

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS**  
**August 20, 2001, 7:00 PM**  
**REGULAR/REZONING MEETING**  
**CUMBERLAND COUNTY COURTHOUSE**  
**FAYETTEVILLE, NC**

**PRESENT:** Chairman, J. Lee Warren, Jr.  
Vice Chairman, J. Breeden Blackwell  
Commissioner Talmage Baggett  
Commissioner Jeannette Council  
Commissioner Kenneth S. Edge  
Commissioner John Henley  
Commissioner Billy R. King  
James Martin, County Manager  
Juanita Pilgrim, Deputy County Mgr.  
Amy H. Cannon, Assistant County Mgr.  
Cliff Spiller, Assistant County Manager  
Grainger Barrett, County Attorney  
Barry Warren, Planning Director  
Tom Lloyd, Planning Department  
Rhonda C. Raynor, Deputy Clerk

**INVOCATION:** Commissioner Billy R. King

**PLEDGE OF ALLEGIANCE:** Shelby Baez,  
5<sup>th</sup> Grader at Warrenwood Elementary School.

**Recognition of Retired County Employees:** Rosemary Zimmerman – DSS  
Charles D. Phelan, Jr. – Sheriff's Office

**1. PUBLIC HEARINGS:**

**MOTION:** Commissioner Blackwell offered a motion to combine items 1D and 1E (rezoning cases P01-50 and P01-52) with the other uncontested cases as there were no speakers in opposition.  
**SECOND:** Commissioner King  
**VOTE:** UNANIMOUS

**Uncontested Rezoning Cases:**

Upon finding the requests to be reasonable, neither arbitrary or unduly discriminatory and in the public interest and that the property within such proposed districts is suitable for all uses permitted by the new classifications, the following motion was offered for the uncontested rezoning cases:

**MOTION:** Commissioner Blackwell offered a motion to follow the Planning Board recommendations for the Uncontested Rezoning Cases to include P01-50 and P01-52.  
**SECOND:** Commissioner Council  
**VOTE:** UNANIMOUS

- A. Case No. P01-54:** The rezoning of 2.02 acres from M(P) to C(P), or a more restrictive zoning district, at 2824 Legion Road, owned by Mila S. Morgan.

The Planning Board recommends approval of the rezoning to C(P) Planned Commercial District.

- B. Case No. P01-57:** The rezoning of .33 acres from R10 to R6A, or to a more restrictive zoning district, at 2516 Ake Street, owned by Gordon Ivey, Jr.

The Planning Board recommends approval of the rezoning to R6A Residential District.

- C. Case P01-58:** The rezoning of 2.75 acres from R6A to M(P), or a more restrictive zoning district, at 176 and 180 Airport road, owned by Vickie H. Luck.

The Planning Board recommends approval of the M(P) Planned Industrial District.

- D. **Case P01-50:** The rezoning of 2.78 acres from R5A to C1, or a more restrictive zoning district, at 6340 Applecross Road, owned by 1<sup>st</sup> Spanish Baptist Church.

The Planning Board recommends denial of the C1 Local Business district and approval of rezoning to O&I Office and Institutional District.

- E. **Case No. P01-52:** The rezoning of 1.18 acres from R10 to R6A, or a more restrictive zoning district, at 3580 State Street, owned by Philip and Joni Smith.

The Planning Board recommends approval of the rezoning to R6A Residential District.

#### **Contested Rezoning Cases.**

- F. **Case No. P01-53:** The rezoning of 25.5 acres from RR to C(P), or a more restrictive zoning district, on the northeast corner of Maxwell Road and Hwy. 24, owned by Elease Johnson Kenyon.

The Planning Board recommends approval of the C(P) Planned Commercial District.

Commissioner Baggett advised he had been contacted by the Mayor of Stedman regarding this case. The Mayor has raised questions about the location of the corridor planned to go through this area as well as PWC's use of the sewer line. There has been no written agreement with the Town of Stedman to allow use of this line by the property owner. These issues need to be discussed. He would like some discussion for his own information. He does not want to prejudice Mr. Riddle's application. He feels more discussion is needed before action should be taken on this rezoning.

**MOTION:** Commissioner Baggett offered a motion to continue this rezoning case for four weeks until the September 17<sup>th</sup> Commissioners meeting in order to obtain more information about the corridor and sewer connection.

**SECOND:** Commissioner Henley

**DISCUSSION:** Commissioner Warren noted his concern about the advertisement of a public hearing on a matter and not holding that hearing. He noted citizens were in attendance to speak. He asked the County Attorney if the Board would be acting improperly by delaying this public hearing.

Mr. Barrett advised that the Planning Staff could re-advertise the hearing and that the Board had no legal requirement to hold the public hearing during this meeting. He noted the Board could hear from the public and then delay the decision.

Commissioner Baggett advised his motion does not prohibit the public hearing. He feels the decision should be delayed until more information is received.

**VOTE:** Favor: Commissioners Henley, Council, Baggett and King

Oppose: Commissioners Edge, Blackwell and Warren

**Other –**

- G. **Case P01-56.** Revisions and Amendments to the Cumberland County Code of Ordinances, Section 7.23, "Fences and Walls", by allowing fences and walls closer than 25 feet to the street right-of-way under certain circumstances.

The Planning Board recommends approval of the amendments.

**Speakers:** None

**MOTION:** Commissioner Blackwell offered a motion to approve the amendments.

**SECOND:** Commissioner Council

**VOTE:** UNANIMOUS

## H. Redistricting of Commissioner Election Districts.

### BACKGROUND:

The Board has called a public hearing to consider adjustments to the commissioner election districts to conform to the Census 2000 results. Matt Rooney of the Planning Department has prepared two options each for three alternative structures: (a) continuation of Commissioner districts 1 and 2 as multi-member districts, with two at-large seats; (b) five single member districts, with two at-large seats; and seven single member districts. These options are not exclusive and a number of other structures and configurations could be available for consideration.

Cumberland County's 2000 Census population was 302,963. The Planning Department has analyzed the census data and advises that Commissioner District 1's population was 100,002. Commissioner District 2's population was 202,961. If five commissioners were elected from single member districts, the "ideal" population each commissioner represented would be 60,592 (and a fraction). Applying this to our multi-member districts, the "ideal" population should be about 121,185 for District 1 and 181,778 for District 2. If seven commissioners were elected from single member districts, the "ideal" population each commissioner represented would be 43,280.

*The Board has authority by its own action under G.S. 153A-22 to adjust the lines for the current commissioner election districts. The County's election law expert, Michael Crowell, advises, however, that to change from the current multi-member commissioner districts to single member districts would require a special referendum under G.S. 153A-58 and -60. To hold such a referendum in November would probably require adoption of a resolution by the Board at its first meeting in September in order to give the Board of Elections to the schedule that would be required of it by law.*

**ACTION:** Hold the public hearing on redistricting of commissioner election districts. Schedule a workshop for discussion of the options, alternatives and requirements and schedule final action to allow sufficient time to meet applicable legal requirements and to submit changes for U.S. Justice Department pre-clearance.

Mr. Rooney reviewed the options for the Board.

### **Speakers:**

1. Clinton Harris. Noted the Fayetteville City Council had moved away from at-large representation. He noted at-large seats prevent blacks from getting elected. He noted the population of the districts in the 1960's. He asked that the Board consider five or seven single-member districts. Blacks make up over one-third of the county's population, so one-third of the Board of Commissioners should be black. The Board may need to consider having nine members. He noted two Commissioners live east of the Cape Fear River and two Commissioners live in Cross Creek 9 district.

Mr. Barrett noted that the County has received pre-clearance from the Justice Department since 1968. The re-districting done in 1990 received pre-clearance by the Justice Department.

Michael Crowell noted the Federal Voting Rights Act was passed in 1965. A formula was used to decide which counties had to have pre-clearance. If a literacy test was used before the Congress banned it, then that county had to have pre-clearance. Most of the southern states were covered under this pre-clearance, however, North Carolina only had forty counties that were covered.

Commissioner King advised that he asked Mr. Rooney to prepare a map that would have three at-large seats and two 2-member districts.

Mr. Rooney reviewed the map requested by Commissioner King. He noted it does meet the population threshold requirements.

Commissioner King noted this process must be reviewed every ten years after a Census is completed. He has heard from his fellow board members that at-large seats are preferred. The map he has had prepared increases the at-large representation from two to three seats. He noted this change enhances the opportunity for everyone to be fairly represented.

Mr. Barrett noted one of the options presented to the Board is to hold a work session on the issue, which would allow for more brainstorming and discussion. If the Board intends to maintain what it currently has, then a decision must be made by mid-September so that the County can get the change filed with the State. If the Board wishes to change its structure, however, a decision would be needed at the September 4, 2001 meeting. Because of deadlines with the Board of Elections, the direction in which the Board goes does affect the timetable.

Commissioner Warren asked if Cross Creek 29 were to be taken out of District 1 as is shown in the Multi Member Alternate A map and placed in District 2, would it fit into the population threshold?

Mr. Barrett advised that change would fit into the required parameters.

**MOTION: Commissioner Warren offered a motion to adopt Multi Member Alternate A leaving Cross Creek 29 in District 2.**

**SECOND: Commissioner Edge**

**DISCUSSION: Commissioner King stated he has put forward a proposal that treats the community much better than the one proposed in the motion. The current proposal locks down the number of minorities that can be elected. The Board has a chance to make county government more open. He would like to see three at-large seats.**

**Commissioner Council noted her concerns about the proposal. She would like to have more information on the proposals and is not ready to vote on this issue during this meeting. She would like to have at least one work session to discuss these proposals.**

**Commissioner Edge noted how well the current Board has responded to citizens without "tunnel vision". The Board looks at the issues with the attitude of what is best for the entire county. There is no set goal that there can only be two white commissioners serving at-large. He would like to see the Board continue with this process. This matter has been on the drawing board for one month. He would like to move forward.**

**Commissioner King noted that moving to three at-large seats would help move away from "tunnel vision".**

**Commissioner Warren noted his only problem with Commissioner King's proposal is that he has known about it for only a few minutes.**

**Commissioner King noted there should be no rush to make a decision on this matter.**

#### **SUBSTITUTE**

**MOTION: Commissioner Council offered a substitute motion to delay any action on this matter until the September 4, 2001 Commissioners meeting.**

**SECOND: Commissioner King**

**DISCUSSION: Commissioner Baggett asked if the delay would have any legal affect on the changes.**

**Mr. Barrett noted that if the board wanted to have the two and three multi member proposals, action would need to be taken by September 4<sup>th</sup>.**

**Commissioners Henley and Baggett noted more discussion on this matter would be beneficial.**

**Commissioner Warren withdrew his motion.**

**VOTE: Favor: Commissioners Henley, Blackwell, Warren, Council, Baggett and King**

**Oppose: Commissioner Edge**

Mr. Barrett noted that if the board were to alter it's structure a resolution would have to be adopted and a referendum held. The resolution would need to be adopted by September 4. If the multi member alternatives were kept, the Board could make that decision as late as the September 17<sup>th</sup> meeting.

## **2. Consent Agenda**

Commissioner Blackwell asked that Item 2H be pulled from the Consent Agenda.

**H. Approval to Purchase Property Located at 1672 Owen Drive by Cape Fear Valley Health System.**

#### **BACKGROUND**

On July 25, 2001, the Cape Fear Valley health System Board of Trustees approved the purchase of property at 1672 Owen Drive for the price of \$1.3 million. The purchase of property by Cape Fear Valley Health System requires the approval of the Board of County Commissioners.

**ACTION: Approve the purchase of the property at 1672 Owen Drive by Cape Fear Valley Health System for \$1.3 million.**

Commissioner Blackwell noted that he voted against this matter when the Hospital Board of Trustees voted. He does not support this purchase and wants to vote against it at this level.

**MOTION: Commissioner Council offered a motion to approve item 2H.**  
**SECOND: Commissioner King**  
**VOTE: Favor: Commissioners Henley, Edge, Warren, Council, Baggett and King**  
**Oppose: Commissioner Blackwell**

Commissioner King asked that Item 2J(4) be pulled from the Consent Agenda.

**J. Budget Revisions**

- 4. Social Services**  
Revision in the amount of \$87,809 to adjust budgeted salaries to actual salaries of RIFed employees transferred into vacant positions. (B02-044) **Funding Source – County**

Commissioner King asked about the salary adjustments indicated in this budget revision.

Amy Cannon advised there were 29 employees at DSS whose positions were eliminated during the budget process and they were moved into vacant positions. The budget revision allows them to keep the same salary in these new positions.

**MOTION: Commissioner King offered a motion to approve item 2J(4).**  
**SECOND: Commissioner Council**  
**VOTE: UNANIMOUS**

**MOTION: Commissioner Council offered a motion to follow staff recommendations on the items on the Consent Agenda with the exception of items 2H and 2J(4) which were voted on separately.**  
**SECOND: Commissioner Henley**  
**VOTE: UNANIMOUS**

- A. Approval of minutes for the July 16, 2001 regular meeting.**

**ACTION: Approve the minutes.**

- B. Approval of minutes from the following Special Meetings:**  
June 18, 2001                      July 12, 2001  
June 21, 2001                      July 20, 2001  
July 2, 2001                         July 24, 2001  
July 10, 2001

**ACTION: Approve the minutes.**

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

<u>Beaver Run Subdivision:</u>	Beaver Run Drive, Southbend Drive, Galena Drive, Battle Road, Sparrow Drive, Elkhorn Drive, Buhmann Road, Blackbird Road
<u>Murphy Acres Subdivision:</u>	Steeple Run Drive
<u>Southwood Subdivision:</u>	Chippendale Court

**ACTION: Approve the streets for addition to the State Secondary Road System.**

- D. Approval of Exception to the Conflict of Interest Rule in the Community Development Housing Rehabilitation Program.**

## BACKGROUND

Community Development has received an intake from an applicant who is related to our Special Populations Coordinator. The applicant is a 70 year-old individual in a one-person household with an annual income of \$11,304. He owns and occupies the property located at 6327 Braxton Road, Hope Mills, North Carolina. Based on program requirements and a preliminary title opinion, he is eligible for assistance under both our Housing Rehabilitation and Emergency Repair Programs.

The Special Populations Coordinator has no decision-making responsibility for our housing programs. As Director, Thanena Wilson will insure that the decision-making process used for this application is the same impartial and objective process used in all other such applications for these services. The County Attorney's Office has provided a legal opinion stating that granting assistance to this applicant would not result in a conflict of interest in violation of State law or County ordinance, provided that the staff person: 1) reaps no direct or indirect economic gain from this transaction; 2) has disclosed on the record the nature of the conflict; 3) does not engage in deliberations concerning the matter; 4) disqualifies herself from acting on the application; and 5) does not communicate regarding the matter with anyone who will make a decision about the application.

**ACTION: No action is needed. Issue is presented as a matter of disclosure for public record.**

- E. Approval of the 2001 Agricultural Hall of Fame Nomination – William E. Tew, Jr.**

## BACKGROUND

On July 18, 2001, the Cumberland County Agricultural Hall of Fame nominating committee met and selected Mr. William E. Tew, Jr., for the 2001 Agricultural Hall of Fame.

**ACTION: Approve the induction of Mr. William E. Tew, Jr. into the Cumberland County Agricultural Hall of Fame.**

- F. Approval of Resolution Regarding Continued Participation in County Health Insurance Plan.**

## BACKGROUND

A resolution has been prepared by the County Attorney that re-states and consolidates a number of amendments that the Board of Commissioners has made over time relating to participation in the County's health plan. It also incorporates some provisions that have been implemented as policy in administering this program.

The resolution provides that retired employees may continue to participate if they have ten or more consecutive years of employment or service and three years in the County's health insurance plan immediately preceding retirement. Part-time years may be counted on a two for one basis if the employee had at least five years of consecutive full-time employment or service. Retirees must be receiving retirement benefits from the retirement system and must pay the employee portion of the premium.

Elected officials may participate in the County's health plan if they have ten or more consecutive years of service and three years in the County's health insurance plan preceding retirement. They must be receiving retirement benefits from the retirement system and must pay the employee portion of the premium.

Retire employees and elected officials will be covered until they become eligible for Medicare benefits, at which time the County will provide medicare supplemental insurance.

A retirees' spouse may continue to be covered under the County's health insurance plan until he or she becomes eligible for medicare benefits or the retired employee dies. The retired employee must pay the employee/spouse portion of the premium.

Any person who was not eligible for retirement benefits but had been covered under the County's health insurance plan for at least three years may elect to continue to participate in that plan provided that person pays the **entire** premium for coverage (that is, employee portion plus County match).

**ACTION: Approve the resolution re-stating conditions for retiree participation in County health insurance plan.**

**RESOLUTION OF BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY,  
NORTH CAROLINA, REGARDING CONTINUED PARTICIPATION IN COUNTY  
HEALTH INSURANCE PLAN BY RETIREES**

1. To be eligible for continued participation in the county's health insurance plan, a retired employee must be:
  - (a) Retired from County government with (1) at least ten consecutive years of County employment immediately preceding retirement in which the employee contributed to the N.C. Local Government Employees Retirement System or the N.C. Law Enforcement Officers Benefit and Retirement Fund, provided that in meeting this requirement, years of part-time employment may be counted on a two for one basis when the retired employee has at least five years of consecutive full-time employment or service, AND (2) at least three full years participation in the County's health insurance plan immediately prior to regular, early or disability retirement;
  - (b) Receiving retirement benefits from the N.C. Local Government Retirement System or the N.C. Law Enforcement Officers Benefit and Retirement Fund; and
  - (c) Paying one hundred percent of the employee portion of the premium costs of such health insurance.
  
2. To be eligible for continued participation in the County's health insurance plan, at retirement an elected official must be:
  - (a) Retired from county government with (1) at least ten consecutive years of County employment or service preceding retirement, provided that in meeting this requirement, years of part-time employment or service may be counted on a two for one basis when the retired employee has at least five years of consecutive full-time employment or service AND (2) at least three full years participation in the County's health insurance plan prior to regular, early or disability retirement;
  - (b) Receiving retirement benefits from the N.C. Local Government Employees Retirement System or the N.C. Law Enforcement Officers Benefit and Retirement Fund; and
  - (c) Paying one hundred percent of the employee portion of the premium costs of such health insurance.
  
3. Continued participation under the County's health insurance plan shall terminate at the time a retired employee or elected official becomes eligible for Medicare health benefits, at which time medicare supplemental insurance will be provided by the County.
  
4. If a retired employee or elected official continues to be covered after retirement under the County's health insurance plan, such retired employee's or elected official's spouse may continue to be covered under the County health insurance plan until the spouse becomes eligible for Medicare health benefits, or the retired employee or elected official dies, at which time eligibility in the County health insurance plan shall terminate. For a spouse to continue to have health insurance coverage, the spouse's coverage must have been in effect at retirement. The retired employee or elected official must pay one hundred percent of the employee portion of the premium costs of employee/spouse health insurance coverage.
  
5. No children, grandchildren, or any dependents other than the retired employee's or elected official's spouse shall be eligible for continued participation in the County health insurance plan after an employee's or elected official's retirement.
  
6. Once a retired employee or elected official declines health insurance upon retirement or ceases participation in the County health insurance plan, the retired employee or elected official will not be eligible for future participation.
  
7. Any person who (1) was not eligible for the Local Government Employees Retirement System or the N.C. Law Enforcement Officers Benefit and Retirement Fund and (2) had been enrolled in the County's health insurance plan for a continuous period of thirty-six months or more, may elect in writing prior to separation from service with the county, to continue enrollment in the County's health insurance plan, provided such person pays the entire monthly premium (i.e., total of employee portion plus county match) for such coverage. Once such a person fails to elect to continue or ceases participation, he or she will not be eligible for future participation.

**G. Approval of Cape Fear Valley Health System FY02 Operating and Capital Budget and Budget Ordinance.**

BACKGROUND

On July 25, 2001, the Cape Fear Valley Health System Board of Trustees approved the Health System's FY02 Operating and Capital Budget and Budget Ordinance. Pursuant to the Hospital System By-laws Article 6, Section 7(1), the advice and consent of the Board of County Commissioners is required as to matters which involve the Health System's annual budget.

**ACTION: Approve the Cape Fear Valley Health System FY02 Operating and Capital Budget and Budget Ordinance.**

**I. Approval of Resolution Declaring September 15, 2001 as "Cumberland County Big Sweep Day".**

BACKGROUND

Sidney Post, Big Sweep Coordinator for Cumberland County and George Autry, Cooperative Extension Service requests that September 15, 2001 be declared as "Cumberland County Big Sweep Day". North Carolina Big Sweep is a statewide community effort to retrieve trash from North Carolina's waterways and landscapes.

**ACTION: Adopt the resolution.**

**A RESOLUTION OF THE BOARD OF COMMISSIONERS  
OF CUMBERLAND COUNTY  
DECLARING SEPTEMBER 15, 2001 AS  
CUMBERLAND COUNTY BIG SWEEP DAY**

**WHEREAS**, Cumberland County is rich in natural resources and beauty; and  
**WHEREAS**, water is a basic and essential need for all life; and  
**WHEREAS**, trash fouls our waterways as well as our landscapes; and  
**WHEREAS**, every citizen should contribute to keeping our environment clean and healthy by working together to preserve clean water and the natural beauty or our surroundings; and

**WHEREAS**, North Carolina Big Sweep is a statewide community effort to retrieve trash from North Carolina's waterways and landscapes.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of Cumberland County, North Carolina, meeting on August 20, 2001, does hereby declare September 15, 2001 as **CUMBERLAND COUNTY BIG SWEEP DAY** in Cumberland County, and does further hereby urge every citizen to do his or her part to restore the beauty and function of our lakes and streams by volunteering to participate in the Big Sweep event.

**J. Budget Revisions:**

- 1. Raeford Road Volunteer Fire Department**  
Revision to distribute final payment of funds (14,217) in accordance with the "Plan of Dissolution of Raeford Road Volunteer Fire Department" that was effective June 30, 1996. (B02-080) **Funding Source – Raeford Road Fire Department Fund Balance**
- 2. Special Fire Districts**  
Revision in the amount of \$287,277 to distribute FY2001 funds to low wealth volunteer fire departments and to the Fire Chief's Association. (B02-031) **Funding Source- Special Fire District Tax**
- 3. Community Development**
  - a. Various Programs – Revisions in the amount of \$1,764,207 to rebudget unexpended grant funds from prior years and \$81,543 of required county match. (B02-070 through B02-077 and B02-081 through B02-83) **Funding Source – Federal and County Fund Balance**
  - b. Miscellaneous Grants – Increase in revenue and expenditures in the amount of \$719,015 to budget Crisis Housing and

Assistance Funds for Repair and Replacement Housing Assistance for Hurricane Floyd recovery projects. (B02-043)  
**Funding Source - State**

5. **Juvenile Crime Prevention Programs/General Government Other**  
Revision in the amount of \$10,848 to transfer unexpended grant funds from prior fiscal years to the JCPC Juvenile Assessment Center Program. (B02-060 & 060A) **Funding Source – State Grant Funds**
6. **Law Enforcement**
  - a. Jail – Revision in the amount of \$100,360 to appropriate fund balance to restore 4 jailer positions previously eliminated during the FY2002 budget process. (B02-063) **Funding Source – County Fund Balance**
  - b. Facility Upgrade Grant – Revision in the amount of \$3,094 to rebudget unexpended grant funds and county match from FY2001. (B02-051) **Funding Source – State and County Fund Balance**
  - c. Sheriff's Office/Federal Forfeiture Justice – Revision in the amount of \$61,488 to purchase traffic enforcement equipment with NC Governor's Highway Safety Program Grant funds and Federal Forfeiture funds. (B02-079 & B02-079A) **Funding Source – State and Federal**
  - d. Federal Forfeiture-Justice – Revision in the amount of \$51,000 to appropriate fund balance to purchase evidence-drying cabinet, hostage negotiation phone equipment, and to provide travel and training funds for law enforcement classes. (B02-078) **Funding Source – Federal**
  - e. COPS More Grant – Revision in the amount of \$4,005 to rebudget unexpended grant funds and county match from FY2001. (B02-050) **Funding Source – Federal and County Fund Balance**
  - f. NC Controlled Substance Tax – Revision to appropriate fund balance in the amount of \$60,300 to replace drug detection dog; to purchase supplies and equipment; and to budget for travel and training (B02-042) **Funding Source – Fund Balance (State)**
7. **Soil & Water Conservation**  
Revision in the amount of \$5,000 to recognize a grant from the U.S. Fish and Wildlife for improvements to the Lake Rim Park Nature Trail. (B02-062) **Funding Source – Federal**
8. **Welfare Other**  
Revision in the amount of \$25,000 to recognize a Smart Start grant for a Lead Teacher position at The Meeting Place Drop-In Child Care located at the Cumberland County Social Services Building (B02-061) **Funding Source – State**

- 9. Social Services**
- a. Revision to recognize additional De-Linking state funds (\$40,000) to fund temporary caseworkers. (B02-065) **Funding Source – State**
  - b. Revision in the amount of \$148,385 to re budget unexpended Crisis Intervention funds from FY2001. (B02-064) **Funding Source – Federal**
  - c. Family Violence Care Center – Revision in the net amount of \$2,228 to recognize a \$25,000 Family Violence Grant; to reduce TANF funding \$22,772; and to fund additional personnel costs (\$2,228) for state mandated salary changes (B02-066) **Funding Source – Federal**
- 10. Library**  
Revision in the amount of \$4,498 to reclassify three Librarian I positions to Librarian II. (B02-035) **Funding Source – County**
- 11. Eastover Water System Capital Project**  
Revision to reduce the construction contract \$405,653 per Change Order #1 and the associated PWC cost Share revenue and to approve the revised Capital Project Ordinance. (B02-053) **Funding Source – Other**
- 12. NC Cooperative Extension**  
Revision in the amount of \$28,574 to re budget unexpended United Way funds for the Baby Think It over program. (B02-069) **Funding Source – Other**
- 13. Health Department**
- a. Adult Health – Revision in the amount of \$11,044 to fund increase salary for Physician Extender II position. (B02-052) **Funding Source – County**
  - b. WIC – Revision in the amount of \$5,434 to fund additional personnel costs for an interdepartmental transfer. (B02-047) **Funding Source – Federal**
  - c. WIC – Revision in the amount of \$4,529 to fund additional personnel costs to reclassify a Nutritionist I position to a Nutritionist II position. (B02-068) **Funding Source – Federal**
  - d. Laboratory – Revision in the amount of \$5,614 to fund additional personnel costs to reclassify four Medical Lab Technician positions. (B02-067) **Funding Source - County**
- 14. Mental Health**
- a. Alcohol and Drug Support – Revision in the amount of \$1,928 to appropriate fund balance to fund additional personnel costs for state mandated salary changes. (B02-056) **Funding Source – MH Fund Balance**
  - b. NC Treatment Alternatives to Street Crime – Revision in the amount of \$2,173 to appropriate fund balance to fund additional personnel costs for state mandated salary changes. (B02-055) **Funding Source – MH Fund Balance**
  - c. Employee Assistance Program – Revision in the amount of \$2,438 to appropriate fund balance to fund additional personnel costs for state mandated salary changes. (B02-054) **Funding Source – MH Fund Balance**
  - d. Managed Care – Revision in the amount of \$10,107 to appropriate fund balance to fund additional personnel costs to

extend an employee's retirement date three pay periods (B02-057) **Funding Source – MH Fund Balance**

## Items of Business

### 3. Nominations to Boards and Committees

- A. Cape Fear Valley Health System Board of Trustees (1 Vacancy)  
Commissioner Edge nominated Katheryn Jenifer.
- B. Cumberland County Industrial Facilities and Pollution Control Financing Authority (2 Vacancies)  
Commissioner Blackwell nominated Billy Butler.  
Commissioner King nominated Sharon Drake.
- C. Nursing Home Advisory Board (1 Vacancy)  
Commissioner Council nominated Frank J. Nuzum.
- D. Senior Citizens Advisory Board (2 Vacancies)  
Commissioner Blackwell nominated Jack Harnsberger and Billy Manning.

### 4. Appointments to Boards and Committees

- A. Board of Adjustment (1 Vacancy)  
Alternate Member Position  
Nominee: Malcolm King (Reappointment)
- B. Emergency Planning Committee (1 Vacancy)  
Hospital Representative  
Nominee: Steve Schultz
- C. Equalization and Review Board (1 Vacancy)  
Home Builder Position  
Nominee: Ron Smith
- D. Joint Storm Water Advisory Board (1 Vacancy)  
Nominee: Carlon G. Mercer
- E. Nursing Home Advisory Board (2 Vacancies)  
Nominees: Linda Henderson  
Shirrell W. McDuffie (Reappointment)
- F. Workforce Development Board (1 Vacancy)  
Private Sector Representative  
Nominee: Dr. Richard Ellis (Reappointment)

**MOTION:** Commissioner Edge offered a motion to appoint Malcolm King to the Board of Adjustment, Steve Schultz to the Emergency Planning Committee, Ron Smith to the Equalization and Review Board, Carlon G. Mercer to the Joint Storm Water Advisory Board, Linda Henderson and Shirrell W. McDuffie to the Nursing Home Advisory Board and Dr. Richard Ellis to the Workforce Development Board.

**SECOND:** Commissioner Henley

**VOTE:** UNANIMOUS

### 5. Consideration of Request from Veterans Administration to Reconsider Order to Demolish Property Under Minimum Housing Code.

## BACKGROUND

The Veterans Administration has written to ask that the Board of Commissioners reconsider its order to demolish property located at 1009 Patrick Street, Fayetteville, NC. The Board adopted an order of demolition on February 19, 2001, giving the property owner 90 days to repair the property. The VA acquired this property by foreclosure on March 6, 2001. It has now proposed to make necessary repairs to the property. It would therefore like the demolition order to be reconsidered.

Mr. Barrett recommended the Board give the property owner 180 days to repair the property.

**ACTION: Amend order to extend time for property owner to repair property.**

**MOTION: Commissioner Baggett offered a motion to extend the time the owner had to repair the property by 180 days.**

**SECOND: Commissioner King**

**VOTE: UNANIMOUS**

**6. Consideration of Change Order No. 2 for Miller Building Corporation – Detention Center Project.**

BACKGROUND

A Change Order Number Two (2) for Miller Building Corporation has been prepared. The Change Order is in the amount of \$263,744.00 which represents various changes in the scope of work necessitated by differing site conditions, omissions in the construction documents and changes in the scope of work identified during construction. Some of the more significant items are summarized below:

A charge of \$32,333 to provide off-site storm drainage improvements and a storm retention pond designed after bids had been accepted and required by the City of Fayetteville.

A charge of \$3,274 to provide tempered water-mixing valves in the medical areas.

A charge of \$15,555 to provide dryer vents and washer/dryer connections in the inmate housing areas.

A charge of \$17,002 to provide for six additional fire fighting/riot control hose reels and piping.

A charge of \$16,395 to redesign the courtroom so that bench trails and courtroom staff can be accommodated.

A charge of \$10,769 for revisions of ceiling heights and acoustical tiles in the lobby and courtroom areas.

A charge of \$5,224 to provide electrical service to heaters required in the backflow preventer houses.

A charge of \$96,629 to provide x-ray equipment in the medical area.

A charge of \$15,868 to provide for use of a pick proof caulk in the inmate areas.

A charge of \$4,238 to upgrade security in the initial receiving area.

A charge of \$4,210 to revise the underground piping in the kitchen area to co-ordinate with kitchen plan.

A charge of \$27,743 to increase the curb and gutter on Worth Street from 24" to 30" and to provide a 1" asphalt overlay from Russell Street to the railroad crossing on Worth Street. The total cost of this work is being shared by Miller Building.

The project budget has established an 8.5% contingency. Funds are available from this contingency. This change order represents a 0.7% change from the original contract price. The combination of this change order with change order Number 1 represents a 1.2% change in the original contract price.

The cost of the revised work has been thoroughly reviewed by the Project Architect and approval is recommended.

Tom Cooney, Assistant County Engineer reviewed the change order for the Board and answered questions. He noted that in a large project such as this there are some oversights. Some of the oversights are the direct responsibility of the architects and they will accept responsibility for those costs.

**ACTION:**

1. **Approve Change Order Number Two (2) for Miller Building Corporation in the amount of \$263,744.00 and revise the total contract amount to \$36,794,088.00.**
2. **Approve the associated budget revision #B02-084.**

**MOTION:** Commissioner King offered a motion to approve change order number 2 for Miller Building Corporation in the amount of \$263,744.00 and to revise the total contract amount to \$36,794,088.00 and to approve the associated budget revision #B02-084.

**SECOND:** Commissioner Council

**VOTE:** UNANIMOUS

7. **Consideration of Request from the Arts Council of Fayetteville/Cumberland County to Address the Board – Appearing: Deborah Mintz.**

BACKGROUND

The Board of Commissioners will be asked to provide a resolution of support for an increase in the Occupancy Tax and for the increase to be allocated to the Arts Council to support the arts and cultural agencies, programs and projects of our area.

Ms. Mintz noted the arts received an 18% cut in County funding this year. The City of Fayetteville has advised that if their state funding were cut the arts would receive no funding from them this year. When a discussion concerning alternate funding began, they were told to look at the occupancy tax. She noted the current occupancy tax rate is 3%. In other areas, the rate is 6%. She noted visitors would pay the greatest portion of this tax. Ms. Mintz advised approximately \$1 million was needed in 1993 to support the arts. The arts community has been working with the Convention and Visitors Bureau, which has listened to their needs. She noted the Arts Council is asking that the Commissioners consider endorsing an increase in the Occupancy Tax to be phased in over a four-year period and equally divided by the FACVB and the Arts Council annually, ultimately providing a 1/5% share for each agency. The Council is also requesting that the County make a commitment to fund the arts on a gradually diminishing basis as the tax support is phased in.

The Occupancy Tax increase requested would be as follows:

1. January, 2002 – the occupancy tax increases by 1% equally divided (.5% each) and allocated to the FACVB and the Arts Council of Fayetteville/Cumberland County.
2. January, 2003 – no increase in occupancy tax.
3. January, 2004 – the occupancy tax increases another 1%, equally divided by FACVB and the Arts Council.
4. January, 2005 – the occupancy tax increases another 1%, equally divided by FACVB and the Arts Council.

The final increase shall provide an Occupancy Tax share of 3% for the Fayetteville Area Convention and Visitors Bureau, 1.5% for the Coliseum Complex and 1.5% for the Arts.

Mr. Cam Stout, acting Chairman of the FACVB advised that the FACVB and the majority of the hotels in the community support the plan that has been presented.

**ACTION:** Approve the request for support of the proposal.

**MOTION:** Commissioner Warren offered a motion to accept and support the proposal for the Occupancy Tax increase as outlined.

**SECOND:** Commissioner Baggett

**VOTE:** UNANIMOUS

8. **Closed Session:**
  - A. **Property Matter**
  - B. **Attorney-Client Matter**

**MOTION:** Commissioner King offered a motion to go into Closed Session to discuss a Property Matter and an Attorney-Client Matter.  
**SECOND:** Commissioner Council  
**VOTE:** UNANIMOUS

**MOTION:** Commissioner Blackwell offered a motion to come out of Closed Session.  
**SECOND:** Commissioner Council  
**VOTE:** UNANIMOUS

Meeting adjourned at 9:00 PM.

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Deputy Clerk to the Board