

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
JUNE 4, 2007, 9:00AM
REGULAR MEETING

PRESENT: Chairman Kenneth Edge
Vice Chairman Breeden Blackwell
Commissioner Jeannette Council
Commissioner Billy King (arrived during presentation of Item 1)
Commissioner John Henley
Commissioner Ed Melvin
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
Marie Colgan, Deputy Clerk

INVOCATION: Commissioner John Henley

Pledge of Allegiance

ADJUSTMENTS TO AGENDA:

Delete Item 7A
Item 2D – Take separate action

MOTION: Commissioner Melvin moved to amend the Agenda as noted above.

SECOND: Commissioner Henley

VOTE: UNANIMOUS (Commissioner King not present)

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

BACKGROUND: The Sheriff's Department and the Fayetteville Police Department will be applying for a grant to support law enforcement at the local level. The Sheriff's Office is planning to use the funds to connect computers in deputy cars and offices to the NCSBI and FBI criminal data bases, and to use the City of Fayetteville radio repeater system. The Police Department plans to purchase equipment and obtain training. The grant application will be a joint application from the County and the City. The Sheriff's Office share is \$93,436 and the City's share is \$146,620. No match is required from the County. This public hearing must be held before we can accept or draw down any funds.

Speakers: None

No action needed.

2. Consent Agenda

MOTION: Commissioner Blackwell moved to follow staff recommendations on the items on the Consent Agenda, except for Item D.

SECOND: Commissioner Council

VOTE: UNANIMOUS

- A. Approval of minutes for the May 21, 2007 regular meeting and approval of the minutes of the May 21 and May 22, 2007 Budget Work Sessions and the May 29, 2007 Budget Public Hearing and Work Session.

ACTION: Approve the Minutes

- B. Approval of the FY08 Home and Community Care Block Grant for Older Adults Agreement Between County of Cumberland and Mid-Carolina Area Agency on Aging and 2007-2008 County Funding Plan.

BACKGROUND: The total Block Grant for FY08 is \$1,357,438 with a local match in the amount of \$112,556 (County) and \$38,270 (Other).

ACTION: Approve the Agreement as noted above.

- C. Approval of Bid Award for Sheriff's Training Track Improvements.

BACKGROUND: Bids were received on May 17, 2007 for completing the paving and associated work with the Sheriff's Training Track (driving pad). The low bid was submitted by Highland Paving Company, LLC, in the amount of \$490,176.76. In addition, a project contingency of \$24,500 (5% of low bid) is recommended. There are sufficient drug forfeiture funds in the project budget to fund this work.

ACTION: Accept the bids, award the contract to Highland Paving Company, LLC in the amount of \$490,176.76 and establish a project contingency in the amount of \$24,500 for justifiable changes in the scope of the project, recommended by the project engineer and approved by the County Manager.

- D. Approval of Offers to Purchase Property.

BACKGROUND: The County Attorney reviewed the terms of the contracts for the purchase of two parcels of property that the County intends to purchase to use for parking during construction at the courthouse.

Joseph W. Baggett Revocable Trust & Dr. Dudley Miller

Cost: \$90,000

.76 acre Lot, PIN 0437-83-0210, Person Street, Fayetteville, NC

Hilda I. Phillips and J. Linwood Crumpler & Geraldine I. Crumpler

Cost: \$182,500

7 tracts of land: PIN #'s: 0437-82-1872, 0437-82-1897, 0437-82-1757, 0437-82-1723, 0437-82-3831, 0437-82-3716 and 0437-82-2791

ACTION: Approve the purchase.

MOTION: Commissioner Blackwell moved to approve.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

E. Approval of CDBG Funding Request – Kingdom Realty Holdings.

BACKGROUND: Kingdom Realty Holdings, LLC (KRH), a for-profit subsidiary of Kingdom Community Development has secured the franchise rights to construct and operate a Motel 6 and IHOP restaurant in Spring Lake. The project will consist of a 75-bed hotel co-joined with an IHOP restaurant, which will be used as a proto-type for future projects across the nation. KRH is requesting a loan in the amount of \$490,000, approximately 10% of the total project cost. Other proposed funding sources include New Market Tax Credits, NC Community Development Initiative, Office of Community Services and Kingdom Community Development Corporation. The loan would be repaid over 30 years at 2% interest. Based on conservative projections of a 60% occupancy rate for the hotel and average daily seats served of 442 in the restaurant, the project should generate sufficient revenue to pay the debt service and support the project. CDBG regulations require the creation of one full-time equivalent job for every \$35,000 provided to the project. Once completed, the project is expected to create 58 new, permanent, full and part-time positions. In addition, as a for-profit entity it is anticipated that a project of this magnitude would generate additional tax revenue for the Town of Spring Lake and Cumberland County.

ACTION: Approve the loan request in the amount of \$490,000.

F. Approval of Exchange with Shooters Supply of Certain Personal Property Declared Surplus by Sheriff.

BACKGROUND: The Sheriff Office requests the Board to approve an exchange of certain personal property declared surplus by the Sheriff's Office, with Shooters Supply for certain specialized equipment. The estimated value of the property changing hands is \$10,114. NCGS 160A-271 authorizes the Board to approve such an exchange provided it publishes notice, and that notice has been published.

ACTION: Approve the exchange.

Weapons Trade List

HANDGUNS

Browning Hi-Power	9mm	Ser# 72C47056	\$238.00
Beretta 84BB	9mm	Ser# D20101Y	\$365.00
Colt semi-auto	.32	Ser# 409416	\$275.00
Colt Anaconda Revolver 8"	.357	Ser# MM26313	\$312.00
Colt Govt model 70	.45	Ser# 90586G70	\$364.00
Colt Govt model 70	9mm	Ser# 70L24200	\$364.00
Colt Govt model 70	.45	Ser# 70B36704	\$364.00
Colt Lawman Revolver 2 1/2"	.38	Ser# 43596L	\$156.00
Glock 17	9mm	Ser# ABY928US	\$255.00
Glock 19	9mm	Ser# GS552US	\$301.00
Glock 22	9mm	Ser# RU235US	\$255.00
Rossi Revolver 4"	.38	Ser# D603625	\$133.00
Rossi Revolver 2 1/2"	.38	Ser# AA144814	\$110.00
Ruger Security Six Revolver	.357	Ser# 160-57446	\$140.00
Ruger Blackhawk Revolver 8"	.44	Ser# 83-92932	\$196.00
Ruger P95DC	9mm	Ser# 312-43212	\$206.00
Ruger P-85	9mm	Ser# 30390271	\$206.00
Ruger P-89	9mm	Ser# 30440713	\$206.00
S&W model 65 Revolver 4"	.357	Ser# 1D44470	\$216.00
S&W model 10 Revolver 4"	.38	Ser# D333507	\$150.00
S&W model 29 Revolver 6"	.44	Ser# BRU7783	\$307.00
S&W model 66 Revolver 4"	.357	Ser# AUK8948	\$232.00
S&W model 686 Revolver 4	.357	Ser# AUL1581M	\$355.00
S&W SW40VE	.40	Ser# PBF4891	\$309.00
S&W SW40V	.40	Ser# PAU1493	\$309.00
Springfield Champion	.45	Ser# N345189	\$229.00
Springfield 1911	.45	Ser# NM47661	\$286.00
Springfield XD-9	9mm	Ser# US952128	\$300.00
Taurus Revolver 2 1/2"	.38	Ser# ML25946	\$102.00

SHOTGUNS

Coast to Coast	12 Ga.	Ser# B109217	
\$200.00			
High Standard K-1200	12 Ga.	Ser# SD-9 (parts)	\$100.00
High Standard K-1200	12 Ga.	Ser# SD-10 (parts)	\$100.00
High Standard K-1200	12 Ga.	Ser# 3038620 (parts)	\$100.00
High Standard K-1200	12 Ga.	Ser# Unk-#1	\$200.00
High Standard K-1200	12 Ga.	Ser# Unk-#3	\$200.00
High Standard K-1200	12 Ga.	Ser# SD-6	\$200.00
High Standard K-1200	12 Ga.	Ser# 3039243	\$200.00
High Standard K-1200	12 Ga.	Ser# 3039240	\$200.00

G. Approval of Consideration of Declaration of Surplus County Property and Authorization to Accept Insurance Settlement:

1) 2001 Dodge Ram
VIN: 1B7HC16YB1S2000532
Dept: Animal Control
Settlement: \$5,590.80
Ins. Company: Travelers
Date of Accident: 3/23/07

2) 2004 Ford Crown Vic
VIN: 2FAFP71W34X151437
Dept: Sheriff
Settlement: \$10,122.80
Ins. Company: Travelers
Date of Accident: 5/8/07

ACTION: Declare the above vehicles surplus, accept the Settlement offers on the vehicles as noted above and allow Travelers Insurance to take possession of the vehicles.

H. Approval of a Resolution of Support for the Clean Water Act of 2007.

ACTION: Adopt Resolution

RESOLUTION OF SUPPORT FOR THE CLEAN WATER ACT OF 2007

WHEREAS, North Carolina's continued prosperity depends on protecting the State's water resources for current use and future generations; and

WHEREAS, North Carolina is expected to grow by 3.5 million people to exceed 12 million by the year 2030, placing pressures on the State's water resources and local water providers; and

WHEREAS, North Carolina's businesses, traditional and emerging industries all depend on reliable supplies of clean water, reasonable utility costs, well maintained water infrastructure and an attractive natural environment; and

WHEREAS, the 1998 Clean Water Bonds delivered significant benefits to North Carolina communities and citizens, supporting 1,103 projects in 97 counties, which helped created or retain 42,000 jobs, corrected major regulatory violations in 97 communities, addressed failing septic systems and contaminated wells in 59 counties, resulted in 50 communities receiving sewer service for the first time, and encouraged regional efficiencies, sound planning and conservation practices; and

WHEREAS, North Carolina's public water, sewer and storm water utilities will requirement investments totaling \$16.63 billion to keep pace with necessary improvements and population growth over the next 25 years, including \$6.85 billion in investments within the next five years;

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners urges the NC General Assembly to enact the "Clean Water Act of 2007", which provides for a \$500 million bond issue to be expended over the next five years, and an annual appropriation of \$50 million in recurring funding to address urgent needs.

I. Approval of a Proclamation Proclaiming June 16, 2007 as "Cumberland County Mental Health Consumers' Unity and Awareness Summer Fest 2007 Day" in Cumberland County.

ACTION: Adopt Resolution

PROCLAMATION

WHEREAS, the Cumberland County Mental Health Providers realized the need to come together in unity to increase awareness of the special needs of the more than 500 mental health consumers receiving services in Cumberland County in the areas of developmental disability, mental illness and substance abuse; and

WHEREAS, this dedicated group of providers of Residential Services, Community Support Services, Diagnostic Assessments, Assertive Community Treatment Teams, Community Support Teams, Community Alternative Programs, Substance Abuse Therapy, Psychiatric Therapy and the multitude of other services believe that this special population should be recognized for their accomplishments and their abilities, have set aside Saturday, June 16, 2007 to sponsor a Summer Fest 2007; and

WHEREAS, the Cumberland County Community has partnered with the Cumberland County Mental Health Providers to contribute to the support of the planning and expenses of the Summer Fest 2007, we acknowledge their contributions;

NOW, THEREFORE, the Board of Commissioners of Cumberland County supports the efforts of the Cumberland County Mental Health Providers and PROCLAIMS Saturday, June 16, 2007 “Cumberland County Mental Health Consumers’ Unity and Awareness Summer Fest 2007 Day”; and

FURTHER, the Board encourages all citizens to embrace the special needs of this population and seek to assist and encourage their growth and advancement, wherever possible.

J. Budget Revisions:

ACTION: Approve Revisions

(1) Recreation and Parks

Revision in the amount of \$98,315 to appropriate fund balance for the Eastover-Central Recreation Center project previously approved in November 2005. (B07-355) **Funding Source – Recreation and Parks Fund Balance**

(2) Workforce Development

Revision in the amount of \$75,000 to increase budget to fund anticipated expenditures for client training at FTCC. (B07-354) **Funding Source – State**

(3) Tax Administration

Revision in the amount of \$2,378 to appropriate fund balance to pay Tax Management Associated for audits. (B07-356) **Funding Source – General Fund Fund Balance**

(4) Federal/State Drug Forfeiture

Revisions in the net amount of \$87,000 to reallocate drug forfeiture funds to pay for deputy salaries while they are in a training status. (B07-316 and B07-316A) **Funding Source – Drug Forfeiture Funds**

REGULAR AGENDA ITEMS

3. Consideration of Amendments to Stormwater Ordinance and Interlocal Agreement to Authorize City of Fayetteville to Levy an Additional Stormwater Fee.

BACKGROUND: The City of Fayetteville has proposed levying an additional stormwater fee to fund stormwater drainage improvements within the City. The amendment to the Ordinance and Interlocal Agreement would provide that the Board of Commissioners set the amount of the base monthly stormwater service fee (currently \$1.00 a month), the City Council would adopt and levy the base monthly fee within the City, the City would also be authorized in its discretion to adopt a levy and additional stormwater fee to fund stormwater drainage improvement projects within the City, the County would adopt and levy the base stormwater monthly fee in the unincorporated areas of the County, and the base fee would be collected and transmitted to the joint stormwater utility to fund the joint stormwater management program in compliance with the City and County's NPDES permit. The major changes to the stormwater ordinance are to Section 12-5, fees. Other ordinance changes are technical or conforming.

ACTION: Consider the amendments to the Ordinance, approve the agreement and adopt the resolution amending the Ordinance.

RESOLUTION

WHEREAS, the Board of Commissioners has adopted a Stormwater Management Ordinance; and

WHEREAS, the Stormwater Management Ordinance creates a Stormwater Utility to address requirements of the Federal Water Quality Act NPDES program to which both Cumberland County and the City of Fayetteville are subject; and

WHEREAS, by interlocal agreement with the City, the City has agreed to make the Stormwater Management Ordinance effective within the City and also to operate and manage the Stormwater Utility on behalf of both the City and the County; and

WHEREAS, the Board of Commissioners wishes to amend the Stormwater management Ordinance, Chapter 12 of the Cumberland County Code, in its entirety and thereby authorize the City of Fayetteville to adopt and levy the base monthly stormwater

services fee, and an additional stormwater fee to fund stormwater drainage improvements, within the City; and

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners as follows:

1. The Stormwater Management Ordinance, Chapter 12 of the Cumberland County Code, is amended to read in its entirety as set forth in the re-stated form of ordinance filed with the Clerk to the Board with the Minutes of this meeting.
2. This ordinance shall become effective upon its final adoption as by law provided.

NOTE: The Ordinance may be found in the County Ordinance Book.

MOTION: Commissioner Blackwell moved to approve.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

4. Consideration of Designation of a Voting Delegate to the NACo Annual Conference.

ACTION: Appoint a voting delegate and alternate to the NACo Annual Conference.

Delegates: Billy King – Delegate
Kenneth Edge – Alternate

5. Nominations to Boards and Committees

- A. Board of Adjustment (3 Vacancies)

BACKGROUND: The Board of Adjustment will have the following vacancies on June 30, 2007:

Sean Scott Fincher – Need replacement because of attendance issues. Recommend that Melree Hubbard Tart, an alternate member, fill the slot.

Johnnie Lee Council (Alternate Member) – resigned. Recommend that James Ingram fill the slot.

If Melree Hubbard Tart is nominated to fill Mr. Fincher's position, a replacement will be needed for her. Recommendation: John Swanson

Nominees: Melree Hubbard Tart (moved from Alternate member)
James Ingram – Alternate position
John Swanson – Alternate position

B. Criminal Justice Partnership Advisory Board (3 Vacancies)

This Board will have vacancies on June 30, 2007:

Richard Hayes (at-large member) – Judge Beth Keever, Chair of the Criminal Justice Partnership Advisory Board, has requested that Mr. Hayes be reappointed for another term. Note: at the May 21 meeting, the Board nominated someone to take his place since he has actually served three terms. If the Board elects to allow Mr. Hayes to serve another term, the Nominee appointed to his position can go to replace Kim Tucker, as she has indicated she cannot accept another term.

Sherry Miller (Criminal Defense Attorney position) – Ms. Miller was nominated at the May 21st meeting to serve another term – she has since informed us that she will not accept that appointment. The Criminal Justice Board recommends that David Delaney fill that slot.

Superior Court Judge: This position has been vacant since April 30, 2007. The Criminal Justice Board recommends E. Lynn Johnson to fill this position.

ACTION: Nominate to fill the slots

Nominees: Richard Hayes – at large
David Delaney – Criminal Defense Attorney position
E. Lynn Johnson – Superior Court Judge

C. Department of Social Service Board (1 Vacancy)

DSS will have the following vacancy on June 30, 2007:

Patrick Koehne – completing first term, does not want to serve another term. The DSS Board is recommending Teresa Thompson-Pinckney to fill this position.

Nominee: Marvin Rouse

6. Appointments to Boards and Committees

MOTION: Commissioner Blackwell moved to appoint the nominees in 6A-L.
SECOND: Commissioner Council
VOTE: UNANIMOUS

A. ABC Board (2 Vacancies)

Nominees: Glenn B. Adams (Reappointment)
Bobby L. Knight

B. Animal Control Board (3 Vacancies)

Nominees: Ex-Officio The Veterinarian on

Contact to the Animal Control
Department Position:

Dr. John Lauby (Reappointment)

At-Large Positions:

Edwin A. Hamblin (Reappointment)
Wallace Owens (Reappointment)

C. Board of Adjustment (1 Vacancy)

Nominee: Oscar L. Davis, III (Reappointment)

D. Board of Health (1 Vacancy)

Nominee: Dr. Cynthia Norris

E. Criminal Justice Partnership Advisory Board (8 Vacancies)

Nominees: District Attorney: Ed Grannis (Reappointment)

At-Large: Frederick H. Frimet (Reappointment)
Leesa Jensen
William David McFadyen

Public Defender: Ron McSwain (Reappointment)

County Commissioner: Diane Wheatley

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

Nominee: Substance Abuse Professional: Gregory T. Pitts

G. Fayetteville Technical Community College Board of Trustees (1 Vacancy)

Nominee: William S. Wellons, Jr. (Reappointment)

H. Human Relations Commission (2 Vacancies)

Nominees: Lynnette Hill Gardner (Reappointment)
Denise Giles (Reappointment)

I. Jury Commission (1 Vacancy)

Nominee: Monika Simmons (Reappointment)

J. Nursing Home Advisory Board (1 Vacancy)

Nominee: Stephanie Hodges

K. Parks & Recreation Advisory Commission (3 Vacancies)

Nominees: Willie Cooper, Jr. (Reappointment)
Paul Douglas Caudill (Reappointment)
Lynette Hill Gardner (Reappointment)

L. Storm Water Advisory Board (2 Vacancies)

Nominees: Nancy Smith (Reappointment)
Jennings McArther (Reappointment)

MEETING ADJOURNED: 9:20AM
