

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
DECEMBER 15, 2008, 6:45PM
REGULAR/REZONING MEETING

PRESENT: Chairperson Jeannette Council
Vice Chair Billy R. King
Commissioner Breeden Blackwell
Commissioner Kenneth Edge
Commissioner John T. Henley, Jr.
Commissioner Ed Melvin
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
Harvey Raynor, Deputy County Attorney
Sara VanderClute, PIO
Marie Colgan, Deputy Clerk
Tom Lloyd, Planning/Inspections Director
Marsha Fogle, Clerk

INVOCATION - Commissioner Edward G. Melvin

PLEDGE OF ALLEGIANCE – Megan Conway

Certificate of Appreciation:

Mr. Joe H. Johnson, 37 Years as a County Ranger with the NC Forestry Service

Special Recognition:

John David Gillis, Sr. - Cumberland County Agricultural Hall of Fame
Collins Bullard - 2008 Cumberland County Young Farmer of the Year

Special Recognition to Brenda Reid Jackson and Shirley Harris as Recipients for the North Carolina Association of County Directors of Social Service Best Practice Award

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

1. Presentation of the FY 2008 Annual Audit by Michelle Loyd Thompson, CPA, Partner, Cherry, Bekaert and Holland, L.L.P.

Linda Suggs, Manager, Cherry, Bekaert & Holland, L.L.P. reviewed the annual audit. The County received an unqualified or “clean audit”, the highest level of assurance.

MOTION: Commissioner Henley moved to accept the Audit.
SECOND: Commissioner King
VOTE: UNANIMOUS

2. Presentation of the Cumberland County NACo Prescription Drug Program by Deputy County Manager, Juanita Pilgrim.

Cumberland County through its membership in the National Association of Counties and partnership with CVS Caremark, is making available drug discount cards that offer average savings of 20% off the retail price of commonly prescribed drugs. The discount cards will be available December 16 at many locations throughout the county. All county residents regardless of age, income or existing health coverage may use the cards. There is no cost to county taxpayers. To use the card simply present it at a participating pharmacy. You may use the card when your insurance does not cover your prescriptions.

No action needed.

3. 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 December 1, 2008 regular meeting.

ACTION: Approve

- B. Approval of Proposed Ordinance Amending Article XI of the Cumberland County Code and Consideration of Approval of Administrative Procedures for the Collection of the Gross Receipts Tax on Heavy Equipment.

BACKGROUND: Session Law 2008-144, Bill 1852 and NCGS 105-275(42A) ENTITLED “An Act to Resolve Problems with Applying Property Tax to Heavy Equipment Rented on a Short-term Basis by Replacing the Property Tax on this Equipment with a Tax on the Gross Receipts from Renting the Equipment” was signed into law on August 2, 2008. This legislation removes certain heavy equipment from the property tax base and provides a means to replace lost revenues through a gross receipts tax. Effective October 20, 2008, the Cumberland County Board of Commissioners adopted a resolution imposing a tax of one and two-tenths percent (1.2%) on the gross receipts derived from the short-term lease or rental of heavy equipment. The resolution authorizes the Tax Collector to assess and collect this tax; however, the resolution did not specify the provisions regarding administration, enforcement and penalties. In conformance with an Ordinance adopted on June 19, 2000, Article XI, known as “Gross Receipts Tax” was added to the Cumberland County Code. This Ordinance can be revised to include the gross receipts tax for the short-term lease or rental of heavy equipment.

ACTION: Approve amending Article XI of the Cumberland County Code to include Administrative Procedures for the collection of the Cumberland County Heavy Equipment Tax.

- C. Approval of Purchase of Trommel Screen Machine by Solid Waste and Approval of Associated Budget Revision.

BACKGROUND: The County sent bid proposals to three companies for rental with option to purchase a Trommel Screen Machine for the Solid Waste Management Department. One company responded to the bid request, Screen Tec, LLC. They proposed to provide a McCloskey 621 RE Screener at \$10,000/month rental which they will apply to the purchase price of \$235,000.00. There is currently \$162,000 approved and available in the budget for the purchase. In addition there is \$648,974.00 available for paving the landfill roads. Mr. Howard requests that he be allowed to appropriate and move \$73,000 out of the paving line item in order to purchase the Trommel Screen Machine.

ACTION: Approve the purchase and the related budget revision – B09-238.

- D. Approval of Destruction of Finance Department Records.

BACKGROUND: Pursuant to a Resolution adopted by the Board of Commissioners at its February 4, 1985 meeting, the County Manager has authorized destruction of certain Finance Records as noted below:

- I. Records with 3-year retention requirement (dated prior to 7/1/05):

Fiscal correspondence/memoranda, bank statements, canceled checks, deposit slips, reconciliation file, purchasing (requests for proposals for purchase contracts, purchase order and requisitions); cash receipt report files, check registers, investment records, journal vouchers, LGC financial statements, invoices, employee earnings record file – local government retirement system monthly reports, payroll file – salaries paid and deductions file.

- II. Records with 2-year retention requirement (dated prior to 7/1/06)

Employee benefits register file

- III. Records with 1-year retention requirement (dated prior to 7/1/08)

Daily journal and ledger printouts, monthly detail reports except June 30 which is permanent.

- IV. Records that have been superseded or are obsolete

Property/equipment inventory files

ACTION: Accept and record in minutes.

- E. Approval of Extension of Carolina Residential Services Lease for 226 Bradford Avenue.

BACKGROUND: Carolina Residential, a psychosocial rehabilitation provider, contract with Cumberland County Mental Health to provide client services. In April 2007, the County leased to Carolina Residential the facility on Bradford Avenue formerly known as the Sunflower Center for a six month period. The lease was extended to December 31, 2008 under the same terms/conditions. Under the terms, the tenant is required to provide all routine maintenance which it has failed to do. In November, Carolina Residential acknowledged that it had not maintained the facility as contemplated and agreed to continue the lease in 2009 on a month to month basis on the same terms/conditions except with regard to maintenance, and further agreed to pay the County an additional \$500 per month to compensate the County for maintenance service.

ACTION: Approve an extension of the lease as noted above at a rental rate of \$5,496/per month.

- F. Approval of Ordinance Assessing Property for the Cost of Demolition:

- 1) Case Number: MH 5488-2008
Property Owners: Vimala Patel, Manoj Patel and
GIMAG Project Development, LTD.
Property Location: 935 Hollywood Boulevard, Fayetteville, NC
Parcel Identification Number: 0447-77-4640 and 0447-77-6665
Cost of demolition: \$17,500.00

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

- 2) Case Number: MH 5245-2007
Property Owners: Isaac and Emily Byrd
Property Location: 9403 Hillsboro Street, Linden, NC
Parcel Identification Number: 0574-65-8342
Cost of demolition: \$1,700.00

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

- G. Budget Revisions:

ACTION: Approve

(1) Emergency 911

Revision in the amount of \$150,000 to appropriate fund balance to purchase new workstations for emergency dispatchers. (B09-228) **Funding Source – Emergency 911 Fund Balance**

(2) Health

Immunization Clinic - Revision in the amount of \$3,000 to recognize additional state funding. (B09-229) **Funding Source - State**

(3) Grays Creek Fire District #18

Revision in the amount of \$150 to increase expenditure line to cover unanticipated refunds to taxpayers. (B09-230) **Funding Source – Grays Creek Fire District #18 Tax**

(4) Federal Forfeiture - Justice

Revision in the amount of \$229,890 to appropriate fund balance for continued funding of cadets in training. (B09-233) **Funding Source – Federal Forfeiture Fund Balance**

(5) Cooperative Extension

Revision in the total amount of \$3,500 to recognize a \$1,500 Baby Think it Over grant and \$2,000 of miscellaneous revenue to used to purchase baby simulators. (B09-234) **Funding Source – Grant and Miscellaneous Revenue**

(6) Soil Conservation District

a. Revision in the total amount of \$3,540 to budget a State grant of \$1,960 and \$1,580 of in-kind services for pet waste disposal stations at various parks. (B09-236) **Funding Source – State Grant and In-kind**

b. Revision in the amount of \$2,616 to re-budget the net profit from prior year fund raisers. (B09-237) **Funding Source – Miscellaneous**

4. Public Hearings

Uncontested Cases

Rezoning

- A. Case P08-58. Rezoning of 2.06+/- acres from R6A Residential to C1(P) Planned Local Business or to a more restrictive zoning district, located at 2944 & 2960 Cumberland Road, owned by Shirley Dees & J.L. Trogon.

The Planning Board recommends approval of C1(P).

The Chairman opened the public hearing. There were no speakers. The Chairman closed the public hearing.

MOTION: Commissioner Blackwell moved to approve C1(P) as recommended by the Planning Board.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

Contested Cases

- B. Case P08-56. Rezoning of 1.11+/- acres from CD Conservancy District & R10 Residential to RR Rural Residential or to a more restrictive zoning district; located on the north side of SR 1122 (Woodington Road), west of SR 1123 (Monticello Avenue); owned by Glenn and Sandra Dew.

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

The Chairman opened the Public Hearing.

SPEAKERS: Donald Wheeler – speaking on behalf of the petitioner. Urged the Board to approve the R40A.

Doretha Browning – Ms. Browning said the neighborhood was not opposed to just one mobile home but feared a “mobile home park”.

The Chairman closed the Public Hearing.

MOTION: Commissioner Blackwell moved to follow the recommendation of the Planning Board and approve R40A.
SECOND: Commissioner King
VOTE: UNANIMOUS

Other Public Hearings – Minimum Housing Code Enforcement

- C. Case Number: MH 5560-2008
Property Owner: John W. Mace
Property Location: 388 Stephanie Street, Linden, NC
Parcel Identification Number: 0543-58-9569

Affidavit of Housing Inspector's Report

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on Minimum Housing Case MH 5560-2008.

Property Owner: John W. Mace

Property Address: 388 Stephanie Street, Linden, NC

TAX ID#: 0543-58-9569

SYNOPSIS: This property was inspected on 7/2/2008. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 7/31/2008. Stephanie Mace (via telephone) attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, to be demolished and the debris removed from the premises by a date not later than 10/31/2008. 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 12/2/2008 and today's date no correction action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health and safety hazard. The estimated cost to repair the structure to a minimum standard for human habitation is \$15,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

RECOMMENDATION: It is the recommendation of the Planning & Inspection Department that the structure be demolished and the debris removed from the lot.

The Chairman opened the public hearing.

SPEAKERS: No speakers

The Chairman closed the public hearing.

MOTION: Commissioner Edge moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, order the property owner to remove or demolish the dwelling within 30 days, 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 the same in the Register of Deeds.

SECOND: Commissioner Council

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

OPPOSED: Commissioner King

D. Case Number: MH 5516-2008

Property Owner: Mary Elmore

Property Location: 437 E. Jenkins Street, Fayetteville, NC

Parcel Identification Number: 0436-43-4172

Affidavit of Housing Inspector's Report

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on Minimum Housing case # 5516-2008:

PROPERTY OWNER: Mary Elmore

PROPERTY ADDRESS: 437 E. Jenkins Street, Fayetteville, NC

TAX ID#: 0436-43-4172

SYNOPSIS: This property was inspected on 4/30/2008. The property owners and parties of interest were legally served with Notice of Violations and were afforded a hearing on 6/11/2008. No one 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 9/11/2008. 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 12/2/2008 and today's date the corrective action had not been made to the accessory building. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health and safety hazard. The estimated cost to repair the structure to a minimum standard for human habitation is \$2,500. The Assessor for Cumberland County has the structure presently valued at \$0.00.

RECOMMENDATION: It is the recommendation of the Planning/Inspection Department that the structure be demolished and the debris removed from the lot.

The Chairman opened the public hearing.

SPEAKERS: There were no speakers.

The Chairman closed the public hearing.

MOTION: Commissioner Melvin moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, order the property owner to remove or demolish the dwelling within 30 days, 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 the same in the Register of Deeds.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

E. Case Number: MH 5531-2008
Property Owner: Joseph E. & Patricia M. Hall; Mobile Home Owner: Michael Jordan
Property Location: 4008 Limestone Street, Fayetteville, NC
Parcel Identification Number: 0469-45-2433

AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on Minimum Housing Case # 5531-2008:

PROPERTY OWNER: Joseph E & Patricia M. Hall

HOME OWNER: Michael Jordon

PROPERTY ADDRESS: 4008 Limestone Street, Fayetteville, NC

TAX ID #: 0469-45-2433

SYNOPSIS: This property was inspected on 5/8/2008. The property owners and parties of interest were legally served with Notice of Violations and were afforded a hearing on 6/25/2008. Michael Jordan 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 9/25/2008. 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 12/2/2008 and today's date some corrective action has been made to the structure. The structure is presently occupied and reasonably secured. In its present state, the structure constitutes a fire, health and safety hazard. The estimated cost to repair the structure to a minimum standard for human habitation is \$20,000. The Assessor for Cumberland County has the structure presently valued at \$500.

RECOMMENDATION: It is the recommendation of the Planning & Inspection Department that the structure be demolished and the debris removed from the lot.

Mr. Hatcher also noted that because this is a mobile home a licensed engineer must do the drawings for renovation in order to receive a permit to proceed with the repairs. No permit has been issued. He said he told Mr. Jordan of this requirement.

The Chairman opened the public hearing.

Note: Oath was administered to all speakers.

SPEAKERS: Mr. Michael Jordan is the owner of the mobile home and currently lives in it. He noted he has been working on fixing the problems, but it is taking a long time because of money issues. Mr. Jordan said that a contractor, Daniel Jacobs, is helping him with the work. Mr. Jordan asked the Board for six more months to complete the work.

Daniel Jacobs (Jacobs Construction): Mr. Jacobs said he has been helping with the work, but has not applied for a permit, nor have they hired an engineer to do the plans. He said he is not charging Mr. Jordan.

Public hearing closed.

Commissioner Blackwell noted that without the engineering plans required by law, repairs would not be approved by the Inspection Department. He also noted it has been six months since the Hearing and very little work has been accomplished.

Commissioner Melvin inquired if Mr. Jordan could get the work done in three months. Mr. Jordan said three months would not be long enough.

MOTION: Commissioner Blackwell moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, order the property owner to remove or demolish the dwelling within 30 days, 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 the same in the Register of Deeds.

SECOND: Commissioner Edge

DISCUSSION: Discussion continued regarding the time frame to fix the mobile home and the requirement by the State statute for engineering drawings in order to get a permit to begin repairs.

MOTION: Commissioner King moved to call the questions.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

VOTE ON

MOTION: FAVOR: Commissioners Henley, Blackwell, Council, Wheatley, Edge
OPPOSED: Commissioners King and Melvin

REGULAR AGENDA

5. Consideration of Safe Water Task Force Recommendation for Approval of Contract with Koonce, Noble & Associates for the Design & Bid of the Water System to Serve the Southpoint Area of the County.

BACKGROUND: The Safe Water Task Force has been evaluating the options to serve the Southpoint and Chicken Foot/County Line Road area with potable water due to the existence of groundwater contamination. After considering several options the Task Force recommends that the County proceed with the project by extending a water line from Robeson County.

ACTION: Authorize that the project be undertaken by the Public Utilities Department, authorize a contract with the Engineer in the amount of \$47,000 to prepare the Design and Bid Documents and approve attached budget revision B09-235.

MOTION: Commissioner Blackwell moved to approve the above noted action.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

6. Designation of Voting Delegate for the Legislative Goals Conference – January 15-16, 2009 in Raleigh, NC.

BACKGROUND: The NCACC Legislative Goals Conference will be held January 15-16, 2009 at the Sheraton Raleigh Hotel.

ACTION: Appoint a voting delegate.

Commissioner Kenneth Edge was appointed as the voting delegate.

7. Nominations to Boards and Committees

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

Vacancy: Mary Ann Brown-Jackson – eligible for reappointment.

Nominee: Mary Ann Brown-Jackson

B. Cape Fear Valley Health System Board of Trustees (3 Vacancies)

County Vacancies: Rakesh Gupta (Medical Doctor Slot): not eligible for reappointment. Dr. Rueben Rivers has been recommended to fill this vacancy.

Dr. Dickson Schaefer (Medical Doctor Slot) – eligible for reappointment.

Ralph Mitchell (General Public Slot) – not eligible for reappointment. Denise Mahone Wyatt has been recommended to fill this vacancy.

Nominees: Dr. Rueben Rivers (medical doctor slot)

Dr. Dickson Schaefer (medical doctor slot) – reappointment
Denise Mahone Wyatt (general public slot)
Floyd Shorter (general public slot) – nominated by Commissioner King

C. Cumberland County Local Emergency Planning Committee (1 Vacancy)

Vacancy: Jane Stevens (Health Representative) – eligible for reappointment

Nominee: Jane Stevens

D. Mental Health Board (2 Vacancies)

Vacancies: Albert Bleakley (Family Consumer slot) – not eligible for reappointment. Dr. Mary Hale has been recommended to fill this vacancy.

Nathan Taylor (Alcoholism, Primary Consumer, Presently in Recovery) not eligible for reappointment. Ernest Gore has been recommended to fill this vacancy.

Nominees: Dr. Mary Hale (family consumer slot)
Ernest Gore (alcoholism, primary consumer, presently in recovery slot)

E. Nursing Home Advisory Board (2 Vacancies)

Vacancies: William Nichols (inactive member) – Terri Thomas has been recommended to fill this vacancy.

Toney Edwards – completing initial term – eligible for reappointment to a first term

Nominees: Terri Thomas
Toney Edwards

8. Appointments to Boards and Committees

MOTION: Commissioner King moved to appoint the nominees in A-C.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

A. Civic Center Commission (5 Vacancies)

Nominees: Elizabeth Varnedoe (Reappointment)
Olivia Chavis
Pat Williford
Ramona Moore
Wayne Beard, Sr.

B. Cumberland County Local Emergency Planning Committee (1 Vacancy)

Nominee: Fire Fighting Representative: Asst. Chief Thomas “Mike” Allen

C. Transportation Advisory Board (1 Vacancy)

Nominee: County Health Director or Designee: Terresio Pope

9. Closed Session: A. Economic Development Matter
 Pursuant to NCGS 143.318(a)(4).

 B. Attorney-Client Matter
 Pursuant to NCGS 143.318(a)(3).

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

SECOND: Commissioner King

VOTE: UNANIMOUS

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

SECOND: Commissioner Henley

VOTE: UNANIMOUS

MOTION: Commissioner Henley moved to adjourn.

SECOND: Commissioner King

VOTE: UNANIMOUS

MEETING ADJOURNED: 10:10PM