

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
JUNE 19, 2006 – 6:45 PM
REGULAR MEETING

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

INVOCATION - Commissioner John Henley

PLEDGE OF ALLEGIANCE – Cameron Bellian – Van Story Elementary

PUBLIC COMMENT PERIOD (6:45 PM – 7:00 PM)

Speakers: None.

Recognition of Retired County Employee: Max Spears, Cumberland County Crown Coliseum

Recognition of Outgoing Board Members:

Deborah Atkinson – Nursing Home Advisory Board
Clifton McNeill, Sr. – Storm Water Advisory Board

1. 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 June 5, 2006 regular meeting and special budget work session meeting.

ACTION: Approve

- B. Approval of Authorization of Anticipated Contract Awards.

BACKGROUND: There are two projects, the Lake Upchurch Dam Restoration Grading Project and the Gillespie Street Parking Lot Improvement Project, for which bid awards are anticipated to occur during the absence of Board of Commissioners' meetings in July and early August 2006. In order to prevent delays in moving forward with these projects, the County Engineer and management request that the Board authorize the County Manager to approve the bid awards provided the low bids are within the project budgets. Budget revisions to appropriate the necessary monies to fund these projects are pending Board approval at the June 19, 2006 meeting.

ACTION: Authorize the County Manager to approve bid awards for the Lake Upchurch Dam Restoration Grading Project and the Gillespie Street Parking Lot Improvement Project provided the low bids are within the budget.

- C. Approval of Amendment #2 – Agreement with Schnabel Engineering South for Lake Upchurch Dam Restoration Project.

BACKGROUND: The Board of Commissioners authorized staff to include as a part of the special assessment project for the Lake Upchurch Dam Restoration, the work required on the earthen berm on property owned by Bayshore Properties LLC. Presently the berm is considered by NCDENR Dam Safety and FERC a part of the jurisdictional dam requiring modifications prior to impounding water in the lake. The plan is to raise the height of the berm and place fill behind the berm to essentially eliminate the berm. The placement of fill material must be monitored and tested by the engineer of record, Schnabel Engineering South, as a condition of the authorization to construct received from the regulatory agencies on May 8, 2006.

ACTION: Approve Amendment #2 to the agreement with Schnabel Engineering South for additional services on the Lake Upchurch Dam Restoration Project in the amount not to exceed \$5,000. The total not to exceed contract amount will be revised to \$212,000.

- D. Approval of Interlocal Agreement with the City of Fayetteville and PWC to Upgrade 800 MHz Radio System.

BACKGROUND: The County, PWC and the City of Fayetteville propose to enter into an Interlocal Agreement for the purchase and operation of an upgraded 800 MHz trunked voice radio and data system. The parties will pay their respective shares of the system debt service in proportion to the number of public service radios operated by each party. The City will purchase, operate and staff the system. The agreement would be for a term of five years. Other units of local government may choose to join in the agreement.

ACTION: Approve resolution for and authorize the Chairman to sign Interlocal Agreement on behalf of the County.

- E. Consideration of Amendment to Use and Operating Agreement Between Cumberland County and Town of Hope Mills.

BACKGROUND: In 2004, the County and Hope Mills entered into a Use and Operating Agreement for the purpose of constructing a recreation center in Hope Mills to serve citizens of the County in the vicinity of the Town of Hope Mills. One provision of the interlocal agreement provided that the County would begin, as of July 1, 2005, to remit to the Town all County recreation tax revenues collected from within the Town limits to be applied by the Town to operate the recreation center and to provide Hope Mills sponsored parks and recreation services. The Town agreed to continue participating in the County's recreation district during the term of the interlocal agreement. The Town also agreed to permit County residents living in unincorporated areas in the vicinity of the Town to register and participate in programs offered through the Hope Mills Parks and Recreation Department and/or to utilize the Hope Mills Recreation Center amenities on the same terms as any Town resident. At the request of the Town, on June 6, 2005 the Board of Commissioners approved an amendment to the Use and Operating Agreement to provide that the County delay until July 1, 2006 remitting to the Town the recreation tax revenues collected from within the Town limits. The Town has now requested to further amend the Use and Operating Agreement to delay until January 1, 2007 remitting to the Town the recreation tax revenues collected from within the Town limits.

ACTION: Approve Second Amendment to the Use and Operating Agreement to provide that the County will begin to remit to the Town the recreation tax revenues collected from within the Town limits as of January 1, 2007.

- F. Approval of Facilities Committee Report and Recommendations:

1. Change Order ACC-1 – Animal Control Center Project.

BACKGROUND: The Change Order is in the amount of \$58,708 for Bordeaux Construction Company to provide 32 additional cages in the large dog kennels. The Board appropriated \$55,000 in the FY 2007 budget. However, there are cost savings to be realized if the County can purchase the additional cages at this time. The difference of \$3,708 can be funded from the

project contingency. The Facilities Committee unanimously voted to approve the 32 additional cages for the large dog kennel units.

2. Parks & Recreation Master Plan – 5 Year Action Plan Priorities.

The Facilities Committee unanimously voted to adopt the priorities of the Parks & Recreation Board and referred this issue back to the Parks & Recreation Board and staff for funding recommendations.

ACTION: Accept and approve the Facilities Committee recommendations.

G. Approval of Records Retention and Disposition Schedules.

BACKGROUND: The Local Records Unit of the North Carolina Department of Cultural Resources, Government Records Branch, has provided counties with the updated Records Retention and Disposition Schedules for County Management, Tax Administration and the Sheriff's Office. Any destruction of public records should be carried out under the guidance of this new Schedule.

ACTION: Approve the Records Retention and Disposition Schedules.

H. Approval of a Proclamation Proclaiming June 2006 as Celebrate Self-Help and Resources Exchange Program "SHARE" Month in Cumberland County.

BACKGROUND: The Cumberland County SHARE Program requested adoption of a Proclamation proclaiming June as SHARE Month in Cumberland County.

ACTION: Approve Proclamation.

I. Budget Revisions:

ACTION: Approve revisions.

(1) Legal/General Government Other

Revision in the amount of \$11,000 to reallocate budgeted expenditures to cover unanticipated costs required for departmental advertising. (B06-387 and B06-387A) **Funding Source – Reallocation of Budgeted Expenditures**

(2) Health

a. Bioterrorism Response Team - Revision in the amount of \$3,800 to appropriate Health Department fund balance for unanticipated expenditures. (B06-390) **Funding Source – Health Department Fund Balance**

b. Women, Infants and Children – Revision in the amount of \$26,000 to appropriate Health Department fund balance for unanticipated expenditures. (B06-391) **Funding Source – Health Department Fund Balance**

(3) General Government Other

Revision in the amount of \$20,000 to budget deferred maintenance and renovation to pave the Gillespie Street parking lot. (B06-392) **Funding Source – Deferred Maintenance fund Balance**

(4) Education

Revision in the amount of \$1,994 to appropriate fund balance to make an additional hold harmless payment to the Board of Education relating to the City of Fayetteville's Phase IV annexation. (B06-388) **Funding Source – General Fund Fund Balance**

(5) School C.O. Category I

Revision in the amount of \$2,650,000 to appropriate fund balance to add twelve classrooms to Stoney Point Elementary School to accommodate population growth and to approve the associated capital project ordinance. (B06-386) **Funding Source – Sales Tax**

(6) Water & Sewer Fund

Revision in the amount of \$701,000 to appropriate fund balance of \$351,000 and \$350,000 in homeowner contributions to increase the budget for the Lake Upchurch Dam Restoration Project. The Water & Sewer Fund will be reimbursed \$351,000 through assessments to the affected property owners. (B06-389) **Funding Sources – Fund Balance and Other**

(7) Sheriff

- a. Byrne Justice Assistance Grant 2005 - Revision in the amount of \$96,321 to establish an expense budget in FY2007 for grant received from US Department of Justice. (FY2007 Budget) **Funding Source – Federal Grant**
- b. Law Enforcement Block Grant 2004 - Revision in the amount of \$7,263 to establish an expense budget in FY2007 using unexpended grant funds from US Department of Justice. (FY2007 Budget) **Funding Source – Federal Grant**
- c. School Law Enforcement – Revision in the amount of \$10,328 to appropriate fund balance to establish in FY2007 one crossing guard position to cover intersection/access on Camden Road of Jack Britt High and Stoney Point Elementary. (FY2007 Budget) **Funding Source – General Fund Fund Balance**

(8) Economic Development Other

Revision in the amount of \$29,520 to appropriate fund balance to rebudget unexpended funds from prior years. (B06-394) **Funding Source – General Fund Fund Balance**

2. Public Hearings

Uncontested Cases

Rezoning

Upon finding the requests to be reasonable, neither arbitrary nor unduly discriminatory and in the public interest, the following motion was made:

MOTION: Commissioner Council moved to follow the Planning Board recommendations on the Uncontested Cases A-F.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

- A. Case P06-21. The rezoning of .35 acres from R10 to C1(P), or to a more restrictive zoning district, Lot 31, Pine Acres Subdivison, Section 2, Plat Book 13/Page 20, known as 3618 Boone Trail, owned by Jerry D. Pierce.
- B. Case P06-29. The rezoning of two parcels totaling 5.4 acres from A1 to C(P), or to a more restrictive zoning district, located north of Godwin-Falcon Road, east of I-95, owned by Clifton L. Turpin, Jr.
- C. Case P06-30. The rezoning of 2.0 acres from A1 to A1A at 6015 Goldsboro Road, owned by Scottie Godwin.
- D. Case P06-32. The rezoning of 1.99 acres from PND to RR, or to a more restrictive zoning district, at 231 Longhill Drive, owned by William R. White.
- E. Case P06-35. The rezoning of 6.70 acres from A1 to A1A, located at 8778 Hawkins Road, owned by Mary A. Wilson.
- F. Case P06-38. The rezoning of .42 acres from C3 to M(P), or to a more restrictive zoning district, at 164 Wilkes Road, owned by Two Adams, Inc.

Conditional Use District and Permit

- G. Case P06-19. The rezoning of .61 acres from RR to C1(P)/Conditional Use District and Permit to allow a convenience store, at 6630 Waldos Beach Road, owned by Marvin C. & Lillie M. Wilkins.

The Planning Board recommends approval of C1(P) Conditional Use District and Permit.

Speakers: None.

Upon finding the request to be reasonable, neither arbitrary nor unduly discriminatory and in the public interest, the following motion was offered:

MOTION: Commissioner Blackwell moved to approve the C1(P) Conditional Use District.

SECOND: Commissioner Council

VOTE: UNANIMOUS

MOTION: Commissioner Blackwell moved that the Board of Commissioners find that this conditional use permit application, if developed as proposed, and subject to the recommended conditions, will not materially endanger the public health and safety, and will not substantially injure the value of adjoining or abutting property, and will be in harmony with the area in which it is to be located, and will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners and that it be approved, and the agenda materials be accepted as part of the record.

SECOND: Commissioner Council

VOTE: UNANIMOUS

Items of Business

- 3. Consideration of Report of Meeting with the Local Government Commission Regarding COPs Issue for School Construction.

BACKGROUND: In a meeting with County representatives and Cumberland County School representatives, the Local Government Commission emphasized that the LGC is not willing to

recommend relying on lottery proceeds with only a limited track record of collections. Three years experience will be necessary to allow financially reasonable projections of lottery distributions to jurisdictions. The LGC also requires the School System to have the bulk of the proposed work designed and bids in-hand before submitting the financing to the LGC for approval. The prospects of waiving that requirement were remote. The LGC staff noted that the requirement would not be applied to a general obligation bond issue that had been approved by referendum. They acknowledged that seeking LGC approval of a COPs issue following a referendum that had not been successful would require substantial justification and could not be assumed. In reviewing the proposed projects, cost and phasing, they suggested that one alternative would be for either the schools or the County to advance up to approximately \$10 million to get the majority of projects underway and then reimburse those funds from a COPs issue in the spring of 2007. Under the best of circumstances, meeting the LGC's requirements would require intricate scheduling and would necessitate that no unexpected obstacles upset that scheduling.

ACTION: Direct management to review the proposed school construction financing with the school system to determine whether the school system desires to proceed with the COPs structure in light of the LGC's requirements and, if so, on what schedule, and report financing options to the Board of Commissioners Finance Committee and Board of Commissioners. Further, that the Board of Commissioners authorize the Chairman, upon advice from the County Manager and County Attorney, to postpone or cancel the public hearing on a proposed COPs issue presently scheduled for August 21, 2006; and, that the Board of Commissioners approve a working group team to continue to develop a school construction financing program of Citigroup Global Markets, lead underwriter, Parker Poe and Adams, and Rand and Gregory underwriters' co-counsel, and Hunton and Williams and The Charleston Group, co-bond counsel.

The County Attorney remarked that the school board's Finance Committee is scheduled to meet on July 27th to discuss the financial issue. He also commented that there is a drawback to awarding bids in winter as there are fewer bidders for winter projects, which raises prices, and the weather usually is not good for beginning construction. Commissioner Baggett suggested postponing the August public hearing rather than canceling it.

MOTION: Commissioner Blackwell moved to adopt the recommendation of county management.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

4. Consideration of Support for Proposed City of Fayetteville Hope VI Project.

BACKGROUND: The Fayetteville Metropolitan Housing Authority is applying for HOPE VI Grant funds. The City of Fayetteville and Cumberland County would participate in this effort by financing public improvements with tax increment financing based on increased value of property after redevelopment. At the June 5, 2006 Board meeting, the Commissioners adopted the Project in concept contingent on approval of the HUD grant funds. The Fayetteville Metropolitan Housing Authority is requesting that the Cumberland County and the City of Fayetteville support the grant application by submitting a joint letter in support of the project and, contingent upon approval of HUD, the creation of a tax increment finance district.

ACTION: Approve the letter of support for the proposed City of Fayetteville HOPE VI Project.

The County Manager noted that should HUD approve the HOPE VI grant, the city and county have jointly agreed to create a tax increment finance district, which is expected to generate \$9 million in bond proceeds over five years.

MOTION: Commissioner Blackwell moved to approve.
SECOND: Commissioner Henley
VOTE: UNANIMOUS

5. Consideration of BRAC Regional Task Force By-Laws.

BACKGROUND: Approval of the BRAC Regional Task Force By-Laws will give the BRAC Regional Task Force the authority to apply for federal grants on behalf of the Tier One Counties

(Cumberland, Hoke, Harnett, Moore, Richmond and Robeson) and approve up to \$10,000 matching funds in the event the State funds are not approved.

ACTION: Approve the By-Laws.

The County Manager said Richmond and Robeson Counties were recently added as Tier One Counties. There are five Tier Two Counties. Tier One Counties are subject to provide up to \$10,000 each as matching funds for a federal grant to the BRAC Regional Task Force if State funds are not received for this purpose.

MOTION: Commissioner Henley moved to approve.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

6. Report on Offer to Purchase 2.2 Acres of County Property Located on Winding Creek Road.

BACKGROUND: The County received an offer to purchase 2.2 acres owned by the County on Winding Creek Road for \$525,000. Pursuant to G.S. 160A-269, legal notice of the offer was published in the Fayetteville Observer on June 7, 2006. Upset bids may be received through 5:00 PM on June 19, 2006. Any upset bid must be for a minimum of \$551,130.

ACTION: Declare this property surplus to the needs of the County, direct staff to accept the highest qualifying bid plus costs after any upset bid period has expired, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

The County Attorney stated that two bids for this property were received on the same day. The higher offer was submitted for upset bid. No upset bids have been received. The offer is higher than the tax value of the property, which is approximately \$475,000. The offer provides for a closing date in December.

MOTION: Commissioner Baggett moved that the property be declared surplus to the needs of the County, the staff be directed to accept the highest qualifying bid plus costs after any upset bid period has expired, and the Chairman be authorized to execute a deed upon receipt of the balance of the purchase price.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

7. Nominations to Boards and Committees

- A. Board of Adjustment (1 Vacancy)

BACKGROUND: George Quigley, Alternate Member, was appointed as a Regular Member on June 5, 2006. Alternate Member replacement needed.

Nominee: Martin J. Locklear

- B. Civic Center Commission (1 Vacancy)

BACKGROUND: Replacement needed for Terry Allen (deceased).

Nominee: Geo M. Livingston

- C. Fayetteville Area Convention & Visitors Bureau (2 Vacancies)

BACKGROUND: Hotels/Motels Under 100 Rooms Representative Gene S. Ammons, Jr. (deceased). Chintan Patel is recommended to fill this vacancy. At-Large Representative John Mitchell completed first term. Eligible for reappointment.

Nominees: Chintan Patel
John Mitchell

8. Appointments to Boards and Committees

MOTION: Commissioner Blackwell moved to approve the nominees as listed below by acclamation.

SECOND: Commissioner King

VOTE: UNANIMOUS

A. Adult Care Home Community Advisory (3 Vacancies)

Nominees: Cathy Bain (Reappointment)
Herma Jean Bradley (Reappointment)
John Poulos (Reappointment)

B. Community Child Protection Fatality Prevention Team (3 Vacancies)

Nominees:	<u>Sheriff's Office:</u>	Lynette Hodges
	<u>Fayetteville City Police Department:</u>	Chris Davis
	<u>EMS Provider/Firefighter Position:</u>	Carl Strange

C. Criminal Justice Partnership Advisory Board (4 Vacancies)

Nominees:	<u>District Court Judge:</u>	Elizabeth Keever (Reappointment)
	<u>At-Large Representative:</u>	Carrie M. Heffney (Reappointment)
		Kirk Nance (Reappointment)
	<u>County Commissioner:</u>	Talmage Baggett (Reappointment)

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

Nominee: Clifton McNeill, Sr.

E. Storm Water Advisory Board (1 Vacancy)

Nominee: Dennis Gould

F. Tourism Development Authority (1 Vacancy)

Nominee: Vivek Tandon

G. Workforce Development Board (2 Vacancies)

Nominees:	<u>Private Sector Representatives:</u>	Mike Baldwin
		Jean Harrison

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

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

SECOND: Commissioner Edge

VOTE: UNANIMOUS

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

SECOND: Commissioner Henley

VOTE: UNANIMOUS

MOTION: Commissioner Baggett moved to add the following item to the agenda: Reappointment of the Tax Administrator.

SECOND: Commissioner Council

VOTE: UNANIMOUS

MOTION: Commissioner Baggett moved to reappointment the Tax Administrator, Aaron Donaldson, to another four year term to end June 30, 2010.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

MOTION: Commissioner Edge moved to adjourn.

SECOND: Commissioner Council

VOTE: UNANIMOUS

MEETING ADJOURNED: 7:30 PM

Deputy Clerk to the Board