
Minutes
Cumberland County Board of Commissioners
May 3, 1999, 9:00 AM
Regular Meeting

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

INVOCATION: Commissioner Ed Melvin
Rev. Tony Buchanan, Carrolls Memorial

Baptist Church

PLEDGE OF ALLEGIANCE

RECOGNITION: County Retiree: Betsy Currence, Legal Department

PRESENTATION: Salvation Army

Captain Cundiff, Salvation Army, presented donation of a tract of property to the County for the school system. The property is located adjacent to Pauline Jones Elementary School.

1. PUBLIC HEARINGS

A. Proposed 1999-2000 Secondary Roads Improvement Program for Cumberland County.

BACKGROUND: The purpose of the Public Hearing is to receive public comments on the NC Department of Transportation's FY99-00 Secondary Roads Improvement Program for Cumberland County.

Mr. Ray Stone presented the Program to the County as follows:

1999-2000 Secondary Road Construction Program

Cumberland County

Secondary Road Construction Allocation \$
623,067

Highway Trust Fund Allocation
538,579

Secondary Road Construction Bond Allocation
562,482

Total Secondary Road Construction Funds Available
1,724,128

Maintenance Operations:
165,267

Funds required to supplement secondary road maintenance operations to be used for:

Stabilization

of unpaved roads with stone or local materials; Widening of paved secondary roads; Drainage Improvement; Safety Projects.

Secondary Construction: \$	74,998
Highway Trust Fund:	90,269

Reserve for Contingencies:
350,861

Funds to be used for road additions; surveys & right-of-way; overdrafts; property owner participation paving; paving of rural fire departments and rescue squads; continuation of paving down the priority list.

Secondary Construction: \$	170,069
Highway Trust Fund	83,310
Secondary Construction Bond	97,482

Paving Program:
1,208,000

Paving of unpaved roads in priority order from the Rural & Residential/ Subdivision priority lists.

The Department will secure right-of-way, if right-of-way is unobtainable on any road, then the program will be extended down the priority lists until available funds are expended.

Secondary Construction	\$	378,000
Highway Trust Fund		365,000
Secondary Construction Bond		465,000

Cumberland Rural Priority

Priority Number 10F:	SR 2223	From SR 2233 to SR 2221
2.00 miles		
Grade, Drain, Base, and Pave	Est. Cost: \$280,000	Prev. Funding:
\$25,000 FY00:	\$255,000	
Priority 11:	SR1902	From US301 to Dead End
0.35 miles		
Base and Pave	Est. Cost: \$30,000	Prev. Funding:
\$30,000 FY00:	0	
Priority 12:	SR 1817	From SR1817 to SR 1005 .90
miles		
Grade, Drain, Base, and Pave	Est. Cost: \$120,000	Prev. Funding:
\$10,000 FY00:	\$110,000	
Priority 13:	SR2579	From SR1605 to Dead End .47 miles
Base and Pave	Est. Cost: \$40,000	Prev. Funding:
\$40,000 FY00:	0	
Priority 14:	SR2249	From SR2244 to SR2250
1.84 miles		
Base and Pave	Est. Cost: \$75,000	Prev. Funding:
\$75,000 FY00:	0	
Priority 15:	SR1842	From SR1006 to NC 24
0.75 miles		
Grade, Drain, Base, and Pave	Est. Cost: \$113,000	Prev. Funding:
\$0 FY00:	\$113,000	
Priority 16:	SR1825	From SR1818 to SR1826
1.40 miles		
Grade, Drain, Base, and Pave	Est. Cost: \$185,000	Prev. Funding:
\$0 FY00:	\$185,000	
Priority 17:	SR2247	From SR2244 to SR2233
0.60 miles		
Grade, Drain, Base and Pave	Est. Cost: \$80,000	Prev. Funding: \$0
FY00:	\$80,000	
Priority 18:	SR2281	From SR2274 to Dead End .80 miles
Base and Pave	Est. Cost: \$65,000	Prev. Funding:

\$0 FY00: \$65,000

Priority 19: SR2048 From NC210 to Bladen Co. Line .25 miles

Grade, Drain, Base, and Pave Est. Cost: \$35,000 Prev. Funding: \$0 FY00: \$35,000

Priority 20: SR1101 From SR1100 to Begin Pavement .60 miles

Grade, Drain, Base, and Pave Est. Cost: \$90,000 Prev. Funding: \$0 FY00: \$90,000

Priority 21: SR2045 From NC53 to SR1002 .90 miles

Grade, Drain, Base, and Pave Est. Cost: \$125,000 Prev. Funding: \$0 FY00: \$125,000

Priority 22: SR2030 From NC210 to SR2041 3.30 miles

Grade, Drain, Base, and Pave Est. Cost: \$430,000 Prev. Funding: \$0 FY00: \$150,000

TOTAL MILEAGE: 14.16 MILES

TOTAL FUNDING: \$1,208,000

Notes: 1. Attached list of 16 roads with unattainable right of way on the Rural & Residential/ Subdivision List

2. Priority numbers 1-10 on the Rural List are frozen as required by GS136-44.7. Currently, #3F

(SR1720A) has R/W problems and will not be paved until conflicts are resolved.

All

remaining are paved, under construction or in R/W negotiations.

**List of Roads with Unavailable Right of Way
1997 - 2000
Cumberland County**

Rural Roads

<u>Priority</u>	<u>SR Number</u>	<u>Name</u>	<u>Length</u>
1	2227	Simmons Road	0.96
<u>Priority</u>	<u>SR Number</u>	<u>Name</u>	<u>Length</u>
2	2232	Marsh Road	1.58
3	1610	Reeves	3.41

4	1821	Centerfield Circle	0.55
5	1856	Elva Wallace	0.82
6	2248	Canady Road	1.30
7	1818	Budd Geddie	0.14
8	1720B	None	1.50
9	1707	Carlos	1.90
10	1724	Cooper	1.00
11	2230	Jim Hair Road	0.25

Subdivision/Residential Roads

1	3080	McInnis Street	0.33
2	2006	Peteland Drive	0.30
3	2431	N. Betty Street	0.17
4	2321	Womble Drive	0.42
5	2742	Quilliam, Shaber	0.13

Summary

Number of Roads on List:	16
Total Length of Roads:	14.76
Total Length of Roads w/50 or more ADT:	14.76

SPEAKERS: NONE

ACTION: Approve the NC DOT FY99-00 Secondary Roads Improvement Program for Cumberland County.

Commissioner Warren asked how SR2024 ranks in the Program. Mr. Stone indicated it ranked #28. Chairman Bacote asked about Draper Road. Mr. Stone noted that some of the people living on that road would not give rights of way to the Transportation Department. Until that happens, the road cannot be paved. Commissioner Baggett asked how many miles of unpaved rural roads remain to be paved. Mr. Stone said there are about 20 miles of road that need to be paved; however, he noted that figure continues to change.

Chairman Bacote asked Lyndo Tippet, member of the Board of Transportation, about the road into the Coliseum. Mr. Tippet noted the NCDOT has appealed to the Secretary of the Army to see if they would reverse their decision concerning this road and allow this entrance into the Coliseum.

Commissioner Warren asked what the Board should do to support the bill that was introduced to preserve funds within the highway districts. Mr. Tippet said that the bill has passed the Senate, but failed to get out of committee in the House. The Senate Bill

will be used and presented to the House for approval. He thanked the Board for adoption of the Resolution in support of the Bill. In response to a question, Mr. Tippet noted that the Bill would hurt some areas, but would be an asset for Cumberland County. Mr. Tippet noted the Transportation Committee will be meeting on May 12 and suggested some commissioners go up and speak at that time in support of the Bill.

Commissioner Tyson thanked Mr. Tippet for his effort and specifically asked for help with the Hope Mills by-pass.

MOTION: Commissioner Warren moved to approve the 1999-2000 Secondary Roads

Improvement Program for Cumberland County.

SECOND: Commissioner King

VOTE: UNANIMOUS

B. Renaming of roads within the Godwin/Falcon Fire District (continued from the April 19, 1999, Board Meeting)

BACKGROUND: At the April 19, 1999 meeting the Board directed Staff to contact the Godwin-Falcon Volunteer Fire Department to address its concerns about the name change on portions of Godwin-Falcon Road to Main Street and N. West Street. Mr. Mike Osborne spoke with Chief McIntrye who said he would like for the Godwin-Falcon Road to remain as it is. Commissioner Baggett said that name has been with that road for a very long time and it would not be beneficial to change the name. He also noted that annexations probably would not be an issue as there have been no annexations in that area since 1905.

SPEAKERS: NONE

ACTION: Determine if you wish to change the street names as noted above.

MOTION: Commissioner Baggett moved to approve the name changes as follows:

∩ S. West Street - extend to the intersection of Sherrill Baggett Rd (SR1806);

∩ Fayetteville Road (SR1005) - extend from the town to the intersection of Sherrill Baggett Road;

∩ Segment between Sherrill Baggett Road and Town of Godwin will remain as Godwin-Falcon Road;

∩ From town limits westward to Burnett Road - Main Street

SECOND: Commissioner King

VOTE: UNANIMOUS

2. CONSENT AGENDA

Commissioner Blackwell asked that the following items be pulled from the Consent Agenda:

Item 2J(5) and Item 2L

Item 2J(5) Bid Award for Articulated Dump Truck (Solid Waste Management)

The following bids were received on April 20, 1999:

Gregory Pool:	\$291,609
L.B. Smith:	\$295,657
R.W. Moore:	\$199,700

The bid submitted from R.W. Moore does not meet specs.

ACTION: The Staff recommends the bid be awarded to Gregory Poole Equipment Company for \$291,609.

Commissioner Blackwell indicated he had some questions concerning this item, about the piece of equipment that was bid. Cliff Strassenburg, County Manager, indicated the bid was awarded to Gregory Poole in the amount of \$291,609, because it meets specifications and is the lowest bid. A letter from L.B. Smith, Inc. dated April 28, 1999 was sent to the Board of Commissioners stating that the Board should not accept the bid of Gregory Poole for the Caterpillar D 300E because it is not their current production model. Mr. Strassenburg said he contacted Caterpillar and at the time the equipment was bid the most current model was the D 300E. A new machine is currently in production; however, it was not available at the time of the bid and not on the market. Mr. Strassenburg said it is the Staff's recommendation that the bid be awarded to Gregory Poole.

Item 2L: Approval of a Reimbursement Resolution for the Winding Creek Renovation Project

Commissioner Blackwell said he would like to vote for the other items on the Consent Agenda, but would like the opportunity to vote in opposition to this item.

MOTION: Commissioner Warren moved that the Board vote on this item separately.

SECOND: Commissioner Blackwell

VOTE: FAVOR: Commissioners Blackwell, Warren and King

OPPOSED: Commissioners Tyson, Melvin, Bacote and Baggett

Commissioner Tyson noted that that Item K, which is the approval of the transfer of Hoke County waterlines in Cumberland County to PWC, is an example of what is happening in the most populated area of Cumberland County without running it by the Board of Commissioners, prior to action by the Fayetteville City Council.

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

SECOND: Commissioner Tyson

SUBSTITUTE

MOTION: Commissioner Blackwell moved that Item L on the Consent Agenda be voted on separately.

SECOND: Commissioner Tyson

DISCUSSION: Commissioner Baggett said he did not want to deny Commissioner Blackwell an opportunity to comment on this item. Commissioner Blackwell said he did not want to comment on the item, but simply vote against it.

Chairman Bacote ruled Commissioner Blackwell's Substitute Motion out of order, as it was the same motion previously made by Commissioner Warren.

VOTE ON ORIGINAL

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

A. Approval of Minutes: April 19, 1999; April 22, 1999

ACTION: Approve

B. Approval of the Community Development 1999 Annual Action Plan

BACKGROUND: A public hearing was held and the draft plan was presented to the Board of Commissioners on April 19, 1999 as required by Federal regulation and as outlined in the Citizen Participation Plan. The draft has been available for a 30-day citizen review and comment period throughout the County that will expire on May 12, 1999. All comments received will be addressed by the Community Development Director within 15 days of receipt and forwarded to HUD with the Action Plan.

ACTION: Approve

C. Approval of the Community Development Residential Antidisplacement and Relocation Assistance Plan

BACKGROUND: The Uniform Relocation Act addresses displacement of persons through HUD-assisted projects. Displacement occurs when a person or their property is displaced as a direct result of federally assisted acquisition, demolition or rehabilitation. HUD requires program administrators to take all reasonable steps to minimize displacement as a result of a HUD-assisted program. This means (1) considering during feasibility determinations whether displacement will occur; (2) assuring, whenever possible, that

residential occupants of buildings to be rehabilitated are offered an opportunity to return; (3) planning rehabilitation projects to include "staging" where this would minimize displacement; and (4) following notification and advisory services procedures carefully to assure that families do not leave because they are not informed about plans for the project or their rights.

ACTION: Approve the Plan (The Plan is located in the Office of Community Development).

D. Approval of the funding application to the State Criminal Justice Partnership Program for the Day Reporting Center for FY2000.

BACKGROUND: The Board of Commissioners must approve the Continuation Application to the State Criminal Justice Partnership Program for the Day Reporting Center. The application is in the amount of \$270,093 for FY2000.

ACTION: Approve

E. Approval of Proclamations and Resolutions

(1) May 10-16, 1999 - "Cumberland County Law Enforcement Officers Week"

PROCLAMATION

WHEREAS, Cumberland County recognizes the heroism of all law enforcement officers who have died in the line of duty, giving their lives to protect and serve the citizens of our County; and

WHEREAS, Cumberland County has lost eleven officers in the line of duty; and

WHEREAS, a permanent memorial has been erected in memory of those fallen officers and placed on the grounds of the Cumberland County Courthouse and Law Enforcement Center.

NOW THEREFORE, the Cumberland County Board of Commissioners hereby proclaims May 10-16, 1999, as "Cumberland County Law Enforcement Officers Week", and asks all citizens of Cumberland County to make a strong commitment about the value American society places on the contributions of those who serve their community in potentially dangerous circumstances, especially the sacrifice made by our law enforcement officers who have given their lives protecting and serving Cumberland County.

ACTION: Approve

(2) May 12, 1999 "Cumberland County Mental Health Center Day"

PROCLAMATION

WHEREAS, the Cumberland County Mental Health Center has provided help and hope to those in need of mental health assistance in Cumberland County for thirty years; and

WHEREAS, the guiding principles of community mental health care have always been comprehensiveness, cost-efficiency, effective management, and high quality and consumer-responsive services; and

WHEREAS, through the provision of good mental health services and practices, many costly and debilitating illnesses can be reduced or eliminated; and

WHEREAS, the Cumberland County Mental Health Center exists as an organization of caring professionals and concerned volunteers to prevent and treat mental illness, substance abuse and developmental disabilities.

NOW, THEREFORE the Cumberland County Board of Commissioners hereby proclaims May 12, 1999 "Cumberland County Mental Health Center Day".

ACTION: Approve

(3) May as "Mental Health Month in Cumberland County"

PROCLAMATION

WHEREAS, mental health is critical for the well-being and vitality of our families, businesses and communities; and

WHEREAS, mental illness will strike one in four Americans in a given year regardless of age, gender, race, ethnicity, religion, or economic status; and

WHEREAS, one in five children suffer from a diagnosable mental or emotional disorder, and one in ten have a serious disorder which, if untreated, can lead to school failure, addiction, and even suicide; and

WHEREAS, mental disorders, collectively, make mental illness the most prevalent health problem in America today - more common than cancer, and lung and heart disease combined; and

WHEREAS, the guiding principles of community mental health care have always been comprehensiveness, cost-efficiency, effective management, and

high quality and consumer-responsive services; and

WHEREAS, the National Mental Health Association, the National Council for Community Behavioral Health Care and their partners celebrate Mental Health Month each year in May to raise awareness of mental health, mental illnesses, and insurance discrimination against people with mental illnesses.

NOW, THEREFORE the Cumberland County Board of Commissioners hereby proclaims May, 1999, "Mental Health Month" in Cumberland County.

ACTION: Approve

(4) Resolution in Support of Placing All Programs Traditionally in the Division of Environmental Health under the Organization of the Department of Health and Human Services.

BACKGROUND: The Board of Health has adopted this Resolution and requests the Board of Commissioners to do likewise.

RESOLUTION

WHEREAS, delivery of environmental health services to the citizens of North Carolina is carried out at the county level by local health department employees; and

WHEREAS, delivery of environmental health services at the local level is funded by local dollars (97% local and 3% state); and

WHEREAS, environmental health services at the local level include on-site wastewater (i.e., septic systems) food, lodging and institutional sanitation (restaurants, nursing homes, food borne disease investigation) child care sanitation, child lead program, swimming pools, rabies control, safe drinking water; and

WHEREAS, having two different proposed State Environmental Health authorities for local health departments is inefficient and will cause regulatory confusion for the public and severely impact centralized training, authorization, regulatory direction and uniformity; and

WHEREAS, the NC Association of County Commissioners, the NC Association of Local Health Directors, the Association of NC Boards of Health, the NC Environmental Health Supervisors' Association, and the NC Public Health Association have endorsed the position to keep environmental health programs under the State Health Director.

NOW THEREFORE BE IT RESOLVED the Cumberland County Board of Commissioners strongly supports the need to ensure that all aspects of environmental health be under the organizational structure of the Department of Health and Human Services in order to continue to provide the most effective regulatory program for the citizens of North Carolina for the protection of the public health and preservation of the environment.

ACTION: Approve

(5) Resolution in Opposition to a Proposal that would have North Carolina Counties fund 50% of the Non-Federal Share for Mental Health Medicaid Services

BACKGROUND: Governor Hunt has submitted a proposal to the General Assembly to increase from 15% to 50% the non-federal share for Mental Health Medicaid Services to be paid by counties. This proposal would increase Cumberland County's financial burden.

ACTION: Approve Resolution

RESOLUTION

WHEREAS, Cumberland County is one of one hundred counties in the State of North Carolina dedicated to the principles of accountability, fiscal responsibility, and good government; and

WHEREAS, North Carolina is one of only seven states which requires counties to match Medicaid costs; and

WHEREAS, Governor Jim Hunt is proposing to increase from 15% to 50% the non-federal share for Mental Health Medicaid Services paid by North Carolina counties; and

WHEREAS, this type of unfunded mandate will place a severe financial burden on Cumberland County and its taxpayers.

NOW, THEREFORE BE IT RESOLVED that the Cumberland County Board of Commissioners hereby requests the Cumberland County Delegation to the North Carolina General Assembly to oppose any legislation that would increase the Medicaid funding burden on North Carolina counties.

F. Approval of granting an easement for electrical service to PWC for the new DSS Building

BACKGROUND: The easement would provide for the installation and maintenance of electrical and telephone lines and facilities to serve the new DSS Building.

ACTION: Approve

G. Approval of granting an easement for a telecommunications substation to Carolina Telephone and Telegraph for the new DSS Building

BACKGROUND: This easement would provide for the location of a telecommunication substation on the DSS Administration Building property. The location of the substation is south of the intersection of Hillsboro Street and the new entrance to the new building. The proposed substation is 18' wide by 18' long by 10' high and will be constructed of materials similar in appearance to the DSS Building.

ACTION: Approve the easement.

H. Approval of a resolution authorizing the filing of an application for state acquisition and relocation funds to supplement the Hazard Mitigation Grant Program.

BACKGROUND: In September, 1996, Cumberland County was declared a Presidential Disaster area as a result of Hurricane Fran thus allowing Hazard Mitigation Grant Program funding. A grant has been approved for the acquisition of three homes within Arran Lakes subdivision. The maximum federal share of funding for the HMGP projects is 75%. The remaining 25% is comprised of state or local funds. For Hurricane Fran, the State is providing the 25% match. Although the HMGP will pay for all acquisition costs; it will not pay for relocation assistance for the displaced families. Therefore the NC Department of Commerce's State Acquisition and Relocation fund (SARF) has reserved \$22,930 to assist the County of Cumberland with its HMGP project. The state funds may be used for:

- ∅ relocation assistance to homeowners whose homes are acquired in the HMGP project;
- ∅ administrative costs for HMGP project and associated SARF-funded activities;
- ∅ unexpected needs that may arise during the project which are necessary to complement the mitigation project with prior approval from the Mitigation Advisory Group.

Prior to award of the State Acquisition and Relocation Funds, the County, as applicant, must adopt a resolution authorizing the filing of the application and must certify to several conditions state in the resolution.

ACTION: Adopt the Resolution.

RESOLUTION AUTHORIZING THE FILING OF APPLICATION FOR
STATE ACQUISITION AND RELOCATION FUNDS (SARF)
TO SUPPLEMENT THE HAZARD MITIGATION GRANT PROGRAM (HMGP)
CUMBERLAND COUNTY, NORTH CAROLINA

WHEREAS, the State of North Carolina has committed funds, State Acquisition and Relocation Funds (SARF), to assist projects approved for the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program (HMGP), as a result of Hurricane Fran in September, 1996;

WHEREAS, the County of Cumberland has been granted Hazard Mitigation Grant Program (HMGP) approval for acquisition of three homes within the Arran Lakes subdivision;

WHEREAS, the Hazard Mitigation Grant Program (HMGP) will not provide relocation assistance for the families displaced by the acquisition program;

WHEREAS, the County of Cumberland intends to apply for, and if granted to provide, State Acquisition and Relocation Funds (SARF) as a supplement for relocation assistance to the families participating in the Hazard Mitigation Grant Program (HMGP);

WHEREAS, the acquired properties will become the property of Cumberland County and restored to open space and will remain as such permanently;

WHEREAS, the State Acquisition and Relocation Funds (SARF) program requires the following certifications from the applicant:

The County of Cumberland, State of North Carolina, hereby agrees and certifies that if it receives any State aid as a result of the State Acquisition and Relocation Funds (SARF) project application, it will accept responsibility, at its own expense if necessary, for the following:

1. The County of Cumberland will comply with all applicable federal and state laws, regulations, rules and Executive Orders;
2. The County of Cumberland possesses legal authority to apply for the grant, and to execute the proposed program;
3. The County of Cumberland's governing body has duly adopted or passed, as an official act, a resolution, motion or similar action authorizing the filing of the application and to provide such additional information as may be required;
4. The County of Cumberland will give the State Department of Commerce and the State Auditor through any authorized representative access to and the right to examine all records, books, papers or documents related to the grant;

5. The County of Cumberland will establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties; and

6. The County of Cumberland will insure that all properties on which grant funds are expended meet the requirements of the local floodplain ordinance, and will require all owners of such properties to meet any flood insurance requirements per the National Flood Insurance Program (NFIP) regulations.

The purpose of this agreement is to make clear the applicant's responsibilities following project award and to show the applicant's acceptance of these responsibilities. It does not replace, supersede, or add to any other responsibilities imposed by Federal law or regulation and which are in force on the date of project award.

NOW THEREFORE, Cumberland County has certified the above agreement and authorized the filing of application for State Acquisition and Relocation Funds (SARF) on behalf of the participants of the approved Hazard Mitigation Grant Program (HMGP) acquisition project.

I. Approval of the Work Force Development Center's Jobs Training Plan for Program Year 1999.

BACKGROUND: Annually the Board of Commissioners must review and approve the County Work Force Development Center's Job Training Plans. The Plan has been advertised in the Fayetteville Observer/Times for public review and comment.

ACTION: Approve the Plans for Program Year 1999.

J. Approval of Bid Awards:

1. Site Improvements for the Lake Rim Park, Phase B Construction (Recreation Department)

BACKGROUND: Bids were received for construction of Lake Rim Park Phase B Site Improvements (ATTACHMENT A of these Minutes). The Project involves the construction of two tennis courts, two volleyball courts, a 125' youth baseball field, a 225' x 550' multi-purpose field, a 49 vehicle parking lot and concrete walks. The low bid was submitted by Wellons Construction of Dunn in the amount of \$382,727.75. An owner contingency in the amount of \$25,000 is included in the contract amount awarded to Wellons. The contingency amount is to be used for change order work with the approval of the

County. There is \$251,442 in the department's Capital Improvement Budget for the project. The balance of \$131,285.75 is to be funded from the Recreation Fund Balance in which sufficient monies are available. The tennis courts, volleyball courts and multi-purpose field are Parks and Recreation Trust Fund Grant elements.

ACTION: Award the bid to Wellons Construction of Dunn in the amount of \$382,727.25, which includes the base bid and a \$25,000 owner contingency, and approve associated budget revision (B99-719).

2. Park building for the Lake Rim Park, Phase B Construction.

BACKGROUND: Bids were received on April 20, 1999 for construction of Lake Rim Park Phase B Park Buildings.

United Developers, Inc.:	\$401,605.05
M&E Contracting, Inc.	\$433,446.00
Ellis-Walker Builders, Inc.:	\$477,505.00
Shaw Construction Co., Inc.:	\$573,510.00

The project involves the construction of a 1,618 square foot administrative building, an 800 square foot maintenance building and a 28' x 60' picnic shelter with attached restrooms.

ACTION: Award the bid to United Developers, Inc., in the amount of \$401,605.05 which includes the base bid, alternate #1 and a 5% owner contingency.

3. Integrated tool carrier (Solid Waste Management)

BACKGROUND: The following bids were received:

NC Equipment Company:	Tool Carrier w/attachments:	\$99,798.00
	Extended Warranty:	4,890.00
	Total Bid:	\$104,688.00
R.W. Moore	Tool Carrier w/attachments:	\$126,000.00
	Extended Warranty:	4,300.00
	Total Bid:	\$130,300.00

ACTION: Award the bid to NC Equipment Company in the amount of \$104,688.00.

4. Wheel loader (Solid Waste Management)

BACKGROUND: The following bids were received:

NC Equipment Company:	\$135,929.00
Gregory Poole	\$150,544.00
E.F. Craven	\$108,886.00
R.W. Moore	\$157,500.00

ACTION: Award the bid to E.F. Craven in the amount of \$108,886.00.

5. Articulated Dump Truck (Solid Waste Management)

BACKGROUND: The following bids were received:

Gregory Poole:	\$282,329.00;	Extended Warranty:	\$9,280;	Total:
				\$291,609.00
R.W. Moore:	\$190,000.00;	Extended Warranty:	\$9,700;	Total:
				\$199,700.00
LB Smith:	\$279,957.00;	Extended Warranty:	\$15,700;	Total:
				\$295,657.00

Note: R.W. Moore did not meet specifications.

ACTION: Award the bid to Gregory Poole Equipment Company in the amount of \$291,609.

This bid meets all bid specifications and is the lowest bid.

K. Approval to transfer Hoke County waterlines situated in Cumberland County to PWC.

BACKGROUND: Cumberland County entered into a contract and Agreement dated March 20, 1991, with Hoke County to allow Hoke County to extend water lines into southeastern Cumberland county. The agreement gives Cumberland County the right to purchase those lines when PWC extends its water system into that area, as has now occurred. PWC has negotiated directly with Hoke County to acquire the lines and has agreed on a purchase price for them. If Cumberland County buys the lines as contemplated in the Agreement, it would then turn around and convey the lines to PWC for a similar price. It would be just as simple to assign the County's purchase right to PWC and for PWC to deal directly with Hoke County. Once PWC's purchase is closed, it may then be appropriate to terminate the Agreement with Hoke County.

ACTION: Assign the County's purchase right under the Agreement to PWC and authorize the County Manager to execute appropriate documents, and following closing of PWC's purchase, agree to terminate the Agreement.

L. Approval of a Reimbursement Resolution for the Winding Creek Building Renovation Project.

BACKGROUND: Now that the Commissioners have approved award of construction contracts for the Winding Creek Project, it is appropriate to consider adopting a Reimbursement Resolution to allow the County to repay from certificates of participation issued to finance the project certain preliminary expenditures incurred after the adoption of this Resolution.

ACTION: Approve the Resolution.

RESOLUTION CONCERNING INTENT REGARDING WINDING CREEK
CAPITAL CONSTRUCTION PROJECT AND AUTHORIZATION FOR
REIMBURSEMENT OF PRELIMINARY EXPENDITURES

WHEREAS, the Board of Commissioners (the "Board") of the County of Cumberland, North Carolina (the "County"), intends to finance through the issuance on behalf of the County of up to \$3,000,000 in certificates of participation under the General Statutes of North Carolina, to fund renovations for the Cumberland County Mental Agency Winding Creek Capital Construction Project; and

WHEREAS, the County intends to renovate and construct the Winding Creek site as an office and client service center, and related functions, for the Cumberland County Mental Health Agency (the "Project") and the Board expects to consider financing a portion of the costs of the Project with certificates of participation issued at the same time that the County's new Jail Project is financed through the issuance of additional certificates of participation (the "COPS") for such purposes, among other things; and

WHEREAS, certain costs of the Winding Creek Project may be incurred prior to the issuance of the COPS and the Internal Revenue Code of 1986, as amended, and applicable regulations generally require that for such expenditures to be reimbursed from the proceeds of the COPS there must be evidence of an intent that such reimbursement occur prior to the initial expenditure; and

WHEREAS, the Board wishes to adopt this resolution expressing such intent in furtherance of the issuance of the COPS;

NOW THEREFORE, the Board of Commissioners of the County of Cumberland, meeting in regular session on May 3, 1999, in Fayetteville, North Carolina, does the following:

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CUMBERLAND, NORTH CAROLINA:

1. The Board hereby evidences its intent that any proceeds spent on the Project, up to a maximum amount of \$3,000,000 (unless such amount is increased by the Board), may be reimbursed from proceeds of the COPS or other obligations of the County issued for such purpose.
2. All resolutions or parts thereof in conflict herewith are hereby repealed.
3. This resolution shall take effect immediately.

M. Budget Revisions:

1. Health Department

a. Environmental Health: Increase in revenue/expenditures in the amount of \$14,643 to recognize additional State funding to be used for supplies & equipment (B99-699) Funding Source - State.

b. Immunization Clinic: Increase in revenue/expenditures in the amount of \$6,000 to recognize additional revenue to be earned (B99-707) Funding Source - Fees

2. Sheriff: Revision in the net amount of \$59,304 to move recertification pay (\$53,774) to regular salaries based on actual awards to date and those projected for the remainder of the fiscal year and to move excess funds from longevity (\$5,530) to salaries for reclassified positions (B99-702 - 705) Funding Source - County

3. Civic Center/Food & Beverage Tax/Motel Tax: Revision in the net amount of \$75,000 to appropriate Fund Balance from the Prepared Food & Beverage Tax (\$206,085) and Civic Center Motel Tax (\$568,915) Funds to adjust revenue & expenditures in the Civic Center fund (B99-715-715B) Funding Source - Other

REGULAR AGENDA ITEMS

3. Nominations to Boards/Committees:

A. Work Force Development Board (4 vacancies)

The following positions are vacant:

Private Sector Representatives: Fred Adkins - Resigned
Robert T. Darnell - Resigned
Ben Wilson - Eligible for reappointment

Rehabilitation Representative: Lois Williford is retiring.
Replacement: Billy Cupit

Note: A total of five nominations must be made to fill the slots in the Private Sector positions.

NOMINEES: Private Sector: Ben Wilson (reappointment)
Barry Bullock
Cynthia Curtis
Richard Ellis
Lynne Greene

Rehabilitation: Billy Cupit

B. Storm Water Advisory Board (2 vacancies)

BACKGROUND: The following county appointees will complete their terms on June 30, 1999:

Jim Hankins - Replacement needed
Thomas S. Speight, Jr. - Eligible for Reappointment

NOMINEES: Billy Maxwell
Thomas S. Speight, Jr.

C. Social Services Board (1 vacancy)

NOMINEES: Wilson Lacy
Lynette S. Green

D. Domiciliary Home Community Advisory Committee (1 vacancy)

BACKGROUND: Ms. Deborah Atkinson resigned from this Committee. In her letter of resignation she noted she had received little communication from staff and in fact has not received mailings or telephone calls since October, 1998.

NOMINEE: Pamela Story
Commissioner Blackwell asked the Clerk to the Board to talk with Andrea Wright, LTC Ombudsman, regarding Ms. Atkinson's letter and lack of contact from their office.

E. Jury Commission (1 vacancy)

BACKGROUND: Mable Smith's term will end of June 30, 1999. She is eligible for reappointment to a second term.

NOMINEE: Mable Smith

F. Recreation Advisory Board (3 vacancies)

BACKGROUND: The following terms will expire June 30, 1999:

Maxey Gary Dove, III Eligible for reappointment

Kathy Horne Eligible for reappointment

David M. Varnedoe, III Eligible for reappointment

NOMINEES: Maxey Dove, Kathy Horne and David Barnedoe

G. Joint Planning Board (1 vacancy)

BACKGROUND: Marion Gillis-Olion's term will expire June 30, 1999. She is eligible for reappointment. She has notified Commissioner King she does not want to be reappointed for a second term.

NOMINEES: Matthews D. Jarman, Jr.
Clifton McNeill, Jr.
Horace Humphrey

H. FTCC Board of Trustees (1 vacancy)

Ms. Maxine McCoy's term will expire June 30, 1999. She is not eligible for reappointment.

NOMINEES: Billy Davidson
Deborah Baldwin

I. ABC Board (2 vacancies)

BACKGROUND: Harold Lee Boughman and Dr. Sid Gautam have completed two terms on the ABC Board and are not eligible for reappointment. Their terms expire June 30, 1999.

NOMINEES: Ernie Grooms
Landis Chavis
Lula Crenshaw

J. Criminal Justice Partnership Advisory Board (7 vacancies)

BACKGROUND: The following terms will expire June 30, 1999:

Probation Officer Position: Billie Jo Atkins - Eligible for Reappointment
Kathy Bond - Does not want to be
reappointed.

Recommendation: Wayne Marshburn

Sheriff/Designee: Major Dan Ford - Does not want to be
reappointed.

Recommendation: Lt. John McRainey

Community Based Corrections Programs Representative: Elizabeth Gnann -
Eligible for
reappointment

Victim Services Programs Representative: Norma Hall - Does not want to be
reappointed.

Recommendation: Sharon Wright Hucks

Substance Abuse Service Representative: James Miller - Eligible for
reappointment

Community Service Coordinator: James G. Lucas - Eligible for reappointment

NOMINEES:

Probation Officer Position: Billie Jo Atkins
Wayne Marshburn

Sheriff/Designee: Lt. John McRainey

Community Based Corrections Programs Representative: Elizabeth Gnann

Victim Services Programs Representative: Sharon Wright Hucks

Substance Abuse Service Representative: James Miller

Community Service Coordinator: James G. Lucas

4. Consideration of bid award for a track loader for the Solid Waste Department

BACKGROUND: The following bids were received:

Gregory Poole: \$176,806.00 Extended Warranty: \$5,914 Total:

\$182,720

NC Equip. Co.: \$164,813.00 Extended Warranty: \$8,340 Total:

\$173,153

The Solid Waste Department has had extensive experience with the Liebherr Loader bid by NC Equipment Company. The experience was not a good one. A track loader is used daily, 6 days a week at the landfill. The Liebherr Loader was not reliable. However, the experience with the Caterpillar equipment has been very good. As a matter of fact a Caterpillar was purchased in 1992 and has had over 11,000 hours with no major breakdowns.

ACTION: Award the bid to Gregory Poole for a Caterpillar Track Loader Model 963C for \$182,720 as the best value for public funds, taking into consideration quality and performance. GS 143-129(b) allows us to consider quality and performance.

MOTION: Commissioner Baggett moved to award the bid to Gregory Poole as recommended by staff.

SECOND: Chairman Bacote

VOTE: FAVOR: Commissioners Blackwell, Bacote, Warren, Baggett, King

OPPOSED: Commissioners Melvin and Tyson

5. Consideration of approval of a request from the Board of Elections to change the township line between Beaver Dam and Cedar Creek Precincts to coincide with the precinct boundary.

BACKGROUND: The Board of Elections at its meeting of April 13, 1999, adopted a resolution requesting that the Board of Commissioners change the township line between Beaver Dam and Cedar Creek Precincts to coincide with the precinct line. State law requires that precinct lines follow certain natural features or township lines. The precinct line between Beaver Dam and Cedar Creek Precincts was changed in 1996 in the belief that it follows the township line. The State Legislative Services Office has called this to our attention and noted that either the precinct line or the township line needs to be changed to comply with the statutory directive. The most convenient option for voters in those precincts would be to change the township line along the border between the two precincts. Changing the township line would have no effect on providing any government service. Townships really have no practical function in modern times other than to identify particular areas of a county. The Board of Commissioners has the authority to make the change under G.S. 153A-19, but because of the census process, the change cannot be effective until after January 2, 2000.

ACTION: Consider whether to change the township line between Beaver Dam and Cedar Creek Precincts to coincide with the boundary between those precincts as requested by the Board of Elections.

Mr. Bob Campbell assured the Commissioners this change would not

inconvenience the voters in the area; in fact, it will make it more convenient for them. In addition, it will not affect the fire district.

MOTION: Commissioner Blackwell moved to approve the change.

SECOND: Commissioner Melvin

VOTE; FAVOR: Commissioners Blackwell, Tyson, Melvin, Bacote, Baggett, King

OPPOSED: Commissioner Warren

6. Consideration of approval of Change Order #1 for Wellons Construction Company - Cumberland Industrial Center, Phase XI Improvements

BACKGROUND: This change order in the amount of \$5,490 is for additional work associated with Phase XI Improvements at the Cumberland Industrial Center. The work is required because of revisions in connecting the new water main along Production Drive to the existing water main in Tom Starling Road. The tie-in will require boring under Tom Starling Road at a cost of \$10,950. In addition, the water service to the Genco site has been eliminated at a cost reduction of \$5,460, leaving a net increase of \$5,490.00.

ACTION: Approve the Change Order in the amount of \$5,490, revise the total contract amount to \$275,266.80 and approve associated budget revision (B99-711).

MOTION: Commissioner King moved to approve.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

7. Consideration of approval of concession franchise and lease agreements for E.E. Miller School Park and Lake Rim Park.

BACKGROUND: Approval of this franchise and lease agreement will allow Cliffdale Area Sports Association to provide concessionaire services to the general public visiting the E.E. Miller School Park and Lake Rim Park, respectively. These services will be limited to prepackaged food, Coca-Cola beverage products and souvenirs. In addition to the limits placed on food and beverages which can be sold, each organization must submit 10% of the gross concession sales to the County. This will facilitate the Parks and Recreation Department recouping some of its costs associated with the utilities and general maintenance of the parks while also extending an opportunity for nonprofit groups to raise funds for worthwhile community projects.

ACTION: Approve the First Reading.

MOTION: Commissioner King moved to approve.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

8. Consideration of approval of the auction of surplus property.

BACKGROUND: On April 10, 1999, the City of Fayetteville held its auction of surplus property acquired by tax foreclosures which included 26 parcels jointly owned by the City and the County. Proceeds of that sale are to be divided based on the respective investment of each entity. The County's share will be \$12,487.31. The City Council will accept or reject these bids at their meeting on May 3, 1999, 7:00 PM.

ACTION: Accept these bids, contingent upon the City Council's approval.

MOTION: Commissioner King moved to approve contingent upon the City Council's approval.

SECOND: Commissioner Blackwell

VOTE: FAVOR: Commissioners Blackwell, Melvin, Bacote, Warren, Baggett, King

OPPOSED: Commissioner Tyson

Commissioner Baggett inquired as to why Commissioner Tyson voted in opposition. Commissioner Tyson said he was concerned about people losing their property and he had made a promise to vote against this issue.

In addition, on April 17, 1999, the County auctioned over 90 parcels of real property that were acquired by tax foreclosure. The County received bids on approximately two-thirds of the parcels for a cumulative total of \$85,300.00. See List of Property and Bids - Attachment B of these Minutes.

Since the auction Fayetteville State University has asked the City and the County to reject the bids placed on certain parcels of land. The County parcels are 52,53,&54. These parcels are contiguous to a larger tract of land recently acquired by the University and the University may want to purchase these lots:

0428-11-56-3210	.46 acre part lot 164 Simmons Hgts.
0428-10-45-5185	.59 acre part lot 164 Simmons Hgts.
0428-11-55-1957	.22 acre part lot 164 Simmons Hgts.

In addition, Mr. H. David Swain has requested the county reject bids placed on parcels 18,38,&69 and accept his bids as follows:

<u>Bid</u>		<u>Highest Bid</u>	<u>Swain's</u>
0446-10-26-8123	3.90 acres Thaggard Ld	\$1,900.00	\$2,100
0446-11-67-2086	89 Grannis Sloan Prop.	\$150.00	\$300.00
0436-05-19-1511	11 acres Lots 160 &161 Pleasant View	\$1,000	\$1,150

Commissioner Melvin asked how much it would cost the county to rebid these parcels of land. Karen Musgrave, Staff Attorney, told the Board it would cost the county money to go through the process. However, it is not clear at this time how much the advertisement would cost.

Commissioner Baggett said he would like to be allowed to abstain from this vote as it may constitute a conflict of interest for him.

MOTION: Commissioner Warren moved to allow Commissioner Baggett to abstain and approve the sale of county surplus property, excepting parcels 52,53,&54.

SECOND: Commissioner Melvin

Following some discussion, Commissioner Warren withdrew this motion.

MOTION: Commissioner Warren moved to permit Commissioner Baggett to abstain from voting on this matter.

SECOND: Commissioner King

VOTE: UNANIMOUS

MOTION: Commissioner Warren moved to approve the sale of county surplus property as submitted, excepting parcels 52,53,&54.

SECOND: Commissioner King

VOTE: FAVOR: Commissioners Blackwell, Melvin, Bacote, Warren, King

OPPOSED: Commissioner Tyson

ABSTAINED: Commissioner Baggett

MOTION: Commissioner Warren moved to discuss the disposition of parcels 52,53&54 at the meeting on May 17, 1999.

SECOND: Commissioner King

VOTE: FAVOR: Commissioners Warren, Blackwell, Melvin, Bacote, Tyson, King

ABSTAINED: Commissioner Baggett

9. Consideration of adoption of a Resolution welcoming the North Carolina Court of Appeals to Cumberland County

BACKGROUND: The NC Court of Appeals will hold its first session ever here in Cumberland County on May 10, 1999. It will be held in the commissioners' meeting room and video taped for later broadcast and other educational use. Forensic classes from all of our high schools have been invited to attend to observe the oral arguments before the Court on the three cases being heard. This is quite an honor for Cumberland County and was brought about by the initiative of Judge Patricia Timmons-Goodson and the cooperation of Chief Judge Sydney Eagles. We are one of only a very few communities that have ever been invited to host such a session. County Commissioners and other elected officials throughout the County will be invited to a bar sponsored reception in room 119 on Monday, May 10, 1999, 4:45 PM to honor the Court.

ACTION: Adopt Resolution welcoming the North Carolina Court of Appeals.

RESOLUTION

WHEREAS, the North Carolina Court of Appeals is a honored and important part of our State Government; and

WHEREAS, Cumberland county is the 4th largest metro area in the State of North Carolina and has a rich tradition of leadership in State Affairs; and

WHEREAS, the Court of Appeals has agreed to hold its first session every in Cumberland County on May 10, 1999; and

WHEREAS, this distinction brings honor and recognition to our County, its Judiciary and its Bar; and

WHEREAS, Cumberland County is proud to have one of its own distinguished natives, the Honorable Patricia Timmons-Goodson, serving on the Court of Appeals and serving on this first historic panel to hold court in Cumberland County.

NOW, THEREFORE, it is resolved that the Cumberland County Board of Commissioners expresses its appreciation to the North Carolina Court of Appeals and enthusiastically welcomes the North Carolina Court of Appeals to Cumberland County on May 10, 1999.

MOTION: Commissioner Baggett moved to approve.

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

MEETING ADJOURNED

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