

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
APRIL 19, 2010 - 6:45 PM
117 Dick Street, 1st Floor, Room 118
REGULAR/REZONING MEETING

PRESENT: Chairman Billy King
Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner Marshall Faircloth
Commissioner Jimmy Keefe
Commissioner Ed Melvin
Commissioner Phillip Gilfus
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Communications Manager
Tom Lloyd, Planning Department Director
Bob Stanger, County Engineer
Thanena Wilson, Community Development Director
George Hatcher, Cumberland County Code Enforcement Officer
Doug Peters, FCCCC President
Marie Colgan, Clerk to the Board
Candice White, Deputy Clerk to the Board

INVOCATION - Commissioner Kenneth Edge, Vice Chairman

PLEDGE OF ALLEGIANCE – Noah Wendell Mack - Ashley Elementary School – 3rd Grade

PUBLIC COMMENT PERIOD (6:45 PM – 7:00 PM)

Chris Mitchell, Chairman of the City-County Joint Appearance Commissioner, spoke on behalf of the 2nd Annual Community Appearance Awards Program and provided a handout which includes the nomination form. The awards are sponsored by the City-County Joint Appearance Commission. Mr. Mitchell invited the Board to make nominations for the various award categories and provided instructions for submitting the nomination no later than June 1, 2010.

1. Approval of Agenda

MOTION: Commissioner Edge moved to approve the agenda as presented.

SECOND: Commissioner Council

VOTE: Unanimous

2. Consent Agenda

- A. Approval of minutes for the April 6, 2010 regular meeting and minutes for the special Board meeting on March 25, 2010.
- B. Approval of Sale to Cyril Escourse from Community Development Department of a House Located at 911 West Mountain Drive, Fayetteville, Said Sale Having Been Duly Advertised and the 10-Day Upset Period Having Passed.

BACKGROUND: This is surplus property acquired by the County through foreclosure by Community Development on a Community Development loan. Thanena Wilson, Director of Community Development, negotiated an offer to purchase this County owned property with Cyril Escourse for \$10,500.00. The offer was approved by the Board March 1, 2010 subject to advertising and a 10-day upset period. Mr. Escourse made a \$525.00 deposit with his offer. The offer was advertised for the 10-day upset period; that period has ended without any new bids, and Mr. Escourse is the successful bidder.

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
RESOLUTION OF ACCEPTANCE OF AN OFFER TO PURCHASE
CERTAIN REAL PROPERTY PURSUANT TO N.C.G.S § 160A-269

Whereas, at its regular meeting held March 1, 2010, the Board of Commissioners voted its intent to accept the negotiated offer of Cyril Escourse to purchase the real property located at 911 West Mountain Drive, Fayetteville, for a total price of \$10,500; and

Whereas, the Board of Commissioners is informed by the Clerk to the Board that, after due advertisement, no upset bids to purchase this property were received.

Be it therefore resolved that the Board of Commissioners accepts the offer of Cyril Escourse as described herein. County staff is further directed to complete this sales transaction upon such further terms and conditions as deemed appropriate.

Adopted this 19th day of April, 2010.

RECOMMENDATION / PROPOSED ACTION: Approve the sale and authorize the Chairman, Clerk and Community Development staff to sign the necessary documents on behalf of the County at the direction of the Legal staff.

- C. Approval of Annual Modification to the Workforce Investment Act Plan.

BACKGROUND: The Cumberland County Workforce Development Center is required each year to prepare a modification to the Local Area Job Training Plan. Purpose for this modification is to incorporate Program Year 2010 (July 1, 2010 – June 30, 2011) Workforce Investment Act (WIA) funding allocations. It has been completed in compliance with the provisions of the Workforce

Investment Act of 1998 and the instructions issued by the Governor under the Authority of the Act.

RECOMMENDATION/PROPOSED ACTION: Request approval of the Board of County Commissioners to incorporate the new program year funding allocations. There are no other changes to policies or procedures.

D. Approval of a Resolution in Support of North Carolina's Current Public Alcoholic Beverage Control System.

RESOLUTION IN SUPPORT OF NORTH CAROLINA'S CURRENT PUBLIC ALCOHOLIC BEVERAGE CONTROL SYSTEM

WHEREAS, Chapter 18B of the North Carolina General Statutes addresses the regulation of alcoholic beverages in our state; and

WHEREAS, current North Carolina law establishes a uniform system of control over the sale, purchase, transportation, manufacture, consumption and possession of alcoholic beverages in North Carolina; and

WHEREAS, local government control is central to the current alcoholic beverage control system; it is a local decision to establish and operate ABC stores, and local government, acting through an appointed local ABC Board, balances the control, profits and availability of spirits in its jurisdiction; and

WHEREAS, when local voters approved liquor sales for off-premises consumption, the voters did not vote to allow liquor to be sold in private retail establishments, but only through publicly controlled local ABC stores; and

WHEREAS, current law provides that profits from ABC stores sales are returned to local government, and this revenue stream is a critical source of local government funding; and

WHEREAS, it is a priority to maintain current sources of revenue, especially in the current challenging economic times;

NOW THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners do hereby support the continuance of the Alcoholic Beverage Control System, and opposes any efforts to privatize the ABC system, diminish local control or to diminish the local government revenue stream afforded from local ABC store profits.

Adopted this 19th day of April, 2010.

E. Approval of a Proclamation Proclaiming April as "National Child Abuse Prevention Month" and April 21, 2010 as "Purple Day" and "Care Enough to Walk Against Family Violence Day" in Cumberland County.

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, Cumberland County Department of Social Services recognizes April as National Child Abuse Prevention Month; and

WHEREAS, domestic violence is particularly damaging to our most precious resource; our children, and has a major impact on child abuse in our community and the community's attention is properly focused on preventing abuse during the Month of April; and

WHEREAS, the Cumberland County Department of Social Services Care Center was developed under the leadership of Retired Cumberland County Department of Social Services Director E. C. Modlin and was the first domestic violence service center to service families at a Social Services in the State of North Carolina; and

WHEREAS, Retired Cumberland County Department of Social Services Director E. C. Modlin is the honorary guest for the Cumberland County Department of Social Services' Care Enough to Walk Against Family Violence; and

WHEREAS, E. C. Modlin, as honorary guest, will be the leader for the walk around the county complex; and

WHEREAS, purple is the color designated to call attention to domestic violence, the participants wear purple today to honor victims of domestic violence; and

WHEREAS, Cumberland County Public Health is now located in the county complex with Social Services, the Health Department's participation is appreciated; and

WHEREAS, Purple Day and Care Enough to Walk Against Family Violence is the public acknowledgment of the care and concern of the employees and other participants for the victims and children of family violence.

NOW, THEREFORE, Be It Resolved that the Board of Commissioners of Cumberland County hereby proclaims April 21, 2010, as PURPLE DAY & CARE ENOUGH TO WALK AGAINST FAMILY VIOLENCE DAY at Cumberland County Department of Social Services and encourages all citizens to help stop family violence.

Adopted this 19th day of April, 2010.

F. Approval of a Proclamation Proclaiming May 2010 as "Industry Appreciation Month" in Cumberland County.

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, the existing industries of Fayetteville and Cumberland County are an essential segment of the area's economy, providing employment for local residents, contributing revenues and greatly enhancing the area's quality of life; and

WHEREAS, the various industries existing in Fayetteville and Cumberland County have an influence either directly or indirectly upon the lives of every one of the county's citizens; and

WHEREAS, the potential for growth comes in part from within through the expansion of existing industries and the establishment of new, homegrown industries; and

WHEREAS, public awareness and understanding of the importance of industry to our local economy and quality of life are vital to the preservation of a favorable industrial climate; and

WHEREAS, a favorable industrial climate is a major factor in the decision made by officials of existing plants to expand their operations and in our area's ability to attract new industry.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cumberland County proclaims the month of May 2010 "INDUSTRY APPRECIATION MONTH" in Cumberland County and urges its citizens to salute the industries located in our area and the employees of those industries for their important role in the growth and prosperity of Cumberland County.

Adopted this 19th day of April, 2010.

- G. Approval of a Proclamation Proclaiming May 2-May 8, 2010 as "Air Quality Week" in Cumberland County.

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

Air Quality Awareness Week

WHEREAS, clean air is essential to public health, the environment and the economy in Cumberland County; and

WHEREAS, we need clean air to protect and improve the quality of our forests, streams and lakes for public recreation and wildlife; and

WHEREAS, we need clean air to sustain tourism, agriculture and other aspects of the economy; and

WHEREAS, following a requirement of the Clean Air Act, the EPA is considering revising the national air quality standard for ozone from 0.075 to 0.060-0.070 parts per million for improved human health and safety; and

WHEREAS, continued action to improve air quality is of major concern to the Cumberland County Board of Commissioners and all the Municipal Governments; and

WHEREAS, the citizens and businesses of Cumberland County are invited to participate in the countywide effort to lower emissions of ozone precursors; and

WHEREAS, the ozone forecast season is from April 1 to October 31, but the first week of May has been historically designated as Air Quality Awareness Week; and

WHEREAS, daily air quality forecasting will be available from the Department of Environment and Natural Resources Division of Air Quality from April 1 through October 31, 2010;

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners proclaim the week of May 2 through May 8, 2010, as "AIR QUALITY AWARENESS WEEK" and encourage all government employees, citizens and businesses in Cumberland County to observe the week with activities that promote clean air, and take part in making our community a cleaner, healthier place to live, work, and play.

Adopted this 19th day of April, 2010.

H. Budget Revisions:

(1) Mental Health

a. Adult Periodic – Revision in the amount of \$50,000 to budget Homeless Grant received from the City of Fayetteville. (B10-324)
Funding Source – Local

b. Child Outpatient / Adult Periodic – Revisions in the total amount of \$112,052 to abolish two positions due to the reduction in state and federal funding for the Deaf and Hard of Hearing program. (B10-325 and B10-325A) Funding Source – Federal, State and Fund Balance

(2) Library Grants

Revision in the amount of \$37,700 to budget funding received from Gates Grant to upgrade computers. (B10-319) Funding Source - Grant

(3) Child Support Enforcement

Revision in the amount of \$270,044 to establish the transition budget for the Child Support Enforcement Program. (B10-323)
Funding Source – Federal, General Fund Fund Balance

(4) Juvenile Crime Prevention Program

Revision in the amount of \$11,200 to reduce the County budget to reconcile with state budget. (B10-322) Funding Source – State

(5) WIA Dislocated Worker

Revision in the amount of \$150,000 to recognize additional State funding for clients. (B10-327) Funding Source – State

MOTION: Commissioner Faircloth moved to approve all consent agenda items – Items 2A through 2H5.
SECOND: Commissioner Council
VOTE: Unanimous

3. Public Hearings

Uncontested Cases

- A. Case P10-10: Rezoning of 1.30+/- acres from C1(P) Planned Local Business to C2(P) Planned Service and Retail, or to a more restrictive zoning district, located at 149 West Manchester Road and west of North Bragg Boulevard (NC HWY 87), south of SR 1451 (West Manchester Road); submitted by Soon Ku and Young Hui Yun (owners) and Don Tyson.

The Planning Board recommends approval of C2(P) Planned Service and Retail District.

The Chairman opened the Public Hearing. No Speakers. The Chairman closed the Public Hearing.

MOTION: Commissioner Edge moved to follow the Planning Board's recommendation for case #P10-10.
SECOND: Commissioner Council
VOTE: Unanimous

- B. Case P10-11: Rezoning of 2.00+/- acres from C1(P) Planned Local Business and R6A Residential to C(P) Planned Commercial, or to a more restrictive zoning district, located at 3163 Camden Road; submitted by Gayle S. Lanier for Progress Energy Carolinas, Inc. (owner) and Alice S. Wann.

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

The Chairman opened the Public Hearing. No Speakers. The Chairman closed the Public Hearing.

MOTION: Commissioner Edge moved to follow the Planning Board's recommendation for case #P10-11.

SECOND: Commissioner Melvin

VOTE: Unanimous

Contested Cases

Conditional Use District & Permit Cases

- C. **WITHDRAWN** – CASE P07-32: Modification of the Permit for an approved MXD Mixed Use Development/CUD Conditional Use District, with the Permit allowing for interconnection with Thornsby Lane of the Traemoor Subdivision; consisting of 59.71 +/- acres; located on the north side of SR 1112 (Rockfish Road), east side of SR 1108 (Lakewood Drive); submitted by Jackie Hairr for HCC Investments, LLC (owner). **WITHDRAWN**

The Planning Director announced that Case P07-32 had been withdrawn. The Clerk announced that no one had signed up to speak at the public hearing advertised for this matter.

- D. Case P10-07: Rezoning of 2.93+/- acres from R6A Residential and R10 Residential to M1(P) Planned Light Industrial/CUD Conditional Use District for mini-warehousing and the Permit, or to a more restrictive zoning district, located between NC Hwy 210 (Lillington Hwy) and SR 1601 (Chapel Hill Road), north of Samuel Drive; submitted by Willie Smith, Rubin and Juliette McCoy and Parmount Investments, LLC (owners) and Timothy B. Evans. (County & Spring Lake)

MOTION: Commissioner Council 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 District be approved as described in the staff action memorandum incorporated into these minutes by reference.

SECOND: Commissioner Faircloth

VOTE: Unanimous

MOTION: Commissioner Council 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 concurrently with staff as described in the staff action memorandum incorporated into these minutes by reference, will not materially endanger the public health and safety; will not substantially injure the value of

adjoining or abutting property; will be in harmony with the area in which it is to be located; will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners; and is hereby granted.

SECOND: Commissioner Faircloth
VOTE: Unanimous

- E. Case P10-09: Rezoning of 147.3+/- acres from A1 Agricultural and RR Rural Residential to R7.5 Residential, or to a more restrictive zoning district, located at 1915 and 1919 Tom Starling Road; submitted by Linda S. Johnson, Barbara Smith, Mae S. Parsons, Tommy Woodell and Pamela Domonski (owners) and John Koenig for KAS, LLC.

The Planning Board recommends approval of R15 Residential/CUD Conditional Use District for 312 lots and the CD Conservancy/Conditional Use District following the Special Flood Hazard area and the Permit to include a no tree cutting restriction in the CD/CUD portion except for utilities.

Tom Lloyd, Director of Planning & Inspections, provided a power point presentation regarding the rezoning case stating that the developer is proposing leaving 30% of the acreage open space with a buffer along the creek that is located on the property. Mr. Lloyd added that the 312 homes would be phased in and would not come on line at the same time.

The Chairman opened the Public Hearing. All Speakers were administered an oath.

SPEAKERS:

In Favor

Boyd Parsons - Mr. Parsons stated he lives on Tom Starling Road and spoke on behalf of the Smith family landowners to urge the Commissioners to approve the rezoning. He stated this rezoning means jobs which will be good for the economy. Mr. Parsons stated increased taxes has made it impossible to make a profit through farming the land. Denial of this rezoning will cause an economic hardship for the family who owns the land and no offer has been made by fellow neighbors to buy the land. Mr. Parsons stated vehicle accidents on the road were not caused by congestion, but were single vehicle accidents.

John Koenig – Mr. Koenig stated that he lives on Wilmington Highway and will be the developer for the project with two other individuals. Mr. Koenig advised small builders are having a tough time getting financing for development due to lending practices by banks, but that in Harnett County there were 9,537 new homes built from 2005-2005.

In Opposition

Fran Primeaux – Ms. Primeaux stated at the first planning meeting, there were about 34 people in attendance to protest, but a postponement was requested and the number of homes planned for the site was reduced from 727 to 312. Ms. Primeaux stated she originally opposed the rezoning, but has changed her mind since obtaining more information about the developer, Mr. Koenig. She now believes that this rezoning for 312 homes will not hurt the residents on Tom Starling Road.

Rosie Bunnells - Ms. Bunnells advised she represents several families that could not attend to oppose the rezoning. Of the 147.3 acres – 45 acres will be common space which will only leave 102.3 acres to build the homes on which would be 2.1 units per acre. She stated she was submitting a request for Rockfish Creek to be preserved by having a 250-300 feet buffer as it has rare plant, animal and aquatic life which needs to be protected. Ms. Bunnells stated that this rezoning will cause too much traffic congestion for the road since the average daily traffic in 2008 was 2,600 cars per day. This rezoning will create a burden on everyone including the fire department, the recreation department, and the sheriff's department. The main concern is the over-crowding of schools in the area.

There being no further speakers, the Chairman closed the Public Hearing.

Commissioner Council confirmed that 52 special conditions had been agreed upon by the developer. Commissioner Melvin requested confirmation on whether the request is R7.5 or R15 and Mr. Lloyd confirmed that the request was changed from R7.5 to R15. Commissioner Melvin noted approved of this rezoning will create over one half million a year in property taxes. Mr. Lloyd advised that one of the special conditions agreed upon by the developer was the no cutting of trees in the wetlands for this development.

MOTION: Commissioner Melvin 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 District be approved as described in the staff action memorandum incorporated into these minutes by reference.

SECOND: Commissioner Faircloth

VOTE: Unanimous

MOTION: Commissioner Melvin 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 concurrently with staff as described in the staff action memorandum incorporated into these minutes by reference, will not materially endanger the public health and safety; will not substantially injure the value of adjoining or abutting property; will be in harmony with the area in which it is to be located; will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners; and is hereby granted.

SECOND: Commissioner Faircloth

VOTE: Unanimous

Other Public Hearings

F. Public Hearing – 2010 Community Development Consolidated Five Year Plan and 2010 Annual Action Plan.

BACKGROUND: Community Development is in the process of completing the planning process for the Consolidated Plan and Annual Action Plan. The

Consolidated Plan will cover five (5) program years from July 1, 2010 through June 30, 2015. The Annual Action Plan will cover the period July 1, 2010 through June 30, 2011. Both of these documents must be submitted to the U.S. Department of Housing and Urban Development (HUD) by May 15, 2010 in order to receive our annual entitlement allocations for the Community Development Block Grant (CDBG) and Home Investment Partnership Act (HOME) programs. The purpose of this memorandum is to request a Public Hearing to provide an update on the consolidated planning process for these documents.

The Consolidated Plan is an assessment of the needs and resources of the community and establishes priorities and strategies for addressing those needs. Federal regulations require that the community assessment include a housing market analysis as well as a housing and homeless needs assessment. Community Development has secured the services of WFN, Inc. to assist in the preparation of these assessments. HUD also mandates that Community Development consult with local public health organizations/child welfare agencies, adjacent units of local government, and public housing authorities in order to assist in the assessment of the community's needs. WFN, Inc. and Community Development staff facilitated these consultations.

Prior to submission of the Consolidated Plan and Annual Action Plan, federal regulations require that we solicit input from the community at large. Community Development has conducted both citizen and agency surveys as an additional means of finding out the needs of the community.

RECOMMENDATION/PROPOSED ACTION: Community Development staff requests that the Board of County Commissioners hold a Public Hearing on the consolidated planning process and the Draft 2010 Consolidated Plan to offer input and comments, as well as receive comments from the public.

Thanena Wilson, Community Development Director, provided a Power Point presentation stating that the County receives two types of federal funding: Community Block Grant (CDBG) funding which is used for projects that address housing, economic development, public services/facilities, and infrastructure (water/sewer); and HOME Investment Partnership Act (HOME) funding which was created for affordable housing to low-income households. Monies allocated for the upcoming year through the CDBG is \$1,161,390 and \$539,495 is the amount for HOME. Ms. Wilson explained the process for completing the consolidated plan and stated that a public hearing is part of the citizen input that is required. Ms. Wilson stated that a second Public Hearing will be requested for the May 3rd agenda. In response to a question from Commissioner Keefe, Ms. Wilson stated that for eligibility purposes, the median income for a family of four is \$51,900.00 and that only 30% of their income can be spent on housing which is a guideline set by HUD. Commissioner Keefe questioned the water/sewer projects aspects of the plan and Ms. Wilson stated she works with Tom Cooney, the Utilities Director, on projects that Community Development might be able to assist with in Cumberland County. Commissioner Council questioned the funding this year compared to last year and Ms. Wilson explained this year Community

Development received about \$93,000 more in CDBG funds and \$3,000 less in HOME funds.

The Chairman opened the Public Hearing. No Speakers. The Chairman closed the Public Hearing.

Minimum Housing Code Enforcement

G. Case Number: MH 6072-2009
Property Owner: Ernest H. and Evelyn L. Brewington
Property Location: 304 Wilkes Road, Unit 1, Fayetteville, NC
Parcel Identification No: 0436-32-0347

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 6072-2009.

Property Owner: Ernest H. & Evelyn L. Brewington
Home Owner: Ernest H. & Evelyn L. Brewington
Property Address: 304 Wilkes Road, Unit 1, Fayetteville, NC
Tax Parcel Identification Number: 0436-32-0374

SYNOPSIS: This property was inspected on 10/20/2009. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 11/12/2009. Ernest Brewington 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 2/12/2010. 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 4/9/2010 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 \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

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

H. Case Number: MH 6073-2009
Property Owner: Ernest H. and Evelyn L. Brewington
Property Location: Behind and to side of 290 Wilkes Road,

Fayetteville, NC
Parcel Identification No: 0436-32-1394

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 6073-2009.

Property Owner: Ernest H. & Evelyn L. Brewington
Home Owner: Ernest H. & Evelyn L. Brewington
Property Address: Behind and to side of 290 Wilkes Road, Unit 2, Fayetteville, NC
Tax Parcel Identification Number: 0436-32-1394

SYNOPSIS: This property was inspected on 10/20/2009. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 11/12/2009. Ernest Brewington 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 2/12/2010. 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 4/9/2010 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 \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

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

I. Case Number: MH 6028-2009
Property Owner: Jerry Johnson
Property Location: 1611 McBryde Street, Linden, NC
Parcel Identification No: 0542-82-9101

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 6028-2009.

Property Owner: Jerry Johnson
Home Owner: Jerry Johnson

Property Address: 1611 McBryde Street, Fayetteville, NC
Tax Parcel Identification Number: 0542-82-9101

SYNOPSIS: This property was inspected on 7/16/2009. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 8/13/2009. No one 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 11/13/2009. 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 4/9/2010 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 \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

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

J. Case Number: MH 6038-2009
Property Owner: Walter Hoover and Vastene C. Simmons
Property Location: 4228 NC Highway 210 South, Fayetteville, NC
Parcel Identification No: 0474-08-9882

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 6038-2009.

Property Owner: Walter Hoover & Vastene C. Simmons
Home Owner: Walter Hoover & Vastene C. Simmons
Property Address: 4228 NC Highway 210 S., Fayetteville, NC
Tax Parcel Identification Number: 0474-08-9882

SYNOPSIS: This property was inspected on 9/1/2009. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 9/24/2009. No one 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 12/24/2009. 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 4/9/2010 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.

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

K. Case Number: MH 6009-2009
Property Owner: Leticia B. Gilmore
Property Location: 4664 Gray's Creek Church Road, Hope Mills, NC
Parcel Identification No: 0442-62-8597

**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 6009-2009.

Property Owner: Leticia B. Gilmore
Home Owner: Leticia B. Gilmore
Property Address: 4664 Grays Creek Church Road, Hope Mills, NC
Tax Parcel Identification Number: 0442-62-8597

SYNOPSIS: This property was inspected on 6/29/2009. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 7/30/2009. No one 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 10/05/2009. 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 4/9/2010 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 \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$0.00.

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

L. Case Number: MH 5607-2008
Property Owner: Richard E. Rogers, Jr.
Property Location: 224 Americus Drive, Fayetteville, NC
Parcel Identification No: 0456-96-8161

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 5607-2008.

Property Owner: Richard E. Rogers, Jr.
Home Owner: Richard E. Rogers, Jr.
Property Address: 224 Americus Drive, Fayetteville, NC
Tax Parcel Identification Number: 0456-96-8161

SYNOPSIS: This property was inspected on 8/6/2009. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 12/31/2009. No one 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 3/4/2010. 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 4/9/2010 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 \$1,500.00.

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

Commissioner Faircloth confirmed with Mr. Hatcher that no families are being put on the street by this action.

MOTION: Commissioner Edge moved to adopt the order and report of the Minimum Housing Inspector as the true facts in case # MH6072-2009, MH 6073-2009, MH 6028-2009, MH 6038-2009, MH 6009-2009 and MH 5607-2008 under 3G-3L, and to order the property owners 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.

SECOND: Commissioner Melvin

VOTE: Unanimous

Items of Business

4. Consideration of Cumberland County Finance Committee Recommendation of FY 2011 Employee Medical Plan Changes.

BACKGROUND: At the Board's planning session on February 6, 2010, Management included medical insurance premiums as one of the potential increases for the FY2011 budget. The estimate at that time was approximately \$1.6M. At that meeting, staff reported that they would review all options regarding medical insurance increases including plan changes to mitigate the need for additional funds.

Since that time, the Risk Management Director, Chico Silman and Amy Cannon, Assistant County Manager, met with Mark Browder, of Mark III Brokerage, for his insight and experience in medical plan experience in other local governments, review of the County's claim history, and potential options to deal with the projected increase. At the April 1, 2010 Finance Committee Meeting, Mr. Browder presented the following information:

- The past year has been difficult for all health plans due to increases in the cost of services related to both delivery and utilization.
- For the past two plan years, the County costs have increased 4.9% for FY2008 and 8% for FY2009 compared to the market trends of 5% and 9.5% respectively.
- We are currently experiencing a 9.5% increase in this current year, with other plans trending at 13% to 14%.
- Cumberland County claims compared to those of nearby counties have been lower by as much as 20%.
- Our County health plan design has not been changed in five years; consequently, our benefits are more competitive than many other counties.
- To maintain the same plan design for the coming year, an 18% increase or \$2.1M would be required. Included with this memorandum is a spreadsheet showing the various renewal options for FY2011 compared with the current year plan options. These options range from the maximum increase in the employer premium of \$2.1M, an 18% increase, which is the current plan with no change, to Option 3 that eliminates premium increases by changes in plan design. Options 1 and 2 include a combination of plan changes and premium increases.

Mr. Browder recommended to the Finance Committee that Option 3, plan design changes with no increase in premiums be implemented. Mr. Browder feels that insurance plans will experience significant increases in the coming year, and if full plan design changes are not implemented this year, additional premium and plan design changes could be necessary in FY2012. He believes that these changes for FY2011 could assist in mitigating significant increases next year. Management concurred with this recommendation.

The Finance Committee voted unanimously to accept the recommendation of Option 3, plan design changes for the coming year. Mr. Browder will be present at your April 19th meeting to discuss these options and answer any questions you may have.

RECOMMENDATION/PROPOSED ACTION: Approve the Finance Committee recommendation to accept Option 3, Medical Plan design changes effective July 1, 2010.

Amy Cannon, Assistant County Manager, advised that Mr. Browder was unable to attend this meeting due to travel problems.

Chairman King confirmed through Ms. Cannon that there will be no increase in premiums under Option #3. Ms. Cannon added that the only increase for employees will be in the form of increased co-pays and deductibles when the plan is used by an employee. Commissioner Faircloth advised many questions were asked during the earlier Finance Committee meeting, but he wanted to bring up the fact that next year, one change is the \$5M individual's claim maximum amount will be removed next year due to the Health Care Reform. Commissioner Faircloth stated that he feels this is the best plan for employees.

MOTION: Commissioner Edge moved to accept Option 3, Medical Plan design changes effective July 1, 2010 as recommended and set out in the agenda memorandum incorporated into these minutes..

SECOND: Commissioner Faircloth

VOTE: Unanimous

5. Presentation of the Fayetteville-Cumberland County Chamber of Commerce Report on Economic Development and Workforce Efforts by Doug Peters, President.

Doug Peters, President of Fayetteville-Cumberland County Chamber of Commerce, provided a handout and presented information on their 3rd Quarter progress for economic development. Some of the highlights of the report were:

- Completion of 30 retention visits, which brings their year to date goal to 76%.
- Completion of 28 client contacts, which brings their year to date goal to 78.6%.
- New Investments of \$39,127,218, which brings their year to date goal to 175%.
- Job growth of 308 new jobs, which brings their year to date goal to 77.7%.
- Job placements falls into four categories: minority, disabled, veteran, UI claimants and job seekers for receiving UI benefits.
- There were 5 National Marketing Placements, which brings their year to date goal to 64%.
- Initiated 35 contacts for specified industry, which brings their year to date goal to 107.9%.

- Active projects were reported on with totals of 4,180 for projected direct impact jobs, 1,417 for estimated indirect impact jobs and a total Investment Value of \$861,680,000 for the quarterly totals
- The value of new commercial square footage was valued at \$32,981,490 and the value of renovated commercial square footage was valued at \$12,732,418.
- Other areas that information was provided on included the retail market, a synchronist report, small business, leadership and government affairs, as well as marketing, events, forums and groundbreakings.

6. Consideration of Cumberland County Facilities Committee Report and Recommendations:

A. Crown Arena & Theater Project

BACKGROUND: At the Board's November 16, 2009 meeting, County Management recommended utilizing the County's initial allocation of Recovery Zone Economic Development Bonds (RZEDB's) for the upgrades at the Crown Arena and Theatre. Our application for the \$1,138,000 was submitted and subsequently approved by the Department of Commerce.

These RZEDB's represent borrowing capacity created as part of the American Recovery and Investment Act. These instruments include a refundable credit of 45% of the amount of interest paid on each payment date. Additionally, we have the opportunity to borrow the remaining funds needed under the Build America Bonds which include a refundable credit of 35% of interest paid. A Request for Proposal (RFP) was prepared and sent to several financial institutions seeking proposals on an installment financing contract for the total project costs. We received three responses, with RBC Bank submitting the lowest interest cost. The interest rate quoted for the \$1.1M of recovery zone bonds is 2.7115% after the tax credit and a rate of 3.2045% after the 35% tax credit on the remaining amount of the project costs. The funds will be repaid over a 10 year period and will be paid from the Food and Beverage Tax Fund. Sufficient funds are available to service this debt over this period.

This financing must be presented to the Local Government Commission on May 6, 2010. This is the final meeting to take advantage of our RZEDB allocation. Several actions must be taken by the Board at your April 19, 2010 meeting.

RECOMMENDATION/PROPOSED ACTIONS:

1. Hold the public hearing on the proposed installment financing for the Arena and Theater upgrades.

The Public Hearing was held after item # 6A2 was discussed.

Amy Cannon, Assistant County Manager, presented two different financing options for consideration. The options are based on whether the bids will be ready for approval May 3rd or May 17th. The option for the May 3rd meeting is based on the background information provided above. Option 2 would be based on the May 17th meeting date which would result in the loss of the allocation of \$1.1M in the Recovery Zone Economic Development Bonds. At that point, Ms. Cannon would propose that the County issue the entire amount under the Build America Bonds piece at the net interest cost of 3.2%. The difference in interest cost would be less than \$6,000 between the two options.

The Chairman opened the Public Hearing. No Speakers. The Chairman closed the Public Hearing.

2. Consider the attached memorandum from the Facilities Committee and the County Engineer which recommends acceptance of the bids for the Crown Arena & Theater PME & Life Safety Improvements Project, and pending successful negotiations, award a contract to Rentenbach Constructors, Inc., the low bidder, in an amount not to exceed \$3,500,000. The exact contract amount will be presented to the Board of Commissioners on April 19, 2010 with detailed scope reductions and associated cost savings.

Robert Stanger, County Engineer, provided a handout with information obtained today which changes the original request which was included in the Board's packet. Mr. Stanger reminded the Board that this project was approved in November, 2009 and a budget of \$3.85M was established including design services and construction. Bids were received on March 25, 2010, with the low bid submitted by Rentenbach Constructors in the amount of \$4.352M which is over budget. Therefore, the following background and recommendation was submitted to replace the original request.

BACKGROUND: Subsequent to the memorandum to the Board dated April 13, 2009 on the above referenced project, the County Engineer has received additional information from Rentenbach Constructors that materially alters the recommendation of the project team.

The design team has been working diligently with Rentenbach and their prime mechanical and electrical subcontractors to evaluate potential cost reductions through changes in the scope of work and redesign of the mechanical system to meet the construction budget. Although much progress has been made, it has become apparent as of this morning that Rentenbach cannot provide final pricing or make firm commitments to the completion date of the project due to the significant changes to the scope of this project that in their opinion require detailed redesign documents.

Based on this information, it is in the best interest of the County to reject the bids received on March 25, 2010 and to revisit our approach to the construction of the needed improvements to the Crown Arena and Theater. The design team is prepared to rebid the project as multi-prime contracts for mechanical, electrical and plumbing work as opposed to a single-prime general contract. The little general trades work remaining in the project, after the redesign of the mechanical system and elimination of the new mechanical room, will be assigned to the mechanical contractor who will also be the project expeditor responsible for the coordination of the work of all the prime contractors. Bids will be re-advertised and received on April 29, 2010. Three bids must be received in each work discipline for a valid bid opening. Assuming we receive an adequate number of bids and the sum of the low bids for mechanical, electrical and plumbing are in budget, staff will be prepared to recommend award of contracts to the Board at its May 3, 2010 meeting. Should we be unable to open bids on April 29, 2010, the project would be re-advertised and bids opened on May 11, 2010. Only one bid in each work category is required on the second bid opening. Award of contracts would be presented to the Board at its May 17, 2010 meeting.

Assuming bids are awarded on May 3, 2010 and the contractors are willing to initiate the submittal process for long-lead equipment, the work should be substantially completed by the end of September, 2010. The worst case scenario would push the project back 2 weeks if we need to re-advertise a second time due to insufficient bids on April 29, 2010. Based on information from Crown management, the timetable indicated is workable.

RECOMMENDATION/PROPOSED ACTION: The recommendation of the Project Team which includes Coliseum staff, County Engineer, County Management and the project architect, is to:

1. Reject the bids for the Crown Arena & Theater PME & Life Safety Improvements Project.
2. Instruct staff to rebid the project with revisions to the scope of work necessary to reduce the construction costs to accomplish the project within budget.

The proposed action by the Board of Commissioners is to follow the staff recommendation.

In answer to a question posed by Commissioner Gilfus, Mr. Stanger advised that Rentenbach did not feel that it was in their best interest to continue with the project based on the reductions in the scope of work as it has been redefined. Commissioner Keefe questioned the deletion of the life safety and lighting and Mr. Stanger explained the life safety would be part of the electrical contract and that the deletion of the lighting was an item identified for a cost reduction of the project. County Manager Martin ensured the Board and citizens that any time there is an event in the Crown facilities, there are county employees who are on

fire watch. In response to a question from Commissioner Faircloth, Mr. Stanger explained the bid process stating that the County will request qualifications on those who bid to ensure they can handle the short duration that has been specified for this contract. In response to a question from Commissioner Edge, Mr. Stanger verified that the bid process can be handled within two weeks because the majority of the work has already been completed. Commissioner Edge questioned how much has been spent so far on this project and Mr. Stanger responded that the design fee is \$350,000 and that \$27,000 in reimbursable expenses, but that he has not been billed at this point. No additional design fees will be included with the re-bidding process.

MOTION: Commissioner Gilfus moved to follow the recommendation of the Project Team to reject bids and instruct staff to rebid with sufficient revisions to the scope of work to bring the cost within the original budget.as presented.

SECOND: Commissioner Edge

VOTE: Unanimous

3. Adopt the attached resolution approving the installment financing contract under G.S. 160A-20 with RBC Bank for the total project cost and associated documents and authorize the County Manager to sign on behalf of the County, with such changes or revisions consistent with the general tenor thereof as may be satisfactory to the County Manager and County Attorney.

BOARD OF COMMISSIONERS
OF
COUNTY OF CUMBERLAND, NORTH CAROLINA
Excerpt of Minutes
of Meeting of
April 19, 2010

Present: Chairman _____ presiding, and Commissioners _____

Absent: _____

* * * * *

The following resolution was introduced and its title was read:

RESOLUTION CONCERNING FINAL APPROVAL OF
INSTALLMENT FINANCING FOR CERTAIN EQUIPMENT
THROUGH THE ENTRY INTO AN INSTALLMENT
FINANCING CONTRACT WITH RBC BANK (USA)

WHEREAS, the Board of Commissioners (the “Board”) of the County of Cumberland, North Carolina (the “County”) has resolved to undertake the purchase and installation of certain equipment as upgrades to portions of the County’s Crown Center Arena and Theatre (the “Project”); and

WHEREAS, pursuant to Section 160A-20, the County is authorized to finance the cost of the Project, by entering into an installment financing agreement that creates a security interest in some or all of the property financed to secure repayment of the financing;

WHEREAS, the County will enter into an Installment Financing Contract dated as of May 1, 2010 (the "Agreement") with RBC BANK (USA) ("RBC") for this purpose in two tranches aggregating up to the amount of \$4,438,000, with the Agreement being an agreement authorized under Section 160A-20 and having payments thereon by the County subject to appropriation; and

WHEREAS, the County intends to designate a portion (the "BABs Portion") of its obligations in the amount of not to exceed \$3,300,000 under the Agreement as constituting Build America Bonds which are "qualified bonds" under Section 54AA(g) of the Internal Revenue Code of 1986, as amended (the "Code") and another portion (the "RZEDB Portion") of its obligations in the amount of not to exceed \$1,138,000 under the Agreement as constituting recovery zone economic development bonds under Section 1400U-2 of the Code; and

WHEREAS, the County has been allocated up to \$1,138,000 in recovery zone economic development bond allocation; and

WHEREAS, there have been presented to the Board the form of the Agreement and the Escrow Deposit Agreement dated as of May 1, 2010, between the County, RBC and RBC acting as escrow agent (the "Deposit Agreement"); and

WHEREAS, the Board desires to approve the Agreement and the Deposit Agreement and to authorize other actions in connection therewith; and

WHEREAS, the County does not anticipate a future property tax increase to pay installment payments falling due under the Contract due to projected availability of other sources of funds, but if such sources of funds were not available and County revenue were otherwise insufficient to pay installment payments, the County would increase the property tax to a level sufficient to provide revenues to do so; and

WHEREAS, on _____, the County declared the entire County a recovery zone pursuant to Section 1400U-1(b) of the Code; and

WHEREAS, the North Carolina Local Government Commission (the "LGC") will consider the County's application for approval of the Agreement on May 4, 2010;
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CUMBERLAND, NORTH CAROLINA:

1. The financing of the Project pursuant to the Agreement is hereby approved, based, in part, on the following findings:

(a) The proposed Agreement is necessary or expedient because there is a need to upgrade the particular equipment at the Crown Center Arena and Theatre.

(b) The Agreement is preferable to a bond issue for the same purpose because the possible availability of recovery zone bonds could provide for very low interest installment financing, which would be a significant cost savings to the County when compared to separate issued traditional bonds.

- (c) The sums expected to fall due under the Agreement are adequate and not excessive for the proposed purpose.
- (d) 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:
- (i) The Local Government Commission has taken no action against the County, nor found the County to have acted improperly in debt management.
 - (ii) The County has not defaulted on any debt obligation.
 - (iii) The County follows the debt management guidelines of the North Carolina Local Government Commission.
- (e) There will be no increase in taxes necessary to meet the sums to fall due under the Agreement.
- (f) The County is not in default in any of its debt service obligations.
- (g) The attorney for the County will rendered 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.
- (2) The County Manager and County Finance Officer are hereby authorized, directed and designated to file an application with the North Carolina Local Government Commission for its approval of the Agreement.
- (3) The Chairman or Vice Chairman of the Board and the County Manager, or any of them, are hereby authorized and directed to execute and deliver the Agreement and the Deposit Agreement (together, the "County Financing Documents"), which shall be in substantially the forms previously submitted, which are hereby approved, with such completions, omissions, insertions, and changes as may be approved by the Chairman, Vice Chairman or the County Manager, with the advice of the County Attorney and Bond Counsel, including such changes as may be required by the LGC, their execution to constitute conclusive evidence of their approval of any such completions, omissions, insertions and changes. The Clerk of the Board shall attest and seal such documents as require the Clerk's attestation and the County seal.
- (4) The Chairman, Vice Chairman, County Manager, County Finance Officer, County Attorney and Clerk of the Board are hereby authorized to take any and all such further action and to execute and deliver such other documents as may be necessary or advisable to carry out the intent of this resolution and to effect the installment financing pursuant to the Agreement. Without limiting the generality of the foregoing, the Chairman, Vice Chairman or County Manager are authorized to approve all details of the financing, including without limitation, the annual payments due under the Agreement, the interest rate to be paid under the Agreement and the term of the Agreement. Execution of the Agreement by the Chairman, Vice Chairman or County Manager, as the case may be, shall conclusively evidence approval of all such details of the financing.

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

(6) All other actions of the officers of the County which are in conformity with the purposes or intent of this resolution and in furtherance of the execution and delivery of the Agreement, including the execution of the County Financing Documents are hereby ratified, approved and confirmed. The representations of the County made in the Agreement are hereby confirmed.

(7) The County hereby designates its obligations with respect to the BABs Portion as a "Build America Bond" and with respect to the RZEDB Portion as a "recovery zone economic development bond" for purposes of Sections 54AA and 1400U-2, respectively, of the Code, and authorizes the proper officers of the County to take such steps and file such forms as may be required in order to receive such tax credits as it may be entitled to under the Code.

(8) All resolutions or parts thereof in conflict herewith are hereby repealed.

(9) This resolution shall take effect immediately.

* * * * *

Commissioner _____ moved the passage of the foregoing resolution and Commissioner _____ seconded the motion, and the resolution was passed by the following vote:

Ayes: Commissioners _____

Nays: Commissioners _____

Not Voting: _____

* * * * *

I, _____, Clerk of the Board of Commissioners of Cumberland County, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Board of Commissioners for the County at a regular meeting held on April, 2010, as it relates in any way to the resolution hereinabove referenced and set forth, respectively. Pursuant to G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Board of Commissioners for the County is on file in my office.

WITNESS my hand and the common seal of said County, this ___ day April, 2010.

MOTION: Commissioner Gilfus moved to adopt the Resolution approving the installment financing contract under GS 160A-20 with RBC Bank for the total project cost and associated documents and authorize the County Manager to sign on behalf of the County with such changes or revisions consistent with the general tenor thereof as may be satisfactory to the County Manager and County Attorney.

SECOND: Commissioner Council

DISCUSSION: Commissioner Keefe voiced his concern over the monthly amount of \$34,000 for a ten-year note at 3.2% and 2.71% for \$3.5M. Commissioner Faircloth questioned why the \$6M surplus in the food and beverage tax fund is not being used instead of requesting financing. Assistant County Manager Amy Cannon explained that this

was
be
order
Commissioner
VOTE:

option was discussed during an earlier Facilities Committee meeting, but there concern that due to the economy and a reduction in these proceeds, this would not be the best option at this time. In response to a question from Commissioner Faircloth, Ms. Cannon explained that a reserve amount has been established in order to have funds in case there is not enough annual proceed funds to pay the debt service for the Coliseum as recommended by the Local Government and have been building these funds to do this particular project.

Motion passed (Voting in favor Commissioners King, Council, Edge and Gilfus. Voting against Commissioners Faircloth, Keefe and Melvin.)

4. Approve a budget revision that will be prepared to reflect the negotiated contract amount to establish the project budget in the Civic Center Cost Center.

BUDGET REVISION APPROVAL REQUEST WITHDRAWN

B. Energy Efficiency & Conservation Block Grant Update

BACKGROUND: An update of the Energy Efficiency and Conservation Block Grant (EECBG) Program was provided to the County Facilities Committee at its March 16, 2010 and April 13, 2010 meetings at which time staff presented the list of energy conservation measures (ECMs) recommended for implementation with the balance of our grant funds. The ECMs were selected based on the results of the energy audit performed by Johnson Controls, Inc. (JCI) of County facilities that were not retrofitted as a part of the Guaranteed Energy Saving Performance Contract with JCI in 2006. Core project items will be funded with the available grant monies (\$540,700) plus a small County contribution (\$13,492). Expanded project items includes additional ECMs that could be implemented as part of a Performance Contract amendment by leveraging the EECBG funds with additional County funds.

The Facilities Committee requested staff negotiate with JCI for additional cost reductions. With respect to the core project, JCI has indicated that they have priced these ECMs as competitively as possible. With respect to the expanded project, JCI is willing to provide an additional discount of \$14,000 for a total discount of \$47,386. With respect to the measurement and verification (M&V) component of a Performance Contract, JCI has offered two options for the County's consideration:

Option #1 - JCI will provide full service M&V for years 1 and 2 at a cost of \$19,138 and reporting only for years 3 through 7 at a cost of \$1,000 per year.

Option #2 – JCI performs reporting only annually including one site visit at a cost of \$1,250 per year.

A second revision to the grant application was submitted to DOE on March 18, 2010 that incorporated the list of ECMs in the core project as well as additional information requested by DOE. The County has received notification from DOE that our amended grant application has been approved. Staff plans to develop an amendment to our existing Performance Contract with JCI for implementation of the energy conservation measures for consideration by the Board of Commissioners.

Cumberland County Proposed CORE Project Phase II Performance Contract (3-12-2010)

Building	Facility Improvement Measures	Simple Payback	Selling Price (\$)	Ops Savings (\$)	Energy Savings (\$)	Total Annual Savings (\$)	Annual Unit Energy Savings (kWh)	Annual Energy Savings (Therms)	Annual H2O Savings (Gallons)	Annual GHG Reduced (Tons CO2)
Animal Services Center	Lighting	7.82	\$35,839	\$453	\$4,132	\$4,585	47,557	-	-	24.3
Board of Elections Building	Lighting	5.36	\$9,765	\$175	\$1,648	\$1,823	19,346	-	-	9.9
Building Maintenance Facility	Lighting	8.68	\$15,464	\$127	\$1,655	\$1,782	15,338	-	-	7.8
Convention & Visitor's Bureau	Lighting	7.3	\$12,762	\$139	\$1,610	\$1,749	18,537	-	-	9.5
Crown Theater	Lighting	5.02	\$30,060	\$731	\$5,260	\$5,991	65,098	-	-	33.3
Mental Health Crisis Stabilization Center	Lighting	6.72	\$18,120	\$665	\$2,031	\$2,696	23,170	-	-	11.8
Sheriff Annex	Lighting	5.14	\$15,200	\$317	\$2,641	\$2,958	30,515	-	-	15.6
Family Resource Center	Lighting	10.76	\$37,519	\$210	\$3,277	\$3,487	30,424	-	-	15.5
Solid Waste Administration Building	Lighting	8.98	\$16,813	\$267	\$1,606	\$1,873	18,162	-	-	9.3
Building Maintenance	Water	5.57	\$4,271	\$55	\$712	\$767	242	-	98,938	0.1
Central Maintenance	Water	3.38	\$1,775	\$12	\$513	\$525	1,961	-	58,131	1
Convention and Visitors Center	Water	7.19	\$3,270	\$32	\$423	\$455	741	-	54,400	0.4
Board of Elections	Water	8.93	\$3,260	\$32	\$333	\$365	499	-	43,371	0.3
Solid Waste Administration Building	Water	4.28	\$1,595	\$20	\$353	\$373	536	-	45,930	0.3
Board of Elections	Controls	3.86	\$3,220	\$ -	\$834	\$834	16,024	-	-	8.2
Conventions and Visitors	Controls	3.07	\$3,559	\$ -	\$1,161	\$1,161	22,326	-	-	11.4
Building Maintenance	Controls	3.74	\$3,617	\$ -	\$966	\$966	18,586	-	-	9.5
Central Maintenance	Controls	4.47	\$3,440	\$ -	\$769	\$769	14,779	-	-	7.6
Sheriffs Annex	Controls	8.16	\$4,454	\$ -	\$546	\$546	10,494	-	-	5.4
Solid Waste	Controls	8.08	\$3,220	\$ -	\$399	\$399	7,662	-	-	3.9
Crown Chiller Plant Optimization	Controls	22.4	\$20,250	\$ -	\$904	\$904	21,027	-	-	10.7
Detention Center Cooling Tower Fan VSD	Mechanical	19.33	\$38,322	\$ -	\$1,982	\$1,982	44,820	-	-	22.9
Crown 225 Ton Chiller with VSD Chiller	Mechanical	19.13	\$241,828	\$ -	\$12,638	\$12,638	173,315	-	-	88.5
LEC AHU to VSD	Mechanical	3.52	\$26,569	\$ -	\$7,543	\$7,543	253,414	-	-	129.5
	TOTALS	9.69	\$554,192	\$3,235	\$53,934	\$57,169	854,573	-	300,770	436.7

Funded with \$540,700 EECBG
+ \$13,492 from Mental Health

The County Facilities Committee unanimously endorsed the staff recommendation as outlined below.

RECOMMENDATION/PROPOSED ACTION

The recommendation of staff with approval by the County Facilities Committee is to:

1. Proceed with the core project as outlined in Attachment #1.
2. Approve and authorize the Chairman to execute an amendment to our existing Performance Contract with JCI to include the scope of work as shown in the core project and Measurement & Verification Services as stated in Item #3 subject to review and approval by the County Manager and the County Attorney for legal sufficiency.
3. With respect to Measurement and Verification Services, select Option #1 with a modification to have JCI provide full service M&V for Year #1 at a cost of \$9,415 and based on those results consider only reporting at an annual cost of \$1,000 for any subsequent year. The County always has the option of agreeing to the guaranteed savings at any time which would negate the need for any M&V service.

The proposed action by the Board is to endorse the staff recommendation.

MOTION: Commissioner Keefe moved to follow the staff recommendations as approved by the Facilities Committee and as presented.
SECOND: Commissioner Gilfus
VOTE: Unanimous

C. Law Enforcement Center Renovations on Second Floor for Crime Scene Investigation Section

BACKGROUND: Sheriff Butler and Chief Deputy Hinson made a presentation to the County Facilities Committee at its April 13, 2010 meeting requesting approval to renovate underutilized space on the 2nd floor of the LEC for the Crime Scene Investigation Section. The Engineering Department, working with the Sheriff's Department, developed a scope of work and preliminary cost estimate of \$80,000. The Sheriff proposes to use Federal Forfeiture funds to pay for the renovations which will improve the efficiency and functionality of the CSI Section. The County Facilities Committee unanimously endorsed the Sheriff's request.

RECOMMENDATION/PROPOSED ACTION: The recommendation of Sheriff Butler and management, with approval by the County Facilities Committee, is to approve the request to renovate approximately 1800 SF on the 2nd floor of the Law Enforcement Center for use by the Crime Scene

Investigation Section and fund the project from Federal Forfeiture monies. The proposed action by the Board is to endorse the staff recommendation.

MOTION: Commissioner Council moved to accept the staff recommendation as approved by the Facilities Committee and as presented.

SECOND: Commissioner Gilfus

VOTE: UNANIMOUS

D. Energy Measures for New Construction and Major Renovation of County Facilities.

BACKGROUND: At the Tuesday, April 13, 2010, meeting of the Cumberland County Facilities Committee, County Engineer Robert N. Stanger reported all new construction and major renovations of county facilities at a minimum are designed to meet the NC Energy Code which is incorporated into the NC State Building Code. Mr. Stanger further reported in addition to meeting the NC Energy Code, the county also considers and where appropriate incorporates design elements found in the Leadership in Energy and Environment Design (LEED) manual for new construction and major renovations. Mr. Stanger explained with the exception of the West Branch Library, the county has not sought LEED certification for its new facilities due to the costs associated with the third-party certification process. Mr. Stanger further explained the county has taken an aggressive approach to energy conservation in county facilities through the use of performance contracting or guaranteed energy savings contracts in which energy conservation measures are implemented and the avoided energy costs are guaranteed to pay the cost of the capital improvements over a predetermined period of time.

Recommendation of the Facilities Committee was for new construction of county buildings to continue to achieve LEED equivalent standards and standards for conservation and construction and to forward to the full board for its consideration.

Draft minutes of the April 13, 2010 meeting will be disseminated to the Board of Commissioners following finalization.

RECOMMENDED/PROPOSED ACTION: Approve recommendation of the Facilities Committee that the County's policy for new construction of county buildings is to continue to achieve LEED equivalent standards and standards for conservation and construction.

MOTION: Commissioner Council moved to adopt the LEED equivalent policy as approved as recommended.

SECOND: Commissioner Gilfus

VOTE: Unanimous

7. Nominations to Boards and Committees:

A. Adult Care Home Community Advisory Committee (2 Vacancies)

Commissioner Melvin nominated George W. Mitchell. Commissioner Council nominated Daniel Rodriguez.

B. Child Homicide Identification and Prevention (CHIP) Council (3 Vacancies)

Commissioners Gilfus nominated Dr. Sharon Cooper as a Representative of the Medical Community Whose Specialty is Children; Judge Beth Keever as a Representative from District Court; and Rosemary Zimmerman as a Representative of Cumberland County Department of Social Services.

C. Cumberland County Home and Community Care Block Grant (1 Vacancy)

Commissioner Melvin nominated Edwin Deaver

8. Appointments to Boards and Committees

A. Board of Health (1 Vacancy)

Nominee: Veterinarian Captain Ross Free

MOTION: Commissioner Edge moved to approve the nominee in items 8A.

SECOND: Commissioner Faircloth

VOTE: Unanimous

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

MOTION: Commissioner Keefe moved to go into Closed Session.

SECOND: Commissioner Faircloth

VOTE: Unanimous

Thereupon the Board went into closed session.

Upon returning into open session, the following motions were made:

MOTION: Commissioner Gilfus moved to go into Open Session.

SECOND: Commissioner Faircloth

VOTE: Unanimous

MOTION: Commissioner Gilfus moved to adjourn.
SECOND: Commissioner Faircloth
VOTE: Unanimous

There being no further business, the meeting adjourned at 9:03 p.m.

Approved with/without revision:

Respectfully submitted,

Marie Colgan
Clerk to the Board