

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MAY 5, 2003
REGULAR MEETING

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

INVOCATION: Commissioner Billy R. King

PLEDGE

Addition to Agenda: Legal matter – Authorize the County Attorney, in his discretion, to file a friend of court brief in Williams vs. Orange County

The Board voted unanimously to add the above item to the agenda.

1. Public Hearing

- A. Proposed 2003-04 NC Department of Transportation
Secondary Roads Improvement Program for Cumberland
County.

BACKGROUND: Ray Stone, District Engineer, reviewed the program as follows:

2003-04 Secondary Road Construction Program
Cumberland County

Secondary Road Allocation	\$	451,994
Highway Trust Fund Allocation		368,636
TOTAL Secondary Road Construction Funds Available	\$	820,630

Maintenance Operations: Funds required to supplement secondary road maintenance operations to be used for: Stabilization of unpaved roads with stone or local materials; widening of paved secondary roads; drainage improvements; safety projects:

Secondary Construction	\$58,299	
Highway Trust Fund	\$54,041	\$ 112,340

Reserve for Contingencies: Funds to be used for road additions; surveys & right of way; overdrafts; property owner participation paving; paving of rural fire departments and rescue squads; continuation of paving down the priority list:

Secondary Construction	\$ 53,695	
Highway Trust Fund	\$159,595	\$ 213,290

Paving Program: Paving of unpaved roads in priority order from the Rural & Residential/Subdivision priority lists. The department will secure right of way, if right of way is unobtainable on any road, then the program will be extended down the priority lists until available funds are expended:

Secondary Construction	\$340,000	
Highway Trust Fund	\$155,000	\$ 495,000

Additional funding to complete previous years program: SR 2321, 1806, 3921, 2838, 3917, survey & R/W: \$ 455,000

SR 2230(Hair Road) from End Pvmnt to SR2229; 0.25 miles – Grade, drain, base and pave: \$ 40,000

(SR2230 taken from the R/W unavailable list)

SPEAKERS: None

ACTION: Approve the Program for FY03-04.

MOTION: Commissioner Blackwell moved to approve the FY03-04 program.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

Chairman Baggett inquired about an unpaved road in the Eastover area (School Street). Ray Stone indicated that the people living on that street could call his office to receive information on how to add it to the State Secondary Road System.

2. Presentation

A. Fort Bragg/Pope Air Force Base Regional Land Use Study

Mr. Jim Dougherty, NC Division of Community Assistance, and Mr. Jason Epley reviewed the recommendations made by the Advisory Commission and recommended adoption of a Resolution in support of the recommendations. The recommendations would apply to a one-mile area around the base in areas designated as "critical" and "important" by the Advisory Commission.

The recommendations include:

A. Real Estate Disclosure Statements

- that the NC General Assembly adopt a bill requiring real estate disclosure statements for all parcels of property located within one mile of military installations to include warnings about potential noise, startle affects from low flying aircraft, noise from artillery/small arms fire & intensive smoke resulting from controlled burns of the managed pine forest areas;

B. Urban Encroachment

- that the NC General Assembly adopt legislation requiring local governments in the Fort Bragg/Pope Air Force Base region to permit only low density development (ten acre minimum lot size and no more than one dwelling unit per ten acres) on all land which is identified as "critical preservation" and "important preservation" in the study;
- that the NC General Assembly establish a trust fund to assist the US DOD, NC DENR, NC DOT, the Nature Conservancy and other allied groups with its efforts to make fee simple purchase or the acquisition of development rights for lands identified as "critical preservation & "important preservation" in the study;
- that the NC General Assembly adopt a package of tax credits or deductions to serve as an incentive to encourage property owners identified as "critical preservation" & "important preservation" to voluntarily sell their property rights or development rights;
- that the NC General Assembly create a trust fund to compensate affected local governments which would provide grants for only certain designated purposes such as the

improvement/development of educational, recreational facilities and/or economical development initiatives;

- that the RLUAC develop criteria to prioritize and phase the purchases of the “critical preservation” and “important preservation” land as it becomes available;

C. Water & Sewer Extension Policies

- that the NC General Assembly adopt legislation that would prohibit the extension of public water and sewer lines to land which is identified as “critical preservation” and “important preservation” in this study;

D. Military Actions

- that the military continue to submit new land use and development plans to both the RLUAC and local governments in the region for its review and comment prior to implementation;
- that Fort Bragg continue to preserve and protect its forested “green belt” area from urban growth and development;
- that Fort Bragg continue to preserve and protect its natural habitat areas along the perimeter boundaries from destructive military training activities;

E. Aircraft Low-level Routes & Low Altitude Tactical Navigation Area

- that Fort Bragg/Pope Air Force Base Regional Land Use Advisory Commission adopt a resolution recognizing and supporting Pope Air Force Base’s assigned and attached units right to continue to fly low-level terrain masking and navigation missions within the six county area that surrounds the Fort Bragg/Pope AFB military complex;

F. Transportation Policies

- that Fort Bragg/Pope Air Force Base RLUAC initiate a detailed regional transportation study measuring the impacts of the permanent gate closures, the limiting of public access to Fort Bragg’s Bragg Boulevard and the construction of the outer loop;

G. Urban Light Pollution

- that RLUAC develop a proposed study design to investigate the effect of light pollution on night training missions, which would include examining practical ways of reducing the levels of urban night-light in the Fort Bragg region;

H. Building Code Revisions

- that Fort Bragg/Pope Air Force Base RLUAC adopt a resolution that supports the required installation of storm windows and doors (or double paned windows) on all new homes constructed within the 62+ decibel noise areas surrounding Fort Bragg, Pope Air Force Base and Camp McCall;
- that local governments having jurisdiction in the 62+ decibel noise level areas adopt ordinances requiring the installation of double paned windows and/or storm windows and doors on all new homes constructed within the noise sensitive areas;

I. Broadcasting, Telecom & Other Towers

- that local governments in the Fort Bragg/Pope Air Force Base region, to minimize the potential for future air space hazards, revise their zoning regulations to limit the construction of additional broadcasting, telecommunication, and other towers to locations that are consistent with military operation patterns; and

J. Recreational Multi-use Trail

- that the RLUAC examine the feasibility of developing a major multi-use recreational trail, which could run through Hoke and Scotland Counties, extending from Fayetteville through the Sandhills Game Lands to Southern Pines.

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RESOLUTION OF SUPPORT FOR THE FORT BRAGG/POPE AIR FORCE BASE
REGIONAL LAND USE ADVISORY COMMISSION JOINT LAND USE STUDY

WHEREAS, Cumberland County is a member of the Fort Bragg/Pope Air Force Base Land Use Advisory Committee (RLUAC); and

WHEREAS, in the year 2001, Cumberland County approved, by resolution, an effort by the RLUAC to prepare a new Joint Land Use Study; and

WHEREAS, the new Joint Land Use Study has been completed and presented to the RLUAC; AND

WHEREAS, the County's official voting member has reviewed the Joint Land Use Study and endorses the package of recommendations which includes proposed incentives as well as proposed land use restrictions; and

WHEREAS, the study's recommendations include a thorough review by the NC Association of County Commissioners and the NC League of Municipalities.

BE IT RESOLVED, that the Board of Commissioners of the County of Cumberland hereby endorses and adopts the revised Joint Land Use Study and the recommendations endorsed by the Commission on April 24, 2003.

Commissioner Council inquired if homes built on the military base were required to meet the same criteria, as what is being proposed on development off Post, i.e., doubled paned windows, storm doors, etc. Nancy Roy, Planning Director, noted that homes on Post were following State codes and that development off Post was no more restrictive in these areas.

Commissioner Warren inquired if homebuilders, realtors, etc. had been invited to serve on this Advisory Commission. Mr. Dougherty noted that they had been invited to attend, but had shown no interest to this date. Counties represented on the Advisory Commission are: Cumberland, Hoke, Scotland, Harnett, Moore, Richmond and Sampson. Commissioner Warren said that he thought it important that those people who will directly be affected by these new regulations should have some input.

Commissioner Henley expressed concern that the landowners have not been notified of the recommendations in the Study nor have they had an opportunity to comment, particularly on items B&C in the study.

Commissioner King noted he understands what's at issue here and the importance of balancing the needs of the military with the rights of individuals to use their land. He said that although developers have a right to know what is going on, it is the Board of Commissioners who must make

the decision. He noted concern that if Fort Bragg/Pope Air Force Base cannot carry on its mission, it could look elsewhere to locate. Commissioner King inquired what specific properties would be affected if the Board approves this action. The answer was McCormick, Rockefeller and Clark properties.

Commissioner Blackwell expressed concerns that trust funds are generally the first to go when the state/federal governments need money. In response to a question, Nancy Roy indicated the NCACC and NC League of Municipalities have not responded to the study. Ms. Roy noted the importance of adopting a complete package, one with incentives and restrictions. Mr. Blackwell noted that some people in the area may feel intimidated by Fort Bragg. He mentioned a property owner who does not want to have to give up his property. He wants to keep it, but will not develop it. Commissioner Blackwell also noted concern about blank bills in the legislature regarding this issue. He suggested that property owners should be justly compensated for their land. He suggested that 3 appraisals be made to determine "just" compensation.

Commissioner Henley noted the importance of protecting Fort Bragg from encroachment, but suggested that a public hearing be held to allow affected property owners an opportunity to express their concerns.

Chairman Baggett noted concern about private property rights, and indicated those that will be affected by adoption of this Study should be properly notified. He said the word "encroachment" means "going over the line" and this has not happened.

MOTION: Chairman Baggett moved to table this for further study.

SECOND: Commissioner Blackwell

SUBSTITUTE

MOTION: Commissioner Henley moved that we approve Item A and D-J in the study.

SUBSTITUTE MOTION DIED FOR LACK OF A SECOND.

DISCUSSION ON

ORIGINAL MOTION: Commissioner Warren inquired of Barry Hooker, President of the Homebuilders Association if they had reviewed the study. Mr. Hooker said they were not familiar with it and he was not prepared to respond to any questions. Mr. Warren said he thought the process should have been more inclusive.

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

OPPOSED: Commissioners Council & King

MOTION: Commissioner Henley moved that the item come back to the Board on June 16, 2003, and that a public hearing be held on that evening to allow persons affected to comment.

SECOND: Commissioner Blackwell

DISCUSSION: The Board also wants owners of record of property tracts of "critical preservation" and "important preservation" within the one mile area notified of the public hearing.

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

OPPOSED: Commissioner King

3. CONSENT AGENDA

MOTION: Commissioner Blackwell moved to follow staff recommendations on the items on the Consent Agenda.

SECOND: Commissioner King

VOTE: UNANIMOUS

A. Approval of Minutes: April 22, 2003

ACTION: Approve

- B. Approval of the Community Development 2003 Annual Action Plan

ACTION: Approve

- C. Approval of a Proclamation proclaiming May 15, 2003 "Future Farmers of America Day" in Cumberland County

ACTION: Approve

PROCLAMATION

WHEREAS, this is the seventy-fifth year of the National Future Farmers of America organization; and

WHEREAS, the Cape Fear Chapter will be hosting its Parent-Member Banquet on May 15, 2003 at Cape Fear High School; and

WHEREAS, past officers from 1969 through today will be invited to this function; and

WHEREAS, former American FFA degree recipients from Stedman, Central and Cape Fear High Schools will be recognized; and

WHEREAS, it is important to recognize our future farmers, particularly those who will farm in Cumberland County; and

WHEREAS, we recognize how important farming is to our community and the world; and

WHEREAS, the Board of Commissioners of Cumberland County wishes to thank our farming community and recognizes its important contributions to our county, state and nation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cumberland County proclaims May 15, 2003 "Future Farmers of America Day" in Cumberland County and urges our citizens to thank our farmers and our future farmers for their contributions to all of us.

- D. Approval of a Proclamation recognizing May 6-12, 2003 as Nursing Week in Cumberland County

ACTION: Adopt Proclamation

PROCLAMATION

WHEREAS, the nearly 2.7 million nurses in the United States comprise our nation's largest health care profession; and

WHEREAS, the depth and breadth of the nursing profession meets the different and emerging health care needs of the American population in a wide range of settings; and

WHEREAS, the American Nurses Association, as the voice for nurses of this country, and the NC Carolina nursing Association, as the voice of nurses in this state, are working to chart a new course for a healthy nation that relies on increasing delivery of primary and preventative health care; and

WHEREAS, a renewed emphasis on primary and preventive health care will require the better utilization of all of our nation's registered nursing resources; and

WHEREAS, professional nursing has been demonstrated to be an indispensable component in the safety and quality of care of hospitalized patients; and

WHEREAS, the demand for nursing services will be greater than ever because of the aging of the American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services; and

WHEREAS, more qualified registered nurses will be needed in the future to meet the increasingly complex needs of health care consumers in this community; and

WHEREAS, the cost-effective, safe and quality health care services provided by registered nurses will be an ever more important component of the US health care delivery system in the future; and

WHEREAS, along with the American Nurses Association, the Cumberland County Board of Commissioners has declared the week of May 6-12 as NATIONAL NURSES WEEK with the theme "Nurses: Lifting Spirits, Touching Lives" in celebration of the ways in which registered nurses strive to provide safe and high quality patient care and map out the way to improve our health care system.

NOW. THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners asks that all residents of this community join in honoring the registered nurses who care for all of us;

BE IT FURTHER RESOLVED that the residents of Cumberland County celebrate nursing's accomplishments and efforts to improve our health care system and show our appreciation for the nation's registered nurses not just during this week, but at every opportunity throughout the year.

E. Budget Revisions

- (1) Eastover Sanitary District - B03-379 - Amount: \$5,000 - to appropriate fund balance to pay for FY2002 compliance audit - Funding Source - Eastover Sanitary District Fund Balance
- (2) Health
 - a. Jail Health/Environmental Health/School Health - B03-378-378B - Amount: \$40,000 - to move funds from Environmental Health and School Health to fund anticipated expenditures for contracted services in Jail Health - Funding Source - Reallocation of budgeted expenditures
 - b. Breast/Cervical Cancer Control - B03-381 - Amount: \$ 6,000 - to appropriate Health Department fund balance in order to fund anticipated expenditures - Funding Source - Health Department fund balance
- (3) Detention Center Project - B03-383 - Amount: \$3,193,824 - to recognize interest income & contractor sales tax revenue received through March 31, 2003 - Funding Source - Interest Income & Contractor Sales Tax

- (4) Planning and Inspections Department – B03-374-Amount: \$1,603 – to reallocate budgeted expenditures to fund personnel changes – Funding Source – Reallocation of Budgeted Expenditures
- (5) Central Maintenance/Solid Waste Maintenance – B03-375-375A) Amount: \$8,000 – to transfer funds from Solid Waste to Central Maintenance to pay for departmental supplies used in the maintenance of Solid Waste’s vehicles – Funding Source – Reallocation of Budgeted Expenditures
- (6) DSS Capital Project/Animal Control Building Capital Project/ General Government Other – B03-384-384B – Amount: \$2,800,000 – transfer unused DSS Building Project funds to the Animal Control Building Project and \$200,000 to reimburse the General Fund for funds advanced in a prior year – Funding Source – Reallocation of Budgeted Revenue

REGULAR AGENDA

- 4. Consideration of proposed schedule for FY04 budget presentation, work session and public hearing

The consensus of the Board was to approve the following schedule:

May 27, 2003, 5:30PM – Budget Presentation – Room 564
 May 29, 2003, 5:30PM – Budget Work Session – Department head appeals
 June 9, 2003, 7:00PM – Public Hearing
 June 10, 2003, 5:30PM – Budget Work Session
 June 11, 2003, 5:30PM – Budget Work Session

- 5. Nominations to Boards/Committees

- A. Animal Control Board (1 vacancy)

BACKGROUND: The term of Lynne Stone expires June 30, 2003. Ms. Stone is not eligible for reappointment. Ms. Stone served in the position “promoting goals of the Animal Protection Society or the Human Society or another such broadly based and representative organization interested in the care and protection of animals”.

NOMINEE: Tommy Griffin

- B. Board of Adjustment (5 vacancies)

The following terms will expire June 30, 2003:

Regular members: J. Norman Moore, Jr., eligible for reappointment
 Roberta Waddle, eligible for reappointment
 Catherine Traylor – not eligible for reappointment

Alternate members: Gary Lee Collier – eligible for reappointment
 Ernest Carroll – deceased

ACTION: Nominate to fill the vacancies

Nominees: Regular members: Norman Moore, Jr.
 Roberta Waddle
 Gary Lee Collier

Alternate members: Johnny Lee Council
George Quigley

C. FTCC Board of Trustees (1 vacancy)

The term of Billy Davidson will expire June 30, 2003. He is eligible for reappointment and has indicated he would like to serve a second term.

Nominees: Billy Davidson
William Wellons, Jr.

D. Recreation Advisory Board (6 vacancies)

The following terms will expire June 30, 2003:

*Maxey Dove – not eligible for reappointment
Rev. Floyd Johnson – not eligible for reappointment
Phillip Mullen – not eligible for reappointment
John Pone, Sr. – eligible for reappointment
Dean Smelcer, Jr. – eligible for reappointment
*David Varnadoe – not eligible for reappointment

- These two members had their terms extended for one year in 2002.

Commissioner Edge noted that because of the discussions that are on-going with the possible merger of the City and County Recreation departments, it may be a good idea to extend the terms of Dove, Johnson, and Varnadoe for one more year. The consensus of the Board was to extend these terms for another year. In addition Dean Smelcer, Jr., and John Pone were nominated for another three year term. Willie Cooper was nominated to fill Phillip Mullen's slot, as Mr. Mullen did not want his term extended for a year.

6. Appointments to Boards/Committees

A. Air Quality Stakeholders Committee

Nominees: Dan Dobb
Michael Green
Henry Holt
Jay Jarvis
Stephen C. Waters, Sr.
Dr. Adegoke O. Ademiluyi

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

7. Legal Matter – Authorization for the County Attorney, in his discretion, to file a friend of court brief in Williams vs. Orange County

Consensus of the Board was to authorize the County Attorney, in his discretion, to fill the brief.

8. CLOSED SESSION:

- A. Economic Development (NCGS 143-318.11(a)(4))
- B. Personnel Matter (NCGS 143-318.11(a)(6))

MOTION: Commissioner Blackwell moved to go into Closed Session for the above noted matters.
SECOND: Commissioner Council

VOTE: UNANIMOUS

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

SECOND: Commissioner Edge

VOTE: UNANIMOUS

MOTION: Commissioner Blackwell moved to confirm the appointment of Betty Clark as Director of the Information Services Department at a Grade 79 with a starting salary of \$79,500 per year, effective immediately.

SECOND: Commissioner King

VOTE: UNANIMOUS

MEETING ADJOURNED:

Clerk to the Board

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