

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
OCTOBER 18, 2010 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING

PRESENT: Chairman Billy King
Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner Marshall Faircloth
Commissioner Jimmy Keefe
Commissioner Ed Melvin
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Assistant County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Phyllis Jones, Assistant County Attorney
Sally Shutt, Communications Manager
Tom Lloyd, Director of Planning & Inspections
George Hatcher, Code Enforcement Officer
Doug Peters, President & CEO – FCC Chamber of Commerce
Candice White, Deputy Clerk to the Board
Marie Colgan, Clerk to the Board

COMMISSIONERS

ABSENT: Commissioner Phillip Gilfus

INVOCATION - Commissioner Jimmy Keefe

PLEDGE OF ALLEGIANCE – Den 1 of Pack 747

PUBLIC COMMENT PERIOD (6:45 PM – 7:00 PM) – No Speakers

Presentation on the Impact of BRAC on Fort Bragg by Colonel Stephen Sicinski, Garrison Commander. (TO RESCHEDULE FOR A FUTURE MEETING)

Presentation by Ms. Ashley Williams, Senior at Massey Hill Classical High School, on the Top Ten Teen Issues in North Carolina

Chairman King introduced and welcomed Ms. Ashley Williams, stating she attended the North Carolina Association of County Commissioners' conference in August along with other youth involved with the 4-H program from around the State. Ms. Williams presented the following information to the Board as determined by the youth at the August 27th and 28th Youth Summit held in Greenville, NC:

NC Top 10 Youth Issues	South Central District Top 10 Youth Issues
Teen Pregnancy	Teen Pregnancy
Dropouts	Peer Pressure
Substance Abuse	Drug/Alcohol Abuse
Violence	Violence/Gangs
Recreation	Job Opportunities for Teens
Socioeconomics	Personal Safety/Health
Education/School Funding	Socioeconomics
Youth Voice in the Community	Quality of Education
Health Issues	Lack of Extra Curricular Activities
Lack of things to do	Lack of Youth Voice in the Community

Commissioners thanked Ms. Williams for attending and for her outstanding representation of the youth in Cumberland County.

County Attorney Rick Moorefield stated that based on his conversations with William McBride of Hunton & Williams and Jonathan Charleston of The Charleston Law Group on this date he recommended the addition of The Charleston Law Group as Local Bond Counsel to serve with Hunton & Williams for the working group under Consent Agenda Item 2.F.2.

MOTION: Commissioner King moved to approve the change to the agenda as requested.
 SECOND: Commissioner Council
 VOTE: UNANIMOUS

1. Approval of Agenda

MOTION: Commissioner Council moved to approve the agenda as presented.
 SECOND: Commissioner Melvin
 VOTE: UNANIMOUS

2. Consent Agenda

- A. Approval of minutes for the October 4, 2010 regular meeting.
- B. Approval of Proposed Additions to the State Secondary Road System:

Bridlewood Subdivision: Thistle Gold Drive (SR 3956 Ext.),
 Lillytrotter Drive
 Blue Sky Lane

BACKGROUND: The North Carolina Department of Transportation has received petitions requesting the following streets be placed on the State Secondary Road System for maintenance:

Bridlewood Subdivision: Thistle Gold Drive (SR 3956 Ext.),
Lillytrotter Drive
Blue Sky Lane

DOT has determined that the above streets are eligible for addition to the state system.

RECOMMENDATION/ PROPOSED ACTION: NCDOT recommends that the above named streets be added to the State Secondary Road System. County Management concurs. Approve the above listed streets for addition to the State Secondary Road System.

C. Approval of Sole Source Request from Cumberland County Public Library for Purchase of Radio Frequency Identification.

BACKGROUND: Cumberland County Public Library is seeking approval for Sole Source Exception for standardization of Radio Frequency Identification (RFID) for the new West Regional Branch. Tech Logic has provided the lowest bid, as well as test equipment and software and has agreed to keep the prices the same or lower of that for the Bordeaux branch and the continuation of all branches. This will ensure standardization with all branch locations. This request is based on General Statute 143-129(e)(6) when standardization or compatibility is the overriding consideration.

RECOMMENDATION/PROPOSED ACTION: County Management and the County Purchasing Department recommend approval for Cumberland County Public Library to proceed with the sole source exception to Tech Logic for standardization and compatibility.

D. Approval of Resolutions for Addition of Area to Fayetteville Rural Fire Insurance District and Combination of Westarea and Linden Fire Insurance Districts for Fire Insurance Rating Purposes Pursuant to NCGS 153A-233.

BACKGROUND: The State Fire Marshal has requested the unincorporated area within the Fayetteville City limits be added to the existing Fayetteville Rural Fire Insurance District for fire insurance rating purposes only. This change is requested to conform to the service areas of the fire stations within the District. (see attachment A to these minutes for the map referenced in the below Resolution) The change is approved by the county fire marshal.

Also, The State Fire Marshal has requested that the existing Westarea and Linden Fire Insurance Districts be combined into a single district due to the location of the stations within the districts and because a part of the exiting Westarea District is

served by a contract with the Fayetteville City Fire Department. The Linden District includes the Town of Linden. (see attachment B to these minutes for the map referenced in the below Resolution) This change is approved by the county fire marshal.

RECOMMENDATION/PROPOSED ACTION:

- (1) Approve the below resolution adding the parcels to the Fayetteville Rural District.
- (2) Approve the below resolution combining the Westarea and Linden insurance rating districts and requesting the Town of Linden to approve and consent to its jurisdiction being included.

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
RESOLUTION DESIGNATING ADDITIONAL AREAS TO THE FAYETTEVILLE
RURAL FIRE INSURANCE DISTRICT FOR FIRE INSURANCE RATING PURPOSES
PURSUANT TO N.C.G.S § 153A-233

Whereas, the Board of Commissioners created the Fayetteville Rural Fire Insurance District for fire insurance rating purposes only on August 21, 2006; and

Whereas, N.C.G.S § 153A-233 authorizes the Board of Commissioners to designate fire districts or parts of existing districts for insurance grading purposes; and

Whereas, the North Carolina State Fire Marshal has requested that certain additional areas be designated to the Fayetteville Rural Fire Insurance District due to the locations of the fire stations serving those areas.

Be it therefore resolved that all those unincorporated areas lying within or being contiguous to the corporate limits of the City of Fayetteville and shown in green on the map designated "Fayetteville Rural Fire District FOR INSURANCE PURPOSES ONLY" attached hereto be added to and become part of the Fayetteville Rural Fire Insurance District.

Adopted this 18th day of October, 2010.

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
RESOLUTION COMBINING THE LINDEN FIRE INSURANCE DISTRICT
AND THE WESTAREA FIRE INSURANCE DISTRICT FOR INSURANCE
RATING PURPOSES ONLY PURSUANT TO N.C.G.S § 153A-233

Whereas, on August 31, 1978, the Board of Commissioners expanded the Westarea Fire District and the Linden Fire District by adding additional area to each in order for the residents therein to be included in a fire insurance rated area; and

Whereas, the Board of Commissioners subsequently further expanded each of those fire districts from 4 miles to 6 miles ISO rated districts by including additional areas in each rated district; and

Whereas, N.C.G.S § 153A-233 authorizes the Board of Commissioners to designate fire districts or parts of existing districts for insurance grading purposes; and

Whereas, the North Carolina State Fire Marshal has requested that the existing Linden and Westarea Fire Insurance Rating Districts be combined into a single insurance grading district due to the locations of the fire stations serving those areas and because a portion of the Westarea District is served by a contract with the City of Fayetteville.

Be it therefore resolved that that the existing Linden and Westarea Fire Insurance Districts be combined into a single fire insurance grading district designated as the Westarea Fire Insurance District for fire insurance grading purposes only as shown on the attached map designated “Westarea 6 Mile ISO Map” and more particularly described as follows:

Westarea Fire District - 6 Mile ISO Description - Revised 08/24/2010

(Due to the combined districts and a contracted area by the City of Fayetteville Fire Dept.)

Beginning at Point 1 in the boundary of the City of Fayetteville municipal limits near the end of Draycott Rd.; thence traveling northwest approximately .1738 miles to Point 1A; thence traveling southwest approximately .297 miles to Point 2 near the terminus of Stone Mountain Farm Rd.; thence traveling northwest approximately .3475 miles to Point 2A; thence traveling southwest approximately .2312 miles to point 2B; thence traveling approximately .069 miles to Point 2C; thence traveling south approximately .3257 miles to Point 2D; thence traveling approximately .1587 miles to Point 3 near the terminus of Hollyfield Ct.; thence traveling northwest approximately .8354 miles to Point 4 at the Ft. Bragg reservation boundary and McCloskey Rd.; thence traveling northward approximately 2.89 miles to Point 5 near the end of Bluebird Ln.; thence traveling eastward to Point 6; thence traveling northwest to Point 7; thence following the existing district line to Point 8 near the end of Elliot Bridge Rd. and the Harnett County Line; thence traveling southeast to Point 9 near the intersection of Elliot Bridge Rd. and Whispering Pines Rd.; thence traveling northeast to Point 10; thence traveling southeast to Point 11; thence traveling southeast to Point 12 near the end of Fredonia Dr.; thence traveling southeast to Point 13; thence traveling to Point 14 near the end of Foxtrail Dr.; thence traveling to Point 15 near the end of Grimble Dr.; thence traveling northeast to Point 16 near the intersection of Collier St. and Coats Rd.; thence traveling northeast to the Harnett - Cumberland County Line to Point 17; thence following the County Boundary to Point 18 on the Cape Fear River; thence following the Cape Fear River south to Point 19; thence traveling southwest approximately .834 miles to Point 20 on Bend Rd.; thence travelling approximately 1.121 miles to Point 21 near Laura Ray Rd.; thence traveling approximately .17 miles to Point 22 near the intersection of Colliers Chapel Church Rd. and Laura Ray Rd. thence traveling southwest approximately 1.057 miles to Point 23; thence traveling southwest approximately 2.608 miles to Point 24 near River Bend Rd.; thence traveling approximately 1.067 miles west to Point 25 near the

terminus of Plotts Dr.; thence traveling south approximately 1.123 miles to Point 26 near the intersection of Melstone Dr. and River Ridge Rd.; thence traveling southwest approximately .37 miles to Point 27 near the terminus of River Ridge Rd.; thence traveling northwest approximately .356 miles to Point 28 near the terminus of Kevin Rd.; thence traveling south approximately 1.657 miles to Point 29 in boundary of the City of Fayetteville municipal limits; thence following the northeastern boundary of the City of Fayetteville and terminating at Point 1, and being the point of beginning. This description excludes any areas within the municipal limits of the City of Fayetteville. See the following table for the latitude and longitude reference for each point described above.

LATITUDE & LONGITUDE REFERENCE FOR DESCRIPTION POINTS WESTAREA FIRE INSURANCE RATING DISTRICT											
#	LAT	LON	#	LAT	LON	#	LAT	LON	#	LAT	LON
1	35.1700	-78.8761	5	35.2107	-78.9051	14	35.2226	-78.8524	23	35.1864	-78.7768
1A	35.1710	-78.8789	6	35.2107	-78.8954	15	35.2306	-78.8503	24	35.1742	-78.8203
2	35.1669	-78.8807	7	35.2276	-78.9043	16	35.2477	-78.8281	25	35.1758	-78.8388
2A	35.1701	-78.8855	8	35.2318	-78.8786	17	35.2601	-78.8212	26	35.1596	-78.8383
2B	35.1677	-78.8883	9	35.2257	-78.8696	18	35.2567	-78.7039	27	35.1562	-78.8434
2C	35.1671	-78.8874	10	35.2312	-78.8658	19	35.1915	-78.7268	28	35.1602	-78.8471
2D	35.1626	-78.8889	11	35.2303	-78.8639	20	35.1869	-78.7402	29	35.1371	-78.8560
3	35.1631	-78.8916	12	35.2237	-78.8593	21	35.1920	-78.7589			
4	35.1687	-78.9047	13	35.2234	-78.8582	22	35.1941	-78.7605			

Be it further resolved that this resolution shall be forwarded to the governing board of the Town of Linden and the Town’s governing board is hereby requested to vote its approval and consent to the inclusion of the territory within its municipal limits in this newly designated Westarea Fire Insurance District.

Adopted this 18th day of October, 2010.

- E. Approval of Memorandum of Agreement with Respect to the Intercreditor Agreement among North Carolina Community Development Initiative, Inc.; The County of Cumberland; and Bragg Hospitality, LLC

BACKGROUND: Cumberland County Community Development committed \$490,000 to Kingdom Community Development Corporation (KCDC) for the development of a hotel and restaurant in Spring Lake. As one of the first partners to support and financially commit to the project, we were aware that other lenders would be needed to provide the balance of funding for completion of the project. The County agreed to subordinate our loan, if necessary, in order for KCDC to secure additional financing. KCDC has secured financing with Carter Bank and NC Initiative for the project. An Intercreditor and Standstill Agreement between the North Carolina Initiative, Cumberland County, and Bragg Hospitality, LLC (the entity established for development of the project) was executed to outline that each lender will have equal lien priority for the project.

To serve as public record to all superior and subordinate debt holders, now and in the future, a Memorandum of Agreement between Cumberland County, NC Initiative and Bragg Hospitality LLC must be filed with the Cumberland County Register of Deeds.

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

MEMORANDUM OF AGREEMENT

This MEMORANDUM OF AGREEMENT (“Memorandum”) by and between the North Carolina Community Development Initiative Capital, Inc. (the “Initiative”) a North Carolina nonprofit corporation, having an address of 5800 Faringdon Place Raleigh, NC 27609, and the County of Cumberland, a body politic and corporate of the State of North Carolina and having an address of 245 Person Street, 2nd Floor, Fayetteville, NC 28301 (the “County”) (together known as the “Lenders”) and Bragg Hospitality, LLC, a North Carolina limited liability corporation, having an address of 308 Green Street, Suite 202, Box 13, Fayetteville, NC 28301 (the “Borrower”) (collectively all known as the “Parties”).

WHEREAS, the Parties entered into the certain agreement known as the “Intercreditor and Standstill Agreement” (“Agreement”) and executed the Agreement on July 29, 2010; and

WHEREAS, the purpose of the Agreement was to induce the Initiative to participate and contribute additional financing for the development of the property known as 3.66 Acres, North Bragg Boulevard, Fayetteville, NC; AND

WHEREAS, THE County, as consideration for the inducement, among other concessions, agreed to equal priority among the Lenders, the details of which are more specifically stated in the Agreement; AND

WHEREAS, the Lenders for the purpose of the public record have agreed to file this Memorandum as notice to all superior and subordinate debt holders now and in the future of said Agreement:

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged by the Parties, The Lenders and the Borrower make Notice to interested parties of the Agreement dated 29th day of July 2010 the terms of which are hereby incorporated by reference into this Memorandum.

RECOMMENDATION AND PROPOSED ACTION: Community Development staff recommends that the Board of Commissioners approve the attached Memorandum of Agreement and authorize James Martin, County Manager, to sign and execute the agreement.

F. Approval of Finance Committee Report and Recommendations:

BACKGROUND: The County received a second allocation of Qualified School Construction Bonds (QSCB's) under the American Recovery and Reinvestment Act (ARRA). This second allocation of \$14.8M will be used for construction of the Western Middle School. The Board of Education will receive bids late in October for consideration and approval in November. This debt will then be issued after approval by the Local Government Commission (LGC) on December 7, 2010.

Our Financial Advisor has been monitoring municipal market conditions for refunding opportunities. A current evaluation of the market indicates that we have two prior debt issues in the amount of \$44.5M that are eligible for refunding. The analysis shows potential savings of \$2.9M or 7% in net present value savings or approximately \$248,000 in annual savings through 2028. This refunding will replace the original 2008 debt issues for the Public Health Center and Grays Creek Middle School.

Management recommends combining the sale of the QSCB's with this refunding opportunity if market conditions remain favorable. Management will work closely with the County's Financial Advisor and communicate any major variations with this Committee.

Management will begin discussions immediately with the LGC. Since the complexity of this transaction has increased significantly with the refunding, the County needs to select the working group immediately and begin developing the official statement.

Management and the County Attorney recommend the following working group for this transaction:

Underwriting Team

Stephens, Inc. – Senior Manager

Wells Fargo -- Co-Manager

Jackson Securities, Inc. – Co-Manager

DEC Associates, Inc. -- Financial Advisor

Hunton and Williams -- Bond Counsel

The Charleston Group – Local Bond Counsel

We believe this transaction of approximately \$60M may be most efficiently marketed by an underwriting team comprised of three well-rounded, diversified teams that target different market segments. Stephens, Inc., founded in 1933, is a full-service, privately held investment bank focused on the middle market with selected large clients. Wells Fargo, with a large national presence, and Charlotte, NC Eastern headquarters, including its investment banking operations, brings additional institutional sales capacity and an extensive retail sales network. The final member of the team is Jackson Securities a firm headquartered in the South with strong municipal sales ability and a proven track record in North Carolina.

The role of a financial advisor is to solely represent the interests of the issuer (the County) in the sale or refunding of bonds. Additionally, our Financial Advisors provide ongoing guidance and information regarding the municipal market, credit rating agency updates, and general advice on financial issues. DEC Associates, Inc. has served the County well in all of these areas and was instrumental in leading the County through our bond rating upgrades in 2008 and 2009.

Additionally, Management recommends Hunton and Williams as the County's Bond Counsel for this transaction. Hunton and Williams has served the County well in the role of Bond Counsel for at least the last 12 years. The role of bond counsel is to render an opinion on the validity of the bond offering, security for the offering, and whether, and to what extent, interest on the bonds is exempt from income and other taxation. The Government Finance Officers Association (GFOA) offers the following criteria in evaluating firms proposing to serve as bond counsel; the experience of firm with financing of the issuer or comparable issuers, a determination that counsel can offer specialized tax advice and has knowledge of applicable federal securities laws and regulations, and primarily a firm with depth in resources specializing and practicing full time in the area of public finance law. Hunton and Williams is an international firm with 18 offices throughout the US, Europe, and Asia with a strong reputation in the public finance sector.

The bond work on the refunding and QSCB transactions will overlap the bond work for the Gray's Creek project. It will be helpful for staff to co-ordinate the work on these three transactions if all the bond work is done by the same bond counsel. Gray's Creek will not proceed unless the referendum passes. If the referendum does not pass, it is likely that the cost for the preliminary bond work on that project will be absorbed by Hunton & Williams. Staff believes this is likely because Hunton & Williams recently absorbed its cost of providing an opinion with respect to the feasibility of a Crown-hotel project with the current bond financing in place. It is also important to consider that the Fayetteville firm of Jonathon Charleston has requested to be considered as bond counsel for the Gray's Creek project.

The Finance Committee met on Thursday, October 7, 2010, to consider these matters and recommended approval of the below listed items.

RECOMMENDATION/PROPOSED ACTION:

- 1) Authorize Management to Proceed with Submitting an Application to the LGC for the QSCB's in the Amount of \$14.8M and the Refunding of Approximately \$44.5M Depending Upon Continued Analysis of Municipal Market Conditions.
- 2) Approve the working group as presented above.
- 3) Approve Hunton & Williams to Serve as Bond Counsel for the Gray's Creek Water & Sewer District for Continuity Since These Transactions Will Overlap to a Great Extent.

G. Approval of Report on the Destruction of County Records.

BACKGROUND: Pursuant to a resolution adopted by the Board of County Commissioners on February 4, 1985, the below County records have been authorized for destruction as noted below. The destruction of these records is in accordance with the Records Retention and Disposition Schedule issued by the North Carolina Division of Archives and History and adopted by the Board of County Commissioners.

1. Cumberland County Administration

- A. Board of Commissioner Agenda Packets – July 1, 1999 – July 30, 2008
(Original hard copy format)

Note Effective since June 5, 2006, complete agenda packets with backup have been scanned and will be kept permanently in the County Manager’s Office and are also available on the County’s Website. In addition, all electronic data is stored and accessible in an off-site facility in the event of a disaster.

- B. Administrative Correspondence – January 1995 – July 30, 2007

PROPOSED ACTION: Record the report in the Board’s official minutes.

H. Approval of Correction to Minutes.

BACKGROUND: On November 2, 2009, the Board approved the minutes from the October 19, 2009 Board of Commissioners’ regular meeting. However, under Item 3C and Item 3D, the minutes reflect an incorrect resolution for each item. The resolutions included in the minutes were “intent to close” resolutions for Deaver and Spruce Streets which were already approved on September 8, 2009. The correct resolutions which should have been used in the minutes were “resolutions closing” the listed roads. Please see below corrected resolutions.

RESOLUTION CLOSING OF A PORTION OF DEAVER CIRCLE

WHEREAS, a petition has been submitted to the Cumberland County Board of Commissioners (the “Board”) by an adjoining landowner to close a portion of Deaver Circle, in Cumberland County;

WHEREAS, following proper notice, the Board held a public hearing on the question of the closing of such street on the 19th day of October, 2009, and heard all interested persons who appeared with respect to whether the closing would be detrimental to the public interest or to any individual’s property rights; and

WHEREAS, following the public hearing the said Board found and determined that such public street is not under the control of the North Carolina Department of Transportation; that no person would be deprived of reasonable means of ingress and egress to his property by such closing, but that the reservation of certain easements would be appropriate and desirable; and that it is therefore not contrary to the public interest to close such street, subject to the reservation of the easements described below;

NOW THEREFORE, the Cumberland County Board of Commissioners hereby RESOLVES, pursuant to authority granted by G.S. 153A-241, that the public street more particularly described below be, and it is hereby, closed, subject, however to the continued dedication and preservation of an easement therein for existing and future utilities, and of an easement therein for public safety emergency vehicle access:

Beginning at an iron stake in the eastern edge of the right-of-way of Deaver Circle and in the northern boundary line of Village Green Associates Phase II (2750/557) and being the Southwest corner of parcel 0404-45-6313; thence North 7 degrees 2 minutes 8 seconds East 169.12 feet to the iron stake being the Northwest corner of said parcel; thence North 78 degrees 22 minutes 18 seconds West 60.18 feet more or less across Deaver Circle to the of the Eastern boundary line South 7 degrees 2 minutes 8 seconds West 175.00 feet to a point in the northern boundary line of Village Green Associates Phase II (2750/557); thence with said northern boundary line South 83 degrees 58 minutes 39 seconds East 60 feet to the beginning.

And the Board further RESOLVES, that a certified copy of this Resolution be recorded in the Cumberland County Registry.

Adopted this 19th day of October, 2009.

RESOLUTION CLOSING OF A PORTION OF SPRUCE STREET

WHEREAS, a petition has been submitted to the Cumberland County Board of Commissioners (the "Board") by an adjoining landowner to close a portion of Spruce Street, in Cumberland County;

WHEREAS, following proper notice, the Board held a public hearing on the question of the closing of such street on the 19th day of October, 2009, and heard all interested persons who appeared with respect to whether the closing would be detrimental to the public interest or to any individual's property rights; and

WHEREAS, following the public hearing the said Board found and determined that such public street is not under the control of the North Carolina Department of Transportation; that no person would be deprived of reasonable means of ingress and egress to his property by such closing, but that the reservation of certain easements would be appropriate and desirable; and that it is therefore not contrary to the public interest to close such street, subject to the reservation of the easements described below;

NOW THEREFORE, the Cumberland County Board of Commissioners hereby RESOLVES, pursuant to authority granted by G.S. 153A-241, that the public street more particularly described below be, and it is hereby, closed, subject, however to the continued dedication and preservation of an easement therein for existing and future utilities, and of an easement therein for public safety emergency vehicle access:

Beginning at the northeast corner of lot 32 Block H as shown on a plat of Southlawn, recorded in Plat Book 10, page 1 Cumberland County Registry. Thence with the eastern line of said lot South 0 degrees 14 minutes East 185 feet to the Southeast corner of said lot. Thence crossing Spruce Street North 89 degrees 46 minutes East 40 feet the southwest corner of lot 15 block I of the aforementioned plat. Thence with the western line of lot 15; North 0 degrees 14 minutes West 185 feet to the Northwest corner of lot 15. Thence crossing Spruce Street, South 89 degrees 46 minutes West 40 to the point and place of beginning.

And the Board further RESOLVES, that a certified copy of this Resolution be recorded in the Cumberland County Registry.

Adopted this 19th day of October, 2009.

RECOMMENDATION/PROPOSEDACTION: Approve corrections to resolutions included in the October 19, 2009 Board minutes.

- I. Approval of a Proclamation Recognizing October 24-30, 2010 as “Lead Poisoning Prevention Week” in Cumberland County.

BACKGROUND: Lead poisoning continues to be one of the most significant and preventable environmentally related health problems facing our children, families, and pregnant women in the United States. In order to increase awareness of the effects of lead poisoning in Cumberland County, a request is being made for the Board to proclaim October 24 – October 30, 2010 as Lead Poisoning Prevention Week in Cumberland County.

Lead Poisoning Prevention Week Proclamation

Whereas, nearly a quarter of a million children living in the United States have blood lead levels high enough to cause significant damage to their health; and

Whereas, one of the primary sources of lead exposure for children is lead-based paint, which can be found on interior and exterior surfaces of homes built before 1978; and

Whereas, lead poisoning continues to be one of the most significant and entirely preventable environmentally related health problems facing our children, families, and pregnant women nationwide; and

Whereas, the Cumberland County Community Development Department, in partnership with the Cumberland County Health Department, join the U.S. Department of Housing and Urban Development in its efforts to increase awareness of the hazards of lead poisoning by participating in Lead Poisoning Prevention Week.

Now, Therefore I, Billy R. King, by virtue of the authority vested in me as Chairman of the Cumberland County Board of Commissioners, do hereby proclaim:

The week of October 24 – October 30, 2010 as
Lead Poisoning Prevention Week

in Cumberland County, and urge all citizens to work together to combat the threat of lead poisoning.

In Witness Whereof, I have hereunto set my hand and caused the seal of Cumberland County, North Carolina to be affixed this 18th day of October, 2010.

RECOMMENDATION/PROPOSED ACTION: Community Development staff requests that the Board of County Commissioners proclaims October 24 – October 30, 2010 as Lead Poisoning Prevention Week.

J. Approval of a Proclamation Proclaiming Recognizing October 24-30, 2010 as “Red Ribbon Week” in Cumberland County.

2010 National Red Ribbon Campaign

WHEREAS, gun violence, alcohol, and drug abuse have been identified as significant dangers to young people and our communities today; and

WHEREAS, violence and substance abuse among the nation’s youth have emerged as some of the nation’s greatest threats to a healthy lifestyle among our young people; and

WHEREAS, the National Family Partnership for a Drug-free North Carolina and the C.A.R.E.S Coalition (Coalition for Awareness, Resources, and Education of Substances) are sponsoring the local Red Ribbon Campaign, October 24-30, 2010, which offers community members the opportunity to display their commitment to a drug-free lifestyle by wearing a red ribbon; and

WHEREAS, Local government, businesses, law enforcement, school systems, citizens, and students will express their commitment to a lifestyle free of youth substance usage by signing the Red Ribbon Pledge and by wearing a red ribbon during the campaign.

NOW, THEREFORE, the Board of Commissioners of Cumberland County PROCLAIMS the week of October 24-30, 2010 “Red Ribbon Week” and encourages all citizens to take active roles in preventing substance abuse and gun violence among youth in our communities during these dates and indeed, throughout the year.

Adopted this 18th day of October, 2010

K. Budget Revisions:

(1) Health

- a. Maternity Clinic - Revision in the amount of \$6,000 to appropriate Health Department fund balance to fund OB/GYN medical provider. (B11-141) Funding Source – Health Department Fund Balance
- b. Family Planning – Revision in the amount of \$71,000 to appropriate Health Department fund balance (\$65,600) and to reallocate expenditures (\$5,400) to fund the cost of a medical provider. (B11-149) Funding Source – Health Department Fund Balance, Reallocation of Budgeted Expenditures
- c. Child Health Clinic – Revision in the amount of \$4,800 to appropriate Health Department fund balance to fund the cost of a medical provider and clerical staff. (B11-150) Funding Source – Health Department Fund Balance
- d. Immunization Clinic – Revision in the amount of \$10,600 to appropriate Health Department fund balance to fund a contract for a temporary clerical employee. (B11-151) Funding Source – Health Department Fund Balance

(2) Social Services

Revision in the amount of \$746,961 to recognize additional federal funding for Crisis Intervention and Energy Program. (B11-152) Funding Source – Federal

(3) Location Services

Revision in the amount of \$80,130 to recognize funding for additional sign replacement and installation on Ft. Bragg. (B11-140) Funding Source – Fees

(4) Mental Health

- a. Substance Abuse Contracts/Social Services – Revision in the amount of \$1,668 to increase the transfer from Mental Health to fully fund two positions in Social Services. (B11-142 and B11-142A) Funding Source – Reallocation of Budgeted Expenditures
- b. Treatment Alternative to Street Crime – Revision in the amount of \$42,592 to reconcile with state budget and reduce fund balance appropriated. (B11-155) Funding Source – State, Mental Health Fund Balance

- c. Developmental Disabilities Contracts – Revision in the amount of \$453,809 to reconcile with state budget and reduce fund balance appropriated. (B11-156) Funding Source – State, Mental Health Fund Balance
- d. Adult Homeless – Revision in the amount of \$49,070 to reconcile with state budget, reduce fund balance appropriated and add new Benefits Specialist position. (B11-157) Funding Source – State, Mental Health Fund Balance
- e. Substance Abuse Contracts – Revision to reconcile with state budget and appropriate Mental Health fund balance of \$88,740. (B11-158) Funding Source – State and Mental Health Fund Balance
- f. Child Contracts – Revision in the amount of \$10,119 to reconcile with state budget and appropriate Mental Health fund balance. (B11-159) Funding Source – State and Mental Health Fund Balance
- g. Adult Contracts – Revision in the amount of \$43,893 to reconcile with state budget and reduce fund balance appropriated. (B11-160) Funding Source – State and Mental Health Fund Balance
- h. Mental Health Department – Revision in the amount of \$195,329 to reconcile with state budget and reduce fund balance appropriated. (B11-161) Funding Source – State and Mental Health Fund Balance

(5) Workforce Development

- a. Administration Stimulus – Revision in the amount of \$49,202 to re-budget stimulus funds from FY2010 for personnel and operating costs. (B11-153) Funding Source - Federal
- b. Senior Aides Consolidation Appropriations Act – Revision in the amount of \$30,000 to budget Digital Inclusion Program Grant. (B11-154) Funding Source – Federal

(6) Juvenile Crime Prevention Program

- a. Revision in the amount of \$14,856 to appropriate fund balance to pay FY2010 invoice and adjust final payout based on actual expenditures. (B11-105) Funding Source- Juvenile Crime Prevention Fund Balance
- b. Revision in the amount of \$95,000 to budget Intensive Services Grant. (B11-163) Funding Source - Grant

(7) General Government Other

Revision in the amount of \$3,375,000 to appropriate designated Hope VI fund balance to fund ongoing City/County/PWC project. (B11-162)
Funding Source – Fund Balance Appropriated

MOTION: Commissioner Council moved to approve consent agenda items 2.A. through 2.K.7.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS

3. Public Hearings

These are the advertised public hearings set for this date and time.

A. Public Hearing on Proposed Economic Development Incentive Agreement for Strategic Solutions Unlimited, Inc.

BACKGROUND: At its September 7, 2010, the Board directed the publication of notice of a public hearing to consider the terms of an economic development incentive agreement between the county and Strategic Solutions Unlimited Inc. pursuant to the joint city-county economic development incentives policy. It may not be appropriate to disclose the parcel identification and start and completion date until the time of the public hearing so those items may have been left blank. The proposed terms relating to the provision of incentives are as follows:

- (1) The Developer/Owner of the Project shall be Strategic Solutions Unlimited Inc., a North Carolina incorporated company managed by Dr. Tony Martin.
- (2) The Project shall consist of the interior demolition, design, construction, and change of occupancy and utilization of 8567 sq. ft. of existing structure located at 225 Gray Street, PIN # 0437-87-1651 in the City of Fayetteville, NC.
- (3) Project commencement and completion will determined at a later date.
- (4) Once completed, the Project shall provide at least 50 new, full-time jobs at an average wage that is above the median wage for Cumberland County as reported by the North Carolina Department of Commerce through its EDIS data for Community Demographics for Cumberland County for the most recent year available.
- (5) The jobs created by the Project shall, at a minimum, provide partial employer-paid health insurance benefits, retirement benefits, profit sharing benefits, and employer-paid vacation benefits.
- (6) Once completed, the Project shall provide new, full-time jobs for at least 25 existing Cumberland County residents.
- (7) Once up-fit is completed and during its first full year of operations, the Project shall consist of capital investment that shall have an assessed tax value for new improvements to the real property and furniture, fixtures and equipment in an amount of at least 1.09 Million Dollars (\$1,089,000). The Project shall maintain this level of

capital investment for the first five years of operation, subject to reasonable and customary reductions for depreciation or depletion.

(8) Provided that the Project is completed in accordance with the conditions stated above; maintains the jobs stated above; maintains the capital investment stated above; and timely pays all its assessed property taxes and sales taxes the County shall make a direct cash incentive grant to the record owner of the Project on an annual basis for five (5) years, on or before March 1 of each year commencing in the year following the first full year the Project has been open for business as follows:

- (i) First payment shall be 50% of the amount of the increased property taxes actually paid by the Project on the capital investment for its first full year of operations;
- (ii) Second payment shall be 50% of the amount of the increase in property taxes actually paid by the Project on the capital investment for its second full year of operations;
- (iii) Third payment shall be 50% of the amount of the increase in property taxes actually paid by the Project on the capital investment for its third full year of operations;
- (iv) Fourth payment shall be 50% of the amount of the increase in property taxes actually paid by the Project on the capital investment for its fourth full year of operations;
- (v) Fifth payment shall be 50% of the amount of the increase in property taxes actually paid by the Project on the capital investment for its fifth full year of operations.

(9) If at any time the Project should fail to meet any of the above stated obligations with respect to job creation or capital investment, or should the Project or its record owner declare bankruptcy, be adjudicated bankrupt, or be determined to be insolvent in any judicial proceeding or by any judicial process, then the obligation of County to make the cash incentive grants shall terminate and County shall have no further obligation to the Project.

RECOMMENDATION: Approve and authorize the Chairman to execute the described economic development incentive agreement between the county and Strategic Solutions Unlimited Inc.

The Chairman opened the Public Hearing

No Speakers

The Chairman closed the Public Hearing.

MOTION: Commissioner Council moved to approve and authorize the Chairman to execute the described economic development incentive agreement between the county and Strategic Solutions Unlimited, Inc.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

B. Public Hearing for the Brooklyn Circle Waterline Extension Project and to Confirm the Final Assessment Roll.

BACKGROUND: The Board of Commissioners at their September 20, 2010 meeting adopted a Preliminary Assessment Roll and scheduled a Public Hearing for the Brooklyn Circle Waterline Extension Project to hear all interested persons who appear with respect to the Preliminary Assessment Roll. On Friday, October 8, 2010, a notice was published in the Fayetteville Observer Newspaper informing the public of the date, time and place of the Public Hearing, as well as, informing the public that the assessment roll is available in the clerk's office for inspection. On Wednesday, October 6, 2010, a notice of the Public Hearing was mailed to each property owner listed on the roll, with certification from the Communications Center that the notice was mailed by first-class mail.

Parcel Number	Owner Name	Owner Address	City, State Zip	Situs Address	Assessment per Lot
0424-20-5604-	HULON, SYLVIA K	226 BROOKLYN CIR	HOPE MILLS, NC 28348-2550	226 BROOKLYN CIR	\$ 2,897.15
0424-20-4356-	CAIN, GERALDINE G LIFE ESTATE	5546 FOX RIDGE RD	HOPE MILLS, NC 28348-2806	241 BROOKLYN CIR	\$ 2,897.15
0424-20-6410-	KOSTRO, LINDA IRENE & HUSBAND LECH R	225 BROOKLYN CIR	HOPE MILLS, NC 28348-2549	225 BROOKLYN CIR	\$ 2,897.15
0424-30-6613-	RIDGEN, JANET JOHNSON & HUSBAND JOHN THOMAS	114 BROOKLYN CIR	HOPE MILLS, NC 28348-2502	132 BROOKLYN CIR	\$ 2,897.15
0424-20-8491-	FELTON, WESLEY L & WIFE ELEANOR B	201 BROOKLYN CIR	HOPE MILLS, NC 28348-2549	201 BROOKLYN CIR	\$ 2,897.15
0424-30-4745-	RIDGEN, JOHN THOMAS & WIFE JANET JOHNSON	114 BROOKLYN CIR	HOPE MILLS, NC 28348-2502	114 BROOKLYN CIR	\$ 2,897.15
0424-20-7385-	COOK, VIRGIE MAE KINLAW	234 VINELAND DR	FAYETTEVILLE, NC 28306-3339	200 HULON ST	\$ 2,897.15
0424-20-9672-	CALVARY HOUSE OF PRAYER INC	501 BROOKLYN CIR	HOPE MILLS, NC 28348-2555	4651 CALICO ST	\$ 2,897.15
0424-30-2652-	BUIE, LINDA H & HUSBAND DANNY L	150 BROOKLYN CIR	HOPE MILLS, NC 28348-2501	150 BROOKLYN CIR	\$ 2,897.15
0424-20-3395-	CAIN, ROBERT WILLIAM	245 BROOKLYN CIR	HOPE MILLS, NC 28348-2549	245 BROOKLYN CIR	\$ 2,897.15
0424-20-3741-	BAIN, LAVERNE M	238 BROOKLYN CIR	HOPE MILLS, NC 28348-2550	238 BROOKLYN CIR	\$ 2,897.15
0424-30-0411-	HOLLOMAN, B J & WIFE	185 BROOKLYN CIR	HOPE MILLS, NC 28348-2501	185 BROOKLYN CIR	\$ 2,897.15
0424-20-5318-	HULON, EDNA PAULINE DEUTSCHE BANK	233 BROOKLYN CIR	HOPE MILLS, NC 28348-2549	233 BROOKLYN CIR	\$ 2,897.15
0424-20-2391-	NATIONAL TRUST TRUSTEE	1270 NORTHLAND DR SUITE 200	HEIGHTS, MN 55120-1072	255 BROOKLYN CIR	\$ 2,897.15
0424-30-1402-	EDWARDS, KEVIN L & WIFE GLENTREECE M	5827 OAK FOREST CT	INDIAN HEAD, MD 20640-3735	173 BROOKLYN CIR	\$ 2,897.15
0424-10-	PORTER, KENNETH W &	PO BOX 884	HOPE MILLS,	309 PORTER RD	\$ 2,897.15

9106-	WIFE EVELYN F SCHMIDT, CHRISTOPHER		NC 28348-0884		
0424-30- 1474-	MARK & WIFE AMY FULLERTON	169 BROOKLYN CIR	HOPE MILLS, NC 28348-2501	169 BROOKLYN CIR	\$ 2,897.15
0424-30- 4652-	SMITH, MAGALENE J	140 BROOKLYN CIR	HOPE MILLS, NC 28348-2502	140 BROOKLYN CIR	\$ 2,897.15
0424-20- 5881-	COTTON VOLUNTEER FIRE DEPARTMENT INC	PO BOX 129	HOPE MILLS, NC 28348-8428	4618 CALICO ST	\$ 2,897.15

RECOMMENDATION: The Utilities Department and County Management recommend that the Board of Commissioners confirm the Final Assessment Roll.

The Chairman opened the Public Hearing

No Speakers

The Chairman closed the Public Hearing.

MOTION: Commissioner Edge moved to confirm the Final Assessment Roll as presented.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS

Uncontested Cases

Rezoning

- C. Case P10-39: Rezoning of 2.07+/- acres from R40 Residential and A1 Agricultural to R40A Residential, or to a more restrictive zoning district, located at 5998 and 5960 Percy Strickland Road, submitted by Bonnie B. Miller (owner).

The Planning Board recommends approval of R40A Residential district as recommended by staff.

The Chairman opened the Public Hearing

No Speakers

The Chairman closed the Public Hearing.

MOTION: Commissioner Council moved to approve R40A Residential district for Case P10-39 as recommended by the Planning Board.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

Minimum Housing Code Enforcement

D. Case Number: MH6145-2010
Property Owner: Ellen Oakes Bill
Property Location: 3983 Canal Street, Linden, NC
Parcel Identification Number: 0562-77-7621

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 6145-2010.

Property Owner: Ellen Oakes Bill
Home Owner: Ellen Oakes Bill
Property Address: 3983 Canal Street, Linden, NC
Tax Parcel Identification Number: 0562-77-7621

SYNOPSIS: This property was inspected on 3/17/2010. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 4/15/2010. Ellen O. Bill attended the Hearing via telephone. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 7/15/2010. 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 9/10/2010 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$30,000.00. 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

Speaker: After being sworn in by the Clerk, Ellen Oakes Bill, 4424 Oakmont Circle, Fayetteville, NC, appeared in opposition, stating the requested repairs to this trailer had not been done during the summer due to the heat as there is no electricity to provide cooling of it, her financial difficulties and her health. She requested additional

time as she has spoken to a contractor, but they will not be able to start making the needed repairs until after Thanksgiving. The trailer will be used for recreational purposes when repaired. In answer to questions from Commissioners, Mr. Hatcher advised the property has been under inspection since March of this year and the proper permits can be acquired if it is repaired but no progress has been made since his last visit. In response to a question from Commissioner Keefe, Ms. Bill stated she feels she can have it repaired for less than what the trailer is valued, but Mr. Hatcher stated he believes the repairs will cost more than what Ms. Bill has been quoted from her contractor. After further discussion, it was agreed that a 90-day extension would be sufficient time to make the needed repairs. Commissioner Edge requested Mr. Hatcher ensure Ms. Bill understands what permits/requirements will be needed in order to meet the repair deadline.

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

MOTION: Commissioner Melvin moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case and to order the property owner to rehabilitate the property within 90 days. To order the Inspector to rehabilitate the property or 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. 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 King

VOTE: UNANIMOUS

ITEMS OF BUSINESS

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

Mr. Peters distributed a recap of the Economic Development Group Year End Dashboard Report of the fiscal year 2009-2010 and presented a power point presentation on the 1st Quarter report for fiscal year 2010-2011 with the following highlights for the five Economic Development Dashboard Targets:

Investments:

New, taxable community investments - \$60,779,640
Industry/Commodity investments value - \$43,942,240

Job Creation:

Newly created jobs – 411
Direct impact job creation – 411
Indirect & induced job creation – 83
Newly created jobs – 494

Mr. Peters presented a breakdown of the jobs created as follows:

Company	Industry	Direct Jobs
Embassy Suites	Hotels & Accommodations	160
Food Lion (Bingham Rd)	Retail: Food & Beverage	73
Food Lion (Waldo's Beach Rd)	Retail: Food & Beverage	96
Advanced Auto (Ramsey St)	Retail: Motor Vehicle & Parts	17
Shell/Dairy Queen (Camden Rd)	Retail: Gasoline & Other	15
SSU (Existing Industry/Mil. Cont.)	Training	50
1st Quarter Direct Impact Totals		411

Retention Visits (Existing Industry):

Total visits – 16 (2 military contractors; 1 call center; 13 industry)
 Synchronist Report included feedback from visits on various topics. It was noted there were three companies in jeopardy of leaving the County.

Contacts:

Total contacts – 69 (includes direct, initiated and inquiries/prospects)

National Marketing Placements:

Total placements – 10

Breakdowns were provided for the following categories which are affected by the economic impacts generated by the new, taxable community investments, as well as the existing industry expansion investments: employee compensation, personal income, disposable income, gross collections, taxable retail sales, business tax, Cumberland County Tax Revenue and City of Fayetteville Tax Revenue. Annual tax revenue combined for the county and the city for the first quarter stands at \$115,936.08.

Projects in the Pipeline – 27 projects with a total investment value of \$836,800,000 and 6,767 total job creations.

Mr. Peters responded to questions from the Board regarding information provided in the report and offered to discuss any of the items in detail at another time if requested. Commissioner Keefe requested information be supplied to the Board on any figures the Chamber has on the number of veteran owned businesses in the county and Commissioner Melvin asked for information on the number of job opportunities that are being created in the community be made available to the citizens.

Vice-chairman Edge noted that the Food Lion grocery store identified at Bingham Road was actually being built on Rockfish Road.

5. Nominations to Boards and Committees
 - A. Cumberland County Local Emergency Planning Committee (1 Vacancy)

Background: The Cumberland County Local Emergency Planning Committee has the following upcoming vacancy on November 30, 2010:

First Aid Representative – Kevin Brunson is completing an unexpired term and is eligible for reappointment.

Commissioner Melvin nominated Kevin Brunson.

B. Human Relations Commission (1 Vacancy)

Background: The Human Relations Commission will have the following vacancy on December 1, 2010:

Elvin McNeill is completing his first term. Recommendation of the Human Relations Commissioner is that Elvin McNeill not be considered for reappointment due to non-attendance and that Roger “Bryan” Wright be considered to fill the upcoming vacancy.

Commissioner Melvin nominated Roger “Bryan” Wright.

C. Senior Citizens Advisory Committee (4 Vacancies)

Background: The Board of Commissioners at their September 7, 2010 meeting reappointed Mary Rizer to serve a first full term on the Senior Citizens Advisory Committee. Ms. Rizer was unable to accept the reappointment. The Senior Citizens Advisory Committee will also have three upcoming vacancies on November 30, 2010:

Eleanor Ayers Hairr, George Hatcher and Kristine Wagner are completing second terms and are not eligible for reappointment.

No nominations made. This item will be rolled to a future agenda.

6. Appointments to Boards and Committees

A. Cumberland County Public Library Board of Trustees (2 Vacancies)

Nominees: Susan Mills
Willie Wright (Reappointment)

B. Human Relations Commission (1 Vacancy)

Nominee: Sandra Mitchell

MOTION: Commissioner Edge moved to appoint all nominees in Items 6.A. through 6.B.

SECOND: Commissioner Faircloth
VOTE: UNANIMOUS

MOTION: Commissioner Faircloth moved to adjourn.
SECOND: Commissioner Council
VOTE: UNANIMOUS

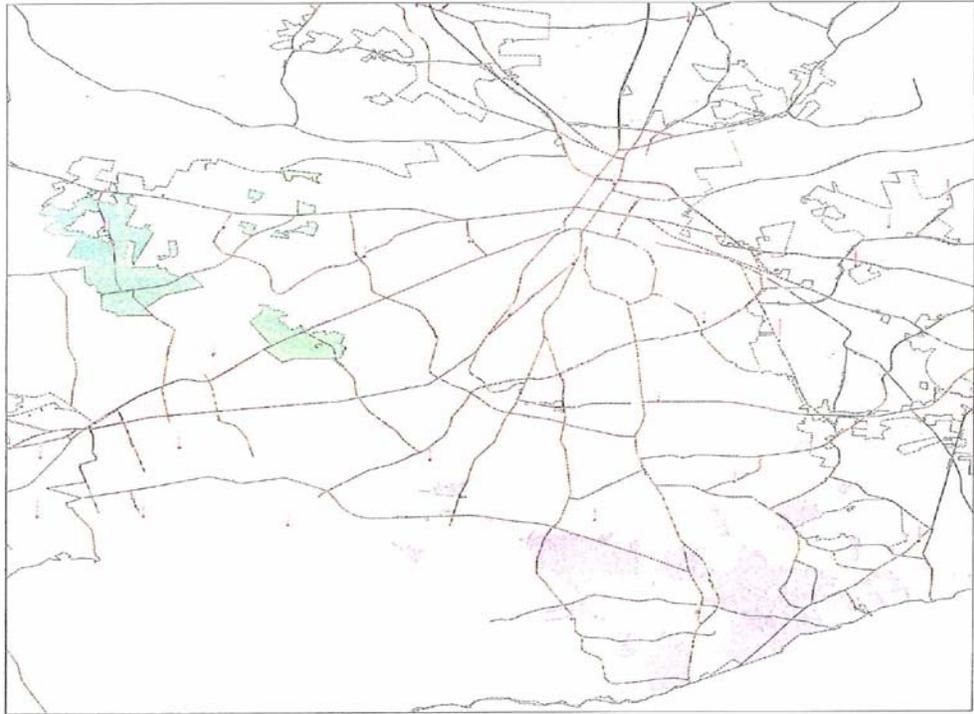
There being no further business, the meeting adjourned at 8:03 p.m.

Approved with/without revision:

Respectfully submitted,

Marie Colgan
Clerk to the Board

ATTACHMENT A



Southville Park East, 2014
FOR INSURANCE PURPOSES ONLY

MapScale: 1:1000
Date: 1/1/2014

ATTACHMENT B

