

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
JANUARY 16, 2001, 7:00PM
REGULAR/REZONING MEETING
CUMBERLAND COUNTY COURTHOUSE
FAYETTEVILLE, NC**

PRESENT: Chairman J. Lee Warren, Jr.
Vice Chairman J. Breeden Blackwell
Commissioner Talmage S. Baggett
Commissioner Jeannette M. Council
Commissioner Kenneth S. Edge
Commissioner John T. Henley, Jr.
Commissioner Billy R. King
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Cliff Spiller, Asst. County Manager
Amy Cannon, Asst. County Manager
Grainger Barrett, County Attorney
Marsha Fogle, Clerk to the Board
Matt Rooney, Planning Staff

INVOCATION: Commissioner Billy R. King

PLEDGE OF ALLEGIANCE

RECOGNITION: County Retirees: Donald R. Smith, Sheriff's Office
Alice P. Matthews, Mental Health Department

1. PUBLIC HEARINGS

Uncontested Rezoning Cases

- A. Case P00-79. The rezoning from A1 Agricultural to RR Rural Residential, or a more restrictive zoning classification, on the east side of Blake Road, north of Clinton Road, the property of Robert Melvin and Tana Faircloth-Melvin.**

The Planning Board recommends approval of the rezoning to RR.

Upon finding the request to be reasonable, neither arbitrary or unduly discriminatory, and in the public interest and that the property within such proposed district is suitable for all uses permitted by the new classification, the following motion was offered:

MOTION: Commissioner Baggett moved to follow the recommendation of the Planning Board and approve the rezoning request.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

CONDITIONAL USE OVERLAY CASES:

- B. Case P00-74. A conditional use overlay district and permit for a coin-operated unmanned car wash and oil exchange operation in a RR Rural Residential District on the southwest side of Fisher Road, between Lakeway and Kenmore Drives, the property of Gilbert Buie Heirs.**

Matt Rooney, Planning Staff, asked that the overlay district application and agenda materials be included as part of the record in this case.

The Planning Board recommends approval of the conditional use overlay district and the permit with conditions as noted in the minutes of the Planning Board meeting.

SPEAKERS: (All speakers were administered the oath)

1. Lori Epler – representing the petitioner. Ms. Epler said this business has been in operation at another location for the past 10 years. She indicated it will have to move because of the widening of Hope Mills Road. The current operation is an oil exchange, and the petitioner wishes to add an unmanned coin-operated car wash when he moves it to the new location. She noted the owner can obtain this property reasonably because it is in his family.

2. Britt Buie: Applicant. Mr. Buie said he wished to move his business because the widening of Hope Mills Road would take all of his parking at his current location.

Commissioner Edge noted this type of operation would not be in harmony with the present use in the area, which is residential. He said there is only one commercial activity in the area, Autry Grading, which has been there for years.

Commissioner King inquired as to the Planning Staff recommendation on this case. Mr. Rooney indicated the staff recommended denial of the request.

MOTION: Commissioner Council moved that the Board delay action on this case until Board Members have an opportunity to visit the site.

SECOND: Commissioner King

DISCUSSION: Chairman Warren asked Mr. Buie if a delay would put a hardship on him. Mr. Buie said he would like a decision as quickly as possible.

SUBSTITUTE

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

SECOND: Commissioner King

VOTE: FAVOR: Commissioners Henley, Edge, Blackwell, Warren, Baggett, King
OPPOSED: Commissioner Council

- C. Case P00-80. A conditional use overlay district and permit for trades contractor activities with outside storage of equipment and supplies, in a RR Rural Residential District, on the north side of Philodendron Drive, east of Legion Road, the property of Barbara Dobbins, Trustee.

Matt Rooney, Planning Staff, requested the application and agenda materials be included as part of the record in this case.

The Planning Board recommends approval of the conditional use overlay district and the permit with conditions as noted in the minutes of the Planning Board meeting.

MOTION: Chairman Warren moved that the Board of Commissioners finds that this Conditional Use Overlay District application to allow outside storage of equipment and supplies is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that it be approved.

SECOND: Commissioner Blackwell

VOTE: FAVOR: Commissioners Henley, Edge, Blackwell, Warren, Council, & Baggett
OPPOSED: Commissioner King

MOTION: Chairman Warren moved that the Board of Commissioners finds that the Conditional Use District Overlay permit application, if completed as proposed, will not materially endanger the public health and safety, will not substantially injure the value of adjoining or abutting property, will be in harmony with the area in which it is to be located, and will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners, and that it be approved.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

Contested Rezoning Cases

- D. Case P00-77. The rezoning from A1 Agricultural to R40A Residential, or to a more restrictive classification, on the east side of Wade-Stedman Road, north of Maxwell Road, the property of Jameson Christopher Stewart.

The Planning Board recommends approval of the rezoning to R40A.

NO SPEAKERS

MOTION: Commissioner Baggett moved to deny the rezoning request.

SECOND: Commissioner King

DISCUSSION: Commissioner Baggett noted the limited road frontage on this piece of property. He said to stack a couple of mobile homes on this lot would not be in keeping with the flavor of the neighborhood. He said you do not see residences behind other residences in this area. Commissioner Baggett encouraged the petitioner to come back with a tract of land closer to 40,000 square feet or an acre.

VOTE: UNANIMOUS

Other – Transportation Grant Application

E. FY2002 Transportation Program (CTP) Grant Application

BACKGROUND: The purpose of this Public Hearing is to receive general public input on the CTP grant application.

SPEAKERS: None

ACTION: Approve the CTP Grant application that includes \$65,404 in federal funds and \$9,688 in state funds. The local match is \$12,875.

MOTION: Commissioner King moved to approve.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

2. CONSENT AGENDA

Vice Chairman Blackwell asked that items G(3)B and G(4)B&C be discussed separately.

MOTION: Commissioner Baggett moved to approve the items on the Consent Agenda, except as noted above.

SECOND: Commissioner King

VOTE: UNANIMOUS

A. Approval of Minutes: December 18, 2000

ACTION: Approve

B. Approval of bids for in-car video systems for the Sheriff's Office

BACKGROUND: Bids were received on November 16, 2000 to purchase reconditioned in-car video systems for the Sheriff's Office: (total units: 26)

<u>Company</u>	<u>New Unit</u>	<u>Reconditioned Unit</u>
Eagleye Technologies, Inc.	\$3,700 per unit	no bid
Kustom Signals, Inc.	\$4,415 per unit	\$3,415
Mobile Vision	\$3,450	\$3,200

ACTION: Award the bid to Kustom Signals, Inc. in the amount of \$119,000.00 (34 reconditioned units)

C. Approval of amended bond for George Tatum – Register of Deeds

BACKGROUND: The Board of Commissioners approved bonds for county officials on December 4, 2000.

ACTION: Approve amended bond for George Tatum. The amendment to the one approved on December 4 is that the bond is a *definite term bond* to expire December 5, 2004 (coincides with his term of office)

D. Approval of PWC Utility Easement – Ann Street Landfill

BACKGROUND: The purpose of the easement is to storm-proof the electrical transmission line that runs north-south through the Ann Street Landfill. The easement is 100 feet wide on both sides of the existing utility easement and will permit PWC to remove trees within the easement that pose a risk to falling on the electrical circuit in the event of a storm. Any revenue generated from the sale of trees will revert to the County.

ACTION: Approve the easement.

E. Approval of the professional services agreement for the Joint Sports Light Project with the Cumberland County Schools.

BACKGROUND: The Board of Commissioners and the Board of Education have agreed to provide funding to install sports lights in FY01 on athletic fields located at Jack Britt, Cape Fear and Pine Forest High Schools. The estimated cost of the work is \$310,000. The two parties have agreed to pay 50% of installation cost and the County will administer the project. Crawford Design Company has submitted a professional service agreement proposal of \$25,100 or about 8% of the cost of the project estimate.

ACTION: Approve the agreement with Crawford Design Company in the amount of \$25,100.

F. Report on the Destruction of County Administrative Office Records

BACKGROUND: Pursuant to a resolution adopted by the Board of Commissioners, the County Manager has authorized destruction of the following county administrative office records:

1. Agenda packets – 1999
2. Correspondence from 1978-1995

ACTION: Record in Minutes.

G. Budget Revisions:

(1) Mental Health

- a. **Smart Start Day Care – Decrease in revenue/expenditures in the amount of \$74,959 to reconcile decrease in state revenue of \$111,502, rebudget FY2000 fees of \$24,571 and increase FY2001 fees by \$11,972 (B01-271) Funding Source – State and Fees**
- b. **Smart Start – Revision to appropriate fund balance to budget fees earned in FY2000 (B01-429) Funding Source – Fees**
- c. **CBA In-Home – Reduce revenues/expenditures in the amount of \$1,980 to reconcile to the approved state budget (B01-428) Funding Source – State**

(2) Soil & Water Conservation – Increase in revenue/expenditures in the amount of \$500 to recognize Junior League of Fayetteville Grant for the purpose of promoting soil conservation education in the county's elementary and middle schools (B01-274) Funding Source – Grant

(3) Detention Center

- a. **Capital Project – Revision in the amount of \$106,875 to adjust budget for issuance and other related costs associated with the Installment Payment Revenue Refunding Bonds (Detention Center and Mental Health Facility Projects) (B01-417) Funding Source – COPS Proceeds**
- b. **Debt Service – revision to budget additional funds in the amount of \$73,879 for debt service as a result of the refinancing of the Installment Payment Revenue Refunding Bonds (Detention Center and Mental Health Facility Projects) (B01-430) Funding Source - County**

MOTION: Commissioner Blackwell moved to approve.
SECOND: Commissioner Council
VOTE: UNANIMOUS

(4) Sheriff

- a. Sheriff's Office – Revision to budget the receipt of \$30,500 from the Governor's Highway Safety Program for the purchase of eight traffic radar units and five in-car video camera systems (B01-424) Funding Source – State
- b. Sheriff's Office – Revision in the amount of \$14,599 to establish a new Personnel Technician position (Grade 65) to process job applicants for positions to staff the new jail (B01-422) Funding Source – County
- c. Jail – revision in the amount of \$51,872 to establish three new positions (Captain-Grade 72, Sergeant-Grade 67, Sergeant-Jail, Grade 66) to serve as the transition team for the new jail (B01-423) Funding Source – County

In response to a question from Commissioner Blackwell, it was noted b and c above are related to the recruitment of personnel for the new detention center. Commissioner Blackwell inquired as to how we can bring in new personnel and train them, when a budget has not been approved and there is no guarantee of a job. Sheriff Butler noted the importance of a smooth transition when we move into the new detention center. He said it is necessary to have a team in place to process the applications and to assure a smooth transition. Commissioner Henley inquired about the process of applications and how many applications are processed at this time. The Sheriff indicated he has two personnel technicians and he believes they process fifty to sixty applications a year. Commissioner Henley said he thought 9 months to a year seems like a long time to recruit and get training accomplished. He asked if the transitioning could occur over a four to six month period as opposed to a year. Sheriff Butler said he would come back to the next meeting with his staff to respond to the commissioners' questions about these two budget revisions.

MOTION: Commissioner Baggett moved that the Sheriff come back to the next meeting February 5, 2001) to respond to the questions about the budget revisions and that the Sheriff ask Judge Lynn Johnson to come to the meeting to brief the Board about how quickly the new detention center will likely reach capacity once it is opened.

SECOND: Commissioner Henley
VOTE: UNANIMOUS

- (5) Prepared Food & Beverage Tax – Revision in the amount of \$20,000 to appropriate fund balance to fund the cost of general liability insurance and consultant fees (B01-419) Funding Source – Prepared Food & Beverage Tax
- (6) Social Services - Revision in the amount of \$7,865 to recognize revenue from insurance settlement (B01-421) Funding Source – Insurance
- (7) Stadium Maintenance – Revision to appropriate fund balance in the amount of \$155,587 to budget for the renovation of the stadium press box and upgrade the bleachers (B01-439) Funding Source – Other
- (8) Community Development
 - a. Housing Activities – Revision to reprogram \$75,000 of unspent funds from FY2000 to provide additional funding for the emergency housing repair program (B01-425) Funding Source – Federal
 - b. Economic Development – Revision to reprogram the remaining \$43,323 of unspent funds from FY2000 for the renovation of the old DSS building (B01-426) Funding Source – Federal
- (9) Prepared Food and Beverage Fund/Civic Center – Revision in the amount of \$167,000 to transfer funds from the Prepared Food and

Beverage Fund to the Civic Center to fund license and management fees for Arena Ventures (B01-434 & 434A) Funding Source – Prepared Food and Beverage Tax

REGULAR AGENDA

3. Nominations to Boards/Committees

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

BACKGROUND: The following terms will expire February 28, 2001:

Gertrude Armstrong – Eligible for reappointment
Mary J. Porter – Eligible for reappointment

Nominees: Gertrude Armstrong
Mary J. Porter

B. Cumberland County Community Child Protection/Fatality Prevention Team (2 vacancies)

BACKGROUND: The following positions are vacant:

Sheriff's Office representative: Nancy Cressler is recommended to fill this position.
Fayetteville Police representative: Sgt. Roberto Rivera is recommended to fill this position.

Nominees: Nancy Cressler for the Sheriff's Office representative.
Sgt. Roberto Rivera to the Fayetteville Police Office representative.

C. Mid Carolina EMS Advisory Council (1 vacancy)

BACKGROUND: The following term expires February 1, 2001:

EMS Provider/First Responder Position: Captain Benjamin Major – Eligible for reappointment.

Nominee: Captain Benjamin Major

D. Minimum Housing Appeals Board – Alternate Member (1 vacancy)

BACKGROUND: The following term will expire on February 28, 2001:

Jerome Scott - Eligible for reappointment

Nominee: Jerome Scott

E. Nursing Home Advisory Board (2 vacancies)

BACKGROUND: The following terms will expire February 28, 2001:

Karen L. Antoine Collazo – Eligible for reappointment
Janice Fairbank-Norris – Eligible for reappointment

Both of these people have completed their initial one-year training term.

Nominees: Karen L. Antoine Collazo
Janice Fairbank-Norris

F. Wrecker Review Board (1 vacancy)

BACKGROUND: The following term expires February 1, 2001:

Boyd Thompson – Not eligible for reappointment

Nominee: Kenneth Melvin

3. Appointments to Boards/Committees

A. Mental Health Board (1 vacancy) (Mental Health Representative from a citizens organization or primary consumer)

Nominees: Carlisle Bullard
Larry Ingram

Commissioner Blackwell removed Larry Ingram's name for consideration and asked the Board to delay action on this appointment so he could make another nomination at the next meeting.

MOTION: Commissioner Blackwell moved to delay action on this appointment until the next meeting.

MOTION DIED FOR LACK OF A SECOND.

MOTION: Commissioner Baggett moved to appoint Mr. Bullard by acclamation.

SECOND: Commissioner King

VOTE: UNANIMOUS

5. Report on the activities of the Fayetteville Area Economic Development Corporation (Appearing: Linda Lee Allan, Chairman)

Linda Lee Allan, told the Board the mission of the Economic Development Corporation is to sell the community and generate jobs and an enhanced tax base. She noted committees are set up made up of volunteers to assist in this effort. Those committees are: Existing Industry Committee, Industrial Properties Committee, Marketing Committee, Membership Committee, Military Skills Assessment Committee, and the Shell Building Committee. In addition several task forces recently have been established, the Technology Task Force and the Developers/Commercial Brokers Task Force. Ms. Allan said we have a business community that is willing to work if it is meaningful and useful to make this community all it can be. Ms. Allan stated the importance of recruiting new industry to the area and the importance of retaining the industry we have.

Harry Whalen, President, FAEDC, reported that his 4-person staff is involved in many activities. They are currently preparing an inventory of industrial sites in our community. He noted there are only two sites left in the Cumberland Industrial Center (32 and 33 acres respectively). He noted their work on the Shell Building concept, a 130,000 square foot building. He pointed out we have only one industrial park in the county and we are working on a second one. He also noted that in 40 years there has been only one shell building. He noted his ongoing good relationship with the NC Department of Commerce and FTCC. He said staff is working on a marketing brochure and newsletter. He said that he will submit a monthly article on economic development for the Up & Coming paper. Commissioner King suggested that perhaps he also pursue placing articles in other papers in the community such as Fayetteville Press. Mr. Whalen said they continue to attend and participate in trade shows. He noted the importance of selling Cumberland County in the international communities.

Mr. Whalen invited the commissioners to attend a roundtable discussion on January 23 as well as a meeting on January 30.

Commissioner Baggett noted that Cumberland County is a major player at FAEDC. He suggested that a commissioner liaison be appointed to the FAEDC Board. He said he thought this would aid in the communications efforts between FAEDC and the Board of Commissioners.

Commissioner Henley noted FAEDC's deficiency in marketing Fort Bragg personnel. He also inquired if there was any type of briefing at Fort Bragg, monthly or quarterly, about job opportunities in our area. Ms. Allan said the Military Skills Assessment Committee chaired by Tony Chavonne is working with ACAP and FTCC to develop the raw data we receive from Fort Bragg about its outgoing personnel.

Commissioner Henley noted the need for an effective public relations program that will present the new technology-based military as an economic development asset to its home communities. He also noted the FAEDC's website is incomplete and can't be accessed directly through the NC Department of Commerce website. Mr. Whalen said they are working on the website but have had some problems on the creative aspect of the implementation.

In response to a question concerning the County's Megasite, Mr. Whalen said it should be certified by the state in the next 3-6 months. Mr. Whalen said this would be the **first** megasite in North Carolina.

Commissioner Henley also noted that FAEDC's membership is down this year and pointed out that Hope Mills has withdrawn its membership.

Dr. Henley noted his concern that FAEDC is not functioning well. He said there is significant concern among Board members. He said because of the county's significant contribution to FAEDC, it should have a commissioner as a voting member of the FAEDC Board.

In order to add another member to the FAEDC Board, it will have to change its Articles of Incorporation.

MOTION: Commissioner Henley moved to request the FAEDC Board to amend its Articles of Incorporation to add a county commissioner as a voting member of their Board.

SECOND: Commissioner Baggett

DISCUSSION: Linda Lee Allan said she thought the FAEDC Board would welcome a commissioner as a voting member. Commissioner Blackwell noted the Leak-Goforth Report suggested we should spend more time on domestic recruitment as opposed to international recruitment. Mr. Whalen said it is very important that we introduce ourselves to the international community. He noted there are only a couple of foreign-owned firms in our community. Chairman Warren said he was a big proponent of economic development; however, he did not believe we have been getting our money's worth over the past several years. He noted Cumberland County is facing extremely difficult times and economic development can help us survive. He broached the idea of performance benchmarks for Economic Development.

VOTE: UNANIMOUS

6. Presentation on the proposed Cape Fear River Fresh Water Aquarium Project – (Appearing: Don Freeman – Executive Director of Cape Fear River Assembly)

Mr. Don Freeman pointed out the importance of the Cape Fear River Basin to our community. He suggested that a fresh water aquarium project would be well received in this county. He noted that Tennessee has a fresh water Aquarium, as does Virginia and South Carolina. It cost \$ 45 million to build and generated \$135 million in revenue the first year. He said he has received support from the Fayetteville City Council and State and Federal Government, although no funding has been approved. A site that seems to be perfect for the aquarium is at the Botanical Gardens.

Vice Chairman Blackwell said he had visited the aquarium in Tennessee and was very impressed.

Mr. Freeman said a Task Force has been set up to study the idea of an aquarium. He requested that a commissioner or someone from county staff serve on the Task Force.

MOTION: Commissioner Edge moved that the Board adopt a resolution in support of the concept of an Fresh Water Aquarium and authorize the Chairman to appoint a commissioner or someone from staff to serve on the Task Force.

SECOND: Commissioner Blackwell

DISCUSSION: Commissioner Baggett noted the unpleasant odors that sometimes make themselves known around the Cape Fear River. He suggested that for an Aquarium to be successful here, we should look at how to clean up these obnoxious odors.

VOTE: UNANIMOUS

7. Consideration of the County Facilities Committee Report and Recommendations regarding the official name, the main entrance sign and the process for selection of an electrical service provider for the new industrial park

BACKGROUND: On January 5, 2001, Jim Kizer, Moorman, Kizer & Reitzel, Inc., presented a draft master plan for the new industrial park to the County Facilities Committee. A single road traverses through the park from the entrance off Cedar Creek Road and connects to SR2217. Smaller parcels are planned for the eastern portion of the park where the property is narrow. Larger parcels are planned for the interior of the park. Recreation and open space

are planned along Locks Creek. The proposed name and entrance sign for the park was discussed and several drawings were presented. The Facilities Committee recommends the park be named **Cedar Creek Business Center** and that Concept 1 approved as the main entrance sign. In addition the Facilities Committee recommends that staff solicit proposals from PWC, CP&L and SREMC to supply electrical services throughout the park.

ACTION:

1. Approve **Cedar Creek Business Center** as the official name for the new industrial park.
2. Approve Concept 1 for the main entrance sign.
3. Approve the RFP approach to the selection of an electrical service provider for the new industrial park.

MOTION: Commissioner King moved to approve.

SECOND: Commissioner Blackwell

DISCUSSION: Commissioner Baggett noted his concern about whether CP&L and SREMC can compete with PWC as far as the water/sewer issues are concerned. Commissioner Henley said he thought fiber optic capabilities should be included as part of our RFP.

VOTE: UNANIMOUS

8. **CLOSED SESSION: Attorney-Client Privilege**
Litigation – Miles v. Cumberland County and Cumberland
County v. Bank of Tokyo

MOTION: Commissioner Blackwell moved to go into Closed Session for the above noted items.

SECOND: Commissioner Council

VOTE: UNANIMOUS

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

SECOND: Commissioner King

VOTE: UNANIMOUS

MEETING ADJOURNED: 11:10PM.

Clerk to the Board