

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
MAY 2, 2005 - 9:00 AM
REGULAR MEETING**

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

INVOCATION Commissioner Kenneth Edge

Minister: Dr. Curtis Christian, Associate Minister – Highland Presbyterian Church

Pledge of Allegiance

Recognition of Outgoing Board Member:

William Duke, Cumberland County Home and Community Care Block Grant Committee

Recognition of Retired County Employee: Dan Ford, Sheriff's Office

1. Public Hearing

A. Public Hearing on the FY 2006 Annual Rural Operating Assistance Program (ROAP) Grant.

BACKGROUND: The deadline for submitting the FY 2006 Rural Operating Assistance Program Grant Application to the NCDOT Public Transportation Division is May 6, 2005. The ROAP Grant incorporates three parts of the Community Transportation Program. They are the Rural General Public allotment, Elderly and Disabled Transportation Assistance Program allotment, and the Work First allotment. The total awarded amount for the FY 06 ROAP Grant is \$267,839. The funding breakdown is: Elderly and Disabled Transportation Assistance Program will receive \$117,984; Work First will receive \$43,059; and Rural General Public will receive \$106,796. There is no local match required for the EDTAP or Work First funds. RGP funding requires a local match of 10% of the fully allocated cost. RGP funds are currently being used for a bus route to Spring Lake from Cross Creek Mall. The Board of Aldermen of the Town of Spring Lake has committed to provide the required local match if enough funding is not generated from the fares collected. The TAB is not requesting that Cumberland County provide any local match.

Speakers: None

MOTION: Commissioner King moved to approve.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

2. Presentations

- A. Presentation by Nancy Roy on Air Quality and Approval of Proclamation Proclaiming the Week of May 1-7 as “Be Aware of Our Air Week” in Cumberland County.

PROCLAMATION
Air Quality Week

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 Cumberland County Board of Commissioners and all the 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 Commissioner, supported by all of the municipalities, entered into an agreement (the Early Action Compact) with the North Carolina Department of Environment and Natural Resources (NCDENR) and the Environmental Protection Agency (EPA), 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, the Air Quality Stakeholders and Air Quality Technical Committees developed an Early Action Plan identifying 25 specific strategies for possible implementation and this Plan has been approved by the State and Federal authorities; and

WHEREAS, awareness of air quality and ozone issues plays a big role in improving conditions, and the ozone season for this area begins May 1, 2005 and ends September 30, 2005;

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners proclaim May 1-7, 2005 “AIR QUALITY WEEK” and urges its citizens to take part in making our community a cleaner, healthier place to live, work, and play.

MOTION: Commissioner Edge moved to adopt the Proclamation.

SECOND: Commissioner King

VOTE: UNANIMOUS

- B. Presentation by Doc Nunnery, Emergency Services Director on the National Incident Management System.

RESOLUTION IMPLEMENTING THE
NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

WHEREAS, in Homeland Security Presidential Directive (HSPD)-5, the President directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity; and

WHEREAS, the collective input and guidance from all federal, state, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, it is necessary that all federal, state, local and tribal emergency management agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that federal, state, local and tribal organizations utilize standardized terminology, standardized organizational structures, uniform personnel qualification standards, uniform

standards for planning, training and exercising, comprehensive resource management, and designated facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve Cumberland County's ability to utilize federal funding to enhance local agency readiness, maintain first responder safety, and streamline incident management processes; and

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout Cumberland County, including all public safety and emergency response organizations training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System.

NOW , THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County of Cumberland, North Carolina that;

- (1) The National Incident Management System shall be utilized for all incident management within Cumberland County.
- (2) This resolution shall be effective immediately upon adoption.

MOTION: Commissioner Council moved to approve the Resolution.
SECOND: Commissioner King
VOTE: UNANIMOUS

3. Consent Agenda

MOTION: Commissioner Blackwell moved to follow staff recommendations on the items on the Consent Agenda.
SECOND: Commissioner King
VOTE: UNANIMOUS

- A. Approval of minutes for the April 18, 2005 regular meeting.

ACTION: Approve.

- B. Approval of Proclamation Designating May 2005 as "Mental Health Month in Cumberland County".

ACTION: Approve

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, the cost of untreated and mistreated mental illnesses and addictive disorders to American businesses, governmental units and families has grown to \$113 billion annually; 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 2005 “Mental Health Month in Cumberland County” and calls upon all citizens, government agencies, private institutions, businesses and schools in Cumberland County to recommit to increasing awareness and understanding of mental health and the need for appropriate and accessible services for all people who have mental illnesses.

- C. Approval of Proclamation Proclaiming the Week of May 6-12, 2005 as “National Nurses Week” in Cumberland County.

ACTION: Approve.

PROCLAMATION

WHEREAS, the nearly 2.7 million nurses in the United States comprise our nation’s largest health care profession; and

WHEREAS, there are more than 3,000 nurses in Cumberland County, North Carolina; and

WHEREAS, the depth and breadth of the nursing profession meets the different and emerging health care needs of the American population in a wide range of settings; and

WHEREAS, a renewed emphasis on primary and preventive health care will require the better utilization of all of our nation’s nursing resources; and

WHEREAS, professional nursing has been demonstrated to be an indispensable component in the safety and quality of care of hospitalized patients; and

WHEREAS, the demand for nursing services will be greater than ever because of the aging of the American population and the continuing expansion of life-sustaining technology; and

WHEREAS, more qualified nurses will be needed in the future to meet the increasingly complex needs of health care consumers in this community; and

WHEREAS, the cost-effective, safe and quality health-care services provided by nurses will be an ever more important component in the U.S. health care delivery system in the future; and

WHEREAS, the American Nurses Association and the Cape Fear Valley Health System has declared the week of May 6-12, 2005, “National Nurses Week” with the theme, “Nurses: Many Roles, One Profession.”

- D. Approval of Proclamation Proclaiming the Week of May 9-15, 2005 as “Cumberland County Law Enforcement Week” and May 11, 2005 as “Peace Officers Memorial Day” in Cumberland County.

ACTION: Approve.

PROCLAMATION CUMBERLAND COUNTY LAW ENFORCEMENT OFFICERS’ WEEK AND PEACE OFFICERS MEMORIAL DAY

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 those fallen officers and placed on the grounds of the Cumberland County Courthouse and Sheriff’s Office.

NOW, THEREFORE, the Board of Commissioners proclaims May 9-15, 2005 “CUMBERLAND COUNTY LAW ENFORCEMENT OFFICERS’ WEEK” and May 11, 2005 “PEACE OFFICERS’ MEMORIAL DAY” in Cumberland County.

FURTHER, the Board encourages all citizens of Cumberland County to recognize the contributions of those who serve their community in potentially dangerous circumstances and the ultimate sacrifice by those who have given their lives protecting and serving this county.

- E. Approval of 2005 Community Development Consolidated Plan and Annual Action Plan.

BACKGROUND: The Community Development 2005 Consolidated Plan and Annual Action Plan are required documents that must be submitted to the U.S. Department of Housing and Urban Development (HUD) by May 15, 2005 in order to receive annual entitlements of the Community Development Block Grant and Home Investment Partnership Act funds, which includes the American Dream Downpayment Initiative allocation. The draft plan was presented and a public hearing held at the April 18, 2004 Board of Commissioners meeting. The document has been available at 11 locations throughout the County since April 1, 2005 for a 30-day public review and comment period. No comments have been received to date; however, any comments received will be addressed by the Director within 15 days and forwarded to HUD along with the plan submission. A final copy of the plan will be available through the Community Development Office beginning May 9, 2005.

ACTION: Approve submission of the Consolidated Plan and Annual Action Plan to HUD on or before May 15, 2005.

- F. Approval of Personnel Committee Recommendation Regarding Performance Evaluation Instruments for Clerk to the Board, County Attorney and County Manager.

BACKGROUND: At the Board of Commissioners Retreat in January 2005, a discussion was held regarding the evaluation of the Clerk to the Board, County Attorney and County Manager. Commissioner Edge was assigned the responsibility to develop an appropriate evaluation instrument for these positions. Over the past few months he has consulted with the Clerk, County Attorney and County Manager for input and the instruments were presented to the Personnel Committee. The evaluation forms would be used as a tool to encourage good performance and point out areas in which the Board feels improvement may be needed. The consensus of the Committee was to do the evaluations by the end of March each year. The Committee recommended that the evaluation forms be signed. The Chairman would score the forms and the entire Board would discuss the evaluation with each employee. The Committee also recommended that each Commissioner sign the forms.

ACTION: Approve the recommendations of the Personnel Committee.

- G. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – 608 Wilma Street, Part Lot 3, Dancey Subdivision (Located Off Jasper Street Off Murchison Road) Cross Creek Township; PIN: 0438-08-4062.

BACKGROUND: On or about September 1, 1995, the County acquired by tax foreclosure the above noted property. The amount currently owed on the foreclosure judgment including interest and costs is \$700.00. Mr. Stanley Lewis has offered to purchase the County’s interest in the property for \$700.00 and has deposited \$70.00 in the Finance Office. The tax value of the property is \$2,700.00. This property is surplus to the

needs of the County. The bid has been advertised and the County has not received any upset bids.

ACTION: Accept the offer from Mr. Lewis and authorize the Chairman to execute the deed upon receipt of the balance of the purchase price.

- H. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – 0.33 Acres Off Shaw Road (Located on Foxtrot Drive Off Shaw Road Off Murchison Road) Seventy-First Township; PIN: 0419-43-9593.

BACKGROUND: On or about June 8, 1999, the County acquired by tax foreclosure the above noted property. The amount currently owed on the foreclosure judgement including interest and costs is \$816.85. Mr. Gregory E. Moyd has offered to purchase the County's interest in the property for \$816.85 and has deposited \$82.00 in the Finance Office. The tax value of the property is \$2,250.00. This property is surplus to the needs of the County. The bid has been advertised and the County has received no upset bids.

ACTION: Accept the offer of Mr. Moyd and authorized the Chairman to execute a deed upon receipt of the balance of the purchase price.

- I. Budget Revisions:

ACTION: Approve.

- (1) Register of Deeds/Register of Deeds Automation/Welfare Other

Revision in the amount of \$31,000 to increase expenditure directly related to additional earned revenue as required by state statute. (B05-358) **Funding Source - Fees**

- (2) Library

Revision in the amount of \$400 to recognize a grant received for 2005 de los Ninos/Dia de los Libros celebration. (B05-359) **Funding Source – Grant**

- (3) Sheriff

Revision in the amount of \$10,000 to recognize Governor's Highway Safety Grant. (B05-365) **Funding Source – State Grant**

- (4) General Government Other

- a. Animal Control – Revision in the amount of \$5,000 to reallocate budgeted expenditures for additional costs associated with after hours and weekend animal control duties. (B05-371) **Funding Source – Reallocation of Budgeted Expenditures**

- b. Public Buildings Janitorial – Revision in the amount of \$3,400 to reallocate budgeted expenditures for additional contracted services. (B05-372) **Funding Source – Reallocation of Budgeted Expenditures**

- (5) General Litigation Fund

Revision in the amount of \$100,000 for approval to appropriate fund balance for unanticipated liability and professional services. (B05-368) **Funding Source – General Litigation Fund Balance**

(6) Planning and Inspections

Revision in the total amount of \$9,000 to budget the shared costs for a consultant to assist with the development of the 2030 plan. (B05-360) **Funding Source – General Fund Fund Balance and Other**

ITEMS OF BUSINESS

4. Nominations to Boards and Committees

A. Cumberland County Juvenile Crime Prevention Council (1 Vacancy)

BACKGROUND: Rev. Joseph Bathe (Member of Faith Community Representative) resigned. Rev. Brian Thompson has been recommended to fill the vacancy.

NOMINEE: Rev. Brian Thompson

B. Nursing Home Advisory Board (1 Vacancy)

BACKGROUND: Deborah Atkinson has completed her initial one year appointment and is eligible for reappointment to a full three year term.

NOMINEE: Deborah Atkinson

5. Appointments to Boards and Committees

MOTION: Commissioner King moved to approve, by acclamation, the nominees as listed below for A-B.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

A. Adult Care Home Community Advisory Committee (1 Vacancy)

Nominee: Ada Harris (Reappointment)

B. Board of Health

Nominee: General Public Representative: Ennis V. Williams

6. Closed Session A. Attorney Client Matter Pursuant to NCGS 143-318.11(a)(3).

MOTION: Commissioner Blackwell moved that the Board go into Closed Session for the above noted matter.

SECOND: Commissioner Council

VOTE: UNANIMOUS

MOTION: Commissioner King moved that the Board go back into Open Session.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

Grainger Barrett, County Attorney, reported that the Superior Court dismissed the rezoning case between Cumberland County and developer John Koenig. Mr. Koenig attempted to have land rezoned in Eastover from agricultural to residential and develop lots on the property. The Commissioners denied the request and Mr. Koenig filed a lawsuit.

The County Attorney also reported that the Board of Commissioners accepted by consensus a claim by a terminated Civic Center employee. Mary Ann Panek, former marketing director for the Civic Center, will receive a settlement of \$15,000. She claims she was unfairly fired last year. She will sign a release and waiver of all claims and will discontinue any relationship with the Civic Center.

MOTION: Commissioner Blackwell moved to adjourn.

SECOND: Commissioner King

VOTE: UNANIMOUS

MEETING ADJOURNED:10:20 AM

Deputy Clerk to the Board