

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 3, 2002, 9:00 AM
REGULAR MEETING
CUMBERLAND COUNTY COURTHOUSE
FAYETTEVILLE, NC**

PRESENT: Chairman, J. Breeden Blackwell
Vice Chairman, Talmage Baggett
Commissioner Jeannette Council
Commissioner Kenneth S. Edge
Commissioner John Henley
Commissioner Billy R. King
Commissioner J. Lee Warren, Jr.
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy H. Cannon, Assistant County Manager
Cliff Spiller, Assistant County Manager
Grainger Barrett, County Attorney
Rhonda R. Britt, Deputy Clerk to the Board

INVOCATION: Commissioner J. Lee Warren, Jr.
Rev. Todd Brady – Lebanon Baptist Church

PLEDGE OF ALLEGIANCE:

SPECIAL RECOGNITIONS:

Chairman Breeden Blackwell was elected Third Vice President of the North Carolina Association of County Commissioners.

Chairman Breeden Blackwell was selected as County Commissioner of the Year by the North Carolina Association of County Commissioners.

Larry Philpott, Cumberland County Parks and Recreation Director received the Jack "Swede" Frauson Professional Award for Providing Leadership and Guidance to the Citizen Board Member Division for the Advancement of Parks and Recreation.

ADDITION TO AGENDA: Add: Consideration of a Proclamation to Celebrate the American Character. Added as Item 1M.

MOTION: Commissioner King moved to add the above item to the agenda as Item 1M.

SECOND: Commissioner Council

VOTE: UNANIMOUS

1. Consent Agenda

Commissioner King noted he wished to pull items 1B and 1D from the Consent Agenda.

MOTION: Commissioner Warren moved to follow staff recommendations for the items on the Consent Agenda with the exception of items 1B and 1D.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

A. Approval of minutes for the August 19, 2002 regular meeting.

C. Approval of Declaration of Foreclosed Real Property as Surplus and Authorization for Sale.

BACKGROUND: The County of Cumberland has acquired by tax foreclosure certain real property located in the County. A list of the property is as follows:

<u>Description</u>	<u>Date Acquired</u>	<u>Value</u>	<u>Deed</u>	<u>Pin No.</u>
Lt 1 Blk D East Acres Subdn	4/29/02	38,534.00	5742-645	0437-89-1434
0.03 ac Marsh & Evans Lands	3/19/02	300.00	5793-232	0417-04-5892
Lot 7 on unrecorded map of LR Bennett Land	3/19/02	6,676.00	5793/229	0443-11-5356

Lot 18 Blk B Resub. Lots 61-69 Shaw Hgts.	3/19/02	3,500.00	5793-204	0419-86-8863
Lot on River Bank	3/19/02	300.00	5793-225	0446-27-4447
		(No access)		
1.0 ac. WD McLaurin Land	3/19/02	45,310.00	5793-214	0457-39-3120
Lot 63 Fairview Map #3	3/19/02	625.00	5793-222	0438-81-4979
		(No Buildings)		
Lot 55 Windsor Terrace Sect. 2	3/19/02	32,836.00	5793-201	0438-41-3869
Imp 329E/S Harrison Street	3/19/02	37,321.00	5793-198	0437-81-8496
House & Lot 64 Cade Avenue	3/19/02	1,238.00	5793-216	0446-39-8289
Lots 5&6 Blk L College Hgts	3/19/02	5,000.00	5793-219	0438-01-0959
Lot 8 Blk B College Hgts	6/26/02	10,875.00	5780-499	0438-01-9098

ACTION: Declare the foreclosed property as surplus to the needs of the County and authorize the sale of the foreclosed property by negotiated offer, advertisement, and upset bid pursuant to N.C.G.S. 160A-269.

E. Approval of Architectural Agreement for Grays Creek Recreation Center.

BACKGROUND: Requests for Qualifications were solicited from local architectural firms to provide design services for the Grays Creek Recreation Center. This project involves the construction of a 7,300 sf facility that will be attached to the existing gymnasium at the Grays Creek Middle School for use as a recreation center. The firm of Gordon Johnson Architecture was selected by the project team and an agreement for services was negotiated based upon the program and conceptual design sketch developed in conjunction with the architect.

The scope of the services include:

1. Finalize the schematic design for the facility.
2. Prepare design development documents based upon approved schematic design.
3. Prepare construction documents based upon the approved design development documents.
4. Assist the County in the bidding and contract award phase of the project.
5. Provide customary construction administration services.

The basis of compensation for basic services rendered is a stipulated sum of \$80,000 based on the project scope of 7,300 sf and probable construction costs of \$800,000. Reimbursable expenses will be billed at direct cost not to exceed \$4,000.

The County Attorney's office has reviewed the agreement for legal sufficiency and monies are available in the Recreation Department budget to fund this request.

ACTION: Approve the agreement with Gordon Johnson Architecture in the amount not to exceed \$84,000 for architectural services for the Grays Creek Recreation Center and approve the associated budget revision.

F. Approval of Contract to Purchase Approximately 169 Acre Site for Future Business Relocation Contiguous to Existing Industrial Park.

BACKGROUND: The County has the opportunity to acquire a significant additional potential site for business relocation contiguous to the existing industrial park and the Wal-Mart Distribution Center. The site is on Sand Hill Road and comprises about 169 acres, of which only about 25 acres are wetlands. Production Drive in the Industrial Park stubs out to this site and water and sewer are available to it. The site would leverage the County's existing investment in the Park, roads and utilities. The property is owned jointly by the Patsy H. Wallace Trust and the Mary Jane H. Beavers Trust. The PIN is 0433-33-3511.

The County Manager recommends offering the property's tax value of \$1,031,000, payable by a down payment of \$100,000 and the County's non-recourse promissory note for \$931,000.00. The promissory note would be secured by a purchase money deed of trust on the property and not by the County's taxing power. The interest rate would be 3%. Payments of \$107,750 plus interest would be made annually, in 2003, 2004, 2005 and 2006. A balloon payment of \$500,000.00 would be due in 2007.

ACTION: Authorize entering into a contract to purchase approximately 169 acre site on Sand Hill Road contiguous to Industrial Park and the Wal-Mart Distribution Center, PIN 0433-33-3511, on the terms proposed by the County Manager and authorize the Chairman to sign a contract to purchase reflecting those terms and such other customary terms as are satisfactory to the County Manager and County Attorney.

G. Approval of Cumberland County School System for an Option to Purchase a Parcel of Land Adjoining Pauline Jones Elementary School Property.

BACKGROUND: On August 13, 2002, the Board of Education approved the purchase from Sandra and Forest Jones of an option on a parcel of land. The parcel is located off Hawley Lane and adjoins the Pauline Jones Elementary School Property.

The Board of Education requests approval by the Board of Commissioners of the option to purchase this property.

ACTION: Approve the Board of Education's request for an option to purchase the parcel of land from Sandra and Forest Jones.

H. Approval of General Release and Settlement Agreement Between Sandra Stanley and the County of Cumberland.

BACKGROUND: A former employee of the Cumberland County Health Department commenced an action with the Equal Employment Opportunity Commission (EEOC) on January 20, 2002, alleging violation of her rights under Title VII of the Civil Rights Act of 1964, as amended. The matter was resolved through EEOC's Alternative Dispute Resolution procedure. The parties have negotiated a final settlement as to all matters arising from Ms. Stanley's employment. The settlement has been finalized as authorized by the Board and is filed with the records of this meeting.

ACTION: Approve filing the settlement with the minutes of the September 3, 2002 meeting.

I. Approval of Proclamation Proclaiming September 11, 2002 as "Patriot Day" in Cumberland County.

BACKGROUND: NACo has provided information concerning a proclamation for consideration as a tribute on the anniversary of the September 11, 2001 terrorist attacks.

ACTION: Proclaim September 11, 2002 "Patriot Day" in Cumberland County.

CUMBERLAND COUNTY

NORTH CAROLINA

PROCLAMATION

WHEREAS, on September 11, 2001, America was suddenly and brutally attacked by foreign terrorists; and

WHEREAS, these terrorists hijacked and destroyed four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, a third into the Pentagon outside Washington, DC, and the fourth into a field in Somerset County, Pennsylvania; and

WHEREAS, thousands of innocent Americans were killed and injured as a result of these attacks, including the passengers and crew of the four aircraft, workers in the World Trade Center and in the Pentagon, rescue workers, and bystanders; and

WHEREAS, these cowardly acts were by far the deadliest terrorist attacks ever launched against the United States, and, by targeting symbols of American strength and success, clearly were intended to intimidate our nation and weaken its resolve; and

WHEREAS, these horrific events have affected all Americans. It is important that we carry on with the regular activities of our lives. Terrorism cannot be allowed to break the spirit of the American people, and the best way to show these cowards that they have truly failed is for the people of the United States and their counties to stand tall and proud.

WHEREAS, the Board of Commissioners of Cumberland County condemns the cowardly and deadly actions of these terrorists and **supports the President of the United States as he works with his national security team to defend against additional attacks and find the perpetrators to bring them to justice;**

NOW, THEREFORE in recognition and honor of those who lost their lives on September 11, 2001, the Cumberland County Board of Commissioners hereby proclaims September 11, 2002 at "**PATRIOT DAY**" in Cumberland County and recommends to its citizens to support relief efforts by giving blood at the nearest available blood donation

center. The Board further encourages all citizens to show their patriotism on this day and throughout the year.

J. Approval of Proclamation Proclaiming September 15-21, 2002 as "U.S. Constitution Week" and September 17, 2002 as "Constitution Day" in Cumberland County.

BACKGROUND: Brian Irving has requested the Board consider proclaiming September 15-21, 2002 as "U.S. Constitution Week" and September 17, 2002 as "U.S. Constitution Day" in Cumberland County.

ACTION: Proclaim September 15-21, 2002 as "U.S. Constitution Week" and September 17, 2002 as "U.S. Constitution Day" in Cumberland County.

CUMBERLAND COUNTY **NORTH CAROLINA**
PROCLAMATION

WHEREAS, as a result of the revolutionary war that was fought to free the citizens of the United States of America from a tyrannical and oppressive government; and the attempt of these citizens to form a new government that respected the people as a sole source of all governmental power, the need for a written document to limit the strength of government and secure to the people, the right to govern themselves was recognized; and

WHEREAS, the U.S. Constitution was adopted in a Constitutional Convention on the 17th of September 1787, and thus became the supreme law of the United States of America in order to secure and guarantee the rights of all free citizens of the United States of America; and

WHEREAS, the U.S. Constitution stands today as the oldest written document, of its kind, in the history of all mankind, as a result of the efforts of, and a great cost to, the patriots that founded our great nation, the United States of America; and

WHEREAS, September 17th is designated as U.S. Constitution Day, and September 15-21, 2002 is designated as U.S. Constitution Week throughout the United States of America.

NOW THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners hereby declare the official observance of September 17th as **U.S. Constitution Day**, and September 15-21, 2002 as **U.S. Constitution Week**, in humble respect for the patriots from our past that gave their all so that their fellow citizens, and those yet unborn in our nation, shall remain free in perpetuity to enjoy the rights of Life, Liberty and the Pursuit of Happiness.

K. Approval of Proclamation Proclaiming September 21, 2002 as "Big Sweep Day" in Cumberland County.

BACKGROUND: Kay Bullard, Cumberland Soil and Water Conservation District has requested that the Board of Commissioners proclaim September 21, 2002 as "Big Sweep Day" in Cumberland County.

ACTION: Proclaim September 21, 2002 as "Big Sweep Day" in Cumberland County.

CUMBERLAND COUNTY **NORTH CAROLINA**
PROCLAMATION

WHEREAS, Cumberland County is rich in natural resources and beauty; and

WHEREAS, water is a basic and essential need for all life; and

WHEREAS, trash fouls our waterways as well as our landscapes; and

WHEREAS, every citizen should contribute to keeping our environment clean and healthy by working together to preserve clean water and the natural beauty of our surroundings; and

WHEREAS, North Carolina Big Sweep is a statewide community effort to retrieve trash from North Carolina's waterways and landscapes.

NOW THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners does hereby proclaim September 21, 2002 as Cumberland County Big Sweep Day in Cumberland County, and further hereby urges every citizen to do his or her part to restore the beauty and function of our lakes and streams by volunteering to participate in the Big Sweep event.

L. Budget Revisions

(1) NORCRESS Project

Revision in the amount of \$46,000 to increase the co-sponsor amount from the Cumberland County Board of Education to fund the cost of running its lift station through the NORCRESS Project and to approve the associated Capital Project Ordinance. (B03-077) **Funding Source – Cumberland County Schools.**

(2) Planning Grant

Revision to change the Planning Grant organization number from 4502 to 4503 to eliminate problems associated with duplicate use of organization numbers in both the General Fund and Fund 451. (B03-078 and B03-078A) **Funding Source – Reallocation of Budgeted Revenue and Expenditures.**

(3) Elderly and Handicapped Transportation

Revision to close organization 4573 and to reallocate existing revenue and expenditure budget to two newly created organizations within Fund 454. The objective is to separate funding sources and programs into separate organizations to provide for better accountability. (B03-082 through B03-082B) **Funding Source – Reallocation of Budgeted Expenditures and Revenues.**

(4) Community Transportation Program/General Government

Revision in the amount of \$2,100 to budget technology grant (\$1,890) from the NC Community Transportation Program and the required local match of \$210. (B03-083 and B03-083A) **Funding Source – State Grant and County Fund Balance.**

M. Consideration of a Proclamation to Celebrate the American Character.

BACKGROUND: Fayetteville State University has asked that the Board of Commissioners proclaim the period of September 6-14, 2002 as “American Character Week” in Cumberland County.

ACTION: Adopt the Proclamation.

CUMBERLAND COUNTY

NORTH CAROLINA

PROCLAMATION

WHEREAS, September 11, 2002 will be the first anniversary of unprecedented terrorist attacks resulting in a momentous loss of life and property; and

WHEREAS, the terrorists hoped to bring Americans to their knees. Instead, they brought Americans to their feet. The terrorists hoped to demoralize and intimidate Americans and undermine their way of life. Instead, Americans became more resolute in their commitment to cherished democratic and humanitarian principles that form the moral foundation of this nation; and

WHEREAS, this anniversary of tragedy is also an anniversary of triumph, a triumph of character – courage over cowardice, kindness over cruelty, service over selfishness, responsibility over indifference, love over hate, hope over fear and freedom over repression; and

WHEREAS, we should demonstrate our respect for the victims of this terrible day by commemorating the lives lost and damaged, but we should also honor and celebrate the

countless acts of courage, compassion, loyalty, responsibility and other qualities that represent the best in human nature and the American character; and

WHEREAS, we should remember September 11th not only as a day of great misfortune, but as a reminder of the great fortune we possess in the character of our people and in living in a country where character counts; and

WHEREAS, it should be a day of reflection and education involving activities that strengthen appreciation of and dedication to the core ethical values that constitute the pillars of the American character, such as trustworthiness, respect, responsibility, fairness, caring and good citizenship; and

WHEREAS, it should also be a day of action devoted to community service, an element of good citizenship and an expression of good character. Community service improves neighborhoods, eases suffering and reduces injustice while enhancing the lives and strengthening the characters of those who render it; and

WHEREAS, community service is also a matter of national policy expressed in President George W. Bush's call for all Americans to give at least 4,000 hours of service and in The Spirit of America Act seeking to assure that the lives lost on September 11th are commemorated by acts of volunteer service.

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners do hereby proclaim the period commencing September 6, 2002, and ending September 14, 2002 as "**AMERICAN CHARACTER WEEK**" and calls upon schools, youth organizations, community groups and government agencies to use this period to:

1. Discuss and study the lives of Americans of extraordinary character.
2. Recognize local individuals who have in the past year demonstrated the highest qualities of the American character.
3. Teach young people about and encourage them to consider careers in public service.
4. Provide service-learning opportunities to young people, including at least one hour of service during this period, as a first step in a commitment to a life of regular community service.

B. Approval of Renewal of Time Warner Cablevision Franchise.

BACKGROUND: At the June 17, 2002 meeting, the Board considered a renewal of a cablevision franchise with Time Warner (actually, with Time Warner Entertainment – Advance/Newhouse Partnership, a joint venture controlled by Time Warner). This process actually began in 1995 and is controlled by federal law. That federal law requires the County to negotiate with its existing cablevision franchisee and gives a decided preference to that existing franchisee. The County joined with the City of Fayetteville, Fort Bragg and Pope A.F.B. to form a consortium to negotiate jointly with the company. It is contemplated that the company will enter into substantially identical franchise agreements with those other jurisdictions, tailored slightly to meet the individual circumstances of each, especially as to system extensions.

The proposed franchise agreement would renew Time Warner's franchise for 10 years, through August 31, 2012 [because of the delay since first reading, the effective date has moved from July 1 to September 1]. The company's existing franchise actually expired in mid-2000 and was extended by the Board of Commissioners through September 13, 2001 to match the expiration of the City's franchise. It has continued in force on a "carry-over" basis since then. The franchise is non-exclusive, but it does require the Board to impose similar requirements on any additional entity that the Board franchised. Thus, the Board could not grant an "overbuild" franchise on preferential terms to another entity.

The company will pay a franchise fee of 5% of gross revenues on covered cable services (but not on, for instance, any telephone or Internet service).

The agreement continues the company's commitment to serve all areas in the county with an average of 20 homes per mile. It will work in new subdivisions of that density to put service extensions in place during subdivision construction. Subscribers can also elect to pay for service extensions on a formula set forth in the agreement.

The company offers parental control devices and procedures, and the County can in writing request the company annually to send a reminder to customers regarding the availability of such parental control measures.

During the period of renewal negotiations, the company upgraded its system to at least a 750 MHz bandwidth system, using a combination of cable and fiber-optic lines running out from nodes. It offers over 200 analog and digital channels, is interactive and addressable, and gives customers the option of renting digital converters. While Time Warner has rolled out its RoadRunner Internet service, the FCC recently held that such Internet services are not subject to local government regulation because they are not cable services. There has been an apparent significant decline in complaints about cable service, customer service, and outages.

The agreement provides a process for the parties to periodically review and evaluate service at the five-year point.

The company will provide a free cable drop with basic service to Public Buildings within 150 feet of the closest usable point on the cable system. It will continue the Public/Educational/Government access channel and provide on request an additional channel for closed circuit training purposes and an additional channel solely for educational purposes. The company will continue to provide the local access studio. It will contribute \$250,000 to a PEG Access Capital Fund for use after the various consortium jurisdictions jointly submit an Access Plan to the company. In addition to continuing to operate the local access studio, it will contribute up to \$100,000 annually through December 31, 2008 towards replacement of existing studio facilities and equipment. It will also start a fund after adoption of the ordinance of up to \$0.3 per subscriber per month for continuing studio equipment replacement.

The company has agreed to name the County as an additional insured on its insurance policies covering its franchised cable system operations.

The company will make available up to six MHz downstream and 3MHz upstream return for the consortium's use as part of an institutional network. Since any county institutional network would probably be either Internet or PWC fiber-optic based, the advantage of the bandwidth is as an additional, redundant transmission path and access path to the Internet.

ACTION: Approve the renewal of Time Warner cablevision franchise for a ten-year period beginning September 1, 2002.

Commissioner King asked if the 5% franchise fee was a flexible amount.

Grainger Barrett advised the 5% franchise fee is the maximum allowable fee allowed by law.

D. Approval of Sale of Surplus-County Owned Real Property Acquired by Tax Foreclosure – Lot 109, Section Two, Pleasant View.

BACKGROUND: In 1991, the County acquired by tax foreclosure the above property located in Cross Creek Township. The amount currently owed on the foreclosure judgment including interest and costs is \$6,406.47. The City zoning setbacks on this irregularly-shaped parcel, however, result in a reduced, triangularly shaped buildable area. The current revaluation of this property will reduce the value to \$31,695.00.

This property is surplus to the needs of the County, and according to N.C.G.S. 153A-176, the County has the authority to sell such property. Management has reviewed this offer and it is now being submitted to the Board for it to consider whether or not to accept Mr. Cain's and Mr. Goodrich's bid. The property has been advertised and the County Attorney's office has not received any upset bids. The bid period is now closed.

ACTION: Accept the offer of Mr. Cain and Mr. Goodrich to purchase the above property for the sum of \$6,500.00, plus costs and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

Commissioner King asked why the tax value for this property was reduced.

Grainger Barrett advised that the reduced value of \$31,695.00 will be the revaluation value. The reduction in value is due to the set back. The property is in the City of Fayetteville zoning area. The buildable area is circumscribed. This is the reason for the adjustment in the value.

Commissioner King noted he would like the Board to give some thought to a policy concerning the sale of foreclosed properties.

MOTION: Commissioner King moved to follow staff recommendations on items 1B and 1D.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

ITEMS OF BUSINESS

2. Presentation by Don Freeman on Status of Drought Conditions in Cumberland County.

BACKGROUND: As a result of the continuing drought, the County Manager requested that Mr. Freeman provide a report to the Board to include information on groundwater levels as well as the Cape Fear River. Also speaking on the topic are Mr. Sydney Miller and Mr. Nat Wilson of the North Carolina Division of Water Resources.

ACTION: No action needed.

Mr. Don Freeman, Mr. Sydney Miller and Mr. Nat Wilson addressed the Board.

Mr. Freeman advised the Cape Fear River system is the largest and most industrialized river system in our state and has tributaries in 29 of our 100 counties. Fayetteville is included in the area served by the system.

The Cape Fear River Assembly was founded in 1973 and includes a 34-member board of directors including those from environmental and conservation organizations, academia, small business and industry, government (local, state and federal) and the general public. The mission of the Cape Fear River Assembly is to provide for the highest quality of life possible for the residents of the Cape Fear River Basin, through the property management of the Cape Fear River, its tributaries, and adjacent land uses.

He noted the CFRA has comprehensive monitoring of 111 water quality monitoring stations. Mr. Freeman advised that 44 monitoring stations are in the upper portion of the basin, 32 are in the middle and 35 in the lower basin.

Mr. Freeman noted the drought situation that has been on-going for four years. He advised of the amount of decline in the flow at Lillington and the upper Cape Fear Aquifer.

Mr. Sid Miller showed the drought areas on a state map for the Board. He also reviewed stream flows and noted that since 1998 the state has been below normal stream flows. He noted the Jordan Lake releases and advised it had been dropped incrementally over a period of time. Water quality is monitored weekly. He also advised that the target of 200 cubic feet per second, or cfs at Lillington must be maintained in order to prevent salt water intrusion further downstream.

Lake levels are dropping but there have been decreases in the amount of level drops since June. This is due to conservation actions. It is projected that lake levels will continue to drop. The Governor has ordered the mandatory water restrictions. Cumberland County has responded well to restrictions.

Mr. Miller advised the outlook on the drought is grim. He suggested that the state will have another 2-3 years of drought conditions. The most important concern is what will happen next summer if the state does not get a good amount of rain this winter and next spring.

Mr. Nat Wilson advised that the Division of Water Resources had selected 42 wells throughout the state to track ground water levels. He gave the results from the monitoring of some of those wells. Three-fourths of the wells were below levels in all historical months. Some of the wells were between the average and minimum levels. A few of the wells were above the average level.

Mr. Wilson reviewed the minimum ground water levels of record for 2000, 2001 and 2002. He noted 21 out of 42 wells that were monitored have reached new minimum levels for these years. He also reviewed average rainfall for Cumberland County and noted the amounts that are lost to evaporation, transpiration and the amount that goes into ground water.

Mr. Wilson noted more resources are needed in order to get a better handle on the drought and to have needed additional well monitoring in the County.

Commissioner Warren asked Mr. Freeman to address the Cary water issue.

Mr. Freeman stated the EMC must vote on allocation decisions with regard to Jordan Lake. The EMC members must be aware of the significance of its decisions.

Mick Noland of PWC addressed the board. He advised that Jordan Lake had picked up three feet since the recent rain and was now below normal levels by three feet rather than six feet. There is water behind Jordan Lake that will be available if needed. Until Jordan Lake is at normal levels, we will need to continue work on conservation. He advised he is working with the drought task force. Cumberland County is doing well in this drought situation.

No action taken.

3. Consideration of Funding the Economic Development Council.

BACKGROUND: Based on the discussion at the August 26, 2002 Joint Meeting of the Cumberland County Board of Commissioners and the Fayetteville City Council, it was determined that funding would be discussed at the September 3, 2002 Board meeting.

Following the presentation of the FY03 economic development plan, several questions/issues have arisen, which are summarized below:

- Infrastructure (Water and Sewer) needs
- Consolidation of services (more one-stop shops)
- Economic development cannot be entirely funded from property taxes
- Need to begin the process for acquiring an industrial site near I-95 North
- Need to clarify and agree upon the benchmark process to be used by MetroVisions to gauge the future success of our economic development activities

While these issues are not definitively addressed in the current document, the County Manager believes there must be agreement to make each of them a part of the overall economic development activities for this year and beyond.

The additional funding requested from the County and City for FY03 was \$368,742 for a twelve (12) month period. Management from the City and County met on August 29, 2002 with representatives of the Economic Development Council to discuss the funding required for the months remaining in this fiscal year.

The Proposed City and County Funding Analysis reflects the collective agreement of additional funds required from now through June 30, 2003, in the amount of \$260,142. Of this amount, the County Manager recommends that the county fund an additional \$101,200. Richard Parks, CEO of the Cape Fear Valley Health System has agreed the health system will provide these funds to the county for the specific purpose of promoting economic development in this community.

ACTION:

1. Approve the FY03 Economic Development Plan as presented by the Economic Development Council on August 26, 2002 with the addition of the issues listed above.
2. Increase the FY03 budget for economic development in the amount of \$101,200 from funds to be provided by the county health system for a total economic development budget of \$363,110.
3. Allocate funding to agencies as noted below in the total amount of \$363,110:
 - FAEDC Business Development - \$200,000
 - DDC Business Development Renaissance Plan - \$39,360
 - Women's Center Business Development - \$10,250
 - CVB Public Relations Good News Bureau - \$75,000
 - Chamber Metro Visions - \$38,500
4. Disburse funds to agencies on a quarterly basis.

Commissioner Henley stated it was very important to support this plan and the associated funding. He noted this funding would need to be continued in the future.

MOTION: Commissioner Henley moved to approved the recommendations of Management and that the County should receive a progress report from the Economic Development Council in March each year.
SECOND: Commissioner King
VOTE: UNANIMOUS

4. Consideration of Facilities Committee Report and Recommendations:

A. Washington Drive School Property

BACKGROUND: The Facilities Committee recommends leasing the metal building left at the former Washington Drive Elementary School property to Moses Mathis, effective September 1, 2002, to operate a bicycle repair and workshop on said premises for the benefit of underprivileged children and families in poverty of Cumberland County, on condition that he provide insurance to protect the County that is satisfactory to the County Risk Manager. The Facilities Committee also recommends deeding the five acre parcel not currently leased to Employment Source, Inc. to the MLK Committee, in conditional escrow, with MLK Committee Attorney Ronnie Mitchell to hold a deed in escrow on condition that it be delivered effective September 1, 2005.

ACTION: Approve the lease with Moses Mathis for a bicycle repair shop at the metal building on the former Washington Drive Elementary School Property for a three-year term effective September 1, 2002, and conveyance of the five acre parcel to the Fayetteville/Cumberland County Dr. Martin L. King, Jr. Committee in conditional escrow, with MLK Committee Attorney Ronnie Mitchell to hold a deed in escrow on condition that it be delivered effective September 1, 2005 and authorize the Chairman to execute and the Clerk to the Board to acknowledge an appropriate lease and deed in a form satisfactory to the County Manager and County Attorney.

MOTION: Commissioner King offered a motion to approve the staff recommendation with a change on page 5 (Item #19) of the lease to read sixty (60) days instead of thirty (30).
SECOND: Commissioner Council

DISCUSSION: Commissioner Warren noted the Facilities Committee had discussed this matter in great detail and unanimously recommended approval. Commissioner Henley asked if the work done by Mr. Mathis was solely for a charitable use.

Mr. Barrett advised that it was.

VOTE: UNANIMOUS

5. Nominations to Boards and Committees

A. Adult Care Home Community Advisory Committee (3 Vacancies)

Nominees: Jacqueline Fowler
Qwanderlyn Goodson
Dianne L. Noel

B. Workforce Development Board (1 Vacancy)

Nominee: Patricia Tyson

6. Appointments to Boards and Committees

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

Nominee: Lloyd C. Brisson

B. Community Child Protection/Fatality Prevention Team (2 Vacancies)

Nominees: EMS Provider or Firefighter Position: Katie Talk
At-Large Position: Dr. David Smith

MOTION: Commissioner Council moved to appoint Lloyd C. Brisson, Katie Talk and Dr. David Smith.

SECOND: Commissioner King

VOTE: UNANIMOUS

Meeting Recessed to Convene the Meeting of the NORGRESS Water & Sewer district Governing Board.

Commissioners Meeting reconvened.

7. **CLOSED SESSION:** A. **Economic Development Matter**
B. **Litigation – Weslowski vs. Danny Soles and Arthur Swann**

MOTION: Commissioner Baggett moved to go into Closed Session for an Economic Development matter and Litigation matter (Weslowski vs. Danny Soles and Arthur Swann).

SECOND: Commissioner King

VOTE: UNANIMOUS

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

SECOND: Commissioner Warren

VOTE: UNANIMOUS

MEETING ADJOURNED: 11:47 AM

Deputy Clerk to the Board