

CUMBERLAND COUNTY BOARD OF COMMISSIONERS

APRIL 15, 2002 , 7:00PM

REGULAR/REZONING MEETING

PRESENT: Chairman Breeden Blackwell
Vice Chairman Talmage S. Baggett
Commissioner Jeannette Council
Commissioner Kenneth S. Edge
Commissioner John Henley
Commissioner Billy R. King
Commissioner J. Lee Warren, Jr.
James Martin, County Manager
Amy Cannon, Asst. County Manager
Cliff Spiller, Asst. County Manager
Grainger Barrett, County Attorney
Marsha Fogle, Clerk to the Board
Tom Lloyd, Interim Planning Director

INVOCATION: Commissioner John Henley

PLEDGE OF ALLEGIANCE: Adam Craven – Village Christian Academy

INTRODUCTION OF EX-OFFICIO HIGH SCHOOL STUDENT PARTICIPANTS:

Corey Mullen – Terry Sanford High School
Denise Busbin – Northwood Temple Academy

1. Presentation by Jim Crayton – Dogwood Festival

Jim Crayton, Chairman of the Dogwood Festival Committee, presented the Board and staff Dogwood Festival shirts. The Dogwood Festival will be held April 25-29, 2002.

AMENDMENTS TO THE AGENDA:

Add: Approval of letters pledging the County's support for the application from the City of Fayetteville for grant funds from the Economic Development Administration to extend sewer lines to serve DAK Americas, DuPont Teijin films and Wellman, Inc.

Add: Personnel Matter to the Closed Session

Also, on Item 9 a revised Resolution was given to the Commissioners for the Kelly Hills/ Slocomb Road item (last item on the agenda).

MOTION: Commissioner Baggett moved to approve the amendments to the agenda.

SECOND: Commissioner King

VOTE: UNANIMOUS

2. PUBLIC HEARINGS

Uncontested Rezoning Cases:

Upon finding the rezoning requests to be reasonable, neither arbitrary or unduly discriminatory and in the public interest and that the property within such proposed district is suitable for all uses permitted by the new classification, the following motion was offered:

MOTION: Commissioner Warren moved to follow the Planning Board recommendations on the uncontested rezoning cases.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

A. Case P02-10: The rezoning of 5.96 acres from A1 to RR, or a more restrictive zoning district at 8027 Carlos Road owned by Mr. and Mrs. James M. Hair

The Planning Board recommended denial of RR and approval of R40A.

B. Case P02-16: The rezoning of 2.43 acres from A1 to R40A, or to a more restrictive zoning district, at 8311 Godwin Falcon Road, owned by Danny and Lawanda Smith

The Planning Board recommends approval of R40A.

C. Case P02-17: The rezoning of a portion of 13.65 acres from PND to C(P), or to a more restrict zoning district, at 4407 Ramsey Street, owned by Joe W. Stout

The Planning Board recommends approval of C(P).

D. Case P02-18: The rezoning of 5.81 acres from RR, M(P) and M(P) CUO to C(P), or to a more restrictive zoning district, at 1570 Wilmington Highway, owned by Anthony A. Kennedy

The Planning Board recommends approval of C(P).

E. Case P02-19: The rezoning of 5.53 acres from A1 to RR, or to a more restrictive zoning district, at 670 Fred Hall Road, owned by Robert W & Annie P. Hair

The Planning Board recommends denial of RR and approval of R40A.

F. Case P02-20: The rezoning of 1.83 acres from A1 to RR, or to a more restrictive zoning district, on Lena Spell Drive, east of Dudley Road, owned by Janie M. Spell

The Planning Board recommends approval of RR.

G. Case P02-21: The rezoning of 2.0 acres from A1 to RR, or to a more restrictive zoning district, at 2401 Tucker Road, owned by Percy and Ethel Collins

The Planning Board recommends approval of RR.

OTHER PUBLIC HEARINGS

H. Community Development 2002 Annual Action Plan

BACKGROUND: This plan must be submitted to HUD on or about May 15, 2002. A public hearing must be held prior to submission of the Plan. The Plan will be available for a 30-day citizen review and comment period from April 9 – May 8, 2002. All comments received will be addressed by the Community Development Director and forwarded to HUD with the Plan.

Nina Wilson, Director, Community Development, said the plan will come back to the Board for approval prior to submission,

SPEAKERS: None

NO ACTION NEEDED.

I. Cumberland County Wrecker Ordinance

BACKGROUND: The proposed changes to the Ordinance are designed to harmonize the County and City of Fayetteville's ordinances regarding wrecker operation to provide nearly identical standards for wrecker equipment, response and operation. The changes would bring the fee schedule adopted in 1995 in line with the current charges for towing serves in the community as well as the fee set by the City. The Ordinance will insure that wreckers responding to the public are equipped with the technology and design to meet the needs of the vehicles operating on the highway today and will protect the motoring public. These revisions also modernize the requirements for heavy duty wrecker equipment, for storage lots and revise the appeal procedures. The local wrecker operators who are members of the rotation wrecker list had substantial input into this proposed ordinance. Wrecker inspectors from the Sheriff's Office and the Fayetteville Police Department have worked out details of common administration actions under the respective ordinances, leading to a decrease in the man hours necessary to administer the Ordinances.

SPEAKERS:

1. Mark Norton – Norton's Wrecker Service – Mr. Norton supports the amended Ordinance.
2. Larry Sessoms – Larry's Towing Service – Supports the new Ordinance.

MOTION: Commissioner Warren moved to adopt the Ordinance, effective upon adoption.

SECOND: Commissioner King

VOTE: UNANIMOUS

3. CONSENT AGENDA

The following items will be voted on separately: Item 3C, 3D, & 3J.

MOTION: Commissioner Council moved to follow staff recommendations on the items on the Consent Agenda, excepting items 3C, 3D, & 3J, as noted above.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

a. Approval of Minutes: April 2, 2002

ACTION: Approve

b. Approval of City of Fayetteville easement for street improvements at Russell and Williams Street

BACKGROUND: This easement is associated with the development of the Center City Industrial Center. The City is requests an easement on county-owned property presently used for overflow parking for the Community Corrections Facility. The proposed easement includes 45 square feet at the northeast corner of the parking lot. The easement will not adversely affect the use of the property.

ACTION: Approve the easement.

c. Approval of sale of surplus county-owned real property acquired by tax foreclosure – Lot 270 Westpoint Section 6

BACKGROUND: The County acquired the property in 1999 by tax foreclosure. The amount currently owed on the foreclosure judgment including interest and costs is \$648.57. John Bowman has offered to purchase the property for \$648.57 and has deposited \$64.86 in the Finance office. The tax value of the property is \$1,300.

ACTION: Accept the offer in the amount of \$648.57, plus costs and authorize the Chairman to execute a deed upon receipt of the balance.

Commissioner Council noted some concerns about selling the surplus county property for less that the tax value. She noted some real concerns about the sale of the property in Item 3d. She noted the offer to buy is \$1,975 and the property is valued at \$15,000. She suggested that perhaps we set a minimum bid on the property.

MOTION: Commissioner Baggett moved that the Board accept the offer in Item 3C and reject the offer in Item 3D.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

d. Approval of sale of surplus county-owned real property acquired by tax foreclosure – 3.0 acres Matthews Land

BACKGROUND: The County acquired the property in 2001 by tax foreclosure. The amount owed including interest and costs is \$1,975.93. John Bowman has offered to purchase the property for \$1,975.93 and has deposited \$197.60 in the Finance Office. The tax value of the property is \$15,000.

ACTION: Consider whether to accept Mr. Bowman's offer.

e. Adoption of a Proclamation proclaiming May 13-17, 2002, "Cumberland County Law Enforcement Officers' Week" and May 15, 2002, "Peace Officers' Memorial Day"

ACTION: Adopt Proclamation

PROCLAMATION

WHEREAS, Cumberland County recognizes the heroism of all law enforcement officers who have died in the line of duty – giving their lives to protect and serve the citizens of our county; and

WHEREAS, the Cumberland County Sheriff's Office has lost twelve officers in the line of duty; and

WHEREAS, a permanent memorial has been designed and erected in memory of all fallen officers and placed on the grounds of the Cumberland County Courthouse and Law Enforcement Center.

NOW, THEREFORE, the Cumberland County Board of Commissioners hereby proclaims May 13-17, 2002 "Cumberland County Law Enforcement Officers' Week" and May 15, 2002 "Peace Officers Memorial Day". With this Proclamation, the Board encourages all citizens of Cumberland County to recognize the contributions of those who serve their community in potentially dangerous circumstances and the ultimate sacrifice by those who have given their lives protecting and serving this county.

f. Approval of Health Department Fees

BACKGROUND: The Board of Health approved the following fees on March 19, 2002:

| PROCEDURE | CURRENT FEE | PROPOSED FEE |
|-----------|-------------|--------------|
|-----------|-------------|--------------|

| | | |
|---------------------------------|---|---------|
| Chlamydia Treach, DNA/Direct | 0 | \$34.45 |
| N. Gonorrhea DNA, Direct | 0 | \$34.45 |
| Glucose Test | 0 | \$7.85 |

ACTION: Approve the proposed fees

g. Approval of Cape Fear Valley Health System purchase of property located at 3519 Melrose Road at the appraised value of \$73,000 plus closing costs

BACKGROUND: The Hospital Board of Trustees approved this purchase on March 27, 2002 at the appraised value of \$73,000 plus closing costs.

ACTION: Approve the purchase.

h. Approve acceptance of grant award in the amount of \$106,412 from the Department of Housing and Urban Development for the Supportive Housing Program (SHP)

BACKGROUND: Cumberland County has been awarded a \$106,412 Supportive Housing Program grant for the Step Up Semi-Independent Living Program. The Coalition on Services to the Homeless, a local non-profit organization, will be responsible for the day to day operation of the program. In order to receive the Grant the Board must approve acceptance of the new revenue.

ACTION: Approve acceptance, authorize the County Manager to sign the Grant Agreement and approve associated budget revision (B02-378 & 378A)

i. Budget Revisions

(1) Community Development

a. Administration – Revision in the amount of \$14,270 to budget additional funds (B02-372) Funding Source – Federal

b. Housing – Revision in the amount of \$57,080 to budget

program income (B02-372A) Funding Source – Federal

c. Home – Revision in the amount of \$32,000 to budget program income (B02-371) Funding Source – Federal

d. Housing/Public Facilities – Revision in the amount of \$82,500 to reallocate revenue/expenditures to provide funding for the NORCRESS Project (B02-373 & 373A) Funding Source – Reallocation of budgeted revenue & expenditures Federal

(2) Senior Aides

a. Revision in the amount of \$21,618 to reconcile the county budget to the final federal allocation (B02-374) Funding Source – Federal

b. Revision in the amount of \$1,900 to recognize Private Sector Initiative funding to provide on the job training for two people (B02-375) Funding Source – Other

(3) 1998 School Bond Projects – Revision to adjust capital project budget to agree to changes adopted by the Cumberland County board of Education and to approve the associated original and revised Capital Project Ordinances (B02-362) Funding Source – Reallocation of Budgeted Expenditures

(4) Register of Deeds Automation – Revision to increase revenues/expenditures in the amount of \$40,721 to provide upgrades to the automation system (B02-376) Funding Source - Fees

(5) Mental Health

a. Administration/Managed Care – Revisions in the net amount of \$14,225 to reclassify a Payroll Clerk II to Accounting Technician I; to upgrade Local Mental Health Administrator II while acting as Area Director; and to temporarily fund a position for an understudy to the Deputy Director (B02-379 & 379A) Funding Source – Reallocation of Budgeted Expenditures

b. MIS – Revision in the amount of \$8,820 to appropriate

fund balance to increase consultant contract to comply with Federal HIPAA requirements (B02-385) Funding Source – Mental Health Fund Balance

c. Adult Homeless – Revision in the amount of \$5,000 to budget additional Adult Homeless Funds for general operating expenditures (B02-386) Funding Source – Federal

d. Willie M Organizations – Revisions in the net amount of \$37,250 to cover expenses for repairs to the new Crossroads Group Home location and for computers and software (B02-387-387E) Funding Source – Reallocation of Budgeted Expenditures and Revenues and Mental Health Fund Balance

(6) Stoney Point Fire District – Revision in the amount of \$200 to budget for unanticipated refunds to taxpayers (B02-392) Funding Source – Taxes Current Year

(7) Health

a. Environmental Health – Revision in the amount of \$177 to adjust budget to reflect decrease in Food & Lodging Reimbursement (B02-389) Funding Source – State

b. Revisions in the net amount of \$3,902 to budget additional revenue in order to purchase computer firewall equipment in order to comply with the Health Insurance Portability and Accountability Act (HIPPA) (B02-391-391F) Funding Source – Fees

J. Consideration of approval of letters pledging the County's support for an application from the City of Fayetteville for grant funds from the Economic Development Administration to extend sewer lines to serve DAK Americas, DuPont Teijin Films and Wellman, Inc.

Commissioner Baggett said he was supportive of the project, but was disturbed that the County could not apply for the funds. He noted concern that this is a county project and the county will have no real control over it. James Martin, County Manager, said because the City of Fayetteville through its Public Works Commission is the provider of sewer services under EDA's regulations, it must apply for the funding.

MOTION: Commissioner King moved to approve the letters of support.

SECOND: Commissioner Henley

DISCUSSION: Commissioner King said he understood Commissioner Baggett's concern.

VOTE: **FAVOR:** Commissioners Henley, Edge, Blackwell, Warren, Council and King

OPPOSED: Commissioner Baggett

REGULAR AGENDA

4. Nominations to Boards/Committees

a. Minimum Housing Appeals Board (1 vacancy)

BACKGROUND: The Minimum Housing Appeals Board requests that Barry Bullock be replaced; he does not attend meetings. He is serving in the alternate position.

NOMINATIONS: Clyde Vaughan

5. Appointments to Boards/Committees:

MOTION: Commissioner King moved to appoint the persons nominated in Items 5A-5E.

SECOND: Commissioner Council

VOTE: **UNANIMOUS**

a. Nursing Home Advisory Board (2 vacancies)

Nominees: Mary E. Dillion
Ruth Marie Rosser

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

Nominees: Derrick Davis
Janet Pelley

c. Criminal Justice Partnership Advisory Board (7 vacancies)

Nominees: Probation Officer/Asst. JDM: Billie Jo Atkins (reappointment) and A. Wayne Marshburn (reappointment)

Sheriff/Designee: Lt. John McRaney (reappointment)

Community-based Corrections Programs Representative: Elizabeth Gnann (reappointment)

Victim Services Programs Representative: Sharon Wright Hucks (reappointment)

Substance Abuse Service Representative: James Miller (reappointment)

Community Service Coordinator: Gretta Lennon

d. Eastover Sanitary District (1 vacancy)

Mr. David C. Pate has resigned his position on the Eastover Sanitary District. He was elected in 2001 and his term will expire December, 2005. NCGS 130A-54 states that “any vacancy in a sanitary district board shall be filled by the county commissioners until the next election for sanitary district board members.” The next election will be held in 2003, which is when Rad Rich’s term will expire. The Board will need to appoint someone to serve in Mr. Pate’s position until the next election is held in 2003.

ACTION: Appoint Charles A. Register to fill Mr. Pate’s position until 2003, the date of the next election for sanitary district board members.

e. Godwin-Falcon Fire Department Relief Fund Board (1 vacancy)

BACKGROUND: Historically, the Board of Commissioners confirms appointments to the Fire Department Relief Fund Board. Mr. Joel K. Matthews passed away some time ago and the Godwin Falcon Fire Department recommends that Mr. Woody Ray Adams be appointed to fill the vacancy.

ACTION: Confirm the appointment of Mr. Adams to the Godwin-Falcon Fire Department Relief Fund Board.

f. Storm Water Advisory Board (joint appointee with the City of

Fayetteville)

BACKGROUND: Ms. Alicia Chisolm resigned her position on this Board; she was serving in the Joint Appointee position on the Board. Pursuant to the Storm Water Public Enterprise Ordinance, a joint appointee, recommended by the Chairman of the Board of Commissioners and the Mayor of the City of Fayetteville, must be confirmed by both Boards.

Chairman Blackwell and Mayor Pitts recommend that Mr. Clifton McNeill, Sr., be appointed to the joint position. Mr. McNeill indicates he is willing to serve.

ACTION: Concur in the appointment of Clifton McNeill, Sr.

6. Consideration of forming Kelly Hills/Slocomb Road Water and Sewer District

BACKGROUND: The Board of Commissioners held a public hearing on March 19, 2001 to consider forming the Kelly Hills/Slocomb Road Water and Sewer District. It has the authority to establish the district under Chapter 162A, Article 6. The Board may establish the district by resolution after the public hearing. The Board must find that:

- there is a demonstrable need for providing in the district water and/or sewer services;
- residents of all the territory to be included will benefit from the district's creation;
- it is economically feasible to provide the proposed service or services within the district without unreasonable or burdensome annual tax levies.

Note: The District has been awarded a North Carolina Rural Center grant of \$2,823,400. The total estimated cost of the project is \$3,583,400.

ACTION: Adopt Resolution creating the Kelly Hills/Slocomb Road Water and Sewer District

MOTION: Commissioner Baggett moved to adopt the Resolution.
SECOND: Commissioner King
VOTE: UNANIMOUS

RESOLUTION CREATING KELLY HILLS/SLOCOMB ROAD WATER AND SEWER DISTRICT

WHEREAS, the Cumberland County Board of Commissioners (hereinafter "the Board") at its regular meeting on February 19, 2001, resolved that a public hearing be held, pursuant to NCGS 162A-86 et.seq., to consider creation of the Kelly Hills/Slocomb Road Water and Sewer District; and

WHEREAS, the Board further resolved that the said public hearing should be held on March 19, 2001, and directed the appropriate representatives of the County to take the necessary actions to hold the public hearing; and

WHEREAS, pursuant to NCGS 162A-86, a notice of public hearing was prepared stating the date, hour and place of the hearing and its subject and setting forth a description of the territory to be included within the proposed Kelly Hills/Slocomb road Water and Sewer District; and

WHEREAS, pursuant to said NCGS 162A-86, the notice of public hearing was published once a week for three weeks in a newspaper that circulated in the proposed district and was posted in at least three public places in the district. The notices of public hearing were posted and published the first time not less than twenty days before the hearing; and

WHEREAS, a public hearing was held at 7:00 PM, March 19, 2001, in Room 118, Cumberland County Courthouse, 117 Dick Street, Fayetteville, NC, at which time taxpayers and all other interested persons appeared and were heard concerning the question of creating the Kelly Hills/Slocomb Road Water and Sewer District; and

WHEREAS, the Board, following the public hearing, finds that:

- There is a demonstrable need for providing in the district water and/or sewer services;
- The residents of all the territory to be included in the district will benefit from the district's creation; and
- It is economically feasible to provide the proposed service or services in the district without unreasonable or

burdensome annual tax levies; and

WHEREAS, the Board finds that the district shall be defined as set forth below;
and

WHEREAS, the Board now desires to create the Kelly Hills/Slocomb Road
Water and Sewer District.

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of
Commissioners as follows

1. It is hereby found that:

- There is a demonstrable need for providing in the district
- water and/or sewer services;
- The residents of all the territory to be included in the district will benefit from the district's creation; and
- It is economically feasible to provide the proposed service or services in the district without unreasonable or burdensome annual tax levies; and

2. The Kelly Hills/Slocomb Road Water and Sewer District is hereby created as
provided above and the said district is hereby described as follows:

Beginning at the intersection of the right of way of US Highway 401N (Ramsey Street) and SR 1711 (Bethune Drive) and following the eastern right of way of Ramsey Street north approximately 4,500 feet to the northwest property corner of MM&T Investments, Inc.; thence running with MM&T Investment Inc. property line in a southeasterly direction for a distance of about 2,600 feet to appoint on the southern right of way of SR 1710, Slocomb Road; thence running in an easterly direction along the southern right of way of Slocomb Road for a distance of about 1,200 feet to the northeast property corner of James D. New; thence running with James D New's eastern property line for a distance of about 800 feet to the southeast corner of said property; thence running with James D New's property line in a southwesterly direction for a distance of about 500 feet to the southeastern property corner of Maryin E. Conard; thence running with Maryin E. Conard's property line in a northwesterly direction for a distance of about 200 feet to the southeastern property corner of James D. Elliot; thence running with James D. Elliot's property line in a southwesterly direction for a distance of about 2,500 feet to the southern property corner of Franklin S. Clark III; also being the

property corner of James Paul Chrapek Trustee; thence running with James Paul Chrapek Trustee's property line in a southeasterly direction for a distance of approximately 700 feet to the eastern property corner of said property; thence running with James Paul Chrapek Trustee's property line in a southwesterly direction for a distance of about 1,600 feet to the southeastern property corner of James H. Thomas, also being the northern right of way of SR 1711, Bethune Drive; thence running along the northern right of way of Bethune Drive in an northwesterly direction for a distance of about 4,500 feet to the point of beginning; and containing 340 acres more or less. The boundary of the proposed water and sewer district is more particularly described on a map available for inspection in the Office of the County Engineer.

3. The Clerk to the Board is hereby authorized and directed to cause this Resolution to be published once in each of two successive weeks in the newspaper in which the notices of public hearing were published, as well as a statement also be published that any proceeding to challenge the validity of the resolution or the establishment of the district must be brought within 30 days of first publication of the resolution.

4. This resolution shall be effective upon its adoption as by law provided.

7. Consideration of an Interlocal Agreement for extension of PWC sewer line through Eastover to Norcross District

BACKGROUND: This interlocal agreement is between NORCRESS, the County, the Board of Education, Eastover Sanitary District and the City of Fayetteville for PWC, and provides for PWC to extend a sanitary sewer main through Eastover to the Norcross Sewer System discharge point. It also provides for sewerage Armstrong Elementary School and reserves to Eastover the right to purchase up to 600,000 gpd of capacity at a fixed rate of \$1.94 per gallon for ten years. Of a total project cost of \$1,850,000, the County and PWC will each contribute \$575,000, the Board of Education will contribute \$200,000 and NORCRESS will pay \$500,000 to make up the balance of the estimated project cost. (The Board will also consider this Interlocal Agreement and another Interlocal Agreement for allocation of PWC sanitary sewer treatment capacity to NORCRESS in its capacity as the NORCRESS Water and Sewer District Governing Board, because the Norcross Water and Sewer District is a separate signatory to the agreements).

MOTION: Commissioner Baggett moved to approve.

SECOND: Commissioner Warren
VOTE: UNANIMOUS

8. Consideration of referring rezoning case P02-08 back to the Planning Board for consideration of a Conditional Use Overlay and Permit

BACKGROUND: The Board of Commissioners heard this case on March 18 and followed the recommendation of the Planning Board which was to deny the rezoning request. Although Mr. Espino, the petitioner, was at the meeting he did not understand that he needed to sign up to speak about the matter. Commissioner Warren would like to send this case back to the Planning Board for reconsideration of a conditional use overlay district. Mr. Warren noted concern that Mr. Espino did not understand the process.

MOTION: Commissioner Warren moved to send this case back to the Planning Board for consideration of a conditional use overlay district, at no cost to the petitioner.

SECOND: Commissioner King
VOTE: UNANIMOUS

9. Consideration of a Resolution requesting the State to pay the reimbursements owed to the counties or advance the date of the new ½ % sales tax

BACKGROUND: This resolution, if adopted, will ask the State to pay local governments the current year reimbursements that have been withheld or to advance the effective date of the new ½ percent sales tax. The municipalities in the County will also adopt the Resolution.

ACTION: Adopt Resolution

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

**RESOLUTION REQUESTING THE STATE TO PAY THE REIMBURSEMENTS
OWED TO THE COUNTIES AND CITIES OR ADVANCE THE DATE OF
THE NEW ½ PERCENT SALES TAX AND REQUESTING THE STATE TO
RELEASE THE UTILITIES FRANCHISE TAX OWED TO THE CITIES AND TOWNS**

WHEREAS, the economic slowdown has caused a decline in county sales tax collections, and increased the need for county services to unemployed and economically disadvantaged citizens, including Social Services, Mental Health Services and Public Health Services; and

WHEREAS, the economic slowdown has equally affected the services provided by cities and towns to their citizens as well as reduced other revenues available to meet these needs; and

WHEREAS, there exists an expected overage in Medicaid costs to the County of Cumberland in the amount of \$2,100,000 for the upcoming fiscal year; and

WHEREAS, the failure of the State to comply with its obligation to pay the Utilities Franchise Tax, Beer and Wine Excise Taxes, reimbursements from the State's repeal of the Inventory Tax, and Elderly Homestead Reimbursements for the current fiscal year totals \$2,197,617 in lost revenue for Cumberland County and more than \$3,000,000 for its cities and towns; and

WHEREAS, the failure of the State to make its payments has resulted in the County and its Cities and Towns having to take measures to balance their current Year's budgets, including freezing hiring for vacant positions, reducing current year expenditures for services, and eliminating much needed capital improvements to our urban infrastructure; and

WHEREAS, should the State fail to comply with its obligation to pay the Utilities Franchise Tax, Beer and Wine Excise Taxes, reimbursements from the State's repeal of the Inventory Tax, and Elderly Homestead Reimbursements for the ensuing fiscal year, the County of Cumberland, and the municipalities of Falcon, Wade, Godwin, Stedman, Spring Lake, Hope Mills, Linden and Fayetteville will face severe economic pressures, which will result in a sizable property tax increase or a reduction of services to the citizens of the County, or both, which will disproportionately affect its most economically disadvantaged citizens.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF CUMBERLAND AND THE COUNCILS OF ITS MUNICIPALITIES DO RESOLVE:

The Legislative Delegation representing the citizens of Cumberland County and its Cities and Towns are called on to require the Governor to pay the Utilities Franchise Tax, Beer and Wine Excise Taxes, reimbursements from the State's repeal of the Inventory Tax, and Elderly Homestead Reimbursements to the

counties and municipalities in the State for the current fiscal year and for the ensuing fiscal year.

If the moneys are unavailable to make the payments to the counties and municipalities for Beer and Wine Excise Taxes, reimbursements from the State's repeal of the Inventory Tax, and Elderly Homestead Reimbursements, then the Legislative Delegation is called on to advance the effective date of the new on-half percent sales tax for local governments, which is scheduled to replace these revenues for the 2004 fiscal year, to July 1, 2002.

Regardless of the action on the foregoing matters, the delegation representing Cumberland County's cities and towns are called on to require the Governor to release the Utilities Franchise Tax rightfully belonging to the municipalities.

Each local governing body shall send a copy of this Resolution to the Governor, Lieutenant Governor, President Pro Tem of the Senate, Speaker of the House, the members of the legislative delegation representing Cumberland County, and its Cities and Towns, the North Carolina Association of County Commissioners, and the North Carolina League of Municipalities.

10. Consideration of the County Finance Committee Report and Recommendations

A. Consideration of continuing existing audit contract with Cherry, Bekaert & Holland, L.L.P.

BACKGROUND: The audit contract with Cherry, Bekaert & Holland, L.L.P. was negotiated through a competitive bid process in August, 1996, for the audit period ending June 30, 2001. Based upon the complexity involved in converting our traditional governmental statements to comply with GASB 34, staff recommends that the County continue its existing contractual relationship with Cherry, Bekaert & Holland. The Finance Committee recommends approval.

ACTION: Authorize the Assistant County Manager for Financial Services to enter into an agreement with Cherry, Bekaert & Holland to extend the existing contract through June 30, 2007.

MOTION: Commissioner Warren moved to approve.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

B. Consideration of advance bidding process for County mainframe upgrade

BACKGROUND: The three-year warranty on our mainframe hardware and software with IBM will expire June 30, 2002. The options are to begin paying monthly rental and maintenance or upgrade our existing machine through a competitive bid process. The cost will be about the same over a three-year period. Staff recommends that the County upgrade the hardware through a competitive bid process. At the Planning Retreat in February, \$300,000 was included in the preliminary FY2003 budget for this purchase. To take advantage of the projected savings for the purchase of a 60 MIPS machine, the Assistant County Manager recommends that currently budgeted funds in the General Fund Contingency be used for this purpose. The proposed appropriation of \$300,000 could be reduced significantly. The Finance Committee recommends that the advancing the timing of the procurement process would be in the best interest of the County.

ACTION: Approve advancing the competitive bidding process for the upgrade of our County mainframe computer.

MOTION: Commissioner Edge moved to approve.
SECOND: Commissioner Henley
VOTE: UNANIMOUS

C. Consideration of scheduling a Public Hearing to consider authorization of an additional one-half percent (1/2%) Local Option Sales Tax

BACKGROUND: The General Assembly has authorized local governments to levy a one-half percent local sales tax and use tax as of July 1, 2003, to replace State reimbursements that will be eliminated in State Fiscal Year 2003-04. The provisions of the new local sales tax are:

Effective Date: Not earlier than July 1, 2003 and anytime thereafter.

Method of Enactment: (a) By resolution of the board after a public hearing or
 (b) by conducting a local referendum.

Allocation of Proceeds among counties: 50% on the basis of population
 50% on the basis of point of origin

Distribution between County & Municipalities: Same as chosen by the County for the distribution of the other local option sales taxes.

Coverage of the Tax: Food purchased for home consumption is exempt from the Article 44 Sales Tax

ACTION: Schedule a public hearing on the enactment of the third one-half percent sales tax for the May 6, 2002 Board of Commissioners meeting.

MOTION: Commissioner Edge moved to schedule the public hearing for May 6, 2002, 9:00 AM.

SECOND: Commissioner Council

VOTE: UNANIMOUS

10. Consideration of the County Policy Committee Report and Recommendations:

A. Consideration of adoption of the new North Carolina Fire Prevention Code permit schedule, associated fees and Civil Citation Schedule

BACKGROUND: On April 4, 2002, the Fire Marshal appeared before the Policy Committee and requested adoption of the "new" Fire Code permit schedule, etc.. The Policy Committee recommends adoption of the "new" Fire code permit schedule, associated fees and Civil Citation schedule. (Attachment A to these Minutes)

ACTION: Adopt.

MOTION: Commissioner Warren moved to adopt.

SECOND: Commissioner King

VOTE: UNANIMOUS

B. Consideration of new annual license fees and the microchip/fee schedule for the Animal Control Department and related budget revision to fund start-up

BACKGROUND: The Policy Committee, at its meeting on April 4, 2002, recommended adoption of new license fees and microchip/fee schedule for the Animal Control Department as follows:

| | |
|---------------------------|---------|
| Each sterilized dog/cat | \$7.00 |
| Each unsterilized dog/cat | \$25.00 |

Unsterilized dogs/cats for breeders/hunters who own multiple animals as follows:

| | | |
|-------------------------|------------|----------------------------|
| Unsterilized dogs/cats: | 5-15 | \$100 license fee annually |
| | 16 or more | \$150 license fee annually |

County residents 65 years of age and older may obtain a permanent license for up to 3 dogs/cats at no cost.

County residents may obtain a permanent license at no cost for a bona fide seeing-eye or aid dog (County Code):

Adopt the microchip system by increasing the adoption cost of the animals adopted from the County Animal Shelter by \$6.00.

MOTION: Commissioner Warren moved to approve.
SECOND: Commissioner King
VOTE: UNANIMOUS

MOTION: Commissioner King moved to recess the Commissioners' meeting until after the NORCRESS Governing Board and the Kelly Hills/Slocumb Road Board meet (approximately 15 minutes)
SECOND: Commissioner Council
VOTE: UNANIMOUS

Chairman Blackwell reconvened the Commissioners' meeting.

12. CLOSED SESSION: Attorney Client matters to include Fayetteville Publishing Company vs. Cumberland County and a Personnel Matter

MOTION: Commissioner Edge moved to go into Closed Session to discuss the above noted matters.
SECOND: Commissioner King

VOTE: UNANIMOUS

MOTION: Commissioner King moved to go back into Open Session.

SECOND: Commissioner Council

VOTE: UNANIMOUS

MEETING ADJOURNED: 9:10PM

Clerk to the Board

