
Minutes
Cumberland County Board of Commissioners
August 2, 1999, 9:00 AM
Regular Meeting

PRESENT: Vice Chairman Ed Melvin
Commissioner Talmage Baggett
Commissioner J. Breeden Blackwell
Commissioner Billy R. King
Commissioner H. Mac Tyson II
Commissioner J. Lee Warren, Jr.
Cliff Strassenburg, County Manager
James Martin, Deputy County Manager
Cliff Spiller, Asst. County Manager
Grainger Barrett, County Attorney
Marsha Fogle, Clerk to the Board

ABSENT: Chairman Tom Bacote (sick)

INVOCATION: Commissioner Breeden Blackwell
Rev. Sheridan Knight, St. Luke AME Church

PLEDGE OF ALLEGIANCE

RECOGNITION: John F. Huskey, Sheriff's Office

1. CONSENT AGENDA

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

SECOND: Commissioner Warren

VOTE: UNANIMOUS

A. Approval of Minutes: July 6, 1999

ACTION: Approve

B. Approval of Additions to the State Secondary Road System:

Kings Mill Subdivision: Charring Cross Lane, Scottsdale Drive,
Paddington Place,

Bond Court, Guinevere Court

ACTION: Approve

C. Approval of Nominee to the Agricultural Hall of Fame

BACKGROUND: Each year, since 1989, the Agricultural Hall of Fame Committee selects one or two people for induction into the Hall of Fame. The Committee has selected Charlie Rose as the inductee for 1999.

ACTION: Approve Charlie Rose as the 1999 Inductee as recommended.

D. Declaration of Surplus Cape Fear Valley Health System equipment and authorization for disposal.

BACKGROUND: On June 23, 1999 the Cape Fear Valley Health System Board of Trustees declared two sets of chest retractors surplus to their needs.

ACTION: Declare the retractors surplus and authorize disposition of the items by transfer to other county departments, sale using the upset bid or negotiated offer process, scrapped or traded in as deemed appropriate by Health System Management.

E. Approval to submit a petition for annexation of the Cumberland County Coliseum Complex into the City of Fayetteville.

BACKGROUND: On June 29, 1999, the Civic Center Commission voted to request the Board of Commissioners consider petitioning the City of Fayetteville for annexation of the Cumberland County Coliseum Complex. This annexation will result in annual savings of \$53,176 as a result of reduced water rates and assistance from the Fayetteville Police Department for traffic control. In addition, the Fayetteville Police Department will be able to monitor traffic control devices near the Civic Center Complex during events and streets lights can be installed along HWY 301 South between Owen Drive and East Mountain Drive.

ACTION: Authorize management to submit a petition to the City of Fayetteville requesting the annexation of the Cumberland County Coliseum Complex.

F. Declaration of foreclosed real property surplus and authorizing sale.

BACKGROUND: The County has acquired by tax foreclosure certain real property located in the County. A list of the property has been circulated to county departments, the Civic Center, FAEDC and the City of Fayetteville asking if they have a use for the property. As of this date no response has been received.

FORECLOSED PROPERTY

<u>Description</u>	<u>Acquired</u>	<u>Value</u>
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<u>Deed</u>	<u>PIN</u>				
Pt LS 62-63 831	Cedar Rose Sub 2 nd Add 0446.06-39-7162	05/05/99	\$ 5,548	5100-	
LS 97A & 97B 834	Lk.Upchurch Est Sec C 9493.11-57-2380	05/05/99	24,000	5100-	
415 Kyle St., Lt 813	69 McMillan Sub 0437.14-43-0053	05/05/99	3,855	5100-	
					+ \$1,875.86 for lot cleaning
.50 Acs 807	Roberton & Wade Ld 0581.02-78-9737	05/05/99	4,000	5100-	
Lt 2 R E 828	Cole Sub Sec 6 1412.01-16-7495	05/05/99	4,375	5100-	
312 W/S 816	Wilmington Rd & Vac Rear 0437.20-81-2432	05/05/99	2,500	5100-	
					+ \$2,095.19 for city lien
3.82 Acs 825	Tolar Land 0413.12-86-6257	05/05/99	21,277	5100-	
Ls 116-117 822	Fairview Map #2 0438.20-71-6577	05/05/99	24,651	5100-	
					+\$784.64 for lot cleaning
Lt 22 R G 819	Creech 0501.11-65-1770	05/05/99	30,675	5100-	
Pt Lt 3E 804	John R McNeill Estate 0501.08-89-3257	05/05/99	7,000	5100-	

ACTION: Declare surplus and authorize sale by negotiated offer, advertisement, and upset bid pursuant to NCGS 160A-269.

G. Report on the disposal of surplus property pursuant to NCGS 160A-266(a).

BACKGROUND: On June 15, 1998 the Board adopted a resolution allowing the Assistant County Manager to dispose of certain personal property worth less than \$5,000 per item or group of similar items, which have become obsolete,

unusable, economically unrepairable, or otherwise surplus to the needs of the county. He/she shall render semiannual reports to the Board of Commissioners to be recorded in the Minutes.

ACTION: Adopt report and direct the Clerk to record in the Minutes. (Attachment A to these Minutes).

H. Approval of Proclamations

1. August 27, 1999 - Extension Heritage Day in Cumberland County

BACKGROUND: The Board of Directors of the NC Association of County Commissioners has proclaimed August 27, 1999, Extension Heritage Day, and urges all county boards of commissioners to adopt a similar proclamation.

ACTION: Adopt proclamation proclaiming August 27, 1999, Extension Heritage Day.

PROCLAMATION

WHEREAS, eighty-five years ago, the NC Cooperative Extension Service was established as a partnership of county, state and federal governments; and

WHEREAS, the essence of the NC Cooperative Extension Service has long been to help people to put knowledge to work so that they can improve their lives; and

WHEREAS, Extension has been a supportive partner of other county programs, including but not limited to social services and natural resources; and

WHEREAS, throughout its history, Extension has focused on providing people with educational programs that meet their needs, providing decision makers with objective information and providing the framework for successful individuals, families and communities; and

WHEREAS, Extension takes the research of North Carolina's two land grant institutions - North Carolina State University and NC A&T State University - and develops educational resources based upon the needs of North Carolinians; and

WHEREAS, Extension centers are located in all 100 counties and on the Cherokee reservation.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners hereby proclaims August 27, 1999, "Extension Heritage Day" in Cumberland County, and urges all county citizens to use, visit and support

the Extension Service, and encourages all North Carolinians to join in the celebration of this university. Let us honor with appropriate activities and ceremonies those who have served us and let us remember this great heritage.

2. August 16, 1999, National Airborne Day in Cumberland County

BACKGROUND: Fayetteville City Councilman Don Talbot requests the Board to designate August 16, 1999, National Airborne Day in Cumberland County.

ACTION: Adopt Proclamation

PROCLAMATION

WHEREAS, the Parachute Test Platoon was authorized by the War Department on June 25, 1940, to experiment with the potential use of airborne troops; and

WHEREAS, the Parachute Test Platoon, composed of 48 volunteers, began training in July, 1940; and

WHEREAS, the Parachute Test Platoon performed the first official Army parachute jump, August 16, 1940; and

WHEREAS, the success of the Parachute Test Platoon led to the formation of a large and successful airborne contingent serving in World War II to the present; and

WHEREAS, the 82nd Airborne Division, the first Airborne Division organized out of the success of the Parachute Test Platoon and the early airborne training program, has continued in active service since its creation; and

WHEREAS, the 82nd Airborne Division Association exists to continue and foster that special esprit de corps among fellow paratroopers to perpetuate the memory of those 82nd Airborne Division troops who fought and died for our nation, and to further the common bond among all members of the airborne community; and

WHEREAS, the 82nd Airborne Division Association wishes to perpetuate the memory of the Parachute Test Platoon's "*Jump Into History*" on August 16, 1940.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners proclaims August 16, 1999 "National Airborne Day" in the County of Cumberland and urges all citizens to commend its observance.

I. Approval of a Resolution accepting the preliminary report of the Tax Collector, crediting the insolvent list, and approving the annual settlement for FY99.

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;

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

1. 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 1998-99 remain unpaid and the principal amount owed by each person; (ii) a list of the persons not owning or who have noted listed real property whose taxes for the tax year 1998-99 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;
2. 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, directs that the list of such persons 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; (located in the Office of the Tax Administrator)
3. That the proposed settlement of the Tax Collector, appended hereto, for taxes in his hands for collection for the tax year 1998-99, be and it hereby is, approved and that he be, and thereby is charged with the amounts set forth in the settlement under the heading "Charges" and credited with the amount set forth in the settlement under the heading "Credits". (Attachment B to these Minutes)

J. Approval of the FY00 Tax Charge 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. A copy of the order must be delivered to the Collector at the time the tax receipts are delivered to him.

ACTION: Approve the levy and charge the Collector with the responsibility to collect the taxes. (Attachment C to these Minutes)

**ORDER DIRECTING THE TAX COLLECTOR
TO COLLECT THE TAXES CHARGED IN THE TAX RECORDS
AND RECEIPTS**

"You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of Tax Administration and in the tax receipts herewith delivered to you, in the amounts and from taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Cumberland and Municipalities through Inter-Local Agreement, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law."

K. Consent to assignment of the Southeastern Speech and Hearing Services of North Carolina, Inc., contract to Cape Fear Valley Health System.

BACKGROUND: The County has a contract for outside agency services with Southeastern Speech and Hearing Services of North Carolina, Inc. Southeastern has entered into an agreement with Cumberland County Hospital System, Inc., d/b/a/ Cape Fear Valley Health System ("CFVHS") under which CFVHS would acquire substantially all of the contractual assets and liabilities of Southeastern, including the County's contract with Southeastern. The County's consent is required to assign the County's contract with Southeastern, and Southeastern requests the County's consent to that assignment.

ACTION: Approve consent to assignment.

L. Bid Award for uniforms for the Sheriff's Office

BACKGROUND: The following bids were received on May 11, 1999:

American Uniform Sales	\$359.30
Century Uniforms	\$366.00

ACTION: Award bid to American Uniform Sales in the amount of \$359.30.

M. Budget Revisions

(1) Community Development

a. Economic Development: Increase in revenue/expenditures in the

amount of \$339,653 to reprogram prior years allocation for economic development (B00-014) Funding Source --Federal

b. Housing Activities: Increase in revenue/expenditures in the amount of \$614,474 to reprogram prior years allocation for housing activities (B00-015) Funding Source - Federal

c. Public Facilities: Increase in revenue/expenditures in the amount of \$850,262 to reprogram prior years allocation for public facilities and Spring Lake Resource Center (B00-044) Funding Source - Federal

d. Infrastructure: Increase in revenue/expenditures in the amount of \$1,559,286 to reprogram prior years allocation for infrastructure (B00-045) Funding Source - Federal

e. Interim Assistance: Increase in revenue/expenditures in the amount of \$11,463 to reprogram prior years allocation for interim assistance (B00-046) Funding Source - Federal

f. Home Administration: Increase in revenue/expenditures in the amount of \$29,417 to reprogram prior year allocation for Home Administration (B00-022) Funding Source - Federal

g. Home Housing Activities: Increase in revenue/expenditures in the amount of \$439,250 to reprogram prior years Community Housing Development Organization (CHDO) allocation. Funds to be used to fund a Women's Center project (B00-051) Funding Source - Federal

(2) Administration/General Government Other: Revision in the amount of \$25,000 to transfer funding from General Government Other to cover advertising for FY 2000 (B00-040) funding Source - County

(3) Central Maintenance/General Government Other: Revision in the amount of \$10,000 to transfer funding from General Government Other to cover insurance and bonds for FY 2000 (B00-026) Funding Source - County

(4) General Government Other

a. Increase in revenue/expenditures in the amount of \$68,755 to purchase radio network equipment and to lease equipment to the Fayetteville Visitors and Convention Bureau (B00-032) Funding Source - County and Other

b. Increase in revenue/expenditures in the amount of \$33,646 to roll forward funds previously budgeted for county telephone system (B00-047) Funding Source - County

c. Increase in revenue/expenditures in the amount of \$150,000 to recognize funding from the office of Juvenile Justice for the assessment of juveniles with problems relating to substance abuse, depression and other emotional problems (B00-048) Funding Source - State

(5) Legal: Revision in the amount of \$3,552 to cover the reclassification of a Staff Attorney I position to Staff Attorney II effective July 5, 1999 (B00-033) Funding Source - County

(6) NC Cooperative Extension Service

a. Revision in the amount of \$11,665 to transfer funding from General Government Other to cover expenditures not budgeted for in FY 2000 (B00-025 & B00-025A) Funding Source - County

b. Increase in revenue/expenditures in the amount of \$17,430 to establish one-half county position previously funded by Fort Bragg. Funding to be provided by Community Development (B00-024) Funding Source - Federal

(7) Eastover Water Authority: Increase in revenue/expenditures in the amount of \$2,828 to appropriate Fund Balance to roll forward unexpended funds from FY99 (B00-031) Funding Source - County

(8) Education - FTCC: Increase in revenue/expenditures in the amount of \$460,547 to appropriate Fund Balance to roll forward unexpended funds previously appropriated for renovations at Cumberland Hall (\$237,000) and Horace Sisk (\$223,547) (B00-023) Funding Source - County

(9) Health Department: Increase in revenue/expenditures in the total amount of \$19,084 to budget escrow earnings to purchase 13 computers in various Health Department organizations (B00-017 - 021) Funding Source - Fees

(10) Mental Health

a. General Support: Revision in the amount of \$875 to adjust salaries due to a promotion (B00-016) Funding Source - County

b. Willie M Admin: Revision in the amount of \$3,099 to reclassify an Accounting Tech III position to Accounting Tech IV (B00-029) Funding Source - State

(11) Sheriff

a. **Crime Control Equipment Grant:** Increase in revenue/ expenditures in the amount of \$160,000 to recognize new Federal Grant of \$120,000 and county match of \$40,000 to purchase mobile data computers (B00-035) Funding Source - Federal and County

b. **Facility Upgrade Grant:** Increase in revenue/expenditures in the amount of \$83,000 to recognize new Federal Grant of \$62,500 and county match of \$20,850 for the purchase of security access control system for the Law Enforcement Center (B00-034) Funding Source - Federal & County

(12) **Federal Forfeiture Justice:** Increase in revenue/expenditures in the amount of \$120,000 to recognize federal forfeiture funds from FY99 for the purchase of equipment and supplies (B00-037) Funding Source - Federal

(13) **Federal Forfeiture Treasury:** Increase in revenue/expenditures in the amount of \$17,237 to recognize interest earned (\$382) and roll forward funds previously budgeted for supplies and equipment (\$16,855) (B00-038) Funding Source - Federal

(14) **State Controlled Substance:** Increase in revenue/expenditures in the amount of \$50,506 to recognize additional revenue from FY99; interest earned (\$21,592); and to roll forward funds previously budgeted for supplies and equipment (\$28,914) (B00-039) Funding Source - State

(15) **Juvenile Crime Prevention - Administration/General Government Other Revision** in the amount of \$51,430 to eliminate the JCP Admin organization and to contract with Communicare Inc for required services. Also, revision to decrease the county transfer to the JCP Fund (\$51,430) and recognize a state grant for Communicare in the amount of \$137,802 and county match of \$45,935 (B00-049 & 049A) Funding Source - State and County

REGULAR AGENDA ITEMS

2. Nominations to Boards/Committees:

A. Board of Adjustment (4 vacancies)

BACKGROUND: Alternate members Margaret Davis and Doug Stevens were appointed as regular members at the last meeting. Barbara Malone, an alternate member, has resigned her position. Matthew J. Cockman, a regular member, has not attended any meetings and the Board of Adjustment is asking that he be replaced.

ACTION: Nominate to fill the regular member slot from the alternate positions and then nominate four people for the alternate slots.

NOMINEES: Regular Member (1 vacancy) : Roberta Waddle
Earl Bunce (nominated from alternate list)

Alternate Member (3 vacancies) Steve Burnette
J. Norman Moore
David Olsen
Barry Bullock

B. Cape Fear Valley Health System Board of Trustees (2 vacancies)

BACKGROUND: The following terms will become vacant on September 30, 1999:

Sonny Fogle (general public representative) not eligible for reappointment
John C. Keefe (general public representative) eligible for reappointment

In addition, Dr. Stephen Herring has been selected by the Medical Society to serve in the Medical Society slot on the Board. The Commissioners will need to confirm his appointment.

ACTION: Nominate to fill the two general public representatives and confirm Dr. Herring as the Medical Society appointment.

NOMINEES: Dr. Sid Gautam
John C. Keefe (reappointment)
Dr. Stephen Herring (Medical Society Appointment)

C. Cumberland County Industrial Facilities and Pollution Control Financing Authority and the Cumberland County Financing Corporation (1 vacancy)

BACKGROUND: Mr. Thurman Whitted completes his second term on this Board on September 30, 1999. He is not eligible for reappointment.

ACTION: Nominate to fill the vacancy.

NOMINEE: Carol Downing

D. Joint Senior Citizens Advisory Board (2 vacancies)

BACKGROUND: The following terms expire September 30, 1999:

Jack Harnsberger Eligible for reappointment

Katherine Marable Eligible for reappointment

NOMINEES: Jack Harnsberger
Katherine Marable

3. Presentation regarding the Cumberland County Principals and Assistant Principals Association

Appearing: Jane Barnes, Brentwood Elementary School

Ms. Barnes read the following Resolution adopted by the Cumberland County Principals and Assistant Principals Association thanking the Board of Commissioners for making education its top priority for FY 2000:

RESOLUTION

WHEREAS, public education has long been the pillar of our community; and

WHEREAS, the future of our community, the health of our economy, and the quality of life for our citizens depend on the learning opportunities offered by our public schools; and

WHEREAS, The Cumberland County Association of Principals and Assistant Principals, in its role of shaping and cultivating the minds of those who will create our future, is committed to assuring a high quality educational program for all children; and

WHEREAS, the Cumberland County Schools has determined it will become the premier school system in the state; and

WHEREAS, the Cumberland County Schools are demonstrating continuous improvement in student achievement; and

WHEREAS, the beginning of the 1999-2000 school year is a new opportunity for all students to realize their potential; and

WHEREAS, adequate funding of schools translates into high performance investments for any community; and

WHEREAS, the Cumberland County Board of Commissioners has demonstrated exemplary commitment to public education by increasing the funding for the Cumberland County Schools to meet critical needs; and

WHEREAS, the fiscal support for the Cumberland County Schools by the Cumberland County Board of Commissioners creates an unparalleled opportunity to refine and enrich public education in Cumberland County.

BE IT THEREFORE RESOLVED, this 2nd day of August, 1999, that the

Cumberland County Association of Principals and Assistant Principals does hereby extend its deep appreciation to the Cumberland County Board of Commissioners for making public education its top priority in the 1999-2000 school budget, for clearly recognizing that the tomorrow's future starts with today's students, and for ensuring a legacy of high quality education for all children in the Cumberland County Schools.

4. Report on Library Collections and Operational Issues

Appearing: Kim Shaffer, Chairman, Library Board of Trustees

Ms Shaffer reported the Library Board of Trustees recommendations concerning complaints submitted by Mr. Daniel Barton about three books in the Library he would like removed because he felt them to be obscene. The books are Knowing, An Underground Education, and History Laid Bare. The Library Board of Trustees voted unanimously to retain these three books in the adult fiction and adult non-fiction areas of the Library.

In addition, there was a proposal to establish a local "Citizens Selection Committee" to make decisions on what books the public library should acquire or retain. Ms. Shaffer told the Board of Commissioners the Library Board of Trustees has the final responsibility for materials selection. The Library Board of Trustees voted unanimously to retain the Library's current collection policy and reject the proposal to form a special committee.

A proposal was also made to establish an "adults only" section in all public libraries and relocate specific titles to this area so that children under 18 years of age do not have access to this area. Ms. Shaffer noted that Library administration has not been able to find a public library in North Carolina or the nation that has a separate adult-only section. The Library Board of Trustees voted unanimously against the establishment of an "adults only" section.

A concern has been voiced about children having access to pornography and obscene web sites. Ms. Shaffer noted this is also a concern of the Library. She noted that the Library Computer Services Staff has modified the Headquarter's Library children's computers so customers cannot type in and navigate to "inappropriate" web sites. This will be installed in the branch libraries within the next ten days. She said the Trustees will continue to look at this issue.

Another concern expressed was that parents can't discover what is on their child's library circulation record. The report submitted by the Library Board of Trustees indicates the Library follows NCGS 125-19 entitled "Confidentiality of Library User Records", with regard to this issue.

Parents may have access to the circulation records of their children 17 years old and younger. The Board of Trustees voted unanimously to continue with this policy.

Ms. Shaffer asked the Board of Commissioners to accept the recommendations of the Library Board of Trustees.

MOTION: Vice Chairman Melvin moved that the Cumberland County Board of Commissioners instruct the Library and staff, as a matter of policy, to prohibit access to the Adult Section for any person under 16, except those with unrestricted juvenile cards approved by parents or custodial adults, and let the library staff enforce this policy by posting signs and routinely check library cards.

SECOND: Commissioner Tyson

DISCUSSION: Commissioner Tyson presented the Board with a petition signed by 1229 people asking the Board to remove all obscene materials to an "adults only" section; that all library computer terminals be filtered preventing access to pornographic Web sites and chat rooms; that future members be sought out and appointed to the Library Board of Trustees who demonstrate a positive interest in both the academic progress and moral wellbeing of our children; that State Criminal and Civil Laws be revised to eliminate loopholes which are exploited by libraries to defend their dissemination of obscenity to minors, and which will strengthen and empower parents with the legal tools needed to defend their rights in court. Mr. Tyson also presented a Resolution adopted by the Kiwanis Club of Cumberland. (Petition and Resolution may be found in the Office of the Clerk to the Board in the "Permanent" file.)

Commissioner Baggett said he has spent a lot of time in our libraries and it is the great success story of Cumberland County. He said censorship did not work back in 1933 for the Nazis and it will not work in Cumberland County today. Commissioner Baggett (an attorney) said he sees children in the courthouse daily, and those are not the children who go to our county libraries. He wishes they were at the library. He said the Library Board of Trustees and staff have worked very hard to do what was asked and put themselves on the line. Mr. Baggett said we don't need to vote to censor.

SUBSTITUTE

MOTION: Commissioner Baggett moved to follow the recommendations of the Library Board of Trustees and their report to us.

SECOND: Commissioner King

DISCUSSION: Commissioner Blackwell noted he was the commissioner liaison to the Library Board and he felt they had been proactive in addressing Mr. Barton's concerns. He said the library belongs to all of us. He said the First Amendment protects the unpopular speeches and minority opinions and makes different viewpoints available to everyone. He said he supports the recommendations of the Library Board of Trustees. In response to a

question concerning the legal issues, Grainger Barrett, County Attorney, said the two motions on the floor today are policy choices more than legal choices, but the County Attorney's Office would represent whatever action the Board arrives at. He noted the constitutional issue is a complex one and he could not with any assurance advise the Board of the result of any litigation. Generally, the First Amendment requires that governments be ideologically neutral and not remove materials because of disagreement with their content. Obscene materials and materials harmful to minors, which are defined stringently, are not protected by the First Amendment. And the courts consistently recognize that protecting children is a compelling interest of government. Mr. Barrett said there is no case law precisely on this issue anywhere in the United States. Vice Chairman Melvin said there will soon be some case law as there is a lawsuit in Texas.

Commissioner Warren said the Board is called upon to make some tough decisions and sometimes those decisions do not always mirror one's personal feelings. He thanked the Library Board for their work on these complicated issues. Commissioner Tyson noted that Mr. Melvin's motion did not censor anything, but simply takes Mr. Thrasher's plan and applies it across the Board.

VOTE: FAVOR: Commissioners Blackwell, Warren, Baggett and King
OPPOSED: Commissioners Melvin and Tyson

5. Consideration of forming a Joint City/County Human Relations Commission

BACKGROUND: At the joint meeting of the Fayetteville City Council and the Board of Commissioners on July 12, 1999, Fayetteville United and the Fayetteville Human Relations Commission presented a report on Study Circles. The report recommends that a countywide human relations program be established.

ACTION: Authorize management to work with the Fayetteville City Manager to develop a specific proposal for the Board's consideration.

MOTION: Commissioner Warren moved to authorize management to work with the Fayetteville City Manager to develop a specific proposal for the Board's consideration.

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

6. Consideration of the development of a one-stop center for permits

BACKGROUND: At the joint meeting of the Fayetteville City Council and Board of Commissioners on July 12, 1999, a report presented recommending a joint city/county one-stop permit process be pursued.

ACTION: Direct staff to work with the Fayetteville City Manager to develop a specific proposal for the Board's consideration.

MOTION: Commissioner Baggett moved to direct staff to work with the Fayetteville City Manager to develop a specific proposal for the Board's consideration.

SECOND: Commissioner King

VOTE: UNANIMOUS

7. Consideration of approval of franchise ordinances and contracts for concessionaire services for Baldwin Elementary School Park and E. Melvin Honeycutt Elementary School Park

BACKGROUND: These ordinances and agreements will allow Hope Mills Youth Association and Southwest Athletic Association to provide concessionaire services to the general public visiting the Baldwin Elementary School Park located on Legion Road and the E. Melvin Honeycutt Elementary School Park located at 2271 Lakewood Drive. The services will be limited to prepackaged food, Coca-Cola beverage products and souvenirs. In addition to the limits placed on what can be sold, each organization must submit 10% of the gross sales to the County.

ACTION: Approve the First Reading of these documents.

MOTION: Commissioner Blackwell moved to approve.

SECOND: Commissioner King

VOTE: UNANIMOUS

8. CLOSED SESSION - Attorney Client, Property Acquisition and Economic Development Matters

MOTION: Commissioner King moved to go into Closed Session to discuss the issues noted above.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

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

SECOND: Commissioner Tyson

VOTE: UNANIMOUS

MEETINGADJOURNED: 10:30AM.

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