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**Minutes**  
**Cumberland County Board of Commissioners**  
**June 19, 2000**  
**Regular/Rezoning Meeting**

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PRESENT: Chairman Edward G. Melvin, Jr.  
Vice Chairman J. Lee Warren, Jr.  
Commissioner Talmage Baggett  
Commissioner J. Breeden Blackwell  
Commissioner Billy R. King  
Commissioner H. Mac Tyson II  
Cliff Srassenburg, County Manager  
James Martin, Deputy County Manager  
Juanita Pilgrim, Asst. County Manager  
Grainger Barrett, County Attorney  
Marsha Fogle, Clerk  
Matt Rooney, Interim Planning Director  
Mike Osbourn, Planning Department

INVOCATION: Commissioner Breeden Blackwell  
Rev. Joseph Bathe, Calvary Assembly of God

**PLEDGE OF ALLEGIANCE**

**Recognition of Outgoing Board/Committee Members**

Mark N. Lynch - Board of Adjustment  
Steve Paris - Equalization and Review Board  
Joe Gillis - Equalization and Review Board

**Recognition of Robert Patterson – Boy Scout Troop 748 Campground Church**

**Recognition:** Commissioner Warren recognized Janet Lindbloom, new Health Department Director.

**Amendments to Agenda:** The County Manager removed Item #5 from the Agenda, noting the Board does not need to take any action, as state monies are available to fund this request.

**1. Public Hearings**

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

**MOTION: Commissioner King moved to follow the Planning Board recommendations on the Uncontested Rezoning Cases.**

**SECOND: Commissioner Baggett**

**VOTE: UNANIMOUS**

### Uncontested Rezoning Cases

**A. Case P00-32. The rezoning from M(P) Planned Industrial to R6 Residential, or to a more restrictive zoning district, on the north side of Crystal Springs Road, west of Camden Road, the property of Broadwell Land Company.**

The Planning Board recommends approval of the rezoning to R6.

**B. Case P00-33. The rezoning from M(P) Planned Industrial to C(P) Planned Commercial, or to a more restrictive zoning district, on the north side of Black and Decker Road, east of Legion Road, the property of the Medical Foundation of North Carolina.**

The Planning Board recommends approval of the rezoning to C(P).

**C. Case P00-34. The rezoning from R5A Residential to R5 Residential, or to a more restrictive zoning district, on the southeast side of Legion Road across from the intersection of Ireland Drive and Legion Road, the property of Barbara H. Dobbins.**

The Planning Board recommends approval of the rezoning to R5.

**D. Case P00-35. The rezoning from R10 Residential to C3 Heavy Commercial or to a more restrictive zoning district on the west side of Legion Road, south of Mid Pine Drive, the property of Ronald and Mary Jackson.**

The Planning Board recommends denial of C3 and approval of C(P).

### Contested Rezoning Cases

**E. Case P00-25. A Conditional Use Overlay District and Permit to allow a Mobile Home in an R6 Residential District on the north side of Garner Street, east of McArthur Road, the property of Harry McLaughlin, Jr.**

The Planning Board recommends approval of the Conditional Use Overlay District and the Permit with the following conditions:

The mobile home must have a permanent foundation.

Stairs, porches and entryways must be firmly installed and anchored.  
Hitches, wheels and lights shall be removed.  
These conditions shall be implemented in 60 days.

**SPEAKERS:**

All speakers were administered the oath.

Ann McNeill speaking for the petitioner. Needs this approved so applicant and son can live together; both are handicapped.

Cosmas Eaglin: Opposed to R6A. However, ok with the conditions as noted above as long as it is a "modular" home.

Beulah Jones: Owns property adjoining subject property. Agrees with conditional use overlay as long as home is modular as opposed to a single-wide mobile home.

**MOTION:** Commissioner Baggett moved that the Board of Commissioners finds that this conditional use overlay district application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest and that it be approved.

**SECOND:** Commissioner Blackwell

**DISCUSSION:** Commissioner Tyson questioned the need for more mobile homes in the area, nothing that mobile homes decrease in value rather than increase in value. Commissioner King noted he is familiar with this area as we have zoned here before, and had a large turnout of the neighborhood, generally in opposition to more mobile homes. He also noted, there is a mobile home park right next to this particular piece of property, making it difficult to make a case for not approving the overlay district. Commissioner Blackwell pointed out this case points out the need to revisit the mobile/modular home study. He stated he had asked the Planning Board to take a look at the study in the near future. (Mr. John Tyson, Planning Board member, indicated they will be discussing it at their next meeting). Commissioner Baggett pointed out the Planning Staff recommended the overlay district and it was unanimously approved by the Planning Board.

**VOTE:** FAVOR: Commissioners Baggett, Blackwell, Warren, Melvin

OPPOSED: Commissioners Tyson and King

**MOTION:** Commissioner Baggett moved that the Board of Commissioners finds that this conditional use district overlay permit application if completed as proposed:

will not materially endanger the public health and safety; and  
will not substantially injure the value of adjoining or abutting property;  
will be in harmony with the area in which it is to be located; and  
will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners,  
and that it be approved.

**SECOND: Commissioner Warren**

**VOTE: FAVOR: Commissioners Baggett, Warren, Blackwell and Melvin**

**OPPOSED: Commissioners Tyson and King**

**F. Case P00-41. Consideration of amendments and revisions to the map entitled Cumberland County Urban Services Area referred to in the Cumberland County Code of Ordinances, Article I of Appendix B, Section 1.9.**

The Planning Board recommends approval of the amendments and revisions to the map.

Mr. John Tyson, Chairman, of the Cumberland County Joint Planning Board made the following remarks:

The Planning Board presents these revisions to the urban services area map. He noted the 2010 Land Use Plan was adopted by the Board in 1995. Shortly thereafter, amendments to the zoning, subdivision and development ordinances were adopted to implement the 2010 Plan. One of the amendments was a map of the urban services area, detailing the area that is subject to the urban standards. Since that time the following changes have occurred:

Adoption of the Fayetteville "Future City" Plan;  
Completion of a comprehensive PWC water and sewer plan;  
Formation of the Hope Mills Planning Committee;  
Organization and meetings of joint water & sewer committee appointed by the Board of Commissioners and Fayetteville City Council;  
Completion and adoption of the Stedman Land Use Plan;  
Draft of the Vander Land Use Plan;  
Formation of the Eastover Sanitary Sewer District;  
Draft of the Eastover Land Use Plan;  
Comprehensive review of the Spring Lake Zoning Ordinance;  
Acquisition of the new County Industrial park off HWY 53;  
Over five years of study of the impact of the earlier amendments to the zoning ordinance; and  
Commencement and/or completion of major road projects by the DOT, including US Highway 13 extension.

As a result of these changes, the Comprehensive Planning Committee of the Joint Planning Board, after holding public meetings and hearings over the last 8 months, recommends approval of the ordinance amendment.

In reviewing the urban services area, the Planning Board took into account water and sewer extensions, availability of existing water and sewer utilities, new road construction, subdivision activity within and outside the existing urban services area and recommendations from agencies, committees and citizens. Some areas of the urban services area were enlarged, some were reduced. The four major areas of change are Elliott Bridge Road (enlarged), the Eastover Community (reduced), the new County Industrial Park off Highway 53 (reduced) and the area off

Chicken Foot Road where the new Jack Britt High School is being built (enlarged).

Commissioner Baggett noted his relief that the City of Fayetteville does not want to annex the Eastover area. He also noted that it is quite likely that the Eastover Sanitary District will see some work towards community sewer system in the future.

Mr. Gerald Olsen, Chairman of the Comprehensive Planning Committee recommended approval of the amendment.

Mr. Tom McNeill, PWC, said PWC is supportive of the amendment. He did note some areas of concern in which he was concerned that there may be some unrealistic expectations that PWC will be extending water/sewer into some areas that are pretty far out, i.e. such as the Grays Creek area, Highway 87 (Pro Shop), east of I-95, other than Baywood. Water and sewer into these areas are highly unlikely for a long time.

**MOTION: Commissioner Blackwell moved to approve the amendments as recommended by the Planning Board.**

**SECOND: Commissioner King**

**DISCUSSION: Commissioner Tyson asked Dohn Broadwell what the developers thought of the amendments. Mr. Broadwell said he was not sure the developers were aware of all the amendments; however he said he thinks these amendments make the ordinance “better off than we were before”. Commissioner Warren indicated he has been trying to get the urban services area reduced for a long time, and there may be a need to reduce it further. He also noted that he felt the requirement for concrete curb and gutter should be revisited. He said that rolled asphalt curb is less expensive and lends itself to more of a rural area. Commissioner Tyson noted his agreement with Commissioner Warren.**

**VOTE: UNANIMOUS**

**MOTION: Commissioner Warren moved to ask the Planning Board to revise the Subdivision Ordinance regulations to allow asphalt curb and gutter as opposed to concrete curb and gutter in the urban services area.**

**SECOND: Chairman Melvin**

**VOTE: FAVOR: Commissioners Warren, Melvin, Blackwell, Baggett & Tyson**

**OPPOSED: Commissioner King**

## Road Name Changes

**G. Consideration of renaming roads within the Grays Creek Fire District - Thirlensere Road to Thomas Driggers Road.**

**BACKGROUND:** A petition was received to consider this renaming. All property owners abutting the road were notified with 2 in favor of the renaming and 1 with no response. This

Class "C" private street was created by plat and finalized on May 2, 1988.

**SPEAKERS:** None

**MOTION:** Commissioner Baggett moved to approve the name change.

**SECOND:** Commissioner Warren

**VOTE:** UNANIMOUS

**H. Public Hearing to Receive Comments on the Local Disbursement of Rural Operating Assistance Program (ROAP) Funds - Presenter: Lesley Resnick-Ward, HSTS Coordinator**

**BACKGROUND:** The Board of Commissioners must hold a public hearing to receive comments on the local disbursement of ROAP funds which includes Elderly and Disabled Transportation Assistance Funds in the amount of \$111,429 and Work First Transitional/Employment Funds in the amount of \$46,688. The Human Services Transportation Committee met June 13, 2000 and approved the funding allocations for FY2001.

**ACTION:** Approve the FY2001 ROAP disbursements of ROAP funds.

**SPEAKERS:** None

**MOTION:** Commissioner Baggett moved to approve.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

**2. Consent Agenda**

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

**SECOND:** Commissioner Warren

**VOTE:** UNANIMOUS

**A. Approval of Minutes for the June 5, 2000 regular meeting.**

**ACTION:** Approve

**B. Approval of Correction of Public Health Fee for Hepatitis B Vaccine**

**BACKGROUND:** On June 5, 2000, the Board of Commissioners approved a fee for Hepatitis B vaccine in the amount of \$76. This was an error. The fee should be \$38.

**ACTION:** Amend the fee schedule to correct the error and to establish the fee for Hepatitis B



vaccine at \$38.00 per dose.

**C. Approval of an Ordinance Assessing Property for the Costs of Demolition of a Structure Pursuant to the Minimum Housing Code of Cumberland County (Property of Isidro Ben-Jureidini - 7656 Raeford Road).**

**BACKGROUND:** The Board of Commissioners adopted an Ordinance on December 20, 1999 directing the demolition of the structure at 7656 Raeford Road, owned by Isidro Ben-Jureidini. The owner failed to remove the structure so the County Inspection Department had the structure demolished at a cost of \$2,400.

**ACTION:** Adopt an Ordinance assessing the cost of demolition of the property.  
(Ordinance may be found in the Minimum Housing Code Book)

**D. Approval of the Cumberland County Solid Waste Management Plan.**

**BACKGROUND:** The Solid Waste Management Plan is required pursuant to NCGS 130A-309.09A(b). The Plan covers a ten-year period and is updated every three years. The baseline year is 1987-88. The updated Plan includes the following changes:

Delete the now defunct BCH Energy Project as a disposal method.  
Changes the life of the landfill to reflect no waste to energy project.  
Outlines the revised operational hours for the household hazardous waste facility.  
Adds plans for white goods collection.  
Reflects proposed changes to include conditionally exempt small quantity generators waste at the household hazardous waste facility.  
Restates goal of achieving a 10% reduction in waste volume by 2010.  
Includes plans for disaster response.  
Shows landfill expansion project.  
Indicates that textiles and magazines have been added to the recycling program.  
Restates commitment to ultimately achieving the state goal of a 40% reduction in solid waste.

**ACTION:** Adopt Resolution approving the plan.

**RESOLUTION TO APPROVE THE CUMBERLAND COUNTY  
COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN**

WHEREAS, better planning for solid waste will help protect public health and the environment, provide for an improved solid waste management system, better utilize our natural resources, control the cost of solid waste management; and

WHEREAS, NC General Statute 130A-309.09A(b) requires each unit of local government,

either individually or in cooperation with other units of local government to develop a 10-year comprehensive solid waste management plan;

NOW, THEREFORE, BE IT RESOLVED that Cumberland County hereby approves the Comprehensive Solid Waste Management Plan

Commissioner Breeden Blackwell suggested that a citizen task force be appointed to help with the Plan in the future, noting all the changes that are happening in the area of solid waste.

**E. Approval of a Memorandum of Understanding with the Town of Hope Mills Regarding a Recreation Center**

BACKGROUND: The County's 10 Year Recreation Service Plan requires that a recreation center be constructed to serve residents in the greater Hope Mills area. A joint venture between Hope Mills and the County has been under consideration for some time to construct a recreation center at Hope Mills Municipal Park. The Town and County would share proportionately in the cost of design and construction. A memorandum of understanding has been approved by the Hope Mills Board of Commissioners. The purpose is to establish a 50% cost share agreement with the Town to develop a conceptual floor plan for a recreational center with an approximate budget of \$1,000,000. The County's contribution towards conceptual design services would be an equal amount not to exceed \$5,000. If we decided to proceed with construction, the County's share would be an equal amount not to exceed \$500,000.

ACTION: Approve the Memorandum of Understanding and the concept of a joint Hope Mills - Cumberland County Recreation Center.

**F. Consideration of Approval of the Agreement for the Provision of County Based Agency Services and the FY 2001 Home and Community Block Grant for Older Adults Funding Plan**

BACKGROUND: In 1991, the General Assembly passed SB 165, Chapter 241, which requires the Division of Aging to administer the Home & Community Block Grant for Older Adults. In order to implement this legislation, Cumberland County designated Mid Carolina Area Agency on Aging as the lease agency for planning and coordination of the County's Funding Plan for Older Adults Services. The agreement for the Provision of County Based Agency Services must be approved annually. The Cumberland County Funding Plan for coordination of services is a means to utilize community-based resources in the delivery of comprehensive aging services to older adults and their families. The Community Home Block Grant for Older Adults is \$1,160,657 and the County's match is \$130,391.

ACTION: Approve the Agreement.

**G. Approval of Sale of Surplus County-Owned Real Property**



## **Acquired by Tax Foreclosure**

### **1. Lots 24-25, Block Q Colonial Heights Add. 1**

**BACKGROUND:** In April, the County acquired by tax foreclosure Lots 24-25, Block Q, Colonial Heights Add. 1, in Rockfish Township. The amount owed on the foreclosed judgment plus interest and cost is \$2,132.50. The appraised value is \$9,000.00. The property has been declared surplus to the needs of the County. Mr. James E. Hall and wife Helen, made an initial bid to purchase the property for \$2,143.50. No upset bids have been received.

**ACTION:** Accept the bid in the amount of \$2,132.50 and upon receipt of the balance of the purchase price authorize the Chairman to execute a deed to James and Helen Hall.

### **2. West 253 Ft., Lots 4 & 5, J. Frank Williams**

**BACKGROUND:** In April, the County acquired by tax foreclosure the Western 253 feet, lots 4 & 5, J. Frank Williams property, in Manchester Township. The amount owed plus interest and cost is \$3,170.01. The appraised tax value is \$5,000.00. The property has been declared surplus to the needs of the county. Mr. John H. McIver made an initial bid to purchase the property for \$3,170.01. No upset bids were received.

**ACTION:** Accept the bid in the amount of \$3,170.01 and upon receipt of the balance of the purchase price authorize the Chairman to execute a deed to John H. McIver.

## **H. Consideration of a TMA Contract Amendment to Allow for the Discovery of Non-Reporting Businesses for Property Tax Purposes**

**BACKGROUND:** In the continuing efforts to find and assess taxable property, the Tax Administrator has been examining new methods for locating property and taxpayers. A service offered by Tax Management & Associates can accomplish these goals. When this program was implemented in Durham County, TMA discovered over \$120,000,000 in unreported value in the first year alone. At this time, when the County is in need of substantial increases in revenue, this program will be of great benefit. In March 1997, the County entered into a contract with Tax Management & Associates to audit business personal property returns. This additional service would be an amendment to that contract. The fee for this new service will be 30% of taxes, penalties and interest discovered.

**ACTION:** Approve the amendment to the contract and instruct the Tax Administrator to implement a program to discover all businesses that are not complying with their legal obligation to report taxable personal property.

**I. Budget Revisions:**

ACTION: Approve

**(1) Health Department**

- a. Various: Revisions in the total amount of \$20,000 to transfer funding from Health Education to Multiphasic Clinic and Adult Health Clinic to fund operating expenses. (B00-726 through B00-726B) Funding Source-County
- b. Mosquito Control: Decrease in revenue and expenditures in the amount of \$6,500 to decrease revenue the department will not receive from the State. (B00-732) Funding Source-State

**(2) Solid Waste/Landfill Construction**

Revision in the amount of \$4,580,316 to: delete the landfill construction budget in the Solid Waste Department; transfer remaining budget to the landfill Capital Project; and to approve the revised Capital Project Ordinance.(B00-729 and B00-729A) Funding Source-Solid Waste Fees

**(3) Social Services**

- a. Increase in revenue and expenditures in the amount of \$250,00 to recognize additional Daycare Subsidy. (B00-725) Funding Source-Federal and State
- b. Revision in the net amount of \$1,834,651 to recognize additional revenues for foster care and day care, aged & disabled, and Medicaid expenditures.(B00-734 and B00-734A) Funding Source-Federal, State & Fees

**(4) School C.O. Category II**

Revision in the amount of \$111,000 to appropriate fund balance to purchase band uniforms for Jack Britt High School and Westover High School as approved by the Board of Education. (B00-731) Funding Source-State

**(5) Residential Group Home**

Increase in revenue and expenditures in the net amount of \$7,381 to recognize discretionary funding from the state. (B00-733) Funding Source-State

**(6) General Government Other**

Revision in the amount of \$133,838 to recognize insurance settlements of \$73,272 and to appropriate \$60,566 to fund fire related expenditures for the jail. (B00-723) Funding Source-Other & County

**Regular Agenda**

**3. Nominations to Boards and Committees**

**A. Adult Care Home Community Advisory Committee  
(2 vacancies)**

BACKGROUND: The following positions are vacant:

J.E. Herndon: Ms. Melissa Evonne Reed was appointed to fill the vacancy. She has not responded to letters notifying her of the appointment and the Commissioners' office staff has been unable to reach her by phone. Replacement needed.

Phyllis B. Watson – Resigned from the Committee. Replacement needed.

Commissioner Blackwell suggested we contact this Committee and ask them for some recommendations for appointments.

**4. Appointments to Boards and Committees:**

**MOTION:** Commissioner Baggett moved to appoint the nominees in 4A, 4B, & 4D.

**SECOND:** Commissioner Blackwell

**VOTE:** UNANIMOUS

**A. Workforce Development Board (2 Vacancies)**

Nominees: Economic Development Representative  
Cathy Johnson (Reappointment) -

Education Representative  
Dr. James C. Basnight (Reappointment) -

**B. Nursing Home Advisory Board (2 Vacancies)**

Nominees: Teresa Johnson (Reappointment)  
Shirrell W. McDuffie

**C. Cumberland County Juvenile Crime Prevention Council  
(6 Vacancies)**

Nominees:

Substance Abuse Professional:  
John Jones (Reappointment)

Member of Faith Community Representative:  
Rev. Donald E. Overton (Replacement Needed)

Person Under Age 21: Kathrine Yarborough (Replacement needed)

Note: Katherine will be attending college out of Cumberland County and will be unable to serve. Danielle Lucas is recommended to fill the vacancy.

Juvenile Defense Attorney: Cheryl Walton

Note: Miss Walton has contacted this office and stated she does not want to serve another term. Replacement needed.

Member of Business Community: Marshall Pitts (replacement needed)

Note: Mr. Pitts has indicated he will be unable to serve another term. Flora Santor is recommended to fill the vacancy.

At-Large Representative: Carol Hessenflow (Reappointment)

**Flora Santor and Danielle Lucas were nominated to fill the vacancies replacing Marshall Pitts and Kathrine Yarborough, respectively.**

**MOTION: Commissioner Baggett moved to appoint the nominees above. (Note: The Board will make nominations for the Member of Faith Community representative at the next meeting).**

**SECOND: Commissioner King**

**VOTE: UNANIMOUS**

**D. Cumberland County Emergency Planning Committee  
(14 Vacancies)**

Operators of Facilities Representatives (5 positions):  
Harvey Hall  
Mark Ingram (Reappointment)

Craig Leite  
Steve Ross (Reappointment)  
Keith Small

Law Enforcement Representatives (2 positions):  
Sgt. Jeffery D. Adkin  
Lt. David Pulliam (Reappointment)

Emergency Management Representative:  
William C. Elmore, Jr.

Hospital Representative:  
Cathy Ory

Fire Fighting Representative:  
Jerry Cashwell

First Aid Representative:  
Wally Ainsworth (Reappointment)

At-Large Representative:  
Herman Crawford (Reappointment)

Local Environmental Representative:  
Paul Rawls

Utilities Representative:  
Ike Copeland

**5. Consideration of a Funding Request from the Hispanic/Latino Center to Print the Spanish Version of The Answer Book**

This item requires no action as the County Manager removed it from consideration.

**6. Consideration of a Resolution Authorizing Establishment of an Ordinance Levying Tax on Gross Receipts Derived from Retail Short-Term Lease or Rental of Motor Vehicles (Second Reading)**

**BACKGROUND:** On June 5, 2000, this Resolution passed by a majority vote. Therefore, a second reading is required.

**ACTION:** Adopt Resolution authorizing the establishment of the Ordinance.

## RESOLUTION

WHEREAS, the NC General Assembly has ratified Senate Bill 1076, signed into law as Session Law 2000-2(S.L.2000-2) and effective for taxable years beginning on or after July 1, 2000; and

WHEREAS, this act repealed the property tax on certain vehicles leased or rented under retail short-term leases or rentals and authorized counties to replace the lost tax revenue through enactment of a local tax on gross receipts derived from retail short-term leases or rentals;

NOW, THEREFORE BE IT RESOLVED by the Cumberland County Board of Commissioners that the following Ordinance is enacted:

SECTION 1. Tax on Gross Receipts derived from retail short-term motor vehicle leases or rentals. The County of Cumberland hereby imposes and levies a tax of one and one half percent (1 ½%) of the gross receipts from the short-term lease or rental of vehicles at retail to the general public.

SECTION 2. Administration. The County will administer and collect from operators of leasing and rental establishments the taxes levied hereby and the County may promulgate additional rules and regulations necessary for implementation of the taxes.

SECTION 3. Payment of Taxes and Filing of Returns. The taxes levied hereby are due and payable to the County in monthly installments on or before the fifteenth (15th) day of each month in which the tax accrues. Every taxable establishment required to collect the tax shall, on or before the fifteenth (15th) day of each month, prepare and render a return to the County. The County shall design, print, and furnish to all taxable establishments the necessary forms for filing returns and instructions to insure the full collection of the tax. A return filed for this purpose is not a public record as defined by Section 132-1 of the NC General Statutes and may not be disclosed except as required by law.

SECTION 4. Penalties. In case of failure or refusal to file a return or pay the tax for a period of thirty (30) days after the time required for filing the return or paying the tax, there shall be an additional tax, as a penalty, of five percent (5%) of the tax due, with an additional tax of five percent (5%) for each additional month or fraction thereof until the tax is paid. The County Board of Commissioners, for good cause shown, may compromise or forgive any penalty or additional tax imposed hereunder.

SECTION 5. Misdemeanor for Willful Violation. Any person, firm corporation or association who willfully attempts in any manner to evade a tax imposed herein or who willfully fails to pay the tax or make and file a return shall, in addition to the penalties provided by law and herein, be guilty of a misdemeanor punishable as provided by law.



**SECTION 6. Effective Date.** The short-term rental or leased vehicle gross receipts tax levied herein shall become effective July 1, 2000.

**MOTION:** Commissioner Warren moved to approve.

**SECOND:** Commissioner King

**VOTE:** **FAVOR:** Commissioners Warren, King, Baggett, Melvin, Blackwell

**OPPOSED:** Commissioner Baggett

## **7. Consideration of County Personnel Committee Report and Recommendation Regarding Proposed Position Reclassifications**

**BACKGROUND:** The County Personnel Committee recommends approval of the following reclassifications for Information Services:

Current Class/Gr.	Pos#	Current Budgeted Salary	Proposed Class/Gr.	Proposed Salary	Annualized Difference
Microcomp Spec/69	424	41,234	Network Admin/71	37,347	(3,887)
Microcomp Tech/65	415	29,829	Microcomp Spec/68	32,615	+2,786

These reclassifications will be effective July 1, 2000.

**MOTION:** Commissioner King moved to approve.

**SECOND:** Commissioner Baggett

**VOTE:** **UNANIMOUS**

## **8. Consideration of Approval of a Franchise Agreement with Systel for Copying and Fax Vending Services at Libraries (Second Reading)**

**BACKGROUND:** The First Reading of this proposed Franchise Ordinance was approved on June 5, 2000.

**ACTION:** Approve the Second Reading.

**Note:** Commissioner Tyson was involved in the initial negotiations for the Franchise Agreement and will abstain from this vote.

**MOTION:** Commissioner Warren moved to approve.

**SECOND:** Commissioner King

**VOTE:** **UNANIMOUS** with Commissioner Tyson abstaining.

## **9. Consideration of Approval of a Franchise Agreement for Vending Machine Services at Mental Health (Second Reading)**

**BACKGROUND:** The First Reading of the Franchise Agreement was approved June 5, 2000.

**ACTION:** Approve the Second Reading.

**MOTION:** Commissioner Blackwell moved to approve.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

#### **10. Consideration of Request from Attorney Stacy Weaver to Release 20' Easement**

**BACKGROUND:** Attorney Stacy Weaver requests release of the County's ½ undivided interest in a 20' wide easement leading from Eastern Boulevard through the property of Mr. Balubahi Patel to the area that is now the parking area for the Crown Coliseum complex. Mr. Patel is selling a portion of his property to Waffle House Restaurants. Mr. Weaver contends that the easement description was erroneous from the beginning, in that it was surely intended to afford access to the old Tildon Walker tract by connecting to the unopened right of way for Benny Street. Instead, the actual description carried forward in the conveyance into the County in fact runs somewhat further north and does not connect with Benny Street nor in fact provide any access to the old Tildon Walker tract. This property is just north of the Auditorium and the County already has a driveway as well as an additional access easement along the northern boundary of the Auditorium property. Thus a case can be made that the County has no use for the easement through Mr. Patel's property. This matter is also being submitted to the Civic Center Commission for its review and determination as to whether it has any need for this easement. If the Board of Commissioners and the Civic Center Commission approve releasing the easement, further approval will be needed from First Union National Bank, Trustee under the deed of trust for the Civic Center refinancing. It is the opinion of the County Attorney the Trustee would be more disposed to consent if Mr. Patel offered some nominal amount in compensation for the conveyance of the County's interest to him. Such an offer would also trigger the negotiated offer and upset bid procedure which would be required by statute to effect the disposal of real property, assuming consent from the Board, the Commission and the Trustee.

**ACTION:** Consider whether to approve release of the easement to Mr. Balubahi Patel for a nominal amount such as \$500, subject to approval of the Civic Center Board and First Union National Bank. If approved, authorize the Chairman and Clerk to execute a deed to the grantee.

**MOTION:** Commissioner Tyson moved to approve.

**SECOND:** Commissioner Blackwell

**DISCUSSION:** Note: Payment will be worked out based on what is acceptable to the Trustee.

**VOTE:** UNANIMOUS

#### **11. Consideration of Request from Animal Control Department and Animal Control Board to Adopt a New Fee Schedule Effective July 1, 2000**

**BACKGROUND:** The Animal Control Board is recommending a new fee schedule for the Animal Control Department, effective July 1, 2000, as follows:

### Annual License Fees (Dogs and Cats)

The license fee for 1 to 3 fertile (un-altered) dogs or cats age 4 months or older shall be \$25.00 per animal. The fee for altered (sterilized) animals shall be \$7.00 per animal, providing the owner shows proof of the fact.

Owners that keep 4 or more hunting or breeding animals must purchase an annual permit at the cost of \$40.00 per year, renewable January 1 of each year.

Owners holding the proper permit shall be exempt from paying the \$25.00 fee for unaltered animals. They shall pay \$7.00 per animal 4 months or older.

Handicapped individuals owning dogs that have been altered or used as guide, hearing or service dogs shall be exempt from paying animal license fees.

### Adoption/Reclaim Fees

Adoption fees for puppies and kittens less than 4 months old shall be a flat rate of \$25.00. The adoption fee for dogs and cats 4 months and above shall be \$50.00 which includes a rabies certificate and an animal license. (Out of county residents shall pay \$45.00 – they do not have to purchase a county animal license) (Cost of spay/neutering will be added to the above listed adoption fees in the near future).

Owner reclaim fees shall be \$7.00 per day for each animal plus animal license fee and rabies vaccination certificate if applicable and any other fines and penalties as may be due.

Large animal fees (horses, cows, bulls) shall be \$10.00 per day plus necessary added expenses such as special feed, etc.

Small animal fees (sheep, goats, ostriches) shall be \$5.00 per day, plus necessary added expenses such as special feed, etc.

Fowl, rabbits and small rodent type animals shall be \$1.00 per day plus necessary added expenses such as special feed, etc.

Snakes, reptiles and amphibian type animals shall be \$5.00 per day, plus necessary added expenses such as special feed, etc.

Transportation fee for small livestock animals such as small pigs, goats, sheep or fowl shall be \$25.00 per animal (in the case of chicken/ducks/geese, etc., shall be per group).

Transportation fee for large livestock such as cows, horses, emus/ostrich and large hogs shall be \$50.00 per animal.

Of note are (i) the differential fee for spayed or neutered animals of \$7 versus \$25 for unaltered animals, which will qualify Cumberland County for funding from the state spay/neuter fund if the pending legislation passes the General Assembly, and (ii) flat rate adoption fees which will include privilege license payment and rabies vaccination, to be adjusted for mandatory spay/neuter when and if the Board of Commissioners approves a revised animal control ordinance with mandatory spay/neuter for adoptions. As for the proposed animal control ordinance, the chairman of the City's ad hoc animal control ordinance committee attended the Animal Control meeting on June 12 to discuss differences between the City and County ordinances. At the suggestion of Donald Byrd, the Animal Control Board Chairman, they agreed to appoint two members from each group to meet together with the City and County Attorney by July 5, 2000. At this point it is not clear that a consensus will, or can, be reached from the two differing versions of the proposed ordinances. If the two groups cannot reach a consensus, the County Attorney recommends that the Board of commissioners proceed to consider whether to adopt a revised County Animal Control Ordinance based on the recommendation of the Animal Control Board.

**ACTION:** Adopt the new fee schedule.

**MOTION:** Commissioner Warren moved to approve.

**SECOND:** Commissioner Baggett

**VOTE:** UNANIMOUS

## **12. Consideration of Postponing July 3, 2000 Commissioners Meeting**

**BACKGROUND:** July 4th County holiday falls on a Tuesday. Commissioner Baggett is asking the Board to consider postponing the regular meeting of the Board of Commissioners scheduled for July 3 until Wednesday, July 5th at 9:00AM.

**ACTION:** Consider Mr. Baggett's proposal.

**MOTION:** Commissioner Warren moved to cancel the first meeting of the month for July not reschedule.

**SECOND:** Commissioner Blackwell

**VOTE:** UNANIMOUS

**MEETING ADJOURNED:** 8:20PM.

[Return to top of page](#)

Page last updated 6/27/00