

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
AUGUST 1, 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, Deputy County Manager  
James Lawson, Assistant County Manager  
Rick Moorefield, County Attorney  
Buck Wilson, Health Department Director  
Rodney Jenkins, Health Department Assistant Director  
Dr. John Lauby, Animal Services Director  
Sally Shutt, Communication and Strategic Initiatives Manager  
Doug Byrd, Fayetteville-Cumberland Chamber of Commerce  
Government Liaison  
Candice White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board

INVOCATION: Commissioner Jimmy Keefe provided the invocation followed by the Pledge of Allegiance to the American Flag.

Recognition of Commissioner Billy R. King, for Re-election to the National Association of Counties (NACo) Board of Directors:

Chairman Edge recognized and congratulated Commissioner Billy R. King on his re-election to a two-year term on the National Association of Counties (NACo) Board of Directors during the recent NACo Annual Conference held July 15-19, 2011 in Portland, Oregon. Chairman Edge stated Commissioner King was elected to his third two-year term holding one of three seats earned by North Carolina on the NACo Board and, that due to his service on the NACo Board, Commissioner King also becomes a member of the Board of Directors for the North Carolina Association of County Commissioners (NCACC). Chairman Edge also stated Commissioner King served as president of the NCACC in 1996-1997 and is the longest serving member of the Board of County Commissioners.

Recognition of Retired Cumberland County Employee Foster Britt, Maintenance Tech II, Cumberland County Crown Coliseum:

On behalf of the Board of Commissioners, Chairman Edge recognized Foster Britt, who retired from the Crown Coliseum, for the service he provided to the citizens of Cumberland County.

James Martin, County Manager, asked that Dr. John Lauby, Animal Services Director, be allowed to provide an update on the recent spread of rabies and the continuing situation with pack dogs within the city of Fayetteville.

1. Approval of Agenda

MOTION: Commissioner Faircloth moved to approve the agenda.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

Dr. John Lauby reported that the county is working hard to get the pack dog situation under control and has signed a contract with Fayetteville-based Mims Wildlife Damage Control to assist with the efforts. Dr. Lauby stated the company started Friday and is working in two (2) two-man teams in (12)-hour shifts for the next thirty (30) days, including weekends. Dr. Lauby further reported that six (6) pack dogs were captured during the weekend. Dr. Lauby stated new wire cage traps have been ordered that will not be as easily recognized by the pack leaders, which will lure the dogs with bait, ensnare their necks and hold them in a more humane manner until they can be removed. Dr. Lauby stated the county is meeting with the Cumberland County Sheriff's Office and Fayetteville Police Department officers to determine what they can do to assist the county's efforts to protect and serve the public.

Dr. Lauby responded to questions and explained that no dogs will be allowed to be adopted from the county's shelter that would be a danger or a possible danger to citizens. Dr. Lauby also explained that these dogs have belonged to citizens of the county and have either been abandoned, lost, or turned loose, and the county will likely need to deal with the problem for years to come. Dr. Lauby further explained that future arrangements will likely need to be made with companies such as Mims Wildlife Damage Control to prevent the pack dogs from coming back until such time as the Animal Services Department becomes fully staffed and is better able to handle the situation.

Dr. Lauby stated citizens need to be educated to vaccinate their dogs, license their dogs and call the county's direct line at 321-6861 should they see pack dogs. Dr. Lauby advised citizens should not approach pack dogs, and should walk their dogs on leashes and remove their pets from their yards should they observe pack dogs. Dr. Lauby further advised citizens can call Animal Services should they no longer be able to care for their dogs and the dogs will be picked up.

Commissioner Evans inquired regarding restrictions placed on the number of dogs a citizen can own. Rick Moorefield, County Attorney, explained regulations under the current zoning ordinance would prohibit more than three of any type dog in a residential zone and any greater number would be regulated as a kennel. Commissioner Evans inquired whether

limitations could be placed on the breed of dog. Mr. Moorefield explained the most common approach in North Carolina with regard to the limitation of breeds has been shelter policies that do not allow the adoption of certain breeds of dogs. Dr. Lauby stated New Hanover County does not allow pit bulls, Rottweilers or chows, and it is within the Board's purview to limit the breeds of animals adopted from the shelter.

Mr. Martin called on Buck Wilson, Health Department Director, who introduced Rodney Jenkins, the new Health Department Assistant Director who has been with the Health Department for about one month.

## 2. Consent Agenda

A. Approval of minutes for the June 20, 2011 regular meeting, June 13, 2011 Budget Work Session and June 14, 2011 Budget Public Hearing

B. Approval of FY12 Tax Charge to the Tax Collector

BACKGROUND: In accordance with NCGS 105-321(b) before delivering the tax receipts to the Tax Collector in any year, the Board of County Commissioners shall adopt and enter into its minutes an order directing the Tax Collector to collect the taxes charged in the tax records and receipts. A copy of the order must be delivered to the Collector at the time the tax receipts are delivered to him.

AUTHORITY	CC LEVY	LATE LIST	PUBLIC SERVIC E	PUBLIC SERVICE LATE LIST	CC LEVY & PUBLIC SERVICE LEVY	TOTAL CC LEVY, PS LEVY & LATE LIST
BEAVER DAM	112,369.39	120.95			112,369.39	112,490.34
BETHANY	172,504.55	147.06			172,504.55	172,651.61
BONNIE DOONE	2,003.85	7.00			2,003.85	2,010.85
COTTON	668,223.95	1,073.73			668,223.95	669,297.68
CUMBERLAND RD FD	428,523.08	397.22			428,523.08	428,920.30
EASTOVER FIRE	146,430.01	107.24			146,430.01	146,537.25
GODWIN-FALCON FIRE	65,491.54	93.80			65,491.54	65,585.34
GRAYS CREEK	584,658.78	514.50			584,658.78	585,173.28
LAFAYETTE VILLAGE	157.13				157.13	157.13
LAKE RIM	6,428.76	1.06			6,428.76	6,429.82
MANCHESTER	73,524.32	96.38			73,524.32	73,620.70
PEARCE'S MILL	655,907.70	778.44			655,907.70	656,686.14
SPECIAL FIRE	705,218.90	649.84			705,218.90	705,868.74
STEDMAN FIRE	117,691.44	109.61			117,691.44	117,801.05
STONE POINT	753,215.98	279.34			753,215.98	753,495.32

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VANDER FIRE	738,082.83	953.36			738,082.83	739,036.19
WADE FIRE	68,774.03	82.44			68,774.03	68,856.47
WESTAREA FIRE	858,305.21	210.54			858,305.21	858,515.75
WESTAREA STATION 10	189,151.01	229.24			189,151.01	189,380.25
FIRE DIST SUBTOTAL	<u>,346,662.46</u>	<u>5,851.75</u>	<u>0.00</u>	<u>-</u>	<u>6,346,662.46</u>	<u>6,352,514.21</u>
EASTOVER	506,959.68	440.38			506,959.68	507,400.06
EASTOVER-VANDER	14,172.57	3.80			14,172.57	14,176.37
FALCON	19,562.82	104.22			19,562.82	19,667.04
FAYETTEVILLE	53,727,826.50	36,254.53			53,727,826.50	53,764,081.03
STORM WATER	1,720,833.60				1,720,833.60	1,720,833.60
FAYET STORM WATER	3,441,667.20				3,441,667.20	3,441,667.20
FAYET RECYCLING	2,276,390.00				2,276,390.00	2,276,390.00
REVITALIZATION	124,860.18	190.19			124,860.18	125,050.37
GODWIN	11,924.05	5.11			11,924.05	11,929.16
HOPE MILLS TOWN	3,792,556.34	2,119.80			3,792,556.34	3,794,676.14
HOPE MILLS REFUSE	976,128.00				976,128.00	976,128.00
HOPE MILLS STORM WATER	620,568.00				620,568.00	620,568.00
LINDEN TOWN	11,037.85	14.06			11,037.85	11,051.91
SPRING LAKE	2,636,431.87	1,932.69			2,636,431.87	2,638,364.56
SPRING LAKE REFUSE	590,194.00				590,194.00	590,194.00
SL STORM WATER	267,024.00				267,024.00	267,024.00
STEDMAN TOWN	237,122.19	108.83			237,122.19	237,231.02
WADE TOWN	73,015.36	53.63			73,015.36	73,068.99
CITY SUB-TOTALS	<u>71,048,274.21</u>	<u>41,227.24</u>	<u>0.00</u>	<u>-</u>	<u>71,048,274.21</u>	<u>71,089,501.45</u>
COUNTY WIDE	141,687,037.92	106,376.68			141,687,037.92	141,793,414.60
COUNTY PETS	322,581.00				322,581.00	322,581.00
RECREATION	2,886,247.79	2,670.12			2,886,247.79	2,888,917.91
HM RECREATION	451,495.71	252.32			451,495.71	451,748.03
SOLID WASTE	4,847,808.00				4,847,808.00	4,847,808.00
SUB TOTAL	<u>150,195,170.42</u>	<u>109,299.12</u>	<u>0.00</u>	<u>-</u>	<u>150,195,170.42</u>	<u>150,304,469.54</u>
GRAND TOTAL	<u>227,590,107.09</u>	<u>156,378.11</u>	<u>0.00</u>	<u>-</u>	<u>227,590,107.09</u>	<u>227,746,485.20</u>

**RECOMMENDATION/PROPOSED ACTION:** That the Board approve the levy and charge the Collector with the responsibility to collect the taxes.

**C. Approval of Tax Collector's Preliminary Report and Proposed Annual Settlement for FY11**

**BACKGROUND:** North Carolina General Statutes, Section 105-373 requires the Tax Collector of Cumberland County after the 1<sup>st</sup> day of July of each year to render a preliminary report to the Board of County Commissioners concerning persons whose tax liabilities remain unpaid and to propose an annual settlement of taxes charged to him for collection for the past year. The Tax Collector has submitted such preliminary report and proposed settlement. The preliminary report consists of (i) a list of persons owning real property whose taxes for the tax year of 2009-2010 remain unpaid, (ii) a list of the persons not owning real property whose taxes for the year 2009-2010 remain unpaid (the proposed insolvent list), and (iii) a statement under oath by the Tax Collector that he has made diligent efforts to collect such taxes. The proposed settlement consists of the amounts of taxes with which the Tax Collector has been charged for the year and the amounts of credits against such charges, the real and personal property tax balance is charged to the forthcoming tax year.

**Summary of 2000 Real/Personal & Vehicles Taxes to be Barred**

	Vehicles	Personal	Real	Service	Fees	Total
County	445,549.36	74,297.20	13,755.97	-		533,602.53
County Pets		789.72			0.00	789.72
Fayetteville	122,180.69	14,930.25	1,513.35	-		138,624.29
Revit	49.57		14.46			64.03
Fayetteville Vehicle Fee	18,972.71					18,972.71
Hope Mills	6,669.96	2,341.54	13.55	-		9,025.05
Hope Mills Vehicle Fee	1,675.00					1,675.00
Hope Mills Pets					30.00	30.00
Spring Lake	11,797.37	-	1,358.36	-		13,155.73
Stedman	327.03	-	-	-		327.03
Stedman Vehicle Fee	90.00					90.00
Godwin	77.86	-	-	-		77.86
Wade	177.53	-	89.85	-		267.38

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Falcon	54.82	-	-	-		54.82
Linden	49.84	20.82	-	-		70.66
Solid Waste User Fee					1,200.00	1,200.00
Storm Water Fee					324.00	324.00
Advertising Fee					601.21	601.21
Total	607,671.74	92,379.53	16,745.54	0.00	2,155.21	718,952.02
TA500 MR VEHICLES	607,671.74					
TA500 MR CC	111,280.28					
TA500 MR PS	0.00					
	718,952.02					

County Settlement  
June 30, 2011

Charge:

Real and Personal Charge 2010	\$	151,025,480.04
Vehicles Charge 2010	\$	16,213,511.59
Added Charge Real & Personal 2010	\$	1,468,101.70
Added Charge 2010 Vehicles	\$	33,341.62
Solid Waste 2010	\$	4,804,032.00
Added Solid Waste 2010	\$	2,736.00
Total Tax Interest	\$	1,001,055.74
Total Discount	\$	-
Added Charge 2010 Advertising Cost	\$	50,722.50
County Demolition Fee	\$	25,485.20
Interest Collected County Demolition	\$	2,086.08
Certified Mail Fee Collected	\$	10,154.11
Garnishment Fee Collected	\$	174,716.26
Return Check Processing Fee Collected	\$	154.47
Worthless Check Penalty Collected	\$	23,318.86
Prepared Food & Beverage Tax Collected	\$	5,309,592.61
Prepared Food & Beverage Tax Collected Interest & Penalty	\$	66,784.07
Room Occupancy Tax Collected	\$	4,912,042.63
Room Occupancy Tax Collected Interest & Penalty	\$	102,492.96
County Gross Receipts Vehicle Tax Current Year	\$	536,959.08
County Gross Receipts Vehicle Tax Interest & Penalty	\$	3.01
County Heavy Equipment Rentals	\$	157,418.55

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County Heavy Equipment Rentals Interest & Penalty	\$	1,254.42
Windridge Water Extension Project	\$	29,068.71
Windridge Water Extension Project Interest	\$	4,441.79
Lake Upchurch Dam Assessment	\$	226,677.17
Lake Upchurch Dam Assessment Interest	\$	47,871.91
Brooklyn Circle Water Extension Assessment	\$	12,859.80
Brooklyn Circle Water Extension Assessment Interest	\$	471.14
Cedar Creek Rd Water Extension	\$	32,268.98
Cedar Creek Rd Water Extension Interest	\$	370.85
Adjustment - Advertising Beginning Balance Booked	\$	41,162.62
	\$	186,316,646.47

Credits:

Deposit with Finance	\$	178,592,826.65
Advertising Cost Deposited with Finance	\$	44,529.33
Interest Deposited with Finance	\$	1,226,841.97
Real & Personal Releases Allowed	\$	476,741.25
Vehicles Releases Allowed	\$	1,535,646.39
Solid Waste Releases Allowed	\$	1,728.00
Total Discount Allowed	\$	-
Real & Personal Balance	\$	1,713,709.36
Advertising Cost Balance	\$	47,355.79
Vehicle Balance	\$	2,594,721.91
Solid Waste Balance	\$	82,545.82
Adjustment	\$	186,316,646.47

Charge:

Real & Personal Balance 2009	\$	1,393,000.13
Vehicle Balance 2009	\$	2,700,287.74
Solid Waste Balance 2009	\$	67,952.47
County Gross Receipts Vehicle Tax 1st Year Prior	\$	-
Prepared Food & Beverage Tax All Prior	\$	54,749.84
Room Occupancy Tax Collected All Prior	\$	29,210.78
Real & Personal Balance 2008	\$	325,741.61
Vehicle Balance 2008	\$	665,902.07
Solid Waste Balance 2008	\$	14,666.65
Real & Personal Balance 2007 & Prior	\$	1,500,579.76
Vehicle Balance 2007 & Prior	\$	3,878,702.83
Solid Waste Balance 2007 & Prior	\$	26,317.27
1999 & Prior Taxes Collected After Being Barred	\$	117,172.46
	\$	10,774,283.61

Credits:

Real & Personal Collected 2009	\$	1,013,452.90
Vehicles Collected 2009	\$	1,857,189.86
Solid Waste Collected 2009	\$	50,961.31

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County Gross Receipts Vehicle Tax 1st Year Prior	\$	-
Prepared Food & Beverage Tax All Prior	\$	54,749.84
Room Occupancy Tax Collected All Prior	\$	29,210.78
Real & Personal Collected 2008	\$	119,720.69
Vehicles Collected 2008	\$	110,891.52
Solid Waste Collected 2008	\$	7,462.65
Real & Personal Collected 2007 & Prior	\$	232,140.72
Vehicles Collected 2007 & Prior	\$	153,527.84
Solid Waste Collected 2007 & Prior	\$	6,304.53
Real & Personal Releases Allowed 2009	\$	13,540.75
Vehicle Releases Allowed 2009	\$	254,929.19
Solid Waste Releases Allowed 2009	\$	96.00
Real & Personal Releases Allowed 2008	\$	710.86
Vehicle Releases Allowed 2008	\$	31,162.32
Solid Waste Releases Allowed 2008	\$	-
Real & Personal Releases Allowed 2007 & Prior	\$	2,585.08
Vehicle Releases Allowed 2007 & Prior	\$	26,651.05
Solid Waste Releases Allowed 2007 & Prior	\$	-
1999 & Prior Taxes Collected After Being Barred	\$	117,172.46
	\$	4,082,460.35
<u>Taxes Barred by Statute: 2000</u>		
Real Property	\$	13,755.97
Personal	\$	75,086.92
Vehicles	\$	445,549.36
Public Service	\$	-
Solid Waste Fees	\$	1,200.00
Advertising	\$	601.21
Credit for Five Year & Prior Insolvents	\$	-
	\$	536,193.46
<u>Balance Prior Years Taxes:</u>		
Real & Personal Balance 2009	\$	366,006.48
Vehicles Balance 2009	\$	588,168.69
Solid Waste Balance 2009	\$	16,895.16
Real & Personal Balance 2008	\$	205,310.06
Vehicles Balance 2008	\$	523,848.23
Solid Waste Balance 2008	\$	7,204.00
Real & Personal Balance 2007 & Prior	\$	1,176,409.86
Vehicles Balance 2007 & Prior	\$	3,252,974.58
Solid Waste Balance 2007 & Prior	\$	18,812.74
	\$	6,155,629.80
 TOTAL CREDITS:	 \$	 10,774,283.61



**RESOLUTION ACCEPTING PRELIMINARY REPORT OF THE TAX  
COLLECTOR, CREDITING THE INSOLVENT LIST, AND APPROVING  
PROPOSED ANNUAL SETTLEMENT**

Whereas, North Carolina General Statutes, Section 105-373, requires the Tax Collector of Cumberland County after the 1<sup>st</sup> day of July of each year to render a preliminary report to the Board of County Commissioners concerning persons whose tax liabilities remain unpaid and to propose an annual settlement of taxes charged to the Tax Collector for collection for the past ten years; and

Whereas, the Tax Collector has submitted such preliminary report and proposed settlement.

Now therefore, the Board of Commissioners of Cumberland County hereby resolves:

1. That the preliminary report of the Tax Collector of Cumberland County, consisting of (i) a list of persons owning real property whose taxes for the year 2009- 2010 remain unpaid and the principal amount owned by each person; (ii) a list of the persons not owning or who have not listed real property whose taxes for the tax year 2009 - 2010 remain unpaid and the principal amount owed by each person (the proposed insolvent list) and (iii) a statement under oath by the Tax Collector that he has made diligent efforts to collect such taxes, be and it hereby is, accepted;
2. That the Board hereby finds that the persons in the list of those that do not own or have not listed real property are insolvent as that term is used in G.S. 105-373, directs that the list of such person be entered into the minutes of the meeting of the Board as the insolvent list, and further directs that the amounts in such list be, and hereby are, credited to the Tax Collector in his annual settlement;
3. That the proposed settlement of the Tax Collector, appended hereto, for taxes in his hands for collection for the tax year 2009 - 2010, be and it hereby is, approved and that he be, and hereby is, charged with the amounts set forth in the settlement under the heading "Charges" and credited with the amounts set forth in the settlement under the heading "Credits".

**RECOMMENDATION/PROPOSED ACTION:** The statute requires the Board to review the preliminary report, determine the insolvent list to be entered into the minutes, credit the Tax Collector with the insolvent list and make a settlement, i.e., approve or correct the proposed settlement. The Legal Department has reviewed for legal sufficiency. Adopt the above resolution.

- D. Approval of Proposed Additions to the State Secondary Road System

Braxton Farms Subdivision: Gentleman Drive, Lady Way, Cabeletta Drive, Running Horse Lane, Danelaw Drive, Camwheel Drive, Kessinger Court, Wroxham Lane

Cashwell Farms Subdivision: Pope Cashwell Court, Packhouse Drive

BACKGROUND: The North Carolina Department of Transportation has received petitions requesting the following streets be placed on the State Secondary Road System for maintenance (see attached):

Braxton Farms Subdivision: Gentleman Drive, Lady Way, Cabeletta Drive, Running Horse Lane, Danelaw Drive, Camwheel Drive, Kessinger Court, Wroxham Lane

Cashwell Farms Subdivision: Pope Cashwell Court, Packhouse Drive

DOT has determined that the above streets are eligible for addition to the state system.

RECOMMENDATION/PROPOSED ACTION: NCDOT recommends that the above named streets be added to the State Secondary Road System. County Management concurs. Approve the above listed streets for addition to the State Secondary Road System.

E. Approval of Resolutions Appointing Deputy Finance Officers, Dena Dail and Howard Abner for the Cumberland County Finance Office

BACKGROUND: North Carolina General Statutes Chapter 159, Article 3, entitled "The Local Government Budget and Fiscal Control Act" requires all checks drawn on an official depository be signed by the Finance Officer or a properly designated Deputy Finance Officer(s) 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(s) to have a faithful performance bond in an amount not less than \$10,000 or more than \$250,000.

The Deputy County Manager recommends that Dena Dail, Financial Manager, and Howard Abner, Assistant Finance Director, be appointed as Deputy Finance Officers for the Cumberland County Finance Department.

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

## RESOLUTION

WHEREAS, due to the operation requirements unique to the Cumberland County Finance Department; 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 Finance Department, the Board of County Commissioners hereby RESOLVES that:

1. Dena Dail is appointed a Deputy Finance Officer and is authorized to sign the checks/drafts issued on the checking and savings accounts maintained by Cumberland County Finance Department.
2. The appointee will provide a faithful performance bond in the amount of \$50,000.00.

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

## RESOLUTION

WHEREAS, due to the operation requirements unique to the Cumberland County Finance Department; 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 Finance Department, the Board of County Commissioners hereby RESOLVES that:

1. Howard Abner is appointed a Deputy Finance Officer and is authorized to sign the checks/drafts issued on the checking and savings accounts maintained by Cumberland County Finance Department.
2. The appointee will provide a faithful performance bond in the amount of \$50,000.00.

RECOMMENDATION/PROPOSED ACTION:

1. Approve the appointment of Dena Dail and Howard Abner as Deputy Finance Officers;
2. Provide a faithful performance bond in the amount of \$50,000 for Dena Dail and Howard Abner;
3. Approve the attached resolutions implementing the above recommendations.

- F. Approval of Employment Contracts for the County Manager, County Attorney, Finance Director and Clerk to the Board

BACKGROUND: Contracts for the County Manager, County Finance Director, County Attorney and Clerk to the Board are approved by the Board of Commissioners annually in August. The appropriate contracts are attached for approval.

RECOMMENDATION/PROPOSED ACTION: Approve the contracts for the County Manager, County Finance Director, County Attorney and Clerk to the Board at the August 1, 2011 Board of Commissioners meeting.

- G. Approval of Bid Award for Used Dealer-Owned Heavy Equipment (CAT D6T, CAT 330DL, EXTEC C10 and EXTEC S03) for the Cumberland County Solid Waste Department

BACKGROUND: The Cumberland Solid Waste Department received formal bids to purchase Used Dealer-Owned Heavy Equipment (CAT D6T,

CAT 330DL, Extec C-10 and Extec S-3). The lowest bids were split between Screen-Tec and The Rental Store (Gregory Poole).

The Cumberland County Solid Waste has sufficient funds available in their budget to purchase this equipment.

**RECOMMENDATION/PROPOSED ACTION:** County Management and the County Purchasing Department recommend approval for the Cumberland County Solid Waste Department to award the bid to Screen-Tec and to The Rental Company (Gregory Poole) to purchase the used dealer-owned heavy equipment.

H. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure:

1) PT Lots 54-55 S. Linden VAC – PIN No. 0574-75-0999

**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.

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

**RECOMMENDATION/PROPOSED ACTION:** That the Board of Commissioners consider whether to accept the offer of Robert Bennett 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.

2) Lot 25 Windfield Sec 2, 3357 Dandelion Lane – PIN No. 0441-41-6308

**BACKGROUND:** On or about March 30, 2010, 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 \$2,702.33.

Angela Price has offered to purchase the County's interest in the property for \$2,702.33 and has deposited \$270.23 in the Finance Office. The tax value of the property is \$14,850.00.

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

**RECOMMENDED/PROPOSED ACTION:** That the Board of Commissioners consider whether to accept the offer of Angela Price to purchase the above property for the sum of \$2,702.33, plus advertising and recording costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- 3) 718 Wilma St, Dawson Sub Sec 6 - PIN No. 0438-07-0224  
5.76 Acres Wicker LD – PIN No. 0429-80-2953  
Lots 12, 16 & SM Lot 11 – PIN No. 0428-92-9668

**BACKGROUND:** On or about November 18, 2010, the County acquired by tax foreclosure the above properties. The amount currently owed on the foreclosure judgment including interest and cost for the properties is \$10,836.77.

Subodh K. Thakur was the last and highest bidder offering to purchase the County's interest in the properties for \$28,107.81 and has deposited \$2,810.78 in the Finance Office.

The tax values of the properties are as follows:

718 WILMA ST., DAWSON SUB SEC 6  
PIN 0438-07-0224-NAD; CROSS CREEK TOWNSHIP  
VALUE: \$9,000.00

5.76 ACRES WICKER LD  
PIN 0429-80-2953; CROSS CREEK TOWNSHIP  
VALUE: \$43,200.00

LOTS 12, 16 & SM LOT 11 ADA BOONE PROP  
PIN 0428-92-9668; CROSS CREEK TOWNSHIP  
VALUE: \$15,000.00

These properties are 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. Thakur's bid. The properties have

been advertised and have received several bids; however, Mr. Thakur was the final and highest bidder. The bid period is now closed.

RECOMMENDATION/PROPOSED ACTION: That the Board of Commissioners consider whether to accept the offer of Subodh K. Thakur to purchase the above properties for the sum of \$28,107.81, plus advertising and recording costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

I. Approval of Health Department Delinquent Accounts to be Written Off and/or Turned Over to Collectors

BACKGROUND: At the Board of Health meeting on June 21, 2011, the Board approved writing off a total of \$35,040.66 as bad debts. The bad debt accounts with balances of \$50.00 or higher, will be processed through the North Carolina Debt Set-Off Program, which can attach a debtor's State Income Tax refund for payment of bad debts. The accounts with balances under \$50.00 will continue to be worked for collection through our in-house collection efforts. This write-off of bad debts is in compliance with the Board of Health's recommendation to write-off bad debts every quarter.

CUMBERLAND COUNTY DEPARTMENT  
OF PUBLIC HEALTH  
DELINQUENT ACCOUNTS TO BE TURNED OVER FOR COLLECTION  
BAD DEBT WRITE-OFF # 31  
June 21, 2011

PROGRAM	AMOUNT
ADULT HEALTH	\$27,049.28
BCCCP	\$25.95
CHILD HEALTH	\$1,177.85
DENTAL	\$694.52
FAMILY PLANNING	\$2,235.97
EXPRESS CARE	\$1,871.83
IMMUNIZATIONS	\$0.00
MATERNITY	\$1,593.55
MEDICAL RECORDS	\$0.00
PAP	\$391.71
T.B.	\$0.00
TOTAL	\$35,040.66

\*\*\*\*\*Family Planning Accounts will be adjusted (as Bad Debt) from the Accounts Receivable, however, will not be sent to the Collection Agency pursuant to NC Division of Health and Human Services guidelines.

The above accounts are 90 days old or older as of June 1, 2011.

**RECOMMENDATION/PROPOSED ACTION:** Management requests to have this item placed on the next County Commissioners' meeting agenda for their approval to write off bad debts in the amount of \$35,040.66.

**J. 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 unrepairable, or otherwise surplus to the needs of the county".

The resolution stipulated further that County Management shall render semi-annual reports to the Board of County Commissioners summarizing disposals between the preceding January 1 and June 30". Accordingly, attached herewith is that report.

REPORT ON THE DISPOSAL OF SURPLUS COUNTY PROPERTY  
January 1, 2011 - June 30, 2011

ITEM NO.	DATE RECEIVED	DESCRIPTION OF PROPERTY	QTY	RENDERING DEPARTMENT	METHOD OF DISPOSAL	LANDFILL LOCATION	SOLD TO/GIVEN TO
1	2/17/2011	CELLPHONE W/CHARGERS (ALLTEL)	1	ADMINISTRATION			SAFE-LINK
2	3/16/2011	CELLPHONE W/CHARGERS (NOKIA)	1	TAX ADMINISTRATION			SAFE-LINK
3	3/18/2011	MOBILE RADIO W/MIC	1	SHERIFFS OFFICE			ROBESON COUNTY COMMUNICATIONS CENTER
4	3/22/2011	PLATE MAKER	1	BMF	LANDFILL	ANN STREET	
5	3/22/2011	DESKS	MISC	ADMINISTRATION	LANDFILL	ANN STREET	
6	3/22/2011	FAX MACHINE	1	FINANCE	LANDFILL	ANN STREET	
7	3/22/2011	GUN SAFE	1	AGRI-EXPO	LANDFILL	ANN STREET	
8	3/22/2011	PRINTER	1	BOARD OF ELECTIONS	LANDFILL	ANN STREET	
9	3/22/2011	WOODEN CHAIR	1	CLERK OF COURT	LANDFILL	ANN STREET	
10	3/22/2011	COMPUTERS	5	MENTAL HEALTH	LANDFILL	ANN STREET	
11	3/22/2011	PRINTERS	2	MENTAL HEALTH	LANDFILL	ANN STREET	
12	3/22/2011	MONITORS	13	MENTAL HEALTH	LANDFILL	ANN STREET	
13	3/22/2011	SCANNER	1	MENTAL HEALTH	LANDFILL	ANN STREET	
14	3/22/2011	LAPTOP	1	MENTAL HEALTH	LANDFILL	ANN STREET	
15	3/22/2011	TABLE	1	COMMISSIONERS	LANDFILL	ANN STREET	
16	3/22/2011	DESKS AND CHAIRS	MISC	CLERK OF COURT	LANDFILL	ANN STREET	
17	3/22/2011	TABLES	2	CLERK OF COURT	LANDFILL	ANN STREET	
18	3/22/2011	WOODEN STAND	1	CLERK OF COURT	LANDFILL	ANN STREET	
19	3/22/2011	TABLE	1	CLERK OF COURT	LANDFILL	ANN STREET	
20	3/22/2011	CHAIRS	MISC	CLERK OF COURT	LANDFILL	ANN STREET	
21	3/22/2011	SMALL REFRIGERATOR	1	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
22	3/22/2011	METAL TRAVEL CANS	2	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
23	3/22/2011	PLASTIC TRASH CAN	1	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
24	3/22/2011	MOP WRINGER	1	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
25	3/22/2011	ECG MACHINE	1	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
26	3/22/2011	VACUUMS	2	HEALTH DEPARTMENT	LANDFILL	ANN STREET	



27	3/22/2011	MICROWAVE	1	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
28	3/22/2011	FAX MACHINE	1	FACVB	LANDFILL	ANN STREET	
29	3/22/2011	PRINTER	1	FACVB	LANDFILL	ANN STREET	
30	5/24/2011	CANINE-KORAN	1	SHERIFFS OFFICE			DEPUTY RONALD QUICK

**RECOMMENDATION/PROPOSED ACTION:** That the Board accept and approve the report on the disposal of surplus County property. That the Board adopts the attached report and that the report be duly recorded in the official minutes.

**K. Budget Revisions:**

**Education**

- (1) Revision in the amount of \$807,185 to budget additional FY2011 ad valorem tax and sales tax hold harmless funds per inter-local funding agreement. (B11-468) Funding Source – Ad Valorem Tax and Sales Tax Hold Harmless Funds

- (2) Tourism Development Authority

Revision in the amount of \$136,246 to recognize additional revenue for FY2011. (B11-470) Funding Source – Room Occupancy Tax, Interest and Penalties

- (3) General Government

Revision in the amount of \$5,255 to reimburse Westarea Fire Department from state funds received due to the April 16 tornado. (B11-445) Funding Source - State

- (4) Eastover Sanitary District

Revision in the amount of \$156,000 to appropriate fund balance to fund upfront cost for water line extension to City of Dunn. (B12-005) Funding Source – Eastover Sanitary District Fund Balance Appropriated

- (5) General Fund Debt Service

- a. Revision in the amount of \$14,798,319 to recognize General Obligation Refunding Bond Series 2011 issued on July 12, 2011. (B12-006) Funding Source – Refunding Bond Proceeds

- b. Revision in the amount of \$152,527 to budget reduction in fund balance appropriated as a result of principal and interest changes from refinancing GO Bonds. (B12-007) Funding Source – General Fund Fund Balance
- c. Revision in the amount of \$41,369,665 to recognize Limited Obligation Refunding COPS Series 2011B issued on July 14, 2011. (B12-008) Funding Source – Refunding Bond Proceeds
- d. Revision in the amount of \$164,739 to budget reduction in fund balance appropriated as a result of principal and interest changes from refinancing COPS. (B12-009) Funding Source – General Fund Fund Balance

(6) Emergency Telephone System

Revisions in the total amount of \$729,092 to appropriate fund balance to purchase server license upgrades and capital outlay equipment for 911 consolidations. (B12-013) Funding Source-Emergency Telephone Fund Balance

(7) Library Grants

- a. Revision in the amount of \$100,000 to recognize Technology Planning Grant awarded for Radio Frequency Identification (RFID) system. (B12-015) Funding Source – NC Library Grants
- b. Revision in the amount of \$141,084 to roll forward e-rate funds received in FY2011. (B12-016) Funding Source – Grants

(8) Rural Operating Assistance Program

Revision in the amount of \$83,259 to adjust the county budget due to a reduction in state funding. (B12-019) Funding Source – State

(9) Health Department

- a. Health Promotion: Revision in the amount of \$22,301 to adjust the county budget due to a reduction in state funding for the Health Promotion program. (B12-004) Funding Source – State

- b. Bioterrorism Response Team: Revision in the amount of \$298,852 to defund the Bioterrorism Response Team due to lack of state funding. (B12-012) Funding Source – State

(10) Sheriff Grants

Revision in the net amount of \$51,775 to adjust revenue and expenditures based on actual 2011 spending and reimbursements. (B12-024) Funding Source – Federal and Fund Balance Appropriated

MOTION: Commissioner Council moved to approve the consent agenda, Items 2.A. – 2.K.(10).

SECOND: Commissioner Melvin

DISCUSSION: Commissioner King referenced Item 2.K.(4), Eastover Sanitary District, and stated Mr. Martin had shared with him that Morgan Johnson would be at the Board's next meeting to discuss the Eastover Sanitary District's purchase of water from the Town of Dunn. Mr. Martin clarified Eastover Sanitary District funds would be used and because Amy Cannon, Deputy County Manager, serves as the Finance Director for the Eastover Sanitary District, those funds run through the county.

VOTE: UNANIMOUS (7-0)

## ITEMS OF BUSINESS

- 3. Consideration of Designation of Voting Delegate to North Carolina Association of County Commissioners (NCACC) Conference

BACKGROUND: Article VI, Section of the NCACC Constitution provides: "On all questions, including the election of officers, each county represented shall be entitled to one vote, which shall be the majority expression of the delegates of that county. The vote of any county in good standing may be cast by any one of its county commissioners who is present at the time the vote is taken; provided, if no commissioner be present, such vote may be cast by another county official, elected or appointed, who holds elective office or an appointed position in the county whose vote is being cast and who is formally designated by the board of county commissioners. These provisions shall likewise govern district meetings of the Association. A county in good standing is defined as one which had paid the current year's dues."

RECOMMENDATION/PROPOSED ACTION: Appoint a voting delegate to the NCACC Annual Conference to be held on August 18-21, 2011.

Commissioner Council nominated Commissioner Kenneth Edge as the voting delegate and Commissioner Charles Evans as the alternate voting delegate.

MOTION: Commissioner Faircloth moved that nominations be closed and that the  
aforementioned commissioners be approved by acclamation.  
SECOND: Commissioner King  
VOTE: UNANIMOUS (7-0)

4. Nominations to Boards and Committees

A. Joint Senior Citizens Advisory Commission (1 Vacancy)

BACKGROUND: At their meeting on June 6, 2011, the Board of Commissioners appointed Wayne Raynor to serve an unexpired term on the Joint Senior Citizens Advisory Commission. Mr. Raynor has advised he is unable to accept this appointment and an additional nomination is needed.

Commissioner King nominated Dwight Palmer.

5. Appointments to Boards and Committees

A. Appointment of the ABC Board Chairman

BACKGROUND: Pursuant to the North Carolina General Statutes, the Board of Commissioners shall appoint the Chairman of the ABC Board. The ABC Board recommends that Edward Maynor remain the Chairman for the 2011-2012 year.

B. Consideration of Appointment of Billy Wise to Pearce's Mill Local Firefighter's Relief Fund Board.

BACKGROUND: According to North Carolina General Statute § 58-84-30, for each county complying with and deriving benefits from the provisions of the Article, there shall be appointed a local board of trustees, known as the trustees of the Firefighters' Relief Fund. The board of trustees shall be composed of five (5) members, two (2) of whom shall be elected by the members of the local fire department(s) who are qualified as beneficiaries of such fund, two (2) of whom shall be elected by the mayor and board of alderman or other local governing body, and one (1) of whom shall be named by the Commissioner of Insurance.

A request has been received from Ronnie A. Marley, Chief of the Pearce's Mill Fire Department, that the Board of Commissioners appoint Billy Wise to Pearce's Mill Local Firefighters' Relief Fund Board because George Coleman, who currently serves as a trustee, no longer resides in Pearce's Mill fire coverage area.

RECOMMENDATION/PROPOSED ACTION: Consider appointment of Billy Wise to Pearce's Mill Local Firefighter's Relief Fund Board.

C. Adult Care Home Community Advisory Committee

BACKGROUND: On June 20, 2011, the Board of Commissioners nominated the following individual to fill one (1) upcoming vacancy on the Adult Care Home Community Advisory Committee:

Nominee: Harry Southerland (new appointment)

D. Cumberland County Home and Community Care Block Grant Committee

BACKGROUND: On June 20, 2011 the Board of Commissioners nominated the following individual to fill one (1) upcoming vacancy on the Cumberland County Home and Community Care Block Grant Committee:

Nominee: Aging Service Provider Position: Donald Wire (new appointment)

E. Cumberland County Criminal Justice Partnership Advisory Board

BACKGROUND: At their June 20, 2011 meeting, the Board of Commissioners nominated the following individual to fill one (1) upcoming vacancy on the Criminal Justice Partnership Advisory Board:

Nominee: Victim Services Program Representative: Diane Shelton (new appointment)

F. Cumberland County Workforce Development Board

BACKGROUND: On June 20, 2011 the Board of Commissioners nominated the following individuals to fill one (1) upcoming vacancy on the Cumberland County Workforce Development Board:

Nominee: Economic Development Position: Catherine Johnson (reappointment)

MOTION: Commissioner Faircloth moved to appoint Edward Maynor as the ABC Board Chairman; to appoint Billy Wise to Pearce's Mill Local Firefighter's Relief Fund Board; to appoint Harry Southerland to the Adult Care Home Advisory Committee; to appoint Donald Wire to the Cumberland County Home and Community Care Block Grant Committee; to appoint Diane Shelton to the Cumberland County Justice Partnership Advisory Board; and to appoint Catherine Johnson to the Cumberland County Workforce Development Board.

SECOND: Commissioner Council  
VOTE: UNANIMOUS (7-0)

6. Closed Session

The Board of Commissioners did not enter into a closed session.

MOTION: Commissioner Evans moved to adjourn.  
SECOND: Commissioner King  
VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 9:25 a.m.

Approved with/without revision:

Respectfully submitted,

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Candice H. White  
Clerk to the Board