

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 17, 2001, 7:00PM
REGULAR/REZONING MEETING**

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

INVOCATION - Commissioner Kenneth Edge

PLEDGE OF ALLEGIANCE - Tyler Edge

AGENDA ADJUSTMENTS:

- Case P01-69 (D) is moved to the Contested Cases
- Case P01-63 (J) is moved to the Uncontested Cases
- Case P01-65 (K) is moved to the Uncontested Cases

1. Public Hearings

Uncontested Rezoning Cases

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

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

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

- A. **Case P01-64.** The rezoning of .41 acres from R10 to R6A, or a more restrictive zoning district, at 3105 Ashboro Street, owned by Reese Mozingo, Jr.

ACTION: The Planning Board recommends approval of R6A.

- B. **Case P01-66.** The rezoning of 2 acres from A1 to R40A, or to a more restrictive zoning district, at 2745 McCall Road, owned by Odessa Council.

ACTION: The Planning Board recommends approval of R40A.

- C. **Case P01-67.** The rezoning of 28.54 acres from A1 to R40, or a more restrictive zoning district, on John Nunnery Road south of Stoney Branch Road, owned by Billy D. and Fay J. Horne.

ACTION: The Planning Board recommends approval of R40.

- E. **Case P01-70.** The rezoning of .69 acres from R6A to O&I, or a more restrictive zoning district, at 831 Manley Street, owned by Ronald W. Forbes.

ACTION: The Planning Board recommends approval of O&I.

- F. Case P01-71.** The rezoning of 2.15 acres from A1 to R40A, or a more restrictive zoning district, at 2341 Smith Road, owned by Bernice U. and Shirley L. Tew.

ACTION: The Planning Board recommends approval of R40A.

- J. Case P01-63.** The rezoning of 0.8 acres from R10 to R6A, or a more restrictive zoning district, at 3917 and 3921 Donna Street, owned by Kenny Tew.

ACTION: The Planning Board recommends approval of R6A.

- K. Case P01-65.** The rezoning of .46 acres from R10 to R6A, or a more restrictive zoning district, at 3921 Elon Street, owned by Joseph Wilson.

ACTION: The Planning Board recommends approval of R6A.

Contested Rezoning Cases

- D. Case P01-69.** The rezoning of 1.34 acres from RR and A1 to C(P), or a more restrictive zoning district, at 8171 Godwin-Falcon Road, owned by Abdo Alsaede.

ACTION: The Planning Board recommends approval of C(P).

SPEAKERS: Abdo Alsaede – petitioner. Mr. Alsaede asked the Board to rezone to C(P) as he felt it is the best use of the property.

Dennis Winkfield: Supports rezoning.

James Blue: Supports rezoning

Lawanda Ivey: Supports rezoning

Melissa Cardenas: Supports rezoning.

David C. Gilmore: Supports rezoning.

Myers Braxton: Concerned about the safety of the community, as the property is currently being used to house a liger. Mr. Braxton said he is not opposed to the commercial rezoning but the use of the property.

Rev. Elwood Long – Superintendent Falcon Children’s Home: concerned about the safety issue of a liger being in the vicinity of Falcon Children’s Home.

Mary Emily Royal – Concerned about a liger in the area. Also inquired if a license is necessary to own and show one of these cats.

Commissioner Baggett presented a letter from the Mayor of the Town of Godwin noting its concern about the intended use of the property. Mayor Tew noted people are alarmed to know that wild and potentially dangerous animals will be held in confinement so close to their homes. She also expressed concern about the inspection of this business, i.e., who will be responsible to assure the humane treatment and care of the animal, and will local fire fighters enter such a business in the event of a fire. She noted the Town Board of Godwin requests the Board of Commissioners to deny the rezoning request.

Commissioner Baggett said he could not think of a use that would be more inappropriate, based on the proximity to the Falcon Children’s home and other residences. He said it is not a good fit for the area.

MOTION: Commissioner Baggett moved to deny the rezoning request.

SECOND: Commissioner Blackwell

DISCUSSION: Grainger Barrett, County Attorney, said that the presence of a liger is illegal and the owner will be subject to a citation. The Attorney noted the owner of the liger may well attempt to contest the county's attempt to enforce the ordinance preventing this type of animal in this location. Commissioner King noted that it is the county's duty to rezone without consideration of what particular business will go there. He said he understood the concern of the community, but the Board needs to understand it is their duty only to consider whether the area is suitable for commercial zoning. Grainger Barrett, County Attorney, noted that the owner has been cited by the Fire Marshal because of the inappropriate and unlawful use of a tent. Mr. James McIntyre, Godwin-Falcon Fire Department, said they would not go on the premises in the event of a fire. Commissioner Henley noted the Board does need to consider the use to assure that the zoning is appropriate for all permitted uses in the district. Mr. Peabody, Zoning Officer, said no one has applied for a zoning permit and the presence of the liger is in violation of our county ordinance. Chairman Warren noted he has seen this animal under a tent, on a leash, on Skibo Road. He inquired if this is in violation of the City of Fayetteville's ordinance. Chairman Warren inquired if Mr. Alsaede owned the animal. Mr. Alsaede said he did not, he is currently leasing the property to Mr. Figg, owner of the liger. Mr. Figg said he has been licensed by USDA to have this animal. He said he is abiding by all of the rules and regulations. He also said there are a lot of pet shops in the community selling illegal animals. Mr. Figg said there are as many as 15 cats (ligers, tigers) in Cumberland County. He said the owners have been licensed, regulated and trained to handle the animals. Commissioner Blackwell said the Board must look at what is good for the health, safety and welfare of the community.

VOTE: **FAVOR:** Commissioners Henley, Edge, Blackwell, Warren, Council, Baggett

OPPOSED: Commissioner King

Commissioner Henley inquired if the owner of the property can reapply for rezoning. It was noted he will have to wait one year, unless the Board of Commissioners or Planning Board moves to reconsider.

- G. Case P01-53.** The rezoning of 25.5 acres from RR to C(P), or a more restrictive zoning district, on the northeast corner of Maxwell Road and Hwy 24, owned by Elease Johnson Kenyon.

ACTION: The Planning Board recommends approval of C(P).

SPEAKERS:

1. Stacy Weaver, representing Joe Riddle, (contract buyer of the property): Mr. Weaver noted the postpone of the rezoning last month in order to get more information on sewer and Hwy. 24 corridor location. He said since that time there have been some smokescreens as relates to this rezoning:
 - Whether sewer is available from the new line. Mr. Weaver said that according to the Mayor of Stedman it is his duty to protect Stedman; however, Mr. Weaver noted that rejecting this zoning benefits the Mayor as a private developer. Mr. Weaver stated the line was built with public funds. Mr. Weaver said if Mr. Riddle is not allowed to connect to the sewer, he can bring sewer from a line at Cape Fear High School; failing that, his client can use septic tanks for the shopping center.
 - Location of Highway 24 corridor. The latest version of where the corridor may go indicates it will not affect the shopping center. In the event, Mr. Riddle has enough land area whatever the location of the road to locate his shopping center.

Mr. Weaver noted that this case has been to the Planning Board twice. The first time there was a unanimous vote to approve the rezoning. The second time, which was an attempt to reconsider the case, was denied. Mr. Weaver noted that news reports indicate there are 15,000 people living within a five-mile radius of the proposed shopping center.

He said there could hardly be a more logical place for a shopping center. He presented the Board with a petition signed by 547 people supporting the rezoning. He urged the Board to approve the rezoning.

2. Florence Dowd, Secretary of the Stedman Community Development Club: Ms. Dowd read the following resolution:

WHEREAS, the Stedman Community Development Club does hereby oppose the rezoning of the property located on the corner of Maxwell and Highway 24; and

WHEREAS, we feel the people of Stedman are entitled to a shopping center in Stedman; and

WHEREAS, the citizens of Stedman purchased the sewer lines and should have control rights to their usage; and

WHEREAS, the Stedman Community Development club requests that this rezoning be denied.

Adopted the 10th day of September, 2001.

3. Mike Brough, Attorney for the Town of Stedman: Mr. Brough indicated the Town of Stedman does have ownership of the sewer lines and will not allow the Riddle project to hook up. He said the Board of Commissioners should consider how the sewage will be treated as part of its review of this case. He noted that development follows sewer and using the Town's line for this project may trigger some planning concerns. He also said he did not think it appropriate to rezone until the Hwy 24 corridor has been designated. He noted the concern about the state paying more for the right-of-way if it was zoned commercial. He asked the Board to take into consideration the economic development for the Town of Stedman.

Mr. Rick Heicksen, Planning Department, told the Board this is not a protected corridor, only a proposed corridor. Mr. Heicksen also noted that placement of the corridor should have no effect on rezoning.

Mr. Weaver in rebuttal said this Stedman sewer project was built with public funds. He said sewer availability should not be reserved for one particular group. He also noted that with the size of the property (25.5 acres) there will be plenty room for a sizable septic field. He also said that his client is willing to give footage for additional right of way needs for DOT.

Commissioner Baggett said we need to do a better job of foreseeing these types of problems when PWC contributes money to increase the size of a line. He said he is hopeful a solution can be worked out between PWC and Stedman concerning the use of the sewer line.

Mr. Tom McNeill, PWC, noted that Stedman does in fact own the lines. However, PWC, contributed money to increase the size of the line and should have some say as to capacity in the line. Mr. McNeill noted that even if the shopping center hooks on the Stedman line, there will still be more than enough capacity for the Stedman area. Fees charged to Mr. Riddle will be prorated with a substantial portion going to the Town of Stedman.

Commissioner Edge said he appreciated the Town of Stedman wanting to help their area grow. However, he said there is no environmental issue here. He said he had received calls from people in the Stedman, Vander and Eastover area supporting this rezoning.

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

MOTION: Commissioner Edge moved to approve the rezoning.
SECOND: Commissioner King

DISCUSSION: In response to a question, Mr. Rick Heicksen, Transportation Planner, said it appears the Hwy 24 corridor will go northwest of the property, primarily because of a cemetery in the area. Commissioner Baggett said he will support the motion to rezone and he was glad he had asked for this item to be postponed at the last meeting to give everyone an opportunity to have their questions and concerns considered.

VOTE: UNANIMOUS

- H. Case P01-59.** The rezoning of 5.13 acres from M2 and A1 to R40A, or a more restrictive zoning district, at 4472 Ferrand Drive, owned by Rocky W. Gaskins.

ACTION: The Planning Board approved R40A for only the M2 Tract.

SPEAKERS:

Rocky Gaskins, petitioner: Mr. Gaskins said he had applied for a rezoning on this land in 2000 requesting RR; however it was denied. He is now asking for R40A, which they had suggested to him in 2000.

George Harsch – Mr. Harsch does not oppose the rezoning of the M2 to R40A; however he is opposed to rezoning the A1 property.

Becky Garcia – Opposed to rezoning A1; not opposed to rezoning the M2.

Upon finding that some of the rezoning request is reasonable, neither arbitrary or unduly discriminatory, and in the public interest, the following motion was made:

MOTION: Commissioner King moved to follow the recommendation of the Planning Board and rezone only the M2 property to R40A.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

- I. Case P01-60.** The rezoning of .66 acres from R10 to RR, or a more restrictive zoning district, at 6213 Rockfish Road, owned by Donald F. and Wanda Horne.

ACTION: The Planning Board recommends denial of the rezoning request.

SPEAKERS:

Wanda Horne (owner of the property): She introduced Mr. Ray Hunt, who wants to purchase the site for a day care center.

Ray Hunt: Mr. Hunt said he has been looking for a suitable site in that area to operate a day care center. He noted there was previously a day care center in the same area; however it had closed. Once this rezoning application was submitted, the other day care applied for a permit. (It has been closed for several years). Current zoning will now allow day cares no closer than 2500 feet of each other, which is one reason this case was denied.

Edina Amundsen (represents owners of property): She said commercial is the best use of this property. She said the property has been on the market for some time and will not sell with the current zoning.

Dorothy Smith – 3457 Sturbridge Drive: Opposes rezoning. The area is residential. She said she is not opposed to a day care center, but rather is concerned about the other uses commercial rezoning will allow.

Elbulah Watson – Sturbridge Drive: Opposes rezoning; wants area to remain residential.

MOTION: Commissioner King moved to deny the rezoning.

SECOND: Commissioner Edge

DISCUSSION: Commissioner Baggett inquired if the Board could consider a conditional overlay district for this property. The County Attorney noted that in R10, a day care is a specified conditional use granted by the Board of Adjustment; however, because this day care is within 2500 feet of another one, the conditional use overlay district is not possible. A previous County Attorney's guidance has been that a conditional use overlay cannot be used to disregard the specific requirements for a specified conditional use before the Board of Adjustment. It was noted that the permit to remodel the other day care must be activated or construction started within six months. Mr. Baggett said that Mr. Hunt applied for the rezoning request in good faith and it does not seem fair that the other day care can keep him from getting the property zoned for day care use. Mr. Barrett noted that it might be possible to consider whether the 2500 foot separation under specified conditional use should be reduced somewhat. It was noted the two properties are within 2300 feet of each other. Mr. Tom Lloyd noted that a committee in the Planning Department is currently looking at the criteria and will be making a recommendation as to whether any of it needs to be changed.

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

OTHER PUBLIC HEARINGS

J. Public Hearing on the Consolidated Annual Performance and Evaluation Report (CAPER), (COMMUNITY DEVELOPMENT DEPARTMENT).

Nina Wilson, Director, Community Development Department, reviewed some of the Department's accomplishments for 2000:

- 25 houses were rehabilitated;
- 29 houses received emergency repair
- 15 households were assisted through down payment assistance and GAP financing;
- the Womens' Center was designated as a CHDO and was able to purchase 13 repossessed VA homes that were for sale in Cumberland County. These homes will be available as rental units under a lease-purchase program for low to moderate income individuals and families;
- infrastructure projects are in the planning stages, i.e., Slocomb Road/Kelly Hills Sanitary Sewer project; and
- various other projects under other programs.

MOTION: **Commissioner Blackwell moved to submit the CAPER to HUD.**
SECOND: **Commissioner Council**
VOTE: **UNANIMOUS**

2. **CONSENT AGENDA**

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

A. Approval of minutes for the September 4, 2001 Regular Meeting and August 30, 2001 Special Meeting.

ACTION: Approve

B. Approval of Additions to the State Secondary Road System:

<u>Baytree Subdivision:</u>	West Bent Grass, Log Cabin Drive
<u>Cypress Acres Subdivision:</u>	Labrador Drive

ACTION: Approve

C. Approval of Settlement of Taxes Collected Through August 31, 2001.

BACKGROUND: NC General Statutes requires the Tax Collector upon resignation to make full settlement for all taxes collected. Garrett Alexander, Tax Administrator, has submitted his resignation, effective the end of September. A final accounting and report for all taxes collected between September 17 and October 1 will be prepared and presented to the Board in October.

ACTION: Approve settlement (Attachment A to these Minutes)

D. Approval of Bids for the Installation of Voice and Data Wiring for the Cumberland County Detention Center .

BACKGROUND: The following bids were received for the installation of voice/data wiring for the new Detention Center:

Sprint	\$102,503.33
Netcom	\$112,213.91
Omega Software & Electronic Security	\$115,873.25
TCSS	\$116,517.94
Business Communications, Inc.	\$117,956.00
Peerless Communications (bid rejected – no bid bond)	
Watson Electric – (bid rejected – no bid bond)	
Verizon Wireless – (bid rejected – items excluded in their bid)	

The low responsive bid was submitted by Sprint of Fayetteville in the amount of \$102,503.33.

ACTION: Reject the non-responsive bids (Peerless Communications, Watson Electric, & Verizon Wireless), accept the other bids and award the bid to Sprint in the amount of \$107,628, which includes a 5% contingency allowance. Funds are available in the current equipment purchase line of the projected budget.

E. Approval of Sole Source Bid for the Installation of an 800 mHz Bi-Directional Antenna System for the Cumberland County Detention Center.

BACKGROUND: The Engineering Department solicited and received statements of qualifications from firms qualified to provide for the design, acquisition and installation of a 800 mHz Bi-directional Antenna system that will allow the Sheriff's Office personnel to use their portable radios within the confines of the new Detention Center. The type of construction used in the facility prohibits radio waves from getting through the walls and to the repeater system off site rendering the radios useless inside the facility. Radio communication between officers is crucial to the operation of the facility and safety of all officers. CTA, LLC doing business as Triangle Communications was selected by the Engineering Department as being the most qualified to perform all three phases of the work. Estimated total project cost is \$427,340. The County Attorney has given an opinion that sole source purchase is justified in this case under North Carolina General Statutes.

ACTION: Find that sole source purchase is appropriate and accept the proposal from CTA, LLC to install the system and award the contract to them in the amount of \$448,000 (includes a 5% contingency).

F. Approval of Amendment #3 to Architectural Agreement for the DSS Administration Building Project.

BACKGROUND: Amendment #3 includes the following:

- an increase in the amount of \$221,634 for additional services due to an increase in the scope of the project prior to construction;

- an increase in the amount of \$171,341 for additional services related to design revisions during construction and extended construction administration services.

The original fee for basic services, \$1,310,000, was negotiated based on the building program requirements determined from a feasibility study completed in July, 1994. In the agreement with LSV Partnership dated April 5, 1995, the scope of the project was defined as a 212,000, (plus/minus) square foot facility. In August, 1996, the building program identified facility space requirements of 275,000 square feet (to accommodate growth, provide space for ancillary support services & future growth). In 1997, the Board directed staff to reduce the size of the building to 251,000 square feet. Construction documents were prepared based on this direction and the current building size is 249,680 square feet. Provisions exist in the agreement with LSV Partnership for an equitable adjustment of architectural fees when the scope of the project has been significantly increased or decreased. There was a 30% increase in the scope of the project through the design development phase and a 17% increase in scope from construction document phase through construction administration. LSV Partnership submitted a request for an adjustment in fees in the amount \$315,486. Through negotiations with the architect, the fee request for additional services prior to the construction administration phase has been reduced to \$221,634. This represents a 17% increase in the design fees that the County Engineer feels is an equitable adjustment.

The additional services provided by LSV Partnership during the construction phase of the DSS project are summarized as follows:

- design changes/additions including upfit of shell space for NC State DSS Training Center and Cingular classrooms, additional signage requested by DSS management, enhanced security system in the building, revisions to wiring for data/voice communications and electrical power. Increase in fees - \$21,763;
- extended construction administration services provided from November 1999 – May 2001. Increase in fees - \$43,440 (representing 660 manhours);
- additional services provided by LSV consultants for design revisions and extended construction administration including a 1.2 multiplier in accordance with the terms of the agreement:

Newcomb & Boyd (PM&E)	\$64,332 x 1.2	=	\$77,198
The Rose Group (Civil Eng)	\$16,580 x 1.2	=	\$19,896
McBride Hess (Landscape Arch)	\$ 7,537 x 1.2	=	\$ 9,044

The increase in fees for this work is \$106,138.

ACTION: Approve Amendment #3 in the amount of \$392,975 and increase the total contractual amount to \$2,131,560 and approve associated budget revision (B02-120)

G. Approval of Ordinance Assessing Property for the Costs of Demolition of the following property:

MH838-99, Lonnie Brown, 2239 Tolgate Road, PIN: 0415.05-18-4040.

BACKGROUND: On March 19, 2001, the Board enacted an ordinance directing that the structure located at the above address be demolished by the owner. The owner has failed to comply within the specified time period, and accordingly the Minimum Housing Inspector had the structure demolished as required by the ordinance at a cost of \$1,900.

ACTION: Adopt Ordinance (Ordinance may be found in the Minimum Housing Ordinance Book)

H. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – Lot 109-110 and parts of Lots 107 & 108, Fairview Map 4.

BACKGROUND: In 1992, the County acquired by tax foreclosure the above property located in Cross Creek Township. Total amount owed: \$9,102.73. Mr. Robert Goodrich and Billy Cain jointly have offered to purchase the County’s interest in the property for \$9,102.73 and have deposited \$910.27 in the Finance Department. The value of the property is \$73,181.00. The property is surplus to the needs of the County. The property has been advertised for upset bids, and none have been received.

ACTION: Consider accepting the offer of \$9,102.73 and if accepted authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

I. **Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – Lot 15 and parts of Lots 11 and 13, Harper Street/ Atkinson property.**

BACKGROUND: In 1999, the County acquired by tax foreclosure the above named property. The amount currently owed is \$2,222.20. Mr. John Spence has offered to purchase the County’s interest in the property for \$2,222.20 and has deposited \$222.22 in the Finance Department. The value of the property is \$3,000. The property is surplus to the needs of the County, the offer has been advertised for upset bids and no upset bids have been received.

ACTION: Consider accepting the offer from Mr. Spence, and if accepted authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

J. **Approval of Redemption of Surplus County-Owned Real Property Acquired by Tax Foreclosure.**

BACKGROUND: On March 5, 1999, the County acquired by tax foreclosure sale property listed to Cape Fear & Southwestern Free Will Baptist Conference as .50 acres Roberton & Wade Land, located in the Black River Township. Amount owed: \$550.00 Cape Fear Southwestern Free Will Baptist Conference has offered to purchase the County’s interest and exercise its equity of redemption for \$550.00. It has deposited \$550 with the Finance Department. NCGS 105-376 & 160A-267 authorizes the Board to resell property acquired by tax foreclosure to the former owner or any person having an interest in the property for an amount not less than the costs associated with the foreclosure and subsequent resale.

ACTION: Consider accepting the offer of \$550 to repurchase the property, plus cost upon legal advertisement as authorized by the above statute.

K. **Approval of Bid Awards for Solid Waste Containers.**

BACKGROUND: The following bids were received for Solid Waste Containers:

	Carolina Environmental
4 ea stationary compactor w/ 40 yd box:	\$100,700
1 ea 40 yd compactor box:	\$ 4,500
3 ea 30 container box:	\$ 9,241.50
6 ea 40 yd container box	\$ 21,090
6 ea 8 yd container box	\$ 3,455.20
	Cavalier Equipment
4 ea stationary compactor w/ 40 yd box:	\$ 71,322
1 ea 40 yd compactor box:	\$ 4,818
3 ea 30 container box:	\$ 10,499.01
6 ea 40 yd container box:	\$ 23,886
6 ea 8 yd container box:	\$ 3,740
	Lodal-South
4 ea stationary compactor w/ 40 yd box:	no bid
1 ea 40 yd compactor box:	no bid
3 ea 30 container box:	\$ 9,180

6 ea 40 yd container box	\$19,800
6 ea 8 yd container box:	\$3,750

ACTION: Award bids as follows:

Carolina Environmental –	1 40 yd compactor box	\$4,500
	6 8 yd container boxes	\$3,455.20 (each)
Cavalier Equipment -	4 stationary compactor w/ 40 yd box:	\$71,332
Local – South -	3 30 yd container boxes	\$9,180
	6 40 yd container boxes	\$19,800

Total Bid: \$108,267.20

L. **Budget Revisions:**

ACTION: Approve

(1) **Library**

Revision in the amount of \$8,024 to reallocate funds to fund the reclassification of a Computer Lab Associate to a Microcomputer Technician Trainee. (B02-102) **Funding Source – Reallocation of Budgeted Expenditures**

(2) **Injured Animal Stabilization Fund**

Increase in revenue and expenditures in the amount of \$3,000 to budget for expected donations for injured animals. (B02-123) **Funding Source – Donations**

(3) **Child Health**

Revision in the amount of \$119 to reallocate funds to fund the reclassification of a PHN I to a PHN II. (B02-124) **Funding Source – Reallocation of Budgeted Expenditures**

(4) **Mental Health**

- a. RCE-TASC – Increase in revenues and expenditures in the amount of \$430,752 to budget for the new “Treatment Alternatives to Street Crime Regional Coordinating Entity Grant”. (B02-145) **Funding Source – TASC Grant**
- b. Child & Youth Periodic Outpatient Services – Revision in the amount of \$3,508 to reallocate funds for the reclassification of HS Clinical Counselor to Licensed Clinical Counselor-T. (B02-146) **Funding Source – Reallocation of Budgeted Expenditures**
- c. DSS Family Preservation – Revision in the net amount of \$223 to reconcile the county budget to the approved state contract. (B02-148) **Funding Source – Federal**
- d. ABLE - Revision in the amount of \$2,531 to reconcile the county budget to the state budget. (B02-149) **Funding Source – State**
- e. Adult Developmental Disabilities - Revision in the amount of \$24,000 to reconcile the county budget to the state budget. (B02-150) **Funding Source – State**

(5) **Landfill Construction Capital Project**

Revision in the amount of \$9,262 to reallocate funds to budget for additional consultant services. (B02-125) **Funding Source – Reallocation of Budgeted Expenditures**

(6) Social Services Other

Revision in the amount of \$62,264 to rebudget the remaining funds in the Duke Neighbor Grant from FY 00-01. (B02-151) **Funding Source – Duke Neighbor Grant**

(7) Tax Administration

Revision in the amount of \$12,500 to appropriate fund balance to fund TMA audits. (B02-152) **Funding Source – County Fund Balance**

REGULAR AGENDA

3. Nominations to Boards and Committees

A. Minimum Housing Appeals Board (2 Vacancies)

BACKGROUND: The following persons will complete terms on the Minimum Housing Board on October 31, 2001:

Willie McKoy	Eligible for reappointment
Susan Mills	Eligible for reappointment

Nominees: Willie McKoy
Susan Mills

B. Nursing Home Advisory Board (1 Vacancy)

BACKGROUND: Robert Pringle will complete his initial one year term on the Nursing Home Advisory Board on October 31, 2001. He is now eligible for appointment to a full three-year term.

ACTION: Nominate Mr. Pringle for a 3-year term.

Nominee: Robert Pringle

C. Workforce Development Board (2 Vacancies – Need 3 Nominations)

BACKGROUND: The Workforce Development Board has the following vacancies among the Private Sector representatives:

John E. Hagle
Ole Sorensen

In accordance with the Statutes, the number of nominations for Private Sector Representatives shall be at least 150% of the number of individuals to be appointed. You will need to make at least 3 nominations for these two positions.

Nominees: Bob Dickerson
Leesa Jensen
Barry Bullock

4. Appointments to Boards and Committees

MOTION: Commissioner Blackwell moved to appoint the nominees in Item 4A-E by acclamation.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

A. Adult Care Home Community Advisory Committee (5 Vacancies)

Nominees: George Jamison, Jr. (Reappointment)
Thomas E. Jones
Susan Phillips (Reappointment)
Mary C. Pickens (Reappointment)
Marion E. Wall

B. Board of Adjustment (1 Vacancy)

Nominee - Alternate Member Position: Jethro Coe, Jr.

C. Cape Fear Valley Health System Board of Trustees (3 Vacancies)

Medical Staff Nominations: Zane Walsh, MD
Carol Wadon, MD
Robert Appel, MD

D. Juvenile Crime Prevention Council (2 Vacancies)

Nominees: Member of Business Community: Marya Fuentes
At-Large Representative: Anita Hill

E. Mid-Carolina Aging Advisory Committee (5 Vacancies)

Nominees:
Volunteers Representatives: Bonnie Ammons
Barbara T. Leach (Reappointment)
Lesley Resnick-Ward (Reappointment)

Consumers Representatives: Sarah Bracey
Eleanor W. Fleishman (Reappointment)

5. Consideration of Resubmittal of Application for Kelly Hills/Slocumb Road Sewer Project to the North Carolina Rural Center.

BACKGROUND: In March 2001, Cumberland County submitted a grant application to the NC Rural Center for the Unsewered Communities Program in an attempt to secure funding for the Kelly Hills/Slocumb Road Sanitary Sewer Project. Although the application scored highly it was not funded. In order to be eligible for the next round of funding we must resubmit our application. A application requires a resolution from the Board of Commissioners authorizing submission of the application. The resolution specifies that should the grant funds be awarded for this project, the Board of Commissioners will set up a water & sewer district, establish a rate schedule, provide for operation and maintenance of the sewer system, and adopt a sewer use ordinance and mandatory hook-up policy. It is anticipated that the District would contract with PWC for operation and maintenance of the sewer system.

ACTION: Adopt Resolution

RESOLUTION

WHEREAS, The Federal Clean Water Act Amendments of 1987, Federal Safe Drinking Water Act Amendments of 1996, the NC Clean Water Revolving Loan and Grant Act of 1987 and the NC Clean Water and Natural Gas Critical Needs Bond Act of 1998 have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems; and

WHEREAS, the County of Cumberland has need for and intends to construct a wastewater collection system project known as Kelly Hills/Slocumb Road Sanitary Sewer Project as shown on the map; and

WHEREAS, the Board of Commissioners of Cumberland County intends to create a Water and Sewer district for the Kelly Hills/Slocumb Road area pursuant to NCGS 162A-86; and

WHEREAS, the Board of Commissioners of Cumberland County, acting for and on behalf of the proposed Kelly Hills/Slocumb Road Water and Sewer District, intends to request state grant assistance for the project.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY;

That the County will arrange financing for all remaining costs of the project, if approved for a State grant award.

That the County will adopt and place into effect on or before completion of the project, a schedule of fees and charges which will provide adequate funds for proper operation, maintenance and administration of the system, a capital reserve fund for future system improvements, and the repayment of all principal and interest on the debt.

That the County of Cumberland will provide for efficient operation and maintenance of the project through an agreement with PWC of Fayetteville on completion of construction thereof.

That the County of Cumberland intends to adopt a sewer use ordinance consistent with the current Sewer Use Ordinance of PWC of Fayetteville and a mandatory hook-up policy if this project is approved for a State grant award.

That J. Lee Warren, Jr., Chairman, and successors so titled, is hereby authorized to execute and file an application on behalf of Kelly Hills/Slocumb Road Water and Sewer district and the County of Cumberland with the State of North Carolina for a grant to aid in the construction of the project described above.

That the County of Cumberland has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

MOTION:

6. **Consideration of Request to Address the Board of County Commissioners Regarding the School Crossing Guard Issue** – Appearing: Jeffrey A. Harrison
Sandra Gibson

Sarah Gibson, a concerned parent, addressed the Board regarding the need for school crossing guards. She spoke specifically to the need for a guard at Ireland Drive and Lenoir Street. She said that this crosswalk is used by students from Ireland Drive Middle School, Douglas Byrd Middle School and Byrd Senior High. She noted that this is the shortest route for students who live in the Drake Park Subdivision. She said 50-75 students use this crosswalk daily. The DOT has said that 15,000 cars travel Ireland Drive every day. In addition, Ireland Drive and Lenoir Street have been deemed one of the most dangerous school crosswalks in Cumberland County; however there are no guards there. At this time some parents are assisting the children in crossing the road; however, they are untrained and there is a concern about liability. Ms. Gibson presented a petition signed by 2500 people requesting that money be appropriated to reinstate all crossing guards.

The daily rate for a crossing guard is \$24. Depending on the location, school guards work from two to three hours daily. The Sheriff's Department and School Transportation Office have met and determined the following priority areas for reinstating guards:

Byrd High School
Fayetteville Christian School
Ireland Drive Middle School

Auman Elementary
Chesnutt Middle School
Collier elementary
Easom Elementary
Fayetteville Academy
Ferguson Easley
Hope Mills Middle School
Martin Elementary (2 sites)
Owen Elementary
St. Patricks School
Williams Middle School
Willis Elementary

The cost to reinstate the above crossing guards at this time is \$69,865. The annualized cost of these positions is \$77,152. There are 11 more schools in addition to the above who do not have crossing guards.

Commissioner King inquired of the Sheriff as to how he can help in this situation. Sheriff Butler said the guards are needed; however, he has no money in his budget to pay for them, because of the budget cuts. Commissioner King said he thought it unreasonable to think in a budget as large as the County's, \$69,000 could not be found.

Commissioner Henley inquired of the County Attorney about the legality of county funds paying for crossing guards at private schools. The County Attorney indicated it is an expense that is legal; however it is a policy decision for the Board of Commissioners. In addition, Commissioner Henley inquired about criteria used to determine which schools would receive crossing guards. The Sheriff noted he worked with the School System, specifically Phil Mullen, to make the determination. Mr. Mullen indicated they looked at the schools and made a determination; apparently no written criteria were used.

Commissioner Baggett said the issue of school crossing guards should not be a political one. The safety of our children is an important issue. He said it was his feeling that this issue is really one that the School System should be addressing rather than our Sheriff's Office. The County Attorney noted that it is the Sheriff's Office who has the authority to appoint the crossing guards. Mr. Baggett noted that while it may be the responsibility of the Sheriff to appoint and train the guards, the School System could assist in providing funding.

Chairman Warren inquired if some of the SRO officers could double as school crossing guards in the morning and afternoons at the middle schools. The County Attorney was directed to check to see if there are any legal issues/liability issues if the SRO officers were used as crossing guards. Chairman Warren said this Board, the Sheriff and the School Board should work collectively to find a way to put school crossing guards where ever they are needed.

Commissioner Council said she would like a report on what is being done about this at the October 1 commissioners' meeting.

Commissioner Blackwell noted that all departments had to cut their budgets; however it was the department head who determined where the cuts would be made, not the Board of Commissioners. Mr. Blackwell also noted that perhaps an exception could be made to the requirement that children living within 1½ miles of a school cannot ride a bus. Commissioner Blackwell said he also thought some of the SRO's could be used as school crossing guards, and also asked about the possibility of using maintenance staff as school crossing guards. He noted that Whiteville City Schools use their janitorial people as school crossing guards. He said he did not understand why we cannot train volunteers, teachers and/or custodians to provide this service. He said if it's legal, let's explore the possibility.

Commissioner Edge said he thought this problem could be solved. He said it was the Sheriff who made the decision to cut the school crossing guards, not the Board of Commissioners. He noted that in looking at the Sheriff's Budget, there is only a 2.3%

decrease in the current fiscal year budget when compared to his budget last fiscal year. Commissioner Edge said he believed there is money to address this issue.

Commissioner Henley noted the importance of coming up with a methodology to apply when considering what gets funded. He said we should know how we allocate scarce resources. He also suggested that perhaps there are other things that can be looked at in order to address traffic problems around the schools, such as traffic patterns.

Commissioner Baggett inquired whether the Sheriff could come up with \$35,000 of the approximately \$70,000 needed to put guards at the sixteen priority areas as designated by the school system? The Sheriff said he did not know; they would have to look at the budget. Commissioner Baggett said if the Sheriff can find \$35,000 he believes the County will be able to find \$35,000.

To reiterate some of the suggestions above, the Manager said staff would pursue the following issues:

- see if there is money in the Sheriff's budget to fund the school crossing guards;
- determine if SRO's can be utilized as school crossing guards;
- determine if volunteers/maintenance staff/teachers can be utilized as guards;

Commissioner Henley suggested we also inquire if the Board of Education can help us with some of the funding.

Staff will report back to the Board of Commissioners on this issue at the October 1, 2001 meeting.

7. Report on Status of the State Veteran's Memorial Park.

BACKGROUND and UPDATE: On July 23, 1996, the Board of Commissioners voted unanimously to submit a Letter of Interest to the Persian Gulf War Memorial Commission (PGWMC) to have Cumberland County considered for the location of the proposed State Veterans Park as set forth in Governor Hunt's Executive Order 91. The Commission recommended approval of Cumberland County and Governor Hunt asked the Commission to proceed in cooperation with the Cumberland County Delegation and Mr. Joe Henderson of the State Property Office to negotiate a mutual memorandum agreement to establish the Park in Cumberland County. A Memorandum of Understanding was signed on April 23, 1997. The property was purchased by the County to accommodate the East Regional Branch Library, a county park and the State Veterans Park. The Cumberland County Veterans Council endorsed the Park May 8, 2000. As of this date, no funding has been awarded to the State to support the project. Mr. Charles Smith, Asst. Secretary for Veterans Affairs, informed us that legislators did not provide funding last year for the project and chances for funding this year are doubtful. The City of Fayetteville supports the park and does not see its proposed Freedom Park located at Hay Street and Bragg Boulevard replacing the State Veterans Park.

No action needed.

8. **Closed Session**
- A. Economic Development Matter
 - B. Personnel Matters

MOTION: Commissioner Blackwell moved to go into Closed Session to discuss the above noted issues.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

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

SECOND: Commissioner Council

VOTE: UNANIMOUS

MOTION: Commissioner Baggett moved to appoint Aaron Donaldson, Interim

Tax Administrator, effective October 1, 2001, approve his bond and transfer it from the current Tax Administrator, effective October 1, 2001, and approve his salary as Interim Director at 10% above his current salary.

SECOND: Commissioner King
VOTE: UNANIMOUS

MEETING ADJOURNED: 11:20PM
