

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 21, 2009 - 6:45 PM
117 Dick Street, 1st Floor, Room 118
REGULAR/REZONING MEETING – CORRECTED MINUTES
Corrected by Action of the Board on 11-2-09

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
Harvey Raynor, Interim County Attorney
Phyllis Jones, Assistant County Attorney
Sally Shutt, Communications Manager
Tom Lloyd, Planning/Inspections Director
Buck Wilson, Public Health Director
George Hatcher, Inspector – Inspections Department
Doug Peters, Fayetteville-Cumberland County Chamber of Commerce
Candice White, Deputy Clerk to the Board
Marie Colgan, Clerk to the Board

INVOCATION - Commissioner Kenneth Edge

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT PERIOD (6:45 PM – 7:00 PM) – NO SPEAKERS

Commissioner Council recognized the attending Fayetteville Branch of the NAACP Youth Council.

Introduction of New Cumberland County Department Heads:

Buck Wilson, Health Department Director
Sharon Sanders, Interim Veteran's Service Manager

Special Recognition to Kenny Currie, Cumberland County Emergency Services Director for:

- Cumberland County Recognized by the NOAA National Weather Service as Storm Ready
- 2009 North Carolina Communications Manager of the Year by the Association of Public Safety Officers

Commissioner Council welcomed back Commissioner Melvin who recently went through 5-way by-pass heart surgery.

County Manager Martin requested the following agenda adjustments:

MOVE: Item 1E to Item 2F for a Public Hearing which was properly advertised as such.
ADD: Closed Session – Economic Development pursuant to NCGS 143-318.11 (a)(4) and Real Property Acquisition pursuant to NCGS 143-318.11 (a)(5)

MOTION: Commissioner Melvin moved to approve the adjustments.

SECOND: Commissioner King

VOTE: Unanimous

1. Consent Agenda

MOTION: Commissioner King moved to approve Items 1A-1I6 with the exception of Item 1E which was moved to 2F.

SECOND: Commissioner Melvin

VOTE: Unanimous

A. Approval of minutes of the September 8, 2009 regular meeting.

ACTION: Approve

B. Approval of Correction to Minutes.

BACKGROUND: On September 8, 2009, the Board approved the minutes from the August 17, 2009 Board of Commissioners' meeting. Under item 4J of those minutes, the affidavit which was submitted for inclusion in the minutes contained some incorrect information. The following affidavit included in the agenda packet which was acted upon by the Board contained the correct information.

AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT
BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on Minimum Housing case number MH 5692-2008.

Property Owner: Hattie W. Coptsias C/O Julie Watson

Property Address: 3709 Camden Road, Fayetteville, NC

Tax Parcel Identification Number: 0425-26-9358

SYNOPSIS: This property was inspected on 10/14/2008. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 11/26/2008. Julie Watson attended the Hearing via telephone. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 5/15/2009. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 8/7/2009 no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$15,000.00. The Assessor for Cumberland County has the structure presently valued at \$5000.00.

ACTION: Approve correction to information contained in the affidavit listed in the minutes under Item 4J of the August 17, 2009 minutes.

C. Approval of Cumberland County Policy Committee Report & Recommendation.

BACKGROUND: This request was made at the August 17th Board of Commissioner's meeting by Mr. Terry Samperton, President of the Home Owners Association (HOA). The HOA was issued a citation by the County on March 17, 2009 for being in violation of Count permit issued for the subdivision's detention ponds. The County's involvement had come due to a complaint by a citizen in an adjoining subdivision whose property was adjacent to one of the detention pond sites. (They had complained that the pond had overflowed during a storm and flooded their yard. It was later discovered that the pond had not overflowed nor been the source of their flooding. In fact, these ponds are not part of a storm water requirement but part of a

system designed to protect water quality in the Fayetteville watershed.) The HOA has cooperated with the County regarding this matter and has made considerable efforts to come into compliance and currently has an extension from the County to bring the ponds into compliance by November 14, 2009. According to Mr. Samperson's memo the plan outlined by their engineer to bring the ponds into compliance will cost an additional \$42,520.00, hence the HOA's request. This matter was referred to the Policy Committee by the Board and staff was asked to bring additional information and a recommendation.

Staff has met on the issue, management and legal inspected the site and had further conversations with Mr. Samperton and legal has researched the legal issues which are such that the County cannot grant the HOA's request because there is no statutory basis for this action and to do so without a statutory basis would amount to a private emolument which is prohibited under the NC Constitution.

The Policy Committee met on September 3, 2009 to consider the above referenced request. They considered testimony from staff and various land owners in the affected subdivision; but upon receiving the Interim County Attorney's opinion that there was no statutory authority to grant the HOA's request and to do so would be a violation of the NC Constitution, the committee members expressed their empathy for the situation, their appreciation to the HOA for its cooperative and curative efforts and asked the staff to assist the HOA as best they could as long as they continued to be cooperative and working toward compliance within a reasonable time-frame without infringing on others' rights or risking the safety of others or their property.

ACTION: Board of Commissioners requested to not take action on this matter.

- D. Approval of Change Order #4 – Rentenbach Constructors on New Public Health Center.

BACKGROUND: In May, 2008, the Board entered into a contract with Rentenbach Constructors, Inc., in the amount of \$22,190,429 for construction of the New Public Health Center Project. The Board also approved the project budget which included an Owner Construction Contingency of \$537,435. Construction of the new facility is about 90% complete and to date three change orders totaling \$138,079 have been approved.

Change Order #4 is in the amount of \$97,460 for additional work on the New Public Health Center Project. The contract revisions are itemized in the change order document and include both additive and deductive work items. The changes can be summarized as follows:

- Owner requested revisions. ADD \$75,240
- Code Compliance revisions. ADD \$ 7,563
- Design revisions due to conflicts. ADD \$18,272
- Design revisions resulting in a credit to the Owner. DEDUCT \$ 3,615

With approval of Change Order #4, the net increase in the contract price is \$235,539 which equates to 1.06% of the original contract amount. A five (5) day time extension is also requested. Sufficient monies are available in the project contingency to fund this change order. The change order document has been reviewed by the County Attorney's Office for legal sufficiency.

ACTION: Approve Change Order #4 for Rentenbach Constructors for additional work on the New Public Health Center Project in the amount of \$97,460 and increase the contract sum to \$22,425,968 and approve the attached budget revision.

- E. Approval of 2008 Consolidated Annual Performance and Evaluation Report (CAPER). THIS ITEM MOVED TO 2F
- F. Approval of Payment of Prior Year Invoices for Jail Health Safekeeping Expenses.

BACKGROUND: The Health Department has five prior year invoices totaling \$34,811.12 dated between 2006 and 2008 that have not been paid and the funds are not encumbered. These

invoices are for jail health safekeeping expenses for prisoners. These invoices have not been paid because there was uncertainty for some time as to whether these were, in fact, the responsibility of the County. Upon further research, it has been determined that Health Department is responsible for the payment of these prior year invoices.

ACTION: Approve payment of prior year invoices in the new fiscal year.

- G. Approval of Scheduling a Public Hearing Date on October 19, 2009 for the Purpose of Receiving Comments from the Property Owners in the Proposed Grays Creek Water & Sewer District.

BACKGROUND: The Gray's Creek Water & Sewer District, located in the southwest portion of Cumberland County has been identified as a feasible project in the recently completed *Cumberland County Rural Water Feasibility Study*.

The first step in this process is to hold a public hearing as required by North Carolina General Statute 162A-86 to receive comments pertaining to the creation of the Gray's Creek Water & Sewer District. There is a community meeting scheduled for October 5, 2009 at 7:00 pm at the Gray's Creek Middle School.

ACTION: Approve setting a Public Hearing for October 19, 2009 at 6:45 pm during the Commissioners schedule meeting.

- H. Approval of Ordinance Assessing Property for the Cost of Demolition:

- 1) Case Number: MH 5531-2008
Property Owners: Joseph E. Hall and Patricia Hall
Property Location: 4008 Limestone Street, Eastover, NC
Parcel Identification Number: 0469-45-2433

ACTION: Approve (Ordinance may be found in the Minimum Housing Ordinance Book.)

- 2) Case Number: MH 5703-2008
Property Owners: Alberta C. Baker Heirs, c/o James Robert Baker
Property Location: 1828 Smith Road, Fayetteville, NC
Parcel Identification Number: 0433-91-2146

ACTION: Approve (Ordinance may be found in the Minimum Housing Ordinance Book.)

- 3) Case Number: MH 5530-2008
Property Owner: Diane Crisp Godwin
Property Location: 3943 Camden Road, Fayetteville, NC
Parcel Identification Number: 0425-14-5774

ACTION: Approve (Ordinance may be found in the Minimum Housing Ordinance Book.)

- I. Budget Revisions:

- (1) Library Grants

Revision in the amount of \$41,376 to recognize E-Rate Grant funds. (B10-079) Funding Source – Grant

- (2) Health

- a. NC Bioterrorism Preparedness and Response - Revision in the amount of 100,000 to budget state funding for the H1N1 Planning (\$94,200) and H1N1 Enhanced Surveillance (\$5,800) Programs. (B10-072) Funding Source – State
- b. NC Bioterrorism Response Team – Revision in the amount of \$10,000 to budget the H1N1 supplemental allocation from the state. (B10-072A) Funding Source – State
- c. Childhood Poisoning Prevention – Revision in the amount of \$1,000 to eliminate budget due to reduction in state funding. (B10-081) Funding Source - State

(3) Planning Grants

- a. Planning Grant 5303 - Revision in the amount of \$33,592 to recognize reduction in funding. (B10-073) Funding Source – Grant
- b. US DOT 104(f) Grant – Revision in the amount of \$300,000 to recognize additional funding. (B10-074) Funding Source – Grant

(4) General Government Other

Revision in the net amount of \$371,000 to recognize current year fire insurance reimbursement of \$222,962; to appropriate fire fund balance of \$332,807 and to reimburse the General Fund’s fund balance of \$184,769. (B10-064) Funding Source – Fund Balance Appropriated and Insurance Proceeds

(5) Soil & Water Conservation District

Revision in the amount of \$4,018 to appropriate fund balance to budget the FY2009 net profits from Soil & Water fundraising activities. (B10-086) Funding Source – Fund Balance

(6) Emergency Management/State and Federal Forfeiture

Revisions in the amount of \$3,408,406 to transfer funds from State Forfeiture Fund 232 (\$242,000) and Federal Forfeiture Fund 230 (\$258,000) and to appropriate communications fund balance (\$1,671,241) and maintenance and repair fund balance (\$1,237,165) for the purchase of digital radios and related equipment to upgrade the County’s emergency dispatch system. (B10-088 thru B10-088B) Funding Source – State and Federal Forfeiture, Fund Balance Appropriated Communications and Maintenance and Repair

2. Public Hearings

Uncontested Cases

Rezoning

- A. Case P09-35. Rezoning of 2.11+/- acres from A1 Agricultural to R40A Residential, or to a more restrictive zoning district, located at 4250 Dudley Road, owned by Andrew E. and Michelle M. Weston.

The Planning Board recommends approval of R40A Residential

NO SPEAKERS

Upon finding the rezoning request to be reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, the following motion was offered:

MOTION: Commissioner King moved to follow the Planning Board's recommendation.

SECOND: Commissioner Melvin

VOTE: Unanimous

- B. Case P09-37. Rezoning of .72+/- acres from R6A Residential to C(P) Planned Commercial, or to a more restrictive zoning district, located at 3708 Gillespie Street, owned by Billy G. and Kathy T. Manning.

The Planning Board recommends approval of C(P) Planned Commercial

NO SPEAKERS

Upon finding the rezoning request to be reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, the following motion was offered:

MOTION: Commissioner King moved to follow the Planning Board's recommendation.

SECOND: Commissioner Melvin

VOTE: Unanimous

Conditional Use Permit Cases

- C. Case P09-19. Rezoning of .57+/- acres from A1 Agricultural to M1(P)/CUD Planned Light Industrial/Conditional Use District (cabinet shop & motor vehicle repair and/or body work) and the Permit, or to a more restrictive zoning district, located at 11444 Dunn Road, owned by Black River Investments, Inc.

The Planning Board recommends approval of M1(P)/CUD for the cabinet shop only.

No Speakers

MOTION: Commissioner Edge moved that the Board of Commissioners finds that this conditional use district application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that the conditional use(s) be approved or deleted as described in the staff agenda memorandum.

SECOND: Commissioner Melvin

VOTE: Unanimous

MOTION: Commissioner Edge moved that the Board of Commissioners finds that this conditional use permit application, if completed as proposed and subject to the conditions recommended by the planning board will not materially endanger the public health and safety, and will not substantially injure the value of adjoining or abutting property, and will be in harmony with the area in which it is to be located, and will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners.

SECOND: Commissioner Melvin
VOTE: Unanimous

- D. Case P09-34. Rezoning of .89+/- acres from R10 Residential to RR/CUD Rural Residential/Conditional Use District (residential including single-family, multi-family & manufactured homes, nursery operations and office) and the Permit, or to a more restrictive zoning district, located at 6067 Camden Road, owned by Michael F. and Barbara J. Shoenberger.

The Planning Board recommends approval of RR/CUD for the existing residential dwelling and a plant nursery operation only.

MOTION: Commissioner Edge moved that the Board of Commissioners finds that this conditional use district application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that the conditional use(s) be approved or deleted as described in the staff agenda memorandum.

SECOND: Commissioner Faircloth
VOTE: Unanimous

MOTION: Commissioner Edge moved that the Board of Commissioners finds that this conditional use permit application, if completed as proposed and subject to the conditions recommended by the planning board will not materially endanger the public health and safety, and will not substantially injure the value of adjoining or abutting property, and will be in harmony with the area in which it is to be located, and will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners.

SECOND: Commissioner Faircloth
VOTE: Unanimous

Other Public Hearings

E. MINIMUM HOUSING CODE ENFORCEMENT

- 1) Case Number: MH 5786-2009
Property Owner: Upton & Helen P. Tyson
Mobile Home Owner: Pamela & Leroy Thomas
Property Location: 3628 Belridge Drive, Fayetteville, NC
Parcel Identification Number: 0440-65-8814

AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on Minimum Housing case number MH 5786-2009.

Property Owner: Upton & Helen P. Tyson
Home Owner: Pamela & Leroy Thomas
Property Address: 3628 Belridge Drive, Fayetteville, NC

Tax Parcel Identification Number: 0440-65-8814

SYNOPSIS: This property was inspected on 2/20/2009. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 3/26/2009. Pamela Thomas attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 6/25/2009. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was

filed. Upon my visit to the property on 9/10/2009 the required corrective action had not been made to the structure. The structure is presently vacant and secured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$15,000.00. The Assessor for Cumberland County has the structure presently valued at \$2,500.00.

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED AND THE DEBRIS REMOVED FROM THE LOT.

The Chairman opened the Public Hearing.

Mr. Hatcher, Inspector for the County of Cumberland Inspection Department, provided pictures to the Board which were not shown publically due to their sensitive nature. Mr. Hatcher stated he inspected the property based on a request from the Department of Social Services due to health concerns of children in the home.

All Speakers were administered an Oath.

Speakers:

Pamela Thomas – Mrs. Thomas stated she knows the pictures look really bad and that they are not able to upgrade the house at this time but she hopes to be able to afford to make the repairs by the end of the year when they receive a refund on their income taxes. She requested that they be given more time to bring the house back up to standards.

Leroy Thomas – Mr. Thomas added that he had lost his job in July, 2008 and was out of work four months. Between being out of work and having to attend several court dates after he found employment, he has not been able to afford the repairs. He stated he removed the children from the house on the day that he was requested to and no one has lived in the house since then, but he does not think it is bad enough to be demolished and that it can be repaired if they are given more time.

Sgt. David Dowless – Sgt. Dowless advised that on February 26th, an administrative search warrant was issued and he, along with Mr. Hatcher, entered the trailer and found that it was infested with cockroaches, the bathtub had raw garbage in it, raw sewage was running under the trailer to the front yard, and bare electrical wires were also exposed in the trailer. The children were removed and charges were made, but the court case is still pending.

Commissioner Keefe questioned if a permit would be allowed to repair the trailer and Mr. Hatcher responded that a permit would not be allowed as there is too much damage to the trailer. The trailer is valued at \$2,500 and the cost of repairs would greatly exceed the value of the trailer.

In rebuttal, Mrs. Thomas stated the children were not removed from the home by others, they moved them out. She also stated that family members would be doing the work, so all they would have to pay for would be the materials and they could afford to do that by the end of the year.

In rebuttal to Mr. Hatcher's question regarding ownership of the trailer, Mr. Thomas stated that he owned the trailer, but the land is owned by the Tysons. Mr. Thomas advised that a whole lot of damage has been done to the property since they moved out of the mobile home.

When questioned by Commissioner Melvin as to whether he could make repairs if he was given 120 days, Mr. Thomas stated no, that he would not be able to fix it even if he was given 140 days. It was confirmed with Mr. Hatcher that no actions have been taken to upgrade the property since the original visit in February, 2009. After an extensive question and answer period, it was noted that the Board must make a decision in the interest of public safety and the following motion was made based on the information presented to the Board.

MOTION: Commissioner Blackwell moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, to order the property owner to remove or demolish the dwelling within 30 days, to order the Inspector to remove or demolish the dwelling if the owner fails

to do so and impose a lien on the real property for the cost of such action; and to direct the Clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds Office.

SECOND: Commissioner King
VOTE: Voting For – Commissioner Council, Blackwell, King, Faircloth, Edge, Keefe
Voting Against – Commissioner Melvin

2) Case Number: MH 5890-2009
Property Owner: Peggy Hair Bland
Property Location: 4271 Dudley Road, Fayetteville, NC
Parcel Identification Number: 0472-18-4098

AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT
BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on Minimum Housing case number MH 5890-2009.

Property Owner: Peggy Hair Bland
Property Address: 4271 Dudley Road, Fayetteville, NC
Tax Parcel Identification Number: 0472-18-4098

SYNOPSIS: This property was inspected on 4/1/2009. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 5/28/2009. Peggy Bland attended the Hearing via telephone. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 8/28/2009. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 9/10/2009 no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$15,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00 for salvageable materials.

** Note: The owner has signed a consent to abate form.

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED AND THE DEBRIS REMOVED FROM THE LOT.

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

MOTION: Commissioner Blackwell moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case, to order the property owner to remove or demolish the dwelling within 30 days, to order the Inspector to remove or demolish the dwelling if the owner fails to do so and impose a lien on the real property for the cost of such action; and to direct the Clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds Office.

SECOND: Commissioner Faircloth
VOTE: Unanimous

F. Approval of 2008 Consolidated Annual Performance and Evaluation Report (CAPER).

BACKGROUND: Community Development has prepared an abbreviated version of the draft CAPER for the 2008 Program Year (Exhibit 1). This document is available for public review and comment during the period September 8, 2009 through September 22, 2009. Copies of the draft CAPER in its entirety will be available for review in the County Commissioners office and at the Community Development office beginning September 25, 2009. Copies of the abbreviated version have been distributed to several locations throughout the County in compliance with our Citizen Participation Plan (see Exhibit 2-Public Notice). The final CAPER is due to HUD on September 28, 2009.

The 2008 CAPER details program accomplishments and assessments of our efforts in meeting the goals and objectives set forth in our Consolidated Plan and Annual Action Plan for the period July 1, 2008 through June 30, 2009. Performance reporting meets three basic purposes: 1) It provides HUD with necessary information for the Department to meet its statutory requirement to assess each grantee's ability to carry out relevant community development programs in compliance with all applicable rules and regulations; 2) It provides information necessary for HUD's Annual Report to Congress, also statutorily mandated; and 3) It provides grantees an opportunity to describe to citizens their successes in revitalizing deteriorated communities and meeting objectives outlined in their Consolidated Plan. This reporting tool assures that citizens, community groups, and other interested stakeholders in the community development process are accurately informed of the use of these federal funds (i.e. CDBG, HOME, etc.).

ACTION: Hold a public hearing on the 2008 CAPER.

No Speakers

MOTION: Commissioner Council moved to approve the 2008 Consolidated Annual Performance and Evaluation Report (CAPER).

SECOND: Commissioner Edge

VOTE: Unanimous

Items of Business

3. Presentation on H1N1 (Swine) Flu Campaign by Buck Wilson, Health Director.

Mr. Wilson advised that there are two types of flu – the seasonal flu and the H1N1 flu which is already affecting school attendance and it is anticipated that it may cause the loss of 40% of the workforce. Therefore, efforts have been made to get the message out of what can be done to help protect the public from this flu. A campaign has been launched through regular meetings, news releases, and presentations such as this in order to help lower the expected loss of attendance at schools and the workplace. Informational cards have been used to pass out to the schools, the community, community partners and they were also distributed at the recent County Fair. Mr. Wilson requested the Board consider a \$1.00 increase in the seasonal flu vaccine fee from \$31.00 to \$32.00 as the Department of Social Services Board has already approved the increase. This request is made in order to stay within the Medicaid guidelines of charging at least the Medicaid reimbursable rate for services rendered. After further discussion, it was noted that the Medicaid reimbursable rate is \$32.92 instead of \$32.00.

MOTION: Commissioner King moved to approve the \$1.00 increase as requested.

SECOND: Commissioner Keefe

DISCUSSION: County Manager Martin suggested that the rate be set the same as the approved Medicaid reimbursable rate so no loss is realized.

MOTION: Commissioner King moved, in order to clarify the original motion, to approve the increase at the same rate as the Medicaid reimbursable rate.

SECOND: Commissioner Keefe

VOTE: Unanimous

4. Presentation on Economic Development Accomplishments by Doug Peters, President of the Fayetteville-Cumberland County Chamber of Commerce.

Mr. Doug Peters, President of the Fayetteville-Cumberland County Chamber of Commerce, distributed handouts providing information on the Chamber’s Economic Progress Report (quarterly) and their Implan Community Impact Report - Year End Report for 2008-2009. Highlights of the presentation included:

Economic Development Progress Report

- Retention Visits of existing industry – 10 for the quarter
- Client contacts – 63 for the quarter
- Job growth – 26 for the quarter
- New Investment - \$55,450,000.00 for the quarter
- Marketing Placements – 4 for the quarter
- Three committed projects with a total of 26 jobs, \$55,450,000 investment – for the quarters
- Working on 19 projects with 15 prospects.
- Preliminary Year End Report for 2008-2009 – 8 projects, 679 new jobs, \$278,300,000.00 investment

Implan Community Impact Report – Year End Report 2008-2009

- Direct Employees – Created 646
- Direct Employees – Retained 2,650
- Total Employee Compensation \$112,218,992.00
- Total New Investment \$ 76,800,000.00
- Total Retention Investment \$200,000,000.00
- Total Investment 4th Qtr 08-09 \$276,800,000.00
- Total Direct Jobs 3,296
- Total Indirect Jobs 1,988.5
- Total Created Disposable Income \$ 66,257,644.00
- Total Gross Collections of Sales and use Tax \$ 5,300,612.00

5. Consideration of Cumberland County Facilities Committee Report and Recommendation Regarding Alternatives for Relocation of County Administrative Offices.

BACKGROUND: The County Facilities Committee, at its September 8, 2009 meeting, discussed the alternatives for relocation of County Administrative offices. This discussion was prompted by the March 2007, directive from the Facilities Committee to management to begin exploring the facility needs of the County to include the disposition of the existing Public Health Center. Initial efforts focused on the alternatives to relocate County Administrative functions from the New Courthouse given the increased pressure from the Court System for additional space.

A Feasibility Study/Needs Assessment regarding “Consideration of the Relocation of County Administrative Functions from the Courthouse” was prepared by the Public Utilities and Engineering Departments. Of the alternatives evaluated, renovation of the existing Public Health Center, construction of a new County Administration Building or purchase of the Robert C. Williams Building were the most likely candidates for relocation of County Administrative functions. Each alternative was weighed against three major criteria; (1) location with respect to the central business district (CBD), (2) existing county facilities suitable for renovation, and (3) estimated project cost.

The alternative recommended by management is renovating the existing Public Health Center which appears to be the least cost option. Renovating the existing Public Health Center is estimated to cost between \$9 and \$10 Million and would likely take 14 to 16 months to complete. Construction of a new County Administration Building with a minimum 80,000 SF is estimated to cost between \$12.8 and \$16 Million with land acquisition and demolition costs estimated to be \$1.4 Million. A new facility would take 20 to 24 months to design and construct. Property acquisition and demolition of existing buildings could add 6 to 8 months on the project timeframe. Using the 2009 tax value as a basis, purchasing the Robert C. Williams Building would cost \$10.95 Million. In addition, interior renovations could add \$0.3 to \$0.5 Million to the cost of this alternative. Given the limited onsite parking, there may

be additional costs to add parking most likely in the form of a parking structure. The County may also have costs to buy out the leases of non-PWC entities in the building.

After considerable discussion, the Facilities Committee concurred with management's recommendation which would be forwarded to the Board of Commissioners for their consideration.

RECOMMENDATION/PROPOSED ACTION: The recommendation of management and staff with approval of the County Facilities Committee is to:

1. Renovate the existing Public Health Center as the preferred alternative for relocation of County Administrative functions.
2. Instruct staff to procure architectural services to develop a building program and prepare more detailed estimates of renovation costs. \$100,000 has been budgeted for this purpose.
3. Instruct staff to move forward with demolition of the Legal Aid Building and conversion of the property into paved parking.

PS - Following the Cumberland County Facilities Committee meeting on Tuesday, September 8, 2009, Management has become aware of additional properties which should be explored. Therefore, Management would further recommend that any decision regarding alternatives for relocation of County Administration Offices be delayed for 60 to 90 days to allow for further research.

ACTION: Approve Management and staff to explore other alternatives.

County Manager Martin requested a 90-day delay before taking action on this item.

MOTION: Commissioner Keefe moved to give the Manager and staff 90 days to bring this item back for consideration.

SECOND: Commissioner Council

VOTE: Unanimous

6. Nominations to Boards and Committees

A. Board of Adjustment (1 Vacancy)

Vacancy: The Board of Commissioners at their September 8, 2009 meeting appointed John Swanson to fill a vacancy on the Board of Adjustment. Mr. Swanson had been serving as an alternate member so a nomination is needed to fill the alternate member vacancy.

Nominees: Winton G. McHenry
Randy A. Newsome

7. Appointments to Boards and Committees

MOTION: Commissioner King moved to appoint all nominees in Item 7A-B.

SECOND: Commissioner Blackwell

VOTE: Unanimous

A. Air Quality Stakeholders' Committee (1 Vacancy)

Nominee: Town of Falcon Representative: Janice Lucas

B. Cumberland County Juvenile Crime Prevention Council (2 Vacancies)

Nominees: At-Large Representatives: Gudron Blackmon
Member of Faith Community: Rev. Fred Hendley

8. Closed Session:

Economic Development pursuant to NCGS 143-318.11 (a)(4)

Real Property Acquisition pursuant to NCGS 143-318.11 (a)(5)

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

SECOND: Commissioner Faircloth

VOTE: Unanimous

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

SECOND: Commissioner King

VOTE: Unanimous

MOTION: Commissioner King moved to adjourn.

SECOND: Commissioner Edge

VOTE: Unanimous

MEETING ADJOURNED AT 9:10PM

Marie Colgan, Clerk to the Board