

CUMBERLAND COUNTY POLICY COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
MARCH 6, 2014 – 10:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Jimmy Keefe, Chairman
Commissioner Charles Evans (came in at 10:40 a.m.)
Commissioner Ed Melvin

OTHER COMMISSIONERS
PRESENT:

Commissioner Marshall Faircloth
Commissioner Kenneth Edge

OTHERS PRESENT:

James Martin, County Manager
Amy Cannon, Deputy County Manager
James Lawson, Assistant County Manager
Quentin McPhatter, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Chief Public Information Officer
Melissa Cardinali, Finance Director
Tom Lloyd, Planning and Inspections Director
Patti Speicher, Planning Manager
Buck Wilson, Public Health Director
George Turner, Chairman Civic Center Commission
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Commissioner Keefe called the meeting to order.

1. ELECTION OF POLICY COMMITTEE CHAIRMAN

MOTION: Commissioner Melvin moved to appoint Commissioner Keefe as
Chairman of the Policy Committee.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (2-0)

2. APPROVAL OF MINUTES – DECEMBER 5, 2013

MOTION: Commissioner Melvin moved to approve the minutes.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (2-0)

3. UPDATE ON COLISEUM-TOURISM OVERLAY DISTRICT AND BILLBOARDS – US HWY 301

BACKGROUND:

On December 5, 2013 the committee was briefed on the draft provisions of the Coliseum-Tourism Overlay District (CTOD) and the supplemental billboard amendment. At that time the committee asked for a comparison of the proposed sign regulations for the overlay district as related to other jurisdictions' similar regulations. Hilton Head Island and Cary were mentioned during the discussion. A chart with the basic sign provisions for comparable districts in six jurisdictions is attached.

In addition, at the December 5th Policy Committee meeting, two specific changes, both relating to nonconformities, to the text were requested. The original draft set the extent of damage to where a structure could not be replaced at 30%; this number has been changed to 40% at your request. The second change included a provision that would prohibit resumption of a use not allowed within the district if the use ceased for a period of 90 days – consistent with your request, this time period has been changed to 180 days.

Also, the staff met with the Civic Center Commission on December 11, 2013, and reviewed the proposed CTOD and billboard provisions, including the changes made by the Policy Committee. The commission is recommending a major change – replacing “building tax assessed” with “reproducible” in regard to the determining value for replacement of nonconformities.

RECOMMENDATION:

Direct the staff to coordinate with the city staff, scheduling the proposed amendments with their respective Planning Board/Commission, forwarding to the governing bodies for final public hearings and adoption.

Tom Lloyd, Planning and Inspections Director, reviewed the background information and recommendation as recorded above and responded to questions.

Mr. Lloyd stated if the proposed amendments are approved by the Policy Committee it would go to the Planning Board and would come back to the full board next month for approval. Mr. Lloyd stated the City of Fayetteville has been in agreement from the beginning and county and city planning staffs discuss such matters weekly.

Commissioner Faircloth asked Mr. Lloyd if there was anything else that could be done to improve this proposed ordinance. Mr. Lloyd stated the county's sign height is 35 feet and the city of Fayetteville's sign height is 25 feet. Commissioner Keefe asked Mr. Lloyd if it would be beneficial to reduce the county's sign height limit to 25 feet to match the City of Fayetteville's since this overlay district is a checkerboard of county and city

properties. Mr. Lloyd stated he does believe the city works well with the county and in this district the county should lower its sign height limit to 25 feet instead of 35 feet. The consensus of the Policy Committee was to lower the sign height limit to 25 feet in the overlay district to match the City of Fayetteville's.

MOTION: Commissioner Evans moved to recommend to the full board in April that the county's sign height limit be lowered from 35 feet to 25 feet in the proposed draft coliseum-tourism overlay district billboard amendment and direct planning staff to coordinate with the city staff to schedule the proposed amendments with their respective Planning Board/Commission.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (3-0)

4. CONSIDERATION OF ADOPTING AN ORDINANCE REPEALING CHAPTER 9.5, ARTICLE III. SMOKING, OF THE CUMBERLAND COUNTY CODE AND ADOPTING A REVISED CHAPTER 9.5, ARTICLE III. SMOKING, OF THE CUMBERLAND COUNTY CODE

BACKGROUND:

Phase II, which incorporated four additional facilities was approved in concept by the Board of County Commissioners on November 18, 2013. In light of the cost involved to update the county code and equity concerns amongst departments, county management has directed for a revised request to be submitted which will amend the request to now incorporate all remaining county owned or leased buildings to be smoke free and for the revisions to be reflected in the ordinance.

RECOMMENDATION/PROPOSED ACTION:

Adopt an Ordinance Repealing Chapter 9.5, Article III. Smoking, of the Cumberland County Code and Adopt a Revised Chapter 9.5, Article III. Smoking, of the Cumberland County Code.

Buck Wilson, Public Health Director, reviewed the background information and recommendation as recorded above and responded to questions.

Mr. Wilson stated federal funding from the Community Transformation Grant could be used to purchase smoke-free signs but will run out in September so it would be beneficial to adopt the revised ordinance effective before September 30, 2014.

Commissioner Keefe stated he feels the Civic Center Commission should have the opportunity to approve the smoke-free ordinance because it could affect ticket sales.

Commissioner Edge stated he feels it would be difficult to enforce no-smoking at outdoor recreation facilities. Commissioner Evans stated he would like to see the City of

Fayetteville adopt the ordinance before the county requires recreation centers to be smoke-free because it may cause confusion.

Rick Moorefield, County Attorney, stated a provision could be written in the ordinance that would give the Civic Center Commission and City of Fayetteville Parks and Recreation the authority to designate smoking areas on those facilities with an effective date of September 1, 2014 to ensure ample time to buy signs with the federal grant money.

MOTION: Commissioner Melvin moved to recommend to the full board approval to adopt an Ordinance Repealing Chapter 9.5, Article III, Smoking, of the Cumberland County Code and Adopt a Revised Chapter 9.5, Article III. Smoking, of the Cumberland County Code to include an exception to grant the Civic Center Commission and City of Fayetteville Parks and Recreation the authority to designate a smoking area on those facilities with an effective date of September 1, 2014.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (3-0)

5. OTHER ITEMS OF BUSINESS

There were no other matters of business.

MEETING ADJOURNED AT 11:05 AM