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**Minutes**  
**Cumberland County Board of Commissioners**  
**September 7, 1999, 9:00 AM**  
**Regular Meeting**

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**PRESENT:** Chairman Thomas B. Bacote  
Vice Chairman Ed Melvin  
Commissioner Talmage Baggett  
Commissioner Breeden Blackwell  
Commissioner Billy R. King  
Commissioner H. Mac Tyson II  
Commissioner J. Lee Warren, Jr.  
Cliff Strassenburg, County Manager  
James Martin, Deputy County  
Manager  
Manager  
Juanita Pilgrim, Asst. County  
Manager  
Cliff Spiller, Asst. County Manager  
Grainger Barrett, County Attorney  
Marsha Fogle, Clerk to the Board

**INVOCATION:** Commissioner Talmage Baggett  
Dr. Jay Coker – First  
Presbyterian Church

**PLEDGE OF ALLEGIANCE**

**RECOGNITION:** Outgoing Board/Committee Members:

Lois Owens – Joint Senior Citizens Board

Finance Department for Distinguished Budget  
Award for FY98

**PRESENTATION:** To Board of Commissioners in recognition  
of support of the Fallen Officers Memorial

Sheriff Butler presented a framed picture of the Memorial to

the Board of Commissioners.

- 1. PUBLIC HEARING: Industrial Revenue Bond Financing in an amount not to exceed \$7.5 million for Moore Machine Company.**

Because this hearing was not properly advertised, the Hearing cannot be heard today. It will be rescheduled.

- 2. CONSENT AGENDA**

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

**SECOND:** Commissioner Melvin

**DISCUSSION:** Commissioner Blackwell noted he had questions on Items 2K, O, & P(4) as follows:

**Item 2K:** Commissioner Blackwell inquired as to whether the Board of Education would be participating in the joint purchasing effort. Mr. Strassenburg stated this initial resolution and agreement does not yet include the Board of Education, but we contemplate that they may join later.

**Item O:** Commissioner Blackwell noted his support of the public hearing for the Detention Center, however, reiterated his position of not supporting the Winding Creek Project.

**Item P(4):** Commissioner Blackwell inquired as to what the consultant is for. Mr. Strassenburg replied that the consultant is needed for the non-arbitrage certificate required for the COPS Issue for the Coliseum.

**VOTE ON**

**MOTION: UNANIMOUS**

- A. Approval of Minutes: July 12, 1999 (special meeting), August 16, 1999**

**ACTION:** Approve

- B. Approval of addition to the State Secondary Road System:**

Sandalwood Subdivision: Sandmine Drive

**C. Approval of Sports Facility Improvements Contract – Amendment #04 for the Lake Rim Park and Stedman Elementary School Park**

BACKGROUND: On October 27, 1995, the County entered into an agreement with The Rose Group, Inc., to provide engineering and design services to develop Lake Rim Park and other parks facilities. The agreement provides for adjustments in the engineering fees when scope changes are requested by the County. This particular amendment entails design and construction administration for continuing Phase B development of Lake Rim Park. It also provides for site design and grade plan and construction review of ball field #3 at Stedman Elementary School Park. Cost: \$18,675

ACTION: Approve the proposed scope of service and cost in the amount of \$18,675.

**D. Approval of Cape Fear Valley Health System FY2000 Operating and Capital Budget and Budget Ordinance.**

BACKGROUND: On July 28, 1999, the Cape Fear Valley Health System Board of Trustees approved the FY2000 Operating and Capital Budget for the Health Care System, and on August 25, 1999, the Trustees approved the budget ordinance. Article 6, Section 7(a) of the hospital System Bylaws requires the consent of the Board of Commissioners for matters involving the Health System's annual budget.

ACTION: Approve

**E. Approval of Clean NC 2000 Initiative Resolution.**

RESOLUTION

WHEREAS, there is a need to improve the appearance of our roadsides by removing litter, collapsing or unsafe structures and other debris that create eyesores and harm the environment; and

WHEREAS, a clean environment impacts economic development, travel and tourism and the quality of life; and

WHEREAS, in an effort to get North Carolinians to renew their sense

of pride and recommit to keeping our state clean, the Governor has announced the Clean NC 2000 initiative; and

WHEREAS, the Clean NC 2000 initiative aims to improve the appearance of North Carolina by removing litter and other debris from our roadsides, rivers, lakes and streams; and

WHEREAS, there should be a partnership between the state and counties to clean up the state;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of Cumberland County that it endorses and supports the Clean NC 2000 Initiative; and

FURTHER BE IT RESOLVED that the county organization consists of a local coordinator who will work with the state-wide coordinator.

ACTION: Adopt Resolution.

**F. Approval of a Proclamation designating September 25, 1999  
"Hunting & Fishing Day" in Cumberland County.**

BACKGROUND: The NC Wildlife Federation requests the Board of Commissioners proclaim September 25, 1999, "Hunting & Fishing Day in Cumberland County".

ACTION: Adopt Proclamation.

**PROCLAMATION**

WHEREAS, hunting and fishing have always been an important part of the North Carolina tradition; and

WHEREAS, hunters and anglers have been at the forefront of the conservation movement by requesting special fees and taxes on their equipment to pay for wildlife management, habitat restoration and other conservation programs; and

WHEREAS, this financial support has provided the basis for scientific research, habitat restoration and education which have led to the dramatic comeback of wildlife in North Carolina; and

WHEREAS, dollars and cents alone do not represent the true worth of our outdoor traditions; and

WHEREAS, wealthier than any millionaire is one with greater awareness, understanding and respect of the natural environment and its wildlife; and

WHEREAS, wealthier still are the ethical hunters and anglers who share this treasure with a youngster, friend or relative.

NOW, THEREFORE the Board of Commissioners proclaims September 25, 1999, "Hunting and Fishing Day in Cumberland County," and urges all hunters and anglers to recognize this observance by inviting a friend, family member or co-worker to experience the outdoor traditions and to continue the important work in wildlife conservation.

**G. Approval of a Proclamation proclaiming September 17-30, 1999, "Litter Sweep" in Cumberland County.**

BACKGROUND: Governor Hunt has proclaimed September 17-30, 1999 as "Littler Sweep" in North Carolina. The NC Department of Transportation has asked for statewide acknowledgement of this program along with encouragement of participation.

ACTION: Adopt Proclamation.

PROCLAMATION

WHEREAS, Adopt-A-Highway volunteers, local government and concerned community and civic organizations labor throughout the year to keep our State's roadsides beautiful and free of litter; and

WHEREAS, this Fall the North Carolina Department of Transportation will coordinate the work of such groups during a two-week cleanup effort to: maximize statewide benefit; increase awareness of the need for cleaner roadsides in North Carolina; deter littering; and, encourage recycling of solid wastes; and

WHEREAS, North Carolina's beautify scenery and clean environment attract tourists, aid in recruiting new industries and are a source of pride for

her citizens; and

WHEREAS, this fall cleanup will improve the quality of life for all North Carolinians; and

WHEREAS, during the 1998 fall cleanup campaign, more than 2.3 million pounds of litter were collected from our highways.

NOW, THEREFORE the Cumberland County Board of Commissioners hereby proclaims September 17-30, 1999, "LITTER SWEEP" in Cumberland County and urges our citizens to acknowledge the fine work of beautification groups and aid them in their valued efforts.

**H. Approval of an amendment to the Fire Protection Contract with the Town of Spring Lake for the Manchester Fire District.**

BACKGROUND: The County entered into a contract with the Town of Spring Lake, effective September 25, 1998, for the Town to provide fire protection services to the Manchester Fire District. The Town's auditor has noted some aspects of the contract that can appropriately be addressed by some minor amendments that take into account that fire protection service in this case is provided by a local government subject to Chapter 159, The Local Government Budget and Fiscal Control Act. The amendments provide that:

1. tax monies received under this contract, together with other Town appropriations, shall be used to provide the level of fire protection services required, (rather than "hold and Use" contract funds "solely and exclusively" to provide fire protection services);
2. the Town shall submit its manager's recommended budget and later, the Town's adopted budget, showing a sufficient proposed or actual appropriation to provide the level of required fire protection services (rather than submitting a budget estimate to the County);
3. the Town shall maintain accurate records of tax monies received and expenditures (rather than having to establish a separate and distinct account);
4. the Town shall keep an inventory of equipment with a

purchase price greater than \$1,000 purchased in whole or in part to provide fire protection services under the contract (instead of an inventory "of all property purchased" with contract funds).

**ACTION:** Approve amendments as noted above or with such minor changes as the County Manager and County Attorney may approve.

**I. Approval of a quitclaim deed from the County to Ms. Queen Elizabeth Kelly.**

**BACKGROUND:** In 1989, Mr. Leslie A. Culbreth deeded a three-acre tract to his daughter, Ms. Queen Elizabeth Culbreth Kelly, and a Ms. Patsy Lou Culbreth. Ms. Kelly retained in her own name a one-acre portion of that tract. On January 8, 1990, Mr. Culbreth deeded a 0.23-acre portion of that one-acre tract to Ms. Annie Doris Culbreth, which he no longer owned by virtue of the prior conveyance to Ms. Kelly and Ms. Culbreth. The County created a separate pin for the 0.23-acre tract, and sent Ms. Culbreth tax bills. Ms. Kelly's tax bill was never adjusted and she has continued to pay taxes annually on the entire one-acre tract. It appears that when Ms. Culbreth did not pay taxes on the 0.23-acre tract, the County foreclosed on it. Thereafter, Land Mapping discovered the double listing and deleted the separate PIN for the 0.23-acre tract. Due to the foreclosure, a cloud remains on the title to Ms. Kelly's one-acre tract.

**ACTION:** Authorize the Chairman to execute a Quitclaim Deed from the County to Ms. Queen Elizabeth Culbreth Kelly for the 0.23-acre tract.

**J. Approval of conveying two county-owned tracts adjoining Clark Park to the City of Fayetteville.**

**BACKGROUND:** In 1994, the Board of Commissioners authorized conveying the County's ownership in Clark Park to the City of Fayetteville. The actual conveyance did not occur until earlier this year, because of Staff Attorney III Danny Higgins' death and subsequently because of the need by the city and county staff to recheck the legal descriptions of the tracts involved. The City Staff have advised us that there are two remaining parcels owned by the County adjacent to the Park that appear to be appropriate for conveying to the City to combine with Clark Park. Those tracts were originally donated to the County by Broadwell Land Company in 1990 after they developed Rivercliff Villas Subdivision. The tracts are 4.6 acres and .30 acres in size, respectively.

**ACTION:** Convey these two tracts to the City of Fayetteville to be used

for parks and recreation purposes, authorize the County Attorney's Office to prepare the deeds and the Chairman and Clerk to the Board to execute those deeds on behalf of the County.

**K. Approval of a Resolution and Interlocal Agreement for Joint Purchasing of Materials, Supplies and Equipment among the City of Fayetteville, Fayetteville Public Works Commission and Cumberland County.**

ACTION: Approve Resolution

RESOLUTION

WHEREAS, the City of Fayetteville, County of Cumberland, and the Fayetteville Public Works Commission, hereinafter called *Participating Parties*, desire to join, for the purpose of jointly advertising for and receiving bids for one or more vendors to provide pricing to supply materials, supplies, and items of equipment as may be desired by the *Participating Parties*; and

WHEREAS, the *Participating Parties* desire to identify the lowest responsible and responsive bidder(s) for each item or category of items, and to establish a process whereby each of the *Participating Parties* may issue purchase orders directly to the contracting vendor; and

WHEREAS, NCGS 160A, Article 20, Part I and 160A-461 authorizes inter-local cooperation; and

WHEREAS the *Participating Parties* will sign and seal a Cooperative Bid Agreement for Joint Purchasing of materials, Supplies, and Equipment in the manner as prescribed by law for fiscal years 1999-2000 through 2001-2002.

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of Cumberland County hereby authorizes the County Manager or his designee to enter into joint purchasing agreements with the City of Fayetteville and the Fayetteville Public Works Commission.

**L. Approval of bid award for two hydraulic excavators for the Solid Waste Management Department.**

The following bids were received:

<u>Company</u> <u>Trade In</u>		<u>Excavator</u> <u>W/bucket</u>	<u>Excavator</u> <u>W/thumb</u>	<u>Subtotal</u>
United Rentals	(a) \$	111,300	116,600	
227,900	0		\$227,900	
	(b)	149,036	154,230	
303,266	0		\$303,266	
Gregory Poole		167,049	178,942	
345,991	130,000		\$215,991	
L.B. Smith		145,582	153,425	
299,007	65,000		\$234,007	
NC Equipment		139,214	149,214	
288,428	0		\$288,428	
R.W. Moore		184,500	199,000	
333,500	0		\$383,500	

Note: The (a) bid of United Rentals does not meet specifications, i.e., weight, and digging force.

**ACTION:** Declare the 1992 Caterpillar Model 245D Excavator, SN 4KL00042, surplus to the County's needs, use this piece of equipment as a trade-in, and award the bid to Gregory Poole for \$215,991.

**M. Approval of sole source purchase of telecommunications consoles for the Emergency Communications Center and Sheriff's Office pursuant to NCGS 143-129(f)**

**BACKGROUND:** Over the past two years the Sheriff's Office and the Emergency Communications Center have been upgrading their telecommunication systems including the addition of computer aided dispatch and its integration with the City of Fayetteville's 800 Mhz public safety radio system. The system architecture uses Motorola equipment. To insure compatibility all additions and extensions of the system must utilize Motorola equipment. Quotations have been received for purchase of three telecommunication consoles for the Emergency communications Center (\$128,219) and one additional telecommunication console for the Sheriff's Office (\$29,750). The Emergency Communications Center and the Sheriff's

Office are requesting that pursuant to G.S. 143-129(f), the formal bidding requirements be waived due to overriding considerations of standardization and compatibility with the existing telecommunications equipment.

**ACTION:** Approve the sole source acquisition of these three consoles in the total amount of \$157,969 and waive the requirement for formal bidding pursuant to the noted General Statutes.

**N. Approval of a report on formal bid awards of \$100,000 or less approved by management.**

**BACKGROUND:** The following bids were received for equipment for the Solid Waste Department:

<u>Company</u>	<u>30 yd w/40yd cont.</u>	<u>Compactor cont.box</u>	<u>40 yd cont. box</u>	<u>8 cont. box</u>
Carolina Envi. 6,240.00	13,664.00	20,895.00	14,908.00	
Cavalier Equip 6,520.00	14,966.00	19,048.00	17,136.00	
KABCO (Waste Ind) 6,529.41	12,941.18	20,156.47	14,094.12	

Awarded bid for stationary compactor and miscellaneous container boxes for

The Solid Waste Department to the lowest bidders meeting specifications as

Follows: Compactor with 40-yard container – KABCO FOR \$20,156.47; 4

Each 40-yard container boxes – KABCO FOR \$14,094.12; 4 each 30-yard

container boxes – KABCO for \$12,941.18; 10 each 8-yard container boxes –

Cavalier Equipment Corporation for \$6,520. These bids were awarded on August 16, 1999.

**O. Approval of calling a special meeting and rescheduling the public hearing on financing for the Detention Center and Mental Health Facility**

## **Project, and approving documents for financing.**

**BACKGROUND:** In order to allow sufficient time for legal requirements to be met and complied with, the Board needs to call a special meeting to re-schedule this public hearing to September 14, 1999 at 9:00AM and after such public hearing to consider whether to approve the financing for construction of the detention center on a ten-acre site on Worth Street and renovation of the mental health facility on a three-acre site on Executive Drive. In addition, the Board must adopt a resolution approving the preliminary documents for the financing and also making certain findings required by statute. This resolution will approve (I) a Trust Agreement and First Supplemental Trust Agreement between the County, Cumberland County Finance Corporation (the "Corporation"), and First Union National Bank as Trustee; (II) an Installment Financing Agreement between the County and the Corporation (the "Agreement"); (III) a Deed of Trust and Security Agreement from the County in favor of the Corporation as security for the County's obligations under the agreement; (IV) a Bond Purchase Agreement between the County and The Robinson-Humphrey Company for the Underwriters; and (V) a Preliminary Official Statement relating to the Bonds. The bonds will be secured by a pledge of the County's agreement to make installment payments to the Corporation, and of the land, improvements, fixtures and certain equipment relating to the projects. The Bonds are *not* a pledge of the full faith and credit of the County's taxing power. The Local Government Commission will consider final approval of this transaction on Tuesday, September 14, 1999, immediately after the special meeting.

**ACTION:** Call a special meeting on September 14, 1999 at 9:00AM to re-schedule the public hearing on the proposed installment financing agreement for the detention center and mental health center facility projects, in an amount not to exceed \$55,000,000. In addition, approve the resolution and documents in form the submitted by the Bond Counsel and authorize the Chairman or Vice Chairman of the Board and the officers of the County, as appropriate, to execute and deliver all documents necessary or appropriate to consummate the transactions, including the documents noted above, together with such revisions as may be satisfactory to the County Manager and the Office of the County Attorney.

### **RESOLUTION CONCERNING FINAL APPROVAL OF INSTALLMENT FINANCING AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS IN CONNECTION THEREWITH**

WHEREAS, the Board of Commissioners (the "Board") of the County of Cumberland, North Carolina (the "County") has previously resolved to undertake the financing of the construction and equipping of a detention center and the renovation of an office building for the county's Mental Health Department and the acquisition of certain furniture and equipment (the "Projects"); and

WHEREAS, the Projects are to be financed by the County through an installment

financing agreement to be dated as of September 15, 1999 (the "Agreement") with the Cumberland County Finance Corporation, a North Carolina non-profit corporation (the "Corporation"), in an amount not to exceed **\$55,000,000**, pursuant to Section 160A-20 of the North Carolina General Statutes; and

WHEREAS, the obligations of the County under the Agreement will be secured by a deed of trust on the land under the Projects; and

WHEREAS, financings pursuant to Section 160A-20 must be approved by the North Carolina Local Government Commission (the "LGC"); and

WHEREAS, the Corporation has proposed to execute and deliver its Installment Payment Revenue Bonds (Detention Center and Mental Health Facility Projects), Series 1999, in an aggregate principal amount not to exceed **\$55,000,000** (the "Bonds") pursuant to a Trust Agreement between the Corporation and First Union National Bank (the "Trustee"), dated as of September 15, 1999 (the "Trust Agreement") and

WHEREAS, the Bonds are expected to be sold to the public by The Robinson-Humphrey Company, Jackson Securities, Incorporated, First Union Capital Markets Corporation and Wachovia Securities, Inc. (the "Underwriters") pursuant to a Bond Purchase Agreement between the Underwriters and the Corporation and approved by the County (the "Bond Purchase Agreement"); and

WHEREAS, there have been presented to the Board substantially final forms of the following documents which the Corporation, the Underwriters and the County propose to use in connection with the Agreement, the Bonds and the financing of the Projects:

1. a draft dated August 20, 1999, of the form of Installment Financing Agreement between the Corporation and the County dated as of September 15, 1999);
2. a draft dated August 20, 1999, of the form of Deed of Trust and Security Agreement dated as of September 15, 1999, to be executed by the County in favor of the Corporation as security for the obligations under the Agreement (together with all other documents, if any, required by the Underwriter as security for the Agreement, the "Security Documents");
3. drafts dated August 20, 1999, of the form of Trust Agreement and of the first Supplemental Trust Agreement between the Corporation and the Trustee with respect to the Bonds (the "First Supplemental Trust Agreement");
4. a draft dated July 15, 1999, of the Bond Purchase Agreement; and
5. a draft dated August 26, 1999, of the Preliminary Official Statement relating to the Bonds, which contains certain information about the County and the Projects (the "Preliminary Official Statement"); and

WHEREAS, the Board desires to approve the Agreement and the sale of the Bonds and to authorize other actions in connection therewith;

WHEREAS, the County has scheduled a public hearing regarding the Agreement to finance the Projects; and

WHEREAS, the LGC will consider the County's application for approval of the Agreement after the public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CUMBERLAND, NORTH CAROLINA:

1. The financing of the Projects pursuant to the Agreement and in accordance with the terms and conditions of the Trust Agreement and the Preliminary Official Statements is hereby approved, based, in part, on the following findings:
  - (a) The proposed Agreement is necessary and expedient for the acquisition, construction and equipping of the Projects, the component parts of which are needed by the County for the performance of its social services, community corrections and other responsibilities.
  - (b) Because of the nature of the Projects, the proposed Agreement is preferable to a bond issue for the same purpose. The cost of financing under the proposed Agreement is not substantially greater, if at all, than the cost of issuing general obligation bonds.
  - (c) The anticipated sums to fall due under the Agreement are adequate and not excessive for the stated purposes of acquiring, constructing and equipping the Projects. The cost of the proposed undertaking exceeds the amount of funds that can be prudently raised from currently available appropriations, unappropriated fund balances, and non-voted bonds that could be issued by the County in the fiscal year pursuant to Article V, Section 4, of the North Carolina Constitution.
  - (d) The County's debt management procedures and policies are good and have been carried out in strict compliance with law and will henceforth be so carried out.
  - (e) It is anticipated that a tax increase in an amount of not more than \$.04 will be required to meet the sums under the proposed Agreement.
  - (f) The County is not in default in any of its debt service obligations.
  - (g) Counsel has rendered an opinion that the proposed Projects are authorized by law and are purposes for which public funds may be

expended pursuant to the Constitution and laws of North Carolina.

2. The Chairman or Vice Chairman of the Board or the County Manager are hereby authorized and directed to execute and deliver the Agreement, the Security Documents, the Bond Purchase Agreement, the Preliminary Official Statement and a form thereof updated with Bonds sales information (the "Final Official Statement" and, together with the Preliminary Official Statement, the "Official Statement"), which shall be in substantially the forms previously submitted, which are hereby approved, with such completions, omissions, insertions, and changes as may be approved by the Chairman, Vice Chairman or the County Manager, including such changes as may be required by the LGC, their execution to constitute conclusive evidence of their approval of any such completions, omissions, insertions and changes. The Clerk of the Board shall attest and seal such documents as require the Clerk's attestation and the County seal.

3. The Board hereby approves the execution and delivery by the Corporation of the Trust Agreement, the First Supplemental Trust Agreement, the Bond Purchase Agreement and the bonds and any other documents or certificates that may be required in connection with the execution and delivery of the Bonds.

4. The Chairman, Vice Chairman, County Manager, County Finance Officer, County Attorney and Clerk of the Board are hereby authorized to take any and all such further action and to execute and deliver such other documents as may be necessary or advisable to carry out the intent of this resolution and to effect the installment financing pursuant to the Agreement, including, without limitation, procuring a municipal bond insurance policy and entering into rebate compliance agreements. Without limiting the generality of the foregoing, the Chairman, Vice Chairman or County Manager are authorized to approve all details of the financing, including without limitation, the amount advanced under the Agreement (which shall not exceed \$55,000,000), the annual payments under the Agreement, the interest rates with respect to such payments (which shall not exceed an all-in interest cost of 6.25% per annum) and the term of the Agreement (which shall not extend past June 1, 2024). Execution of the Agreement by the Chairman, Vice Chairman or County Manager, as the case may be, shall conclusively evidence approval of all such details of the financing.

5. To the extent permitted by law, the County Manager, or such other officer of employee of the County as may be responsible from time to time for the preparation of the County's annual budget, is hereby authorized and directed to carry out the obligations imposed by the Agreement on such officer or employee.

6. The Board hereby approves and consents to the use of the Preliminary Official Statement and the Final Official Statement, in substantially the form of the Preliminary Official Statement, with such changes as are necessary to reflect the maturities and interest rates of the Bonds and other information required by Rule 15c2-12 of the Securities and Exchange Commission, and the Chairman, Vice

Chairman or the County Manager is hereby authorized to execute the Official Statement in substantially such form, with such completions, omissions, insertions, and changes as may be approved by them, their execution to constitute conclusive evidence of approval of any such completions, omissions, insertions and changes.

7. All other actions of the officers of the County which are in conformity with the purposes or intent of this resolution and in furtherance of the execution and delivery of the Agreement, including the execution of the Security Documents, the Bond Purchase Agreement and the Official Statement, are hereby ratified, approved and confirmed. The representations of the County made in the Agreement, the Security Documents and the Bond Purchase Agreement are hereby confirmed.

8. All resolutions or parts thereof in conflict herewith are hereby repealed.

9. This resolution shall take effect immediately, subject to the subsequent approval and ratification of this Board following the public hearing.

**P. Budget Revisions**

**(1) Public Health**

**(a) Rape Prevention: Increase in revenue/ expenditures in the amount of \$8,014 to rebudget unexpended grant funding (B00-129) Funding Source – State**

**(b) WIC: Increase in revenue/expenditures in the amount of \$22,401 to recognize additional funding from the State B00-113) Funding Source – State**

**(c) Various Departments: Revision in the total amount of \$3,558 to budget escrow earnings for computer software for new computers (B00-112) Funding Source – Other**

**(2) General Government Other: Revision in the amount of \$73,112 to appropriate fund balance to rebudget**

**unencumbered FY1999 COPS proceeds to purchase equipment (\$63,112) and cemetery survey expenses (\$10,000) (B00-131) Funding Source – County & Other**

**(3) Sheriff's Department: Revision to appropriate fund balance in the amount of \$94,375 to rebudget unencumbered funds from FY1999 to purchase computer aided dispatch software, and to transfer funds from the Sheriff's Department to Community Policing to support the reassignment of an employee (B00-103&103A) Funding Source – County**

**(4) Food & Beverage Tax Fund: Revision to appropriate fund balance in the amount of \$5,000 to pay consultant expenses (B00-133) Funding Source – Food & Beverage Tax**

**(5) Social Services: Increase in revenue/expenditures in the amount of \$1,488,803 to recognize additional child care funding from the State (B00-135) Funding Source – State**

## **REGULAR AGENDA**

### **3. Nominations to Boards/Committees:**

#### **A. Joint Senior Citizens Advisory Board (1 vacancy)**

**BACKGROUND:** Lois Owens resigned her position on this Board.

**ACTION:** Nominate replacement for Ms. Owens.

**Nominees:** Commissioner Blackwell nominated Helen Lee.

#### **B. Board of Adjustment (1)**

**BACKGROUND:** Mr. Earl Bunce was moved from an alternate slot to a regular member slot.

**ACTION:** Nominate for Mr. Bunce's alternate slot.

**Nominees:** Commissioner King nominated Barry Bullock.

Commissioner Blackwell nominated David Olsen.

### **C. Housing Appeals Board (3 vacancies)**

**BACKGROUND:** Chester Oehme, Jr. and James E Stinson are completing their first term on this Board. They are both eligible for reappointment. In addition, Mr. Gary Lancaster has resigned his seat on the Board. It is recommended that an alternate be selected to fill Mr. Lancaster's position. The alternate member vacancy can be filled by someone from the applicant list.

**Nominees:** Commissioner Melvin renominated Mr. Oehme and Mr. Stinson for a second term.

Commissioner Blackwell nominated Mr. Matthews Mikeska (alternate member) to fill Mr. Lancaster's position.

Commissioner Blackwell nominated Mr. Tom Royston to fill Mr. Mikeska's alternate position.

### **4. Consideration of advance funding for the Eastover Sanitary District Water Project..**

**BACKGROUND:** Mr. David Pate, Chairman, Eastover Sanitary District, asked the Board to advance \$25,000 to them to fund a sedimentation and erosion control plan that will be required in order to receive a commitment letter for Rural Development funding. Mr. Pate indicated this money will be repaid when the Bond Anticipation Notes are sold, which should be in the next 90 to 120 days.

**MOTION:** Commissioner King moved to approve the advance up to \$25,000.

**SECOND:** Commissioner Melvin

**DISCUSSION:** Commmissioner Baggett noted he serves as legal counsel for the Eastover Sanitary District and feels it would be a conflict of interest for him to vote on this issue. He asked the Board to allow him to abstain from this vote.

**MOTION:** Commissioner Tyson moved to allow Mr. Baggett to abstain.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

**VOTE ON  
MOTION TO  
APPROVE FUNDING**

**ADVANCE: UNANIMOUS (Commissioner Baggett abstained).**

**6. Request for local matching funds for restoration of the Cape Fear and Yadkin Railway Depot as a Visitors Center/Transportation Museum and endorsement of an increase in the Occupancy Tax**

**BACKGROUND:** The Fayetteville Area Convention and Visitors Bureau proposes to submit an application to the NC Department of Transportation for a Transportation Enhancement Program Grant to help fund the restoration and transformation of the Cape Fear and Yadkin Valley Railway Depot into a visitors center/transportation museum. The project involves the acquisition of the block bounded by Russell Street, Maxwell Street, Franklin Street and Ray Avenue and the redevelopment of the site to house a visitors center/transportation museum complex. The project consists of three phases:

**Phase I:** Historic renovation of the former Cape Fear and Yadkin Valley Railway Depot and adjoining art studio and market building in a unified historic architectural theme and the upfitting of the reconditioned arts studio and market for new and/or expanded use.

**Phase II:** Development site features including new parking areas, drives, entrance plaza, lighting, signage and landscaping.

**Phase III:** Upfit the interior of the depot for a visitors center/transportation museum and acquire three rubber-wheeled trolleys to provide a 60-minute narrated historic tour of the Downtown National Register District.

The total cost of the project is estimated to be \$5 million. The Transportation Grant will be in the amount of approximately \$3.8 million and will require a local cash match of \$960,000. The FACVB proposes the cash match be split evenly between PWC, Cumberland County & FACVB (\$320,000 each over four years at \$80,000 per year). The City of Fayetteville has agreed to provide in-kind assistance in the form of land, legal assistance and environmental clearance valued at \$471,099. Operating support estimated

at \$404,000 annually will be shared by FACVB and the City of Fayetteville.

To expand its marketing program and to support this project, FACVB proposes that the Occupancy Tax be increased from 3% to 6%.

**ACTION:**

1. Adopt the Resolution supporting the nomination of the Cape Fear and Yadkin Valley Railway Depot Project for Transportation Enhancement Program and commit county matching funds in the amount of \$80,000 per year for four years;
2. Adopt the Resolution supporting an increase in the Occupancy Tax levied in Cumberland County from 3% to 6%.

**MOTION:** Commissioner King moved to adopt the Resolutions and approve the funding as requested.

**SECOND:** Commissioner Blackwell

**VOTE:** UNANIMOUS

**7. County Personnel Committee reports and recommendations:**

**A. Proposed policy for volunteer fire service by a county employee**

**BACKGROUND:** The Personnel Committee, on August 12, 1999, considered a policy that addresses volunteer protective fire service by county employees. The issue was raised in response to a recent situation where a county employee performed volunteer firefighter duties that overlapped into his normal county work hours. At this time there is no county policy to prevent an employee from being charged for time served in these situations. The Policy Committee approved the following policy for Board consideration:

*A county employee who is an active member of a volunteer fire department may be granted, by his/her department head, up to three hours leave, per occurrence, when the employee has responded to an emergency services dispatch call and the time of the completion of his or her response to that call delays the employee from reporting to his/her county work site at the start of the day. Further, the employee must provide written evidence, for attachment to his/her county time sheet, from the senior fire official on*

*such call, certifying the time the call was received by the volunteer fire department and the time the employee (volunteer fireman) was released from the call.*

**ACTION:** Approve the policy as recommended by the Policy Committee.

**MOTION:** Commissioner King moved to approve.

**SECOND:** Commissioner Melvin

**VOTE:** UNANIMOUS

**B. Proposed position classification changes**

**BACKGROUND:** The Personnel Committee met on August 12, 1999 and recommends the following changes:

Proposed Department Grade Salary	Prop. Classification/Grade Cost	Current Addtl.	Pos.#	Curent Budgeted Salary	Classification/
Admin. Aud/70 35,700	Internal Aud/68 +1,821		214	33,455	Inttternal
Planning 23,650	Off. Support III/57 +3,205	611	19,680		Off. Support IV/61
Sheriff III/65 28,422	Off. Support II/57 +5,966		1948	21,036	Admin.Sup
Solid Waste 23,650	Equip.Operator I/59 +1,060		1515	22,337	Equip.Op.II/61

The additional costs indicate the increased funds needed to support the reclassifications from 9/12/99 through 6/30/2000.

**ACTION:** Approve the changes noted above and associated budget revisions (B00-128, B00-127, B00-126 & B00-093).

**MOTION:** Commissioner King moved to approve.

**SECOND:** Commissioner Blackwell

**VOTE:** UNANIMOUS

**C. Approval of the FY 2000 Position Classification & Pay Plan (a copy of this plan may be viewed in the County Personnel Department)**

**BACKGROUND:** Updates to the Pay Plan were presented to and approved by the Personnel Committee at their August 12, 1999 meeting. The Board of Commissioners must now approve the Pay Plan, including all changes that have been made.

**ACTION:** Adopt the FY99-00 Position Classification & Pay Plan, effective 7/4/99, to include the changes reflected on Attachments A-G, (attached to these Minutes)

**MOTION:** Commissioner King moved to approve.

**SECOND:** Commissioner Blackwell

**VOTE:** UNANIMOUS

**7. County Policy Committee report and recommendation regarding the proposed Landscape Ordinance.**

**BACKGROUND:** On June 17, 1999, the County Policy Committee reviewed a draft Landscape Ordinance prepared by the County Planning Department. The Committee moved to recommend approval to the full Board, subject to legal review by the County Attorney's office. The County Attorney's office has reviewed the proposed Ordinance and certified it legally sufficient.

Commissioner Warren noted there was a lot of controversy when the City of Fayetteville adopted their ordinance. Mr. Warren said the County needs to look closely at how this Ordinance will affect our citizens and make sure it doesn't put any undue restraints on how they landscape their property. In addition, Mr. Warren said he would like to see a map showing the urban services boundaries before any action is taken on this Ordinance. He said he had concerns with Sections 14.1.2 and 14.4.2.

Commissioner Baggett noted this Ordinance applies to new businesses and/or businesses which have changed hands. He noted concern about the occupancy changes and how they will affect the new property owner and landscaping requirements. He noted the importance of not penalizing the property owner who is trying to spruce up the appearance of his/her property.

**MOTION:** Commissioner Baggett moved to send this to the Joint Planning Board for a public hearing and recommendation back to the commissioners.

**SECOND:** Commissioner Blackwell

**DISCUSSION:** Commissioner Warren said he believed this Ordinance

is a long way from being ready to go to a public hearing.

## **SUBSTITUTE**

**MOTION:** Commissioner Warren moved to accept this Proposed Ordinance as information and allow time for the Policy Committee to review again to address some of the issues of concern.

**SECOND:** Commissioner Melvin

**DISCUSSION:** Cliff Strassenburg, County Manager, suggested that perhaps the Board of Commissioners could ask the Operations Committee of the Planning Board to review, address concerns and send it back to the Policy Committee. Commissioner King noted that this Ordinance has been approved and forwarded to this Board for action. Commissioner Warren said he would amend his motion to send this proposed ordinance to the Planning Board Operations Committee. Commissioner Blackwell, a member of the County Policy Committee, noted the Committee had some of the same concerns expressed by Commissioner Warren, and he felt continuing the process to public hearing would allow the Board to work out these issues.

**VOTE:** **FAVOR:** Commissioners Warren, Bacote, Melvin  
**OPPOSED:** Commissioners Blackwell, Tyson, Baggett,  
King

## **VOTE ON ORIGINAL**

**MOTION:** **FAVOR:** Commissioners Blackwell, Tyson, Baggett, King  
**OPPOSED:** Commissioners Melvin, Bacote, Warren

### **7. Status of Institute of Government study of the Joint Planning Process.**

**BACKGROUND:** Mr. Strassenburg reported that he and the City Manager would meet with staff from the Institute of Government on September 8 to discuss the scope of the study and establish a time frame. In a related matter, the Board of Commissioners asked management to hold in abeyance filling the vacant Planning Director's position, pending the outcome of the study. Due to recent resignations of two key members of the Planning staff, including the Interim Director, and the lack of a time-line for the Study, the Board may want to reconsider its decision to hold off on filling the vacant Planning Director's position. Also, the Planning Board has expressed concern

about these staffing issues.

**ACTION:** Consider whether to move forward with filling the Planning Director's position.

**MOTION:** Commissioner Warren moved that the county go forward in filling the position.

**SECOND:** Commissioner Tyson

**DISCUSSION:** Commissioner Blackwell noted that county staff and city staff will be meeting with the Institute of Government tomorrow, and we should wait to see what the time line will be with the study. He said he thought we could go ahead and fill the other staff position that is vacant. He also said he would hate to go ahead and fill the Director's position when the county and city are looking at some joint efforts in this matter. In addition, he noted the cost of having two separate Planning Boards.

#### **SUBSTITUTE**

**MOTION:** Commissioner Baggett moved to defer action on this item until the October 4 commissioners' meeting.

**SECOND:** Commissioner Blackwell

**VOTE:** **FAVOR:** Commissioners Baggett, Blackwell, Bacote, King, Melvin

**OPPOSED:** Commissioners Warren and Tyson

### **8. Consideration of extending Cross Creek Township lines coterminous with the City of Fayetteville city limits**

**BACKGROUND:** The City of Fayetteville asks the Board of Commissioners to extend the boundary of Cross Creek Township to include all of that area within the city limits of the City of Fayetteville. The action will support census reporting and voter redistricting as well as compliance with NCGS 163-32.1. The Board has the authority to alter the township lines under NCGS 153A-19. The census for the year 2000 finds the US Census Bureau, the State of North Carolina and all local governments gearing up to provide and receive accurate population data. The NC Legislature has enacted NCGS 163-32.1 as part of the state's participation in the "2000 census redistricting program", to be conducted under P.L. 94-171 regarding mapping and verification of precinct, township and city limits in preparation for the 2000 century. Phase I of P.L. 94.171 includes verification of precinct boundary lines with (1) physical features, or (2) a current township boundary line or a current municipal boundary line. Mr. Robert Marx, Chief of Geography Division, Bureau of Census, United States Department of Commerce, has requested that the City of Fayetteville verify whether or not the boundaries of Cross Creek Township and the City of Fayetteville are coterminous. The Bureau Staff believes that

the city limits of the City of Fayetteville and the boundaries of Cross Creek Township are coterminous. The history of the matter shows the last action taken by the Board of Commissioners to expand Cross Creek Township boundary lines to include expanding city boundaries, took place in 1959.

**ACTION:** It would be prudent to take one of the following two courses:

1. Adopt a resolution to expand the Cross Creek Township lines to include the current city limits, and provide that the lines would be automatically extended each time the City annexes a new area; or
2. Adopt a resolution to expand the boundaries of Cross Creek Township to include all land annexed into the City of Fayetteville on or before January 3, 2000, and require the City to request expansion of the Township boundaries each time it annexes.

Commissioner Baggett noted the City of Fayetteville has undertaken a very ambitious annexation position, and if they continue to annex, and we vote to extend the Cross Creek Township lines, Cross Creek Township could extend all the way to Hoke County. He suggested we do this one bite at a time, if it needs to be done.

**MOTION:** Commissioner Baggett moved to approve the extension of the Cross Creek Township lines to what has been annexed up to this point.

**SECOND:** Commissioner Tyson

**DISCUSSION:** Commissioner Warren said he would like to see a map showing the Township boundary lines. He pointed out that citizens may have some concerns about moving the township lines. He noted the importance of Cross Creek Township lines not infringing on other township lines.

**SUBSTITUTE**

**MOTION:** Commissioner Melvin moved to table this item until the next meeting, and directed that staff should have a map available showing the lines.

**SECOND:** Commissioner Tyson

**VOTE:** UNANIMOUS

9. **CLOSED SESSION:** Attorney/Client and Litigation Matters (County vs. Padgett et.al. & County vs. Holt Williamson et.al.)

**MOTION:** Commissioner Melvin moved to go into Closed Session for the above noted purposes.

**SECOND:** Commissioner Tyson

**VOTE:** UNANIMOUS

**MOTION:** Commissioner King moved to go back into Regular Session.

**SECOND:** Commissioner Melvin

**VOTE:** UNANIMOUS

**MEETING ADJOURNED: 12:00**

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