

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
OCTOBER 16, 2006, 6:45PM
REGULAR/REZONING MEETING

PRESENT: Chairman Billy R. King
Vice Chairman Kenneth S. Edge
Commissioner J. Breeden Blackwell
Commissioner Jeannette M. Council
Commissioner John T. Henley, Jr.
Commissioner Diane Wheatley
Commissioner Talmage S. Baggett, Jr.(via telephone)
James Martin, County Manager
Amy Cannon, Asst. County Manager
Grainger Barrett, County Attorney
Rick Moorefield, Assistant County Attorney
Tom Lloyd, Director, Planning/Inspections Department
Marsha Fogle, Clerk
Sara VanderClute - PIO

INVOCATION - Chairman Billy R. King

PLEDGE OF ALLEGIANCE

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

NO SPEAKERS

Grainger Barrett, County Attorney, introduced Rick Moorefield, the new Assistant County Attorney.

ADDITIONS TO AGENDA: Closed Session: Attorney Client (NCGS 143-318.11(a)(3))
Closed Session: Personnel (NCGS 143-318.11(a)(6))

MOTION: Commissioner Henley moved to add the above items to the Agenda.
SECOND: Commissioner Wheatley
VOTE: UNANIMOUS

1. Consent Agenda

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

A. Approval of minutes for the October 2, 2006 regular meeting.

ACTION: Approve

B. Approval of Proposed Additions to the State Secondary Road System:

The Woods at Birch Creek Subdivision: Frontera Place, Franciscan Drive
Marcus James Drive (SR 4901 Ext.)
Lambrusco Place

Baywood Subdivision: Bent Grass Drive (SR 2072 Ext.)

No Subdivision Listed: Dusty Lane (SR 2562 Ext.)

ACTION: Approve

C. Approval of Proposed Increase in the 2006 Flu and Pneumonia Vaccine Fees.

BACKGROUND: The Board of Health at its meeting on September 19, 2006 approved an increase in fees for the Flu and Pneumonia Vaccines as follows:

FLU - \$25.00

Pneumonia - \$35.00

ACTION: Approve

D. Approval of and Authorization to Record Restrictive Covenants for Cedar Creek Business Center.

BACKGROUND: FAEDC, the County Engineer and the County Attorney have prepared proposed Restrictive Covenants to provide comprehensive standards and a unified plan of development for the Cedar Creek Business Center (See Attachment A to these Minutes).

ACTION: Approve, authorize the Chairman to sign on behalf of the County and record in the Cumberland County Registry.

E. Approval of a Resolution of Intent for the Town of Hope Mills to Rejoin the Cumberland County Joint Planning Board and Directing Staff to Prepare Interlocal Agreement for Consideration by the Governing Boards.

ACTION: Adopt Resolution

A RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS
APPROVING AND ACCEPTING THE TOWN OF HOPE MILLS' BOARD OF
COMMISSIONERS' RESOLUTION OF INTENT TO REJOIN THE CUMBERLAND
COUNTY JOINT PLANNING BOARD

WHEREAS, the Board of Commissioners of the Town of Hope Mills has adopted and conveyed to the Board of Commissioners a Resolution of Intent for the Town of Hope Mills to rejoin the Cumberland County Joint Planning Board; and

WHEREAS, the Cumberland County Board of Commissioners wishes to approve and accept that Resolution of Intent;

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that it approves and accepts the Resolution of Intent for the Town of Hope Mills to Rejoin the Cumberland County Joint Planning Board conveyed to it by the Board of Commissioners of the Town of Hope Mills; and

BE IT FURTHER RESOLVED, that it directs the County staff to prepare with the appropriate staff of the Town of Hope Mills an Interlocal Agreement implementing that Resolution of Intent for consideration by both governing boards.

- F. Approval of the Department of Social Services Work First Program Plan – October 1, 2007 – September 30, 2009.

BACKGROUND: On August 28, 1997, the General Assembly approved SB3532 which made significant changes to North Carolina's Public Assistance Program. All counties are required to develop local Work First Plans. The Board of Commissioners appointed a Planning Committee to develop the County Plan. The Work First Plan was available to the public at the Board of Commissioners offices, the Department of Social Services, the Department of Social Services website and the main branch of the Cumberland County Public Library. The Social Services Board adopted the plan on September 27, 2006 and recommends that the Board of Commissioners adopt the Plan.

ACTION: Adopt the Plan

- G. Approval of Adoption of a Resolution Consenting to Tax-Exempt Financing by the Cumberland Road Volunteer Fire Department to Refinance a Current Loan and Purchase a New Fire Truck.

ACTION: Adopt Resolution

RESOLUTION

BE IT HEREBY RESOLVED that the Board of Commissioners of Cumberland County, North Carolina, hereby approves (within the scope of the qualifying language set forth below) a tax-exempt loan to the Cumberland Road Volunteer Fire Department, Inc. from First Citizens Bank and Trust Company in the principal amount of \$542,880.05, which loan is for the following purpose:

purchase by the VFD of a fire truck or trucks and which fire truck(s) will be owned and operated by the VFD at the following address: 3545 Cumberland Road, Fayetteville, NC 28305;

RESOLVED FURTHER that the approval of the loan to the VFD set forth above is given solely for purposes of the public approval requirements for tax-exempt financing application to the VFD because of Section 150(e)(3) and Section 147(f) of the Internal Revenue Code of 1986, as amended, and such approval does not obligate the County or its Board of Commissioners in any way regarding repayment of the debt.

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

BACKGROUND:

Case Number: MH 4425-2005
Property Owners: Glenn Anthony McLaurin, Luttie Kay McLaurin, John A. McLaurin and Elizabeth Dorff
Property Location: 2710 Gilbert McLaurin Road, Fayetteville, NC
Parcel ID No: 0469-53-3146

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

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

BACKGROUND: The County recently acquired by tax foreclosure certain real property located in the County. (See Attachment).

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

J. Approval of Memorandum of Understanding between the North Carolina Cooperative Extension Service and Cumberland County.

BACKGROUND: The Memorandum of Understanding (MOU) reflects the current relationship between the County and the Cumberland County Cooperative Extension Office. New employees will become employees of NC State University, but the County “sends in” the payroll contribution for all employees, including currently grandfathered employees. The county will pay its share of salary and benefits for all County Extension personnel, Workers Comp, and will provide offices, equipment, utilities, telephone, office supplies and other instructional materials needed for efficient operation of the program. The County WILL NOT elect the optional “lock-in” option, which would automatically adjust the County’s cost for its share of salaries and benefits at a fixed percentage over the life of the MOU. The MOU may be reviewed at anytime, continues year to year, and may be terminated by not less than 120 days prior written notice.

ACTION: Approve the revised MOU and authorize the Chairman or County Manager to sign on behalf of the County.

K. Approval of Declaration of Surplus County Property and Authorization to Accept Insurance Settlement.

BACKGROUND:

DATE OF ACCIDENT: SEPTEMBER 23, 2006
VEHICLE: 2006 FORD CROWN VICTORIA
VIN: 2FAHP71W2X143655
FLEET#: FL44
MILEAGE: 20,050
DEPARTMENT: SHERIFF'S OFFICE
SETTLEMENT OFFER: \$18,154.89
INSURANCE CO.: TRAVELERS

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

- L. Approval of a Proclamation Proclaiming October 26, 2006 as "ShowBiz Day" in Cumberland County.

ACTION: Adopt Proclamation

SHOWBIZ DAY IN CUMBERLAND COUNTY

WHEREAS, residents in the Fayetteville and Cumberland County area, business and their employees are strongly encouraged to do business locally in order to generate economic activity in the community; and

WHEREAS, this additional economic activity will create new jobs and retain existing jobs as well as generate tax revenue which is needed to maintain and improve services provided by local governments; and

WHEREAS, the Cumberland County Business Council has hosted the ShowBiz business-to-business trade show for the past fifteen years to promote local business growth and encourage the concept of buying from local firms; and

WHEREAS, ShowBiz increases interaction between businesses and customers as the largest trade show in southeastern North Carolina; and

WHEREAS, Fayetteville and Cumberland County contributed over \$3.1 billion in retail sales to North Carolina's economy in 2005; and

WHEREAS, a trade show designed to showcase local businesses and foster consumer relations plays a vital role in maintaining a strong local, regional and state economy.

NOW, THEREFORE, the Cumberland County Board of Commissioners PROCLAIMS October 26, 2006 "SHOWBIZ DAY" to encourage the recognition of ShowBiz as a fundamental marketing strategy for companies in the area to network with its current and prospective customer base and to salute the businesses and employees involved for their role in the growth and prosperity of Cumberland County.

M. Budget Revisions:

ACTION: Approve

(1) Civic Center

Revision in the amount of \$2,825 to budget for insurance settlement received for parking lot light damage. (B07-140) **Funding Source – Insurance Settlement**

(2) Eastover Sanitary District

Revision in the amount of \$25,000 to appropriate fund balance for additional legal services and feasibility study. (B07-141) **Funding Source – Eastover Sanitary District Fund Balance**

(3) Health

Revision in the amount of \$7,644 to budget anticipated state revenue for the mosquito program. (B07-143) **Funding Source - State**

(4) Mental Health

a. Therapeutic Alternative for Safe Community - Revision in the amount of \$42,000 to budget new counselor position per state funding. (B07-144) **Funding Source – State**

b. Revisions in the amount of \$551,851 to budget additional state funding for contracted services. (B07-145 thru B07-148) **Funding Source – State**

(5) Juvenile Crime Prevention Council

Revision in the amount of \$4,287 to appropriate fund balance to refund FY2006 unspent funds. (B07-149) **Funding Source – Juvenile Crime Prevention Fund Balance**

(6) Board of Education

Revision in the amount of \$1,148,113 to appropriate fund balance to rebudget unexpended funds from FY2006. (B07-151) **Funding Source – General Fund Fund Balance**

(7) Sheriff

Revision in the amount of \$116 to appropriate fund balance to budget interest earned in prior years. (B07-152) **Funding Source – Interest**

N. Approval of Deputy Finance Officer for Crown Center.

2. Public Hearings

Uncontested Cases

Rezoning

Case P06-67 (B) will be considered separately, as there is opposition to the rezoning.

Upon finding the following requests to be reasonable, neither arbitrary or 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 Cases P06-61 (A) and P06-69(C)

SECOND: Commissioner Edge

VOTE: UNANIMOUS

A. Case P06-61. The rezoning of seven parcels totaling 15.53 acres from R6 to C(P), or to a more restrictive zoning district, located on the south side of Andrews Road, west of Ramsey Street, owned by Clyde A. Culbreth, et. al.

The Planning Board recommends approval of C1(P).

B. Case P06-67. The rezoning of 101.04 acres from RR to R10, or to a more restrictive zoning district, located at the southeast quadrant of Camden and Waldos Beach Roads, owned by March F. Riddle.

The Planning Board recommends approval of R10.

SPEAKERS:

Mr. George Armstrong, a proponent of the rezoning, was present to respond to any questions.

Pastor Alphonse Turner: Pastor Turner expressed concern that the church is right on the property line. He said there needs to be a buffer between the entrance to the church and the home site.

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

MOTION: Commissioner Blackwell moved to follow the recommendation of the Planning Board and rezone the property to R10.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

- C. Case P06-69. The rezoning of a .70 acre portion of a .89 acre tract from R10 to C1(P), or to a more restrictive zoning district, at 3725 Cumberland Road, owned by Dancarol Real Estate, Ltd.

The Planning Board recommends approval of C1(P).

Other Public Hearings

- D. Public Hearing to Consider Revised Flood Damage Prevention Ordinance.

BACKGROUND: Mr. Bob Stanger, County Engineer, noted the Board of Commissioners approved at its meeting on September 18, 2006 the revised Flood Damage Prevention Ordinance, the new Flood Insurance Rate Maps and set today's date as the time and place for the required Public Hearing.

SPEAKERS: No Speakers

MOTION: Commissioner Edge moved to reconfirm adoption of the Revised Flood Damage Prevention Ordinance and Flood Insurance Rate Maps. (Adopted at the September 18, 2006 meeting)

SECOND: Commissioner Henley

VOTE: UNANIMOUS

Items of Business

- 3. Nominations to Boards and Committees

- A. Wrecker Review Board (1 Vacancy)

BACKGROUND: Lt. John Legette, Sheriff's Appointee, was appointed in April, 2006 to fill an unexpired term. His term expires November 30, 2006. He is eligible for reappointment.

ACTION: Nominate to fill the vacancy.

Nominee: Lt. John Legette

4. Appointments to Boards and Committees

MOTION: Commissioner Blackwell moved to appoint the nominees as noted below, except that Bobby Ervin does not want to be reappointed to the Human Relations Commission.

SECOND: Commissioner Council

VOTE: UNANIMOUS

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

Nominees: Stephanie Hodges (Reappointment)
Edgar F. Merritt
Kristin Sharp

B. Criminal Justice Partnership Advisory Board (1 Vacancy)

Nominee: Jeannette Council

C. Human Relations Commission (2 Vacancies)

Nominees: Bobby Ervin (Reappointment)
Zeandrew Farrow (Reappointment)

Commissioner Blackwell noted that Bobby Ervin does not want to serve another term.

D. Minimum Housing Appeals Board (1 Vacancy)

Nominee: I. J. McNeil

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

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

Personnel Matter
Pursuant to NCGS 143-318.11(a)(6)

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

SECOND: Commissioner Henley

VOTE: UNANIMOUS

NOTE: COMMISSIONER TALMAGE BAGGETT PARTICIPATED AND VOTED IN ALL AGENDA ITEMS ABOVE. HE DID NOT PARTICIPATE IN THE CLOSED SESSIONS.

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

SECOND: Commissioner Edge
VOTE: All except Commissioner Baggett.

MEETING ADJOURNED: 8:20PM

Clerk