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**Minutes**  
**Cumberland County Board of Commissioners**  
**December 20, 1999, 7:00PM**  
**Regular Meeting**

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PRESENT: Chairman Edward G. Melvin  
Vice Chairman J. Lee Warren, Jr.  
Commissioner Thomas B. Bacote  
Commissioner Talmage S. Baggett, Jr.  
Commissioner J. Breeden Blackwell  
Commissioner Billy R. King  
Commissioner H. Mac Tyson II  
Cliff Strassenburg, County Manager  
James Martin, Deputy County Manager  
Juanita Pilgrim, Asst. County Manager  
Cliff Spiller, Asst. County Manager  
Grainger Barrett, County Attorney  
Marsha Fogle, Clerk to the Board

INVOCATION: Commissioner Talmage Baggett  
PLEDGE OF ALLEGIANCE

Special Presentation: Chairman Ed Melvin presented a framed copy of a feature article printed in the newspaper about Tom Bacote to Commissioner Tom Bacote.

(Article dated November 28 1999)

Amendments to Agenda: Rezoning Case P99-76 will be heard as a contested case.

## 1. PUBLIC HEARINGS

**Upon finding the requests to be reasonable, neither arbitrary or unduly discriminatory and in the public interest and that the property within such proposed districts is suitable for all uses permitted by the new classifications, the following motion was offered for the uncontested rezoning cases:**

**MOTION:** Commissioner King moved to follow the recommendation of the Planning Board on the uncontested cases.

**SECOND:** Commissioner Warren

**VOTE:** UNANIMOUS

### **Uncontested Rezoning Cases**

**A. Case P99-75. The rezoning from PND Planned Neighborhood to C(P) Planned commercial or to a more restrictive zoning district on the south side of Raeford Road, west of Rayconda Road, the property of Glenn A. Rowell.**

The Planning Board recommends approval to C(P)

**C Case P99-79. The rezoning from RR Rural Residential to C (P) Planned Commercial or to a more restrictive zoning district on the east side of George Owen Road, north of Camden Road, the property of Ernest and Vera Barefoot.**

The Planning Board recommends approval to C(P).

**D. Case P99-80. The rezoning from R6A Residential and C1 Local Business to C3 Heavy Commercial or to a more restrictive zoning district on the north side of Cumberland Road, east of Ireland Drive, the property of Doris Tucker Beiber.**

The Planning Board recommends approval to C3.

### **Contested Rezoning Cases**

**B. Case P99-76. The rezoning from R10 Residential to C(P) Planned Commercial or to a more restrictive zoning district on the south side of Camden Road, west of King Charles Road, E Tract, the property of Belton Wayne Jones.**

The Planning Board recommends approval to C(P).

Speakers:

1. Judith Hart, member of Faith Baptist Church: Ms. Hart noted concern about

a kennel in the area because of the water problem they have. She noted their water has to be tested every three months. In addition Ms. Hart stated she did not receive notice of the public hearing by the Planning Board on this case. She also stated another resident, Mr. Blackwell did not receive a notice of the Planning Board hearing. (Note: Commissioner Breeden Blackwell noted the Blackwell she referred to is not related to him).

Commissioner Blackwell noted his concern that appropriate notification was not made. Commissioner King noted his concern about the water issue. Jerry Thomas, Planning Staff, indicated all rules/regulations would have to be followed as set out by the Board of Adjustment if the kennel was approved. Commissioner Baggett said he was not only concerned about the water problem, but the fact this kennel would be next to a church.

**MOTION: Commissioner Baggett moved to remand this case back to the Planning Board, asking them to pay attention to make sure all of the property owners receive proper notice of this rezoning request.**

**SECOND: Commissioner Warren**

**VOTE: UNANIMOUS**

**E. Case P99-83. The rezoning from R10 Residential to RR Rural Residential or to a more restrictive zoning district on the west side of Bailey Lake Road, south of Rockford Drive, the property of Mildred Packer and John McNeill.**

The Planning Board recommends denial of the rezoning to RR and approval to R20 Residential District.

No Speakers.

**MOTION: Commissioner King moved to follow the recommendation of the Planning Board on this case.**

**SECOND: Commissioner Blackwell**

**VOTE: UNANIMOUS**

### **Minimum Housing Hearings**

**F. MH490-98. Property of Isidro Ben-Jereidini at 7656 Raeford Road, Fayetteville, NC, PIN: 9486-46-7326.**

Affidavit of the Housing Inspector's Report: I Doyle W. Hubbard, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

Property Owner: Isidro Ben-Jurcidini  
Property Address: 7656 Raeford Road, Fayetteville, NC  
Tax PIN: 9486-46-7326

**SYNOPSIS:** This property was inspected on 7/22/98. The property owner and parties of interest were legally served with Notice of Violations and afforded a Hearing on 7/27/99. 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 8/26/99. The property owner and parties of interest were notified of the appeal procedures when served with the Findings of Fact and Order. No appeal as filed. Upon my visit to the property on 12/8/99 and this date, no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, this structure constitutes a fire, health and safety hazard. The estimated cost to repair this structure to a minimum standard for human habitation is \$16,700. The Assessor for Cumberland County has this structure presently valued at \$5,759.

**RECOMMENDATION:** It is the recommendation of the Inspection department that the structure be demolished and the debris removed from the lot.

**SPEAKERS:** None

**MOTION:** Commissioner Warren moved:

**To adopt the order and report of the Minimum Housing Inspector as the true facts in this case; and**

**To order the property owner to remove or demolish the dwelling within 90 days; and**

**To order the Inspector to remove or demolish the dwelling, if the owners fails to do so and impose a lien on the real property for the cost of such action; and**

**To direct the Clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record same in the Register of Deeds.**

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

**G. MH632-99. Property of Ollie and Mary Lilly, Jr. at 7518 Southgate Road, Fayetteville, NC, PIN 9497.18-40-3474.**

**Affidavit of the Housing Inspector's Report:** I Doyle W. Hubbard, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

**Property Owner:** Ollie & Mary Lilly, Jr.

Property Address: 7518 Southgate Road, Fayetteville, NC  
Tax PIN: 9497-18-40-3474

**SYNOPSIS:** This property was inspected on 2/22/99. The property owners and parties of interest were legally served with Notice of Violations and afforded a Hearing on 4/21/99. Ollie & Mary Lilly 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 7/21/99. The property owner and parties of interest were notified of the appeal procedures when served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 12/8/99 and this date, no corrective action had been made to the structure. The structure is not secured. In its present state, this structure constitutes a fire, health and safety hazard. The estimated cost to repair this structure to a minimum standard for human habitation is \$43,000. The Assessor for Cumberland County has this structure presently valued at \$15,628.

**RECOMMENDATION:** It is the recommendation of the Inspection Department that the structure be demolished and the debris removed from the property.

Attorney Arthur Lane asked the Board to defer action on this case, as his clients, Mr. and Mrs. Lilly, have been delayed in making necessary repairs on the property. In addition, an insurance company is involved and the owners are awaiting possible settlement.

Because of the safety issues involved with this property, staff requested the Board to take some action on this case.

**MOTION:** Commissioner Blackwell moved

**To adopt the order and report of the Minimum Housing Inspector as the true facts in this case; and**

**To order the property owner to rehabilitate the property within 120 days; and**

**To order the property owner to secure the property within 30 days pending rehabilitation; and**

**To order the Inspector to rehabilitate the property or 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**

**To 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 Warren**  
**VOTE: UNANIMOUS**

**H. MH711-99, MH712-99, MH713-99, MH714-99, MH715-99. Five separate structures of Elaine Parnell Averitte located on Hardy Street, Fayetteville, NC, PIN # 0425-03-5746 & 0425-03-5951.**

Affidavit of Housing Inspector's Report: I, Kim Reeves, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

PROPERTY OWNER: Elaine Parnell Averitte

PROPERTY ADDRESS: Five separate structures on Hardy Street (1143, 1147, 1151, 1155 & 1154 Hardy Street).

TAX ID NUMBER: 1143, 1147, 1151, & 1155 Hardy Street – PIN 0425-03-5746  
1154 Hardy Street – PIN 0425-03-5951

SYNOPSIS: This property was inspected on 5/25/99. The property owner and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 6/23/99. Mr. Dan Averitte attended the Hearing. It was ordered that the structures be repaired to a minimum standard for habitation, or be demolished and the debris removed from the premises by a date not later than 9/23/99. 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 12/8/99 and today's date, no corrective action had been made to the structure. The structures are presently vacant and unsecured. In their present state these structures constitute a fire, health, and safety hazard. The estimated cost to repair these structures to a minimum standard for human habitation, and the current value by the Assessor for Cumberland County is as follows:

1143 Hardy Street:	Cost to Repair: \$30,000	Valued at:
\$603.00		
1147 Hardy Street:	Cost to Repair: \$30,000	Valued at:
\$643.00		
1151 Hardy Street:	Cost to Repair: \$30,000	Valued at:
\$603.00		
1155 Hardy Street:	Cost to Repair: \$20,000	Valued at:
\$436.00		
1154 Hardy Street:	Cost to Repair: \$20,000	Valued at:
\$623.00		

**RECOMMENDATION:** It is the recommendation of the Inspection Department that the five structures be demolished and the debris removed from the lot.

**Note:** This property is in tax foreclosure and Mr. Freddie McLean has bid on the property. He is planning to remodel the properties as soon as the ten day upset bid period has expired. Also, Kay Brewington has indicated the owner of the property will pay the taxes and she will buy the property from him. At this point, it is unclear as to who will own the property at the end of the upset bid period.

**SPEAKERS:**

1. Kay Brewington: Ms Brewington indicated she will be purchasing the property from the owner, who will pay the taxes. She said she would like some time to rehabilitate the property. She would also like to do some of the demolition work herself. In response to a question, she noted she would like to have about six months to rehabilitate the property.
2. Jodi Privette, representing Freddie McLean. Ms. Privette noted Mr. McLean is the low bidder of the property, as of today's date. She said he would rehabilitate the property to habitable standards. She suggested the Board hold another hearing once the owner of the property has been determined.

Since it is unclear, at this time, who the owner of the property will be in ten days, following motion was offered:

**MOTION:** Commissioner Warren moved to delay action on this case until January 18, 2000, 7:00PM (regular meeting of the Board of Commissioners).

**SECOND:** Commissioner Melvin

**VOTE:** UNANIMOUS

- I. **MH703-99. Property of Sheldon L. and Penny J. Powell at 2456 Pineview Drive, Hope Mills, NC, PIN 9494-50-4511.**

Affidavit of Housing Inspector's Report: I Kim Reeves, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

**BACKGROUND:**

**PROPERTY OWNER:** Sheldon L. & Penny J. Powell

**PROPERTY ADDRESS:** 2456 Pineview Drive, Hope Mills, NC (1968 12x60 mobile home, VIN706321

**TAX ID NUMBER:** 9494-50-4511

**SYNOPSIS:** This property was inspected on 5/21/99. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 6/23/99. No one attended the hearing. It was ordered that the structure be repaired to minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 9/23/99. The property owners and parties of interest were notified of the appeal procedures when served with the Findings of Fact and Order. No appeal was filed.

Upon my visit to the property on 12/8/99 and today, no corrective action had been made to the structure. The structure is presented vacant and unsecured. In its present state, this structure constitutes a fire, health, and safety hazard. The estimated cost to repair this structure to a minimum standard for human habitation is \$14,500. The Assessor for Cumberland County has this structure presently valued at \$1,000.

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

No speakers.

**MOTION: Commissioner King moved**

**To adopt the order and report of the Minimum Housing Inspector as the true facts in this case; and**

**To order the property owner to remove or demolish the dwelling within 60 days; and**

**To 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**

**To 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**

### **Road Name Changes**

**J. Consideration of renaming a road in the Beaver Dam Fire District – Alphine Road (SR 2054) to Clay Fork Hill.**

**BACKGROUND:** A petition has been received to consider renaming Alphine Road in the Beaver Dam Fire District since it is phonetically similar to Alphin Street within the Vander Fire District. The proposed new name is Clay Fork Hill. All property owners have been notified and support the renaming.

**ACTION:** Approve the renaming.

**SPEAKERS:** Margaret Tippet: In favor of the name change.

**MOTION:** Commissioner Blackwell moved to approve the name change to Clay Fork Hill Road.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

**K. Consideration of renaming a road in the Godwin/Falcon Fire District – Long Branch Road (SR 1805) to Deer Park Road.**

**BACKGROUND:** A petition has been received asking the Board to consider renaming Long Branch Road within the Godwin-Falcon Fire District since it duplicates an existing Longbranch Drive and Longbranch Court within the city limits of Fayetteville.

**ACTION:** Consider changing the name to Deer Park Road.

**SPEAKERS:** None

**MOTION:** Commissioner Blackwell moved to approve the name change.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

## **2. CONSENT AGENDA**

**MOTION:** Commissioner King moved to follow staff recommendations on the items on the Consent Agenda.

**SECOND:** Commissioner Blackwell

**VOTE:** UNANIMOUS

**A. Approval of Minutes: November 29, 1999 & December 6, 1999**

**ACTION:** Approve

**B. Approval of a Resolution supporting Transportation Grant funding for the Fayetteville Area Metropolitan Planning Organization.**

BACKGROUND: The Transportation Advisory Committee of the Fayetteville Area Metropolitan Planning Organization adopted a resolution requesting a \$300,000 transportation grant to conduct a feasibility study on a passenger/commuter rail connector, as a part of economic growth and development planning, between Raleigh and Cumberland County/Fayetteville. The TAC is requesting the County to adopt a resolution in support of this funding.

ACTION: Approve the Resolution

RESOLUTION

WHEREAS, the Transportation Efficiency Act for the 21<sup>st</sup> Century developed Seven Planning Factors; and

WHEREAS, Planning Factor 1 requires that the Fayetteville Metropolitan Planning Organization "Support the economic vitality of the Metropolitan Planning Area, especially by enabling global competitiveness, productivity and efficiency"; and

WHEREAS, the Cumberland County Board of Commissioners supports economic development for Cumberland County and the Fayetteville Urban Area; and

WHEREAS, the link between transportation and a sound economy can be traced through time, and railroads are an important part of the Cumberland County/Fayetteville integrated transportation system; and

WHEREAS, a connection between Cumberland County/Fayetteville and Raleigh will provide our citizens an entry point to the federally designated new High Speed Rail Corridors; and

WHEREAS, the Fayetteville Urban Area Transportation Advisory committee has submitted a request for Transportation Grant funding in the amount of \$300,000 to conduct a feasibility study for a passenger/rail connector between Raleigh and Cumberland County/Fayetteville.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County

Board of Commissioners supports the Transportation Advisory Committee's request for Transportation Grant funding in the amount of \$300,000.

**C. Approval of a Resolution to approve and ratify an amendment of the Mid-Carolina Council of Governments' Bylaws granting members of 100,000 population or more membership on the Board of Directors.**

BACKGROUND: The Board of Directors of Mid Carolina Council of Governments approved an amendment to their by-laws and are requesting the Board of Commissioners to approve. The amendment addresses membership on the Council (Article I, Section 3). The current wording is:

(b) The Board of Directors shall consist of two members of the Council from each participating county. The Council members from the Boards of County Commissioners shall be on the Board of Directors. The second member from each county on the Board of Directors shall be selected annually by a caucus of the members of the Council from each respective county.

Proposed Wording:

(b) The Board of Directors shall consist of the following membership:

1. a Council member from each Board of County Commissioners shall be on the Board;
2. a member from each county shall be selected for the Board of Directors from among municipal delegates on the Council. This shall be done annually by caucus of the members of the Council from each respective county. These municipal members of the Board of Directors shall be selected from Council delegates representing communities with populations under 100,000; and
3. a council member representing municipal communities with populations of 100,000 or more shall be on the Board of Directors.

ACTION: Approve amendment to the Bylaws.

**D. Approval of a Cape Fear Valley Health System sublease with the City of Fayetteville.**

**BACKGROUND:** On July 6, 1999, the Board of Commissioners adopted a policy that stipulated that each sublease must be in a form acceptable to the County Manager, the Office of the County Attorney, and the Board of Commissioners; be on economic terms that are substantially equivalent to current market value; and be approved by the hospital CEO and consented to by the County Manager. CFVHS is submitting a sublease with the City of Fayetteville for a portion of the Health System's property on Village Drive for the erection of a bus shelter, for approval by the Board. The Hospital System approved this sublease on December 8, 1999.

**ACTION:** Approve the sublease.

**E. Declaration of surplus Cape Fear Valley Health System equipment and authorization for disposal.**

**BACKGROUND:** The Hospital Board of Trustees declared certain equipment (Attachment A to these Minutes) surplus to their needs and authorized disposal using the upset bid method or negotiated offer process, or scrapped or traded as deemed appropriate by Medical Center Management.

**ACTION:** Concur in declaring the equipment surplus and authorize disposition as noted above.

**F. Approval of the second amendment of the Fire Protection Contract with the Town of Spring Lake for Manchester Fire District.**

**BACKGROUND:** The County entered into a contract with the Town of Spring Lake, effective 9/25/98, amended in September, 1999, for the Town to provide fire protection services to the Manchester Fire District. The Town's auditor continues to be concerned about some aspects of the agreement that can appropriately be addressed by some minor amendments. These additional amendments would clarify that (1) Spring Lake must maintain an ISO Fire District Rating of 9 or better in the Manchester Fire District, and (2) Spring Lake does not have to establish a Special Revenue Fund for revenues received from the contract or develop any detailed cost allocation plan for the cost of providing fire protection services to the District versus the town itself.

**ACTION:** Approve the amendments noted above or with such minor changes

as the County Manager and County Attorney may approve.

**G. Report on destruction of Animal Control Records.**

BACKGROUND: The County Manager has authorized the destruction of the following records for the Animal Control Department, pursuant to a resolution adopted on 2/4/95 giving him that authority. (List of records attached as Attachment B to these Minutes)

ACTION: Record report in the Board's official minutes.

**H. Approval of a Resolution of Intent to close a portion of Elm Street located in the Colonial Heights Subdivision and to call for a Public Hearing on the question.**

BACKGROUND: Property owners adjacent to both sides of Elm Street are petitioning that the portion of Elm Street located in Colonial Heights Subdivision Addition 5 from Sanders Street to Oak Drive property, located in Pearce's Mill Township, be closed. The NC Department of Transportation confirms that Elm Street is not state maintained and has no objection to closing it. The County Fire Marshal and the Planning Department also do not object.

ACTION: Adopt Resolution setting a public hearing on this question.

**RESOLUTION**

WHEREAS, Mr. William Russell Caulkins and wife, Donna K. Caulkins and Mr. Edward Ray Willis have submitted a petition to the Cumberland County Board of Commissioners to close a portion of Elm Street located in Colonial Heights Subdivision Addition 5 from Sanders Street to Oak Drive property which is located in Pearce's Mill Township, Cumberland County; and

WHEREAS, it appears that such public street is not under the control of the NCDOT; that no person would be deprived of reasonable means of ingress and egress to his/her property by such closing; and that such closing would therefore not be contrary to the public interest;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cumberland County, North Carolina, will consider the issue of whether to close the following public street in accordance with NCGS 153A-241;

Elm Street located in Colonial Heights Subdivision Addition 5 from Sanders Street to Oak Drive property, which is located in Pearce's Mill Township, Cumberland County; shown on Cumberland County tax map as a PIN 0423.02-67-4885 and 0423.02-68-5025 and 0423.02-68-7182 and 0423.02-67-7947 and 0423.02-67-6890.

AND BE IT FURTHER RESOLVED, that the said Board calls for and shall hold a public hearing on the question of the closing of such street on the 18<sup>th</sup> day of January, 2000, at 8:00PM in the Commissioners' Meeting Room (room 118) first floor, New Courthouse, 117 Dick Street, Fayetteville, North Carolina. The Board shall hear all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual's property rights.

AND BE IT FURTHER DIRECTED, that such notice of consideration of whether to close said street and of the public hearing on such matter shall be published once a week for three successive weeks before the hearing in a newspaper of general circulation in Cumberland County; that such notice shall be prominently posted in at least two places along the street during that time; and that a copy of this resolution shall be sent by registered or certified mail to each owner as shown on the county tax records of property adjoining the public road or easement who did not join in the request to have the road or easement closed.

**I. Approval of a Resolution adopting an update to the Cumberland County Transportation Development Plan for FY1999-2000 and 2001-2002.**

BACKGROUND: Cumberland County is required by the NCDOT to have the Board of Commissioners' approval of the Transportation Plan in order to receive the Elderly and Disabled Transportation Assistance Program (EDTAP) funds. The Plan was prepared by Ecosometrics, Inc., in March of 1998 and approved by the Human Services Transportation Council in November, 1999, with modifications, which were approved by NCDOT. Due to the "brokerage concept" included in the Plan, the Human Services Transportation System Committee asked for a site visit to see a brokerage system in operation. The Plan recommends the concept of a mobility manager which will allow for greater coordination of the system vehicles which will provide more cost.

**ACTION:** Adopt Resolution

## RESOLUTION

WHEREAS, by Executive Order, the Governor of North Carolina set forth directives whereby counties that desire to receive state and/or federal funding assistance for transportation needs would plan and coordinate the provision of human service transportation in their county areas in order to achieve the most effective and efficient delivery of services; and

WHEREAS, since that Executive Order, the Cumberland County Board of Commissioners have adopted and updated a Transportation Development Plan (TDP) for Cumberland County to coordinate and consolidate the provision of human service agencies and specialized transportation services for older adults and persons with disabilities; and

WHEREAS, the NC Department of Transportation, Public Transportation Division requires that counties review and update their TDP documents every four years to determine if the TDP has been implemented as required in order to continue the County's eligibility for state and/or federal funding assistance for its transportation programs; and

WHEREAS, this update to the TDP has been completed and has been reviewed and approved by the NCDOT Public Transportation Division;

WHEREAS, approval and implementation of this plan will improve the effectiveness of the transportation delivery system in Cumberland County and enable Cumberland County to continue its eligibility for state and/or federal funding assistance; and

WHEREAS, the Board feels that approval of this TDP update will be in the best interests of the citizens of Cumberland County and to those agencies and organizations that contract for services through the Human Services Transportation System.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of Cumberland County as follows:

1. That the Cumberland County Board of Commissioners hereby adopts the Cumberland County Transportation Development Plan

for FY99-00 and 01-02;

2. That the Board hereby directs its existing advisory body, the Human Services Transportation System Steering Committee, to oversee the implementation of the TDP and to direct the development of the Human Services Transportation System in accordance with the adopted Transportation Development Plan; and
3. That this Resolution shall be effective upon its adoption.

**J. Approval of the Community Transportation Program Grant Application for Cumberland County and Resolution for Permission to Apply for FY2001.**

**BACKGROUND:** Cumberland County is seeking administrative funds from the NC Department of Transportation through the Community Transportation Program (CTP). This program was initiated to enhance the provision of rural human service and general public transportation in North Carolina. NCDOT will fund \$33,250 and the County will fund \$9,368 for a total budget of \$42,618.

**ACTION:** Approve submission of the grant application.

**K. Budget Revisions:**

**(1) General Government Other:**

**(a) Governing Body: Revision in the amount of \$3,000 to transfer funds from General government contingency funds to Governing Body to fund travel in FY2000 (B00-278) Funding Source – County**

**(b) General Government Other: Revision in the amount of \$5,000 to recognize additional state funding for the Cumberland County Communities That Care Program (B00-296) Funding Source – State**

**(2) Mental Health:**

**(a) CBA In-Home: Decrease in revenue/expenditures in the amount of \$4,104 to reconcile to contract (B00-289) Funding Source – State**

**(b) ABLE: Increase in revenue/expenditures in the amount of \$30,696 to reconcile the county budget to the**

**state allocations and to recognize new Developmental Disability funds to purchase a 15-passenger van (B00-290) Funding Source – State**

**(3) Sheriff: Revision in the amount of \$19,246 to recognize revenue (\$18,356) and interest earned (\$890) to purchase a contraband detector and computer networking hardware (B00-288) Funding Source – NC Controlled Substance Tax**

**(4) Workforce Development: Increase in revenue/ expenditures in the net amount of \$112,750 to implement the new Federal Work First Investment Act Program (\$356,488) mandated to be in place by January 2000 and a reduction in the Workforce Development Program (\$234,619). Grant to close out the program (B00-279-285C) Funding Source – Federal**

**(5) Social Services:**

**(a) Increase in revenue/expenditures in the amount of \$4,000 for the Adoption Awareness Celebration Month activities (B00-292) funding Source --State**

**(b) Increase in revenue/expenditures in the amount of \$101,229 for the Crisis Intervention Program to assist families with energy crisis (B00-293) Funding Source – State & Federal**

## **REGULAR AGENDA**

### **3. Nomination to Animal Control Board (1 vacancy)**

**BACKGROUND:** Mr. Marc A. Joseph has resigned his position on the Animal Control Board. He was serving in one of the at-large positions.

**ACTION:** Make nominations to fill his unexpired term (expires 6/30/01)

Nominations: Commissioner King nominated Donald Byrd.

**4. Appointments to Cape Fear Valley Health System Board of Trustees  
(5 new positions)**

Doctor Position Nominees (appoint two): Dr. John Henley  
Dr. George Martin  
Dr. Rueben Rivers

VOTING: Dr. John Henley: Unanimous

Dr. George Martin: Commissioners Tyson, Warren,  
Melvin & Baggett

Dr. Rueben Rivers: Commissioners Blackwell, Bacote &  
King

Nurse Position Nominees (appoint one): Andrea Novak  
Mary Thomas

VOTING: Andrea Novak Commissioners Blackwell, King &  
Bacote

Mary Thomas Commissioners Tyson, Warren, Melvin  
& Baggett

General Public Positions (appoint two): Ed Jackson  
Donald LaHuffman  
Albert McCauley  
Dr. Dudley Miller

VOTING: Ed Jackson No votes

Donald LaHuffman Commissioners Bacote & King

Albert McCauley Commissioners Blackwell, Warren,  
Melvin, Baggett, King, Tyson

Dr. Dudley Miller  
Melvin,

Commissioners Blackwell, Warren,  
Bacote, Baggett, Tyson

The Board then staggered the appointments by drawing names. Terms for the appointees are as follows:

Nurse Position: Mary Thomas	1 year term
Doctor Positions (2)	
Dr. John Henley	2 year term
Dr. George Martin	3 year term
At-large Positions (general public) (2)	
Albert McCauley	3 year term
Dr. Dudley Miller	2 year term

**MOTION:** Commissioner Tyson moved to approve the terms as noted above and the method used in assigning the terms.

**SECOND:** Commissioner Baggett

**VOTE:** UNANIMOUS

**5. Presentation of the Primary Mission of the Office of Juvenile Justice & the Cumberland County Juvenile Justice Crime Prevention Council.**

Appearing: Sue Thomas, Chairman and Richard Alligood, Chief Court Counselor

Richard Alligood briefly reviewed the mission of the Crime Prevention Council and thanked the Board of Commissioners for their support. In response to a question about the effectiveness of boot camp for juveniles, Mr. Alligood noted the modified boot camp run by Sgt. Redd in Cumberland County was successful. He said he could not speak to any other camps. Commissioner Baggett said he hoped the Board of Commissioners would be able to provide some funding for Sgt. Redd's camp next fiscal year.

A copy of the report reviewed by Mr. Alligood is available for review in his office as well as in the Board of Commissioners office.

No action needed.

## **6. Presentation of FY1999 audit.**

Appearing: Eddie Burke, CPA, Cherry, Bekaert & Holland

Eddie Burke reviewed the FY1999 audit with the Board of Commissioners. He noted the audit reflects an unqualified clean opinion. Mr. Burke told the Board the way the County reports information will change effective 2003. This new format will require additional information the County does not now have to report. He stated the County will need some additional software to be able to report this information. He also noted the County may need to evaluate the current staff levels in the Finance Department. He thanked staff for their cooperation in providing information for the audit.

**MOTION: Commissioner Baggett moved to accept the audit report.**

**SECOND: Commissioner King**

**VOTE: UNANIMOUS**

## **7. County Finance Committee report and recommendation.**

**BACKGROUND:** On August 5, 1999, the Finance Committee heard a presentation by Don Duncan with Griffin Grant Writing & Consulting from Mill Valley, CA. Their proposal includes the following provisions:

- a two-year contract period;
- county authorization for GGW&C to write \$3.5 million in grant applications within the first ten months of the contract;
- GGW&C guarantees \$1 million in grants to Cumberland County within 24 months or a full return of the \$95,000 retainer fee; multi-year grant awards are included in calculating grants "received";
- GGW&C would receive a 10% incentive on grants received by the county in excess of \$1 million;
- Cost: \$95,000 retainer fee & reimbursement of expenses not to exceed \$5,000.

The Finance Committee expressed concerns about paying the \$95,000 fee up front and as a result of those concerns recommend to approve contracting with GGW&C as outlined by management subject to a mutually acceptable agreement with GGW&C and Cumberland County regarding a schedule of payments to be timed as close to the performance results guaranteed by

GGW&C over the full 24 month contract term.

GGW&C has agreed to post a performance bond.

**ACTION:** If the Board determines the agreement is acceptable, authorize the County to contract with GGW&C subject to the provisions noted above and appropriate \$100,000 (\$95,000 retainer fee and expenses not to exceed \$5,000) from the General Fund fund balance.

**MOTION:** Commissioner Blackwell moved to approve the contract employing Griffin as our grant writers, to include their posting of a performance bond.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

**8. Consideration of Change Order G-7 for Doyle Construction Company for additional general construction work on the Cumberland County Community Corrections Center.**

**BACKGROUND:** This change order in the amount of \$6,310.37 is for extra work which includes the installation of additional roof scuppers required by the plumbing inspector, spreading of topsoil supplied by the County and asphalt patching requested by the building inspector. This change order will be funded as follows: \$1,247.73 from the contract contingency and \$5,062.64 from the project contingency. This final change order will allow the County to close out the General Contract for this project.

**ACTION:** Approve the Change Order in the amount of \$6,310.37, revise the total contract amount to \$1,700,312.64 and approve the associated budget revision (B00-291).

**MOTION:** Commissioner King moved to approve.

**SECOND:** Commissioner Melvin

**VOTE:** UNANIMOUS

**9. Consideration of a Memorandum of Agreement with the Airborne and Special Operations Museum Foundation.**

**BACKGROUND:** The County supports development of the Airborne and Special Operations Museum and has provided an appropriation of \$75,000 annually for capital construction purposes through a Contract for Services with Outside Agency. In addition, the County has informally committed to

provide a certain level of annual support for the ongoing costs of the Museum. This Agreement will provide a County appropriation to the Museum of up to \$200,000 annually to pay for outside maintenance and landscaping, a HVAC maintenance and repair contract, and to support the marketing effort. The Museum will agree to operate pursuant to an agreement in place with Ft. Bragg. In addition, Ft. Bragg and the Foundation will enter into a Memorandum of Agreement detailing the Base's ongoing role in supporting the Museum's operations. The Museum's Board of Director's will be considering approval of this Memorandum of Agreement at its meeting at 10:00AM on December 20, 1999. The County Manager noted most of the appropriation would go for marketing the Museum. He said the museum expects to attract half a million people each year which will greatly enhance our economic development program.

Mr. Strassenburg noted the Museum Board has been organized into committees, much like we have, and the marketing committee will be headed by Doug Traub, Director of the Convention and Visitors Bureau.

Although this agreement will be reviewed each two-year period, the Board of Commissioners will review their budget request each year, as an outside agency.

Commissioner Baggett said he supports the museum but is a little confused by Mr. Traub's role. Doug Traub commented his organization acts as an umbrella and will market the museum as they do other things in the county. He said the Convention and Visitors Bureau does not have the money to market the museum as it should be done in order to draw people to see it. He said the Museum needs a marketing committee to focus on marketing the museum. He said his experience may help the committee in their efforts.

**ACTION:** Consider approval as presented or with such minor changes as the County Manager and County Attorney may approve.

**MOTION:** Commissioner King moved to approve.

**SECOND:** Commissioner Blackwell

**DISCUSSION:** Commissioner Tyson noted the contract term was for an "indefinite" period and he was concerned approval of this contract for two years sets a precedent.

Commissioner Blackwell said this museum will be a down town anchor for our community and it will greatly enhance our economic development program. He also noted that a lot of local funds have

been raised to bring this project to fruition. He also noted the County Manager and Director of the Convention and Visitors Bureau are serving on the Museum Board, which is an advantage to the County as we will be kept abreast of everything going on with the project and marketing efforts. Commissioner Warren said this is a world class facility that will change the face of downtown. He said it will be the core of this community and will be the catalyst we need attract others to our downtown area.

**VOTE: UNANIMOUS**

**10. Report on the status of Y2K compliance.**

James Martin, Deputy County Manager, offered the following information on the three departments that were not Y2K compliant in September:

1. The Health Department is now Y2K compliant.
2. Social Services is currently working on modifications to the new software. They will continue to run on the county mainframe until they have completely moved into the new DSS building.
3. Mental Health Department has completed the installation of their new hardware and software. They expect some confusion and delay since the new system is very different; however, no actual services provided should be affected.

In addition, Mr. Harold Beverage, Interim Director of the Emergency Management Department, told the Board his office will activate in a limited manner to address any problems that may occur and to provide assistance where necessary.

No action needed.

**11. Consideration of approval of a Franchise Ordinance and Lease Agreement for the Arnette Park concessionaire services.**

**BACKGROUND:** Approval of this Ordinance and Lease Agreement will allow Windows of Opportunities Vocational Training Center to provide concessionaire services to the general public visiting Arnette Park located at 2165 Wilmington Highway, Fayetteville, NC. These services will include food, Coca-Cola beverage products and souvenirs. In addition to the limits placed on food and beverages that can be sold, Windows of Opportunities will submit 25% of its gross sales to the County.

**ACTION:** Approve the first reading of the Franchise Ordinance and Agreement and instruct staff to place them on a future agenda for a second reading.

**MOTION:** Commissioner Warren moved to approve the first reading of the Franchise Ordinance and Agreement and instruct staff to place it on an agenda for a second reading.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

**12. Consideration of a Facilities Committee report and recommendation regarding the new DSS building**

**A. Electrical Change Order**

**BACKGROUND:** This change order will provide for additional work to accommodate changes in how printing services will be provided by the department. The cost to implement this is \$72,500. It will be more cost effective to have a network of printers located in central areas to serve up to 8 workstations as opposed to having a printer at each desk. In addition, the County will need to provide an uninterrupted power supply system for the building for the mainframe computer at a cost of \$24,000. Griffin Electrical can do both jobs at a cost of \$96,500. This can be funded from the uncommitted contingency. The costs will be paid back in anticipated savings within two to two and a half years.

**ACTION:** Approve the Change Order in the amount of \$96,500 & associated budget revision (B00-298).

**B. Upfit of shell space**

**BACKGROUND:** DSS wants to upfit some shell space in the new building to accommodate growth since the planning of the building in 1997 (approximately 8500 square feet). The scope of the work includes ceiling, wall and floor finishes, sprinkler heads, light fixtures, plenum cable for data & communications, electrical connections for office workstations and HVAC duct runouts. The cost is as follows:

General Contract:	\$123,167
Plumbing Contract:	7,790

Mechanical Contract:	7,288
Electrical Contract:	65,493
A/E Contract:	13,665

TOTAL: \$217,403

This work will be funded from the uncommitted contingency in the project. This is a time/money sensitive item. If delayed it will cost the county at least 10-15% more to get the work done.

**ACTION:** Approve upfit of the shell space at a cost of \$217,403.

**MOTION:** Commissioner King moved to approve the electrical Change Order and the shell space upfit as recommended.

**SECOND:** Commissioner Blackwell

**VOTE:** UNANIMOUS

Commissioner asked the Board to consider adding an item to the agenda dealing with the City of Fayetteville's Annexation Plan.

In addition the County Attorney said he would like to add another item to the CLOSED SESSION, i.e., Litigation Issue – Gomez vs. Butler.

**MOTION:** Commissioner Baggett moved to add the items noted above to the agenda.

**SECOND:** Commissioner Warren

**VOTE:** UNANIMOUS

### **13. Discussion of "Fayetteville Future City Annexation Plans".**

Commissioner Baggett noted an article in the newspaper outlining Fayetteville's very aggressive annexation plan. He said the plan was presented to the joint commissioner/city council committee established to talk about issues affecting city/county government. He noted the plan allows for the annexation all the way to the Hoke County line and northward to within 2 – 3 miles of Harnett County. He said they would double their geographic area in one swoop. He said for the city to annex such a massive area is "not a good plan". He also noted the County has no control if they do decide to annex. Mr. Baggett said this is a bad idea and he hopes it will not happen. He also said he thought the county residents should be aware of

how the commissioners feel about this annexation plan. Chairman Ed Melvin said the plan "stinks". Commissioner Warren said the citizens have no say in the issue of annexation. He suggested they should let the County's Legislative Delegation know how they feel about this plan. Mr. Warren noted the infrastructure is not there to support such a massive annexation. Commissioner King suggested the Board of Commissioners should not get too upset about this annexation at this time. He said this would be something that could happen down the road but not in the immediate future. Commissioner Blackwell said this is truly an emotional issue. He also said all he knows about the plan is what he has read in the paper. He said he does not know enough about the plan to comment, and he also pointed out this was the plan submitted by city management. He said it is not clear the new city council will consider the plan. Commissioner Blackwell said he is not in favor of mass annexation. Commissioner Tyson noted the only way to stop Fayetteville from annexing is for the other municipalities in the county to annex. He said once the City has annexed 2/3's of the county, they will be the dominant Board in this County. Commissioner Bacote noted it would be a costly for the City to undertake this annexation and realizing how long it took to get the 2010 Plan approved, he did not think the County should react too much at this time.

Cliff Strassenburg, County Manager, said management is looking into how such a massive annexation plan will affect the county. He said it is important to quantify the impact on county revenues, how it will affect our fire districts, and our recreation district. He also noted the City would not be able to effect such a plan without approval of the General Assembly.

No action needed.

**14. CLOSED SESSION: Attorney Client Matter, Personnel Matter and Litigation  
(Gomez v. Butler)**

**MOTION: Commissioner Baggett moved to go into Closed Session to discuss the**

**Items listed above.**

**SECOND: Commissioner King**

**VOTE: UNANIMOUS**

**MOTION: Commissioner King moved to go back into Regular Session.**

**SECOND: Commissioner Tyson**  
**VOTE: UNANIMOUS**

**MEETING ADJOURNED: 10:10PM.**

[Return to top of page](#)

Page last updated 4/22/00