

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MAY 3, 2004, 9:00AM
REGULAR MEETING

PRESENT: Jeannette Council, Chair
John Henley, Vice Chair
Commissioner Talmage Baggett
Commissioner J. Breeden Blackwell
Commissioner Kenneth Edge
Commissioner Billy King
Commissioner Ed Melvin
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

INVOCATION: Commissioner Talmage Baggett

PLEDGE OF ALLEGIANCE

Special Recognition: Eleanore Getz, 2004 National 4-H Council's Salute to Excellence
Lifetime Achievement Award

- 1. Public Hearing
 - A. Proposed 2004-05 NC Department of Transportation Secondary Roads
Improvement Program for Cumberland County

BACKGROUND: Mr. Stone reviewed the program and requested approval from the Board:

Secondary Road Construction Allocation:	\$	471,779
Highway Trust Fund Allocation		402,257
Total Funds Available	\$	874,036
Maintenance Operations:	\$	110,199
Secondary Construction	\$	51,661
Highway Trust Fund		58,538
Reserve for Contingencies:	\$	158,837
Secondary Construction	\$	125,118
Highway Trust Fund		33,719
Paving Program:	\$	605,000
Secondary Construction	\$	295,000
Highway Trust Fund		310,000

2004-05 Cumberland – Residential/Subdivision Priority

Additional Funding to complete previous year's program: \$130,000

Priority No. 11
Route: SR 4059
Name: Schram's Avenue
From SR 1003 to Dead End
Length: 0.31 miles
Description: Base & Pave
Est. Cost: \$30,000
Previous Funding: 0
2003-04 Funding: \$30,000

Priority No. 12
Route: SR 3932
Name: Gumberry Court
From SR 2237 to Dead End
Length: 0.27 miles

Description: Base & Pave
Estimated Cost: \$30,000
Previous Funding: 0
2003-04 Funding: \$30,000

2004-05 Cumberland Rural Priority:

Additional funding to complete previous years program, Survey
And Right of Way 130,000

Route: SR 2232 *
Name: Marsh Road
From: SR 2233 to Begin Pvmnt.
Length: 1.60
Description: Grade, drain, base & pave
Estimated Cost: \$350,000
Previous Funding: \$100,000
2003-04 Funding: \$260,000

Route SR 1610 *
Name: McClosky Road
From: US 401 to 0.9 mi. west
Length: 0.90
Description: Grade, Drain, Base & pave
Estimated Cost: \$205,000
Previous Funding: \$100,000
2003-04 Funding: \$105,000

Priority No. 2F
Route: SR 2373
Name: Mill Creek Road
From: SR 2023 to Dead End
Length: 0.25
Description: Grade, drain, base & pave
Estimated Cost: \$50,000
Previous funding: \$0
2003-04 Funding: \$50,000

Priority No.: 3F
Route: SR 2253
Name: Swans Creek Ch
From SR 2233 to Dead End
Length: 0.40
Description: Grade, Drain, base & pave
Estimated Cost: \$85,000
Previous Funding: \$85,000
2003-04 Funding: 0

TOTAL FUNDING: \$545,000
TOTAL MILEAGE: 3.15

Notes: Program subject to availability of funding, r/w and environmental review
Priority number 1-10 on the Rural list are frozen as required by GS 136-44.7.
(These roads are being surveyed, paved, under construction or in r/w negotiations)
If funding is available or r/w problems are encountered, then DOT will continue working down the priority list
*SR2232 and SR1610 taken from the r/w unavailable list

ACTION: Approve

2. Presentations

A. Proposed changes to the Fayetteville Area System of Transit

Jerome Brown, Transit Director, City of Fayetteville reviewed proposed changes.

New System Operating Assumptions:

- zones would be designed to allow 15 minute response/delivery time
- feeder vehicles will operate exclusively within each zone

- line buses will only stop at super stops
- 15 minute service frequencies during peak hours (6:00AM-10:00AM and 3:00PM-6:00PM)
- 15 minute response time from the time the call is placed for service
- no more than 15 minutes to connect with line buses
- service request will be by phone or hail
- curb to curb transportation

Plan Two – Preferred Plan

- 15 min. response time for service
- 15 min. travel time to super stop or within transit zone
- service frequencies of 15 min. at each super stop
- 45 min. non-peak service
- operating hrs. from 6:00AM to 12:30AM
- Sunday public transportation service
- All of the city including the Phase V Annexation would have public transportation
- could be expanded to Hope Mills and Spring Lake
-

Capital Needs:

- 40 lift equipped feeder vehicles (21 in the fleet, remaining could be purchased with previously approved grants)
- vans
- cutaways
- 14 buses (already in the fleet)
- automated vehicle locator/global positioning satellite system (80% grant funded)
- mobile data terminals (80% grant funded)
- computer aided dispatcher (80% grant funded)

- B. Approval of a Proclamation proclaiming May 2-8, 2004 "Air Quality Week" in Cumberland County

ACTION: Adopt

PROCLAMATION

WHEREAS, the quality of life of all current and future residents of Cumberland County is of utmost importance; and

WHEREAS, taking immediate action to improve air quality and in particular ozone in Cumberland County is of major concern to the Board of Commissioners and all municipal governments; and

WHEREAS, the social and economic vitality of Cumberland County is dependent upon the quality of the air in the county; and

WHEREAS, on December 13, 2002, the Cumberland County Board of Commissioners, supported by all of the municipalities, entered into an agreement with the NC Department of Environment and Natural Resources and the Environmental Protection Agency in which the agreement specifies ways to acquire cleaner air through implementation of strategies; and

WHEREAS, the citizens and businesses of Cumberland County are invited to participate in the County's efforts to attain lower levels of ozone and to identify means to lower emissions of ozone precursors; and

WHEREAS, awareness of air quality and ozone issues play a big role in improving conditions, and the ozone season for this area begins May 1, 2004 and ends September 30, 2004.

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners proclaims May 2-8, 2004 "Air Quality Week" and urges its citizens to take part in making our community a cleaner, healthier place to live, work and play.

3. CONSENT AGENDA

- A. Approval of Minutes: April 19, 2004

ACTION: Approve

- B. Approval of a resolution sponsoring Averagesboro Battlefield Commission, Inc. grant Application to DOT for funding of modifications/restoration of the William Smith House

BACKGROUND: The Board of Commissioners agreed in 2000 and 2003 to sponsor efforts to apply for federal TEA-21 grants to enhance the Averagesboro Battlefield site. ABCI was awarded \$423,570 in federal grant funds to acquire, move, and rehabilitate the Oak Grove Plantation House which was closely associated with the actual battle (Project E-4768). An increase in the purchase price of the Plantation House makes it no longer feasible to do the project. A second plantation house, also closely associated with the battlefield, has become available at less cost and would accomplish the project's objectives. Acquiring the William Smith Plantation House and renovating it into a transportation museum would be accomplished in two phases. The previously approved project funds (Project E-4768) would be used in the first phase. Second phase funding will be applied for through a TEA-21 application to NCDOT in June.

ACTION: Adopt Resolution.

RESOLUTION

WHEREAS, the Cumberland County Board of Commissioners has endorsed and agreed to sponsor the application of Averagesboro Battlefield Commission, Inc., ("ABI") for TEA-21 Transportation Enhancement funds to enhance and improve the Averagesboro Civil War battlefield; and

WHEREAS, the Averagesboro battlefield straddles the Cumberland and Harnett County line and is a significant remaining Civil War battlefield in need of preservation; and

WHEREAS, ABCI was awarded TEA-21 project funding to acquire, move and rehabilitate the historic Oak Grove Plantation House which was closely associated with the actual battle (Project E-4768); and

WHEREAS, due to cost considerations ABCI finds it necessary to revise the project to acquire instead the William Smith Plantation House which was closely associated with the actual battle, and to undertake the revised project in two phases, the first phase being with the Project E-4668 funding; and

WHEREAS, ACBI has prepared and will submit to the NCDOT a detailed application for TEA-21 funding to complete the second phase of the revised project; and

WHEREAS, such enhancements and improvements will preserve a significant element of the County's history and heritage, make the Averagesboro battlefield more accessible to citizens, educate visitors about an important and interesting element of our community's history and heritage, and promote tourism in our region; and

WHEREAS, such enhancements and improvements will be consistent with, and further plans, for an historic transportation byway in our community.

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that it approves the proposed Memorandum between the County and ABCI as presented to the Board at its June 6, 2000 and October 13, 2003 meetings, and be it further

RESOLVED, that the Board approves sponsoring ABCI's TEA-21 application to NCDOT for further TEA-21 funding to acquire and renovate the William Smith Plantation House; and be it further

RESOLVED, that the Board authorizes the County Manager and any other appropriate County officers to sign on behalf of the County such application for TEA-21 funding and any other documents necessary or desirable to implement the contemplated project or to effectuate the intent of this resolution.

- C. Approval of a request to Time Warner to add education public, education and government cable channel

BACKGROUND: Time Warner’s cable television franchise agreement with Cumberland County provides that it shall add an additional public, education and government access channel upon request of the Franchise Authorities. The Franchise Authorities include the County, the City of Fayetteville and Fort Bragg/Pope Air Force Base. (FTCC will act as the designated representative to plan for a community educational access channel). Time Warner must provide this channel within 180 days after a written request from the Franchising Authorities. The cost of converting a channel to, for instance, Educational Access, may be passed on to cable consumers and will appear on their bills as a separate line item (actually already appears but will go up). Section XII.B of the Franchise Agreement provides for a PEG Access Capital Fund payable by Time Warner to the Franchise Authorities, jointly, in an amount not to exceed \$250,000. This would require development jointly of an Access Plan, on consultation with Time Warner in its development, to provide for the expenditure and distribution of the PEG Access Capital Fund. This fund is intended to serve for the life of the franchise, into 2012, and to address capital needs for each of the three types of access.

ACTION: Approve the request to Time Warner and designate the County Manager as the County’s authorized representative for this process.

D. Approval of proposed addition to the State Secondary Road System

Riverside Subdivision: Wild Cat Road

ACTION: Approve addition

E. Approval of submission of 2004 Community Development Block Grant Annual Action Plan

BACKGROUND: Entitlement for this funding year is as follows:

Community Development Block Grant:	\$1,669,000
HOME Investment Partnership Act:	\$704,956
American Dream Downpayment Initiative:	\$84,099

A public hearing was held on April 19, 2004 at a Board of Commissioners’ meeting; no one spoke.

ACTION: Approve submission of the Plan.

F. Approval of Grant Award for the Community Development Care Center Transitional Housing Program

BACKGROUND: Cumberland County has been awarded a \$147,788 Supportive Housing Program grant for The Care Center Transitional Housing Program. DSS will operate the program, which offers transitional housing and supportive services for homeless victims of domestic violence.

ACTION: Accept the grant, authorize the County Manager to sign the Agreement and approve associated budget revision (B04-453).

G. Approval of Health Department delinquent accounts to be turned over to outside collection agency

BACKGROUND: The Board of Health at its April 20, 2004 meeting approved writing off \$60,994.72 as bad debts and turning them over to the contracted collection agency – Professional Recovery Consultants.

ACTION: Approve

H. Approval of proposed increase in Health Department Dental Clinic fees

ACTION: Approve increase in fees as noted below:

<u>CPT CODE</u>	<u>PROCEDURE</u>	<u>MEDICAID RATE</u>	<u>CURRENT FEE</u>	<u>PROPOSED FEE</u>
D0150	Comprehensive Exam	45.00	48.00	57.00
D0230	Periapical X-ray	12.00	13.00	15.00
D0330	Panoramic X-ray	58.00	52.00	73.00

D1510	Unilateral Space Maintainer	208.00	144.00	260.00
D1515	Bilateral Space Maintainer	418.00	217.00	523.00
D2930	Stainless Steel Crown Prm.	144.00	144.00	180.00
D2940	Temporary Sedative Filling	28.00	24.00	35.00

I. Rejection of Bids for the Crown Theatre Wall project

BACKGROUND: Bids were received on April 20, 2004 for this project. All bids are considered non-responsive for failure to include with their sealed bids all documentation required by the specifications. A new bid date has been scheduled for May 6, 2004.

ACTION: Reject bids and revise specifications and rebid the project.

J. Rejection of bids for the new courthouse waterproofing project

BACKGROUND: Bids were received on April 20, 2004. All bids exceeded the engineering estimate by a significant amount. The County will rebid with a revised scope of work.

ACTION: Reject bids, revise the scope of work and rebid project.

K. Approval of a Proclamation proclaiming May “Mental Health Month” in Cumberland County

ACTION: Adopt Proclamation

PROCLAMATION

WHEREAS, mental health is essential to everyone’s overall physical health and emotional well being; and

WHEREAS, mental illness will strike one in five adults and children in a given year regardless of age, gender, race, ethnicity, religion or economic status; and

WHEREAS, people who have mental illnesses can recover and lead full, productive lives; and

WHEREAS, an estimated two-thirds of adults and young people who have mental health disorders are not receiving the help they need; and

WHEREAS, community based services that respond to individual and family needs are cost effective and beneficial to consumers and the community; and

WHEREAS, the National Mental Health Association and its national partners observe Mental Health Month every May to raise awareness and understanding of mental health and illness.

NOW, THEREFORE, the Board of Commissioners of Cumberland County proclaims May 2004 Mental Health Month in Cumberland County and calls upon the citizens, government agencies, public and private institutions, business and schools to recommit themselves to increasing awareness and understanding of mental health and the need for appropriate and accessible services.

L. Approval of a Proclamation proclaiming May Older Workers Month in Cumberland County

ACTION: Adopt Proclamation

Proclamation

WHEREAS, individuals age 55 and older comprise a growing proportion of Cumberland County’s workforce; and

WHEREAS, the experience, skills and abilities of older workers are strongly needed for Cumberland County to compete in the global economy; and

WHEREAS, mature workers are entitled to Equal Employment Opportunities; and

WHEREAS, to fill the jobs of the 21st century, we must utilize the creative potential and productive capacity of this growing segment of Cumberland County's population.

NOW, THEREFORE, the Board of Commissioners of Cumberland County hereby proclaims the month of May 2004 OLDER WORKER MONTH in Cumberland County and urges employers throughout the County to fairly consider the abilities, skills and experience of mature workers when seeking training or promoting qualified individuals.

- M. Approval of a Proclamation proclaiming May 8-16 Tourism Week in Cumberland County

ACTION: Adopt Proclamation

Proclamation

WHEREAS, the travel and tourism industry in Cumberland County is vital to our economic stability and growth and it contributes substantially to Cumberland County's cultural and social wellbeing. Travel is one of our most fundamental freedoms. Every citizen benefits from travel and tourism. The travel and tourism industry substantially enhances our personal growth and education, while promoting intercultural understanding and appreciation of Cumberland County's history, geography and culture; and

WHEREAS, travel and tourism is one of America's largest service exports providing a trade surplus of \$5.5 billion last year. It is one of the nation's largest employers with a total of 17 million jobs, that is one in every eight people; and

WHEREAS, Cumberland County is ranked 10th in travel impact along North Carolina's 100 counties and generates an economic impact of \$270.41 million a year. More than 3,810 jobs in Cumberland County are directly attributable to travel and tourism, generating a payroll of over \$65.93 million. Travel and tourism in Cumberland County generated state and local sales tax revenues of \$21.5 million in 2002, providing a tax savings of \$71 to each Cumberland County resident. In recognition of the unique significance of travel and tourism industry in the lives of the citizens of Cumberland County:

NOW, THEREFORE, the Cumberland County Board of Commissioners proclaims May 9-16, 2004 as the 21st Annual Celebration of National Tourism Week, and calls upon the people of Cumberland County to observe this week with appropriate ceremonies and activities.

- N. Approval of a Proclamation proclaiming May 9-15, 2004 Peace Officers Memorial Week in Cumberland County

ACTION: Adopt Proclamation

PROCLAMATION

WHEREAS, Cumberland County recognizes the heroism of all law enforcement officers who have died in the line of duty – giving their lives to protect and serve the citizens of our county; and

WHEREAS, the Cumberland County Sheriff's Office has lost eleven officers in the line of duty; and

WHEREAS, a permanent memorial has been designated and erected in memory of all those fallen officers and placed on the grounds of the Cumberland County Courthouse and Sheriff's Office.

NOW, THEREFORE, the Cumberland County Board of Commissioners proclaim May 9-15, 2004 "Cumberland County Law Enforcement Officers Week" and May 12 "Peace Officers Memorial Day". The Board further encourages its citizens to recognize the contributions of those who serve its community in potentially dangerous circumstances and the ultimate sacrifice by those who have given their lives protecting and serving this county.

- O. Budget Revisions

ACTION: Approve

- (1) Workforce Development – Statewide Activities: Revision in the amount of \$50,000 to budget a special Statewide Activities grant to fund a Management Information Systems Coordinator position and related equipment (B04-445) Funding Source – State
- (2) Tax Administration – Revision in the amount of \$5,480 to pay TMA Audits based upon additional tax collection (B04-447) Funding Source – County Fund Balance
- (3) NC Cooperative Extension Service – Revision in the amount of \$17,592 to budget USDA grant funds awarded to establish new 4-H clubs at Fort Bragg and Pope Air Force Base (B04-448) Funding Source – Federal
- (4) Sheriff-School Law Enforcement
 - a. School Law Enforcement – Revision in the amount of \$5,341 to recognize revenue received from a Gang Resistance Education & Training Grant (B04-449) Funding Source – Federal
 - b. Sheriff – Revision in the amount of \$20,951 to recognize revenue received from insurance settlement (\$14,530) and reallocate expenditures (\$6,421) to fund replacement of one law enforcement full size vehicle (B04-454) Funding Source – Insurance Settlement and reallocation of budgeted expenditures
- (5) Animal Control – Revision in the amount of \$3,286 to recognize additional fees received and increase contracted services for temporary position providing clerical and data entry support (B04-451) Funding Source – Fees
- (6) 1998 Local School Bond Projects
 - a. Revision in the amount of \$325,954 to budget FY2003 sales tax refunds received in 2004 (B04-452) Funding Source – Sales Tax Refunds
 - b. Revision in the amount of \$338,690 to reallocate expenditures to approved associated Capital Project Ordinance (B04-455) Funding Source – Reallocation of Budgeted Expenditures
- (7) NORCRESS Water & Sewer District – Revision to reallocate budgeted expenditures to award five contracts for sanitary sewer construction for the towns of Falcon, Godwin and Wade and a pump station and to approve the associated Capital Project Ordinances (B04-431) Funding Source – Reallocation of Budgeted Expenditures

REGULAR AGENDA

4. Nominations to Boards/Committees

A. ABC Board (2 vacancies)

BACKGROUND: The following terms expire June 30, 2004:

Stanley Johnson – eligible for reappointment
 Wilson Lacy – not eligible for reappointment

Nominees: Stanley Johnson
 Glenn B. Adams

B. Department of Social Services (1 vacancy)

BACKGROUND: Luther Packer, formerly a member of the Board, is deceased.

Nominee: Patrick Koehne

- C. Fayetteville Technical Community College Board of Trustees (1 vacancy)

BACKGROUND: Thornton Rose' term will expire on June 30, 2004. He is eligible for reappointment.

Nominees: Thornton Rose
Jim Hankins

5. Appointments to Boards/Committees

Commissioner Blackwell withdrew nominee Diane M. Tolar from the Mental Health Board.

MOTION: Commissioner Blackwell moved to appoint the nominees in A-C by acclamation.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

- A. Board of Adjustment (1 vacancy)

Nominee: Joe Potts

- B. Cumberland County Home & Community Care Block Grant Committee (2 vacancies)

Nominees: Older Consumer representatives: Willie Loftin
Gretta Reese

- C. Mental Health Board (2 vacancies)

Nominees: Drug Abuse representative: William H. McDougal
At-large representative: Diane Tolar (name withdrawn)
Evelyn O. Shaw

MEETING ADJOURNED

Marsha Fogle, Clerk to the Board