

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
JUNE 2, 2008, 9:00 AM
REGULAR MEETING

PRESENT: Chairman J. Breeden Blackwell
Vice Chairman Jeannette M. Council
Commissioner Kenneth S. Edge
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

INVOCATION Commissioner Edward G. Melvin

Minister: Dr. Bruce Martin, Village Baptist Church

Pledge of Allegiance

Cumberland County Employee Recognition:

Janice Davis, Cumberland County Detention Center

ADJUSTMENT TO AGENDA:

MOTION: Commissioner Edge moved to add under Item 4 an Attorney-Client Matter
NCGS 143-318.11 (a) (3)

SECOND: Commissioner Wheatley

VOTE: Unanimous

1. Consent Agenda

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

SECOND: Commissioner Henley

VOTE: Unanimous

- A. Approval of minutes for the May 19, 2008 regular meeting.

ACTION: Approve

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

Sally Hill Subdivision:

Miranda Dr. (SR4010 Ext.)

Piney Mountain Dr.

Claymore Ct.

Highplains Dr.

Dalmation Dr.

Bakersville Dr.

Shady Lawn Dr.

Crepe Myrtle Dr.

Azure Dr.

Southview Subdivision:

Miranda Drive (SR 4010 Ext.)

Connaly Drive (SR 4011 Ext.)

Bent Creek Drive (SR 4009 Ext.)

Fairbluff Drive

Mezzanine Court

ACTION: Approve

- C. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – 34/100 Acres Lovett Ld, PIN: 0407-22-2300, Seventy-First Township.

BACKGROUND: On or about October 26, 2007, 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 \$4,752.31.

Norman Copeland, Jr. was the last and highest bidder offering to purchase the County's interest in the property for **\$10,711.36** and has deposited \$1,071.17 in the Finance Office. The tax value of the property is \$23,534.00.

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. Copeland's bid. The property has been advertised and has received several bids; however, Mr. Copeland was the final and highest bidder. The bid period is now closed.

ACTION: Accept the offer of Norman Copeland, Jr. to purchase the above property for the sum of **\$10,711.36**, plus costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- D. Approval of Request from Fayetteville-Cumberland Parks & Recreation for Sole Source Purchase of Musco Lighting for Arnette Park Project.

BACKGROUND: Fayetteville-Cumberland Parks & Recreation is requesting approval to move forward with the quote from Musco Lighting for the lighting project at Arnette Park. The request to use the Musco quote for lights at Arnette Park is based on General Statute 143-129(e)(6)(iii) for the purchase of apparatus, supplies, materials, or equipment when standardization or compatibility is the overriding consideration. All 37 County Park facilities that are maintained have been equipped with the Musco lighting systems. Standardization will reduce inventory and maintenance costs substantially. The quote for the lighting project is \$105,500. Funds are budgeted to purchase this ancillary equipment. The County Purchasing Department recommends approval of this request under G.S. 143-129(e)(6).

ACTION: Approve the Fayetteville-Cumberland Parks & Recreation to proceed with the sole source purchase from Musco Lighting for standardization.

- E. Approval of Petition and Calling Public Hearing to Relocate Boundary Line between Cotton and Gray's Creek 24 Fire Districts pursuant to settlement Agreement between those Fire Departments.

BACKGROUND: The Board of Commissioners previously authorized attorney Stuart Clarke to act as a special master in a dispute between Cotton Fire Volunteer Fire Department and Gray's Creek Volunteer Fire Department Twenty Four as to the appropriate boundary line between those two fire districts. Pursuant to that process, those two fire departments entered into a Settlement Agreement dated May 9, 2008 (attached) which makes small adjustments to the currently used boundary line. Because the two fire districts have the same fire protection tax rate, G.S. 69-25.11(3) authorizes the board of commissioners to relocate the boundary lines as agreed to in that Settlement Agreement upon petition of the "fire protection commissioners" and the boards of directors of the fire departments, after a public hearing. The board of commissioners is the governing board and the "fire protection commissioners" of the two fire districts.

ACTION: Approve petition to relocate boundary line between those two districts as agreed to in the referenced Settlement Agreement, and as board of commissioners call a public hearing on June 16, 2008 to consider relocation of boundary line between those two districts as agreed to in the referenced Settlement Agreement.

- F. Approval of Adoption of a Resolution recognizing Mr. Thornton Rose (outgoing member of the FTCC Board).

ACTION: Adopt Resolution

RESOLUTION OF RECOGNITION

Acknowledging the significant role played by Fayetteville Technical Community College in the Cumberland County community, and the role of the FTCC Board of Trustees in guiding that institution to success, and the extraordinary leadership exhibited by Trustee Thornton Rose for 46 years, we the Cumberland County Board of Commissioners hereby RESOLVE:

WHEREAS, Thornton W. Rose was one of the initial visionaries recognizing the need for a local job training and educational opportunity for high-school graduates and other adults and

WHEREAS, Thornton W. Rose was instrumental in establishing the Fayetteville Area Industrial Education Center, the forerunner of today's Fayetteville Technical Community College and

WHEREAS, Thornton W. Rose was appointed to the first Board of Trustees, contributing to the establishment of policy and long-range plans, and

WHEREAS, Thornton W. Rose has been steadfast in focusing on the need for the institution to prepare a workforce, and

WHEREAS, Thornton W. Rose has served as a Trustee, Vice-Chairman of the Board of Trustees and Chairman of the Board of Trustees, representing the institution with pride and bringing great credit to FTCC; and

WHEREAS, Thornton W. Rose has demonstrated to local leaders a positive image that reflects well on FTCC as a school deserving of the community's support;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Cumberland County Board of Commissioners expresses deep appreciation for the contributions Thornton W. Rose has made to the greater Cumberland County community. Our heartfelt thanks and best wishes are extended to him.

- G. Approval of Resolution in Support of Continuation of Criminal Justice Partnership Program Funding.

ACTION: Adopt Resolution

RESOLUTION IN SUPPORT OF CONTINUATION OF CRIMINAL JUSTICE PARTNERSHIP PROGRAM FUNDING

WHEREAS, Criminal Justice Partnership Program (CJPP) funding has been removed from the state continuation budget and is now subject to continuation review; and

WHEREAS, the non-recurring status of CJPP funding and subsequent continuation review will delay the annual appropriation and may result in the loss of qualified professional personnel or cause county government to discontinue participation due to uncertain funding; and

WHEREAS, since 1995, the State of North Carolina and county government have been partners in providing effective and necessary community correction program assistance for the supervision of adult criminal offenders; and

WHEREAS, the CJPP funding programs of Cumberland County have enabled the creation of a Day Reporting Center and complimentary programs; and

WHEREAS, in accordance with legislative mandates, the Cumberland County CJPP local advisory board is comprised of representatives of law enforcement, the legal community, program agencies and the public; and

WHEREAS, the Cumberland County CJPP diligently carries out its charge of providing educational assistance, substance abuse treatment, vocational and life skills programs; and

WHEREAS, the loss of CJPP services in Cumberland County will result in increased probation revocations, additional admissions to the prison system and a lack of treatment alternatives for criminal offenders,

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners strongly endorses full reinstatement of funding for the Criminal Justice Partnership Program to the continuation budget by the North Carolina Legislature.

- H. Approval of Resolution to Adopt Groundwater Contamination Corrective Measure at Closed Portion of Ann Street Landfill and to Amend the Financial Assurance Requirements for Post-Closure of the Landfill.

ACTION: Adopt Resolution

**A RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS
ADOPTING A GROUNDWATER CONTAMINATION CORRECTIVE MEASURE AT
THE CLOSED PORTION OF THE ANN STREET LANDFILL AND AMENDING THE
FINANCIAL ASSURANCE REQUIREMENTS FOR POST CLOSURE OF THE
LANDFILL**

WHEREAS, Cumberland County, herein referred to as COUNTY, owns and operates a facility for disposal of solid waste known as the Ann Street Landfill, herein referred to as LANDFILL; and

WHEREAS, a portion of the LANDFILL has been closed out in accordance with North Carolina Solid Waste Section Rules in effect at the time of closure; and

WHEREAS, the COUNTY is required to monitor groundwater and assess potential contamination at the LANDFILL; and

WHEREAS, the COUNTY, through its engineering consultant, Camp, Dresser & McKee, herein referred to as CDM, has submitted a report to the Solid Waste Section in accordance with its Rule .1635 on groundwater monitoring and assessment of corrective measures for the LANDFILL dated August 2007; and

WHEREAS, the COUNTY conducted a public information meeting on February 11, 2008, to review the results of the corrective measures assessment and receive public comment prior to the selection of a remedy; and

WHEREAS, CDM has recommended Monitored Natural Attenuation has the preferred corrective measure alternative due to its effectiveness and relative low cost when compared with other alternatives; and

WHEREAS, the COUNTY is required to amend its Financial Assurance Mechanism for closure and post closure costs for the LANDFILL, which is the Solid Waste Enterprise Fund, to include those costs associated with the recommended corrective measure alternative estimated to be \$153,000 over 30 years.

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that the COUNTY adopts Monitored Natural Attenuation as the preferred groundwater contamination corrective measure alternative and amends its Financial Assurance Mechanism for closure and post closure costs for the LANDFILL to include the costs associated with said corrective measure alternative.

I. Budget Revisions:

ACTION: Approve

1. Health Department

Maternity Clinic: Revision in the amount of \$12,500 to budget additional revenue expected to be earned to fund contract with Cape Fear Valley Hospital. (B08-337) **Funding Source - Fees**

(2) Elections/General Government Other

Revisions in the amount of \$83,544 to reallocate budgeted expenditures to cover anticipated expenses for a second primary. (B08-340 and B08-340A) **Funding Source - Reallocation of Budgeted Expenditures**

(3) Library

Revision in the amount of \$2,114 to reallocate budgeted expenditures and to budget additional fees to fund purchase of additional books and periodicals. (B08-342) **Funding Source – Reallocation of Budgeted Expenditures and Fees**

(4) Workforce Development Center

- a. WDC Adult: Revision in the amount of \$91,662 to reduce revenue and expenditures to realign the County budget to actual State appropriations. (B08-348) **Funding Source – State**

- b. WDC Youth 70%: Revision in the amount of \$24,204 to decrease revenue and expenditures to realign the County budget to actual State appropriations. (B08-349) **Funding Source – State**
- c. WDC Youth 30%: Revision in the amount of \$64,866 to decrease revenue and expenditures to realign the County budget to actual State appropriations. (B08-350) **Funding Source – State**

(5) Tax Administration

Revision in the amount of \$55,000 to appropriate deferred maintenance/renovation fund balance to fund completion of renovations to the Tax Mapping section. (B08-343) **Funding Source- Deferred Maintenance/Renovation Fund Balance**

(6) Civic Center

Revision in the amount of \$71,000 to comply with new compensatory time policy. (B08-345) **Funding Source – Civic Center Fund Balance**

(7) Eastover Sewer Project

Revisions in the amount of \$1,189,576 to budget change order (\$1,189,726) and reimburse Eastover Sanitary District Administration Fund (\$49,850) using contingency (\$50,000) and new North Carolina Clean Water Management Trust Grant (\$1,189,576). (B08-346 and B08-346A) **Funding Source – Reallocation of Budgeted Expenditures and Grant**

ITEMS OF BUSINESS

2. Nominations to Boards and Committees

A. Animal Control Board (2 Vacancies)

Vacancies: Carol Langdon and Linda Lewis have resigned. The Fayetteville City council has made the following recommendations for the two positions: Rose Marie Bonavia, Leon A. Goldstein, Juanita Gonzalez and Eddie L. Hollingsworth.

Nominee: Rose Marie Bonavia

B. Board of Adjustment (1 Vacancy)

Vacancy: Steve Burnett has resigned. The Board of Adjustment recommends that Carrie Tyson-Autry fill this position.

Nominee: Carrie Tyson-Autry

C. Equalization & Review Board (1 Vacancy)

Vacancy: George Turner has resigned and Aaron Donaldson (Tax Administrator) has asked that David Dauria fill the unexpired term of this position.

Nominee: David Dauria

D. Workforce Development Board (1 Vacancy)

Vacancy: Michael E. Axelrod has resigned due to relocation and the Workforce Development Board has requested that Brad Loase fill this position.

Nominee: Brad Loase

3. Appointments to Boards and Committees

MOTION: Commissioner Council moved to appoint the nominees in item 3A-F and 3H-I

SECOND: Commissioner Melvin

VOTE: Unanimous

MOTION: Commissioner Wheatley moved to reappoint Roy Turner under 3G.

SECOND: Commissioner Council

VOTE: Unanimous

MOTION: Commissioner Wheatley moved to appoint Walter Clark under 3G.

SECOND: Commissioner Melvin

VOTE: FAVOR: Commissioners Blackwell, Wheatley, Melvin, Edge & Henley
AGAINST: Commissioners King and Council

A. ABC Board (2 Vacancies)

Nominees: Stephen T. Horne, Jr. (Reappointment)
Valerie Wynne-Hall (Reappointment)

B. Criminal Justice Partnership Advisory Board (5 Vacancies)

Nominees:

Victim Services Program Representative: Sharon Wright Hucks
(Reappointment)

Probation Officer/Assistant JDM: Wayne Marshburn (Reappointment)
Jonette Quenum (Reappointment)

Sheriff or Designee: Major John McRaine (Reappointment)

Substance Abuse Service Representative: James Miller (Reappointment)

C. Cumberland County Emergency Planning Committee (4 Vacancies)

Nominees:

Law Enforcement Representative:

Sgt. Erwin Montgomery (Highway Patrol)
Charles F. Kimble (Fayetteville Police Dept.)

At Large Representative: Bill Cross

Utilities Representative: Suzanne Rohrs

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

Nominee: David McCune.

E. Nursing Home Advisory Board (1 Vacancy)

Nominee: Stephanie Hodges (Reappointment)

F. Parks and Recreation Advisory Board (4 Vacancies)

Nominees: Tom Cain (Reappointment)
John Goetke (Reappointment)
John Pone, Sr. (Reappointment)
Dean Smelcer, Jr. (Reappointment)

G. Planning Board (2 Vacancies)

Nominees: Walter Clark
Ken Arnold
Roy Turner (Reappointment)

H. Social Services Board (1 Vacancy)

Nominee: Chet Oehme (Reappointment)

I. Storm Water Advisory Board (1 Vacancy)

Nominee: Dennis Gould (Reappointment)

4. Closed Session Attorney-Client Matter
NCGS 143-318.11 (A) (3)

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

SECOND: Commissioner Council

VOTE: Unanimous

MOTION: Commissioner Melvin moved to go back into Open Session

SECOND: Commissioner Council

VOTE: Unanimous

MEETING ADJOURNED