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**Minutes**  
**Cumberland County Board of Commissioners**  
**May 1, 2000**  
**Regular Meeting**

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

**INVOCATION:** Commissioner Breeden Blackwell  
Rev. John Hedgepeth, Northwood Temple

**PLEDGE OF ALLEGIANCE**

**RECOGNITION:** County Retirees: Jeanne Harris, DSS  
Arthur David Henderson, Sheriff's Office

Chairman Melvin noted that Commissioner Bacote is back at our Commissioners' meeting after being out because of illness.

**1. PUBLIC HEARING**

**A. Community Development Consolidated Plan and 2000 Annual Action Plan**

**BACKGROUND:** These plans must be submitted to the Department of Housing and Urban Development on or about May 15, 2000. A public hearing for the Consolidated Plan was held before the Board of Commissioners on February 21, 2000, as required by Federal regulation. Through information gathered during the consolidated planning process, Community Development staff has identified as priority needs in Cumberland

County homeless assistance/prevention; recreational facilities/activities for seniors and youth; health care assistance; economic development activities (specifically job creation); affordable housing; transportation; and the provision of water and sewer. The Consolidated Plan outlines specific strategies to help address these priority needs during the next five-year period, July 1, 2000 – June 30, 2005. A draft of this plan has been available for a 30-day citizen review and comment period throughout Cumberland County that will expire on May 10, 2000. All comments received will be addressed by the Community Development Director within 15 days of receipt and forwarded to HUD with the Plan.

The purpose of this public hearing is to receive comments on the Consolidated Plan and the 2000 Annual Action Plan.

**SPEAKERS:** None

Commissioner King inquired about possible funding for the Slocomb Road sewer project. The County Manager indicated the feasibility study has been completed and we are trying to secure funding for the project.

In response to a question concerning money for economic development, Ms. Wilson stated no applications have been submitted yet; however, she has had some inquiries.

Commissioner Blackwell noted the appropriation of money for the homeless groups. He inquired if the groups have coordinated their requests. Ms. Wilson, Community Development Director, noted they groups have come together and will be speaking as one voice in the future. She noted the homeless operations must be in operation for one year before they are considered for funding.

**MOTION:** Commissioner Blackwell moved to approve the Plans.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

## 2. **CONSENT AGENDA**

**MOTION:** Commissioner Tyson moved to follow staff recommendations on all items on the Consent Agenda, except Item 2B.

**SECOND:** Commissioner Warren

**VOTE:** UNANIMOUS

**A. Approval of Minutes: April 17, 2000**

ACTION: Approve

**B. Approval of a Resolution Opposing Extension or Expansion of the Internet Tax Moratorium**

BACKGROUND: The Board of Directors of the NC Association of County Commissioners requests that Boards of Commissioners adopt resolutions opposing extension or expansion of the Internet Tax Moratorium. The Association projects that North Carolina counties cumulatively will lose \$264.5 million dollars in sales tax revenues over the period 1999-2003 due to Internet sales. The projected loss for Cumberland County for the same period is \$6-9 million. There is already a flattening of the growth in sales tax revenues which may be attributable in part to Internet sales.

ACTION: Adopt Resolution

**RESOLUTION**

WHEREAS, out-of-state remote sellers who conduct sales via the Internet, mail order and phone are not required by law to collect existing sales taxes imposed by state and local governments; and

WHEREAS, the primary barrier to collecting taxes on remote sales is the Supreme Court's ruling in *Quill V. North Dakota* which defers to Congress to authorize states to require remote sellers to collect taxes in a manner that does not unduly burden Interstate commerce; and

WHEREAS, state and local governments are working together to implement a streamlined sales tax system that would simplify definitions, tax rates and tax bases and use 21<sup>st</sup> Century technology in the collection process; and

WHEREAS, current laws create a competitive disadvantage and great inequities between merchants who sell from traditional "brick and mortar" establishments and those who sell from electronic stores; and

WHEREAS, increasing sales on the Internet, and the resulting erosion of sales and use tax revenues, will limit the ability of states and governments and school districts to finance essential public services such as police, fire, emergency medical service, education, social services, infrastructure development, and healthcare; and

WHEREAS, a recent University of Tennessee study estimates that the state sales tax revenue losses in 2003 will exceed \$10 billion; and

WHEREAS, the NC Association of County Commissioners projects North Carolina counties will cumulatively lose \$264.5 million in sales tax revenue over the period 1992-2003 to due Internet sales and Cumberland County's loss will be \$6-9 million over the same period; and

WHEREAS, the Advisory Commission on Electronic Commerce failed to reach a legally required consensus on fair and equitable treatment of both remote sellers and "Main Street" retailers and also proposed that Congress preempt state and local sovereignty guaranteed by the U.S. Constitution;

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners supports simplification of state and local taxes and urges states to move expeditiously to develop and approve model simplification legislation; and

BE IT FURTHER RESOLVED that Congress should not extend or expand the current moratorium until its expiration in October, 2001; and

BE IT FURTHER RESOLVED that if state and local governments choose to negotiate a brief extension of the existing moratorium as part of a broader bill, such an extension:

- should only be effective for a short period of time (no more than two years); and
- must be linked to states' successfully implementing sales tax simplification, which would trigger Congressional authorization of expanded duty to collect use taxes on remote sales.

**MOTION:** Commissioner King moved to approve

**SECOND:** Commissioner Blackwell

**DISCUSSION:** Commissioner Baggett said he thought more consideration should be given to this issue before the County takes any action. He said he would like to have more information on the issue before voting on it. In response to a question, the County Manager noted that local businesses in the area are being discriminated against as they have to pay sales tax, while when ordering items over the Internet, no Internet sales tax is paid. In addition, he reiterated the county sales tax revenues are flat, as we begin to feel the fallout of not receiving sales tax. He noted this Resolution states that if state and local governments

**choose to negotiate a brief extension of the existing moratorium, such an extension should only be in effect for a shorter period of time (no more than 2 years). During that time states would work towards implementing sales tax simplification.**

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

**C. Approval of deputizing Vicki Ramsey, Civic Center Finance Officer, as a Deputy Tax Collector**

**BACKGROUND:** Upon the recommendation of Tax Administrator Garrett Alexander and the Civic Center Finance Committee, the Civic Center Commission on April 18, 2000 approved a motion requesting the Board of Commissioners to appoint Vicki M. Ramsey, Civic Center Finance Officer, as a Deputy Tax Collector for the purpose of assisting with the financial reporting of Prepared Food and Beverage Tax and Room Occupancy Tax collections. This will enable her to have access to detailed, confidential information on Food and Beverage and Room Occupancy Tax receipts necessary to enable her to make more precise projections of revenues to support Civic Center operations and debt service obligations. This confidential information will not be shared with Civic Center staff.

**ACTION:** Deputize Vicki Ramsey as a Deputy Tax Collector for the purpose of assisting in the reporting of food and Beverage Tax and room Occupancy Tax receipts and provide a bond in the amount of \$100,000.

**D. Approval of Juvenile Crime Prevention Programs for FY2000-2001.**

**BACKGROUND:** The Board of Commissioners is required to approve the recommendations of the Juvenile Crime Prevention Council for proposed programs for the upcoming fiscal year. The funding sources are as follows:

State Juvenile Crime Prevention Funds	\$	943,998
Program Support		239,142
County Match		186,422
Cash Match	\$146,422	
Staff Support	40,000	
<b>TOTAL</b>	<b>\$</b>	<b>1,369,562</b>

**ACTION:** Approve the programs and funding as recommended by the JCP, authorize management to prepare program agreements, and authorize the Chairman to execute the agreements on behalf of the County contingent upon certification by the County Attorney.

**E. Budget Revisions**

**(1) Emergency Dispatch: Revision in the amount of \$1,830 to transfer funding from General Government Other Contingency to fund utilities for the emergency radio antenna located on Filter Plant Road (B00-633) Funding Source – County**

**(2) Law Enforcement Block Grant: Increase in revenue/ expenditures in the amount of \$395 to recognize interest earned from Law Enforcement Block Grant 98 (B00-631) Funding Source – Other**

**(3) Library: Revision in the net amount of \$0 to decrease State aid for public libraries and to recognize increases in other fees (B00-623) Funding Source – State and Fees**

**(4) Mental Health-Adult Periodic: Increase in revenue/ expenditures in the net amount of \$6,500 to reconcile the county budget to the state budget (B00-616) Funding Source – State and Fees**

**(5) Public Health-Communicable Disease: Increase in revenue/ expenditures in the amount of \$49,313 to budget Title IXX fees and escrow fund balance to purchase additional vaccine (B00-632) Funding Source – State & Escrow Fund Balance**

**(6) Assessor: Revision to appropriate fund balance in the amount of \$32,000 to fund TMA tax audits (B00-622) Funding Source – County**

**(7) 1998 School Bond Projects: Increase in revenue/ expenditures in the amount of \$800,000 to increase funding for the construction of a county recreation center adjoining the Stoney Point Elementary School and to approve the associated Capital Project Ordinance (B00-634) Funding Source – Other**



## REGULAR AGENDA

### 3. Nominations to Boards/Committees:

#### A. Minimum Housing Appeals Board (1 vacancy)

BACKGROUND: Mr. Tom Royston has resigned his position on this Board. He was serving in an Alternate Member position.

ACTION: Make nomination(s) to fill the vacancy.

Nominee: Rose January

#### B. Joint Senior Citizens Advisory Board (1 vacancy)

BACKGROUND: Ms. Jan B. Anderson has resigned her position on this Board.

ACTION: Make nomination(s) to fill the vacancy.

Nominee: Marie Tomlin

#### C. Workforce Development Board (2 vacancies)

BACKGROUND: Cathy Lada and Russ Mason have not been attending the Board meetings. Both were serving in the Private Sector Representative positions.

Mr. Billy Manning was nominated for one of the positions; however he is ineligible to serve because he has not been referred by a general-purpose business organization. Mr. Manning has been informed of this situation and has indicated he would like to have his name withdrawn from nomination.

Nominations for these vacancies must come from the attached list of Private Sector nominees.

ACTION: Make three nominations for the two vacancies.

Nominees: Barry Bullock  
Jim Klemish  
W.G. McHenry

#### **4. Appointments to Boards/Committees**

##### **A. Community Healthcare Council (5 vacancies)**

Nominees: Dr. Michael Bryant: Medical Society Surgery Representative  
Dr. Johnnie E. Jones, Medical society OB/GYN Representative  
Clinton Smith, Town of Spring Lake Representative  
Sherri Roberts, Town of Stedman Representative  
Carolyn Tracy, Long Term Care Representative

**MOTION:** Commissioner Bacote moved to appoint the nominees by acclamation.

**SECOND:** Commissioner Warren

**VOTE:** UNANIMOUS

##### **B. Board of Health (1 vacancy, Nurse Position)**

Nominees: Mary G. Buie  
Annette E. Lanier

Voting as follows: Mary G. Buie: Commissioners Blackwell & Warren

Annette E. Lanier: Commissioners Melvin, King, Bacote,  
Tyson & Baggett

##### **C. Adult Care Home Community Advisory Committee (1 vacancy)**

Nominee: Pamela Suggs Story

The Board voted unanimously to appoint Pamela Suggs

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##### **Appointment of First and Second Vice Chairman of the Equalization and Review Board**

**BACKGROUND:** The Board of Commissioners is responsible for appointing the Chairman, First Vice Chairman and Second Vice Chairman of the E&R Board.



Mr. Joe Gillis and Mr. Marvin Allen were serving as First and Second Vice chairpersons. Their terms have expired and they are no longer on the Board; therefore, appointments must be made to fill the First and Second Vice President positions.

Mr. Garrett Alexander recommends Mr. Bill Holland be appointed First Vice Chairman and Mr. Jerry McDonald be appointed Second Vice Chairman. Note: Mr. George Turner is currently Chairman of the Board.

**ACTION:** Appoint a First & Second Vice Chairman for the E&R Board.

**The Board voted unanimously to appoint Bill Holland, First Vice Chairman and Jerry McDonald, Second Vice Chairman.**

**5. Presentation regarding the Averasboro Battlefield.**

Appearing: Mr. Walt Smith, Averasboro Battlefield Commission

The Averasboro Civil War Battlefield is located in northeastern Cumberland County along NC Highway 82, north of Godwin, extending into Harnett County. The Averasboro Battlefield Commission is a non-profit organization working to preserve and restore the historic elements of the Battlefield. It currently operates a museum in the Harnett County portion of the Battlefield. The Commission is submitting an application to the NC Department of Transportation for a Transportation Enhancement Grant to provide funding for the restoration/preservation of certain historic features in the Battlefield area. The Grant requirements specify that the grant recipient be a governmental entity. The Commission is requesting that the County serve as the sponsoring organization.

This proposed arrangement contemplates that the County, as the sponsoring organization, contract with the Commission for project management. The County would receive and disburse the grant funds, make all required reports to NCDOT, oversee the Project Manager and be legally responsible to assure that all grant requirements are met. The Averasboro Battle Commission will provide all required matching funds. Additionally, because the project activities will occur in both Cumberland and Harnett Counties, an intergovernmental agreement with Harnett County will most likely be necessary.

**ACTION:** Consider the request to serve as the sponsoring organization for this grant.

**MOTION:** Commissioner King moved that the County serve as the

**sponsoring organization for this grant.**

**SECOND: Commissioner Warren**

**VOTE: UNANIMOUS**

**6. County Facilities Committee Report and Recommendations**

**A. Funding for Design Services and Replacement of the Courthouse and Law Enforcement Center roofs**

**BACKGROUND:** The roofs on the Courthouse and Law Enforcement Center have reached or exceeded their useful life and are beyond repair. The LEC roof was replaced in 1987 with the exception of the mechanical penthouse roof which is the original roof installed in 1975. The new Courthouse roof was replaced in 1989. Both roofs are no longer under warranty and are single ply membrane systems which have not provided the expected service life. The replacement would include a complete tear-off of the old roofs and installation of a modified bituminous membrane that should provide a longer service life than the single roof membranes. The estimated cost is \$470,800.00.

The Facilities Committee recommends that the Board of Commissioners appropriate the necessary monies from the General Fund Balance to fund this project.

The initial phase of the project is to secure design services. RTD Associates will provide engineering, design construction documents and construction administration services for roof replacement on both buildings for \$52,445.00.

**ACTION:**

1. Approve the project to replace both roofs and appropriate \$470,800 from the General Fund Balance for the project;
2. Approve the agreement with RTD Associates to provide the design and construction administration services in the amount of \$52,445;
3. Approve associated budget revision (B00-635).

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

**SECOND: Commissioner Blackwell**

**VOTE: UNANIMOUS**

**B. Stedman Recreation Center Naming**

**BACKGROUND:** The Facilities Committee, on April 12, 2000, approved a motion to forward a recommendation to name the Stedman Recreation Center Building in honor of the late Annie Lou Hall to the Board of Commissioners for consideration.

**ACTION:** Approve naming the Recreation Center in honor of Annie Lou Hall, contingent upon approval of the Board of Education.

**MOTION:** **Commissioner King moved to approve the action above.**

**SECOND:** **Commissioner Warren**

**VOTE:** **UNANIMOUS**

## **7. County Personnel Committee Report and Recommendations**

### **A. Revised Salary Range**

**BACKGROUND:** The Personnel Committee on April 13, 2000 approved a motion recommending that our current salary ranges have a spread of 65%. This will ensure that all employees are within the revised range of their job classification. These proposed ranges will not have any effect on the minimum rate currently listed for each grade. In addition, there will be no costs involved in this revision.

**ACTION:** Approve the proposed salary ranges for each grade in our pay plan effective January 2, 2000; the maximum rates shall be established at 65% above the minimum and the midpoint at the halfway point of each range. (See Attachment A to these Minutes).

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

**SECOND:** **Commissioner King**

**VOTE:** **UNANIMOUS**

### **B. Budget Analyst and Deputy Clerk Position reclassifications**

**BACKGROUND:** The Personnel Committee considered two proposed classification upgrades, one for the Budget Analyst and one for the Deputy Clerk to the Board. These upgrades are necessary to maintain internal equity among other classifications without our classification and pay plan.

**ACTION:** Approve the reclassifications and associated budget revisions (B00-630 and B00-627)

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

**SECOND:** Commissioner Baggett

**VOTE:** UNANIMOUS

**MEETING ADJOURNED:** 9:55AM

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Clerk to the Board

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Page last updated 6/12/00