

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
APRIL 7, 2003, 9:00AM  
REGULAR MEETING

PRESENT: Chairman Talmage S. Baggett, Jr.  
Vice Chairman Jeannette Council  
Commissioner Breeden Blackwell  
Commissioner Kenneth Edge  
Commissioner John Henley  
Commissioner Billy King  
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

INVOCATION: Vice Chairman Jeannette Council  
Rev. David L. Morrison, Sr. – St. Luke AME Church

PLEDGE OF ALLEGIANCE

Amendments to Agenda:

Remove Items 3G1 and G2 from Consent Agenda to be voted on separately.  
Add: Closed Session for Economic Development Matter

MOTION: Commissioner Blackwell moved to approve the above  
amendments to the Agenda.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

1. PUBLIC HEARING

- A. Public Hearing on the FY2004 Rural Operating Assistance  
Program (ROAP) Grant Application

BACKGROUND: The Board of Commissioners must hold a public hearing to  
receive comments on the local disbursement of ROAP funds.

Chairman Baggett inquired if there was any money available to transport  
veterans from out of county to the Veterans Hospital here. It was noted that  
NCDOT is working on a cross-county transit program; however, the funds  
would not come out of the ROAP.

SPEAKERS: None

MOTION: Commissioner Blackwell moved to approve the application.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

2. Presentations

- A. Lynne Greene – Economic Development Council

Ms. Greene presented the 2002-03 Economic Development plan for Greater  
Fayetteville Indicators of Success.

No action needed.

- B. Billy Wellons – Chairman, Tourism Development Authority

Mr. Wellons reported on the first year's work of the Authority.

No action needed.

C. Bob White – Senior Call to Action Team (SCAT)

Mr. White's Team asked the Board to support their plans for a One-Stop Senior Enrichment Center. Location of the Center would be Mazarack Park. Approximate Cost: \$5 million. A meeting will be held on April 23, 2003, 10:30AM in the Pate Room at the Headquarters Library to discuss the One-Stop Center. The commissioners were invited to attend.

No action needed.

3. Consent Agenda

MOTION: Commissioner Council moved to follow staff recommendations on the items on the Consent Agenda, except G1 & G2, which will be voted on separately.

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

- A. Approval of Minutes: March 17, 2003 (Special & Regular meetings)

ACTION: Approve

- B. Approval of proposed additions to the State Secondary Road System

Farrington Subdivision: Grassy Branch Drive, Umstead Road

ACTION: Approve

- C. Approval of lease and franchise agreement between Cumberland County and Steel Magnolias, Inc. for concessions at Arnette Park

ACTION: Approve

- D. Approval of municipal agreement with NC Department of Transportation for road improvements in the Cedar Creek Business Center

BACKGROUND: The NC Board of Transportation approved funding a portion of the construction of road improvements in the Cedar Creek Business Center in the amount of \$400,000. Under the terms of the agreement, the County will construct the road in accordance with NCDOT standard specifications and upon completion and acceptance of the work, the road will be added to the State Highway System for maintenance. The County will be obligated to pay for all costs of construction in excess of \$400,000.

ACTION: Approve agreement.

- E. Approval of a resolution regarding the Robeson County – Cumberland County boundary determination

ACTION: Adopt resolution ratifying the location of the boundary between Robeson and Cumberland Counties, as shown on the plat of survey dated June 26, 2002 by Hobbs Upchurch & Associates, P.A., entitled "Re-survey of a portion of the Cumberland/Robeson County Line North Carolina."

RESOLUTION

WHEREAS, the Board of Commissioners previously appointed the Tax Administrator a Special Commissioner pursuant to G.S. 153A-18 to determine and confirm the boundary line between Cumberland County and Robeson County; and

WHEREAS, the Special Commissioner has received a map survey dated June 26, 2002, by Hobbs Upchurch & Associates, PA. entitled "Re-survey of a portion of the Cumberland/Robeson County Line NC"; and

WHEREAS, the Board of Commissioners desires pursuant to G.S. 153A-18(a) to ratify said map of survey;

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that it ratifies that map of survey of a portion of the boundary between Cumberland County and Robeson County, between Rockfish Creek and Colecamp Branch as set forth and shown on that map of survey dated June 26, 2002 by Hobbs Upchurch & Associates, PA, entitled "Re-survey of a portion of the Cumberland/Robeson County Line North Carolina"; and be it further

RESOLVED, that said map of survey shall be recorded in the Cumberland County Registry, and as so recorded shall contain a reference by this Board of Commissioners and the Robeson County Board of Commissioners to the page in the minutes of those two respective boards where the resolution may be found.

ACTION: Approve resolution.

- F. Approval of sale of surplus county-owned real property acquired by tax foreclosure – one acre – W.D. McLaurin Land, PIN 0547-39-3120

BACKGROUND: The County foreclosed on this property in 2002. The amount currently owed including interest and costs is \$5,829.94. James Page has offered to purchase the County's interest in the property for \$5,829.94 and has deposited \$583.00 in the Finance Office. The tax value of the property is \$45,310. The property is surplus to the needs of the County and no upset bid has been received.

ACTION: Accept the offer from Mr. Page in the amount of \$5,829.94, plus costs and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- G. Approval of actions regarding Sales Tax Distribution Method

- (1) Approval of a resolution adopting the Ad Valorem Tax Method of Local Option Sales Tax Distribution as authorized by General Statute 105-472(b)(2).

BACKGROUND: The Board of Commissioners adopted a resolution on March 17, 2003 adopting the ad valorem tax method of distribution of local option sales tax proceeds.

ACTION: Ratify adoption of Resolution.

Commissioner King inquired if the county was going to respond to a letter from the City regarding its offer of up to \$800,000 to compensate the County for annexation for next fiscal year, if the county does not change the sales tax formula.

Commissioner Henley said he believed the county should reconsider the action taken at the March 17 meeting to change the method of distribution of sales tax from per capita to ad valorem. He said that by holding the small municipalities harmless, the county would only benefit \$1.3 million with the

ad valorem method. He noted it was difficult for the county to grow if we are fighting with the city and vice versa. He noted that even if we change the method of distribution now, at some point down the road, we will be back in the same situation we are now. He said the redistribution of sales tax from the County to the City will be continuing. He voiced concern that there would be less cooperation among the City of Fayetteville, PWC and the County if we change the formula. Commissioner Henley said he believed a formula could be worked out that would be satisfactory for all concerned, that would protect the County. He said it makes no sense to take the money and then give it back to them if we are going to realize only \$1.3 million.

**MOTION:** Commissioner Blackwell moved that contingent upon the City of Fayetteville honoring its March 31, 2003 resolution, the County delay the change in the sales tax distribution formula for a period of one year and we direct county management to meet with the municipalities through the Cumberland County Comprehensive Planning Group to develop a formula that would be mutually agreed upon by Fayetteville/Cumberland County and other municipalities that would insure that Cumberland County is not adversely affected by the loss of sales tax due to annexation by municipalities. In addition he moved that a mutually agreed upon formula must be developed and approved by all governing boards by December 31, 2003, and should this not occur the Cumberland County Board of Commissioners will notify all municipalities of its intent to change the sales tax distribution formula from population-based to ad valorem-based effective July 1, 2004. He further moved that should a municipality fail to honor such an agreement in the future, by action of its elected board, that the sales tax distribution formula be changed effective July 1 of the year the agreement is violated.

**SECOND:** Commissioner King

**DISCUSSION:** Commissioner Blackwell questioned why we would want to single out Fayetteville and that we would be sending a message to the public that we can't get along if we take this action. He said our citizens would suffer. He said the decision is not about just the money. He suggested there are broader issues, i.e., unified development plan, infrastructure issues, orderly annexation, etc. He noted concern about recruiting new businesses to the county when there appears to be a lack of unity among the communities and the county. Commissioner Blackwell also suggested that we form a county-wide commission made up of members from the county, municipalities and PWC to talk about issues such as urban planning, utility infrastructure, annexation in addition to talking about the sales tax formula. He suggested that management contact the noted entities to see if they would be interested in serving on such a committee. He said if the Board can't support a one year delay, perhaps we could delay action for two weeks to see what kind of feedback we get from this suggested county-wide commission. Chairman Baggett said he thought two weeks would not be enough time to make this happen. Commissioner King said we should ask ourselves if we are punishing the City of Fayetteville because of recent annexations. He said he did not understand why we could not wait another year. Commissioner Henley said the county has the money to do what it needs to do to include raises for employees. He said the money can be found. Chairman Baggett inquired of the County Attorney if the Board can delay this issue and vote on it at our April 22 meeting. The County Attorney responded yes.

**SUBSTITUTE**

**MOTION:** Chairman Baggett moved to delay the decision for two weeks, until the April 22, 2003 meeting, for further negotiations with the City of Fayetteville.

**SECOND:** Commissioner Blackwell

**DISCUSSION:** Commissioner Edge said the action to change the sales tax distribution formula is not being done to punish Fayetteville. He noted that

at a commissioners' planning retreat two years ago, Commissioner Henley brought up the issue about changing the formula. In February, 2002, the Board discussed the issue at its Planning Retreat. This was the same day we all found out that the state was cutting reimbursements. The Board of Commissioners decided it did not want to take any action on changing the formula at that time. The Chairman of the Board met with the mayors and managers of the municipalities in the county to tell them we would put off any action to change the formula for a year. In a joint meeting with the City Council at Holiday Inn Bordeaux, the Mayor noted he believed the County would change the formula and requested that the county do it in steps over a three year period. Commissioner Edge noted the layoffs the county faced two years ago. He asked the question "what is cooperation"; is it only what the city has proposed? He noted the Board of Commissioners has a responsibility to all of the citizens and he did not think a two week delay would change anything. Commissioner Council inquired of the Manager if anything had changed as far as the county's revenue predictions are concerned. The Manager indicated nothing has really changed, except that the estimates may be too high. Commissioner Warren inquired if the projected deficit for FY04 is still \$4.6 million. The Manager indicated the deficit could be as much as \$5.5 million. He said there would be no gain in property tax revenues from revaluation based on the Board's discussions of a revenue neutral budget. The Manager noted the \$5.5 million projected budget is a figure that does not yet include any increased budget requests from departments for FY04.

VOTE: FAVOR: Commissioners Henley, Blackwell, Baggett, King

OPPOSED: Commissioners Edge, Council and Warren

(2) Approval of amended recommendation regarding municipal grants

ACTION: The County Manager recommends amending his recommendation regarding other municipalities (Spring Lake, Stedman, Wade, Godwin, Falcon and Linden and Hope Mills) as follows:

"Provide a hold harmless grant to other municipalities to cover the projected loss from a move to the Ad Valorem Method of Distribution."

The result of this change would be to reimburse these small municipalities \$1,202,028 for FY04 and \$1,602,704 in FY05.

The other provisions as adopted by the Board on March 17, 2003 remain unchanged.

No action needed on this matter because of the delay in the above item.

H. Scheduling a public hearing and consideration of a resolution of intent to close a portion of Knox Street

BACKGROUND: Property owners adjacent to both sides of Knox Street have petitioned that the portion of Knox Street between Ladley Street and Sandy Valley Road in Peace's Mill Township be closed. The Department of Transportation confirms that Knox Street is not a State maintained road and has no objection to the abandonment. The Fire Marshal and Planning Department also do not object.

ACTION: Adopt Resolution

RESOLUTION OF INTENT TO CLOSE PUBLIC ROAD AND  
CALL FOR PUBLIC HEARING ON THE QUESTION

WHEREAS, Robert A. Smith thru Jeff Chapman, Eugene W. Melton and Mark Norton have submitted a petition to the Cumberland County Board of

Commissioners to close a portion of Knox Street in Pearce's Mill Township, Cumberland County; and

WHEREAS, it appears that such public street is not under the control of the NC Department of Transportation; that no person would be deprived of reasonable means of ingress and egress to his/her property by such closing; and that such closing would therefore not be contrary to the public interest;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Cumberland County, North Carolina, will consider the issue of whether to close the following public street in accordance with NC General Statutes, Section 153A-241:

*"That part of Knox Street as is shown on a map of South Lawn Development in Plat Book 11, Page 27, in Cumberland County Registry and located between the Northwest boundary of the right of way of Ladley Street and the Northeast boundary of the right of way of Sandy Valley Road as shown on said plat".*

AND BE IT FURTHER RESOLVED, that the said Board calls for and shall hold a public hearing on the question of the closing of such street on the 19<sup>th</sup> day of May, 2003, at 7:00PM in the Commissioners' Meeting Room (room 118) first floor, Cumberland County Courthouse, 117 Dick Street, Fayetteville, North Carolina. The Board shall hear all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual's property rights.

AND BE IT FURTHER DIRECTED that notice of consideration of whether to close said street and of the public hearing on such matter shall be published one week for four successive weeks before the hearing in a newspaper of general circulation in Cumberland County; that such notice shall be prominently posted in at least two places along the street during that time; and that a copy of this resolution shall be sent by certified mail to each owner as shown on the county tax records of property adjoining the public road or easement who did not join in the request to have the road or easement closed.

- I. Consideration of a Resolution approving tax exempt financing by Pearce's Mill Fire Department for fire apparatus

ACTION: Adopt Resolution

#### RESOLUTION

The undersigned, being the duly qualified Clerk of Cumberland County, North Carolina, does hereby certify that the following is a true and accurate copy of a Resolution passed by the Board of Commissioners of Cumberland County, North Carolina, at its regular meeting on the 7<sup>th</sup> day of April, 2003, which Resolution was duly introduced, seconded and approved, and that said Resolution remains in full force and effect:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Cumberland County, North Carolina, does hereby approved (within the scope of the qualifying language set forth below) a tax-exempt loan to the Pearce's Mill Volunteer Fire Department (the "VFD") from First Citizens Bank and Trust Company in the principal amount of \$375,000 which loan is for the purchase by the VFD of a fire truck or fire trucks, and which fire truck(s) will be owned and operated by the VFD at 2998-A Gillespie Street, Fayetteville, North Carolina 28306.

RESOLVED, FURTHER that the approval of the loan to the VFD set forth above is given solely for purposes of the public approval requirements for tax-exempt financing applicable to the VFD because of Section 150(e)(3) and Section 147(f) of the Internal Revenue Code of 1986, as amended, and such

approval does not obligate the County or its Board of Commissioners in any way regarding repayment of the debt.

J. Approval of a Resolution to support full funding of state aid to public libraries and NC LIVE

BACKGROUND: The Library Board of Trustees approved a Resolution to seek support from the Commissioners for full funding of State Aid to Public Libraries and for NC LIVE, our state's electronic resources database.

ACTION: Approve Resolution

WHEREAS, the Cumberland County Public Library & Information Center supports children Kindergarten through 12<sup>th</sup> grade with additional books and electronic resources to support and supplement their educational progress in public, private, and home schools; and

WHEREAS, students and parents increasingly turn to their local public library for books and related resources after Normal school hours and on the weekends; and

WHEREAS, our local public library has served informally as a homework center for students for years, but the demand for this service has far exceeded local resources to accomplish this important task; and

WHEREAS, our local public library is unable to purchase the needed subject materials to support the educational needs of K-12 children; and

WHEREAS, increased funding will enable our local public library to provide multiple copies of classic titles, subject-related books and other materials to meet the growing demand for elementary and the secondary school success; and

WHEREAS, the Cumberland County Public Library & Information Center is now offering adults and children access to full-text magazine and journal articles, reference resources, newspapers, business and health resources through NC LIVE (NC Libraries for Virtual Education); and

WHEREAS, school children are increasingly turning to technology at home and their local public library to meet their information needs; and

WHEREAS, our local public library must ensure information literacy for all citizens and continue to reduce the "digital divide" by leveling the playing field and making resources that were formerly only available in wealthier urban areas accessible to people throughout the state; and

WHEREAS, maintaining funding of electronic resources through NC LIVE will enable our library to meet the growing demand by school children and adults for full-text credible and accurate information from within our library or remotely from their home computers; and

WHEREAS, other public libraries across the State of North Carolina are experiencing these same challenges.

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners asks the Cumberland County Legislators and the Governor to secure full funding of the electronic full-text resources of NC LIVE to maintain existing services.

K. Approval of a Proclamation proclaiming April 21-May 5, 2003 "Litter Sweep in Cumberland County"

BACKGROUND: The Governor has encouraged local governments to adopt proclamations.

## PROCLAMATION

WHEREAS, the NC Department of Transportation annually organizes a statewide spring roadside cleanup to ensure clean beautiful roads in North Carolina; and

WHEREAS, the Spring 2003 "Litter Sweep" cleanup will take place April 21 - May 5, 2003, and local governments, business, civic and professional groups, churches, schools and concerned individuals are encouraged to organize cleanups in their communities; and

WHEREAS, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid waste; and

WHEREAS, the "Litter Sweep" cleanup will be a part of educating the children of this great State and County regarding the importance of a clean environment to the quality of life in North Carolina; and

WHEREAS, the great natural beauty of our State and County and a clean environment are a source of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

WHEREAS, the 2003 Spring Cleanup will acknowledge the 15<sup>th</sup> anniversary of the NC Adopt-A-Highway program and its thousands of volunteers who labor throughout the year to keep our roadsides clean.

NOW, THEREFORE the Cumberland County Board of Commissioners hereby proclaims April 21 - May 5, 2003 "Litter Sweep" in Cumberland County and encourages all citizens to take an active role in making the County cleaner and more beautiful.

- L. Approval of a Proclamation proclaiming May 12-18, 2003, "Cumberland County Law Enforcement Officers' Week and May 14, 2003 as "Peace Officers Memorial Day"

ACTION: Adopt Proclamation

## PROCLAMATION

WHEREAS, Cumberland County recognizes the heroism of all law enforcement officers who have died in the line of duty - giving their lives to protect and serve the citizens of the County; and

WHEREAS, the Cumberland County Sheriff's Office has lost eleven officers in the line of duty; and

WHEREAS, a permanent memorial has been designated and erected in memory of all those fallen officers and placed on the grounds of the Cumberland County Courthouse and the Sheriff's Office.

NOW, THEREFORE, the Cumberland County Board of Commissioners hereby proclaims May 12-18, 2003 "Cumberland County Law Enforcement Officers' Week and May 14, 2003 "Peace Officers Memorial Day". With this proclamation, the Board encourages all citizens of Cumberland County to recognize the contributions of those who serve their community in potentially dangerous circumstances and the ultimate sacrifice by those who have given their lives protecting and serving this County.

- M. Budget Revisions

- (1) Soil & Water Conservation District/Soil & Water Cost Share – **B03-355&355A** – Amount: \$165 – move available funds from one organization to another within the District. Funding Source – Reallocation of budgeted expenditures
- (2) Mental Health – Developmentally Disabled Community Alternative Program – **B03-337** – Amount: \$12,000 – to budget additional Community Alternative Program funds to contract for case management services. Funding Source – Other
- (3) Social Services Building – **B03-352-352A** – Amount: \$3,056,462 to appropriate fund balance (\$512,745); to recognize additional interest income (\$1,984,226) and sales tax refunds (\$559,491) in order to reimburse the General Fund for upfront debt service interest payments. Funding Source – Appropriated Fund Balance, Interest Income, and Contractor Sales Tax
- (4) Juvenile Crime Prevention Council Programs – **B03-348** – Amount: \$1,434 to adjust the county budget to the revised state budget. Funding Source – State
- (5) Register of Deeds – **B03-343** – Amount: \$22,000 to budget additional Register of Deeds fees to fund additional Register of Deeds supplemental Retirement costs. Funding Source – Register of Deeds fees
- (6) Public School Building Capital Fund – **B03-344** – Amount: \$2,000,000 to appropriate County School fund balance to pay school debt service because the State did not include funding for the Public School Building Capital Fund in its FY2003 budget. Funding Source – County School Fund Balance appropriated
- (7) Senior Aides – **B03-354** – Amount: \$880 – to recognize additional Private Sector Initiative funding to pay for on the job training. Funding Source – Federal
- (8) Residential Group Homes – **B03-342** – Amount: \$1,911 – to adjust NC Juvenile Crime Prevention Council Residential Group Programs revenue and to reallocate budgeted expenditures. Funding Source – Reallocation of budgeted expenditures and State
- (9) Health
  - a. Healthy Carolinians – **B03-336** – Amount: \$7,500 – to budget additional state funding. Funding Source – State
  - b. Mosquito Control – **B03-345** – Amount: \$4,606 – to budget additional state funding. Funding source – State
  - c. Environmental Health/Childhood Lead Poisoning Prevention – **B03-346-347** – Amount - \$22,000 – to budget additional state funding and to reallocate budgeted expenditures to purchase a vehicle.

Funding Source – State and Reallocation of budgeted expenditures

- d. Bioterrorism Competitive Projects/Adult Health/Communicable Disease – **B03-349-349B** – Amount - \$39,600 – to establish a new Bioterrorism Competitive Projects organization and to reallocate expenditures between Adult Health and the Communicable Disease Clinics. Funding Source – State and Reallocation of budgeted expenditures

ACTION: Approve budget revisions

#### REGULAR AGENDA

4. Consideration of scheduling meetings with municipalities

BACKGROUND: The following meeting dates were proposed:

May 8, 2003, 6:00PM – Town of Hope Mills  
June 30, 2003, 6:00PM – Towns of Falcon, Godwin & Wade  
August 7, 2003, 6:00PM – Town of Spring Lake  
September 11, 2003, 6:00PM – City of Fayetteville  
September 30, 2003, 6:00PM – Town of Linden  
October 30, 2003, 6:00PM – Town of Stedman

The consensus of the Board was to approve all the meeting dates except the September 11 date for the City of Fayetteville meeting. The Clerk will contact with the City to come up with a satisfactory date for both entities. The Clerk will confirm the other dates with the other municipalities.

5. Nominations to Boards/Committees
  - A. Nursing Home Advisory Board (4 vacancies)

BACKGROUND: The following terms will expire in April and May:

Mary Dillon – completing initial term – eligible for reappointment  
Ruth Marie Rosser – completing initial term – eligible for reappointment  
Monica Barrett – completing initial term – eligible for reappointment  
Susan Swain – does not want to be reappointed.

Nominations: Mary Dillon (reappointment)  
Ruth Marie Rosser (reappointment)  
Monica Barrett (reappointment)  
Lora Watson (initial appointment – 1 year)

6. Reminder of Change of next meeting to April 22, 2003.

No action needed.

7. Closed Session – Economic Development

MOTION: Commissioner King moved to go into Closed Session for an Economic Development matter (NCGS 143-318.11(a)(4).

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

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

SECOND: Commissioner King

VOTE: UNANIMOUS

MEETING ADJOURNED: 11:35AM.

