

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
DECEMBER 5, 2005 - 9:00 AM
REGULAR MEETING**

PRESENT: Outgoing Chairman John T. Henley
 Chairman Billy King
 Commissioner Kenneth Edge
 Commissioner Talmage Baggett
 Commissioner Breeden Blackwell
 Commissioner Jeannette Council
 Commissioner Diane Wheatley
 James Martin, County Manager
 Juanita Pilgrim, Deputy County Manager
 Grainger Barrett, County Attorney
 Sara VanderClute, Public Information Director
 Marsha Fogle, Clerk to the Board
 Ann Hymes, Deputy Clerk to the Board

INVOCATION Commissioner Billy King

Minister: Pastor Thomas C. Leak, Smith Temple Church of God in Christ

Pledge of Allegiance

Special Recognition:

Presentation of North Carolina Recreation & Parks Association Meritorious Service Award to Larry Philpott, presented by David White, Past President of NCPRA

1. Election of Officers

Outgoing Chairman John Henley reviewed the accomplishments and goals set by the Board last year. He stressed the importance of joint planning and he is optimistic that Hope Mills and the Fayetteville City Council will favorably consider rejoining a Joint Planning Board in 2006. He remarked that we must continue to expand water and sewer throughout the County, and allow rural areas to remain rural wherever possible. Chairman Henley said Cumberland County must be prepared for the rapid growth that is going to occur later this decade when the U.S. Army Forces Command and Reserve Command move to Fort Bragg. He said there will always be challenges but he believes the future for Cumberland County is bright.

A. Chairman

Commissioner Blackwell nominated Commissioner Billy R. King as Chairman.

MOTION: Commissioner Council moved to elect Commissioner King Chairman of the Board of Commissioners.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

Chairman King remarked that guiding the 2030 land-use plan and urging the City of Fayetteville and Hope Mills to rejoin a Joint Planning Board are his paramount goals. He said he would announce his definitive plans for the coming year at the next Board meeting after consulting with the County Manager and other County employees.

B. Vice Chairman

Commissioner Council nominated Commissioner Kenneth Edge as Vice Chairman.

MOTION: Commissioner Council moved to elect Commissioner Edge Vice Chairman of the Board of Commissioners.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

C. Presentation of Plaque to Outgoing Chairman

Chairman King presented a plaque to outgoing Chairman John T. Henley, Jr., and thanked him for his service to Cumberland County.

2. Consent Agenda

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

A. Approval of minutes for the November 21, 2005 regular meeting.

ACTION: Approve

B. Approval of Bonds for Public Officials.

ACTION: Approve Bonds

<u>Name/Position</u>	<u>Amount</u>	<u>Expires</u>	<u>Agent</u>	<u>Holder</u>
Finance Officer/Asst. Manager (Amy Cannon)	\$100,000	Indefinite	Marsh	Fidelity & Deposit of Maryland
Asst. Finance Officer (Howard Abner)	\$ 50,000	Indefinite	Marsh	Fidelity & Deposit of Maryland
Asst. Finance Officer (Terry Gagnon)	\$ 50,000	Indefinite	Marsh	Fidelity & Deposit of Maryland
Register of Deeds (J. Lee Warren, Jr.)	\$ 10,000	Auto Renew	Highland	Peerless
Tax Administrator (Aaron Donaldson)	\$100,000	Indefinite	Marsh	Fidelity & Deposit of Maryland
Sheriff (Earl Butler)	\$ 25,000	12/07/08	Tomlinson	W. Surety
Sheriff's Office (Cuyler Windham, Sr.)	\$ 20,000	10/09/07	Tomlinson	W. Surety
Mental Health (Hank Debnam)	\$ 20,000	Indefinite	BB&T	W. Surety
Mental Health (Densie Lucas)	\$ 20,000	Indefinite	BB&T	W. Surety
DSS (William Scarlett)	\$ 20,000	Indefinite	BB&T	W. Surety
Civic Center (Rick Reno)	\$ 20,000	Indefinite	Tomlinson	W. Surety
Civic Center – Dep. Finance Officer (Lisa Foster)	\$ 20,000	6/21/06	BB&T	W. Surety
Civic Center – Dep. Finance Officer (Jonathan Mitchell)	\$ 20,000	11/12/06	BB&T	W. Surety

C. Approval of Second Reading of Franchise Ordinance and Franchise Agreement to Perkins Management System Company, Inc. to Provide Food Services at Mental Health Roxie Avenue Center.

BACKGROUND: The Board of Commissioners approved on first reading a proposed franchise ordinance and franchise agreement authorizing Perkins Management Services Company, Inc. to provide food services at the Mental Health Authority's Roxie Avenue Center.

ACTION: Approve second reading of franchise ordinance and franchise agreement.

- D. Approval of Scheduling a Public Hearing and Consideration of Resolution of Intent to Close a Portion of Kent Road.

BACKGROUND: Property owner Robert D. Mason petitioned that a portion of Kent Road located on the western margin of Ireland Drive in Pearce's Mills Township be closed. The Department of Transportation confirms that portion of Kent Road is not a State maintained road and has no objection to the abandonment. The Fire Marshall and Planning Department also do not object.

ACTION: Adopt Resolution and call a public hearing to consider closing a portion of Kent Road.

**RESOLUTION OF INTENT TO CLOSE PUBLIC ROAD
AND CALL FOR PUBLIC HEARING ON THE QUESTION**

WHEREAS, Robert D. Mason has submitted a petition to the Cumberland County Board of Commissioners (the "Board") to close a portion of Kent Road located on the western margin of Ireland Drive in Pearce's Mills Township, Cumberland County; and

WHEREAS, it appears that such public street is not under the control of the North Carolina Department of Transportation; that no person would be deprived of reasonable means of ingress and egress to his or her property by such closing; and that such closing would therefore not be contrary to the public interest;

NOW, THEREFORE, BE IT RESOLVED, that the Board will consider the issue of whether to close the following public street in accordance with North Carolina General Statutes, Section 153A-241:

BEGINNING at the North east corner of Lot 9 Block F Welmar Heights Section 5 as recorded in Plat Book 25, Page 16 in the Cumberland County Registry; thence with the northern line of Lots 9 through 18 of said plat South 77 degrees 43 minutes West 727.07 feet to the Northern corner of Lot 18; thence North 10 degrees 40 minutes East 65.16 feet to the South West corner of an Unnumbered Lot on said Plat; thence with the northern right-of-way of Kent Road also being the southern line of a unnumbered lot and lots 20 through 28 North 77 degrees 43 minutes 701.67 feet to a point being the South East corner of lot 28 in said plat; thence South 12 degrees 17 minutes East 60 feet to the point of the BEGINNING.

AND BE IT FURTHER RESOLVED, that the Board calls for and shall hold a public hearing on the question of the closing of such street on the 17th day of January, 2006 at 6:45 p.m. in the Commissioners Meeting Room (Room 118), First Floor, New Courthouse, 117 Dick Street, Fayetteville, North Carolina. The Board shall hear all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual's property rights.

AND BE IT FURTHER DIRECTED, that notice of consideration of whether to close said street and of the public hearing on such matter shall be published once a week for four successive weeks before the hearing in a newspaper of general circulation in Cumberland County and posted in at least two places along the street during that time; and that a copy of this resolution shall be sent by certified mail to each owner as shown on the county tax records of property adjoining the public road or easement who did not join in the request to have the road or easement closed.

- E. Approval of Contract to Purchase Legal Services of North Carolina, Inc. Building at 155-157 Gillespie Street, Fayetteville, NC.

BACKGROUND: Legal Services of North Carolina, Inc. has offered to sell its building at 155-157 Gillespie Street to the County for \$305,000. Legal Services had initially requested that it be allowed to occupy the building through February 2006. It now asks that it be allowed to occupy the building through June 30, 2006. Acquisition of the

building would meet a significant need of the County's for additional office space. The County Engineer advises that the building generally appears to be in sound condition, subject to some minor items.

ACTION: Approve contract to purchase Legal Services of North Carolina, Inc. building at 155-157 Gillespie Street, Fayetteville, NC for \$305,000, to close on or about June 30, 2006, and authorize Chairman to execute on behalf of County.

F. Approval of a Resolution in Support of Lumbee Tribal Recognition.

ACTION: Approve Resolution

RESOLUTION IN SUPPORT OF LUMBEE TRIBAL RECOGNITION

WHEREAS, the Lumbee Tribe of North Carolina has been recognized as an Indian Tribe by the State of North Carolina for more than 100 years;

WHEREAS, the Lumbee people are descendants of the Cheraw Indians and have historically maintained their identity through the years;

WHEREAS, in 1956 the United States Congress enacted the "Lumbee Act" which recognized the Lumbee as American Indian while forbidding customary federal Indian services and benefits;

WHEREAS, the United States Department of the Interior has determined that it lacks the authority to grant full recognition to the Lumbee because the 1956 Lumbee Act is federal law forbidding the federal relationship, making plain that Congress must act through corrective legislation;

WHEREAS, it is the desire of the Lumbee people to enjoy the federal relationship with the United States in much the same manner as other Tribes and to benefit by federal Indian programs;

WHEREAS, Senator Elizabeth Dole has introduced S.660 and U.S. Congressman Mike McIntyre has introduced HR 21 in the United States Congress that will extend full recognition to the Lumbee Tribe of North Carolina.

BE IT FURTHER RESOLVED, that the Cumberland County Board of Commissioners fully endorses the efforts of Senator Dole and Congressman McIntyre and calls upon all members of Congress for the passage of federal legislation that recognizes the Lumbee.

G. Budget Revisions:

ACTION: Approve Revisions.

(1) Library

Revision in the amount of \$48,824 to recognize grant funds received to purchase computer equipment and upgrade telephone system at Bordeaux Branch. (B06-193) **Funding Source – Grants Other**

(2) Health

a. Local Health Alert Network - Revision in the amount of \$5,666 for anticipated reduction in state funding. (B06-194) **Funding Source – State**

b. Family Planning – Revision in the amount of \$47,708 for additional state funding. (B06-195) **Funding Source – State**

(3) Emergency 911

Revision in the amount of \$35,674 to reduce City of Fayetteville reimbursement (\$6,581) due to annexation and increase anticipated telephone surcharge revenue (\$42,255). (B06-201) **Funding Source – City of Fayetteville and E911 Surcharge**

(4) Cooperative Extension

Revision in the amount of \$27,074 to appropriate fund balance and recognize additional Military 4-H Grant funds to continue funding a part-time 4-H program assistant. (B06-203) **Funding Source – General Fund Fund Balance and Military 4-H Grant**

(5) Sheriff

Revision in the amount of \$10,786 to reallocate expenditures to fund the upgrade of an Administrative Support I position (secretary to Sheriff) from 19 hours per week to 30 hours. (B06-191) **Funding Source – Reallocation of Budgeted Expenditures**

(6) Tourism Development Authority

- a. Revision in the amount of \$3,300,000 to establish a budget for the Tourism Development Authority Special Revenue Fund. (B06-205) **Funding Source – Room Occupancy Tax**
- b. Revision in the amount of \$48,300 to appropriate fund balance for prior year obligations. (B06-206) **Funding Source – TDA Fund Balance**

(7) Planning/General Government Other

Revision in the amount of \$77,284 to reallocate budgeted expenditures to purchase software and hardware for the Planning Department. (B06-207) **Funding Source – Reallocation of Budgeted Expenditures**

(8) General Government Other

Revision in the amount of \$305,000 to reallocate budgeted expenditures to purchase the Legal Aid Building on Gillespie Street. (B06-208) **Funding Source – Reallocation of Budgeted Expenditures**

ITEMS OF BUSINESS

3. Nominations to Boards and Committees

A. Board of Health (3 Vacancies)

BACKGROUND: The Board of Health will have the following vacancies as of January 1, 2006:

Physician: Dr. Christopher Barnes – Completing first term. Eligible for reappointment.

Pharmacist: Brenda Fonville – Completing second term. Not eligible for reappointment. Replacement needed.

General Public Representative: James C. Cashwell – Completing second term. Not eligible for reappointment. Replacement needed.

Nominees: Dr. Christopher Barnes
Catherine S. Roach
Cureton L. Johnson
Carol E. Schaeffer

B. Cape Fear Valley Hospital Board of Trustees (2 Vacancies)

BACKGROUND: The Cape Fear Valley Hospital Board of Trustees will have the following vacancies as of January 1, 2006:

Medical Doctor: Dr. Dickson Schaefer – Completing first term. Eligible for reappointment.

General Public: Sonny Fogle – Completing first term. Eligible for reappointment.

Nominees: Dr. Dickson Schaefer
Sonny Fogle

C. Civic Center Commission (5 Vacancies)

BACKGROUND: The Civic Center Commission will have the following vacancies as of January 1, 2006:

William Tew – Completing first term. Eligible for reappointment.
Ann Mitchell – Completing first term. Eligible for reappointment.
Margaret Myers – Completing first term. Eligible for reappointment.
Bob Smith – Completing first term. Eligible for reappointment.
Jon Warren – Completing first term. Eligible for reappointment.

Nominees: William Tew
Ann Mitchell
Margaret Myers
Bob Smith
Jon Warren

D. Senior Citizens Advisory Board (1 Vacancy)

BACKGROUND: Larry E. Chason – Completing first term. Eligible for reappointment.

Nominee: Larry E. Chason

4. Appointments to Boards and Committees

ACTION: Appoint the nominees.

MOTION: Commissioner Blackwell moved to appoint the nominees in 4A – 4D.

SECOND: Commissioner Council

VOTE: UNANIMOUS

A. Juvenile Crime Prevention Council (1 Vacancy)

Nominee: Juvenile Defense Attorney: Beth A. Hall

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

Nominee: Elected Official: Huell Aekins

C. Minimum Housing Appeals Board (1 Vacancy)

Nominee: Alternate Member: Louis King

D. Southeastern Economic Development Commission (1 Vacancy)

Nominee: Juanita Pilgrim

5. Closed Session – There was no closed session.

MEETING ADJOURNED: 9:25 AM

Deputy Clerk to the Board