

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
MONDAY, AUGUST 17, 2020 – 6:45 PM  
117 DICK STREET, 1ST FLOOR, ROOM 118  
REGULAR MEETING MINUTES

PRESENT: Commissioner Marshall Faircloth, Chairman  
Commissioner Glenn Adams, Vice Chairman  
Commissioner Michael Boose  
Commissioner Jeannette Council  
Commissioner Charles Evans  
Commissioner Jimmy Keefe  
Commissioner Larry Lancaster  
Amy Cannon, County Manager  
Duane Holder, Deputy County Manager  
Tracy Jackson, Assistant County Manager  
Sally Shutt, Assistant County Manager  
Rick Moorefield, County Attorney  
Brenda Jackson, Social Services Director  
Rawls Howard, Planning and Inspections Director  
Dr. Jennifer Green, Public Health Director  
Candice H. White, Clerk to the Board  
Kellie Beam, Deputy Clerk

Chairman Faircloth called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Pastor Sean Harris, Berean Baptist Church, provided the invocation followed by the Pledge of Allegiance to the American flag.

PUBLIC COMMENT PERIOD

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

Leonard Dixon – Mr. Dixon expressed concern about closure of the Cliffdale Convenience Site and stated residents of the Cliffdale area want to know what they can do to save the site.

Carol Yeager – Ms. Yeager spoke briefly of the life and work of Charles Waddell Chestnutt, a former resident of Fayetteville/Cumberland County during the Reconstruction period and former president of Fayetteville State University. Ms. Yeager shared one of his quotes and stated he embodied everything good about our community and his words provide a shining thread of hope for our community.

Shaun McMillan – Mr. McMillan stated he was present representing Fayetteville PACT. Mr. McMillan stated there are examples of independent oversight of county Sheriff's all over the U. S. and these processes start with the political will of boards of commissioners. Mr. McMillan expressed the need for the Cumberland County Board of Commissioners to be active allies in the fight for equal justice.

Kathy Greggs – Ms. Greggs, co-founder and president of Fayetteville PACT, expressed concern that the County did not re-sign its contract with the Re-entry Council. Ms. Greggs stated she would like County Commissioners to use their influence and authority to reduce incarceration in the County jail and to eliminate cash bail bonds which put people in poverty.

Chilleko Hurst – Mr. Hurst stated he was present representing Fayetteville PACT. Mr. Hurst stated he previously requested that prisoners be given protective equipment which they have started to receive. Mr. Hurst requested that prisoners be given at a minimum four showers a day, a 15-minute phone call per week to

their families and that their maintenance fees be rescinded because they pose an economic hardship for their families.

Marion Garvin – Mr. Garvin expressed concern about closure of the Cliffdale Convenience Site and that there was no negotiation period prior to closure.

Ms. Cannon asked to table Item 5.A. Consideration of Request from Parks and Recreation to Purchase Hall Park Land from the agenda to bring back at a future time. Ms. Cannon also ask to move Item 4.E. Case P20-15 to a contested rezoning case so that it becomes Item 4.R. on the agenda. Commissioner Adams asked to add two items of recognition to the agenda. Chairman Faircloth asked to add a Closed Session for Attorney Client Matter(s) Pursuant to NCGS 143-318.11(a)(3) as Item 9.A.

## 1. APPROVAL OF AGENDA

MOTION: Commissioner Evans moved to approve the agenda with the stated changes.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

Commissioner Adams recognized Commissioner Evans on his election as president of the N. C. Association of Black County Officials and Commissioner Lancaster on his designation as an Honorary Trustee of Fayetteville Technical Community College and the Board of Trustees.

## 2. PRESENTATIONS

### A. COVID-19 Update by Dr. Jennifer Green, Cumberland County Public Health Director

Ms. Cannon recognized Dr. Green who stated this is a rapidly evolving situation and recommendations will change, data are up to date as of August 16, 2020 unless otherwise noted and data are from Centers for Disease Control and Prevention and NC Department of Health and Human Services. Dr. Green provided national and state data for positive tested cases, deaths and hospitalizations. Dr. Green stated data for COVID-19 cases in Cumberland County are as follows:

- 56 deaths
  - 61% African-American
  - 80% age 65+
  - 73% male
  - 87% Co-morbidities
  - 67% Hospitalized
  - 54% Congregate living

Dr. Green presented the following information on COVID-19 testing:

- Countywide
  - 18 test locations
  - Additional pop up locations from community partners
- Health Department test sites
  - Tuesdays – Manna Church
  - Thursdays – roaming locations
- Test kits
  - Long term care facilities
  - Homeless serving agencies
  - Detention center
- Estimated number of tests completed since March
  - Countywide 48,803
  - Health department tests: 1,200
- Percentage positive
  - Cumberland: 9%
  - North Carolina: 7%
  - Target: 5%

Dr. Green provided the following as it related to contact tracing:

- Hiring temporary staff to assist
- Carolina Tracing Collaborative
  - Assigning 50 staff to assist with case interviews, case contacts, and data entry
- Assistance from library and social service staff
- Supporting long term care facilities

Dr. Green outlined several other activities in which Public Health is involved and stated law enforcement is responsible for enforcing the Governor's Executive Order.

- Non-congregate sheltering
- Cleaning and disinfection
- Front door screening
- Technical assistance for businesses, schools, and community partners
  - Reviewing re-opening plans
- Managing PPE
- Fit testing
- Public Information
  - Website and social media
  - Press releases
  - Community presentations
  - Signage in buildings
- Executive Order Complaints

Dr. Green concluded her presentation and responded to questions and comments that followed.

#### B. Census 2020 Update

##### BACKGROUND

Planning Director Rawls Howard, the co-chair of the Cumberland County Complete Count Committee, and Sharon Covington, Partnership Specialist with the U.S. Census Bureau, will provide an update on Census operations in Cumberland County.

##### RECOMMENDATION / PROPOSED ACTION

For information purposes only.

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Rawls Howard, co-chair of the Cumberland County Complete Count Committee/Planning and Inspections Director, referenced the census 2020 update and aggressive plan provided during the August 13 Agenda Session. Sharon Covington, Partnership Specialist with the U.S. Census Bureau, thanked Cumberland County for working with the U.S. Census Bureau on the 2020 Census and forming the Complete County Committee with the City of Fayetteville to try to get representation across the community. Ms. Covington stated due to the Census Bureau's great partnership with the City and the County, she feels the result will be an accurate count for Cumberland County. Ms. Covington stated the census completion date has been adjusted to the end of September due to COVID-19. Ms. Covington stated across the United States, over 100 million households have responded thus far, and projections are that the Census Bureau is on schedule to have all information completed by the September date due in part to being able to complete the 2020 Census online.

Joanne Bass, Census Recruiting Manager, provided information on things being done in Cumberland County to increase awareness and to complete the census count on time. Ms. Bass shared response numbers for the nation and state and stated Cumberland County's response rate is currently at 58.3% and Fayetteville's is currently at 58.1%. Ms. Bass stated with the COVID-19 related completion date being pushed back from October to September, additional enumerators were hired, which brings the number of enumerators to over 1,000. Ms. Bass provided additional information about the training and hiring of enumerators and additional cash bonuses to encourage enumerators to spend more time in the field. Ms. Bass shared other operational changes and efforts made by the Census Bureau to reach nonresponding households and individuals in nursing homes in order to complete the count on time. Questions and comments followed.

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C. Converting Spectrum Channel 5 from an Educational Channel to a County Government Channel

**BACKGROUND**

Charter Communications provides two Public, Educational, or Governmental (PEG) channels in Cumberland County under G.S. 66-357. One channel is assigned to Cumberland County and is operated as an educational channel by Fayetteville Technical Community College. The other PEG channel is assigned to and operated by the City of Fayetteville as a city government access channel.

Management is recommending converting the Fayetteville Cumberland Educational TV Channel (FCETV), which appears on Spectrum Channel 5, from an educational channel to a County government channel and transferring operations from FTCC to the County's Public Information Office.

County management met with FTCC President Dr. Larry Keen and his team in July to discuss transitioning Channel 5 to a County government channel. FTCC supports the change and declined the option of requesting an additional PEG Channel from Charter and moving FCETV to the higher channel tier.

FTCC will maintain its on-campus studio for its media services production.

Transition Plan: Once the Board of Commissioners approves the channel conversion, a Letter of Notification will be sent to Charter Communications stating that the County wishes to re-designate and re- brand the channel as a Government Access Channel operated and programmed by Cumberland County Government. The County would have 120 days to launch the new channel.

The Public Information Office would operate the channel from the media room in the Courthouse. Fiber connectivity to the headend on Raeford Road is already in place. Space in the lower level of Headquarters Library has been converted into a video and still production studio.

The County would invest in hardware and software. Preliminary estimates are approximately \$50,000 for one- time costs. There will be annual software renewal fees.

The investment also includes hardware and software that will stream content on smart TVs and streaming devices.

**RECOMMENDATION / PROPOSED ACTION**

At the August 13, 2020 Agenda Session, the Board of Commissioners approved placing this item as a presentation at the August 17, 2020 Board of Commissioner's meeting with the proposed action of approving the conversion of the Fayetteville Cumberland Educational Channel (Spectrum Channel 5) to a County Government Access Channel.

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Sally Shutt, Assistant County Manager, presented the background information recorded above along with a brief PowerPoint presentation. Ms. Shutt stated if a County Government Access Channel is approved, communications projects will include the CCNCTV channel launch along with live streaming, website changes and community branding.

3. CONSENT AGENDA

A. Approval of August 3, 2020 Regular Meeting Minutes

B. Approval of a Proclamation for the Fayetteville/Cumberland Ministerial Council, Inc.'s Dream to Reality Walk

**BACKGROUND**

Request was received for a proclamation to observe the Fayetteville/Cumberland Ministerial Council, Inc.'s August 28, 2020 Dream to Reality Walk.

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## RECOMMENDATION / PROPOSED ACTION

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

COUNTY OF CUMBERLAND

NORTH CAROLINA

## PROCLAMATION

WHEREAS, the Fayetteville/Cumberland County Ministerial Council, Inc. was organized to conduct business as a Christian nonprofit organization for charitable, educational, and civic endeavors in Fayetteville and surrounding communities; and

WHEREAS, the key founding principle of the Fayetteville/Cumberland County Ministerial Council, Inc. was to seek and promote civil rights and freedoms guaranteed to all citizens of our community and nation; and

WHEREAS, the philosophy of the Fayetteville/Cumberland Ministerial Council, Inc. is to advance the principles of the “Beloved Community”, as envisioned by Dr. Martin Luther King, Jr., by working together in unity as a community in supporting matters of social, civic, moral, and spiritual welfare that best serve and benefit the whole community; and

WHEREAS, the Fayetteville/Cumberland Ministerial Council, Inc. desires to be a light in illuminating liberty, justice, freedom and equality for all without regard to race, creed or color and to stand in full agreement with honoring and commemorating the anniversary of the 1963 March in Washington, D.C. where Dr. Martin Luther King, Jr. gave his historic speech, “I Have a Dream”; and

WHEREAS, the Fayetteville/Cumberland County Ministerial Council, Inc. will hold a March August 28, 2020 to honor the tenets of that historic March on Washington, as well as to recognize those who have long fought and continue to fight to ensure the promise of “life, liberty and the pursuit of happiness for all”.

NOW THEREFORE, We, the Cumberland County Board of Commissioners, hereby call on citizens of Cumberland County to observe the Fayetteville/Cumberland Ministerial Council, Inc.’s Dream to Reality Walk with appropriate programs, ceremonies and activities that celebrate the historic March on Washington and advance the great causes of jobs and freedom.

Approved this 17th day of August 2020.

- C. Approval of Request to Call a Public Hearing on September 8, 2020 for the Edward Byrne Justice Assistance Grant Program

## BACKGROUND

The Sheriff's Office is eligible to apply for funding through the Edward Byrne Justice Assistance Grant Program through the United States Department of Justice (USDJOJ). As part of USDJOJ requirements, the public must be offered the opportunity to comment. The Sheriff's Office will publicly advertise the grant opportunity in the Fayetteville Observer on August 22, 2020 and is requesting the Board of Commissioners to schedule a public hearing on the Edward Byrne Justice Assistance Program application at the September 8, 2020 Cumberland County Board of Commissioners Meeting.

## RECOMMENDATION / PROPOSED ACTION

Approve the request for a Public Hearing to be held on September 8, 2020.

- D. Approval of Tax Collector's Preliminary Report and Proposed Annual Settlement

## BACKGROUND

North Carolina General Statutes, Section 105-373 requires the Tax Collector of Cumberland County after the 1st day of July of each year to render a preliminary report to the Board of County Commissioners concerning persons whose tax liabilities remain unpaid and to propose an annual

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settlement of taxes charged to him for collection for the past year. The Tax Collector has submitted such preliminary report and proposed settlement. The preliminary report consists of (i) a list of persons owning real property whose taxes for the tax year of 2019-2020 remain unpaid, (ii) a list of the persons not owning real property whose taxes for the year 2019-2020 remain unpaid (the proposed insolvent list), and (iii) a statement under oath by the Tax Collector that he has made diligent efforts to collect such taxes. The proposed settlement consists of the amounts of taxes with which the Tax Collector has been charged for the year and the amounts of credits against such charges, the real and personal property tax balance is charged to the forthcoming tax year. The preliminary report has been provided to the County Clerk to the Board.

#### RECOMMENDATION / PROPOSED ACTION

As required by NCGS 105-373, the Tax Collector recommends the Board of Commissioners accept the preliminary report and approve the proposed annual settlement. Recommend that the Board adopts the resolution attached as Exhibit A.

#### County Settlement

June 30, 2020

##### Charge:

Real and Personal Charge 2019	\$	182,368,143.94
Vehicles Charge 2019	\$	197,244.79
Added Charge Real & Personal 2019	\$	632,355.50
Added Charge Vehicles 2019	\$	-
Solid Waste 2019	\$	5,883,056.00
Added Solid Waste 2019	\$	5,488.00
Total Tax Interest	\$	540,082.23
Added Charge Advertising Cost 2019	\$	55,507.50
County Demolition Fee	\$	56,469.27
Interest Collected County Demolition	\$	-
Certified Mail Fee Collected	\$	2,775.12
Garnishment Fee Collected	\$	40,533.49
Return Check Processing Fee Collected	\$	-
Worthless Check Penalty Collected	\$	12,460.31
Legal Fees	\$	11,124.87
Prepared Food & Beverage Tax Collected	\$	6,771,755.67
Prepared Food & Beverage Tax Collected Interest & Penalty	\$	45,962.35
Room Occupancy Tax Collected	\$	5,976,634.29
Room Occupancy Tax Collected Interest & Penalty	\$	30,457.13
County Gross Receipts Vehicle Tax Current Year	\$	662,504.29
County Gross Receipts Vehicle Tax Interest & Penalty	\$	842.86
County Heavy Equipment Rentals	\$	238,579.96
County Heavy Equipment Rentals Interest & Penalty	\$	-
Bullard Circle Water Extension	\$	19,615.87
Bullard Circle Water Extension Interest	\$	4,833.17
Lake Upchurch Dam Assessment	\$	-
Lake Upchurch Dam Assessment Interest	\$	-
Brooklyn Circle Water Extension Assessment	\$	193.14
Brooklyn Circle Water Extension Assessment Interest	\$	69.53
Cedar Creek Rd Water Extension	\$	3,697.22
Cedar Creek Rd Water Extension Interest	\$	422.67
Adjustment - Advertising Beginning Balance Booked	\$	82,847.12
	<b>\$</b>	<b>203,643,656.29</b>

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Credits:

Saved to this PC	\$	199,993,400.88
Interest Deposited with Finance	\$	29,726.49
Real & Personal Releases Allowed	\$	622,669.94
Vehicles Releases Allowed	\$	397,232.95
Solid Waste Releases Allowed	\$	1,532.68
Total Discount Allowed	\$	6,222.42
Real & Personal Balance	\$	-
Advertising Cost Balance	\$	2,231,358.09
Vehicle Balance	\$	108,628.13
Solid Waste Balance	\$	125,289.65
Adjustment	\$	127,595.08
	\$	-
	\$	<u>203,643,656.29</u>

Charge:

Real & Personal Balance 2018	\$	1,220,211.13
Vehicle Balance 2018	\$	327,593.13
Solid Waste Balance 2018	\$	84,609.51
County Gross Receipts Vehicle Tax 1st Year Prior 2018	\$	-
Prepared Food & Beverage Tax All Prior	\$	11,578.20
Room Occupancy Tax Collected All Prior	\$	48,194.99
Real & Personal Balance 2017	\$	503,141.53
Vehicle Balance 2017	\$	66,227.29
Solid Waste Balance 2017	\$	29,947.11
Real & Personal Balance 2016 & Prior	\$	1,414,055.01
Vehicle Balance 2016 & Prior	\$	2,121,728.10
Solid Waste Balance 2016 & Prior	\$	49,033.02
2008 & Prior Taxes Collected After Being Barred	\$	13,382.78
	\$	<u>5,889,701.80</u>

Credits:

Real & Personal Collected 2018	\$	635,017.95
Vehicles Collected 2018	\$	85,576.82
Solid Waste Collected 2018	\$	44,420.01
County Gross Receipts Vehicle Tax 1st Year Prior 2018	\$	-
Prepared Food & Beverage Tax All Prior	\$	11,578.20
Room Occupancy Tax Collected All Prior	\$	48,194.99
Real & Personal Collected 2017	\$	158,314.66
Vehicles Collected 2017	\$	10,447.55
Solid Waste Collected 2017	\$	8,896.81
Real & Personal Collected 2016 & Prior	\$	94,685.26
Vehicles Collected 2016 & Prior	\$	21,846.14
Solid Waste Collected 2016 & Prior	\$	5,892.14
Real & Personal Releases Allowed 2018	\$	3,698.75
Vehicle Releases Allowed 2018	\$	3,818.21
Solid Waste Releases Allowed 2018	\$	112.02
Real & Personal Releases Allowed 2017	\$	364.56
Vehicle Releases Allowed 2017	\$	10.09
Solid Waste Releases Allowed 2017	\$	112.00
Real & Personal Releases Allowed 2016 & Prior	\$	475.54
Vehicle Releases Allowed 2016 & Prior	\$	587.79
Solid Waste Releases Allowed 2016 & Prior	\$	96.00
2008 & Prior Taxes Collected After Being Barred	\$	13,382.78
	\$	<u>1,147,528.27</u>

Taxes Barred by Statute: 2009

Real Property	\$	20,316.74
Personal	\$	108,051.01
Vehicles	\$	383,303.65
Public Service	\$	361.13
Solid Waste Fees	\$	2,358.00
Advertising	\$	1,855.97
Credit for Five Year & Prior Insolvents	\$	-
	\$	<u>516,246.50</u>

Balance Prior Years Taxes:

Real & Personal Balance 2018	\$	581,494.43
Vehicles Balance 2018	\$	238,198.10
Solid Waste Balance 2018	\$	40,077.48
Real & Personal Balance 2017	\$	344,462.31
Vehicles Balance 2017	\$	55,769.65
Solid Waste Balance 2017	\$	20,938.30
Real & Personal Balance 2016 & Prior	\$	1,188,309.36
Vehicles Balance 2016 & Prior	\$	1,715,990.52
Solid Waste Balance 2016 & Prior	\$	40,686.88
	\$	<u>4,225,927.03</u>

**TOTAL CREDITS:**

\$	<u>5,889,701.80</u>
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Summary of 2009 Real/Personal & Vehicles Taxes to be Barred						
	Vehicles	Personal	Real	Public Service	Fees	Total
County	383,303.65	97,654.80	20,316.74	361.13	-	501,636.32
County Pets	-	10,396.21	-	-	-	10,396.21
Fayetteville	154,285.61	11,658.05	3,687.16	214.98	-	169,845.80
Revit	104.33	4.33	-	-	-	108.66
Fayetteville Vehicle Fee	27,186.34	75.00	-	-	-	27,261.34
FTT	27,186.24	75.00	-	-	-	27,261.24
Annexation	-	-	-	-	6.82	6.82
Fayetteville Storm Water	-	-	360.00	-	-	360.00
Fayetteville Recycling	-	-	-	-	-	-
Hope Mills	7,763.98	889.67	78.00	-	-	8,731.65
Hope Mills Vehicle Fee	1,613.47	-	-	-	-	1,613.47
Hope Mills Pets	-	-	-	-	-	-
Spring Lake	12,857.55	2,284.86	30.35	-	-	15,172.76
SLVT	1,715.00	-	-	-	-	1,715.00
SLTT	1,715.00	-	-	-	-	1,715.00
Stedman	256.62	15.45	-	-	-	272.07
Stedman Vehicle Fee	80.00	-	-	-	-	80.00
Godwin	14.63	-	22.43	-	-	37.06
Wade	142.87	58.75	-	-	-	201.62
Falcon	5.98	12.68	-	-	-	18.66
Linden	10.52	-	8.82	-	-	19.34
Eastover	655.01	186.92	100.55	-	-	942.48
Solid Waste User Fee	-	-	2,358.00	-	-	2,358.00
Storm Water Fee	-	-	-	-	-	-
Advertising Fee	-	-	1,855.97	-	-	1,855.97
Total	618,896.80	123,311.72	28,818.02	576.11	6.82	771,609.47

EXHIBIT A

Resolution accepting preliminary report of the Tax Collector, crediting the insolvent list, and approving proposed annual settlement.

Whereas, North Carolina General Statutes, Section 105-373, requires the Tax Collector of Cumberland County after the 1st day of July of each year to render a preliminary report to the Board of County Commissioners concerning persons whose tax liabilities remain unpaid and to propose an annual settlement of taxes charged to the Tax Collector for collection for the past ten years; and

Whereas, the Tax Collector has submitted such preliminary report and proposed settlement. Now therefore, the Board of Commissioners of Cumberland County hereby resolves:

1.
- That the preliminary report of the Tax Collector of Cumberland County, consisting of (i) a list of persons owning real property whose taxes for the preceding fiscal year 2019-2020 remain unpaid and the principal amount owned by each person; (ii) a list of the persons not owning or who have not listed real property whose taxes for the preceding fiscal tax year 2019-2020 remain unpaid and the principal amount owned by each person (the proposed

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insolvent list) and (iii) a statement under oath by the Tax Collector that he has made diligent efforts to collect such taxes, be and it hereby is, accepted;

2. That the Board hereby finds that the persons in the list of those that do not own or have not listed real property are insolvent as that term is used in G.S. 105-373, directs that the list of such person be entered into the minutes of the meeting of the Board as the insolvent list, and further directs that the amounts in such list be, and hereby are, credited to the Tax Collector in his annual settlement;
  3. That the proposed settlement of the Tax Collector, appended hereto, for taxes in his hands for collection for the fiscal tax year 2019-2020, be and it hereby is, approved and that he be, and thereby is, charged with the amounts set forth in the settlement under the heading "Charges" and credited with the amounts set forth in the settlement under the heading "Credits".
- E. Approval of Sole Source Purchase of Guard 1 Plus and PIPE Inmate Tracking System for the Cumberland County Sheriff's Office

#### BACKGROUND

Funds in the amount of \$65,000 have been appropriated in the Sheriff's Office fiscal year 2021 budget to upgrade the inmate tracking system.

The current inmate tracking system is Guard 1 Plus and PIPE by Timekeeping Systems, Inc. It has been determined to be more cost effective to upgrade the current system rather than buy a new system. Timekeeping Systems, Inc. is the sole manufacturer of all Guard 1 and PIPE products and related software. The cost to upgrade is \$48,271.88.

#### RECOMMENDATION / PROPOSED ACTION

Finance and Purchasing staff recommend utilizing the sole source bid exception based on North Carolina General Statue 143-129 (e) (6) (ii), as the product is only available from one source.

- F. Approval of Sole Source Purchase of MedStat Off-Road Ambulance Vehicle for the Cumberland County Emergency Services Department

#### BACKGROUND

The Emergency Services department received a grant in the amount of \$64,307 for the purchase of an off-road ambulance vehicle. The grant was approved at the August 3, 2020 Board of Commissioners meeting.

In researching the various options, it was determined that the Alternative Support Apparatus, LLC (ASAP) MedStat off-road ambulance vehicle is the best fit for the County's needs. This is the only vehicle on the market to feature a fully enclosed patient compartment.

#### RECOMMENDATION / PROPOSED ACTION

Finance and Purchasing staff recommend utilizing the sole source bid exception based on North Carolina General Statue 143-129 (e) (6) (ii), as the product is only available from one source.

- G. Approval of Sole Source Purchase of Electronic Materials from OverDrive, Inc. for the Cumberland County Public Library

#### BACKGROUND

Funds are available in the Cumberland County Public Library FY21 budget for the procurement of new electronic materials (e-materials) from the OverDrive, Inc. platform.

The Library currently utilizes OverDrive, Inc. for over 80% of the e-materials provided to patrons. Using a different platform for the new materials will mean paying for multiple platforms, as the existing materials with OverDrive, Inc. will still be needed. Minimizing the number of platforms will maximize funds as well as create a more streamlined process for patrons.

RECOMMENDATION / PROPOSED ACTION

Finance and Purchasing staff recommend utilizing the sole source bid exception based on North Carolina General Statue 143-129 (e) (6) (iii), as standardization is the overriding consideration.

H. Approval of Report on the Disposal of Surplus Property Pursuant to N.C.G.S.160A- 226(a)

BACKGROUND

On June 15, 1998, the Board of Commissioners adopted a resolution found in the statutes allowing disposal of County “personal property, worth less than \$5,000 per item or group of similar items, which have become obsolete, unusable, economically unrepairable, or otherwise surplus to the needs of the county.” On October 6, 2008 the Board raised this limit to \$30,000. The approval allows the Assistant County Manager to authorize the disposal.

Please find attached a list of miscellaneous items from various County departments or agencies that met the above criteria and that have been disposed of. All items were taken to the Ann Street Landfill for disposal as appropriate. Also included is a list of vehicles that have been declared surplus and that have already been sold or are in the process of being placed on GovDeals for auction.

RECOMMENDATION / PROPOSED ACTION

Approval of the attached report, so that the report may be duly recorded in the official minutes, and the disposal of the items indicated on the report.

SURPLUS PROPERTY DISPOSAL LIST  
FEBRUARY 1, 2020 - JULY 31, 2020



ITEM NO.	PROPERTY DESCRIPTION	RENDERING DEPARTMENT	DISPOSAL METHOD
1	1 Shelving Unit	Child Support	Landfill-Ann Street
2	3 Light Fixtures	Child Support	Landfill-Ann Street
3	2 Tables	Child Support	Landfill-Ann Street
4	5 Chairs	Child Support	Landfill-Ann Street
5	2 File Cabinets	Child Support	Landfill-Ann Street
6	1 Office Chair	Central Maintenance	Landfill-Ann Street
7	1 Dry Erase Board		Landfill-Ann Street
8	1 Poster Display Stand		Landfill-Ann Street
9	2 Desks	Planning	Landfill-Ann Street
10	2 Chairs	Planning	Landfill-Ann Street
11	1 File Cabinet	Planning	Landfill-Ann Street
12	1 Desk	Adult Probation	Landfill-Ann Street
13	1 Bookshelf	District Attorney	Landfill-Ann Street
14	22 Chairs	District Attorney	Landfill-Ann Street
15	1 Desk	Information Services	Landfill-Ann Street
16	Dell Power Edge 4400 Printer	Planning	Landfill-Ann Street
17	-Laser Printer 521	Planning	Landfill-Ann Street
18	HP DesignJet 4000 Printer	Planning	Landfill-Ann Street
19	2 Phaser 7300 Printer	Planning	Landfill-Ann Street
20	1 Shelf	Planning	Landfill-Ann Street
21	Pallet Jack	Facilities Management	Landfill-Ann Street
22	20 Office Chairs	Social Services	Landfill-Ann Street
23	1 Treadmill	Social Services	Landfill-Ann Street
24	1 TV	Social Services	Landfill-Ann Street
25	254 Computers	Social Services	Landfill-Ann Street
26	1 Desk	Planning	Landfill-Ann Street
27	1 File Cabinet	Planning	Landfill-Ann Street
28	2 Metal Lockers	Planning	Landfill-Ann Street
29	Drafting Table	Planning	Landfill-Ann Street
30	2 Chairs	Planning	Landfill-Ann Street
31	11 Chairs	Child Support	Landfill-Ann Street
30	2 Filing Cabinets	Child Support	Landfill-Ann Street
31	2 Desks	Child Support	Landfill-Ann Street
32	17 Chairs	Child Support	Landfill-Ann Street

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**CUMBERLAND COUNTY  
VEHICLES REQUESTED FOR SURPLUS**

Department	Vehicle Description	Reason for Surplus	Mileage	Year	Fleet #	Estimated Value	Disposition
CCSO	FORD CROWN VIC	END OF USEFUL LIFE	198,481	2009	FL 62	\$2,539	GOVDEALS
TAX SERVICE	FORD EXPLORER	ENGINE DAMAGE	170,852	2000	TS 6	\$1,351	GOVDEALS
COMMUNITY DEVELOPMENT	FORD RANGER	DAMAGED HEAD GASKET	146,925	1998	CD 12	\$1,982	GOVDEALS
TAX SERVICE	FORD RANGER	ISSUE WITH TRANSMISSION, VEHICLE WILL NOT GO INTO REVERSE	145,779	1998	TS 16	\$1,997	GOVDEALS
ANIMAL CONTROL	FORD F150	END OF USEFUL LIFE	205,721	2011	AC23	\$4,376	GOVDEALS
ELECTRICAL MANAGEMENT	FORD E350/LIFT	END OF USEFUL LIFE	180151	2004	ELM 2	\$6,742	GOVDEALS

I. Approval of Budget Ordinance Amendments for the August 17, 2020 Board of Commissioners' Agenda

**BACKGROUND**  
General Fund 101

1) Social Services Other - Budget Ordinance Amendment B210712 to recognize additional funds received from the North Carolina Department of Health and Human Services in the amount of \$171,189

The Board is requested to approve Budget Ordinance Amendment B210712 to recognize additional funds received from the North Carolina Department of Health and Human Services in the amount of \$171,189. These funds are provided as part of the Adoption Promotion Fund and will be used to enhance the DSS Adoption Services Program.

Please note this amendment requires no additional county funds.

2) Board of Elections – Budget Ordinance Amendment B210343 to recognize federal funds in the amount of \$15,000 from Help America Vote Act (HAVA)

The Board is requested to approve Budget Ordinance Amendment B210343 to recognize federal grant funds in the amount of \$15,000 from Help America Vote Act (HAVA). These funds will be used to prevent, prepare for, and respond to COVID-19 concerns during the upcoming federal election.

Juvenile Crime Prevention Fund 245

3) Juvenile Crime Prevention – Budget Ordinance Amendment B210183 to recognize increased funding in the amount of \$24,350 from the North Carolina Division of Juvenile

Justice

The Board is requested to approve Budget Ordinance Amendment B210183 in the amount of \$24,350 to increase funding in the Intensive Services Network – Alternatives to Commitment Program. This funding will be used to provide treatment services to at-risk youth who have been referred by the court system.

Please note this amendment requires no additional county funds.

CARES Act Fund 258

4) Board of Elections CARES Act – Budget Ordinance Amendment B210376 to recognize additional federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funding in the amount of \$419,937.

The Board is requested to approve Budget Ordinance Amendment B210376 to recognize additional Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act funding in the amount of \$419,937. This funding will be used to prevent, prepare for, and respond to COVID-19 concerns during the upcoming federal election.

## FCEDC Fund 631

5) Fayetteville Cumberland Economic Development Corporation (FCEDC) – Budget Ordinance Amendment B210004 to recognize additional grant funds received from the State of North Carolina – Industrial Development Fund and the Public Works Commission (PWC) in the amount of \$2,571,256

The Board is requested to approve Budget Ordinance Amendment B210004 to recognize a grant award of \$1,946,511 from the State of North Carolina – Industrial Development Fund, with PWC contributing \$594,745. This grant has a required county match of \$30,000 which was budgeted by FCEDC in FY21. This funding will be used for the Liberty Point Sewer Project.

Please note this amendment requires no additional county funds.

## REGARDING THE FOLLOWING ITEMS #6 - #13 PLEASE NOTE:

Each fiscal year County departments may have projects that have been approved and initiated but were not complete by the fiscal year end (6/30/20) or items ordered that had not been received by fiscal year end. These projects or items were approved in the Fiscal Year 2020 budget; however, the money was not spent by June 30, 2020.

The following amendments seek to bring those funds forward from FY 2020 into the current fiscal year, allowing departments to complete and pay for these projects and items. These revisions are not using ‘new’ funds but are recognizing the use of FY20 funds in FY21.

## General Fund 101

6) General Government Other – Budget Ordinance Amendment B210028 to re- appropriate FY20 funds in the amount of \$9,779 for the UNC School of Government Opioid

### Project Grant

The Board is requested to approve Budget Ordinance Amendment B210028 to re-appropriate FY20 funds in the amount of \$9,779. These grant funds have been received from the UNC School of Government for the Opioid Project.

7) Health Department – Budget Ordinance Amendment B210709 re-appropriate FY20 funds in the amount of \$15,500 for health administration

The Board is requested to approve Budget Ordinance Amendment B210709 to re-appropriate FY20 funds in the amount of \$15,500. These funds will be used to support a contract for outside legal services. These services are needed to review Medicaid Transformation Contracts and assist with re- accreditation.

8) Public Buildings Janitorial, Landscaping & Grounds, Facilities Maintenance – Budget Ordinance Amendment B210009 to re-appropriate FY20 funds in the amount of \$68,356 for various contracts

The Board is requested to approve Budget Ordinance Amendment B210009 to re-appropriate FY20 funds in the amount of \$68,356 for various contracts. These include an air conditioner replacement for \$4,925, an ice machine for \$2,611, backpack disinfecting sprayer for \$1,970, disinfecting services for \$56,850, and Detention Center tree service for \$2,000.

## Capital Investment Fund 107

9) Capital Investment Fund - Budget Ordinance Amendment B210008 to re-appropriate FY20 funds in the amount of \$79,945 for security assessments for county facilities

The Board is requested to approve Budget Ordinance Amendment B210008 to re-appropriate FY20 funds in the amount of \$79,945 for security assessments for county facilities. This contract was pre-audited in FY20 and approved by the Legal Department in FY21.

#### Crown Fund 600

10) Crown Fund – Budget Ordinance Amendment B211017 to re-appropriate FY20 funds in the amount of \$8,298 for COVID related signage

The Board is requested to approve Budget Ordinance Amendment B211017 to re-appropriate FY20 funds in the amount of \$8,298 for COVID related signage. The amount approved in FY20 totaled \$20,000. However, Spectra staff have obtained quotes and the actual cost is lower than previously estimated, at \$8,298.

11) Crown Fund – Budget Ordinance Amendment B210011 to re-appropriate FY20 funds in the amount of \$484,987 for Crown ADA improvements

The Board is requested to approve Budget Ordinance Amendment B210011 to re-appropriate FY20 funds in the amount of \$484,987 to continue Crown ADA improvements.

#### NORCRESS Water and Sewer Fund 605

12) NORCRESS Water and Sewer Fund – Budget Ordinance Amendment B210010 to re-appropriate FY20 funds in the amount of \$15,725 for tap installation

The Board is requested to approve Budget Ordinance Amendment B210010 to re-appropriate FY20 funds in the amount of \$15,725 for tap installation by PWC.

13) NORCRESS Water and Sewer Fund – Budget Ordinance Amendment B210012 to re-appropriate FY20 funds in the amount of \$104,500 for evaluation of the NORCRESS Sewer System

The Board is requested to approve Budget Ordinance Amendment B210012 to re-appropriate FY20 funds in the amount of \$104,500 for engineering fees related to the evaluation of the NORCRESS Sewer System.

#### RECOMMENDATION / PROPOSED ACTION

Approve budget ordinance amendments.

J. Approval of Cumberland County Board of Commissioners Agenda Session Items

1. County Policy on Religious and Celebratory Holidays

#### BACKGROUND

The Board of Commissioners approved a resolution against racial injustice on June 15, 2020. On July 17, 2020, County Commissioner Jimmy Keefe submitted the attached PowerPoint presentation regarding a County Policy on Religious and Celebratory Holidays for discussion at the August 13, 2020 Agenda Session.

Below is a summary of the proposed policy:

- County would maintain 12 paid holidays
- Eight of these would remain static and be consistently observed by all county employees
- Four previous holidays would now be “floating” holidays with County offices open
- Those four holidays are Good Friday, Day after Thanksgiving, Christmas Eve, and the day after Christmas
- Employees could request those traditional days off as their four holidays or choose from a comprehensive list which includes Juneteenth



## RECOMMENDATION / PROPOSED ACTION

Following discussion at the August 13, 2020 Agenda Session, action was taken to send the proposed policy to the Cumberland County Diversity, Equity and Inclusion (CCDEI) Advisory Committee.

### 2. A Model Approach for Change in Child Welfare (AMAC-CW) Contracts

#### BACKGROUND

The purpose of these contract renewals with Southeastern Workforce Strategies, LLC in the amount of 313,874 and Chapin Hall in the amount of \$210,436 is to allow for the continued development of a multidimensional and integrative service delivery model for aging out foster children and older teens in transition to adulthood in Cumberland County DSS custody to improve their outcomes.

Southeastern acts as the project manager and trusted intermediary to assist CCDSS to integrate all efforts, such as A Model Approach for Change in Child Welfare (AMAC-CW), and to collaborate with Cumberland's partners to create a model for change in child welfare. AMAC-CW employs a modified approach to collective impact that will result in an effective, articulated, and documented approach to system changes that will improve outcomes for older youth in foster care and advance child welfare and family support programs in Cumberland County. Duke Endowment has awarded Cumberland County DSS a multi-year grant for the implementation plan for AMAC-CW, in an effort to reform child welfare systems.

## RECOMMENDATION / PROPOSED ACTION

At the August 13, 2020 Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below as a Consent Item on the August 17, 2019 Board of Commissioners' Meeting:

1. Approval of Contract for Southeastern Workforce Strategies, LLC in the amount of \$313,874.
2. Approval of Contract for Chapin Hall at the University of Chicago in the amount of \$210,436.
3. Community Waste Reduction and Recycling Grant for Concrete Pad for Shingle Recycling and Budget Ordinance Amendment BR # 210030

#### BACKGROUND

The North Carolina Department of Environmental Quality, Division of Environmental Assistance and Customer Service (DEACS) offers an annual community waste reduction and recycling (CWRAR) Grant Round. DEACS seeks to support a range of projects that help public recycling programs build capacity to divert materials from the waste stream or that help increase public awareness of waste reduction and recycling. Cumberland County Solid Waste submitted a grant application to construct a concrete pad for shingle recycling at the Ann Street Landfill. The County has been recycling shingles at the Ann Street Landfill since 2004. The Ann Street Landfill needs more space and a different location for the shingles. We plan to co-locate the shingle recycling area with the concrete recycling area.

Cumberland County was awarded a grant in the amount of \$40,000 for this project. The total project cost is \$57,157. The County contribution is \$17,157.

## RECOMMENDATION / PROPOSED ACTION

At the August 13, 2020 Agenda Session Meeting, the Board of Commissioners approved placing the proposed actions below as a Consent Item on the August 17, 2020 Board of Commissioners' meeting:

1. Accept the grant award for the Concrete Pad for Shingle Recycling at Ann Street Landfill and direct staff to execute the grant agreement with DEQ for the 2020 CWRAR Grant.
2. Approve Budget Ordinance Amendment # BR 210030 in the amount of \$57,157 to fund the construction of the Concrete Pad for Shingle Recycling at Ann Street Landfill.

4. North Carolina (NC) Phase 1 Volkswagen (VW) Mitigation Program Grant for Replacement of Roll-Off Trucks and Associated Budget Ordinance Amendment BR #210029

#### BACKGROUND

The North Carolina Department of Environmental Quality is managing North Carolina's share of the VW settlement, an agreement between the German automaker and the US Department of Justice on behalf of the U.S. Environmental Protection Agency (EPA). North Carolina's beneficiary mitigation plan is structured into three phases. Phase 1 included the Diesel Bus and Vehicle Program. Cumberland County Solid Waste submitted a grant entitled Roll-off Fleet Improvements for the replacement of three refuse haulers. The three roll-off trucks to be replaced include a 1999 model with 396,000 miles, a 2001 model with 324,958 miles, and a 2001 model with 319,863 miles. The fleet numbers for these trucks are #12, #15, and #33. Per the grant requirements, these engines must be destroyed. A three-inch hole must be drilled in the engine and the chassis must be cut in half.

Cumberland County's application was selected for funding through the North Carolina (NC) Phase 1 Volkswagen (VW) Mitigation Program. The grant award is for \$315,891.00. The total project cost is \$490,891.00 for the purchase of three new roll off trucks. Cumberland County's matching contribution is \$175,000.

#### RECOMMENDATION / PROPOSED ACTION

At the August 13, 2020 Agenda Session Meeting, the Board of Commissioners approved placing the proposed actions below as a Consent Item on the August 17, 2020 Board of Commissioners' meeting:

1. Accept the grant award for the North Carolina VW Settlement Program, Phase 1 Diesel Bus and Vehicle Programs Application, and direct staff to negotiate a final grant agreement with DEQ.
2. Approve Budget Ordinance Amendment #BR 210029 in the amount of \$490,891 to fund the project.
5. Award of the Construction Contract for the New Blower Skid and Flare Project at the Ann Street Landfill

#### BACKGROUND

The landfill gas collection and control system (GCCS) extracts landfill gas (LFG) to control surface emissions and odors. The GCCS is a requirement of the landfill's Title V Air Operating Permit and State and federal regulations. The GCCS includes LFG extraction wells, piping, valves, sumps and a blower skid and flare. The existing blower skid and flare have been operational since 1998. The blower skid and flare are nearing the end of their service life. This project will replace the existing blower skid and flare and increase the capacity of the system.

The New Blower Skid and Flare project was bid on Thursday, July 2, 2020. The lowest, responsive bid was submitted by Aptim Government Solutions, LLC in the amount of \$1,416,772.50. A 10% contingency is included in the contract amount. The lowest bid submitted by Blue Flame Crew, LLC in the amount of \$1,367,629.80 is rejected because they do not meet the minimum general contracting licensing requirements for this project. Project funding is included in Capital Project Budget Ordinance #200658.

#### RECOMMENDATION / PROPOSED ACTION

At the August 13, 2020 Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below as a Consent Item on the August 17, 2020 Board of Commissioners' meeting:

Accept the bid for the New Landfill Gas Blower Skid and Flare project and award a contract to Aptim Government Solutions, LLC in the amount of \$1,416,772.50 inclusive of 10% for contingency purposes.

6. Renewal of the Fisher Container Site Lease Agreement

## BACKGROUND

The Solid Waste Department operates the Fisher Container site located at 7931 Turnbull Road, Fayetteville, N.C. Cumberland County leases the property for this site from William L. Fisher. This container site has been in place since 1980. It is critical that this site remain open in order to provide the necessary service to the citizens within the surrounding community. The current lease agreement was entered into on March 17, 2015 and expired on March 25, 2020. The lease rate has been \$3,750 for the past five-year period.

The property owners have agreed to renew the lease with Cumberland County for an additional five years at a lease rate of \$4,000 for the full five-year term and is to be paid promptly after the execution of the lease agreement.

## RECOMMENDATION / PROPOSED ACTION

At the August 13, 2020 Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below as a Consent Item on the August 17, 2020 Board of Commissioners' meeting:

Approve the lease renewal for the Fisher Solid Waste Container Site, subject to the County Attorney confirming ownership of the property.

### 7. North Carolina Soil and Water Conservation Shared Personnel Mutual Aid Agreement

## BACKGROUND

This agreement is entered into between the North Carolina Association of Soil and Water Conservation Districts (Association), the NCDA&CS Division of Soil and Water Conservation (Division) and by each of the Districts and Counties that adopt and execute this Shared Personnel Mutual Aid Agreement.

Previous natural disasters have demonstrated the need for Districts to share personnel for disaster assessment and technical assistance for disaster recovery efforts. There are also occasions when delivery of employee technical training by one district to another is necessary. The ability to draw on the knowledge and expertise of peers across districts benefits the entire system and can make it stronger and more resilient. There are no costs anticipated to the County for participating in this mutual aid agreement.

## RECOMMENDATION / PROPOSED ACTION

At the August 13, 2020 Agenda Session meeting, the Board of Commissioners approved placing the proposed action below on the consent agenda at the August 17, 2020 Board of Commissioners' meeting:

1) Approve the North Carolina Soil and Water Conservation Shared Personnel Mutual Aid Agreement.

### 8. U.S. Department of Agriculture Natural Resources Conservation Service Notice of Grant and Agreement Award and Associated Budget Ordinance Amendments BR#210058, BR#210059, BR#210060

## BACKGROUND

This Grant and Agreement is for the Natural Resources Conservation Service to provide technical and financial assistance to Cumberland County which will serve as the sponsor for Emergency Watershed Protection (EWP) Program Event #5038 (Hurricane Florence) for implementation of recovery measures, that, if left undone, pose a risk to life and/or property. The measures will consist of hazardous debris removal and stream bank stabilization associated with identified projects included with this memo as Round 1, Round 2, and Round 3.

The award amounts for each round are as follows:

Round 1 NR204532XXXXC045

BR# 210058

Total: \$1,118,111

Federal: \$868,583.5

Non-Federal: \$249,527.5

Round 2 NR204532XXXXC041

BR# 210059

Total: \$175,720

Federal: \$137,520

Non-Federal: \$38,200

Round 3 NR204532XXXXC042

BR# 210060

Total: \$207,000

Federal: \$162,000

Non-Federal: \$45,000

RECOMMENDATION / PROPOSED ACTION

At the August 13, 2020 Agenda Session meeting, the Board of Commissioners approved placing the proposed actions below on the consent agenda at the August 17, 2020 Board of Commissioners' meeting:

- 1) Approve the Notice of Grant and Agreement Award submission for Round 1, Round 2 and Round 3 of the Emergency Watershed Protection (EWP) Program and Associated Budget Ordinance Amendments BR#210058, BR#210059 and BR#210060.

9. Guardian Ad Litem (GAL) Office Space Request

BACKGROUND

The Guardian Ad Litem (GAL) Office has submitted a request through Sanya Eller, Cumberland County District Courts, for office space for a GAL attorney. The space being requested is noted as "CONF" near the public waiting area on the second floor of the E. Maurice Braswell Cumberland County Courthouse (see attached). The GAL attorney has a shared office, but this request is being made due to COVID-19 for distancing purposes.

This location has a mechanical room at the rear that has to be accessed from time-to-time by Facilities staff and contractors in order to perform maintenance and repairs. Under normal circumstances, County staff would not recommend using this space as an office due to the mechanical room access, but staff recommends allowing the temporary use of this space due to Covid-19.

RECOMMENDATION / PROPOSED ACTION

This item was approved to move forward to the August 17, 2020 Board of Commissioners' Meeting on the Consent Agenda. Staff recommends allowing the temporary use of this space due to Covid-19.

10. Formal Ratification of Termination of State of Emergency for Tropical Storm Isaias

BACKGROUND

A State of Emergency was declared for Tropical Storm Isaias on Monday, August 3, 2020. Per the most recent changes in the County ordinance, approval of the Board is required to initiate and terminate a declaration. Approval to terminate the State of Emergency was provided by the Board of Commissioners on Tuesday, August 4 by email and this item is presented to the Board at the August 13, 2020 Agenda Session for consideration of formal ratification of that action.

RECOMMENDATION / PROPOSED ACTION

At the August 13, 2020 Agenda Session Meeting, the Board of Commissioners approved placing this item on the Consent Agenda at the August 17, 2020 Board of Commissioners' meeting. The action is to approve the formal ratification of the Termination of State of Emergency for Tropical Storm Isaias.

MOTION: Commissioner Adams moved to approve consent agenda Items 3.A. – 3.J.10.

SECOND: Commissioner Lancaster

DISCUSSION: Commissioner Boose stated there is no reference to what the policy is under consent agenda Item 3.J.1. Ms. Cannon stated action was taken at the August 13 Agenda Session

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to send the proposed policy to the Cumberland County Diversity, Equity and Inclusion (CCDEI) Advisory Committee. Ms. Cannon stated this item was brought forward to this meeting along with other items from the August 13 Agenda Session.

VOTE: UNANIMOUS (7-0)

#### 4. PUBLIC HEARINGS

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

##### A. Stedman Area Land Use Plan

#### BACKGROUND

As part of the Joint Planning Board's ongoing efforts to develop detailed land use plans for the entire County and the member municipalities, the Staff along with residents in the area, have developed a land use plan for the Stedman area of Cumberland County.

Please Note: The Cumberland County Joint Planning Board unanimously recommended adoption of the plan at their December 17, 2020 meeting. Also, the plan was unanimously adopted by the Town of Stedman Board of Commissioners at their February 13, 2020 meeting.

#### RECOMMENDATION / PROPOSED ACTION

Hold a public hearing on the plan and consider adoption.

### RESOLUTION OF ADOPTION STEDMAN AREA LAND USE PLAN COUNTY OF CUMBERLAND

WHEREAS, the Cumberland County Joint Planning Board is empowered to recommend plans for the County of Cumberland in accordance with G.S. 153A-321 of the North Carolina General Statutes; and

WHEREAS, the Planning Staff has prepared a specific document entitled the Stedman Area Land Use Plan designed to provide the County of Cumberland a statement of desirable objectives to guide future growth, change, and development within the Stedman Study Area; and

WHEREAS, the Stedman Area Citizens Planning Committee consisting of citizens within the Study Area boundary developed and endorses the Stedman Area Land Use Plan; and

WHEREAS, the Plan is subject to future re-evaluation or changes by existing and future Planning Boards, and the Cumberland County Board of Commissioners;

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners hereby adopts the Stedman Area Land Use Plan

\*\*\*\*\*

Mr. Howard presented the background information recoded above. Trey Smith, Comprehensive Planning Manager, provided a PowerPoint presentation on the Stedman Area land Use Plan that had been abbreviated from the presentation provided at the June 11 Agenda Session.

#### Planning Process

##### **Community Outreach**

- ❖ Notices Mailed
- ❖ Informational Meeting
- ❖ Citizen Planning Committee

##### **Review of Existing Plans**

- ❖ Stedman Area Detailed Land Use Plan; replaced plan adopted in March 1999

##### **Review of Existing Conditions**

- ❖ Demographics

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- ❖ Existing Land Use
- ❖ Current Zoning
- ❖ Utilities
- ❖ Farms and Agriculture
- ❖ Transportation
- ❖ Retail Market and Industry
- ❖ Municipal Influence Areas
- ❖ Flood Zones and Wetlands
- ❖ Conservation Value
- ❖ Hydric Soils

Mr. Smith displayed a map of the Stedman Area Future Land Use and a Land Use-to-Zoning Crosswalk Table. Mr. Smith stated the Crosswalk Table will assist and simplify the process of determining whether rezoning requests are consistent with the plan.

Mr. Smith concluded his presentation by providing a summary of recommendations in four categories as follows:

**Land Use**

- ❖ Protect rural character, working agriculture and water quality
- ❖ Facilitate quality, attractive, well designed commercial development with supporting infrastructure
- ❖ Update the Town of Stedman's Zoning Ordinance

**Transportation**

- ❖ The Complete Streets Policy should be followed when considering new or the enhancement of existing development
- ❖ Support possible Rails to Trails Project

**Public Services**

- ❖ Encourage new development & redevelopment in areas served by water and sewer infrastructure and/or town services
- ❖ Maintain and improve the efficiency of public services
- ❖ Create and implement a stormwater ordinance

**Open Space**

- ❖ Make open space and conservation a priority
- ❖ Create a network of connected useable open space
- ❖ Encourage useable open space in residential developments

Chairman Faircloth opened the public hearing.

The clerk to the board stated there were no speakers.

Chairman Faircloth closed the public hearing.

MOTION: Commissioner Keefe moved to adopt the Stedman Area Land Use Plan.  
SECOND: Commissioner Adams  
VOTE: UNANIMOUS (7-0)

**Uncontested Rezoning Cases**

There was consensus to forgo formal presentation of the uncontested rezoning cases unless requested.

B. Case P19-50: Rezoning of 100.00+/- acres from RR Rural Residential to M(P) Planned Industrial/CZ Conditional Zoning for a borrow source operation or to a more restrictive zoning district; located north of Rockfish Creek, east of SR 2341 (Claude Lee Road); submitted by Joseph R. Rivenbark, Joella Rivenbark Powell, Robert L. Rivenbark and Suzanne Rivenbark Shearon on behalf of R. Linwood Rivenbark heirs (owner) & Seth Thompson (agent). (Applicant has revised request to include additional M(P) uses.)

\*\*\*\*\*

Chairman Faircloth opened the public hearing for Case P19-50.

The clerk to the board stated there were no speakers for Case P19-50.

Chairman Faircloth closed the public hearing for Case P19-50.

**MOTION:** Commissioner Adams moved in Case P19-50 to approve the rezoning from RR Rural Residential to M(P) Planned Industrial/CZ Conditional Zoning for requested M(P) Planned Industrial uses and find a. The approval is an amendment to the adopted current South-Central Land Use Plan (2015) 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 “Low Density Residential” and “Open Space” designations are sandwiched between designations for “Heavy Industrial” and “Light Industrial” and any residential development’s access would be through an industrially-zoned property; and c. This rezoning approval is reasonable and in the public interest because the additional conditions concerning building height/setbacks and riparian buffer as well as the vegetative buffer indicated on the site plan will help to mitigate impacts on residential lots across the creek.

**SECOND:** Commissioner Council

**VOTE:** UNANIMOUS (7-0)

C. Case P20-07: Rezoning of 2.15+/- acres from A1 Agricultural & CD Conservancy District to A1 Agricultural or to a more restrictive zoning district, located at 7369 River Road, submitted by Dora J. Welker (owner).

\*\*\*\*\*

Chairman Faircloth opened the public hearing for Case P20-07.

The clerk to the board stated there were no speakers for Case P20-07.

Chairman Faircloth closed the public hearing for Case P20-07.

**MOTION:** Commissioner Adams moved in Case P20-07 to deny the requested rezoning from A1 Agricultural & CD Conservancy District to A1 Agricultural and instead move to approve the rezoning to A1 Agricultural with CD Conservancy District remaining where the Special Flood Hazard Area (SFHA) and Floodway is located. Approval of the rezoning to A1 & CD is consistent with the Wade Land Use Plan designation of “1 acre Residential” as the A1 & CD district will not increase density past that 1 acre threshold and the rezoning is reasonable and in the public interest because the A1 & CD zoning is in harmony with surrounding existing zoning while still providing protection to the Cape Fear River by leaving the CD zoning where the SFHA and Floodway exist.

**SECOND:** Commissioner Lancaster

**VOTE:** UNANIMOUS (7-0)

D. Case P20-13: Rezoning of 41.96+/- acres from A1 Agricultural to R40 Residential or to a more restrictive zoning district, located at 5403 Chicken Foot Road, submitted by Franklin Johnson on behalf of J F Johnson Family Farms LLC (owner).

\*\*\*\*\*

Chairman Faircloth opened the public hearing for Case P20-13.

The clerk to the board stated there were no speakers for Case P20-13.

Chairman Faircloth closed the public hearing for Case P20-13.

**MOTION:** Commissioner Adams moved in Case P20-13 to approve the rezoning from A1 Agricultural to R40 Residential and find the request consistent with the South-Central Land Use Plan (2015) which designates this parcel as “Farmland”. The “Farmland” designation allows for a density of 1 unit/acre with favorable soil conditions, public water and approved access by NCDOT. The approval of the rezoning is reasonable and in the public interest as the district requested is in harmony with the surrounding existing land uses and zoning, the subject property is served by public water and any lot divisions would be subject to the County Subdivision Ordinance.

**SECOND:** Commissioner Council

**DISCUSSION:** Commissioner Keefe stated he is always concerned when areas are rezoned R40 because this area is 100% surrounded by A1. Commissioner Keefe asked whether all the property was buildable and stated he does not have a problem with R40 if construction is carried out one house per acre. Mr. Howard displayed a map and stated the site is served by Southpoint water and water runs in front of the subject property. Mr. Howard stated there are questions as it relates to soil for septic.

**VOTE:** PASSED (6-1) (Commissioners Boose, Evans, Faircloth, Adams, Lancaster and Council voted in favor; Commissioner Keefe voted in opposition)

E. Case P20-15 changed to a contested rezoning case. See Item 4.R. recorded below.

F. Case P20-21: Rezoning of 7.08+/- acres from A1 Agricultural to R40 Residential or to a more restrictive zoning district; located on the north side of SR 1702 (Hawkins Road), east of SR 1700 (McBryde Street); submitted by Alexander Keith on behalf of Triple K Investments, LLC (owner).

\*\*\*\*\*

Chairman Faircloth opened the public hearing for Case P20-21.

The clerk to the board stated there were no speakers for Case P20-21.

Chairman Faircloth closed the public hearing for Case P20-21.

**MOTION:** Commissioner Lancaster moved in Case P20-21 to approve the rezoning from A1 Agricultural to R40 Residential and find the request consistent with the North Central Cumberland Land Use Plan (2011) designation of “Farmland”. The “Farmland” designation is defined as having a density of 0.5 to 1 unit per acre to preserve rural character. Approval of the request is reasonable and in the public interest as the requested district is in harmony with adjacent existing zoning and land uses and any additional lots/units would be subject to a development review.

**SECOND:** Commissioner Council

**VOTE:** UNANIMOUS (7-0)

G. Case P20-22: Rezoning of 6.28 +/- acres from A1 Agricultural & CD Conservancy District to A1 Agricultural or to a more restrictive zoning district, located at 7375 River Road, submitted by Benjamin A. Townsend, Jr. (owner).

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Chairman Faircloth opened the public hearing for Case P20-22.

The clerk to the board stated there were no speakers for Case P20-22.

Chairman Faircloth closed the public hearing for Case P20-22.

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**MOTION:** Commissioner Adams moved in Case P20-22 to deny the rezoning from A1 Agricultural & CD Conservancy District to A1 Agricultural and instead move to approve the rezoning of A1 Agricultural with CD Conservancy District remaining where the Special Flood Hazard Area (SFHA) and Floodway is located. Approval of the rezoning to A1 & CD is consistent with the Wade Land Use Plan designation of “1 acre Residential” as the requested district will not increase density past the 1-acre threshold. Approval of the A1 & CD districts are reasonable and in the public interest because the recommended zoning is in harmony with surrounding existing zoning while still providing protection to the Cape Fear River by leaving the CD zoning where the SFHA and Floodway exist.

**SECOND:** Commissioner Council

**VOTE:** UNANIMOUS (7-0)

H. Case P20-27: Rezoning of 1.90+/- acres from A1 Agricultural to R40 Residential or to a more restrictive zoning district, located south of SR 2237 (Smith Road), west of Beckenstein Drive, submitted by Vance U. Tyson Jr. (owner) & Tim Evans on behalf of Longleaf Properties of the Sandhills (agent).

\*\*\*\*\*

Chairman Faircloth opened the public hearing for Case P20-27.

The clerk to the board stated there were no speakers for Case P20-27.

Chairman Faircloth closed the public hearing for Case P20-27.

**MOTION:** Commissioner Adams moved in Case P20-27 to approve the rezoning from A1 Agricultural to R40 Residential and find a. The approval is an amendment to the adopted current South-Central Land Use Plan (2015) 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 does not meet the minimum criteria for “low density residential” as defined in the Land Use Policies Plan (2009) because the parcel lacks public water and sewer and the requested district is more in line with the desired density of this area; and c. This rezoning approval is reasonable and in the public interest because the district requested is in harmony with surrounding zoning, existing land uses and does meet the plan designation of not allowing additional manufactured homes.

**SECOND:** Commissioner Council

**VOTE:** UNANIMOUS (7-0)

I. Case P20-28: Rezoning of 6.32+/- acres from A1 Agricultural to R40 Residential or to a more restrictive zoning district, located on both sides of SR 2237 (Smith Road), west of Beckenstein Drive, submitted by Vance U. Tyson Jr. (owner) & Tim Evans on behalf of Longleaf Properties of the Sandhills (agent).

\*\*\*\*\*

Chairman Faircloth opened the public hearing for Case P20-28.

The clerk to the board stated there were no speakers for Case P20-28.

Chairman Faircloth closed the public hearing for Case P20-28.

**MOTION:** Commissioner Council moved in Case P20-28 to approve the rezoning from A1 Agricultural to R40 Residential and find a. The approval is an amendment to the

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adopted current South-Central Land Use Plan (2015) 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 parcels do not meet the minimum criteria for “low density residential” as defined in the Land Use Policies Plan (2009) because the parcels lack public water and sewer and the requested district is more in line with the desired density of this area; and c. This rezoning approval is reasonable in the public interest because the district requested is in harmony with surrounding zoning, existing land uses and does meet the plan designation of not allowing additional manufactured homes.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (7-0)

J. Case P20-33: Rezoning of 2.00+/- acres from A1 Agricultural to R40 Residential or to a more restrictive zoning district, located on west side of SR 2233 (Butler Nursery Road), north of SR 2224 (Nash Road) submitted by Kyle Dixon (owner) & Tim Evans on behalf of Longleaf Properties of the Sandhills (agent).

\*\*\*\*\*

Chairman Faircloth opened the public hearing for Case P20-33.

The clerk to the board stated there were no speakers for Case P20-33.

Chairman Faircloth closed the public hearing for Case P20-33.

MOTION: Commissioner Lancaster moved in Case to approve the rezoning from A1 Agricultural to R40 Residential and find the request consistent with the South-Central Land Use Plan (2015) which designates this parcel for “Farmland”. The “Farmland” designation allows for a density of one unit per acre on tracts less than 10 acres with favorable soils and desires only stick-built homes. Approval of the rezoning is also reasonable and in the public interest as the requested district is in harmony with surrounding existing land uses and zoning.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

K. Case P20-34: Rezoning of 2.92+/- acres from A1 Agricultural to R40 Residential or to a more restrictive zoning district, located at the northeast quadrant of the intersection of NC Hwy 87 S & SR 2235 (Grays Creek Church Road), submitted by Vance U. Tyson Jr. (owner) & Tim Evans on behalf of Longleaf Properties of the Sandhills (agent).

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Chairman Faircloth opened the public hearing for Case P20-34.

The clerk to the board stated there were no speakers for Case P20-34.

Chairman Faircloth closed the public hearing for Case P20-34.

MOTION: Commissioner Council moved in Case P20-34 to approve the rezoning request from A1 Agricultural to R40 Residential and find the request consistent with the South-Central Land Use Plan (2015) which designates this parcel for “Farmland”. The “Farmland” designation allows for a density of one unit per acre on tracts less than 10 acres with favorable soils and desires only stick-built homes. Approval of the rezoning is also reasonable and in the public interest as the requested district is in harmony with surrounding existing land uses and zoning.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (7-0)

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L. Case P20-35: Rezoning of 1.15+/- acres from A1 Agricultural to R40 Residential or to a more restrictive zoning district, located at 3439 Wade Stedman Road, submitted by Sarah Royal Gibbs (owner) & William B. Snively, PLS (agent).

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Chairman Faircloth opened the public hearing for Case P20-35.

The clerk to the board stated there were no speakers for Case P20-35.

Chairman Faircloth closed the public hearing for Case P20-35.

MOTION: Commissioner Lancaster moved in Case P20-35 to approve the rezoning request from A1 Agricultural to R40 Residential and find the request consistent with the Eastover Land Use Plan (2018) which designates this parcel as “Rural Density Residential”. The “Rural Density Residential” designation desires a density of 1 to 2.2 units per acre. Approval of the request is also reasonable and in the public interest as the district requested is in harmony with existing land uses in the surrounding area.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

#### Contested Rezoning Cases

M. Case P20-02: Rezoning of 3.70+/- acres from A1 Agricultural to C(P) Planned Commercial or to a more restrictive zoning district, located at 5877 & 5911 Clinton Road, submitted by Kathrina Victoria (owner) & Shawn Vallini (agent). (Applicant has revised request to C(P)/CZ for motor vehicle sales.)

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Mr. Howard showed vicinity or location maps and aerial views of the subject property. Mr. Howard provided overviews of the current land uses, current zonings, and surrounding land uses and zonings as well as soil conditions and the availability of water and sewer. Mr. Howard displayed a site plan that depicted the size and scale for the conditional zoning and stated the number of access/driveway permits along NC Hwy 24 are limited. Mr. Howard stated the previous and current Stedman Land Use Plan call for A1 zoning and farmland designation. Mr. Howard stated storage units are allowed in A1 districts. Mr. Howard stated recommendation of staff and the Planning Board was for denial of the rezoning.

In response to a question posed by Commissioner Boose, Mr. Howard displayed a map showing the turnaround/access point on NC Hwy 24 nearest to the subject property.

Chairman Faircloth opened the public hearing for Case P20-02.

The clerk to the board called the following speaker for Case P20-02:

Lewis Hardin – Mr. Hardin appeared as an opponent to the rezoning and stated he purchased the property adjacent to the subject property nineteen years ago and remodeled it with the goal in mind to raise his family in a country setting. Mr. Hardin stated he does not want a commercial building or community center in that area because it is not something he wants to live beside.

There being no further speakers, Chairman Faircloth closed the public hearing for Case P20-02.

MOTION: Commissioner Adams moved in Case P20-02 to deny the rezoning from A1 Agricultural to C(P) Planned Commercial/CZ Conditional Zoning for motor vehicle sales and find the request is not consistent with the adopted Stedman Land Use Plan (1999) which calls for “Farmland” at this location. Heavy commercial uses do not fit the “Farmland” designation’s goal of maintaining the rural character

of an area through farming and residential uses. Staff further finds that denial of the request is reasonable and in the public interest because the C(P) district is not in harmony with surrounding zoning and existing land uses, the parcels lack public sewer and the number of accesses/driveway permits are limited along NC Hwy 24.

SECOND: Commissioner Council  
VOTE: UNANIMOUS (7-0)

N. Case P20-05: Rezoning of 1.10+/- acres from PND Planned Neighborhood District to RR Rural Residential or to a more restrictive zoning district, located at 533 Slocomb Road, submitted by James Blue Jr. (owner) & George R. Blue (agent).

\*\*\*\*\*

Mr. Howard showed vicinity or location maps and aerial views of the subject property. Mr. Howard provided overviews of the current land uses, current zonings, and surrounding land uses and zonings as well as soil conditions and the availability of water and sewer. Mr. Howard stated the PND zoning in the area has been dormant for quite some time and would be R7.5 today, PND does not currently allow mobile homes and basically allows stick-built homes. Mr. Howard this request is not consistent/compliant with the North Central Land Use Plan (2011) which designates this parcel for "Low Density Residential" which is the reason the recommendation of staff was to deny. Mr. Howard stated the recommendation of the Planning Board was to approve.

At the request of Commissioner Keefe, Mr. Howard provided examples of commercial uses in RR Rural Residential. Commissioner Adams inquired about a past rezoning request further down Slocomb Road and the location of a church in the area.

Chairman Faircloth opened the public hearing for Case P20-05.

The clerk to the board called the following speakers for Case P20-05:

George Blue – Mr. Blue appeared as a proponent and stated he was at the meeting to see what he could put on the subject property because there are modular or mobile homes in the neighborhood.

Commissioner Keefe stated the subject property currently zoned PND is surrounded by property not zoned to allow for mobile homes. Commissioner Keefe asked Mr. George Blue to point out where he lived on the map that was displayed. Mr. George Blue stated he did not own any of the surrounding property.

James Blue – Mr. Blue appeared as a proponent and stated he requested the rezoning to get a better and affordable place to live comfortably in retirement because he cannot afford a stick built \$200,000 home. Mr. Blue stated there are a number of mobile homes in the area.

Commissioner Boose asked how far the subject property was from the intersection with Ramsey Street. Mr. James Blue responded two to three miles. Mr. George Blue stated about three-quarters mile. Commissioner Adams inquired about a clubhouse in the area. Mr. James Blue stated it is not there anymore. Commissioner Keefe expressed concern for surrounding neighbors if the property is rezoned and not developed as expressed by the Blues because the entire PND area needs to be considered.

There being no further speakers, Chairman Faircloth closed the public hearing for Case P20-05.

MOTION: Commissioner Adams moved in Case P20-05 to approve the rezoning request from PND Planned Neighborhood District to RR Rural Residential and find a. The approval is an amendment to the adopted current North Central Land Use Plan (2011) 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

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ordinance (zoning map) to meet the development needs of the community: the subject property was initially zoned PND many years ago and the PND District was meant to designate a certain density level until public utility infrastructure could be put into place while the district requested will still allow a density in harmony with the character of the area; and c. This rezoning approval is reasonable and in the public interest because the district requested will still allow uses in harmony with the existing zoning, developed density and existing uses.

SECOND: Commissioner Boose

DISCUSSION: Commissioner Keefe expressed concern for surrounding neighbors who live in harmony in the area if the property is rezoned. Commissioner Keefe stated any allowable use under a RR Rural Residential designation could occur, so the entire PND area needs to be taken into consideration. Commissioner Adams stated he understood Commissioner Keefe's concern but eventually rezoning will occur in the area and the greater questions is the Board's vision of what it wants the area to look like in the future. Commissioner Adams asked Mr. Howard to look at the area because there needs to be a plan.

VOTE: PASSED (6-1) (Commissioners Boose, Evans, Faircloth, Adams, Lancaster and Council voted in favor; Commissioner Keefe voted in opposition)

O. Case P20-08: Rezoning of 1.55+/- acres from RR Rural Residential & C(P) Planned Commercial to RR Rural Residential or to a more restrictive zoning district, located at 5087 US Hwy 301 S, submitted by Deliverance Jesus Is Coming Victory Center, Inc. (owner).

\*\*\*\*\*

Mr. Howard showed vicinity or location maps and aerial views of the subject property. Mr. Howard provided overviews of the current land uses, current zonings, and surrounding land uses and zonings as well as soil conditions and the availability of water and sewer. Mr. Howard stated in speaking with the owner, Deliverance Jesus Is Coming Victory Center, Inc., the indication to staff was that the owner wants to convert the church to a house to rent out to those in need of housing. Mr. Howard stated this request is not consistent with the Southwest Cumberland Land Use Plan (2013) which calls for "Heavy Commercial" at this designation and because RR is not associated with the "Heavy Commercial" designation, the recommendation of staff was to deny. Mr. Howard stated the recommendation of the Planning Board was also to deny.

In response to a question from Commissioner Adams about the RR Rural Residential zoning on the other side of Marracco Drive, Mr. Howard stated that area is mixed-use development and the RR or any other type of residential zoning mixed with commercial is fine on that side of the street.

Chairman Faircloth opened the public hearing for Case P20-08.

The clerk to the board stated there were no speakers for Case P20-08.

Chairman Faircloth closed the public hearing for Case P20-08.

MOTION: Chairman Faircloth moved in Case P20-08 to deny the rezoning from RR Rural Residential & C(P) Planned Commercial to RR Rural Residential and find the request is not consistent with the Southwest Cumberland Land Use Plan (2013) which calls for "Heavy Commercial" at this designation. Denial of the rezoning is reasonable and in the public interest as the district requested is not in harmony with the surrounding existing land uses and existing zoning.

SECOND: Commissioner Council

VOTE: PASSED (6-1) (Commissioners Boose, Evans, Faircloth, Lancaster, Council and Keefe voted in favor; Commissioner Adams voted in opposition.)

P. Case P20-18: Rezoning of 2.00+/- acres from A1 Agricultural to R40A Residential or to a more restrictive zoning district, located at 2072 School Road, submitted by Esperanza Melendez (owner).

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Mr. Howard showed vicinity or location maps and aerial views of the subject property. Mr. Howard provided overviews of the current land uses, current zonings, and surrounding land uses and zonings as well as soil conditions and the availability of water and sewer. Mr. Howard stated this request is not consistent with the South-Central Land Use Plan (2015) designation of "Farmland". Mr. Howard stated the "Farmland" designation states that one unit/acre density would be favorable if the development had suitable soils, public/community water and was submitted as a conditional zoning application. Mr. Howard stated the recommendation of staff was to deny and the recommendation of the Planning Board was to approve. Mr. Howard stated discussion at the Planning Board meeting included water issues in Gray's Creek to include putting more homes in the area and staff was pushing more for a conditional zoning district. Mr. Howard stated the applicant did not want to pay the additional cost and chose to go straight district zoning.

Commissioner Keefe posed questions about a property that appeared to be land-locked and expressed concern about two units on the subject property. Mr. Howard stated the R40A is strictly for mobile homes.

Chairman Faircloth opened the public hearing for Case P20-18.

The clerk to the board called the following speaker for Case P20-18:

Esperanza Melendez – Ms. Melendez appeared as a proponent and stated her daughter has cerebral palsy and they want to put a home for her on the property so she can help her daughter and her grand-daughter who was born with the same condition. Ms. Melendez stated she had paid for her property and they are aware of water conditions in the area, but her daughter wants to have her own home and the rezoning will allow her to care for her daughter and grand-daughter on her land.

Commissioners Boose and Adams posed questions to Ms. Melendez about owners/uses of the neighboring properties. Ms. Melendez responded pointing to a map that was displayed and identified R40 parcels with stick-built units constructed by a developer. Ms. Melendez stated her daughter and grand-daughter are her sole reason for requesting the rezoning.

There being no further speakers, Chairman Faircloth closed the public hearing for Case P20-18.

MOTION: Commissioner Lancaster moved in Case P20-18 to approve the rezoning from A1 Agricultural to R40A Residential and find the request consistent with the South-Central Land Use Plan (2015) designation of "Farmland". The "Farmland" designation states that one unit/acre density is acceptable on tracts less than ten acres. Approval of the request is reasonable in the public interest as the requested district is in harmony with existing surrounding land uses and zoning.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (7-0)

Q. Case P20-37: Rezoning of 7.05+/- acres from A1 Agricultural to C2(P) Planned Service and Retail District/CZ Conditional Zoning for requested C2(P) uses or to a more restrictive zoning district, located on the north side of SR 2242 (Braxton Road), west of Rossendale Drive, submitted by Ross L. Green (owner).

\*\*\*\*\*

Mr. Howard stated the applicant requested in writing that Case P20-37 be referred back to the Planning Board for further discussion before bringing it before the Board of Commissioners.

MOTION: Commissioner Adams moved to refer Case P20-37 back to the Planning Board for further discussion.  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (7-0)

R. Case P20-15: Rezoning of 4.60+/- acres from A1 Agricultural to R40 Residential or to a more restrictive zoning district, located at 4660 & 4676 Macedonia Church Road, submitted by Alex Harrison Culbreth & Kathy Diane Culbreth (owners).

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Mr. Howard showed vicinity or location maps and aerial views of the subject property. Mr. Howard provided overviews of the current land uses, current zonings, and surrounding land uses and zonings. Mr. Howard stated the area is primarily residential with a mix of mobile and single-family homes. Mr. Howard stated the site is currently served by private well and septic as public water/sewer are not available, and the site is not within a water/sewer district. Mr. Howard stated the request is consistent with the Vander Land Use Plan (2017) designation of "Rural Residential" which allows for one unit or less per acre. Mr. Howard stated staff and the Planning Board recommend approval.

Chairman Faircloth opened the public hearing for Case P20-15.

The clerk to the board called the following speaker for Case P20-15:

Juanita Smith – Ms. Smith appeared as an opponent and stated she lives adjacent to the subject property and does not want all the houses built right beside her. Ms. Smith stated one of the reasons is she received notice last week about the presence of GenX in her well water so there are water issues in the area.

Commissioner Boose asked Ms. Smith to identify her property on the map and state what she has on her property. Ms. Smith stated she has a doublewide mobile home and a metal garage. Ms. Smith pointed out the location of her well and stated it is on the property line with the subject property. Ms. Smith stated she has had to redo her well twice due to building in the area and now there is the problem with GenX that must be dealt with. Commissioner Boose posed questions to Ms. Melendez about owners/uses of the neighboring properties. Ms. Smith also identified farmland property and swamp land.

There being no further speakers, Chairman Faircloth closed the public hearing for Case P20-15.

Commissioner Adams stated since Case P20-15 changed to a contested case and there was no opposition at the meeting of the Planning Board, he thinks the owners need to know their rezoning request has been contested and allowed an opportunity to be heard.

MOTION: Commissioner Adams moved to table Case P20-15 until the September 21, 2020, bring it back as a contested rezoning case and notify the owner/applicant.  
SECOND: Commissioner Boose  
VOTE: UNANIMOUS (7-0)

## 5. ITEMS OF BUSINESS

### A. REMOVED FROM AGENDA

## 6. NOMINATIONS

There were no nominations for this meeting.



## 7. APPOINTMENTS

There were no appointments for this meeting.

Chairman Faircloth recessed the Board of Commissioners' meeting.

Chairman Faircloth convened the meeting of the NORCRESS Water and Sewer District Governing Board.

## 8. NORCRESS WATER AND SEWER CONSENT AGENDA

- A. Approval of Minutes of the June 15, 2020 NORCRESS Water & Sewer District Governing Board Meeting
- B. Approval of NORCRESS Water and Sewer District Budget Ordinance Amendments

## BACKGROUND

### REGARDING THE FOLLOWING ITEMS - PLEASE NOTE:

Each fiscal year County departments may have projects that have been approved and initiated but were not complete by the fiscal year end (6/30/20) or items ordered that had not been received by fiscal year end. These projects or items were approved in the Fiscal Year 2020 budget; however, the money was not spent by June 30, 2020.

The following amendments seek to bring those funds forward from FY 2020 into the current fiscal year, allowing departments to complete and pay for these projects and items. These revisions are not using 'new' funds but are recognizing the use of FY20 funds in FY21.

### NORCRESS Water and Sewer Fund 605

- 1) NORCRESS Water and Sewer Fund – Budget Ordinance Amendment B210010 to re-appropriate FY20 funds in the amount of \$15,725 for tap installation

The Board is requested to approve Budget Ordinance Amendment B210010 to re-appropriate FY20 funds in the amount of \$15,725 for tap installation by PWC.

- 2) NORCRESS Water and Sewer Fund – Budget Ordinance Amendment B210012 to re-appropriate FY20 funds in the amount of \$104,500 for evaluation of the NORCRESS Sewer System

The Board is requested to approve Budget Ordinance Amendment B210012 to re-appropriate FY20 funds in the amount of \$104,500 for engineering fees related to the evaluation of the NORCRESS Sewer System.

MOTION: Commissioner Boose moved to approve NORCRESS Water and Sewer District Items 8.A. and 8.B.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

Chairman Faircloth adjourned the meeting of the NORCRESS Water and Sewer District Governing Board.

Chairman Faircloth reconvened the Board of Commissioners' meeting.

## 9. CLOSED SESSION

MOTION: Commissioner Council moved to go into closed session for Attorney Client Matter(s) Pursuant to NCGS 143-318.11(a)(3).

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Boose moved to reconvene in open session.  
SECOND: Commissioner Adams  
VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Adams moved to adjourn.  
SECOND: Chairman Faircloth  
VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 10:30 p.m.

Approved with/without revision:

Respectfully submitted,

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Candice H. White  
Clerk to the Board