

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
JUNE 3, 2002, 9:00 AM
REGULAR MEETING

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

INVOCATION: Commissioner John Henley
Chaplain Neil Smith, McCain Correctional Hospital

OATH OF OFFICE: Charles A. Register, Eastover Sanitary District
(The oath was administered by Marsha Fogle, Clerk to the Board of Commissioners)
(This item removed from agenda. Mr. Register will be sworn in on June 17, 2002)

1. CONSENT AGENDA

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

SECOND: Commissioner Henley

VOTE: UNANIMOUS

A. Approval of Minutes: May 20, 2002

ACTION: Approve

B. Approval of a Resolution in support of session limits for the NC General Assembly

BACKGROUND: The NC General Assembly is in the midst of its longest session in history. North Carolina is the only state in the southeast and one of the few in the nation which does not place a constitutional or statutory limit on the number of days its legislature can meet.

ACTION: Adopt Resolution supporting session limits

RESOLUTION

WHEREAS, the NC General Assembly is in the midst of its longest session in history; and

WHEREAS, North Carolina is the only state in the Southeast and one of the few in the nation which does not place a constitutional or statutory limit on the number of days its legislature can meet; and

WHEREAS, the NC Senate has on five occasions overwhelmingly supported a constitutional amendment to limit the sessions, which was sponsored by Senator David Hoyle; and

WHEREAS, the longer and longer sessions are severely limiting the people who can afford to serve in the legislature and is making it more difficult for the political parties to recruit qualified people to run for the General Assembly.

NOW, THEREFORE, BE IT RESOLVED THAT the Cumberland County Board of Commissioners supports passage of a constitutional amendment limiting the number of days the General Assembly can be in session and urges the NC General Assembly to address this issue when it reconvenes in May, 2002.

C. Approval of declaration of additional surplus vehicles and ratify the May 4, 2002 sale of vehicles

BACKGROUND: The County vehicle auction was held on April 2, 2002. Three additional vehicles were added to the auction list that the Board did not approve. The three vehicles were sold.

95 Ford Van – 1FMCA11U3SZB12190
91 Ford Van – 1FMCA11UXMZA68756
88 Doge Pickup – 1B7FD14YWS720773

ACTION: Declare the three additional vehicles surplus to the needs of the county and ratify the sale of said vehicles.

Note: Net proceeds to General Fund from the sale of surplus county vehicles on April 2, 2002, is \$28,465.23.

D. Approve Second Reading of Franchise – Coca Cola Bottling Company and County Parks and Recreation Department

BACKGROUND: The first reading was approved on May 20, 2002.

ACTION: Approve second reading.

E. Approval of releasing Closed Session Minutes

BACKGROUND: County Attorney Grainger Barrett reviewed Closed Session Minutes for the following dates and recommends they be opened for public inspection:

March 16, 1998 – Attorney Client Matter
April 6, 1998 – Litigation
October 5, 1998 – Legal Matters
January 4, 1999 – Legal Matter
June 7, 1999 – Attorney Client Matter
June 21, 1999 – Attorney Client Matter
August 2, 1999 – Attorney Client Matter
August 16, 1999 – Attorney Client Matter
September 7, 1999 – Attorney Client Matter
October 4, 1999 – Attorney Client Matter
November 1, 1999 – Litigation

ACTION: Approve the opening of the Closed Session Minutes as noted above.

F. Approval of bid award for Franklin Street parking lot improvements

BACKGROUND: Bids (Attachment A to these minutes) were received on May 7, 2002 for construction of improvements to the Franklin Street parking lot. The scope of work includes site grading, stone base, asphalt paving, storm drainage, curb and gutter, landscaping, site lighting and signage. The low base bid was submitted by Barnhill Contracting in the amount of \$243,658.10. At the request of City Engineering alternate bids were received for demolition and replacement of the concrete sidewalk along Franklin Street. The City will reimburse the County the cost of this work up to \$8,225.50. It is recommended that this work be included in the contract award to Barnhill Contracting. In addition, an alternate bid was received for sod in the lawn areas. The cost for sod is \$6,529.60 which is \$5,257.60 more than the cost to seed and mulch the lawn areas. Sod will provide an established lawn with less maintenance than seed and mulch. The County Landscaping Department can perform this work for a cost of \$2,723.00. It is recommended that the County Landscaping Department

perform this work and that Alternate 28 and Item 21 “Seeding and Mulching” in the base bid be rejected. The landscaping and irrigation system work would be contracted to Watson Nursery in the base bid submitted by Barnhill. The County has experienced numerous problems with the quality of work performed by Watson Nursery on the DSS Building, Spring Lake and East Regional library projects. Therefore, the County Landscaping and Grounds Manager recommends that the landscaping and irrigation work be removed from Barnhill’s contract. The landscaping can be performed with county forces and the irrigation system would be bid as a separate contract. This will result in savings to the County.

The total amount of the contract award is \$239,561.60. This includes the base bid less Item 21, 22 & 24, plus Alternates 26 & 27. A 3% contract contingency in the amount of \$7,187 is also recommended. There are sufficient monies in the current budget to fund this work.

ACTION: Award the contract to Barnhill Contracting Company in the amount of \$246,748.60, which includes a 3% contingency.

G. Approval of additions to the State Secondary Road System

Stoney Point Subdivision: Cricket Road, Mabe Road, Firefly Street and Spring Run Road

ACTION: Approve

H. Approval of a Proclamation proclaiming June 17-23, 2002 “US Army Special Forces Week”

ACTION: Adopt Proclamation

PROCLAMATION

WHEREAS, on November 7, 2290, the US Army 1st Special Forces Command was reorganized as the US Army Special Forces Command (Airborne). Its mission: to train, validate and prepare Special Forces units to deploy and execute operational requirements for the war-fighting commanders in chief; and

WHEREAS, the US Army Special Forces Command is headquartered at Ft. Bragg, which is also home to the 3rd and 7th Special Forces Groups (Airborne); and

WHEREAS, The Special Forces Association, a non-profit veterans fraternal organization, was formed in 1964 at Ft. Bragg and is chartered in the State of North Carolina. Special Forces Chapter I-SVIII was formally activated on September 15, 1995 at Ft. Bragg; and

WHEREAS, the approximately 9,000 Active Duty and National Guard Special Forces soldiers daily live up to their motto – De Oppresso Liber – “To Free the Oppressed”; and

WHEREAS, the US Army Special Forces soldiers are often the nation’s first military response when faced with a crisis in today’s uncertain and unstable international security environment; and

WHEREAS, Special Forces soldiers have earned the title of “Quiet Professionals” because of their intelligence, dedication, motivation and ability to fight unconventional battles; and

WHEREAS, the Special Forces entire history and structure is built on the team concept and their training is some of the most rigorous in the world. They are able to operate under the harshest conditions without the infrastructure needed by a larger force; and

WHEREAS, Special Forces units perform five doctrinal missions: Foreign Internal Defense, Unconventional Warfare, Special Reconnaissance, Direct Action and Counter-Terrorism. These missions make Special Forces unique in the US military, because it is

employed throughout the three stages of the operational continuum: peacetime, conflict and war.

NOW, THEREFORE in recognition of the 50th Anniversary of the US Army Special Forces, the Cumberland County Board of Commissioners hereby proclaims the week of June 17-23 “US ARMY SPECIAL FORCES WEEK” in Cumberland County.

I. Approval of exception to the Conflict of Interest rule – Community Development Housing Rehabilitation Program

BACKGROUND: Community Development has received an intake from an applicant who is related to our Housing Services Manager. The applicant is a 79-year old individual living in a household with her 41-year old son. She owns and occupies the property located at 1372 Loop Road, Fayetteville, NC. Based on program requirements and a preliminary title opinion, she appears to be eligible for assistance under the Housing Rehabilitation Program.

The Community Development Director assures that the decision-making process used for this application is the same impartial and objective process used for all other such applications for these services. The County Attorney has rendered a legal opinion 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 reaps no direct or indirect economic gain from this transaction; has disclosed on the record the nature of the conflict; does not engage in deliberations concerning the matter; disqualifies himself from action on the application; and does not communicate regarding the matter with anyone who will make a decision about the application.

ACTION: No action need; however presented to the Board as a matter of disclosure for public record.

J. Approval of the Cumberland County Juvenile Crime Prevention Council contracts representing funding allocations for July 1, 2002 – June 30, 2003.

ACTION: Approve the contracts.

K. Budget Revisions

(1) Health

- a. Adult Health – Amount: \$8,000 – to budget additional earned revenue (B02-444) Funding Source – Fees
- b. Family Planning – Amount: \$20,000 – to appropriate Health Department fund balance to fund anticipated expenditures for the remainder of the fiscal year (B02-446) Funding Source – Health Department Fund Balance Appropriated
- c. Communicable Disease – Amount: \$20,200 – to budget to appropriate Health Department fund balance to fund anticipated expenditures for the remainder of the fiscal year (B02-447) Funding Source – Health Department Fund Balance Appropriated
- d. Administration/Child Health Clinic – Amount: \$35,000 – to transfer County Fund Balance Appropriated from Health Administration to Child Health Clinic to fund a Public Health Physician III who is working in both departments (B02-443&443A) Funding Source – Reallocation of Budgeted Revenues & Expenditures
- e. Management Support/Immunization/TB Chest/BCCCP Screening – Amount - \$18,000 to transfer County Fund Balance Appropriated from Management Support to the Immunization

Clinic, TB Chest Clinic and BCCCP Screening in order to fund anticipated salary expenditures for the remainder of the fiscal year (B02-445-445C) Funding Source – Reallocation of Budgeted Revenues and Expenditures

- (2) School Law Enforcement – Amount: \$25,758 – to budget additional revenue received from the Gang Resistance Education & Training Grant (B02-451) Funding Source – Federal
- (3) Revaluation – Amount: \$2,612 – to change a contractual appraiser to a county temporary employee (B02-450) Funding Source – Reallocation of Budgeted Expenditures
- (4) Eastover Water Authority – Amount: \$2,584 – to budget funds to pay monthly per diem to the members of the Eastover Sanitary District Board as previously approved by the Eastover Sanitary District Board (B02-442) Funding Source – Reallocation of Budgeted Expenditures
- (5) Register of Deeds Automation – Amount: \$9,400 – to budget additional revenue in order to fund additional expenditures for the remaining fiscal year (B02-454) Funding Source – Fees
- (6) Kelly Hills Water and Sewer – Amount: \$3,583,400 to adopt initial working budget and the associated Capital Project Ordinance for Kelly Hills Water & Sewer Project (B02-449&449A) Funding Source – Other

REGULAR AGENDA ITEMS

- 2. Consideration of a request from Ron Ross to address the Board regarding the discharge of firearms in Cumberland County

Mr. Ross appeared and expressed concern about the shooting of firearms in residential areas of the county. He noted that the current ordinance says you cannot fire a firearm if you are within 300 feet of a residence. He noted this is not adequate and suggested the Board look at increasing the distance to 3,000 feet. He shared a story about a 2-year old who had been shot riding his tricycle in Davidson County. He said he was concerned that the same thing could happen here. Mr. Ross also noted that NC General Statute 153A-129 indicates the Board can set any limits it chooses in this regard. Mr. Ross said there appears to be nothing the Sheriff's office can do about shooting in the residential areas; he also noted there is no noise ordinance dealing with gunfire. He said he fears someone is going to get hurt if the Board does not take some action to address people shooting across other people's property.

Commissioner Lee Warren noted that representatives from the NRA, Cumberland County Wildlife Club, Bethany Hunt Club, NC Trap Association, Fort Bragg Skeet and Trap as well as representatives from other concerned sport clubs are present in the audience.

Although this item was not scheduled as a public hearing, the Board decided to allow a speaker representing each entity to address the Board.

Greg High – NC Trap Assoc. – Mr. High noted that safety is a primary concern of his group and he believes there is a way to prevent people from shooting across their properties without changing the ordinance.

George Lott – President, Cumberland County Wildlife Club – Urged the Board to take no action. He said he believed there are laws already in place to address the issue.

Frank Avanti – Mr. Avanti said he thought there may be a law about reckless endangerment that could be used to address the problem.

M.L. Core – Mr. Core said the Board should not take any action to change anything.

Sheriff Earl Butler – The Sheriff said his office will do all they can to respond when shooting of this nature takes place.

Commissioner King acknowledged the concerns of Mr. Ross; however he noted you can't legislate to protect everything.

MOTION: Commissioner Warren moved to accept the presentation as information.
SECOND: Commissioner Baggett
VOTE: UNANIMOUS

3. Designation of Voting Delegate for NACo Conference

BACKGROUND: Commissioners Edge, Warren and King will attend the NACo Conference in July.

ACTION: Designate one of the above commissioners as the County's voting delegate, plus a first and second alternate.

MOTION: Commissioner Warren moved to designate Commissioner King as the voting delegate, Commissioner Edge as Alternate 1 and Commissioner Warren as Alternate 2.
SECOND: Commissioner Baggett
VOTE: UNANIMOUS

4. Nominations to Boards/Committees

A. Adult Care Home Community Advisory Committee (1 vacancy)

BACKGROUND: Derrick Davis, appointed to the above Committee, cannot accept the appointment, as he has moved out of North Carolina. He was to serve in the position currently filled by Mary Porter.

ACTION: Make nominations to fill the vacancy.

Nominee: Chairman Blackwell nominated John Poulos

B. Juvenile Crime Prevention Council (5 vacancies)

BACKGROUND: The following positions will become vacant on July 1, 2002:

John Jones (substance abuse professional): Recommended replacement: Stuart Bowers

Rev. Joseph Bathe (Faith community): Eligible for reappointment

Thomas Godwin (under age 21): Recommended Replacement: Shakeema Burns

Cheryl A. Walton (juvenile defense attorney): Recommended Replacement: Carmon Jean Battle

Marya Fuentes (business community): Eligible for reappointment.

NOMINEES: Stuart Bowers – Substance Abuse Professional
Rev. Joseph Bathe – Faith Community (reappointment)
Shakeema Burns – Person under 21
Carmon Jean Battle – Juvenile Defense Attorney
Marya Fuentes – Business Community (reappointment)

5. Presentation of Fiscal Year 2003 budget

James Martin gave an overview of his proposed budget as follows:

County-wide budget - \$612,886,779 (3.3% increase)
General fund budget - \$222,477,609 (1.56% increase)
Tax rate will remain at 92 ½ cents
Fund balance appropriation - \$5,047,080
One cent on the tax rate is \$1,226,027
General Fund revenues include: Ad valorem taxes (real, personal & motor vehicles)
Other taxes (sales)
Unrestricted intergovernmental
Restricted intergovernmental
Total General Fund Revenues: \$222,477,609
General Fund expenditures include: Personal services (salaries, fringes)
Operating
Capital outlay
Social Services programs
Debt Service
General Government Other
Total General Fund Expenditures: \$222,477,609

Fiscal Year 2002 Highlights: Current economic decline has impacted State & local economy;
State revenue shortfall for the last two years (Governor withheld state reimbursements; unlikely they will be released this year);
Sales tax revenues are \$218,563 under current budget;
Ad valorem collections down 1.19%;
Reimbursements withheld - \$2.1 million;
Erosion of revenue base;
Instituted hiring freeze in February, 2002;
Limited travel, training & discretionary spending;
Year end deficit - \$1,371,950

Fiscal Year 2003 Budget:

- Budget is based on receiving state reimbursements;
- Modest rebound in sales tax;
- One-time revenue budgeted (Cape Fear Hospital - \$1 million);
- And designated reserve - \$1,445,847;
- Eliminate 2% discount for early payment of taxes
- Minimum of \$825 one-time stipend for county employees (minimum one year service as of June 30, 2002 to receive stipend);
- County school funding increased 3.45% as agreed to last year;
- Funding for FTCC increased 6.18%;
- Medicaid expenditures increased 13.75%
- One stop permitting created in combined Planning/Inspections Department;
- Vehicle & heavy equipment maintenance functions in Solid Waste and Central Maintenance Facility combined in CMF

Proposed State Budget: Problems have reached crisis level and threaten the stability of Cumberland County;
(Governor has pledged to work for local government authorization of ½ cent sales tax);
Governor proposes reductions in Health, Social Services, Mental Health, Libraries and Day Reporting Center

FY 2003 Contingency Plan: Review all options once the state budget has been adopted and recommend necessary action to address the issues.

In response to a question from Commissioner King about whether the Board might want to adopt an Interim Budget, the Manager said unless the Board is considering a tax increase he did not feel the adoption of an Interim Budget would benefit us.

The Board will review the budget at its Budget Workshop tonight.

MEETING ADJOURNED.