

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
FEBRUARY 25, 2002, 7:00PM
SPECIAL/REZONING MEETING

PRESENT: Chairman J. Breeden Blackwell
Vice Chairman Talmage Baggett
Commissioner Kenneth Edge
Commissioner Jeannette Council
Commissioner Billy R. King
Commissioner J. Lee Warren, Jr.
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Cliff Spiller, Asst. County Manager
Amy Cannon, Asst. County Manager/Finance Officer
Grainger Barrett, County Attorney
Marsha Fogle, Clerk to the Board

ABSENT: Commissioner John Henley

INVOCATION Commissioner Billy King

Pledge of Allegiance – Hamilton Stuart Scott, Pack 29 – Student at Lewis Chapel School

Introduction of Ex-Officio High School Student Participant – Abraham (Tobias) Myles, Senior at E. E. Smith High School

Recognition of Outgoing Board/Committee Members During a Commissioners' Meeting:

Keith Allison – Civic Center Commission
Laurie Bondshu – Civic Center Commission
Evelyn Parker Esworthy – Area Mental Health Board
Stephen L. Thomas – Recreation Board
Kim Martin Shaffer – Library Board of Trustees
Phil McCall – Transportation Advisory Board
Patti Carlin Monroe – Library Board of Trustees
Landis Chavis – Civic Center Board
Landon Hadley – Adult Care Home Community Advisory Board

Amendments to the Agenda:

Remove Item 5: Consideration of Postponing a Decision to Alter the Distribution of Sales Tax Proceeds

Add: Economic Development to the Closed Session Items

MOTION: Commissioner Baggett moved to approve the amendments to the Agenda as noted above.

SECOND: Commissioner Warren

VOTE: UNANIMOUS

1. Public Hearings

A. Joint Public Hearing with the Cape Fear Valley Health System Board of Trustees on Proposals Received for Long-Term Acute Care Hospital.

BACKGROUND: The Board of Commissioners and the CFVHS Board of Trustees jointly issued a Solicitation for Proposals to sublease the fourth floor of Highsmith-Rainey for the operation of a long-term acute care hospital. February 1, 2002 was the deadline for submittal of proposals. Cape Fear Valley Health System received one proposal, from Highsmith-Rainey Long Term Acute Care Hospital, Inc. The purpose of the public hearing is to receive comments on the proposal received in response to the Solicitation for Proposals. A synopsis of the sublease proposal is as follows:

The sublease agreement will provide for the subleasing of 35 beds (4th floor) of Highsmith-Rainey Hospital plus equipment and all required support services and administrative facilities containing approximately 16,852 sq. ft. The term would be for 5 years (4-01-02 – 3-31-07) with an option for an additional 5 years. If prime lease between Hospital and County terminates, then this lease shall terminate immediately. The proposed rent would be \$8,000 per licensed bed per year or \$280,000 annually, payable monthly at the end of the first month patients are admitted and each month thereafter. The monthly amount is \$23,333.33 after the first year. The amount of the monthly payments paid by the Subleasee during the first year of the initial term would be calculated by dividing the total rent due by the number of complete months remaining in the first year after the admission of the first payment. The Sublessor would be responsible for gas, electricity, water, medical gasses, sanitary sewers, heating ventilation, air conditioning, etc. (see proposal). Facility improvements to be made by the Sublessor on 4th floor of Highsmith Rainey would be identified in a to-be-negotiated sublease agreement. After initial improvements, Subleasee must obtain written consent

for subsequent changes. Parties may not assign without prior written consent of the other party except to a successor by merger; or a purchaser of all or substantially all of the assets of the part; or the party's parent subsidiary or affiliated. Other specifics of the proposal may be reviewed in the proposal itself.

SPEAKERS: Ed Cooper, President, Acquity Health Services Consultant

Mr. Cooper reviewed his proposal as noted above.

There were no other speakers.

No action needed at this meeting. Action will be taken at the March 11, 2002 meeting.

Conditional Use Overlay Cases

B. Case P01-97: A Conditional Use Overlay District and permit to allow an automatic car wash on a portion of 85.66 acres in an A1 District at the southwest corner of Tom Starling Road and Highway 87 South, owned by Mr. & Mrs. John R. Nunalee.

The Planning Board recommends approval of the Overlay District and permit with added conditions:

- A solid buffer of fence and vegetation will be placed along the northwestern property line;
- All lighting is to be directed inward away from residential properties;
- Traffic from the car wash is to exit towards Tom Starling Road.

Mr. Tom Lloyd, Planning Staff, told the Board that the car wash was moved above ten feet further from the property line from its previous location. He said this was as far as it could be moved because of the setback requirements.

The Oath was administered to all speakers.

SPEAKERS:

1. Mr. John Lennon noted the car wash was moved 10 feet further away from the original location. He said the highway will be come a 4-lane by summer and a traffic signal will be installed.

Commissioner King inquired if there was a similar car wash in the area. Mr. Lennon noted a new one will open up at the Fuel Zone at the intersection of Hwy. 24 and Maxwell Road in the next week or so. He indicated there is very little noise associated with the car wash. In addition, Mr. Lennon noted that the water is 90% recycled. He did note that NCDOT and his engineer will be addressing the drainage on the highway.

2. Ray Bean – Owner/Operator: Mr. Bean said this would be a first class operation. He said the car wash alone costs \$250,000. Hours of operation will be from 6:00AM – 10:00PM.

3. Wiliford Saunders – Mr. Saunders noted his concerns about drainage. He said the land is low and stays wet. He also expressed concerns about whether the car wash would devalue his property. He said he hoped DOT would address the drainage problem.

MOTION: Commissioner Baggett moved that the Board of Commissioners finds that this conditional use district overlay application is reasonable, neither arbitrary or unduly discriminatory, and in the public interest and that it be approved.

SECOND: Commissioner Edge

**VOTE: FAVOR: Commissioners Edge, Baggett, Blackwell, Warren and King
OPPOSED: Commissioner Council**

MOTION: Commissioner Baggett moved that the Board of Commissioners finds that this conditional use district overlay permit application, with conditions as noted above, will not materially endanger the public health and safety, will not substantially injure the value of adjoining or abutting property, will be in harmony with the area in which it is to be located, will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners and that it be approved.

SECOND: Commissioner Warren

**VOTE: FAVOR: Commissioners Edge, Baggett, Blackwell, Warren and King
OPPOSED: Commissioner Council**

C. Case P02-01: A Conditional Use Overlay District and Permit to allow inside storage of outdoor party supplies on 4.5 acres in an RR District at 491 Ivan Drive, owned by William D. and Deborah L. Saam.

The Planning Board recommends approval of the overlay district and permit with added

conditions:

- a solid buffer or fence & vegetation must be placed along the eastern property line;
- all lighting is to be directed inward away for residential properties;
- signage is to be no more than 10 square feet, as allowed in the RR District;
- and no outside storage is allowed.

SPEAKERS: None

MOTION: Commissioner Warren moved that the Board of Commissioners finds that this conditional use district overlay application is reasonable, neither arbitrary or unduly discriminatory, and in the public interest and that it be approved.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

MOTION: Commissioner Warren moved that the Board of Commissioners finds that this conditional use district overlay permit application, with conditions as noted above, will not materially endanger the public health and safety, will not substantially injure the value of adjoining or abutting property, will be in harmony with the area in which it is to be located, will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners and that it be approved.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

D. Case P02-04: A Conditional Use Overlay District and permit to allow a mixed use development as follows: All uses allowed in R10 on 447 acres; all uses allowed in R6 on 20.81 acres; all uses allowed in C (P) on 36.09 acres; and all uses allowed in O&I on 21.92 acres, at the intersection of Sandhill and Chickenfoot Roads, containing 527 acres, owned by Prewitt Land Company, LLC and Birchwood Farms, Inc. all as more particularly shown on the site plan dated December 5, 2001 and labeled as Cypress Lakes Area Conditional Use Overlay.

The Planning Board recommends approval of the overlay district and permit with the

following condition:

- that the uses allowed under Section 3.4 of the Zoning Ordinance regarding special entertainment are not allowed.

SPEAKERS:

1. Danny Gleaton – resides at 1579 Chickenfoot Road, Hope Mills. Property adjoins the Prewitt Land and Birchwood Farms, Inc. on 2 sides. Property was A1 when he moved there about 20 years ago. He has made improvements to his property and has livestock on his land. Concerned about the R6 zoning because it brings a lot of families with small children. Concerned about the safety hazards to the public if the livestock and human interaction occurs. Also concerned that the new zoning will place his property at increased liability and risk. Concerned about noise from traffic and wants to protect his privacy. He would like the Board to consider the following conditions if the overlay district is approved:

- buffer - 8 feet high – adjacent to his two property lines;
- increase the setback in both R6 & O&I zones to a minimum of 35 feet from our property lines;
- exterior lighting be turned away from the property inward toward the developer's property;
- limit the hours of operation in the O&I zone from 7:00AM to 7:00PM;
- keep the harmony of the surrounding area, by limiting the height of the buildings to 2 stories in R6 and O&I.

2. Jim Kizer – engineer for the project. Mr. Kizer said that in addition to the condition of not allowing special entertainment (Section 3.4 of the Zoning Ordinance), they will also agree to these conditions:

- no auction sales, excluding livestock auctioning;
- no automobile wrecking yards and junkyards;
- no blacksmith services;
- no bus repair and storage terminal activities
- no bus station activities;
- no detention facilities;
- no fairground activities, including carnivals and circuses;
- no farm machinery sales and servicing;
- no laboratory, research;

- no mini-warehousing
- no mobile home sales;
- no monument sales;
- no pawn shops;
- no second hand pawn and swap shop sales;
- no trailer rentals
- no truck terminal activities.

Mr. Kizer said the goal is to create a “community village environment”. He said this would be a walking community. He noted that there would be no direct access to commercial sites except by Chickenfoot Road. In response to a question, Mr. Kizer said it would take about 50 years to fully develop the property.

3. Tom Prewitt – lives at 1775 Cypress Lakes Road. He said he is the spokesperson for the development. Mr. Prewitt said he has lived here all his life and would do nothing to detract from the character of the land. He said this development will be much like the one in Columbia, Maryland.

Commissioner Baggett noted that this development has been well planned and well thought out. He compared it to a “Pinehurst” type level development. He said it would be a great compliment to any area. He said the only concern he has is that the developers had to sign a petition for annexation in order to receive PWC services.

4. Tad Prewitt – working with the commercial development of the project. He said it would be set up similar to Litchfield Beach development with 80 foot buffers.

5. Allen Freeman – lives in Cypress Lakes on the road that will be extended into the Development (Ham Road). Concerned about traffic conditions. Does not want the traffic to go on Ham Road; there are other points of access. If Ham Road should be used, would like some guarantee that it will not become a major thoroughfare from Chickenfoot Road to Cypress Lakes Road. If, as proposed, Ham Road is be a walking trail, is concerned that after five years it will be converted into a major access. Concerned that Ham Road would be used as a construction staging site for the project. Would like to see R15 rezoning instead of R10, if the project is approved. It would lessen the traffic burden and serve as a legitimate effort to maintain a sense of conformity and well balanced blending of property values between the new development and the established Cypress Lakes community.

Mr. Freeman asked the Board of Commissioners to consider his concerns and

recommendations.

In response to some of the concerns noted above, Mr. Tom Prewitt said they do not intend to build a thoroughfare through the Project, unless DOT requires them to. He said Ham Road would not be used a staging area for the first phase of the project.

MOTION: Commissioner Baggett moved that the Board of Commissioners finds that this conditional use district overlay application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest and that it be approved.

SECOND: Commissioner Warren

DISCUSSION: Commissioner Edge said this is a good plan and he commended the Prewitts on offering this project. He said this development plan “comes from the heart” and it will grow the community safely and in keeping with the integrity of the surrounding area. Commissioner King said this is a comprehensive development plan and he is glad to see the green spaces included in the plan. Commissioner Warren noted that the Prewitts have a passion for the land, and the development will have everything it needs.

VOTE: UNANIMOUS

MOTION: Commissioner Baggett moved that the Board of Commissioners finds that this conditional use district overlay permit application, if completed as proposed with the conditions as noted above (Planning Board conditions and the conditions noted by Jim Kizer and agreed to by the petitioner) will not materially endanger the public health and safety, will not substantially injure the value of adjoining or abutting property, will be in harmony with the area in which it is to be located and will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners, and that it be approved.

SECOND: Commissioner King

VOTE: UNANIMOUS

Uncontested Rezoning Cases

Note: There was no opposition for Case G, therefore the Board considered it as an uncontested rezoning case.

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

MOTION: Commissioner Warren moved to follow the recommendation of the Planning Board on Cases E and G.

SECOND: Commissioner King
VOTE: UNANIMOUS

E. Case P02-06: The rezoning of 25.88 acres from PND to C(P), or a more restrictive zoning district, at 4509 and 4605 Ramsey Street, owned by William, Jr. and Mary Sloan and Joyce S. Ellis, Trustee.

The Planning Board recommends approval of C(P).

Contested Rezoning Cases

F. Case P02-03: The rezoning of .15 acres from R6A to C3, or a more restrictive zoning district, on Stanley Street, East of Todd Street, owned by Edna Cummings.

The Planning Board recommends approval of C3.

Speakers:

James Gray – Concerned that it will become a junk yard; rats will be a problem.

Wayne Wilkes – his property adjoins the subject property. Also concerned about a junk yard and the rat problems.

Edna Cummings (petitioner): Ms. Cummings says they use some of the vehicles for salvage parts and some of the vehicles are to be repaired. She also indicated there are no rats on the property. She indicated she would move any vehicles that needed to be moved in order to comply with the rezoning.

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

MOTION: Commissioner King moved to follow the recommendation of the Planning Board and approve C3.

SECOND: Commissioner Edge
VOTE: FAVOR: Commissioners Edge, King, Blackwell & Council
OPPOSED: Commissioners Baggett & Warren

G. Case P02-05: The rezoning of 6.88 acres from R10 and R10/CUO to R6A, or a more restrictive zoning district, at 3311 Welsh Lake Drive, owned by Carol L. Simmons.

The Planning Board recommends denial of R6A and approval of RR.

Note: RR was approved.

Other

H. Highway 24/Maxwell Road Land Use Plan Update.

The Comprehensive Planning Committee recommends approval of the Highway 24/Maxwell Road Land Use Plan Update.

SPEAKERS:

Mr. Barry Warren, Planning Director, briefly reviewed the Plan. He noted that 2 commercial activity nodes were recommended, one at the corner of Highway 24 and Maxwell Road neighborhood and the second in the Town of Stedman (community center).

Mr. Warren stated that the Town of Stedman will also be reviewing the plan.

MOTION: Commissioner King moved to approve the plan as submitted.
SECOND: Commissioner Council
VOTE: UNANIMOUS

I. Cumberland County Water Supply/Watershed Management and Protection, Appendix C, Chapter 31A.

SPEAKERS:

Mr. Barry Warren noted that the ordinance had actually been approved by the Board of Commissioners in 1994, as required by state law. However, the ordinance has never

been approved by the State. The state has made some corrections and recently sent it back to the County. The County must now adopt the Ordinance again, as amended by the State.

Mr. Dave Averette has expressed some concern that too many stamps are required to be put on the plat and he suggested the watershed stamp not be on the plat as required by the ordinance. However, the State recommends that the stamp be placed on the plat and it was also noted that calls have been received from engineers and surveyors who do want to keep the stamp on the plat. It is a way of notifying the public that their property is within a watershed area.

MOTION: Commissioner King moved to approve the Ordinance as submitted.

SECOND: Commissioner Council

DISCUSSION: Commissioner Baggett suggested that there may indeed be too many stamps on the plat and perhaps they should be listed in a separate place.

VOTE: FAVOR: Commissioners Edge, Blackwell, Council and King

OPPOSED: Commissioners Warren and Baggett

2. Consent Agenda

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

SECOND: Commissioner Council

VOTE: UNANIMOUS

A. Approval of Minutes for the February 4, 2002 regular meeting and February 5th and 7th, 2002 Planning Retreat Minutes.

ACTION: Approve

B. Approval of Franchise and Lease Agreement for Parks & Recreation Concessionaire Services at Arnette Park (2nd Reading).

BACKGROUND: On February 4, 2002, the board approved the First Reading of the proposed Lease Agreement and Franchise Ordinance to allow Steel Magnolias/Brother's Keepers to provide concessionaire services to the general public visiting Arnette Park located at 2165 Wilmington Highway, Fayetteville, NC.

ACTION: Approve the Second Reading

C. Consideration of the Approval of the Revised FY03 Home and Community Care Block Grant Funding Plan for the Elderly Nutrition Program.

BACKGROUND: The Cumberland County Home & Community Care Block Grant committee met on January 23, 2002 and recommended transferring the Elderly Nutrition Program from Mid Carolina Council of Governments to the Cumberland County Council on Older Adults, effective March 1, 2002. Mid Carolina will be responsible for payment to Bateman, Inc for food service and to CCCOA for administration through June 30, 2002. As of July 1, 2002, CCCOA will assume responsibility for payment to Bateman, Inc. Cumberland County received additional funding in the amount of \$10,177 for the Nutrition Program and CCOA will assume responsibility for matching the funds.

ACTION: Approve the revised funding plan.

D. Budget Revisions:

ACTION: Approve

(1) Mental Health

Revision in the amount of \$29,000 to budget for a four-wheel drive six-passenger pickup, needed to transport staff in adverse weather. (B02-308) **Funding Source – Mental Health Fund Balance.**

(2) Health

a. Healthy Families – Revision in the amount of \$580,282 to adjust revenues and expenditures to their actual amounts due to termination of the program in November. (B02-284) **Funding Source – Fees and Other.**

b. Communicable Disease – Revision in the amount of \$2,483 to reallocate funds from drugs into salaries in order to fund the increase from trainee to full status for a Community Disease Control Specialist II. (B02-312) **Funding Source – Reallocation of Budgeted Expenditures.**

c. Administration – Revision in the amount of \$12,000 to budget for the Medication Access Program (MAPS) Program. (B02-

315) Funding Source – Health Care Contingency.

(3) Social Services

- a. Revision in the amount of \$38,284 to recognize additional Crisis Intervention and Energy Assistance funds. (B02-310) **Funding Source – Federal.**
- b. Revision in the amount of \$1,287,201 to recognize additional child care funding. (B02-311) **Funding Source – Federal and State.**

(4) Eastover Fire District

Revision in the amount of \$200 to budget for unanticipated refunds to taxpayers. (B02-313) **Funding Source – Taxes Current Year.**

(5) Grays Creek Fire District

Revision in the amount of \$150 to budget for unanticipated refunds to taxpayers. (B02-314) **Funding Source – Taxes Current Year.**

REGULAR AGENDA

3. Nominations to Boards and Committees

A. Equalization and Review Board (1 Vacancy).

Mr. George E. Turner will complete his second term on the E&R Board. He is serving in the real estate agent position.

Nominations: Commissioner Warren nominated Curt Alexander.

4. Appointments to Boards and Committees

MOTION: Commissioner King moved to appoint Nina Davis to the Adult Care Home Community Advisory Committee and Dr. Michael Clover to the Recreation Advisory Board.

SECOND: Commissioner Baggett
VOTE: UNANIMOUS

A. Adult Care Home Community Advisory Committee (2 Vacancies)

Nominees: Judy Babb
Nina Davis

Judy Babb cannot serve.

B. Recreation Advisory Board (1 Vacancy)

Nominee: Dr. Michael Clover

5. Consideration of Postponing a Decision to Alter the Distribution of Sales Tax Proceeds.

BACKGROUND: Chairman Blackwell asked that this item be included on the agenda.

THIS ITEM WAS DEFERRED TO THE NEXT MEETING – MARCH 18, 2002.

6. Consideration of Designating a Cumberland County Commissioner to serve on the RPO Rural Transportation Advisory Committee (RTAC).

ACTION: Appoint a commissioner.

Commissioner John Henley was appointed as the Commissioner to serve on this Committee.

7. Consideration of the County Finance Committee Report and Recommendation:

A. Collection of Delinquent Tax Accounts Through Mortgage-Style Foreclosures by the County Attorney's Office.

BACKGROUND: At its meeting on February 7, 2002, the Finance Committee recommended to the Board of Commissioners that it use the authority in General

Statute 105-374(i) to request the court in any delinquent tax collection action that the County Attorney be named commissioner for any actual sale at the courthouse steps. Every time a foreclosure sale is actually held on the courthouse steps, a commissioner must be appointed to supervise the sale, to confirm the sale and issue a final report, tender a commissioner's deed, and apply the sales proceeds. The commissioner must be a person distinct from the attorney handling the foreclosure action. The commissioner is allowed a fee of up to 5% of the purchase price of the property sold at foreclosure. This fee is entirely separate and distinct from the attorney's fee earned by the attorney. By doing so, the County may receive the fee. The Tax Collection division estimates that about four foreclosure sales are held a month, with the typical sale amount ranging from \$5,000 to \$12,000. Assuming 48 sales annually at \$5,000, with a 5% commissioner's fee averaging \$250, the annual proceeds would be \$12,000. The Finance Committee recommends that a portion of the proceeds be used to make the County Attorney Office's paralegal position full time, at an annualized approximate cost of \$8,000. The paralegal would devote a substantial portion of his/her time to compiling and issuing the 10-day letters to delinquent taxpayers and assign mortgage-style foreclosure files to the three law firms handling tax collection lawsuits. The Finance Committee was concerned that even with this additional assistance, the 10-day letters to delinquent taxpayers may still not be processed in sufficient volume to assure timely collection of county revenues. So, the Finance committee also recommended that the County Attorney meet with management and representatives of the three law firms handling tax collection lawsuits to bring back a recommendation to it in 60 days. Lastly, the Finance Committee recommended that the County Attorney review the annual inventory of delinquent tax accounts where overdue taxes amount to from \$500 to \$200 to determine the feasibility of an in-house program to collect those delinquent accounts and, if appropriate, to present it during consideration of the 2003 budget.

ACTION: Approve:

- a. Adopt standing resolution requesting the court to name the Cumberland County Attorney as Commissioner of sale in all mortgage style tax foreclosure actions;
- b. Use a portion of the proceeds from commissioner fees to make the paralegal full time in the county attorney's office, and that a substantial portion of the duties should include compiling and issuing 10-day letters to delinquent taxpayers;
- c. Instruct the County Attorney to meet with management and representatives of the 3 outside law firms handling tax

collection lawsuits to bring back a recommendation to it within 60 days regarding processing of 10 day letters to assure timely collection of county revenues;

d. Instruct the County Attorney to review the annual inventory of delinquent tax accounts where overdue taxes amount to from \$500 to \$200 to determine the feasibility of an in-house collection program, and to present it during the 2003 budget deliberations.

RESOLUTION

WHEREAS, the Cumberland County Board of Commissioners (hereinafter "the Board") employs mortgage-style tax foreclosure actions under G.S. 105-374 from time to time to collect delinquent ad valorem property taxes; and

WHEREAS, G.S. 105-374(i) provides that the Board may request the Court to appoint as commissioner a salaried official, attorney or employee of the County; and

NOW, THEREFORE, BE IT RESOLVED, by the Cumberland County Board of Commissioners that it requests the Court in any and all mortgage-style tax foreclosure actions brought in which the County of Cumberland is plaintiff, brought to collect taxes which it is obligated to collect for itself or by agreement with any other governmental unit, that the Cumberland County Attorney be appointed commissioner in all of said foreclosure actions in which real property is actually sold after judgment; and be it further

RESOLVED, that this shall be a continuing resolution of the Board to remain in effect until rescinded as by law provided, and any court may rely upon this resolution until there shall be delivered to it a certified true and accurate copy of resolution of this Board rescinding the further effect of this resolution; and be it further

RESOLVED, that the Clerk to the Board shall cause a certified, true and accurate copy of this resolution to be delivered to the Senior Resident Superior Court Judge and the Chief District Court Judge for Cumberland County, and otherwise as requested from time to time by attorneys for Cumberland County in all such all mortgage-style tax foreclosure actions.

MOTION: Commissioner King moved to approve.

SECOND: Commissioner Council

VOTE: UNANIMOUS

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

A. Consideration of Changes to the County Purchasing Policy Based Upon Revisions to General Statute 143-129.

BACKGROUND: During the 2001 legislative session, changes were made to G.S.143-129 which governs competitive bidding. The act increases the formal bidding threshold for the purchase of apparatus, supplies, materials and equipment from \$50,000 to \$90,000.

ACTION: Approve revision of the county policy to reflect the above change.

MOTION: Commissioner Edge moved to approve.

SECOND: Commissioner Council

VOTE: UNANIMOUS

9. Closed Session:

A. Attorney-Client Privilege – Crain vs. Butler
Green Biz vs. Civic Center

B. Economic Development Matter

MOTION: Commissioner King moved to go into Closed Session for the above noted matters.

SECOND: Commissioner Council

VOTE: UNANIMOUS

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

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

MEETING ADJOURNED: 10:05PM.

Clerk to the Board

