

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
NOVEMBER 17, 2008
REGULAR/REZONING MEETING

PRESENT: Chairman Breeden Blackwell
Commissioner Kenneth Edge
Commissioner John T. Henley, Jr.
Commissioner Billy R. King
Commissioner Ed Melvin
Commissioner Diane Wheatley
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Asst. County Manager
Cliff Spiller, Asst. County Manager
Grainger Barrett, County Attorney
Harvey Raynor, Deputy County Attorney
Marie Colgan, Deputy Clerk
Tom Lloyd, Planning/Inspections Department Director
Sara VanderClute, PIO
Marsha Fogle, Clerk

ABSENT: Vice Chair Jeannette Council

INVOCATION - Commissioner Breeden Blackwell, Chairman

PLEDGE OF ALLEGIANCE – Jacob Twaddell, Third Grade, Gallberry Elementary School

Special Recognition: Cumberland County Cares – Dr. Dawn Holt – Scarves for the Special Olympics

Recognition of Outgoing Board Member: William E. Tew, Jr., Farm Advisory Board

PUBLIC COMMENT PERIOD (6:45 PM – 7:00 PM)

Speakers: No speakers

1. Presentation by Mr. Jim Konneker, Chairman of the Local BRAC Project Committee.

Jim Konneker updated the Board regarding the Local BRAC Project Committee and the Army's Army. He noted there are currently 914 volunteers in the Army's Army. He said it is the only volunteer organization to pledge its support to the military and its families. The objective of the Army's Army is to convince families that Fayetteville-Cumberland County is the place for them – first Sanctuary for the Military in the United States. A new website has been launched – Fayettevillewantsyou.com which provides information to anyone regarding our community, whether they be military newcomers or others. Mr. Konneker noted that this marketing initiative will come under the control of the Fayetteville Area Convention and Visitors Bureau. The association with the FACVB will give longevity to this effort.

2. CONSENT AGENDA

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

SECOND: Commissioner King

VOTE: UNANIMOUS

- A. Approval of minutes for the November 3, 2008 regular meeting.

ACTION: Approve

- B. Approval of Proposed Changes in the Health Department Vaccine Administration Fees.

BACKGROUND: NC Medicaid has mandated the following changes to Vaccine Administration Fees as follows:

CPT Code: 90471/90465; One Vaccine, Current Fee - \$17.25, Medicaid Reimbursement - \$17.25; Proposed Fee: \$18.00

CPT Code: 90472/90466; Each Two or more Vaccines, Current Fee - \$9.71; Medicaid Reimbursement - \$9.71; Proposed Fee - \$10.00

ACTION: Approve

- C. Approval of Report on Formal Bid Awards Less than \$100,000 Approved by Management.

BACKGROUND: The County Purchasing Policy delegates authority to the County manager to award formal bids for purchases of \$100,000 or less. To assure an adequate public record is maintained, management periodically submits a report to the Board for inclusion into the Minutes listing the purchases approved by management pursuant to the Policy. The following bids were awarded for the Solid Waste Department:

Wastequip: \$81,032

- D. Approval of Assignment by Acquisition of Centerplate Food Services Concession Contract at the Cumberland County Crown Coliseum to Kohlberg & Company, LLC.

BACKGROUND: Service America Corporation, dba Centerplate, currently has the concession franchise at the Crown Center under a contract dated July 14, 2007. Centerplate is being merged into and will become a wholly-owned subsidiary of an affiliate of Kohlberg & Company LLC. Centerplate has requested that the County consent to this transaction. Rina Teran, Vice President and General Counsel of Centerplate has confirmed that after the merger and its acquisition by

Kohlberg that Centerplate will continue to be subject to and honor all its contractual obligations under its concessionaire contract for the Crown Center. She also advised that Centerplate management will remain in place after the transaction.

ACTION: Approve and consent to assignment by acquisition of Centerplate food services Concession Contract at the Crown Center by affiliate of Kohlberg & Company and authorize the Chairman to sign consent on behalf of the County.

E. Budget Revisions:

ACTION: Approve

(1) Health

Breast and Cervical Cancer Control Program – Revision in the amount of \$34,637 to budget additional state funding. (B09-205) **Funding Source – State**

(2) Pre-Trial Release

Revision in the amount of \$10,000 to recognize revenue received from the City of Fayetteville for GPS program. (B09-206) **Funding Source - Miscellaneous**

(3) Emergency Addressing

Revision in the amount of \$2,500 to recognize revenue received from the Board of Education for web mapping software. (B09-212) **Funding Source – Miscellaneous**

(4) Information Services/Emergency Telephone System

Revision in the amount of \$63,095 to request new Server Systems Administrator position to be located in the Information Services Department to support the expanded requirements of the Emergency 911 system to be funded by State E911 funds. (B09-201 and B09-201A) **Funding Source – State**

(5) Emergency 911

Revision in the amount of \$24,050 to appropriate fund balance for additional digital logging recorder system. (B09-213) **Funding Source – Emergency 911 Fund Balance**

(6) Social Services

Revision in the amount of \$483,767 to recognize additional revenue for crisis intervention. (B09-218) **Funding Source – State**

- F. Approval of Change Order G-2 for M&E Contracting – Life Safety Improvements For Ann Street Landfill Baling Facility.

BACKGROUND: On August 4, 2008, the Board of Commissioners awarded a contract to M&E Contracting in the amount of \$240,699.00 for the Life Safety Improvements Project at the Ann Street Landfill Baling Facility. The scope of the work included repair to the automatic sprinkler system, fire alarm system, electrical system and other improvements at the baling facility required by the Fire Marshal's Office for continued use of the building. Change Order G-2 in the amount of \$42,274.13 is for additional work required by the City Fire Marshal's Office as well as replacement of defective plumbing, electrical and fire sprinkler system components that were not discovered until work began on the project. Change Order G-1 in the amount of \$16,778.27 was approved by the County Manager and funded from the contingency established by the Board at the time of bid award.

ACTION: Approve Change Order G-2 in the amount of \$42,274.13, increase the total contract amount to \$299,751.40 and approve associated budget revision B09-219.

3. PUBLIC HEARINGS

Uncontested Cases

Rezoning

- A. Case P08-52. Rezoning of 1.64+/- acres from A1 Agricultural to R15 Residential, or to a more restrictive zoning district, located at 2463 Cedar Creek Road, submitted by Brady L. Rufenacht, owned by Watermark Homes Inc.

The Planning Board recommends approval of R20.

Public Hearing: There were no speakers

MOTION: Commissioner Melvin moved to approve R20.
SECOND: Commissioner King
VOTE: UNANIMOUS

- B. Case P08-53. Rezoning of .55+/- acres from M(P) Planned Industrial/Conditional Use District (to allow storage of explosive materials) and Permit to A1 Agricultural, or to a more restrictive zoning district, located at 315 Magnolia Church Road, owned by Larry W. Hall.

The Planning Board recommends approval of A1.

Public Hearing: No speakers

MOTION: Commissioner Henley moved to approve A1.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

Conditional Use District Case

(Modifying previously approved “district” only, approved permit is not affected)

- C. Case P08-54. Rezoning of .52+/- acres from MXD Mixed Use Development/CUD Conditional Use District & Permit to R7.5 Residential and R10 Residential to MXD Mixed Use Development/CUD Conditional Use District & Permit, or to a more restrictive zoning district, located on the south side of Elk Road, west of Pinewood Drive, owned by Fayetteville Christian Schools, Inc.

The Planning Board recommends approval.

Public Hearing: No Speakers

Upon finding the request to be reasonable neither arbitrary nor unduly discriminatory and in the public interest the following motion was offered:

MOTION: Commissioner King moved to approve.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS

Conditional Use District & Permit Case

- D. Case P08-40. Rezoning of 0.81+/- acres from M(P) Planned Industrial/CUD Conditional Use District (to allow the manufacturing and sales of storage buildings) and Permit to C(P) Planned Commercial, or to a more restrictive zoning district, located at 5003 Marracco Drive, owned by John D. Graham & Columbia O. Blanks.

The Planning Board recommended approval of the staff recommendation to include motor vehicles sales and trailer rentals.

Public Hearing: No speakers

MOTION: Upon finding the request to be reasonable, neither arbitrary nor unduly discriminatory and in the public interest, Commissioner Melvin moved to approve the Conditional Use District.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

MOTION: Commissioner King moves that the Board of Commissioners finds that this conditional use permit application if completed as proposed and subject to the conditions recommended by the Planning Board will not materially endanger the public health and safety; will not substantially injure

the value of adjoining or abutting property; will be in harmony with the area in which it is to be located; will be in conformity with the Lane Use Plan, Thoroughfare Plan or other Plan officially adopted by the Board of Commissioners, and that it be approved.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

REGULAR AGENDA

4. Report and Recommendation of the Cumberland County Finance Committee.

BACKGROUND: Amy Cannon, Assistant County Manager for Finance, briefed the Board on the current economic conditions and their effect on the County. She noted that while it is expected that the County will meet its revenue projects for this fiscal year, this will not be enough to replace fund balance revenues used to balance the current year budget. Based on this thinking County Management and the County Finance Committee, which met on 11-12-08, recommend the following actions be taken:

- delay hiring for 120 days from pay out unless there will be an undue negative impact on County operations, then re-evaluate position after 120 days; also prohibit/restrict use of overtime and encourage the use of comp time versus paid overtime where practical;
- discontinue budgeting department unrecognized discretionary revenue;
- delay transfers from the General Fund to year-end where feasible;
- accelerate transfers to the General Fund when practical;
- restrict the use of fund balance for new initiatives;
- delay transfer of savings from Foster Care rate change to Water & Sewer Fund;
- freeze or reduced the number of vehicles purchased;
- reduce/restrict travel especially out of state;
- reduce supplies and freeze furniture/equipment purchases to include computers; and
- explore opportunities for 4-day work week.

Management had a meeting with department heads following the Finance Committee meeting and relayed to them the Manager's proposals as noted above.

MOTION: Commissioner Henley moved to ratify the above proposals.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

5. Report on Parks & Recreation Bond Referendum and Funding Options for Joint Projects.

BACKGROUND: The Board of Commissioners, at its June 16, 2008 meeting, directed management to report back in November regarding a Parks and Recreation Bond issue and options for funding. City and County Staff have met and agree that the timing is not right for a bond referendum in the foreseeable future. Further, County staff believes there is a need for a unified method of funding both the County and City Parks and Recreation operations in order to facilitate a true consolidation of operations. Currently the City operates the County recreation

district separate from the City system. This is due to dedicated funding from the Parks and Recreation Tax District for the County program and the need to account for the funds separately.

ACTION: Authorize Management to pursue with City management, development of a funding model that would not increase the current tax rate of the City or County, but perhaps would create a unified funding method.

MOTION: Commissioner Henley moved to approve the action noted above.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

6. Nominations to Boards and Committees

A. Adult Care Home Community Advisory Committee (2 Vacancies)

Vacancies: Rev. Nanette Tomlinson-Knoell has resigned due to health issues and Dr. Claudett Tompkins needs to be replaced because of absences.

Nominees: Sandra Ebron and Cassandra Haire

B. Board of Health (3 Vacancies)

Vacancies: The following will complete their first term and are eligible for reappointment:

Cureton Johnson – General public representative

Tom Nicholson – Pharmacist

Dr. Cynthia Norris – Physician

Nominees: Cureteon Johnson, reappointment

Tom Nicholson – Pharmacist

Dr. Cynthia Norris - Physician

C. Fayetteville Area Convention & Visitors Bureau (2 Vacancies)

Vacancies: Chintan Patel (hotels/motels under 100 rooms) – eligible for reappointment; however, the FACVB has requested he be moved into the slot previously held by Cam Stout (hotels/motels over 100 rooms). FACVB recommends that Dan Roberts with Wingate Inn be appointed to fill the Patel slot.

Nominees: Chintan Patel – hotels/motels over 100 rooms

Dan Roberts – hotels/motels under 100 rooms

D. Human Relations Commission (1 Vacancy)

Vacancy – Jowe Yopez was appointed to the HRC on October 6. He has not responded to our letter regarding his appointment and his contact information is no longer correct. Another nominee is needed to fill the vacant position.

Nominee: Elvin McNeill

E. Mental Health Board (2 Vacancies)

Vacancies: Luis Collazo (citizens organization/primary consumer); and Rev. Floyd Johnson, Jr. (professional representative) will complete their first terms. Both are eligible for reappointment.

Nominees: Luis Caollazo - reappointment
Rev. Floyd Johnson, Jr. - reappointment

F. Minimum Housing Appeals Board (1 Vacancy)

Vacancy – Louis King (alternate member) completing first term and is eligible for reappointment.

Nominee: Louis King

G. Nursing Home Advisory Board (1 Vacancy)

Vacancy – Lora Watson has resigned. Replacement needed.

Nominee: Marilyn Homer

H. Transportation Advisory Board (2 Vacancies)

Vacancies: Victor Sharpe (City of Fayetteville representative) and Tom Lloyd, (County Planning/Inspections Department Representative) have both completed their second term. Adolphus Thomas and Cecil Combs, respectively, have been recommended to fill these slots.

Nominees: Adolphus Thomas – City of Fayetteville Representative
Cecil Combs – County Planning/Inspections Department Representative

7. Appointments to Boards and Committees

MOTION: Commissioner Edge moved to appoint the nominees in A&B by acclamation.
SECOND: Commissioner King
VOTE: UNANIMOUS

A. Board of Adjustment (1 Vacancy)

Nominee: Alternate Member: William Lockett Tally

B. Cumberland County Emergency Planning Committee (1 Vacancy)

Nominee:
Operators of Facilities Representative:

Catherine Grazioli (Safety Manager – Hexion Specialty Chemicals)

8. Closed Session:
- A. Personnel Matter(s) Pursuant to NCGS 143-318.11(a)(6).
 - B. Attorney-Client Matter – NCGS 143-318.11(a)(3)

MOTION: Commissioner Edge moved to go into Closed Session for the above noted matters.
SECOND: Commissioner King
VOTE: UNANIMOUS

MOTION: Commissioner Henley moved to go into Open Session.
SECOND: Commissioner King
VOTE: UNANIMOUS

MEETING ADJOURNED: 8:10PM

Clerk to the Board