

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
JUNE 1, 2009, 9:00AM  
REGULAR MEETING

PRESENT: Chairman Jeannette Council  
Commissioner Breeden Blackwell  
Commissioner Kenneth Edge  
Commissioner Marshall Faircloth  
Commissioner Jimmy Keefe  
Commissioner Ed Melvin  
James Martin, County Manager  
Juanita Pilgrim, Deputy 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 Billy R. King

INVOCATION Commissioner Kenneth Edge

Pledge of Allegiance

Recognition of Outgoing Board Members:

Denise Sykes – Air Quality Stakeholders Committee

Presentation of FY 2010 Recommended Budget

James Martin, County Manager, reviewed his proposed budget for FY2009-10. Highlights of the budget include:

Proposed Tax Rate (revenue neutral): (decreased 9.4 cents)	76.6 cents per \$100 valuation
Fire District Tax Rate:	10 cents
Special Fire District Tax Rate:	½ cent
Recreation Tax Rate:	5 cents
Sales Tax effective January, 2009:	¼ cent
No Cost of Living (COLA)	
General Fund Budget	\$ 273,470,933
Mental Health Budget	\$ 33,049,098
Special Revenue	\$ 51,148,173
Capital Projects	\$ 91,686,128
Enterprise	\$ 21,374,902
Internal Service	\$ 18,744,613
Permanent and Pension	\$ 328,000
TOTAL COUNTY-WIDE BUDGET	\$ 489,801,847

School Current Expense Budget	\$	74,280,249
FTCC Current Expense Budget	\$	8,573,663
Medicaid Swap – 3 <sup>rd</sup> year	\$	0
Sales Tax Loss	\$	4,965,259
Hold Harmless – Municipalities	\$	3,268,794

Mr. Martin noted this budget meets the three goals established by the Board at its Retreat in February, 2009:

Revenue Neutral Tax Rate: 76.6 cents per \$100 valuation  
Emergency Services funding: \$250,000  
Clean Water Projects - \$741,906

Mr. Martin expressed his appreciation to the county department heads for their strong support in cost reduction efforts during the current fiscal year and for their cooperation in “holding the line” with their requests for FY2010.

A more thorough review of the budget will be done at the June 1, 2009, 5:30PM special meeting of the Board of Commissioners.

ADDITION TO AGENDA: Closed Session: Attorney-Client Matter – pursuant to NCGS 143-318.11(a)(3)

1. Consent Agenda

Commissioner Faircloth pulled Item 1C to be discussed and voted on separately.

MOTION: Commissioner Blackwell moved to follow staff recommendations on the items on the Consent Agenda, except for Item 1C.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

A. Approval of minutes for the May 18, 2009 regular meeting.

ACTION: Approve

B. Approval of Changes to the Memorandum of Understanding for the Mid-Carolina Rural Planning Organization (RPO).

BACKGROUND: Joe Strickland, RPO Coordinator, submitted under the direction of the NC Department of Transportation, amendments to the existing Memorandum of Understanding with each of the four counties. The new MOU includes a more definitive definition of a quorum; however, the clause that allowed members to be removed has been deleted as NCDOT found that to be counterproductive. This is the only major change in

the MOU. There are some minor wording corrections that the NCDOT legal staff wants to make. The RTCC and the RTAC approved the changes at its meetings in April.

ACTION: Approve amendments as recommended by RTCC and RTAC.

- C. Approval of the Cumberland County Juvenile Crime Prevention Council Contracts Representing Funding Allocations for July 1, 2009 through June 30, 2010.

BACKGROUND: These contracts are submitted for approval of the Board of Commissioners prior to submission to the State office. The contracts represent the funding allocations for FY2009-10. Cumberland County is projected to receive \$899,170 in State dollars for FY09-10. The County match is \$211,684.

ACTION: Approve

Commissioner Faircloth noted that the Board is approving this FY2010 item when the County's FY2010 budget has not yet been approved. The County Manager, James Martin, noted that it is usual that the Board approves this particular item so the information can get to the State before its deadline of June 30. Deputy County Manager, Juanita Pilgrim, concurred.

MOTION: Commissioner Faircloth moved to approve these contracts, pending approval of the county-wide budget.  
SECOND: Commissioner Keefe  
VOTE: UNANIMOUS

- D. Approval of a Resolution Creating the Overhills Park Water & Sewer District.

BACKGROUND: The Public Utilities Director asks that the Board of Commissioners consider adoption of a Resolution creating the Overhills Park Water & Sewer District for the purpose of obtaining grants and low interest loans from State and Federal sources. A public hearing was held on May 18, 2009, pursuant to NCGS 162A-86, with no comments from the public. Overhills Park community has been experiencing septic tank failures, resulting in property owners being required to vacate their property and in some cases allowing their properties to go into foreclosure. This is a health issue for this community.

ACTION: Adopt Resolution creating the Overhills Park and Water and Sewer District

### **RESOLUTION CREATING OVERHILLS PARK WATER & SEWER DISTRICT**

WHEREAS, the Cumberland County Board of Commissioners (hereinafter "the Board") at its regular meeting on May 18, 2009, held a public hearing, pursuant to NCGS 162A-86 et.seq., to consider creation of the Overhills Park Water & Sewer District; and

WHEREAS, pursuant to NCGS 162A-86, prior to the May 18, 2009 public hearing a notice of public hearing was prepared stating the date, hour and place of the public hearing and its subject and setting forth a description of the territory to be included within the proposed Overhills Park Water & Sewer District; and

WHEREAS, pursuant to said NCGS 162A-86, the said notice of public hearing was published once a week for three weeks in a newspaper that circulated in the proposed district and was posted in at least three public places in the district. The notices of public hearing were posted and published the first time not less than twenty days before the hearing; and

WHEREAS, at the public hearing held at 6:45 p.m., May 18, 2009, in Room 118, Cumberland County Courthouse, 117 Dick Street, Fayetteville, North Carolina any taxpayer and all other interested persons were allowed to appear and be heard concerning the question of creating the Overhills Park Water & Sewer District; and

WHEREAS, no taxpayer or other interested person spoke at the public hearing

NOW, THEREFORE, the Board, following the public hearing, finds that:

1. There is a demonstrable need for providing in the district water and sewer services;
2. The residents of all the territory to be included in the district will benefit from the district's creation; and
3. It is economically feasible to provide the proposed service in the district without unreasonable or burdensome annual tax levies;

THEREFORE, the Board finds that the district shall be defined as set forth below; and

THEREFORE, the Board now desires to create the Overhills Park Water & Sewer District.

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners as follows:

The Overhills Park Water & Sewer District is created and the said District is hereby described as follows:

The area that is known as Overhills Park Subdivision located just north of the Town of Spring Lake near the intersection of East Manchester Road and Highway 210 ..... The boundary of the proposed water and sewer district is more particularly described on a map available for inspection in the Office of the Public Utilities Department and titled Overhills Park Water & Sewer District

The Clerk to the Board is hereby authorized and directed to cause this Resolution to be published once in each of two successive weeks in the newspaper in which the notice of the public hearing was published, as well as the following statement, which shall be printed at the end of the Resolution: The foregoing resolution was adopted by the Cumberland County Board of Commissioners on June 1, 2009 and was first published on June \_\_\_\_, 2009.

Any action or proceeding questioning the validity of this resolution or the creation of the Overhills Park Water & Sewer District or the inclusion in the district of any of the territory described in the resolution must be commenced within 30 days after the first publication of the resolution.

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Clerk, Cumberland County Board of Commissioners

This resolution shall be effective upon its adoption as by law provided.

Adopted this 1<sup>st</sup> day of June, 2009.

- E. Approval of a Resolution Supporting an Alternate Method of Recognition for Veterans Status to Merchant Marine Seamen of WWII.

BACKGROUND: Mr. Don Horton, Camden, NC, is requesting Boards of Commissioners in all 100 counties to adopt a resolution allowing an alternate method to recognize veterans' status to the Merchant Marine Seamen of WWII.

ACTION: Adopt Resolution

**RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
SUPPORTING AN ALTERNATIVE METHOD OF RECOGNITION  
FOR VETERANS STATUS TO MERCHANT MARINE SEAMEN OF WWII**

**WHEREAS**, Public laws 95-202 and 105-368 bestowed veteran status on US Merchant Marine Seamen of WWII; and

**WHEREAS**, two specific US government actions have caused some 10,000 merchant seamen to have been denied their due recognition:

- (1) The US Coast Guard relieved Masters of tugs, towboats and seagoing barges of the responsibility of submitting reports of seamen shipped and discharged;
- (2) The National Maritime Administration ordered ships' logbooks to be destroyed because they were too costly to maintain and had removed the two main criteria required by the government to issue official recognition to those seamen.

**WHEREAS**, the average age of the remaining seamen is above 86 and the population of the US veteran is shrinking at an average of 850 per year causing time to be of the essence; and

**WHEREAS**, no costs are associated with this proposal as funds are already included in above public laws; and

**WHEREAS**, the Cumberland County Board of Commissioners requests that immediate action be taken to correct this inconceivable action.

**NOW, THEREFORE**, the Cumberland County Board of Commissioners supports the attached proposal and so orders that this Resolution and proposal be sent to Senator Kay Hagan, Senator Richard Burr, Congressman Walter B. Jones and Congressman G.K. Butterfield and that this matter be placed into action to ensure expedient passage.

Adopted this 1<sup>st</sup> day of June, 2009.

F. Budget Revisions:

ACTION: Approve

(1) Mental Health – Smart Start

Revision in the amount of \$3,000 to budget a reduction in state funding and to reallocate budgeted expenditures. (B09-373)

**Funding Source – State**

(2) Recreation – Hope Mills

Revision in the amount of 16,000 to budget additional revenue anticipated for remainder of fiscal year. (B09-374) **Funding**

**Source- Recreation Tax**

(3) Library

a. Revision in the amount of \$19,892 to reduce the County budget due to a reduction in State allocations. (B09-372) **Funding Source- State**

b. Revision in the amount of \$27,300 to appropriate fund balance to replace a heat pump at the Bordeaux Branch Library and to install a refrigerant monitor at the Headquarters Library. (B09-384) **Funding Source- Fund Balance Appropriated**

c. Smart Start – Revision in the amount of \$3,891 to reduce the County budget due to a reduction in State allocations. (B09-375) **Funding Source – State**

d. Motherhead – Revision in the amount of \$2,226 to reduce the County budget due to a reduction in State allocations. (B09-376) **Funding Source – State**

- e. Foreign Language – Revision in the amount of \$22,403 to reduce the County budget due to a reduction in State allocation (\$25,000) and to recognize additional subscriptions revenue (\$2,597). (B09-377) **Funding Source – State and Fees**
- (4) School C.O. Category I- Buildings
- Revision in the amount of \$150,000 to appropriate fund balance to purchase land for school projects as approved by the Cumberland County Board of Education. (B09-379) **Funding Source – Sales Tax Fund Balance**
- (5) Cooperative Extension
- Revision in the net amount of \$3,604 to recognize grant funds (\$14,229) and a reduction of fund balance appropriated (\$10,625). (B09-380) **Funding Source – Grant and General Fund Fund Balance**
- (6) Soil and Water District
- Revision in the amount of \$5,340 to recognize additional revenue received from fundraisers. (B09-381) **Funding Source – Miscellaneous**
- (7) Public Buildings
- Revision in the amount of \$68,875 to appropriate fund balance to fund repairs on a compressor at the Historic Courthouse and for additional utilities expenditures for the New Courthouse. (B09-383) **Funding Source – Fund Balance Appropriated**
- (8) Detention Center
- Revision in the amount of \$48,650 to appropriate fund balance to fund a system evaluation of the Detention Center security devices and to repair electronic touch pads at the Pod officer's station. (B09-385) **Funding Source – Fund Balance Appropriated**
- (9) General Fund Debt Service
- Revision in the amount of \$57,067,559 to budget the proceeds and expenditures for the issuance of the COPS Refunding Series 2009B related specifically to the Series 1998 Public Buildings (DSS) debt and the Series 2000 Jail refunding debt. (B09-382) **Funding Source – COPS Proceeds**

(10) Coliseum Debt Service

Revision in the amount of \$40,183,190 to budget the proceeds and expenditures for the issuance of the COPS Refunding Series 2009B related specifically to the Series 1998 Coliseum refunding debt. (B09-382A) **Funding Source – COPS Proceeds**

PUBLIC HEARINGS

2. A. Community Development - Public Hearing on Substantial Amendment to the 2008 Annual Action Plan.

**BACKGROUND:** The American Recovery and Reinvestment Act of 2009 was signed into law on February 17, 2009. Included in the Act is \$1 Billion through the Community Development Block Grant Recovery program to be awarded to cities, counties, insular areas and states. The funding will be administered by the US Department of Housing and Urban Development. Cumberland County will receive \$286,690 in funding. The funds are to be used for hard development costs associated with infrastructure activities that provide basis services to residents or activities that promote energy efficiency and conservation through rehabilitation or retrofitting of existing buildings. The full range of activities under the CDBG program are eligible. Thanena Wilson, Director, Community Development noted these funds, if approved, would be used towards construction of the Freedom Center Business Park in Spring Lake, NC. She indicated this project was selected because it is fairly shovel ready. One hundred permanent jobs will be created with this project. The project should be completed by March or April of 2010.

**ACTION:** Hold the public hearing and approve submission of the application to HUD by June 5, 2009.

The Chairman opened the Public Hearing.

**SPEAKERS:** No Speakers.

The Chairman closed the Public Hearing.

**MOTION:** Commissioner Blackwell moved to approve.  
**SECOND:** Commissioner Melvin  
**VOTE:** UNANIMOUS

B. Public Hearing on Taxpayers Request for Refunds for Overpayment of Excise Tax Pursuant to NCGS 105-228.37.

**BACKGROUND:** Attorneys F. Stuart Clarke and Joel S. Jenkins, Jr., filed written requests to be refunded the County's portion of excise taxes paid when deeds were inadvertently recorded in Cumberland County that should have been recorded in Robeson and Hoke Counties, respectively. The excise tax paid was \$436.00 and the County's

portion was \$218.00 in the Clark matter and \$170.00 excise tax and \$85.00 County portion in the Jenkins matter.

ACTION: Hold the Public Hearing and refund the county portion to Mr. Clark and Mr. Jenkins.

The Chairman opened the public hearing.

SPEAKER: Harvey Raynor, Deputy County Attorney. Mr. Raynor recommended approval of the refunds as noted above.

The Chairman closed the public hearing.

MOTION: Commissioner Edge moved to approve.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS

## REGULAR AGENDA

### 3. Consideration of Interlocal Agreement with City of Fayetteville for Stormwater Billing and Collection.

BACKGROUND: The County is no longer subject to Phase I stormwater regulations and has come under the Phase II stormwater regulations administered by the State Department of Environment and Natural Resources. The county has participated since the mid 90's in a Joint Stormwater utility with the City of Fayetteville, pursuant to several interlocal agreements, in order to comply with requirements of the City and County's joint NPDES Permit for Phase I. Being under Phase II regulations now, the County will no longer participate in the stormwater utility and will need to give appropriate notice of termination of the interlocal agreements with the City of Fayetteville. In operating the joint stormwater utility on behalf of both the county and the City, the City paid for a position in the Tax Administration Department to handle maintenance of its stormwater billing database and a fee of 10 cents per stormwater fee sent out with the property tax bills. The City wants to continue that arrangement. With termination of the County's participation in the joint stormwater utility, a conforming revision needs to be made to the County Code by deleting Article I of Chapter 12 which establishes the stormwater utility and provides the mechanism for the stormwater fee charged to support the joint stormwater utility activities. This would keep in place Article II, which addresses illicit connection to and improper disposal in the stormwater system.

ACTION: Approve the termination of the interlocal agreements and direct staff to give written notice of termination to the City of Fayetteville. Also, approve an interlocal agreement providing for the City to pay for a position in the Tax Administration Department to handle the maintenance of the stormwater billing at a fee of 10 cents per stormwater fee sent out with the property tax bills. And lastly, approve an Ordinance rescinding Article I of Chapter 12 of the Cumberland County Code, with the exception of Section 12-2, Definitions.

MOTION: Commissioner Blackwell moved to approve.  
SECOND: Commissioner Faircloth  
VOTE: UNANIMOUS

4. Consideration of Approval of Bond Order to Refund up to \$37,500,000 General Obligation School Bonds, Series 1998, and General Obligation Refunding Bonds, Series 1998 and Ratifying Filing an Application with the Local Government Commission. (ALL DOCUMENTS ATTACHED TO THESE MINUTES)

BACKGROUND: The County's underwriter and financial advisor suggest that market conditions may be sufficiently favorable that it would be beneficial to the County to refund some or all of its General Obligation Bonds, Series 1998, and General Obligation Refunding Bonds, Series 1998. The bond refunding would close in July. Based on current financial market conditions, which can change significantly even on a weekly basis, the county's underwriter estimates approximately \$470,000 in savings in years 2010-2013 and \$385,000 in savings in years 2014-2017, or aggregate net present value savings of over 8%. The LGC is scheduled to consider approval of the County's additional refunding on June 2, 2009.

ACTION: Adopt Resolution approving a bond order to refund all or a portion of the County's GO School Bonds, Series 1998 and GO Refunding Bonds, Series 1998, up to a total amount of \$37,500,000, and ratifying management's filing of an application with the LGC for approval of the refunding, and all other actions and execution of all other documents necessary or appropriate to effect the issuance of refunding bonds as authorized. (BOND ORDER ATTACHED TO THESE MINUTES).

Commissioner Melvin introduced the Bond Order (attached to these minutes).

MOTION: Commissioner Melvin moved the Bond Order be introduced.  
SECOND: Commissioner Edge  
VOTE: UNANIMOUS

MOTION: Commissioner Melvin moved that the Bond Order be adopted.  
SECOND: Commissioner Edge  
VOTE: UNANIMOUS

Commissioner Melvin introduced a Resolution, the title of which is as follows:  
RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2009 OF CUMBERLAND COUNTY, PURSUANT TO THE BOND ORDER HERETOFORE APPROVED AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF (Attached to these Minutes).

MOTION: Commissioner Melvin moved the passage of the above Resolution.  
SECOND: Commissioner Edge  
VOTE: UNANIMOUS

5. Consideration of Designation of Voting Delegate for NACo Conference.

**BACKGROUND:** The Board of Commissioners must appoint a voting delegate and an alternate for National Association of Counties annual conference in July.

**ACTION:** Appoint voting delegates.

Commissioner King was unanimously appointed as the voting delegate. An alternate will be appointed at the next meeting.

6. Nominations to Boards and Committees

A. Air Quality Stakeholders' Committee (3 Vacancies)

**Vacancies:** Town of Godwin representative. The Town recommends Natalee Ezzell as its representative.

Town of Wade representative. The Town of Wade recommends Johnny Lanthorn as its representative.

**NOTE:** Previously, the Air Quality Stakeholders' Committee had only one representative for the Towns of Wade, Godwin, Falcon and Linden. The Towns have now decided to select an individual representative from each town.

Industry representative. Scott Peters is no longer with Goodyear. Gene Smith has been recommended to fill this slot.

**Nominees:** Natalee Ezzell – Town of Godwin  
Johnny Lanthorn – Town of Wade  
Gene Smith – Industry Representative

B. Criminal Justice Partnership Advisory Board (3 Vacancies)

**Vacancies:** Beth Keever, District Court Judge (5<sup>th</sup> term): Reappoint Beth Keever  
Carrie Heffney, At-large: Reappoint Carrie Heffney  
Kirk Nance, At-large: Need replacement

**Nominees:** Beth Keever, District Court Judge  
Carrie Heffney, At-large  
Chris McLamb – At-large

7. Appointments to Boards and Committees

**MOTION:** Commissioner Edge moved to appoint the nominees in 7A-7K.

**SECOND:** Commissioner Melvin

**VOTE:** UNANIMOUS

- A. ABC Board (1 Vacancy)  
Nominee: Edward Maynor (Reappointment)
- B. Adult Care Home Community Advisory Committee (2 Vacancies)  
Nominees: Herma Jean Bradley (Reappointment)  
Ralph T. Cascasan
- C. Animal Services Board (1 Vacancy)  
Nominee:  
City of Fayetteville Resident Position: Patricia Rigsby (Reappointment)
- D. Board of Adjustment (2 Vacancies)  
Nominees: Joseph M. Dykes (Reappointment)  
George Quigley (Reappointment)
- E. Cumberland County Juvenile Crime Prevention Council (1 Vacancy)  
Nominee: At-Large Representative: Kimberly Reeves
- F. Fayetteville Area Convention & Visitors Bureau (1 Vacancy)  
Nominee: At-Large Representative: Gwen Holloman
- G. Fayetteville Technical Community College Board of Trustees (1 Vacancy)  
Nominee: Sheryl Lewis (Reappointment)
- H. Human Relations Commission (2 Vacancies)  
Nominees: Dr. Rev. Joe Fleming, Jr.  
Muhammad A. Lodhi
- I. Joint Planning Board (2 Vacancies)  
Nominees: Lori Epler (Reappointment)  
Sara Piland (Reappointment)
- J. Jury Commission (1 Vacancy)  
Nominee: Edgar F. Merritt
- K. Workforce Development Board (2 Vacancies)

Nominees: John Davidson (Reappointment)  
Hubert Owens (Reappointment)

8. Closed Session
- A. Personnel Matter(s) Pursuant to NCGS 143-318.11(a)(6)
  - B. Economic Development Matter(s) Pursuant to NCGS 143-318.11(a)(4)
  - C. Attorney-Client Matter Pursuant to NCGS143-318.11(a)(3).

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

SECOND: Commissioner Council

VOTE: UNANIMOUS

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

SECOND: Commissioner Edge

VOTE: UNANIMOUS

MOTION: Commissioner Edge moved to adjourn.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

MEETING ADJOURNED: 11:20AM.

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Marsha Fogle, Clerk to the Board