

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
FEBRUARY 22, 2005, 7:00PM
REGULAR/REZONING MEETING

PRESENT: John T. Henley, Jr., Chairman
Billy R. King, Vice Chairman
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
Amy Cannon, Asst. County Manager
Cliff Spiller, Asst. County Manager
Grainger Barrett, County Attorney
Tom Lloyd, Deputy Director, Planning/Inspections
Marsha Fogle, Clerk
Sara VanderClute, Public Information Officer

INVOCATION - Commissioner Diane Wheatley

PLEDGE OF ALLEGIANCE – Tommy Williamson, Van Story Elementary, 2nd Grade

Recognition of Outgoing Board Members:

Mary Dillon, Nursing Home Advisory Board
Dr. Dudley C. Miller, Cape Fear Valley Health System Board of Trustees

1. Consent Agenda

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

SECOND: Commissioner Edge

VOTE: UNANIMOUS

- A. Approval of minutes for the February 7, 2005 regular meeting and Board of Commissioners Retreat on January 28, 2005.

ACTION: Approve

- B. Approval of Proposed By-Laws for Parks and Recreation Advisory Commission.

BACKGROUND: The combined City-County Recreation Advisory Board has submitted recommended by-laws. The City Council has approved the by-laws, and Grainger Barrett, County Attorney has reviewed and made some technical changes, which were sent to the Chairman of the Recreation Advisory Board and City Attorney. Both have concurred in the changes. The by-laws address membership, function and purpose, the regularity of meetings, election of officers and appointment of committees.

ACTION: Approve the By-laws.

- C. Approval of Declaration of Surplus Cape Fear Valley Health Systems Property and Authorization for Disposition.

BACKGROUND: Cape Fear Valley Health System received an offer of \$780,000 for 1.7157 acres located at 1930 Skibo Road, Fayetteville, NC. The offer was submitted by Winstead Properties, LLC of Greensboro, NC. It proposes to construct and operate a Tripp's Restaurant at the location. The property is currently part of the 8.567 acre HealthPlex site. The proposed sale will not violate any restriction on the transfer of Health System assets in the indenture governing the County's 1999 revenue bond issue for the health System, and whether or not the proceeds of the sale are deemed to be "net hospital revenues" under the provisions of that indenture, the County may nevertheless sell this surplus property so long as the proceeds are received by the Health System to be used for Health System uses. The Hospital Board of Trustees has approved declaring this property surplus.

ACTION: Approve declaring the 1.7157 acre tract surplus to the needs of the Health System, submit the offer of Winstead Properties, LLC to the negotiated offer and upset bid

procedures of GS 160A-269 upon receipt of a 10% deposit from Winstead, and if no upset bid is received authorize the Health System to execute, acknowledge and deliver a deed to Winstead Properties. Net proceeds will be applied for hospital system purposes. Note: If an upset bid is received the process will be repeated until no further qualifying upset bid is received. That bid will be submitted to the Board of Commissioners for consideration. The Board of Commissioners may at any time reject any and all offers.

D. Approval of Fayetteville Area Convention & Visitors Bureau "Patriotism" Theme.

BACKGROUND: John Meroski, President of the Fayetteville Area Convention and Visitors Bureau, made a presentation on February 7, 2005 regarding an initiative for the County and its municipalities to participate in a patriotic branding effort. The effort calls for our community to bring the theme of History, Heroes and a Hometown Feeling to life.

ACTION: Consider the request.

E. Budget Revisions:

ACTION: Approve

(1) Averasboro Battlefield Commission

Revision in the amount of \$262,954 to eliminate the budget in the General Fund as the project has been moved to a multi-year separate fund. (B05-267B) **Funding Source – Grant**

(2) Emergency 911

Revision in the amount of \$165,574 for county dispatch handling additional calls due to City annexation put on hold. (B05-268) **Funding Source – Emergency 911 Fees**

(3) Stoney Point Fire District

Revision in the amount of \$100 to budget for unanticipated refunds to taxpayers. (B05-277) **Funding Source – Stoney Point Fire District Tax**

(4) Library

Revision in the amount of \$35,694 to budget additional State revenue. (B05-278) **Funding Source – State**

(5) Mental Health

Revision in the amount of \$39,000 to appropriate fund balance to contract with a child psychiatrist for the remainder of FY2005. (B05-279) **Funding Source – Mental Health Fund Balance**

(6) Social Services

a. Revision in the amount of \$17,105 to recognize additional State funding for Adult Daycare. (B05-276) **Funding Source – State**

b. Revision in the amount of \$20,478 to recognize additional State funding for crisis intervention and the NC Energy program. (B05-289) **Funding Source – State**

(7) Health

Revision in the amount of \$14,615 to budget additional State funding for the Family Planning Clinic. (B05-281) **Funding Source – State**

(8) Sheriff

a. Sheriff - Revision in the total amount of \$30,191 to recognize insurance settlement to purchase two patrol vehicles. (B05-287) **Funding Source – Insurance Settlement**

b. School Law Enforcement – Revision in the amount of \$1,870 to appropriate fund balance to add a School Crossing Guard position at E.E. Miller Elementary School. (B05-288) **Funding Source – General Fund - Fund Balance**

(9) County Schools Capital Outlay

Revisions in the amount of \$3,674,000 to appropriate fund balance to rebudget unexpended funds from FY2004. (B05-291 through B05-291B) **Funding Source – County Schools Capital Outlay Fund Balance**

(10) 1998 Local School Bond Projects

Revision to reallocate budgeted capital project expenditures and to approve the associated Capital Project Ordinance. (B05-290) **Funding Source – Reallocation of Budgeted Expenditures**

2. Public Hearings

Uncontested Cases

Rezoning

MOTION: Commissioner Edge moved to approve R40 rezoning for Case A & the R40 Conditional Use District for Item D, based on the findings that the request is reasonable, neither arbitrary nor unduly discriminatory and in the public interest.

SECOND: Commissioner Blackwell
VOTE: UNANIMOUS

- A. Case P05-03: The rezoning of 42.6 acres from A1 to R30, or a more restrictive zoning district, on the north side of Canady Pond Road, west of Chicken Foot Road, owned by Daniel F. Spears and Jean C. Lathan.

The Planning Board recommends denial of R30 and approval of R40.

Conditional Use Overlay

- B. Case P04-19. The revision of a Conditional Use Overlay Permit for a quilting business, instruction and sewing machine sales & services to allow revised signage on 1.0 acre, in a PND/CU District, on the east side of Ramsey Street, north of Bethune Drive, owned by John R. and Carol S. Watkins.

The Planning Board recommends approval of the revision to the overlay permit.

The packet material will become a part of the permanent record.

MOTION: Commissioner Baggett moved that revision of the Permit 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 2010 Land Use and Thoroughfare Plans and that it be approved.
SECOND: Commissioner King
VOTE: UNANIMOUS

Contested Cases

Rezoning

- C. Case P05-04: The rezoning of 2.01 acres from A1 to RR, or a more restrictive zoning district, at 1430 Port Richey Lane, owned by Joy Ballard.

The Planning Board recommends denial of RR and approval of R40.

SPEAKERS:

Jeannette Hales – Ms. Hales said she would like the property rezoned so a mobile home may be put on the property for her elderly parents. Her sister has a house there and would be able to take care of them, as they need daily care. She said she wanted to make sure that R40 would allow them to build a garage/shed on the property. If R40 would accommodate the shed/garage she is agreeable to R40.

Becky Garcia – Said property owner should have checked the zoning before they moved in to make sure the current zoning would accommodate their needs. Concerned about what will happen to the mobile home when the elderly parents no longer live there. Ms. Garcia said the property owners along the road are responsible for keeping it up (dirt road). Opposed to the rezoning.

Paul Garcia – Opposed to the rezoning. Wants to keep the neighborhood like it is.

Marie Cox – Opposed to the rezoning.

Winston Matthews – Current zoning allows 1 dwelling on 2 acres of land. If you approve this rezoning, it opens the door for other requests. Opposed to the rezoning.

Ms. Hales in rebuttal said they would be willing to help with maintaining the road.

MOTION: Commissioner Baggett moved to deny the rezoning request.
SECOND: Commissioner Council
VOTE: FAVOR: Commissioners Baggett, Edge, Henley, Wheatley, Blackwell and Council.
OPPOSED: Commissioner King

Conditional Use Overlay

- D. Case P05-06. The rezoning of 114.6 acres from A1 to R40, and a Conditional Use District and Permit to allow a residential/horse farm/equestrian tract east of Roslin Farm Road, north of John McMillan Road, owned by Elma W. Butler Heirs.

The Planning Board recommends approval of the conditional use district and permit.

The packet material will become a part of the permanent record.

NOTE: The Conditional Use District was approved along with Item A. See motion.

MOTION: Commissioner Baggett moved that the Permit if completed as proposed, and subject to any conditions recommended by the Planning staff and/or Planning Board, 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.

SECOND: Commissioner King
VOTE: UNANIMOUS

Other Public Hearings

- E. Minimum Housing Code Enforcement

1. Case Number: MH-3730-2004
Property Owner: Jerome S. & Robin C. Johnson
Property Location: 5770 Dragonfly Drive, Fayetteville, NC
Parcel ID No: 0441-30-6638

George Hatcher, Minimum Housing Inspector, said that the violation has been corrected and the case is closed.

2. Case Number: MH 3765-2004
Property Owner: Clarence & Donnie Kirk; Charley Dawson
Property Location: 6668 Shatley Springs Drive (labeled 6674 on mobile home)
Parcel ID No: 0496-22-7071

AFFADAVIT OF THE HOUSING INSPECTOR'S REPORT BEFORE THE BOARD OF COMMISSIONERS:

Synopsis: This property was inspected on 6/16/2004. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 7/21/04. Charley Dawson attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation or be demolished and the debris removed from the premises by a date not later than 10/21/04. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. An appeal was filed. A new compliance date of 12/11/2004 was issued. Upon my visit to the property on 2/11/05 no corrective action had been made to the structure. The structure is presently vacant and secured. In its present state it constitutes a fire, health and safety hazard. The estimated cost to repair the structure to a minimum standard for human habitation is \$5,000. The Assessor for Cumberland County has this structure presently valued at \$750.

Recommendation: Demolish structure and remove debris from the lot.

SPEAKER: Charley Dawson – Mr. Dawson said he had a stroke and has been unable to fix the property. He said he has just started back driving and would be able to bring the property up to minimum standards. He has not lived in the mobile home for two years.

MOTION: Commissioner Baggett moved to delay action on this item for 90 days to allow Mr. Dawson to rehabilitate the property.
SECOND: Commissioner King
VOTE: FAVOR: Commissioners Baggett, King, Edge, Henley and Council.
OPPOSED: Commissioners Blackwell and Wheatley

Items of Business

3. Presentation by Mark Browder on Status of Employee Medical Insurance and Recommendation of the Cumberland County Finance Committee.

BACKGROUND: The Finance Committee met on February 3, 2005 and received an update from Mark Browder, Mark III Brokerage, Inc. regarding the status of the County's insurance program. Mr. Browder reported the following:

- there has been a significant and unexpected increase in insurance claims;
- the claim activity is a reflection of an increase in the frequency and severity of large claims (many high claims are cancer related);
- the types of claims and costs for the Cumberland County medical plan are similar to other county governments throughout the State;
- if the County stays with the current plan design, the expected Plan funding would have to increase by 54% or \$5,465,233;
- recommends going to one plan design (PPO) and increase the plan funding by 18% resulting in an increase in county funding of \$2,280,339.36 and employee funding of \$140,040;
- the county should take advantage of the Wellness and Disease Management programs offered by BCBS/NCACC;
- the County should reinstitute its own Wellness initiatives and begin more aggressive communication to the membership on the challenges facing the medical plan and how the membership can help improve their personal health.

The Finance Committee recommends that the Board go with Option 4 (PPO Plan) and that it become effective July 1, 2005.

MOTION: Commissioner Edge moved to approve the recommendation of the Finance Committee.
SECOND: Commissioner Council

DISCUSSION: Commissioner Blackwell asked that when the county puts the insurance out to bid again, the Manager select employees from the different departments to serve on the selection committee to hear the proposals. The Board concurred with Commissioner Blackwell's request.

VOTE: UNANIMOUS

4. Presentation of Fort Bragg Small Area Study by Will Denning, Cumberland County Planner.

BACKGROUND: On August 4, 2003, the Board adopted a Resolution in support of Ft. Bragg and Pope Air Force Base and its military mission but declined to adopt land use strategies recommended by the Regional Land Use Advisory Commission. Staff was directed to begin drafting a Small Area Study that would provide landowners with some options for use of their property that would be compatible with the military mission. One of the most important features of the Small Area Study involves a County Conservation Incentive Program where the County would compensate landowners to preserve rural/open space in the one-mile buffer area surrounding Ft. Bragg.

ACTION: Adopt the Small Area Study in concept and allow the County Attorney to proceed with the County Conservation Incentive Program.

MOTION: Commissioner King moved to follow the recommendation noted above.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

5. Consideration of Request to the Tourism Development Authority for Funding to Assess the Existing Sports Facilities for a Potential Youth Sports Tourism Project.

BACKGROUND: J.D. Daniels, President of USA Partners, presented a proposal to the City-County Liaison Committee regarding the creation of a Youth Sports Tourism program. Funding for the program will come from different sources such as Brownfield conversions, HUD, etc. Mr. Daniels has alliances with organizations such as the American Youth Football, Arnold Palmer Course Design, Cayuga Hospitality Advisors, Connors Sports Flooring, Fieldture, Dragon Kim's Karate, USA, Maximum Potential, Nike, Sports Management Solutions, Tiger Woods Foundation, USGA Foundation, US Soccer Foundation and Tourturf. The first phase of the project is to contract with Mr. Daniel's firm to bring in architects to assess athletic facilities and fields and to bring in alliance partners to determine the feasibility of a Youth Sports Tourism Program. The cost of the Study for the City and County is \$90,000. The in-kind contribution from the alliance is \$500,000.

ACTION: Approve action requesting the Tourism Development Authority to fund the study in the amount of \$90,000.

MOTION: Commissioner Council moved that the Board ask TDA to fund the study in the amount of \$90,000.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

6. Consideration of Report and Recommendation of the Cumberland County Facilities Committee.

- (a) Demolition of the County Sign Shop on Russell Street and convert space into additional paved parking for the Community Corrections Center.

The estimated cost of the project is \$140,000. The demolition cost may be reduced if the County Solid Waste Department can perform the demolition.

ACTION: Approve the project and associated budget revision (B05-292)

MOTION: Commissioner Baggett moved to approve.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

- (b) Crown Theatre and Arena Capital Improvements

Short-term projects and estimated cost:

Renovations – Theatre Lobby and Mezzanine concessions	135,000
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Theatre Lobby Atrium	200,000
ADA Toilets & Concessions at Main Floor	330,000
Arena Dressing room & lounge renovations (basement level)	330,000
Structural reinforcement of arena elevated floor slab	150,000
Theatre stage ADA lift	15,000

The Finance Committee recommends approval of these short-term projects at an estimated cost of \$1,160,000 and that the projects be funded from the reserve established by the Board in the budget for capital improvements.

Chairman Henley said he saw the need for improvements to the theatre but questioned spending money on the old arena. He suggested that perhaps it should be torn down. It was noted that the arena is used to book small venues that would get lost in the larger coliseum. It also serves as a facility for ball teams to practice when the Coliseum is being used. In some instances the arena is used in conjunction with the theatre. Commissioner Edge noted that the improvements to the dressing area in the arena are very much needed as well as improvements in the lobby area. Commissioner Blackwell said that the Arena is named for our veterans and there are many instances in which the arena and the coliseum are being used simultaneously.

Mr. Stanger also reviewed briefly the long term projects for the arena and theatre. Cost to complete these projects is estimated to be \$10,370,000.

MOTION: Commissioner Baggett moved to approve the short-term projects at an estimated cost of \$1,160,000 and the associated budget revisions (B05-293&293A).
SECOND: Commissioner King
VOTE: UNANIMOUS

7. Nominations to Boards and Committees

A. Senior Citizens Advisory Board (1 Vacancy)

BACKGROUND: Raymond Whitecrow does not attend meetings and staff has been unable to contact him. Recommendation: Replace Mr. Whitecrow on the Senior Citizens Board.

Nominee: Larry Chason

B. Tourism Development Authority (3 Vacancies)

The following terms will expire: March 31, 2005:

Gene S. Ammons, Jr. – eligible for reappointment
Gwen Holloman – eligible for reappointment
William S. Wellons, Jr., - eligible for reappointment

Nominees: Gene S. Ammons, Jr.
Gwen Holloman
William S. Wellons

8. Appointments to Boards and Committees

MOTION: Commissioner Blackwell moved to approve, by acclamation, the nominees as listed below for A-G.
SECOND: Commissioner King
VOTE: UNANIMOUS

A. Adult Care Home Community Advisory Committee (1 Vacancy)

Nominee: Cynthia Bracey

B. Equalization and Review Board (1 Vacancy)

Nominee: Real Estate Agent Position: Curt Alexander (Reappointment)

C. Equalization and Review Board - Appointment of Officers

Chairman: W. Carroll Beard, Jr.
First Vice Chairman: Curt Alexander
Second Vice Chairman: David Dauria

D. Juvenile Crime Prevention Council (1 Vacancy)

Nominee: Parks and Recreation Representative: Melvin Lindsey

E. Mental Health Board (1 Vacancy)

Nominee: Drug Abuse, Primary Consumer, Presently in Recovery: Gladys Hunt

F. Minimum Housing Appeals Board (1 Vacancy)

Nominee: Charles Lewis

G. Nursing Home Advisory Board (1 Vacancy)

Nominee: Hervenna Pannell

MOTION: Commissioner Baggett moved to approve.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

MEETING ADJOURNED AT 9:30PM.