

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
APRIL 3, 2006, 9:00AM
REGULAR MEETING

PRESENT: Billy R. King, Chairman
Kenneth S. Edge, Vice Chairman
Commissioner Jeannette M. Council
Commissioner John T. Henley, Jr.
Commissioner Talmage S. Baggett
Commissioner Diane Wheatley
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Asst. County Manager for Finance
Cliff Spiller, Asst. County Manager
Grainger Barrett, County Attorney
Marsha Fogle, Clerk to the Board
Ann Hymes, Deputy Clerk
ABSENT: Commissioner Breeden Blackwell

INVOCATION Commissioner Diane Wheatley

Minister: Pastor Eddie Wood, Northwood Temple

Pledge of Allegiance

Recognition of Retired County Employees:

Clyde Hammond, Health Department
Henry Fisher, Planning/Inspections Department

Special Recognition:

Cumberland County 2005-2006 Center for Sustainable Communities Award

Cumberland County and the Cumberland County Business Center submitted an application to the National Association of Counties entitled "Mission Essential: How Cumberland County North Carolina is Leveraging the Military Through the Base Realignment and Closure Process (BRAC)". The County was notified that our entry is a winner and the Chairman of the Board of Commissioners, a representative of the CCBC, and Colonel Aycock, Garrison Commander, Ft. Bragg, will go to Washington, DC on April 27 to receive the Award. In addition to the award, the County has an opportunity to receive a cash award worth \$5,000 and a Platinum Innovation award worth \$10,000 for our entry. We will not know until the award ceremony on April 27 if we win one of the cash awards. Sara VanderClute, Public Information Officer wrote and submitted the application.

1. Public Hearings

A. Hazard Mitigation Plan Presentation by Doc Nunnery and Denise Sykes.

Denise Sykes, Planning/Inspections Department, reviewed the Hazard Mitigation Plan for the unincorporated area of the County. Other municipalities in the County have adopted the plan for their areas. Ms. Sykes noted that the Plan will be updated every five years as required by the Disaster Mitigation Act of 2000. The Plan addresses the following goals to serve as a guide for a specific plan of action:

- Reduce vulnerability of Cumberland County and its municipalities to all natural hazards for existing development, future development, redevelopment and infrastructure;
- Identify and protect all properties/natural resources that are at risk of damage due to a hazard and to undertake cost-effective mitigation measures to minimize losses;
- Improve public awareness, education and outreach programs for the natural hazards that Cumberland County and its municipalities are most likely to experience.

The Plan addresses 26 actions to accomplish the above noted goals:

- (1) Restrict residential and non-compatible uses within the 100-year flood area;
- (2) Increase the lowest floor elevation to 2 feet above the base flood elevation;
- (3) Encourage the use of cluster-type development to preserve special flood hazard areas;

- (4) Provide incentives for developers willing to use environmentally friendly development practices (preserving open space, landscaping with native vegetation, providing an abundance of trees and reduction of environmental impact;
- (5) Identify and map structures that are vulnerable to high winds;
- (6) Develop uniform flood damage prevention ordinance;
- (7) Revise subdivision ordinance to require that all utilities be placed underground with the exception of high voltage electrical transmission lines;
- (8) Develop a program to identify & eliminate existing development that is below the 100-year flood elevation;
- (9) Develop a program to ensure drainage ways, culverts and storm drains are free of debris;
- (10) Adopt a Comprehensive County-wide Stormwater Ordinance;
- (11) Limit the amount of impervious surfaces and encourage the use of pervious type surfaces;
- (12) Develop a landscape ordinance that will encourage protection of natural areas through design and provide more vegetation in urban development;
- (13) Develop a tree ordinance to address clear cutting, protection of existing trees and vegetation;
- (14) Develop a Reforestation Program to increase vegetation cover in highly urbanized areas and in denuded areas in flood prone areas;
- (15) Develop a Greenway Program and encourage low impact uses in those areas as a means to protect natural areas along rivers, streams, creeks, & drainage ways;
- (16) Revise subdivision ordinances to require additional access for emergency vehicles and for use as evacuation routes for developments located near special hazard areas;
- (17) Identify areas that are susceptible to wildfires and provide additional fire breaks;
- (18) Continue the Mutual Aid Agreement between all electrical providers;
- (19) Continue to protect wetlands and environmentally sensitive corridors;
- (20) Develop and maintain a data base & provide a mechanism for monitoring and evaluation mitigation efforts;
- (21) Encourage the maintenance of trees along power lines;
- (22) Encourage all rest homes to have a reciprocal agreement;
- (23) Provide a better multilingual awareness program concerning types of hazards, their effects, warning signs, what action to take and location of emergency shelters;
- (24) Partner with higher education institutions to participate in the education of citizens about natural hazards;
- (25) Develop a program to train volunteers to assist the vulnerable population during a hazard;
- (26) Improve distribution of hazard awareness material to citizens through websites, schools and special events.

The implementation of the plan will start from the time it is adopted. Each county department will be responsible for developing policies, programs, ordinances, etc., to ensure that the goals, objectives and strategies of this planning document are consistent with the Hazard Mitigation Plan.

Ms. Sykes asked the Board to adopt the Resolution approving the Plan following the Public Hearing.

The Public Hearing was opened. There were no speakers. The Public Hearing was closed.

MOTION: Commissioner Council moved to adopt the Resolution.
 SECOND: Commissioner Edge
 VOTE: UNANIMOUS

RESOLUTION

WHEREAS, Cumberland County desires to remain eligible for the State and Federal disaster relief funds in the event of a declared disaster in the Unincorporated portion of Cumberland County; and

WHEREAS, the Cumberland County Board of Commissioners recognizes the value of having a Plan in place for identifying, prioritizing and mitigating potential and real hazards that could affect the Unincorporated portion of Cumberland County; and

WHEREAS, the Cumberland County Joint Planning Board staff has prepared the Unincorporated Area Hazard Mitigation Plan as part of the Cumberland County Multi-jurisdictional Hazard Mitigation Plan and has revised the Plan as suggested by the NC

Division of Emergency Management after its submittal to all appropriate government entities for review and comments; and

WHEREAS, the NC Division of Emergency Management has endorsed the proposed Cumberland County Multi-jurisdictional Hazard Mitigation Plan; and

NOW, THEREFORE, BE IT RESOLVED by the Commissioners of Cumberland County that it adopts the Unincorporated Area Hazard Mitigation Plan as part of the Cumberland County Multi-jurisdictional Hazard Mitigation Plan; and

BE IT FURTHER RESOLVED that the Commissioners resolve to annually review the Plan and make revisions to all sections regarding the Unincorporated Area in the Cumberland County Multi-jurisdictional Hazard Mitigation Plan when new data and information becomes available, as mitigation measures are achieved and as mitigation strategies evolve; and

FURTHER, that Cumberland County may update and revise the Plan as it relates to any Unincorporated Area but does not affect any other jurisdiction. If any revision, update or amendment involves another jurisdiction, the updates and revisions must be approved by the governing body of the affected jurisdiction. Copies of any revision, amendment or update to the Plan by Cumberland County must be filed with the County Clerk, the Cumberland County Emergency Services Department, and added to the Plan; and

FURTHER, that administrative changes, wording corrections, the hazard analysis, and vulnerability assessment or other such portions of the Unincorporated Area Hazard Mitigation Plan of the Cumberland County Multi-jurisdictional Mitigation Plan do not require additional action by the Board of Commissioners.

- B. Installment Financing Contract under GS 160A-20 to Provide Capital Funds for Fayetteville Technical Community College (FTCC).

BACKGROUND: At the Commissioners' Planning Retreat the Board authorized Management to move forward in seeking bank proposals for matching funds for FTCC in the amount of \$5,000,274. The funds will be used to match the remaining \$6,350,348 of 2000 State Bond referendum funds that must be drawn down by June 30, 2006. A request for proposals was sent to financial institutions on March 6, 2006. Responses were received from five institutions. Variables considered in the review process were: interest rate, prepayment options and fees and closing costs. (Interest rate will be 3.65, with no closing costs).

ACTION: Management recommends that the Board approve the proposal from RBC Centura and approve the associated budget revision (B06-317).

MOTION: Commissioner Henley moved to approve.
SECOND: Commissioner Council
VOTE: UNANIMOUS

2. Consent Agenda

MOTION: Commissioner Council moved to follow staff recommendations on the items on the Consent Agenda.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

- A. Approval of minutes for the March 20, 2006 regular meeting and the Special Joint Meeting with the City of Fayetteville and PWC on March 21, 2006.

ACTION: Approve

- B. Approval of FY 2007 Application for Continuation of Implementation Funding for the Day Reporting Center of the Criminal Justice System Support Unit.

BACKGROUND: The Day Reporting Center will submit an application for continuation of implementation funding in the amount of \$220,519.00 for FY2007. The Board must approve the application.

ACTION: Approve

- C. Approval of Proposed Additions to the State Secondary Road System

Cornerstone Plantation: Abator Drive

ACTION: Approve

- D. Approval of Transfer of the Late Deputy Christopher Brian Matthews' Duty Weapon.

BACKGROUND: Sheriff Butler received a request from the mother of the late Deputy Christopher Brian Matthews, who died in an automobile accident in the line of duty, requesting that Deputy Matthews' duty weapon be awarded to his parents as his next of kin.

ACTION: Approve, pursuant to NCGS 160a-266(c) for disposal of personal property valued at less than \$5,000.

- E. Approval of Contract between Cumberland County and North Carolina Department of Environment and Natural Resources.

BACKGROUND: This contract is provided to the County for the purpose of Air Quality outreach. The NCDENR will pay the County a sum not to exceed \$6,250.00.

ACTION: Approve the contract and associated budget revision (B06-315).

- F. Approval of Contract with International Paper Company to Purchase, Cut, Convert or Transport Wood from Landfill.

BACKGROUND: The Solid Waste Department has a continuing need to dispose of wood residue, such as chips or mulch, from the landfill. International Paper Company will contract with the County to purchase and transport such material at \$5.50 a ton. The proposed term of the contract is through February 12, 2007, but it can be terminated by the County on 30 days notice. The amount the County would be obligated to pay in any 30 day period would not exceed \$30,000, the limit for private sale of personal property under GS 160A-266(b).

ACTION: Approve Contract

- G. Approval of the Cape Fear Valley Health System to File a Certificate of Need Application for the Cardiac Catheterization Laboratory.

BACKGROUND: The Hospital System approved the Certificate of Need Application on March 29, 2006. The application also requires approval of the Board of Commissioners.

ACTION: Approve

- H. Approval of Proclamation Recognizing April as "Fair Housing Month" in Cumberland County.

BACKGROUND: The Community Development Department requested adoption of a Proclamation proclaiming April "Fair Housing Month" in Cumberland County.

ACTION: Approve

- I. Approval of a Proclamation Proclaiming the week of April 17 – April 23, 2006 as "Community Development Week" in Cumberland County.

BACKGROUND: The Community Development Department requests adoption of a Proclamation proclaiming the week of April 17-23, 2006 "Community Development Week" in Cumberland County and April 20, 2006 "Community Development Day" in Cumberland County.

ACTION: Proclaim as noted above.

- J. Approval of a Proclamation Proclaiming April 17-30, 2006 as "Spring Litter Sweep" in Cumberland County.

BACKGROUND: The Office of Beautification Programs with the NC Department of Transportation requests the County to proclaim April 17-30, 2006 "Spring Litter Sweep" in Cumberland County.

ACTION: Approve

- K. Approval of Adoption of a Proclamation Proclaiming April 23-29, 2006 as "National County Government Week" in Cumberland County.

BACKGROUND: National County Government Week will be celebrated April 23-29, 2006. The theme for this celebration is "Protecting our Communities".

ACTION: Proclaim April 23-29, 2006 "National County Government Week".

- L. Approval of a Proclamation Proclaiming May 4, 2006 as "Read to a Child Day" in Cumberland County.

BACKGROUND: Mr. Steve Blackmon, WFNC Radio, has requested the Board proclaim May 4, 2006 "Read to a Child Day" in Cumberland County.

ACTION: Approve

- M. Budget Revisions:

ACITON: Approve

- (1) Health Department

- a. School Health – Revision in the amount of \$21,948 to appropriate fund balance to purchase needed equipment. (B06-311) **Funding Source – Health Fund Balance**

- b. Wellness Program – Revision in the amount of \$8,330 to appropriate fund balance to establish a wellness coordinator who will serve as a liaison between the health department and other county departments. (B06-314) **Funding Source – General Fund Fund Balance**

- (2) NORCRESS Administration

Revision in the amount of \$47,957 to reclassify sources of anticipated revenue. (B06-307) **Funding Source – NORCRESS Fees**

- (3) Mid Carolina Senior Transportation

Revision in the amount of \$2,465 to reconcile budget with grant funding. (B06-306) **Funding Source – Grant**

- (4) Industrial Development Inducement Fund

Revision in the amount of \$7,323 to provide funding to pay Cingular for recovery of a prior year incentive reduction. The cost is shared by the County (68.53%) and the City of Fayetteville (31.47%). (B06-316) **Funding Source – City of Fayetteville, Industrial Development Inducement Fund Balance**

ITEMS OF BUSINESS

- 3. Presentation of the Parks & Recreation Master Plan by Robert Barefoot, Larry Philpott and Derek Williams of Site Solutions.

Mr. Derek Williams of Site Solutions presented the Master Plan to the Board of Commissioners. The Master Planning Process consisted of holding five public meetings, interviews with key stakeholders, county-wide telephone survey (400 people) and establishment of a Park Planning Committee.

Information from the public meetings, meetings with stakeholders and the telephone survey was reviewed and is a part of the Master Plan. The plan proposes new parks, new buildings and improvements to the existing parks. This ten year plan estimates the cost of the improvements to be \$82 million. There is also a five year plan with a cost figure of \$47 million that includes a senior citizens center, three other recreation centers, new parks and renovations to 12 of our parks.

Commissioner Council expressed concern that the plan did not include some existing parks as part of the inventory and did not reflect the demographics of the county's population.

Commissioner Wheatley said she was expecting to see some funding recommendations, i.e., revenue-generating plans.

Commissioners queried about priorities in the five and ten year plan, as well as funding sources.

Commissioner Henley noted the Plan points out the need for joint planning.

Chairman King said this is an “ambitions vision” and that the Parks and Recreation Department should bring back to the respective Boards priorities.

MOTION: Commissioner Baggett moved to receive the Plan.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

4. Consideration of Amendments to the Cape Fear Valley Health System Transfer Agreement.

BACKGROUND: The Board of Commissioners approved an Agreement in Principle and related Transfer Agreement on August 15, 2005 providing for the transfer of Cape Fear Valley Health System's assets to Cumberland County Health System, Inc. This revised resolution reflects greater specificity about events triggering reversion, the effects of any future reversion of the health system's assets back to the County and, in the event of such a reversion, certain rights of the insurer of revenue bonds to be issued on behalf of Cape Fear Valley Health System to effect the transaction and the County's obligations with respect to an interest rate swap agreement. Cape Fear Valley Health System will issue approximately \$123,000,000 in revenue bonds to satisfy the County revenue bonds currently outstanding for the benefit of the hospital system, pursuant to an Escrow Deposit Agreement. Approximately 183,000,000 in additional revenue bonds will be issued to finance a major master facilities expansion plan for the hospital system. The hospital expects to enter into an interest rate swap agreement as part of the issuance of the revenue bonds under which the hospital system would pay a fixed rate and receive a variable rate approximately equal to the rate on a portion of the new issue determined to be appropriate for an interest rate swap, with both such rates based on a notional amount determined as a portion of the variable rate exposure appropriate to “hedge” with the interest rate swap. In the event of a reversion of the hospital system's assets back to the County, the County would assume the system's debt and obligations under the Swap Agreement.

The County Attorney reviewed some of the changes in the Agreement and responded to questions from the Board.

Commissioner Edge asked that in the future, when there are changes in documents, that those changes be delineated in some manner so the Board could recognize where the changes are occurring in the document.

ACTION: Approve the Resolution approving the Transfer Agreement, Escrow Deposit Agreement and Swap Agreement, and authorize the Chairman to sign the agreements on behalf of the County. (RESOLUTION: ATTACHMENT A TO THESE MINUTES).

5. Consideration of Agenda Items for the Joint Meeting with the Fayetteville City Council on April 11, 2006.

Some items to be included:

- Consideration of two-tier rate structure for storm water utility
- Update on consolidated government
- Update on Parks and Recreation Master Plan and funding

6. Consideration of the Finance Committee Report and Recommendation Regarding the County's Medical Insurance Plan.

BACKGROUND: An employee committee was formed to evaluate bids received by the County regarding medical insurance. The committee received presentations from BlueCross/BlueShield of North Carolina, Unicare, NC Association of County Commissioners/CIGNA and JSL/Doctors Direct. After evaluating the presentations, the Committee concluded that NCACC/CIGNA would best provide the services to the county for medical insurance. Management also concurred. The Finance Committee met on March 21, 2006 and received the recommendation. Following some discussion, the Finance

Committee recommends that NCACC/CIGNA be the provider for medial insurance for the County for a two year period with annual review, and if there is significant deviation in claims or disruption in service, Management will bring the issue back to the Finance Committee for review and action if necessary.

ACTION: Follow the recommendation of the Finance Committee and select NCACC/CIGNA as the medical insurance provider for the county for a two year period with annual review, and if there is significant deviation in claims or disruption in service, Management will bring the issue back to the Finance Committee for review and action if necessary.

MOTION: Commissioner Edge move to approve.

SECOND: Commissioner Council

DISCUSSION: Commissioner Henley asked for assurances that the County would be able to get claims, diagnosis and prognosis information from CIGNA upon its request. Mr. Mark Browder said the county would be able to get diagnosis information, but probably not prognosis information, by going through the NCACC. Commissioner Henley said he still was not comfortable that there is a level playing field in providing bidders the necessary information needed to make a good bid. He suggested we need to provider more information at a later date in the year for a quicker response.

VOTE: UNANIMOUS

7. Nominations to Boards and Committees

A. Nursing Home Advisory Board

Barbara Randolph completed initial term and is eligible for reappointment to serve a full three year term.

Michele Renee Runge has been inactive and it is recommended that she be replaced by Mandella Edwards.

Nominees: Barbara Randolph
Mandella Edwards

8. Appointments to Boards and Committees

MOTION: Commissioner Wheatley moved to appoint the nominees in Items 8A-G.

SECOND: Commissioner Council

VOTE: UNANIMOUS

A. Adult Care Home Community Advisory Committee (1 Vacancy)

Nominee: Linda Brownlee-Jones

B. Air Quality Stakeholders' Committee (17 Vacancies)

Nominees:

Agency

County of Cumberland Representative
Town of Stedman
Fort Bragg
PWC
Citizen
Medical Representative
Cohen & Green
Petroleum Distributor
Citizen
CCBC
Board of Health
Homebuilders Association
FTCC
Town of Wade, Falcon, Godwin and Linden
Construction Industry
Major Industry
Citizen

Stakeholders

Commissioner Talmage Baggett
Commissioner Eleanor Ayers
Colonel Gregory Bean
Steven Blanchard
George Breece
Dr. Joseph Follett
Michael Green
Henry Holt
Karl Legatski
William A. Martin
Dr. Harold Maxwell
Donovan McLaurin
Joseph W. Levister, Jr.
Denise Sykes
Stephen C. Waters, Sr.
Scott Peters
Edwin S. Deaver

C. Civic Center Commission (1 Vacancy)

Nominees: Elizabeth Varnedoe
Bobby Knight – **Withdrew from Nomination**

D. Criminal Justice Partnership Advisory Board (1 Vacancy)

Nominee: Sue Horne

E. Cumberland County Juvenile Crime Prevention Council (1 Vacancy)

Nominee: At-Large Representative: Krista Hancock (Reappointment)

F. Storm Water Advisory Board (1 Vacancy)

Nominee: Nancy Smith

G. Wrecker Review Board (2 Vacancies)

Nominees: County Appointee: Chuck Epler (Reappointment)

Sheriff's Appointee: Lt. John Legette

Chairman King recessed the Board of Commissioners meeting so the Board could reconvene as the NORCRESS Water and Sewer District Governing Board. (Minutes of that meeting may be found in the Water and Sewer Districts Minute Book)

Chairman King reconvened the meeting of the Board of Commissioners.

9. Closed Session: A) Attorney-Client Matter Pursuant to NCGS 143-318.11(a)(3).

B) Personnel Matter Pursuant to NCGS 143-318.11(a)(6).

MOTION: Commissioner Henley move to go into Closed Session for the above noted matters.

SECOND: Commissioner Council

VOTE: UNANIMOUS

MOTION: Commissioner Council moved to go back into Open Session.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

Item 4 Action:

MOTION: Commissioner Henley moved to approve the Resolution (see Item 4).

SECOND: Commissioner Council

VOTE: UNANIMOUS

ADJOURN