

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
NOVEMBER 16, 2009 - 6:45 PM
117 Dick Street, 1st Floor, Room 118
REGULAR/REZONING MEETING

PRESENT: Chairman Jeannette Council
 Vice Chairman Billy R. King
 Commissioner Breeden Blackwell
 Commissioner Kenneth Edge
 Commissioner Marshall Faircloth
 Commissioner Ed Melvin
 James Martin, County Manager
 Juanita Pilgrim, Deputy County Manager
 Amy Cannon, Assistant County Manager
 Harvey Raynor, Interim County Attorney
 Phyllis Jones, Assistant County Attorney
 Sally Shutt, Communications Manager
 Tom Cooney, Public Utilities Director
 Bob Stanger, County Engineer
 George Hatcher, Inspector – Inspections Department
 Karen Long, CEO, Crown Coliseum
 Candice White, Deputy Clerk to the Board
 Marie Colgan, Clerk to the Board

ABSENT: Commissioner Jimmy Keefe

INVOCATION - Commissioner Breeden Blackwell

PLEDGE OF ALLEGIANCE – Nicholas Perry, Salem Pre-School

Special Recognition: Mrs. Ernestine Smith “Mama Tine” – Ms. Senior Cumberland County 2009

Special Recognition: Medallion Award – Great Oak Youth Development Center

Special Recognition: Cumberland County Cares – Great Oak Youth Development Center

Recognition of Outgoing Board Members: I. J. McNeill – Minimum Housing Appeals Board

Recognition of Retired County Employees: George Autry, North Carolina Cooperative Extension

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

Manish Mehta – 1706 Skibo Road, Fayetteville, NC – Mr. Mehta spoke regarding Item 6A and 6B stating he is neither for nor against at this time. Mr. Mehta stated he has been in the hospitality business for 27 years. He asked the Board to allow more time to gather information regarding these bond issues before making a decision.

1. Approval of Agenda

CORRECTION: Item 3F – Correct spelling of Property Owner on agenda to “Mallen”.
 Item 7A – Correct spelling on agenda from “line” to “life”

MOTION: Commissioner King moved to approve the agenda.

SECOND: Commissioner Edge

VOTE: Unanimous

2. Consent Agenda

MOTION: Commissioner Edge moved to approve all Consent Items.

SECOND: Commissioner King
VOTE: Unanimous

- A. Approval of minutes for the November 2, 2009 regular meeting.
- B. Approval of a Resolution to Support Cape Fear Valley Health System's Petition to Amend the Draft 2010 State Medical Facilities Plan to Align Cumberland County and Hoke County as One Multi-County Service Area.

RESOLUTION TO SUPPORT CAPE FEAR VALLEY HEALTH SYSTEM'S
PETITION TO AMEND THE DRAFT 2010 STATE MEDICAL FACILITIES PLAN
TO ALIGN CUMBERLAND COUNTY AND HOKE COUNTY
AS ONE MULTI-COUNTY SERVICE AREA

WHEREAS, Hoke County is currently part of a multi-county service area with Moore County for healthcare services since Hoke County does not have a hospital.

WHEREAS, since 2007 for Operating Rooms and 2008 for inpatient acute care beds, and continuing into 2009, the plurality of Hoke County residents seek their care in Cumberland County.

WHEREAS, the population growth rate in western Hoke County and those residents who seek their care in Moore County is significantly less than the population growth rate in eastern Hoke County and those residents who seek their care in Cumberland County.

WHEREAS, both Cumberland County and Hoke County experienced and continue to experience an increased population explosion along the Cumberland County-Hoke County border related to the impact of Base Relocation and Closure ("BRAC") on Fort Bragg.

WHEREAS, Cape Fear Valley Health System ("Cape Fear Valley") continues to petition the State to amend the draft 2010 State Medical Facilities Plan ("SMFP"), to follow the methodology contained in prior SMFP's, regarding multi-county service areas for Acute Care Beds, Operating Rooms, MRI, and Cardiac Catheterization, and to designate Cumberland County and Hoke County as one multi-county service area in the 2010 SMFP.

WHEREAS, the State Health Coordinating Council ("SHCC") has changed the methodology in the draft 2010 SMFP despite the recommendation of the State Medical Facilities Planning Section to follow the methodology and designate Cumberland County and Hoke County as one multi-county service area in the 2010 SMFP.

WHEREAS, the SHCC's proposed change in the multi-county service area methodology could have an enormous negative economic effect on Cumberland County and negatively affect the health care delivery system in the entire region.

NOW, THEREFORE, BE IT RESOLVED, the County Commissioners of Cumberland County, North Carolina unanimously vote to urge Governor Beverly Perdue to amend the draft 2010 SMFP in accordance with Cape Fear Valley Health System's Petition to amend the 2010 State Medical Facilities Plan, to follow the methodology in the SMFP, and to designate Cumberland County and Hoke County as one multi-county service area for Acute Care Beds, Operating Rooms, MRI, and Cardiac Catheterization.

IN WITNESS WHEREOF, this resolution adopted this the 16th day of NOVEMBER, 2009.

ACTION: Approve Resolution to support Cape Fear Valley Health System's Petition to amend the draft 2010 State Medical Facilities Plan to align Cumberland County and Hoke County as One Multi-County Service Area.

- C. Budget Revisions:
 - (1) Health
 - a. Pharmacy - Revision in the amount of \$68,064 to budget additional fees. (B10-160) **Funding Source – Fees**
 - b. Women's, Infants and Children – Revision in the amount of \$195,690 to budget additional State funding to establish two new Processing

Assistant positions and two Nutrition I positions. (B10-163) **Funding Source – State**

(2) Animal Services/Sheriff

Revisions in the amount of \$35,800 to budget for a new Deputy III in Sheriff's Office that will act as the Animal Cruelty Investigator for the Animal Services Department. (B10-168 and B10-168A) **Funding Source – Reallocation of Budgeted Expenditures**

(3) Library Grants

Revision in the amount of \$24,480 to budget additional E-rate funds received. (B10-172) **Funding Source – Grant**

(4) Jail

Revision in the amount of \$30,000 to appropriate fund balance for the purchase of replacement dishwasher. (B10-169) **Funding Source – General Fund Fund Balance**

(5) Sheriff

Revision in the amount of \$467,024 to accept Federal Grant to establish a Child Sexual Predator Program. (B10-171) **Fund Source – Federal Grant**

(6) Emergency Services

Revision in the amount of \$135,000 to create three Telecommunicator positions providing E911 dispatch services for the Town of Spring Lake. (B10-174) **Funding Source – Town of Spring Lake**

(7) Emergency Telephone System Fund

Revision in the amount of \$121,633 to appropriate fund balance to upgrade the 911 dispatch system. (B10-175) **Funding Source – Town of Spring Lake**

(8) School Capital Outlay Fund

Revision to approve the rebuild of the Douglas Byrd Middle School gymnasium/cafeteria using \$1,563,500 from insurance proceeds and to approve the use of sales taxes in the amount of \$1,370,000 to construct six additional classrooms. (B10-175) **Funding Source – School Sales Tax**

3. Public Hearings

Uncontested Cases

Rezoning

- A. Case P09-43. Rezoning of 3.53+/- acres from M1(P) Planned Light Industrial, RR Rural Residential and R10 Residential to R7.5 Residential and R10 Residential to M1(P) Planned Light Industrial, or to a more restrictive zoning district, located at 2085 and 2117 Crystal Springs Road; submitted and owned by Winston Hemley and Arnold and Virginia Page.

The Planning Board recommends approval of R7.5 Residential district except where the Special Flood Hazard Area (SFHA) is present and CD Conservancy district for the portion of the subject property that is located within the SFHA and approval of M1(P) Planned Light Industrial district.

MOTION: Commissioner King moved to approve as recommended by the Planning Board.
SECOND: Commissioner Faircloth
VOTE: Unanimous

- B. Case P09-47. Rezoning of .49+/- acres from R10 Residential to C2(P) Planned Commercial, or to a more restrictive zoning district, located at 7010 Stoney Point Road; submitted by HCC Investments, LLC. and Jean Ockert (by POA), owned by Jean Ockert, Jean T. Ockert, Michael Ockert and Melanie Moog.

The Planning Board recommends approval of the C2(P) Planned Commercial District.

MOTION: Commissioner King moved to approve as recommended by the Planning Board.
SECOND: Commissioner Faircloth
VOTE: Unanimous

Other Public Hearings

- C. Public Hearing on Brooklyn Circle Preliminary Assessment Resolution.

Mr. Cooney, Public Utilities Director, spoke on behalf of the adoption of the Final Assessment Resolution.

BACKGROUND: The Board of Commissioners at their October 19, 2009 meeting adopted a Preliminary Assessment Resolution which is attached and authorized that staff move forward with an Assessment project to provide public water service to the Brooklyn Circle area, which is located in the 100 and 200 blocks of Brooklyn Circle off of Gillespie Street. At that time, a public hearing was scheduled for the November 16th meeting so that the Board can receive comments from the residents who will be affected by the assessment. Notice of the Public Hearing was published as required by law. A copy of the Affidavit of Publication is attached.

FINAL SPECIAL ASSESSMENT RESOLUTION BROOKLYN CIRCLE WATER EXTENSION PROJECT

WHEREAS, the groundwater wells, which are used by the property owners in the 100 and 200 blocks of Brooklyn Circle from Gillespie Street to the intersection of Porter Road has been contaminated with constituents related to petroleum products, the source of which is unknown, and

NOW THEREFORE, the Board of Commissioners, pursuant to Article 9 of Chapter 153A of North Carolina General Statutes, hereby adopts the following special assessment resolution:

- I. Need for Project: The Board of Commissioners of Cumberland County hereby undertakes a project to extend public water to the 100 and 200 blocks of Brooklyn Circle. This project is required to eliminate the use of individual groundwater wells for consumptive and hygienic purposes which are now contaminated or have the potential for contamination. The overall quality of the ground water in this area is contaminated, requiring property owners to use bottled water.
- II. General Description of the Project: This project is to bring potable, public water to the 100 and 200 blocks of Brooklyn Circle from the Fayetteville Public Works Commission (PWC) line located along Gillespie Street. This service lateral will have the capability to serve seventeen (17) structures along the 100 and 200 blocks of Brooklyn Circle.
- III. Ownership: The water line extensions will become the property of the Public Works Commission of the City of Fayetteville and will be operated and maintained by PWC as part of its comprehensive public water system throughout its service area.
- IV. Proposed Basis of Assessment: The proposed basis of assessment will be at an equal rate per lot in the project area along which public water is extended. The area to be served will include all lots and tracts along the 100 and 200 blocks of Brooklyn Circle.

- V. Percentage of Cost to be Assessed: Sixty-one percent (61%) of the total cost of the project, including but not limited to engineering, construction and administrative costs, shall be assessed against the benefited properties in this special assessment project and the County and PWC shall pay the remaining thirty-nine (39%) per an arrangement between to the two entities.
- VI. Abeyance: No assessment will be held in abeyance.
- VII. Terms of Payment: The assessment will be payable in fifteen (15) annual installments and the first installment with interest will be due sixty (60) days after the date that the assessment roll is confirmed. One installment with interest is due on the anniversary date in each successive year until the assessment is paid in full. The interest rate shall be set at six percent (6%) per annum. The assessment may be paid in full without interest anytime up to sixty (60) days after the confirmation of the assessment roll is published.
- VIII. Public Hearing: A public hearing on all matters covered by this resolution was held at 6:45 pm on Monday, November 16, 2009 in Room 118 of the Cumberland County Courthouse at the regularly scheduled meeting of the Board of Commissioners

IN WITNESS WHEREOF, this resolution adopted this the 16th day of NOVEMBER, 2009.

ACTION: Adopt a Final Assessment Resolution to provide public water service to the Brooklyn Circle community and to direct the staff to continue to move forward with the project.

The Chairman opened the Public Hearing.

Speakers:

John Sharpe – 226 Brooklyn Circle, Hope Mills, NC

Mr. Sharpe questioned whether the State is contributing any funds towards the cost of the project or whether any funds have been earmarked by them. Mr. Cooney advised that the State has allocated \$200,000 towards the clean up of the Brooklyn Circle station, but has advised that there are no funds allocated for water construction, but may be able to if the clean up project does not deplete their funds. Mr. Shape questioned whether all residents would be assessed the same and Mr. Cooney confirmed that they would.

The Chairman closed the Public Hearing.

MOTION: Commissioner Blackwell moved to adopt the Final Assessment Resolution to provide public water service to the Brooklyn Circle community and to direct the staff to continue to move forward with the project.

SECOND: Commissioner King

VOTE: Unanimous

- D. Public Hearing to Consider Installment Financing Contract for Issuance of \$15.9M of Qualified School Construction Bonds Under G.S. 160A-20 with Wachovia Corporation.

BACKGROUND: The Board of Commissioners has called this public hearing to consider an installment financing contract under G.S. 160A-20 with Wachovia (a subsidiary of Wells Fargo & Company) to provide capital funding under the Qualified School Construction Bond Program (QSCB's). These funds will be used to finance classroom additions, cafeteria expansions, and other renovations to existing school facilities.

Our Financial Advisor and Bond Counsel have negotiated the terms of the financing with Wachovia. These instruments will be issued with a supplemental interest rate which is based upon the tax credit rate set by the Treasury. The initial supplemental rate quoted was 1.35%, but has dropped to 1.20% currently, coinciding with a decrease in the published Tax Credit Rate. We believe this supplemental rate is reasonable. A review of other transactions has revealed supplemental interest rates of 2.0% to 2.50%. The term of repayment is also set by the Treasury, and fluctuates. The current term is 17 years for repayment.

Under G.S. 160A-20, the financing will be secured by a lien on school property, but not by the full faith and credit of the County. G.S. 160A-20(g) requires this public hearing on a contract before entering into it and after notice that the public hearing has been published as required by law. As

a part of the proposed transaction, the County would lease the property back to the Board of Education for use as a school during the term of the loan. The property would be conveyed back to the Board of Education at the end of the term of the loan. A copy of these and all financing documents are available for review in the County Manager's office.

Mrs. Cannon spoke on behalf of the agenda item stating that the recommendation is a joint recommendation from the Finance Department and the Legal Department. Mrs. Cannon added that this type financing as compared to a regular COPS financing will be saving the County around \$1.9M in interest earnings.

RESOLUTION CONCERNING FINAL APPROVAL OF INSTALLMENT
FINANCING FOR CERTAIN SCHOOL PROJECTS THROUGH THE ENTRY
INTO AN INSTALLMENT FINANCE AGREEMENT WITH THE
CUMBERLAND COUNTY FINANCE CORPORATION AND ITS ISSUANCE
OF CERTIFICATES OF PARTICIPATION AS QUALIFIED SCHOOL
CONSTRUCTION BONDS UNDER THE INTERNAL REVENUE CODE AND
AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS IN
CONNECTION THEREWITH

WHEREAS, the Board of Commissioners (the "Board") of the County of Cumberland, North Carolina (the "County") has resolved to undertake, through issuance by the Cumberland County Finance Corporation (the "Corporation") of its certificates of participation the financing of (a) renovations to thirteen schools in the County, including Byrd Middle School, Mary McArthur Elementary School, Elizabeth Cashwell Elementary School, Cumberland Road Elementary School, Cape Fear High School, Rockfish Elementary School, Wm. H. Owen Elementary School, Long Hill Elementary School, Cumberland Mills Elementary School, Westover Middle School, Manchester Elementary School, Terry Sanford High School, and E. E. Smith High School (each a "School" and collectively, the "Project") and (b) certain costs incurred in connection with the initial execution and delivery of the such certificates; and

WHEREAS, the County will enter into an Installment Financing Agreement dated as of December 1, 2009, (the "Agreement") for this purpose with the Agreement being an agreement authorized under Section 160A-20 and having payments thereon by the County subject to appropriation; and

WHEREAS, financings pursuant to Section 160A-20 must be approved by the North Carolina Local Government Commission (the "LGC"); and

WHEREAS, for such financing the Corporation has proposed to execute and deliver its \$15,900,000 Tax Credit Certificates of Participation (Cumberland County QSCB Projects), Series 2009 (the "Certificates") pursuant to an Indenture of Trust dated as of December 1, 2009 (the "Indenture"), between the Corporation and U.S. Bank National Association, as Trustee (the "Trustee"), such Certificates to be payable from Installment Payments made by the County under the Agreement and secured by the lien and security interest created by a Deed of Trust and Security Agreement dated as of December 1, 2009 (the "Deed of Trust"), from the County to a trustee named therein with respect to one or more Schools; and

WHEREAS, the same one or more Schools will be leased to and the Project managed by the Cumberland County Board of Education pursuant to a Lease Agreement dated as of December 1, 2009 (the "Lease"), and the County's interests in the Lease are to be assigned as security for the obligations of the County under the Agreement pursuant to the Deed of Trust; and

WHEREAS, the Certificates are expected to be sold to Wachovia Bank, National Association (the "Initial Purchaser") under the terms set forth in a term sheet to be executed by the County after approval of the transaction by the LGC (the "Term Sheet"); and

WHEREAS, there have been presented to the Board forms of the following documents which the Corporation, the Initial Purchaser and the County propose to use in connection with the Agreement, the Certificates and the financing of the Projects:

a draft dated November 12, 2009, of the form of the Agreement;
a draft dated November 12, 2009, of the form of the Deed of Trust;
a draft dated November 12, 2009, of the form of the Indenture;
a draft dated November 12, 2009, of the form of the Lease; and

WHEREAS, the Board desires to approve the Agreement, the Deed of Trust, the Indenture, the Lease and the sale of the Certificates and to authorize other actions in connection therewith; and

WHEREAS, the County at its meeting on November 2, 2009, made findings with respect to the Project and the financing thereof; and

WHEREAS, the County has held a public hearing regarding the financing of the Project through the Certificates and the Agreement; and

WHEREAS, the LGC will consider the County's application for approval of the Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CUMBERLAND, NORTH CAROLINA:

The financing of the Project pursuant to the Agreement and in accordance with the terms and conditions of the Indenture is hereby approved, based, in part, on the findings made on November 2, 2009.

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 Agreement, the Deed of Trust, the Lease and the Term Sheet (together, the "County Financing Documents"), which shall be in substantially the forms previously submitted, which are hereby approved, with such completions, omissions, insertions, and changes as may be approved by the Chairman, Vice Chairman or the County Manager, with the advice of the County Attorney and Special Counsel, 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. The Clerk of the Board shall attest and seal such documents as require the Clerk's attestation and the County seal.

The Board hereby approves the execution and delivery by the Corporation of the Agreement, the Indenture and the Certificates and any other documents or certificates that may be required in connection with the execution and delivery of the Certificates.

The Chairman, Vice Chairman, County Manager, County Finance Officer, County Attorney and Clerk of the Board are hereby authorized to take any and all such further action and to execute and deliver such other documents as may be necessary or advisable to carry out the intent of this resolution and to effect the installment financing pursuant to the Agreement. Without limiting the generality of the foregoing, the Chairman, Vice Chairman or County Manager are authorized to approve all details of the financing, including without limitation, the annual payments due under the Agreement, the interest rate on the Certificates (which shall be not exceed 3% per annum), the tax credit rate on the Certificates (which shall be a rate set by the Secretary of the Treasury) and the term of the Agreement (which shall be the maximum term permitted by the most recent announcement of the Secretary of the Treasury). Execution of the Agreement by the Chairman, Vice Chairman or County Manager, as the case may be, shall conclusively evidence approval of all such details of the financing.

To the extent permitted by law, the County Manager, or such other officer or employee of the County as may be responsible from time to time for the preparation of the County's annual budget, is hereby authorized and directed to carry out the obligations imposed by the Agreement on such officer or employee.

All other actions of the officers of the County which are in conformity with the purposes or intent of this resolution and in furtherance of the execution and delivery of the Agreement, including the execution of the County Financing Documents are hereby ratified, approved and confirmed. The representations of the County made in the Agreement are hereby confirmed.

The following financing team members shall serve for the issuance of the Certificates:

Co- Special Counsel: Hunton & Williams LLP and The Charleston Group

Trustee: U.S. Bank National Association

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

This resolution shall take effect immediately.

ACTION: Adopt the resolution approving installment financing contract under G.S. 160A-20 with Wachovia for \$15.9M to provide capital funding for school renovation projects and associated documents including deed of trust to Wachovia and lease with Board of Education, and authorize the County Manager to sign on behalf of the County, with such changes or revisions consistent with the general tenor thereof as may be satisfactory to the County Manager and the Interim County Attorney.

The Chairman opened the Public Hearing. No Speakers. The Chairman closed the Public Hearing.

MOTION: Commissioner Edge moved to adopt the resolution approving installment financing contract under G.S. 160A-20 with Wachovia for \$15.9M to provide capital funding for school renovation projects and associated documents including deed of trust to Wachovia and lease with Board of Education, and authorize the County Manager to sign on behalf of the County, with such changes or revisions consistent with the general tenor thereof as may be satisfactory to the County Manager and the Interim County Attorney.

SECOND: Commissioner King

VOTE: Unanimous

Minimum Housing Code Enforcement

E. Case Number: MH 5988-2009
Property Owner: Donald Robert Rowe, Jr.
Mobile Home Owner: William Rowe
Property Location: 4044 Limestone Street, Eastover, NC
Parcel Identification Number: 0469-44-7901

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

I, George Hatcher, 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 5988-2009.

Property Owner: Donald Robert Rowe, Jr.
Homeowner: William Rowe
Property Address: 4044 Limestone Street, Eastover, NC

Tax Parcel Identification Number: 0469-44-7901

SYNOPSIS: This property was inspected on 7/9/2009. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 8/6/2009. 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 11/6/2009. 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 11/10/2009 the required corrective action had not 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 \$5,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

RECOMMENDATION: 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.

Speakers: Donald Robert Rowe, Jr. The oath was administered by the clerk. Mr. Rowe advised that the trailer on this property is not owned by either he or his brother. His Mother had allowed someone to rent some space to put a trailer on. Mr. Rowe stated he is working on cleaning it up, but needs more time and requested 90 days.

The Chairman closed the Public Hearing.

MOTION: Commissioner Blackwell 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 90 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 Office.

SECOND: Commissioner Melvin
VOTE: Unanimous

F. Case Number: MH 5963-2009
Property Owner: Tammy Mallen
Property Location: 1216 Lake Avenue Extension, Spring Lake, NC
Parcel Identification Number: 0511-16-6542

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

I, George Hatcher, 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 5963-
2009.

Property Owner: Tammy Mallen
Property Address: 1216 Lake Avenue Extension, Spring Lake, NC
Tax Parcel Identification Number: 0511-16-6542

SYNOPSIS: This property was inspected on 5/22/2009. The property owners and parties of
interest were legally served with Notice of Violations and was afforded a Hearing on 6/25/2009.
Tammy Mallen 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 9/25/2009. 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 11/10/2009 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
\$12,500.00. The Assessor for Cumberland County has the structure presently valued at \$717.00.

RECOMMENDATION: 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. No Speakers. The Chairman closed the Public Hearing.

MOTION: Commissioner Edge 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 Office.

SECOND: Commissioner Melvin
VOTE: Unanimous

G. Case Number: MH 5930-2009
Property Owner: Ella King McIver, c/o Sylvia King Diop
Property Location: 362 Williams Street, Spring Lake, NC
Parcel Identification Number: 0511-18-1417

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

I, George Hatcher, 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 5930-2009.

Property Owner: Ella King McIver C/O Sylvia King Diop
Property Address: 362 Williams Street, Spring Lake, NC
Tax Parcel Identification Number: 0511-18-1417

SYNOPSIS: This property was inspected on 4/24/2009. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 6/18/2009. 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 9/18/2009. 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 11/10/2009 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 \$8,500.00. The Assessor for Cumberland County has the structure presently valued at \$2,600.00. Attached is a map depicting the location of the property.

RECOMMENDATION: 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. No Speakers. The Chairman closed the Public Hearing.

MOTION: Commissioner Melvin 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 Office.

SECOND: Commissioner Faircloth

VOTE: Unanimous

Items of Business

4. Presentation by Ms. Jan Albert, Cumberland County Solid Waste on the Cumberland County Recycling Program.

Ms. Albert provided information on the recycling efforts in Cumberland County stating that effective October 1st items banned from the landfills include rigid plastic containers, wood pallets and oil filters. Ms. Albert advised that a truck recently purchased from GovDeals.com is used to recycle materials all County building, the post office, PWC facilities and Methodist University. Bins have been placed on all floors of the County courthouse for plastics, aluminum and white paper. Under the school recycling plan, two districts have been mandated to “go green”. All 87 schools are participating in recycling and the tonnage has increased. Information on the Wilkes Road facility with regard to availability of redwood mulch and the sale of boiler fuel to Craven County from wood energy was shared. Ms. Albert advised that there are 17 container sites in the County. Commissioner King reiterated that the more the residents recycle, the more it increases the life of the County landfill. Commissioner Blackwell commended Ms. Albert for heading up the recycling program and also thanked Mr. Bobby Howard and the staff of Solid Waste.

5. Consideration of Adoption of 2010 Board of Commissioners Regular Meeting Dates.

BACKGROUND: Below is a list of proposed meeting dates for 2010. Traditionally, the second meeting in February has been moved to a Tuesday due to the schools being closed on President's Day. Also, the first meeting in April has been moved to Tuesday due to the schools being closed for Easter.

2010 COMMISSIONERS' REGULAR MEETING DATES

January 4, 2010, 9:00AM

January 19, 2010, 6:45PM (Tuesday)

February 1, 2010, 9:00AM

February 16, 2010, 6:45PM (Tuesday)

March 1, 2010, 9:00AM

March 15, 2010, 6:45PM

April 6, 2010, 9:00AM (Tuesday)

April 19, 2010, 6:45PM

May 3, 2010, 9:00AM

May 17, 2010, 6:45PM

June 7, 2010, 9:00AM

June 21, 2010, 6:45PM

July – NO MEETINGS

August 2, 2010, 9:00AM

August 16, 2010, 6:45PM

September 7, 2010, 9:00AM (Tuesday)

September 20, 2010, 6:45PM

October 4, 2010, 9:00AM

October 18, 2010, 6:45PM

November 1, 2010, 9:00AM

November 15, 2010, 6:45PM

December 6, 2010, 9:00AM

December 20, 2010, 6:45PM

MOTION: Commissioner Blackwell moved to approve the proposed dates.

SECOND: Commissioner King

VOTE: Unanimous

6. Consideration of Cumberland County Financial Matters:

- A) Consideration of Designating the County's 1.7M Allocation of Recovery Zone Facility Bonds.

BACKGROUND: Cumberland County received an allocation of \$1.7M of Recovery Zone Facility Bonds (RZFB's). These instruments were authorized as part of the American Recovery Reinvestment Act (ARRA) of 2009. Below are some of the requirements and characteristics related to this particular ARRA bond:

- Allows private sector to borrow at tax exempt rate.
- Typical issuer is the Industrial Facilities and Pollution Control Financing Authority.
- Must be issued in a designated recovery zone.
- Shall be used in any trade or business (other than residential rental property), which may include shopping centers, manufacturing, distribution/warehouse facilities, hotels, and office buildings.

The North Carolina Department of Commerce has been given administrative authority in this process, and accordingly, the following procedures have been identified:

- Counties and municipalities must designate (by resolution) projects to be financed with recovery zone bonds by December 15, 2009.

- If this designation is not made, the allocation will be deemed waived for reallocation by the State.
- Local governments can waive their allocation and request the State to reallocate it to another project in another governmental unit.
- Counties and municipalities must request (by resolution) their interest in an “additional allocation”, specifically by project, by December 15, 2009.

At the October Finance Committee Meeting, the Gentry Group, LLC made a presentation requesting designation of a portion of these funds for development of the Freedom Business Center in Spring Lake. The Gentry Group has requested \$1M of our initial allocation and \$17M in reallocated funds.

Another shovel ready project has been identified in Spring Lake. Kingdom Realty Holdings, LLC made a presentation at the November Finance Committee Meeting regarding their partnership with a private developer to construct a hybrid Hotel/Restaurant Model. A request has been made for \$700,000 of our \$1.7M allocation.

Additionally, the County received a letter from the Lower Cape Fear Water and Sewer Authority requesting the County to waive our initial \$1.7M allocation. At this time, Management recommends utilizing our entire allocation for shovel ready economic development projects within Cumberland County.

The Finance Committee unanimously approved the recommendation to prepare an application to the N.C. Department of Commerce requesting a designation of our initial allocation to the Gentry Group, LLC in the amount of \$1M and the remaining \$700,000 to the Kingdom Realty Holdings, LLC. Additionally, the Committee agreed on submitting an application for an additional designation of RZFB’s up to \$17M for further development of the Freedom Business Center by the Gentry Group, LLC. A draft copy of the minutes of the Finance Committee meeting is attached.

CUMBERLAND COUNTY, NC
Recovery Zone Designation
and
Authorization to Appropriate Bond Issuance

WHEREAS, on February 17, 2009, the President signed into law the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 Stat. 115 (2009 (“ARRA”)); and

WHEREAS, Section 1401 of Title I of Division B of ARRA authorizes state and local governments to issue Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds; and

WHEREAS, Recovery Zone Economic Development Bonds may be used to finance certain “qualified economic development purposes” and Recovery Zone Facility Bonds may be use to finance certain “recovery zone property,” as such terms are defined in ARRA; and

WHEREAS, the term “Recovery Zone” means: 1) any area designated by the issuer as having significant poverty, unemployment, a high rate of home foreclosures or general distress; 2) any area designated by the issuer as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990, and 3) any area for which a designation as an empowerment zone or renewal community is in effect as of the effective date of ARRA, which effective date is February 17, 2009; and

WHEREAS, Recovery Zone Economic Development Bonds are considered “qualified” bonds for purposes of Section 6431 of the Internal Revenue Code of 1986, as amended, and provide for a federal subsidy through a refundable tax credit paid to State or local governmental issuers in an amount equal to 45 percent of the total coupon interest payable to investors in these taxable bonds; and

WHEREAS, the interest on State or local Recovery Zone Facility Bonds is excludable from gross income for Federal income tax purposes; and

WHEREAS, Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds must be issued before January 1, 2011; and

WHEREAS, Cumberland County, NC has received the following volume caps of:

Recovery Zone Economic Development Bonds: \$1,138,000
Recovery Zone Facility Bonds: \$1,707,000

and may use such volume cap for eligible costs or may allocate such volume cap in any reasonable manner as the Cumberland County, NC governing body shall determine in good faith at their discretion for use for eligible costs for qualified economic development purposes or recovery zone property; and

WHEREAS the Cumberland County, NC governing body seeks to designate the following area as a Recovery Zone due to significant levels of increased unemployment, increased levels of home foreclosures, and the general increase of economic distress throughout the county: CENSUS TRACT 36, BLOCK GROUPS 1 and 3; (see Exhibit A for supporting documentation) and

WHEREAS, this matter was discussed at the November 9, 2009 meeting of the Cumberland County Finance Committee and recommended to the full governing body for approval;

NOW THEREFORE, BE IT RESOLVED that the Cumberland County, NC governing body designates the areas more fully described above/attached as Exhibit A as a Recovery Zone; and

BE IT FURTHER RESOLVED THAT, the governing board authorizes the County Manager to sign the necessary documents and hereby allocates its volume cap of \$1,707,000 of Recovery Zone Facility Bonds to the Gentry Group, LLC in the amount of \$1,000,000 for development of the Freedom Business Center (the "Project") in Spring Lake and \$700,000 to Kingdom Realty Holdings, LLC for development of a combined hotel/restaurant franchise (the "Project"); and further that the County Manager is authorized to sign the necessary documents to request a further reallocation of Recovery Zone Facility Bonds from the North Carolina Tax Reform Allocation Committee in an amount up to \$17,000,000 to the Gentry Group, LLC for further development of the Freedom Business Center.

Exhibit A

Background and Supporting Information for Recovery Zone Designations

The U.S. Department of Treasury's Community Development Financial Institutions Fund (CDFI) established a program called the New Market Tax Credit (NMTC) Program, which is designed to generate private sector equity investments in low income communities by financing neighborhood retail centers, small businesses, charter schools, child care centers and other community facilities in distressed areas nationwide.

In an effort to direct money to the neediest areas of the country, the CDFI Fund focuses on hot zones for the programs established under their administration. Hot Zones are urban and rural geographic areas that have high unemployment and poverty rates and may have high housing costs burdens.

Within Cumberland County, Census Tract 36 is designated as a Hot Zone and a NMTC eligible area. Therefore, the Recovery Zone designations, specifically Census Tract 36, Block Groups 1 and 3, are based on the NMTC eligibility as defined above.

Mrs. Cannon spoke in support of the request. In response to a question posed by Commissioner Blackwell, County Manager Martin explained that the hotel project being proposed is a project that has been worked on for two or more years by Kingdom Realty. The Board of Commissioners allocated \$400,000 about two years ago of Community Development funds for this particular project. After the initial request from the Gentry Group for the total \$1.7M of the Recovery Zone Facility bonds, it later agreed to allow \$700,000 of the funds to be designated to the Kingdom Realty Holdings for this project. Mrs. Cannon explained what qualifies an area as a recovery zone. County Manager Martin explained that the total project cost is \$8.5M of which \$6.5 has been secured from a bank and the \$700,000 closes the gap for the financing, adding that this is a loan to be repaid which does not make the County liable. Commissioner Edge reminded everyone that if the County does not go forward with this request, these funds will revert back to the State and other counties can apply for the monies.

ACTION: Approve the resolution which formally designates these project areas in Spring Lake as Recovery Zone Property and authorizes the County Manager to sign the necessary documents which will be submitted to the North Carolina Department of Commerce. Approve designating an initial allocation of RZFB's to the Gentry Group, LLC in the amount of \$1M and the remaining \$700,000 to Kingdom Realty Holdings, LLC. Approve to submit an application for an additional allocation up to \$17M for further development of Freedom Business Center, by the Gentry Group, LLC.

MOTION: Commissioner Council moved to approve as requested.

SECOND: Commissioner Edge

VOTE: Voting for: Commissioner Council, Edge, Blackwell, Faircloth and Melvin
Commissioner Billy King abstained

B) Consideration of a Request to Seek a Further Reallocation of Recovery Zone Facility Bonds in the Amount of \$30M.

BACKGROUND: The Chamber of Commerce has been approached by a private developer who is interested in the concept of a franchise four-star hotel and restaurant attached to the Crown Center. This firm has conducted a market analysis to determine the viability of a hotel/restaurant partnership with the Crown Coliseum.

The developer is asking the County for approximately 4.5 acres of land on the Crown complex through a long-term lease and participation in the cost of a bridge connection to the Crown Center. Additionally, the private developer is seeking issuance of non-liability bond debt. It has been determined that an avenue for meeting this need could be through the Recovery Zone Facility Bonds (RZFB's). We have already designated our initial allocation of \$1.7M, but we have the opportunity to seek a further reallocation. These bonds allow a private developer to issue low interest tax-exempt debt. This would not be an obligation of the County.

Up to this point, this has been considered only as a potential economic development project that the Chamber has discussed with Management. This project is dependent upon the issuance of some type of non-liability bonds. Management realizes there are many other issues to be considered, but we feel that exploring a reallocation of RZFB's is the first step.

CUMBERLAND COUNTY, NC
Recovery Zone Designation
and
Authorization to Appropriate Bond Issuance

WHEREAS, on February 17, 2009, the President signed into law the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 Stat. 115 (2009 ("ARRA")); and

WHEREAS, Section 1401 of Title I of Division B of ARRA authorizes state and local governments to issue Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds; and

WHEREAS, Recovery Zone Economic Development Bonds may be used to finance certain "qualified economic development purposes" and Recovery Zone Facility Bonds may be used to finance certain "recovery zone property," as such terms are defined in ARRA; and

WHEREAS, the term "Recovery Zone" means: 1) any area designated by the issuer as having significant poverty, unemployment, a high rate of home foreclosures or general distress; 2) any area designated by the issuer as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990, and 3) any area for which a designation as an empowerment zone or renewal community is in effect as of the effective date of ARRA, which effective date is February 17, 2009; and

WHEREAS, Recovery Zone Economic Development Bonds are considered "qualified" bonds for purposes of Section 6431 of the Internal Revenue Code of 1986, as amended, and provide for a federal subsidy through a refundable tax credit paid to State or local governmental issuers in an amount equal to 45 percent of the total coupon interest payable to investors in these taxable bonds; and

WHEREAS, the interest on State or local Recovery Zone Facility Bonds is excludable from gross income for Federal income tax purposes; and

WHEREAS, Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds must be issued before January 1, 2011; and

WHEREAS, Cumberland County, NC has received the following volume caps of:

Recovery Zone Economic Development Bonds: \$1,138,000
Recovery Zone Facility Bonds: \$1,707,000

and may use such volume cap for eligible costs or may allocate such volume cap in any reasonable manner as the Cumberland County, NC governing body shall determine in good faith at their discretion for use for eligible costs for qualified economic development purposes or recovery zone property; and

WHEREAS the Cumberland County, NC governing body seeks to designate the following area as a Recovery Zone due to significant levels of increased unemployment, increased levels of home foreclosures, and the general increase of economic distress throughout the county: CENSUS TRACT 15, BLOCK GROUP 1 (See Exhibit A for supporting documentation)

NOW THEREFORE, BE IT RESOLVED that the Cumberland County, NC Governing Body designates the areas more fully described above/attached as Exhibit A as a Recovery Zone; and

BE IT FURTHER RESOLVED THAT, the governing body hereby requests the NC Tax Reform Allocation Committee to reallocate an additional \$30,000,000 and authorizes the County Manager to sign the necessary documents to request a further reallocation of \$30,000,000 in Recovery Zone Facility Bonds to Cumberland County for a hotel/restaurant project (the “project”) which will include a bridge connection to the County’s Crown Center.

Exhibit A

Background and Supporting Information for Recovery Zone Designations

The U.S. Department of Treasury’s Community Development Financial Institutions Fund (CDFI) established a program called the New Market Tax Credit (NMTC) Program, which is designed to generate private sector equity investments in low income communities by financing neighborhood retail centers, small businesses, charter schools, child care centers and other community facilities in distressed areas nationwide.

Within Cumberland County, Census Tract is in a NMTC eligible area. Therefore, the Recovery Zone designation, specifically Census Tract 15, Block Group 1 is based on the NMTC eligibility as defined above.

ACTION: Approve filing of an application to the NC Department of Commerce requesting a reallocation of RZFB’s in the amount of \$30M for the proposed hotel/restaurant project at the Crown Coliseum. A resolution is attached which formally designates this project as being in a Recovery Zone and authorizes the County Manager to sign the necessary documents which request a further reallocation.

Assistant County Manager Cannon spoke in favor of the request stating this would be non-liable debt to the County which can be used by the developer for the project. If the application is approved, then the Board would have an opportunity to vet out other considerations about the viability of the project. Commissioner Melvin confirmed that this request is just to file the application and that any further action will be brought back to the Board.

MOTION: Commissioner Blackwell moved to approve as requested.

SECOND: Commissioner Council

VOTE: Unanimous

7. Consideration of Cumberland County Facilities Committee Report and Recommendations:

- A) Update on Phase II Improvements at Crown Arena and Theater – Mechanical Electrical, Plumbing and Line Safety Upgrades and Consideration of Designating the County’s \$1.1 Million Allocation of Recovery Zone Economic Development Bonds.

BACKGROUND: In February 2005, staff presented to the County Facilities Committee a list of capital improvement projects for the Crown Arena and Theater. Refer to the attached memorandum. The list included short-term projects which were subsequently addressed in the Theater Lobby Renovation Project constructed in 2006 and long-term projects yet to be undertaken. Of the long-term projects, upgrading the mechanical, electrical, plumbing and life safety (fire alarm) systems is the top priority.

In May 2009, LSV Partnership was authorized to conduct an evaluation of the MEP systems in the Arena and Theater which are essentially the original building systems constructed in 1967. The mechanical system does not meet the indoor air quality standards in the current building code and is not energy efficient. The original cooling tower was replaced in 2001 with a used tower which is in a state of disrepair. The main electrical switchgear and panels were manufactured by Federal Pacific which is no longer in business and replacement parts are difficult to locate and expensive. Electrical distribution is a two-wire system with no ground and is no longer code compliant. The plumbing system contains galvanized steel water piping which needs to be replaced. About 80% of the plumbing fixtures need to be replaced. The life safety system (fire alarm) is virtually non-existent and the Inspections Department will not allow any additional renovations to the building without upgrading the life safety system.

A presentation of the Crown Arena and Theater MEP Study was made to the Crown Center Civic Center Commission at its October 27, 2009 meeting and subsequently to the County Facilities Committee at its November 10, 2009 meeting. A copy of the power point

presentation is attached. The conditions of the existing systems were reviewed and recommended upgrades discussed. The recommended mechanical system includes three (3) 200-ton air cooled screw chillers coupled with ice storage tanks to provide cooling. This is a very energy efficient system and the increased capital costs over a conventional chiller/cooling tower system will be recovered in reduced energy costs within two years based on assumed usage of the facility. New air handling units would be installed for air distribution. The mechanical system would be configured to isolate each venue so that the entire system would not need to operate if there is only an event in either the Arena or Theater. A new mechanical room located on the north side of the Theater is proposed to house the new pumps, chillers and controls. The ice storage tanks will be located outdoors adjacent to the new mechanical room and screened from view. The boiler that provides building heat was replaced in 2001 and is in good condition. New electrical switchgear, panels and circuits (3-wire) are proposed. A new fire alarm system will be installed as required by the building code officials. New water lines will be installed, plumbing fixtures replaced as needed, and one sewerage lift station replaced.

The preliminary project cost estimate including design fees and contingencies is \$3.85 Million. The proposed project schedule was also discussed. Assuming the project is approved, design will begin immediately with a tentative bid date of early Spring 2010. Construction would take place during the Summer 2010. The facility would be closed for about 3 months.

The Crown Center Civic Center Commission unanimously endorsed the project and recommended forwarding it to the County Facilities Committee for its consideration.

The County Facilities Committee, after discussion, unanimously endorsed the project and recommended forwarding it to the Board of Commissioners for its consideration. A copy of the Draft Facilities Committee Minutes are attached.

FUNDING CONSIDERATIONS: The County received an allocation of \$1,138,000 of Recovery Zone Economic Development Bonds (RZEDB's). These instruments were authorized as part of the American Recovery Reinvestment Act (ARRA). These are similar to the Recovery Zone Facility Bonds (RZFB's) except, they are limited to expenditures for public infrastructure and construction of public facilities. These instruments include a refundable credit of 45% of the amount of interest paid on each payment date.

County Management recommends the filing of an application to the North Carolina Department of Commerce requesting that our \$1.1M allocation of RZEDB's be designated for these upgrades at the Crown Arena and Theater. Following the same process as the RZFB's, a determination must be made that this project is within a recovery zone and an application must be filed with the Department of Commerce by December 15, 2009.

Food and Beverage Tax funds will be used to fund project costs that exceed the \$1.1M. Sufficient funds are available in the Food and Beverage Fund Balance.

CUMBERLAND COUNTY, NC
Recovery Zone Designation
and
Authorization to Appropriate Bond Issuance

WHEREAS, on February 17, 2009, the President signed into law the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5 Stat. 115 (2009 ("ARRA")); and

WHEREAS, Section 1401 of Title I of Division B of ARRA authorizes state and local governments to issue Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds; and

WHEREAS, Recovery Zone Economic Development Bonds may be used to finance certain "qualified economic development purposes" and Recovery Zone Facility Bonds may be use to finance certain "recovery zone property," as such terms are defined in ARRA; and

WHEREAS, the term "Recovery Zone" means: 1) any area designated by the issuer as having significant poverty, unemployment, a high rate of home foreclosures or general distress; 2) any area designated by the issuer as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990, and 3) any area for which a designation as an empowerment zone or renewal community is in effect as of the effective date of ARRA, which effective date is February 17, 2009; and

WHEREAS, Recovery Zone Economic Development Bonds are considered "qualified" bonds for purposes of Section 6431 of the Internal Revenue Code of 1986, as amended, and provide for a federal subsidy through a refundable tax credit paid to State or local governmental issuers in an amount equal to 45 percent of the total coupon interest payable to investors in these taxable bonds; and

WHEREAS, the interest on State or local Recovery Zone Facility Bonds is excludable from gross income for Federal income tax purposes; and

WHEREAS, Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds must be issued before January 1, 2011; and

WHEREAS, Cumberland County, NC has received the following volume caps of:

Recovery Zone Economic Development Bonds: \$1,138,000

Recovery Zone Facility Bonds: \$1,707,000

and may use such volume cap for eligible costs or may allocate such volume cap in any reasonable manner as the Cumberland County, NC governing body shall determine in good faith at their discretion for use for eligible costs for qualified economic development purposes or recovery zone property; and

WHEREAS the Cumberland County, NC governing body seeks to designate the following area as a Recovery Zone due to significant levels of increased unemployment, increased levels of home foreclosures, and the general increase of economic distress throughout the county: CENSUS TRACT 15, BLOCK GROUPS 1; (see Exhibit A for supporting documentation) and

WHEREAS, this matter was discussed at the November 10, 2009 meeting of the Cumberland County Facilities Committee and recommended to the full governing body for approval;

NOW THEREFORE, BE IT RESOLVED that the Cumberland County, NC governing body designates the areas more fully described above/attached as Exhibit A as a Recovery Zone; and

BE IT FURTHER RESOLVED THAT, the governing body hereby allocates its \$1,138,000 in Recovery Zone Economic Development Bond allocation for its Crown Theater and Arena Upgrades (the "Project") and authorizes the County Manager to sign the necessary documents.

Exhibit A

Background and Supporting Information for Recovery Zone Designations

The U.S. Department of Treasury's Community Development Financial Institutions Fund (CDFI) established a program called the New Market Tax Credit (NMTC) Program, which is designed to generate private sector equity investments in low income communities by financing neighborhood retail centers, small businesses, charter schools, child care centers and other community facilities in distressed areas nationwide.

Within Cumberland County, Census Tract is in a NMTC eligible area. Therefore, the Recovery Zone designation, specifically Census Tract 15, Block Group 1 is based on the NMTC eligibility as defined above.

ACTION: Approve the Crown Arena and Theater Mechanical, Electrical, Plumbing and Life Safety Improvement Project and instruct staff to proceed with the design work. Approve the resolution which formally designates this project as being in a Recovery Zone and authorize the County Manager to sign the necessary documents which designate our \$1.1M allocation of RZEDB's for the Crown Theater and Arena Upgrades.

County Manager Martin distributed additional information that was provided for this item as requested by Commissioner Keefe. County Engineer Stanger spoke in favor of the proposed improvements. Assistant County Manager Cannon spoke to the difference in the financing of these bonds in comparison to the Recovery Zone Facility Bonds stating the Economic Development Bonds are only used for public structure improvements. The County will be responsible for repayment of the debt. The bonds will be issued with a 45% interest rate credit which significantly reduces the interest that is paid over the life of the instrument. Commissioner Edge spoke in favor of the project and recognized members of the Board of the Crown Coliseum, as well as staff from the Coliseum, stating that they all have worked diligently to make this a successful venture. Mrs. Long, CEO of the Crown Coliseum, and Mrs. Cannon answered questions regarding figures provided in the handout. Discussion ensued regarding what is needed to increase the utilization of the facility. Commissioner Edge noted that if this is approved, the new system will allow the cooling of only one side of the facility which will be a cost saving.

MOTION: Commissioner Edge moved to approve as requested.

SECOND: Commissioner King

VOTE: Unanimous

- B) Consideration of Request of Twelfth Judicial District Bar Association to Place a Plaque in the Courthouse to Commemorate the Service of the Lawyers Who Have Served as President of the Twelfth Judicial District Bar.

BACKGROUND: H. Terry Hutchens, current President of the Twelfth Judicial District Bar Association, has requested that the Bar Association to be allowed to place a plaque on the wall of the Courthouse which recognizes and commemorates the service of the past Bar Presidents. The Bar requests that the plaque be located on the third floor behind the courtrooms and offers to be responsible for the cost of purchase, installation and maintenance. The Twelfth Judicial District Bar is a mandatory bar made up of all lawyers who live in and/or practice in Cumberland County. This request came before the Facilities Committee on November 10, 2009 and the Committee voted to recommend granting the Bar's request to install the plaque to the Board of Commissioners.

ACTION: Approve the 12th Judicial District Bar's request to install a commemorative plaque to past presidents of the Bar Association on the third floor of the Courthouse in the requested area.

MOTION: Commissioner King moved to approve as requested.

SECOND: Commissioner Melvin

VOTE: Unanimous

8. Nominations to Boards and Committees

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

BACKGROUND: Sandra Ebron and Cassandra W. Haire completing initial terms. Eligible for reappointment.

Nominees: Sandra Ebron
Cassandra W. Haire

B. Air Quality Stakeholders' Committee (1 Vacancy)

BACKGROUND: City Council Member Keith A. Bates completing first term. Eligible for reappointment.

Nominee: Keith A. Bates

C. Cumberland County Home and Community Care Block Grant Committee (1 Vacancy)

BACKGROUND: Catherine VanSickle completing first term. Eligible for reappointment.

Nominee: Catherine VanSickle

D. Cumberland County Local Emergency Planning Committee (1 Vacancy)

BACKGROUND: The Board of Commissioners at their September 8, 2009 meeting appointed Captain Charles F. Kimble to serve a first full term on the Cumberland County Local Emergency Planning committee in the position of Law Enforcement Representative. Due to a recent promotion in the Fayetteville Police Department, Captain Kimble is unable to serve.

Nominee: Wade Owen

E. Farm Advisory Board (9 Vacancies)

BACKGROUND: P.R. Barker completing first term. Unavailable to serve an additional term. David Collier completing unexpired term. Eligible for reappointment. Sherrill Jernigan completing first term. Eligible for reappointment. Wayne Collier, Jr., completing first term. Eligible for reappointment. Craig Tyson completing first term. Eligible for reappointment. Charlie Guy completing first term. Eligible for reappointment. Joe Gillis completing first term. Eligible for reappointment. Clifton McNeill, Jr., completing first term, but has been

recommended to serve an additional term in the Farmer position. George Autry retired. Unable to continue to serve.

Nominees:

Farmers: Clifton McNeill, Jr.
David Collier
Sherrill Jernigan
Wayne Collier, Jr.
Craig Tyson

Natural Resource Conservation Service: Charlie Guy

Farm Bureau Representative: Joe Gillis

Planning Board Representative: Roy Turner

Cooperative Extension Service Representative: Colby Lambert

F. Mental Health Board (9 Vacancies)

BACKGROUND: Dr. Zane Walsh, Jr., completing unexpired term. Eligible for reappointment. Christopher Bostock completing first term. Eligible for reappointment. Willie Cooper, Jr., completing first term. Eligible for reappointment. Anna F. Finch completing second term. Not eligible for reappointment. Gladys Hunt completing first term. Eligible for reappointment. Jo Beth Cain completing unexpired term. Eligible for reappointment. Liliana C. Parker completing unexpired term. Eligible for reappointment. Evelyn Shaw completing second term. Not eligible for reappointment. Nancy Capps completing second term. Not eligible for reappointment.

Nominees:

Licensed Physician: Dr. Zane Walsh, Jr.

Individual with Financial Expertise: Willie Cooper, Jr.

Representative with a Family Member or from a Citizen's Organization who Advocates for Persons with a Developmental Disability: Lodies Gloston

Drug Abuse, Primary Consumer, Recently in Recovery: Gladys Hunt

Alcoholism (Family Consumer): Jo Beth Cain

Individual with Management or Business Expertise: Liliana C. Parker

At-Large Member: Albert Bleakley

Openly Declared Consumer with Mental Illness: Alejandro Vasquez

9. Appointments to Boards and Committees

MOTION: Commissioner King moved to appoint all nominees in Item 9A-E.

SECOND: Commissioner Faircloth

VOTE: Unanimous

A. Cape Fear River Assembly (1 Vacancy)

Nominee: Juanita Pilgrim

B. Cumberland County Public Library Board of Trustees (3 Vacancies)

Nominees: Dr. Polly Davis (Reappointment)
Mary E. Thomas (Reappointment)
Sara Vanderclute

C. Minimum Housing Appeals Board (1 Vacancy)

Nominee: Clayton O. Burris, Jr.

D. Nursing Home Advisory Board (1 Vacancy)

Nominee: Tolulope Adeyemi

E. Tourism Development Authority- Appointment of Chairman

Nominee: Vivek Tandon

10. Closed Session:
- A. Economic Development Matter(s) Pursuant to NCGS 143.318.11(a)(4).
 - B. Attorney-Client Matter Pursuant to NCGS 143-318.11(a)(3).
 - C. Personnel Matter(s) Pursuant to NCGS 143-318.11(a)(6).

MOTION: Commissioner Edge moved to go into Closed Session.
SECOND: Commissioner Faircloth
VOTE: Unanimous

MOTION: Commissioner King moved to go into Open Session.
SECOND: Commissioner Blackwell
VOTE: Unanimous

MOTION: Commissioner King moved to adjourn.
SECOND: Commissioner Edge
VOTE: Unanimous

MEETING ADJOURNED AT 9:45PM

Marie Colgan, Clerk to the Board