

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
NOVEMBER 3, 2008, 9:00AM
REGULAR MEETING

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

INVOCATION Commissioner Billy R. King

Minister: Rev. Dwayne Alston, John Wesley United Methodist Church

Pledge of Allegiance

Recognition of Outgoing Board Member:

Patricia Tyson – Cumberland County Workforce Development Board (did not attend)

Special Recognition of Geneva Mixon, Workforce Development Director, for Recertification of Level III Status with Monetary Awards for the Cumberland County JobLink Career Center.

1. Public Hearing on Economic Development Incentive Agreement with Goodyear Tire & Rubber Company.

BACKGROUND: The County has agreed in concept to provide an economic development incentive to Goodyear Tire & Rubber Company through 2021 in consideration of the Company making a capital investment of at least \$200 million and up to \$300 million in Cumberland County. The county's obligation to make any economic development incentive payments would be contingent upon payment of all property taxes due from the Company and would be determined by a formula based on property taxes actually collected. Under the agreement the Company would invest at least \$200 million by December 31, 2013. The County would provide an incentive payment to the Company

of half the property taxes actually paid by the Company, on the additional investment, up to \$300 million through December 31, 2021. Incentive payments would be adjusted pro rata should the applicable property tax rates change. Also, under the agreement, the company would spend an amount equal to half of the fire and recreation taxes it pays to fund its fire brigade at the plant and to provide park and recreation services to its employees. The incentive payment will be paid from the NEW additional tax revenues paid to the County on the Company's new capital investment of \$200 to \$300 million above the amount of the Company's taxable property as of January 1, 2007. Assuming an additional investment of \$237 million by December 31, 2013, and no change in applicable property tax rates, the Company would receive \$7,760,396.56 through January 31, 2022 in County incentive payments. The Company also entered into a JMAC Grant Agreement with the State of North Carolina on September 17, 2008 providing for State grants of up to \$30 million over a ten year period for capital investment of at least \$200 million and maintaining 2,398 direct employees. The County's participation in economic development incentives to the Company, as provided in the proposed incentive agreement, is a condition of the Company receiving the State JMAC Grant.

ACTION: Hold a public hearing and consider adoption of the Incentive Agreement.

The Chairman opened the public hearing.

Speakers:

Jose' Cordona – Mr. Cordona asked the Board to deny the incentives for Goodyear. He suggested the company is wealthy and does not need the incentives, and if it needs to cut back it should do so overseas. He also expressed concern about BRAC and whether or not the County is ready.

Doug Peters, President, CEO, Fayetteville Cumberland County Chamber of Commerce: Mr. Peters urged the Board to approve the Incentive Agreement noting the importance of growing and maintaining the companies that are here. He pointed out that this is a "performance based incentive" and that Cumberland County is in an enviable position.

Kirk DeViere - Mr. DeViere urged the Board to adopt this fiscally sound Incentive Agreement.

The Chairman closed the public hearing.

MOTION: Commissioner King moved to adopt the Incentive Agreement.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

2. Presentation of the FY07-08 Annual Report for Judicial District 12 by Wayne Marshburn, Judicial District Manager, North Carolina Division of Community Corrections.

Mr. Marshburn presented the FY07-08 Annual Report for Judicial District 12.

No action needed.

3. 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 October 20, 2008 regular meeting and October 28, 2008 Special Joint Meeting with the City of Fayetteville.

ACTION: Approve

- B. Approval for Cumberland County Solid Waste Department to Purchase a Used CAT 2005 Model 725 Truck.

BACKGROUND: Robert Howard, Solid Waste Director, has requested permission to purchase a used CAT 2005 Model 725 Truck with tailgate (Serial # FX01451) with approximately 4100 hours of service time. The Solid Waste Department currently has money budgeted in the amount of \$105,000 and would like to use \$34,671.38 of the \$250,000 that was budgeted to purchase a CAT6 Bulldozer, which Solid Waste should be able to purchase for approximately \$215,000 in the future.

ACTION: Approve the purchase, based on NCGS 143-129(e)(10) using the funds as noted above.

- C. Approval of a Resolution Proclaiming November 14, 2008 as “Letters to Heroes” Day in Cumberland County.

ACTION: Approve

PROCLAMATION

WHEREAS, the Military Affairs Council is a division of the Fayetteville Cumberland County Chamber of Commerce; and

WHEREAS, the Military Affairs Council is in its fifty-third year of existence, being formed in 1956; and

WHEREAS, the primary function of the Military Affairs Council is to enhance relationships and foster a heightened understanding between MAC members and our military at Fort Bragg and Pope Air Force Base; and

WHEREAS, the Military Affairs Council, in a joint effort with the Cumberland County Schools, hereby kicks off its “Letters to Heroes” campaign by providing elementary and middle school students the opportunity to write a letter to a Hero, one of the brave men and women currently serving our great nation in the middle east;

NOW, THEREFORE the Cumberland County Board of Commissioners proclaims Friday, November 14, 2008 “Letters to Heroes” day in Cumberland County, recognizing the unselfish acts of the members of the Armed Forces in the protection of this great nation of the United States of America.

- D. Approval of a Proclamation Proclaiming November 10, 2008 as “Military Family Support Day” in Cumberland County.

ACTION: Approve

PROCLAMATION

WHEREAS, honorable service performed in the defense of our nation and her cause during challenging times is the highest form of citizenship; and

WHEREAS, the service and duty of military service members from Fort Bragg and Pope Air Force Base are demonstrated by the unselfish commitment to the preservation of freedom; and

WHEREAS, the sacrifice and commitment of family members who stay behind and provide absolute support deserve our respect and appreciation for their courageous and faithful service;

NOW, THEREFORE, the Cumberland County Board of Commissioners PROCLAIMS Monday, November 10, 2008 “MILITARY FAMILY SUPPORT DAY IN CUMBERLAND COUNTY, NORTH CAROLINA” and urges all citizens to recognize the importance of the indispensable support our military families give which leads to the success and well being of our service members.

- E. Approval of Resolution for Support of Plug-In Partners National Campaign.

ACTION: Approve

RESOLUTION

WHEREAS, the Fayetteville Public Works Commission Board of Commissioners adopted the Sustainable Community strategic goal for 2012 to take a defined role in PWC’s commitment to continuing responsible environmental stewardship; and

WHEREAS, the over-reliance of America on foreign oil has become a growing and serious threat to the economic vitality and national security interest of the United States; and

WHEREAS, automobile emissions are a major contributing factor to global warming and to smog in our cities, which threaten the health of our citizens and the sustainability of our planet; and

WHEREAS, the technology exists today to build a flexible-fuel plug-in hybrid electric automobile that could reduce oil imports, fuel costs to our citizens and economy and air emissions significantly; and

WHEREAS, Fayetteville PWC is partnering with many of the nation’s cities to urge automakers to mass produce plug-in hybrid vehicles; and

WHEREAS, the Fayetteville Public Works Commission has requested that the County adopt a Resolution supporting the Plug-In Partners national campaign; and

WHEREAS, supporting the “Plug-In Partners” campaign demonstrates the County’s commitment to sustainability and environmental stewardship;

NOW, THEREFORE, the Cumberland County Board of Commissioners RESOLVES to support PWC in its efforts to develop a program to encourage the future use of flexible fuel plug-in hybrid vehicles.

- F. Approval of a Resolution Declaring the Month of November as Non-Profit Awareness Month in Cumberland County.

PROCLAMATION

WHEREAS, Fayetteville/Cumberland County is home to more than one hundred and seventy-seven charitable nonprofit organizations which provide diverse services to the community; and

WHEREAS, these organizations spend more than \$693,171,376 annually serving the people of Fayetteville/Cumberland County; and

WHEREAS, North Carolina’s nonprofit sector puts more than \$29 billion into our state’s economy, and North Carolina nonprofits’ economic impact has more than doubled in a decade; and

WHEREAS, 6.5% of all jobs in our state are provided by charitable nonprofits; and

WHEREAS, people throughout Fayetteville/Cumberland County support and participate in nonprofit organizations by serving as board members, volunteering, donating and working as staff; and

WHEREAS, nonprofit employees pay income taxes and spend their salaries locally, thus paying local and state sale taxes too; and

WHEREAS, Fayetteville/Cumberland County nonprofits build partnerships and collaborate with governments, businesses, faith-based organizations and other groups to expand resources; and

WHEREAS, nonprofits play a role in the democratic process by providing a means for individuals to deliberate on and advocate for public policies and decisions that affect them; and

WHEREAS, Fayetteville/Cumberland County nonprofits provide opportunities for developing skills, leadership abilities and service through civic engagement; and

WHEREAS, everyone who lives in Fayetteville/Cumberland County benefits from nonprofits’ vital contributions of strengthening our social fabric, public policy, culture, sense of community, and future; and

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners declares November 2008 “Nonprofit Awareness Month” and extends its congratulations to charitable nonprofits serving our community for their dedicated service to the community and its sincere gratitude to the residents of Fayetteville/Cumberland County whose volunteer spirits and donations make these organizations strong.

G. Budget Revisions

ACTION: Approve

(1) Health

- a. Laboratory - Revision in the amount of \$6,500 to appropriate Health Fund Balance for contacted services to hire a temporary phlebotomist. (B09-168) **Funding Source – Health Fund Balance**
- b. Women’s, Infant’s and Children - Revision in the amount of \$87,108 to budget additional State funding and to fund a previously unfunded Lead Worker II position. (B09-177) **Funding Source – State**
- c. Regional Bioterrorism Response Team – Revision in the amount of \$20,000 to budget additional State funding for training. (B09-178) **Funding Source – State**

(2) Sheriff

- a. School Law Enforcement - Revision in the amount of \$125,000 to recognize Gang Resistance Education & Training Grant. (B09-175) **Funding Source – Grant**
- b. Revision in the amount of \$11,297 to appropriate fund balance to recognize contributions received in prior years. (B09-176) **Funding Source – General Fund Fund Balance**
- c. Revision in the amount of \$6,000 to appropriate fund balance to purchase a replacement patrol and narcotics detection dog. (B09-180) **Funding Source – Forfeiture Fund Fund Balance**

(3) Cooperative Extension Programs

Revision in the amount of \$2,000 to recognize additional Home Economics revenue received for the Baby Think it Over Program. (B09-173) **Funding Source – Miscellaneous**

(4) School C.O. Category I - Buildings

Revision in the amount of \$100,000 to appropriate fund balance to purchase land as approved by the Cumberland County Board of Education on October 14, 2008. (B09-172) **Funding Source – Sales Tax Fund Balance**

(5) Library Grants

Revision in the amount of \$97,688 to recognize E-Rate funds received in the amount of \$71,827, to rebudget a Child Computer grant (\$2,946) from FY2008 and to properly classify other revenues (\$25,861). (B09-174) **Funding Source – E-Rate Funds, Grants and Fund Balance**

(6) Workforce Development

a. Administration - Revisions in the total amount of \$45,535 to budget unexpended funds of \$43,869 from FY2008, to rebudget funds of \$657 from FY2008 and to appropriate fund balance of \$1,009 for funds received in FY2008 but not expended. (B09-183 and B09-184) **Funding Source – State, Workforce Development Fund Balance**

b. Adult - Revisions in the total amount of \$24,569 to rebudget funds of \$13,189 from FY2008 and to appropriate fund balance of \$11,380 for funds received in FY2008 but not expended. (B09-185 and B09-186) **Funding Source – State, Workforce Development Fund Balance**

c. Youth 70% - Revisions in the total amount of \$88,815 budget unexpended funds of \$46,410 from FY2008 and to rebudget funds of \$42,405 from FY2008. (B09-187 and B09-188) **Funding Source – State**

d. Statewide Activities - Revisions in the total amount of \$138,992 budget unexpended funds of \$122,841 from FY2008 and to rebudget funds of \$16,151 from FY2008. (B09-189 and B09-190) **Funding Source – State**

e. Youth 30% - Revisions in the total amount of \$36,892 to budget unexpended funds of \$20,111 from FY2008, to rebudget funds of \$15,714 from FY2008 and to appropriate fund balance of \$1,067 for funds received in FY2008 but not expended. (B09-191 thru B09-193) **Funding Source – State, Workforce Development Fund Balance**

f. Dislocated Worker - Revisions in the total amount of \$45,666 budget unexpended funds of \$45,174 from FY2008 and to

rebudget funds of \$492 from FY2008. (B09-195 and B09-196)

Funding Source – State

- g. Career Advancement Account – Revision in the amount of \$3,418,488 to budget additional grant funding. (B09-196)

Funding Source - Federal

- (7) Eastover Sanitary District

Revision in the amount of \$61,293 to recognize additional NC Clean Water Management Trust Fund revenue to fund Change Order #2 that will increase the scope of the project back to its original design. (B09-170) **Funding Source – NC Grant**

REGULAR AGENDA ITEMS

- 4. Consideration of Adoption of the Proposed 2009 Schedules of Values.

BACKGROUND: NCGS 105-317(b)(1) requires that uniform schedules of values, standards, and rules be prepared for each revaluation of real property, one for appraising property at market value and one for appraising agricultural, horticultural and forest land at its present-use value. The Board of Commissioners shall review and approve these values, standards, and rules before January 1 of the year they are applied. Before final approval, notice must be published and the public must be given an opportunity to comment on the proposed schedules. Once the Board adopts the schedules of value, there is a 30-day appeal period to the NC Property Tax Commission. Notice was published on October 7, 2008, notifying the public that the Schedules of Value were available for public inspection in the Tax Administrator’s office and also that a public hearing concerning the Schedule of Values would be held on October 20, 2008. The Board held a public hearing at the October 20, 2008 meeting; **there were no speakers.** The statutes require the Board must wait at least seven days after the public hearing to adopt the Schedules of Value.

ACTION: Approve/adopt the proposed Schedules, Standards and Rules for the 2009 Revaluation. Also approve and adopt the proposed Use-Value Manual for the 2009 Revaluation. Also direct the Tax Administrator to publish, under his name and for the Board of Commissioners, a statement in a newspaper having general circulation in the county stating: (a) *the Schedules, Standards, and Rules and the Use-Value Manual to be used in the 2009 revaluation have been adopted and are open for examination in the Office of the Tax Administrator located in the Cumberland County Courthouse, 117 Dick Street, 5th Floor, Room 570, and (b) a property owner who asserts that the Schedules, Standards and Rules or the 2009 Use-Value Manual are invalid may take exception thereto and appeal to the Property Tax Commission within 30 days of the date this notice was first published, November 4, 2008.* This notice will be published on November 4, 11, 18 and 25, 2008.

MOTION: Commissioner King moved to approve the above noted ACTION, adopting the proposed Schedules, Standards and Rules for the 2009 Revaluation and to approve the proposed Use-Value Manual for the 2009 Revaluation.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

5. Nominations to Boards and Committees

A. Board of Adjustment (1 Vacancy, Alternate Member)

Vacancy: Alternate member James Ingram has resigned. William Lockett Tally has been recommended to fill this vacancy.

Nominee: William Lockett Tally

B. Local Emergency Planning Committee (1 Vacancy)

Vacancy: Operators of Facilities Representative. Catherine Grazioli, Safety Manager at Hexion Specialty Chemicals, has been recommended to fill this position.

Nominee: Catherine Grazioli

6. Appointments to Boards and Committees

MOTION: Commissioner Council moved to appoint the nominees in 6A-6G.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

A. Community Child Protection Fatality Prevention Team (1 Vacancy)

Nominee:

Parent of a Child Who Died Before Reaching Their 18th Birthday Position:

Bobbie Bethea

B. Farm Advisory Board (1 Vacancy)

Nominee: Farmers: Wayne Collier, Jr.

C. Minimum Housing Appeals Board (1 Vacancy)

Nominee: John Williams (Reappointment)

D. Senior Citizens Advisory Board (3 Vacancies)

Nominees: Eleanor Ayers Hairr (Reappointment)

George Hatcher, Sr. (Reappointment)

Kristine Wagner (Reappointment)

E. Transportation Advisory Board (5 Vacancies)

Nominees:

At-Large Representatives: Dianne Grumelot (Reappointment)
Charles Luther, Jr. (Reappointment)
Timothy Strickland (Reappointment)
Ifetayo Farrakahn (Reappointment)

Vocational Rehab Representative: Tammy Jackson (Reappointment)

F. Workforce Development Board (1 Vacancy)

Nominees: Private Sector: JoLeita Evans (Reappointment)
Education: Emily M. Dickens

G. Wrecker Review Board 1 Vacancy)

Nominee: Sgt. William Martin

7. Closed Session NO CLOSED SESSION NEEDED

MOTION: Commissioner King moved to adjourn.
SECOND: Commissioner Council
VOTE: UNANIMOUS

MEETING ADJOURNED: 9:45AM.

Clerk to the Board