

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
JUNE 20, 2005 - 7:00 PM**

PRESENT: John T. Henley, Chairman
Billy R. King, Vice Chairman
Commissioner Talmage Baggett
Commissioner Breeden Blackwell
Commissioner Jeannette M. Council
Commissioner Kenneth Edge
Commissioner Diane Wheatley
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Assistant County Manager
Cliff Spiller, Assistant County Manager
Grainger Barrett, County Attorney
Sara VanderClute, Public Information Officer
Nancy Roy, Planning & Inspections Director
Tom Lloyd, Deputy Planning & Inspections Director
Bob Stanger, County Engineer
Tom Cooney, Public Utilities Director
Ann Hymes, Deputy Clerk

INVOCATION - Commissioner Billy King

PLEDGE OF ALLEGIANCE – Renee G. Henson, 3rd Grade, Bill Hefner Elementary School

Recognition of Retired County Employee: Barney Goff, Cumberland County Sheriff's Office

Recognition of 2005 Special Olympians Basketball State Champions:

Jerry Artis	Stephen Garcia-Smith	Eric-Lanza Raye
Brian Bennett	Derrick Hayes	Denisa Raye
Gloria Bennett	Kendrick Hurley	Theron Raye
Tremayne Council	Jaycee Kemp	Albertha Smith
Andrew Garcia-Smith	Brandon Moon	
Sammuel Garcia-Smith	Dorothy Moon	

Additions to the Agenda

- Add Item 1.J (10): Norcross Project Budget Revision
- Add Norcross Water and Sewer District Board Meeting
- Add Item 8.C.: Personnel Matter

MOTION: Commissioner King moved to add the above items to the agenda.

SECOND: Commissioner Council

VOTE: UNANIMOUS

1. Consent Agenda

Commissioner Henley asked that Item J.(2) be pulled for discussion.

Commissioner Blackwell asked that Items F. and J.(9) be pulled for discussion.

MOTION: Commissioner King moved to follow staff recommendations on the items on the Consent Agenda except for Items J.(2), F. and J.(9).

SECOND: Commissioner Council

VOTE: UNANIMOUS

- A. Approval of minutes for the Special Joint Meeting with the Towns of Falcon, Godwin and Wade on May 31, 2005 and the June 6, 2005 regular meeting.

ACTION: Approve

- B. Approval of Renewal of Systel Franchise Agreement at Library Facilities for Copier & Technology Services (2nd Reading).

BACKGROUND: Systel Business Equipment Co. has been providing copying and technology services at the Library System for many years, via a Franchise Agreement. The Library has requested that the Board approve renewal of the Franchise Agreement for five years beginning July 1, 2005 (2nd reading).

ACTION: Approve the Franchise Agreement second reading.

- C. Approval of Amendment for Calloway, Moore, Johnson Architectural Group for Health Department Facility.

BACKGROUND: In September, 2004, the Board entered into an agreement with Calloway, Johnson, Moore & West for architectural services for the Health Department Needs Assessment Project. An outcome of the assessment was the development of a facility master plan that included conceptual site improvements, building renovation and new construction required for the relocation of various departments within Public Health to improve the delivery of services. The work would be phased over several years. Prior to proceeding with the first phase of the plan, additional architectural services are required to conduct detailed functional space programming and schematic planning. Amendment #1 to the agreement provides additional services for functional space programming and schematic planning as specified in Calloway, Johnson, Moore & West's proposal and incorporated in the amendment as Exhibit B. Compensation is a lump sum of \$53,000 with reimbursable expenses billed at actual cost and not to exceed \$4,500. Funds are available in the Health Department budget. The Board of Health recommends approval of the amendment to the architectural agreement.

ACTION: Approve Amendment #1 to the agreement with Calloway, Johnson, Moore & West.

- D. Annual Modification to the Workforce Investment Act Plan.

BACKGROUND: The Cumberland County Workforce Development Center is required each year to prepare a modification to its five-year strategic plan. The purpose of the modification is to incorporate FY 2005 (July 1, 2005 – June 30, 2006) Workforce Investment Act federal funding for the new program year.

ACTION: Approve modification.

- E. Approval of Sole Source Purchase of Additional Chairs at the Cumberland County Crown Coliseum.

BACKGROUND: The Crown Center was appropriated \$320,000 for FY'05 to purchase chairs for the Coliseum. Clarin was the vendor. The Crown Center would like to purchase additional chairs requesting a sole source purchase for standardization and compatibility. There is \$34,000 remaining in that budget to purchase these additional chairs and additional carts.

ACTION: Approve the sole source purchase to Clarin for additional chairs and carts.

- F. Approval of Franchise Agreement Between Cumberland County and the Cumberland County Mental Health Auxiliary, Inc. to Provide Vending Machine Services to Various Mental Health Centers Located Throughout the County. (1st Reading).

BACKGROUND: The proposed Franchise Agreement between Cumberland County and the Cumberland County Mental Health Auxiliary, Inc. is to provide vending machine services supplying food and beverages to various Mental Health facilities located

throughout Cumberland County. The term of the agreement is from July 1, 2005 to June 30, 2010, renewable for another five-year term.

Commissioner Blackwell asked what company was being contracted to provide vending machine services. The County Attorney replied that the Mental Health Auxiliary would actually provide the vending machines at the various sites by lease or purchase.

ACTION: Approve the First Reading of the Franchise Agreement.

MOTION: Commissioner Blackwell moved to approve Item J. as noted above.

SECOND: Commissioner Council

VOTE: UNANIMOUS

- G. Approval of Community Development Rental Rehabilitation Program Policy Revisions.

BACKGROUND: To remain competitive in today’s housing market, changes are being proposed for the Rental Rehabilitation Program. Investors may use Cumberland County Community Development funds to acquire, refinance, and/or rehabilitate rental units for tenants who are low to moderate income. The current program offers loans with terms of 5% for 30 years. The revisions would give borrowers a choice of two options. One option offers a shorter term of 15 years with a 3% interest rate. The current option offers 30 year term at 5% interest rate.

ACTION: Approve the proposed changes to the Rental Rehabilitation Program policy effective July 1, 2005.

- H. Approval of Revisions to the Community Development Owner-Occupied Housing Rehabilitation Program (HRP) Policy.

BACKGROUND: On several occasions the Cumberland County Community Development staff has noted that potential owner-occupied rehabilitation clients are refusing assistance due to the lien placed on their property to protect the County’s investment of Federal dollars. The purpose of the lien is to ensure that owners reap the benefits of maintaining the property as their primary residence and not “cashing out” equity. Elderly clients do not want to pass along debt to their heirs or jeopardize them losing the property. Another issue potential clients face are high mortgage payments due to higher interest rates, causing clients to be cost-burdened. When this situation occurs, the client may not fall into the income category to receive a deferred loan and may have no repayment ability for an amortized loan. The proposed changes to the HRP policy are: (1) Proration of loan balance – for deferred or partially deferred loans only, beginning on the sixth anniversary date of the loan, the balance due under the note shall automatically be reduced by 10% of the original deferred amount of the loan and continue each year thereafter until the remaining balance is \$0.00; (2) Rehabilitation with refinancing – applicants that are currently paying a mortgage payment in excess of 30% of their gross income at the time of application and/or have a current interest rate in excess of two percentage points above Community Development’s current loan rate will be eligible for the refinancing option. Applicants must otherwise meet all underwriting guidelines as established in the HRP policy and will not be able to cash out any equity.

ACTION: Approve the proposed changes to the Housing Rehabilitation Program policy effective July 1, 2005.

- I. Approval of Bid Award for Risers for the Cumberland County Crown Coliseum.

BACKGROUND: Plans and specifications were developed by the Engineering Department and informal bids solicited for telescopic platform risers with integral seating for the Crown Coliseum arena floor. Bids were received with one bid submitted by Irwin

Telescopic Seating Company. The base bid of \$290,074 is for mechanized telescopic risers with integral seating, aluminum decking and a semi-automatic chair fold-down system. The base bid exceeds the monies budgeted for this work. Coliseum management recommends the following alternate bids be accepted in order to reduce the total project cost:
Alternate #1 Panelam Decking in lieu of Aluminum Decking (deduct \$45,061)
Alternate #2 Padded Seats and Backs (add \$12,247)
Alternate #4 Manual in lieu of Semi-Automatic Chair Fold-Down System (deduct \$32,174)
Although Alternate #2 is an add alternate, Coliseum management recommends the padded seats and backs because they are premium seats at the Coliseum floor level. The total cost of the telescopic platform risers with the recommended alternates is \$225,086.

Bidder's Name	Bid Bond	Base Bid	Alternate #1	Alternate #2	Alternate #3	Alternate #4
Irwin Telescopic Seating Co.	N/A	\$290,074	-\$45,061	\$12,247	-\$24,551	-\$32,174

Alternate #1 – Install Panelam Decking in Lieu of Aluminum Decking
Alternate #2 – Add Padded Seats and Backs
Alternate #3 – Install Manual Propulsion System in Lieu of Integral Power (Friction) Propulsion System
Alternate #4 – Install Manual Chair Fold-Down System in Lieu of Semi-Automatic Chair Fold-Down System

ACTION: (1) Accept the bids for the Telescopic Risers and award a contract to Irwin Telescopic Seating Company in the amount of \$225,086 for the base bid and alternates 1,2 and 4. (2) Approve the associated budget revision.

J. Budget Revisions:

ACTION: Approve revisions.

(1) Headquarters Library/General Government Other

Revisions in the amount of \$21,445 to transfer residual equity related to the Library Projects Fund to the General Fund. (B05-418 and B05-418A)
Funding Source – Headquarters Library Project Fund

(2) Group Insurance/General Government Other

Revisions in the amount of \$3,741,000 to appropriate fund balance (\$1,941,000) and transfer funds from General Fund (\$1,800,000) to pay projected claims. (B05-419 and B05-419A) **Funding Source – Group Insurance Fund Balance and General Fund Fund Balance**

Commissioner Henley commented on the high cost of providing health care insurance to county employees, their families, and retirees. It may be necessary next year to look at alternative vendors and make drastic changes in the way the County provides health care.

MOTION: Commissioner Henley moved to approve Item J.(2) as noted above.

SECOND: Commissioner King

VOTE: UNANIMOUS

(3) Mental Health

a. Medicaid Contracts - Revision in the amount of \$220,000 to budget additional fees. (B05-416) **Funding Source – Fees**

- b. Adult Periodic – Revision in the amount of \$25,000 to appropriate fund balance for building repairs. (B05-417) **Funding Source – Mental Health Fund Balance**

(4) Social Services

- a. Revision in the amount of \$7,045 to budget additional funding for Adult Day. (B05-421) **Funding Source – State**
- b. Revision in the amount of \$300,000 to appropriate fund balance to cover projected Medicaid expenses for remainder of fiscal year. (B05-422) **Funding Source – General Fund Fund Balance**
- c. Welfare Other – Revision in the amount of \$4,000 to budget additional funding for NC Child Trust for the remainder of the fiscal year. (B05-425) **Funding Source – Fees**
- d. Revision in the amount of \$400,000 to budget additional funding for Child Day Care. (B05-423) **Funding Source – State and Federal**

(5) 1998 Local School Bond Projects

Revision in the amount of \$444,762 to reallocate capital outlay expenditures for Grays Creek High School and to approve the associated Capital Project Ordinance. (B05-424) **Funding Source – Reallocation of Budgeted Expenditures**

(6) Health

- a. Maternity Clinic - Revision in the amount of \$4,000 to budget additional revenue earned. (B05-426) **Funding Source – Fees**
- b. Immunization Clinic – Revision in the amount of \$25,000 to budget additional revenue earned. (B05-427) **Funding Source - Fees**
- c. Maternity Clinic – Revision in the amount of \$738 to budget additional state funding. (B05-428) **Funding Source - State**

(7) Westarea Fire District

Revision in the amount of \$50 to cover unanticipated refunds to taxpayers. (B05-429) **Funding Source – Westarea Fire District Tax**

(8) Recreation

Revision in the amount of \$10,000 to appropriate fund balance for longevity payments due to Recreation employees that transferred to the City of Fayetteville and continued employment through November 30, 2004. (B05-430) **Funding Source – Recreation Fund Balance**

(9) Lake Rim Fire District

Revision in the amount of \$45,778 to budget additional revenue projections for the remainder of the current fiscal year. (B05-432)
Funding Source – Lake Rim Fire District Tax

Commissioner Blackwell asked if there are any restrictions on how the \$45,778 could be spent. The County Attorney replied that these are public tax funds and must be spent for the purpose they were raised, which is fire protection services. A public unit has the right, after the period of time during which the funds were to be spent, to ask for an accounting to assure they were spent for the purpose they were levied. The County Manager said the funds will be turned over to the City of Fayetteville since it has assumed responsibility for fire protection services in that area.

MOTION: Commissioner Blackwell moved to approve Item J.(9) as noted above.
SECOND: Commissioner Council
VOTE: UNANIMOUS

2. Public Hearings

Uncontested Cases

Rezoning

Upon finding the requests to be reasonable, neither arbitrary nor unduly discriminatory and in the public interest, the following motion was made:

MOTION: Commissioner Baggett moved to follow the Planning Board recommendations on the Uncontested Cases A-E.
SECOND: Commissioner King
VOTE: UNANIMOUS

- A. Case P05-29. The rezoning of 1.52 acres from R10 to R6A, or a more restrictive zoning district, at 2309 Dixie Trail, owned by Dancarol Real Estate, LP.

Planning Board recommended R6

- B. Case P05-30. The rezoning of 2.12 acres from R10 to R6A, or a more restrictive zoning district, at 2270 Carbine Street, owned by Dancarol Real Estate, LP.

Planning Board recommended R6

- C. Case P05-31. The rezoning of 2.0 acres from A1 to R40A, or a more restrictive zoning district, at 6641 Faircloth Bridge Road, owned by Rubin W. McLaurin.

Planning Board recommended R40A

- D. Case P05-33. The rezoning of 87.40 acres from RR to R10, or a more restrictive zoning district, at 204 Tom Starling Road, owned by W.P. Stewart Heirs.

Planning Board recommended R10

- E. Case P05-34. The rezoning of 10.55 acres from RR to R10, or a more restrictive zoning district, west of Grimes Road, north of Stoney Point Road, owned by Ward P. Bellomy.

Planning Board recommended R10

Contested Cases

- F. Case P05-27. The rezoning of two parcels totaling 15.0 acres from RR to R10, or a more restrictive zoning district, southwest of Fisher Road, west of Lakewood Drive, owned by Jeanne A. S. Riley.

The Planning Board recommended approval of the R15 Residential District.

Speakers:

Julian Mann, developer, said he would like to build 45 homes on this tract. The site would be cleaned up before building and it will be a nice development. PWC sewer and water are available. He asked the Commissioners to consider R10 zoning. There is R10 zoning around and also adjacent to him.

Steve Riley appeared in opposition. His land borders the subject property. He is concerned about the heavy traffic and feels the additional traffic flow will cause problems.

Richard West also appeared in opposition. He resides on Carula Lane on property his family has owned since 1949. He stated the traffic on Fisher Road is very heavy and the area has been developed "to death." Mr. West said the land cannot hold any more houses. He asked the Board to consider the quality of life for those living in the area and follow the recommendation of the Planning Board to deny the R10 and approve the R15 District.

Upon finding the requests to be reasonable, neither arbitrary nor unduly discriminatory and in the public interest, the following motion was made:

MOTION: Commissioner Baggett moved to approve R10, the recommendation of the Planning staff.
SECOND: Commissioner Blackwell
VOTE: FAVOR: Commissioners Baggett, Edge, King, Henley, Council, Blackwell
OPPOSED: Commissioner Wheatley

Amendments and Revisions

- G. Case P05-21. Amendment and Revisions to the Cumberland County Zoning Ordinance, dated July 3, 1972 as subsequently amended.

BACKGROUND: On May 3, 2005, the Cumberland County Planning Board unanimously recommended the Draft Zoning Ordinance Revision be presented to the Board of Commissioners for Public Hearing. Extensive revisions were made to modernize and reorganize the Ordinance.

ACTION: Hold a Public Hearing and consider the amended Ordinance.

Nancy Roy and Tom Lloyd reviewed the major changes and new development concepts of the Draft Zoning Ordinance Revision. Mrs. Roy said the Ordinance was entirely rearranged and updated. All amendments were added to the Ordinance. One of the major changes will be in Conditional Use Districts. There will be no more Conditional Use Overlays. The Planning Board will review the Zoning Ordinance each year on or about the anniversary date of its adoption to ensure that it continues to meet the needs of citizens. Mr. Lloyd said the amended Ordinance is not only more user-friendly, but more developer friendly. He also noted that all existing nonresidential uses must comply with the proposed buffer standard, which is 3 feet at the time of planting, reaching 6 feet within 3 years.

Speakers:

Morgan Johnson thanked the Planning staff, especially Nancy Roy, Tom Lloyd and Patti Speicher for their help, dedication and hard work in putting together the amended Ordinance.

David Averette spoke in opposition. He served on the Planning Board for four years. He resigned because he could not support the amended Ordinance. He provided the Commissioners with a copy of his recommendation to appoint a task force comprised of engineers, architects, surveyors, builders, developers and planners. He also listed 12 objections to the draft Ordinance.

Mr. Averett said everybody in the rural area should be treated the same density-wise in a residential area.

Liz Reeser commended the Planning staff and the Planning Board for their work in developing the amended Ordinance.

Terry Samperton said the amended Ordinance is a step forward in the right direction. He particularly likes the requirement stating existing businesses must have buffers. He said the amended Ordinance needs to be well-written and enforced.

John Gillis stated he is a former member of the Planning Board and a member of the Home Builders Association. He believes a majority of the Home Builders believe the new Ordinance is a good document. He thanked the staff for recommending that the Ordinance be revisited on a regular basis.

Grainger Barrett, County Attorney, commented for the record that the draft Ordinance is not a whole new Ordinance but the current Ordinance restated with amendments. He noted that the provisions in Section 107 says, in issuing a permit, the zoning inspector will look at both the subdivision ordinance and the zoning ordinance for conformity. He added several more technical changes in an email to Ms. Speicher.

Upon finding the requests to be reasonable, neither arbitrary nor unduly discriminatory and in the public interest, the following motion was made:

MOTION: Commissioner Baggett moved to adopt the Amended Ordinance as presented by staff and County Attorney.

SECOND: Commissioner Edge

DISCUSSION: Commissioner Wheatley expressed concern about allowing recreation vehicles to occupy the same campsite for a period of one year.

AMENDED MOTION: Commissioner Wheatley made a proposed amendment to the motion to change Item E on page 69 of the draft Ordinance to say 90 days instead of one year.

SECOND: Commissioner Baggett

DISCUSSION: Commissioner Council asked Mr. Gillis why one year? Mr. Gillis explained that in prior years, people who were assigned to Fort Bragg, and did not own homes here, would bring a motor home to an RV park and it became their dwelling place while they were temporarily assigned to Fort Bragg. Commissioner Council suggested waiting a year before amending the Ordinance. Commissioner Baggett agreed that 90 days is a reasonable length of time.

AMENDED MOTION VOTE: FAVOR: Commissioners Baggett, Edge, King, Henley, Blackwell and Wheatley.

OPPOSED: Commissioner Council

MAIN MOTION VOTE: UNANIMOUS

Other Public Hearings

H. Public Hearing On Lake Upchurch Dam Restoration Project to Consider Extending the Assessment Period from 5 Years to 10 Years.

BACKGROUND: The Board of Commissioners at its May 16, 2005 meeting, adopted the Revised Preliminary Special Assessment Resolution for the Lake Upchurch Dam Restoration Project and set June 20, 2005 as the date for the required public hearing. The revised assessment resolution would extend the term of payments from five to ten years. Proper notification was made to the property owners in the project area as well as advertisement of the public hearing as required by the North Carolina General Statutes. The Board stated that public comment at the June 20, 2005 hearing would be restricted to the issue of whether the term of payment should be extended from five to ten years.

ACTION: Hold the Public Hearing and adopt a Revised Preliminary Special Assessment Resolution that extends the term of payment from five to ten years and keeps all other conditions unchanged as set forth in the resolution adopted by the Board on May 17, 2004.

SPEAKERS:

Billy Barrett commented that at a recent Landowners Association Meeting there were 68 people in attendance and only four were opposed to extending the assessment period from 5 years to 10 years. He asked those in the audience who supported the 10 year payback to stand. Approximately 20 adults stood.

Charlotte McKenzie expressed her support for the 10 year payment extension.

MOTION: Commissioner Blackwell moved to adopt the Revised Preliminary Special Assessment Resolution for the Lake Upchurch Dam Restoration Project that extends the term of payment from five to ten years and keeps all other conditions unchanged as set forth in the resolution adopted by the Board on May 17, 2004.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

Items of Business

3. Consideration of Bid Award for Site Development Work for the Animal Control Shelter / Sheriff's Training Center Project and Receipt of Facilities Committee Report on Construction Schedule of Animal Control Shelter / Sheriff's Training Center.

BACKGROUND: The Facilities Committee received a presentation at its meeting on June 14, 2005 on the following projects:

1. Project construction schedule for the Animal Control Center & Sheriff's Training Center Project – The project will be constructed in two phases: Phase 1 – Site Development Work will be completed by November 2, 2005; and Phase 2 – Building Construction Work will be completed by November 1, 2006. The schedule assumes that the County will receive a minimum of 3 proposals on the bid dates indicated. If not, the work would be re-bid and the impact on the schedule would be an extension of 2 to 3 weeks. Recommendation: Accept the construction schedule.
2. Courthouse Security. (closed session) – The Facilities Committee recommends the County move forward using undesignated fund balance to plan and fund the security recommendations for the Courthouse with the proviso that management work toward securing multi-year funding where possible.
3. Crown Exposition Center Lobby Renovations – The existing interior brick in the lobby of the Crown Exposition Center would be covered with gypsum wall board with vinyl wall covering and a chair rail added to provide a décor that is more appropriate for a convention center lobby. The project has been approved by the Crown Center Board and funds are available in the budget. Recommendation: Accept the plan for improvements to the Cumberland County Exposition Center.

ACTION: Accept the recommendations of the Facilities Committee.

County Engineer, Bob Stanger, reported that only two bids were submitted for the Site Development Work for the Animal Control Center and Sheriff's Training Center Project. N.C. General Statute 143-129 requires a minimum of three bids be received on the first opening of a formal bid project. The proposals were returned to the contractors and the project readvertised. The new bid date is scheduled for June 30, 2005. Since the Board will not meet in July, the staff and management request that the Board of Commissioners authorize the County Manager to accept the bids, approve the associated budget revision, and execute a contract with the low bidder, with the Board ratifying the contract award at its next meeting.

MOTION: Commissioner Blackwell moved to follow staff recommendations to include the following items of discussion in the minutes of the June 14, 2005 Facilities Committee Meeting: (1) Project construction schedule for the Animal Control Center & Sheriff's Training Center Project; (2) Courthouse Security; (3) Crown Exposition Center Lobby Renovations.

SECOND: Commissioner Council

VOTE: UNANIMOUS

4. Consideration of a Resolution Regarding State Cigarette Tax Increase to Support County Medicaid Relief.

ACTION: Adopt Resolution

Commissioner Blackwell urged adoption of this Resolution and asked the Chairman to send a cover letter to the N.C. General Assembly asking it to consider this as another source of Medicaid relief.

MOTION: Commissioner Blackwell moved to adopt the Resolution.

SECOND: Commissioner Edge

DISCUSSION: Commissioner Henley remarked that perhaps the letter should state whatever the specific amount of the cigarette tax increase, we urge you to allocate 5 cents of the increase for Medicaid relief. Commissioner Blackwell agreed.

VOTE: UNANIMOUS

**A RESOLUTION SUPPORTING AN INCREASE IN THE STATE
CIGARETTE TAX TO SUPPORT COUNTY MEDICAID RELIEF**

WHEREAS, only the states of New York and North Carolina require county governments to participate in all the costs of Medicaid; and

WHEREAS, the State of New York recently took action to lower the costs of Medicaid to its counties; and

WHEREAS, Medicaid costs for counties are far outstripping county governments' ability to provide for those increases through the traditional source of flexible revenue, i.e., the property tax; and

WHEREAS, Cumberland County will spend approximately \$11,800,000 in 2004-05 for Medicaid which equates to 8.74 cents on the property tax rate; and

WHEREAS, North Carolina counties have no opportunity under federal and state law to control Medicaid expenditures; and

WHEREAS, a plan to completely phase out required county Medicaid expenditures is desirable; and

WHEREAS, cigarette smoking contributes to health problems that increase Medicaid costs; and

WHEREAS, the State of North Carolina has the lowest cigarette tax in the nation; and

WHEREAS, an increase in the state cigarette tax could yield significant funds to reduce the county share of Medicaid.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners urges the General Assembly of North Carolina to enact a significant cigarette tax increase with a substantial portion of that tax to be used to begin a phase-out of required county contributions to fund Medicaid costs.

FURTHER BE IT RESOLVED that a copy of this resolution be presented to members of the North Carolina General Assembly.

5. Consideration of Designation of a Voting Delegate to the NACo Annual Conference.

MOTION: Commissioner Blackwell moved to designate Commissioner Edge as voting delegate and Commissioner Wheatley as First Alternate and Commissioner Council as Second Alternate.

SECOND: Commissioner King
VOTE: UNANIMOUS

6. Nominations to Boards and Committees

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

BACKGROUND: Clair Hudspeth was appointed to serve on the Adult Care Home Community Advisory Committee on June 6, 2005. He respectfully declined the appointment. Replacement needed. Brenda Matthews resigned. Replacement needed.

Nominees: Louis King
Linda Juma

B. Criminal Justice Partnership Advisory Board (6 Vacancies)

BACKGROUND: The Criminal Justice Partnership Advisory Board will have the following vacancies as of June 30, 2005:

Probation Officer/Assistant JDM

Wayne Marshburn – Completing second term.
Jonette Quenum – Completing first term.

Sheriff or Designee

Major John McRaine – Completing second term.

Community Based Corrections Programs Representative

Elizabeth Gnann – Completing third term.

Victim Services Programs Representative

Sharon Wright Hucks – Completing second term.

Substance Abuse Service Representative

James Miller – Completing third term.

Community Service Coordinator – It is recommended this position be abolished.

Nominees: A. Wayne Marshburn
Jonette Quenum
Lt. John McRaine
Elizabeth Gnann
Sharon Wright Hucks
James Miller

MOTION: Commissioner Baggett made a motion to abolish the Community Service Coordinator position as recommended by the Criminal Justice Partnership Advisory Board.

SECOND: Commissioner Blackwell
VOTE: UNANIMOUS

C. Minimum Housing Appeals Board (1 Vacancy)

BACKGROUND: Sarah A. Bracey resigned. Replacement needed.

Nominee: Deborah Ann Dantzler

7. Appointments to Boards and Committees

ACTION: Appoint the nominees.

MOTION: Commissioner Blackwell moved to appoint the nominees in 7A – 7D.
SECOND: Commissioner King

VOTE: UNANIMOUS

A. Cumberland County Juvenile Crime Prevention Council (3 Vacancies)

Nominees: At-Large Representatives: Ron Snyder (Reappointment)
Sue Thomas
Dr. Polly Davis

B. Human Relations Commission (2 Vacancies)

Nominees: Lynette Hill Gardner
Denise Giles

C. Jury Commission (1 Vacancy)

Nominee: Monica Simmons

D. Nursing Home Advisory Board (1 Vacancy)

Nominee: Rev. Joe Fleming

E. Parks and Recreation Advisory Board (4 Vacancies)

Nominees: David S. Diaz (Reappointment)
Paul Douglas Caudill (Reappointment)
Charles Allen
Tom Cain

Commissioner Edge said that the Commissioners' office was notified that David Diaz passed away. He was nominated for reappointment at the last Commissioners' meeting. He submitted the name of John Goetke to replace Mr. Diaz. Commissioner Baggett submitted the name of Lynette Hill Gardner as another nominee.

**VOTE: Paul Douglas Caudill – Unanimous
Charles Allen – Commissioner Wheatley
Tom Cain – Unanimous
John Goetke – Unanimous
Lynette Hill Gardner – Commissioners Baggett, Edge, King, Henley,
Council, Blackwell**

Chairman Henley recessed the Board of Commissioners' meeting so the Board could convene as the KELLY HILLS/SLOCUMB ROAD WATER & SEWER DISTRICT GOVERNING BOARD. (Minutes of that meeting may be found in the Water and Sewer District Minute Book.)

Chairman Henley reconvened the meeting of the Board of Commissioners.

Chairman Henley recessed the Board of Commissioners' meeting so the Board could convene as the NORCRESS WATER AND SEWER DISTRICT BOARD. (Minutes of that meeting may be found in the Water and Sewer District Minute Book.)

8. Closed Session:
- A. Attorney-Client Privilege
Pursuant to NCGS 143-318.11(a)(3).
 - B. Economic Development Matter
Pursuant to NCGS 143-318.11(a)(4).
 - C. Personnel Matter
Pursuant to NCGS 143-318.11(a)(6).

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

SECOND: Commissioner King

VOTE: UNANIMOUS
MOTION: Commissioner Baggett moved to go back into Open Session.
SECOND: Commissioner Council
VOTE: UNANIMOUS

MOTION: Commissioner King moved to adjourn.
SECOND: Commissioner Blackwell
VOTE: UNANIMOUS

MEETING ADJOURNED: 9:40 PM

Deputy Clerk to the Board