

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
NOVEMBER 5, 2001, 9:00AM
REGULAR MEETING**

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

ABSENT: Commissioner Billy King (away on business)

INVOCATION: Commissioner Breeden Blackwell
Elder Keith Powell of Parks Chapel Church

RECOGNITION: County Retiree: Susan Howie, DSS
Outgoing Board/Committee Members:
Mary Buie – Cape Fear Valley Health System Board
Mable C. Smith – Jury Commission

Addition to agenda: Adoption of a Proclamation proclaiming November 12, 2001 as the start of Cumberland County "Trees of Strength" campaign (Consent Agenda Item 1I)

Remove from agenda: Item 6A – Closed Session – Attorney Client Matter

MOTION: Commissioner Council moved to make the above amendments to the Agenda.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

1. CONSENT AGENDA

A. Approval of Minutes: October 15, 2001

ACTION: Approve

B. Approval of Franchise Agreement between A&R Enterprises, Inc. and the County of Cumberland

BACKGROUND: This Franchise Agreement is for six months, renewable at three-year terms between the County and A&R Wilson Enterprise, Inc., for the purpose of providing food services to staff and visitors of the Cumberland County Mental Health Center facility located at 109 Bradford Avenue, Fayetteville, NC. On June 18, 2001, the County granted a franchise to Mr. Raymond Howard, owner and operator of Scooby's Sandwich Shop, to provide food services. Mr. Howard went out of business September 14, 2001. A&R Wilson is the proposed new operator of the food service business.

ACTION: Approve the first reading of this Franchise Ordinance (May be found in the Franchise Ordinance Book). Second reading of the Franchise Ordinance will take place at the November 19 meeting of the Board of Commissioners.

C. Approval of Sale of Surplus County-owned real property acquired by Tax Foreclosure – Lot 4, Nathaniel Hair Estate Division

BACKGROUND: The amount currently owed on this property is \$1339.07. Mr. Robert Goodrich and Mr. Billy Cain, jointly, have offered to purchase the County's interest in the property for \$1,960.54 and have deposited \$196.05 in the Finance Office. The value of the property is \$8,500. No upset bids have been received.

ACTION: Accept the offer in the amount of \$1,960.54 plus costs and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

D. Approval of transfer of Spring Lake Sanitary Sewer Construction Project Easements to the Town of Spring Lake

BACKGROUND: The County helped finance this project with Community Development Block Grant funds. The project is complete and the County should now turn the project over to the Town of Spring Lake. The easement for the project is in the name of the County and the Resolution below will authorize the Chairman to execute deeds transferring the easements to the Town.

ACTION: Adopt the Resolution

**RESOLUTION TRANSFERRING SANITARY SEWER EASEMENTS
TO THE TOWN OF SPRING LAKE**

WHEREAS, the County assisted in financing the Spring Lake Sanitary Sewer Project with Community Development Block Grant funds; and

WHEREAS, the County has committed to transferring the Project to the Town of Spring Lake; and

WHEREAS, the Spring Lake Sanitary Sewer Project has been completed; and

WHEREAS, the Board of Commissioners approves transferring certain sanitary sewer easements acquired in the name of the County for the Spring Lake Sanitary Sewer Project to the Town of Spring Lake.

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that it approves conveyance of those sanitary easements acquired in the name of the County and recorded in Book 5110, page 206, 209, 215, 212, 218, 221 & 224, all in the Cumberland County Registry; and

BE IT FURTHER RESOLVED, that the Board of Commissioners authorizes the Chairman of the Board to execute and the Clerk to the Board to acknowledge deeds satisfactory to the County Attorney conveying said sanitary sewer easements to the Town of Spring Lake.

E. Approval of a resolution requesting the release of Region “M” funds to Mid Carolina Council of Governments

BACKGROUND: The Board of Commissioners must request the release of these funds.

ACTION: Adopt Resolution requesting the release of the funds.

RESOLUTION

WHEREAS, Lead Regional Organizations have established productive voluntary working relationships with municipalities and counties across North Carolina; and

WHEREAS, the 2001 General Assembly recognized this relationship through the appropriation of \$935,000 for each year of the biennium to help Lead Regional Organizations assist local governments with grant applications, economic development, community development, and to support local industrial development activities and other activities as deemed appropriate by local governments; and

WHEREAS, these funds are not intended to be used for payment of member dues or assessments to a Lead Regional Organization or to supplant funds appropriated by the member governments; and

WHEREAS. In the event that a request is not made by the County of Cumberland for release of these funds to the Lead Regional Organization, the available funds will revert to the State’s general fund; and

WHEREAS, in Region “M”, funds in the amount of \$55,000 will be used for local technical assistance and other local economic development projects.

NOW, THEREFORE BE IT RESOLVED that the Cumberland County Board of Commissioners requests the release of its share of these funds, \$25,406.63, to Mid Carolina Council of Governments at the earliest possible time in accordance with the provisions of state law.

F. Approval of changes to the County Purchasing Policy based upon revision to General Statute 143-129

BACKGROUND: During the 2001 legislative session, changes were made to G.S. 143-129 which governs competitive bidding. The act increases the formal bidding threshold for the purchase of apparatus, supplies, materials and equipment from \$30,000 to \$50,000.

ACTION: Approve revisions to the County's Purchasing Policy to reflect the change as noted above.

G. Approval of a request to change the Resolution for the Mental Health Deputy Finance Director

BACKGROUND: In order that the Mental Health Area Director may delegate authority and responsibility in serving the Wards (Incompetent Adults) of the Mental Health Center as guardian to someone other than himself he is requesting that a change be made in the current Resolution appointing Assistant Area Director as the Deputy Finance Director. Note: Mr. Philip McCall served as the previous Deputy Finance Director; he has since retired from the Mental Health Department.

ACTION: Adopt Resolution appointing Area Director and Deputy Area Director as deputy finance officers for the purpose of serving as guardians for the Incompetent Adults of the Cumberland County Mental Health Department

RESOLUTION

WHEREAS, pursuant to Article 1A, Chapter 35 of the NC General Statutes, the Clerk of Superior Court may appoint an employee of a Human Services Agency to be a guardian of incompetent adults; and

WHEREAS, this guardian may receive and disburse funds for said incompetent; and

WHEREAS, the Area Director and the Deputy Area Director of the Cumberland County Mental Health Authority would qualify under Chapter 35; and

WHEREAS, Philip N. McCall, former Quality Improvement Manager of the Cumberland County Mental Health Authority was previously designated Deputy Finance Director but has since retired from the Area Mental Health Authority; and

WHEREAS, it is necessary for said guardians to be appointed as a Deputy Finance Director of Cumberland County for compliance with NCGS 159; and

WHEREAS, it is necessary for said Deputy Finance Director to be bonded.

NOW, THEREFORE BE IT RESOLVED that the Cumberland County Board of Commissioners appoints the Area Director and Deputy Area Director of the Cumberland County Mental Health Authority as a Deputy Finance Director for the purpose of serving as guardian for incompetent adults of the Cumberland County Mental Health Authority.

BE IT FURTHER RESOLVED that the Cumberland County Board of Commissioners directs that the appointees provide a faithful performance bond in the amount of \$20,000 each and the necessary expenses for said bonds be paid out of Mental Health funds.

H. Budget Revisions

(1) Health

- a. **Health Administration/Sheriff: Revision in the amount of \$40,636 to budget security services provided by the Sheriff's Department for the Health Department as a contracted service (B02-187 & B02-187A) Funding Source - Fees**
- b. **Health Administration: Increase in revenues/ expenditures in the amount of \$20,000 to budget for the "Emergency Preparedness Grant" (B02-189) Funding Source – UNC School of Public Health Grant**
- c. **School Health: Revision in the amount of \$6,000 to appropriate fund balance for supplies and contracted temporary employees (B02-183) Funding Source – Health Department Fund Balance**

- (2) **E-911 Fund – Revision in the amount of \$205,000 to appropriate fund balance to upgrade 911 phone equipment (B02-184) Funding Source – E911 Fund Balance**
- (3) **Social Services**
 - a. **Grant FV Care Center – Increase in revenue/expenditures in the amount of \$10,000 to budget Family Violence grant funds received (B02-191) Funding Source – Federal**
 - b. **Social Services – Other – Increase in revenue/expenditures in the amount of \$106,000 to budget “Special Links” funding for youth in foster care (B02-193) Funding Source – Federal**
- (4) **Mental Health**
 - a. **Partial Hospitalization/Human Resources – Revision in the amount of \$28,415 to move Staff Development Technician II from Partial Hospitalization to Human Resources to provide state required training (B02-175 & B02-175A) Funding Source – Reallocation of Budgeted Expenditures**
 - b. **DD Adult Outpatient – Revision in the amount of \$1,474 to reallocate funds for the reclassification of Habitation Specialist III to Habilitation Program Coordinator (B02-176) Funding Source – Reallocation of Budgeted Expenditures**
 - c. **MIS – Revision in the amount of \$1,564 to reallocate funds for the reclassification of Information Processing Technician to Computer Production Specialist II (B02-177) Funding Source – Reallocation of budget expenditures**
 - d. **Majors Grant – Revision in the net amount of \$6,113 to reconcile the county budget to the state budget (B02-179) Funding Source – State and Federal**
 - e. **SA Periodic – Revision in the amount of \$6,113 to reconcile the county budget to the state budget (B02-180) Funding Source – State**
 - f. **TASC – Revision to reconcile with Division of Mental Health allocations (B02-181) Funding Source – Reallocation of Budgeted Revenues**
- (5) **Juvenile Crime Prevention – Revision in the net amount of \$8,451 to adjust the county budget to the approved State budget (B02-186 & 186A) Funding Source – County and State**
- (6) **Prepared Food & Beverage Tax Fund – Revision in the amount of \$152,000 to appropriate fund balance to fund the purchase and installation of an arena football field. The cost will be reimbursed by the Cape Fear Wildcats over three years. This purchase is being sole sourced due to requirements for field consistency imposed by the AF2 league (B02-194) Funding Source – Prepared Food & Beverage Tax Fund Balance**

I. Adoption of a Proclamation proclaiming November 12, 2001 as the start of Cumberland County “Trees of Strength” campaign

BACKGROUND: NC Cooperative Extension Service requests the Board to adopt the Proclamation designating November 12, 2001 as the start of Cumberland County “Trees of Strength” campaign.

ACTION: Adopt Proclamation

PROCLAMATION

NORTH CAROLINA "TREES OF STRENGTH" CAMPAIGN

WHEREAS, September's terrorist attacks on the World Trade Center and Pentagon left Americans shocked and saddened; and

WHEREAS, among the victims were firefighters, police and emergency medical personnel who heroically attempted to save lives; and

WHEREAS, the deployment of military members of our community brings a new awareness of those who protect us; and

WHEREAS, to help North Carolinians find healing and commemorate the thousands who died on September 11th and those who now have placed their lives at risk; and

WHEREAS, the NC Cooperative Extension has initiated a "Trees of Strength" campaign; and

WHEREAS, the goal is to plant a tree to remember every victim of the attack and to honor those who protect and defend our community; and

WHEREAS, the Cumberland County Cooperative Extension Horticultural Agents and Master Gardener Volunteers will encourage any group in our community in the selection of appropriate "trees of Strength" and with planting those trees at fire stations, police stations, schools, churches and public buildings; and

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of Cumberland County proclaims November 12, 2001 as the start of the Cumberland County "Trees of Strength" campaign; and

FURTHER, we encourage Cumberland County groups to coordinate with the Cumberland County Cooperative Extension to achieve the goal of a tree for every victim.

REGULAR AGENDA:

2. Nominations to Boards/Committees

A. Area Mental Health Board (3 vacancies)

BACKGROUND: The following positions on the Mental Health Board will expire January 1, 2001:

Developmental Disabilities (Family Consumer) Position: The Mental Health Board recommends Weyer Dawson to fill the vacancy

Drug Abuse, Primary Consumer, Presently in Recovery Position – The Mental Health Board recommends Gene Watts to fill the vacancy

Alcoholism (Family Consumer) Position: Jesse Brayboy is eligible for reappointment.

Nominees: Weyer Dawson – Developmental Disabilities (family consumer) position

Gene Watts – Drug Abuse (primary consumer) Presently in Recovery

Jesse Brayboy – Alcoholism (family consumer) Position (Reappointment)

B. Library Board of Trustees (2 vacancies)

BACKGROUND: The following positions will become vacant on December 31, 2001:

Patti Carlin Monroe – Not eligible for reappointment

Kim Martin Shaffer – Not eligible for reappointment

The Library Board of Trustees is recommending Sylvia Ray and Dr. Liliana E. Wendorff to fill the two vacancies.

Nominees: Sylvia Ray

Dr. Liliana E. Wendorff

C. Transportation Advisory Board (4 vacancies)

BACKGROUND: The following positions on the Transportation Advisory Board are vacant:

Windows of Opportunity Director/Designee: TAB is recommended Alan Derosier of Employment Source to fill the vacancy (Lloyd Horne).

County Mental Health Director/Designee: TAB is recommending Densie Lucas to fill the vacancy (Phil McCall).

At-large representatives (2): The TAB is recommending Sarah Hemingway and Gerald Patterson to fill the two vacant at-large positions (Pham and Tippet positions)

Nominees:

Employment Source (previously Windows of Opportunity): Alan Derosier

County Mental Health position: Densie Lucas

At-large Sarah Hemingway

Gerald Patterson

John Robert (Bob) White

D. Workforce Development Board (1 vacancy)

BACKGROUND: Ben Wilson, Systel, (private sector representative) will complete his first term in December. He is eligible for reappointment and would like to serve a second term.

Nominee: Ben Wilson (reappointment)

E. Wrecker Review Board (1 vacancy)

BACKGROUND: Teresa Melvin resigned her position on the Wrecker Review Board. Her term will expire February 28, 2003.

Nominee: George Moyd

3. Appointments to Boards/Committees

A. Adult Care Home Community Advisory Committee (4 vacancies)

Nominees: Ander J. Dunham, Jr. (reappointment)
Carla Blake
Teresa Johnson
Clemonteen McCummings

MOTION: Commissioner Baggett moved to appoint the above nominees.

SECOND: Commissioner Council

VOTE: UNANIMOUS

B. Civic Center Commission (1 vacancy)

Nominees: Terri Allen
Robert Ray
H.B. Smith

Commissioner Henley removed Robert Ray's name from the nominee list.

Voting: Terri Allen: Commissioners Henley, Blackwell, Council, Edge
H.B. Smith: Commissioners Warren & Baggett

C. Southeastern Economic Development Commission (4 vacancies)

Nominees: Juanita Pilgrim, Deputy County Manager – 4 year term
Commissioner Kenneth Edge – 2 year term
Commissioner Billy King – 1 year term
Erik Wells, CEO SchoolLink – 3 year term

Note: If appointed, Juanita Pilgrim will serve on the Executive Committee

MOTION: Commissioner Blackwell moved to appoint the above nominees, designating the terms as noted above and appointing Juanita Pilgrim to serve on the Executive Committee.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

4. Consideration of County Policy Committee Report/Recommendation

A. Approval of the Cumberland County Fire Alarm Systems Regulations for Excessive False Alarms

BACKGROUND: In 2000, fire departments in Cumberland County were dispatched to 572 fire alarm activations in commercial and residential structures. There were also 31 smoke detector activations reported by residents. Records indicate less than 1% of these calls were reported as a smoke or fire situation. The majority of the alarms are maintenance related, i.e., the owner fails to follow the manufacturer's recommendation on required maintenance. Under this ordinance the owner of the property will be allowed three false alarms in a calendar year. On the occurrence of the fourth alarm activation, the Fire Marshal's Office will investigate the circumstances. If it is determined the system activated due to a non-fire related problem, a civil citation in the amount of \$250 will be assessed to the owner. The money will be made payable to the Fire Marshal's office. In addition, a provision has been put in the Ordinance to allow the fire department to charge for the response associated with the activation of the alarm. The Fire Chief's Association unanimously endorses these regulations.

ACTION: Approve the Fire Alarm Systems Regulations – Excessive False Alarm Ordinance.

Chairman Warren suggested that a study committee be formed comprised of people who have fire alarm systems in their businesses, those who sell them, and fire department representatives to look at the issue before we adopt the Ordinance. He said he thought it important to include these people as we discuss the adoption of the ordinance.

Commissioner Council noted that because of the large number of calls being received by the fire departments that are false alarms, she would like to see the Board adopt the Ordinance for a six month period; if there are problems then she would go along with the Chairman in setting up a special study committee.

Commissioner Baggett who serves as liaison to the volunteer fire departments noted that out of 600 calls less than 1% were actual fire/smoke situations. He also said that it's the same businesses whose false alarms are coming from.

Ricky Strickland, Fire Marshal, said this ordinance is the same as the City of Fayetteville's with one exception and that is this ordinance would allow the fire departments to charge the alarm user all reasonable costs associated with its response to the facility, in addition to the civil penalty of \$250. Commissioner Henley noted his concern about this portion of the ordinance in that it does not set forth up front the recovery cost fees. He said it is too nebulous. He said he could support the ordinance without the "reasonable cost" portion. He said the ordinance should be made effective January 1, 2002.

MOTION: Commissioner Baggett moved to approve the Ordinance, effective January 1, 2002, removing the cost recovery portion (Section 6.2-38(b), and that the County not impose fines the first six months, but let those who have more than 3 false alarms, be notified that they would have been charged a civil penalty in the amount of \$250 per occurrence, and that we solicit comments from anyone who wishes to provide some suggestions/recommendations to make the ordinance more effective.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

B. Amendments to Longevity Pay Ordinance

BACKGROUND: This amendment involves a change to the processing of longevity pay and is necessary because of the implementation of the American Management Systems HR/Financial software system. The system is designed to compute employee pay in an integrated procedure that will calculate and add the longevity to the normal payroll on the first payday in December. However, longevity pay will be based on a percentage of the employee's current salary, rather than their salary as of June 30.

ACTION: Approve the revised longevity pay policy in Section 10-64 of the Cumberland County Personnel Ordinance as follows:

- (2) Payment for longevity. The amount of longevity payment shall be based on employee's current annual salary and paid on the first pay day in the month of December. This payment shall not be made a part of the employee's base salary. Employees that separate prior to the processing of the longevity payment forfeit their entitlement.

MOTION: Commissioner Council moved to approve as noted above.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

5 Consideration of a request to endorse the Greater Fayetteville Futures Action Plan – Appearing Tony Chavonne

BACKGROUND: Tony Chavonne told the Board that for the past year the community has been involved in Greater Fayetteville Futures, a collaborative initiative involving the private sector, local government community groups and UNC's Office of Economic Development to develop a thorough and truthful picture of our local economy and to identify the best opportunities for the region's future economic growth. This privately funded project included a review of all of the existing plans and visions for economic development to include interviews with a wide range of stakeholders, an economic scan of the region, the identification of best practices in economic restructuring and the development of specific strategies to move us toward a stronger economy. The preliminary draft, Greater Fayetteville Futures report, has been developed. Its vision is to create a better economic opportunity for all citizens and businesses in our County. It is a way for the community to invest in the common goals of addressing long standing problems, i.e., poor image, fragmented local leadership and our underutilized military bases. To address these issues, three goals were established: (1) develop unified vision for economic development in Cumberland County; (2) improve the image of Greater Fayetteville; and (3) leverage the military bases to create economic development opportunities.

A Greater Fayetteville Futures Project Board will be established to steer and champion implementation of the plan. Many of the current members will continue to serve; however additional members may also be added to establish broad-based representative of the entire county. Metrovisions will be asked to take on the monitoring and evaluation of the Action Plan, which means objective tracking of both the activities and the outcomes of the Action Plan tasks, including careful documentation of data sources used. It will report to the community at least annually about overall progress. Mr. Chavonne asked the Board of Commissioners to adopt a resolution in support of the Greater Fayetteville Futures Project.

Mr. Wilson Lacy noted a weak link in the county's current economic development plan, and that is economic development is not providing the kinds of jobs that will keep our children here after graduation from high school and college. Mr. Lacy noted this project is a pro active approach to some of our problems.

Chairman Warren thanked Mr. Chavonne and Mr. Lacy for their comments and noted the importance of the support of the Board of Commissioners. Commissioner Henley said this entity reflects the interests of everyone in Cumberland County. He noted that down the road we will have to expend funds on these projects. He said we will have to prioritize where we place our scare resources. Commissioner Baggett noted his support of the Project and thanked Tony Chavonne for making it happen.

MOTION: Commissioner Edge moved to adopt the Resolution of Support.

SECOND: Commissioner Henley

DISCUSSION: Vice Chairman Blackwell asked that the Minutes reflect his and Commissioner Council's support of this project. Chairman Warren noted that he was satisfied that if Commissioner King was present today, he would also be supportive.

VOTE: UNANIMOUS

RESOLUTION OF SUPPORT

WHEREAS, the economic outcomes for Greater Fayetteville (defined as Cumberland County) suggest that the local economy is not competing effectively for business investment; and

WHEREAS, the community as said that establishing a unified vision, improving the area's image, and leveraging the military bases for greater local advantage are critical first steps that will facilitate other economic development initiatives in the future; and

WHEREAS, the Greater Fayetteville Futures Action Plan for economic development is a step in the right direction; the goals are worthy of support, and the implementation process makes sense; and

WHEREAS, the action plan is a way for the whole community and its many organizations and leaders to begin to work in greater tandem and invest in the common goal of addressing long-standing problems.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners endorses the Grater Fayetteville Futures' recommendations and action plan to strengthen the region's economy.

6. CLOSED SESSION: Personnel Matter

MOTION: Commissioner Blackwell moved to go into Closed Session for a Personnel Matter.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

MOTION: Commissioner Blackwell moved to go back into Open Session.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

MOTION: Commissioner Baggett moved to hire Ms. Callie Gardner as director of the Cumberland County Criminal Justice System Support Unit at a salary of \$42,782 (Grade 74).

SECOND: Commissioner Council

VOTE: UNANIMOUS

Commissioner Talmage Baggett presented to Chairman Lee Warren a framed print of a Reservoir in Arkansas, depicting thousands of ducks. He thanked Chairman Warren for his involvement and hard work in Ducks Unlimited and for getting them to come to Cumberland County for their annual meeting.

MEETING ADJOURNED: 10:05AM

Clerk to the Board