

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

PRESENT: Chairman Billy R. King
Vice Chairman Kenneth S. Edge
Commissioner Talmage S. Baggett, Jr.
Commissioner J. Breeden Blackwell
Commissioner Jeannette M. Council
Commissioner John T. Henley, Jr.
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 to the Board

INVOCATION Commissioner Breeden Blackwell

Minister: Pastor Al Brice – Covenant Love Family Church

Pledge of Allegiance

Recognition of Outgoing Board Member: Bobby Ervin, Human Relations Commission

1. Public Hearing for the Annual Community Transportation Program Grant for FY 2008.

SPEAKERS: No Speakers

ACTION: Approve the Grant Application for FY2008

MOTION: Commissioner Council moved to approve.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

2. Presentation by Mr. Jon Warren of a Report on Activities of the Cumberland County Crown Center.

Civic Center Accomplishments 2005-06

- under budget by more than \$500,000
- 2005-06 most successful financial performance
- purchased three new marquees (for each entrance to the Crown Center)
- marquees will be installed by early Spring of 2007

- major events are coming to the Crown Center
- largest attendance ever for the Cumberland County Fair
- substantial utility cost savings
- major savings in operational expenses by doing more projects in –house
- expanded the sales and marketing departments
- theatre and arena renovations completed; and
- Coliseum mechanical risers in place.

NO ACTION NEEDED

3. Presentation by Mr. Wayne Marshburn of the Annual Report for Judicial District 12, Division of Community Corrections.

Mr. Marshburn reviewed the annual report:

- New initiatives – US Marshal’s Fugitive Apprehension Task Force, Drug Treatment Court, and a Community Threat Group Program
- Ongoing Programs: Operation Ceasefire, Sex Offender Control Program, Domestic Violence initiative, Cognitive Behavioral Intervention and Soldiers Program
- Dual Population (includes offenders on probation & offenders on probation & parole) decreased 17.5% from FY 2001-2006;
- Population for Parole/Post Release Supervision has increased by 16% from FY2001-2006;
- From FY2001-2006 there has been a decrease in the total supervised population of 588 or a 16% decrease

Mr. Marshburn noted the cost of community corrections supervision is so much more cost effective than incarceration.

NO ACTION NEEDED

4. Consent Agenda

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

SECOND: Commissioner Henley

VOTE: UNANIMOUS

- A. Approval of minutes for the October 16, 2006 regular meeting and the October 10, 2006 Special Joint Meeting with the City of Fayetteville.

ACTION: Approve

B. Approval of Proposed Additions to the State Secondary Road System:

Cashwell Farms Subdivision: Farmland Court

Lake Lynn Subdivision: Auburn Drive

ACTION: Approve

C. Approval of a Resolution Adopting the Preliminary Assessment Roll and Scheduling a Public Hearing for the Windridge Subdivision Water Line Extension Project.

BACKGROUND: The Board of Commissioners, at its meeting on August 16, 2004, adopted a Final Assessment Resolution for the Windridge Project. The water line extension construction is complete and PWC has accepted the lines. The final project costs have been determined and the preliminary assessment roll has been prepared. The next step is for the Board to adopt the preliminary assessment roll and set a date for a public hearing.

Summary of Costs

Engineering & Design	Marziano & Manier	\$	17,400.00
Construction	Utilities Plus		525,350.05
	TOTAL	\$	542,750.05
PWC participation to upsize the main line		\$	139,491.71
PWC participation to install Fiber Optic Conduit			14,259.50
	TOTAL	\$	153,751.21
BALANCE TO BE ASSESSED		\$	388,998.84
Number of lots for Assessment:	81		
Assessment per lot		\$	4,802.46

ACTION: Adopt the Resolution approving the Preliminary Assessment Roll (attached to these minutes) and set a public hearing date of November 20, 2006 at 6:45PM.

A RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF
COMMISSIONERS
ADOPTING THE PRELIMINARY ASSESSMENT ROLL FOR THE WINDRIDGE
SUBDIVISION WATER LINE EXTENSION PROJECT

WHEREAS, the Board of Commissioners of Cumberland County (the "Board") adopted a Final Assessment Resolution for the Windridge Subdivision Water Line Extension Project (the "Project") on August 16, 2004; and

WHEREAS, the Project is now complete and the Public Works Commission has accepted the water lines; and

WHEREAS, the Project's total costs have been determined as provided by G.S. 53A-193, and the preliminary assessment roll prepared as provided by G.S. 153A-194; and

WHEREAS, the Board wishes to call a public hearing on the final assessment roll, as provided by G.S. 153A-194;

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that the Board adopts the attached preliminary assessment roll for the Windridge Subdivision Water Line Extension Project, which is incorporated herein by reference as if fully set forth; and

BE IT FURTHER RESOLVED, that each assessment will be at an equal rate per lot in the Project area along which public water lines are extended; and

BE IT FURTHER RESOLVED, that each assessment will be payable in five (5) annual installments and the first installment with interest will be due sixty (60) days after the date that the assessment roll is confirmed. One installment with interest is due on the anniversary date in each successive year until the assessment is paid in full. The interest rate shall be set at eight percent (8%) per annum. The assessment may be paid in full without interest anytime up to sixty (60) days after the confirmation of the assessment roll is published; and

BE IT FURTHER RESOLVED, that the preliminary assessment roll shall be filed in the Clerk to the Board's office, where it shall be available for public inspection; and

BE IT FURTHER RESOLVED, that the Board calls a public hearing on the preliminary assessment roll for November 20, 2006, at 6:45PM in the Commissioners' Meeting Room, Room 118, Cumberland County Courthouse, 117 Dick Street, Fayetteville, NC 28301; and

BE IT FURTHER RESOLVED, that at least ten days before the public hearing a notice shall be published that the preliminary assessment roll has been completed, describing the Project in general terms, noting that the preliminary assessment roll is available in the Clerk to the Board's Office for public inspection, and stating the time and place for the public hearing on the preliminary assessment roll, all as required by G.S. 153-194; and

BE IT FURTHER RESOLVED, that at least ten days before the date of the public hearing, a notice of hearing shall be mailed by first class mail to each owner of property listed on the preliminary assessment roll, stating that the preliminary assessment roll in the Clerk to the Board's Office is available for inspection, and stating the amount as shown on the preliminary assessment roll of the assessment against the property owner.

D. Approval of a Resolution of Intent to Close a Portion of Sahara Place and Scheduling a Public Hearing.

BACKGROUND: Property owners H&H Constructors, Inc. petitioned that a portion of Sahara Place located on the eastern margin of Hidden Oasis Drive in Eastover Township be closed. The NC Department of Transportation confirms that Sahara Place is not a State maintained road and has no objection to the abandonment. The Fire Marshal and Planning Department also do not object. Pursuant to G.S. 153A-241, if the Board desires to close the road, it must adopt a resolution, set a date for a public hearing and direct that notice be published once a week for four successive weeks before the hearing and post notice in at least two places along the street during that time. Notice will also be mailed to property owners adjoining Sahara Place.

ACTION: Adopt Resolution

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

WHEREAS, H&H Constructors Inc. have submitted a petition to the Cumberland County Board of Commissioners (the "Board") to close a portion of Sahara Place located on the eastern margin of Hidden Oasis Drive in Eastover Township, Cumberland County; and

WHEREAS, it appears that such public street is not under the control of the NC Department of Transportation; that no person would be deprived of reasonable means of ingress and egress to his/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 the NC General Statutes, Section 153A-241:

BEGINNING at a point being the SE corner of lot 27 as shown on that plat recorded in the Cumberland County Registry entitled Hummingbird Place Phase 1, Plat Book 114, Page 97 (Said point also being the NE corner of Sahara Place, a 50 foot right of way as shown on said plat); thence with said right of way N 84 degrees 39'38"W 174.73 feet to a point in a curve to the right; thence with said curve N 39 degrees 39'38'W with a cord distance of 35.36 ft and an arc of 39.28 ft to a point in the eastern margin of Hidden Oasis Drive right of way; thence from said point S 5degrees20'22'W 100 ft to a curve to the right; thence with said curve N 50 degrees 20'22"E with a cord distance of 35.36 ft and an arc of 39.28 ft to a point in the southern margin of Sahara Place right of way; thence with said right of way S 84 degrees 39'38'E 174.73 ft to a point being the NW corner of Lot 26 as shown on said Plat; thence with the eastern right of way of Sahara Place N 5 degrees20'23'E 50 feet to 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 18th day of December 2006 at 6:45PM in the Commissioners' Meeting Room (room 118), First Floor, New

Courthouse, 117 Dick Street, Fayetteville, NC. 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 the time; and that a copy of this resolution shall be sent 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 Change Order STC-1 Sheriff's Training Center Project.

BACKGROUND: The purpose of the Change Order is to install the standby power generator in the Sheriff's Training Center. At the time the bid was accepted for the project, funding was not available to do this alternate bid. Drug forfeiture funding is now available which can be used to fund the generator.

ACTION: Approve the Change Order in the amount of \$97,503, increase the contract amount for the Project to \$3,280,347 and approve associated budget revisions (B07-163 & B07-163A)

F. Approval of a Resolution of Support for State Funding for Water Resources Management.

ACTION: Approve Resolution

RESOLUTION OF SUPPORT FOR STATE FUNDING
FOR WATER RESOURCES MANAGEMENT BY NC REGIONAL COUNCILS

WHEREAS, adequate water resource quantity and quality are essential to sustain long-term economic and community growth and development for North Carolina; and

WHEREAS, long-term solutions to water quantity and quality problems will require multi-jurisdictional coordination among counties and municipal governments and federal and state agencies; and

WHEREAS, North Carolina's 17 Regional Councils provide local governments throughout the state with regional means to address issues that stretch beyond any individual government's boundaries, and have delivered such services for over 30 years; and

WHEREAS, Regional Councils need additional state funding to work regionally with local governments on water resource issues and to implement regional solutions; and

WHEREAS, Regional Councils are seeking a state appropriation of \$100,000 for each regional council in the 2007-08 state budget, for a total of \$1,700,000 to implement regional water resource management;

NOW, THEREFORE BE IT RESOLVED by the Cumberland County Board of Commissioners on this 6th day of November, 2006, that Cumberland County supports state funding for regional councils to carry out multi-jurisdictional water resource management, and urges the 2007 General Assembly to include a recurring appropriation of \$1,700,000 in the state budget, beginning in 2007-08.

- G. Approval of a Professional Services Contract between Cumberland County and Anna Hymes to Operate the Cameras for Commissioners' Meetings.

ACTION: Approve contract

- H. Approval of Report and Recommendations of the Cumberland County Finance Committee for the County to fund a 20% Match for 800 MHz radios.

BACKGROUND: The Fire Chief's Association recommends that the County fund a 20% match for 800 MHz radios. The Association has applied for a \$1 million grant to equip all volunteer fire departments with 800MHz digital radios. If the grant is approved the County will match 20% or \$240,878. The County Manager recommends the match as follows:

½ of the match will come from the Special Fire District Tax (the special tax is distributed as follows – 60% to fire departments and 40% to the Fire Chief's Association) from the 40% that the Fire Chief's Association receives;

½ of the match will be funded by the County (the County will loan the Fire Chief's Association the money to complete the match requirement); the Association will repay the County over a five-year period.

No fire department will see a reduction in any special district tax funds it receives. Matching funds will come from the 40% money that goes to the Fire Chief's Association.

ACTION: Approve as noted above.

- I. Approval of Report and Recommendations of the Cumberland County Policy Committee.
 - (a) Land Divestiture Issues – The Policy Committee voted unanimously to recommend to the Board of Commissioners that upon the disposition of land or buildings that have been in the name of Cumberland County and no longer being used for previously designated purposes, that those

proceeds be returned to the General Fund and established in a Capital Reserve Fund.

ACTION: Approve the Policy Committee's recommendation.

- (b) Funding a water extension feasibility study for the Town of Falcon – The Policy Committee voted unanimously to recommend to the Board of Commissioners that the County pay 50% of the cost of the Water Extension Feasibility Study for the Town of Falcon.

ACTION: Approve the Policy Committee's recommendation.

- (c) Community Branding Initiative – The Policy Committee unanimously recommended that the Board of Commissioners approve the branding for the County and pursue a request to NCDOT to change the signs coming into the County. The new branding initiative will follow a patriotic theme. Colors will be used at the discretion of the Print Shop Supervisor and the County Manager.

ACTION: Approve

- J. Approval of Report on Sale of Surplus County Personal Property.

BACKGROUND: On October 2, 2006, the Board authorized a public auction to dispose of vehicles and equipment. The auction was held on October 28, 2006 and generated gross revenue of \$107,675 for the County.

ACTION: Accept the report.

- K. Approval of Sole Source Purchase and Associated Budget Revision for Crown Coliseum Marquees.

BACKGROUND: The Crown Center wants to purchase three marquees for the facility for \$172,268. The existing equipment currently utilized for displays is a Daktronics proprietary system. The new equipment would be compatible with the existing electronics and controllers that the Crown Center currently uses. The Crown Center is requesting sole source for the purchase of these marquees. The justification for sole source is listed in NCGS 143-129(e)(6), that is, the overriding importance of compatibility with the existing electronics, software and controllers.. In addition, Sign and Awning Systems, Inc. is the only authorized installer for the Daktronics system in this territory. Additional cost for installation is \$70,040. There is also an additional charge of \$5,000 for engineering fees.

ACTION: Approve the sole source purchase from Daktronics and the associated budget revision in the amount of \$247,308 (B07-168).

- L. Budget Revisions

ACTION: Approve

(1) Social Services/Social Services Other

Revisions in the amount of \$220,656 to appropriate fund balance to rebudget unexpended funds received from FY02 thru FY04. (B07-154 and B07-155) **Funding Source – General Fund Fund Balance**

(2) Sheriff

Revision in the amount of \$10,043 to appropriate fund balance to rebudget unexpended private contributions from previous years. (B07-159) **Funding Source – General Fund Fund Balance**

(3) General Government Other

a. Revision in the amount of \$11,762 to appropriate fund balance to rebudget unexpended funds from FY06. (B07-162) **Funding Source – General Fund Fund Balance**

b. Revision in the amount of \$39,775 to appropriate designated fund balance reserve to fund engineering services for Courthouse cooling tower. (B07-167) **Funding Source – Designated Fund Balance Reserve**

(4) Sheriff Training Center/Federal Drug Forfeiture

Revision in the amount of \$133,500 to transfer funds from the Federal Drug Forfeiture Fund to the Sheriff's Training Center Capital Project Fund for the purchase of furniture and equipment. (B07-165 and B07-165A) **Funding Source – Federal Drug Forfeiture Fund Balance**

(5) Workforce Development - Disaster Relief Hurricane Katrina

Revision in the amount of \$50,000 to budget additional funding from the state for Katrina victims. (B07-164) **Funding Source – State**

(6) Elections

Revision in the amount of \$227,863 to rebudget unexpended voting booth grant funds (\$187,248) from FY2006 and to appropriate (\$40,715) fund balance for matching funds. (B07-166)
Funding Source – State and General Fund Fund Balance

(7) Solid Waste Recycling

Revision in the amount of \$15,000 to budget state grant funds to purchase recycling rollout containers to start a recycling program in the Cumberland County Schools. (B07-160) **Funding Source – State Grant**

ITEMS OF BUSINESS

5. Consideration of a Request from the City of Fayetteville to Appoint a Commissioner and Senior Staff Person to a Municipal Parking Committee.

BACKGROUND: The City of Fayetteville is inviting the Board of Commissioners to join in the formation of a Municipal Parking Committee which will prepare recommendations for the City/County for the development and use of public parking assets to meet the projected downtown parking needs for the next eight years. The Committee will include a City Council Member, a County Commissioner, a Senior staff person from each of the city and county, a member of the Board of Directors from the Downtown Alliance and a member of the Board of Directors from the Cumberland County Business Council. The committee will be co-chaired by the City Council Member and the County Commissioner member. Technical and administrative support will be provided by the CCBC. Over the next six months the committee will address and provide recommendations on the following issues:

- (a) design/location of parking structure(s) as deemed necessary to satisfy the projected demand;
- (b) development of operating costs and financial approach for the structure(s);
- (c) organizational structure to oversee the parking operations for all of downtown including the development of proposed parking structure.

ACTION: Consider the request

Commissioner Council suggested the Board of Commissioners may want to delay making these appointments. She said it appeared that the decision has already been made

regarding a parking deck. She noted her objection to charging citizens who come to the courthouse to do business. Commissioner Council said the Board needs more information before appointments to a committee are made.

Commissioner Henley noted that while Commissioner Council's concerns were valid a voice on this committee would allow the county to have some input into the parking issues downtown.

Commissioner Baggett said that an article written by Tom Keith set forth the concept of smaller parking areas dispersed throughout the downtown area. He too said he felt that perhaps a decision has already been made regarding the parking situation.

MOTION: Commissioner Blackwell moved to appoint Commissioner Wheatley to the Committee

SECOND: Commissioner Henley

DISCUSSION: Commissioner Edge said he was not in favor of fees for parking. It was noted the City may want to take advantage of Amendment 1 funding. Grainger Barrett, County Attorney, noted all financing structure issues have been fully clarified yet there is already an existing municipal service district and that a new district (tax increment district) would be established to pay the debt service on a parking facility. Commissioner Blackwell said he believed the County should be at the table when parking decisions are being made.

SUBSTITUTE

MOTION: Commissioner Council moved to refer this issue to an appropriate committee for discussion.

SECOND: Commissioner Baggett

DISCUSSION: Commissioner Henley said he saw no reason not to make the appointments. Commissioner Edge pointed out that the request received was to appoint a commissioner and senior staff member to the committee. He inquired of the County Manager who that staff person would be. The Manager said he would like for the board to designate him or his designee to serve on the Committee if the Board decides to make the appointments. Commissioner King said he did not see a problem with making appointments to the committee.

VOTE: FAVOR: Commissioner

AMENDED

ORIGINAL

MOTION: Commissioner Blackwell moved to appoint Commissioner Diane Wheatley and County Manager James Martin or his designee to the Committee.

SECOND: Commissioner Henley

VOTE: FAVOR: Commissioners Blackwell, Henley, Baggett, King, Wheatley and Edge

OPPOSED: Commissioner Council

6. Consideration of a Request to Transfer a Surplus County Van to the Tiffany Pines Community Outreach Center. (Moses Mathis Bicycle Operation).

BACKGROUND: David Wilson, on behalf of the Tiffany Pines Community Outreach Center, requests that the Board of Commissioners approve the transfer of one surplus county vehicle (van) to the Center, a 501(c)(3) Community Service Organization. The van will be used by the Moses Mathis Bicycle Program.

ACTION: Consider the transfer.

MOTION: Commissioner Blackwell moved to approve the transfer of the van to Tiffany Pines Community Outreach Center.

SECOND: Commissioner Council

VOTE: UNANIMOUS

7. Nominations to Boards and Committees

A. Community Child Protection Fatality Prevention Team (2 Vacancies)

VACANCIES: At-large position: Allie Wiggins – eligible for reappointment
At-large position: Mattie Pipkin – not eligible for reappointment

Nominees: Allie Wiggins (reappointment)
Kalisha Abercrombie

B. Human Relations Commission (1 Vacancy)

VACANCY: Bobby Ervin – Completed first term – DOES NOT WISH TO BE REAPPOINTED

Nominee: Cornelius Williams

C. Joint Fayetteville/Cumberland County Senior Citizens Advisory Commission (3 Vacancies)

BACKGROUND: Cumberland County and the City of Fayetteville have agreed to increase the size of the Commission from 10 to 20 members, with each entity appointing 10 members. To date, six members have been appointed by the County. Four slots remain vacant. It has been recommended that George Hatcher, Sr., Eleanor Ayers and Kristine Wagner be nominated to fill three of these vacancies.

ACTION: Nominate to fill the vacancies.

Nominees: George Hatcher, Sr.
Eleanor Ayers
Kristine Wagner

D. Library Board of Trustees (2 Vacancies)

VACANCIES: Maxine McCoy – Eligible for reappointment
Nellie McCoy (filling an unexpired term) – Eligible for reappointment to a 3-year term.

Nominees: Maxine McCoy (reappointment)
Nellie McCoy (reappointment)

E. Nursing Home Advisory Board (1 Vacancy)

VACANCY: Peter Paoni – Eligible for reappointment

Nominee: Peter Paoni (reappointment)

F. Transportation Advisory Board (9 Vacancies)

VACANCIES:

Victor Sharp (City of Fayetteville representative): eligible for reappointment.
Densie Lucas (Mental Health Department designee): eligible for reappointment
Wally Ainsworth (Emergency Medical Services rep.): eligible for reappointment
Tom Lloyd (Planning Dept. rep): eligible for reappointment
Vocational Rehab Representative: Tammy Jackson, Independent Living Director, is recommended for this vacancy. (Recommended by Transportation Advisory Board)
Elyse Arthur (at-large rep): Charles Luther recommended to fill this position.
Natasha Scott (at-large rep): Dianne Grumelot recommended to fill this position.
Dana Stoogenke (at-large rep): Timothy Joel Strickland recommended to fill position.
Pam Presser (at-large rep) – recommended for reappointment.

Nominees: Victor Sharp
Densie Lucas
Wally Ainsworth
Tom Lloyd
Tammy Jackson
Charles Luther
Dianne Grumelot
Timothy Joel Strickland
Pam Presser

G. Workforce Development Board (2 Vacancies)

VACANCIES: Bill Cupit (Rehabilitation Rep): Mr. Cupit no longer serves as Manager of the Fayetteville Division of Vocational Rehabilitation. Ellen Morales now serves in the position and it is recommended she be appointed.

Bill Martin (CCBC – Economic Development Rep.) Eligible for reappointment.

Nominees: Ellen Morales (Rehab. Rep.)
Bill Martin (CCBC – Economic Development Rep.)

8. Appointments to Boards and Committees

MOTION: Commissioner Blackwell moved to appoint Lt. John Legette to the Wrecker Review Board.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

A. Wrecker Review Board (1 Vacancy)

Nominee: Sheriff's Appointee: Lt. John Legette

9. Closed Session
- A. Economic Development Matter Pursuant to NCGS 143-318.11(a)(4).
 - B. Attorney-Client Matter Pursuant to NCGS 143-318.11(a)(3).
 - C. Personnel Matter Pursuant to NCGS 143-318.11(a)(6).

MOTION: Commissioner Wheatley moved to go into Closed Session for the above Noted matters.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

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

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

MOTION: Commissioner Henley moved to adjourn.

SECOND: Commissioner Edge.

VOTE: UNANIMOUS

MEETING ADJOURNED: 11:45AM.