

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
MARCH 15, 2010 - 6:45 PM  
117 Dick Street, 1<sup>st</sup> 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
- Commissioner Phillip Gilfus
- James Martin, County Manager
- Amy Cannon, Assistant County Manager
- Rick Moorefield, County Attorney
- Sally Shutt, Communications Manager
- Scottie Harris, Animal Services Director
- Kristine Wagner, Planning Department
- Tom Lloyd, Planning Department Director
- Will Denning, Planning Department
- Brian Manning, Deputy Director of the CC Public Library
- Marie Colgan, Clerk to the Board
- Candice White, Deputy Clerk to the Board

INVOCATION - Commissioner Ed Melvin

PLEDGE OF ALLEGIANCE – Cayleigh and Joe Quigg, Vanstory Hills Elementary School

Recognition of Retired County Employees:

Dr. Kisook P. Chang – Mental Health Center

PUBLIC COMMENT PERIOD (6:45 PM – 7:00 PM)  
County Manager Martin read the Public Comment Policy.

SPEAKERS:

Linda Lewis – Ms. Lewis stated that she has lived in Fayetteville for almost 47 years and has served 20 years on many local boards, with six of those years having served on the Animal Services Board. Currently, she is a member of the Fayetteville Animal Protection Society (FAPS). Ms. Lewis stated she has deep concerns for what has happened at Animal Services this past year. Ms. Lewis provided a handout which she prepared and requested the Board to read at a later time. She stated that the information provided shows the totally

incomprehensible situations which have prevailed at Animal Services. Ms. Lewis requested that a progressive move be made towards the twenty-first century.

Caroline Parsons – Ms. Parsons stated that she is a member of the FAPS board and is the past president. Ms. Parsons stated that she had talked to Dr. Kelly Ferris, Associate Professor of North Carolina State University College of Veterinarian Medicine, last week for almost an hour regarding the local shelter. She learned that someone in County administration had already contacted Dr. Ferris and appreciated the fact that this step had been taken by the County. Dr. Ferris stated to her that she has worked with many counties that have come to the crossroads that Cumberland finds itself at now. She hopes that the citizens, commissioners, county administration and other interested groups leave this meeting with a better understanding of what the hopes are for Animal Services and that all parties can work together to solve the problems of animal over population in Cumberland County. A suggestion was made to work with the Humane Society for a free assessment which would serve the FAPS request for an unbiased evaluation of the Animal Services shelter methods. A primary goal should be to address over population of animals.

Kathleen Howard – Ms. Howard stated she worked with Animal Services for a little over four years and was a shelter supervisor for three and a half years of that time. Ms. Howard questioned how the Animal Services Department paid for someone that was not in their department to go to the National Animal Control Association School when most of the department officers had not attended the school, especially when they were told that they were still in the process of interviewing for the Director position. Ms. Howard also questioned why there were not afforded for two workers from Animal Services to be on the interview board for the new Director after the Animal Services Department had been requested to nominate two co-workers to be on the interview board. Why wasn't the department afforded this opportunity in this selection process in the last few interviews?

Sarah O'Hanlon – Ms. O'Hanlon stated she was past president of FAPS and their organization has had dire concerns for animals in this transitory county. They have worked with Dr. Ferris many times about problems with shelter space. Ms. O'Hanlon feels that education is the key and provided the Board with the Mission Statement of Animal Services stating that no tangible results have been seen regarding the mission statement. The problems that she sees with the Animal Services department are neglected animals at the shelter, no education process, and no public awareness of problems regarding disease and pet over population. Ms. O'Hanlon suggested that pets be tracked via the rabies vaccination process in order to raise more revenue to be used for such things as education of the public on problems. She also feels better enforcement of animal cruelty laws are also needed. Inoculations at the time of entry into the shelter and timely public awareness of disease should be mandatory. The public should be made aware of the number of animals that are being euthanized each year.

Victoria Hawkins – Ms. Hawkins stated she is a responsible pet owner and that she has visited the shelter on many occasions. She stated that what happens to the animals in the shelter is horrifying and that the animals are being treated cruelly when Clorox is being used instead of hot water for cleaning the cages. She also expressed her opinion that there

was a more humane way to euthanize animals rather than the way it was done. Ms. Hawkins requested the board make a visit to the shelter to see for themselves the cruelty that is happening.

**ADDITIONS TO THE AGENDA:**

Add as Item 2A – Scottie Harris Comments and James Martin Comments

Add as Item 8 – Closed Session Matter pursuant to NCGS 143-318.11 (a)(3)

**MOTION:** Commissioner Edge moved to approve the additions to the agenda.

**SECOND:** Commissioner Melvin

**VOTE:** Unanimous

**1. Approval of Agenda**

**MOTION:** Commissioner Council moved to approve the agenda with the additions noted.

**SECOND:** Commissioner Gilfus

**VOTE:** Unanimous

**2. Presentation by John Lauby, DVM, CVCP, on Disease Control Matters regarding the County's Animal Shelter.**

Dr. Lauby stated that he has lived in Cumberland County for 40 years and has been a veterinarian for 35 years and has been associated with Animal Services most of that time. Dr. Lauby provided information on canine distemper and explained how it is spread. He stated that there is an epidemic in North America at this time with this disease and everyone is working hard to prevent the spread of the disease. Dr. Lauby stated that a puppy can come into the animal shelter, can be isolated for three days, can be vaccinated and wormed, but can come down with the disease two weeks after it has been adopted. Animal Services departments are having to deal with the disease because people are not sufficiently vaccinating their animals. Dr. Lauby stated that 50% of canine distemper cases show no signs of it. He stated that with his help Animal Services is coming up with standard operating procedures, refining and revising policies, and educating staff. Dr. Lauby stated that at the request of County Manager James Martin, he is making more frequent visits to the shelter and improvements are being noticed. Dr. Ferris has offered her services and Dr. Stevens as a specialist from State will visit later to help go through all the procedures and evaluate them for improvements. Dr. Lauby stated that in the last six months, 3,000 adoptable animals have been taken in and 400 of those were adopted. For puppies of this group, it would mean vaccinations for about 200 puppies which the county would have to pay for since vaccinations have not been administered to them. He stated that he did not feel that taxpayers should have to shoulder this expenditure for individuals that abandon their pets. Dr. Lauby stated that Animal Services was formed to provide a barrier between the citizens of the County and the animals to protect them from rabies and not to provide a full veterinary service department.

Commissioner Gilfus requested Dr. Lauby to explain his relationship with Animal Services and he replied that he has been under a contract with them to provide the required medical license necessary for the department to be able to use controlled drugs and is on call for any medical situation that needs assessment or treatment. Commissioner Gilfus requested Dr. Lauby's professional opinion as to the need of hot water for maintaining a clean environment and Dr. Lauby stated that hot water does not kill bacteria or viruses except at extremely high temperatures and that is dangerous both to the animals and the workers. The items used kills almost 100% of bacteria and viruses and hot water is not needed for the cleaning process.

## 2A. Comments from Scottie Harris, Animal Services Director

Scottie Harris, Animal Services Director, stated that he did make mistakes in handling the canine distemper in the shelter, but did not knowingly allow animals to be adopted with distemper. He stated that he should have notified the public sooner about the possibility of their adopted pets having been exposed to the disease and that he is working diligently to correct the problems at the shelter. There were five cases of symptomatic distemper cases in November and December. Twenty-eight cases confirmed by a vet and seven symptomatic cases during January and February. Prevention measures increased in January and the public was informed on February 17<sup>th</sup>; and pet adoptions were halted on that date. Decontamination efforts were started in the shelter and in vehicles. Hot water is available in the building, but protocols do not call for hot water because it could cause harm to the animals as well as staff. Cleaning protocols are in line with the Department of Agriculture's requirements. Additional efforts include revising the intake procedures of animals and contracting with Dr. Lauby for additional hours and visits to the shelter. Contact has been made with other county shelters, other veterinarians and Dr. Kelly Ferris to see what they are doing to fight distemper. A comprehensive assessment of the shelter has been requested through the North Carolina State University College of Veterinarian Medicine. Additional improvements will be made based on their recommendation. Pet adoptions will resume March 16, 2010. Mr. Harris advised that more than 12,000 animals are placed in the shelter every year by Animal Services through drop offs or pickups. Animal Services was dispatched to 17,000 calls in the city and the county. Statistics show that the number of animals euthanized is around 80% and this percentage has been consistent since 2007. Rabies vaccinations clinics will be held throughout the county in April.

## Comments from James Martin, County Manager

James Martin, County Manager, shared key actions being taken to improve the shelter's operation: recruiting of a shelter manager who has a vet tech background and experience will take place; providing additional training for the staff; recommending that a Commissioner liaison be appointed to the Animal Services Board; recommending establishing a non-profit Friends Organization like the public library model, which can help raise awareness and funds to be used for improvements and operations of the shelter that the county cannot fund; and a community outreach education coordinator position is being established which will help educate the community on responsible pet ownership. Mr. Martin stated that Mr. Harris and County management are committed to making the county's Animal Services Department one of the best in North Carolina.

Additional comments from County Commissioners and Staff:

Commissioner Keefe stated that the current way of handling licensing fees does not encompass all pet owners and hoped that the Board would consider another mechanism of collecting fees from all resident who own pets. Commissioner Gilfus questioned Mr. Harris as to his understanding of the purpose of Animal Services. Mr. Harris responded that it protects the public from rabid animals and is not designed to be a long-term facility. The facility design was for a fifteen year growth and to hold animals for five days. Currently, animals are held for three days and some are held for ten days.

Commissioner Edge questioned whether periodic inspections were performed by the Department of Agriculture and Mr. Harris stated that they are required to inspect annually. The shelter has received only one notice of violation in the past year and this was for not maintaining certain paperwork unrelated to shelter operations and this deficiency was corrected within two weeks and the shelter was re-inspected with no violations. Commissioner Edge asked for information on what the Board has approved regarding staffing. Mrs. Cannon, Assistant County Manager, advised that the new facility opened in the fall of 2007 and since the budget year of 2006, the County has increased the budget \$670,000 and added ten positions: one was a custodian, four support staff in the intake area, four shelter attendants, and one deputy director. Education and responsible pet ownership is the best way to curb the influx of animals into the shelter.

**Rick Moorefield, County Attorney, verified that the Animal Services department was created by an ordinance put in place by the Board to address the County's responsibilities. The Animal Services department is one of the few County departments that is set up by an ordinance and enacted by the Board. There are basically two things that counties are required by law to provide: rabies control, which is under the jurisdiction of the Public Health Director, and a hearing panel established by the Board to consider potentially dangerous dog cases. Not only does the Animal Services Board serve as the panel for potentially dangerous dogs, they also serve in an advisory capacity to the Animal Services department and to the Board of Commissioners, they also serve as an appeals board for certain functions of the Animal Services department, and they are also responsible for providing an educational program on animal issues. The Animal Services department enforces state laws and county ordinances that relate to animal welfare, administers the animal control programs of those municipalities that contract by interlocal agreement with the County and operate the shelter. There is actually a Sheriff's Deputy that works in Animal Services to investigate and enforce state criminal actions. Mr. Moorefield stated the shelter operations and euthanasia procedures are fully regulated by the Department of Agriculture with very stringent and detailed controls. Mr. Moorefield concluded his comments stating that the County has gone beyond the State minimum requirements with regards to animal services and Cumberland County's Animal Services department is doing a great job with the limited resources they have available to them.**

Commissioner King reminded members that a spay and neuter program has been discussed in the past and Mr. Martin advised any animal that is adopted from the shelter must go to a veterinarian for spay and neutering before adoptive parents can take possession of the animal.

Mr. Martin stated that he would like to rebut a comment by one of the public comment speakers who raised the question about the County paying for an individual that was applying for the Director's position to go to school. Mr. Martin stated he believes that the comment was in error and believes a candidate for that position may have paid their own way, because he feels certain he would have known if the County paid for this school.

### 3. Consent Agenda

- A. Approval of minutes for the March 1, 2010 regular meeting.
- B. Approval of Correction to the February 16, 2010 Minutes.

**BACKGROUND:** On March 1, 2010, the Board approved the minutes from the earlier Board of Commissioners' regular/rezoning meeting for February 16, 2010. However, under Item 3, the minutes read incorrectly for Item 3.B – Case No. 10-03 and Item 3.D – Case No. 10-05 (see attached). The minutes should read as follows:

Item 3.B - The Planning Board recommends approval of the request for rezoning to C2(P) Planned Service and Retail District.

Item 3.D - 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.

**ACTION:** Approve the corrections to the February 16, 2010 Board of Commissioners' Regular/Rezoning Minutes.

- C. Approval of a Resolution of Intent to Accept an Offer to Purchase Certain Equipment Pursuant to NCGS 160A-269.

**BACKGROUND:** Cumberland County has two Mosley 200 HP horizontal balers that have not been used for over ten years. There has been some interest and a proposal made by Quality Recycling for the balers. It will cost the County approximately \$50,000 to remove these balers. Quality Recycling has offered us \$50,000 for the first baler and \$40,000 for the second baler and they would pay for the removal.

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
RESOLUTION OF INTENT TO ACCEPT AN OFFER TO PURCHASE CERTAIN  
EQUIPMENT PURSUANT TO N.C.G.S § 160A-269**

Whereas, the Board of Commissioners has determined to dispose of the equipment described herein in accordance with the negotiated offer, advertisement and upset bid method of sale.

Be it hereby resolved that the Board of Commissioners proposes to accept the offer of Quality Recycling Equipment, Inc., to purchase 2 used Mosley Bulldog balers and conveyer systems installed at the Cumberland County Solid Waste Facility for a total price of \$90,000, with purchaser to pay all cost of dismantling and removing.

The Clerk is directed to advertise the Board's intent to accept this offer subject to the upset bid procedure of N.C.G.S. § 160A-269 and to report when the last qualified bid is received at the next board meeting occurring thereafter.

Adopted this 15<sup>th</sup> day of March, 2010.

RECOMMENDED/PROPOSED ACTION: Declare these two balers surplus property and approve resolution.

- D. Approval of Request for Endorsement of the Fayetteville Technical Community College (FTCC) "Career Readiness Certificate Program".

BACKGROUND: Fayetteville Technical Community College, along with the other 57 Community Colleges in the state are charged with being prime facilitators to help job seekers and businesses adopt the "Career Readiness Certificate Program" which is a state-sponsored workforce development program.

PROPOSED ACTION/RECOMMENDATION: Endorse the Career Readiness Certificate Program.

- E. Approval of Declaration of Used Sheriff's Office Vehicle as Surplus and Authorization to Donate Vehicle to the Fayetteville/Cumberland County Crime Stoppers.

BACKGROUND: The Cumberland County Sheriff's Office would like the Board of Commissioners to declare a 2001 Ford Crown Victoria (VIN No.: 2FAFP71W41X125464) Fleet 342 as surplus and authorize that the vehicle be donated to the Fayetteville/Cumberland County Crime Stoppers.

RECOMMENDATION/PROPOSED ACTION: County Management recommends the Board of Commissioners approve the Cumberland County Sheriff's Office request that the 2001 Ford Crown Victoria be declared as surplus and authorize it to be donated to the Fayetteville / Cumberland County Crime Stoppers.

- F. Approval of Report from the County Finance Committee Meeting on March 4, 2010.

**BACKGROUND:** The Cumberland County Finance Committee met on Thursday, March 4, 2010. A report on the Public Safety Task Force was made and the minutes of that meeting are provided as supporting documentation.

**RECOMMENDATION/PROPOSED ACTION:** Accept the Cumberland County Finance Committee report as presented.

- G. Approval of a Proclamation Proclaiming March 21-27, 2010 as “Arbor Week” and Thursday, March 25, 2010 as “Arbor Day” in Cumberland County.

Office of the Board of Commissioners

### **PROCLAMATION**

WHEREAS, the County of Cumberland recognizes the importance of trees to the economic, aesthetic, and ecological well-being of our community; AND

WHEREAS, it is recognized that planting and maintaining healthy trees in our ever-changing society are both desirable and necessary; AND

WHEREAS, Arbor Day is a long-standing American tradition that represents an important element of our national heritage; AND

WHEREAS, the Cape Fear Botanical Garden is a leader in the encouragement of environmental stewardship and is assisting with the planting of trees in our community by students ; AND

WHEREAS, Cumberland County-Cooperative Extension and the Cumberland County Schools are community partners with the Cape Fear Botanical Garden in the effort to restore our trees; AND

WHEREAS, individuals can act in this county to improve the environment by planting trees and ensuring that these trees are protected and receive proper maintenance in the years ahead;

NOW, THEREFORE, I, Billy R. King, Chairman of the Board of Commissioners, Cumberland County, North Carolina, do hereby proclaim the week of March 21 to March 27, 2010 as Arbor Week and Thursday March 25, 2010 to be

Arbor Day in Cumberland County

AND urge our citizens to take an active part to ensure our community has a better quality of life by providing a clean environment with more trees.

Adopted this 15<sup>th</sup> day of March, 2010



- H. Approval of a Proclamation Proclaiming April 2010 as “Month of the Military Child” in Cumberland County.

COUNTY OF CUMBERLAND

NORTH CAROLINA

**PROCLAMATION**  
**Month of the Military Child**

Whereas, Thousands of brave Americans have demonstrated their courage and commitment to freedom by serving the armed forces of the United States of America in active duty posts in Afghanistan, Iraq and around the world; and,

Whereas, More than 40 percent of these military service members have left families with children behind; and,

Whereas, More than one million of America’s children have at least one parent currently serving active military duty; and,

Whereas, These children are a source of pride and honor to us all, and it is our duty to take time to recognize their contributions, celebrate their spirit, and let our men and women in uniform know that while they’re taking care of us, we’re taking care of their children; and,

Whereas, The recognition of the “Month of the Military Child” will allow us to pay tribute to military children for their commitment, their struggles and their unconditional support of our troops, because when parents serve in the military, their Kids Serve Too; and,

Whereas, A month-long salute to military children will encourage support for “Kids Serve Too” and other organizations and campaigns established to provide direct support to military children and families; and now therefore be it,

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners proclaims April 2010, as The Month of the Military Child in Cumberland County and encourages all citizens to observe the month with appropriate ceremonies and activities that honor, support and thank military children.

Adopted this 15<sup>th</sup> Day of March, 2010.

- I. Approval of a Proclamation Proclaiming April 2010 as “National County Government Month”.

COUNTY OF CUMBERLAND

NORTH CAROLINA

**PROCLAMATION**

WHEREAS, the nation’s 3,068 counties provide a variety of essential public services to communities serving 300 million Americans; and

WHEREAS, Cumberland County and all 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, county governments are integral to America's healthcare system and are unique in their responsibility to both finance and deliver health services through public hospitals and clinics, local health departments, long-term care facilities, mental health services and substance abuse treatment, and coverage programs for the uninsured; and

WHEREAS, as employers, counties provide health insurance benefits to nearly three million county employees and their retirees nationwide, and

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

WHEREAS, since 1991 the National Association of Counties has encouraged counties across the country to actively promote county government programs and services 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, the National Association of Counties and Cumberland County are working together to restore the partnership among all levels of government to better serve American communities;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners hereby proclaim April 2010 as National Government Month and encourage all Cumberland County officials, employees, schools and residents to participate in county government celebration activities.

Adopted this 15<sup>TH</sup> of March, 2010.

J. Approval of a Proclamation In Appreciation of the Contributions of Pastor Carl E. Brinkley, Jr.

COUNTY OF CUMBERLAND

NORTH CAROLINA

#### PROCLAMATION

WHEREAS, Mount Olive Missionary Baptist Church plays a significant role in the Cumberland County community and Pastor Carl E. Brinkley, Jr. has exhibited extraordinary leadership over the past 25 years and guided the church to success;

WHEREAS, Pastor Brinkley was ordained by the Union Baptist Association in July 1983, was elected Pastor of Mount Olive Missionary Baptist Church on March 16, 1985, served faithfully and compassionately in his role as Pastor and oversaw the extensive growth in membership and facilities during his tenure as Shepherd of the church; and

WHEREAS, the citizenry of the Bonnie Doone and surrounding Cumberland County communities continue to benefit from the many outreach ministries established under Pastor Brinkley's direct leadership and guidance to include a food closet, clothing

boutique, thrift shop, School Community Interaction Program, summer reading enrichment program, senior citizens ministry, prison ministry and scouting program; and

WHEREAS, Pastor Brinkley founded The School of the Prophets Ministries, Inc., a ministry that extends beyond the borders of North Carolina and provides a holistic environment for training, developing and discipling ministers, church leaders and laity to work efficiently in their specific areas of ministry for the advancement of the Kingdom of God; and

WHEREAS, during his 25 years, Pastor Brinkley licensed 51 ministers and ordained 19 ministers with 15 of the ministers who served under Pastor Brinkley's leadership having been called to pastor churches, many of which are in Cumberland County; and

WHEREAS, Pastor Brinkley is an activist in the community, serves on the Board of Directors of FTCC Foundation, Inc., has a weekly WIDU radio broadcast and serves as a member of numerous organizations involved in "making a difference"; and

WHEREAS, Pastor Brinkley exemplifies a strong desire to serve God and mankind alike and his commitment in spreading the gospel serves as a true testament of his calling;

NOW, THEREFORE, BE IT PROCLAIMED, that the Cumberland County Board of Commissioners express deep appreciation for the contributions Pastor Brinkley has made to the Bonnie Doone Community and the greater Cumberland County area, and extend best wishes to Pastor Brinkley and his family as they celebrate his TWENTY-FIFTH YEAR in pastoral leadership at Mount Olive Missionary Baptist Church.

Adopted this 15th day of March, 2010.

K. Budget Revisions:

(1) Health

- a. Environmental Health - Revision in the amount of \$3,581 to budget additional state funding. (B10-284) Funding Source – State
- b. Child Health Clinic – Revision in the amount of \$40,000 to budget additional fees anticipated to earn. (B10-281) Funding Source – Fees
- c. Family Planning – Revision in the amount of \$8,536 to budget additional state funding. (B10-283) Funding Source - State

(2) Social Services

- a. Revision in the amount of \$75,994 to establish a new Subsidized Employment Grant. (B10-282) Funding Source – Federal
- b. Revision in the amount of \$556,608 to budget additional federal funding for the Home Energy Assistance Program. (B10-278) Funding Source – Federal

(3) Dislocated Worker Stimulus

Revision in the amount of \$49,985 to budget FY2009 carryover funds. (B10-285) Funding Source – Federal

(4) Recreation and Parks – Hope Mills

Revision in the amount of \$30,000 to budget additional revenue anticipated for remainder of fiscal year. (B10-287) Funding Source- Hope Mills Recreation Tax

MOTION: Commissioner Edge moved to approve all consent agenda items – Items 3A through Items 3K4.

SECOND: Commissioner Melvin

VOTE: Unanimous

4. Public Hearings

**Uncontested Cases**

**Rezoning**

- A. Case P09-55. Rezoning of 8.00+/- acres from RR Rural Residential and A1 Agricultural to M1(P) Planned Light Industrial, or to a more restrictive zoning district, located at 667 Whitehead Road; submitted by David and Alice Cashwell for Suntree Landscaping, Inc. (owner) and Rudolph Singleton, Attorney.

The Planning Board recommends approval of the M1(P) Planned Industrial District.

The Chairman opened the Public Hearing.

Speakers: No Speakers

The Chairman closed the Public Hearing.

MOTION: Commissioner Melvin moved to follow the Planning Board's recommendation for case #P09-55.

SECOND: Commissioner Gilfus  
VOTE: Unanimous

- B. Case P10-08. Rezoning of .31+/- acres from R10 Residential to C(P) Planned Commercial, or to a more restrictive zoning district, located at 3659 Legion Road; submitted by Gregory G. McLean for Trace Investments, LLC (owner) and Denver McCullough, P.L.S.

The Planning Board recommends denial of the C(P) Planned Commercial, but recommends approval of O&I(P) Planned Office and Institutional District.

The Chairman opened the Public Hearing.

Speakers: No Speakers

The Chairman closed the Public Hearing.

MOTION: Commissioner Melvin moved to follow the Planning Board's recommendation for case #P10-08.  
SECOND: Commissioner Gilfus  
VOTE: Unanimous

#### Other Public Hearing

- C. Public Hearing on the Northeast Cumberland Area Land Use Plan (Vision Northeast Plan).

The Planning Board recommends approval of the Northeast Cumberland Area Land Use Plan (Vision Northeast Plan).

#### RESOLUTION OF ADOPTION VISION NORTHEAST PLAN COUNTY OF CUMBERLAND

WHEREAS, the Cumberland County Joint Planning Board is empowered to prepare, adopt and recommend plans for Cumberland County, including municipalities therein and portions thereof, in accordance with G.S. 153A-321, G.S. 160A-361 and G.S. 160A-464 of the North Carolina General Statutes; and

WHEREAS, the Planning Board has prepared a specific document entitled the Vision Northeast Plan designed to provide the Cumberland County government a statement of desirable objectives to guide future growth, change and development within the Study Area; and

WHEREAS, the Northeast Citizens Planning Committee consisting of residents within the Study Area boundary developed and endorses the Vision Northeast Plan; and

WHEREAS, the plan is subject to future re-evaluation and changes by existing and future Planning Boards and Boards of Commissioners;

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners hereby adopts the Vision Northeast Plan.

On this 15th Day of March, 2010.

Mr. Will Denning, Planning Department, presented a power point presentation on this item to relay information on the Vision Northeast Plan. Commissioner King questioned how much farm land is being lost in the areas referred to and Mr. Denning stated that 57% is what's recommended but doesn't expect any hard development to occur for quite awhile because property owners are stating they have no reason to change it from farmland and there is little market demand in the area now. Commissioner Keefe questioned whether the water districts in that area will be available for growth and Mr. Denning advised that as each town expands, they will extend their systems and that is why one of the recommendations is for them to revisit their water policy for extending that service. He stated that water systems from Harnett County, the City of Dunn, Wade and the Eastover Sanitary District (ESD) are recommended to be allowed to be extended to the Area. All of these systems have an adequate public supply except Wade, whose source is wells. Commissioner Keefe just wanted to confirm that this plan is consistent with the Commissioners' plan for extending good drinking water to the entire county.

The Chairman opened the Public Hearing.

Speakers: No Speakers

The Chairman closed the Public Hearing.

MOTION: Commissioner Faircloth moved to approve the Northeast Cumberland Area Land Use Plan (Vision Northeast Plan) as presented.

SECOND: Commissioner Keefe

VOTE: Unanimous

D. Public Hearing for the Annual Community Transportation Program Grant for FY 2011.

COMMUNITY TRANSPORTATION PROGRAM RESOLUTION  
Section 5311  
FY 2011 RESOLUTION

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantages business enterprise program, and fully allocated costs analysis); and

WHEREAS, the County of Cumberland hereby assures and certifies that it will comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U.S.C.

NOW, THEREFORE, be it resolved that the County Manager of the County of Cumberland is hereby authorized to submit a grant application for federal and state funding, provide the required local match, make the necessary assurances and certifications and be empowered to enter into an agreement, with the NCDOT to provide rural public transportation services.

Adopted this 15<sup>th</sup> day of March, 2010.

Chairman Billy King opened the Public Hearing and asked if anyone wished to comment on the proposed funding under Item 4D.

Speakers: No Speakers

The Chairman closed the Public Hearing.

MOTION: Commissioner Council moved to approve the FY2011 Application for Community Transportation Program Grant funds as presented.

SECOND: Commissioner Gilfus

DISCUSSION: Commissioner Keefe wanted to ensure that the Board realized that what is being approved at this meeting is just a small part of a program that will probably get larger, will need more administrative help in the future, and is a part of a program with the City of Fayetteville.

VOTE: Unanimous

E. Public Hearing on Request 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: The property owner Charles A. Allen and Cindy M. Allen petitioned that a portion of forty foot unnamed street located in Pearces Mill Township be closed.

The Board has called a public hearing to consider its request. The Board may close the road if it finds that no person will be denied reasonable egress or ingress to his/her property.

RESOLUTION CLOSING OF A PORTION OF  
AN UNNAMED STREET NORTH OF DEDICATION DRIVE

WHEREAS, a petition has been submitted to the Cumberland County Board of Commissioners (the "Board") by an adjoining landowner 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 Pearces Mill Township, in Cumberland County;

WHEREAS, following proper notice, the Board held a public hearing on the question of the closing of such street on the 15<sup>th</sup> day of March, 2010, and heard all interested persons who appeared with respect to whether the closing would be detrimental to the public interest or to any individual's property rights; and

WHEREAS, following the public hearing the said Board found and determined 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 property by such closing, but that the reservation of certain easements would be appropriate and desirable; and that it is therefore not contrary to the public interest to close such street, subject to the reservation of the easements described below;

NOW THEREFORE, the Cumberland County Board of Commissioners hereby RESOLVES, pursuant to authority granted by G.S. 153A-241, that the public street more particularly described below be, and it is hereby, closed, subject, however to the continued dedication and preservation of an easement therein for existing and future utilities, and of an easement therein for public safety emergency vehicle access:

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 the Board further RESOLVES, that a certified copy of this Resolution be recorded in the Cumberland County Registry.

Adopted this 15<sup>th</sup> day of March, 2010.

RECOMMENDED/PROPOSED ACTION: If the Board of Commissioners makes the required statutory finding and decides to close this portion of the forty foot unnamed street, that the Board adopt the attached resolution and direct the staff to record it in the Cumberland County Registry.

The Chairman opened the Public Hearing.

Speakers: Mr. Bill Davis, attorney representing Lee Cox the owner of a ten-acre tract, wanted to ensure that the road being used by this owner would not be affected



by this closure and the Board ensured that the petitioner is agreeable to that part of the road being left open.

The Chairman closed the Public Hearing.

MOTION: Commissioner Melvin moved to approve the above resolution and to direct the staff to record it in the Cumberland County Registry.  
SECOND: Commissioner Council  
VOTE: Unanimous

## Items of Business

### 5. Presentations

- A. Presentation on the 2010 Census Complete Count by Cecil Combs, Deputy Director, Planning & Inspections.

Mr. Cecil Combs, Deputy Director of the Planning Department and Chairman of the Complete Count Committee in Cumberland County, spoke to the importance of the Census count for 2010 as more than \$400B is passed out to communities based on this count. A mass mailing has been sent out this week and all citizens are asked to complete the form and return it by mail as it saves the government money when individuals do not have to be sent out to individual homes. National Census Day is April 1<sup>st</sup>, 2010.

- B. Presentation on “The Big Read: *The Heart is a Lonely Hunter* - The Community Coming Together to Read and Discuss One Book” by Brian Manning, Deputy Director, Cumberland County Public Library & Information Center.

Mr. Manning stated that this is the fourth consecutive year that the County has been able to participate in this national endowment of the arts program through the Big Read which is an effort to restore literacy and reading in the center of American culture. There are numerous community partners in this program. The author of the book, *The Heart is a Lonely Hunter*, has a connection to Fayetteville as she lived here at the time she finished her manuscript. Mr. Manning encouraged everyone to come out and participate in the many activities that are being planned starting at the Fourth Friday and ending April 30, 2010 in addition to the Big Read activity.

### 6. Nominations to Boards and Committees

- A. Adult Care Home Community Advisory Committee (2 Vacancies)  
Nominees: Terri Thomas  
October Morales

B. Air Quality Stakeholders' Committee (1 Vacancy)

Nominee: Dr. Cynthia Norris

C. Child Homicide Identification and Prevention (CHIP) Council (1 Vacancy)

Nominee: Commissioner Phillip Gilfus

D. Community Child Protection/Fatality Prevention Team (2 Vacancies)

Nominees: Tim Britt (Law Enforcement Officer Position/Sheriff's Office)  
Bill Mitrison (Fayetteville City Police Department Position)

E. Cumberland County Juvenile Crime Prevention Council (4 Vacancies)

Nominees: Robin Black (Substance Abuse Professional)  
Jamarrius Hassell (Person Under Age 21)  
La-Lisa Hewett-Robinson ( Member of Business Community)  
Lee Roberts (At-Large Representative)

F. Cumberland County Local Emergency Planning Committee (2 Vacancies)

Nominees: Philip McCorquodale (At-Large Representative)  
Rayford Hunt (Operators of Facilities Representative)

G. Nursing Home Advisory Board (3 Vacancies)

Nominees: Cenitra McLaughlin  
Cassandra White Haire  
Doris Wilson

H. Senior Citizens Advisory Committee (1 Vacancy)

Nominee: Glenda Dye

I. Tourism Development Authority (1 Vacancy)

Nominee: Daniel E. Roberts

J. Wrecker Review Board (1 Vacancy)

Nominee: Gabriel Grant (County Appointee)

7. Appointments to Boards and Committees

A. Mid-Carolina Aging Advisory Committee (1 Vacancy)

Nominee: Elected Official: Frances Collier, Town of Linden  
Commissioner

MOTION: Commissioner Edge moved to appoint the nominee, Frances Collier.

SECOND: Commissioner Faircloth

VOTE: Unanimous

County Manager Martin questioned the Board as to whether they would like to appoint a Commissioner to the Animal Services Board as mentioned earlier in the meeting and the Board agreed to place this on the next meeting's agenda.

8. CLOSED SESSION: Attorney Client Matter pursuant to NCGS 143-318.11 (a)(3)

MOTION: Commissioner Council moved to go into Closed Session.  
SECOND: Commissioner Gilfus  
VOTE: Unanimous

MOTION: Commissioner Edge moved to go into Open Session.  
SECOND: Commissioner Gilfus  
VOTE: Unanimous

MOTION: Commissioner Council moved to adjourn.  
SECOND: Commissioner Melvin  
VOTE: Unanimous

There being no further business, the meeting adjourned at 9:20 p.m.

Approved with/without revision:

Respectfully submitted,

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Marie Colgan  
Clerk to the Board