
Minutes
Cumberland County Board of Commissioners
October 16, 2000, 7:00 p.m.
Regular/Rezoning Meeting
Courthouse, Room 118
Fayetteville, NC

PRESENT: Chairman, Ed Melvin
Vice Chairman, J. Lee Warren, Jr.
Commissioner Talmage Baggett
Commissioner Breeden Blackwell
Commissioner Jeannette Council
Commissioner Billy R. King
Commissioner H. Mac Tyson II
James Martin, County Manager
Juanita Pilgrim, Assistant County Manager
Cliff Spiller, Assistant County Manager
Grainger Barrett, County Attorney
Matt Rooney, Interim Planning Director
Rhonda C. Raynor, Deputy Clerk

INVOCATION: Commissioner Jeannette Council
Dr. J. C. Reed, Pastor of Pentecostal
Temple Church of God in Christ.

PLEDGE OF ALLEGIANCE

1. PUBLIC HEARINGS:

Uncontested Rezoning Cases:

Upon finding the requests to be reasonable, neither arbitrary or unduly discriminatory and in the public interest and that the property within such proposed districts is suitable for all uses permitted by the new classifications, the following motion was offered for the uncontested rezoning cases:

MOTION: Commissioner Warren offered a motion to follow the Planning Board recommendation on the Uncontested cases.

SECOND: Commissioner King

VOTE: UNANIMOUS

A. Case No. P00-55. The rezoning from R10 Residential to O&I Office and

Institutional, or to a more restrictive zoning district at 2034 Hope Mills Road, North of Poplar Drive, the property of Ernest S. and Jeanne B. Grooms.

The Planning Board recommends approval of the rezoning to O&I Office and Institutional District.

B. Case No. P00-57. The rezoning from A1 Agricultural to RR Rural Residential, or to a more restrictive zoning district, on the north side of Beard Road, east of its intersection with Tom Geddie Road, the property of William A. and Judy B. Edwards.

The Planning Board recommends denial of the RR Rural Residential District and approval of R40A Residential District.

C. Case No. P00-58. The rezoning from A1 Agricultural to RR Rural Residential, or to a more restrictive zoning district, west of James Dail Road and south of Goldboro Road, the property of Percy and Laura Britton.

The Planning Board recommends denial of the RR Rural Residential District and approval of R40A Residential District.

D. Case No. P00-59. The rezoning from A1 Agricultural to RR Rural Residential, or to a more restrictive zoning district, on the northeast side of Sanderosa Road, south of Ben McNatt Road, the property of Mary L. Jones, Janet Martin, and Carolyn McNatt.

The Planning Board recommends approval of the rezoning to RR Rural Residential District.

E. Case P00-60. The rezoning from R6 to R6A Residential, or to a more restrictive zoning district, at the bend in West Mountain Drive, south of its intersection with Owen Drive, the property of Mayce Lowery Teague.

The Planning Board recommended approval of the rezoning to R6A Residential District.

F. Case P00-61. The rezoning from A1 Agricultural and A1/CU Agricultural/Conditional Use to R40A Residential, or to a more restrictive zoning district, on the east side of Custer Avenue, south of Chipper Street, the property of Dolphus Williams.

The Planning Board recommended approval of the rezoning to R40A Residential District.

G. Case P00-62. The rezoning from A1 Agricultural to R40A Residential, or to a more restrictive zoning district, on Matthew Johnson Road, east of J. Herbert Road, the property of Wilma and Joseph Nelson.

The Planning Board recommended approval of the rezoning to R40A Residential District.

Contested Rezoning Cases:

H. Case P00-52. Conditional Use Overlay District and Conditional Use Permit to allow a bottled gas distributing and storage operation in a C(P) Planned Commercial District on the southwest corner of Legion Road and Masonboro Court, the property of Raymond and Joan Nicholson.

The Planning Board recommended approval of the Conditional Use Overlay District and Permit with conditions

Speakers: There were no speakers for this agenda item. The Board accepted the agenda materials submitted in connection with this application as part of the record in this case.

MOTION: Commissioner Warren offered a motion to approve the Conditional Use Overlay District upon finding that the application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that the following conditional uses be approved: to allow a bottled gas distributing and storage operation in a C(P) Planned Commercial District on the southwest corner of Legion Road and Masonboro Court, the property of Raymond and Joan Nicholson.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

MOTION: Commissioner Warren offered a motion to approve the conditional use permit application after finding that the use: 1) will not materially endanger the public health and safety, 2) will not substantially injure the value of adjoining or abutting property, 3) will be in harmony with the area in which it is to be located, 4) will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners.

The permit is approved with the following conditions:

- 1) Access is to be off of Masonboro Court
- 2) The site is to comply with all federal, state and local regulations
- 3) The location of tanks and any structures be in accordance with the setback requirements of the C(P) Planned Commercial District
- 4) A fence be installed as shown on the site plan
- 5) A site-obscuring buffer is to be installed from the southeast corner of the structure to the property line and west along the property line to where it meets the second chain link fence that runs behind the building.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

I. Case P00-54. The rezoning from R10 Residential to C1 Local Business, or to a more restrictive zoning district, on the east side of Reilly Road, south of Dandridge Drive, the property of Joe O. and Eva G. Amburger.

The Planning Board recommended denial of the rezoning to C1 Local Business District.

Speakers: There were no speakers for this agenda item.

MOTION: Commissioner King offered a motion to deny the rezoning request.

SECOND: Commissioner Council

VOTE: UNANIMOUS

Other Public Hearing Matter

J. Eastover Land Use Plan.

BACKGROUND: The Cumberland County 2010 Land Use Plan is a “generalized” land use plan in terms of providing overall goals and guidelines for development in the County. This Plan is considered to be the first phase of the land use planning process. The second phase consists of developing “detailed” plans for specific geographic areas in the County. The Eastover Area was prioritized by the Planning Board as the third area to receive detailed planning.

Two factors that will most likely initiate growth pressures and further development in the Eastover Area are 1) the construction of the Fayetteville Outer Loop that traverses the northern portion of the Area and 2) the introduction of public water service to a portion of the Area.

The study takes a comprehensive view of all existing features, policies, and conditions that may impact the development of the Area. The cornerstone of the Plan’s development is public participation. The Eastover Citizen Planning Committee, which is comprised of a group of citizen volunteers from the Area, has worked with the Planning Staff to accomplish the objective of developing a Plan.

The study boundary was defined by the Eastover Citizen’s Planning Committee and approved by the residents of the area. The defined area is bordered on the west by the Cape Fear River and the City Limits of Fayetteville; on the south by the New N.C. Highway 24 and Maxwell Road; on the east by Big Creek and the Eastover Fire District Line; and on the north by the Eastover Fire District boundary as illustrated in the Eastover Study Area Boundary Map. There is an island within this defined boundary that is part of the City of Fayetteville (PWC Power Generation Plant) that is omitted from the Study Area.

The Study Area is located in the central northeastern portion of the County along the Interstate 95 north-south corridor and the NC 24 east-west corridor and east of the Cape Fear River. The most urban portion of the Area is in the Eastover Community along Dunn Road at the Baywood

Road intersection. The remainder of the Area is rural residential development and farming. There are very few urban services in the area. Plans are in the works to provide public water to a large portion of the Area west of U.S. 301 and the Fayetteville Outer Loop will traverse the northern portion of the Area. The area is slowly becoming one of the “choice” areas in the county for rural living. Over 35 percent of the houses in the Area have been built since 1990. This trend is expected to accelerate in the years to come with the construction of the Outer Loop, which will make the majority of the Area very accessible to the Military Reservation and the Cross Creek Mall shopping area.

The process utilized in the development of the neighborhood/area plans is very similar to the one used to develop the Cumberland County 2010 Land Use Plan. The cornerstone in the process is citizen participation. Efforts have been made to get the citizens to play a more active role in the Plan development, adoption, and implementation phases of the process, through the organization of a citizen group that will oversee the implementation of the adopted plan and serve as a steering group for Plan updates. In order to accomplish the development of the neighborhood/area plans, the following must be undertaken:

- A. Develop a definition of the Study Area;
- B. Develop data collection method(s) to be utilized;
- C. Collect and analyze general information and physical, social and economic data;
- D. Conduct a vision session with residents in the Area, and establish a Citizens Planning Committee;
- E. Compile and analyze citizen input;
- F. Develop a base map and map data;
- G. Conduct work session(s) with Citizens Planning Committee; conduct “crash” course in land use planning; and select a citizen to serve as an area spokesperson;
- H. Formulate goals and develop a preliminary land use plan with the Citizens Planning Committee;
- I. Conduct Citizen meetings to present goals; review and gather feedback on the preliminary land use plan; and establish a mechanism for a permanent Citizens Planning Committee;
- J. Review the citizen meeting feedback with the committee spokesperson and planning committee;
- K. Assemble draft Eastover Area Land Use Plan document;
- L. Present the Plan to the Planning Board for review and set date for a public hearing;
- M. Present the Plan to the County Board of Commissioners for adoption; and
- N. Proceed with Plan implementation.

Appearing: Will Denning of the County Planning Department

Mr. Denning described the history of the Plan from January of 1999 when the first meeting was held with the Eastover residents. The residents determined the boundary and expressed their desires for the land use. Staff then analyzed the data and distributed it to the citizens. A 40-

member planning committee was selected and it offered two recommendations. One of the recommendations was agreed upon and endorsed by 100 residents. The Comprehensive Planning Committee received the plan in March of 2000. The Comprehensive Planning Committee made modifications to the plan. The Committee then met with the spokespersons for the community, Mr. Denny Davis and Ms. Liz Reeser.

Mr. Davis and Ms. Reeser addressed the Board and advised they were pleased with the final recommendation. The citizens in the community are also in agreement. There were some disagreements, but they felt everyone had a fair say in the process.

Mr. Davis stated that people mostly wanted larger areas to build residences on.

Commissioner Baggett stated he appreciated the great deal of work done by the Planning Board, Planning Staff and citizens of the Eastover Community on this plan. He has the same concern Mr. Davis spoke of with regard to the lot sizes in the area below Beard Road. A lot of the land in that area is not well drained and has a high water table. It is getting more and more difficult to obtain a septic tank permit for lots located in that area. He is not sure R20 or RR zoning would be suitable for the area south of Beard Road. He feels it would be more prudent considering the changes coming with the highway extension to make the plan more restrictive and then to allow for changes or exceptions in the future if necessary.

Commissioner Warren also stated he felt a one-acre lot size was suitable for the area. He also noted changes could be made at a later time if necessary.

Commissioner King stated that if there were no sanitary sewer in the area then a larger lot size would certainly make more sense.

MOTION: Commissioner Warren offered a motion to adopt the Eastover Land Use Plan as proposed with an amendment that no area shall have a lot size smaller than one acre.

SECOND: Commissioner Baggett

DISCUSSION: Commissioner King stated it seems as though the Board is giving special designation to one area of the County without looking at another.

Commissioner Tyson noted a large designation of R40 property on Highway 87 that is not in that portion of the County. A larger lot size affords for a nice house and room for a well and septic tank. It certainly makes for responsible development.

Commissioner Warren noted there was a tremendous amount of red clay in the Eastover area. The soil in the area he noted is not suitable for septic tanks. The soils are different from any other area in the community.

Mr. Barrett noted the land use plan is not a zoning map. The one-acre designation would be a "farmland" designation.

Mr. Rooney noted the plan does not change any of the zoning designation. The document will be used as a guide for considering future rezoning requests.

VOTE: UNANIMOUS

2. CONSENT ITEMS:

MOTION: Commissioner King offered a motion to follow staff recommendations on the items on the Consent Agenda.

SECOND: Commissioner Council

VOTE: UNANIMOUS

A. Approval of minutes for the October 2, 2000 regular meeting.

ACTION: Approve the minutes.

B. Adoption of a Proclamation Proclaiming October 23-31, 2000 “Red Ribbon Week”.

ACTION: Adopt the proclamation.

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, alcohol and other drug abuse has been identified as one of the greatest threats to the future of our nation, and the 15 to 24 year old age group is dying at an alarming rate; and it is crucial that visible, unified preventative education efforts by community members are established to reduce the demand and use of drugs; and

WHEREAS, the National Family Partnership, the Partnership for a Drug-free North Carolina and Cumberland County, C.A.R.E.S. (Coalition for Awareness, Resources and Education of Substances) are sponsoring the NATIONAL RED RIBBON CAMPAIGN offering citizens the opportunity to display their dedication to a drug free lifestyle; and the National Red Ribbon Campaign will be held in every community in America during “Red Ribbon Week”; and

WHEREAS, business, government, law enforcement, schools, religious institutions, service organizations, youth, physicians, senior citizens, military, sports teams and individuals will pledge their faithfulness to a healthy drug free lifestyle; and Cumberland County commits its resources to ensure the success of the Red Ribbon Campaign.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners hereby proclaims October 23-October 31, 2000, “Red Ribbon Week”, and encourages all citizens to participate in drug prevention education activities, as a visible statement that we are strongly committed to a drug free community.

C. Adoption of a Proclamation Proclaiming October 28, 2000 “Junior Dragster Festival Day”.

ACTION: Adopt proclamation.

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, Cumberland County is very excited to be hosting the Junior Dragster Festival on October 28, 2000; and

WHEREAS, this Festival will bring in hundreds of children from across the United States who will be participating in the Festival; and

WHEREAS, dragster racing is a very popular sport across the United States; and

WHEREAS, the Fayetteville Motor Sports Park will host this grand event.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cumberland County proclaims October 28, 2000, “Junior Dragster Festival” day in Cumberland County and urges its citizens to show their appreciation for having this Festival in Cumberland County by attending the festivities at the Fayetteville Motor Sports Park.

D. **Adoption of a Proclamation Proclaiming November 5-11th as “National Animal Shelter Appreciation Week”.**

ACTION: Adopt proclamation.

COUNTY OF CUMBERLAND

NORTH CAROLINA

**NATIONAL ANIMAL SHELTER APPRECIATION WEEK
PROCLAMATION**

WHEREAS, there are more than 64 million cats and 62 million dogs living in households across the United States, including more than 57 thousand cats and 48 thousand dogs living in Cumberland County; and

WHEREAS, some pet owners have allowed their animals to run loose and unsupervised, causing a threat to public health and safety; and

WHEREAS, indiscriminate breeding allowed by some pet owners, who have not had their companion animals spayed or neutered, has contributed to pet overpopulation; and

WHEREAS, animal shelter employees, like police officers and emergency medical personnel, must respond to these community problems and crises; and

WHEREAS, animal shelters act as safe havens for homeless and abused animals, providing them with comfort and care; and

WHEREAS, animal shelters help both animals and people in many ways: by returning lost pets to their owners, enforcing animal control laws, rescuing injured animals, educating the public and matching up families with new animal companions; and

WHEREAS, the work of animal shelters and the important services they provide often goes unnoticed and underappreciated by the citizens.

NOW, THEREFORE, in recognition of the Cumberland County Animal Shelter and several other local shelters to include Animal Haven, the local Society for Prevention of Cruelty to Animals, The Haven – Friends For Life and the Humane Society of Eastern North Carolina, for providing important services to animals and people in our community that help improve the quality of life for us all, the Cumberland County Board of Commissioners does hereby proclaim November 5-11, 2000 as “National Animal Shelter Appreciation Week” in Cumberland County.

E. Adoption of a Proclamation Proclaiming November 6-13th as “Random Acts of Kindness Week”.

ACTION: Adopt proclamation.

CUMBERLAND COUNTY

NORTH CAROLINA

PROCLAMATION

WHEREAS, the daily acts of kindness of most of the citizens in Cumberland County often go unrecognized; and

WHEREAS, by recognizing these daily acts of kindness during this week, all citizens of Cumberland County, North Carolina will become more aware of the importance of being kind to others throughout the year; and

WHEREAS, by recognizing these acts of kindness during this week, everyone will be encouraged and inspired to participate in making this a kinder, safer and better place to live; and

WHEREAS, all Cumberland County citizens will benefit from random acts of kindness; and

WHEREAS, this week is being observed throughout the United States and the entire world to promote kindness.

NOW THEREFORE the Cumberland County Board of Commissioners hereby proclaims the week of November 6-13, 2000, as ***“RANDOM ACTS OF KINDNESS WEEK”*** in Cumberland County and encourages everyone to participate in spreading kindness and practicing respect, generosity, and consideration of others at all times in order to create a kinder place to live.

F. Approval of Amendment to the Animal Control Ordinance to Exempt Non-Profit Animal Adoption, Rescue and Welfare Groups from the Spay/Neuter Fee.

BACKGROUND: The Animal Control Board recommends an amendment to the otherwise required spay/neuter fee when non-profit animal adoption, rescue and welfare groups obtain pets from the animal shelter. In order to work with the shelter, these groups must meet criteria established by the Manager. Those criteria have been in place since 1999 and require that before adopting a pet obtained from the County's shelter, the non-profit group itself arrange for the spay or neuter of the pet. These non-profit groups have existing arrangements with veterinarians to do the spay/neuter procedures. Because the spay or neuter will occur under the auspices of the non-profit group this recommended waiver simply eliminates those non-profit groups from having to pay twice for a spay/neuter.

ACTION: Approve the proposed waiver of the spay/neuter cost for non-profit animal adoption, rescue or welfare groups that meet the Manager's criteria.

A RESOLUTION AMENDING THE CUMBERLAND COUNTY ANIMAL CONTROL ORDINANCE TO WAIVE SPAY OR NEUTER CHARGES WHEN NON-PROFIT ANIMAL ADOPTION, WELFARE OR RESCUE AGENCIES PROVIDE SPAYING OR NEUTERING FOR ANIMALS THEY ADOPT OUT

BE IT ORDAINED by the Cumberland County Board of Commissioners:

1. Section 3-20 A. of the Cumberland County Code is amended by adding the following at the end thereof:

“Provided, however, such required spay or neuter may be effected by any non-profit animal welfare, adoption or rescue agency or group certified pursuant to criteria established from time to time by the County Manager when such criteria include a requirement of spay or neuter when such organization adopts our the animal. In such case, the shelter shall not charge a fee for such spay or neuter but shall require such organization to remit the license fee to the department no later than the time the animal is adopted out.”

2. This ordinance is effective upon its final adoption as by law provided.

G. Approval of a Revision of Animal Control Adoption Fees.

BACKGROUND: The Animal Control Board recommends revising the fees for adoptions from

the animal shelter to reflect the mandatory spay/neuter provision of the new animal control ordinance.

The fees incorporate low-cost spay or neuter rates offered by participating members of the Cumberland County Veterinarians Association. In the case of dogs, the fees for larger dogs also reflect the additional effort required for the necessary surgery. Citizens adopting from the shelter will receive a pet that has been spayed or neutered, vaccinated for rabies and that has its privilege license paid. These fees are comparable to or often somewhat below comparable adoption fees charged in the community by other groups.

The proposed fees are as follows:

An Adoption Fee Schedule:	Male Cat = \$37.00
	Female Cat = \$52.00
	Male Dog Less Than 40 Lbs. = \$52.00
	Male Dog Over 50 Lbs. = \$62.00
	Female Dog Less Than 50 Lbs. = \$67.00
	Female Dog Over 50 Lbs. = \$87.00
Owner Claimed Animals:	\$7.00 Per Day Boarding Fee
	Plus \$5.00 Rabies Vaccinations
	Plus \$7.00 Privilege License
	Plus Any Citations For Ordinance Violations.

ACTION: Approve the proposed revision of Animal Control adoption fees as recommended by the Animal Control Board.

H. Consideration of Approval of Appointments to the Cumberland County Work First Planning Committee.

BACKGROUND: At the September 18, 2000 meeting, the Board of Commissioners approved the designation as a "Standard County" for the Work First Program. The "Standard County" means the Work First Program is developed by DHHS. A "Standard County Plan" to be submitted and approved by DHHS, must be specific to Cumberland County, and describe the support provided to Work First recipients and their responsibility for becoming self sufficient.

In accordance with 108A-27.6(C), County Commissioners shall appoint members to serve on a committee to develop the County Plan.

RECOMMENDATION: The Social Services Board and the present Work First Planning Committee approved the following list of individuals willing to serve on the Cumberland County Work First Planning Committee:

J.C. Basnight, Ph.D. Fayetteville Technical Community College

Vivian Boiteau	McDonald's
Jerome Brown	Fayetteville Area System of Transit
Jim Caison	ADECCO
Pamela Casaus	Trinity Home Health
Jeannette Council	County Commissioner
Mary Deyampert	DSS Board Vice-Chair
Nanette Flood	Child Support Enforcement (ACTS)
Clay Freeman	Vocational Rehabilitation
Pauline Goodman	Workforce Development Center
Anna Green	Spring Lake Multi-Cultural Center
Curtis Harper	Fayetteville Urban Ministry
Suzie Heffner	Fayetteville Area Chamber of Commerce
Janet Lindbloom	Department of Public Health
Deborah Lucas	Child Protective Services, DSS
Glen McQueen	Employment Security Commission
Lee Mount	Smithfield Packing, Inc.
Juanita Pilgrim	Assistant County Manager
Jerrilyn Robinson	Cumberland County Area Mental Health Center
Manuel Specht	Salvation Army
Amy Thomas	Resthaven Nursing Home
Shawn Watts	City of Fayetteville
Clarie White	Bridges Resource Center

ACTION: Appoint the Cumberland County Work First Planning Committee as proposed to assist the Department of Social Services in the preparation of the Cumberland County Work First Plan.

I. Consideration of Declaration of Surplus County Vehicles and Authorization to Dispose of Same by Public Auction.

BACKGROUND: Cumberland County owns forty-five (45) automobiles/trucks that are surplus to our needs. The Assistant County Manager recommends that these vehicles be sold at public auction. The vehicles are listed on the attachment to these minutes labeled Exhibit A.

Assistant County Manager, Cliff Spiller has received a proposal from Col. H. B. Smith, Jr.,

auctioneer, to conduct the auction for a 7.5% buyer's premium. The county has permission from the Board of Education to use the B. Melton Edge Athletic Field on Cumberland Road to stage the sale.

ACTION:

1. Declare the forty-five (45) vehicles described in Exhibit A attached to these minutes surplus to the needs of Cumberland County.
2. Authorize the Assistant County Manager to dispose of same at public auction after publication of legal notification.
3. Authorize the public auction to be held:

DATE: Saturday, November 18, 2000

TIME: Commencing at 9:00 AM

PLACE: B. Melton Edge Athletic Field
Cumberland Road, Fayetteville, NC 28306

J. Budget Revisions:

(1) Health Department

Dental Clinic: Revision in the amount of \$9,750 to budget escrow fund balance to purchase panoramic x-ray equipment. (B01-176) **Funding Source – Fund Balance**

(2) Mental Health – Thomas S

a. Case Management: Increase in revenue and expenditures in the amount of \$177,887 to establish a new organization and to transfer four positions from Thomas S Administration. (B01-159) **Funding Source – State and Fees**

b. Administration: Decrease in revenue and expenditures in the amount of \$211,977 to reconcile the County budget with the State budget by transferring four positions to Case Management, abolishing one position, and reclassifying one position. (B01-159A) **Funding Source – State and Fees**

c. TODDC Contracts: Decrease in revenue and expenditures in the amount of \$72,197 to reconcile the County budget with the State budget. (B01-159B) **Funding Source – State and Fees**

(3) General Government Other

Revision in the amount of \$20,830 to authorize the County Manager to contract for services associated with hosting the NCACC annual conference. The FACVB has agreed to share in the funding of a contract. (B01-189) **Funding Source-County and Other**

(4) Social Services

Family Violence Care Center: Increase in revenue and expenditures in the amount of \$28,717 to establish a new position for Work First Plan – Family Violence Program. (B01-184) **Funding Source - Other**

(5) Cotton Fire District

Revision in the amount of \$4,100 to cover unanticipated refunds to taxpayers. (B01-180) **Funding Source - Ad Valorem Tax**

(6) Social Services Other

Increase in revenue and expenditures in the total amount of \$98,360 to rebudget Adoption Incentive (27,903) and Rural Operating Assistance Program (23,769) funds remaining from FY00 and to recognize receipt of FY01 ROAP funds. (B01-183) **Funding Source – State and Appropriated Fund Balance**

(7) Community Development Program

Decrease in revenue and expenditures in the amount of \$36,940 to reflect the actual amounts remaining in the grants. (B01-181) **Funding Source - Federal**

(8) Cooperative Extension Service

Revision in the net amount of \$44,523 to budget additional “Baby Think It Over” revenue, eliminate in-kind revenue, and rebudget unexpended funds from FY00. (B01-171) **Funding Source-State and Appropriated Fund Balance**

Items of Business

3. Nominations to Boards and Committees:

A. Area Mental Health Board (4 vacancies)

Nominees: Commissioner Council made the following nominations:

Professional Representative (Psychology, Social Work, Nursing, Religion)
Yvonne M. King (reappointment)

Mental Health Representative from a Citizens Organization or Primary Consumer
Richard Foy

Mental Health Representative (Family Consumer)
Albert Bleakley

Alcoholism, Primary Consumer, Presently in Recovery
Nathan Taylor

B. Cumberland County Community Child Protection/Fatality Prevention Team (8 vacancies)

Nominees: Commissioner Blackwell made the following nominations:

Law Enforcement Officer Positions (2)

Sheriff's Office: Detective Kelly Rosser
Fayetteville City Police Department: Sgt. Kevin Vos

At-Large Positions
Cassina Hunt
Commissioner King nominated I. J. McNeill

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

Nominee: Commissioner Blackwell made the following nomination:

Person Under Age 21 Position
Thomas Godwin

4. Appointments to Boards and Committees:

A. Mid-Carolina EMS Advisory Council (1 vacancy)

Nominees: Anita McIntosh

MOTION: Commissioner Warren offered a motion to appoint Anita McIntosh to the Mid-Carolina EMS Advisory Council.

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

B. Mid-Carolina Aging Advisory Council (1 vacancy)

Nominees: Lesley Resnick-Ward

C. Nursing Home Advisory Board (1 vacancy)

Nominee: Robert Pringle

MOTION: Commissioner Warren offered a motion to appoint Leslie Resnick-Ward to the Mid-Carolina Aging Advisory Council and Robert Pringle to the Nursing Home Advisory Board.

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

5. Consideration of Rural Water Feasibility Study and Agreements with CDM and PWC.

BACKGROUND: In November, 1999, the Joint Planning Committee on Water and Sewer Service unanimously approved a motion “to recommend the County and PWC split the cost for a feasibility study for providing water service for water and sanitary districts outside the urban area”. The County Joint Planning Board adopted a similar motion in December 1999, and the PWC Commission approved in concept funding a joint study with the County at their January 3, 2000 meeting.

In February 2000, the Water & Sewer Joint Planning Committee requested the engineering staffs of the County and PWC develop a Request for Qualifications (RFQ) for the Rural Water Feasibility Study. Three (3) engineering firms responded to the RFQ and interviews were held in May. The firm of Camp, Dresser & McKee (CDM) teaming with the Wooten Company was selected as the most qualified firm and contract negotiations were finalized in early October. In addition to the work tasks associated with the Rural Water Feasibility Study, PWC requested the scope of work include an update of the PWC Water System Master Plan. Given that certain work tasks would be similar for each study, there were cost savings to be realized by combining the studies.

A three party agreement between Cumberland County, the Public Works Commission of Fayetteville (PWC) and Camp, Dresser & McKee (CDM) for the Rural Water Feasibility Study and PWC Water Master Plan Update has been prepared. The major objective of the rural water feasibility study is to develop the organizational and funding mechanisms for a countywide water system with PWC being the primary service provider. However, the study will evaluate all potential water sources within the County to include groundwater wells. The study will address the feasibility of establishing multiple water districts within the county and evaluate funding alternatives to include Rural Development grants and loans. The scope of the work for both studies and identification of each work task that applies to either the rural water study, the water

master plan study or both is detailed in the Agreement. The rural water feasibility study will result in a detailed action plan to assist the County in obtaining state and federal grants and/or loans to implement the comprehensive water plan.

The basis of compensation for services rendered is time and materials with a total not to exceed amount of \$286,700. The PWC Water Master Plan budget is \$169,400, which will be funded in full by PWC. The Rural Water Feasibility Study budget is \$117,300, which will be equally shared by the County and PWC. Therefore, the cost to the County is \$58,650. Sufficient monies are available in the Water and Sewer Fund to pay the County's share of the Rural Water Feasibility Study.

The Rural Water Study Funding Participation Agreement between Cumberland County and the Public Works Commission sets forth the obligations of the County and PWC regarding the administration and funding of the combined rural water study and water master plan update and is summarized as follows:

1. PWC will pay its share of the Total Project Cost not to exceed \$228,050.
2. County will pay its share of the Total Project Cost not to exceed \$58,650.
3. County will be lead agency for contract administration and will be the primary point of contact for work associated with the rural water study.
4. PWC will be primary point of contact for work associated with the water master plan update.
5. County will process CDM invoices for the Total Project and PWC will reimburse the County for its share of the cost within 30 days of receipt of a request for payment.

The County Attorney's Office has reviewed both agreements for legal sufficiency.

The PWC Water Resources staff recommends approval of both agreements and the PWC Commission approved the agreements on October 11, 2000.

Commissioner Baggett stated the county is far behind other smaller counties with regard to a countywide water system. He sees this action as a positive step to develop such a system. The plan needs to be logical and what the staff has proposed is a logical approach to try to obtain much needed funding.

ACTION:

The recommendation of the County Engineer, Water & Sewer Joint Planning Committee, and management is to:

1. Approve the Agreement with CDM for the Rural Water Feasibility Study and PWC Water Master Plan Update in the amount not to exceed \$286,700.
2. Approve the Rural Water Study Funding Participation Agreement with PWC.
3. Approve the associated budget revision that appropriates \$58,650 from the Water & Sewer Fund to pay the County's share of the costs for the Rural Water Study. (B01-175)

The proposed action by the Board of Commissioners is to follow the staff recommendation.

MOTION: Commissioner Baggett offered the following motion:

1. Approve the Agreement with CDM for the Rural Water Feasibility Study and PWC Water Master Plan Update in the amount not to exceed \$286,700.
2. Approve the Rural Water Study Funding Participation Agreement with PWC.
3. Approve the associated budget revision that appropriates \$58,650 from the Water & Sewer Fund to pay the County's share of the costs for the Rural Water Study.

SECOND: Commissioner Melvin

DISCUSSION: Commissioner King stated he hopes this plan is a move in the right direction. Countywide water has been discussed for a long time. The costs have always kept it from being accomplished.

Commissioner Tyson asked about the establishment of water districts.

Mr. Stanger explained that the districts were necessary in order to qualify for Rural Development funding.

Mr. Barrett explained the County and PWC could not qualify to apply for Rural Development funds as they are awarded based on financial needs.

Commissioner Tyson asked if the study would look at sewer needs.

Mr. Stanger advised the primary focus of the study would be water needs as it is much more affordable than sewer services. The study will apply to sewer and water needs.

Commissioner Council asked what the time frame for completion of this study would be.

Mr. Stanger advised the project schedule is twelve months, but preliminary information could be presented to the Policy Committee as early as six months.

Mr. Martin noted the study would deal more with water services than sewer. The study will not provide a comprehensive study on sewer needs. It will mainly focus on water needs.

Commissioner King asked what would happen if the study determined that it would not be feasible to have a district in the Kelly Hills/Slocumb Road area.

Mr. Stanger advised the area would be combined with a larger district. He noted this project would be phased over a number of years. Rural Development only provides funding for two or three projects for any given district. It will take many years to see countywide water.

Commissioner Blackwell stated it might be wise to designate some funds back into the Water/Sewer Fund. It may be difficult because of budget constraints. Prior Boards had the foresight to fund it in the past. The Board may want to have some future dialogue about this fund.

VOTE: UNANIMOUS

6. Discussion and Consideration of Kelly Hills/Slocumb Road Sanitary Sewer Project.

BACKGROUND: Commissioner King requested this matter be placed on the October 16, 2000 agenda for discussion and consideration.

The Preliminary Engineering Study for this project, which was conducted by Moorman, Kizer & Reitzel, was reviewed with the Policy Committee on September 21, 2000.

Commissioner King stated the Kelly Hills/Slocumb Road area would continue to grow with the ongoing development in the Ramsey Street area. He feels there must be some way to help the residents in this area. He noted the County's Engineering staff and Community Development have met with these residents to discuss funding.

Commissioner Warren agreed this area was in terrible need. With the growth coming to that area and the Rural Water Feasibility Study, they may be able to incorporate a plan to help this community.

Commissioner Baggett agreed the residents of this area need relief. He does not think it would be feasible to make this area a special district. It needs to be part of a large project. This area should be the first priority in a large-scale project.

Commissioner Blackwell agreed that areas should be set on a priority list. He noted the area on Chicken Foot Road is in need as well.

Mr. Stanger advised there is a priority list for water and sewer needs. The first area on the list is LaGrange and the second is Kelly Hills.

Commissioner Blackwell stated they might need to revisit the priority list to update it. He does not see an area that has a greater need than the Kelly Hills area. He does not feel a new development should take priority over one that has been in need for years. He would like to have an updated priority list as well as some designation of funds each year for water and sewer needs.

Chairman Melvin asked the County Manager and County Engineer to provide a priority list of water and sewer needs at the November Policy Committee meeting.

Mr. Stanger advised that Rural Development has offered to speak to the Policy Committee or the

Board of Commissioners if they would like them to do so. He noted Rural Development has concerns about the Kelly Hills area receiving funding due to their ability to pay. They may need to look at other funding sources for this area. He noted part of the CDM Study would do that.

Commissioner Blackwell stated a community meeting could be held to explain this information to the residents in these areas.

Mr. Martin stated he believes the Board wants staff to see if there is anything they have failed to consider with regard to these funding needs and to approach this issue considering the residents' ability to participate and then proceed with the study.

Commissioner Warren asked about possibility of the Kelly Hills area tying into the Kelly Springfield sewer service.

Mr. Stanger noted the problem with that scenario was funding. It would be a \$3 million dollar project to tie into the Kelly Springfield sewer service. At best, 60% of the costs could be funded with loans and grants. Eighty percent of the residents must sign up to participate in a loan before Rural Development will provide funding assistance. He noted the sewer fees could be as much as \$50.00 per month per household.

ACTION: No action taken.

7. Consideration of Bid Award for A Tractor-Type Dozer and Authorization to Trade-in a 963 Track Loader for Solid Waste Management.

BACKGROUND: Bids were initially due on August 31, 2000 for a tractor-type dozer. No bids were received. Purchasing re-bid the dozer with bids due on October 5, 2000. The bid tabulation is as follows:

	<u>Bid Deposit</u>	<u>Trade-in</u>	<u>Bid On Dozer</u>
A. E. Finley & Assoc.			
Briggs Const. Equipment	No bid		
Coble Equipment			
Gregory Poole	X	\$30,000	\$197,190
L. B. Smith			
NC Equipment Co.	No bid		
R. W. Moore Construction	X	----	\$199,000

ACTION:

- Find that a 963 Track Loader is surplus to the needs of Solid Waste Management and declare such item surplus and authorize Solid Waste Management to trade-in said Track Loader for a \$30,000 allowance, and
- Award the bid for a Caterpillar G6R Dozer to Gregory Poole Equipment Co. as the lowest bid meeting all specifications as set forth below:

Bid Price	\$197,190.00
Plus Option Rotating Track	259.00
Bushings	
Plus Extended Warranty	<u>8,380.00</u>
Subtotal	\$205,829.00
Less Trade-In	<u>30,000.00</u>
Total Bid Price	\$175,829.00

Sufficient funds have been budgeted for the purchase of this equipment.

MOTION: Commissioner Warren offered a motion to follow the staff and management recommendations.

SECOND: Commissioner King

VOTE: UNANIMOUS

8. Closed Session: A. Attorney-Client Privilege
B. Litigation
C. Personnel

Mr. Barrett noted the litigation matter was Babcock V. Cumberland County Mental Health Developmental Disabilities and Substance Abuse Authority.

MOTION: Commissioner King offered a motion to go into Closed Session to discuss Attorney-Client Privilege, Litigation and Personnel Matters.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

MOTION: Commissioner King offered a motion to come out of Closed Session.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

Mr. Martin advised he would like to introduce his Management Team. He noted that in developing this team he looked at the needs of the Manager's Office with two goals in mind: 1) to build a strong, diverse and effective management team and 2) to reduce costs. He then introduced two members that would require no action by the Board of Commissioners. The new Deputy County Manager will be Juanita Pilgrim and Cliff Spiller will become the Assistant County Manager II – General and Support Services. This change will become effective October 17, 2000.

Mr. Martin then asked the Board to reclassify the Finance Director position to Assistant County Manager for Financial and Administrative Services. Amy Cannon would fill this position.

MOTION: Commissioner Council offered a motion to reclassify the Finance

**Director position to Assistant County Manager for Financial and
Administrative Services at a Grade 83.**

SECOND: Commissioner King

VOTE: UNANIMOUS

Mr. Martin noted these changes would result in savings in excess of \$78,000.00.

MOTION: Commissioner Warren offered a motion to adjourn.

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

Meeting adjourned at 9:15 PM.

the Board _____ Deputy Clerk to