
Minutes
Cumberland County Board of Commissioners
June 5, 2000, 9:00 A.M.
Regular Meeting

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

INVOCATION: Commissioner Billy R. King
PLEDGE OF ALLEGIANCE

PROCLAMATION HONORING MAYOR J.L. DAWKINS

Vice Chairman Lee Warren read the Proclamation as follows:

WHEREAS, the Honorable J.L. Dawkins, Jr., Mayor of the City of Fayetteville, departed from our midst on May 30, 2000; and

WHEREAS, J.L. Dawkins, Jr. was born in the Vander community of Cumberland County on November 25, 1935; and

WHEREAS, J.L. Dawkins, Jr. devoted his life to the service of his community; and

WHEREAS, J.L. Dawkins, Jr. served on the Fayetteville City Council for 25 years including six consecutive terms as a Councilman and seven consecutive terms as Mayor; and

WHEREAS, J.L. Dawkins, Jr. was the longest serving Mayor in the City's history; and

WHEREAS, J.L. Dawkins, Jr. served on the Board of Directors of several prominent civic organizations including the Methodist College Foundation, Southeastern Speech and Hearing Service, Inc. and the Fayetteville Urban Ministry; and

WHEREAS, J.L. Dawkins, Jr. was an Ambassador of Good Will, always extolling the virtues of his beloved community and its citizens.

NOW THEREFORE BE IT RESOLVED that the Cumberland County Board of Commissioners honors J. L. Dawkins, Jr. for his public and civic service, his leadership, his kindness and wisdom, and his tireless devotion to our community.

BE IT FURTHER RESOLVED that the Cumberland County Board of Commissioners extends its heartfelt condolences to the family of J.L. Dawkins, Jr. on their loss.

1. Consent Agenda

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

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

A. Approval of Minutes: May 15, 2000

ACTION: Approve

B. Approval of additions to the State Secondary Road System:

- 1. Colonial Heights Subdivision: Madison Drive**
- 2. Unnamed Subdivision: Gumberry Court**

C. Approval of the modification to the Cumberland County Workforce Investment Act Five-year Strategic Local Area Plan

BACKGROUND: President Clinton signed the Workforce Investment Act (WIA) into law on August 7, 1998, which provides the framework for a unique workforce preparation and employment system designed to meet both the needs of the nation's businesses and the needs of job seekers. The Cumberland County Workforce Development Center is the designated administrative entity to administer the WIA.

ACTION: Approve modification of the WIA Plan as recommended by the Workforce Development Board.

D. Approval of the sale of surplus county-owned real property acquired by Tax Foreclosure – Small Pt. Of Lot 48, Blk A, Murray Fork Sec 2 Duroc Court

BACKGROUND: In 1986, the County acquired by tax foreclosure a small portion of lot 48, Blk A, Murray Fork, Section 2, located in Seventy First Township. The amount owed on the foreclosed judgment plus interest and cost is \$204.96. The appraised tax value is \$3.00. Mr. Craig L. Champion made an initial bid to purchase the property for \$204.96. The property was advertised and no upset bids received.

ACTION: Accept Mr. Champion's bid in the amount of \$204.96 and upon receipt of the balance of the purchase price authorize the Chairman to execute a deed to Mr. Champion.

E. Approval of Interlocal Agreements with the Towns of Falcon, Godwin, Stedman, and Wade for Administration of County Flood Damage Prevention Ordinance within the town limits.

BACKGROUND: Each town has made application for inclusion in the National Flood Insurance Program and adopted the Cumberland County Flood Damage Prevention Ordinance to meet the floodplain management ordinance requirements of this Federal program. However, the towns do not have the resources to administer and enforce the ordinance and are requesting the County provide this service through interlocal agreements. The terms of the agreement provide for Cumberland County to administer and enforce the regulations of the towns and to retain any and all fees provided by ordinance for such service.

ACTION: Approve the interlocal agreements.

F. Approval of an agreement with PWC for Sanitary Sewer Collection lines to serve Indian Drive Community Development Project

BACKGROUND: The agreement provides for the installation of 8-inch sanitary sewer collection lines and services laterals to serve the Indian Drive Community Development project, which is currently under construction and being funded through the Cumberland County Community Development block Grant program. The terms of the agreement provide for the County to construct the lines to PWC specifications and upon completion and acceptance, the system will be owned and maintained by PWC. In addition, the County will use FIF credits it has accumulated to offset such charges against single family residential properties in the project area provided the property owner makes application for service within one year.

ACTION: Approve the agreement.

G. Approval of Cape Fear Valley Health System subleases:

1. Sublease agreement with Cape Fear Cardiovascular and Thoracic Surgery, P.A. for telephone lines and handsets. Rental rate for the telephone equipment is \$284.50 per month.

ACTION: Approve

2. Sublease with Cape Fear Cardiovascular and Thoracic Surgery, P.A., for office furnishings and medical equipment. Rental rate is \$399.24 per month.

ACTION: Approve

H. Approval of schedule for additional Fiscal Year 2001 budget work sessions

ACTION: Approve the following dates for budget work sessions:

June 12, 2000, 5:30PM	Room 564
June 13, 2000, 5:30PM	Room 564
June 14, 2000, 5:30PM	Room 564

I. Approval of an authorization for the Sheriff's Office to exchange personal property by private negotiation pursuant to NCGS 160A-271

BACKGROUND: The Sheriff's Office proposes to acquire specialized weapons from Special Weapons Company in exchange for certain surplus Sheriff's Office weapons, with no exchange of money. The value of the property being exchanged as stated by Special Weapons company is \$23,364. Authority to exchange property as proposed is contained in G.S. 160A-271. A notice complying with the statute has been published in the Fayetteville Observer.

ACTION: Approve the authorization to exchange the property as noted above.

J. Budget Revisions:

- (1) Fire Districts: Revisions in the total amount of \$416,641 to budget additional tax revenue received (B00-699-714) Funding Source – Fire Tax**
- (2) Landfill Construction/Solid Waste: Revisions in the amount of \$4,580,316 to establish the budget for new landfill construction (cells 6-8) and to approve the associated capital project ordinance (B00-688 & 688A) Funding source – Solid Waste Fees**
- (3) Solid Waste: Increase in White Goods Appropriated Fund Balance in the amount of \$50,001 to purchase the old BCH building from TRSI (B00-718) Funding Source – White Goods**
- (4) Civic Center: Revisions in the net amount of \$60,000 to transfer funds from Prepared Food & Beverage Tax (\$297,602) and Civic Center Motel Tax (\$332,598) to increase expenditures for building maintenance and repairs and to replace fees lost due to rescheduled events (B00-716-716B) Funding Source – Other**
- (5) Public Health: Revisions in the amount of \$7,300 to transfer funding from the Spring Lake Resource Center to Health Administration to purchase furniture and equipment (B00-720&720A) Funding Source – County**
- (6) Mental Health: Revisions in the total amount of \$13,198 to transfer funding from Managed Care to make salary adjustments in various organizations (B00-617-617E) Funding Source – County**
- (7) Sheriff Narcotics: Increase in expenditures/revenues in the amount of \$8,928 to budget insurance settlements for wrecked vehicles (B00-721) Funding Source – Other**
- (8) Juvenile Crime Prevention Programs: Revision to increase JCP program expenditures by \$10,153 based on new state allocations (B00-722) Funding Source – State & In-kind**

REGULAR AGENDA

2. Nominations to Boards/Committees:

A. Workforce Development Board (2 vacancies)

BACKGROUND: The following positions will become vacant on 7/1/2000:

Economic Development representative: Cathy Johnson – Eligible for reappointment

Education representative: Dr. James C. Basnight – Eligible for reappointment

Nominees: Cathy Johnson

Dr. James C. Basnight

B. Cumberland County Juvenile Crime Prevention Council (6 vacancies)

BACKGROUND: The following positions will become vacant on 7/1/2000:

Substance Abuse Professional position: John Jones – Eligible for reappointment

Faith Community position: Rev. Donald E. Overton – Eligible for reappointment

Person under age 21 position: Katherine Yarborough Eligible for reappointment

Juvenile Defense Attorney position: Cheryl Walton – Eligible for reappointment

Business community position: Marshall Pitts, Jr. – Eligible for reappointment

At-large position: Carol Hessenflow – Eligible for reappointment

ACTION: Renominate the above eligible people for reappointment.

All of the above people were renominated to fill the vacancies.

C. Nursing Home Advisory Board (2 vacancies)

BACKGROUND: The following terms will expire in July and August:

Jean Hicks – Not eligible for reappointment

Teresa Johnson – Completing initial term, eligible for reappointment

ACTION: Make nominations to fill the vacancies

Nominees: Teresa Johnson

Sherrill W. McDuffie

D. Emergency Planning Committee (14 vacancies)

BACKGROUND: Nominations are needed for the following positions on this Committee:

Operators of Facilities Representatives:

J.F. Hall - Not eligible for reappointment. Mr. Craig Leite is recommended to fill vacancy.

Jay Jarvis – Not eligible for reappointment. Harvey Hall is recommended to fill vacancy.
Jason Quevedo – Not eligible for reappointment. Keith Small recommended to fill vacancy.
Mark Ingram – Eligible for reappointment.
Steve Ross – Eligible for reappointment.

Law Enforcement Representatives:

Sgt. Mark Cain – Not eligible for reappointment. Sgt. Jeffrey Adkin recommended to fill vacancy.
Lt. David Pulliam – Eligible for reappointment.

Emergency Management Representative:

Harold Beverage Jr. – Will move to ex-officio position. William Elmore recommended to fill vacancy.

Hospital Representative:

Betty Grubb – Replacement needed. Cathy Ory is recommended to fill the vacancy.

Fire Fighting Representative:

Ricky Strickland – Not eligible for reappointment. Jerry Cashwell is recommended to fill the vacancy.

First Aid Representative: - Wally Ainsworth – Eligible for reappointment.

At-large Representative: - Herman Crawford – Eligible for reappointment.

Local Environmental Representative – Tommy Stevens – Not eligible for reappointment. Paul Rawls is recommended to fill the vacancy.

Utilities Representative – Charles Hamm – Replacement needed. Ike Copeland is recommended to fill the vacancy.

ACTION: Make nominations as noted above to fill the positions.

Those eligible to serve again were renominated and the other recommendations were also nominated.

E. Adult Care Home Community Advisory Committee (2 vacancies)

BACKGROUND: Vacancies exist as follows:

J.E. Herndon, Jr. – Melissa Reed was appointed to fill Mr. Herndon's slot. Ms. Reed has not responded to letters or phone calls advising her of the appointment. Make nomination to fill this slot.

Phyllis B. Watson – Resigned. Replacement needed.

ACTION: Make nominations to fill the above slots.

This item was deferred to the next meeting (June 19, 2000).

2. Appointments to Boards/Committees:

A. Board of Adjustment (5 vacancies)

Regular Member vacancies (3)

MOTION: Commissioner Bacote moved to appoint those eligible for reappointment in the regular member slots and in the alternate member slot, i.e., J. Norman Moore, Jr., Catherine Traylor and Gary Lee Collier.

SECOND: Commissioner King

VOTE: UNANIMOUS

Nominees: J. Norman Moore, Jr. – Reappointment

Catherine Traylor – Reappointment

Malcolm King

Roberta Waddle

Voting for the third vacant slot under regular members is as follows:

Malcolm King: Commissioners Tyson and Melvin

Roberta Waddle: Commissioners Blackwell, Warren, Bacote, King,
and Baggett

Alternate Member Nominees (2 vacancies)

Gary Lee Collier – Reappointment

Ernest P. Carroll

MOTION: Commissioner Wraeren moved to appoint Mr. Carroll as an alternate member by acclamation.

SECOND: Chairman Melvin

VOTE: UNANIMOUS

B. Cumberland Cemetery Committee (1 vacancy)

Nominee: Rev. Eugenia Evans-Johnson

MOTION: Commissioner Blackwell moved to appoint Rev. Evans-Johnson by acclamation.

SECOND: Commissioner King

VOTE: UNANIMOUS

C. ABC Board (1 vacancy)

Nominees: Beth A. Hall – Reappointment
Jeanette Council

Voting as follows: Beth Hall – Commissioner King
Jeanette Council: Commissioners Blackwell, Warren, Tyson, Melvin, Baggett and Bacote

D. Fayetteville Area Convention & Visitors Bureau Board of Directors (1)

Nominee: James R. Smith – Reappointment

MOTION: Commissioner Warren moved to appoint Mr. Smith by acclamation.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

E. FTCC Board of Trustees (1 vacancy)

Nominees: David S. Diaz

Mary James – Not eligible because she was an employee of FTCC until January 1, 2000. North Carolina General Statutes prohibits anyone who has been employed full time by the community college within the prior 5 years to serve on the Board of Trustees.

Harold Maxwell

Thornton W. Rose

Voting as follows: David S. Diaz: Commissioner King
Harold Maxwell: Commissioner Warren
Thornton W. Rose: Commissioners Blackwell, Tyson, Melvin, Baggett and Bacote

F. Joint Planning Board (1 vacancy)

Nominee: John McNatt Gillis, Jr. – Reappointment

MOTION: Commissioner Blackwell moved to appoint Mr. Gillis by acclamation.

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

G. Recreation Board (4 vacancies)

Nominees: Rev. Floyd W. Johnson – Reappointment

Phillip L. Mulen – Reappointment

John D. Pone, Sr. – Reappointment

Haral E. Carlin

Dean H. Smelcer, Jr.

MOTION: Commissioner Warren moved to reappoint Rev. Johnson, Mr. Mulen and Mr. Pone.

SECOND: Commissioner King

VOTE: UNANIMOUS

Voting for the fourth slot is as follows: Haral Carlin: Commissioners Baggett & King
Dean H. Smelcer, Jr.: Commissioners Blackwell,
Warren, Tyson, Melvin, and Bacote

H. Criminal Justice Partnership Advisory Board (7)

Nominees: Superior Court Judge: Judge Gregory Weeks
District Court Judge: Judge Beth Keever
Police Chief/Designee: Captain Bob Fisher
At-large Representatives: Carrie M. Heffney
Dr. E.J. Williams
County Commissioner Representative – H. Mac Tyson II
County Manager/Designee: Juanita Pilgrim

Commissioner Tyson recommended that Commissioner Talmage Baggett be the County Commissioner representative to this Board, as Commissioner Tyson will go off of the Board of Commissioners in December of this year.

MOTION: Commissioner Tyson moved to appoint the nominees by acclamation, to include the appointment of Commissioner Baggett as the County Commissioner representative.

SECOND: Commissioner Warren

VOTE: UNANIMOUS

I. Animal Control Board (2 vacancies)

MOTION: Commissioner King moved to appoint the nominees in I, J, & K by acclamation.

SECOND: Commissioner Warren

VOTE: UNANIMOUS

Nominees: Tim Loughman
Lynn Stone

J. Storm Water Advisory Board (1 vacancy)

Nominee: Robert M. Bennett

K. Community Health Care Council (1 vacancy)

Nominee: Nassie R. Lucas III

4. Presentation of the Recommended FY2001 County Budget

Mr. Cliff Strassenburg, County Manager, formally presented his recommended budget to the Board of Commissioners. The budget calls for a 13.95 cent tax increase. Mr. Strassenburg's presentation included the following information:

- The County-wide budget is \$580,313,146 (22.3% increase);
- The General Fund budget is \$222,16,347 (4.5% increase);
- Fund balance appropriated is \$10,474,792
- Tax increase necessary to balance base budget: 10.19 cents
- Tax increase necessary to fulfill commitments: 3.76 cents
- Budget includes \$3 million operating expense for new schools;
- Budget includes \$164,727,242 capital outlay for the school system;
- Budget includes an increase of \$212,303 current expense for FTCC;
- Budget includes an increase of \$1,699,057 for DSS for total county funding of \$21,993,383 (increase due to increased county share for Medicaid);
- Budget includes an increase in county funding in the amount of \$322,700 for the Health Department;
- Budget includes funding in the amount of \$5,312,260 for the Mental Health Department;
- Outside agencies were funded in the amount of \$1,532,225;
- Budget includes Train Depot restoration funding: \$80,000
- Budget includes additional funding for Airborne Special Operations Museum: \$125,000
- Budget includes Animal Control Program Overhaul: \$451,848
- Budget includes performance pay funding for county employees: \$665,484
- Budget includes miscellaneous funding in the amount of \$49,078
- Total General Fund debt service requirement is \$25,313,784 (increase of \$3,214,286 over FY2000);
- Budget does not include cost of living for county employees;
- Budget does not include 82 new positions requested by the Sheriff's Office for the new detention center;
- Budget does not include 6 new positions for the Animal Control Department
- Budget does not include money for vehicle replacement for the Sheriff's Office
- Budget does not include 4 new outside agency requests for funding

Mr. Strassenburg noted that the reason for the tax increase is because over the past several years the County has funded recurring debt from the County's fund balance (non-recurring revenues). At this point the additional seven million dollars needed to balance the budget is not available in the fund balance for appropriation. Mr. Strassenburg noted the importance of sustaining the gains we have made over the last few years and fulfilling the commitments we have made. Mr. Strassenburg pointed out that 56% of the funding in the general fund is mandated. He also noted that our per pupil expenditure to the school system will rise to \$1,043 in fiscal year 2001.

A budget work session will be held tonight to further discuss the recommended budget.

5. Consideration of a Resolution authorizing establishment of an Ordinance Levying Tax on Gross Receipts derived from Retail Short-term Lease or Rental of Motor Vehicles

BACKGROUND: The General Assembly recently enacted Session Law 2000-2 repealing ad valorem property taxes on short-term rental or leased vehicles (rented or leased less than 365 continuous days). To replace the property tax, the Legislature has authorized counties and cities to levy a tax on gross rental receipts of up to one and one half percent. While the effective date of the repeal of the property tax is January 1, 2000, the effective date of the new gross receipts tax does not begin until July 1, 2000, causing counties to lose the revenue immediately. The original intent of the law was to allow a grace period for counties to develop substitute programs for tax collection. In its original design, counties would have had a year to implement the new tax. When the law failed to pass in the last session, counties were under the impression the effective dates would be modified; however that did not happen. The Tax Administrator is currently analyzing the rental vehicle tax base to determine the impact of the new law, but the analysis won't be complete for several weeks. However, it is his impression that the new law will be revenue neutral or perhaps provide a small amount of new revenue. This is predicated upon quick adoption by the County of a resolution to authorize the tax on gross receipts and a concerted effort to create a collection program within the next 120 days. The effective date of the resolution controls when the rental agents are responsible for the tax, and the timeliness of the collection program implementation will determine the amount of tax recovered. Modifications to the current Food & Beverage/Occupancy Tax software system will be necessary at a cost of \$10,000 for 130 hours of programming. Auditing will be an important tool in collection and compliance. If Fayetteville, Spring Lake and Hope Mills adopt the Ordinance, the overall cost individually will be less.

ACTION: Adopt Resolution

**RESOLUTION AUTHORIZING THE ESTABLISHMENT OF AN ORDINANCE
LEVYING TAX ON GROSS RECEIPTS DERIVED FROM RETAIL
SHORT-TERM LEASE OR RENTAL OF MOTOR VEHICLES**

WHEREAS, the NC General Assembly has ratified Senate Bill 1076, signed into law as Session Law 2000-2 (S.L. 2000-2) and effective for taxable years beginning on or after July 1, 2000; and

WHEREAS, this act repealed the property tax on certain vehicles leased or rented under retail short-term leases or rentals and authorized counties to replace the lost tax revenue through enactment of a local tax on gross receipts derived from retail short-term leases or rentals.

NOW, THEREFORE BE IT RESOLVED by the Cumberland County Board of Commissioners that the following ordinance is enacted:

SECTION 1. Tax on Gross Receipts derived from retail short-term motor vehicle leases or rentals. The County of Cumberland hereby imposes and levies a tax of 1 ½% of the gross receipts from the short-term lease or rental of vehicles at retail to the general public.

SECTION 2. Administration. The County will administer and collect from operators of leasing and rental establishments the taxes levied hereby and the county may promulgate additional rules and regulations necessary for implementation of the taxes.

SECTION 3. Payment of Taxes and Filing of Returns. The taxes levied hereby are due and payable to the

County in monthly installments on or before the 15th day of each month in which the tax accrues. Every taxable establishment required to collect the tax shall, on or before the 15th day of each month, prepare and render a return to the County. The County shall design, print, and furnish to all taxable establishments the necessary forms for filing returns and instructions to insure the full collection of the tax. A return filed for this purpose is not a public record as defined by Section 132-1 of the NC General Statutes and may not be disclosed except as required by law.

SECTION 4. Penalties. In case of failure to refusal to file a return or pay the tax for a period of 30 days after the time required for filing the return or paying the tax, there shall be an additional tax, as a penalty, of 5% of the tax due, with an additional tax of 5% for each additional month or fraction thereof until the tax is paid. The County Board of Commissioners for good cause shown, may compromise or forgive any penalty or additional tax imposed hereunder.

SECTION 5. Misdemeanor for Willful Violation. Any person, firm, corporation or association who willfully attempts in any manner to evade a tax imposed herein or who willfully fails to pay the tax or make and file a return shall, in addition to the penalties provided by law and herein, be guilty of a misdemeanor punishable as provided by law.

SECTION 6. Effective Date: The short-term rental or leased vehicle gross receipts tax levied herein shall become effective July 1, 2000.

MOTION: Commissioner Blackwell moved to approve.

SECOND: Commissioner King

VOTE: FAVOR: Commissioners Blackwell, Warren, Melvin, Bacote, Baggett and King

OPPOSED: Commissioner Tyson

6. County Facilities Committee Report & Recommendations

A. Lease Agreement with Coastal Plain League

BACKGROUND: In October 1999, Mr. Pete Bock, President of the Coastal Plain League made a presentation to the County Facilities Committee regarding the possibility of bringing a CPL team to Fayetteville/Cumberland County to play at J.P. Riddle Stadium following the departure of the Cape Fear Crocs. The CPL is a summer developmental league for college players. It is sanctioned by the National Collegiate Athletic Association and the Professional Baseball Association. It plays a 50-game season compared to the 70-game season by Minor League Baseball. On May 11, 2000, the County Facilities Committee reviewed the proposed lease between the League and the County. The principal terms of the lease are as follows:

- The term will commence September 16, 2000 and will terminate September 16, 2003;
- At the League's option, the lease may be extended on the same terms for an additional three years;
- The League will be responsible for staffing all stadium, parking lot, field and related facility positions for League events and League sponsored events;
- The League will pay in reimbursement of utility costs the sum of \$150 per game day during the League season and \$200 a month (for six months) during the off season;

- The League will have the exclusive right to lease advertising media at the stadium and to operate concessions;
- The County will perform all regular maintenance of the playing field, parking lot, landscape areas, electrical and mechanical systems, buildings, seating and stadium identification sign;
- The League will be responsible for dragging and lining the field for CPL games and clean up of concessions and locker areas; and
- The League will pay the County an annual rent of \$4,000 plus an additional rent equal to seven (7%) percent of the gross revenues derived from concessions.

The current annual stadium maintenance budget is \$131,307. In FY 2002, the first full fiscal year of CPL play, the stadium maintenance budget is projected to be reduced to \$61,978 which represents a savings of \$69,329 over the current budget. Adding the projected annual revenue of \$11,575, the total financial benefit to the County is estimated to be \$80,904, annually. The Facilities Committee recommends approval of the Lease.

ACTION: Approve the Lease.

MOTION: Commissioner Blackwell moved to approve the lease.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

B. Repairs to Roxie Avenue Center

BACKGROUND: On May 11, 2000 the County Facilities Committee received a report on a water penetration problem that exists at the Roxie Avenue Center. The County Engineer estimated cost of remedial work to repair the problem is \$171,345. After the water penetration problem is fixed, a second phase of work will be necessary to replace water damaged sheet rock and carpet on the interior of the building.

ACTION: Approve an appropriation of \$171,345 to correct the water penetration problem at the Roxie Avenue Mental health Center.

MOTION: Commissioner King moved to approve.

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

7. Designation of Voting Delegate for the NACo 2000 Conference

ACTION: Designate voting delegates to the conference.

MOTION: Commissioner Blackwell moved to designate Commissioner Tyson as the voting delegate and Commissioner King as first alternate.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

8. Consideration of a vending machine franchise agreement for Mental Health

BACKGROUND: This Franchise Ordinance and Agreement will allow the Mental Health Department to

continue to provide vending machine services in the Mental Health buildings for patrons and employees. The Mental Health Department wishes to contract with the Mental Health Auxiliary to provide this service. The term of the agreement is for five years, ending June 30, 2005.

ACTION: Approve the first reading of the Ordinance and Agreement.

MOTION: Commissioner King moved to approve the first reading.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

9. Consideration of a franchise ordinance and agreement with Systel for Copying and Fax Vending Services at county libraries

BACKGROUND: The Board approved the Ordinance and Agreement in 1993. Renewal of the original franchise agreement with Systel would run from July 1, 2000 through June 30, 2005. As a consideration, the County library system will receive a \$1,200 media advertising budget monthly during the term of the agreement to be approved by the Library Director, and the right to use the machines for a reasonable amount of internal library staff copies. The agreement will automatically renew for additional one-year terms unless either party gives notice of termination.

ACTION: Approve the first reading.

Commissioner Tyson asked to abstain from this vote as he was involved in the original agreement.

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

SECOND: Commissioner King

VOTE: UNANIMOUS

MOTION: Commissioner King moved to approve the first reading.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS with Commissioner Tyson abstaining.

10. Consideration of Memorandum of Proposed Structure of TEA-21 Joint Agreement with Averagesboro Battlefield Commission, Inc. ("ABCI")

BACKGROUND: The Board of Commissioners approved sponsoring ABCI's application to NCDOT for a Transportation Enhancement Grant to make improvements to the Averagesboro Civil War Battlefield. ABCI is ready to submit its application, and a Memorandum of Understanding should be approved setting forth the basic principles of the proposed relationship between the County and ABCI, if the funding is approved. The basic fundamental guiding principle will be the ABCI's commitment and obligation to provide all necessary funding above and beyond any TEA-21 funding to provide financing of all project construction/installation and subsequent operations. It will expressly state that the County's sponsorship will not commit the County to providing any appropriation to support the project. The county would offer its expertise to ABCI, however, through consulting of the Recreation Director, the County Engineer and its Risk Manager, etc.

ACTION: Approve and authorize the County Manager to execute the application and any other related documents on behalf of the County.

MOTION: Commissioner Baggett moved to approve.

SECOND: Commissioner King

VOTE: UNANIMOUS

Clerk to the Board

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