

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, AUGUST 20, 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
Duane Holder, Assistant County Manager
Rick Moorefield, County Attorney
Vicki Evans, Finance Director
Deborah Shaw, Budget Analyst
Heather Harris, Budget Analyst
Jeffrey Brown, Engineering and Infrastructure Director
Brenda Jackson, Social Services Director
Tom Lloyd, Planning and Inspections Director
Patti Speicher, Planning Manager
Lisa Blausen, Sheriff's Office Business Manager
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk
Press

Chairman Lancaster called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Commissioner Boose provided the invocation followed by the Pledge of Allegiance to the American flag led by Lane White who was accompanied by his sister Libby White.

Commissioner Adams recognized in attendance Register of Deeds Lee Warren, Clerk of Superior Court Lisa Scales, ABC Board Vice Chair Frances Jackson, Lt. Daryl Scales, Town of Godwin Mayor Willie Burnette, Fayetteville City Councilmember Kathy Jensen, District Court Judge Ed Pone, Chief District Court Judge Robert Stiehl, Fort Bragg Garrison Commander Col. Kyle Reed and Fayetteville-Cumberland Economic Development Corporation CEO/President Robert Van Geons.

Recognition of Cumberland County Cares Award to Doug Austin, Alcohol Beverage Control Officer

Commissioner Council called on Doug Austin and stated the Board of Commissioners will present the Cumberland County Cares Award, the highest award the County can give to a citizen, to an individual who acted quickly during an emergency to assist in providing life-saving measures for a child. Commissioner Council stated Mr. Austin is an Alcohol Beverage Control Officer and on December 19th, Officer Austin saw an ambulance that was on an emergency run suddenly stop in the middle of the road. Commissioner Council stated Officer Austin went to the ambulance to check on the safety of the crew and, according to Paramedic Tom Price with Cumberland County EMS, Officer Austin recognized that the rescue crew was working the sudden cardiac arrest of a pediatric patient. Commissioner Council stated Officer Austin immediately offered aid and assumed airway management and correctly ventilated the patient in accordance with Basic Life Support protocols, which allowed both medics to accomplish other critical tasks. Commissioner Council stated even after additional help arrived, Officer Austin continued support, offering to ride with EMS to Cape Fear Valley Hospital where

he remained with the crew through the transfer of care to the Emergency Department.

Commissioner Council stated in the words of Paramedic Price, "Officer Doug Austin's actions were above and beyond the call of duty and exemplify the highest standards of public service. His demeanor on the scene was impeccable, calm and professional, which unquestionably led to superior care for the patient. His actions were in keeping with the highest traditions of Law Enforcement and Public Service and greatly reflect on the North Carolina Alcohol Law Enforcement Agency." Commissioner Council presented the Cumberland County Cares Award to Officer Austin. Commissioner Council recognized in attendance ABC Director David Horne.

Officer Austin thanked the Board of Commissioners for the recognition and esteemed honor. He also thanked his supervisors and superiors and stated he appreciated the opportunity to pursue training to keep his skills sharp.

Recognition of Fort Bragg's Centennial Celebration and Consideration of Proclamation

BACKGROUND

Fort Bragg is celebrating its 100th anniversary in September. The proclamation is presented for the board's consideration and Garrison Commander Col. Kyle Reed will represent the installation during the meeting.

RECOMMENDATION / PROPOSED ACTION

Approve the proclamation and recognize Col. Kyle Reed for brief comments.

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, Chief of Field Artillery General William J. Snow decided in 1918 to establish a military camp outside Fayetteville, North Carolina, after finding the area had suitable terrain, adequate water, rail facilities and a climate for year-round military training; and

WHEREAS, Camp Bragg came into existence on September 4, 1918, and was named for General Braxton Bragg, a native North Carolinian, for his actions during the Mexican-American war; and

WHEREAS, Camp Bragg became Fort Bragg, a permanent Army post on September 30, 1922; and

WHEREAS, Fort Bragg has trained and deployed service members for all major wars and conflicts in its 100-year history to include World Wars I and II; Cold War operations in Dominican Republic, Vietnam, Grenada, and the Caribbean; Vietnam; Desert Storm; and Operations Enduring Freedom, Iraqi Freedom and New Dawn; and

WHEREAS, today Fort Bragg, the "Home of the Airborne and Special Operations Forces," with approximately 57,000 military personnel, 11,000 civilian employees and 23,000 family members, is one of the largest military complexes in the world and serves as headquarters for the U.S. Forces Command and U.S. Army Reserve Command; and

WHEREAS, Fort Bragg equips, trains, rapidly deploys, and sustains full spectrum forces supporting combatant commanders from a community of excellence where Soldiers, families and civilians thrive; and

WHEREAS, Cumberland County is proud to be the home of Fort Bragg and grateful to the military members and their families who have served our country and have helped make our community what it is today.

NOW, THEREFORE, BE IT PROCLAIMED, that the Cumberland County Board of Commissioners does hereby offer congratulations and deep appreciation to Fort Bragg on its 100th anniversary and proudly proclaims September 4, 2018, as Fort Bragg Centennial Anniversary Day in Cumberland County.

Adopted this 20th day of August 2018.

MOTION: Commissioner Keefe moved to approve the proclamation recognizing Fort Bragg's Centennial Celebration.
SECOND: Commissioner Evans
VOTE: UNANIMOUS (7-0)

Commissioner Keefe and Commissioner Evans joined Garrison Commander Col. Kyle Reed at the podium. Commissioner Keefe stated he and Commissioner Evans had the privilege to serve and be neighbors of Fort Bragg for many years. Commissioner Keefe spoke to the bond between the community and Fort Bragg and stated one of the things that makes Cumberland County so unique is that it has become the world's hometown. Commissioner Keefe read the proclamation and presented the proclamation to Garrison Commander Col. Kyle Reed. Garrison Commander Col. Kyle Reed offered comments and stated the Fort Bragg installation is not an island but is linked to the community with more than 65% of its population living outside the gate. Garrison Commander Co. Kyle Reed stated he appreciated the recognition and the opportunity to tell not only who Fort Bragg is but what Fort Bragg provides in defense of this nation and in support of the freedoms we all enjoy. A "Shout Out to Fort Bragg" video followed.

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:

Chief District Court Judge Robert Stiehl – Judge Stiehl stated on June 4, Cumberland became one of the first counties to accept E-filing procedures for victims of domestic violence who are seeking to file civil protective orders. Judge Stiehl stated Cumberland has the support of Fort Bragg and the Pentagon and is the first to offer this to service members and dependents. Judge Stiehl provided monthly courthouse figures and expressed appreciation for the partnership with county government and military neighbors at Fort Bragg.

Andrew Early – Mr. Early appeared in support of the T.J. Robinson Life Center and spoke to the June 18 meeting and the Board's decision regarding the Mt. Vernon Estates project. Mr. Early stated he has been an advocate of the center since 2011, progress has been made since that time but there is still a way to go. Mr. Early stated the Center will affect far more individuals than those who reside in Mt. Vernon Estates and the same amount of funds should be given to the Center.

Pastor Proctor – Pastor Proctor appeared as the senior advisor to the advisory board of the T.J. Robinson Life Center and spoke to the monetary decision by the Board of Commissioners as it relates to Mt. Vernon Estates and the betterment of the county. Pastor Proctor stated \$2 million has been invested in the Center which is about four months from being open. Pastor Proctor asked for county support with the outlying debt of \$500,000.

1. APPROVAL OF AGENDA

MOTION: Commissioner Evans moved to approve the agenda.
SECOND: Commissioner Adams
VOTE: UNANIMOUS (7-0)

2. PRESENTATIONS

- A. Presentation of Request from Fayetteville-Cumberland Parks and Recreation Advisory Board to Rename the Grays Creek Recreation facilities and Approval of the Recommendation from the Facilities Committee

BACKGROUND

The Fayetteville-Cumberland Parks and Recreation Advisory has successfully submitted paperwork and supporting documentation, as required by the Cumberland County Facility Naming Policy, to rename the facilities at Gray's Creek Recreation Park in honor of Mr. John Dove ("J.D.") Pone. Please find attached the aforementioned documents with this memo along with the policy requirements and a checklist of the requirements that were met.

RECOMMENDATION / PROPOSED ACTION

The Facilities Committee approved this item at its August 2, 2018 meeting to move forward to the full Board of Commissioners as a Presentation at the August 6, 2018 regular meeting.

Commissioner Council stated on August 2, the Facilities Committee approved a request from the Fayetteville-Cumberland Parks and Recreation Advisory Board to rename the Gray's Creek Recreation Center in memory of Mr. John Dove (J.D.) Pone. Commissioner Council stated she could think of no one more deserving of this honor than Mr. J.D. Pone who was passionate about volunteerism and offered his time and talents to numerous community boards and organizations.

Commissioner Council stated his community service included serving as the Deputy Chief at the Gray's Creek Fire Department Station 24 and the chaplain for the Cumberland County Fire Chief's Association. Commissioner Council stated he was a product of Cumberland County and graduated with honors from Anne Chesnutt High School in 1965. Commissioner Council stated he attended Fayetteville State University for nearly 4 years before being drafted to serve in the U.S. Army during the Vietnam War, and after an honorable discharge and working up to the management ranks with Sears & Roebuck, he returned home to Cumberland County and worked for the Register of Deeds and Wilson-Gilmore Services.

Commissioner Council stated he was a champion for youth who served with organizations that promote youth development, including the Fayetteville Cumberland Parks and Recreation Advisory Board, where he served as chairman and the Gray's Creek Youth Association, one of the founders and a member of the Board of Directors of the Communities United for Youth Development and Southview High School Band Boosters. Commissioner Council stated he loved Willis Creek A.M.E. Zion Church, where he was a musician and sang in the Male Chorus, Gospel Choir and Senior Choir. He also served as the chairman of the Steward Board.

Commissioner Council asked members of Willis Creek A.M.E. Zion Church to stand and recognized Skip Carr of the Fayetteville Cumberland Parks and Recreation Advisory Board who spoke to the services J.D. Pone provided to the community, especially those for the youth.

Commissioner Council recognized members of the Pone family in attendance including his wife Mary D. Pone; his children, J.R. Pone and Dachia Davis; grandchildren and his brothers and sisters. Commissioner Council stated it is fitting that this recreation facility will bear the name of a man who devoted so much time and energy to the Gray's Creek community and the entire citizenry of Cumberland County.

Commissioner Council stated she is pleased and honored to offer the following motion.

- MOTION: Commissioner Council moved that the Board of Commissioners approve renaming the Gray's Creek Recreation Center as the John Dove "J.D." Pone Recreation Center.
- SECOND: Commissioner Evans
- VOTE: UNANIMOUS (7-0)

District Court Judge Edward Pone thanked the Board of Commissioners, the Parks and Recreation Advisory Board, and the Gray's Creek community for the honor bestowed on his brother, J.D. Pone. Judge Pone spoke to his brother's many talents, his love for service and how his brother worked to improve the quality of life for children.

3. CONSENT AGENDA

- A. Approval of August 6, 2018 Regular Meeting Minutes
- B. Approval of a Proclamation Proclaiming August 26, 2018 as "Women's Equality Day" in Cumberland County, North Carolina

BACKGROUND

A request was received from the Fayetteville Chapter of the National Organization for Women (NOW) for a proclamation proclaiming August 26, 2018 as "Women's Equality Day" in Cumberland County, North Carolina.

RECOMMENDATION / PROPOSED ACTION

The Board of Commissioners is respectfully requested to consider approval of the proclamation.

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, nearly one century ago, with boundless courage and relentless commitment, dedicated women who had marched, advocated and organized for the right to cast a vote finally saw their efforts rewarded on August 26, 1920 when the 19th Amendment was certified and the right to vote was secured; and

WHEREAS, on this day, we celebrate the anniversary of this hard-won achievement, the progress that has been made towards securing women's full participation in our democracy and renew our commitment to securing equal rights, freedoms and opportunities for women; and

WHEREAS, Cumberland County, North Carolina recognizes that women from all walks of life have made historic contributions to the growth and strength of our Nation, State and County in countless recorded and unrecorded ways; and

WHEREAS, women in Cumberland County, North Carolina have played extraordinary roles in our social, political, cultural and economic development; and

WHEREAS, on the anniversary of this civil rights milestone, we honor the contributions made by the women of Cumberland County, North Carolina and resolve to work together to protect this constitutional right of equality for women.

NOW THEREFORE, the Cumberland County Board of Commissioners, on behalf of the citizens of Cumberland County, North Carolina hereby proclaim August 26, 2018 as "Women's Equality Day" and ask citizens to continue to celebrate the achievements of women and promote gender equality.

Adopted this 20th day of August 2018.

- C. Approval of Offer to Purchase Surplus Properties Located at 410 Davis Street, 921 Ellis Street, 1001 Davis Court, 1003 Davis Court, and Lots 44 & 45 George H. Hall Jr. Property

BACKGROUND

On May 21, 2018, the Board adopted a resolution of its intent to accept an offer to purchase the five parcels listed below for a total price of \$17,846.40.

- 1. Lot 1 R E Nimocks Recomb, located at 410 Davis Street, PB 126-86, Deed Book 9480, page 817, PIN 0437-03-9517, having a tax value of \$3,750.00;

2. 921 Ellis Street, Deed Book 9817, page 564, PIN 0437-13-0132, having a tax value of \$7,500.00;
3. 1001 Davis Court, PB 9-53, Deed Book 9817, page 564, PIN 0437-03-9424, having a tax value of \$7,500.00;
4. 1003 Davis Court, PB 9-53, Deed Book 9817, page 564, PIN 0437-03-8465, having a tax value of \$7,500.00; and
5. Lots 44 & 45 George H. Hall Jr. Prop, located off Davis Court, PB 9-53, Deed Book 9817, page 564, PIN 0437-03-8405, having a tax value of \$7,500.00.

Notice of the proposed sale, subject to the upset bid process required by G. S. § 160A-269, was advertised in the Fayetteville Observer on May 25, 2018. The publisher's affidavit is attached. More than 10 days have elapsed since the notice was published. No upset bid was received.

RECOMMENDATION / PROPOSED ACTION

County Attorney recommends the Board accept this offer and authorize the Chair to execute a deed for the property upon the County's receipt of the balance of the purchase price.

D. Approval of Payment of Prior Year Invoice for the Solid Waste Department

BACKGROUND

The Solid Waste Department is requesting to pay a Fiscal Year 2017 invoice #WSI083001 for Strategic Materials, Inc. for \$127.05. The invoice was emailed to staff on August 8, 2018, after the deadline to pay Fiscal Year 2017 invoices. Staff has verified that this invoice has not been paid and is in fact due. Sufficient funds are available in the current year budget to cover this expenditure.

RECOMMENDATION / PROPOSED ACTION

Management is requesting approval to pay a Fiscal Year 2017 invoice to Strategic Materials, Inc. in the amount of \$127.05 for the Solid Waste Department.

E. Approval of Payment of Prior Year Invoice for the Department of Social Services

BACKGROUND

The Department of Social Services is requesting to pay the Cumberland County Sheriff's Office a total of \$48.00 for the fingerprinting and background checks for potential foster and adoptive parents conducted in Fiscal Year 2017. The invoice was received on July 25, 2018, after the deadline to pay Fiscal Year 2017 invoices. Staff has verified that this invoice has not been paid and is in fact due. Sufficient funds are available in the current year budget to cover this expenditure.

RECOMMENDATION / PROPOSED ACTION

Management is requesting approval to pay this Fiscal Year 2017 invoice to the Cumberland County Sheriff's Office in the amount of \$48.00 for the Department of Social Services.

F. Approval of Budget Ordinance Amendments for the August 20, 2018 Board of Commissioners' Agenda

BACKGROUND

State Drug Forfeiture Fund 206

- 1) State Drug Forfeiture Fund - Budget Ordinance Amendment B190199 to appropriate State Drug Forfeiture fund balance in the amount of \$27,005 to purchase night vision equipment for the Cumberland County Sheriff's Office

The Board is requested to approve Budget Ordinance Amendment B190199 to appropriate State Drug Forfeiture fund balance in the amount of \$27,005 for the purchase of night vision equipment.

Please note this amendment requires the appropriation of state drug forfeiture fund balance.

REGARDING THE FOLLOWING ITEMS 2 - 14 PLEASE NOTE:

Each fiscal year County departments may have projects that are not complete by the fiscal year end (6/30/18) or items ordered that have not been received by fiscal year end. These projects or

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items were approved in the Fiscal Year 2018 budget; however, the money was not spent by June 30, 2018.

The following amendments seek to bring those funds forward from FY 2018 into the current fiscal year, allowing departments to complete and pay for these items. These revisions are not using 'new' funds but are recognizing the use of FY18 funds in FY19.

General Fund 101

2) Health Department - Budget Ordinance Amendment B190035 to re-appropriate grant funds in the amount of \$6,777 for Environmental Health

The Board is requested to approve Budget Ordinance Amendment B190035 in the amount of \$6,777 to re-appropriate grant funds. The grant is for Cumberland County Environmental Health staff to provide mentorship to Richmond County and Randolph County Health Departments. Guidance will be provided to both agencies on the self-assessment of their current process and identifying areas of improvement. These funds were approved at the February 5, 2018 Board of Commissioners meeting.

3) Health Department- Budget Ordinance Amendment B190045 to re-appropriate grant funds in the amount of \$1,908 for Environmental Health

The Board is requested to approve Budget Ordinance Amendment B190045 in the amount of \$1,908 representing grant funds. This grant is to be used to purchase program supplies and was approved at the February 5, 2018 Board of Commissioners meeting.

4) Information Services - Budget Ordinance Amendment B190016 to re-appropriate funds in the amount of \$38,072 for computer equipment and the tax software consultant project

The Board is requested to approve Budget Ordinance Amendment B190016 to re-appropriate funds in the amount of \$38,072. Funds were encumbered for the tax software consultant in the amount of \$13,726 and this project was not completed by year-end. In addition, computer equipment in the amount of \$24,346 was ordered in FY18 and not received until the new fiscal year.

5) Emergency Services Grants - Budget Ordinance Amendment B190126 to re-appropriate grant funds in the amount of \$10,000 for Hazardous Materials Planning

The Board is requested to approve Budget Ordinance Amendment B190126 to re-appropriate grant funds in the amount of \$10,000. This represents funds that were not spent in FY18 and will be used in the current year for Hazardous Materials Planning. This item was approved at the May 7, 2018 meeting.

6) Emergency Services Grants - Budget Ordinance Amendment B190128 to re-appropriate grant funds in the amount of \$977 for the Homeland Security Grant

The Board is requested to approve Budget Ordinance Amendment B190128 to re-appropriate grant funds in the amount of \$977. These grant funds were for a two-year period and were originally approved in FY17 during the October 3, 2016 Board of Commissioners meeting. The grant is to purchase new ham radios that will be operational in the event of a power loss.

7) Emergency Services Grants - Budget Ordinance Amendment B190130 to re-appropriate grant funds in the amount of \$11,000 for the Department of Homeland Security (DHS) Exercise

The Board is requested to approve Budget Ordinance Amendment B190130 to re-appropriate grant funds in the amount of \$11,000. The DHS exercise is an active assailant full scale exercise and will be completed by August 31, 2018. This was approved as part of the original budget for FY18.

8) Sheriff's Office - Budget Ordinance Amendment B190139 to re-appropriate FY18 funds in the amount of \$60,930 for items ordered in FY18 but not received until FY19

The Board is requested to approve Budget Ordinance Amendment B190139 to re-appropriate funds in the amount of \$60,930. These funds are for FY18 purchase orders issued for goods and services in FY18 that were not received until FY19.

Capital Investment Fund 107

- 9) Capital Investment Fund - Budget Ordinance Amendment B190099 to re-appropriate FY18 funds in the amount of \$899,533 for maintenance and repair projects not completed in FY18

The Board is requested to approve Budget Ordinance Amendment B190099 to re-appropriate FY18 funds in the amount of \$899,533 for maintenance and repair projects not completed in FY18.

State Drug Forfeiture Fund 206

- 10) State Drug Forfeiture Fund - Budget Ordinance Amendment B190139 to re-appropriate FY18 funds in the amount of \$262,690 for a Cumberland County Sheriff's vehicle ordered in FY18 which will not be received until FY19

The Board is requested to approve Budget Ordinance Amendment B190139 to re-appropriate FY18 funds in the amount of \$262,690 for a vehicle ordered in FY18 that will be received in FY19. This was approved at the November 6, 2017 Board of Commissioners meeting to purchase a Ballistic Engineered Armored Counter Attack Truck (BearCat). The BearCat protects the special response team and allows them to approach potentially deadly situations under the cover of an armored, mobile bunker.

Crown Fund 600

- 11) Crown Fund - Budget Ordinance Amendment B190099 to re-appropriate FY18 funds in the amount of \$768,327 for projects not completed in FY18

The Board is requested to approve Budget Ordinance Amendment B190099 to re-appropriate FY18 funds in the amount of \$768,327 for maintenance and repair projects not completed in FY18.

NORCRESS Water and Sewer Fund 605

- 12) NORCRESS Water and Sewer Fund - Budget Ordinance Amendment B190099 to re-appropriate FY18 funds in the amount of \$16,638 for projects not completed in FY18

The Board is requested to approve Budget Ordinance Amendment B190099 to re-appropriate FY18 funds in the amount of \$16,638 for maintenance and repair projects not completed in FY18.

Solid Waste Fund 625

- 13) Solid Waste - Budget Ordinance Amendment B190031 to re-appropriate FY18 funds in the amount of \$1,500 for items ordered in FY18 but not received until FY19

The Board is requested to approve Budget Ordinance Amendment B190031 to re-appropriate FY18 funds in the amount of \$1,500 for computer hardware ordered in FY18 but not received until FY19.

- 14) Solid Waste - Budget Ordinance Amendment B190099 to re-appropriate FY18 funds in the amount of \$80,283 for the engineering consultant

The Board is requested to approve Budget Ordinance Amendment B190099 to re-appropriate FY18 funds in the amount of \$80,283 for ongoing consulting services to ensure permit compliance of landfill operations.

RECOMMENDATION / PROPOSED ACTION

Approve Budget Ordinance Amendments.

G. Approval of Resolution of Support for an Industrial Development Fund Grant and Authorization to Execute the Grant Documents and Agreement

All references to any materials which are described in these minutes or incorporated into these minutes are to the materials that are contained in the same numbered item in the agenda for this meeting. These may be viewed online in the agenda set out on this web page <http://co.cumberland.nc.us/departments/commissioners-group/commissioners/meeting-documents>

BACKGROUND

In late June, the NC Department of Commerce awarded Cumberland County an “Industrial Development Fund Grant” (IDF) of \$375,000, to support extending natural gas service to the Cedar Creek Park, and the Campbells / DHL Site project. In order to secure these funds, Cumberland County is required to pass a resolution of support, submit the attached Letter of Binding Commitment (LBC) and a full grant application (attached). No additional funding match is required for this project.

RECOMMENDATION / PROPOSED ACTION

Adopt the resolution of support at their earliest convenience and authorize the Chairman to execute both the LBC agreement (upon receiving the company’s executed copy) and the grant application.

RESOLUTION AUTHORIZING THE BOARD OF COMMISSIONERS OF THE COUNTY OF CUMBERLAND, NORTH CAROLINA TO APPLY FOR FUNDING THROUGH THE NORTH CAROLINA DEPARTMENT OF COMMERCE

BE IT RESOLVED, that a grant from the Department of Commerce through the County of Cumberland be made to assist the DHL Logistics and Campbell Soup project; and

BE IT FURTHER RESOLVED, that the County of Cumberland will administer this grant in accordance with the rules and regulations of the Department of Commerce; and

BE IT FURTHER RESOLVED, that the County of Cumberland will administer this grant through the Cumberland County Finance Department; and

BE IT FURTHER RESOLVED, that the grant will be monitored quarterly to assure compliance with this proposal and the Department of Commerce regulations; and

BE IT FURTHER RESOLVED, that the amount of the grant application will be \$375,000.

Adopted the 20th day of August 2018.

H. Approval of Cumberland County Facilities Committee Report and Recommendation(s)

1. Cumberland County Facilities Committee Draft Minutes (For Information Purposes Only with All Items Previously Placed on the August 6, 2018 Consent Agenda Except for Item 2.A. on This Agenda)

I. Approval of Cumberland County Finance Committee Report and Recommendation(s)

1. Cumberland County Finance Committee Draft Minutes (For Information Purposes Only with All Items Previously Placed on the August 6, 2018 Consent Agenda)

J. Approval of Cumberland County Policy Committee Report and Recommendation(s)

1. Cumberland County Policy Committee Draft Minutes (For Information Purposes Only with All Items Previously Placed on the August 6, 2018 Consent Agenda)

MOTION: Commissioner Council moved to approve consent agenda items 3.A. – 3.J.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (7-0)

4. PUBLIC HEARINGS - Uncontested Rezoning Cases

Ms. Cannon explained the Board of Commissioners’ procedures for public hearings.

A. Case P98-06

BACKGROUND

All references to any materials which are described in these minutes or incorporated into these minutes are to the materials that are contained in the same numbered item in the agenda for this meeting. These may be viewed online in the agenda set out on this web page <http://co.cumberland.nc.us/departments/commissioners-group/commissioners/meeting-documents>

Case P98-06: Revocation of a Conditional Use Overlay for a manufactured home in a C(P) Planned Commercial District on .50+/- acre, located at 3176 Whitman Road, submitted by Lawrence S. Glindeman (owner) & Kyle L. Bozard (agent).

Patti Speicher, Planning Manager, presented this item and reviewed the background information recorded above.

Chairman Lancaster opened the public hearing for Case P98-06

The clerk to the board advised there were no speakers for Case P98-06

Chairman Lancaster closed the public hearing for Case P98-06

MOTION: Commissioner Evans moved in Case P98-06 to approve the rezoning to revoke the Conditional Use Overlay for a manufactured home at the property owner's request and find the South Central Land Use Plan has been examined and does not address this particular situation; and further find approval of the request is reasonable and in the public interest because Conditional Use Overlays were approved prior to 2005 in order to allow land uses that were not permitted in the current zoning district in exceptional situations, later deemed as an improper use of zoning, and that the manufactured home is not currently located on the subject property.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

B. Case P18-21

BACKGROUND

Case P18-21: Rezoning of 10.08+/- acres from R7.5 Residential/CZ Conditional Zoning for non-profit recreation center & other specific requested allowed uses to RR Rural Residential/CZ Conditional Zoning for indoor recreation for profit & other specific requested allowed uses or to a more restrictive zoning district, located at 4221 Black Bridge Road, submitted by Thurston and Charlotte Robinson (owners). (Hope Mills & County)

Patti Speicher, Planning Manager, presented this item and reviewed the background information recorded above.

Chairman Lancaster opened the public hearing for Case P18-21.

The clerk to the board advised there were no speakers for Case P18-21.

Chairman Lancaster closed the public hearing for Case P18-21.

MOTION: Commissioner Adams moved in Case P18-21 to approve the rezoning from R7.5 Residential/CZ Conditional Zoning for a non-profit recreation center & other specific allowed uses to RR Rural Residential/CZ Conditional Zoning for indoor recreation for profit & other specific allowed uses and find: a) The approval is an amendment to the adopted current Southwest Cumberland Land Use Plan (2014) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; 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 is consistent with the "suburban residential" designation by the Southwest Cumberland Land Use Plan and the non-profit recreation center was approved in 2011 prior to the adoption of the Southwest Cumberland Land Use Plan; c) And, this rezoning approval is reasonable and in the public interest because the use will

provide a valuable alternative source of organized recreation for the citizens in the surrounding community.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (7-0)

C. Case P18-24

BACKGROUND

Case P18-24: Rezoning of 1.20+/- acres from RR Rural Residential & C1(P) Planned Local Business District to C2(P) Planned Service and Retail District or to a more restrictive zoning district; located at 7163 Rockfish Road; submitted by Aby Varghese on behalf of Petromart, LLC (owner).

Patti Speicher, Planning Manager, presented this item and reviewed the background information recorded above.

Chairman Lancaster opened the public hearing for Case P18-24.

The clerk to the board advised there were no speakers for Case P18-24.

Chairman Lancaster closed the public hearing for Case P18-24.

MOTION: Commissioner Boose moved in Case P18-24 to approve the rezoning from RR Rural Residential & C1(P) Planned Local Business District to C2(P) Planned Service and Retail District and find: a) The approval is an amendment to the adopted current Southwest Cumberland Land Use Plan (2013) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the parcel is currently zoned a non-residential district and approval of the request will limit future heavy commercial along the south side of Rockfish Road toward the existing residential area; c) And, this rezoning approval is reasonable and in the public interest because the subject property is located in an area that is in transition from residential to commercial.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

D. Case P18-25

BACKGROUND

Case P18-25: Rezoning of 1.29+/- acres from RR Rural Residential/CUD Conditional Use District for manufactured homes & C(P) Planned Commercial/CUD Conditional Use District for trade contractor activities with outside storage of equipment to RR Rural Residential/CZ Conditional Zoning for a manufactured home & C(P) Planned Commercial/CZ Conditional Zoning for trade contractor activities with outside storage of equipment and motor vehicle repair and/or body work or to a more restrictive zoning district, located at 5449 NC Hwy 210 South, submitted by Stephanie Naylor (owner) & Eddie Naylor (agent).

Patti Speicher, Planning Manager, presented this item and reviewed the background information recorded above.

Chairman Lancaster opened the public hearing for Case P18-25.

The clerk to the board advised there were no speakers for Case P18-25.

Chairman Lancaster closed the public hearing for Case P18-25.

MOTION: Commissioner Keefe move in Case P18-25 to approve the rezoning from RR Residential/CUD Conditional Use District for a “stick built” home and manufactured home & C(P) Planned Commercial/CUD Conditional Use District for trade contracting with storage of equipment to RR Rural Residential/CZ Conditional Zoning for a “stick built” home and manufactured home & C(P) Planned Commercial/CZ Conditional Zoning for trade contracting with storage of equipment and motor vehicle repair with towing and find: a) The approval is an amendment to the adopted current 2030 Growth Vision Plan (2009) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: although the districts requested are not entirely consistent with the “rural areas” designation, the uses requested are compatible with the permitted uses allowed in the surrounding zoning districts; c) And, this rezoning approval is reasonable and in the public interest because the district requested is in harmony with similar approvals in the general area and the 2008 approval of the current zoning of the subject property.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

E. Case P18-26

BACKGROUND

Case P18-26: Rezoning of 1.89+/- acres from RR Rural Residential to M(P) Planned Industrial/CZ Conditional Zoning for machine tool manufacturing and welding with existing manufactured home & accessory structures or to a more restrictive zoning district, located at 5576 Leitha Lane, submitted by Eddie Ray Tew (owner).

Patti Speicher, Planning Manager, presented this item and reviewed the background information recorded above.

Chairman Lancaster opened the public hearing for Case P18-26.

The clerk to the board advised there were no speakers for Case P18-26.

Chairman Lancaster closed the public hearing for Case P18-26.

MOTION: Commissioner Faircloth moved in Case P18-26 to approve the rezoning from RR Rural Residential to M(P) Planned Industrial/CZ Conditional Zoning for machine tool manufacturing and welding with existing manufactured home & accessory structures and find: a) The approval is an amendment to the adopted current Northeast Cumberland Land Use Plan (2010) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request because the land uses within any detailed plan area are not parcel specific and in any event the Land Use planning process was never intended to shut down an existing business; b) The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: at the time the subject property was rezoned to RR Rural Residential, urban services and municipal influence areas did not exist, however the subject property is included on a list of potential properties for annexation by the Town of Godwin. c) And this rezoning approval is reasonable and in the public interest because although staff acknowledges the existing business has been expanded, the property owner has indicated this business began on the site prior to zoning, permit records do not go that far back, regardless it would be unfathomable to constrain an existing viable business when the owner voluntarily submitted this application once he became aware that the expansions were not accomplished in the proper manner. This rezoning is subject to the ordinance related conditions.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

Commissioner Boose asked whether input had been received from the Town of Godwin. Ms. Spiecher responded in the affirmative and stated the Mayor of Godwin is present in support of this case.

Other Public Hearings

F. Cumberland Road Business Street Plan

BACKGROUND

At the December 18, 2017 County Commissioners Meeting the Commissioners indicated they would like to see the portion of Cumberland Road from Owen Drive to Hope Mills Road reviewed for zoning consistency. It was determined that a study should be performed by Planning Department Staff. The Planning staff has completed the study and is requesting the Planning Board review and recommend approval including any recommended changes and forward to the Board of Commissioners for adoption. A public hearing on the plan was advertised for the August 20, 2018 Board of Commissioners meeting in the Fayetteville Observer.

Ms. Cannon reviewed the background information recorded above. Trey Smith, Comprehensive Planning Manager, stated Planning Department staff were directed by the County Commissioners to complete a study for the future land use of the area of Cumberland Road from Hope Mills Road to Owen Drive and in order to create a complete assessment of the study area, Planning staff researched and compiled data describing characteristics of the area including curb cuts, current land use and zoning, and proximity and availability of utilities. Mr. Smith stated Planning staff then used this data to create recommendations for future land use within the study area to be adopted as a Business Street Plan to supplement the existing Southwest Cumberland Land Use Plan, adopted in 2013.

Mr. Smith provided a presentation and reviewed maps depicting zoning, current uses, potential setback conformity, adjacent landowners, curb cuts and interior road access, rezoning cases within the last 10 years, vacant lots, PWC sewer approximations and potential land use violations. Mr. Smith stated the following recommendations for the study area were crafted by planning staff using data depicted in the maps:

1. Strongly encourage redevelopment with the use of conditional rezonings
2. Prohibit applicants from rezoning to heavy commercial where sewer is unavailable
3. Work with Environmental Health in determining septic and land use compatibility through conditional rezonings
4. Require mandatory sewer connection for rezoning requests located from Hope Mills Road east to Zareeba Drive and from the railroad east to Owen Drive per Section 2306 (A) of the Cumberland County Subdivision Ordinance
5. Encourage recombination of adjoining parcels under same ownership as condition of rezoning request approval
6. Work with NCDOT to limit curb cuts, recommend joint drives and use of lateral access
7. Continue to not process requests where active land use violations exist (per Board policy)
8. Target area for minimum housing and zoning violations

Mr. Smith stated in conclusion, the Cumberland Road study area is currently an equal mix of commercial, office and residential uses. County Planning staff have determined that future development in the area should be more commercial than residential in nature; however, the availability and cost of sewer to the area is a significant factor in how this area will develop going forward. Mr. Smith stated this is reflected in the recommendations of this plan by encouraging conditional rezonings in order to ensure that available utilities can support future development. Mr. Smith stated the recommendations also acknowledge that the overall appearance of the area needs improvement and can be addressed, at least partially, by stricter enforcement of existing ordinances.

Mr. Smith responded to questions posed by Commissioner Keefe about sewer and stated currently it would be more costly to extend sewer to the eastern half of the study area due to lack of existing sewer lines and topography; however, extending sewer to the western half would be less costly

All references to any materials which are described in these minutes or incorporated into these minutes are to the materials that are contained in the same numbered item in the agenda for this meeting. These may be viewed online in the agenda set out on this web page <http://co.cumberland.nc.us/departments/commissioners-group/commissioners/meeting-documents>

due to the closer proximity of existing sewer lines and the topography being more favorable. John Allen of the Public Works Commission stated PWC has no plan in its capital budget to extend sewer to this area.

Commissioner Adams referenced the recommendations and stated the word “target” should be substituted by the word “review” in recommendation 8.

Chairman Lancaster opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Lancaster closed the public hearing.

MOTION: Commissioner Council moved to approve the Cumberland Road Business Street Plan with the word “target” being substituted by the word “review” in recommendation 8.
SECOND: Commissioner Boose
VOTE: UNANIMOUS (7-0)

G. Public Hearing for Edward Byrne Memorial Justice Grant (JAG)

BACKGROUND

The Sheriff’s Office is fortunate to again be eligible to apply for funding from the Edward Byrne Memorial Justice Assistance Grant (JAG) through the United States Department of Justice (USDOJ). This grant continues the UPDOJ efforts to support law enforcement at the local level.

The Cumberland County Sheriff’s Office and the City of Fayetteville Police Department must submit a joint application, but each agency may use the funds for their own priorities. The grant allocation is \$146,619, with \$29,587 for the Sheriff’s Office and \$117,032 for the Fayetteville Police Department.

The USDOJ requires the public be offered an opportunity to comment. The Sheriff’s Office publicly advertised the grant opportunity in the Fayetteville Observer, Saturday Extra edition, on Saturday, August 4, 2018. We also request to brief the Board of Commissioners and request the required public hearing occur as part of the Monday, August 20, 2018 County Commissioners meeting.

RECOMMENDATION/PROPOSED ACTION

Conduct the Public Hearing, approve the Memorandum of Understanding, complete the Certification and Assurances by the Chief Executive of the Applicant Government form, and authorize the County Manager to sign the application submittal.

Lisa Blauser, Sheriff’s Office Business Manager, reviewed the background information and recommendation/proposed action recorded above.

Chairman Lancaster opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Lancaster closed the public hearing.

MOTION: Chairman Lancaster moved to approve the Memorandum of Understanding, complete the Certification and Assurances by the Chief Executive of the Applicant Government form and authorize the County Manager to sign the application submittal.
SECOND: Commissioner Boose
VOTE: UNANIMOUS (7-0)

5. ITEMS OF BUSINESS

There were no items of business for this meeting.

6. NOMINATIONS

A. Nursing Home Advisory Board (9 Vacancies)

Commissioner Adams nominated Laura Hardy, Niokie Cunningham, Brenda McArthur-Strong, Diane Wheatley, Benikka Elliott, Katherine Marable, Rhonnish Rivers, Dorothy McNeil and Angela Stewart.

B. Adult Care Home Community Advisory Committee (9 Vacancies)

Commissioner Council nominated Carla Fagan and Niokie Cunningham.

Commissioner Adams nominated Dorothy McNeil, Dr. Dennis Corbin, William Duke, Wilbert Stokes, Deborah Stuckey, Felecia Vaughn and Joseph Dykes.

C. Transportation Advisory Board (1 Vacancy)

Commissioner Adams nominated Kenneth Dye.

7. APPOINTMENTS

A. Board of Adjustment (3 Vacancies)

MOTION: Commissioner Council moved to appoint Alfonso Ferguson, Sr., George Turner and Gregory Parks to the Board of Adjustment.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

B. Fayetteville Technical Community College (FTCC) Board of Trustees (1 Vacancy)

Commissioner Adams pulled his nomination of Ernest Goodson for the FTCC Board of Trustees.

MOTION: Commissioner Council moved to appoint David Williford to the FTCC Board of Trustees.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Adams moved to adjourn.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 8:10 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board