

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
MARCH 2, 2009, 9:00AM  
REGULAR MEETING

PRESENT: Chairman Jeannette Council  
Vice Chairman Billy R. King  
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  
Marsha Fogle, Clerk  
Marie Colgan, Deputy Clerk

INVOCATION - Commissioner Ed Melvin

Minister - Pastor Jerry Johnson, Antioch Church of God

PLEDGE OF ALLEGIANCE

Recognition of Outgoing Board Members:

Dr. Rakesh Gupta – Cape Fear Valley Health System Board of Trustees  
Ralph Mitchell – Cape Fear Valley Health System Board of Trustees

Dr. Gupta and Ralph Mitchell did not attend to receive their certificates.

Recognition of Retired Cumberland County Employees:

Susie Davis – Cumberland County Health Department: Was unable to attend.

Special Recognition of County Employees who Participated in Preparing for the Moody's Bond Rating Presentation on Thursday, February 19, 2009.

1. Consent Agenda

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

SECOND: Commissioner Edge

VOTE: UNANIMOUS

- A. Approval of minutes for the February 17, 2009 regular meeting.

ACTION: Approve

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

Castlebrooke Subdivision: Lancelot Court

Windsor Park Subdivision: Sandcastle Lane

ACTION: Approve

- C. Approval of HOPE VI Commitment Letters.

BACKGROUND: The Board of Commissioners has committed \$4 million to be used for infrastructure improvements as part of the HOPE VI revitalization plan for the Old Wilmington Road community.

ACTION: Approve the issuance of Conditional Letters of Commitment for the Campbell Terrace Phase I and the Campbell Avenue Senior Housing projects. The County Manager will sign the letters.

- D. Approval of Construction Bids for the Western Elementary Library and the Establishment of Capital Projects Budgets for the Western Elementary and Library.

BACKGROUND: The Board of Education received bids on February 3, 2009 for the Western Elementary and Library project. This project was delayed from the fall due to bonding issues with the contractor and the uncertainties of credit markets. This subsequent re-bid process resulted in a savings of \$2.6 million for the school and \$256,133 for the library.

ACTION: Approve the bid to be awarded to John S. Clark, Company, LLC, and approve the establishment of the capital projects for the elementary school and library as reflected on the budget revisions (B09-282 & 283).

- E. Approval of Amendment to Board of Education Interlocal Agreement.

BACKGROUND: An amendment to the Board of Education Current Expense Funding Agreement has been developed to address the effects of economic development incentives. This amendment applies to economic incentive agreements which provide for the county to make incentive payments to a business over a period of time based upon increased capital investment by the business. This results in an increase in the property tax base as well as incremental increases in the amount of the property taxes paid by the business. Under the original funding formula agreement, the Board of Education receives an appropriation equal to .44 cents out of the total .86 cents of property tax collections. This amendment sets forth that the Board of Education will receive its .44 cents of the NET property tax revenue realized by the County

under the economic incentive agreement. The Board of Education has approved this amendment.

**ACTION:** Approve this first amendment to the Interlocal Agreement.

- F. Approval of Proposed Changes in the Vaccine Fees Rabies Vaccine and Zostavax (Shingles) Vaccine.

**BACKGROUND:** The Board of Health, at its meeting on February 17, 2009, approved changes to Rabies Vaccine and the Zostavax (Shingles) Vaccine as follows:

<u>Vaccine</u>	<u>Health Department Cost</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
Zostavax	\$ 153.90	\$155.00	\$175.00
Rabies	\$ 172.48	\$155.00	\$175.00

Note: Vaccine rates may change quarterly. Most BCBS plans do not cover the rabies vaccine.

**ACTION:** Approve new fees

- G. Approval of Amendment #8 to Engineering Agreement with CDM for Additional Services at Ann Street Landfill.

**BACKGROUND:** In March 1993, the Board entered into an agreement with Camp, Dresser, & McKee (CDM) to provide engineering services for the design of a lateral expansion of the Ann Street Landfill in compliance with Federal RCRA Subtitle D requirements. The Agreement has been amended as the Subtitle D Landfill has expanded. The most recent amendment was for the design and construction administration of the Phase I Landfill Gas Collection & Control System in the Subtitle D Landfill to comply with air quality regulations. Amendment 8 is for additional services at the Ann Street Landfill in connection with the west slope of the linear ditch (Sedimentation #2) which separates the old unlined landfill and the new Subtitle D landfill. The Solid Waste Director has asked for additional services from the Engineering Firm as follows:

- conduct a subsurface investigation along the western slope of Sedimentation Basin #2 consisting of drilling four borings to a depth of about 50 feet and installing monitoring wells in the borings;
- perform a slope stability analysis based on the data collected from Task 1 noted above;
- prepare written report summarizing the results of the field and laboratory investigation and recommendations for corrective actions.

Compensation for services is rendered on a time/material basis with a not-to-exceed amount of \$39,000.

**ACTION:** Approve amendment to agreement as noted above and budget revision (B09-290)

- H. Approval of Amendment #4 to Architectural Agreement with CJM&W for Additional Services on New Public Health Center Project.

**BACKGROUND:** In September 2004, the Board entered into an agreement with Calloway, Johnson, Moore & West (CJM&W) for architectural services for the Health Department Needs Assessment Project. Subsequently, the agreement has been amended, most recently, to include the design of a new Public Health Center, when the Board deemed renovation of the existing facility uneconomic. This amendment includes the additional services as follows:

- conduct a detailed site survey to supplement information provided by the Owner on the DSS Administration Building site plan. This is required to develop an adequate site plan and grading plan for the new Public Health Center. Cost: \$3,371.25;
- conduct additional soil borings and to a greater depth than initially contemplated when the contingency of \$6,500 for subsurface soil investigations was negotiated in the architectural agreement. Actual cost: \$9,731.70 an increase of \$3,231.70 for this additional service.

Money is available in the project contingency to fund this amendment.

**ACTION:** Approve Amendment #4 in the amount of \$6,602.95 and the budget revision (B09-289)

- I. Approval of Cumberland County Department of Social Services Revised 2009-2011 Work First Plan and Designation as Standard County Status.

**BACKGROUND:** Public law requires counties social services departments to be designated as standard or electing when submitting a biennial Work First Program Plan to the NC Department of Health & Human Services. At the recommendation of the Social Services Board, the Board of Commissioners voted for Cumberland to be an electing county on August 4, 2008. Since that time the Division of Social Services has decided to request approval of the General Assembly to use Cumberland County's pilot as a model for the state. That would eliminate the need for Cumberland to vary from standard state policy. A standard county assumes less financial risk in case Work First caseloads increase.

**ACTION:** Approve Cumberland to be a "Standard" County and approve the revised Work First Program Plan for 2009-2011.

- J. Approval of Ordinance Restricting and Reserving Parking Spaces in the Parking Lot on the North Side of the Courthouse Bounded by Person and Franklin Streets.

**BACKGROUND:** GS 153A-170 authorizes the Board of Commissioners by ordinance to regulate parking in county-owned property. This Ordinance would amend Article II, Chapter 9 of the Cumberland County Code to reserve parking in the gated parking lot on the north side of the County Courthouse for the Commissioners' Office and appropriate spaces for the Register of Deeds, the District Attorney's Office, the Magistrate's Office, the County Manager's Office, the County Attorney's Office, the Tax Administrator, the

County Information Services Director, the Criminal Justice Support Unit Director, the County Human Resources Director, the Courthouse Deli Franchisee, County department couriers, and County Building Facilities maintenance, as designated by the County Manager. This amendment also makes technical changes deleting references to Cape Fear Valley Medical Center. This ordinance will become effective upon its final adoption.

ACTION: Approve as noted above.

- K. Approval of a Proclamation Proclaiming April 19-25, 2009 as “Volunteer Week” in Cumberland County.

ACTION: Adopt Proclamation

#### PROCLAMATION

WHEREAS, Volunteer Week, a tradition in our County, designates a special time to recognize and celebrate the awesome hard work of volunteers; and

WHEREAS, numerous agencies use Volunteer Week to highlight the many contributions of their volunteers and the thousands of service projects in our community; and

WHEREAS, volunteers are among our “most valuable resources” and donate thousands of hours to our community; and

WHEREAS, the Retired Senior Volunteer Program (RSVP) provides coordination for retired citizens 55 and over who want to contribute their time, talent and skills to others by volunteering in hospitals, government offices, non-profit and other agencies throughout the community.

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners PROCLAIMS April 19-25, 2009 “VOLUNTEER WEEK” in Cumberland County and calls upon its citizens to answer the call of service by volunteering to ensure a better quality of life for everyone in the community.

Adopted this 2<sup>nd</sup> day of March, 2009.

- L. Budget Revisions:

ACTION: Approve

- (1) Library Mother Read

Revision in the amount of \$5,162 to return unused funding created from vacancy in department. (B09-284) **Funding Source - State**

(2) Education

Revision in the amount of \$31,049 to appropriate fund balance for Supplemental PEG Channel Support received in previous years. (B09-286) **Funding Source –Fund Balance**

(3) Day Reporting

a. Revision in the amount of \$500 to recognize reallocation of funds anticipated to receive from the State. (B09-288) **Funding Source – State**

b. General Government Other - Revision in the amount of \$3,000 to reallocate budgeted expenditures from contingency to cover fuel costs for remainder of fiscal year. (B09-291 and B09-291A) **Funding Source – Reallocation of Budgeted Expenditures**

**PUBLIC HEARINGS:**

2. Public Hearing for the Annual Community Transportation Program Grant for FY 2010.

**BACKGROUND:** The deadline for submission of our yearly application for Community Transportation Program Grant funds is March 31, 2009. The required public hearing has been advertised for this meeting. The Grant incorporates the administrative funds for the Cumberland County Community Transportation Program. The total amount of the Grant is \$79,535. The local share match is \$11,930.

The Chairman opened the public hearing.

**SPEAKERS:** No speakers

The Chairman closed the public hearing.

**ACTION:** Approve the application for FY2010.

**MOTION:** Commissioner Edge moved to approve.

**SECOND:** Commissioner Melvin

**VOTE:** UNANIMOUS

3. Public Hearing to Consider Additional Refunding of All or a Portion of the County's Installment Payment Revenue Refunding Bonds, Series 2000.

**BACKGROUND:** The Board of Commissioners approved issuing installment financing under GS 160A-20 to finance costs of the Western Elementary School and Western Branch Library, and, if market conditions are favorable to refund certain of the County's

1998 COPS and 1998 Installment Revenue Payment Bonds. The Local Government Commission approved such financing up to a \$90,000,000 maximum amount. Market conditions appear favorable and preparations are being made to proceed to sale in late March. The County's underwriter and financial advisor now suggest that market conditions may be sufficiently favorable that it would be beneficial to the County also to refund some or all of its Installment Payment Revenue Refunding Bonds, Series 2000, up to a total bond certificate value of \$33,306,000. GS 160A-20(g) requires a public hearing on a contract to refund such bonds before entering into it. The amount of the additional refunding would exceed the LGC's currently approved maximum amount and therefore the Board would have to apply to the LGC for approval. The LGC is scheduled to consider approval of the County's additional refunding on March 3, 2009.

The Chairman opened the Public Hearing.

SPEAKERS: No speakers.

The Chairman closed the Public Hearing.

**ACTION:** Approve resolution authorizing an installment financing contract under GS 160A-20 to refund all or a portion of the County's Installment Payment Revenue Refunding Bonds, Series 2000, up to a total bond certificate value of \$33,306,000, as well as refunding certain of the 1998 COPS and bonds and financing the school and library, in an amount not to exceed \$120,000,000. Also, authorize management to file an application with the LGC for approval of the additional refinancing and to take all other actions and execute all other documents necessary or appropriate to effect the issuance of certificates of participation as previously authorized and authorized herein. SEE ATTACHED RESOLUTION.

**MOTION:** Commissioner King moved to approve the Resolution.

**SECOND:** Commissioner Blackwell

**VOTE:** UNANIMOUS

#### REGULAR AGENDA

#### 4. Nominations to Boards and Committees

##### A. Library Board of Trustees (1 Vacancy)

Vacancy: Nellie McCoy resigned. Recommended replacement: Mary E. Thomas

Nominee: Mary E. Thomas

##### B. Senior Citizens Advisory Board (1 Vacancy)

Vacancy: Annette Renteria resigned. Recommended replacement: Mary Rizor

Nominee: Mary Rizor

5. Appointments to Boards and Committees

MOTION: Commissioner King moved to appoint the nominees noted below.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

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

Nominee: Jacqueline Wolfe

B. Equalization and Review Board (5 Vacancies)

Nominees: Businessman: George Turner

Farmer: Sherrill Jernigan (Moved from At-Large Position)

At-Large: David Mack and Curt Alexander

Homebuilder: Rodney Sherrill

C. Appointment of Equalization and Review Board Chairman, First Vice Chairman and Second Vice Chairman

Nominees: Chairman: William "Bill" Holland

First Vice Chairman: Carroll Beard, Jr.

Second Vice Chairman: George Turner

D. Nursing Home Advisory Board (1 Vacancy)

Nominee: October Morales

6. Closed Session: Personnel Matters Pursuant to  
NCGS 143-318.11(a)(6).

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

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

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

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS

MOTION: Commissioner Blackwell moved to Recess the meeting and reconvene it in Room 564.

SECOND: Commissioner King

VOTE: UNANIMOUS

The meeting was reconvened in Room 564 to discuss the items on the Supplemental Agenda as noted below.

SUPPLEMENTAL AGENDA  
PLANNING SESSION– ROOM 564  
MARCH 2, 2009

1. Financial Update

Amy Cannon, Assistant County Manager for Finance, briefed the Board regarding the financial situation of the County. Ms. Cannon noted that at this time the county is proceeding with caution. Departments have been instructed to do all they can to help save money in this fiscal year, and delays in filling vacancies will help in realizing some savings. In addition, County Departments have been given a reduced target amount of money they can spend in their operating budgets for fiscal year 2010. Ms. Cannon said at this point management believes the county will have an operating loss of \$900,000 this fiscal year. Of some concern is that ADM funds have decreased and lottery revenue is down. One bright spot is that the local point of origin sales tax revenue is out-performing the local state sales tax revenue distributed on a state-wide basis. She said the county will continue to proceed with extreme caution. Commissioner Edge inquired if management had given any consideration in adopting an interim budget. The County Manager indicated he had not considered that option at this point.

2. Discussion of Commissioner Priorities

The Board discussed its priorities for the next two years. The Board decided its top three priorities are water, a revenue neutral tax rate and public safety issues (fire, ambulance service and EMS communications). Commissioners instructed the Manager to take these three priorities into consideration as he prepares the budget for FY2010. Commissioner King noted that a revenue neutral tax rate would prohibit the county from addressing the water and public safety issues, its other priorities. Commissioner Edge recommended that money for water projects be a recurring expense in the County's budget. The Manager indicated he would present a revenue neutral tax rate budget, but would also include a list of projects he felt were important for the Board's consideration to maintain services.

The Board discussed BRAC and how it will affect the County and the school system in the next several years. The Regional Task Force estimates that \$274 million will be needed regionally for school construction. It estimates that Cumberland County will have to spend \$100 million in school construction to accommodate the number of students anticipated to be coming to our County. Funding of this construction may come from GO Bonds or perhaps with COPs. As of this week, ADM funding has been impounded by the State which could mean some of our construction projects are in jeopardy.

The Board discussed other issues, parking in downtown Fayetteville and a transit system. The City of Fayetteville has asked the County to agree to pledge the growth in the tax district in downtown Fayetteville to address parking issues. Commissioner Marshall Faircloth will represent the Board at any meetings held with the City regarding the parking issue.

Commissioner Jimmy Keefe provided the Board with a “White Paper” on District and County Fire Taxes. The Board will review the proposals and respond back to the Chairman by Friday of this week. In addition, the County Manager shared a memo he received from the Sheriff regarding the Spring Lake Police Department Investigative Cost. The Sheriff has requested that the Board of Commissioners seek reimbursement from the Town of Spring Lake for its services.

3. Other Matters – No other matters came before the Board.

MEETING ADJOURNED AT 1:25PM.

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Clerk to the Board