

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

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

INVOCATION - Commissioner Diane Wheatley

PLEDGE OF ALLEGIANCE – Brooke Reynolds - Snyder Memorial Baptist Church Kindergarten

PUBLIC COMMENT PERIOD:

- (1) Commissioner Billy R. King – Urged consideration of locating the Military Business Park in the Murchison Road area near Shaw Road.
 - (2) Carolyn Culbreth – Concerned about E-911 emergency calls and which jurisdiction responds.
1. Presentation by Mr. Tim Kinlaw of the Cumberland County Board of Education on School Facility Needs and:
- A) Consideration of Pre-Development Interim Finance Agreement Between Cumberland County Board of Education and Firstfloor K-12 Cumberland LLC for New Western Elementary School.

MOTION: Commissioner Henley moved to approve the Interim Finance Agreement deleting section 4.06 (page 6 of the agreement).

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

- B) Consideration of Calling a Public Hearing on Issuance of Certificates of Participation (COPS) in the Principal Amount of \$55 Million Dollars.

Mr. Tim Kinlaw reviewed the Board of Education's request for the issuance of Certificates of Participation. In his presentation he reviewed the school construction history since the 1920's thru current date. He noted that most of the schools were built in the 1950's and 1960's. Only three schools were built in the 80's, six in 90's and six since 2000. Some of the newer schools built are at capacity now or near capacity. Since 2002 2,463 students have been re-districted. Some issues affecting our facility needs are population growth, class-size reduction and program growth. Growth patterns from 1992-2006 reflect an increase in 8,001 students, 977 teachers and 852 new classrooms. It is projected that the school system will have \$205,000,000 in school needs in the next 10 years. There is an immediate need for \$55 million. The School Board recommended and the Board of Commissioners in March of 2006 approved funding the \$55 million with Certificates of Participation with repayment through lottery proceeds. A General Obligation Bond Referendum will have to go to the citizens in a couple of years to address the further needs or a state-wide referendum will greatly help Cumberland County with its construction needs. Note: A state-wide bond hearing will be held on January 22 at 6:00PM at the Educational Resource Center on Elementary Drive. Because of the age of many of the schools in the County, the increase in students, teachers and programs, the savings from beginning construction projects sooner rather than incurring increased inflation in construction costs and the minimal differential between COPs and GO interest rates, the Board of Education recommends approval of the COPS in the amount of \$55 million.

Commissioner Henley noted his support for the COP's and urged the Board of Education to begin to educate the citizens regarding school construction needs in the County by outlining steps taken by the Board of Education regarding reassignments, year-round school options, etc. Commissioner Henley said he did not believe the public completely understands the scope of the problem. He also noted the County has other capital needs that need to be addressed, i.e. new health department building, libraries, Parks and Recreation Centers, etc. Commissioner Wheatley said while she was not generally a proponent of COP's she would support this request because it will be repaid with lottery proceeds. Commissioner Blackwell noted his support, but said that lottery fund revenues are not on track to meet projections and are falling behind in initial predictions (more than \$1 billion will be required before June 30 of this year to meet the shortfall). He also noted that the NC Association of County Commissioners is supportive of the state-wide school bond issue. Commissioner Council noted her support and also pointed out that new facilities require new operating costs, i.e. about \$2.4 million for the facilities planned for the COPs proceeds which equates to 1.5 cents on the property tax rate. Chairman Edge noted that we also still do not know how BRAC will affect our school system.

MOTION: Commissioner Henley moved to adopt a Resolution authorizing an application with the LGC for COPs in the principal amount of approximately \$55 million, plus issuance costs and to call a public hearing on the proposed financing for March 19, 2007, 6:45PM.

SECOND: Commissioner Blackwell

SUBSTITUE

MOTION: Commissioner Melvin moved that the \$55 million request be addressed by General Obligation Bonds.

SECOND: Commissioner King

DISCUSSION: Commissioner Melvin said the GO Bond payback would cost the county less than the COPs issue. Amy Cannon, Assistant Manager for Finance, noted that while the GO bonds have a lower interest rate (4.52%), the interest rate on the COPs is only 4.61% which would increase the amount of interest paid by \$79,000 per year.

VOTE: **FAVOR:** Commissioner Melvin

OPPOSED: Commissioners King, Henley, Edge, Blackwell, Council, Wheatley

DISCUSSION ON THE

ORIGINAL MOTION: Commissioner Melvin inquired if the vote was close in approving the COPs, would that have an effect on the interest rate. Amy Cannon, Assistant County Manager for Finance noted the Local Government Commission looks at a variety of issues in determining the interest rate such as county current, the ability to pay, and support for the issue, so significant opposition could conceivably have some impact on the interest rate, but that was not presently quantifiable. Commissioner Melvin said he would support the motion.

VOTE: **FAVOR:** Commissioners Henley, Edge, Blackwell, Melvin, Council, Wheatley

OPPOSED: Commissioner King

MOTION: Commissioner Council moved to appoint Hunton & Williams (Wally McBride) and The Charleston Group (Jonathan Charleston) as the County's Co-Bond Counsel and Citigroup Global Markets, Inc. as the underwriter for the proposed financing.

SECOND: Commissioner Melvin

VOTE: **UNANIMOUS**

2. Presentation of Report on Child Homicide Identification and Prevention Task Force.

Mary Deyampert-McCall gave a brief overview of the Report. The Board of Commissioners will meet jointly with this Task Force for further review of the report.

3. Consent Agenda

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

SECOND: Commissioner King

VOTE: **UNANIMOUS**

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

ACTION: Approve

 B. Approval of Change Order ACC-2 Animal Control Center Project and Change Order STC-2 Sheriff's Training Center Project.

BACKGROUND: The purpose of the changes order is to deduct the landscaping and remaining irrigation system allowances in the contract so that these monies can be used by the County to purchase and install the landscape materials on the project. Change Order ACC-2 is a deduct of \$18,597.70 and Change Order STC-2 is a deduct of \$11,000. Jeff Devore, County

Landscaping/Grounds Manager, has indicated he can purchase and install the landscape materials within the budget established for this work.

ACTION: Approve the Change Orders, revise the contract amounts (\$4,121,992.30 for Animal Control and \$3,269,347 for the Sheriff's Training Center) and direct the County Landscaping Department to provide the site landscaping using the monies deducted from the contract with Bordeaux Construction Company.

C. Approval of Report of the Cumberland County Policy Committee Meeting.

BACKGROUND:

D. Approval of Report and Recommendation of the Cumberland County Finance Committee.

E. Approval of Report on the Disposal of Surplus Property Pursuant to N.C.G.S. 160A-226(a).

F. Approval of Destruction of Governing Body Public Records.

BACKGROUND: Pursuant to a Resolution adopted by the Board on February 4, 1985, the County Manager was authorized to approve destruction of records in accordance with the Records Retention Scheduled issued by NC Division of Archives and History and adopted by the Board.

ACTION: Approve destruction and record in minutes the items listed below:

COMMISSIONERS' PACKETS	2002
COMMISSIONERS' CORRESPONDENCE FILES	2002

G. Approval of Destruction of Planning & Inspection Public Records.

BACKGROUND: Pursuant to a Resolution adopted by the Board on February 4, 1985, the County Manager was authorized to approve destruction of records in accordance with the Records Retention Scheduled issued by NC Division of Archives and History and adopted by the Board.

ACTION: Approve destruction and record in minutes the items listed below:

Records Prior to January 1, 2001

Permit Files (applications for Building, Electrical, Plumbing, Mechanical Insulation, Demolition, Relocation, Zoning Permits, Permits Issued, Work Tickets, Certificates of Occupancy, Blueprints and Specifications and related correspondence)

Minimum Housing & Junk Vehicle Files

Monthly Reports (US Bureau of the Census, money collected for permit fees, inspections

performed and permits issued)
Correspondence Memorandums

- H. Approval of Revisions to Animal Control Ordinance Including Addition of Aggressive Dog Category.

BACKGROUND: The Animal Control Director and the Animal Control Board recommends revisions to the Animal Control Ordinance to include an addition of a category of “aggressive dog.”

ACTION: Approve all revisions to the Ordinance as noted in *Italics*. (See copy in the County Attorney’s Office and at the Animal Control Office).

- I. Budget Revisions:

ACTION: Approve

- (1) Eastover Sewer Project

Revision in the amount of \$130,429 to budget Eastover Approach Main allocation fees received. (B07-205) **Funding Source – Fees**

- (2) Health

Revision in the amount of \$18,938 to recognize additional state funds for the immunization clinic. (B07-206) **Funding Source- State**

- (3) Industrial Development Inducement Fund

Revision in the amount of \$400,000 to budget funding received from NC Department of Transportation for its share of the Cedar Creek Business Park road construction. (B07-212) **Funding Source – State**

- (4) Sheriff

- a. Revision in the amount of \$82,376 to eliminate four security positions Cape Fear Valley Medical Center. (B07-210) **Funding Source – Fees**

- b. School Law Enforcement: Revision in the amount of \$135,000 to budget grant received for Gang Resistance program. (B07-194) **Funding Source – Federal Grant**
- c. Byrne Justice Assistance Grant 2006: Revision in the amount of \$58,252 to recognize grant received in prior year. (B07-213) **Funding Source – Federal Grant**

(5) Planning and Inspections

Revision in the amount of \$8,200 to re-budget contract with NCDENR (\$6,250) and appropriate fund balance for additional expenses (\$1,950) for an air quality awareness program. (B07-214) **Funding Source – State and General Fund Fund Balance**

(6) Civic Center

- a. Revision in the amount of \$5,600 to appropriate fund balance to fund additional repairs needed in the Crown Theatre. (B07-200) **Funding Source – Civic Center Fund Balance**
- b. Revision in the amount of \$26,216 to appropriate fund balance to fund unexpected major repairs on the chiller and cooling tower. (B07-201) **Funding Source – Civic Center Fund Balance**

(7) Library

Revision in the amount of \$10,621 to reallocate budgeted expenditures by eliminating one part time position and reclassifying another part time position to full time due to the difficulty in keeping positions filled. (B07-204) **Funding Source – Reallocate Budgeted Expenditures**

4. Public Hearings

Uncontested Cases

Rezoning

Upon finding the rezoning 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 Planning Board recommendation on the uncontested rezoning cases (A-D).

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

- A. Case P06-88. The rezoning of two parcels totaling 3.09 acres from R6A to C(P), or to a more restrictive zoning district, at 3944 Camden Road and 3380 King Charles Road, owned by James B. Barnwell, Jr.

The Planning Board recommends approval of the C(P) on the parcel fronting Camden Road and denial of C(P) , but approval of O&I(P) for the back portion of the parcel.

- B. Case P06-89. The rezoning of a 25.38 +/- acre portion of a 54.86 acre tract from R10 (R7.5) to R5A, or to a more restrictive zoning district, located on the north side of Hope Mills Bypass, northwest of Camden Road, owned by Katherine McGeachy Ward, Ann Warren and Joseph Neill.

The Planning Board recommends approval of R5A.

- C. Case P06-90. The rezoning of 2.10 acres from A1 to R40A, or to a more restrictive zoning district, at 1649 A Townsend Road, owned by David G. Sr., and Betty L. Hobbs.

The Planning Board recommends denial of R4A and approval of A1A.

- D. Case P06-91. The rezoning of 6.0 acres from A1 to R40, or to a more restrictive zoning district, at 623 Magnolia Church Road, owned by Bruce J. and Wanda L. Teets.

The Planning Board recommends approval of R40.

Other Planning Matters

- E. Consideration of Request by Ms. Kacey Shupe to Reconsider Zoning of .47 Acres at 4721 Camden Road from O&I(P) to C1(P).

BACKGROUND: The Board of Commissioners, at its meeting on December 18, 2006, rezoned this property from R10 to O&I(P). The owner, Kacey Shupe, had initially requestd C1(P). While Ms. Shupe was at the Commissioners' meeting, she arrived late and did not sign up to speak. Had she spoken she would have made her case for the C1(P) rezoning. Because of legal constraints, the Board cannot simply re-open this case, hear Ms. Shupe, and either reaffirm its decision or make a new decision. It may, however, allow Ms. Shupe to present a request that this case be reconsidered for C1(P) zoning and allow her to present her arguments to the Board. If the Board then wishes to reaffirm its December 18 decision, no further action would be necessary. If the consensus of the Board were to be that the C1(P) zoning district would likely

be appropriate, then the Board could refer the matter to the Planning Staff and Planning Board for re-consideration as a new case. The County Attorney recommends considering Ms. Shupe's request and allowing her to speak on her reasons for it, but granting it only if there is a consensus on the Board that, after legally-required re-advertising, consideration by the Planning Board, and returning to this Board for final action. Ms Shupe told the Board that she currently operates a hair salon out of her home just down the street from 4721 Camden Road, the parcel to be rezoned. She said she did not want to continue to operate the hair salon as a "home" business, but wanted to get the operation into a separate site. She asked the Board to reconsider her request.

ACTION: Consider the above request.

MOTION: Commissioner Blackwell moved to send the Case back to the Planning Board for reconsideration.

SECOND: Commissioner King

DISCUSSION: Commissioner Wheatley noted that the information given by Ms. Shupe at this meeting is different from her original request at the Planning Board meeting.

SUBSTITUTE

MOTION: Commissioner Council moved that the Board take no action on this request.

SECOND: Commissioner Wheatley

DISCUSSION: In response to a question as to whether any other zoning classification would work for Ms. Shupe's request, the County Attorney noted a C1P/CUP could work.

VOTE: **FAVOR:** Commissioners Henley, Edge, Council, Wheatley, King
OPPOSED: Commissioners Blackwell and Melvin

Items of Business

5. Consideration of Appointment of a Commissioner as a Legislative Liaison to the NCACC.

BACKGROUND: The NCACC is requesting that all 100 counties appoint one commissioner as its Legislative Liaison. The liaison will serve as the conduit of information between the Association (via the District 6 Director) and the Board of Commissioners.

ACTION: Appoint a commissioner to serve as the legislative liaison.

MOTION: Commissioner King nominated Commissioner Blackwell to serve as the liaison.

SECOND: Commissioner Henley

VOTE: **UNANIMOUS**

6. Nominations to Boards and Committees

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

BACKGROUND: Vacancies: Mexie Fields – eligible for reappointment
James Ingram – eligible for reappointment

Nominees: Mexie Fields and James Ingram

B. Civic Center Commission Vacancies (5 Vacancies)

BACKGROUND: Vacancies:

Geo Livingston – did not accept appointment and moved out of county.
Ken Lancaster – eligible for reappointment
Dr. Jack Freeman – eligible for reappointment
Susan Jones Monroe – not eligible for reappointment
Ronnie Matthews (restaurant owner position): eligible for reappointment

Nominees: Ken Lancaster (reappointment)
Dr. Jack Freeman (reappointment)
Ronnie Matthews (reappointment, restaurant owner position)
Floyd Shorter
Alisa Chisolm
Robert Poole

C. Senior Citizens Advisory Board (1 Vacancy)

BACKGROUND: In accordance with approved expansion of this Board in 2006, there is one vacancy for a two-year term.

Nominees: Eleanora Ashby

D. Workforce Development Board (2 Vacancies)

BACKGROUND: Vacancies:

Leesa Jensen – Private Sector – Not eligible for reappointment. Recommended: Mike Axelrod
W.H. McHenry – Private Sector – Not eligible for reappointment: Recommended: Michael Karaman

Nominees: Mike Axelrod and Michael Karaman (private sector positions)

7. Appointments to Boards and Committees

MOTION: Commissioner Blackwell moved to appoint the nominees in Items A&B by acclamation.

SECOND: Commissioner Council

VOTE: UNANIMOUS

A. Board of Adjustment (1 Vacancy)

Nominee: Melree Hubbard Tart

B. Board of Health (5 Vacancies)

Nominees: Veterinarian: Dr. Ennis V. Williams (Reappointment)

Dentist: Dr. Walter S. Scott, III

Registered Nurse: Kim S. McDonald

General Public Representative: Carol E. Schaeffer
Barbara S. Marshall

C. Cape Fear Valley Health System Board of Trustees (4 Vacancies)

Nominees: Registered Nurse (1 Position): Mary G. Buie (Reappointment)

General Public (3 Positions): Alice Stephenson (Reappointment)
Floyd L. Shorter
Dr. Dudley Miller
Don Porter

VOTING: Alice Stephenson - Unanimous
Floyd Shorter - Commissioners King and Council
Dudley Miller – Commissioners Henley, Blackwell, Melvin, Edge, Wheatley
Don Porter – Unanimous

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

MOTION: Commissioner Henley moved to go into Closed Session for the above noted matter.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

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

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

MEETING ADJOURNED: 9:25PM
