

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
DECEMBER 20, 2004
7:00 PM**

PRESENT: Chairman John T. Henley, Jr.
Vice Chairman Billy R. King
Commissioner Talmage Baggett
Commissioner Breeden Blackwell
Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner Diane Wheatley
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Cliff Spiller, Assistant County Manager
Amy Cannon, Assistant County Manager
Grainger Barrett, County Attorney
Sara VanderClute, Public Information Officer
Tom Lloyd, Deputy Director, Planning/Inspections
Ann Hymes, Deputy Clerk

INVOCATION - Commissioner Kenneth Edge

PLEDGE OF ALLEGIANCE

Recognition of Outgoing Board Member: Bob White, Transportation Advisory Board

Recognition of the Reaccreditation of the Cumberland County Sheriff's Office for 3 Years by the Commission on Accreditation for Law Enforcement Agencies

Presentation: Government Finance Officer Association – Certificate of Achievement for Excellence in Financial Reporting – Presentation to Ms. Amy Cannon, Assistant County Manager for Finance

Addition/Changes to the Agenda:

- Pull Item 3D for Additional Variation in Action
- Pull Item 3I for Discussion
- Add Item 9: Potential Dates for Annual Retreat

MOTION: Commissioner Council moved to approve the addition of Item 9 to the Consent Agenda.

SECOND: Commissioner King

VOTE: UNANIMOUS

1. Presentations

- A. Presentation of the FY 2004 Annual Audit by Michelle Loyd Thompson, CPA, Partner, Cherry, Bekaert and Holland, L.L.P.

Ms. Michelle Loyd Thompson presented an overview of the FY 2004 Annual Audit. The County received an unqualified (clean) opinion. Revenue and other financing sources over expenditures and other financing uses exceeded \$13 million. The County collected anticipated revenues with a variance of over \$7 million. County expenditures were \$24 million less than anticipated. The available fund balance as a percentage of the FY 2005 adopted budget was 10.86%.

MOTION: Commissioner Edge moved to accept the FY 2004 Annual Audit Report.

SECOND: King

VOTE: UNANIMOUS

2. Public Hearings

Cases C, D and F were moved from Contested Cases to Uncontested Cases.

Uncontested Cases

Upon finding the requests to be reasonable, neither arbitrary or unduly discriminatory and in the public interest, the following motion was offered:

MOTION: Commissioner Blackwell moved to follow the recommendation of the Planning Board on Cases 2A, 2C, 2D and 2F.
SECOND: Commissioner King
VOTE: UNANIMOUS

Rezoning

- A. Case P04-71: The rezoning of 4.36 acres from A1 to RR, or a more restrictive zoning district, at 2180 Tom Geddie Road.

The Planning Board recommends denial of RR and approval of R40.

Conditional Use Overlay

- B. Case P04-70. The rezoning of 1.19 acres from RR/CU and HS(P)/CU to RR/CU and a Conditional Use District and Permit to allow a Children's Day Care Facility at 3353 Dunn Road, owned by Sundust, LLC.

The Planning Board recommends approval of the conditional use district and permit.

Upon finding the requests to be reasonable, neither arbitrary or unduly discriminatory and in the public interest, the following motion was offered:

MOTION: Commissioner Baggett moved to follow the recommendation of the Planning Board and approve the conditional use district and permit according to the application after finding that when completed as proposed the development: (1) will not materially endanger the public health and safety; (2) will not substantially injure the value of adjoining or abutting property; (3) will be in harmony with the area in which it is to be located; and (4) will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

Contested Cases

- C. Case P04-73. The rezoning of 2.0 acres from A1 to C(P), or a more restrictive zoning district, on the south side of NC HWY 24, west of the Sampson County Line.

The Planning Board recommends approval of C(P).

- D. Case P04-74. The rezoning of 10.63 acres from R10 to R6, or a more restrictive zoning district, at the end of Palmerland Road, south of Black and Decker Road.

The Planning Board recommends denial of R6.

- E. Case P04-77. The rezoning of 22.90 acres from RR and M2 to R10, or a more restrictive zoning district, at 3668 Dunn Road.

The Planning Board recommends approval of R10.

Speakers:

O. B. Knowles provided photographs of the property, photographs of the property within one-half mile of the area, and photographs of a development in Wilmington that he hopes the rezoned area will look like.

Mark R. Seffels, professional land surveyor, said this area is suitable for R10 because there is water, sewer and roads to support it.

Gene Williford stated that he and Mr. Knowles want to develop this property by building medium size homes priced around \$125,000. He said the front of the development would be made commercial, and the rear would be residential. He feels that the Eastover area needs this type of homes.

Eula Snow relinquished her time to O. B. Knowles. He said that all of Eastover is not rural. Some areas are nice, and some are not. He added that \$200,000 homes will not fit in this area. He feels that homes priced at \$125,000 will be more suitable for the area. If the zoning is not approved, the land will just sit there.

Frank Snow relinquished his time to O. B. Knowles. Mr. Knowles remarked that he already said everything he had to say about the rezoning.

Morgan Johnson, acting chairman of the Eastover Sanitary District, also provided photographs of the area adjacent to, or across the street from, the subject property. He is concerned about the urban sprawl in the Eastover community. He said urban sprawl is a problem throughout the nation, and it is important to recognize that Eastover is one of the few areas in Cumberland County where we can control urban sprawl. He feels that R10 would be a grave mistake. The ESD Board voted unanimously to oppose R10.

Sara Piland, President of Eastover Civic Club, said most of the people she has spoken with are not opposed to development on this property but are worried about density. Over-development can lead to ground water pollution, traffic problems, overwhelming demands on public services and destruction of a community's character. She asked the Commissioners to continue using the land use plan as decisions are made for Eastover.

Ted Dexter, a resident of Eastover since 1985, remarked there is a lot of unrest due to zoning issues in Eastover. That is not good for property owners or developers. He asked that the County analyze all the factors that are affecting zoning issues and develop a plan that everyone can live with.

Dwight Murphy, 47 year resident of Eastover, lives within one-half mile of the subject property. He is concerned about traffic and overcrowding the schools. He's not against rezoning, but would like the Commissioners to consider "scaling it down a little bit."

Lawrence Buffaloe said the density, as presented, could cause problems in the future. He asked the Commissioners to consider something between R10 and R40.

Commissioner Baggett said unless there is a substantial reason to deviate from the land use plan, the County should stick to the plan. However, there are substantial reasons to deviate from R40 on this property. The area is not farm land. He feels residential property is the best usage for this property. RR would blend in with the surrounding area and would allow 46 to 50 units.

MOTION: Commissioner Baggett moved to approve rezoning to RR.

SECOND: Commissioner Council

SUBSTITUTE

MOTION: Commissioner King moved to approve R10, the recommendation of the Planning Board.

SECOND: Commissioner Blackwell

DISCUSSION: Commissioner King said his reason for supporting R10 is the

availability of water and sewer. Commissioner Blackwell said he supports the Planning Board's recommendation because of the availability of water and sewer, easy access of roads to this tract of land, and the tax base increase. Commissioner Edge expressed his support for RR. Commissioner Council believes R10 would seriously overcrowd and cripple the schools. Chairman Henley commented that the rural nature of Eastover needs to be protected but this area is not rural. The property borders an interstate highway and is on a main thoroughfare. He feels it makes sense to build a nice development in this area.

VOTE: **FAVOR:** Commissioners Blackwell, Henley, King, and Wheatley
OPPOSED: Commissioners Baggett, Council, and Edge

- F. Case P04-78: The rezoning of a .72 acre tract and 3.25 acre tract, totaling 3.97 acres from RR to C(P), or a more restrictive zoning district, at 3734 and 3668 Dunn Road.

The Planning Board recommends approval of C(P).

Other Public Hearings

- G. Public Hearing for Consideration of a Resolution of Intent to Close a Portion of the Proposed Shenandoah Drive Extension.

BACKGROUND: This item was previously on the Board of Commissioners' August 16, 2004 agenda and was deferred at the request of an adjoining property owner to work out with the Petitioner access issues. That adjoining owner's attorney has now advised that those issues have been resolved. Property owner Thomas J. Foldesi is the petitioner. He asks that easternmost twenty feet of the proposed Shenandoah Drive Extension in Seventy First Township be closed.

Speakers: None

ACTION: Adopt Resolution to close a portion of the proposed Shenandoah Drive Extension.

RESOLUTION

WHEREAS, a petition has been submitted to the Cumberland County Board of Commissioners (the "Board") by an adjoining landowner to close a twenty foot portion of the Proposed Shenandoah Drive Extension, in Cumberland County;

WHEREAS, following proper notice, the Board held a public hearing on the question of the closing of such street on the 20th day of December, 2004, 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, following 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 his property by such closing, but that the reservation of certain easements would be appropriate and desirable; and that it is therefore not contrary to the public interest to close such street, subject to the reservation of the easements described below;

NOW THEREFORE, the Cumberland County Board of Commissioners hereby RESOLVES, pursuant to authority granted by G.S. 153A-241, that the public street more particularly described below be, and it is hereby, closed, subject, however to the continued dedication and preservation of an easement therein for existing and future utilities, and of an easement therein for public safety emergency vehicle access.

The Easternmost twenty foot portion of the Proposed Shenandoah Drive Extension, North of Shenandoah Drive as shown on Cumberland County tax maps as a portion of PIN #0406-63-1117.

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 Council

VOTE: UNANIMOUS

Minimum Housing Code Enforcement

H. Case Number: MH-1859 and 1860-2003
Property Owner: Bobby D. & Peggy H. Jones
Property Location: 6436 Roslin Farm Road, Unit A&B, Hope Mills, NC
Parcel ID No. 0412-65-4182

AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT

I, Kim Reeves, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

SYNOPSIS: This property was inspected on September 30, 2003. The property owners and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on October 29, 2003. The property owners attended the Hearing. It was ordered that the structures be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than January 29, 2004. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. An appeal was filed. The Housing Appeals Board granted two separate extensions of time, with a final compliance date of October 13, 2004. Upon my visit to the property on December 9, 2004, no corrective action had been made to the structures. The structures are presently vacant and reasonably secured. In their present state, these structures constitute a fire, health, and safety hazard. The estimated cost to repair these structures to a minimum standard for human habitation is \$10,000 for Unit A and \$8,000 for Unit B. The Tax Assessor for Cumberland County has these structures presently valued at \$500 each for salvageable materials.

It is the recommendation of the Inspection Department that both structures be demolished and the debris removed from the lot.

Speakers: None

MOTION: Commissioner Baggett offered the following motion:

Adopt the order and report of the Minimum Housing Inspector as the true facts in this case; and

Order the property owner to remove or demolish the dwelling within 90 days;

Order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action; and

Direct the Clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds office.

SECOND: Commissioner King

VOTE: UNANIMOUS

I. Case Number: MH 33766-2004
Property Owner: Cynthia F. Parker
Property Location: 8983 East Reeves Bridge Road, Linden, NC
Parcel ID No. 0553-66-6856

AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

SYNOPSIS: This fire-destroyed mobile home was inspected on June 16, 2004. The property owners and parties of interest were legally served with the Notice of Violations and were afforded a Hearing on July 21, 2004. The property owner attended the hearing by telephone. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than October 21, 2004. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on December 9, 2004, no corrective action had been made to the structure. The structure is presently vacant and unsecured. In

its present state, this structure constitutes a fire, health, and safety hazard. The estimated cost to repair this structure to a minimum standard for human habitation is \$10,000. The Tax Assessor for Cumberland County has this structure presently valued at \$500 for salvageable materials.

It is the recommendation of the Inspection Department that the structure be demolished, and the debris removed from the lot immediately.

Speakers: None

MOTION: Commissioner Baggett offered the following motion:

Adopt the order and report of the Minimum Housing Inspector as the true facts in this case; and

Order the property owner to remove or demolish the dwelling within 30 days;

Order the Inspector to remove or demolish the dwelling if the owner fails to do so and impose a lien on the real property for the cost of such action; and

Direct the Clerk to incorporate the foregoing finds and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds office.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

3. Consent Items

MOTION: Commissioner Edge moved to follow staff recommendations on the items on the consent agenda except for 3D and 3I.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

- A. Approval of minutes for the December 6, 2004 regular meeting.

ACTION: Approve

- B. Approval of Amendment to the Cumberland County Emergency Medical Response Plan to Change the Minimum Emergency Response Level for the County Fire Departments to Medical First Responder.

BACKGROUND: The Board of Commissioners by state statute approves a county-wide emergency response plan. The current plan has required that any volunteer fire departments dispatched through the County's 911 Emergency Management Dispatch (EMD) program respond with a certified EMT. The Fire Chiefs' Association and CFVHS's Emergency Services Medical Director now recommend that the requirement be adjusted to allow a responding fire department to respond with a Medical First Responder. They expect this change will result in the very first assistance to an accident victim or patient reaching more quickly, particularly with defibrillators for heart attack victims. The following section from page 3 of section 1 of the plan contains the amended language. The amendment also provides that any change in a volunteer fire department's level of service through the EMD must be approved by the Quality Management Committee and the County Manager.

Fire departments dispatched to medical calls through the County 911 Center's EMD program must function the Medical First Responder level or higher as defined by North Carolina Medical Board and NCOEMS. Any agency or department dispatched through the EMD program must receive approval from the Quality Management Committee and the County Manager prior to any change in level of service. Final approval must be obtained through NCOEMS prior to implementation of such changes. The System Administrator will notify the County Manager, Medical Director, the 911 Center and the respective department chief regarding NCOEMS formal approval and establish a specific implementation date for the change.

ACTION: Approve amendment to Emergency Services Plan

- C. Approval of Animal Control Shelter Site as Additional Collateral for Series 1998 Revenue Bonds (New DSS Building).

BACKGROUND: The County has applied a portion of the remaining bond proceeds from the Detention Center and from the New DSS Building construction projects to finance the new Animal Control Shelter. This requires adding the Animal Control Shelter site as additional collateral securing the two financings. The Board of Commissioners has previously authorized the filing of an amendment to the deed of trust for the Series 2000 Detention Center financing. Following is an amendment to the Series 1998 New DSS Building financing adding the shelter site as collateral securing that issue.

AMENDMENT TO DEED OF TRUST

WHEREAS, the parties hereto have previously entered into that certain Deed of Trust and Security Agreement dated as of January 29, 1998, recorded in the Cumberland County Registry at Deed Book 4795, Page 652, (the “Deed of Trust”), as assigned by Deed of Assignment dated January 29, 1998, recorded in the Cumberland County Registry at Book 4795, Page 672 (the “Deed of Assignment”); and

WHEREAS, the Deed of Trust secures, pursuant to Section 1.4 thereof, obligations from time to time owing to the Beneficiary by the County under the Trust Agreement, the First Supplemental Agreement, the Installment Financing Agreement (as such terms are defined in the Deed of Trust) or the Deed of Trust with respect to the Installment Payment Revenue Bonds (Public Building and Equipment Projects) Series 1998 (the Series 1998 Bonds”); and

WHEREAS, the County will construct an animal shelter using, in part, proceeds of the Series 1998 Bonds; and

WHEREAS, the County has determined to add to the property and obligations secured by the Deed of Trust, as amended by this Amendment, as additional collateral certain real property upon which is to be constructed the animal shelter,

NOW THEREFORE, in consideration of the premises and the indebtedness herein and in the Deed of Trust recited, the receipt and sufficiency of which are hereby acknowledged:

1. The County hereby irrevocably confirms that the Deed of Trust secures payment of the Series 1998 Bonds and any Additional Bonds pursuant to the Trust Agreement, the First Supplemental Agreement, and Installment Financing Agreement, all of which are in full force and effect as of the date hereof. Pursuant to the Deed of Assignment, the Beneficiary’s rights in the Deed of Trust have been assigned to the trustee under the Trust Agreement and the First Supplemental Agreement for the Series 1998 Bonds and any Additional Bonds.
2. The definition of “Mortgaged Property” is hereby amended by the addition of the property described on Exhibit A hereto, which property, upon the recordation hereof, shall be subject to the lien of the Deed of Trust.

ACTION: Approve

D. Approval of County Facilities Committee Report and Recommendation:

1. Proposed New Lease with Coastal Plain League Franchise, Hometown Sports America.

BACKGROUND: The County entered into a lease in June, 2000, with the Coastal Plain League, an amateur summer baseball league, for J.P. Riddle Stadium. The lease was for three years, with a three year option which the league exercised. It runs through the 2005 season. The league has operated the Fayetteville Swamp Dogs since then. This fall, the league entered into a franchise for the Swamp Dogs with investors Lewis and Darrell Handelsman, through their company Hometown Sports America. The league and the Handelsmans ask the County to enter a new lease with the Handelsmans, to put the lease with their company so they could have some stability to invest over the next several years. The significant revisions are:

1. Four year initial term and four year option term, rather than three and three currently.
2. Initial term rent remains at \$4,000 per year but increases to \$5,000 per year in the option term.
3. Concessions for league games will be a flat fee of \$7,000 a year, an increase from the average of the last several years, instead of 7% of gross.
4. Concessions for non-league events will remain at 7% of gross.
5. Up to 20 special events will be allowed, rather than 10 currently. These might be college league tournaments, family days, etc.
6. Off-season office space reimbursement will increase to \$200 a month for six months rather than \$150 per month.
7. County and new club will work together to install a metal canopy over the central portion of the stands. Of the estimated cost of \$60,000, new club will contribute \$35,000 and County Recreation Fund will pay the balance.
8. County will pay for a new electronic scoreboard and for improvements to dugouts to remedy serious drainage problems, at an estimate cost of \$15,000.

Grainger Barrett, County Attorney, asked the Commissioners to allow a correction to the term listed as #8 above. Instead of making improvements to the dugouts, the County shall repair the roofs to the two picnic areas at the Stadium. The scoreboard and picnic area improvements shall be completed in time to permit customary 2005 pre-season activities by the Club, provided, the County shall not be obligated to spend more than \$15,000, cumulative, for the two projects.

MOTION: Commissioner Baggett moved to accept the correction to the lease agreement between Hometown Sports America, Inc. and Cumberland County.

SECOND: Commissioner Council

VOTE: UNANIMOUS

- E. Approval of Request for Refund of Bid Deposit on Surplus Property.

BACKGROUND: J. Manuela Lackey requested in writing a refund of a bid deposit of \$575.00 that she and Ferrell Howard placed on a surplus tract at 217 Oakland Drive. Prior to making the deposit they reviewed tax maps and aerial photos that showed a house on the lot. The aerial map is a few years old and the house was demolished in October 2003 pursuant to a City of Fayetteville Inspections Department order. Ms. Lackey states the bidder would like a refund of their bid deposit so they can apply it to another house.

ACTION: Approve

- F. Approval of Revisions to the Six Mile Insurance Boundary for Westarea Fire District, Stations 10 and 15.

BACKGROUND: On August 2, 2004, the Board of Commissioners approved the revisions to the six-mile rated fire district boundary for each fire district in Cumberland County. The Emergency Services Department had worked closely with the State Fire Marshal's office in this project. The revisions are required to maintain the highest possible ISO rating for fire insurance coverage. The Emergency Services Department has corrected information for the Westarea Fire District, Stations 10 and 15, Department of Insurance six-mile map and description. (Attachment 1: Westarea Fire District DOI 6 Mile Description)

ACTION: Approve Revisions

- G. Approval of Declaration of Surplus County Property and Authorization to Accept Insurance Settlement.

BACKGROUND:

Date of Accident May 10, 2004
Vehicle: 1998 Chevrolet Lumina
VIN: 2G1WL52K4W9235862
Fleet #: FL278
Mileage: 68,000
Department: Sheriff's Office
Settlement Offer: \$7,023.25
Insurance Company: Allstate

ACTION: Declare the vehicle surplus, authorize acceptance of settlement offer and allow Allstate to take possession of the surplus vehicle.

- H. Approval of Utility Easement for Biltmore Construction.
BACKGROUND: The County has received a request from Tina Odum, President of Biltmore Construction Company, Inc., for a sewer easement to the PWC sewer main in the rear of Cape Fear Valley's Hope Mills clinic. It would serve a lot on Cameron Road close to its intersection with Legion Road. A ten foot wide utility easement to PWC along the western boundary line from Biltmore's lot to the existing PWC easement would stay away from the paved parking area of the clinic's lot. PWC has confirmed that a ten-foot wide easement would be acceptable for Biltmore's purposes. The Real Estate Officer for CFVHS has confirmed that CFVHS has no objection if Biltmore will grant an easement along the western boundary line of its lot in the future if necessary or desirable for CFVHS needs.

ACTION: Approve grant of easement, subject to Biltmore to Biltmore agreeing to grant a reciprocal ten foot wide utility easement along the western boundary line of its lot in the future if necessary or desirable for CFVHS needs, and authorize the Chairman to sign and deliver on behalf of the County.

- I. Report on October 28, 2004 City/County Liaison Meeting.

BACKGROUND: At the City-County Liaison Meeting on October 28, 2004, a suggestion was made by Chairman Jeannette Council that a committee consisting of three county commissioners, three city council members, PWC representatives, city and county managers, and members of the planning boards be formed. The committee was intended to study the joint planning process, including the extension of water and sewer infrastructure into unincorporated areas of the county as well as urbanized areas. The consensus of the city-council liaison group meeting on October 28 was to form the committee and address the planning concerns. At the City Council meeting on November 22, 2004, the City Council chose not to participate in the formation of such a committee.

Commissioner Blackwell stated he feels the County should move forward to form a committee to focus on the water and sewer issues and urge the Fayetteville City Council to appoint three members to this committee also. Chairman Henley concurred with Commissioner Blackwell and appointed Commissioner Baggett, Commissioner King and himself to represent Cumberland County. He asked the County Manager to send this information to the City Council so we can begin to work together on important issues relating to this county's future growth and development.

- J. Budget Revisions:

ACTION: Approve

- (1) Carpentry/Facilities Management

Revision in the amount of \$520 to reallocate budgeted expenditures for the additional vehicle cost. (B05-206) **Funding Source – Reallocation of Budgeted Expenditures**

- (2) Debt Service
- Revision in the net amount of \$12,279 to appropriate fund balance to adjust debt service payments based upon recent bond refundings. (B05-213)
Funding Source – Fund Balance Appropriated
- (3) Emergency Services
- Revision in the amount of \$48,887 to budget additional revenue received for the Emergency Management Performance Grant and Supplement. (B05-215) **Funding Source – Grant**
- (4) Mental Health
- Detoxification - Revision in the total amount of \$3,000 to appropriate fund balance for contracted services. (B05-209) **Funding Source – Mental Health Fund Balance Appropriated**
- (5) Central Maintenance/General Government Other
- Revision in the amount of \$11,413 to reallocate budgeted expenditures for additional departmental supplies. (B05-212) **Funding Source – Reallocation of Budgeted Expenditures**
- (6) Health
- Child Health Clinic/Administration - Revision in the amount of \$30,000 to reallocate budgeted expenditures to contract for an interim medical and laboratory director. (B05-207 and B05-207A) **Funding Source – Reallocation of Budgeted Expenditures**
- (7) Tax Administration
- Revision in the amount of \$16,525 to appropriate fund balance for Tax Management Associates audits. (B05-225) **Funding Source – Fund Balance Appropriated**
- (8) 2004 Local School Bond Projects
- a. Revision in the amount of \$165,922 to recognize premium on the 2004 School Bonds (revenue) and bond issuance expenditures. (B05-211) **Funding Source – 2004 Local School Bonds**
- b. Revision in the amount of \$2,400,000 to reallocate budgeted expenditures to classroom additions at Westarea and Rockfish Elementary Schools and to approve the associated capital project ordinance. (B05-224) **Funding Source – Reallocation of Budgeted Expenditures**
- (9) Social Service Building/Animal Control Building

Revision in the amount of \$804,208 to transfer unexpended DSS Capital Project funds to the Animal Control Building Capital Project Fund. (B05-229 and B05-229A) **Funding Source – DSS Capital Project Fund Balance**

- (10) Detention Facility Project/General Government Other/Group Insurance

Revision in the amount of \$1,039,033 to transfer unexpended funds from the Detention Facility Capital Project Fund to the General Fund and to the Group Insurance Fund. (B05-231 and B05-231A&B) **Funding Source – Detention Facility Capital Project Fund Balance**

- (11) Winding Creek Renovation/General Government Other

Revision in the amount of \$3 to transfer unexpended funds from the Winding Creek Renovation Capital Project Fund to the General Fund. (B05-232 and B05-232A) **Funding Source – Winding Creek Renovation Project Fund Balance**

- (12) Averagesboro Battlefield

Revision in the amount of \$262,954 to budget funds received for the Averagesboro Battlefield Project. (B05-230) **Funding Source – NC Grant, Fund Balance appropriated and Other**

- (13) General Government Other

Revision in the amount of \$213,808 to adjust the Guaranteed Energy Savings Contract based on actual proceeds of bank financing. (B05-226) **Funding Source – Installment/Purchase Proceeds**

Items of Business

4. Consideration of Recommendation of the Eastover Sanitary District Board for the Board of Commissioners to Appoint Ms. Liz Reeser to the Eastover Sanitary District Board.

BACKGROUND: Mr. Charles Register, a member of the Eastover Sanitary District Board, submitted his resignation. The Sanitary District Board recommends that Liz Reeser be appointed to fill Mr. Register's term, which expires in 2005.

MOTION: Commissioner Baggett moved to accept Eastover Sanitary District Board's recommendation to appoint Liz Reeser to replace Charles Register for his unexpired term.

SECOND: Commissioner King

VOTE: UNANIMOUS

5. Designation of Voting Delegate for the NCACC Legislative Goals Conference – January 13-14, 2005, High Point, North Carolina.

BACKGROUND: The Board will need to appoint a voting delegate to this Conference.

MOTION: Commissioner King moved to designate Commissioner Wheatley as the Voting Delegate for Cumberland County.

SECOND: Commissioner Council

VOTE: UNANIMOUS

6. Nominations to Boards and Committees

A. Cumberland County Home and Community Care Block Grant (2 Vacancies)

BACKGROUND: The above Committee has the following vacancies:

Older Consumer: Anthony Johnson has not attended any meetings and cannot be reached via letter or telephone. The Committee recommends that Edith Melvin be nominated to fill the unexpired term of Mr. Johnson. His term will expire April 30, 2005.

Older Consumer: Eunice Melvin has resigned. Eight older consumer representatives and nine aging service provider representatives are required for this committee. With the resignation of Ms. Melvin, the Committee will have eight older consumer representatives. It is currently short one aging service provider representative. So, the Committee recommends that Caren Hosmer be nominated to fill a slot for an aging service provider. This will bring the Committee where it needs to be for these two designations.

Nominees: Edith Melvin
Caren Hosmer

B. Fayetteville Area Convention & Visitors Bureau (2 Vacancies)

BACKGROUND: The Fayetteville Area Convention & Visitors Bureau has the following vacancies:

Hotels/Motels under 100 Rooms Representative: Katherine Keefe Jensen has completed her second term and is not eligible for reappointment. John Keefe has been recommended to fill this vacancy.

Hotels/Motels 100 or more Rooms Representative: Cameron Stout has completed his second term and is not eligible for reappointment. Charles R. Wellons has been recommended to fill this vacancy.

Nominees: John Keefe
Charles R. Wellons, II

C. Nursing Home Advisory Board Vacancy (1 Vacancy)

BACKGROUND: Mary Dillion, a member of this Board, has resigned due to conflict of interest. Dr. Kathleen Radcliff has been recommended to fill this vacancy.

Nominee: Dr. Kathleen Radcliff

D. Parks and Recreation Advisory Board (4 Vacancies)

BACKGROUND: The Parks and Recreation Advisory Board has the following vacancies:

The terms of David Diaz, Maxey Gary Dove, III and Rev. Floyd W. Johnson were due to expire on June 30, 2004. Since they are presently serving on the transitional joint board, it is recommended these terms be extended until July 1, 2005.

Nominate a new member to fill the vacancy of David M. Varnadoe, III (deceased) through July 1, 2005.

Nominees: David Diaz
Maxey Gary Dove, III
Rev. Floyd W. Johnson
Paul Douglas Caudill

E. Workforce Development Board (2 Vacancies)

BACKGROUND: This Board has the following vacancies:

Private Sector: Dr, Richard Ellis has completed his second term. Chancellor T.J. Bryan of Fayetteville State University has been recommended to fill the vacancy.

Private Sector: Cynthia Curtis has resigned. It is recommended that this private sector position be eliminated, leaving eleven representatives, which will allow the Board to maintain the 51% private sector requirement.

Community Based Organization: In accordance with the Division of Employment and Training regulations, the number of community based organization representatives must be increased from two to three members. It is recommended that Suzanne Peper, with Employment Source, be nominated to fill this position.

Nominees: Chancellor T. J. Bryan
Suzanne Peper

7. Appointments to Boards and Committees

MOTION: Commissioner Blackwell moved to appoint the nominees in 7A, 7B, 7C, 7D, and 7E to the respective boards.

SECOND: Commissioner Commissioner King

VOTE: UNANIMOUS

A. Board of Health (2 Vacancies)

Nominees: Optometrist Representative: Dr. William C. Philbrick (Reappointment)

Engineer Representative: Jeff Reitzel (Reappointment)

B. Civic Center Commission (5 Vacancies)

Nominees: C. Bruce Armstrong (Reappointment)
Laurie Bondshu (Reappointment)
Larry L. Lancaster (Reappointment)
Richard Player
John Elliott

C. Mental Health Board (4 Vacancies)

Nominees:

Professional Rep. (Psychology,
Social Work Nursing, Religion: Rev. Floyd Johnson, Jr.

Mental Health Rep. from a Citizens
Organization or Primary Consumer: Luis M. Collazo (Reappointment)

Mental Health Rep. (Family Consumer): Albert Bleakley (Reappointment)

Alcoholism, Primary Consumer,
Presently in Recovery: Nathan Taylor (Reappointment)

D. Transportation Advisory Board (1 Vacancy)

Nominee: City of Fayetteville Representative: Victor Sharpe

E. Wrecker Review Board (1 Vacancy)

Nominee: Sheriff's Appointee: Captain Casper (Jack) Broadus

MOTION: Commissioner King moved to recess the Board of Commissioners' Meeting so the Board could meet as the Norcross Governing Board.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

Note: The NORCRESS Board met. Minutes of its meeting may be found in the Minute Book for Sewer District meetings.

MOTION: Commissioner Blackwell moved to reconvene the Board of Commissioners.
SECOND: Commissioner Council
VOTE: UNANIMOUS

- | | | | |
|----|----------------|----|---|
| 8. | Closed Session | A. | Attorney Client Privilege Pursuant to NCGS 143-318.11(a)(3). |
| | | B. | Economic Development Matters Pursuant to NCGS 143-318.11(a)(4). |

MOTION: Commissioner Blackwell moved to go into Closed Session for the above noted matters.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

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

MOTION: Commissioner Baggett moved to direct the County Attorney and the County Manager to settle a lease agreement matter with Advanced Internet Technologies and report back to the Commissioners at a later date.

SECOND: Commissioner Council

VOTE: **FAVOR:** Commissioners Baggett, Council, Edge, Henley and King
OPPOSED: Commissioners Blackwell, Wheatley

- ## 9. Potential Dates for Annual Planning Retreat

Proposed Meeting Dates
Friday, January 28, 2005
Tuesday, February 1, 2005
Thursday, February 3, 2005
Friday, February 4, 2005

MOTION: Commissioner Council moved to adopt January 28, 2005 for the Board of Commissioners' Annual Planning Retreat. The Retreat will be held at the Cape Fear Valley Medical Center beginning at 1:00 PM.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

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

MEETING ADJOURNED: 10:05 PM

Deputy Clerk to the Board