

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 15, 2003, 7:00PM
REGULAR/REZONING MEETING

PRESENT: Chairman Talmage S. Baggett, Jr., (via telephone)
Vice Chairman Jeannette M. Council
Commissioner Kenneth S. Edge
Commissioner Breeden Blackwell
Commissioner John Henley, Jr.
Commissioner Billy R. King
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Asst. County Manager
Cliff Spiller, Asst. County Manager
Grainger Barrett, County Attorney
Tom Lloyd, Planning/Inspections Department
Ann Hymes, Deputy Clerk
Marsha Fogle, Clerk

ABSENT: Commissioner Ed Melvin

INVOCATION: Commissioner Jeannette Council, Vice Chairman

PLEDGE: Ryan DiMartino, 2nd Grade, Eastover Central Elementary
School

EX-OFFICIO STUDENT: Amanda Evans, Cape Fear High School

RECOGNITION: Outgoing Board Members:

Alisa E. Debnam Cape Fear Valley Health System Board of
Trustees
John Clark – Cumberland County Juvenile Crime Prevention
Council

SPECIAL RECOGNITION: Hope Mills American Dixie Youth Baseball AAA State
Champions
Hope Mills American Dixie Youth Baseball Major State
Champions
Hope Mills Midget Girls Softball Fast Pitch (US Specialty
Sports Association) 12 and Under B State Champions

ADDITION TO AGENDA: Closed Session: Attorney Client Matter – Pursuant to
NCGS 143-318.11(a)(3)

1. Public Hearings

Uncontested Cases

Upon finding the request to be reasonable, neither arbitrary or unduly discriminatory
and in the public interest, the following motion was made for Case P03-64:

MOTION: Commissioner Blackwell moved to approve M(P).

SECOND: Commissioner King

VOTE: UNANIMOUS

- A. Case P03-64. The rezoning of 9.38 acres from M1 and HS(P) to
M(P) or to a more restrictive zoning district, located at 158 and 178
East Mountain Drive, owned by Walter M. Shaw.

The Planning Board recommends approval to M(P).

Contested Cases:

- B. Case P03-66. The rezoning of 52.20 acres from A1 to R15 or to a
more restrictive zoning district, located at 313 Palestine Road,
owned by Southeast Development, LLC.

The Planning Board recommends approval of R15.

SPEAKERS: Thomas Gooden – representing Southeast Development, LLC. Mr.
Gooden noted when questioned that there would be a total of 80-100 lots. Water is
available, sewer is not.

Commissioner Baggett noted the soil in the area is the type which would support septic tanks. Run off would not be a problem.

John Culbreth – Southeast Development, LLC – Mr. Culbreth noted he was there to respond to any questions.

John Streit – opposed to rezoning. He said he represented people in Linden who were opposed. Noted concern about the damage to the watershed. Mr. Streit said R20 would be more appropriate for this area.

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 R15.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

- C. Case P03-63. The rezoning of 18.13 acres from A1 to RR or to a more restrictive zoning district, located on the west side of Chicken Foot Road, south of Clifton McNeill Road, owned by Troy L. Iverson & Norman R. Nelson, III.

The Planning Board recommends approval of R40.

SPEAKERS:

Troy Iverson – Mr. Iverson said he plans to develop the property with 16 lots. He said the development is less dense than surrounding properties. He said a Soils Engineer said a majority of the property would perk. He said there are no wetlands on the site. He said they would do the necessary planning to address any storm water runoff.

Commissioner Baggett noted that a subdivision to the north of the property may create a runoff problem and expressed concern that further development may make the problem worse.

Commissioner Edge inquired how far the site was from water/sewer. Mr. Iverson responded about 5,000 feet. Mr. Iverson also indicated that he does not believe there are any plans in the near future to run water/sewer to the site.

Clifton McNeill, Sr. – Mr. McNeill said he has farmed this land for years and it will not accommodate 16 lots. He noted that the properties north of this site are having septic tank problems. He noted the sand is Stallings and Autryville sand, which causes standing water problems. He said the infrastructure needs to be in place before development occurs. He urged the Board to deny the request.

Clifton McNeill, Jr. – Reiterated what his father said above. Urged the Board to keep the zoning A1.

MOTION: Commissioner Blackwell moved to deny the rezoning request.
SECOND: Commissioner Edge
DISCUSSION: Commissioner Henley noted the Board needs to be more aware of problems created with runoff as a result of development. Although this is a relatively small development, it could still prove to cause problems. He suggested that the Storm Water Ordinance be amended to address quantity as well as quality issues and that runoff be evaluated when developing new lots. He noted the importance of protecting the rural areas of the county and retention of rural nature of an area. Commissioner Edge said he believes it is time for developers to consider the extension of water/sewer and recapture the cost in the sale of homes. Commissioner King said he was satisfied that water/sewer would go to this area at some point and perhaps the rezoning would be better received.
VOTE: UNANIMOUS

Conditional Use Overlay Case

- D. Case P03-67. A conditional use overlay district and permit to allow a wrecker and towing serve and temporary storage of vehicles in an RR district, containing 5.25 acres, located at 810 Slocomb Road and 6935 Holder Lane owned by Eleanor and Gary Holder.

The Planning Board recommends approval of the overlay district and permit with the following conditions:

Hours of operation will be 24 hours a day and six days a week;
No signage will be installed;
No salvaged vehicles will be allowed to be stored on site;
All disabled vehicles will be removed from the site within 90 days from approval by the Cumberland County Commissioners;
Temporary storage of vehicles shall not exceed six months;
An evergreen landscaped buffer and/or solid wooden fence will be installed to encompass the entire storage area of commercial and noncommercial vehicles associated with the business in accordance with Section `0.1 "Buffer" of the Cumberland County Zoning Ordinance;
A Watershed Permit must be obtained from the Cumberland County Planning & Inspections Department. The total impervious area to include parking and all structures shall not exceed the 24 percent built-upon area calculated from the total acreage according to the Watershed Ordinance;
The 12' x 54' trailer storage shown on the site plan shall be removed from the lot;
All items above shall be completed within 90 days from approval by the Cumberland County Commissioners.

The Planning Board information will be adopted as part of the minutes.

MOTION: Commissioner Blackwell 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 King
VOTE: UNANIMOUS

MOTION: Commissioner Blackwell moved that the Board finds that this conditional use overlay permit application, in 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; 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 with the above noted conditions.

SECOND: Commissioner Edge
VOTE: UNANIMOUS

Other Public Hearings

- E. Community Development Department 2002 Consolidated Annual Performance and Evaluation Report (CAPER)

Thanena Wilson, Director, Community Development, reviewed the report. No action is needed.

SPEAKERS: None

- F. Local Law Enforcement Block Grant FY2003

BACKGROUND: Federal regulations require a public hearing be held on the Local Law Enforcement Block Grant prior to expending funds. The funds will be utilized by the Sheriff's Office to continue funding data terminals and help defray costs of connecting the SBI and FBI databases, and the use of the 800 Megahertz radio system relay equipment.

SPEAKERS: None

No action is needed.

2. CONSENT AGENDA

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

SECOND: Commissioner Blackwell
VOTE: UNANIMOUS

- A. Approval of Minutes: September 2, 2003

ACTION: Approve

- B. Approval of transfer of Courthouse Deli Franchise Agreement and Ordinance from Clyde Sessoms to Shana B. Yi and Jae Yong Yi – SECOND READING

ACTION: Approve

- C. Approval of Cumberland County Policy Committee report and recommendations:

- (1) Resolution as recommended by Policy Committee providing that Board of Education Members shall be eligible to participate in the County's Medical and Hospitalization Plan

RESOLUTION

RESOLVED, by the Cumberland County Board of Commissioners that, pursuant to G.S> 115C-38, members of the Cumberland County Board of Education shall be eligible to participate in and be covered by the County's medical and hospitalization plan, provided that the Board of Education shall be interlocal agreement satisfactory to the County Manager agree to pay to the County's medical and hospitalization plan the full monthly premiums for such coverage and shall, in addition, reimburse the County the full amount of claims paid on behalf of and the administrative costs attributable to Board of Education members participating in the plan in excess of the premiums paid by such participants for each plan year.

ACTION: The Policy Committee recommends adoption of the Resolution.

- (2) Cumberland County Travel Policy

BACKGROUND: The new policy addresses travel advances, registration, transportation, reimbursement rates for food and lodging and the process for requesting reimbursement. It assures prudent spending of taxpayers funds and provides compliance with IRS guidelines. The policy addresses to methods for meal reimbursements, i.e., without receipts (maximum of \$30 a day); with receipts (maximum of \$46 a day). The policy, if adopted, will become effective October 1, 2003.

ACTION: The Policy Committee recommends approval of the proposed new travel policy.

- D. Approval of Cumberland County Facility Committee report and recommendation regarding "Guaranteed Energy Savings Contract"

BACKGROUND: The Cumberland County Engineering Department evaluated options to provide for the repair and upgrade of buildings and their respective systems. One of the options is "Guaranteed Energy Savings Contract". Financing of large scale improvements to facilities that will result in energy savings are authorized by Statute. The savings as a result of a reduction in energy consumption is then used to finance the improvements. When the financing period is over the savings translates into a direct reduction in operational costs of the facility. Companies involved in this form of Contract, guarantee the savings. If the improvements do not result in a reduction sufficient to make the payments, the Contracting Company is liable for the difference; thence, the guarantee aspect of the program.

ACTION: The Facilities Committee recommends the Board approve the concept of Guaranteed Energy Savings Contract and direct the Engineering Department and staff to move forward with a request for proposals from qualified contractors under the requirements of the State Statutes.

- E. Approval of Ordinances assessing properties for the cost of demolition:

Case Number: MH 1517-2001
Property Owner: Nathaniel & Deloise Bethune
Property Location: 352 Longhill Road, Fayetteville, NC
Parcel ID: 0541-59-5552

Cost of Demolition: \$1,200

Case Number: MH 1734-2002

Property Owner: John & Shelby Parker

Property Location: 778 Rembrandt Drive, Fayetteville, NC

Parcel ID: 9487-62-8787

Cost of Demolition: \$2,150

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

- F. Approval of Cape Fear Valley Health System 2003-04 Operating and Capital Budget and Budget Ordinance

BACKGROUND: The Hospital Board of Trustees approved the Health System's 2003-04 Budget on August 27, 2003. It also requires approval of the Board of Commissioners.

ACTION: Approve

- G. Approval of a Proclamation proclaiming September 23, 2003, "DuPont Appreciation Day".

ACTION: Approve

PROCLAMATION

WHEREAS, DuPont has been a valued member of the Cumberland County region manufacturing community since 1971, employing approximately 700 people; and

WHEREAS, DuPont's payroll and local purchasing contributes substantially to the vitality of the Cumberland County region economy; and

WHEREAS, DuPont has been a regular partner cooperating with educational institutions in Cumberland County, including Fayetteville State University, Fayetteville Technical Community College and Methodist College; and

WHEREAS, DuPont is a substantial corporate citizen in the Cumberland County region and has sought consistently to promote the well-being of the region and its citizens; and

WHEREAS, the Cumberland County Board of Commissioners greatly appreciates the contributions of DuPont to the business community and the quality of life in the Cumberland County region.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners proclaims September 23, 2003, "DuPont Appreciation Day" in recognition of the many contributions to our local economy and the quality of life in Cumberland County.

- H. Approval of a Proclamation proclaiming October 23-31, 2003, "Red Ribbon Week" in Cumberland County.

ACTION: Adopt proclamation.

PROCLAMATION

WHEREAS, alcohol and other drug abuse has been identified as one of the greatest threats to the future of our nation, and the 15 to 24 year old age group is dying at an alarming rate, and it is crucial that visible, unified preventative education efforts by community members are established to reduce the demand and use of drugs; and

WHEREAS, the National Family Partnership, the Partnership for a Drug-free North Carolina and Cumberland County C.A.R.E.S (Coalition for Awareness, Resources and Education of Substances) are sponsoring the NATIONAL RED RIBBON CAMPAIGN offering citizens the opportunity to display their dedication to a drug free lifestyle; and the National Red Ribbon Campaign will be held in every community in America during "Red Ribbon Week"; and

WHEREAS, business, government, law enforcement, schools, religious institutions, service organizations, youth, physicians, senior citizens, military sports teams and individuals will pledge their faithfulness to a healthy drug free lifestyle; and Cumberland County commits its resources to ensure the success of the Red Ribbon Campaign.

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners hereby proclaims October 23-31, 2003, RED RIBBON WEEK in Cumberland County and encourages all citizens to participate in drug prevention education activities, as a visible statement that we are strongly committed to a drug free community.

I. Budget Revisions

- (1) Emergency Services: B04-071 – Revision in the amount of \$7,767 to budget for the Department of Justice State Preparedness Program Grant. Funding Source – State
- (2) Tax Administration: B04-074 – Revision in the amount of \$11,840 to appropriate fund balance to budget for Tax Management and Doyle Hartley audits. Funding Source – Fund Balance appropriated
- (3) Library: B04-075 – Revision in the amount of \$30,000 to budget State grant to upgrade computer lab originally set up using funds from the Gates Corporation. Funding Source – State Grant

REGULAR AGENDA

3. Consideration of Cumberland County Facility Committee report and recommendation regarding Washington Drive School Property

BACKGROUND: The Facilities Committee, at its meeting on August 12, 2003, discussed the status of the City Fire Marshal's inspection of the Washington Drive Elementary School. The Assistant County Attorney Laura Johnson was instructed to write a letter to the tenant relating concerns about maintenance of the property. (Note: As of September 8, 2003, the tenant had rectified a number of the items and staff is continuing to work with him on the remaining concerns). The Facilities Committee also recommends to the full Board that the County transfer that portion of the property containing the Washington Drive Elementary School to the Martin Luther King (MLK) Park Committee once issues have been resolved regarding the City Fire Marshal's inspection. That will require a survey and subdivision of the property. (The Board previously authorized conveying a deed to the MLK Park Committee for Mr. Mathis' site as well as the school site and placing it in escrow until Mr. Mathis' lease expired in 2005). The MLK Committee is a non-profit corporation and the property would be transferred for the public purpose of providing affordable housing.

ACTION: Approve the recommendation of the Facilities Committee as noted above.

MOTION: Commissioner Blackwell moved to accept the recommendation of the Facilities Committee.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

4. Nominations to Boards/Committees

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

BACKGROUND: Ander Dunham and Nina Davis have resigned their positions on this Committee. Andrea Wright has recommended that Tracy Jones and Ronald Kelly be nominated to fill these two vacancies.

ACTION: Nominate Tracy Jones and Ronald Kelly to fill these 2 vacancies.

Nominees: Tracy Jones and Ronald Kelly

- B. Cumberland County Juvenile Crime Prevention Council (3 vacancies)

BACKGROUND: The Council has the following vacancies:

Substance Abuse Professional: Stuart Bowers resigned. Recommended: Brooke Olson.

Director of Mental Health or Designee: Dorothy Floyd has retired. Recommended: Debbie Jenkins

Local Sheriff or designee: Lt. David Cowart transferred to another division. JCPC Recommends Lt. Myron Sampson fill the position.

ACTION: Nominate to fill the vacancies.

Nominees: Brooke Olson – Substance Abuse position
Debbie Jenkins – Mental Health designee
Lt. Myron Sampson – Sheriff’s designee

C. Mental Health Board (1 vacancy)

BACKGROUND: The Mental Health Board has a vacancy which has occurred as a result of the death of Jesse Brayboy. The Mental Health Board recommends that Dorothy Brayboy fill the vacancy.

ACTION: Nominate to fill the vacancy.

Nominee: Dorothy Brayboy

5. Appointments to Boards/Committees

MOTION: Commissioner Blackwell moved to appoint the nominees in 5A & 5B by acclamation.

SECOND: Commissioner King

VOTE: UNANIMOUS

A. Board of Adjustment (1 vacancy)

Nominee: Steve Parsons

ACTION: Appoint Mr. Parsons.

B. Emergency Planning Committee (8 vacancies)

Nominees: At-large – Danny Terry
Utilities Representative – Ike Copeland
Hospital Representative – Steve Shultz
Law Enforcement Representative – Lt. Gary Searce
Law Enforcement Representative – Sgt. Charles B. Ward
Emergency Services Representative – Al Schwarcbher
Operator of Facilities Representative – Jay Jarvis
Local Environmental Representative – Hughie White

ACTION: Appoint the nominees.

6. Closed Session – Personnel Matter – Pursuant to NCGS 143-318.11(a)(6) and Attorney Client matter – pursuant to NCGS 143-318.11(a)(3)

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

SECOND: Commissioner Edge

VOTE: UNANIMOUS

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

SECOND: Commissioner King

VOTE: UNANIMOUS

MEETING ADJOURNED: 9:15PM.

