
Minutes
Cumberland County Board of Commissioners
February 1, 1999, 9:00 AM
Regular Meeting

PRESENT:

Chairman Thomas B. Bacote

Vice Chairman Ed Melvin

Commissioner Talmage Baggett

Blackwell

Commissioner Breeden

Commissioner Billy King

Commissioner H. Mac Tyson II

Commissioner J. Lee Warren, Jr.

Cliff Strassenburg, County Manager

James Martin, Deputy County Manager

Juanita Pilgrim, Asst. County Manager

Cliff Spiller, Asst. County Manager

Neil Yarborough, County Attorney

Marsha Fogle, Clerk to the Board

INVOCATION:

Commissioner Talmage Baggett

Rev. Ray Whitman

- Salem United Methodist Church

PLEDGE OF

ALLEGIANCE

RECOGNITION: Retired County Employees: Vivian L. Parrish -
Veterans Service Office

Amendment to Agenda: Add: Consideration of a Resolution reference an
Installment Financing Agreement

MOTION: Commissioner King moved to add the item to the
Consent Agenda.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

1. CONSENT AGENDA

MOTION: Commissioner King moved to follow staff
recommendations on the items on the Consent Agenda.

SECOND: Commissioner Warren

DISCUSSION: Commissioner Blackwell asked a question concerning
item 1(D). He asked if this would be the last project relating to the
new Civic Center. The response from staff, including Mr. Kendall
Wall, was that it would be as far as they could tell. There may be
some additional work in the parking area at a later date.

VOTE: UNANIMOUS

A. Approval of Minutes: January 25, 1999

ACTION: Approve

B. Approval of a report on delinquent taxes for the year 1998.

Uncollected County Ad Valorem, Recreation, Fire, & Special Fire
Taxes that are delinquent and a lien on real estate as of February 1, 1999
are \$6,638,207.

Uncollected municipal and downtown revitalization taxes that are
delinquent and are a lien on real estate as of February 1, 1999, are
\$1,826,687.

Uncollected fees that are not a tax as of February 1, 1999 are
\$767,600.

ACTION: Accept the report of delinquent taxes as noted above and order the Tax Collector to advertise the liens in a newspaper of local circulation during March 1999. SEE ATTACHMENT A OF THESE MINUTES

C. Approval of a Resolution Concerning Initial Approval of Hospital Financing and the Financing Team Therefor and Authorization for Reimbursement of Preliminary Expenditures for Particular Projects.

BACKGROUND: The County expects to issue revenue bonds late this Spring to finance certain new project at CFVMC, as well as to re-finance certain of CFVMC's outstanding revenue bonds.

ACTION: Adopt Resolution

**RESOLUTION CONCERNING INITIAL APPROVAL OF HOSPITAL FINANCING
AND
THE FINANCING TEAM THEREFOR AND AUTHORIZATION FOR
REIMBURSEMENT
OF PRELIMINARY EXPENDITURES FOR PARTICULAR PROJECTS**

WHEREAS, the Board of Commissioners (the "Board") of the County of Cumberland, North Carolina (the "County"), has financed and refinanced certain costs of the health care system operated on behalf of the County by the Cumberland County Hospital System, Inc. (the "Hospital Corporation") through the issuance under the State and Local Revenue Bond Act, General Statutes of North Carolina Section 159-80 et seq. (the "Act"), of, among other issues, its \$59,998,913.60 Hospital Facility Revenue Bonds (Cumberland County Hospital System, Inc.), Series 1991 (the "Series 1991 Bonds"); and

WHEREAS, it has been proposed that the callable Series 1991 Bonds be refinanced for the purpose of debt service savings due to lower interest rates under the Act; and

WHEREAS, the Hospital Corporation has planned (a) the construction and installation of a West Wing Expansion for Food and Nutrition Services, Materials Services, Information Systems and the Cardiac Surgery Center, the construction and installation of a Wellness Center, the expansion of its GI Lab, the renovation of Two East and replacement of the Angiography Room

(the "Projects") and (b) the acquisition of Columbia Highsmith-Rainey Memorial Hospital (the "Acquisition") and has requested the Board to consider financing a portion of the costs of the Projects and the Acquisition with revenue bonds under the Act at the same time the callable Series 1991 Bonds are refunded through the issuance of additional bonds (the "Bonds") for such purposes, among other things; and

WHEREAS, the Act requires certain actions to be taken in connection with the issuance of revenue bonds, including refunding bonds; and

WHEREAS, certain costs of the Projects may be incurred prior to the issuance of the bonds and the Internal Revenue Code of 1986, as amended, and applicable regulations generally require that for such expenditures to be reimbursed from the proceeds of the Bonds there must be evidence of an intent that such reimbursement occur prior to the initial expenditure; and

WHEREAS, the Board of Trustees of the Hospital Corporation has adopted a resolution expressing such intent and in furtherance of the issuance of the bonds and requested this Board to consider it;

NOW THEREFORE, the Board of Commissioners of the County of Cumberland, meeting in regular session on February 1, 1999, in Fayetteville, North Carolina, do the following:

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CUMBERLAND, NORTH CAROLINA:

1. The following members of the financing team for issuance of the bonds are hereby approved:

Financial Advisor	Craigie Incorporated
Humphrey Company, LLC	The Robinson-
Incorporated	Jackson Securities
Markets Corp., a division of Wheat First Securities, Inc.	First Union Capital
Markets, Inc.	Wachovia Capital
Co-Underwriters' Counsel	Brown & Wood, LLP

Rand & Gregory, P.

A.

Trustee & Escrow Agent
Co-Trustee

The Bank of New York
Central Carolina

Bank and Trust Company

Trustee's Counsel

Robinson,

Bradshaw & Hinson, P.A.

Co-Special Counsel

Hunton & Williams

(William H. McBride)

The Banks Law

Firm, P.A. (R. Jonathan Charleston)

2. The Board hereby evidences its intent that any proceeds spent on the projects, up to a maximum amount of \$14,150,000 (unless such amount is increased by the Board), may be reimbursed from proceeds of the Bonds or other revenue bonds of the County issued for such purpose.

3. All resolutions or parts thereof in conflict herewith are hereby repealed.

4. This resolution shall take effect immediately.

D. Approval of Bid Award for Coliseum Up-fit Project

BACKGROUND: Bids were received on December 9, 1998, for the Coliseum Up-fit Project, however an insufficient number of bids were submitted. The project was readvertised and bids were received again on December 22, 1998. The project involves up-fit of two locker rooms with associated toilet and shower rooms, converting the existing shop room into a multipurpose room, creating two new offices at the arena level and adding a new general storage area. Both single prime and multiprime bids were taken. The low single prime bid was submitted by Player, Inc., in the amount of \$299,250 which was lower than the sum of the low multiprime bids which was \$314,020. Sufficient monies are available in the Civic Center Budget to fund this project.

BIDS

Single Prime

Contractor: Shaw Construction
Base Bid: \$426,000
Contingency: \$23,800
Contract Sum: \$499,800
Completion Date: 120 days
Appendix: B

Contractor: Player, Inc.
Base Bid: \$285,000
Contingency: \$14,250
Contract Sum: \$299,250
Completion Date: 120 days
Appendix: B

Multi-Prime Electrical Contractor

Contractor: AAA Electrical
Base Bid: \$52,431
Contingency: \$2,622
Contract Sum: \$55,053
Appendix: D

Contractor: Allman Electric
Base Bid: \$27,450
Contingency: \$1,373
Contract Sum: \$28,823

Multi-Prime Plumbing

Contractor: Haire Plumbing Co., Inc.
Base Bid: \$36,928
Contingency: \$1,846
Contract Sum: \$38,774
Appendix: B

Contractor: Barnes/Ivey Mech. Co.
Base Bid: \$48,978
Contingency: \$2,449
Contract Sum: \$51,427

Appendix B

Contractor	Town & Country Plumbing
Base Bid	\$45,000
Contingency	\$2,250
Contract Sum	\$47,250
Appendix	B

Multi-Prime Mechanical

Contractor	Barnes/Ivey Mech. Co.
Base Bid	\$44,688
Contingency	\$2,234
Contract Sum	\$46,923
Appendix	D

Multi-Prime & General

Contractor	Shaw Construction Co
Base Bid	\$305,000
Contingency	\$15,250
Contract Sum	\$320,250
Completion Date	120 days
Appendix	B

Contractor	Player Inc
Base Bid	\$190,000
Contingency	\$9,500
Contract Sum	\$199,500
Completion Date	120 days
Appendix	B

ACTION: Award a single prime contract to Player, Inc. in the amount of \$299,250.

E. Approval of a report on formal bid awards of \$100,000 or less approved by management

BACKGROUND: Report on bid awards:

1. Awarded the bid for computers for the Tax Administration Department to the low bidder, Dell, in the amount of \$42,024. Bid was awarded on January 20, 1999.

BIDS RECEIVED:

Company:	Compaq
Unit Cost	\$2,367
Total Cost	\$59,175

Company:	Dell
Unit Cost	\$1,681
Total Cost	\$42,025

Company	Gateway
Unit Cost	\$2,088
Total Cost	\$52,200

Company	HP
Unit Cost	\$2,100
Total Cost	\$52,500

2. Awarded bids for miscellaneous vehicle accessories for the Sheriff's Department to three low bidders in the total amount of \$51,321.17. The bid for items 2-5, 11-13, 20 & 27 was awarded to the low bidder, Ray O'Herron in the amount of \$6,368.90. The Bid for items 1 (including items 6-10), 15, 17, & 25 was awarded to the low bidder, Lawmen's, in the amount of \$8,296.44. The bid for items 16,18,19,21-24,26 & 28 was awarded to the low bidder, Southern Public Safety, in the amount of \$36,655.83. The bid were awarded on January 25, 1999.

BIDS RECEIVED: SEE ATTACHMENT B TO THESE MINUTES

F. Budget Revisions:

(1) Library: Revision in the amount of \$30,730 to convert two vacant full-time Librarian I positions into six part-time Library Associate II positions (B99-528) Funding Source - County

(2) Personnel: Revision in the amount of \$4,600 to appropriate fund balance for acquisition of a conference table and chairs for the Courthouse Conference Room #15 (B99-533) Funding Source - County

(3) Court Facilities: Revision in the amount of \$25,000 to appropriate fund balance for acquisition of furniture for the courts (B99-534) Funding Source - County

(4) Sheriff's Office: Increase in revenue/expenditures in the net amount of \$15,040 to replace a wrecked vehicle using insurance proceeds (B99-531) Funding Source - Other

(5) Manchester Fire District: Revision in the net amount of \$2,848 to appropriate fund balance and to reallocate expenditures to fund a new fire protection contract with the Town of Spring Lake to provide fire protection to the area previously served by the Manchester Volunteer Fire Department (B99-541) Funding Source - Fire District Tax

ACTION: Approve

G. Consideration of a Resolution authorizing installment financing.

BACKGROUND: On January 4, 1999, the Board of Commissioners approved an installment financing transaction with NationsBank for up to \$3,730,00. The proposed interest rate is locked in through February 1, 1999. This resolution is required by the bank as final authorization and will approve the specific Municipal Lease Agreement and related documents and authorize the Manager to enter into and perform it and to sign on behalf of the County with such revisions as may be satisfactory to the Office of the County Attorney.

ACTION: Adopt Resolution

RESOLUTION

BE IT RESOLVED BY THE Cumberland County Board of Commissioners, that it approves and ratifies the Municipal Lease Agreement,

dated as of January 27, 1999, between BA Leasing & Capital and Cumberland County and all documents relating thereto, substantially in the form as included in the agenda of this meeting of February 1, 1999, together with such revisions thereto as may be satisfactory to the County Finance Director, the County Manager and Office of the County Attorney, and be it

FURTHER RESOLVED, that the County Manager is authorized on behalf of the County to enter into said Municipal Lease Agreement and to perform or cause to be performed all of the County's obligations thereunder, and be it

FURTHER RESOLVED, that the County Manager is authorized on behalf of the County and in its name to execute all such documents evidencing or relating to such loan as shall be satisfactory to the office of the County Attorney.

Adopted this 1st Day of February, 1999.

REGULAR AGENDA

2. Nominations to Boards/Committees

A. Board of Health (1 vacancy)

BACKGROUND: Sarah Moorman has resigned from the Board of Health. She was filling the registered nurse position.

ACTION: Nominate to fill that position.

Nominee: Commissioner Blackwell nominated Janet Lindbloom

B. Cumberland County Animal Control Board (5 vacancies)

BACKGROUND: The Board of Commissioners adopted an Ordinance Establishing the Cumberland County Animal Control Board on January 4, 1999. The Board is to be composed of five members meeting the following criteria;

n one member shall be a person with knowledge and experience in dog behavior and/or handling;

n one member shall have an interest in promoting the goals of the Animal Protection Society or the Human Society or another such broadly-based and representative organization interested in the care and protection of animals;

n two members shall represent the public at large;

n one member shall be ex-officio, the veterinarian on contract to the animal Control Department (Dr. John Lauby).

ACTION: Make nominations to fill the above noted positions.

Nominees: Position (experience in dog behavior and/or handling:
Tim Loughman

Position (promote goals of Animal Protection
Society: Lynn Stone

Position (ex-officio, veterinarian on contract to Animal
Control Department: Dr. John Lauby

Positions - at large: Martha Harr, Donna Broadhurst,
Mark Joseph

Appointments will be made at the next meeting.

C. Cumberland County Home & Community Care Block Grant Committee (1 vacancy)

BACKGROUND: Doy McPhail has resigned from the committee due to health reasons. His term will actually expire April 30, 2000. He was serving in one of the Older Consumer Representative positions.

ACTION: Nominate to fill the vacancy.

Nominee: Eloise Haggard

D. Equalization and Review Board (1 vacancy)

BACKGROUND: The following position on the E&R Board will become vacant on March 31, 1999:

Real Estate Agent Position: Mr. George Turner is currently serving in this position and is eligible for a 2nd term

ACTION: Nominate Mr. Turner for a second term.

Nominee: George Turner

E. Nursing Home Advisory board (2 vacancies)

BACKGROUND: There are two vacancies on the Nursing Home Board as a result of Robin Edwards and Jacquelyn Moyd not attending any meetings or responding to letters from Mid Carolina relative to their service.

ACTION: Nominate to fill the two vacancies.

Nominees: Betty Freeman
Pat Smith

3. Appointments to Boards/Committees:

MOTION: Commissioner King moved to appoint the nominees in A, B, & C to the respective Boards by acclamation.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

A. Juvenile Crime Prevention Council (3 vacancies)

Nominees: John J. Jones
Rev. Donald Overton
Marshall Pitts

B. Criminal Justice Partnership Advisory Board (1 vacancy)

Nominee: Commissioner H. Mac Tyson

C. Board of Health (1 vacancy)

Nominee: Brenda Fonville

4. Policy Committee report and recommendation regarding Rule 30(f) of the Board's Rules of Procedure

BACKGROUND: In October of last year, Billy King asked the Board to

consider amending or abolishing this rule. It was referred to the County Policy Committee for review and recommendation. The Policy Committee met on January 21, 1999 and voted to recommend to the full Board that the rule not be changed. The Committee noted that if some special circumstance should arise regarding an appointed Board member's tenure, the Board of Commissioners can by majority vote make an exception to the appointment policy.

ACTION: Consider the Policy Committee's recommendation.

No action needed for this item.

5. Consideration of bid award for the Cumberland County Courthouse fire alarm replacement

BACKGROUND: This project has been bid twice. One bid was received from Watson Electrical Construction Company in the amount of \$292,000. The project engineer and County staff negotiated with Watson and his material supplier, Simplex, to value engineer cost savings and reduced the amount to \$257,000. There is \$170,000 currently budgeted for construction leaving a shortfall of \$87,000.

ACTION: Award the bid to Watson Electrical Construction Company in the amount of \$257,000, appropriate \$87,000 from the general fund to cover the shortfall and approve associated budget revision (B99-536).

Commissioner Warren asked how many bids were received. Staff noted one bid had been received and the project had been bid twice. Staff indicated there could be some liability issues if we don't replace the system.

MOTION: Commissioner King moved to award the bid to Watson Electrical Construction in the amount of \$257,000 and approve associated budget revision.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

6. CLOSED SESSION: Litigation and discussions involving attorney client privilege

MOTION: Commissioner King moved to go into Closed Session to

discuss litigation and issues involving attorney-client privilege.

SECOND: Commissioner Baggett

VOTE: UNANIMOUS

Note: The litigation matter is Time Warner v. Cumberland County.

MOTION: Commissioner King moved to go back into Regular Session.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

MEETING ADJOURNED: 10:30 AM

[Return to top of page](#)

Page last updated 4/22/00