

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
APRIL 18, 2006, 6:45PM  
REZONING/REGULAR MEETING

PRESENT: Chairman Billy R. King  
Vice Chairman Kenneth S. Edge  
Commissioner Talmage S. Baggett  
Commissioner J. Breeden Blackwell  
Commissioner Jeannette M. Council  
Commissioner John T. Henley, Jr.  
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  
Marsha Fogle, Clerk  
Tom Lloyd, Planning/Inspections Director

INVOCATION - Commissioner Jeannette Council

PLEDGE OF ALLEGIANCE –Thomas M. Council III – College Lakes Elementary School – 1<sup>st</sup> Grade

**PUBLIC COMMENT PERIOD (6:45 PM – 7:00 PM) NO SPEAKERS**

Special Recognition: Miss Fayetteville 2006 - Brittany Akers

1. Consent Agenda

Commissioner Diane Wheatley requested Item 1E be discussed and voted on separately.

MOTION: Commissioner Edge moved to follow staff recommendations on the items on the  
Consent Agenda, EXCEPT as noted above.  
SECOND: Commissioner Wheatley  
VOTE: UNANIMOUS

A. Approval of minutes for the April 3, 2006 regular meeting, the April 11, 2006 special meeting with the Fayetteville City Council, the April 10, 2006 special meeting with Fayetteville Technical Community College, and the special meeting on March 30, 2006 with the Cumberland County Board of Education.

ACTION: Approve

B. Approval of Department of Transportation Secondary Road Abandonment and Termination of Maintenance:

Belt Blvd/ Industrial Drive (SR 2205) (Related to Item 2E)

BACKGROUND: The NCDOT received a petition requesting the street noted above to be abandoned from the State Secondary Road System. NCDOT recommends that the street be closed following the Public Hearing (Item 2E).

ACTION: Approve Abandonment. See Item 2E for Public Hearing and adoption of Resolution.

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

- 1) Case Number: MH 4087, 4088, 4089, 4090, 4091, 4092 and 4093-2005  
Property Owner: Billy Ray Maxwell  
Property Location: Eastover Estates Mobile Home Park, 3665 Beard Rd.  
Parcel ID: 0469-63-4411  
Assessment: \$8,500

(COPY OF THE ORDINANCE MAY BE FOUND IN THE MINIMUM HOUSING ORDINANCE BOOK)

- 2) Case Number: MH 4087-2004  
Property Owner: Cornelius R. Autry  
Property Location: Lot to left of 4232 Pleasant View Drive, Fayetteville, NC  
Parcel ID: 0467-62-5073  
Assessment: \$1,050

(COPY OF THE ORDINANCE MAY BE FOUND IN THE MINIMUM HOUSING ORDINANCE BOOK)

D. Approval of Report and Recommendation of the Personnel Committee.

BACKGROUND: The Personnel Committee met on April 4, 2006 to consider a request from the Register of Deeds to add a Deputy Register of Deeds II position, grade 61, due to the significant number of documents processed, a change in the General Statutes requiring greater complexities of indexing standards and increased responsibilities. The position will be funded from lapsed salaries.

ACTION: Approve the request.

E. Approval of Revisions to the Owner-Occupied Housing Rehabilitation Program (HRP) Policy.

BACKGROUND: As the housing market has continued to grow over the past few years, one trend noted in the mortgage industry is that the lending criteria for many housing programs have been relaxed, specifically the credit requirements. In an effort to create programs and devise policy that meets the needs of the targeted population, the Community Development Department is recommending some revisions to the credit requirements for applicants who fall within 0% - 80% of the median family income for Cumberland County:

- property must be free and clear of all Federal, State and local liens and any other judgments in excess of \$1000;
- mortgage is currently no more than 30 days past due; and
- bankruptcy must be discharged (no longer a 12 month waiting period).

All loans will be deferred, forgivable loans with a 15-year term (30 years for reconstruction).

ACTION: Approve with an effective date of January 1, 2006.

Commissioner Wheatley inquired whether or not the loans were actually paid back and why they were loans instead of grants. She also inquired about the payment history of the loan holders. Nena Wilson, Community Development Director, responded that by making these

loans instead of grants some of the money is in fact paid back, and if someone who has a loan dies, then members of the family may very well have the ability to pay back the loans. She indicated that the payment history was good.

F. Approval of Final Report of Surplus Property Sale.

BACKGROUND: The County in conjunction with H.B. Smith, Auctioneer, held an auction of 96 surplus property tracts on Saturday, September 17, 2005. Included in the number of tracts were 13 tracts held in the joint name of the County and the City of Fayetteville and 45 tracts held in the name of the County for the benefit of both the County and the City of Fayetteville. The proceeds will be disbursed from those tracts pro rata according to their respective tax levies. This results in 33.2% of the proceeds from those properties being remitted to the City and 66.8% to the County. For tracts in the unincorporated area of the County, the County will receive 100% of the proceeds. At the auction, \$319,850 in bids were received. After accounting for buyers who failed to make a 10% deposit at the sale, who made a deposit but did not pay the balance of the bid price, or who stopped payments on checks submitted as deposits at the auction, total net proceeds of \$252,212.50 were realized. Of this amount, the City's pro rata share is \$53,918.10.

ACTION: Approve the final report of surplus property auction and authorize remittance of \$53,918.10 to the City of Fayetteville and direct that properties not sold be declared surplus and returned to the surplus property list. SEE ATTACHMENT TO THESE MINUTES.

G. Approval of a Resolution Authorizing the Financing Institution to Provide Financing for Matching Funds for Fayetteville Technical Community College.

BACKGROUND: A public hearing was held on April 3, 2006 approving RBC Centura as the financial institution to provide installment financing for the FTCC matching funds.

ACTION: Approve the Resolution (RESOLUTION ATTACHED TO THESE MINUTES)

H. Approval of a Proclamation Proclaiming May 2006 as "Mental Health Month" in Cumberland County.

ACTION: Proclaim May 2006 "Mental Health Month".

I. Approval of a Proclamation Proclaiming May 2006 as Industry Appreciation Month.

ACTION: Proclaim May 2006 Industry Appreciation Month.

J. Budget Revisions:

ACTION: Approve Budget Revisions

(1) Mental Health

- a. Developmental Disabilities Contracts – Revision in the amount of \$49,992 to recognize additional state funding for developmental therapy. (B06-324) **Funding Source – State**

- b. Mental Retardation and Mental III Contracts – Revision in the amount of \$24,730 recognize additional state funding for contracted services. (B06-325) **Funding Source – State**

(2) Workforce Development Center

Revision in the amount of \$10,000 to recognize additional federal funds. (B06-318) **Funding Source – Federal**

- (3) Eastover Sanitary District - Revision in the amount of \$2,964 to budget additional funding due to the increase in project costs due to change orders. (B06-320) **Funding Source – Other**

- (4) Library Grant: Revision in the amount of \$800 to budget additional grant funding to enable the library system to host bilingual family programs.(B06-321) **Funding Source – Grant**

- (5) Environmental Health - Revision in the amount of \$31,104 to recognize additional state funding. (B06-322) **Funding Source – State**

- (6) Community Based Alternatives Group Home - Revision in the amount of \$46,468 to adjust budgeted revenue and expenditures to match federal allocations. (B06-326) **Funding Source – Federal**

- (7) Stadium Maintenance/General Government Other - Revision in the amount of \$24,175 to reallocate budgeted expenditures for the purchase of equipment and additional operating expenses at JP Riddle Stadium. (B06-327 and B06-327A) **Funding Source – Reallocation of Budgeted Expenditures**

2. Public Hearings

Commissioner Baggett asked that Case A be considered as a contested item and voted on separately.

**Uncontested Cases**

**Rezoning**

- A. Case P06-08. The rezoning of 12 parcels totaling 59 acres from A1 to R40A, or a more restrictive zoning district, east of Sanderosa Road, on Ben McNatt Road, owned by Ben McNatt Heirs.

The Planning Board recommends approval of the R40A rezoning.

SPEAKERS: Joanna Rogers – Ms. Rogers said the property has been in their family for many years and that they would like to subdivide the property to give to the family members so

they could live on the property. There are currently family members living in mobile homes on the property. Ms. Rogers said they do not want to develop a mobile home park.

Robert McNatt: Mr. McNatt reiterated the above information provided by Ms. Rogers.

Commissioner Talmage Baggett said Temple Baptist Church, contiguous to the property, wants to be a good neighbor but is concerned about the rezoning of 59 acres of land for so many mobile homes. This is also a gateway entrance into the community. The church plans to build a retirement community on the church property.

MOTION: Commissioner Council moved to approve 40A.

SECOND: Commissioner Blackwell

DISCUSSION: Commissioner Blackwell noted no one from the church has signed up to speak in opposition to the rezoning here or at the Planning Board meeting. Commissioner Henley said a land use plan for the area is being drafted and we should wait until it has been completed before rezoning this tract of land.

VOTE: FAVOR: Commissioners Council, Blackwell, and King

OPPOSED: Commissioners Baggett, Edge, Henley, Wheatley

- B. Case P06-16. The rezoning of 2 parcels totaling 4.67 acres from A1 & C(P) to R40, or a more restrictive zoning district, south of Clinton Road, west of the County Line owned by Robert L. Nunnery, Jr.

The Planning Board recommends approval of R40.

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

MOTION: Commissioner Blackwell moved to follow the recommendation of the Planning Board on this Case.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

### **Contested Cases**

#### **Conditional Use District & Permit Case**

- C. Case P06-10. The rezoning of .72 acres from RR to C(P)/Conditional Use District and Permit to allow motor vehicle sales at 8229 King Road, owned by Sherman & Mary S. Davis.

The Planning Board recommends approval of the C(P) Planned Commercial/Conditional Use District and Permit.

SPEAKERS:

Sherman Davis, Jr.: Mr. Davis said they want to put a body shop on the property. He said there were other businesses in the area.

Sherman Davis: Mr. Davis noted there was a power substation, cemetery and gas lines on and around the property. He said the body shop would be the best use of the property.

Bob Bennett: Mr. Bennett stated the Davis family would comply with all of the conditions set forth in the permit.

Anna Culbreth – Opposed to the rezoning. She said the business is not compatible with what is in the area. She noted she owns property adjacent to this property. She said there are no commercial businesses in this area and she believes if zoned it could be considered spot zoning. She said it is a residential area.

Commissioner Edge said that he lived in the area and there are no commercial businesses on that side of the street and it is a residential area.

MOTION: Commissioner Council moved to deny the rezoning request.  
SECOND: Commissioner Edge  
VOTE: UNANIMOUS

#### Other Public Hearings

##### D. Community Development 2006 Annual Action Plan.

BACKGROUND: The Community Development 2006 Annual Action Plan must be submitted to HUD on or about May 15, 2006. The document will be available for a 30-day citizen's review and comment period throughout Cumberland County from April 10, 2006 through May 9, 2006. All comments received will be addressed by the Community Development Director within 15 days of receipt and forwarded to HUD with the Action Plan. The final draft of the plan will be brought before the Board of Commissioners on May 1, 2006 for approval.

The Chairman of the Board opened the Public Hearing.

NO SPEAKERS.

The Chairman of the Board closed the Public Hearing.

No other action needed at this meeting.

##### E. Consideration of Resolution of Intent to Close a Portion of Belt Blvd. and Industrial Drive. (See 1B)

BACKGROUND: Property owners adjacent to both sides of a portion of Belt Boulevard and Industrial Drive have petitioned that the portion of Belt Boulevard and Industrial Drive located on the eastern margin of Belt Boulevard in Pearces Mill Township be closed. The Board may closed the road it if finds that no person will be denied reasonable egress and ingress to their property.

The Chairman of the Board opened the Public Hearing.

NO SPEAKERS

The Chairman of the Board closed the Public Hearing.

ACTION: Adopt Resolution.

MOTION: Commissioner Henley moved to adopt the Resolution.

SECOND: Commissioner Blackwell  
VOTE: UNANIMOUS

#### RESOLUTION CLOSING A PORTION OF BELT BOULEVARD AND INDUSTRIAL DRIVE

WHEREAS, a petition has been submitted to the Cumberland County Board of Commissioners (the "Board") by an adjoining landowner to close a portion of Belt Boulevard and Industrial Drive in Cumberland County; and

WHEREAS, following proper notice, the Board held a public hearing on the question of closing such street on the 18<sup>th</sup> day of April, 2006 and heard all interested persons who appeared with respect to whether the closing would be detrimental to the public interest or to any individual's property rights; and

WHEREAS, following the public hearing the said Board found and determined that such public street is a State-maintained road and the NC Department of Transportation has no objection to the abandonment; that no person would be deprived of reasonable means of ingress and egress to his property by such closing, but that the reservation of certain easements would be appropriate and desirable; and that it is therefore not contrary to the public interest to close such street, subject to the reservation of the easements described below:

NOW, THEREFORE, the Cumberland County Board of Commissioners hereby RESOLVES, pursuant to authority granted by G.S. 153A-241, that the public street more particularly described below be, and it is hereby, closed, subject, however to the continued dedication and preservation of an easement therein for existing and future utilities, and of an easement therein for public safety emergency vehicle access: The Portion of Belt Blvd. and Industrial Drive located on the eastern margin of Belt Blvd. as follows:

Commencing at an existing concrete monument, the southwest corner of Tract 4 as conveyed to Cape Fear Feed Products, Inc. by a deed recorded in Deed Book 2202, Page 492 and running thence with the southern line of said tract North 68 degrees 19 minutes 34 seconds East 398.02 feet to the point of beginning at the intersection of said southern line and the western margin (60' R/W) of Industrial Drive; thence with said western margin North 01 degrees 44 minutes 03 seconds East 18.58 feet; thence North 11 degrees 05 minutes 00 seconds East 381.55 feet to a point at the beginning of a curve that is concave to the southwest having a radius of 540.44 feet and an arc length of 81.70 feet; said arc subtended by a chord which bears North 46 degrees 33 minutes 41 seconds West 68.50 feet to an existing concrete monument; thence South 76 degrees 36 minutes 32 seconds West 183.24 feet to a point, the intersection of the southern margin of Industrial Drive, the western margin of the Aberdeen and Rockfish Railroad right of way (50' R/W) and the southern margin of Belt Boulevard (60' R/W) at the end of state maintenance of Belt Boulevard; thence with the southern margin of Belt Boulevard (60' R/W) South 76 degrees 56 minutes 16 seconds West 333.60 feet to a point; thence North 13 degrees 10 minutes 44 seconds West 60.00' to a point; thence with the northern margin of Belt Boulevard (60' R/W) North 76 degrees 49 minutes 16 seconds East 361.56 feet to a point, the intersection of the northern margin of Industrial Drive, the western margin of the Aberdeen and Rockfish Railroad right of way (50' R/W) at the end of state maintenance of Belt Boulevard; thence with the northern margin of Industrial Drive curve that is concave to the southwest having a radius of 100.70 feet and an arc length of 201.36 feet; said arc subtended by a chord which bears South 46 degrees 10 minutes 55 seconds East 169.45 feet to a point; thence with the eastern margin of Industrial Drive South 11 degrees 05 minutes 00 seconds West 363.05 feet to the point of intersection of the eastern margin of Industrial Drive and the southern margin of Tract 1 as conveyed to Cape Fear Feed Products, Inc. by Deed Book 2202, Page 492, thence with the southern margin of said Tract 1 and the aforesaid Tract 4 South 68 degrees 12 minutes 45 seconds West 67.84 feet to the point of beginning, containing 1.43 acres.

And the Board further RESOLVES that a certified copy of this resolution be recorded in the Cumberland County Registry.

F. Consideration of a Resolution of Intent to Close an Unnamed Right-of-Way Previously Known as Lafayette Street.

BACKGROUND: The property owners adjacent to both sides of an unnamed right-of-way previously known as Lafayette Street have petitioned that the unnamed right-of-way located on the western margin of I-95 Business South in Rockfish Township be closed.

The Chairman opened the Public Hearing.

NO SPEAKERS

The Chairman closed the Public Hearing.

ACTION: Adopt Resolution closing the right-of-way.

MOTION: Commissioner Baggett moved adopt the Resolution.

SECOND: Commissioner Council

DISCUSSION: Commissioner Henley requested that maps be included with the road closings in the future.

VOTE: UNANIMOUS

RESOLUTION CLOSING AN UNNAMED PORTION RIGHT-OF-WAY  
PREVIOUSLY KNOWN AS LAFAYETTE STREET

WHEREAS, a petition has been submitted to the Cumberland County Board of Commissioners (the "Board") by an adjoining landowner to close a portion of an unnamed right-of-way previously known as Lafayette Street in Cumberland County; and

WHEREAS, following proper notice, the Board held a public hearing on April 18, 2006 on the question of the closing of such street and heard all interested persons who appeared with respect to whether the closing would be detrimental to the public interest or to any individual's property rights; and

WHEREAS, following the public hearing the said Board found and determined that such public street is not under the control of the NC Department of Transportation; that no person would be deprived of reasonable means of ingress and egress to his property by such closing, but that the reservation of certain easements would be appropriate and desirable, and that it is therefore not contrary to the public interest to close such street, subject to the reservation of the easements described below;

NOW, THEREFORE the Cumberland County Board of Commissioners hereby RESOLVES pursuant to authority granted by G.S. 153A-241, that the public street more particularly described below be, and it is hereby, closed, subject however to the continued dedication and preservation of an easement therein for existing and future utilities and of an easement therein for public safety emergency vehicle access: The unnamed right-of-way previously known as Lafayette Street, Kent Road, located on the western margin of I-95 Business South in Rockfish Township, as follows:

Being a 30 foot wide unnamed street as shown on Plat Book 9, Page 33 between lots 24 & 26 and Lots 25 & 27 as recorded in the Cumberland County Registry of Deeds.

And the Board further RESOLVES that a certified copy of this Resolution be recorded in the Cumberland County Registry.



## Items of Business

3. Consideration of a Resolution Requesting the NCACC to Revisit the Medicaid Relief Proposal.

BACKGROUND: The NC Association of County Commissioners tabled supporting the Medicaid Relief Proposal which if adopted by the General Assembly would redirect proceeds from a local one cent sales to the State in exchange for the permanent elimination of county Medicaid financial participation and would allow counties to impose an additional 1 cent sales tax. The Board of Commissioners at its Planning Retreat on February 17, 2006 voted four to three to support the Medicaid Proposal. Sampson County just recently adopted a Resolution requesting the Association to revisit this issue. Commissioner Edge, District Representative for Cumberland, Sampson and Harnett counties requests that the Cumberland County Board of Commissioners consider adopting a similar resolution asking the Association to revisit the issue.

ACTION: Consider adopting a Resolution requesting the Association to revisit the Medicaid Relief Proposal.

MOTION: Commissioner Edge moved to adopt a Resolution requesting the NCACC revisit this issue and support the Medicaid Proposal as noted above.

SECOND: Commissioner Blackwell

DISCUSSION: Commissioner Henley said he was not ready to support this proposal at this time. He said it is too soon and that the State should step up take responsibility for solving this Medicaid issue by enacting its own one-cent sales tax. Commissioner Wheatley said she believed the State should step up to the plate; she said she would not support a one-cent sales tax increase. Commissioners supporting the resolution said they too feel it is a state responsibility, but that the reality is the State if not going to do anything. This proposal seems to be the only "game" in town.

VOTE: FAVOR: Commissioners Edge, Blackwell, Council and King

OPPOSED: Commissioners Henley, Wheatley and Baggett

A RESOLUTION WILL BE DRAFTED SIMILAR TO THE SAMPSON COUNTY RESOLUTION REQUESTING THE NCACC TO REVIST THE ISSUE AND APPROVE THE PROPOSAL.

4. Consideration of Proposed Schedule for Fiscal Year 2007 Budget Work Sessions and Budget Public Hearing.

Dates for consideration: May 22, 2006 at 5:30PM – Budget Presentation, Room 564  
May 24, 2006 at 5:30PM – Department Head Appeals – Room 564  
June 1, 2007, 7:00PM – Public Hearing on the Budget – Room 118  
June 5, 2006, 5:30PM – Budget Work Session, Room 564  
June 6, 2006, 5:30PM – Budget Work Session, Room 564  
June 8, 2006, 5:30PM – Budget Work Session

The Board adopted the following schedule:

May 22, 2006, 5:30PM – Budget Presentation, room 564  
May 23, 2006, 5:30PM – Department Head Appeals, room 564  
May 30, 2006, 7:00PM – Public Hearing, room 118  
June 5, 2006, 5:30PM – Budget Work Session  
June 6, 2006, 5:30PM – Budget Work Session

June 8, 2006, 5:30PM – Budget Work Session

5. Nominations to Boards and Committees

A. Adult Care Home Community Advisory (1 Vacancy)

BACKGROUND: Janet Pelley has completed her first term and is eligible for reappointment.

Nominee: Janet Pelley

6. Appointments to Boards and Committees

MOTION: Commissioner Baggett moved to approve the appointments to the Nursing Home Advisory Board by acclamation.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

A. Nursing Home Advisory Board (2 Vacancies)

Nominees: Barbara Randolph (Reappointment)  
Mandella Edwards

7. Closed Session:
- A. Attorney-Client Matters  
Pursuant to NCGS 143-318.11(a)(3)  
(Jones v. Gwin, Cumberland County Superior Court)  
(Alford v. Cumberland County Sheriff's Office, USDC EDNC)
  - B. Personnel Matters Pursuant  
to NCGS 143-318.11(a)(6).

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

SECOND: Commissioner Edge

VOTE: UNANIMOUS

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

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

MEETING ADJOURNED: 9:25PM