

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
APRIL 7, 2008, 9:00AM
REGULAR MEETING

PRESENT: Chairman Breeden Blackwell
Vice Chairman Jeannette Council
Commissioner Kenneth Edge
Commissioner John Henley
Commissioner Billy R. King
Commissioner Ed Melvin
Commissioner Diane Wheatley
James Martin, County Manager
Amy Cannon, Asst. County Manager
Grainger Barrett, County Attorney
Phyllis Jones, Assistant County Attorney
Marie Colgan, Deputy Clerk
Marsha Fogle, Clerk

INVOCATION Commissioner Billy R. King

Minister: Bishop J.V. Porter - United Gospel Fellowship Covenant Ministries

Pledge of Allegiance

Recognition of Retired County Employees:

Robert Bennett – Cumberland County Health Department

Recognition of High School Students Participating in County Government Week:

Kelley Chapman - Cross Creek Early College
Zach Sullivan - Howard Health & Life Science
Shaniqua Early - E.E. Smith High School (did not attend)
Casey Johnson - Grays Creek High School
Elizabeth Hall - South View High School
John Elliott - Massey Hill Classical High School
Johnny Clark - Terry Sanford High School (did not attend)
Jeremy Martin - Pine Forest High School
Darius Robinson - Douglas Byrd High School

Special Presentation to the Cumberland County Board of Commissioners from the Eastover Sanitary District by Morgan Johnson, Chairman.

Mr. Johnson reviewed the status of the Sanitary District. He presented a check to the Board in the amount of \$108,000 to pay back seed money provided by the County.

1. Consent Agenda

MOTION: Commissioner King moved to follow staff recommendations on the items on the consent agenda.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

- A. Approval of minutes for the March 17, 2008 regular meeting and Special Meeting with the Cumberland County Board of Education on March 10, 2008 and Special Meeting with the Town of Falcon on March 31, 2008.

ACTION: Approve

- B. Approval of Conveyance of 25.62 Acre +/- Tract to School System for Gray's Creek Middle School.

BACKGROUND: The County acquired a tract of approximately 25.62 acres next to the school system's Gray's Creek school sites on November 1, 2005 for recreation purposes. Discussions between management and the school system indicate that the most appropriate site plan for the Gray's Creek Middle School would utilize a significant portion of the County's tract for all or portions of a baseball field, softball field and soccer field. Management and the County Attorney's office recommend conveying the County's tract to the Board of Education to be consolidated with the school system's middle school tract. They recommend that the purchase price be the cost of the County's acquisition and carrying cost from November 1, 2005 or \$276,550. In addition, management recommends that a portion of the proceeds reimbursed to the County be used to construct an asphalt walking track around the soccer field and picnic shelters beyond the outfield of the baseball field. The sports field, walking track and picnic shelters would provide functional recreation amenities for the Gray's Creek community. The total 49.47 acre middle school tract would be re-conveyed to the County as security for the financing with RBC Centura Bank of the middle school's construction cost (and leased back to the school system during the time the loan is outstanding) and also for purposes of the sales tax reimbursement Interlocal Agreement between the County and the Board of Education.

ACTION: Approve conveyance of the approximately 25.62 acre Gray's Creek tract to the Board of Education for middle school and school system uses for \$276,550; provide that sports fields will be available under the Interlocal Agreement to Fayetteville/Cumberland County Parks and Recreation Department for community recreation purposes; authorize use of a portion of the proceeds to construct a walking track and picnic shelters for use by the Fayetteville/Cumberland County Parks and Recreation Department; authorize the Chairman to execute a deed to the Board of Education and amended deed of trust to RBC Centura; and authorize the Chairman or County Manager to execute the lease of the recombined middle school 49.47 acre tract to the Board of Education for the term of the RBC Centura Bank financing, and any other related documents necessary or desirable to carry out the foregoing actions.

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

BACKGROUND: The Board of Health at its meeting on March 18, 2008 approved writing off a total of \$27,361.16 as bad debts. Family Planning accounts in the amount of \$2,873.34 will be written off as bad debt, however cannot be sent to the Collection Agency pursuant to NC Division of Health & Human Services Guidelines. The total amount to be sent to the collection agency is \$24,487.82.

ACTION: Approve the write-off of debts in the amount of \$27,361.16 and turn over to Professional Recovery Consultants, Inc., the amount of \$24,487.82 for collection.

D. Approval of Sale of Surplus County-Owned Real Properties Acquired by Tax Foreclosure:

1) 1.54 AC RES Buie Ld; PIN 0542-60-0759; Carvers Creek Township

BACKGROUND: On or about February 15, 2007, the County acquired by tax foreclosure the above property. Amount owed to include interest and cost is \$3,143.13. James D. Elliott, the last and highest bidder, has bid \$5,270.10 on the property and deposited \$527.01 in the Finance Office. The tax value of the property is \$8,250.

ACTION: Sell the property to Mr. Elliott for \$5,270.10 plus costs and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

2) Lot 110 x 250 McGill Ld; PIN 0407-21-6598; Seventy-First Township

BACKGROUND: On or about March 27, 2003, the County acquired by tax foreclosure the above property. Amount owed to include interest and cost is \$2,137.65. Viree Walker, the last and highest bidder, has offered to purchase the property for \$5,041.00 and deposited \$504.10 in the Finance Office. The tax value of the property is \$14,963.

ACTION: Sell the property to Mr. Walker for \$5,041.00 plus costs and authorize the Chairman to execute the deed upon receipt of the balance of the purchase price.

E. Approval of FY 2009 Application for Continuation of Implementation Funding for the Day Reporting Center of the Criminal Justice System Support Unit.

BACKGROUND: The Criminal Justice Partnership Program Advisory Board met on March 11, 2008 and approved the Application for Continuation of Implementation Funding for the Day Reporting Center in the amount of \$207.078 for FY2009.

ACTION: Approve.

F. Approval of a Proclamation Proclaiming April 2008 as Fair Housing Month in Cumberland County.

ACTION: Approve Proclamation.

PROCLAMATION

WHEREAS, April 2008 marks the 4th anniversary of the passage of the US Fair Housing Law, Title VIII of the Civil Rights Act of 1968, as amended, which enunciated a national policy

of Fair Housing without regard to race, color, creed, national origin, sex, familial status, and handicap, and encourages fair housing opportunities for all citizens; and

WHEREAS, the State of North Carolina is substantially equivalent to the Federal Fair Housing law, and has enforcement powers to prosecute violators of said Law; and

WHEREAS, several local governments within the State of North Carolina are substantially equivalent to the State Fair Housing Law and share the same enforcement properties as the State and are duty bound to lend their support for those local governments that are not substantially equivalent to the State Fair Housing law; and

WHEREAS, Cumberland County, albeit not a substantially equivalent jurisdiction, supports the State Fair Housing law.

NOW, THEREFORE, BE IT PROCLAIMED that Cumberland County will adhere to the fundamental right of all its citizens to have equal access to housing, which shall include housing related transactions regardless of the protected status of the person or persons seeking housing and/or housing related transaction, and be it further

PROCLAIMED that the Board of Commissioners designate April, 2008, "FAIR HOUSING MONTH" in Cumberland County, North Carolina.

- G. Approval of a Proclamation Proclaiming April 2008 as "Child Abuse Awareness and Prevention Month" in Cumberland County.

PROCLAMATION

WHEREAS, traditionally April is Child Abuse Awareness & Prevention Month and is recognized by the citizens of Cumberland County; and

WHEREAS, incidents of child abuse affect communities across this state and nation; and

WHEREAS, the Cumberland County Board of Commissioners recognizes that the abuse and neglect of our children have a lasting effect on the children and the families involved, as well as the community; and

WHEREAS, it is critical that government and its citizens do as much as possible to prevent child abuse and promote awareness within the community; and

NOW, THEREFORE the Board of Commissioners of Cumberland County PROCLAIMS the month of April, 2008 CHILD ABUSE AWARENESS & PREVENTION MONTH and urges all citizens to help "Break the Chain of Child Abuse" across this nation.

- H. Approval of a Proclamation Proclaiming April 19-May 3, 2008 as "Spring Litter Sweep" in Cumberland County.

I. Budget Revisions:

ACTION: Approve

(1) Mental Health

Revision in the amount of \$14,593 to appropriate fund balance for a new Staff Nurse position required to meet the provider-patient ratio. (B08-247) **Funding Source – Mental Health Fund Balance**

(2) Soil Conservation/General Government Other

Revision in the amount of \$1,000 to reallocate budgeted expenditures for a newly acquired used vehicle by the Soil and Water Conservation District. (B08-260 and B08-260A) **Funding Source – Reallocation Budgeted Expenditures**

(3) Mid Carolina Senior Transportation

Revision in the amount of \$1,395 to budget additional fees received. (B08-262) **Funding Source - Fees**

(4) Recreation

Revision in the amount of \$40,000 to budget additional revenue anticipated for the remainder of the fiscal year. (B08-269) **Funding Source – Recreation Taxes**

(5) Health

Revision in the amount of \$6,000 to budget an unanticipated reduction in state funding. (B08-270) **Funding Source - State**

(6) General Government Other

Revision in the amount of \$75,000 to appropriate fund balance for additional work on the Courthouse temporary parking lots. (B08-272) **Funding Source – Designated Deferred Maintenance Fund Balance**

(7) Sheriff

School Law Enforcement – Revision in the amount of \$3,639 to recognize insurance settlements for wrecked vehicles. (B08-273) **Funding Source – Insurance Settlement**

(8) Public Safety Other

Revision in the amount of \$50,000 to appropriate fund balance for additional costs for the County Youth Detention Facility. (B08-274) **Funding Source – General Fund Fund Balance**

(9) Eastover Fire District

Revision in the amount of \$200 to increase expenditure line to cover unanticipated refunds to taxpayers. (B08-275) Funding Source – **Eastover Fire District Tax**

ITEMS OF BUSINESS

2. Presentation of “The Big Read: A Community-Wide Reading Program” by Jody Risacher, Director, Cumberland County Public Library & Information Center.

Jody Risacher reviewed the county-wide activities related to “The Big Read”. She noted that the book that is being read is Ray Bradbury’s *Fahrenheit 451*. She presented the Board and staff with a copy of the book and asked them to read it and pass it on.

3. Consideration of Conveyance to the North Carolina Department of Transportation of a 21.37 Acre Tract on Clinton Road for a Multi-Purpose DMV Facility.

BACKGROUND: On December 19, 2005 by unanimous vote the Board of Commissioners approved and ratified an agreement with NCDOT to convey a 15-20 acre site on Clinton Road adjacent to the Eastern Regional Library for a one-stop DMV multi-purpose facility. NCDOT is now ready to move forward with the project and has provided the County with a plat for 21.37 acres (Map book 121/191-Tract 48) between Clinton Road and NC 24 which will meet its space requirements for the proposed multi-purpose building.

ACTION: Approve, ratify and authorize conveyance of 21.37 acres as noted above to NCDOT and authorize the Chairman/Vice Chairman, Clerk/ Deputy Clerk to execute the necessary documents to effect the transfer.

MOTION: Commissioner King moved to approve.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

4. Consideration of Proposed Schedule for Fiscal Year 2009 Budget Work Sessions and Budget Public Hearing.

Proposed Dates: June 2, 2008, 5:30PM – Budget Presentation – room 564
June 3, 2008, 5:30PM – Department Head Appeals – room 564
June 4, 2008, 7:00PM – Public Hearing – room 118
June 9, 2008, 5:30PM – Budget Work Session – room 564
June 12, 2008, 5:30PM – Budget Work Session – room 564
June 16, 2008, 5:00PM – Budget Work Session if needed – room 564

Note: The budget may adopted anytime on or after June 12, 2008 (at least 10 days after the presentation of the budget to the Board).

ACTION: Approve Budget Work Schedule

MOTION: Commissioner Wheatley moved to approve the dates, deleting June 12 from the list.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

5. Nominations to Boards and Committees

A. Adult Care Home Community Advisory Committee (3 Vacancies)

BACKGROUND: The Adult Care Home Advisory Committee requests that the following individuals be removed due to non-attendance:

Ernestine Mack, Lonnie Johnson, Jacqueline Wolfe

Nominations: Dell Caramanno
Toney Edwards
Marian J. Hackett

B. Board of Health (1 Vacancy)

Ms. Catherine S. Roach filling the Pharmacist position as resigned from the Board of Health. Tom Nicholson has been recommended to fill the unexpired term.

Nomination: Tom Nicholson

C. Minimum Housing Appeals Board (1 Vacancy)

Mr. Anthony Maccy, an alternate member, has resigned due to health reasons.

Nomination: Geri T. Hasapis

6. Appointments to Boards and Committees

MOTION: Commissioner Council moved to appoint the nominees in 6A-E.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

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

Nominee: Kim Howard

- B. Cumberland County Home and Community Care Block Grant Committee (2 Vacancies)

Nominees: Mary Mack
Barbara Marshall

- C. Tourism Development Authority (2 Vacancies)

Nominees:

Hotel/Motel Over 100 Rooms Representative: Sue Wooster

Member of the Public Not Affiliated with Travel/Tourism: Patricia Bush-McManus

- D. Workforce Development Board (1 Vacancy)

Nominee: Dina Simcox

- E. Wrecker Review Board (1 Vacancy)

Nominee:

County Appointee (Serves as Chair): Grant Gabriel

7. Closed Session: A) Personnel Matter(s) Pursuant
to NCGS 143-318.11(a)(6).

MOTION: Commissioner Edge moved to go into Closed Session for the above noted Personnel Matters.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

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

SECOND: Commissioner Henley

VOTE: UNANIMOUS

MEETING ADJOURNED