

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MARCH 17, 2008, 6:45PM
REGULAR/REZONING MEETING

PRESENT: Chairman Breeden Blackwell
Vice Chair Jeannette Council
Commissioner Kenneth S. Edge
Commissioner John T. Henley, Jr.
Commissioner Billy R. King
Commissioner Edward G. Melvin
Commissioner Diane Wheatley
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Cliff Spiller Asst. County Manager
Grainger Barrett, County Attorney
Harvey Raynor, Deputy County Attorney
Marie Colgan, Deputy Clerk
Marsha Fogle, Clerk
Sara VanderClute, PIO

INVOCATION - Commissioner Kenneth Edge

PLEDGE OF ALLEGIANCE

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

SPEAKERS:

Linda Carol Whitney – Spoke about Kids Voting NC Cumberland County and the importance of the program. She asked for funding from the County to keep the program running.

Charles Owens – spoke about the importance of air quality. Asked the Board to put in a policy to address disposal of compact bulbs. Focus on air quality for the community.

Presentation of Cumberland County Cares Award:

Ruby Flanary - Volunteer for Cumberland County Medication Access Program
and Highsmith-Rainey Specialty Hospital

Recognition of Cumberland County Emergency Communications Center for Re-Accreditation as an Emergency Medical Dispatch Center of Excellence by the International Academies of Emergency Dispatch

1. Presentations

A. BRAC Project Committee Presentation – Jim Konneker, Chairman and Todd Smith.

Mr. Jim Konneker introduced Mr. Todd Smith who spoke to the Board about the local BRAC Project Committee. The local committee is a county-wide volunteer group formed in June 2006. Its main task is to market the amenities of Cumberland County and the City of Fayetteville to individuals and families all over the world that will be moving to this region with a military related move. Market research shows that these individuals are interested in the following quality of life issues in selecting a new home: Safety, social comfort; proximity, accessibility, affordability (time & hard cost); flexibility (choice, variety, quantity) and quality. He noted that Fayetteville/Cumberland County must win on the following fronts: Housing, Healthcare, Public Safety, Entertainment, Education (higher), Transportation and Hospitality. The Local BRAC Committee has mobilized the volunteer base to create “The Army’s Army”, that will develop outreach programs to make the soldiers and their families feel welcome.

B. Presentation of Report from the Safe Water Task Force.

Mr. Wayne Raynor, Director, County Health Department, and Mr. Tom Cooney, Director, Public Utilities Department, reviewed a summary of events related to the Safe Water Task Force and how and why it was formed. The focus of the Task Force is to address the broader issues of county-wide contamination, hopefully leading to an estimate of the cost of a county-wide water system. The Task Force is focusing on enhancing communication between NC DENR and county agencies, developing an inventory of county-wide water suppliers, update of the 2002 Rural Water Study, mapping all contaminated sites in the County, enhancing community between NC DENR and the Health Department and reviewing the Health Department’s responsibilities related to contamination reporting. The Task Force is developing a Plan of Action and will discuss the next steps in addressing the county-wide contamination issues. Mr. Raynor noted that significant progress has been made toward developing a comprehensive plan to address the groundwater contamination problems since this issue came before the Board in February. Tom Cooney reviewed the tasks, persons responsible and resources available in assembling a preliminary report to the Board of Commissioners. He noted that it will take a little time to put together information regarding the cost of eliminating our contamination problems. Communications among the County Health Department, County Public Utilities and DENR have improved and will continue to improve during this process.

Commissioner Edge stated that we are obligated to provide good clean drinking water for our citizens. He said there are many homes in the newly annexed areas that are still on wells.

Breeden Blackwell, Chairman of the Board of Commissioners, asked the Task Force to look at a regional water system. He noted there may be a model within the State that might be helpful for us. The Chairman said addressing this issue will not be inexpensive for the county and the citizens.

Commissioner Henley noted the importance of planned development and development of infrastructure. He said that PWC, the City of Fayetteville and Eastover Sanitary Sewer District should be involved in the Task Force. He expressed concern about the lack of communication between DENR and the County Health Department. He also noted the importance of the State agencies getting more resources to help these common problems.

Juanita Pilgrim noted that the City of Fayetteville had been invited to the initial meeting of the Task Force and will be participating on the Task Force.

In response to a question regarding grant money to assist us, Mr. Cooney noted that the grant money pool has “dried up”.

2. Consent Agenda

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

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

- A. Approval of Minutes for the February 19, 2008 regular meeting, the February 7, 2008 special meeting/planning session, special meeting with the Town of Hope Mills on February 26, 2008 and special meeting with the Cumberland County Board of Education on March 10, 2008.

ACTION: Approve

- B. Approval of Solid Waste Department Purchase of a Used CAT 2004 Model 938G Rubber Tire Loader.

BACKGROUND: Bobby Howard, Solid Waste Director, has asked that the Board ratify approval of purchase of a used CAT 2004 Model 938G Rubber Tire Loader (SN RTB00685) with approximately 1786 hours of service time. Gregory Poole offered to sell this used machine for \$130,000; the cost of a new machine is \$175,398. Other used loaders with the same amount of service hours sell for approximately \$170,000. Because Gregory Poole needed a response to its offer ASAP, management authorized the purchase. The Solid Waste Department budgeted \$127,500 to purchase the equipment and will need to reallocate some funds within its budget for the purchase.

ACTION: Ratify the purchase and approve budget reallocation.

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

1) County Flag

BACKGROUND: The Policy Committee met on March 6, 2008 and voted to recommend that the Board approve the flag as previously recommended by the Policy Committee on February 19, 2008.

ACTION: Follow the recommendation of the Policy Committee regarding the flag. (Note: The flag will remain red, white and blue with the new county seal in the white portion of the flag)

- D. Approval of Grant Award – Robins Meadow Transitional Housing Program.

BACKGROUND: Cumberland County has been awarded an \$84,134 Supportive Housing Program grant for Robins Meadow Transitional Housing Program. The Community Development Department will be responsible for the day to day activities of the program. This program offers transitional housing and supportive services to homeless families.

ACTION: Accept the grant, authorize the County Manager to sign the agreement and approve the budget revision (B08-244-244A).

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

BACKGROUND:

Date of accident:	12/22/07
Vehicle:	2006 Ford Crown Victoria
VIN:	2FAHP71WX6X143676
Fleet:	FL227
Mileage:	57,578
Department:	Sheriff's Office
Settlement Offer:	\$9,196.70
Insurance Co.:	USAA

ACTION: Declare the vehicle surplus, authorize the Risk Manager to accept \$9,196.70 as settlement and allow the insurance company to take possession of the vehicle.

- F. Approval of Revisions to a Memorandum of Understanding for Cooperative, Comprehensive and Continuing Transportation Planning and the Establishment of a Rural Transportation Planning Organization.

BACKGROUND: The New MOU changes include a clarification of the definition of quorum as well as new language regarding RTCC and RTAC meeting attendance. RTCC and RTAC approve the attendance changes at their meetings in January.

ACTION: Approve the revisions to the MOU.

- G. Approval of Interlocal Agreement Between the County of Cumberland and the Town of Eastover Regarding the Cumberland County Community Development Block Grant Program and Home Investment Partnership Program.

BACKGROUND: The Community Development Department approached The Town of Eastover about participating in the County's Community Development programs. Eastover wishes to participate and will enter into an interlocal agreement with the County.

ACTION: Approve the interlocal agreement authorizing the County Community Development Department to administer the CDBG and HOME INVESTMENT PARTNERSHIP programs within the Town of Eastover.

- H. Approval of Community Development Department Revisions to the Homebuyers Assistance Program Policy.

BACKGROUND: The County Community Development Department proposes to provide a greater subsidy than it currently provides through the Down Payment Assistance and Gap Financing Programs to assist low to moderate income individuals and families in purchasing a home. Qualified applicants would receive up to \$10,000 in down payment and closing costs assistance and/or up to \$20,000 in gap financing in the form of a deferred loan. Terms would be 0% interest over a 15-year term for DAP and 30-year term for GAP. Beginning on the sixth anniversary of the loan (61st month) the loan would be prorated annually in an equal amount so that by the end of the term, the loan balance would be zero. In the event the promissory note is triggered for repayment, Community Development funds would be recaptured at that time.

ACTION: Approve the changes as noted above.

- I. Approval of Offer to Purchase by Jonna D. Longnecker from Community Development Department of a House Located at 3234 Glenmore Drive, Hope Mills and to Publish Notice of Upset Bid.

BACKGROUND: Ms. Jonna D. Longnecker has offered to purchase this house for \$86,000 and made a down payment of 5%. This offer will be advertised in the newspaper if it is approved.

ACTION: Accept the offer to purchase, subject to statutory notice and upset provisions and authorize the County Manager to sign the contract on behalf of the County.

J. Approval of Redemption of Surplus County-Owned Real Property Acquired by Tax Foreclosure.

BACKGROUND: On or about April 23, 2007, the County acquired by tax foreclosure sale property previously owned by John Carter at 219 Deep Creek Road. The amount owed on the judgment plus interest and costs is \$8,489.42. John Carter, who is living in the house and a former owner, has offered to purchase the County's interest and exercise his equity of redemption for \$8,489.42 and has deposited same in the Finance Office. NCGS 105-376 & 160A-26 authorize the Board to resell property acquired by tax foreclosure to the former owner or any person having an interest in the property for an amount not less than the costs associated with the foreclosure and subsequent resale. This allows the former owner to re-purchase their property, so long as the County is made whole, rather than putting the property on the open market.

ACTION: Approve the sale to Mr. Carter.

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

- 1) Lots 8-9 Lakeview Lots 113 Chase Street, (Located on Chase Street, off Gillespie Street, PIN 0437-51-3207; Cross Creek Township

Mr. David Joe Gause has offered to purchase the property for the County's interest in the property for \$8,504.40 and has deposited \$850.44 in the Finance Office. The tax value of the property is \$28,750. The offer has been advertised and no upset bids received. The property is surplus to the needs of the County.

ACTION: Approve the sale in the amount of \$8,504.40 plus costs and authorize the Chairman to execute the deed upon receipt of the balance of the purchase price.

- 2) Lot 17 Emanuel Williams Estate, (Located on Mary Street, off Ramsey Street and North Street) PIN 0437-69-6923; Cross Creek Township

BACKGROUND: Ms. Elizabeth Freeman has offered to purchase the above noted property for \$4,083.45 and has deposited \$408.34 in the Finance Office. The tax value of the property is \$18,900. The offer has been advertised and no upset bids received. The property is surplus to the needs of the County.

ACTION: Approve the sale in the amount of \$4,083.45 plus costs and authorize the Chairman to execute the deed upon receipt of the balance of the purchase price.

- 3) 2 Vacant Lots 67 & 68, (Located on Maloney Avenue, off Grove Street) PIN 0437-96-9458; Cross Creek Township

BACKGROUND: Norman Copeland, Jr., the last and highest bidder on this property has offered to purchase the County's interest in this property for \$1,550.64 and has deposited

\$155.00 in the Finance Office. The tax value of the property is \$3,750. The offer has been advertised and no upset bids received. The property is surplus to the needs of the County.

ACTION: Approve the sale in the amount of \$1,550.64 plus costs and authorize the Chairman to execute the deed upon receipt of the balance of the purchase price.

- 4) 0.75 Kenneth E. & Kathryn D. Fisher, (Located on Hidden Oaks Drive, off Butler Nursery Road) PIN 0452-46-2455; Grays Creek Township

BACKGROUND: Connie Hall Williams has offered to purchase the County's interest in this property for \$3,934.24 and has deposited \$393.42 in the Finance Office. The tax value of the property is \$9,775. The offer has been advertised and no upset bids received. The property is surplus to the needs of the County.

ACTION: Approve the sale in the amount of \$3,934.24 plus costs and authorize the Chairman to execute the deed upon receipt of the balance of the purchase price.

- L. Approval of a Proclamation Proclaiming March 24-30, 2008 as "Community Development Week" in Cumberland County.

ACTION: Approve

PROCLAMATION

WHEREAS, the Community Development Block Grant (CDBG) Program has operated since 1974 to provide local governments with the resources required to meet the needs of persons of low and moderate income; and

WHEREAS, the CDBG Program has had a significant impact on our local economy through job creation and retention, physical redevelopment and improved local tax bases; and

WHEREAS, CDBG funds are used by thousands of neighborhood-based, non-profit organizations throughout the nation to address pressing neighborhood and human service needs; and

WHEREAS, Cumberland County, North Carolina and other local governments have clearly demonstrated the capacity to administer and customize the CDBG Program to identify, prioritize and resolve local issues such as the provision of decent, affordable housing; neighborhood and human service needs; job creation and retention; and physical redevelopment.

NOW, THEREFORE, the Cumberland County Board of Commissioners proclaims the week of March 24-30, 2008 "COMMUNITY DEVELOPMENT WEEK" in Cumberland County, and urges all citizens to join us in recognizing the Community Development Block Grant Program and the important role it plays in our community.

- M. Approval of a Proclamation Proclaiming April 6-12, 2008 as “National County Government Week” in Cumberland County.

PROCLAMATION

WHEREAS, the nation’s 3,066 counties provide a variety of essential public services to communities serving 300 million Americans; and

WHEREAS, counties take seriously their responsibility to protect and enhance the health, welfare and safety of its residents in sensible and cost-effective ways; and

WHEREAS, many county government services directly touch the lives of children and families; and

WHEREAS, in 13 states, all or some of the counties are responsible for child welfare and foster care systems; and

WHEREAS, more than 500,000 children are in foster care, removed from their families, as a result of suspected abuse or neglect; and

WHEREAS, one in five girls and one in 10 boys will be sexually victimized before adulthood; and

WHEREAS, the National Association of Counties is the only national organization that represents county governments in the United States; and

WHEREAS, the National Association of Counties first celebrated National County Government Week in 1991 to raise public awareness and understanding about the roles and responsibilities of the nation’s counties to meet the needs of the community; and

WHEREAS, in recognition of the leadership, innovation and valuable service provided by the nation’s counties, especially in the protection and welfare of children,

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cumberland County hereby proclaims April 6-12, 2008 as National County Government Week in Cumberland County.

- N. Budget Revisions:

ACTION: Approve

- (1) 1998 Local School Bond Fund

Revision in the amount of \$31,826 to recognize revenues not previously budgeted (\$69,044) and to reduce the budget for deferred maintenance (\$31,826) to actual expenditures in order to replace fund balance appropriated (\$100,870) as a source of funding. (B08-233) **Funding Source – Interest, Premium on Bonds, 1998 Local School Bonds Fund Balance**

(2) 2004 Local School Bond Projects

Revision in the amount of \$5,536 to recognize interest income (\$2,037) and to reduce the budget for school renovations (\$5,536) to actual expenditures in order to replace fund balance appropriated (\$7,573) as a source of funding. (B08-234) **Funding Source – Interest, 2004 Local School Bonds Fund Balance**

(3) Health

- a. Communicable Disease Clinic – Tuberculosis Project - Revision in the amount of \$1,773 to reduce budget for unanticipated reduction in revenues from the State. (B08-235) **Funding Source – State**
- b. Family Planning Clinic – Revision in the amount of \$60,000 to recognize additional funding from the State. (B08-258) **Funding Source - State**

(4) Library Grants

Revision in the amount of \$2,032 to re-budget grant funds received and not spent in FY2007 for the Big Read program. (B08-239) **Funding Source – Grant**

(5) Soil Conservation District

Revision in the amount of \$1,825 to recognize revenue earned from sale of trees (\$670) and rain barrels (\$1,155). (B08-240) **Funding Source – Fees**

(6) Planning and Inspections

- a. Revision in the amount of \$25,000 to appropriate fund balance for additional required demolition projects. (B08-238) **Funding Source – General Fund Fund Balance**

- b. Revision in the amount of \$7,448 to adjust Joint Planning revenue to include the Town of Eastover as a participating municipality as of October 1, 2007. (B08-241) **Funding Source - Other**

(7) Eastover Sanitary District Administration

Revision in the amount of \$45,819 to appropriate fund balance for unanticipated expenditures. (B08-242) **Funding Source – Eastover Sanitary District Fund Balance**

(8) Emergency 911

Revision in the amount of \$20,000 to appropriate fund balance for a radio antennae enhancer for 800 MHz and cellular phones to be located at the Animal Control Facility which is the proposed backup 911 center. (B08-245) **Funding Source – Emergency 911 Fund Balance**

(9) Mental Health

- a. Mental Health Adult Periodic - Revision in the amount of \$3,751 to recognize additional State revenue for the Crisis Intervention Program. (B08-248) **Funding Source – State**
- b. Children’s Treatment System Program – Revision in the amount of \$1,700,000 to recognize additional Medicaid reimbursable fees anticipated to receive for services provided for the remainder of the fiscal year. (B08-249) **Funding Source – Medicaid Fees**
- c. Mental Health – Revision in the amount of \$30,600 to appropriate fund balance for additional expenses for the remainder of the fiscal year. (B08-250) **Funding Source – Mental Health Fund Balance**

(10) Sheriff

- a. Jail – Revision in the amount of \$47,560 to recognize anticipated grant funds. (B08-251) **Funding Source - Grant**

- b. Revisions in the amount of \$117,437 to recognize additional revenue anticipated to be received. (B08-252 thru B08-255) **Funding Source – State and Fees**
- c. Revision in the amount of \$28,750 to recognize Juvenile Crime Prevention Grant (\$23,000) and Gang Violence In-kind (\$5,750). (B08-256) **Funding Source - Grant**

3. Public Hearings

Uncontested Cases

Rezoning

Upon finding the C(P) Planned Commercial District Conditional Use District application reasonable, neither arbitrary nor unduly discriminatory and in the public interest, and that the Conditional Use Permit 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 for Case P08-03 and upon finding that the rezoning requests for Case P08-07 and P08-09 are reasonable, neither arbitrary nor unduly discriminatory and in the public interest the following motion was offered for the Uncontested Cases B-C:

MOTION: Commissioner Edge moved to follow the recommendation of the Planning Board on Cases A-C.
 SECOND: Commissioner Melvin
 VOTE: UNANIMOUS

- A. Case P08-03. The rezoning of 0.23 +/- acres from R10 Residential to C(P) Planned Commercial, or to a more restrictive zoning district, located at 3080 Legion Road, owned by James E. and Peggy L. Emanuel.

The Planning Board recommends approval of C(P) Planned Commercial District Conditional Use District with conditions as noted in the conditional use permit.

- B. Case P08-07. The rezoning of 3.55 +/- acres from R15 Residential/CU Conditional Use, equestrian facilities and horse equipment sales, to R15 Residential, or to a more restrictive zoning district, located on the east side of Judson Church Road, south of Bullard Court, owned by Wayne T. Younts.

The Planning Board recommends approval of R15.

- C. Case P08-09. The rezoning of 86.87 +/- acres from M(P) Planned Industrial to RR Rural Residential, or to a more restrictive zoning district, located on the northwest side of Tracy Hall Road, east of NC Hwy 87 South and Wilmington Hwy, owned by G.T. Moore Investments, LLC.

The Planning Board recommends approval of A1, and CD Conservancy district for that portion of the subject property where the Special Flood Hazard Area and floodway is present.

Contested Cases

- D. ***Case P08-06. **DEFERRED FROM FEBRUARY 19, 2008 BOARD OF COMMISSIONERS MEETING**** The rezoning of a 10.0 acre portion of a 176.92 acre tract from A1 to R40, located on the south side of County Line Road, east of Chicken Foot Road, owned by JFJ III Investments, LLC.

Action on this case is deferred to the May 19, 2008 Commissioners' meeting.

Conditional Use Permit Cases

- E. Case P08-11. The rezoning of a 0.60 +/- acres from A1 Agricultural District to C(P)/CUD Conditional Use District and Permit for a crematory, or to a more restrictive zoning district, located at 6771 Sandy Creek Road, owned by David M. Campbell.

The public hearing on this case has been deferred to the April 21, 2008 Commissioners' meeting.

REGULAR AGENDA ITEMS

- 4. Consideration of Proposed Schedule for Fiscal Year 2009 Budget Work Sessions and Budget Public Hearing.

The Board reviewed the dates presented by the Manager and found some conflicts. This item will come back to the Board at its next meeting.

- 5. Nominations to Boards and Committees
 - A. Adult Care Home Community Advisory Committee (4 Vacancies)

VACANCIES: Kim Howard has completed her initial term and is eligible for her first three year appointment.

Nominee: Kim Howard

- B. Cumberland County Home and Community Care Block Grant Committee (2 Vacancies)

VACANCIES: Mary Mack and Barbara Marshall have completed their first unexpired terms and are eligible for appointment to a full first term.

Nominees: Mary Mack

Barbara Marshall

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

The Juvenile Crime Prevention Council requested that Kirsta Hancock's term be extended to 8/31/08 so that all terms will expire the same month. Note: Ms. Hancock will not be eligible for reappointment in August as she has served two full terms.

D. Minimum Housing Appeals Board Vacancy (1 Vacancy)

VACANCY: Anthony Macy has resigned from this Board due to health reasons. He is serving in an alternate position.

Nominee: Clayton Burris

E. Tourism Development Authority (2 Vacancies)

VACANCIES: Billy Wellons, serving in the category representing hotel/motels with 100 or more rooms has served two consecutive terms and is not eligible for reappointment. Gwen Holloman, serving the general public category has served two terms and is not eligible for reappointment.

Nominees: Sue Wooster, General Manager, Hampton Inn (representing hotel/motels with 100 or more rooms)

Patricia Bush-McManus – general public slot not affiliated with hotels/motels

F. Workforce Development Board (1 Vacancy)

VACANCY: Tim Owens, Private Sector Representative, term will expire in August, 2008. He is not eligible for reappointment.

Nominee: Dina Simcox

G. Wrecker Review Board (1 Vacancy)

VACANCY: County appointee Chuck Epler has completed his second term and is not eligible for reappointment. NOTE: The county appointee also serves as Chairman of this Board.

Nominee: Grant Gabriel

6. Appointments to Boards and Committees

MOTION: Commissioner Council moved to appoint the nominees in Item 6A-C.

SECOND: Commissioner Edge
VOTE: UNANIMOUS

- A. Appointment of Chairman for the Tourism Development Authority (TDA).

Nominee: Vivek Tandon, Chairman

- B. Air Quality Stakeholders' Committee and Addition of Stakeholder Position
(2 Vacancies)

Nominees:

Town of Hope Mills Stakeholder: Eddie Maynor

Town of Eastover Stakeholder: Steven Oakley

- C. Equalization and Review Board (3 Vacancies)

Nominees: Real Estate Agent Position: Kathy Olsen
At-Large Position: W. Carroll Beard, Jr.
Sherrill Jernigan

- D. Equalization and Review Board – Appointment of Chairman, First Vice
Chairman and Second Vice Chairman

Nominees: Chairman: David Mack
First Vice Chairman: William “Bill” Holland
Second Vice Chairman: Carroll Beard, Jr.

7. Closed Session: A. Personnel Matter(s)
Pursuant to NCGS 143-318.11(a)(6).

- B. Attorney-Client: NCGS 143-318.11(a)(3)

MOTION: Chairman Blackwell moved to go into Closed Session for the above noted
matters.

SECOND: Commissioner Council
VOTE: UNANIMOUS

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

SECOND: Commissioner Council
VOTE: UNANIMOUS

MEETING ADJOURNED: 8:55PM

Clerk to the Board