

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
MARCH 21, 2005 – 7:00 PM
REGULAR MEETING**

PRESENT: John T. Henley, Chairman
Billy R. King, Vice Chairman
Commissioner Talmage Baggett
Commissioner Breeden Blackwell
Commissioner Jeannette M. Council
Commissioner Kenneth Edge
Commissioner Diane Wheatley
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Assistant County Manager
Cliff Spiller, Assistant County Manager
Grainger Barrett, County Attorney
Sara VanderClute, Public Information Officer
Ann Hymes, Deputy Clerk

INVOCATION - Commissioner Talmage Baggett

PLEDGE OF ALLEGIANCE – Bailey Schob, 3rd Grade, VanStory Elementary

Recognition of Outgoing Board Members: Larry Philpott – Juvenile Crime Prevention Council

1. Consent Agenda

Commissioner Blackwell asked that Item J(8) be pulled from the Consent Agenda for discussion.

MOTION: Commissioner King moved to follow staff recommendations on the items on the Consent Agenda except Item J (8).

SECOND: Commissioner Council

VOTE: UNANIMOUS

- A. Approval of minutes for the February 22, 2005 regular meeting.

ACTION: Approve

- B. Approval of Change Order No. 1 – Crown Theater/Arena/Exposition Center Wall Repair Project.

BACKGROUND: In May 2004, the Board approved a contract with Lesco Restoration, Inc. in the amount of \$257,258.14 for wall repairs at the Crown Theater, Arena and Exposition Center. In addition, the Board approved a project contingency of \$12,900 and reserved \$64,061.58 for bid Alternate #4 in the event additional wall anchors were to be required. Tests confirmed that the anchor spacing specified in the base bid contract documents was acceptable and additional wall anchors were not required. Change Order #1, in the amount of \$168,752.25, is for additional work on the project of which the majority involved wall repairs at the south elevation of the Crown Arena totaling \$111,248.00. The initial scope of the project was based on the engineer's construction estimate of \$617,750 and included recaulking the precast concrete panel walls on the Exposition Center, repairing all walls on the Theater, and the north wall on the Arena. Bids came in favorably on both the wall project and the roofing project, freeing up additional monies in the approved budget to allow more wall repair work to be done at the Arena. The south wall was determined to be in the worst condition and was selected for repair. Other work associated with this change order includes:

1. Removing some CMU partition walls in the Exposition Center: Add \$15,011.00
2. Sealant replacement at the Coliseum North Ticket Area: Add \$14,020.00
3. Elastomeric coating of precast fascia panels on the high roof of the Theater:

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| | | Add \$3,732.00 |
| 4. | Sealant replacement at Arena window frames and precast panels: | Add \$2,967.00 |
| 5. | Anchor plate removal and repair on Arena walls: | Add \$3,468.00 |
| 6. | Column repair and sealant repair at Arena doors: | Add \$16,900.00 |
| 7. | Individual brick replacement at Arena walls: | Add \$1,406.25 |

ACTION: Approve Change Order #1 with Lesco Restoration, Inc., in the amount of \$168,752.25 and increase the contract sum to \$426,010.39.

- C. Approval of Request to General Assembly to Authorize State Department of Justice to Provide Counties with Employment Applicant Criminal Histories as Currently Authorized for Cities.

BACKGROUND: State law authorizes the State Department of Justice to provide cities with criminal history information on applicants for city employment (G.S. 114-19.14). The Sheriff’s Office recommends requesting the General Assembly amend the statute to authorize the Department of Justice also to provide counties with criminal history information on applicants for county government. The proposed changes are in italics, and add a reference to counties wherever a reference to cities appears:

NCGS 114-19.14. Criminal record checks for municipalities.

The Department of Justice may provide to a city *or county* from the State and National Repositories of Criminal Histories the criminal history of any person who applies for employment with the city *or county*. The city *or county* shall provide to the Department of Justice, along with the request, the fingerprints of the applicant, a form signed by the applicant consenting to the criminal record check and use of fingerprints and other identifying information required by the State and National Repositories, and any additional information required by the Department of Justice. The applicant’s fingerprints shall be forwarded to the State Bureau of Investigation for a search of the State’s criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The city *or county* shall keep all information obtained pursuant to this section confidential. The Department of Justice may charge a fee to offset the cost incurred by it to conduct a criminal record check under this section. The fee shall not exceed the actual cost of locating, editing, researching, and retrieving the information.

ACTION: Approve request to General Assembly and authorize Chairman of the Board to transmit the request to the Cumberland County delegation.

- D. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – Lot 41 – Woodland Rund Section 1, Carvers Creek Township (Located on Greencrest Drive Off Ramsey Street) PIN: 0554-65-1678.

BACKGROUND: On or about March 19, 2002, the County acquired by tax foreclosure the above noted property. The amount currently owed on the foreclosure judgment including interest and costs is \$585.26. Michael Talbot has offered to purchase the County’s interest in the property for \$585.26 and has deposited \$60.00 in the Finance Office. The tax value of the property is \$600.00. No upset bids have been received.

ACTION: Accept Mr. Talbot’s offer, plus costs and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- E. Approval of FY 2006 Application for Continuation of Implementation Funding for the Day Reporting Center of the Criminal Justice System Support Unit.

BACKGROUND: The Criminal Justice Partnership Program Advisory Board met on March 8, 2005 and approved the Application for Continuation of Implementation Funding for the Day Reporting Center in the amount of \$222,227.00 for FY 2006. The application must be approved by the Board of Commissioners prior to being sent to the Criminal Justice Partnership Program for approval.

ACTION: Approve the FY 2006 Application for Continuation of Implementation Funding for the Day Reporting Center of the Criminal Justice System Support Unit.

- F. Approval of Membership in the Fort Bragg/Pope Air Force Base Regional Land Use Advisory Commission, Inc.; and the Approval of a Resolution Seeking North Carolina General Assembly Funding for the Support of the Fort Bragg/Pope Air Force Base Regional Land Use Advisory Commission (RLUAC).

BACKGROUND: The Fort Bragg/Pope Air Force Base Regional Land Use Advisory Commission was organized in 1991 for the purpose of fostering compatible land use in areas impacted by both proposed civilian development and military training activities around Fort Bragg and Pope Air Force Base. To enhance its influence in the Fort Bragg region in planning issues, the RLUAC voted in September 2004 to become incorporated, to seek financial self sufficiency, and to employ its own Executive Director. The RLUAC has adopted a proposed start up six month budget (January 1-June 30, 2005) and a proposed budget for FY 06. The revenue is based on projected income from the General Assembly, corporate and military grants, and local government membership dues. Based on population, the County's annual dues are \$1000. The proposed Resolution supports RLUAC request to the General Assembly for funding.

ACTION: Approve membership in the RLUAC and dues in the amount of \$500 for FY 05, and \$1000 to be included in the FY 06 recommended budget. Approve the Resolution seeking North Carolina General Assembly funding for the support of the RLUAC, Inc.

RESOLUTION SEEKING NORTH CAROLINA GENERAL ASSEMBLY FUNDING FOR THE SUPPORT OF THE FORT BRAGG/POPE AIR FORCE BASE REGIONAL LAND USE ADVISORY COMMISSION (RLUAC)

WHEREAS, the Fort Bragg/Pope Air Force Base Regional Land Use Advisory Commission (RLUAC) was organized in September 1991 (with a membership composed of nineteen local governments and two military installations) for the purpose of fostering compatible land use in areas impacted by both proposed civilian development and military training activities around Fort Bragg and Pope Air Force Base;

WHEREAS, the RLUAC has always operated in an informal manner relying upon the N.C. Department of Commerce's Division of Community Assistance and Fort Bragg for the provision of its staffing needs;

WHEREAS, the North Carolina Division of Community Assistance and Fort Bragg may not be able to continue to provide the same level of staffing assistance into the future – potentially threatening the long-term viability of the RLUAC;

WHEREAS, to enhance its influence in the Fort Bragg region in planning issues, the RLUAC voted in September 2004 to become incorporated, to seek financial self-sufficiency, and to employ its own Executive Director;

WHEREAS, the RLUAC has now become incorporated and has adopted a proposed start-up six month budget (January 1 through June 30, 2005), a proposed budget for FY 2005-06 (July 1, 2005 through June 30, 2006), and a job description for an Executive Director position;

WHEREAS, the RLUAC does not yet have any permanent ongoing sources of funding and is currently seeking financial assistance from corporate sponsors, Fort Bragg, local government membership, and the North Carolina General Assembly;

WHEREAS, the County of Cumberland is a member of the RLUAC and supports its mission, as stated in adopted Bylaws, its proposed budgets, and its ongoing longevity;

WHEREAS, the County of Cumberland intends to financially support the RLUAC with its own annual payment of membership dues subject to annual appropriations;

WHEREAS, Fort Bragg and Pope Air Force Base are critical facilities which are vitally important to the State of North Carolina and its economy;

WHEREAS, the County of Cumberland fully recognizes the need for and appropriateness of ongoing financial support of RLUAC from the North Carolina General Assembly.

THEREFORE BE IT RESOLVED, that the County of Cumberland formally requests North Carolina General Assembly financial support for the RLUAC consistent with RLUAC's adopted budget proposal.

BE IT FURTHER RESOLVED, that the County of Cumberland requests that the North Carolina General Assembly appropriation be on an annual and recurring basis.

- G. Approval of Bid Award to Lightfighter Tactical to Purchase Homeland Security Equipment.

BACKGROUND: Bids were received for Tactical Entry Vests for the Cumberland County Sheriff's Office and Fayetteville Police Department Special Response Teams. The agencies recommend award of the bid to the highest bidder, Lightfighter Tactical, at a total cost of \$116,248.00, based on the bid specifications and the fact that Lightfighter Tactical was the only bidder to meet all specifications. These vests will be purchased from grant funds provided by the Department of Homeland Security.

ACTION: Approve the bid award to Lightfighter Tactical in the amount of \$116,248.00 for the purchase of 37 Tactical Entry Vests.

- H. Approval of a Proclamation Proclaiming the week of March 28 – April 3, 2005 as "Community Development Week" and March 31, 2005 as "Community Development Day" in Cumberland County.

ACTION: Adopt Proclamation.

PROCLAMATION

WHEREAS, the Community Development Block Grant (CDBG) Program has operated since 1974 to provide local governments with the resources required to meet the needs of persons of low and moderate income, and

WHEREAS, the CDBG Program has had a significant impact on our local economy through job creation and retention, physical redevelopment and improved local tax bases; and;

WHEREAS, CDBG funds are used by thousands of neighborhood-based, non-profit organizations throughout the nation to address pressing neighborhood and human service needs; and

WHEREAS, Cumberland County, North Carolina and other local governments have clearly demonstrated the capacity to administer and customize the CDBG Program to identify, prioritize and resolve local issues such as the provision of decent and affordable housing; neighborhood and human service needs; job creation and retention; and physical redevelopment.

NOW THEREFORE, the Cumberland County Board of Commissioners proclaims March 28 – April 3, 2005 as Cumberland County Community Development Week and March 31, 2005 as Cumberland County Community Development Day.

- I. Approval of a Proclamation Proclaiming the Week of March 28, 2005 as "Arbor Week" and Saturday, April 2, 2005 to be "Arbor Day in Cumberland County".

ACTION: Adopt Proclamation.

PROCLAMATION

WHEREAS, the County of Cumberland recognizes the importance of trees to the economic, aesthetic, and ecological well-being of our community; AND

WHEREAS, it is recognized that planting and maintaining healthy trees in our ever-changing society are both desirable and necessary; AND

WHEREAS, Arbor Day is a long-standing American tradition that represents an important element of our national heritage; AND

WHEREAS, the Cape Fear Botanical Garden is a leader in the encouragement of environmental stewardship; AND

WHEREAS, Cumberland County-Cooperative Extension is a community partner with the Cape Fear Botanical Garden in the effort to restore our trees; AND

WHEREAS, individuals can act in this county to improve the environment by planting trees and ensuring that these trees are protected and receive proper maintenance in the years ahead;

NOW THEREFORE, the Board of Commissioners does hereby proclaim the week of March 28, 2005 as Arbor Week and Saturday, April 2, 2005, to be Arbor Day in Cumberland County AND urges citizens to take an active part to ensure our community has a better quality of life by providing a clean environment with more trees.

J. Budget Revisions:

ACTION: Approve

(1) Industrial Development Inducement Fund

Revision in the amount of \$17,822 to appropriate fund balance to budget reimbursement of property taxes paid by Fayetteville Area Economic Development Commission on the Industrial Park Shell Building per agreement with the County. (B05-294) **Funding Source – Industrial Development Inducement Fund Balance**

(2) Social Services

a. Revision in the amount of \$35,840 to budget additional State revenue for crisis intervention. (B05-299) **Funding Source – Federal**

b. Revision in the amount of \$5,200 to budget State funding for an energy assistance program. (B05-300) **Funding Source - State**

(3) Sheriff

Revisions in the total amount of \$35,015 to reallocate budgeted expenditures for career development steps for sworn officers. (B05-298 thru B05-298B) **Funding Source – Reallocation of Budgeted Expenditures**

(4) General Government Other

Revision in the amount of \$7,143 to roll forward remainder of Help America Vote Act Title I grant received in FY2004. (B05-301) **Funding Source – General Fund Fund Balance**

(5) Board of Elections

a. Revision in the amount of \$45,292 to reallocate budgeted expenditures for unanticipated costs due to second primary, recount, increase in registrations and the record turnout to vote. (B05-304) **Funding Source – Reallocation of Budgeted Expenditures**

b. Revision in the amount of \$2,291 to reduce revenues and expenditures for portion of Technology Grant received from the State that was not spent. (B05-318) **Funding Source - Grant**

(6) Print Shop

Revision in the amount of \$14,000 to reallocate budgeted expenditures to provide funding for temporary assistance due to illness of an employee and to budget salary at the actual amount to be paid through June 2005. (B05-303) **Funding Source – Reallocation of Budgeted Expenditures**

(7) Information Services

Revision in the amount of \$20,000 to reallocate budgeted expenditures for temporary services and to contract for networking support until replacements can be hired. (B05-305) **Funding Source – Reallocation of Budgeted Expenditures**

(8) Library

Revision in the amount of \$12,775 to budget for a full time Librarian I to be added to the staff at the Spring Lake Branch Library per the Memorandum of Agreement between Fayetteville Technical Community College and the Cumberland County Public Library. (B05-307) **Funding Source – Fayetteville Technical Community College**

Gail Riddle, Chairman of the Library Board of Trustees, thanked the Commissioners for their support of this project.

MOTION: Commissioner Blackwell moved to approve Item J(8) as noted above.
SECOND: Commissioner King
VOTE: UNANIMOUS

(9) Tax Administration

Revision in the amount of \$12,814 to appropriate fund balance to pay Tax Management Associates for audits that have been paid through March 2005. (B05-315) **Funding Source – General Fund Fund Balance**

(10) Health

Revision in the amount of \$105,141 to budget reduction in State funding for the Women, Infants and Children program. (B05-317) **Funding Source – State**

(11) Mental Health

- a. Regional Coordinating Entity Therapeutic Alternatives for Safe Communities - Revision in the amount of \$91,495 to budget for a new Substance Abuse Counselor II and to contract with surrounding counties for services to be provided and to reconcile revenues by reducing fund balance. (B05-308) **Funding Source – State and Mental Health Fund Balance**
- b. Alternative Family Living - Revision in the amount of \$613,000 to budget increase in Therapeutic Home Services. (B05-309) **Funding Source – Fees**
- c. Medicaid Contracts – Revision in the amount of \$996,000 to budget increase in Community Based Services. (B05-310) **Funding Source – Fees**
- d. Administration – Revisions in the amount of \$250,000 to budget one time State funding to increase the capacity of the information system for required management functions. (B05-311A thru B05-311D) **Funding Source – State**
- e. Quality Improvement and Outcomes Evaluation – Revision in the amount of \$160,000 to budget one time State funding. (B05-316) **Funding Source – State**

(12) Parks and Recreation

Revision in the amount of \$36,900 to recognize additional revenue collected for the Spring Lake Recreation Tax district. (B05-302) **Funding Source – Spring Lake Recreation Tax**

(13) Central Maintenance Facility

Revision in the amount of \$18,322 to appropriate fund balance to purchase a vehicle from the Solid Waste Enterprise Fund. (B05-319) **Funding Source – General Fund Fund Balance**

2. Public Hearings

Uncontested Cases

Rezoning

- A. Case P05-08. The rezoning of .27 acres +/- from R10 to O&I, or a more restrictive zoning district, at 882 South Reilly Road, owned by Richard and Kathryn McPhaffer.

The Planning Board recommends approval of O&I Office and Institutional District.

Upon finding the request to be reasonable, neither arbitrary or unduly discriminatory and in the public interest, the following motion was offered:

MOTION: Commissioner Baggett moved to follow the recommendation of the Planning Board and approve the O&I Office and Institutional District.

SECOND: Commissioner King

VOTE: UNANIMOUS

Other Public Hearings

- B. Public Hearing On the Proposed Use of 2005 Edward Byrne Memorial Justice Assistance Grant for Radio System.

BACKGROUND: The Sheriff's Office is eligible to apply for funding by the Edward Byrne Memorial Assistance Grant through the U.S. Department of Justice. This grant combines the Local Law Enforcement Block Grant that the Sheriff's Office has successfully received in the past. The Sheriff's Office intends to use the funds to off-set the cost of the lease agreement with the City of Fayetteville for use of the radio system and connection to the SBI and FBI databases. The Sheriff's Office is eligible to receive \$96,303. There are no matching fund requirements for the County.

ACTION: Authorize the County Manager to sign the application submittal.

SPEAKER: Lieutenant Joe Parisi, Cumberland County Sheriff's Office, remarked that the Sheriff's Office has made great strides in acquiring technology to be an active participant in the Criminal Justice Information Network. These funds will allow the Sheriff's Office to share a lease agreement with the City for use of the radio system and connection to the data bases of the SBI and FBI.

MOTION: Commissioner Blackwell moved to authorize the County Manager to sign the application submittal.

SECOND: Commissioner King

VOTE: UNANIMOUS

Items of Business

3. Presentation of the Mid-Year Report by Bill Martin, President, of the Cumberland County Business Council.

Mr. Martin reviewed the major accomplishments of the Cumberland County Business Council for 2004-2005. The accomplishments included:

- The decision by Goodyear to invest nearly \$50 million to renovate and expand the Kelly Springfield Plant.
- An announcement by Nitta Gelatin to invest \$26 million and create 17 jobs in the establishment of their new facility to produce gelatin capsules for the pharmaceutical industry.
- The decision by DAK Americas to expand its facility (a \$2.28 million investment).
- The establishment by Lear Siegler of a facility to renovate military vehicles. It currently leases 96,000 square feet with plans to employ 375 people.
- The announcement of over \$23 million in private investment downtown (more than the previous seven years combined).

- Major progress in our efforts to protect and capitalize on our military resources.
- Progress in the effort by FYI Fayetteville to improve the image of our area, including over 140 positive stories in publications, national television coverage and feature articles.

4. Nominations to Boards and Committees

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

BACKGROUND: Dr. George R. Martin resigned from the Board of Trustees. Replacement needed.

Nominee: Dr. Dickson Schaefer

B. Cumberland County Home and Community Care Block Grant Committee (6 Vacancies)

The following terms will expire April 30, 2005:

- Edith Melvin - eligible for reappointment.
- Caren Hosmer - eligible for reappointment.
- Belinda Davis - eligible for reappointment.
- Sam Hutchison - eligible for reappointment.
- William Duke - not eligible for reappointment. Karen Simkin has been recommended to fill this vacancy.
- Parker Lindsay - resigned. Angie Yates has been recommended to fill this vacancy.

Nominees: Edith Melvin
 Caren Hosmer
 Belinda Davis
 Sam Hutchison
 Karen Simkin
 Angie Yates

C. Cumberland County Juvenile Crime Prevention Council (1 Vacancy)

BACKGROUND: Due to reassignments at the Sheriff's Office, Lt. Myron Sampson can no longer serve on the Juvenile Crime Prevention Council. Lt. David Cowart has been recommended to fill this vacancy.

Nominee: Lt. David Cowart

D. Nursing Home Advisory Board (3 Vacancies)

BACKGROUND: The following members of the Nursing Home Advisory Board have been inactive and uninvolved for more than three quarters and have not responded to letters, notices of meeting announcements or telephone calls. Mid-Carolina Area Agency on Aging recommends they be replaced:

- Patty McArdle
- Marilyn Lamb Naughton
- Mariela Walker

Nominees: Barbara Randolph
 Michele Renee Runge
 Charlayne R. Stephens

5. Appointments to Boards and Committees

MOTION: Commissioner Blackwell moved to approve, by acclamation, the nominees as listed below for A-B.

SECOND: Commissioner Council
VOTE: UNANIMOUS

A. Senior Citizens Advisory Board (1 Vacancy)

Nominee: Larry Eugene Chason

B. Tourism Development Authority (3 Vacancies)

Nominees: Gene S. Ammons, Jr. (Reappointment)
Gwen Holloman (Reappointment)
William S. Wellons, Jr. (Reappointment)

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

**MOTION: Commissioner Council moved to go into Closed Session for the above
noted matter.**

SECOND: Commissioner Blackwell
VOTE: UNANIMOUS

Commissioner King left the meeting.

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

SECOND: Commissioner Council
VOTE: UNANIMOUS

Commissioner King was not present to vote.

MOTION: Commissioner Blackwell moved to adjourn.

SECOND: Commissioner Council
VOTE: UNANIMOUS

Commissioner King was not present to vote.

MEETING ADJOURNED: 7:58 PM

Ann Hymes, Deputy Clerk to the Board