

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
APRIL 2, 2007, 9:00AM
REGULAR MEETING

PRESENT: Chairman Kenneth S. Edge
Vice Chairman J. Breeden Blackwell
Commissioner Jeannette M. Council
Commissioner John T. Henley, Jr.
Commissioner Billy R. King
Commissioner Ed Melvin
Commissioner Diane Wheatley
James Martin, County Manager
Amy Cannon, Asst. County Manager
Grainger Barrett, County Attorney
Sara VanderClute, PIO
Marie Colgan, Deputy Clerk
Marsha Fogle, Clerk

INVOCATION Commissioner Breeden Blackwell, Vice-Chairman

Minister: Mark Olson, Snyder Memorial Baptist Church

Pledge of Allegiance

Recognition of Outgoing Board Member:

Swayn Hamlet, Equalization & Review Board

Recognition of Retired County Employees:

Roger Howard – Landscaping Department
Mable B. Jones – Cumberland County Sheriff's Office

Special Recognition to the Cumberland County Department of Social Services on winning a 2006 Outstanding County Program Award from the North Carolina Association of County Commissioners (NCACC) for their program "Reaching Out to Fight Hunger"

ADDITION TO AGENDA: Consideration of a Resolution of Intent to authorize lease of real property located at 226 Bradford Avenue. (Item 1N)

MOTION: Commissioner King moved to add this item to the agenda.

SECOND: Commissioner Council

VOTE: UNANIMOUS

1. Consent Agenda

MOTION: Commissioner Henley moved to follow staff recommendations for the items on the Consent Agenda.
SECOND: Commissioner King
VOTE: UNANIMOUS

- A. Approval of minutes for the March 19, 2007 regular meeting.

ACTION: APPROVE

- B. Approval of Revision to Animal Control Ordinance Section 3-11 to Prohibit Materials Used or Intended to be Used in Dog or Cock Fighting.

BACKGROUND: The Animal Control Director has proposed and the Animal Control Board has unanimously approved revision of Section 3-11 of the Animal Control Ordinance, which prohibits animal fighting, to add a prohibition of materials used or intended to be used in dog or cock fighting. The revision would implement that recommendation. It also includes in the revised language a lengthy illustrative list of materials that are often found at sites used for animal fighting or training animal fighting. Both state law and our ordinance currently prohibit dog and animal fighting but neither currently addresses paraphernalia directly associated with dog and cock fighting.

ACTION: Approve the revision of Section 3-11 as noted above.

- C. Approval of Proposed Additions to the State Secondary Road System

Cypress Lakes Village Subdivision: Masterpiece Drive

Sheffield Farms South Subdivision: Harvest Grove Court
Morning Star Lane

ACTION: Approve

- D. Approval of Bid Award for Roof Replacement for Winding Creek Mental Health and Winding Creek Annex, and Roof Maintenance for the Department of Social Services.

BACKGROUND: Bids were received on March 22, 2007 for the above referenced projects. The scope of work includes removal and replacement of the penthouse roof on the Winding Creek building, replacement of the metal roof on the Winding Creek Annex building and required maintenance and repairs on the DSS Building roof. Separate bids were taken for each building for budget purposes. An alternate bid was taken for a special coating on the DSS roof in lieu of the standard aluminized coating. It is not recommended due to cost. The low base bid was submitted by Owens Roofing, Inc. in the amount of \$193,714.00. Mental Health has committed to fund \$88,398 of the cost for Winding Creek and the Annex buildings. The balance will be funded from the General Fund Roof Maintenance line item in the approved FY2007 budget. In addition to the low base bid, a 5% contingency in the amount of \$9,700 is required for unforeseen changes in the scope of work as recommended by the County Engineer and approved by the County Manager.

ACTION:

- (1) Accept the bids, award a contract to Owens Roofing, Inc. in the amount of \$193,714 for the base bid, establish a project contingency in the amount of \$9,700 to be used for justifiable scope changes and approve associated budget revision (B07-302&302A).

- E. Approval of Change Order #1 – Grahams Construction – Courthouse Lobby Addition and Plaza Renovations.

BACKGROUND: This change order is for additional work requested by the County on the Courthouse Lobby addition and Plaza Renovation project. The extra work involves demolition and replacement of the rustic terrazzo stairs on the north and south entrances of the Courthouse and additional concrete work over the tunnel between the Courthouse and Law Enforcement Center. The stairs are in a state of disrepair and represent a potential tripping hazard. The work will be accomplished on weekends since the entrances must remain open during the week days. Cost: \$42,252.

ACTION: Approve the Change Order in the amount of \$42,252, increase the total contract amount to \$843,232 and approve associated budget revision (B07-294).

- F. Approval of Reconsideration of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure:

0.51 Ac – McGill Ld (Located on Tine Road, Off Raeford Road, Off Rim Road)
PIN: 9487-41-9319; Seventy First Township

BACKGROUND: This property was acquired by tax foreclosure on or about December 7, 2006. Amount currently owed is \$3,246.49. The property is valued at \$17,956. This property came before the Board at its March 19 meeting and the Board raised some concerns about the property being sold for \$3,246.49 because of its assessed value. After becoming aware that the property was to be re-purchased by a family member of the foreclosed party, it was agreed the sale would be placed back on the agenda for the April 2, 2007 meeting

ACTION: Accept the offer of Darryl McRae in the amount of \$3,246.49, plus costs and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- G. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure:

Lot 23 – Creech Sub Div (Located on Lacock Street, Off Scarborough Street, Off N. Main Street) PIN: 0501-55-5930; Manchester Township

BACKGROUND: The property was acquired by tax foreclosure on or about October 24, 2006. The amount currently owed on the judgment including interest and cost for the property is \$6,652.38. Brenda Kay Girardeau has offered to purchase the property for \$8,049.38 and has deposited 10% of the bid in the Finance Office. The tax value of the property is \$31,005. There

is a house on the property; the condition of the house is fair to poor, the windows are boarded and the siding is rotting. The property is surplus to the County's needs.

ACTION: Accept the offer and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- H. Approval of a Proclamation Proclaiming April 2007 as "Alpha Kappa Alpha Sorority, Incorporated Month" in Cumberland County.

ACTION: Adopt Proclamation

PROCLAMATION

WHEREAS, Alpha Kappa Alpha Sorority, Inc., the oldest and premier Greek letter organization established by and for African-American women begins its centennial celebration in 2007; and

WHEREAS, Alpha Kappa Alpha Sorority, Inc. was organized on the campus of Howard University in Washington, DC during the academic year of 1907-08; and

WHEREAS, the members of the Sorority continue to promote objectives for which Alpha Kappa Alpha was founded:

- to promote and encourage high scholastic & ethical standards;
- to promote unity and friendship among college women;
- to alleviate problems concerning girls and women;
- to maintain a progressive interest in college life; and
- to be of service to all mankind.

WHEREAS, in April, 2007 the local chapters, Delta Alpha (Fayetteville State University), Zeta Pi Omega and Upsilon Kappa Omega, of the mid-Atlantic region will conduct centennial activities.

NOW, THEREFORE, the Board of Commissioners of Cumberland County proclaims April 2007 Alpha Kappa Alpha Sorority, Inc. Month in recognition of the Chapters' contributions and community service to the citizens of Cumberland County.

- I. Approval of a Proclamation Proclaiming the week of April 9-15, 2007 as "Community Development Week" in Cumberland County.

WHEREAS, the Community Development Block Grant (CDBG) program has operated since 1975 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, affordable housing; neighborhood and human service needs; job creation and retention; and physical redevelopment.

NOW, THEREFORE, the Board of Commissioners of Cumberland County proclaims the week of April 9 – April 15, 2007 “Community Development Week” in Cumberland County and urges all citizens to join in recognizing the Community Development Block Grant Program and the important role it plays in our community.

- J. Approval of a Proclamation Proclaiming April 14-28, 2007 as “Spring Litter Sweep” in Cumberland County.

PROCLAMATION

WHEREAS, the NC Department of Transportation organizes an annual spring statewide roadside cleanup to ensure clean and beautiful roads in North Carolina; and

WHEREAS, the spring 2007 “LITTER SWEEP” roadside cleanup will take place April 14-28, 2007, and encourages local governments and communities, civic and professional groups, professional groups, businesses, churches, schools, families and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and

WHEREAS, Adopt-a-highway volunteers, Department of Transportation employees, Department of Correction inmates and community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools, and environmentally concerned citizens conduct annual local cleanups during “LITTER SWEEP” and may receive certificates of appreciation for their participation; and

WHEREAS, the great natural beauty of our county and a clean environment are sources of great pride for all Cumberland County residents, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the cleanup will increase awareness of the need for cleaning roadsides, emphasize the important of not littering, and recycling of solid wastes; and

WHEREAS, the 2007 spring cleanup will celebrate the 19th anniversary of the NC Adopt-a-highway program and its 6,000 volunteer groups that donate their labor and time year round to keep our roadsides clean; and

WHEREAS, the “LITTER SWEEP” cleanup will be a part of educating the children of this great county regarding the importance of a clean environment to the quality of life in Cumberland County;

NOW, THEREFORE, the Cumberland County Board of Commissioners proclaims April 14-28, 2007 “SPRING LITTER SWEEP” time in Cumberland County and encourages Cumberland County citizens to take an active role in making their communities cleaner.

- K. Approval of a Proclamation Proclaiming April 22-28, 2007 as “National County Government Week” in Cumberland County.

ACTION: Approve

PROCLAMATION

WHEREAS, the nation’s 3,066 counties provide a variety of essential public services to communities serving 300 million Americans; and

WHEREAS, counties take seriously their responsibility to protect and enhance the health, welfare and safety of its citizens in sensible and cost-effective ways; and

WHEREAS, many county government initiatives involve the protection of valuable and vulnerable environmental resources in communities; and

WHEREAS, the National Association of Counties is the only national organization that represents county governments in the United States, provides essential services to the nation’s counties, advances issues with a unified voice before the federal government, improves the public’s understanding of county government, assists counties in finding and sharing innovative solutions through education and research, and provides value-added services to save counties and taxpayers money; and

WHEREAS, the National Association of Counties first celebrated National County Government Week in 1991 to raise public awareness and understanding about the roles and responsibilities of the nation’s counties to meet the needs of the community; and

WHEREAS, in recognition of the leadership, innovation and valuable serviced provided by the nation’s counties;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cumberland County proclaims April 22-28, 2007 “National County Government Week” and urges its citizens to recognize the leadership, innovation and valuable services provided by our nation’s counties.

- L. Approval of a Resolution Designating May as Workforce Development Professionals Month.

ACTION: Approve

PROCLAMATION

WHEREAS, the economic development of every region in North Carolina and the ability of our businesses and industries to compete in the global economy is more that ever before dependent on the availability and quality of a skilled workforce; and

WHEREAS, the complexity and fast-paced change in our economy and labor markets puts new demands on individuals and employers at all levels; and

WHEREAS, job seekers need the assistance of knowledgeable and dedicated professionals to facilitate the process by which our workforce identifies, prepares for, and obtains and maintains employment and self-sufficiency; and

WHEREAS, employers depend on similar levels of professional services to help them recruit and retain a competitive workforce and to continually upgrade the skill sets of their incumbent employees;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Cumberland County joins with the State of North Carolina, the North Carolina Commission on Workforce Development, the North Carolina Employment and Training Association and the North Carolina Society for Human Resource Management in proclaiming the month of May “WORKFORCE DEVELOPMENT PROFESSIONALS MONTH” to honor all those individuals in all the Workforce Development organizations and partnerships who play such a vita role in our economy.

M. Budget Revisions:

ACTION: Approve

(1) Community Development/General Government Other

Revision in the amount of \$7,727 to appropriate fund balance to transfer funds to Community Development as a grant match to be used in support of the Robins Meadows Transitional Housing project and to reallocate expenditures within Community Development. (B07-287 and B07-287A)
Funding Source – General Fund Fund Balance and Reallocation of Budgeted Expenditures

(2) Health

- a. Bioterrorism Response Team - Revision in the amount of \$45,500 to budget additional state funding. (B07-296) **Funding Source – State**
- b. Family Planning Clinic - Revision in the amount of \$18,320 to budget additional state funding. (B07-297) **Funding Source – State**
- c. Health Promotion - Revision in the amount of \$14,082 to budget additional state funding. (B07-300) **Funding Source – State**

REGULAR AGENDA ITEMS

2. Consideration of Proposed Incentive Agreement for the E-85, Inc. Ethanol Project.

NC State Professors Steven Peretti, Ph.D. and Matt Veal, Ph.D. reviewed issues regarding the odor, noise, dust and hazards potentially associated with E85 ethanol facility. Professor Peretti noted that the findings are based on review of some confidential and non-confidential information from the company. He said this would be a “state of the art” facility.

Summary of Findings:

- E-85 is proposing to install an ethanol facility that embodies the latest state-of-the-art technology, and will be employing contractors who have significant experience in the design, construction and operation of ethanol plants;
- Ethanol facilities designed and operating over the past five years have shown excellent emissions control across the board;
- The odor control technology proposed has been proven effective in reducing the VOC emissions at several working ethanol plants in the Mid-west;
- The dust and particulate emissions control technology should reduce virtually all of the dust generated as a result of plant activity save that generated by truck traffic. Regular road cleaning should greatly reduce that source of dust.
- During a large part of the day, and certainly in the evening, the noise level emanating from the plant could be no louder than a normal to loud conversation.
- Corn processes are more susceptible to regional weather disruptions than a particular ethanol plant’s demand on corn, and the flexibility to increase planted corn acreage will mitigate price shocks.

As far as the noise level is concerned a hammermill will generate a significant amount of noise; however, the facility will be soundproofed and noise levels will run in the 55-60 decibel range.

Professor Veal discussed the effect this facility may have on the corn industry and noted it should be minimal.

Commissioner Diane Wheatley inquired if there was a guarantee that there would be no odor associated with the process. The response was there is no guarantee.

Commissioner Council inquired if the company provided all of the data that had been requested. The response was yes.

Chairman Edge noted the Board of Commissioners’ role is to determine whether or not to provide an incentive in the amount of \$875,000. He noted the Board has done due diligence and taken a careful look at this company and its desire to locate in this community. He also noted that the County and the City of Fayetteville contract with the Cumberland County Business Council to seek out industry for our community. The Chairman thanked the citizens for their involvement in this matter. He also urged the citizens to continue to be involved in community matters.

The Chairman then read a letter from E-85 as follows:

“Dear Commissioners of Cumberland County: When E-85 identified the East Coast as a viable region for an alternative fuel facility, we targeted our research on locations in North Carolina and neighboring states. Due to the proximity of essential resources, i.e., rail line, water facility and highway access, and the proactive efforts of the Cumberland County Business Council, Cumberland County emerged early-on as a frontrunner. E-85 wants to express its appreciation to the County Commissioners and the Cumberland County Business Council for their initial incentives proposal, as this helped focus our attention on Cumberland County. **Notwithstanding, E-85 has decided to help build trust within the community by respectfully declining to pursue the \$875,000 incentive offer.** In recent weeks, we have found ourselves increasingly committed to placing a facility in Cumberland County. As we approach the final state of our decision, we want to guild a true partnership with the government and the people of Cumberland County. Our decision on the incentive offer in order to help build trust, is but one step on the process. E85 is committed to building and operating plants that have no adverse environmental impact on the surrounding community. For this reason and by way of example, at the very outset of our process design selection efforts we carefully investigated the different technologies available to mitigate emissions which cause odor. As a result of this effort, we chose modern plant designs which are odor-free and community friendly. We have certainly heard concerns expressed about safety issues and odors associated with some of the older ethanol plants. We are dedicated to informing the public about these issues in a reasoned, scientific, and fully detailed manner by providing factual information from reputable sources; and will take substantive steps over the ensuing weeks and months to provide such communications. We believe that our plant can be an excellent neighbor and a great addition to the community. E85 is committed to operating a safe, odor-free plant and to being a positive contributor to the community. Our mission is to create an alternative motor fuel source that reduces the United States dependency on foreign oil, and helps move our country towards energy self-sufficiency and greater national security. We want to be an exemplary company that the people of Cumberland County will appreciate and can proudly support. We truly look forward to becoming a responsible corporate citizen that is supported by the surrounding community. Kindest regards, Mark W. Dassel.”

With the above letter submitted, the Board of Commissioners no longer has a vote on this issue.

Commissioner Melvin thanked the citizens for their input and said the county has saved \$875,000. He also noted he would have voted in opposition to providing the incentive.

Commissioner Henley said he had received the letter from E85 on Sunday evening. He said questions raised by the citizens were good ones and those issues have been addressed. He stated he was concerned about the personal attacks that have been made on some of the commissioners, himself and Commissioner Blackwell. He also noted that the financial feasibility of the company is really a non-issue, as the company provided an \$875,000 letter of credit. He also stated that Vogelbusch and Fru-Con as contractors would not be entering into a contract with a company that is not economically viable. Commissioner Henley said the company will be holding public forums to address citizen

concerns. He also noted that the rail will come in from the north and not affect downtown Fayetteville.

Commissioner Wheatley said she was perplexed by the letter and that it appears the company is coming. She said the real issue is “location, location, location”.

Commissioner King said he was not sure the 40 jobs that this company would bring to the community is worth the risk to the environment. He noted the density of residential housing in and around the proposed site and questioned if there might be a more suitable site for the plant.

Commissioner Council noted that with every decision made by elected officials – someone is not happy. She noted the Board has worked very hard to get as much information on this project as possible. She urged the citizens to continue to participate and stay involved in the community.

Commissioner Blackwell noted he had responded to each call received concerning this project. He said the citizens’ response made a difference.

CHAIRMAN EDGE RECESSED THE MEETING FOR FIVE MINUTES.

CHAIRMAN EDGE RECONVENED THE MEETING.

3. Presentation of “The Big Read: A Community-Wide Reading Program” by the Cumberland County Public Library & Information Center.

Jerry Thrasher, Library Director, told the Board about the Library “Big Read”, a five week long celebration of “Their Eyes Were Watching God” by Zora Neale Hurston. Cumberland County is one of 72 communities participating in The Big Read, an initiative of the National Endowment for the Arts designed to restore reading to the center of American culture. Programs are being planned at various locations including all of the libraries, FSU, Methodist University, Fort Bragg, Pope Air Force Base, and the Museum of the Cape Fear Historical complex. Book discussions, guest speakers, music and film screening are the slate. The Library gave the commissioners and staff a copy of *Their eyes Were Watching God*.

4. Nominations to Boards and Committees

- A. Cumberland County Home and Community Care Block Grant Committee
(4 Vacancies)

BACKGROUND: Vacancies:

Older Consumer – need replacement for Ms. Willie Lofton. Recommended: Mary Mack.
Older Consumer – need replacement for Carolyn Kitts. Recommended Ethel Hennessee
Aging Service Provider – need replacement for Belinda Davis – Recommended Rosa Crowe
Aging Service Provider – need replacement for Angie Yates – Recommended Tina Dicke

Nominees: Nominated the above recommendations

- B. Local Emergency Planning Committee (3 Vacancies)
Vacancies: Print & Broadcast Media – need replacement for Jason Brady. Recommended Doug Hewitt.
Emergency Management Representative – need replacement for Michael Costa. Recommended Kenny Currie
Operators of Facilities Representative – need replacement for Rayford Hunt, Jr. Recommended: Gary Thorpe

The Board nominated the above recommended people.

- C. Tourism Development Authority (1 Vacancy)

Vacancy: Hotel/Motel under 100 rooms – Katherine Jensen’s term has expired and she is not eligible for reappointment.

Nominee: Daniel Roberts – Wingate Inn

5. Appointments to Boards and Committees

MOTION: Commissioner Blackwell moved to appoint the nominees in 5A-5F by acclamation.

SECOND: Commissioner Council

VOTE: UNANIMOUS

- A. Adult Care Home Community Advisory Committee (1Vacancy)

Nominee: Kim Howard

- B. Community Child Protection Fatality Prevention Team (2 Vacancies)

Nominees:

Law Enforcement Officer Position: Melody Farnham
Fayetteville City Policy Department: Bill Mitrisin

- C. Local Emergency Planning (4 Vacancies)

Nominees:

Transportation Representative: David Boyette (Reappointment)

At-Large Representative: Ruth Rice (Reappointment)

Operators of Facilities Representative: Scott Lester (Reappointment)
Joel Blake (Reappointment)

D. Mid-Carolina Aging Advisory Committee (2 Vacancies)

Nominees: Volunteer: David V. McMillan

Consumer: Daniel DeCriscio

E. Nursing Home Advisory Board (2 Vacancies)

Nominees: Mandella Edwards (Reappointment)
Lora Watson (Reappointment)

F. Tourism Development Authority

Nominee:

Hotel/Motel Over 100 Rooms Representative: Vivek Tandon

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

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

SECOND: Commissioner King

VOTE: UNANIMOUS

MOTION: Commissioner Henley moved to go into Open Session.

SECOND: Commissioner King

VOTE: UNANIMOUS

MEETING ADJOURNED: 11:32AM

Clerk to the Board