

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
JANUARY 5, 2004, 9:00AM  
REGULAR MEETING

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

INVOCATION          Commissioner Kenneth Edge

Rev. Leighton B. McKeithan – Minister Emeritus - Highland Presbyterian Church

Pledge of Allegiance

Recognition of CONTACT Crisis Helpline Volunteer of the Year: Gary Faulkner

Recognition of Outgoing Board Members:

Moses Benjamin Watson, Cumberland County Mental Health Board

Helen Pierce, Cumberland County Community Child Protection Fatality Prevention Team

Special Recognition: Gail Terwilliger, 2003 New York Times Librarian Award  
Cumberland County Public Library

Presentation: Government Finance Officer Association – Certificate of Achievement for Excellence in Financial Reporting – Presentation to Ms. Amy Cannon, Assistant County Manager

Cumberland County 250<sup>th</sup> Anniversary History Briefing – Mayor Edwin Deaver, Hope Mills. Mayor Deaver read a poem recapping the history of Hope Mills.

1. Presentations

A. Presentation of the FY 2003 Annual Audit by Michelle Loyd Thompson, CPA, Partner, Cherry, Bekaert and Holland, L.L.P.

Ms. Michelle Loyd Thompson presented an overview of the FY2003 Annual Audit. The County received an unqualified (clean) opinion. Ms. Thompson noted that the County did not collect in revenues what it had anticipated (about \$5 million short). However, expenditures were \$13.3 million less than had been anticipated. Available fund balance as a percentage of the FY2004 adopted budget was 11.30%. Ms. Thompson also noted that 50% of our debt service cost is for the school system; 12% is for the Detention Center; 11% for DSS; 10-13% for Crown Center.

**MOTION: Commissioner Melvin moved to accept the audit report.**

**SECOND: Commissioner Henley**

**VOTE: UNANIMOUS**

B. Presentation of the North Carolina Dept. of Commerce Site Certification for the Cedar Creek Business Center by Steve Yost, NCDOC, Southern Regional Office.

Mr. Steve Yost informed the Board of the Department of Commerce's Commerce Site Certification for the Cedar Creek Business Center. He noted the certification makes the county more competitive when new industry is looking for a site, because it certifies the site is "industry ready". Mr. Yost noted that since the state has been involved in the certification program, it has certified 49 industrial sites. He noted the Cedar Creek Business Center certification was one of the easiest they have done. He urged the County to certify other industrial properties.

2. 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 December 15, 2003 regular meeting.

ACTION: Approve

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

Hunters Crossing Subdivision: Bugle Call Drive, Judy Drive, Frenchorn Drive, Foxhound Court Lane, Deertrot Drive

ACTION: Approve

- C. Approval of Proposed Fee Increase for Additional Double-Wide Manufactured Home Inspection.

BACKGROUND: The County Planning/Inspections Department requests a fee increase for multi-section manufactured homes. The increase is a result of the clarification from the NC regulations for manufactured home set up which will require an additional inspection. The current fee is \$155. The new recommended fee is \$200. This fee would become effective March 1, 2004.

ACTION: Approve

- D. Approval of Proposed Fee for Flu Mist Vaccine - Health Department.

BACKGROUND: Due to the recent flu outbreak, the State has advised the Health Department to begin administering the new Flu Mist Vaccine. Recommended fee is \$20.00.

ACTION: Approve

- E. Approval of PWC Utility Easement - Headquarters Library.

BACKGROUND: The proposed easement is 15 feet wide and parallel with the right of way and the purpose is for the relocation of a water line to accommodate street improvements for the Fayetteville Festival Park Entry Plaza Project. The easement will not impact the library.

ACTION: Approve

- F. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure - .22 Acre Land Located at 1910 Ridgewood Avenue, PIN 0436-23-0831.

BACKGROUND: On March 27, 2003, the County acquired by tax foreclosure the above noted property. The amount currently owed is \$4,961.41. Bible

Way Pentecostal Church, Inc., has offered to purchase the property for \$4,961.41 and has deposited \$496.15 in the Finance Department. The tax value of the property is \$15,700. No upset bids have been received.

ACTION: Accept the above offer.

G. Budget Revisions:

ACTION: Approve

(1) Cooperative Extension

Revision in the amount of \$74 to appropriate fund balance to rebudget unexpended Baby Think It Over funds from FY2003. (B04-188) **Funding Source – County Fund Balance**

(2) Industrial Development Inducement Fund

Revision in the amount of \$79,200 to appropriate fund balance to budget travel for industrial recruitment and the acquisition of property. (B04-196) **Funding Source – Industrial Development Inducement Fund Balance**

(3) Court Facilities/General Government Other

Revision in the amount of \$25,000 to reallocate expenditures to provide additional funds needed to complete renovations to the Juvenile Court room. (B04-197) **Funding Source – Reallocation of Budgeted Expenditures**

(4) Health

a. Management Support - Revision in the amount of \$1,800 to appropriate fund balance to budget office furniture for the centralized billing office. (B04-190) **Funding Source – Health Department Fund Balance**

b. Administration - Revision in the amount of \$16,600 to appropriate fund balance to fund the cost of an integrated call assistance system. (B04-198) **Funding Source – Health Department Fund Balance**

(5) Juvenile Crime Prevention Program

Revisions in the net amount of \$57,728 to appropriate fund balance to refund the NC Department of Juvenile Justice and Delinquency Prevention overpayments of \$55,961 from FY2003 and to adjust the budget to actual (\$1,767). (B04-195 and B04-195A) **Funding Source – Juvenile Crime Prevention Fund Balance**

(6) Library

Revision in the amount of \$9,359 to budget additional State Aid to Public Libraries. (B04-201) **Funding Source – State**

(7) Sheriff

Revision in the amount of \$18,575 to budget Hurricane Isabel revenue from the Town of Kitty Hawk to be used as grant match for computer software that will allow sharing of police records among neighboring agencies. (B04-203) **Funding Source – Other**

(8) General Government Other

Revision in the amount of \$5,400 to fund expenditures to survey County property located between Washington Drive, Blue Street and Ames Street. (B04-205) **Funding Source – Reallocation of Budgeted Expenditures**

REGULAR AGENDA

3. Consideration of Interlocal Agreement With the City of Fayetteville for the City to Operate and Manage a Consolidated Parks and Recreation System.

**BACKGROUND:** The consolidated system will be called the Fayetteville/Cumberland County Regional Parks & Recreation Department. The agreement contemplates a consolidated system with an urban and a rural service level. The goal will be to provide programs at the current levels consistent with the normal evolution of program offerings to reflect demand and related factors. Either party may terminate the agreement on one year's notice. The County will remit to the City each year the proceeds of its recreation district tax. The Recreation Director will prepare annually a proposed budget for both urban and rural services, to be reviewed by the managers and approved by both governing boards. The City Council will approve urban funding and Board of Commissioners will approve rural funding levels. The City will prepare a capital improvements plan to direct funding for park facilities to be approved by both governing boards. County recreation system full-time employees will become City employees as of July 1, 2004. A working group will be created to proposed by March 15, 2004 for approval by both governing boards a more detailed transition plan for county employees. The overall guideline will be that of equity to employees balanced by the goal of providing the best services possible to the citizens. The County Recreation Director will consult closely with the City Recreation Director prior to filling any vacant positions before July 1, 2004. If the City decides to terminate the consolidation within five years, the County agrees to re-hire those employees providing services to rural areas. The City and County recreation advisory boards will be merged as of July 1, 2004. Both governing boards will approve its specific composition. A separate memorandum of agreement will be submitted during the Spring, along with a more detailed operating agreement and the personnel transition plan, for governing board approval licensing the City to use, maintain and repair parks and recreation facilities, including for assignment of existing facilities use agreements (such as with the schools or recreation associations). The City and County risk managers will develop recommendations to address risk management issues such as liability and insurance to be approved by the City and County Managers. Under the agreement, County fixed assets used to provided parks and recreation services will be transferred to the City to continue to provide those services, but will remain owned by the County. As fixed assets are replaced, they will be owned by the City.

**ACTION:** Consider whether to approve the Interlocal Agreement.

Commissioner Henley noted a couple of concerns, i.e., would there be a difference in service provided in the urban and rural areas. He noted the importance of a "seamless" program for the citizens. He also expressed the need for a joint capital improvement program. The City and County Recreation Directors noted that the distinction between urban and rural deals more with capital facilities rather than programs. Commissioner Henley said it needs to be "clear" in the agreement.

Commissioner Edge noted the importance of protecting the employees in the county parks system.

A detailed plan to address employee transfers and other issues will be submitted to the Board of Commissioners and City Council in March.

Larry Philpott, Director, County Parks and Recreation Department and Robert Barefoot, Director, Fayetteville Parks and Recreation Department both indicated they felt confident they would be able to work out an acceptable plan.

**MOTION: Commissioner Edge moved to approve the Interlocal Agreement.**

**SECOND: Commissioner Blackwell**

**VOTE: UNANIMOUS**

4. Consideration of Amendment to Section 12-1(c) of the Stormwater Management Ordinance.

BACKGROUND: At is December 4, 2003 meeting, the City-County Liaison Committee voted to recommend that the Board of Commissioners amend the Stormwater Management Ordinance to enhance the ability of the Joint Stormwater Utility to deal with stormwater flooding issues. The ordinance currently limits the utility to projects that involve only minor repair and maintenance of existing stormwater infrastructure, from funds available after water quality requirements of the federal NPDES permit have been met and prohibits it from engaging in new construction of stormwater infrastructure. The amendment would allow the utility to engage in maintenance and repair of stormwater infrastructure whether minor or not, as well as new construction of minor stormwater infrastructure that is included in the City's Capital Improvements Plan, after review by the joint Stormwater Advisory Board. The City would set guidelines for determining which projects are minor stormwater infrastructure after consulting with the County Manager & the County Engineer.

The City County Liaison Committee also recommended that a broad comprehensive review of the joint stormwater utility program's activities and focus be conducted, to be reviewed by the joint Stormwater Advisory Board and submitted to the County and City boards in April 2004.

ACTION: Consider adoption of the Resolution amending Section 12-1(c) of the Stormwater Management Ordinance.

RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
AMENDING CUMBERLAND COUNTY CODE SECTION 12-1 (c) REGARDING  
PROJECTS IN WHICH THE JOINT STORMWATER UTILITY MAY ENGAGE TO  
THE EXTENT FUNDS ARE AVAILABLE AFTER MEETING ALL THE  
REQUIREMENTS OF THE STORMWATER QUALITY MANAGEMENT PLAN

WHEREAS, the Board of Commissioners has adopted a Stormwater Management ordinance; and

WHEREAS, the Stormwater Management ordinance creates a Stormwater Utility to address requirements of the Federal Water Quality Act NPDES program to which both Cumberland County and the City of Fayetteville are subject; and

WHEREAS, by interlocal agreement with the County, the City has agreed to make the Stormwater Management Ordinance effective within the City and also to operate and manage the Stormwater Utility on behalf of both the City and the County; and

WHEREAS, Section 12-1 of the Stormwater Management Ordinance specifies the activities in which the Stormwater Utility is authorized to engage, which includes projects intended to improve and enhance

stormwater quality management to the extent there are rents, fees, charges and penalties which remain on an annual basis after having met the requirements of the Stormwater Quality Management Plan; and

WHEREAS, City and County residents experienced severe flooding problems during 2003 which may be expected to recur on a periodic basis; and

WHEREAS, the Board of Commissioners wishes to amend Section 12-1(c) of the Stormwater Management Ordinance to further enhance the Stormwater Utility's ability to address stormwater flooding problems.

NOW, THEREFORE, BE IT RESOLVED, by the Cumberland County Board of Commissioners as follows:

1. Section 12-1(c) of the Cumberland County Code is amended in its entirety as follows:

*"(c) Authorized Stormwater Management Program Activities. The stormwater utility shall engage in stormwater management program activities, including stormwater quality, monitoring, education and enforcement activities, as shall directly support the requirements of the SWQMP and the utility's NPDES Stormwater Discharge Permit. The stormwater utility may also engage in stormwater management program related activities and programs, to include by way of example, inventory of the stormwater infrastructure; master planning of the infrastructure; clearing obstructions from the infrastructure; street cleaning of streets, highways and public vehicular areas that comprise a portion of the structural storm drainage infrastructure; capital expenditures that directly support a stormwater infrastructure related activities and programs; leaf collection programs that support efficient storm drainage; allocable personnel and administrative costs of the stormwater utility; and, to the extent there are rents, fees, charges and penalties which remain on an annual basis after having met all the requirements of SWQMP, maintenance and repair of existing stormwater infrastructure, as a complementary purpose of the Stormwater Management Program. The stormwater utility may engage in and expend funds for new construction of minor stormwater infrastructure, but only if such minor stormwater infrastructure projects have been included in an annual Capital Improvements Plan after review by the Stormwater Advisory Board.*

2. This ordinance shall be effective upon its final adoption as by law provided.

Commissioner King inquired if the above amendment would address all of our flooding issues. The County Attorney noted it would not fix all of our problems, but would allow the Stormwater Department to do more to help remedy flooding problems.

Commissioner Henley inquired about who would be performing the comprehensive review of the joint stormwater utility programs. It was noted the Stormwater Board and Stormwater staff would be bringing forth recommendations on the programs. Commissioner Henley said he believed that someone else, perhaps an expert in this field, should look at our program and tell us what we are doing right and how if necessary to improve it.

Commissioner Melvin noted that he had requested a breakdown of how the budget was expended and to date had not received information.

It was noted that Stormwater Department is working with a engineering consulting firm and has been doing so since its inception.

Commissioner Henley pointed out that if our current program is not effective, we should determine what needs to be done to improve it.

**MOTION: Commissioner Henley moved to adopt the Resolution amending the Ordinance.**

**SECOND: Commissioner Melvin**

**VOTE: UNANIMOUS**

5. Consideration of Cape Fear Valley Health System Request Regarding Lead Underwriting and Bond Counsel Firms for the Anticipated Revenue Bond Issue.

BACKGROUND: The Health System last issued debt in 1999 and at that time Robinson-Humphrey, LLC (now CitiGroup) was the lead Underwriter and Hunton & Williams (by William "Wally" McBride) and The Bank's Law firm, TLF (by R. Jonathan Charleston, now Principal of the Charleston Group) were the co-bond counsel. The Hospital requests the County to advise the Health System as to the underwriting and bond counsel firms to be used for the anticipated new revenue bond issue.

ACTION: Select the lead underwriting and bond counsel firms.

**MOTION: Commissioner Blackwell moved to continue to use CitiGroup Global Markets, Inc. as the lead Underwriter for the anticipated revenue bond issue, as well as Hunton & Williams and Jonathan Charleston (The Charleston Group) as co-bond counsel.**

**SECOND: Commissioner Edge**

**VOTE: UNANIMOUS**

6. Report on the Status of Water & Sewer Projects - Tom Cooney.

Kelly Hills Sanitary Sewer District: Design is complete. Most of the regulatory approvals and permits have been obtained. PWC is working to secure easements. Project should go out for bid in mid December with construction to begin in March.

Norcross Sewer District: Design is complete. Regulatory approvals and permits have been received. There are a few easement issues to be worked out. Hope to bid the project in late December, with construction to begin in March. The project is designed to serve the Towns of Falcon, Godwin and Wade. The design and PWC's participation in constructing the approach main will allow for sewer service in the Eastover Sanitary District and possible sewer service for the Highway 13/I-95 Interchange.

Linden Water & Sewer District: The consultant is working on the Preliminary Environmental report and feasibility study as well as a recommended method of operation or implementation. A citizen group has been formed and will go out into the community to provide information about the system. A bond referendum could be held in March. The referendum will decide whether or not the project is going to be a reality.

Vander Water & Sewer District: The consultant is working to form an Advisory Group. Several members who live just outside of the district are very interested in securing water in and around this area. The consultant is also beginning the process of developing the Preliminary Environmental Report as well as the required Feasibility Study. The project is about six months behind the Linden project, but could gain steam if we can secure good citizen involvement.

The Eastover Sanitary District is proposing an expansion into what has been identified as the Bethany Water and Sewer district. The Eastover Sanitary District Board will be approaching Cumberland County shortly with the proposal (this would include the Highway 13/I-95 interchange).

Mr. Cooney noted he has received complaints from citizens in the Windridge Subdivision who have problems with high levels of arsenic in their well water.

PWC can provide water for this subdivision for just under \$300,000. A petition may be forthcoming requesting a special assessment for this project.

No action needed.

6. Consideration of MOTTO for the New County Seal.

BACKGROUND: The Board has selected the design and colors for the seal. All that is left to do is to select a motto. Some suggestions from Roy Parker are:

An Old Domain, Ever New  
Faith, Goodness, & Equality  
Gathered in Diversity  
Affirming our Diversity  
From Tradition, In Diversity  
Old Roots, New Peoples

Other suggestions: Out of Many, One  
History, Heroes and Pride  
History, Tradition, Future  
Resolve to Succeed  
Heritage, Pride, Future

ACTION: Consider a motto.

The Board deferred action on this item and will discuss it at the Board Retreat on January 16, 2004.

7. Nominations to Boards and Committees

A. Board of Adjustment – Alternate Member (1 Vacancy)

BACKGROUND: Steve Parsons, a alternate member was appointed as a regular member in September, 2003.

ACTION: Nominate to fill vacancy

Nominee: Melree H. Tart

B. Board of Health – (5 Vacancies)

BACKGROUND: The Board of Health has the following vacancies:

Dr. James Williams – eligible for reappointment and wishes to serve again.  
Dr. Harold E. Maxwell – eligible for reappointment and wishes to serve again.  
Annette E. Lanier – eligible for reappointment and wishes to serve again.  
W. Lee Utley – eligible for reappointment and wishes to serve again.  
Eleanor McGinnis – not eligible for reappointment. Mr. William Mayfield has been recommended to fill this vacancy.

Nominees:

Dr. James Williams (reappointment)  
Dr. Harold E. Maxwell (reappointment)  
Annette E. Lanier (reappointment)  
W. Lee Utley (reappointment)  
William Mayfield – new appointment

C. Cape Fear Valley Hospital Board of Trustees (1 Vacancy)

BACKGROUND: Mary T. Thomas (Nurse Position) has completed her second term and is not eligible for reappointment.

ACTION: Nominate a nurse to replace Ms. Thomas.

Nominees: Mary Buie

D. Civic Center Commission (5 Vacancies)

BACKGROUND: The Civic Center has the following vacancies:

Terry Allen – eligible for reappointment and wishes to serve again.  
Ken Lancaster – eligible for reappointment and wishes to serve again.  
Susan Jones Monroe – eligible for reappointment and wishes to serve again.  
James Carson – not eligible for reappointment. Ronnie Matthews recommended.  
Henry W. Holt – not eligible for reappointment. Jack Freeman was recommended to fill this slot.

Nominees:

Terry Allen (reappointment)  
Ken Lancaster (reappointment)  
Susan Jones Monroe (reappointment)  
Ronnie Matthews (new appointment)  
Jack Freeman (new appointment)

E. Cumberland County Juvenile Crime Prevention Council (2 Vacancies)

BACKGROUND: There are two vacancies on this Council:

Maria Molera (Non-profit designee): Does not wish to serve on the Council.  
Margarita Dostal is recommended to fill the vacancy.  
Sue Thomas – not eligible for reappointment. JCPC recommends Krista Hancock to fill the vacancy.

Nominees: Margarita Dostal to fill Ms. Molera’s position (non-profit)  
Krista Hancock to fill the Thomas position (at-large)

F. Senior Citizen Advisory Board (1 Vacancy)

BACKGROUND: Billy Manning has submitted his resignation as a member of this Board.

Nominee: Raymond Whitecrow

Since the Board of Commissioners will not be meeting again until February, Commissioner Edge suggested the Board waive its policy of nominating at one meeting and appointing at the next and go ahead and appoint the above nominees at this meeting.

**MOTION: Commissioner Edge moved to waive our policy of nominating at one meeting and appointing at the next for the above noted Boards/Committees.**

**SECOND: Commissioner Blackwell**

**VOTE: UNANIMOUS**

THE BOARD VOTED UNANIMOUSLY TO APPOINT THE NOMINEES IN ITEM 9A-F AND 10A.

8. Appointments to Boards and Committees

A. Transportation Advisory Board (1 Vacancy)

Nominee: Densie Lucas

9. Closed Session A. Economic Development Matter Pursuant to

**MOTION:** Commissioner Blackwell moved to go into Closed Session to discuss the above noted matter.

**SECOND:** Commissioner Edge

**VOTE:** UNANIMOUS

**MOTION:** Commissioner Blackwell moved to go back into Open Session.

**SECOND:** Commissioner Henley

**VOTE:** UNANIMOUS

**MOTION:** Commissioner Blackwell moved to adjourn.

**SECOND:** Commissioner Edge

**VOTE:** UNANIMOUS

**ADJOURNED: 11:20AM**

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**Clerk to the Board**