

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
APRIL 16, 2007, 6:45PM
REGULAR/REZONING MEETING

PRESENT: Chairman Kenneth Edge
Vice Chairman Breeden Blackwell
Commissioner Jeannette Council
Commissioner John T. Henley, Jr.
Commissioner Billy King
Commissioner Ed Melvin
Commissioner Diane Wheatley
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Asst. County Manager
Sara VanderClute, PIO
Grainger Barrett, County Attorney
Cecil Combs, Deputy Planning/Inspections Director
Marsha Fogle, Clerk

INVOCATION - Commissioner Kenneth Edge, Chairman

PLEDGE OF ALLEGIANCE – Anna Perko - 2nd Grade
Kate Perko - Kindergarten

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

SPEAKERS: Del Crawshaw, 433 Shawcroft Rd, Fayetteville, NC

Mr. Crawshaw asked the Board to make an official statement that the E-85 Ethanol Plant, at the proposed location off of Ramsey Street, is not in the best interest of the County. He presented a Resolution for the Board's consideration.

Certificate of Recognition to Outgoing Board Members:

W. Carroll Beard, Jr. – Equalization and Review Board

Special Recognition:

Cumberland County Cares Recognition Award - CONTACT of Fayetteville, Inc.

Special Recognition:

South View High School (Lady Hoops)- State 4-A Varsity Basketball Champions – Amber Calvin, Nikoll Wilson, Samantha Ramirez, Whitney Jordan, Ta'nele Walker, Tyffani Fenwick,

Rakhee Smith, Debrisha Morris, Amanda Morrill, Jasmine Price, Angelica Rodriguez, Brittany Wade

ADJUSTMENTS TO AGENDA: Remove Item 3G (Public Hearing on Community Development 2007 Annual Action Plan)

MOTION: Commissioner King moved to remove Item 3G from the Agenda.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

1. Presentation by Ms. Rosimar Melendez of the Women's Center.

Ms. Melendez of the Women's Center gave a brief overview of the services provided by the Women's Business Center. It helps citizens who want to start a business by providing them assistance in setting up a business plan, a financial plan, and loan assistance. The Business Center serves men and women. It has assisted in providing over \$2 million in loans for small businesses.

2. Consent Agenda

MOTION: Commissioner Melvin moved to follow staff recommendation on the items on the Consent Agenda.

SECOND: Commissioner Council

VOTE: UNANIMOUS

A. Approval of minutes for the April 2, 2007 regular meeting.

ACTION: Approve

B. Approval of Report of the Finance Committee.

(1) Request for funding from the Cape Fear Botanical Garden

The Finance Committee recommends that this request be considered as part of the FY2008 budget.

(2) Financing Plan for school projects, a branch library and a new health department building

In order to reduce issuance cost for these projects, Ms. Cannon, recommended that the County get a bank loan this Fall in the amount of \$18-20 million to be repaid in fifteen years, with a no prepayment penalty clause, for the new Grays Creek Middle School.

Ms. Cannon also recommends a COPs issue in February of 2008 to fund the new Western Branch Elementary, the branch library incorporated into the Western Branch Elementary and the new health building. At that time, management will evaluate the financial benefit of refinancing the

bank loan into the COPS issue or maintaining the bank loan. Financing the middle school with a bank loan will reduce the issuance costs and allow flexibility in the financing alternatives.

The Finance Committee received the report – no action taken.

C. Approval of Deputy Finance Officer for Crown Center.

ACTION: Adopt Resolution approve Peter Dembowski as a Deputy Finance Officer for the Crown Center.

RESOLUTION

WHEREAS, due to the operation requirements unique to the Cumberland County Crown Center, a need exists for checks to be issued during all hours of the day and night. These checks are drawn on official depositories that contain funds held on behalf of others; and

WHEREAS, the timing, amounts or payees of these checks cannot not be anticipated and, in most cases, the checks must be issued immediately; and

WHEREAS, the timing of the checks requires the appointment of a Deputy Finance Officer and, in addition, more than one person must be authorized to countersign each check; and

WHEREAS, NCGS 159, Article 3, entitled “The Local Government Budget and Fiscal Control Act”, authorizes the Governing Board to appoint Deputy Finance Officers and to designate individual(s) to countersign the checks, and to fix the amount of the faithful performance bond to be provided by the appointee.

NOW, THEREFORE, to facilitate the operational requirement of the Cumberland County Crown Center, the Board of Commissioners hereby RESOLVES that

- Mr. Peter Dembowski is appointed a Deputy Finance Officer and is authorized to sign the checks/drafts issued on the checking and savings accounts maintained by the Cumberland County Crown Center.
- The appointee will provide a faithful performance bond in the amount of \$20,000.

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

Woodlington Subdivision: Skip A Rock Lane
Vanilla Bar Drive

ACTION: Approve

E. Approval of Lease of Real Property Located at 226 Bradford Avenue.

BACKGROUND: The County's Mental Health LME has contracted with Carolina Residential Services, Inc., a for-profit corporation headquartered in Garner, NC to provide psychosocial rehabilitation services to adults in Cumberland County. The county-owned building at 226 Bradford Avenue was formerly used for providing these services. Carolina Residential Services, Inc. wishes to rent this building at \$12/ft. per annum for an initial term of six months commencing May 1, 2007. Notice has been published as required by law.

ACTION: Adopt Resolution approving the lease.

RESOLUTION

WHEREAS, the Board of Commissioners hereby determines that the county-owned property located at 226 Bradford Avenue, Fayetteville, NC will not be needed by the county for any purpose during the term of the lease proposed herein; and

WHEREAS, the Board of Commissioners further determines that the proposed lease of the above described property to Carolina Residential Services, Inc., a for-profit corporation, for the purpose of providing psychosocial rehabilitation services to adults will benefit the citizens of the county; and

WHEREAS, the Board of Commissioners finds that the Clerk to the Board has duly advertised the Board's intent to authorize the lease of this property in accordance with GS 160A-272.

NOW, THEREFORE BE IT RESOLVED, that the Board of Commissioners does hereby authorize the County Manager to execute a lease of the real property located at 226 Bradford Avenue, Fayetteville, NC, to Carolina Residential Services, Inc., a for-profit corporation, for an initial term of up to 14 months at a rental of \$4,996 per month and upon such further terms and conditions as the county manager deems reasonable and prudent.

- F. Approval of a Proclamation Proclaiming May 1-7, 2007 as "Air Quality Week" in Cumberland County.

ACTION: Approve

PROCLAMATION

WHEREAS, the quality of life of all current and future residents of Cumberland County is of utmost importance; and

WHEREAS, taking immediate action to improve air quality, and in particular ozone, in Cumberland County is of major concern to the Board of Commissioners and all municipal governments; and

WHEREAS, the social and economic vitality of Cumberland County is dependent upon the quality of the air in the county; and

WHEREAS, the citizens and businesses of Cumberland County are invited to participate in the County's efforts to attain lower levels of ozone and to identify means to lower emissions of ozone precursors; and

WHEREAS, on December 13, 2002, the Board of Commissioners supported by all of the municipalities entered into an agreement (the Early Action Compact) with the NC Department of Environment and Natural Resources and the Environmental Protection Agency, in which the agreement specifies ways to achieve cleaner air throughout implementation of strategies; and

WHEREAS, the Air Quality Stakeholders and Air Quality Technical Committees developed an Early Action Plan identifying 25 specific strategies for possible implementation and this Plan has been approved by the State and Federal authorities; and

WHEREAS, as a voluntary member of the EPA's Early Action Compact, Cumberland County is ahead of schedule in efforts to reduce ground-level ozone to protect the health and quality of life for our community. Efforts have resulted in an EPA deferral of the December 31, 2007 pollution requirements effective date; and

WHEREAS, awareness of air quality and ozone issues plays a big role in improving conditions, and the ozone season for this area begins May 1, 2007 and ends September 30, 2007.

NOW, THEREFORE BE IT RESOLVED that the Cumberland County Board of Commissioners proclaims May 1 through May 7, 2007 "AIR QUALITY WEEK" and urges its citizens to take part in making our community a cleaner, healthier place to live, work and play.

- G. Approval of a Proclamation Proclaiming May 2007 as "Mental Health Month" in Cumberland County.

BACKGROUND: The Cumberland County Mental Health Association requests adoption of a proclamation proclaiming May, 2007 "Mental Health Month" in Cumberland County.

ACTION: Approve

PROCLAMATION

WHEREAS, mental health is critical for our well-being and vitality as well as that of our families, communities, and businesses; and

WHEREAS, the President's New Freedom Commission declared that mental disorders and mental health problems affect people of all backgrounds and stages of life and no one is immune; and

WHEREAS, the World Health Organization found that mental illnesses rank first in terms of causing disability in the United States and, collectively, are the most prevalent health problems in America today – more common than cancer, lung and heart disease combined; and

WHEREAS, one on 10 children has a serious mental health disorder that, if untreated, can lead to school failure, physical illness, substance abuse and even suicide; and

WHEREAS, mental health disorders such as schizophrenia, depression and anxiety disorders are real, common and treatable illnesses; and

WHEREAS, the US Surgeon General has found that a range of mental health treatments of documented efficacy exists for most mental disorders; and

WHEREAS, Cumberland County has made a commitment to community-based systems of mental health care for all residents; and

WHEREAS, Mental Health America, the National Council for Community Behavioral Healthcare and its national partners observe Mental Health Month each May to raise awareness and understanding of mental health and illness;

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of Cumberland County proclaims May 2007 Mental Health Month in Cumberland County North Carolina and calls upon all citizens, government agencies, public and private institutions, businesses and schools to recommit our community to increasing awareness and understanding of mental illness and the need for appropriate and accessible services for all people with mental illnesses.

H. Approval of a Proclamation Proclaiming May 2007 as Existing Industry Appreciation Month.

ACTION: Approve

PROCLAMATION

WHEREAS, the existing industries of Fayetteville and Cumberland County are an essential segment of the area's economy, providing employment for local residents, contributing revenues and greatly enhancing the area's quality of life; and

WHEREAS, the various industries existing in Fayetteville and Cumberland County have an influence either directly or indirectly upon the lives of every one of the county's citizens; and

WHEREAS, the potential for growth comes in part from within through the expansion of existing industries and the establishment of new, homegrown industries; and

WHEREAS, public awareness and understanding of the importance of industry to our local economy and quality of life are vital to the preservation of a favorable industrial climate; and

WHEREAS, a favorable industrial climate is a major factor in the decision made by officials of existing plants to expand operations and in our area's ability to attract new industry.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cumberland County proclaims the month of May 2007 "Industry Appreciation Month in Cumberland County and urges its citizens to salute the industries located in our area and the employees of those industries for their important role in the growth and prosperity of Cumberland County.

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

BACKGROUND:	Date of Accident:	3/22/07
	Vehicle:	1998 Ford Crown Vic
	VIN	2FAHP71WXWX116985
	MILEAGE	157,115
	Department	Sheriff
	Settlement Offer	\$4,474
	Insurance Company	Auto Owners Insurance

ACTION: Declare the vehicle surplus to the needs of the County, accept the \$4,474 settlement and allow the insurance company to take possession of the vehicle.

J. Budget Revisions:

ACTION: Approve

(1) Social Services Other/Rural Operating Assistance Program

Revision in the amount of \$2,120 to reallocate budgeted expenditures from ROAP to Social Services for the Workfirst Transportation Program. (B07-299 and B07-299A) **Funding Source – Reallocation of Budgeted Expenditures**

(2) Industrial Development Inducement Fund

Revision in the amount of \$46,000 to appropriate fund balance to reimburse the Cumberland County Business Council for property taxes and interest expense on the adjustable rate loan for the Industrial Park Shell Building. (B07-304) **Funding Source – Industrial Development Inducement Fund Balance**

(3) Mental Health Adult Contracts

Revisions in the amount of \$80,500 to budget additional state funding. (B07-313 and B07-314) **Funding Source – State**

(4) Library

Revision in the amount of \$31,385 to appropriate fund balance for the replacement of the courier van. (B07-306) **Funding Source – General Fund Fund Balance**

(5) Fire Districts

- a. Special Fire District - Revision in the amount of \$150 to increase expenditure to cover unanticipated refunds to taxpayers. (B07-307) **Funding Source – Fire District Taxes**
- b. Eastover Fire District - Revision in the amount of \$100 to increase expenditure to cover unanticipated refunds to taxpayers. (B07-308) **Funding Source – Fire District Taxes**
- c. Pearces Mill Fire District - Revision in the amount of \$100 to increase expenditure to cover unanticipated refunds to taxpayers. (B07-309) **Funding Source – Fire District Taxes**
- d. Stoney Point Fire District - Revision in the amount of \$2,300 to increase expenditure to cover unanticipated refunds to taxpayers. (B07-310) **Funding Source – Fire District Taxes**
- e. Westarea Fire District - Revision in the amount of \$800 to increase expenditure to cover unanticipated refunds to taxpayers. (B07-311) **Funding Source – Fire District Taxes**

3. Public Hearings

Uncontested Cases

Upon finding the requests to be reasonable neither arbitrary nor unduly discriminatory and in the public interest, the following motion was offered on the “Uncontested” rezoning cases:

- MOTION: Commissioner Blackwell moved to follow the Planning Board recommendation on Cases A&B.
- SECOND: Commissioner Henley

VOTE: UNANIMOUS

Rezoning

- A. Case P07-16. The rezoning of 1.19 acres from C1(P)/CU to C1(P), or to a more restrictive zoning district, at 4582 Cumberland Road, owned by Smith-Warren Properties.

The Planning Board recommends approval of C1(P).

- B. Case P07-18. The rezoning of 2.25 acres from A1 to RR, or to a more restrictive zoning district, at 3557 Cedar Creek Road, owned by Charles D. and Diane Rozier.

The Planning Board recommends approval of R40A.

Conditional Use District

- C. Case P07-12. The rezoning of .58 acres from R6A to C(P)/Conditional Use District and Permit to Allow Permitted Uses with Exclusions at 144 Airport Road, owned by Mark and Kim Warren.

The Planning Board recommends approval of the C(P) Conditional Use District and of the Permit with conditions.

No Speakers.

The report and agenda materials from the Planning Board is accepted as part of the record.

MOTION: Commissioner Council moved that the Board finds that this conditional use district overlay application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest and that it be approved.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

MOTION: Commissioner Council moved that the Board finds that this conditional use district overlay permit application, if completed as proposed and with conditions as set forth by the Planning Board 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 Melvin

VOTE: UNANIMOUS

Contested Cases

- D. Case P06-79. The rezoning of two parcels totaling 68.12 acres from A1 to R20, or to a more restrictive zoning district, at 2835 John McMillan Road, owned by Lawrence C. and Phillip C. Smith.

The Planning Board recommends denial of R20 and approval of R40.

SPEAKERS:

Phil Smith – Mr. Smith asked the Board to consider rezoning the parcel on the back of the lot R30. He described plans for a subdivision, Oasis at Singletree, in which homes would average from \$200,000 up. He was satisfied with the R40 zoning on the front parcel. Mr. Smith said the property has been in the family for over 100 years. He noted it would support wells and septic tanks.

Upon finding the request 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 and rezone both parcels R40.

SECOND: Commissioner King

VOTE: UNANIMOUS

- E. Case P07-14. The rezoning of 3.0 +/- acres from A1 to R20A, or to a more restrictive zoning district, at 1770 Yarbrough Road, owned by Dennis K and Linda G. Dobbins.

The Planning Board recommends denial of R20 and approval of R40.

SPEAKERS:

Mr. Clifford Spell – Opposed to the rezoning.

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

MOTION: Commissioner Henley moved to follow the recommendation of the Planning Board and rezone to R40.

SECOND: Commissioner King

VOTE: UNANIMOUS

- F. Case P07-19. The rezoning of 9.12 acres from A1 to R30, or to a more restrictive zoning district, located on the west side of Wade-Stedman Road, south of Kennel Road, owned by Tammy C. and George Barry.

The Planning Board recommends denial of R30 and approval of R40.

SPEAKERS:

Tammy Barry, petitioner, noted there is some R30 zoning about three miles from this property. The houses that will be built will run from \$200,000 and higher.

Donald Collier – 4759 Wade-Stedman Road. Opposed. Will change the neighborhood. It is a rural community.

Donna Stringfellow – Opposed to rezoning. Keep the area rural. Not opposed to growth, but wants it at the current standards (2 acre lots).

Morgan Johnson – concerned about the rezoning. Area is rural. Infrastructure should be in place before large subdivisions are built.

Kathy Stewart – 4857 Wade-Stedman Road. Opposed to the rezoning. Likes the open space and rural atmosphere of the community. No public water & sewer in the area at this time.

MOTION: Commissioner Council moved to deny the rezoning request and leave the property A1.

SECOND: Commissioner Wheatley

DISCUSSION: Commissioner Henley noted that the Board will need to determine what it is willing to consider as appropriate zoning on large tracts once the 2030 Plan has been adopted. He noted that once water and sewer have been extended to the more rural areas people will be applying for R20 density. Commissioner Blackwell agreed with Commissioner Henley. Commissioner King said he thought the R40 was a reasonable compromise.

VOTE: FAVOR: Commissioners Council, Wheatley, Blackwell, Melvin

OPPOSED: Commissioners Edge, King, Henley

Other Public Hearing

G. Community Development 2007 Annual Action Plan.

THE BOARD REMOVED THIS ITEM FROM THE AGENDA.

Items of Business

4. Consideration of a Request from the Eastover Sanitary District for a \$250,000 County Loan for Phase I - Sanitary Sewer Project.

BACKGROUND: Initially the District had planned to ask the Board for funding in the amount of \$250,000. It had anticipated receiving money from Community Development and the Rural Center. However, based on some information just received the request for the \$250,000 has been amended. There remains some uncertainty how much, if any, Community Development funds can

be qualified for this project. The County Manager recommends that the Board approve a loan in a range of 250,000 up to \$550,000, depending on what amount of Community Development funds can be qualified for the project, to be repaid in 15 years, at the prevailing interest rate. The Manager said that at this time it is not clear exactly how much loan the District will need. He said there is some hope that Community Development funds can be used for some of the project; but at this time, those funds are not available.

ACTION: Follow the recommendation of the County Manager and approve a loan of \$250,000 - \$550,000, to be repaid over 15 years, at the prevailing interest rate, to be evidenced by an interlocal agreement reflecting the above terms, and authorize the County Manager to execute the agreement on behalf of the County. In addition, approve associated budget revisions B07-319&319A).

MOTION: Commissioner Council moved to follow the recommendation of the County Manager as noted above and authorize the Manager to enter into an interlocal agreement regarding this action.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

5. Appointments to Boards and Committees

MOTION: Commissioner Blackwell moved to appoint the nominees in 5A-5C.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

A. Cumberland County Home and Community Care Block Grant Committee
(4 Vacancies)

Nominees:

Older Consumer Representative: Mary L. Mack
Ethel Hennessee

Acting Service Provider: Rosa Crowe
Tina Dicke

ACTION: Appoint the nominees.

B. Local Emergency Planning Committee (3 Vacancies)

Nominees:

Print and Broadcast Media Representative: Doug Hewitt

Emergency Management Representative: Kenny Currie

Operators of Facilities Representative: Gary Thorpe

ACTION: Appoint the nominees.

C. Tourism Development Authority (1 Vacancy)

Nominee:

Hotel/Motel Under 100 Rooms Representative: Daniel Roberts

ACTION: Appoint the nominees

6. Closed Session:
- A. Attorney-Client Matter(s)
Pursuant to NCGS 143-318.11(a)(3).
 - B. Real Estate Matters Pursuant
to NCGS 143-318.11(a)(5). – Patterson & Tyndall
Investments

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

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

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

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

MEETING ADJOURNED 9:00PM

Clerk to the Board