

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
FEBRUARY 4, 2008, 9:00AM
REGULAR MEETING

PRESENT: Vice Chairperson Jeannette Council
Commissioner Kenneth 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
Amy Cannon, Asst. County Manager
Cliff Spiller, Asst. County Manager
Grainger Barrett, County Attorney
Harvey Raynor, Deputy County Attorney
Marie Colgan, Deputy Clerk
Marsha Fogle, Clerk

INVOCATION Commissioner John Henley

Minister: Rev. Ray Brown - Holy Trinity Episcopal Church

Pledge of Allegiance

Recognition of Retired County Employees:

Joyce Faircloth – Health Department
James Phelan – Department of Social Services
Ronald “Doc” Nunnery – Cumberland County Emergency Services
Jerry Thrasher – Cumberland County Public Library
John Tyndall – Cumberland County Sheriff’s Office

Recognition Outgoing Board Members:

Sylvia Ray – Library Board of Trustees

1. Consent Agenda

Items 1I and 1L are pulled from the Consent Agenda. (Item 1I is removed from the agenda)

MOTION: Commissioner King moved to follow staff recommendations on the Items on the Consent Agenda, except for Items 1I and 1L.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

- A. Approval of minutes for the January 7, 2008 regular meeting.

ACTION: Approve

- B. Approval of Report on Delinquent Real Property Taxes for the Year 2007.

BACKGROUND: NCGS 105-369 requires the Collector to report unpaid taxes for the current fiscal year that are liens on real property by the first Monday in February. Report is attached (Attachment A) to these Minutes. Total delinquent county taxes on real property for the Year 2007 as of 1/25/08 are \$12,864,531 on 17,309 parcels.

ACTION: Accept the report and charge the Collector to advertise the tax liens in a newspaper of local circulation during the month of April 2008.

- C. Approval of Revisions to the Community Development Department's Owner-Occupied Housing Rehabilitation Program (HRP) Policy.

BACKGROUND: In order to assist first-time homebuyers in rehabilitation of their homes, Community Development recommends that they seek assistance thorough the Housing Rehabilitation Program (HRP). As first-time homebuyers, the applicants have an existing second position lien with Community Development and their primary mortgage through another lender. Therefore, by taking a third position lien for housing repairs, Community Development is in effect just behind one other lender.

ACTION: Approve the revision to the Policy allowing CCCD to accept a third lien position behind a current CCCD lien on a first time homebuyer borrower.

- D. Approval of Cumberland County Facilities Committee Report and Recommendation:
 - 1) New Public Health Center Construction Manager At Risk

BACKGROUND: The Facilities Committee received a report on the status of the new Public Health Center Project at its January 8, 2008 meeting. Mr. David Mullins with CJMW reviewed the site plan, final floor plans, building elevations and indicated that construction drawings are approximately 90% complete. A final review set of plans will be submitted to the County Engineer by February 15, 2008 and the project could be let for bids in early March, 2008. Mr. Mullins presented information regarding the Construction Manager At-Risk approach for procuring construction services for the project. Recent state legislation gives local governmental entities the ability to select a construction manager (general contractor) through a qualifications based process and then negotiate a guaranteed maximum price for construction. This is an alternative to the conventional single-prime or multi-prime construction bid process. Primary advantages to CM At-risk are:

Qualification based as opposed to accepting low bid;

Guaranteed maximum price mitigating the incentive to look for change order work;
Incentive driven which can lead to a shortened project timeline;
All costs are disclosed tot the architect and owner;
The owner has more control over the selection process for subcontractors, hence
more control over the quality of construction.

The County Facilities Committee endorsed the CM At-Risk approach for this project. Mr. Mullins advised the Committee that in order to maintain the project schedule the county would need to begin the CM selection process prior to the February 4, 2008 meeting of the Board of Commissioners. So, Request for Qualifications was issued on January 21, 2008 with responses due by February 8.

ACTION: Endorse the staff and Facilities Committee recommendation and ratify the actions taken to date by staff to more forward with the CM At-risk procurement method.

E. Approval of Cumberland County Finance Committee Report and Recommendations:

1) County's Health Insurance Plan and Wellness Program

BACKGROUND: The Finance Committee received a presentation from Mark Browder of mark III regarding the County's current health insurance coverage through Blue Cross & Blue Shield (BCBS). Mr. Browder recommended that the County utilize the Health Risk Assessment provided by BCBS. By participating in this program, county employees would receive a discounted rate for 2008-09. The assessment would take place in April 2008 and again in April 2009. In order for participants to continue to receive discounts, they would have to continue to participate in the HRA, receive a score of at least 80 (or improve their score by 5 points if it was below 80). If this wellness strategy is adopted by the Board, there will be no need for an increase in health care funding for the 2008-09 plan year. In addition, BCBS is reducing cost barriers to members with specific chronic conditions by waiving copayment on certain generic medications that treat congestive heart failure, high blood pressure, high cholesterol and diabetes. BCBS is also moving more expensive brand-name drugs that treat these conditions into a lower drug classification so they are more affordable. This program will run from January 2008 through 2009. Mr. Browder also recommended that the County not go out for bids for health insurance for the FY09 plan. The Finance Committee recommends that the County do the Wellness Strategy and that it include adults and spouses on the County's plan.

ACTION: Approve the Wellness Strategy as noted above.

2) County's Partnership with City of Fayetteville's Recycling Program

BACKGROUND: The Finance Committee at its meeting on January 3, 2008 heard a presentation regarding the City of Fayetteville's recycling effort and proposed partnership with the County. Jerry Dietzen, City of Fayetteville, told the Committee that the city staff is ready to make a recommendation to the City Council regarding recycling. He said that cost would be no more than \$39 a year for a single family dwelling. The City is requesting the County participate in the effort by providing a "tipping" spot for the recyclables. County Management supports county participation in the program. The cost for the county to participate in providing the

tipping spot for the County to haul the recyclables away is \$450,000 - \$500,000 (equipment and two employees) with approximately \$300,000 of that representing up-front equipment purchase cost. In addition, the Committee discussed the City continuing to pay the \$48 household fee it currently pays. Mr. Bobby Howard noted that a new law will come into effect in July 2008 requiring the County to pay a tipping fee of \$2.00 per ton for waste deposited in the landfill. He noted that the County may have to increase its \$48 fee to \$50 in order to break even.

ACTION: Authorize Bobby Howard, Solid Waste Director, and the County Manager to enter into an Interlocal Agreement with the City of Fayetteville for processing of recyclables.

- F. Approval of Declaration of Surplus County Property and Authorization to Accept Insurance Settlement.

BACKGROUND:	Date of Accident:	12/21/07
	Vehicle:	2000 Ford Crown Vic
	VIN:	2FALP71W7YX179612
	Mileage:	145,140
	Department:	Sheriff's Office
	Settlement Offer:	\$3,639.40
	Insurance Co.:	GEICO

ACTION: Declare the vehicle surplus, accept the settlement noted above and allow GEICO to take possession of the wrecked vehicle.

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

<u>Cross Creek & Pearces Mill Townships:</u>	Belt Blvd. (SR 2205) Relocation
<u>Gallberry Farms Subdivision:</u>	Gallberry Farms Road
<u>The Woods at Birch Creek Subdivision:</u>	Sangria Place, Danzante Place, Franciscan Drive (SR 3692 Ext.) Bardolino Drive (SR 3695 Ext.)

ACTION: Approve

- H. Approval of Report on the Disposal of Surplus Property Pursuant to NCGS 160A-226(a).

BACKGROUND: On June 15, 1998, the Board adopted a Resolution founded in the statutes allowing the Assistant County Manager to dispose of certain "personal property, worth less than \$5,000 per item or group of similar items, which have become obsolete, unusable, economically unrepairable, or otherwise surplus to the needs of the County." The Resolution also stipulates that the Assistant County Manager "shall render semi-annual reports to the Board summarizing disposals between the preceding July 1 and December 31st period. Report is attached (Attachment B to these Minutes).

ACTION: Adopt the report as submitted.

- I. Approval of Offer to Purchase by Jana D. Longnecker from Community Development Department of a House Located at 3234 Glenmore Drive, Hope Mills, and to Publish Notice of Upset Bid.

This Item will not be considered by the Board.

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

- 1) Lot 5, Block C Addition No. 4 Colonial Heights Subdivision
PIN: 0423-58-8229, Rockfish Township

BACKGROUND: The County acquired the property by tax foreclosure on or about October 21, 2005. The amount currently owed on the foreclosure judgment including interest and costs for both properties is \$4,689.36. Mr. Wilson M. Williams, Jr. has offered to purchase both properties (Lot 5 and Lot 6, see below) for \$4,689.36 and has deposited 10% in the Finance Office. No upset bids have been received.

ACTION: Approve the sale as noted above and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price and costs.

- 2) Lot 6 Block C Addition No. 4 Colonial Heights Subdivision
PIN: 0423-58-8324, Rockfish Township

See above background and action.

- 3) 0.98 Ac Gardner Ld – PIN: 9496-72-5197; Seventy-First Township

BACKGROUND: This property was acquired by tax foreclosure on or about January 6, 2004. The amount currently owed on the foreclosure judgment including interest and cost is \$2,273.04. Franklin Chase has offered to purchase the property for \$2,273.04 and has deposited \$277.30 in the Finance Office. Tax value is \$6,750.

ACTION: Accept the offer and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price and costs.

- 4) 1 Ac Stephenson Land – PIN: 0421-76-7334; Grays Creek Township

BACKGROUND: This property was acquired by tax foreclosure on or about December 7, 2006. The amount currently owed on the foreclosure judgment including interest and cost is \$3,126.10. Sondra Roberts has offered to purchase the property for \$3,126.10 and has deposited \$312.61 in the Finance Office. Tax value is \$2,250.00.

ACTION: Accept the offer and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price and costs.

5) 0.45 Ac McNeill Land – PIN: 0432-43-1639; Grays Creek Township

BACKGROUND: This property was acquired by tax foreclosure on or about October 17, 2006. The amount currently owed on the foreclosure judgment including interest and cost is \$2,858.16. Sondra Roberts has offered to purchase the property for \$2,858.16 and has deposited \$285.81 in the Finance Office. Tax value is \$4,500.

ACTION: Accept the offer and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price and costs.

6) Lots 18 & 19 Block K Section 2 Meadow View Terrace – PIN:0469-68-1227; Eastover Township

BACKGROUND: This property was acquired by tax foreclosure on or about September 5, 2007. The amount currently owed on the foreclosure judgment including interest and cost is \$3,231.93. Sondra Roberts has offered to purchase the property for \$3,231.93 and has deposited \$323.00 in the Finance Office. Tax value is \$2,000.

ACTION: Accept the offer and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price and costs.

7) 1 Ac Bryant Land – PIN: 0486-88-8725; Cedar Creek Township

BACKGROUND: This property was acquired by tax foreclosure on or about November 1, 2007. The amount currently owed on the foreclosure judgment plus interest and cost is \$3,330.20. Sondra Roberts has offered to purchase the property for \$3,330.20 and has deposited \$330.00 in the Finance Office. Tax value is \$3,850.

ACTION: Accept the offer and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

K. Approval of a Proclamation Proclaiming February 2008 as “Human Relations Month” in Cumberland County.

ACTION: Adopt Proclamation.

PROCLAMATION

WHEREAS, Cumberland County believes in the dignity and worth of each individual, regardless of race, creed, gender, national origin, or handicapping condition; and

WHEREAS, Cumberland County promotes and maintains a spirit of goodwill, tolerance, and mutual respect among individuals, groups, races, and persons of differing social and economic status and religious beliefs; and

WHEREAS, the people of Cumberland County work daily to build stronger communities through diversity; and

WHEREAS, Cumberland County owes its appreciation to all the citizens who have contributed and continue to contribute, to the advancement of mutual understanding, fairness, justice and equal opportunity for all; and

WHEREAS, Cumberland County embraces and celebrates change and diversity;

NOW, THEREFORE, the Board of Commissioners proclaims February 2008 “Human Relations Month”.

- L. Approval of Resolution Opposing Further Tightening of Federal Ozone Standards.

ACTION: Adopt Resolution

**RESOLUTION OPPOSING FURTHER TIGHTENING
OF THE OZONE STANDARDS**

WHEREAS, the Cumberland County Board of Commissioners strongly supports clean-air standards at a level that ensures public health and improves quality of life for all our residents; and

WHEREAS, both state and local governments and private industry are making measurable progress in improving air quality, with the national average for ozone levels having decreased by 21 % from 1980 to 2006; aggregate emissions of six principal pollutants down more than half since 1980 despite a 46% increase in population; and programs in place to cut power plant emissions by more than 40% from today's levels by 2010 in 30 eastern jurisdictions, reduce emissions vehicles by 77 to 95% from 2004 levels, dramatically reduce levels of mercury and virtually eliminate diesel emissions; and

WHEREAS, state and local governments and businesses are working diligently to meet the EPA's current National Ambient Air Quality Standard for ground level ozone by the 2020 deadline, investing approximately \$20 billion each year, according to EPA estimates; and

WHEREAS, the EPA, in the course of its required review of NAAQS, is nevertheless considering a further tightening of the ozone standard from 0.08 parts per million; and

WHEREAS, further tightening the ozone standard, even before the current standard is met, could significantly expand the number of nonattainment areas and result in emissions controls in additional areas, thereby imposing significant administrative and regulatory burdens on more citizens, businesses and local governments; and

WHEREAS, burdens associated with a tightened standard would include almost certain plant and business closures and loss of jobs, along with higher energy and other prices to consumers, with total additional costs estimated at \$10 billion to \$22 billion per year; and

WHEREAS, it is in fact likely that scores of local businesses in North Carolina will have to close its doors if the lowest proposed stand is established; and

WHEREAS, significant questions have been raised regarding the science behind the EPA's proposal to tighten the ozone standard, and members of the Clean Air Scientific Advisory Committee, the Agency's own scientific advisory board, have disputed its conclusions; and

WHEREAS, the Agency is proposing this action with virtually no evidence that the change in standards will result in significant health benefits and with no analysis of the enormous costs that will be charged to North Carolina businesses and consumers and to those communities that must implement new complicated compliance programs.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners advises and strongly urges the EPA to retain the existing NAAQS for ozone; and

BE IT FURTHER RESOLVED that the EPA is urged to identify any unfunded mandates or other administrative and economic burdens for state or local governments or agencies that would derive from changes to the NAAQS for ozone; and

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the President of the United State, the Administrator of the US Environmental Protection Agency, the Governor of the State of North Carolina and the Administrator of the NC Department of Environmental Quality.

Commissioner Wheatley noted some concerns with the information in this Resolution. The Board agreed to forward the Resolution to Emilie Helms, the Air Quality employee in the Planning/Inspections Department for review to assure the accuracy of the information in the Resolution, prior to its adoption. The County Attorney noted that the Board had previously adopted a resolution referring to the EPA's proposed new standards with respect to the County's Early Action Compact with EPA.

M. Budget Revisions:

ACTION: Approve

(1) General Government Other

Revision in the amount of \$75,000 to appropriate designated deferred maintenance fund balance to pave and mark the Courthouse temporary parking lots. (B08-127) **Funding Source – Deferred Maintenance Fund Balance**

(2) Cooperative Extension

Revision in the amount of \$16,206 to reallocate budgeted expenditures to eliminate a position from the County payroll system and re-establish as a "send in" position with the State, requiring the County to reimburse 50% of salary to the State. (B08-186) **Funding Source – Reallocation of Budgeted Expenditures**

(3) Juvenile Crime Prevention Program

Revision in the amount of \$17,949 to budget additional grant funds from the State and to realign other revenue and expenditures to the State budget. (B08-188) **Funding Source – State Grant**

(4) Day Reporting

Revision in the amount of \$1,500 to recognize reallocation funds from the State. (B08-189) **Funding Source – State**

(5) Stedman Fire District

Revision in the amount of \$100 to increase expenditure line to cover unanticipated refunds to taxpayers. (B08-185) **Funding Source – Stedman Fire District Tax**

(6) Mental Health

a. Therapeutic Alternatives for Safe Communities Regional Coordinating Entity – Revision in the amount of \$282,021 to create a new Substance Abuse Counselor position, purchase a vehicle and budget additional State funding (\$309,831) and reduce Mental Health fund balance (\$27,810). (B08-193) **Funding Source – State and Mental Health Fund Balance**

b. Therapeutic Alternatives for Safe Communities - Revision in the amount of \$85,799 to create two new Substance Abuse Counselor positions and budget additional State funding (\$224,383) and reduce County transfer (\$138,584). (B08-194) **Funding Source – State and General Fund**

c. Various Departments – Revisions in total amount of \$556,584 to realign funding by reducing State funding (\$951,613), reduce Mental Health fund balance (\$54,431), increase County transfer (\$138,584) and increase fees (\$310,876). (B08-195 thru B08-205) **Funding Source – State, Mental Health Fund Balance, General Fund, Mental Health Fees**

(7) Social Services

a. Revision in the amount of \$15,992 to recognize grant funds from American Bar Association (\$11,994) and Child Advocacy Center (\$3,998). (B08-207) **Funding Source – Grants**

b. Revision in the amount of \$269,502 to recognize additional State funding. (B08-208) **Funding Source – State**

- c. Revision in the amount of \$1,136,952 to recognize additional State and Federal funds from the Division of Child Development. (B08-209) **Funding Source – State and Federal**
 - d. Revision in the amount of \$79,985 to recognize additional State funding for Crisis Intervention. (B08-217) **Funding Source – State**
- (8) Health – Epilepsy
- Revision in the amount of \$275 to recognize a reduction in State funding. (B08-210) **Funding Source – State**
- (9) Industrial Development Inducement Fund – Revision in the amount of \$119,581 to appropriate fund balance for additional incentive payment to Goodyear Tire and Rubber Co. (B08-211) **Funding Source – Industrial Development Inducement Fund Fund Balance**
- (10) NORCRESS Project/NORCRESS Administration
- Revision in the amount of \$199,045 to appropriate fund balance to transfer funds from the completed NORCRESS Project to the NORCRESS Administration Fund. (B08-212 and B08-212A) **Funding Source – NORCRESS Project Fund Balance**
- (11) Sheriff Training Facility/Federal Forfeiture-Justice
- Revision in the amount of \$70,000 to transfer drug forfeiture funds to the Sheriff Training Facility for the completion of fencing. (B08-214 and B08-214A) **Funding Source – Federal Forfeiture Fund Balance**
- (12) Federal Forfeiture-Justice
- Revision in the amount of \$528,500 to appropriate fund balance to purchase equipment and vehicles (11). (B08-215) **Funding Source – Federal Forfeiture Fund Balance**
- (13) Planning and Inspections
- Revision in the net amount of \$7,501 to re-budget prior year grant funds (\$13,779), budget new grant funds (\$9,000) and reduce fund

balance appropriated (\$15,278) to support air quality education efforts in the Fayetteville area. (B08-213) **Funding Source – Grants and General Fund Fund Balance**

(14) Library Grants

Revision in the amount of \$37,440 to budget E-rate funds received to purchase computer hardware. (B08-216) **Funding Source - Grant**

PUBLIC HEARING ITEMS

2. Public Hearing to Consider Installment Financing Contract Under GS 160A-20 with RBC Centura Bank to Provide Capital Funds for Construction of Gray’s Creek Middle School.

BACKGROUND: The Board of Commissioners has called this public hearing to consider an installment financing contract with RBC Centura Bank to provide capital funding of \$20 million to finance construction of Grays Creek Middle School.

ACTION: Adopt Resolution and authorize the Chairman or County Manager to sign on behalf of the county, with such changes or revisions consistent with the general tenor thereof as may be satisfactory to the County Manager and County Attorney.

The Vice Chair opened the Public Hearing.

SPEAKERS: No Speakers

The Vice Chair closed the Public Hearing.

MOTION: Commissioner Edge moved to approve the Resolution.

SECOND: Commissioner Henley

DISCUSSION: Commissioner King noted he could not support the project because of his previous concerns as to whether or not this school is needed.

VOTE: FAVOR: Commissioners Edge, Henley, Council, Wheatley, Melvin

OPPOSED: Commissioner King

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF UP TO \$20,000,000.00 WITH RBC CENTURA BANK TO FINANCE THE CONSTRUCTION OF GRAY’S CREEK MIDDLE SCHOOL, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

BE IT RESOLVED by the governing body for the County of Cumberland, North Carolina (the "Unit"):

The governing body of the Unit does hereby find and determine:

Section 1. The Unit proposes the construction of Gray's Creek Middle School for the use of the Cumberland County Board of Education, as more fully described in the hereinafter mentioned Contract (collectively, the "Project");

a) After consideration, the governing body of the Unit has determined that the most advantageous manner of financing thereof is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;

b) Pursuant to Section 160A-20, the Unit is authorized to finance the Project, by entering into an installment contract and a deed of trust or other security instrument that creates a security interest in some or all of the property financed to secure repayment of the financing;

c) As required by Section 160A-20, on February 4, 2008, the Unit held a public hearing with respect to the financing of the Project through the Contract, after notice of such hearing was published at least ten (10) days prior to the hearing; and

d) RBC Centura Bank ("RBC Centura") has proposed that RBC Centura enter into an Installment Financing Contract with the Unit to finance the Project pursuant to which RBC Centura will lend the Unit the amount of up to \$20,000,000.00 (the "Contract"), to be secured by a Deed of Trust and Security Agreement with respect to the Project for the benefit of RBC Centura (the "Deed of Trust"). RBC Centura, the Unit and RBC Centura Bank, as escrow agent will also enter into a related Escrow Agreement (the "Escrow Agreement")

Section 2. The proposed Contract is necessary and expedient because of the pressing need for additional school capacity within the County

Section 3. The proposed Contract is preferable to general obligation bond financing for the same purposes because of the urgency of particular need to be financed, the aggregate volume of financing to be accomplished and the desirability of having available the

alternative financing structure and repayment provisions possible in the proposed certificates of participation structure

Section 4. The cost of the proposed undertaking exceeds the amount of funds that can be prudently raised from currently available appropriations, unappropriated fund balances, and non-voted general obligation bonds that could be issued by the County in the fiscal year pursuant to Article V, Section 4, of the North Carolina Constitution. The Project is non-revenue producing so revenue bonds are not an option

Section 5. The cost of financing under the proposed Contract is not materially greater than the cost of issuing general obligation bonds

Section 6. The sums to be provided under the Contract are adequate and not excessive for the stated purposes of acquiring, constructing and equipping the Project

Section 7. The County's debt management procedures and policies are good and have been carried out in strict compliance with law and will henceforth be so carried out

Section 8. The County anticipates that payment of the sums due under the proposed Contract will be serviced from anticipated proceeds of the County's distribution from proceeds of the North Carolina Education Lottery. In the event such proceeds are insufficient, however, the Board of Commissioners has available or will make available alternative revenue sources to pay such sums due under the proposed Contract

Section 9. The County is not in default in any of its debt service obligations

Section 10. The proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of the State of North Carolina

Section 11. The Chairman of the Board, the Finance Officer and other officers of the County are hereby authorized and directed to proceed with the Project

Section 12. The governing body hereby authorizes and directs the County Manager, James E. Martin, to execute, acknowledge and deliver the Contract, the Deed of Trust and the Escrow Agreement on behalf of the Unit in such form and substance as the person executing and delivering such instruments on behalf of the Unit shall find acceptable. The Clerk is hereby authorized to affix the official seal of the County of Cumberland to the Contract, the Deed of Trust and the Escrow Agreement and attest the same

Section 13. The proper officers of the Unit are authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this Resolution, the application to the LGC, the Contract, the Deed of Trust and the Escrow Agreement, including specifically, without limiting the generality of the foregoing, a Lease for the Property between the Unit and the Cumberland County Board of Education substantially in the form as presented to this meeting, together with such changes or revisions consistent with the general tenor thereof as may be satisfactory to the County Manager and the County Attorney

Section 14. Notwithstanding any provision of the Contract, the Deed of Trust or the Escrow Agreement, no deficiency judgment may be rendered against the Unit in any action for breach of a contractual obligation under the Contract, the Deed of Trust or the Escrow Agreement and the taxing power of the Unit is not and may not be pledged directly or indirectly to secure any moneys due under the Contract, the security provided under the Contract and the Deed of Trust being the sole security for RBC Centura in such instance

Section 15. The Unit covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended (the "Code") as required so that interest on the Unit's obligations under the Contract will not be included in the gross income of RBC Centura

This Resolution shall take effect immediately upon its passage.

Upon motion of _____, seconded by _____, members of the governing body, the foregoing resolution entitled “**RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING CONTRACT IN THE AMOUNT OF UP TO \$20,000,000 WITH RBC CENTURA BANK TO FINANCE THE CONSTRUCTION OF GRAY’S CREEK MIDDLE SCHOOL, AUTHORIZING THE EXECUTION AND DELIVERY OF RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH**” was passed by the following vote:

Ayes: _____

Nays: _____

REGULAR AGENDA ITEMS

3. Presentation on Proposed Downtown Fayetteville Parking Study by Marshal Isler.

Mr. Isler introduced Mr. Bill Martin of Martin, Alexiou, & Bryson, Parking Consultants, who reviewed the report. Some of the highlights of the report are:

- (a) Currently there are 2,867 parking spaces (being utilized 68%) within the Downtown Fayetteville Municipal Service District
- (b) Two locations considered for parking decks (Donaldson Street & Maiden Lane/Ray Avenue)
- (c) First Choice – Donaldson Street
- (d) Cost of construction per space - \$17,000
- (e) Need to be changes to the overall parking system (charge for parking including county lots)
- (f) Must agree to TIF concept
- (g) Parking deck not needed immediately – future project
- (h) Current parking expense - \$258,000; Parking revenue - \$262,000
- (i) Parking expense with recommended changes for 2009 - \$306,000; Revenue - \$302,000
- (j) Cost for Donaldson Deck - \$9.7 million
- (k) Debt funded over a 20 year period would equal payments of \$778,000/annually
- (l) Operating cost/sinking fund for structural repairs would bring cost to \$954,000/annually
- (m) Assuming the deck will open in 2010, the revenue will level out in 2014 to \$250,000 leaving a shortfall of \$700,000 per year
- (n) Revenue sources: space rental; county parking charge in county lots, increase in contribution from MSD fund; TIF revenue from anticipated projects
- (o) Anticipated charge for Donaldson Street parking deck - \$47/month for reserved space; \$37/month for parking; charge for hourly parking – ave. \$2.10/per stay

Mr. Bill Martin noted that if the City charges for parking and the County does not, people will park in the County lots thereby causing parking issues for the courthouses.

Commissioner Wheatley, a member of the parking committee, noted she was not necessarily an advocate for charging for parking in County parking lots. She also noted that utilization of the current available parking spaces is only 68%.

Vice Chairman Council inquired why the Donaldson Street Deck was the first priority as opposed to the Maiden Lane/Ray Avenue property.

Commissioner King said he felt a deck was needed; however, the challenge the commissioners face is charging for parking in county lots.

NO ACTION TAKEN

4. Consideration of Cumberland County Policy Committee Report and Recommendation on Proposed Overtime/Compensatory Time Policy.

BACKGROUND: At its meeting on January 3, 2008, the Policy Committee reviewed a proposal to remove from Chapter 10 of the County Code the current provisions on overtime and compensatory and replace it with a Policy on overtime, compensatory time, and “extra” time for County employees. The policy would establish procedures for addressing overtime issues in accordance with the FLSA and would establish rules for “executive time” accountability for employees exempt from the FLSA. All department heads had an opportunity to submit recommendations relating to this policy.

Key highlights of the proposed policy are:

The duty of department heads:

- Manage the department’s overtime use within the approved budget;
- Track the accumulation and use of compensatory time/overtime for non-exempt and exempt time for exempt employees;

Department heads will be evaluated in part on their management of overtime and compensatory time.

The discretion of departments to compensate non-exempt employees either by receiving compensatory time off or overtime pay, as the department’s budget or staffing circumstances may warrant. The department head will also have the right to direct the employee to take any accumulated compensatory time at specific time as work permits.

A requirement to use compensatory time in lieu of and prior to any use of sick or annual leave.

Creating a new terminology of “exempt time” for time off granted to exempt employees on a hour for hour basis for hours worked over 40 in the workweek, up to a maximum accumulation of 80 hours. The County has had a longstanding policy of affording this

benefit to exempt employees to assist in recruiting and retaining exempt employees to somewhat offset pay scales that may often not be as attractive in the private market or in larger public jurisdictions. Exempt employees are still expected to work the number of hours necessary to accomplish their assigned duties, but not less than 40 hours a week, unless on authorize leave.

Exempt employees shall not receive pay for hours worked beyond the normal 40-hour work week and, specifically, will not be paid for unused exempt time balances upon separation.

ACTION: Adopt ordinance removing from Chapter 10 of the County Code the current provisions on overtime and compensatory time and replacing them with direction to the County Manager to adopt and maintain a policy on overtime, compensatory time, and “extra” time for County employees.

MOTION: Commissioner King moved to approve.

SECOND: Commissioner Edge

DISCUSSION: Commissioner Henley asked for some additional information prior to adoption of the Ordinance to include how many employees this affects and what is the impact on the County if this is adopted. He also inquired if this is unique to our County or is this something that other counties offer (exempt time off). James Lawson, Human Resources Manager, noted this indeed is unique to our county. It is a policy that has been in effect for a number of years in order to retain and attract supervisory/department head employees. It is given because in many instances county pay may be less than what a prospective employee might receive for the same job in another county/municipality. Commissioner Melvin recommended that if this passes, we review it in six months.

SUBSTITUTE

MOTION: Commissioner Henley moved that we defer a vote on this issue until additional information is received and the Board can make a rational decision on this policy.

SUBSTITUTE MOTION DIED FOR LACK OF A SECOND.

AMENDMENT TO

FIRST MOTION: Commissioner Melvin amended the ORIGINAL motion to state that staff would bring back information in six months on the effect of this policy.

Commissioner King the maker of the original motion and Commissioner Edge agreed to the amendment.

AMENDED ORIGINAL

MOTION: Commissioner King moved to approve the Policy making it effective July 1, 2008, and that the Board review it in six months.

SECOND: Commissioner Edge

DISCUSSION: Commissioner Henley suggested we review it in three months prior to July 1, 2008, once we receive the additional information he requested. Commissioner Melvin changed his friendly amendment to review in three months as suggested by Commissioner Henley.

Commissioner King, the maker of the amended Original Motion said he would not accept the three month amendment.

MOTION: Commissioner Council moved to approve the Policy as recommended.

SECOND: Commissioner King

VOTE: FAVOR: Commissioners King, Council, Edge

OPPOSED: Commissioners Henley, Melvin, Wheatley

MOTION: Commissioner Henley moved that the Ordinance be approved, effective July 1, 2008, and that staff bring additional information back to the Board in the next three months for review, and if necessary adjust the Ordinance prior to the effective date.

SECOND: Commissioner Melvin

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

OPPOSED: Commissioners Council, King

5. Consideration of Contract with GovDeals for On-Line Sales of County Surplus Equipment.

BACKGROUND: GovDeals has approached the County to solicit the County to enter into a contract to sell County surplus personal property on the internet at govsales.com. This contract would be nonexclusive; would cost a commission of \$5.00 or 7% per sale, whichever is greater; would sell County surplus property “as is, where is;” would require the buyer to be registered with GovDeals prior to the purchase, pay via secure funds within five days and pickup within ten days of the sale; and would allow the County to put up any County surplus personal property for sale in any sized lots, at any time, and would allow County employees to bid on these items. There are 224 North Carolina governmental entities using GovDeals including 56 counties with 17,112 registered bidders in NC, SC, VA, WV, & DC combined and 110,303 nationwide.

ACTION: Approve a contract with GovDeals and authorize the County Manager to execute on behalf of the County, subject to approval of the form and substance of the final contract.

MOTION: Commissioner King moved to approve.

SECOND: Commissioner Council

VOTE: UNANIMOUS

6. Nominations to Boards and Committees

A. Adult Care Home Community Advisory Committee (5 Vacancies)

BACKGROUND. Vacancies as follows:

Lonnie Johnson – eligible for appointment to a three-year term

Ernestine Mack – eligible for appointment to a three-year term

Teresa McNeill – eligible for appointment to a three year term

Jacqueline Wolfe – eligible for appointment to a three year term
Edgar Merritt – Mr. Merritt was recently appointed to a first term, but he
has never attended any of the training or the meetings – replacement needed

Nominees: Lonnie Johnson
Ernestine Mack
Teresa McNeill
Jacqueline Wolfe
Rev. Nanette Tomlinson-Knoell (Merritt replacement)

B. Child Homicide Identification and Prevention (CHIP) Council (12
Vacancies)

BACKGROUND: The CHIP Council has requested the following changes:

- (1) Representative of the Military Community. LTG Lloyd Austin is unable to serve and has **recommended Tom Hill to serve in his place.**
- (2) Add additional “**general public**” slot – **Lois Kirby recommended**
- (3) Remove Legislative Delegation Slot
- (4) Add the following slots:

Representative – Methodist University School of Social Work – **Mary Deyampert-McCall**
Representative – Cumberland County Mental Health – **Debbie Jenkins**
Representative of Health Education – **Wendy Breeden**
Representative of Law Enforcement – **Lynette Hodges**
Representative of Legal Community – **Joanna Shober**
Representative of the School System – **Natasha Scott**
Representative of Cumberland Interfaith Hospitality Network – **Denise Giles**
Representative of Womack Army Medical Center – **Gladys Cartwright**
Representative of Local Media – **Charles Broadwell**
Representative of FSU School of Social Work – **Densie Lucas**

ACTION:

- (a) Remove Legislative Slot
- (b) Add General Public Slot
- (c) Add 10 new slots
- (d) Nominate to fill 12 slots

MOTION: Commissioner Edge moved to remove the Legislative Slot

SECOND: Commissioner Henley

VOTE: UNANIMOUS

MOTION: Commissioner Edge moved to add a “general public” slot.

SECOND: Commissioner King

VOTE: UNANIMOUS

MOTION: Commissioner Edge moved to add 10 new slots as noted above.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS

Nominees: Nominees in BOLD above.

- C. Cumberland County Home and Community Care Block Grant Committee
(2 Vacancies)

BACKGROUND: Vacancies: Older Consumer positions: Gretta Reese and Virginia Kelly have resigned from Committee. Replacements needed.

Nominees: Annie Hasan
Barbara Summey Marshall

- D. Cumberland County Juvenile Crime Prevention Council (1 Vacancy)

BACKGROUND: This Council is requesting replacement of Bernard Condlin due to non-attendance.

Nominee: Chris McLamb

- E. Nursing Home Advisory Board (1 Vacancy)

BACKGROUND: Mr. Edgar Merritt, a recent appointee to this Board, has not attended any training sessions or meetings. Replacement needed.

Nominee: Dr. John Briggs

- F. Wrecker Review Board Vacancies (3)

BACKGROUND: Vacancies:

Highway Patrol Appointee: Scott Canady needs to be replaced by Sgt. Tracy T. Coleman

Wrecker Licensee Appointees: Philip McCorquodale – completed first term.
Requested that Tracy Logan be appointed to fill this slot.

Larry Sessoms – completed second term – not eligible for reappointment. Gary Holder has been recommended to fill this slot.

Nominees: Sgt. Tracy Coleman – Highway Patrol Appointee
Tracy Logan – Wrecker Licensee Appointee
Gary Holder – (replace Larry Sessoms)

VICE CHAIRMAN COUNCIL RECESSED THE BOARD OF COMMISSIONERS' REGULAR MEETING.

VICE CHAIRMAN COUNCIL CONVENEED THE NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD MEETING (SEE SEPARATE AGENDA AND MINUTES.

VICE CHAIRMAN COUNCIL ADJOURNED THE NORCRESS WATER & SEWER DISTRICT MEETING.

VICE CHAIRMAN COUNCIL RECONVENED THE REGULAR BOARD OF COMMISSIONERS' MEETING.

- 7. Closed Session
 - A) Economic Development Matter(s)
Pursuant to NCGS 143-318.(a)(4).
 - B) Personnel Matter(s)
Pursuant to NCGS 143-318.11(a)(6).

MOTION: Commissioner King moved to go into Closed Session for the above noted matters.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS

MOTION: Commissioner Council moved to go back into Open Session.
SECOND: Commissioner Henley
VOTE: UNANIMOUS

MEETING ADJOURNED: 11:00AM.

Clerk to the Board