

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
JANUARY 7, 2008, 9:00AM
REGULAR MEETING

PRESENT: Chairman Breeden Blackwell
Vice Chairman 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
Marsha Fogle, Clerk

INVOCATION Commissioner Jeannette Council

Minister: Pastor Lydia Figueroa, Founder & Senior Pastor
Abiding in Him, IPHC

PLEDGE OF ALLEGIANCE

Recognition of Outgoing Board Members:

Recognition of Retired County Employees: Brenda Wheeler – Health Department

Additions to Agenda:

Closed Session: Economic Development Matters – NCGS 143-318.11(a)(4)
Closed Session: Attorney Client Matters – NCGS 143-318.11(a)(3) including Butler
vs. Merit Industries, Inc.

Consent Agenda Items (J): Approval of Notice of Public Hearing to consider an
Installment Financing Agreement between the County and RBC Centura Bank to finance
the Grays Creek Middle School

MOTION: Commissioner Edge moved to add the above items to the Agenda.
SECOND: Commissioner Henley
VOTE: UNANIMOUS

1. Public Hearing

A. Public Hearing for the Annual Community Transportation Program Grant

for FY 2009.

ACTION: Conduct the Public Hearing and approve Resolution

The Chairman opened the public hearing.

SPEAKERS: None

The Chairman closed the Public Hearing.

MOTION: Commissioner King moved to approve the Resolution.

SECOND: Commissioner Wheatley

VOTE: UNANIMOUS

COMMUNITY TRANSPORTATION PROGRAM RESOLUTION

WHEREAS, Article 2B of Chapter 136 of the NC General Statutes and the Governor of North Carolina have designated the NC Department of Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, NCDOT will apply for a grant from the US Department of Transportation, Federal Transit Administration, and receives funds from the NC General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural public transportation services consistent with the policy requirements for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, the County of Cumberland hereby assures and certifies that it will comply with the federal and state Statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements which relate to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U.S.C.;

NOW, THEREFORE, BE IT RESOLVED that the County Manager of the County of Cumberland is hereby authorized to submit a grant application for federal and state funding, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural public transportation services.

2. Consent Agenda

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

SECOND: Commissioner King
VOTE: UNANIMOUS

- A. Approval of minutes for the December 17, 2007 regular meeting.

ACTION: Approve

- B. Approval of Disposition of Records for the following Departments:

- (1) Governing Body (packets/correspondence – 2003)
- (2) County Administration (correspondence/memos – 2003)
- (3) Planning & Inspections (records dated prior to 1/1/02 (correspondence, memos, permit files, minimum house, junk vehicle & zoning enforcement files & activity reports)

- C. Approval of Interlocal Agreement with Town of Eastover for Floodplain Management Services.

BACKGROUND: With the recent incorporation of Eastover as a municipality, the town must make application to the Federal Emergency Management Agency to become a participant in the National Flood Insurance Program. The Town is requesting the County administer its floodplain management program through an interlocal agreement. The Town will adopt the County's Flood Damage Prevention Ordinance and will request FEMA to produce new Flood Insurance Rate Maps for the corporate limits of Eastover.

ACTION: Approve

- D. Approval of Proposed Waiver of the Fee for the Flu Vaccine for FY 2008.

BACKGROUND: At its meeting on December 18, 2007, the Board of Health unanimously approved waiving the \$30.00 fee for the remaining doses of flu vaccine.

ACTION: Approve waiving the fee.

- E. Approval of Health Department Delinquent Accounts to be Turned Over to Outside Collectors.

BACKGROUND: At its meeting on December 18, 2007, the Board of Health approved writing off a total of \$26,054.40 as bad debts. Family planning accounts in the amount of \$2,279.63 will be written off as bad debt, however this cannot be sent to the collection agency pursuant to the NC Division of Health and Human Services Guidelines. Therefore the total amount to be sent to the collection agency is \$23,774.77.

ACTION: Approve

- F. Approval of Bid Award for New Roll-Off Container Trucks for the Solid Waste Department.

BACKGROUND: Bids were received for new Roll-off Container trucks. It is recommended that the bid be awarded to Amick Equipment in the amount of \$242,166 for two Volvo Roll-off Container Trucks.

- G. Approval of Consent to Renewal of License Agreement between the Civic Center and Fayetteville Indoor Football Team.

BACKGROUND: The Civic Center and the Fayetteville indoor football team (formerly the "Guard") have agreed to a License Agreement that provides for the team to play regular season home games annually at the Coliseum. The team will play in and obtain a franchise from the American Indoor Football Association league. The license agreement will run for three seasons through July 1, 2010, with a possible option term for a further three years. The team will pay \$4,000 for each pre-season, regular season or post-season home game, except that games on a legal or county holiday will be charged \$5,500. The facility will receive other revenues as designated in the agreement.

ACTION: Approve consenting to the License Agreement.

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

BACKGROUND: On or about October 4, 2004, the county acquired by tax foreclosure sale, property previously owned by Joni and Gerald L. Wood at 5383 Ruffin Drive, Hope Mills, located in Grays Creek Township. The amount owed plus interest and costs is \$5,985.56. Mr. & Mrs. Wood, who are living in the house and are former owners, have offered as the former owners to purchase the County's interest in the property and exercise their equity of redemption for \$5,985.56 and have deposited same in the Finance Office. NCGS 105-376 & 160A-267 authorize the Board to participate in this type of sale.

ACTION: Accept the offer as noted above.

- I. Budget Revisions:

ACTION: Approve revisions

(1) School Capital Outlay Fund

- a. School C.O. Category I – Buildings: Revision in the amount of \$1,700,000 to appropriate fund balance for HVAC projects at various high schools. (B08-182) **Funding Source – Fund Balance Appropriated- Sales Tax**
- b. Special Sales Tax - Revision in the amount of \$2,913,531 to budget funds from the NC School Building Fund to be used as a partial source

for repayment of school debt paid from school allocated funds. (B08-181) **Funding Source – NC School Building Fund**

(2) General Government Other

Revision in the net amount of \$17,114 to recognize State grant of \$12,795 and to appropriate fund balance of \$4,319 to fund aerial photography of the County. (B08-180) **Funding Source – State Grant, General Fund Fund Balance and Reallocation of Budgeted Expenditures**

(3) General Government Other/Health Department Capital Project

Revision in the amount of \$20,000 to appropriate designated Health Department Fund Balance to transfer to the capital project for miscellaneous expenditures. (B08-183 and B08-183A) **Funding Source –Designated Health Department Fund Balance**

J. Approval of Notice of Public Hearing to consider an Installment Financing Agreement between the County and RBC Centura Bank to finance the Grays Creek Middle School

ACTION: Approve a public hearing on February 4, 2008 at 9:00AM to consider an Installment Financing Agreement in the amount of \$20 million between the County and RBC Centura Bank, to finance the capital costs of construction of Grays Creek Middle School.

REGULAR AGENDA

3. Consideration of Resolution Agreeing to Provide Economic Development Incentives to Goodyear Tire & Rubber Company in Support of its State Job Maintenance and Capital Development Fund Program Application.

BACKGROUND: The State of North Carolina enacted the Job Maintenance and Capital Development Act to provide certain grants for companies that agree to invest at least \$200 million in capital expenditures, maintain at least 2,000 full time employees, and meet other specified criteria. Goodyear Tire & Rubber Company (“Goodyear”) operates a manufacturing plant in Cumberland County which may qualify for grants under this Act. Goodyear has advised the County that it intends to apply for a grant under this Act. One requirement of grants under this Act is that local governments must participate in retention efforts and provide incentives equivalent to a tax credit of 50% of the additional incremental ad valorem taxes payable by Goodyear on the company’s investment required under the Act, and such incentives must be provided over a period not less than five years or greater than ten years.

ACTION: Approve Resolution agreeing to provide economic development incentives to Goodyear in support of its Job Maintenance and Capital Development Fund Program grant application and authorize the Chairman to sign letter of commitment to the State.

MOTION: Commissioner Henley moved to approve.

SECOND: Commissioner Council

VOTE: UNANIMOUS

RESOLUTION

WHEREAS, the State of North Carolina through its Job Maintenance and Capital Development Program (the “Program”) may provide certain grants for companies that agree to invest at least \$200 million in capital expenditures and maintain at least 2,000 full time employees, and meet other specified criteria; and

WHEREAS, Goodyear Tire and Rubber Company (“Goodyear”) operates a manufacturing facility in Cumberland County which may qualify for grants under the Program; and

WHEREAS, Goodyear has advised the County that it intends to apply for a grant under the Program; and

WHEREAS, one requirement of the Program is that local government entities must have participated in retention efforts and provided incentives equivalent to a tax credit of 50% of the additional incremental ad valorem taxes payable by Goodyear on the company’s investment required under the Program, and such incentives must be provided over a period that is not less than five or greater than ten years; and

WHEREAS, Cumberland County supports Goodyear’s application for a grant under the Program;

NOW, THEREFORE, the Board of Commissioners of Cumberland County RESOLVES that it supports Goodyear’s application for a grant under the Program, and further agrees to participate in providing incentives to Goodyear equivalent to a tax credit of at least fifty percent of the additional incremental ad valorem taxes payable by Goodyear on the company’s investment required under the Program, and to provide such incentives over a period that is not less than five years or greater than ten years, and be it

FURTHER RESOLVED, that such incentives shall be memorialized in an economic development incentive agreement to be entered into by the Board of Commissioners and Goodyear following a public hearing as by law required, and be it

FURTHER RESOLVED, that the Chairman of the Board of Commissioners is authorized to execute a letter of commitment to the State demonstrating that the extent of the County’s commitment required by it under the Program satisfies such requirements in support in Goodyear’s application.

This Resolution shall be effective upon its adoption as by law provided.

MEETING ADJOURNED: 10:22AM.

Clerk to the Board