

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, JANUARY 6, 2014 – 9:00 AM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING
MINUTES

PRESENT: Commissioner Jeannette Council, Chair
Commissioner Kenneth Edge, Vice Chair
Commissioner Charles Evans (excused 10:47 a.m.)
Commissioner Marshall Faircloth
Commissioner Jimmy Keefe
Commissioner Billy King (excused 10:47 a.m.)
Commissioner Ed Melvin
James Martin, County Manager
Amy Cannon, Deputy County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Melissa Cardinali, Finance Director
Sally Shutt, Public Information Director
Jodi Risacher, Cumberland County Library Director
Rodney Jenkins, Deputy Public Health Director
Earl “Moose” Butler, Cumberland County Sheriff
Ronnie Mitchell, Cumberland County Sheriff Office’s Attorney
Howard Lloyd, Cumberland County Sheriff Office’s Finance Department
Julean Self, Human Resources Assistant Director
John Holmes, Human Resources Consultant
Laura Blackley, Human Resources Consultant
Candice H. White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Chairman Council called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE – Commissioner Keefe provided the invocation followed by the Pledge of Allegiance to the American Flag.

Recognition of Jody Risacher named Library Director of the Year by the North Carolina Public Library Directors Association

On behalf of the Board of Commissioners, Commissioner Keefe recognized Director Jody Risacher of the Cumberland County Public Library and Information Center for having been named Library Director of the Year by the North Carolina Public Library Directors Association. Commissioner Keefe stated the Cumberland County Public Library goes over and above what is traditionally considered to be the mission of a library because of the many adult services it offers such as computer classes, small business assistance, job fairs, job searches and resume assistance.

Recognition of Rodney Jenkins, Deputy Public Health Director, by the North Carolina Public Health Association for Outstanding Contributions to Social Work in Public Health

On behalf of the Board of Commissioners, Commissioner King recognized Rodney Jenkins, Deputy Public Health Director, for receiving the North Carolina Public Health Association award for Outstanding Contributions to Social Work in Public Health. Commissioner King stated Mr. Jenkins has been deputy health director since 2011 and was nominated by the Public Health Department and Carolina Collaborative Community Care of Fayetteville. Commissioner King stated under the leadership of Mr. Jenkins, the Health Department's Care Coordination for Children and Pregnancy Care Management programs have grown.

Chairman Council requested an addition to the agenda as Item 4. Consideration of Naming an Interim County Manager with the subsequent items renumbered accordingly.

MOTION: Commissioner King moved to add to the agenda as Item 4. Consideration of Naming an Interim County Manager.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (7-0)

1. Approval of Agenda

MOTION: Commissioner Edge moved to approve the agenda.
SECOND: Commissioner King
VOTE: UNANIMOUS (7-0)

2. Consent Agenda

- A. Approval of minutes for the December 16, 2013 regular meeting
- B. Approval of Destruction of Finance Department Records

Pursuant to the resolution adopted by the Board of County Commissioners on February 4, 1985, authorization is requested to destroy Finance Department records as recorded below. The destruction of these records is in accordance with the Records Retention and Disposition Schedule issued by the North Carolina Division of Archives and History which was previously adopted by the Board of Commissioners.

- 1. Records with three-year retention requirement (dated prior to July 1, 2010).
 - a. Fiscal correspondence/memorandums.
 - b. Bank statements, canceled checks. Deposit slips, and reconciliation file.
 - c. Purchasing – request for proposals for purchase contracts, purchase orders, and requisitions.
 - d. Cash receipt report files.
 - e. Check registers

- f. Investment records.
 - g. Journal vouchers.
 - h. LGC financial statements.
 - i. Invoices.
 - j. Employee Earnings Record File – Local government retirement system monthly reports.
 - Payroll file – salaries paid and deductions file.
- 2. Records with two-year retention requirement (dated prior to July 1, 2011).
 - a. Employee benefits register file.
- 3. Records with one-year retention requirement (dated prior to July 1, 2012).
 - a. Daily journal and ledger printouts.
 - b. Monthly detail reports, except June 30 which is permanent.
- 4. Records that have been superseded or obsolete.
 - a. Property and equipment inventory files.
- C. Approval of Declaration of Surplus County-Owned Property and Authorization to Accept Insurance Settlement

BACKGROUND:

DATE OF ACCIDENT	December 9, 2013
VEHICLE	2007 Ford Crown Victoria
VIN	2FAHP71W57X148947
FLEET #	FL185
DEPARTMENT	Sheriff's Office
SETTLEMENT OFFER	\$5,035.80
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 \$5,035.80 as settlement.
- 3. Allow Travelers Insurance to take possession of the wrecked (surplus) vehicle.

- D. Approval of Declaring Foreclosed Real Property Surplus

BACKGROUND:

The County when it is the successful bidder on tax foreclosed property first offers that property to the various county departments and agencies and to the city. If none of these entities has a need for the property then the Commissioners are asked to declare the property surplus and it is placed on the county's surplus property list for sale to the public.

The County of Cumberland has recently acquired by tax foreclosure certain real property located in the county. Exhibit 1 as recorded below is a list of properties with their tax values.

RECOMMENDATION AND PROPOSED ACTION:

That the Board declares the foreclosed property as surplus to the needs of the county.

**EXHIBIT 1 (1/6/2014)
COUNTY OWNED PROPERTY**

ITEM	PIN	ADDRESS	DESCRIPTION	ASSESSED VALUE \$	TAX LIEN \$	DATED RECORDED	DEED Book / Page
1.	0454-43-6052	4110 Riverpoint Dr	Lot 19 Riverpoint Rev	17,500.00	5,075.78	11/01/12	9033/168
	0454-42-6788	4118 Riverpoint Dr	Lot 20 Riverpoint Rev	7,549.00			
2.	0462-14-6903	4691 Matt Hair Rd	Lot 11 David N. Girard	19,447.00	17,255.08	02/15/12	8832/375
3.	0413-45-4990	4900 Panda St	Lot 86 Gilcrest Sands Sec 8	13,500.00	10,139.08	07/19/13	9248/756
4.	0462-99-0762	5950 Abco Ln	Lot 60 McNeill Sands Sec 4	10,000.00	9,815.44	07/19/13	9248/754
5.	0441-51-3552	3445 Dandelion Ln	Lot 29 Wind Field Sec 1	19,000.00	5,782.81	06/05/12	8916/255
6.	0542-51-7136	Slocumb Rd	1.19 ac with house & Store	15,000.00	4,874.65	11/01/11	8754/585
7.	0442-56-9352	6330 Beauchamp Dr	Lot 63 Twin Oaks Sec 4 Pt 5	10,000.00	4,392.34	11/10/08	8018/008
8.	0442-66-5794	1709 Albacore Cir	Lot 149 Twin Oaks Sec 4 Pt II	12,500.00	4,519.61	02/15/12	8832/369

COUNTY AND CITY OWNED PROPERTY

ITEM	PIN	ADDRESS	DESCRIPTION	ASSESSED VALUE \$	TAX LIEN \$	DATED RECORDED	DEED Book / Page
9.	0438-01-5449	1009 College St	Maj Pt Lots 9-12 Blk F College Hgts	14,560.00	12,467.07	08/25/11	8708/54
10.	0438-52-6763	1320 Ramsey St	Res 1320 Ramsey St.	31,144.00	7,205.97	04/12/12	8875/321
11.	0436-36-1127	157 Cooper St	Lot 6 Blk D Tolar Hart Holt Mill Vil	8,750.00	17,628.95	07/12/12	8944/252
12.	0407-22-3477	1128 Sun Valley Dr	.25 Ac Lovette Ld	6,702.00	5,086.72	07/11/13	9241/414
13.	0446-68-2759	402 S Plymouth St	Lot 1 Benny R & Grace B Melvin Prop Rev	5,000.00	4,722.95	04/09/13	9157/524
14.	9497-69-3948	7005 Ryan St	Maj Pt Lot 14 Sec 2 Pt 1 Loch Lomond	9,500.00	11,740.37	08/08/13	9264/828
15.	0428-84-3816	2012 Bain Dr	Lots 154 & 155 Council Heights	40,000.00	14,961.21	02/28/13	9124/674
16.	0405-98-0447	5206 Tara Way Dr	Lot 4 Cumberlandane	12,000.00	7,310.82	08/08/13	9264/826
17.	0428-84-3816	2012 Bain Dr	Lot 154 & 155 Council hgt	40,000.00	14,961.21	02/28/13	9124-674

E. Approval of Payment of Past Year Invoices for Services Rendered to the Department of Social Services

BACKGROUND:

The Cumberland County Department of Social Services has requested approval to pay two FY2013 invoices for foster board care services provided by Omni Visions, Inc. in the amount of \$138.67 and by Unity Home Care in the amount of \$3,910.12. The total of both invoices is \$4,048.76. The Department of Social Services received the Omni

Visions, Inc. invoice in October and the Unity Home Care invoice in November. Procedures have been put in place to minimize the chance of reoccurrence.

RECOMMENDATION/PROPOSED ACTION:

Recommend approval to pay the above two invoices in the aggregate amount of \$4,048.76 and approval of the associated budget revision B14-234.

F. Budget Revisions:

(1) Health

Pharmacy - Revision in the amount of \$30,000 to budget additional fees that will be used to purchase drugs for the Jail Health Program. (B14-237) Funding Source – Fees

(2) Mental Health Other

Revision in the amount of \$68,393 to appropriate Mental Health fund balance to transfer matching funds for the PATH (Projects for Assistance in Transition to Homelessness) program to Community Development. (B14-231) Funding Source – Mental Health Fund Balance Appropriated

(3) Juvenile Crime Prevention Programs

Revision in the net amount of \$1,839 to adjust revenue and expenditures to revised the State budget. (B14-235) Funding Source – State

MOTION: Commissioner Council moved to approve consent items 2.A through 2.F.(3).

SECOND: Commissioner King

DISCUSSION: Commissioner Evans inquired regarding Item 2.F.(2). Melissa Cardinali, Finance Director, explained the revision was a clean-up amendment in which monies were budgeted on the Mental Health side but not appropriated on the General Fund side for Mental Health. Ms. Cardinali stated the clean-up was to make sure everything is in place for the PATH program.

VOTE: UNANIMOUS (7-0)

ITEMS OF BUSINESS

3. Consideration of Bond Order Authorizing the Issuance of the General Obligation Refunding Bonds, Series 2014 of the County of Cumberland, North Carolina in a Maximum Aggregate Principal Amount Not to Exceed \$16,000,000 for the Purpose of Refunding All or Certain Maturities of the County's General Obligation Refunding Bonds, Series 2004

BOARD OF COMMISSIONERS
OF THE COUNTY OF CUMBERLAND, NORTH CAROLINA

BOND ORDER AUTHORIZING THE ISSUANCE OF THE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014 OF THE COUNTY OF CUMBERLAND, NORTH CAROLINA IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,000,000 FOR THE PURPOSE OF REFUNDING ALL OR CERTAIN MATURITIES OF THE COUNTY'S GENERAL OBLIGATION REFUNDING BONDS, SERIES 2004

WHEREAS, the Board of Commissioners (the "Board") of the County of Cumberland, North Carolina (the "County") has decided to pursue the issuance of general obligation refunding bonds in a maximum aggregate principal amount of not to exceed \$16,000,000 under the Local Government Bond Act (the "Act") to refund all or a portion of the County's General Obligation Refunding Bonds, Series 2004 (the "Refunded Bonds"); and

WHEREAS, the County has filed an application with the Local Government Commission of North Carolina (the "Commission") requesting the Commission's approval of such bonds as required by the Act;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Cumberland, North Carolina, as follows:

It is hereby determined necessary and expedient for the County to borrow money, and there is hereby authorized to be issued general obligation refunding bonds of the County for the purpose of providing money to refund all or a portion of the Refunded Bonds.

The bonds shall be in an aggregate principal amount not to exceed \$16,000,000.

The bonds shall be a general obligation of the County for the payment of principal of and interest on which its full faith and credit shall be irrevocably pledged and taxes will be levied in an amount sufficient to pay the principal of and interest on the bonds.

A sworn statement of debt has been filed with the Clerk to the Board pursuant to G.S. §159-55 and is open to public inspection.

This bond order shall take effect on its adoption.

Commissioner _____ moved the foregoing Bond Order be introduced, and Commissioner _____ seconded the motion, and the action was passed by the following vote:

Ayes: _____

Nays: _____

Not Voting: _____

* * * * *

Commissioner _____ moved the adoption of the Bond Order entitled:

BOND ORDER AUTHORIZING THE ISSUANCE OF THE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014 OF THE COUNTY OF CUMBERLAND, NORTH CAROLINA IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,000,000 FOR THE PURPOSE OF REFUNDING ALL OR CERTAIN MATURITIES OF THE COUNTY'S GENERAL OBLIGATION REFUNDING BONDS, SERIES 2004

in the same form previously introduced, with such Bond Order to take effect immediately.

Upon its adoption, the Clerk to the Board is directed to cause a notice of adoption of the foregoing Bond Order to be published as required by the Act.

Commissioner _____ seconded the motion and the Bond Order was passed and adopted by the following vote:

Ayes: _____

Nays: _____

Not Voting: _____

Chairman Council read the following into the record:

“Consideration of Bond Order Authorizing the Issuance of the General Obligation Refunding Bonds, Series 2014 of the County of Cumberland, North Carolina in a Maximum Aggregate Principal Amount Not to Exceed \$16,000,000 for the Purpose of Refunding All or Certain Maturities of the County's General Obligation Refunding Bonds, Series 2004”

Ms. Cardinali referenced information disseminated in December, 2013 regarding the refinancing of the 2004 general obligation bonds and stated this item starts the process to call and reissue the bonds at a much lower interest rate. Ms. Cardinali stated reissuing these bonds will save the county approximately \$1.4 million or almost 10% over the next five years. Ms. Cardinali stated the bond order, as Chairman Council read into the record, allows the county to move forward with the process and the next step will be for the board of commissioners to adopt the bond order so an application can be sent to the Local Government Commission for its consideration and approval at its February 4, 2014 meeting. Ms. Cardinali stated per bond counsel, a public hearing is not required for this refunding. Ms. Cardinali responded to questions and stated this does not affect the maturity of the bonds.

MOTION: Commissioner Melvin moved to adopt the bond order.
SECOND: Commissioner King
VOTE: UNANIMOUS (7-0)

4. Consideration of Naming an Interim County Manager

MOTION: Commissioner Evans moved to name Amy Cannon as the interim County Manager for Cumberland County effective April 1, 2014.

SECOND: Commissioner King

VOTE: UNANIMOUS (7-0)

5. Discussion and Consideration of Conducting a Search for the County Manager Position

BACKGROUND:

Following the December 13, 2013 announcement of the County Manager's retirement, the Board of Commissioners needs to discuss and consider conducting a search for the County Manager position. Options for implementing a national search are:

1. Conduct a national search utilizing in-house staff.
2. Hire a search firm to conduct a national search.

If the Board decides to hire a search firm, the following four firms have had recent involvement in North Carolina searches:

1. Coleman Lew and Associates (Mecklenburg County)
2. Springsted (Orange County)
3. Bob Murray and Associates (Wake County)
4. Colin Baenziger and Associates (City of Fayetteville)

RECOMMENDATION/PROPOSED ACTION:

Discuss and consider search options for the County Manager position and determine the direction in which to proceed.

Julean Self, Human Resources Assistant Director, reviewed the background information recorded above and referenced a survey conducted with seven local jurisdictions having had involvement in a recruitment process in 2013.

Ms. Self explained if in-house staff are used to conduct the search, they will pull from the same pool of candidates used by outside search firms and use online and print publication advertising options such as the Employment Security Commission; Indeed.com; GovtJobs.com; Careers in Government; PublicServiceCareers.org; NC League of Municipalities; JobsAvailable.com; National Forum for Black Public Administrators; NCACC; ICMA; NACo; Fayetteville Observer; Charlotte Observer; News and Observer and the UNC School of Government's County Managers Listserve. Ms. Self stated marketing is a critical piece when considering the use of an outside search firm.

Commissioners King and Keefe offered comments in support of utilizing an outside search firm. Chairman Council thanked staff of the Human Resources department for their efforts thus far and acknowledged in-house staff are capable of conducting the search even if the option selected by the board is to utilize an outside search firm.

Commissioner Edge inquired as to whether costs had been established to conduct the search in-house. Ms. Self stated the cost for staff time had not been established but advertising costs could be \$3,000 to \$5,000. Ms. Self also stated outside search firms, in cooperation with the timelines of the local jurisdictions, have been able to complete their processes in four to six months. Ms. Self further stated the Human Resource department can conduct the search; however, the office functions with ten staff members who serve over 2,000 employees in its other duties. Ms. Self stated internal staff would be committed to working effectively within the timeline set by the board of commissioners and would escalate its efforts to make it happen.

Commissioner stated he was not opposed to a national search but was opposed to spending money on something that could be accomplished in-house. Commissioner Melvin spoke in support of utilizing in-house staff to conduct a search.

Commissioner Faircloth stated he had given the matter a lot of thought and people looking in from the outside may criticize that “it is business as usual” to hire within. Commissioner Faircloth stated the money spent to conduct a national search utilizing an outside search firm would show the board’s willingness to examine itself and where it wants to be in five to ten years. Commissioner Faircloth stated the board may well hire from within pursuant to the search but the process will be of value to the board and he supports conducting a national search utilizing an outside search firm.

Chairman Council expressed concern for the time commitment involved with conducting an in-house search and stated some of the reasons for hiring an outside search firm are that candidates will be more likely to apply knowing the board is serious about a national search, there will be neutrality involved especially if there are internal candidates and extensive background checks will be conducted.

Commissioner Edge stated \$25,000 would be saved by conducting a search utilizing in-house staff and asked whether Requests for Proposals (RFPs) would be submitted for an external search firm. Ms. Self stated RFPs would not be required and the four firms with recent involvement in North Carolina searches could be considered pending further discussion by the board.

Commissioner Keefe stated sending out RFPs would better determine costs and would not tie the hands of the board moving forward. Commissioner Keefe stated although \$25,000 would be saved, there will be a burden on in-house staff to conduct the search. Commissioner Keefe recommended using RFPs.

In response to a question posed by Commissioner Evans, Ms. Self stated sending out RFPs would extend the process about three months. Commissioner Edge stated if RFPs are used, the county needs firms with experience recruiting for counties of similar size and it should be the board’s decision as to which search firm is selected.

MOTION: Commissioner Evans moved to send out RFPs to hire a firm to conduct a national search for a county manager for Cumberland County.

SECOND: Commissioner King

DISCUSSION: Chairman Council requested confirmation that sending out RFPs would extend the process by three months. Ms. Self stated Wake County indicated it extended their timeline by about 3 months.

VOTE: PASSED (5-2) (Commissioners Evans, Council, Faircloth, Keefe and King voted in favor; Commissioners Melvin and Edge voted in opposition)

Chairman Council asked the board to prepare for a 5:00 p.m. meeting at the next meeting of the board for RFPs and further discussion. At the request of Commissioner King, Chairman Council asked staff to work on matters between now and then.

Chairman Council recessed the meeting at 9:55 a.m.

Chairman Council reconvened the meeting at 10:10 a.m.

6. Consideration of Resolution to Set Sheriff's Salary for New Term

BACKGROUND:

The relevant portions of G.S. § 153A-92 copied below establish the procedure by which the Board of Commissioners may reduce the salary for the sheriff elected during a general election. The Board of Commissioners has the discretion to set the sheriff's salary and other compensation after an election by adopting a resolution giving notice of the intention to make a reduction not later than 14 days before the last day for filing for the office. By adoption of the current *Position Classification & Pay Plan*, the Board has already established the sheriff's position at a salary grade 88 with a range of \$96,046 to \$161,646. The fee for filing as a candidate for sheriff is based on the salary established under this statute.

No commissioner has indicated any intent to reduce the salary of Sheriff Butler; however, the reduction in salary would apply to anyone who is elected, including Sheriff Butler. The reduction in salary may not be modified until the sheriff takes office after the general election. Upon the sheriff's taking office after the election, the Board has the authority under subsection (a) of the statute to increase the sheriff's compensation within the range of the adopted salary grade.

This same statutory procedure applies to the elected register of deeds.

G.S. § 162-5, also copied below, establishes the procedure for filling a vacancy in the office of sheriff. That statute gives the Board of Commissioners the full authority to elect a sheriff to fill a vacancy in the office. There is a separate statute that requires the Boards of Commissioners in 46 counties to elect a person recommended by the executive committee of the political party from which the elected sheriff was a nominee; however, that statute does not include Cumberland County. The Board of Commissioners has the full authority to set the salary of any sheriff elected by the Board to fill a vacancy in the office. A different statutory procedure applies to filling a vacancy in the office of the register of deeds.

STATUTES:

§ 153A-92. Compensation.

(a) Subject to the limitations set forth in subsection (b) of this section, the board of commissioners shall fix or approve the schedule of pay, expense allowances, and other compensation of all county officers and employees, whether elected or appointed, and may adopt position classification plans.

(b) In exercising the authority granted by subsection (a) of this section, the board of commissioners is subject to the following limitations:

- (1) The board of commissioners may not reduce the salary, allowances, or other compensation paid to an officer elected by the people for the duties of his elective office if the reduction is to take effect during the term of office for which the incumbent officer has been elected, unless the officer agrees to the reduction or unless the Local Government Commission pursuant to Chapter 159, Article 10, orders a reduction.
- (2) During the year of a general election, the board of commissioners may reduce the salary, allowances, or other compensation of an officer to be elected at the general election only in accordance with this subdivision. The board of commissioners shall by resolution give notice of intention to make the reduction no later than 14 days before the last day for filing notice of candidacy for the office. The resolution shall set forth the reduced salary, allowances, and other compensation and shall provide that the reduction is to take effect at the time the person elected to the office in the general election takes office. Once adopted, the resolution may not be altered until the person elected to the office in the general election has taken office. The filing fee for the office shall be determined by reference to the reduced salary.

§ 162-5. Vacancy filled; duties performed by coroner or chief deputy.

If any vacancy occurs in the office of sheriff, the coroner of the county shall execute all process directed to the sheriff until the first meeting of the county commissioners next succeeding such vacancy, when the board shall elect a sheriff to supply the vacancy for the residue of the term, who shall possess the same qualifications, enter into the same bond, and be subject to removal, as the sheriff regularly elected. If the board should fail to fill such vacancy, the coroner shall continue to discharge the duties of sheriff until it shall be filled.

In those counties where the office of coroner has been abolished, the chief deputy sheriff, or if there is no chief deputy, then the senior deputy in years of service, shall perform all the duties of the sheriff until the county commissioners appoint some person to fill the unexpired term. In all counties the regular deputy sheriffs shall, during the interim of the vacancy, continue to perform their duties with full authority. (1829, c. 5, s. 8; R.S., c. 109, s. 11; R.C., c. 105, s. 11; Code, s. 2071; Rev., s. 2811; C.S., s. 3929; 1973, c. 74; 1983, c. 670, s. 2.)

RECOMMENDATION/PROPOSED ACTION:

Consider whether to adopt the following *Resolution to Reduce the Salary of the Sheriff after the Next General Election*:

BE IT RESOLVED that the Board of Commissioners of Cumberland County hereby gives notice of its intention to reduce the salary of the sheriff to be elected at the next general election in 2014 to the minimum of the range for Salary Grade 88 in the amount of \$96,046 with all other

allowances or other compensation to remain unchanged from what is currently provided to the sheriff.

BE IT FURTHER RESOLVED that this resolution shall be provided to the Director of Elections no later than 14 days before the last date for filing notice of candidacy for the office of sheriff in order to establish the salary for the filing fee for the office of sheriff.

Adopted this 6th day of January, 2014.

Rick Moorefield, County Attorney, reviewed the background information as recorded above and stated the proposed resolution is written consistent with statutory language to reset the Sheriff's salary at the bottom range of the Sheriff's current pay grade 88 which is \$96,046. Mr. Moorefield stated the filing fee to run for Sheriff would be based on the \$96,046 and not the Sheriff's current salary. Mr. Moorefield stated at the request of three commissioners and upon further consideration, a third provision also meeting the statutory requirements could be added to the proposed resolution:

"BE IT FURTHER RESOLVED that the Board of Commissioners intends that Sheriff Butler's salary shall remain unchanged should he be re-elected due to his twenty years' experience as Sheriff of Cumberland County."

Commissioner Faircloth asked what the salary would be for a newly elected Sheriff if the board adopts the proposed resolution. Mr. Moorefield stated should the board adopt the proposed resolution and should a new Sheriff be elected, the new salary upon election would be \$96,046.

In response to questions posed by Commissioner Evans, Mr. Moorefield clarified the board cannot lower the Sheriff's salary during an election year except by this process regardless of who is elected, but the board can raise the Sheriff's salary at any time. Mr. Moorefield stated this action sets the salary of a newly elected Sheriff at the low end of the range at \$96,046. Commissioner Evans stated it does not seem fair that the board of commissioners would change a new Sheriff's salary to the bottom of the totem pole. Commissioner Edge clarified for Commissioner Evans that the board could determine a new Sheriff's salary. Mr. Moorefield further clarified that this action would start the salary at \$96,046 and the board could raise the salary at any time. Mr. Moorefield stated the reason action has to be taken in advance of the filing period is because this is the salary on which the filing fee is based and there cannot be two salaries for an elected position.

In response to a question from Commissioner King, Mr. Moorefield explained should the board not take this action, whoever is elected in the general election will start at Sheriff Butler's salary. Commissioner King asked how the Sheriff's position was determined to be classified at pay grade 88. Mr. Martin stated the board of commissioners adopted it as part of the classification and pay plan a couple of years ago. Commissioner King asked whether all future Sheriffs would start at the lower salary if the board takes this action. Mr. Moorefield stated based on the way the statute reads, he would advise the board to take this action prior to each general election if the board wants to have certainty about the Sheriff's salary. Commissioner King stated there is an equity issue because it appears future candidates will not have the same opportunity to make

what this Sheriff has made and the board is changing the rules to accommodate that individual. Commissioner King asked whether county commissioner statewide have this same opportunity. Mr. Moorefield stated this statute has general application across the state.

Commissioner Faircloth stated the principal of the matter is that one does not bring a new Sheriff in at the same salary as a Sheriff with twenty years experience in the position. Mr. Martin stated part of the current Sheriff's salary is compensation for a career development plan for law enforcement officers which begins at three years, so 20% to 25% of the current Sheriff's salary is a result of his twenty years experience.

Commissioner Melvin recognized Ronnie Mitchell, Cumberland County Sheriff Office's Attorney, and inquired regarding the pros and cons of the proposed resolution. Mr. Mitchell stated the simple answer is that it is not necessary to set a specific monetary amount for the Sheriff but to set the salary at a grade 88 and that persons who fill that position are entitled the longevity, developments and resources allocated to persons possessing those qualifications. Mr. Mitchell stated the resolution should state that anyone coming into the position will start at grade 88 and if the current Sheriff is re-elected, he will be entitled to his longevity and to the benefits he already has. Mr. Mitchell stated care should be taken when exempting the Sheriff's Office or the Sheriff because the N. C. Constitution prohibits the award of a special emolument. Mr. Mitchell stated in his opinion, were the board to adopt a resolution that states this would apply to anyone other than the current Sheriff, it would create a special emolument.

Additional questions followed.

MOTION: Commissioner Edge moved to adopt the resolution to reduce the salary of the Sheriff after the next general election and to include the addition of the third provision.

SECOND: Commissioner Faircloth

DISCUSSION: Commissioner Evans asked whether a Deputy Sheriff's salary would be the same as Sheriff Butler's salary if the Deputy Sheriff were to be appointed after Sheriff Butler had been elected and stepped down. Mr. Moorefield stated if Sheriff Butler were to file and run and step down prior to the election or after the election, the board of commissioners would act to fill the Sheriff's vacancy by its own action and act to set the salary at that time.

VOTE: FAILED (3-4) (Commissioners Edge, Faircloth and Keefe voted in favor; Commissioners Evans, Melvin, Council and King voted in opposition)

In response to a question posed by Commissioner Edge, Mr. Moorefield clarified that if the board does not take action, a newly elected Sheriff will start at a salary of \$161,600. Mr. Moorefield also clarified that if a vacancy occurs at any time, the board of commissioners sets the salary.

7. Nominations to Boards and Committees

A. Air Quality Stakeholders' Committee

Commissioner Council nominated C. Kim Nazarchyk.

B. Fayetteville Area Convention & Visitors Bureau

Commissioner Faircloth nominated William S. Wellons, Jr.

C. Wrecker Review Board

Commissioner Melvin nominated Jay Barr.

8. Appointments to Boards and Committees

A. Cumberland County Workforce Development Board (1 Vacancy)

Nominee: Economic Development: Catherine Johnson (Reappointment)

MOTION: Commissioner Edge moved to reappoint Catherine Johnson to a third term.

SECOND: Commissioner Faircloth

DISCUSSION: Commissioner Keefe questioned the reappointment to a third term. Mr. Moorefield stated the board of commissioners can amend its practices and procedures when it takes action. Mr. Martin explained Catherine Johnson represents the Economic Development Alliance of Fayetteville and Cumberland County and the Alliance's Executive Vice President Russ Rogerson is not a resident of Cumberland County.

VOTE: PASSED (5-2) (Commissioners Evans, Melvin, Edge, Council and Faircloth voted in favor; Commissioners Keefe and King voted in opposition)

9. CLOSED SESSION: No closed session was held.

Chairman Council recessed the Board of Commissioners meeting to the Cumberland County Detention Center located at 204 Gillespie Street at 10:47 a.m. for a tour of the facility expansion.

Commissioner Evans and Commissioner King asked to be excused.

Chairman Council reconvened the Board of Commissioners meeting at the Cumberland County Detention Center at 11:00 a.m. The tour was conducted by Major Larry Trotter who was accompanied by Captains Hasty, Ivey and Spencer. Howard Lloyd and Melissa Campe of the Sheriff Offices' Finance Department were also present for the tour.

MOTION: Commissioner Edge moved to adjourn.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (5-0)

There being no further business, the meeting adjourned at 11:40 a.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board