

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
May 21, 2001, 7:00 PM
REGULAR/REZONING MEETING
CUMBERLAND COUNTY COURTHOUSE
FAYETTEVILLE, NC

PRESENT: Chairman, J. Lee Warren, Jr.
Vice Chairman, J. Breeden Blackwell
Commissioner Talmage Baggett
Commissioner Jeannette Council
Commissioner Kenneth S. Edge
Commissioner John Henley
Commissioner Billy R. King
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy H. Cannon, Assistant County Mgr.
Cliff Spiller, Assistant County Manager
Grainger Barrett, County Attorney
Barry Warren, Planning Director
Tom Lloyd, Planning Department
Marsha Fogle, Clerk to the Board

INVOCATION: Commissioner Billy R. King

PLEDGE OF ALLEGIANCE:
Terence Holmes, North Carolina Eagle Scout of the Year

RECOGNITION OF OUTGOING BOARD/COMMITTEE MEMBER:

Ms. Beatrice Matthews – Community Health Care Council

RECOGNITION: Eleanor McGinnis – Interim Director – Health Department

AGENDA AMENDMENTS: Delete Item under Budget Revisions 2 0(2).

1. Public Hearings

A. Presentation of NCDOT 2001-2002 Secondary Roads Improvement Program for Cumberland County.

Mr. Ray Stone, NC DOT District Engineer, reviewed the proposed program (Attachment A to these Minutes).

There were no speakers for the public hearing.

ACTION: Approve the proposed program.

MOTION: Commissioner Blackwell moved to approve the 2001-2001 Secondary Roads Improvement Program as proposed.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

Uncontested Rezoning Cases

B. Case P01-19. The rezoning of 11.55 acres from A1 to R30 along Braxton Road, East of I-95, the property of Thomas W. Bennion.

The Planning Board recommends approval of the rezoning to R30.

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 Blackwell moved to approve R30.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

Contested Rezoning Cases

- C. Case P01-15.** The rezoning of 117 acres owned by J. D. Gillis, et al. from RR to R10 on the north and south sides of Strickland Bridge Road, west of the intersection of Strickland Bridge Road and Century Circle.

The Planning Board recommends approval of the rezoning to R10.

SPEAKERS:

- 1. Joe Gillis, petitioner. Mr. Gillis noted the property meets the criteria for R10 rezoning and he requested the Board to approve.
- 2. Keith McFadyen – Opposed to rezoning. Mr. McFadyen noted this property is located within the proposed Fayetteville Outer Loop Corridor. Mr. McFadyen asked the Board to delay rezoning until the location of the corridor has been determined. He noted that if building takes place now, it will cost NC DOT more money to build the corridor, if the homes are in fact in the designated corridor.
Mr. McFadyen said he spoke to Lyndo Tippet, Secretary, NC DOT, and Mr. Tippet did not look favorable on the number of homes that will go in there. Mr. McFadyen said this is poor planing and asked the Board to deny this request and let the applicant come back with the request once the corridor has been defined.

Commissioner Blackwell inquired as to the difference in the number of units in an RR, R15 and R10 District. Density calculations are as follows: RR – 203 units; R15 – 271 units and R10 – 543 units.

Commissioner Baggett said he understood Mr. McFadyen’s point; however, he said it is not fair to deny the property owners to have their property rezoned when it could be several years before anything happens in that area.

Upon finding the rezoning 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 approve R10.
SECOND: Commissioner King
DISCUSSION: Commissioner Henley inquired of Mr. McFayden if the outer loop was not an issue would he still oppose the rezoning. Mr. McFayden said he would probably oppose it because he did not like the high density. In response to a question concerning the corridor, Rick Heicksen said it would probably change from where it is currently shown on the map. In addition, it was noted that value of the land is currently frozen at the current value. Commissioner Henley asked Mr. Gillis how he could plan a subdivision when the plans for the corridor have not been finalized. Mr. Gillis said no building will take place until the State has designated where the road will go. He said he is asking for the zoning now so they will have some time to plan and they will be ready to go once the State designates where the road will go. Commissioner Edge inquired if Joe Gillis was the sole owner of the property. Mr. Gillis said it was owned by family members (3 partners). Commissioner King inquired if the petitioner would accept R15. Mr. Gillis said “R10 is what I’m asking for”.

SUBSTITUTE

MOTION: Commissioner Blackwell moved to approve R15.
SECOND: Commissioner Edge
VOTE: FAVOR: Commissioners Blackwell and Edge
OPPOSED: Commissioners Henley, Warren, Baggett & King

VOTE ON ORIGINAL

MOTION: UNANIMOUS

- D. Case P01-21.** The rezoning of 2.6 acres from A1 to R40A on the east side of Bluman Road, south of Sherill Baggett Road, the property of Roy and Tammy Carnley.

The Planning Board recommends denial of the rezoning request.

MOTION: Commissioner Baggett moved to deny the rezoning request.
SECOND: Commissioner King

VOTE: UNANIMOUS

Conditional Use Overlay Cases

- E. Case P01-18.** A Conditional Use Overlay District and Permit to allow Auto Repair on .29 acres in a C1 District at 4591 Cameron Road, owned by Robert L. Johnson.

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

- all lighting shall be directed away from the adjoining residential property to the south and east;
- the Health Department must approve water/sewer plans for the operation;
- signage must be in compliance with applicable sign regulations as set forth in Section IX of the County Zoning Ordinance;
- hours of operation are to be limited to 8:00AM – 6:00PM weekdays, and 8:00AM – 12:00 Noon on Saturday;
- parking must meet the requirements of the Zoning Ordinance for the C1 District for uses on the lot plus two spaces for the residence;
- no outside storage of automobiles is allowed after working hours as stipulated above;
- all fluids from vehicles serviced shall be disposed of in accordance with EPA regulations; and
- there shall be no future expansion of the structure shown on the site plan.

Commissioner Baggett inquired if the church in the area was aware of this rezoning. Mr. Robert Johnson, petitioner, indicated he was a member of one of the churches, and that both churches had been notified.

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

SECOND: Commissioner Henley
VOTE: UNANIMOUS

MOTION: Chairman Warren moved that the Board finds that this conditional use district overlay permit application, if completed as proposed and subject to the conditions set forth above 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, thorough fare plan or other plans officially adopted by the Board of Commissioners.

SECOND: Commissioner Baggett
VOTE: UNANIMOUS

- F. Case P01-23.** A Conditional Use Overlay District and Permit to allow a Mobile Home on .57 acres in an R10 District on the west side of Cedar Creek Road, north of John B. Carter Road, owned by L. C. Rice.

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

- the application is to be changed to reflect that Mr. L. Charles Rice, Sr. or any immediate member of Ms. Rice's family can live in the mobile home for as long as the medical condition continues;
- the statement "preclude not being used for rental property" is to be deleted from the application.

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

SECOND: Commissioner Blackwell
VOTE: UNANIMOUS

MOTION: Chairman Warren moved that the Board finds that this conditional use district overlay permit application, if completed as proposed and subject to the

conditions set forth above 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.

SECOND: Commissioner King

VOTE: UNANIMOUS

- G. Case P01-24.** A Conditional Use Overlay District and Permit to allow a Construction Office and Storage Building on .43 acres in a C1 District on the east side of Boone Trail Drive, south of Carlos Avenue, owned by John L. Higgins.

The Planning Board recommends approval of the Conditional Use Overlay District and permit with added conditions:

- signage is to be in conformance with Section 9.4 of the County Zoning Ordinance;
- NCDOT must approve the driveway;
- Buffering is to be placed on the western property line between the subject property and the residential property to the rear in accordance with Section 10.2 of the County Zoning Ordinance;
- All lighting is to be directed on to the subject property and away from residential property;
- Entrance on to Boone Trail is to be forward ingress, not backing from proposed parking;
- Hours of operation are from 7AM – 7PM, Monday through Saturday.

MOTION: Commissioner King moved that the Board finds that this conditional use district overlay application is reasonable, neither arbitrary or unduly discriminatory, and in the public interest and that it be approved.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

MOTION: Commissioner King moved that the Board finds that this conditional use district overlay permit application, if completed as proposed and subject to the conditions set forth above, 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.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

- H. Case P01-25.** A Conditional Use Overlay District and Permit to allow a Sand and Gravel Mine on 79 acres in an A1 Agricultural District on Rich Walker Road, north of Callie Road, owned by Robert and Shirley Cooper.

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

- Mining is to be completed and reclaimed before the Outer Loop is opened to the public, according to the map and application submitted;
- The portion of the property to the south of the Outer Loop will have a berm varying from three to eight feet in height surrounding a majority of the property to the east, south and west as shown on the map submitted;
- Access/entrance will be 50 feet long, 25 feet wide and 6 inches thick of stone and will be maintained to prevent sediment from leaving the site;
- The submitted Land Disturbance and Erosion Control Maintenance Plan is to be adhered to as follows:
 - All erosion and sediment control practices shall be checked for stability and operation following every runoff-producing rainfall, but in no case less than once weekly; any repairs will be made immediately;
 - Sediment will be removed from behind the stone filter system when it becomes above 0.5 feet deep at the system; the stone shall be replaced as necessary to maintain adequate flow;

- All seeded areas shall be fertilized, re-seeded as necessary and mulched according to specifications in the vegetation plan;
- While in transit, trucks are to use appropriate load covers, and water trucks or other means that may be necessary shall be utilized to prevent dust from leaving the operation;
- Existing vegetation or stabilized, vegetated earthen berm to serve as buffers and to prevent soil erosion shall be maintained between the operation and adjacent residences and public thoroughfares to screen the operation from the public;
- Hours of operation will be from 5AM until dark, Monday through Saturday;
- The applicant shall provide to the County Inspections Department prior to application for a zoning permit documentation from the NC DOT that the public thoroughfare to which the operation has access has sufficient load carrying capacity to support the traffic generated by the operation, or that load limits are acceptable.

It was noted by Mr. Tom Lloyd, Planning Staff, that this operation is classified as a quarry as opposed to a borrow pit.

SPEAKERS: Oath was given to each speaker

1. Tim Bizzel, Vice President of American Materials Company. Mr. Bizzel wants to add this adjacent property to his current plant.
2. Bertha Elliott – Lives across from the Quarry. Concerned that operations will affect wells in the area and wants to know who will help the residents pay if they have to drill deeper wells.

Commissioner Baggett said he thought the mine is on the south side of the roadway. He said he thought water lines may extend to the corridor. Mr. Bizzel said they will only dig 25-30 feet and it should not have an impact on the wells.

Commissioner Baggett inquired if there would be any additional truck traffic on River Road. Mr. Bizzel said there won't be a lot more traffic and he noted they don't let the trucks go out overloaded. Commissioner Baggett also noted the requirement to cover the trucks. Mr. Bizzel said he couldn't require covers. However, the County Attorney advised the conditions of the permit require him to require trucks leaving/entering his facility to be covered. The County Attorney said that was something Mr. Bizzel could put in his contract with the haulers or with his customers.

Commissioner Edge noted his concern that these businesses are not taking the ordinance serious as it relates to covers on trucks, etc.

When questioned, Mr. Bizzel said he would do whatever he needed to do to abide by the conditions in the permit.

Commissioner Baggett also expressed concern that the message is not getting out concerning these borrow pit operations.

MOTION: Chairman Warren moved that the Board finds that this conditional use district overlay application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest and is approved.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

MOTION: Chairman Warren moved that the Board finds that this conditional use district overlay permit application, if completed as proposed and subject to the conditions set forth above 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.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

- I. **Case P01-26.** A Conditional Use Overlay District and Permit to allow a Sand and Gravel Mine on 26 acres in an A1 Agricultural District on Game Road, east of River Road, owned by Willie J. Burnette and W. C. Daughtry, Jr.

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

- Three separate three-foot berms will be constructed within the mine area as shown on the map submitted;
- The submitted Land Disturbance and Erosion Control Maintenance Plan shall be adhered to as follows:
 - All erosion and sediment control practices shall be checked for stability and operation following every runoff-producing rainfall, but in no case less than once weekly; any needed repairs will be made immediately;
 - Sediment will be removed from behind the stone filter system when it becomes above 0.5 feet deep at the system. The stone shall be replaced as necessary to maintain adequate flow.
- All seeded areas shall be fertilized, re-seeded as necessary and mulched according to specifications in the vegetation plan;
- While in transit, trucks are to use appropriate load covers, and water trucks or other means that may be necessary shall be used to prevent dust from leaving the operation;
- Existing vegetation or stabilized, vegetated earthen berms to serve as buffers and to prevent soil erosion shall be maintained between the operation and adjacent residences and public thoroughfares to screen the operation from the public;
- Hours of operation are from 5:00AM to dark;
- The applicant is required to keep an updated copy of his state permit and conditions on record with the Planning Department;
- The applicant shall provide to the County Inspections Department prior to application for a zoning permit documentation from NC DOT that the public thoroughfare to which the operation has access has sufficient load carrying capacity to support the traffic generated by the operation, or that load limits are acceptable;
- A statement shall be submitted assuring that the number of trucks involved in the current operation will not increase.

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

SECOND: Commissioner Blackwell
VOTE: UNANIMOUS

MOTION: Commissioner King moved that the Board finds that this conditional use district overlay permit application, if completed as proposed and subject to the conditions set forth above, 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.

SECOND: Commissioner Henley
VOTE: UNANIMOUS

Amendments to the Cumberland County Code of Ordinances

- J. **Case P01-29.** Revisions and Amendments to the Cumberland County Code of Ordinances by deleting existing and creating new Appendix A, Section 5.23, "Continuance of Nonconforming Structures," in its entirety. (may be found in the ordinance book)

The Planning Board recommends approval of the amendment.

MOTION: Chairman Warren moved to approve.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

- K. **Case P01-30.** Revisions and Amendments to the Cumberland County Code of Ordinances, Appendix A "Zoning", Article III, Tables 1-A, 1-A-2, 1-B-1, 1-B-

2, 1-C-1, 1-E, 1-F, 1-G, 1-H, 1-I, and 1-J, Specified Conditional Uses, by including in alphabetical order, "Golf Courses." (may be found in the county ordinance book)

The Planning Board recommends approval of the amendment.

MOTION: Commissioner Edge moved to approve.
SECOND: Commissioner King
VOTE: UNANIMOUS

2. Consent Agenda

MOTION: Commissioner King moved to follow staff recommendation on the items on the consent agenda.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

- A.** Approval of minutes for the May 7, 2001 Regular Meeting.

ACTION: Approve the minutes.

- B.** Approval of Additions to the State Secondary Road System - Unnamed Subdivision - Ball Park Road

ACTION: Approve addition of the streets to the State Secondary Road System.

- C.** Approval of Cumberland County Juvenile Crime Prevention Council Contracts Representing Funding Allocations for July 1, 2001 through June 30, 2002.

BACKGROUND: The Cumberland County Juvenile Crime Prevention Council annually submits the JCPC Program Contracts to the Board of Commissioners for approval. These contracts represent the funding allocations for the upcoming July 1, 2001 through June 30, 2002 fiscal year. These contracts are recommended for approval by the Cumberland County Juvenile Crime Prevention Council.

ACTION: Approve the Cumberland County Juvenile Crime Prevention program contracts.

- D.** Approval of Addition of Parties to Joint Purchasing Agreement.

BACKGROUND: An amendment has been made to the Joint Purchasing Agreement entered into by the County, the City of Fayetteville and the PWC in August, 1999. The amendment adds Fayetteville Technical Community College, the Town of Falcon, the Town of Stedman and the Town of Wade.

ACTION: Approve the amendment to the Joint Purchasing Agreement.

- E.** Approval of Notice of Reverter for McFayden Lake Project and Execution of Certificate of Payments.

BACKGROUND: The County of Cumberland acquired the McFayden Lake property to be able to borrow the funds to repair McFayden Lake Dam. The deeds contained a reverter clause that when the loan secured was paid in full and cancelled the property would revert back to the original property owners. Certificates of Payment have been prepared that will give notice of record that the loan has been paid off.

ACTION: Authorize the Chairman to sign the certificates of payment and reverter and direct the County Attorney to record them.

- F.** Approval of Proclamation Proclaiming the Week of June 3-9, 2001 as "Homeownership Week" in Cumberland County.

BACKGROUND: The Week of June 3-9, 2001 marks the fifth annual National Homeownership Week. Sponsored by the National Partners in Homeownership, this week will feature thousands of events from groundbreakings to homeownership fairs to the rehabilitation of homes celebrating efforts to increase homeownership.

Homeownership Week is the official recognition of the anniversary of the creation of the National Partners in Homeownership. This Partnership is an unprecedented public-private partnership that was formed in 1995 to dramatically increase homeownership opportunities in America, especially for underserved and lower-income families. The Partnership consists of HUD and 66 national organizations representing lenders, real estate professionals, homebuilders, nonprofit housing providers, federal, state and local governments. In addition, 160 local partnerships have committed themselves to increasing homeownership opportunity.

The Affordable Housing Network of Fayetteville and Cumberland County is a local partner in this homeownership effort. The major event planned in honor of Homeownership Week is a Homebuyers Fair on June 2, 2001. There is also a poster contest for children ages 5-12. The theme is "My Dream House".

ACTION: Proclaim the week of June 3-9, 2001 as "Homeownership Week" in Cumberland County.

CUMBERLAND COUNTY

NORTH CAROLINA

PROCLAMATION

WHEREAS, homeownership contributes to a strong economy, builds communities, and has come to symbolize the realization of the American Dream; and

WHEREAS, Cumberland County and the U.S. Department of Housing and Urban Development are actively engaged in increasing homeownership opportunities for citizens of Cumberland County and are doing so through the successful efforts of public, private and nonprofit partnerships; and

WHEREAS, Cumberland County and the U.S. Department of Housing and Urban Development primarily seek the use of local and private resources and volunteers to increase homeownership for our citizens of Cumberland County; and

WHEREAS, Cumberland County and the U. S. Department of Housing and Urban Development support the National Homeownership Strategy and the National partners in Homeownership, which seeks to increase the national homeownership rate to an all-time high by the end of the year 2001.

NOW, THEREFORE, the Cumberland County Board of Commissioners does hereby proclaim the week of June 3, 2001 through June 9, 2001 as "**Homeownership Week**" in Cumberland County and urges all citizens to joint in recognizing this special observance with appropriate ceremonies and activities.

This 21st day of May, 2001.

G. Approval of the Cumberland County Workforce Investment Act and Welfare-to-Work Annual Plan Modifications.

BACKGROUND: President Clinton signed the Workforce Investment Act (WIA) into law on August 7, 1998, which provides the framework for a unique workforce preparation and employment system designed to meet both the needs of the nation's businesses and the needs of job seekers. The Welfare-to-Work (WtW) Program was also enacted in 1998 to provide an arsenal of employment and supportive services to welfare recipients. The Cumberland County Workforce Development Center is the designated administrative entity to administer the WIA and WtW Programs.

ACTION: Approve the annual plan modifications to the WIA and WtW.

H. Approval of a Resolution to Request Membership in the Southeastern Economic Development Commission.

BACKGROUND: The Southeastern Economic Development Commission (SEDC) was established in 1968 as an arm of the Economic Development Administration (EDA). The mission of the Commission is to create new jobs, retain existing jobs, and stimulate economic and industrial growth in southeastern North Carolina. By providing economic education and assistance, assembling EDA project applications, and assisting in overall district project work, SEDC continuously endeavors to enhance the quality of life for all residents of its member counties.

The Economic Development Administration (EDA), an Agency of the United States Department of Commerce, provides financial assistance to help distressed communities overcome barriers that inhibit the growth of their local economies.

Cumberland County was a Charter member in 1968 and remained a member until the late 1970's. During that time, the County received \$4,166,062 in EDA funds. Since 1968, SEDC has provided its member counties and their municipalities assistance in completing grant applications to the United States Department of Commerce, Economic Development Administration for \$70.5 million.

Presently, Bladen, Brunswick, Columbus, Harnett, Hoke, Pender, Robeson, Sampson and Scotland Counties are members of the Commission. New Hanover County has expressed interest in rejoining.

The following steps must be taken in order to rejoin the Southeastern Economic Development Commission (SEDC):

1. The Board of Commissioners must approve and submit a Resolution and a letter stating a desire to rejoin the Southeastern Economic Development Commission (SEDC) (May 21, 2001.)
2. The Executive Committee of SEDC will meet and vote on the Resolution on May 22, 2001.
3. Upon approval by the Executive Committee, the information will be submitted to the Governor's Office for approval.
4. Upon approval by the Governor, the packet is submitted to the Atlanta Regional Office for approval.

Funds are available in the Industrial Inducement Fund for the annual dues in the amount of \$42,415 per year. Dues are based on a per capita rate (currently 14 cents) of the most recent census figures.

ACTION: Approve the Resolution and the allocation of \$42,415 from the Industrial Inducement Fund for payment of membership dues in the Southeastern Economic Development Corporation.

RESOLUTION

WHEREAS, the counties of Bladen, Brunswick, Columbus, Cumberland, Harnett, Hoke, Pender, Robeson, Sampson and Scotland joined together in late 1968 to form the Southeastern Economic Development commission to assist the region in meeting its special problems to promote economic development and to establish a framework for joint federal and state efforts toward providing the basic facilities essential to growth and attacking its common problems and meeting its common needs on a coordinated and concerted basis; and

WHEREAS, the Commission has operated successfully and provided its member counties and their municipalities assistance in completing grant applications to the US Department of Commerce, Economic Development Administration (EDA) for \$70.5 million; and

WHEREAS, the Commission was created pursuant to Article 2 of Chapter 158 of the North Carolina General Statutes;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Cumberland County, North Carolina that Cumberland County wishes to rejoin as a participating member of the Southeastern Economic Development Commission effective July 2001, and hereby petitions the Board of Directors of the Commission to approve its pending membership.

- I. Approval of Additions to the Cumberland County Emergency Operations Plan, by Adding Weapons of Mass Destruction / Terrorism Section and Animal Protection Plan.

BACKGROUND: Mr. William Elmore, Interim Emergency Management Director has recommended adding the following to the Cumberland County Emergency Operations Plan:

Weapons of Mass Destruction/Terrorism
Animal Protection Plan

ACTION: Approve

- J.** Approval of Franchise Ordinance and Lease Agreement for Parks & Recreation Concessionaire Services (1st Reading).

BACKGROUND: These proposed franchise agreements and ordinances will allow the Hope Mills Youth Association, Southwest Athletic Association and Cliffdale Area Sports Association to provide concessionaire services to the public visiting the Baldwin Elementary School Park on Legion Road, E. Melvin Honeycutt Elementary School Park on Lakewood Drive, and E.E. Miller School Park located on Lake Rim Road. The services will be limited to prepackaged food, Coca-Cola beverage products, and souvenirs only. Each organization must submit 10% of the gross concession sales to the County.

ACTION: Approve the First Reading of the Franchise Ordinances and Agreements

- K.** Approval of Sale of Surplus County Owned Real Property Acquired by Tax Foreclosure – Portion Lot 3E John R. McNeil Estate (0.38 Acres).

BACKGROUND: In 1999, the County acquired by tax foreclosure the above property located in Manchester Township. The amount owed plus interest and costs is \$554.40. Mr. Randolph McKoy has offered to purchase the County's interest in such property for \$554.40 and has deposited \$55.44 in the County Finance Office. The value of the property is \$7,000. The property is surplus to the needs of the County. No other bids have been received.

ACTION: Accept the offer from Mr. McKoy in the amount of \$554.40 and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- L.** Approval of Sale of Surplus County Owned Real Property Acquired by Tax Foreclosure – 12 Acres Fisher Land.

BACKGROUND: In 1999, the County acquired by tax foreclosure the above named property in Beaver Dam Township. The amount owed plus interest and costs is \$777.51. Mr. Randolph McKoy has offered to purchase the County's interest in such property for \$777.51 and has deposited \$77.75 in the County Finance Department. The value of the property is \$8,326. The property is surplus to the needs of the County. No other bids have been received.

ACTION: Accept the offer from Mr. McKoy in the amount of \$777.51 and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- M.** Approval of City of Fayetteville Request for Easement Across Unoccupied Parcel of Blanton Green Affordable Housing Project.

BACKGROUND: The City of Fayetteville is asking the County to release its interest in a deed of trust for an easement across an unoccupied portion of the Blanton Green affordable housing development on Blanton Road. The Deputy County Manager and the Community Development Director advise that releasing the easement will not adversely impact the project. The County Attorney advises that it might be good to subordinate the County's deed of trust to the City's requested easement rather than to release that area outright.

ACTION: Subordinate the County's Deed of Trust to the City's requested easement rather than release that area outright.

- N.** Approval of a Resolution Regarding Continued Participation in County Health Insurance Plan by Retired Employees.

BACKGROUND: Its amendment dated January 3, 2000 of its resolution enacted in February, 1995, providing for participation by retired employees in the County's health insurance plan, a clause was inadvertently deleted. That clause allows years of part-time employment to be counted towards full-time employment on a two for one basis when the retired employee has at least five years of consecutive full-time service. This resolution restores that clause. It also clarifies that qualifying service need not immediately precede retirement so long as the retired employee has enough service to have retired and be

receiving benefits from the Local Government or Law Enforcement Officers' Retirement System.

ACTION: Approve Resolution

RESOLUTION REGARDING CONTINUED PARTICIPATION
IN COUNTY INSURANCE PLAN BY RETIRED EMPLOYEES

WHEREAS, the Board of Commissioners of Cumberland County, North Carolina, adopted a Resolution on June 1, 1984, as amended on February 21, 1995 and further amended on January 3, 2000, providing for the continued participation in the County's health insurance plan by retired county employees; and

WHEREAS, the Board of Commissioners wishes to re-insert a clause inadvertently deleted from its previous amendment, allowing a credit for part-time employment on a two for one basis when the employee has at least five years of consecutive employment;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of Cumberland County, North Carolina that its Resolution of February 21, 1995, providing for participation in the County's health insurance plan by certain retired employees, is amended by deleting paragraph 1 thereof in its entirety and inserting in lieu thereof the following:

- "1. To be eligible for continued participation in the County's health insurance plan, a retired employee must be:
- (a) Retired from County government with (I) at least ten consecutive years of County employment preceding retirement in which the employee contributed to the NC Local Government Employees Retirement System or the NC Law Enforcement Officers Benefit and Retirement Fund, provided that in meeting this requirement, years of part-time employment may be counted on a two for one basis when the retired employee has at least five year of consecutive full-time service, and (II) at least three full years participation in the County's health insurance plan prior to regular, early or disability retirement;
 - (b) Receiving retirement benefits from the NC Local Government Employees Retirement System or the NC Law Enforcement Officers Benefit and Retirement Fund; and
 - (c) Paying one hundred percent of the employee portion of the premium costs of such health insurance."

Except as specifically amended as set forth above, said Resolution shall continue in full force and effect.

O. Budget Revisions:

ACTION: Approve

(1) Social Services

- a. Increase in revenue and expenditures in the amount of \$87,900 to budget a grant received from The Duke Endowment to establish the Neighborhood Guardian Program. (B01-566) **Funding Source – Grant.**
- b. Increase in revenue and expenditures in the amount of \$6,035 to recognize funding from the Veteran's Administration to establish a new Caseworker II position to be located at the VA Medical Center. (B01-574) **Funding Source-Federal**

(2) Community Development – Supportive Housing Project

This revision was deleted.

(3) Mental Health

- a. Smart Start Day Care – Revision to reduce lapsed salary and revenue to fund additional program needs. (B01-563 and B01-563A) **Funding Source – State.**

- b. Thomas S. Case Management – Revision in the amount of \$19,497 to adjust revenue and expenses to final state allocation. (B01-564) **Funding Source - State.**
- c. DD Adult Outpatient/DD Contracts – Decrease in revenue and expenditures in the amount of \$17,769 to adjust the county budget due to reduced Federal funding. (B01-567 and B01-567A) **Funding Source – Federal.**
- d. DD Child Outpatient – Decrease in revenue and expenditures in the amount of \$20,000 to adjust the county budget due to reduced Federal funding. (B01-571) **Funding Source – Federal.**

(4) CBA Residential Group Homes/General Government Other

Decrease in revenue and expenditures in the amount of \$11,667 due to vacant position and long term LWOP. (B01-561 and B01-561A) **Funding Source – Federal and County.**

(5) Civic Center

Revision in the amount of \$7,500 to budget Internal Control engagement. (B01-575) **Funding Source – Other.**

(6) Prepared Food & Beverage Tax/Hotel & Motel Tax/Coliseum Debt Service

Revisions in the amount of \$425,765 to provide additional Food and Beverage Tax revenues to be used for debt services payment. (B01-570 through B01-570B) **Funding Source – Food and Beverage Tax Revenue.**

Items of Business

3. Nominations to Boards and Committees

A. ABC Board (2 Vacancies)

BACKGROUND: The following positions will become vacant 6/30/01:

Johnson Chestnutt – Eligible for reappointment
Wilson Lacy – Eligible for reappointment

Nominees: Wilson Lacy
Stanley Johnson
Johnson Chestnutt

Appointments will be made at the June 4, 2001 meeting.

B. Animal Control Board (3 Vacancies)

BACKGROUND: The following positions will become vacant 6/30/01:

Exofficio – Veterinarian on Contract to the Animal Control Department:

Dr. John A. Lauby – Eligible for reappointment

At-large Positions:

Donna Broadhurst – Eligible for reappointment
Donald Joseph Byrd – Eligible for reappointment

Nominees: Dr. John A. Lauby – Veterinarian
Donna Broadhurst – At-large
Donald Joseph Byrd – At-large

Appointments will be made at the June 4, 2001 meeting.

C. Board of Adjustment (5 Vacancies)

BACKGROUND: This Board has the following vacancies:

Regular Members: Earl E. Bunce – Eligible for reappointment
Doug Stephens – Eligible for reappointment

Alternate Members: Steve Burnett – Eligible for reappointment
Ernest P. Carroll – Eligible for reappointment
David T. Olsen – Resigned

Nominees: Earl E. Bunce – regular member
Doug Stephens – regular member
Steve Burnett – alternate member
Ernest P. Carroll – alternate member
Matt Blashfield – alternate member

Appointments will be made at the June 4 meeting.

D. Civic Center Commission (1 Vacancy)

BACKGROUND: Jim Peterson resigned his position on this Commission. His term will expire January 1, 2003.

Nominees: Ed Melvin

E. Equalization and Review Board (1 Vacancy)

BACKGROUND: Mr. Lesley R. Manns, Sr., resigned his position on this Board. He was serving in the home builder position. His term will expire March 31, 2003.

This item referred to June 4, 2001 meeting.

F. FTCC Board of Trustees (1 Vacancy)

BACKGROUND: Mr. Wilson F. Yarborough, Jr. will complete his first term on the FTCC Board of Trustees on June 30, 2001. He is eligible for reappointment.

Nominee: Wilson F. Yarborough, Jr.

G. Joint Planning Board (2 Vacancies)

BACKGROUND: The following vacancies will occur 6/30/01:

Jeffrey B. Reitzel – Resigned
John M. Tyson – Replacement needed

Nominees: Marion Gillis Olion
Dave Averette
Charles C. Morris
Neil Smith

Appointments will be made at the June 4, 2001 meeting.

H. Nursing Home Advisory Board (2 Vacancies)

BACKGROUND: The following positions will become vacant 7/31/01:

Eleanor Hall Ayers – Eligible for reappointment
Frances Brunson – Eligible for reappointment

Nominees: Eleanor Hall Ayers
Frances Brunson

Appointments will be made at the June 4, 2001 meeting.

4. Appointments to Boards and Committees

MOTION: Commissioner King moved to appoint the nominees in 4A, 4B, and 4C to the respective Boards by acclamation.
SECOND: Commissioner Blackwell
VOTE: UNANIMOUS

A. Adult Care Home Community Advisory Committee (4 Vacancies)

Nominees: Milton Griffin April Smith
Beverly Rith Karla Timm

B. Emergency Planning Committee (1 Vacancy)

Nominee: Law Enforcement Representative: Captain Steve Parlett

C. Manufactured Housing Task Force (1 Vacancy)

Nominee: Linda Wharton

5. Consideration of and Invitation to Join the City of Fayetteville in Developing A Comprehensive Parks and Recreation Plan.

BACKGROUND: In 1985 the Fayetteville City council adopted a Parks Master Pan to guide the City in the development of its parks and recreation program. The City Council has invited Cumberland County to participate in developing a new parks and recreation plan to address the total needs of the community.

ACTION: Consider the invitation to join the City in developing a comprehensive plan.

MOTION: Chairman Warren moved to join the City in developing a comprehensive plan.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

6. Consideration of Revisions to the Stormwater Management Ordinance and Revised Interlocal Agreement with the City of Fayetteville.

BACKGROUND: This revision restores to the ordinance, as recommended by the Stormwater Advisory Board, its primary emphasis on stormwater quality activities required by the County and City's Stormwater Quality Management Program as required by their NPDES Permit, its prohibition on new construction of stormwater infrastructure and its secondary purpose of repair and maintenance of existing stormwater infrastructure when funds are available after providing for the SWQMP stormwater quality activities. The General Assembly enacted remedial legislation in 2000 to clarify its legislative intent that stormwater utility fees could in fact be used for stormwater quality activities such as those required by the County and City's SWQMP under the NPDES Permit. In addition, a revision to the County's Interlocal Agreement with the City for establishment and operation of the stormwater utility will need to be approved. The revision makes technical, conforming changes regarding the authorized activities and purposes of the utility.

ACTION: Approve the revised ordinance and the revised interlocal agreement.

MOTION: Chairman Warren moved to approve.
SECOND: Commissioner Baggett
VOTE: UNANIMOUS

7. Consideration of Change Orders GC-11 and GC-12 for Ellis-Walker Builders and Change Order EC-7 for Griffin Electric, Inc. for DSS Administration Building Project.

BACKGROUND: The Change Orders are summarized below:

Change Order GC-11 – Ellis Walker Builders – provide material/labor for upfit of about 3,900 sf in-ground floor shell space for use by Cingular. ADD: \$116,007

Change Order GC-12 – Ellis Walker builders – provide materials/labor for upfit of about 4,990 sf in-ground floor shell space for use by NCDSS as a regional training site. ADD: \$90,968

Change Order EC-7 – Griffin Electric: Materials/labor for upfit of 4,990 sf in-ground floor shell space for use by NCDSS as a regional training site (conduit/wiring for power, data & voice, lights/fire alarm system. ADD: \$60,000

Provide new telecommunications closet in the single story portion of the facility. ADD: \$5,684

Reimburse contractor the actual cost of the UPS installed as a part of Change Order EC-2. An allowance of \$24,000 was included in EC-2 and the actual cost was \$24,751. ADD: \$751.00

ACTION:

Approve Change Orders GC-11 & GC-12 for Ellis Walker Builders in the amount of \$116,007 and \$90,968 and revise the total contract amount to \$17,253,584.

Approve Change Order EC-7 for Wayne J. Griffin Electric, Inc. in the amount of \$66,436 and revise the total contract amount to \$2,682,383.

Approve associated budget revision (B01-576 & 576A)

MOTION: Chairman Warren moved to approve.
SECOND: Commissioner King
VOTE: UNANIMOUS

8. Consideration of Transfer of Designation of the Medicaid CAP-DA (Community Alternatives Program-Disabled Adults) Program from the Department of Social Services to Cape Fear Valley Health Systems.

BACKGROUND: Bill Scarlett, Social Services Director, requests the transfer of the Medicaid CAP-DA Program to Cape Fear Valley Health System. Richard Parks, CEO, Cape Fear Valley Health System, believes that the program is a more medically intensive service, and is best suited at the hospital. The hospital may also save money by reducing the length of stay of disabled adults in more expensive in-patient care units. The program allows social workers and nurses to work with disabled adults and children, if the cost is less than or the same as caring for the patient at a nursing facility.

ACTION: Approve the transfer of the designation as Lead Agency from DSS to Cape Fear Valley Health System for the Medicaid CAP-DA Program.

MOTION: Commissioner Baggett moved to approve.
SECOND: Commissioner Henley
VOTE: UNANIMOUS

9. Consideration of Analysis of Commissioner District Boundaries to Reflect 2000 Census.

BACKGROUND: In light of the 2000 Census population, the Board will need to analyze the populations of Commissioner District 1 and Commissioner District 2 to determine if any adjustment of boundaries is necessary. Any adjustment made will require pre-clearance from the US Justice Department under the Voting Rights Act. Cumberland County's 2000 Census population was 302,963. District 1's population was 100,002 and District 2's population was 202,961. If the five commissioners were elected from single member districts, the "ideal" population each commissioner represented would be 60,592. Applying this to our multi-members districts, the "ideal" population should be about 121,185 for District 1 and 181,778 for District 2. United States Supreme Court precedent requires that single member districts deviate no more than 5% above or below such an ideal population. The current population of Commissioner District 1 is short of the "ideal" population and Commissioner District 2 is above the "ideal" population. Population is enough outside the 5% deviations to indicate adjustments may be needed to add population to District 1.

Grainger Barrett, County Attorney, has contacted Mr. Michael Crowell of the Tharrington Smith, L.L.P. law firm to assist us in this redistricting.

ACTION: Authorize appropriate action in conjunction with the Board of Elections to review whether commissioner district boundaries need to be adjusted to meet legal requirements.

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

10. Presentation of the Recommended FY02 County Budget.

County Manager James Martin gave an overview of his proposed FY02 budget:

General Statistics

County wide budget	\$586,172,884
• \$2,877,329 (.49%) increase	
General Fund budget	\$213,105,928
• \$11,841,605 (5.3%) decrease	
• Tax rate remains at 90.0 cents	
Appropriation of Fund Balance	\$ 4,646,314

Historical perspective

Over the last five years, increasing appropriation of fund balance to bring revenues in balance with expenditures as opposed to limiting expenditures to balance revenues.

Aligning Expenditures & Revenues

Need to align expenditures with recurring revenue and a sustainable fund balance. The FY01 fund balance appropriation (\$22.4M) places the fiscal integrity of the county in jeopardy. Only \$6.4 of the \$22.4 million fund balance can be sustained. Current projections indicate \$16 million of the \$22.4 million will be used in the current fiscal year.

All budgeted revenue should be sustainable. The fiscal challenge is to use restraint in increasing expenditures, and to limit fund balance appropriation to a sustainable level. Approximately 3% of the General Fund Budget is sustainable as fund balance appropriation (FY02 - \$6.4 million). The goal for FY02 is to stabilize financial integrity while providing the best services that the county can financially afford.

The County Manager recommends that the following budget policy be adopted by the Board:

Limit fund balance appropriation to 3% of General Fund budget;

When expenditures are increased, identify revenue source;
(Consistent with previously adopted debt service policy (2/01))

Establish minimum undesignated fund balance policy:

- Undesignated Fund Balance – at least 10%
- Transfer any excess to reserve fund for such projects as Cedar Creek Business Center Phase II, Water/Sewer Projects, other economic development projects; upgrade of technology, Animal Control Facility, Other one-time projects

Mr. Martin noted the following changes to requested budgets:

EDUCATION: Lowered county school reduction from 18% to 10%
Lowered FTCC reduction from 18% to 10%
Provided \$500,000 for capital improvements

PUBLIC SAFETY Funded additional positions and operating for new Detention Center -
Open April 2002;

Decreased current Detention Facility personnel reductions from 16
to 10;

Consolidated Emergency Management with Emergency Dispatch
(reduced staffing loss from 4 to 1);

TAX ADMINISTRATION: Reduced staff loss from 26 to 12

The County Manager noted the Board would begin their budget deliberations on Wednesday night, May 23rd at 5:30PM.

MOTION: Commissioner Edge moved to adopt the budget policy as outlined above by the County Manager.
SECOND: Commissioner King
VOTE: UNANIMOUS

Commissioner Baggett inquired if there was any way to phase in the 3% or is it necessary to do it all this year. County Manager James Martin said it is time to start now. He said we need to get on the road to recovery. He said even with the adoption of the policy we will not be in good shape for FY03.

11. Closed Session: A. Personnel Matter
B. Attorney Client Privilege

MOTION: Commissioner Blackwell moved to go into Closed Session to discuss a Personnel Matter and for Attorney Client Privilege.
SECOND: Commissioner Henley
VOTE: UNANIMOUS

MOTION: Commissioner Blackwell moved to go back into Regular Session.
SECOND: Commissioner Henley
VOTE: UNANIMOUS

MEETING ADJOURNED: 10:35PM

Clerk to the Board