

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
AUGUST 4, 2003
REGULAR MEETING

PRESENT: Chairman Talmage S. Baggett, Jr.
Vice Chairman Jeannette Council
Commissioner J. Breeden Blackwell
Commissioner Kenneth Edge
Commissioner John Henley, Jr.
Commissioner Billy King
Commissioner Edward Melvin
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Asst. County Manager
Cliff Spiller, Asst. County Manager
Grainger Barrett, County Attorney
Mitzi Champion, Public Information Officer
Marsha Fogle, Clerk to the Board
Ann Hymes, Deputy Clerk to the Board

INVOCATION Commissioner Kenneth Edge

Minister: Rev. Hope Vickers – Cumberland United Methodist Church

Pledge of Allegiance

Recognition of Outgoing Board/Committee Members:

Dr. J. C. Basnight – Workforce Development Board

Presentation to Pat Hurley, Workforce Development Director, of
The American Legion Employer of Older Workers Award.

Deletions to Agenda: Items 1A (Appointment of ABC Board Chairman)

MOTION: Commissioner Blackwell moved to delete 1A from the agenda.
SECOND: Commissioner Melvin
VOTE: FAVOR: Commissioners Henley, Edge, Council, Baggett, Melvin
and Blackwell
OPPOSED: Commissioner King

1. ABC Matters

A. Appointment of ABC Board Chairman

BACKGROUND: NC General Statutes direct that the Board of Commissioners shall appoint the Chairman of the ABC Board. The ABC Board recommends that Steve Satsky be appointed Chairman, and that Stanley Johnson be appointed Vice Chairman.

THIS ITEM WAS DELETED FROM THE AGENDA.

B. ABC Board Presentation of Funds

The ABC Board presented a check to the Board of Commissioners for an additional \$400,000 for fiscal year 2003-04.

2. Consent Agenda

MOTION: Commissioner Blackwell moved to follow staff
recommendations on the items on the Consent Agenda.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS

A. Approval of minutes for the June 16, 2003 regular meeting and June 10, 2003 Special Budget Session.

ACTION: Approve

B. Approval of the Tax Collector's Preliminary Collection Report and Proposed Annual Settlement for FY03.

BACKGROUND: NC General Statute 105-373 requires the Tax Collector after the 1st day of July of each year to render a preliminary report to the Board of Commissioners concerning persons whose tax liabilities remain unpaid and to propose an annual settlement of taxes charged to him for the past year (Attachment A to these Minutes).

ACTION: Adopt Resolution

RESOLUTION

WHEREAS, NCGS 105-373 requires the Tax Collector of Cumberland County, after the 1st day of July of each year, to render a preliminary report to the Board of Commissioners concerning persons whose tax liabilities remain unpaid and to propose an annual settlement of taxes charged to the Tax Collector for collection for the past ten years; and

WHEREAS, the Tax Collector has submitted such preliminary report and proposed settlement.

NOW, THEREFORE, the Board of Commissioners of Cumberland County hereby resolves:

- That the preliminary report of the Tax Collector of Cumberland County, consisting of (i) a list of persons owning real property whose taxes for the year 2002-03 remain unpaid and the principal amount owed by each person; (ii) a list of the persons not owning or who have not listed real property whose taxes for the tax year 2002-03 remain unpaid and the principal amount owed by each person (the proposed insolvent list) and (iii) a statement under oath by the Tax Collector that he has made diligent efforts to collect such taxes, be and it hereby is accepted; and
- That the Board hereby finds that the persons in the list of those that do not own or have not listed real property are insolvent as that term is used in NCGS 105-373 and directs that the list of such person be entered into the minutes of the meeting of the Board as the insolvent list, and further directs that the amounts in such list be, and hereby are, credited to the Tax Collector in his annual settlement; and
- That the proposed settlement of the Tax Collector, appended hereto, for taxes in his hands for the collection of the tax year 2002-03, be and it hereby is, approved and that he be, and hereby is, charged with the amounts set forth in the settlement under the hearing "Charges" and credited with the amounts set forth in the settlement under the hearing "Credits".

C. Approval of the FY04 Order to the Tax Collector.

BACKGROUND: In accordance with NCGS 105-321(b) before delivering the tax receipts to the Tax Collector in any year, the Board of Commissioners shall adopt and enter into its minutes an order directing the Tax Collector to collect the taxes charged in the tax records and receipts.

ACTION: Approve the levy and charge the Collector with the responsibility of collecting the taxes.

D. Approval of a Resolution in Support of Lumbee Recognition.

BACKGROUND: The Lumbee Tribe of North Carolina requests the Board of Commissioners adopt a Resolution supporting federal recognition of the Lumbee Tribe.

ACTION: Consider adoption of the Resolution.

RESOLUTION

WHEREAS, the Lumbee Tribe of North Carolina has been recognized as an Indian Tribe by the State of North Carolina for more than 100 years; and

WHEREAS, the Lumbee people are descendants of the Cheraw Indians and have historically maintained their identity through the years; and

WHEREAS, in 1956 the US congress enacted the "Lumbee Act" which recognized the Lumbee as an American Indian while forbidding customary federal Indian services and benefits; and

WHEREAS, it is the desire of the Lumbee people to enjoy the federal relationship with the United States in much the same manner as other Tribes and to benefit by federal Indian programs; and

WHEREAS, Senator Elizabeth Dole has introduced S420 and Congressman Mike McIntyre has introduced H898 in the US Congress to extend full recognition to the Lumbee Tribe of North Carolina.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners fully endorses the efforts of Senator Dole and Congressman McIntyre and calls upon all members of congress to pass federal legislation that recognizes the Lumbee.

- E. Approval of a Proclamation Proclaiming August 10-16, 2003 as National Health Center Week.

ACTION: Approve

PROCLAMATION

WHEREAS, the Stedman-Wade Health Services, Inc. is a private nonprofit corporation that provides high quality comprehensive primary health care to uninsured and medically underserved people in Cumberland County; and

WHEREAS, Stedman-Wade Health Services, Inc. has made great strides in expanding access to affordable health care and reducing health disparities while empowering the community to address special needs and decrease the cost of illness through preventive strategies; and

WHEREAS, Stedman-Wade Health Services, Inc. has improved the health status of Cumberland County, promoting health awareness and primary care and preventive health services of the highest quality to reduce preventable deaths, costly disabilities and communicable diseases; and

WHEREAS, Stedman-Wade Health Services, Inc. serves as a vital safety net delivering care to 5,165 patients annually, regardless of insurance status or ability to pay, and contributes to the health and overall economy of the community with health services, jobs, leadership and investment; and

WHEREAS, Stedman-Wade Health Services, Inc. promotes 100% access and zero health disparities to help achieve primary health care for all people.

NOW, THEREFORE, We the Cumberland County Board of Commissioners, proclaim the week of August 10/16, 2003 "National Health Center Week" in Cumberland County and urge our citizens to recognize the important contributions of the Stedman-Wade Health Services, Inc. in safeguarding health and improving the quality of life for citizens of Cumberland County, North Carolina.

- F. Approval of Health Department Fee for Procedure 30300 (Removal of Foreign Body, Intranasal, Office Type Procedure).

BACKGROUND: The Board of Health at its meeting on June 17, 2003 approved the proposed fee of \$121.00 for the Procedure Code 30300. The Board of Commissioners must also approve the fee.

ACTION: Approve the fee.

- G. Approval of Declaration of Surplus County Property and Authorization to Accept Insurance Settlement.

BACKGROUND: A Sheriff's Office vehicle was wrecked on July 4, 2003: 1996 Jeep Cherokee, VIN 1J4FJ28S5TL202337. Settlement offer: \$5,813.

ACTION: Declare surplus and authorize Management to accept settlement of \$5,813. Nationwide Insurance will take possession of the wrecked surplus vehicle.

- H. Approval of Report on the Disposal of Surplus Property Pursuant to North Carolina General Statute 160A-226(a).

BACKGROUND: The Assistant County Manager has been authorized to dispose of certain "personal property" worth less than \$5000 per item or group of similar items, which have become obsolete, unusable, economically unrepairable or otherwise surplus to the needs of the County. The Assistant Manager shall render semiannual reports to the Board of Commissioners summarizing the disposals.

ACTION: Adopt the report and include in the minutes. (Attachment C)

- I. Approval of Health Department Delinquent Accounts to be Turned Over to Outside Debt Collectors.

BACKGROUND: The Board of Health approved writing off \$41,942,63 as bad debts and approved discontinuing of two collection agencies. Effective with this write off, Professional Recovery Consultants, Inc. will handle the collection of bad debts for the Health Department.

ACTION: Approve the write off as noted above and turn them over to Professional Recovery Consultants, Inc. for collection.

- J. Approval to Accept Gang Resistance, Education and Training (G.R.E.A.T.) Grant.

BACKGROUND: The Sheriff's Office has been awarded a grant from the US Bureau of Alcohol, Tobacco and firearms (ATF) to teach Gang Resistance Education and Training Program (GREAT) to the sixth grade at the County's middle schools. Amount of the Grant: Up to \$43,949. No county match is required.

ACTION: Accept the Grant.

- K. Approval of Sale of Tax-Foreclosed Property to the Former Owner.

BACKGROUND: In 2001, the County bought at foreclosure sale the property at 4934 Hershey Circle, formerly owned by James A. Whitted. Mr. Whitted has tendered a check in the amount of the back taxes and interest on the property. Pursuant to NCGS 105-376(c) the County may resell this property back to the former owner.

ACTION: Approve the resale in the amount of \$5,812.82 and authorize the Chairman to execute a deed to Mr. Whitted.

- L. Approval of Jason Torrance as Deputy Finance Officer for the Cumberland County Civic Center.

BACKGROUND: The Civic Center has designated Mr. Jason Torrance, Director of Ticketing for the Crown Coliseum, to sign checks for the Crown Center's checking and savings account.

ACTION: Approve the appointment of Mr. Torrance as Deputy Finance Officer for the Civic Center, direct that he provide a \$20,000 bond and approve attached resolution.

RESOLUTION

WHEREAS, due to the operation requirements unique to the Cumberland County Crown Center, a need exists for checks to be issued during all hours of the day and night. These checks are drawn on official depositories that contain funds held on behalf of others; and

WHEREAS, the timing, amounts or payees of these checks cannot be anticipated and, in most cases, the checks must be issued immediately; and

WHEREAS, the timing of the checks requires the appointment of a Deputy Finance Officer and, in addition, more than one person must be authorized to countersign each check; and

WHEREAS, NCGS 159.3 entitled "The Local Government Budget and Fiscal Control Act" authorizes the Governing Board to appoint deputy finance officers and to designate individual(s) to countersign the checks, and to fix the amount of the faithful performance bond to be provided by the appointee.

NOW, THEREFORE, to facilitate the operational requirement of the Cumberland County Crown Center, the Board of Commissioners hereby RESOLVES that

- Mr. Jason Torrance is appointed a Deputy Finance Officer and is authorized to sign the check/drafts issued on the checking and savings accounts maintained by the Cumberland County Crown Center;
- The appointee will provide a faithful performance bond in the amount of \$20,000

M. Approval of the FY 2003-2004 Position Classification and Pay Plan.

ACTION: Approve the plan as submitted.

N. Approval to Remove Article V. Insulation Contractors, from the Cumberland County Code.

BACKGROUND: Extensive requirements for insulation contractors are no longer needed. Therefore, the Planning/Inspections Department is requesting the Board to approve deletion of Article V, Sections 4-131-139 from the county code since it no longer benefits the county or its citizens.

ACTION: Approve deletion.

O. Approval of Adjustment of Certain Inspection Fees.

BACKGROUND: The Planning/Inspections Department requests adjustment of the following fees:

Electrical, Plumbing and Mechanical Fees for multi-family construction: \$46.00;

Establish a \$6.00 fee for each additional appliance or mechanical system. This would accommodate those cases when *more than one appliance or mechanical system* is installed at an address.

In addition the department recommends that a short description be added to clarify that renovation and room additions "includes all general purpose outlets, switches and lights".

ACTION: Authorize the Central Permitting Administrator to revise the Permit Fee Schedule as noted above. Effective: September 1, 2003

P. Approval of Grant Application in Collaboration with Davis-Paige Management Systems, LLC for Homeland Security Grant Project.

BACKGROUND: Davis-Paige Management Systems, LLC has proposed to partner with the County to apply for a grant from the Department of Homeland Security (DHS) to develop a plan for a computer-based guidance system for emergency responders to forecast meteorological and dispersion characteristics of a release of chemical or other agents into the atmosphere in Cumberland County. The Homeland Security grant plan would pay 100% of the cost associated with this project (projected cost is \$200,000). Davis-Paige recommends that a three-phase approach based on a full-life cycle model to design and implement an UrbaNet program be undertaken:

Phase I: Analyze, assess requirements, design and integrate demo;
Phase II: Implement approved solution;
Phase III: Establish training and sustainment program.

Upon completion of Phase I, and approval by the Department of Homeland Security, a grant application would be submitted to DHS for Phases II & III.

ACTION: Adopt a resolution authorizing Management to apply for the Grant.

RESOLUTION

WHEREAS, the Department of Homeland Security has available grant funds for various emergency response applications; and

WHEREAS, Davis-Paige Management Systems, LLC has proposed to partner with the County to apply for a grant to develop a plan for computer-based guidance for emergency responders to forecast meteorological and dispersion characteristics of a release of chemical or other agents into the atmosphere in Cumberland County.

NOW, THEREFORE, the Cumberland County Board of Commissioners resolves that the County Manager is authorized on behalf of the County to apply to the Department of Homeland Security, in collaboration with Davis-Paige Management Systems, LLC, for a grant to fund demonstration of the UrbaNet to provide guidance to emergency managers and first responders following release of chemical and/or other agents into the atmosphere in Cumberland County; and be it further

RESOLVED, that the County Manager is authorized upon award of any grant to implement the terms of such grant, including collaboration with Davis-Paige Management Systems, LLC, to carry out the terms of the grant proposal including evaluation, assessment and implementation of the project; and be it further

RESOLVED, that the terms of any such grant application or project implementation shall include that they shall not require payment of funds by Cumberland County other than exclusively from any funding from a successful grant award by the Department of Homeland Security; and be it further

RESOLVED, that the County Manager is authorized to sign and execute on behalf of the County all papers, applications, certifications or other documents necessary or desirable for the purposes expressed herein.

Q. Budget Revisions:

ACTION: Approve

(1) Day Reporting Center

Revision to reallocate budgeted expenditures to reconcile the state and county budgets. This includes upgrading the Office Assistant IV position from part-time to full-time. (B04-008) **Funding Source – Reallocation of Budgeted Expenditures**

(2) Emergency Services

Revisions in the net amount of \$2,274 to appropriate fund balance to roll forward unspent contributions made to Emergency Services in Fiscal Year 2003. (B04-005 and B04-013) **Funding Source – Appropriated Fund Balance**

(3) Community Development/General Government Other

Revisions in the total amount of \$498,504 to rebudget Fiscal Year 2003 grants (\$462,736) and matching funds (\$35,768). (B04-026 through B04-029A) **Funding Source – Federal and General Fund Appropriated Fund Balance**

(4) LEO Special Separation Allowance

Revision in the amount of \$205,000 to establish the Fiscal Year 2004 budget for the LEO Special Separation Allowance Fund. (B04-006) **Funding Source – Contributions LEO and Interest Income**

(5) Law Enforcement Block Grant 2002

Revision in the amount of \$108,081 to appropriate fund balance to roll forward unexpended grant funds previously received in FY2003. (B04-020) **Funding Source – Appropriated Fund Balance**

(6) Health

a. WIC – Revisions in the amount of \$14,736 to budget for additional state funding. (B04-001 and B04-017) **Funding Source – State**

b. Environmental Health – Revision in the amount of \$960 to budget additional state funding. (B04-003) **Funding Source – State**

- c. Laboratory – Revision in the amount of \$3,000 to purchase computer equipment for the State’s Health Alert Network Program. (B04-021) **Funding Source – State**
 - d. School Health Program/Child Health Clinic/Breast and Cervical Cancer Control Program-Screening – Revisions in the net amount of \$3,875 to reallocate budgeted expenditures to fund the promotion of a Public Health Nurse II to a Public Health Nurse Supervisor I. (B04-014 through B04-014B) **Funding Source – Reallocation of Budgeted Expenditures**
 - e. Family Planning Clinic/Breast/Cervical Cancer Control/Maternal Health Clinic/Child Health Clinic – Revisions in the net amount of \$9,314 to reallocate budgeted expenditures in order to fund the promotion of a Public Health Nurse II to a Public Health Nurse Supervisor I. (B04-015 through B04-015C) **Funding Source – Reallocation of Budgeted Expenditures**
 - f. Health Promotion – Revision in the amount of \$30,500 to adjust the county budget due to reduction in state funding. (B04-016) **Funding Source – State**
 - g. Breast and Cervical Cancer Control – Revision in the amount of \$1,002 to budget additional state funding. (B04-018) **Funding Source – State**
7. Fire Districts
- a. Godwin-Falcon Fire District – Revision in the amount of \$221 to appropriate fund balance to budget revenue earned in FY2003. (B04-030) **Funding Source – Appropriated Fund Balance**
 - b. Lake Rim Fire District – Revision in the amount of \$25,712 to appropriate fund balance to budget revenue earned in FY2003. (B04-031) **Funding Source – Appropriated Fund Balance**
 - c. Manchester/Town of Spring Lake – Revision in the amount of \$6,381 to appropriate fund balance to budget revenue earned in FY2003. (B04-032) **Funding Source – Appropriated Fund Balance**
 - d. Stoney Point Fire District – Revision in the amount of \$16,431 to appropriate fund balance to budget revenue earned in FY2003. (B04-033) **Funding Source – Appropriated Fund Balance**

ITEMS OF BUSINESS

3. Consideration of Designating a Voting Delegate for the North Carolina Association of County Commissioners Conference – August 14-17, 2003.

ACTION: Appoint a voting delegate:

The Board unanimously voted to appoint Commissioner Billy R. King as the voting delegate.

4. Nominations to Boards and Committees

A. Adult Care Home Community Advisory Council (4 Vacancies)

BACKGROUND: The following vacancies will occur August 30, 2003 and September 30, 2003:

Lela Clark – eligible for reappointment
 Dr. Claudette Tompkins – eligible for reappointment
 Lloyd Brisson – eligible for reappointment
 Jacqueline Fowler – eligible for reappointment

Nominees: Lela Clark (reappointment)

Dr. Claudette Tompkins (reappointment)
Lloyd Brisson (reappointment)
Jacqueline Fowler (reappointment)

B. Animal Control Board (1 Vacancy)

BACKGROUND: Donald A. Corrigan has resigned from this Board. He served in the position "Knowledge & Experience in Dog Behavior and/or Handling Position".

ACTION: Make nominations to fill the unexpired term.

Nominees: Victoria Bartch
Paula Thomason

C. Cape Fear Valley Health System Board of Trustees (2 Vacancies)

BACKGROUND: The CFVHS Board of Trustees will have 2 vacancies as of September 30, 2003:

Alisa Debnam – not eligible for reappointment
Donald LaHuffman – eligible for reappointment

Nominees: Donald LaHuffman
Alice Stephenson

D. Criminal Justice Partnership Advisory Board (7 Vacancies)

BACKGROUND: The following terms have expired:

Billie Jo Atkins – (Probation Officer/Assistant JDM) – Relocated to Durham – replacement needed

Dr. E.J. Williams (At-large position) – Deceased – Replacement needed

Talmage Baggett – (Commissioner position) eligible for reappointment

Captain Bob Fisher (Police Chief or designee) – eligible for reappointment

Carrie M. Heffney (At-large position) – eligible for reappointment

Beth Keever (District Court Judge position) – eligible for reappointment

Gregory Weeks (Superior Court Judge position) – eligible for reappointment

Nominees: Talmage Baggett (Commissioner) - reappointment
Captain Bob Fisher (Police Chief/Designee) - reappointment
Carrie Heffney (At-large) - reappointment
Kirk Nance (At-large) – new
Beth Keever (District Court Judge) - reappointment
Gregory Weeks (Superior Court Judge) - reappointment

No nomination was made for the Probation Officer/Assistant JDM position.

E. Cumberland County Industrial Facilities and Pollution Control Financing Authority (4 Vacancies)

BACKGROUND: The following terms will expire September 30, 2003:

James L. Fleming – eligible for reappointment
Robert F. McNeill – eligible for reappointment
H.B. Smith, Jr. – eligible for reappointment
Robert L. White – eligible for reappointment

Nominees: James L. Fleming (reappointment)
Robert F. McNeill (reappointment)
H.B. Smith, Jr. (reappointment)
Robert L. White (reappointment)

F. Cumberland County Juvenile Crime Prevention Council (6 Vacancies)

BACKGROUND: The following terms have expired:

Anita Hill – eligible for reappointment
Monika Simmons – eligible for reappointment
Alfred R. Searle – not eligible for reappointment: recommendation: Patrick Hurley
John Clark – not eligible for reappointment: recommendation: John Godbolt
Robin Jenkins – not eligible for reappointment: recommendation: Ron Snyder
Polly Davis – not eligible for reappointment: recommendation: Maria Morera

Nominees: Anita Hill (reappointment)
Monika Simmons (reappointment)
Patrick Hurley
John Godbolt
Ron Snyder
Maria Morera

G. Senior Citizens Advisory Board (1 Vacancy)

BACKGROUND: Billy Manning’s term will expire September 30, 2003. He is eligible for reappointment.

Nominee: Billy Manning (reappointment)

5. Appointments to Boards and Committees

MOTION: Commissioner Blackwell moved to appoint the nominees in 5A&5B by acclamation.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS

A. Workforce Development Board (4 Vacancies)

Nominees: Leesa Jensen (Reappointment)
W. G. McHenry (Reappointment)
Dr. Edward Jackson
William A. Martin

B. Air Quality Stakeholders Committee (2 Vacancies)

Nominees: William A. Martin
Dr. Joseph Follet

6. Consideration of Commissioner Blackwell’s Request for Discussion of Draft Resolution Regarding Ft. Bragg Regional Joint Land Use Plan.

BACKGROUND: Before the Board can discuss the issue, the above item must be taken off the table (it was tabled at the meeting in June).

MOTION: Commissioner Blackwell moved to remove it from the “table”.
SECOND: Commissioner Henley
VOTE: UNANIMOUS

Commissioner Blackwell asked the Board to consider this Resolution as was drafted by the County Attorney. This resolution addresses three areas of concern which were expressed by the Board at the meeting in June, i.e., if the government takes the land, it should pay fair market value; if the land is purchased, it should be purchased with federal funds; and concerns about the red cockaded woodpecker.

Following some discussion and amendments to the Resolution the following motion was offered:

MOTION: Commissioner Melvin moved to approve the amended Resolution, as written below.
SECOND: Commissioner Blackwell
VOTE: UNANIMOUS

AMENDED RESOLUTION

WHEREAS, the Fort Bragg Regional Land Use Advisory Commission (the "Advisory Commission") studied land use patterns and activities within a mile of Fort Bragg and Pope Air Force Base (the "study area"); and

WHEREAS, the Advisory Commission approved a set of recommendations dated April 24, 2003, that it intended would maximize the compatibility of military and civilian land use patterns and activities around Fort Bragg and Pope Air Force Base; and

WHEREAS, the Cumberland County Board of Commissioners has received and considered the Advisory Commission's recommendations.

NOW, THEREFORE, the Board of Commissioners endorses three essential principles: First, that Fort Bragg and Pope Air Force Base's presence and mission are central to the identity, quality of life and economic vitality of our community. Second, that we as a community and as neighbors must maintain and enhance the bases' capability to continue to perform military preparedness missions. And, third, we must find a careful and appropriate balance between landowners' property rights, economic interests and expectations, and any legal or regulatory mandates affecting the study area.

AND BE IT FURTHER RESOLVED, that the Board of Commissioners affirms that, ideally, Fort Bragg and Pope Air Force Base should be positioned to enhance and expand their military readiness missions as a result of force re-alignments which will result from the Base Realignment and Closure review scheduled for 2005.

AND BE IT FURTHER RESOLVED, that the Board of Commissioners declines to endorse the Advisory Commission's specific recommendations as presently formulated, and seeks a more favorable balance between land owners' property rights, economic interests and expectations, on the one hand, and proposed legal or regulatory mandates in the study area, on the other.

AND BE IT FURTHER RESOLVED, that the Board of Commissioners finds that any regional land use plan in the study area must more effectively address property owners' fears that legal and regulatory mandates in the study area will substantially depress their property values with the long term effect, whether intended or unintended, of facilitating involuntary acquisition of their land under federal condemnation statutes without just compensation.

AND BE IT FURTHER RESOLVED, that the Board of Commissioners finds that any regional land use plan in the study area must assure that current and future generations of property owners have available feasible land use alternatives and options to assure realization of reasonable investment-backed expectations.

AND BE IT FURTHER RESOLVED, that the Board of Commissioners finds that any regional land use plan in the study area must not substantially impact affected counties' property tax bases or strain the fiscal health and vitality of affected counties.

AND BE IT FURTHER RESOLVED, that the Board of Commissioners urges that implementation of any regional land use plan must coincide with actual and realistic funding, including federal funding, of any trust fund intended to compensate landowners for acquisition of their property for environmental preservation purposes.

AND BE IT FURTHER RESOLVED, that the Board of Commissioners urges that all affected parties cooperate to address recovery of the red-cockaded woodpecker and delisting of that species under the Endangered Species Act. The Advisory Commission and the state should request a grant from the Department of Defense's Office of Economic Adjustment specifically intended to coordinate multi-jurisdictional and multi-sector cooperation and planning cooperation to address recovery of the red-cockaded woodpecker and thereafter delisting of that species as soon as possible.

AND BE IT FURTHER RESOLVED, that the Board of Commissioners specifically comments on the Advisory Commission's recommendations as follows:

- a. The study area should be viewed as an opportunity to develop a small area land use plan that seeks to maximize the compatibility of military readiness missions at Fort Bragg and Pope Air Force Base with private and public land uses and activities. That plan should propose a Military Compatible District with land set aside for urban density,

residential development, low density residential development and other uses compatible with nearby military activities.

- b. Areas identified as *Important* areas should be targeted for industrial, manufacturing and warehouse uses compatible with military readiness, training and airbase activities. This development could be clustered in campus-style settings to preserve areas of natural habitat while allowing high-value uses. Incorporating such uses in the study area would maintain reasonable market and taxable values of those tracts to property owners without removing property from the tax base.
- c. Accommodate limited extension of water and sewer utility services to those targeted industrial, manufacturing and warehouse uses, and residential uses appropriate for the study area, as well as to provide for orderly and rational expansion of utility services to areas beyond the study area.
- d. Expressly re-affirm the State's strong right to farm policy for the unincorporated portions of the study area, recognizing that agriculture, silvaculture and related activities do not pose threats to military readiness and training missions or dangers to the civilian population.
- e. Recognize that federal funding will have to play an important role in acquisition of land for mitigation and conservation purposes, but such acquisition must be predominately on a voluntary basis from willing sellers.

AND BE IT FURTHER RESOLVED, that further review by the Board of Commissioners of a proposed regional land use plan for Fort Bragg and Pope Air Force Base should take into consideration any results, findings and/or recommendations of the Local Government Military Base Advisory Committee convened by the NC Association of County Commissioners and the NC League of Municipalities to review, on a state-wide basis and from a state-wide perspective, the compatibility of military and civilian land uses around each of the military installations in North Carolina.

7. Closed Session:

- A. Attorney-Client Matters Pursuant to North Carolina General Statute 143.318.11(a)(3).
- B. Litigation Matter Pursuant to North Carolina General Statute 143.318.11(a)(3) – Tew v. Board of Health.
- C. Personnel Matter Pursuant to North Carolina General Statute 143.318.11(a)(6).

MOTION: Commissioner Blackwell moved to go into Closed Session for the above noted matters (A,B,C) and for the purposes noted above.

SECOND: Commissioner Melvin
VOTE: UNANIMOUS

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

SECOND: Commissioner Melvin
VOTE: UNANIMOUS

Chairman Baggett noted that Attorney Bob Bell had spoken to him about addressing the Board on the Fort Bragg/Pope Air Force Base Land Use matter. The Chairman called on Mr. Bell for comments.

Mr. Bell said he was owner and part owner as well as a potential purchaser of property in the area. He said he was not sure if he was actually in the "targeted" area; however, he felt the public is not really in tune with what is happening, unless it happens to live in or own land in that particular area. He said that perhaps all of Cumberland County should be in the "buffer area" in order to make citizens aware of this matter.

MOTION: Commissioner Blackwell moved to adjourn (10:55AM).

SECOND: Commissioner Council
VOTE: UNANIMOUS

MEETING ADJOURNED: 10:55AM.

