

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
NOVEMBER 18, 2002, 7:00PM
REGULAR/REZONING MEETING

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

INVOCATION: Kenneth Edge

PLEDGE OF ALLEGIANCE: Dianna Hughes – Kindergarten – Sherwood
Park Elementary School

EX-OFFICIO STUDENT: Alexis Bates, Douglas Byrd High School
President, SGA

Chairman Blackwell congratulated the FSU Football Team on winning the CIAA Championship.

ADDITION TO THE AGENDA:

Mr. Martin asked that the board add an Economic Development Matter as Item 6C for the Closed Session.

MOTION: Commissioner Warren moved to add an Economic Development Matter for Closed Session as Item 6C.
SECOND: Commissioner King
VOTE: UNANIMOUS

1. Public Hearings

Uncontested Rezoning Cases

- A. Case P02-82. The rezoning of .68 acres from RR to R10 or a more restrictive zoning district on the southwest quadrant of Redwood and Acacia Drives, owned by Regency Homes

The Planning Board recommends approval of R10.

- B. Case P02-86. The rezoning of a 10.0 acre portion of a 100-acre tract from PND and R10 to C(P) or to a more restrictive zoning district, on the southwest quadrant of McLoskey Road and Ramsey Street, owned by William E. Clark

The Planning Board recommends approval of C(P).

Ordinance Amendments

- H. Case -02-89. Amend Appendix A, Section 10.2, "Definitions," by deleting all references to Family Care Home and replacing, in alphabetical order, with the term coinciding definition, Group Home; both in alphabetical order; Section 2.12(b) by replacing the term Family Care Homes with the term Group Homes; amend Tables 1-A-2, 1-B, 1-B-1, 1-C, 1-C-1 and 1-D by deleting the term Family Care Home and adding the term Group Home in alphabetical order.

The Planning Board recommends approval of the amendment.

MOTION: Commissioner Edge moved to follow the Planning Board recommendations

for the Uncontested Rezoning Cases to include P02-82 and P02-86 as well as Ordinance Amendment Case P02-89.
SECOND: Commissioner King
VOTE: UNANIMOUS

Vice Chairman Baggett recognized Mr. Buddy Creed and Mr. Crawford McKeithan for the work they have done on the project related to Case P02-86.

Mr. Creed, CEO of South River Electric Membership Corporation advised that the rezoning was requested in order for SREMC to proceed with a project to locate a service center in Fayetteville to serve the Cumberland County area. The current offices located in Stedman and Anderson Creek would be combined at this new location.

Contested Rezoning Cases

- C. Case P02-46. The rezoning of a 14.1 acre portion of a 16.4 acre tract from RR and CD to R10 on the South side of Raeford Road, east of the county line, owned by Floyd Construction Company, Inc.

The Planning Board recommends R15.

SPEAKERS:

1. Stuart Clarke: Attorney for the petitioner. He noted he has been advised by his client to inform the Commissioners that he will accept the R15 zoning which will allow the construction of 33 homes instead of 47. His client asked that the R15 zoning be approved.
2. Clinton Harris: Opposed to the rezoning request. He noted the problems in the area with water and sewer. He noted the City of Fayetteville will annex the property eventually and upgrade it by putting in water and sewer.

Rebuttal: Mr. Clarke advised water and sewer is available for the subject property.

MOTION: Commissioner King moved to approve the R15 zoning for the property.
SECOND: Commissioner Henley
VOTE: UNANIMOUS

- D. Case P02-85. The rezoning of 38.4 acres from M(P) to A1 or a more restrictive zoning district on Downing Road, west of I-95, owned by Lucas Industries North America, Inc.

The Planning Board recommends denial of A1 and approval of C(P).

SPEAKERS:

1. Clinton Harris: Does not feel the A1 zoning requested should have been denied. If the Church needs to have trailers to accommodate its plans, the zoning should be allowed in the A1 zoning. He feels the Church is being forced to request C(P) zoning. If C(P) zoning is approved, the Church will have to come back to the Commissioners for any changes or additions it wishes to make. The Church should have the right to develop the property as it sees fit.
2. Michael Jones: Attorney for the Petitioner. In favor of the rezoning. Cumberland Christian Center agrees with the recommendation by the Planning Board for C(P) zoning and would like to have it approved. He noted the recent newspaper article does not reflect the Church's view. The Church wants to benefit the community. He noted the various activities and services provided by Cumberland Christian Center. He noted the property was zoned industrial in 1979 and nothing has taken place there since. The plans Cumberland Christian Center has will benefit the community. The Church requests that the Commissioners approve the rezoning to C(P).
3. Donnell Fuller: In favor of the rezoning. The Pastors of Cumberland Christian Center have helped many children and adults in the community. The project proposed by the Church will enhance the community. The complex will be built where people enter into Fayetteville. The Church believes this project will help the County's image. Other sites can be designated at "mega sites".

4. Bob Van Wormer: In favor of the rezoning. He represents the current owners of the property. He advised that industries have been working with FAEDC with no results. There have been no other offers to purchase this property other than the offer made by Cumberland Christian Center. There are hundreds of acres of property other than the subject property that can be developed.
5. Rex Harris: In favor of the rezoning. He displayed the Church's plans for the property. The project will help handicapped persons and many others. The property has been vacant for 20 years. This project will be good for the City and an asset to all involved.
6. John Swope: Opposed to the rezoning. The FAEDC represents all the citizens in Cumberland County. One major role of FAEDC is to be able to offer outstanding sites. The sites need to be ready. FAEDC has worked with several projects on this site over the last few years. It was one of four national finalists for an auto industry plant with an impact like Kelly Springfield. This site has 600 acres as well as access to natural gas, major electrical, a water tank, CSX rail nearby and offers access to Interstate 95 within single digit miles. This property is rare because of these amenities. It has a tremendous value for the County. It is probably the only mega site in the County.
7. Dan Dederick: Opposed to the rezoning. He is President of the FAEDC. He believes the Church's plans are wonderful. Cumberland County has lost a great deal of business to South Carolina and Florida. Unless the County has a site with access to I-95, it cannot be a key player when competing for some big businesses. The County needs a site such as this.

Rebuttal:

Michael Jones stated that if the zoning is approved it would be a "win-win" situation for everyone.

Commissioner King asked that John Gillis address the board concerning this case.

Mr. Gillis noted he is Chairman of the Joint Planning Board and he is a member of the FAEDC Board of Directors. He voted to rezone the property because there was no opposition when the Planning Board heard the case when it was presented a second time. He noted a presentation was made by FAEDC at the first hearing, but it was not detailed. He did not understand the ramifications of the long term economic issues and therefore had no reason to vote in opposition to the C(P) zoning.

Commissioner Council asked the following questions:

- How many mega sites does the County have with the amenities that the subject property has?
- Is this property one of four sites considered nationwide for a major project within the last three years?
- How long would it take to put together a site comparable in size to this property?
- Is there another site in Cumberland County the same size and with the same amenities as the subject property?

John Swope advised the subject property was the only site with 500+ acres and the amenities mentioned. There are other industrial sites in the county, but they are located in rural areas, many without all major utilities, and are not interstate mega sites. The subject property was the only site to make a final four cut. The project it was considered for was shelved, but he understands there is renewed interest in the project and this site may be visited in the future.

Mr. Martin advised there are other sites comparable in size, but there is difficulty with access and amenities. Interstate visibility would be extremely difficult to find.

Mr. Swope noted FAEDC is always studying land in the County. There is property south of the airport area, but it does not have the topography the subject property has and there is no rail access. There is not another site in the County that offers everything the subject property has.

Commissioner Council asked Michael Jones how the Church planned to expand in the future.

Mr. Jones advised that expansion would come from contiguous lots. The Church’s goal is to expand and have a strip mall in the future. The Church wants to benefit the whole community. He feels there is enough land to keep the mega site without using what the Church wants. He has not heard why the Church’s purchase of 38 acres takes away from the rest of the site.

Commissioner Henley stated that the Church has solid goals and would be an asset to any community. This site could be lost and the County would not be ready for a big industry to move in. He noted the lack of water and sewer to the County’s new industrial park. He stated the 38 acres may not make a difference, but the future expansion of the Church is unknown. There is no way of knowing what industry may be located near the Church and what hours of operation an industry may have. He noted that FAEDC has worked with Pastor Herman to identify other suitable sites for the Church. If this request is denied, FAEDC will continue to assist in any way to help the Church find a site that meets its needs and is a reasonable price.

Vice Chairman Baggett noted Church worship and heavy manufacturing don’t go well together. He noted the church located near the County’s new industrial park and the problems experienced by the Church. The Commissioners must weigh the rights of the Church with the plans of FAEDC for a unique site. He believes it would be a mistake to rezone the property. The Church is doing wonderful work and FAEDC needs to assist the Church in finding a site that is suitable and affordable.

MOTION: Commissioner Baggett moved to deny the recommendation of the Planning Board and that the property zoning should remain M(P).
SECOND: Commissioner Henley
DISCUSSION: Commissioner King stated the Board must look “down the road” at what might happen if the Church moved onto this site. The Board of Commissioners and the community should work with Cumberland Christian Center to find a site that everyone can live with.
VOTE: UNANIMOUS

Conditional Use Overlay Cases

- F. Case P02-83. A Conditional Use Overlay District and Permit to allow a nail salon and residence in an O&I District, containing .3 acres, at 2034 Hope Mills Road, owned by than H. Nguyen and Cu T. Huynh.

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

- only one driveway is to be provided, and all access is to be on and off of Hope Mills Road in a forward motion;
- parking is to be provided atone space for every 200 square feet of business space used, plus two spaces for the residents; and
- only the owner of the business and family live on the premises.

MOTION: Commissioner Baggett moved that the Board of Commissioners 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 Edge
VOTE: UNANIMOUS

MOTION: Commissioner Baggett moved that the Board of Commissioners finds that this conditional use district overlay permit application, if completed as proposed and subject to the recommended conditions,
1. will not materially endanger the public health and safety, and
2. will not substantially injure the value of adjoining or abutting property, and
3. will be in harmony with the area in which it is to be located, and
4. 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

- G. Case P02-84. A Conditional Use Overlay District and Permit to allow a Repossession Company in a C1 District, containing 1.14 acres, at 7050 Ramsey Street, owned by Billy Sr. and Billy Jr. Whittenton

The Planning Board recommends approval of the Conditional Use Overlay District and Permit.

MOTION: Commissioner Baggett moved that the Board of Commissioners 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 Edge
VOTE: UNANIMOUS

MOTION: Commissioner Baggett moved that the Board of Commissioners finds that this conditional use district overlay permit application, if completed as proposed and subject to the recommended conditions,

1. will not materially endanger the public health and safety, and
2. will not substantially injure the value of adjoining or abutting property, and
3. will be in harmony with the area in which it is to be located, and
4. 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

- E. Case P02-77. Revision of a PND/CUO on 5.0 acres and a Conditional Use Overlay District and Permit to allow mini-storage units and RV/Board Storage on 2.07 acres, in a PND District on the southeast quadrant of Bingham and Pepperbush Drives, owned by Robert and Judy Draughon.

The Planning Board recommends approval of the revision and denial of the permit.

SPEAKERS:

1. Stuart Clarke: Representing the petitioners. The owners are requesting an extension of what was approved one year ago for a mini storage business. Mr. Dodd lives to the East of the property and has had opposition to this request. All issues with Mr. Dodd have been resolved. The request is to allow addition of more buildings.
2. Robert Draughon – passed.
3. Julian Mann: He advised that they want to add to the business. They will be doing away with the boat storage and will be giving that parcel to Mr. Dodd.
4. Clyde Dodd: He wants to speak in favor of the request. The owner of the property has gone to great lengths to work with him.

A revised site plan was submitted by Mr. Clarke indicating the portion of the property to be deeded to Mr. Clyde Dodd.

MOTION: Commissioner Baggett moved that the Board of Commissioners finds that this conditional use district overlay application with the revised proposed site plan filed with the Deputy Clerk, is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that it be approved with the revised proposed site plan filed with the Deputy Clerk.

SECOND: Commissioner Henley
VOTE: UNANIMOUS

MOTION: Commissioner Baggett moved that the Board of Commissioners finds that this conditional use district overlay permit application, with the revised proposed site plan filed with the Deputy Clerk if completed as proposed and subject to the recommended conditions,

1. will not materially endanger the public health and safety, and
2. will not substantially injure the value of adjoining or abutting property, and
3. will be in harmony with the area in which it is to be located, and
4. 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

Minimum Housing Hearings

I (1) Case MH-1682-2002, 1150 Arran Circle, Franklin W. Johnson,
Marion Lewis & Linda Pinsky, PIN # 0406-29-3747

Affidavit of the Housing Inspector's Report

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on case number MH 1682-2002 and is identified as Item 1I(1):

Property Owner: Franklin W. Johnson, Marion Lewis, and Linda Pinsky
Property Address: 1150 Arran Circle, Fayetteville, NC
Tax PIN: 0406-29-3747

SYNOPSIS: This property was inspected on June 5, 2002. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on June 25, 2002. No owner or party of interest attended the hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than September 25, 2002. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on November 7, 2002, no corrective action had been made to the structure. The structure is presently vacant and secured. In its present state, this structure constitutes a fire, health and safety hazard. The estimated cost to repair this structure to a minimum standard for human habitation is \$20,000. The Assessor for Cumberland County has this structure presently valued at \$9,895.

RECOMMENDATION: It is the recommendation of the Inspection Department that the structure be demolished and the debris removed from the lot.

SPEAKERS: None

MOTION: Commissioner Baggett moved:

- to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and
- to order the property owner to remove or demolish the dwelling within 60 days.
- to order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.
- to direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds office.

SECOND: Commissioner Council

VOTE: UNANIMOUS

I(2) Case MH 1636-2002, 4410 Dominion Road, Fayetteville, NC, Willie J. Cooper, PIN: 0415-79-7338

Affidavit of the Housing Inspector's Report

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on case number MH 1636-2002j and is identified as Item Number I(2).

PROPERTY OWNER: Willie J. Cooper

PROPERTY ADDRESS: 4410 Dominion Road, Fayetteville, NC – 20x30 Frame Accessory Building

TAX PIN: 0415-79-7338

SYNOPSIS: This property was inspected on April 2, 2002. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on April 30, 2002. No one attended the hearing. It was ordered that the accessory structure be repaired to a minimum standard for accessory structures, or be demolished and the

debris removed from the premises by a date not later than June 14, 2002. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on November 7, 2002, no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, this structure constitutes a fire, health and safety hazard. The estimated cost to repair this structure to a minimum standard for accessory buildings is \$5,000. The Assessor for Cumberland County has this structure presently valued at \$0.

RECOMMENDATION: It is the recommendation of the Inspection Department that the structure be demolished and the debris removed from the lot.

SPEAKERS: None

MOTION: Commissioner Baggett moved:

- to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and
- to order the property owner to remove or demolish the dwelling within 60 days.
- to order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.
- to direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds office.

SECOND: Commissioner Council

VOTE: UNANIMOUS

2. CONSENT AGENDA

- A. Approval of Minutes: October 29, 2002, November 4, 2002

ACTION: Approve

- B. Approval of Adoption of 2003 Schedule of Values

BACKGROUND: State Statute 105-317(b)(1) requires that the uniform schedule of values, standards, and rules be prepared for each revaluation of real property, one for appraising property at market value and one for appraising property as its present-use value. Before final approval, notice must be published and the public must be given an opportunity to comment on the proposed schedules. Once the board of commissioners adopts the schedule of values, there is a 30 day appeal period to the NC Property Tax Commission. All notices have been published and a public hearing was held on November 4.

ACTION:

- Approve/adopt the proposed Schedules, Standards, and Rules for the 2003 Revaluation (one motion)
- Approve/adopt the proposed Use-Value Manual for the 2003 Revaluation (separate motion)
- Direct the Tax Administrator to publish, under his name and for the Board of Commissioners, a statement in a newspaper having general circulation in the county stating: (a) The Schedules, Standards, and Rules and the Value Manual to be used in the 2003 revaluation have been adopted and are open for examination in the Office of the Tax Administrator located in the New Courthouse, 5th floor, Room 570, 117 Dick Street, Fayetteville, NC. (b) A property owner who asserts that the Schedules, Standards and Rules or the Use-Value Manual are invalid may take exception thereto and appeal to the Property Tax Commission within 30 days of the date this notice was first published, November 19, 2002. This notice shall be published on November 19, 26, December 3, and 10, 2002.

- C. Approval of FY2004 NCDOT Community Transportation Program (CTP) Grant Application

BACKGROUND: The FY2004 Community Transportation Program Grant application must be advertised and made available for citizens' review and any request for a public hearing. No request was made. The total budget request for FY04 is:

Federal & State grant:	\$	56,959.95
Local match:		10,008.05
Total	\$	66,948.00

The funds will cover the costs for the Coordinator and administrative support for the Community Transportation Program.

ACTION: Approve Resolution authorizing application.

RESOLUTION

WHEREAS, Article 2B of Chapter 136 of the NC General Statutes and the Governor of North Carolina have designated the NCDOT as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the NCDOT will apply for a grant from the US DOT, Federal Transit Administration and receives funds from the NC General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy program, disadvantaged business enterprise program and fully allocated costs analysis); and

WHEREAS, Cumberland County hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements which relate to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U.S.C.

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

D. Approval of Notice of Settlement of Litigation (Fayetteville Publishing Company vs. Cumberland County)

BACKGROUND: As previously authorized by the Board of Commissioners, the case of Fayetteville Publishing Company v. Cumberland County has been settled as reflected in the court filings. The County has withdrawn its appeal of the Superior Court’s decision and Fayetteville Publishing Company has withdrawn its application for attorneys’ fees.

No action required.

E. Decline Board of Education’s offer to purchase surplus school property

BACKGROUND: On March 11, 2002, the Board of Education approved a resolution declaring the property on Deep Creek Road adjacent to Good Hope Baptist Church as surplus property. The Board of Education is offering for purchase the property to the Board of Commissioners.

ACTION: Decline the offer to purchase.

H. Budget Revisions

- (1) Sheriff’s Office: B03-188 – Amount: \$42,443 – to recognize revenue from insurance settlements and increase the expense budget to purchase two replacement law enforcement vehicles. Funding Source – Insurance Settlements
- (2) Eastover Water System Project: B03-185 – Amount: \$20,000 – to rebudget unused interest expense to fund additional project work and engineering services approved by the Eastover Sanitary District Board on November 5, 2002 and to approve

revised Capital Project Ordinance. Funding Source – Reallocation of budgeted expenditures.

(3) Eastover Sanitary District: B03-186 – Amount: \$10,000 – to appropriate fund balance to pay invoice for engineering services provided by Hobbs Upchurch relating to the feasibility of the Eastover Sanitary District establishing a sewer system. Funding Source – Appropriated Fund Balance

(4) Health

a. Health Promotion: B03-187 – Amount: \$6,780 – to recognize funding received to support the Safe Kids Buckle Up Program. Funding Source – State

b. Childhood Lead Poisoning Prevention: B03-184 – Amount: \$920 – to reduce revenue/expenditures in order to reflect an unanticipated reduction in state funding. Funding Source - State

MOTION: Commissioner Warren moved to approve the items under the Consent Agenda with the exception of 2-F and 2-G.

SECOND: Commissioner Council

VOTE: UNANIMOUS

F. Approval of Community Development Conditional Commitment to fund Pineridge Manor Affordable Housing Development

BACKGROUND: Terry Spell of Terry Spell Realty has requested that the County participate in the construction of an affordable housing apartment complex for seniors called Pineridge Manor. The complex will be located off of Hope Mills Road in Hope Mills adjacent to the new post office and Bi-Lo Shopping Center. The developer is proposing construction of a 72-unit single 2-story building with an elevator and ample interior congregate space. The complex will offer 48 one-bedroom units and 24 two-bedroom units, targeting seniors ages 55 and older, who earn between \$13,000 and \$22,000 per year. Supportive services will be offered on site through the Episcopal Housing Ministry based in Raleigh. Mr. Spell requests \$360,000 from the County Community Development entitlement funding at an interest rate of 2% for 20 years. The project is eligible under the Affordable Housing Program and is consistent with the housing goals identified in the Consolidate Plan. The commitment is contingent upon approval of the Community Development Annual Action Plans for Program years 2003-04 by the Board of Commissioners. The commitment is also conditional upon the completion of a satisfactory environmental review as determined by the County. Upon receipt of the conditional commitment, developer may undertake non-physical project activities without restriction using its own funds. If the funds are used for an activity that has an adverse environmental impact or that limits the choice of alternatives prior to HUD's approval of the County's request for release of funds, the County may be unable to fund the project.

ACTION: Authorize the County Manager to sign a Letter of Conditional Commitment with Terry Spell of Terry Spell Realty.

MOTION: Commissioner Henley moved to send this item to the Policy Committee to look at issues related to competitive bidding for funding for low income housing to include the development of how applications are reviewed, consistency in the awarding of funds and a means by which interested parties are made aware of Requests for Proposals and the review of the proposals received.

SECOND: Commissioner Edge

DISCUSSION: Commissioner Council asked if this action would include the last proposal approved by the Board at its previous meeting.

Commissioner Henley stated he did not feel the Board could revisit that action.

Commissioner Warren stated the County needs to make sure it is doing all it can to ensure all interested parties are treated fairly. The projects done in the past have been excellent. He is concerned that all parties are not being treated fairly if the proposal recently approved is not forwarded to the Policy Committee for consideration. He feels the wrong message is being sent.

Commissioner Edge stated that a fair policy needs to be established. The Commissioners were unaware of the current project when the last one was approved. He believes all

parties involved want to be treated fairly. He stated he would like all the funds to be used with Cumberland County groups.

Commissioner Council asked if both of the projects being discussed should have the bidding process conducted again.

Nena Wilson, Community Development Director stated she would like to put a Request for Proposals plan in place. HUD does not require RFPs for affordable housing projects, but a locality may choose to do so. There are limited funds for affordable housing. She was aware of this project when recommending the previous project and proposed to use some CDBG funds in contingency for this project. She noted that when block grant funds are used, the geographical location of the developer cannot be considered. This is a HUD requirement.

Commissioner Baggett asked about guidelines or requirements for developers.

Ms. Wilson suggested Community Development follow the same guidelines for developers as NC Housing Finance. If an inexperienced developer received funding, they would have to associate with an experienced developer for a period of time.

Commissioner Council asked if there could be an agreement with HUD whereby the award of monies could be kept to Cumberland County businesses.

Mr. Barrett stated there can be no geographical requirement for developers in the RFPs, but the Board can have requirements in other areas such as expertise, financial resources, familiarity with local regulations, etc.

VOTE: Favor: Commissioners Henley, Edge, Baggett, Blackwell and King
Oppose: Commissioners Council and Warren

G. Approval of County Policy Committee report/recommendations

(1) Joint Appearance Commission

BACKGROUND: The County Policy Committee at its meeting on November 7, 2002 discussed a Joint Appearance Committee. The City of Fayetteville and the County Planning Board have approved the concept. The Policy Committee voted unanimously to recommend approval of a Joint Appearance Committee comprised of 15 members:

- Six members will be appointed by the City of Fayetteville, with three of the six having some expertise in a design field such as architecture, landscape design, horticulture, city planning or a closely related field;
- Nine members will be appointed by the County with six of the nine having design, etc. expertise. The County will seek representation from the other municipalities as much as is possible.

The Legal Department will coordinate with the City of Fayetteville to prepare an interlocal agreement for approval by the Board of Commissioners.

ACTION: Adopt the recommendation of the Policy Committee with some changes to the County appointees.

(2) Joint Human Relations Commission

BACKGROUND: The Policy Committee met on November 7, 2002 and discussed a Joint Human Relations Commission. Mr. Ronald McElrath, Director, City Human Relations Commission, reviewed the mission of the Commission which is to facilitate and advocate programs, projects and actions to ensure a better quality of life and welfare for all citizens without regard to sex, religion, creed, national origin, age, familial status or disability. There are currently 4 employees in the City Department with a budget of \$250,000. The City Council has voted to begin tracking services provided by the Human Relations Commission to residents of the unincorporated areas of the County and defer appointments to a joint commission until a funding agreement is reached on a permanent basis with the County, which would be presented to the two governing bodies by December, 2003.

ACTION: The Policy Committee recommends that the City and County monitor the services to county residents until December, 2003, at which time an Interlocal Agreement will be submitted to the governing boards which will set out the county's funding share based on actual utilization and programs.

MOTION: Commissioner Henley moved to follow the staff recommendation on the Joint Appearance Commission and the Joint Human Relations Commission.

SECOND: Commissioner Council

VOTE: UNANIMOUS

REGULAR AGENDA

3. Consideration of a five-year contract for county-wide copy services

BACKGROUND: The current cost per copy contract expires December 31, 2002. Originally, Management intended to request proposals strictly on a cost per copy basis. During the two month process, Management became aware of the newly evolving technology of networked copiers which eliminate or reduce fax and desktop printing.

Management feels that additional time is needed to work with Department Heads and Information Technology staff to better identify network copier connectivity and the related volume increase. We think that we can achieve greater acceptance through departmental participation in the process. The County may be able to save money on a cost per copy contract by diverting fax and desktop printing.

ACTION: Reject all proposals and authorize management to extend the current cost per copy contract for one additional year and begin an in depth RFP process that fully identifies network copier connectivity and volume through the participation of all County Information Technology staff.

MOTION: Commissioner Warren offered a motion to follow the recommendation of Management.

SECOND: Commissioner Council

DISCUSSION: Commissioner Edge asked about the work being done by Robert S. Segal for the County and where his offices are located.

Mr. Martin advised Mr. Segal is a cost reduction consultant that has been hired by the County. The County has had a relationship with Mr. Segal since 1997. He has worked on several projects for the County during that time.

Ms. Cannon advised Mr. Segal is located in Winston-Salem.

Commissioner Edge asked if there was County staff that could review contracts of this type. Ms. Cannon noted that the County has four people working in the Purchasing Section of the Finance Department four years ago. Now there is one full-time and one part-time person. The study for copy services was conducted over an eight-month period. Mr. Segal has met with departmental personnel to discuss copy services.

VOTE: UNANIMOUS

4. Nominations to Boards and Committees

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

Vikki Andrews and Teresa Johnson are completing their first term and initial term, respectively. They are eligible for reappointment.

Nominees: Vikki Andrews
Teresa Johnson

B. Area Mental Health Board (7 vacancies)

BACKGROUND: The Area Mental Health Board will have the following vacancies (with noted title changes made by the State) as of January 1, 2003:

A. Johnson Chestnutt - Finance Fiscal Representative (New title: An individual with Financial Expertise) : Eligible for reappointment

Hank Finch – Developmental Disabilities Representative from citizens organization or primary consumer (New title: Representative with a family member or from a citizen's organization who advocates for persons with a developmental disability). Not eligible for reappointment. The Mental Health Board recommends Shirley Francis to fill this position.

Benner Jones – Licensed Attorney (New title: An individual with management or business expertise) Eligible for reappointment

Doug Brisson – At-large member – Eligible for reappointment

Linda Hair – At –large member (New title: An individual representing the interest of children) Eligible for reappointment

New Position: Openly declared consumer with mental illness. Mental Health recommends Nancy Capps

New Position: Openly declared consumer with mental illness. Mental Health recommends Craig Wilkins.

Nominees: A. Johnson Chestnut
Anna Finch
Shirley Francis
Benner Jones
Doug Brisson
Linda Hair
Nancy Capps
Craig Wilkins

C. Board of Health (3 vacancies)

BACKGROUND: The Board of Health will have the following vacancies as of January 1, 2003:

Larry Harris (Physician): Eligible for reappointment
Brenda Fonville (Pharmacist): Eligible for reappointment
James C. Cashwell (General public representative): Eligible for reappointment

Nominees: Larry Harris
Brenda Fonville
James C. Cashwell

D. Cape Fear Valley Health System Board of Trustees (2 vacancies)

The CFVHS Board of Trustees will have the following vacancies as of January 1, 2003:

Dr. George R. Martin (Medical Doctor position): Eligible for reappointment
Albert O. McCauley (General Public position): Does not wish to be reappointed.
Replacement needed)

Nominees: Dr. George R. Martin (Medical Doctor position)
Dr. Jesse Williams (Medical Doctor position)
Emmett Fogle

E. Civic Center Commission (5 vacancies)

BACKGROUND: The following positions on the Civic Center Commission will expire January 1, 2002:

Gene S. Ammons, Jr. - not eligible for reappointment
Dr. Ralph Burns – not eligible for reappointment
Jim Cooper – not eligible for reappointment
Edward G. Melvin – eligible for reappointment
Marshall H. Warren – not eligible for reappointment

Nominees: Ed G. Melvin
Bob Smith
Kenneth Lancaster
Linwood Powell
Sherrill Jernigan
Floyd Shorter
Margaret Myers
Laurie Bondshu
Jonathan Warren
Ann Mitchell
Hector Ray

F. Community Care Block Grant Committee (7 vacancies)

BACKGROUND: The following vacancies have occurred on this committee:

Bettie Carroll (Older Consumer position): Eligible for reappointment

James Flanders (Older Consumer position) – Not eligible for reappointment.
Recommended replacement: Janice Lucas

Virginia Thompson (Older Consumer position) Not eligible for reappointment
Recommended replacement: June Kohlhepp

Marshall Lanter (Aging Service provider): Not eligible for reappointment
Recommended replacement: Tracy Blanchard

Flora Pemberton (Aging Service provider): Not eligible for reappointment
Recommended replacement: Judy Dawkins

Doris Snider (Aging Service provider: Not eligible for reappointment
Recommended replacement: Patricia Edwards

Edwin S. Deaver (Elected official position): Not eligible for reappointment
Recommended replacement: Ethel Clark , Mayor, Spring Lake

Nominees: Bettie Carroll
Janice Lucas
June Kohlhepp
Tracey Blanchard
Judy Dawkins
Patricia Edwards
Mayor Ethel Clark

G. FACVB Board of Directors (2 vacancies)

The terms of the following people will expire January 1, 2003:

Gene S. Ammons, Sr. – Hotel/Motel under 100 rooms – not eligible for reappointment

Susan D. Wooster – Motel/Hotel over 100 rooms – Eligible for reappointment

Note: These people also serve on the Occupancy Tax Advisory Committee.

Nominees: Gene S. Ammons, Jr.
Susan D. Wooster

H. Joint Senior Citizens Advisory Board (1 vacancy)

BACKGROUND: Helen Lee will complete her second term on this Board. A replacement is needed to fill the vacancy.

Nominees: Annie Chavis

I. Library Board of Trustees (2 vacancies)

BACKGROUND: The following terms will expire December 31, 2002:

Jim Hankins – Mr. Hankins does not want to be reappointed. The Library Board recommends Fred D. Littlejohn.

Gail Riddle – Eligible for reappointment.

Nominees: Fred D. Littlejohn
Gail Riddle

J. Mid-Carolina Aging Advisory Committee (1 vacancy)

BACKGROUND: The elected official position is vacant. Mid Carolina Area Agency on Aging recommends that Mayor Huell Aekins of Wade be appointed to this position.

Nominee: Mayor Huell Aekins

K. Transportation Advisory Board (7 vacancies)

BACKGROUND: The following terms will expire on November 30, 2002:

Jim Caldwell (Mid Carolina Director): Eligible for reappointment
Marshall Lanter (Aging programs representative): Eligible for reappointment
Juanita Pilgrim (County representative): Eligible for reappointment
Matt Rooney (County Planning Department): Eligible for reappointment
David Walker, Jr. (Private transportation provider): Eligible for reappointment
Sarah Hemingway (At-large representative): Eligible for reappointment
Bob White (At-large representative): Eligible for reappointment

Nominees: Jim Caldwell
Marshall Lanter
Juanita Pilgrim
Matt Rooney
David Walker, Jr.
Sarah Hemingway
Bob White

5. Appointments to Boards/Committees

MOTION: Commissioner King moved to appoint Captain Benjamin Major, Rayford Hunt, Jr. and Lt. Gary S. Searce to the Emergency Planning Committee and Dr. Thomas R. Miller to the Senior Citizens Advisory Board.

SECOND: Commissioner Council
VOTE: UNANIMOUS

A. Emergency Planning Committee (3 vacancies)

Nominees: Capt. Benjamin Major – Fire fighting representative
Rayford Hunt, Jr. – Operators of Facilities representative
Lt. Gary S. Searce – Law enforcement representative (City of Fayetteville)

B. Senior Citizens Advisory Board (1 vacancy)

Nominee: Dr. Thomas R. Miller

6. Closed Session: Attorney Client Privilege – NCGS 143-318.11(a)(3)
Personnel Matter – NCGS 143-318.11(a)(6)

MOTION: Commissioner Council moved to go into Closed Session to discuss the following matters:

- A. Attorney-Client Privilege – NCGS 143-318.11(a)(3)
- B. Personnel Matter – NCGS 143-318.11(a)(6)
- C. Economic Development Matter – NCGS 143-318.11(a)(4)

SECOND: Commissioner King
VOTE: UNANIMOUS

MOTION: Commissioner Henley moved to come out of Closed Session.

SECOND: Commissioner King
VOTE: UNANIMOUS

MOTION: Commissioner King moved to adjourn.

SECOND: Commissioner Council
VOTE: UNANIMOUS

MEETING ADJOURNED: 10:00 PM

Clerk to the Board