

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
JANUARY 21, 2003, 7:00PM
REGULAR/REZONING MEETING

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

INVOCATION: Vice Chairman Jeannette Council
PLEDGE: Markesce Patton-Williams – E.E. Smith High
School

EX-OFFICIO STUDENT: Ashley Jones, Southview High
School

RECOGNITION: Jim Cooper, Civic Center Commission
Ben Nichols, Emergency Planning Committee
James E. Flanders, Home & Community Care Block Com.
Marshall Lanter, Home & Community Care Block Com.
Carol Hessenflow, Juvenile Crime Prevention Council
Helen Lee, Senior Citizens Advisory Board

1. PUBLIC HEARINGS

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

MOTION: Commissioner Blackwell moved to follow the recommendation of the Planning Board on the Uncontested Rezoning Cases.
SECOND: Commissioner Council
VOTE: UNANIMOUS

Uncontested Cases:

- A. Case P02-102. The rezoning of .15 acres from R6A to C3, or to a more restrictive zoning district at 4154 Cumberland Road, owned by Vera M. West

The Planning Board recommends approval to C3.

- B. Case P02-104. The rezoning of .29 acres from C3 to R10 or to a more restrictive zoning district at 4421 Wavetree Drive, owned by Lawrence A. & Vera M. West

The Planning Board recommends approval to R10.

- C. Case P02-106. The rezoning of .37 acres from R6A to C(P) or to a more restrictive zoning district at 5056 Cumberland Road, owned by FKS, Inc.

The Planning Board recommends approval to C(P).

Conditional Use Overlay:

- D. Case P02-105. A conditional use overlay district and permit to allow an upholstery shop and residence on .32 acres in an R6 District at 922 West Mountain Drive, owned by Bienvenido Mendez

The Planning Board recommends approval.

The materials in the packet will be accepted as part of the record.

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

MOTION: Commissioner Blackwell moved to approve the conditional use overlay district.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

MOTION: Commissioner Blackwell moved that the Board find this conditional use district overlay permit application, if completed as proposed, will not materially endanger the public health and safety, will not substantially injure the value of adjoining or abutting property, will be in harmony with the area in which it is to be located and will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners, and that it be approved.

SECOND: Commissioner Edge

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: January 16, 2003

ACTION: Approve

- B. Approval of a resolution urging the NC Congressional Delegation and Governor Easley to exercise all powers and authority in seeking assistance from the Federal Government for relief for our farmers

ACTION: Approve Resolution

RESOLUTION

WHEREAS, Cumberland County and North Carolina are experiencing one of the worst agricultural disasters of the past one-hundred years; and

WHEREAS, this is a direct result of extreme drought during the planting and growing seasons and an extreme wet harvest season; and

WHEREAS, Cumberland County, in particular, is experiencing an extremely low yield in cotton and the corn crop; and

WHEREAS, Cumberland County also experienced disease in the tobacco crop; and

WHEREAS, other counties across the State of North Carolina are experiencing these same problems; and

WHEREAS, many farmers find themselves in the position of losing their farms and businesses as a result of the agricultural problems.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners ask the NC Congressional Delegation and the Governor to exercise all powers to seek assistance from the Federal Government for relief from this disaster.

- C. Approval of rider to the public official bonds for the Assistant County Manager/Finance Director and Tax Administrator

BACKGROUND: The Board approved public official bonds on December 2, 2002. Since then a rider has been received amending the County Finance Officer's Bond to read Assistant County Manager/Finance Director, effective November 14, 2002 to run for an indefinite period of time. The rider for the Tax Administrator, effective March 2, 2002, amends it to make it effective for an indefinite period of time.

ACTION: Approve

- D. Approval of a resolution designating appointment of a deputy finance director for the Cumberland County Mental Health Developmental Disabilities and Substance Abuse Area Authority

ACTION: Approve resolution appointing Denise Lucas Deputy Finance Director, and approve her bond in the amount of \$20,000.

RESOLUTION

WHEREAS, pursuant to Article 1A, Chapter 35 of the NC General Statutes, the Clerk of Superior Court may appoint an employee of a Human Services Agency to be a guardian of incompetent adults; and

WHEREAS, this guardian may receive and disperse funds for said incompetent; and

WHEREAS, the Area Director and Assistant Area Director of the Area Mental Health Authority would qualify under Chapter 35; and

WHEREAS, Hank Debnam, Area Director of the Area Mental Health Authority was previously designated Deputy Finance Director, but has since delegated guardianship duties to Denise Lucas, Assistant Area Director; and

WHEREAS, it is necessary for said guardians to be appointed as a Deputy Finance Director of Cumberland County for compliance with NCGS 159; and

WHEREAS, it is necessary for said Deputy Finance Director to be bonded.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners appoints the Area Director and the Assistant Area Director of the Area Mental Health Authority as Deputy Finance Directors for the purpose of serving as guardian for incompetent adults of the Area Mental Health Authority; and

BE IT FURTHER RESOLVED that the Cumberland County Board of Commissioners directs that the appointees provide a faithful performance bond in the amount of \$20,000 each and that the necessary expense for said bonds be paid out of Mental Health funds.

- E. Approval of a report on the disposal of surplus property pursuant to NCGS 160A-226(a)

BACKGROUND: The Assistant County Manager, pursuant to direction of the Board of Commissioners, renders semiannual reports summarizing disposal of county properties.

ACTION: Adopt report and record in the Minutes (Attachment A)

F. Approval of revisions to Housing Rehabilitation and Homeownership Assistance Program Policies

BACKGROUND: In an effort to provide programs to the clients and lenders of the Community Development Housing Rehabilitation & Ownership Assistance Program, and due to the decrease in grant dollars, Community Development proposes to change its guidelines as follows:

Current Requirement: Must be elderly and/or disabled to qualify for a deferred loan.

Proposed Change: Deferred loans will be based on income as opposed to age or disability.

Current Requirement: Maximum note rate is 5% for homeowner and investor programs. Application fee is \$50 for investor programs.

Proposed Change: Maximum note rate is 3% for homeowner & investor programs. In additional rental rehab program for investors, terms & conditions of loans to Community Housing Development Organizations will be negotiable. Application fee will be waived for nonprofits.

Current Requirement: Only elderly and/or disabled are exempt from income/debt ratios.

Proposed Change: No ratio requirements except for applicants that fall in the 51-80% income category (still waived for elderly and/or disabled).

Current Requirement: Deferred loans remain deferred as long as applicant continues to live in residence.

Proposed Change: Deferred loans and partially deferred loans will be recertified every five years to determine if applicants remain eligible for subsidy. If not, the loan will be reamortized and repayment will begin.

Current Requirement: The interest rate is set at 4% from the GAP Financing homeownership assistance program.

Proposed Change: Interest is on a sliding scale of 0-4% based on repayment ability of the applicant.

ACTION: Approve the revisions above to become effective January 1, 2003.

G. Approval of sale of surplus county-owned real property acquired by tax foreclosure – Lot 90 & 15 feet of Lot 91, J.S. Maulsby property, PIN: 0427-77-2447

BACKGROUND: This property was acquired by tax foreclosure in 1999. The amount owed on the foreclosure judgment including interest and costs is \$1,903.79. Wade Hardin has offered to purchase the County's interest for \$1,903.79 and has deposited \$190.38 in the County Finance Office. The value of the property is \$10,800. The property is surplus to the county's needs, and no upset bid has been received.

ACTION: Approve the sale to Mr. Hardin and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

H. Report on the destruction of county records

BACKGROUND: The Manager has approved the destruction of county records as noted below:

Commissioners Office: 1998 correspondence and meeting packets

ACTION: Record in Minutes.

I. Budget Revisions:

(1) Health

- a. Maternity – B03-258. Amount: \$809 to reallocated budgeted expenditures to fund the lateral transfer of a Public Health Nurse I from Child Services Coordination to Maternity. Funding Source – Reallocation of Budgeted Expenditures
- b. Management Support – B03-260. Amount: \$1,216 to reallocate budgeted expenditures to fund the reclassification of Processing Unit Supervisor IV to Lead Worker IV. Funding Source – Reallocation of Budgeted Expenditures

(2) Mental Health

- a. Medicaid Contracts – B03-262. Amount: \$300,000 to increase revenues and expenditures due to an increase in client services. Funding Source – Fees
- b. HUD Apartments – B03-262. Amount: \$2,000 to increase contingency fund required by HUD contracts. Funding Source – Mental Health Fund Balance Appropriated
- c. Mental Health/Personnel/DD Adult Outpatient – B03-263-263B. Amount: \$3,378 to reallocated budgeted expenditures between organizations in order to use lapsed salaries from Mental Health to fund reclassification of Personnel Assistant IV to Personnel Tech I and to fully fund the budgeted salary of a Habilitation Program Supervisor. Funding Source – Reallocation of Budgeted Expenditures
- d. Medical Records – B03-264. Amount: \$24,925 to use Mental Health Fund Balance to fund the replacement of 20 computers in transcription and medical records. Funding Source – Mental Health Fund Balance Appropriated
- e. Medical Records – B03-266. Amount: \$8,500 to use Mental Health Fund Balance to fund a contract with a licensed Registered Health Information Technician due to a vacancy. Funding Source – Mental Health fund Balance Appropriated

(3) Social Services – B03-255. Amount: \$2,413 to appropriate fund balance to rebudget remaining State Adoption Incentive Funds received in June of FY2002. Funding Source – State Fund Balance Appropriated

(4) Eastover Water System Project – B03-256. Amount: \$9,246 to budget receipt of Contractor Sales Tax Refunds (\$83,094) to be used to reimburse County Water & Sewer Fund 250 for funds (\$73,847.49) previously advanced in anticipation of receiving

additional sales tax refunds and to approve Revised Capital Project Ordinance. Funding Source – Contractor Sales Tax.

- (5) Federal Forfeiture – Justice – B03-267. Amount: \$93,300 to appropriate fund balance to purchase additional bio-hazard and anti-terrorism equipment for Sheriff's Office first responders, a large format printer and other law enforcement supplies and equipment. Funding Source – Federal Forfeiture Fund Balance Appropriated
- (6) Public Safety Other – B03-268-268A. Amount: \$16,493 to reallocate budgeted expenditures to adjust budget for the County's share of the hazardous materials response unit. Funding Source – Reallocation of Budgeted Expenditures

REGULAR AGENDA

- 3. Annual Report presentation by Michelle Pratt, CPA, Cherry, Bekaert & Holland – FY2002 Annual Audit

Michelle Pratt of Cherry, Bekaert & Holland presented the annual report to the Board. The county received a "clean opinion" which represents the highest level of assurance.

MOTION: Commissioner Edge moved to accept the audit and offered the highest commendations to staff.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

- 4. Consideration of extension of boundaries of NORCRESS Water & Sewer District to include area recently annexed by Wade

BACKGROUND: When the Board of Commissioners established the NORCRESS District, it set the boundaries of that district as the municipal limits of the Towns of Wade, Falcon and Godwin and the rights of way of the highways connecting them. The Town of Wade recently received a petition to annex 27.04 acres into its municipal limits effective January 1, 2003. This raises the issue whether the Board wishes to expand the boundaries of Norcross Water and Sewer District to include areas annexed from time to time into those three municipalities. The NORCRESS Advisory Board will consider this matter at its meeting at 3:30 on January 21.

ACTION: Consider whether to initiate the statutory process to consider extension of the boundaries of NORCRESS to include the 27.04 acre area annexed by the Town of Wade, effective January 1, 2003. If a decision is made to proceed, authorize the publication of a notice of public hearing to be held February 17, 2003 at 7:00PM to consider extension of the boundary, and direct staff to comply with the applicable requirements of GS 162!-87, by filing the report required by 162A-87.1(d) with the clerk to the board to be available for public inspection for at least two weeks prior to the public hearing, to publish a notice of the public hearing at least once not less than one week before February 17, 2003, and to mail postage prepaid notice of the public hearing to all owners as shown by the County tax records as of January 1, 2003 of property located within the area proposed to be annexed.

MOTION: Commissioner Blackwell moved to set a public hearing date to consider the extension of the NORCRESS boundary, for February 17, 2003, 7:00PM, with appropriate notification to all owners of property located within the area proposed to be annexed.

SECOND: Commissioner Council

VOTE: UNANIMOUS

5. Nominations to Boards/Committees:

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

BACKGROUND: This committee currently has the following vacancies:

Vikki Andrews – Declined reappointment. Replacement needed.
Nina Davis – Completing initial term. Eligible for reappointment
Teresa Johnson – Declined reappointment. Replacement needed.
Darlease Wormack – Completing initial term. Eligible for reappointment.

Nominees: Nina Davis (reappointment)
Darlease Wormack (reappointment)
Brenda Matthews
Ellen McCrary

B. Juvenile Crime Prevention Council (1 vacancy)

BACKGROUND: Marya Fuentes resigned her position on this council. She was serving in the Member of Business Community position on the Council. Bill Hurley is recommended to fill the vacancy.

Nominee: Bill Hurley

C. Nursing Home Advisory Board (1 vacancy)

BACKGROUND: Robert Searle will complete his second term on this Board. Andrea Wright, the Regional Long Term Care Ombudsman has requested that Mr. Searle be allowed to serve a third 3-year term. Ms. Wright indicated Mr. Searle is a committed member of this Board and has only missed 2 meetings in four years.

ACTION: Decide whether to appoint Mr. Searle for another term and/or make nominations.

MOTION: Given the difficulty in finding qualified applicants for appointment to this board, as well as Mr. Searle's distinguished service on it, Commissioner Warren moved to waive the county's policy of allowing only two consecutive terms and appoint Mr. Searle for another term.

SECOND: Commissioner Council

DISCUSSION: Commissioner Blackwell suggested this item be referred to the Policy Committee for review.

Commissioner Warren withdrew the above motion.

MOTION: Commissioner Warren moved to refer this item to the Policy Committee.

SECOND: Commissioner Council

DISCUSSION: Commissioner Edge noted the Board had made an exception in allowing members to serve another year on the Recreation Board. He said it looks as though a merger will take longer than a year, and he thought the Policy Committee may want to address this issue also.

Commissioner Warren agreed to include discussion about the Recreation Board at the Policy Committee.

VOTE: UNANIMOUS

D. Transportation Advisory Board (2 vacancies)

BACKGROUND: The Board has the following vacancies:

Alan Derosier, Sheltered Workshop Director/designee: Resigned. Suzanne Peper has been recommended for nomination.

Wanda Tart, County Health Director/designee: Resigned. Shirley Mozingo has been recommended for nomination.

Nominees: Suzanne Peper
Shirley Mozingo

E. Workforce Development Board (2 vacancies)

BACKGROUND: This board has the following vacancies:

Wendall Troy – private sector representative. Completing unexpired term. Eligible for reappointment.

Roberta Kishbaugh – Community Based Organization Representation. Resigned. Dr. Robin Jenkins has been recommended to fill the vacancy.

Nominees: Wendall Troy
Dr. Robin Jenkins

F. Wrecker Review Board (1 vacancy)

BACKGROUND: Mr. George Moyd will complete his first term on this Board. He is eligible for reappointment and serves as Chairman of this Board.

Nominee: George Moyd

6. Appointments to Boards/Committees

MOTION: Commissioner Blackwell moved to appoint the nominees to the respective Boards in 6A and 6B.

SECOND: Commissioner King

VOTE: UNANIMOUS

A. Board of Adjustment (3 vacancies)

Nominees: Regular member position: Steve Burnett
Alternate member positions: Sean Scott Fincher
Dr. John Ray

B. Nursing Home Advisory Board (2 vacancies)

Nominees: Lloyd Brisson
Linda Henderson (reappointment)

7. Closed Session: Attorney Client Matter (NCGS 143-318.11(a)(3). Stephen Grey, Bankruptcy Trustee for Texfi Industries v. Cumberland County Tax Collection Division.

MOTION: Commissioner Warren moved to go into Closed Session for the above noted matter.

SECOND: Commissioner Council

VOTE: UNANIMOUS

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

SECOND: Commissioner Council

VOTE: UNANIMOUS

MOTION: Commissioner King moved to adjourn.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

MEETING ADJOURNED: 7:59pm