

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
JANUARY 19, 2010 - 6:45 PM
117 Dick Street, 1st Floor, Room 118
REGULAR/REZONING MEETING

PRESENT: Chairman Billy King
Commissioner Breeden Blackwell
Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner Marshall Faircloth
Commissioner Jimmy Keefe
Commissioner Ed Melvin
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Assistant County Manager
Phyllis Jones, Assistant County Attorney
Sally Shutt, Communications Manager
Tom Lloyd, Director of Planning & Inspections
Marie Colgan, Clerk to the Board

INVOCATION - Commissioner Marshall Faircloth

PLEDGE OF ALLEGIANCE –

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

Joan Fenley spoke to the Board asking that in light of the recent sexual assault crime wave which has recently been reported that consideration be given to setting up a Silver Haired Commission made up of retired individuals to assist the County with establishing crime wave trends throughout the County. This voluntary board would be made up of individuals from each of the districts within the County. Chairman King advised that the Sheriff's Office will be informed of the request.

Recognition of Outgoing Board Members:

Maxine McCoy – Library Board of Trustees

1. Approval of Agenda

ADDITION: CLOSED SESSION FOR PERSONNEL MATTERS PURSUANT TO
NCGS 143-318.11 (a)(6)

MOTION: Commissioner Melvin moved to approve the addition as requested.
SECOND: Commissioner Council
VOTE: Unanimous

MOTION: Commissioner Council moved to approve the agenda as adjusted.
SECOND: Commissioner Edge
VOTE: Unanimous

2. Consent Agenda

MOTION: Commissioner Faircloth moved to approve all Consent Agenda items.
SECOND: Commissioner Council
VOTE: Unanimous

- A. Approval of minutes for the January 4, 2010 regular meeting.
- B. Approval of Disposition of Records for the following Departments:
 - (1) County Administration
 - (2) Planning & Inspection Department

BACKGROUND: Pursuant to a resolution adopted by the Board of County Commissioners on February 4, 1985, I have authorized the destruction of County records as 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 and adopted by the Board of County Commissioners.

- 1. Cumberland County Administration:
 - 2005 County Administration Correspondence
 - 2005 County Administration Memorandums
 - 2005 County Administration Administrative Material
- 2. Planning & Inspections Department- following records dated prior to January 1, 2004, on or before March 31, 2010:
 - (a) Permit Files – included are applications for building, electrical, plumbing, mechanical, insulation, demolition, relocation, and zoning permits, permits issued, work tickets, certificate of occupancy, blueprints and specifications and related correspondence.
 - (b) Minimum Housing, junk vehicle and zoning code enforcement files.
 - (c) Activity reports – this file consists of information compiled for the US Bureau of Census, reports of money collected for permit fees, inspections performed and permits issued.
 - (d) Correspondence/memorandums

ACTION: Approve the destruction of records as listed and record the report in the Board's official minutes.

- C. Approval of Cumberland County Finance Committee Report.

BACKGROUND: The Cumberland County Finance Committee met on Thursday, January 7, 2010. A presentation was made on the current year financial operations and provided an update on County Revaluation. The minutes of that meeting are provided as supporting documentation.

ACTION: Accept the Cumberland County Finance Committee report as presented.

D. Approval of Bid Award for a 2010 Front Loader Refuse Truck for the Solid Waste Management.

BACKGROUND: Cumberland County Purchasing received formal bids for a Front Loader Refuse Truck for Solid Waste Management. Out of the bids received, only three met specifications. They are as follows:

Cavalier Equipment- yr model 2008-	\$200,564.00
yr model 2010-	\$206,781.00

Volvo & GMC Truck Center- \$215,215.00

ACTION: Approve the bid award to Cavalier Equipment for the purchase of a 2010 Front Loader Refuse Truck for the Solid Waste Management in the amount of \$206,781.00.

E. Approval of Ordinance Assessing Property for the Cost of Demolition:

Case Number:	MH 5632-2008
Property Owner:	Willie B. & Rosalyn Y. Shaw
Property Location:	2301 Enloe Street, Fayetteville, NC
Parcel ID:	0416-81-8119

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

F. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – 0.72 ACS LD W/IMP; 1275 Hoke Loop Road – PIN: 9477-83-7956; Seventy-First Township.

BACKGROUND: On or about June 8, 2007, the County acquired by tax foreclosure the above property. The amount currently owed on the foreclosure judgment is \$17,331.70.

Inspirational Temple Ascension Church of God has offered to purchase the County's interest in the property for \$17,331.70 and has deposited \$1,734.00 in the Finance Office. The tax value of the property is \$20,210.00.

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 Inspirational Temple's bid. The property has been advertised and this office has not received any upset bids. The bid period is now closed.

ACTION: Accept the offer of Inspirational Temple Ascension Church of God to purchase the above property for the sum of \$17,331.70, plus advertising and recording costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

G. Approval of Report on Formal Bid Awards of \$100,000 or Less 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 in the official minutes listing the purchases approved by management pursuant to the County Purchasing Policy.

The following bid was awarded for the Cumberland County Emergency Services Department for E911 Upgrades:

Internetwork Engineering	\$89,491.02
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ACTION: Accept the report as submitted.

H. Approval of Report on the Disposal of Surplus Property Pursuant to NCGS 160A-226(a).

BACKGROUND: On June 15, 1998, the Board adopted a resolution founded in the statutes allowing the Assistant County Manager to dispose of certain "personal property, worth less than \$5000 per item or group of similar items, which have become obsolete, unusable, economically un-repairable, or otherwise surplus to the needs of the county".

The resolution stipulated further that the Assistant County Manager "shall render semi-annual reports to the Board of County Commissioners summarizing disposals between the preceding June 30 and December 31".

REPORT ON THE DISPOSAL OF SURPLUS COUNTY PROPERTY

July 1, 2009 – December 31, 2009

ITEM NO.	DATE RECEIVED	DESCRIPTION OF PROPERTY	QTY	RENDERING DEPT	METHOD OF DISPOSAL	LANDFILL LOCATION	SOLD TO/GIVEN TO
1	7/6/2009	WALKIE-TALKIES W/CHARGERS	10	SHERIFF'S OFFICE			STEDMAN FIRE DEPARTMENT

2	7/6/2009	PRINTERS		7	TAX ADMIN			GOV DEALS-FOR SALE
3	7/6/2009	SCANNERS		2	TAX ADMIN			GOV DEALS-FOR SALE
4	7/30/2009	FAX MACHINE		1	CO. COMMISSIONERS	LANDFILL	ANN STREET	
5	7/30/2009	FAX MACHINE		1	COMMUNICATIONS CTR	LANDFILL	ANN STREET	
6	8/11/2009	AUTO PARTS	4 pallets		CENTRAL MAINTENANCE PLANNING & INSPECTIONS			GOV DEALS-FOR SALE
7	8/13/2009	PRINTER		1		LANDFILL	ANN STREET	
8	9/17/2009	BULBS		66	BMF			RE-STORE
9	10/20/2009	CELLPHONES W/CHARGERS		17	SHERIFF'S OFFICE			SAFE-LINK
10	11/4/2009	PRINTERS		2	INFORMATION SERVICES	LANDFILL	ANN STREET	
11	11/4/2009	COMPUTERS		2	INFORMATION SERVICES	LANDFILL	ANN STREET	
12	11/4/2009	KEYBOARDS		2	INFORMATION SERVICES	LANDFILL	ANN STREET	
13	11/4/2009	SHELVES		2	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
14	11/4/2009	REFRIGERATOR		1	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
15	11/4/2009	DESK		1	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
16	11/4/2009	PROJECTORS		3	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
17	11/4/2009	PUSH CART		1	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
18	11/4/2009	CHAIRS		2	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
19	11/4/2009	CANCER SUITCASE		1	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
20	11/9/2009	TYPEWRITERS		4	DSS	LANDFILL	ANN STREET	
21	11/9/2009	MONITOR		1	DSS	LANDFILL	ANN STREET	
22	11/9/2009	COMPUTER MOUSE		1	DSS	LANDFILL	ANN STREET	
23	11/9/2009	COMPUTER		1	DSS	LANDFILL	ANN STREET	
24	11/9/2009	PRINTER		1	DSS	LANDFILL	ANN STREET	
25	11/17/2009	CELL PHONE		1	COMMUNITY DEV.			SAFE-LINK
26	11/19/2009	COMPUTERS		8	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
27	11/19/2009	BATTERY BACK-UP		1	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
28	11/19/2009	FAX MACHINE		1	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
29	11/19/2009	HUB		1	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
30	11/19/2009	MONITORS		3	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
31	11/19/2009	PRINTERS		2	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
32	11/19/2009	LCD PROJECTOR		1	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
33	11/19/2009	LCD PROJECTOR		1	PUBLIC LIBRARY	LANDFILL	ANN STREET	
34	11/19/2009	CHAIRS		24	PUBLIC LIBRARY	LANDFILL	ANN STREET	
35	11/19/2009	CASH REGISTER		1	PUBLIC LIBRARY	LANDFILL	ANN STREET	
36	11/19/2009	CABINETS		11	PUBLIC LIBRARY	LANDFILL	ANN STREET	
37	11/19/2009	BOOKCASES		35	PUBLIC LIBRARY	LANDFILL	ANN STREET	
38	11/19/2009	BOOK CARTS		3	PUBLIC LIBRARY	LANDFILL	ANN STREET	
39	11/19/2009	DESKS		2	PUBLIC LIBRARY	LANDFILL	ANN STREET	
40	11/19/2009	KITCHEN COUNTER-TOP		1	PUBLIC LIBRARY	LANDFILL	ANN STREET	
41	11/19/2009	SHELVING END PANELS		25	PUBLIC LIBRARY	LANDFILL	ANN STREET	

42	11/19/2009	PLAYSTATION BAND	1	PUBLIC LIBRARY	LANDFILL	ANN STREET
43	11/19/2009	TRASH COMPACTOR	1	PUBLIC LIBRARY	LANDFILL	ANN STREET
44	12/3/2009	CELL PHONE	1	COMMUNITY DEV.	TRASH CAN	
45	12/15/2009	CELL PHONES/WCHARGERS	7	CIVIC CENTER		SAFE-LINK
46	12/15/2009	CELL PHONES /CHARGERS/BATTERIES	1 BOX	CIVIC CENTER	TRASH CAN	

ACTION: Adopt the report and duly record report in the official minutes.

- I. Approval of the American Recovery and Reinvestment Act of 2009 (ARRA) funding for Congregate and Home Delivered Nutrition Services in the amount of \$73,714.00, and adjustment to the Home & Community Care Block Grant for FY10.

BACKGROUND: In 1991, the North Carolina General Assembly passed Senate Bill 165, Chapter 241, which requires the Division of Aging to administer a Home and Community Block Grant for Older Adults. In order to implement the 1991 legislation, each county designated a lead agency to work with appointed members on a planning committee to make funding recommendations to the Board of County Commissioners. The Commissioners designated Mid-Carolina Area Agency on Aging as the lead agency for planning and coordination of the County's Funding Plan for Older Adult Services.

Cumberland County is receiving American Recovery and Reinvestment Act of 2009 (ARRA) funding for Congregate and Home Delivered Nutrition services in the amount of \$73,714.00. The required local match is being provided by the service provider, Cumberland County Coordinating Council on Older Adults.

In addition, Bethel Adult Day Health Care closed on October 16, 2009. We are recommending that the balance of their Home & Community Care Block Grant funding be divided between the two remaining adult day health service providers.

ACTION: Approve the American Recovery and Reinvestment Act of 2009 (ARRA) funds in the amount of \$73,714.00 and reallocation of the FY10 funds.

- J. Budget Revisions:

- (1) General Fund Debt Service/School Capital Outlay-Lottery

Revisions in the amount of \$98,823 to transfer funds to pay the debt service payment on the 2009 Qualified School Construction Bonds. (B10-211 and B10-211A) Funding Source – NC Lottery Proceeds

(2) Cooperative Extension

Revision in the amount of \$1,150 to start a beginning beekeepers course. (B10-212) Funding Source - Fees

(3) Tax Administration

Revision in the amount of \$37,162 to appropriate fund balance to pay Tax Management Associates for tax audits. (B10-213) Funding Source – Fund Balance Appropriated

(4) Sheriff

Revision in the amount of \$19,154 to appropriate fund balance for insurance proceeds received in FY2009 to purchase one additional patrol vehicle. (B10-218) Funding Source – Insurance Settlements

(5) Social Services

a. Revision in the amount of \$394,329 to budget additional Federal funds for the crisis intervention program. (B10-214) Funding Source – Federal

b. Revision in the amount of \$3,942,129 to budget additional State and Federal funds for the child development program. (B10-216) Funding Source – State and Federal

3. Public Hearings

Uncontested Cases

Mr. Lloyd, Director of Planning and Inspections, advised that no one signed up in opposition to the uncontested cases and the public hearings for the three uncontested cases, P09-52, P09-53, and P09-54, were opened.

- A. Case P09-52. The rezoning of 1.82 +/- acres from A1 Agricultural to C1(P) Planned Local Business, or to a more restrictive zoning district, located at 4946 NC HWY 87 South; owned by V/D Neal Properties, LLC.

Mr. Lloyd reported that the Planning Board recommends approval of C1(P) Planned Local Business.

- B. Case P09-53. The rezoning of 43.63 +/- acres from A1 Agricultural to R40 Residential, or to a more restrictive zoning district; located on the west and east sides of SR 1806 Sherrill Baggett Road) and the west side of I-95; owned by Ursula B. Baggett Heirs.

Mr. Lloyd reported that the Planning Board recommends approval of R40 Residential.

- C. Case P09-54. The rezoning of 31.16 +/- acres from A1 Agricultural to R40 Residential, or to a more restrictive zoning district; located on the west and east sides of SR 1803 (McLellan Road) and the north side of US HWY 301 (Dunn Road); owned by Ursula B. Baggett Heirs.

Mr. Lloyd reported that the Planning Board recommends approval of R40 Residential.

Thereupon, the public hearing was closed.

MOTION: Commissioner Edge moved to adopt the findings and recommendations of the Planning Board on Rezoning Cases P09-52, P09-53, and P09-54.
SECOND: Commissioner Melvin
VOTE: Unanimous

Zoning Ordinance Text Amendment

Mr. Lloyd stated that case P09-56 was a result of the yearly review of the zoning ordinances. No one signed up in opposition and the public hearing was opened.

- D. Case P09-56. Revisions, amendments and updates to the Cumberland County Zoning Ordinance for the Cumberland County Joint Planning Board's annual review of the June 20, 2005 ordinance.

Mr. Lloyd stated that the Planning Board recommends approval of the Cumberland County Zoning Ordinance with the revision to #14 under staff recommendations changing the requirement of 6' high fencing to 4' high fencing.

Thereupon, the public hearing was closed.

MOTION: Commissioner Blackwell moved to approve the amendments/revisions to the Ordinance.
SECOND: Commissioner Melvin
VOTE: Unanimous

Items of Business

4. Nominations to Boards and Committees

A. Cape Fear Valley Health System Board of Trustees (4 Vacancies)

Nominees: Betsy Bradshaw (RN Position)
Jennifer Twadell (RN Position)
Marion Frances Gillis-Olson (General Public Position)
Diane Wheatley (General Public Position)
Dr. John Henley (General Public Position)
Don Porter (General Public Position)

B. Child Homicide Identification and Prevention (CHIP) Council (8 Vacancies)

Nominees: Thomas M. Hill (Representative of the Military Community)
Lois A. Kirby (Representative of the General Public)
Wendy Breeden (Representative of Health Education)
Detective Lynette Hodges (Representative of Law Enforcement)
Joanna Shober (Representative of the Legal Community)
Natasha Scott (Rep. of the Cumberland County School System)
Denise Giles (Rep. of the Cumberland Interfaith Hospitality Network)
Gladys Cartwright (Rep. of Womack Army Medical Center)

C. Cumberland County Local Emergency Planning Committee (3 Vacancies)

Nominees: Antionette Barnes (Operators of Facilities Representative)
Bill Cross (At-Large Representative)
Paul Rawls (Local Environmental Representative)

D. Cumberland County Workforce Development Board (2 Vacancies)

Nominees: Brad Loase (Private Sector)
Michael Karaman (Private Sector)

E. Minimum Housing Appeals Board (1 Vacancy)

Nominee: Louis King

5. Appointments to Boards and Committees

**There are no appointments for this agenda. **

NOTE: The Community Child Protection Fatality Prevention Team contacted the Deputy Clerk, Candice White and stated that this third At-Large position is no longer needed on this Committee.

6. Closed Session: PERSONNEL MATTERS PURSUANT TO NCGS 143-318.11
(a)(6)

MOTION: Commissioner Council moved to go into Closed Session.
SECOND: Commissioner Melvin
VOTE: Unanimous

MOTION: Commissioner Council moved to go into Open Session.
SECOND: Commissioner Edge
VOTE: Unanimous

MOTION: Commissioner Council moved to adjourn.
SECOND: Commissioner Edge
VOTE: Unanimous

MEETING ADJOURNED AT 7:15 PM

Marie Colgan, Clerk to the Board