

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
FEBRUARY 19, 2008, 6:45PM  
REGULAR/REZONING MEETING

PRESENT: Chairman Breeden Blackwell  
Vice Chairperson Jeannette Council  
Commissioner Kenneth Edge  
Commissioner John T. Henley, Jr.  
Commissioner Billy R. King  
Commissioner Ed Melvin  
Commissioner Diane Wheatley  
James Martin, County Manager  
Juanita Pilgrim, Deputy County Manager  
Cliff Spiller, Asst. County Manager  
Amy Cannon, Asst. County Manager  
Grainger Barrett, County Attorney  
Harvey Raynor, Deputy County Attorney  
Marie Colgan, Deputy Clerk  
Marsha Fogle, Clerk  
Sara VanderClute, PIO

INVOCATION - Commissioner Breeden Blackwell, Chairman

PLEDGE OF ALLEGIANCE – Tanna Gillis, Armstrong Elementary School – 2<sup>nd</sup> Grade  
Little Miss Autryville 2007

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

**Speakers:**

**Mike Lallier – Member of the Cumberland County Citizens for Fair Taxes.** He said his committee would advocate for the ¼ cent sales tax and complement the county's education efforts regarding this issue.

**Robert Kreel –** Mr. Kreel asked the Board to look into passing a law that would outlaw using dogs to hunt deer in Cumberland County.

Recognition of Retired County Employees:

Larry Philpott – Fayetteville-Cumberland Parks & Recreation Department  
Rick Collins – Cumberland County Sheriff's Office  
Patrick S. Hurley – Cumberland County Workforce Development  
Debby Rice – Cumberland County Mental Health Department

Recognition of Outgoing Board Members: Bruce Armstrong – Civic Center Commission

Recognition of Cumberland County Cares Award - Lynda Simmons and Doris O'Brien

Recognition of Billy Marsh, a United Parcel Service (UPS) employee who assisted in the house fire on Murphy Road on Monday, January 21, 2008.

Recognition of the Cumberland County Sheriff's Office for Reaccreditation by the Commission on Accreditation for Law Enforcement Agencies.

Recognition of the Newly Elected Officials for the Town of Eastover:

<u>Mayor:</u>	Charles McLaurin	
<u>Town Councilmembers:</u>	Lawrence Buffalo	Willie Geddie
	Cheryl C. Hudson	Benny Pearce
	Donald Hudson	Sara Piland

1. Presentation of "Be Aware of Our Air Book" by Mr. Steven Blanchard, Air Quality Stakeholders Vice Chairman and Ms. Emilie Helms, Fayetteville Area Metropolitan Planning Organization, Air Quality Coordinator.

Mr. Steven Blanchard presented the book to the Board of Commissioners and noted that an importance announcement is forthcoming concerning the County's air quality position.

2. Consent Agenda

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

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

- A. Approval of minutes for the February 4, 2008 regular meeting and February 7, 2008 Special Planning Session.

ACTION: Approve

- B. Approval of a Conditional Letter of Commitment for the Spring Lake Green Project through the Cumberland County Community Development Department.

BACKGROUND: United Developers has requested the County participate in the construction of an affordable housing apartment complex called Spring Lake Green Apartments. The proposed project is for the construction of 48 two-three bedroom units targeted to families whose income is at or below 60% of the median income for Cumberland County. The units will rent for \$300-\$475 per month. Supportive services will be offered to the residents. The amount of participation for the County is \$300,000 at an interest rate of 2% for 20 years. Other funding sources include low-income housing tax credits administered through the NC Housing Finance Agency. This project is consistent with the County's Affordable Housing Program

and the housing goals identified in the Consolidated Plan. The funding is contingent upon completion of a satisfactory environmental review as determined by the County.

**ACTION:** Commit \$300,000 to this project and authorize the County Manager to sign a Letter of Conditional Commitment with Murray Duggins of United Developers.

C. Approval of the Proposed Federal Agenda for FY 2009.

**BACKGROUND:** County, City and Fayetteville/Cumberland County Chamber representatives will meet with The Ferguson Group to discuss the federal agenda for FY2009. To date, the Ferguson Group has been successful in securing federal funds in the amount of \$20,329,500.

**ACTION:** Approve the FY2009 Federal Agenda.

Proposed Agenda  
(listed according to priority)

<u>PROJECT</u>	<u>DESCRIPTION</u>
Digitizing Records	\$200,000 in Health & Human Services Appropriations, Health Resources and Services Administration, for digitizing and electronic storage of veterans claims.
PDI (Partnership for Defense Innovation)	\$3 million in Defense Appropriations, Special Operations Forces Enhancement For the PDI Wi-Fi Laboratory Testing & Assessment Center
Military Business Park (MBP)	\$1 million in Transportation Appropriations, Federal Highway Administration for transportation Improvements to the MBP to retain and attract defense industry.
Sewer system	\$2 million in Energy & Water Appropriations, Corps Of Engineers, Sec. 219, for sanitary sewer system
Regional Public Safety Communications	\$1.5 million in Justice Appropriations, Community Oriented Policing Services Technology, to provide regional communications equipment
Abandoned Manufactured Home	\$1 million in HUD Appropriations, Economic Dev. Initiatives, to acquire & remove abandoned and

	dilapidated homes
Multimodal Center	\$3 million in Transportation Appropriations, Bus and Bus Facilities, for the Multimodal Center
SAFETEA-LU Reauthorization	\$30 million in the reauthorization of SAFETEA-LU Federal-Aid Highways, High Priority Projects, for Rowan Street Bridge Replacement/realignment
Airport	Raise awareness to add direct flight from Fayetteville to Washington Reagan National Airport
Housing	Pursue the successful award of the City's HOPE VI application.

- D. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure (0.25 acres, located on Maggie Circle of Rim Road).

BACKGROUND: On or about December 8, 2005, the County acquired by tax foreclosure the above noted property. The amount currently owed on the foreclosure including interest and cost for the property is \$3,636.23. Mary Branning has offered to purchase the property for \$3,636.23 and has deposited \$363.63 in the Finance Office. The tax value of the property is \$28,800.

ACTION: Accept the offer noted above plus costs and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- E. Approval of Request for Additional Event Manager Position for the Cumberland County Crown Coliseum.

BACKGROUND: Mr. Paul Beard, Interim CEO of the Crown Coliseum requests a new Event Manager position to better control excessive overtime hours currently needed to meet work needs. Funds are available in the department budget to fund the request.

ACTION: Approve

- F. Approval of Adoption of a Resolution Celebrating 100 Years of County Unity in Recognition of the NCACC's Centennial.

ACTION: Adopt Resolution

**Joint Resolution Celebrating 100 Years of County Unity in  
Recognition of Our Association's Centennial**

**WHEREAS**, the North Carolina Association of County Commissioners is an advocacy and service organization made up of all one-hundred (100) North Carolina counties; and

**WHEREAS**, the active participation and engagement of all 100 counties have directed, strengthened and enhanced our Association; and

**WHEREAS**, the dedication and talents of individual county commissioners and county staff have led our Association's success in advocacy, county-centered services and educational programs; and

**WHEREAS**, an informal agreement to form our Association was made by a handful of county commissioners who, at the behest of Craven County Commissioner C.E. Foy, met in New Bern in 1908, to discuss county issues of common interest; and

**WHEREAS**, the first session of our unofficial Association was held at the Atlantic Hotel in Morehead City on August 19, 1908, where C.E. Foy was elected as president; and

**WHEREAS**, the North Carolina General Assembly passed an act on March 8, 1909 establishing our Association on behalf of counties;

**NOW, THEREFORE BE IT RESOLVED**, that the North Carolina Association of County Commissioners and each Board of County Commissioners jointly recognize and celebrate "100 Years of County Unity" in tribute to our Association's Centennial.

**FURTHER BE IT RESOLVED**, that the Association communicate its copy of this joint resolution to each Board of County Commissioners.

**FURTHER BE IT RESOLVED**, that the Cumberland County Board of Commissioners communicate its copy of this joint resolution to the North Carolina Association of County Commissioners.

Adopted this 19<sup>th</sup> day of February, 2008.

G. Budget Revisions:

ACTION: Approve Revisions

(1) Tax Administration

Revision in the amount of \$30,516 to appropriate fund balance to pay Tax Management Associated for audits. (B08-222) **Funding Source – General Fund Fund Balance**

(2) Health - Administration

Revision in the amount of \$10,734 to recognize additional state funding. (B08-227) **Funding Source – State**

(3) Mental Health - Detoxification

Revision in the amount of \$250,000 to appropriate fund balance for roof replacement and other building maintenance at the Roxie Avenue facility. (B08-226) **Funding Source – Mental Health Fund Balance**

(4) Juvenile Crime Prevention Program/General Government Other

Revisions in the amount of \$11,204 to adjust the Juvenile Restitution program (\$9,967) and to reduce the County's match (\$1,234) to the revised State budget. (B08-228 and B08-228A) **Funding Source – State and General Fund Fund Balance**

(5) Bonnie Doone Fire District

Revision in the amount of \$900 to increase expenditure line to cover unanticipated refunds to taxpayers. (B08-220) **Funding Source – Bonnie Doone Fire District Tax**

(6) Lake Rim Fire District

Revision in the amount of \$100 to increase expenditure line to cover unanticipated refunds to taxpayers. (B08-221) **Funding Source – Lake Rim Fire District Tax**

(7) NORCRESS Capital Project

Revision in the net amount of \$67,889 to reallocate revenue and expenditures based on actual and to close the project. (B08-229) **Funding Source – Reallocation of Revenue and Expenditures**

- H. Approval of a Proclamation Proclaiming the Weeks of February 25 - March 7, 2008 as "Arbor Weeks" and March 2, 2008 as "Arbor Day" in Cumberland County.

ACTION: Approve Proclamation

## ***PROCLAMATION***

- WHEREAS,** the County of Cumberland recognizes the importance of trees to the economic, aesthetic, and ecological well-being of our community; **AND**
- WHEREAS,** it is recognized that planting and maintaining healthy trees in our ever-changing society are both desirable and necessary; **AND**
- WHEREAS,** Arbor Day is a long-standing American tradition that represents an important element of our national heritage; **AND**
- WHEREAS,** the Cape Fear Botanical Garden is a leader in the encouragement of environmental stewardship and is assisting with the planting of trees at our schools by the students; **AND**
- WHEREAS,** Cumberland County-Cooperative Extension is a community partner with the Cape Fear Botanical Garden in the effort to restore our trees; **AND**
- WHEREAS,** individuals can act in this county to improve the environment by planting trees and ensuring that these trees are protected and receive proper maintenance in the years ahead;

**NOW, THEREFORE,** the Board of Commissioners, Cumberland County, North Carolina, proclaims the weeks of February 25-March 7, 2008 as Arbor Weeks and Saturday, March 2, 2008 to be **Arbor Day in Cumberland County** **AND** urges our citizens to take an active part to ensure our community has a better quality of life by providing a clean environment with more trees.

### 3. Public Hearings

#### **Uncontested Cases**

Upon finding the requests to be reasonable, neither arbitrary nor unduly discriminatory and in the public interest, the following motion was offered for the Uncontested Cases (A-C):

MOTION: Commissioner Edge moved to follow the recommendation of the Planning Board on Uncontested Cases A-C.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

#### **Rezoning**

- A. Case P07-94. The rezoning of 1.8 acres from A1 to R40A, or to a more restrictive zoning district, at 10484 NC Highway 210 South, owned by Joseph G. Melvin.

The Planning Board recommends approval of R40A.

- B. Case P07-95. The rezoning of two parcels totaling 3.93 acres from R6 to C(P), or to a more restrictive zoning district, at 150 and 220 West Mountain Drive, owned by Charles E. Horne and Billy D. and Fay J. Horne.

The Planning Board recommends approval of C(P).

- C. Case P07-96. The rezoning of .94 acres from R10 to R5A, or to a more restrictive zoning district, located on the northwest side of Camden Road, east of Victor Hall Lane, owned by Woodrow and Gladys M. Sweat.

The Planning Board recommends approval of R6A.

### **Contested Cases**

- D. Case P07-92. The rezoning of an 8.21 acre portion of a 34.99 acre tract from R10 to R6A, or to a more restrictive zoning district, located on the south side of Selma Drive, east of I-95 business south, owned by Wedtec Inc.

The Planning Board recommends denial of R6A.

The Chairman opened the Public Hearing.

Speakers:

Wilbur Dees – petitioner. Mr. Dees noted that there are some wetlands on this property (20 acres). He noted that the area in which he wants to build contains good soil conducive for septic tanks. He indicated that the current R10 zoning would allow him up to 111 units and that his request for R6A zoning will greatly reduce the number of lots to a total of 19. If the rezoning is approved he is planning to build on 14 of those 19 lots at this time. He asked the Board to consider his rezoning request.

Charles Romans – Mr. Romans spoke in opposition to the rezoning. He noted his concern about wetlands behind his house and how this rezoning might affect the soils and wildlife in the area. He also noted concerns about drainage and traffic. He presented a petition representing people in the area who were opposed to the rezoning.

William Crowe – Mr. Crowe (Lake Lynn resident) spoke in opposition to the rezoning. He said he did not believe the land was “perkable”.

Charles Thaggard – Mr. Thaggard (Vice President, Lake Lynn Estates Homeowners’ Association) spoke in opposition to the rezoning. He noted environmental concerns, runoff and density issues. He also expressed concerns about septic tank seepage. He said the property was near the airport and may not be desirable for homes because of a safety issue.

Frank Foster - Mr. Foster spoke in opposition to the rezoning. He noted concerns about erosion and spill water going into the creek.



Wilbur Dees – petitioner. Mr. Dees again noted he could already put 111 units on the property as it is currently zoned and that his request for rezoning would decrease the number of units allowed. He said that the State would address environmental issues related to building the property.

John Beasley – Mr. Beasley spoke in opposition to the rezoning. He noted the property is “uphill” and any sewage leakage would drain down the hill.

The Chairman closed the public hearing.

MOTION: Commissioner King moved to follow the recommendation of the Planning Board and deny the request for rezoning.

SECOND: Commissioner Council

VOTE: UNANIMOUS

- E. Case P08-06. The rezoning of a 10.0 acre portion of a 176.92 acre tract from A1 to R40, located on the south side of County Line Road, east of Chicken Foot Road, owned by JFJ III Investments, LLC.

The Planning Board recommends approval of R40.

Mr. Tom Lloyd, Planning/Inspections Director, noted that there are some contaminated wells in the area, but those wells will not affect the property being considered for rezoning.

The Chairman opened the Public Hearing.

Speakers:

Alan McLean – Mr. McLean spoke in favor of the rezoning request. He noted some of his land adjoins the subject property. His family has land nearby, and he is comfortable that the petitioner would not do anything to the detriment of the land and the neighbors.

Trey McLean – represents the petitioner, Mr. Franklin Johnson. Mr. McLean spoke in favor of the rezoning. He stated the petitioner has no plans at this time for the property. He said he thought the R40 would be appropriate rezoning for the land and that one acre lots would be desirable. He said this rezoning would be a benefit to the community.

Debra Stewart – Ms. Stewart spoke in opposition to the rezoning. Ms. Stewart noted a portion of her property adjoins the subject property. Ms. Stewart noted an irrigation pond on the subject property and how this pond overflows when there are heavy rains and/or hurricanes. This pond cuts through her property and other adjoining properties. She said the pond is connected to an elaborate system of drainage ditches and the water ultimately dumps into Gallberry Swamp. She noted that flooding has been an issue in the past. She expressed concern about well contamination as a threat to the health of the people in the community. She voiced her concern about well contaminations with benzene in the area and the number of people in the area who have cancer or who may have died from cancer. Quality water is a concern for the residents in the Southpoint housing development. She also noted that many of the wells are drying up, especially

since the draught. In addition, across the county line in Bladen County on Chickenfoot Road, there is a significant water problem. Bladen County has received a grant to rectify the problem. She said the people in her area continue to be concerned about the quality and quantity of the water supply as well as concern for the wildlife habitat in the area. Ms. Stewart presented a petition from the residents on Factory Lane Road opposing the rezoning.

James Creager – Mr. Creager who lives in the Southpoint housing development noted concerns that the wells in that area may be or may become contaminated. He said that even now people are getting their drinking water from other sources and have to limit their number of baths.

The Chairman closed the Public Hearing.

Commissioner King inquired about the well contaminations in the area. Mr. Tom Lloyd, Planning/Inspections Director, told the Board that State had assured the Planning Department that any flow of the contaminated water would not affect the property proposed for rezoning. He said the State indicated the flow would be to the northeast of the property.

Commissioner Henley expressed concerns about the contamination of the wells in the area and said that the County should investigate the matter before there is an environmental disaster.

In response to a question regarding the closest potable water to this area, Mr. Tom Cooney, Public Utilities Director, noted it was about 5 miles away in Robeson County. He said the cost to run lines to the area would not be financially feasible because of the small customer base. He also noted that wells in the area are shallow which makes a gas leak more likely to infiltrate the wells.

MOTION: Commissioner Henley moved that the County Staff work with the Health Department and DENR to investigate the contamination of wells in the area and bring back a report to the Board. The initial report will go the Facilities Committee meeting on March 11.

SECOND: Commissioner King

DISCUSSION: Commissioner Edge noted he had been contacted by Mr. James Creager regarding the benzene contamination and that the Board should address the issue.

VOTE: UNANIMOUS

MOTION: Commissioner Henley moved to approve the rezoning request as recommended by the Planning Board.

SECOND: Chairman Blackwell

DISCUSSION: Commissioner Wheatley said she would like to get a report back regarding the well contaminations before voting on this issue. Commissioner Edge said he could support the rezoning request because he thought it to be appropriate zoning for the area.

SUBSTITUTE

MOTION: Commissioner Council moved to defer action on the rezoning request until the March 17, 2008 Commissioners' meeting in order to get information regarding the well contamination issues in the area.

SECOND: Commissioner King

VOTE: UNANIMOUS

**Cumberland County Zoning Ordinance Amendment**

- F. Case P08-05. The revision and amendment of the June 20, 2005 Cumberland County Zoning Ordinance, 2007 Joint Planning Board's Annual Review.

The Public Hearing was opened. There were no speakers. The Chairman closed the Public Hearing.

MOTION: Commissioner Council moved to approve the amendments.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

**Other Public Hearings**

- G. Minimum Housing Code Enforcement

- 1) Case Number: MH 5245-2007  
Property Owner: Isaac & Emily Byrd  
Property Location: 9403 Hillsboro Street, Linden, NC  
Parcel Identification Number: 0574-65-8342

Affidavit of the Housing Inspector's Report before the Board of Commissioners:

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

SYNOPSIS: This property was inspected on 6/13/07. The property owners and parties of interest were legally served with Notice of Violations afforded a Hearing on 7/11/07. Isaac Byrd 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 10/11/07. The property and 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 2/8/08 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 \$10,000. The Assessor for Cumberland County has the structure presented valued at \$500. It is the recommendation of the Planning & Inspection Department that the structure be demolished and the debris removed from the lot.

Mr. Hatcher noted that the mobile home in question was pre-1976 and was non-conforming. He said it would cost more than 50% of the value to repair.

The Chairman opened the public hearing.

Speaker: Isaac Byrd (sworn): Mr. Byrd stated that he would have fixed the problems had he been able to get a permit. The Planning/Inspections Department would not issue a permit.

Note: The Planning/Inspections Department will not issue a permit for repair on a pre-1976 mobile home. Mr. Hatcher again noted this mobile home had been used for storage and that the cost to repair exceed 50% of its value

The Public Hearing was closed.

The following motion was made:

MOTION: Commissioner Henley 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 60 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 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 Edge

DISCUSSION: Commissioner King pointed out the owner was unable to fix the problem because the County wouldn't issue a permit.

VOTE: FAVOR: Commissioners Henley, Edge, Blackwell, Council, Melvin, Wheatley

OPPOSED: Commissioner King

2) Case Number: MH5283-2007

Property Owner: Lorenzo McLean Heirs, c/o Debra Corley

Property Location: 560 Pine Tree Lane, Spring Lake, NC

Parcel Identification Number: 0511-09-2624

Affidavit of the Housing Inspector's Report before the Board of Commissioners:

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

SYNOPSIS: This property was inspected on 7/27/07. The property owners and parties of interest were legally served with Notice of Violations and afforded a Hearing on 8/29/07. 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 11/29/07. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact & Order. No appeal was filed. Upon my visit to the property on 2/8/08 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 \$10,000. The Assessor for Cumberland County has the structure presently valued at \$500. It is the recommendation of the Planning/Inspection Department that the structure be demolished and the debris removed from the lot.

The Chairman opened the Public Hearing.

Speaker: Debra Corley (sworn): Ms. Corley noted her motorcycle shop had been robbed and she brought what was left to this site. She said she still has not been able to identify the owner of some of the parts that are stored at the site. She said she has started to demolish the mobile home; however, she will need to remove a number of trees in order to remove the debris from the site. She said she has to separate the items in order to take them to the landfill. She asked for an extension of 60 – 90 days to complete the project.

The Chairman closed the Public Hearing.

MOTION: Commissioner Council 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 100 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 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 Henley

VOTE: UNANIMOUS

3) Case Number: MH5277-2007

Property Owner: Albert Hunter Smith, II

Property Location: 4016 & 4022 Riverland Drive, Fayetteville, NC

Parcel Identification Number: 0463-94-0223

Affidavit of the Housing Inspector's Report before the Board of Commissioners:

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

SYNOPSIS: This property was inspected on 7/19/07. The property owners and parties of interest were legally served with Notice of Violations and afforded a Hearing on 8/22/07. Albert Smith II attended the hearing via telephone. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 11/08/07. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact & Order. No appeal was filed. Upon my visit to the property on 2/8/08 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 \$15,000. The Assessor for Cumberland County has the structure presently valued at \$1,500, each. It is the recommendation of the Planning/Inspection Department that the structure be demolished and the debris removed from the lot.

The Chairman opened the Public Hearing.

Speaker: Mr. James H. Smith (sworn): Mr. Smith noted that he is the brother of Albert Smith II who is deceased. He said that his father had been taking care of the property but became sick and unable to take care of it. James Smith said he was unaware of the problems until recently. He noted the Sheriff's Office had been to the property site because of break-ins, vandalism, etc. He said he would take care of the problem on this case and on the other case to be heard at this meeting (MH5276-2007). He said there was a block building on the site and that the integrity of the building was good. He asked for an extension of time to clear the properties (Case #3 and Case #4).

The Chairman closed the Public Hearing.

MOTION: Commissioner Council moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case and delay a decision on the case for 120 days in order to give the owner or party of interest time to correct the problems in both cases (Case #3 and Case #4)

SECOND: Commissioner King

VOTE: UNANIMOUS

- 4) Case Number: MH5276-2007  
Property Owner: Albert Hunter Smith, II  
Property Location: 4091 Riverland Drive & 4740 Tabor Church Road, Fayetteville, NC  
Parcel Identification Number: 0463-94-4078

Affidavit of the Housing Inspector's Report before the Board of Commissioners:

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

SYNOPSIS: This property was inspected on 7/19/07. The property owners and parties of interest were legally served with Notice of Violations and afforded a Hearing on 8/22/07. Albert Smith II attended the hearing via telephone. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 11/08/07. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact & Order. No appeal was filed. Upon my visit to the property on 2/8/08 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 \$15,000 each. The Assessor for Cumberland County has the structure presently valued at \$1,500 at 4740 Tabor Church Road, and \$500 for 4091 Riverland Drive. It is the recommendation of the Planning/Inspection Department that the structure be demolished and the debris removed from the lot.

SEE ACTION ABOVE IN CASE NO. 3. CASE #3 & #4 WERE CONSIDERED AND VOTED ON TOGETHER.

#### Items of Business

4. Consideration of 2<sup>nd</sup> Reading of the Cumberland County Compensation/Overtime Policy and Adoption of Ordinance.

##### A. Follow-Up Information Regarding Compensatory Time for Exempt Employees.

BACKGROUND: The Board of Commissioners, at its meeting on February 4, 2008, adopted this Ordinance by less than a unanimous vote on the First Reading, requiring a Second Reading. Additional information is provided to the Board based on its questions from the February 4 meeting. The total number of exempt employees is 391 (470 exempt positions, 79 vacancies). Total compensatory time for all exempt employees is 22,178. Total number of exempt employees with over 80 hours is 38. Of these 38 employees 19 have more than 160 hours (9 of the 19 have more than 500 hours; 5 of the 9 have more than 1,000 hours and 3 of those 5 have more than 2,080 hours). The Human Services Department found that a number counties across the state do compensate its exempt employees with time off.

ACTION: Approve the Second Reading of the Ordinance.

MOTION: Commissioner Edge moved to approve the Second Reading of the Ordinance.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

5. Consideration of Cumberland County Policy Committee Report and Recommendations Regarding Changing the County Flag.

BACKGROUND: The Policy Committee met on January 3, 2008 and discussed changing the look of the county flag. It recommends that the flag be changed to reflect the county seal in the middle (white portion of the flag) and that the colors remain red, white and blue. In addition, it recommends that there be no writing above or below the county seal on the white portion of the flag.

MOTION: Commissioner Council moved to refer this back to the Policy Committee.

SECOND: Commissioner King

VOTE: UNANIMOUS

6. Consideration of Selection of Lead Investment Banking Firm for Proposed COPS Issue.

Finance Director Amy Cannon presented the following information:

BACKGROUND: The County sent out RFQs to investment firms to evaluate their experience and expertise in the issuance of COPS for the construction of a new health facility and the Western Elementary School/Library before the end of this fiscal year. Citigroup, Bank of America, BB&T and Wachovia submitted proposals and were interviewed on February 14, 2008. Some of the factors that were taken into consideration in the selection of an underwriting firm/team were:

- Level of experience in issuing COPS;
- Solutions for the structure of the financing with an objective for lowest cost of debt;
- Experience with rating agencies & the level of research and discussion points surrounding the potential for an upgrade to the county's bond rating;
- Depth of experience of the professionals dedicated to the County;
- Quality and scope of proposal;
- Dynamics & comprehensiveness of the personal interviews;
- References;
- Estimated fee.

The County Manager and Finance Director evaluated the firms based on the above factors. The potential size of the financing (\$50 million) requires at least a lead underwriter and one co-managing underwriter. The lead firm would provide the day-to-day services, assist in structuring the financing, and would be the lead firm to sell the COPS. The co-managing firm(s) would assist in selling the COPS in order to broaden the number of potential buyers.

Bank of America, one of the largest underwriters in the country and in North Carolina has considerable experience with COPS issues. It presented a considerable amount of information about the County's credit posture and ability to potentially achieve a ratings agency upgrade. Bank of America is known as a top tier seller of securities and has significant potential to sell the County's COPS on a retail basis, which would result in a lower interest rate to the County. Its fee estimate was in line with all of the other proposals. Ultimately the fees paid will be negotiated at the time of selling the COPS and will be reviewed and approved by several parties including the Local Government Commission (LGC). Wachovia and Jackson Securities have a broad network

of retail bankers/brokers in North Carolina and have outstanding experience in selling to retail customers in Cumberland County and the State of North Carolina.

While the Manager and the Finance Director believe it is in the best interest of the County to go to the bond market for this issue, they will continue to monitor market conditions daily to select the financing structure that provides the lowest cost. They noted that market conditions are changing each day and major bond insurers have been downgraded, which has left only two viable bond insurers. As such bond insurance rates have risen significantly in the past few days. If it appears that bond insurance may significantly increase the cost of issuing this debt, the County will look at the alternative of another bank placement transaction. Bank of America provides financing for bank placements, and could easily assist the County in transitioning this transaction to a non-bank qualified bank loan.

**ACTION:** The County Manager and Finance Director recommend that the County go with Bank of America as the lead underwriter, with Wachovia and Jackson Securities serving as co-managers. It is expected that the lead underwriter will designate Womble Carlyle as underwriters' counsel and Rand and Gregory, PA as local co-underwriters' counsel. In addition, the County will continue its relationship with Hunton & Williams as its lead bond counsel with The Charleston Group serving as co-bond counsel.

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

**SECOND:** Commissioner Henley

**VOTE:** UNANIMOUS

## 7. Nominations to Boards and Committees

### A. Air Quality Stakeholders' Committee and Addition of Stakeholder Position (2 Vacancies)

**BACKGROUND:** The Town of Hope Mills has requested that Jerry Legge be replaced by Commissioner Eddie Mayor as its representative. In addition, a Town of Eastover position is added to the Committee and Eastover requests that Steven Oakley fill that slot.

**ACTION:** Nominate the above.

**Nominees:** Commissioner Eddie Mayor – Town of Hope Mills representative  
Steven Oakley – Town of Eastover representative

### B. Equalization and Review Board (3 Vacancies)

**Vacancies:** Real Estate Position – Curt Alexander – not eligible for reappointment. Kathy Olsen, at-at-large member, has been recommended to move to this slot.

**At-large positions (Kathy Olsen)** – If Ms. Olsen is moved to the real estate position, the E&R Board requests that W. Carroll Beard, Jr. fill Ms. Olsen's unexpired term.



At-large position – Mr. Jimmy Ragland has resigned. The E&R Board recommends that Sherrill Jernigan be nominated to fill Mr. Ragland’s unexpired term (March, 2009).

Nominees: Kathy Olsen – real estate position (moved from the at-large position)  
W. Carroll Beard – at-large position (filling Ms. Olsen’s slot)  
Sherrill Jernigan – at-large position (filling Mr. Ragland’s position)

8. Appointments to Boards and Committees

A. Adult Care Home Community Advisory Committee (5 Vacancies)

MOTION: Commissioner Council moved to appoint the nominees in A-F.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

Nominees: Lonnie Johnson (Reappointment)  
Ernestine Mack (Reappointment)  
Teresa McNeill (Reappointment)  
Jacqueline Wolfe (Reappointment)  
Rev. Nanette Tomlinson-Knoell

B. Child Homicide Identification and Prevention (CHIP) Council (12 Vacancies)

Nominees:

<u>A Representative of the Military Community:</u>	Tom Hill
<u>A Representative of the General Public:</u>	Lois Kirby
<u>A Representative of Methodist University School of Social Work:</u>	Mary Deyampert-McCall
<u>A Representative of the Cumberland County Mental Health Center:</u>	Debbie Jenkins
<u>A Representative of Health Education:</u>	Wendy Breeden
<u>A Representative of Law Enforcement:</u>	Lynette Hodges
<u>A Representative of the Legal Community:</u>	Joanna Shober
<u>A Representative of the Cumberland County School System:</u>	Natasha Scott
<u>A Representative of the Cumberland Interfaith Hospitality Network:</u>	Denise Giles
<u>A Representative of Womack Army Medical Center:</u>	Gladys Cartwright
<u>A Representative of the Local Media:</u>	Charles Broadwell
<u>A Representative of Fayetteville State University School of Social Work:</u>	Densie Lucas

C. Cumberland County Home and Community Care Block Grant Committee  
(2 Vacancies)

Nominees: Older Consumer: Annie R. Hasan  
Barbara Summey Marshall

D. Cumberland County Juvenile Crime Prevention Council (1 Vacancy)

Nominee: At-Large Representative: Chris McLamb

E. Nursing Home Advisory Board (1 Vacancy)

Nominee: Dr. John G. Briggs

F. Wrecker Review Board (3 Vacancies)

<u>Nominees:</u>	<u>State Highway Patrol Appointee:</u>	Sgt. Tracy T. Coleman
	<u>Wrecker Licensee Appointees:</u>	Tracy Logan
		Gary Holder

**The Chairman recessed the Board of Commissioners Meeting.**

**The Chairman convened the NORCRESS Water and Sewer District Meeting.**

**Minutes from that meeting may be found in the Water & Sewer Minute Book.**

**The Chairman reconvened the Commissioners meeting.**

9. CLOSED SESSION:
- 1) Economic Development Matter(s) Pursuant to NCGS 143-318.11(a)(4)
  - 2) Personnel Matter(s) Pursuant to NCGS 143-318.11(a)(6)

MOTION: Commissioner Council moved to go into Closed Session for the above noted matters.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

MOTION: Commissioner Council moved to go back into Open Session.

SECOND: Commissioner Ed Melvin

VOTE: UNANIMOUS

MEETING ADJOURNED: 10:20PM.

Clerk to the Board