

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
NOVEMBER 15, 2010 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR/REZONING MEETING

PRESENT: Chairman Billy King
Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner Marshall Faircloth
Commissioner Jimmy Keefe
Commissioner Ed Melvin
Commissioner Phillip Gilfus
James Martin, County Manager
Amy Cannon, Assistant County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Communication & Strategic Initiatives Manager
Tom Lloyd, Planning & Inspections Director
Tom Cooney, Public Utilities Director
Jody Risacher, Library Director
Marie Colgan, Clerk to the Board

INVOCATION - Commissioner Ed Melvin

Minister: Bishop Richard Skinner, Lakedale Church of God

Pledge of Allegiance – Paul Skinner, 2nd Grader, Home Schooled

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

Speaker:

Jan Rogers voiced her concerns regarding the current regulations and ordinances on dangerous animals. Ms. Rogers urged the Board to work and collaborate with the Animal Services Department in reviewing the ordinances and regulations regarding dangerous animals and owner's disregard for the laws. Ms. Rogers stated she has been chased by the same dog over and over while biking, but the owners continue to allow this dog to run everywhere even though Animal Services and the Sheriff's office has responded to numerous calls regarding this dog. Ms. Rogers offered to assist the Board in anyway she can.

Chairman King recognized the following individuals in the audience:

Helen Farrior, former school board member
Charles Evans, County Commissioner-Elect

County Manager James Martin requested an addition of a Closed Session item to the agenda – an Attorney-Client matter, pursuant to NCGS 143-318.11 (a)(3).

1. Approval of Agenda

MOTION: Commissioner Faircloth moved to approve the agenda with the addition of the Closed Session item as request.

SECOND: Commissioner Council

VOTE: UNANIMOUS

Commissioner Keefe requested that item 2E be pulled for discussion.

2. Consent Agenda

A. Approval of minutes for the November 1, 2010 regular meeting.

- B. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure - Lot 11 Windfield Sec 1 Rev; 5763 Dragonfly Drive – PIN: 0441-40-3819; Grays Creek Township.

BACKGROUND: On or about November 25, 2008, the County acquired by tax foreclosure the above property. The amount currently owed on the foreclosure judgment including interest and cost for the property is \$3,600.21.

Dale Allen Nelson was the last and highest bidder offering to purchase the County's interest in the property for \$5,271.07 and has deposited \$527.11 in the Finance Office. The tax value of the property is \$16,500.00.

This property is surplus to the needs of the County and, according to N.C.G.S. §153A-176 and N.C.G.S. §105-376, the County has the authority to sell such property. Management has reviewed this offer and it is now being submitted for the Board to consider whether or not to accept Mr. Nelson's bid. The property has been advertised and has received several bids; however, Mr. Nelson was the final and highest bidder. The bid period is now closed.

RECOMMENDATION AND PROPOSED ACTION: That the Board of Commissioners consider whether to accept the offer of Dale Allen Nelson to purchase the above property for the sum of \$5,271.07, plus advertising and recording costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- C. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – 1 Acre Ray Land; 5005 Haddock Street – PIN: 0418-18-8316; Cross Creek Township.

BACKGROUND: On or about December 6, 2007, the County acquired by tax foreclosure the above property. The amount currently owed on the foreclosure judgment including interest and costs for the property is \$4,426.52.

Evangelical House of God has offered to purchase the County's interest in the property for \$4,426.52 and has deposited \$442.62 in the Finance Office. The tax value of the property is \$4,500.00.

This property is surplus to the needs of the County and, according to N.C.G.S. §153A-176 and N.C.G.S. §105-376, the County has the authority to sell such property. Management has reviewed this offer and it is now being submitted for the Board to consider whether or not to accept Evangelical House of God bid. The property has been advertised and this office has not received any upset bids. The bid period is now closed.

RECOMMENDATION AND PROPOSED ACTION: That the Board of Commissioners consider whether to accept the offer of Evangelical House of God to purchase the above property for the sum of \$4,426.52, plus advertising and recording costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- D. Budget Revisions:

- (1) U.S. DOT 104(f) Grant

Revision in the amount of \$300,000 to adjust the County budget as revised by the State Transportation Advisory Committee. (B11-102) Funding Source – State Grant, Fayetteville and Other Municipal Planning Departments

E. Pulled for discussion by Commissioner Keefe.

MOTION: Commissioner Edge moved to approve Consent Items 2.A., 2.B., 2C., and 2.D. as requested.

SECOND: Commissioner Gilfus

VOTE: Unanimous

2.E. Approval of Addendum to the Cumberland County Community Transportation Drug and Alcohol Policy.

BACKGROUND: The Federal Transit Administration has updated 49 CFR Part 40, which requires that the County update the Drug and Alcohol plan with the below addendum in order to remain in compliance.

DRUG AND ALCOHOL POLICY ADDENDUM

EFFECTIVE: OCTOBER 1, 2010

The Department of Transportation has amended certain parts of 49 CFR Part 40, and therefore, the Cumberland County Community Transportation Program policy is amended as follows:

1. Testing for MDMA (Ecstasy) will be added to the amphetamine test panel.
2. Initial testing for heroin will be mandatory for all opiate positives.
3. Cutoff levels for drugs will be consistent with 49 CFR Part 40, as amended.
4. The following terms have been revised:
 - a. Adulterated specimen: A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.
 - b. Confirmatory drug test: A second analytical procedure performed on different aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite.
 - c. Initial drug test (Screening drug test): The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.
 - d. Initial specimen validity test: The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid.
 - e. Invalid drug test: The result reported by an HHS-certified laboratory in accordance with the criteria established by HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for specific drug or specimen validity test.
 - f. Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.
 - g. Limit of Detection (LOD): The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.
 - h. Limit of Quantitation: For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.
 - i. Negative result: The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is

less than the cutoff concentration of the drug or drug class and the specimen is a valid specimen.

- j. Positive result: The result reported by an HHS-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentrations.
- k. Reconfirmed: The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.
- l. Rejected for testing: The result reported by an HHS-certified laboratory when no tests are performed for specimen because of a fatal flaw or a correctable flaw that is not corrected.
- m. Split specimen collection: A collection in which the urine collected is divided into two separate specimen bottles, the primary specimen (bottle A) and the split specimen (bottle B)

RECOMMENDATION/PROPOSAL: It is requested that the Chairman of the Cumberland County Board of Commissioners sign the addendum. Copies of this addendum will then be given to all contracted drivers of the Cumberland County Community Transportation Program.

Commissioner Keefe referenced the memo included in the packet regarding Item 2.E. and questioned whether there were any acceptable narcotics when testing. The appropriate staff member was not present to answer the question.

MOTION: Commissioner Keefe moved not take action on this item until this question is answered.

SECOND: Commissioner Faircloth

DISCUSSION: Commissioner Faircloth questioned whether there was an urgent need to act on this item. County Manager Martin explained there was a sense of urgency because the Transportation Department would be undergoing an audit and if the addendum was not approved, it could cause the department to be non-compliant. Mr. Martin explained this would affect federal funding. In response to a question posed by Commissioner Gilfus, County Attorney Moorefield explained there is a long list of drugs for which tests are conducted. Mr. Moorefield further explained the list in the addendum was for drugs added some time back by federal regulations, it has not been approved by the Board, and it is necessary that the Board do so in order for the department to stay compliant. Commissioner Keefe stated citizens must have the upmost confidence that no transportation employees are under any type of illegal drug use and he wanted to ensure there are no drugs on the list for which any amount of use would be considered satisfactory. Mr. Moorefield assured the Board that the regulations required a zero tolerance for any drugs that are not permitted.

Commissioner Keefe withdrew his motion.

MOTION: Commissioner Keefe moved to approve Item 2.E. as requested.

SECOND: Commissioner Gilfus

VOTE: Unanimous

3. Public Hearings

Uncontested Case

Rezoning

- A. Case P10-45: Rezoning of 13.30+/- acres from M(P) Planned Industrial to O&I(P) Planned Office and Institutional or to a more restrictive zoning district, located at 3130 Gillespie Street; submitted by F. Stuart Clarke, Attorney, on behalf of Technimark, Inc. (owner) and R. Hall Powers, Jr.

The Planning Board recommends approval of O&I(P) Planned office and Institutional District as recommended by staff.

The Chairman opened the Public Hearing

Speakers: No Speakers

The Chairman closed the Public Hearing

MOTION: Commissioner Edge moved to approve Case P10-45 as recommended by the Planning Board.
SECOND: Commissioner Gilfus
VOTE: Unanimous

Contested Cases

- B. Case P10-42: Rezoning of 1.67+/- acres from A1 Agricultural to R20 Residential or to a more restrictive zoning district, located on the north side of SR 2238 (Sand Hill Road) and east of Timber Grove Drive, submitted by Charles and Evelyn E. Ireland (owners).

The Planning Board recommends approval of R20 Residential district as recommended by staff.

- C. Case P10-43: Rezoning of 3.90+/- acres from A1 Agricultural to R20 Residential or to a more restrictive zoning district, located on the north side of SR 2238 (Sand Hill Road) and east of Timber Grove Drive, submitted by Charles and Evelyn E. Ireland (owners).

The Planning Board recommends approval of R20 Residential district as recommended by staff.

County Manager Martin advised there were no speakers for either of the above two cases.

The Chairman opened the Public Hearing

Speakers: No Speakers

The Chairman closed the Public Hearing

MOTION: Commissioner Council moved to approve Case P10-42 and P10-43 as recommended by the Planning Board.
SECOND: Commissioner Faircloth
VOTE: Unanimous

Conditional Use District & Permit Case

- D. **THIS CASE HAS BEEN WITHDRAWN BY THE APPLICANT**
Case P10-32: Rezoning of 20.87+/- acres from RR Rural Residential, R10 Residential and R6A Residential to RR Rural Residential/CUD Conditional Use District for a RV Park/Campground and the Permit or to a more restrictive zoning district; located on the southeast side of SR 1003 (Camden Road), southwest of NC HWY 162 (Elk Road); submitted by Roy L. and Chom Chu Dean (owners).

Case P10-32 withdrawn – no action by the Board.

Other Public Hearings

- E. Board of County Commissioners Acting as Governing Board of Gray's Creek Water & Sewer District: Public Hearing and Approval of Resolution on Issuance of General Obligation Bonds in an Amount Up To \$21M for the Purpose of Financing the Acquisition, Construction, and Installation of Public Water Distribution and Storage Facilities in the District and Other Actions as Required Under the General Statutes.

BACKGROUND: At their November 1st meeting, the Board approved a resolution introducing the bond order for the Gray's Creek Water and Sewer District which authorized issuance of General Obligation Bonds for the district in an amount not to exceed \$21M. These funds will be used for the purpose of financing the acquisition, construction, and installation of a public water distribution and storage facilities within the district.

Below is the Resolution calling for referendum on \$21,000,000 General Obligation Sanitary Sewer Bonds, providing for notice of such referendum, form of ballot and publication of bond order as adopted.

BOARD OF COMMISSIONERS
OF CUMBERLAND COUNTY
ACTING AS THE GOVERNING BODY OF
GRAY'S CREEK WATER AND SEWER DISTRICT

Excerpt of Minutes
of Meeting on
November 15, 2010

Present: Chairman _____ presiding, and

Commissioners: _____

Absent: _____

* * * * *

On November 15, at ____:____ __.m., the Chairman convened a public hearing with respect to the Bond Order introduced before this Board of Commissioners (the "Board") on November 1, 2010, concerning the issuance of \$21,000,000 General Obligation Sanitary Sewer Bonds for the Gray's Creek Water and Sewer District, Cumberland County, North Carolina (the "District") pursuant thereto. After discussion as summarized in Exhibit A, the hearing was closed at __:__ p.m.

After consideration of the public hearing, Commissioner _____ moved the adoption of the Bond Order (as introduced on November 1, 2010) entitled:

BOND ORDER AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION
SANITARY SEWER BONDS OF GRAY'S CREEK WATER AND SEWER
DISTRICT IN A MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF
\$21,000,000 FOR THE PURPOSE OF FINANCING, IN PART, THE
ACQUISITION, CONSTRUCTION AND INSTALLATION OF PUBLIC WATER
DISTRIBUTION AND STORAGE FACILITIES IN THE DISTRICT

Commissioner _____ seconded the motion and the Bond Order was passed and

adopted by the following vote:

Ayes: Commissioners _____

Nays: _____

All resolutions or parts thereof in conflict herewith are hereby repealed.
Commissioner _____ moved the passage of the foregoing resolution and
Commissioner _____ seconded the motion, and the resolution was passed
by the following vote:
Ayes: Commissioners _____
Nays: _____
Not Voting: _____

* * * * *

I, Marie Colgan, Clerk for the Board of Commissioners for Cumberland County, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Board of Commissioners for said County at a regular meeting duly called and held November 15, 2010, as it relates in any way to the resolution hereinabove set forth, and that said proceedings are recorded in Minute Book _____ of the minutes of said Board. Pursuant to N.C.G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Board of Commissioners for said County is on file in my office.

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

WITNESS my hand and the common seal of said County, this _____ day of November, 2010.

RECOMMENDATION/PROPOSED ACTIONS: Hold the public hearing on the proposed issuance of General Obligation Bonds in an amount up to \$21M for the purpose of financing the acquisition, construction, and installation of public water distribution and storage facilities and approve adoption of the bond order, set the date for a referendum, and authorize all related actions.

The Chairman opened the Public Hearing

Speakers:

Patricia Nunnery, 2644 John McMillan Road, Hope Mills, NC, stated the general consensus of the Gray's Creek residents back in October when a public forum was held was they did not want a public water system. She stated a presentation showed no Federal funding is available because residents in that area make too much money per capita. Only 3 houses in Southpoint with bad water would be causing a cost of \$24M for the county and an average \$50 per month utility fee for the homeowners. Ms. Nunnery stated the zoning of Gray's Creek is agriculture which means it should mainly be free from private and urban development. She believes if the referendum passes, it will increase the number of residents which will call for more infrastructure which the county will have to provide.

Charles Packer questioned why no figures from other water supplies have been presented to the homeowners other than from PWC. He stated that Robeson and Bladen County already has county-wide water and Robeson County already has water lines close to the Gray's Creek area and there are no pressure problems. He would like to see what Robeson and Bladen would charge residents. He believes the Gray's Creek Water & Sewer District would have similar contract issues with PWC that the Eastover community is having right now. Would prefer this referendum be placed on the May ballot when primaries are held to hold cost down.

The Chairman closed the Public Hearing

Commissioner Faircloth informed Mr. Packer there will not be a primary in May, so it would need to be a special election. Commissioner Faircloth also advised the Commissioners had been contacted by many residents who were in favor of the water system and therefore the Board had decided to let the residents make the decision or whether they want public water or not. Commissioner Council stated that the public

needs to be educated on the all the measures that the Board has tried to do in securing water to this area.

MOTION: Commissioner Council moved to approve the adoption of the bond order, to set the date for a referendum on March 15, 2011, and authorize all related actions to this project.

SECOND: Commissioner Gilfus

DISCUSSION: Commissioner Gilfus noted the longer the county waits to secure water for this area, the higher the cost. He believes the Board has presented the best case for the citizens of this community to make up their own minds about whether they want public water or not. County Attorney Moorefield advised the Board he just found out this afternoon some information he wanted to pass along to the board before they vote. The County had asked PWC back in May to present a contract by November 1st and it was received last Friday, but there are still issues to be worked out. The schedule which staff has suggested in regards to the adoption of this resolution and the bond order may have to be revised based on these issues with the contract. The suggested date for the presentation of the bond order and the referendum were to accommodate the Local Government Commission's schedule. Commissioner Melvin stated he would support the request, but wants the ability to vote again if PWC does not come up with the right pricing for the citizens of Gray's Creek. Commissioner Keefe agreed that the cost would have been lower if it had been approved years ago and that because the area has become more urban, the grant monies are not available now. He questioned if any confirmation had been received from PWC that the county is getting the lowest wholesale rate that PWC is giving to other customers. County Manager Martin said no confirmation had been received and he believes there are lower rates being charged by PWC.

VOTE: UNANIMOUS

- F. Public Hearing and Approval of Resolution to Consider Issuance of \$14.8M of Qualified School Construction Bonds and a Refinancing of Two Prior Installment Contracts in the Amount of \$44.5M.

BACKGROUND: The County received a second allocation of Qualified School Construction Bonds (QSCB's) under the American Recovery and Reinvestment Act (ARRA). This second allocation of \$14.8M will be used for construction of the Western Middle School. The Board of Education will receive bids early in November.

Additionally, a current evaluation of the municipal market indicates that we have two prior debt issues in the amount of \$44.5M that are eligible for refunding. This refunding will replace the original 2008 debt issues for the Public Health Center and Grays Creek Middle School. Management recommends combining the sale of the QSCB's with this refunding opportunity if market conditions remain favorable.

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.

At the time of printing your packet material, the resolution had not been provided by Bond Counsel. This final resolution will be sent out prior to the meeting for your review.

BOARD OF COMMISSIONERS
OF
COUNTY OF CUMBERLAND, NORTH CAROLINA

Excerpt of Minutes
of Meeting of
November 15, 2010

Present: Chairman _____ presiding, and Commissioners _____

Absent: _____
* * * * *

The following resolution was introduced and its title was read:

RESOLUTION CONCERNING FINAL APPROVAL OF THE
ISSUANCE OF BONDS TO FINANCE THE REFINANCING OF
INSTALLMENT FINANCING CONTRACTS AND THE
CONSTRUCTION OF A NEW MIDDLE SCHOOL AND
AUTHORIZING THE EXECUTION AND DELIVERY OF
DOCUMENTS IN CONNECTION THEREWITH

WHEREAS, the Board of Commissioners of the County of Cumberland, North Carolina (the "County") has decided to pursue the financing of the costs of (a) refinancing two installment financing contracts entered into in 2008 for Gray's Creek Middle School and a public health center, improvements to an animal control center, a mental health facility and a central maintenance building, and (b) the acquisition, construction and equipping of a new middle school to be known as Western Middle School (collectively, the "Project"), as permitted under N.C.G.S. § 160A-20; and

WHEREAS, the County will enter into a Trust Agreement dated as of December 1, 2010 (the "Trust Agreement"), between the County and Regions Bank, as trustee (the "Trustee"), and a First Supplemental Trust Agreement dated as of December 1, 2010 (the "Supplemental Trust Agreement"), between the County and the Trustee for this purpose with the Trust Agreement and Supplemental Trust Agreement being agreements 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 County has proposed to issue the County's Limited Obligation Bonds, Series 2010A and Series 2010B (the "Series 2010 Bonds") pursuant to the Trust Agreement and Supplemental Trust Agreement between the County and the Trustee, with the County's obligations under the Trust Agreement and Supplemental Agreement, including the County's obligation to make payments under such agreements, to be secured by the lien and security interest created by a Deed of Trust dated as of December 1, 2010 (the "Deed of Trust"), from the County to a trustee named therein with respect to one or more Schools; and

WHEREAS, the School constituting a portion of the Project will be leased to and managed by the Cumberland County Board of Education pursuant to a Lease Agreement dated as of December 1, 2010 (the "Lease"), and the County's interests in the Lease are to be assigned as security for the obligations of the County under the Trust Agreement and Supplemental Trust Agreement pursuant to the Deed of Trust; and

WHEREAS, the Series 2010 Bonds are expected to be sold by Stephens, Inc., Wells Fargo Bank, National Association, and Jackson Securities LLC (collectively, the "Underwriters") through the use of an Official Statement to be dated on or about the date of closing, which describes the Series 2010 Bonds, the Documents and the Project; and

WHEREAS, there have been presented to the Board forms of the following documents (collectively, the "Documents") which the County proposes to use in connection with the issuance of the Series 2010 Bonds and the financing of the Projects:

1. The form of the Trust Agreement;
2. The form of the Supplemental Trust Agreement;
3. The form of the Series 2010 Bonds;
4. The form of the Deed of Trust;

5. The form of the Official Statement;
6. The form of the Bond Purchase Agreement between the Local Government Commissioner and the Underwriters;
7. The form of the Lease; and
8. The form of a Sales Tax Agreement relating to the Project

WHEREAS, the Board desires to approve the Documents and to authorize other actions in connection therewith; and

WHEREAS, the County at its meeting on November 1, 2010, 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 issuance of the Series 2010 Bonds and the Trust Agreement and Supplemental Trust Agreement; and

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

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

1. The issuance of the Series 2010 Bonds and the financing of the Project pursuant to and in accordance with the terms and conditions of the Documents, in the aggregate principal amount not to exceed \$60,000,000, with true interest costs on the Series 2010A Bonds and the Series 2010B Bonds not to exceed 4% and 7.0%, respectively, with a final maturity not to extend beyond December 31, 2030, is hereby approved, based, in part, on the findings made on November 1, 2010.
2. The Chairman of Vice Chairman of the Board and the County Manager, or any of them, are hereby authorized and directed to execute and deliver the Trust Agreement, the Supplemental Trust Agreement, the Series 2010 Bonds, the Deed of Trust, the Bond Purchase Agreement, the Lease, and the Sales Tax Agreement (collectively, the "County 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.
3. The Board hereby approves the execution and delivery by the County of the County Documents and any other documents or certificates that may be required in connection with the execution and delivery of the Series 2010 Bonds.
4. 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 financing pursuant to the Documents. 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 Supplemental Trust Agreement, the interest rate on the Series 2010 Bonds, and the term for the Series 2010B Bonds under the Supplemental Trust Agreement (which shall be the maximum term permitted by the most recent announcement of the Secretary of the Treasury). Execution of the County Documents by the Chairman, Vice Chairman or County Manager, as the case may be, shall conclusively evidence approval of all such details of the financing.
5. 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 Documents on such officer or employee.

- 6. 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 Documents to which the County is a party are hereby ratified, approved and confirmed. The representations of the County made in the Documents to which it is a party are hereby confirmed.
- 7. The following financing team members shall serve for the issuance of the Series 2010 Bonds:

Financial Advisor: DEC Associates
Underwriters: Stephens, Inc., Wells Fargo Bank, National Association and Jackson Securities LLC
Underwriters’ Counsel: Womble, Carlyle, Sandridge & Rice, PLLC
Co-Special Counsel: Hunton & Williams LLP and The Charleston Group
Trustee: Regions Bank
- 8. All resolutions or parts thereof in conflict herewith are hereby repealed.
- 9. This resolution shall take effect immediately.

* * * * *

Commissioner _____ moved the passage of the foregoing resolution and
Commissioner _____ seconded the motion, and the resolution was passed by the following vote:
Ayes: Commissioners _____
Nays: Commissioners _____
Not Voting: _____

* * * * *

I, _____, Clerk of the Board of Commissioners of Cumberland County, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Board of Commissioners for the County at a regular meeting held on November 15, 2010, as it relates in any way to the resolution hereinabove referenced and set forth, respectively, and that the proceedings are recorded in Minute Book ____ of the minutes of the Board. Pursuant to G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Board of Commissioners for the County is on file in my office.

WITNESS my hand and the common seal of said County, this ____ day of November, 2010.

RECOMMENDATION/PROPOSED ACTIONS: Hold the public hearing on the proposed issuance of \$14.8M of Qualified School Construction Bonds and a refinancing of two prior installment contracts in the amount of \$44.5M, and approve the final resolution which approves bond issuance and authorizes the execution and delivery of documents therewith, with terms within limits as set forth.

County Manager Martin informed the Board that Mrs. Cannon, Assistant County Manager, advised him the bond market has gone away to some extent when the market closed on Friday and some of the savings projected earlier are not available. Mr. Martin advised that in order to continue to monitor the market, he would ask that this item be approved. For certain, the issuance of the \$14.8M of Qualified School Construction Bonds is still needed, but the market may cause the refinancing of the two prior installment contacts to be pulled at some future time.

The Chairman opened the Public Hearing

Speakers: No Speakers

The Chairman closed the Public Hearing

MOTION: Commissioner Council moved to approve the final resolution as presented which approves bond issuance and authorizes the execution and delivery of documents therewith, consistent with the terms set forth therein.

SECOND: Commissioner Edge

DISCUSSION: Commissioner Gilfus questioned Mrs. Cannon on her thoughts with regard to the county's debt. Mrs. Cannon advised the County has been looking at financial projects and benchmarking with other counties; such as, Buncombe, Durham and Forsyth counties of which two of them are AAA rated counties. Cumberland County's debt is very much in line with those counties and the debt per capita is very, very low. The debt load is adequate and manageable and over 50% of the County's debt will be paid off within ten years. Commissioner Keefe questioned if the numbers used are current numbers or from numbers from earlier years and Mrs. Cannon advised it is numbers from 2010. Mrs. Cannon advised the auditor's report which will be provided to the Board in December, shows revenues exceeded the expenditures for the year ending 2010 and shows a slight increase in undesignated fund balance. Mrs. Cannon further added this shows the County is in good position considering the tax rate was lowered, the Child Support office was added as a Department, there were no reductions in force or furloughs, 2% cost of living was provided to employees and there was increased funding to county schools. County Manager Martin added that he, Mrs. Cannon and the county's financial advisor and underwriter will be making presentations to the bond rating agencies the next two days out of state.

VOTE: UNANIMOUS

Items of Business

4. Presentation by Ms. Jody Risacher, Library Director on the Cumberland County Public Library's 2010 Annual Report.

Ms. Risacher provided a power point presentation and shared the following information, a review of the last fiscal year and an update of what the library is involved in currently, with the Board:

- Most significant event to date – opening of a new 14,000 square foot library facility – the West Regional Branch Library. This is the county's first joint use library facility with a school.
- The Bordeaux Branch is the smallest and second busiest community-sized branch library. New computers, computer furniture, carpet and self-checkout technology will be installed in January.
- The library implemented a new five-year plan on July 1, 2010 with six goals (diverse resources, local and world events, career choices, welcoming place, life choices and imagination and creative expression)
- NC Live, a database, is available through the library website, as well as a popular language database called Mango. The Answer Book is now available as a database. Educational databases are promoted through the schools. Business and career related databases are also available.
- Access to research help is available 24/7 through chat. One-on-one assistance is available through 45-minute sessions. Help through texting will be offered soon.
- First job fair held in August with 652 job seekers attending. Workshops are also available.
- Web page has been re-vamped.
- 16,000 teens reached through library programs with 2eading 5,000 books in the summer.
- Two library programs won awards from the NC Public Library Director's association – a teen program and a job search program.
- Computer use increased by 20% and database use by 50%.
- The library personnel answered almost 50,000 school-related questions last year; almost 60,000 children attended programs; and children spent 39,000 hours reading during the summer.

Commissioner King questioned what was the busiest library branch and Mrs. Risascher stated the Hope Mills branch is the busiest of the smaller branches and the headquarters branch is the busiest of the larger branches, with Cliffdale second busiest of the larger branches. Commissioner Gilfus thanked Mrs. Risacher for her leadership and praised the library system.

5. Presentation by Sarah Hallock, Executive Director, Communicare on the Juvenile Crime Prevention Council and Cumberland Gang Prevention Project and Mr. Mike Strickland will Provide an Update on the 12th District Juvenile Justice Program.

Ms. Hallock provided an update on the Juvenile Crime Prevention Council (JCPC) and the Cumberland Gang Prevention partnership. Communicare has developed and implemented programs for youth ages 6-17 in the area of juvenile justice, delinquency prevention, early intervention, child abuse prevention, drug and alcohol abuse prevention, substance abuse outpatient treatment for adolescents, leadership development and youth gang violence prevention. Provides family strengthening and community collaboration activities, as well as provides service coordination for the JCPC. The local JCPC is a county appointed board which makes recommendations for funding, monitoring advocacy and county-wide planning to the Board of Commissioners. This year, 739 youth have been served through JCPC with 89% of those served achieving satisfactory or better outcomes. During this time, no youth has been confined to a youth development center or a training school setting. Average cost of programming for a youth is \$1,040 annually as opposed to confinement costs of \$98,000 or detention facilities at a cost of \$184 per day. Ms. Hallock referred members to their handout entitled Youth Gang Violence Assessment Report stating local law enforcement agencies has identified more than 100 verified gangs and dozens of hybrid neighborhood-level gangs and sets. The current gang assessment indicates that the programs available through JCPC has clearly been effective, showing that of the 48 youth accepted into the case management program, youth decreased new court cases by 71%, school suspensions were decreased by 42%, secure confinements were decreased by 86%. Their GPA was increased by 15.88%. Through the Gang Prevention program, they were able to save the city and the county \$17,480 in secure detention costs. Recently, they were awarded by the JCPC funding for another youth gang intervention coordination program. Ms. Hallock thanked the county leadership for their support.

Mr. Strickland stated his office is responsible for providing intake and detention supervision for ages 6-15. In FY 2009-2010, their office had 1,154 juveniles come before them and over the last three years, those numbers have remained fairly constant. Of that number, 564 which were more serious offenders and they were approved for court. Over the last three years, Detention Center admissions have decreased by 30% and these admissions have decreased statewide. They also work closely with other local county agencies; such as mental health and DSS. Due to mental health reform, there has been a significant reduction in group homes in the state. Mr. Strickland thanked the Board for their financial support.

6. Consideration of the Cumberland County Finance Committee Report and Recommendation(s):

A) Approval of Funding of the Local Child Support Call Center.

BACKGROUND: The Cumberland County Finance Committee met on Thursday, November 4, 2010 to discuss the above request. Effective January 1, 2011, the North Carolina Child Support Call Center will no longer allow all telephone calls to be automatically forwarded to the call center. The local child support office must provide the caller with the option to speaking with a representative at the local office. Currently over 16,000 telephone calls a month are being forwarded to the NC Child Support Call Center and it is anticipated that many of those callers will opt to call the local office. The telephone calls will have an impact on delivery of services.

BUDGET REVISION: Child Support Enforcement: Revision in the total amount of \$85,130 to recognize \$56,130 of state funding and to appropriate fund balance of

\$28,916 to establish three new positions for a Child Support Call Center and related equipment. (B11-196) Funding Source – State and Fund balance Appropriated

RECOMMENDATION/PROPOSED ACTION: Accept and/or approve the Cumberland County Finance Committee, approve the hiring of 3 Office Assistant III (\$48,837) and purchase of equipment (\$36,226) for the local Child Support Call Center in the amount of \$85,063, the County share at 34% will be \$28,921, and approve the associated budget revision.

Commissioner Edge advised this request was discussed during the Finance Committee meeting and the consensus was to unanimously support the addition of three additional staff at a cost of only \$28,921.

MOTION: Commissioner Edge moved to approve the request as presented.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS

7. Consideration of the Cumberland County Facilities Committee Report and Recommendation(s):

A) Evaluation of Architects for the Detention Center Expansion Project.

BACKGROUND: The Cumberland County Facilities Committee met on Thursday, November 4, 2010 to discuss the above request and the evaluation process for selection of the architectural team to assist the County with the Detention Center Expansion Project was reviewed.

The Selection Committee met on September 30, 2010 to review the Architect Qualification Statements in response to the Request for Qualifications (RFQ) issued by the County for the project. Responses were received from five (5) architectural teams and the Selection Committee elected to invite the following architectural teams for interviews which were held on October 11, 2010:

Mosely Architects in association with SFL+A
LSV Partnership in association with CRA Architects
AECOM
Little Diversified Architectural Consulting in association with Gordon Johnson Architecture

At the conclusion of the interviews, the Selection Committee discussed the strengths and weaknesses of each architectural team to arrive at a consensus of which team to recommend for this project. The consensus of the Committee was that Mosely Architects in association with SFL+A is the most qualified architectural team for our project. The proposed agreement with Mosely Architects for architectural services for the County Detention Center Expansion Project was reviewed with the Facilities Committee. The scope of services is detailed in the agreement and includes programming, building and site evaluation, and conceptual schematic design for up to three (3) expansion scenarios. Compensation for services rendered is a stipulated sum of \$158,682.00. Reimbursable expenses will be billed at direct cost and shall not to exceed \$6,000. The total contract amount is \$164,682.00 and sufficient monies are budgeted to fund this request.

The County Facilities Committee recommended approving the agreement with Mosely Architects for the Detention Center Expansion Project subject to legal review.

The County Attorney's Office is reviewing the agreement for legal sufficiency.

BUDGET REVISION: General Government Other/Detention Facility Expansion Capital Project Fund: Revision in the amount of \$3,017,794 to establish a Detention Facility Capital Project Fund by transferring designated contingency funds of \$1,800,000 from the General

Fund and to reallocate previously approved .6-cent property tax rate (\$1,217,794) from the General Fund to the Capital Project Fund. (B11-197 and B11-197A) Funding Source – Ad Valorem Current Taxes and Reallocation of Designated Contingency

RECOMMENDATION/PROPOSED ACTION: The recommendation of the County Facilities Committee, Management and the County Engineer is to:

1. Approve the agreement with Mosely Architects for the County Detention Center Expansion Project in the amount of \$164,682.00.
2. Approve the related budget revision.

The proposed action by the Board is to accept and/or approve the Cumberland County Facilities report and approve the above actions.

Commissioner Keefe advised the Facilities Committee, after receiving background information on the above request, agreed on the selection of a company with a long standing history of building detention facilities in the state, who is also familiar with the needs and financing required and has partnered with a local architectural firm is the best choice.

MOTION: Commissioner Keefe moved to approve the request as presented.

SECOND: Commissioner Gilfus

VOTE: Voting for: Commissioners Faircloth, Gilfus, Edge, Council, Melvin and Keefe. Voting against: Commissioner King

8. Consideration of the Cumberland County Policy Committee Report and Recommendation(s):

A) Proposed Code of Ethics.

BACKGROUND: The Legislature mandated that all local elected boards adopt a code of ethics by the end of 2010. At its November 4, 2010 meeting, The Policy Committee considered a draft prepared by the County Attorney. The attorney acknowledged that the draft language was substantially taken from the Model Code of Ethics published by the School of Government this summer with some modifications specific to issues that have arisen in our county. The attorney noted that the most significant of these specific directives was the declaration in Section 5 that the written and electronic communications of individual board members should generally be regarded as public records. The attorney advised that he had expanded the section on the criminal and non-criminal statutes to provide a quick reference source for those requirements. The attorney further advised that he recommended that a censure process not be incorporated into the code of ethics because the process was not required by statute and; therefore; not legally binding.

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
CODE OF ETHICS ADOPTED PURSUANT TO N.C.G.S. § 160A-86

WHEREAS, the Constitution of North Carolina, Article I, Section 35, reminds us that a "frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty;" and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires boards of county commissioners to adopt a code of ethics to guide actions by the governing board members in the performance of the member's official duties as a member of that governing board; and

WHEREAS, as elected local government officials we are charged with upholding the trust of the citizens of Cumberland County, North Carolina, and with obeying relevant laws.

NOW THEREFORE, BE IT RESOLVED in recognition. of our blessings and obligations as citizens of the State of North Carolina and as elected county

commissioners representing the citizens of the Cumberland County, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, the Cumberland County Board of Commissioners does hereby adopt the following general principles and code of ethics to guide the board and its individual members in lawful decision-making. (Hereinafter the terms "elected local government official(s) or elected official(s), the board, board member(s) or elected member(s)," shall be used interchangeably when referring to the members of or to the Cumberland County Board of Commissioners.)

GENERAL PRINCIPLES UNDERLYING THIS CODE OF ETHICS

- The stability and proper operation of democratic representative government depends upon public confidence in the integrity of the government, and upon responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- Elected local government officials must be able act in a manner that maintains their integrity and independence, yet is responsive to the interests and needs of those they represent.
- Elected local government officials must always remain aware that at various times they play different roles:
 - (i) as advocates, who strive to advance the legitimate needs of their citizens;
 - (ii) as legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions; and
 - (iii) as fair and impartial decision-makers, when making quasi-judicial and administrative determinations.
- Elected local government officials must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.
- Elected local government officials must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must be guided by his or her own conscience to determine what conduct is appropriate.

CODE OF ETHICS

Purpose. The purpose of this code of ethics is to establish guidelines for ethical standards of conduct for board members and to provide guidance in determining what conduct is appropriate in particular cases. It should not be considered a substitute for the law or for a board member's best judgment.

Section 1. Board members should take care to obey all laws that apply to their official actions as board members. Board members should be guided by the spirit as well as the letter of the law in whatever they do. At the same time, board members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. No board member should assert that a fellow board member is behaving unethically based upon a disagreement with that board member on a question of policy rather than on the board member's ethical behavior. The board and its members shall endeavor to keep it and themselves up-to-date on new or on-going legal or ethical quandaries or difficulties that they may face in their official positions.

Section 2. Board members should act with integrity and with independence from improper influence as they exercise the functions of their offices. Board members should use their best independent judgment to pursue the common good as they see

it, presenting their opinions to all in a reasonable, forthright, consistent manner. They should be self-governing and not subject to improper influence, while at the same time being able to consider the opinions and ideas of others. At the same time, however, board members should recognize that they are part of the board and should act accordingly. They should respect their office and the board and not behave in ways that reflect badly on either. They should treat other board members and the public with respect, and should honor the opinions of others even when they disagree. They should recognize that they are not generally authorized to act on behalf of the board, since the board must take official action as a body.

Section 3.

(a) Board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. A board member is considered to be acting with impropriety if a reasonable person who was made aware of the totality of the circumstances surrounding the board member's action would conclude that it was more likely than not that the behavior did not befit someone in the board member's position.

(b) If a board member concludes that his or her actions, while legal and ethical, may be misunderstood, he or she may seek the advice of the board's attorney. He or she may also state on the record the facts of the situation and the steps taken to resolve it.

Section 4. Board members should be faithful in the performance of the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. In furtherance of their obligation, board members should be faithful in their attendance at meetings and in their preparation for those meetings. They should carefully analyze all credible information that is provided to them. As a group of citizens to whom much has been entrusted, the board should demand full accountability from those over whom it has authority. The board should set a good example for others in the community, keeping in mind that trust and respect must continually be earned. Board members should be willing to bear their fair share of the board's workload. To the extent appropriate, they should be willing to put the board's interests ahead of their own.

Section 5. Board members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. This recognition includes sensitivity to those matters or documents recognized by law as non-public, confidential or protected. Board members should be always aware that when meeting they are conducting the public's business. Board members should always be aware that their individual written and electronic communications to each other, staff, constituents and others about matters within the purview of the board should also be regarded as the conduct of the public's business. They should also remember that the records of their local government belong to the public and not to them or their employees. They should make clear that a climate of openness is to be maintained at all times in the conduct of the public's business. In order to insure strict compliance with the laws governing openness, board members should strive to be open. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps before they go into closed session for any reason to insure that the closed session will be conducted solely for lawful purposes.

ADDITIONAL LEGAL RESTRICTIONS APPLICABLE TO CERTAIN CONDUCT

Criminal Violations. The governing board has no authority to bring criminal charges against its members or to otherwise control its members' behaviors; however, board members should always be vigilant to avoid conduct and conflicts for which they might be subject to criminal prosecution, well beyond the scope of this code of ethics. There are three very broad criminal statutes which prohibit certain conduct as follows:

N.C.G.S. § 14-234 prohibits all public officers and employees from:

- (i) obtaining any direct benefit from any contract in which they are involved in making or administering on behalf of their government agency,
- (ii) influencing or attempting to influence anyone else in the governmental agency who is involved in making or administering any contract from which the officer or employee will obtain a direct benefit, or
- (iii) soliciting or receiving any gift, reward, or promise of reward in exchange for recommending or influencing the award of a contract by the governmental agency.

It is important to remember that in the context of this statute, a person directly benefits from a contract if he or she, or his or her spouse, owns more than a 10 percent interest in the company which is the contractor; derives any income or commission from the contract; or acquires any property under the contract.

N.C.G.S. § 14-234.1 prohibits any public officer or employee from misusing any information made known to the public officer or employee in his or her official capacity before it is made public by acquiring an interest in any property, transaction, or enterprise, or gain any pecuniary benefit which may be affected by such information or official action; or to intentionally aid anyone else in doing any of these acts.

N.C.G.S. § 133-32 prohibits all public officers and employees with the duties of awarding or administering public contracts from accepting any gift or favor from any current, past or potential contractor with the governmental agency.

Statutory Obligations without Criminal Penalties. In addition to the statutes with criminal penalties, there are a number of statutes that prescribe obligations or limit the actions of board members without specific consequences to the individual board members. These statutes are as follows:

N.C.G.S. § 153A-44 requires a board member to avoid voting only on matters that involve his or her own financial interest or official conduct. Otherwise, this statute implies that board members are obligated to vote.

N.C.G.S. § 153A-340(g) requires a board member to avoid voting on any zoning map or text amendment where the outcome will likely have a direct, substantial, and readily identifiable financial impact on that board member.

N.C.G.S. § 153A-345(e1) requires a board member to avoid voting in any quasi-judicial hearing involving a subdivision, zoning, or development matter rising under Article 18 of Chapter 153A if that board member's participation will violate the affected party's constitutional right to an impartial decision-maker. Impermissible conflicts under this standard include having a fixed opinion prior to hearing the matter that is not susceptible to change; undisclosed *ex parte* communications; having a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. It is important to note that violation of this statute by only one board member invalidates the vote of the entire board.

N.C.G.S. § 160A-87 requires each board member to receive two clock hours of ethics education within 12 months of his or her each election or appointment to a term on the board with the clerk to the board to maintain a record verifying compliance of this requirement by each board member.

Adopted at a regular meeting held November ____ 2010.

RECOMMENDATION/PROPOSED ACTION: Approve the recommendation of the Policy Committee to adopt the above Code of Ethics.

Commissioner Gilfus advised the Board currently has a policy in place, but since the General Assembly mandated that all local governments approve a Code of Ethics based on certain requirements, the above policy is being recommended.

MOTION: Commissioner Gilfus moved to approve the recommended Code of Ethics as presented.
 SECOND: Commissioner Edge
 VOTE: UNANIMOUS

Commissioner Keefe questioned whether the other item in the Facilities minutes regarding the E911 facility plans would be discussed at this time. After some discussion, the Board agreed to roll it forward since the item was going to be discussed at the upcoming joint meeting with the City of Fayetteville and since it was not on this agenda. Commissioner Gilfus stated he hopes the discussion with the City will show them the request is about saving lives.

9. Nominations to Boards and Committees

A. Board of Health (2 Vacancies)

Background: Jimmy Kizer (Engineer slot) and Barbara Ciampa (Optometrist slot) are completing their first terms and are eligible for reappointment.

Commissioner Edge nominated Jimmy Kizer and Barbara Ciampa.

B. Cumberland County Home and Community Care Block Grant Committee (5 Vacancies)

Background: Elma Jorgensen (Older Consumer position), Kristine Wagner (Aging Service Provider position), and Richard Higgins (Elected official position) are completing their first terms and are eligible for reappointment. Janice Lucas (Older consumer position) is completing her second term and is not eligible for reappointment. The Home and Community Block Grant Committee is recommending Glen Draughon fill this slot. Patricia Edwards (Aging Service Provider position) is completing her second term and is not eligible for reappointment. The Home and Community Block Grant Committee is recommending Doris Snider fill this position.

Commissioner Council nominated the following:

Elma Jorgensen – Older Consumer Position
Glen Draughon – Older Consumer Position
Doris Snider – Aging Service Provider Position
Kristine Wagner – Aging Service Provider Position
Richard Higgins – Elected Official Position

C. Mental Health Board (1 Vacancy)

Background: William H. McDougal (At-Large Representative) is completing his second term and is not eligible for reappointment. The Mental Health Board is recommending Meena Ahuja to fill this position.

Commissioner Faircloth nominated Meena Ahuja – At Large Representative.

D. Minimum Housing Appeals Board (1 Vacancy – Alternate Member)

Background: Deborah Ann Dantzler is completing her second term and is not eligible for reappointment.

No nominations made. This item will be rolled to the next agenda.

E. Senior Citizens Advisory Commission (4 Vacancies)

Background: Mary Rizer is completing an unexpired term and is unable to accept reappointment. Eleanor Ayers Hairr, George Hatcher and Kristine Wagner are completing their second terms and are not eligible for reappointment.

Commissioner Edge nominated Daisy Maxwell, Annette Autry, Judy Dawkins and Carl Mitchell.

F. Social Services Board (1 Vacancy)

Background: Chester G. Oehme, Jr., has resigned.

MOTION: Commissioner Edge moved to nominate and appoint Commissioner Ed Melvin to this position.
SECOND: Commissioner Keefe
VOTE: UNANIMOUS

10. Appointments to Boards and Committees

A. Board of Adjustment (1 Vacancy)

Nominee: Ed Donaldson

MOTION: Commissioner Gilfus moved to appoint Ed Donaldson.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS

B. Cumberland County Criminal Justice Partnership Advisory Board (1 Vacancy)

Nominee: Police Chief or Designee: Captain Lars Paul

MOTION: Commissioner Edge moved to appoint Captain Lars Paul
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS

C. Transportation Advisory Board (8 Vacancies)

Nominees:

City of Fayetteville Representative: Adolphus Thomas (Reappointment)

Vocational Rehab Representative: Shelton Clark

County Planning Department Director or Designee: Cecil Combs (Reappointment)

County Health Director or Designee: Terresio Pope (Reappointment)

At-Large Representatives: Dorothy Harris
Marlon Watson
Faye Lewis
Ifetayo Farrakhan (Reappointment)

MOTION: Commissioner Gilfus moved to appoint Adolphus Thomas, Shelton Clark, Cecil Combs, Terresio Pope, Dorothy Harris, Marlon Watson, Faye Lewis and Ifetayo Farrakhan.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

D. Board of Health (1 Vacancy)

Nominee: Christopher Frank

MOTION: Chairman King moved to appoint Christopher Frank.
SECOND: Commissioner Faircloth
VOTE: Voting for – Commissioners Faircloth, Edge, King, Council and Melvin. Voting against – Commissioners Keefe and Gilfus.

Chairman King recognized outgoing Board member Commissioner Gilfus who voiced his thanks County Manager Martin, Deputy County Manager Juanita Pilgrim, the Clerk and Deputy Clerk to the Board, County Attorney Moorefield, other members of the Management Team, fellow Commissioners and the Chair. Commissioner Council thanked him for his service to the county.

11. Closed Session: Attorney-Client matter, pursuant to NCGS 143-318.11 (a)(3)

MOTION: Commissioner Council moved to go into Closed Session.

SECOND: Commissioner Edge

VOTE: Unanimous

The Board entered into closed session.

Upon returning into open session, the following motion was made:

MOTION: Commissioner Council moved to go into Open Session.

SECOND: Commissioner Gilfus

VOTE: Unanimous

MOTION: Commissioner Gilfus moved to adjourn.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS

There being no further business, the meeting adjourned at 8:40 p.m.

Approved with/without revision:

Respectfully submitted,

Marie Colgan Clerk to the Board