

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MARCH 17, 2003, 7:00PM
REGULAR/REZONING MEETING

PRESENT: Chairman Talmage Baggett, Jr.
Vice Chairman Jeannette Council
Commissioner Breeden Blackwell
Commissioner Kenneth Edge
Commissioner John Henley
Commissioner Billy R. 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
Tom Lloyd, Planning Department
Marsha Fogle, Clerk to the Board

INVOCATION: Commissioner Billy R. King
PLEDGE OF ALLEGIANCE: Vernesha M. Williams, 1st grade,
Warrenwood Elementary School

Ex-officio Student: Marcus Mack, Senior, E.E. Smith High School

RECOGNITION: Retired County Employee: Phyllis Rhodes – DSS
Outgoing Committee Member: Mayra Fuentes, Juvenile Crime
Prevention Council

Commissioner Warren reminded the Commissioners about the Dogwood Festival that will be held April 25-27, 2003.

Amendments to Agenda:

Add: Adoption of a Resolution supporting Fayetteville State University's Commitment Day on March 25, 2003.

MOTION: Commissioner Blackwell moved to add to the Consent agenda.
SECOND: Chairman Baggett
VOTE: UNANIMOUS

Add: Adoption of a Resolution in support of Sanitation Workers.

MOTION: Commissioner Warren moved to add to the Consent agenda.
SECOND: Commissioner King
VOTE: UNANIMOUS

1. PUBLIC HEARINGS

Uncontested Cases:

Upon finding the requests to be reasonable, neither arbitrary or unduly discriminatory, and in the public interest, the following motion was offered for the Uncontested Cases:

MOTION: Commissioner Edge moved to follow the Planning Board recommendations on the uncontested cases.
SECOND: Commissioner King
VOTE: UNANIMOUS

- A. Case P03-13: The rezoning of 7.0 acres from M(P)/CUO to C(P) or a more restrictive zoning district, at 2100 Clinton Road, owned by Sundust, LLC

The Planning Board recommends approval of C(P).

- B. Case P03-14: The rezoning of .39 acres from R10 to C1 or a more restrictive zoning district, at 3713 and 3701 Cumberland Road, owned by Brian V. and Wendy V. Barber

The Planning Board recommends approval.

- C. Case P03-19: The rezoning of 2.1 acres from A1 to RR or a more restrictive zoning district, on the south side of Faircloth Bridge Road, between Lina and Hallina Drives, owned by Bronson Matthews

The Planning Board recommends denial of RR and Approval of R40A.

Contested Cases:

- D. Case P03-17: The rezoning of .70 acres from A1 to RR or a more restrictive zoning district at 7220 Butler Nursery Road, owned by Clay and Claire Hodge

The Planning Board recommends denial of the request.

Mr. Tom Lloyd noted that the concern of the Planning Staff and Planning Board was a density issue, rather than a use issue.

Speakers:

1. Clay Hodge – Mr. Hodge said he wanted to place one more mobile home on the property. He noted that the Health Department would have to determine if an additional septic tank would be needed.

MOTION: Commissioner King moved to deny the rezoning.

SECOND: Commissioner Council

VOTE: FAVOR: Commissioners King, Council, Baggett, Warren, Edge
OPPOSED: Commissioners Henley and Blackwell

Conditional Use Overlay Cases

- E. Case P03-11: Revision of a Conditional Use Overlay Permit to allow a sewing business on .66 acres in an R6A/CUO District at 106 and 108 Hopedale Street, owned by James and Oksun King

The Planning Board recommends approval of the Overlay Permit with the following condition:

- all setbacks of the C1 Local Business District must be compiled with now and in the event of future expansion.

MOTION: Commissioner Blackwell moved that the revision Conditional Use Overlay Permit be approved, with the above noted condition, based on the findings that the proposal will not materially endanger the public health and safety; will not substantially injure the value of adjoining or abutting property; will be in harmony with the area in which it is to be located, and will be in conformity with the 2010 Land Use and Thoroughfare Plans.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

- F. P03-16: Conditional Use Overlay District and Permit to allow a residence and parking for 4 trucks and equipment on 2.0 acres in an A1 District, at 2407 Smith Road, owned by James Nabors, Jr.

The Planning Board recommends approval of the Overlay District and Permit with the following conditions:

- a solid fence site-obscuring buffer be added to surround the business;
- the maximum number of reels allowed as outside storage shall be 20; and
- a maximum of four vehicles shall be allowed to be parked on the property at one time.

MOTION: Commissioner Blackwell moved that the Board finds that this conditional use district overlay application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that it be approved.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

MOTION: Commissioner Blackwell moved that the Board finds that this conditional use district overlay permit application, if completed as proposed, with conditions as noted above, will not materially endanger the public health and safety, will not substantially injure the value of adjoining or abutting property, will be in harmony with the area in which it is to be located and will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners, and that it be approved.

SECOND: Commissioner Council

VOTE: UNANIMOUS

Other Planning Matters

- G. Case P03-27: Zoning Ordinance Amendment to place restrictions on Manufactured Homes built prior to July 1, 1976

BACKGROUND: The Cumberland County Joint Planning Board recommends that the Board of Commissioners adopt an amendment to the ordinance which requires manufactured homes locating in Cumberland County's jurisdiction be constructed after July 1, 1976 (the current industry standard). It also recommends that pre-1976 homes already properly set up within the jurisdiction be allowed to relocate within the county for one year. During this year, the Planning Department will track permits for movement of pre-1976 homes and provide this information to the Planning Board to consider any hardship situations that support allowing pre-1976 homes to continue to be moved in specific cases. Should the Planning Board find that no valid pattern of hardship exists, no pre-1976 manufactured homes will be allowed to move within the County after the one-year anniversary date of adoption of the amendment.

Proposed Amendment: *5.31.1. Manufactured Homes Must be Constructed After July 1, 1976.*

"Manufactured homes, placed, erected or located on any parcel or lot must have been constructed after July 1, 1976 and meet or exceed the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction. A manufactured home built before July 1, 1976 that was already properly set up within Cumberland County may be moved within the County's jurisdiction for a period of one year follow the adoption of this amendment providing all permits are obtained for set-up. A pre-1976 manufactured home is further defined in this ordinance as a Class C manufactured home."

For purposes of this section, "properly set up" means (1) in actual use for residential purposes; (2) lawfully connected to electricity, water and sewer or septic service; (3) in compliance with the minimum housing code; and (4) listed for property taxes and having property taxes paid as of the most recent listing period and property tax year, respectively.

Speakers:

John Wellons, Jr. – Mr. Wellons owns to mobile home parks. Many of the homes are older than 1976. Concerned what people will do if they should have to move out of his park. Also concerned about what he will do with the homes if they are abandoned.

Jerry Olsen – Planning Board member. Mr. Olsen noted that the County's Solid Waste Department will take the homes, minus furniture, etc., at a cost of approximately \$175, depending on tonnage cost. Mr. Olsen also noted that during this first year the ordinance is in effect, the Planning/Inspections Department will be documenting the reasons people are moving the homes to determine if there should be some exceptions to the ordinance.

MOTION: Commissioner Blackwell moved to adopt the amendment.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

- H. Consideration of a Resolution approving an updated memorandum of understanding (MOU) for Transportation planning for the Fayetteville Urbanized Area

BACKGROUND: Following each decennial census, The Bureau of the Census adjusts the Urbanized Area Boundaries nationwide. Based on data collected in 2000, the Fayetteville Urbanized Area Boundary has moved west and now includes a portion of Hoke County. Because of this change, we are required to update the MOU and include Hoke County as a partner in the transportation process.

ACTION: Approve the MOU and authorize the Chairman to sign the updated MOU.

RESOLUTION

WHEREAS, it is recognized that the proper movement of travel within and through the Fayetteville urban area is a highly desirable element of a comprehensive plan for the orderly growth and development of the area; and

WHEREAS, there are a number of governmental jurisdictions within the Fayetteville Metropolitan Planning Area which have been authorized implementation and regulatory responsibilities of transportation by NC General Statutes; and

WHEREAS, it is desirable that a coordinated, comprehensive and cooperative transportation planning process be maintained in the Fayetteville Metropolitan Planning Area to insure that the transportation system is maintained on an efficient and economical basis commensurate with the public health, safety and welfare; and

WHEREAS, a revised Memorandum of Understanding between the City of Fayetteville, Town of Hope Mills, Town of Spring Lake, Fort Bragg Military Reservation, Pope Air Force Base, County of Cumberland, County of Harnett, County of Hoke and NC Department of Transportation has been prepared that sets forth the responsibilities and working arrangements for maintaining a continuing, comprehensive, and cooperative transportation process.

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that the Memorandum of Understanding between the City of Fayetteville, Town of Hope Mills, Town of Spring Lake, Fort Bragg Military Reservation, Pope Air Force Base, County of Cumberland, County of Harnett, County of Hoke, and NC Department of Transportation, be approved and that the Chairman and County Clerk are hereby directed to execute the Memorandum of Understanding.

MOTION: Commissioner Blackwell moved to approve the Resolution.

SECOND: Commissioner King

VOTE: UNANIMOUS

- I. Consideration of appointment of Initial Air Quality Stakeholders Committee members

BACKGROUND: As part of the Air Quality Early Action Compact signed by the Chairman of the Board of Commissioners on December 17, 2002, the local area is required to invite stakeholders to be involved in the development and implementation of the Early Action Plan. The following individuals have agreed to participate in the process:

AGENCY

Airport Commission
Citizen
Citizen
Citizen
Citizen
City of Fayetteville
Cumberland County Board of Health
Fayetteville Area Metropolitan Planning Org.
Fort Bragg
Homebuilders Association
Major Industries
Medical Representative
PWC
Town of Falcon
Town of Godwin
Town of Hope Mills
Town of Linden
Town of Spring Lake

STAKEHOLDERS

Frank Kelly
Demetrius Haddock
Karl Legatski
Charlotte Agnew, RN
George Breece
Councilman Robert Massey
Dr. Harold E. Maxwell, DDS
Mayor Edwin Deaver
Colonel Gregory G. Bean
Donovan McLaurin
Robert Duffy
Dr. Clarito Pang
Steve Blanchard
Denise Sykes
Denise Sykes
Mayor Pro Tem Eddie Maynor
Denise Sykes
Alderman Marguerite Corgan

Town of Stedman
Town of Wade
Cumberland County Commissioner
Hospital
FTCC

Commissioner Eleanor Ayers
Denise Sykes
Chairman will appoint
Steve Schultz (CFVHS)
Dr. Larry Norris

Although the above list is not complete, it is important that we go ahead and appoint these members. Others will be added at a later date.

ACTION: Appoint the above named people to the Committee.

MOTION: Commissioner Warren moved to appoint the above named people to the Air Quality Committee and authorize the Chairman to appoint a commissioner to serve on the committee.

SECOND: Commissioner King

VOTE: UNANIMOUS

2. CONSENT AGENDA

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

SECOND: Commissioner King

VOTE: UNANIMOUS

A. Approval of Minutes: March 3, 2003

ACTION: Approve

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

ACTION: Approve: Unnamed Sub-division: River Ridge Road
Bunnells Plantation Sub-division: East Cramer Drive & Burgaw Drive
Colonial Heights Sub-division: Calhoun Drive
Beaver Creek Sub-division: Middlefield Place & Quail Hollow Court

C. Approval of Cumberland County Mental Health Center's Local Business (Strategic) Plan

BACKGROUND: House Bill 381 mandates that public Mental Health Centers will become Local Management Entities (LME) and should function more as a purchaser, manager and monitor of services provided to consumers than a provider of services. Each LME must submit a Local Business Plan to the Division of MH/DD/SAS for approval. The Plan will outline how the Area Authority will move forward with full implementation for all aspects of the mental health reform by July 1, 2007. The Plan was approved the Area Mental Health Board on March 5, 2003.

ACTION: Approve the Plan.

D. Approval of a Resolution urging the Cumberland County Legislative Delegation to include funds for the Public Schools Capital Fund in the State FY04 budget

ACTION: Adopt Resolution

RESOLUTION

WHEREAS, Governor Easley in his budget message has proposed to re-direct approximately \$59 million held in the Public Schools Capital Fund to the State's General Fund as one measure to alleviate the State's projected deficit for its FY04-05 biennium budget; and

WHEREAS, the funds in the Public Schools Capital Fund are ear-marked to go to counties to assist in funding public school capital construction; and

WHEREAS, almost half of Cumberland County's General Fund goes to support the operations of the Cumberland County Schools and to indebtedness incurred for school purposes; and

WHEREAS, Governor Easley's proposal to re-direct the Public Schools Capital Fund to the State's General Fund will mean a projected loss of \$2.3 million to Cumberland County for FY04; and

WHEREAS, Governor Easley's FY04-05 biennium budget message also proposes to reduce class sizes for second grade, which will put even more pressure on counties to construct public schools; and

WHEREAS, the State and its cities and counties, including Cumberland County, have suffered fiscal crises in FY02 and FY03, and are facing another year of fiscal stress; and

WHEREAS, the Governor substantially increased the fiscal stress and challenges on North Carolina cities and counties, including Cumberland County, by withholding from them in FY02 and FY03 for the benefit of the State budget intangibles and inventory tax reimbursements; and

WHEREAS, Cumberland County had to eliminate over 200 positions, RIF approximately 100 employees and reduce services in mental health, social services, health, libraries, law enforcement and many other areas as a result of the budget crisis over FY02 & FY03; and

WHEREAS, Cumberland County's property tax rate is already one of the highest in the State and the highest of the State's large urban counties; and

WHEREAS, Cumberland County has endured a stagnant tax base and does not enjoy the affluent per capita tax base of the State's other major urban counties; and

WHEREAS, Cumberland County could only cope with further reductions in projected revenues for FY04 such as the Governor's proposal to re-direct the State's Public School Capital Fund by an unacceptable tax increase and/or further reductions in essential services; and

WHEREAS, the Governor and the General Assembly should meet their responsibilities for adopting a balanced budget for FY04-5 biennium without increasing the fiscal burden on Cumberland County for a third straight fiscal year; and

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that it urges the Cumberland County Delegation to the NC General Assembly to include funds for the Public Schools Capital Fund in the State's FY04-05 biennium budget; and be it further

RESOLVED, that the Board of Commissioners specifically urges the NC General Assembly to balance the State budget by a careful review of State revenues and State programmatic expenses, and not for a third year by diverting revenues from North Carolina cities and counties; and be it further

RESOLVED, that the Board of Commissioners specifically urges the NC General Assembly not to re-direct the Public Schools Capital Fund to the State's General Fund; and be it further

RESOLVED, that the Chairman of the Board of Commissioners forward a certified copy of this Resolution to each member of Cumberland County's Legislative Delegation, with a copy to Governor Easley and to the NC Association of County Commissioners.

- E. Approval of a joint Local Government Resolution endorsing a Parks and Recreation Authority for Cumberland County

BACKGROUND: The Cumberland Comprehensive Planning Steering Group, made up of representatives for the County, the 8 municipalities and the School Board, met December 12, 2002 and agreed that a non-binding resolution supporting a Parks and Recreation Regional Authority be prepared for each jurisdiction to approve. On February 20, 2003, three of the ten voting members of the Steering Group approved the Resolution and agreed to forward it to each jurisdiction for approval.

ACTION: Approve Joint Resolution

A JOINT LOCAL GOVERNMENT RESOLUTION

ENDORISING A PARKS & RECREATION AUTHORITY FOR CUMBERLAND COUNTY

WHEREAS, North Carolina statutes provide that furnishing parks and recreation services and facilities is a public purpose and authorize local governments to provide parks and recreations services and facilities; and

WHEREAS, parks and recreation services and facilities contribute to the quality of life and to the health and enjoyment of citizens; and

WHEREAS, the local governments of Cumberland County participated in a joint effort to explore options for improving the shared delivery of parks and recreation services; and

WHEREAS, a report outlining options for improving the shared delivery of parks and recreation services was presented to the City-County Liaison Committee meeting on October 24, 2002, at which meeting the Committee recommended that the report be distributed to the county, school and municipal governing boards for their consideration; and

WHEREAS, the Cumberland Comprehensive Planning Steering Group, which consists of the governing board chairs and chief executive or administrator from the county, schools, and municipalities, met on December 12, 2002 to discuss this report.

NOW, THEREFORE, the Cumberland Comprehensive Planning Steering Group and the City-County Liaison Committee endorse the creation of a county-wide parks and recreation authority to (1) strengthen families, neighborhoods and communities; (2) provide affordable, accessible and environmentally friendly services and opportunities to all residents and jurisdictions of the county; and (3) achieve an equitable and cost-effective allocation of available resources; and be it further

RESOLVED, that the Cumberland Comprehensive Planning Steering Group and the City-County Liaison Committee request that the county, school and municipal governing boards endorse this joint resolution and authorize their respective staffs to begin joint planning for a parks and recreation authority, and be it further

RESOLVED, that the Cumberland Comprehensive Planning Steering Group and the City-County Liaison Committee request that the planning group (1) makes every reasonable effort to ensure that all jurisdictions and major stakeholders are fully represented in all aspects of joint planning and decision making; (2) identifies actions that can be taken immediately to begin progress toward a full parks and recreation authority; (3) ensures that the quality of current programs is not diminished in any jurisdiction; (4) ensures that the benefits and costs of the authority are distributed among all jurisdictions in a fair and equitable manner; (5) provides for the highest quality services and facilities possible within the limitations of available resources; and (6) ensures that the identification and connection residents feel with specific programs and facilities in their communities be preserved to the maximum degree possible; and be it

RESOLVED, that the joint planning group present a progress report to each jurisdiction, the City County Liaison Committee and the Comprehensive Planning Steering Group by August 30, 2003, and a full implementation plan by December 1, 2003.

- F. Approval of the Criminal Justice Partnership Program (Day Reporting Center) FY04 Budget

BACKGROUND: The Criminal Justice Partnership Local Advisory Board approved the FY04 budget request in the amount of \$222,277 on March 11, 2003.

ACTION: Approve

- G. Approval of a Resolution in Support of our Military Troops

ACTION: Adopt Resolution

RESOLUTION

WHEREAS, Cumberland County is home to Fort Bragg and Pope Air Force Base; and

WHEREAS, recent world events have transpired that may place our military family in harms way as they bravely answer the call to duty to secure our freedoms and to protect the American Way of Life; and

WHEREAS, Cumberland County supports our military both at home and abroad and pledges to support and care for the families left at home; and

WHEREAS, let no one doubt that the citizens of Cumberland County stand united behind our troops and fervently offer our prayers for their safe return.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners pledges its unified efforts to support our armed forces service members and their families during these uncertain times.

- H. Approval of a Proclamation proclaiming April as Fair Housing Month in Cumberland County

ACTION: Adopt Proclamation

PROCLAMATION

WHEREAS, Title VIII of the Civil Rights Act of 1968, as amended, prohibits discrimination in housing and declares it a national policy to provide, within constitutional limits, for fair housing in the United States; and

WHEREAS, the principle of Fair Housing is not only national law and national policy, but a fundamental human concept and right for all Americans; and

WHEREAS, the thirty-fifth anniversary of this National Fair Housing Law, during the month of April, provides an opportunity for all Americans to recognize that complete success in the goal of equal housing opportunity can only be accomplished with the help and cooperation of all Americans; and

WHEREAS, Cumberland County desires that its citizens be offered the opportunity to attain a decent, safe and affordable living environment; and

WHEREAS, Cumberland County rejects discrimination on the basis of race, color, religion, sex, national origin, disability or familial status; and

WHEREAS, Cumberland County desires that every citizen be offered the opportunity to live in the home of his/or choice; hence, Cumberland County does not discriminate in its housing practices.

NOW, THEREFORE, the Board of Commissioners hereby recognizes the month of April as Fair Housing Month in Cumberland County and urges all citizens to become award of and support the Fair Housing law.

- I. Approval of a Proclamation proclaiming April 21-26, 2003 as "Community Development Week" in Cumberland County

ACTION: Adopt Proclamation

PROCLAMATION

WHEREAS, the Community Development Block Grant (CDBG) Program has operated since 1974 to provide local governments with the resources required to meet the needs of persons of low and moderate income; and

WHEREAS, the CDBG Program has had a significant impact on our local economy through job creation and retention, physical redevelopment and improved local tax bases; and

WHEREAS, CDBG funds are used by thousands of neighborhood-based, non-profit organizations throughout the nation to address pressing neighborhood and human service needs; and

WHEREAS, Cumberland County, North Carolina and other local governments have clearly demonstrated the capacity to administer and customize the CDBG Program to identify, prioritize and resolve local issues such as the provision of decent, affordable housing, neighborhood and human service needs; job creation and retention, and physical redevelopment.

NOW, THEREFORE, the Board of Commissioners hereby proclaim the week of April 21-26, 2003 as Cumberland County Community Development Week and April 24, 2003 as Cumberland County Community Development Day in Cumberland County and urges all citizens to join in recognizing the Community Development Block Grant Program and the important role it plays in our community.

J. Budget Revisions

ACTION: Approve

- (1) Sheriff's Office/Jail/School Law Enforcement – P03-319-319B – Amount: \$57,011 to rebudget funds for Career Development Steps for sworn officers. Funding Source – Reallocation of budgeted expenditures
- (2) Mental Health
 - a. Medical Records – B03-328 – Amount: \$2,256 to increase the salary for the vacant Medical Records Manager position. Funding Source – Mental Health Fund Balance Appropriated
 - b. Developmentally Disabled Contracts – B03-329 – Amount: \$4,000 to budget for an increase in the contract with Cape Fear Valley Medical Center for a Physical Therapy/Occupational Therapy for the developmentally disabled clients due to increased demand. Funding Source – Mental Health Fund Balance Appropriated
- (3) Library Grants – B03-317 – Amount \$2,956 to budget for grant received from the State Library of North Carolina for Digitizing Project. Funding Source – library Services and Technology Act Grant
- (4) Beaver Dam Fire District – B03-326 – Amount: \$100 to increase expenditures to cover unanticipated refunds to taxpayers. Funding Source – Taxes Current Year
- (5) Social Services – B03-330 – Amount: \$6,980 to recognize additional CP&L Energy Assistance revenue. Funding Source – CP&L Energy Assistance Grant
- (6) Health
 - a. Environmental Health – B03-322 – Amount: \$210 to reduce revenue and expenditures due to an unanticipated reduction in state funding. Funding Source – State
 - b. Administration – B03-334 – Amount: \$1,000 to budget additional state funding. Funding Source – State
- (7) Soil and Water Conservation District
 - a. B03-307 – Amount: \$175 to recognize contributions from the Hoke, Scotland, Johnston, and Harnett Soil and Water Conservation Districts to pay expenses of No-Till Farmers' meeting. Funding Source – Other
 - b. B03-324 – Amount: \$1,212 to appropriate fund balance to rebudget unexpended grant funds from 2002. Funding Source – Fund Balance Appropriated – Grant Funds

- c. B03-325 – Amount: \$1,032 to budget additional revenue received from the sale of trees. Funding Source : Tree Sales
- d. B03-331&331A – Amount: \$500 to move funds from one organization to another within the Soil and Water Conservation District. Funding Source – Reallocation of Budgeted Expenditures

- K. Adoption of a Proclamation proclaiming March 25, 2003 FSU Community Commitment Day in Cumberland County

ACTION: Adopt Proclamation

PROCLAMATION

WHEREAS, Fayetteville State University has provided education and leadership to the youth in our community for 136 years; and

WHEREAS, Fayetteville State University exemplifies all that is good and excellent in the delivery of knowledge to its students; and

WHEREAS, Fayetteville State University recognizes the many contributions and financial support of the businesses and citizens in Cumberland County; and

WHEREAS, Fayetteville State wishes to celebrate the success of Community Commitment Day in Cumberland County; and

WHEREAS, Fayetteville State has designated March 26, 2003 "Community Commitment Day" in Cumberland County; and

WHEREAS, the Board of Commissioners of Cumberland County recognizes the many contributions of Fayetteville State University to our community.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners proclaims March 26, 2003 "Community Commitment Day" in Cumberland County and urges its citizens to celebrate this historic day as part of the Founder's Day activities at Fayetteville State University.

- L. Adoption of a Proclamation declaring April 4, 2003 "Sanitation Workers Day" in Cumberland County

ACTION: Adopt Proclamation

PROCLAMATION

WHEREAS, April 4, 2003 is the anniversary of the death of Dr. Martin Luther King, Jr., in Memphis, Tennessee; and

WHEREAS, Dr. King was in Memphis to support the strike of sanitation workers when he was assassinated; and

WHEREAS, sanitation workers provide a vital service for the citizens of this county; and

WHEREAS, sanitation workers are responsible for keeping roads litter free, cleaning illegal dump sites, and keeping landfills operational; and

WHEREAS, the work of sanitation workers is hazardous to their health; and

WHEREAS, sanitation workers are still at the lower end of the economic ladder; and

WHEREAS, sanitation workers deserve to be recognized for their hard work and dedication; and

WHEREAS, the Fayetteville/Cumberland County Dr. Martin L. King, Jr. Committee is honoring the sanitation workers of Cumberland County in fellowship on the anniversary of Dr. King's death.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners declares Friday, April 4, 2003 "Sanitation Workers Day in Cumberland County".

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

SECOND: Commissioner King

VOTE: UNANIMOUS

REGULAR AGENDA

3. Presentation by Bobby Hurst regarding a county-wide beautification program – Project Place Lift

Mr. Hurst told the Board that the kick-off for this program is going to be held on April 5, 2003. He said there are approximately 1600 volunteers that will be participating in this clean-up effort on the 5th. He noted this is not just a one-time event, but an on-going beautification program. He urged everyone to participate in the clean-up efforts. The event is being advertised via newsletters, Time Warner Cable, billboards, etc. Mr. Wick Smith noted that no public money is being used in this program. Anyone interested in participating may call 433-1981.

No action needed.

4. Consideration of County Finance Committee report/recommendation
 - A. County Medical Insurance

BACKGROUND: The County requested proposals for health insurance coverage through Mark III Brokerage, Inc. for FY2004. After reviewing the proposals, management requested presentations from four of the vendors. After the presentations and final financial responses were received, Mark III Brokerage recommended that the County remain with the current health insurance vendor, NCACC with Blue Cross Blue Shield of North Carolina as the administrator. The County Finance Committee met on March 11, 2003 and also recommends that the county remain with NCACC.

ACTION: Approve the continuation of health insurance coverage with the NC Association of County Commissioners Health Insurance Trust.

MOTION: Commissioner Henley moved that the Board instruct Mark III Brokerage to look at a larger group of CPT codes based on the County's actual experience, rather than a sample of CPT Codes.

MOTION DIED FOR LACK OF A SECOND

MOTION: Commissioner King moved to approve the continuation of health insurance coverage with the NC Association of County Commissioners Health Insurance Trust.

SECOND: Commissioner Council

DISCUSSION: Commissioner Council commented that the county can explore Commissioner Henley's inquiries for next year.

VOTE: UNANIMOUS

- B. Detention Center's Jail Health Program

BACKGROUND: Mr. Eugene Hines, Interim Health Director and Ms. Ruby McNair, Jail Health Supervisor, presented a request to the Finance Committee March 11, 2003 to approve 10.5 FTEs for the new Detention Center. After some discussion, the County Manager proposed that the Health Department consider the option to hire 6.5 FTEs instead of 10.5. The Finance Committee concurs with the Manager's proposal.

ACTION: Approve 6.5 new positions for the Jail Health Program and approve budget revision (B03-318-318D)

MOTION: Commissioner Warren moved to approve.

SECOND: Commissioner King
VOTE: UNANIMOUS

5. Consideration of Local Option Sales Tax Distribution method

BACKGROUND: The NC General Assembly has authorized the Board of Commissioners to levy up to 2 ½ cents Local Option Sales and Use Tax in Cumberland County. The General Assembly has further authorized the Board of Commissioners to determine, on an annual basis, the method by which the sales tax will be divided among the County and its municipalities. There are two methods for distribution: per capita and ad valorem. Sales tax is currently distributed on the **per capita** method. Annexation results in a shift of sales tax revenue to the annexing municipality because the number of citizens in newly annexed areas is added to that municipal population. Such shifts in population cause the county and other non-annexing municipalities in the County to lose a portion of its sales tax revenue with every annexation that occurs in Cumberland County.

The City of Fayetteville's annexations over the past 10 years have increased its population by more than 48,000. This population shift has resulted in a current sales tax loss of more than \$3.2 million per year to the County's General Fund and a loss of more than \$880,000 per year to the Cumberland County Schools. This combined sales tax loss exceeds \$4 million each and every year and is projected to reach a recurring loss of over \$6.9 million per year with the city's future annexation schedule. These annexations also adversely affect sales tax distributions to the County's other municipalities.

IF the County were to decide to go to the ad valorem method of distribution of sales taxes, it would benefit the County's sales tax revenue. The effect would be a means of equalizing the distribution of sales tax revenue among the municipalities and County. This equalization will enable the County to continue to sustain its support of county services, such as support of public schools, health and human services, law enforcement and jail, and libraries to all our citizens.

James Martin, County Manager, reviewed the figures showing the loss and gain of sales tax revenues for the county and the other municipalities, comparing the per capital method to the ad valorem method of distribution.

ACTION: Adopt resolution approving the ad valorem method of sales tax distribution effective July 1, 2003, and direct the County Manager to notify the Secretary of Revenue, and as a part of the County's FY04 budget provide a phase-in grant to the City of Fayetteville over a four year period, and provide a grant to other municipalities to cover projected net loss after considering the state reimbursement loss and the gain from the new ½ cent sales tax.

This Resolution will be adopted again on April 7, 2003 at our regular meeting.

RESOLUTION

WHEREAS, by State law the Cumberland County Board of Commissioners is authorized annually to choose a method of distribution of the proceeds of the local option sales tax; and

WHEREAS, the Cumberland County Board of Commissioners wishes to exercise its discretion and authority granted to it by G.S. 105-472(b)(2) to adopt the ad valorem method of distribution of the proceeds of the local option sales tax; and

WHEREAS, exercise of such option will better enable the Board of Commissioners to sustain its fiscal support for public school funding, health and human services, law enforcement and the county jail, libraries, and other county services.

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that pursuant to G.S. 105-472(b)(2), it adopts the ad valorem method of distribution of the proceeds of the local option sales tax to be in effect in Cumberland County for the next succeeding fiscal year, FY04; and be it further

RESOLVED, the County Manager is directed to place this resolution on the Board of Commissioners' consent agenda for its meeting of April 7, 2003, and be it further

RESOLVED, that the County Manager is directed to deliver to the North Carolina Secretary of Revenue a certified copy of this resolution as required by G.S. 105-472(b).

Commissioner Blackwell suggested that the Board delay action on this issue for another year, allowing the Comprehensive Planning Committee more time to come up with a solution that is good for everyone. He also suggested that if a delay is approved, the City would reimburse the County and School system for lost sales tax revenues as a result of any annexation. He said that a one year delay would allow us to seek a long-term solution to this issue. Chairman Baggett noted that the Comprehensive Planning Committee has had 14 months to address this issue. Commissioner Edge said he was elected to make the best decision he could with the information that was available to him at the time. He also noted that only one elected official contacted him about this issue. He noted that 2 years ago the County had to eliminate jobs because of inadequate revenue. Commissioner Henley noted that he found it hard to believe that the Comprehensive Planning Committee had not discussed this issue over the past 14 months. He said he thought perhaps Commissioner Blackwell's suggestion deserved consideration. He did say however, he could not support a delay until the Fayetteville City Council takes formal action to reimburse the County and School system for lost sales tax revenue as a result of annexations in the coming year. Commissioner King noted the good relationship we share with all of our municipalities. However, he noted "we need the money". He said the bottom line is all about money. Commissioner Council noted that this money is for basic services. She said there is no money coming in from anywhere else. She said that the County has to look at the big picture and do what is right for the whole county. Commissioner Warren noted that since 1994 annexations by the City has affected the County's revenue stream. He said county commissioners have to look at issues differently, i.e., they have to provide services for every citizen in the county. He noted that there are 52,000 children in our school system for which the Board has to provide funding. He said he respected every elected official in the community; but he thinks the Board of Commissioners has to do what it thinks is right for the entire county.

MOTION: Commissioner Blackwell moved to delay action on this issue for another year and refer it to the Comprehensive Planning Committee, and that during this period, municipalities who annex reimburse the County and School system for lost sales tax revenues, as a result of that annexation.

SECOND: Commissioner King

DISCUSSION: Commissioner Henley suggested we delay action on this issue for about 3 weeks, allowing the City Council to take a formal vote on reimbursing the County for lost revenues, as a result of annexations in the next year, if this issue is delayed for another year.

AMENDED

MOTION: Commissioner Blackwell amended his motion to delay action until April 7 to allow the City time to take formal action on reimbursing the county for lost sales tax revenues, as a result of annexation, if this item would be delayed for another year.

SECOND: Commissioner King

VOTE: FAVOR: Commissioners Blackwell, Henley and King

OPPOSED: Commissioners Edge, Council, Baggett and Warren

MOTION: Commissioner Edge moved to adopt the resolution approving the ad valorem method of sales tax distribution effective July 1, 2003, and direct the County Manager to notify the Secretary of Revenue of this action, and as a part of the County's FY04 budget provide a phase-in grant to the City of Fayetteville over a four year period, and provide a grant to other municipalities to cover projected net loss after considering the state reimbursement loss and the gain from the new 1/2 cent sales tax.

SECOND: Commissioner Council

VOTE: FAVOR: Commissioners Edge, Council, Baggett and Warren

OPPOSED: Commissioners Henley, Blackwell and King

Note: Commissioner Henley noted his vote was not in opposition to the change but rather to setting out the formula for the phase-in grant for the municipalities without further discussion with them.

6. Appointments to Boards/Committees

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

Nominees: Patricia Paul

Robert Searle

B. Nursing Home Advisory Board (1 vacancy)

Nominee: Pete McManus

MOTION: Commissioner Edge moved to appoint the nominees listed above to the respective Boards.

SECOND: Commissioner King

VOTE: UNANIMOUS

MEETING RECESSED.

MEETING RECONVENED.

MEETING ADJOURNED: 9:50PM

Clerk