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**Minutes**  
**Cumberland County Board of Commissioners**  
**March 6, 2000, 9:00 AM**  
**Regular Meeting**

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**PRESENT:**     Chairman Edward G. Melvin  
                    Vice Chairman J. Lee Warren, Jr.  
                    Commissioner Talmage Baggett  
                    Commissioner H. Mac Tyson II  
                    Cliff Strassenburg, County Manager  
                    Cliff Spiller, Asst. County Manager  
                    Grainger Barrett, County Attorney  
                    Marsha Fogle, Clerk to the Board

**ABSENT:**     Commissioner Tom Bacote  
                    Commissioner Breeden Blackwell  
                    Commissioner Billy King

**INVOCATION:** Commissioner Tom Bacote  
                            Chaplain Dick Bowen, Highsmith Rainey

Hospital

**PLEDGE OF ALLEGIANCE**

**ADDITION TO AGENDA:** Cliff Strassenburg asked the Board to add a Closed Session to the Agenda for the purpose of Attorney-Client matter.

**MOTION:**     Commissioner Baggett moved to add the Closed Session.

**SECOND:**     Commissioner Warren

**VOTE:**        **UNANIMOUS**

**1.        **CONSENT AGENDA****

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

**SECOND:**     Commissioner Tyson

**VOTE:**        **UNANIMOUS**

**Note:**   Chairman Melvin recognized Kathy Price from Mike McIntyre's office who read a statement from him. (See Item 1B).

**A. Approval of Minutes: February 21, 2000**

ACTION: Approve

**B. Approval of a Resolution requesting the NCDOT to name a portion of I-95 in Cumberland County in honor of Trooper Ed Lowry and Deputy Sheriff David Hathcock**

ACTION: Adopt Resolution

**RESOLUTION**

WHEREAS, State Highway Patrolman Edward Lowry and Cumberland County Deputy Sheriff David Hathcock were admired law enforcement officers in Cumberland County who dedicated themselves to protecting the lives, property and safety of the public; and

WHEREAS, Patrolman Lowry and Deputy Hathcock made the ultimate sacrifice in the performance of their duties on September 27, 1997, and lost their lives in the line of duty; and

WHEREAS, Patrolman Lowry and Deputy Hathcock were natives of Cumberland county and had made this county their home; and

WHEREAS, this community continues to mourn their loss and wishes permanently to honor and memorialize their memory, their professionalism and their sacrifice.

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that it respectfully requests the NC Department of Transportation to name an appropriate section of Interstate 95 in the vicinity of Mile Marker 52 in honor and memory of these two officers.

Kathy Price of Congressman Mike McIntyre's office read a statement from Congressman McIntyre who was unable to attend this meeting:

"I regret that I cannot be here today as you remember and honor two of our nation's finest men. By risking their lives to protect the lives of others, Officer Lowry and Hathcock made the

ultimate

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sacrifice that any citizen of this nation can make. They to be acknowledged and honored for the heroic action they on that fateful day and their outstanding service to the they fought to protect. Naming a section of Interstate 95 in memory will be a constant reminder of the gratitude we all toward Officers Lowry and Hathcock, along with all the law enforcement personnel who have lost their lives serving as of our communities."

Commissioner Warren thanked Ms. Hathcock and Ms. Lowry for attending the meeting. He noted the Board shares in their loss. Commissioner Tyson noted that their husbands made the ultimate sacrifice for the citizens of this County.

### **C. Approval of Bid Awards:**

#### **(1) Work stations for Department of Social Services**

BACKGROUND: The following bids were received:

Corporate Interior and Sales	\$
64,076.36	
Herman Miller	70,519.13
Steelcase	
192,768.49	

ACTION: Award the bid to Corporate Interiors and Sales in the amount of \$64,076.36.

#### **(2) Phase II, Subtitle D Expansion Project for the Landfill**

BACKGROUND: The following bids were received: See Attachment A to the

## Minutes

The low base bid, including Alternate A, was submitted by ES&J Enterprises, Inc., in the amount of \$3,703,425.90. The low alternate liner system bid including Alternate A was submitted by Glover Construction Company, Inc., in the amount of \$3,913,323.41. Although there is a value to the alternative liner system, a thorough evaluation of the bids by the project team concluded the most cost effective bid was submitted by ES&J Enterprises for the base liner system.

**ACTION:** Award the bid to ES&J, Inc., in the amount of \$3,703,425.90 for the base liner system and Alternate A.

### **D. Approval of Dental Clinic fees for the Health Department**

**BACKGROUND:** The Board of Health approved the proposed fees on February 15, 2000 and recommends approval by the Board of Commissioners. (See Attachment B)

**ACTION:** Approve the fees.

### **E. Confirmation of Emergency Management Director**

**BACKGROUND:** The Emergency Management Director position became vacant in December, 1999. Mr. Harold Beverage, Assistant Emergency Management Director, was appointed to serve as Interim Director until a new director is appointed.

Mr. Beverage's intimate knowledge of the county's emergency operations plans; his extensive specialized training in emergency management, safety and security procedures and operations; and his nearly 20 years of management experience qualifies him well for the position of director. Cliff Strassenburg, County Manager, recommends appointment of Mr. Beverage to the vacant position.

**ACTION:** Confirm Mr. Beverage's appointment to the position of Director of the Emergency Management Department at a salary of \$40,000 per annum, effectively immediately.

**F. Settlement of Wright v. Cumberland County DSS, Et. Al.**

**BACKGROUND:** The Board of Commissioners approved the mediated settlement of Wright v. Cumberland County in Closed Session on Monday, February 21, 2000. The settlement resulted from the successful negotiation of the Plaintiff's demand, which had been \$3 million prior to filing suit, to the mediated amount of \$248,000. The former director and all other defendants agree with the settlement as does the current director, Mr. William Scarlett. The settlement will be paid from insurance proceeds under a policy issued by AIG. The carrier was of the opinion that the potential litigation cost justified the payment of the agreed upon amount.

**ACTION:** Approve the mediated settlement in this matter and authorize the settlement amount of \$248,000 in consideration of a dismissal of this action with prejudice.

**G. Budget Revisions**

**(1) Community Development**

a. **Emergency Shelter Grant: Increase in revenue/expenditures in the amount of \$96,274 to re-program funds unspent in FY99 (B00-508)**

**Funding Source – Federal & County**

b. **HOME Administration: Increase in revenue/expenditures in the amount of \$138,414 to re-program funds unspent in FY99 (B00-509) Funding Source – Federal**

c. **HOME Programs: Increase in revenue/expenditures in the amount of \$586,318 to reprogram funds unspent in FY99 (B00-510) Funding Source – Federal**

**(2) Senior Aides: Increase in revenue/expenditures in the amount of \$9,067 to budget increased federal funding (B00-507) Funding Source – Federal**

**(3) Mental Health**

- a. **Adult Periodic/Child Periodic:** Revision in the amount of \$12,606 to appropriate fund balance to meet State performance requirements on face to face service (B00-511&511A) Funding Source – State
  - b. **MH Substance/MIS:** Revision in the net amount of \$11,795 to budget additional state funds and to reclassify an Office Assistant IV position to Office Work Unit Supervisor V and to reclassify a Processing Assistant II position to an Information Processing Technician (B00-518-518B) Funding Source – State & Fees
  - c. **Smart Start:** Revision in the net amount of \$46,171 to reconcile to state contract and to appropriate fund balance for equipment and supplies (B00-524) Funding Source: State & Fees
4. **Sheriff:** Revisions in the amount of \$70, 325 to recognize recertification (\$44,400) of deputy positions and to budget overtime (\$25,631) to assist with related jail fire expenses (b00-513-517) Funding Source – County
- (5) **Federal Forfeiture-Justice**
- a. **Federal Forfeiture-Justice:** Revision in the amount of \$304,000 to appropriate fund balance to purchase a bomb truck and chassis (previously approved), office partitions, search and rescue all-terrain vehicles, bomb handling robot, and miscellaneous furniture & equipment (B00-497) Funding Source – Federal
  - b. **Federal Forfeiture-Justice:** Revision in the amount of \$70,000 to recognize additional forfeiture funds to purchase and install security improvements to the law Enforcement Center and Sheriff's Annex (B00-529) Funding Source – Federal

(6) **Social Services: Increase in revenue/ expenditures in the amount of \$670,000 to recognize additional federal funding to assist Workfirst clients in job search and work related expenses (b00-522) Funding Source – Federal**

(7) **Public Safety Other/General Government: Revision in the amount of \$8,436 to provide additional matching funds for our County Forest Ranger to purchase a pickup truck (B00-526) Funding Source – County**

(8) **General Government: Revision in the amount of \$16,041 to appropriate fund balance to pay FY1999 expenditures based on Mid Carolina Council of Governments' year-end audit (B00-528) Funding Source – County**

(9) **Court Facilities: Revision in the amount of \$12,000 to appropriate fund balance to fund unanticipated expenditures required by the court system (B00-535) Funding Source – County**

**ACTION:** Approve

## **REGULAR AGENDA**

### **2. Nominations to Boards/Committees:**

#### **A. Housing Appeals Board (1 vacancy)**

**BACKGROUND:** Barry Bullock's term expires April 30, 2000. He is eligible for reappointment.

**NOMINEE:** Barry Bullock

#### **B. Adult Care Home Community Advisory Committee (2 vacancies)**

**BACKGROUND:** Mr. Montserrat McArthur was appointed to this Committee in



February. He has not responded to notification of his appointment or to any phone calls. In addition Mr. Edwin T. Larr, Jr. will complete his initial term in April, 2000.

**ACTION:** Nominate Mr. Larr to a three year term and nominate someone to fill the McArthur position.

**NOMINEES:** Edwin Larr

**Note:** One more nominee is needed.

Commissioner Baggett suggested that the Board make further nominations at our next meeting since several of our Board members are absent today.

### **C. Nursing Home Advisory Board**

**BACKGROUND:** The Board appointed Patricia Prescott and reappointed Betty Freeman to the Nursing Home Board in February. They have advised us they will be unable to accept their appointments. In addition, Marion E. Wall has completed an initial term on the Board.

**ACTION:** Make nominations (3)

**NOMINEES:** Marion E. Wall  
Doyle Hubbard

**Note:** One more nominee is needed.

Commissioner Baggett suggested that the Board make further nominations at our next meeting since several of our Board members are absent today

### **3. Appointment to the Home & Community Care Block Grant Committee (1)**

**NOMINEES:** Gretta Reese – Older Consumer Representative

The Board unanimously voted to appoint Gretta Reese to the Committee.

### **4. Consideration of an amendment to the Community**



## **Development Action Plan for Cumberland Community Action Program, Inc., property acquisition.**

**BACKGROUND:** In the 1999 Community Development Action Plan, \$500,000 was committed to Cumberland Community Action Program, Inc. (CCAP) for a 5,200 square foot expansion of its current headquarters located at 328 Gillespie Street. This expansion would have improved operation, efficiency and increased capacity of Consumer Credit Counseling Service and the Weatherization, Leadership & Community Action Partnership programs. There would be an estimated 6,000 more clients served with 90% of the total clients served being low to moderate income. However, CCAP was unable to secure a long-term lease from the current property owner as required by Community Development. CCAP has an opportunity to purchase property located at 312 Green Street. The building offers 8,413 square feet of usable space with two full floors. Community Development is proposing to grant \$500,000 to CCAP for the purchase of this property under our Public Facilities Program. Because this is a change in scope from the original project, Community Development will have to amend its Action Plan. The second priority of the plan is the accessibility of public services to citizens of our County. This location offers easy access and convenience for CCAP's clients.

**ACTION:** Approve the amendment to the Plan allowing CCAP to purchase the Green Street property and approve associated budget revision (B00-523).

Commissioner Warren inquired as to the total purchase price of the building. Ms. Thanena Wilson, Director, Community Development, noted that the last appraisal valued the building at \$450,000. She noted renovations will need to be made in the building to convert it from bank space to office space. Community Development will in fact pay the entire cost for the purchase of the building.

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

**SECOND:** Commissioner Baggett

**DISCUSSION:** Commissioner Baggett inquired as to the amount of rent CCAP is currently paying to rent space. Mr. Smith, CCAP, responded they are paying \$110,000 annually to lease space. They would save that amount by buying the building. Commissioner Baggett also inquired if an inspection of the building had been

accomplished to look at heating/air conditioning, and electrical equipment to ascertain that everything is working. In addition he inquired if the building had been inspected for asbestos. Ms. Wilson noted that people in her office had walked through the building; however, an asbestos inspection has not been done. She said she believed the building to be in good structural condition with the infrastructure in good condition. She also noted that parking is adequate. Ms. Wilson noted an agreement would be drawn up which states the purpose of the use of the building and that if CCAP does not use the building for those purposes, it would revert back to the County. *Commissioner Warren suggested that perhaps a professional should evaluate the building prior to the purchase.* This would assure the County the building is in good shape. Commissioner Tyson concurred with Mr. Warren's suggestion.

**VOTE: UNANIMOUS**

Commissioner Warren noted that he would like for Ms. Wilson to look at a related issue, that of the expansion of a community building in the Beaver Dam area. He noted that he and Commissioner Baggett attended a meeting there last week. He said the building is not adequate to handle the community needs. He noted the building does serves low to moderate income people. Ms. Wilson indicted she would look into this matter to see if a project is this nature it is eligible for community development funding.

**5. Consideration of a request from the Sheriff's Office to acquire an Automated Fingerprint Information System and attendant operator's position and fee revision.**

BACKGROUND: Sheriff Butler would like to acquire a second automated fingerprint system to service fingerprint card requests for employers and general public use. The new system will be located on the first floor of the LEC and will be dedicated to serve the general public exclusively. The cost of the system is \$50,000. In addition, the Sheriff further proposes to create a new clerical position (Grade 57) to operate the system at an annualized salary of \$24,722. To offset the cost of the new system and operator, the Sheriff proposes to increase the Fingerprint Card Fee from \$5.00 to \$12.00. This will generate enough revenue to pay for the system and will allow recovery of the capital outlay in 3.7 years. The funds to purchase the Automated Fingerprint Information System will come from the Drug Forfeiture Fund.

Sheriff Butler told the Board all of the prisoners have returned to the Jail. He stated the County is lucky no one was seriously injured in the fire that occurred. He thanked everyone for their help and noted the quick turn around time in getting the prisoners back into the facility.

**ACTION:**

1. Approve the acquisition at a cost of \$50,000 and fund with an appropriation from the Drug Forfeiture fund;
2. Increase the fee from \$5.00 to \$12.00 pursuant to authority granted in NCGS 153A-102;
3. Create a new clerical position, Grade 57, to operate the system and fund the position through the fees collected;
4. Approve associated budget revision (B00-534).

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

**SECOND:** Commissioner Tyson

**DISCUSSION:** Commissioner Baggett noted that a lot of fingerprints are run for civil reasons. He said he was supportive of this motion. Commissioner Tyson thanked the Sheriff for bringing this issue to the attention of the Board of Commissioners.

**VOTE:** UNANIMOUS

6. County Personnel Committee report/recommendation regarding an amendment to the Performance Pay Implementation Plan to include permanent part-time employees

**BACKGROUND:** The Performance Pay Implementation Plan was originally established to include all full time employees and permanent part time employees who work more than 20 hours per week and who are also participating in the retirement system. At the February 10, 2000, Personnel Committee meeting, there was considerable discussion regarding permanent, part time employees who were excluded based upon the guidelines previously approved by the Board of Commissioners. The Committee asked Management to compute the costs of adding all permanent part time employees. See computation below:

Part time Employees Identified	40	
Costs from 1/4/2000 – 6/30/2000	\$	5, 742
Annualized Cost	\$	11,505

Those 40 employees are paid on an hourly basis. The increase, based upon their performance evaluation score, will be added to their hourly pay. Sufficient funds are available to fund the cost through June 30, 2000.

**ACTION:** Approve amendment of the Performance Pay Plan to include all permanent part time employees, and retroactively include the eligible part time employees previously excluded.

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

**SECOND: Commissioner Baggett**  
**VOTE: UNANIMOUS**

**7. Consideration of approval of the Lease and Franchise Agreement for the Snack Bar in the new DSS Building – Second Reading**

**BACKGROUND:** The Board approved the First Reading of this Franchise at the February 21, 2000 meeting. The franchise will allow Sessoms Properties, Inc., to provide food services to visitors and staff at the new DSS Building at 1225 Ramsey Street, Fayetteville, NC.

**ACTION:** Approve Second Reading of Franchise.

**MOTION:** Commissioner Warren moved to approve.  
**SECOND: Commissioner Tyson**  
**VOTE: UNANIMOUS**

**8. Consideration of Total Recovery Systems International waste processing project delay**

**BACKGROUND:** Management has received notification from TRSI of their decision to temporarily withdraw its proposal to construct a waste processing facility at the County's Ann Street Landfill. They plan to resubmit their proposal at some future date.

**ACTION:** Cancel the public hearing scheduled for March 20, 2000.

Grainger Barrett, County Attorney, told the Board that at the onset of this project, the County signed a Memorandum of Agreement with TRSI to expire on April 19, 2000. He said their action to withdraw their proposal releases the County from that agreement.

Commissioner Baggett said there has been some conversation that the County was a deal buster in this project. However, he noted the opposite is true. He said it is incumbent upon the Board of Commissioners to ask questions to assure the County makes the best deal for the citizens. He said he believed TRSI has done the smart thing by withdrawing their offer here. He indicated they will have some time to better identify a market for the cellulose. Commissioner Tyson said he thought many good things could have come out of this project, and we are fortunate that someone else may be interested in taking a look at the situation. Commissioner Warren noted

that the Board would ask the same questions of any company wishing to do business with the County.

**MOTION:** Commissioner Tyson moved to cancel the public hearing on this project scheduled for March 20, 2000.

**SECOND:** Commissioner Baggett

**VOTE:** UNANIMOUS

## **9. CLOSED SESSION – Attorney-Client Matter**

**MOTION:** Commissioner Baggett moved to go into Closed Session to discuss an attorney-client matter.

**SECOND:** Commissioner Warren

**VOTE:** UNANIMOUS

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

**SECOND:** Commissioner Baggett

**VOTE:** UNANIMOUS

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

**SECOND:** Commissioner Tyson

**VOTE:** UNANIMOUS

**MEETING ADJOURNED: 9:40AM**

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