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**Minutes**  
**Cumberland County Board of Commissioners**  
**November 1, 1999, 9:00AM**  
**Regular Meeting**

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9:15AM) PRESENT: Chairman Tom Bacote (arrived

Manager Vice Chairman Ed Melvin

Manager Commissioner Talmage Baggett

Commissioner Billy R. King

Commissioner H. Mac Tyson

Commissioner Breeden Blackwell

Commissioner J. Lee Warren, Jr.

Cliff Strassenburg, County Manager

James Martin, Deputy County

Juanita Pilgrim, Asst. County

Cliff Spiller, Asst. County Manager

Grainger Barrett, County Attorney

Marsha Fogle, Clerk to the Board

INVOCATION: Commissioner Billy R. King

PLEDGE OF ALLEGIANCE

RECOGNITION: County Retiree: Emma Saylon, DSS Department

Financial Reporting Certificate of Achievement for Excellence in

of the US and From the Government Finance Officers Association

Canada: Presented to Amy Cannon, Finance Director

in Affordable 1999 Housing North Carolina Award for Excellence

in Hope Mills. Rental Housing for Families – Golfview Apartments

Presented to Murray Duggins and Thanena Wilson –

## Community

Development Office.

### **1. PUBLIC HEARING: Closing of a part of Ashe Street**

**BACKGROUND:** The property owners adjacent to both sides of Ashe Street Extension have petitioned to close a portion of Ashe Street from Gillespie Street to the northern extension of Ashe Street to the western line of Margaret Highsmith Dickinson and Ann H. Lawing's property in Cross Creek Township. This portion of Ashe Street is not maintained by the State. The Fire Department, NCDOT and the Planning Department have no objection to the closing.

**SPEAKERS:** None

**ACTION:** Adopt Order closing a portion of Ashe Street

#### **ORDER CLOSING A PORTION OF ASHE STREET**

WHEREAS, a petition has been submitted to the Cumberland County Board of Commissioners by Charles J. Harrell, Ann H. Lawing, and Margaret H, Dickinson to close a portion of Ashe Street in Cumberland County; and

WHEREAS, following proper notice, said Board held a public hearing on the question of the closing of such street on the 1<sup>st</sup> day of November, 1999, and heard all interested persons who appeared with respect to whether the closing would be detrimental to the public interest or to any individual's property rights; and

WHEREAS, pursuant to the public hearing the said Board found and determined that such public street is not under the control of the North Carolina Department of Transportation; that no person would be deprived of reasonable means of ingress and egress to their property by such closing; and that it is therefore not contrary to the public interest to close such street.

NOW, THEREFORE, the Board of Commissioners of Cumberland County hereby RESOLVES pursuant to authority granted by G.S. 153A-241, that the public street more particularly described below is, and it hereby is, closed:

Ashe Street from Gillespie Street to the northern extension of Ashe

Street to the

Western line of Margaret Highsmith Dickinson and Ann H. Lawings's property in

Cross Creek Township, Cumberland County; shown on Cumberland County tax map as a PIN 0436-36-7570 and PIN 0436-36-7693.

And the Board further RESOLVES that a certified copy of this Resolution be recorded in the Cumberland County Registry.

**MOTION: Commissioner Blackwell moved to approve.**

**SECOND: Commissioner King**

**VOTE: UNANIMOUS**

## **2. CONSENT AGENDA**

**MOTION: Commissioner King moved to follow staff recommendations on the items on the Consent Agenda.**

**SECOND: Commissioner Tyson**

**VOTE: UNANIMOUS**

### **A. Approval of Minutes: October 18, 1999, October 25, 1999**

**ACTION: Approve**

### **B. Approval of additions to the State Secondary Road System**

Baywood Subdivision: Penguin Drive & Wattle Bird Drive

**ACTION: Approve**

### **C. Approval of a Proclamation proclaiming November 14-20, 1999, "American Education Week" in Cumberland County.**

**BACKGROUND:** Board of Education Chairman Rick Glazier is asking the Board of Commissioners to proclaim November 14-20, American Education Week in Cumberland County.

**ACTION: Adopt Proclamation**

## **PROCLAMATION**

WHEREAS, today's students will be the leaders of tomorrow; and

WHEREAS, it is the responsibility of our public schools to prepare students to successfully meet emerging challenges and opportunities; and

WHEREAS, by equipping young Americans with both practical skills and broader intellectual abilities, schools give them hope for, and access to, a productive future; and

WHEREAS, the responsibility of providing a quality education to our students is a responsibility of the entire community; and

WHEREAS, the success of our public schools is reflected in the support given them by their community; and

WHEREAS, the purpose of American Education Week is to focus attention on the important role education plays in our country and its future; and

WHEREAS, the theme of American Education Week 1999 is "Students Today, Leaders Tomorrow".

NOW, THEREFORE the Cumberland County Board of Commissioners hereby proclaims the week of November 14-20, 1999, American Education Week in Cumberland County.

We further encourage all citizens to extend their commitment to public education and to the future of our children by supporting our community's schools through the contribution of their time and energy.

**D. Approval of a Resolution supporting "America Recycles Day" on Monday, November 15, 1999.**

BACKGROUND: NACo is requesting every County to pass a resolution supporting America Recycles Day and to encourage its citizens to purchase more recycled-content products.

ACTION: Adopt Resolution

**RESOLUTION**

WHEREAS, each year, Americans generate more than 217 million tons of municipal solid waste- more than 4.4 pounds per person per day; and

WHEREAS, while the nation has reached an overall recycling rate of more than 28 percent, more can be done, especially in "closing the loop" by purchasing products made with recycled content; and

WHEREAS, the National Association of Counties (NACo) encourages county leaders to spread the word about the excellent recycling programs they have established,

the growth of markets for recyclable materials and the importance of buying recycled products; and

WHEREAS, to focus the nation's attention on the importance of recycling and "closing the loop." Governments, businesses, non-profit organizations and individuals have joined together to celebrate America Recycles Day on November 15, 1999, and are encouraging everyone to pledge to buy more recycled-content products; and

WHEREAS, NACo has a long-standing policy of encouraging counties, states and the federal government to support the reduction of waste as a key component of a comprehensive solid waste management program. Participating in America Recycles Day is one way counties can help raise awareness about the need to reduce waste by reusing, recycling, and buying recycled products; and

WHEREAS, the theme of America Recycles Day is "For our Children's Future...Buy Recycled Today".

NOW, THEREFORE BE IT RESOLVED, that the Cumberland County Board of Commissioners proclaims Monday, November 15, 1999, as "America Recycles Day" in Cumberland County and encourages its citizens to reduce waste by reusing, recycling and buying recycled products.

**E. Approval of Amendment #1 with S&ME, Incorporated, for materials testing and inspection for the Detention Center Project**

BACKGROUND: S&ME, Inc., was selected to undertake the subsurface investigation of the Detention Center site through a qualifications based selection process in conjunction with the project architect. An agreement with S&ME and the County was signed and implemented December 1, 1998 to provide environmental (Brownfield Assessment) and geotechnical services. The next phase of geotechnical services involves materials testing and inspection during construction. S&ME, Inc., has provided a proposal for said services in an amount not to exceed \$149,629. The scope of services includes:

- (1) provide inspection and testing of soils related construction activities;
- (2) provide full time inspection & monitoring of foundation system installation;
- (3) provide random inspection and testing of structural steel installation to verify procedures for welded and bolted connections;
- (4) provide full time inspection & materials testing during concrete and masonry installation to include floor flatness testing and testing at the precast manufacturing facility;
- (5) provide random testing of sprayed-on fireproofing material; and
- (6) provide inspection & materials testing during asphalt paving operations.

The basis of compensation is time and materials with a not to exceed amount of \$149,629. A budget of \$215,850 has been established in the project for construction inspection and materials testing services; therefore, sufficient monies are available in the project to fund this request.

**ACTION:** Approve amendment to the agreement in an amount not to exceed \$149,629 for construction inspection and materials testing services required for the Cumberland County Detention Center Project.

**F. Approval of an easement for PWC for underground electrical services on Winslow Street**

**BACKGROUND:** The easement is for the purpose of converting the aerial electric utilities to underground electrical duct bank adjacent to the western right of way of Winslow Street along the Highsmith Rainey Hospital property owned by the County.

**ACTION:** Approve the utility easement.

**G. Report on formal bid awards of \$100,000 or less approved by management**

**BACKGROUND:**

a. The following bids were received for fuel service truck for the Solid Waste Department:

Coastal Carolina Freightliner:	\$61,529
Smith International:	\$62,820

The bid was awarded to Coastal Carolina Freightliner in the amount of \$61,529 on 10/11/99.

b. The following bids were received for computer and printer moves to the new DSS building:

<u>Co. Name</u>	PC's(1)	PC's (2)	PC's (3)	Printers (1)	Printers (2)
Printers (3)					
Global	\$ 58.00	45.00	45.00	15.00	
15.00	5.00				
M M Smith	351.00	251.35	131.35	216.35	
181.35		16.35			
Netcom	200.00	170.00	260.00	130.00	
130.00	20.00				

The bid was awarded to Global Services Corporation in the total amount of \$35,215 on 10/12/99.

No action required by the Board.

**H. Approval of an application to the NC Public School Building Capital Fund for various school debt service payments**

**BACKGROUND:** The Board of Commissioners and the Board of Education must jointly request from the State of North Carolina release of \$2,100,000 from the Public School Building Capital Fund in accordance with GS 115C-546.2(b). These funds will be used for debt service payments on the existing 1993 School Bonds. The Board of Education approved release of these funds on October 12, 1999.

**ACTION:** Approve the release.

**I. Budget Revisions**

**1. Library**

**a. Revision to reclassify one full-time Library Technician position into two part-time Library Associate II positions allowing for simplified scheduling (B00-173) Funding Source – County**

**b. Increase in revenue & expenditures in the amount of \$500 to budget Intellectual Freedom Award received from SIRS Mandarin, Inc. to purchase additional books & periodicals (B00-207) Funding Source – Grant**

**2. Print Shop/General Government Other: Revision in the amount of \$3,600 to transfer funding from General Government Other to purchase a high resolution printer for the Print Shop (B00-209) Funding Source – County**

**3. Mental Health**

**a. Substance Abuse Periodic: Decrease revenue and expenditures in the amount of \$39,325 to adjust the County budget to State allocation due to the withdrawal of \$40,000 and budget additional expected revenue from ABC 5 cent tax of \$675 (B00-206) Funding Source – State & Other**

**b. Substance Abuse Work First: Decrease revenue and expenditures in the amount of \$37,676 to adjust the County budget to Federal funding withdrawn due to a reduction in eligible families (B00-205) Funding Source – Federal**

**4. Health (Mosquito Control): Transfer of funds in the amount of \$12,500 between organizations within the Health Department to fund additional mosquito spraying supplies (B00-192 – 192C) Funding Source – County**

**5. Detention Facility: Revision in the amount of \$1,159,241 to**



**recognize expected interest earnings and to approve the associated revised Capital Project Ordinance (B00-220) Funding Source – Other**

REGULAR AGENDA ITEMS

Chairman Bacote arrived at the meeting.

**3. Nominations to Boards/Committees**

**A. Civic Center Commission (5 vacancies)**

BACKGROUND: The following terms will expire January, 2000:

Gene S. Ammons: Eligible for reappointment  
Dr. Ralph E. Burns: Eligible for reappointment  
Jim Cooper: Eligible for reappointment  
Jim Peterson: Eligible for reappointment  
Marshall H. Waren: Eligible for reappointment

The following persons were nominated:

Commissioner King nominated Sharon Drake.  
Commissioner Blackwell nominated the members who are eligible for reappointment (Gene S Ammons, Dr. Ralph E. Burns, Jim Cooper, Jim Peterson, & Marshall H. Waren).  
Commissioner Tyson nominated Ernie Grooms.

**B. Library Board of Trustees**

BACKGROUND: The following terms expire December, 1999:

Joyce B. Ammons: Ms. Ammons does not wish to serve a second term.  
Janet Gardner: Not eligible for reappointment

The following people were nominated:

Commissioner King nominated Sobrina Molden and Cynthia Harlan.  
Commissioner Blackwell nominated Gail Riddle and Jim Hankins.

**C. Adult Care Home Community Advisory Committee (5 vacancies)**

BACKGROUND: The following people have completed the initial one-year term on this Committee:

Gale R. Allen	Eligible for reappointment
Vikki Andrews	Eligible for reappointment
Mildred F. Bonner	Eligible for reappointment
Sallie Jones	Eligible for reappointment



Anita Rowles

Eligible for reappointment

Commissioner Blackwell nominated the above people for reappointment.

**D. Board of Health (3 vacancies)**

BACKGROUND: The following terms will expire on the Board of Health:

Physician position: Dr. William Powell

not eligible for reappointment

Pharmacist position: Brenda Fonville

eligible for

reappointment

General Public Representative: Bobby Knight

not eligible for reappointment

The following nominations were made:

Commissioner King nominated Dr. Larry Harris to fill the physician position.

Commissioner King nominated Brenda Fonville (reappointment) to fill the pharmacist position.

Commissioner King nominated Mary Hales to fill the general public position.

Commissioner Blackwell nominated James C. Cashwell to fill the general public position.

**E. Cumberland County Area Mental Health Board (1 vacancy)**

BACKGROUND: The following term will expire on the Mental Health Board:

Drug Abuse Representative (Family Consumer): Moses Benjamin Watson - eligible for reappointment.

Commissioner King nominated Moses Benjamin Watson for reappointment.

**F. Fayetteville Area Convention & Visitors Bureau Board of Directors (2 vacancies)**

BACKGROUND: The following terms expire in January, 2000:

Gene S. Ammons Sr. (hotels/motel under 100 rooms):

eligible for

reappointment

Ramona Jackson-Ruff (hotels/motel over 100 rooms):

not eligible for

reappointment

The following nominations were made:

Commissioner Blackwell nominated Gene S Ammons, Sr. for reappointment.

Commissioner Blackwell nominated Susan Wooster (hotels/motel over 100 rooms)

**4. Appointment to Housing Appeals Board (2 vacancies)**

Nominees: Regular member: Simpson Burton

The Board voted unanimously to appoint Simpson Burton to the regular member slot.

Nominees: Alternate Members (2 vacancies)

Barry Bullock: Unanimous

Glen McKeithan: no votes

Mary J. Raynor: Unanimous

## **5. Consideration of a proposed Memorandum of Agreement with Advanced Internet Technologies, Inc.**

**BACKGROUND:** This Memorandum of Agreement will bind the County to negotiate in good faith with AIT to lease the old DSS Building and have the option to purchase it. the county and AIT will share the cost of inspection of the building and certain cost of renovations to include a new roof, removing plaster ceilings, new carpet on third floor and exterior painting, up to an amount of the County's projected \$450,000 inducement. The lease will be for 5 years at \$2,750 per month. The purchase price of the building would be \$310,000 plus an annual inflation adjustment. AIT will have the option to purchase the building at any time. Any portion of the County's inducement amount not used for renovation could be applied by AIT as a credit against the purchase price. At the same time as a lease is approved, the Board of Commissioners will also consider an Inducement Agreement setting forth capital investment and job creation targets for AIT and the County's inducement package. If this Memorandum of Agreement is approved, a public hearing will be held on December 6, 1999, pursuant to GS 158-7.1.

Commissioner King, referring to an item in the local newspaper, this date, asked the County Manager if anyone else has expressed interest in buying the building. Mr. Strassenburg stated that an offer in the amount of \$40,000 had been made, but he did not deem it worth reporting to the board based on the value of the building.

Commissioner Baggett stated he had received some comments about the county's inducement in the amount of \$450,000 and the fact that it is more than the value of the building. Mr. Strassenburg noted that AIT is planning to invest \$2.5 million over the next five years. In addition some 250 jobs will be created with salaries at or above \$17.00 per hour. The County will recoup its investment in five to six years.

**ACTION:** Approve the proposed Memorandum of Agreement and authorize staff to advertise a public hearing for December 6, 1999.

**MOTION:** Commissioner King moved to approve.

**SECOND:** Commissioner Baggett

**VOTE:** UNANIMOUS

## **6. Consideration of Storm Water Management Ordinance matters:**

**A. Proposed amendments to Chapter 12 of the Cumberland County Code regarding storm water utility**

**BACKGROUND:** The NC Supreme Court recently ruled in Smith Baptist Church v. City of Durham that storm water utility fees, such as the County's, enacted under Article 15 of Chapter 153A must be used for programs related to the physical infrastructure of structural and natural storm water and drainage systems. The Court made clear that such fees may not be used for activities which primarily address storm water "quality" concerns. This decision therefore requires the County to amend its Storm Water Management Ordinance to reflect this ruling. The changes revise language in the Code to ensure that the fees are used for authorized infrastructure-related purposes. In addition, the proposed revisions contemplate that the utility will undertake, as a concurrent but ancillary purpose, storm water quality activities, such as those contemplated by the County and City's NPDES permit. Such activities, however, may not be funded by utility fees but rather from general fund appropriations, grants or other sources and must be accounted for in a separate sub-fund. If the City also approves the proposed ordinance revisions, then the County and the City will have to agree on a further supplemental appropriation to the utility to fund the approximately 20% of the utility's FY2000 program that would not be uses authorized for expenditure of storm water utility fees.

Commissioner Warren inquired if the proposed revisions have been reviewed by the County Policy Committee. The response was it has not. Because this is such an important issue, Commissioner Warren suggested it go the County Policy Committee for review and recommendation.

**MOTION:** Commissioner Warren moved to refer Items 6A&6B to the County Policy Committee.

**SECOND:** Chairman Bacote

**DISCUSSION:** Commissioner Baggett inquired if this item has a time limit for approval or if a delay would cause a legal problem. The County Attorney said approval sooner is better; however, he thought it appropriate for the Policy Committee to take a look at it. The County Attorney also noted the plaintiffs are continuing on a path to file suit against other jurisdictions whose Storm Water Ordinance does not follow the criteria set out as acceptable by the Supreme Court ruling.

**SUBSTITUTE**

**MOTION:** Commissioner Baggett moved to approve the revisions to the Ordinance ensuring that the storm water fees are used for authorized infrastructure-related purposes.

**SECOND:** Commissioner King

**DISCUSSION:** Commissioner Tyson said while he was ready to vote on the Ordinance today he respected the request for review by the Policy Committee.

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

**OPPOSED:** Commissioners Bacote, Melvin, Tyson & Warren

**VOTE ON ORIGINAL**

**MOTION: FAVOR: Commissioners Blackwell, Bacote, Warren, Tyson, Melvin &  
OPPOSED: Commissioners Baggett & King**

NOTE: The County Policy Committee will hold a special meeting so they can review the Ordinance and make a recommendation to the Board of Commissioners at the November 15, 1999 meeting.

**B. Amendments to Interlocal Agreement with the City of Fayetteville**

This item will also go the Policy Committee for review and recommendation..

**7. County Personnel Committee report and recommendations:**

**A. Proposed position classification changes**

The County Personnel Committee recommends position classification changes as outlined in Attachment A to these minutes, as well as the associated budget revision (B00-218).

**MOTION: Commissioner King moved to approve.**

**SECOND: Commissioner Baggett**

**VOTE: UNANIMOUS**

**B. Proposed increase in the hours of operation for the Wilkes Road  
Yard Waste Facility**

The County Personnel Committee recommends that the Wilkes Road Yard Waste Facility operating hours be changed as follows:

Open to the public 6 days a week (48 hours) which would require three new employees

at a cost of \$87,950 (1 Assistant Weighmaster, 1 Equipment Operator I and Solid Waste Inspector).

**MOTION: Commissioner Warren moved to approve.**

**SECOND: Commissioner King**

**DISCUSSION: Commissioner Blackwell indicated his concern for the cost of extending the hours at the landfill. He asked if there is a more economical way to do it. Commissioner Warren pointed out that the County has a horrible problem with illegal dumping and extension of the hours will make it more convenient for the public to use, hopefully eliminating some of the illegal dumping. He said he believes the positive aspects far outweigh the cost. Commissioner Baggett concurred with Mr. Warren's comments, noting it is easier to solve the illegal dumping problem on the front end as opposed to the back end.**

**VOTE: UNANIMOUS**

**C. FY2000 Performance Pay Implementation Plan**

On October 19, 1999, the Personnel Committee approved the proposed FY99-00 Performance Pay Implementation Plan as noted below:

### Performance Pay Implementation Plan

September 15-October 31 supervisory employees;	develop "factor weight" for supervisory & non- positions and complete Appraisal Forms for all
November 1 – November 19	appraisals discussed with reviewer & employee;
November 20 – November 30 departmental merit the ratings	post employee weighted rating to the log; departments must verify the accuracy of posted to the log;
December 1 – December 10 rating	Finance Department enters employees weighted Scores in computer data base;
December 11 – December 31 report;	Information Services processes implementation
January 2, 2000 pay period)	Performance pay effective date (beginning of

Note: Performance pay increases will be based on current salaries as of the last pay period in October (October 25, 1999);

Employees eligible for performance pay must have been employed for 1 year as of 10/25/99;

Employees who do not "meet expectations" must be given a detailed plan for improve-  
& ment; supervisors should conduct an informal review with employee each month  
& formal reappraisal at the end of six months;

The appraiser should review the employee's appraisal with the appraiser's immediate  
the supervisor (reviewer) prior to review with the employee unless the appraiser is  
department head or county manager.

Commissioner Baggett noted that he was quite skeptical of the Plan prior to review by the Personnel Committee, but he now supports it. He commended the staff and said he believes it is as good and fair a plan as is possible to come up with.

**MOTION: Commissioner Baggett moved to adopt the Plan as noted above.**  
**SECOND: Commissioner Tyson**  
**VOTE: UNANIMOUS**

**8. County Policy Committee report and recommendations concerning outside professional review of the County Animal Control Program**

The Policy Committee recommends approval to retain NACA (National Animal Control Association) to conduct a study of the county's Animal Control Program and the appropriation of \$5,000 from the General Fund Contingency to cover the cost of the study. The scope of the study includes:

- an examination of the Animal Control Department's structure & organization;
- an evaluation of the deployment of resources (budget, equipment, facilities, staffing) and suggested productivity improvements;
- review of the scheduling and coverage requirements for the Animal Control Department;
- review of field operations, including vehicles, communications, uniforms, equipment, record keeping, enforcement & investigation procedures;
- examination of staff training;
- analysis of current overall operations & suggested ways of improving productivity & efficiency;
- review of court preparation & appearance of those involved;
- analysis of the adequacy of office automation, communication & computer support systems;
- examination of shelter operations, including facility construction (including adequacy), operations, record accountability, policies & procedures, euthanasia & adoptions;
- examination of the effectiveness of community relations; and
- analysis of the mission statement for the Animal Control Department and examinations of the policies, procedures and work plans for each major function (including input from the Board of Commissioners, the Animal Control Board and members of the community).

NACA staff will spend a week in Cumberland County reviewing our Animal Control program. Depending on their staff scheduling, the study could be conducted as soon as December with a final report in January, 2000.

**ACTION:** Approve the hiring of NACA to conduct a study of the Animal Control program and appropriate \$5,000 from the General Fund Contingency to pay for the study (includes an allowance for contingencies).



**MOTION:** Commissioner Blackwell moved to approve.

**SECOND:** Commissioner Warren

**DISCUSSION:** Commissioner King noted the Board needs to be prepared to do what is necessary to improve our program based on the study done by NACA. Commissioner Warren noted his concurrence with Mr. King's statement, adding the County needs to be ready to address the need for a better facility for the Animal Control Department. Commissioner Tyson said he was not a believer in "experts from afar", although he did not feel that \$5,000 was that much. Commissioner Baggett expressed hope this study will help our Animal Control Department move towards accreditation, much like that received by the Sheriff's Office and Mental Health Department.

**VOTE:** **FAVOR:** Commissioners Blackwell, Melvin, Bacote, Warren, Baggett, King

**OPPOSED:** Commissioner Tyson

**9. CLOSED SESSION: Personnel & Attorney Client matters**

**MOTION:** Commissioner King moved to go into Closed Session to discuss personnel and attorney client matters.

**SECOND:** Commissioner Melvin

**VOTE:** **UNANIMOUS**

**MOTION:** Commissioner Melvin moved to go back into Regular Session.

**SECOND:** Commissioner Tyson

**VOTE:** **UNANIMOUS**

**MEETING ADJOURNED**

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Page last updated 4/22/00