker closes its factory leaving 675 people without jobs; and

WHEREAS, Progress Energy intends to build at least four nuclear reactor plants in the near future; and

WHEREAS, North Carolina may serve as the site for one of these proposed nuclear reactor plants; and

WHEREAS, Progress Energy's proposed nuclear plant may employ up to 450 people with annual salaries of \$80,000; and

WHEREAS, a nuclear reactor plant located in Cumberland County would boost the County's economy by creating jobs and increasing the tax base.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners supports the creation of jobs through the construction and operation of a Progress Energy Nuclear Reactor facility in Cumberland County.

MOTION: Commissioner Council moved to approve the Resolution and directed the Manager to talk with the Cumberland County Business Council to see if it would be willing to adopt a similar Resolution.

SECOND: Commissioner King

DISCUSSION: Commissioner Baggett noted that the transmission line used to transfer power back and forth runs through the eastern part of Cumberland County.

Commissioner Wheatley said she wanted to be sure the public was made aware of the project.

VOTE: UNANIMOUS

- B. Presentation of the FY 2005 Annual Audit by Michelle Loyd Thompson, CPA, Partner, Cherry, Bekaert and Holland, L.L.P.

Michelle Loyd Thompson reviewed the audit report. She said the County has been given an unqualified opinion which represents the highest level of assurance that the county is in good fiscal condition.

MOTION: Commissioner Henley moved to accept the report.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

- 2. Consent Agenda

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

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

- A. Approval of minutes for the December 5, 2005 regular meeting.

ACTION: Approve

- B. Approval of the Bids for the Installation of Additional Closed-Circuit Security Cameras at the Detention Center.

BACKGROUND: The following bids were received and opened on October 12, 2005:

Southern Folger Detention Equipment Company:	\$177,000
Strike Industries, Inc.	\$159,145
Stanley Security Systems, Inc.	\$149,479.59
Technical Services Group	\$99,933.50

The Sheriff's Department has budgeted approximately \$185,000 for this work. The total estimated cost of the project is \$118,371.05, which includes an increase in the capacity of the digital video records from 15 days to 30 days and 5 additional cameras that would utilize the PTZ capability on the exterior of the building.

ACTION: Award the contract to Technical Services Group in the amount of \$118,371.05.

- C. Approval of Disputed Property Tax Claim in K-Mart Bankruptcy.

BACKGROUND: Cumberland County currently has pending a Proof of Claim for property taxes in a bankruptcy proceeding filed by K-Mart Corporation in US Bankruptcy Court for the Northern District of Illinois in the amount of \$10,309.17. K-mart has disputed the valuation of that property tax claim and offered to settle for 50% of that amount. After further negotiation K-Mart has agreed to settle for 75% of that amount or \$7,731.87. (K-Mart will not dispute and will pay post-petition interest on the property tax liability.

ACTION: Approve the compromise and settlement of 2002 tax liability in the amount of \$7,731.87.

- D. Approval of Six-Month Extension of the Federal Legislative Services Agreement with the Ferguson Group.

BACKGROUND: At its October 18, 2004 meeting the Board of Commissioners approved an agreement between the City of Fayetteville, Cumberland County Business Council and the Ferguson Group to provide legislative services to Cumberland County. The agreement was for the period November 1, 2004 to December 31, 2005.

ACTION: Approve a six month agreement to extend the contract period to June 30, 2006. (Note: A new contract for the period July 1, 2006 – June 30, 2007 will be discussed during the FY budget process)

- E. Approval of 2006 Board of Commissioners' Regular Meeting Dates.

ACTION: Approve the regular meeting dates for the Board of Commissioners for 2006.

January 3, 2006, 9:00AM	July – No meetings in July
January 17, 2006, 6:45PM	August 7, 2006, 9:00AM
February 6, 2006, 9:00AM	August 21, 2006, 6:45PM

February 21, 2006, 6:45PM
March 6, 2006 – No Meeting
March 20, 2006 – 6:45PM
April 3, 2006, 9:00AM
April 18, 2006, 6:45PM
May 1, 2006, 9:00AM
May 15, 2006, 6:45PM
June 5, 2006, 9:00AM
June 19, 2006, 6:45PM

September 5, 2006, 9:00AM
September 18, 2006, 6:45PM
October 2, 2006, 9:00AM
October 16, 2006, 6:45PM
November 6, 2006, 9:00AM
November 20, 2006, 6:45PM
December 4, 2006, 9:00AM
December 18, 2006, 6:45PM

F. Approval of Report on Destruction of Finance Department Records.

BACKGROUND: The Finance Department has requested permission to destroy certain Finance Department documents in accordance with the Records Retention and Disposition Schedule issued by the State of North Carolina and adopted by the Board of Commissioners. The Manager has authorized destruction of these records:

(1) Records with 3-year retention requirement (dated prior to 7/1/2002)

Fiscal correspondence/memoranda, bank statements, canceled checks, deposit slips, reconciliation file, request for proposals for purchase contracts, purchase orders, requisitions, cash receipt report files, check registers, investment records, journal vouchers, LGC financial statements, invoices, employee earnings record file, payroll file (salaries paid & deductions).

(2) Records with 2-year retention requirement (dated prior to 7/1/03)

Employee benefits register file

(3) Records with 1-year retention requirement (dated prior to 7/1/04)

Daily journal & ledger printouts, monthly detail reports except June 30 which is permanent

(4) Records that have been superseded or are obsolete

Property & equipment and inventory files

ACTION: No action needed except to report.

G. Approval of Report on Destruction of Planning & Inspection Department Records.

BACKGROUND: The Planning/Inspections Department has requested permission to destroy certain documents in accordance with the Records Retention and Disposition Schedule issued by the State of North Carolina and adopted by the Board of Commissioners. The Manager has authorized destruction of these records:

(1) Records dated prior to January 1, 2000:

Permit files, Minimum Housing & Junk Vehicle Files, Monthly Reports, Correspondence & Memoranda.

ACTION: No action needed except to report.

H. Approval of Ordinance Assessing Property for the Cost of Demolition:

- 1. Case Number: MH 4207-05
- Property Owner: Bobby Ray Everette
- Property Location: 2108 Memory Lane, Hope Mills, NC
- Parcel ID No: 0443-11-9672

BACKGROUND: On August 15, 2005, the Board enacted an ordinance directing that the structure located at 2108 Memory Lane, Hope Mills, NC be demolished by the owner. The owner failed to comply with the demolition order within the specified time period and accordingly, the Minimum Housing Inspector had the structure demolished as required by the ordinance, at a cost of \$1300.

ACTION: Adopt an Ordinance assessing Bobby Everett for the cost of demolition. (Ordinance may be found in the Minimum Housing Ordinance Book).

I. Budget Revisions:

ACTION: Approve

(1) Health

Revision in the amount of \$10,400 to appropriate Health Department fund balance to purchase computer workstations for the billing office. (B06-209) **Funding Source – Health Department Fund Balance**

(2) Mental Health

a. Mental Health - Revision in the amount of \$75,000 to appropriate Mental Health fund balance for consulting services. (B06-210) **Funding Source – Mental Health Fund Balance**

b. Community Based Alternatives In Home – Revision in the amount of \$14,132 to recognize a reduction in state funding. (B06-213) **Funding Source – State and Mental Health Fund Balance**

c. Adolescent Group Home – Revision in the amount of \$20,000 to appropriate Mental Health fund balance for renovations to group homes. (B06-214) **Funding Source – Mental Health**

(3) Juvenile Crime Prevention Programs

Revision in the amount of \$46,382 to adjust various JCP programs to State allocations. (B06-218) **Funding Source – State and In-Kind**

3. Public Hearings

Commissioner Henley asked that Case P05-79 (A) be considered separately. The County Manager noted that the petitioner for Cases 3J & 3K has asked that they be deferred for 30 days.

MOTION: Commissioner Edge moved to follow the Planning Board recommendations on all cases except Case P05-79 and that Cases P05-89 and P05-90 be delayed until the January 17, 2006 meeting.

SECOND: Commissioner Council

VOTE: UNANIMOUS

Uncontested Cases

Rezoning

- A. Case P05-79. The rezoning of four parcels totaling 149.01 acres from R40/DD/CUD to R40, located south of Underwood Road, east of River Road, owned by Catherine Dougan Armitage, Gilvert M. Sr., and Janie S. Smith.

The Planning Board recommends approval of R40.

Commissioner Henley noted the importance of joint planning. He said that just because development occurs in a rural area with sewer does not mean it should necessarily be annexed. He said there are some areas that should remain rural in nature and not be annexed into a city.

MOTION: Commissioner Henley moved to approve R40.

SECOND: Chairman King

DISCUSSION: Commissioner Blackwell noted that the next area that may be looked at by the City of Fayetteville for annexation will be Gray's Creek. He also noted there are some areas that need to remain rural in nature. Commissioner Baggett said this has not been an unhealthy process as it has given us all a wake-up call regarding development in the county.

VOTE: UNANIMOUS

- B. Case P05-80. The rezoning of a .92 acre portion of a 1.38 acre tract from RR to C1(P), or to a more restrictive zoning district, east of Baywood Road, north of Clinton Road, owned by William R. and Martha L. Downing.

The Planning Board recommends approval of C1(P).

- C. Case P05-81. The rezoning of 1.0 acres from PND to C(P), or to a more restrictive zoning district, east of Ramsey Street, across from Elliot Bridge Road, owned by N&B Company. LLC.

The Planning Board recommends approval of C(P).

- D. Case P05-83. The initial zoning of 3.256 acres to R6A, on McKethan Street, west of Dunn Road, submitted by the Town of Wade.

The Planning Board recommends approval of R6A.

- E. Case P05-84. The initial zoning of 212.69 acres to R30 and R15, south of River Road, northwest of Powell Street, submitted by the Town of Wade.

The Planning Board recommends approval of R30 and R15, excluding the area where the CD follows the 100-year flood.

- F. Case P05-85. The initial zoning of 16.66 acres to R6A, north and south of McKethan Street, west of Dunn Road, submitted by the Town of Wade.

The Planning Board recommends approval of R6A.

- G. Case P05-86. The initial zoning of 30.70 acres to RR and R6A, west of Powell Street, north of Swamp Road, submitted by the Town of Wade.

The Planning Board recommends approval of RR and R6A.

- H. Case P05-87. The initial zoning of 20.19 acres to A1, east and west of Covington Lane, north of I-95, south of Wade-Stedman Road, submitted by the Town of Wade.

The Planning Board recommends approval of A1.

- I. Case P05-88. The initial zoning of 31.26 acres to A2 and RR, east of Main Street, north of Smithfield Road, submitted by the Town of Wade.

The Planning Board recommends approval of A1 and RR.

- J. Case P05-89*. The rezoning of a 9.69 acre portion of a 75.68 acre tract from R10 to R5A, or to a more restrictive zoning district, on the south side of Hope Mills Bypass, northwest of Camden Road, owned by Katherine McGeachy Ward, Ann Warren, Joseph Neil, et. al.

The Planning Board recommends approval of R5A.

(*Petitioner has requested a 30-Day Deferral)

The Board approved a 30-day deferral.

- K. Case P05-90*. The rezoning of a 10.41 acre portion of a 75.68 acre tract from R10 to C(P), or to a more restrictive zoning district, at the north and west quadrants of Hope Mills Bypass and Camden Road, owned by Katherine McGeachy Ward, Ann Warren, Joseph Neil, et. al.

The Planning Board recommends approval of C(P).

(*Petitioner has requested a 30-Day Deferral)

The Board approved a 30-day deferral.

Other Public Hearings

- L. Minimum Housing Code Enforcement

1. Case Number: MH 644-05
Property Owner: William M. Freeman, Jr., & Wife, Sonam K. Freeman
Property Location: 7341 Hypony Trail, Parkton, NC
Parcel ID No: 9493-44-6584

Affidavit of the Housing Inspector's Report before the Board of Commissioners

I, Kim Reeves, Code Enforcement Officer for the County of Cumberland Planning & Inspection Department, acting in my official capacity, being duly sworn, depose and say:

SYNOPSIS: This property was inspected on July 21, 2005. The property owners and parties of interest were legally served with Notice of Violations and afforded a hearing on September 7, 2005. The property owners did not attend the hearing. It was ordered that the structure be repaired to a minimum standard for human habitation or be demolished and the debris removed from the premises no later than November 11, 2005. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on December 8, 2005 no corrective action has been made to the structure. The structure is presently vacant and unsecured. In its present state this state this structure constitutes a fire, health and safety hazard. The estimated cost to repair this structure to a minimum standard for human habitation is \$25,000. The Assessor for Cumberland County has this structure presently valued at \$500 for salvageable materials. It is the recommendation of the Planning & Inspection Department that his structure be demolished and the debris removed from the lot.

No Speakers.

MOTION: Commissioner Baggett moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, order the property owner to remove or demolish the dwelling within 30 days, order the Inspector to remove or demolish the dwelling if the owner fails to do so and impose a lien on the real property for the cost of such action and direct the Clerk to incorporate the foregoing findings and order in an ordinance certified by the Chairman and record same in the Register of Deeds.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

- M. Public Hearing and Approval of the FY 2007 Community Transportation Program Annual Grant Application.

BACKGROUND: In compliance with the NCDOT, the FY2007 Community Transportation Program Grant Application must be advertised and made available for citizen review and comment. A legal notice was published in the Fayetteville Observer for a public hearing on December 2, 2005. No requests were received from the public hearing. The total budget request is as follows:

NCDOT State Grant:	\$	64,480
Local Match:		9,672

ACTION: Approve submission of the grant application.

No Speakers.

MOTION: Commissioner Council moved to approve.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

Items of Business

4. Consideration of Report and Recommendation of County Facilities Committee Regarding Partnership with NCDOT to Provide County Property for One-Stop DMV Facility.

BACKGROUND: The Facilities Committee met on Tuesday, December 13, 2005 and unanimously approved entering into an agreement with the NC Department of Transportation for Cumberland County to provide a 15-20 acre site on Clinton Road for the one-stop DMV multi-purpose facility. The remaining approximately 25 acres on the site will be used for Parks and Recreation.

ACTION: Approve and ratify the agreement with the NC Department of Transportation to provide the above specified-property.

MOTION: Commissioner Wheatley moved to approve.

SECOND: Commissioner Blackwell

DISCUSSION: Commissioner Edge inquired what would happen to the property that the DMV and Highway Patrol is currently occupying. The Manager said that property would revert back to the County. He noted that the Board of Education may want some of the property and that the Civic Center may also want some of the property.

VOTE: UNANIMOUS

5. Consideration of Setting Date/Time for Board of Commissioners Planning Retreat.

MOTION: Commissioner Baggett moved to set the Planning Retreat for February 10, 2006 at 11:30AM.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

6. Nominations to Boards and Committees

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

Vacancies: Mary Ann Brown-Jackson – Completed initial one year term. Eligible for three year term.

Cynthia Bracey – Moved out of state.

Elaine Terrill – Declined appointment due to conflict of interest.

Nominees: Mary Ann Brown-Jackson
Mexie Fields
James Ingram

- B. Cumberland County Home and Community Care Block Grant Committee (1 Vacancy)

Vacancy: Tracey Blanchard – Aging Service Provider. Replacement needed. Katherine VanSickle has been recommended to fill the vacancy.

Nominee: Katherine VanSickle

C. Fayetteville Area Convention & Visitor's Bureau (2 Vacancies)

Vacancies: Gene S. Ammons, Jr. (Hotels/motels under 100 rooms): Completed first term and is eligible for reappointment.

Susan D. Wooster (Hotels/motels over 100 rooms) Completed second term and is not eligible for reappointment.

Nominees: Gene S. Ammons, Jr. (reappointment) – hotels under 100 rooms
Cameron Stout – hotels over 100 rooms

D. Mental Health Board (2 Vacancies)

Vacancies: Gladys Hunt (Drug abuse, primary Consumer, Presently in Recovery): Eligible for reappointment

Dorothy Brayboy (Alcoholism-Family Consumer): Eligible for reappointment.

Nominees: Gladys Hunt
Dorothy Brayboy

E. Nursing Home Advisory Board (1 Vacancy)

Vacancy: Dr. Kathleen Radcliff – completed initial term and eligible for three-year appointment.

Nominee: Dr. Kathleen Radcliff

7. Appointments to Boards and Committees

A. Board of Health (3 Vacancies)

Commissioner Blackwell withdrew the name of Carol Schaeffer.

MOTION: Commissioner Blackwell moved to appoint the nominees in A-D, as listed below, by acclamation.

SECOND: Commissioner Council

VOTE: UNANIMOUS

Nominees: Physician: Dr. Christopher Barnes

Pharmacist: Catherine S. Roach

General Public Representative: Cureton L. Johnson

B. Cape Fear Valley Health System Board of Trustees (2 Vacancies)

Nominees: Medical Doctor: Dr. Dickson Schaefer (Reappointment)

General Public: Emmett Fogle (Reappointment)

C. Civic Center Commission (5 Vacancies)

Nominees: William E. Tew (Reappointment)
Ann Mitchell (Reappointment)
Margaret Myers (Reappointment)
Bob Smith (Reappointment)
Jon Warren (Reappointment)

D. Senior Citizens Advisory Board (1 Vacancy)

Nominee: Larry E. Chason (Reappointment)

8. Closed Session:
- A. Litigation Matter Pursuant to NCGS 143.318(a)(3). (Crain vs. Cumberland County, USDC EDNC)
 - B. Personnel Matter Pursuant to NCGS 143.318(a)(6).

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

SECOND: Commissioner Henley

VOTE: UNANIMOUS

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

SECOND: Commissioner Edge

VOTE: UNANIMOUS

MOTION: Commissioner Henley moved to adjourn.

SECOND: Commissioner Council

VOTE: UNANIMOUS

ADJOURN: 8:55PM

Clerk