

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
JUNE 16, 2008, 6:45PM
REGULAR/REZONING MEETING

PRESENT: Chairman Breeden Blackwell
Vice Chair Jeannette Council
Commissioner Kenneth Edge
Commissioner John T. Henley, Jr.
Commissioner Billy R. King
Commissioner Ed Melvin
Commissioner Diane Wheatley
James Martin, County Manager
Cliff Spiller, Asst. County Manager
Amy Cannon, Asst. County Manager
Grainger Barrett, County Attorney
Harvey Raynor, Deputy County Attorney
Marie Colgan, Deputy Clerk
Marsha Fogle, Clerk
Tom Lloyd, Planning/Inspections Director

INVOCATION - Commissioner Jeannette Council, Vice Chairman

PLEDGE OF ALLEGIANCE – Jamel Leron Lawson - Graduate of E.E. Smith High School

PUBLIC COMMENT PERIOD (6:45 PM – 7:00 PM)

NO SPEAKERS

Special Recognition – Miss Gloria Jean Jarvis – Miss Dogwood Festival

Special Recognition – Fair Sales Tax Steering Committee:

George Breece
Kirk DeViere
Chris Harris
Mike Lallier
Carolyn McLaurin

Special Recognition: Cumberland County Cares – Clifton McNeill, Jr.

ADDITIONS TO AGENDA:

Item 2G: Public Hearing to relocate boundary line between Cotton and Grays Creek 24 Fire Districts pursuant to settlement agreement between those fire departments.

Item 7A: Consideration of supplement to Sales Tax Distribution Agreement relating to annexation of Ft. Bragg by Fayetteville and Spring Lake

MOTION: Commissioner Melvin moved to add the above items to the Agenda.
SECOND: Commissioner King
VOTE: UNANIMOUS

1. Consent Agenda

MOTION: Commissioner Edge moved to follow staff recommendations on the items on the Consent Agenda.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS

- A. Approval of minutes for the June 2, 2008 regular meeting and approval of the minutes of the June 2, June 3, and June 9, 2008 Budget Work Sessions and the June 4, 2008 Budget Public Hearing and Work Session.

ACTION: Approve

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

Legion Park Subdivision: Rustic Trail (SR 3316 Ext.)

<u>Pioneer Pointe Subdivision:</u>	Pioneer Drive (SR 3342 Ext.)	Crumpler Drive
	Thomas Edison Place	Pageant Court
	Daniel Boone Lane	Lewis Clark Drive
	Camp Lejeune Court	Turret Drive

ACTION: Approve

- C. Approval of the FY09 Home and Community Care Block Grant for Older Adults Agreement Between County of Cumberland and Mid-Carolina Area Agency on Aging and 2008-2009 County Funding Plan.

ACTION: Approve

- D. Approval of Bid Award for the Sheriff's Office for a Training Simulator.

BACKGROUND: Bids were received for a Training Simulator. The Sheriff's Office and the County Purchasing Department recommend that a bid be awarded to Advanced Interactive Systems in the amount of \$111,481, which includes a three-year warranty. Drug Forfeiture funds have been budgeted to purchase this simulator.

ACTION: Approve

- E. Approval of Bid Award for the Cumberland County Library for Library Books and Audiovisual Materials.

BACKGROUND: Bids were received for books and materials from several vendors. The Library and County Purchasing Department recommend that the bid for Print materials be awarded to Baker & Taylor.

ACTION: Approve

- F. Approval of Revisions to the Cumberland County Travel Policy (CP-06).

BACKGROUND: The County Manager is recommending changes to the County Travel Policy in order to appropriately reimburse an employee for travel based upon the economic differences in geographical areas. The most significant change relates to the rate of reimbursement for meals and incidentals. The rate of reimbursement will be those rates published by the GSA (General Services Administration) based upon individual destinations within the Continental United States. The GSA recommends a standard daily per diem rate for any locality not specifically identified and daily per diem rates for city/counties listed individually. This information will be available on the County Intranet and will be revised upon changes published by the GSA. Management does not expect that these new rates will increase the County's expenditure for travel reimbursement.

ACTION: Approve

- G. Approval of Eligibility Requirements for Cumberland County Retiree Health Insurance.

BACKGROUND: The Governmental Accounting Standards Board (GASB) has issued new guidance concerning the accounting and reporting for post employment benefits under Statement 45. The new standard requires local governments to engage a firm to calculate the current and future costs associated with retiree medical insurance and to develop a plan to address the future cost. Currently, the county plan offers employees who retire with at least ten consecutive years of service continued medical insurance benefits. Calculations were made based on ten years, twenty years and twenty-five years, and management recommends that the vesting period be changed from 10 years to 25 consecutive years to reduce the future financial impact of providing retiree health insurance. This would be effective July 1, 2008 for employees hired on and after that date.

ACTION: Approve changing the vesting period from ten years to twenty-five years for retiree medical insurance eligibility by adopting the Resolution.

**RESOLUTION OF BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY, NORTH CAROLINA,
AMENDING RESOLUTION REGARDING ELIGIBILITY FOR CONTINUED PARTICIPATION IN COUNTY
HEALTH INSURANCE PLAN BY RETIRED EMPLOYEES**

WHEREAS, the Board of Commissioners of Cumberland County, North Carolina, adopted a Resolution on June 1, 1984, as amended on February 21, 1995 and further amended on January 3, 2000, and further amended May

21, 2001, providing for the continued participation in the County's health insurance plan by retired County employees; and

WHEREAS, the Board of Commissioners wishes to amend said policy to address the impact of Governmental Accounting Standards Board Statement 45;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Cumberland County, North Carolina, that:

Section 1. Its Resolution of February 21, 1995, as amended from time to time, regarding the eligibility for continued participation in the County's health insurance plan of certain retired employees, is amended by deleting numbered paragraph 1 thereof in its entirety and inserting in lieu thereof the following:

"1. To be eligible for continued participation in the County's health insurance plan, a retired employee must be:

- (a) Retired from County government with (I) at least twenty-five (25) consecutive years of County employment preceding retirement in which the employee contributed to the N.C. Local Government Employees Retirement System or the N.C. Law Enforcement Officers Benefit and Retirement Fund, provided that in meeting this requirement, years of part-time employment may be counted on a two for one basis when the retired employee has at least five years of consecutive full-time service, AND (II) at least three full years participation in the County's health insurance plan prior to regular, early or disability retirement;
- (b) Receiving retirement benefits from the N.C. Local Government Employees Retirement System or the N.C. Law Enforcement Officers Benefit and Retirement Fund; and
- (c) Paying one hundred percent of the employee portion of the premium costs of such health insurance."

Section 2. Except as specifically amended as set forth above, said Resolution shall continue in full force and effect.

Section 3. Said Resolution as amended herein shall be effective with respect to, and apply to, all employees hired after June 30, 2008.

H. Approval of Notification to Department of Revenue of Advanced Octennial Reappraisal.

BACKGROUND: NCGS 105-286(a)(2) provides that any county conducting a reappraisal of real property earlier than required by NC Statutes may do so upon adoption of a resolution by the Board of Commissioners. The resolution shall be forwarded to the NC Department of Revenue.

ACTION: Adopt Resolution advancing scheduled octennial reappraisal of real property in Cumberland County.

RESOLUTION ADVANCING SCHEDULED REAPPRAISAL OF REAL PROPERTY

WHEREAS, pursuant to NCGS 105-286(a)(1) Cumberland County is required to conduct its next octennial reappraisal of real property in the county in 2011; and

WHEREAS, continued commercial, industrial and residential development in Cumberland County is causing rapid appreciation of real property values, and the Board of Commissioners has determined that it would be in the best interest of the County and its citizens to advance such scheduled reappraisal in accordance with the provisions of NCGS 286-(a)(2) to 2009.

NOW, THEREFORE, the Board of Commissioners of Cumberland County, North Carolina, resolves that the octennial reappraisal of real property in said County be advanced to the year 2009.

- I. Approval of Write-Off of Uncollectible Accounts for the Cumberland County Crown Coliseum.

BACKGROUND: The Crown Center has seven very old outstanding accounts totaling \$38,439.92. These accounts have been deemed as uncollectable after aggressive attempts to collect them.

ACTION: Approve writing off these accounts as bad debt.

- J. Approval of Cumberland County Solid Waste Plan.

BACKGROUND: The original ten-year plan adopted in 1997 included the BCH Energy Project and the counties of Bladen and Hoke. The initial three year update was tailored for Cumberland County and reflected closure of the BDH Energy Project. The second three year update reflected changes in population and expansion of the subtitle D landfill area by two cells covering 15 acres.

ACTION: Adopt a Resolution approving the three-year update.

RESOLUTION

WHEREAS, better planning for solid waste will help protect public health and the environment, provide for an improved solid waste management system, better utilize our natural resources, and control the cost of solid waste management; and

WHEREAS, NCGS 130A-309.09A(b) requires that each unit of local government, either individually or in cooperation with other units of local government, develop at 10-year comprehensive solid waste plan.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners approves the Cumberland County Comprehensive Solid Waste Management Plan.

- K. Approval of Ordinance Assessing Property for the Cost of Demolition:

- (1) Case Number: MH 5153-2007
Property Owner: Melvin and Catherine Morgan
Property Location: 1075 Tower Drive, Hope Mills, NC
Parcel Identification Number: 0433-80-5293

Cost of Demolition: \$2,100

ACTION: Approve (Ordinance may be found in the Minimum Housing Ordinance Book)

- (2) Case Number: MH5116-2007
Property Owner: Maurice and Wanda Jenkins
Property Location: 2620 J Herbert Road, Fayetteville, NC
Parcel Identification Number: 0478-59-5145
Cost of Demolition: \$2,950

ACTION: Approve (Ordinance may be found in the Minimum Housing Ordinance Book)

- (3) Case Number: MH5134-2007
Property Owner: Retha Blue Johnson
Property Location: 8155 Norris Road, Dunn, NC
Parcel Identification Number: 0594-52-7162
Cost of Demolition: \$2,800

ACTION: Approve (Ordinance may be found in the Minimum Housing Ordinance Book)

- L. Approval to Continue ROAP Grant Transportation Services Based Upon Current Service Levels Until Approval of the FY 2009 Grant Funds.

BACKGROUND: The FY2009 ROAP grant application has not yet been distributed by NC Department of Transportation. It will not be possible to hold a public hearing and approve the grant until August 4, 2008. In order to continue these transportation services, it is requested that the Board approved using the FY2009 formula ROAP grant for a total of \$362,875 until the Grant is actually approved. Any transportation provided before the application is approved would be reimbursed by the State once it is approved.

ACTION: Approve

- M. Approval of Sale of Surplus–County Owned Real Property Acquired by Tax Foreclosure:
 - 1) Tract 2 Exhibit A Liza Hall Property (2.92 Acres)
PIN: 0474-36-4155; Cedar Creek Township
Value: \$5,215.00
 - 2) Tract 2 Exhibit B Liza Hall Property (5.4 Acres)
PIN: 0474-38-3924; Cedar Creek Township
Value: \$1,620.00

BACKGROUND: Maria Lugo has bid \$5,041 on the above properties and has deposited \$504.10 in the Finance Office. The amount currently owed on the foreclosure judgment including interest and cost is \$3,130.15.

ACTION: Approve the above offer from Ms. Lugo in the amount of \$5,041 plus costs and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- N. Approval of Declaration of Surplus County Personal Property and Authorization to Dispose of Same Through GovDeals on the Internet.

BACKGROUND: In February, 2008 the Board approved a contract to sell county surplus personal property on the internet at govdeals.com. For training purposes GovDeals requires one vehicle and one-non-vehicular item be “declared surplus” and approved by the Governing Board. We are requesting the following items be declared surplus:

2001 Ford Crown Victoria – VIN 2FAFPT1W61X125448 – Mileage 153,625
AGCO-TYE NO.TILL Grain Drill, Model #2007 Pasture Pleaser, with Std. Seed box and Small seed box, approximately 10 years old

ACTION: Declare the property surplus and authorize disposition through GovDeals.

- O. Budget Revisions:

ACTION: Approve

- (1) Workforce Development Administration

Revision in the amount of \$200 to realign County budget to actual State appropriation (\$159) and recognize additional Senior Aides Grant funding (\$41). (B08-352) **Funding Source - Grants**

- (2) Fire Districts

- a. Gray’s Creek Fire District #18: Revision in the amount of \$100 to increase expenditure line to cover unanticipated refunds to taxpayers. (B08-354) **Funding Source – Gray’s Creek Fire District Taxes**

- b. Cotton Fire District: Revision in the amount of \$25,000 to budget additional taxes collected in FY2008. (B08-355) **Funding Source – Cotton Fire District Taxes**

- c. Pearces Mill Fire District: Revision in the amount of \$35,000 to budget additional taxes collected in FY2008. (B08-356) **Funding Source – Pearces Mill Fire District Taxes**

- d. Stoney Point Fire District: Revision in the amount of \$15,000 to budget additional taxes collected in FY2008. (B08-357) **Funding Source – Stoney Point Fire District Taxes**
- e. Westarea Fire District: Revision in the amount of \$35,000 to budget additional taxes collected in FY2008. (B08-358) **Funding Source – Westarea Fire District Taxes**

(3) Health Department

Immunization Clinic: Revision in the amount of \$10,000 to budget anticipated additional revenue for the remainder of FY2008. (B08-359) **Funding Source – Fees**

(4) Mental Health

- a. Medical Services and Contracts: Revisions in the total amount of \$215,000 to reallocate revenue and expenditures to realign the County budget to actual State appropriations. (B08-365 thru B08-365B) **Funding Source – State**
- b. Smart Start: Revision in the amount of \$7,250 to budget additional State funding. (B08-366) **Funding Source – State**
- c. Adult Periodic: Revision in the amount of \$27,400 to budget additional Federal funding for deaf services. (B08-367) **Funding Source – Federal**

(5) Education

- a. Revision in the amount of \$1,655,597 to budget 50% of additional ad valorem taxes collected and payable to the Cumberland County Board of Education per our current expense funding agreement. (B08-360) **Funding Source- Ad Valorem Taxes**
- b. Revision in the amount of \$73,592 to budget additional sales taxes to be paid to the Cumberland County Board of Education to hold them 50% harmless for their loss of sales taxes due to prior annexations. (B08-377) **Funding Source- Fund Balance Appropriated**

(6) Inmate Welfare Fund

Revision in the amount of \$80,000 to appropriate fund balance for repairs of equipment and purchase of additional operating supplies. (B08-369)
Funding Source – Inmate Welfare Fund Balance

(7) Jail

Revision in the amount of \$94,000 to appropriate fund balance for additional operating funds for the remainder of FY2008. (B08-370)
Funding Source – General Fund Fund Balance

(8) Juvenile Crime Prevention Program

Revision in the amount of \$250 to increase in-kind contribution by the Cumberland County Schools to be used as a match to purchase computer equipment. (B08-371) **Funding Source – In-Kind**

(9) Soil Conservation District

Revision in the amount of \$3,255 to budget additional revenues received from fundraisers. (B08-372) **Funding Source – Fundraisers**

(10) Group Health Insurance

Revision in the amount of \$600,000 to appropriate fund balance for estimated health claims incurred but not reported at year end. (B08-373)
Funding Source – Group Health Insurance Fund Balance

(11) School Capital Outlay Fund

a. Category I-Buildings: Revision in the net amount of \$320,000 to budget \$1,480,000 of additional capital expenditures and to reclassify \$1,800,000 used to purchase land for the new West Elementary School from sales tax proceeds to Lottery proceeds. (B08-361) **Funding Source – Fund Balance Appropriated (Sales Tax)**

b. Category II-Equipment: Revision in the amount of \$500,000 to appropriate fund balance for additional capital expenditures. (B08-366A) **Funding Source – Fund Balance Appropriated (Sales Tax)**

c. Category III-Vehicles: Revision in the net amount of \$180,000 to reduce expenditures. (B08-361B) **Funding Source – Fund Balance Appropriated (Sales Tax)**

d. Capital Outlay Lottery: Revision in the net amount of \$2,131,438 to adjust the County budget to reflect changes in the Cumberland County

Board of Education's capital plan. (B08-361C) **Funding Source – Lottery Proceeds**

(12) Mid-Carolina Senior Transportation

Revision to budget client contributions of \$155. (B08-374) **Funding Source – Fees**

(13) Eastover Sewer Project

Revision in the amount of \$192,000 to budget additional funds from the NC Clean Water Management Trust Fund to increase the scope of the project back to its original design. (B08-375) **Funding Source – NC Clean Water Management Trust Fund**

(14) General Fund/School Capital Outlay Fund

Revision to reimburse the School Capital Outlay fund \$1,898,112 for loss of ADM funds resulting from the Medicaid Swap legislation. Funding comes from an estimated reduction in Medicaid expenditures of \$1,516,760 and an appropriation of fund balance of \$381,352. (B08-376) **Funding Source – Reallocation of Budgeted Expenditures and Fund Balance Appropriated**

(15) Welfare Other

Revision in the amount of \$3,000 to budget anticipated fees received for the remainder of FY2008. (B08-378) **Funding Source - Fees**

2. Public Hearings

Uncontested Cases

Upon finding the requests to be reasonable, neither arbitrary or unduly discriminatory and in the public interest the Board of Commissioners offered the following motion on Case A, B, and D:

MOTION: Commissioner King moved to follow the recommendation of the Planning Board on the above noted cases.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

Rezoning

- A. Case P08-16. The rezoning of 14.92± acres from A1 Agricultural to R40 Residential, or to a more restrictive zoning district, located on the north side of County Line Road, east of Henry Smith Road, owned by Edward & Jacqueline Riddle.

The Planning Board recommends approval of R40.

- B. Case P08-20. The rezoning of 2.72± acres from A1 Agricultural to RR Rural Residential, or to a more restrictive zoning district, located at 3171 Two Rut Road, owned by Brodston, Inc.

The Planning Board recommends approval of R40A.

Contested Cases

- C. Case P08-22. The rezoning of 1.80± acres from R10 Residential to C1(P) Planned Local Business, or to a more restrictive zoning district, located at 6047 Camden Road, owned by Mary & Baker Thompkins.

The Planning Board recommends denial of the rezoning request.

The Chairman opened the public hearing.

SPEAKERS:

Tim Evans – speaking on behalf of the Thompkins and Albemarle Oil Company. Mr. Evans noted that the MIXED/CUD changed the complexity of the area and the Thompkins should be allowed to rezone their property. He said it is no longer a residential area. He also noted that none of the landowners in the area are opposed to this rezoning. Mr. Evans said Mixed CUD’s favor large developers. He said the Thompkins should have the same rights to zone their property Commercial, and he urged the Board to approve the rezoning request.

The Chairman closed the public hearing.

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

MOTION: Commissioner Melvin moved to approve C1(P) rezoning.

SECOND: Commissioner King

DISCUSSION: Chairman Blackwell noted that there was no opposition at the Planning Board meeting or at this meeting. Commissioner Wheatley said she spoke with a homeowner in the area and the owner indicated no problem with the rezoning. Commissioner Henley inquired why the Town of Hope Mills was opposed to the rezoning. Tom Lloyd, Planning/Inspections Director, indicated he did not know. Commissioner Council noted she also visited the area.

VOTE: FAVOR: Commissioners King, Wheatley, Melvin, Edge, Henley, Blackwell

OPPOSED: Commissioner Council

- D. **Case P07-51. **DEFERRED INDEFINITELY AT THE BOC AUGUST 17, 2007 MEETING – HEIR HAS REQUESTED TO PROCEED WITH APPLICATION**** The rezoning of 3 parcels totaling 6.71± acres from A1A to R40A, or to a more restrictive zoning district, located on the west side of Hawkins Road, east of McBryde Street, owned by Mary A. Wilson Heirs.

The Planning Board recommends denial of the R40A and approval of A1.

Other Public Hearings

- E. Public Hearing on the Edward Byrne Memorial Justice Assistance Grant

BACKGROUND: The Sheriff’s office is eligible to apply for funding from the Edward Byrne Memorial Assistance Grant through the US Department of Justice. This grant combines the Local Law Enforcement Block Grant that the Sheriff’s Office has successfully received in the past. This year the Sheriff’s Office and the Fayetteville City Police Department submitted a joint application. The Sheriff’s Office share of the grant would be \$26,917 and the City share would be \$48,265. No matching funds are required. The Sheriff’s Office will use its share of the funds to connect computers in deputy cars and offices to the SBI and FBI criminal databases and us to the City of Fayetteville’s radio repeater system.

ACTION: Conduct the public hearing and authorize the County Manager to sign the application for funding.

The Chairman opened the public hearing.

SPEAKERS: No speakers

The Chairman closed the public hearing.

MOTION: Commissioner Edge moved to approve and authorize the County Manager to sign the application for funding.

SECOND: Commissioner King

VOTE: UNANIMOUS

- F. Public Hearing on Consideration of Renaming Roads Along Hope Mills Bypass.

BACKGROUND: Due to the newly built Hope Mills Bypass project, several roads were severed and combined into one travel way that traversed multiple jurisdictions. Cumberland County Code requires that the Commissioners hold a public hearing to consider the subsequent changing of street names. Provided below are the current street names and the proposed new names.

CURRENT NAME

PROPOSED NAME

Hope Mills Bypass Project
Portion of George Owen Rd. off Back Street
Portion of George Owen Rd off Camden Road
Portion of Wilkes Road
Segment of East Mountain Drive

(Multiple)
Brandy Lane
Ole Bluff Mills Rd
Draughone Avenue
Owen Drive

The Chairman opened the Public Hearing.

SPEAKERS: No speakers

The Chairman closed the Public Hearing.

Action: Approve the names as recommended.

MOTION: Commissioner Council moved to approve the proposed names.

SECOND: Commissioner King

VOTE: UNANIMOUS

- G. Public Hearing on the relocation of boundary lines between Cotton and Gray's Creek 24 Fire Districts pursuant to settlement agreement between those two fire departments.

The Chairman opened the Public Hearing.

SPEAKERS: There were no speakers.

The Chairman closed the public hearing.

BACKGROUND: The Board of Commissioners previously called a public hearing to adjust the boundary line between Cotton and Gray's Creek 24 Fire districts for today's date. The two fire departments have agreed upon boundary lines, signed a settlement agreement, and the Board of Commissioners has been authorized to relocate the boundary lines as agreed to in the Settlement Agreement.

MOTION: Commissioner Melvin moved to approve the boundary lines as agreed upon by the Cotton and Gray's Creek Fire Departments (see below).

SECOND: Commissioner Council

VOTE: UNANIMOUS

A RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS ADJUSTING THE BOUNDARY LINE BETWEEN COTTON FIRE PROTECTION DISTRICT AND GRAY'S CREEK 24 FIRE PROTECTION DISTRICTS AS AGREED BY BOTH FIRE DEPARTMENTS IN A SETTLEMENT AGREEMENT, DATED MAY 9, 2008

WHEREAS, the Cotton and Gray's Creek Volunteer Fire Departments serve Cotton and Gray's Creek 24 Fire Protection Districts; and

WHEREAS, both fire departments have agreed to a revision of the boundary between them in a Settlement Agreement dated May 9, 2008; and

WHEREAS, both fire districts have the same fire protection district tax rate and G.S. 69-25.11(3) authorizes the board of commissioners to relocate the boundary lines as agreed to in that Settlement Agreement upon petition of the "fire protection commissioners" and the boards of directors of the fire departments, after a public hearing.; and

WHEREAS, the Board of Commissioners has petitioned to adjust the boundary between the two fire districts as set forth in the Settlement Agreement and has received a petition from both fire departments requesting that it do so; and

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that it adjusts and approves the boundary between the Cotton Fire Protection District and the Gray's Creek 24 Fire Protection District as set forth and agreed to by Cotton Volunteer Fire Department, Inc. and Gray's Creek 24 Volunteer Fire Department, Inc. in the attached Settlement Agreement.

This resolution shall be effective June 30, 2008.

DESCRIPTION

Beginning at Point 1 (-78.9348, 34.8949) on the Cumberland – Robeson County Line approximately .07 miles Northwest of John McMillan Road travelling east to Roslin Farm Rd to Point 2 (-78.9332, 34.8958) approximately .067 miles north of the intersection of John McMillan Rd and Roslin Farm Road thence travelling 0.419 miles eastward to Point 3 (-78.9267, 34.8986), thence travelling approximately 1.015 miles east northeast to Point 4 (-78.9109, 34.9054) 0.427 miles north of the intersection of John McMillan Rd and Canady Pond Rd then travelling eastward approximately 0.436 miles to Point 5 (-78.9034, 34.907) approximately 0.175 miles north of the intersection of H Bullard Road and Chicken Foot Road, then travelling eastward to Point 6 (-78.8968, 34.9089) approximately 0.0277 miles north of the intersection of H Bullard Road and Clifton McNeil Road, then travelling eastward approximately 0.0124 miles to Point 7 (-78.8966, 34.909), then travelling north northeast approximately 0.2057 miles to Point 8 (-78.8952, 34.9117), then travelling approximately 1.094 miles north northeast to Point 9 (-78.8906, 34.9271), then travelling approximately 0.0414 miles south east to Point 10 (-78.8899, 34.9269), then travelling approximately 0.0422 miles north to Point 11 (-78.8898, 34.9275), then travelling northwest approximately 0.0429 miles to Point 12 (-78.8902, 34.928), then travelling northeast approximately 0.0610 miles following the rear property lines of Bramble Street to point 13 (-78.8897, 34.9287), then travelling northward approximately 0.1249 miles to the centerline of Cypress Lakes Rd Point 14 (-78.8893, 34.9305), then travelling northward approximately 0.2612 miles following the rear lot lines of Kiara Dr to Point 15 (-78.8887, 34.9343), then travelling eastward approximately 0.1394 miles to Point 16 (-78.8862, 34.9339), then travelling northeast approximately 0.1445 miles to Point 17 (-78.8845, 34.9354), then travelling northwest approximately 0.0291 miles to Point 18 (-78.8849, 34.9356), then travelling northeast approximately 0.0245 miles to Point 19 (-78.8847, 34.9359) then travelling east northeast approximately 0.0796 miles to Point 20 (-78.886, 34.9364), then travelling northeast approximately 0.1179 miles to Point 21 (-78.8874, 34.9376), then travelling northeast approximately 0.1237 miles to Point 22 (-78.8889, 34.9389), then travelling north approximately 0.0844 miles to Point 23 (-78.8891, 34.9401), then travelling east approximately 0.1424 miles to Point 24 (-78.8866, 34.94), then travelling eastward approximately 0.914 miles to Point 25 (-78.8711, 34.9438), then travelling northeast approximately 0.2169 miles to Point 26 (-78.8721, 34.9469) located in the center of Tom Starling Road, then travelling north approximately 0.0551 miles to Point 27 (-78.8723, 34.9476), then travelling eastward approximately 0.0177 miles to Point 28 (-78.872, 34.9478), then travelling approximately 0.0518 miles northeast to Point 29 (-78.8724, 34.9485), then travelling northeast approximately 0.0845 miles to Point 30 (-78.873, 34.9496), then travelling northwest approximately 0.0478 miles to Point 31 (-78.8729, 34.9503), then travelling northeast approximately 0.0606 miles following the rear lot lines of Backbay Road to Point 32 (-78.8733, 34.9511), then traveling approximately 0.0314 miles northeast to Point 33 (-78.8729, 34.9514) located in the center of Rockfish Creek.

This action will be taken pursuant to and is authorized by G.S. 69-25.11(3).

Items of Business

3. Report from the Cumberland County Safe Water Task Force.

Mr. Tom Cooney, Public Utilities Director, reviewed the Report. The Task Force recommends the following action:

- Engage the professional services of an engineering firm to determine the cost and feasibility of delivering water to areas of the county currently unserved;
- Determine whether the county should be in the public utilities business or instead serve as a facilitator for getting water to rural areas of the county, partnering with existing water suppliers/providers;
- Address immediate contamination problems in the County Line/Chickenfoot Road, Southpoint neighborhood and Brooklyn Circle;
- Address needs in Overhills park community due to a large number of failing septic tanks;
- Arrange meetings with all available water suppliers and determine level of interest in expanding into negotiated service areas;
- Create already-defined water district and hold bond referendum in those districts for the funding to provide clean water infrastructure.

MOTION: Commissioner Edge moved to hire an engineering firm to determine the cost associated with addressing the top three contamination issues (Chickenfoot Road, Southpoint neighborhood and Brooklyn Circle) and the other unserved areas in the county.

SECOND: Commissioner King

VOTE: UNANIMOUS

4. Consideration of Designation of Voting Delegate for the NACo Annual Conference in Kansas City, MO, July 13-17, 2008.

ACTION: Appoint a voting delegate and an alternate.

Delegate: Commissioner Diane Wheatley

Alternate: Commissioner Billy R. King

5. Consideration of Fayetteville City Council's Request for Parks & Recreation Referendum.

BACKGROUND: The Fayetteville City Council adopted a Resolution on May 27, 2008 declaring its support for a joint parks bond issue to be placed on the November ballot regarding a joint parks bond issue on the ballot for November. The City wanted a response from the Board of Commissioners by July 1, 2008. At a joint meeting on April 8, the City Council and the Board of Commissioners requested that the Parks and Recreation Department provide information on operational cost for each project, plan for marketing the bond issue and designate an optimum

time for the bond issue. At this time, no information has been provided. Some issues that need to be addressed are:

Disparity between the projects in the five year action plan approved by the Board in June 2006 and the projects recently recommended;

Cost allocation and specific estimates for staffing requirements/operational costs for Each of the projects;

Well-planned and prepared parks and recreation bond referendum proposal should be developed through the framework agreed to by the City and County in the 2004 Operations Agreement for Parks and Recreation Consolidation, which calls for joint development of a Capital Improvement Plan addressing the issues above that would then be subject to approval by both governing boards.

ACTION: Consider whether the Board has sufficient information to determine that November 2008 is the optimum time for this bond issue.

The Board discussed this issue extensively. Some of the comments regarding the bond referendum are as follows:

Scheduling a bond referendum in November might not be a good move because of the recession and the fact the county just reduced the property tax 2 cents;

Not enough information to move forward, i.e. cost, which entity pays for what; operational costs, how the projects will be paid for, will a tax increase be needed to pay for the projects, other funding options, etc.

MOTION: Commissioner Henley moved to direct staff to meet with the City of Fayetteville and the Parks and Recreation Department to address the questions outlined in the Manager's memo and the other issues noted above, and report back to the Board at its first meeting in August with any and all information that would allow the Board of Commissioners to determine if there is enough info to go forward with a bond referendum in November.

SECOND: Commissioner King

DISCUSSION: Commissioner Wheatley said she would like to know if there are alternative financing options, can we do the project without raising taxes, and how the costs will be divided between the city and the county. Commissioner Henley said there may be ways to do the project without a tax increase because of a decrease in the County's debt service over the next several years. Commissioner Edge said he did not believe the citizens would vote themselves a tax increase in November when the Board of Commissioners just decreased the tax rate two cents, effective July 1. Commissioner Council said she did not understand why we were doing this because in the request from the City, it required a reply by July 1.

VOTE: FAVOR: Commissioners King, Henley, Melvin

OPPOSED: Commissioners Council, Blackwell, Edge, Wheatley

MOTION: Commissioner Henley moved that staff bring back a report within three months to address the issues noted above.

SECOND: Commissioner King

DISCUSSION: Grainger Barrett, County Attorney, noted that the information the Board is requesting is essentially info that is found in a CIP (Capital Improvement Plan), which is something the city and county agreed to do in the joint agreement that was signed when the county and city departments merged. Chairman Blackwell said he could support this motion. Commissioner Edge said this is not necessarily a priority for him. Commissioner Council noted the Board has said its priority is clean water. The County Manager said he believed the information the Board is requesting in three months is an aggressive schedule; he asked for an extension of time to November.

AMENDED

MOTION: Commissioner Henley moved to extend the time when the report is due back to the Board to the first meeting in November.

SECOND: Commissioner King

VOTE: FAVOR: Commissioners Henley, King, Blackwell, Edge, Wheatley, Melvin
OPPOSED: Commissioner Council

6. Consideration of Request to City of Fayetteville for Municipal Solid Waste and C&D Solid Waste Franchise.

BACKGROUND: The NC Department of Environment and Natural Resources adopted new regulations which were interpreted by the Attorney General on June 4 as requiring any entity which sought to obtain or renew a permit for municipal solid waste and/or construction and demolition waste to obtain a franchise agreement or approval from any local jurisdiction in which the facility was located. Since the County's Construction and Demolition permit is currently up for renewal, the County must seek approval from the Board and a franchise from the City of Fayetteville for the Ann Street Landfill.

ACTION: Set a public hearing for August 4, 2008 regarding the continued county operation of a municipal solid waste and construction and demolition waste facility at Ann Street for a thirty year period and request the City of Fayetteville grant the County of Cumberland a 30 year franchise for the continued operation of the waste facility at the present Ann Street location. Following the public hearing the Board may move to continue the operation of the Ann Street facility for a period of thirty years.

MOTION: Commissioner King moved to approve the proposed action noted above.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUSLY

7. Consideration of Short-Term Contract with Pratt Industries to Handle City of Fayetteville Recyclables at the Ann Street Landfill.

BACKGROUND: The City of Fayetteville will begin a recycling program July 1, 2008. The City declined the County's proposal to participate in this program and accepted the proposal of Waste Industries who in turn subcontracted with Pratt Industries for disposal of the City's recyclables after pick-up. Pratt approached the County's Solid Waste Director with a proposal to use the Ann Street facility as a weigh station for off-loading recyclables from vehicles used to pick up recyclables at curbside and reload them onto vehicles which will transport to recycle centers outside of the County. The Director of Solid Waste has negotiated a short-term contract (3 months) with Pratt to use the county's site as noted above. In the event the County and Pratt Industries want to continue the arrangement beyond three months a more comprehensive contract will be negotiated and brought to the Board for approval.

ACTION: Approve the Agreement as noted above, pending favorable action of the City on the County's request for a thirty-year Municipal Solid Waste/Construction and Demolition Waste Franchise for the Ann Street Facility and authorize the county Manager to execute the contract on behalf of the County, subject to approval by the Legal Department.

MOTION: Commissioner Council moved to approve.

SECOND: Commissioner Edge

VOTE: UNANMOUS

7A: Consideration of supplement to Sales Tax Distribution Agreement relating to annexation of Ft. Bragg by Fayetteville and Spring Lake

BACKGROUND: Fayetteville and Spring Lake have requested local legislation from the General Assembly annexing Ft. Bragg in the manner agreed to by the municipalities. This supplement would modify, as between the County, the City and the Town, the Interlocal Agreement dated October 31, 2003 between the County and all of the municipalities in the county relating to distribution of sales tax revenues to provide that 100% of additional sales tax revenues from the annexations would be remitted to the County.

ACTION: Approve the Supplement to the Interlocal Agreement, subject to and conditional upon approval by the City of Fayetteville and the Town of Spring Lake and subsequent ratification by the Board of Commissioners following such approvals.

MOTION: Commissioner King moved to approve.

SECOND: Commissioner Council.

VOTE: UNANIMOUS

8. Nominations to Boards and Committees

A. Cumberland County Juvenile Crime Prevention Council (4 Vacancies)

Vacancies: Beth Hall – Juvenile Defense Attorney – eligible for reappointment
Margarita Dostall – United Way or non profit – not eligible for reappointment
John Clark – at large – not eligible for reappointment
Krista Hancock – not eligible for reappointment

Nominees: Beth Hall (reappointment) – Juvenile Defense Attorney
Patrick Hurley – United Way or nonprofit
Joan Blanchard – at-large
Shanessa Fenner – at-large

B. Joint Appearance Commission (2 Vacancies)

Vacancies: Cindy Allen – eligible for reappointment
Louis Gloston – eligible for reappointment

Nominees: Cindy Allen
Louis Gloston

C. Mental Health Board (2 Vacancies)

Vacancies: Dr Melvin Hendsen resigned – Dr. Zane Walsh recommended to fill term.
David Wedelken resigned – Annie Owens recommended to fill term.

Nominees: Dr. Zane Walsh to replace Dr. Henderson
Annie Owens to replace Mr. Wedelken

D. Nursing Home Advisory Board (3 Vacancies)

Vacancies: Clyde Hammond – eligible for reappointment for full term
Tom Lloyd – eligible for reappointment for full term
Teresa McNeill – eligible for reappointment for full term

Nominees: Clyde Hammond
Tom Lloyd
Teresa McNeill

E. Storm Water Advisory Board (1 Vacancy)

Vacancy: Dohn Broadwell, Jr. (joint appointment of Mayor and Chair of the Board of Commissioners) –not eligible for reappointment. Recommendation: Carlon Mercer

Nominee: Carlon Mercer

F. Workforce Development Board (1 Vacancy)

Vacancy: Jean Harrison (Private Sector) resigned. John Davidson has been recommended to fill the unexpired term.

Nominee: John Davidson

9. Appointments to Boards and Committees

MOTION: Commissioner Council moved to appoint the nominees by acclamation.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

A. Animal Control Board (1 Vacancy)

Nominee: Rose Marie Bonavia

B. Board of Adjustment (1 Vacancy)

Nominee: Carrie Tyson-Autry

C. Equalization and Review Board (1 Vacancy)

Nominee: David Dauria

D. Workforce Development Board

Nominee: Brad Loase

10. Closed Session: A. Economic Development Matters
Pursuant to NCGS 143-318.11(a)(4).

MOTION: Commissioner King moved to go into Closed Session for the above noted matter.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

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

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

MEETING ADJOURNED

Clerk to the Board

