

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
TUESDAY, SEPTEMBER 3, 2013 – 9:00 AM  
117 DICK STREET, 1<sup>ST</sup> FLOOR, ROOM 118  
REGULAR MEETING  
MINUTES

PRESENT: Commissioner Jimmy Keefe, Chairman  
Commissioner Jeannette Council, Vice Chair  
Commissioner Kenneth Edge  
Commissioner Charles Evans  
Commissioner Marshall Faircloth  
Commissioner Billy King  
Commissioner Ed Melvin  
James Martin, County Manager  
Amy Cannon, Deputy County Manager  
James Lawson, Assistant County Manager  
Rick Moorefield, County Attorney  
Sally Shutt, Public Information Director  
Randy Beeman, Emergency Services Director  
Gene Booth, Emergency Management Program Coordinator  
Michael Gibson, Fayetteville/Cumberland County Parks and Recreation  
Director  
Candice H. White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board  
Press

Chairman Keefe called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE – Commissioner King provided the invocation followed by the Pledge of Allegiance to the American Flag.

James Martin, County Manager, requested the addition of a closed session for economic development matter(s) pursuant to NCGS 143-318.11(a)(4) under Item 7.

1. Approval of Agenda

MOTION: Commissioner Melvin moved to approve the agenda with the addition of a closed session for economic development matter(s) pursuant to NCGS 143-318.11(a)(4) under Item 7.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

2. Consent Agenda

- A. Approval of Minutes for the August 19, 2013 Regular Meeting and the August 13, 2013 Special Meeting

B. Approval of Cumberland County Community Transportation System Safety Program Plan

**BACKGROUND:**

The Cumberland County Community Transportation Program System Safety Program Plan has been updated in order to meet requirements from the North Carolina Department of Transportation – Public Transportation Division. The plan includes six core elements: Driver/Employee Selection, Driver/Employee Training, Safety Data Acquisition/Analysis, Drug and Alcohol Abuse Programs, Vehicle Maintenance and Security. The purpose of this plan is to ensure that our transportation through private contractors provide safe and reliable transportation for Cumberland County residents.

**RECOMMENDATION/PROPOSED ACTION:**

It is requested that the Cumberland County Board of Commissioners approve the plan.

C. Approval of Proclamation Recognizing and Congratulating Reverend John D. Fuller, Sr. of Lewis Chapel Missionary Baptist Church on His Fiftieth Year in the Ministry

COUNTY OF CUMBERLAND

NORTH CAROLINA

**PROCLAMATION**

WHEREAS, Reverend John D. Fuller, Sr. was born in Thomson, Georgia as the son of sharecroppers, was called to the ministry at age sixteen and preached his initial formal sermon at the age of seventeen at Jones Grove Baptist Church in Thomson, Georgia; and

WHEREAS, Reverend John D. Fuller, Sr. was called to pastor Baptist Union Missionary Baptist Church in Hope Mills, North Carolina and Beauty Spot Missionary Baptist Church in Fayetteville, North Carolina during which time both churches grew physically, spiritually, and financially; and

WHEREAS, Reverend John D. Fuller, Sr. obtained a B. A. Degree in Sociology from Fayetteville State University and a Master of Divinity Degree from Morehouse School of Religion, Interdenominational Theological Center in Atlanta, Georgia and has since received many honorary degrees and distinguished awards; and

WHEREAS, Reverend John D. Fuller, Sr. was ordained by the Union Baptist Association at Baptist Union Missionary Baptist Church on July 12, 1970; and

WHEREAS, Reverend John D. Fuller, Sr. assumed the pastorate of Lewis Chapel Missionary Baptist Church, Fayetteville, North Carolina in October, 1973 and under his leadership numerous programs, activities, events, organizations, and ministries were activated or expanded; and

WHEREAS, Reverend John D. Fuller, Sr. was President of the General Baptist State Convention of North Carolina, Inc.; and

WHEREAS, Reverend John D. Fuller, Sr. received the distinction of having the Lewis Chapel Church Family Life Center dedicated and named in his honor as the John D. Fuller, Sr. Recreational/Athletic Complex; and

WHEREAS, Reverend John D. Fuller, Sr. was granted the Long Leaf Pine; and

WHEREAS, Rev. John D. Fuller, Sr. grew the congregation of Lewis Chapel Missionary Baptist Church such that new sites were developed as Lewis Chapel-West in Raeford, North Carolina and Lewis Chapel-North in Spring Lake, North Carolina.

NOW, THEREFORE, BE IT PROCLAIMED, that We, the Board of Commissioners of Cumberland County, recognizes and congratulates Rev. John D. Fuller, Sr. on his fiftieth year in the ministry and extends appreciation to him for his spiritual dedication to the Cumberland County community.

Adopted this the 3<sup>rd</sup> day of September, 2013.

D. Approval of a Proclamation Proclaiming September 2013 as “National Preparedness Month” in Cumberland County

COUNTY OF CUMBERLAND

NORTH CAROLINA

#### PROCLAMATION

WHEREAS, “National Preparedness Month” creates an important opportunity for every resident of Cumberland County, North Carolina to prepare their homes, businesses and communities for any type of emergency including natural disasters and potential terrorist attacks; and

WHEREAS, investing in the preparedness of ourselves, our families, businesses and communities can reduce fatalities and economic devastation in our communities and in our nation; and

WHEREAS, the Federal Emergency Management Agency’s *Ready* Campaign, citizen Corps and other federal, state, local, tribal, territorial, private and volunteer agencies are working to increase public activities in preparing for emergencies and to educate individuals on how to take action; and

WHEREAS, emergency preparedness is the responsibility of every citizen of Cumberland County, North Carolina and all citizens are urged to make preparedness a priority and work together, as a team, to ensure that individuals, families and communities are prepared for disasters and emergencies of any type; and

WHEREAS, all citizens of Cumberland County, North Carolina are encouraged to participate in citizen preparedness activities and asked to visit the websites of the *Ready* campaign at Ready.gov or Listo.gov (in Spanish) and become more prepared.

NOW, THEREFORE, BE IT RESOLVED, that We, the Cumberland County Board of Commissioners, do hereby proclaim September, 2013 as National Preparedness Month, and encourages all citizens and businesses to develop their own emergency preparedness plan, and work together toward creating a more prepared society.

Adopted this the 3<sup>rd</sup> day of September, 2013.

- E. Approval of a Proclamation Proclaiming September 11, 2013 as “9/11 National Day of Service and Remembrance”

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, in an unprovoked and senseless act of terrorism, four civilian aircraft were hijacked on September 11, 2001, and crashed in New York City, Pennsylvania and the Pentagon, resulting in a momentous loss of innocent U.S. lives of all heritages; and

WHEREAS, while we still continue to recover from the loss of innocent lives, the spirit of the U.S. has been revitalized, giving way to expressions of patriotism; and

WHEREAS, inspired by the heroism of our nation’s public service personnel, military service members and countless volunteers, our nation found unity and strength; and

HEREAS, from the tragedy of September 11 emerged a stronger nation, renewed by the spirit of national pride, and a true love of country; and

WHEREAS, Americans also have fought back against terror by choosing to overcome evil with good by loving their neighbors as they would like to be loved, contributing to relief efforts, and volunteering their time to aid those in need.

NOW, THEREFORE, BE IT RESOLVED, that We, the Cumberland County Board of Commissioners, do hereby proclaim September 11, 2013, as

9/11 NATIONAL DAY OF SERVICE AND REMEMBRANCE

in the County of Cumberland and urge our citizens to recognize the heroism of firefighters, rescue and law enforcement personnel, military service members and the many volunteers who responded to these tragic events with courage, selfless compassion, determination and skill; and to remember the victims and innocent lives lost as a result of the tragic events on September 11, 2001.

Adopted this the 3<sup>rd</sup> day of September, 2013.

- F. Approval of a Proclamation Proclaiming September 21-October 5, 2013 as “Fall Litter Sweep” in Cumberland County

CUMBERLAND COUNTY

NORTH CAROLINA

PROCLAMATION

WHEREAS, the North Carolina Department of Transportation organizes an annual Fall statewide roadside cleanup to ensure clean beautiful roads in North Carolina; and

WHEREAS, the “FALL LITTER SWEEP” roadside cleanup encourages local governments and communities, civic and professional groups, businesses, churches, schools, families and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and

WHEREAS, Adopt-A-Highway volunteers, Department of Transportation employees, Department of Public Safety – Division of Adult Correction inmates and community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools, and environmentally concerned citizens conduct annual local cleanups during “FALL LITTER SWEEP” and may receive certificates of appreciation for their participation; and

WHEREAS, the great natural beauty of our state and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

WHEREAS, the “FALL LITTER SWEEP” cleanup will celebrate the 25<sup>th</sup> Anniversary of the North Carolina Adopt-A-Highway program and its 4,400 volunteer groups that donate their labor and time year round to keep our roadsides clean; and

WHEREAS, the “FALL LITTER SWEEP” cleanup will be part of educating the children of this Great State and County regarding the importance of a clean environment to the quality of life in North Carolina;

NOW THEREFORE, the Cumberland County Board of Commissioners do hereby proclaim September 21 - October 5, 2013 as “FALL LITTER SWEEP” in Cumberland County and encourages all citizens to take an active role in making the County cleaner and more beautiful.

This 3<sup>rd</sup> day of September, 2013.

G. Budget Revisions:

(1) Health

Adult Health - Revision in the amount of \$40,000 to recognize additional fees anticipated to be earned to contract with a medical doctor to provide adult health services per a memorandum of understanding with Cumberland HealthNET. (B14-069) Funding Source – Fees

(2) Sheriff

- a. Federal Forfeiture – Justice - Revision in the amount of \$34,000 to appropriate fund balance for the purchase of a new SUV. (B14-073)  
Funding Source – Federal Forfeiture Fund Balance Appropriated
- b. NC Controlled Substance Tax – Revision in the amount of \$60,000 to appropriate fund balance to relocate the Sheriff’s Office Community Policing and School Resource Officers Sections from the Sheriff’s Annex to the former Fuller School on Jasper Street. (B14-074)  
Funding Source – NC Controlled Substance Tax Fund Balance Appropriated

(3) Social Services

- a. Revision in amount of \$4,376 to recognize insurance settlement to repair damages to light poles. (B14-071) Funding Source – Insurance Settlement
- b. Revision in the amount of \$120,293 to recognize additional federal funds for the Low Income Home Energy Assistance Program. (B14-072) Funding Source – Federal

(4) Library

Revisions in the total amount of \$61,192 to recognize E-Rate funds received from Century Link and Microelectronics Center of North Carolina to assist in providing affordable access to telecommunication services. (B14-077 and B14-077A) Funding Source – Other

(5) Emergency Services

Revision in the amount of \$37,633 to appropriate fund balance to hire a consultant to provide expert advice on specifications, technology and functionality related to the Emergency Telephone Services VIPER P25 upgrade that is required to be in place by early 2014. (B14-081) Funding Source – General Fund Fund Balance

(6) Communication Center

Revision in the amount of \$90,000 to appropriate fund balance for unanticipated utilities at Executive Place (\$47,000) and Bradford Avenue (\$43,000) for FY2014. (B14-089) Funding Source – General Fund Fund Balance

MOTION: Commissioner King moved to approve consent agenda Items 2.A. through 2.G.(6).

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

## ITEMS OF BUSINESS

### 3. Discussion of Elected Officials Disaster Response Work Session

#### BACKGROUND:

NACo President Linda Langston spoke at the NCACC Annual Conference in August and discussed an important initiative focusing on building a community's capacity to be ready, resilient, agile and adaptive in the face of natural, man-made and economic disasters. Langston impressed upon the need for elected and appointed officials to have regular drills to be better prepared for response. "It is not a matter of if, but when your county will come face to face with disaster, will you be ready?"

In light of that topic, the County Manager recently met with Management, Emergency Management and Finance staff to discuss the need for a table-top training in the review of our current disaster response and training available and the need to expand on what we currently have in place and how we can improve our practices. Emergency Management would like to provide an orientation/work session on the National Incident Management System and the Incident Command System to elected officials, appointed officials and department heads responsible for establishing or implementing policy, but who normally are not a part of the on-scene ICS organization. An important component of the implementation of the National Incident Management System is support and understanding of policymakers at all levels of government and the private sector.

#### RECOMMENDATION/PROPOSED ACTION:

Consider Emergency Management's work session for Disaster Response.

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Mr. Martin reviewed the background information and recommendation/proposed action as recorded above. Mr. Martin stated following this work session and after the municipal elections have occurred, there may an opportunity to hold a joint work session for disaster response with elected officials throughout the county. Mr. Martin responded to questions.

Chairman Keefe asked the clerk to the board to set up a meeting directly after the board of commissioners' first Monday meeting in October.

### 4. Consideration of Park Land Purchase for Linden Park

#### BACKGROUND:

At its August 19, 2013 meeting, the Board approved the purchase of a 30-35 acre site on Colliers Chapel Road for the development of a park for the Linden community subject to the conduct of usual due diligence for a land purchase of this nature to include obtaining an opinion of title, survey, appraisal and Phase I environmental assessment. The property is to be owned by the County.

The following have been done:

- A satisfactory opinion of title was issued by the City Attorney to the City of Fayetteville. This can be modified to the County as owner.
- Satisfactory Phase I Environmental Assessment has been completed.
- The fee simple interest in the property was appraised at \$130,000.
- The most recent survey was completed in 1991.

#### ISSUES TO BE RESOLVED:

1. The county tax records split the parcel for taxation purposes because a portion of the parcel lies in the corporate limits of the Town of Linden. The county tax records reflect that the combined tax parcels contain 36.5 acres. The appraisal reflects 37.04 acres. The 1991 plat reflects 38.28 acres.
2. The proposed deed does not grant the county a fee simple interest. Instead, ownership reverts to the grantors in the event the property ceases to be used as a park or recreation center. That is a usual condition in gift deeds or when the purchase price is less than fair market value; however, the purchase price for this transaction is \$152,000, about 17% more than the appraised value.
3. There is no contract or purchase/sale agreement in place. That means there is no legally enforceable obligation for either party to proceed with this transaction. Assistant City Attorney Brian Meyer has reported to the county attorney that the sellers have indicated they will back out if the closing is delayed.

#### RECOMMENDATION/PROPOSED ACTION:

County attorney advises the Board not to purchase this property unless it determines that the purchase price is the fair market value for the interest being acquired and then, only after obtaining a current survey. The county attorney further advises that before money is spent on a survey, the parties should execute a purchase/sale agreement.

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Rick Moorefield, County Attorney, reviewed the background information, issues to be resolved and recommendation/proposed action as recorded above and responded to questions.

Chairman Keefe recognized Michael Gibson, Fayetteville/Cumberland County Parks and Recreation Director, who stated it took about one and one-half years to located property in rural Linden that was not wet and that the property owners were willing to sell. Mr. Gibson stated the grantors want to be sure their land is used for no purpose other than a park and community good. Mr. Gibson stated the Parks and Recreation Commission is comfortable that the land will be used over a period of twenty to twenty-five years in accordance with the Master Plan and that there is no other intended use for the property; therefore, neither he or the Parks and Recreation Commission had a problem with the reversionary clause. Mr. Gibson stated good money was spent on the appraisal and there did not appear to be the need for a survey. Mr. Gibson also stated the original sales price was \$155,000 but Parks and Recreation countered with \$145,000 so the county would not have to pay all of the deferred taxes. Amy Cannon, Deputy County Manager, explained taxes under the Farm Value Program. Discussion and additional questions followed.



MOTION: Commissioner Melvin moved to require that a contract and survey be completed and that the property not revert back to the grantor but to the government.

SECOND: Commissioner Council

DISCUSSION: Commissioner Faircloth asked whether the reversionary interest in the property was eligible for property taxes. Mr. Moorefield responded in the negative and stated the issue is that there are a lot of governmental uses for a thirty-five acre tract of land, especially within a period of twenty years, and the county could ultimately lose the land. Commissioner Faircloth stated the lack of a reversionary interest may kill the deal and suggested that an offer be made contingent upon a survey and that ownership revert to the grantors in the event the property ceases to be used for a public purpose.

AMENDED MOTION: Commissioner Melvin moved to require that a contract and survey be completed and that the property revert back to the grantors in the event it ceases to be used for a public purpose.

SECOND: Commissioner Council

DISCUSSION: Commissioner Evans asked Mr. Gibson if he felt the motion presented any problems or would hinder the sale. Mr. Gibson stated if the property owners do not go along with the reversionary clause and decide not to sell, the process would have to start all over again. Commissioner Evans stated this was his concern and he would like to see the motion reworded to give the Town of Linden the park it's been seeking. Mr. Martin suggested that before money is spent on a survey, the parties should execute a contract for purchase which would include the reversionary clause, purchase price and date of closing. Mr. Moorefield stated he felt a survey could be conducted within sixty days and that none of this had any impact on the deferred taxes. Mr. Moorefield stated this would also not slow the process because the property is being lease as a farm and cannot be used before February, 2014.

VOTE: PASSED (6-1) (Commissioners Melvin, Council, Keefe, Faircloth, King and Edge voted in favor; Commissioner Evans voted in opposition)

5. Nominations to Boards and Committees

- A) Cumberland County Community Child Protection/Fatality Prevention Team (1 Vacancy)

Applicants that Graduated from County Citizens' Academy: None

No nomination made; vacancy carried over to agenda for September 16, 2013 meeting.

- B) Cumberland County Local Emergency Planning Committee (1 Vacancy)

Applicants that Graduated from County Citizens' Academy: Ashley Pastorius

Commissioner Faircloth nominated Marsha Lunt.

C) Southeastern Economic Development Commission (1 Vacancy)

Applicants that Graduated from County Citizens' Academy: None

Commissioner Melvin nominated Amy Cannon.

6. Appointments to Boards and Committees

A) Board of Adjustment (1 Vacancy)

Alternate Member:

Nominee: Nathan Feinberg

B) Cumberland County Juvenile Crime Prevention Council (JCPC) (4 Vacancies)

At-Large Representatives:

Nominees: Kay Stuertz  
Detective Melton Brown  
Tyra Cohen  
Sonya Thompson

C) Cumberland County Workforce Development Board (1 Vacancy)

Education Position:

Nominee: Brian (T.J.) Haney

D) Transportation Advisory Board (1 Vacancy)

County Health Director or Designee:

Nominee: Ockidde Harris

There being an equal number of vacancies and nominees,

MOTION: Commissioner Council moved to appoint by acclamation all nominees to their respective positions.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (7-0)

7. Closed Session: A) Economic Development Matter(s) Pursuant to NCGS 143-318.11(a)(4)

MOTION: Chairman Melvin moved to go into closed session for economic development matter(s) pursuant to NCGS 143-318.11(a)(4).  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (7-0)

MOTION: Chairman Council moved to go into open session.  
SECOND: Commissioner Melvin  
VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Council moved to adjourn.  
SECOND: Commissioner Edge  
VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 10:15 a.m.

Approved with/without revision:

Respectfully submitted,

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Candice H. White  
Clerk to the Board