

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
TUESDAY, JANUARY 21 – 6:45 PM  
117 DICK STREET, 1<sup>ST</sup> FLOOR, ROOM 118  
REGULAR/REZONING MEETING  
MINUTES

PRESENT: Commissioner Jeannette Council, Chair  
Commissioner Kenneth Edge Vice Chairman  
Commissioner Charles Evans  
Commissioner Marshall Faircloth  
Commissioner Jimmy Keefe  
Commissioner Billy King  
Commissioner Ed Melvin  
James Martin, County Manager  
Amy Cannon, Deputy County Manager  
James Lawson, Assistant County Manager  
Quentin McPhatter, Assistant County Manager  
Rick Moorefield, County Attorney  
Melissa Cardinali, Finance Director  
Sally Shutt, Public Information Director  
Jon Soles, Public Information Specialist  
George Hatcher, Code Enforcement Officer  
Tom Lloyd, Planning and Inspections Director  
Jeffrey Brown, Engineering and Infrastructure Director  
Candice White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board  
Press

Chairman Council called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Commissioner Faircloth provided the invocation followed by the Pledge of Allegiance to the American flag.

Chairman Council welcomed to the meeting Troop 740 from Haymount United Methodist Church and Scoutmasters Andre' Bigford and Charles Coghill.

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

James Martin, County Manager, read the public comment period policy. Chairman Council recognized the clerk to the board who called the following speaker:

Ron Pringle – Mr. Pringle, Executive Director of Second Harvest Food Bank of Southeast North Carolina, thanked the Board of Commissioners for its support in reaching individuals at risk of hunger. Mr. Pringle stated the Second Harvest Food Bank distributed 199,429 meals through its mobile pantry to 6,211 households or 19,872 individuals. Mr. Pringle also stated there are twenty-one local schools participating in the Backpack program which serves 686 children

for thirty-three weeks. Mr. Pringle asked the Board for its continued financial commitment to the Second Harvest Food Bank as it works to empower individuals and help them reach self-sufficiency. Mr. Pringle introduced Cynthia Wilson, Cumberland Community Action Program Chief Executive Officer, and Mike Mills, advisory board chairman.

James Martin, County Manager, requested the addition as Item 8.A. a closed session for Attorney/Client Matter(s) pursuant to NCGS §143-318.11(a)(3) and as Item 8.B. a closed session for Economic Development Matter(s) pursuant to NCGS §143-318.11(a)(4). Mr. Martin also requested the removal of minimum housing public hearing Items 3.E. MH 344-2013 and 3.G. MH 97-2013.

1. Approval of Agenda

MOTION: Commissioner Edge moved to approve the agenda with the additions and deletions as requested.

SECOND: Commissioner King

VOTE: UNANIMOUS (7-0)

2. Consent Agenda

A. Approval of minutes for the January 6, 2014 regular meeting

B. Approval of HOME Program Homebuyer Assistance Policy Revision

BACKGROUND:

HUD published the amended HOME Final Rule on July 24, 2013 which amends the HOME regulations to address many of the operational challenges facing grantees related to recent housing market conditions and the alignment of federal housing programs. This Final Rule clarifies certain existing regulatory requirements and establishes new requirements designed to enhance accountability in the use of HOME funds, strengthen performance standards, require more timely housing production and update property standards applicable to housing assisted by HOME funds.

The 2013 HOME Final Rule provisions are applicable to projects for which HOME funds are committed on or after August 23, 2013, except for the specified requirements with a delayed implementation effective dates:

92.254(f) – Adopt Homebuyer Program Policies – January 24, 2014

92.504(a) – Develop Policies/Implement Risk-Based Monitoring Systems – July 24, 2014

92.504(d)(2) – Financial Oversight of HOME-assisted Rental Properties – July 24, 2014

92.2 and 92.500(d)(1)(C)) – Commitment Definition & CHDO Expenditure – January 1, 2015

92.251 Property Standards – January 24, 2015

In accordance with the 2013 Final Rule, HUD added a new paragraph 92.254(f) that requires the participating jurisdiction to have a written Homebuyer Program Policies effective January 24, 2014. This entailed Community Development reviewing its current policy (7/1/2010) and adding this new paragraph language to ensure it addressed underwriting standards for homebuyers, protection for buyers against predatory lending, and refinancing policies in accordance with 92.254(f).

**RECOMMENDATION/PROPOSED ACTION:**

Community Development recommends approval of the HOME Homebuyer Assistance Program Policy Addendum for compliance with 2013 HOME Final Rule Program requirements.

- C. Approval of Resolution Authorizing the Issuance and Sale of General Obligation Refunding Bonds, Series 2014 of the County of Cumberland, North Carolina, Pursuant to the Bond Order Heretofore Approved and Providing for the Form, Details and Payment Thereof

**BOARD OF COMMISSIONERS  
OF THE COUNTY OF CUMBERLAND, NORTH CAROLINA**

Excerpt of Minutes  
of Meeting of  
January 21, 2014

Present: Chairman \_\_\_\_\_ presiding, and Commissioners \_\_\_\_\_

Absent: \_\_\_\_\_

\* \* \* \* \*

The following resolution was introduced and its title was read:

**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014 OF THE COUNTY OF CUMBERLAND, NORTH CAROLINA, PURSUANT TO THE BOND ORDER HERETOFORE APPROVED AND PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF**

WHEREAS, the Board of Commissioners (the “Board”) of the County of Cumberland, North Carolina (the “County”) desires to provide for the issuance of its General Obligation Refunding Bonds, Series 2014 to refund all or a portion of the County’s General Obligation Refunding Bonds, Series 2004 (the “Refunded Bonds”); and

WHEREAS, on January 6, 2014, the Board adopted a Bond Order (the “Bond Order”) entitled:

“BOND ORDER AUTHORIZING THE ISSUANCE OF THE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014 OF THE COUNTY OF CUMBERLAND, NORTH CAROLINA IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,000,000 FOR THE PURPOSE OF REFUNDING ALL OR CERTAIN MATURITIES OF THE COUNTY’S GENERAL OBLIGATION REFUNDING BONDS, SERIES 2004”; and

WHEREAS, the County desires to issue its General Obligation Refunding Bonds, Series 2014 (the “Bond”) pursuant to the Bond Order to refund the Refunded Bonds, and to request that the North Carolina Local Government Commission (the “LGC”) sell the Bonds in the form of a single bond through a negotiated sale to Wells Fargo Municipal Capital Strategies, LLC (the “Purchaser”), a wholly owned subsidiary of Wells Fargo Bank, N.A. (the “Bank”) in accordance with the terms and conditions set forth in the term sheet dated December 9, 2013, provided by the Bank to the County;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Cumberland, North Carolina as follows:

The County shall issue the Bonds in an aggregate principal amount not to exceed \$16,000,000 pursuant to and in accordance with the Bond Order.

The Bonds shall be issued in the form of a single bond designated “General Obligation Refunding Bond, Series 2014” and shall be dated on or about February 20, 2014. The Bonds shall mature in annual installments on May 1 in the years and amounts as set forth in a certificate of the County’s Finance Officer delivered in connection with the issuance of the Bonds (the “Pricing Certificate”), and shall bear interest on the unpaid portion of such principal at a rate not to exceed 3.25% per annum (calculated on the basis of a 360-day year of twelve 30-day months), payable semi-annually on each May 1 and November 1, commencing May 1, 2014.

The Bonds will be issued as fully registered bonds in the principal amount of \$250,000 or any denomination in excess thereof (“Authorized Denominations”).

The Bonds will not be subject to redemption prior to maturity.

The Bonds shall be signed by the manual or facsimile signature of the Chairman of the Board, shall be countersigned by the manual or facsimile signature of the Clerk to the Board and a manual or facsimile of the County’s seal shall be printed or affixed thereon. No Bond shall be valid until it has been endorsed by the manual or facsimile signature of an authorized representative of the LGC.

The Bonds shall be in substantially the form attached hereto as Exhibit A, the terms and requirements of which are incorporated herein by reference.

The full faith and credit and taxing power of the County are hereby irrevocably pledged for the payment of principal of and interest on the Bonds. Unless other funds are lawfully available and appropriated for timely payment of the Bonds, the Board shall levy

and collect taxes and raise other revenues for payment of the principal of and interest on the Bonds, as the same become due and payable.

The County shall maintain registration books for the registration of the Bonds. Upon surrender of a Bond at the office of the County, together with an assignment duly executed by the registered owner or its duly authorized attorney or legal representative in such form as shall be satisfactory to the County, the County shall execute and shall authenticate and deliver in exchange, a new bond or bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate, and registered in names as requested by the then registered owner or its duly authorized attorney or legal representative. Any such exchange shall be at the expense of the County, except that the County may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto. The Bonds may only be transferred in Authorized Denominations to (a) an affiliate of the Bond owner, (b) a trust or custodial arrangement established by the Bond owner or one of its affiliates, the owners of the beneficial interests in which are limited to qualified institutional buyers, as defined in Rule 144A promulgated under the Securities Act of 1933, as amended (the "1933 Act"), or (c) to a Person that is a qualified institutional buyer that is a commercial bank having a combined capital and surplus, determined as of the date of any transfer pursuant to this Section, of \$5,000,000,000 or more that has executed and delivered to the County an Investor Letter in the form of Exhibit D to the Bond Purchase Agreement.

The County shall treat the registered owner as the person exclusively entitled to payment of principal and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the registration books on the fifteenth day of the month preceding each interest payment date.

The County hereby requests the LGC to sell the General Obligation Refunding Bond, Series 2014 by private sale pursuant to Section 159-123 of the North Carolina General Statutes, subject to the approval of the Chairman of the Board.

The Board covenants on behalf of the County that so long as any of the installments of principal and interest on the Bonds are outstanding and unpaid, the County shall not take or omit to take any action the taking or omission of which will cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), or otherwise cause interest on the Bonds to be includable in the gross income of the holders thereof.

The Board hereby covenants that it will not permit the gross proceeds of the Bonds or the Refunded Bonds to be used in any manner that would result in either (a) 5% or more of such proceeds being considered as having been used directly or indirectly in any trade or business carried on by any person other than a governmental unit as provided in Section 141(b) of the Code, (b) 5% of such proceeds being used with respect to any "output facility" (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being considered as having been used directly or indirectly to make or finance loans to any person other than

a governmental unit as provided in Section 141(c) of the Code; provided, however, that if the Board receives an opinion of bond counsel acceptable to the LGC that any such restriction is not required to prevent the interest on the Bonds from being includable in the gross income of the registered owners thereof under existing statutes, the Board need not comply with such restriction.

The Chairman, the County Manager and the Clerk are hereby authorized and directed to take all proper steps to have the Bonds prepared and, when the Bonds shall have been duly sold by the LGC, to execute the Bonds and to deliver the Bonds to the State Treasurer of North Carolina for delivery to the Purchaser.

The Chairman and the County Manager, or either of them, after consultation with the County Finance Director and the LGC, are authorized (i) to add optional redemption provisions in the Bonds, (ii) to change the dated date of the Bonds to a date earlier or later than the dated date herein authorized in order to facilitate the sale and delivery of the Bonds, (iii) to change the principal and interest payment dates for the Bonds (so long as such interest payment dates are semiannual), (iv) to establish and make changes in the principal amount of each maturity provided the aggregate principal amount of the Bonds shall not exceed \$16,000,000 and (v) to make such other adjustments as they shall deem necessary to sell the Bonds to the Purchaser. The Chairman and the County Manager, or either of them, after consultation with the County Finance Director, may choose from within the Refunded Bonds certain maturities to include or exclude from the refunding. The identity of the Refunded Bonds, the interest rate, redemption provisions, dated date, principal and interest payment dates, principal to be paid at each maturity and final principal amount of the Bonds following the sale thereof shall be reflected in the Pricing Certificate. In approving such changes and adjustments, the Chairman and the County Manager shall take into account that the intent of the Board is to achieve present value debt service savings of at least 3.0% of the principal amount of the Refunded Bonds.

The Chairman or Vice Chairman of the Board and the County Manager, or any of them, are hereby authorized and directed to execute and deliver the Bond Purchase Agreement between the County and the Purchaser, which shall be in substantially the form previously submitted, which is hereby approved, with such completions, omissions, insertions, and changes as may be approved by the Chairman, Vice Chairman or the County Manager, including such changes as may be required by the LGC, their execution to constitute conclusive evidence of their approval of any such completions, omissions, insertions and changes.

All other actions of officers of the County in conformity with the purposes and intent of this resolution and in furtherance of the issuance of the Bonds are hereby approved and confirmed.

Such officers of the County as may be requested are hereby authorized and directed to execute appropriate closing papers including a certificate setting forth the expected use and investment of the proceeds of the Bonds in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code

and regulations issued pursuant thereto, applicable to “arbitrage bonds.” Such papers and certificates shall be in such form as may be requested by bond counsel for the County.

This resolution, in particular paragraphs 2, 3, 5 and 7 hereof, constitutes a system of registration for the Bonds pursuant to N.C.G.S. § 159E-4.

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

This resolution shall take effect immediately.

\* \* \* \* \*

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

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Not voting: \_\_\_\_\_

I, Candice White, Clerk to the Board of Commissioners of Cumberland County, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Board of Commissioners of Cumberland County at a regular meeting duly called and held January 21, 2014, as it relates in any way to the resolution hereinabove set forth, and that such proceedings are recorded in Minute Book \_\_\_\_\_ of the minutes of the Board. Pursuant to N.C.G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Board of Commissioners of Cumberland County is on file in my office.

I DO HEREBY FURTHER CERTIFY that due notice of such meeting, stating its time and place and the subjects to be considered was posted, mailed or delivered as required by G. S. § 143-318.12(b)(2).

WITNESS my hand and the official seal of the County, this \_\_\_\_ day of January, 2014.

Exhibit A

#### FORM OF BOND

THIS BOND MAY BE TRANSFERRED ONLY TO AN AFFILIATE OF THE OWNER, A TRUST OR OTHER CUSTODIAL ARRANGEMENT ESTABLISHED BY THE OWNER OR ONE OF ITS AFFILIATES, THE OWNERS OF THE BENEFICIAL INTEREST IN WHICH ARE LIMITED TO “QUALIFIED INSTITUTIONAL BUYERS”, AS DEFINED IN RULE 144A PROMULGATED UNDER THE SECURITIES ACT OF 1933, AS AMENDED, OR A QUALIFIED INSTITUTIONAL

BUYER THAT IS A COMMERCIAL BANK WITH CAPITAL AND SURPLUS OF \$5,000,000,000 OR MORE AND WHICH SIGNS AN INVESTOR LETTER IN THE FORM REQUIRED BY THE RESOLUTION REFERENCED BELOW.

REGISTERED

REGISTERED

No. R-1

\$\_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND, NORTH CAROLINA

GENERAL OBLIGATION REFUNDING BOND, SERIES 2014

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>DATE OF ORIGINAL ISSUE</u>	<u>CUSIP</u>
____%	May 1, 2019	February __, 2014	

REGISTERED OWNER: WELLS FARGO MUNICIPAL CAPITAL STRATEGIES, LLC, a wholly owned subsidiary of Wells Fargo Bank, N.A.

PRINCIPAL AMOUNT: DOLLARS (\$\_\_\_\_\_)

The County of Cumberland, North Carolina (the "County"), for value received, hereby promises to pay, upon surrender hereof to the County, to the registered owner hereof, or registered assigns or legal representative, the principal sum stated above in annual installments due on May 1 in each year as set forth below, and to pay to the registered owner hereof interest on such annual installments from the date of this Bond until payment thereof at the interest rate per annum stated above (computed on the basis of a 360-day year of twelve 30-day months), payable on May 1, 2014, and semiannually thereafter on May 1 and November 1 of each year. Principal of and interest on this bond are payable by check mailed to the person shown as owner hereof at his address as it appears on the registration books kept by the County on the fifteenth day of the month preceding each interest payment date. Principal and interest are payable in lawful money of the United States of America.

Principal installments are due annually on May 1 of the years and in the amounts set forth below as follows:

<u>Year</u>	<u>Amount</u>
2015	\$
2016	
2017	
2018	
2019	



This Bond is issued pursuant to the Constitution and statutes of the State of North Carolina, including The Local Government Bond Act and regulations of the North Carolina Local Government Commission ("LGC"), and resolutions of the Board of Commissioners of the County and the Bond Order entitled:

**BOND ORDER AUTHORIZING THE ISSUANCE OF THE GENERAL OBLIGATION REFUNDING BONDS, SERIES 2014 OF THE COUNTY OF CUMBERLAND, NORTH CAROLINA IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$16,000,000 FOR THE PURPOSE OF REFUNDING ALL OR CERTAIN MATURITIES OF THE COUNTY'S GENERAL OBLIGATION REFUNDING BONDS, SERIES 2004**

which was authorized and adopted by the County on January 6, 2014.

This Bond is not subject to redemption prior to maturity.

Registration of transfer of the Bond and exchange of certificates thereof may be effected at the office of the County in minimum denominations of \$250,000 ("Authorized Denominations"). This Bond may only be transferred in Authorized Denominations to (a) an affiliate of the Bond owner, (b) a trust or custodial arrangement established by the Bond owner or one of its affiliates, the owners of the beneficial interest in which are limited to qualified institutional buyers, as defined in Rule 144A promulgated under the Securities Act of 1933, as amended (the "1993 Act"), or (c) to a Person that is a qualified institutional buyer that is a commercial bank having a combined capital and surplus, determined as of the date of any transfer pursuant to this Section, of \$5,000,000,000 or more that has executed and delivered to the County an Investor Letter in the form of Exhibit D to the Bond Purchase Agreement referenced in the Resolution.

The full faith and credit and taxing power of the County are hereby irrevocably pledged for the payment of principal of and interest on this Bond.

All acts, conditions and things required by the Constitution and statutes of the State of North Carolina to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed, and the issue of bonds of which this Bond is one, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and statutes of the State of North Carolina. This Bond shall be governed by the laws of the State of North Carolina.

This Bond shall not be valid until the County shall have executed the Certificate of Authentication appearing hereon.

IN WITNESS WHEREOF, the County of Cumberland, North Carolina, has caused this Bond to be signed by the manual or facsimile signature of the Chairman of its Board of Commissioners, to be countersigned by the manual or facsimile signature of the Clerk to the Board of Commissioners of the County, a manual or facsimile of its seal to be printed or affixed hereon, and this Bond to be dated February \_\_, 2014.

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

1) 802 N/Barnes St (PIN: 0437-30-4031); Cross Creek Township

Lot 30x120.5x20x130; Tolar Street (PIN: 0437-30-4063); Cross Creek Township

BACKGROUND:

On or about July 30, 2009, the County acquired by tax foreclosure the above property. The amount currently owed on the foreclosure judgment including interest and cost for the property is \$5,061.62.

Stacey Swaby was the last and highest bidder offering to purchase the County's interest in the property for \$5,061.62 and has deposited \$506.16 in the Finance Office.

The tax values of the properties are as follows:

PIN 0437-30-4031; 802 N/Barnes St; 802 Barnes St; Value: \$25,439.00

PIN 0437-30-4063; Lot 30x120.5x20x130; Tolar St; Value: \$2,538.00

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 Ms. Swaby's bid. The property has been advertised and this office has not received any upset bids. The bid period is now closed.

RECOMMENDATION/PROPOSED ACTION:

That the Board of Commissioners consider whether to accept the offer of Stacey Swaby to purchase the above property for the sum of \$5,061.62, plus advertising and recording costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

2) Lot 2 Fennell Ld Tyson Sub Prop (0.78 AC) Located on Smith Road  
PIN: 0443-02-2470; Grays Creek Township

BACKGROUND:

On or about March 30, 2010, the County acquired by tax foreclosure the above property. The amount currently owed on the foreclosure judgment including interest and cost for the property is \$3,314.26.

Holy House of God in Christ, Inc. was the last and highest bidder offering to purchase the County's interest in the property for \$4,852.42 and has deposited \$485.24 in the Finance Office. The tax value of the property is \$12,000.00.

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 Holy House of God in Christ, Inc. bid. The property has been advertised and has received several bids; however, Holy House of God in Christ, Inc. was the final and highest bidder. The bid period is now closed.

**RECOMMENDATION/PROPOSED ACTION:**

That the Board of Commissioners consider whether to accept the offer of Holy House of God in Christ, Inc. to purchase the above property for the sum of \$4,852.42, plus advertising and recording costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

**E. Approval of Declaration of Foreclosed Real Properties as Surplus.**

**BACKGROUND:**

The County when it is the successful bidder on tax foreclosed property first offers that property to the various county departments and agencies and to the City. If none of these entities has a need for the property, then the Commissioners are asked to declare the property surplus and it is placed on the county's surplus property list for sale to the public.

The County of Cumberland has recently acquired by tax foreclosure certain real property located in the county. Exhibit 1 is a list of properties which also shows their tax values.

**RECOMMENDATION/PROPOSED ACTION:**

That the Board declares the foreclosed property as surplus to the needs of the county.

**EXHIBIT 1  
COUNTY OWNED PROPERTY**

ITEM	PIN	ADDRESS	DESCRIPTION	ASSESSED VALUE \$	TAX LIEN \$	DATED RECORDED	DEED Book / Page
1.	0472-08-5670	6020 Acoma Ct	Lot 8 McNeill Sands Sec 2	7,500.00	3,223.15	06/06/13	9209/477
2.	0428-92-8401	Church St	Lot 43 Lakeland	5,000.00	6,245.23	07/19/13	9248/729
3.	0501-76-3388	122 N First St	Spring Lake Annex 1 3 & 4 Block D	56,551.00	10,615.02	06/19/12	8926/884
	0501-76-4236	118 N First St	Spring Lake Annex 1 Lt 6 Block D	25,239.00			
	0501-76-4252	105 N First St	Lot 7 Block D Spring Lake Annex 1	24,421.00			
	0501-76-5466	N Second St	Spring Lake Annex 1 11 & 12 Block D	47,482.00			
4.	0437-78-2317	724 North St	Res 724 North St	39,500.00	11,259.62	09/27/13	9301/326

## COUNTY AND CITY OWNED PROPERTY

ITEM	PIN	ADDRESS	DESCRIPTION	ASSESSED VALUE \$	TAX LIEN \$	DATED RECORDED	DEED Book / Page
5.	0437-03-3553	420 Bryan St	420 Bryan St	29,000.00	6,616.23	05/23/13	9197/488
6.	0437-78-0035	703 North St	703 North St	19,800.00	10,747.87	06/23/09	8183/169
7.	0446-38-5536	616 Deep Creek Rd	1 RES Lot 6 Cade Ave	43,200.00	6,172.08	06/21/11	8666/024
8.	0436-78-6341	809 Montgomery St	Lots 24-27 Raines Property	52,600.00	15,499.25	02/15/12	8832/377
9.	0428-92-9173	1419 Church St	Lot 33 Lakeland	16,945.00	7,868.96	11/01/12	9033/196
10.	0520-94-5534	504 Carteret Pl	Lot 350 Sec 10 College Lakes Pt A	18,000.00	9,226.29	10/02/12	9009/427
11.	0446-37-7380	837 Deep Creek Rd	Lot 18 Sunny Acres	32,900.00	5,867.11	10/18/11	8744/225
12.	0436-39-7334	217 Hedgepeth St	1Imp 217 Hedgepeth st 1, Lots 21 & 22	10,500.00	11,123.37	10/29/13	9320/228

F. Approval of Cumberland County Finance Committee Report and Recommendation(s):

1) Grant Application for a Veterans' Treatment Court

**BACKGROUND:**

The Board of Commissioners gave approval last January for the County to be the applicant for Veterans' Treatment Court grant funding through the Bureau of Justice. The County's application was not selected for funding at that time. The court system remains committed to establishing this treatment court and has identified another grant opportunity through the Governor's Crime Commission (GCC). A request has been made for the County to be the applicant again in this grant request. The GCC requires a 25% cash match for their grant funds.

Previously our Mental Health Department allocated funding to the court system to operate Sobriety Court, and this funding was again included in our FY2014 budget. In September, the County was notified that our Sobriety Court was awarded grant funds from the Governor's Highway Safety Program. In the event the County is successful in securing a GCC grant, the 25% cash match could be met through the available county funding appropriated for Sobriety Court.

This item was presented to the Finance Committee on January 7, 2014. The Committee unanimously approved the recommendation for staff to move forward with a grant application and to commit available County Sobriety Court funds for the match.

**RECOMMENDATION/PROPOSED ACTION:**

Approval for the County to be the grant applicant for the Governor's Crime Commission grant for a Veterans' Treatment Court and commit available county funding appropriated for Sobriety Court to meet the required 25% cash match.

2) Request for Nine Additional School Resource Officers

**BACKGROUND:**

The General Assembly has allocated funds to pay for the salaries of additional School Resource Officers on a recurring basis, to be distributed by the Department of Public Instruction. The Board of Education (BOE) was initially awarded \$168,000 for the salary expenses of six new officers to provide security in the elementary schools. However, the BOE was later notified that they would receive funding for nine officers.

The grant will fund 66% of the salary and fringe benefit costs for the nine officers. The remaining expense will be funded equally from the BOE and the Sheriff's NC Controlled Substance Tax. In addition, funds in the amount of \$308,646 are required to provide the equipment and vehicles for these positions. These one-time expenditures are funded as follows:

Equipment/Vehicles for 6 Officers: 50% BOE and 50% Sheriff's NC Controlled Substance Tax

Equipment/Vehicles for 3 Officers: 100% BOE

For year two and future years, Management intends on including the match or any costs not covered by a grant, as a cost that is covered (like other local expenses) by a school funding agreement.

This item was presented to the Finance Committee on January 7, 2014 and the recommendation of staff was unanimously approved.

**RECOMMENDATION/PROPOSED ACTION:**

Approve the associated budget revision and request to increase the security for elementary schools provided by the School Resource Officers through the grant funding provided by the General Assembly.

3) Audit Contract for FY 2014 through 2016

**BACKGROUND:**

Cherry Bekaert (CBH) has submitted their engagement letter for the upcoming audits for fiscal years ended June 30, 2014, 2015 and 2016. The firm has offered the County the ability to minimize costs and take advantage of the updated County staffing structure.

Previously the Deputy County Manager also served as Finance Director in addition to having supervisory responsibility for the internal audit function. Since the duties of Finance Director are now separate from the Deputy County Manager, the County has the opportunity to utilize the Internal Auditor and reduce external audit costs. The proposal by CBH takes advantage of this organizational structure.

The primary expense for the annual audit is a result of the single audit component – the required audit of federal and state funding. Due to the nature of County departments such as DSS, counties typically have a much higher level of single audit requirements than other governmental units. By shifting a portion of the single audit to the Internal Auditor, under the direction of CBH, a cost savings of \$20,000 can be obtained in year one.

	Option 1	Option 2
June 30, 2014	\$115,000	\$ 95,000
June 30, 2015	\$118,800	\$ 98,300
June 30, 2016	\$122,500	\$101,500

The proposal also adjusts the single audit portion depending on the number of programs. The base number of programs in the proposal is 12. For each program under 12, the audit cost will be reduced by \$2,500. Conversely, for each program over 12, the audit cost will increase by \$2,500. It should be noted that CBH performs the annual audit for the six largest counties in North Carolina. Upon review of these counties, proposed pricing by CBH is extremely comparable.

An additional component of the proposal is the inclusion of a local minority firm, Willie Cooper, Jr., CPA. This relationship has worked well in the past for both CBH and the County. Finally, CBH will be submitting an engagement letter to Global Spectrum for the annual audit at the Crown. CBH is familiar with arrangements such as the one between Global Spectrum and the Crown Coliseum since they already audit the Global Spectrum contract in Durham, N.C., Richmond, and Roanoke, VA.

#### RECOMMENDATION/PROPOSED ACTION:

Accept the Finance Committee approval on January 7, 2014 engaging Cherry Bekaert to perform the annual audit for Cumberland County for fiscal years ended June 30, 2014, 2015 and 2016 under the option utilizing the County's Internal Auditor (Option 2).

#### 4) Office Supply Contract

##### BACKGROUND:

Cumberland County Purchasing solicited bids for office supplies earlier in the year. At the time the bids were sent out Mental Health and the Crown Center office supply quantities were included on the bid sheet. Since vendors look at the estimated quantities along with other factors to determine their bid, this overstatement of quantities would be a disadvantage to vendors when compiling their proposal.

A request was made to the Board of Commissioners to reject the bids received and send them back out with corrected quantities. This action was approved at the November 18, 2013 Board of Commissioners meeting. Bids were received

December 4, 2013. In this request for proposals, vendors were asked for their best pricing as well as service level. The results are as follows:

Vendor	Proposed Price (Avg. Based on History)	Delivery Service	Comments
Forms & Supply	\$70,109.57	Next day delivery	Consultation available by appointment
Office Max	\$75,194.98	Next day delivery	Reserves the right to not sell at stated discount if they don't make 10%. Consultation service not presented.
Williams Office Environments	\$78,712.99	Will make two deliveries per day. Same day in stock items ordered in the morning.	On site consultation with departments. Assembles all items free of charge.

An extremely important consideration in determining the most responsive and responsible bidder is service. Although pricing is estimated to be slightly higher with Williams Office Environments, the service component surpasses all other bidders. In maintaining daily operations, this service level can be critical to County Departments.

**RECOMMENDATION/PROPOSED ACTION:**

Approval of Williams Office Environments as the County's office supply vendor per Finance Committee approval on January 7, 2014.

**G. Budget Revisions:**

**(1) Health**

NC AIDS - Revision in the amount of \$20,833 to recognize Care and Prevention in the US (CAPUS) funding, establish a local site with the statewide Safe Spaces Network and hire a part-time facilitator to coordinate the Safe Space Intervention program. (B14-241) Funding Source – State

**(2) Community Development**

Support Housing Program Grants - Revision in the amount of \$9,942 to recognize Continuum of Care Program Grant providing planning cost for a community-wide assessment system. (B14-243) Funding Source – Federal Grant

(3) Social Services

Revision in the amount of \$15,000 to recognize funds from the Annie E. Casey Foundation for a Child Welfare Initiative Agreement. (B14-239)  
Funding Source – Grant

(4) Sheriff

- a. Revision in the amount of \$32,805 to recognize insurance proceeds received for three vehicles to purchase one replacement vehicle. (B14-245) Funding Source – Insurance Proceeds
- b. Revision in the amount of \$40,000 to recognize NC Department of Public Safety grant to purchase bomb team equipment. (B14-244) Funding Source - State Grant

MOTION: Commissioner King moved to approve consent items 2.A. – 2.G.(4)b.  
SECOND: Commissioner Faircloth  
VOTE: UNANIMOUS (7-0)

3. Public Hearings

Mr. Martin explained the Board of Commissioners' procedures for public hearings.

Uncontested Rezoning Cases

- A. Case P99-09: Revocation of a CU/Conditional Use Overlay to allow open storage and repair of dump trucks reverting to the previous zoning classification of A1 Agricultural, or to a more restrictive zoning district, located at 4515 and 4531 Huckleberry Road, owned by Steve and Pondanesa Carter.

Staff Recommendation: Approval to revoke CU and rezone to A1  
Planning Board Recommendation: Approve Staff Recommendation

- B. Case P13-48: Rezoning of 73.21+/- acres from R20 Residential/DD Density Development/CUD Conditional Use District for a 125 lot residential subdivision and the Permit to R40 Residential, or to a more restrictive zoning district; located at 2961 and 2983 Cedar Creek Road and on the northeast side of NC Hwy 53 (Cedar Creek Road), southwest side of SR 2011 (A B Carter Road); submitted by J. O. Carter, Jr. et al (owners) and Daniel H. Devane.

Staff Recommendation: Adopt and approve the reasonableness statement, find request consistent with LUP and approve R40  
Planning Board Recommendation: Approve Staff Recommendation



- C. Case P13-49: Rezoning of 1.25+/- acres from A1 Agricultural to C(P) Planned Commercial, or to a more restrictive zoning district, located at 8569 Clinton Road, submitted by Billy D. and Fay J. Horne (owners).

Staff Recommendation: Adopt and approve the reasonableness statement, find request consistent with LUP and approve C(P)

Planning Board Recommendation: Approve Staff Recommendation

Contested Rezoning Cases

- D. Case P13-51: Rezoning of 81.30+/- acres from A1 Agricultural to R7.5 Residential, or to a more restrictive zoning district; located on the south side of SR 2242 (Braxton Road), northwest of SR 2252 (Chicken Foot Road); submitted by Prentice R. Barker on behalf of Barker Gallberry Farms, LLC. (owner) and 4D Site Solutions, Inc.

Staff Recommendation: Adopt and approve the reasonableness statement, find request consistent with LUP and approve R7.5

Planning Board Recommendation: Approve Staff Recommendation

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Tom Lloyd, Planning and Inspections Director, stated Case P13-51 is no longer being contested so all of the rezoning cases are now uncontested.

This is the duly advertised/noticed public hearing set for this date and time for rezoning Case P99-09, Case P13-48, Case P13-49 and Case P13-51.

Chairman Council opened the public hearing for Case P99-09, Case P13-48, Case P13-49 and Case P13-51.

The clerk to the board advised there were no speakers for Case P99-09, Case P13-48, Case P13-49 and Case P13-51.

Chairman Council closed the public hearing for Case P99-09, Case P13-48, Case P13-49 and Case P13-51.

MOTION: Commissioner King moved to adopt the staff recommendation for Case P99-09, and to adopt and approve the reasonableness statement and the staff recommendations for Case P13-48, Case P13-49 and Case P13-51.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (7-0)

Other Public Hearings

Minimum Housing Code Enforcement

The clerk to the board administered an oath to Joey Lewis, Inspector for the County of Cumberland Inspection Department, who provided information to the Board of Commissioners regarding Case Number: MH 379-2013.

E. Case Number: MH 344-2013 was removed from the agenda.

F. Case Number: MH 379-2013  
Property Owner: Rick Garcia  
Property Location: 4909 Panda Street, Hope Mills, NC  
Parcel Identification Number: 0413-45-4527

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

I, Joey Lewis, 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 379-2013.

Property Owner: Rick Garcia  
Home Owner: Rick Garcia  
Property Address: 4909 Panda Street, Hope Mills, NC  
Tax Parcel Identification Number: 0413-45-4527

SYNOPSIS: This property was inspected on 10/16/2013. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 11/19/2013. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 12/18/2013. 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 1/9/2014, 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 \$500.00. (Salvage)

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

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

Chairman Council opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Council closed the public hearing.

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

**SECOND:** Commissioner Melvin

**VOTE:** UNANIMOUS (7-0)

G. Case Number: MH 97-2013 was removed from the agenda.

#### Items of Business

4. Consideration of Request from the Mayor of Spring Lake for a Joint Meeting with the Cumberland County Board of Commissioners

#### BACKGROUND:

The Spring Lake Board of Alderman asked to schedule a joint meeting with the Board of County Commissioners. The request is to hold the meeting prior to County Manager James Martin's retirement. According to Town of Spring Lake Clerk Rhonda Webb, the Board of Alderman wants to meet regarding the following:

1. Manchester Fire Tax District
2. 911 Contract Fee for Services Provided by Cumberland County Communications Center
3. Routing of 911 Calls from Spring Lake
4. Possible Mental Health Satellite Location in Spring Lake for Substance Abuse Services
5. Clean Up of County Property Adjacent to Spring Lake Property
6. General Topics of Mutual Concern

#### RECOMMENDATION/PROPOSED ACTION:

Consider Spring Lake Board of Alderman's request for a joint meeting and whether to set a date/time/location for said meeting.

5. Consideration of Request from the Mayor of Linden for a Joint Meeting with the Cumberland County Board of Commissioners

**BACKGROUND:**

On behalf of the Town of Linden Commissioners, Mayor Marie Butler asked to schedule a joint meeting with the Board of County Commissioners. The request is to hold an evening meeting as soon as possible. According to Mayor Butler, the Town of Linden Commissioners want to meet regarding a park site in Linden.

**RECOMMENDATION/PROPOSED ACTION:**

Consider the Town of Linden Commissioners' request for a joint meeting and whether to set a date/time/location for said meeting.

**MOTION:** Commissioner Melvin moved to meet with the Spring Lake Board of Alderman and the Town of Linden Commissioners as requested.

**SECOND:** Commissioner Evans

**DISCUSSION:** Commissioner Faircloth suggested the cleanup of county property adjacent to Spring Lake property could be handled administratively. Mr. Martin confirmed the matter was being addressed.

**VOTE:** UNANIMOUS (7-0)

Chairman Council requested input as to possible meeting dates. Commissioners Faircloth and Keefe suggested the meetings take place prior to the Board of Commissioners February 6, 2014 retreat.

6. Nominations to Boards and Committees

A. Minimum Housing Appeals Board (3 Vacancies)

Commissioner Faircloth nominated Eric F. Jones and Veronica Langston to their respective position. Chairman Council asked that the third vacancy be carried forward.

7. Appointments to Boards and Committees

A. Air Quality Stakeholders' Committee (1 Vacancy)

Nominees:

Town of Eastover Stakeholder: C. Kim Nazarchyk (Reappointment)

B. Fayetteville Area Convention & Visitors Bureau (1 Vacancy)

Nominees:

Hotel/Motels Over 100

Rooms Representative:

William S. Wellons, Jr (Reappointment)

C. Wrecker Review Board (1 Vacancy)

Nominee:

County Appointee – Chairman:

Jay Barr (Reappointment)

There being an equal number of vacancies and nominees,

MOTION: Commissioner Edge moved to appoint by acclamation all nominees to their respective positions.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (7-0)

8. CLOSED SESSION
- A. Attorney/Client Matter(s)  
Pursuant to NCGS §143-318.11(a)(3)
- B. Economic Development Matter(s)  
Pursuant to NCGS §143-318.11(a)(4)

MOTION: Commissioner Edge moved to go into closed session for Attorney/Client Matter(s) pursuant to NCGS §143-318.11(a)(3) and Economic Development Matter(s) pursuant to NCGS §143-318.11(a)(4).

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Edge moved to reconvene in open session.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (7-0)

MOTION: Chairman Council moved to adjourn.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 8:15 p.m.

Approved with/without revision:

Respectfully submitted,

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Candice H. White  
Clerk to the Board