

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
NOVEMBER 5, 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 Edward 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  
Harvey (Butch) Raynor, Deputy County Attorney  
Marie Colgan, Deputy Clerk  
Marsha Fogle, Clerk

INVOCATION Commissioner Breeden Blackwell, Vice-Chairman

Minister: Rev. Mark Knight, Calvary Assembly of God Church

Pledge of Allegiance

Recognition of Outgoing Board Member:

Michael Calfee, Criminal Justice Partnership Advisory Board

Recognition of Retired County Employee:

David Farrell, Cumberland County Sheriff's Office

Adjustments to Agenda: Add: Personnel Matter(s): NCGS 143-318.11(a)(6)  
Pull Items 3C, 3D, 3E from Consent Agenda

MOTION: Commissioner Henley moved to approve the adjustments to the agenda.

SECOND: Commissioner Council

VOTE: UNANIMOUS

1. Presentation by Dr. Mohammad Bhuiyan of the Center for Entrepreneurship at Fayetteville State University on the Proposed Idea and Innovation Project.

Dr. Bhuiyan reviewed his credentials, noting he is the Endowed Professor Entrepreneurship and the Director of the Center for Entrepreneurship at FSU. He said he has extensive experience in the field of entrepreneurship issues. He said he wants to establish an IDEA & INNOVATION

FACTORY in Fayetteville. He said opportunity is knocking with a demand for sub-contractors, skilled workers, trained managers, quality facilities, infrastructure and quality education. He said however, there are some problems with these opportunities, i.e., not all of the opportunities will provide sustained growth. In order to overcome some of these problems there needs to be a generation of high tech businesses, bio-tech businesses, cutting edge technology, health care businesses and new ways of doing traditional business. He said the county needs to stop the brain drain and attract more talented people from outside. In addition, the county needs to generate more economic activities, create higher paying jobs locally and offer quality educational programs. He said the answer to our problem is the IDEA & INNOVATION FACTORY, which would be a national hub for all existing and aspiring entrepreneurs, universities and other entities to share ideas and innovation. The FACTORY will function as a 501(C)(3) economic development organization. The major local partners would be Fayetteville State University, FTCC, Methodist College, Cumberland County Business Council, County of Cumberland, City of Fayetteville, NCMBC, SBTDC and other interested parties. Major external partners would include MIT, Stanford, Carnegie, UNC at Chapel Hill, Duke and other top rated universities, as well as the Army, Navy, Air Force, DOD, federal agencies, Fortune 500 companies, etc. He said this FACTORY would have a significant economic impact over the next 10 years. The initial cost set-up is as follows: City of Fayetteville, County of Cumberland would loan the FACTORY 30% each of the start-up. Other partners and state funding would be 20% loan. Foundations, corporations and private will provide 20% start-up funding. Operational costs would come from revenues from conferences, services, corporate contributions, foundation grants and federal contracts. He said the factory would be self sufficient in two years and loans would be begun to be repaid after the 3<sup>rd</sup> year. The center would aggressively raise funds from various sources.

Commissioner King inquired about other locations where this Idea and Innovation Factory is currently in place. Dr. Bhuiyan responded with MIT, Syracuse, Indiana, London, New Dehli.

Commissioner Wheatley inquired if he has operated such a Center. He indicated he does not operate the centers. She also inquired about his investment in the project. He noted he would not be making a monetary investment, but had and would put in substantial time getting investments for the project.

MOTION: Commissioner Henley moved that this issue be referred to the County Finance Committee for further review as to the project operations, costs, other successful programs, and that it bring back a recommendation to the full Board.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

2. Presentation of the FY06-07 Annual Report for Judicial District 12 by Wayne Marshburn, Judicial District Manager, North Carolina Division of Community Corrections.

Mr. Marshburn reviewed his annual report for FY06-07. He noted that the Judicial District 12, Division of Community Corrections has a staff of 74 and continues to provide quality supervision to probationers, parolees and/or post release offenders with the primary mission being public safety. His office continues to work with the ongoing programs/initiatives, i.e., the US Marshal's Fugitive Apprehension Task Force, Drug Treatment Court, Community Threat

Group Program, Operation Cease Fire, Sex Offender Management Program, Domestic Violence initiative, Cognitive Behavioral Intervention, and Soldiers Project. He noted that District 12 was again honored to have the Division Officer of the Year award, Hubert “Bert” Turner. Some statistics include the population for Parole/Post Release supervision has increased by 9% from FY2002-07, but decreased by 5% since FY2006. From FY2002-07 there has been a decrease in total supervised population of 216 or 8% decrease. There has been a 2% increase from FY2006-07. In addition, Judicial District 12 was responsible for collecting \$1,185,354.80 in costs, fine, restitution and supervision fees – an increase of 7% from FY2005-06. Mr. Marshburn noted that the cost of prison incarceration runs \$68.45 daily as opposed to the cost of community corrections supervision at \$13.70 a day.

3. Consent Agenda

MOTION: Commissioner Wheatley moved to follow staff recommendations on the items on the Consent Agenda, except for items 3C, 3D & 3E, which were pulled from Consent and on which action will be taken separately.

SECOND: Commissioner Council

VOTE: UNANIMOUS

- A. Approval of minutes for the October 15, 2007 regular meeting.

ACTION: Approve

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

Country Meadows Subdivision: Skylark Court

Windfield Subdivision: Dandelion Lane, Dragonfly Drive,  
Lugsail Lane

ACTION: Approve

- C. Approval of Change Order No. 1, Winding Creek Mental Health, Mental Health Annex & DSS Facilities Roofing Project.

BACKGROUND: This Change Order in the amount of \$14,417 is for additional work on the Winding Creek Mental Health, Mental Health Annex and DSS Facilities roofing project. This project is a unit price contract and the change order reconciles the actual quantities installed versus the estimated quantities in the contract. It includes credits to the County of \$4,190 and additions to the contract of \$18,607 for a net increase of \$14,417. The significant item encountered during construction was the poor condition of the metal deck on the roof of the Winding Creek Center discovered after the roof was removed. There was an allowance of 100 sf for metal deck replacement in the contract; however, 3,062 sf of metal deck was actually replaced at an increased cost of \$14,810. At the time of the bid award, the Board established a contingency in the amount of \$9,700 for the project. The shortfall of \$4,717 required to fund the change order will come from the line item established for roof maintenance and repair work in 4195 – General Government Budget.

**ACTION:** Approve Change Order #1 (Final) for Owens Roofing and increase the contract amount to \$208,131.

**MOTION:** Commissioner Council moved to approve.

**SECOND:** Commissioner Wheatley

**VOTE:** FAVOR: Commissioners Council, Wheatley, King, Henley, Edge, Melvin  
OPPOSED: Commissioner Blackwell

D. Approval of Cumberland County Finance Committee Report & Recommendation:

1) Selection of Financial Advisor

**BACKGROUND:** On November 1, 2007, Management made a presentation to the County Finance Committee regarding the engagement of a Financial Advisor for our upcoming debt (school, library, health department building). Amy Cannon said that this issuance of debt would require a high level of planning and coordination and that the County staff would benefit greatly from the assistance of experts in municipal finance that have no financial stake in the financing. She recommended that DEC Associates, Inc. be appointed as the County's financial advisor. The fee proposed by DEC for the financial advisory services related to the COPS issuance is \$35,000 and out of pocket expenses capped at 10% of the fee. This expense will be incorporated into the total financing package. DEC will assist the County in reviewing and evaluating the County's financing plans, policies and practices recommend an overall financing strategy, will help prepare for and structure individual financings, assist in obtaining credit ratings and/or municipal bond insurance to include development of a rating agency presentation, keep the County apprised of capital market conditions/trends, make recommendations on the timing of sales and structuring of offerings so as to achieve the lowest possible interest rates, assist in developing marketing plans for the offerings, provide advice on the day of sale regarding interest rate levels, issue structure and effectiveness of the marketing effort, and after the sale, assist the County with matters pertaining to closing and settlement, advice on efficient investment of proceeds to maximize earnings and assist in evaluating other possible financing issues such as a synthetic (swap-based) advance refunding and review of a public-private venture. Proceeds from the ¼ cent sales tax, if it passes on November 6, 2007, will be used to pay off the COPS.

**ACTION:** The Finance Committee recommends that the Board of Commissioners engage DEC Associates, Inc. as its Financial Advisor for the upcoming COPS Issue.

Commissioner King inquired if the decision has been made regarding funding the construction projects with COPS. The Manager indicated it has been assumed that these projects would be financed with COPS. Commissioner Wheatley inquired if the Financial Advisor would help us to make the decision on whether to go with COPS for these projects. The Manager indicated the Financial Advisory would be able to advise us regarding the COPS.

MOTION: Commissioner Council moved that the Board appoint DEC Associates, Inc. as its Financial Advisor for the upcoming COPS issue.  
SECOND: Commissioner Henley  
VOTE: UNANIMOUS

E. Approval of Grays Creek Middle School Construction Project.

BACKGROUND: On October 15, 2007, the Board approved an interlocal agreement with the Board of Education which allows the schools to receive sales tax refunds from school construction projects. Under this agreement, the County designated the Board of Education its agent for letting contracts, funding the project within an established budget and for supervising construction. Bids on the project have been received and the Board of Education recommends awarding the bid to the lowest responsible bidder, Devere Construction Company in the amount of \$17,691,100.

ACTION: Follow the recommendation of the Board of Education and award the construction bid to Devere Construction Company, approve the capital project ordinance and the associated budget revision (B08-140). Note: The Capital Project Ordinance may be found in the Capital Project Ordinance Book.

MOTION: Commissioner Council moved that the bid be awarded to Devere Construction Company, and that the capital project ordinance and budget revision be approved.  
SECOND: Commissioner Henley  
VOTE: UNANIMOUS

F. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – 1.97 Acs Adj to Lot 13 Bluesprings Wood (Located Off Graham Road), PIN 9496-62-9420; Seventy-First Township.

BACKGROUND:

Date Acquired by Foreclosure:	On or about 7/6/2006
Amount Owed plus interest & cost:	\$3,184.60
Highest & Last Bidder:	Sondra Roberts
Amount of bid:	\$4,662.58 (deposited 10%)

ACTION: Accept the bid of \$4,662.58 plus costs and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

G. Budget Revisions

ACTION: Approve

- (1) Juvenile Crime Prevention Program

- a. Revision in the amount of \$163,209 to recognize additional funding from the state and adjust various programs to final state budget. (B08-004) **Funding Source – State**
  - b. Revision in the amount of \$94,186 to recognize state revenue to be used for a parent/family skill building program. (B08-124) **Funding Source - State**
- (2) Social Services
- a. Revision in the total amount of \$62,892 to appropriate fund balance to roll forward unexpended Casey funds received in prior years. (B08-121) **Funding Source – General Fund Fund Balance**
  - b. Social Services Other - Revision in the total amount of \$87,411 to appropriate fund balance to roll forward unexpended funds received in prior years. (B08-122) **Funding Source – General Fund Fund Balance**
  - c. Social Services Other - Revision in the amount of \$15,000 to budget supplemental allocation of Workfirst funds. (B08-138) **Funding Source – State**
- (3) Planning and Inspections
- Revision in the amount of \$359 to increase Joint Planning revenue for the effect of population changes on the participating municipalities. (B08-125) **Funding Source – Municipal Planning Revenue**
- (4) US DOT 104(f)
- Revision in the amount of \$6 to adjust county budget to match state budget. (B08-128) **Funding Source - State**
- (5) Animal Control
- Revision in the amount of \$16,303 to appropriate fund balance for insurance settlements received in FY2007 to purchase a replacement vehicle. (B08-133) **Funding Source – General Fund Fund Balance**
- (6) Community Development

- a. Housing Program – Revision in the amount of \$525 to appropriate fund balance to roll forward unexpended prior year revenue. (B08-134) **Funding Source – Community Development Fund Balance**
- b. Public Service/SHP Program – Revisions in the amount of \$37 to reallocate budgets to reflect actual budget. (B08-135 and B08-135A) **Funding Source – Federal**
- c. Administration/General Government Other – Revision in the amount of \$62 to correct general fund transfer to reflect actual salary for the Fair Housing position. (B08-136 and B08-136A) **Funding Source – General Fund Fund Balance**

(7) Rural Operating Assistance Program

Revision in the amount of \$97,837 to budget supplemental allocation of ROAP and Workfirst funds. (B08-137) **Funding Source – State**

(8) Sheriff

- a. School Law Enforcement – Revision in the amount of \$9,538 to appropriate fund balance for two additional school crossing guards at Brentwood Elementary. (B08-143) **Funding Source – General Fund Fund Balance**
- b. Revision in the amount of \$25,983 to appropriate fund balance for one additional Deputy I position for Courthouse security. (B08-144) **Funding Source – General Fund Fund Balance**

(9) Health

Sexually Transmitted Disease Clinic – Revision in the amount of \$19,336 to utilize new state funding and health fund balance to create a new Community Disease Control Specialist II position. (B08-131) **Funding Source – State and Health Department Fund Balance**

(10) Library

Revision in the amount of \$26,459 to reallocate budgeted expenditures to increase hours of Library Associate II position making it a full time position and delete two other vacant part-time positions. (B08-132) **Funding Source – Reallocated Budgeted Expenditures**

#### REGULAR AGENDA

#### 4. Nominations to Boards and Committees

##### A. Local Emergency Planning Board (1 Vacancy)

Vacancies: First Aid Representative – Scott Blecke is no longer employed with the County. Recommended replacement: Wally Ainsworth

Nominee: Wally Ainsworth

##### B. Transportation Advisory Board (7 Vacancies)

Vacancies: The following have completed their first term and are eligible for reappointment:

Mid Carolina Council of Government – Carolyn Tracy  
County DSS Director/designee – Crystal Black  
DSS Work First Representative – Ann Farrell  
Workforce Development Director/designee – Geneva Mixon  
Aging Programs Representative – Catherine VanSickle

The following have completed their second term and are not eligible for reappointment:

Mental Health Director/designee – Densie Lucas. William Robinson has been recommended to fill the vacancy.  
Sheltered Workshop Director – Vacant. Betsy Torsell has been recommended to fill the vacancy.

Nominees: The above noted recommendations.

#### 5. Appointments to Boards and Committees

MOTION: Commissioner Blackwell moved to appoint the nominees in 5A & 5B by acclamation.

SECOND: Commissioner King

VOTE: UNANIMOUS

##### A. Cumberland County Home and Community Care Block Grant Committee (1 Vacancy)

Nominee:

Civic Representative: Crystal McNair (Reappointment)

B. Mental Health Board (1 Vacancy)

Nominee:

Individual with Management or Business Expertise: Liliana Parker

6. Closed Session            A. Economic Development Matter  
                                         Pursuant to NCGS 143-318.11(a)(4)  
                                         B. Personnel Matter(s) – NCGS 143-318.11(a)(6)

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

SECOND: Commissioner Council

VOTE: UNANIMOUS

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

SECOND: Commissioner Council

VOTE: UNANIMOUS

MOTION: Commissioner King moved to adjourn.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

MEETING ADJOURNED AT 10:45AM.

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Clerk to the Board