

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
APRIL 4, 2011 – 9:00 AM  
117 DICK STREET, 1<sup>ST</sup> FLOOR, ROOM 118  
REGULAR MEETING  
MINUTES

PRESENT: Chairman Kenneth Edge  
Commissioner Jeannette Council  
Commissioner Charles Evans  
Commissioner Marshall Faircloth  
Commissioner Jimmy Keefe  
Commissioner Billy King  
Commissioner Ed Melvin  
James Martin, County Manager  
Amy Cannon, Assistant County Manager  
James Lawson, Assistant County Manager  
Rick Moorefield, County Attorney  
Sally Shutt, Communications Manager  
Marie Colgan, Clerk to the Board  
Candice White, Deputy Clerk to the Board

INVOCATION Commissioner Billy R. King

Minister: Chalmers L. McDougald, Pastor, New Bethel AME Zion Church

Pledge of Allegiance

Special Recognition of Wendell Scott Weathington -2010 Cumberland County  
Agricultural Hall of Fame Inductee:

Chairman Edge recognized Wendell Weathington and provided background  
information on his many accomplishments.

Special Recognition of Adam Carter - 2010 Young Farmer of the Year:

Chairman Edge recognized Adam Carter and provided background information on his  
many accomplishments.

Lisa Childers, Director of Cooperative Extension Services, thanked the Board for  
recognizing the above individuals stating that agriculture is alive and well in  
Cumberland County. Ms. Childers recognized two new members of her department:  
Angela Schafer, 4-H agent, and Mandy Harris, livestock agent.

County Manager James Martin, requested the addition of a personnel matter as Item  
6.B. pursuant to NCGS 143-318.11(a)(6).

1. Approval of Agenda.

MOTION: Commissioner King moved to approve the agenda with the addition of a  
closed session for a personnel matter.

SECOND: Commissioner Council

VOTE: UNANIMOUS

2. Consent Agenda

Commissioner Keefe requested that Item 2.E. be pulled for discussion.

A. Approval of minutes for the March 21, 2011 regular and special  
meetings.

B. Approval of Proposed Additions to the State Secondary Road System :

Grays Creek Township: Halsey Loop (SR 3916 Ext.)

**BACKGROUND:** The North Carolina Department of Transportation has received petitions requesting the above street be placed on the State Secondary Road System for maintenance.

**RECOMMENDATION/PROPOSED ACTION:** Approve the above listed street for addition to the State Secondary Road System.

- C. Approval of Bid Award for Law Enforcement Center Second Floor Renovation Project for CSI Offices.

**BACKGROUND:** Bids were received on March 23, 2011 for the Law Enforcement Center Second Floor Renovation Project for CSI Offices. This project involves demolition of the old Work Release area (approximately 5200 sf) on the second floor and renovation of this space for offices and labs for the Crime Scene Investigation unit of the Sheriff's Office.

The low bid was submitted by Hayes, Inc., in the amount of \$179,000. This equates to a unit renovation cost of \$34.42 per sf. In addition to the base bid, a 10% contingency in the amount of \$17,900 is recommended. Funding for this project is from the Sheriff's Office Federal Forfeiture Fund.

**RECOMMENDATION/PROPOSED ACTION:** The recommendation of the County Engineer, Sheriff's Office and Management is to:

1. Accept the bids for the Law Enforcement Center Second Floor Renovation Project for CSI Offices.
2. Award a contract to Hayes, Inc., in the amount of \$179,000.
3. Approve a project contingency of \$17,900 for additional work recommended by the County Engineer and approved by the County Manager.
4. Approve the associated budget revision.

The proposed action by the Board is to follow the staff recommendation.

- D. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – PIN: 0574-75-0999; Carvers Creek Township.

**BACKGROUND:** On or about September 10, 2007, the County acquired by tax foreclosure the above property. The amount currently owed on the foreclosure judgment including interest and costs for the property is \$4,793.12.

Nicholas Amuna has offered to purchase the County's interest in the property for \$4,793.12 and has deposited \$489.00 in the Finance Office. The tax value of the property is \$38,900.00.

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

**RECOMMENDATION AND PROPOSED ACTION:** That the Board of Commissioners consider whether to accept the offer of Nicholas Amuna to purchase the above property for the sum of \$4,793.12, plus advertising and recording costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- E. Approval of a Vending Machine Contract Franchise Agreement with Mental Health Auxiliary. \*\*Pulled and discussed separately. \*\*

- F. Approval of Adoption of a Proclamation Recognizing the County Commissioners Support of the Cumberland County Fair.

PROCLAMATION

WHEREAS, several organizations, including the Cumberland County Cooperative Extension Service, the Cumberland County Farm Bureau, the Cumberland County Livestock Association, the local school systems, and the Cumberland County Civic Center Commission for the Cumberland County Fair banded together in 1991 to form the Southeastern North Carolina Agricultural Society for the purpose of producing a county fair; and,

WHEREAS, in 1998, the Southeastern North Carolina Agricultural Society promulgated the continued growth and expansion of the Cumberland County Fair by entrusting the management of said fair to the Cumberland County Civic Commission; and,

WHEREAS, the Cumberland County Fair adopted as its mission to provide an opportunity to showcase and preserve the history and legacy of the agricultural communities in Cumberland County; to celebrate the diversity of the local arts and crafts; to promote a safe setting for fun, healthy family entertainment featuring music, motorsports and animals; and, to encourage an environment of friendly competition for all ages; and

WHEREAS, the annual Cumberland County Agricultural Fair, under the direction and control of the Cumberland County Civic Commission, awards more than \$30,000 in prizes, premiums, scholarships and donations to various entrants of exhibits and contests;

BE IT NOW KNOWN, that the Cumberland County Board of Commissioners supports the Cumberland County Agricultural Fair's efforts to promote education, agriculture, horticulture, and livestock in Cumberland County.

Adopted this 4<sup>th</sup> day of April 2011.

RECOMMENDATION/PROPOSED ACTION: Approve the proclamation.

- G. Approval of a Proclamation Proclaiming April 16 through April 30, 2011 as "Spring Litter Sweep" in Cumberland County.

CUMBERLAND COUNTY

NORTH CAROLINA

PROCLAMATION

WHEREAS, the North Carolina Department of Transportation organizes an annual Spring statewide roadside cleanup to ensure clean beautiful roads in North Carolina; and

WHEREAS, the Spring 2011 "Littler Sweep" roadside cleanup will take place April 16 – April 30, 2011, and encourages local governments and communities, civic and professionals groups, businesses, churches, schools, families and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and

WHEREAS, Adopt-A-Highway volunteers, Department of Transportation employees, Department of Correction inmates and community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools and environmentally concerned citizens conduct annual local cleanups during "Litter Sweep" and may receive certificates of appreciation for their participation; and

WHEREAS, the great natural beauty of our state and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

WHEREAS, the 2011 Spring cleanup will celebrate the 23<sup>rd</sup> Anniversary of the North Carolina Adopt-A-Highway program and its 5,750 volunteer groups that donate their labor and time year round to keep our roadsides clean; and

WHEREAS, the “Litter Sweep” cleanup will be part of educating the children of this Great State and County regarding the importance of a clean environment to the quality of life in North Carolina;

NOW THEREFORE, the Cumberland County Board of Commissioners hereby proclaim April 16 – April 30, 2011 as “Spring Litter Sweep” in Cumberland County and encourages all citizens to take an active role in making the County cleaner and more beautiful.

This 4<sup>th</sup> day of April, 2011.

RECOMMENDATION/PROPOSED ACTION: Approve the proclamation.

H. Approval of a Proclamation Proclaiming April 10-16, 2011 as “National Volunteer Week” in Cumberland County.

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, the National Volunteer Week is sponsored by the Points of Light Foundation and the Volunteer Center National Network and was implemented by President Richard Nixon in 1974 as an annual week of recognition to celebrate, recognize and honor volunteers across our nation; and

WHEREAS, numerous agencies use National Volunteer Week to highlight the many contributions of their volunteers and their support of thousands of service projects in our community; and

WHEREAS, volunteers are among our “most valuable resources” and donate countless hours of service to our community; and

WHEREAS, the Retired Senior Volunteer Program (RSVP) provides coordination for retired citizens, 55 and over, who want to contribute their time, talent and skills to others by volunteering in hospitals, government offices, non-profit and other various agencies throughout the community;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Cumberland County proclaims April 10-16, 2011 to be “NATIONAL VOLUNTEER WEEK” and calls upon all citizens to answer the call of services by volunteering to ensure a better quality of life for everyone.

Adopted this 4th day of April, 2011.

RECOMMENDATION/PROPOSED ACTION: Approve the proclamation.

I. Approval of a Proclamation Proclaiming Friday, April 15, 2011 as “Teresa C. Berrien Elementary School Day” in Cumberland County.

COUNTY OF CUMBERLAND

NORTH CAROLINA

Teresa C. Berrien Elementary School Day Proclamation

WHEREAS, The Orange Street Negro School was overcrowded, housing over 850 students; and

WHEREAS, Fayetteville City Schools approved construction of the North Street Negro School; and

WHEREAS, on March 27, 1950, school trustees awarded general contracts to Dixon Construction Company in the amount of \$148,400 to build North Street School; and

WHEREAS, joint contracts were awarded to Charles Overbeck Plumbing and Heating and to G.J. Cannon for the electricity, so that construction could be commenced immediately; and

WHEREAS, construction was completed on North Street School in March, 1951; and

WHEREAS, North Street Negro School opened with Margaret Brewer Walker as the first principal of the North Street Negro School, where she established a safe and caring school to educate the children of the neighborhood; and

WHEREAS, upon the death of Margaret Brewer Walker in November 1958, Teresa Callendar Berrien became the principal and served until 1972. North Street Negro School continued to provide a safe, caring, and nurturing environment for students, where teachers were held to a high professional and personal standard that included home visits, dresses and hose for the women and suits and ties for the men; and

WHEREAS, high academic standards were established and maintained by Teresa Berrien and The Fayetteville City Board of Education renamed the North Street Negro School in her honor on June 4, 1972, from then until this day to be known as Teresa C. Berrien Elementary School; and

WHEREAS, Teresa C. Berrien administrators, faculty, and support staff continue to maintain high expectations for academics; and

WHEREAS, Teresa C. Berrien administrators, faculty, and support staff continue to be committed to providing a safe, caring environment that allows social, emotional, physical, and academic growth.

NOW THEREFORE, the Cumberland County Board of Commissioners proclaims Friday, April 15, 2011 to be Teresa C. Berrien Elementary School Day and we express our sincere appreciation to Teresa C. Berrien Elementary School for 60 years of dedication to excellence in education and for making a positive impact on our children.

Adopted this 4<sup>th</sup> day of April, 2011.

RECOMMENDATION/PROPOSED ACTION: Approve the proclamation.

J. Budget Revisions:

(1) Eastover Sanitary Water Project Phase II

Revision in the amount of \$55,898 to reallocate budgeted expenditures for change orders. (B11-328) Funding Source – Reallocation of Budgeted Expenditures

(2) Emergency Telephone Systems

Revision in the amount of \$158,532 to appropriate fund balance to purchase CAD consolidation equipment and software. (B11-335) Funding Source – Emergency Telephone System Fund Balance

(3) Emergency Services

Revision in the amount of \$14,145 to recognize additional Emergency Management Performance Grant. (B11-330) Funding Source – Grant

(4) Juvenile Crime Prevention Program

Revision in the amount of \$4,423 to reconcile county budget with reduction in state budget. (B11-329) Funding Source – State

MOTION: Commissioner King moved to approve items 2.A. through 2.D. and items 2.F. through 2.J.4.  
SECOND: Commissioner Faircloth  
VOTE: UNANIMOUS

E. Approval of a Vending Machine Contract Franchise Agreement with Mental Health Auxiliary.

BACKGROUND: Cumberland County Mental Health Auxiliary, Inc. has had a franchise to locate vending machines in the buildings occupied by the Mental Health Authority since before 1990. The Auxiliary provides the machines through a contract with a third-party vendor. The Auxiliary uses the commissions it receives from the contract to support the activities of the Mental Health Authority. The successive franchise agreements have been granted for five-year terms. Current term expired June 30, 2010. The request is approved by the Director of the Mental Health Authority. Because this is a franchise agreement, it will have to be approved at two meetings of the Board.

RECOMMENDATION/PROPOSED ACTION: Approve the franchise agreement on first reading and direct Clerk to place it on next agenda for second reading.

Commissioner Keefe asked how much money this franchise agreement generates, is this program initiated throughout other county agencies and does the Mental Health Auxiliary receive county funding? County Manager Martin stated he did not have the amount of money generated and the Mental Health Auxiliary does not receive other county funding. Mr. Martin stated no other agency uses this specific sort of franchise, but there are some other departments which have franchise agreements, such as Friends of the Library. Commissioner Keefe asked if there was an opportunity for another non-profit that supports a county department to be able to come in on a program like this. County Manager Martin stated perhaps they could. Commissioner King agreed that other non-profits should be able to do the same thing as the Auxiliary.

MOTION: Commissioner Keefe moved to approve Item 2.E.  
SECOND: Commissioner King  
VOTE: UNANIMOUS

ITEMS OF BUSINESS

3. Consideration of Recommendation to Transfer Workforce Development to Fayetteville Technical Community College.

BACKGROUND: The County received a letter from Mr. Roger Shackelford, Executive Director of the North Carolina Division of Workforce Development on February 17, 2011 citing issues with the WIA program design, budgeting of grant funds, staff morale, case management, internal staff communications, and lack of coordination between program and financial staff. Mr. Shackelford requested that the county prepare a Corrective Action Plan which would address these concerns.

Recently, Management has had discussions with Dr Larry Keen, President for Fayetteville Technical Community College (FTCC), regarding potential partnering opportunities between the college and our Workforce Development Department (WFD). FTCC has been a major service provider for many of our WFD programs for many years and is an integral part of our training program. A model of this partnership exists between Central Carolina Community College and WFD programs in Harnett and Sampson counties. Dr. Keen is aware of this model and has expressed his interest in consolidating our WFD

programs into the community college system. Management believes this model may present an opportunity to provide services to this community in a more efficient and economical manner.

**RECOMMENDATION/PROPOSED ACTION:** Approve the transfer of the Workforce Development program to Fayetteville Technical community college effective May 1, 2011, or as soon as possible thereafter, subject to approval of the college's Board of Trustees, and to appoint Deputy County Manager Amy Cannon as the Interim Workforce Development Director effective April 11, 2011, until the transfer to FTCC has been finalized.

Commissioner King asked the county manager to provide background information on the workforce development programs. County Manager Martin stated the program is primarily a state and federally funded operation with some minor funds from the county. The big program which has been ongoing since the Base Realignment and Closure Act is one where a number of dollars were appropriated through the state and allocated to our program for the training of spouses of military personnel. The program is scheduled to end September 30, 2011 and there are other programs that provide training for other individuals.

Commissioner Evans voiced concern regarding overloading Deputy County Manager Cannon with the additional duty of serving as the interim Workforce Development Director. County Manager Martin stated numerous hours have already been spent on this and hopefully the transfer will happen soon.

**MOTION:** Commissioner King moved to approve the transfer of the Workforce Development program to Fayetteville Technical Community College effective May 1, 2011, or as soon as possible thereafter, subject to approval of the college's Board of Trustees, and to appoint Deputy County Manager Amy Cannon as the interim Workforce Development Director effective April 11, 2011 until the transfer to FTCC has been finalized.

**SECOND:** Commissioner Evans

**VOTE:** UNANIMOUS

4. Nominations to Boards and Committees

Joint Senior Citizens Advisory Commission (1 Vacancy)

**BACKGROUND:** The Joint Senior Citizens Advisory Commission currently has one vacancy due to a member resignation of Lewis Oatman. The Recommendation of the Joint Senior Advisory Commission is for Linda S. Devore to fill this position.

Since no nomination was brought before the Board, Chairman Edge requested this item be rolled to next month.

5. Appointments to Boards and Committees

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

Nominee: Herman Dudley

B. Joint Appearance Commission (1 Vacancy)

Nominee: Noelle Kendrick

C. Transportation Advisory Board (1 Vacancy)

Nominee: Pamela Story

MOTION: Commissioner Faircloth moved to appoint all nominees 5.A. through 5.C.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

6. Closed Session: A) Attorney-Client Matter(s)  
Pursuant to NCGS 143-318.11(a)(4)

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

MOTION: Commissioner King moved to go into Closed Session.

SECOND: Commissioner Council

VOTE: UNANIMOUS

MOTION: Commissioner Council moved to go into Open Session.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

MOTION: Commissioner Council moved to adjourn.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS

There being no further business, the meeting adjourned at 10:50 a.m.

Approved with/without revision:

Respectfully submitted,

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Marie Colgan  
Clerk to the Board