

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
SEPTEMBER 2, 2003 – 9:00 AM
REGULAR MEETING**

Present: Chairman Talmage S. Baggett, Jr.
Vice Chairman Jeannette Council
Commissioner J. Breeden Blackwell
Commissioner Kenneth Edge
Commissioner John Henley, Jr.
Commissioner Billy King
Commissioner Edward Melvin
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Assistant County Manager
Cliff Spiller, Assistant County Manager
Grainger Barrett, County Attorney
Mitzi Champion, Public Information Officer
Ann Hymes, Deputy Clerk to the Board

INVOCATION Commissioner Edward G. Melvin

Minister: Rev. Tim Hall – Faith Community Church

Pledge of Allegiance

Recognition of Outgoing Board Members:

Dr. Polly Davis – Juvenile Crime Prevention Council
Dr. Robin Jenkins – Juvenile Crime Prevention Council

1. Consent Agenda

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

SECOND: Commissioner King

VOTE: UNANIMOUS

A. Approval of minutes for the August 18, 2003 regular meeting.

ACTION: Approve.

B. Approval of the 2003 Agricultural Hall of Fame Nomination.

BACKGROUND: The Cumberland County Agricultural Hall of Fame nominating committee met and selected Mr. Sherrill Jernigan for the 2003 Agricultural Hall of Fame.

ACTION: Approve nomination.

C. Approval of Declaration of Telephone Equipment as Surplus and Authorization for Disposition.

BACKGROUND: Due to upgrades in several County departments, certain telephone equipment is surplus to the County's needs. The following list of equipment is valued in excess of \$5,000:

USED EQUIPMENT FOR SALE

Nortel Network

5	Dual PRI Cards	Part #NT5D12AD, Release 01
5	PRI Cables	Part #NT5D16BA-04 (A0654978)
2	Dual PRI DCH/MSDL Cables	Part #NTCK80AB (A0618299)

Telco Systems

2	MicroFox W Fiber MUX Units – Allows connection of 4 PRI with a single fiber connection
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- 1 M2CPKHY7AA each
- 1 M2QT5JB3AA each

Western Telematic Inc.

- 2 PollCat III Portable Call Accounting Terminal

ACTION: Declare the telephone equipment as surplus, and that it be sold by private negotiation and sale or other method as prescribed by G.S. 160A-266(b), and that the sale be confirmed by the Board of Commissioners.

- D. Approval of Transfer of Franchise Agreement and Ordinance from Clyde Sessoms to Shana B. Yi and Jae Yong Yi – First Reading.

BACKGROUND: On May 20, 1996, May 28, 1996 and June 21, 1999, the Board approved a Franchise Ordinance and Franchise Agreement for Sessoms Properties, Inc. to provide food services at the new Courthouse. The owner, Clyde Sessoms, now advises he wishes to sell the Franchise and requests transfer of the Franchise Ordinance and Agreement to Shana B. Yi and Jae Yong Yi (Lee). They have agreed to provide food service at the new Courthouse, pursuant to the terms of the Franchise Agreement agreed to by Mr. Sessoms. The County's Finance Director advises that the Yi's appear qualified to carry out the franchise.

- ACTION:(1) Approve the transfer of the Franchise Ordinance from Sessoms Properties, Inc. to Shana B. Yi and Jae Yong Yi (Lee).
- (2) Tentatively approve the terms and conditions of the Franchise Lease Agreement pending the second reading of the Franchise Ordinance at the next scheduled Board meeting.
 - (3) Tentatively approve the Resolution Enacting an Ordinance Transferring the Franchise to the Yi's.

RESOLUTION

WHEREAS, the County of Cumberland has certain property, which is suitable for a snack bar, located at 117 Dick Street, Fayetteville, North Carolina, in the Cumberland County Courthouse; and

WHEREAS, Sessoms Properties, Incorporated, had been granted a franchise, and the franchise has been renewed as of June 21, 1999, and the franchisee has been providing meals to Courthouse employees and visitors; and

WHEREAS, the franchisee, Sessoms Properties, Incorporated, now intends to sell the Courthouse Deli to Shana B. Yi and Joe Yong Yi (Lee); and

WHEREAS, the Board of Commissioners of Cumberland County finds and determines that it is in the public interest to transfer such franchise to Shana B. Yi and Jae Yong Yi (Lee), for the use of the Snack Bar as set forth above;

NOW THEREFORE, the Board of Commissioners of Cumberland County, North Carolina, hereby ORDAINS that the following ordinance be, and it is hereby is, enacted:

AN ORDINANCE GRANTING A FRANCHISE FOR THE USE OF THE SNACK BAR PREMISES AND FACILITIES

Section 1. Purpose:

The purpose of this ordinance is to provide for the orderly and careful use by Shana B. Yi and Jae Yong Yi, of the premises and facilities of the Cumberland County Courthouse Snack Bar, and to ensure such use contributes to the general welfare of the citizens of this County.

Section 2. Franchise Granted:

A franchise for the use of the Cumberland County Snack Bar facility located at 117 Dick Street, Fayetteville, North Carolina, is hereby granted to Shana B. Yi and Jae

Yong Yi (Lee), for the sole purpose of providing meals, and snacks for the employees and citizens at the Cumberland County Courthouse facility. The terms and conditions of such franchise shall be set forth in a Franchise Agreement by and between said franchisee and the County of Cumberland and such terms and conditions are hereby incorporated by this reference into this ordinance.

An executed original of such Agreement shall be on file in the Office of the Cumberland County Manager's Office during the term of the Agreement.

E. Approval of Proposed Additions to the State Secondary Road System:

Arran Lake Subdivision: Greenock Avenue

BACKGROUND: The North Carolina Department of Transportation has received petitions requesting the above street be placed on the State Secondary Road System for maintenance. DOT has determined that the above named street is eligible for addition to the state system.

ACTION: Approve.

F. Approval of Proclamation Proclaiming September 13-28, 2003 as "Litter Sweep" in Cumberland County.

ACTION: Approve.

CUMBERLAND COUNTY

NORTH CAROLINA

PROCLAMATION

WHEREAS, the North Carolina Department of Transportation annually organizes a Fall statewide roadside litter cleanup to ensure clean and beautiful roads in North Carolina; and

WHEREAS, the Fall 2003 "**LITTER SWEEP**" cleanup will take place September 13-28, 2003, and encourage local government leaders, civic and professional groups, churches, schools, families, businesses and individual citizens to participate by organizing cleanups in their communities; and

WHEREAS, Department of Transportation employees, Adopt-A-Highway volunteers, Department of Correction inmates and community service workers, local government officials, agencies and leaders, professional, civic and religious organizations, businesses, schools, and environmentally concerned citizens annually conduct community cleanups during LITTER SWEEP and may receive certificates of appreciation for their efforts; and

WHEREAS, the LITTER SWEEP cleanup will educate and encourage the children of this great State regarding the importance of a clean environment to the quality of life in North Carolinians enjoy; and

WHEREAS, the great natural beauty of our State and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the cleanup will raise awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

WHEREAS, the 2003 Fall Cleanup will acknowledge the 15th anniversary of the North Carolina Adopt-A-Highway program and the thousands of volunteers who contribute their time and labor year round to keep our roadsides clean;

NOW THEREFORE, the Cumberland County Board of Commissioners hereby proclaims September 13-28, 2003 as "**LITTER SWEEP**" in Cumberland County and encourages all citizens to take an active role in making the County cleaner and more beautiful.

- G. Approval of Proclamation Proclaiming September 20, 2003 as “Big Sweep Day” in Cumberland County.

ACTION: Approve.

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

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 of 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 September 2, 2003, does hereby declare September 20, 2003 as **CUMBERLAND COUNTY BIG SWEEP DAY** in Cumberland County, and does further hereby urge every citizen to do his part to restore the beauty and function of our lakes and streams by volunteering to participate in the Big Sweep event.

- H. Budget Revisions:

ACTION: Approve.

(1) Mid-Carolina Senior Transportation

Revision in the amount of \$1,216 to reconcile state and county budgets and to reallocate budgeted expenditures. (B04-009) **Funding Source – State and Reallocation of Budgeted Expenditures**

(2) Social Services

Revision in the amount total of \$91,305 to budget for a Sandhills Coalition Against Domestic Violence grant of \$73,044 and \$18,261 of matching in-kind funds. (B04-064) **Funding Source – State**

(3) Mental Health

a. Medical Records – Revision in the amount of \$14,709 to reallocate budgeted expenditures to upgrade a Medical Records Unit Supervisor V to a Medical Records Manager I and to upgrade a Medical Records Assistant III to a Medical Records Assistant IV. (B04-060) **Funding Source – Reallocation of Budgeted Expenditures**

b. MIS – Revision in the amount of \$1,758 to reallocate budgeted expenditures in order to reclassify a new Computer System Administrator I to a Computer Repair Technician per State Personnel. (B04-061) **Funding Source – Reallocation of Budgeted Expenditures**

(4) Health

a. Childhood Lead Poisoning/Environmental Health – Revisions in the net amount of \$7,870 to budget additional state funding received and

to reallocate budgeted expenditures in order to acquire two new workstations for management support. (B04-056 and B04-057) **Funding Source – State and Reallocation of Budgeted Expenditures**

- b. Child Health/Maternal Health Program/Family Planning – Revisions in the net amount of \$162,140 to transfer state funding from Child Health to Maternal Health and Family Planning. (B04-066 through B04-066B) **Funding Source – Reallocation of Budgeted Revenues**
- c. Bio-Terrorism Response Team – Revision in the amount of \$139,672 to budget additional state funding. (B04-053) **Funding Source – State**
- d. Bio-Terrorism Preparedness - Revision in the amount of \$1,721 to budget state funding for bio-terrorism preparedness. (B04-054) **Funding Source – State**
- e. Bio-Terrorism Competitive Project - Revisions in the amount of \$77,375 to budget state funding for a Bio-Terrorism Competitive Project. (B04-055 and B04-065) **Funding Source – State**

(5) General Government Other

Revision in the amount of \$111,502 to appropriate Storm Water Utility funds to be used for various storm water drainage improvements. (B04-062) **Funding Source – Fund Balance Appropriated**

(6) 1998 Local School Bond Projects

Revision in the amount of \$850,000 to budget classroom addition at Gallberry Farms Elementary School and to approve the associated Capital Project Ordinance and to approve a Revised Capital Project Ordinance (revised time schedule, no change in total cost) for classroom addition at Raleigh Road Elementary School. (B04-067) **Funding Source – Local Bonds**

ITEMS OF BUSINESS

- 2. Presentation of the Annual Report of the Fayetteville Vocational Rehabilitation Services Unit by Mr. Billy F. Cupit, Unit Manager.

ACTION: No action needed.

Mr. Cupit provided copies of the Fiscal Year 2002-2003 Annual Report of the Department of Health and Human Services, Division of Vocational Rehabilitation Services, Fayetteville Vocational Rehabilitation School Unit to the Board of Commissioners. He thanked the County for providing over \$49,000 to the program. The program budget totaled \$195,000. The Fayetteville office received 998 applications from persons with disabilities. Of those, 595 were eligible for services and 359 persons with disabilities became successfully employed in Cumberland County.

- 3. Presentation of the Joint Planning Board and Staff FY03 Annual Report by Ms. Nancy Roy.

ACTION: No action needed.

Ms. Roy provided a detailed report of the 2003 Cumberland County Joint Planning Board 2003 Annual Report. She highlighted the accomplishments of the staff and the 10 sections included in the newly combined Planning and Inspections Department.

4. Report on ABC Board Matters.

BACKGROUND: The Board of Commissioners delayed appointment of the ABC Board Chairman pending a review to determine the responsibilities of the Board of Commissioners for the ABC System and its operation. Findings indicate that the Board of Commissioners has the statutory right to remove any member at any time “for cause.” The Board of Commissioners also has a financial interest because the ABC System’s profits, after statutory distributions and the setting aside of an operating cash reserve, must be paid to the County’s General Fund. The right to appoint and remove ABC Board members does not itself make the Board of Commissioners directly responsible for operations or results of the ABC System. The ABC Board is a political entity separate from the County. By virtue of its authority to appoint, and remove for cause, members of the ABC Board, the Board of Commissioners has the right to make judgments about the quality of the ABC Board’s stewardship. The Board of Commissioners is charged with providing able leadership for the ABC System, and because it receives profits from the ABC System, the Board of Commissioners and the County’s taxpayers have a direct financial interest in the efficient operation of the ABC System.

ACTION: Appoint a member of the ABC Board as its Chairman for FY 2004 (period ending June 30, 2004) and every July for each fiscal year.

James Martin, County Manager, stated that he has done a review of the issues regarding the ABC Board as well as held discussions with its members, and feels it is appropriate for the Commissioners to appoint a Chairman.

MOTION: Commissioner Blackwell moved to nominate Stephen R. Satsky as Chairman of the ABC Board.

SECOND: Commissioner King

DISCUSSION: Commissioner Blackwell requested that county management staff notify Mr. Satsky and express clearly the expectations of the Board of Commissioners.

VOTE: UNANIMOUS

5. Nominations to Boards and Committees

A. Board of Adjustment (1 Vacancy)

BACKGROUND: Gary Lee Collier has asked to be replaced due to medical reasons.

Nominee: Steve Parsons

B. Emergency Planning Committee (8 Vacancies)

BACKGROUND: The Emergency Planning Committee has eight (8) vacancies. Four (4) members are eligible for reappointment and have indicated they would like to be reappointed. Four (4) members have completed their first term and have recommended a replacement.

Nominees: Danny Terry - reappointment
Ike Copeland - reappointment
Steve Shultz - reappointment
Lt. Gary Searce - reappointment
Sgt. Jeffrey D. Aiken – new appointment
William C. Elmore –new appointment
Harvey Hall – new appointment
Paul Rawls – new appointment

6. Appointments to Boards and Committees

Commissioner King withdrew the name Jim Crayton from Item 6.A.

MOTION: Commissioner Blackwell moved to appoint the nominees in Item 6.A and 6.B by acclamation.
SECOND: Commissioner King
VOTE: UNANIMOUS

A. Civic Center Commission (1 Vacancy)

Nominees: Ken Lancaster

B. Mid-Carolina Aging Advisory Committee (1 Vacancy)

Nominee: Nina Davis

6. Closed Session: A. Attorney-Client Matters Pursuant to NCGS 143-318.11(a)(3)

MOTION: Commissioner Blackwell moved to go into Closed Session for the purpose noted above.
SECOND: Commissioner Council
VOTE: UNANIMOUS

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

MOTION: Commissioner Blackwell moved to adjourn (11:00 AM).
SECOND: Commissioner Council
VOTE: UNANIMOUS

MEETING ADJOURNED: 11:00 AM

Deputy Clerk to the Board