

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
JUNE 21, 2010 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR/REZONING MEETING

PRESENT: Chairman Billy King
Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner Marshall Faircloth
Commissioner Jimmy Keefe
Commissioner Ed Melvin
Commissioner Phillip Gilfus
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Communications Manager
Howard Abner, Assistant Finance Director
Tom Lloyd, Planning & Inspections Director
George Hatcher, Code Enforcement Officer
Bob Stanger, County Engineer
Candice White, Deputy Clerk
Marie Colgan, Clerk to the Board

INVOCATION - Commissioner Phillip Gilfus

PLEDGE OF ALLEGIANCE – ReAnnen Jean Bartha, 8th Grade, Max Abbott Middle School

Comments by Dr. Frank Till, Superintendent, Cumberland County Board of Education:
At the conclusion of remarks of appreciation by Dr. Till, the chair of the Board of Education Mackey Hall and others associated with Cumberland County Schools, Commissioner Gilfus questioned Dr. Till regarding his expectations for future needs of the school system. Dr. Till responded he felt the flat enrollment trend will end, two middle schools will be needed as well as one high school further down the road. He also noted that older schools will need repair and that notification of approved funding was just received for a new middle school.

Comments by Ms. Debbie Turner, Program Director NACo Deferred Compensation Program: Ms. Turner was unable to be present and will attend a future meeting.

Special Recognition of Mr. James Flanders for Volunteer Service in Cumberland County:
Chairman King recognized James E. “Chief” Flanders in celebration of his 95th birthday and in appreciation of his service to the country and community, especially in the area of veterans affairs.

PUBLIC COMMENT PERIOD

Speakers:

Daryl Cobranchi – Mr. Cobranchi stated he is a resident of Pointe East Drive and is the President of the Point East homeowners association. He advised he is speaking on Agenda Item #4 agenda regarding a request that the county help resolve a dam safety issue which would require either a repair or permanent breach of the dam owned by the Pointe East Homeowners Association in the subdivision where he lives. Mr. Cobranchi advised that Point East subdivision has 36 homes and the homeowners association is divided into two classes of owners – those who own property on the lake and those who do not. Dues are the same for each class whether they receive any benefit of the lake; however, homeowners who do not have access to the lake refuse to be assessed for repairs to the dam. In December, 2009, the state pressed for a resolution to the dam problem. In May, 2010, both classes of owners voted to breach the dam and to seek a special assessment from the Board of Commissioners to pay for the breach. However, after receiving further information, the request at this time is to request the Board of Commissioners do a special assessment for the repair of the Pointe East dam.

Brian Miller – Mr. Miller, a resident of Point East, voiced his concern regarding health and safety issues related to the drained lake including a large number of mosquitoes due to the stagnant water spots and several snakes in his yard which threatens his children playing outside. Home values have declined as well. Until the dam is repaired, these issues will continue.

Harvey Trutenko – Mr. Trutenko, a resident of Point East, echoed what has already been stated.

County Manager James Martin requested the following corrections to the agenda:

Correction to Item 2.G.4. – source of fund should read Animal Services Capital Project

Correction to Item 8.G. – two vacancies should be listed in lieu of one vacancy.

1. Approval of Agenda

MOTION: Commissioner Council moved to approve the agenda with the two requested corrections.

SECOND: Commissioner Gilfus

DISCUSSION: Chairman King stated he would like to add an item for discussion regarding the county supporting the MLK Committee with the Bicycle Man's project. Commissioner Council restated her original motion which did not include any additions. Chairman King stated that historically the board has supported a member's request to add an item, but if the Board did not wish to add the agenda, then the original motion stands.

VOTE: Motion passed. Voting for: Commissioners Council, Edge, Faircloth, Gilfus and Keefe. Voting against: Commissioners King and Melvin

By consensus, the Board agreed to move Item #9 to this point in the meeting. See Item #9 for discussion and motion.

2. Consent Agenda

A. Approval of minutes for the June 7, 2010 regular meeting and the June 7, 2010 Budget Work Session, June 8, 2010 Budget Public Hearing and June 10, 2010 Budget Work Session.

B. Approval of Reappointment of Tax Administrator.

BACKGROUND: On June 17, 2002, the Board of Commissioners appointed Aaron Donaldson as Tax Administrator for a four year term and reappointed him on June 19, 2006. The Tax Administrator serves as the Tax Assessor and Tax Collector. The length of the Tax Administrator's term may be either two or four years. Mr. Donaldson's term expires on June 30, 2010.

RECOMMENDATION/PROPOSED ACTION: Management recommends that Mr. Donaldson's term be extended another four years with a term date of July 1, 2010 to June 30, 2014.

C. Approval of Appointment of Deputy Finance Officer for the Cumberland County Mental Health Authority.

BACKGROUND: North Carolina General Statutes Chapter 19, Article 3, entitled "The Local Government Budget and Fiscal Control Act" requires all checks drawn on an official depository to be signed by the Finance Officer or a properly designated Deputy Finance Officer and countersigned by another official of the local government designated for this purpose by the Governing Board. The act also requires the Deputy Finance Officer to have a faithful performance bond in an amount not less than \$10,000 or more than \$250,000. Recommendation for M. Edward Norris, be appointed to sign checks and conduct financial transactions for the Cumberland County Mental Health Authority effective July 1, 2010.

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

RESOLUTION

WHEREAS, due to the operation requirements unique to the Cumberland County Mental Health Authority; and

WHEREAS, the timing, amounts, or payees of these checks cannot be anticipated and, in most cases, the checks must be issued immediately; and

WHEREAS, the timing of the checks requires the appointment of a Deputy Finance Officer and, in addition, more than one person must be authorized to countersign each check; and

WHEREAS, North Carolina General Statute Chapter 159, Article 3, entitled "The Local Government Budget and Fiscal Control Act", authorizes the Governing Board to appoint Deputy Finance Officers to designate individual(s) to countersign the checks, and to fix the amount of the faithful performance bond to be provided by the appointee.

NOW THEREFORE, to facilitate the operational requirement of the Cumberland County Mental Health Authority, the Board of County Commissioners hereby RESOLVES that:

- M. Edward Norris is appointed a Deputy Finance Officer and is authorized to sign the checks/drafts issued on the checking and savings accounts maintained by the Cumberland County Mental Health Authority.
- The appointee will provide a faithful performance bond in the amount of \$20,000.00.

Adopted this 21st day of June, 2010.

RECOMMENDATION/PROPOSED ACTION: Approve the appointment of M. Edward Norris as Deputy Finance Officer; provide a faithful performance bond in the amount of \$20,000 for M. Edward Norris and approve the above resolution implementing the above recommendations.

- D. Approval of Receipt from North Carolina Department of Transportation of Notice of Certification of Removal of Graves from McLamb-Warren Cemetery Pursuant to NCGS 60-106(a)(I).

BACKGROUND: It has come to my attention that a letter was received from the NC Department of Transportation in June, 2008 notifying the Board that it was necessary to disinter twenty-eight (28) known graves from the McLamb-Warren Cemetery (see attached). According to the Legal Department, this certification notice should have been placed on a Board agenda in order for it to be a part of the official Board minutes.

RECOMMENDATION/PROPOSED ACTION: Acknowledge receipt of certification from the NC Department of Transportation for the disinterment of twenty-eight (28) known graves from the McLamb-Warren Cemetery.

- E. Approval of Payment of Past Years' Invoices for Services Rendered to the Cumberland County Mental Health Authority.

BACKGROUND: The Cumberland County Mental Health Authority has requested payment of previous year invoices (FY2207-2008) for services rendered to clients by Carolina Choice. Payments were not made timely during the intended fiscal year because when the invoices were originally presented for payment they were denied due to missing clinical documentation. The Cumberland County Mental Health Authority did provide the missing clinical documentation and did verify that the services rendered were performed. The total amount to be paid for services from Carolina Choice is \$22,991.20. A system has been put in place to assure these circumstances do not reoccur.

Carolina Choice FY 2007-2208 Billing Paid by the State			
Client	Dates of Service	Cost Per Day	Total Owed
DINT-68578	1/1/07 – 3/31/07	\$95.40 x 90 days	\$8,586.00
DUDT-90258	2/16/07 – 2/28/07	\$95.40 x 13 days	\$1,240.00
JOHT-100697	9/8/07 – 9/14/07	\$95.40 x 7 days	\$ 667.80
MCCJ-95469	1/1/07 – 3/31/07	\$95.40 x 90 days	\$8,586.00
MCCJ-95469	6/1/07 – 6/15/07	\$95.40 x 15 days	\$1,431.00
JOHT-100697	5/1/08 – 5/4/08	\$95.40 x 3 days	\$ 286.20
JOHT-100697	1/1/08 – 1/15/08	\$95.40 x 15 days	\$1,431.00
HARJ-85352	4/29/08 – 5/6/08	\$95.40 x 8 days	\$ 763.20
		TOTAL	\$22,991.20

RECOMMENDATION/PROPOSED ACTION: Approve for payment the above mentioned invoices to Carolina Choice in the amount of \$22,991.20 and approve a budget revision.

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

- (1) Case Numbers: MH 5731, 5732, 5733, and 5734-2008
Property Owners: Malcolm Dale Earwood and Lilly Franklin Earwood
Property Location: 3720 and 3724 Camden Road, Fayetteville, NC
Parcel Identification Number: 0425-26-7511

Approved Ordinance may be found in the Minimum Housing Ordinance Book.

- (2) Case Number: MH 5692-2008
Property Owner: Hattie W. Coptsias, c/o Julie Watson
Property Location: 3709 Camden Road, Fayetteville, NC
Parcel Identification Number: 0425-26-9358

Approved Ordinance may be found in the Minimum Housing Ordinance Book.

- (3) Case Number: MH 5777-2009
Property Owner: Erical McArthur
Property Location: 6015 Acoma Court, Fayetteville, NC
Parcel Identification Number: 0472-08-8660

Approved Ordinance may be found in the Minimum Housing Ordinance Book.

- (4) Case Number: MH 5890-2009
Property Owner: Peggy Hair Bland
Property Location: 4271 Dudley Road, Fayetteville, NC
Parcel Identification Number: 0472-18-4098

Approved Ordinance may be found in the Minimum Housing Ordinance Book.

G. Budget Revisions:

(1) Eastover Sanitary District Water Project – Phase II

Revision in the amount of \$100,000 to transfer funds from Eastover Sanitary District General Fund to the capital project. (B10-379 and B10-379A) Funding Source – Tap Fees

(2) Crown Center

Revision in the amount of \$50 to reduce the actual amount of Build America Bonds and the expenditures available for renovations to the theatre. (B10-377) Funding Source – Recovery Zone Economic Development Bonds

(3) Sheriff Training Facility/Federal Forfeiture

Revisions in the amount of \$14,327 to transfer remaining funds to the Sheriff's Federal Forfeiture Fund and close the capital project. (B10-381 and B10-381A) Funding Source – Federal Forfeiture Funds

(4) Animal Control Building/Animal Services

Revisions in the amount of \$446,800 to transfer remaining funds to Animal Services and close capital project. (B10-382 and B10-382A) Funding Source – Other

(5) Cooperative Extension

Revision in the amount of \$3,604 to budget 4H Military Grant of \$14,229 and reduce fund balance appropriated for reimbursable expenditures. (B10-383) Funding Source – Grant

(6) Education

Revision in the amount of \$4,715,109 to recognize 51.16% of additional ad valorem taxes collected to be allocated to the Board of Education. (B10-386) Funding Source – Ad Valorem Taxes

(7) Mental Health Smart Start

Revision in the amount of \$12,185 to recognize additional funding from the state. (B10-387) Funding Source – State

(8) Social Services

Revision in the amount of \$189,265 to utilize Food and Nutrition Services funds to establish five positions for duration of one year. (B10-388)
Funding Source – Federal

(9) Soil and Water Conservation

Revision in the amount of \$4,983 to recognize monies from a fundraiser.
(B10-389) Funding Source – Contributions

(10) Recreation and Parks

Revision in amount \$120,000 to recognize additional revenue earned.
(B10-390) Funding Source – Recreation Tax

MOTION: Commissioner Edge moved to approve all consent agenda Items 2.A. through 2.G.10.

SECOND: Commissioner Gilfus

DISCUSSION: Commissioner Keefe requested that Item 2.G.4. be pulled for separate discussion.

AMENDED MOTION: Commissioner Edge moved to approve all consent agenda Items 2.A. through 2.G.10 with the exception of Item 2.G.4.

SECOND: Commissioner Gilfus

VOTE: UNANIMOUS

Commissioner Keefe asked Mrs. Cannon to explain what the almost half a million dollars will be used for at Animal Services. Mrs. Cannon advised there are three capital need areas at Animal Services: 1) significant enhancement is needed for their phone system; such as adding a call center to manage the daily high volume of calls from the citizens; 2) more pasture area and more shelter is needed for a variety of livestock and poultry; and 3) retro- fit a shell area for a surgery suite and for a minor treatment facility. A partnership with other community organizations will be sought to sponsor a low cost spay and neuter program for citizens who own pets that cannot pay the full cost for this procedure. Taking advantage of having a licensed veterinarian on staff for minor treatment in lieu of sending the animals to other agencies will save money. Mrs. Cannon updated the Board on the Animal Service department stating that with Dr. Lauby, the interim Animal Services Director, is assessing staffing needs and an additional dispatcher is needed immediately as over 100 calls a day are handled by one dispatcher. Community outreach funds will be used temporarily to fund this need and a request will be made in the future to seek funds for a community outreach position. A future need will be additional positions to handle the high volume of calls. Mrs. Cannon thanked Dr. Lauby for agreeing to serve in the interim position to help move Animal Services in a positive direction.

MOTION: Commissioner Keefe moved to approve Item 2.G.4.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

3. Public Hearings

Uncontested Cases

Rezoning

- A. Case P10-19: Rezoning of 2.74+/- acres from A1 Agricultural to R40A Residential, or to a more restrictive zoning district, located at 2158 Unicorn Drive, submitted by Richard V. and Linda C. Godwin (owners).

The Planning Board recommends approval of the R40A Residential District

The Chairman opened the Public Hearing.

No Speakers

The Chairman closed the Public Hearing.

MOTION: Commissioner Edge moved to follow the Planning Board's recommendation for case #P10-19 to R40A Residential District.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

Conditional Use District Cases

- B. Case P91-118: Revocation of R6A Residential/CU Conditional Use Overlay for a junk yard on 2.08+/- acres reverting to the previous zoning classification of R6A Residential or to a more restrictive zoning district, located at 304 Wilkes Road, owned by Ernest H. and Evelyn Brewington.

The Planning Board recommends to follow staff recommendation for revocation of the Conditional Use Overlay based on the material presented and that the zoning revert to R6A Residential.

The Chairman opened the Public Hearing.

No Speakers:

The Chairman closed the Public Hearing.

MOTION: Commissioner Faircloth moved to follow the Planning Board's recommendation to revoke the Conditional Use Overlay under Case P91-118.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

Other Public Hearings

Minimum Housing Code Enforcement

- C. Case Number: MH 6093-2009
Property Owner: Sangie Bass
Property Location: 1078 Tower Drive, Hope Mills, NC
Parcel Identification Number: 0432-89-4967

AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT
BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on Minimum Housing case number MH 6093-2009.

Property Owner: Sangie Bass
Home Owner: Sangie Bass
Property Address: 1078 Tower Drive, Hope Mills, NC
Tax Parcel Identification Number: 0432-89-4967

SYNOPSIS: This property was inspected on 12/21/2009. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 1/14/2010. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 4/14/2010. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 6/2/2010 no corrective action had been made to the structure. The structure is presently vacant and reasonably secure. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$5,000.00.

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

The Chairman opened the Public Hearing.

Speaker: An oath was administered to George Hatcher, Code Enforcement Officer. Mr. Hatcher provided background information as listed above.

The Chairman closed the Public Hearing.

MOTION: Commissioner Edge moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; to order the property owner to remove or demolish the dwelling within 30 days; to order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action; and to direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS

D. Case Number: MH 6901-2009
Property Owner: Hattie Malloy
Property Location: 6483 Canadian Avenue, Hope Mills, NC
Parcel Identification Number: 0442-53-1803

**AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT
BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS**

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on Minimum Housing case number MH 6091-2009.

Property Owner: Hattie Malloy
Home Owner: Hattie Malloy
Property Address: 6483 Canadian Avenue, Hope Mills, NC
Tax Parcel Identification Number: 0442-53-1803

SYNOPSIS: This property was inspected on 10/29/2009. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 1/14/2010. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 4/14/2010. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 6/2/2010 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

The Chairman opened the Public Hearing.

Speaker: An oath was administered to George Hatcher, Code Enforcement Officer. Mr. Hatcher provided background information as listed above.

The Chairman closed the Public Hearing.

MOTION: Commissioner Faircloth moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; to order the property owner to remove or demolish the dwelling within 30 days; to order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action; and to direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

Items of Business

4. Report from County Engineer Regarding a Request from Point East Subdivision Property Owners for Assistance to Resolve a Dam Safety Issue.

BACKGROUND: The County Engineering Department has received a petition from the property owners in Point East Subdivision requesting the Board of Commissioners undertake a special assessment project to permanently breach the dam of the lake within this subdivision. Point East Subdivision contains 40 lots that are recorded on three plats, Section One - Plat Book 46, Page 37, Section Two - Plat Book 46, Page 38 and Section Three - Plat Book 52, Page 78. There are 17 lakefront lots in the subdivision. There are 35 property owners in the subdivision. The petition was signed by 15 individuals of which 13 are confirmed as property owners based on the County tax records. The other 2 signatures may be spouses of property owners, however, they do not appear as owners on the tax records. The 13 property owners that signed the petition own 15 lots within the subdivision. This represents 37.1% of the property owners and 37.5% of the lots within the subdivision. Counting the other 2 signatures, this represents 42.8% of property owners and 47.5% of the lots.

As previously reported to the County Manager in a memorandum dated May 3, 2010, this request for assistance is the result of the Point East Homeowners Association, owner of the lake and dam, having been issued a Dam Safety Order from NCDENR to repair or permanently breach the dam due to the nature of the dam, small high

hazard dam, a number of deficiencies with the dam and the association's inability to collect the necessary funds to undertake corrective actions.

The Engineering Department has been in contact with Jody Jernigan who made the initial request for assistance and Daryl Cobranchi who is the president of the Point East Homeowners Association. Mr. Cobranchi returned the signed petition and provided a copy of the minutes from the May 2, 2010 meeting of the Point East HOA in which the members present voted to request the Board of Commissioners assist the HOA with breaching the dam. At the association meeting, Dave Averette, P.E., presented his preliminary engineering report that indicated the cost to repair or breach the dam was roughly the same amount, \$101,000.

Bob Stanger, County Engineer, pointed out that a clear majority of the property owners has not been obtained for their request and normally the Board does not consider special assessment without a majority of the property owners making the request. A number of issues need to be resolved prior to the Board taking action on the request; such as, does the county have authority to undertake a special assessment project to breach a dam?, what action is the property owners are actually asking for?, and if a special assessment project can be undertaken, which properties within Point East subdivision benefit from the project and would be assessed for the cost of the work?

Rick Moorefield, County Attorney, advised under case law and statutory basis, the county cannot do an assessment project to breach the dam, but the county can participate in other ways and the following recommendation was made.

RECOMMENDATION/PROPOSED ACTION: Advise the Pointe East Homeowners Association that in order to have a project that potentially qualifies for assessment: (1) the project must include the repair of the dam; and (2) the project must be designed by a professional engineer or planner to identify whether the project furthers flood prevention, improves drainage, improves the water supply, promotes soil and/or water conservation, enhances recreation, enhances fish and wildlife habitat, or promotes related purposes.

After further discussion, it was agreed that this item should be taken to the Policy Committee when it meets next to discuss a formal request from the homeowners.

MOTION: Commissioner Melvin moved to refer this item to the Policy Committee.

SECOND: Commissioner Council

DISCUSSION: Chairman King voiced concern about obtaining a majority of the property owners approval of what is requested and their costs. Commissioner Edge questioned whether the homeowners association owned the lake and whether all property owners will be assessed the same amount. Mr. Cobranchi replied that the lake is owned by the homeowners association and he understands that the Board in the past assessed the higher rate to the property owners who have access to the lake. Commissioner Melvin questioned whether the homeowners who do not live on the lake have access to the lake and Mr. Cobranchi stated

they did not. Commissioner Faircloth asked that as much information as possible be provided to all homeowners as well as the Policy Committee. Commissioner Keefe voiced concern about how the dam will be maintained in the future and Mr. Cobranchi stated that discussions have already taken place with the homeowners regarding a fund for those purposes. Discussion ensued regarding the loss of property value and how that affects the tax rates if the needed repairs are not made. Mr. Cobranchi advised that the State has said that as long as progress was being made regarding a final solution to the problem the State will continue to work with them.

VOTE: UNANIMOUS

5. Consideration of Cumberland County Policy Committee Report and Recommendation:

A) Consideration of Request of R.E. Goodson Construction Co., Inc. to Connect to and Travel Over County Property from Company Property.

BACKGROUND: The Goodson Company has offered to either lease the county's 2.72 acre tract for \$1,500 per year for two years or purchase it for \$9,500 per acre. This is a total purchase price of \$25,840. This is the same price per acre that the Goodson Company reports it paid for the 97 acres on which the borrow pit will be located. The tax appraisal is \$30,017. The property was acquired with FEMA funds and contains a deed restriction which prohibits any development.

If leased for more than one year, must be by resolution adopted at a regular meeting after advertising upon ten days notice. G.S. 160A-272. Company wants the access as soon as possible, so there is not sufficient time to comply with the statutory requirement for a two-year lease to be approved at the August meeting. One-year lease can be authorized at this meeting.

If sold outright, under these circumstances best method would be by negotiated offer, advertisement and upset bid. G.S. 160A-269. This will require Company to make a deposit and the transaction will not be completed until upset bid period has lapsed.

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
RESOLUTION PROPOSING TO ACCEPT AN OFFER TO PURCHASE CERTAIN REAL
PROPERTY PURSUANT TO N.C.G.S § 160A-269**

Whereas, the Board of Commissioners has determined to dispose of the real property described herein in accordance with the negotiated offer, advertisement and upset bid method of sale.

Be it hereby resolved that the Board of Commissioners proposes to accept the offer of R. E. Goodson Construction Co., Inc., to purchase that 2.72 acre tract of land described in the deed recorded in Book 5147 at page 234 and further identified as Parcel ID 0512-48-2469 for a purchase price of \$25,840. This conveyance shall be subject to the restriction that the land must be maintained as open space in perpetuity.

The Clerk is directed to receive the offeror's deposit and advertise the Board's proposal to accept this offer subject to the upset bid procedure of N.C.G.S. § 160A-269. This procedure shall be repeated until no further qualifying upset bids are received, at which time the highest offer is accepted and staff is directed to complete the sale to the highest bidder.

Adopted this 21st day of June, 2010.

RECOMMENDATION/PROPOSED ACTION: Either, adopt a resolution finding the property will not be needed by the county for the next year and authorizing it to be leased to the Goodson Company as access to its borrow pit for an annual rental of \$1,500; or adopt the above resolution authorizing sale of the property to the Goodson Company upon the terms and conditions set out in the resolution.

MOTION: Commissioner Edge moved to authorize the sale of the property at a purchase price of \$25,840.

SECOND: Commissioner Keefe

DISCUSSION: Commissioner Faircloth reconfirmed with Mr. Martin there is no need for this property. Commissioner Melvin is in favor of the sale based on liability issues if it is leased. Mr. Martin requested that the adoption of the resolution be made a part of the motion.

AMENDED MOTION: Commissioner Edge moved to adopt the above resolution and to authorize the sale of the property at a purchase price of \$25,840.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS

6. Consideration of Designation of Voting Delegate for NACo Conference.

BACKGROUND: The NACo annual conference is being held July 16 – 20, 2010.

PROPOSED ACTION: Appoint a delegate and an alternate.

MOTION: Commissioner Faircloth moved to designate Chairman King as the delegate and Commissioner Edge as the alternate for the NACo Annual Conference.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS

7. Nominations to Boards and Committees

There were no nominations for the June 21, 2010 Board of Commissioners Meeting

8. Appointments to Boards and Committees

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

Nominees: Wynella A. Myers (Reappointment)
Alfonso Ferguson, Sr. (Reappointment)

B) Board of Adjustment (2 Vacancies)

Nominees: Melree Hubbard Tart (Reappointment)
Carrie Tyson-Autry (Reappointment)

C) Cumberland County Juvenile Crime Prevention Council (2 Vacancies)

Nominees: At-Large Representatives:
Kimberley Reeves (Reappointment)
Joan Blanchard (Reappointment)

D) Cumberland County Local Emergency Planning Committee (6 Vacancies)

Nominees:

First Aid Representative: Kevin Brunson

Print and Broadcast Media Representative: Doug Hewett (Reappointment)

Print and Broadcast Media Representative: Sally Shutt (Reappointment)

Law Enforcement Representative: Lt. Charles Parker (Reappointment)

Utilities Representative: Suzanne Rohrs (Reappointment)

At-Large Representative: Richard A. King

E) Cumberland County Workforce Development Board (1 Vacancy)

Nominee: Education: Dr. Joe Mullis (Reappointment)

F) Joint Appearance Commission (1 Vacancy)

Nominee: Ken Arnold (Reappointment)

G) Mental Health Board (1 Vacancy)

Nominees:

Individual Representing the Interests of Children:

Janice Smith

Clinical Professional from the Fields of Mental Health,
Developmental Disabilities or Substance Abuse:

Allie Wiggins

H) Mid-Carolina Aging Advisory Committee (4 Vacancies)

Nominees: Volunteers: Carolyn Owens (Reappointment)
David V. McMillan (Reappointment)
Rebecca Campbell (Reappointment)

Consumers: Daniel DeCriscio (Reappointment)

I) Tourism Development Authority (1 Vacancy)

Nominee: Hotel/Motel Under 100 Rooms Representative:

William S. Wellons, Jr. (Reappointment)

MOTION: Commissioner Edge moved to appoint all nominees in Items 8.A. through 8.I.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

9. Adoption of FY2011 Budget

County Manager James Martin advised that the proposed budget ordinance was included in their packet, but adjustments were not included. Therefore, a handout was distributed and Amy Cannon, Assistant County Manager, reviewed the details of the budget changes which has been made since the recommended budget was introduced. Mrs. Cannon advised there are only four items under the General Fund which are not Board requested changes: 1) General Personnel Changes, 2) five new Case Worker I positions with Social Services, 3) general operating changes, and 4) general revenue changes with all other items being discussed by the Board of Commissioners in earlier budget work session meetings.

MOTION: Commissioner Council moved to adopt the FY10-11 Budget Ordinance as presented.

SECOND: Commissioner Faircloth

DISCUSSION: Commissioner Melvin advised he cannot support the motion as he supports a revenue neutral budget, but is in support of the jail expansion. Commissioner Keefe stated that since he was not privy to the additional information earlier which was just presented, he will not support the motion as he feels there is still room for a revenue neutral budget. Commissioner Gilfus will be voting in support of the budget even though he has concerns about next year's budget with regard to the continuation of support of the funds needed for the jail expansion.

VOTE: Motion passed. Voting for: Commissioners King, Edge, Council, Faircloth and Gilfus. Voting against: Commissioners Keefe and Melvin.

BUDGET ORDINANCE

The Board of County Commissioners hereby adopts and enacts the proposed 2010-2011 fiscal year budget as recommended by the County Manager with amendments incorporated herein as the County of Cumberland's budget for FY2010-2011 under the following terms and conditions:

1. The Budget Ordinance shall govern only total dollar departmental appropriations, including multiple organizations within a department, as shown subject to the resolution of September 7, 1982, after any additional personnel costs are factored into each department's appropriation.
2. The amendments to the County Manager's recommended budget as approved by the Board of Commissioners (see Attachment A). Attachment A includes all adjustments approved by the Board of Commissioners from May 25, 2010 through adoption of the budget on June 21, 2010 and any subsequent adjustments approved through June 30, 2010 by the Board.
3. The County-Wide Ad Valorem Tax Rate and levy of 74.0 cents per \$100 valuation is hereby adopted. The County has earmarked .6 cents of the County-Wide tax rate, \$1,217,794, for the jail expansion capital project.
4. The Special Recreation Tax Rate and levy of 5 cents per \$100 valuation is hereby adopted.
5. The Fire Tax District Rates as shown below are hereby adopted and taxes levied:

	<u>Approved Tax Rate Per \$100 Valuation</u>
Beaver Dam Fire District	10 cents
Bethany Fire District	10 cents
Bonnie Doone Fire District	10 cents
Cotton Fire District	10 cents
Cumberland Road Fire District	10 cents
Eastover Fire District	10 cents
Godwin-Falcon Fire District	10 cents
Grays Creek Fire District	10 cents
Lafayette Village Fire District	10 cents
Lake Rim Fire District	10 cents
Manchester Fire District	10 cents
Pearces Mills Fire District	10 cents
Stedman Fire District	10 cents
Stoney Point Fire District	10 cents
Vander Fire District	10 cents

Wade Fire District	10 cents
Westarea Fire District	10 cents
Special Fire Service Fire District	1.25 cents

6. The Cumberland County Board of Education's current expense appropriation is hereby adopted at a tax rate of 37.55 cents of the total current year tax collections less any applicable amount due to other interlocal agreements.
7. The Fiscal Year 2011 Position Classification and Pay Plan is revised to reflect any additional or revised/deleted positions and/or classifications approved by this budget. The county manager shall be responsible for the administration and maintenance of the position classification plan and shall have authority to create new classifications and reallocate existing classifications within the salary plan for all existing county positions. Positions governed by state personnel are exempt from this policy. The Board of County Commissioners shall annually ratify the classification and salary plan.
8. The County Pay Plan for FY2010-2011 includes a 2.0 % cost of living increase for all permanent employees hired before June 20, 2010. The COLA is effective beginning with the first full pay period in July.
9. Encumbrances outstanding in the prior fiscal year will be included in the coming year FY2011 budget. Unexpended grants and other funds previously approved and budgeted by the Board in FY2010, may be re-budgeted or rolled over into the FY2011 budget by the Manager.
10. Board approved contingency funds may be reallocated within and between departments in the same fund by the Manager, subject to current established policies.
11. Any shortfalls or other adjustments in revenues or expenditures created by the above adopted budget shall be adjusted by a like amount appropriation from the fund balance of the County of Cumberland or an adjustment to contingency or other line item so that the 2010-2011 fiscal year budget of the County of Cumberland is balanced pursuant to Chapter 159 of the NC General Statutes.
12. Solid Waste Management fee is hereby adopted at \$48.00 per household.

MOTION: Commissioner Gilfus moved to direct management to move forward with all deliberate speed with the processes needed for the expansion of the county jail.

SECOND: Commissioner Council

DISCUSSION: Chairman King stated he cannot support the motion as he does not feel that the case has been made to justify jail expansion. Commissioner Edge encouraged all Board members to read the study recently completed by the North Carolina Association of County Commissioners which states there are 50 counties out of 100 counties who need more jail

space. He also voiced his concern that the court system can stop placing individuals in the jail which would end up costing the county more dollars. Commissioner Faircloth asked for clarification of the motion's intent.

AMENDED MOTION: Commissioner Gilfus moved to direct management to move forward with the processes needed for the expansion of the county jail by taking it forward to the Facilities Committee.

SECOND: Commissioner Council

VOTE: Motion passed. Voting for: Commissioners Council, Edge, Faircloth, Gilfus, Keefe and Melvin. Voting against: Chairman King

10. Closed Session: A. Personnel Matter Pursuant to NCGS 143-318.11(a)(6)

MOTION: Commissioner Council moved to go into Closed Session.

SECOND: Commissioner Gilfus

VOTE: UNANIMOUS

Thereupon, the Board went into closed session.

Upon returning into open session, the following motions were made:

MOTION: Commissioner Faircloth moved to go into Open Session.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

MOTION: Commissioner Edge moved to adjourn.

SECOND: Commissioner Council

VOTE: UNANIMOUS

There being no further business, the meeting adjourned at 8:32 p.m.

Approved with/without revision:

Respectfully submitted,

Marie Colgan
Clerk to the Board