

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
JANUARY 3, 2011 – 9:00 AM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING

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
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Assistant County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Communications Manager
Candice White, Deputy Clerk to the Board
Marie Colgan, Clerk to the Board

INVOCATION Chairman Kenneth Edge

PLEDGE OF ALLEGIANCE - Commissioner Charles Evans

James Martin requested addition of a Closed Session for Personnel Matter(s) pursuant to NCGS 143-318.11(a)(6) as Item 6.A.

Rick Moorefield requested addition of a Closed Session for Attorney/Client Matter(s) pursuant to NCGS 143-318.11(a)(3) as Item 6.B.

1. Approval of Agenda

MOTION: Commissioner King moved to approve the agenda with the two additions requested for Closed Session.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

2. Presentation by Mr. Eddie Maynor, ABC Board Chairman.

Mr. Eddie Maynor, Cumberland County ABC Board Chairman, shared comments with Board members with regard to the State's discussions on privatizing, or not privatizing, the ABC System. Mr. Maynor stated the local ABC system is a model for effective governmental control of alcohol which is self-contained and solely supported by revenues from sales, with no state funds used in the sales or distribution of liquor. He offered the

following statistics: North Carolina has one of the lowest alcoholism rates in the United States; it ranks third nationally for alcohol sales revenue per capita and ranks 48th per capita in alcohol consumption. Mr. Maynor added that currently stores do not have to sell to underage or intoxicated persons, but he believes that privately owned stores would need to do so to make a profit. The number one reason for not privatizing would be that prices would go down, but he does not believe that to be true because South Carolina has many private stores where prices range from 25% to 30% higher than local stores. Current stores carry a large variety of products and private stores would not be better supplied. Based on the number of stores per 100,000 population, Cumberland County could have 120 or more stores if privatized instead of the current number of 10. Currently, there are 117 ALE agents in the State and Cumberland County has 6 full-time, with 5 part-time agents. If privatized, Cumberland County would lose all agents and employees. Mr. Maynor advised that last year during a Legislative Oversight Study Commission there were 51 presenters, with 48 of those opposed to privatization and asked the Board to support keeping the system as is. Mr. Maynor stated he appreciates the Board's careful review of advisory board applicants which are to be appointed to their board.

Mr. Maynor introduced Gene Webb, local ABC Director, and John Russell, Assistant Director, who helped in the presentation of a check to the county of \$2,266,822.65 reminding Board members that if the system is privatized, no revenues will come to the county in the future and the citizens will have to carry an additional burden. Chairman Edge thanked Mr. Maynor, the ABC Board and the entire staff on behalf of the citizens of Cumberland County reminding everyone this helps keep the tax rate down for the citizens. Commissioner Council also thanked the ABC Board on their selection of a great management staff, their support of the local schools and other programs and for their efficient and effective spending of their funds.

3. Consent Agenda

- A. Approval of minutes for the December 20, 2010 regular meeting.
- B. Approval of Board of Commissioners' FY11 Strategic Planning Session Dates.

BACKGROUND: The below dates have been requested as Special Meeting dates for the Board of Commissioners for strategic planning purposes:

January 14, 2011 - Team Building & Advanced Strategic Planning with
Department Heads
January 27, 2011 - Strategic Planning Session
February 18, 2011 - Strategic Planning Session

ACTION: Approve requested dates for Special Meetings for Strategic Planning.

- C. Approval of Change Order E-1 (Final) T&H Electrical Corporation Crown Arena & Theater PME & Life Safety Improvements Project.

BACKGROUND: In May, 2010, the Board entered into a contract with T&H Electrical Corporation in the amount of \$1,237,500.00 for construction of electrical and life safety (fire alarm) improvements in the Crown Arena and Theater. The Board also approved a project construction contingency of \$242,350.00. The scope of the electrical work included the demolition of the existing switchgear, power distribution panels and 2-wire conductors and installation of new switchgear, distribution panels, transformers, conduit, 3-wire conductors, emergency generator and fire alarm system. During the course of construction on this renovation project, a number of issues arose that required immediate decisions to maintain the project schedule and ensure the availability of the Theater by mid-September.

The additional work items for Change Order E-1 in the amount of \$83,975.71 for additional work on the Crown Arena & Theater PME & Life Safety Improvements Project are outlined in this change order and can be summarized as follows:

- Owner requested revisions.
ADD: \$ 37,083.91
- Design revisions.
ADD: \$ 24,257.87
- Code compliance requirements.
ADD: \$ 22,633.93

Sufficient monies are available in the construction contingency to fund this change order. The change order document has been reviewed by the County Attorney's Office for legal sufficiency.

RECOMMENDATION/PROPOSED ACTION: The recommendation of the County Engineer, the project architect LSV, and management is to approve Change Order E-1 for T&H Electrical for additional work on the Crown Arena & Theater PME & Life Safety Improvements Project in the amount of \$83,975.71 and increase the contract sum to \$1,321,475.71. The proposed action by the Board is to follow the staff recommendation.

- D. Approval of EPA Mandatory Greenhouse Gas Reporting Requirements - Appointment of Designated Representative, Alternate Designated Representative and Agent for Cumberland County Ann Street Landfill.

BACKGROUND: The Environmental Protection Agency (EPA) recently released its new electronic web-based reporting system known as the "Electronic Greenhouse Gas Reporting Tool" (e-GGRT) to support reporting under the EPA Greenhouse Gas Mandatory Reporting Rule. Cumberland County is required to report on an annual basis Greenhouse Gas emissions from its municipal landfill (Ann Street Landfill) under the Federal rule outlined in 40

CFR Part 98. To comply with the reporting requirements, it is necessary for the Board of Commissioners to appoint a Designated Representative (DR) who has authority to certify and submit our GHG emissions for the landfill. In addition, the Board may appoint an Alternate Designated Representative (ADR) who may act on behalf of the DR and an Agent who has the authority to electronically submit the annual GHG emissions report to EPA.

Camp, Dresser & McKee (CDM) has been providing engineering services to the County for the Ann Street Landfill since 1992 and recently completed the Greenhouse Gas Monitoring Plan for the landfill. By appointing CDM as our agent, this will allow CDM to complete and submit electronic GHG emissions reports to EPA on behalf of the County.

RECOMMENDATION/PROPOSED ACTION: The recommendation of the County Engineer and Management, for the purpose of complying with the EPA Greenhouse Gas Mandatory Reporting Rule, is to:

1. Appoint Robert Howard, Solid Waste Director, as the Designated Representative.
2. Appoint Robert Stanger, County Engineer, as the Alternate Designated Representative.
3. Appoint W. Michael Brinchek, CDM, as our Agent.

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

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

BACKGROUND:

DATE OF ACCIDENT	December 6, 2010
VEHICLE	2007 Ford Crown Victoria
VIN	2FAHP71W27X134651
FLEET #	FL109
DEPARTMENT	Sheriff Office
SETTLEMENT OFFER	\$6,027.07
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 \$6,027.07 as settlement
3. and allow Travelers Insurance to take possession of the wrecked (surplus) vehicle.

F. Budget Revisions:

(1) Health

Family Planning Clinic - Revision in the amount of \$13,000 to appropriate Health fund balance for contracted services. (B11-235) Funding Source – Health Fund Balance

(2) Social Services

Revision in the net amount of \$8,668 to recognize an insurance settlement and to reallocate budgeted expenditures to fund the purchase of a replacement van and to fund additional costs for four vans previously approved in the adopted budget. (B11-236) Funding Source – Reallocation of Budgeted Expenditures and Insurance Settlement

MOTION: Commissioner Faircloth moved to approve consent items 3.A. through 3.F.2.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

ITEMS OF BUSINESS

4. Nominations to Boards and Committees

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

Background: Mary Deyampert-McCall (A representative of Methodist University School of Social Work position), Debbie Jenkins (A Representative of the Cumberland County Mental Health Center position) and Densie Lucas (A Representative of Fayetteville State University School of Social Work position) are completing their first terms and are eligible for reappointment.

Commissioner Council nominated Mary Deyampert-McCall, Debbie Jenkins and Densie Lucas to fill the above positions.

B. Civic Center Commission (5 Vacancies)

Background: Ryan Aul and George Turner are completing their first terms and are eligible for reappointment. Richard L. Player, III, Ralph Spivey and John L. Elliott are completing their second terms and are not eligible for reappointment. The recommendation is for the following individuals to fill those positions: Ryan Aul, George Turner, Bill Tew, Nat Robertson and McBryde Grannis.

Commissioner Faircloth nominated Ryan Aul, George Turner, Bill Tew, Nat Robertson and McBryde Grannis to fill the positions.

C. Cumberland County Juvenile Crime Prevention Council (1 Vacancy)

Background: Jamarrius Hassell is completing his first term and is eligible for reappointment to fill the position of Person Under Age 21.

Commissioner King nominated Jamarrius Hassell to fill the position.

D. Cumberland County Local Emergency Planning Committee (1 Vacancy)

Jane Stevens retired and the Cumberland County Emergency Services recommended Buck Wilson to fill the position of Health Representative.

Commissioner Melvin nominated Buck Wilson to fill the position.

E. Senior Citizens Advisory Commission (1 Vacancy)

Background: William J. Watson is completing his first term and is eligible for reappointment.

Commissioner Council nominated William J. Watson to fill the position.

5. Appointments to Boards and Committees

A. Cape Fear Valley Hospital System Board of Trustees (1 Vacancy)

Nominee:

General Public Position – County Appointee: Earnest Curry

B. Child Homicide Identification and Prevention (CHIP) Council (1 Vacancy)

Nominee:

A Representative of the Cumberland
County Board of Commissioners: Commissioner Marshall Faircloth

C. Farm Advisory Board (3 Vacancies)

Nominees:

Farmer: Collins Bullard

Natural Resource Conservation Service: Reuben Cashwell

Farm Bureau Representative: David Gillis

D. Fayetteville Area Convention and Visitors Bureau (2 Vacancies)

Nominees:

Hotels/Motels Under 100 Rooms Representative: Manish Mehta

Hotels/Motels Over 100 Rooms Representative: Dipak Thakker

E. Minimum Housing Appeals Board (1 Vacancy – Alternate Member)

Nominee: Alternate Member: Veronica Langston

MOTION: Commissioner Faircloth moved to appoint nominees listed under item 5.A. through 5.E.
SECOND: Commissioner Melvin
VOTE: Unanimous

At 9:21 AM, Chairman Edge advised the Board intends to recess the current meeting after the Closed Session and will reconvene the meeting at 11:00 AM at the PWC building for the continuation of the meeting.

6. CLOSED SESSION:

- a. PERSONNEL MATTER(S) PURSUANT TO NCGS 143-318.11(a)(6)
- b. ATTORNEY/CLIENT MATTER(S) PURSUANT TO NCGS 143-318.11(a)(3)

MOTION: Commissioner Evans moved to go into Closed Session for the requested items.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS

Thereupon, the Board went into closed session.

Upon returning into open session, the following motion was made:

MOTION: Commissioner King moved to go into Open Session.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS

MOTION: Commissioner Melvin to recess the meeting as stated earlier.
SECOND: Commissioner King
VOTE: UNANIMOUS

(See separate minutes for the Special Joint Meeting with the Public Works Commission Board.)

MOTION: Commissioner Keefe moved to adjourn.

SECOND: Commissioner Council
VOTE: UNANIMOUS

There being no further business, the meeting adjourned at 12:00 a.m.

Approved with/without revision:

Respectfully submitted,

Marie Colgan
Clerk to the Board