

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
FEBRUARY 6, 2006, 9:00AM  
REGULAR MEETING

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

INVOCATION Commissioner Breeden Blackwell

Minister: Mark Knight, Calvary Assembly Church of God, Fort Bragg Road

Pledge of Allegiance

Recognition of Outgoing Board Members:

Carmen Jean Battle – Cumberland County Juvenile Crime Prevention Council  
(Did not attend)

Recognition of Retired County Employees:

Merrilyn Bowman – NC Cooperative Extension Services  
Martha Smith – Dept. of Social Services  
David Williams – Mental Health

1. Public Hearings

- A. Public Hearing on the North Carolina Department of Transportation  
2005-2006 Secondary Roads Improvement Program.

BACKGROUND: Mr. Ray Stone, NCDOT District Engineer presented the 2005-06  
Secondary Roads Improvement Program for Cumberland County as follows:

2005-06 Secondary Road Construction Program

Highway Fund Allocation	\$	502,920
Highway Trust Fund Allocation	\$	383,593
TOTAL SECONDARY ROAD CONSTRUCTION FUNDS AVAILABLE	\$	886,513
<u>General Secondary Road Improvements:</u>	\$	109,881

Funds required to supplement secondary road maintenance  
Operations to be used for stabilization of unpaved roads with stone/local materials, widening of paved  
secondary roads; drainage improvements and safety projects.

Highway Fund \$54,408  
Highway Trust Fund \$55,473

Reserve for Contingencies \$ 184,632

Funds to be used for road additions, surveys & right of ways, overdrafts, property owner participation paving, paving of rural fire departments and rescue squads, continuation of paving down the priority list.

Highway Fund: \$148,512  
Highway Trust Fund: \$ 36,120

Paving Program \$ 592,000

Paving of unpaved roads in priority order from the Rural & Residential/Subdivision priority lists. The Department will secure right-of-way, if right-of-way is unobtainable on any road, then the program will be extended down the priority lists until available funds are expended.

High Fund: \$300,000  
Highway Trust Fund: \$292,000

(Additional Funding to complete previous year's program and SR 2232 (Marsh Road), SR 1610, McClousky Road), SR 2838 (Longhill Drive). Total Miles: 2.91

ATTACHMENT A to these minutes: Rating of unpaved roads (rural & subdivision, and hold-list)

Chairman King opened the public hearing. There were no speakers.  
Public Hearing was closed.

**MOTION: Commissioner Blackwell moved to approve the 2005-06  
Secondary Roads Program as presented.**  
**SECOND: Commissioner Henley**  
**VOTE: UNANIMOUS**

B. Public Hearing on the Edward Byrne Memorial Justice Assistance Grant.

BACKGROUND: Jackie Paul-Ray from the Sheriff's Office noted that the office is eligible to apply for Edward Byrne Memorial Assistance Grant money through the US Department of Justice. The money would be used to off-set the cost of the lease agreement with the City of Fayetteville for use of the 800mghz radio system and connection to the SBI and FBI databases. The office is eligible to receive \$58,252. No matching funds are required.

ACTION: Approve submission of the Grant.

The Chairman opened the Public Hearing. There were no speakers.  
The Public Hearing was closed.

**MOTION: Commissioner Blackwell moved to approve the grant  
application.**  
**SECOND: Commissioner Edge**  
**VOTE: UNANIMOUS**

2. Consent Agenda

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

A. Approval of minutes for the January 21, 2006 regular meeting.

ACTION: Approve

- B. Approval of Report on Delinquent Real Property Taxes for the Year 2005.

BACKGROUND: NCGS 105-369 requires the Tax Collector to report unpaid taxes for the current fiscal year that are liens on real property by the first Monday in February. The Board must then order the Tax Collector to advertise the tax liens by publishing each lien at least one time in one or more of the newspapers having general circulation in Cumberland County. The advertisement period must occur during the period of March 1-June 30. The list of delinquent taxes will be delivered to the newspaper for publication in early to mid April. The report will also be on display in the Office of the Clerk to the Board of Commissioners through February 6, 2006. After that time, the report will be on display in the Tax Administrator's Office.

Total Delinquent Taxes on Real Property for Year 2005 as of 1/19/06 is: \$12,269,033.79 on 17,488 parcels. (SEE ATTACHMENT B TO THESE MINUTES)

ACTION: Accept the report and charge the Tax Collector to advertise the tax liens as noted above.

- C. Approval of Bid Award for Production Drive Extension Project at Cumberland Industrial Center.

BACKGROUND: Bids were received on January 5, 2006 for the above noted project. The scope of work includes the extension of Production Drive in the Cumberland Industrial Center from the intersection of Technology Drive to the northern property line of the par. The work is being done as a part of the inducement agreement with Nitta Gelatin. An alternate bid for the extension of the water line along the road was taken; however, acceptance of the alternate bid is not recommended at this time. The low base bid was submitted by Barnhill Contracting Company in the amount of \$187,500.20. The project is being funded from the Industrial Development Inducement Fund and sufficient monies are available for construction.

ACTION: Accept the bids and award a contract to Barnhill Contracting Company in the amount of \$187,500.20

#### BIDS RECEIVED

<u>COMPANY</u>	<u>BASE BID</u>	<u>ALT. BID</u>	<u>TOTAL BID</u>
Barnhill Contracting Co.	\$ 187,500.20	33,792.00	221,292.20
Colt Contracting Co.	194,219.50	33,792.00	228,011.50
APAC-Atlantic Inc.	232,669.00	43,339.69	276,009.40
ES&J Enterprises Inc.	298,443.65	47,125.00	345,568.65
Autry Grading Inc.	389,330.75	33,688.75	423,019.50

- D. Approval of Bids for Lake Upchurch Dam Restoration Project.

BACKGROUND: Bids were received on January 3, 2006 for the above project. The low bid was submitted by Paul Howard Construction Company, Inc. in the amount of \$1,787,550 which is approximately \$350,000 more than the engineer's estimate of construction costs. The unencumbered balance in the project budget is \$1,640,558. leaving a shortfall of \$146,992. In addition, a contingency of \$73,008 is

recommended for geotechnical/materials testing services and unforeseen conditions that may arise during construction. There are sufficient monies in the Water and Sewer Fund Balance that can be appropriated to the project.

ACTION: Accept the bids, award the contract to the low bidder as noted above, establish a project contingency in the amount of \$73,008 to be used for geotechnical services and changes in the scope of the project recommended by the engineer and county manager and approve association budget revision (B06-243).

SEE BIDS (ATTACHMENT C TO THESE MINUTES)

E. Approval of PWC Utility Easement – North Regional Library Property.

BACKGROUND: PWC is requesting an easement across a portion of the North Regional Library property on Rosehill Road and McArthur Road for the purpose of extending sanitary sewer to serve adjacent property.

ACTION: Approve the easement.

F. Approval of PWC Utility Easement – South Side of Ottis Jones Parkway.

BACKGROUND: PWC is upgrading its electrical system in the downtown Central Business District and as a part of the project will be installing an above ground transformer box at the corner of Gillespie Street and Ottis Jones Parkway. PWC is requesting an easement across a portion of county property (Franklin Street Parking Lot)

ACTION: Approve the easement.

G. Approval of Right of Entry Agreements for Lake Upchurch Dam Restoration Project.

BACKGROUND: The County will be required to enter upon certain parcels under private ownership in order to undertake the work required for the Project. As such, an agreement was drafted which grants the County, its employees, agents and contractors the right to enter upon such private property and make the necessary improvements for the benefit of the project. In turn, the County will, to the extent permitted by law, indemnify and hold harmless the property owners from any and all claims and losses arising out of the actions of the County in the performance of the work.

ACTION: Approve Right of Entry Agreements with Lake Upchurch Power, Inc., Bayshore Properties, LLC, and Callie Stanley.

H. Approval of Change Order for Coliseum Project.

BACKGROUND: Change Order GC-1R for D.S. Simmons, Inc., in the amount of \$35,329.54 is for additional work at the Crown Arena and Theatre Renovation Project. The extra work is for the removal and disposal of asbestos containing materials found in the office area, theatre lobby and mezzanine lobby and arena basement. At the time the contract was awarded the Board approved a project contingency of \$60,000 which will be used for this Change Order.

ACTION: Approve the Change Order and revise the total contract amount to \$1,449,329.54.

- I. Approval of the Eastover Sanitary District Extension of a Sixteen-Inch Water Main to Serve the Eastover Recreation Center Which Will Provide for an Emergency Interconnect to the Town of Wade Water System.

BACKGROUND: The County Facilities Committee, at its meeting on September 19, 2005, reviewed three options providing fire protection water sufficient to meet the requirements of the current building and life safety codes for the proposed Eastover Recreation Center. At that time, the consulting engineers had not prepared cost estimates to properly evaluate the potential options. Recreation Department personnel had requested funding to extend a existing 16 inch Eastover Sanitary District Water Main approximately 3,100 feet from the present end of the line near the intersection of Vance Melvin Road with Dunn Road (Hwy. 301) which is south of the new recreation center site to be located on the grounds of the Eastover Central School. The Facilities Committee directed the Public Utilities Department to evaluate the options and provide the required fire suppression capability and recommend a course of action to the Board. The adjacent school receives its water supply from the Town of Wade, which had extended an 8" water main to the school property many years ago. The Town of Wade provides water to its system from a series of ground water wells. Due to the distance from the source and the size of the line this line is not capable of providing the necessary fire flow water. To utilize this source of water would require the construction of a large water storage tank and the installation of water booster pumps to provided the required fire protection. A second option is to extend the existing 16" water main to the new recreation center. Informal proposals have been solicited by the Public Utilities department from qualified firms experienced in this type of work. The firm of Marziano and Manier has been the most responsive and provided the most comprehensive and competitive proposal for the design of this water main extension. The estimated cost of engineering services for this project is \$11,350. And, a third option briefly considered but ruled out was the installation of ground water wells which would still require the storage tank and booster pump.

ACTION:

Approve Option 2 to extend the Eastover Sanitary District's 16" water main to the Eastover Recreation Center site (with the understanding that at some point in the near future the Eastover Sanitary District will purchase this asset as funds become available).

Accept the proposal from Marziano & Manier to prepare the design, bid documents, contract documents, construction documents and construction inspection services and issue a contract in the amount of \$11,350.

Authorize staff to develop an Interlocal Agreement with the Eastover Sanitary District to outline the requirements and expectation for the transfer of this asset in the future.

- J. Approval of Cape Fear Valley Health System's Application for a Certificate of Need for 90 Skilled Nursing Beds.

BACKGROUND: The Cape Fear Valley Hospital System, at its meeting on February 2, 2006, authorized the submission of a Certificate of Need Application for 90 skilled nursing beds. The Board of Trustees requests the Commissioners' approval of the submission of the Certificate of Need.

ACTION: Approve.

- K. Approval of Report on the Disposal of Surplus Property Pursuant to North Carolina General Statute 160A-226(a).

BACKGROUND: On June 15, 1998, the Board adopted a Resolution allowing the Assistant County Manager to dispose of certain "personal property, worth less than \$5000 per item or group of similar items, which have become obsolete, unusable, economically unrepairable, or otherwise surplus to the needs of the County. The Assistant Manager must submit semi-annual reports to the Board summarizing disposals between July 1 and December 31<sup>st</sup>.

ACTION: Accept the report and record in the minutes (Attachment D to the Minutes)

- L. Approval of Declaration of Surplus County Property and Authorization to Accept Insurance Settlement.

BACKGROUND: Two Sheriff's Office vehicles were involved in an accident on November 14, 2005. See info below:

2002 Ford Crown Victoria  
2FAFP71WX2X151270  
Mileage: 97,631  
Settlement: \$9,170.50  
Insurance Co.: Allstate  
Total Loss Settlement

2001 Ford Crown Victoria  
2FAFP71WX1X125470  
Mileage: 105,225  
Settlement: \$10,056.30  
Insurance Co.: All State  
Total Loss Settlement

ACTION: Declare the vehicles surplus, authorize the Risk Management Department to accept the settlement offers as noted above and allow Allstate to take possession of the vehicles.

- M. Budget Revisions:

ACTION: Approve

- (1) Social Services

Revision in the amount of \$19,002 to recognize additional state funding for crisis intervention. (B06-258) **Funding Source – State**

- (2) Fire Districts

a. Cumberland Road Fire District – Revision in the amount of \$100 to budget for unanticipated refunds to taxpayers. (B06-247) **Funding Source – Cumberland Road Tax District**

b. Vander Fire District – Revision in the amount of \$100 to budget for unanticipated refunds to taxpayers. (B06-248) **Funding Source – Vander Fire Tax District**

(3) Cumberland Day Reporting Center

Revision in the amount of \$1,758 to recognize reduction in state grant. (B06-244) **Funding Source - Grant**

(4) Health

a. Pharmacy - Revision in the amount of \$30,000 to recognize anticipated fees earned to purchase drugs. (B06-245) **Funding Source – Fees**

b. Center for Disease Control Tuberculosis - Revision in the amount of \$124 to recognize reduction in state funding. (B06-246) **Funding Source – State**

(5) Sheriff Training Facility/Federal Drug Forfeiture Funds

Revision in the amount of \$3,500 to appropriate Federal Drug Forfeiture fund balance to pay for additional geotechnical services. (B06-255 and B06-255A) **Funding Source – Federal Drug Forfeiture Fund Balance**

(6) NC Controlled Substance Tax

Revision in the amount of \$5,500 to appropriate fund balance to purchase replacement patrol dog. (B06-254) **Funding Source – NC Controlled Substance Tax Fund Balance**

(7) Board of Elections

Revision in the amount of \$38,221 to recognize additional revenue received as reimbursement for additional expenses related to the municipal elections. (B06-257) **Funding Source – Municipalities**

(8) Eastover Sanitary District

Revision in the amount of \$192,188 to award construction contracts to extend sanitary sewer services to the eastern side of the U.S. 13 and I-95 interchange. (B06-262) **Funding Source – Other**

## ITEMS OF BUSINESS

3. Consideration of Request From the Cumberland County School System for a Liaison Member to Attend the Board of Commissioner's Meetings.

BACKGROUND: Donald LaHuffman, Chairman of the School Board, has requested that a member of the Board of Education attend Board of Commissioners' meetings as a Liaison in order to strengthen our partnership in service to the community.

**MOTION: Commissioner Blackwell moved to extend an invitation to the School Board for it to appoint a Liaison to attend the Commissioners' meetings.**

**SECOND: Commissioner Wheatley**

**VOTE: UNANIMOUS**

4. Nominations to Boards and Committees

A. Joint Appearance Commission (1 Vacancy)

Vacancy: Anne R. Adams has resigned. Replacement needed.

Nominee: Cindy Allen

B. Workforce Development Board (2 Vacancies)

Vacancies: Wendall Troy (Private Sector) – completed first term. Eligible for reappointment.

Dr. Robin Jenkins (Community Based Organization) – completed first term. Eligible for reappointment.

Nominees: Wendall Troy and Dr. Robin Jenkins

C. Wrecker Review Board (3 Vacancies)

Vacancies: Larry Sessoms – completed first term – eligible for reappointment.

Gary Holder – completed second term – Sgt. Scott Canady is recommended (State Highway Patrol appointee)

Gary Holder – completed second term – Philip McCorquodale, Philip's Towing Service is recommended to fill the vacancy.

Nominees: Larry Sessoms, Sgt. Scott Canady, Philip McCorquodale

5. Appointments to Boards and Committees

**MOTION: Commissioner Blackwell moved to appoint the nominees in A-D.**

**SECOND: Commissioner Edge**

**VOTE: UNANIMOUS**

A. Adult Care Home Community Advisory Committee (2 Vacancies)

Nominees: Tiffany Adams  
Gary Collier

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

Nominee: Dr. David Kishbaugh, Medical Society Representative

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



Nominee: United Way or Non-Profit: Margarita Dostall

D. Local Emergency Planning Committee (1 Vacancy)

Nominee: Health Representative: Jane Stevens

E. Nursing Home Advisory Board (2 Vacancies) **\*Possible Renomination Needed \***

Nominees: Hervenna Pannell (Reappointment)  
**\*Beth Pate\***

The Clerk noted that Beth Page is not eligible to serve on the Nursing Home Committee because she is an Administrator of a Nursing Home. Her name was removed as a nominee. William Nichols was submitted a nominee.

**MOTION: Commissioner Council moved to appoint Hervenna Pannell and William Nichols to the Nursing Home Advisory Board.**

**SECOND: Commissioner Edge**

**VOTE: UNANIMOUS**

**RECESS THE BOARD OF COMMISSIONERS' MEETING.**

**Chairman King recessed the Commissioners meeting so the Board could meet as the Norcross Water and Sewer District Board. Minutes of that meeting may be found in the Water & Sewer District Minutes Book.**

**Chairman King reconvened the Commissioners' meeting.**

6. Closed Session      A. Personnel Matter Pursuant to  
NCGS 143-318.11(a)(6).

The County Attorney requested that the Board add an Attorney Client matter to the agenda pursuant to NCGS 143-318.11(a)(3) – Crain v. Butler, USDC EDNC

**MOTION: Commissioner Baggett moved to add an Attorney-Client matter as requested by the County Attorney.**

**SECOND: Commissioner Wheatley.**

**VOTE: UNANIMOUS**

**MOTION: Commissioner Baggett moved to go into Closed Session for the above noted matters.**

**SECOND: Commissioner Council**

**VOTE: UNANIMOUS**

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

**SECOND Commissioner Council**

**VOTE: UNANIMOUS**

**MEETING ADJOURNED: 11:11AM.**

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Clerk

