

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
AUGUST 16, 2010 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR/REZONING MEETING

PRESENT: Chairman Billy King
Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner Marshall Faircloth
Commissioner Jimmy Keefe
Commissioner Ed Melvin
Commissioner Phillip Gilfus
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Assistant County Manager
Rick Moorefield, County Attorney
Tom Lloyd, Planning & Inspections Director
Bob Stanger, County Engineer
Kristine Wagner, Transportation Community Planner
Cecil Combs, Deputy Director of Planning & Inspections
Kenny Currie, Emergency Services Director
Candice White, Deputy Clerk
Marie Colgan, Clerk to the Board

INVOCATION - Commissioner Kenneth Edge

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT PERIOD (6:45 PM – 7:00 PM)

Speaker: Imam E. Mohammed

Mr. Mohammed offered greetings and stated he is present to celebrate the holy month of Ramadan. He reminded the Board that Fayetteville State University has recently built a new impressive Computer Center building and voiced concern that he had found computer rooms at the Library empty on a recent visit.

Recognition of Retired County Employees:

Burton Thompson – Solid Waste Department – 22 years

Barbara McDonald – Department of Social Services – 38 years

Recognition of Outgoing Board Members:

Paul Douglas Caudill – Parks & Recreation Advisory Board

Lynette Hill Gardner – Parks & Recreation Advisory Board (not in attendance)

Special Recognition of Darrell Handelsman, Head Coach of SwampDogs, for Record 500th Summer Collegiate League Win

County Manager James Martin requested the following changes to the Agenda:

Item 2B – replacement of page 2 of Finance Officer’s contract

Item 3B – NC HWY 272 should read NC HWY 242

Item 3D – show as “contested” case in lieu of uncontested

Item 7A – 3 vacancies in lieu of 4 vacancies

Item 4A – pulled and referred back to the Policy Committee

Add – Recognition of Retired County Employees

Add – Recognition of Hank Debnam, Area Director, for Update on Mental Health

MOTION: Commissioner Edge moved to approve pulling Item 4.A.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

MOTION: Commissioner Gilfus moved to pull Item 3.D. from uncontested rezoning cases and show it as a contested case.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS

Update from Hank Debnam, Area Director, on Mental Health:

Chairman King recognized Mr. Debnam the Mental Health Director. Mr. Debnam provided background information on mental health reform which was enacted in 2001 to give families more choices for mental health services. This has been accomplished by divesting of services from the local agencies and contracting out more services to private providers and through private-public partnerships. State mental health beds have also been reduced across the state, while a contract with the local mental health and the hospital for five additional beds has been agreed upon. Level 3 Adolescent Group Homes have also been greatly reduced across the state. Last year, the mental health state budget was cut by \$40M, resulting in Cumberland County losing about \$1M in funds with only about \$424,000 of that amount having been restored. Some monies were used from the mental health fund balance to make up for the remainder of the \$1M which was lost in order to keep from cutting services. Monies were restored in the state budget this year. Mr. Debnam stated that the Mental Health CIT (Crisis Intervention Team) has received two awards for 2009. This program trains law enforcement officers to identify and recognize citizens that may need mental health or substance abuse services and 106 officers have been trained in Cumberland County. The Chairman congratulated Mr. Debnam and his staff on the recent awards.

1. Approval of Agenda

MOTION: Commissioner Edge moved to approve the agenda with the noted changes.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

2. Consent Agenda

- A. Approval of minutes for the August 2, 2010 regular meeting.
- B. Approval of Employment Contracts for County Manager, County Attorney, Finance Director, and Clerk to the Board.

BACKGROUND: Enclosed are the FY 2011 employment contracts for the County Manager, County Attorney, Finance Director and Clerk to the Board as approved in the FY11 budget.

PROPOSED ACTION: Approve the FY 2011 employment contracts for the County Manager, County Attorney, Finance Director and Clerk to the Board and authorize the Chairman to execute them on behalf of the Board of Commissioners.

- C. Approval of Request for a Special Meeting of the Board of Commissioners to be Held on September 20, 2010 Prior to the Regularly Scheduled Meeting to Provide an Update on Gray's Creek Water & Sewer District.

BACKGROUND: On April 19, 2010 the Public Utilities Director gave the Board of Commissioners an update on the status of the various water projects underway. The Gray's Creek Water & Sewer District was the major point of discussion. Management and the Board instructed staff to evaluate in detail the costs associated with the two primary options for water supply within the District with those being a partnership with the PWC or a bulk purchase from the Lower Cape Fear Water and Sewer Authority.

The County's contracted engineering firm for the project, Marziano & McGougan, has completed this task and is ready to present the results of this cost comparison study to the Board of Commissioners.

PROPOSED ACTION: Approve holding a Special Meeting on September 20, 2010 at 4:00 pm to receive an update on the Gray's Creek Water & Sewer District.

- D. Approval of a Resolution Ratifying an Interlocal Agreement with the Town of Hope Mills and Cumberland County for Consolidation of Dispatch Services.

BACKGROUND: The interlocal agreement for consolidated 911 dispatch was approved and signed by the Town of Hope Mills. Approval by resolution is necessary to comply with Article 20 of Chapter 160A of the General Statutes.

BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY
RESOLUTION RATIFYING AN INTERLOCAL AGREEMENT WITH THE
TOWN OF HOPE MILLS FOR THE CONSOLDIATION OF DISPATCH
SERVICES

BE IT RESOLVED, that pursuant to Article 20 of Chapter 160A of the General Statutes, the Board of Commissioners of Cumberland County does hereby ratify that agreement for an undertaking with the Town of Hope Mills for the consolidation of the emergency and non-emergency dispatch services of the Town and the County pursuant to the terms of the agreement executed by the Town on August 10, 2010 and the County on August 16, 2010, and as spread upon the minutes herein.

Adopted at a regular meeting held August 16, 2010.

PROPOSED ACTION: Approve the resolution.

- E. Approval of a Resolution and Interlocal Agreement with the City of Fayetteville to Locate, Construct and Maintain FAST Bus Shelters on County-Owned Property.

BACKGROUND: The City of Fayetteville has requested the County agree to the location, construction and maintenance of FAST bus shelters on County owned property. The City would be responsible for all cost associated with the project, including: construction, maintenance, utilities and security. The County would control the location of the shelters on the County property. The initial sites would be located at the main library and the health department but the agreement would provide for the possibility of locating other shelters on other County properties.

**RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT FOR THE
INSTALLATION OF FAYETTEVILLE AREA SYSTEM OF TRANSIT (FAST)
BUS SHELTERS ON COUNTY OWNED PROPERTY**

WHEREAS the governing body of the CUMBERLAND COUNTY has determines that it is necessary and in the public interest to assist the CITY OF FAYETTEVILLE in the installation of bus shelters by allowing certain shelters to be located in whole or in part on COUNTY property which is deemed a public purpose:

WHEREAS, the CITY operates a public transportation system, FAST, and FAST proposes to provide bus shelters in the COUNTY for use with FAST; and

WHEREAS, the COUNTY owns property along the FAST routes where FAST would like to locate bus shelters; and

WHEREAS, the CITY will be responsible for the installation and maintenance of the bus shelters; and

WHEREAS, the location for such bus shelters shall require the COUNTY to permit the use of COUNTY property for installation of bus shelters; and

WHEREAS, the CITY will retain ownership of the bus shelters; and

WHEREAS, the parties agree to enter into an interlocal agreement to effectuate the CITY'S installation of bus shelters on COUNTY-owned property.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY OF CUMBERLAND, THAT:

The County of Cumberland shall in consideration of the mutual obligations set forth above, the sufficiency and receipt of which is hereby acknowledged, pursuant to N.C.G.S. § 160A-461, enter into an Interlocal Cooperation Agreement with the City of Fayetteville which details the terms and conditions of an agreement to locate, construct and maintain FAST bus shelters on COUNTY owned property.

ADOPTED this the 16th day of August 2010 by the Board of Commissioners of Cumberland County, North Carolina.

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT entered into this _____ day of August, 2010, by and between the CITY OF FAYETTEVILLE, a municipal corporation organized and existing under the laws of the State of North Carolina (hereinafter the "CITY"), by and through the Fayetteville Area System of Transit (hereinafter "FAST"), and CUMBERLAND COUNTY, a political subdivision of the State of North Carolina (hereinafter the "COUNTY").

WITNESSETH:

WHEREAS, the CITY operates a public transportation system and FAST proposes to provide bus shelters throughout its system, some of which will be located adjacent to and/or on COUNTY property; and

WHEREAS, the COUNTY agrees to cooperate with the CITY and FAST to assist and coordinate the location of bus shelters on COUNTY property, if necessary, as an aid to citizens who ride the CITY bus system; and

WHEREAS, the location for such bus shelters on COUNTY property will be determined by the COUNTY in consultation with the CITY; and

WHEREAS, the CITY will be responsible for the installation, maintenance, and any necessary utilities of the bus shelters, and the CITY will retain ownership of the bus shelters; and

WHEREAS, the parties through this Agreement wish to set forth the general principles for the provision and funding of such service.

NOW, THEREFORE, in consideration of the mutual obligations set forth below, the sufficiency and receipt of which is hereby acknowledged, pursuant to N.C.G.S. § 160A-461, the parties do hereby enter into this Interlocal Agreement as follows:

1. PURPOSE. The purpose of this Interlocal Agreement is to set forth the agreement of the CITY and the COUNTY as to locating bus shelters on COUNTY property by FAST as a waiting area for FAST passengers.

2. **USE.** FAST agrees to use bus shelters located all or in part on COUNTY property for the sole purpose of providing sheltered waiting areas for FAST passengers.
3. **LOCATION.** The COUNTY shall determine the location of a bus shelter located wholly or in part on COUNTY property in consultation with the CITY. The CITY shall provide the COUNTY with an engineer drawing or survey which clearly shows the area of the COUNTY property on which the CITY would desire to locate the bus shelter or any part of it. If the COUNTY does not agree to that location, the CITY shall provide an engineer drawing or survey of the bus shelter as located by the COUNTY.
4. **INSTALLATION AND MAINTENANCE.** The CITY shall provide for the installation of the shelters and keep and maintain each of the bus shelters in a clean and sanitary condition at all times during the period on which the bus shelters are located on COUNTY property.
5. **UTILITIES.** In the event it shall become necessary, by mutual agreement, to provide utilities for the bus shelters, the CITY assumes all financial responsibility for any installation or monthly charges.
6. **SECURITY.** The CITY shall provide and be responsible for the security of all bus shelters located in whole or in part on COUNTY property; however, this provision in no way interferes with or limits the authority of the Cumberland County Sheriff's Office to assert its jurisdiction upon COUNTY property.
7. **SHELTER LOCATIONS.** The initial locations for bus shelters will be at the Cumberland County Library and Information Center located at 300 Maiden Lane, shelter will be located along Ray Avenue beside library facility where there is an existing FAST stop; and at the Cumberland County Health Department located at 1235 Ramsey Street, shelter will be located on site where there is an existing bus stop. In the future, the CITY may from time to time locate other bus shelters on COUNTY property and shall pursuant to this Agreement do so subject to the terms and conditions of this Agreement.
8. **AMERICANS WITH DISABILITY ACT (ADA) COMPLIANCE.** The CITY will ensure that shelters will be fully compliant with any ADA guidelines.
9. **AMENDMENT.** The parties may amend this Agreement at any time by mutual agreement between the parties in a writing duly ratified by the governing bodies of the CITY and the COUNTY.
10. **TERMINATION.** This Agreement may be terminated by any party upon 90 days prior written notice duly authorized by its governing body of one party to the other parties. In the event of such termination, the service and funding obligations of the parties shall remain up through the date on which all bus shelters located in whole or part on COUNTY property are removed by the CITY at its sole expense.
11. **ENTIRE AGREEMENT.** This Agreement contains the entire agreement of the parties and there are no representations, inducements, or other provisions other than those expressed herein in writing.

12. GOVERNING LAW. This Agreement shall be governed by the internal laws of the State of North Carolina without regard to the conflict of laws provisions thereof.

13. NOTICES. Any notice required or permitted hereunder shall be sufficient if hand-delivered or sent certified mail, return receipt requested to:

CITY: Attn: City Manager
433 Hay Street
Fayetteville, NC 28301

COUNTY: Attn: County Manager
P.O. Box 1829
Fayetteville, NC 28302

IN WITNESS WHEREOF, the parties hereunto have set their hands and seals by authority duly given and intending thereby to be bound, as of the date and year first above written.

PROPOSED ACTION: Approve the proposed interlocal agreement, pass the attached resolution and authorize the Manager and Clerk to execute the Interlocal Agreement on behalf of the County.

F. Approval to Accept a Deed in Lieu of Foreclosure for Four Parcels (PIN Nos. 0415-72-6510, 0521-82-6038, 0404-18-7767, 0502-39-9456 and Authorize the Chairman and the Clerk to the Board Execute an Agreement Related to this Transaction

BACKGROUND: Community Development has requested Legal assist them in a matter involving investor/borrowers, Daniel and Margaret Kypena, who without the permission of Community Development transferred the title to four properties in Community Development's loan program and owned by them individually to a corporation controlled by the Kypenas. Upon discovery of the transfer and pursuant to the program terms and conditions Community Development called the four notes due and payable. The Kypena's were unable to pay off the accelerated notes and subsequently asked Community Development to take the property back rather than foreclose and Community Development agreed to do so. Legal prepared a deed for the properties to the County and an agreement setting out the terms of the agreement to deed the property to the County which provided among other things that after the County sold the properties and applied the net sales price to expenses, interest and debt that should any outstanding balance be due the County the Kypenas would be responsible for that balance.

PROPOSED ACTION: Accept the deed to the County, authorize the Chairman and Clerk to execute the Agreement on behalf of the County and direct Community Development to manage and sale the property in a commercially reasonable manner.

G. Budget Revisions:

(1) School Law Enforcement

Revision in the amount of \$1,877 to appropriate fund balance to create a new Traffic Control Officer to serve the Cliffdale Elementary School. (B11-055) Funding Source – Fund Balance Appropriated

(2) Senior Aides Consolidated Appropriations Act Grant

Revisions in the total amount of \$616,492 to recognize FY2011 federal grant funds of \$564,490; in-kind match of \$27,554; and to appropriate fund balance for a required match from the General Fund of \$12,224. (B11-056 and B11-056A) Funding Source – Federal, In-Kind and Fund Balance Appropriated

(3) Senior Aides Grant

Revisions in the total amount of \$94,072 to reduce FY2011 federal grant funds \$22,521; reduce in-kind match \$26,445; and eliminate the need for a General Fund transfer of \$22,553. (B11-057 and B11-057A) Funding Source – Federal, In-kind and Fund Balance Appropriated

MOTION: Commissioner Gilfus moved to approve Item 2.A. thru Item 2.G.3.
SECOND: Commissioner Council
VOTE: UNANIMOUS

3. Public Hearings

These are the advertised public hearings set for this date and time.

Uncontested Cases

The Chairman opened the Public Hearing for Items 3.A. (case P10-21), 3.B. (case P10-22), 3.C. (case P10-23), 3.E. (case P10-29), and 3.F. (case P10-31).

No Speakers.

The Chairman closed the Public Hearing.

Rezoning

- A. Case P10-21: Rezoning of 100.62+/- acres from R10 Residential and CD Conservancy to R7.5 Residential or to a more restrictive zoning district, located on both sides of NC Hwy 210 (Lillington Hwy) and north of SR 1601 (Chapel Hill Road); submitted by Thomas L. Brooks for McCormick Farms (owner).

Mr. Lloyd reported that the Planning Board recommends approval of R7.5 Residential district for that portion of the subject property located outside the Special Flood Hazard Area (SFHA) and outside a 100 foot buffer area along the western property line, with the land area inside the SFHA and the 100 foot buffer area being zoned CD Conservancy.

- B. Case P10-22: Rezoning of 39.40+/- acres from R40 Residential to R40A Residential or to a more restrictive zoning district, located on the south side of SR 2036 (Broadwater Bridge Road) and west of NC HWY 242; submitted by William E. and Belinda B. Barefoot (owners).

Mr. Lloyd reported that the Planning Board recommends approval of the R40A Residential district for that portion of the subject property located outside the Special Flood Hazard Area (SFHA), with the land area inside the SFHA being zoned CD Conservancy.

- C. Case P10-23: Rezoning of 1.97+/- acres from A1 Agricultural to A1A Agricultural or to a more restrictive zoning district, located at 3211 John McMillan Road; submitted by John L. and Artricia Haynes (owners).

Mr. Lloyd reported that the Planning Board recommends approval of the A1A Agricultural district.

- D. PULLED AND HEARD AS A CONTESTED CASE

- E. Case P10-29: Rezoning of 2.00+/- acres from A1 Agricultural to R40A Residential or to a more restrictive zoning district, located at 3200 Culbreth Road, submitted by Zoltan and Marilyn W. Nemeth (owners) and Sharon K. Tilley.

Mr. Lloyd reported that the Planning Board recommends approval of the R40A Residential district.

- F. Case P10-31: Rezoning of 1.46+/- acres from C3 Heavy Commercial to A1 Agricultural or to a more restrictive zoning district, located on the west side of SR 2215 (Fields Road) and east of I-95 N; submitted by Allen B. and Sherylene M. Cosand (owners).

Mr. Lloyd reported that the Planning Board recommends approval of the A1 Agricultural district.

MOTION: Commissioner Edge moved to approve Items 3.A., 3.B., 3.C., 3.E., and 3.F. as recommended by the Planning Board.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS

Contested Case

- D. Case P10-24: Rezoning of 7.91+/- acres from R10 Residential to C(P) Planned Commercial or to a more restrictive zoning district, located on the north side of SR 1003 (Camden Road) and west of SR 3039 (Wipperwill Drive); submitted by March F. Riddle (owner).

Mr. Lloyd reported that the Planning Board recommends approval of the C2(P) Planned Service & Retail district. Mr. Lloyd provided a power point presentation of the property and explained the recommendation of the Planning Board on this case.

The Chairman opened the Public Hearing for Item 3.D. (Case P10-24)

All speakers were duly sworn in by the Clerk.

Speakers:

Richard Hogg – Mr. Hogg appeared in opposition to the rezoning expressing objections of more businesses being placed in the immediate area of where he lives. He stated that many existing businesses are already located within three miles of the area being considered. He also voiced concern over the safety of the children in the neighborhood.

James Mitchell – Mr. Mitchell appeared in opposition stating concern over the increase in traffic which causes an increased risk to the children living in the area. He stated he sees no point in adding more commercial businesses in the area since there is already businesses nearby that meet their needs.

Lugina Ramos – Ms. Ramos appeared in opposition stating she is concerned with the safety of the children and the property values being lowered by bringing in more commercial property which is not needed.

Patty Chapman Boyce – Ms. Boyce appeared in opposition stating she moved to the area because it was rural and offered a lot of services nearby. She voiced concern over the safety of the children and the decrease in value of their property.

Chairman King stated that even though the time allotted to this case was over, the Board would be willing to hear from other speakers signed up who would like to contribute other areas of concern.

Steve Berg – Mr. Berg appeared in opposition stating that his concern is over all the schools that are being encroached upon by commercial properties which causes the slow demise of the neighborhoods. Mr. Berg cited areas where neighborhoods and schools are thriving due to the area remaining rural.

Wesley Bauguess – Ms. Bauguess appeared in opposition stating that her spouse was killed in action and even though the military offered to move her anywhere in the world, she chose to remain in Camden Woods because of the area's rural character and still having the convenience of businesses close by. However, she is concerned about the safety of the children if businesses are moved closer to her home.

In response to a question from Commissioner Keefe, Mr. Lloyd stated that a traffic flow study for this area shows 6,100 cars per day. Chairman King questioned from a planning perspective, if this rezoning is allowed, would it alter the character of the community. Mr. Lloyd responded that from a planning perspective, south of Camden Road would be altered to some degree, but the area has the potential to be built up based on the surrounding zonings. Mr. Lloyd answered other questions from Commissioner Edge regarding the proposed access road. Commissioner Council questioned if the recommended zoning would adhere to the 2030 Growth Vision Plan and Mr. Lloyd assured her that it would.

MOTION: Commissioner Keefe moved to deny the request for Item 3.D. as recommended by the Planning Board.

SECOND: Commissioner Gilfus

DISCUSSION: Commissioner Keefe stated he does not believe this area is ready for this type zoning until it becomes a four lane road and should be kept as a residential community area. Commissioner Gilfus agreed. Commissioner Council stated the factor in her decision is to support the recommendation of the Planning Board and Planning Staff. Commissioner Edge stated he lives in the area and he knows that businesses and schools bring additional traffic. He added that water and sewer in the area was already in the area will eventually bring more businesses to the area.

VOTE: Motion to deny the rezoning request passed with Commissioners Keefe, Gilfus, Faircloth, Edge, and Melvin voting to deny the request and . Commissioners King and Council voting to approve the request.

Conditional Use District & Permit Case

- G. Case P10-18: Rezoning of 3.14+/- acres from A1 Agricultural to C2(P) Planned Service and Retail/CUD Conditional Use District for a trade contractor and the Permit and R40 residential or to a more restrictive zoning district, located at 3370 Coleman Road, submitted by Robert W. McLaurin (owner) and Daryl W. McLaurin.

Mr. Lloyd reported that the Planning Board recommends approval of the C2(P) Planned Service and Retail/CUD Conditional Use district for a trade contractor and the permit and R40 Residential district.

County Attorney Rick Moorefield asked the Board to consider including in the conditions of this case an additional condition that this property not be subdivided

because it involved the application of two new zoning classifications to a single parcel. Mr. Moorefield explained the basis for his request was to maintain consistency in enforcement efforts for properties in similar circumstances in which the owners had created non-conforming uses and to promote the integrity of the ordinance. Mr. Moorefield acknowledged this condition would be in addition to the Planning Board's recommendations. Questions arose regarding the non-conforming use of this property and the current request, which will put the property into conforming use.

The Chairman opened the Public Hearing.

Speakers:

Having been sworn in, Mr. Scott Flowers (Attorney for the petitioner) after discussion with his client, stated his client would be agreeable to include the condition suggested by the County Attorney; however, he feels the request would put an unnecessary burden on the owner should they decide to sell at a later time.

The Chairman closed the Public Hearing.

MOTION: Commissioner Council moved that the Board of Commissioners finds that this application for a conditional use district designated as case number P10-18 is reasonable, neither arbitrary nor unduly discriminatory, in the public interest, consistent with the current land use plan adopted by this Board of Commissioners and that the attached conditional use(s) be approved.

SECOND: Commissioner Faircloth
VOTE: UNANIMOUS

MOTION: Commissioner Council moved that the Board of Commissioners finds that this application for conditional use permit designated as case number P10-18, if completed as proposed and subject to the conditions recommended by the Joint Planning Board and approved by this Board of Commissioners will not materially endanger the public health and safety; will meet all required conditions and specifications; and will maintain and enhance the value of adjoining or abutting properties, or alternatively, the use is a public necessity and will be in general conformity with the county's most recent land use plan, and other planning policies adopted by the Board of Commissioners.

SECOND: Commissioner Melvin
VOTE: UNANIMOUS

County Attorney Moorefield questioned if whether the condition that the property not be subdivided was included. Due to confusion on the intent of the motion, the following motion was made:

MOTION: Commissioner Council moved to reconsider the motion.
SECOND: Commissioner Melvin
VOTE: Motion passed. Voting in favor to reconsider – Commissioners Edge, King, Council, Melvin and Keefe. Voting against – Commissioners Faircloth and Gilfus.

Discussion ensued regarding whether to include the additional condition that the property note be subdivided. During the discussion, Mr. Flowers advised that his client did not understand the request when he agreed to it and now that he does, he does not agree to it. Mr. Lloyd advised the Planning Board would not approve a subdivision unless all of the requirements of the ordinance were met. Mr. Moorefield advised that would satisfy his concern.

Chairman King recessed the meeting for five minutes.

Chairman King called the meeting back to order.

MOTION: Commissioner Council moved that the Board of Commissioners finds that the application for a conditional use district designated as case number P10-18 is reasonable, neither arbitrary nor unduly discriminatory, in the public interest, consistent with the current land use plan adopted by this Board of Commissioners and that the conditional uses as represented by the Joint Planning Board be included.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

MOTION: Commissioner Council moved that the Board of Commissioners finds that this application for conditional use permit designated as case number P10-18, if completed as proposed and subject to the conditions recommended by the Joint Planning Board and approved by this Board of Commissioners will not materially endanger the public health and safety; will meet all required conditions and specifications; and will maintain and enhance the value of adjoining or abutting properties, or alternatively, the use is a public necessity and will be in general conformity with the county's most recent land use plan, and other planning policies adopted by the Board of Commissioners.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

Other Public Hearings

G. Public Hearing on the FY 2010-2011 Annual Rural Operating Assistance Program (ROAP) Grant.

Commissioner Gilfus stated he did not have a question regarding the grant, but asked that the community transportation program be explained. Kristine Wagner advised there is transportation available for individuals 60+ or disabled, both for medical and non-medical transportation. In March, transportation was started for urban area residents (Fayetteville, Hope Mills and Spring Lake) who cannot access public transportation or F.A.S.T. The rural general public program is intended for individuals from rural areas such as Stedman, Godwin, Falcon, Linden without restrictions as to eligibility of participants other than a particular need for the transportation. Phone numbers for the +

The Chairman opened the Public Hearing.

No Speakers.

The Chairman closed the Public Hearing.

MOTION: Commissioner Gilfus moved to approve the FY 2011 Application for ROAP grant funds.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

Items of Business

4. Consideration of Recommendations of the Cumberland County Policy Committee Regarding:

A) Proposed Amendment to Funeral Leave in Personnel Ordinance.
THIS ITEM WAS PULLED AND REFERRED BACK TO THE POLICY COMMITTEE.

B) Petition from Point East Subdivision Property Owners Requesting County Assistance to Repair the Dam.

BACKGROUND: The Board of County Commissioners, at its June 21, 2010 meeting, referred to the County Policy Committee the request for assistance from the property owners in Point East Subdivision to breach the dam of the lake within this subdivision. The County Attorney advised the Board that there was no statutory authority for the County to undertake a special assessment project to breach a dam and that the property owners would need to petition the Board to repair the dam. The Point East Homeowners Association is currently under a Dam Safety Order from NCDENR to repair or permanently breach the dam.

A new petition from the property owners in Point East Subdivision requesting the County undertake a special assessment project to repair the dam was received on July 20, 2010. The petition was signed by 9 of 15 property owners (60%) having 10 of 17 lots (59%) on the lake. The petition has been reviewed by the County Engineering Department.

The request was presented to the Policy Committee at its August 5, 2010 meeting. The deficiencies with the dam and the requirements in the NC Administrative Code - Title 15A, Subchapter 2K - Dam Safety for small high hazard (Class C) dams were reviewed with the committee.

PROPOSED ACTION: Management and staff recommended that the Policy Committee take no action regarding the request to repair the dam until such time that an approved repair plan from Dam Safety be obtained by the Point East Homeowners Association so that the cost of the repairs can be reasonably estimated. The Policy Committee endorsed management's recommendation and instructed staff to work with the Point East Homeowners Association, its engineer, Averette Engineering, and NC Dam Safety to determine with more certainty the extent of the investigative work and repair work required to meet Dam Safety requirements.

No action taken.

5. Consideration of Cumberland County Facilities Committee Report and Recommendation(s):

A) Detention Center Expansion Project

BACKGROUND: In June 2010, the Board of Commissioners budgeted funds (\$3 Million) for future expansion of the existing County Detention Center and directed management to move forward with the processes needed for the expansion project by taking it forward to the Facilities Committee.

The Sheriff's Office made a presentation to the Facilities Committee, at its August 10, 2010 meeting, that reviewed the need for expanding the Detention Center, the number and type of beds required based on current and future inmate population, and preliminary costs. The proposed expansion of the Detention Center requested by the Sheriff's Office is 256 beds in four (4) - 32 cell double bunk housing units. The preliminary project estimate is \$15 Million including construction, design fees, materials testing, special inspection fees, furnishings and equipment. The estimated timeframe from solicitation of architectural services through issuance of a certificate of occupancy is 39 months.

Management recommended that the County Facilities Committee approve moving forward with solicitation of architectural services for the Detention Center Expansion Project. The Facilities Committee endorsed Management's

recommendation and requested that staff consider the design of the complete build-out of the site and bring back a status report of the progress at the next Facilities Committee meeting.

PROPOSED ACTION: Follow the staff recommendation to proceed with solicitation of architectural services for the Detention Center Expansion Project.

In response to a question posed by Commissioner Gilfus regarding what strategy the Board should use to finance the addition to the Detention facility, County Manager Martin called on Mrs. Cannon to provide the Board's financial policy and to provide costs related to this project. Mrs. Cannon read the policy which states that upon Board approval of a capital project and the determination that the project will be financed through the issuance of debt, the Board will increase the property tax rate an amount equivalent to the additional annual operating cost and principal and interest payment in the upcoming fiscal year if deemed necessary. In developing a financing plan in accordance with the board's policy, the County would need to identify additional funds for annual operating and annual debt service. Based on \$15M at the end of the 39 month period mentioned earlier, \$5M would have been accumulated, which means approximately \$10M would be financed resulting in a debt service amount of around \$1M to \$1.2M per year for twenty years. The operational costs are projected at about \$3M per year. Within the current budget, \$1.2M was set aside of the property tax rate for construction, which could be set aside at the end of the construction period for the principal and interest payments. This would leave a deficit of about \$3M to fund. Options to consider for the deficit would be sufficient projected natural growth in the property tax base or sales tax, reduction in other county department budgets, increase in property tax rate or any combination of those options.

Commissioner Keefe explained that requesting the architectural services include the complete build-out of the site would be a savings to the county and taxpayer in the long term.

Mr. Stanger explained the process of selecting the architectural firms which he expects will take about 60 days.

MOTION: Commissioner Gilfus moved to follow the recommendation of County Management, Sheriff's Office and the County Facilities Committee to proceed with solicitation of architectural services for the Detention Center Expansion Project.

SECOND: Commissioner Keefe

DISCUSSION: Commissioner King stated he did not feel that all options had been exhausted as many questions are still unanswered and therefore he would not support going forward at this time especially due to the present economy. Commissioner Faircloth voiced his concern with the high cost stating he would rather use those monies for other projects that are needed by the citizens. In response to a question posed by Commissioner Melvin, Mr.

Stanger advised that the design will be a full build out of the site. Commissioner Council reminded all that it is the county's responsibility to provide a place reasonably safe and decent for individuals that are accused of crimes until they have their day in court. Commissioner Edge referred members to a recent report on the NCACC website where an intern did a study of jails in North Carolina which shows that 50 out of 100 counties are in need of additional jail space and agrees with moving forward with the design showing maximum capacity. Commissioner Edge advised he would like to see one Commissioner on the selection team and would be willing to serve in that capacity.

VOTE: Motion Passed. Voting in favor of the Motion – Commissioners Faircloth, Gilfus, Edge, Council, Melvin and Keefe. Voting against the Motion – Commissioner King

B) Former Public Health Center Renovation Project

BACKGROUND: In December 2009, the Board of Commissioners endorsed the concept of renovating the old Public Health Center for re-use as County Administrative Offices and instructed staff to solicit architectural services to prepare a building program, schematic plans and detailed cost estimate for the renovation project. In March 2010, Gordon Johnson Architecture in collaboration with Calloway, Johnson, Moore & West was hired to provide the necessary architectural services. During the past several months, the architects have been working with staff of the departments that would potentially be relocated to the renovated facility to develop the building program that sets forth the space requirements and functional relationships. Based on the approved building program, a schematic floor plan was developed together with a detailed estimate of the renovation costs.

The architectural team made a presentation to the Facilities Committee, at its August 10, 2010 meeting, to review the building program, schematic floor plans, potential building exterior and site improvements, cost estimate and phasing of construction for the Committee's consideration.

Discussions by the Facilities Committee members focused on the building renovations needed to relocate a consolidated Emergency Services organization. County Information Services, to the extent required to support Emergency Services, would also relocate to renovated space on the third floor adjacent to Emergency services.

Given the budgetary constraints, Management had envisioned a phased approach to the renovation work at the Old Public Health Center. The Phase One renovation work would consist of the following:

- Demolition of the interior space on all floors
- Renovate the third floor for Emergency Services and Information Services

- Install an independent mechanical system with emergency power for the third floor
- Provide an independent entrance to the third floor to minimize disruption during the second phase of construction
- Replace all exterior windows
- Construct the floor extensions with glass facades on the east and west elevations
- Install lateral bracing of the structure to meet building code for seismic loading
- Upgrade existing elevators

The project architects estimate that Phase One renovation work would cost approximately \$5 Million to include demolition, construction, design services, material testing services, furniture, fixtures and data cabling. The estimated construction duration is 8 to 10 months.

Management indicated that funding for the Phase One renovation work would come from E-911/Emergency Telephone funds (\$1.66 Million) and Designated Reserve for Former Health Center (\$3.88 Million) reserved for the project but not budgeted. With the funding sources identified, Management recommended that the County proceed with Phase One renovations at the Old Public Health Center. The Facilities Committee concurred with this recommendation.

PROPOSED ACTION: Follow management, staff and the Facilities Committee's recommendation to proceed with Phase One renovation work at the Old Public Health Center as outlined above.

Commissioner Gilfus questioned the status of the City of Fayetteville regarding the E 9-1-1 consolidation. County Manager Martin advised there has been an expression by the city staff that there is interest beyond the city staff to consolidate their dispatch department with the county's. Passage of this request will allow for further discussions in order to determine a timeframe. Discussion ensued regarding the length of time between Phase One and Phase Two. At the time a need is identified for continuing with Phase Two, a financial plan will need to be identified at that time. Commissioner Melvin stated he felt spending \$5M on a renovation project to only house the consolidate E 911 services was a little unwise; however, he would support moving the services into the building without renovations and applying the \$5M to the jail expansion project. Commissioner Gilfus questioned what type facility is required in order to consolidate the services for Fayetteville, Hope Mills, Spring Lake and the county. Kenny Currie, Emergency Services Director, responded the plan currently calls for a 7,000 square foot facility which would include office space needs, fire inspection and emergency management space. Commissioner Keefe questioned whether any reimbursement from those municipalities has been discussed with regard to facilities and Mr. Martin stated no. Commissioner Keefe questioned whether the increased area in the exterior of the building was for size consideration or for structural consideration and could money

be saved by leaving the outside of the building as it is now. Mr. Stanger advised the primary reason was for additional floor space in order to fit the entire building program into the facility. Also, this provides a way to give a new face to the east and west side of the building and opens up the interior floor space to more windows for offices. Mr. Stanger estimated that probably no more than a couple of hundred thousand dollars could be saved by not doing the exterior work to increase the size of the building.

MOTION: Commissioner Council moved to follow the recommendation of Management, County Engineer and the Facilities Committee to proceed with Phase One renovation work at the Old Public Health Center as outlined above.
SECOND: Commissioner Gilfus
VOTE: UNANIMOUS

6. Presentation on Cumberland County Census Update by Cecil Combs, Co-Chairman.

BACKGROUND: As co-chair of the Cumberland County Complete Count Committee, Mr. Cecil Combs requested to be placed on the August 16, 2010 Board of Commissioner's meeting agenda to share information as to the county's results in the 2010 census. Mr. Terry Henderson, Partnership Specialist and Mr. Alvin Howe, manager of the local census office will provide statistical data pertaining to Cumberland County's efforts. This information was previously discussed with the Complete Count Committee on July 19, 2010.

Cecil Combs, co-chair of the Cumberland County Complete Count Committee, introduced Terry Henderson with the US Census Bureau in Charlotte who provided a power point presentation to the Board with regard to the census count in Cumberland County. Mr. Henderson reminded the Board that figures from the census data are used to determine certain federal monies for the area and also to determine seats in the House of Representatives. Figures presented compared current 2010 results to 2000 results stating that Cumberland County and the state both had a +2% increase in participation rates, while the national percentages for participation had remained the same for both census counts. A breakdown of participation of all tracts in Cumberland County was provided. For smaller municipalities in Cumberland County, differences in participation rates were generally high with the highest being Wade at +21%. About 900 people from Cumberland County were part of the 2010 Decennial. Mr. Henderson thanked the Board and Cumberland County for partnering to make the census count a success.

7. Nominations to Boards and Committees

A) Cumberland County Criminal Justice Partnership Advisory Board (3 Vacancies)
Background: Jonette Quenum has retired. The Cumberland County Criminal Justice Partnership (CCCJP) Advisory Board requested that this position not be filled. Wayne Marshburn has retired. Recommendation from the CCCJP is for Sharon Phillips, JDM.

Carrie Heffney has retired. Recommendation from the CCCJP is for Kristin Jones. Captain Charles Kimble – completing unexpired term and is eligible for reappointment. Recommendation from the CCCJP is for him to continue serving.

Commissioner Edge nominated Sharon Phillips, JDM (Probation Officer slot); Kristin Jones (At-Large); and Captain Charles Kimble (Police Chief or Designee).

B) Cumberland County Local Emergency Planning Committee (1 Vacancy)
Background: Greg Phillips is completing an unexpired term and is eligible for reappointment.

Commissioner Council nominated Greg Phillips (Emergency Management Rep).

C) Senior Citizens Advisory Committee (4 Vacancies)
Background: Marlene Jacobs is completing an unexpired term and is eligible for reappointment.
Mary Rizer is completing an unexpired term and is eligible for reappointment.
Glenda Dye is completing an unexpired term and is eligible for reappointment.
Rebecca Campbell has resigned. Recommendation from the Senior Citizens Advisory Board is for Lewis Scott Oatman.

Commissioner Edge nominated Marlene Jacobs, Mary Rizer, Glenda Dye and Lewis Scott Oatman.

D) Southeastern Economic Development Commission (SEDC) (1 Vacancy)
Background: Commissioner Jimmy Keefe is completing unexpired term. Not eligible for reappointment due to minority appointment requirements.

Commissioner King nominated Commissioner Jeannette Council.

8. Appointments to Boards and Committees

A) Adult Care Home Community Advisory Committee (3 Vacancies)

Nominees: Mary Ann Ayars
Mary Dillon
Rasheeda Reid

B) Board of Adjustment (1 Vacancy)

Nominee: Ed Donaldson

C) Cumberland County Juvenile Crime Prevention Council (4 Vacancies)

Nominees: Juvenile Defense Attorney: Sarita Mallard

Non-Profit/United Way Representative: Matt Hurley

At-Large Representatives: Tobias M. Dillard, Sr.
Margarita Dostall

D) Cumberland County Local Emergency Planning Committee (2 Vacancies)

Nominees: Print & Broadcast Media Representative: Jackie Tuckey

Utilities Representative: Andrew Moore

E) Joint Appearance Commission (3 Vacancies)

Nominees: Steven Coleman
Christopher Mitchell
Randy A. Newson

F) Mid-Carolina Aging Advisory Committee (4 Vacancies)

Nominees: Volunteers: Edna Cogdell
Marybeth Hicks

Consumers: Beverly D. Sanders
Lester Bussey

G) Nursing Home Advisory Board (1 Vacancy)

Nominee: Sonja Council

MOTION: Commissioner Edge moved to appoint all nominees in Items 8.A. through 8.G.
SECOND: Commissioner Council
VOTE: UNANIMOUS

9. Closed Session: Not Needed

MOTION: Commissioner Gilfus moved to adjourn.
SECOND: Commissioner Council
VOTE: UNANIMOUS

There being no further business, the meeting adjourned at 9:20 p.m.

Approved with/without revision:

Respectfully submitted,

Marie Colgan
Clerk to the Board