

MARSHALL FAIRCLOTH  
Chairman

JIMMY KEEFE  
Vice Chairman

JEANNETTE M. COUNCIL  
KENNETH S. EDGE  
CHARLES E. EVANS  
BILLY R. KING  
EDWARD G. MELVIN



**CUMBERLAND  
★ COUNTY ★  
NORTH CAROLINA**

**BOARD OF COMMISSIONERS**

CANDICE WHITE  
Clerk to the Board

KELLIE BEAM  
Deputy Clerk

**MEMORANDUM**

TO: Facilities Committee Members (Commissioners Keefe, Edge and King)  
FROM: Kellie Beam, Deputy Clerk to the Board **KB**  
DATE: September 27, 2012  
SUBJECT: Facilities Committee Meeting – Thursday, October 4, 2012

**There will be a regular meeting of the Facilities Committee on Thursday, October 4, 2012 at 8:30 AM in Room 564 of the Cumberland County Courthouse.**

**AGENDA**

1. Approval of Minutes – September 6, 2012 Meeting **(Pg. 2)**
  2. Consideration of Request to Lease Both Floors of the Robeson S & L Building to the FACVB **(Pg. 5)**
  3. Update on Status of the Former Board of Elections Building and Board of Elections Move to the E. Newton Smith Building **(No Materials)**
  4. Update on Status of the Employee Wellness Center and Pharmacy **(No Materials)**
  5. Update on the Lease for the J.P. Riddle Stadium **(Pg. 7)**
  6. Other Items of Business
- cc: Board of Commissioners  
Administration  
Legal  
Communications Manager  
County Department Head(s)  
Sunshine List



# DRAFT

ITEM NO. 1

CUMBERLAND COUNTY FACILITIES COMMITTEE  
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564  
SEPTEMBER 6, 2012 - 8:30 A.M.  
MINUTES

MEMBERS PRESENT: Commissioner Jimmy Keefe, Chair  
Commissioner Kenneth Edge  
Commissioner Billy King (arrived at 8:40 a.m.)

OTHER COMMISSIONERS  
PRESENT: Commissioner Marshall Faircloth (arrived at 8:45 a.m.)

OTHERS PRESENT: James Martin, County Manager  
Amy Cannon, Deputy County Manager  
James Lawson, Assistant County Manager  
Sally Shutt, Chief Public Information Officer  
Rick Moorefield, County Attorney  
Jeffery Brown, Engineering and Infrastructure Director  
Rodney Jenkins, Deputy Health Director  
Howard Abner, Assistant Finance Director  
Tom Lloyd, Planning & Inspections Director  
Darrell Handelsman, Fayetteville Swampdogs  
John Meroski, FACVB  
Candice White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board  
Press

Commissioner Jimmy Keefe called the meeting to order.

1. APPROVAL OF MINUTES – JUNE 7, 2012 MEETING

MOTION: Commissioner Edge moved to approve the minutes.  
SECOND: Commissioner Keefe  
VOTE: UNANIMOUS (2-0)

2. CONSIDERATION OF REQUEST FROM ARTS COUNCIL TO USE THE  
HISTORIC COURTHOUSE FOR EVENTS

James Martin, County Manager, stated the request from the Arts Council to use the Historic Courthouse had been withdrawn. Commissioner Keefe stated this was the third request this year to use the Historic Courthouse for various events. Commissioner Keefe stated the Historic Courthouse is a nice facility and he would like to see it used conservatively for members of the public.

# DRAFT

Commissioner Keefe further stated he would like to see the Policy Committee come up with a policy regarding the use of the Historic Courthouse. Commissioner Edge stated there was already a policy in place regarding the use of county facilities that needs be updated. Rick Moorefield, County Attorney, stated his recommendation would be to revise the outdated policy regarding the use of county facilities. Mr. Martin stated Commissioner Keefe's request would be referred to the October Policy Committee agenda.

## 3. UPDATE ON STATUS OF E. NEWTON SMITH BUILDING

James Lawson, Assistant County Manager, stated the new county pharmacy and the employee clinic are open and seeing patients. Mr. Lawson further stated the Board of Elections has completely moved into the E. Newton Smith Building and are preparing for the upcoming election.

Mr. Lawson stated the former Board of Elections building is empty and is in great condition. Sally Shutt, Chief Public Information Officer, stated information is on the website informing citizens of the new location of the Board of Elections. Ms. Shutt further stated there have also been several press releases sent out regarding the move. Commissioner Edge suggested a sign be placed on the doors of the former Board of Elections building notifying citizens of the new location.

## 4. UPDATE ON THE LEASE FOR THE J.P. RIDDLE STADIUM

Rick Moorefield, County Attorney, stated the current lease for the J.P. Riddle Stadium expires at the end of this year. Mr. Moorefield stated the current lease was developed before the merger of the City of Fayetteville and the Cumberland County Parks and Recreation departments. Mr. Moorefield further stated everything in the current lease refers to maintenance by Cumberland County, rather than the joint recreation department. Mr. Moorefield stated the county is awaiting a letter from Michael Gibson, City of Fayetteville, to clarify the responsibilities of the city and county for maintenance. Mr. Moorefield stated once he receives that letter, a draft lease will be presented for the board's consideration.

Commissioner Edge stated he would like to make a suggestion that lease considerations be brought to the Facilities Committee for consideration and then the Facilities Committee would make a recommendation to the full board. Commissioner Edge further stated there needs to be a system put in place when leases become due to ensure they are renewed in a timely manner. Mr. Moorefield stated he is currently working with Mr. Lawson on a comprehensive database for all leases.

Mr. Moorefield stated once he receives clarification from the City of Fayetteville on the outside maintenance at J.P. Riddle Stadium he will have the draft lease ready to bring back to the Facilities Committee for consideration of approval.



# DRAFT

## 5. CONSIDERATION OF REQUEST TO LEASE BOTH FLOORS OF THE ROBESON S & L BUILDING TO THE FACVB

Mr. Moorefield stated Community Development has vacated the second floor of the old Robeson S & L building on Person Street. Mr. Moorefield further stated the FACVB is currently housed on the first floor and has requested to lease both floors of the building, consisting of 7,049 square feet. Mr. Moorefield stated the FACVB has leased the ground floor since June 16, 1997 for \$10,000 annually. Mr. Moorefield explained the FACVB lease expired on June 1, 2007 and the FACVB has continued as a holdover tenant.

Mr. Moorefield stated the FACVB has requested an annual rental rate of \$22,000 for the entire building for a ten year term. Mr. Moorefield explained the FACVB would be responsible for all utilities, janitorial, signage and minor repairs to the interior. Mr. Moorefield further explained the county would remain responsible for the parking lot, the exterior of the building and the landscaping. Mr. Moorefield stated the FACVB would maintain general liability insurance with \$1,000,000 coverage.

Mr. Moorefield stated because the FACVB's original term extended beyond ten years and must be counted toward any renewal; the lease must be treated as a sale. Mr. Moorefield stated the FACVB is a non-profit entity that carries on a public purpose, so it would only be required that the lease terms be advertised which would avoid the transaction being subject to the upset bid procedure.

John Meroski, FACVB, stated in 2007 the FACVB spent \$140,000 to renovate the first floor of the building and if the lease is approved the FACVB would renovate the second floor within the first couple of years. Mr. Meroski stated if the FACVB is able to expand to the second floor, the FACVB would be able to expand services which would benefit economic development.

Commissioner Keefe stated he feels the rental rate should be more along the lines of the state approved rate. Mr. Martin stated an option for the Facilities Committee would be to defer action on the FACVB lease until October so staff would be able to sit down with Mr. Meroski to discuss the rental rate. The consensus of the Facilities Committee was to direct staff to discuss the rental rate further with Mr. Meroski and bring back a proposal to the Facilities Committee in October.

## 6. OTHER ITEMS OF BUSINESS

There were no other items of business.

MEETING ADJOURNED AT 9:23 AM.





**OFFICE OF THE COUNTY ATTORNEY**

5<sup>th</sup> Floor, New Courthouse • PO Box 1829 • Suite 551 • Fayetteville, North Carolina 28302-1829  
(910) 678-7762

**MEMO FOR THE AGENDA OF THE  
OCTOBER 4, 2012 MEETING OF THE FACILITIES COMMITTEE  
(Update to September 6, 2012 Memo)**

**TO:** Facilities Committee; Co. Manager; Asst. Co. Manager; John Meroski,  
FACVB  
**FROM:** Co. Atty. *R. Moorefield*  
**DATE:** September 27, 2012  
**SUBJECT:** Lease of Both Floors of the Robeson S & L Bldg. to the FACVB

**BACKGROUND:**

Since the discussion of this matter at the September 6, 2012 meeting of the Facilities Committee, management has agreed to recommend a rental term of 10 years and a rental rate of \$10.50 per s.f. for the lease of the old Robeson S & L Bldg. to the FACVB, subject to the Board's finding that the building will not be needed for government purposes during that lease term.

The other terms of the existing arrangement will remain in place with the essential lease terms being as follows:

**Premises:** Robeson S & L Bldg. located on Person Street across from the Courthouse

**Lessee:** FACVB

**Notice of Intent:** will be required

**Use:** to conduct activities to promote tourism and the use of convention facilities in Cumberland County

**Term:** ten years commencing upon approval by Board of Commissioners

**Renewal Terms:** none

**Rent:** 7,049 s.f. @ 10.50 for annual rent of \$74,015

**Utilities:** lessee's responsibility

**Regular Inside Maintenance:** lessee's responsibility

**Janitorial:** lessee's responsibility

**Maintenance of Exterior, Parking Lot and Landscaping:** County's responsibility

**Insurance:** \$1 million general liability provided by lessee

**Improvements:** at lessee's cost, subject to county's approval

**Early Termination Provision:** none

**RECOMMENDATION/PROPOSED ACTION:**

Consider whether to grant lease this lease.



**RICKEY L. MOOREFIELD**  
County Attorney



**PHYLLIS P. JONES**  
Assistant County Attorney

**OFFICE OF THE COUNTY ATTORNEY**

5<sup>th</sup> Floor, New Courthouse • PO Box 1829 • Suite 551 • Fayetteville, North Carolina 28302-1829  
(910) 678-7762

**MEMO FOR THE AGENDA OF THE  
OCTOBER 4, 2012 MEETING OF THE FACILITIES COMMITTEE  
(Update to September 6, 2012 Memo)**

**TO:** Facilities Committee; Co. Manager; Asst. Co. Manager;  
**FROM:** Co. Atty. *R. Moorefield*  
**DATE:** September 27, 2012  
**SUBJECT:** Lease of J. P. Riddle Stadium to Swampdogs

**BACKGROUND:**

J. P. Riddle Stadium has been leased to Hometown Sports America, Inc., (the Swampdogs) since December 23, 2004 under two lease terms of 4 years each. The current lease expires at the end of 2012. The Swampdogs wish to continue to lease the stadium under the same general terms and conditions. Due to the language in the agreements between the city and the county for the operation of the joint recreation department, a request was made to the city to clarify what the city regarded as its maintenance responsibilities for the stadium. A copy of the letter from the city attorney's office is attached.

The essential terms of the proposed lease are as follows:

**Premises:** J. P. Riddle Stadium

**Lessee:** Hometown Sports America, Inc.

**Notice of Intent:** will be required

**Use:** as the home field for an amateur baseball club playing in the Coastal Plains League

**Term:** four years commencing January 1, 2013

**Renewal Term:** one 4-year renewal term to be exercised at the option of the club

**Rent:** total amount (including concession rights) is \$12,000 annually

**Utilities:** county to pay all utilities, including parking lot security lights, sign lighting, water for playing field and irrigation, all other water, sewer, electric and telephone with the club to reimburse flat amount of \$150 per game during the playing season and \$250 per month for the months of the off-season when no games are played

**Maintenance by the Club:**

- dragging and lining the field for its games and clean-up of concessions and locker areas
- HVAC system for the club office
- field tarp and batter's cage and batter's/pitcher's tunnel
- all concession equipment, including cookers, grills, coolers, freezers, drink dispensers, food and beverage handling equipment
- signage used for advertising/marketing (not the stadium identification sign)

**Maintenance by the County:**

- ❖ all regular maintenance
- ❖ mowing, edging, fertilizing playing surface
- ❖ maintaining parking lot, mowing and landscaping outside the ballpark
- ❖ post-game clean-up
- ❖ all electrical and mechanical systems including field lighting, parking lot lighting, scoreboard, plumbing, stadium identification sign, backstops, dugouts, foul poles, outfield fence
- ❖ all structures and buildings including the clubhouse, public restrooms, concession buildings, press box, ticket booths, bleachers and box seats

**Note: The City is proposing that all maintenance will be provided by the City and will be fully funded by the County out of County's General Fund, with the County to retain all liability for maintenance performed by the City.**

**Janitorial:** club's responsibility

**Insurance:** as required by the County Risk Manager

**Early Termination Provision:** none

**RECOMMENDATION/PROPOSED ACTION:**

Consider whether to grant this lease.



September 11, 2012

Mr. James E. Lawson,  
Assistant County Manager  
Cumberland County Administration  
117 Dick Street, Room 512  
Fayetteville, NC 28301

**Re: Maintenance of J.P. Riddle Stadium**

Dear Mr. Lawson,

You notified the City of Fayetteville that Cumberland County is in the process of drafting a new contract to renew the lease of J.P. Riddle Stadium to the Swamp Dogs. The County has requested that the City provide a letter stating the City's responsibility for maintenance of J.P. Riddle Stadium.

The City of Fayetteville understands that J.P. Riddle Stadium is a fixed asset under Cumberland County's ownership and control. Further, the City understands that the County will fund J.P. Riddle Stadium's maintenance costs to include City employees who may perform maintenance for the stadium. Based upon this understanding, the City will provide maintenance for J.P. Riddle Stadium to begin on the date of this letter contingent upon the availability of County funds for stadium maintenance costs to include City staff to perform maintenance. By agreeing to provide maintenance for J.P. Riddle Stadium, the City of Fayetteville neither accepts nor assumes liability related to any injury or damage caused by any act, omission or negligence in the maintenance of the stadium.

Please feel free to contact the Fayetteville City Attorney's Office with questions.

Sincerely,

Dana C. Clemons  
Assistant City Attorney

cc: Karen M. McDonald, City Attorney  
Kristoff T. Bauer, Assistant City Manager  
Michael Gibson, Parks and Recreation Department Director

P.O. BOX 1513  
FAYETTEVILLE, NC 28302-1513  
PH: (910) 433-1985 FAX: (910) 433-1980