

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
DECEMBER 21, 2009 - 6:45 PM
117 Dick Street, 1st Floor, Room 118
REGULAR MEETING

PRESENT: Chairman Jeannette Council
Vice Chairman Billy R. King
Commissioner Breeden Blackwell
Commissioner Kenneth Edge
Commissioner Marshall Faircloth
Commissioner Jimmy Keefe
Commissioner Ed Melvin
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Assistant County Manager
Phyllis Jones, Interim County Attorney
Harvey Raynor, Deputy County Attorney
Sally Shutt, Communications Manager
Tom Lloyd, Director of Planning & Inspections
Tom Cooney, Public Utilities Director
Brenda Jackson, DSS Director
Marie Colgan, Clerk to the Board

INVOCATION - Lee Warren, Register of Deeds

PLEDGE OF ALLEGIANCE – Morgan Graves, Our Lady of Grace School

Recognition of Outgoing Board Member: Geneva Mixon- Transportation Advisory Board

Special Recognition of Mary Brymer and the Fayetteville-Cumberland Senior Center:

- Fayetteville-Cumberland Senior Center was awarded National Accreditation from the National Institute of Senior Centers (NISC).
- Mary Brymer, Senior Center supervisor, has been named the 2009 North Carolina Recreation & Parks Association Young Professional award winner.

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

Speaker: Clifton McNeill – Mr. McNeill commented on the process regarding the watershed item on the agenda (item 3A) stating that the Grays Creek community had very

little knowledge of the public hearing which was held in Bladen County. Mr. McNeill thanked Commissioner Melvin for holding two informational meetings in the Grays Creek area after the Public Hearing. Mr. McNeill requested that a more strenuous effort be made in getting the word out in the affected areas of the community if another public hearing regarding additional production is held. Mr. McNeill also requested that the Board secure a representative position on the Lower Cape Fear Water Authority board if water is secured from the plant for Cumberland County residents.

Mr. Lloyd, Planning and Inspections Director, advised that the Public Hearing was advertised by the State as required. Mr. Lloyd also advised that the Planning Board would like for the Board of Commissioners to pursue a representative on the Lower Cape Fear Water Authority if water is purchased.

1. Approval of Agenda.

Addition: Under Item #11 – Closed Session
Economic Development Matter pursuant to NCGS 143-318.11 (a)(4) and
Attorney-Client Matter pursuant to NCGS 143-318.11 (a)(3)

MOTION: Commissioner Blackwell moved to approve the addition to the agenda.

SECOND: Commissioner Council

VOTE: Unanimous

MOTION: Commissioner Edge moved to approve the agenda.

SECOND: Commissioner Council

VOTE: Unanimous

2. Consent Agenda

Commissioner Keefe requested that item 2F be pulled for discussion.

MOTION: Commissioner Blackwell moved to approve all consent items except 2F

SECOND: Commissioner Council

VOTE: Unanimous

A. Approval of minutes for the December 7, 2009 regular meeting.

B. Approval of Formal Bid Award to CenturyLink for E-911 Power Phones for Cumberland County Emergency Services Department.

BACKGROUND: One bid was received from Century Link (formerly Sprint) to purchase E-911 Power Phones along with a request to declare as surplus (10)

Simon positrons and authorize for trade-in for the Emergency Services Department. The bid amount of \$273,264.41 includes a \$15,000.00 trade-in allowance.

ACTION: Consider approval of the bid award to Century Link (formerly Sprint) for the purchase of E-911 Power Phones for the Cumberland County Emergency Services Department.

C. Approval of Destruction of Finance Department Records.

BACKGROUND: Pursuant to a resolution adopted by the Board of County Commissioners on February 4, 1985, the County Manager has authorized destruction of certain Finance Department records (see below). The destruction of these records is in accordance with the Records Retention and Disposition Schedule issued by the North Carolina Division of Archives and History and adopted by the Board of County Commissioners.

Pursuant to the resolution adopted by the Board of County Commissioners on February 4, 1985, authorization is requested to destroy Finance Department records noted below. The destruction of these records is in accordance with the Records Retention and Disposition Schedule issued by the North Carolina Division of Archives and History which was previously adopted by the Board of County Commissioners.

1. Records with three-year retention requirement (dated prior to July 1, 2006).
 - a. Fiscal correspondence/memorandums.
 - b. Bank statements, canceled checks. Deposit slips, and reconciliation file.
 - c. Purchasing – request for proposals for purchase contracts, purchase orders, and requisitions.
 - d. Cash receipt report files.
 - e. Check registers.
 - f. Investment records.
 - g. Journal vouchers.
 - h. LGC financial statements.
 - i. Invoices.
 - j. Employee Earnings Record File – Local government retirement system monthly reports.
Payroll file – salaries paid and deductions file.
2. Records with two-year retention requirement (dated prior to July 1, 2007).
 - a. Employee benefits register file.
3. Records with one-year retention requirement (dated prior to July 1, 2008).
 - a. Daily journal and ledger printouts
 - b. Monthly detail reports, except June 30 which is permanent.
4. Records that have been superseded or obsolete.
 - a. Property and equipment inventory files.

ACTION: Accept the report on disposition of records and include same in minutes of the December 21, 2009 Board of Commissioners' meeting.

D. Approval of Destruction of Crown Center Records.

BACKGROUND: Pursuant to a resolution adopted by the Board of County Commissioners on February 4, 1985, the County Manager has authorized the destruction of certain Crown Center Records.

The destruction of these records is in accordance with the Records Retention and Disposition Schedule issued by the North Carolina Division of Archives and History and adopted by the Board of County Commissioners.

RECORDS TITLE	DESCRIPTION	INCLUSIVE DATES	QUANTITY	MICROFILMED? (YES OR NO)	RETENTION PERIOD
Records Title	Description	Inclusive Dates	Quantity	Microfilmed? (Yes or No)	Retention Period
Event Files	Event info, fees, records	2001 to 2003	1 box	No	One year
Ticket Stubs	Ticket stubs by event	2003 to 2004	1 box	No	Three years
Show Income Reports	Show receipts, payments	Jan 2004 to Feb 2005	1 box	No	Three years
Cash Receipts	Receipts	3/05 to 6/05	1 box	No	Two years
Event Settlements	Show receipts, settlements	1998-2004	1 box	No	Three years
Accnts Payable	Invoices, receipts	2003 and 2004	2 boxes	No	Three years
Time Cards	p/t employee time cards	2003 – 2004	1 box	No	Four years

ACTION: Accept the report on disposition of records and include same in the Board's official minutes of the December 21, 2009 Board meeting.

E. Approval of the Adoption of the State of North Carolina Records Retention and Disposition Schedule Amendment for County Sheriffs' Offices.

BACKGROUND: On September 17, 2009, the State of North Carolina Records and Retention Disposition Schedule was amended. The Sheriff's Office relies on the North Carolina Records and Retention Schedule published by the Department of Cultural Resources.

Retention and Disposition Schedule Amendment
County Sheriff's Office

Amend the records retention and disposition schedule for County Sheriff's Office by amending item 89, Sexual Offender Records, as shown on new page 64 and 64a dated September 17, 2009.

ACTION: Adopt the Amendment of the State of North Carolina Records and Retention Disposition Schedule for County Sheriffs' offices.

F. Approval of Declaration of two Harley Davidson Road King Motorcycles as Surplus and Authorize for Trade-in.

BACKGROUND: The Sheriff's office is in the process of purchasing two new 2010 Harley Davidson's for use in the Operations Division. They would like to trade in a 1998 Harley Davidson Road King (serial # 1HD1FJL1XWY631702) valued at \$6,400.00 and a 2001 Harley Davidson Road King (serial # 1HD1FHW191Y615620) valued at \$7,500.

ACTION: Approve declaring the two Harley Davidson Road King motorcycles as surplus and authorize to be used as trade-in.

Commissioner Keefe requested that a correction be made on the memo request to the Board stating that the value on the 1998 Harley was not shown. The value as indicated on the letter from Sheriff Butler shows it valued at \$6,400.00.

MOTION: Commissioner Faircloth moved to approve item 2F as corrected.
SECOND: Commissioner Keefe
VOTE: Unanimous

G. Approval of Ordinance Assessing Property for the cost of Demolition:

1) Case Number: MH5729-2008
Property Owner: Stephanie L. Baker
Property Location: 5905 St. Michaels Drive, Fayetteville, NC
Parcel Identification Number: 0454-51-5679

ACTION: Approve (Ordinance may be found in the Minimum Housing Ordinance Book.)

H. Approval of Ordinance Assessing Property for cost of Abatement of a Public Nuisance (Clean Up and Debris Removal):

1) Case Number: MH5725-2008
Property Owner: Martha Freeman
Property Location: 1646 Shaw Road, Fayetteville, NC

Property Identification Number: 0429-05-1771

ACTION: Approve (Ordinance may be found in the Minimum Housing Ordinance Book.)

I. Budget Revisions:

ACTION: Approve

(1) Register of Deeds Automation

Revision in the amount of \$100,000 to appropriate automation fund balance to contract services for the removal of sensitive information appearing on land records from the internet. (B10-194) Funding Source – Register of Deeds Automation Fund Balance

(2) Community Development –Support Housing Program Grant

Revision in the amount of \$48,035 to appropriate fund balance from rent received in the prior year from the Robin Meadow's project. (B10-192) Funding Source – Fund Balance Appropriated

(3) Juvenile Crime Prevention Council

Revision to budget a \$62,500 ARRA Gang Prevention Grant. JCPC will contract with the Fayetteville Urban Ministry to hire 1.5 FTEs to administer the after school program to at risk youth. (B10-200) Funding Source – ARRA Funds

(4) Sheriff

Revision in the amount of \$7,798 to establish two new CrossingGuard/Traffic Control Officer positions for Raleigh Road Elementary School. (B10-201) Funding Source – BOE

3. Public Hearings

Amendment to Cumberland County Code of Ordinances

A. Watershed Protection Map Amendment

Case P09-50. Revision and amendment to the Cumberland County Code of Ordinances, Appendix C, Water Supply Watershed Management and Protection Ordinance, amending the *Watershed Protection Map of Cumberland County, North Carolina* by reflecting the recent re-classification of the extreme southern Cumberland County portion of the Cape Fear River (including tributaries) from Class C to Class WS-IV waters, affecting

properties in the lower Grays Creek and southwestern Turnbull areas of the County.

The Planning Board recommends approval of the revision and amendment to the Cumberland County Code of Ordinances amending the Watershed Protection Map of Cumberland County, North Carolina with the recommendation that a Cumberland County representative be appointed to the Lower Cape Fear Water Authority. (Revised and amended Ordinance may be found in the Cumberland County Code of Ordinances book.)

Mr. Lloyd introduced his staff members that help with all that is involved in the various cases that are presented to the Board. Mr. Lloyd advised that the affected area is 16,280 acres and that 1,130 notices were mailed. The Planning Board did recommend approval but wanted some thought given to have representation on the Lower Cape Fear Water Authority due to the volume of land involved. Mr. Lloyd introduced Don Betz the Executive Director of the Lower Cape Fear Water & Sewer Authority who gave background information on the Authority. It was created and incorporated in 1970 by the City of Wilmington and New Hanover County. It was later joined by several other counties, including Bladen County, and each county has two members represented on their Board. Construction of a water treatment plan in Bladen County is expected to be completed in 2 years which will meet the needs of the Smithfield Meat Packing facility, but also lends a unique opportunity for Cumberland County to secure dependable and reliable drinking water when it reaches the needed capacity. Mr. Betz also believes that there may still be a possibility for Cumberland County to be a part of the project while it is still in the construction phase, possibly through USDA, but the process takes time. Discussion ensued regarding the possibility of securing representation on the Authority and it was agreed that Mr. Betz would work with County Manager Martin regarding the process to request the addition of a member from Cumberland County on their Authority.

The Chairman opened the public hearing.

Speakers:

Carliss Sweatt – Mr. Sweatt stated he lives in Grays Creek and that he has had problems with high iron, magnesium and zinc in his well water. Mr. Sweatt feels that there is no good water in Cumberland County and is in favor of the watershed amendments as he is looking forward to getting good water from Bladen County.

Donovan McLaurin – Mr. McLaurin is in favor of the changes to the watershed, but has concerns regarding the public not being aware of the public hearing.

The Chairman closed the public hearing.

MOTION: Commissioner Council moved to follow the recommendation of the Planning Board to revise and amend the Watershed Protection map of the Cumberland County Code of Ordinance as stated, with the added

inclusion of future discussions on a representative being added to the Lower Cape Fear Water & Sewer Authority.

SECOND: Commissioner Blackwell

VOTE: Unanimous

Contested Rezoning Case

- B. Case P09-51. Rezoning of 1.28+/- acres from CD Conservancy and R6A Residential to C2(P) Planned Service and Retail, or to a more restrictive zoning district; located between SR 1118 (Parkton Road) and NC HWY 59 (South Main Street), across from SR 1125 (Porter Road) intersection; submitted by Neal Wyce; owned by David and Claire McMillan.

The Planning Board recommends denial of the C2(P) Planned Service and Retail district.

The Chairman opened the Public Hearing.

Mr. Lloyd presented information on the case, stating that the Planning Board and staff had recommended denial based on inconsistencies with the location criteria as no water and sewer are available, there are unsafe situations caused by traffic congestion and it is not consistent with the 2030 Comprehensive Plan.

No comments were offered by Mr. William H. Fairley, the only speaker signed up, as he was opposed and the recommendation was to deny.

MOTION: Commissioner Council moved to approve denial of C2(P) Planned Service and Retail District

SECOND: Commissioner Edge

VOTE: Unanimous

Other Public Hearings

- C. Public Hearing on Taxpayers Request for a Refund for Overpayment of Excise Tax Pursuant to NCGS 105-228.37.

BACKGROUND: C.F. Pearce, Jr., General Manager of CMH Homes, Inc., has filed a written request to be refunded the County's portion of excises taxes paid when deed was inadvertently recorded in Cumberland County which should have been recorded in Harnett County. The excise tax paid was \$29.00 and the County's portion was \$14.50

ACTION: Hold the hearing required by the statute and refund the County portion, \$14.50, to CMH Homes, Inc.

The Chairman opened the Public Hearing. No Speakers. The Chairman closed the Public Hearing.

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

SECOND: Commissioner Faircloth

VOTE: Unanimous

Items of Business

4. Presentation of the FY 2009 Annual Audit by Michelle Loyd Thompson, CPA, Partner, Cherry, Bekaert and Holland, L.L.P.

BACKGROUND: The annual audit has been completed by the independent certified public accounting firm of Cherry, Bekaert and Holland. Mrs. Michelle Loyd Thompson, Partner, with Cherry, Bekaert & Holland, L.L.P., is prepared to present the result of the annual audit to the Board of County Commissioners at the December 21, 2009 Commissioners' Meeting.

ACTION: Accept the independent auditor's report.

Michelle Thompson, Partner with Cherry, Bekaert & Holland, L.L.P., presented the results of the annual audit. The audit resulted in an unqualified "clean opinion" which represents the highest level of assurance. A copy of the audit will be maintained in the Clerk's office.

Amy Cannon presented a report on the financial condition of the County for the fiscal year ending June 30, 2009. First time use of a new initiative using selected financial indicators to evaluate the financial condition of the County was used which also helped to identify strengths and weaknesses. In the future, a comparison with other appropriate benchmark counties using these indicators is anticipated. Indicators showed the following:

The County is likely to meet short-term obligations,
Solvency remains high,
Debt remains at a manageable level,
Low dependency on other local governments for resources,
Service flexibility is under 10%, and
The County has stayed within its means regarding the General Fund.

Mrs. Cannon completed her report stating that the indicators show the County's financial position has been stable, consistent and relatively strong during tough economic times. Mrs. Cannon thanked the Finance Department staff members and especially Howard Abner for his part in developing the initiative for the benchmarking document. Commissioner Keefe requested that Mrs. Cannon work with the Finance Committee in coming up with recommendations to the full Board in order to continue to be solvent. Commissioner Edge commended Mrs. Cannon personally and for Cumberland County being known throughout

the State as a “model”. Commissioner King asked Mrs. Cannon to pass along the Board’s thanks for all their hard work.

MOTION: Commissioner Edge moved to accept the report.

SECOND: Commissioner Faircloth

VOTE: Unanimous

5. Presentation of the Child Support Task Force Report by Brenda Jackson.

BACKGROUND: The North Carolina Senate Bill 202 eliminated funding for the state operated child support offices in 28 counties including Cumberland County effective July 1, 2010. On September 8th the Cumberland County Board of Commissioners designated administrative responsibilities to the Department of Social Services (DSS). While DSS is the designated agency, this transition is a county venture. The legislation sets specific options for administering the program including various deadlines for submitting and implementing a transition plan. In an effort to meet the deadlines, DSS created a Child Support Task Force to investigate the options.

DSS and County Management are exploring a dual track process that gives serious consideration to two of the three administrative options for counties: they are privatization and DSS administration. A Request for Proposal (RFP) has been initiated to determine any performance enhancements that can increase child support incentive revenues which could offset net county cost for the program. The Task Force Oversight Committee and County Management will review the proposals submitted by the contractors, and a DSS administered program. They will make a recommendation to the Board of County Commissioners for the administration of the child support program on March 1, 2010. The county would then submit a comprehensive transition plan to the Division of Social Services.

ACTION: Approve submitting a Letter of Intent outlining the dual track process to the N.C. Department of Health and Human Services Division of Social Services by January 1, 2010.

Brenda Jackson provided background history on the child support services being transitioned back to the county level effective July 1, 2010. A Task Force is working diligently in determining the best option for the County regarding providing the child support services. Three options were considered and it is being recommended for a dual track between DSS providing the services and privatizing the services until a recommendation can be brought back to the Board on March 1, 2010.

MOTION: Commissioner Edge moved to approve submittal of Letter of Intent as requested.

SECOND: Commissioner Council

DISCUSSION: Commissioner Keefe inquired as to whether DSS will be able to meet the timetable that has been stated due to the shortness of time and Ms. Jackson responded that they would be ready as they have been working on this issue since September.

VOTE: Unanimous

6. Consideration of Cumberland County Facilities Committee Report & Recommendation:

A. Alternatives for Relocation of County Administrative Offices.

BACKGROUND: At the Board of Commissioners September 21, 2009 meeting, staff was prepared to discuss the recommendations approved by the County Facilities Committee at its September 8, 2009 meeting regarding consideration of alternatives for relocation of County Administrative Offices. See the attached memorandum to Facilities Committee dated August 25, 2009. However, the County Manager requested the Board delay any action on this matter for 90 days to allow staff the opportunity to evaluate additional properties that management became aware of after the Facilities Committee meeting in September. The Board approved this request and in the interim, staff has attempted to explore other alternatives which never materialized. As such, the matter was brought back to the Facilities Committee at its December 7, 2009 meeting for further discussion. Refer to the attached meeting minutes.

The consensus of the Facilities Committee was that renovation of the existing Public Health Center remains the preferred alternative for relocation of County Administrative Offices; however, the urgency to act on this matter was questioned. Although there is pressure from the Court System for additional space in the New Courthouse as well as space needs of some county offices in the facility, the Manager indicated that there was not an immediate need to relocate county functions out of the New Courthouse. The County Engineer advised the Committee that the Health Department would be moving into its new facility in January and that the existing building should not be left vacant for an extended period of time. A decision on the disposition of the existing building should be made in the near future and in order to provide the Board with the best available information to assist in making this decision, the County Engineer suggested that Facilities Committee endorse the previous staff recommendation to procure architectural services to develop a building program and prepare more detailed estimates of renovation costs which could be completed by May 2010.

The County Facilities Committee approved the following recommendations which differ slightly from the previous recommendations:

1. Continue to evaluate renovation of the existing Public Health Center as the preferred alternative for relocation of County Administrative functions by procuring architectural services to develop a building program and more detailed estimates of renovation costs. \$100,000 has been budgeted for this purpose.
2. Provided funding is available, instruct staff to move forward with demolition of the Legal Aid Building and conversion of the property into paved parking.

ACTION: Approve action as recommended by the County Facilities Committee.

MOTION: Commissioner Keefe moved to approve as recommended.
SECOND: Commissioner Melvin
VOTE: Unanimous

- B. Authorize Staff to Move forward with Demolition of the Legal Aid Building and Conversion into Paved Parking.

BACKGROUND: The Legal Aid Building on Gillespie Street was purchased by the County in 2007 at a cost of \$305,000 for the purpose of providing a short-term solution to some of the County's space needs. This two-story building constructed in 1949 contains 10,560 square feet of floor space. The building would require extensive renovations to address ADA compliance issues, interior wall and floor covering improvements, minor electrical and mechanical work, exterior wall and window repairs, life safety improvements (fire alarm system) and installation of fiber optics and network servers to tie into the County Information Services. The estimated cost of renovations is \$350,000 to \$400,000.

Management elected not to pursue the renovation of this facility after the Board of Commissioners decided to build a new Public Health Center which would free-up the existing Health Center for potential re-use by the County. Given the age of the Legal Aid Building, its condition and limited floor space, and the availability of other county facilities, it became apparent to management and staff that this building was not a good candidate for renovation and re-use. The property is more valuable to the County than the building. As such, management recommended to the County Facilities Committee at its September 8, 2009 meeting that the Legal Aid Building be demolished and the property be converted into paved parking. This recommendation was again made to the County Facilities Committee at its December 7, 2009 meeting and unanimously approved by the committee.

The estimated cost to demolish the building and construct paved parking lot on the subject property is \$300,000.

ACTION: Approve to instruct staff to move forward with demolition of the Legal Aid Building and conversion of the property into paved parking.

MOTION: Commissioner Keefe moved to approve as recommended.
SECOND: Commissioner Melvin
VOTE: Unanimous

7. Consideration of Cumberland County Policy Committee Report & Recommendations:

- A. Proposed Policy Regarding County Financial Participation in Water and/or Sewer Utility Line Extensions.

BACKGROUND: Although the County has been involved in the extension of public water and sanitary sewer for many years, there has never been a formal policy for consideration by the Board of Commissioners that sets forth the guidelines in which the County will provide assistance, financial or otherwise, to property owners requesting water and/or sewer service. Given the Board has made county-wide water service a high priority, the Safe Water Task Force and management believed it was necessary to develop a policy that would guide the decision making process regarding water and/or sewer utility line extensions. As such, an Ad-Hoc committee of the Safe Water Task Force consisting of representatives from the County Attorney's Office, Public Health, Planning, Engineering and Public Utilities departments was formed for the purpose of developing such a policy.

Below is a draft of the proposed Policy for County Financial Participation in Water and/or Sewer Line Extensions for consideration by the Board of Commissioners. This draft was reviewed with management on November 2, 2009 and with the Safe Water Task Force on November 4, 2009. It also incorporates the comments and endorsement of the Safe Water Task Force. This policy was also reviewed by the Policy Committee on December 3, 2009.

PROPOSED POLICY
For
COUNTY FINANCIAL PARTICIPATION IN
WATER AND/OR SEWER LINE EXTENSIONS

It is the policy of the Cumberland County Board of Commissioners to consider financial assistance in projects to provide for the extension of water and/or sewer utility lines based on the following project classifications. However, in locations that are near or are located within a Municipal Influence Area (MIA), the County will encourage the municipality to extend its service to the area requesting water and/or sewer service.

PROJECT CLASSIFICATIONS:

SPECIAL ASSESSMENT BY PETITION (WATER AND/OR SEWER)

This policy allows for property owners to request assistance from the Board of Commissioners to undertake a project to provide the requested services. Special Assessments for water and/or sewer extension projects are authorized by State Statute (§ 153A-185) to allow for the County to finance the project. If petitioned to do so by a majority of the property owners, the County Board of Commissioners may authorize loaning County funds, if available, to finance the project on behalf of the property owners. If the loan is authorized, the majority of the property owners in the project area must agree to a special assessment levied on their property for a term and interest rate to be set by the Board of Commissioners prior to initiating the project. For this type of project, the entire cost of the project is to be paid for by the property owners with no financial participation from the County other than to provide the loan. The Commissioners may consider County participation on a case-by-case basis, when the assessments pose an undue burden on the property owners.

PROJECTS IN COMMUNITIES WITH CONTAMINATED WATER SUPPLY SYSTEMS (WATER)

In communities where water supply systems have been identified as being contaminated to the extent that the water is not safe to use, it is the policy of the Board of Commissioners to attempt to locate grant or program funds to assist the property owners to obtain public water. In the absence of grants and/or loans from other funding agencies, the County may consider participating in the project cost on a case-by-case basis.

SEWER PROJECTS IN COMMUNITIES WITH FAILED SEPTIC TANK SYSTEMS (SEWER)

Sewer Projects due to failed septic tank systems, as determined by the Cumberland County Health Department, will be evaluated on a case-by-case basis. In the event this is an isolated case or that sewer service is not readily available, there will be no financial participation by the County to remedy or repair the failed system. In the event the Health Department has proceeded with actions declaring multiple properties in the same area uninhabitable, the County will attempt to secure grants and low-interest loans from State and Federal programs to extend public sewer. Financial participation in these projects by the County will be evaluated on a case-by-case basis.

INDIVIDUAL PROPERTY OWNER REQUEST (WATER AND/OR SEWER)

It is the policy of the Board of Commissioners not to participate in individual property owners' requests for assistance other than in projects outlined above.

Recommended Approval by the Safe Water Task Force - November 4, 2009

Recommended Approval by the Board of Commissioners Policy Committee – December 3, 2009

Approved by the Board of Commissioners -

ACTION: Adopt the proposed Policy for County Financial Participation in Water and/or Sewer Line Extensions.

MOTION: Commissioner Blackwell moved to approve the policy as proposed.

SECOND: Commissioner Council

VOTE: Unanimous

B. Proposed Revision to County Fire Inspection Fee Schedule.

BACKGROUND: Cumberland County Emergency Services- Fire Marshal Division is proposing changes to the fees for issuing permits, for inspections, and for other services performed by the Fire Marshal as authorized by section 6.2-24 of the Cumberland County Code. We are proposing to change from a permit fee basis to fee charge per square foot. See the attached proposed Fire Inspection Fee Schedule.

Currently, there is no charge for the inspection of the buildings. The only charge that is incurred by the occupant of the business is *if* there is a required permit associated with the nature of the operation being conducted.

One reason for the change is to align Cumberland County fire inspection fees with other surrounding jurisdictions, and second, to help recoup some of the cost to the county for providing this service.

The Interim County Attorney reviewed this request.

Cumberland County Fire Prevention Ordinance
Fee Schedule for the NC Fire Prevention Code
Effective July 1, 2009

“Proposed” Fire Inspection Fees

Annual Inspections:

Type Agency	Sq. Footage	Fee
Assembly – Place of:	Up to 2,500	75.00
A-1, A-2, A-3, A-4, A-5	2,501 - 10,000	100.00
	10,001 - 50,000	150.00
	50,001 - 100,000	200.00
	100,001 - 150,000	250.00
	150,001 - 200,000	300.00
	Over 200,000	350.00

Factory/Industrial:	Up to 2,500	75.00
	2,501 - 10,000	100.00
	10,001 - 50,000	150.00
	50,001 - 100,000	200.00
	100,001 - 150,000	250.00
	150,001 - 200,000	300.00
	Over 200,000	350.00

Educational:	Up to 2,500	75.00
Day Cares (Not in Residential Homes)	2,501 - 10,000	100.00
Public (Inspected every 6 months)	10,001 - 50,000	150.00
Private Schools	50,001 - 100,000	200.00
	100,001 - 150,000	250.00
	150,001 - 200,000	300.00
	Over 200,000	350.00

Hazardous:	Up to 2,500	75.00
	2,501 - 10,000	100.00
	10,001 - 50,000	150.00

	50,001 - 100,000	200.00
	100,001 - 150,000	250.00
	150,001 - 200,000	300.00
	Over 200,000	350.00

Institutional:	Up to 2,500	75.00
Nursing Home, Hospital, Mental	2,501 - 10,000	100.00
Health Facility, Jail or Detox Center	10,001 - 50,000	150.00
	50,001 - 100,000	200.00
	100,001 - 150,000	250.00
	150,001 - 200,000	300.00
	Over 200,000	350.00

High Rise:	Up to 2,500	75.00
	2,501 - 10,000	100.00
	10,001 - 50,000	150.00
	50,001 - 100,000	200.00
	100,001 - 150,000	250.00
	150,001 - 200,000	300.00
	Over 200,000	350.00

Residential:		
Group Homes	Per Visit	75.00
Day Care (In A Residence)	Per Visit	75.00
Foster Care	Per Visit	75.00
	11 - 20 Units	100.00
	21 - 40 Units	125.00
	41 - 100 Units	150.00
	101 - 200 Units	200.00
	201 - 300 Units	250.00
	301 - 400 Units	300.00
	401 - 500 Units	350.00
	Over 500 Units	400.00

3-Year Inspection Fee	Up to 2,500	75.00
Business, Mercantile, Storage	2,501 - 10,000	100.00
Church,/Synagogue, Misc. (Group U)	10,001 - 50,000	150.00
	50,001 - 100,000	200.00
	100,001 - 150,000	250.00
	150,001 - 200,000	300.00
	Over 200,000	350.00

Re-inspection Fee	Per Visit	50.00
A.L.E.	Per Visit	75.00
Amusement Buildings	Per Visit	75.00
Carnival and Fair	Per Visit	75.00
Circus Tent		250.00
Courtesy/Requested Inspect.	Per Visit	75.00
Covered Mall Bldg. Displays	Per Visit	75.00
Exhibits/Trade Shows	Per Visit	75.00
Fireworks/Explosives Permit		250.00
LP or Gas Equip. in Assemble	Per Visit	75.00
Tent Permit	Per Visit	75.00

PI

an Review and Construction Permits

Alarm Detection Systems Equipment	75.00
Compressed Gas	75.00
Fire Pump and Related Material	75.00
Hazardous Material Install/Abandon Repair	75.00
Industrial Oven Install	75.00
Private Fire Hydrants	75.00
Sprinkler Auto Extinguisher System	
- 1.05 per sprinkler head minimum	50.00
Spray Rooms/Booth Dipping Operations	75.00
Stand Pipe Install/Modify	75.00
Tanks, Pumps, Piping New Construction	75.00

ACTION: Approve the proposed fee schedule to become effective July 1, 2010.

MOTION: Commissioner Edge moved to approve the fee schedule as presented.

SECOND: Commissioner Faircloth

VOTE: Unanimous

C. Proposed Addition to County Ordinance to Permit a Burning Ban Within 100 Feet of a Structure When a State or Federal Burning Ban has been Declared Within the County.

BACKGROUND: The Secretary of the North Carolina Department of Environment and Natural Resources ("DENR") is authorized to prohibit open burning during times of hazardous forest fire conditions or during air pollution episodes under Section 60.25 of Chapter 113 of the General Statutes. N.C.G.S. § 113-60.31, however, specifically states that DENR's authority does not apply to fires within 100 feet of an occupied dwelling. Consequently, when a State ban on open burning is in effect, neither DENR nor the County can stop open burning within 100 feet of an occupied

dwelling. A County ordinance allowing the Fire Marshal to ban open burning within 100 feet of an occupied dwelling would prevent health and safety issues that might otherwise arise.

It is the unanimous recommendation of the Policy Committee that the Board adopt the following ordinance allowing the Fire Marshal to impose an open fire ban.

Sec. 6.2-26 Open Burning Ban

The Fire Marshal may impose an open burning ban within 100 feet of an occupied dwelling whenever a burning ban in the County has been imposed by a State or Federal Agency and said ban does not extend into the 100 foot area described herein.

ACTION: Adopt ordinance as recommended.

MOTION: Commissioner Council moved to adopt the ordinance as recommended.

SECOND: Commissioner Blackwell

VOTE: Unanimous

8. Consideration of a Resolution to Oppose Transfer of State Secondary Road Program to Counties.

**THE BOARD OF COUNTY COMMISSIONERS
OF CUMBERLAND COUNTY**

A RESOLUTION TO OPPOSE TRANSFER OF SECONDARY ROAD PROGRAM TO COUNTIES

WHEREAS, Cumberland County opposes (1) the transfer of Secondary Road Program funding to the Primary Road Program or any other program that will reduce funding for secondary road construction, improvement and maintenance, (2) any efforts by the General Assembly or NCDOT to shift any transportation costs formerly paid by the State to the counties, and (3) any efforts by the General Assembly to appropriate local revenues whether property tax, sales tax or any other local revenue for State transportation programs or any other State programs; and

WHEREAS, legislation has now been introduced (Senate Bill 758) that would transfer responsibility for and maintenance of secondary roads from the State to counties beginning in 2011; and

WHEREAS, according to statistics compiled by the North Carolina Association of County Commissioners in 2008, there are 903 miles of secondary roads located in Cumberland County; and

WHEREAS, without the continuation of existing State revenue streams to pay for road upkeep and construction, Cumberland County would be forced to raise the property tax rate by approximately \$.05 cents in order to keep up the current level of funding needed to maintain our existing secondary roads; and

WHEREAS, Cumberland County does not have the equipment or capital to take on this massive additional responsibility.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners

1. Strongly opposes SB 758, which, if ratified would transfer responsibility for and maintenance of secondary roads from the State to counties.
2. Strongly urge all counties to contact their legislative delegation to solicit their support in defeating this proposed legislative.
3. Direct that a copy of this resolution be transmitted to the members of the North Carolina General Assembly representing Cumberland County with each Commissioner's heartfelt concern about the transfer of this and future State cost shifts to counties.
4. Direct that a copy of this resolution be sent to the North Carolina Association of County Commissioners and to the other North Carolina counties

ACTION: Approve resolution.

MOTION: Commissioner Edge moved to approve the resolution as presented.

SECOND: Commissioner Melvin

VOTE: Unanimous

9. Nominations to Boards and Committees

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

Nominee: Mexie Fields

B. Board of Adjustment (1 Vacancy)

Nominee: Randy A. Newsome

C. Board of Health (3 Vacancies)

Nominees: Dr. Walter S. Scott, III (Dentist Representative)
Barbara S. Marshall (General Public Representative)
Carol E. Schaeffer (General Public Representative)

D. Child Homicide Identification and Prevention (CHIP) Council (1 Vacancy)

No nomination for this vacancy. Rolled to the next meeting.

E. Civic Center Commission (5 Vacancies)

Nominees: Alicia S. Chisolm
Robert "Bob" Smith
Harry Sherrill
Floyd L. Shorter
Thaddeus Jenkins
Marsha Fogle

F. Community Child Protection Fatality Prevention Team (3 Vacancies)

Nominees: Leslie Campbell (Law Enforcement Officer Position – Sheriff’s Office)
Tim Britt (EMS Provider or Firefighter Position)
No nomination made for the At Large position. Rolled to the next meeting.

G. Cumberland County Public Library Board of Trustees (1 Vacancy)

Nominee: Gail A. Riddle

H. Mid-Carolina Aging Advisory Committee (1 Vacancy)

Nominee: Rebecca Campbell

I. Nursing Home Advisory Board (1 Vacancy)

Nominee: Terri Thomas

10. Appointments to Boards and Committees

A. Cumberland County Local Emergency Planning Committee (1 Vacancy)

Nominee: Transportation Representative: Eddie Smith

MOTION: Commissioner Edge moved to appoint Eddie Smith.

SECOND: Commissioner Council

VOTE: Unanimous

11. Closed Session:

Economic Development Matter pursuant to NCGS 143-318.11 (a)(4) and
Attorney-Client Matter pursuant to NCGS 143-318.11 (a)(3) (not needed)

MOTION: Commissioner Blackwell moved to go into Closed Session.

SECOND: Commissioner Faircloth

VOTE: Unanimous

MOTION: Commissioner Council moved to go into Open Session.

SECOND: Commissioner King

VOTE: Unanimous

MOTION: Commissioner Edge moved to adjourn.

SECOND: Commissioner Blackwell

VOTE: Unanimous

MEETING ADJOURNED AT 9:20PM

Marie Colgan, Clerk to the Board