

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MAY 5, 2008, 9:00AM
REGULAR MEETING

PRESENT: Chairman Breeden Blackwell
Vice Chairman Jeannette Council
Commissioner Kenneth Edge
Commissioner Billy King
Commissioner John T. Henley, Jr.
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
Marsha Fogle, Clerk
ABSENT: Commissioner Ed Melvin

INVOCATION Commissioner Kenneth Edge

Minister: Rev. Chip Stapleton, Associate Minister, Highland Presbyterian Church

Pledge of Allegiance

Cumberland County Employee Recognition:

Kenny Currie, Emergency Services Director
Carolyn Hodges, North Carolina Cooperative Extension
Bobby Howard, Solid Waste Director

Recognition of Outgoing Board Members:

Curt Alexander – Equalization & Review Board

Special Recognition: Geneva Mixon, Workforce Development Director, received the 2007 North Carolina Association of Workforce Development Professionals (NCAWP) Group Specialized Customer Service Award for the Transition Services Project.

Cumberland County Cares Awards:

Sherry Vernon, Youth Director
Macedonia Baptist Church

Dottie Harris, Youth Director
Stedman Baptist Church

1. Presentation on BRAC Regional Task Force by Brig. Gen. (Ret.) Paul Dordal.

Gen. Paul Dordal (Ret.) gave a brief overview of the Preliminary Impact Assessment for the Fort Bragg region. Some regional impacts of BRAC include:

Increase in population in the region from 2006 to 2013 to 25,600;
16,000 additional jobs will be created in the region as a result of military growth at Ft. Bragg;
Population growth will add 2,680 school-aged children to the county school system between 2006 and 2013;
Construction jobs will peak at about 6,000 in 2011; after that the demand for housing and related construction activities will decrease;
At the peak of expansion, professional and technical services sector is projected to support about 2,100 jobs in 2012 and 2013 in the 11-county region;
Private defense contractors are projected to create 1,000 additional off-base jobs in the region by 2013;
An additional 8,444 jobs are expected to be created in the local economy to support expected increases in population and military spending.

General Dordal noted that the Final Report will be out in a couple months.

Commissioner Henley asked that board members receive a copy of the preliminary report now.

No action needed.

2. Consent Agenda

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

SECOND: Commissioner Henley

VOTE: UNANIMOUS

- A. Approval of minutes for the April 21, 2008 regular meeting and special meeting with Fayetteville Technical Community College Board of Trustees on April 21, 2008 and the minutes for the April 8, 2008 Joint Meeting with the City of Fayetteville.

ACTION: Approve

- B. Approval of Submission of Community Development 2008 Annual Action Plan.

ACTION: Approve

- C. Approval of Request from Information Services Department to Trade-In Used CISCO Equipment for Credit and Approval of Sole Source Purchase of County Network System Equipment from Internetwork Engineering (IE).

BACKGROUND: Information Services is in the process of replacing the DSS network system and county network equipment related to this system improvement. CISCO has offered a credit of \$25,000 to the County allowing the County to trade in our used equipment to reduce cost for the purchase of new equipment. In addition to the equipment trade-in request, Information Services is also seeking approval for a Sole Source purchase from Internetwork Engineering (IE), our preferred vendor for CISCO equipment. IE has conducted the assessment of the county network and has been the sole provider since 2005. Involving another vendor at this time could prove to be cost prohibitive, time consuming and counter productive to the County. NCGS 143-129(e)(6) allows use of the “sole source” where standardization or compatibility is the overriding consideration when purchasing equipment, supplies, or materials. The cost to replace the DSS network is approximately \$249,536 and the cost for the County network CISCO equipment is \$39,571. Funds are available in Information Services budget to purchase this ancillary equipment.

ACTION: Approve the trade-in used equipment for a credit of \$25,000 towards the new purchase and approve the “Sole Source” purchase of CISCO equipment from Internetwork Engineering, on the basis that standardization or compatibility is an overriding consideration, with a combined total of approximately \$289,107, and approve associated budget revisions (B08-308 & 308A).

- D. Approval of Sale to Jonna D. Longnecker from Community Development Department of a House Located at 3234 Glenmore Drive, Hope Mills, Said Sale Having Been Properly Advertised and the 10-Day Upset Bid Period Having Passed.

BACKGROUND: This property was acquired by the County through foreclosure by Community Development on a Community Development loan. The offer was for \$86,000 with Community Development financing 95% of the purchase price. The loan foreclosed upon had a balance of \$22,950, and the County had to pay off a first deed of trust in the amount of \$45,807.33. With attorney fees and cost, the County’s foreclosed loan and first deed of trust, the County has approximately \$71,000 in the property.

ACTION: Approve the sale and authorize the Chairman, Clerk and Community Development staff to sign the necessary documents.

- E. Approval of the Cumberland County Juvenile Crime Prevention Council Contracts Representing Funding Allocations for July 1, 2008 through June 30, 2009.

BACKGROUND: Cumberland County is projected to receive \$940,867 in state dollars for FY08-09. The County match is \$211, 684.

ACTION: Approve

- F. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure located at 822 Varsity Drive, Lot 12, Block C Eccles Park – PIN: 0428-97-5847; Cross Creek Township.

BACKGROUND: On March 5, 2007, the County acquired by tax foreclosure the above property. The amount currently owed on the foreclosure judgment including interest and cost for the property is \$12,462.61. Stanley H. Lewis has offered to purchase the County's interest in the property for \$12,462.61 and has deposited \$1,246.26 in the Finance Office. The tax value of the property is \$28,891.00.

ACTION: Approve the sale to Mr. Lewis for the sum of \$12,462.61 plus costs and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- G. Approval of Resolution Urging General Assembly to Allocate Veteran's Services Appropriations on Basis of a County's Veterans Population.

BACKGROUND: The State currently provides counties assistance in funding veterans' service up to \$2,000 per county. This resolution would urge the General Assembly to allocate such funding based on a county's veterans population.

ACTION: Adopt Resolution.

RESOLUTION

WHEREAS, the NC General Assembly currently provides matching funds to counties to support veterans' service programs, up to \$2,000 per county; and

WHEREAS, those veterans' services matching funds are currently distributed on an equal basis to all counties without regard to the veterans population of those counties; and

WHEREAS, the Cumberland County Board of Commissioners believes that those veterans' services matching funds should be allocated among counties based on the demand and need for such services, which is directly related to the veterans' populations of the respective counties;

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that it respectfully urges the NC General Assembly to allocate matching funds for veterans' services programs to counties on the basis of their respective veterans' populations.

- H. Approval of a Resolution Urging General Assembly to Introduce a Local Act Extending the Time Within Which Special Assessments May Be Paid, in the Discretion of the Board of Commissioners, from 10 to 15 Years.

BACKGROUND: NCGS 153A-199 currently provides that a special assessment may be paid off in up to ten annual installments, at the discretion of the Board of Commissioners. Extending the time within the special assessments may be paid, at the discretion of the Board of Commissioners, from 10 years to 15 years would in some instances make special assessment projects more affordable and could increase the support for projects within a benefitted community.

ACTION: Adopt Resolution requesting local legislation to amend GS 153A-199 to extend the maximum time within which special assessments may be paid at the discretion of the board of commissioners from 10 years to 15 years.

RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS
URGING THE COUNTY'S LEGISLATIVE DELEGATION TO SUPPORT LOCAL
LEGISLATION AMENDING G.S. 153A-199 TO EXTEND THE TIME WITHIN WHICH
SPECIAL ASSESSMENTS MAY BE PAID AT THE DISCRETION OF THE BOARD OF
COMMISSIONERS, FROM TEN YEARS TO FIFTEEN YEARS

WHEREAS, G.S. 153A-199 provides that a board of commissioners may provide that special assessments may be paid in up to ten annual installments; and

WHEREAS, extending the time within which special assessment may be paid, in the discretion of the board of commissioners, from 10 to 15 years would in some instances make special assessment projects more affordable and could increase the support for projects within a benefitted community;

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of commissioners that it respectfully requests the Cumberland County Legislative Delegation to introduce and support local legislation amending G.S. 153A-199 to extend the maximum time within which special assessments may be paid, in the discretion of the board of commissioners, from 10 to 15 years.

- I. Approval of a Proclamation Proclaiming May 2008 as Mental Health Month in Cumberland County.

ACTION: Adopt

PROCLAMATION

WHEREAS, mental health is essential to everyone's overall physical health and emotional well-being; and

WHEREAS, mental illness will strike one in five adults and children in a given year regardless of age, gender, race, ethnicity, religion or economic status; and

WHEREAS, people who have mental illnesses can recover and lead full, productive lives; and

WHEREAS, an estimated two-thirds of adults and young people who have mental health disorders are not receiving the help they need; and

WHEREAS, the cost of untreated and mistreated mental illnesses and addictive disorders to American businesses, governmental units and families grows annually; and

WHEREAS, community-based services that respond to individual and family needs are cost-effective and beneficial to consumers and the community; and

WHEREAS, the National Mental Health Association and its national partners observe Mental Health Month every May to raise awareness and understanding of mental health and illness.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cumberland County proclaims **“MAY, 2008, Mental Health Month”** in Cumberland County and calls upon all citizens, government agencies, private institutions, businesses and schools in Cumberland County to recommit to increasing awareness and understanding of mental health and the need for appropriate and accessible services for all people who have mental illnesses.

- J. Approval of a Proclamation Proclaiming May 5-9, 2008 as “Cumberland County Law Enforcement Officers Week” and May 9, 2008 as “Peace Officers Memorial Day” in Cumberland County.

ACTION: Adopt Proclamation

PROCLAMATION

WHEREAS, Cumberland County recognizes the heroism of all law enforcement officers who have died in the line of duty – giving their lives to protect and serve the citizens of our county; and

WHEREAS, the Cumberland County Sheriff’s Office has lost twelve officers in the line of duty; and

WHEREAS, a permanent memorial had been designated and erected in memory of all those fallen officers and placed on the grounds of the Cumberland County Courthouse and Law Enforcement Center.

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners hereby proclaims May 5-9, 2008, **“CUMBERLAND COUNTY LAW ENFORCEMENT OFFICERS WEEK”** and May 9, 2008 **“PEACE OFFICERS MEMORIAL DAY”**;

BE IT FURTHER RESOLVED that the Board encourages all citizens of Cumberland County to recognize the contributions of those who serve their community in potentially dangerous circumstances and the ultimate sacrifice by those who have given their lives protecting and serving this county.

- K. Approval of a Resolution Declaring May 17, 2008 as “Cumberland County Litter Free Watershed Day” in Cumberland County.

PROCLAMATION
CUMBERLAND COUNTY LITTER FREE WATERSHED DAY

WHEREAS, Cumberland County is rich in natural resources and beauty; and

WHEREAS, water is a basic and essential need for all life; and

WHEREAS, litter fouls our waterways as well as our landscapes; and

WHEREAS, every citizen should contribute to keeping our environment clean and healthy by working together to preserve clean water and the natural beauty of our surroundings; and

WHEREAS, Litter Free Watershed is partnered with North Carolina Big Sweep, a statewide community effort to retrieve trash from North Carolina's waterways and landscapes;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cumberland County, North Carolina, meeting on May 5, 2008, hereby proclaims May 17, 2008 "CUMBERLAND COUNTY LITTER FREE WATERSHED DAY" in Cumberland County and further urges every citizen to do his or her part to restore the beauty and function of our lakes and streams by volunteering to participate in the Litter Free Watershed event.

L. Budget Revisions:

ACTION: Approve

(1) Mental Health

Revision in the amount of \$25,829 to reduce Juvenile Crime Prevention revenue and fees. (B08-306) **Funding Source – State and Fees**

(2) Juvenile Crime Prevention Program

a. Revision in the amount of \$7,000 to reconcile with State budget for the Find-A-Friend program. (B08-298) **Funding Source – In-kind**

b. Revision in the amount of \$25,000 to budget additional Federal funds to purchase a van and for home maintenance. (B08-304) **Funding Source - Federal**

(3) 2008 School Projects

Revision in the amount of \$150,000 to adjust budget to actual financing proceeds received from RBC Centura. (B08-295) **Funding Source – Installment Purchase Proceeds**

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

Revision in the amount of \$760,000 to budget additional Public School Building Funds (\$618,750) and appropriate fund balance (\$141,250) for classroom additions as approved by the Board of Education. (B08-294) **Funding Source – ADM Funds and Fund Balance Appropriated (Sales Tax)**

(5) Social Services

Revision in the amount of \$272,891 to budget additional funding from the State for the Child Development program. (B08-305) **Funding Source - State**

(6) Federal Forfeiture-Justice

a. Revision in the amount of \$90,550 to appropriate fund balance for additional salaries for training positions. (B08-301) **Funding Source – Federal Forfeiture Fund Balance**

b. Revision in the amount of \$5,000 to appropriate fund balance to purchase replacement dog for K-9 unit. (B08-308) **Funding Source – Federal Forfeiture Justice Fund Balance**

(7) Animal Control/General Government Other

Revision in the amount of \$72,000 to reallocate budgeted expenditures to cover additional expenses for remainder of fiscal year. (B08-307 and B08-307A) **Funding Source – Reallocation of Budgeted Expenses**

(8) Sheriff Grants

Revision in the amount of \$3,755 to budget US Department of Justice Bulletproof Vest Partnership grant. (B08-297) **Funding Source – Grant**

(9) US DOT 104(f)

Revision to reallocate budgeted revenue and expenditures to conduct a transportation survey for Murchison Road. (B08-296) **Funding Source – Reallocation of Budgeted Revenue and Expenditures**

ITEMS OF BUSINESS

3. Update on Health Department Financing and Consideration of Approval of Resolution Authorizing the Filing with the Local Government Commission of an Application for

Approval of an Installment Financing Contract Authorized by North Carolina General Statute Section 160A-20, Making Certain Findings Required by North Carolina General Statute Section 159-151, in Connection with a Proposed New Health Department Building and Calling a Public Hearing on the Proposed Financing for May 19, 2008.

BACKGROUND: Amy Cannon, Asst. County Manager for Finance, reviewed the capital projects, i.e. western elementary school, western library and new health department facility. She noted that bids were received for the school and library – the library came in under bid however the school came in over the projected cost. These two projects will be rebid again in July. Bids are being reviewed for the health department facility. Ms. Cannon noted that initially the County had planned to go to the bond market for funding; however, because of bond insurance rates rising sharply, the county will do the installment financing through bank procurement. Five to six requests for proposals to banking institutions were sent out. Two responses were received. RBC Centura submitted the lowest bid with a rate of 4.42%. RBC has agreed that if the rate goes down before the signing of the papers, RBC will honor the lower rate. Ms. Cannon also noted that because the County used the New DSS building campus as collateral for the 1998 COPS, it cannot use the property as collateral for this financing. However, RBC Centura has agreed to accept the new Animal Control Building, the Bradford Street Mental Health Facility and the Central Maintenance Facility as collateral for this financing.

Commissioner Wheatley inquired whether or not if we pass this Resolution we will be able to revisit the Resolution following the Public Hearing. Grainger Barrett, County Attorney, confirmed that the Board could do so.

Commissioner Henley inquired if the County went to the bond market to pay off this bank financing, could it do so. Ms. Cannon noted there is no pre-payment penalty.

MOTION: Commissioner Edge moved to approve the Resolution and set a public hearing on this issue for May 19, 2008.

SECOND: Commissioner King

VOTE: UNANIMOUS

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF AN INSTALLMENT FINANCING CONTRACT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE § 160A-20, MAKING CERTAIN FINDINGS REQUIRED BY NORTH CAROLINA GENERAL STATUTE § 159-151, AND CALLING A PUBLIC HEARING ON THE PROPOSED FINANCING FOR MAY 19, 2008, IN CONNECTION WITH A PROPOSED NEW HEALTH DEPARTMENT BUILDING.

WHEREAS, the Board of Commissioners of the County of Cumberland, North Carolina (the “County”) has decided to pursue the financing of a new health department building (together with related infrastructure) (the “Project”) pursuant to an installment financing agreement, as permitted under N.C.G.S. § 160A-20; and

WHEREAS, it is anticipated that portion of the cost the Project to be financed will be up to \$30,000,000.00, including furniture and fixtures, information technology assets, and issuance expenses in connection with the financing; and

WHEREAS, financing of the Project pursuant to § 160A-20 must be approved by the North Carolina Local Government Commission (the “LGC”) and will only be approved if the findings of N.C.G.S. § 159-151(b) have been made;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners (“the Board”) of the County, as follows:

1. After consideration, the Board has determined that the most advantageous manner of financing the Project is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;

2. Pursuant to Section 160A-20, the County 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.

3. The proposed financing is necessary and expedient because of the pressing need to update and provide a more efficient health department facility for the County.

4. The proposed financing is preferable to general obligation bond financing for the same purposes because of the urgency of the particular needs to be financed, the aggregate volume of financings to be accomplished and the desirability of having available the alternative financing structures and repayment provisions possible in the proposed installment financing structure.

5. 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.

6. The cost of financing under the proposed financing will not be materially greater than the cost of issuing general obligation bonds.

7. The sums proposed to be provided under the financing are adequate and not excessive for the stated purposes of acquiring, constructing and equipping the Project.

8. 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.

9. There will be no tax increase to meet the sums due under the proposed financing.

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

11. The attorney for the County has rendered an opinion that 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.

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

13. The County Manager, the County Finance Director, and other appropriate officers of the County, are authorized and directed to prepare and submit to the North Carolina Local Government Commission an application for approval of such financing as described above for the Project in an amount not to exceed \$30,000,000.00, and the actions of the County Manager,

County Finance Director and other officers of the County in connection therewith are hereby approved and confirmed.

14. The officers of the County are hereby directed to call a public hearing with respect to the proposed financing to be held on May 19, 2008, and to publish notice of such hearing not less than ten days prior to such date as required by § 160A-20.

15. All other acts of the Board and the officers of the County which are in conformity with the purposes and intent of this Resolution and in furtherance of the financing of the Project are hereby ratified, approved and confirmed.

16. All Resolutions or parts thereof in conflict herewith are hereby repealed.

4. Nominations to Boards and Committees

A. Local Emergency Planning Committee (2 Vacancies)

BACKGROUND: The above committee has the following vacancies:

Law Enforcement Representative – Larue Windham is no longer employed with the Sheriff's Office. Lt. Charles Parker is recommended to fill this position.

Emergency Management Representative – Inasmuch as Kenny Currie has moved into the ex-officio member slot as Director of Emergency Services, Greg Phillips has been recommended to fill the Emergency Management representative slot.

ACTION: Nominate to fill the two vacancies as noted above.

Nominees: Lt. Charles Parker – Law Enforcement Representative
Greg Phillips – Emergency Management Representative

B. Workforce Development Board (1 Vacancy)

BACKGROUND: The above noted Board has the following vacancy:

Community Based Organization Position – Suzanne Peper is not longer employed by Employment Source; J. Carl Manning is recommended to replace her.

ACTION: Nominate to fill the vacancy

Nominee: J. Carl Manning

5. Appointments to Board and Committees

A. Adult Care Home Community Advisory Committee (1 Vacancy)

Nominee: Brenda Douglas

ACTION: Appoint the nominee.

MOTION: Commissioner Edge moved to appoint Brenda Douglas.

SECOND: Commissioner Council

VOTE: UNANIMOUS

MOTION: Commissioner Wheatley moved to adjourn.

SECOND: Commissioner Council

VOTE: UNANIMOUS

MEETING ADJOURNED: 10:00AM.

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Marsha Fogle, Clerk