

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
TUESDAY, JANUARY 16, 2018 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING MINUTES

PRESENT: Commissioner Larry Lancaster, Chairman
Commissioner Jeannette Council, Vice Chair
Commissioner Glenn Adams
Commissioner Michael Boose
Commissioner Charles Evans
Commissioner Marshall Faircloth
Commissioner Jimmy Keefe
Amy Cannon, County Manager
Melissa Cardinali, Assistant County Manager
Tracy Jackson, Assistant County Manager
Sally Shutt, Assistant County Manager
Rob Hasty, Assistant County Attorney
Deborah Shaw, Budget Analyst
Heather Harris, Budget Analyst
Jeffrey Brown, Engineering and Infrastructure Director
Keith Todd, Information Services Director
Tom Lloyd, Planning and Inspections Director
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk
Press

Chairman Lancaster called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Chairman Lancaster provided the invocation followed by the Pledge of Allegiance to the American flag.

Introduction of Fayetteville-Cumberland Youth Council Members - Aaron Harrison and Nicole Washington

Chairman Lancaster called on Aaron Harrison and Nicole Washington to introduce themselves. Aaron Harrison stated this is his second year as a FCYC member and he attends Gray's Creek High School. Nicole Washington stated this is also her second year as a FCYC member and she attends Pine Forest High School.

Recognition of the Cumberland County Public Library & Information Center for Receiving the FY16-17 Public Relations/Promotional Project Award and the Adult Program Award for Libraries its Size in the State

Commissioner Adams called on Cumberland County Public Library Director Jody Risacher and Library Trustee Brian Tyler. Commissioner Adams stated the Library received both the FY16-17 Public Relations/Promotional Project award and the Adult Program award for libraries its size in North Carolina. Commissioner Adams stated the Library's "I Heart My Library" public relations/promotional project was judged the most original and attractive, replicable, related to the Library's mission and effective in reaching its target audience. Commissioner Adams stated similarly, the Cliffdale Regional Branch's "Christmas Portraits" program showed originality, the ability to be replicated, a direct relation to the Library's mission and success in reaching its target audience. On behalf of the full Board, Commissioner Adams extended congratulations to the Library.

PUBLIC COMMENT PERIOD

Amy Cannon, County Manager, read the public comment policy. Chairman Lancaster recognized the clerk to the board who called the following speakers:

Tom Clark - Mr. Clark did not appear when his name was called.

Ethelyne Holden Baker – Ms. Baker expressed concern about the closing of the Health Department’s Adult and Dental Clinics, described a survey she put together and asked the Board to concentrate on re-opening the clinics.

Chief District Court Judge Robert Stiehl – Judge Stiehl referenced the Community Jail Initiative and shared individual situations involving members of the Cumberland County jail population to signify the cost of mental health when it is not dealt with effectively on the front end.

Amy Cannon, County Manager, requested an addition to the consent agenda of Item 2. D. for a Resolution for the Installation of Road Improvements to Support Project More Cowbell/Campbell’s Soup Distribution Center.

1. APPROVAL OF AGENDA

MOTION: Commissioner Boose moved to approve the agenda to include the addition to the consent agenda of Item 2. Resolution for the Installation of Road Improvements to Support Project More Cowbell/Campbell’s Soup Distribution Center.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (7-0)

2. CONSENT AGENDA

A. Approval of January 2, 2018 Regular Meeting Minutes

B. Destruction of Planning & Inspections Department Records

BACKGROUND:

In accordance with the Records Retention and Disposition Schedule dated April 1, 2006, request is for permission to destroy records dated prior to January 1, 2012 on or before March 31, 2018. The maximum time period required to maintain records is six years. This request will allow records to be destroyed that are no longer useful. Records to be destroyed are as follows:

1. Permit Files: Included are Applications for Building, Electrical, Plumbing, Mechanical, Insulation, Demolition, Relocation, and Zoning Permits, Permits Issued, Work Tickets, Certificates of Occupancy, Blueprints and Specifications and related correspondence.
2. Minimum Housing, Junk Vehicle and Zoning Code Enforcement Files.
3. Activity Reports: This file consists of information compiled for the U.S. Bureau of the Census, reports of money collected for permit fees, inspections performed, and permits issued.
4. Correspondence/Memorandums.

Exceptions:

- A. Any record required to be retained permanently or for the life of the structure.
- B. Records, if any, related to any ongoing litigation.

RECOMMENDATION / PROPOSED ACTION:

Approve the destruction of Planning & Inspection Departmental records prior to January 1, 2012.

C. Approval of Budget Ordinance Amendments for the January 16, 2018 Board of Commissioners Agenda

BACKGROUND:

General Fund 101

- 1) Library - Budget Ordinance Amendment B180005 to recognize additional funds in the amount of \$15,076 from the State Library of North Carolina – Aid to Public Libraries Fund.

The Board is requested to approve Budget Ordinance Amendment B180005 to recognize additional grant funds of \$15,076 from the State Library of North Carolina – Aid to Public

Libraries Fund. This funding increase is due to a change in the formula used to calculate state aid. These funds will be used to purchase additional computers and software programs for the library.

Please note this amendment requires no additional county funds.

- 2) Veteran Services - Budget Ordinance Amendment B180059 in the amount of \$1,225 to recognize staff certification in the North Carolina Association of County Veterans Service Officers.

The Board is requested to approve Budget Ordinance Amendment B180059 in the amount of \$1,225 to increase staff salary due to earning the North Carolina Association of County Veterans Service Officers certification. This certification is a requirement of this position. Funds have been identified using a transfer from departmental supplies and food and provisions.

Please note this amendment requires no additional county funds.

- 3) Internal Service Organizations - Budget Ordinance Amendment B180061 in the amount of \$13,474 to reclassify positions based on a realignment of duties

The Board is requested to approve Budget Ordinance Amendment B180061 in the amount of \$13,474 to reclassify various positions. Duties from a vacant position will be reassigned to existing staff resulting in reclassifications for various support positions. These positions are overseen by the Engineering Director. The reclassifications are being funded by the abolishment of a vacant position.

Please note this amendment requires no additional county funds.

Workforce Investment Opportunity Act Fund 255

- 4) Workforce Development - Budget Ordinance Amendment B180017 to recognize funds in the amount of \$205,136 from the U.S. Department of Labor

The Board is requested to approve Budget Ordinance Amendment B180017 to recognize Dislocated Worker Rapid Response Contingency funds of \$200,000 and State funds of \$5,136 to be used for program activities. Please note this amendment requires no additional county funds.

Crown Fund 600

- 5) Crown - Budget Ordinance Amendment B180039 in the amount of \$128,052 to repair retainer wall damaged by Hurricane Matthew

The Board is requested to approve Budget Ordinance Amendment B180039 in the amount of \$128,052. This amount includes the estimated cost of repair at \$118,052 with \$10,000 for contingency. Funds will be used to repair a retainer wall at the Crown Complex damaged by Hurricane Matthew. The project is fully reimbursable by Federal and State agencies. The Federal Emergency Management Agency (FEMA) is expected to reimburse 75% of the total costs and the North Carolina State Disaster Relief is expected to reimburse 25% of the total costs.

Please note this amendment requires no additional county funds.

Contingency Funds Report – FY18

Contingency funds were not used.

RECOMMENDATION / PROPOSED ACTION:
Approve Budget Ordinance Amendments.

- D. A Resolution of the Cumberland County Board of Commissioners for the Installation of Road Improvements to Support Project More Cowbell/Campbell's Soup Distribution Center

A RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS
FOR THE INSTALLATION OF ROAD IMPROVEMENTS TO SUPPORT PROJECT
MORE COWBELL / CAMPBELL'S SOUP DISTRIBUTION CENTER

WHEREAS, N. C. Department of Transportation has requested a resolution from the Cumberland County Board of Commissioners endorsing the installation of transportation improvements to support project "More Cowbell" / Campbell's Soup Distribution Center; and

WHEREAS, the proposed project would invest approximately \$46 million in Cumberland County and create 140 fulltime jobs; and

WHEREAS, the Department of Transportation proposes to make improvements including a traffic signal at the intersection of Clark West Road and NC 53, resurfacing of the paved portions of Clark West Road and constructing a paved typical section on the unpaved portion of Clark West Road between the paved portion of Clark West Road connecting to Evans Dairy Road to the west and paved portion of Clark West Road connecting to NC 53 to the east; and

WHEREAS, the construction of these improvements will be at no cost to Cumberland County.

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners endorses the concept of the N. C. Department of Transportation making the aforementioned improvements to the intersection of Clarke West Road and NC 53, Clarke West Road and Evans Dairy Road, in support of Project More Cowbell / Campbell's Soup Distribution Center.

Adopted this 16th day of January 2018.

MOTION: Commissioner Adams moved to approve consent agenda items 2.A. – 2.D.
SECOND: Commissioner Council
VOTE: UNANIMOUS (7-0)

3. PUBLIC HEARINGS

Uncontested Rezoning Cases

A. Case P17-54

BACKGROUND

Case P17-54: Rezoning of 2.00+/- acres from A1 Agricultural to R40A Residential or to a more restrictive zoning district, located at 4259 Percy Britton Drive, submitted by Laura Marie Britton (owner).

RECOMMENDATION / PROPOSED ACTION:

Planning Board Action: Unanimously recommended approval of the staff recommendation at the December 19, 2017 meeting for the reasons stated in the recommendations of the Planning Staff and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

Staff Recommendation: In Case P17-54, the Planning and Inspections Staff recommend to approve the rezoning from A1 Agricultural to R40A Residential and find: a. The approval is an amendment to the adopted Eastover Area Land Use Plan (2000) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map; b. The following change in conditions was considered in amending the zoning

ordinance (zoning map) to meet the development needs of the community: the requested district will ensure the lot sizes are compatible with the ultimate goal of protecting and preserving the rural character of the area, and the subject property is now located within the Town of Eastover's Municipal Influence Area which was nonexistent in October 2000 when the Land Use Plan was adopted; c. And, this rezoning approval is reasonable and in the public interest because the district requested will allow the site to be developed in accordance with similar approvals in the area.

If the Board of Commissioners wishes to follow the recommendation of the Planning Board and Planning Staff in this case, the following motion is appropriate:

MOTION:

In Case P17-54, I move to approve the rezoning from A1 Agricultural to R40A Residential and find:

- (a) The approval is an amendment to the adopted Eastover Area Land Use Plan (2000) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map.
- (b) The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the requested district will ensure the lot sizes are compatible with the ultimate goal of protecting and preserving the rural character of the area, and the subject property is now located within the Town of Eastover's Municipal Influence Area which was nonexistent in October 2000 when the Land Use Plan was adopted;
- (c) And, this rezoning approval is reasonable and in the public interest because the district requested will allow the site to be developed in accordance with similar approvals in the area.

Tom Lloyd, Planning and Inspections Director, presented this item. Mr. Lloyd showed vicinity maps and aerial views of the subject property, and provided overviews of the current land uses, current zonings, and surrounding land uses and zonings. Mr. Lloyd stated Case P17-54 received no opposition at the meeting of the Planning Board and there was unanimous recommendation for approval.

Chairman Lancaster opened the public hearing for Case P17-54.

The clerk to the board advised there were no speakers for Case P17-54.

Chairman Lancaster closed the public hearing for Case P17-54.

MOTION: Commissioner Council moved in Case P17-54 to approve the rezoning from A1 Agricultural to R40A Residential and find: (a) the approval is an amendment to the adopted Eastover Area Land Use Plan (2000) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map; (b) the following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the requested district will ensure the lot sizes are compatible with the ultimate goal of protecting and preserving the rural character of the area, and the subject property is now located within the Town of Eastover's Municipal Influence Area which was nonexistent in October 2000 when the Land Use Plan was adopted; and (c) this rezoning approval is reasonable and in the public interest because the district requested will allow the site to be developed in accordance with similar approvals in the area.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

Contested Rezoning Cases

B. Case P17-52

BACKGROUND:

Case P17-52: Rezoning of .40+/- acres from RR Rural Residential to C(P) Planned Commercial or to a more restrictive zoning district; located at the northeast quadrant of the intersection of US Hwy 301 South & SR 2243 (Roslin Farm Road), submitted by Ibrahim Alsaidi on behalf of Pit Stop 301 Express LLC (owner).

RECOMMENDATION / PROPOSED ACTION:

Planning Board Action: Unanimously recommended approval of the staff recommendation to deny the request for rezoning at the December 19, 2017 meeting for the reasons stated in the recommendations of the Planning Staff and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

Staff Recommendation: In Case P17-52, the Planning and Inspections Staff recommends to deny the rezoning from RR Rural Residential to C(P) Planned Commercial and find it is not consistent with the adopted Southwest Cumberland Land Use Plan which calls for “farmland” at this location; and further find that denial of the rezoning is reasonable and in the public interest because the subject property lacks access to public water and sewer and is not a tract of sufficient size to accommodate vehicular and pedestrian traffic as well as buffering and landscaping.

If the Board of Commissioners wishes to follow the recommendation of the Planning Board and Planning Staff in this case, the following motion is appropriate:

MOTION:

In Case P17-52, I move to deny the rezoning from RR Rural Residential to C(P) Planned Commercial and find it is not consistent with the adopted Southwest Cumberland Land Use Plan which calls for “farmland” at this location; and further find denial of the request is reasonable and in the public interest because the subject property lacks access to public water and sewer and is not of sufficient size to accommodate vehicular and pedestrian traffic as well as buffering and landscaping.

Tom Lloyd, Planning and Inspections Director, presented this item. Mr. Lloyd showed vicinity maps and aerial views of the subject property, and provided overviews of the current land uses, current zonings, and surrounding land uses and zonings. Mr. Lloyd stated the commercial property adjacent to the subject property is owned by the applicant. Mr. Lloyd also stated the property is served by well and septic, is not consistent with the Southwest Land Use Plan and there is concern that the site is not of sufficient size. Mr. Lloyd stated what resonated with staff and the Planning Board was the applicant’s statement that his family owned the vacant lot and purchased it to avoid the further building of businesses in the area that would bring problems and disturb the quality of life. Mr. Lloyd stated staff agreed that with well and septic there did not need to be any further commercial uses in the area and for this and other reasons, the Planning Board recommended denial. Mr. Lloyd also stated no one appeared in favor or opposition at the meeting of the Planning Board.

Chairman Lancaster opened the public hearing for Case P17-52.

The clerk to the board called the following speaker for Case P17-52:

Awad Alsaidi – Mr. Alsaidi appeared in favor and stated his family owns the old store next to the subject property and the reason for the request is to construct a new building for the same business that will provide a better image and then tear down the old store. Mr. Alsaidi stated there is no septic in the area so the first thing will be to have septic put in. Mr. Alsaidi stated his family cares about its customers and people in the community and does not want to build a new store on a lot they own down the street that is already zoned commercial.

Mr. Lloyd advised the Board that this is a straight rezoning and not a conditional rezoning so the applicant or speakers cannot be held to anything they say they will do with the property. At the request of Commissioner Keefe, Mr. Lloyd explained uses allowable for the adjacent property under C3. Commissioner Keefe asked whether the two lots could be consolidated. Mr. Lloyd

stated because they are adjacent, they could be consolidated; however, because it is not a conditional rezoning, the applicant could say the lots would be consolidated but there would be nothing to hold him to that. Commissioner Keefe posed questions to Mr. Alsaidi who stated the new building would be constructed on the vacant lot and the old store on the adjacent property would be torn down to allow more space for parking. Commissioner Keefe expressed concern for C3 zoning of the adjacent property once it becomes vacant and stated if consideration was given to rezoning both lots to C(P), it might be more secure for the community.

Chairman Lancaster closed the public hearing for Case P17-52.

Commissioner Faircloth asked how long before the applicant could return were the request for C(P) denied at this meeting and the applicant was inclined to combine the two lots to rezone both to C(P). Mr. Lloyd stated if the rezoning was just for the subject lot, it would be one year before the applicant could return. Mr. Lloyd stated if the request came back for both lots, it would be considered a different rezoning and the applicant could come back in less than one year. Additional questions followed.

MOTION: Commissioner Council moved in Case P17-52 to deny the rezoning from RR Rural Residential to C(P) Planned Commercial and find it is not consistent with the adopted Southwest Cumberland Land Use Plan which calls for “farmland” at this location; and further find denial of the request is reasonable and in the public interest because the subject property lacks access to public water and sewer and is not a track of sufficient size to accommodate vehicular and pedestrian traffic as well as buffering and landscaping.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (7-0)

C. ITEMS OF BUSINESS

There were no items of business for this meeting.

D. NOMINATIONS

There were no nominations for this meeting.

E. APPOINTMENTS

There were no appointments for this meeting.

Chairman Lancaster asked the Fayetteville Cumberland Youth Council members to share what they learned from the meeting. Nicole Washington stated she appreciated the Board’s receptive and welcoming interaction with citizens. Aaron Harrison stated he concurred with Nicole and appreciated the recognition of the Library.

MOTION: Commissioner Council moved to adjourn.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 7:20 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board