

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
AUGUST 15, 2005, 7:00PM
REGULAR/REZONING MEETING

PRESENT: Chairman John T. Henley, Jr.
Vice Chairman Billy R. King
Commissioner Talmage S. Baggett
Commissioner J. Breeden Blackwell
Commissioner Jeannette M. Council
Commissioner Kenneth S. Edge
Commissioner Diane Wheatley
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Cliff Spiller, Asst. County Manager
Amy Cannon, Asst. County Manager
Grainger Barrett, County Attorney
Tom Lloyd, Deputy Director, Planning/Inspections
Marsha Fogle, Clerk

INVOCATION - Commissioner Kenneth Edge

PLEDGE OF ALLEGIANCE – Trent Tetterton

ADDITION TO AGENDA: NORCRESS Water and Sewer District Board Special Meeting

MOTION: Commissioner Baggett moved to add to the agenda.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

1. Public Hearings

- A. Public Hearing Regarding the Proposed Transfer of Health Care Facilities of the County of Cumberland to the Cumberland County Hospital System, Inc. Pursuant to N.C. General Statute 131E-8.

Mr. Wally McBride of the Hunton & Williams Law Firm reviewed the process of the reorganization of the Hospital System. Mr. McBride noted that the covenants contained within the Transfer Agreement protect the hospital and the County. Some of those covenants are:

- Community General Hospital will offer health care services comparable to services at other regional facilities;
- Citizens will be served without regard of their ability to pay;
- Minimum financial strength and operating standards will be maintained;
- Efforts to increase use of Historically Underutilized Businesses will continue;
- Full Board meetings will be open to the public
- Any transfer of substantial portion of System will be subject to County consent;
- The system reverts to the County if Covenants are violated.

The Restated Articles of Incorporation include:

- 20 member board (7 commissioners, 8 others appointed by the County, and 5 appointed by the Board itself);
- Board must include at least 5 doctors and 2 nurses;
- Corporation is limited to non-profit health care activities;
- Corporation cannot terminate emergency services or sell, lease or liquidate significant assets or contract for management without approval by 16 members of the Board and a majority of Commissioners;
- Any net amounts from such a sale, etc., go to the County for use for health care activities;
- No significant changes will be made to the Articles without consent of the County.

Chairman Henley opened the public hearing.

SPEAKERS:

Denny Shaffer – Mr. Shaffer asked the Board to look at other alternatives and to set up an open process for citizen input. He asked the Board to reject the conversion of the hospital system to a private not for profit entity.

Dr. Chris Barnes – Dr. Barnes supports the hospital conversion. He said it will help the county to compete with surrounding health care systems. He also noted the additional money will help in upgrading equipment, facilities and recruiting health care providers.

Rev. Aaron Johnson – Supports the conversion.

John Keefe (former Hospital Board of Trustees President): Supports the conversion. Will be beneficial to the hospital and the community. Will improve our competitiveness and benefit patient care.

Wilson Lacy – Supports the conversion and hopes it will increase the use of historically underutilized businesses.

Michael Lallier – Supports the conversion and is confident the additional money will be reinvested to improve patient care, upgrade of facilities and better salaries to attract more health care professionals.

Dr. Jim Thomas – Supports the conversion. It will help provide better resources to improve health care. Has served as Chief of Surgery in Florida and Maine. Community not-for-profit is the way to go.

Dr. Richard Shereff – Asked the Board to postpone a decision regarding the conversion. Noted the hospital does some things well and some things not so well. Problems in the Emergency Room.

Rudolph Singleton – Not here in opposition. Would like for the Board to delay action until it has had an opportunity to look at other alternatives.

Dr. Nitin Desai – Chief of Medical Staff – Supports the conversion. Will benefit the patients and community at large. Additional money will help pay for needed expansion and equipment. Conversion makes sense and will allow greater flexibility and efficiency.

Senator Tony Rand – Health system will change over the next 5-10 years. Growth in Medicaid and Medicare will affect everyone. County should ally itself with another major health care system in order to survive. He asked that the Board look at other alternatives to the conversion under consideration.

Jerry Dean – Served on the Wake Medical Foundation Board when he lived in Raleigh. Supports the conversion. Will allow the hospital system to operate more efficiently, will be more competitive and better serve the public.

Lonnie Player – Supports the conversion. The conversion will not affect other options available to the hospital system. The conversion will help the hospital become more financially stable and improve patient care.

Dr. Hank Parfitt – Has practiced Urology in Fayetteville since 1982. Becoming a UNC hospital will not correct or solve problems here. Supports the conversion.

Dr. Dinesh Chandra – Chief of Staff Elect at Cape Fear Valley Hospital. Supports the conversion. Will make it easier to compete in the marketplace.

Angela Commuse – Supports the conversion. Has watched the hospital system grow. Believes in the leadership of the hospital.

George Boggs – Does not support the conversion. Hopes the Board will go with UNC – thinks it will be a boon to the county.

Jean Harrison – Employee at Cape Fear Valley Hospital. Recruits staff. Supports the Community not-for-profit conversion. The Hospital has won many awards. Healthcare is big business and you have to have money to run it effectively and efficiently. Conversion will mean better facilities, better health care, and the ability to attract health care professionals.

Robert Anderson – Wants the people to vote on this issue.

David Pattillo – Does not support the conversion. Worked previously at Highsmith Rainey. Wants the Board to rethink its vote on this conversion.

Autumn Budde (hospital employee) – Conversion is the right thing to do. Will positively affect the quality of care at the hospital. Was in the hospital and received excellent care.

Dr. Vanessa King - Clinical Pharmacist – supports the conversion. Concerned about quality comprehensive health care to our citizens. Conversion will allow hospital to make investments that will increase our returns.

Neal Kachalia – Supports conversion. Will help the hospital system to become more self reliant.

Brian Irving – Take another look. Why not sell the hospital? Look at all options.

Dena Porter – Does not support conversion. Look at other alternatives. She noted concern there was no plan to improve public care. She said she believed the quality of care has deteriorated at the hospital under this management.

Ethelyn Holden Baker – Not supportive of conversion. Noted the Board was exploring the issue in May and now has adopted it.

Sue Ivey – Does not like the idea of giving the hospital away. She said it is a good hospital and her husband has received good care there. Does not want it to go private. Concerned about the administrator's salary.

John Malzone – The hospital is big business. The administrator is a real bargain. Write-offs are very high, and the hospital is still able to do its work. The conversion will allow the hospital to compete and it is a step in the right direction.

Chairman Henley closed the Public Hearing.

MOTION: Commissioner Breeden Blackwell moved to adopt the "Resolution Authorizing Transfer of the Cumberland County Hospital System pursuant to NCGS 131E-8 and Execution and Delivery of Documents Related Thereto".

SECOND: Commissioner Edge

DISCUSSION: Commissioner Baggett noted things are changing in health care and he will support the motion because he thinks it will improve the quality of health care. He said this act does not preclude this organization from looking at other alternatives. Commissioner King noted this is a major issue. He said he believes this is the right vote for the right reason at the right time. Commissioner Edge noted all of the contributions that the hospital system and its 4000 employees make to our community. The hospital system already partners with UNC, FTCC and FSU. Commissioner Edge said he would support the motion. He also noted that this conversion does not preclude looking at any proposals to enhance the quality of health care. Commissioner Wheatley said as a nurse her focus is on quality health care. She said she would support the motion. Commissioner Blackwell said the other counties who have converted to a private not-for-profit have strengthened its systems. He noted he had spoken with commissioners from across the state who have done what we are about to do. He said this is a complicated business. He also noted the Hospital Board and Commissioners have been studying this issue for some time. He said the bottom line is "quality patient care". He believes this conversion will help enhance that care. Chairman Henley said he believed this debate about the conversion has been good for the community. He said he as a physician has spent time in the Emergency Department and is aware of some of the issues. He said this conversion will make the hospital financially stable which will in turn address other issues, recruitment, patient care, equipment and facilities.

VOTE: UNANIMOUS

Uncontested Cases

Upon finding the requests to be reasonable, neither arbitrary nor unduly discriminatory and in the public interest the following motion was offered:

MOTION: Commissioner King moved to follow the Planning Board recommendations on Rezoning Cases P05-26, P05-32, P05-35, P05-39, P05-40, P05-44, P05-47, P05-52, P05-53 and P05-36.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

Note: Case P05-49, an uncontested rezoning case will be voted on separately.

- B. Case P05-26. The rezoning of an 8.04-acre portion of a 46.82-acre tract from A1 to R10, or a more restrictive zoning district, on the south side of Braxton Road, west of Chicken Foot Road, owned by Braxton Developers, LLC.

The Planning Board recommends approval of R10.

- C. Case P05-32. The rezoning of 76.0 +/- acres from A1 to R40, on the east and west sides of Thrower Road, south of John McMillan Road, owned by R.L. Cashwell, Jr. and Rebecca C. Johnson.

The Planning Board recommends approval of R40 for 31.98 acres.

- D. Case P05-35. The rezoning of .86 +/- acres from C1 to C3, or a more restrictive zoning district, at 1291 Andrews Road, owned by Jacqueline C. Andrews. **(Note: C3 is C(P) with adoption of the new zoning ordinance in June 2005).**

The Planning Board recommends approval of C3.

- E. Case P05-39. The rezoning of 1.0 +/- acres from A1 to RR, or a more restrictive zoning district, at 10361 Turnbull Road, owned by Taft and Elnora C. Hogan.

The Planning Board recommends approval of RR.

- F. Case P05-40. The rezoning of a 29.93-acre portion of a 104.64-acre tract from A1 to R40, south of Heartpine Drive, east of NC Highway 87 South, owned by Johnson Hutaff Investments, LLC.

The Planning Board recommends approval of R40 for 24.56 acres and that the remaining acreage (5.37 acres) remain A1.

- G. Case P05-44. The rezoning of 2.28 acres from A1 to R40A, or to a more restrictive zoning district, at 1491 Carrisbrooke Road, owned by Kenneth Faircloth.

The Planning Board recommends denial of R40A and approval of A1A.

- H. Case P05-47. The rezoning of 4.59 acres from R10 to C(P), or to a more restrictive zoning district, at 4270 Sweetwater Drive, owned by Joseph P. Riddle, III.

The Planning Board recommends approval of C(P).

- I. Case P05-49. The rezoning of 3.25 acres from A1 to R40A, or to a more restrictive zoning district, located at 4945 Cedar Creek Road, owned by James E. Davis.

The Planning Board recommends denial of R40A and approval of A1A.

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

MOTION: Commissioner Baggett moved to approve A1A.
SECOND: Commissioner King
VOTE: UNANIMOUS

- J. Case P05-52. The rezoning of 3.28 acres from R6A to C(P), or to a more restrictive zoning district, located at 102 Indian Drive, owned by the Cumberland County Association for Indian People.

The Planning Board recommends approval of C(P).

- K. Case P05-53. The rezoning of 2.25 acres from R10 to RR, or to a more restrictive zoning district, at 4245 Cameron Road, owned by Thomas O. H. Beck.

The Planning Board recommends denial of RR and approval of R20.

Conditional Use District and Permit

- L. Case P05-23. The rezoning of 11.83 acres from A1 to RR, or to a more restrictive zoning district and a Conditional Use District and Permit, to allow residential use of the property upon removal of the salvage yard, located at 7008 Goldsboro Road, owned by Yolanda Barefoot, et. al.

The Planning Board recommends denial of RR and approval of R40A Residential District and Conditional Use District and Permit subject to the additional conditions noted below:

- the old house shall be removed prior to any development
- the salvage shall be relocated to the designated areas as shown on site plan

No speakers

MOTION: Commissioner Blackwell moved to approve the R40A Residential District and Conditional Use District.
SECOND: Commissioner Council
VOTE: UNANIMOUS

MOTION: Commissioner Baggett moved that the Board finds that 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, 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 additional conditions noted above.
SECOND: Commissioner King
VOTE: UNANIMOUS

- M. Case P05-38. Revision of a Conditional Use Permit to allow a second home in an A1 District on 1.67 acres at 4450 Graye Fryers Lane, owned by Eddie R. Starling.

The Planning Board recommends approval of the revision to the Conditional Use Permit as noted above.

MOTION: Commissioner Baggett moved that the Board finds that 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, 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 additional conditions noted above.
SECOND: Commissioner King
VOTE: UNANIMOUS

Contested Cases

- N. Case P05-36. The rezoning of 13.55 +/- acres from A1 to R40 at 6440 NC Highway 87 South, owned by Faye Faircloth Jackson.

The Planning Board recommends approval of R40.

- O. Case P05-42. The rezoning of 186.0 +/- acres from RR to R10, or a more restrictive zoning district, on the north and south sides of Sunnyside School Road, west of I-95, owned by C. E. Jones, Jr.

The Planning Board recommends denial of R10.

SPEAKERS:

James Smith – Mr. Smith said he could accept R15 on this zoning, which is what the Planning Staff had recommended. He noted infrastructure is already in (water/sewer and gas lines). They are planning to do some drainage on the property to include a retention area. Asked the Board to approve R15.

Ned Garber – Asked the Board to approve R15.

Barbara Shumway – Opposed to rezoning until the drainage issues have been addressed. Schools in the area are already overcrowded. Water table is about 12 inches.

Edward Wallace – Water and drainage problems, some caused by I-95 and new Highway 24. Opposed to rezoning.

Nancy Smith – Drainage problems, water has no where to go. Need to take care of the problem before any rezoning is done. Opposed to rezoning.

Public Hearing is closed.

Commissioner Baggett noted there is a bad drainage problem in that area.

MOTION: Commissioner Baggett moved to send this case and Case P05-43 back to the Planning Board to consider a conditional use district.

SECOND: Commissioner Council

DISCUSSION: Commissioner King said the Board just needs to deny the rezoning. Chairman Henley suggested the Storm Water Utility be involved in solving the problem. Commissioner Wheatley inquired about who would maintain the detention ponds if they were put in.

VOTE: FAVOR: Commissioners Baggett, Henley, Council, Blackwell, Wheatley, Edge

OPPOSED: Commissioner King

- P. Case P05-43. The rezoning of two parcels totaling 83.03 +/- acres from A1 and RR to R10, or a more restrictive zoning district, east of L. A. Dunham Road, south of Sunnyside School Road, owned by Marcus Edwards Development, LLC.

The Planning Board recommends denial of R10. This case was considered with Case P05-42 and the motion made for P05-42 included this case.

- Q. Case P05-51. The rezoning of seven parcels totaling 137.96 acres from A1 and RR to R10, or a more restrictive zoning district, located at 5549 Braxton Road, owned by P. R. Barker.

The Planning Board recommends denial of R10 and approval of A1 to RR.

SPEAKERS:

Trey McLean – representing Mr. Barker, the petitioner. Mr. McLean urged the Board to approve the R10. He noted major highways and high density development in the area. He said the developer will bring water and sewer to the area. Good development will benefit the county. He said the developer would have to have R10 to make the project economically feasible.

MOTION: Commissioner King moved to approve R10.

SECOND: Commissioner Blackwell

DISCUSSION: Chairman Henley suggested R15 with CUD.

VOTE: UNANIMOUS

Other Public Hearings

- R. Minimum Housing Code Enforcement

- (1) Case Number: MH 4086-2004
Property Owner: Cornelius R. Autry
Property Location: Next to 4232 Pleasantview Drive, Fayetteville, NC
Parcel ID Number: 0467-62-5073

AFFADAVIT OF HOUSING INSPECTOR'S REPORT – George Hatcher

SYNOPSIS: This property was inspected on December 16, 2004. The property owners and parties of interest were legally served with the Notice of Violations and afforded a hearing on January 19, 2005. The property owners attended the hearing by telephone. 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 no later than April 19, 2005. 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 August 5, 2005 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 human habitation is \$5,000. The Assessor for Cumberland County has this structure presently valued at \$500 for salvageable materials.

RECOMMENDATION: The Planning and Inspections Department recommends that this structure be demolished and the debris removed from the lot.

SPEAKER: Mr. Cornelius Autry – Mr. Autry asked for additional time to take care of the problems.

MOTION: Commissioner Baggett moved:

- **to adopt the order/report of the Minimum Housing Inspector as the true facts in this case;**

- to order the property owner to remove or demolish the dwelling within 30 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; and
- direct the Clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record same in the Register of Deeds.

SECOND: Commissioner King
VOTE: UNANIMOUS

(2) Case Number: MH4207-2005
Property Owner: Bobby Ray Everett
Property Location: 2108 Memory Road, Hope Mills, NC
Parcel ID Number: 0443-11-9672

AFFADAVIT OF HOUSING INSPECTOR'S REPORT – George Hatcher

SYNOPSIS: This property was inspected on February 8, 2005. The property owners and parties of interest were legally served with the Notice of Violations and afforded a hearing on March 9, 2005. The property owners attended the hearing by telephone. 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 no later than June 9, 2005. 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 August 5, 2005 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 human habitation is \$15,000. The Assessor for Cumberland County has this structure presently valued at \$500 for salvageable materials.

RECOMMENDATION: The Planning and Inspections Department recommends that this structure be demolished and the debris removed from the lot.

No speakers.

MOTION: Commissioner Edge moved:

- to adopt the order/report of the Minimum Housing Inspector as the true facts in this case;
- to order the property owner to remove or demolish the dwelling within 30 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; and
- direct the Clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record same in the Register of Deeds.

SECOND: Commissioner King
VOTE: UNANIMOUS

(3) Case Numbers: MH 4087, 4088, 4089, 4090, 4091, 4092 and 4093-2005
Property Owner: Billy Ray Maxwell
Property Location: Eastover Estates Mobile Home Park,
Beard Road, Fayetteville, NC
(Unit Numbers: 3637, 3641, 3645, 3651, 3657, 3661, 3665)
Parcel ID Number: 0469-63-4411

AFFADAVIT OF HOUSING INSPECTOR'S REPORT – George Hatcher

SYNOPSIS: This property consisting of seven singlewide mobile homes was inspected on November 19, 2004. The property owners and parties of interest were legally served with the Notice of Violations and afforded a hearing on January 26, 2005. The property owners attended the hearing by telephone. It was ordered that the seven structures be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than April 26, 2005. 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 August 5, 2005 no corrective action had been made to the structures. The structures are presently vacant and unsecured. In their present state, the structures constitute a fire, health and safety hazard. The estimated cost to repair this structure to a minimum standard for human habitation is \$5,000. The Assessor for Cumberland County has this structure presently valued at \$500 each for salvageable materials.

RECOMMENDATION: The Planning and Inspections Department recommends that all seven structures be demolished and the debris removed from the lot.

No Speakers.

MOTION: Commissioner Baggett moved:

- to adopt the order/report of the Minimum Housing Inspector as the true facts in this case;
- to order the property owner to remove or demolish the dwelling within 30 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; and
- direct the Clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record same in the Register of Deeds.

SECOND: Commissioner King

VOTE: UNANIMOUS

2. Consent Agenda

Note: The following consent items will be voted on separately: 2B5 and 2BE.

MOTION: Commissioner Council moved to follow staff recommendations on the items on the Consent Agenda, except for those items noted above.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

- A. Approval of minutes for the August 1, 2005 regular meeting.

ACTION: Approve

- B. Approval of Cumberland County Policy Committee Report and Recommendations:

- 1. Consideration of Waiving \$7 Privilege License (Tax) on Retired Law Enforcement Service Animals.

BACKGROUND: When a law enforcement canine is retired it is given to its handler and becomes his/her private property. The Animal Board would like to request that the privilege license be waived on retired service animals. The Policy Committee recommends approval of this request.

ACTION: Approve waiving the \$7 Privilege License Tax on retired law enforcement service animals.

- 2. Policy of Renovations to County Facilities.

BACKGROUND: Bob Stanger, County Engineer, developed a policy addressing renovations to county facilities. The policy was reviewed by the County Policy Committee. This policy for renovation work to county facilities would apply to all projects where the use or architectural treatment of the space is altered and the estimated cost of the work is \$5,000 or greater. The Policy Committee recommends the Board adopt the following Policy:

The Department Head shall submit to the County Manager a written request for the proposed renovation project containing the following information:

- description of the scope of the work; indicate whether or not the project will be done in multiple phases;
- the estimated cost of the work including all phases; indicate funding source;
- justification for the project; how will the renovation work improve the operation of the department

The County Manager shall review the request and take one of the following actions:

- approve the request as submitted;
- in consultation with the department head, approve a revised scope of work;
- disapprove the request; the department head may appeal the Manager's decision to the County Facilities Committee.

ACTION: Approve the above policy.

- 3. Consideration of Authorizing a Charge for Road Closures.

BACKGROUND: Road closings initiated by private citizens which the Legal Office processes are becoming significant in number. The County Policy in the past has been not to charge for this courtesy, however, it is becoming more costly and takes up a fair amount of time. The advertising cost for fiscal year 2005 alone has totaled \$2,126.68 (for three closings). The average cost of a closing is \$708.89. The Legal Department would request that the Board

consider charging a fee which would offset the cost of the procedure and deter citizens from starting the procedure and then deciding later not to continue. The Policy Committee met on August 4, 2005 and recommends that the Board of Commissioners authorize a \$500 application fee.

ACTION: Approve the \$500 fee for road closings for applications filed after approval of the fee.

4. Consideration of an Interlocal Agreement with Robeson County to Provide Public water to a Proposed Subdivision on Roslin Farm Road in Cumberland County Near the Robeson County Line.

BACKGROUND: David Mathews of Moorman, Kizer & Reitzel who represents Landfall Partners LLC has requested permission on behalf of Robeson County for Robeson County to provide public water to a proposed subdivision located on a 113.58 acre tract on Roslin Farm Road in southern Cumberland County. Cumberland County has no immediate plans to provide water to this area. Robeson County has an existing water line at the intersection of John McMillan Road inside of the Robeson County line. Costs associated with the extension of this service will be borne by the developer. Cumberland County has had an Interlocal Agreement in place with Harnett County since 1988 to provide water in the northern portions of the County that could not be served by PWC. The Policy Committee discussed this issue at its meeting on August 4, 2005 and recommends that the County enter into an agreement with Robeson County, similar in terms to the Harnett County agreement, to provide water service to the residents in the Roslin Farm Road area.

ACTION: Approve agreement with Robeson County with substantially comparable terms to the Interlocal Agreement we have with Harnett County.

5. Amendments to Abandoned, Nuisance, and Junked Motor Vehicles (Article III of the Cumberland County Code).

BACKGROUND: Lengthy appeal periods (up to 180 days) are preventing our Code Enforcement Officers from efficiently administering Article III of the Cumberland County Code. We are receiving an increased number of complaints from citizens regarding unlicensed/junked vehicles in residential area. These vehicles are not only unsightly but present a hazard to small children. The Policy Committee discussed this matter at its meeting on August 4, 2005 and recommends that the Board approve amendments to this Code which will reduce the appeal period from 90-180 days to 15 days. There are always exceptions through an administrative hearing for citizens who legitimately cannot comply with the short time period (soldiers who are deployed for example). A copy of the amended ordinance may be found in the County Ordinance Book until Codification has been accomplished.

ACTION: Approve the amendments.

The County Attorney noted he had received some concerns regarding antique vehicles and how this ordinance would apply. He recommended an additional exemption in the above Ordinance as follows:

Section 9-47(d)(2): Any vehicle which the Planning and Inspections Director or his/her designee determines on the basis of generally available compilations, data or information is regarded as having appreciable value as an antique.

MOTION: Commissioner Blackwell moved to approve the amendments to the Ordinance to include the one about antique vehicles.

SECOND: Commissioner Council

VOTE: UNANIMOUS

6. Consideration of a Policy Regarding Public Comment at Commissioners Meetings.

BACKGROUND: The NC General Assembly has adopted a bill (HB 635, Session Law 2005-170) which requires Boards of Commissioners to provide at least one public comment period per month at its regular meeting. The Board may adopt reasonable guidelines governing the conduct of the comment period to include fixing the maximum time per speaker, providing for designation of spokesman for groups of persons supporting or opposing the same positions, providing for maintenance of decorum, etc. The Policy Committee met on August 4 and recommends the Board consider the following guidelines:

- The public comment period shall be held at the beginning of the meeting on the third Monday of each month at 6:45PM and shall last no longer than 15 minutes. Time can be extended at the discretion of the Board.

- Each speaker will have a maximum of three minutes to make remarks.
- No time will be yielded to a speaker by another speaker.
- Persons who wish to address the Board will register on a sign-up sheet that will be available in the commissioners meeting room. The sign-up sheet will be available 15 minutes prior to the start of the comment period.
- Speakers will be acknowledged by the Board in the order in which their names appear on the sign-up sheet. Speakers will address the Board from the lectern and being their remarks by stating their name and address.
- Public comment is not intended to require the Board to answer any impromptu questions. Any action on items brought up during the comment period will be at the discretion of the Board.
- Speakers will discuss issues germane to Cumberland County.
- Speakers shall not discuss matters deemed to be "closed session" type issues (Personnel matters, Litigation, Property Acquisition, Attorney-Client privilege, Matters made confidential by law and matters which are the subject of public hearings).
- Speakers will not discuss matters regarding the candidacy of any person seeking public office, including the candidacy of the person addressing the Board.
- Speakers will be courteous in their language and presentation. Personal attacks will not be tolerated.
- Written comments and/or supporting documents may be left with the Clerk to the Board.

ACTION: Consider the above guidelines.

C. Approval of Ordinance Assessing Properties for the Cost of Demolition.

BACKGROUND: On September 20, 2004, the Board of Commissioners enacted an Ordinance directing that the structure located at 5875 Kellys Landing Road, Fayetteville, NC (PIN 0454-02-2083) be demolished by the owner Karen E. Lockamy. The owner failed to comply with the specified time period, and the Minimum Housing Inspector had the structure demolished as required by the Ordinance at a cost of \$1,675.00. In addition, on December 20, 2004, the Board of Commissioners enacted an ordinance directing that the structure located at 8983 East Reeves Bridge Road, Linden, NC (PIN 0553-66-6856) be demolished by the owner Cynthia F. Parker. The owner failed to comply with the specified time period and the Minimum Housing Inspector had the structure demolished as required by the Ordinance at a cost of \$1,900.00.

ACTION: Adopt Ordinances assessing properties noted above for the cost of demolition. (Ordinance may be found in the Minimum Housing Ordinance Book).

D. Approval of Declaring Real Property Surplus and Authorizing Sale by Auction.

BACKGROUND: The County has acquired many tracts of land through tax foreclosure. Some have been declared surplus and some have not. The County Attorney's office would like to auction off all of the properties declared surplus to its needs. The County will contract with H.B. Smith, Auctioneer, who will assist in advertising the sale and conduct the auction. The auction will be conducted at no charge to the county. The auctioneer will be remunerated by charging a "buyers' premium" for each parcel he sells.

ACTION: Adopt the Resolution declaring the attached list of properties surplus to the needs of the County, add that list to the current list of surplus, approve the proposed sale by auction and authorize the County to convey the properties owned by both the City and the County if sold at auction, to divide the proceeds in proportion to their respective taxes, interest and penalties owed. SURPLUS PROPERTY LIST – ATTACHMENT A TO THESE MINUTES.

RESOLUTION

WHEREAS, the County of Cumberland has acquired many tracts of land through tax foreclosure, a list of which is attached as Attachment A to these minutes; and

WHEREAS, there are other tracts of land, a list of which is attached as Attachment B to these minutes, which are not yet declared surplus and which the County Attorney's office proposes the Board to so declare; and

WHEREAS, the County Attorney proposes to conduct an auction of these properties authorized by GS 160A-270; and

WHEREAS, the County Attorney proposes to contact with H.B. Smith, Jr., Auctioneer, who will assist in advertising the sale as well as conducting it; and

WHEREAS, the Auctioneer will conduct the sale at no charge to the County and will be remunerated by charging a "buyers" premium, a standard practice in these types of sales, for each parcel he sells; and

WHEREAS, some of the parcels for sale are owned by the County and the City of Fayetteville, and if sold, the County and City will divide the proceeds; and

WHEREAS, the proposed sale is scheduled for Saturday, September 17, 2005 at 9:00AM in Room 119 of the Cumberland County Courthouse and at the sale, high bidders must submit a deposit equal to 15% of the auction bid plus a 15% "buyers" premium payable in cash US dollars only, or certified check; and

WHEREAS, all bids must be accepted and confirmed by the Board of Commissioners before the sale is final; and

WHEREAS, a Notice of Sale including a general description sufficient to describe each property and with reference to this Resolution shall be published in the newspaper of general circulation not less than thirty days before the sale.

NOW, THEREFORE the Board of Commissioners of Cumberland County, North Carolina, hereby RESOLVES that the proposed sale is authorized and shall be conducted in accordance with the above stated procedure.

E. Approval of New Courthouse Plaza Renovation Project Engineering Agreement.

BACKGROUND: The scope of the project initially included Courthouse lobby expansion, stairs and ramp improvements, plaza site lighting, drainage, hardscape and landscape improvements, parking lot improvements and streetscape improvements. The project has been increased to include courthouse security measures as recommended by the Courthouse Security Committee and directed by the Board. The project will be done in phases over an 18 month period as funds become available. Plans and specifications will be prepared for the median and island improvements located in Dick Street and Ottis Jones Parkway and window replacement, but construction will not be performed at this time. The County will pursue other funding alternatives such as City participation for the streetscape improvements and guaranteed energy savings contract for the window replacement. The basis of compensation for services rendered is direct labor costs with a 2.5 multiplier. Special consultants and reimbursable expenses will be billed a actual cost. The total not to exceed amount if \$303,725. The breakdown of the engineering fees is \$237,250 for the Plaza Renovations and \$66,475 for the Courthouse Security Measures.

ACTION: Approve the agreement with Moorman, Kizer & Reitzel as noted above and the associated budget revision (B06-049).

MOTION: Commissioner King moved to approve.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

F. Approval of Cape Fear Valley Health System FY05-06 Operating and Capital Budget Ordinance.

ACTION: Approve

G. Approval of Cape Fear Valley Health System Subleases.

BACKGROUND: The Hospital Board of Trustees recommends approval of the following Health System subleases:

Ernesto J.F. Graham, MD, Fayetteville Heart Center, The Blood Center and Cancer Clinic, 405 South Main Street, Raeford, Hoke Family Medical: Fee for each 4hr Block of Time is \$50.00

Children's Acute Care, PA, 3322 Melrose Road: One room lease - \$20.00/sq. foot

Pathways Equipment Lease

ACTION: Approve

H. Approval of Bid Award of Uniform Contract for the Sheriff's Office.

BACKGROUND: An invitation to bid on uniforms for the Sheriff's Office was sent out and only one vendor submitted a bid. The Sheriff's Office recommends acceptance of the bid in the amount of \$110,000, depending on the number of uniforms needed, from American Uniforms.

ACTION: Award the bid as noted above.

I. Budget Revisions:

ACTION: Approve

(1) Library

- a. Library Grants - Revision in the amount of \$15,000 to establish Library Services and Technology Act Planning Grant for a branch library development assessment. (B06-037) **Funding Source – State Grant**
- b. Library Grants – Revision in the amount of \$25,000 establish Library Services and Technology Act Basic Equipment Grant to replace computers used by the public. (B06-043) **Funding Source – State Grant**
- c. Foreign Language – Revision in the amount of \$2,424 to re-budget revenue received in prior year. (B06-038) **Funding Source – General Fund Fund Balance**

(2) Planning and Inspections

Revision in the amount of \$1,159 to reallocate budgeted expenditures to fund salary increase for new level of certification. (B06-039) **Funding Source – Reallocation of Budgeted Expenditures**

(3) Board of Elections

Revision in the amount of \$6,640 to budget unexpended grant funds from prior year. (B06-040) **Funding Source – General Fund Fund Balance**

(4) Print Shop

Revision in the amount of \$7,515 to appropriate fund balance to provide sufficient salary funds to fully fund the second Print Technician position for FY2006. (B06-042) **Funding Source – General Fund Fund Balance**

(5) Sheriff

School Law Enforcement: Revision in the amount of \$14,378 to appropriate fund balance to establish two crossing guard positions at The Ramsey Street Alternative Middle and High School. (B06-047) **Funding Source - General Fund Fund Balance**

(6) Health

Immunization Clinic – Revision in the amount of \$18,000 to appropriate fund balance for the purchase of state mandated equipment. (B06-046) **Funding Source – Health Department Fund Balance**

(7) Cooperative Extension

Revision in the amount of \$7,601 to re-budget unexpended grant funds from FY2005. (B06-045) **Funding Source – Grant**

(8) 1998 Local School Bond Projects

Revision in the amount of \$175,726 to budget interest income (\$49,307) and contractor sales tax (\$126,419) earned in FY2005. (B06-044) **Funding Source – Interest Income and Contractor Sales Tax**

(9) Crown Center/General Government Other

Revision in the amount of \$80,000 to budget transfer from General Fund to be used for improvements to the cooling tower system at the Crown Coliseum. (B06-048 and B06-048A) **Funding Source – General Fund Fund Balance**

Items of Business

3. Nominations to Boards and Committees

A. Homelessness Task Force (2 Vacancies)

BACKGROUND: On August 1, 2005 the Board approved the Proposed City/County Steering Committee for the Community Development Department's 10-Year Plan to End Homelessness. The Board of Commissioners needs to nominate two "general public" representatives.

ACTION: Nominate to fill two vacancies.

Nominee: Trudy Locklear

B. Minimum Housing Appeals Board (1 Vacancy)

BACKGROUND: Mary J. Raynor, a regular member of this Board, has resigned due to health reasons. Clyde V. Vaughan, an alternate member, has been recommended to fill the vacancy.

ACTION: Nominate to fill the vacancy.

Nominee: Clyde V. Vaughan

C. Planning Board (1 Vacancy)

BACKGROUND: Marion Gillis-Olson has resigned from this Board. Nominate to fill her position.

Nominees: Carrie Sutton
Sara Piland

D. Workforce Development Board (6 Vacancies)

BACKGROUND: This Board has the following vacancies:

Private Sector: Kathy Olsen – completed first term, eligible for reappointment.

Bob Dickerson – completed first term, eligible for reappointment.
Annie Hasan – completed first term, eligible for reappointment.

Public Sector: Vivian Tookes – completed first term, eligible for reappointment.

Community Based Organization: Patricia Tyson – completed first term, eligible for reappointment.

Labor representative: Damita Rucker-Ash – completed first term, eligible for reappointment.

Nominees: All of the above have been nominated.

4. Appointments to Boards and Committees

MOTION: Commissioner Blackwell moved to appoint the nominees in A-E.
SECOND: Commissioner King
VOTE: UNANIMOUS

A. 2030 Growth Vision Plan Task Force (4 Vacancies)

Nominees: 2 County Commissioner Members:

Commissioner John Henley
Commissioner Diane Wheatley

2 Cumberland County Joint Planning Board Members:

Clifton McNeill, Jr.
Charles Morris

B. Board of Adjustment (2 Vacancies)

Nominees: Johnny Lee Council – Alternate Member
Joe Potts – Regular Member

C. Cape Fear Valley Health System Board of Trustees (1 Vacancy)

Nominee: Ralph Mitchell

D. Joint Appearance Commission (2 Vacancies)

Nominees: Elizabeth B. Moore
Dianne Howard Sheppard

E. Juvenile Crime Prevention Council (4 Vacancies)

Nominees:

<u>At-Large Representative:</u>	Patrick Hurley (Reappointment)
<u>Member of Business Community Representative:</u>	Gene Hallock
<u>Health Director of Designee:</u>	Vaughn Steele
<u>Substance Abuse Professional:</u>	Lynett Shakeel

F. Parks and Recreation Advisory Commission (3 Vacancies)

Nominees: Maxey Gary Dove
Willie Cooper
John D. Pone, Sr.
Harold Smelcer

VOTING: Maxey Gary Dove –Commissioners Baggett, Edge, Henley

Willie Cooper – Commissioners King, Council, & Wheatley

John D. Pone Sr. - Unanimous

Harold Smelcer – Commissioners Baggett, Blackwell, Edge, King, Henley,
Wheatley

Terms for members:

MOTION: Commissioner Edge moved to approve the following terms for all of the appointments the County has made to the Parks and Recreation Board:

Willie Cooper – 2 years
John D. Pone, Sr., - 3 years
Harold Smelcer – 3 years
John Goetke – 3 years
Tom Cain – 3 years
Paul Caudill – 2 years
Lynette Hill Gardner – 2 years

G. Senior Citizens Advisory Board (1 Vacancy)

Nominee: Rhonda Batten

CHAIRMAN HENLEY RECESSED THE BOARD OF COMMISSIONERS' MEETING.

CHAIRMAN HENLEY CONVENED THE KELLY HILLS/SLOCUMB ROAD WATER & SEWER DISTRICT GOVERNING BOARD MEETING (SEE SEPARATE AGENDA) (MINUTES MAY BE FOUND IN THE WATER AND SEWER MINUTES BOOK)

CHAIRMAN HENLEY ADJOURNED THE KELLY HILLS/SLOCOMB ROAD WATER & SEWER DISTRICT GOVERNING BOARD MEETING.

CHAIRMAN HENLEY CONVENED THE NORCRESS DISTRICT BOARD.

**CHAIRMAN HENLEY ADJOURNED THE NORCRESS DISTRICT BOARD.
(MINUTES MAY BE FOUND IN THE WATER AND SEWER MINUTES BOOK)**

CHAIRMAN HENLEY RECONVENED THE REGULAR BOARD OF COMMISSIONERS MEETING.

5. Closed Session – (If Needed)

NO CLOSED SESSION WAS HELD.

MOTION: Commissioner Council moved to adjourn the meeting.
SECOND: Commissioner King
VOTE: UNANIMOUS

MEETING ADJOURNED: 10:40PM

Clerk to the Board