

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, AUGUST 6, 2012 – 9:00 AM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING
MINUTES

PRESENT: Commissioner Marshall Faircloth, Chairman
Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner Charles Evans
Commissioner Jimmy Keefe
Commissioner Billy King
Commissioner Ed Melvin
James Martin, County Manager
Amy Cannon, Deputy County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Communication and Strategic Initiatives Manager
Karen Long, Crown Coliseum General Manager
Jeffrey Thompson, County Engineer
Bobby Howard, Solid Waste Director
Kristine Wagner, Cumberland County Transportation Program
Director
Sylvia McLean, Community Development Finance Officer
Doug Peters, Fayetteville/Cumberland County Chamber of Commerce
President
Russ Rogerson, Fayetteville/Cumberland County Chamber of Commerce
Executive Vice President for Economic Development
Catherine Johnson, Fayetteville/Cumberland County Chamber of
Commerce Existing Industry Manager
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board

Chairman Marshall Faircloth called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE – Chairman Faircloth provided the invocation followed by the Pledge of Allegiance to the American Flag.

Recognition of Commissioner Jeannette Council: Elected as Secretary to the Women of NACo (WON) at the Annual NACo Conference in Pittsburgh, PA in July 2012

Commissioner Edge recognized Commissioner Jeannette Council who was elected to serve as a member of the Women of NACo Leadership Network (WON) during the annual National Association of Counties Conference.

Commissioner Edge stated WON is comprised of elected and appointed women county officials and affiliate members. WON is a Caucus Affiliate

of the NACo and was established in 1975 to improve effectiveness of women officials both at home and within NACo by offering a network of support, encouragement, experience and unity. Commissioner Edge explained the mission of WON is to enhance the effectiveness of female county officials and engage women officials in seeking leadership positions in their communities and within NACo. Commissioner Edge further explained as its vision, WON seeks to be an organization that offers female county officials the best possible opportunity to further their participation in NACo and to assist women in their efforts to be effective leaders in all arenas of the political process.

Commissioner Edge stated WON serves as a communications network and issues forum for women county officials and additionally:

- organizes special programs, workshops and other events at NACo conferences;
- sponsors speakers to address issues and strategies that are of concern to women officials;
- continually seeks partnerships with communities, government organizations at all levels, and other groups, to improve its effectiveness in issues of concern to its members;
- recognizes women for their outstanding leadership and service; and
- sponsors special award and scholarship programs for promising young women who will be tomorrow's leaders.

Commissioner Edge stated WON's goals include:

- employing a unified voice to increase the influence of women members of NACo
- helping women improve their effectiveness as public officials urging women to seek offices and positions of responsibility within NACo and at all levels of government; and
- supporting equal opportunities for women in the political process.

Commissioner Council stated she will continue to represent Cumberland County and North Carolina through the NACo organization. Chairman Faircloth provided congratulations to Commissioner Council on behalf of the Board, and also spoke to Commissioner Edge's service as President of the National Association of County Commissioners (NACCC) and Commissioner Kings past service on the NACo Board of Directors.

James Martin, County Manager, requested amendments to the agenda to include the removal of Item 2.D from the consent agenda for later discussion in closed session and the addition of a closed session for personnel matters pursuant to NCGS 143-318.11(a)(6) as Item 10.B.

1. Approval of Agenda

MOTION: Commissioner Council moved to approve the agenda as amended.
SECOND: Commissioner King
VOTE: UNANIMOUS (7-0)

2. Consent Agenda

- A. Approval of minutes for the June 11, 2012 and June 12, 2012 special meetings for budget work sessions; June 18, 2012 regular meeting, and July 3, 2012, July 10, 2012 and July 26, 2012 special meetings for iPad training.
- B. Approval of Tax Collector's Preliminary Report and Proposed Annual Settlement for FY12

BACKGROUND:

North Carolina General Statutes, Section 105-373 requires the Tax Collector of Cumberland County after the 1st day of July of each year to render a preliminary report to the Board of County Commissioners concerning persons whose tax liabilities remain unpaid and to propose an annual settlement of taxes charged to him for collection for the past year. The Tax Collector has submitted such preliminary report and proposed settlement. The preliminary report consists of (i) a list of persons owning real property whose taxes for the tax year of 2010-2011 remain unpaid, (ii) a list of the persons not owning real property whose taxes for the year 2010-2011 remain unpaid (the proposed insolvent list), and (iii) a statement under oath by the Tax Collector that he has made diligent efforts to collect such taxes. The proposed settlement consists of the amounts of taxes with which the Tax Collector has been charged for the year and the amounts of credits against such charges, the real and personal property tax balance is charged to the forthcoming tax year.

RECOMMENDATIONS/PROPOSED ACTION: The statute requires the Board to review the preliminary report, determine the insolvent list to be entered into the minutes, credit the Tax Collector with the insolvent list and make a settlement, i.e., approve or correct the proposed settlement. The Legal Department has reviewed for legal sufficiency. The proposed action is that the Board adopts the resolution in Exhibit D below:

EXHIBIT D

Resolution accepting preliminary report of the Tax Collector, crediting the insolvent list, and approving proposed annual settlement.

Whereas, North Carolina General Statutes, Section 105-373, requires the Tax Collector of Cumberland County after the 1st day of July of each year to render a preliminary report to the Board of County Commissioners concerning persons whose tax liabilities remain unpaid and to propose an annual settlement of taxes charged to the Tax Collector for collection for the past ten years; and

Whereas, the Tax Collector has submitted such preliminary report and proposed settlement.

Now therefore, the Board of Commissioners of Cumberland County hereby resolves:

1. That the preliminary report of the Tax Collector of Cumberland County, consisting of (i) a list of persons owning real property whose taxes for the year 2010-2011 remain unpaid and the principal amount owned by each person; (ii) a list of the persons not owning or who have not listed real property whose taxes for the tax year 2010 - 2011 remain unpaid and the principal amount owned by each person (the proposed insolvent list) and (iii) a statement under oath by the Tax Collector that he has made diligent efforts to collect such taxes, be and it hereby is, accepted;
2. That the Board hereby finds that the persons in the list of those that do not own or have not listed real property are insolvent as that term is used in G.S. 105-373, directs that the list of such person be entered into the minutes of the meeting of the Board as the insolvent list, and further directs that the amounts in such list be, and hereby are, credited to the Tax Collector in his annual settlement;
3. That the proposed settlement of the Tax Collector, appended hereto, for taxes in his hands for collection for the tax year 2010 - 2011, be and it hereby is, approved and that he be, and thereby is, charged with the amounts set forth in the settlement under the heading "Charges" and credited with the amounts set forth in the settlement under the heading "Credits".

COUNTY SETTLEMENT

June 30, 2012

Charge:

Real and Personal Charge 2011	\$ 154,840,279.66
Vehicles Charge 2011	\$ 16,899,234.92
Added Charge Real & Personal 2011	\$ 1,791,411.96
Added Charge Vehicles 2011	\$ 39,152.60
Solid Waste 2011	\$ 4,847,808.00
Added Solid Waste 2011	\$ 480.00
Total Tax Interest	\$ 919,445.16
Added Charge Advertising Cost 2011	\$ 53,262.00
County Demolition Fee	\$ 16,227.71
Interest Collected County Demolition	\$ 2,184.11
Certified Mail Fee Collected	\$ 6,088.84
Garnishment Fee Collected	\$ 257,744.30
Return Check Processing Fee Collected	\$ 25.00
Worthless Check Penalty Collected	\$ 16,839.58
Legal Fees	\$ 1,914.34
Prepared Food & Beverage Tax Collected	\$ 5,495,798.04
Prepared Food & Beverage Tax Collected Interest & Penalty	\$ 62,566.24
Room Occupancy Tax Collected	\$ 4,937,480.63
Room Occupancy Tax Collected Interest & Penalty	\$ 15,072.52
County Gross Receipts Vehicle Tax Current Year	\$ 546,587.46
County Gross Receipts Vehicle Tax Interest & Penalty	\$ 10.00
County Heavy Equipment Rentals	\$ 155,263.46
County Heavy Equipment Rentals Interest	\$ -

Windridge Water Extension Project	\$ 11,714.01
Windridge Water Extension Project Interest	\$ 1,230.40
Lake Upchurch Dam Assessment	\$ 108,338.55
Lake Upchurch Dam Assessment Interest	\$ 37,259.63
Brooklyn Circle Water Extension Assessment	\$ 20,677.19
Brooklyn Circle Water Extension Assessment Interest	\$ 1,978.98
Cedar Creek Rd Water Extension	\$ 18,542.01
Cedar Creek Rd Water Extension Interest	\$ 2,539.14
Adjustment - Advertising Beginning Balance Booked	\$ 46,754.58
	\$ 191,153,911.02

Credits:

Deposit with Finance	\$ 183,323,838.03
Advertising Cost Deposited with Finance	\$ 44,218.64
Interest Deposited with Finance	\$ 1,042,286.18
Real & Personal Releases Allowed	\$ 828,400.00
Vehicles Releases Allowed	\$ 1,464,932.69
Solid Waste Releases Allowed	\$ 1,536.00
Total Discount Allowed	\$ -
Real & Personal Balance	\$ 1,541,320.26
Advertising Cost Balance	\$ 55,797.94
Vehicle Balance	\$ 2,767,048.32
Solid Waste Balance	\$ 84,532.96
Adjustment	\$ -
	\$ 191,153,911.02

Charge:

Real & Personal Balance 2010	\$ 1,713,709.36
Vehicle Balance 2010	\$ 2,594,721.91
Solid Waste Balance 2010	\$ 82,545.82
County Gross Receipts Vehicle Tax 1st Year Prior 2010	\$ -
Prepared Food & Beverage Tax All Prior	\$ 56,064.20
Room Occupancy Tax Collected All Prior	\$ 106,626.87
Real & Personal Balance 2009	\$ 366,006.48
Vehicle Balance 2009	\$ 588,168.69
Solid Waste Balance 2009	\$ 16,895.16
Real & Personal Balance 2008 & Prior	\$ 1,382,321.13
Vehicle Balance 2008 & Prior	\$ 3,776,822.81
Solid Waste Balance 2008 & Prior	\$ 26,016.74
2000 & Prior Taxes Collected After Being Barred	\$ 2,117.64
	\$ 10,712,016.81

Credits:

Real & Personal Collected 2010	\$ 1,210,465.69
Vehicles Collected 2010	\$ 1,773,698.27
Solid Waste Collected 2010	\$ 61,214.90
County Gross Receipts Vehicle Tax 1st Year Prior 2010	\$ -
Prepared Food & Beverage Tax All Prior	\$ 56,064.20
Room Occupancy Tax Collected All Prior	\$ 106,626.87
Real & Personal Collected 2009	\$ 141,967.52
Vehicles Collected 2009	\$ 79,617.97
Solid Waste Collected 2009	\$ 8,780.57
Real & Personal Collected 2008 & Prior	\$ 123,355.28
Vehicles Collected 2008 & Prior	\$ 123,896.25
Solid Waste Collected 2008 & Prior	\$ 6,610.52
Real & Personal Releases Allowed 2010	\$ 17,942.51
Vehicle Releases Allowed 2010	\$ 264,473.50
Solid Waste Releases Allowed 2010	\$ 144.00
Real & Personal Releases Allowed 2009	\$ 1,340.84
Vehicle Releases Allowed 2009	\$ 22,134.85
Solid Waste Releases Allowed 2009	\$ 48.00
Real & Personal Releases Allowed 2008 & Prior	\$ 1,274.34
Vehicle Releases Allowed 2008 & Prior	\$ 24,928.05
Solid Waste Releases Allowed 2008 & Prior	\$ -
2000 & Prior Taxes Collected After Being Barred	\$ 2,117.64
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	\$ 4,026,701.77

Taxes Barred by Statute: 2001

Real Property	\$ 19,350.76
Personal	\$ 115,318.83
Vehicles	\$ 462,015.55
Public Service	\$ -
Solid Waste Fees	\$ 1,518.81
Advertising	\$ 765.18
Credit for Five Year & Prior Insolvents	\$ -
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	\$ 598,969.13

Balance Prior Years Taxes:

Real & Personal Balance 2010	\$ 485,301.16
Vehicles Balance 2010	\$ 556,550.14
Solid Waste Balance 2010	\$ 21,186.92
Real & Personal Balance 2009	\$ 222,698.12
Vehicles Balance 2009	\$ 486,415.87
Solid Waste Balance 2009	\$ 8,066.59
Real & Personal Balance 2008 & Prior	\$ 1,122,256.74
Vehicles Balance 2008 & Prior	\$ 3,165,982.96
Solid Waste Balance 2008 & Prior	\$ 17,887.41
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	\$ 6,086,345.91

TOTAL CREDITS:**\$ 10,712,016.81****Summary of 2001 Real/Personal & Vehicles Taxes to be Barred**

	Vehicles	Personal	Real	Public Service	Fees	Total
County	462,015.55	115,318.83	19,350.76	-	0.00	596,685.14
County Pets	0.00	0.00	0.00	-	1,222.00	1,222.00
Fayetteville	128,050.84	17,884.44	1,522.10	-	0.00	147,457.38
Revit	47.88	15.06	-	-	0.00	62.94
Fayetteville Vehicle Fee	19,159.47	-	-	-	0.00	19,159.47
Hope Mills	7,079.55	1,751.95	-	-	0.00	8,831.50
Hope Mills Vehicle Fee	1,565.30	-	-	-	0.00	1,565.30
Hope Mills Pets	-	-	-	-	15.00	15.00
Spring Lake	12,863.22	1,884.39	-	-	0.00	14,747.61
Stedman	231.63	-	-	-	0.00	231.63
Stedman Vehicle Fee	60.00	-	-	-	0.00	60.00
Godwin	44.41	-	-	-	0.00	44.41
Wade	177.82	-	4.70	-	0.00	182.52
Falcon	60.03	-	-	-	0.00	60.03
Linden	57.92	19.95	-	-	0.00	77.87
Eastover	-	-	-	-	0.00	-
Solid Waste User Fee	-	-	-	-	1,518.81	1,518.81
Storm Water Fee	-	-	-	-	549.91	549.91
Advertising Fee	-	-	-	-	765.18	765.18
Total	<u>631,413.62</u>	<u>136,874.62</u>	<u>20,877.56</u>	<u>-</u>	<u>4,070.90</u>	<u>793,236.70</u>

TA500 MR VEHICLES	631,413.62
TA500 MR CC	161,823.08
TA500 MR PS	<u>0.00</u>
	793,236.70

C. Approval of FY13 Tax Charge to the Tax Collector

BACKGROUND:

In accordance with NCGS 105-321(b) before delivering the tax receipts to the Tax Collector in any year, the Board of County Commissioners shall adopt and enter into its minutes an order directing the Tax Collector to collect the taxes charged in the tax records and receipts.

RECOMMENDATION/PROPOSED ACTION:

A copy of the order must be delivered to the Collector at the time the tax receipts are delivered to him. The proposed action is that the Board approves the levy and charges the Collector with the responsibility to collect the taxes.

M E M O R A N D U M

TO: Aaron Donaldson, Tax Administrator

FROM: Board of County Commissioners

DATE: August 6, 2012

RE: FY13 Tax Charge

State of North Carolina

County of Cumberland and all Municipalities through Inter-Local Agreement

To the Tax Collector of the County of Cumberland and Municipalities through Inter-Local Agreement.

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of Tax Administration and in the tax receipts herewith delivered to you, in the amounts and from taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Cumberland and Municipalities through Inter-Local Agreement, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this 6th day of August, 2012.

2012-2013 Levy

AUTHORITY	CC LEVY	LATE LIST	PUBLIC SERVICE	PUBLIC SERVICE LATE LIST	CC LEVY & PUBLIC SERVICE LEVY	TOTAL CC LEVY, PS LEVY & LATE LIST
BEAVER DAM	113,116.24	114.91			113,116.24	113,231.15
BETHANY	175,250.21	196.22			175,250.21	175,446.43
BONNIE DOONE	1,991.62	12.18			1,991.62	2,003.80
COTTON	678,461.34	564.45			678,461.34	679,025.79
CUMBERLAND RD FD	434,085.18	288.99			434,085.18	434,374.17
EASTOVER FIRE	147,834.19	124.67			147,834.19	147,958.86
GODWIN-FALCON FIRE	65,848.96	201.97			65,848.96	66,050.93
GRAYS CREEK	598,475.38	488.31			598,475.38	598,963.69
LAFAYETTE VILLAGE	5.20	-			5.20	5.20
LAKE RIM	6,109.00	0.04			6,109.00	6,109.04
MANCHESTER	72,683.84	96.54			72,683.84	72,780.38
PEARCE'S MILL	666,901.49	913.06			666,901.49	667,814.55
SPECIAL FIRE	712,950.05	557.38			712,950.05	713,507.43
STEDMAN FIRE	118,304.71	108.40			118,304.71	118,413.11
STONE POINT	777,975.20	233.64			777,975.20	778,208.84
VANDER FIRE	728,198.31	677.27			728,198.31	728,875.58
WADE FIRE	69,682.75	57.52			69,682.75	69,740.27
WESTAREA FIRE	861,106.11	290.45			861,106.11	861,396.56
WESTAREA STATION 10	187,266.13	96.64			187,266.13	187,362.77
FIRE DIST SUBTOTAL	6,416,245.91	5,022.64	-	-	6,416,245.91	6,421,268.55
EASTOVER	516,120.14	410.86			516,120.14	516,531.00
EASTOVER-VANDER	14,197.88	-			14,197.88	14,197.88
FALCON	26,962.40	13.32			26,962.40	26,975.72
FAYETTEVILLE	54,954,420.36	44,920.03			54,954,420.36	54,999,340.39
STORM WATER	1,742,841.60				1,742,841.60	1,742,841.60
FAYET STORM WATER	3,485,683.20				3,485,683.20	3,485,683.20
FAYET RECYCLING	2,289,500.00				2,289,500.00	2,289,500.00
REVITALIZATION	123,052.82	263.97			123,052.82	123,316.79
GODWIN	11,971.52	6.33			11,971.52	11,977.85
HOPE MILLS TOWN	3,917,453.44	1,615.11			3,917,453.44	3,919,068.55
HOPE MILLS REFUSE	984,576.00				984,576.00	984,576.00
HOPE MILLS STORM		-				

WATER	634,008.00				634,008.00	634,008.00
LINDEN TOWN	11,404.20	9.87			11,404.20	11,414.07
SPRING LAKE	2,783,620.19	1,883.84			2,783,620.19	2,785,504.03
SPRING LAKE REFUSE	594,086.00				594,086.00	594,086.00
SL STORM WATER	278,016.00				278,016.00	278,016.00
STEDMAN TOWN	244,911.33	195.95			244,911.33	245,107.28
WADE TOWN	75,578.45	65.95			75,578.45	75,644.40
CITY SUB-TOTALS	72,688,403.53	49,385.23	-	-	72,688,403.53	72,737,788.76
COUNTY WIDE	144,620,230.73	117,425.51			144,620,230.73	144,737,656.24
COUNTY PETS	313,231.00				313,231.00	313,231.00
RECREATION	2,921,527.10	2,288.20			2,921,527.10	2,923,815.30
HM RECREATION	466,364.35	192.10			466,364.35	466,556.45
SOLID WASTE	4,885,200.00				4,885,200.00	4,885,200.00
SUB TOTAL	153,206,553.18	119,905.81	-	-	153,206,553.18	153,326,458.99
GRAND TOTAL	232,311,202.62	174,313.68	-	-	232,311,202.62	232,485,516.30

D. THIS ITEM WAS REMOVED FROM THE CONSENT AGENDA FOR LATER DISCUSSION AND ACTION

E. Approval of Appointment of Deputy Finance Officer for Finance Department

BACKGROUND:

North Carolina General Statutes Chapter 159, Article 3, entitled “The Local Government Budget and Fiscal Control Act” requires all checks drawn on an official depository be signed by the Finance Officer or a properly designated Deputy Finance Officer and countersigned by another official of the local government designated for this purpose by the Governing Board. The act also requires the Deputy Finance Officer to have a faithful performance bond in an amount not less than \$10,000 or more than \$250,000.

It is recommend that Bob Tucker, Senior Accountant, be appointed as a Deputy Finance Officer for Cumberland County Finance Department.

RECOMMENDATION AND PROPOSED ACTION:

1. Approve the appointment of Bob Tucker as Deputy Finance Officer;
2. Provide a faithful performance bond in the amount of \$50,000 for Bob Tucker;
3. Approve the resolution below implementing the above recommendations.

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

RESOLUTION

WHEREAS, due to the operation requirements unique to the Cumberland County Finance Department; and

WHEREAS, the timing, amounts, or payees of these checks cannot be anticipated and, in most cases, the checks must be issued immediately; and

WHEREAS, the timing of the checks requires the appointment of a Deputy Finance Officer and, in addition, more than one person must be authorized to countersign each check; and

WHEREAS, North Carolina General Statute Chapter 159, Article 3, entitled "The Local Government Budget and Fiscal Control Act", authorizes the Governing Board to appoint Deputy Finance Officers to designate individual(s) to countersign the checks, and to fix the amount of the faithful performance bond to be provided by the appointee.

NOW THEREFORE, to facilitate the operational requirement of the Cumberland County Finance Department, the Board of County Commissioners hereby RESOLVES that:

1. Bob Tucker is appointed a Deputy Finance Officer and is authorized to sign the checks/drafts issued on the checking and savings accounts maintained by Cumberland County Finance Department.
2. The appointee will provide a faithful performance bond in the amount of \$50,000.00.

Adopted this 6th day of August, 2012.

F. Approval to Increase Health Department Fees for Yellow Fever and Typhoid Vaccines

BACKGROUND:

At the Board of Health meeting on June 19, 2012, the Board voted to increase the fees for yellow fever and typhoid vaccines. A price increase from the vaccine manufacturer has caused our costs to rise for typhoid and yellow fever vaccines. The charges and fees for typhoid has remained the same since early 2007. The last fee increase for yellow fever was in January 2012 from \$75.00 to \$90.00. In order to keep our fees in appropriate ratio to our costs, we will need to increase our fees for these vaccines as indicated below.

RECOMMENDATION/PROPOSED ACTION:

Management requests to have this item placed on the next County Commissioners' meeting agenda for their approval to set the fees as stated below:

VACCINE NAME	CPT CODE	MEDICAID REIMB RATE	MEDICARE REIMB RATE	BCBS REIMB RATE	CCDPH ADMIN COSTS/ DOSE	CURRENT FEE	PROPOSED FEE
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Typhoid	90691	Not Covered	Not Covered	\$54.84	\$49.80/dose	\$45.00	\$60.00
Yellow Fever	90717	Not Covered	Not Covered	Not Covered	\$89.36/dose	\$90.00	\$95.00

- G. Approval of Bid Award to Lawmen's Safety Supply for the Purchase of Patrol Rifles for the Cumberland County Sheriff's Office.

BACKGROUND:

Formal bids were received for patrol rifles for the Cumberland County Sheriff and a copy of the bid tab is below. The lowest bid meeting specifications was from Lawmen's Safety Supply for \$129,012.

RECOMMENDATION/PROPOSED ACTION:

The purchasing manager and management are requesting that the bid for the patrol rifles for the Cumberland County Sheriff's Office be awarded to the lowest bidder meeting specs, Lawmen's Safety Supply, in the amount of \$129,012.

BID TABULATION

Vendors	Total Bids
Clyde Armory	Rejected (arrived at 10:15 am)
Lawmen's	Smith & Wesson \$1290.12 ea. Sig Sauer \$1234.12 ea.
Proforce	Bushmaster \$1425.77 ea.
Shooters Supply	DPMS \$1468.55 ea.

- H. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure:

- 1) Lot 22 Block W Colonial Hgts Add No 1 – PIN: 0423-07-4266, Rockfish Township

BACKGROUND:

On or about January 26, 2010, the County acquired by tax foreclosure the above property. The amount currently owed on the foreclosure judgment including interest and costs for the property is \$2,899.02. Luis Cruz has offered to purchase the County's interest in the property for \$2,899.02 and has deposited \$289.90 in the Finance Office. The tax value of the property is \$3,250.00.

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

RECOMMENDATION AND PROPOSED ACTION:

That the Board of Commissioners consider whether to accept the offer of Luis Cruz to purchase the above property for the sum of \$2,899.02, plus advertising and recording costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- 2) 0.67 AC WR Moore Ld; 538 Mayview St – PIN: 0436-07-9378
- 0.45 C WR Moore Ld; 505 Mayview St – PIN: 0436-07-8334
- 0.46 (Located off Camden Rd and Mayview St), Pearces Mill Township

BACKGROUND:

On or about October 4, 2011, the County acquired by tax foreclosure the above properties. The amount currently owed on the foreclosure judgment including interest and cost for the properties is \$6,031.21. Mr. and Mrs. George Butterfly have offered to purchase the County's interest in the property for \$6,031.21 and have deposited \$603.12 in the Finance Office.

The tax values of the properties are as follows:

PIN 0436-07-9378; 0.67ac WR Moore LD; 538 Mayview St.; Value: \$ 51,700.00

PIN 0436-07-8334; 0.45ac WR Moore LD; 505 Mayview St.; Value: \$ 9,800.00

Both are Pearces Mill Township and Located off Camden Rd and Mayview St

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

RECOMMENDATION AND PROPOSED ACTION:

That the Board of Commissioners consider whether to accept the offer of Mr. and Mrs. George Butterfly to purchase the above properties for the sum of \$6,031.21, plus advertising and recording costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- 3) THIS ITEM WAS PULLED FROM THE CONSENT AGENDA
- 4) THIS ITEM WAS PULLED FROM THE CONSENT AGENDA

- I. Approval of Declaration of Surplus County Property and Authorization to Accept Insurance Settlement

BACKGROUND:

DATE OF ACCIDENT	June 22, 2012
VEHICLE	2009 Ford Crown Victoria
VIN	2FAHP71V79X124255
FLEET #	FL128

DEPARTMENT	Sheriff Office
SETTLEMENT OFFER	\$6,827.38
INSURANCE COMPANY	Travelers

This is a total loss settlement offer.

RECOMMENDATION/PROPOSED ACTION:

Management recommends that the Board of Commissioners:

1. declare the vehicle described above as surplus,
 2. authorize the Risk Manager to accept \$6,827.38 as settlement,
 3. allow Travelers Insurance to take possession of the wrecked (surplus) vehicle.
- J. Approval of Declaration of Surplus Property that was Used for Trade-In on the Purchase of Phone Equipment for the Cumberland County Library which was approved at the June 18, 2012 Board of Commissioners Meeting

BACKGROUND:

On June 18, 2012, the County Commissioners approved a bid award for the expansion of the Cisco Voice Over IP Phone System for the Cumberland County Public Library. The total bid award was \$274,733 and included a \$20,000 trade-in for miscellaneous phone equipment. The equipment used for the trade-in should be declared as surplus property.

RECOMMENDATION/PROPOSED ACTION:

Purchasing is requesting that the miscellaneous phone equipment which was used in the bid award for the expansion of the Cisco Voice Over IP Phone System for the Cumberland County Public Library be specifically declared as surplus property.

- K. Approval of a Proclamation Proclaiming August 7, 2012 as “Purple Heart Day” in Cumberland County

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, the Purple Heart medal, an American decoration that is awarded in the name of the President of the United States, is the oldest military decoration in the world in present use; and

WHEREAS, the Purple Heart was established by General George Washington at Newburgh, New York on August 7, 1782, during the Revolutionary War, as an incentive to the Continental Army; and

WHEREAS, the Purple Heart is awarded directly or posthumously to members of the Armed Forces who are wounded, or die from wounds received, in armed conflict with an enemy force or while held by an enemy force as a prisoner of war, or are wounded or

killed as a result of friendly fire, or as otherwise designated by the President of the United States; and

WHEREAS, the Purple Heart may also be awarded to a civil or foreign service employee from a U. S. Government Agency or Department attached to a military unit performing intelligence, counter-terrorist, or other duties, with the military unit wounded by international terrorists; and

WHEREAS, August 7, 2012 marks the 230th anniversary of the inception of the Purple Heart award, and the 80th anniversary of the Military Order of the Purple Heart; and

WHEREAS, a new design of the Purple Heart medal was issued on February 22, 1932; and

WHEREAS, the recipients of the Purple Heart have known the meaning of sacrifice in the preservation of the United States of America and the preservation of national interests at home and abroad; and

WHEREAS, the sacrifices made on our behalf will forever be an inspiration to all citizens of Cumberland County, North Carolina.

NOW, THEREFORE, the Cumberland County Board of Commissioners hereby proclaim Cumberland County, North Carolina to be a

PURPLE HEART COUNTY

AND, FURTHER, the Cumberland County Board of Commissioners hereby proclaim August 7, 2012 as

PURPLE HEART DAY

in Cumberland County, North Carolina and urge people and organizations of the county to display the American flag as an expression of those who have been wounded or killed in action preserving the freedoms that all United States citizens cherish.

Adopted this 6th day of August, 2012.

- L. Approval of Report on the Disposal of Surplus Property Pursuant to NCGS 160A-226(a)

BACKGROUND:

On June 15, 1998, the Board adopted a resolution founded in the statutes allowing the Assistant County Manager to dispose of certain “personal property, worth less than \$5000 per item or group of similar items, which have become obsolete, unusable, economically unrepairable, or otherwise surplus to the needs of the county”.

The resolution stipulated further that County Management shall render semi-annual reports to the Board of County Commissioners summarizing disposals between the preceding January 1 and June 30th”. Accordingly, attached herewith is that report.

RECOMMENDATION/PROPOSED ACTION:

That the Board accepts and approves the report on the disposal of surplus County property. That the Board adopts the report as shown below and that the report be duly recorded in the official minutes.

REPORT ON THE DISPOSAL OF SURPLUS COUNTY PROPERTY
January 1, 2012 - June 30, 2012

ITEM NO.	DATE RECEIVED	DESCRIPTION OF PROPERTY	QTY	RENDERING DEPARTMENT	METHOD OF DISPOSAL	LANDFILL LOCATION
1	2/1/2012	LAPTOP	2	DEPT OF SOCIAL SERVICES	LANDFILL	ANN STREET
2	2/1/2012	MONITORS	30	DEPT OF SOCIAL SERVICES	LANDFILL	ANN STREET
3	2/1/2012	SPEAKERS	2	DEPT OF SOCIAL SERVICES	LANDFILL	ANN STREET
4	2/1/2012	COMPUTERS	63	DEPT OF SOCIAL SERVICES	LANDFILL	ANN STREET
5	2/1/2012	PRINTERS	16	DEPT OF SOCIAL SERVICES	LANDFILL	ANN STREET
6	2/1/2012	PORT SWITCH	1	DEPT OF SOCIAL SERVICES	LANDFILL	ANN STREET
7	2/1/2012	ID SCANNER	1	DEPT OF SOCIAL SERVICES	LANDFILL	ANN STREET
8	2/1/2012	ROUTERS	13	DEPT OF SOCIAL SERVICES	LANDFILL	ANN STREET
9	2/1/2012	HUBS	6	DEPT OF SOCIAL SERVICES	LANDFILL	ANN STREET
10	2/1/2012	FILE CABINETS	7	DEPT OF SOCIAL SERVICES	LANDFILL	ANN STREET
11	2/1/2012	POWER SUPPLY	1	DEPT OF SOCIAL SERVICES	LANDFILL	ANN STREET
12	2/1/2012	COMPUTER MICE	1 BOX	DEPT OF SOCIAL SERVICES	LANDFILL	ANN STREET
13	2/1/2012	COMPUTER MEMORY	1 BOX	DEPT OF SOCIAL SERVICES	LANDFILL	ANN STREET
14	2/1/2012	DESKS	3	SHERIFF'S OFFICE	LANDFILL	ANN STREET
15	2/1/2012	TYPEWRITERS	3	SHERIFF'S OFFICE	LANDFILL	ANN STREET
16	2/1/2012	MICROWAVE	1	SHERIFF'S OFFICE	LANDFILL	ANN STREET
17	2/1/2012	TABLES	4	SHERIFF'S OFFICE	LANDFILL	ANN STREET
18	2/1/2012	POSITRONS	4	SHERIFF'S OFFICE	LANDFILL	ANN STREET
19	2/1/2012	CHARGERS	3	SHERIFF'S OFFICE	LANDFILL	ANN STREET
20	2/1/2012	RADIOS	6	SHERIFF'S OFFICE	LANDFILL	ANN STREET
21	2/1/2012	DICTAPHONE	3	SHERIFF'S OFFICE	LANDFILL	ANN STREET
22	2/1/2012	BASE-BOARD MOLDING	1 BOX	SHERIFF'S OFFICE	LANDFILL	ANN STREET
23	2/1/2012	FAX MACHINE	1	SHERIFF'S OFFICE	LANDFILL	ANN STREET
24	2/1/2012	TAC BOARD	1	SHERIFF'S OFFICE	LANDFILL	ANN STREET
25	2/1/2012	PARTISION	1	SHERIFF'S OFFICE	LANDFILL	ANN STREET
26	2/1/2012	DINNER TRAYS	3	SHERIFF'S OFFICE	LANDFILL	ANN STREET
27	2/1/2012	PRINTERS	3	SHERIFF'S OFFICE	LANDFILL	ANN STREET
28	2/1/2012	FILM STRIP PROJECTOR	1	SHERIFF'S OFFICE	LANDFILL	ANN STREET
29	2/1/2012	SCANNER	1	SHERIFF'S OFFICE	LANDFILL	ANN STREET
30	2/1/2012	PHONES	2	SHERIFF'S OFFICE	LANDFILL	ANN STREET
31	2/1/2012	DESK PHONES	2 BOXES	SHERIFF'S OFFICE	LANDFILL	ANN STREET
32	2/1/2012	MOULAGE BOX	1	SHERIFF'S OFFICE	LANDFILL	ANN STREET
33	2/1/2012	CAMCORDERS	3	SHERIFF'S OFFICE	LANDFILL	ANN STREET
34	2/1/2012	METAL SIGN	1	SHERIFF'S OFFICE	LANDFILL	ANN STREET
35	2/1/2012	SIREN	1	SHERIFF'S OFFICE	LANDFILL	ANN STREET
36	2/1/2012	WATT INVERTER	1	SHERIFF'S OFFICE	LANDFILL	ANN STREET
37	2/1/2012	ANTENNA	1	SHERIFF'S OFFICE	LANDFILL	ANN STREET

38	2/1/2012	MONITOR	1	SHERIFF'S OFFICE	LANDFILL	ANN STREET
39	2/1/2012	TV	1	SHERIFF'S OFFICE	LANDFILL	ANN STREET
40	2/1/2012	BATTERY BACK-UPS	5	SHERIFF'S OFFICE	LANDFILL	ANN STREET
41	2/1/2012	POWER CORD	1	SHERIFF'S OFFICE	LANDFILL	ANN STREET
42	2/1/2012	FOLDING CHAIRS	4	SHERIFF'S OFFICE	LANDFILL	ANN STREET
43	2/1/2012	REEL-TO-REEL RECORDER	1	SHERIFF'S OFFICE	LANDFILL	ANN STREET
44	2/1/2012	FLOATING FLOOR TILES	1 BOX	SHERIFF'S OFFICE	LANDFILL	ANN STREET
45	2/1/2012	LIGHT BAR	1	SHERIFF'S OFFICE	LANDFILL	ANN STREET
46	2/1/2012	CAMERA	1	SHERIFF'S OFFICE	LANDFILL	ANN STREET
47	2/1/2012	FLOOR MATS	6	SHERIFF'S OFFICE	LANDFILL	ANN STREET
48	2/1/2012	CARPET	1 BOX	AGRI-EXPO CENTER	LANDFILL	ANN STREET
49	2/1/2012	DESK	1	AGRI-EXPO CENTER	LANDFILL	ANN STREET
50	2/1/2012	BACK-PACK VACUUM	1	AGRI-EXPO CENTER	LANDFILL	ANN STREET
51	2/1/2012	COAT RACK	1	AGRI-EXPO CENTER	LANDFILL	ANN STREET
52	2/1/2012	FLOOR STRIPPER	1	AGRI-EXPO CENTER	LANDFILL	ANN STREET
53	2/1/2012	FLOOR BUFFER	1	AGRI-EXPO CENTER	LANDFILL	ANN STREET
54	2/1/2012	WOODEN SHELVES	1 BOX	AGRI-EXPO CENTER	LANDFILL	ANN STREET
55	2/1/2012	DESK	1	CLERK OF COURT	LANDFILL	ANN STREET
56	2/1/2012	KEYBOARDS	2	CLERK OF COURT	LANDFILL	ANN STREET
57	2/1/2012	COMPUTER MOUSE	2	CLERK OF COURT	LANDFILL	ANN STREET
58	2/1/2012	COMPUTER WIRES	1 BOX	CLERK OF COURT	LANDFILL	ANN STREET
59	2/29/2012	COMPUTERS	16	MENTAL HEALTH	LANDFILL	ANN STREET
60	2/29/2012	PRINTERS	3	MENTAL HEALTH	LANDFILL	ANN STREET
61	2/29/2012	MONITORS	6	MENTAL HEALTH	LANDFILL	ANN STREET
62	2/29/2012	TABLE	1	GUARDIAN AD LITEM	LANDFILL	ANN STREET
63	2/29/2012	BOOKCASE	1	CLERK OF COURT	LANDFILL	ANN STREET
64	2/29/2012	WOODEN CABINET	1	CLERK OF COURT	LANDFILL	ANN STREET
65	2/29/2012	MONITORS	2	HEALTH DEPARTMENT	LANDFILL	ANN STREET
66	2/29/2012	PRINTERS	4	HEALTH DEPARTMENT	LANDFILL	ANN STREET
67	2/29/2012	KEYBOARDS	15	HEALTH DEPARTMENT	LANDFILL	ANN STREET
68	2/29/2012	TABLE	1	GUARDIAN AD LITEM	LANDFILL	ANN STREET
69	2/29/2012	CHAIRS	5	GUARDIAN AD LITEM	LANDFILL	ANN STREET
70	4/4/2012	SHREDDER	1	HUMAN RESOURCES	LANDFILL	ANN STREET
71	4/4/2012	DESK CHAIRS	2	PLANNING & INSPECTIONS	LANDFILL	ANN STREET
72	4/4/2012	DISPLAY TABLE W/GLASS TOP	1	PLANNING & INSPECTIONS	LANDFILL	ANN STREET
73	4/4/2012	RECORDING EQUIPMENT & CABLES	1 BOX	PLANNING & INSPECTIONS	LANDFILL	ANN STREET
74	4/4/2012	COFFEE URNS	3	COMMISSIONERS	LANDFILL	ANN STREET
75	4/4/2012	FILING CABINETS	2	HEALTH DEPARTMENT	LANDFILL	ANN STREET
76	4/4/2012	BREAST PUMPS	6	HEALTH DEPARTMENT	LANDFILL	ANN STREET
77	4/4/2012	PRINTERS	2	HEALTH DEPARTMENT	LANDFILL	ANN STREET
78	4/4/2012	SPOT MONITOR	1	HEALTH DEPARTMENT	LANDFILL	ANN STREET
79	4/4/2012	OBSTERIC DOPPLER	1	HEALTH DEPARTMENT	LANDFILL	ANN STREET
80	5/2/2012	PRINTERS	2	PLANNING & INSPECTIONS	LANDFILL	ANN STREET
81	5/2/2012	INK CARTRIDGES	4 BOXES	PLANNING & INSPECTIONS	LANDFILL	ANN STREET
82	5/2/2012	DESK CHAIR	1	PLANNING & INSPECTIONS	LANDFILL	ANN STREET
83	5/2/2012	PRINTERS	13	PLANNING & INSPECTIONS	LANDFILL	ANN STREET
84	5/2/2012	DOCKING STATIONS	2	PLANNING & INSPECTIONS	LANDFILL	ANN STREET
85	5/2/2012	MONITORS	3	PLANNING & INSPECTIONS	LANDFILL	ANN STREET
86	5/2/2012	MICROWAVE OVEN	1	TAX ADMINISTRATION	LANDFILL	ANN STREET
87	5/2/2012	REFRIGERATOR	1	PLANNING & INSPECTIONS	LANDFILL	ANN STREET

88	5/2/2012	CHAIRS	3	REGISTER OF DEEDS	LANDFILL	ANN STREET
89	5/31/2012	SHREDDER	1	HUMAN RESOURCES	LANDFILL	ANN STREET
90	5/31/2012	CHAIRS	34	PUBLIC LIBRARY	LANDFILL	ANN STREET
91	5/31/2012	AUDIO VISUAL DISPLAYERS	6	PUBLIC LIBRARY	LANDFILL	ANN STREET
92	5/31/2012	PODIUM	1	PUBLIC LIBRARY	LANDFILL	ANN STREET
93	5/31/2012	TABLES	2	PUBLIC LIBRARY	LANDFILL	ANN STREET
94	5/31/2012	MICROFILM CABINETS	11	PUBLIC LIBRARY	LANDFILL	ANN STREET
95	6/28/2012	FILE CABINETS	2	ADULT PROBATION	LANDFILL	ANN STREET
96	6/28/2012	LEATHER ARM CHAIRS	2	REGISTER OF DEEDS	LANDFILL	ANN STREET
97	6/28/2012	TYPEWRITERS	3	REGISTER OF DEEDS	LANDFILL	ANN STREET
98	6/28/2012	COMPUTERS	52	DEPT OF SOCIAL SERVICES	LANDFILL	ANN STREET
99	6/28/2012	SCANNERS	2	DEPT OF SOCIAL SERVICES	LANDFILL	ANN STREET
100	6/28/2012	BATTERY BACK-UP	1	DEPT OF SOCIAL SERVICES	LANDFILL	ANN STREET

M. Budget Revisions:

(1) Rural Operating Assistance Program (ROAP)

Revision in the net amount of \$43,739 to budget additional grant funds for FY2013 of \$14,154 and to reallocate \$29,585 from Social Services back to ROAP. (B13-003) Funding Source – State

(2) Social Services

Revision in the amount of \$31,015 to recognize additional state revenue for the Energy Program. (B13-007) Funding Source – State

(3) Cooperative Extension

Revision in the amount of \$25,000 to budget NC Agricultural Development and Farmland Preservation Trust grant to determine the feasibility of locating a new farmer's market in Cumberland County. (B13-014) Funding Source - Grant

(4) Mid Carolina Senior Transportation

Revision in the amount of \$1,170 to appropriate fund balance from FY2012 unexpended fees to be used for additional medical transportation. (B13-005) Funding Source – Mid Carolina Senior Transportation Fund Balance Appropriated

(5) Health

- a. Health Promotion - Revision in the amount of \$300 to adjust the County budget to state funding. (B13-016) Funding Source – State

- b. Community Transformation Grant - Revision in the amount of \$328,864 to adjust the County budget to increased state funding. (B13-017) Funding Source – State
 - c. Child Health Clinic - Revision in the amount of \$5,000 to appropriate Health Department Fund Balance to establish on call service for the Child Health Clinic. (B13-018) Funding Source –Health Fund Balance Appropriated
 - d. Maternal Health Clinic - Revision in the amount of \$5,000 to appropriate Health Department Fund Balance to establish on call service for the Maternal Health Clinic. (B13-019) Funding Source –Health Fund Balance Appropriated
 - e. Family Planning Clinic - Revision in the amount of \$5,000 to appropriate Health Department Fund Balance to establish on call service for the Family Planning Clinic. (B13-020) Funding Source –Health Fund Balance Appropriated
 - f. Adult Health Clinic - Revision in the amount of \$5,000 to appropriate Health Department Fund Balance to establish on call service for the Adult Health Clinic. (B13-021) Funding Source –Health Fund Balance Appropriated
 - g. Adult Health Clinic - Revision in the amount of \$27,000 to appropriate Health Department Fund Balance to fund a contract for a Locum Tenen. (B13-022) Funding Source – Health Fund Balance Appropriated
- (6) Emergency Services
- a. Revision in the amount of \$62,500 to reclassify fund balance appropriated to Emergency Preparedness Grant that was omitted from the adopted budget. (B13-027) Funding Source-Grant
 - b. Revision in the amount of \$14,636 to budget Emergency Management Preparedness Grant funds received in FY2012. (B13-025) Funding Source- State
- (7) Sheriff's Office
- a. Federal Forfeiture: Revision in the amount of \$200,000 to appropriate Federal Forfeiture Fund Balance for supplies, equipment and firearms. (B13-029) Funding Source- Federal Forfeiture Fund Balance

- b. Byrne Grant: Revision in the amount of \$174,633 recognize a Byrne Justice 2012 Assistance Grant in the amount of \$174,633. This grant will be shared between the County (\$54,580) and the City of Fayetteville (\$120,053). (B13-030) Funding Source-Federal
- c. Crime Control Grant: Revision in the amount of \$7,596 to recognize a NC Department of Crime Control & Public Safety Grant to be used to purchase EOD equipment. (B13-031) Funding Source-State
- d. Sheriff: Revision in the amount of \$60,607 to establish a new position to serve civil process papers and orders for arrest. Funding was budgeted in Child Support Enforcement, however, the position was omitted from the adopted budget in the Sheriff's Office. (B13-032) Funding Source-State

(8) Library

Revision in the amount of \$50,000 to budget additional book fines to offset the cost of collection expense. (B13-033) Funding Source-Fees

Commissioner Council requested that Item 2.H.3) be pulled from the consent agenda for consideration at the next Board of Commissioners' meeting.

Commissioner Evans requested that Item 2.H.4) be pulled from the consent agenda for consideration at the next Board of Commissioners' meeting.

MOTION: Commissioner Council moved to approve all consent items 2.A. through 2.M.(8) with the exception of Items 2.H.3) and 2.H.4) as pulled.

SECOND: Commissioner King

VOTE: UNANIMOUS (7-0)

PUBLIC HEARING

- 3. Public Hearing on Community Development Substantial Amendment to the 2010-2015 Consolidated Plan / 2011-2012 Annual Action Plan and Emergency Solutions Grant Program Application

BACKGROUND:

The Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act) was enacted into law on May 20, 2009. The HEARTH Act consolidates three of the previous homeless assistance programs administered by HUD under the McKinney-Vento Homeless Assistance Act into a single grant program. In addition, the HEARTH Act codifies the

Continuum of Care (CoC) planning process, which will assist homeless individuals by providing greater coordination in responding to their needs. Previously the Emergency Shelter Grant focused on the needs of homeless people in emergency or transitional shelters. Under the HEARTH Act, the local CoC must now be involved in determining how ESG funds will be distributed within its jurisdiction. On March 29, 2012, the Cumberland County CoC on Homelessness recommended CCCD to serve as the lead agency and fiscal sponsor for ESG funding.

The Substantial Amendment to the 2011-2012 Annual Action Plan describes the County's (in consultation with the Cumberland County Continuum of Care on Homelessness) proposed use of the FY2011 second allocation of \$40,782 in Emergency Solutions Grant (ESG) funding. The Amendment will enable the County of Cumberland, as Lead Agency, to receive and administer these funds to provide services to help those who are experiencing homelessness to be quickly re-housed and stabilized and to prevent homelessness of at-risk individuals and families within Cumberland County.

RECOMMENDATION/PROPOSED ACTION:

Community Development requests that the Board of County Commissioners hold a public hearing on the Substantial Amendment to the 2010-2015 Consolidated Plan / 2011-2012 Annual Action Plan and approve submission of the application to the NC State – Department of Health and Human Services by August 13, 2012.

Sylvia McLean, Community Development Finance Officer, reviewed the above background information and responded to questions.

This is the duly advertised/noticed public hearing set for this date and time. Chairman Faircloth opened the public hearing.

The Clerk to the Board advised there were no speakers.

Chairman Faircloth closed the public hearing.

MOTION: Commissioner Melvin moved to accept the Substantial Amendment to the 2010-2015 Consolidated Plan/2011-2012 Annual Action Plan and to approve submission of the application to the NC State – Department of Health and Human Services.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (7-0)

ITEMS OF BUSINESS

4. Consideration of Authorizing Notice of the Public Hearing and Adopting the Initial Resolution for the FTCC \$3.6M Installment Financing for Capital Improvement

BACKGROUND:

The Board of Trustees from Fayetteville Technical Community College (FTCC) requested funding in the amount of \$3,500,000 for capital projects in their FY2012 budget request. These funds are needed to completely replace the aging mechanical systems for Lafayette Hall (\$2,500,000) and to replace the roofs on the YMCA building, Neil Currie Building, and the Library (\$1,000,000).

Their request was for the County to pursue options available to finance these capital costs. FTCC would then use their normal capital allocation for the principal and interest payments. We believe the most viable option is an installment financing agreement with a financial institution. Since these improvements will “attach” to real property, this financing must be approved by the Local Government Commission (LGC).

The resolution below will authorize the filing of an application to the LGC for this financing. The resolution also documents certain findings that are required for the transaction under G.S. 159-151. Additionally, a notice of the public hearing on the proposed installment financing contract is provided for your review.

RECOMMENDATION/PROPOSED ACTION:

1. Approve the resolution approving the filing of an application to the LGC as well as the findings required by G.S. 159-151.
2. Call for a public hearing on the installment finance contract for August 20, 2012.

Amy Cannon, Deputy County Manager, reviewed the above background information. Ms. Cannon stated Requests for Proposals (RFPs) have been solicited to financial institutions and a recommendation will be made to the Board for the installment financing at the August 20, 2012 meeting.

**RESOLUTION AUTHORIZING THE FILING OF AN
APPLICATION FOR APPROVAL OF AN INSTALLMENT
FINANCING AGREEMENT AUTHORIZED BY NORTH
CAROLINA GENERAL STATUTE §160A-20 AND MAKING
CERTAIN FINDINGS REQUIRED BY NORTH CAROLINA
GENERAL STATUTE §159-151**

WHEREAS, the Board of Commissioners of the County of Cumberland, North Carolina (the “County”) desires to pursue the financing of the acquisition and construction of improvements (including roofing and HVAC replacements) to various buildings at Fayetteville Technical Community College in the County (the “Project”) pursuant to an installment financing agreement, as permitted under N.C.G.S. § 160A-20; and

WHEREAS, it is anticipated that the cost of the Project to be financed will be approximately \$3,600,000, including issuance expenses in connection with the financing; and

WHEREAS, financing of the Project pursuant to § 160A-20 must be approved by the North Carolina Local Government Commission (the “LGC”) and will only be approved if the findings of N.C.G.S. § 159-151(b) have been made;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners (the “Board”) of the County, as follows:

1. After consideration, the Board has determined that the most advantageous manner of financing the Project is by an installment contract pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended.
2. Pursuant to Section 160A-20, the County is authorized to finance the Project by entering into an installment contract and a deed of trust or other security instrument that creates a security interest in some or all of the property financed to secure repayment of the financing.
3. The proposed financing is necessary or expedient because of the pressing need to acquire and construct the improvements for community college facilities in the County.
4. The proposed financing is preferable to general obligation bond financing for the same purposes because of the urgency of particular needs to be financed, the aggregate volume of financings to be accomplished and the desirability of having available the alternative financing structures and repayment provisions possible in the proposed structure.
5. The cost of the proposed undertaking exceeds the amount of funds that can be prudently raised from currently available appropriations, unappropriated fund balances, and non-voted general obligation bonds that could be issued by the County in the fiscal year pursuant to Article V, Section 4, of the North Carolina Constitution. The Project is non-revenue producing so revenue bonds are not an option.
6. The cost of financing under the proposed financing will not be materially greater than the cost of issuing general obligation bonds.
7. The sums proposed to be provided under the financing are adequate and not excessive for the stated purposes of acquiring, constructing and equipping the Project.
8. The County’s debt management procedures and policies are good and have been carried out in strict compliance with law and will henceforth be so carried out.
9. There will be no increase in taxes necessary to meet the sums to fall due under the proposed financing.
10. The County is not in default in any of its debt service obligations.
11. The attorney for the County will render an opinion that the proposed Project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.
12. The County Manager, the Finance Director and other appropriate officers of the County are hereby authorized and directed to proceed with the Project and to file an application with the LGC for its approval of such financing as described above for the Project in an amount of approximately \$3,600,000, and the actions of the Chairman, the Finance Director, the County Manager and other officers of the County in connection therewith are hereby approved and confirmed.
13. The County intends that the proceeds of the proposed financing be used to reimburse the County for expenditures with respect to the Project made on or after the date that is no more than 60 days prior to the date of this resolution. The County reasonably expects on the date hereof that it will reimburse the expenditures with the proceeds of the proposed financing or

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

14. All other acts of the Board and the officers of the County which are in conformity with the purposes and intent of this Resolution and in furtherance of the financing of the Project are hereby ratified, approved and confirmed.

15. This resolution shall take effect immediately.

MOTION: Commissioner Council moved to approve the resolution approving the filing of an application to the LGC and to call for a public hearing on the installment financing.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (7-0)

5. Consideration of Quit-Claim Deed to North Carolina Department of Transportation for Highway 24 Widening Project

BACKGROUND:

This is a small, triangular-shaped parcel containing 08/100ths of an acre fronting on Highway 24. NCDOT requested a right of way agreement for the highway widening. This parcel has been listed in the tax records as owned by the county for many years; however; the deed reference in the tax records is not correct. The county attorney has not been able to determine how or if the county ever acquired title to this parcel. The county attorney advised NCDOT of these facts and negotiated conveyance by quitclaim deed for this reason. NCDOT will accept the quitclaim deed and will pay the county \$153. The parcel is appraised for taxes at \$144.

RECOMMENDATION/PROPOSED ACTION:

Approve this conveyance.

Rick Moorefield, County Attorney, reviewed the above background information. In response to a question posed by Commissioner Keefe, Mr. Moorefield advised it is clearly stated in the quitclaim deed that the parcel was improperly mapped and the owner is unknown. Mr. Moorefield explained NCDOT could make the effort to locate the owner, however, that would be their choice.

MOTION: Commissioner Keefe move to approve the conveyance.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (7-0)

6. Consideration of Acquisition of Warren Container Site for Solid Waste Department

BACKGROUND:

Bobby Howard, Solid Waste Director, recommends the purchase of the Warren Container Site in the Linden Community. The owner is willing to sell.

The County has made improvements to the site for use as a container site and currently uses it for that purpose. The county does not have a lease with the current owner. The current owner has offered to sell the site for \$10,000. The parcel has a tax appraisal of \$12,000. The parcel is approximately 1.25 acres in size.

RECOMMENDATION/PROPOSED ACTION:

Approve this purchase.

Mr. Moorefield reviewed the above background information and advised the estimated cost to bring another site up to being useable as a container site would greatly exceed the cost for which the owner has offered to sell the site.

MOTION: Commissioner Edge moved to approve the purchase.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (7-0)

7. Consideration of Designation of Voting Delegate to North Carolina Association of County Commissioners (NCACC) Conference

BACKGROUND:

Article VI, Section of the NCACC Constitution provides: "On all questions, including the election of officers, each county represented shall be entitled to one vote, which shall be the majority expression of the delegates of that county. The vote of any county in good standing may be cast by any one of its county commissioners who is present at the time the vote is taken; provided, if no commissioner be present, such vote may be cast by another county official, elected or appointed, who holds elective office or an appointed position in the county whose vote is being cast and who is formally designated by the board of county commissioners. These provisions shall likewise govern district meetings of the Association. A county in good standing is defined as one which had paid the current year's dues."

RECOMMENDATION/PROPOSED ACTION:

Appoint a voting delegate to the NCACC Annual Conference to be held August 16-19, 2012.

Commissioner Melvin nominated Commissioner Kenneth Edge.

MOTION: Commissioner Evans moved to close nominations and appoint Commissioner Edge by acclamation.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

8. Nominations to Boards and Committees

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

Commissioner Edge nominated Rebecca Campbell and Pamela Wade.

B. Animal Control Board (2 Vacancies)

Commissioner Keefe nominated Heather Burkhardt and subsequently withdrew his nomination. Commissioner Keefe then nominated Tolulope Adeyemi and Cristobal S. Berry-Caban for reappointment.

C. Board of Adjustment (2 Vacancies)

Chairman Faircloth nominated alternate member Randy Newsome as a regular member.

Commissioner Edge nominated Vicki Mullins as an alternate member.

D. Cumberland County Juvenile Crime Prevention Council (5 Vacancies)

Commissioner Keefe nominated Robin Black, Sarita Mallard, La-Lisa Hewett-Robinson, Linda Blanton and Margarita Dostall.

E. Joint Appearance Commission (2 Vacancies)

Commissioner King nominated Noelle Kendrick and Christopher Mitchell.

F. Joint Planning Board (2 Vacancies)

Commissioner King nominated Vikki Andrews and Carl Manning.

Commissioner Edge nominated Walter Clark for reappointment.

G. Regional Land Use Advisory Commission (1 Vacancy)

Commissioner Melvin nominated Commissioner Billy King.

9. Appointments to Boards and Committees

A. Appointment of the ABC Board Chairman

Nominee: Johnson Chestnutt

MOTION: Commissioner Keefe moved to appoint Johnson Chestnutt as the ABC Board chairman for the 2012-2013 year.

SECOND: Commissioner King

VOTE: UNANIMOUS (7-0)

B. Board of Adjustment (1 Vacancy)

Nominee: Joseph Dykes (Reappointment)

MOTION: Commissioner Keefe moved to reappoint Joseph Dykes to the Board of Adjustment.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (7-0)

C. Fayetteville Area Convention & Visitors Bureau

Nominee: Gwen Holloman (Reappointment)

MOTION: Commissioner Keefe moved to reappoint Gwen Holloman to the Fayetteville Area Convention and Visitors Bureau.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS (7-0)

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

MOTION: Commissioner King moved to go into closed session for Economic Development Matters Pursuant to NCGS 143-318.11(a)(4) and for Personnel Matter(s) Pursuant to NCGS 143-318.11(a)(6).
SECOND: Commissioner Council
VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Melvin moved to reconvene in open session.
SECOND: Commissioner Keefe
VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Keefe moved to approve the employment contracts for the county manager, county attorney, finance director and clerk to the board with a recommendation to have all severance packages consistent.
SECOND: Commissioner King
VOTE: UNANIMOUS (7-0)

Mr. Martin introduced Tony Ragan, Crown Center Production Manager, who explained upgrades to the sound system and improvements for the production of the Board of Commissioners' meetings. Mr. Martin stated by using in-house resources instead of a contractor, the county was able to save the county an estimated \$8,000 on the upgrades. Mr. Martin expressed his

compliments and appreciation to staff that performed the upgrades. Commissioner Keefe requested the purchase of a count-down timer for speakers.

MOTION: Commissioner Evans moved to adjourn.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 10:55 a.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board