

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
FEBRUARY 16, 2010 - 6:45 PM
117 Dick Street, 1st Floor, Room 118
REGULAR/REZONING MEETING

PRESENT: Chairman Billy King
Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner Marshall Faircloth
Commissioner Jimmy Keefe
Commissioner Ed Melvin
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Assistant County Manager
Rick Moorefield, County Attorney
Tom Lloyd, Planning & Inspections Director
Sally Shutt, Communications Manager
Marie Colgan, Clerk to the Board
Candice White, Deputy Clerk to the Board

INVOCATION - Commissioner Jimmy Keefe

PLEDGE OF ALLEGIANCE – John Lynn Dalton – Fayetteville Academy

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

Speakers:

Stella Hanson (Child Support Agency) – Ms. Hanson applauded Commissioners for the work they have done and requested the Board of Commissioners to establish the child support agency as a department of county government under the County Manager and not outsource child support services to a for-profit agency. Ms. Hanson stated that Commissioners are basing their decision on a report from an agency that does not want the child support workers in their agency. Ms. Hanson requested that Commissioners explore the stand-alone program option which is what several other counties are doing and to attend Child Support Court to see the people that will be adversely affected if the Commissioners decide not to retain experienced staff.

Angela Campbell – Ms. Campbell spoke on behalf of the Child Support Agency stating that she is very concerned at the course her agency is being forced to take on July 1st when she will no longer be a state employee. Ms. Campbell stated she is aware that county employees' salaries are lower than hers and she cannot afford to take a cut in pay. Ms. Campbell requested that the Board of Commissioners look into all avenues of possibilities and to consider making the Child Support Agency a stand-alone program instead of outsourcing its services.

Janis Purdie – Ms. Purdie stated she is not only a child support worker but is also a recipient of the services they provide. Her concern is that out of 28 counties only Cumberland and one other county have elected to go private. Ms. Purdie appealed to the Board to investigate the option of the child support agency being a stand alone program under the county. Ms. Purdie stated that the state presently operates the program at an approximate cost of \$325,000 per year whereas one of the bids by a private agency was in excess of \$4M per year with a three year contract.

Chairman King informed the speakers that no decision has been made by the Board of Commissioners on this matter but that the decision is expected to be made within a month.

Special Recognition of Senator Margaret Dickson – Chairman King recognized and welcomed Senator Margaret Dickson who replaced Senator Tony Rand in the Senate. Senator Dickson thanked the Chairman for the invitation stating that she wants to continue to work together with the County Commissioners toward the goal of making life as good as possible for all citizens. Senator Dickson looks forward to exchanging ideas toward that goal. Chairman King thanked her for attending and requested that no unfunded mandates be sent down to the counties.

Recognition of Outgoing Board Members:

Mary G. Buie – Cape Fear Valley Health System Board of Trustees (unable to attend)
Alice Stephenson – Cape Fear Valley Health System Board of Trustees

Recognition of Retired Cumberland County Employees:

Kevin Jones – Cumberland County Tax Administration

1. Approval of Agenda

MOTION: Commissioner Edge moved to approve the agenda.
SECOND: Commissioner Council
VOTE: Unanimous

2. Consent Agenda

Commissioner Edge requested that Item 2F be pulled for separate discussion.

MOTION: Commissioner Council moved to approve all items on the consent agenda 2A- 2G4, with the exception of 2F.
SECOND: Commissioner Melvin
VOTE: Unanimous

- A. Approval of Sole Source Purchase from Cumberland County Emergency Services Department to Provide Upgrades to 911 Phone System from Century Link.

BACKGROUND: Cumberland County Emergency Services is seeking approval for Sole Source Exception through Century Link to provide upgrades to the 911 phone system. This request is based on General Statute 143-129(e)(6), Section 3, when standardization or compatibility is the overriding consideration.

RECOMMENDED/PROPOSED ACTION: County Management and the County Purchasing Department recommend approval for Cumberland County Emergency Services to proceed with the sole source purchase from Century Link for standardization and compatibility.

- B. Approval of Scheduling a Public Hearing and Consideration of a Resolution of Intent to Close a Portion of a Forty-Foot Unnamed Street Located on the Northern Side of Dedication Drive and the Western Side of Gillespie Street.

BACKGROUND: Property owner Charles A. Allen and Cindy M. Allen petitioned that a portion of a forty foot unnamed street located in Pearces Mill Township be closed.

The Department of Transportation confirms that this portion of the unnamed street located on the northern side of Dedication Drive and the western side of Gillespie Street is not a State maintained road and has no objection to the abandonment. Neither the Fire Marshall nor the Planning Department objects to the closing of that portion of the forty foot unnamed street.

Pursuant to G. S. 153A-241, if the Board desires to honor the request, the Board must declare its intent to close a portion of the forty foot unnamed street located on the northern side of Dedication Drive and the western side of Gillespie Street and all call for a public hearing on the matter. See below resolution for the Board's consideration. The resolution will (1) authorize the Board, to set a public hearing to consider whether to close a portion of the forty foot unnamed street, (2) direct that notice be published once a week for three successive weeks before the hearing, and (3) direct that a notice of the closing and public hearing be prominently posted in at least two places along the street during that time. Staff will also send by certified mail a copy of the notice to the other property owners adjoining the forty foot unnamed street.

RESOLUTION OF INTENT TO CLOSE PUBLIC ROAD
AND CALL FOR PUBLIC HEARING ON THE QUESTION

WHEREAS, Charles A. Allen and Cindy M. Allen submitted a petition to the Cumberland County Board of Commissioners (the "Board") to close a portion of a forty foot unnamed street located on the northern side of Dedication Drive and the western side of Gillespie Street in Pearce Mill Township, Cumberland County; and

WHEREAS, it appears that such public street is not under the control of the North Carolina Department of Transportation; that no person would be deprived of reasonable means of ingress and egress to his or her property by such closing; and that such closing would therefore not be contrary to the public interest;

NOW, THEREFORE, BE IT RESOLVED, that the Board will consider the issue of whether to close the following public street in accordance with North Carolina General Statute, Section 153A-241:

Being that portion of the unnamed street 40 feet in width as shown on the plat filed in Book 9 at page 39 in the Cumberland County Registry from its southern-most terminus in the street identified as NC State Road No. 1344 on the plat filed in Book 34 at page 53 (now named Dedication Drive) to its intersection with the line running from the north-eastern corner of Lot 39 and the north-western corner of Lot 12 as shown on the plat filed in Book 9 at page 39.

AND BE IT FURTHER RESOLVED, that the Board calls for and shall hold a public hearing on the question of the closing of such street on the 15th day of March, 2010 at 6:45 p.m. in the Commissioners Meeting Room (Room 118), First Floor, New Courthouse, 117 Dick Street, Fayetteville, North Carolina. The Board shall hear all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual's property rights.

AND BE IT FURTHER DIRECTED, that notice of consideration of whether to close said street and of the public hearing on such matter shall be published once week for four successive weeks before the hearing in a newspaper of general circulation in Cumberland County and posted in at least two places along the street during the time; and that a copy of this resolution shall be sent by certified mail to each owner as shown on the county tax records of property adjoining the public road or easement who did not join in the request to have the road or easement closed.

This the 16th day of February, 2010.

RECOMMENDED/PROPOSED ACTION: That the Board of Commissioners consider adoption of the above resolution calling for a public hearing and declaring the Board's intent to consider the petition to close a portion of a forty foot unnamed street located on the northern side of Dedication Drive and the western side of Gillespie Street.

- C. Approval of a Permanent Easement for Sidewalk Construction and Maintenance Purposes on County/City Owned Parcel 9477-83-7956 on Hoke Loop Road.

BACKGROUND: The City of Fayetteville has requested the County join the City in granting a permanent easement for sidewalk construction and maintenance across property jointly owned with the City on Hoke Loop Road and shown on the tax records as Parcel No. 9477-83-7956. The property is currently on the County's surplus property list; however, Inspirational Temple Ascension Church of God has made an offer to purchase the property pursuant to and in compliance with the County's surplus property policy which has been advertised, survived the upset period and been approved by the Board. The County sought and received the Church's consent to the granting of the easement before bringing this matter before the Board.

RECOMMENDED/PROPOSED ACTION: Board approve the granting of the easement to the City of Fayetteville and authorize the Chairman and Clerk execute the necessary documents on behalf of the County subject to the approval of the documentation by County legal.

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

BACKGROUND: The North Carolina Department of Transportation has received petitions requesting the following streets be placed on the State Secondary Road System for maintenance.

Lynn Meadows Subdivision:

Trips Trail, Teesdale Drive

DOT has determined that the above streets are eligible for addition to the state system. NCDOT recommends that the above named streets be added to the State Secondary Road System. County Management concurs.

RECOMMENDED/PROPOSED ACTION: Approve the above listed streets for addition to the State Secondary Road System.

- E. Approval of Bid Award to RUSMAR for the Cumberland County Solid Waste Department for an Alternate Daily Cover (ADC).

BACKGROUND: The Cumberland County Solid Waste Department received bids for an Alternate Daily Cover which provides a daily cover over the waste at the Landfill, which is a requirement by the State. The bid received from RUSMAR was the low bid that met all of the specifications requested.

RECOMMENDED/PROPOSED ACTION: County Management and the County Purchasing Department recommend approval for the Cumberland County Solid Waste Department to award the bid to RUSMAR for the Alternate Daily Cover at \$0.98/lb.

- F. Approval of a Resolution Opposing the Taking of Traditional Revenue Sources and the Imposition of Unfunded Mandates.

RESOLUTION OPPOSING THE TAKING OF TRADITIONAL REVENUE SOURCES AND THE IMPOSITION OF UNFUNDED MANDATES

Whereas, both state and local governments have begun the budget process for their 2010-2011 fiscal year budgets; and

Whereas, state revenue forecasts for the 2010-2011 fiscal year have not been positive making the balancing of state and local government budgets challenging for yet another year; and

Whereas, in previous fiscal years, in order to balance its budget, the North Carolina General Assembly has taken revenue sources that were previously available to and traditionally counted on by local governments and have moved services previously performed by state government to local governments without providing revenue sources to pay for such services; and

Whereas, balancing state budgets by taking local government revenue sources and by mandating that local governments provide services that have been traditionally performed by the state, without providing new revenue sources to the local governments, has severely strained local government finances and has resulted in significant cuts to local government budgets and services; and

Whereas, in fiscal year 2009-2010 in order to balance their budgets, local governments made significant budget cuts resulting in a decrease in local government services, lost wages, benefits to local government employees and lost jobs; and

Whereas, if the General Assembly again takes additional revenues that have been traditionally allocated to local governments and/or imposes additional unfunded mandates upon local governments, additional service cuts, lost public wages, benefits and lost jobs will most certainly result; and

Whereas, as the state and the nation try to recover from the worst recession in the last 75 years, it is imperative that we do not further reduce services, wages and jobs.

Now, therefore be it resolved that the Cumberland County Board of Commissioners requests that the North Carolina General Assembly take no action that would place additional financial burdens on

local governments as they are currently strained and cannot afford or absorb revenue reductions or unfunded mandates in the coming fiscal year.

Adopted this 16th day of February, 2010.

RECOMMENDED/PROPOSED ACTION: Adopt Resolution as proposed.

Commissioner Edge stated that this resolution is being requested as budgets have been strained and the County departments were asked last year to cut their operating budgets by 6% and non-profits were requested to cut their budget requests. With the knowledge of having to fund \$1M for Child Support services this next year, Commissioner Edge requested the listening audience to let their legislators know that the County cannot stand any more mandates that are unfunded and reminded them that the only revenue options that counties have is sales and property taxes. Commissioner Edge requested the Clerk to send a copy of the resolution to the Legislative Delegation for Cumberland County.

MOTION: Commissioner Edge moved to approve Consent Item 2F.

SECOND: Commissioner Council

VOTE: Unanimous

G. Budget Revisions:

(1) Library

Revision in the amount of \$24,540 to budget additional State funding for the purchase of a new vehicle. (B10-239) Funding Source – State

(2) Health

a. Jail - Revision in the amount of \$80,000 to appropriate fund balance to provide medical services for detainees in the Cumberland County Detention Center. (B10-235) Funding Source – Fund Balance

b. Family Planning – Revision in the amount of \$8,911 to budget additional State funding. (B10-236) Funding Source – State

(3) U.S. DOT 104(f) Grant

Revision to reallocate expenditures to fund the Raeford Road Congestion Management and Safety Study and the Bicycle and Pedestrian Connectivity Report and Little Cross Creek Greenway Plan. (B10-238) Funding Source – Reallocation of Budgeted Expenditures

(4) Eastover Sanitary District

Revisions to budget transfer of the residual cash balance remaining in the ESD Sewer Project Fund to the ESD General Administration Fund. (B10-241 and B10-241A) Funding Source – Other and Reallocation of Budgeted Expenditures

3. Public Hearings

Uncontested Cases

A. Case P10-02. Rezoning of 1.23+/- acres from C(P) Planned Commercial to R5 Residential, or to a more restrictive zoning district, located on the north side of SR 1344 (Black & Decker Road), east of SR 1132 (Legion Road); owned by Atlantic Multifamily, LLC.

The Planning Board recommends approval of the request for rezoning to R5 Residential district.

B. Case P10-03. Rezoning of 13.64+/- acres from RR Rural Residential to C2(P) Planned Service & Retail, or to a more restrictive zoning district, located on the

south side of SR 1112 (Rockfish Road), west of SR 3039 (Whipperwill Drive); owned by Barbara M. Johnson.

The Planning Board recommends approval of the request for rezoning to C2(P) Planned Service and Retail District.

- C. Case P10-04. Rezoning of 1.31+/- acres from C1 Local Business, C1(P) Planned Local Business and RR Rural Residential to C(P) Planned Commercial, or to a more restrictive zoning district, located at 2240, 2254 and 2258 North Bragg Boulevard and the east side of North Bragg Boulevard north of Maranatha Circle; owned by James C. and Nola L. Catoe and Margo Properties.

The Planning Board recommends approval of the request for rezoning to C(P) Planned Commercial District.

The Chairman opened the Public Hearing.

Speakers: The Clerk verified that no speakers opposing items 3A-3C had signed up to speak.

The Chairman closed the Public Hearing.

MOTION: Commissioner Council moved to approve items 3A-3C as recommended by the Planning Board for case #P10-02, P10-03 and P10-04.

SECOND: Commissioner Melvin

VOTE: Unanimous

Conditional Use District & Permit Case

- D. Case P10-05. Rezoning of 1.89+/- acres from A1 Agricultural and R10 Residential/Conditional Use to C(P) Planned Commercial/Conditional Use District and Permit, or to a more restrictive zoning district, located on the north side of SR 3947 (Celebration Drive), east of SR 2252 (Chicken Foot Road); owned by Prewitt Land Company, LLC.

The Planning Board recommends approval of the request for rezoning to C(P) Planned Commercial/Conditional Use District to shift the commercial zoning line and approval of the Permit, provided that all previous conditions, which the property owner has verbally agreed, are adhered to.

The Chairman opened the Public Hearing

Speakers: The Clerk verified that no speakers opposing items 3D had signed up to speak.

The Chairman closed the Public Hearing

MOTION: Commissioner Council moved that the Board of Commissioners finds that the application for a Conditional Use District designated as case number P10-05 is reasonable, neither arbitrary nor unduly discriminatory; in the public interest; consistent with the current land use plan adopted by this Board of Commissioners and that the following conditional use be approved as recommended by the Joint Planning Board with no additional conditions placed on it.

SECOND: Commissioner Edge

VOTE: Unanimous

MOTION: Commissioner Council moved that the Board of Commissioners finds that the application for a Conditional Use Permit designated as case number P10-05, if completed as proposed and subject to the conditions recommended by the Joint Planning Board and approved by this Board of Commissioners, will not materially

endanger the public health or safety; will meet all required conditions and specifications; will maintain or enhance the value of adjoining or abutting properties; will be in harmony with the area in which it is to be located; and will be in general conformity with the County's most recent land use plan, and other planning policies adopted by the Board of Commissioners.

SECOND: Commissioner Edge

VOTE: Unanimous

Items of Business

4. Nominations to Boards and Committees

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

Vacancy: The Adult Care Home Community Advisory Committee will have the following vacancy – Jacqueline Wolfe – completing initial term. Eligible for reappointment.

Nominee: Jacqueline Wolfe.

B. Air Quality Stakeholders' Committee (1 Vacancy)

Vacancy: The Air Quality Stakeholders' Committee will have the following vacancy – Town of Spring Lake Stakeholder position being vacated by Mayor Pro-Tem James O'Garra after completing an unexpired term.

Nominee: Alderwoman Debora Hudson

C. Board of Health (1 Vacancy)

Vacancy: The Board of Health has the following vacancy – Registered Nurse position being vacated by Kim S. McDonald who cannot continue to serve.

Nominee: Pamela Pollock

D. Equalization and Review Board (3 Vacancies)

Vacancies: The Equalization and Review Board will have the following three vacancies – Appraiser position – Steven A. Parsons completing first term and is eligible for reappointment. At Large position – W. Carroll Beard, Jr. is completing first term but the recommendation is for him to move to the Industrialist Position and to appoint David Duria as his replacement. Industrialist position – William E. Holland completing second term and is not eligible for reappointment. Recommendation is to move W. Carroll Beard, Jr., to this position.

Nominees: Appraiser – Steven A. Parsons
At Large – David Duria
Industrialist – W. Carroll Beard, Jr.

E. Tourism Development Authority (1 Vacancy)

Vacancy: The Tourism Development Authority will have the following vacancy – Hotel/Motels over 100 Rooms Representative – Vivek Tandon completing his first term and is eligible for reappointment.

Nominee: Vivek Tandon

5. Appointments to Boards and Committees

MOTION: Commissioner Edge moved to appoint all nominees under 5A-5C

SECOND: Commissioner Faircloth

VOTE: Unanimous

- A. Air Quality Stakeholders' Committee (1 Vacancy)

Nominee:

Town of Hope Mills Stakeholder: Commissioner Eddie Maynor (Reappointment)

- B. Minimum Housing Appeals Board (1 Vacancy)

Nominee:

Alternate Member: Luther M. McManus

- C. Transportation Advisory Board (1 Vacancy)

Nominee:

County DSS Director or Designee: Sheila Stevenson

- 6. CLOSED SESSION:
 - A. Attorney Client Matter(s)
Pursuant to NCGS 143-318.11(a)(3).

MOTION: Commissioner Faircloth moved to go into Closed Session.

SECOND: Commissioner Melvin

VOTE: Unanimous

MOTION: Commissioner Council moved to go into Open Session.

SECOND: Commissioner Edge

VOTE: Unanimous

MOTION: Commissioner Council moved to adjourn.

SECOND: Commissioner Edge

VOTE: Unanimous

There being no further business, the meeting adjourned at 8:45 p.m.

Approved with/without revision:

Respectfully submitted,

Marie Colgan
Clerk to the Board