

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
OCTOBER 3, 2005, 9:00AM  
REGULAR MEETING

PRESENT: John T. Henley, Jr., Chairman  
Billy R. King, Vice Chairman  
Commissioner Jeannette Council  
Commissioner Talmage Baggett  
Commissioner J. Breeden Blackwell  
Commissioner Kenneth Edge  
Commissioner Diane Wheatley  
James Martin, County Manager  
Juanita Pilgrim, Deputy County Manager  
Cliff Spiller, Asst. County Manager  
Amy Cannon, Asst. County Manager  
Grainger Barrett, County Attorney  
Marsha Fogle, Clerk  
Ann Hymes, Deputy Clerk

INVOCATION Commissioner Talmage Baggett

Pledge of Allegiance

Recognition of Retired County Employees: Carolyn Saunders – Tax Office  
Nellie Smith – Health Department

1. Presentations

- A. Presentation of the FY04-05 Annual Report for Judicial District 12 by Wayne Marshburn, Judicial District Manager, NC, Division of Community Corrections.

Mr. Marshburn presented the FY04-05 Annual Report to the Board.

- B. Presentation of Planning & Inspections FY 2005 Annual Report by Nancy Roy, Planning & Inspections Director.

Nancy Roy, Planning and Inspections Director, reviewed the highlights of the year (2005 Annual Report) for the Planning and Inspections Department. A copy of the report may be found in the Planning/Inspections Department.

2. Consent Agenda

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

**SECOND: Commissioner Wheatley**

**VOTE: UNANIMOUS**

- A. Approval of minutes for the September 6, 2005 regular meeting, the September 19, 2005 regular meeting and the September 12, 2005 special meeting with the Town of Hope Mills.

ACTION: Approve

- B. Approval of Designation of Official Depositories.

BACKGROUND: NCGS 159-31 requires the County to designate financial institutions as official depositories for County funds.

ACTION: Adopt Resolution designating those financial institutions.

RESOLUTION

WHEREAS, the Cumberland County Board of Commissioners is required to designate official depositories for the deposit of public funds by NCGS 159-31;

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners in regular meeting assembled that:

- (1) The following financial institutions are hereby designated as official depositories:

Bank of America  
Branch Banking & Trust  
BB&T Capital Markets  
First Citizens Bank  
First 1 Bank  
First South Bank  
First Tennessee Bank  
FSNB The Armed Services Bank  
Lumbree Guaranty Bank  
Morgan Keegan  
New Century Bank  
North Carolina Capital Management Trust  
Omni National Bank  
Peoples National Bank  
RBC Centura Bank (Central Depository)  
State Farm Bank  
UBS Financial Services  
Wachovia Bank of NC  
Wachovia Capital Markets

- (2) RBC Centura Bank is hereby designated as the Central Depository.
- (3) The Finance Officer of this unit shall be and is hereby authorized and directed to have deposited on a daily basis in selected banks in the name and to the credit of this unit all funds belonging to Cumberland County which may come into his/her hands as an employee of this unit.
- (4) All checks drawn against said funds shall be signed by the Finance Officer and countersigned by the Chairman of the Board of Commissioners. In accordance with NCGS 159-28.1, the use of facsimile signature machines and signature stamps or similar devices in signing the preaudit certificate on contracts and purchase orders is authorized.
- (5) Drafts received from the State of North Carolina for payment of the County's share of program costs and maturing investments shall be signed by the Finance Officer.
- (6) The names and signatures of the officers designated shall be duly certified by the Clerk to the Board to said Bank depository from time to time as necessary and no check, draft, or order drawn against said bank shall be valid unless so signed.
- (7) The said Bank Depository shall be required to submit to this unit a surety bond and/or such other collateral securities as may be by law required.
- (8) The said Bank Depository shall deposit to the credit of this unit the proceeds from all checks payable to the order of this unit and that under no circumstances may an item be converted into cash.

- C. Approval of North Carolina Emergency Management Designation of Applicant's Agent for Disaster Relief Assistance.

ACTION: Designate Ronald Nunnery and Kenneth Currie as agents to act on behalf of Cumberland County when applying for Federal Disaster Assistance for the recent Hurricane Ophelia shelter openings.

- D. Approval of FY 2005 Budget Revision for the Crown Center.

BACKGROUND: Generally Accepted Accounting Principles require all expenses incurred by an enterprise fund (Crown Center) to be recorded and accounted for in the enterprise fund. During the past year, FY 2005, \$1,858,440 of unspent funds from FY 2004 were re-budgeted in the General Fund. During FY 2005, the Board approved \$299,977 for additional projects using General Fund one-time funds. The total budgeted amount of \$2,158,417 and corresponding actual expenditures need to

be reallocated to the Crown Center. The budget revision will require no additional funding and will not have any affect on the General Fund bottom line.

ACTION: Approve the budget revisions (B05-462-462A).

E. Approval of Sale of Surplus Real Property.

BACKGROUND: An auction was conducted on September 17, 2005 by the County Attorney's office to sell approximately 100 parcels of land previously obtained through tax foreclosure. Colonel H.B. Smith, Jr. conducted the auction. Proceeds obtained from the parcels jointly-owned by the County and City of Fayetteville will be divided pro rata, once the City approves the sale. The properties were sold "as is" and the County can expect to net at least \$250,000 from the auction.

ACTION: Accept and confirm the sales of surplus tracts at the auction, instruct the County Attorney to proceed with the collection of remaining balances due, deliver Bargain and Sale Deeds to the successful bidder, adjust the Tax Administrator's tax collection records to reflect an off-set of delinquency accounts and instruct him to declare any remaining balances on the sold properties insolvent and released in full, and authorize the County to remit to the City its pro rata net proceeds for the sale of jointly-owned county and city properties. (List of properties sold – Attachment A to these Minutes)

F. Approval of Acquisition of Legal Aid Building.

BACKGROUND: Legal Services of North Carolina has indicated to the County that it plans to put its property at 155-57 Gillespie Street, Fayetteville, NC on the market. It is willing to sell the property to the County for \$305,000 rather than market it at \$35,000. Legal Services would ask that closing be delayed until the end of February, 2006 to allow it to relocate its office. The building has just over 10,000 square feet of space. The County Engineer advise that the building exterior needs some modest upkeep but that the interior space appears to be in sound and presentable condition. The property would be used for office space which the County needs to relieve a shortage of adequate space for several County Departments and functions.

ACTION: Approve acquisition of the Legal Services of North Carolina property noted about, with closing on or about March 1, 2006 and authorize the Chairman to execute the contract to purchase with customary terms and conditions, subject to minor modifications acceptable to the County Manager and County Attorney.

G. Approval of Interlocal Agreement for Education Access Channel with City of Fayetteville, Fort Bragg, Cumberland County Board of Education and Fayetteville Technical Community College.

BACKGROUND: The Board of Commissioners approved a conceptual plan on June 6, 2005 for a local education access channel under the Time Warner cable television franchise agreement. The education channel would be a joint effort by the franchising authorities, the County, the City, the Bases, the Board of Education and FTCC. A formal request letter to Time Warner is being circulated for signatures by the franchising authorities. The conceptual plan includes an interlocal Agreement among the parties which contemplates:

- an Interlocal Agreement among parties;
- an education access channel advisory board of directors appointed by the franchising authorities (seven members)
- joint development along with Time Warner of an education access channel implementation and operating plan;
- a coordinator position provided by the franchising authorities (with position funded by the school system and FTCC);
- location of an education access channel facility at FTCC's Virtual College Center.

ACTION: Approve the Interlocal Agreement and authorize the Chairman to execute.

H. Approval of PWC Electric Utility Easement at 235 Person Street.

BACKGROUND: PWC has requested an electric utility easement on county property located at 235 Person Street (The FACVB). PWC is in the process of converting its

electrical service from overhead lines to underground lines as a part of the Fayetteville Downtown Revitalization project. The easement located in a grassed area behind the existing dumpster will be used for the location of an above-ground pad mounted transformer.

ACTION: Approve the easement.

- I. Approval of Agreement for Architectural Services for the Crown Arena & Theatre Renovation Project.

BACKGROUND: The Board of Commissioners, at its February 17, 2005 meeting, authorized staff to proceed with the design of the Crown Arena & Theatre Capital Improvement Projects identified as short-term projects: Renovations to Theatre Lobby and Mezzanine Concessions, Theatre Lobby Atrium, ADA Toilets and Concessions at Main Floor, Arena Dressing Rooms & Lounge Renovations at Basement Level, Structural Reinforcement of Arena Elevated Floor Slab and the Theatre Stage ADA Lift.

The project architect, The LSV Partnership, has continued with the design work despite not having an agreement with the County for services beyond the initial master planning phase. This agreement provides for design and construction administration services for the Crown Arena and Theatre Renovation project. The scope of services includes preparing construction plans and specifications, assisting the Owner during the bidding phase and customary construction administration. Compensation for basic services rendered is a stipulated sum of \$139,950. In addition, reimbursable expenses, billed at direct cost, are not to exceed \$5,500.

ACTION: Approve the Agreement.

- J. Budget Revisions:

ACTION: Approve

- (1) Cooperative Extension

Revision in the amount of \$6,800 to recognize a NC Department of Agricultural and Consumer Services grant to support a plastic pesticide container recycling program. (B06-151) **Funding Source – Grant**

- (2) NC Controlled Substance Tax

Revision in the amount of \$5,500 to appropriate fund balance to purchase a replacement bomb detection dog. (B06-152) **Funding Source – NC Controlled Substance Tax Fund Balance**

- (3) Education

Revision in the amount of \$123,401 to appropriate fund balance to re-budget unexpended funds for FTCC renovations from FY2005. (B06-153) **Funding Source – General Fund Fund Balance**

- (4) Water and Sewer Fund

Revision in the amount of \$123,486 to adjust the Windridge project budget to the contract with Utilities Plus, Inc. (B06-154) **Funding Source - Other**

- (5) NORCRESS

Revision in the net amount of \$100,000 to recognize additional Community Development funding and to reallocate expenditures to fund change orders. (NORCRESS 15) Funding Source – **Reallocation of Budgeted Expenditures and Other**

#### REGULAR AGENDA ITEMS

3. Consideration of Sheriff's Request to Retain Five Positions Previously Slated to be Eliminated as a Result of Phase V Annexation.

**BACKGROUND:** The budget ordinance included a provision based on pending annexation – a reduction of 10 Sheriff's Office deputy positions. The Sheriff is requesting the Board to allow him to retain 5 of the 10 positions which will be used as follows: enhanced patrol officer presence, transport of mental patients, sex offender registration, and enhanced detective effort to pursue property crimes.

**ACTION:** Approve the request to retain five of the positions as noted above, effective October 1, 2005.

**MOTION:** **Commissioner Baggett moved to approve the request to retain the five positions as recommended by the County Manager.**

**SECOND:** **Commissioner Blackwell**

**VOTE:** **UNANIMOUS**

4. Nominations to Boards and Committees

A. Local Emergency Planning Committee (2 Vacancies)

Vacancies: Operators of Facilities Representative: Rayford Hunt, Jr. – eligible for reappointment  
Fire Fighting Representative: Captain Benjamin Major – eligible for reappointment

Nominees: Rayford Hunt, Jr., - Operators of Facilities Representative  
Captain Benjamin Major – Fire Fighting Representative

5. Appointments to Boards and Committees

**MOTION:** **Commissioner Blackwell moved to appoint the nominees in Item 5A – 5D.**

**SECOND:** **Commissioner King**

**VOTE:** **UNANIMOUS**

A. Cumberland County Finance Corporation and the Cumberland County Industrial Facilities and Pollution Control Financing Authority (1 Vacancy)

Nominee: Carol A. Downing

**ACTION:** Appoint the nominee

B. Mental Health (1 Vacancy)

Nominee: Individual with Management or Business Expertise:  
Robin Imperial

**ACTION:** Appoint the nominee

C. Minimum Housing Appeals Board – Alternate Member (1 Vacancy)

Nominee: Anthony L. Maccy

**ACTION:** Appoint the nominee

D. Workforce Development (2 Vacancies)

Nominees: Private Sector Representatives: Charles A. Richter  
Loleta L. Wilkerson

**ACTION:** Appoint the nominees.

**MOTION:** **Commissioner Blackwell moved to recess the Commissioners' meeting so the Board could convene as the NORCRESS Water and Sewer District Governing Board.**

**THE CHAIRMAN CONVENE THE NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD MEETING. Minutes from that meeting may be found in the Water and Sewer Districts Minutes Book.**

**CHAIRMAN HENLEY RECONVENED THE REGULAR BOARD OF COMMISSIONERS MEETING.**

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

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

**SECOND:**     Commissioner Council  
**VOTE:**        UNANIMOUS

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

**SECOND:**     Commissioner Council  
**VOTE:**        UNANIMOUS

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

**SECOND:**     Commissioner Council  
**VOTE:**        UNANIMOUS

**ADJOURNED:**        10:20AM

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Clerk to the Board