

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
MAY 17, 2004, 7:00AM  
REGULAR/REZONING MEETING

PRESENT: Jeannette M. Council, Chair  
John T. Henley, Vice Chair  
Commissioner Talmage S. Baggett, Jr.  
Commissioner J. Breeden Blackwell  
Commissioner Kenneth S. Edge  
Commissioner Billy R. King  
Commissioner Edward G. Melvin  
James Martin, County Manager  
Juanita Pilgrim, Deputy County Manager  
Amy Cannon, Asst. County Manager  
Cliff Spiller, Asst. County Manager  
Grainger Barrett, County Attorney  
Tom Lloyd, Deputy Director, Planning/Inspections  
Marsha Fogle, Clerk to the Board

INVOCATION: Commissioner John Henley

PLEDGE: Lindley Bellian, VanStory Hills Elementary School, 2<sup>nd</sup> grade

RECOGNITION: Outgoing Board/Committee Members:

Dr. Larry Harris, Board of Health  
Nancy Cressler, Community Child Protection/Fatality Prevention

Retirees: Mary Roberts, Mental Health

County Manager James Martin introduced Mavis Carter, the County's new Public Information Officer.

1. PUBLIC HEARINGS

A. Final Special Assessment Resolution: Lake Upchurch Dam  
Restoration Project

SPEAKERS:

David Davis – Supports project and ready to move forward.

Charlotte McKenzie – Supports project however noted that 39% of the property owners will pay 60% of the cost. Suggested that the project be assessed on a waterfront footage basis.

Billy Barrett – Chairman of the Homeowners Association. Supports project.

ACTION: Adopt Resolution and direct Staff to proceed with the project

**MOTION: Commissioner Edge move to adopt the Final Special  
Assessment Resolution.**

**SECOND: Commissioner Henley**

**VOTE: UNANIMOUS**

FINAL ASSESSMENT RESOLUTION  
LAKE UPCHURCH DAM RESTORATION PROJECT

WHEREAS, the emergency spillway of the Lake Upchurch Dam was breached by heavy rainfall during May, 2003, resulting in the loss of impounded water in the lake; and

WHEREAS, the permanent loss of Lake Upchurch will adversely affect property values along said lake resulting in a corresponding loss of property tax revenue for Cumberland County; and

WHEREAS, Lake Upchurch Power Company operates a hydroelectric generation facility on said lake that provides an environmentally clean source of electrical energy consistent with Cumberland County's goal to improve air quality in the County; and

WHEREAS, the Federal Energy Regulatory Commission (FERC) has jurisdiction over the operations of Lake Upchurch Power Company and all improvements to restore said dam must comply with FERC requirements; and

WHEREAS, Lake Upchurch Power Company has retained a qualified engineering firm to conduct a hydrological and hydraulic study to analyze Lake Upchurch Dam for the proper design storm in order to determine the improvements necessary to comply with FERC requirements; and

WHEREAS, a majority of the homeowners in the immediate vicinity of Lake Upchurch have petitioned the Cumberland County Board of Commissioners to undertake a special assessment project to make the necessary repairs to the dam in accordance with the FERC requirements; and

WHEREAS, Lake Upchurch provides a public benefit through flood control, stormwater quality improvements and recreation opportunities; and

WHEREAS, the Cumberland County Board of Commissioners has determined that a public benefit exists in repairing Lake Upchurch Dam.

NOW, THEREFORE, the Cumberland County Board of Commissioners, pursuant to Article 9 of Chapter 153A of the North Carolina General Statutes, hereby adopts the following preliminary special assessment resolution:

I. Need for Project: The Board of Commissioners of Cumberland County hereby undertakes a project which will restore the dam and allow the safe impoundment of water in Lake Upchurch and provide flood control and stormwater quality benefits as well as restore the ability to generate an environmentally clean source of electrical energy.

II. General Description of the Project: This project will include improvements to the emergency spillway and primary spillway as required by FERC.

III. Ownership: The improvements will be owned by the property owners of record of the land upon which the improvements are made.

IV. Proposed Basis of Assessment: The proposed basis of assessment will be at an equal rate per One Hundred Dollars (\$100) assessed valuation. The valuation of land benefited by the project being the value of the land without improvements as shown on the tax records of this County.

V. Percentage of Cost to Be Assessed: The total engineering, construction and administrative costs shall be assessed against the benefited properties in this special assessment project.

VI. Abeyance: No assessment will be held in abeyance.

VII. Terms of Payment: The Assessment will be payable in five (5) annual installments and the first installment with interest will be due sixty (60) days after the date that the assessment roll is confirmed. One installment with interest is due on the anniversary date in each successive year until the assessment is paid in full. The interest rate shall be set at eight percent (8%) per annum. The assessment may be paid in full without interest anytime up to thirty (30) days after the confirmation of the assessment roll is published.

#### **Uncontested Zoning Cases**

- B. Case P04-26. The **initial** zoning of 269.18 acres, more or less, to CD and RR, or to a more restrictive zoning district on the southwest side of Cumberland County due to Cumberland and Robeson Counties' Boundary Survey

The Planning Board recommends approval of the initial zoning to CD and RR.

Upon finding the initial zoning 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 classifications, the following motion was offered:

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

**SECOND: Commissioner King**

**VOTE: UNANIMOUS**

Upon finding the zoning 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 classifications, the following motion was offered:

**MOTION: Commissioner King moved to follow the Planning Board recommendation on uncontested cases C-F.**

**SECOND: Commissioner Blackwell**

**VOTE: UNANIMOUS**

- C. Case P04-25. The rezoning of .94 acres from R6A and R10 to C1 or to a more restrictive zoning district on the south side of Cumberland Road across from Ake Street, owned by Alice V. Hall Naylor and Edward M. Espinosa

The Planning Board recommends approval of C1.

- D. Case P04-27. The rezoning of a .40-acre portion of a .76 acre tract from R6A to C3 or to a more restrictive zoning district at 2978 Cumberland Road, submitted by David C. Matthews, Jr.

The Planning Board recommends approval of C3.

- E. Case P04-29. The rezoning of 17.43 acres from RR to R10 or to a more restrictive zoning district on the south side of Camden Road, west of Waldos Beach Road, submitted by K. Douglas Barfield

The Planning Board recommends approval of R10.

- F. Case P04-30. The rezoning of .82 acres from R10 to C3 or to a more restrictive zoning district at 4244 Cumberland Road, submitted by Jim Mohler

The Planning Board recommends approval of C3.

**Contested Cases**

- G. Case P04-28. The rezoning of 53 acres from A1 and R40A to R15 or to a more restrictive zoning district on the east side of Ramsey Street across from Coats Road, owned by David Raynor and Terry A. Bill

The Planning Board recommends approval of R15.

Speakers:

Bryan Raynor – Mr. Raynor, owner of the property, asked the Board to support the request. He noted there is R15 in the area. He has also hired a soil scientist to look at the land.

Robert Shoup – Opposed to the rezoning. Concerns: Quality of life, overcrowded schools, and more congestion on Hwy. 401 with no plans to widen.

Bob Carter – Opposed to rezoning. Could accept R40. Concerns: overcrowded schools, traffic congestion, and density of population will affect quality of life in the subdivision.

Celine Shoup – She noted that even though water will be available there are other problems, i.e, 123 septic tanks. She is opposed to the rezoning.

David Teague: Opposed to the rezoning. Density is a problem. Schools are overcrowded now. Concerned about septic tanks and traffic.

Terry Bill – Owner of property. He noted that water is available from Linden. He said a soil scientist has been hired to look at the wetlands issue.

The Public Hearing was closed.

Commissioner Henley inquired about the use of wetlands in determining the density for the project. Mr. Loyd, Planning/Inspections Department, noted that the acreage

can be used to determine density, i.e., same number of homes could be built on smaller lots.

Commissioner Blackwell noted that the Planning Board member from the Linden area voted for the rezoning at the Planning Board meeting. He also noted that this area will continue to face changes as Hwy. 13 is complete.

**MOTION: Commissioner Blackwell moved to approve R15.**

**SECOND: Commissioner Melvin**

**DISCUSSION: Commissioner King expressed concern about so many septic tanks at one site. Commissioner Baggett noted he is pro development but has some concerns about the size of the project.**

**SUBSTITUTE**

**MOTION: Commissioner Baggett moved to approve R30.**

**SECOND: Commissioner King**

**DISCUSSION: Commissioner Edge noted he had a problem with R30 as it is not consistent with the area. Commissioner Baggett noted that R30 would actually be very close to R15 once the wetlands are taken into consideration.**

**Commissioner Baggett withdrew his substitute motion.**

Upon finding the zoning 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 classifications, the following motion was offered:

**SUBSTITUTE**

**MOTION: Commissioner Blackwell moved to approve R20.**

**SECOND: Commissioner King**

**VOTE: UNANIMOUS**

**Conditional Use Overlay**

- H. Case P04-31. A Conditional Use Overlay District and Permit to allow a carpet cleaning office in a R6A District on .46 acres at 1444 Bingham Drive, submitted by Ami Crouter

The Planning Board recommends denial of the overlay district.

Speakers:

Thomas Foldesi – Mr. Foldesi noted the many commercial businesses in the area in close proximity to the property. He said this business would not put any distress on the neighborhood. He noted there was no opposition at the Planning Board meeting.

Public Hearing closed.

Commissioner Henley inquired about how much road frontage would be lost when the highway is widened. Mr. Foldesi noted he would lose about 25 feet.

**MOTION: Commissioner Blackwell moved to deny the request for a conditional use overlay district.**

**SECOND: Commissioner King**

**VOTE: UNANIMOUS**

**2. CONSENT AGENDA**

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

**SECOND: Commissioner Henley**

**VOTE: UNANIMOUS**

- A. Approval of Minutes: April 29, 2004 and May 3, 2004

**ACTION: Approve**

- B. Approval of bid award for wall repair at the Crown Theatre, Arena and Exposition Center

BACKGROUND: Bids were received for the project on May 6, 2004.

ACTION: Accept the bids, award the contract to Lesco Restoration, Inc. in the amount of \$257,258.14 for the base bid plus Alternates 1 through 3, and reserve a contingency of \$12,900 and Alternate 4 in the amount of \$64,061.58 for the project in the event additional work is required.

- C. Approval of Sale of surplus county-owned real property acquired by tax foreclosures - .19 acre land located on School Street (off of Eastern Boulevard), PIN 0437-83-9715

BACKGROUND: The County acquired the property in July 1992 by tax foreclosure. The amount currently owed on the judgment including interest and costs is \$2,562.84. Mr. Nickie Collins has offered to purchase the County's interest in the property for \$1,100 and has deposited \$110 in the Finance Office. No upset bids have been received. The tax value of the property is \$500.

ACTION: Accept Mr. Collins' offer to purchase in the amount of \$1,100 plus costs and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- D. Approval of Cumberland County Juvenile Crime Prevention Council contracts representing funding allocation for July 1, 2004-June 30, 2005

BACKGROUND: The JCPC contracts are submitted to the Board for approval prior to submitting to the State.

ACTION: Approve the FY05 funding plan.

- E. Approval of declaration of surplus county property and authorization to accept insurance settlement

BACKGROUND: Date of Accident:	April 28, 2004
Vehicle:	1999 Ford Crown Victoria
VIN:	2FAFP71W5XX165450
Fleet:	FL122
Mileage:	131,801
Department:	Sheriff's Office
Settlement Offer:	\$6,170
Insurance Company:	St. Paul

Note: This is a total loss settlement offer.

ACTION: Declare the vehicle surplus, accept the \$6,170 settlement and turn the vehicle over to St. Paul Insurance Company.

- F. Approval of report on the vehicle auction on May 1, 2004

BACKGROUND: Fifty-eight vehicles were declared surplus and offered for sale at this auction. Four of the vehicles were not sold. Listed below are the changes:

1993 Chevrolet Caprice, VIN 1G1BL5376PW116597, (this vehicle was transferred to Arson)  
1999 Ford Crown Victoria, VIN 2FAFP71WXX165447, (wreck - title to insurance company)  
1992 Ford Taurus, VIN 1FACP5040NA221792, (DARE Program Show Car)  
1994 Ford F150, VIN 1FTEF15N4SNA69570 (Transferred to Solid Waste)

Four vehicles taken out of service after April 5, 2004 were sold:

1996 Ford Crown Victoria, VIN 2FALP71W1TX121782, Amount of Sale: \$1,275  
1991 Buick, VIN 2G4WD54L4MI400987, Amount of Sale: \$675  
2001 Ford 4-door, VIN 2FAFP71W81X125466, Amount of Sale: \$500 (wrecked)  
1997 Ford Van, VIN 1FMEE1129VHB20560, Amount of Sale: \$3,650

The net proceeds to the county from the sale were \$54,265.60.

- G. Approval of a joint Proclamation proclaiming the month of May, 2004  
"Industry Appreciation Month" in Cumberland County

ACTION: Adopt the Proclamation

#### PROCLAMATION

WHEREAS, the existing industries of Fayetteville and Cumberland County are an essential segment of the area's economy, providing employment for local residents, contributing revenues and greatly enhancing the area's quality of life; and

WHEREAS, the various industries existing in Fayetteville and Cumberland County have an influence, either directly or indirectly, upon the lives of every one of the County's citizens; and

WHEREAS, the potential for growth comes in part from within, through the expansion of existing industries and the establishment of new, homegrown industries; and

WHEREAS, public awareness and understanding of the importance of industry to our local economy and quality of life are vital to the preservation of a favorable industrial climate; and

WHEREAS, a favorable industrial climate is a major factor in the decision by officials of existing plants to expand its operations and in our area's ability to attract new industry.

NOW, THEREFORE, we, the representatives of the County of Cumberland and the City of Fayetteville proclaim the month of May, 2004 "INDUSTRY APPRECIATION MONTH" in Fayetteville and Cumberland County and urge all citizens to take this opportunity to salute the industries located in our area and the employees of those industries for their important role in the growth and prosperity of Fayetteville and Cumberland County.

- H. Approval of a Proclamation proclaiming June 3, 2004 "National Hunger Awareness Day" in Cumberland County

ACTION: Adopt Proclamation

#### PROCLAMATION

WHEREAS, it is with deep concern for the hundreds of thousands of citizens nationwide who face increasing difficulties feeding their families that we join with the Second Harvest Food Bank of Southeast North Carolina as it supports America's Second Harvest's National Hunger Awareness campaign to feed the hungry; and

WHEREAS, because of the sharp downturn in the economy, numerous families on a daily basis are relying on food banks to secure food for their children and families; and

WHEREAS, during the school year thousands of children receive free or reduced lunches at our schools and during summer vacation most of those children will not be enrolled in a similar program; and

WHEREAS, the children and elderly have the most food insecurity without the means to help themselves; and

WHEREAS, to help the people of Cumberland County, the Second Harvest Food Bank of Southeast North Carolina collects and distributes over three million pounds of food annually; and

WHEREAS, there is a misunderstanding about who the hungry are and where they are in our community; and

WHEREAS, America's Second Harvest and the Second Harvest Food Bank of Southeast North Carolina will sponsor "National Hunger Awareness Day" in order to help educate and inform Cumberland County about hunger in our community.

NOW, THEREFORE, the Board of Commissioners of Cumberland County proclaims June 3, 2004 "National Hunger Awareness Day" in Cumberland County; and

FURTHER, the Board encourages Cumberland County groups and citizens to support with donations, volunteer service and funding, the effort of the Second Harvest Food Bank of Southeast North Carolina to end hunger in Cumberland County.

I. Budget Revisions

ACTION: Approve

- (1) Community Transportation Program/General Government: Revision in the amount of \$493 to adjust the county budget to the state budget (B04-458-458A) Funding Source – State and County Fund Balance
- (2) Library Grants: Revision in the amount of \$129 to budget grant received for local high school quiz bowl transportation (B04-459) Funding Source – Grant
- (3) Carpenter Shop – Revision in the amount of \$4,100 to reallocate budgeted expenditures for unanticipated expenditures (B04-463) Funding Source – Reallocation of budgeted expenditures
- (4) Fire District
  - a. Cotton Fire District: Revision in the amount of \$50 to cover unanticipated refunds to taxpayers (B04-464) Funding Source – Fire District Tax
  - b. Grays Creek Fire District: Revision in the amount of \$50 to cover unanticipated refunds to taxpayers (B04-465) Funding Source – Fire District Tax
  - c. Bonnie Doone Fire District: Revision in the amount of \$50 to cover unanticipated refunds to taxpayers (B04-471) Funding Source – Fire District Tax
- (5) School C.O. Category I & II: Revisions in the amount of \$1,950,000 to budget capital projects approved by the Cumberland County Board of Education (B04-457-457A) Funding Source – State & School C.O. Fund Balance
- (6) Mental Health
  - a. Detoxification: Revision in the amount of \$100,000 to reallocate revenue (B04-467-468) Funding Source – Reallocation of budgeted revenue
  - b. Willie M Alternative Family Living: Revision in the amount of \$260,000 to increase revenue and expenditures for therapeutic home services (B04-469) Funding Source – Mental Health Fees
- (7) Social Service Other: Revision in the amount of \$22,827 to recognize additional state funding for Smart Start Day Care (B04-472) Funding Source – State
- (8) Health: Revisions in the amount of \$24,596 to fund the Nurses Experienced Based Hiring Plan for pay periods April 28, 2004 – June 30, 2004 (B04-466-466N) Funding Source – Reallocation of budgeted expenditures/fees/Health fund balance
- (9) NORCRESS: Revision in the amount of \$210,627 to budget a transfer from the County Water & Sewer fund to fund additional expenditures for the Eastover Approach Main and NORCRESS projects and to approve the associated capital project ordinance (NORCRESS #7) Funding Source – Transfer from County Water and Sewer Fund

REGULAR AGENDA

3. Consideration of County Finance Committee Report & Recommendation
  - A. Health Insurance

BACKGROUND: The County Finance Committee reviewed the proposals and recommends:

- that the County continue its health insurance coverage with the NCACC Health Insurance Trust;
- that JSL/Doctors Direct be allowed to submit a complete proposal to include reinsurance issues, to be considered by Mark III Brokerage, using the same spreadsheet format, and that the proposal be made available to the Board of Commissioners at its meeting on May 17, 2004;
- that BCBS provide the County its large claim and other information in whatever format the County needs, so that the information is available for a bid process on a calendar year basis effective December 31, 2004 and annually thereafter.

ACTION: Consider the recommendations of the Finance Committee

Mr. Mark Browder, Mark III Brokerage, told the Board that he has received an updated bid from JSL/Doctors Direct. The estimated claims bid is about 1% less than BCBS, while the maximum claims amount is larger than BCBS. He noted the low bid by a small increment is still United Healthcare. Mr. Browder said he still recommends the County maintain its health insurance relationship with BCBS.

John Henley, Vice Chairman of the Board of the Commissioners, disclosed to the Board that he is one of 260 physicians who own interest in the Sandhills Physician Group. He said his investment was \$4,250. He has received no return on his investment and does not expect to. He indicated his interest in the Group and the issue of health insurance for the county will not be of any financial benefit to him. Grainger Barrett, County Attorney, said it was his opinion that Commissioner Henley's interest is indirect and miniscule.

Commissioner Henley noted some of his concerns with the process the county uses to determine who will administer our insurance. He pointed out that employees do not have BCBS insurance. The County is self insured and contracts with NCACC/BCBS to administer our program. All claims are paid from county revenue. He also noted that there should be no concern about JSL/Doctors Direct and United Healthcare providing health insurance for the County, as both firms are well known locally, state-wide and on a national level. Commissioner Henley stated the county paid out \$6.9 million in health care claims in FY2000. FY04 shows claims in excess of \$9 million. He said that is a 40.7% increase in the cost of health care. He said an increase is expected in FY2005. He said the county cannot continue to sustain the cost. He noted that JSL/Doctors Direct is providing insurance for Cape Fear Valley Health Center, and there has been a 2% decrease in cost from 2001-2003. Commissioner Henley expressed concern that BCBS controls the data flow which makes it difficult for other insurance companies to compete on an even playing field. He noted the lack of information from BCBS has prohibited JSL/Doctors Direct from giving the County a firm quote. He said that if BCBS is approved as the administrator, he would like to see quarterly reports on claims of \$20,000 plus management case notes. He said this information would allow the County to better control its medical expenses and provide information to vendors which would allow them to make a valid proposal to the County.

Commissioner Edge said he thought the process was a little flawed. He said the County has a right to know about the claims, not the names of employees, but simply the number of claims of \$20,000 or more. He said he had spoken to three doctors who indicated a world of difference in their dealings between BCBS and JSL/Doctors Direct.

**MOTION: Commissioner Edge moved that the Board follow the recommendation of the Finance Committee and approve NCACC/BCBS and request that county administration solicit info on a quarterly basis on claims submitted in the amount of \$20,000 or more, and that this information be available for bid process in January 2005.**

**SECOND: Commissioner King**

**DISCUSSION: Commissioner Blackwell noted that many counties award these bids for 2 years. He also noted that several counties allow county employees to serve on an insurance committee to hear the insurance proposals when they are submitted to management. He suggested the**



County Manager select an employee from each department to serve on the committee.

**AMENDED**

**MOTION:** Commissioner Blackwell moved that the motion be amended to include that the plan be for a two year time frame, and that Management appoint some county employees to serve on a panel to listen to the proposals and that the county receive a quarterly report on claims in the amount of \$20,000 or more (already in original motion).

**SECOND:** Commissioner Melvin

**DISCUSSION:** Chairman Council said she was supportive of the two-year time frame because of the level of anxiety the notion of changing insurance every year has on county employees. Commissioner Henley said he could not support a two-year plan. Commissioner Blackwell said he the County can receive any information it needs from BCBS in any form we need it in. Commissioner Edge inquired if the County can designate this as a two-year plan, since the RFP's did not indicate two years. The County Manager said the Board can specify the two-year time frame. The County Attorney concurred. Commissioner Blackwell noted that the County hired Mark III Brokerage, Inc. to help us with this process and he felt we needed to listen to the advice.

**QUESTION:** Commissioner Blackwell called for the Question on the Amendment to the Motion.

**VOTE:** FAVOR: Commissioners Blackwell, Baggett, Council, Melvin, and King

OPPOSED: Commissioners Henley and Edge

**VOTE ON THE  
AMENDMENT**

**TO THE MOTION:** FAVOR: Commissioners Baggett, Blackwell, Council, Melvin and King

OPPOSED: Commissioners Henley and Edge

**VOTE ON AMENDED  
MOTION WHICH IS:**

That the Board follow the recommendation of the Finance Committee and approve NCACC/BCBS, request that county administration solicit, without personal identification, info on a quarterly basis for claims submitted in the amount of \$20,000 or more, that this insurance plan be in effect for two years, and that the county manager appoint some county employees to serve on an insurance panel to listen to proposals when the plan is bid again.

**VOTE ON AMENDED**

**MOTION ABOVE:** FAVOR: Commissioners Edge, Baggett, Council, Blackwell, King and Melvin

OPPOSED: Commissioner Henley

4. Consideration of the County Facilities Committee report and recommendation

A. Approval of the Windridge Special Assessment Project

**BACKGROUND:** The Finance Committee met on May 12, 2004 and recommends that the County move forward with this project.

**ACTION:** Authorize a Special Assessment Project to provide public water service to the Windridge Community and schedule a public hearing for June 21, 2004.

**MOTION:** Commissioner Blackwell moved to authorize a special assessment project and scheduled a public hearing for June 21, 2004, 7:00PM.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

5. Consideration of:

- A. A Resolution in support of SB 871 – A Bill to be entitled an Act to Waive an Amount Equal to One-third of the Fuel Tax Collected on Military Installations

BACKGROUND: Commissioner Breeden Blackwell requested this item be included on the agenda.

ACTION: Consider adoption of the Resolution

RESOLUTION IN SUPPORT OF SENATE BILL 871 – A BILL TO BE  
ENTITLED AN ACT TO WAIVE AN AMOUNT EQUAL TO ONE-THIRD OF THE  
FUEL TAX COLLECTED ON MILITARY INSTALLATIONS

WHEREAS, Senator Cecil Hargett, in an effort to improve the quality of life on military installations in North Carolina, has co-sponsored Senate Bill 871 in the NC Senate to amend Article 2 of Chapter 136 of the General Statutes; and

WHEREAS, this legislation adds a new section 136-41.9 regarding annual appropriations from the State Highway Fund to the US Department of Defense each year to enable the Armed Forces to improve quality-of-life programs for military members and its families in North Carolina; and

WHEREAS, the amount of the appropriation will represent a sum equal to the estimated net amount after refunds that was produced during the preceding year by an eight-cent tax on each gallon of motor fuel and alternative fuel sold aboard a military installation; and

WHEREAS, the Board of Commissioners recognizes the vital role played by our military neighbors as the world's peacekeepers and has tremendous respect and appreciation for their contributions to our Country and our County.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners is in support of SB871; and

BE IT FURTHER RESOLVED that this resolution be forwarded to the Cumberland County Delegation

**MOTION: Commissioner Blackwell moved to approve.**  
**SECOND: Commissioner Melvin**  
**VOTE: UNANIMOUS**

- B. Discussion of appointing a panel to examine recycling issues

Commissioner Breeden Blackwell suggested the County appoint an environmental panel of interested citizens who can look at the recycling issue. He suggested 5 people from the City and 5 from the County. He suggested the County Manager could also contact the other municipalities to see if they had an interest in appointing someone to the panel.

**MOTION: Commissioner Blackwell moved that the County Manager begin the process of appointing a panel by contacting the municipalities to see if they would be interested in participating. He also moved that we forward this item to the Policy Committee for discussion.**  
**SECOND: Commissioner King**  
**VOTE: UNANIMOUS**

6. Discussion of the status of the Parks and Recreation Contract with the City of Fayetteville

The County Manager asked the Board to give him some direction on whether the County wants to move forward on this consolidation. The Manager noted there has been some discussion on an administrative cost the county would pay to the City. He said the figure on the table at this time is \$60,000. An organizational chart has been prepared by the City which outlines the organization of the consolidated departments. Commissioner Blackwell suggested there should be some "identified goals" so we will know whether or not the consolidation has been successful. He also suggested that a customer satisfaction survey be provided to allow the citizens to rate our service.

A formal operating agreement will be presented to the Board at its next meeting.

Larry Philpott, Director, County Parks and Recreation, said he was positive about the consolidation and felt the citizens in the county would benefit. He noted it had not been an easy process, and had concerns because he has been unable to tell his county employees what job they would have at the City. None the less, he supports this and feels both entities will handle it professionally.

7. Consideration of joining the City of Fayetteville and the Cumberland County Business Council in hiring a lobbyist

BACKGROUND: The CCBC and City have inquired if the County would be willing to participate with them in hiring a lobbyist group to represent us in Washington. The County Manager said he believes there are some reasons the County may want to consider participating in this effort.

ACTION: Provide management with direction for proceeding with participating in forming a partnership with the City and CCBC in hiring a lobbyist.

Commissioner King inquired about the cost. The Manager said that four firms have been selected to be interviewed. Three of the firms are quoting \$10,000/month plus expenses. A fourth firm quotes \$5,000/month plus expenses.

Commissioner Edge expressed concern that the RFP was drawn up by the City with no input from the County as to our needs. He said he just wants to make sure the County will get its fair share in this process. The County Manager noted that in the proposal is a process to determine the players' interests. Commissioner Baggett said he needed to be sold on this venture just a little bit more. He said that perhaps the concept is good, but he needs more information.

**MOTION: Commissioner Melvin moved to delay action on this matter until we have more information.**

**MOTION DIED FOR LACK OF A SECOND.**

Commissioner King noted that the idea of a lobbyist is not new. He said it could be good for the county to have someone to speak for it in Washington.

**MOTION: Commissioner Henley moved that the Board let the City and CCBC know that we support the concept and see some benefit to having someone in Washington to represent us; but that we need more information on cost and assurances that the scope of the work performed will be balanced among the participants.**

**SECOND: Commissioner Council**

**DISCUSSION: Commissioner Baggett said the County should also find out if these groups are representing any other cities/counties in the southeast.**

**VOTE: UNANIMOUS**

8. Nominations to Boards/Committees

- A. Animal Control Board (3 vacancies)

BACKGROUND: The Animal Control Board has the following vacancies:

Ex-officio Veterinarian on contract with the County: Dr. John Lauby (has served two terms)

At-large: Edwin Hamblin – Eligible for reappointment to a three year term.  
Donald Joseph Byrd – Not eligible for reappointment

Nominees: Dr. John Lauby  
Edwin Hamblin  
Wallace Owens

- B. Board of Adjustment (1 vacancy)

BACKGROUND: Doug Stephens term has expired and he is not eligible for reappointment.

Nominee: George Quigley (currently an alternate member)

C. Farmland Advisory Committee

BACKGROUND: The Board of Commissioners, at its meeting on April 5, 2004, adopted a Resolution to create a Farm Advisory Committee to serve as a "watchdog for development in farm and rural areas, to protect agricultural land, to preserve the farming industry and protect the character of the rural areas in the County". The nine member Committee will consist of:

Five active farmers  
One member of the Natural Resource Conservation Service  
One member of the Farm Bureau  
One member of the Joint Planning Board  
One representative from the NC Cooperative Extension Service

The following have been recommended for the Board's consideration:

Farmers: P.R. Barker, David Collier, Sherrill Jernigan, William Tew, Craig Tyson  
Natural Resource Conservation Service: Charlie Guy  
Farm Bureau: Joe Gillis  
Planning Board: Clifton McNeill, Jr.  
NC Cooperative Extension Service: George Autry

Nominees: See above.

D. Planning Board (1 vacancy)

BACKGROUND: John M. Gillis, Jr. is completing his second term on this Board. He is not eligible for reappointment.

Commissioner Baggett inquired if people could be still be nominated at the next meeting. The answer is yes. He said he has someone in mind he would like to nominate but would first like to talk to the person.

Nominee: Doug Stephens

E. Storm Water Advisory Board (1 vacancy)

BACKGROUND: Clifton McNeill, Sr. has completed his first term on this Board. He is eligible for reappointment and would like to serve another term.

Nominee: Clifton McNeill, Sr.

9. Appointments to Boards/Committees

**MOTION: Commissioner Henley moved to appoint the nominees in 9A-C by acclamation.**  
**SECOND: Commissioner Edge**  
**VOTE: UNANIMOUS**

A. ABC Board (2 vacancies)

Nominees: Stanley Johnson and Glenn B. Adams

B. Department of Social Services Board (1 vacancy)

Nominee: Patrick Koehne

C. FTCC (1 vacancy)

Commissioner King removed Jim Hankins as a nominee for this board.

Nominee: Thornton Rose (reappointment)

10. Reminder of time change for June 7, 2004 Board of Commissioners' meeting

Meeting will be held at 7:00PM instead of 9:00AM.

MEETING RECESSED SO THE BOARD COULD GO INTO SESSION AS THE NORCRESS WATER AND SEWER DISTRICT BOARD. (See minutes in Water & Sewer District minute book)

COMMISSIONERS' MEETING RECONVENED

11. CLOSED SESSION: Economic Development matter (NCGS 143-318(a)(4)

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

**SECOND:** Commissioner Blackwell

**VOTE:** UNANIMOUS

**MOTION:** Commissioner Blackwell moved to go back into Regular Session.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

**MOTION:** Commissioner Blackwell moved to adjourn.

**SECOND:** Commissioner Melvin

**VOTE:** UNANIMOUS

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Clerk to the Board