

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
FEBRUARY 6, 2010 - 8:00 AM
CROWN COLISEUM BOARD ROOM – 1960 COLISEUM DRIVE
SPECIAL MEETING MINUTES

PRESENT: Chairman Billy King
Commissioner Jeannette Council (arrived at 8:40 a.m.)
Commissioner Kenneth Edge
Commissioner Marshall Faircloth
Commissioner Ed Melvin
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Assistant County Manager
Howard Abner, Assistant Finance Director
Rick Moorefield, County Attorney
Sally Shutt, Communications Manager
Marie Colgan, Clerk to the Board
Candice H. White, Deputy Clerk to the Board

ABSENT: Commissioner Jimmy Keefe

Chairman King called the meeting to order and stated the regular meeting initially scheduled for February 1, 2010, which was cancelled due to inclement weather, would be held today in conjunction with the Planning Session. Commissioner King advised Commissioner Council was delayed and Commissioner Keefe was unable to attend.

Commissioner Edge provided the invocation and led the Pledge of Allegiance to the American flag.

Marie Colgan, Clerk to the Board, confirmed that individuals who would have been recognized or introduced at the February 1, 2010 meeting had been rescheduled to attend one of the two upcoming meetings.

1. Approval of Agenda

MOTION: Commissioner Faircloth moved to approve the agenda.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

Chairman King advised a request had been received to add to the agenda two proclamations and an update on the selection process for the Cooperative Extension Director; a request had also been received to delete Item 8. Closed Session.

AMENDED MOTION: Commissioner Faircloth moved to approve the agenda with the addition of two proclamations under the consent agenda and an update on the selection process for the Cooperative Extension Director in place of the Closed Session under Item #8.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

2. Consent Agenda

MOTION: Commissioner Melvin moved to approve all consent agenda items 2.A. - 2.H.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS

A. Approval of minutes for the January 19, 2010 regular meeting.

B. Approval of Report on Delinquent Real Property Taxes for the Year 2009.

BACKGROUND: North Carolina General Statute 105-369 requires the Collector to report unpaid taxes for the current fiscal year that are liens on real property by the first Monday in February. The purpose of the reporting is to allow you to order the Tax Collector to advertise the

tax liens. Upon receipt of your order, I will advertise the tax liens by posting notice at the County Courthouse and by publishing each lien at least one time in one or more of the newspapers having general circulation in Cumberland County.

The statute requires that advertisement period to occur during the period of March 1st through June 30th. It is my intention to deliver the list of delinquent taxes to the newspaper in the latter part of March for advertisement in early to mid-April. The delinquent report will be on display in the Clerk’s office through February 5, 2010. After this date, the report will be on display in the Tax Administrator’s office.

Total Delinquent Taxes on real property for Year 2009 as of 1/22/10:
\$14,756,626 on 17,758 parcels

2009 Delinquent Real Property Taxes as of January 22, 2010								
Total COUNTY Delinquent		Total MUNI Delinquent		Total FEES Delinquent		GRAND TOTAL TAXES & FEES DELINQUENT:		
County Tax	\$11,274,275	Muni. Tax	\$ 2,751,065			County	\$ 11,988,146	Parcel Count:
Fire Tax	445,512	Revit. Tax	<u>17,416</u>			Municipalities	\$ 2,768,480	17,758
Special Fire Tax	22,276					Fees	\$ 1,487,599	
Recreation Tax	<u>246,083</u>							
TOTAL	11,988,146	TOTAL	2,768,480	TOTAL	1,487,599		\$ 16,244,225	

Tax District	Total Value of Delinquent Bills* (Taxable)	Total Amount Taxes Owed*	County Tax	Fire Tax	Special Fire Tax	Recreation Tax	Municipal Tax	Revitalization Tax
Cotton	48,855,376	431,388	358,788	46,839	2,342	23,420		
Cumberland Road	34,706,206	305,656	254,215	33,187	1,659	16,594		
Stoney Point	46,062,117	372,344	309,681	40,428	2,021	20,214		
LaFayette Village	-	-	-	-	-	-		
Pearces Mill	44,751,107	386,964	321,840	42,016	2,101	21,008		
Bonnie Doone	-	-	-	-	-	-		
Westarea	63,288,018	537,232	446,819	58,331	2,917	29,166		
Grays Creek	69,094,572	576,643	479,597	62,611	3,131	31,305		
Vander	71,381,556	611,515	508,600	66,397	3,320	33,198		
Manchester	9,415,694	76,806	63,880	8,339	417	4,170		
Wade	9,073,580	79,928	66,476	8,678	434	4,339		
Stedman	15,837,631	137,139	114,059	14,890	745	7,445		
Godwin/Falcon	10,322,421	82,062	68,251	8,910	446	4,455		
Lake Rim	208,887	1,924	1,600	209	10	104		
Eastover	20,096,929	174,065	144,770	18,900	945	9,450		
Bethany	18,888,130	161,390	134,229	17,523	876	8,762		
Beaver Dam	19,132,766	<u>168,112</u>	139,820	18,253	913	9,127		
Fire District Total	481,114,990	4,103,168	3,412,624	445,512	22,276	222,756		

Municipalities								
Fayetteville	843,638,318	\$9,163,600	\$ 5,744,122				\$ 3,419,477	
Downtown Revitalization	22,141,430	259,492	\$ 1,503,564				\$ (1,261,487)	17,416
Hope Mills	47,653,590	515,631	\$ 327,507			18,819	\$ 169,305	
Spring Lake	24,029,985	307,606	\$ 165,236				\$ 142,370	
Stedman	8,485,818	91,320	\$ 62,680			1,631	\$ 27,009	
Wade			\$				\$	

	4,797,331	45,899	33,320			1,996	10,583	
Falcon	1,284,192	11,195	\$ 8,877			528	\$ 1,790	
Godwin	970,914	7,816	\$ 5,922			354	\$ 1,540	
Linden	1,468,390	12,464	\$ 10,423			\$ -	\$ 2,041	
Eastover	<u>27,762,829</u>	<u>238,435</u>	\$ 188,096			<u>\$ -</u>	<u>\$ 238,435</u>	
Total Municipalities	982,232,797	10,653,458	7,861,651	-	-	23,327	2,751,065	17,416
Fire District Total	\$ 481,114,990	\$ 4,103,168	\$ 3,412,624	\$ 445,512	\$ 22,276	\$ 222,756		
Municipalities Total	982,232,797	10,653,458	7,861,651	-	-	23,327	2,751,065	17,416
Grand Total	\$ 1,463,347,787	\$ 14,756,626	\$ 11,274,275	\$ 445,512	\$ 22,276	\$ 246,083	2,751,065	17,416

*Includes total value even on partially paid bill amts.

*Does not include fees or interest

RECOMMENDED ACTION: Accept the report of unpaid taxes for the current fiscal year that are liens on real property and charge the Collector to advertise the tax liens in a newspaper of local circulation during the month of April 2010.

C. Approval of Change Order #5 – Rentenbach Constructors – New Public Health Center Project.

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 completed with the exception of punchlist items and issues raised by the Public Health Department as it moved into the building and began operations. A Certificate of Occupancy was issued by the Fayetteville City Inspections Department on December 23, 2009. To date four change orders totaling \$235,539 have been approved.

Change Order #5 in the amount of \$100,295 is 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 \$38,414
- Code Compliance revisions. ADD \$17,373
- Design revisions due to conflicts. ADD \$35,546
- Unsuitable soil conditions and drainage issues. ADD \$11,443
- Design revisions resulting in a credit to the Owner. DEDUCT \$2,481

With approval of Change Order #5, the net increase in the contract price is \$335,834 which equates to 1.51% of the original contract amount. A forty-three (43) day time extension is also requested which makes the Substantial Completion date December 27, 2009. 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.

RECOMMENDED ACTION: The recommendation of the County Engineer, the project architect CJM&W, and management is to approve Change Order #5 for Rentenbach Constructors for additional work on the New Public Health Center Project in the amount of \$100,295 and increase the contract sum to \$22,526,263 and approve the attached budget revision.

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

D. Approval of a Resolution in Support of a North Carolina Parks and Recreation Trust Fund (PARTF) Grant Application for the Godwin Community Park.

BACKGROUND: The Town of Godwin and Fayetteville-Cumberland Parks and Recreation Department will jointly submit an application for a North Carolina Parks and Recreation Trust Fund (PARTF) grant to develop Godwin Park. The Town of Godwin will purchase approximately 12.20 acres of land in the town limits and the Fayetteville-Cumberland Parks and Recreation Department will develop 6.37 acres of the land in FY10 as Phase I, and the remaining 5.83 acres at a future date as Phase II. The total cost of the project is \$300,000. The PARTF request is \$150,000 and the local match \$150,000.

The Town of Godwin will purchase the land at a cost of \$73,200 and the County's Parks and Recreation Fund balance will pay \$76,800 which provides for the \$150,000 local match. The development of the Godwin Park is contingent upon the PARTF grant award in the amount of \$150,000.

As part of the grant application, resolutions supporting the project must be submitted by the local governing bodies. The Godwin Town Board approved a resolution at the January meeting.

**RESOLUTION IN SUPPORT OF A NORTH CAROLINA PARKS AND RECREATION
TRUST FUND GRANT FOR THE DEVELOPMENT OF GODWIN PARK**

WHEREAS, the Cumberland Board of Commissioners is committed to the development of parks and open space to promote Cumberland County's high quality of life; and

WHEREAS, the Cumberland County Board of Commissioners supports the use of North Carolina Parks and Recreation Trust Fund money to help fund the construction of a neighborhood park in Godwin; and

WHEREAS, many of the citizens of Cumberland County will enjoy the setting in the outdoors provided by the Godwin Park to stay physically fit and mentally healthy by picnicking, playing, walking, jogging, cycling, and experiencing nature; and

NOW, THEREFORE, BE IT RESOLVED BY THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS THAT:

The Cumberland County Board of Commissioners formally requests the North Carolina Parks and Recreation Trust Fund Board of Directors to fund the development of Godwin Park at the full amount of \$150,000.00 as requested in the grant application dated February 1, 2010 which will allow for the construction of the Godwin Park.

Adopted this 6th day of February, 2010.

RECOMMENDED ACTION: Approve the resolution in support of the development of the Godwin Park Project and the submittal of the North Carolina Parks and Recreation Trust Fund (PARTF) grant application.

- E. Approval of a Resolution in Support of a North Carolina Parks and Recreation Trust Fund (PARTF) Grant Application for the North Regional Park Project.

BACKGROUND: The Fayetteville-Cumberland Parks and Recreation Department will submit an application for a North Carolina Parks and Recreation Trust Fund (PARTF) grant to develop the North Regional Park. The department will receive a donation of approximately 24 acres of land, and will develop about 6-8 acres in FY10 as Phase I, and the remaining 16-18 acres at a future date as Phase II. The total cost of the project is \$300,000. The PARTF request is \$150,000 and the local match \$150,000.

The value of the donated land is \$24,000 and the County's Parks and Recreation Fund balance will pay \$126,000 which provides for the \$150,000 local match. The development of the North Regional Park is contingent upon the PARTF grant award in the amount of \$150,000.

As part of the grant application, a resolution supporting the project must be submitted by the local governing body.

**RESOLUTION IN SUPPORT OF A NORTH CAROLINA PARKS AND RECREATION
TRUST FUND GRANT FOR THE DEVELOPMENT OF THE NORTH REGIONAL PARK**

WHEREAS, the Cumberland Board of Commissioners is committed to the development of parks and open space to promote Cumberland County's high quality of life; and

WHEREAS, the Cumberland County Board of Commissioners supports the use of North Carolina Parks and Recreation Trust Fund money to help fund the construction of a neighborhood park in the northern region of Cumberland County; and

WHEREAS, many of the citizens of Cumberland County will enjoy the setting in the outdoors provided by the North Regional Park to stay physically fit and mentally healthy by picnicking, playing, walking, jogging, cycling, and experiencing nature; and

NOW, THEREFORE, BE IT RESOLVED BY THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS THAT:

The Cumberland County Board of Commissioners formally requests the North Carolina Parks and Recreation Trust Fund Board of Directors to fund the development of the North Regional Park at the full amount of \$150,000.00 as requested in the grant application dated February 1, 2010 which will allow for the construction of the North Regional Park.

Adopted this 6th day of February, 2010.

RECOMMENDED ACTION: Approve the resolution in support of the development of the North Regional Park Project and the submittal of the North Carolina Parks and Recreation Trust Fund (PARTF) grant application.

- F. Approval of a Resolution by the Cumberland County Board of Commissioners to Designate an Authorized Recipient of Federal Transit Administration Grant Funds - Section 5303 – Planning.

RESOLUTION BY
THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS
TO DESIGNATE AN AUTHORIZED RECIPIENT OF
FEDERAL TRANSIT ADMINISTRATION GRANT FUNDS
SECTION 5303 – PLANNING

WHEREAS, the Fayetteville Area Metropolitan Planning Organization (FAMPO) is the Transportation Management Area designated by the Federal Government to conduct transportation planning for the Fayetteville Urbanized Area;

WHEREAS, Cumberland County is eligible to receive Metropolitan Planning Program Federal Transit Administration Section 5303 funds through FAMPO to conduct transportation planning activities in its urbanized area;

WHEREAS, Section 5303 funds provide for 80% federal with 10% State and 10% local match and funds are distributed through the Public Transportation Division (PTD) of the North Carolina Department of Transportation (NCDOT);

WHEREAS, the FAMPO office is housed within the Cumberland County Planning and Inspections Department;

NOW THEREFORE, be it resolved that the Cumberland County Board of Commissioners designates the County Manager, as the authorized person to accept NCDOT's offer of financial assistance through Section 5303 planning funds and to sign each agreement required by the NCDOT Public Transportation Division to access FAMPO's Federal Section 5303 planning funds on this the _____ day of February, 2010.

Adopted this 6th day of February, 2010.

- G. Approval of Release of Closed Session Minutes

BACKGROUND: County Attorney Rick Moorefield has reviewed the following 2002 Closed Session minutes and has approved their release pursuant to G.S. § 143-318.10(e). These minutes were inadvertently omitted from a prior request for release of minutes to the public.

January 7, 2002:	Economic Development (2)
January 28, 2002:	Attorney Client Matter (3)
February 2, 2002:	Economic Development (1)
February 25, 2002:	Attorney-Client Matter (4)
	Economic Development (1)
March 11, 2002:	Economic Development (3)
April 15, 2002:	Attorney-Client Matter (2)

May 6, 2002: Attorney-Client Matter (1)
Economic Development Matter (3)
May 20, 2002: Economic Development Matter (2)
June 17, 2002: Legal Matter (3)
August 5, 2002: Economic Development Matter (3)
August 19, 2002: Economic Development Matter (3)
September 3, 2002: Economic Development Matter (1)
Legal Matter (1)
October 7, 2002: Approval of Closed Session Minutes for January through
September, 2002
Legal Matter (1)
October 21, 2002: Attorney-Client Matter (2)
November 4, 2002: Economic Development Matter (3)
November 18, 2002: Attorney-Client Matter (1)
Economic Development Matter (1)
December 16, 2002: Attorney-Client Matter (1)
Economic Development (1)

RECOMMENDED ACTION: Approve the release of the Closed Session minutes listed above.

H. Budget Revisions:

(1) Sheriff

Revision in the amount of \$13,716 to appropriate fund balance for contributions received in prior years. (B10-221) Funding Source – Fund Balance Appropriated

(2) Health

Breast and Cervical Cancer Control - Revision in the amount of \$2,980 to budget additional State funding. (B10-222) Funding Source - State

(3) Library Foreign Language

Revision in the amount of \$2,800 to reallocate budgeted revenues and reconcile budget with state allocation with an increase for books and periodicals. (B10-230) Funding Source – State

(4) Workforce Development

- a. Adult Services - Revision in the amount of \$149,645 to reconcile with Federal funding. (B10-231) Funding Source – Federal
- b. Statewide Activities - Revision in the amount of \$162,820 to reconcile with Federal funding. (B10-232) Funding Source – Federal
- c. Adult Services Stimulus – Revision in the amount of \$27,974 to reconcile with Federal funding. (B10-233) Funding Source - Federal

(5) School Capital Outlay Fund

Revision to transfer \$552 from the School Capital Fund to the General Fund to fully fund the debt service payment for the 2009 Qualified School construction Bonds. (B10-234 and B10-234A) Funding Source – NC Lottery Funds

ITEMS OF BUSINESS

3. Consideration of City of Fayetteville / Cumberland County / Fayetteville-Cumberland County Chamber, NC 2010-2011 Federal Legislative Agenda

BACKGROUND: Representatives from the County, City and Fayetteville-Cumberland County Chamber of Commerce in coordination with The Ferguson Group developed the proposed FY2011 Federal Legislative Agenda below to be presented to our Congressional Representatives.

City of Fayetteville/Cumberland County/Fayetteville - Cumberland County Chamber, NC
2010 (FY 2011) FEDERAL AGENDA

APPROPRIATIONS

	PROJECT	DESCRIPTION OF REQUEST	FUNDING HISTORY
1	Military Business Park (MBP)	\$1 million in Transportation Appropriations (FHWA), Transportation, Community and System Preservation, for transportation improvements to the MBP.	\$600,000 (FY06) \$147,000 (FY08) \$584,400 (FY10)
2	Partnership for Defense Innovation (PDI)	\$4.6 million for PDI Wi-Fi Testing and Assessment Laboratory, Joint Special Operations Command, Information and Intelligence Warfare Directorate, for the continuation of testing and development of cellular capabilities on the battlefield.	\$1.08 million (FY07) \$2.7 million (FY08) \$2 million (FY09) \$2.8 million (FY10)
3	Secure Training and Integration Facility (SCIF)	\$2.2 million in Defense Appropriations, XXX, to develop a SCIF at Fayetteville Regional Airport.	First year request.
4	Regional Public Safety	\$2 million in Justice Appropriations, COPS Technology, to merge regional communications, including purchase of interoperable radios.	\$300,000 (FY06) \$352,500 (FY08) \$200,000 (FY09) \$300,000 (FY10)
5	Sanitary Sewer System	\$2 million in Energy and Water Appropriations, Corps of Engineers, Sec. 219, for sanitary sewer system.	\$6 million authorized by WRDA 2007
6	Murchison Road	\$34.6 million in Military Construction Appropriations, Department of the Army, for Fort Bragg Access Roads, Phase II. Still making sure this project is ready to go with the FY11 request from the Pentagon.	\$21.8 million in FY09 (Phase I)
7	Hybrid Transit Buses	\$2 million in Transportation Appropriations and SAFETEA-LU, Bus and Bus Facilities, for the purchase of hybrid buses.	\$3,129,010 from ARRA.
8	Multimodal Center	\$5 million in Transportation Appropriations, Bus and Bus Facilities, for Multimodal Transportation.	\$400,000 (FY10)
9	Electronic Records Management	\$500,000 in Health and Human Services Appropriations, Health Resources and Services Administration, for County's public health records management and digitization of veteran's records.	Third year requested
10	Emergency Operations Center	\$XX in Department of Homeland Security Appropriations, FEMA Emergency Operations Centers, for Fayetteville-Cumberland County Emergency Operations Center.	First year request

AUTHORIZATIONS

PROJECT	DESCRIPTION OF REQUEST	FUNDING HISTORY
Multimodal Center	\$10,672,000 requested in surface transportation reauthorization, Federal Transit Administration, High Priority Projects, Bus and Bus Facilities, for Multimodal Transportation.	Second year requested.
Traffic Safety Cameras	\$400,000 requested in surface transportation reauthorization, Federal-Aid Highways, High Priority Projects, for video surveillance cameras.	Second year requested.
Sanitary Sewer System	Expand Water Resources Development Act (WRDA) authorization from \$6 million to \$20 million and modifications to language.	Authorized by WRDA 2007.

ADDITIONAL PRIORITIES

PROJECT	DESCRIPTION OF REQUEST
Stimulus	Work with City and County to effectively compete for stimulus funding.
I-295 Loop	Support efforts by NC DOT to fund the I-295 Loop.
National Sustainability Center	Keep Chamber informed on sustainability funding and initiatives that would help support the development of a National Sustainability Center in Fayetteville-Cumberland County.
Abandoned Home Removal	Keep County informed on funding available to assist in transforming vacant and blighted properties near Fort Bragg.
Air Quality	Pursue local, state and EPA agreement to reach attainment.
Homelessness	Develop awareness of City’s 10-Year Plan to end chronic homelessness and pursue funds for same, as well as specifically for homeless veterans.
Murchison Road Redevelopment	Support City’s effort for grants and low interest loans to help fund redevelopment of the Murchison Road Corridor.
Crime	Support cops on the streets, gang resistance and education, and crime prevention funding.
Sidewalks	Support Safe Route to Schools.
Modernize Tax Code for Employee Cell Phones	Support NLC and NACo’s position on HR 690 / S 144 to modernize the tax code and remove cell phones and related telecommunications equipment from the listed property rules.

Juanita Pilgrim, Deputy County Manager, called attention to the proposed Federal Legislative Agenda. Mrs. Pilgrim identified the Secure Training and Integration Facility (SCIF), Electronic Records Management and Emergency Operations Center as new items and stated the hope is that funding will be received for these projects. Mrs. Pilgrim further stated the Fayetteville City Council had approved the proposed agenda.

At the request of Chairman King, Mrs. Pilgrim explained the process involved with development of the Federal Legislative Agenda. Mrs. Pilgrim stated when identifying projects to receive funding, the Memorandum of Understanding between Fayetteville/Cumberland Chamber of Commerce, the City of Fayetteville and Cumberland County and the Ferguson Group specifies that highest priority will be given to economic development projects that meet one or more of the following criteria: projects that protect and promote our local military community and their interests; projects that create or retain jobs; projects that assist in the creation of the military business park; and projects that address local infrastructure needs.

RECOMMENDED ACTION: Consider approval of the FY2011 Federal Legislative Agenda.

- MOTION: Commissioner Edge moved to approve the Federal Legislative Agenda as presented.
- SECOND: Commissioner Melvin
- VOTE: UNANIMOUS

4. Consideration of Request to Seek a Further Reallocation of Recovery Zone Facility Bonds.

BACKGROUND: County Management has been approached by Trinity Development & Management, Inc. owned by Vivek Tandon, regarding his interest in a reallocation of Recovery Zone Facility Bonds. Mr. Tandon has received approval for a Courtyard by Marriott franchise hotel in Spring Lake.

The 101 unit hotel includes a business center with 1,800 square feet of conference meeting space, indoor pool, bar/lounge area, fitness center, and kiosk check-in/check-out. This

concept will provide additional hotel space in a currently successful market, but will also provide an upscale lodging alternative with the expansion of our military base.

The County has recently been notified that the Department of Commerce is still accepting applications for these bonds. Mr. Tandon is seeking a reallocation of up to \$9,000,000 for this project. This is a “shovel ready” project that meets the guidelines for Recovery Zone Facility Bonds.

CUMBERLAND COUNTY, NC
Recovery Zone Designation
and
Authorization to Appropriate Bond Issuance

WHEREAS, on February 17, 2009, the President signed into law the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 Stat. 115 (2009 (“ARRA”)); and

WHEREAS, Section 1401 of Title I of Division B of ARRA authorizes state and local governments to issue Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds; and

WHEREAS, Recovery Zone Economic Development Bonds may be used to finance certain “qualified economic development purposes” and Recovery Zone Facility Bonds may be used to finance certain “recovery zone property,” as such terms are defined in ARRA; and

WHEREAS, the term “Recovery Zone” means: 1) any area designated by the issuer as having significant poverty, unemployment, a high rate of home foreclosures or general distress; 2) any area designated by the issuer as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990, and 3) any area for which a designation as an empowerment zone or renewal community is in effect as of the effective date of ARRA, which effective date is February 17, 2009; and

WHEREAS, Recovery Zone Economic Development Bonds are considered “qualified” bonds for purposes of Section 6431 of the Internal Revenue Code of 1986, as amended, and provide for a federal subsidy through a refundable tax credit paid to State or local governmental issuers in an amount equal to 45 percent of the total coupon interest payable to investors in these taxable bonds; and

WHEREAS, the interest on State or local Recovery Zone Facility Bonds is excludable from gross income for Federal income tax purposes; and

WHEREAS, Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds must be issued before January 1, 2011; and

WHEREAS, Cumberland County, NC has received the following volume caps of:

Recovery Zone Economic Development Bonds: \$1,138,000

Recovery Zone Facility Bonds: \$1,707,000

and may use such volume cap for eligible costs or may allocate such volume cap in any reasonable manner as the Cumberland County, NC Governing Body shall determine in good faith at their discretion for use for eligible costs for qualified economic development purposes or recovery zone property; and

WHEREAS the Cumberland County, NC Governing Body seeks to designate the following area as a Recovery Zone due to significant levels of increased unemployment, increased levels of home foreclosures, and the general increase of economic distress throughout the County: CENSUS TRACT 35, BLOCK GROUPS 1 (See Exhibits A & B for supporting documentation) ; and

NOW THEREFORE, BE IT RESOLVED that the Cumberland County, NC Governing Body designates the areas more fully described above/attached as Exhibit A as a Recovery Zone; and

BE IT FURTHER RESOLVED THAT, the Governing Body hereby requests the NC Tax Reform Allocation Committee to reallocate up to \$9,000,000 and authorizes the County Manager to sign the necessary documents to request a further reallocation of up to \$9,000,000 in Recovery Zone Facility Bonds to Cumberland County for a Courtyard by Marriott hotel in Spring Lake through Trinity Development and Management, Inc.

EXHIBIT A

Background and Supporting Information for Recovery Zone Designations – Courtyard by Marriott

The U.S. Department of Treasury's Community Development Financial Institutions Fund (CDFI) established a program called the New Market Tax Credit (NMTC) Program, which is designed to generate private sector equity investments in low income communities by financing neighborhood retail centers, small businesses, charter schools, child care centers and other community facilities in distressed areas nationwide.

In an effort to direct money to the neediest areas of the country, the CDFI Fund focuses on hot zones for the programs established under their administration. Hot Zones are urban and rural geographic areas that have high unemployment and poverty rates and may have high housing costs burdens.

Within Cumberland County, Census Tract 35 is designated as a Hot Zone and a NMTC eligible area. Therefore, the Recovery Zone designation, specifically Census Tract 35, Block Group 1 is based on the NMTC eligibility as defined above.

Amy Cannon, Assistant County Manager, provided a brief overview of the proposed project and stated the concept will not only provide additional hotel space in a currently successful market, it will also provide an upscale lodging alternative to coincide with the expansion of our military base. Mrs. Cannon further stated the county received notification that the NC Department of Commerce is still accepting applications and county management recommends the filing of an application to request a reallocation in the amount of \$8.5 million for the Courtyard by Marriott project in Spring Lake.

RECOMMENDED ACTION: County Management recommends the filing of an application to the NC Department of Commerce requesting a reallocation of RZFB's in the amount of up to \$9,000,000 for the Courtyard by Marriott project in Spring Lake. The resolution below formally designates this project as being in a Recovery Zone and authorizes the County Manager to sign the necessary documents which request a further reallocation.

MOTION: Commissioner Melvin moved to approve the filing of an application with the NC Department of Commerce to request a reallocation of recovery zone facility bonds.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

5. Review of the Response from the Lower Cape Fear Water and Sewer Authority Regarding Cumberland County's Request for Membership on Subject Authority's Board of Directors

BACKGROUND: A response received from Mr. Don Betz, Executive Director, of the Lower Cape Fear Water & Sewer Authority, states in part:

"The board members collectively acknowledged a consensus for membership on the board for Cumberland County if the County would become a customer of the Authority's new surface water treatment plant which is only a few miles from the Cumberland county line. The Authority would welcome the opportunity to present to the County staff as well as the Board of Commissioners an overview of the Project with our consulting engineers at the County's convenience."

Management recommends that the Board request the Authority make a presentation at a special meeting as soon as possible. Further, that a representative of the USDA Rural Development be invited to attend and present to the Board of Commissioners how it may be able to assist the County in securing financial resources to become a customer of the Bladen Bluffs Regional Surface Water System.

RECOMMENDED ACTION: Review the response from the Lower Cape Fear Water and Sewer Authority and consider Management's recommendations regarding this project.

Mr. Martin called attention to the letter received from Don Betz, Executive Director of the Lower Cape Fear Water and Sewer Authority, and briefly reviewed Cumberland County's request for membership on the Authority's Board of Directors. Mr. Martin stated at the Board of Directors' meeting on January 11, 2010, consensus of the board was that they were willing to add an additional member to the board subject to the approval of all counties within the Authority.

Mr. Martin advised since receipt of the letter, he had met with staff and a representative of the USDA Rural Development, the potential funding agency, and once the preliminary engineering report for the Grays Creek Water and Sewer District is received from the County's consultants, it might be beneficial for the Commissioners to receive the presentation as an option for providing water to serve that community.

Chairman King inquired how doing business with the Authority would augment county-wide water efforts. Mr. Martin responded the option would tie in well and explained that one of the main issues facing the county were it to enter into a water production business is that it would have to either buy capacity in a water treatment facility or it would have to install extremely deep ground wells and probably build a small water treatment capacity on site.

Consensus of the board was to move forward with arrangements for a presentation by the Lower Cape Fear Water and Sewer Authority and their engineering firm at a time preceding a third Monday meeting.

6. Nominations to Boards and Committees

A. Air Quality Stakeholders' Committee (1 Vacancy)

Vacancy: The Air Quality Stakeholders' Committee will have on vacancy on February 28, 2010. Town of Hope Mills Stakeholder, Commissioner Eddie Maynor, is completing an unexpired term and is eligible for reappointment.

Nominee: Commissioner Eddie Maynor

B. Child Homicide Identification and Prevention (CHIP) Council (1 Vacancy)

Vacancy: The Child Homicide Identification and Prevention (CHIP) Council has a vacancy for an unexpired term for A Representative of the Cumberland County Board of Commissioners. At their January 4, 2010 meeting, the Board of Commissioners asked to have this vacancy rolled to their first meeting in February.

Nominee: No nomination made; roll to the next month.

C. Minimum Housing Appeals Board (1 Vacancy)

Vacancy: At their November 26, 2009 meeting, the Board of Commissioners appointed Minimum Housing Appeals Board alternate member Clayton O. Burris to serve a first term as a regular member. At their January 19, 2010 Board of Commissioners' meeting, an individual was nominated to fill the alternate member unexpired term; however, the nominee currently serves as a regular member of the Minimum Housing Appeals Board. A replacement is needed to fill the alternate member's unexpired term.

Nominee: Luther M. McManus

D. Transportation Advisory Board (1 Vacancy)

Vacancy: The Transportation has one vacancy for the position of County DSS Director or Designee. Crystal Black has completed her second term and is not eligible for reappointment. The Transportation Advisory Board recommends Sheila Stevenson to fill this vacancy.

Nominee: Sheila Stevenson

7. Appointments to Boards and Committees

A. Cape Fear Valley Health System Board of Trustees (4 Vacancies)

Nominees:

RN Position (1 Vacancy):

Betsy Bradshaw
Jennifer Twaddell

General Public (3 Vacancies): John Henley, MD (Reappointment)
Don Porter (Reappointment)
Marion Frances Gillis-Olion
Diane Wheatley

Chairman King called attention to an email in which Diane Wheatley withdrew her name from consideration.

MOTION: Commissioner Edge moved to appoint Jennifer Twaddell to the RN position and John Henley, MD, Don Porter and Marion Frances Gillis-Olion to the General Public positions.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS

B. Child Homicide Identification and Prevention (CHIP) Council (8 Vacancies)

Nominees / Representatives of:

The Military Community: Thomas A. Hill (Reappointment)

General Public: Lois A. Kirby (Reappointment)

Health Education: Wendy Breeden (Reappointment)

Law Enforcement: Detective Lynette Hodges (Reappointment)

Legal Community: Joanna Shober (Reappointment)

Cumberland County School System: Natasha Scott (Reappointment)

Cumberland Interfaith Hospitality Network: Denise Giles (Reappointment)

Womack Army Medical Center: Gladys Cartwright (Reappointment)

C. Cumberland County Local Emergency Planning Committee (3 Vacancies)

Nominees:

Operators of Facilities Representatives: Antionette Barnes (Reappointment)

At-Large Representative: Bill Cross (Reappointment)

Local Environment Representative: Paul Rawls

D. Cumberland County Workforce Development Board (2 Vacancies)

Nominees:

Private Sector: Brad Loase (Reappointment)
Michael Karaman (Reappointment)

MOTION: Commissioner Edge move to appoint all nominees in Items 7.B. – 7.D.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS

8. Update on Cooperative Extension Director

Mrs. Pilgrim outlined membership of the committee charged with selecting a new Cooperative Extension director and stated three applicants had been interviewed for the position. Mrs. Pilgrim stated a decision had been made regarding one of the applicants and the next step in the process would be for the Commissioners to recommend the applicant to the state. Mrs. Pilgrim explained the state would then check the individual’s references and District Manager Clinton McRay would let the County know who had been

selected by the state. Mr. Martin advised the Board of Commissioners would also be asked to approve the appointment.

Consensus was to recommend the applicant to the state.

MOTION: Commissioner Edge moved to adjourn the meeting.

SECOND: Commissioner Council

VOTE: UNANIMOUS

There being no further business, the meeting adjourned at 8:42 a.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Deputy Clerk to the Board