
Minutes
Cumberland County Board of Commissioners
January 25, 1999, 7:00 PM
Special Meeting

PRESENT: Vice Chairman Edward Melvin

Commissioner Talmage Baggett

Commissioner Breeden Blackwell

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

Grainger

Barrett, Senior Staff Attorney

Karen

Musgrave, Staff Attorney

Don

O'Donniley, Planning Director

Roy

Taylor, Planning Staff

Marsha

Fogle, Clerk to the Board

INVOCATION:

Commissioner H. Mac Tyson II

PLEDGE OF ALLEGIANCE

RECOGNITION:

Retirees: George R. Arcenaux - Sheriff's Office
Board Members: Landis Chavis - Mental Health Board
William E. Tew, Jr. - Joint Planning Board

ADJUSTMENTS TO AGENDA:

Additions: Report from the Policy Committee on the discussion concerning the composition of the Cape Fear Valley Health System Board of Trustees.

MOTION: Commissioner Tyson moved to add this item to the agenda.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

Deletions: 1C Zoning Case P98-109 - Petitioner wants to withdraw the case.

2(H) This is a duplication of item 2I

1. PUBLIC HEARINGS

Upon finding the requests to be reasonable, neither arbitrary or unduly discriminatory, and in the public interest, the following motion was made:

MOTION: Commissioner Warren moved that the Board follow the recommendations of the Planning Board on Cases A&B (uncontested rezoning matters).

SECOND: Commissioner King

VOTE: UNANIMOUS

Uncontested Rezoning Cases

A. Case No. P98-106. The rezoning from A1 Agricultural District to R40 Residential District or to a more restrictive zoning classification for an area located on the southwest side of NC HWY

210 and Beaver Dam Church road and being the property of William Bernice and Hettie Maude Simpson

The Planning Board recommends approval of R40.

B. Case No. P98-110. The rezoning from A1 Agricultural District to R10 Residential District or to a more restrictive zoning classification for an area located on the west side of Chicken Foot Road (SR 2252), north of Byerly Drive, and being the property of P. R. and Ena Faye Barker.

The Planning Board recommends approval contingent upon the applicant providing water and sewer to the tract and the site being included in the urban services area.

Contested Rezoning Cases:

C. Case No. P98-109. The rezoning from R6 Residential District to C3 Heavy Commercial District or to a more restrictive zoning classification for an area located on the north side of New Street, east of NC HWY 87, and being the property of Stanley M. and Lisa L. Simmons.

The Planning Board recommends denial of the rezoning.

THE PETITIONER WITHDREW THE CASE.

Other Public Hearings:

D. Change in the Urban Services Area boundaries on the 2010 Land Use Plan Map for the Cypress Lakes Study Area

The Planning Board recommends expanding the Urban Services Area along Chicken Foot and Braxton Roads and removing the area not projected to receive sewer services in accordance with the line on the proposed map in the southeastern quadrant.

SPEAKERS: None

MOTION: Commissioner Blackwell moved to approve the

amendments as recommended by the Planning Board.

SECOND: Commissioner King

DISCUSSION: Commissioner Warren asked if Mr. Blackwell would make two separate motions, i.e., one to delete some of the area and one to add some area to the urban services area boundaries.

Commissioner Blackwell said he would make two motions.

MOTION: Commissioner Blackwell moved to delete 509 acres on the northwestern corner of HWY 87 and Thrower Roads from the Urban Services Area as recommended by the Planning Board.

SECOND: Commissioner King

VOTE: UNANIMOUS

MOTION: Commissioner Blackwell moved to add 588 acres on the southwestern corner of Chickenfoot and Braxton Roads to the Urban Services Areas as recommended by the Planning Board.

SECOND: Commissioner King

**VOTE: FAVOR: Commissioners Blackwell, Tyson, Melvin, King
OPPOSED: Commissioners Baggett and Warren**

E. Public hearing on financing a portion of the New Industrial Park

The County expects to finance up to approximately 25-35% of the total purchase price of its acquisition of three tracts of land intended for the new industrial park through arrangements with two of the three sellers. The terms would extend up to 59 months and the County would make payments in annual installments of principal and interest at 5%. The financing agreement would be secured by a lien on the tracts involved and would not pledge the full faith and credit of the County's taxing power. North Carolina General Statutes require a public hearing on this matter. In view of the schedule for the proposed closings on the purchases, the Office of the County Attorney has caused notice of this proposed public hearing to be published 10 days in advance as required by the statute. Senior Staff Attorney Grainger Barrett recommended the Board approve financing up to 45% of the total purchase price based on a conversation he had with the sellers after this memo was drafted.

ACTION: Approve the financing arrangement to include financing up to 45% of the total purchase price of the acquisition of three tracts of land intended

for the new industrial park..

SPEAKERS: None

MOTION: Commissioner Blackwell moved to approve.

SECOND: Commissioner King

VOTE: UNANIMOUS

2. CONSENT AGENDA

Commissioner Blackwell removed two items from the Consent Agenda for discussion, (Items 2C & 2I)

MOTION: Commissioner Blackwell moved to follow staff recommendations on the items on the Consent Agenda, excepting items 2C and 2I.

SECOND: Commissioner King

VOTE: UNANIMOUS

A. Approval of Minutes: January 4, 1999, January 19, 1999

ACTION: Approve

B. Approval of additions to the State Secondary Road System

Bayfield Subdivision: Frontier Avenue, Brennan Circle, Bonfield Drive

Trailwood Subdivision: Kingsland Drive

Windridge Subdivision: Kalmia Lane, Blaney Court, Byerly Drive, Torhunta Drive

Robinwood Estates Subdivision: Vaughn Road, Addingham Court, Archcrest Court, Belfast Court,

Apsley Court, Foxton Court, Sudbury Drive, Leeds Court, Sandfield Court, Longparish Court, Camforth Court

ACTION: Approve

C. Report on the disposal of Surplus Property pursuant to NCGS 160A-226(a)

BACKGROUND: On June 15, 1998, the Board adopted a resolution founded in the Statutes allowing the Assistant County manager to dispose of certain "personal property, worth less than \$5000 per item or group of similar items, which have become obsolete, unusable, economically unrepairable or otherwise surplus to the needs of the County". The resolution further stipulated that the Assistant County Manager shall render semiannual reports to the Board of Commissioners summarizing disposal between the preceding July 1 and December 31.

ACTION: Include report in the official minutes. SEE ATTACHMENT A TO THESE MINUTES

Commissioner Blackwell asked if the items which were unusable/unrepairable would go to the County Landfill. The response was yes. In addition he asked the value of the surplus property. Cliff Spiller, Assistant County Manager, said the value was zero.

MOTION: Commissioner Blackwell moved to include the report in the Official Minutes.

SECOND: Commissioner King

VOTE: Unanimous

D. Report on the destruction of records for the County Commissioners Office

BACKGROUND: Pursuant to a resolution adopted by the Board of Commissioners on February 4, 1995, the Manager has authorized destruction of County Commissioners Office records noted below. The destruction is in accordance with the Records Retention and Disposition Schedule issued by NC Division of Archives and History and adopted by the Board of Commissioners. The following items are listed for destruction:

- n Commissioners' packets for 1994
- n Correspondence for 1994

E. Approval of a resolution establishing a Custodial Account and Life Insurance Transfer Authorization

BACKGROUND: As a result of the Small Business Protection Act of 1996, several changes were made to the Internal Revenue code Section concerning 457 Deferred Compensation Plans. GASB 32 requires that all assets and income of deferred compensation plans be held in a trust or custodial account.

ACTION: Approve a resolution which fully implements the requirements of GASB 32 by establishing a custodial account and transferring all plan assets for the 457 Deferred Compensation Plan.

RESOLUTION

WHEREAS, the undersigned Cumberland County is the owner of one or more life insurance policies issued to it by Commonwealth Life Insurance Company, Kentucky Commonwealth Life Insurance Company, Peoples Security Life Insurance Company, or Providian Life and Health Insurance Company (the "Policies") in connection with the deferred compensation plan it maintains for its employees (the "Plan") pursuant to Section 457 of the Internal Revenue code of 1986, as amended (the "Code"); and

WHEREAS, as a result of an amendment to the Code, all assets and income of the Plan must be held in a trust, custodial account or annuity contract; and

WHEREAS, the Plan has been amended to reflect the changes required by the amendment to the Code; and

WHEREAS, Cumberland County desires to adopt the Code Custodial Account (the "Custodial Account") to hold assets other than annuity contracts, which will provide benefits for the participants and beneficiaries; and

WHEREAS, as a result of the amendment to the Code, Cumberland County desires to transfer ownership of the Policies to Bank One Trust Company, N.A. (the "Custodian") for the exclusive benefit of the Plan's participants and beneficiaries;

NOW THEREFORE, the undersigned Cumberland County hereby accepts the Code Custodial Account Agreement, adopts the Custodial

Account, authorizes transfer of ownership to the Policies to the Custodian, and designates the Custodian as the beneficiary to the Policies.

F. Confirmation of the appointment of the Community Development Director

ACTION: Confirm the appointment of Thanena Wilson as Community Development Director at a starting salary of \$48,061 per annum effective February 1, 1999.

G. Approval of the revised Manchester Five Mile Fire Insurance Rating District description and map.

BACKGROUND: After the Manchester Fire Department, Inc., disbanded, the County contracted with the town of Spring Lake to provide fire protection service to the area formerly served by the Manchester Volunteer Fire Department. Due to the change the NC Department of Insurance has requested a revised description and map of the District as served by the Spring Lake Fire Department.

ACTION: Approve the revised description and map of the Manchester Five Mile Fire Insurance Rating District.

DESCRIPTION: Beginning at point (1) at the intersection of NC Highway 210N and SR 1600; thence in a southeasterly direction to point (2) on SR 1600, 1.0 miles southeast of NC Highway 210N; thence in a southwesterly direction to point (3) on the Fort Bragg Military Reservation Boundary Line, .6 miles east of its intersection with NC Highway 210N; thence in a southwesterly direction to point (4) on NC 87-24, at the boundary of Fort Bragg and the Spring Lake City Limits; thence in a northwesterly direction to point (5) on SR 1451, 2.6 miles west of its intersection with NC Highway 87; thence in a northerly directly to point (6) on the Cumberland/Harnett County Line, 1.6 miles west of its intersection of NC Highway 87; thence in a easterly direction to point (1) the beginning.

NOTE: This description describes an area of Cumberland County pursuant to General Statutes 153A-233 for Insurance Grading Purposes Only.

NOTE: The city limits of Spring Lake, Fort Bragg and Pope Air Force Base are excluded from this description.

H. Declaration of foreclosed real property as surplus and authorization for sale

THIS ITEM WAS REMOVED FROM THE AGENDA, BECAUSE IT IS INCLUDED IN ITEM I.. Board will declare surplus to the needs of the County in its vote on Item I.

BACKGROUND: The County of Cumberland has acquired by tax foreclosure certain real property located in the County.

<u>Description</u>	<u>PIN</u>	<u>Acquired</u>
0.23 AC. McRae Land 28,847	0424.14-43-9230	12/28/98
Lot 17, Cade Hill Sec 4 46,298	0446.11-55-0177	12/28/98
139-141 Byrd St Lot 17 Dixon Byrd Prop 28,711	0438.19-60-6304	12/28/98
Lot 19 Dixon Byrd Property 2,000	0438.19-60-6356	12/28/98
Lot 18 Dixon Byrd Property 19,530	0438.19-60-6325	12/28/98
Lot 13 H L Dawson Sub 4,800	0438.05-27-2597	12/28/98
Lots 9-10 Blk. P Riverview Est. Sec 5 9,000	0424.04-94-5901	12/28/98

ACTION: Declare the seven tracts surplus and authorize the sale of the foreclosed property by negotiated offer, advertisement, and upset bid pursuant to NCGS 160A-269.

I. Approval of auction of surplus real properties

BACKGROUND: Currently there are 35 parcels that the City and County

jointly own that are surplus to the County's needs. The City has asked that we join in an auction of these properties. They propose to contract with H.B. Smith, Jr., to advertise and conduct the sale. The City and County would divide the proceeds of these parcels pursuant to their respective investments (i.e., taxes, etc.) in the properties. In addition, the County has 81 properties that the Board of Commissioners have previously approved as surplus propose. It is proposed that these properties be included in the sale. LIST OF PROPERTIES FOR SALE - ATTACHMENT B TO THESE MINUTES

ACTION: Declare items surplus to the County's needs and authorize the County to join the City in the auction of jointly and individually owned surplus real property.

Commissioner Blackwell asked if it is possible to estimate total revenues after the split is made between the city and county. The County Attorney said it was split out on a pro rata basis; however it is not possible at this time to estimate revenues.

MOTION: Commissioner Blackwell moved to declare property surplus and authorize the County to joint the City of Fayetteville in the auction of jointly and individually owned surplus real property.

SECOND: Commissioner King

VOTE: UNANIMOUS

J. Budget Revisions:

(1) Health

(a) Family Planning: Increase in revenue/expenditures in the amount of \$4,000 to recognize additional State revenue (B99-499) Funding Source - State

(b) School Health: Increase in revenue/expenditures in the amount of \$4,664 to recognize additional revenue earned (B99-500) Funding Source - Fees

(2) Mental Health

(a) Community Based Alternatives In-Home: Decrease in revenue/expenditures in the net amount of \$57 to

reconcile to CBA Budget (B99-497) Funding Source - State and Fees

(b) Alcohol Drug Women: Increase in revenue/ expenditures in the amount of \$84,442 to establish a Perinatal Substance Abuse Program (B99-498) Funding Source - State

(c) Developmental Disabilities Contracts: Increase in revenue/expenditures in the amount of \$20,000 to recognize an allocation for the Cape Fear UCP Center (B99-502) Funding Source - State

(d) Smart Start: Increase in revenue/expenditures in the net amount of \$40,203 to reconcile to the approved Smart Start contract and to add an Accounting Technician III position (B99-503&504) Funding Source - State

(e) Management Information Services: Revision in the amount of \$82,288 to recognize additional fees and to appropriate fund balance to fund the replacement of a data processing system to comply with State requirements for Y2K (B99-505) Funding Source - Fees and Fund Balance

(f) Managed Care: Revision to reduce appropriated fund balance and contracted services by \$63,586. Funds to be budgeted in Smart Start and management Services (B99-507) Funding Source - Other

(g) Adult-Partial Hospitalization: Revision in the net amount of \$1,500 to replace fees with additional Thomas S funds (B99-506) Funding Source - State

(h) Thomas S Group Home: Revision in the amount of \$10,000 to appropriate fund balance to fund contracted services for rent for a client (B99-512) Funding Source - State

(3) Prepared Food & Beverage/Civic Center: Revision in the amount of \$452,507 to transfer remaining Coliseum Capital Project funds to the Civic Center in order to finish miscellaneous projects (B99-510&510A) Funding Source - Food & Beverage Tax

(4) Tax Assessor: Revision in the amount of \$81,800 to appropriate fund balance to budget additional payments to

Tax Management Associates for tax audits (B99-514) Funding Source - Fund Balance

(5) School Bond Project: Revision in the amount of \$1,261,281 to fund expenditures for the Pine Forest Middle School addition and to approve the associated Capital Project Ordinance (B99-520) Funding Source - G.O. Bonds

(6) Emergency 911 Fund: Revision in the amount of \$114,110 to appropriate fund balance to purchase and install 43 mobile data computers through an intergovernmental transfer from Mecklenburg County (B99-525) Funding Source - Fund Balance

(7) Eufaula Street Capital Project: Revision in the amount of \$19,016 to appropriate fund balance to fund expenditures for Eufaula Street relocation (B99-526) Funding Source - General Fund

REGULAR AGENDA

3. Nominations to Boards/Committees:

A. Juvenile Crime Prevention Council (nominations needed for Substance Abuse Professional, Member Faith Community and Member Business Community)

ACTION: Make nominations for these positions.

NOMINEES:

Substance Abuse Professional: John J. Jones

Member Faith Community: Rev. Donald Overton

Member Business Community: Marshall Pitts

B. Criminal Justice Partnership Advisory Board (1 vacancy)

BACKGROUND: Mrs. Rollin Shaw was serving in one of the two commissioner representative positions on this Board. A commissioner needs to be appointed to fill the position now that Mrs. Shaw is no longer a commissioner.

ACTION: Appoint a commissioner to fill the position.

Commissioner King nominated Commissioner Mac Tyson to serve on the Board.

C: Cumberland County Home and Community Care Block Grant Committee (1 vacancy)

BACKGROUND: Mr. Doy McPhail has resigned from this committee due to health reasons. He was serving in one of the Older Consumer Representative positions on the Committee. His term will expire in April, 2000.

ACTION: Make nominations to fill the vacancy.

MOTION: Commissioner Blackwell moved to direct the Clerk to the Board see if the applicants would qualify for that particular position.

SECOND: Commissioner H. Mac Tyson

VOTE: UNANIMOUS

D. Board of Health (1 vacancy)

BACKGROUND: Ellen Massenburg who is filling the Pharmacist position on this Board has resigned.

ACTION: Make nominations to fill the position.

NOMINEE: Brenda Fonville

E. Nursing Home Advisory Board (2 vacancies)

BACKGROUND: The following positions on the Nursing Home Advisory Board need a replacement:

Robin Edwards: Has not attended any meetings or responded to a letter reference her participation on the Board.

Jacquelyn Moyd: Has not attended any meetings or responded to a letter reference her participation on the Board.

ACTION: Make nominations to fill the vacancies.

MOTION: Commissioner Blackwell moved that the Board seek input from Andrea Wright, the Regional Ombudsman, reference recommendations for this Board.

SECOND: Commissioner Tyson

DISCUSSION: Commissioner King said he did not think we needed to make this a directive. Commissioner Blackwell noted that Ms. Wright had indicated how difficult it is to get people to serve on this committee, and he thought it would help us if she could recommend some people.

VOTE: **FAVOR:** Commissioners Blackwell, Tyson, Melvin, Warren, Baggett

OPPOSED: Commissioner King

4. Appointments to Boards/Committees:

A. Domiciliary Home Community Advisory Committee (2 vacancies)

Nominees; Annie Faircloth Bullard
Darlease Wormack

MOTION: Commissioner Blackwell moved to appoint the nominees.

SECOND: Commissioner King

VOTE: **UNANIMOUS**

B. Juvenile Crime Prevention Council

Nominees: Person Under 21 - Katherine Yarborough
Juvenile Defense Attorney - Cheryl Walton
Additional At-Large Member - Carol Hessenflow

MOTION: Commissioner Warren moved to appoint the nominees by acclamation.

SECOND: Commissioner Tyson
VOTE: UNANIMOUS

C. Community Health Care Council

BACKGROUND: The Board of Commissioners approved the makeup of this Council and letters were set to the appropriate agencies asking for their recommendations on their representative on the Council. All but three have responded with names. Those names will be forthcoming shortly. In addition, the Board of Commissioners must appoint a commissioner to serve on this Council.

ACTION: Confirm the appointments and appoint a commissioner to serve.

Commissioner Warren nominated Commissioner King to serve on this Council.

MOTION: Commissioner Blackwell moved to appoint Commissioner King to fill the commissioner slot on the Council and confirm the other appointees.

SECOND: Commissioner Warren
VOTE: UNANIMOUS

<u>Organization</u>	<u>Appointee</u>
Board of Commissioners	
Commissioner Billy King	
Cape Fear Valley Health System Board of Trustees:	President or
designee	
Columbia Highsmith Rainey Board of Trustees;	Lyndo Tippet
Womack Army Medical Center	Colonel Gene
Fine	
VA Medical Center	Richard J.
Baltz	
Public Health Department	Bea
Matthews	
Department of Social Services	Luther Packer
Mental Health Center	Hank Finch
Southern Regional AHEC	Dr. Gerald
Strand	

Board of Education Wheatley	Diane
Business/Industry (2) Chamber of Commerce	Gary D.
Roach Plant Managers Association	
Physicians: Cape Fear Valley Chief of Staff:	Dr. James
Classen Highsmith Rainey	Dr. David
Stewart Minority Health professionals Organization	Dr. Cornell
Cooley Medical Society Appointees (5): Surgery	Dr.
Michael Bryant OB/GYN	Dr. Johnnie
Jones Psychiatry	Dr. Sam
Fleishman Primary Care	Dr. Chris
Aul Pediatrics	Dr. Larry
Harris Consumers (Appointed by Municipalities): Fayetteville	Dorothy
Fielder Falcon	Joseph P.
Leggett Spring Lake Stedman	Brad Smith Sherri
Roberts Hope Mills	Mr.
Renouard Sanders, Sr. Wade	
Commissioner Ann Long Godwin Linden	
Long Term Care (Mid Carolina)	Carolyn Tracy

5. Presentation regarding the activities of the Cape Fear River Assembly

Mr. Don Freeman, Executive Director of the Cape Fear River Assembly reviewed the mission, the services and functions and the accomplishments. He told the Board that Cumberland County is actually the birthplace of the Assembly. It has been in existence for about 26 years. The mission of the Assembly is to provide for the highest quality of life possible for the residents of the Cape Fear River Basin, through proper management of the Cape Fear River, its tributaries, and adjacent land uses. This mission can be accomplished through our support of efforts to investigate, educate and effectuate. Services provided include a basin-wide context for funding requests, political support and resource management, a forum for discussion and issue resolution by the diverse interests represented within the basin, general coordination of relevant efforts throughout the basin, and a basin-wide commitment to facilitate the completion of needed scientific and economic study, to educate the public regarding the environmental and economic value of this natural resource, and to encourage the development of policy which is most likely to maintain and improve the condition of the Cape Fear river and its tributaries for present and future uses/benefits. Some of the accomplishments include extensive ongoing water quality monitoring (mid, lower), storm event sampling before and after Hurricane Bonnie (lower), fisheries stock monitoring, bid award for the hydrologic modeling project, basin-wide sign campaign, hosted numerous conferences and the most important, act as a basin-wide multiple user group forum.

Mr. Freeman asked the Board of Commissioners to continue to provide support and leadership.

Commissioner King asked if the Assembly is involved with the public school system. Mr. Freeman indicated they were as one of their goals is to educate the public about the river. Commissioner Baggett noted that Mr. Dohn Broadwell is making great strides in conserving land up and down the river and he urged Mr. Freeman to coordinate efforts.

NO ACTION NEEDED

6. Consideration of revisions to the Cumberland County Code, Chapter 12, Article I, Storm Water Management to include limited

storm water quantity activities

BACKGROUND: In April of 1998, The Board of Commissioners approved in concept the proposal to authorize the Storm Water Utility to engage in stormwater quantity activities and directed the Utility's staff to work out technical issues with local engineers and developers. The two groups have been meeting and exchanging ideas and come to the conclusion that the Code should be changed to include quantity issues (limited to the maintenance and repair of existing drainage systems).

These activities would be undertaken without an increase in the monthly service charge rate of one dollar per equivalent service unity. The revenue that is generated from the service charge will be used first to support the Quality Management Program in order to remain in compliance with the joint NPDES Stormwater Discharge Permit issued to the County and the City of Fayetteville. Any revenue remaining after the quality requirements have been met will be directed to the limited stormwater quantity activities. Such funds will be divided between the city and county projects based on the portion of total revenues generated from within the unincorporated area of the county and from within the corporate limits of the city.

ACTION:

1. Adopt and make effective immediately the proposed revisions to the Cumberland County Code, Chapter 12, Article 1, Stormwater Management, to authorize the use of stormwater service charge revenues remaining after meeting the requirements of the Stormwater Quality Management Program on stormwater quantity projects limited to the maintenance and repair of existing drainage systems;
2. Adopt the resolution setting forth the limitations on the use of stormwater service charge revenues for quantity activities and establishing the basis for distributing such funds between projects situated in the City of Fayetteville and in the unincorporated area of Cumberland County.

RESOLUTION

WHEREAS, Cumberland County has previously approved a resolution to establish a monthly service charge per equivalent service unit (ESU) under the Cumberland County Stormwater Public Enterprise Ordinance and designated that the revenues from this service charge were to be used to implement a program designed to address only those elements of

stormwater quality as required by the joint NPDES stormwater discharge permit issued to Cumberland County and the City of Fayetteville; and

WHEREAS, Cumberland County and the City of Fayetteville through an Interlocal Agreement have agreed to jointly manage and operate the stormwater utility for the purposes of providing services within the unincorporated area of Cumberland county and within the incorporated area of the City of Fayetteville,; and

WHEREAS, Cumberland County initiated the service charge, has collected revenue to carry out those elements of the required stormwater quality program;

NOW THEREFORE, THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS HEREBY RESOLVES THAT:

Section 1. The revenue that is collected from the monthly service charge shall primarily be utilized to meet the expenditures of continuing to implement and execute the Stormwater Quality Management Program (SWQMP) in order to remain in compliance with the joint NPDES stormwater discharge permit issued to Cumberland County and the City of Fayetteville. If revenue is available on an annual basis after having met all the requirements of the Stormwater Quality Management Program, this revenue may be spent as further described in Section 2 below to manage and control stormwater quantity related problems but limited to the maintenance and repair of existing drainage systems.

Section 2. The revenue as described in Section 1 above shall be distributed to Cumberland County and the City of Fayetteville respectively to manage and control their stormwater quantity related problems based on the source of the original revenue. This distribution shall be established by determining the amount of revenue that is annually generated by those properties respectively located in unincorporated Cumberland County and the City of Fayetteville. Any available revenue after having met the Stormwater Quality Management Program expenditures shall then be distributed to Cumberland County and the City of Fayetteville according to this same revenue percentage. In other words, if 40% of the total annual revenue is generated from properties located in the unincorporated portion of Cumberland County, then 40% of this available revenue shall be distributed to Cumberland County to manage and control stormwater

quantity related problems in the unincorporated portion of Cumberland County.

Section 3. This resolution shall be effective from and after adoption.

MOTION: Commissioner King moved to approve.
SECOND: Commissioner Warren
VOTE: UNANIMOUS

7. Consideration of the County Finance Committee report and recommendation regarding the County's returned check policy

BACKGROUND: In order to cost effectively handle returned checks, The Legal Department and Finance Department proposes to retain the services of an outside collection agency. The County receives approximately 600 returned checks a year. This equals about three to four returned checks each day that the County is open for business. The average amount of checks collected by all County departments, excluding tax collection, is \$36.11. The average amount of a check returned to the tax department is \$621.81. The typical collection procedure is for a staff person in the department which received the check send a letter requesting payment. If there is no response, a follow-up letter is sent and it is then forwarded to the County Attorney's Office for a third letter and legal action, if necessary. An outside collection agency has the ability to efficiently send out and follow-up on all necessary correspondence, pursue individuals who have left the County and if necessary report these matter to the credit bureau. CDM, a local collection agency, proposes to collect these checks in exchange for the returned check processing fee. There would be no out of pocket cost to the County.

ACTION: Authorize the County staff to retain CDM to handle collection of returned checks for one year.

MOTION: Commissioner King moved to approve.
SECOND: Commissioner Blackwell
VOTE: UNANIMOUS

8. Consideration of Change Order #E-1 for M-R Electric, East Regional Branch Library Project

BACKGROUND: This Change Order is in the amount of \$3,412.00 and is for additional work which includes the installation of an electric stove cook top, removal and relocation of light switches and data and power outlets in certain room locations at the request of the Library Director, the installation of a fire alarm strobe in the kitchenette and strobes replaced in the reading room at the request of the Fire Marshal. Approval of the Change Order will revise the contract amount to \$337,362.00. The final amount of change order work for the electrical contract is \$13,014 of which \$9,602 was charged against the in-contract contingency. The cost of the revised work has been thoroughly reviewed by the Project Architect and approval is recommended. The Change Order will be funded from unspent contingency monies in the General, Mechanical, and Plumbing contracts which total \$63,895.32.

ACTION: Approve Change Order E-1, revise total contract amount to \$337,362.00 and approve associated budget revision (B99-516)

MOTION: Commissioner Warren moved to approve.

SECOND: Commissioner King

DISCUSSION: Commissioner Blackwell asked why these items requiring a change order were not addressed at the beginning of the project. Bob Stanger, County Engineer, noted there is an extensive review of the plans; however these particular items requiring a change order were things the Library Director and Fire Marshal are requesting to be changed at this time. He noted there are almost always some changes that have to be made once you get into the project. Commissioner Blackwell said that citizens who talk to him believe this is a way for the contractor to gain additional income on the project. He said he believed these change orders could be avoided if more attention was given to reviewing the plans at the front end of the project. He said if we tell the public the cost is one thing then we should stick to it, otherwise we have a credibility problem. Commissioner Baggett noted that he appreciated Commissioner Blackwell's comments. Commissioner Tyson asked if the Library Director was given a copy of the plans with an opportunity to make changes prior to construction. The answer was yes.

VOTE: UNANIMOUS

9. Consideration of Change Order #1 for M&E Contracting,

Stedman Recreation Center Project

BACKGROUND: The amount of this Change Order is \$11,645.86 and includes extra work required by the NC Department of Insurance, .e., installation of added metal studs and drywall in the attic space, added doors requiring more demolition work and extra hardware, and an increase in the permit and signage costs.

ACTION: Approve the Change Order #1 in the amount of \$11,645.86, revise the total contract amount to \$365,870.86 and approve associated budget revision (B99-519).

Commissioner Blackwell asked why the Department of Insurance did not review the plans prior to bid requests. Mr. Stanger, County Engineer, noted that a new rule has been passed requiring review of a project of this size. The Department of Insurance had previously not been required to review the project.

MOTION: Commissioner Blackwell moved to approve.

SECOND: Commissioner King

VOTE: UNANIMOUS

10. Consideration of a proposed reservoir feasibility study.

BACKGROUND: Senator Larry Shaw has proposed that a reservoir be developed in Cumberland County that could serve as a source for municipal water supply as well as a site for a state park. Management attended a meeting with representatives of the NC Department of Environment and Natural Resources, Public Works Commission, city and county elected officials and other local public officials reference this matter. The NCDENR representatives indicated that a prerequisite for the state to consider a reservoir/state park is the preparation of a feasibility study that must be sponsored by a local public agency such as the city, county or PWC. The cost for the study is estimated to be in the range of \$30,000 to \$50,000. NCDENR will provide funding equal to one-half cost of the study through the Water Resources Development Project Grant Program. The local public agency sponsoring the project must adopt a resolution to apply for the grant funds. It is possible for PWC and the County to share the cost of the local match. In regard to the related matter reference a state park, a bill (SB 1573) was introduced in the 1998 Session requesting funding for a state

park in Cumberland County. The bill was not enacted. A new bill will be introduced and Chairman Bacote has requested that the Board of Commissioners consider adopting a Resolution supporting the enactment of the new bill.

ACTION:

1. If the Board desires to sponsor a reservoir siting and feasibility study and submit a grant application, adopt a Resolution and authorize management to submit a grant application. The County's share will be \$12,500 if PWC decides to cosponsor the study.
2. If the Board desires to support SB 1573(or a similar bill) adopt a Resolution supporting same.

MOTION: Commissioner King moved to approve both actions.

SECOND: Commissioner Blackwell

DISCUSSION: Commissioner Baggett pointed out the need for a water supply and noted that during the last dry spell only 3 feet covered the intake pipe at the Hoffer Water Plant. Commissioner Tyson asked if we were going to ask PWC to share in the cost of the study. Commissioner Warren said he appreciated the need for a water supply for the county but he did not believe the County would be a suitable place for a reservoir because we are mostly flat and there are a lot of wetlands. He said he could not think of one place in this county or close proximity to this county where the topography would lend itself to a reservoir. Because of this he said he did not believe the expenditure would be money well spent. Commissioner Baggett noted that Commissioner Shaw pointed out those same drawbacks stated by Commissioner Warren and that we would have to use existing locations of excavation or excavate new sites.

VOTE: **FAVOR:** Commissioners King, Blackwell and Baggett
OPPOSED: Commissioners Warren, Melvin and Tyson

MOTION DID NOT CARRY.

11. Consideration of canceling the March 1, 1999 Board meeting.

BACKGROUND: At least four commissioners will be attending the NACo Legislative Conference, February 27 - March 2, 1999. Therefore, a quorum of commissioners will not be present for the March 1 meeting.

ACTION: Cancel the March 1 meeting and determine if you wish to reschedule.

MOTION: Commissioner Warren moved to cancel the meeting and defer all items to the March 15 regular meeting of the Board of Commissioners.

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

12. Report/recommendations from the Policy Committee regarding the composition of the Hospital Board of Trustees.

The County Policy Committee met on January 21, 1999 and discussed with some of our local physicians and a representative from Cape Fear Hospital the issue of Board composition. The Policy Committee's recommendation is that a Special Meeting be called by the Hospital Board of Trustees to meet with the physicians to discuss their concerns relative to this issue. Commissioner Baggett relayed that the physicians feel they have a very limited voice on the Hospital Board. Commissioner Tyson pointed out that prior to the time all commissioners served on the Hospital Board of Trustees, the hospital did not really prosper very well. He said the commissioners need to be involved on the front end of all issues at the hospital so they are better informed.

NO ACTION NEEDED

13. CLOSED SESSION: Economic Development Matter

MOTION: Commissioner King moved to go into Closed Session to discuss an economic development matter.

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

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

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

MOTION: Commissioner Tyson moved to adjourn.

SECOND: Commissioner King

VOTE: UNANIMOUS

MEETING ADJOURNED: 8:35 PM

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