
AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE - ROOM 118
JANUARY 16, 2018
6:45 PM

INVOCATION - Chairman Larry Lancaster

PLEDGE OF ALLEGIANCE -

Introduction of Fayetteville-Cumberland Youth Council Members

Aaron Harrison
Nicole Washington

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.

PUBLIC COMMENT PERIOD

1. APPROVAL OF AGENDA

2. CONSENT AGENDA

- A. Approval of January 2, 2018 Regular Meeting Minutes
- B. Destruction of Planning & Inspections Department Records
- C. Approval of Budget Ordinance Amendments for the January 16, 2018 Board of Commissioners Agenda

3. PUBLIC HEARINGS

Uncontested Rezoning Cases

- A. Case P17-54

Contested Rezoning Cases

- B. Case P17-52

4. ITEMS OF BUSINESS **There are no Items of Business for this Meeting**

5. NOMINATIONS **There are no Nominations for this Meeting**

6. APPOINTMENTS **There are no Appointments for this Meeting**

ADJOURN

WATCH THE MEETING LIVE

THIS MEETING WILL BE STREAMED LIVE THROUGH THE COUNTY'S WEBSITE, CO.CUMBERLAND.NC.US. LOOK FOR THE LINK AT THE TOP OF THE HOMEPAGE.

THE MEETING WILL ALSO BE BROADCAST LIVE ON FAYETTEVILLE/CUMBERLAND EDUCATIONAL TV (FCETV), SPECTRUM CHANNEL 5.

IT WILL BE REBROADCAST ON WEDNESDAY, JANUARY 17, AT 7:00 PM AND FRIDAY, JANUARY 19, AT 10:30 AM.

REGULAR BOARD MEETINGS:

February 5, 2018 (Monday) - 9:00 AM

February 19, 2018 (Monday) - 6:45 PM

March 5, 2018 - NO MEETING - NACo Legislative Goals Conference March 3-7, 2018

March 19, 2018 (Monday) - 6:45 PM



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JANUARY 16, 2018

TO: BOARD OF COUNTY COMMISSIONERS

FROM: THOMAS J. LLOYD

DATE: 1/5/2018

**SUBJECT: DESTRUCTION OF PLANNING & INSPECTIONS DEPARTMENT
RECORDS**

BACKGROUND

In accordance with the Records Retention and Disposition Schedule dated April 1, 2006, I request permission to destroy records dated prior to January 1, 2012, on or before March 31, 2018. The maximum time period we are 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.



BUDGET DIVISION

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JANUARY 16, 2018

TO: BOARD OF COUNTY COMMISSIONERS

FROM: MELISSA CARDINALI, ASSISTANT COUNTY MANAGER

DATE: 1/9/2018

SUBJECT: 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



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JANUARY 16, 2018

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

DATE: 1/5/2018

SUBJECT: 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.

ATTACHMENTS:

Description

Case P 17-54 Action Memo

Type

Backup Material

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin,
Wade, Falcon & Godwin



CUMBERLAND
COUNTY
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Carl Manning,
Lori Epler,
Cumberland County

Stan Crumpler,
Town of Eastover

Patricia Hall,
Town of Hope Mills

JANUARY 5, 2018

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **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).

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.

PROPERTY INFORMATION: **Frontage & Location:** 210.81'+/- on Percy Britton Drive; **Depth:** 420'+/-; **Adjacent Property:** No; **Municipal Influence Area:** Eastover; **Current Use:** Residential; **Initial Zoning:** A1 – January 27, 1980 (Area 19A); **Nonconformities:** None; **Zoning Violation(s):** None issued; **School Capacity/Enrolled:** Eastover Central; Elementary: 540/391; Mac Williams Middle: 1270/1102; Cape Fear High: 1425/1482; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Well/Septic; **Soil Limitations:** Yes - Hydric: TR (Torhunta and Lynn haven soils); **Subdivision/Site Plan:** If approved, group development may be required; **Average Daily Traffic County (2016):** 960 on SR 1828 (James Dail Road); **Highway Plan:** Percy Britton Drive is identified as a local road in the 2040 Metropolitan Transportation Plan with no constructions/ improvements planned; no impact on the Transportation Improvement Plan; Surrounding Land Use: Residential (including manufactured homes), farmland & woodland; Comprehensive Plans: **2030 Growth Vision Plan:** Urban Fringe; **Eastover Land Use Plan:** Farmland; **Notes:** Density: A1- 1 lot/unit, R40A- 2 lots/units; Minimum Yard Setbacks: **A1:** Front yard: 50', Side yard: 20', Rear yard: 50'; **R40A:** Front yard: 30', Side yard: 15', Rear yard: 35'.

MINUTES OF DECEMBER 19, 2018

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

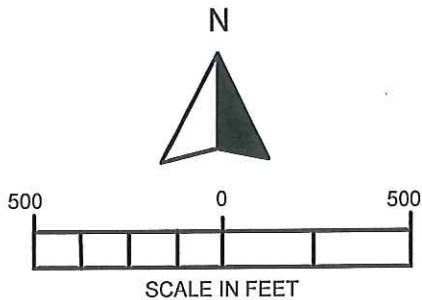
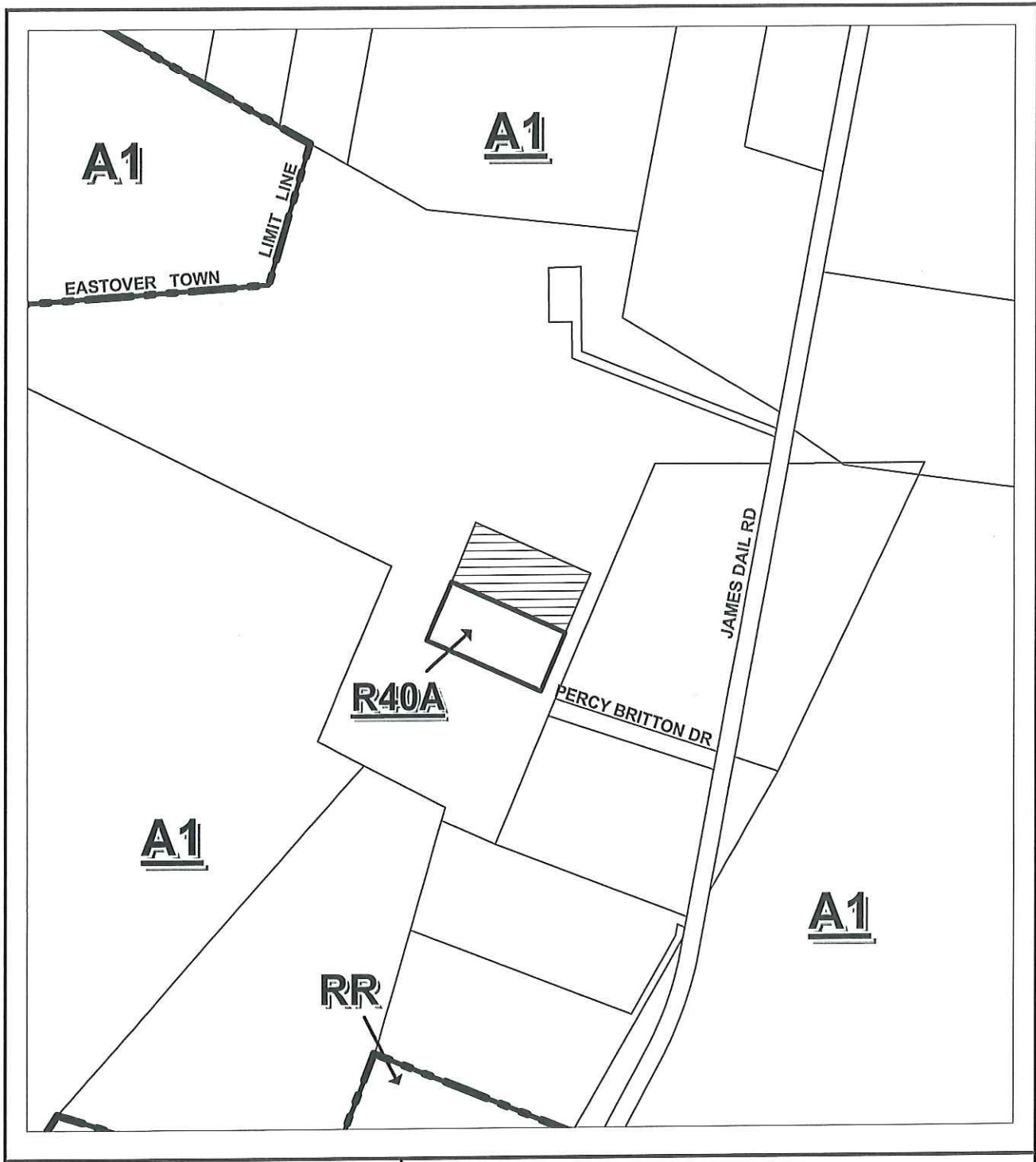
area, and the subject property is now located within the Town of Eastover's Municipal Influence Area which was nonexistent in October 2000 when the Land Use Plan was adopted;

- 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.

In Case P17-54 Mrs. Epler made a motion, seconded by Mrs. McLaughlin 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.

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.



REQUESTED REZONING A1 TO R40A

ACREAGE: 2.00 AC.+/-

HEARING NO: P17-54

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JANUARY 16, 2018

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

DATE: 1/5/2018

SUBJECT: 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.

ATTACHMENTS:

Description

Case P 17-52 Action Memo

Type

Backup Material

Charles Morris,
Chair
Town of Linden

Diane Wheatley,
Vice-Chair
Cumberland County

Jami McLaughlin,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman

Donovan McLaurin,
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Patricia Hall,
Town of Hope Mills

JANUARY 5, 2018

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **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 Alsaïdi on behalf of Pit Stop 301 Express LLC (owner).

ACTION: Unanimously recommended denial of the rezoning request 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.

PROPERTY INFORMATION: **Frontage & Location:** 72'+/- on US Hwy 301 South; 136'+/- on SR 2243 (Roslin Farm Road); **Depth:** 150'+/-; **Adjacent Property:** No; **Municipal Influence Area:** Hope Mills (20 year); **Current Use:** Vacant; **Initial Zoning:** RR – February 3, 1977 (Area 7); **Nonconformities:** Although a legal lot, subject property does not meet minimum size requirements for the RR zoning district, therefore it can only be developed as a single-family residence; **Zoning Violation(s):** None issued; **School Capacity/Enrolled:** Gallberry Farm Elementary: 900/995; Gray's Creek Middle: 1100/1061; Gray's Creek High: 1470/1490; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Well/Septic; **Soil Limitations:** Yes - Hydric: Ra (Rains sandy loam); **Subdivision/Site Plan:** Site plan review may be required if approved; **Average Daily Traffic County (2016):** 8,200 on US Hwy 301 South; **Highway Plan:** Roslin Farm Road is identified as a Thoroughfare existing in the 2040 Metropolitan Transportation Plan with no construction/improvements planned; no impact on the Transportation Improvement Plan; **Surrounding Land Use:** Residential (including manufactured homes), religious worship facility, convenience store/motor vehicle repair; **Comprehensive Plans: 2030 Growth Vision Plan:** Rural Areas; **Southwest Cumberland Land Use Plan:** Farmland; **Notes:** Density: RR- 0 lots/units; Minimum Yard Setbacks: **C(P):** Front yard: 50', Side yard: 30', Rear yard: 30'; **RR(minus 17%):** Front yard: 30'-24.9', Side yard: 15' - 12.45', Rear yard: 35' - 29.05'.

MINUTES OF DECEMBER 19, 2017

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.

Mr. Lloyd presented the case information.

Acting Chair Wheatley opened the public hearing.

There was no one signed up to speak in favor or in opposition.

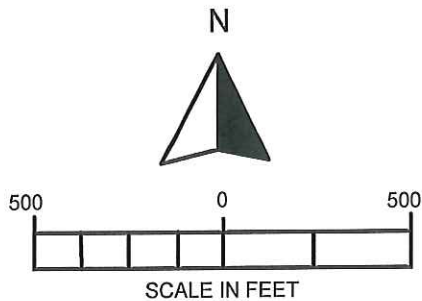
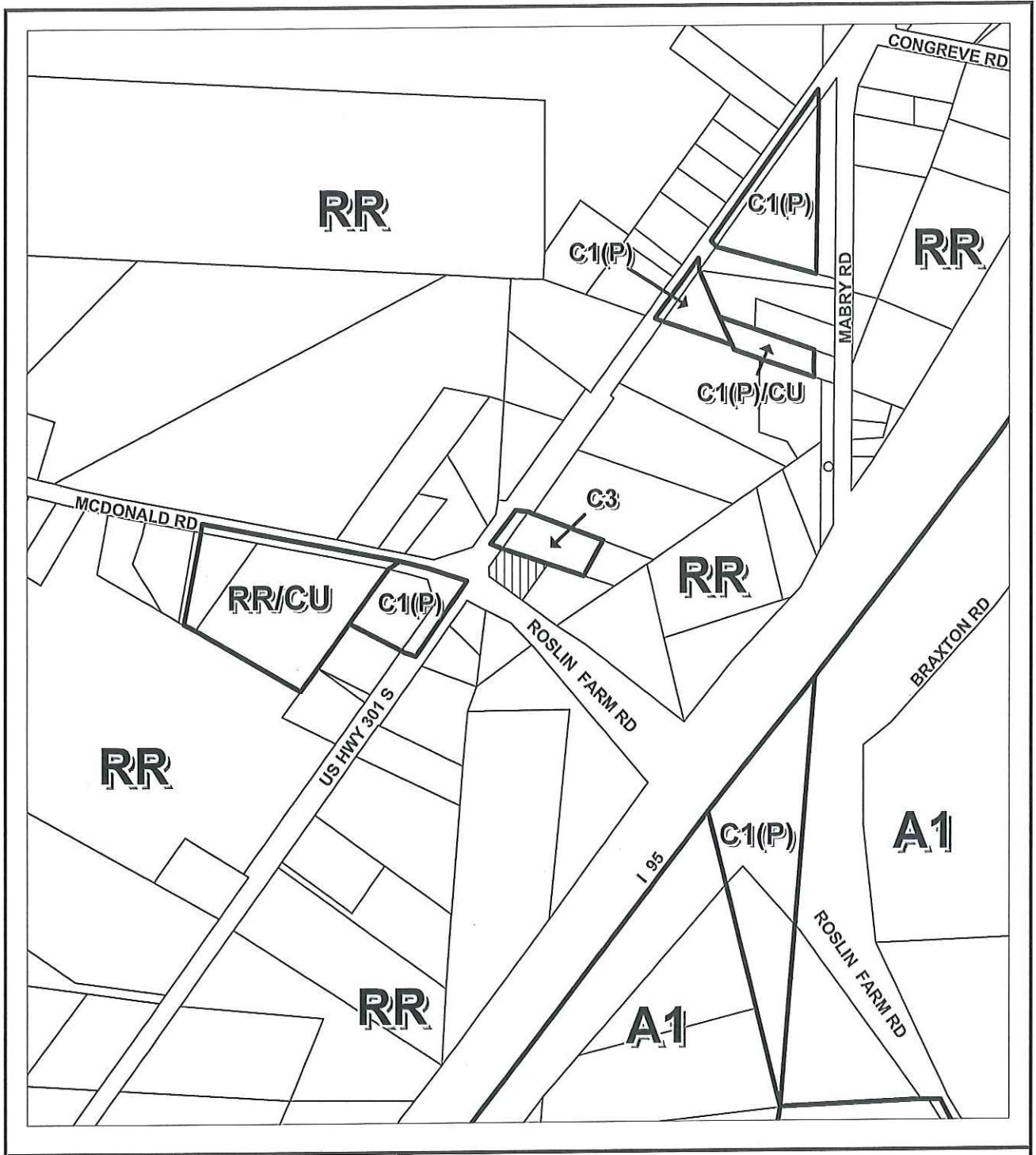
The public hearing was closed.

Mrs. Epler read Mr. Alsaidi's testimony from the minutes of the April 18, 2017 meeting where he stated that his family purchased the subject property to avoid the problem of any more businesses in the area that could bring problems like crime and disturb the quality of life.

In Case P17-52 Mrs. Epler made a motion, seconded by Dr. Andrews 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.

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith.



REQUESTED REZONING RR TO C(P)

ACREAGE: 0.40 AC.+/-

HEARING NO: P17-52

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD