

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
COURTHOUSE – ROOM 118  
MARCH 20, 2006 – 6:45 PM  
REGULAR/REZONING MEETING**

PRESENT: Billy R. King, Chairman  
Kenneth Edge, Vice Chairman  
Commissioner Talmage Baggett  
Commissioner Breeden Blackwell  
Commissioner Jeannette Council  
Commissioner John T. Henley  
Commissioner Diane Wheatley  
James Martin, County Manager  
Juanita Pilgrim, Deputy County Manager  
Cliff Spiller, Assistant County Manager  
Amy Cannon, Assistant County Manager  
Grainger Barrett, County Attorney  
Sara VanderClute, Public Information Officer  
Ann Hymes, Deputy Clerk

INVOCATION - Commissioner Kenneth Edge, Vice Chairman

PLEDGE OF ALLEGIANCE – Kinsey Tetterton

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

Speakers: None

Recognition of The Bulldogs Cheerleading Squad - Fayetteville-Cumberland County's Special Olympics Team:

Donna Bean	Nettie McNeil	Ivanna Esquilin Smith
Jennifer Jones	Judy Rouse	
Jerry Lanier	Belinda Smith	

The team is coached by Mia Armstrong, who is a student at Methodist College. She is on the Methodist College Dance Team and volunteers her time with our Special Olympics.

Recognition of Outgoing Board Members:

Eugene Hines, Local Emergency Planning Committee

1. Consent Agenda

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

**SECOND:** Commissioner Henley

**VOTE:** UNANIMOUS

- A. Approval of minutes for the February 21, 2006 regular meeting and Board of Commissioners Retreat on February 17, 2006.

**ACTION:** Approve

- B. Approval of Calling Public Hearing On April 3, 2006 to Consider Installment Financing Contract Under G.S. 160A-20 to Provide Capital Funds for FTCC.

**BACKGROUND:** The Board of Commissioners has approved in concept issuing installment financing under G.S. 160A-20 to provide capital funds of approximately \$5 million to Fayetteville Technical Community College to allow FTCC to draw down

approximately \$6 million in State bond matching funds before the deadline for availability of those State matching funds expires. Management has issued a Request For Proposals to financing institutions for such installment financing and expects to submit a recommendation to the Board of Commissioners at its April 3, 2006 meeting. G.S. 160A-20(g) requires a public hearing on a contract under that section before entering into it.

**ACTION:** Approve calling public hearing for April 3, 2006 and direct staff to publish notice of public hearing one at least ten days before April 3, 2006.

C. Approval of Technical Amendment to Animal Control Interlocal Agreement.

**BACKGROUND:** The County contracts by Interlocal Agreement to provide animal control services within the City of Fayetteville. The Second Amendment to Contract For Interlocal Undertaking amends the Interlocal Agreement to revise the internal references to the City's re-codified chapter of its City Code (from Chapter 7 to Chapter 6). The City Council approved this technical amendment at its meeting of February 27, 2006.

**ACTION:** Approve Second Amendment to Contract For Interlocal Undertaking and authorize Chairman to sign on behalf of County.

D. Approval of PWC Utility Easement at Headquarters Library.

**BACKGROUND:** The utility easement requested by the Public Works Commission on the Headquarters Library site for electrical improvements is in conjunction with the Festival Park Project. The utility easement is located on the Ray Avenue side of the property and is approximately 15 feet wide by 57 feet long. PWC is replacing the overhead electric lines with underground lines along Ray Avenue and requested the easement to locate above ground switchgear.

**ACTION:** Approve the electric utility easement for PWC on the Headquarters Library site.

E. Approval of Scheduling a Public Hearing and Consideration of Resolution of Intent to Close a Portion of Belt Blvd and Industrial Drive.

**BACKGROUND:** Property owners Valley Proteins (DE), Inc. and Hexion Specialty Chemicals, Inc. petitioned that a portion of Belt Boulevard and Industrial Drive located on the eastern margin of Belt Boulevard in Pearce's Mills Township be closed. The petitioners have recorded a private easement which will continue to provide access to their properties. The Department of Transportation confirms that a portion of Belt Boulevard and Industrial Drive is a State maintained road and has no objection to the abandonment. The Fire Marshall and Planning Department also do not object.

**ACTION:** Adopt resolution and call a public hearing to consider closing a portion of Belt Boulevard and Industrial Drive.

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

WHEREAS, Valley Proteins (DE), Inc. and Hexion Specialty Chemicals Inc. have submitted a petition to the Cumberland County Board of Commissioners (the "Board") to close a portion of Belt Boulevard and Industrial Drive located on the eastern margin of Belt Boulevard in Pearce's Mills Township, Cumberland County; and

WHEREAS, it appears that a portion of such public street is maintained by the North Carolina Department of Transportation and that the remainder is a private road; that the North Carolina Department of Transportation is in the process of releasing its maintenance of that portion of said road in the near future and does not object to the closing as requested by petitioners; that the North Carolina Department of Transportation does not request that the proposed closing be delayed pending its action; that no person

would be deprived of reasonable means of ingress and egress to his or 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 North Carolina General Statutes, Section 153A-241:

Commencing at an existing concrete monument, the southwest corner of Tract 4 as conveyed to Cape Fear Feed Products, Inc. by a deed recorded in Deed Book 2202, Page 492 and running thence with the southern line of said tract North 68 degrees 19 minutes 34 seconds East 398.02 feet to the point of beginning at the intersection of said southern line and the western margin (60' R/W) of Industrial Drive; thence with said western margin North 01 degrees 44 minutes 03 seconds East 18.58 feet; thence North 11 degrees 05 minutes 00 seconds East 381.55 feet to a point at the beginning of a curve that is concave to the southwest having a radius of 40.44 feet and an arc length of 81.70 feet; said arc subtended by a chord which bears North 46 degrees 33 minutes 41 seconds West 68.50 feet to an existing concrete monument; thence South 76 degrees 36 minutes 32 seconds West 183.24 feet to a point, the intersection of the southern margin of Industrial Drive, the western margin of the Aberdeen and Rockfish Railroad right of way (50' R/W) and the southern margin of Belt Boulevard (60' R/W) at the end of state maintenance of Belt Boulevard; thence with the southern margin of Belt Boulevard (60' R/W) South 76 degrees 56 minutes 16 seconds West 333.60 feet to a point; thence North 13 degrees 10 minutes 44 seconds West 60.00' to a point; thence with the northern margin of Belt Boulevard (60' R/W) North 76 degrees 49 minutes 16 seconds East 361.56 feet to a point, the intersection of the northern margin of Industrial Drive, the western margin of the Aberdeen and Rockfish Railroad right of way (50' R/W) at the end of state maintenance of Belt Boulevard; thence with the northern margin of Industrial Drive North 76 degrees 32 minutes 00 seconds East 155.99 feet to a point at the beginning of a curve that is concave to the southwest having a radius of 100.70 feet and an arch length of 201.36 feet; said arc subtended by a chord which bears South 46 degrees 10 minutes 55 seconds East 169.45 feet to a point; thence with the eastern margin of Industrial Drive South 11 degrees 05 minutes 00 seconds West 363.05 feet to the point of intersection of the eastern margin of Industrial Drive and the southern margin of Tract 1 as conveyed to Cape Fear Feed Products, Inc. by Deed Book 2202, Page 492; thence with the southern margin of said Tract 1 and the aforesaid Tract 4 South 68 degrees 12 minutes 45 seconds West 67.84 feet to the point of beginning, containing 1.43 acres.

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 18<sup>th</sup> day of April, 2006 at 6:45 p.m. in the Commissioners Meeting Room (Room 118), First Floor, New Courthouse, 117 Dick Street, Fayetteville, North Carolina. 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.

- F. Approval of Scheduling a Public Hearing and Consideration of Resolution of Intent to Close an Unnamed Right-of-Way Previously Known as Lafayette Street.

BACKGROUND: Property owner Byrdmann Investments, Inc. petitioned that an unnamed right-of-way previously known as Lafayette Street located on the western margin of I-95 Business South in Rockfish Township be closed. The Department of Transportation confirms that portion of the unnamed right-of-way previously known as Lafayette Street is not a State maintained road and has no objection to the abandonment. The Fire Marshall and Planning Department also do not object.

ACTION: Adopt resolution and call a public hearing to consider closing the unnamed right-of-way previously known as Lafayette Street.

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

WHEREAS, Byrdmann Investments, Inc. has submitted a petition to the Cumberland County Board of Commissioners (the “Board”) to close an unnamed right-of-way previously known as Lafayette Street located on the western margin of I-95 Business South in Rockfish Township, Cumberland County; and

WHEREAS, it appears that such public street is not under the control of the North Carolina Department of Transportation; that no person would be deprived of reasonable means of ingress and egress to his or 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 North Carolina General Statutes, Section 153A-241:

BEING a 30 foot wide unnamed Street as shown on Plat Book 9, Page 33 between Lots 24 & 26 and Lots 25 & 27 as recorded in the Cumberland County Registry of Deeds.

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 18<sup>th</sup> day of April, 2006 at 6:45 p.m. in the Commissioners Meeting Room (Room 118), First Floor, New Courthouse, 117 Dick Street, Fayetteville, North Carolina. 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.

G. Approval of Grant Award for The Care Center Transitional Housing.

BACKGROUND: Cumberland County has been awarded a \$147,788 Supportive Housing Program (SHP) grant for The Care Center Transitional Housing Program. The Salvation Army will be responsible for the day-to-day operation of the program. This program will offer transitional housing and supportive services for homeless victims of domestic violence. In order to appropriately record the receipt of these grant funds, it is necessary for the Board of Commissioners to approve the acceptance of this new revenue source.

ACTION: Approve acceptance of the \$147,788 Supportive Housing Program grant from the Department of Housing and Urban Development (HUD) for The Care Center Transitional Housing Program; authorize the County Manager to sign the Grant Agreement; and approve the budget amendment.

H. Approval of Grant Award for Robin’s Meadow Transitional Housing.

BACKGROUND: Cumberland County has been awarded a \$84,134 Supportive Housing Program (SHP) grant for the Robin’s Meadow Transitional Housing Program. The Salvation Army will be responsible for the day-to-day operation of the program. This program will offer transitional housing and supportive services for homeless families. In order to appropriately record the receipt of these grant funds, it is necessary for the Board of Commissioners to approve the acceptance of this new revenue source.

ACTION: Approve acceptance of the \$84,134 Supportive Housing Program grant from the Department of Housing and Urban Development (HUD) for the Robin's Meadow Transitional Housing Program; authorize the County Manager to sign the Grant Agreement; and approve the budget amendment.

I. Approval of Revision to the Emergency Repair Program Policy.

BACKGROUND: It is recommended that the following revision be made to the Emergency Repair Program Policy:

Increase the emergency repair limit to \$7,500

As natural disasters have affected our nation in recent months, the economy and several industries have been significantly impacted. The housing industry has been faced with rising costs as supplies, materials and equipment are being diverted to meet the needs of effected areas. Therefore, we have seen changes in the costs of our projects at the local level. In order to meet the needs of our clients and adequately address the necessary repairs, we are proposing to increase the funding that is available to homeowners through our Emergency Repair Program.

ACTION: Approve the recommended policy revisions effective 2/01/06.

J. Approval of Declaration of Foreclosed Real Property as Surplus.

BACKGROUND: The County of Cumberland has recently acquired by tax foreclosure certain real property located in the County.

PROPERTY OWNED BY COUNTY – OBTAINED BY TAX FORECLOSURE

Description	Date Acquired	Value	County's Tax Lien	Deed	PIN No
1. Lot 175 Twin Oaks Sec. Pt 4 (0.61 ac)	10/07/05	\$13,796	\$4,746.97	7033-315	0442-56-0570
2. 0.72 Acs. LD W/IMP	10/26/05	\$17,500	\$13,083.02	7050-143	9477-83-7956
3. Lot 5 Springdale Sub	10/26/05	\$ 6,750	\$5,693.69	7050-219	9495-08-9444
4. 1804 & 1806 Neward St. Lots 2 & 3 Wesley Prop	04/28/04	\$15,000	\$6,384.00	6504-809	0438-04-0878
1808 Neward St. Blk K Lt 1 Dr. G. Wesley Prop	04/28/04	\$ 7,500		6504-809	0438-04-0934
5. Res. 314 Maloney Ave Lots 21-22	10/26/05	\$22,200	\$4,737.07	7050-145	0437-95-9834
6. Lot 6 Blk C Col. Hgts ADD 4	10/21/05	\$ 7,500	\$4,689.36	7045-868	0423-58-8324
Lot 5 Blk C Col. Hgts ADD 4	10/21/05	\$ 9,411		7045-868	0423-58-8229
7. Lots 92-93 Simmons Hgts 2517 Providence St.	12/08/05	\$27,900	\$8,502.67	7089-665	0428-67-6283
8. 0.25 Acres	12/08/05	\$28,800	\$3,636.23	7089-663	9486-57-1440
9. Lots 8-9 Lakeview Lots 113 Chase St.	12/08/05	\$28,750	\$8,504.40	7089-661	0437-51-3207
10. Lot 22 Blk A Shaw Hgts (0.50 ac)	12/27/05	\$23,200	\$8,865.68	7105-029	0419-84-4963
Lot 21 Blk A Shaw Hgts (0.17 ac)	12/27/05	\$30,100		7105-029	0419-85-3075
Lot 20 Blk A Shaw Hgts (0.15 ac)	12/27/05	\$31,500		7105-029	0419-85-3131
Lot 18 Blk A Shaw Hgts (0.49 ac)	12/27/05	\$18,612		7105-029	0419-85-5040
11. Lock Trail E/End Pt lots 31-34 1501 Clinton Rd.	12/27/05	\$74,322	\$8,431.79	7105-025	0447-41-6513
12. Lots 15-16, Pt 13-14 17 80 81 Cedar Rose Add 2	12/27/05	\$11,000	\$5,231.30	7105-027	0446-39-7067
13. Lot 88 Twin Oaks Sec. 4 Pt.15 (0.46 ac)	09/28/05	\$13,682	\$4,909.43	7022-611	0442-67-1253
14. 0.75 Kenneth E & Kathryn D. Fisher	02/14/06	\$ 9,775	\$2,829.53	7147-589	0452-46-2455

PROPERTY OWNED BY COUNTY AND CITY – OBTAINED BY TAX FORECLOSURE

15. Lots 81-82 Shaw Hgts. (2.00)	05/21/04	\$15,000	\$19,968.04	6563-495	0419-97-1580
Lot 80 Shaw Hgts (1.00)	06/21/04	\$ 9,375		6563-495	0419-97-0461
16. Vac E/S Murchison Rd. 17 Blk H Slater LD	10/23/03	\$ 7,500	\$ 3,827.71	6319-117	0428-95-7010
17. Res 921 Ellis Street	12/08/05	\$ 5,000	\$ 6,692.93	7089-667	0437-13-0132
18. Lot 236 Woodlea Sec 7 Sm Pt Lots 160 & 161 Robinwood Sec 5 (2.63 ac)	03/16/05	\$ 2,500	\$ 4,155.19	6819-005	0415-58-2158
	03/16/05	\$ 6,224		6819-005	9496-41-3031
19. ½ Acre Olphin Ld 808 Cedar Creek Rd	12/09/05	\$ 1,500	\$10,807.34	7090-722	0446-66-1468
1 Lt Matthews Ld	12/09/05	\$ 1,500		7090-722	0446-66-1588

Lot 58 Cade Hill Sub. Sec. 3.					
1317 Jacob Street	12/09/05	\$ 5,500		7090-722	0446-44-7881
20. Lots 18-19 Sapona Park Map 1 Sec B	02/14/06	\$ 3,000	\$ 5,955.72	7147-587	0446-69-5751
21. Imp. Lot 2 Lucas Street	02/14/06	\$31,300	\$ 3,579.22	7147-583	0437-50-9308

ACTION:     Declare the foreclosed property as surplus to the needs of the County.

- K.     Approval of a Proclamation Proclaiming the Week of March 27, 2006 as “Arbor Week” and Saturday, April 1 2006 to be “Arbor Day in Cumberland County”.

BACKGROUND: Mr. George Quigley, President, Board of Directors of the Cape Fear Botanical Garden has requested that Cumberland County proclaim the week of March 27, 2006 as “Arbor Week” and Saturday, April 1, 2006 to be “Arbor Day in Cumberland County.”

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, the County of Cumberland recognizes the importance of trees to the economic, aesthetic and ecological well-being of our community; and

WHEREAS, it is recognized that planning and maintaining healthy trees in our ever-changing society are both desirable and necessary; and

WHEREAS, Arbor Day is a long-standing American tradition that represents an important element of our national heritage; and

WHEREAS, the Cape Fear Botanical Garden is a leader in the encouragement of environmental stewardship; and

WHEREAS, Cumberland County Cooperative Extension is a community partner with the Cape Fear Botanical Garden in an effort to restore our trees; and

WHEREAS, individuals can act in this county to improve the environment by planting trees and ensuring that these trees are protected and receive proper maintenance in the years ahead.

NOW THEREFORE, the Cumberland County Board of Commissioners hereby PROCLAIMS the week of March 27, 2006 as ARBOR WEEK, and Saturday, April 1, 2006 as ARBOR DAY IN CUMBERLAND COUNTY and urges its citizens to take an active part to ensure our community has a better quality of life by providing a clean environment with more trees.

ACTION:     Approve the proclamation.

- L.     Budget Revisions:

ACTION:     Approve

- (1)    Health Department
  - a.    Bioterrorism Preparedness and Response – Revision in the amount of \$50,537 to recognize reduction in state funding (\$73,403) and increase appropriated fund balance \$22,866 to adjust overstated adopted state funding. (B06-274) **Funding Source – State and General Fund Fund Balance**
  - b.    School Health – Revision in the amount of \$5,380 to reallocate budgeted expenditures to fund salary increase for school health nurses for remainder of FY2006. (B06-285) **Funding Source – Reallocation of Budgeted Expenditures**

- c. Cumberland County School Health - Revision in the amount of \$4,481 to reallocate budgeted expenditures to fund salary increase for school health nurses for remainder of FY2006. (B06-286) **Funding Source – Reallocation of Budgeted Expenditures**
- d. Health Promotion – Revision in the amount of \$3,128 to recognize additional Folic Acid Grant from the March of Dimes. (B06-293) **Funding Source – Grant**
- e. Breast and Cervical Cancer Control Screening – Revision in the amount of \$6,300 to budget additional state funding. (B06-294) **Funding Source – State**
- f. Family Planning Clinic – Revision in the amount of \$20,280 to budget additional state funding for prescription medications and expenditures for Hurricane Katrina evacuees. (B06-295) **Funding Source - State**

(2) NORCRESS Administration/NORCRESS Project

Revision in the amount of \$134,984 to adjust the NORCRESS Administration revenue and expenditure budget, to transfer \$61,300 from the NORCRESS Project and to approve the associated revised Capital Project Ordinance. (B06-277 and B06-277A) **Funding Source – NORCRESS Fees and Transfer**

(3) General Government Other

- a. Revision in the net amount of \$385,936 to adjust revenue and expenditures due to the delay in Fayetteville’s Phase V annexation. (B06-278) **Funding Source – Sales Taxes, Fees, and Fund Balance**
- b. Revision in the amount of \$200,000 to appropriate deferred maintenance fund balance for renovation of the Clerk of Court’s area. (B06-283) **Funding Source – Deferred Maintenance Fund Balance**
- c. Revision in the amount of \$100,000 to appropriate deferred maintenance fund balance for the paving of the Gillespie Street parking lot. (B06-290) **Funding Source – Deferred Maintenance Fund Balance**
- d. Revision in the amount of \$17,500 to reallocate expenditures to fund 50% of the cost of a professional services contract between the City of Fayetteville and Glenn Harbeck Associates for a Joint Sewer Extension Policy Initiative. (B06-305) **Funding Source – Reallocation of Budgeted Expenditures**

(4) Social Services

- a. Revision in the amount of \$18,309 to recognize additional energy assistance funding. (B06-279) **Funding Source – State**

- b. Revision in the total amount of \$33,450 to recognize \$19,999 of additional state funding for adult day care and to appropriate fund balance of \$13,451 for required match and to sustain current clients through the remainder of the fiscal year. (B06-304) **Funding Source – State and General Fund Fund Balance**

(5) School Capital Outlay – Category I

Revision in the amount of \$5,422,500 to budget revenue received from the NC Public School Building Fund (\$2,900,000) and to appropriate fund balance (\$2,522,500) to re-budget unexpended capital outlay funds from the prior fiscal year. (B06-280) **Funding Source – State and School Category I Fund Balance**

(6) School Capital Outlay – Category II

Revision in the amount of \$483,300 to appropriate fund balance to re-budget unexpended capital outlay funds from the prior fiscal year. (B06-281) **Funding Source – School Category II Fund Balance**

(7) School Capital Outlay – Category III

Revision in the amount of \$4,000 to appropriate fund balance to re-budget unexpended capital outlay funds from the prior fiscal year. (B06-282) **Funding Source – School Category III Fund Balance**

(8) Mental Health

- a. Developmental Disabilities Contracts – Revision in the amount of \$1,000,000 to increase the contract services funded with Medicaid receipts. (B06-296) **Funding Source – Fees**
- b. Medicaid Contracts – Revision in the amount of \$900,000 to increase the contract services funded with Medicaid receipts. (B06-298) **Funding Source – Fees**

(9) Emergency Services Grant

Revision in the amount of \$62,500 to recognize grant received to conduct a regional exercise to include participants at Fort Bragg, Office of State Forestry, Harnett County and other local elements. (B06-299) **Funding Source – Grant**

(10) Industrial Development Inducement Fund

Revision in the amount of \$5 to appropriate fund balance for the reimbursement to Public Works Commission for the cost incurred



to make a wire transfer. (B06-289) **Funding Source – Industrial Development Inducement Fund Balance**

(11) Sheriff/General Government Other

Revisions in the amount of \$212,500 to reallocate budgeted expenditures to fund the increase in fuel costs. (B06-301 through B06-301C) **Funding Source – Reallocation of Budgeted Expenditures**

(12) Legal/General Government Other

Revision in the amount of \$6,400 to reallocate budgeted expenditures for the re-publication of the County’s Ordinance. (B06-302 and B06-302A) **Funding Source – Reallocation of Budgeted Expenditures**

(13) Parks and Recreation

Revision in the amount of \$44,000 to recognize additional revenue collected to provide recreation services to County residents in the Spring Lake area. (B06-303) **Funding Source – Spring Lake Recreation Tax**

2. Public Hearings

Uncontested Cases

Rezoning

Upon finding the requests to be reasonable, neither arbitrary nor unduly discriminatory, and in the public interest the following motion was offered:

**MOTION: Commissioner Blackwell moved to follow the recommendation of the Planning Board on the Uncontested Cases A and B, and as there is no opposition, Case E (P06-09).**

**SECOND: Commissioner Wheatley**

**VOTE: UNANIMOUS**

- A. Case P06-05. The rezoning of .86 acres from RR to R10, or a more restrictive zoning district, at 3632 Pine Cone Lane, owned by Belton Jones.
- B. Case P06-11. The rezoning of a 4.02 acre portion of a 5.43 acre tract from R10 to RR, or a more restrictive zoning district, east of Morrozoff Road, south of Camden Road, owned by Roy & Chom Chu Dean.

Conditional Use District & Permit

- C. Case P05-97. The rezoning of .34 acres from C1(P) to C(P)/Conditional Use District & Permit to allow a motor vehicle repair shop and/or body work and other permitted uses with exclusions at 3831 Boone Trail, owned by Dora H. Howard.

The Planning Board recommends approval of the C(P) Planned Conditional Use District & Permit. The Chairman accepted the agenda materials submitted as a part of the record.

Speakers: None

**MOTION:** Commissioner Blackwell moved that the Board of Commissioners find that this conditional use district application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest and that the Conditional Use District be approved.

**SECOND:** Commissioner Edge

**VOTE:** UNANIMOUS

**MOTION:** Commissioner Blackwell moved that the Board of Commissioners find that the conditional use permit application, if developed as proposed and with any recommended conditions, will not materially endanger the public health and safety, and will not substantially injure the value of adjoining or abutting property, and will be in harmony with the area in which it is to be located, and will be in conformity with the Land Use Plan, Highway Plan or other plan officially adopted by the Board of Commissioners.

**SECOND:** Commissioner Council

**VOTE:** UNANIMOUS

### **Contested Cases**

- D. Case P06-07. The rezoning of .50 acres from C1(P)/CU to C(P), or a more restrictive zoning district, at 4436 Cumberland Road, owned by Victor M. Gurganious.

The Planning Board recommends denial of C(P) Planned Commercial District.

**Speakers:** Victor Gurganious – Stated he did not fully understand the meaning of C(P) Planned Commercial District. Now that he is more familiar with the process, he would like the case to go back to the Planning Board.

**MOTION:** Commissioner Edge moved that this case be referred back to the Planning Board as requested.

**SECOND:** Commissioner Council

**VOTE:** UNANIMOUS

- E. Case P06-09. The rezoning of 2 parcels totaling 26.9 acres from A1 to R30, or a more restrictive zoning district, east of Wade-Stedman Road, south of Hayfield Road, owned by Ronald Royal.

The Planning Board recommends approval of R30.

**Speakers:** None

### **Mixed Use Development/Conditional Use District & Permit**

- F. Case P06-14. The rezoning of 43.31 acres from RR and C(P), to a Mixed Use Development/Conditional Use District & Permit, east of Cedar Creek Road, south of Sloan Avenue, owned by Purvis Investments, Inc.

The Planning Board recommends approval of Mixed Use Development/Conditional Use District & Permit with the understanding that all areas not built upon will be common areas for the enjoyment of all people in the multi-family area. The Chairman accepted the agenda materials submitted as part of the record.

**Speakers:** None

**MOTION:** Commissioner Blackwell moved to follow the recommendations of the Planning Board to approve the Mixed Use Development/Conditional Use District, that the application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest.

**SECOND:** Commissioner Edge

**VOTE:** UNANIMOUS

**MOTION:** Commissioner Blackwell moved that the Board of Commissioners find that the Conditional Use Permit application, if developed as proposed and subject to any conditions recommended, will not materially endanger the public health and safety, will not materially 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, Highway Plan or other plan officially adopted by the Board of Commissioners and that it be approved.

**SECOND:** Commissioner Henley

**VOTE:** UNANIMOUS

#### Items of Business

3. Overview of the Proposed Hazard Mitigation Plan by Ronald “Doc” Nunnery, Emergency Services Director and Denise Sykes, Planning & Inspections and Schedule Public Hearing for April 3, 2006.

**BACKGROUND:** During 2002, Cumberland County and each of the municipalities became involved in the preparation of the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan. Preparation of this plan will fulfill statutory requirements of the Disaster Mitigation Act of 2000 and NCGA Senate Bill 300, as well as protect the health, safety, and economic security of County residents by reducing the impacts of natural hazards; receive credit under the Community Rating System (CRS); prove the County and its municipalities are eligible for government aid and grant programs and provide the residents an opportunity to participate in activities addressing mitigation of possible hazards; speed recovery and redevelopment following future disaster events; reduce future vulnerability through smart development and redevelopment; and demonstrate local governments’ commitment to hazard mitigation principles. The planning effort for this document has been a collaboration of Cumberland County, City of Fayetteville, and the Towns of Hope Mills, Spring Lake, Stedman, Falcon, Godwin, Linden and Wade. Each municipality is responsible for approving its jurisdiction section of the document.

Ronald “Doc” Nunnery, Emergency Services Director, said that Cumberland County’s geographic location makes it susceptible to several types of natural disasters. Cumberland County has been declared a Federal Disaster Area three times in the past decade. Each time the County has been declared a Federal Disaster Area, the nation as a whole has helped supply the resources to recover and rebuild both private and public property. With the skyrocketing cost for disaster relief, the Federal government has mandated that localities examine their policies, procedures and strategies dealing with hazardous events. The Federal Disaster Mitigation Act of 2000 and NCGA Senate Bill 300 require all local governments to have a Hazard Mitigation Plan approved by FEMA and adopted by November 2004. Failure to adopt a plan means there will be no State or Federal funding assistance in the event of a natural disaster. Discussion continued on flood-prone areas in several residential developments. County Engineer, Bob Stanger, said Cumberland County needs to strengthen its ordinances with regard to stormwater. Commissioner Baggett suggested a copy of the Hazard Mitigation Plan be made available to local developers. A copy of the Plan will be provided to the Homebuilders Association.

**ACTION:** A public hearing will be held on April 3, 2006 for the unincorporated section of the Hazard Mitigation Plan.

4. Nominations to Boards and Committees

A. Adult Care Home Community Advisory Committee (1 Vacancy)

**BACKGROUND:** Bob Searle has resigned from the Committee. Replacement needed.

**Nominee:** Linda Brownlee-Jones

B. Air Quality Stakeholders' Committee (17 Vacancies)

BACKGROUND: As part of the Air Quality Early Action Compact signed by the Chairman of the Board of Commissioners on December 17, 2002, the local area is required to invite stakeholders to be involved in the development and implementation of the Early Action Plan. The Air Quality Stakeholders Committee members were originally approved on March 17, 2003. The terms were to last approximately three years. It is requested that an extension of three years be given to the Air Quality Stakeholders' Committee and approve the following individuals who have agreed to continue serving on the Committee.

Nominees:	Commissioner Eleanor Ayers	Town of Stedman
	Colonel Gregory Bean (Ret.)	Fort Bragg
	Steven Blanchard	PWC
	George Breece	Citizen
	Dr. Joseph Follett	Medical Representative
	Michael Green	Cohen & Green
	Henry Holt	Petroleum Distributor
	Karl Legastski	Citizen
	William A. Martin	CCBC
	Dr. Harold Maxwell	Board of Health
	Donovan McLaurin	Homebuilders Association
	Joseph W. Levister, Jr.	FTCC
	Denise Sykes	Town of Wade, Falcon, Godwin and Linden
	Stephen C. Waters, Sr.	Construction Industry
	Scott Peters	Major Industry
	Edwin S. Deaver	Citizen
	Talmage Baggett	Commissioner

C. Civic Center Commission (1 Vacancy)

BACKGROUND: Margaret Myers has resigned from the Commission. Replacement needed.

Nominees:	Elizabeth Varnedoe
	Bobby Knight

D. Criminal Justice Partnership Advisory Board (1 Vacancy)

BACKGROUND: Elizabeth Gnann retired. Replacement needed.

Nominee:	Sue Horne
----------	-----------

E. Cumberland County Juvenile Crime Prevention Council (1 Vacancy)

BACKGROUND: Krista Hancock completed first term. Eligible for reappointment.

Nominee:	Krista Hancock
----------	----------------

F. Storm Water Advisory Board (1 Vacancy)

BACKGROUND: Mitch Covin was appointed to the Board in June 2005. He has missed three consecutive meetings and has indicated he will not be able to continue serving on the Board. Replacement needed.

Nominee:	Nancy Smith
----------	-------------

G. Wrecker Review Board (2 Vacancies)

BACKGROUND: The Wrecker Review Board has the following vacancies:

County Appointee

Chuck Epler – Completed first term. Eligible for reappointment.

Sheriff's Appointee

Capt. Casper (Jack) Broadus – Retired. Replacement needed.

Nominees: Chuck Epler  
Lt. John Legette

5. Appointments to Boards and Committees

ACTION: Appoint the nominees.

**MOTION: Commissioner Blackwell moved to appoint the nominees in 5A – 5B by acclamation.**

**SECOND: Commissioner Council**

**VOTE: UNANIMOUS**

A. Equalization and Review Board (5 Vacancies)

Nominees:

<u>At Large Position:</u>	David Mack (New Appointment)
	Jimmy Ragland (Reappointment)
<u>Businessman Position:</u>	George Turner (Reappointment)
<u>Farmer Position:</u>	David Gillis (Reappointment)
<u>Home Builder Position:</u>	Rodney Sherrill (New Appointment)

Equalization and Review Board - Appointment of Officers:

<u>Chairman:</u>	Curtis Alexander
<u>First Vice Chairman:</u>	George Turner
<u>Second Vice Chairman:</u>	David Mack

B. Juvenile Crime Prevention Council (1 Vacancy)

Nominee: Health Director or Designee: Archie Malloy

**MOTION: Commissioner Henley moved to recess the Commissioners' Meeting so the Board could convene as the NORCRESS Water and Sewer District Governing Body.**

**SECOND: Commissioner Council**

**VOTE: UNANIMOUS**

**Note: The NORCRESS Board met. Minutes from that meeting may be found in the Water and Sewer Districts Minute Book.**

**MOTION: Commissioner Council moved to reconvene the Board of Commissioners.**

**SECOND: Commissioner Wheatley**

**VOTE: UNANIMOUS**

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

B. Attorney Client Matter Pursuant to NCGS 143-318.11(a)(3).

C. Personnel Matters Pursuant to NCGS 143-318.11(a)(6).

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

**SECOND:     Commissioner Council**  
**VOTE:       UNANIMOUS**

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

Chairman King announced that Thomas J. Lloyd was appointed Planning and Inspections Director.

**MOTION:     Commissioner Blackwell moved to adjourn.**  
**SECOND:     Commissioner Wheatley**  
**VOTE:       UNANIMOUS**

**ADJOURNED:       8:30 PM**

---

Deputy Clerk to the Board