

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 17, 2007, 6:45PM
REGULAR/REZONING MEETING

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

INVOCATION - Commissioner Diane Wheatley

PLEDGE OF ALLEGIANCE

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

- (1) Belinda Cashwell – Director Media Services, Cumberland County School System. Ms. Cashwell thanked the Board for its support of the Reading Rocks Walk-a-Thon. She noted that over 15,000 students participated last year. The Walk-a-Thon this year will be held on October 13, 2007, starting at 9:00AM at Festival Park. It will be a 1.5 mile walk. She asked the Board to attend and sit on the stage and lead the walk.
- (2) Linda DeVore – She noted the pressure of meeting the needs of the citizens of the County. She also noted that we are in the top nine counties with highest property taxes. She encouraged the Board to reconsider its position not to guarantee a 2 cent property tax reduction along with the sales tax referendum.
- (3) Dave Wilson – He noted we have one of the highest property tax in the state and the difficulty in competing for economic development projects with other southeastern states. He said that property taxes are a major consideration when companies are relocating. He urged that the Board show good faith in controlling spending and pledge to cut the property tax 2 cents if the sales tax is approved.

The Chairman thanked the above noted citizens for their comments. He also said he hoped that those who are involved in blogging would be accurate in their statements.

Special Recognition: Cumberland County Cares Award - RSVP – Meals to the Homebound
A Certificate was presented to representatives of RSVP.

ADDITION TO AGENDA: Presentation by Amy Cannon, Asst. County Manager for Finance and Sara VanderClute, PIO, regarding the ¼ cent sales tax referendum.

MOTION: Commissioner Blackwell moved to add the above item to the agenda.
SECOND: Commissioner Council
VOTE: UNANIMOUS

Ms. Cannon and Ms. VanderClute reviewed the county's projected needs (in excel of \$250,000,000 capital and associated operating costs by FY2012 and afterwards) and the communications plan that will be used to inform the public about the referendum for the ¼ cents sales tax increase.

MOTION: Commissioner King moved to accept the communications plan as presented.
SECOND: Commissioner Henley
VOTE: UNANIMOUS

1. Consent Agenda

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

A. Approval of minutes of the September 4, 2007 regular meeting.

ACTION: Approve

B. Approval of Correction to Minutes.

BACKGROUND: On September 19, 2005, the Board approved release of the sealed minutes, including the September 19, 2001 meeting. There was no meeting on September 19, 2001; therefore those Minutes needed to be corrected to delete that reference. In addition, we approved unsealing minutes for October 18, 2001 at the August 6, 2007 meeting. The correct date of the minutes to be unsealed is October 15, 2001.

ACTION: Approve corrections.

C. Approval of Report and Recommendation of the Cumberland County Policy Committee:

1) Cumberland County Information Technology Policy

BACKGROUND: The Policy Committee reviewed a proposed Information Technology Management Policy at its meeting on September 6, 2007. The policy establishes a centralized coordination point for the County network, which allows connectivity between the courthouse and 25 other county buildings for information technology purposes. The policy sets forth the procedures for the County Information Services Department to manage and coordinate all functions related to this network. This policy will maintain the integrity of the systems as well as enhance system security. In addition, standardization of equipment at all points in the system is important for continuity of the network. The Policy Committee recommends approval of the Policy.

ACTION: Approve

2) Revisions to Cumberland County Seal

BACKGROUND: The Policy Committee, at its meeting on September 6, 2007, discussed a revision to the current County Seal to incorporate the Town of Eastover. The new seal, if approved, will be phased in as items that contain the seal are depleted. This new seal will be presented to the Town of Eastover at the September 17, 2007 meeting. The Policy Committee voted to recommend that the seal be revised to reflect the incorporation of the Town of Eastover, and that it be phased in as appropriate.

ACTION: Approve the revised seal and the Committee's recommendation to phase it into county jobs as appropriate.

D. Approval of Declaration of Surplus Equipment and Authorization to Accept Trade-In Allowance for 911 Dictaphone Freedom Recovery System.

BACKGROUND: Bids have been received to upgrade the current 911 Dictaphone Freedom Recording System. The successful bidder has offered a \$12,774 trade-in allowance on the existing equipment.

ACTION: Declare the existing equipment as noted below surplus and trade it in on the upgraded System.

2 Dual Telecom Blocks w/8 analog cares @\$3,387 each and w/8 compression cards in each block, part #1SA000 (\$6,774);

1 Freedom FT chassis w/2 power supplies, part #3AB010, w/4 FT recorder blades, part #428537, serial #692479 (\$6,000);

E. Approval of Extension of Centerplate Contract for Concessionaire Services at the Crown Center.

BACKGROUND: The Civic Center Board approved an extension of the concessionaire contract with Centerplate for the Crown Center. The contract approves an extension for a term of 10 years, commits Centerplate to make \$750,000 in upgrades and/or improvements to concession

facilities over the term, and provides for other improvements such as an additional manager position dedicated solely to overseeing and supervising concession services at events.

ACTION: Approve the extension as recommended by the Civic Center Board.

- F. Approval of Appointment of Deputy Finance Officer for Department of Social Services.

BACKGROUND: NCGS 159, Article 3, entitled “The Local Government Budget and Fiscal Control Act” requires all checks drawn on an official depository to be signed by the Finance Officer or a property designated Deputy Finance Officer and countersigned by another official of the local government designated for this purpose by the Governing Board. The act also requires the Deputy Finance Officer to have a faithful performance bond in an amount not less than \$10,000 or more than \$250,000.

ACTION: Adopt Resolution approving Ms. Zimmerman Deputy Finance Officer for DSS.

RESOLUTION

WHEREAS, due to the operation requirements unique to the Cumberland County Department of Social Services it must issue checks on a frequent basis; and

WHEREAS, the timing, amounts or payees of these checks cannot be anticipated and, in most cases, 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 159.3 entitled “the Local Government Budget and Fiscal Control Act”, authorizes the governing board to appoint Deputy Finance Officers 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 Department of Social Services, the Board of Commissioners hereby RESOLVES that:

Ms. Rosemary Zimmerman 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 Department of Social Services;

The appointee will provide a faithful performance bond in the amount of \$20,000.

- G. Approval of Sale of Surplus County-Owned Real Properties Acquired by Tax Foreclosure:

- 1) 0.75 Acres – Kenneth E. & Kathryn D. Fisher – PIN: 0452-45-2455, Grays Creek Township

BACKGROUND: On or about September 18, 2006, the County acquired by tax foreclosure the above noted property. The amount currently owed including interest and cost is \$3,934.24. The tax value on the property is \$9,775. Sondra Roberts placed a bid in the amount of \$3,934.24 on the property and deposited \$393.42 in the County Finance Department. Ms. Roberts was the final and highest bidder.

ACTION: Accept the bid and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price and costs.

- 2) Lot 5 Joe Robinson Ext. 6.3 Acre – PIN: 1400-63-8555, Cedar Creek Township

BACKGROUND: On or about November 20, 2006, the County acquired by tax foreclosure the above noted property. The amount currently owed including interest and cost is \$3,339.69. The tax value on the property is \$16,069. Maria Lugo placed a bid in the amount of \$5,000 on the property and deposited \$500 in the County Finance Department. Ms. Lugo was the final and highest bidder.

ACTION: Accept the bid and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price and costs.

- 3) Lot 92-93 Simmons Hgts 2517 Providence Street – PIN: 0428-67-6283, Cross Creek Township

BACKGROUND: On or about December 8, 2005, the County acquired by tax foreclosure the above noted property. The amount currently owed including interest and cost is \$8,502.67. The tax value on the property is \$27,900. Abner Cervera placed a bid in the amount of \$8,502.67 on the property and deposited \$850.27 in the County Finance Department. Mr. Cervera was the final and highest bidder.

ACTION: Accept the bid and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price and costs.

- 4) Lot Idlewild – PIN: 0436-06-9862, Cross Creek Township

BACKGROUND: On or about March 14, 2006, the County acquired by tax foreclosure the above noted property. The amount currently owed including interest and cost is \$1,965.43. The tax value on the property is \$1,969. Sondra Roberts placed a bid in the amount of \$1,965.43 on

the property and deposited \$196.54 in the County Finance Department. Ms. Roberts was the final and highest bidder.

ACTION: Accept the bid and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price and costs.

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

Case No:	MH 4959 and 4960-2006
Property Owner:	Oscar Moses Warren
Mobile Home Owner:	Oscar Lee Warren
Property Location:	5540 Leitha Lane, Godwin, NC
Parcel ID Number:	1503-02-2761
Cost of Demolition:	\$1,650

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

I. Approval of a Proclamation Designating the Fourth Monday in September as “Family Day – A Day to Eat Dinner With Your Children” in Cumberland County.

ACTION: Adopt Proclamation

PROCLAMATION

WHEREAS, the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America’s children; and

WHEREAS, surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs; and

WHEREAS, teenagers who virtually never eat dinner with their families are 72% more likely than the average teenager to use illegal drugs, alcohol and cigarettes; and

WHEREAS, teenagers who almost always eat dinner with their families are 31% less likely than the average teenager to use illegal drugs, alcohol and cigarettes; and

WHEREAS, the correlation between family diners and reduced risk for teen substance abuse are well documented; and

WHEREAS, parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers; and

WHEREAS, family dinners have long constituted a substantial pillar of family life in America;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cumberland County PROCLAIMS the fourth Monday in September “FAMILY DAY – A DAY TO EAT DINNER WITH YOUR CHILDREN” and urges all citizens to recognize and participate in the observance.

J. Budget Revisions:

ACTION: Approve

(1) Health

Revisions in the total amount of \$23,500 to reallocate budgeted expenditures to fund salary increase for Medical Director. (B08-056 thru B08-056F) **Funding Source – Reallocation of Budgeted Expenditures**

(2) Pearces Mill Fire District

Revision in the amount of \$300 to increase expenditure to cover unanticipated refunds to taxpayers. (B08-057) **Funding Source – Fire District Taxes**

(3) Water and Sewer

Revision in the amount of \$250,000 to appropriate fund balance to rebudget a transfer approved in FY2007. (B08-047) **Funding Source – Water and Sewer Fund Balance**

(4) Community Development

- a. Housing - Revision in the amount of \$554,606 to rebudget grant funds from FY2007. (B08-059) **Funding Source – Federal**
- b. Economic Development – Revision in the amount of \$200,000 to rebudget grant funds from FY2007. (B08-060) **Funding Source – Federal**
- c. Public Facilities – Revision in the amount of \$470,340 to rebudget grant funds from FY2007. (B08-061) **Funding Source – Federal**
- d. Support Housing Program – Revision in the amount of \$13,439 to rebudget grant funds from FY2007. (B08-062) **Funding Source – Federal**
- e. Home Administration – Revision in the amount of \$35,052 to rebudget grant funds from FY2007. (B08-063) **Funding Source – Federal**
- f. Home Program/General Government Other – Revisions in the amount of \$2,071,327 to rebudget grant funds (\$1,663,945) from FY2007 and County’s match (\$407,382). (B064 and B064A) **Funding Source – Federal and General Fund Fund Balance**

2. Public Hearings

Uncontested Cases

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

MOTION; Commissioner Blackwell moved to follow the recommendation of the Planning Board on the Uncontested Cases (A&B).
SECOND: Commissioner King
VOTE: UNANIMOUS

Rezoning

- A. Case P07-64. The rezoning of a 1.49 acre portion of a 34.11 acre tract from RR to C(P), or to a more restrictive zoning district, northeast of North Main Street, south of Camden Road, owned by Neil E. Smith.

The Planning Board recommends approval of C(P).

- B. Case P07-66. The rezoning of a 2.64 acre portion of a 40.43 acre tract from C(P) to R7.5, or to a more restrictive zoning district, at 6473 Ramsey Street, owned by Edgewood Development Group, Inc.

The Planning Board recommends approval of R7.5.

Conditional Use Permit Cases

- C. Case P07-53. The rezoning of 4.33 acres from A1 to C(P), or to a more restrictive zoning district, at 2545 Sand Hill Road, owned by Harold J. Kidd.

The Planning Board recommends approval of the C(P) Conditional Use District and Permit with all conditions as noted at the Planning Board meeting.

The Chairman opened the public hearing.

SPEAKER: Angie Johnson. Ms. Johnson lives behind the property and will look at the fence (buffer) between her property and the petitioner's property. She noted her property would decrease in value.

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

MOTION: Commissioner Blackwell moved to approve the Conditional Use District with the following permitted uses: Mini-warehousing with commercial storage of vehicles, office use, truck and trailer rentals, single family dwelling (2nd floor apartment), and retailing or servicing, excluding all other uses allowed in the C(P) District.

SECOND: Commissioner Melvin

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

MOTION: Commissioner Blackwell moved that the Board finds that this Conditional Use Permit Application, if completed as proposed and subject to the conditions recommended 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 and 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

AMENDED

MOTION: After discussion, Commissioner Henley moved to amend the buffer conditions to direct that the buffer be constructed between the subject property and Ms. Johnson's property, with an 8 ft. high solid fence, and landscaping planting on

Ms. Johnson's side of the fence to the same standard as the street landscaping for the project.

SECOND: Commissioner Melvin

The petitioner concurred with this additional condition as stated by Commissioner Henley.

VOTE ON AMENDED MOTION: FAVOR: Commissioners Henley, Blackwell, Edge, Council, Melvin, Wheatley

OPPOSED: Commissioner King

Other Public Hearings

D. Community Development Department 2006 Consolidated Annual Performance Evaluation Report (CAPER).

Thanena Wilson, Director, Community Development Department, reviewed the report. No action needed.

SPEAKERS: None

Items of Business

3. Presentation of Revised Cumberland County Seal to the Town of Eastover.

Chairman Edge presented the new County Seal, reflecting the addition of Eastover as a new municipality in the County, to the Eastover Town Board.

4. Presentation of the Annual Report of the Tourism Development Authority (TDA) by Billy Wellons, Chairman.

Mr. Wellons presented the following report:

Revenue (FY07): \$3,495,873.15

Funds distributed:	Crown Coliseum	873,968.30
	Arts Council	873,968.31
	FACVB	1,574,771.99
	TDA Discretionary Funds	173,164.55

TDA Discretionary funds:	Balance (7/1/06, unobligated)	321,572.00
	Funds received for FY	173,164.55
	Funds returned to TDA by recipient	10,250.00
	Less obligations during FY	(180,236.00)
	Less minimum balance	(50,000.00)
	BALANCE 6/30/07 (unobligated)	274,750.55

TDA Funds obligated during FY:

Fayetteville – League of Municipalities	\$	13,500
ASOM		51,736
NC Assoc. of County Commissioners		15,000
FSU – HMS Pinafore		25,000
Cape Fear Botanical Garden		25,000
LaFayette 250 th Birthday Celebration		25,000
Fayetteville Business & Professional League		25,000

As of June 30, 2007, TDA has the following outstanding obligations:

NC Civil War Trails/FACVB	\$	13,900
Fayetteville Business & Professional League		25,000

Note: Some of the obligations mentioned above span more than one fiscal year.

MOTION: Commissioner King moved to accept the report.
 SECOND: Commissioner Council
 VOTE: UNANIMOUS

5. Presentation of Proposed EPA Revisions to the Ozone Standard by Emilie Helms Air Quality Coordinator and Approval of Resolution.

BACKGROUND: Ms. Emilie Helms, Air Quality Coordinator, reviewed the proposed EPA revisions to the Ozone Standard. Ms. Helms noted the current standard is 0.08 ppm (parts per million). EPA has proposed a stricter standard currently in a range of 0.070 – 0.075. Cumberland County is currently on track to achieving status as an “attainment” community. Comments on the proposed standard will be accepted through October 9, 2007. If EPA approves the new standard, Cumberland County would again be in “nonattainment” for ozone. The EPA has not indicated whether it would allow Early Action Compact for the new, stricter standard, and there is some question whether it will. The Air Quality Task Force recommends that the board of Commissioners adopt a resolution requesting EPA that, if Cumberland county becomes non-attainment under the proposed standard, it allow Cumberland county to enter into an Early Action Compact.

ACTION: Adopt a resolution asking the EPA to endorse an Early Action Compact.

RESOLUTION

WHEREAS, the Federal Clean Air Act, through the Environmental Protection Agency (EPA), establishes air quality standard to protect public health and welfare; and

WHEREAS, the EPA must regularly update the air quality standards to provide increased protection for children and other at-risk populations against an array of ozone related adverse health effects; and

WHEREAS, the EPA proposes to revise and reduce the level of the 8-hour standard to a level within the range of 0.070 to 0.075 parts per million (ppm); and

WHEREAS, the proposed 40CFR Part 50, Page 37818, Docket ID EPA-HQ-OAR-2005-0172, "National Ambient Air Quality Standards for Ozone" rule; and

WHEREAS, North Carolina has acknowledged the importance of air quality standards in promoting quality of life, economic development and health; and

WHEREAS, the benefits of a continued Early Action Compact include: clean air sooner, delaying or avoiding non-attainment designation, minimizing the impact of air quality standards on new industrial and transportation construction, less complicated conformity plans, development of local standards in partnership with stakeholders and the state; and

WHEREAS, the past, present and continued cooperative efforts of the 2002 Cumberland County Early Action Compact have made significant improvements in air quality;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners, that should EPA select a new ozone standard of 0.075 ppm or lower, we request the ability to join with the other Cumberland County municipalities to enter into an Early Action Compact.

MOTION: Commissioner Council moved to approve the Resolution.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

6. Presentation of Cumberland County Facilities Committee Report and Recommendation on the Courthouse Plaza Renovations and Parking Lot Improvements.

BACKGROUND: Bids were received on July 12, 2007 for the Courthouse Plaza renovations and Parking Lot improvements. The low base bid was submitted by Cardinal Landscaping, Inc. in the amount of \$3,195,148.90. A 2.5% contingency in the amount of \$80,000 is also recommended. The County Facilities Committee met on August 14, 2007 to review the bid. At that meeting the Committee directed that Management and Engineering staff review the project to find ways to reduce the project cost. At the Facilities Committee meeting on September 11, the project engineer gave a summary of the project with specific details on how the significant expansion of the project scope impacted the actual cost compared to the original project estimate. The project engineer recommended that \$280,000 could be reduced from the project without significantly impacting the scope of the project. The current budget for this project is \$1,810,791. The Facilities Committee unanimously agreed to recommend accepting the lowest base bid from Cardinal Landscaping in the amount of \$3,195,148.90. Further, the Committee agreed to recommendations to reduce the base bid by \$280,000 eliminating several items that would not materially change the scope of the project. In addition, the County Engineer proposes a project contingency in the amount of \$80,000. Alternate bids were taken for the project, and the project engineer and the County Engineer recommend acceptance of Alternates #4 & 5 in the total amount of \$144,932. The base bid, less the project reductions of \$280,000, plus the alternates and the contingency, bring the construction contract to a total of \$3,140,080.90.

Additional funds needed for this project will be reallocated from Roof Maintenance (\$350,000) and from Fund Balance set aside for Medicaid (\$979,290).

ACTION: Approve the project at a cost of \$3,140,080.90 and the associated budget revision (B08-067).

MOTION: Commissioner King moved to approve.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

Note: It is expected the project will begin in October of this year and will take approximately 300 days to complete.

7. Nominations to Boards and Committees

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

BACKGROUND: Edgar Merritt has completed his initial appointment and is eligible for reappointment.

NOMINEE: Edgar Merritt (reappointment)

B. Minimum Housing Appeals Board (4 Vacancies)

BACKGROUND: Vacancies:

Regular Members: Willie McKoy has completed his second term and not eligible for reappointment. Jimmy Ragland has completed his first term and will not be able to serve a second term.

NOMINEES: Charles Lewis and Linda Miller

Alternate Members: Lewis and Miller have been nominated for regular positions. Nominations will be needed to fill their slots.

NOMINEES: Clayton Burriss, Jr.
Leesa Jensen

C. Southeastern Economic Development Commission (1 Vacancy)

BACKGROUND: Commissioner Kenneth Edge has served two terms and is not eligible for reappointment.

NOMINEE: Commissioner Ed Melvin

8. Appointments to Boards and Committees

A. Air Quality Stakeholders' Committee (1 Vacancy)

Nominee: Gary Cooper

MOTION: Commissioner Council moved to appoint Gary Cooper.

SECOND: Commissioner King

VOTE: UNANIMOUS

9. Closed Session: A. Attorney-Client Matters
Pursuant to NCGS 143-318.11(a)(3).

(1) Cumberland County Ann Street Landfill, by Cumberland County v. NC Department of Environment and natural Resources, Division of Air Quality Cumberland County (07 HER 0604 & 07 HER 0664

(2) State ex rel. Cumberland County v Michael George Waguespack, Barbara Waguespack and Funtime Amusements, Inc.

MOTION: Commissioner Henley moved to go into Closed Session for the above noted attorney-client matters.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

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

SECOND: Commissioner King

VOTE: UNANIMOUS

MOTION: Commissioner Blackwell moved to ratify and approve settlements in both referenced cases as on file with the Clerk and also available for review in the County Attorney's Office.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

MEETING ADJOURNED: 8:50PM

Clerk to the Board