

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
FEBRUARY 7, 2005 9:00 AM  
REGULAR MEETING**

PRESENT: John T. Henley, Jr., Chairman  
Billy R. King, Vice Chairman  
Commissioner Talmage S. Baggett  
Commissioner J. Breeden Blackwell  
Commissioner Jeannette M. Council  
Commissioner Kenneth S. Edge  
Commissioner Diane Wheatley  
James Martin, County Manager  
Juanita Pilgrim, Deputy County Manager  
Cliff Spiller, Asst. County Manager  
Grainger Barrett, County Attorney  
Ann Hymes, Deputy Clerk to the Board

INVOCATION Commissioner Breeden Blackwell

Minister: Rev. Leighton McKeithen, Pastor Emeritus, Highland Presbyterian Church

Pledge of Allegiance

Recognition of Outgoing Board Member: Jack P. Justice, Civic Center Commission

Recognition of County Retiree: Gail Terwilliger, Cumberland County Library System

1. Presentations

- A. Presentation by Diane Parfitt and Pam McEvoy of the Child Advocacy Center.
- B. Presentation of the "Patriotism" Campaign by John Meroski, Fayetteville Area Convention & Visitor's Bureau.

2. Consent Agenda

**MOTION: Commissioner Blackwell moved to approve Consent Agenda Items A through I (11).**

**SECOND: Commissioner Council**

**VOTE: UNANIMOUS**

- A. Approval of minutes for the January 18, 2005 regular meeting.

ACTION: Approve

- B. Approval of Report on Delinquent Taxes for the Year 2004.

BACKGROUND: NCGS 105-369 requires the Collector to report unpaid taxes for the current fiscal year that are liens on real property by the first Monday in February. Upon receipt of the report, the Board shall order the Tax Collector to advertise the tax liens in one or more newspapers having general circulation in Cumberland County. The delinquent report is on file in the Clerk's office until February 7, 2005, after which time it is available in the Tax Administrator's Office.

Total Delinquent Taxes for Year 2004 as of 1/15/05: \$13,788,473 on 18,118 parcels, or 13.6% of the Assessed Value. (See Attachment A to these Minutes)

ACTION: Accept the report of unpaid taxes for the current fiscal year that are liens on real property and charge the Collector to advertise the tax liens in a newspaper having general circulation in Cumberland County during the month of April 2005.

- C. Approval of Delinquent Accounts in the Health Department to be Turned Over to Collectors.

BACKGROUND: The Board of Health at its meeting on January 18, 2005 approved writing off \$56,061.40 as bad debts and turning them over to the contracted collection agency – Professional Recovery Consultants, Inc.

ACTION: Approve the write off of bad debts as noted above and turn them over to the collection agency.

- D. Approval of Proposal to Conditionally Commit Community Development Funding to the Summer Star and Legion Crossing Affordable Housing Projects.

BACKGROUND: Community Development issued a request for proposals for the Affordable Housing Program in November, 2004. Four applications were received totaling requests in the amount of over \$1 million. An evaluation team reviewed the applications and has recommended funding for the following projects:

- (1) Summer Star Apartments – submitted by the Cumberland County Association for Indian People and The Affordable Housing Group of Charlotte, NC. This project will consist of 44 (1&2 bedroom) garden-style apartments for disabled and senior residents, and will target those who earn between 40% and 60% of the area median income.
- (2) Legion Crossing Apartments – Murray Duggins Project. This project will consist of 48 units (36 two-bedroom units and 12 three-bedroom units). Rent will range from \$300 to \$460 per month, targeting families whose household incomes are at or below 50% of the area median income.

ACTION: Based on funding availability for these projects, conditionally commit \$220,000 to the Summer Star Apartments project with terms of 0% interest over 20 years and 280,000 to the Legion Crossing Apartments project with terms of 2% interest over 20 years. In addition, authorize the county manager to sign the Letters of Conditional Commitment for both projects.

- E. Approval of Revision of the Penalty Provisions of the County's Prepared Food and Beverage Tax and Occupancy Tax.

BACKGROUND: Chapter 7, Section 333 of the Cumberland County Code establishes penalties imposed on retail vendors and hotel, motel and inn operators who fail to file returns or fail to pay the County's Prepared Food and Beverage Tax and Occupancy Tax. As of October 1, 2001, NCGS 153A-154.1 made uniform state-wide penalties applicable to these vendors and operators, reappealing any conflicting local/county provisions.

ACTION: Approve the revision to the ordinance (Chapter 7, Section 333 of the Cumberland County Code) as follows:

Delete the first two sentences thereof and in lieu thereof insert:

“The penalties for failing to file and/or failure to pay the taxes under this Chapter shall conform to the penalty provisions of the North Carolina Sales and Use Tax, GS 105-236.”

- F. Approval of Resolution for a 10-Year Plan to End Homelessness.

BACKGROUND: Because homelessness is a national problem with local solutions, President Bush revived the Interagency Council on Homelessness. This Council is comprised of 20 cabinet-level secretaries including the secretaries of Housing and Urban Development, Health and Human Services, Veterans Affairs and Labor. Phillip Mangano, the Council's Executive Director, has implemented a nationwide push to garner support from cities and counties to develop local 10-year plans to end chronic homelessness. The 10-year planning process is divided into 10 steps:

- commit to developing a 10-year plan;

- identify stakeholders;
- convene a working group;
- gather research and data on homelessness;
- define your community's homeless problem;
- develop strategies to address these problems;
- solicit stakeholder feedback and finalize strategic plan;
- create an action plan to implement strategies;
- announce and publicize the plan;
- implement the plan.

According to a March 2004 survey of the homeless in Cumberland County, there were 934 homeless persons with only 229 beds to serve them. In response to the growing needs of the homeless locally, the Cumberland County Continuum of Care Planning Council embarked on a journey of promoting the 10-year plan and adopted a resolution to end homelessness at its October 2004 meeting.

**ACTION:** Adopt the Resolution and direct County Management and the Community Development Department to partner with the City of Fayetteville to develop a 10-year Plan to end Homelessness.

## RESOLUTION 10-YEAR PLAN TO END HOMELESSNESS

WHEREAS, Cumberland County is committed to ending homelessness; and

WHEREAS, on March 29, 2004, as identified in the 2004 Continuum of Care Homeless Population Point in Time Survey Results, there were 934 homeless persons in the Fayetteville/Cumberland County area and only 229 beds in this community to serve them; and

WHEREAS, chronically homeless individuals and families, those with the most persistent forms of homelessness, are affected not only by poverty but also by severe conditions such as unemployment, mental illness and the need for affordable housing and substance abuse assistance; and

WHEREAS, cities and counties are on the front line of the response to chronic homelessness; and

WHEREAS, in order to make housing for chronically homeless individuals and families work, supportive services are necessary to mitigate health, unemployment, substance abuse and mental health problems; and

WHEREAS, research suggests that supportive housing models to end chronic homelessness and homelessness in general are highly effective and the cost of providing supportive housing is offset by savings in the most expensive systems of community care including hospitalization, jails and other correctional facilities; and

WHEREAS, these supportive strategies improve the quality of life for both the individual and families being housed and the community at large; and

WHEREAS, the abolition of chronic homelessness requires collaboration and coordination at all levels of government, together with community institutions, businesses, and faith-based organizations, to determine how best to implement prevention and intervention strategies; and

WHEREAS, more than 143 cities nationwide have committed to create jurisdictionally-based 10-year plans to end chronic homelessness in response to the resolution passed in the 2003 Annual Meeting in partnership with the US Interagency Council on Homelessness and US Department of Housing and Urban Development; and

WHEREAS, the US Interagency Council on Homelessness has been meeting with local officials across the country to foster 10-year plans in partnership with all sectors of the community.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners supports a 10-Year Plan to end Homelessness.

- G. Approval of Resolution Supporting State Phase-Out and Assumption of the County Share of Medicaid Costs.

BACKGROUND: At its Planning Retreat on January 28, 2005, the Board of Commissioners directed the County Attorney to prepare a Resolution supporting state phase out and assumption of the county share of Medicaid costs. Commissioner Blackwell requested that a letter and a copy of the Resolution be sent to the members of the North Carolina legislation. Commissioner Edge requested that it also be sent to the local municipalities.

ACTION: Adopt the Resolution

RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
SUPPORTING A STATE PHASE-OUT AND ASSUMPTION OF THE  
COUNTY SHARE OF MEDICAID EXPENSES

WHEREAS, Cumberland County projects it will pay \$13,193,576 in FY2005, or 6% of its expenditures, for services to Medicaid eligible citizens; and

WHEREAS, such expenditures will represent 10 cents on the property tax rate for the County, and a per capita cost of \$43.14 per person; and

WHEREAS, the 100 counties' share of Medicaid reimbursements has increased over 67% in the last five years and now totals approximately \$440 million; and

WHEREAS, North Carolina is only one of two states in the nation that requires counties to pay a share of all Medicaid services costs.

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners urges the NC General Assembly to provide immediate relief from Medicaid services costs to Cumberland County; and

FURTHER, BE IT RESOLVED, that copies of this Resolution be transmitted to the Cumberland County Legislative Delegation and to the NC Association of County Commissioners.

- H. Approval of Library Trustee-Adopted Resolution in Support of a \$4.7 Million Dollar Increase in State Public Library Funding.

BACKGROUND: The Library Board of Trustees at its meeting on January 20, 2005 adopted a resolution seeking support through the Board of Commissioners for an increase of \$4.7 million in state funding for local public libraries in the upcoming 2005 legislative session.

ACTION: Approve the Resolution

RESOLUTION

WHEREAS, 4.2 million North Carolinians were registered public library users, representing 50 percent of the state's population, and borrowed over 45 million items from public libraries in FY2004; and

WHEREAS, North Carolinians visited public libraries 32.8 million times last year which is equivalent to filling the Dean Dome 1,508 times or filling Carter Finley Stadium 613 times; and

WHEREAS, the average daily number of library visits to North Carolina public libraries (89,859) was more than the average daily attendance at the 2004 State Fair (83,632); and

WHEREAS, librarians answered over 10.3 million questions last year, which is equivalent to answering 28,408 questions each day for the entire year; and

WHEREAS, many North Carolinians depend on their public libraries to gain access to computers, the Internet and online magazines and books, such as NC LIVE, and these electronic resources were used a total of over 6 million times last year; and

WHEREAS, North Carolina public libraries presented over 93,000 programs (an average of 528 programs per school day) to over 2.2 million children, from birth to teens, last year; and

WHEREAS, public libraries are a tremendous educational and life long learning value to the citizens of North Carolina in FY2004; and

WHEREAS, public libraries support local economic development, particularly small business development, and employment opportunities; and

WHEREAS, public libraries are acknowledged as one of the most popular government services and a great public relations benefit to any community; and

WHEREA, funding of the State Aid to Public Libraries Fund has decreased since 1998 to \$14.7 million in 2004; and

WHEREAS, an increase of \$4.7 million in State Aid to Public Libraries in 2005 is needed to keep pace with increasing public demand for services and increasing operational costs.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners asks the Cumberland County Legislative Delegation and the Governor to support the State Aid to Public Libraries program, its rules, and an increase of the \$4.7 million in state funding for local public libraries in the upcoming 2005 legislative session in order to meet the growing educational, literacy and quality of life needs for the citizens of North Carolina.

I. Budget Revisions:

ACTION: Approve

(1) 1998 Local School Bond Projects

Revision in the amount of \$50,367 to budget interest income earned in prior year. (B05-255) **Funding Source – Interest**

(2) Revision in the amount of \$10,831 to reclassify a temporary position to a full-time Office Support IV position. This position will be responsible for photographs and to provide clerical assistance to the appraisers. (B05-258) **Funding Source - Reallocation of Budgeted Expenditures**

(3) Eastover Sanitary District

Revision in the amount of \$87,941 to appropriate fund balance from funds previously transferred from the completed Eastover Sanitary District Water Project to the Eastover Sanitary District Administration Fund. (B05-259) **Funding Source – Eastover Sanitary District Fund Balance**

(4) Parks and Recreation

Revision in the amount of \$40,000 to budget funds for the installation of a new canopy (\$25,000) and improvements to the scoreboard and picnic areas (\$15,000) at JP Riddle. (B05-260) **Funding Source – Parks and Recreation Fund Balance**

(5) Crown Center/ General Government Other

Revision in the amount of \$69,885 to appropriate fund balance to budget a transfer from the General Fund to be used to purchase a new arena football field and protective wall padding. (B05-261 and B05-261A) **Funding Source – Maintenance and Repairs Fund Balance**

(6) Health

- a. Women, Infants and Children Clinic - Revision to reconcile State and County revenue budgets. (B05-262) **Funding Source – Reallocation of Budgeted Revenue**
- b. Health Promotion – Revision in the amount of \$2,495 to budget March of Dimes Folic Acid grant. (B05-263) **Funding Source – Grant**
- c. Breast and Cervical Cancer Control Program/Family Planning Program – Revision in the amount of \$16,579 to budget for anticipated expenditures for the remainder of FY2005. (B05-264A and B05-264B) **Funding Source – Reallocation of Budgeted Expenditures**

(7) Averagesboro Battlefield Commission/General Government Other

Revision in the amount of \$577,617 to establish a separate fund for the Averagesboro Battlefield Project and to budget the grant funds received in prior years. (B05-267 and B05-267A) **Funding Source – Grant**

(8) Workforce Development Act Adult/Dislocated Worker

Revision in the total amount of \$215,180 to establish a new Caseworker position to be split between the two organizations and to budget anticipated expenditure increases through the remainder of FY2005. (B05-271A and B05-271B) **Funding Source – State**

(9) Juvenile Crime Prevention Programs

Revision in the amount of \$93,156 to budget NC Juvenile Crime Prevention funds (\$43,156) and in-kind services from the Cumberland County Mental Health Authority (\$50,000), to provide wrap around, intensive community-based options for high risk youth. (B05-273) **Funding Source – State and In-Kind**

(10) Animal Control/General Government Other

Revision in the amount of \$22,546 to reallocate budgeted expenditures for additional supplies needed in handling feral animals and for the increase price of a vehicle and miscellaneous related equipment. (B05-274) **Funding Source – Reallocation of Budgeted Expenditures**

(11) Public Buildings Janitorial/General Government Other

Revision in the amount of \$32,194 to reallocate budgeted expenditures for additional temporary workers for the night shift floor crew and to .5 FTE

for the Historic Courthouse. (B05-275) **Funding Source – Reallocation  
of Budgeted Expenditures**

REGULAR AGENDA

3. Nominations to Boards and Committees

A. Adult Care Home Community Advisory Committee (1 Vacancy)

BACKGROUND: Lisa Chavez, appointed to a three-year term on this committee has resigned due to personal reasons. Replace Ms. Chavez.

NOMINEE: Cynthia Bracey

B. Cumberland County Juvenile Crime Prevention Council (1 Vacancy)

BACKGROUND: Larry Philpott, former director of the Cumberland County Parks and Recreation Department, has resigned from the Council. Mr. Melvin Adams, Assistant Director of Parks and Recreation for the Fayetteville-Cumberland County Parks and Recreation Department has been recommended to fill this vacancy.

NOMINEE: Melvin Adams

C. Equalization and Review Board (1 Vacancy)

BACKGROUND: Curt Alexander (real estate agent position) has completed his first term and is eligible for reappointment.

ACTION: Nominate Mr. Alexander for a second term.

NOMINEE: Curt Alexander

D. Mental Health Board (1 Vacancy)

BACKGROUND: Mr. Gene Watts (drug abuse, primary consumer, presently in recovery position) has resigned to due health problems. The Mental Health Board has recommended that Gladys Hunt be appointed to fill this vacancy.

NOMINEE: Gladys Hunt

E. Minimum Housing Appeals Board – Alternate Member (1 Vacancy)

BACKGROUND: Christopher Nicholas has resigned. A replacement is needed.

NOMINEE: Charles Lewis

F. Nursing Home Advisory Board (1 Vacancy)

BACKGROUND: Barbara Ward has resigned. A replacement is needed.

NOMINEE: Hervenna Pannell

4. Appointments to Boards and Committees

A. Civic Center Commission (1 Vacancy)

Nominee: Ralph Spivey

**Ralph Spivey – unanimous vote.**

B. Appointment of a Cumberland County Commissioner to Local Government  
Military Base Advisory Committee

BACKGROUND: The Board of Commissioners appointed Nancy Roy and Commissioner (former) Ed Melvin to serve on this Committee. As Mr. Melvin is no longer on the Board, a commissioner will need to be appointed to fill the vacancy.

**MOTION: Commissioner King nominated Commissioner Wheatley to serve on the Local Government Military Base Advisory Committee.**

**SECOND: Commissioner Blackwell**

**VOTE: UNANIMOUS**

5. Closed Session                      A. Attorney-Client Matters Pursuant to NCGS 143-318.(a)(3).

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

**SECOND: Commissioner Council**

**VOTE: UNANIMOUS**

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

**SECOND: Commissioner Blackwell**

**VOTE: UNANIMOUS**

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

**SECOND: Commissioner King**

**VOTE: UNANIMOUS**

**MEETING ADJOURNED: 10:10 AM.**

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Ann Hymes, Deputy Clerk to the Board