

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
MAY 3, 2010 – 9:00 AM  
117 DICK STREET, 1<sup>ST</sup> FLOOR, ROOM 118  
REGULAR MEETING

PRESENT: Chairman Billy King (arrived 8:05 am)  
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  
Bob Stanger, County Engineer  
Marie Colgan, Clerk to the Board  
Press

In the absence of Chairman King, Vice Chairman Kenneth Edge called the meeting to order.

Invocation - Commissioner Marshall Faircloth

Minister - Rev. John J. Cook, Jr. – Pastor, Snyder Memorial Baptist Church

Pledge of Allegiance

Chairman King arrived.

1. Approval of Agenda

James Martin, County Manager, requested the addition of a closed session for Personnel Matters as Item 6.B.

MOTION: Commissioner Melvin moved to approve the agenda to include the addition of a closed session for Personnel Matters as Item 6.B.

SECOND: Commissioner Council

VOTE: UNANIMOUS

2. Consent Agenda

- A. Approval of Minutes for the April 19, 2010 Special Meetings with the Fayetteville Technical Community College Board of Trustees, the Water Project Update and the Regular Board of Commissioners Meeting

B. Approval of Submission of 2010 Community Development Annual Action Plan

BACKGROUND:

Community Development is completing the 2010 Consolidated Plan and Annual Action Plan. Both of these reports are required documents that must be submitted to the U.S. Department of Housing and Urban Development (HUD) by May 15, 2010 in order to receive our annual entitlements of Community Development Block Grant (CDBG) and Home Investment Partnership Act (HOME) funds. The purpose of this memorandum is to request approval for submission of the Consolidated Plan and Annual Action Plan (Attachment A).

The draft plan was presented and a public hearing held at the April 19, 2010 Board of Commissioners meeting. The document has also been available at 10 locations throughout the County since April 9, 2010 for a 30-day public review and comment period. No comments have been received to date; however, any comments received will be addressed by the Director within 15 days and forwarded to HUD along with the plan submission. A final copy of the plan will be available through the Community Development Office beginning May 7, 2010.

RECOMMENDATION AND PROPOSED ACTION:

Community Development recommends that the Board of Commissioners approve submission of the Consolidated Plan and Annual Action Plan to HUD on or before May 15, 2005.

C. Approval of Declaration of Surplus County Property and Authorization to Accept Insurance Settlement

BACKGROUND

DATE OF ACCIDENT	March 12, 2010
VEHICLE	2010 Ford Crown Victoria
VIN	2FABP7BV4AX17255
FLEET #	FL442
MILEAGE	1,685
DEPARTMENT	Sheriff's Office
SETTLEMENT OFFER	\$21,427.50
INSURANCE COMPANY	Travelers

This is a total loss settlement offer.

RECOMMENDATION/PROPOSED ACTION

Management recommends that the Board of Commissioners:

1. Declare the vehicle described above as surplus,
2. Authorize the Risk Manager to accept \$21,427.50 as settlement, and
3. Allow Travelers Insurance to take possession of the wrecked (surplus) vehicle.

- D. Approval of Report to the Board of Commissioners of Settlement of Lawsuit:  
Darden V. Smith, 09 CVS 882

BACKGROUND: On April 9, 2010, the County Manager approved offering \$3,000.00 in settlement of this claim against the County. The claim was for negligence on behalf of a minor child injured while riding a pony at a carnival held at the Crown Center on March 10, 2006. The offer was accepted and the court entered an Order approving the settlement involving the minor child.

RECOMMENDATION: Accept this report of settlement of the claim as meeting the requirement of §10-175 of the County Code.

- E. Approval of a Resolution Requesting that North Carolina Department of Transportation Install Signage in Cumberland County Designating Certain Roadways as "Purple Heart Highways"

COUNTY OF CUMBERLAND

NORTH CAROLINA

A RESOLUTION REQUESTING THAT NCDOT INSTALL SIGNAGE  
IN CUMBERLAND COUNTY DESIGNATING CERTAIN ROADWAYS  
AS PURPLE HEART HIGHWAYS

WHEREAS, numerous persons have bravely and dutifully served the United States during time of war and military conflict; and

WHEREAS, many of these citizens, while serving to protect the rights and privileges afforded by citizenship in this great nation, were wounded in combat and had their personal sacrifice recognized by award of the Purple Heart Medal; and

WHEREAS, other local governments in this area are seeking or have sought to recognize such sacrifice by ceremonial designation of certain roadways as Purple Heart Highways; and

WHEREAS, the Cumberland County Board of Commissioners wishes to afford similar recognition and honor to the sacrifice and bravery of those persons.

NOW THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that the North Carolina Board of Transportation is requested to install signage in Cumberland County designating certain roadways as "Purple Heart Highways".

Adopted this 3rd day of May, 2010.

- F. Approval of a Proclamation Proclaiming May 2010 as Mental Health Month in Cumberland County

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, caring for the mind, as well as the body, is good for overall health and key to success at home, at work and at school; and

WHEREAS, more than 54 million Americans have a mental disorder in any given year and mental health issues affect all segments of society, from the very young to the very old; and

WHEREAS, mental health problems, including depression and anxiety disorders, are as treatable as many physical illnesses; and

WHEREAS, the stigma and lack of understanding about mental illness continues to present the single most significant barrier to care for those in need; and

WHEREAS, the National Institute of Mental Health has found that the treatment success rates for disorders such as depression, panic disorder and schizophrenia surpass those of other medical conditions, such as heart disease; and

WHEREAS, evidence-based treatments are highly effective, resulting in a significant reduction of symptoms and improved quality of life for over 70% of individuals; and

WHEREAS, Mental Health America and their national partners observe Mental Health Month each May to raise awareness and understanding of mental health and illness;

NOW THEREFORE BE IT PROCLAIMED, that the Cumberland County Board of Commissioners proclaims MAY, 2010 “MENTAL HEALTH MONTH” in Cumberland County. The Board also calls upon its citizens, government agencies, public and private institutions, businesses and schools in Cumberland County to recommit our community to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health and the need for appropriate and accessible services for all people with mental health conditions.

This 3rd day of May, 2010.

- G. Approval of a Proclamation Proclaiming May 9-15, 2010 as “Cumberland County Law Enforcement Officers Week and May 12, 2010 as “Peace Officers Memorial Day” in Cumberland County

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, Cumberland County recognizes the heroism of all law enforcement officers who have died in the line of duty – giving their lives to protect and serve the citizens of our county; and

WHEREAS, the Cumberland County Sheriff's Office has lost twelve officers in the line of duty; and

WHEREAS, a permanent memorial had been designated and erected in memory of all those fallen officers and placed on the grounds of the Cumberland County Courthouse and Law Enforcement Center.

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners hereby proclaim May 9-15, 2010 "CUMBERLAND COUNTY LAW ENFORCEMENT OFFICERS WEEK" and May 12, 2010 as "PEACE OFFICERS MEMORIAL DAY".

BE IT FUTHER RESOLVED that the Board encourages all citizens of Cumberland County to recognize the contributions of those who serve their community in potentially dangerous circumstances and the ultimate sacrifice by those who have given their lives protecting and serving this county.

Adopted this 3<sup>rd</sup> day of May, 2010.

H. Budget Revisions:

(1) Sheriff School Law Enforcement

Revision in the amount of \$1,174 to appropriate fund balance to establish a new Crossing Guard/Traffic Control Officer for Sherwood Park Elementary. (B10-330) Funding Source – General Fund Fund Balance

(2) Sheriff- Federal Forfeiture Fund

Revision in the amount of \$80,000 to appropriate fund balance for renovations to the second floor of the Law Enforcement Center for crime scene investigators' offices, work areas and labs. (B10-332) Funding Source – Federal Forfeiture Fund Balance

(3) Child Support Enforcement

Revision to establish and hire a CSE Director to assist in the initial transition from a State operated Child Support Enforcement agency to a county operated department. (B10-333) Funding Source – General Fund Fund Balance

MOTION: Commissioner Council moved to approve all consent agenda Items 2.A. – 2.H.3.

SECOND: Commissioner Gilfus

VOTE: UNANIMOUS

ITEMS OF BUSINESS

3. Consideration of Bids for Crown Arena & Theater Project (Contingent Upon Bids Received in Compliance with General Statutes)

Bob Stanger, County Engineer, provided background information regarding the bids received on April 29, 2010 for mechanical, electrical and plumbing construction for the Crown Arena and Theater PME and Life Safety Improvements Project and called attention to the certified bid tabulation and letter of recommendation of award of contracts prepared by the project architect, LSV Partnership. Mr. Stanger summarized the low bids as outlined in background information listed below. Mr. Stanger explained the mechanical contract includes the replacement of the exhaust fans in the Crown Arena. Mr. Stanger further explained the electrical contract includes the replacement of lights in the Crown Arena, a new generator that will allow for cooling in the Crown Arena in the event there is a power outage and new telecom lines between the Crown Coliseum and the Arena Theater. Mr. Stanger stated the total amount of the bids is \$2,423,500, which is approximately \$900,000 under the initial construction budget of \$3.5 million. Mr. Stanger further stated he recommends the inclusion of a construction contingency in the amount of 10% of the bids, which is \$242,350, for a total project construction budget of \$2,665,850. In conclusion, Mr. Stanger reviewed the recommendation of the County Engineer, Crown Management, County Manager and LSV Partnership, contingent upon approval from the LGC for the project financing, as outlined below.

At the request of Commissioner Council, Mr. Stanger explained the total bid amount for T&H Electrical Corporation included the base bid and a number of alternate bids. Chairman King inquired whether the bids were from local contractors. Mr. Stanger stated T&H Electrical Corporation was located in Wilson and Bass Air Conditioning, Inc. and Ivey Mechanical Co., LLC were located in Fayetteville.

Commissioner Keefe inquired regarding energy efficiency lighting. Mr. Stanger explained energy efficiency lighting would be included in the Crown Arena because that was the only lighting being replaced other than backstage at the Crown Theater, which is part of the energy performance contract with Johnson Controls, Inc.

BACKGROUND

Bids for mechanical, electrical and plumbing construction for the Crown Arena & Theater PME & Life Safety Improvements Project were received on April 29, 2010. Attached is the certified bid tabulation and letter of recommendation of award of contracts prepared by the project architect, LSV Partnership. Base bids for each discipline and a number of alternate bids were received. The low bids are summarized as follows:

Mechanical:	Bass Air Conditioning Co., Inc.	\$1,148,000 (includes Alt M1)
Electrical:	T&H Electrical Corporation	\$1,237,500 (includes Alt E1, E2 & E3)
Plumbing:	Ivey Mechanical Co., LLC	\$38,000

The life safety improvements (fire alarm system) are included in the electrical work. The total amount of the bids including all the alternates is \$2,423,500. In addition, a construction contingency of \$242,350 (10%) is recommended for a total project

construction budget of \$2,665,850 which is significantly below the construction budget initially established for this project.

RECOMMENDATION/PROPOSED ACTION

The recommendation of the County Engineer, Crown Management, County Manager and LSV Partnership, contingent upon approval from the LGC for the project financing is to:

1. Accept the bids for the Crown Arena & Theater PME & Life Safety Improvements Project.
2. Award contracts to the low bidders as identified above in the amounts indicated.
3. Establish a construction contingency in the amount of \$242,350 to be used for changes in the scope of work recommended by the engineer and approved by the County Manager.
4. Approve the attached budget revision.

The proposed action by the Board of Commissioners is to approve the staff recommendation.

April 29, 2010

Mr. Bob Stanger, PE  
Cumberland County Engineering  
P.O. Drawer 1829  
Fayetteville, NC 28302

Re: Crown Theater & Arena  
Phase 2 Renovations

Dear Mr. Stanger,

Based upon review of bids received April 29, 2010 for the above project, we are recommending that separate prime contracts be awarded as follows:

Plumbing Contract: Ivey Mechanical Company, LLC

Total Plumbing Contract Award	\$ 38,000
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Mechanical Contract: Bass Air Conditioning Company, Inc.

Base Bid	\$ 1,112,000
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<u>Alt. M-1 (new exhaust fans)</u>	<u>\$ 36,000</u>
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Total Mechanical Contract Award	\$ 1,148,000
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Electrical Contract: T&H Electrical Corp.

Base Bid	\$ 1,045,000
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Alt. E-1 (new lighting)	\$ 112,000
Alt. E-2 (new generator)	\$ 56,500
<u>Alt. E-3 (telecom lines)</u>	<u>\$ 24,000</u>
Total Electrical Contract Award	\$ 1,237,500

Attached are certified bid tabs. Please let us know if you have questions or need additional information.

Sincerely,  
Walter Vick, AIA

Separate Prime Bid Tabulation  
PLUMBING

The LSV Partnership  
Architects/Planners, AIA  
209 Fairway Drive  
Fayetteville, NC 28305

CROWN THEATER & ARENA  
PHASE 2 RENOVATIONS  
Cumberland County, NC

April 29, 2010

Contractor	Bd	ADD	MBE	Base Bid \$
Haire Plumbing Co., Inc. 361 Winslow St. Fayetteville, NC 28301 License # 4230	X	X	X	\$61,908
Ivey Mechanical Co., LLC 118 Drake St. Fayetteville, NC 28302 License # 10838	X	X	X	\$38,000
Southern Piping Co, Inc. 1908 Baldree Rd. Wilson, NC 27893 License # 2108	X	X	X	\$63,000

Addendum No. 1 March 19, 2010 (53 pages + 5 full-size drawings)  
Addendum No. 2 March 22, 2010 (19 pages)  
Addendum No. 3 March 23, 2010 (32 pages)  
Addendum No. 4 April 21, 2010 (39 pages)  
Addendum No. 5 April 22, 2010 (20 pages)



CERTIFIED: Walter Vick, AIA  
The LSV Partnership  
Architects/Planners AIA

Separate Bid Tabulation  
MECHANICAL

The LSV Partnership  
Architects/Planners, AIA  
209 Fairway Drive  
Fayetteville, NC 28305

CROWN THEATER & ARENA  
PHASE 2 RENOVATIONS  
Cumberland County, NC

April 29, 2010

Contractor	Bd	ADD	MBE	Base Bid \$	Alt M-1
Bass Air Conditioning Co, 3261 Natal Rd. Fayetteville, NC 28306 License # 1387	X	X	X	\$1,112,000	\$36,000
Ivey Mechanical Co., LLC 118 Drake St. Fayetteville, NC 28302 License # 10838	X	X		\$1,213,444	\$22,200
Smith's Refrigeration, Inc. 2309 Elizabethtown Rd. Lumberton, NC 28358 License # 14759	X	X	X	\$1,348,443	\$56,125
Southern Piping Co, Inc. 1908 Baldree Rd. Wilson, NC 27893 License # 2108	X	X	X	\$1,228,000	\$45,000

Addendum No. 1	March 19, 2010	(53 pages + 5 full-size drawings)	Alternate M1-New Exhaust Fans
Addendum No. 2	March 22, 2010	(19 pages)	
Addendum No. 3	March 23, 2010	(32 pages)	
Addendum No. 4	April 21, 2010	(39 pages)	
Addendum No. 5	April 22, 2010	(20 pages)	

CERTIFIED: Walter Vick, AIA  
The LSV Partnership  
Architects/Planners AIA

Separate Prime Bid Tabulation  
ELECTRICAL

The LSV Partnership  
Architects/Planners, AIA  
209 Fairway Drive  
Fayetteville, NC 28305

CROWN THEATER & ARENA  
PHASE 2  
RENOVATIONS  
Cumberland County, NC

April 29, 2010

Contractor	Bd	ADD	MBE	Base Bid \$	Alt E-1	Alt E-2
Integrated Electrical Contractors, Inc. 401 Robeson St. Fayetteville, NC 28301 License # 27366-U	X	X	X	\$1,243,000	\$107,000	\$48,000
T&H Electrical Corp. 3235 US Highway 301 S Wilson, NC 27893 License # 8245-U	X	X	X	\$1,045,000	\$112,000	\$56,500
Watson Electrical Construction Co, Inc. 369 Wilkes Rd. Fayetteville, NC 28306 License # 213-U	X	X	X	\$1,161,000	\$172,000	\$63,500

Addendum No. 1	March 19, 2010	(53 pages + 5 full-size drawings)	Alternate E1 - New Lighting
Addendum No. 2	March 22, 2010	(19 pages)	Alternate E2 - New Generator
Addendum No. 3	March 23, 2010	(32 pages)	Alternate E3 - Telecom Lines
Addendum No. 4	April 21, 2010	(39 pages)	
Addendum No. 5	April 22, 2010	(20 pages)	

CERTIFIED: Walter Vick, AIA  
The LSV Partnership  
Architects/Planners AIA

MOTION: Commissioner Melvin moved to approve the staff recommendation.  
SECOND: Commissioner Edge  
VOTE: UNANIMOUS

Chairman King advised at some future point in time, the Board plans to engage in discussions about all county facilities as a group. Mr. Stanger recalled the Master Plan prepared for county facilities that identified both short and long term needs. Chairman King responded the issues are related more to facility operations. Commissioner Faircloth stated he would like to see a business plan for the Crown for the next five to ten years, especially when considering the BRAC, and he would also like for the Commissioners to receive more frequent updates.

4. Nominations to Boards and Committees

Chairman King advised there were no nominations to Boards and Committees.

5. Appointments to Board and Committees

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

Nominees: George W. Mitchell  
Daniel Rodriquez (Reappointment)

MOTION: Commissioner Edge moved to appoint all nominees in Item 5.A.  
SECOND: Commissioner Faircloth  
VOTE: UNANIMOUS

B. Child Homicide Identification and Prevention (CHIP) Council (3 Vacancies)

Nominees:

A Representative of the Medical Community Whose Specialty is Children:

Dr. Sharon Cooper (Reappointment)

A Representative from District Court:

Judge Beth Keever (Reappointment)

A Representative of Cumberland County Department of Social Services:

Rosemary Zimmerman (Reappointment)

C. Cumberland County Home and Community Care Block Grant (1 Vacancy)

Nominee:

Older Consumer Representative: Edwin Deaver (Reappointment)

MOTION: Commissioner Melvin moved to appoint all nominees in Items 5.B. – 5.C.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS

6. Closed Session:

A. Attorney Client Matter(s)  
Pursuant to NCGS 143-318.11(a)(3)

B. Personnel Matter(s)  
Pursuant to NCGS 143-318.11(a)(6)

MOTION: Commissioner Edge moved to go into Closed Session for Attorney Client Matter(s) Pursuant to NCGS 143-318.11(a)(3) and for Personnel Matter(s) Pursuant to NCGS 143-318.11(a)(6).

SECOND: Commissioner Gilfus

VOTE: UNANIMOUS

The Board entered into closed session.

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

MOTION: Commissioner Gilfus moved to go into Open Session.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS

MOTION: Commissioner Gilfus moved to adjourn.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS

There being no further business, the meeting adjourned at 10:00 a.m.

Approved with/without revision:

Respectfully submitted,

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Candice H. White  
Deputy Clerk to the Board