

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
FEBRUARY 2, 2004, 9:00AM
REGULAR MEETING

PRESENT: Chairman Jeannette M. Council
Vice Chairman John T. Henley, Jr.
Commissioner Talmage S. Baggett, Jr.
Commissioner J. Breeden Blackwell
Commissioner Kenneth S. Edge
Commissioner Billy R. King
Commissioner Edward G. Melvin
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Cliff Spiller, Asst. County Manager
Grainger Barrett, County Attorney
Marsha Fogle, Clerk to the Board

INVOCATION Commissioner Edward G. Melvin

Pledge of Allegiance

Recognition of Retired County Employees:

Ronald Sykes – Sheriff's Office
Charlayne Stephens – Department of Social Services
Terrence Sproul – Department of Social Services
Glenda Sue Horne – Department of Social Services

Cumberland County 250th Anniversary History Briefing – Mayor Ethel Clark

Item # 1J was pulled from the consent agenda.

1. Consent Agenda

MOTION: Commissioner Blackwell moved to follow staff recommendations on the items on the Consent Agenda, excepting Item J.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS

A. Approval of minutes for the January 5, 2004 regular meeting.

ACTION: Approve

B. Approval of the Report on Delinquent Taxes for Year 2003.

BACKGROUND: NCGS 105-369 requires the Collector to report unpaid taxes for the current fiscal year that are liens on real property by the first Monday in February. The purpose of the report is to allow you to order the Collector to advertise the tax liens by posting notice at the County Courthouse and by publishing each lien at least one time in one or more of the newspapers having general circulation in Cumberland County.

Total Delinquent Taxes for Year 2003 as of 1/15/04: \$13,582,311 on 18,845 parcels or 11.29% of the Assessed Value

Total Delinquent Taxes for Year 2002 as of 1/22/03: \$11,987,246 on 17,741 parcels, or 11.44% of the Assessed Value

ACTION: Accept the report and charge the Collector to advertise the tax liens in a newspaper of local circulation during the month of April, 2004.

C. Approval of Disposition of County Administration and Governing Body Records.

BACKGROUND: A resolution adopted by the Board of Commissioners on February 4, 1985 authorizes the county manager to approve the destruction of certain county management and governing body records as follows:

1999 County Administrative Correspondence/Memos
1999 Commissioners' Packets
1999 Commissioners Correspondence Files

ACTION: Accept the report on disposition of records and include same in the minutes of the February 2 2004 Board of Commissioners meeting minutes.

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

BACKGROUND:

Date of Accident: 12/15/03
Vehicle: 1999 Ford Crown Victoria
VIN: 2FAFP71W5XX165447
FLEET: FL91
Mileage: 127,818
Department: Sheriff's Office
Settlement Offer: \$5,875
Insurance Company: St Paul

ACTION: Declare the vehicle surplus, authorize the Risk Manager to accept \$5,875 as settlement and allow St. Paul Insurance to take possession of the wrecked vehicle.

- E. Approval of Engineering Agreement for Crown Complex Roofing and Wall Repair Projects.

BACKGROUND: In order to expedite this project, the Engineering Department solicited a proposal from Fleming & Associates for the wall repair and roof replacement projects. Fleming & Associates is a local structural engineering consulting firm that specializes in roof design work. The basis of compensation for services rendered is a lump sum amount of \$177,354 which includes all reimbursable expenses. The projected budget is \$1,970,600 of which \$1,175,497 is for construction of the roof replacement work, \$617,749 is for construction of the wall repair work and \$177,354 is for design and construction administration services. The construction budget for the wall repair work is inadequate to completely replace all the deteriorated mortar joints in the Crown Theatre and Crown Arena. As a result, critical areas will be identified to be repaired giving preference to the Crown Theatre. The balance of the repair work will be done in subsequent phases as funds are appropriated.

ACTION: Approve the Agreement with Fleming & Associates in the amount of \$177,354 and approve associated budget revision (B04-335).

- F. Approval of Exception to the Conflict of Interest Rule for the Lease to Home Program.

BACKGROUND: Community Development received a request from The Women's Center of Fayetteville to allow an employee to purchase the property located at 5952 McDougal Drive, which was purchased under the Lease to Home Program. Mr. Ramon Rodriquez is the ESL and Command Spanish instructor in The Women's Center computer lab. He has no direct duties, responsibilities or decision-making authority related to the Lease to Home Program. Mr. Rodriquez' application will receive the same impartial and objective process used in all other such applications for these services.

ACTION: No action needed.

- G. Approval of Proposed Restaurant Plans Review Fee for the Health Department.

BACKGROUND: The Board of Health, at its meeting on November 18, 2003, approved the implementation of a Restaurant Plans Review fee of \$200.00. The Department is current doing the review without remuneration, while the State of North Carolina has been collecting the standard \$200 fee since September, 2002.

ACTION: Approve the fee of \$200.

- H. Approval of Bid Award for Protective Gear for Emergency Services.

BACKGROUND: A formal bid opening was held on 1/14/04 for protection gear for county-wide Emergency Responders.

ACTION: Approve/accept the following bids:

AramSCO	\$19,519
Global	\$82,277.40
Newton's	\$117,700.99 (Advantage Gas Mask – based on shipping time)

- I. Approval of Report on the Disposal of Surplus Property Pursuant to N.C.G.S 160A-226(a).

BACKGROUND: On June 15, 1988, the Board adopted a Resolution authorizing the Assistant County Manager to dispose of certain 'personal property, worth less than \$5,000 per item or group of similar items, which have become obsolete, unusable, economically unrepairable or other wise surplus to the needs of the county".

ACTION: Approve the report as attached to these minutes.

- J. Approval of a Resolution Requesting Medicaid Relief.

BACKGROUND: At the January retreat, the Board requested a resolution regarding the above issue.

Commissioner Henley took exception to the word "partial" in the Resolution.

ACTION: Adopt the Resolution removing the word "partial".

MOTION: Commissioner Blackwell moved to adopt the amended Resolution as noted below.
SECOND: Commissioner Henley
VOTE: UNANIMOUS

RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS
REQUESTING THAT ITS FEDERAL CONGRESSIONAL AND STATE GENERAL
ASSEMBLY DELEGATIONS VIGOROUSLY PURSUE RELIEF FOR NORTH CAROLINA
COUNTIES FROM OPEN-ENDED MEDICAID FUNDING BURDENS

WHEREAS, North Carolina counties administer Medicaid on behalf of the federal and state governments; and

WHEREAS, Medicaid is a means-tested program open to any potential recipient that meets the standards for eligibility; and

WHEREAS, Medicaid is a necessary component of the social safety net for disadvantaged persons in our society; and

WHEREAS, Medicaid has been the fastest growing area of county government spending in North Carolina over the last five years; and

WHEREAS, that expansion has occurred and continues To occur without regard to the economic or fiscal ability of a county to afford such rapid expanded cost; and

WHEREAS, the most recent session of the North Carolina General Assembly had before it various bills introduced to provide North Carolina counties relief from these historically rapidly increasing Medicaid costs; and

WHEREAS, such proposals generally contemplated phasing in such relief to North Carolina counties over several years; and

WHEREAS, like other North Carolina counties, Cumberland County has struggled to bear the burden of these historically rapidly rising Medicaid costs; and

WHEREAS, it is essential and critical to the fiscal health of North Carolina counties that such Medicaid relief be adopted.

NOW, THEREFORE, the Cumberland County Board of Commissioners urgently requests its federal Congressional delegation and its state General Assembly delegation to vigorously pursue revisions as soon as possible to the Medicaid funding provisions to provide North Carolina counties relieve from Medicaid costs.

- K. Approval of a Resolution Requesting Full Federal Funding of the "No Child Left Behind" Act.

ACTION: Adopt Resolution

RESOLUTION OF THE CUMBERLAND COUNTY BOARF OF COMMISSIONERS
REQUESTING THAT ITS FEDERAL CONGRESSIONAL PURSUE REVIEW OF
UNREALISTIC FINANCIAL AID PENALKTIES UNDER THE "NO CHILD LEFT
BEHIND" ACT WHILE AFFIRMING ACCOUNTABILITY OF INDIVIDUAL SCHOOLS
FOR THE SCHOLASTIC PROGRESS AND ACHIEVEMENT OF THEIR STUDENTS

WHEREAS, at the urging of the Bush administration, Congress passed the "No Child Left Behind" act; and

WHEREAS, that Act requires that individual schools across the nation in a short period of time meet stringent statistical measures and indices intended to reflect progress in the scholastic achievement of students in those schools of all backgrounds and walks of life; and

WHEREAS, the provisions of that Act will require the withholding of some federal education aid funding to schools that fall short of meeting those statistical measures and indices, and

WHEREAS, reputable estimates suggest that Congress' funding of the Act in the 2004 budget will leave North Carolina schools some \$500 million short of the amounts needed to implement the Act, in that the federal 2004 budget earmarks \$408.3 million for the Act in North Carolina, while the Congressional Research Services estimates that it will cost North Carolina \$907.4 million to full fund the Act's mandates; and

WHEREAS, IN North Carolina counties provide a significant portion of the revenues necessary to fund a free public education in the public schools, including to service and retire most of the debt issued to provide school buildings and other capital facilities for local school systems; and

WHEREAS, any shortfall in federal education aid to North Carolina schools necessary to implement will surely pressure North Carolina counties along with the State of North Carolina, to step in to make up for withheld federal funding.

NOW, THEREFORE, the Cumberland County Board of Commissioners urgently requests its federal Congressional delegation to vigorously seek full funding of the amounts necessary to implement the "No Child Left Behind" Act in North Carolina, or in the alternative pursue revision of the Act to eliminate unrealistic financial aid penalties through withholding of federal education aid to individual schools that have not yet met impractical statistical achievement targets within the time periods currently prescribed by that Act and, further,

The Cumberland County Board of Commissioners affirms that all students deserve a quality education, one that equips them to succeed in life and to be contributing citizens of our communities and of this great nation, and that schools must be and should remain accountable for the quality of education its students receive, and for the scholastic progress and achievement of those students, but not in a manner that risks harm to students most at need by depriving schools of necessary federal financial aid support.

The Cumberland County Board of Commissioners respectfully requests that Congress recognize that improving scholastic achievement for all students will require durable, steady progress over at least a five to ten year period, but inadequately funding federal education aid for the Act will harm the very students the Act is most intended to benefit by risking, if they fail to meet the Act's statistical benchmarks, withholding of essential and critical federal education aid resources necessary to promote their scholastic success, and, further,

The Cumberland County Board of Commissioners respectfully requests that Congress recognize that any inadequate funding of, reduction in, or withholding of federal education aid is overwhelmingly likely to result in shirking that revenue obligation to states and, especially, local funding entities such as, in North Carolina, counties, and thus to become yet another unfunded federal mandate.

L. Budget Revisions:

(1) Soil and Water Conservation

Revision in the amount of \$1,525 to budget fees received from tree sales. (B04-206) **Funding Source – Fees**

(2) Social Services

Revision in the amount of \$35,311 to budget Federal Adoption Incentive Program funds. (B04-207) **Funding Source – Federal**

(3) Court Facilities

Revision in the amount of \$4,210 to reallocate expenditures to provide additional funds needed to complete renovations to the Juvenile Court room. (B04-217) **Funding Source – Reallocation of Budgeted Expenditures**

(4) Mental Health

a. Work First - Revision in the amount of \$40,826 to budget additional Work First funds to establish a new Substance Abuse Counselor II position. (B04-220) **Funding Source – Federal**

b. Alternative Family Living - Revision in the amount of \$665,000 to increase revenue and expenditures due to increased client needs. (B04-221) **Funding Source – Mental Health Fees**

c. Medicaid Contracts – Revision in the amount of \$450,000 to increase revenue and expenditures due to increased service needs for adults. (B04-222) **Funding Source – Mental Health Fees**

d. Managed Care – Revision in the amount of \$26,225 to appropriate fund balance for FY 2002 Medicaid refund due to the state. (B04-223) **Funding Source – Mental Health Fund Balance**

(5) Health

a. Family Planning – Revision in the amount of \$57,545 to budget additional State funding. (B04-218) **Funding Source – State**

b. Centers for Disease Control Tuberculosis – Revision in the amount of \$5,000 to budget additional State funding. (B04-226) **Funding Source – State**

c. Jail Health Program – Revisions in the total amount of \$48,500 to reallocate expenditures from other organizations within the Health Department to fund contracted services for Jail Health Program. (B04-227 through B04-227G) **Funding Source – Reallocation of Budgeted Expenditures**

d. School Health – Revision in the amount of \$7,500 to budget School Health fees received. (B04-229)
Funding Source – Fees

e. Administration/Adult Health – Revision in the amount of \$25,000 to transfer funds from Adult Health to Administration for additional utilities. (B04-330 and B04-330A) **Funding Source – Reallocation of Budgeted Expenditures**

(6) General Government Other/Insurance Fund

Revision in the amount of \$1,500,000 to appropriate fund balance to fund retiree health insurance due to the under funding in prior years. (B04-336 and B04-336A)
Funding Source - General Fund Fund Balance

(7) Community Development Emergency Shelter Grant

Revision in the amount of \$10,312 to budget an Emergency Shelter Grant for the Salvation Army. (B04-332) **Funding Source – Federal**

(8) General Government Debt Service

Revision in the amount of \$60,878 to appropriate fund balance to make an additional debt service payment using the proceeds of a land sale. (B04-333) **Funding Source – Land Sale**

ITEMS OF BUSINESS

2. Nominations to Boards and Committees

A. Equalization and Review Board (3 Vacancies)

BACKGROUND: The E&R Board has the following vacancies:

Appraiser position: Swayne Hamlet – eligible for reappointment
Industrialist position: W. Carroll Beard – eligible for reappointment
At-large position: Stacy Hair – not eligible for reappointment

Nominees: Swayne Hamlet – appraiser position (reappointment)
W. Carroll Bear – industrialist position (reappointment)
William Holland – at-large position (new)

B. Minimum Housing Appeals Board (1 Vacancy)

BACKGROUND: Jimmy Ragland has completed his first term. He is eligible for reappointment.

Nominee: Jimmy Ragland

C. Transportation Advisory Board (3 Vacancies)

BACKGROUND: The TAB has the following vacancies:

Shirley Mzingo – County Health Director/designee: not eligible for reappointment. Sharon Stanley has been recommended.

Rusty Long – Religious non-profit organization director/designee: not eligible for reappointment. Tammye Rey is recommended to fill the vacancy as an at-large representative.

Elyse Arthur has been recommended for an additional at-large member.

Nominees: Sharon Stanley – Health Director/designee

Tammye Rey – at-large member
Elyse Arthur – at-large member

- D. Fort Bragg/Pope Air Force Base Regional Land Use
Advisory Commission (RLUAC) (4 Vacancies)

MOTION: Commissioner Blackwell moved to appoint Commissioner Billy King as the voting member and James Martin, Juanita Pilgrim and Nancy Roy as non-voting ex-officio members.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

MOTION: Commissioner Blackwell moved to recess the Board of Commissioners meeting.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

Note: The Board of Commissioners convened as the NORCRESS Water and Sewer District Board. See minutes in the separate minute book for water/sewer districts.

MOTION: Commissioner Blackwell moved to reconvene the Board of Commissioners meeting.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

3. Closed Session:

- A. Attorney-Client Matters Pursuant to NCGS 143-318.11(a)(3)

MOTION: Commissioner Henley moved to go into Closed Session for the above noted matter.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

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

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

MOTION: Commissioner Blackwell moved to adjourn.

SECOND: Commissioner King

VOTE: UNANIMOUS