

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
OCTOBER 20, 2008, 6:45PM  
REGULAR/REZONING MEETING

PRESENT: Chairman Breeden Blackwell  
Vice Chair Jeannette Council  
Commissioner Kenneth S. Edge  
Commissioner John T. Henley, Jr.  
Commissioner Billy R. King  
Commissioner Ed Melvin  
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 Clerk  
Tom Lloyd, Planning/Inspections Director  
Marsha Fogle, Clerk

INVOCATION - Commissioner Kenneth Edge

PLEDGE OF ALLEGIANCE

Recognition of Outgoing Board Members:

Damita Rucker-Ash – Cumberland County Workforce Development Board  
Vivian Tookes - Cumberland County Workforce Development Board  
Patricia Tyson – Cumberland County Workforce Development Board (unable to attend)

Recognition of Cumberland County Outstanding Employee Award:

Mike Osbourn – Cumberland County Planning Department

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

SPEAKERS: Jose Cardona - Mr. Cardona told the Board that Goodyear will be closing for a week in October, and also in November. He said it could also be closing in December. He suggested any incentives earmarked for Goodyear be used in the school system.

Special Recognition: Heather Erickson – 2008 Bronze Medal – World Organization Volleyball for Disabled – Intercontinental Cup in Ismailia, Egypt and 2007 Silver Medal – Sitting Volleyball Invitational in Shanghai, China

1. Consent Agenda

Commissioner King pulled items 1C & 1D.

**MOTION:** Commissioner Henley moved follow the staff recommendations on all items on the Consent Agenda except for Items C&D, which will be considered separately.

**SECOND:** Commissioner Melvin

**VOTE:** UNANIMOUS

- A. Approval of minutes for the October 6, 2008 regular meeting and September 30, 2008 Joint Meeting with the Board of Education and the September 30, 2008 2030 Planning Meeting.

**ACTION:** Approve

- B. Approval of Amendments to the Tax Administration Records Retention Schedule.

**BACKGROUND:** The Local Records Unit of the NC Department of Cultural Resources, Government Records Branch, has provided counties with update of the Records Retention and Disposition Schedules for County Tax Administration, published April 1, 2004. The amendments specifically address property appraisal records, property tax collection records and motor vehicle records and business taxes.

**ACTION:** Approve the amended schedule. (A copy may be found in the County Manager's Office and in the Tax Administration Office.

- C. Approval of Declaring Foreclosed Real Property Surplus.

**BACKGROUND:** The County of Cumberland has recently acquired by tax foreclosure the following properties:

ITEM	PIN	ADDRESS	DESCRIPTION	ASSESSED VALUE \$	TAX LIEN \$	DATED RECORDED	DEED Book / Page
1.	0433-10-9608	1186 Sandhill Rd. Hope Mills	.5 acre Melvin Ld	9,775.00	3,929.72	09/29/08	7992/505
2.	0426-92-8574	2224 Progress St.	Lot 6 M B Person	33,700.00	9,442.75	08/12/08	7961/396
	0436-02-0393	2233 Progress St.	S/ Lots 12 & 13 M B Person	7,000.00		08/12/08	7961/396
	0436-02-0988	2203 Progress	2 Imps	30,346.00		08/12/08	7961/366
3.	0447-60-1256	1714 Long St	Lot 82 & Pt Lots 80 & 84 Atkinson Property	3,000.00	5,582.99	09/29/08	7992/507
	0447-60-2207	1716 Long St	Lots 78 & Pt Lots 80	3,000.00		09/29/08	7992/507

4.	0438-44-8328	Scott Ave	W 30' Lt 2 M D Riddle	4,800.00	3,352.79	09/29/08	7992/509
5.	0447-61-7142	117 Plymouth St	Imp. S/50 Ft Lot 15 Bowen Sub	4,207.00	3,045.10	09/29/08	7992/503
6.	0418-29-7064	119 Laraine St	1 Lot Bonnie Doone	22,182.00	11,534.30	09/29/08	7992/501
7.	0437-59-5574	869 W. Orange St.	Lot 75 & Pt Lots 74&76 Pleasant view	3,500.00	5,316.89	09/29/08	7992/431

Commissioner King inquired if anyone had bid on the properties. The County Attorney explained that these properties are just being declared surplus and there are not bids as of this time.

MOTION: Commissioner King moved to approve.  
 SECOND: Commissioner Henley  
 VOTE: UNANIMOUS

ACTION: Declare the properties surplus to the needs of the county.

D. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure.

BACKGROUND: On or about March 27, 2003, the County acquired by tax foreclosure property located on Fredrick Road, off Bunce & Raeford Road, PIN 0407-21-6598, Lot 110x250 McGill Land. Christopher Norval McKoy has offered to purchase the property for \$2,137.65 and deposited \$2137.65 in the Finance Office. The tax value of the property is \$14,963.00. The property is surplus to the needs of the county. There have been no upset bids.

ACTION: Approve the sale of the property to Christopher Norval McKoy for \$2,137.65, plus costs and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

Commissioner King noted the difference in the bid and the tax value of the property. The County Attorney noted that the County tries to get at least the tax foreclosure amount when it accepts bids. He also noted that while the property is in the county's hands, it does not generate any revenues. The property had been offered for upset bid and none was received.

MOTION: Commissioner King moved to approve  
 SECOND: Commissioner Henley  
 VOTE: UNANIMOUS

E. Approval of the 10-Year Plan to End Homelessness.

BACKGROUND: The City of Fayetteville and Cumberland County adopted resolutions in 2005 supporting the development of a local 10-Year Plan to End Homelessness. A steering committee was appointed in July 2006 whose purpose was to bring community stakeholder together to develop a strategy that would comprise the local 10-year plan. The Steering Committee hired J-Quad and

Associates to assist with the development of the Plan. Community forums were held and as a result of community input a draft plan was developed to address homelessness in Fayetteville and Cumberland County. The plan was approved by the Steering Committee and now comes forward to the Fayetteville City Council and Board of Commissioners for approval. The next step is to convene working groups that will undertake implementation of each of the priorities identified in the Plan. The Plan lists ten priorities to address the needs of the homeless in our community. The Plan also addressed resources needed to accomplish the plan. All needed funding will be applied for during Federal and/or State funding cycles, committed from annual entitlement allocations and requested during the City and County annual budget processes. The anticipated schedule for funding requests will begin with the 2010 fiscal year budget. The Action Plan will be brought to the Board of Commissioners for review at a future date.

**ACTION:** Approve the 10-Year Plan to End Homelessness, excluding the Action Plan, acknowledging there is no commitment of County funds with approval of the Plan.

- F. Approval of Contract with District Attorney and Administrative Office of the Courts to Fund an Assistant District Attorney to Reduce the Pre-Trial Population in the Detention Center.

**BACKGROUND:** The Board of Commissioners has since 2005 agreed to fund an assistant district attorney position dedicated to reducing the expanding pre-trial population in the Detention Center. This contract would extend the position through FY09. Because of retention concerns, the contract includes benefits, including health insurance and retirement. It also deletes the references to a “temporary” position. The Board continues to have the discretion whether or not to continue to fund this annually through the budget process and through the 90-day termination provision in the contract.

**ACTION:** Approve the contract.

- G. Approval of Conveyance of Surplus Property Within Hope VI Project Area to City of Fayetteville in Exchange for Payment of the County’s Taxes Owed on Such Parcels.

**BACKGROUND:** The County owns and has declared as surplus six parcels located within the Hope VI Project area. The city of Fayetteville has offered to purchase the properties for the amount of the county’s tax liens on these parcels, a total of \$47,958.62, to be used in the Hope VI Revitalization Grant Program. A portion of the value of the properties may be used as a match for the Community Development HOME program contingent on appraisals of those values.

	<u>PROPERTIES</u>	
<u>Legal</u>	<u>PIN</u>	<u>COST</u>
419 S. Cool Springs	0437-61-7072	\$ 6,183.40
434 Wilmington Rd	0437-70-9404	16,509.38
332 Lincoln Dr	0437-71-8172	7,715.35
312 Old Wilmington Rd	0437-81-3409	3,718.66

226 Nimocks Ave	0437-61-7743	7,931.83
432 Campbell and 430 Campbell Ave	0437-70-9749, 0437-70-9800	5,900.00
	<b>TOTAL</b>	<b>\$ 47,958.62</b>

**ACTION:** Approve conveyance of the properties to the City of Fayetteville for the amount of \$47,958.62 and authorize the Chairman to sign a deed conveying those properties to the City for use in the Hope VI Revitalization Grant Program.

- H. Approval to Provide for the Development and Implementation of an Identity Theft Prevention Program to Comply with Federal Regulations Relating to Red Flags and Identity Theft.

**BACKGROUND:** The Federal Trade Commission (FTC) issued regulations requiring creditors to develop and implement a written program to detect, prevent and mitigate identify theft. Included in the definition of a “creditor” is any government or governmental subdivision or agency that regularly extends the right to purchase services and defer payment for the service. The written program must be approved by the creditor’s board of directors or an appropriate committee of the board of directors. These rules become effective November 1, 2008. The Cumberland County Health Department extends credit in that clients may purchase health services and defer payment for the services. Therefore, the County is subject to the FTC regulations.

**ACTION:** Direct the Board of Health and Public Health Director to develop a written identify theft prevention program in compliance with the FTC regulations and submit it to the County Legal Department for approval as to legal sufficiency prior to implementation.

- I. Approval of Calling a Public Hearing on Economic Development Incentive Agreement with Goodyear Tire & Rubber Company for November 3, 2008.

**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. Goodyear 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 economic development incentive agreement, is a condition of the Company receiving the State JMAC Grant. A public hearing must be held on the proposed incentive agreement.

**ACTION:** Approve November 3, 2008 as the public hearing date to consider the proposed economic incentive agreement with Goodyear Tire & Rubber Company.

- J. Approval of Appointment of Deputy Finance Officer for Crown Center.

BACKGROUND: The NC General Statutes require all checks drawn on an official depository to be signed by the Finance Officer or a properly designated Deputy Finance Officer and countersigned by another official of the local government so designated by the Governing Board. There is also a requirement that the Deputy Finance Officer have a performance bond in an amount not less than \$10,000 or more than \$250,000.

ACTION: Appoint Eric Fronczek, Interim Director of Ticketing for the Crown Center, to be appointed to sign checks for the Crown Center's checking and savings account and require him to provide a performance bond in the amount of \$20,000.

- K. Approval of a Proclamation Proclaiming October 23, 2008 as the "Day of National Concern" in Cumberland County and the Week of October 23-31, 2008 as "Red Ribbon Week" in Cumberland County.

ACTION: Adopt Proclamation.

#### 2008 NATIONAL RED RIBBON CAMPAIGN

WHEREAS, gun violence, alcohol and drug abuse have been identified as significant dangers to young people and our communities today; and

WHEREAS, violence and substance abuse among the nation's youth have emerged as some of the nation's greatest threats to a healthy lifestyle among our young people; and

WHEREAS, it is critical that schools, parents and communities develop a proactive, collaborative approach to prevention and education efforts throughout our county that reduces violence against youth as well as the demand for alcohol and other substances; and

WHEREAS, the Department of Justice, Eastern District US Attorney's Office of North Carolina is leading the efforts of the Day of National Concern, Tuesday, October 23, 2008, focusing on preventing gun violence and other violence among youth – this national day is an observance that gives students across the country an opportunity to take a stand against gun violence by signing the students pledge against gun violence. In addition the National Family Partnership for a Drug-free North Carolina and the Coalition for Awareness, Resources and Education of Substances are sponsoring the National Red Ribbon Campaign which offers community members the opportunity to display their commitment to a drug free lifestyle by wearing a red ribbon; and

WHEREAS, local government, businesses, law enforcement, school systems, citizens and students will express their commitment to a lifestyle free of youth substance usage and gun violence by signing the Day of National Concern Students Pledge on October 23, 2008 and by wearing a ribbon during Red Ribbon Week Campaign.

NOW, THEREFORE, the Board of Commissioners of Cumberland County PROCLAIMS Tuesday, October 23 2008 "Day of National Concern" in Cumberland County and the week of October 23-31, 2008 "Red Ribbon Week" and encourages all citizens to take active roles in preventing substance abuse and gun violence among our youth in our communities during these dates and indeed, throughout every day of the year.

Adopted this 20<sup>th</sup> day of October, 2008.

L. Budget Revisions:

ACTION: Approve

(1) NC Elderly

- a. Rural Operating Assistance Program - Revision in the amount of \$6,700 to reconcile the County budget with State approved grant award. (B09-095) **Funding Source – State**
- b. Community Transportation Program Grant/General Government Other - Revision in the amount of \$22 to reconcile the County budget with State (\$18) and adjust the required local match (\$4). (B09-155 and B09-155A) **Funding Source – State and General Fund**

(2) Juvenile Crime Prevention Program

- a. Revision in the amount of \$5,551 to appropriate fund balance to refund revenue received and not spent in FY2008. (B09-156) **Funding Source – Juvenile Crime Prevention Program Fund Balance**
- b. Revision in the amount of \$25,983 to recognize an additional State allocation for the Juvenile Assessment Center. (B09-164) **Funding Source –State**

(3) Health Department

Sexually Transmitted Disease Clinic - Revision in the amount of \$2,000 to recognize a Medical Society Alliance Grant. (B09-158) **Funding Source – Grant**

(4) Emergency 911

- a. Revisions in the total amount of \$88,244 to reallocate budgeted expenditures from Emergency 911 (\$1,400) and Emergency Telephone System (\$2,834), reduce contract with City of Fayetteville (\$71,207)

and establish contract with Ft Bragg (\$267,500) for E911 addressing, reclassify miscellaneous revenue (\$56,000) and reduce fund balance appropriated (\$49,215). (B09-160 thru B09-160B) **Funding Source – Fees and Emergency 911 Fund Balance**

b. Revisions in the total amount of \$124,235 to reallocate budgeted expenditures for two positions from Emergency 911 Addressing to Emergency Telephone System, increasing the State reimbursement and reducing fund balance appropriated. (B09-161 and B09-161A) **Funding Source – State and Emergency 911 Fund Balance**

(5) Sheriff- Federal Forfeiture Justice Fund

Revision in the amount of \$49,000 to appropriate fund balance to purchase laptop computers for law enforcement vehicles. (B09-162) **Funding Source – Federal Forfeiture Fund Balance Appropriated**

(6) Sheriff- Federal Forfeiture Treasury Fund

Revision in the amount of \$58,925 to appropriate fund balance to purchase digital in-car video camera systems. (B09-163) **Funding Source – Federal Forfeiture Fund Balance Appropriated**

(7) Solid Waste- Recycling

Revision in the amount of \$250,000 to appropriate fund balance to reimburse the City of Fayetteville at the rate of \$30 per ton for recyclables that are diverted from the County’s landfill. (B09-167) **Funding Source – Solid Waste Fund**

2. Public Hearings

**Uncontested Cases**

Rezoning

Upon finding the requests to be reasonable, neither arbitrary nor unduly discriminatory, and in the public interest the following motion was offered:

MOTION: Commissioner Edge moved to follow the recommendation of the Planning Board for Cases A&B.

SECOND: Commissioner Council

VOTE: UNANIMOUS

- A. Case P08-41. Rezoning of 1.00+/- acre from C(P)/CU Conditional Use Overlay district to allow industrial operations (apparel manufacturing/sewing operations) to C(P) Planned Commercial, or to a more restrictive zoning district, located at 2212 Lillington Hwy., owned by Thomas E. & Elizabeth Higdon.

The Planning Board recommends approval of C(P) Planned Commercial District

NO SPEAKERS

- B. Case P08-45. Rezoning of 48.32+/- acres from RR Rural Residential & CD Conservancy District to R7.5 Residential, or to a more restrictive zoning district, located on the north side of Camden Road and east of the Hoke County line, owned by Camden Glen Development, LLC.

The Planning Board recommends approval of R7.5 Residential for the portion of the request outside of the existing Special Flood Hazard Area with the relatively small portions inside the SFHA to the west and north of the subject property to remain CD Conservancy district.

NO SPEAKERS

**Other Public Hearings**

- C. Public Hearing on the Proposed 2009 Schedules of Values

The Chairman opened the public hearing.

SPEAKERS: None

The Chairman closed the public hearing.

No action needed.

- D. Public Hearing and Consideration of Resolution of Intent to Close Sandra Lane in Carvers Creek Township.

BACKGROUND: The property owner adjacent to both sides of Sandra Lane located off the western margin of Ramsey Street in Carvers Creek Township has petitioned that the street be closed. The Board may close the road if it finds that no person will be denied reasonable egress or ingress to her/her property.

The Chairman opened the public hearing. There were no speakers. The Chairman closed the public hearing.

ACTION: Adopt Resolution approving the closing of Sandra Lane.

**RESOLUTION CLOSING SANDRA LANE**

WHEREAS, a petition has been submitted to the Cumberland County Board of Commissioners (the “Board”) by an adjoining landowner to close Sandra Lane in Carvers Creek Township, in Cumberland County;

WHEREAS, following proper notice, the Board held a public hearing on the question of the closing of such street on the 20<sup>th</sup> day of October, 2008 and heard all interested persons who appeared with respect to whether the closing would be detrimental to the public interest or to any individual’s property rights; and

WHEREAS, following the public hearing the said Board found and determined that such public street is not under the control of the North Carolina Department of Transportation; that the North Carolina Department of Transportation approves of said closing; that no person would be deprived of reasonable means of ingress and egress to his property by such closing; and that such closing would therefore not be contrary to the public interest;

NOW THEREFORE, the Cumberland County Board of Commissioners hereby RESOLVES, pursuant to authority granted by G.S. 153A-241, that the public street more particularly described below be, and it is hereby, closed, subject, however to the continued dedication and preservation of an easement therein for existing and future utilities, and of an easement therein for public safety emergency vehicle access:

Being all of Sandra Lane as shown on Plat Book 29, Page 30 and as amended by the Easement Agreement in Book 1080, Page 623 increasing the width to 60 feet as recorded in the Cumberland County Registry.

And the Board further RESOLVES, that a certified copy of this Resolution be recorded in the Cumberland County Registry.

Adopted this 20<sup>th</sup> day of October, 2008.

MOTION: Commissioner King moved to approve the Resolution closing Sandra Lane.  
SECOND: Commissioner Melvin  
VOTE: UNANIMOUS

E. Public Hearing and Consideration of Adopting a Special Assessment Resolution for the Cedar Creek Road Water Extension Project.

Mr. Harvey Raynor, Deputy County Attorney, reviewed the project. This project will include installation of approximately 3,500 total linear feet of water main extending from an existing 8 inch water main along Highway 210 near the intersection with Cedar Creek Road, including all appurtenances, to serve twenty three (23) residences, one (1) church and one (1) concrete products plant within this community. The assessment will be payable in fifteen (15) annual installments and the first installment with interest will be due sixty (60) days after the date that the assessment roll is confirmed. One installment with interest is due on the anniversary date in each successive year until the assessment is paid in full. The interest rate shall be set at six percent (6%) per annum.

SPEAKERS: Mr. Landis Chavis – Mr. Chavis noted the need for the project and thanked the Board for its support.

The Chairman closed the public hearing.

ACTION: Adopt the Special Assessment Resolution

**SPECIAL ASSESSMENT RESOLUTION  
CEDAR CREEK ROAD WATER EXTENSION PROJECT**

**WHEREAS**, the property owners within the 3000 and 4000 blocks of Cedar Creek Road have petitioned the Cumberland County Board of Commissioners to extend public water within their community, and

**WHEREAS**, a public hearing has been held regarding all matters covered in the preliminary special assessment resolution;

**NOW THEREFORE**, the Board of Commissioners, pursuant to Article 9 of Chapter 153A of North Carolina General Statutes, hereby adopts the following special assessment resolution:

- I. Need for Project: The Board of Commissioners of Cumberland County hereby undertakes a project to extend public water to the Cedar Creek Road Community. This project is required to eliminate the use of individual groundwater wells for consumptive and hygienic purposes. The overall quality of the ground water in this area is poor, requiring property owners to use expensive water treatment systems.
- II. General Description of the Project: This project will include installation of approximately 3,500 total linear feet of water main extending from an existing 8 inch water main along Highway 210 near the intersection with Cedar Creek Road, including all appurtenances, to serve twenty three (23) residences, one (1) church and one (1) concrete products plant within this community.
- III. Ownership: The water line extensions will become the property of the Public Works Commission of the City of Fayetteville and will be operated and maintained by PWC as part of its comprehensive public water system throughout its service area.
- IV. Proposed Basis of Assessment: The proposed basis of assessment will be at an equal rate per lot in the project area along which public water is extended.
- V. Percentage of Cost to be Assessed: The total engineering, construction and administrative costs shall be assessed against the benefited properties in this special assessment project.
- VI. Abeyance: No assessment will be held in abeyance.
- VII. Terms of Payment: The assessment will be payable in fifteen (15) annual installments and the first installment with interest will be due sixty (60) days after the date that the assessment roll is confirmed. One installment with interest is due on the anniversary date in each successive year until the assessment is paid in full. The interest rate shall be set at six

percent (6%) per annum. The assessment may be paid in full without interest anytime up to sixty (60) days after the confirmation of the assessment roll is published.

MOTION: Commissioner Melvin moved to adopt the Resolution.  
SECOND: Commissioner Wheatley  
VOTE: UNANIMOUS

## REGULAR AGENDA

3. Presentation of the FY 2008 Cumberland County Public Library Annual Report by Jody Risacher, Library Director.

Ms. Jody Risacher, Library Director, reviewed the Library's Annual Report for FY 2008. She noted an increase in library cards. Some of the highlights are as follows:

- Headquarters Children's Area Makeover
- Replacement of children's computers
- Successful "Big Read"
- Library is "going green"
- Awards from NCPLDA & NCAIRS

Ms. Risacher thanked the Board for its support of the Library System.

4. Update from Lee Eanes on GIS Activities in Cumberland County.

Lee Eanes gave an overview of GIS activities. Mr. Eanes noted that GIS provides service to many different groups to include FAEDC, the Board of Elections, Planning, Tax Mapping, Tax Appraisers, City of Fayetteville, PWC and numerous other departments and organizations. He also noted the county has joined with five other counties to map the counties using digital imagery. A grant has been received from the State to assist in this project.

5. Update from Mike Osbourn on E911 Street Addressing Activities in Cumberland County.

Mike Osbourn gave an overview of E911 addressing status and projects. He noted the following highlights:

- received a contract to perform addressing, street naming & sign installations for Ft. Bragg and Pope AFB;
- continuing addressing services for the City of Fayetteville;
- created web map component to allow Sprint and Embarq to reference our information and update their respective 911 databases;
- recipient of an International Award for development plans scanning project (eliminated the need for 21 four-drawer file cabinets and allows both internal and external users to view all submitted plans for E911 address assignments);

- continuing maintenance and erection of street name signs throughout the county with the exception of the City of Fayetteville;

6. Update on Status of the Financing for the Western Elementary School and Western Branch Library.

Ms. Amy Cannon, Assistant County Manager for Finance, told the Board that the original date of the sale of the COPS was October 15, 2008. However, because of the economy and the uncertainty in the economy at this time, the County has elected to delay the sale. Ms. Cannon noted that the Board of Education has received bids on the project, but has decided to begin the site contract work (\$950,000) and pay for it up-front with school board funds. She noted the County will continue to consider its options about how to proceed and will determine the course based on the economy. The options include delay the project, look at short term debt and look at long-term debt through either bank financing or an underwritten offering. Any money spent at this time on site work will not be a waste since this work will have to be done at some point in time.

She will continue to update the Board on the status of this project.

7. Presentation and Consideration of Approval of Cumberland County Department of Social Services 2010-2011 Work First Plan.

**BACKGROUND:** Public law requires counties to submit a Work First Program Plan to the NC Department of Health and Human Services every two years. Although Cumberland County is designated a standard county, it was allowed an exception through a demonstration grant that began in February, 2007. The County issues Work First checks at the end of the month if the recipient has complied with the Plan, instead of at the beginning of the month. The Work First Advisory Council developed the new Work First Plan and recommended approval. The Social Services Board has approved the 2009-2011 Plan and recommends the Board of Commissioners approve the Plan.

**ACTION:** Approve the Plan as submitted.

**MOTION:** Commissioner Edge moved to approve.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

8. Consideration of Submission of Letter of Intent for Neighborhood Stabilization Program (NSP).

**BACKGROUND:** The State of North Carolina, through the Department of Commerce, Division of Community Assistance (DCA), has received \$52.3 million dollars of Neighborhood Stabilization Program (NSP) funds to be awarded to communities across the state. The funds are to be used by state/local governments to acquire and redevelop foreclosed properties that might otherwise become sources of abandonment and blight within their communities. DCA is requesting a Letter of Intent form areas that have a need and wish to apply for the funds. Based on preliminary information, grants ranging from \$2 million to \$5 million will be awarded to qualified applicants demonstrating the most need. Some factors being considered include highest percentage of home foreclosures and the highest

percentage of homes financed with sub-prime mortgage loans. The Community Development Department believes that Cumberland County could benefit from these funds.

**ACTION:** Approve submission of a Letter of Intent to the Department of Commerce for the NRP and authorize the County Manager to sign the Letter of Intent on behalf of the Board.

**MOTION:** Commissioner Council moved to approve the submission of a Letter of Intent.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

9. Consideration of a Resolution Imposing a Gross Receipts Tax on Heavy Equipment in Lieu of Property Tax.

**BACKGROUND:** Senate Bill 1852, adopted in the last legislative session, removed certain heavy equipment from the property tax base, and to offset this loss of revenue to counties, enacted provisions which allow counties and municipalities to tax the gross receipts on the short-term rental of heavy equipment. Taxing entities are required to pass resolutions to enable the tax at least two months before it becomes effective, and to start collection only at the beginning of a fiscal quarter (January, April, July, October). The tax for counties is 1.2% and for cities .8%.

Commissioner King inquired how much money the county would lose if it did not adopt this Gross Receipts Tax on Heavy Equipment. Mr. Raynor, Deputy County Attorney, and Ms. Tina Belanger noted there is no way to accurately estimate the loss because there is no designation of "lease" equipment when equipment is listed. However, they both noted the county would lose revenue if this Gross Receipts Tax was not approved. Commissioner Wheatley inquired about the property tax on the equipment. It was noted by the Attorney that once this tax becomes effective there will no longer be a property tax on the equipment. He noted the person actually renting/leasing the equipment would be paying the tax. The owner of the equipment will collect the tax and submit it to the County.

**ACTION:** Adopt Resolution enacting the tax and authorize the County to collect such taxes on behalf of cities/towns that contract tax collection with the County, and that have passed proper resolutions.

### RESOLUTION

WHEREAS, NC Session Law 2008-144 & NCGS 105-275(42a) designates Heavy Equipment on which a gross receipts tax may be imposed under NCGS 153a-156.1 & 160a-215.2 as a special class of property which is exempted from property taxation and shall not be listed, appraised, assessed or taxed after January 1, 2008; and

WHEREAS, in lieu thereof, NCGS 153a-156.1 AUTHORIZES a County by resolution to impose a tax at the rate of one and two-tenths percent (1.2%) on the gross receipts from the short term lease or rental of heavy equipment by a person whose principal business is the short-term lease or rental of heavy equipment at retail; and

WHEREAS, this tax provides an alternative to a property tax on such equipment;

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

Section 1. That a tax of one and two-tenths percent (1.2%) on the gross receipts from the short-term lease or rental of heavy equipment by a person whose principal business is the short-term lease or rental of heavy equipment at retail is imposed pursuant to NCGS 153A-156.1 in lieu of personal property tax.

Section 2. That this resolution shall be effective January 1, 2009.

Section 3. That the Cumberland County Tax Collector will assess and collect this tax for any municipality in Cumberland County with which there is a contract for collection of taxes, which has adopted a comparable resolution taxing gross receipts from short-term lease or rental of heavy equipment, and which resolution requests Cumberland County to collect such receipts.

MOTION: Commissioner Council moved to approve.  
SECOND: Commissioner Henley  
VOTE: FAVOR: Commissioners Council, Henley, Blackwell, Edge, King  
OPPOSED: Commissioners Melvin and Wheatley

10. Consideration of Legislative Goals for the North Carolina Association of County Commissioner Conference in January 2009 (If Any).

The Board discussed the following issues:

Legislation to increase child care subsidy funding – submitted by DSS;  
Resolution to provide that appointments to the Boards of Trustees of Community Colleges be made only by the Governor and by County Boards of Commissioners;  
Hold counties harmless on the sales tax revenue lost when annexation occurs.

MOTION: Commissioner Edge moved that the Board approve a resolution asking the NCACC to add to its Legislative Goals, legislation to increase child care subsidy funding.  
SECOND: Commissioner King  
VOTE: UNANIMOUS

MOTION: Commissioner King moved that the Board approve a resolution asking the NCACC to add to its Legislative Goals, legislation to provide that appointments to Board of Trustees of Community Colleges be made only by the Governor and by County Boards of Commissioners.  
SECOND: Commissioner Edge  
VOTE: UNANIMOUS

MOTION: Commissioner Council moved that that the Board approve a resolution asking the NCACC to add to its Legislative Goals legislation to hold counties harmless on the sales tax revenue lost when annexation occurs.  
SECOND: Commissioner King  
VOTE: UNANIMOUS

NOTE: The County Attorney will draft the appropriate resolutions for the above noted issues.

11. Nominations to Boards and Committees

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

VACANCY: Request to replace Tonya Vetter (Parent of a child who died before reaching their 18<sup>th</sup> birthday position) because of absences. Bobbie Bethea has been recommended to fill this vacancy.

Nominee: Bobbie Bethea

B. Farm Advisory Board (1 Vacancy)

VACANCY: Mr. Bill Tew (Farmer's position) has resigned from this Board. It has been recommended that Wayne Collier, Jr. be nominated to fill this vacancy.

Nominee: Wayne Collier, Jr.

C. Minimum Housing Appeals Board (1 Vacancy)

VACANCY: John Williams (regular member) has completed his first term and is eligible for reappointment.

Nominee: John Williams - reappointment

D. Senior Citizens Advisory Board (3 Vacancies)

VACANCIES: Eleanor A. Hairr is completing 1<sup>st</sup> term – eligible for reappointment.  
George Hatcher, Sr. is completing 1<sup>st</sup> term – eligible for reappointment.  
Kristine Wagner is completing 1<sup>st</sup> term – eligible for reappointment.

Nominees: Eleanor Hairr - reappointment  
George Hatcher, Sr. - reappointment  
Kristine Wagner - reappointment

E. Transportation Advisory Board (5 Vacancies)

VACANCIES (4) FOR AT-LARGE POSITIONS:

Dianne Grumelot – completing 1<sup>st</sup> term – eligible for reappointment  
Charles Luther, Jr. – completing 1<sup>st</sup> term – eligible for reappointment  
Timothy Strickland – completing 1<sup>st</sup> term – eligible for reappointment  
Pam Presser – completing 2<sup>nd</sup> term – not eligible for reappointment

VACANCY – VOCATIONAL REHAB POSITION: Tammy Jackson – completing 1<sup>st</sup> term, - eligible for reappointment

Nominees: Dianne Grumelot – at large (reappointment)  
Charles Luther, Jr. – at large (reappointment)  
Timothy Strickland – at large (reappointment)  
Ifetayo Farrakahn – at-large  
Tammy Jackson – Rehab position (reappointment)

F. Workforce Development Board (2 Vacancies)

VACANCY – PRIVATE SECTOR – JoLeita Evans – completing 1<sup>st</sup> term – eligible for reappointment  
VACANCY – EDUCATION POSITION – Emily M. Dickens (FSU) has been recommended to fill this position

Nominees: JoLeita Evans – private sector (reappointment)  
Emily Dickens – education position

G. Wrecker Review Board (1 Vacancy)

VACANCY: Sgt. William Martin (Sheriff’s appointee) – completing an unexpired term and is eligible for first full term.

Nominee: Sgt. William Martin

12. Appointments to Boards and Committees

MOTION: Commissioner Council moved to appoint the nominees in 12A-B by acclamation.  
SECOND: Commissioner King  
VOTE: UNANIMOUS

A. Library Board of Trustees (2 Vacancies)

Nominees: Susan Walters (Reappointment)  
Ole Sorensen

B. Joint Senior Citizens Advisory Board (1 Vacancy)

Nominee: Sara Jean Hicks

13. Closed Session:
- A. Attorney Client Matter(s)  
Pursuant to NCGS 143-318.11(a)(3).
  - B. Personnel Matters

Pursuant to NCGS 143-318.11(a)(6).

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

SECOND: Commissioner Edge

VOTE: UNANIMOUS

MOTION: Commissioner King moved to go into Open Session.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

MOTION: Commissioner King moved to adjourn.

SECOND: Commissioner Henley

VOTE: UNANIMOUS (NOTE: Commissioner Council was not present for the vote).

MEETING ADJOURNED: 9:35PM.

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**Clerk**