

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
JULY 2, 2001, 9:00AM
CUMBERLAND COUNTY COURTHOUSE
FAYETTEVILLE, NC**

PRESENT: Chairman J. Lee Warren, Jr.
Vice Chairman Breeden Blackwell
Commissioner Talmage Baggett
Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner John T. Henley, Jr.
Commissioner Billy R. King
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Cliff Spiller, Asst. County Manager
Amy Cannon, Asst. County Manager/Finance Director
Grainger Barrett, County Attorney
Marsha Fogle, Clerk to the Board

INVOCATION - Commissioner Tal Baggett
Chip Grammer, Associate Pastor – Highland Presbyterian Church

PLEDGE OF ALLEGIANCE

SPECIAL PRESENTATION: Mr. John Elliott, CP&L, presented Commissioner Kenneth Edge a check for \$5,000 for the NC Association of County Commissioners' Conference to be held in Cumberland County, August 9-12, 2001.

Amendments to the Agenda:

Add: Consideration of receipt of Funds as a Fiscal Agent for Continuum of Care Planning Council Grant from the Cumberland Community Foundation, to the Consent Agenda.

Add: CLOSED SESSION – Economic Development Matter

MOTION: Commissioner Baggett moved to approve the amendments to the agenda.

SECOND: Commissioner Council

VOTE: UNANIMOUS

1. CONSENT AGENDA

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

SECOND: Commissioner Edge

VOTE: UNANIMOUS

A. Approval of minutes for the June 18, 2001 regular meeting.

ACTION: Approve

B. Approval of Addendum to Health Department Dental Clinic Fees.

BACKGROUND: The Board of Health approved an addendum to the dental fees previously adopted by the Board of Commissioners on June 4, 2001:

<u>Excision of Gingivitis</u>	<u>Current</u>	<u>Proposed</u>
Health Department	0	\$389.00
Medicaid Reimbursement	\$311.00	

ACTION: Approve

C. Approval of Bid Award for Jail Health Prescription and Non-Prescription Drugs Contract.

BACKGROUND: The following bids were received:

	<u>Medical Arts Pharmacy</u>	<u>Y&S Pharmacy Services</u>
<u>Prescription Drugs:</u>		
Dispensing Fee	0	0
Less Discount %	0	Brand Drugs 13% Generic Drugs 20%
Plus increase %	0	0
<u>Non-prescription drugs:</u>		
Average Wholesale price plus discount	0	0
Average Wholesale price less discount	15%	30%
<u>Other healthcare items</u>		
Average Wholesale price + increase	see bid sheet	0
Average Wholesale price less discount	see bid sheet	-30%

ACTION: Award the bid to Y&S Pharmacy in an amount not to exceed \$150,000 with an option to renew for two additional years.

D. Approval of Ordinances Assessing Property for the Costs of Demolition of the following Properties:

MH842, 844, 847, 848, 849, 850-899, Blarrie Gibbs, Jerry Butler and Ken Wallace DBA Central Carolina Investment Group, 1078, 1082, 1086, 1090 Charmain Street, PIN: 0419.12-87-9374

MH852-863-99, MH843, 845, 846-99, Blarrie Gibbs, Jerry Butler and Ken Wallace DBA Central Carolina Investment Group, 6002-6008, 6011-6018 Trease Drive, PIN: 0419.12-97-0493.

BACKGROUND: The owner failed to comply with the demolition order within the specified time period and the Minimum Housing Inspector had the structure demolished as required by the ordinance at a cost of \$9,400 for each parcel. In accordance with the requirements of the Demolition Ordinance and authority granted by G.S. 160A-443(6), the cost of the demolition shall be assessed to the property and shall constitute a lien against the property upon which the costs were incurred.

ACTION: Adopt the ordinance assessing the above mentioned properties for the cost of demolition. (Ordinance may be found in the Minimum Housing Ordinance Book).

E. Approval of Memorandum of Agreement with Averagesboro Battlefield Commission, Inc. and an Interlocal Agreement with Harnett County.

BACKGROUND: The Board of Commissioners approved a memorandum of principles with the Averagesboro Battlefield Commission, Inc. (ABCI) on June 5, 2000 and also agreed to sponsor its application to the NC Department of Transportation for a TEA-21 Transportation Enhancement Grant. The Board also understood that Harnett County would join in sponsoring the Application but would rely on the County to provide an oversight role to ensure ABCI's performance of its TEA-21 grant obligations. ABCI was awarded a portion of the grant funds for which it applied. Its application has been approved as project E-4534, in the maximum grant amount of 80% of eligible costs up to \$26,523, for the creation of a driving tour and portion of a historic/scenic byway from Fayetteville through Averagesboro Battlefield, the repair and re-installation of historic highway markers and landscaping. While NCDOT will look to Cumberland County for oversight over the Enhancement Agreement and to assure ABCI's performance, the Memorandum of Understanding with ABCI makes it clear that ABCI will be responsible for financing, constructing, operating, and maintaining the project. ABCI will provide the 20% matching funds and will indemnify and hold harmless the County. ABCI may also consult with and obtain advice from the County Engineer, Director of Parks and Recreation and our Risk Manager.

ACTION: Approve the Memorandum of Agreement with Averagesboro Battlefield Commission, Inc., an Interlocal Agreement with Harnett County, and authorize the County Manager to execute those documents plus an Enhancement Agreement and a Resolution with NCDOT.

F. Approval of Franchise Agreement with Raymond Howard DBA Scooby's Sandwich Shop for Concessionaire Services for the Mental Health Center at 109 Bradford Avenue – 2nd Reading.

ACTION: Approve the Second Reading.

G. Concessionaire Services for the Mental Health Center at 1724 Roxie Avenue –2nd Reading.

ACTION: Approve the Second Reading

H. Approval of a Resolution Proclaiming July 9, 2001, General Henry Hugh Shelton Day in Cumberland County.

BACKGROUND: Chairman Lee Warren will be attending a farewell ceremony for General Shelton on July 9, 2001 and will present this Resolution to him.

ACTION: Approve

RESOLUTION

WHEREAS, General Henry H. Shelton was born in Tarboro, North Carolina in January, 1942; and

WHEREAS, General Shelton earned a Bachelor of Science Degree from North Carolina State University and a Master of Science Degree from Auburn University; and

WHEREAS, General Shelton's distinguished military career includes his command of the 82nd Airborne Division at Fort Bragg, North Carolina; and

WHEREAS, in 1993 he was promoted to lieutenant general and assumed command of the XVIIIth Airborne Corps ;and

WHEREAS, Hugh and Carolyn Shelton endeared themselves to the citizens in Cumberland County during their tenure here; and

WHEREAS, in March, 1996, he was promoted to general and became Commander in Chief of the U.S. Special Operations Command; and

WHEREAS, on October 1, 1997, General Henry H. Shelton became the fourteenth Chairman of the Joint Chiefs of Staff.

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of Cumberland County hereby proclaims July 9, 2001, General Henry Hugh Shelton Day in Cumberland County and urges its citizens to celebrate the many contributions he and Carolyn have made to this community and our country.

I. Approval of Appointment of Deputy Finance Officer for the Cumberland County Coliseum Complex.

BACKGROUND: Mr. Rick Reno has recently been hired as the Chief Executive Officer of the Cumberland County Coliseum Complex. In order for him to perform the responsibilities of CEO, he will need to be appointed Deputy Finance Officer for the Civic Center.

ACTION: Appoint Rick Reno Deputy Finance Officer for the Civic Center.

J. Budget Revisions

ACTION: Approve

(1) Health

- a. Childhood Lead Poisoning - Revision in the amount of \$8,000 to budget for additional state funding. (B02-018) Funding Source – State.
- b. Health Department – Revisions in the amount of \$20,803 to reallocate funds in order to fund a computer cabling project. (B02-019 through B02-019J) Funding Source – Health Department Fund Balance.

(2) Eastover Water Project/Water and Sewer Fund

Revision in the amount of \$213,295 to adjust transfers between the Water and Sewer Fund, Eastover Water Capital Project Fund and the Eastover Water Authority Fund. (B02-001 through B02-001B) Funding Source – Other.

(3) Fire Districts

- a. Beaver Dam Fire District - Revision in the amount of \$5,380 to budget for additional revenue earned in prior fiscal year. (B02-002) Funding Source – Fund Balance.
- b. Bethany Fire District – Revision in the amount of \$9,103 to budget for additional revenue earned in prior fiscal year. (B02-003) Funding Source – Fund Balance.
- c. Cotton Fire District – Revision in the amount of \$11,537 to budget for additional revenue earned in prior fiscal year. (B02-004) Funding Source – Fund Balance.
- d. Cumberland Road Fire District - Revision in the amount of \$23,548 to budget for additional revenue earned in prior fiscal year. (B02-005) Funding Source – Fund Balance.
- e. Eastover Fire District - Revision in the amount of \$6,955 to budget for additional revenue earned in prior fiscal year. (B02-006) Funding Source – Fund Balance.
- f. Godwin-Falcon Fire District - Revision in the amount of \$4,332 to budget for additional revenue earned in prior fiscal year. (B02-007) Funding Source – Fund Balance.
- g. Gray's Creek Fire District #18 - Revision in the amount of \$7,399 to budget for additional revenue earned in prior fiscal year. (B02-008) Funding Source – Fund Balance.

- h. **Gray's Creek Fire District #24 - Revision in the amount of \$7,399 to budget for additional revenue earned in prior fiscal year. (B02-009) Funding Source – Fund Balance.**
- i. **Lafayette Village Fire District - Revision in the amount of \$2,262 to budget for additional revenue earned in prior fiscal year. (B02-010) Funding Source – Fund Balance.**
- j. **Lake Rim Fire District - Revision in the amount of \$46,892 to budget for additional revenue earned in prior fiscal year. (B02-011) Funding Source – Fund Balance.**
- k. **Pearces Mill Fire District - Revision in the amount of \$28,042 to budget for additional revenue earned in prior fiscal year. (B02-012) Funding Source – Fund Balance.**
- l. **Stedman Fire District - Revision in the amount of \$6,114 to budget for additional revenue earned in prior fiscal year. (B02-013) Funding Source – Fund Balance.**
- m. **Stoney Point Fire District - Revision in the amount of \$32,172 to budget for additional revenue earned in prior fiscal year. (B02-014) Funding Source – Fund Balance.**
- n. **Vander Fire District - Revision in the amount of \$106,340 to budget for additional revenue earned in prior fiscal year. (B02-015) Funding Source – Fund Balance.**
- o. **Wade Fire District - Revision in the amount of \$3,709 to budget for additional revenue earned in prior fiscal year. (B02-016) Funding Source – Fund Balance.**
- p. **Westarea Fire District - Revision in the amount of \$37,923 to budget for additional revenue earned in prior fiscal year. (B02-017) Funding Source – Fund Balance.**

(4) Social Services

Revision in the net amount of \$11,091 to convert three vacant full-time Community Social Services Assistant positions into three part-time positions and to restore one Social Worker II position. (B02-021) Funding Source – Federal and County

(5) Legal/General Litigation

Revision in the amount of \$6,336 to provide funding for a 30-hour paralegal position for the entire FY 02 fiscal year. (B02-020 and B02-020A) Funding Source – General Fund Transfer.

K. Consideration of receipt of funds as a Fiscal Agent for Continuum of Care Planning Council Grant from the Cumberland Community Foundation.

BACKGROUND: Sylvia Ray, Women's' Center, asked the Board to approve allowing Cumberland County Community Development to act as the fiscal agent to receive grant money from Cumberland Community Foundation to hire and equip a Homeless Resource Technologist. This position will be a part-time contract worker who will report to the Planning Council's Executive Committee. The salary for the position is \$18,000 per year. This technologist will serve as a focal point for information, data collection and dissemination of information relative to serving the homeless population.

ACTION: Approve receipt of the \$21,197 grant from Cumberland Community Foundation and authorize the county manager to execute a fiscal agent agreement to be administered by the Community Development Department.

ITEMS OF BUSINESS

2. Nominations to Boards and Committees

A. Home and Community Care Block Grant Committee (2 Vacancies)

BACKGROUND: The following positions are vacant:

Older Consumer Positions: Ellen Hall - not eligible for reappointment
Blanche Hodul – not eligible for reappointment

Note: On April 16, 2001, the Board appointed Eunice Melvin to fill one of the above positions. The Commissioners' office has been unable to contact Ms. Melvin; therefore she has not accepted an appointment.

ACTION: Nominate to fill the vacancies.

Commissioner Council noted she had an address for Ms. Melvin; therefore, action of the Board on April 16, 2001, to appoint Ms. Melvin is still valid. The Clerk will try the new address to see if a response can be received as to whether Ms. Melvin wants to serve in one of the above positions.

Nominee: Anthony L. Johnson

3. Appointments to Boards and Committees

A. Criminal Justice Partnership Advisory Board (7 Vacancies)

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

SECOND: Commissioner Council

VOTE: UNANIMOUS

Nominees:

District Attorney Position: Ed Grannis (Reappointment)

At-Large Representatives: Coy E. Brewer, Jr. (Reappointment)
Ada R. Harris (Reappointment)
Richard A. Hayes (Reappointment)
Ralph Spivey

Public Defender Position: Ron McSwain (Reappointment)

Criminal Defense Attorney Position: Allen Rogers (Reappointment)

B. Juvenile Crime Prevention Council (7 Vacancies)

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

SECOND: Commissioner Council

VOTE: UNANIMOUS

Nominees:

United Way or Non-Profit Representative: Dr. Polly Davis (Reappointment)

At-Large Representatives: Henry Berry (Reappointment)
John Clark (Reappointment)
Robin Jenkins (Reappointment)
Monica Simmons (Reappointment)
Alfred R. Searle (Reappointment)
Sue Thomas (Reappointment)

C. Recreation Advisory Board (2 Vacancies)

Nominees: David S. Diaz
Charles F. Lovick, Jr.
Stephen L. Thomas (Reappointment)

VOTING: David S. Diaz: Commissioners Henley, Edge Blackwell, Baggett & King
Charles Lovick: Commissioner Warren and Council
Stephen Thomas - Unanimous

4. Consideration of Approval of a Memorandum of Understanding for Cooperative, Comprehensive and Continuing Transportation Planning and the Establishment of a Rural Transportation Planning Organization.

BACKGROUND: Mid Carolina has been organizing three counties as a Rural Transportation Planning Organization with the assistance of the NC Department of Transportation under the provision of state and federal laws. This organization will provide rural areas the opportunity to work in partnership with the NC Department of Transportation toward development of sound, short and long-range transportation planning for rural areas. Harnett and Sampson counties have adopted the Memorandum of Understanding; Cumberland County needs to do so.

Mr. Jim Caldwell, Mid Carolina Council of Governments, responded to questions concerning this matter. Mr. Caldwell noted that some other counties contiguous to Cumberland County, Harnett

and Sampson, may join the RTPO. In response to a question, he noted that the Urban Transportation Planning Organization and the Rural Organization are separate. Commissioner Council inquired if there was any funding required. Mr. Caldwell said there was no cost at this time; however, there may be some down the road and he was hopeful they could secure funding from other sources. If not, he will have to ask the counties involved for some funding. Commissioner Baggett inquired if the unincorporated municipalities would have some input into transportation planning. While only incorporated areas have been asked to participate, input is received county-wide. Note: Fayetteville, Spring Lake and Hope Mills are members of the Fayetteville Area Metropolitan Planning Organization.

ACTION: Adopt the Memorandum of Understanding to include Cumberland County as a member of the Rural Transportation Planning Organization.

MOTION: Commissioner Edge moved to approve.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

5. Consideration of a Resolution Amending the Boundaries of Commissioners Districts One and Two to Reflect 2000 Census.

BACKGROUND: As a result of the Census 2000 results, the Board of Commissioners must redefine commissioner district boundaries to reflect population figures. It is suggested that the following changes be made:

Add Morganton Road Road 2, Brentwood, Cross Creek 29 and Cross Creek 21 to Commissioner District 1. (Its minority population under the 1990 census was 48.2% and would be 47.2% with the suggested adjustments. Its minority registered voting percentage was 57.4% at the time of the 1990 census and it is estimated it would be 54.4% under the suggested adjustments)

Cumberland County's 2000 Census population was 302,963. The Planning Department analyzed the census data and advises that Commissioner District 1's population was 100,002. District 2's population was 202,961. If the 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-members districts, the "ideal" population should be about 121,185 for District 1 and 181,778 for District 2. Under the suggested adjustments, Commissioner District 1's population is 120,590 and Commissioner District 2's population would be 182,373. The combined deviation from "ideal" district populations would be 0.8%.

The County Attorney's opinion is that the suggested adjustments will meet applicable legal requirements.

ACTION: Set date for Public Hearing

MOTION: Chairman Warren moved to hold a public hearing on this matter, August 20, 2001, 7:00PM.

SECOND: Commissioner Blackwell

DISCUSSION: Commissioner Baggett inquired if we are required to perform these adjustments. The response is yes in order to assure population parity.

VOTE: UNANIMOUS

6. Closed Session for Attorney Client Matters and Economic Development Matters.

MOTION: Commissioner Blackwell moved to go into Closed Session to discuss Attorney Client matters and an Economic Development matter.
SECOND: Commissioner Henley
VOTE: UNANIMOUS

MOTION: Commissioner Baggett moved to go back into Open Session.
SECOND: Commissioner King
VOTE: UNANIMOUS

MOTION: Commissioner Baggett moved to recess this meeting to 11:00AM, today's date at the Rudolph Jones Student Center, FSU, to continue mediation with the Board of Education.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

The meeting reconvened at approximately 11:00AM at Fayetteville State University. Commissioner King did not attend.

MOTION: Commissioner Blackwell moved to go into Closed Session – Mediation.
SECOND: Commissioner Council
VOTE: UNANIMOUS

Note: All commissioners did not stay for all of the Mediation. Vice Chairman Breeden Blackwell and Commissioner Baggett stayed for the entire Mediation.

The Mediation continued until about 4:15PM. The Mediator, Andy Little, called a halt to Mediation for today, and continued it to July 10, 2001, 4:00PM.

MEETING ADJOURNED: 4:15PM

Clerk to the Board