
Minutes
Cumberland County Board of Commissioners
January 4, 1999, 9:00 AM
Regular Meeting

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

(attending funeral)

INVOCATION: Commissioner Breeden Blackwell
Rev. Ernie Johnson, Highland

Presbyterian Church

PLEDGE OF ALLEGIANCE

RECOGNITION: County Retirees: Reba T. Ausban - Social Services Department
Emma (Dot) Ray - Electrical Maintenance
Department
Laurence S. Carter - Solid Waste Management
Department

1. CONSENT AGENDA

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

SECOND: Commissioner Warren

VOTE: UNANIMOUS

A. Approval of Minutes: December 21, 1998

ACTION: Approve

B. Approval of a proclamation proclaiming the month of January, 1999, "School Board Appreciation Month" in Cumberland County

ACTION: Approve

PROCLAMATION

WHEREAS, the mission of the Cumberland County Schools is to provide students with the best possible education; and

WHEREAS, the Cumberland County of Education sets the direction for our community's public schools by envisioning the community's education future; and

WHEREAS, the Cumberland County Board of Education sets policies and procedures to govern all aspects of school district operation; and

WHEREAS, the Cumberland County Board of Education assures the assessment of students, school staff, and educational programs and is accountable to the community; and

WHEREAS, the Cumberland County Board of Education requires an unselfish devotion of time and service to carry on the mission and business of the school district; and

WHEREAS, Cumberland County School Board members are strong advocates for public education and are responsible for communicating the needs of the school district to the public and public's expectations to the district;

NOW, THEREFORE the Board of Commissioners of Cumberland County declare our appreciation to the members of the Cumberland County Board of Education and proclaims the month of January, 1999 "School Board Appreciation Month in Cumberland County". We urge all citizens to join us in recognizing the dedication and hard work of local school board members and in working with them to mold an education system that meets the needs of both today's and tomorrow's children.

C. Approval of a resolution approving the lease for an outdoor advertising sign on the sight of the new DSS building

BACKGROUND: When the County acquired the new DSS building site, it acquired a part of the site through eminent domain. Two outdoor advertising signs were located on that portion of the site at the time of acquisition. One of the signs was taken down as construction has proceeded. The other has not affected any construction and has been on a portion of the site remote from the actual building. The leasing company, The Lamar Companies, has requested that the County allow the sign to continue in place for at least one year term, commencing November 20, 1998, for an annual rental payable upon approval of a lease in the amount of \$2,200.

ACTION: Adopt resolution approving the lease.

RESOLUTION

BE IT RESOLVED by the Cumberland County Board of Commissioners, that it approves and ratifies the Lease dated November 18, 1998, effective as of November 20, 1998, between the County and The Lamar Companies, generally in the form presented to this meeting;

FURTHER RESOLVED, that the County Manager is authorized on behalf of the County and in its name to execute such lease, with such minor changes thereto, as shall be satisfactory to the Office of the County Attorney.

D. Report on formal bid awards of \$100,000 or less approved by management

BACKGROUND: The following formal bids were awarded by management:

n On November 20, 1998 management awarded the bid for a truck chassis for the Building and Grounds Department to the low bidder, LaFayette Ford, in the amount of \$35,061.60. Subsequent to the bid award LaFayette Ford notified the county that they could not deliver the chassis specified by the county. Upon review with the Purchasing Agent and Legal Department, management on December 17, 1998 rescinded the bid award to LaFayette Ford and awarded the bid for the truck chassis to the next lowest bidder, Smith International, in the amount of \$41,292.

n Awarded the bid for workstations for the Office of the Tax Administrator to the low bidder, Office Sales, Inc., in the amount of \$60,270.24 (premium panels).

<u>Company</u>	<u>Average panels</u>	<u>Premium panels</u>
Corporate Interiors		
64" panel system	\$ 65,346.99	\$ 66,875.40
68" panel system	66,032.45	68,522.69
Office Sales	56,780.32	60,270.24
Williams Office Equipment (incomplete bid)	55,955.88	

E. Approval of the resale of Lots 1 & 5 in the County Industrial Park

BACKGROUND: In 1988 the County sold Lots 44 and 45 in the County Industrial Park (recorded as Lots 1 & 5) to Lawrence V. Wooten, Jr., owner of Lawrence packing and Cold Storage, Inc., Mr. Wooten did not develop the lots and several years later defaulted on the terms of a Note and Deed of Trust held

by Triangle Bank. The bank subsequently obtained title to the property through a foreclosure sale. The bank now desires to sell the property to H. Terry Hutchins and Albert O. McCauley. The restrictive covenants for the County Industrial Park site stipulate that in the event an owner of unimproved property in the park desires to sell the property the county will have the first right and option to purchase the property at the same purchase price paid to the county by the original purchaser. Therefore, Triangle Bank cannot sell the property unless the county declines to exercise its option to purchase. Lots 44 & 45 contain approximately 25 acres of which 8.5 acres is considered developable. The developable portion is split into three separate areas ranging in size from 1.74 acres to 4.41 acres. Given these conditions it would not be advantageous for the county to reacquire the land.

ACTION: Elect not to exercise the option to purchase Lots 44 & 45 and allow Triangle Bank to sell the lots to H. Terry Hutchins and Albert O. McCauley.

F. Budget Revisions:

(1) Tax Assessor: Revision in the amount of \$234,000 to appropriate fund balance to budget payment to Tax Management Associates for discovery audits (B99-337) Funding Source - County

(2) Library

(a) Revision in the amount of \$30,730 to convert two full-time positions into six part-time positions (B99-343) Funding Source - County

(b) Increase in revenue/expenditures in the amount of \$51,409 to recognize additional Aid to Public Libraries funds to be used to purchase a vehicle, furniture and equipment (B99-342) Funding Source - State

(3) Community Development

(a) Community Development: Increase in revenue/expenditures in the amount of \$1,694,701 to reprogram unexpended CDBG Entitlement funds from FY98 (\$1,596,019) and to appropriate fund balance (\$98,682) (B99-346 - 350) Funding Source - Federal

(b) CDBG Shelter Grant: Increase in revenue/expenditures in the amount of \$100,694 to reprogram unexpended funds from FY98 (\$80,847) and to appropriate fund balance (\$19,847) (B99-352) Funding Source - Federal

© CDBG Supportive Housing Program Administration: Increase in

revenue/expenditures in the
amount of \$50,156 to reprogram unexpended funds from FY98 (B99-
351) Funding Source - Federal

(d) CDBG Youthbuild: Increase in revenue/expenditures in the
amount of \$1,643 to reprogram unexpended funds from FY98 (B99-
353) Funding Source - Federal

REGULAR AGENDA

2. Nominations to Boards/Committees:

A. Domiciliary Home Community Advisory Committee (2 vacancies)

BACKGROUND: The following vacancies currently exist on the Domiciliary Home
Committee:

Beverly Cooper Declined her reappointment

Annie Helen Williams Resigned

ACTION: Nominate to fill the vacancies

Nominees: Annie Faircloth Bullard
Darlease Wormack

B. Juvenile Crime Prevention Council (5 nominees needed for the following slots)

Person Under 21
Juvenile Defense Attorney
Substance Abuse Professional
Member faith community
Member business community

Nominees: Person Under 21: Kathrine Yarborough
Juvenile Defense Attorney: Cheryl Walton
Additional At-large member: Carol Hessenflow

The following slots still need to be filled: Substance Abuse Professional,
Member of the faith community, Member of the business community
.

3. Appointments to Boards/Communities

A. Housing Appeals Board (3 vacancies)

Nominees: Matthew McKeska

Willie McKoy, Jr.
Susan Mills
Nathaniel Brown

VOTING:

Matthew McKeska: Commissioners Tyson, Melvin, Bacote, King,
Baggett
Willie McKoy, Jr.: Commissioners Tyson, Melvin, Bacote, Warren,
Baggett
Susan Mills: Unanimous
Nathaniel Brown: Commissioners Warren and King

Matthew McKeska, Willie McKoy, Jr. and Susan Mills were appointed.

B. Juvenile Crime Prevention Council (25 vacancies)

MOTION: Commissioner Melvin moved to appoint the nominees whose names are listed below and/or their designees.

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

Nominees: Local School Superintendent/designee
Chief of Police/designee: Lt. Gene Hallock
Local Sheriff/designee: Chief Cuyler Windham
District Attorney/designee
Chief Court Counselor/designee: Richard Alligood
Director of Mental Health/designee: Dorothy Floyd
Director of Social Services/designee: E.C. Modlin
County Manager/designee: Juanita Pilgrim
Chief District Court Judge/designee: Judge Ed Pone
Health Director/designee: Ruby McNair
Parks & Recreation Director/designee: Larry Philpott
County Commissioner: Billy King
United Way/non profit: Dr. Polly Davis (United Way Board Member)
At large positions (6) Sue Thomas, Robin Jenkins, John Clark,
Henry Berry, Bob Searle, Cindy McCormic
Non-Voting Member: George Holder

4. Consideration of Bid Award for integrated tool carrier for the Solid Waste Management Department

BACKGROUND: This item was deferred from the December 21 meeting. The following bids were received:

EF Craven	\$124,091
NC Equipment Co.	\$128,110
LB Smith	\$142,381
COBLE	\$145,950

At the December 21 meeting concerns were raised by Board members on behalf of NC Equipment company regarding E.F. Craven's bid.

CONCERNS

Information which appeared on the Internet report misunderstood indicated that Daewoo Corp. had announced a investor as a minority construction equipment & forklift business to a Group. Daewoo has no plans foreign investor & the elimination of those business forklift business. Lines from Daewoo Heavy Industries.

Parts for the Cummins diesel engine that powers through Daewood Corp.; the Hyundai tool carrier are available from multiple their Greensboro sources, whereas parts for the Daewoo diesel engine prompt response on parts are only available from the Daewoo Corp. a \$200 penalty per working day that working days.

The Hyundai tool carrier is equipped with a 10 foot length for the broom. Hydraulically angled broom whereas the Daewoo tool carrier is equipped with a hydraulically angled carrier is equipped with an 8 foot manually adjustable broom. The Daewood carrier meets the broom specifications. Broom.

NC Equipment bid an extended power train warranty power train is \$6,320 of 5 years or 7,500 hours, whereas E.F. Craven bid bid is \$3,200. The 500 an extended power train warranty of 5 yrs. or 7,000 hrs. the Solid Waste Mgmt. carrier is such that the 7,000 hours.

E.F. Craven charges for mechanic's time/travel to possible to predict what this perform warranty work/ NC Equipment does not. period or whether the between the two bids). (Neither company charges for mechanic's time while actually performing the warranty work).

NC Equipment will perform service from Fayetteville location within

FINDINGS

The news service that released the Daewoo Corp. is seeking a foreign partner in its Heavy Industries to eliminate its construction equipment &

It is true parts are only available however E.F> Craven stock Daewoo parts at facility. As an incentive to assure a orders, the county's contract provides for working day against the vendor for each completed delivery is in excess of two

The bid specs do not require a minimum the Daewood tool carrier is the Daewood carrier meets the broom specifications.

NC Equipment Company's extended compared to E.F. Craven's warrant fewer hours is a moot point because Department's use pattern for the tool 5 year maximum will be reached before

Affirmative; however, it is not Cost will amount to over the warranty cost will exceed the \$4,109, (difference

Vender must provide service support from a

assuring faster service & more efficient time response 100 miles of Fayetteville. E.F. Craven's Greensboro

Company meets the requirement.

The Hyundai tool carrier uses lubes, oils and greases Not a bid specification. Solid Waste also stocks lubes, oils, stocked at Landfill. and greases used by Daewoo carrier.

ACTION: Award bid to E.F. Craven Company or reject bids and rebid the tool carrier with revised specifications.

Commissioner Warren said he would like to see the county get the best value for the money spent. He said the item that concerned him the most was that one of the bidders is a *single source engine supplier* which could present problems for the county in getting parts.

MOTION: Commissioner Warren moved to reject all bids, redo the specifications and rebid.

MOTION DIED FOR LACK OF A SECOND.

MOTION: Commissioner King moved to award the bid to the low bidder, E.F. Craven Company, in the amount of \$124,091.

MOTION DIED FOR LACK OF A SECOND.

MOTION: Commissioner Warren moved to reject all bids, tighten up the specifications and rebid.

SECOND: Commissioner Baggett

DISCUSSION: Commissioner Tyson asked what specifically needed to be addressed in the specifications. Commissioner Warren noted that if we do not need the 7,500 hour warranty we should not include it in the specifications. Commissioner Melvin noted concern about the cost of travel if a company would have to come 100 miles. Commissioner Baggett asked if the width of the angled broom would make a difference in doing the job. Mr. John Bittle, Solid Waste Department, indicated it made no difference. He indicated if the Board is not satisfied then it can go out for bid again.

VOTE: FAVOR: Commissioners Tyson, Melvin, Bacote, Warren, Baggett

OPPOSED: Commissioner King

5. Consideration of a report and recommendation from the County Finance Committee regarding installment financing for vehicles and equipment.

BACKGROUND: Vehicles and equipment in the amount of \$2,600,000 included in the FY99 budget were approved for funding through an installment financing agreement. Requests for proposals were sent out in November. Seven firms responded. The lowest fixed interest rate of 4.33% was quoted by NationsBank. Their proposal also included an escrow funding agreement with

all expenses to be paid by the Lessor. The funds will be placed in an escrow account and drawn down as needed by the County. Included in this agreement is an additional amount of \$1,100,000 for a proposed telephone system. Robert S. Segal, CPA PA and Associates are currently reviewing our telephone needs countywide. Preliminary results reveal that the County could potentially save \$16,500 a month if a PBS phone system is leased or purchased. The cost of the System will be approximately \$1,100,000. This item has not been previously approved by the Board of Commissioners. Management will bring the telephone purchase decision back at a later date when the full review is complete, but financing will be in place if the Board does decide to purchase the new system. The Finance Committee recommends approval of the agreement.

It was noted the \$1,100,000 would be put in an escrow account and used only for the telephone system, if approved by the Board of Commissioners. If the new phone system is not purchased this money will go toward the debt service.

ACTION: Approve the installment financing transaction with NationsBank for an amount up to \$3,730,000.

MOTION: Commissioner King moved to approve.

SECOND: Commissioner Tyson

DISCUSSION: Commissioner Warren asked how long it would be before the Board would receive a recommendation concerning the phone system. Amy Cannon, Finance Director, said it would be in February. Note: COPS would be sold the first of February.

VOTE: UNANIMOUS

6. Consideration of an ordinance establishing the Cumberland County Animal Control Board

BACKGROUND: Chairman Bacote asked the Legal Department to draw up a proposal for an Animal Control Board to replace the Dangerous Dog Appeal Board. The proposal recommends the following:

- n expand the board size from three to five members, allowing for more diverse and representative membership;
- n expand the jurisdiction to hear any appeal from staff determinations on locally-defined matters (beyond the appeals required by state law for potentially dangerous, dangerous or vicious dog determinations) **if** any such appeals are provided for in the forthcoming revisions to the animal control ordinance;
- n provide a forum for citizen advice and information to the Animal Control Department and Management, as well as for recommendations to the Board of Commissioners, regarding the County's animal control program;
- n involve the board with Animal Control Department and the Public Information Director as appropriate to educate the public about

responsible pet ownership, animal cruelty and the County's animal control program.

Currently, the only role of the Dangerous Dog Appeals Board is to hear appeals as required by state law concerning staff determinations of potentially dangerous, dangerous or vicious dogs.

ACTION: Consider whether to adopt the Ordinance establishing the Cumberland County Animal Control Board.

Note: If adopted the Ordinance will be effective March 1, 1999.

MOTION: Commissioner Warren moved to adopt the Ordinance establishing the Cumberland County Animal Control Board.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

7. Consideration of directing management to instruct county departments and agencies to submit budget requests for FY2000 that would not result in an increase in the property tax rate.

BACKGROUND: During the December 29, 1998 County Finance Committee meeting Commissioner Melvin asked management to place this matter on the January 4 agenda.

ACTION: Consider Commissioner Melvin's proposal.

MOTION: Commissioner Melvin moved to direct department heads to submit budgets requests for fiscal year 2000 that would result in reducing the county tax rate or at least one that would help the county hold the line on the property tax.

SECOND: Commissioner Tyson

DISCUSSION: Commissioner Warren noted that he thought the appropriate place to start with the FY 2000 budget was at the revenue neutral position. Commissioner King said he understood the intent; however, he noted there will be a new school coming on-line and it may not be possible for everyone to hold the line. He said it is the responsibility of the department head to submit a budget to provide services for the citizens and it is the Commissioners' responsibility to make the hard choices about whether to approve the budget. Commissioner Melvin noted that department could start looking now, rather than a couple of months down the road, to see where there could be some cuts or reductions in their budget. Chairman Bacote noted the importance of supporting the additional one cent sales tax. He also noted that the City of Fayetteville may not be supportive as they will not receive direct appropriations from the sales tax. Commissioner Warren noted that everyone would benefit from the sales tax if it passes. In clarification, the County Manager indicated when they talk about the department heads submitting a budget to hold the line, they are talking about county funds as opposed to federal and state funds. Mr. Strassenburg noted that this may

be an appropriate time to talk about having a meeting with our legislative delegation. Commissioner Melvin suggested we send a resolution to the delegation supporting the one cent sales tax. He amended his motion as follows:

AMENDED

MOTION: Commissioner Melvin moved to direct department heads to submit a budget reflecting a reduction in the tax rate or one that would at least help the county to hold the line; that we set up a meeting with our County Legislative Delegation and that we approve a Resolution in support of the additional one cent sales tax.

SECOND: Commissioner Tyson

DISCUSSION: Commissioner Tyson noted that he is not committing to any increase in any type of tax. Commissioner Melvin noted that he would rather see the 300,000 plus citizens of this county and visitors to this county help fund our needs than have the ad valorem tax rate increase. Commissioner Tyson said the County should look for ways to cut the ad valorem tax if we get the sales tax. He said we should not pile on the sales tax on the ad valorem tax. Commissioner Tyson said he would support the same resolution he supported last year which approved the Delegation sponsoring a local option sales tax.

VOTE: UNANIMOUS

8. CLOSED SESSION: Property Acquisition and Legal Matter

MOTION: Commissioner King moved to go into Closed Session to discuss property acquisition and a legal matter.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

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

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

County Attorney Neil Yarborough noted that the County has been working on acquiring land for a second industrial park. He noted that Fayetteville Area Economic Development Corporation and county administration recommend that the County execute 3 options to acquire land for a new industrial park. The land is located on Highway 53 in the general area of the Monsanto Company. Cost to acquire the property: Approximately \$2,108,000.

MOTION: Commissioner Talmage Baggett moved to execute the options to purchase the land (485 acres) as described by the County Attorney.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

MEETING ADJOURNED

Clerk to the Board

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