
Minutes
Cumberland County Board of Commissioners
November 6, 2000, 9:00 a.m.
Regular Meeting
Cumberland County Courthouse, Room 118
Fayetteville, NC

PRESENT: Chairman Edward G. Melvin, Jr.
Vice Chairman J. Lee Warren, Jr.
Commissioner Talmage Baggett
Commissioner Breeden Blackwell
Commissioner Jeannette Council
Commissioner Billy R. King
Commissioner H. Mac Tyson II
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Cliff Spiller, Asst. County Manager
Amy Cannon, Asst. County Manager
Grainger Barrett, County Attorney
Marsha Fogle, Clerk to the Board

INVOCATION: Pastor (retired) Al Peuster, Counselor, Behavioral Health Center, Cape Fear Valley Health System
(Rev. Peuster was invited to give the Invocation by Cliff Strassenburg, former County Manager)

PLEDGE OF ALLEGIANCE

RECOGNITION: Retired County Employees: Clifford G. Strassenburg, Administration
Estella Jeffries – Social Services

1. CONSENT AGENDA

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

SECOND: Commissioner King

VOTE: UNANIMOUS

A. Approval of Minutes: October 16, 2000

ACTION: Approve

B. Approval of a Resolution Requesting the Release of Cumberland County's Share of Region "M" Funds to Mid Carolina Council of Governments

ACTION: Approve Resolution

RESOLUTION

WHEREAS, Lead Regional Organizations have established productive voluntary working relationships with municipalities and counties across North Carolina; and

WHEREAS, the 1999 General Assembly recognized this relationship through the appropriation of \$990,000 for each year of the biennium to help Lead Regional Organizations assist local governments with grant applications, economic development, community development, and to support local industrial development activities and activities as deemed appropriate by local governments; and

WHEREAS, these funds are not intended to be used for payment of member dues or assessments to a Lead Regional Organization or to supplant funds appropriated by the member governments; and

WHEREAS, in the event that a request is not made by the County of Cumberland for release of these funds to the Lead Regional Organization, the available funds will revert to the State's general fund; and

WHEREAS, in Region "M", funds in the amount of \$55,000 will be used for local technical assistance and other local economic development projects.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners requests the release of its share of these funds, \$24,995.37, to Mid Carolina Council of Governments at the earliest possible time in accordance with the provisions of state law.

C. Approval to purchase property located at 524 Beaumont Road by Cape Fear Valley Health System

BACKGROUND: On October 25, 2000, the Cape Fear Valley Health System Board of Trustees approved the purchase of property located at 524 Beaumont Road for the appraisal price of \$125,000. This purchase also requires the approval of the Board of Commissioners.

ACTION: Approve the purchase.

D. Approval of a 232 square foot easement to W.C. Jones Investment Company to maintain an air conditioning unit

BACKGROUND: Counsel for Cape Fear Hospital requests that the Board of Commissioners approve an easement along one boundary of the Health Plex property to W.C. Jones Investment Company.

ACTION: Approve easement

E. Declaration of surplus county property and authorization to accept insurance settlement

BACKGROUND:

Date of accident: September 7, 2000
 Vehicle: 2000 Ford Crown Vic
 VIN: 2FAFP71W6YX179598
 Mileage: 1,471
 Department: Sheriff's Office
 Settlement Offer: \$22,992.95
 Insurance Company: Travelers

ACTION: Declare the vehicle surplus, authorize acceptance of the \$22,992.95 settlement and allow Travelers Insurance to take possession of the wrecked surplus vehicle.

F. Approval of certain Health Department fees and vaccines

BACKGROUND: Due to the unbundling of charges and increases in administrative costs, the Board of Health recommends approval of the following charges:

IPOL (Adult Polio) New Vaccine:	\$20.00
TB Skin Test:	\$10.00
Blood Test (syphilis) (for marriage license in another state):	\$22.00
Flu Vaccine:	\$15.00
Pneumococcal (Pneumonia):	\$20.00
Varicella (Chickenpox – Adult):	\$50.00
Rabies Vaccine:	\$115.00

Note: Since July 1, 2000, all persons receiving any type of injection or vaccine are charged an administrative fee using the appropriate CPT codes:

CPT 90471	\$7.50	one injection
CPT 90472	\$10.00	two or more injections

ACTION: Approve fees as noted above.

G. Consideration of a Resolution to revise animal privilege license fees

BACKGROUND: The Board of Commissioners previously approved differential animal privilege license fees recommended by the Animal Control Department and the Animal Control Board of \$25 for an unaltered dog or cat and \$7 for an altered dog or cat. This differential fee was intended as one factor to qualify the County for any future distributions from the statewide spay/neuter fund to come from voluntary "I Care" rabies vaccination charges of an additional \$.50 and from \$10 of the Animal Lover special license plate. The Tax Administrator has indicated the differential fee cannot be implemented immediately without costly software modifications to the OASIS computer system. Therefore, it is appropriate to maintain an animal privilege license fee that does not distinguish between altered and unaltered animals. The fee schedule below would, however, provide staggered

adjustments for the costs of privilege licenses for owners of larger numbers of animals comparable to those that have historically been in effect.

ACTION: Adopt resolution approving revised animal privilege license fee schedule.

RESOLUTION

WHEREAS, the Board of Commissioners has previously approved differential privilege license fees effective July 1, 2000, for dogs and cats in Cumberland County; and

WHEREAS, the Tax Administrator has advised that such differential privilege license fees cannot immediately be implemented until software revisions are designed and installed for the OASIS computer system; and

WHEREAS, it is therefore desirable to revise such privilege license fees previously adopted until the OASIS computer system has been modified to implement differential privilege license fees.

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that it revises dog and cat privilege license fees as follows, effective upon final adoption of this resolution:

For each dog/cat up to 5	\$7.00 per dog/cat
For 6-10 dogs/cats	\$40.00 total
For 11-20 dogs/cats	\$60.00 total
For 21 or more dog/cats	\$90.00 total

H. Approval of modification of Franchise Agreement for Dogwood Deli at the DSS building

BACKGROUND: Because business has been slow, the Franchisee, Dogwood Deli, LLC, requests that the County reduce the amount of monthly commission. They currently pay 10% of the net sales with a minimum amount of \$1,000.00.

ACTION: Reduce the amount of commission to 6% net sales, with a minimum of \$600.00 per month.

I. Report of Formal Bid Awards less than \$100,000 approved by management

BACKGROUND: The following bids were awarded by management:

Ammunition

Sheriff's Office:	Arrington -	\$23,161.50
	Jim's Gun -	\$5,405.60
	Lawmens -	\$857.76

Accessory Car Equipment:

Sheriff's Office: Southern Public Safety Equipment Co., Inc.: \$28,049.70

Sanitary Compactor and Misc. Container Boxes

Solid Waste Department: Waste Industries - \$24,916.28
 Carolina Environmental - \$42,700.00

Bid Information attached: Attachment A to these Minutes.

No action needed.

J. Budget Revisions:**(1) Health Department**

Communicable Disease Control/TB: Increase in revenue/expenditures in the amount of \$763 to recognize additional funding to purchase equipment (B01-198) Funding Source – State

(2) Community Development Fund

a. HOME Program: Revision in the total amount of \$183,801 to reprogram unencumbered funds from FY2000 and to reconcile to HUD's financial system (\$163,379) and appropriate the required county match (\$20,422) from fund balance (B01-197&197A) Funding Source – Federal and County

b. Emergency Shelter Grant: Revision in the total amount of \$3,271 to reprogram unencumbered funds from FY2000 and to reconcile to HUD's financial system (\$1,635) and appropriate the required county match (\$1,635) from Fund Balance (B01-195&195A) Funding Source – Federal and County

c. HOME Administration: Increase in revenue/expenditures in the amount of \$156,809 to reprogram unexpended funds from FY2000 and to reconcile to HUD's financial system (B01-196) Funding Source – Federal

(3) General Government Other

a. Revision in the amount of \$63,128 to appropriate fund balance to roll forward from FY2000 unencumbered fourth floor renovations funds (B01-205) Funding Source – Appropriated Fund Balance

b. Revision in the amount of \$196,924 to appropriate fund balance

to roll forward unencumbered Capital Outlay funds from FY2000 and to budget refurbishing of the roofs on the County's Maintenance Facility and Building Maintenance Facilities (B01-207) Funding Source – Appropriated Fund Balance

(4) Mental Health

Substance Abuse Incentive Grant: Revision to add a new education specialist position and reconcile the County budget with the State's allocation (B01-185) Funding Source – Federal

(5) Workforce Development Center Funds

Revisions in the net amount of \$52,946 to reconcile the County budget with the federal allocation (B01-210-217) Funding Source – Federal

(6) Injured Animal Stabilization

Increase in revenue/expenditures in the amount of \$5,126 to recognize additional donations (B01-209) Funding Source – Other

(7) Administration/Finance

Revision to reduce appropriated fund balance by \$79,266 to implement management reorganization plan (B01-208&208A) Funding Source – Appropriated Fund Balance

REGULAR AGENDA

2. Nominations to Boards/Committees

A. Adult Care Home Community Advisory Committee

BACKGROUND: Clyde Sessoms, recently appointed to this committee, has advised he cannot serve.

ACTION: Make nominations to fill the vacancy.

Nominees: Ander Dunham, Jr. (nominated by Commissioner Blackwell)

B. Cumberland County Community Child Protection/Fatality Prevention Team (4 vacancies)

BACKGROUND: There are 4 vacancies on this committee as noted below:

Parent of a child who died before reaching their 18th birthday position:

Vivian Strickland (nominated by Commissioner Blackwell)

At-Large Positions (3): Deborah Koenig – not eligible for reappointment
Sidney Mozena – not eligible for reappointment
Alice Smith – replace due to non-attendance

Nominees: Mattie Pipkin (nominated by Commissioner Council)
Helen Pierce (nominated by Commissioner Council)

One more nomination will need to be made.

C. Joint Senior Citizens Advisory Board

BACKGROUND: Helen Lee will complete her first term on this Board. She is eligible for reappointment.

Nominee: Helen Lee (nominated by Commissioner King)

D. Mid Carolina EMS Advisory Council (1 vacancy)

BACKGROUND: Janet Woods resigned her position on this council.

ACTION: Nominate to fill her position (general public).

NOMINEE: Ernest Morine (nominated by Commissioner Council)

Note: Commissioner Blackwell nominated Cynthia McCormick, but then withdrew her name for nomination.

3. Appointments to Boards/Committees

A. Area Mental Health Board (4 vacancies)

Nominees: Yvonne M. King
Richard Foy
Albert Bleakley
Nathan Taylor

MOTION: Commissioner King moved to appoint the nominees.

SECOND: Commissioner Council

VOTE: UNANIMOUS

B. Cumberland County Community Child Protection/Fatality Prevention Team (4 vacancies)

Nominees: Law Enforcement positions (2): Detective Kelly Rosser
Sgt. Kevin Voss
At large positions (2): Cassina Hunt
I.J. McNeill

MOTION: Commissioner Warren moved to accept the nominees by acclamation.
SECOND: Commissioner King
VOTE: UNANIMOUS

C. Cumberland County Juvenile Crime Prevention Council (1 vacancy)

Nominee: Thomas Godwin (Person under Age 21 position)

MOTION: Commissioner Blackwell moved to appoint Mr. Godwin by acclamation.
SECOND: Commissioner Tyson
VOTE: UNANIMOUS

D. Transportation Advisory Board (formerly Human Services Transportation Service)

Nominees:	<u>Name</u>	<u>Category</u>
	Ben Brown	City of Fayetteville representative
	Jerome Brown	Urban Transit provider rep.
	Jim Caldwell	Mid Carolina Council of Govt.
	William Duke	DSS
	Richard Everett	DSS Work First Rep.
	Patrick (Pat) Hurley	Workforce Development Ctr.
	Lloyd Horne	Windows of Opportunity
	Marshall Lanter	Aging Programs Rep.
	Rusty Long	Religious non-profit Org.
	Phillip McCall	Mental Health
	Ronald (Doc) Nunnery	EMS representative
	Dr. Hiep Pham	At-large
	Juanita Pilgrim	County Representative
	Matt Rooney	Planning Department
	Wanda Tart	Health Department
	Lyndo Tippet	At-large
	David Walker, Jr.	Private Transportation provider

Mr. Rick Heicksen, Secretary, Transportation Advisory Committee, presented a brief overview of the Fayetteville Area Metropolitan Planning Organization and the transportation planning process.

Mr. Heicksen said this new Transportation Advisory Board will oversee the expansion and improvement of a coordinated, consolidated transportation system to serve the residents of Cumberland County. This will be a joint effort of the TAB staff and the NCDOT Public Transportation Division staff.

The TAB will perform "clearinghouse" functions of the HSTS committee in the County's current transportation assistance grants.

ACTION: Appoint the above named citizens to the Transportation Advisory Board. Except for the initial appointment terms which will be staggered for two and three years, appointees will serve a two year term.

MOTION: Commissioner Baggett moved to appoint the above named persons.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

4. Overview of the Fayetteville Area Metropolitan Planning Organization (FAMPO) and the FAMPO Transportation Planning Process: Appearing: Rick Heicksen

Items Number 3&4 were handled together (see above).

5. Report on Interbasin Transfer Issue – Appearing: Mick Noland, PWC

Mr. Mick Noland, PWC, noted the importance of the Cape Fear River Basin to North Carolina. Over a quarter of the state's population depends on the Basin for water supply, wastewater assimilation, power generation, navigation, recreation and other purposes.:

Mr. Noland noted that one of our concerns about the proposed Cary/Apex transfers in the second round of Jordan Lake allocations is that the water be returned back into the basin.

He noted a subcommittee was appointed and will be addressing this issue as well as other issues to assure that our long-term water needs aren't compromised as a result of the withdrawal of water from the Cape Fear basin.

An environmental assessment is required. In addition, statutes require extensive public notice and a public hearing. Among the conditions that the Environmental Management Commission must consider in determining whether a certificate may be issued for a transfer are:

- necessity, reasonableness and beneficial effects of transfer;
- detrimental effects on both the source river basin and receiving basin;
- reasonable alternatives to the transfer, including costs, environmental impacts;
- projected municipal water needs in the source basin;
- cumulative effect on the source basin on any transfer on consumptive water use that is currently authorized under this law or projected in any local water supply plan.

Mr. Noland indicated a public hearing on this issue will be held in Fayetteville concerning this inter-basin transfer request.

At this time, no action is needed on this matter.

MOTION: Commissioner Tyson moved that the Board adopt a

Resolution supporting the requirement for a public hearing to be held in Fayetteville on this matter.

SECOND: Commissioner King
VOTE: UNANIMOUS

6. Consideration of Change Orders for the Department of Social Services Administrative Building

BACKGROUND: These change orders are for work to upfit shell space on the ground floor of the DSS building to accommodate the office of Veterans Services. The scope of the work includes ceiling, wall and floor finishes, sprinkler heads, light fixtures, plenum cable for data and communications, electrical connections for office workstations and HVAC duct runouts. The cost of the additional work is as follows:

General Contractor	\$79,281.00
Mechanical Contract	\$ 7,250.00
Electrical Contract	\$36,616.00
A/E Contract	\$ 4,920.00
Network Equipment	\$ 2,500.00

This work will need to be funded from the uncommitted contingency in the project which is currently \$1,009,526.

In addition to the shell space upfit, the change orders include other work items as summarized:

Change Order GC-9: Ellis-Walker Builders: installation of additional gypsum wall board in several areas of the building and operating the elevator to accommodate the County's move into the building prior to substantial completion of the work. **TOTAL AMOUNT OF CHANGE ORDER: \$108,699** (\$29,418 is funded from in-contract contingency and \$79,281 is funded from the project contingency).

Change Order MC-5: J.J. Kirlin: includes smoke detectors and starts for Air Handling Units, motor upgrades to complement equipment that exceeded specifications, relocation of thermostats to accommodate the Owner's work stations and a credit for water consumption paid by the Owner that was a result of cooling tower installation problems. **TOTAL AMOUNT OF CHANGE ORDER: \$25,903** (\$16,420 is funded from the remaining in-contract contingency and \$9,483 is funded from the project contingency).

Change Order EC-6: Griffin Electric: includes installation of electrical conduit and wire from the building to the water valve box heaters located on Hillsboro Street. **TOTAL AMOUNT OF THE CHANGE ORDER: \$40,616** (\$2,613 is funded from the remaining in-contract contingency and \$37,993 from project contingency).

ACTION: Approve the upfit of the shell space, the changer orders, amend the agreement with LSV Partnership in the amount of \$4,920 for additional services associated with the upfit work, and approve associated budget revision (B01-206).

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

DISCUSSION: Commissioner Council said she hoped they would move as quickly as possible on this project. Commissioner Baggett noted the poor condition of the area that currently houses Veterans Service. He noted that the Fire Marshal's office is also located in that area of the old courthouse, and he said he hoped the County could find a place more suitable for them.

VOTE: UNANIMOUS

7. Consideration of the Cumberland County Policy Committee Report and Recommendation on Borrow Pits

BACKGROUND: The Policy Committee, on October 19, 2000, recommended that the Board of Commissioners initiate and refer to the Planning Board a proposed zoning ordinance amendment to require that borrow pits obtain a conditional use overlay rezoning and permit from the Board of Commissioners. The Policy Committee was particularly concerned about the concentration of borrow pits in areas such as River Road, and the State Mining Act does not provide as much review of borrow pit applications as may be desirable in light of local conditions and concerns. Currently borrow pits are a permitted use in Agricultural zones and are a specified conditional use permit reviewed by the Board of Adjustment in Highway Service and Heavy Industrial zones.

ACTION: Consider whether to initiate a zoning ordinance amendment related to borrow pits.

MOTION: Commissioner Warren moved that the Board of Commissioners initiate and refer to the Joint Planning Board a proposed zoning ordinance amendment to requirement that borrow pits obtain a conditional use overlay rezoning and permit from the Board of Commissioners.

SECOND: Commissioner Baggett

DISCUSSION: Commissioner Baggett noted the dust and heavy truck traffic on River Road as a result of 5 borrow pits within a 3 mile radius.

VOTE: UNANIMOUS

8. Discussion of merger of City and County Law Enforcement agencies

BACKGROUND: Chairman Ed Melvin requested this item be added to the agenda for discussion. He suggested the Board of Commissioners and City Council look at the consolidation of the two law enforcement agencies. He noted the following positive factors that could result from the consolidation:

- one comprehensive law enforcement agency;
- elimination of confusion about boundaries and jurisdictions;
- standardization;
- possible reduction of size of agency;
- may need only one training facility;
- city and county residents dial 911 (county has to transfer to city dispatch)
- one fingerprinting unit;
- accountable to citizens.

Mr. Melvin said it seemed logical to him that the Sheriff would be the logical one to take over

both agencies, as he is now accountable to the citizens by election. He suggested a committee of 3 commissioners and 3 city council members (Fayetteville) be appointed to discuss the feasibility of consolidating law enforcement agencies. Commissioner Warren said this may be a good time to do this since the City has not yet hired a police chief.

MOTION: Commissioner Warren moved that the Board of Commissioners approve merging the two law enforcement agencies, as well as other municipal departments through an interlocal agreement, in concept, and refer the logistics of such consolidation to the County Policy Committee.

SECOND: Commissioner Tyson

DISCUSSION: Commissioner Blackwell noted that he has been gathering information from other places that have successfully merged/consolidated their departments. He noted some issues that will have to be addressed include pay structure, fleet issues, organization structure, etc. He also noted that the Sheriff answers to the public now through the election process. He said he did not believe we save money initially, but that in the long term there could be some cost reductions. Commissioner King said he would support the motion but has some reservations. He said a public hearing needs to be held to determine the public's feelings on this subject. Commissioner Tyson noted the success of our tax departments in working together, as the County Tax Office collects taxes for all of our municipalities. Commissioner Baggett said he is not sure this will be a money saver but it has the potential to offer more efficient service to the citizens. He said he hopes the City of Fayetteville will take this suggestion in the right manner and be willing to talk about it. Commissioner Council noted the merger of the school systems and said merger is rarely easy; however we should be thinking about the quality of service it will offer the citizens. She said it is time to explore this idea with all due speed.

VOTE: UNANIMOUS

RECOGNITION: Commissioner Lee Warren recognized Congressman Mike McIntyre who entered our meeting room. Congressman McIntyre thanked the commissioners for their service to the citizens.

Commissioner Blackwell noted he is pleased the Board is looking at merger. He said he does not believe the public is aware of all of the duplication of services in city and county government. He said he believed that by educating the public, it would support the consolidation and merger efforts. He said it will take cooperation and collaboration to make it happen. He noted that Durham looked at a merged system of government; however, it did not happen because they did not identify their goals. He said he thought this a good time to look at merger and offered the following motion:

MOTION: Commissioner Blackwell moved that the Board of Commissioners authorize management to work with the management of the City of Fayetteville to begin the process of studying the advantages and disadvantages of a merged system of government for Fayetteville/Cumberland County, NC.

SECOND: Chairman Melvin

DISCUSSION: Commissioner Baggett said he was afraid we were putting too many things on the plate. He said he thought we should wait on this until we look at the

merger of the law enforcement agencies. Commissioner Blackwell said he would like for the Board to go on record favoring a study of a merged system of government for Fayetteville/Cumberland County. Commissioner Tyson said he thought we should be open minded and at least be willing to look at the concept. Commissioner King said he thought we were moving ahead too fast; and he said he was also concerned that this particular item was not on the agenda for Board action.

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

OPPOSED: Commissioner King (opposed because it was not on the agenda).

9. CLOSED SESSION: Personnel and Attorney Client

MOTION: Commissioner Blackwell moved to go into Closed Session to discuss a personnel matter and attorney client matter.

SECOND: Commissioner King

VOTE: **UNANIMOUS**

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

SECOND: Commissioner Tyson

VOTE: **UNANIMOUS**

MEETING ADJOURNED: 11:20AM.

Clerk to the Board