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**Minutes**  
**Cumberland County Board of Commissioners**  
**December 18, 2000, 7:00 p.m.**  
**Regular/Rezoning Meeting**  
**Cumberland County Courthouse, Room 118**  
**Fayetteville, NC**

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**PRESENT:** Chairman J. Lee Warren, Jr.  
Vice Chairman Breeden Blackwell  
Commissioner Talmage Baggett  
Commissioner Jeannette Council  
Commissioner Kenneth S. Edge  
Commissioner John T. Henley, Jr.  
Commissioner Billy R. King  
James Martin, County Manager  
Juanita Pilgrim, Asst. County Manager  
Cliff Spiller, Asst. County Manager  
Amy Cannon, Asst. County Manager/Finance Director  
Grainger Barrett, County Attorney  
Marsha Fogle, Clerk to the Board

**INVOCATION:** Chairman J. Lee Warren, Jr.

**PLEDGE OF ALLEGIANCE**

**RECOGNITION:** Miss Fayetteville: Leslie Nicole Harris

Board/Committee members: Nancy Capps – Mental Health Board  
Debbie Koenig – Child Protection/Fatality  
Prevention Team  
Alan Nobles – Mid Carolina EMS Council

**PRESENTATIONS:** GFOA Certificate of Achievement for Excellence in Financing Reporting for the  
Audit Period Ending June 30, 1999 – Amy Cannon.

Senior Aides Excellence Award for Workforce Development – Pauline Goodman

Chairman Warren recognized Judge John Tyson and House of Representatives Elect  
Marvin

Lucas.  
Chairman Warren also recognized Barry Warren, the County's new Planning Director.

**Adjustments to Agenda:** The Board removed item 2F (Approval of a Proclamation proclaiming  
Sunday, December 31, 2000 "Falun Dafa Day" in Cumberland County)  
from the agenda and transferred rezoning Case P00-71 to contested (so it  
could be heard separately).

**1. PUBLIC HEARINGS**

**Uncontested Rezoning Cases:**

Upon finding the requests to be reasonable, neither arbitrary or unduly discriminatory, and in the public interest, the following motion was offered:

**MOTION:** Commissioner Baggett moved to follow the recommendation of the Planning Board on the uncontested rezoning cases.

**SECOND:** Commissioner Blackwell

**VOTE:** UNANIMOUS

**A. Case P00-70. The rezoning from A1 Agricultural to RR Rural Residential, or to a more restrictive zoning district on the north side of Huckleberry Road, east of I-95, the property of Mildred McLucas and Ester Bagot**

The Planning Board recommends denial of RR and approval of R40A. The petitioner concurs with the R40A rezoning.

**C. Case P00-72. The rezoning from M(P) Planned Industrial to R40A Residential or to a more restrictive zoning district on the southwest side of Doc Bennett Road south of Nathaniel Avenue, the property of Catherine Shaw and Faye Smith Matthews**

The Planning Board recommends R40A.

#### **Contested Rezoning Cases:**

**B. Case P00-71. An application to modify and expand a Conditional Use Overlay Permit in a C(P)/CU Planned Commercial/Conditional Use Overlay District on the south side of Sanders Street, east of US 301, the property of C&F Investments**

The Planning Board recommends approval of the expansion of the conditional use permit.

No speakers.

**MOTION:** Commissioner Baggett moved that the conditional use district overlay application is reasonable, neither arbitrary or unduly discriminatory, and in the public interest and that it be approved.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

**MOTION:** Commissioner Baggett moved that the conditional use district overlay permit application for the expansion of a kitchen cabinet manufacturing business, if completed as proposed:

- will not materially endanger the public health/safety; and
- will not substantially injure the value of adjoining/abutting property;
- will be in harmony with the area in which it is located;
- will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners

be approved.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

## Other Planning Matters

### C. Case P00-75. Amendments and Revisions to the Cumberland County Subdivision Ordinance, Article 1, Section 1.8 Definitions (U) Municipal Influence Area

The Planning Board recommends approval.

**MOTION:** Commissioner Baggett moved to approve the revisions/amendments.

**SECOND:** Commissioner Henley

**DISCUSSION:** Commissioner Henley said it was clear that the amended ordinance does not substantially change the urban service area. He said he understood why municipalities may want to handle their own zoning requests and permits. However, he noted it is time for the County to address the need for joint planning. Commissioner Henley said annexation negatively affects Cumberland County with the reduction in sales tax, while not reducing most of the services we are required to provide. Commissioner Baggett noted the duplication in the Municipal Influence Area and the Urban Services Area. He noted the City of Fayetteville expressed confidence that the Urban Services Area provides protection for the municipalities. Commissioner Baggett said this action should not be viewed as retaliatory because Hope Mills pulled out of the joint planning process. He noted his concern that MIA's make it easier for municipalities to annex and that the citizens really have no voice in the issue. Commissioner Edge noted the importance of joint planning and cooperation between the county and municipalities. Chairman Warren noted the formation of the Joint Planning Board in 1969. He said he hoped we could get back to that "cutting edge" innovation.

**VOTE:** FAVOR: Commissioners Henley, Edge, Blackwell, Warren, Baggett, and Council

OPPOSED: Commissioner King

Commissioner Blackwell said the time has come to have a comprehensive study of our planning process. He suggested that we ask the Institute of Government to help us with the study.

**MOTION:** Commissioner Blackwell moved to authorize management to look at the feasibility of having a comprehensive look at planning in Cumberland County.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

## 2. CONSENT AGENDA

**MOTION:** Commissioner Blackwell moved to follow staff recommendations on the items on the Consent Agenda.

**SECOND:** Commissioner Edge

**VOTE:** UNANIMOUS

**A. Approval of Minutes: December 1, 2000 special meeting**

ACTION: Approve

**B. Approval of Minutes: December 4, 2000 regular meeting**

ACTION: Approve

**C. Approval of additions to the State Secondary Road System:**

Beaver Creek Subdivision: Goose Creek Lane, Piney Creek Place

Elk Run Subdivision: Alexwood Drive, Josh Court, Broadway Court, Braswell Court, Creedmore Circle, Miranda Drive

Middle Creek Subdivision: Spring Water Court, Pebblebrook Drive, Mayflower Court, Shady Grove Lane, Reedy Creek Drive, Clearspring Drive, Bramblewood Court

**D. Approval of a resolution supporting an additional one-cent local option sales tax for Cumberland County**

BACKGROUND: In January 1999 and again in September 2000, the previous Board of Commissioners supported an increase of the Local Option Sales Tax for Cumberland County. It may be appropriate for this Board to consider similar action.

ACTION: Adopt resolution supporting the local option sales tax

**RESOLUTION**

BE IT RESOLVED that the Cumberland County Board of Commissioners unanimously supports our Legislation Delegation sponsoring a one-cent local option sales tax for Cumberland County for school construction and other infrastructure needs.

**E. Approval of bids for the demolition of county property in the 100 block of Gillespie Street**

BACKGROUND: On November 9, 2000, bids were received and opened for the demolition and preliminary site grading for the 100 block of Gillespie Street Project in downtown Fayetteville:

<u>Bidders</u>	<u>Base Bid Amount</u>
D.H. Griffin Wrecking Company	\$ 143,500
L-J Inc.	99,648

<u>Bidders</u>	<u>Base Bid Amount</u>
One Stop Site Solutions (Hosack)	\$ 189,190
Phillips & Jordan Inc.	169,000
SCS Group	93,670
McLaughlin-Colvin	159,000
Hazard One	92,500
The Linda Construction Company	138,640

The bid proposal includes all work for the demolition and removal of existing structures and to rough grade the site in preparation for the construction of a new parking lot and walkway connecting the Old and New Courthouses. The bid includes asbestos remediation required by the State.

**ACTION:** Accept the bids and award the contract to Hazard One in the amount of \$100,000 (includes \$7,500 in-contract contingency).

### **G. Approval of a resolution allowing unattended service stations**

**BACKGROUND:** A survey by the Fire Marshal's Office has revealed that several gasoline service stations engage in the practice of leaving their gas pumps available to be utilized when the stations is closed. Customers may access the gas pumps with a credit card. The State Fire Code and the national Fire Protection Association allow this practice if certain regulations are followed, one being that the local governing board approve it. The survey reveals no reported fire or safety incidents. The stations are in compliance with the State rules and regulations.

**ACTION:** Adopt a resolution permitting the operation of "unattended service stations" within the County of Cumberland under the jurisdiction of the Fire Marshal, provided the technical requirements from applicable National Fire Protection Association standards and the North Carolina State Fire Code are followed.

### **RESOLUTION**

WHEREAS, the Cumberland County Fire Marshal's Office has determined that the practice of leaving service station pumps open and available for credit card customer use is acceptable under certain delineated circumstances; and

WHEREAS, the Cumberland County Fire Marshal's Office has assured that those circumstances are in compliance with state and local rules and regulations; and

WHEREAS, one of the requirements for the operation of these "unattended service stations" is that the local governing authority approve such operation.

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that the operation of "unattended service stations" be permitted within the jurisdiction of the County covered by the Cumberland County Fire Marshal's Office, provided the technical requirements from applicable National Fire Protection Association standards and the North Carolina State Fire Code are adhered to. The Fire Marshal's Office shall continue to have the authority to regulate, inspect, approve and/or deny such operation.

### **H. Approval to amend the 2000 Community Development Block Grant Action Plan to include funding of housing for homeless persons who have been disabled through HIV/AIDS**

**BACKGROUND:** Humans United Giving Greater Service (HUGGS) is an HIV/AIDS service organization which is requesting funding to complete rehabilitation of a community of five homes and build a resource center for supportive services on North Street Extension. Once the project is completed it would serve as permanent rental housing for homeless families with at least one

member who has been disabled through HIV/AIDS. Funds will also be allocated for a paved parking lot, fencing and landscaping on the site. Other support for this project has been provided in the form of the donation of five houses and land to HUGGS, \$20,000 in funding from the State Housing Opportunities for Persons with AIDS (HOPWA) program, supplies and materials provided at a reduced rate by local vendors, and services donated by local builders and a local architect. This project is unique as it will be the first of its kind in our community.

**ACTION:** Approve an amendment to the 2000 Action Plan to include this project in the amount of \$146,350.00 and approve associated budget revision (B01-258).

### **I. Approval of bid award for Trommel Screen and Stacking Conveyor for Solid Waste Department**

**BACKGROUND:** The following bids were received:

<u>Bidders</u>	<u>Trade-In</u>	<u>Drive Train Warranty</u>	<u>Trommel Screen</u>	<u>Stacking Conveyor</u>	<u>Overs Conveyor</u>
Extec USA	\$ 55,000	10,000.00	134,700.00	19,300.00	Included
Morbark	45,000	11,405.84	158,847.00	28,947.00	11,447
Pioneer Machinery	27,150	4,415.04	148,500.00	26,705.00	Included
Powerscreen	47,500	5,975.00	149,300.00	21,250.00	11,500

**ACTION:** Declare the existing Powerscreen surplus to the needs of the county, allowing it to be used as a trade-in and award the bid to Powerscreen Mid Atlantic in the amount of \$140,525, to include the optional oversized material conveyor. (lowest responsible bid).

### **J. Approval of the cancellation of the January 2, 2001, Board of Commissioners meeting**

**BACKGROUND:** In view of the Christmas and New Year's holidays, the County Manager requests the Board to consider canceling the January 2, 2001 meeting.

**ACTION:** Approve

### **K. Budget Revisions**

(1) **Mapping:** Revision in the amount of \$3,000 to transfer funds from General Government contingency to cover additional costs of departmental supplies for the Tax Administrator (B01-265-265A) Funding Source – County

(2) **Mental Health - Adult Homeless:** Increase in revenue/ expenditures in the amount of \$40,000 to establish a new organization and case manager position for the Adult-Homeless Program (B01-250) Funding Source – Federal

(3) **Sheriff:** Revision in the amount of \$22,992 to recognize an insurance settlement to replace a law enforcement sedan destroyed in an accident (B01-256) Funding Source – Insurance Settlement

(4) **Detention Center:** Revision in the amount of \$1,028,733 to budget



issuance and other related costs associated with installment payment revenue refunding bonds (B01-257) Funding Source – COPS Proceeds

(5) Eastover Water Authority: Revision in the amount of \$87,300 to recognize tap fees collected for the Eastover Water District (B01-259) Funding Source – Fees

(6) Fire Districts

a. Gray's Creek Fire District: Increase in revenue/expenditures in the amount of \$100 to fund unanticipated increase in tax refunds (B01-251) Funding Source – Fire Tax

b. Stoney Point Fire District: Increase in revenue/expenditures in the amount of \$100 to fund unanticipated increase in tax refunds (B01-252) Funding Source – Fire Tax

(7) Tax Assessor: Revision in the amount of \$108,000 to appropriate Fund Balance to budget payment to Tax Management Association for discovery audits (B01-266) Funding Source --Appropriated Fund Balance

(8) Social Services

a. Increase in revenue/expenditures in the amount of \$152,506 to recognize additional funding for energy assistance and crisis intervention (B01-262) Funding Source – State

b. Work First: Increase in revenue/expenditures in the amount of \$51,589 for the Welfare to Work Program (B01-263) Funding Source – Intergovernmental

c. Domestic Violence: Increase in revenue/expenditures in the amount of \$446,861 to recognize additional funding for Work First clients (B01-264) Funding Source – Federal

(9) JCPC Programs: Revision in the amount of \$27,221 to recognize additional MCP expansion funds (B01-267) Funding Source – State, In-Kind)

(10) CBA Residential Group Homes: Revision in the amount of \$12,000 to recognize the Stop the Madness specific service initiative grant (B01-261) Funding Source – State

ACTION: Approve

## REGULAR AGENDA

### 3. Nominations to Boards/Committees

#### A. Mental Health Board (1 vacancy)

BACKGROUND: Richard Foy was appointed to fill the Mental Health Representative from a citizens

organization or primary consumer position. The commissioners' office has learned that Mr. Foy is not a resident of Cumberland County and therefore ineligible to serve. The Area Mental Health Board recommends that Mr. Carlisle Bullard be appointed to fill that vacancy.

NOMINEES: Larry Ingram  
Carlisle Bullard

Appointments will be made at the January 16, 2001 meeting.

**4. Appointments to Boards/Committees**

**A. Board of Health (6 vacancies)**

Nominees:	Veterinarian position (1)	Dr. James Williams
	Dentist position (1)	Dr. Harold E. Maxwell
		Dr. Walter Scott
	Registered Nurse (1)	Annette E. Lanier (reappointment)
	Optometrist (1)	Dr. William C. Philbrick
	General Public (2)	Eleanor McGinnis (reappointment)
		Dr. Joe Burks
		Mary G. James
		W. Lee Utley

**MOTION:** Commissioner King moved to appoint Dr. James Williams, Annette Lanier and Dr. William Philbrick to their respective positions.

**SECOND:** Commissioner Council  
**VOTE:** UNANIMOUS

VOTING/OTHER POSITIONS: Dentist position: Dr. Harold Maxwell: Commissioners Henley, Edge, Blackwell, Warren, Baggett  
Dr. Walter Scott: Commissioners Council, King

Dr. Maxwell was appointed to the dentist position.

VOTING: General Public Positions (2)

Eleanor McGinnis – vote unanimous  
Dr. Joe Burks: Chairman Lee Warren  
Mary James: Commissioners King and Council  
W. Lee Utley: Commissioners Blackwell, Baggett, Henley, Edge

Ms. McGinnis and Mr. Utley were appointed to the general public representative positions.

**B. Cape Fear Valley Health System Board of Trustees (2 vacancies)**

Nominees:	Medical Doctor position:	Dr. Johnny Gaston
		Dr. Rakesh Gupta
	Registered Nurse position:	Mary Thomas (reappointment)



Commissioner King pulled Dr. Johnny Gaston from the list of nominees.

**MOTION:** Commissioner Henley moved to appoint Dr. Rakesh Gupta and Mary Thomas to the Hospital Board of Trustees.

**SECOND:** Commissioner Council  
**VOTE:** UNANIMOUS

**C. Civic Center Commissioner (5 vacancies)**

Nominees: George Breece (reappointment)  
James Carson (reappointment)  
Henry W. Holt (reappointment)  
Ruth M. Davis  
Jack P. Justice, Jr.  
Ed McDaries  
Susan Jones-Monroe

**MOTION:** Commissioner Baggett moved to reappoint George Breece, James Carson and Henry Holt.

**SECOND:** Commissioner Council  
**VOTE:** UNANIMOUS

**VOTING:** Ruth M. Davis: Commissioners Council, Warren, Blackwell, Edge  
Jack Justice: Commissioners Henley, Warren, Baggett  
Ed McDaries: Commissioner King  
Susan Jones-Monroe: Commissioners Henley, Edge, Blackwell, Baggett,  
King, & Council

Ms. Davis and Ms. Jones Monroe were appointed, along with the reappointments.

**D. Library Board of Trustees (3 vacancies)**

Nominees: Dr. Joseph F. Johnson (reappointment)  
Kim Nazarchyk (reappointment)  
Richard Higgins  
Pearlie J. McMillian

**MOTION:** Commissioner Baggett moved to reappoint Dr. Joseph Johnson and Kim Nazarchyk.

**SECOND:** Commissioner Council  
**VOTE:** UNANIMOUS

**VOTING:** Richard Higgins: Commissioners Henley, Edge, Blackwell, Warren, Council  
  
Pearlie J. McMillian: Commissioners King and Baggett

**E. Minimum Housing Appeals Board (2 vacancies)**

Nominees: Regular member: J.E. Herndon, Jr. (reappointment)  
Alternate member: Mary J. Raynor (reappointment)

**MOTION:** Commissioner Blackwell moved to reappointment Mr. Herndon and Ms. Raynor.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

## **5. Consideration of the County Policy Committee report and recommendation**

### **A. Kelly Hills/Slocumb Road Area Sanitary Sewer Project**

**BACKGROUND:** The County Policy Committee met on November 16, 2000 and received a report regarding funding opportunities for this project. Mr. Buck Kennedy with The Wooten Company and Mr. Jackie McLamb with USDA-RD discussed options with the committee. Some of the options available to pursue for funding include Community Development Block Grant, PWC, High Unit Cost Grant, Unsewered Communities Grant Program, and USDA Rural Development.

**ACTION:** The Policy Committee recommends that the Board continue to pursue funding for this project with a goal to secure the funding by the end of the calendar year 2001.

**MOTION:** Commissioner Blackwell moved that staff be directed to continue to pursue funding for this project as noted above.

**SECOND:** Commissioner Baggett

**VOTE:** UNANIMOUS

### **B. Applications for Ambulance Franchise**

- 1. Faynet**
- 2. Mid South Medical Transport**

**BACKGROUND:** The County recently received 2 separate applications for franchises to initiate non-emergency private ambulance service in the county. The Policy Committee recommends denial of the applications based on the following:

- the potential negative funding impact on the entire hospital system;
- non-emergency transport through the Hospital System will maintain accountability of delivery of ambulance service to the public and to the Board of Commissioners in that the Hospital Board of Trustees and Board of Commissioners are accountable and responsive to the public; and
- concern that by allowing these private providers to serve exclusively the segment they propose to serve, will leave unserved or lessen service to the indigent or financially stressed segment of the market who never the less need to continue to be adequately served.

**ACTION:** Follow the recommendation of the Policy Committee and deny the franchises and authorize a review and, as appropriate, revision of the ambulance franchise ordinance to update it, to consider what private ambulance service(s) should be franchised, what relationship it should have to CFVHS EMS, what possibility exists legally to delegate application approval or denial, what entity could appropriately supervise and enforce the ordinance and its franchise requirements, and what standards should govern approval or denial of applications.

Mr. Terry Heuser, Mid South Medical Transport, told the Board he was simply trying to address some unserved/underserved needs in Cumberland County as it relates to non-emergency

transportation. He said he currently provides such service in Johnston and Wake county. Mid South offers wheelchair/van non-emergency ambulance service in those communities. He said he had hoped for a better recommendation out of the Policy Committee. He noted his company provides service regardless of ability to pay.

**MOTION:** Commissioner Baggett moved to deny the ambulance franchise applications from Mid South Medical Transport and FAYNET, as recommended by the Policy Committee.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

**MOTION:** Commissioner Baggett moved to direct the County Attorney to review and revise, if appropriate, the current Ambulance Franchise Ordinance and bring back to the Board for approval.

**SECOND:** Chairman Warren

**VOTE:** UNANIMOUS

## 6. Presentation of the FY2000 Annual Audit

Appearing Eddie Burke, CPA

Mr. Burke gave a brief overview of the audit for FY2000.

### HIGHLIGHTS

- 
- clean opinion (highest assurance level)
- no material findings or questioned costs
- cash/investments was \$186.1 million
- total assets exceeded \$673.4 million
- equity grew by \$49.9 million in FY2000
- bond ratings – upgrade; Standard & Poor A+ to AA-; Moodys – 1A to Aa3
- tax collection – real property – 98%; vehicles – 82%
- long term debt increased \$69.6 million (due to debt from Detention Facility and school bonds)
- approximately 45.1% of general fund revenues come from ad valorem tax
- approximately 40.3% of general fund expenditures go to human services departments
- undesignated fund balance – General Fund – 7.61%
- unreserved fund balance – General Fund – 17.05%
- enterprise funds (Civic Center & Solid Waste) – increase in operating expenses of 15.4% resulted in an operating loss increase of 61.7% from prior year caused by change in estimate for landfill closure and additional losses for Civic Center Complex.
- Internal service funds – current year operating loss was a result of unanticipated increase in health insurance claims.

**MOTION:** Commissioner Baggett moved to accept the report.

**SECOND:** Commissioner Council

**VOTE:** UNANIMOUS

## 7. Presentation regarding the Town of Spring Lake's 50<sup>th</sup> Anniversary

Appearing: Mayor Marvin Lucas

Mayor Lucas shared Spring Lake's plans for the celebration of their 50<sup>th</sup> anniversary. He asked the Board of Commissioners to consider a \$10,000 donation for their celebration. He told the Board they have raised \$40,000 in private donations; however they are a little short of their planned budget of \$75,000.

**MOTION: Commissioner Blackwell moved to refer this to the County Policy Committee.**

**SECOND: Commissioner King**

**VOTE: UNANIMOUS**

## **8. Consideration of scheduling meetings with municipal elected officials and citizens in various communities in Cumberland County**

**BACKGROUND:** Chairman Warren requested this item be put on the agenda for discussion. He noted the importance of communication between the municipalities and the county. In 1999, the Board of Commissioners held meetings in the municipalities with the respective boards and also held a public meeting to hear the concerns of the public in each municipality. It was suggested that we look at holding these meetings on the fifth Mondays and/or fourth Tuesdays during 2001.

**ACTION:** Direct staff to schedule meetings with municipalities, using the fifth Mondays and fourth Tuesdays if possible. It was suggested that we not hold meetings during May and June because of so many budget meetings.

**MOTION: Commissioner Baggett moved to schedule meetings with the municipalities as recommended above.**

**SECOND: Commissioner Blackwell**

**VOTE: UNANIMOUS**

## **9. Consideration of transferring ownership of the Museum of the Cape Fear property to the State of North Carolina**

**BACKGROUND:** The Board of Commissioners previously authorized offering the Museum of the Cape Fear property to the State of North Carolina, which already leases it under a long-term lease from the County. The Council of State has now approved accepting the County's offer of that gift, which would be subject to a reverter back to the County should the property ever cease being used for the Museum.

**ACTION:** Approve the transfer of the property as noted above.

**MOTION: Commissioner Blackwell moved to approve.**

**SECOND: Commissioner Council**

**VOTE: UNANIMOUS**

## **10. Consideration of approval of an application for Qualified Zone Academy Bonds in the amount of \$2 million as recommended by the Board of Education**

**BACKGROUND:** In 1977, Congress passed legislation creating a new financing tool for schools called Qualified Zone Academy Bonds or "QZABS. These bonds are a new reduced interest financial instrument that provides a different form of subsidy from traditional tax-exempt bonds. Banks, insurance companies and corporations actively involved in the business of lending money

would be the bondholders and receive a federal income tax credit in an amount equal to a percentage of the face amount of the bond. To become eligible for a QZAB, a public school (not a school district), must be located in an empowerment zone or an enterprise community or have at least 35 percent or more of its students eligible for free or reduced lunch under the National School Lunch Act. Contributions having a present value of at least 10% of the gross proceeds of the QZABs must be pledged by one or more local businesses before the QZABs are issued. The bonds may be used for:

- providing equipment;
- developing additional course material;
- training teachers and other school personnel; and
- rehabilitating or repairing the public school facility.

These bonds may not be used for construction. The Board of Education, at its November 14, 2000 meeting, approved the application for \$2 million in QZABs. The funds will be used for facility improvements at 0% interest with up to 12 years for repayment. Existing sales tax funds may be dedicated to the loan repayment and issuance costs incurred in the transaction.

**ACTION:** Approve the application of Certificate of Interest with Regard to Authority to Issue Qualified Zone Academy Bonds.

**MOTION:** Commissioner Edge moved to approve.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

# **11. Consideration of Change Order 1 for ES&J Enterprises, Inc., and a request for additional engineering fees for the Rose Group for Indian Drive Sanitary Sewer project**

**BACKGROUND:** The purpose of the Change Order in the amount of \$42,446.48 is as follows:

- a. Raise the existing 12-inch water line along Downing Road to avoid a conflict with the sewer line encountered during construction. The water line was raised and changed to ductile iron pipe to comply with NC DENR regulations. Add: \$6,369.24
- b. Additional select backfill material was required throughout the sewer collection system due to poor soil conditions encountered during installation. The total amount of select fill in excess of the contract quantity is 1,538 CY of which 1022 CY was paid from in-contract contingency and the balance of 516 CY will be paid from Community Development Fund Balance. Add: \$4,128.00
- c. Additional asphalt patch and overlay of Indian Drive was required due to the poor pavement condition of the road. The total quantity of patch and overlay is 9,312 SY and exceeded the estimated quantity in the bid proposal by 2,412 SY. Payment will be made at the unit price in the contract which is \$9,52 per SY. Add: \$22,962.24
- d. The County requested the Contractor to install ABC stone on Ransom Road and Cornelius Road to improve the quality of the existing soil roads which became unstable during installation of the sewer collection lines due to the poor condition of the materials. A stone base course will provide an improved roadway for the community. Add: \$8,987.00

The additional work is associated with the sewer collection system and will be funded by Community Development.

In addition, The Rose Group, is requesting additional fees in the amount of \$4,920 associated with the design and construction administration of the Indian Drive Sanitary Sewer Project. Redesign of a portion of the sewer collection system was required to avoid crossing an existing 30-inch water main. Other work was also required and is noted in the Change Order.

**ACTION:** Approve the Change Order in the amount of \$42,446.48 and the additional engineering fees in the amount of \$4,920.00 for this project.

**MOTION:** Commissioner Baggett moved to approve.  
**SECOND:** Commissioner Council  
**VOTE:** UNANIMOUS

## **12. Consideration of revised Change Order MC5 for the Social Services Administration Building**

**BACKGROUND:** On November 6, 2000, the Board of Commissioners approved change orders for the contractors for the upfit of the shell space on the ground floor of the new DSS building to accommodate Veterans Services in the building. Change Order MC5 for John J. Kirlin, Inc., the mechanical contractor, included a deduct item for excessive water consumption that was thought to be paid by the County. The amount of the deduct is \$3,391.00. However, upon further review of the DSS utility bills, it was determined that the County did not incur this cost. As such the contractor is entitled to have \$3,391.00 returned to his contract amount. Change Order MC5(R) removes the \$3,391.00 that was deducted from his contract in error. Therefore, the total amount of this change order is revised from \$25,903 to \$29,294 of which \$16,420 is funded from the remaining in-contract contingency and \$12,874 is funded from the project contingency.

**ACTION:** Approve Change Order MC-5 (R) in the amount of \$29,294 and associated budget revision (B01-260)

**MOTION:** Commissioner Baggett moved to approve.  
**SECOND:** Commissioner King  
**VOTE:** UNANIMOUS

## **13. Discussion of upfit of space in the DSS building for State Regional Child Welfare Training Center**

**BACKGROUND:** Cumberland County has been selected to house a regional training center for Child Welfare and other types of DSS training. About 4,480 SF of the ground floor shell space adjacent to the area designated for Veterans Services has been identified to house this center and will require upfitting. The estimated cost of the work is from \$194,000 to \$239,000 exclusive of any furnishings. Funding will be recovered through future rent payments to the County from the North Carolina Division of Social Services and through the saving of travel expense for Cumberland County DSS workers who would have to travel to a site away from Cumberland County to take the training. Mr. Scarlett said that ample space is available to accommodate the future needs of the DSS.

**ACTION:** Approve the upfit of the space as noted above.

**MOTION:** Commissioner Council moved to approve.  
**SECOND:** Commissioner Henley  
**VOTE:** UNANIMOUS



**14. Report on the status of Arena Ventures Transactions**

Grainger Barrett reported that contracts for these transactions should be signed sometime this week.

**15. Designation of a voting delegate for the Legislative Goals Conference, January 11-12, 2000, Pinehurst, North Carolina**

**ACTION:** Designate a voting delegate for the conference.

**MOTION:** Commissioner King moved to appoint Vice Chairman Breeden Blackwell as the voting delegate.

**SECOND:** Commissioner Henley

**VOTE:** UNANIMOUS

**16. CLOSED SESSION: Attorney Client Matter – Time Warner**

**MOTION:** Commissioner Blackwell moved to go into Closed Session for an attorney-client matter.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS

**MOTION:** Commissioner King moved to go back into Regular Session.

**SECOND:** Commissioner Blackwell

**VOTE:** UNANIMOUS

**MEETING ADJOURNED: 9:40PM**

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Clerk to the Board