

**Action Agenda
Cumberland County Board of Commissioners
February 4, 2002, 9:00 a.m.
Regular Meeting
Cumberland County Courthouse, Room 118
Fayetteville, NC**

PRESENT: Chairman J. Breeden Blackwell
Vice Chairman Talmage Baggett
Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner John Henley, Jr.
Commissioner Billy R. King
Commissioner J. Lee Warren, Jr.
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Cliff Spiller, Asst. County Manager
Amy Cannon, Asst. County Manager/Finance Dir.
Grainger Barrett, County Attorney
Marsha Fogle, Clerk to the Board

INVOCATION: Vice Chairman Talmage Baggett
Dick Bowden, Director of Pastoral Care at
Highsmith-Rainey Memorial Hospital

PLEDGE

RECOGNITION OF RETIRED COUNTY EMPLOYEE: Deborah Crain, Sheriff's Office

1. CONSENT AGENDA

Commissioner Henley pulled item 1F(9) (a&b)

MOTION: Commissioner Edge moved to follow staff recommendations on the items on the Consent Agenda, excepting Item 1F(9) (a&b).

SECOND: Commissioner Council
VOTE: UNANIMOUS

A. Approval of Minutes: January 28, 2002

B. Approval of Additions to State Secondary Road System:

**Birch Creek Subdivision:
Drive, Marcus James Drive**

Jacobs Creek Circle, Bolla Drive, Beringer

Lake Lynn Subdivision:

Amherst Drive

Legion Hills Subdivision:

Ireland Drive, Lubbock Drive, Wildflower Road, Softwind Lane, Meteor Drive, Harden Road, Goodhope Lane, Goforth Drive, Crusader Drive, Winesap Road

Riverview Estates Subdivision:

National Avenue, Gateway Drive

**Tarleton Plantation Subdivision:
Brookberry Court**

Coachway Drive, Overland Court,

C. Approval of a Proclamation proclaiming February 9, 2002, General Henry Hugh Shelton Day in Cumberland County

ACTION: Adopt Proclamation

WHEREAS, Retired General Henry Hugh Shelton is a native son of our great State of North Carolina, born in Speed, North Carolina, in Edgecombe County; and

WHEREAS, General Shelton dedicated 38 years of his life to serving our beloved country, distinguishing himself as a decorated soldier, innovative thinker and superb commander; and

WHEREAS, General Shelton, former Chairman of the Joint Chiefs of Staff and a highly decorated graduate of North Carolina State University, was the first member of the elite U.S. Army Special Forces (the Green Berets) to rise to the nation's top military post; and

WHEREAS, General Shelton, former Chairman of the Joint Chiefs of Staff, served as the principal military adviser to the President, the Secretary of Defense and the National Security Council; and

WHEREAS, General Shelton previously served as Commander in Chief of the U.S. Special Operations Command, which oversees the Green Berets and the Navy SEALs; and

WHEREAS, General Hugh Shelton, commanded the Operation Uphold Democracy Joint Task Force in Haiti; and

WHEREAS, General Hugh Shelton, after the Persian Gulf War, was promoted to Major General and assigned to Fort Bragg, where he commanded the 82nd Airborne Division; and

WHEREAS, General Henry Hugh Shelton received four Defense Distinguished Service Medals and the Purple Heart, making Cumberland County and the United States proud to call him one of our own.

NOW, THEREFORE, the Cumberland County Board of Commissioners proclaims FEBRUARY 9, 2002 "GENERAL HENRY HUGH SHELTON DAY" in Cumberland County and urges our citizens to celebrate the many contributions General Shelton has made to our country.

D. Approval of Franchise and Lease Agreement for Parks and Recreation Concessionaire services at Arnette Park (1st Reading)

BACKGROUND: This franchise will allow Steel Magnolias/Brother's Keepers to provide concessionaire services to the general public at Arnette Park.

ACTION: Approve

E. Accept the Report of Delinquent Taxes that are liens on real estate and order the Tax Collector to advertise the tax liens

BACKGROUND: In accordance with NCGS 105-369, the Tax Administrator reports the unpaid taxes for the current fiscal year that are liens on real property. The Board of Commissioners must order the Collector to advertise the tax liens at least one time in one or more newspapers having general circulation in Cumberland County.

ACTION: Accept the report of delinquent taxes (Attachment A to these Minutes) and order the Tax Collector to advertise the liens in a newspaper of local circulation during April 2002.

F. Budget Revisions

(1) Animal Control – Revision in the amount of \$16,500 to budget for an increase in overtime due to increasing demands after hours and weekends and to budget training and travel because of lack of training and certification (B02-283)

(2) Wade Fire District – Increase in revenue/expenditures in the amount of \$2,084 to cover unanticipated refunds to taxpayers (B02-293) Funding Source – Taxes – Current Year

(3) Health

a. Family Planning – Revision in the amount of \$646 to budget for additional state revenue received (B02-285) Funding Source – State

b. Center for Disease Control TB Project – Revision in the amount of \$3,000 to budget for additional state revenue received (B02-286) Funding Source – State

c. Health Education – Reduction in revenue and expenditures in the amount of \$12,154 to reflect the reduction in state funding received by the Health Department (B02-288) Funding Source – State

d. Adult Health – Reduction in revenues and expenditures in the amount of \$38,489 to reflect the reduction in state funding received by the Health Department (B02-289) Funding Source – State

(4) NC Cooperative Extension Service – Revision in the amount of \$750 to budget a grant from the Junior League of Fayetteville to be used for the Baby Think It Over program (B02-280) Funding Source – Grant

(5) Social Services

a. JCP Residential Group Home – Revision to reallocate revenues and expenditures to cover expense for the remaining Fiscal Year (B02-295) Funding Source – Reallocation of Budgeted Expenditures and Revenues

b. Family Violence Care Center/Community Development Support Housing Program Grants – Revision in the amount of \$4,326 to recognize increased revenues for NC Health Choice Enrollment Fees and to reallocate fund balance appropriated to transfer the required 20% local match from the Family Violence Care Center to the Community Development HUD Supportive Housing Grant (B02-290-290B) Funding Source – Enrollment Fees

(6) Tax Assessor – Revision in the amount of \$59,220 to budget for additional maintenance and temporary personnel due to budget reductions (B02-300) Funding Source – Reallocation of Budgeted Expenditures

(7) Federal Forfeiture-Justice – Revision in the amount of \$104,500 to budget for the purchase of an in-car video camera systems for Sheriff's patrol vehicles, and portable projector for training classes and presentations (B02-291) Funding Source –

Federal Forfeiture

(8) Mental Health – DD Spainhour – Revision in the amount of \$146,000 to budget for the replacement of the roof of the old Spainhour School (B02-266) Funding Source – Mental Health Fund Balance Appropriated

(9) 1998 School Bond Projects

a. Revision in the net amount of \$3,204,273 to (1) budget sales tax refunds received through FY02 and (2) to budget unbudgeted interest income for FY00 and FY01 and (3) to reclass sales tax refunds previously budgeted as interest income (B02-297) Funding Source – Interest Income and Sales Tax Refunds

b. Revision in the amount of \$2,738,270 to budget expenditures for classroom additions at Terry Sanford High School and a Media Center at Ferguson Easley Elementary and to approve the associated capital project ordinance (B02-298) Funding Source – Reallocation of Budgeted Expenditures

Commissioner Henley noted that new housing will be going in on the Post at Fort Bragg, which means children of those parents will be going to school on Post. He noted that during our last budget session we learned that there are 60 plus empty classrooms in the system already. He said he hoped that the School Board had taken into consideration the empty classrooms when they determined the need to build new schools. He noted that sales tax refunds that use to go into the County budget to be distributed appropriately to the county and its municipalities, now go directly to the Board of Education. Commissioner Henley said as the county and school board work toward a funding formula he hopes they will consider how the impact of the sales tax revenue will affect us. He said it is extremely difficult to cover the needs that we have to when our revenues continue to decrease. James Martin, County Manager, said he and his staff would speak with the Board of Education staff regarding this issue. Chairman Blackwell noted he had written to the Chairman of the Board of Education and inquired if they would like to have a meeting to discuss any issues. He said this could be an issue and we could request a meeting if the Board of Commissioners would like to do so. The consensus was to let the County Manager get some information and bring it back to the Board. Commissioner King inquired if the Board of Commissioners has any control over the construction of new schools. In response the County Attorney noted that the only control would be when new sites are purchased construct new schools. Chairman Blackwell said it was his understanding that the Department of Defense wants to get out of the school business.

James Martin noted that Superintendent William Harrison said the newspaper article regarding

the passage of a formula for funding the schools by the School Finance Committee was incorrect.

MOTION: Commissioner Henley moved to approve the budget revisions.
SECOND: Commissioner Council
VOTE: UNANIMOUS

(10) Soil and Water Conservation – Revision in the amount of \$600 to recognize corporate contributions from Prestige Farms, NC Pork Council and Monsanto to purchase educational materials (B02-299) Funding Source – Contributions

(11) Finance – Revision in the amount of \$17,000 to budget overtime for the implementation of the new HR System and additional contracted services due to the current year budget reductions (B02-301) Funding Source – Reallocation of Budgeted Expenditures

(12) Information Services – Revision in the amount of \$40,278 to budget for the increase in overtime and expenditures for materials necessary to complete the hookup and installation of the Advantage Financial, Advantage HR and the BRASS equipment (B02-302) Funding Source – Reallocation of Budgeted Expenditures)

REGULAR AGENDA

2. Nominations to Boards/Committees

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

BACKGROUND: Patricia Hodges and Dorothy Wright were appointed to this committee in January of this year. They have both declined their appointments.

ACTION: Make nominations

Commissioner Council nominated Judy Babb and Nina Davis

Appointments will be made at the next meeting.

B. Recreation Advisory Board (1 vacancy)

BACKGROUND: Mr. Stephen L. Thomas has resigned his position on this Board. His term expires June 30, 2004.

ACTION: Make nominations

Commissioner Edge nominated Dr. Mike Clover

The appointment will be made at the next meeting.

C. Tourism Development Authority (5 vacancies)

BACKGROUND: The Board created the Tourism Development Authority on January 28, 2002. The Authority shall be composed of the following members:

- 2 representatives nominated by hotels/motels within the county which have in excess of 100 rooms;
- 2 representatives nominated by hotels/motels within the county which have fewer than 100 rooms;
- the President of the Fayetteville Area Chamber of Commerce, in an ex-officio capacity;
- the County Manager of Cumberland County, in an ex-officio capacity;
- 1 member of the public who is not affiliated with travel and tourism and who reflects the cultural diversity of the county.

Nominees: 100 or more rooms:

Commissioner Henley nominated Billy Wellons and Cameron Stout

Fewer than 100 rooms:

Commissioner Henley nominated Katherine Jensen and Gene Ammons, Jr.
Commissioner King nominated Vivek Tandon

At-large member:

Commissioner Council nominated Gwen Holloman.

Commissioner Henley noted he would not be here for the February 25th meeting, the meeting at which the appointments would actually be made. He asked the Board to delay making the appointments until the March 11 meeting.

MOTION: Commissioner Warren moved that the appointments to this Board be made at the March 11 meeting.

SECOND: Commissioner Council

VOTE: **FAVOR:** Commissioners Henley, Baggett, Blackwell, Warren, King

and Council

OPPOSED: Commissioner Edge

3. Consideration of a Resolution regarding consolidation of city and county recreation departments

BACKGROUND: The City-County Liaison Committee, at its January 24, 2002 meeting, recommended that the staffs of the County and of the City of Fayetteville review the issues affected by and present options regarding potential merger of the county and city parks and recreation departments, and of any other municipal programs which may desire to be involved in such review. The City-County Liaison Committee requests that the results of such review be presented to the Board of Commissioners and the City Council by September 2, 2002.

ACTION: Adopt Resolution endorsing a review of the issues & options for merger of parks and recreation programs.

RESOLUTION

WHEREAS, North Carolina statutes provide that furnishing parks and recreation services and facilities is a public purpose; and

WHEREAS, North Carolina statutes authorize local governments to provide parks and recreation services and facilities; and

WHEREAS, parks and recreation services and facilities contribute to the quality of life and to the health and enjoyment of citizens; and

WHEREAS, Cumberland County, the City of Fayetteville and other towns in Cumberland County operate parks and recreation programs and facilities; and

WHEREAS, the multiplicity of parks and recreation programs sometimes leads to public confusion and may create overlap or duplication in such programs and facilities; and

WHEREAS, discussions have occurred from time to time over the years regarding the advantages or disadvantages of merging Cumberland County and City of Fayetteville parks and recreation programs; and

WHEREAS, the City-County Liaison Committee at its meeting of January 24, 2002 recommended that the staffs of the County and of the City review the issues affected by and present options regarding potential merger of the Cumberland County and City of Fayetteville parks and recreation programs, and of any other municipal programs which may desire to be involved in such review; and

WHEREAS, the City-County Liaison Committee requested that the results of such review

by presented to the Board of Commissioners and the City Council by September 2, 2002;

NOW, THEREFORE, the Cumberland County Board of Commissioners endorses the recommendation of the City-County Liaison Committee for a review by the respective county and municipal staffs of the issues affected by and for presentation of options regarding potential merger of county and municipal parks and recreation programs; and be it further

RESOLVED, that the Board of Commissioners further encourages and invites any municipality in Cumberland County that so desires to participate in such review; and be it further

RESOLVED, that the Board of Commissioners directs the staff to use its best efforts to present the results of such review to the Board of Commissioners by September 2, 2002 or, in the alternative, to present to the Board of Commissioners a status report on the information and issues affecting parks and recreation program merger developed to that date.

Commissioner Henley said he would not vote for the Resolution because he did not believe it was strong enough stating the Board's resolve to merge the two departments. Commissioner Warren said he thought this was an issue that could be discussed at the Planning Retreat that will be held on February 5 and February 7. Chairman Blackwell said if we are really serious about the merger the adoption of this resolution is the most logical first step. However, he said if the Board members had some issues they wanted to discuss at the Planning Retreat, he had no problem with that. Commissioner Warren said he thought the driving force and primary focus should be "how can we better serve the public". He said the merger may not necessarily save us any money. Chairman Blackwell noted that at the Mayor's meeting last week the issue of merger was discussed. He assured the Mayors they would be kept informed and involved in the issue. Commissioner Council inquired if we could pass the Resolution and still discuss the matter at the Planning Retreat?

MOTION: Commissioner Council moved to adopt the Resolution.

SECOND: Commissioner Edge (for the purpose of discussion)

DISCUSSION: Commissioner Henley reiterated he did not think the Resolution made a strong enough statement. He noted that the county will continue to lose recreation tax money as the City of Fayetteville and Town of Hope Mills continues to annex. He said if we can't merge these two departments, what else will we ever do to begin working together.

Commissioner Council withdrew her motion.

Commissioner Warren said he could not raise his hand until he had some questions answered about the merger. Commissioner Henley said the Board needs to be able to give direction to staff to set about merging the departments. He said if staff senses some hesitation there may be ways to derail the whole idea of merger.

MOTION: Commissioner Baggett moved that we take no action on this

item and that we discuss it at our Planning Retreat.

SECOND: Commissioner Warren

DISCUSSION: Chairman Blackwell noted if we come to an agreement we can pass the resolution or another one at the Retreat.

VOTE: UNANIMOUS

4. Consideration of Board of Education offer to sell 12.9 acres near Gray's Creek Elementary School

BACKGROUND: This item was deferred from the January 28, 2002 meeting to this meeting date. The Board of Education has 12.9 acres in Gray's Creek on Alderman Road next to the existing Gray's Creek Elementary School that has been declared surplus. By statute, the Board of Education must provide the Board of Commissioners "the first opportunity to obtain the property.... at a fair market price or at a price negotiated between the two boards". The County Manager has determined that neither the Parks and Recreation nor Solid Waste Departments have a use for the property. It appears that only 3 acres of the land is usable and the remainder is wetlands with hardwoods. In addition, there is a residential structure on the property. The total assessed value of the property is \$52,540. The Board of Education's minimum asking price is \$50,000.

ACTION: Reject or accept the offer.

Commissioner Baggett said he did not understand why we are selling this land after just purchasing it for a new school site. Tim Kinlaw, Cumberland County school system, said they do not need the additional land. He said the creek actually separates this piece from the rest of the school site. Commissioner Baggett inquired if this request to sell the property was driven by someone inquiring about purchasing the property or did the Board of Education declare it surplus to its needs. Mr. Kinlaw said the Board of Education determined it was surplus to its needs. Commissioner Baggett inquired how the selling price compared to the purchase price per acre. Mr. Kinlaw said it was just about the same.

MOTION: Commissioner Warren moved to reject the School Board's offer for the County to buy the property.

SECOND: Commissioner Council

VOTE: UNANIMOUS

5. CLOSED SESSION: Economic Development matter

MOTION: Commissioner Baggett moved to go into Closed Session to discuss an economic development matter.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

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

MOTION: Commissioner King moved to adjourn.
SECOND: Commissioner Council
VOTE: UNANIMOUS

Clerk to the Board