

DRAFT

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 2, 2008, 9:00AM  
REGULAR MEETING

PRESENT: Chairman Breeden Blackwell  
Vice Chair Jeannette Council  
Commissioner Kenneth Edge  
Commissioner John T. Henley, Jr.  
Commissioner Ed Melvin  
Commissioner Billy R. King  
James Martin, County Manager  
Amy Cannon, Asst. County Manager  
Cliff Spiller, Asst. County Manager  
Grainger Barrett, County Attorney  
Harvey Raynor, Deputy County Attorney  
Sara VanderClute, PIO  
Marie Colgan, Deputy Clerk  
Marsha Fogle, Clerk

INVOCATION        Commissioner Breeden Blackwell, Chairman

Minister:        Rev. Brian Thompson Simon Temple AME Zion Church

Pledge of Allegiance

Changes to the agenda:

The County Manager asked the Board to remove Item #3 from the Agenda (Report on C&D Franchise Agreement Requested from the City of Fayetteville) and add an Attorney Client Matter to the Agenda (NCGS 143-318.11(a) (3), one item is a pending case: Spec Ops vs. Lodestar Group, US District Court, Southern District of New York.

MOTION:        Commissioner Melvin moved to approve the above changes to the agenda.

SECOND:        Commissioner Edge

VOTE:            UNANIMOUS

1. Public Hearing

- A. Public Hearing to Consider an Installment Financing Agreement to Refund Certain Debt of the County and to Finance the Western Elementary School and Western Public Library Branch.

BACKGROUND: The Board of Commissioners called this Public Hearing to consider a contract for issuance of \$90,000,000 in certificates of participation (COPS) to refund

\$63,000,000 of the County's COPS, Series 1998 and installment revenue payment bonds, Series 1998, and the amount of \$27,000,000 to fund construction of the western elementary school and the western branch public library. The debt would not pledge the full faith and credit of the County and the security for payment of the debt would be, for the refunding bonds, the same security as currently exists, and for the new debt, the western elementary school and western branch public library. The Board of Education will transfer the property to the County prior to or at closing. The County will lease the property back to the Board of Education, with the parties entering into a sub-lease for the branch library. The proposed term of the debt will be 20 years. Bank of America will underwrite the issuance of the debt. The Local Government Commission will consider approval of the debt issuance at its meeting of September 7, 2008. Ms. Amy Cannon, Asst. Manager for Finance, told the Board the County would save a total of \$2.5 million for the refunding bonds or 35-40 bases points. The County Attorney noted this transaction will require the Board to approve at a later meeting the transferring of the property to the County and the County leasing it back to the School System, with the parties entering into a sub-lease for the branch library.

**ACTION:** Consider adoption of a Resolution approving the Installment Financing Agreement, Indenture, Deed of Trust, Certificate Purchase Agreement and Official Statement substantially in the form submitted for the agenda of this meeting and on file with the Clerk to the Board, with such revisions, modifications, and changes thereto which are consistent with the tenor thereof as may be acceptable to the Chairman, the County Manager and the County Attorney.

The Chairman opened the Public Hearing. There were no speakers.  
The Chairman closed the Public Hearing.

**MOTION:** Commissioner Council moved adoption of the Resolution approving the Installment Financing Agreement, Indenture, Deed of Trust, Certificate Purchase Agreement and Official Statement substantially in the form submitted for the agenda of this meeting and on file with the Clerk to the Board, with such revisions, modifications, and changes thereto which are consistent with the tenor thereof as may be acceptable to the Chairman, the County Manager and the County Attorney.

**SECOND:** Commissioner Edge

**DISCUSSION:** Commissioner King noted he has concerns about approving COPS because they don't require a vote of the people. However, based on the fact that the County will be saving approximately \$2.5 million with this issuance, he said he would support the motion.

**VOTE:** UNANIMOUS

**RESOLUTION CONCERNING FINAL APPROVAL OF  
INSTALLMENT FINANCING TO REFUND THE  
CUMBERLAND COUNTY FINANCE CORPORATION'S  
REFUNDING CERTIFICATES OF PARTICIPATION  
(CUMBERLAND COUNTY CIVIC CENTER PROJECT),  
SERIES 1998 AND INSTALLMENT PAYMENT REVENUE  
BONDS (PUBLIC BUILDING AND EQUIPMENT  
PROJECTS), SERIES 1998, AND TO FINANCE THE  
ACQUISITION AND CONSTRUCTION OF THE  
WESTERN ELEMENTARY SCHOOL AND WESTERN  
BRANCH LIBRARY AND AUTHORIZING THE**

## EXECUTION AND DELIVERY OF DOCUMENTS IN CONNECTION THEREWITH

**WHEREAS**, the Board of Commissioners (the “Board”) of the County of Cumberland, North Carolina (the “County”) has resolved to undertake the refunding of some or all of the Cumberland County Finance Corporation (the “Corporation”) Refunding Certificates of Participation (Cumberland County Civic Center Project), Series 1998 and its Installment Payment Revenue Bonds (Public Building and Equipment Projects), Series 1998 (together, the “Prior Obligations”), and the financing of the Western Elementary School and the Western Branch Public Library (the “Projects”); and

**WHEREAS**, financings and refinancings pursuant to Section 160A-20 must be approved by the North Carolina Local Government Commission (the “LGC”); and

**WHEREAS**, for such financing the Corporation has proposed to execute and deliver its Certificates of Participation (Cumberland County Improvement Projects), Series 2008 (the “2008 Certificates”) pursuant to an Indenture of Trust dated as of October 1, 2008 (the “Indenture”), between the Corporation and U.S. Bank National Association, as Trustee (the “Trustee”), with the 2008 Certificates payable from Installment Payments made by the County under the Installment Financing Agreement dated as of October 1, 2008 (the “Agreement”) between the Corporation and the County, and secured by the lien and security interest created by a Deed of Trust and Security Agreement dated as of October 1, 2008 (the “Deed of Trust”), from the County to a trustee named therein; and

**WHEREAS**, the 2008 Certificates are expected to be sold to the public by Bank of America Securities LLC and Wachovia Securities, LLC (the “Underwriters”) pursuant to a Certificate Purchase Agreement between the Underwriters, the Corporation and the LGC and approved by the County (the “Certificate Purchase Agreement”); and

**WHEREAS**, there have been presented to the Board forms of the following documents which the Corporation, the Underwriters and the County propose to use in connection with the Agreement, the 2008 Certificates, the refunding of the Prior Obligations and the financing of the Projects:

**a draft dated August 19, 2008, of the form of the Agreement;**  
**a draft dated August 19, 2008, of the form of the Deed of Trust (together with all other documents, if any, required by the Underwriters as security for the Agreement, the “Security Documents”);**  
**a draft dated August 19, 2008, of the form of the Indenture; and**  
**a draft dated August 25, 2008, of the Certificate Purchase Agreement; and**  
**a draft dated August 25, 2008, of the Preliminary Official Statement relating to the 2008 Certificates, which contains certain information about the County and the plan of finance (the “Preliminary Official Statement”); and**

**WHEREAS**, the Board desires to approve the Agreement, the Security Documents, the Indenture and the sale of the 2008 Certificates and to authorize other actions in connection therewith; and

**WHEREAS**, the County has held a public hearing regarding the refinancing of the Prior Obligations and financing of the Projects; and

**WHEREAS**, the LGC will consider the County's application for approval of the Agreement;

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

The refunding of some or all of the Prior Obligations and the financing of the Projects pursuant to the Agreement and in accordance with the terms and conditions of the Indenture and the Preliminary Official Statement is hereby approved, based, in part, on the following findings:

The proposed Agreement is necessary and expedient for the refinancing of projects financed by the Prior Obligations and financing of the acquisition, construction and equipping of the Projects, the component parts of which are needed by the County for the performance of its school, public library and other responsibilities.

Because of the nature of the Projects, the proposed Agreement is preferable to a bond issue for the same purpose. The cost of financing under the proposed Agreement is not substantially greater, if at all, than the cost of issuing general obligation bonds.

The anticipated sums to fall due under the Agreement are adequate and not excessive for the stated purposes of refinancing the projects financed by the Prior Obligations and financing the acquisition, construction and equipping the Projects. 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 bonds that could be issued by the County in the fiscal year pursuant to Article V, Section 4, of the North Carolina Constitution.

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.

It is not anticipated that a tax increase will be required to meet the sums due under the proposed Agreement.

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

Counsel has rendered an opinion that the proposed Projects continue to be authorized by law and are purposes for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

The Chairman or Vice Chairman of the Board and the County Manager, or any of them, are hereby authorized and directed to execute and deliver the Agreement, the Indenture, the Security Documents, the Certificate Purchase Agreement, the Preliminary Official Statement and a form thereof updated with pricing information and other details of the 2008 Certificates (the "Final Official Statement" and, together with the Preliminary Official Statement, the "Official Statement"), which shall be in substantially the forms previously submitted, which are hereby approved, with such completions, omissions, insertions, and changes as may be approved by the Chairman, Vice Chairman or the County Manager, including such changes as may be required by the LGC, their execution to constitute conclusive evidence of their approval of any such completions, omissions, insertions and changes. The Clerk of the Board shall attest and seal such documents as require the Clerk's attestation and the County seal. The Board hereby approves the execution and delivery by the Corporation of the Agreement, the Indenture, the Certificate Purchase Agreement and the 2008 Certificates and any other documents or certificates that may be required in connection with the execution and delivery of the 2008 Certificates.

The Chairman, Vice Chairman, County Manager, County Finance Officer, County Attorney and Clerk of the Board are hereby authorized to take any and all such further action and to execute and deliver such other documents as may be necessary or advisable to carry out the intent of this resolution and to effect the installment financing pursuant to the Agreement, including, without limitation, procuring a municipal bond insurance policy or other credit or liquidity facility and entering into rebate compliance agreements. Without limiting the generality of the foregoing, the Chairman, Vice Chairman or County Manager are authorized to approve all details of the financing, including without limitation, the amount advanced under the Agreement (which shall not exceed \$90,000,000.00), the annual payments due under the Agreement, the issuance of the 2008 Certificates in one or more series, the interest rates with respect to such payments (which shall not exceed an all-in interest cost of 6.0% per annum) and the term of the Agreement (which shall not extend past December 31, 2028). Execution of the Agreement by the Chairman, Vice Chairman or County Manager, as the case may be, shall conclusively evidence approval of all such details of the financing.

To the extent permitted by law, the County Manager, or such other officer or employee of the County as may be responsible from time to time for the preparation of the County's annual budget, is hereby authorized and directed to carry out the obligations imposed by the Agreement on such officer or employee.

The Board hereby approves and consents to the use of the Preliminary Official Statement and the Final Official Statement, in substantially the form of the Preliminary Official Statement, with such changes as are necessary to reflect the maturities and interest rates of the 2008A Certificates and other information required by Rule 15c2-12 of the Securities and Exchange Commission, and the Chairman, Vice Chairman or the County Manager is hereby authorized to execute the Official Statement in substantially such form, with such completions, omissions, insertions, and changes as may be approved by them, their execution to constitute conclusive evidence of approval of any such completions, omissions, insertions and changes.

All other actions of the officers of the County which are in conformity with the purposes or intent of this resolution and in furtherance of the execution and delivery of the Agreement, including the execution of the Security Documents, the Certificate Purchase Agreement and the Official Statement, are hereby ratified, approved and confirmed. The representations of the County made in the Agreement, the Security Documents and the Certificate Purchase Agreement are hereby confirmed. Such documents shall be in substantially the forms previously submitted, which are hereby approved, with such completions, omissions, insertions, and changes as may be approved by the Chairman, Vice Chairman or the County Manager, including such changes as may be required by the LGC, their execution to constitute conclusive evidence of their approval of any such completions, omissions, insertions and changes. The Clerk of the Board shall attest and seal such documents as require the Clerk's attestation and the County Seal.

The Board hereby approves the execution and delivery by the Corporation of the documents relating to the 2008 Certificates and any other documents or certificates that may be required to be executed by the Corporation in connection with the execution and delivery thereof.

The Chairman, Vice Chairman, County Manager, County Finance Officer, County Attorney and Clerk of the Board are hereby authorized to take any and all such further action and execute and deliver such other documents as may be necessary or advisable to carry out the intent of this resolution with respect to the 2008 Certificates.

All other actions of the officers of the County which are in conformity with the purposes and intent of this resolution with respect to the execution and delivery of the 2008 Certificates are hereby ratified, approved and confirmed.

The following financing team members shall serve for the issuance of the 2008 Certificates:

Co- Special Counsel: Hunton & Williams LLP and The Charleston Group

Underwriters: Banc of America Securities LLC  
Wachovia Securities, LLC

Co-Underwriters' Counsel Womble Carlyle Sandridge & Rice, PLLC and  
Rand & Gregory, P.A.

Trustee: U.S. Bank National Association

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

## 2. Consent Agenda

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

SECOND: Commissioner King

VOTE: UNANIMOUS

- A. Approval of minutes for the August 18, 2008 regular meeting.

ACTION: Approve

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

Manchester Township: Mimosa Drive

ACTION: Approve

- C. Approval of Cumberland County Mental Health Authority's "Piggyback" Purchase of NetSmart Licensed Programs for Accounting, Billing and Reporting Software and Support Services.

BACKGROUND: The Mental Health Department is requesting that the "piggyback" purchase of NetSmart Licenses Programs for Accounting, Billing and Reporting Software and Support Services from NetSmart new York, Inc., be approved. The purchase has been reviewed and approved by the County Purchasing Department and meets all of the mandated purchasing requirements.

ACTION: Approve

- D. Approval of Cumberland County Financial Policy Document.

**BACKGROUND:** This document illustrates policies that support management of financial resources and provides effective control, prudent decision making and compliance with legal requirements. Specifically, the document addresses budget, revenue, expenditure and fund balance policies. Asset/Liability Management Policies have also been addressed to include Capital Improvements Plan, Ten-year School Facilities Plan, Fixed Assets and Debt Issuance and Affordability, Cash Management and Investment as well as General Accounting, Auditing and Financial Reporting policies. This document will provide the rating agencies with assurance that decisions and long-term plans are based upon consistent application of Board approved policies. (A copy of this document may be found in the Cumberland County Finance Office – titled “County of Cumberland, North Carolina Financial Policies – 2008”).

**ACTION:** Adopt Financial Policy Document

- E. Approval of Change Order No. G-1, Sanford Contractors, Inc. Bay Shore Properties Dam Removal, Grading & Erosion Control Project (Lake Upchurch).

**BACKGROUND:** This Change Order in the amount of \$33,244.50 is for additional work on the Lake Upchurch project. As a result of a site inspection by NCDENR – Land Quality on June 4, 2008, the County was required to submit a revised erosion control plan that addressed the stabilization of the access road to the dam and other areas where excessive erosion was occurring. The additional work involved installation of the erosion control measures on the revised plan approved by NCDENR as well as slope stabilization on the north side of the labyrinth spillway.

**ACTION:** Approve the Change Order in the amount of \$33,244.50 and increase the contract amount to \$382,779.50.

- F. Approval of Scheduling a Public Hearing and Consideration of Resolution of Intent to Close Sandra Lane in Carvers Creek Township.

**BACKGROUND:** Properties owners Fayetteville Longhill Pointe, LLC and William A. McLean have petitioned that Sandra Lane located off the eastern margin of Ramsey Street in Carvers Creek Township be closed. NCDOT confirms that Sandra Lane is not a State maintained road and has no objection to the abandonment. Neither the Fire Marshal nor the Planning Department objects to the closing of this Lane.

**ACTION:** Adopt Resolution calling a public hearing to consider the petition.

**RESOLUTION OF INTENT TO CLOSE PUBLIC ROAD  
AND CALL FOR PUBLIC HEARING ON THE QUESTION**

WHEREAS, Fayetteville Longhill Pointe, LLC and William A. McLean submitted a petition to the Cumberland County Board of Commissioners (the “Board”) to close Sandra Lane located off of the eastern margin of Ramsey Street in Carvers Creek Township, Cumberland County; and

WHEREAS, it appears that such public street is not under the control of the North Carolina Department of Transportation: that no person would be deprived of reasonable means of ingress and egress to

his or her property by such closing; and that such closing would therefore not be contrary to the public interest;

NOW, THEREFORE, BE IT RESOLVED, that the Board will consider the issue of whether to close the following public street in accordance with North Carolina General Statute, Section 153A-241:

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

AND BE IT FURTHER RESOLVED, that the Board calls for and shall hold a public hearing on the question of the closing of such street on the 20<sup>th</sup> day of October, 2008 at 6:45 p.m. in the Commissioners Meeting Room (Room 118), First Floor, New Courthouse, 117 Dick Street, Fayetteville, North Carolina. The Board shall hear all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual's property rights.

AND BE IT FURTHER DIRECTED, that notice of consideration of whether to close said street and of the public hearing on such matter shall be published once week for four successive weeks before the hearing in a newspaper of general circulation in Cumberland County and posted in at least two places along the street during the time; and that a copy of this resolution shall be sent by mail to each owner as shown on the county tax records of property adjoining the public road or easement who did not join in the request to have the road or easement closed.

This the 2<sup>nd</sup> day of September, 2008.

#### G. Approval of Declaration of Foreclosed Real Property as Surplus.

**BACKGROUND:** The County has recently acquired by tax foreclosure certain real property located in Cumberland County (see list below).

- ITEM 1: PIN: 0436-03-3195  
2022 Center Street (Lot 20 Block 16 Ayer Property  
Assessed Value: \$7,000  
Tax Lien: \$6,559.44  
Date Recorded: 7/22/08, Book 7943, Page 825
- ITEM 2: Pin 0436-39-5858  
803 Barnes Street, Imp. 803 S/S Barnes Street  
Assessed Value: \$7,000  
Tax Lien: \$6,370.23  
Date Recorded: 7/22/08, Bk. 7943, Pg. 823
- ITEM 3: PIN 0437 83 9763  
428 School Street, PT. Lots 17 & 18  
Assessed Value: \$5,000  
Tax Lien: \$5588.87  
Date Recorded: 5/19/08, Bk. 7891, Pg. 714
- ITEM 4: PIN 0418 27 7859  
316 Rhue Street – Dup 316-318 Rhue Street  
Assessed Value: \$21,011  
Tax Lien: \$ 4385.23  
Date Recorded: 6/15/08, Bk. 7908, Pg 276
- ITEM 5: PIN 0442 45 8333  
6422 Canadian Ave. Lot 49 Twin Oaks Sec 3, Pt 4  
Assessed Value: \$13,500  
Tax Lien: \$4,591.77  
Date Recorded: 5/19/08, Bk. 7891, Pg. 706

NOTE: Item numbers 1-4 are jointly owned with the City of Fayetteville.

ACTION: Declare surplus to the needs of the County.

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

BACKGROUND: Date of Accident: 7/28/08  
Vehicle: 2007 Ford Crown Victoria  
VIN: 2FAHP71W47X134652  
MILEAGE: 42,075  
DEPT: Sheriff's Office  
SETTLEMENT: \$13,100.00  
INSURANCE CO.: Travelers

ACTION: Declare vehicle surplus, authorize the Risk Manager to accept the settlement and allow Travelers Insurance to take possession of the vehicle.

- I. Approval of a Proclamation Proclaiming September 2008 "National Alcohol & Drug Recovery Month".

BACKGROUND: The Mental Health Department request adoption of the above noted proclamation.

**PROCLAMATION  
NATIONAL ALCOHOL AND DRUG RECOVERY MONTH**

Whereas, as many as 22.6 million people aged 12 or older in the United States are currently facing a substance use disorder; and

Whereas, treatment and long-term recovery from substance use disorders can offer people a renewed outlook on life; and

Whereas, these disorders also take a toll on the families of these individuals as well as the communities in which they live; and

Whereas, it is critical to offer people and their families the treatment and recovery support they need for substance use disorders so they may lead more productive and fulfilling lives, personally and professionally; and

Whereas, research shows that substance use disorders are medical conditions that can be effectively treated; and

Whereas, studies have consistently found that individualized treatment is essential for people to be successful in their path of recovery;

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners of Cumberland County proclaims the month of September, 2008 "National Alcohol and Drug Recovery Month" in Cumberland County and further calls upon our community to observe this

month with compelling programs, activities and events that support this year's theme, "Join the Voices for Recovery: Real People, Real Recovery."

J. Budget Revisions:

ACTION: Approve

(1) General Government Other/Workforce Development

Revisions in the amount of \$21,014 to appropriate FY2008 General Fund fund balance and transfer the funds to Workforce Development to cover expenditures that can longer be reimbursed by the National Emergency Grant (\$20,130) and Katrina Grant (\$884) due to grant closures. (B08-409 thru B08-409B) **Funding Source – General Fund Fund Balance Appropriated**

(2) Health

a. Administration - Revision in the amount of \$4,000 to appropriate fund balance for drug screenings per the Memorandum of Understanding between the Health Department, Mental Health, Social Services and the 12<sup>th</sup> Judicial District Court. (B09-066) **Funding Source – Fund Balance**

b. Childhood Lead Poisoning Prevention – Revision in the amount of \$2,500 to budget for a decrease in State funding. (B09-067) **Funding Source - State**

(3) Senior Aides / Workforce Development

Revisions in the total amount of \$60,371 to reconcile the Senior Aides budget with State funding (\$54,071) and to reallocate position WDC0087 from Senior Aides to Workforce Development Administration (\$6,300). (B09-068 and B09-068A) **Funding Source – Senior Aides Grant**

(4) Juvenile Crime Prevention Program

Revision in the amount of \$143,952 to reconcile the JCPC programs to State allocations (\$138,999) and appropriate fund balance in the amount of \$4,953. (B09-074) **Funding Source – Juvenile Crime Prevention Program Fund Balance and State**

(5) Sheriff

Revision in the amount of \$55,759 to request a new Deputy position to provide law enforcement services for Town of Eastover. (B09-076)  
**Funding Source – Town of Eastover**

#### ITEMS OF BUSINESS

3. Removed from Agenda (see motion at beginning of Meeting)

3. Nomination to Boards and Committees

A. Cumberland County Finance Corporation and Cumberland County Industrial Facilities & Pollution Control Financing Authority (1 Vacancy)

Vacancy – James Fleming (deceased)

Nominees: Ronald Crosby, Jr.  
Tim Richardson

B. Workforce Development Board (2 Vacancies)

Vacancies: Private Sector: replace Kathy Olsen with Alicia Renee McLean  
Community Based Organization: Patricia Tyson completed second term.  
Esther Acker has been recommended to fill the position.\

Nominees: Alicia Renee McLean  
Esther Acker

C. Wrecker Review Board (1 Vacancy)

Vacancy: Sheriff Butler has requested that Lt. John Legette be replaced by Sgt. William Martin. (Sheriff's Appointee)

Nominee: Sgt. William Martin

4. Appointments to Boards and Committees

MOTION: Commissioner Council moved to appoint the nominees in A-E.

SECOND: Commissioner King

VOTE: UNANIMOUS

A. Community Child Protection Fatality Prevention Team (2 Vacancies)

Nominees: EMS Provider or Firefighter Position:

Barry Childers (Reappointment)

At Large Position: Trace Griffin

B. Nursing Home Advisory Board ( 1 Vacancy)

Nominee: Martha Mckoy (Reappointment)

C. Senior Citizens Advisory Commission (3 Vacancies)

Nominees: Tom Cain (Reappointment)  
Annette Renteria (Reappointment)  
Carolyn Tracy (Reappointment)

D. Southeastern Economic Development Commission ( 1 Vacancy)

Nominee: Doug Peters

E. Workforce Development Board (4 Vacancies)

Nominees: Private Sector: Gwen Holloman  
Rosie McMillan

Labor: Joseph M. Smith

Public Sector: Richard Everett

5. Closed Session: Attorney Client Matters – NCGS 143-318.11(a)(3)  
Pending Case: Spec Ops vs. Lodestar Group, US District  
Court, Southern District of New York.

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

SECOND: Commissioner Edge

VOTE: UNANIMOUS

MOTION: Commissioner Edge moved to go back into Open Session.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

MOTION: Commissioner Henley moved to direct the Deputy County Attorney and  
the County Manager to negotiate a solid waste franchise with the City of Fayetteville as  
noted below:

- The County will pay to the City of Fayetteville \$30 per verified ton of  
recyclables diverted from the County Landfill for fiscal year 2009;

- The County will make a reduction of \$5.00 from the Household Solid Waste Fee beginning in FY2010 for the City of Fayetteville and other municipalities in the County which participate in recycling, with a verifiable tonnage reduction;
- The above are contingent upon the County receiving from the City of Fayetteville a 30-year franchise agreement for MSW and C&D.

SECOND: Commissioner Ed Melvin  
VOTE: UNANIMOUS

MOTION: Commissioner King moved to adjourn.  
SECOND: Commissioner Edge  
VOTE: UNANIMOUS

MEETING ADJOURNED: 10:30AM