

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
FEBRUARY 5, 2007, 9:00AM
REGULAR MEETING

PRESENT: Chairman Kenneth S. Edge
Vice Chairman Breeden Blackwell
Commissioner Jeannette M. Council
Commissioner John T. Henley, Jr.
Commissioner Billy R. King
Commissioner Edward G. Melvin
Commissioner Diane Wheatley
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Asst. County Manager
Cliff Spiller, Asst. County Manager
Grainger Barrett, County Attorney
Marsha Fogle, Clerk to the Board
Marie Colgan, Deputy Clerk to the Board

INVOCATION Commissioner Jeannette Council

Minister: Pastor Kimeni Wright, Haymont Presbyterian Church

Pledge of Allegiance

Recognition of Outgoing Board Members:

Mr. Donald LaHuffman – Cape Fear Valley Board of Trustees
Dr. Harold E. Maxwell – Board of Health

ADDITION TO AGENDA: Item 5: Set date for meeting – the Board of Commissioners, the District Attorney, the Sheriff and Judicial officials for February 9, 2007, 3:00PM in room 564, Cumberland County Courthouse, 117 Dick Street, Fayetteville, NC to discuss mutual items of concern regarding the detention center.

MOTION: Commissioner Blackwell moved to add this item to the Agenda.
SECOND: Commissioner King
VOTE: UNANIMOUS

1. Consent Agenda

The following items on the Consent Agenda will be voted on separately (1C & 1E)

MOTION: Commissioner Blackwell moved to follow staff recommendations on the items on the Consent Agenda, except for Items 1C and 1E, which will be voted on separately.
SECOND: Commissioner Henley
VOTE: UNANIMOUS

- A. Approval of minutes for the January 17, 2007 regular meeting and the January 19, 2007 Planning Session.

ACTION: Approve

- B. Approval of Report on Delinquent Real Property Taxes for the Year 2006.

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 purpose of the reporting is to allow the Board to order the Tax Collector to advertise the tax liens. The liens will be advertised by posting notice at the County Courthouse and by publishing each lien at least one time in one or more newspapers having general circulation in Cumberland County during the period of March 1 through June 30. The list of delinquent taxes will go to the newspaper for advertisement in early to mid-April. The total delinquent taxes on real property for Year 2006 as of January 25, 2007 were \$12,622,390 on 17,108 parcels.

ACTION: Accept the report of unpaid taxes for the current fiscal year that are liens on real property and charge the Collector to advertise the tax liens in a newspaper of local circulation during the month of April 2007.

- C. Approval of an Interlocal Agreement Between the Cumberland County Board of Commissioners and the Town of Hope Mills to Rejoin the Cumberland County Joint Planning Board.

BACKGROUND: On January 18, 2007, the Town of Hope Mills voted to rejoin the Cumberland County Joint Planning Board.

Commissioner Council noted the importance of this matter and felt it important that the Board recognize its importance by voting on this item separately.

ACTION: Approve the Interlocal Agreement

MOTION: Commissioner Council moved to approve the Interlocal Agreement.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

- D. Approval of Conditional Letter of Commitment – Southview Villas.

BACKGROUND: Community Development solicited affordable housing projects through an RFP in December 2006. One application was received – Murray Duggins, United Developers, for Southview Villas. The proposed project is for the construction of 64 two and three bedroom units targeted to families whose income is at or below 60% of the median income for Cumberland County. Proposed rents for the units are between \$330 and \$495 per month. The project will be located off Elk Road in Hope Mills. The Community Development Department recommends that the County commit \$400,000 for the construction of this project. The funding would be provided as a loan

at 2% interest, 20-year term, (amortized over 30 years), and repayment of principal and interest (no deferral). Total development cost is projected to be \$5,856,000 with all other funding provided through a private lender and State and Federal tax credits.

ACTION: Approve the issuance of the Conditional Letter of Commitment to be executed by the County Manager.

- E. Approval of Transfer of Surplus Mental Health Vehicles (2) to Cumberland CommuniCare, Inc.

BACKGROUND: Mental Health has two vans surplus to its needs and very much needed by Cumberland County CommuniCare, Inc., a non-profit agency. (1996 Ford Aerostar Van, VIN 1FMCA11UXTZB02466, and a 2000 Dodge Van, VIN 2B5WB35Y3YK167198.

ACTION: Declare the vehicles surplus and convey to Cumberland County CommuniCare, Inc.

Commissioner Wheatley, a member of the Mental Health Board, inquired if the above vehicles were owned by the County or by Mental Health and whether or not it is standard procedure to transfer these vehicles to a non-profit organization. She inquired whether or not the Mental Health Board should first approve the items as surplus before going to the Board of Commissioners.

The County Manager noted that the County generally declares all county items as surplus to its need prior to transferring to another entity or county department. Commissioner Wheatley noted that the Mental Health Board has taken no action to declare either of these vehicles surplus to its need.

Juanita Pilgrim noted that CommuniCare, Inc. contracts with the Mental Health Department to provide clinical services for youth in the legal system through a MAJORS program.

The Manager noted it is the recommendation of Staff that these vehicles be transferred. In responding to a question concerning the process of declaring county-owned vehicles surplus, it was noted that once the Board declares the items surplus and no other county agency need the item, they are sold at public auction.

Commissioner Wheatley noted her concern that the Mental Health Board is probably not aware of the request that these vehicles be declared surplus and transferred to CommuniCare, Inc.

MOTION: Commissioner Wheatley moved to declare the vehicles surplus and convey to CommuniCare, Inc.

SECOND: Commissioner King

VOTE: UNANIMOUS

- F. Approval of Request to Restructure Positions in Solid Waste Department.

BACKGROUND: The Director of the Solid Waste Department is requesting permission to take one position, the Landfill Operations Supervisor (SWM01101, Grade 68) and reallocate that position to an Equipment Operation II, Grade 65, and create a new Equipment Operator I, Grade 59.

ACITON: Approve

- G. Approval of Appointment of Chairman of the Tourism Development Authority.

BACKGROUND: The Tourism Development Authority, at its meeting on January 31, 2007, voted to recommend to the Board of Commissioners that Billy Wellons be reappointed as Chair of the TDA.

ACTION: Confirm the appointment as noted above.

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

Bridlewood Subdivision: Canter Lane (SR 3959 Ext)
Kenan Drive (SR 3957 Ext.)
Greenhouse Drive (SR 3958 Ext.)
Thistle Gold Drive (SR 3956 Ext.)
Walking Trail Way (SR 3955 Ext.)
Lillytrotter Drive

ACTION: Approve

- I. Approval of Declaring Foreclosed Real Property Surplus.

BACKGROUND: The County of Cumberland recently acquired by tax foreclosure certain real property located in the County (list attached to these Minutes).

ACTION: Declare the property as surplus to the needs of the County.

- J. Approval of Scheduling a Public Hearing and Consideration of Resolution of Intent to Close a Portion of an Un-Named Street Between Rachel Road and Tractor Road.

BACKGROUND: Property owners Mr & Mrs. Robert L. Tygh Jr. and Mr. & Mrs. Charles H. Colbourne Jr petitioned that a portion of an un-named street between Rachael Road and Tractor Road located on the western margin of Ramsey Street in Carvers Creek Township be closed. The NCDOT confirms that this portion of the un-named street is not a State-maintained road and has no objection to the abandonment. The Fire Marshal also does not object. The Planning Department recommends approval of the closing provided the following conditions are met:

- (1) The un-named street be property ended with either a cul-de-sac or a T-type turn-around as required by the County Subdivision Ordinance;
- (2) The right-of-way for the turn-around not encroach into the required yard setback area for all existing structures located on the affected lots;
- (3) All lots along the portion of the proposed street closing be provided with a minimum of 20 feet of road frontage to the remaining un-named street; and
- (4) The properties along the portion of the un-named street proposed to be closed be recombined with the abandoned right-of-way area.

ACTION: Adopt a Resolution of Intent to Close the Road

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

WHEREAS, Mr. & Mrs. Robert L. Tygh Jr. and Mr. & Mrs. Charles H. Colbourne Jr submitted a petition to the Cumberland County Board of Commissioners (Board) to closed a portion of an un-named street between Rachel Road and Tractor Road located on the western margin of Ramsey Street, in Carvers Creek 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 NC General Statutes, Section 153A-241:

Beginning at a point located on the western margin of Ramsey Street where it intersects with Tractor Road; thence with the northern margin of Tractor Road in a westerly direction 835.34 feet to a point in the southwest corner of parcel 0542-34-7341. Said point being the southeast corner of an unnamed 60 foot right-of-way located between Tractor Road and Rachel Road. Thence with the eastern margin of said unnamed 60 foot right-of-way in a northerly direction 125 feet to a point. Thence from said point, in a westerly direction, 60 feet to a point located on the eastern margin of parcel 0542-34-4400 and the western margin of said unnamed 60 foot right-of-way. Thence with the unnamed 60 foot right-of-way in a southerly direction from said point 125 feet to the southeast corner of parcel 0542-34-4400. Thence with the northern margin of Tractor Road in an easterly direction from said point 60 feet to the point and place of 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 19th day of March 2007 at 6:45PM in the Commissioners Meeting room (room 118), First Floor, 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 RESOLVED, 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 by 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.

- K. Approval of Change Order #1 (Final) Russell Street Parking Lot Improvement Project.

BACKGROUND: Company: Barnhill Contracting
Change Order #1
Amount: \$15,369
Purpose: Additional work on the Russell Street Parking Lot Improvement Project

ACTION: Approve the Change Order (Final) in the amount of \$15,369, increase the contract amount to \$127,639 and approved associated budget revision (B07-228).

- L. Approval of Intergovernmental Transfer of Surplus Library Bookmobile to the Town of Hope Mills for Its Police Department.

BACKGROUND: The County owns a 1994 Ford B600, VIN 1FDWJ65C3RVA32126, (former Library Bookmobile) that is surplus to its needs. The Hope Mills Police Department has requested the vehicle be transferred to it.

ACTION: Declare the vehicle surplus and transfer to the Hope Mills Police Department.

- M. Approval to Proceed with Construction of Sheriff's Training Center Driving Pad.

BACKGROUND: The Sheriff's Office has requested that the County Engineer proceed with the remaining construction required for the Sheriff's Training Center Driving Pad. The estimated cost for the construction including contingencies and engineering fees is \$632,000. Sufficient monies are now available in the Sheriff's Office Drug Forfeiture Fund Balance, unbudgeted sales tax reimbursement for the facility construction and earned interest to complete the driving pad.

ACTION: Approve the budget revision appropriating \$430,000 from the Sheriff's Office line item noted above plus unbudgeted sales tax reimbursement and earned interest and direct staff to proceed with the completion of the project to include amending the agreement with Moorman, Kizer & Reitzel for engineering services and letting bids for construction.

- N. Budget Revisions:

ACTION: Approve

(1) Tax Administration

Revision in the amount of \$6,204 to appropriate fund balance to pay Tax Management Associates for audits. (B07-217) **Funding Source – General Fund Fund Balance**

(2) Sheriff

- a. Revision in the amount of \$50,527 to recognize insurance settlements to purchase replacement vehicles. (B07-229) **Funding Source – Insurance Settlements**
- b. COPS Technology Grant I - Revision in the amount of \$98,723 to recognize federal grant to purchase digital radios and equipment to be used by various public safety agencies in the County. (B07-230) **Funding Source – Federal Grant**
- c. COPS Technology Grant II – Revision in the amount of \$197,446 to recognize federal grant received to purchase digital radios for the Sheriff’s Office and Fayetteville Police Department. (B07-231) **Funding Source – Federal Grant**
- d. Revision in the amount of \$40,000 to appropriate fund balance to transfer funds to the Law Enforcement Special Separation Allowance Fund based on the most recent actuarial valuation. (B07-233 and B07-233A) **Funding Source – General Fund Fund Balance**

(3) Emergency Services

Revision in the amount of \$44,259 to budget additional federal grant funds received. (B07-223) **Funding Source – Federal Grant**

(4) Health

- a. Health Promotion - Revision in the amount of \$11,560 to budget additional state funding. (B07-221) **Funding Source – State**

- b. Women, Infants and Children - Revision in the amount of \$8,489 to budget additional state funding. (B07-222) **Funding Source – State**

(5) Library

- a. Revision in the amount of \$20,666 to budget additional state funds received. (B07-225) **Funding Source – State**
- b. Library Grants - Revision in the amount of \$36,619 to recognize additional E-Rate funds. (B07-226) **Funding Source – Other**
- c. Library Grants – Revision in the amount of \$27,400 to recognize federal grant (\$11,500) received from the National Endowment for the Arts and matching funds from Cumberland Community Foundation (\$14,400) on behalf of the W.K. Kellogg Foundation and the Arts Council of Fayetteville/Cumberland County (\$1,500) to coordinate and support a community wide “Big Read” in March and April. (B07-227) **Funding Source – Federal Grant and Other**

(6) Workforce Development

Revisions in the total amount of \$220,500 to recognize additional funding to cover increased expenditure projections for the remainder of the fiscal year. (B07-234 thru B07-239) **Funding Source – State**

(7) Carpenter Shop

Revision in the amount of \$3,986 to reallocate budgeted expenditures to cover unanticipated expenses for the remainder of the fiscal year. (B07-240 and B07-240A) **Funding Source – Reallocation of Budgeted Expenditures**

(8) Education

Revision in the amount of \$100,000 to budget Time Warner Cable funds for education access equipment for Fayetteville Technical Community College. (B07-243) **Funding Source – Other**

(9) Eastover Sanitary District

Revision in the amount of \$7,257 to pay the final expenditures for the US13/I95 Project. (B07-244) **Funding Source – Other**

(10) Rural Operating Assistance Program

Revision in the amount of \$38,164 to budget additional NC DOT funds to provide additional services for the elderly and handicapped. (B07-244) **Funding Source - State**

ITEMS OF BUSINESS

2. Nominations to Boards and Committees

A. Air Quality Stakeholders' Committee (2 Vacancies)

Vacancies: Town of Hope Mills Representative: The Town of Hope Mills recommends Jerry Legge for this position.

Town of Spring Lake Representative: The Town of Spring Lake recommends Alderwoman Jami Sheppard for this position.

Nominees: Jerry Legge – Town of Hope Mills
Alderwoman Jami Sheppard – Town of Spring Lake

B. Adult Care Home Community Advisory Committee (4 Vacancies)

Vacancies: Tiffany Adams – did not accept appointment. FILL VACANCY
Kristin Sharp – did not accept appointment. FILL VACANCY
Linda Brownlee-Jones – resigned. FILL VACANCY
Gary Collier – completed initial term. CANNOT SERVE AGAIN

Nominees: Ernestine Mack
Lonnie Johnson
Teresa McNeill
Jacqueline Wolfe

C. Nursing Home Advisory Board (1 Vacancy)

Vacancy: William Nichols – completed first term. REAPPOINT

Nominee: William Nichols (reappointment)

3. Appointments to Boards and Committees

MOTION: Commissioner Blackwell moved appoint the nominees in 3A, 3C, & 3D.

SECOND: Commissioner Wheatley

VOTE UNANIMOUS

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

Nominees: Mexie Fields (Reappointment)
James Ingram (Reappointment)

B. Civic Center Commission Vacancies (5 Vacancies)

Nominees: Ken Lancaster (Reappointment)
Jack Freeman (Reappointment)
Ron Matthews (Reappointment)
Floyd Shorter
Alisa Chisolm
Robert Poole

VOTING: Ken Lancaster – Unanimous
Jack Freeman – Unanimous
Ron Matthews – Unanimous
Floyd Shorter – Commissioners King, Henley, Blackwell, Council, and
Melvin
Alicia Chisolm – Commissioners King, Blackwell, Council, Melvin, and
Edge
Robert Poole – Commissioners Henley, Edge, Wheatley

C. Joint Senior Citizens Advisory Commission (1 Vacancy)

Nominee: Eleanor Ashby

D. Workforce Development Board (2 Vacancies)

Nominees: Mike Axelrod
Michael Karaman

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

MOTION: Commissioner King moved to go into Closed Session for the above noted items.

SECOND: Commissioner Council

VOTE: UNANIMOUS

MOTION: Commissioner Henley moved to go back into Open Session.,
SECOND: Commissioner King
VOTE: UNANIMOUS

5. Set date for meeting – the Board of Commissioners, the District Attorney, the Sheriff and Judicial officials for February 9, 2007, 3:00PM in room 564, Cumberland County Courthouse, 117 Dick Street, Fayetteville, NC to discuss mutual items of concern regarding the detention center.

MOTION: Commissioner Council moved that the Board recess this meeting to February 9 at 3:00PM, Room 564, Cumberland Courthouse, 117 Dick Street, Fayetteville, NC to meet with the District Attorney, Judicial Officials and the Sheriff to discuss mutual items of concern regarding the detention center.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS

Chairman Edge recessed the meeting to February 9, 2007 at the time, place and for the purpose noted above.