

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
AUGUST 2, 2004, 9:00AM
REGULAR MEETING

PRESENT: Jeannette M. Council, Chair
John T. Henley, Jr., Vice Chair
Commissioner Talmage S. Baggett
Commissioner J. Breeden Blackwell
Commissioner Kenneth S. Edge
Commissioner Billy R. King
Commissioner Edward G. Melvin, Jr.
James E. Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Cliff Spiller, Asst. County Manager
Grainger Barrett, County Attorney
Marsha Fogle, Clerk to the Board

INVOCATION Commissioner Billy King

Minister: Rev. Garfield Warren – College Heights Presbyterian Church

Pledge of Allegiance

Recognition of Outgoing Board/Committee Members: Donald Joseph Byrd –
Animal Control Board

1. Consent Agenda

**MOTION: Commissioner Melvin moved to follow staff
recommendations on the items on the consent agenda.**

SECOND: Commissioner Blackwell

VOTE: UNANIMOUS

A. Approval of minutes for the special meeting with Joint Planning Board on June 7, 2004, Special Budget Session on June 14, 2004, the June 21, 2004 Regular Meeting and Special Board Meeting on June 28, 2004.

ACTION: Approve

B. Approval of the Tax Collector's Preliminary Collection Report and Proposed Annual Settlement for FY04.

BACKGROUND: NCGS 105-373 requires the Tax Collector after the 1st day of July of each year to render a preliminary report to the Board of Commissioners concerning persons whose tax liabilities remain unpaid and to propose an annual settlement of taxes charged to him for collection for the past year. The report consists of a list of persons owning real property whose taxes for the tax year 2003-04 remain unpaid, a list of the persons not owning real property whose taxes for the year 2003-04 remain unpaid (the proposed insolvent list), and a statement under oath by the Tax Collector that he has made diligent efforts to collect such taxes. The settlement consists of the amounts of taxes with which the Tax Collector has been charged for the year and the amounts of credits against such charges; the real and personal property tax balance is charged to the forthcoming tax year.

ACTION: Adopt Resolution

RESOLUTION ACCEPTING PRELIMINARY REPORT OF THE TAX COLLECTOR
CREDITING THE INSOLVENT LIST AND APPROVING PROPOSED
ANNUAL SETTLEMENT

WHEREAS, NCGS 105-373 requires the Tax Collector of Cumberland County after the 1st day of July of each year to render a preliminary report to the Board of Commissioners concerning persons whose tax liabilities remain unpaid and to propose an annual settlement of taxes charged to the Tax Collector for collection for the past ten years; and

WHEREAS, the Tax Collector has submitted such preliminary report and proposed settlement.

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

(1) That the preliminary report of the Tax Collector of Cumberland County, consisting of a list of persons owning real property whose taxes for the year 2003-04 remain unpaid and the principal amount owed by each person, a list of the persons not owning or who have not listed real property whose taxes for the tax year 2003-04 remain unpaid and the principal amount owned by each person (the proposed insolvent list), and a statement under oath by the Tax Collector that he has made diligent efforts to collect such taxes, be and it hereby is accepted;

(2) That the Board hereby finds that the persons in the list of those that do not own or have not listed real property are insolvent as that term is used in GS 105-373, directs that the list of such persons be entered into the minutes of the meeting of the Board as the insolvent list, and further directs that the amounts in such list be, and hereby are, credited to the Tax Collector in his annual settlement; and

(3) That the proposed settlement of the Tax Collector, appended hereto, for taxes in his hands for collection for the tax year 2003-04, be and it hereby is approved and that he be, and hereby is, charged with the amounts set forth in the settlement under the heading "Charges" and credited with the amounts set forth in the settlement under the heading "Credits".

See County Settlement – Attachment A to these Minutes.

C. Approval of the FY05 Order to the Tax Collector.

BACKGROUND: In accordance with NCGS 105-321(b), before delivering the tax receipts to the Tax Collector in any year, the Board of Commissioners shall adopt and enter into the minutes an order directing the Tax Collector to collect the taxes charged in the tax records and receipts.

ACTION: Approve the levy and charge the Tax Collector with the responsibility to collect the taxes.

See Tax Levy – Attachment B to these Minutes

D. Approval of a Resolution Designating Authorized Check Signers and the Use of a Facsimile Signature Stamp.

BACKGROUND: The County is in the process of reviewing and updating policies and procedures in the Finance Department. NCGS 159-25(b) requires local government checks or drafts on an official depository to be signed by the finance officer or deputy finance officer and by another local official. The governing board may waive the requirements if it determines that the internal control is sufficient in the absence of a dual signature process. NCGS 159-28.1 allows the governing board to use a facsimile signature machine or stamp in signing checks, drafts purchase orders and contracts. The County has used a facsimile signature for many years. The County has developed internal controls governing the use of our facsimile stamp and machine and management feels that the controls in place are sufficient in the absence of a dual signature process.

ACTION: Adopt Resolution

RESOLUTION DESIGNATING AUTHORIZED SIGNERS AND THE USE OF A FACSIMILE SIGNATURE STAMP FOR THE COUNTY OF CUMBERLAND

WHEREAS, NCGS 159-25(b) states the check and draft signature requirements for local governments; and

WHEREAS, NCGS 159-25(b) authorizes the governing board to waive the requirements of this section if it determines that internal control procedures will be satisfactory in the absence of dual signatures.

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that: the Chairman of the Board of Commissioners, finance Director and Assistant Finance Director are hereby designated authorized signers of the County of Cumberland checks and drafts; all checks and drafts requiring original signatures shall contain the signatures of the Chairman of the Board of Commissioners and the signature of the Finance Director for the County of Cumberland.

BE IT FURTHER RESOLVED that the Board waives the requirements of NCGS 159-25(b) and has determined that the County's internal control procedures are satisfactory to authorize the Chairman of the Board of Commissioners, the County's Finance Director and the Assistant Finance Director to use a facsimile signature stamp or a similar device to sign checks and drafts drawn on any approved bank depository which has on deposit County of Cumberland funds under the authority of NCGS 159-28.1.

BE IT FURTHER RESOLVED that the facsimile signature will be the signature of the Chairman of the Board of Commissioners and the Finance Director for the County of Cumberland.

- E. Approval of Bond Order Authorizing General Obligation School Bonds for Classroom Additions through the County's Two-Thirds Net Debt Reduction Capacity.

BACKGROUND: The Board of Education has requested that the Board of Commissioners issue general obligation bonds to fund classroom additions at six elementary schools. The additions are necessary because of unanticipated growth in the school populations and state-mandated reduced class size. The Board of Education asks that the County issue the bonds under the authority given to local governments to issue GOB's without a referendum in an amount up to two thirds of the reduction in the County's outstanding general obligation debt in the preceding fiscal year. The County's general obligation debt reduction in FY04 was \$7,615,000, so the County's two-thirds net debt authorization is \$5,076,000.

ACTION: Approve the Bond Order and call a public hearing for Monday, August 16, 2004 at 7:00PM to allow persons to be heard on the question of the validity of the bond order and the advisability of issuing bonds.

BOND ORDER AUTHORIZING ISSUANCE OF GENERAL OBLIGATION SCHOOL BONDS OF CUMBERLAND COUNTY IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$5,076,000 FOR THE PURPOSE OF FINANCING, IN PART, THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF SCHOOL FACILITIES IN CUMBERLAND COUNTY

WHEREAS, The Board of Commissioners of the County of Cumberland (the "Board") has decided to pursue the issuance of general obligation bonds in the maximum aggregate principal amount of \$5,076,000 under the Local Government bond Act (the "Act") to finance, in part, the acquisition, construction and equipping of school facilities in Cumberland County; and

WHEREAS, the Board has filed an application with the Local Government Commission of North Carolina for approval of such bonds as required by the Act.

BE IT ORDERED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CUMBERLAND:

1. It is hereby determined necessary and expedient for Cumberland County to borrow money, and there are hereby authorized to be issued general obligation bonds of Cumberland County for the purpose of providing money to finance, in part, the construction and equipping of school facilities in the County.

2. The bonds shall be in an aggregate principal amount not to exceed \$5,076,000.

3. The Bonds shall be general obligations of Cumberland County for the payment of principal of and the interest on which its full faith and credit shall be irrevocably pledged and taxes will be levied in an amount sufficient to pay the principal of and interest on the bonds.

4. A sworn statement of debt has been filed with the Clerk to the Board pursuant to NCGS 159-55 and is open to public inspection.

5. The Bond Order will take effect 30 days after its publication following adoption unless it is petitioned to a vote of the people as provided in NCGS 159-60 and in that event will take effect when approved by the voters of the County.

RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS
PROVIDING FOR A PUBLIC HEARING ON A BOND ORDER FOR \$5,076,000
GENERAL OBLIGATION SCHOOL BONDS AND PUBLICATION OF BOND ORDER
AND NOTICE OF HEARING AND OTHER ACTION

WHEREAS, there has been introduced to the Board of Commissioners of Cumberland County a Bond Order entitled "BOND ORDER AUTHORIZING ISSUANCE OF GENERAL OBLIGATION SCHOOL BONDS OF CUMBERLAND COUNTY IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$5,076,000 FOR THE PURPOSE OF FINANCING, IN PART, THE ACQUISITION, CONSTRUCTION AND EQUIPMENT OF SCHOOL FACILITIES IN CUMBERLAND COUNTY", and

WHEREAS, GS 159-54 provides there shall be a public hearing on the Bond Order and GS 159-56 provides for the publication of the Bond Order and notice of the hearing;

NOW, THEREFORE, the Board of Commissioners of the County of Cumberland, meeting in regular session in Cumberland County, North Carolina, on August 2, 2004, does the following:

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF CUMBERLAND:

1. A public hearing on the Bond Order shall be held at 7:00PM in the Board meeting room, (room 118) in the Cumberland County Courthouse, Fayetteville, North Carolina on August 16, 2004 at 7:00PM.

2. The Clerk to the Board of Commissioners shall cause the Bond Order, with a statement appended in form described by GS 159-56, to be published in The Fayetteville Observer.

3. The County Finance Officer is hereby designated to file the statement of debt required by GS 159-55.

4. The completed form of application to the Local Government Commission with respect to the proposed bonds is hereby approved.

5. The Board hereby expresses its intent to use certain available money in its General Fund for expenditures with respect to school facilities up to a maximum of \$5,076,000 and use proceeds of the proposed bonds to reimburse itself for such amounts and other costs of schools when the proposed bonds are issued.

6. This resolution shall take effect immediately.

F. Approval of Bond Order Authorizing General Obligation Refunding Bonds to Reduce Interest Expense.

BACKGROUND: Management wants to explore the feasibility of refunding portions of the County's 1994, 1995 and 1997 School and Library General Obligation Bonds to reduce the County's interest expense. Based on preliminary discussions with the Local Government Commission, the County would have to retain a financial advisor to assist in evaluating the benefits of refunding. Requests for financial advisory services have been sent to several firms as a preliminary first step.

ACTION: Adopt the Bond Order and call for a public hearing for August 16, 2004, 7:00PM.

BOND ORDER AUTHORIZING ISSUANCE OF GENERAL OBLIGATION
REFUNDING BONDS, SERIES 2004 OF CUMBERLAND COUNTY IN A MAXIMUM
AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000 FOR THE

PURPOSE OF REFUNDING, IN PART, CERTAIN MATURITIES OF THE COUNTY'S
GENERAL OBLIGATION COMMUNITY COLLEGE FACILITIES BONDS SERIES
1994, GENERAL OBLIGATION SCHOOL BONDS, SERIES 1995, AND GENERAL
OBLIGATION LIBRARY BONDS, SERIES 1997

WHEREAS, the Board of Commissioners of Cumberland County (the "Board") has decided to pursue the issuance of general obligation refunding bonds in a maximum aggregate principal amount not to exceed \$20,000,000 under the Local Government Bond Act (the "Act") to refund, in part, certain maturities of the Cumberland County General Obligation Community College Facility Bonds, Series 1994, General Obligation School Bonds, Series 1995, and General Obligation Library Facilities Bonds, Series 1997; and

WHEREAS, the Board has filed an application with the Local Government Commission of North Carolina for approval of such bonds as required by the Act.

BE IT ORDERED BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF CUMBERLAND:

1. It is hereby determined necessary and expedient for Cumberland County to borrow money, and there are hereby authorized to be issued general obligation refunding bonds of Cumberland County for the purpose of providing money to refund, in part, certain maturities of the Cumberland County General Obligation Community College Facilities Bonds, Series 1994, General Obligation School Bonds, Series 1995, and General Obligation Library Facility Bonds, Series 1997.

2. The bonds shall be in an aggregate principal amount not to exceed \$20,000,000.

3. The bonds shall be general obligations of Cumberland County for the payment of principal of and the interest on which its full faith and credit shall be irrevocably pledged and taxes will be levied in an amount sufficient to pay the principal of and interest on the bonds.

4. A sworn statement of debt has been filed with the Clerk to the Board pursuant to GS 159-55 and is open to public inspection.

5. This Bond Order will take effect 30 days after its publication following the hearing.

RESOLUTION PROVIDING FOR PUBLIC HEARING ON BOND ORDER FOR
\$20,000,000 GENERAL OBLIGATION REFUNDING BONDS AND PUBLICATION
OF BOND ORDER AND NOTICE OF HEARING AND OTHER ACTION

WHEREAS, there has been introduced to the Board of Commissioners of Cumberland County a Bond Order entitled "BOND ORDER AUTHORIZING ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2004 OF CUMBERLAND COUNTY IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000 FOR THE PURPOSE OF REFUNDING, IN PART, CERTAIN MATURITIES OF THE COUNTY'S GENERAL OBLIGATION COMMUNITY COLLEGE FACILITIES BONDS, SERIES 1994, GENERAL OBLIGATION SCHOOL BONDS, SERIES 1995, AND GENERAL OBLIGATION LIBRARY FACILITIES BONDS, SERIES 1997"; AND

WHEREAS GS 159-54 provides there shall be a public hearing on the Bond Order and GS 159-56 provides for publication of the Bond Order and notice of the hearing.

NOW, THEREFORE, the Board of Commissioners of the County of Cumberland, meeting in regular session in Fayetteville, North Carolina on August 2, 2004, does the following:

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR THE COUNTY OF CUMBERLAND:

1. A public hearing on the Bond Order shall be held at 7:00PM in the Board meeting room (Room 118), Cumberland County Courthouse, Fayetteville, North Carolina, on August 16, 2004.

2. The Clerk to the Board of Commissioners shall cause the Bond Order, with a statement appended in form described by GS 159-56, to be published in The Fayetteville Observer .

3. The County Finance Officer is hereby designated to file the statement of debt required by GS 159-55.

4. The completed form of application to the Local Government Commission with respect to the proposed bonds is hereby approved.

5. This resolution shall take effect immediately.

G. Approval of Financial Advisor for the General Obligation Refunding Bonds.

BACKGROUND: The County has decided to refund portions of the 1994, 1995 and 1997 School and Library General Obligation Bonds. For refundings, the Local Government Commission requires local governments to have a financial advisor assist in the process. Requests for proposals were issued and the county received three responses. The most competitive fee quote of \$7,500 was submitted by BB&T Capital Markets Public Finance Group. The Managing Director is David Fischer, who served as the County's Financial Advisor for the series of bond transactions from 1998-2000.

ACTION: Approve BB&T Capital Markets Public Finance Group as the Financial Advisory for this refunding.

H. Approval of Third Amendment to Deed of Trust Securing Series 2000 COPS to Add Animal Shelter Site as Additional Collateral.

BACKGROUND: The Board of Commissioners has authorized using the proceeds from the Series 2000 Certificates of Participation, Detention Center and Civic Center projects, to fund the new animal shelter which was added as authorized project for the Series 2000 COPS. The third amendment to the Deed of Trust would add Lot 36 in the Industrial Park, the new animal shelter site, as additional collateral to the property and obligations secured by the Series 2000 COPS Indenture of Trust.

ACTION: Authorize execution and recording of Third Amendment.

I. Approval of Amendment to the Cumberland County Community Development Emergency Repair Program Policy.

BACKGROUND: It is the policy of the Department to disapprove applications if the applicant has delinquent Federal, State and/or local taxes. However, an exception is made if a payment plan has been established and the applicant has paid according to the plan for at least six months.

ACTION: Approve an amendment to adhere to actual department practice as noted above.

J. Approval of Sprint Easements to Run Fiberoptic to Communication Rooms at Cape Fear Valley Health System Facilities.

BACKGROUND: Sprint has requested that the County approve easements for five locations to allow it to run fiber optic cable to communication rooms at Cape Fear Valley Health System facilities. These easements will run from Sprint pedestals under the respective parking lots and into the facility to the communication rooms. These cover North Ramsey Street Family Care, Heritage Family Physicians Medical Center, Westside Primary Care, Hoke Family Medical Care and CFVHS EMS.

ACTION: Grant the easements and authorize the Chair to sign.

K. Approval of Revisions to Department of Insurance's Six-Mile Rated Fire District Boundaries and Authorization to Submit to State Fire Marshal's Office.

BACKGROUND: The Emergency Services Department has worked closely with the State Fire Marshal's Office to revise the six mile- rated boundaries for each fire station in the county. These revisions are required to maintain the highest ISO rating for fire insurance coverage. (Descriptions attached to these minutes, Attachment C)

ACTION: Approve

- L. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – VAC W/S Slater 24-25 Blk A Slater Add 50x140 (Located on Slater Avenue Off Murchison Road) Cross Creek Township, PIN 0438-03-1779.

BACKGROUND: The County acquired by tax foreclosure in December 2002 the above noted property. The amount owed on the foreclosure judgment including interest and costs is \$7,927.93. Community Commercial Development has offered to purchase the property for \$7,500 and has deposited \$750 in the Finance Office. The tax value of the property is \$7,500.

ACTION: Accept the offer in the amount of \$7,500, plus costs and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- M. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – Lots 161-167 & Pt Lots 168-174 J. F. Fisher Property (Located at 209 Lawrence Street Off Rosehill Road Off Ramsey Street) Cross Creek Township, PIN 0438-45-5069.

BACKGROUND: The County acquired by tax foreclosure in June 2002 the above noted property. The amount owed on the foreclosure judgment including interest and costs is \$9,547.88. Michael T. Downing has offered to purchase the County's interest in the property for \$9,547.88 and has deposited \$1,670 in the Finance Office. The tax value of the property is \$15,000.

ACTION: Accept the offer in the amount of \$9,547.88 plus costs and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- N. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – Lts 21-22 Blk J, Section 3, River View Estate (Located Off Snow Hill Road Off I-95 Business) Rockfish Township, PIN 0424-82-5931).

BACKGROUND: The County acquired by tax foreclosure in December 2003 the above noted property. The amount owed on the foreclosure judgment including interest and costs is \$2,656.67 Terence E. Jenkins has offered to purchase the County's interest in the property for \$1,500 and has deposited \$150 in the Finance Office. The tax value of the property is \$2,800.

ACTION: Accept the offer in the amount of \$1,500 plus costs and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- O. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – W/40 Ft Lt 16 E/8 Ft Lt 15 Annex 3 Bonnie Doone (Located on Lieber Street Off Mike Street Off Bragg Blvd.) Seventy-First Township, PIN 0418-28-6355.

BACKGROUND: The County acquired by tax foreclosure in November 2002 the above noted property. The amount owed on the foreclosure judgment including interest and costs is \$6,863.28 Larry Buie has offered to purchase the County's interest in the property for \$3,500 and has deposited \$350 in the Finance Office. The tax value of the property is \$19,994.

ACTION: Accept the offer in the amount of \$3,500 plus costs and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- P. Approval of Sale of County-Owned Surplus Real Property Acquired by Tax Foreclosure – 0.67 Acre Swanson Land (Located on the Corner of Catherine Drive and Claude Lee Road Off I-95 S) Rockfish Township, PIN 0434-21-6680.

BACKGROUND: The County acquired by tax foreclosure in October, 2002, the above noted property. The amount owed on the foreclosure judgment including interest and costs is \$7,688.55 Tony Patterson has offered to purchase the County's interest in the property for \$7,688.55 and has deposited \$768.85 in the Finance Office. The tax value of the property is \$6,300.

ACTION: Accept the offer in the amount of \$7,688.55 plus costs and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- Q. Approval of Sale of County-Owned Surplus Real Property Acquired by Tax Foreclosure – Lot 46 Twin Oaks, Section 3, Part 2 (0.55 Acres) Located on Canadian Avenue Off Blossom Road Off NC Hwy 87S) Grays Creek Township, PIN 0442-45-8042.

BACKGROUND: The County acquired by tax foreclosure in September, 2002, the above noted property. The amount owed on the foreclosure judgment including interest and costs is \$4,343.44. Carriage Crossings, Inc. has offered to purchase the County's interest in the property for \$4,343.44 and has deposited \$434.34 in the Finance Office. The tax value of the property is \$14,031.

ACTION: Accept the offer in the amount of \$4,343.44 plus costs and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- R. Approval of Proposed Additions to the State Secondary Road System:

ACTION: Add to State System

Kamenbury Subdivision: Kamenbury Drive, Artemis Drive, Connection Drive, Reflex Street

Legion Hills Subdivision: Camden Road Ext., Gatesville Drive, Coalport Road, Lismore Lane, Sandwell Court, Lairgate Lane

- S. Approval of Change in By-Laws for the Local Emergency Planning Committee (LEPC) to Reduce Quorum Requirement.

BACKGROUND: The Local Emergency Planning Committee requests a change to its bylaws with reference to the number of members required to constitute a quorum and to correct several typographical errors. Article VII, Section 4 of the current bylaws state "A quorum shall consist of nine committee members". The LEPC requests changing the quorum to five voting members of the committee. This revision, if approved, will take effect 30 days after approval of the Board of Commissioners.

ACTION: Approve the change as noted above.

- T. Approval of a Proclamation Proclaiming September 27, 2004 as "Family Day – A Day to Eat Dinner with Your Children".

ACTION: Adopt Proclamation

PROCLAMATION

WHEREAS, the use of illegal drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children; and

WHEREAS, surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbus University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs; and

WHEREAS, teenagers who virtually never eat dinner with their families are 72 percent more likely than the average teenager to use illegal drugs, alcohol and cigarettes; and

WHEREAS, teenagers who almost always eat dinner with their families are 31 percent less likely than the average teenager to use illegal drugs, alcohol and cigarettes; and

WHEREAS, the correlation between family dinners and reduced risk for teen substance abuse are well documented; and

WHEREAS, parental influence is known to be one of the most crucial factors in determining the likelihood of substance abuse by teenagers; and

WHEREAS, family dinners have long constituted a substantial pillar of family life in America.

NOW, THEREFORE, the Cumberland County Board of Commissioners hereby proclaims the fourth Monday in September as Family Day – A Day to Eat Dinner with your Children and urges all citizens to recognize and participate in its observance.

- U. Approval of Report on the Disposal of Surplus Property Pursuant to North Carolina General Statute 160A-226(a).

BACKGROUND: On June 15, 1998, the board adopted a resolution authorizing the Assistant County Manager to dispose of certain "personal property", worth less than \$5,000 per item or group of similar items, which has become obsolete, unusable, economically non-repairable, or otherwise surplus to the needs of the County. A list of said property shall be reported and entered into the minutes of the Commissioners' meeting.

ACTION: Adopt the report and record in the Minutes (Attachment D)

- V. Budget Revisions:

ACTION: Approve

- (1) Parks and Recreation

Revision in the amount of \$192,974 to appropriate fund balance providing the City of Fayetteville with an estimated 8% undesignated fund balance in accordance with the Fayetteville/Cumberland Regional Parks and Recreation merger agreement. (B05-002) **Funding Source – Parks and Recreation Fund Balance**

- (2) Health

- a. Environmental Health - Revision in the amount of \$500 to increase county budget due to increase in state funding. (B05-003) **Funding Source – State**

- b. Health Promotion – Revision in the amount of \$15,823 to reduce county budget due to decrease in state funding. (B05-004) **Funding Source – State**

- c. Women, Infant and Children's Program – Revision in the amount of \$28,340 to adjust state revenues. (B05-005) **Funding Source – Reallocation of Budgeted Revenue**

- d. Family Planning Clinic/Medical Records - Revision in the amount of \$10,000 to reallocate budgeted expenditures to acquire temporary contracted employee to assist with scanning medical records. (B05-023 and B05-023A) **Funding Source – Reallocation of Budgeted Expenditures**

- (3) Soil and Conservation Cost Share

Revision in the amount of \$3,798 to appropriate fund balance to rebudget unexpended Technical Assistance Grant Funds from FY2004. (B05-007) **Funding Source – Fund Balance Appropriated-Prior Year**

(4) Soil Conservation District

Revision in the amount of \$1,213 appropriate fund balance to budget unexpended U.S. Fish and Wildlife Grant Funds from FY2004. (B05-008) **Funding Source – Fund Balance Appropriated- Prior Year**

(5) Emergency Services Grants

a. Revision in the amount of \$988,199 to budget unexpended federal grant funds from FY2004. (B05-016) **Funding Source – Federal**

b. Revision in the amount of \$1,889 to recognize funding for an Emergency Operation Center Grant. (B05-017) **Funding Source – Federal**

c. Revision in the amount of \$4,614 to recognize grant funding to conduct a Commodity Flow Study along major interstates and rail corridors in Cumberland County. (B05-018) **Funding Source - Federal**

(6) Inmate Welfare Canteen

Revision in the amount of \$26,047 to reallocate budgeted expenditures to establish new Office Support III position to work in the Inmate Commissary. (B05-019) **Funding Source – Reallocation of Budgeted Expenditures**

(7) Fire Districts

a. Revisions in the total amount of \$467,810 to budget additional revenues and expenditures due to the City of Fayetteville's stayed annexation. (B05-022 thru B05-022C) **Funding Source- Fire District Taxes**

b. Revisions in the total amount of \$619,827 to appropriate fund balance for revenue earned in FY2004. (B05-021 thru B05-021S) **Funding Source – Fund Balance Appropriated Prior Year**

(8) Library

a. Library Services Technology Act Grants – Revision in the amount of \$15,000 to recognize grant funding for a consultant to help the Library prepare a five year strategic plan. (B05-024) **Funding Source – State Grant**

b. Library Services Technology Act Grants – Revision in the amount of \$17,325 to recognize grant funding to set up a mobile computer lab that can be moved from branch to branch as needed. (B05-024A) **Funding Source – State Grant**

c. Library Services Technology Act Grants – Revision in the amount of \$49,340 to recognize grant funding to enhance marketing of the Library to the community. (B05-024B) **Funding Source – State Grant**

- d. Revision in the amount of \$9,745 to appropriate fund balance to budget unexpended United Way Youth Growth Stock Trust Grant received in FY2004. (B05-025) **Funding Source – Fund Balance Appropriated Prior Year**
- e. Revision in the amount of \$2,808 to appropriate fund balance to budget funds to offset costs of filtering computers due to the Children’s Internet Protection Act passed in July 2003. (B05-026) **Funding Source – Fund Balance Appropriated Prior Year**

(9) General Government Other

- a. Revision in the amount of \$20,000 to recognize a state grant of \$15,000 to purchase mobile data computers for the Cumberland county ABC Board and a \$5,000 in-kind match provided by the ABC Board. (B05-020) **Funding Source – State Grant and In-Kind Match**
- b. Revision in the amount of \$13,650 to appropriate designated maintenance & renovation fund balance to resurface the VIP parking lot at the Crown Coliseum. (B04-029) **Funding Source – Fund Balance Appropriated Maintenance & Renovations**

(10) NORCRESS

Budget Revision to transfer funds from the General Fund to the NORCRESS Capital Project. Funding Source – **General Fund – Fund Balance.**

- (W) Approval of Cape Fear Valley Health System’s Application for a Certificate of Need for 44 Acute Care Beds.

BACKGROUND: On July 28, 2004, the Hospital Board of Trustees authorized its management to submit a Certificate of Need for 44 acute care beds. The Board of Commissioners must also approve.

ACTION: Approve submission of Certificate of Need.

REGULAR AGENDA ITEMS

- 2. Presentation of the Annual Report of the Fayetteville Vocational Rehabilitation Services Unit by Billy F. Cupit, Unit Manager.

Mr. Cupit presented his report and noted the County appropriated \$49,000 for the Fayetteville Vocational Rehabilitation Services Unit.

- 3. Consideration of Recommendation for Consolidating the City and County Recreation Advisory Boards.

The Cumberland County Parks and Recreation Advisory Board and the Fayetteville City Parks and Recreation Advisory Commission met and developed recommendations for consolidation the two boards. The recommendations are as follows:

Proposed Structure for the transitional joint board: Now until July 1, 2005

- *10 city members appointed by City Council and being city residents;*
- *7 county members appoint by the County Commissioners and being City or County residents;*
- *1 school member appointed by the school superintendent*

These appointees will serve on the joint transitional board until July 1 2005 unless a member resigns, rotates off the board, elects not to serve another term or does not meet the criteria required for attending meetings.

The proposal effective July 1, 2005 is for the structure of the joint board to change from the transitional board to the regular board structure. The proposals are as follows:

Proposal for the structure of the regular board if the City does receive approval of the pending annexation:

- 9 city members appointed by the City Council and being city residents;
- 5 county members appointed by the County Commissioners and being City or County residents;
- 1 school member appointed by the Superintendent

Proposal for the structure of the regular board if the City does not receive approval of the pending annexation:

- 8 city members appointed by the City Council and being city residents;
- 6 county members appointed by the County Commissioners and being city or county residents;
- 1 school member appointed by the school superintendent

The City Council approved the above proposals at its meeting on July 28, 2004.

Commissioner Henley noted concern about the makeup of the regular board and suggested the city and county have an equal number of appointments.

MOTION: Commissioner Edge moved that the Board adopt the proposed structure for the transitional board and that we ask the transitional board to consider an equal number of appointments by the city and county for the regular board, which will be seated July 1, 2005.

SECOND: Commissioner Henley
VOTE: UNANIMOUS

4. Consideration of Request from Stoney Point Fire Department to Adjust Fire District Boundary.

BACKGROUND: Stoney Point Fire Chief Freddie Johnson made a request to the County Emergency Services Director that the County consider adjustments to the Stoney Point Fire District boundaries with Lake Rim and Lafayette Village Fire District to take into account fire response capabilities. Effective upon approval.

ACTION: Approve the adjustments (See attachment E)

MOTION: Commissioner Baggett moved to amend the boundaries as recommended.

SECOND: Commissioner Melvin
VOTE: UNANIMOUS

5. Consideration of Fire Protection Contracts with the City of Fayetteville for Lake Rim and Lafayette Village Fire Districts.

BACKGROUND: Lake Rim Volunteer Fire Department, Inc. and Lafayette Village Fire Department, Inc. are winding down their business and have rolled their assets and firefighters into the City of Fayetteville Fire Department. The City has proposed to furnish, by contract with the County, fire protection services to Lake Rim Rural Fire Protection District and to Lafayette Village Rural Fire Protection District. The contracts authorize appropriation of the fire district tax revenues to the City in exchange for providing fire protection services in these two rural fire protection districts. The contracts reserve one month's revenue to Lake Rim and Lafayette Village for fire protection services provided during July, 2004. The contracts also include an addendum setting forth generally accepted professional standards for providing quality fire protection services that Lafayette Village and Lake Rim had been meeting or exceeding. The Fire Departments have signed assignments to the City of their current contracts with the County. Upon execution, these contracts will supercede the assigned contracts.

ACTION: Approve

MOTION: Commissioner Baggett moved to approve.

SECOND: Commissioner Henley
VOTE: UNANIMOUS

6. Consideration of Designating a Voting Delegate for the North Carolina Association of County Commissioners Conference – August 2004.

The Board unanimously appointed Commissioner Billy R. King as its voting delegate.

7. Nominations to Boards and Committees

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

BACKGROUND: The Adult Care Home Committee has the following vacancies:

Tony Wingate – resigned
George Jamison, Jr. – completed second term

NOMINEES: Deborah Atkinson
Julie Smith

B. Board of Adjustment Vacancies (3 Vacancies)

BACKGROUND: The Board of Adjustment has the following vacancies:

Steve Burnett (regular member) – completing first term; would prefer to be reappointed as an alternate member.

Sean Scott Fincher (alternate member) – completing first term; would prefer to be reappointed as a regular member.

Dr. John Ray (alternate member) – completing first term – would like to be reappointed.

NOMINEES: Steve Burnett – alternate member
Sean Scott Fincher – regular member
Dr. John Ray – alternate member

C. Local Emergency Planning Committee (11 Vacancies)

BACKGROUND: The Local Emergency Planning Committee has the following vacancies:

Emergency Management Representative: Al Schwarcbher – resigned. Michael Costa recommended.

First Aid Representative – Wally Ainsworth – complete second term. Scott Blecke recommended.

Law Enforcement Representative – Craig Hart completed first term. Captain LaRue Windham recommended.

Utilities Representative – Nancy Milliken completed first term. Danny Terry recommended (move from at-large member to this position)

Print/Broadcast Representatives – Michael Arnholt and Jeff Thompson completed second terms. Sara VanderClute and Jason Brady recommended.

Community Group Representative – James Hall – completed second term. Jeff Womble nominated.

At-large Representative – Kimberly McLamb resigned. Dawn O'Donnell nominated.

The Committee recommends the following positions be deleted:

Fire Fighting Representative – Jerry Cashwell completed first term. Note: One fire fighting representative still remains.

Operators of Facilities Representatives: Mark Ingram – completed second term; Keith Small – completed first term. Note: Four Operators of Facilities representatives still remain.

At-large represented – formerly held by Danny Terry (transferred to Utilities Representative).

The Board of Commissioners nominated those persons recommended above and approved the deletions as noted above.

D. Senior Citizens Advisory Board Vacancies (2 Vacancies)

BACKGROUND: The Senior Citizens Advisory Board has the following vacancies:

Evelyn Bryant – completed first term. Eligible for reappointment.

Marie Tomlin – completed second term. Replacement needed.

Nominees: Evelyn Bryant
Joe Potts

E. Workforce Development Board Vacancy (1 Vacancy)

BACKGROUND: Tim Owen, private sector representative, has completed his first term and is eligible for reappointment.

Nominee: Tim Owen – reappointment

8. Appointments to Boards and Committees

A. ABC Board - Recommendation from ABC Board:

Chairman: Steve Satsky (Reappointment)

MOTION: Commissioner King moved to appoint Steve Satsky, Chairman.
SECOND: Commissioner Henley
VOTE: UNANIMOUS

B. Joint Appearance Commission (4 Vacancies)

MOTION: Commissioner Blackwell moved to appoint the nominees.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS

Nominees: Anne Adams – 2-year term
Jacqueline Jones Hill – 2 year term
Elizabeth B. "B.G." Moore – 1 year term
Dianne Howard Sheppard - 1 year term

C. Juvenile Crime Prevention Council (4 Vacancies)

MOTION: Commissioner Blackwell moved to appoint the nominees.
SECOND: Commissioner King
VOTE: UNANIMOUS

Nominees:

Person Under Age 21 Representative: Shakeema Burns
Juvenile Defense Attorney Representative: Carmen Jean Battle
At-Large Representative: Henry Berry
At-Large Representative: John Clark

MOTION: Commissioner Blackwell moved to recess this commissioners meeting so the Board could meet as the NORCRESS Water and Sewer District Board.
SECOND: Commissioner Henley
VOTE: UNANIMOUS

Note: Minutes from the NORCRESS Water and Sewer District Board may be found in the Water/Sewer Minute Book.

MOTION: Commissioner Blackwell moved to reconvene the Board of Commissioners.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS

9. Closed Session:
- A. Attorney Client Privilege Matter Pursuant to NCGS 143-318.11(a)(3)
 - B. Litigation Matter Pursuant to NCGS 143-318.11(a)(3) – Smith vs.

Cumberland County.

C. Property Matters Pursuant to
NCGS 143-318.11(a)(5).

MOTION: Commissioner Baggett moved to go into Closed Session for the
above noted matters.

SECOND: Commissioner King

VOTE: UNANIMOUS

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

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

MEETING ADJOURNED.

Clerk to the Board