

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
OCTOBER 6, 2008, 9:00AM
REGULAR MEETING

PRESENT: Chairman Breeden Blackwell
Vice Chair Jeannette Council
Commissioner Kenneth Edge
Commissioner John T. Henley, Jr.
Commissioner Billy R. King
Commissioner Edward G. 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 County Clerk
Marsha Fogle, Clerk
Sara VanderClute, PIO

INVOCATION Commissioner Jeannette Council, Vice - Chairman

Pledge of Allegiance

Special Presentation of Government Finance Officer's Association Award – Certificate of Achievement for Excellence in Financial Reporting to Ms. Amy Cannon, Assistant County Manager

Special Recognition: Angie Cunningham, Cumberland County Print Shop
2008 NACIO Award of Excellence

Special Recognition: Heather Erickson – 2008 Bronze Medal – World Organization Volleyball for Disabled – Intercontinental Cup in Ismailia, Egypt and 2007
Silver Medal – Sitting Volleyball Invitational in Shanghai, China (to be rescheduled)

1. Public Hearing on the North Carolina Department of Transportation, Division of Highways 2008-2009 Secondary Roads Improvement Program for Cumberland County.

The purpose of the public hearing is to receive public comment on the proposed 2008-09 Secondary Roads Improvement Program for Cumberland County. Mr. Christopher McGee, NCDOT District Engineer, reviewed the program as follows:

FY2008-09 Anticipated Allocation

Highway Fund:	\$1,267,111.62
Trust Fund:	\$ 325,988.25
Funds from Project Underruns:	\$ 391,900.00
TOTAL	\$1,984,999.87

I. Rural Paving Priority - 2.45 Miles

Priority 6 – SR 1707, 1.90 miles, Carlos Road (from SR 1706 to SR 1700)	\$500,000
Priority 3 – SR 1821, 0.55 miles, Kennel Road, (from begin pvmt)	\$290,000

II. Secondary Road Improvements

SR 2010 – Full depth reclamation to restore typical section	\$420,000
SR 2013 – 2 ft. paved shoulder & surface treatment – bus & truck traffic	\$317,000

III. Funds reserved for surveying/r/w acquisition, road additions contingencies
Overdrafts, & paving entrances to certified fire depts., rescue squads: \$457,999.87

GRAND TOTAL: \$1,984,999.87

ACTION: Approve the Secondary Roads Program for FY2008-09

The Chairman opened the public hearing.

SPEAKERS: None

The Chairman closed the public hearing.

MOTION: Commissioner Edge moved to approve the FY09 Secondary Roads Program as presented.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

2. Hearing on Taxpayer's Request for a Refund for Overpayment of Excise Tax Pursuant to NCGS 105-228.37.

BACKGROUND: Attorney William Clark filed a written request to be refunded the County's portion of excise taxes paid twice when a deed was inadvertently recorded on two different occasions. The excise tax was \$600 and the County's portion was \$300.

The Chairman opened the Public Hearing.

SPEAKER: Harvey Raynor, Deputy County Attorney – Mr. Raynor explained that the deed was recorded twice, by mistake. He asked the Board to approve the refund in the amount of \$300 per NCGS 105-228.37.

ACTION: Approve the refund.

MOTION: Commissioner King moved to approve the refund as recommended.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

3. 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 September 15, 2008 regular meeting.

ACTION: Approve

- B. Approval of Health Department's Proposed 2008-2009 Vaccine Fee Schedule.

BACKGROUND: The Board of Health, at its meeting on September 16, 2008, approved the following vaccine fee schedule, which brings the fees in line with the costs, compliance with State guidelines and the Medicaid reimbursable rates. SEE ATTACHMENT A

ACTION: Approve

- C. Approval of Health Department's Delinquent Accounts to be Written Off and/or Turned Over to Collectors.

BACKGROUND: The Board of Health at its meeting on September 16, 2008 approved writing off a total of \$49,485.50 as bad debts. Family Planning accounts in the amount of \$5,880.98 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 amount to be sent to the collection agency is \$43,604.56.

ACTION: Approve the write off of bad debt in the amount of \$49,485.50 and turn over to the collection agency the amount of \$43,604.56 for collection.

- D. Approval of Relocation of the McKay-McNeill Cemetery from McCormick Farm to the Eureka Church Cemetery.

BACKGROUND: A family cemetery, the McKay-McNeill Cemetery, is located on tract 10, McCormick Farms, near Spring Lake. The property is being leased by McCormick Farms to Martin Marietta Corporation and will be quarried. The quarry will adversely impact the cemetery. An archaeological consulting firm was hired to determine the bounds of the cemetery, map graves, and act as the owner's representative at all public meetings and local government procedures. The firm located 11 graves, nine marked and two unmarked. McCormick Farms Limited Partnership, the landowner, seeks permission to relocate the graves to the Eureka Church Cemetery. The proposed move has been advertised for four consecutive weeks in the Fayetteville Observer. McCormick Farms Limited Partnership will assume all expenses involved in the move. The move will be supervised by R. Ward Sutton Cemetery Services of Rocky Mount, NC. Pursuant to NCGS 106 (g), the disinterment, removal and re-interment must be made under the supervision and direction of the Board of Commissioners.

ACTION: Approve the request to relocate the cemetery (described in County Deed Book 4435, Page 603) to Eureka Church Cemetery and adopt Resolution authorizing same.

Resolution Authorizing the Relocation Of the McKay - McNeill Cemetery

Whereas, an abandoned cemetery, known as the McKay-McNeill Cemetery, is located on a parcel 2100 feet north of SR 1600 and 2800 feet east of the Little River on McCormick Farm (County Deed Book 4435 Page 603) that will be affected by planned development of the property; and

Whereas, McCormick Farm has selected the Eureka Church Cemetery for re-interment which would allow the graves, if relocated, to receive regular maintenance; and

Whereas, North Carolina General Statute § 65-106 (a)(4) allows for the disinterment, removal and re-interment of abandoned graves by landowners after securing permission of the governing body in the county in which such abandoned cemetery is located,

Now, therefore, the Cumberland County Board of Commissioners does hereby give permission to relocate the McKay-McNeill Cemetery to the Eureka Church Cemetery pursuant to a relocation plan prepared by Of Grave Concerns and supervised by R. Ward Cemetery Services of Rocky Mount, NC.

- E. Approval of Bid Award for Cumberland County Central Library, Cliffdale Library, and Board of Elections Roof Replacement Projects.

BACKGROUND: Bids were received on September 23, 2008 for the above referenced projects. The scope of work includes roof removal and replacement on all three buildings. The form of proposal required the contractor to indicate a separate bid for each building; however, one contract will be awarded for all the buildings. An alternate bid was taken for re-caulking the pre-cast panel expansion joints on the Cliffdale Library. Curtis Construction was the apparent low bidder but requested that its bid be withdrawn because of a mathematical error. The next low base bid was submitted by Owens Roofing in the amount of \$504,724; with the alternate 1 bid being \$5,000. The total bid was \$509,724. In addition to the low base bid and alternate bid, a 5% contingency in the amount of \$25,500 is requested.

ACTION: Accept the bids, grant the request from Curtis Construction to withdraw its bid and award the bid to Owens Roofing, Inc. in the total amount of \$509,724, and establish a project contingency in the amount of \$25,500 to be used for justifiable scope changes recommended by the County Engineer and approved by the County Manager.

- F. Approval of Bid Award for Mental Health Crisis Stabilization Building Roof Replacement and Repairs at Roxie Center Avenue.

BACKGROUND: Bids were received on the above noted project. The low base bid was submitted by Owens Roofing, Inc. in the amount of \$180,657. Alternate 1 bid amount is \$6,200. Total Bid is \$186,857. Bid contingency in the amount of \$9,300 is requested.

ACTION: Accept the bids, award the contract to Owens Roofing in the total amount of \$186,857 and establish a contingency in the amount of \$9,300 to be used for justifiable

scope changes recommended by the County Engineer and approved by the County Manager.

G. Budget Revisions:

ACTION: Approve

(1) Social Services Other

Revision in the amount of \$1,188,581 to recognize additional funding from the Division of Child Development. (B09-119) **Funding Source – State and Federal**

(2) Mid-Carolina Senior Transportation

Revision in the amount of \$30 to appropriate fund balance to provide additional medical transportation. (B09-121) **Funding Source – Fees**

(3) Sheriff

Revision in the amount of \$350,738 to recognize 2008 COPS Technology Grant to purchase digital radios. (B09-149) **Funding Source – Grant**

(4) Sheriff /Emergency Services

Revisions in the amount of \$415,725 to transfer fourteen dispatcher positions from the Sheriff's Office to Emergency Services. (B09-150 and B09-150A) **Funding Source – General Fund**

(5) Health Department

a. Laboratory - Revision in the amount of \$3,500 to appropriate Health Department fund balance to obtain a temporary phlebotomist. (B09-138) **Funding Source – Health Fund Balance**

b. Family Planning – Revision in the amount of \$47,963 to budget additional state funding for TANF and prescription medication. (B09-139) **Funding Source – State**

c. Environmental Health – Revision in the amount of \$2,900 to budget additional state funding. (B09-144) **Funding Source – State**

d. Revisions in the total amount of \$64,320 to unfund a vacant position in Maternal Care Coordination Program and create a new full time clerical position in Tuberculosis Chest Clinic and Immunization Clinic and the remainder to go into Administration for salary adjustments. (B09-147 thru B09-147C) **Funding Source – General Fund**

(6) Community Development

a. Housing Program - Revision in the amount of \$3,723 to appropriate fund balance (\$641) and roll forward prior year grant funds (\$3,082) into FY2009. (B09-141) **Funding Source – Fund Balance and Grant**

b. HOME Administration - Revision in the amount of \$1,117 to roll forward unused funds from prior years into FY2009. (B09-142) **Funding Source – Grant**

c. HOME Program/General Government Other – Revisions in the amount of \$123,194 to appropriate fund balance to

carry forward prior year match funds and correct the match requirement for the HOME grant for FY2009. (B09-143 and 143A) **Funding Source – General Fund Balance**

(7) Westarea Fire District

Revision in the amount of \$500 to cover unanticipated refunds to taxpayers. (B09-154) **Funding Source – Westarea Fire District Tax**

(8) Solid Waste-Ann Street

Revision in the amount of \$775,137 to appropriate fund balance to fund additional FY2008 landfill liability costs for closure, post-closure and groundwater remediation corrective action. (B08-415) **Funding Source – Fund Balance Appropriated**

(9) Inmate Welfare Fund

Revision in the amount of \$23,852 to appropriate fund balance to fund the purchase of inventory not previously recorded. (B08-416) **Funding Source – Fund Balance Appropriated**

ITEMS OF BUSINESS

4. Presentation of the Annual Report of the Tourism Development Authority (TDA) by Vivek Tandem, Chairman.

BACKGROUND: The TDA is required to make an annual report each year to the Board of Commissioners regarding TDA funds expended. Mr. Vivek Tandon reported the following:

For Fiscal Year ending June 30, 2008 the Occupancy Tax has netted \$4,052,396.80. Funds have been distributed as follows:

Cumberland County Crown Coliseum	\$1,013,099.25
Arts Council of Fayetteville	\$1,103,099.21
FACVB	\$ 168,849.80
TDA Discretionary Funds:	
Balance July 1, 2007 (unobligated)	\$ 324,750.55
Funds received for the fiscal year	\$ 168,849.80
Less Obligations: FSU Summer Opera Series	\$ 25,000.00
Gilbert Theater	\$ 10,000.00
Less Minimum Balance	\$ (50,000.00)
BALANCE ENDING JUNE 30, 2008 – Unobligated	\$ 408,600.35

Note: As of June 30, 2007, the TDA had the following	
Outstanding obligations: NC Civil War Trails/FACVB	\$ 12,700.00
FSU Summer Opera Series	\$ 25,000.00

NOTE: Some of the obligations mentioned above span more than one fiscal year.

Commissioner Edge inquired if it is possible to track what the county receives in return for the grants it gives for tourism. Mr. Tandon said it would be difficult to gage the return on the TDA grants. Mr. Tandon did note, in reply to a question, that there is a cap on what the TDA will give (\$25,000) and it also does not want to be used as a permanent source of income. Money is used solely for marketing, not bricks and mortar.

MOTION: Commissioner Council moved to accept the report.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS

5. Consideration of Proposed Schedule for the 2009 Property Tax Revaluation Process.

BACKGROUND: Aaron Donaldson, Tax Administrator, reviewed the 2009 Property Tax Revaluation Process Schedule of Events:

October 6, 2008	Submit proposed Schedules, Standards and Rules to the Board of Commissioners for review for the 2009 Property Tax Revaluation
October 7, 2008	Advertise proposed Schedules, Standards and Rules – available for inspection in the Tax Office
October 20, 2008	Public Hearing at Board of Commissioners meeting
November 3, 2008	Board of Commissioners adopt Schedules, Standards and Rules
November 4, 2008	First date to advertise notice that Schedules, Standards and Rules have been adopted and anyone wishing to appeal must do so to the NC Property Tax Commission in writing within 30 days
November 11, 2008	Second date to advertise. Same as above
November 18, 2008	Third date to advertise. Same as above.
November 25, 2008	Fourth and final date to advertise notice. Same as above.
December 3, 2008	Last date Schedules, Standards and Rules can be challenged to the Property Tax Commission

Mr. Donaldson reviewed the process and responded to questions from the Board concerning the valuation. He noted the following:

- (1) The purpose of the revaluation is to maintain equity and fairness (ensures all property owners are paying their fair share of property tax.
- (2) Buyers/sellers determine what the property is worth, not the appraisers;
- (3) Appraisers analyze the actions of the buyers/sellers in the market and use that information to estimate what a property would most likely sell for;
- (4) Reappraisals are completed in-house by the County's appraisal staff;
- (5) All appraisers are certified by the NC Department of Revenue; some have professional designations and several have State Appraisal Licenses;
- (6) Total parcel count for FY 2008 is 132,008;
- (7) Citizens may appeal their values by the following methods: Informal hearing, Local E&R Board, State Property Tax Commission and then to the NC Court of Appeals;
- (8) Exemptions, exclusions and deferments include the Homestead Exclusion, the Homestead Circuit Breaker, Disabled Veterans Exclusion, and Wildlife Habitat;

Commissioner King noted the importance of the public knowing the cutoff date for appeal of values. He asked that the date be printed in "bold" on the tax bills so the public will be aware of the time frame in which to appeal the value on their property.

ACTION: Direct the Tax Administrator to maintain a copy of each of the proposed Schedules, Standards and Rules in his office for public inspection, direct the Tax Administrator to publish a statement in a newspaper having general circulation in the county stating the Schedules, Standards and Rules have been submitted to the Board and are available for public inspection in the Office of the Tax Assessor, and that a public hearing on the proposed Schedules, Standards and Rules will be held on October 20, 2008 at 6:45PM.

MOTION: Commissioner Council moved to direct the Tax Administrator to maintain a copy of each of the proposed Schedules, Standards and Rules in his office for public inspection, direct the Tax Administrator to publish a statement in a newspaper having general circulation in the county stating the Schedules, Standards and Rules have been submitted to the Board and are available for public inspection in the Office of the Tax Assessor, and that a public hearing on the proposed Schedules, Standards and Rules will be held on October 20, 2008 at 6:45PM.

SECOND: Commissioner King

VOTE: UNANIMOUS

MOTION: Commissioner Council moved to approve the 2009 Use Value Manual.
SECOND: Commissioner King
VOTE: UNANIMOUS

6. Consideration of Approval of Interlocal Agreement with the City of Fayetteville Relating to the City's Recycling Program.

BACKGROUND: As a condition of obtaining the City's agreement to grant the County a MSW/C&D Franchise for a term and under terms agreeable to the County, the County agreed to enter into negotiations with the City for compensating the City for the reduction in the County's waste stream attributable to the City's recycling program. These negotiations have resulted in a staff-recommended agreement which would compensate the City at the rate of \$30.00 for every verifiable ton of waste diverted from the County's waste stream due to the recycling program in fiscal year 08-08 (estimated in the \$225,000 - \$250,000 range) and then thereafter at the rate of \$5.00, annually, per household for every household in the City limits which pays the County's solid waste fee (currently approximately 60,000 households and approximately \$300,000.00) The City would use these funds to encourage greater citizen participation in the City's recycling program by reducing its citizen's household recycling fee. The City has passed the first reading of the MSW/C&D Franchise and is scheduled to pass the second reading at its scheduled October 6 work session.

ACTION: Adopt the Interlocal Agreement subject to the City's granting of the MSW/C&D Franchise and subsequent adoption of the Interlocal Agreement

MOTION: Commissioner Edge move to follow the staff recommendation and approve.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS

7. Consideration of Authorization of County Manager and/or Assistant County Manager to Declare County-Owned Personal Property Valued at \$30,000 or Less Surplus and to Dispose of Same by Electronic Auction and to Publish Notice of Said Auction Solely by Electronic Means.

BACKGROUND: On February 4, 2008, the Board approved the sale of County surplus property through the use of the electronic auction company GovDeals.com. The transition to this system is now complete. In order to operate the program with maximum efficiency and as cheaply as possible it is desirable that the Manager and Assistant County Manager in charge of surplus property have the ability to declare property surplus. NCGS 160A-266 authorizes Boards to authorize one or more County officials to declare surplus any personal property valued at less than \$30,000 for any one item or group of items, to set fair market value and to convey title. NCGS 160A-270 AUTHORIZES Boards to conduct auctions electronically and to publish said notice of said auction solely by electronic means if give specific approval. These two actions will allow the County to auction personal property as it becomes surplus greatly reducing the County's storage and inventory cost and will eliminate the cost now associated with advertising surplus property sales in the newspaper.

ACTION: Approve publishing the notice of the electronic auction of all County surplus personal property solely by electronic means and authorize the County Manager and Assistant County Manger in charge of surplus property to declare any County personal property with a value of less than \$30,000, surplus, set the fair market value of the item or items, auction the property so declared for sale electronically on GovDeals.com and convey title to said property.

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

8. Consideration of Department of Insurance Request that Cumberland County Dissolve Linden Fire Insurance Rating Area created by the Board of Commissioners on April 2, 1990 as Submitted by Terrance P. Rielly, President of West Area Volunteer Fire Department, Inc.

BACKGROUND: On April 2, 1990 the Board of Commissioners created this Insurance Rated District because there was a gap between the Westarea and Linden Fire Districts, requiring this action to qualify property owners in that gap to receive lower insurance premiums. In the intervening years an additional fire station in the Linden Fire District

was built which ended the need for this IRD, although it was never dissolved. Westarea Fire District now services three fire districts, Westarea, Linden and Carver's Creek. The Department of Insurance requests that the County dissolve this IRD for purely administrative purposes as it now serves no practical purpose.

ACTION: Approve dissolving the Insurance Rated District as described in the "Resolution Expanding Fire Insurance Rating Area" passed at the Board of Commissioners' meeting on April 2, 1990, and send a certified copy of the Board's action to the Department of Insurance.

RESOLUTION DISSOLVING THE INSURANCE RATED DISTRICT FOR THE
LINDEN FIRE DISTRICT

BE IT RESOLVED, that the Resolution adopted April 2, 1990 is hereby rescinded and the Insurance Rated District created thereby is dissolved.

MOTION: Commissioner Edge moved to approve as recommended.

SECOND: Commissioner King

VOTE: UNANIMOUS

9. Nominations to Boards and Committees

A. Library Board of Trustees (2 Vacancies)

Vacancies: Susan Walters – eligible for reappointment
Fred Littlejohn – not eligible for reappointment. Ole Sorensen has been recommended to fill this vacant position.

Nominees: Susan Walters (reappointment)
Ole Sorensen

B. Senior Citizens Advisory Board (1 Vacancy)

Vacancy: Tom Cain was reappointed for a second term. He has indicated he will not be able to serve a second term.

Nominee: Sara Jane Hicks

10. Appointments to Boards and Committees

MOTION: Commissioner Council moved to appoint the nominees as noted below in A-D.

SECOND: Commissioner King

VOTE: UNANIMOUS

A. Human Relations Commission (1 Vacancy)

Nominee: Jose Yopez

B. Joint Senior Citizens Advisory Commission (1 Vacancy)

Nominee: Rebecca Campbell

C. Minimum Housing Appeals Board (2 Vacancies)

Nominees: Regular Members: Clyde Vaughan (Reappointment)
Alternate Members: Geri Hasapis (Reappointment)

D. Workforce Development Board (2 Vacancies)

Nominees: Private Sector: Loleta L. Wilkerson (Reappointment)
Charles Richter (Reappointment)

11. Closed Session: Attorney Client Matter – NCGS 143-318.11(a)(3)
Economic Development – NCGS 143-318.11(a)(4)

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

SECOND: Commissioner Edge

VOTE: UNANIMOUS

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

SECOND: Commissioner King

VOTE: UNANIMOUS

MOTION: Commissioner Henley moved that the Board authorize the County Manager to extend the Pratt Industries contract at the Ann Street Landfill for 60 days under the terms and financial conditions as acceptable to the County Manager.

SECOND: Commissioner King

VOTE: UNANIMOUS

MEETING ADJOURNED: 10:45AM.

Clerk to the Board