

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MAY 6, 2002, 9:00 AM
REGULAR MEETING

PRESENT: Chairman Breeden Blackwell
Vice Chairman Talmage Baggett
Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner John Henley, Jr.
Commissioner J. Lee Warren, Jr.
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Cliff Spiller, Asst. County Manager
Amy Cannon, Asst. County Manager
Grainger Barrett, County Attorney
Marsha Fogle, Clerk to the Board

ABSENT: Commissioner Billy R. King

INVOCATION Commissioner Breeden Blackwell
Robert Lewis, Pastor, Temple Baptist Church

RECOGNITION OF RETIRED COUNTY EMPLOYEE:

Bronnie L. Williams, Dept. of Social Services (plaque will be mailed)

RECOGNITION OF OUTGOING BOARD/COMMITTEE MEMBER:

David C. Pate, Eastover Sanitary District

1. Public Hearings

**A. Public Hearing on the Proposed 2002-2003 North
Carolina Department of Transportation Secondary Roads
Improvement Program for Cumberland County.**

BACKGROUND: The NC DOT District Maintenance Engineer presented
recommendations to the Board for approval:

2002-2003 Secondary Road Construction Program for Cumberland County

Secondary Road Construction Allocation	\$ 549,543
Highway Trust Fund Allocation	368,636
Total Secondary Road Construction Funds Available	\$ 918,179

Maintenance Operations:

Funds required to supplement secondary road maintenance with stone or local materials; widening of paved secondary roads drainage improvements; safety projects: \$ 115,764

Secondary Construction	\$ 64,904
Highway Trust Fund	\$ 50,860

Reserve for Contingencies:

Funds to be used for road additions; surveys & right of way; Overdrafts; property owner participation paving; paving of Rural fire departments & rescue squads; continuation of Paving down the priority list: \$ 147,415

Secondary Construction	\$ 119,639
Highway Trust Fund	\$ 27,776

Paving Program

Paving of unpaved roads in priority from the Rural & Residential Subdivision priority lists. The Department will secure right of way. If the right of way is unobtainable, the program will be extended down The priority lists until available funds are expended: \$ 655,000

Secondary Construction	\$ 365,000
Highway Trust Fund	\$ 290,000

2002-03 RESIDENTIAL/SUBDIVISION PRIORITY

Priority * – SR 2006, Peteland Drive from NC53 to Dead End (0.30 miles):
Grade, Drain Base and Pave – Est. Cost: \$50,000, no previous funding, 2002-03 Funding - \$50,000

Priority #4 – SR 4085, Carolina Ave., from SR 3638 to SR 1374 (0.06 miles):
Base and Pave – Est. Cost: \$15,000, no previous funding, 2002-03 Funding
- \$15,000

Priority #5 – SR 3921 Classic Road from SR 2219 to Dead End (0.17 miles):
Base and Pave – Est. Cost: \$25,000, no previous funding, 2003-03 Funding -
\$25,000

Priority #6 – SR 2838, Longhill Drive from SR 1710 to Dead End (0.41 miles):
Grade, drain, base & pave – Est. Cost: \$75,000, no previous funding, 2002-
03 Funding: \$75,000

Priority #7 – SR 3917, William Duke from SR 2252 to End Maint. (0.36 miles)
Base & Pave – Est. Cost: \$45,000, no previous funding, 2002-03 Funding:
\$45,000

Priority #8 – SR 4053, Jackson Street from SR 2989 to Dead End (0.24
miles):Base & Pave – Est. Cost: \$30,000, no previous funding, 2002-03
Funding: \$30,000

Priority #9 – SR 2306 ext., Mellwood Drive from End Pvmnt. To Dead End
(0.13 miles) Base & Pave – Est. Cost: \$20,000, no previous funding, 2002-03
Funding:\$20,000

Priority #10 – SR 4019, Charles Street, from SR 3080 to Dead End (0.20)
Base and Pave – Est. Cost: \$40,000, no previous funding, 2002-03 Funding:
\$40,000

TOTAL MILES: 1.87 TOTAL COST: \$300,000

*SR 2006 taken from the r/w unavailable list

CUMBERLAND COUNTY RURAL PRIORITY

Additional funding to complete previous years program – SR 1717 & SR 2355
Cost: \$330,000

SR 1818, Bud Geddie Road, from SR 1005 to Beg. Pvmnt. (0.14 miles),
Grade, Drain, Base and Pave: Est. Cost \$25,000, no previous funding, 2002-

03 funding\$25,000

SR 2005, L.A. Dunham Rd. from End Pvmnt. To Beg. Pvmnt. (0.32 miles),
Grade

Drain, base & pave: Est. Cost: \$45,000, Previous funding: \$45,000, 2002-03
Funding: \$0

Notes: Program subject to availability of funding, right of way and
environment review. The 18 roads (16.06 miles) listed below with
unattainable right of way on the rural and subdivision list, currently have
acquired r/w on 4 of these roads (SR 1818, 2005, 2006, & 2321) and they are
programmed for paving. Priority number 1-10 on the Rural List are frozen as
required by GS 136-44.7. These roads are being surveyed, paved, under
construction, or in r/w negotiations. If funding is available or r/w problems are
encountered, then DOT will continue working down the priority list.

2001 Unavailable Right of Way: SR 2227, Simmons Road

SR 2232, Marsh Road

SR 1610, McClousky Road

SR 1821, Kennel Road

SR 1856, Elva Wallace Road

SR 1818, Bud Geddie Road

SR 1720B, Callie Road

SR 1707, Carlos Road

SR 1724, Sweetie Road

SR 2230, Hair Road

SR 1720A, Callie Road

SR 2005, L.A. Dunham Road

SR 1718, Daughtry Road

SR 2028, Ava Road

SR 3080, McInnis Street

SR 2006, Peteland Drive

SR 2431, N. Betty Street

SR 2321, Womble Drive

SPEAKERS: None

Commissioner Henley inquired about how the funds are allocated. Mr. Jerry
Taylor, Maintenance Engineer, said the funds were allocated based on a
formula taking into consideration the number of miles unpaved and the

population. In response to a question, Mr. Taylor said Cumberland County was getting its fair share of road money. There are approximately 40 miles of unpaved road in Cumberland County. Commissioner Baggett noted there is a road off of Hwy 301 Business near Eastover that is in need of paving. He asked what the citizens living on that road can do. Mr. Taylor said someone from the area should call the Department of Transportation who would work with them if possible to find a way to improve the road.

MOTION: Commissioner Baggett moved to approve the 2002-03 Secondary Roads Improvement Program.

SECOND: Commissioner Council

VOTE: UNANIMOUS

B. Public Hearing on the Enactment of the Third One-Half Percent (1/2%) Local Sales and Use Tax.

BACKGROUND: The General Assembly has authorized local government to levy a one-half percent local sales and use tax to replace State reimbursements that will be eliminated in State Fiscal Year 2003-04.

ACTION: Adopt Resolution which levies an additional one-half percent sales tax for Cumberland County.

SPEAKERS:

1. George Jeffreys – Additional one-half percent sales tax will hurt senior citizens and young people. Opposed to new taxes.
2. Brian Irving – Opposed to new taxes. County needs to prioritize its expenditures and cut back if necessary. Reducing spending should be the number one priority.

MOTION: Commissioner Baggett moved to adopt the Resolution

SECOND: Commissioner Henley

VOTE: UNANIMOUS

**A RESOLUTION LEVYING THE THIRD ONE-HALF PERCENT (1/2%)
LOCAL GOVERNMENT SALES & USE TAX AND PRESCRIBING
THE METHOD OF DISTRIBUTION OF THE PROCEEDS WITHIN
CUMBERLAND COUNTY**

WHEREAS, the General Assembly has authorized the Cumberland County Board of Commissioners to levy a one-half percent (1/2%) local sales and use tax by enacting NCGS 105-517(b) in Section 34.14(a) of Session Law 2001-424; and

WHEREAS, the Cumberland County Board of Commissioners held the public hearing on the issue adopting this resolution on May 6, 2002, as required by NCGS 105-517(b) and proper public notice of the Board's intent to consider this resolution was provided as required by NCGS 105-517(b); and

WHEREAS, the General Assembly levied a one-half percent (1/2%) state sales tax effective October 16, 2001 by enacting Section 34.13(a) of Session Law 2001-4224, and this tax expires July 1, 2003, the same day the sales and use tax levied hereby becomes effective, and as a result the Board's action herein will not result in an increased sales and use tax for the consumer; and

WHEREAS, as of July 1, 2003, Cumberland County will lose \$5,203,538 in funds made available by the State of North Carolina to replace revenue lost because of legislative action: (1) to repeal sales taxes imposed on purchases made with Food Stamps; (2) to repeal property taxes imposed on inventories held by manufacturers, retailers and wholesalers; (3) to repeal taxes on intangible personal property; and (4) to reduce taxes levied on residential property owned by low-income elderly taxpayers; and

WHEREAS, the Cumberland County Board of Commissioners hereby finds that, particularly in light of the circumstances cited herein, the levy of The Third One-Half Percent (1/2%) Local Government Sales and Use Tax is necessary to adequately finance the operations of the county and the cities and towns herein.

NOW, THEREFORE, BE IT RESOLVED BY THE Cumberland County Board of Commissioners:

(1) There is hereby imposed and levied within Cumberland County The Third One-Half Percent (1/2%) Local Government Sales and Use Tax authorized by Section 34.14(a) of Session Law 2001-424 and codified as Article 44 of Chapter 105 of the General Statutes of North Carolina, effective July 1, 2003 or at the earliest

date authorized by the General Assembly. The tax hereby imposed and levied shall apply to the same extent and be subject to the same limitations as set forth in said Session Law 2001-424.

(2) Collection of the tax by the NC Secretary of Revenue, and liability therefore, shall begin and continue on and after the first day of July, 2003, or at the earliest date authorized by the General Assembly.

(3) The net proceeds of the tax levied herein shall be distributed by the Secretary of Revenue on a quarterly basis to Cumberland County as prescribed by NCGS 105-520. The amount distributed to Cumberland County shall be divided among the county and municipalities herein in accordance with the method by which the one percent (1%) sales and uses taxes levied in Cumberland County pursuant to Article 39 of General Statutes Chapter 105 are distributed.

(4) This Resolution is effective upon its adoption and a certified copy hereof shall be forwarded to the NC Secretary of Revenue.

C. Public Hearing on Wrecker Fee Schedule and Regulations

BACKGROUND: The Board of Commissioners adopted the new Wrecker Ordinance on April 15, 2002. The fee schedule and regulations have been reviewed and approved by the Wrecker Review Board.

SPEAKERS: No speakers.

ACTION: Approve the fee schedule and regulations.
(A copy of the regulations may be obtained in the office of the County Attorney)

FEE SCHEDULE FOR ROTATION WRECKERS

TYPE OF SERVICE	AMOUNT
Towing service call, 24-hours a day	\$90.00
Use of dollies	45.00
Labor charge for a recovery every 15 minutes)	20.00 (for

Use of Speedi-dry or other absorbent	10.00
Recharge fire extinguisher	15.00
Vehicle storage inside building or under shelter	15.00/day
Vehicle storage outside	12.00/day
Wait charge (does not include hook-up, time starts 10 minutes after hook-up is completed)	1.00/

FEES CHARGED TO WRECKER AND TOWING SERVICE

Initial application and inspection	\$50.00
Annual inspection and license renewal	25.00
Administrative/dispatch fee paid by towing customer to County of Cumberland (collected by towing firm on each rotation call)	5.00

MOTION: Commissioner Warren moved to approve.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

2. CONSENT AGENDA

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

SECOND: Commissioner Council

VOTE: UNANIMOUS

A. Approval of minutes for the April 15, 2002 regular meeting.

ACTION: Approve

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

Mt. Vernon Estates Subdivision: Governors Lane, Congressional Avenue

ACTON: Approve

C. Approval of Equipment Sublease Agreement for the Cape Fear Valley Health System – Subsidiary Organization:

Pathways.

BACKGROUND: On July 6, 1999, the Board of Commissioners adopted a policy for the consideration and approval of Cape Fear Valley Health System subleases. The policy stipulates that to be approved, each sublease must be in a form acceptable to the County Manager, the office of the County Attorney and the Board of Commissioners; be on economic terms that are substantially equivalent to current market value; and be approved by the hospital CEO and consented to by the County Manager. CFVHS has submitted the following sublease for approval by the County:

(1) Equipment sublease agreement to the CFVHS Subsidiary Organization, Pathways, which operates under Cumberland Health Partners, Inc. and was negotiated based on the value of the equipment. This is an internal lease agreement within the CFVHS organization. The lease period is May 1, 2001 through April 30, 2002 and the value is \$14,052 annually or \$1,171 monthly.

ACTION: Approve

D. Approval of Declaration of Surplus Cape Fear Valley Health System Properties and Authorization for Disposition.

BACKGROUND: The Hospital Board of Trustees at its meeting on April 24, 2002, approved declaring the houses at 522 and 524 Beaumont Road surplus to its needs.

ACTION: Approve property as surplus and authorize management to dispose of by transfer to other county departments, upset bid, negotiated offer process or scrapped as deemed appropriate by management.

E. Approval of Grant Award – Humans United Giving Greater Services/Timothy Douglas Permanent Housing Program.

BACKGROUND: Cumberland County has been awarded a \$246,188 Supportive Housing Program grant for the Timothy Douglas Permanent Housing Program. Humans United Giving Greater Services (HUGGS), a local non-profit, will be responsible for the day to day operation of the

program. The program will provide 2 units of permanent housing and supportive services for homeless persons with HIV/AIDS.

ACTION: Accept the Grant, authorize the County Manager to sign the agreement and approved associated budget revision (B02-405-405A)

F. Approval of the Community Development 2002 Annual Action Plan.

BACKGROUND: The Plan was presented to the Board of Commissioners on April 15, 2002. The document has been available to the public for review for 30 days. To date there has been no written or oral comments made.

ACTION: Approve the Plan as submitted.

G. Approval of Resolution In Support of the Amtrak National Passenger Rail System.

BACKGROUND: Mr. Don Stewart asks the Board to adopt a resolution to support funding for our nation's AMTRAK service. He will carry the resolution to Washington, DC.

ACTION: Approve

RESOLUTION

WHEREAS, the Amtrak national rail system serves over 500 cities and communities across the country and provides safe, efficient and affordable mobility for millions of Americans each year; and

WHEREAS, ridership on Amtrak trains has increased 19% since 1996 and reached a total of 23.5 million riders in 2001; and

WHEREAS, rail provides clean, energy-efficient mobility which can help reduce the heavy US dependence on imported oil; and

WHEREAS, congestion cost the US economy \$100 billion annually and

rail provides crucial means to help alleviate growing highway and airport congestion; and

WHEREAS, the US Government has significantly undercapitalized the national Amtrak system for decades, failed to provide passenger rail with a dedicated secure source of funding like other modes enjoy and has required Amtrak alone to achieve operating self sufficiency; and

WHEREAS, Cumberland County and its citizens depend on intercity passenger rail service as a viable component of its transportation system, central business district revitalization and tourism industry; and

WHEREAS, Amtrak has reached a critical juncture and will be forced to implement extensive services cuts nationwide unless federal funding is substantially increased above current levels.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cumberland County North Carolina, calls on the Congress of the United States to provide at least \$1.2 billion in funding to support the nation's intercity passenger rail system over the next year, to provide funding necessary to meet the safety and security requirements of both corridor and long-distance service, and to commit to provide stable and adequate funding the national Amtrak passenger rail network and infrastructure and development of the USDOT designated high-speed rail corridors.

H. **Budget Revisions:**

ACTION: Approve

(1) **Mental Health**

a. General Support/Managed Care – Revision in the amount of \$12,808 to reclassify Processing Unit Supervisor V to Processing Assistant V and to transfer the position from General Support to Managed Care.
(B02-388 and B02-388A) **Funding Source – Reallocation of Budgeted Expenditures & Revenue**

b. High Risk Prevention – Revision in the amount of \$29,680 to budget funds for the new Parent Drug

Prevention Corps Program. (B02-398) Funding Source – Federal

c. Adult Community Services – Revision in the amount of \$96,090 to budget funds received from the state to service area clients who were previous residents of the Wright Building at Dorothea Dix Hospital before it closed and to establish six new positions. (B02-399) **Funding Source – State**

d. Mental Health – Revision in the amount of \$2,111 to budget funds to pay Mental Health's portion of the May 2001 Exxon bill. (B02-407) **Funding Source – Mental Health Fund Balance**

(2) Health

a. WIC – Revision in the amount of \$11,174 to budget additional funds. (B02-394) **Funding Source – State**

b. Jail Health/Communicable Disease - Revisions in the amount of \$15,000 to reallocate expenditures from the Jail Health to Communicable Disease. (B02-402 and B02-402A) **Funding Source – Reallocation of Budgeted Expenditures & Revenue**

c. Dental Clinic - Revision in the amount of \$33,000 to appropriate fund balance to fund costs associated with the renovation of the Dental Clinic. (B02-411) **Funding Source –Health Department Fund balance**

(3) Social Services

Revision in the amount of \$66,981 to budget for additional federal funding for the Crisis Intervention program. (B02-393) **Funding Source – Federal**

(4) Elderly and Handicapped Transportation

Revision in the net amount of \$6,434 to appropriate fund balance to budget interest income earned in the prior fiscal year and to budget current year interest. (B02-401) **Funding Source – Interest Income**

(5) **General Government – Other**

Revision in the amount of \$41,213 to appropriate fund balance to pay the General Fund's portion of the May 2001 Exxon bill. (B02-403) **Funding Source – Fund Balance Appropriated**

(6) **Recreation**

Revision in the amount of \$1,853 to budget funds to pay Recreation's portion of the May 2001 Exxon bill. (B02-408) **Funding Source – Recreation Fund Balance**

(7) **Solid Waste – Ann St.**

Revision in the amount of \$13,571 to budget funds to pay Solid Waste's portion of the May 2001 Exxon bill. (B02-409) **Funding Source – Solid Waste Fund Balance**

(8) **Community Development – HOME Program**

Increase in revenues and expenditures in the amount of \$69,977 to budget program income received from Community Housing Development Organization (CHDO) Kingdom project. (B02-404) **Funding Source - Federal**

(9) **NORCRESS Capital Project**

Revision in the amount of \$9,234,000 to establish the initial working budget for the North Cumberland Regional Sewer System Project (NORCRESS) and to approve the associated Capital Project Ordinance. (B02-406) **Funding Source – Grants, Loan, and Other**

(10) Public Buildings Equipment Maintenance/General Government Other

Revision in the amount of \$5,000 to transfer funds from General Government Contingency to Public Buildings Equipment Maintenance to fund overtime expenditures.

(B02-410) Funding Source – Reallocation of Budgeted Expenditures

REGULAR AGENDA

3. Presentation by Gordon Clapp on Festival of Flight 2003 Activities.

Mr. Gordon Clapp and Brigadier General Paul R. Dordal (USAF, retired) gave an overview of the Festival of Flight 2003 activities. The Festival of Flight 2003 will run from May 16 to May 26, 2003, and will feature a series of special event and exhibits dedicated to the history of aviation, present day aerospace capabilities and the future of flight technology. The events will take place in downtown Fayetteville, Fort Bragg, Pope Air Force Base and at the Cumberland County Civic Center complex. The Festival, with a focus on education, will sponsor over a thousand children a day, and will celebrate the variety of ways flight has influenced modern life including commercial aviation, space exploration, humanitarian efforts and military combat. The Festival of Flight is expected to draw over 500,000 people to Fayetteville.

No action needed on this item.

4. Presentation by Mark Bergman on the Cumberland County Veterans' Service Office.

BACKGROUND: Mr. Mark Bergman, Director, County Veterans' Service Office gave an overview of the activities of his department. Mr. Bergman noted there are 42,000 veterans in Cumberland County (4th largest veteran populated county in North Carolina). Cumberland County serves 8,000 female veterans. He noted his office averages 479 clients per month. Veterans contribute \$99 million to our economy (largest income source in the state). They receive disability and pension money. Disability is based on an

illness or injury received while a member of the armed forces. Pension is based on income and service time in the military. The Veterans Service office assists veterans with applications for programs for which they are eligible, i. e., Montgomery GI Bill, VEAP, SDEA, NCDVA Scholarship and Vocational Rehabilitation.

5. Consideration of County Facilities Committee Report and Recommendation:

A. Consideration of Deeding the 5 Acre Tract of Land (Washington Drive School Site) to the Dr. Martin Luther King, Jr. Committee.

BACKGROUND: The County Facilities Committee, on April 11, 2002, heard a presentation from Lula Crenshaw, of the Dr. Martin Luther King, Jr., Committee, requesting the Board to approve the transfer of the property on which the Washington Drive School is located to them. The Committee determined that in order to pursue their plans for the property and obtain grants, etc., the property will have to be in the MLK Committee's name. Ms. Crenshaw noted that the Historic Properties Commission would be making a site visit on April 16 to see if the property qualifies for Historic Certification. If the property is deeded to the MLK Committee, a reverter clause will be included so that if the property ceases to be used for public purposes, it will revert back to the County. The Facilities Committee recommends that the Board deed the 5 acre tract of land, as requested, to the MLK Committee to be used for public purposes.

ACTION: Deed the property to the MLK Committee as recommended.

MOTION: Commissioner Warren moved to deed the property to the Martin Luther King Committee with a reverter clause.

SECOND: Commissioner Council

DISCUSSION: Grainger Barrett, County Attorney, said he had received a phone call from Ronnie Mitchell, Attorney for the Martin Luther King Committee, asking the Board to lease the building on the property to Moses Mathis for 2-3 years, and then convey the property to the Martin Luther King Committee. The Committee does not want to be a landlord. In addition, Mr. Barrett said a survey of the property need to be accomplished. Commissioner Henley inquired about the county's liability for the property and who would be responsible for removing the

building. The County Attorney said this is an “open” issue. He said the Martin Luther King committee has suggested they may help with fund raising to move the building for Mr. Mathis to an alternate site. Commissioner Warren noted he was concerned and disturbed by this last minute call from the attorney on this matter. He said he thought the Committee had made a decision about what they wanted to do with the property and the Facilities Committee had concurred at its last meeting.

Mr. Warren withdrew his motion.

The consensus of the Board was to refer this issue back to the Facilities Committee to allow all parties to be present and advise the Facilities Committee of their respective positions.

6. Discussion of the Filing Date for Business Personal Property.

Commissioner Baggett noted that in speaking with his CPA there is a problem for the CPA's when the deadline for business personal property forms have to be in to the Tax Office by April 15 (the same date as State Taxes have to be filed). He suggested that perhaps the deadline could be changed. Commissioner Warren said he thought the CPA's should be able to acquire the tax listing forms from the Tax Office. Commissioner Baggett suggested the forms could be put on line so they were available to everyone.

MOTION: Commissioner Baggett moved to send these issues to the County Policy Committee for review and consideration.

SECOND: Commissioner Warren

VOTE: UNANIMOUS

7. Update on Recommendations Regarding Group Homes.

BACKGROUND: The County Attorney reported that he had made recommendations to the Interim Planning Director for amendments to the Zoning Ordinance regarding group homes. He said he is satisfied that a moratorium on group homes is not the way to go. His recommended amendments would define “family care homes” consistent with state law (adult day care for up to six handicapped persons) and require one-half mile

separation between existing or approved family care homes. The homes would be limited to residential districts. In addition, the County Attorney recommends that such uses for more than six handicapped persons be specified conditional uses to be approved by the Board of Adjustment. Such uses, which he terms "residential habilitation support facilities" would have to meet certain criteria as follows:

- (1) Lot size of at least 20,000 square feet.
- (2) Health and fire inspection.
- (3) No residential habilitation support facility located within one-half mile radius of an existing or approved residential habilitation support facility or existing or approved family care home.
- (4) Minimum building setback from any public or private street, fifty feet.
- (5) Minimum rear-yard set back, thirty-five feet.
- (6) Minimum side-yard setback, twenty-five feet.
- (7) Minimum corner lot setback from interior lot lines, twenty-five feet.
- (8) Minimum paved off-street parking spaces, two plus one for each

care-

giver.

- (9) Location on paved public street meeting DOT standards.

In considering the specified conditional use, the Board of Adjustment must also give due consideration to the use so that it will, among other things, be compatible with and not adversely affect the livability of the surrounding neighborhood.

These recommendations will be placed on the earliest available Planning Board agenda, which will be May 21. Public notice of these ordinance amendments will be published also on May 2, 2002.

North Carolina cases provide that once public notice has been provided of the County's intent to consider possible specific ordinance amendments, the County is entitled not to process any permit applications inconsistent with the tenor of such proposed amendments. It is the County Attorney's opinion that so long as the County moves deliberately towards consideration of and a decision on these proposals, the County may allow only development which is consistent with the proposed amendments and may refuse development that is inconsistent with the proposals. The Attorney recommends that if this is the Board's intent, that it give direction by consensus to the staff for this interim period while the proposals work their way through the process to the

Board for its deliberation.

The consensus of the Board was to send this to the Planning Board for action. The Board instructed that the Chairman forward a letter to the Delegation urging support of Senator Rand's bill addressing reimbursement issues when a county sends a child to another county for stay in a group home.

Commissioner Baggett inquired if the County could require fire protection system in group homes with 6 or less children. He noted concern that by definition some of these children are handicapped and there should be some kind of fire protection system. The County Attorney indicated that according to case law the County would be discriminating if it made this a requirement.

MOTION: Commissioner Baggett moved that the County allow only development which is consistent with the proposed amendments and that the County refuse development that is inconsistent with the proposals until a decision on the proposals has been made.

SECOND: Commissioner Warren

VOTE: UNANIMOUS

8. Nominations to Boards and Committees

A. ABC Board (2 Vacancies)

BACKGROUND: The following terms will expire on the ABC Board, effective June 30, 2002:

Landis Chavis – eligible for reappointment.

Ernie Grooms – eligible for reappointment

Nominees: Landis Chavis

Ernie Grooms

Steve Satsky

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

BACKGROUND: Milton Griffin will complete his initial one year term on this Committee. He is now eligible for a three-year term; however he has indicated he does not want to be appointed.

Nominee: Ann C. Long

C. Cumberland Cemetery Commission (1 Vacancy)

BACKGROUND: Doug Stephens has resigned his position on this Commission.

Nominee: Robert B. Barnhart

D. Emergency Planning Committee (1 Vacancy)

BACKGROUND: Captain Steve Parlett was serving in one of the law enforcement positions on this committee. Captain Parlett is no longer with the Sheriff's Office. Sheriff Butler recommends that Captain Craig Hart fill the vacancy.

Nominee: Captain Craig Hart

E. FTCC Board (1 Vacancy)

BACKGROUND: Steven Satsky will complete his second term on the FTCC Board ON June 30, 2002.

ACTION: Nominate to fill the vacancy.

Nominees: Lula Crenshaw
Maxine Andrews McCall

F. Nursing Home Advisory Board (2 Vacancies)

BACKGROUND: The following positions on the Nursing Home Advisory Board need to be filled:

Doyle W. Hubbard – moved out of the county.
Frank Nuzum – replace due to non-participation.

Nominees: Susan Swain
Monica Barrett

G. Recreation Advisory Board (3 Vacancies)

BACKGROUND: The following terms will expire on the Recreation Advisory Board on June 30, 2002:

Maxey Gary Dove, III – not eligible for reappointment
Kathy Horne – not eligible for reappointment
David M. Varnedoe, III – not eligible for reappointment

Commissioner Edge noted that in view of the fact that merger between the City of Fayetteville and County Parks and Recreation Departments is being studied, it may be a good idea to retain the above members on the Recreation Advisory Board. He indicated he has spoken with the County Recreation Advisor who concurs.

MOTION: Commissioner Edge moved to extend the terms of Maxey Dove, Kathy Horne and David Varnedoe for one year.

SECOND: Commissioner Warren

VOTE: UNANIMOUS

H. Social Services Board (1 Vacancy)

BACKGROUND: Lyn Green will complete her first term on the DSS Board. She is eligible for reappointment.

Nominee: Lyn Green

I. Storm Water Advisory Board (1 Vacancy)

BACKGROUND: Robert Bennett will complete his second term on the Storm Water Advisory Board. He is not eligible for reappointment.

Nominee: Clifton McNeill, Sr.

9. Appointments to Boards and Committees

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

Nominee: Mr. Clyde V. Vaughan

MOTION: Commissioner Warren moved to appoint Mr. Vaughan by acclamation.

SECOND: Commissioner Council

VOTE: UNANIMOUS

Chairman Blackwell recessed the meeting until the Norcross Governing Board meeting has adjourned.

Chairman Blackwell reconvened the Board of Commissioners meeting.

- 10. Closed Session:**
- A. Economic Development Matter
 - B. Attorney Client Matter - Fayetteville Publishing vs. Cumberland County

MOTION: Commissioner Edge moved to go into Closed Session to discuss the above noted matters – Economic Development and Attorney Client Matter (Fayetteville Publishing vs. Cumberland County.

SECOND: Commissioner Council

VOTE: UNANIMOUS

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

SECOND: Commissioner Henley

DISCUSSION: Chairman Blackwell noted that Commissioner Warren and Commissioner Baggett were excused from the rest of the meeting because of prior commitments.

VOTE: UNANIMOUS

MOTION: Commissioner Henley moved that the Closed Session Minutes of the meetings held regarding the 2001 school budget dispute (May 31, 2001, June 7, 2001, July 2, 2001, July 12, 2001, July 16, 2001 and July 20, 2001) be opened, and further that the County Attorney be authorized to submit a limited appeal to challenge the fees sought

(\$24,000) in this case by the attorneys for the plaintiff, which the Board feels is in excess of what is appropriate.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

MEETING ADJOURNED: 11:45 AM