

Cumberland County Board of Commissioners
May 7, 2007, 9:00 AM
Regular/Rezoning Meeting

PRESENT: Chairman Kenneth S. Edge
Vice Chairman Breeden Blackwell
Commissioner Jeannette Council
Commissioner John T. Henley, Jr.
Commissioner Billy King
Commissioner Ed Melvin
Commissioner Diane Wheatley
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Cliff Spiller, Assistant County Manager
Amy Cannon, Asst. County Manager – Finance
Grainger Barrett, County Attorney
Sara VanderClute, Public Information Officer
Marie Colgan, Deputy Clerk
Marsha Fogle, Clerk

INVOCATION: Commissioner Diane Wheatley

Pledge of Allegiance: Commissioner Diane Wheatley

1. Public Hearings

- A. Public Hearing on the 2007 Community Development Annual Action Plan and Approval of Submission to HUD.

BACKGROUND: The Community Development 2007 Annual Action Plan must be submitted to HUD by May 15, 2007. The draft 2007 Annual Action Plan has been available for a 30-day citizen's review and comment period throughout Cumberland County since April 9, 2007. All comments received regarding the plan will be addressed by the Community Development Director within 15 days of receipt and then forwarded to HUD with the Action Plan. As part of the citizen participation process, a public hearing must be held during the comment period. The draft plan is also available for review in the office of the Clerk to the Board of Commissioners.

ACTION: The Public Hearing was opened. There were no speakers. Public Hearing closed. Approve submission to HUD of the Action Plan.

MOTION: Commissioner Council moved to approve the item as presented.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

2. Presentation on BRAC Regional Task Force by Brig. Gen. (Ret.) Paul Dordal.

Brig. Gen. (Ret.) Dordal gave a power point presentation to provide information on how the BRAC Regional Task Force is planning for the impact of the BRAC command influx into the 11 counties affected, stating that Cumberland County will have the largest impact. With the population growth of more than 25,000 people into Cumberland and surrounding counties, the following impacts are expected: economic change; shortage of schools and teachers; sufficient housing, roads, and airport infrastructure will be needed; as well as defense related issues. Congressman Ethridge is submitting legislation which would provide 0% financing for new school construction. A regional approach is being used in order to be eligible for federal and state grant funding, to help in marketing the region, and to obtain more political clout. The objective of the BRAC Regional Task Force is to plan and prepare for the impact of the upcoming changes, to provide soldiers and their families with more information on the region, to improve their quality of life and to develop economic opportunities. A federal grant has been awarded in the amount of \$1,116,000, and also a \$265,000 state grant, but expectations are that the overall grant will increase. Over the next 5 years, there will be \$2.2 billion in military construction and \$1 billion in annual contracts which will result in a build up of a defense related cluster in the area and will create a defense industry in the entire region. Contact has been made with 500 companies and 30% of those have expressed an interest in the area. Commissioner Council voiced concern about local small companies being able to partner with large incoming companies and General Dordal assured her that things are in place to work towards that end. H introduced Donald Belk, the regional planner for the task force. Commissioner Henley voiced concern about funding for the transition process of BRAC and General Dordal reported that even though the initial supplemental was vetoed last week, Congressman Ethridge has stated that it will be taken care of in the next couple of weeks and the entire amount will be funded for the current year. Commissioner Henley questioned when the influx will begin and was advised that over 2,000 are already here and that there will be a steady increase from now until the year 2010. Commissioner Henley also asked for BRAC Regional Task Force's help in the near future with the request for approval of more beds at Cape Fear Valley Hospital prior to the population growth. Commissioner Edge encouraged Board members to attend some of the BRAC meetings and thanked General Dordal for his presentation.

3. Consent Agenda

Commissioner Blackwell asked that item 3H be removed from the Consent Agenda and discussed separately.

- A. Approval of minutes for the April 16, 2007 regular meeting and Special Meeting.

ACTION: Approve

- B. Approval of Annual Modification to the Workforce Investment Act Plan.

BACKGROUND: The Cumberland County Workforce Development Center is required each year to prepare a modification to the Local Area Job Training Plan. Purpose for this modification is to incorporate Program Year 2007 (July 1, 2007 – June 30, 2008) Workforce Investment Act (WIA) funding allocations. It has been completed in compliance with the

provisions of the Workforce Investment Act of 1998 and the instructions issued by the Governor under the authority of the Act.

ACTION: Approve incorporation of the new program year funding allocations.

- C. Approval of Health Department Delinquent Accounts to be Turned Over to Collectors.

BACKGROUND: At the Board of Health meeting on April 17, 2007, the Board approved writing off \$27,501.60 as bad debts and turning them over to the contracted collection agency – Professional Recovery Consultants, Inc. This write off of bad debts is in compliance with the Board of Health’s recommendation to write-off bad debts every quarter.

ACTION: Approve the write off of bad debts in the amount of \$27,501.60 and turn them over to Professional Recovery Consultants, Inc., for collection.

- D. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure: Lot 28, Sec 2, Windsor Terrace – PIN: 0438-42-7413, Cross Creek Township.

BACKGROUND: On or about November 30, 2006, the County acquired by tax foreclosure the above property. The amount currently owed on the foreclosure judgment including interest and cost of the property is \$11,622.25. Mr. Emery Gibbs was the last and highest bidder offering to purchase the County’s interest in the property for \$11,622.25 and has deposited \$1,162.23 in the Finance Office. The tax value of the property is \$43,500.00. This property is surplus to the needs of the County and, according to N.C.G.S. 153A-176 and N.C.G.S. 105-376, the County has the authority to sell such property. Management has reviewed this offer and it is now being submitted for the Board to consider whether or not to accept Mr. Gibbs bid. The property has been advertised and this office has not received any upset bids. The bid period is now closed.

ACTION: Accept the offer of Emery Gibbs to purchase the above property for the sum of \$11,622.25, plus costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- E. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure: 2407 Slater Avenue, Pt Lots 70-71 – PIN: 0428-87-0103, Cross Creek Township.

BACKGROUND: On or about December 8, 2006, the County acquired by tax foreclosure the above property. The amount currently owed on the foreclosure judgment including interest and cost for the property is \$3,395.75. Ms. Syeda Chowdhury Gainey was the last and highest bidder offering to purchase the County’s interest in the property for \$3,395.75 and has deposited \$339.58 in the Finance Office. The tax value of the property is \$7,500.00. This property is surplus to the needs of the County and, according to N.C.G.S. 153A-176 and N.C.G.S. 105-376, the County has the authority to sell such property. Management has reviewed this offer and it is now being submitted for the Board to consider whether or not to accept Ms. Gainey’s bid. The property has been advertised and this office has not received any upset bids. The bid period is now closed.

ACTION: Accept the offer of Ms. Gainey to purchase the above property for the sum of \$3,395.75, plus costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

F. Approval of Request for Additional Fees – Schnabel Engineering - Lake Upchurch Dam Remediation Project.

BACKGROUND: The rain event that occurred on Tuesday, November 21, 2006 through Wednesday, November 22, 2006 resulted in damage to the new concrete labyrinth spillway under construction at Lake Upchurch. The temporary earthen dam (cofferdam) constructed upstream of the new spillway to protect the work was breached by the stormwater runoff causing erosion of the supporting soils upon which the spillway rests. As a result, three sections of the spillway collapsed and portions of the concrete slabs were buried under sediment. Subsequent to the storm damage, the contractor has removed debris from the existing primary spillway, re-built the cofferdam, removed the accumulated debris and sediment on the new spillway, demolished the damaged sections of the spillway, reinforced the foundation using a low strength concrete flowable fill material, repaired the foundations for the replacement slabs, and installed the two of the new (replacement) slabs. Damage to the contractor's work has resulted in Schnabel Engineering providing additional services on behalf of the project in accordance with Article 2.1.13 of the agreement for engineering services. These additional services are outlined in the attached cost proposal from Schnabel Engineering dated February 23, 2007 and includes:

- Conducting a detailed assessment of the damage which included ground penetrating radar (GPR) of the spillway slabs to determine the extent of the undermined foundation and structural integrity of the remaining portions of the spillway.
- Developing remediation plans to address the corrective actions required by the contractor to stabilize the undermined foundation, repair the foundation in the areas where the damaged slabs were removed, repair procedures for tying the new slab and wall sections into the existing, and repair of the earthen embankments on the north and south sides of the new spillway.
- Providing construction observation services to document the remedial repair work performed by the contractor.
- Providing extended construction administration services, including construction observation and materials testing, resulting from the extended construction time. The original construction contract duration was 180 calendar days which ended on November 17, 2006. The current estimate for completion of the work is May 27, 2007. This is a six month extension of the original construction schedule.

Schnable Engineering is requesting additional fees in the amount not to exceed \$97,000 as indicated below:

- Task 12 Construction Observation – Increase existing budget from \$86,000 to \$129,000 (increase of \$43,000).
- Task 15 Damage Assessment and Engineering Analyses – Establish a new task and budget in the amount of \$54,000.

Schnabel requested a fee adjustment of over \$120,000 which was negotiated down to \$97,000. On Friday, March 9, 2007, a telephone conversation was held with Tillman Marshall in which additional concessions from Schnabel were requested to reduce the fee proposal to \$71,000. Mr. Marshall indicated he would do this with Schnabel's corporate office. Subsequently, Mr. Marshall advised that Schnabel would agree to additional reductions in the fee provided the

County would give it a release of liability. Upon conferring with the County Attorney, instructions were given to advise Schanbel that the County was not in a position to grant it a release given the current situation with the contractor. Therefore the current fee proposal remains under consideration. If approved by the Board, funding for this request would come from the Water & Sewer Fund Balance.

ACTION: Approve an appropriation for additional engineering services for Schnabel Engineering in the amount not to exceed \$97,000 and increase the total engineering fee to \$309,000 and authorize the Manager and Engineer to negotiate a mutually acceptable amount for these additional services.

G. Approval of Cumberland County Policy Committee Report Regarding the Proposed Law Enforcement Promotion Policy.

BACKGROUND: The Board of Commissioners approved a new salary plan for law enforcement officers (“LEOs”) effective July 1, 2006. This plan established a separate grade and salary structure for LEOs which changed the differential between grades that had historically been approximately 5%. The difference between grades for LEOs now ranges from 5% to 16%. Consequently, this variance has impacted salary increases for promotions. Another factor affecting LEO promotions is the career development (“CD”) step increases that are granted to LEOs after the first three (3) years of service and every four (4) years thereafter. The CDs are provided to allow LEOs to progress in their respective salary ranges. The salary differential between grades and the CDs are unique factors that have impacted the application of the County’s promotion policy to LEOs. Currently, in accordance with Cumberland County Ordinance Sec. 10-52 “An employee promoted to a position in a grade having a high salary range shall receive a one-step salary (5%) increase or an increase to the minimum step of the new grade whichever is higher.” With the implementation of the new LEO salary plan some unforeseeable consequences have arisen. The consequence of applying code provisions for promotions is that LEOs lose the benefit and intent of salary progression that the CD steps provide. This creates inequity between some of the senior officers and their junior counterparts. In order to address these concerns, a proposed promotion policy for LEOs was presented to the Policy Committee on March 1, 2007. The Committee approved a motion to accept the policy as presented and forward to the full Board of Commissioners for consideration. Thus far for FY07, the increased cost for the implementation of the proposed policy would be \$73,695.

ACTION: Approve the proposed LEO promotion policy, with a requested effective date retroactive to July 1, 2006.

H. Approval of Reconsideration of Rezoning Case P06-35 (Property located at 8778 Hawkins Road, owned by Mary A. Wilson).

MOTION: Commissioner Blackwell moved to refer this case back to the Planning Board at no cost to the petitioner.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

County Attorney Barrett noted that, legally, upon referral the case would have to be reviewed as a new case.

I. Approval of Authorization to Trade-In Surplus Cisco Network Equipment (Information Services).

BACKGROUND: Information Services is in the process of purchasing Cisco network computer equipment and has been offered a trade-in credit of \$21,819.64 on nine pieces of equipment as set out below:

<u>Part Number</u>	<u>Description</u>	<u>Quantity</u>	<u>Unit Credit</u>	<u>Total Credit</u>
WS-C4006-S2	Catalyst 4000 Chassis (6-slot), Suprvsr 11, (2) AC PS, Fans	2	2277.02	4554.04
WS-C40036-S1	CAT4000 Chassis (3-slot), Supervisor, 1 ACT PS, Fan Tray	2	1327.87	2655.74
WS-X4515	Catalyst 4507 Supervisor IV, Console (RJ-45), Mgt (RJ-45)	2	2277.02	4554.04
WS-X4306-GB	Catalyst 4000 Gigabit Ethernet Module, 6-Ports (GBIC)	8	359.40	2875.20
WS-X4008	Catalyst 4000 AC Power Supply (Spare)	8	188.88	1511.04
WS-X4012	AEOS:See PB#2391 Cat4003 Supervisor I	2	1327.87	2655.74
WS-X4424-GB-RJ45	Catalyst 4000 24-port 10/100/1000 Module (RJ45)	2	663.46	1326.92
WS-X4424-GB-RJ45	Catalyst 4000 24-port 10/100/1000 Module (RJ45)	2	663.46	1326.92
PIX-520	PIX Firewall 520 Chassis	1	360.00	360.00
Credit total for Cisco Trade-Ins				\$21,819.64

ACTION: Declare the nine pieces of network equipment surplus and authorize their trade-in at \$21,819.64.

J. Approval of a Proclamation Proclaiming May 12, 2007 as “Stamp Out Hunger” day in Cumberland County.

ACTION: Adopt Proclamation

PROCLAMATION

WHEREAS, the 15th annual NALC National Food Drive is the largest one-day food drive in the nation, and Cumberland County carriers collected more than 40 thousand pounds of food in last year’s drive, the second consecutive year the effort has exceeded 40 thousand pounds; and

WHEREAS, the food will be collected in Cumberland County communities by letter carriers from ten local branches of the Postal Service, along with other volunteers, and delivered to the Second Harvest Food Bank; and

WHEREAS, letter carriers see hungry families every day as they deliver the mail, and this food drive is one way we can help alleviate their plight; and

WHEREAS, postal patrons are encouraged to participate in alleviating hunger by leaving donations such as canned meat, fish and soup, cereals, pasta and rice in a bag by their mailbox on May 12, 2007; and

WHEREAS, co-sponsors of the drive are the US Postal Service, United Way of Cumberland County and the Second Harvest Food Bank of Southeast North Carolina.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners proclaims May 12, 2007 “Stamp Out Hunger” day in Cumberland County and urges its citizens to take an active part to ensure our community has a better quality of life by providing non-perishable food to those who are in need.

- K. Approval of a Resolution Declaring May 19, 2007 as “Cumberland County Litter Free Watershed Day” in Cumberland County.

ACTION: Adopt Resolution

A RESOLUTION OF BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY
DECLARING MAY 19, 2007 AS CUMBERLAND COUNTY LITTER FREE WATERSHED
DAY

WHEREAS, Cumberland County is rich in natural resources and beauty; and

WHEREAS, water is a basic and essential need for all life; and

WHEREAS, litter fouls our waterways as well as our landscapes; and

WHEREAS, every citizen should contribute to keeping our environment clean and healthy by working together to preserve clean water and the natural beauty of our surroundings; and

WHEREAS, Litter Free Watershed is partnered with North Carolina Big Sweep, a statewide community effort to retrieve trash from North Carolina’s waterways and landscapes;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cumberland County, North Carolina, meeting on May 7, 2007, hereby proclaims May 19, 2007 “CUMBERLAND COUNTY LITTER FREE WATERSHED DAY” in Cumberland County and further urges every citizen to do his or her part to restore the beauty and function of our lakes and streams by volunteering to participate in the Litter Free Watershed event.

- L. Budget Revisions:

ACTION: Approve

- (1) Legal/General Government Other

Revision in the amount of \$9,389 to reallocate budgeted expenditures to cover unanticipated costs. (B07-326 and B07-326A) **Funding Source – Reallocation of Budgeted Expenditures**

(2) Juvenile Crime Prevention Programs

Revisions in the net amount of \$4,916 to adjust the county budget to the state budget. (B07-335) **Funding Source – State**

(3) Inmate Welfare Fund

Revision in the amount of \$54,000 to appropriate fund balance (\$30,000) and budget additional revenue (\$24,000) for the purchase of inventory. (B07-334) **Funding Source – Inmate Welfare Fund Balance and Fees**

(4) Court Facilities/General Government Other

Revision in the amount of \$52,728 to reallocate budgeted expenditures to purchase new office furniture for the clerk of courts, new seating for jury room and workstations. (B07-336 and B07-336A) **Funding Source – Reallocation of Budgeted Expenditures**

(5) Court Facilities/Register of Deeds

Revision in the amount of \$5,000 to reallocate budgeted expenditures to assist in purchase of new office furniture for the clerk of courts and move used furniture to the register of deeds office. (B07-329 and B07-329A) **Funding Source – Reallocation of Budgeted Expenditures**

(6) Health

Revision in the amount of \$500 to budget additional anticipated state revenue. (B07-327) **Funding Source – State**

(7) Public Safety Other

Revision in the amount of \$198,126 to appropriate fund balance to cover anticipated increases for the remainder of the fiscal year. (B07-333) **Funding Source – General Fund Fund Balance**

(8) Juvenile Crime Prevention Group Homes

Revision in the amount of \$21,488 to budget transfer of foster care funds (\$16,075) from Social Services and a reduction in federal revenues (\$37,563). (B07-321 and B07-321A) **Funding Source – Federal**

(9) Eastover Sewer Project

Revision in the amount of \$20,218 to budget fees received for Eastover Approach Main Allocation. (B07-331) **Funding Source - Fees**

(10) Library

Revision in the amount of \$52,638 to appropriate fund balance to cover anticipated utilities for the remainder of the fiscal year. (B07-328) **Funding Source – General Fund Fund Balance**

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

SECOND: Commissioner King

VOTE: UNANIMOUS

ITEMS OF BUSINESS

4. Consideration of Establishing the Child Homicide Identification and Prevention (CHIP) Council and Adopting the Proposed Mission Statement and Membership Structure.

MOTION: Commissioner Blackwell moved to establish the Council, adopt the Mission Statement, to accept the recommendation of the membership structure, with the addition of the Director of Social Services position and a General Public position (correction of Dr. Eugene Wright's position when confirmed), with 3-year terms (1, 2, and 3 year staggered terms be decided at the first CHIP Council meeting).

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

5. Nominations to Boards and Committees

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

BACKGROUND: Vacancy

Need replacement for Julie Smith. Recommended: Benita Briggs

ACTION: Nominate the above recommendation

The Board nominated the above recommended person

B. Child Homicide Identification and Prevention Council (8 Vacancies)

ACTION: Nominate and appoint members to the newly formed Council, as well as appoint a chair.

A Representative of the Medical Community Whose Specialty is Children – Recommended Dr. Sharon Cooper as a member and the chair.

A Representative of the Business Council Board – Recommended Kirk deViere or designee

A Representative of the Military Community – Recommended Lieutenant General Lloyd Austin or designee

A Representative of Cumberland County’s Legislative Delegation - Recommended Rick Glazier

A Representative from District Court – Recommended Chief district Court Judge Beth Keever

A Representative of the Cumberland County Board of County Commissioners – Recommended Diane Wheatley

A Representative of the Fayetteville Cumberland County ministerial Association – Recommended Dr. Allen McLaughlin

A Representative of Cape Fear Valley Emergency Department – Recommended Dr. Eugene Wright

MOTION: Commissioner Melvin moved to appoint the recommendations as presented with the addition of the Director of the Cumberland County Department of Social Services, also with the addition of Lou Hackett as a representative of the general public and to appoint Dr. Sharon Cooper as the Chair of the Council.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

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

BACKGROUND: Vacancies

EMS Provider or Firefighter Position – need replacement for Carl Strange. Recommended Barry Childers

Parent of a Child Who Died Before Reaching Their 18th Birthday Position – need replacement for Vivian Strickland. Recommended Tonya Vetter

At Large Position – need replacement for Kalisha Abercrombie. Recommended Maxine Anders

ACTION: Nominate the above recommendations

The Board nominated the above recommended people.

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

BACKGROUND: Vacancy

Member of Faith Community – Rev. Brian Thompson eligible for reappointment. Nominated the above for reappointment.

ACTION: Nominate the above recommendation

The Board nominated the above recommended person

6. Closed Session
- A. Economic Development Matter(s)
Pursuant to NCGS 143-318.11(a)(4).
 - B. Personnel Matter(s) Pursuant to NCGS 143-318.11(a)(6).
 - C. Attorney-Client Matter(s)
Pursuant to NCGS 143-318.11(a)(3).
 - D. Real Property Matter(s) Pursuant to
Pursuant to NCGS 143-318.11(a)(5).

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

SECOND: Commissioner King

VOTE: UNANIMOUS

MOTION: Commissioner Melvin moved to go into Open Session

SECOND: Commissioner Council

VOTE: UNANIMOUS

MEETING ADJOURNED 10:15 AM

Clerk to the Board