

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
AUGUST 21, 2006, 6:45PM
REGULAR/REZONING MEETING

PRESENT: Chairman Billy R. King
Vice Chairman Kenneth S. Edge
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
Grainger Barrett, County Attorney
Tom Lloyd, Planning/Inspections Director
Sara VanderClute, PIO
Marsha Fogle, Clerk

INVOCATION - Commissioner Diane Wheatley

PLEDGE OF ALLEGIANCE – John W. Plumley - Cumberland Road Elementary School

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

Speakers:

Katherine Edge Hosack: - does not want the Board to approve putting up “No Thru Trucks” on Joy Drive in Vander. Trucks are not causing a problem. Speeding vehicles are a problem.

Ann Alexander – 211 Joy Drive – Don’t put up “No Thru Trucks” signs on Joy Drive. Pate Derby was there before the subdivision. Need speed limit signs and school crossing guard.

Leon Hall – Need “No Thru Trucks” signs on Joy Drive. Concerned for safety of children who walk to school. (Item 5 on the Agenda)

Recognition of Outgoing Board Members:

Roberta Waddle - Board of Adjustment

Presentation of NACIO Awards: Angela Cunningham, Printing & Reproduction Supervisor

Sara VanderClute, Public Information Director

Agenda Amendments:

(a) Contested Rezoning Case P06-56 will be considered as an uncontested case.

1. Public Hearings

Upon finding the requests to be reasonable, neither arbitrary or unduly discriminatory and in the public interest the following motion was offered on the “Uncontested Cases” to include Case P06-56:

MOTION: Commissioner Edge moved to follow the Planning Board recommendations on Cases A-H.

SECOND: Commissioner Council

VOTE: UNANIMOUS

Uncontested Cases

- A. Case P06-37. The rezoning of three parcels totaling 45.61 acres from A1 to R15, or to a more restrictive zoning district, south of Sand Hill Road, west of Tower Road, owned by James Buxton, Annie M. Freeman and Thelma Battle.

The Planning Board recommends approval of R15.

- B. Case P06-42. The rezoning of 2.0 acres from R10 to C(P), or to a more restrictive zoning district, at 2420 and 2434 George Owen Road, owned by William C and Vida L. Long.

The Planning Board recommends approval of C(P).

- C. Case P06-43. The rezoning of 2.0 acres from A1 to R40A, or to a more restrictive zoning district, at 7461 and 7473 Rufus Johnson Road, owned by Carriage Crossing, Inc.

The Planning Board recommends of R40A.

- D. Case P06-45. The rezoning of .26 acres from R10 to M(P), or to a more restrictive zoning district, at 3034 Legion Road, owned by Douglas L. New.

The Planning Board recommends denial of M(P) and approval of C(P).

- E. Case P06-46. The rezoning of three parcels totaling 3.64 acres from R6A and C3 to C(P), or to a more restrictive zoning district, located on the west side of Murchison Road, and on the north and south sides of Bernadine Street, owned by 96 Investors, Inc.

The Planning Board recommends approval of C(P).

- F. Case P06-49. The rezoning of two parcels totaling 33.71 acres from A1 to M(P), or to a more restrictive zoning district, north and south of Wade-Stedman Road, on the west side of I-95, owned by Luther C. and Linda S. Barnes.

The Planning Board recommends approval of the M(P) District for 10.79 acres on the north side of Wade-Stedman Road and C(P) Planned Commercial for 22.92 acres on the south side of Wade-Stedman Road.

- G. Case P06-54. The rezoning of 2.77 acres from A1 to R40A, or to a more restrictive zoning district, at 3367 Chicken Foot Road, owned by Grover F. Odom.

The Planning Board recommends approval of R40A.

Contested Cases

- H. Case P06-56. The rezoning of 7.62 acres from A1 to R40, or to a more restrictive zoning district, at 3745 and 3837 Final Approach Drive, owned by O. B. Knowles Heirs.

The Planning Board recommends approval of R40.

SPEAKERS:

Conditional Use District and Permit

- I. Case P06-52. The rezoning of 258.12 acres from A1 and CD to RR/DD/CUD, or to a more restrictive zoning district, located west of Roslin Farm Road, north of John McMillan Road, owned by TKD Farms, Inc.

The Planning Board recommends approval of the Conditional Use District and Permit.

The Chairman accepted the agenda materials as part of the record of consideration of this matter.

No Speakers

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

SECOND: Commissioner Edge

DISCUSSION: Board members questioned staff about the school overcrowding in the area; staff noted that all of the middle schools districts are at capacity or over capacity. Regarding the one ingress and egress, planning staff noted there should be no problems getting vehicles in and out even if there was a wreck in front of the entrance. It was noted Robeson County would be providing be providing water for the development.

VOTE: UNANIMOUS

MOTION: Commissioner Blackwell moved that the Board finds that this conditional use district permit application, if completed as proposed, and subject to any conditions recommended, 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 Henley

VOTE: UNANIMOUS

Amendments to Cumberland County Zoning Ordinance

- J. Case P06-33. Revision and Amendment to the Cumberland County Zoning Ordinance, by amending Article IV. Permitted, Conditional and Special Uses, Section 403 Use Matrix, to allow single family dwelling to be permitted on the second floor and above for commercial, retail and office space in the C(P) District.

The Planning Board recommends approval of the "staff" version of the amendment/revisions. Ordinance may be found in the Ordinance Book.

MOTION: Commissioner Henley moved to approve.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

Zoning Cases Withdrawn by Applicants

MOTION: Commissioner Blackwell moved to approve withdrawal by the applicants of Cases K&L

SECOND: Commissioner Council

VOTE: UNANIMOUS

- K. Case P06-39. The rezoning of four parcels totaling 28.46 Acres from A1 to R40, or to a more restrictive zoning district, at 1750 Wade-Stedman Road, owned by Audrey Faulkner.

- L. Case P06-55. The rezoning of 50.84 acres from A1/CU to A1 and R30, or to a more restrictive zoning district, located at the northeast quadrant of King Hiram and School Roads, owned by James L. Pate, Jr. Revocable Trust.

2. Consent Agenda

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

SECOND: Commissioner Council

VOTE: UNANIMOUS

- A. Approval of minutes for the June 19, 2006 regular meeting and the June 20, 2006 Special Joint Meeting with City of Fayetteville.

ACTION: Approve

- B. Approval of the Tax Collector's Preliminary Collection Report and Proposed Annual Settlement for FY06.

BACKGROUND: NCGS 105-373 requires the Tax Collector after the 1st day of July of each year to render a preliminary report to the Board of Commissioners concerning persons whose tax liabilities remain unpaid and to propose an annual settlement of taxes charged to him for collection for the past year.

ACTION: Approve Resolution accepting the report, crediting the insolvent list and approving proposed annual settlement – (Settlement - Attachment A to these Minutes)

RESOLUTION

WHEREAS, NCGS 105-373 requires the Tax Collector of Cumberland County after the 1st day of July of each year to render a preliminary report to the Board of Commissioners concerning persons whose tax liabilities remain unpaid and to propose an annual settlement of taxes charged to the Tax Collector for collection for the past year years; and

WHEREAS, the Tax Collector has submitted such preliminary report and proposed settlement.

NOW, THEREFORE, the Board of Commissioners of Cumberland County hereby resolves:

1. That the preliminary report of the Tax Collector of Cumberland County, consisting of (i) a list of persons owning real property whose taxes for the year 2005-06 remain unpaid and the principal amount owned by each person; (ii) a list of the persons not owning or who have not listed real property whose taxes for the tax year 2005-06 remain unpaid and the principal amount owned by each person (the proposed insolvent list) and (iii) a statement under oath by the Tax Collector that he has made diligent efforts to collect such taxes, be and it hereby is, accepted;
2. That the Board hereby finds that the persons in the list of those that do not own or have not listed real property are insolvent as that term is used in GS 105-373, directs that the list of such persons be entered into the minutes of the meeting of the Board as the insolvent list, and further directs that the amounts in such list be, and hereby are, credited to the Tax Collector in his annual settlement;
3. That the proposed settlement of the Tax Collector, appended hereto, for taxes in his hands for collection for the tax year 2005-06, be and it hereby is, approved and that he be, and thereby is, charged with the amounts set forth in the settlement under the heading "Charges" and credited with the amounts set forth in the settlement under the heading "Credits".

C. Approval of the FY07 Charge to the Tax Collector.

BACKGROUND: In accordance with NCGS 105-321(b) before delivering the tax receipts to the Tax Collector in any year, the Board of Commissioners shall adopt and enter into the minutes an order directing the Tax Collector to collect the taxes charged in the tax records and receipts.

ACTION: Approve the Tax Levy and the Charge to the Tax Collector
(Tax Levy – Attachment B to these Minutes)

CHARGE TO THE TAX COLLECTOR

"You are hereby authorized, empowered and commanded to collect the taxes set forth in the tax records filed in the office of Tax Administration and in the tax receipts herewith delivered to you, in the amounts and from taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Cumberland and Municipalities through Inter-local Agreement, and this order shall be a full and sufficient authority to direct, require and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law".

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

ACTION: Approve

E. Approval of the 2006 Agricultural Hall of Fame Nomination.

BACKGROUND: The Cumberland County Agriculture Hall of Fame nominating committee met and selected Mr. Troy Butler Carter for the 2006 Agriculture Hall of Fame.

ACTION: Approve

F. Approval of Standard Designation of Biennial Work First Plan for the Department of Social Services.

BACKGROUND: Each county must notify the NC Department of Health & Human Services about its decision on the status for administering the Work First Program as either a standard or electing county. This decision requires support from three-fifths of the Board of Commissioners. Notification must be given by August 31, 2006. The Social Services Board recommends that the County maintain its standard county designation.

ACTION: Approve "standard" county status of the Work First Program.

G. Approval of Bid Award for New Roll-Off Container Truck for Solid Waste Department.

BACKGROUND: Bids were opened on July 27, 2006 for a new roll-off container truck. The following companies presented bids:

White's International Trucks – did not meet Specifications
 Bid #1: \$119,695.34
 Bid #2: \$119,467.34

Cavalier Equipment Corporation
Bid #1: \$115,858.40 (did not meet specs)
Bid #2: \$127,484.98 (met specs)

Volvo & GMC Truck Center (met specs)
Bid #1: \$126,714.98
Bid #2: \$125,072

Transource, Inc.
Bid #1: \$116,688

Cavalier Equipment would not give a firm build date for the truck (if it is built prior to 12/31/06 the bid price is good, if it is built after 12/31/06 cost would go up another \$7,000).

ACTION: Award bid to Transource.

H. Approval of Bid Award for Gillespie Street Parking Lot Improvements.

BACKGROUND: Bids were received on August 10, 2006 from Triangle Grading and Paving and from W.J. Jackson Contractors for the above referenced project.

ACTION: Award the bid to W.J. Jackson Contracting in the amount of \$119,873.00 for the base bid plus Alternate Bid Item #19, establish a project contingency in the amount of \$6,000 to be used for justifiable scope changes recommended by the County Engineer and approved by the County Manager, and approved associated budget revision (B07-049)

I. Approval of Bid Award for Purchase of Mainframe Computer for Information Services.

BACKGROUND: Bids were opened on July 22, 2006 for the Mainframe upgrade to an IBMz9 Solution.

ACTION: Award bid to PSR in the amount of \$506,878 and approve associated budget revision (B07-040).

J. Approval of Sole Source Purchase for Net Rigging in the Crown Coliseum.

BACKGROUND: The Cumberland County Crown Coliseum would like to replace four sections of net rigging in the coliseum. Leading Edge installed the net rigging that is currently installed. NCGS 143-129(e)(6) addresses sole source purchase exceptions which allows for compatibility as an overriding consideration. The Crown is requesting sole source purchase to replace the four sections of net rigging. The justification for sole source purchasing is for standardization and compatibility as an overriding consideration.

ACTION: Approve the bid of Leading Edge in the amount of \$104,900 to replace sections of the rigging.

K. Approval of Ordinance Assessing Property for Cost of Demolition:

- 1) Case Number: MH 3985-2004
Property Owner: Moses Bethea
Property Location: 2709 Larry Street, Parkton, NC
Parcel ID: 0415-78-1330
- 2) Case Number: MH 4455-2005
Property Owner: U.S. Bank National Association
Property Location: 4205 Scary Creek Road, Fayetteville, NC
Parcel ID: 0472-09-3196

L. Approval of Conveyance of Six-Foot Strip of Land from Lot Acquired by County and City of Fayetteville in Tax Foreclosure to City for Paving of Scarborough Street.

ACTION: Approve conveyance of County's interest in 6 foot strip to City of Fayetteville for Scarborough Street paving project provided City, as co-tenant, shares equally with County in payment of paving assessment, and authorize Chairman to execute deed to City.

M. Approval of Contract Between Cumberland County and the ETC Institute for Regional Travel Surveys

BACKGROUND: The Transportation Planning Section of the County Planning Department is contracting with ETC Institute to conduct regional travel surveys for the metropolitan area. The surveys are designed to show the types of trips people are making, their point of origin and destination. Surveys will be performed using travel diaries, roadside interviews, Global Positioning System tools that track drivers and interviews of underserved populations such as transit riders. The surveys are necessary to build a valid and calibrated travel demand model which is the key instrument used to develop an area's Long Range Transportation Plan. Two \$250,000 grants have been programmed in the 2007 Unified Planning work Program with the local match (\$50,000) being divided proportionately between the local governments involved. The NCDOT has allocated an additional \$250,000 for this project which requires no match.

ACTION: Approve the contract with ETC not to exceed \$481,650, contingent upon the final approval of the funding agreement with the NCDOT, and the associated budget revision (B07-025).

N. Approval of Subordination Agreement to PWC Easement to Serve New City Park [Crossing Blanton Green Affordable Housing Project].

BACKGROUND: The City of Fayetteville requests that the County subordinate its deed of trust recorded at Book 5362, Page 469, Cumberland County Registry, securing a Community Development development loan to Blanton Green Associates Limited Partnership, to an easement to PWC to allow a City park proposed for a contiguous tract on the west side of Blanton Road to be served by gravity sewer. Blanton Green Associates Limited Partnership, through Murray Duggins, has agreed to grant PWC the necessary easement. The length of the easement is less than 40 feet and would cross a portion of the Blanton Green tract not actively developed for rental housing.

ACTION: Approve and authorize Chairman to sign on behalf of the County.

O. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – Lot 81-82 Shaw Heights; Lot 80 Shaw Heights, (Located on Charmain Street Off Murchison Road), Seventy-First Township; PIN: 0419-97-1580 & 0419-97-0461.

BACKGROUND: Foreclosure date: June 21, 2004
Foreclosure judgment: \$19,968.04
Bidder: Saira H. Saini
Amount of Bid: \$26,577 (10% deposit made)
Tax Value: \$24,375

ACTION: Accept above offer and authorize the Chairman to execute deed upon receipt of balance of the purchase price.

P. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – 1804 & 1806 Newark Street, Lots 2 & 3 Wesley Property; 1808 Newark Street, Blk K, Lot 1, Dr. G. Wesley Property (Located on Murchison Road) Cross Creek Township; PIN: 0438-04-0878 & 0438-04-0934).

BACKGROUND: Foreclosure Date: April 28, 2004
Foreclosure Judgment: \$6,384
Bidder: Lloyd Richards
Amount of Bid: \$6,384 (10% deposit made)
Tax Value: \$22,500

ACTION: Accept the above offer and authorize the Chairman to execute deed upon receipt of balance of the purchase price.

Q. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – IMP Lot 2, Lucas Street (Located on Lucas Street off S. Cool Spring Street) Cross Creek Township; PIN 0437-50-9308.

BACKGROUND: Foreclosure Date: February 14, 2006
Foreclosure Judgment: \$3,579.22
Bidder: Gold Falcon Investments, Inc.
Amount of Bid: \$3,579.22 (10% deposit made)
Tax Value: \$31,300

ACTION: Accept the above offer and authorize the Chairman to execute deed upon receipt of the balance of the purchase price.

- R. Approval of Amendment to Section 3-12 of the Cumberland County Code to Allow the Keeping of Certain Cats Used in Breeding Recognized Cat Breeds.

BACKGROUND: The Animal Control Board at its meeting on July 17, 2006 unanimously recommended amending Section 3-12 of the Cumberland County Code, which prohibits the keeping of most exotic animals, to allow keeping members of the cat family used to breed Savannahs, Bengals and other breeds recognized by The International Cat Association. The key amended language in Section 3-12 is proposed subsection 3-12(c)(2).

ACTION: Adopt Resolution amending the Ordinance.

RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS
AMENDING SECTION 3-12 OF THE CUMBERLAND COUNTY CODE
TO ALLOW THE KEEPING OF CATS, AND HYBRIDS THEREOF RECOGNIZED
AS BREEDS BY THE INTERNATIONAL CAT ASSOCIATION, OF THE FELIS GENUS
IN THE FELIDAE FAMILY, PROVIDED THE FACILITY MEETS KENNEL AND PET SHOP STANDARDS

WHEREAS, the Cumberland County Animal Control Board has recommended amending Section 3-12 of the Animal Control Ordinance to allow the keeping of certain cats used in breeding Savannahs, Bengals and other breeds recognized by The International Cat Association;

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners, that Section 3-12 of the Cumberland County Code is amended in its entirety to read:

"Sec. 3-12. Keeping of wild or exotic animals.

- A. For the purpose of this section, a wild or exotic animal means an animal which is usually not a domestic animal, which is capable of killing or inflicting serious injury on a human or livestock and which can normally be found in the wild state, including, but not limited to, lions, tigers, leopards, panthers, wolves, foxes, coyotes, lynxes, or any hybrid of like animals, alligators, crocodiles, apes, foxes, elephants, rhinoceroses, bears, all forms of poisonous snakes, raccoons, skunks, monkeys, bats and like animals.
- B. It is unlawful to keep or harbor or breed or sell or trade any wild or exotic animal as a pet, for display or for exhibition purposes, whether gratuitously or for a fee, except as may be licensed by the state Wildlife Resources Commission under its regulations pertaining to wildlife rehabilitators.
- C. This section shall not apply to
 - (1) circuses that perform in Cumberland County for not more than seven days. If a circus is scheduled to be in Cumberland County for more than seven days, then the circus may apply to the Animal Control Director for an extension permit for a period not to exceed an additional seven days, on such terms as the Animal Control Director shall determine will protect the public health, safety and welfare, or
 - (2) cats, hybrids thereof recognized and registered with the International Cat Association as a breed, of the felis genus in the felidae family, provided that such cats shall be kept in a facility meeting the standards of Sections 3-42, 3-45 and 3-37 as applicable to cats, and shall be subject to the provisions of Section 3-43 and 3-44.
- D. The penalty for a violation of this Section 3-12 shall be a \$1,000 fine. Upon receiving a citation or notice of violation for violation of this section, the owner or possessor of any such animal shall remove it from Cumberland County within not more than 30 days. Failure to remove such animal after such citation or notice of violation shall have been served shall subject the owner or possessor to a \$500 fine for each subsequent day of violation after such thirty day period, and the Animal Control Department shall be authorized to obtain an administrative search warrant to seize any such animal(s) and remove it or them from Cumberland County. The owner or possessor shall be liable to the County for reimbursement of any expenses incurred by the County in enforcing this section by causing such animal(s) to be removed from Cumberland County."

This Resolution shall take effect upon its adoption.

- S. Approval of Declaration of Surplus County Property and Authorization to Accept Insurance Settlement (1999 Chevrolet Lumina and 2006 Ford Crown Victoria).

BACKGROUND:

Date of Accident:	6/26/06	7/2/06
Vehicle:	1999 Chev. Lumina	2006 Ford Crown Vic
VIN:	2G1WL52K4X9205231	2FAHP71W56X143651
Fleet#	FL280	FL107
Mileage:	66,711	3,772
Dept.:	Sheriff	Sheriff
Settlement Offer:	\$4,471.23	\$24,250
Insurance Co.:	MetLife	ERIE

ACTION: Declare the vehicles surplus, authorize the Risk Manager to accept the settlements as noted above and allow the insurance companies to take possession of the wrecked vehicles.

- T. Approval of Declaration of Surplus County Property and Authorization to Accept Insurance Settlement (2001 Ford F250).

BACKGROUND:

Date of Accident:	6/14/06
Vehicle:	2001 Ford F250
VIN:	1FTNF21L81EB78204
Fleet#	SW18
Mileage:	31,000
Dept.:	Solid Waste
Settlement Offer:	\$18,405.45
Insurance Co.:	St. Paul Travelers

ACTION: Declare the vehicle surplus, authorize the Risk Manager to accept the settlement offer and allow the insurance company to take possession of the vehicle.

- U. Approval of Report on the Disposal of Surplus Property Pursuant to NCGS 160A-226(a).

BACKGROUND: On June 15, 1998, the Board authorized the Assistant County Manager, via Resolution, to dispose of certain personal property worth less than \$5000 per item or group of items, which have become obsolete, unusable, economically unrepairable or otherwise surplus to the needs of the county. The Manager shall render semi-annual reports to the Board summarizing these disposals between the preceding January 1 and June 30th. The report is attached to these Minutes.

ACTION: Accept the report and record same in Minutes.

- V. Approval of a Resolution in Support of Clean Water Management Trust Fund Grant.

BACKGROUND: The City of Fayetteville has completed the first phase of the Cape Fear River Trail, the portion that links Methodist College to Clark Park. The City and the Fayetteville-Cumberland Parks and Recreation Department are making efforts to complete the next phase which will connect Clark Park to the Cape Fear Botanical Gardens.

ACTION: Adopt a Resolution asking the Clean Water Trust Fund Board of Directors to fund the preservation of the Cape Fear River Trail corridor at the full amount requested in the grant application (\$2 million).

RESOLUTION

WHEREAS, the Cumberland County Board of Commissioners is committed to preservation of water quality, wildlife habitat, and sustainable use of the Cape Fear river corridor to promote Fayetteville and Cumberland County's high quality of life; and

WHEREAS, the Board of Commissioners supports the use of Clean Water Trust Fund money to fund the preservation of the Cape Fear River Trail corridor and trail extension from Clark Park to the Cape Fear Botanical Gardens; and

WHEREAS, Fayetteville-Cumberland Parks and Recreation has constructed the first phase of the Cape Fear River Trail and has been designated as a segment of the East Coast Greenway, a national Millennium Trail and a 2600-mile trail connecting cities from Calais, Maine to Key West, Florida; and

WHEREAS, many of the citizens of Fayetteville and Cumberland County enjoy the setting in the outdoors provided by the Cape Fear River Trail to stay physically fit and mentally healthy by walking, jogging, cycling and experiencing nature; and

WHEREAS, the continuation of the Cape Fear River Trail to the Cape Fear Botanical Gardens will provide a connector to downtown via the future Cross Creek Linear Park, River Front Park and to other key destination points, museums and attractions; and

WHEREAS, completing the preservation effort and Phase II of the Cape Fear River Trail will offer several areas of educational opportunities to visitors about the operations and treatment of our drinking water and wastewater treatment provided by our Public Works Commission.

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners at its meeting on August 21, 2006:

The Board of Commissioners urges the Clean Water Trust Fund Board of Directors to fund the preservation of the Cape Fear River Trail corridor at the full amount requested in the grant application and to allow for the construction of Phase II of the Cape Fear River Trail within the corridor from Clark Park to the Cape Fear botanical Gardens.

BE IT FURTHER RESOLVED by the Board of Commissioners of the County of Cumberland that:

The Board of Commissioners formally requests the Clean Water Trust Fund Board of Directors to fund the preservation of the Cape Fear River Trail corridor at the full amount of \$2 million as requested in the grant application dated July 1, 2006; and

The Board of Commissioners formally requests the Clean Water Trust Fund Board of Directors allow for the construction of Phase II of the Cape Fear River Trail within the corridor from Clark Park to the Cape Fear botanical Gardens.

W. Budget Revisions:

ACTION: Approve

(1) General Government Other

Revision in the amount of \$7,700 to recognize additional end of year grant funds for FY2006. (B06-408) **Funding Source – Grant**

(2) Welfare Other

Revision in the amount of \$640 to recognize additional revenue received in FY2006 to pay required fees to State for the NC Child Trust. (B06-416) **Funding Source – Fees**

(3) Workforce Development

Revision in the amount of \$20,000 to recognize additional State revenue to fund a FY2006 year-end unanticipated expenditure. (B06-417) **Funding Source – State**

(4) Revision in the amount of \$667 to appropriate fund balance to increase budget to fund FY2007 Legislative Affairs contract amount. (B07-009) **Funding Source – General Fund Fund Balance**

(5) Mid Carolina Senior Transportation

Revision in the amount of \$5,568 to adjust the budget to the actual grant amount for FY2007. (B07-002) **Funding Source – Grant**

(6) Cooperative Extension

Revision in the amount of \$287 to rebudget unspent grant funds received in prior year. (B07-004) **Funding Source –Grant**

(7) Solid Waste

Revision in the amount of \$40,379 to appropriate fund balance for indirect cost fees. (B07-003) **Funding Source – Solid Waste Fund Balance**

(8) Tax Administration

Revision in the amount of \$9,290 to appropriate fund balance to pay Tax Management Associated for audits. (B07-005) **Funding Source – General Fund Fund Balance**

(9) Fire Districts

Revisions in the total amount of \$526,939 to appropriate fund balance to distribute revenue received in FY2006. (B07-006 thru B07-006R) **Funding Source – Fire Districts Fund Balance Appropriated Prior Year**

(10) Health

a. Regional Bioterrorism Response Team – Revision in the amount of \$65,580 to recognize additional state funding. (B07-015) **Funding Source – State**

b. Child Fatality Prevention – Revision in the amount of \$245 to recognize reduction in state funding. (B07-016) **Funding Source – State**

c. Bioterrorism Pandemic Influenza – Revision in the amount of \$1,636 to recognize additional state funding. (B07-017) **Funding Source – State**

(11) Juvenile Crime Prevention Programs

Revision in the amount of \$105,907 to adjust budgets based on State contracts and to refund FY2006 unspent funds. (B07-011) **Funding Source – State**

(12) 1998 Local School Bond Projects

Revision in the amount of \$129,623 to budget interest income (\$55,466) and contractor sales tax refunds (\$74,137) recognized in FY2006 but not previously budgeted. (B07-012) **Funding Source – Interest and Sales Tax Refund**

(13) Emergency Services Grants

Revision in the total amount of \$36,803 to rebudget unexpended federal grant funds from FY2006. (B07-018) **Funding Source – Federal Grants**

(14) Planning & Inspections

Revision in the amount of \$1,136 to reallocate budgeted expenditures to recognize increased certification level for an inspector. (B07-023) **Funding Source – Re-Allocation of Budgeted Expenditures**

- 15) Cumberland County Criminal Justice Unit/General Government Other

Revision in the amount of \$47,921 to reallocate budgeted expenditures from General Government Other to fund purchase of a Pre-Trial Case Management System. (B07-030) **Funding Source – Reallocation of Budgeted Expenditures**

- (16) Community Development

Revisions in the total amount of \$2,889,592 to rebudget \$2,540,088 of unexpended grant funds and to appropriate General Fund balance of \$349,504 for required county match. (B07-041 through B07-045) **Funding Source – Federal and General Fund Fund Balance**

- (17) County Schools Capital Outlay Fund

a. Category III Vehicles: Revision in the amount of \$75,000 to appropriate fund balance to purchase a wrecker. (B07-024) **Funding Source – Fund Balance School Capital Outlay**

b. Category I Buildings: Revision in the amount of \$1,650,000 to appropriate fund balance to add classrooms to Baldwin Elementary School. (B07-046) **Funding Source – Fund Balance School Capital Outlay**

- (18) Cooperative Extension

Revision in the amount of \$5,000 to rebudget unexpended FY2006 Military 4-H grant funds. (B07-032) **Funding Source – Other**

- (19) Transportation US DOT 104(f)

Revision to rebudget \$250,000 for a travel survey project that was unexpended in FY2006. (B07-026) **Funding Source – Other**

- (20) Planning & Inspections

Revision in the amount of \$19,025 to rebudget unexpended FY2006 funds for Fort Bragg school bus emission controls. (B07-033) **Funding Source – Other**

- (21) Soil Conservation Cost Share

Revision in the amount of \$1,353 to appropriate fund balance to roll forward unexpended Technical Assistance Grant funds. (B07-031) **Funding Source – State**

- (22) Recreation

Revision in the amount of \$315,220 to reallocate budgeted revenue and expenditures to establish a new organization to account for the recreation tax for the Town of Hope Mills. (B07-022 and B07-022A) **Funding Source – Recreation Tax**

(23) NORCRESS Project/Water & Sewer Fund

Revision in the net amount of \$49,468 to fund the final change order for Locklear Construction (Falcon project). This action is contingent on the subsequent approval by the NORCRESS Board (B07-047 and B07-047A) **Funding Source – Other**

(24) Tax Administration

Revision in the amount of \$90,243 to establish one Tax Assistant II and two Tax Assistant III positions to be assigned to work tax billing and collection issues associated with Fayetteville's Phase V annexation. (B07-050) **Funding Source – Intergovernmental**

(25) Civic Center

Revision in the amount of \$25,000 to appropriate fund balance to patch and paint the ceiling walls in the Crown Theatre. (B07-063) **Funding Source – Civic Center Fund Balance Appropriated**

Items of Business

3. Consideration of Designation of Voting Delegate for the NCACC Annual Conference on September 7-10, 2006.

ACTION: Appoint a voting delegate for the conference.

MOTION: Commissioner Blackwell moved that Vice Chairman Edge be designated the voting delegate for Cumberland County.

SECOND: Commissioner King

VOTE: UNANIMOUS

4. Consideration of Creation of Fayetteville Rural Fire Insurance District for ISO Fire Insurance Ratings Purposes.

BACKGROUND: The State Fire Marshal's Office has strongly recommended to the County's Emergency Services Department that the Board of Commissioners create a rural fire protection district for ISO fire insurance rating purposes only to include most of the unincorporated use value tracts surrounded by the exterior boundaries of the City of Fayetteville. This is necessary to maintain ISO ratings for fire insurance coverage to those tracts, so that these areas do not become unrated. Most of these tracts were previously served by Lafayette and Lake Rim Volunteer Fire Departments and are now served by the Fayetteville Fire Department. A small number of those tracts, mostly east of Strickland Bridge Road, will more logically continue to be served by Stoney Point Volunteer Fire Department. The action creates a fire insurance rating district only and does not affect the boundaries or status of any rural fire protection tax district. The Fire Chief's Association endorsed the creation of this district for ISO rating purposes at its June 26, 2006 meeting.

ACTION: Approve the establishment of a Fayetteville Rural Fire Insurance District for fire insurance rating purposes only, which includes those unincorporated use value tracts surrounded by the exterior boundaries of the City of Fayetteville and shown in blue on the map **filed in the Office of the County Fire Marshal labeled "Fayetteville Rural Insurance District "FOR INSURANCE PURPOSES ONLY" and dated April 13, 2006.**

MOTION: Commissioner Council moved to approve.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

5. Discussion of Request for "No Thru Truck" Signs on Joy Drive in Vander, North Carolina.

BACKGROUND: Mr. Leon Hall, who lives on Joy Drive in Vander, has requested the Board to approve "No Thru Trucks" signs on Joy Drive. The NC Department of Transportation will not put up the signs unless it receives a request from the Board of Commissioners.

ACTION: Consider this request.

Because the Board had some concerns regarding this matter and the fact that it does not have a policy regarding such matters, the following motion was made:

MOTION: Commissioner Baggett moved to refer this item to the County Policy Committee.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

6. Consideration of Request from Commissioner Baggett to Reconsider Action Regarding Case No. P06-16 at the April 18, 2006 Board of Commissioners Meeting.

BACKGROUND: Mr. Nunnery had an uncontested zoning case in April, 2006 which involved the rezoning of 4.67+ acres for A1 and CP to R40. This allowed him to develop five lots with a R-40 density. Since that time, Mr. Nunnery has had an accurate survey performed and he is now short just a few hundreds of an acre for 5 lots. This will require him to acquire additional land or seek rezoning to a more dense zoning classification. He would have to wait a year to make the rezoning request due to our rules.

ACTION: Send this case back to the Planning Department for reconsideration at no cost to the petitioner.

MOTION: Chairman King moved to approve.
SECOND: Commissioner Blackwell
VOTE: UNANIMOUS

7. Nominations to Boards and Committees

A. Adult Care Home Community Advisory Committee (2 Vacancies)

BACKGROUND: Dr. Claudett Tompkins has completed his first term and is eligible for reappointment. Louis King completed his initial term and does not want to be reappointed.

Nominees: Dr. Claudett Tompkins
Wynella Myers

B. Cumberland County Juvenile Crime Prevention Council (3 Vacancies)

BACKGROUND: Vacancies:

Beth Hall – Juvenile Defense Attorney – Completed 1st term – eligible for reappointment

John Clark – At-large Representative – Completed 1st term – eligible for reappointment

Lt. David Cowart – Sheriff's office – resigned. Recommend: Lt. Myron Sampson

Nominees: Beth Hall – Juvenile Defense Attorney position
John Clark – at-large
Lt. Myron Sampson – Sheriff's Office designee

C. Joint Appearance Commission (2 Vacancies)

Vacancies: Cindy Allen – eligible for reappointment
Jacqueline Jones Hill – Completed first term, does not want to be reappointed

Nominees: Cindy Allen
Louis Gloston, Jr.

D. Library Board of Trustees (2 Vacancies)

Vacancies: Jacqueline Lee – resigned – replacement needed
Richard Higgins – not eligible for reappointment

Nominees: Nellie McCoy
Dr. Polly Davis

E. Local Emergency Planning Committee (5 Vacancies)

Vacancies: Sgt. Charles V. Ward – Highway Patrol (Law Enforcement) It is recommended that Sgt. Vincent Terry fill this vacancy.

Lt. Gary Searce – Fayetteville Police Dept. (Law Enforcement) It is recommended that Charles Hunter fill this vacancy.

Steve Schultz – Hospital Representative – Eligible for reappointment

Hughie White – Local Environmental Representative – Eligible for reappointment

Ike Copeland – Utilities Representative – It is recommended that John Ezzelle fill this vacancy

Nominees: See recommendations above.

F. Senior Citizens Advisory Board (4 Vacancies)

Vacancies: Joe Potts – eligible for reappointment
Evelyn Bryant – not eligible for reappointment
Annie Chavis – replacement needed
Larry Chason – replacement needed

MOTION: Commissioner Henley moved that the Board defer this to the September 18, 2006 meeting because the City and the County are discussing increasing the size of this board.

SECOND: Commissioner Blackwell

DISCUSSION: Commissioner Henley said there is some feeling that the Board's size should be increased and that there should be some professional appointees on this Board. A recommendation will be forthcoming.

VOTE: UNANIMOUS

8. Appointments to Boards and Committees

MOTION: Commissioner Edge moved to appoint the nominees in 8A-8D.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

A. Appointment of ABC Board Chairman and Vice Chairman

ABC Board Recommendations:	Chairman:	Stanley Johnson
	Vice-Chairman:	Ed Melvin

B. Board of Adjustment (1 Vacancy – Alternate Member)

Nominee: Martin J. Locklear

C. Civic Center Commission (1 Vacancy)

Nominees: Geo M. Livingston

D. Fayetteville Area Convention & Visitors Bureau (2 Vacancies)

Nominee: Hotels/Motels Under 100 Rooms Representative:
Chintan Patel

At- Large Representative:
John Mitchell (Reappointment)

CHAIRMAN KING RECESSED THE BOARD OF COMMISSIONERS' MEETING.

CHAIRMAN KING CONVENED THE NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD MEETING (SEE SEPARATE AGENDA) MINUTES MAY BE FOUND IN THE WATER & SEWER DISTRICT MINUTE BOOK

CHAIRMAN KING ADJOURNED THE MEETING OF THE NORCRESS BOARD.

CHAIRMAN KING RECONVENED THE REGULAR BOARD OF COMMISSIONERS MEETING.

9. Closed Session:
- A) Economic Development Matters Pursuant to NCGS 143-318.11(a)(4)
 - B) Personnel Matters Pursuant to NCGS 143-318.11(a)(6)

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

MOTION: Commissioner Council moved to go back into Open Session.
SECOND: Commissioner Baggett
VOTE: UNANIMOUS

MOTION: Commissioner Council moved to adjourn.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

MEETING ADJOURNED: 8:50PM