

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
NOVEMBER 2, 2009 - 9:00 AM
117 Dick Street, 1st Floor, Room 118
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, Assistant County Manager
Harvey Raynor, Interim County Attorney
Phyllis Jones, Assistant County Attorney
Sally Shutt, Communications Manager
Jody Risacher, Library Director
Candice White, Deputy Clerk to the Board
Marie Colgan, Clerk to the Board

INVOCATION Commissioner Keefe

Pledge of Allegiance

Chairman Council recognized Jan Spell, Chair of the Hope Mills Greater Area Chamber of Commerce, and members of the Library Board.

1. Approval of Agenda

MOTION: Commissioner King moved to approve as presented.

SECOND: Commissioner Edge

VOTE: Unanimous

2. Presentation by Dr. Frank Till, Superintendent of the Cumberland County Board of Education.

Dr. Till stated that he was present to thank the Board of Commissioners for the tremendous work that they do for the citizens of Cumberland County. During his brief time as the Superintendent in Cumberland County, he has learned to appreciate the leadership which was displayed by Commissioners long ago, as well as the current Board, which has shown that they care about the children in Cumberland County. Dr. Till thanked the Board on behalf of all children and voiced his and his staff's commitment to work with the Commissioners, the County Manager and staff to make the County a better place for the children. Chairman

Council thanked him for his comments and offered him an official welcome to the County. Commissioner Keefe commented that Dr. Till and his office has been very helpful and open to him and it has been appreciated.

3. Presentation by Mr. Eddie Maynor, Chairman of the ABC Board.

Mr. Martin introduced Mr. Maynor, stating that in addition to being the Chairman of the ABC Board, Mr. Maynor is also a Hope Mills Commissioner. Mr. Maynor thanked Commissioners for allowing him to come and make a presentation stating that as a controlled substance state, North Carolina ranks 48th in per capital consumption of spirits and 6th in revenue for spirits. Mr. Maynor advised that even though local ABC boards in North Carolina are established and operated with no State funds, it generated \$233 million in revenue annually for the benefit of the State's General Fund and for the city and counties where alcohol is allowed. There is a current move trying to privatize the system in North Carolina and if it is passed, this will eliminate million of dollars that are currently turned over by local ABC boards to local communities. Mr. Maynor and Mr. Gene Webb, Executive Director of the ABC Board, presented a check in the amount of \$2,195,218.00 which is the largest contribution that has ever been returned to the County from the ABC Board. Mr. Maynor stated that due to the hard and diligent work of the ABC Board members, the great leadership and expert management of Mr. Webb and the hard work of the staff, he is pleased to be able to return these monies to the citizens. Mr. Maynor advised that other contributions through various agencies has also be made by the ABC Board out of the revenues generated. Chairman Council thanked Mr. Maynor, Mr. Webb and the staff on behalf of the Board of Commissioners. Commissioner Edge added that when he served as liaison on the ABC Board, he witnessed first hand the good management practiced by Mr. Webb stating that he had saved thousands of dollars due to his management style. Commissioner Faircloth stated that he appreciated the fact that the County's ABC Board has the County's best interest in mind and asked Mr. Maynor to express his appreciation to their Board.

4. Presentation of the FY 2009 Cumberland County Public Library Annual Report by Jody Risacher, Library Director.

Ms. Risacher provided a power point presentation reviewing the Public Library annual report for FY 2009 and providing an update on FY10. A recap of the events for 2009 included:

- Headquarters fire in October 25, 2008 resulting in disbursements of staff to other branches, increase of branch service hours and relocation of non-public services staff to Festival Park Plaza building. The public areas reopened in May 22, 2009 and the nonpublic service staff returned in October.
- The Big Read – Spring 2009 with attendance of 2,700+. Funded straight for three years through grants from the National Endowment for the Arts, the Arts Council and Cumberland Community Foundation.
- West Regional Groundbreaking – April, 2009 – scheduled to be opened in August, 2010.
- Friends Author Event – Coming again in November, 2009.
- Librari-Con – 3rd Annual – more than 1,000 participants.
- Municipal Services Partnership – a collaboration with Ft. Bragg to discuss the County operating John L. Throckmorton Library. Pursuing focused contracts for

youth services, facility enhancement and collection in lieu of a full service contract at this time.

- New Services in Response to Community Needs: Book-a-Librarian and Job & Career Centers.
- Numerous partnerships were listed.
- Two awards were received from the NC Public Library Directors Association: Caldecott Kids (an outstanding Children's program) and an Older American's Month (a promotional project).
- Total Grant income for FY 09 was \$289,196.00.
- A breakdown was provided showing a breakdown of numbers for services.
- Financial Summary for FY09 showed a total expenditure of \$9,963,317.00.

Ms. Risacher concluded her presentation stating that running an award winning Library is very expensive. Commissioner King questioned what area should be looked at next for a branch and Ms. Risacher stated according to a study which was completed a few years back, it indicated that the Grays Creek area and an area on Murchison Road was shown as needing a branch. Commissioner King also questioned how the branch across from Cape Fear High School was doing and Ms. Risacher stated that it is growing but that the usage number is not as high as had been hoped. Commissioner Blackwell, liaison to the Library Board, stated that the Board knows the value of the Library and that the Library Board is always present and active. Commissioner Blackwell thanked Ms. Risacher for the job that she and her staff does as the numbers provided supports the great work they do.

5. Consent Agenda

MOTION: Commissioner King moved to approve items 5A – 5G(4)

SECOND: Commissioner Blackwell

VOTE: Unanimous

- A. Approval of minutes for the October 19, 2009 regular meeting.
- B. Approval of Correction to September 21, 2009 Board of Commissioner Meeting Minutes.

BACKGROUND: On October 5, 2009, the Board approved the minutes from the September 21, 2009 Board of Commissioners' regular meeting. A request has been made to include additional background information under Item 2C and 2D in the September 21st minutes. This requested addition was listed in the packet information provided for the September 21st meeting but was not included in the minutes. Please see the attached minutes with the requested additional background information bolded.

ACTION: Approve additional background information be included in Item 2C and 2D of the September 21, 2009 Board of Commissioners regular meeting minutes as shown.

- C. Approval of Declaring Foreclosed Real Property as Surplus.

BACKGROUND: The County when it is the successful bidder on tax foreclosed property first offers that property to the various County Departments & Agencies and to

the City. If none of these entities has a need for the property then the Commissioners are asked to declare the property surplus, and it is placed on the County's Surplus Property list for sale to the public.

The County of Cumberland has recently acquired by tax foreclosure certain real property located in the County. Exhibit 1 is a list of properties which also shows their tax values. Exhibit 2 is a set of maps which shows the PIN number, vicinity, and township for each parcel.

ACTION: Declare the foreclosed property as surplus to the needs of the County.

- D. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – Res. 314 Maloney Ave Lots 21-22 – PIN: 0437-95-9834.

BACKGROUND: On or about October 26, 2005, 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 \$4,737.07.

Joshua Bullis has offered to purchase the County's interest in the property for \$4,737.07 and has deposited \$489.00 in the Finance Office. The tax value of the property is \$22,900.00.

This property is surplus to the needs of the County and, according to N.C.G.S. 153A-176 and N.C.G.S. 105-376, the County has the authority to sell such property. Management has reviewed this offer and it is now being submitted for the Board to consider whether or not to accept Mr. Bullis' bid. The property has been advertised and this office has not received any upset bids. The bid period is now closed.

ACTION: Accept the offer of Joshua Bullis to purchase the above property for the sum of \$4,737.07, plus costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- E. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – Located on Johns Street, off Gavins Street – PIN: 0418-49-0251; Seventy First Township.

BACKGROUND: On or about September 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 \$7,853.96.

Joe Fleming Jr. has offered to purchase the County's interest in the property for **\$7,853.96** and has deposited \$786.00 in the Finance Office. The tax value of the property is \$5,084.00.

This property is surplus to the needs of the County and, according to N.C.G.S. 153A-176 and N.C.G.S. 105-376, the County has the authority to sell such property. Management has reviewed this offer and it is now being submitted for the Board to consider whether or not to

accept Mr. Fleming's bid. The property has been advertised and this office has not received any upset bids. The bid period is now closed.

ACTION: Accept the offer of Mr. Joe Fleming Jr. to purchase the above property for the sum of \$7,853.96, plus costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- F. Approval of a Proclamation Proclaiming November 2009 as "Nonprofit Awareness Month" in Cumberland County.

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
PROCLAMATION**

Nonprofit Awareness Month 2009

WHEREAS, Fayetteville/Cumberland County is home to more than one hundred and seventy-seven charitable nonprofit organizations which provide diverse services to the community; and

WHEREAS, these organizations spend more than \$693,171,376 annually serving the people of Fayetteville/Cumberland County; and

WHEREAS, North Carolina's nonprofit sector puts more than \$29 billion into our state's economy, and North Carolina nonprofits' economic impact has more than doubled in a decade; and

WHEREAS, 10% of all jobs in our state are provided by charitable nonprofits; and

WHEREAS, people throughout Fayetteville/Cumberland County support and participate in nonprofit organizations by serving as board members, volunteering, donating, and working as staff; and

WHEREAS, nonprofit employees pay income taxes and spend their salaries locally, thus paying local and state sales taxes too; they buy houses, cars, computers, groceries, clothes, home products, and all other items sold in our community; and

WHEREAS, Fayetteville/Cumberland County nonprofits build partnerships and collaborate with governments, businesses, faith-based organizations, and other groups to expand resources; and

WHEREAS, nonprofits play a central role in the democratic process by providing a means for individuals to deliberate on and advocate for public policies and decisions that affect them; and

WHEREAS, Fayetteville/Cumberland County nonprofits provide opportunities for developing skills, leadership abilities, and service through civic engagement; and

WHEREAS, everyone who lives in Fayetteville/Cumberland County benefits from nonprofits' vital contributions of strengthening our social fabric, public policy, culture, sense of community, and future; and

NOW THEREFORE, be it resolved that the Board of Commissioners of Cumberland County declares November 2009 as *Nonprofit Awareness Month* and extends its congratulations to charitable nonprofits serving our community for their dedicated service to the community and

its sincere gratitude to the residents of Fayetteville/Cumberland County whose volunteer spirits and donations make these organizations strong.

Proclaimed this 2nd day of November 2009.

ACTION: Approve Proclamation proclaiming November, 2009 as Nonprofit Awareness Month.

G. Budget Revisions

ACTION: Approve budget revisions

(1) Health

- a. NC Bioterrorism Preparedness and Response - Revision in the amount of \$5,000 to budget State funding for H1N1 Phase III program. (B10-155) **Funding Source – State**
- b. H1N1/PHER Phase III – Revision in the amount of \$525,013 to budget State funding for H1N1/PHER Phase III program. (B10-154) **Funding Source – State**
- c. Family Planning – Revision in the amount of \$47,708 to budget additional State funding for TANF (Temporary Assistance to Needy Families). (B10-156) **Funding Source – State**
- d. Immunization Clinic – Revision in the amount of \$133,598 to budget additional State funding for school based seasonal influenza clinics. (B10-159) **Funding Source - State**

(2) Day Reporting

Revision in the amount of \$3,503 to budget reduction in State funded grant. (B10-153) **Funding Source - Grant**

(3) Civic Center/Prepared Food and Beverage Tax

Revisions in the amount of \$7,775 to appropriate fund balance from Prepared Food and Beverage and to transfer funds to Civic Center to repair the retention pond dam. (B10-157 and B10-157A) **Funding Source – Prepared Food & Beverage Tax**

(4) School Capital Outlay - Lottery

Revision in the amount of \$750,000 to fund upfront architectural fees related to various projects approved by the Cumberland County Board of Education. (B10-158) **Funding Source – NC Lottery Proceeds**

ITEMS OF BUSINESS

6. Consideration of Approval of a Resolution Authorizing the Filing of an Application to the Local Government Commission for Issuance of Qualified School Construction Bonds.

BACKGROUND: The Board of Education has received an allocation of Qualified School Construction Bonds in the amount of \$15.9M. These bonds were established as part of the American Recovery Reinvestment Act of 2009. These instruments will be used for classroom additions, cafeteria expansion and other renovation projects.

Attached you will find a resolution authorizing the filing of an application to the Local Government Commission (LGC) for issuance of these instruments. We are currently negotiating an Installment Financing agreement with Wells Fargo to issue this allocation. Our goal is to finalize this transaction in mid-December. To accomplish this, we need your approval of the attached resolution and to schedule a public hearing on the proposed financing for the November 16, 2009 meeting. Successful completion of these actions should allow adequate time for an LGC application approval on December 2, 2009.

RESOLUTION AUTHORIZING THE FILING OF AN
APPLICATION FOR APPROVAL OF AN INSTALLMENT
FINANCING AGREEMENT AUTHORIZED BY NORTH
CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the County of Cumberland, North Carolina (the "County") desires to construct and equip renovations to the following 13 County schools: Byrd Middle, Mary McArthur Elementary, Elizabeth Cashwell Elementary, Cumberland Road Elementary, Cape Fear High, Rockfish Elementary, Wm. H. Owen Elementary, Long Hill Elementary, Cumberland Mills Elementary, Westover Middle, Manchester Elementary, Terry Sanford High, and E. E. Smith High School (each, a "School", collectively, the "Project"); and

WHEREAS, it is proposed that the Project be financed through an installment financing agreement (the "Agreement") entered into by the County pursuant to N.C.G.S. § 160A-20 for a term of up to twenty (20) years, which may be sold in the form of qualified school construction bonds or taxable or tax-exempt financing; and

WHEREAS, the County has received an allocation of \$15,900,000.00 for qualified school construction bonds from the North Carolina Department of Public Instruction; and

WHEREAS, the purpose of the Project is to improve school facilities for the students and citizens of Cumberland County; and

WHEREAS, the County may advance its own funds to pay expenditures related to the Project, may borrow funds on a short term taxable or tax exempt basis in order to pay such expenditures or may enter into contracts obligating third parties to make certain expenditures relating to the Project (the "Expenditures") prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of taxable debt (including qualified school construction bonds issued under Section 54A of the Internal Revenue Code of 1986, as

amended (the “Code”), or taxable or tax-exempt obligations under the Code, or some combination of the foregoing;

WHEREAS, findings of fact by the County Commissioners of Cumberland County, North Carolina must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in N.C.G.S. 159-151 prior to its approval of the proposed contract;

NOW, THEREFORE, BE IT RESOLVED by the County Commissioners of the County of Cumberland, North Carolina, meeting in regular session on the 2nd day of November, 2009:

1. The proposed Agreement is necessary or expedient because there is a need to expand and renovate the Schools.

2. The Agreement is preferable to a bond issue for the same purpose because the sale of the agreement as a qualified school construction bond could result in little or no interest cost, and a private placement of the agreement will save significant issuance expenses regardless of how the agreement is sold.

3. The sums to fall due under the Agreement are adequate and not excessive for the proposed purpose because the construction of the Project will be competitively bid, and, if the Agreement is sold as a qualified school construction bond, the County will pay little or no interest with respect to the Agreement.

4. Facts supporting the conclusion that debt management policies have been carried out in compliance with the law and reasonable assurances that compliance with the law will henceforth be carried out are as follows:

(a) The Local Government Commission has taken no action against the County, nor found the County to have acted improperly in debt management.

(b) The County has not defaulted on any debt obligation.

(c) The County follows the debt management guidelines of the North Carolina Local Government Commission.

5. There will be no increase in taxes necessary to meet the sums to fall due under the Agreement.

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

7. The attorney for the County will render 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 North Carolina.

8. The County Manager and the County Finance Officer are hereby authorized, directed and designated to file an application with the North Carolina Local Government Commission for its approval of an installment financing agreement in an amount of up to \$15,900,000 to finance the Project with a term of up to 20 years, and the Chairman, the Finance Officer and the County Manager are each hereby authorized and directed to take all actions in furtherance of such Agreement.

9. The County intends that the proceeds of the Agreement be used to reimburse the County for Expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this resolution. The County reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Agreement or other debt. The

County intends that the adoption of this resolution confirms its “official intent” within the meaning of Treasury Regulations Section 1.150-2 promulgated under the Code.

10. The officers of the County are hereby directed to call a public hearing with respect to the proposed financing to be held on December __, 2009, and to publish notice of such hearing not less than ten days prior to such date as required by § 160A-20.

11. 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.

12. This resolution shall take effect immediately.

ACTION: Approve the requested Resolution authorizing the filing of an LGG application for the Qualified School Construction Bond Installment Financing Agreement and schedule a public hearing on the proposed financing on November 16, 2009.

7. Nominations to Boards and Committees

A. Cape Fear River Assembly (1 Vacancy)

Vacancy: The Cape Fear River Assembly, Inc. (CFRA) has local elected official seats on their Board that are held by representatives of single or groups of local governments. That CFRA Board of Directors nominated Juanita Pilgrim to serve on their Board.

Nominee: Juanita Pilgrim

B. Cumberland County Public Library Board of Trustees (3 Vacancies)

Vacancies: Dr. Polly Davis completing first term and is eligible for reappointment. The Library Board of Trustees recommends her reappointment. Mary E. Thomas completing first term and is eligible for reappointment. The Library Board of Trustees recommends her reappointment. Maxine McCoy completing second term and is not eligible for reappointment. The Library Board of Trustees recommends Sara VanderClute to serve a first term.

Nominees: Dr. Polly Davis
Mary E. Thomas
Sara VanderClute

C. Minimum Housing Appeals Board (1 Vacancy)

Vacancy: I.J. McNeill completing second term and is not eligible for reappointment. The Minimum Housing Appeals Board recommends alternate member Clayton O. Burris, Jr., to fill this position.

Nominee: Clayton O. Burris, Jr.

D. Nursing Home Advisory Board (1 Vacancy)

Vacancy: Robin Paul resigned her initial term as she is unable to continue to serve.

Nominee: Tolulope Adeyemi

8. Appointments to Boards and Committees

MOTION: Commissioner King moved to appoint all nominees as presented.

SECOND: Commissioner Blackwell

VOTE: Unanimous

A. Community Child Protection Fatality Prevention Team (1 Vacancy)

Nominee:

At-Large Position: Allie D. Wiggins (Reappointment)

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

Nominee: Dr. Don A. Okhomina

C. Cumberland County Local Emergency Planning Committee (1 Vacancy)

Nominee:

First Aid Representative: Michael D. Roye

D. Transportation Advisory Board (6 Vacancies)

Nominees:

Sheltered Workshop Director or Designee: Betsy Torsell (Reappointment)

County Mental Health Director or Designee: William H. Robinson (Reappointment)

Mid-Carolina Council of Governments Director or Designee: Glenda Dye

DSS Work First Representative: Cheryl Campbell

Workforce Development Center Director or Designee: Lorria Troy

Aging Programs Representative: Sybil Sloan

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

MOTION: Commissioner Edge moved to go into Closed Session.

SECOND: Commissioner Faircloth

VOTE: Unanimous

MOTION: Commissioner King moved to go into Open Session.

SECOND: Commissioner Faircloth

VOTE: Unanimous

MOTION: Commissioner Faircloth moved to adjourn.

SECOND: Commissioner King

VOTE: Unanimous

MEETING ADJOURNED AT 10:30AM

Marie Colgan, Clerk to the Board