

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
AUGUST 1, 2005, 9:00AM
REGULAR MEETING

PRESENT: Chairman John T. Henley, Jr.
Vice Chairman Billy R. King
Commissioner Talmage S. Baggett
Commissioner J. Breeden Blackwell
Commissioner Jeannette M. Council
Commissioner Kenneth S. Edge
Commissioner Diane Wheatley
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 Jeannette Council

Minister: Lieutenant Kenny Williams- Chaplain Cumberland County Sheriffs
Department

Pledge of Allegiance

Recognition of Outgoing Board Members:

David Averette- Joint Planning Board
Carlton Mercer- Storm Water Advisory Board
Monika Simmons- Juvenile Crime Prevention Council
Reverend Floyd W. Johnson Jr.- Parks and Recreation Advisory Board

ADDITION TO AGENDA: Closed Session for Attorney Client Privilege – GS 143-
318.11(a)(3)

MOTION: Commissioner King moved to add the above closed session.
SECOND: Commissioner Council
VOTE: UNANIMOUS

1. Public Hearing

A. Public Hearing on the Hurricane Recovery Act of 2005- Crisis Housing
Assistance Fund (CHAF)

BACKGROUND: The State of North Carolina has committed funds to assist rebuilding of certain counties in North Carolina from the damage caused by the Hurricanes and Tropical Storms of 2004. The Hurricane Recovery Act of 2005 authorized Crisis Housing Assistance Funds (CHAF) as part of the overall recovery strategy. CHAF will assist eligible families whose homes suffered significant damage as a result of the Hurricanes and Tropical Storms of 2004, subsequent flooding and landslides and provide assistance in developing capacity for rebuilding to eligible units of local government. Cumberland County has been designated as a disaster county and is eligible to apply for funding to assist citizens under this grant. The two areas Cumberland County has sought funding for are Low-income Home Repair and Low-income Home Replacement. Applicants must have previously applied for FEMA assistance. Eighteen applications have been preliminary identified as possible recipients of assistance through this funding. The County has requested \$365,508. Initial Grant Award is in the amount of \$178,254. A task force has been formed to review the applications and damages to property and to determine whether or not funding should be disbursed. Note: The funding will go directly to the contractor, not the owner of the property.

Mr. Doc Nunnery, Emergency Management Director, has expressed some concerns about the grant. He noted that the County received no reports of substantial damage due to the Hurricane and Tropical Storms. He indicated that Cumberland County was designated a “disaster” county only because of flooding in an adjacent area of a neighboring county.

Commissioner Talmage Baggett inquired if any pictures of the damage had been made. Ms. Nena Wilson, Director, Community Development, said no pictures of the damage have been made. She noted documentation would be done once the Board

approves acceptance of the grant funds. Commissioner Baggett noted the difficulty in determining if some of the damage is due to the Hurricanes or Tropical Storms.

Commissioner Council inquired if there is enough staff in the Community Development Department to do the necessary documentation. Ms. Wilson indicated there was. Commissioner Council said she had not doubt that some damage had occurred during some of these storms.

Commissioner Wheatley noted that Insurance Companies can provide loss information relating to the storms.

MOTION: Commissioner Baggett moved that the County decline the grant.

MOTION DIED FOR LACK OF A SECOND

MOTION: Commissioner King moved to approve the Resolution, the CHAF application, appoint the Community Development Director as the official representative of the County to act in connection with the application and to provide such additional information as required and accept the CHAF grant upon approval.

SECOND: Commissioner Council

VOTE: FAVOR: Commissioners King, Edge, Council, Henley, Blackwell & Wheatley

OPPOSED: Commissioner Baggett

RESOLUTION

WHEREAS, the NC General Assembly has made funds available as a part of the Crisis Housing Assistance Fund component of the Hurricane Act of 2005; and

WHEREAS, the NC Division of Community Assistance administers these funds through the Low Income Home Repair and Rehabilitation Program and the Replacement Housing Grant Program; and

WHEREAS, the purpose of the Low Income Home Repair and Rehabilitation Program and the Replacement Housing Grant Program is to assist with the repair or replacement of damaged homes owned and occupied by low income victims of Hurricanes and Tropical Storms of 2004; and

WHEREAS, eighteen households in Cumberland County have been identified that appear to be eligible for such funds; and

WHEREAS, Cumberland County is eligible to apply for such funds on behalf of the victims.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners authorizes submission of a grant application to secure funds in the amount of \$356,508 from The North Carolina Redevelopment Center to administer a Crisis Housing Assistance Fund Program through the Cumberland County Community Development Department; and BE IT FURTHER RESOLVED that the Board accept such funds upon approval of the grant application.

2. Consent Agenda

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

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

- A. Approval of minutes for the June 20, 2005 regular meeting and June 2, 2005 and June 6, 2005 Special Budget Meetings.

ACTION: Approve

- B. Approval of Proposed Additions to the State Secondary Road System:

ACTION: Approve

Cashwell Farms Subdivision: Golden Leaf Lane

Sunningdale Acres Subdivision: Sunningdale Lane

Runnymede Acres Subdivision: Lancers Drive, Black Tower Court
Talus Road, Standard Drive,
Geyser Peak Road, Carlo
Rossi Drive

- C. Approval of Franchise Agreement Between Cumberland County and the Cumberland County Mental Health Auxiliary, Inc. to Provide Vending Machine Services to Various Mental Health Centers Located Throughout the County (2nd Reading).

ACTION: Approve the Second Reading

- D. Approval of the Tax Collector's Preliminary Collection Report and Proposed Annual Settlement for FY05.

BACKGROUND: NCGS 105-373 requires the Tax Collector after the first day of July of each year to render a preliminary report to the Board of Commissioners concerning persons whose tax liabilities remain unpaid and to propose an annual settlement of taxes charged to him for collection for the past year. The preliminary report consists of (i) a list of the persons owning real property whose taxes for the year 2004-05 remain unpaid, (ii) a list of the persons not owning real property whose taxes for the year 2004-05 remain unpaid (the proposed insolvent list) and (iii) a statement under oath by the Tax Collector that he has made diligent efforts to collect such taxes. The proposed settlement consists of the amounts of taxes with which the Tax Collector has been charged for the year and the amounts of credits against such charges; the real and personal property tax balance is charged to the forthcoming tax year.

ACTION: Adopt Resolution

RESOLUTION ACCEPTING THE PRELIMINARY REPORT OF THE TAX COLLECTOR,
CREDITING THE INSOLVENT LIST AND APPROVING THE PROPOSED ANNUAL
SETTLEMENT

WHEREAS, NCGS 105-373 requires the Tax Collector of Cumberland County after the first day of July of each year to render a preliminary report to the Board of Commissioners concerning persons whose tax liabilities remain unpaid and to propose an annual settlement of taxes charged to the Tax Collector for collection for the past ten years; and

WHEREAS, the Tax Collector has submitted such preliminary report and proposed settlement.

NOW, THEREFORE, the Board of Commissioners RESOLVES:

- (1) That the preliminary report of the Tax Collector consisting of (i) a list of the persons owning real property whose taxes for the year 2004-05 remain unpaid, (ii) a list of the persons not owning real property whose taxes for the year 2004-05 remain unpaid (the proposed insolvent list) and (iii) a statement under oath by the Tax Collector that he has made diligent efforts to collect such taxes, be and it hereby is, accepted;
- (2) That the Board hereby finds that the persons in the list of those that do not own or have not listed real property are insolvent as that term is used in GS 105-373, directs that the list of such person be entered into the minutes of the meeting of the Board as the insolvent list, and further directs that the amounts in such list be, and hereby are, credited to the Tax Collector in his annual settlement;
- (3) That the proposed settlement of the Tax Collector, appended hereto, for taxes in his hands for collection for the tax year 2004-05, be and it hereby is, approved and that he be, and thereby is, charged with the amounts set forth in the settlement under the heading "Charges" and credited with the amounts set forth in the settlement under the heading "Credits".

- E. Approval of the FY06 Order to the Tax Collector.

BACKGROUND: Pursuant to GS 105-321(b) before delivering the tax receipts to the Tax Collector in any year, the Board shall adopt and enter into its minutes an order directing the Tax Collector to collect the taxes charged in the tax records and receipts.

ORDER

To: Aaron Donaldson, Tax Administrator

Re: FY06 Tax Charge

State of North Carolina
County of Cumberland and all Municipalities through Inter-local Agreement
To the Tax Collector of the County of Cumberland and Municipalities therein through Inter-local Agreement

"You are hereby authorized, empowered and commanded to collect the taxes set forth in the tax records filed in the office of Tax Administration and in the tax receipts herewith delivered to you, in the amounts and from taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Cumberland and Municipalities through Inter-local Agreement, and this order shall be a full and sufficient authority to direct, require and enable you to levy on and sell any real or personal property of such taxpayer, for and on account thereof, in accordance with law."

- F. Approval of Employment Contracts for County Manager, Finance Director, County Attorney and Clerk to the Board.

ACTION: Approve

- G. Approval of Solid Waste Department Delinquent Accounts to be Turned Over to Outside Collectors.

BACKGROUND: The Director of Solid Waste Management has deemed that the following accounts totaling \$4,405.41 are uncollectible after aggressive efforts to collect them:

Triangle Wholesale Building Supply	\$ 160.53
S&K Landscaping	3,576.80
Seven E's Trash Service	29.33
Bears Lot Cleaning	638.86

ACTION: Approve write-off of the bad debts.

- H. Approval of Bid Award to Sprint for Community Emergency Notification Systems.

BACKGROUND: Bids were received for two Community Emergency Notification Systems, one for the County and one for the City of Fayetteville. The systems are being funded from the 2004 Department of Homeland Security Grant.

ACTION: Award the bid to Sprint in the amount of \$123,759.44.

- I. Approval of Calling Public Hearing on Proposed Conversion of Cape Fear Valley Health System to Community General Hospital.

BACKGROUND: The Board of Commissioners and the Board of Trustees of Cape Fear Valley Health System have developed an Agreement in Principle and Transfer Agreement for the conveyance of all of the hospital system's assets to Cumberland County Hospital System, Inc., the nonprofit corporation doing business as Cape Fear Valley Health System to which those assets are presently leased. Cape Fear Valley Health System would continue to operate as a community general hospital. The Board of Commissioners would have significant safeguards regarding the operation of Cape Fear Valley Health System. The proposed conversion transaction is authorized by GS 131E-8. The hospital's Board of Trustees will consider whether to approve the conversion contemplated by the Agreement in Principle and the Transfer Agreement at its meeting of August 3, 2005. The Board of Commissioners will consider the transaction at its meeting of August 15, 2005. GS 131E-8(c) requires that before the Board of Commissioners may approve the transaction, it must give ten days public notice describing the facilities to be conveyed, the proposed monetary consideration or lack thereof, and the governing board's intent to authorize the conveyance. Because of the advance notice required to place legal notices and the tight timeline between the Board's August 1 and August 15 meetings, it would facilitate the Board's consideration of this matter on its August 15 agenda if it authorizes publication of legal notice at its August 1, 2005 meeting, contingent on approval of the transaction by the hospital's Board of Trustees at its August 3, 2005 meeting. The Board has indicated it wants to hold a public hearing on this proposed transaction.

ACTION: Direct staff to publish legal notice and call a public hearing for 7:00PM, Monday, August 15, 2005, contingent on approval on August 3, 2005 by Cape Fear Valley Health System's Board of Trustees of transaction and documents for conveyance of hospital system assets to Cumberland County Hospital System, Inc.

- J. Approval of Report on the Disposal of Surplus Property Pursuant to North Carolina General Statute 160A-226(a).

BACKGROUND: A resolution adopted on June 15, 1998, authorizes the assistant county manager to dispose of certain "personal property, worth less than \$5000 per item or group of similar items, which have become obsolete, unusable, economically unrepairable, or otherwise surplus to the needs of the County. The Assistant Manager shall render semi-annual reports to the Board of Commissioners summarizing disposals between the preceding January 1 and June 30.

ACTION: Accept the report and record in the Minutes. (Attachment B)

- K. Approval of a Resolution Honoring Ron Aycock.

BACKGROUND: Ron Aycock, Executive Director of the NC Association of County Commissioners has retired, effective June 30, 2005.

ACTION: Adopt Resolution honoring Mr. Aycock to be presented to him at the NCACC Conference in August in Charlotte.

RESOLUTION

WHEREAS, Ron Aycock began his career with the North Carolina Association of County Commissioners in 1973 as Counsel for Intergovernmental Relations; and

WHEREAS, Ron Aycock assumed the position of Executive Director of NCACC in 1977; and

WHEREAS, Ron Aycock has focused his considerable personal skills as well as his distinguished education, including the Doctor of Jurisprudence degree from the University of North Carolina at Chapel Hill, to benefit of the organization he has led so well; and

WHEREAS, Ron Aycock has been consistently rated as one of the most effective lobbyists in the North Carolina General Assembly; and

WHEREAS, Ron Aycock has shared his talents and expertise at the national level, serving as President of the National Organization of State County Associations, as a Director of the National Association of Counties, as a Director of Public Technology Incorporated (PTI), and as an Advisor of the State and Local Legal Center, which provides advocacy on behalf of state and local governments before the United States Supreme Court; and

WHEREAS, Ron Aycock has distinguished himself and the organization he has served by being inducted into the Order of the Longleaf Pine, North Carolina's highest public service distinction; and

WHEREAS, Ron Aycock has served the North Carolina Association of County Commissioners for 27 years, leading the organization as Executive Director through almost three decades of challenges and opportunities; and

WHEREAS, Ron Aycock is embarking upon a well-earned retirement from the NCACC on June 30, 2005.

NOW, THEREFORE, the Cumberland County Board of Commissioners extends its sincere gratitude and best wishes for a long and happy retirement to Ron Aycock for the service he has provided to the benefit of the NCACC and to Cumberland County.

- L. Approval of the 2005 Agricultural Hall of Fame Nomination.

ACTION: Approve the induction of Dorothy Farrell Kitchen into the Hall of Fame as recommended by the Cumberland County Agricultural Hall of Fame nominating Committee.

- M. Approval of Old Year Budget Revision for General Litigation Fund.

BACKGROUND: The County Attorney's office continued to experience unusually heavy and substantial litigation expenses in the last quarter of FY05, especially May and June. Heavy costs continued to be incurred in federal civil rights claim cases involving law enforcement, primarily in one claim brought by a person shot during a drug raid on a drug house where he was present. The amount of legal costs above to date total \$73,918.07; about a fifth of that amount was for expenses such as depositions, expert witness fees, travel and DNA testing.

ACTION: Approve a budget amendment for additional FY2005 litigation expenses in the amount of \$73,918.07.

N. Approval of Bid Award for New Courthouse Elevator Renovation Project.

BACKGROUND: Bids were received on June 21, 2005 for the New Courthouse Elevator Renovation Project; however, only two bids were received so the project had to be rebid. Bids were opened again on July 7, 2005. The low bid was submitted by ThyssenKrupp Elevator in the amount of \$507,376. The scope of the work includes:

- installing a new micro-processor based control panels in all elevators;
- installing new hall lanterns;
- removing the existing generators and DC hoist motors and replacing with new AC hoist motors;
- removing and replacing all existing hoistway wiring and travel cable;
- upgrading the fire service switching to comply with the current code;
- installing grab bars in the elevator cabs.

Sufficient monies are available for this project in the Capital Reserve Fund established by the Board. In addition, a 5% contingency in the amount of \$25,360 is recommended for the project to be used only for justifiable changes that are recommended by the engineer and approved by the county manager.

ACTION: Accept the bids, award the contract to ThussenKrupp Elevator in the amount noted above, approve the 5% contingency and approved associated budget revision (B06-022).

O. Approval of Bid Award for Animal Control Facility & Sheriff's Training Facility Site Preparation Work.

BACKGROUND: Bids were received on June 16, 2005 for the above project; however, only two bids were received so the project had to be rebid, with a new bid date of June 30, 2005. In order to minimize any delays, the Board at its meeting on June 20, 2005, authorized the County Manager to execute the contract with the low bidder provided the bidder was within budget. Bids were received on June 30, 2005 and the Manager awarded the bid to Autry Grading, Inc. (the low bidder) in the amount of \$810,691.90. A Notice to Proceed was issued to the contractor with a start date of July 20, 2005. The construction period is 120 calendar days which puts completion on November 16, 2005.

ACTION: Approve the Manager's action to award the bid to Autry Grading, Inc.

P. Approval of Interlocal Agreement with City of Fayetteville for Water & Sewer Service to Animal Control & Sheriff's Training Facilities in Cumberland Industrial Center.

BACKGROUND: This agreement will provide water/sewer services to the new Animal Control and Sheriff's Training Facilities. The County will construct the water and sewer extensions to the facilities in accordance with PWC standards. Upon acceptance of the work by PWC, the utility mains shall become the property of PWC. In addition, the County will apply existing credits to satisfy the PWC Facility Infrastructure Fees (FIF) for the water and sanitary sewer service.

ACTION: Approve the Agreement.

Q. Approval of Utility Easement to Biltmore Construction Company for a Private Sanitary Sewer Service Lateral.

BACKGROUND: Tina Odom, President of Biltmore Construction Company, Inc., has requested a 10-foot wide sewer easement to the PWC sewer main located in the rear

of Cape Fear Valley's Hope Mills Clinic. The easement will provide sewer services to a lot owned by Biltmore located on the corner of Cameron Road and Professional Drive. In exchange for the sewer easement, Biltmore will pay all costs associated with relocating the water service to the Hope Mills Clinic.

ACTION: Approve the Easement

- R. Approval of Bid Award to Smith International for Urban Search and Rescue Team Road Tractor Purchase.

BACKGROUND: Bids were received for the purchase of a Road Tractor for the Urban Search and Rescue Team. The Tractor will be purchased with grant funds provided by the Department of Homeland Security.

ACTION: Award the bid to Smith International in the amount of \$101,390 for the Tractor.

- S. Approval of the Proposed City/County Steering Committee for the Community Development Departments' 10 Year Plan to End Homelessness.

BACKGROUND: The City of Fayetteville and County of Cumberland have adopted resolutions supporting the development of a local 10-Year Plan to End Homelessness. The next step in the planning process is to establish a Steering Committee made up of community leaders who will develop the plan. Federal guidelines recommend that representatives from the following categories be represented on the Committee: Mayor/County Executive, Agency Department Heads, Business/Civic Leaders, Law Enforcement officials, United Way/ Chambers of Commerce; Housing Developers and Service Providers, Hospital Administrators, Individuals Experiencing Homelessness, Nonprofits/Foundations and Faith Based Organizations, Education/Institutions of Higher Learning and members from the General Public.

ACTION: Approve the make-up of the Steering Committee as noted above.

- T. Approval of Declaration of Surplus Property and of Upset Bid Procedure to Sell Cape Fear Valley Health System Property on Ramsey Street.

BACKGROUND: The Cape Fear Valley Health System Board of Trustees has adopted a resolution declaring the property at 3412 Ramsey Street surplus to its needs. The property currently is owned by the County and leased to the Hospital. North Ramsey Family Care, located on this site, will be relocated to Health Pavilion North when the facility opens. The Trustees request that the above surplus property be disposed of without restriction, other than the right of the Clinic to remain until the Health Pavilion North opens. The Trustees recommend a minimum selling price of \$350,000. The proposed sale will not violate any restriction on the transfer of Health System assets in the indenture governing the County's 1999 revenue bond issue for the Health System, and whether or not the proceeds of the sale are deemed to be "net hospital revenues" under the provisions of that indenture, the County may nevertheless sell this surplus property so long as the proceeds are received by the Health System to be used for Health System uses.

ACTION: Approve the property as surplus to the needs of the County and authorize disposal pursuant to the offer and upset bid procedures of GS 160A-269, upon receipt of a 10% deposit, subject to a minimum selling price of \$350,000 and the right of North Ramsey Family Care to remain until the Health Pavilion North opens. The final bid will be submitted to the Board of Commissioners for its consideration. The Board may reject any and all offers.

- U. Approval of Acquisition of Suite 303 in Medical Arts Building for Negotiated Sum of \$150,000.

BACKGROUND: The Cape Fear Valley Health System Board of Trustees approved acquisition of Suite 303 in the Medical Arts Building from Dr. Cornell Cooley for the negotiated amount of \$150,000. Since the property is acquired for health system use in the name of the County the Board of Trustees requests the County to approve the transaction.

ACTION: Approve the acquisition as noted above.

- V. Approval of Term Extension of Cape Fear Valley Health Systems Board of Trustees Chairman.

BACKGROUND: The term of Dr. Sid Gautam expires on September 30, 2005. Dr. Gautam currently serves as Chairman of the Board of Trustees. As a result of the proposed hospital conversion, it is recommended that his term be extended through January 31, 2007.

ACTION: Approve the extension of Dr. Gautam's term through January 31, 2007.

W. Budget Revisions:

ACTION: Approve

(1) Mental Health

- a. Regional Coordinating Entity - Revision in the amount of \$615,481 to increase state and federal funding to manage services for twenty-one counties. (B06-001) **Funding Source – State and Federal**
- b. Medical Services/Detoxification – Revision in the amount of \$77,000 to appropriate fund balance to create a Physician Extender II position. (B06-019 and B06-019A) **Funding Source – Mental Health Fund Balance**
- c. Mentally Retarded and III Contracts – Revision in the amount of \$42,395 to increase state funding for contracted services. (B06-020) **Funding Source – State**

(2) North Carolina Elderly

- a. Rural Operations Assistance Program - Revision in the amount of \$20,000 to budget Workfirst Transportation funds for the new Hope Mills Bus Route #20. (B06-003) **Funding Source – State**
- b. Community Transportation Program Grant/General Government Other – Revision in the amount of \$524 to reduce the budget to agree to the State Department of Transportation budget and to reduce the county match. (B06-004 and B06-004A) **Funding Source – State and County**

(3) Cooperative Extension

Revision in the amount of \$540 to reallocate budgeted expenditures to fund salary increase. (B06-010) **Funding Source – Reallocation of Budgeted Expenditures**

(4) Social Services

Revision in the amount of \$42,104 to reallocate budgeted expenditures to re-establish two janitorial positions that were funded through contracted services. (B06-011) **Funding Source – Reallocation of Budgeted Expenditures**

(5) Central Maintenance/Solid Waste

Revision in the amount of \$37,332 to reallocate budgeted expenditures and revenues transferring funds back to Solid Waste for a welder position that is not currently going to be filled. (B06-017 and B06-017A) **Funding Source – Reallocation of Budgeted Expenditures and Revenues**

(6) Fire Districts

Revisions in the total amount of \$496,806 to appropriate fund balance for revenue earned in FY2005. (B06-012 thru B06-012S) **Funding Source – Fire Districts Fund Balance Appropriated Prior Year**

(7) Health

a. Childhood Lead Poisoning – Revision in the amount of \$2,750 to recognize additional state funding and to reallocate budgeted expenditures. (B06-014) **Funding Source – State**

b. School Health – Revision in the amount of \$1,370 to recognize additional state funding. (B06-015) **Funding Source - State**

(8) NORCRESS Project

Revision in the amount of \$2 to reallocate budgeted expenditures (B06-021) **Funding Source – Reallocation of Budgeted Expenditures**

(9) NORCRESS Administration

Revision in the amount of \$8,106 to establish a budget for the new NORCRESS Administration fund. (B06-031) **Funding Source – Fees**

(10) Emergency Services Grants

Revisions in the total amount of \$550,079 to re-budget unexpended federal grant funds from FY2005. (B06-023 thru B06-023D) **Funding Source – Federal Grants**

(11) Sheriff

a. Revision in the amount of \$62,793 to budget unexpended grant funds from prior year. (B06-024) **Funding Source – General Fund Fund Balance Prior Year**

b. Revision in the amount of \$63,435 to budget unexpended grant funds from prior year. (B06-025) **Funding Source – General Fund Fund Balance Prior Year**

c. Revision in the amount of \$5,780 to appropriate fund balance to establish an additional crossing guard position at the Reid Ross Year-Round School. (B06-026) **Funding Source - General Fund Fund Balance Prior Year**

(12) Community Development

a. Public Facilities – Revision in the amount of \$100,000 to re-budget FY2005 grant funds. (B06-027) **Funding Source – Federal Grants**

b. Housing – Revision in the amount of \$20,000 to re-budget FY2005 grant funds. (B06-028) **Funding Source – Federal Grants**

c. HOME Administration – Revision in the amount of \$48,000 to re-budget FY2005 grant funds. (B06-029) **Funding Source – Federal Grants**

(13) General Government Other

Revision in the amount of \$50,941 to recognize a state pass-through grant of \$38,206 for the Child Advocacy Center and a \$12,735 in-kind match provided by the CAC to hire an Education/Trainer & Public Awareness Coordinator. (B06-030) **Funding Source – State Grants**

(14) Parks and Recreation

Revisions in the amount of \$2,130,051 to appropriate fund balance to re-budget unexpended project funds for the Hope Mills Recreation Center, John Griffin project, JP Riddle Stadium and the Northeast Regional Recreation Center. (B06-032 and B06-033) **Funding Source – Fund Balance Prior Year**

ITEMS OF BUSINESS

3. Consideration of Designation of a Voting Delegate to the NCACC Annual Conference August 25-28, 2005

MOTION: Commissioner Council moved to appoint Commissioner Kenneth Edge as the voting delegate and Billy King as the alternate.
SECOND: Commissioner Baggett
VOTE: UNANIMOUS

4. Discussion of New Legislative Requirement to have at least One Public Comment Period per month at a regular meeting of the Board of Commissioners.

ACTION: Refer to Policy Committee

MOTION: Commissioner King moved to refer this item to Policy Committee.
SECOND: Commissioner Council
VOTE: UNANIMOUS

5. Discuss scheduling of future meeting to receive vendor presentations for electronic agenda.

BACKGROUND: County Staff and Commissioner Edge attended a meeting hosted by the Board of Education to receive presentations by vendors who have software which enables us to provide electronic agenda packets to Boards. Staff would like to know if other Board member would like to sit in on a session where vendors will present their software capabilities for electronic agenda to us for consideration.

ACTION: Staff needs some feedback from the Board as to whether or not you want to proceed with electronic agenda and if members would like to sit in on the presentations.

The consensus of the Board was to ask the Clerk to identify other counties who use electronic agenda so the Board can discuss the pros and cons with board members at the NCACC Conference in Charlotte.

6. Nominations to Boards and Committees

A. Board of Adjustment (1 Vacancy)

BACKGROUND: Johnny Lee Council, a regular member of the Board of Adjustment has asked that he move to an alternate member position on the Board of Adjustment. Two alternate members, Joe Potts and George Quigley have indicated they would like to move to regular member slots.

ACTION: Consider the above requests.
Nominees: Johnny Lee Council to "alternate" member position
Joe Potts to "regular" member position

B. Cape Fear Valley Hospital Board of Trustees (1 Vacancies)

BACKGROUND: The term of Ralph Mitchell will expire September 30, 2005. Mr. Mitchell is eligible for reappointment.

Nominee: Ralph Mitchell

C. Cumberland County Juvenile Crime Prevention Council (4 Vacancies)

BACKGROUND: The Juvenile Crime Prevention Council has the following vacancies:

- Bill Hurley (Business Community Representative) – Resigned – Gene Hallock recommended by JCPC to fill the vacancy.
- Ruby McNair (Health Director/Designee) – Retired – Vaughan Steele recommended by JCPC to fill the vacancy.
- Barbara Smith (Substance Abuse Professional) – Resigned – Lynett Shakeel recommended by JCPC to fill the vacancy
- Patrick Hurley (at-large position) – Completed first term. Eligible for reappointment

ACTION: Nominate to fill the vacancies

Nominees: Gene Hallock
Vaughan Steele
Lynett Shakeel
Patrick Hurley

D. 2030 Growth Vision Plan Task Force (4 Vacancies)

BACKGROUND: The Inter-local Agreement for the 2030 Plan calls for a Task Force appointed by local governing bodies. Two county commissioners are to be included on the Task Force as well as two Joint Planning Board members. Chairman John Henley wants to be one of the commissioner appointees. It is recommended that Clifton McNeill, Jr. and Charles Morris of the Planning Board be the two members appointed to represent the Planning Board.

ACTION: Nominate to fill the 4 vacancies

Nominees: Commissioner John Henley
Commissioner Diane Wheatley
Clifton McNeill, Jr., Planning Board
Charles Morris, Planning Board

E. Joint Appearance Commission (2 Vacancies)

BACKGROUND: On August 2, 2004, the Board of Commissioners appointed four members to the newly formed Joint Appearance Commission. Two of those members were appointed for two year terms and two were appointed to a one year term. Elizabeth Moore and Diane Howard Sheppard have completed their one-year term and are eligible for reappointment.

Nominees: Elizabeth Moore
Diane Howard Sheppard

F. Parks and Recreation Advisory Commission (3 Vacancies)

BACKGROUND: The Fayetteville-Cumberland County Parks and Recreation Advisory Commission By-laws, adopted February 22, 2005, require the Board of Commissioners to appoint seven members to that Board. On June 20, 2005, the Board appointed four members, Tom Cain, Paul D. Caudill, John Goetke & Lynette Hill Gardner) Terms were not designated at that time. The Board now needs to appoint three more members for the Advisory Commission. The terms of Willie Cooper, John Pone, Sr. and Harold Smelcer were not due to expire on the County Parks and Recreation Board until July, 2006. Maxey Gary Dove, a previous member of the County Parks and Recreation Board, and Harold Smelcer have indicated an interest in serving on the new Board.

Nominees: Willie Cooper
John Pone, Sr.
Harold Smelcer
Maxey Gary Dove

G. Senior Citizens Advisory Board (1 Vacancy)

BACKGROUND: Rhonda Batten has completed her first term on this Board. She is eligible for reappointment.

Nominee: Rhonda Batten

7. Appointments to Boards and Committees

A. Appointment of Chairman and Vice Chairman of the ABC Board

BACKGROUND: The ABC Board recommends that the following people be appointed:

Stephen Statisky- Chair (Reappointment)
Stanley Johnson – Vice Chair (Reappointment)

MOTION: Commissioner King moved that Glenn Adams be appointed Chairman of the ABC Board and Stanley Johnson be appointed Vice Chairman.

SECOND: Commissioner Council

SUBSTITUTE

MOTION: Commissioner Edge move to appoint Stephen Satsky, Chairman, and Stanley Johnson, Vice Chairman, as recommended by the ABC Board.

SECOND: Commissioner Wheatley

DISCUSSION: Commissioner King noted that in past years the Chairmanship is passed around to give others an opportunity to serve. Commissioner Blackwell noted that it has been his policy to go with the recommendation provided by the ABC Board.

VOTE: FAVOR: Commissioners Edge, Henley, Blackwell & Wheatley

OPPOSED: Commissioners Baggett, Council, King

MOTION: Commissioner Council moved to appoint Steve Satsky, Chairman and Stanley Johnson, Vice Chairman, by acclamation.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

B. Adult Care Home Community Advisory Committee (2 Vacancies)

MOTION: Commissioner King moved to appoint the nominees in Item 7B-7D.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

Nominees: Louis King
Linda Juma

C. Criminal Justice Partnership Advisory Board (6 Vacancies)

Nominees:

Probation Officers: Wayne Marshburn
Jonette Quenum

Sheriff or Designee: Major John McRaney

Community-Based Corrections Programs: Elizabeth Gnann

Victim Services Program: Sharon Wright Hucks

Substance Abuse Services Representative: James Miller

D. Minimum Housing Appeals Board (1 Vacancy)

Nominee: Deborah Ann Dantzler

MOTION: Commissioner Blackwell moved to recess the Board of Commissioners meeting so it could convene as the NORCRESS Water and Sewer District Board.

SECOND: Commissioner King

VOTE: UNANIMOUS

Chairman John Henley convened the NORCRESS water & sewer district governing board meeting. Minutes for that meeting may be found in the Water and Sewer Minute Book.

Chairman Henley adjourned the NORCRESS Water and Sewer District meeting.

Chairman Henley reconvened the Board of Commissioners meeting.

- 8. Closed Session
 - A. Economic Development Matter
Pursuant to NCGS 143-318.11(a)(4)
 - B. Attorney-Client Matter
Pursuant to NCGS 143-381.11(a)(3)

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

SECOND: Commissioner King

VOTE: UNANIMOUS

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

SECOND: Commissioner Council

VOTE: UNANIMOUS

MOTION: Commissioner Blackwell moved to adjourn.

SECOND: Commissioner Council

VOTE: UNANIMOUS

Clerk to the Board