

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
OCTOBER 6, 2003 – 9:00 AM
REGULAR MEETING**

Present: Chairman Talmage S. Baggett, Jr.
Vice Chairman Jeannette Council
Commissioner Kenneth Edge
Commissioner John Henley
Commissioner Billy King
Commissioner Edward Melvin
James Martin, County Manager
Amy Cannon, Assistant County Manager
Cliff Spiller, Assistant County Manager
Grainger Barrett, County Attorney
Mitzi Chamption, Public Information Officer
Larry Philpott, Recreation Director
Nancy Roy, Planning and Inspections Director
Ann Hymes, Deputy Clerk to the Board

Absent: Commissioner Breeden Blackwell

INVOCATION Commissioner John Henley

Pledge of Allegiance

Addition to Agenda:

James Martin, County Manager, stated he would like to provide a briefing on the Sales Tax Distribution Proposal. (Item 2.A)

MOTION: Commissioner Melvin moved to approve the amendment to the agenda.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

Recognition of Retired County Employee:

Swindell M. Anderson, Department of Social Services

1. Appearance by Mayor Marshall Pitts to Request Consideration of Cumberland County Board of Commissioners having Bi-Annual Meetings with the Fayetteville City Council.

Mayor Pitts made a request that the Board of Commissioners agree to having bi-annual meetings with the Fayetteville City Council. He suggested the meetings be held each year in October and April.

MOTION: Commissioner Council moved to approve the request.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

2. Presentation of Recreation Proposal by Larry Philpott, Recreation Director.

Larry Philpott, Recreation Department Director, presented a Cumberland County Parks and Recreation Services Proposal. The concept proposes the City of Fayetteville manage a consolidated parks and recreation system. The system would fall under one administrator. This model would replace the park authority proposal. One service district would be established with two sub districts. The “urban district” would be all areas inside the Fayetteville City limits. The “rural district” would be the unincorporated areas. Current city/county services would be unchanged. When future annexations take place, no resident would experience a break or immediate change in services no matter where they reside. The concept proposes that city and county parks and recreation personnel be assigned as close to current roles as possible. This proposal would meet the objective of

the parks and recreation project group by establishing one department/administrator to deliver athletic programs, senior programs, non-athletic programs such as recreation center activities and special events, and manage facility maintenance and operations.

Commissioner Melvin stated that, if the proposal is approved by the Board, he wanted to ensure a public hearing would be held to hear the views of the citizens. Commissioner Edge recommended that management of both boards meet to present their views and issues. Commissioner Baggett said he hoped other municipalities would be a part of this program.

MOTION: Commissioner Edge moved to adopt the Recreation Proposal in concept and ask Mr. Philpott to present the proposal to the Fayetteville City Council. He added that the county and city managers should meet and work out details of this plan. After the details have been worked out, a public hearing will be scheduled to hear the views of the citizens of Cumberland County.

SECOND: Commissioner Council

VOTE: UNANIMOUS

2.A. Sales Tax Distribution Proposal

James Martin, County Manager, referred to the County's Sales Tax Distribution Proposal made to representatives of the city and municipalities at the Mayor's Coalition Meeting on August 22, 2003. That proposal has been negotiated by the Managers' Working Group. If the proposal negotiated to date comes back to this Board as he is about to describe, he recommends the Board adopt it. 1.) Cumberland County maintain per capita distribution of sales tax. 2.) Any annexing municipality would reimburse Cumberland County, as well as other municipalities participating in the agreement, 50% of what sales tax lose from the annexations. 3.) The City of Fayetteville will continue to pay the County \$2.1 million in FY 2005. In FY 2006 and 2007 a calculation will be made to convert the \$2.1 million into a percentage based on the total sales tax we will have collected in FY 2005. Based on today's calculation, that would be 3.14%. After three years, the County and the parties in the contract would have an opportunity to review the contract to see if any changes need to be made. Hopefully, sales tax collections will increase. Assuming Fayetteville follows through with its large annexation, under this formula the County's loss would be \$550,000 per year going forward.

No action needed.

3. Presentation of the FY03 Annual Report for Judicial District 12 by Wayne Marshburn, Judicial District Manager, Division of Community Corrections.

Wayne Marshburn, Judicial District Manager, presented the Division of Community Corrections' Annual Report for Judicial District 12. Judicial District 12 has a staff of 78. An Urban Plan was developed in 2002 which better focuses on some issues that are unique to this County. The staff is divided into the Special Operations Unit, the Judicial Services Unit and five Field Units. In 2002 an automated case management was also instituted. This allows a better balance of case loads by having a computer assign cases. In FY 2002-2003, the hours worked by offenders whom the court sentenced to perform community service totaled 35,783 hours. Offenders on probation save money not only for the state of North Carolina, but also for Cumberland County. The average yearly cost for an offender to be supervised on probation is \$668. The yearly cost of incarceration within the Division of Prisons for an inmate is \$18,265. He also noted that Joseph Mayo was named officer of the year for Judicial District 12 and for Division 2 which represents 21 counties.

No action needed.

4. Presentation of Proposed Air Quality Strategies by Nancy Roy, Planning and Inspections Director.

Nancy Roy, Planning and Inspections Director, stated that Cumberland County and its municipalities have entered into an agreement with the US Environmental Protection Agency. The agreement, termed the Early Action Compact, requires participating local governments to select strategies that will improve air quality by December 2003 and implement the strategies by December 2005. Thirty-one strategies were developed by the Air Quality Stakeholders Committee and the Air Quality Technical Committee. Strategies 1 through 6 have been reviewed by the Cumberland County Joint Planning Board and are recommended for adoption by the County Commissioners. If adopted, the Planning and Inspections Department will develop a plan to ensure that they are implemented by December 2005. The strategies are: (1) Adopt a countywide landscape ordinance (applicable to new commercial development only); (2) Conduct a "Smart Growth Audit"; (3) Include a Mixed Use District in the current Zoning Ordinance revision; (4) Encourage small towns to develop vacant parcels with access to existing infrastructure (infill development); (5) Include a requirement for shared parking facilities and connectivity in the current Zoning Ordinance revision; (6) Participate with other jurisdictions in Greenspace Inventory. Items 1,3, 4 and 5 would be developed by, and approved by, the Planning Board and then brought back to the Board of Commissioners for final approval. The other two items would be staff level efforts.

MOTION: Commissioner King moved to approve the six Air Quality Strategies.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS

5. Consent Agenda

MOTION: Commissioner Edge moved to follow staff recommendations on the items on the Consent Agenda.
SECOND: Commissioner Council
VOTE: UNANIMOUS

A. Approval of minutes for the September 15, 2003 regular meeting.

No action needed.

B. Approval of Endorsement of Averagesboro Battlefield Commission, Inc. Grant Project.

BACKGROUND: The Board of Commissioners agreed in 2000 to sponsor the Averagesboro Battlefield Commission, Inc.'s (ABCI) efforts to apply for federal TEA-21 grants to enhance the Averagesboro Battlefield site. ABCI was recently awarded \$423,570 in federal grant funds to acquire, move and rehabilitate the historic Oak Grove Plantation House which was closely associated with the actual battle. (Project E-4768). ABCI and the County as sponsor would enter into an Enhancement Agreement with the N.C. Department of Transportation to carry out the project.

Mac Williams thanked the Commissioners and the County staff for their cooperation and support in securing grants to enhance the Averagesboro Battlefield.

ACTION: Adopt the Resolution approving the Enhancement Agreement for Project E-4768 and authorizing the Chairman to sign it on behalf of the County.

RESOLUTION

WHEREAS, The County of Cumberland (County) and Averagesboro Battlefield Commission, Inc. (ABCI) have requested enhancement funding for Phases I and II-to acquire, move, and rehabilitate the historic Oak Grove Plantation House, a fundamental component of the Averagesboro Battlefield viewshed, located in Cumberland County, North Carolina; and,

WHEREAS, the Department of Transportation has programmed funding in the 2002-2008 Transportation Improvement Program, as revised, for said improvements under Project E-4768 in Cumberland County; and

WHEREAS, the County and ABCI propose to enter into an Agreement with the North Carolina Department of Transportation for said improvements as described in said Agreement; and,

WHEREAS, under the proposed Agreement, the Department of Transportation shall reimburse the County to the extent of eighty percent (80%) of the approved eligible project costs up to the maximum federal award of \$423,570; and,

WHEREAS, the County shall provide at least twenty percent (20%) matching funds and all costs that exceed the federal award of \$423,570.

NOW, THEREFORE, BE IT RESOLVED that the Agreement for Project E-4768 in Cumberland County is hereby formally approved by the Board of Commissioners of the County of Cumberland, and, on behalf of the County, the Chairman of the Board of County Commissioners and Clerk to said Board are hereby empowered to sign and execute the required Agreement with the Department of Transportation.

C. Approval of Bid Award for Solid Waste for New Roll-Off Container Truck.

BACKGROUND: Bids were received on August 19, 2003 for a new Roll-off Container Truck. Five bids were submitted with one bidder submitting two bids, one of which did not meet the specifications. Prior to receiving bids, a pre-bid conference was held on August 7, 2003 with all but one of the bidders present. At that time all bidders suggested making modifications to the specifications that all bidders could meet. An addendum to the specifications was sent to all perspective bidders. Sufficient funds are available for this truck in the FY 03-04 budget.

<u>Company</u>	<u>Truck</u>	<u>Trade-in</u>	<u>Total</u>
Carolina Env.-Bid 1	\$106,578.00	\$12,600.00	\$93,918.00
Carolina Env.-Bid 2*	\$100,408.00	\$12,600.00	\$87,808.00
Cavalier	\$99,801.26	\$7,500.00	\$92,301.26
Nu Life Env.	\$107,950.00	\$5,000.00	\$102,950.00
Transource	\$99,476.00	\$7,500.00	\$91,976.00

*Lowest bid, but did not meet specifications as stated in bid packet.

ACTION: Declare Roll-off Container Truck #30, 1990 Peterbilt, VIN#1XPZLAOXLD704534 surplus and allow to be used as a trade-in. Award the bid to Transource for one (1) new 2004 Mack Granite Roll-off Container Truck.

D. Approval of Cape Fear Valley Health System Sublease.

BACKGROUND: The County Attorney and the County Manager have reviewed the sublease from Cape Fear Valley Health System. The Cape Fear Valley Health System has certified that the sublease is on economic terms that are substantially equivalent to the current market value and has submitted the sublease for approval by the County.

ACTION: Approve the sublease.

E. Approval of Exception to the Conflict of Interest Rule, Community Development Housing Rehabilitation Program.

BACKGROUND: Community Development has received an Intake Application from James and Maggie McDougald who are cousins of Bobby Thomas, Community Development Housing Services Manager. Mr. and Mrs. McDougald own and occupy the residence at 1294 Hoke Loop Road, Fayetteville, NC. Based on program requirements and a preliminary title opinion, they appear to be eligible for assistance under the Community Development Housing

Rehabilitation Program. It is the legal opinion of the County Attorney’s Office that granting assistance to the applicants would not result in a conflict of interest in violation of State law or County ordinance, provided 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 himself 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 needed.

F. Approval of Proposed Increase in Immunization Fees.

BACKGROUND: At the Board of Health meeting on September 23, 2003, the Board approved the increase of Immunization Fees for the following vaccines:

<u>VACCINE</u>	<u>CURRENT COST</u>	<u>CURRENT FEE</u>	<u>PROPOSED FEE</u>
Yellow Fever	\$62.27	\$62.50	\$65.00
Hepatitis A Adult	\$17.50	\$17.50	\$20.00
IPV (Polio)	\$20.06	\$20.00	\$22.00

ACTION: Approve the increase in Immunization Fees.

G. Approval of Delinquent Accounts to be Turned Over to Collectors.

BACKGROUND: At the Board of Health meeting on September 23, 2003, the Board approved writing off \$82,561.04 as bad debts and turning them over to the contracted collection agency, Professional Recovery Consultants, Inc. This write-off of bad debts is in compliance with the Board of Health’s recommendation to write-off bad debts every quarter.

ACTION: Approval to write off bad debts in the amount of \$82,561.04 and to turn them over to Professional Recovery Consultants, Inc. for collection.

H. Approval of Declaration of Surplus County Property and Authorization to Accept Insurance Settlement.

BACKGROUND:	Date of Accident:	August 29, 2003
	Vehicle	1999 Chevrolet Lumina
	VIN	2G1WL52K6X9208132
	Fleet #	FL213
	Mileage	43,973
	Department	Sheriff’s Office
	Settlement Offer	\$6,384.05
	Insurance Company	St. Paul

ACTION: Declare vehicle as surplus. Authorize Risk Manager to accept \$6,384.05 as settlement. Allow St. Paul Insurance to take possession of the wrecked (surplus) vehicle.

I. Budget Revisions:

ACTION: Approve.

(1) Public Safety Other

Revision in the amount of \$4,307 to reallocate budgeted expenditures to adjust the County’s share for the hazardous materials response unit. (B04-012 and B04-012A) **Funding Source – Reallocation of Budgeted Expenditures**

(2) Health-Promotion

Revision in the amount of \$795 to appropriate Health Department fund balance to fund anticipated expenditures for the “Operation Buckle Program” for FY 2004. (B04-086) **Funding Source –Health Department Fund Balance**

(3) Sheriff’s Office/Federal Forfeiture-Justice

Revisions in the total amount of \$10,000 to budget the Governor’s Highway Safety Program grant (\$6,875) and to appropriate Federal Forfeiture fund balance of \$3,125 for required match to purchase law enforcement equipment. (B04-106 and B04-106A) **Funding Source – State Grant and Federal Forfeiture**

(4) Community Development

a. Housing/Economic Development/Public Facilities/Planning
Revisions in the total amount of \$704,469 to rebudget FY 2003 Community Development Block Grant funds to FY 2004. (B04-107 through B04-110) **Funding Source – Federal**

b. HOME Administration/ HOME Program / General Government Fund Other – Revisions in the total amount of \$722,844 to rebudget FY 2003 HOME Grant funds to FY 2004 and to appropriate \$69,291 for required match from the General Fund. (B04-111 through B04-112A) **Funding Source – Federal and General Fund Fund Balance**

c. Supportive Housing Programs Administration /Programs /General Government Other – Revisions in the total amount of \$10,378 to adjust budgets, and to rebudget FY 2003 Supportive Housing Program Grants, and to appropriate \$8,353 for required match from the General Fund. (B04-113 through B04-114A) **Funding Source – Federal and General Fund Fund Balance**

(5) Soil and Water Cost Share

Revision in the amount of \$10,564 to fund an agreement whereby the Cumberland Soil and Water District provides technical assistance to the USDA Natural Resources Conservation Service. (B04-080) **Funding Source – Federal and In-kind**

(6) Juvenile Crime Prevention Programs

Revision in the amount of \$5,363 to reduce in-kind revenue and expenditures to agree to the State JCPC contracts. (B04-116) **Funding Source - In-kind**

ITEMS OF BUSINESS

6. Nominations to Boards and Committees

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

BACKGROUND: On August 18, 2003 the Board of Commissioners reappointed Lloyd C. Brisson and Jacqueline Fowler to serve second terms on this committee. Mr. Brisson has declined the appointment due to ill health. Ms. Fowler declined the appointment due to other commitments.

Nominees: Nathandra L. Hicks
Tony Wingate

B. Minimum Housing Appeals Board Vacancies (2 Vacancies)

BACKGROUND: The Minimum Housing Appeals Board will have two vacancies as of October 31, 2003.

J.E. Herndon, Jr. – Completing second term. Replacement needed.

Clyde V. Vaughn – Appointed to fill an unexpired term as an Alternate Member in May 2002. The term expired on April 30, 2003. Mr. Vaughn is eligible to be reappointed.

Nominees: I. J. McNeil
Clyde V. Vaughn

C. Southeastern Economic Development Commission Vacancy (1 Vacancy)

BACKGROUND: Commissioner Kenneth Edge will complete his first term on this Commission. He is eligible to serve another term.

Nominee: Kenneth Edge

D. Workforce Development Board (1 Vacancy)

BACKGROUND: Linda Baez, Private Sector Representative, has resigned from the Workforce Development Board. Replacement needed.

Nominee: Kathy Olsen

7. Appointments to Boards and Committees

MOTION: Commissioner Council moved to appoint the nominees in Item 7.A, 7.B and 7.C by acclamation.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

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

Nominees: Tracy Jones
Ronald Kelly

B. Cumberland County Juvenile Crime Prevention Council (3 Vacancies)

Nominees:	Substance Abuse Professional:	Brooke Olsen
	Director of Mental Health or Designee:	Debbie Jenkins
	Local Sheriff or Designee:	Lt. Myron Sampson

C. Mental Health Board (1 Vacancy)

Nominee: Dorothy M. Brayboy

8. Closed Session:
- A. Litigation – Babcock vs. Cumberland County DSS Pursuant to NCGS 143-318.11(a)(3).
 - B. Personnel Matter – Pursuant to NCGS 143-318.11(a)(6).

C. Attorney-Client Matters – Pursuant to
NCGS 143-318.11(a)(3).

MOTION: Commissioner Melvin moved to go into Closed Session for the
purposes noted above.

SECOND: Commissioner King

VOTE: UNANIMOUS

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

SECOND: Commissioner King

VOTE: UNANIMOUS

MOTION: Commissioner Henley moved to adjourn (11:35 AM).

SECOND: Commissioner Edge

VOTE: UNANIMOUS

MEETING ADJOURNED: 11:35 AM

Deputy Clerk to the Board