

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
FEBRUARY 5, 2001, 9:00AM
REGULAR 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 Kenneth Edge
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Cliff Spiller, Asst. County Manager
Grainger Barrett, County Attorney
Tonya Harris Council, Public Information Officer
Marsha Fogle, Clerk to the Board

INVOCATION: Commissioner Jeannette Council
Rev. Josephine McElvine – Savannah Baptist Church

PLEDGE OF ALLEGIANCE: Jack Upchurch, 4th Grade, Ashley Elementary School

RECOGNITION: County Retiree: Gloria Tew, Social Services Department

ADDITION TO AGENDA: Consideration of adoption of a Resolution supporting the one cent sales tax (Each municipality and the Board of Education will adopt same Resolution)

MOTION: Commissioner Baggett moved to add this Resolution to the Consent Agenda.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

1. CONSENT AGENDA

A. Approval of Minutes: January 16, 2001

ACTION: Approve

B. Approval of additions to the State Secondary Road System:

Airport Development Subdivision: Runway Road
Cumberland County Crown Coliseum: Coliseum Drive
Northwood Estates Subdivision: Croydon Avenue
South Forty Subdivision: Delancy Drive

ACTION: Approve

C. Accept the Report of the Delinquent Taxes for year 2000 that are Liens on Real Estate and Order the Tax Collector to Advertise the Tax Liens

ACTION: Accept the report and order the Tax Collector to advertise the liens in a newspaper of local circulation during April 2001.

See Report: Attachment A

D. Report on the destruction of county records for various departments

BACKGROUND: Pursuant to a resolution adopted February 4, 1995, the County Manager has authorized destruction of County records for the following departments:

Governing Body: 1996 Correspondence
1996 Packet material

Inspections Dept: Files dated prior to January 1, 1994
Permit Files
Minimum Housing and Junk Vehicle Files
Monthly Reports
Correspondence/memoranda

Exception: Any record required to be retained permanently and records of ongoing litigation, if any.

ACTION: Record report in Minutes.

E. Report on the disposal of surplus property pursuant to NCGS 2160A-266(a)

BACKGROUND: Pursuant to a resolution adopted June 15, 1998 allowing the Assistant County Manager to dispose of certain "personal property" worth less than \$5,000 per item or group of items, that have become obsolete, unusable or economically unrepairable, or otherwise surplus to the needs of the county, items listed on Attachment B will be disposed of.

ACTION: Adopt the report (Attachment B)

F. Report on formal bid awards less than \$100,000 approved by Management

BACKGROUND: The County purchasing policy delegates authority to the County Manager to award formal bids for purchases of \$100,000 or less. Those bid awards are required to be recorded in the Minutes of the Board of Commissioners' meeting. The following bids were received and awarded as noted:

Print Shop: (2-color	Multigraphics: \$37,191	\$31,376 (alternate bid)
Printing press)	Printing Equipment: \$45,250	\$42,280 (alternate bid)
Bid awarded to:	Printing Equipment:	\$42,280

G. Budget Revisions

- (1) **Mental Health – Medical Services:** Revision to appropriate fund balance in the amount of \$10,000 to budget for the renovation of the Medical Services area (B01-435) Funding Source – Mental Health Fund Balance
- (2) **Social Services:** Revision in the net amount of \$29,138 to recognize funding for the Links program (B01-456) Funding Source – State
- (3) **NC Cooperative Extension/Community Development:** Revision in the amount of \$10,837 to transfer funds from the General Fund to CDBG to budget for a temporary employee (B01-439&439A) Funding Source – Federal
- (4) **Health Department – Wellness:** Revision in the amount of \$25,000 to reallocate funds originally budgeted for contracted services for tests that can now be done in house and to establish a new Office Assistant III position (B01-432) Funding Source – County
- (5) **Workforce Development**
 - a. **Administration:** Increase in revenue/expenditures in the amount of \$33,347 to budget for a transfer of a position to Administration from Welfare to Work (B01-454) Funding Source – Federal
 - b. **Welfare to Work:** Increase in revenue/expenditures in the amount of \$10,000 to budget for reimbursement received

from the state to purchase computer hardware (B01-447)
Funding Source – Federal

- (6) JCP Programs: Revision in the net amount of \$1,400 to adjust the county budget based on state budget revisions (B01-458)
Funding Source - Other
- (7) Public Building Equipment Maintenance/General Govt.: Revision to reduce county general contingency in the amount of \$600 to purchase required OSHA safety equipment (B01-459) funding Source - County
- (8) Carpenter Shop/General Government: Revision to reduce county general contingency in the amount of \$750 to purchase required OSHA safety equipment (B01-460) Funding Source - County
- (9) Economic Development Other: Revision in the amount of \$18,750 to budget funding for the NC Department of Commerce’s State Acquisition & Relocation Fund Assistance Program (B01-461)
Funding Source – State

REGULAR AGENDA

2. Nominations to Boards/Committees

A. Equalization and Review Board

BACKGROUND: The following positions will become vacant March 31 and April 30

Appraiser Position: Crawford McKeithan, Jr. – Eligible for reappointment
At-Large Position: Dr. Stacy Hair – Eligible for reappointment
Industrialist Position: Replacement needed

Nominees: Crawford McKeithan, Jr. – Appraiser Position
Dr. Stacy Hair – At-large Position
Carol Beard – Industrial Position

B. Area Mental Health Board

BACKGROUND: The following position is vacant on the Mental Health Board: Mental Health Representative from a Citizens Organization or Primary Consumer.

Nominees: Vice Chairman Blackwell nominated Dr. Tryon Lancaster
Commissioner Baggett nominated John Ashford

3. Appointments to Boards/Committees

A. Adult Care Home Community Advisory Committee (2 vacancies)

Nominees: Gertrude Armstrong (reappointment)
Mary J. Porter (reappointment)

MOTION: Commissioner Edge moved to appoint the nominees.
SECOND: Commissioner Council
VOTE: UNANIMOUS

B. Cumberland County Community Child Protection/Fatality Prevention Team (2 vacancies)

Nominees: Sheriff’s Office Representative: Sgt. Nancy Cressler
Fayetteville Police Department: Sgt. Roberto Rivera

MOTION: Commissioner Council moved to appoint the nominees.
SECOND: Commissioner King
VOTE: UNANIMOUS

C. Mid-Carolina EMS Advisory Council (1 vacancy)

Nominee: Capt. Benjamin Major (reappointment)

MOTION: Commissioner Council moved to appoint the nominee.
SECOND: Commissioner King
VOTE: UNANIMOUS

D. Minimum Housing Appeals Board (1 vacancy)

Nominee: Jerome T. Scott (reappointment)

MOTION: Commissioner King moved to appoint the nominee.
SECOND: Commissioner Blackwell
VOTE: UNANIMOUS

E. Nursing Home Advisory Board (2 vacancies)

MOTION: Commissioner King moved to appoint the nominees in items E&F.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

Nominees: Karen L. Campbell (reappointment)
Janice Fairbank-Norris (reappointment)

F. Wrecker Review Board (1 vacancy)

Nominee: Kenneth Dean Melvin

4. Consideration of a request for one new position in the Sheriff's Office and 3 new positions in the Jail to serve as the transition team for the new jail

BACKGROUND: The Sheriff's Office wishes to establish a transition team for the new jail. In order to accomplish this, there is a need for 4 new positions (3 for the jail and 1 for the Sheriff's Office):

One Captain Grade 72
One Sergeant, Grade 67
One Sergeant-Jail, Grade 66

These positions will develop milestone schedules and evaluate progress in functional areas of training, operations, security, program services, support services, move logistics, prepare standard operating procedures for each post, develop schedule and conduct classes, recruit, evaluate job applicants and perform background reviews.

One Personnel Technician, Grade 65

This position will process job applicants for positions to staff the new jail.

ACTION: Approve the establishment of the four new positions and the related budget revisions (B01-423 & B01-422).

The Sheriff indicates his current staff is unable to handle the workload required to manage the staffing transition to the new jail, especially recruiting and training.

Superior Court Resident Judge E. Lynn Johnson was invited to attend to provide information concerning when the new jail may be filled to capacity. He believes the new jail will be filled to capacity shortly after it is opened. He compared our new facility with facilities in counties of like size, i.e., Mecklenburg, Wake, Guilford, Forsyth, Durham and New Hanover. His survey indicated that most detention centers reach capacity in a relatively short period of time.

Commissioner Edge inquired as to how many capital cases are tried in Cumberland County annually. Judge Johnson said he tries to do 3-4 cases every six months. However, it depends on the nature of the case as to how long it takes to try it. Commissioner Edge inquired about how many cases plea out. Judge Johnson said he did not know, but would get the information back to the Board. Commissioner Edge said there are 18 people in our detention center who have been there one or more years, some for three years. He noted that adds up to 12,191 days at \$35.00 a day, which totals \$426,685 annually. He said it is

very expensive for the County to keep these people incarcerated awaiting trial. He said he felt this information was important for the public to know.

Commissioner Baggett pointed out that because we have incarcerated these people, our crime rate has gone down. He said he realized the public does not want to spend money on jails, social services buildings, etc.; however sometimes you just have to do it.

Chairman Warren noted the District Attorney's Office has worked hard to help reduce the number of people and the time they are incarcerated in our detention center.

Commissioners Council, Henley and Edge thanked the Sheriff and Dan Ford for taking them on a tour of the jail.

Commissioner King inquired if there was a possibility of the Sheriff using his current employees to make up a transition team. The Sheriff said they could not handle this new workload. Commissioner King asked how many people are currently employed at the Sheriff's Office, including the jail. The Sheriff said approximately 500. In response to a question he said not one of the 500 could take on any additional workload related to the opening of the new jail.

MOTION: Chairman Warren moved to approve the four new positions and the associated budget revisions.

SECOND: Commissioner Baggett

DISCUSSION: Commissioner Henley noted the importance of providing a safe environment for prisoners and workers in the detention center while also keeping in mind our budget situation. Commissioner Blackwell inquired how many positions there were in the jail. Captain Ford indicated there were 93 positions and 85 were filled. In inquiry was made as to where the money is coming from to fund these four new positions. It was noted it was coming from the County General Fund. Commissioner Council inquired why the lapsed salaries from the 8 positions not filled in the Jail could not be used. The County Manager said a combination of lapsed salaries and the General Fund would be used to fund the salaries. These new positions will carry over the new fiscal year. People from existing slots will move into these new positions and new people will be hired to take their positions.

VOTE: UNANIMOUS

5. Consideration of County Policy Committee report and recommendations

A. Debt Service Policy

The Policy Committee recommends approval of the following policy: "Upon voter and/or Board of Commissioners approval of any financing authorized by statute, not limited to GO Bonds, and to include COPS financing, the ad valorem tax rate be adjusted at the next budget cycle to fund the average annual debt service payment and the projected annual increase in operating costs for the project".

Commissioner Baggett said he thought this to be an excellent policy, noting we when commit to a project the public needs to be aware of the cost involved and how and if it will affect the tax rate.

MOTION: Commissioner Baggett moved to approve the policy.

SECOND: Commissioner Council

DISCUSSION: Commissioner Henley asked for some clarification about the policy, i.e., if a project is approved and there is not a need to increase the tax rate to fund the debt service because of money from other sources, such as an increased value in property resulting in increased revenues, will we automatically increase the taxes? It was noted the intent of the policy is to raise taxes only if necessary. The County Attorney suggested an amendment to the Policy as follows:

"Upon voter and/or Board of Commissioners approval of any financing Authorized by statute, not limited to GO Bonds, and to include COPS Financing, that the adopted budget, and the ad valorem tax rate if necessary, be adjusted at the next budget cycle to fund the average annual debt service payment and the projected annual increase in operating costs for the project."

Commissioner Baggett accepted the amended policy as noted above.

VOTE: UNANIMOUS

B. Special Funding Requests (for Municipal Anniversary Celebrations)

BACKGROUND: The Town of Spring Lake asked the County to provide \$10,000 for their 50th Anniversary celebration. The Board referred this matter to the County Policy Committee for review. The Policy Committee recommends adoption of the following policy when responding to these types of requests:

1. The organization must have a formal structure (not for profit, membership organization) that is affiliated with or sanctioned by a public entity;
2. The organization must have open nondiscriminatory membership;
3. The organization must represent recreation or the arts;
4. The activity/event for which funding is requested must be an extraordinary event bringing distinction to Cumberland County;
5. The activity/event cannot be a regular budgeted expense for the organization;
6. The organization must secure funding from multiple sources including public and private contributors;
7. The organization must submit a proposed budget showing objects of expenditures and sources of revenue for the activity/event;
8. The organization must submit a post activity/event actual expenditure and revenue recap;
9. In the event the special funding request is from a municipality within Cumberland County for the purpose of celebrating the 50th anniversary or 50 year increments thereof, the County's contribution may not exceed \$1,000.

ACTION: Approve the Policy and the contribution of \$1,000 to Spring Lake to be used for its 50th Anniversary celebration. The appropriation will come from the County's Economic Development Fund.

MOTION: Commissioner Council moved to approve.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

6. Consideration of County Finance Committee report and recommendations regarding the contractor for Orthophotography Project.

BACKGROUND: For several years the County, the City of Fayetteville and PWC have individually addressed GIS needs. In 1999 these agencies began the Community GIS initiative. Each agency had significant needs for an updated county-wide digital orthophotos, and selected this project as the first major initiative for the new enterprise. In October 2000, a consultant engineer and photogrammetrist was hired to assist with the project. In November 2000, a Request for Qualifications was released to select the most qualified firm to develop the new orthophotography. After an evaluation of the responses, the results were presented to the Finance Committee for review and recommendations to the full Board. The consultant's evaluation may be found in the packet information for this meeting.

ACTION: Approve 3Di as the contractor for this project and Option #3 in the amount of \$507,317, subject to one-third participation each from the City of Fayetteville, PWC, and authorize the Chairman and Clerk to sign the contracts upon final review and approval by the County Attorney. (See Attachment C).

MOTION: Commissioner King moved to follow the above action as recommended by the County Finance Committee.

SECOND: Commissioner Edge

DISCUSSION: Commissioner Henley noted that the charge for the data that will be available for private use is well below the potential market value. Mr. Garrett Alexander, Tax Administrator, said the fee schedule is being reviewed and will be amended appropriately. Commissioner Edge inquired when this project would begin. Mr. Alexander said the planes would be flying week after next. It was noted the State of North Carolina will also be flying the river basins and areas affected by the flood. Senator Tony Rand was most helpful in that he has caused the State to fly the Cumberland County area first, which will help us tremendously and save us 35-36% in cost. The Commissioners noted and thanked the City of Fayetteville and PWC for their cooperation in this project. At some point, the information will assist the school system, FAEDC in getting GIS information needed for their operations.

VOTE: UNANIMOUS

7. Consideration of canceling the March 5, 2001 Commissioners' Meeting

BACKGROUND: The NACo Legislative Conference will be held March 2-6 in Washington, DC. Several commissioners and some county staff will be attending this conference.

ACTION: Cancel the March 5, 2001 meeting.

MOTION: Commissioner Blackwell moved to cancel the meeting.

SECOND: Commissioner Council

VOTE: UNANIMOUS

8. CLOSED SESSION: Economic Development Matter and Litigation (Cumberland County v. Bank of Tokyo)

MOTION: Commissioner Blackwell moved to go into Closed Session for the above matters.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

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

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

MEETING ADJOURNED: 11:10AM

Clerk to the Board