

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 7, 2010 – 9:00 AM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR 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
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Communications Manager
Robert Howard, Solid Waste Director
Janice Daniel, Solid Waste Recycling Coordinator
Thanena Wilson, Community Development Director
Candice White, Deputy Clerk to the Board
Marie Colgan, Clerk to the Board

INVOCATION Commissioner Phillip Gilfus

Minister: Rev. Raymond F. Brown, Rector, Holy Trinity Episcopal Church, Fayetteville, NC

Pledge of Allegiance

Special Recognition of Chairman Billy R. King for being recognized by the North Carolina Association of County Commissioners with a Long-Time County Service Award - 20 years of service

Special Recognition of Vice Chairman Kenneth Edge for being elected First Vice President of the North Carolina Association of County Commissioners

Special Recognition of Commissioner Jeannette Council for being elected District 6 Director of the North Carolina Association of County Commissioners

Special Recognition of Cumberland County Mental Health Director Hank Debnam for the receipt on behalf of his agency of a \$1,000 Local Government Federal Credit Union Employee Productivity Award on Behalf of the Center's Crisis Intervention Team Jail Diversion Program

Recognition of Retired County Employee: Annie King, Department of Social Services – 30 years and 3 months of service. (unable to attend)

Recognition of Outgoing Board Members:

District Attorney Ed Grannis – Criminal Justice Partnership Advisory Board (unable to attend)

1. Approval of Agenda

MOTION: Commissioner Faircloth moved to approve the agenda as presented.

SECOND: Commissioner Edge

VOTE: UNANIMOUS

2. Consent Agenda

A. Approval of minutes for the August 16, 2010 regular meeting.

B. Approval of Declaration of Surplus County Property and Authorization to Accept Insurance Settlement.

BACKGROUND:

DATE OF ACCIDENT	August 11, 2010
VEHICLE	2004 Ford Crown Victoria
VIN	2FAHP71W94X151457
FLEET #	FL382
MILEAGE	59,160
DEPARTMENT	Sheriff's Office
SETTLEMENT OFFER	\$7496.75
INSURANCE COMPANY	State Farm Insurance Company

This is a total loss settlement offer.

RECOMMENDATION/PROPOSED ACTION: Management recommends that the Board of Commissioners:

1. declare the vehicle described above as surplus
2. authorize the Risk Manager to accept \$7,496.75 as settlement
3. allow State Farm Insurance to take possession of the wrecked (surplus) vehicle.

C. Approval to Declare Foreclosed Real Property as Surplus to the needs of the County.

BACKGROUND: The County makes properties acquired through foreclosure available to its various departments and agencies and to the City of Fayetteville (City) before such properties are declared surplus and offered for sale to the public.

On July 19, 2010 the attached list of properties (Exhibit 1) proposed for surplus was circulated. On August 10, 2010 the City requested that the County hold three of those parcels until November 10, 2010 in order for the City to complete the purchase of those parcels. The parcels are listed on the attached Exhibit 1 as items numbers 8, 9A & 9B. PWC is interested in item 8 on Coronada Pkwy and the City has interest in items 9A&B on Chase Street.

The County has agreed to hold the properties for PWC and the City until November 10, 2010.

Exhibit 1 is a list of properties which also shows their tax values. Exhibit 2 is a set of maps which shows the PIN number, vicinity, and township for each parcel.

EXHIBIT 1

PROPERTIES ACQUIRED THROUGH TAX FORECLOSURE

I T E M	PIN	ADDRESS	DESCRIPTION	ASSESSED VALUE \$	TAX LIEN \$	DATED RECOR DED	DEED Book / Page
1.	0472-18-0965	4235 Scary Creek Rd	Lot 45 McNeill Sands Sec 1 Rev (0.46 ac)	5,000	3,302.18	6/14/2010	8413/833
2.	0502-92-2384	625 Chapel Hill Rd	0.38 ac John E. Candy Ld	5,000	3,812.07	5/25/2010	8399/636
3.	0440-66-0538	3615 Lamboll Drive	0.5 ac Cogdell Ld	6,375	3,095.33	3/30/2010	8363/792
4.	0475-25-3965	Off Macedonia Church Rd	Lot 5B Seabrook Estates Rev (0.55 ac)	12,000	2,761.64	4/26/2010	8380/326
5.	0441-41-6308	3357 Dandelion Ln	Lot 25 Windfield Sec2 (0.60 ac)	14,850	2,702.33	3/30/2010	8363/798
6.	0437-23-6252	316 McIver St	Lot 84 X 100	17,255	7,395.26	6/14/2010	8413/835
7.	0447-60-3438	100 Triangle Pl	Lots 27, 28, 29 & 30 R. D. Jones Ld	30,700	7,443.44	5/25/2010	8399/634
8.	0426-34-9401	2822 Coronada Pky	Lot 18 Sec 1 Holiday Park (0.26 ac)	9,000	12,169.20	4/15/2010	8374/227
9.	0437-51-2323 0437-51-3483	Off Chase St 112 Chase St	Lots 10-11 Lakeview Lot 15 Lakeview Sec	6,750 9,670	8,026.73	3/30/2010	8363/796
10.	0438-82-8039	Off Ingram St	Lots 76-80 Map 3 Fairview	4,375	3,235.38	4/15/2010	8374/204

Item numbers 6, 7, 8, 9A, 9B & 10 are jointly owned with the City of Fayetteville

RECOMMENDATION AND PROPOSED ACTION: Declare the foreclosed properties listed in Exhibit 1 as surplus to the needs of the County with the parcels identified as Items 8, 9A and 9B to be held until November 10, 2010 for purchase by PWC or the City; provided that, if those sales are not completed by that date then those parcels will also be made available for sale to public.

D. Approval of Bid Award to Bakers Waste Equipment for Container Boxes for the Solid Waste Department.

BACKGROUND: Bids were received on August 26, 2010 for two 20-yd roll off, four 30-yd roll-off, 55 8-yd with no slot, and 90 8-yd with slot container boxes. Four bids were submitted. Amick Equipment had a lower bid on the 20-yard container boxes but Bakers Waste Equipment also offered a 1% discount (\$1,300.35) if they were awarded both sections of the RFP, which would make their total \$128,732.67. This adjusted total is \$937.61 less than the total (\$129,670.28) if we were to purchase the 8-yd boxes and 30-yd boxes from Bakers Waste Equip (lowest bid) and the 20-yd boxes from Amick Equip (lowest bid). Sufficient funds are available for purchase of these boxes in the budget.

<i>Company</i>	20 yd	30 yd	8 yd no slot	8 yd w/slot	Total
Bakers Waste Equip	\$7,686.00	\$16,632.00	\$39,655.00	\$66,060.00	\$130,033.00
Nu-Life	\$7,904.00			\$77,130.00	\$148,481.00
Environmental Wastequip	\$7,590.00	\$17,412.00	\$46,035.00	\$68,940.00	\$134,400.00
Amick Equip	\$7,323.28	\$17,766.56	\$44,485.10	\$75,043.80	\$144,618.74

RECOMMENDATIONS/PROPOSED ACTION: Recommend awarding the bid to Bakers Waste Equipment, the lowest overall bidder.

E. Approval of Change Order #1 – Johnson Controls - EECBG Phase 2 Performance Contract.

BACKGROUND: In April 2010, the Board of Commissioners approved an amendment to the Guaranteed Energy Savings Performance Contract with Johnson Controls, Inc., to include the installation of additional energy conservation retrofits in county facilities funded through the Energy Efficiency and Conservation Block Grant. The scope of work developed for this project included the installation of programmable thermostats in the Central Maintenance Facility. However, it was discovered after the completion of the energy audit and approval of the contract amendment that County Maintenance had replaced a failed HVAC unit in this building and installed programmable thermostats. As such, the monies budgeted for this component of the project, \$3,440, are available to fund other energy conservation measures. The recommendation of County Engineering and County Maintenance is to include the energy efficient lighting retrofits at the Central Maintenance Facility as identified in the energy audit. In order to accomplish this work, an additional \$7,004 will be required. County Management has indicated that sufficient monies are available in the Miscellaneous Capital Improvement budget line item to fund this change order.

RECOMMENDATION/PROPOSED ACTION: The recommendation of the County Engineer and Management is to approve Change Order #1 for Johnson Controls in the amount of \$7,004 to add the lighting retrofit in the Central Maintenance Facility to the scope of work for the EECBG project and increase the contract amount to \$570,611.

The proposed action by the Board is to follow the staff recommendation.

F. Approval of Alcoholic Beverage Control System Resolution Request.

BACKGROUND: Mr. Eddie Maynor, Chairman of the Cumberland County ABC Board, requested the following Resolution be presented for the Board's consideration.

RESOLUTION IN SUPPORT OF NORTH CAROLINA'S CURRENT PUBLIC ALCOHOLIC BEVERAGE CONTROL SYSTEM

WHEREAS, Chapter 18B of the North Carolina General Statutes addresses the regulation of alcoholic beverages in our state; and

WHEREAS, current North Carolina law establishes a uniform system of control over the sale, purchase, transportation, manufacture, consumption and possession of alcoholic beverages in North Carolina; and

WHEREAS, local government control is central to the current alcoholic beverage control system; it is a local decision to establish and operate ABC stores, and local government, acting through an appointed local ABC Board, balances the control, profits and availability of spirits in its jurisdiction; and

WHEREAS, when local voters approved liquor sales for off-premises consumption, the voters did not vote to allow liquor to be sold in private retail establishments, but only through publicly controlled local ABC stores; and

WHEREAS, current law provides that profits from ABC store sales are returned to local government, and this revenue stream is a critical source of local government funding; and

WHEREAS, it is a priority to maintain current sources of revenue, especially in the current challenging economic times; and

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners does hereby support the continuance of the Alcoholic Beverage Control System, and opposes any efforts to privatize the ABC system, diminish local control or to diminish the local government revenue stream afforded from local ABC store profits.

Adopted this 7th day of September, 2010.

PROPOSED ACTION: Approve the adoption of the above Resolution in support of continuing the Alcoholic Beverage Control's operations as it currently is handled and opposing any efforts to privatize.

G. Approval of Alcoholic Beverage Control Request – Board Compensation and Travel Policy.

BACKGROUND: Per a written request from Mr. Eddie Maynor, Chairman of the Cumberland County ABC Board, the ABC Board is requesting that the Board of Commissioners approve leaving the ABC Board's current monetary compensation at \$250 per month for the chairman and \$200 per month for the members. The ABC Board is also requesting that the Board of Commissioners approve the ABC Board's request to adopt the County's Travel Policy.

PROPOSED ACTION: Approve the request to leave the ABC Board's current monetary compensation at \$250 per month for the chairman and \$200 per month for the members. Also, approve the ABC Board's request to adopt the County's Travel Policy. If approved, the clerk to the Board will provide written notice to the ABC Commission.

H. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – PT Lots 77-81 Wheeler Ld; 116 Phillips Street – PIN: 0428-86-1952; Cross Creek Township and E/Pt Lots 84 & 85 Wheeler Ld, 2313 Slater Ave, PIN: 0428-86-2864.

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 costs for the two properties is \$5,855.63.

Esteban P. Ramirez has offered to purchase the County's interest in the property for \$5,855.63 and has deposited \$585.56 in the Finance Office.

PROPERTY DESCRIPTION: PT LOTS 77-81 WHEELER LD; 116 PHILLIPS ST
PIN: 0428-86-1952; Cross Creek Township
VALUE: \$13,946.00

PROPERTY DESCRIPTION: E/PT LOTS 84 & 85 WHEELER LD; 2313 SLATER AVE
PIN: 0447-05-0022; Cross Creek Township
VALUE: \$7,500.00

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. Ramirez's 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: Consider whether to accept the offer of Esteban P. Ramirez to purchase the above property for the sum of \$5,855.63, plus advertising and recording costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

I. Budget Revisions:

(1) Sheriff

Sheriff Grant - Revision in the amount of \$260,238 to recognize a shared US Department of Justice Byrne 2010 Grant with the City of Fayetteville. (B11-070) Funding Source – Federal

(2) Sheriff/Health Department

Revisions in the total amount of \$45,163 to recognize additional state funding for the Health Department and establish a new deputy position for contracted security with the Sheriff's Department. (B11-067 thru B11-067B and B11-074) Funding Source – State

(3) Community Development

Revision in the amount of \$42,282 to appropriate fund balance to carry forward prior year rent funds. (B11-080) Funding Source – Fund Balance Appropriated

(4) Health Department

a. Family Planning – Revision in the amount of \$47,708 to recognize additional state funding. (B11-072) Funding Source – State

b. Environmental Health – Revision in the amount of \$1,480 to recognize a reduction in state funding. (B11-063) Funding Source – State

c. Child Lead Poisoning – Revision in the amount of \$1,200 to recognize additional state funding. (B11-064) Funding Source – State

(5) Solid Waste

a. Ann Street Landfill – Revision in the amount of \$15,000 to appropriate fund balance to pay a NCDENR permit amendment fee. (B11-069) Funding Source – Fund Balance

- b. Recycling – Revision in the amount of \$96,000 to appropriate fund balance for rental equipment. (B11-065) Funding Source – Fund Balance

(6) General Government Other

Revision in the amount of \$432,063 to rebudget unspent balance of ARRA Energy Efficiency and Conservation Grant (\$402,152) and to appropriate fund balance (\$29,911) for additional expenses. (B11-087) Funding Source – Grant and Fund Balance Appropriated

MOTION: Commissioner Faircloth moved to approve consent agenda items 2.A. through 2.I.6.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

ITEMS OF BUSINESS

- 3. Public Hearing on the Resolution Authorizing Recovery Zone Facility Bonds in Support of the Candlewood Suites Hotel and IHOP Hospitality LLC – Spring Lake Hotel/Restaurant Project.

BACKGROUND: The below resolution is in support of the Candlewood Suites Hotel and IHOP restaurant project proposed to be constructed in the Town of Spring Lake by Bragg Hospitality, LLC. This is privately financed with \$10,000,000 in Recovery Zone Facility Bonds as an economic development project. It has been approved by the Cumberland County Industrial Facilities and Pollution Control Financing Authority. Section 147(f) of the Internal Revenue Code requires that the issuance of these bonds by the Authority be approved by the Board of Commissioners. The amount of this issue has already been reallocated to Cumberland County by the state Tax Reform Allocation Committee.

APPROVAL IN PRINCIPLE OF SPECIAL PURPOSE
PROJECT FOR BRAGG HOSPITALITY, LLC AND THE
FINANCING THEREOF WITH RECOVERY ZONE FACILITY
BONDS IN THE PRINCIPAL AMOUNT OF UP TO
\$10,000,000

WHEREAS, The Cumberland County Industrial Facilities and Pollution Control Financing Authority (the “Authority”) proposes to assist in the financing under the North Carolina Industrial and Pollution Control Facilities Financing Act, Chapter 159C of the North Carolina General Statutes, as amended (the “Act”) of a “special purpose project,” the proceeds of which will be loaned to Bragg Hospitality, LLC, a North Carolina limited liability company, or an affiliate or subsidiary thereof (the “Company”), to be used to finance the acquisition, construction and equipping of mixed use development including a Candlewood Suites Hotel and an International

House of Pancakes (the “Project”), to be owned and operated by the Company in Spring Lake, Cumberland County, North Carolina; and

WHEREAS, by resolution adopted on November 16, 2009, the Board of Commissioners of the County of Cumberland, North Carolina (the “County”) designated the entire County as a recovery zone for purposes of Section 1400U-1 through 1400U-3 of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, under the Code, the Project constitutes “recovery zone property” because it is depreciable property located in a recovery zone which is used in the active conduct of the Company’s trade or business; and

WHEREAS the Act and the Internal Revenue Code of 1986, as amended (the “Code”) require that the governing body of a county approve in principle any project to be financed under the Act after a public hearing; and

WHEREAS, the North Carolina Tax Reform Allocation Committee has reallocated \$10,000,000 of recovery zone facility bond allocation to the Project; and

WHEREAS, this Board of Commissioners today has held a public hearing with respect to the advisability of the Project and the issuance of recovery zone facility bonds therefore, as evidenced by the Certificate and Summary of Public Hearing attached hereto as Exhibit A; and

WHEREAS, the Authority intends to issue its Recovery Zone Facility Bonds (Bragg Hospitality, LLC Project), Series 2010 (the “Bonds”) in the principal amount of up to \$10,000,000 which are expected to be issued as fixed rate bonds sold to qualified institutional buyers within the meaning of Rule 144A of the Securities Exchange Act of 1934, as amended; and

WHEREAS, Section 147(f) of the Code requires that the Board of Commissioners approve the plan of financing for the Bonds; and

WHEREAS, under Section 159C-4 of the Act the issuance of bonds under the Act must be approved by the governing body of the county in which the project to be financed is located;

NOW, THEREFORE, the Board of Commissioners of Cumberland County, meeting in regular session in Fayetteville, North Carolina, on September 7, 2010, does the following:

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR CUMBERLAND COUNTY:

1). The proposed “special purpose project” consisting of the acquisition, construction and equipping of a mixed use development including a Candlewood Suites Hotel and an International House of Pancakes(the “Project”), under the Code, to be owned and operated by Bragg Hospitality, LLC, a North Carolina limited liability company, or an affiliate or subsidiary thereof, and the issuance of recovery zone facility bonds in an amount not to exceed \$10,000,000 therefore are hereby approved in principle.

- 2). The Board of Commissioners hereby approves the plan of financing as required by Section 147(f) of the Code.
- 3). The issuance of the Bonds in the principal amount of \$10,000,000 is hereby approved for purposes of Section 159C-4 of the Act.
- 4). THE BONDS DO NOT CONSTITUTE A DEBT OF THE STATE OF NORTH CAROLINA OR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE AUTHORITY OR THE COUNTY, OR A PLEDGE OF THE FAITH AND CREDIT OF THE STATE OF NORTH CAROLINA OR ANY POLITICAL SUBDIVISION THEREOF, INCLUDING THE AUTHORITY OR THE COUNTY.

Mr. Eric Pristell, attorney representing Bragg Hospitality, LLC, the developer of the proposed hotel/restaurant project spoke in support of the project. He explained that Kingdom Hospitality, Inc. and KRJ, Inc. constitute the members of Bragg Hospitality, LLC. Mr. Pristell presented the following information:

- Total project cost including all predevelopment is roughly a \$11M project;
- Sources of financing include Recovery Zone Facility Bonds, Cumberland County Economic Development Department, NC Community Development Initiative and some equity;
- The project is 6,1553 square feet of new construction on a 2.6 acre site;
- Project includes a Candlewood Suites Hotel and an IHOP Restaurant;
- Hotel will accommodate about 108 guests and has meeting/conference space.
- Financing has received preliminary approval;
- Project is expected to produce about 50 jobs, with an economic impact over life of \$50M.

RECOMMENDATION/PROPOSED ACTION: Approve the resolution after due consideration of comments received at the public hearing.

Mr. Bob Stafford, co-developer, presented background information on how the project began and how it developed. Mr. Stafford stated that all the financing has been put into place, with the first two parts of the loan already completed. All other items are in place for completion. Mr. Stafford asked the Board for their approval in order for the project to move forward.

The Chairman opened the Public Hearing

No Speakers

The Chairman closed the Public Hearing

Chairman King questioned whether local business/contractors will be used for the project and Mr. Stafford advised the site work firm is local and the contractor is a Fayetteville firm with offices in Raleigh and Atlanta. Mr. Stafford also stated that his

firm was the general contractor and that his firm was only 30 miles away. He further stated that numerous sub-contractors would be Cumberland County firms. County Attorney Moorefield advised the County's only involvement is just for consent of the bonds as the issuance is by the Cumberland County Industrial Facilities Financing Authority. Ms. Mary Nash Rusher, Bond Counsel, confirmed the company is solely responsible for the repayment of the bonds, but the elected governing body of the county must be aware of the project and approve it in principle. In response to a question from Commissioner Faircloth, County Manager Martin advised the county's participation is \$490,000 which is community development block grant funds in the form of a loan. Community Development Director Thanena Wilson advised the loan is for 30 years at a 2% fixed rate and the funds are HUD dollars. The loan was made to the non-profit group, Kingdom Hospitality, Inc. Ms. Wilson clarified for Commissioner Keefe that block grant funds can be loaned to either for profit and non-project groups. Commissioner Melvin questioned whether Bragg Hospitality, Inc. has put money into the project and Mr. Pristel stated there is \$600,000 in equity and the developers have taken out a construction loan to start construction of the restaurant. In response to a question from Commissioner Keefe regarding loan default, Ms. Wilson advised that a lien is on the property.

MOTION: Commissioner Council moved to approve the resolution as presented.
SECOND: Commissioner Melvin
VOTE: Voting in favor of the motion: Commissioner Council, Edge, Faircloth, Gilfus, Keefe, and Melvin. Commissioner King requested the Board excuse him from the vote based on his serving on the Board of Directors of the Kingdom group.

4. Solid Waste and Recycling Update by Mr. Robert Howard, Cumberland County Solid Waste Director and Mrs. Janice Daniel, Recycling Coordinator, Cumberland County Solid Waste Department.

BACKGROUND: Mr. Robert Howard, Cumberland County Solid Waste Director, and Mrs. Janice Daniel, Cumberland County Recycling Coordinator, will be providing a Solid Waste and Recycling Update, respectively, at the September 7, 2010 Board of Commissioners meeting.

Mr. Howard provided the following information on the Solid Waste Department:

- A user fee of \$48.00 from county homeowners is collected;
- 17 container sites located through the county within seven miles of citizens
- All county buildings are serviced;
- Recyclables are picked up from all schools within the county and the post offices;
- 61 permanent employees and 12 temporary employees;
- Equipment is usually bought second hand and repaired in-house;
- 7 roll-off trucks are used every day and 2 out of 4 front-end loader trucks run every day;
- 350 tons of trash is buried every day at the Ann Street landfill and the landfill generates about \$8M worth of money throughout the economy in Cumberland County;

- Some county parking lots are cleaned during snow events and help is given to maintaining some of the county roads;
- The Solid Waste Department uses an enterprise fund system which saves the landfill and the county money; no monies are pulled from the General Fund for this department.

Commissioner King questioned the life of the landfill and Mr. Howard stated that because of the recycling, the landfill space is expected to last between 12 – 15 years, with the possibility of 25-30 years based on some other things being considered. Commissioner Melvin questioned whether house-to-house recycling will be provided in the county and Mr. Howard explained the cost would increase and believes most citizens are happy with the use of container sites. In response to a question posed by Commissioner Gilfus, Mr. Howard stated the numbers are showing that recycling is working very well. Commissioner Edge questioned if gas is still being collected and sold and Mr. Howard responded yes that some revenue is being realized by that function. Commissioner Edge and other Board members thanked Mr. Howard for his leadership and for the things that he and his staff do to save the county money. He was asked to relay to the staff the Board's appreciation for the job they do. County Manager Martin added that the solid waste fee has not increased at least since 1996 and that is a testament to Mr. Howard's leadership and applauded him for his work. Mr. Howard thanked the board stating he cannot do what he does with his great staff.

Ms. Janice Daniel, Recycling Coordinator for the county, provided the following information on recycling:

- 3,666 tons of material were diverted from the landfill in 2009 which saved 4.84 acres of landfill space and 1,771 tons have been diverted this year for a savings of 2.34 acres;
- In 2009, 8 tons of aluminum were been diverted and for the first six months of 2010, over 12 tons of aluminum were diverted;
- 615 tons of cardboard were diverted in 2009 and 328 tons have been diverted in the first six months of 2010;
- 34,593 tons of ground-up yard waste were sold as mulch and boiler fuel in 2009 with 23,579 tons ground up to date in 2010; 16,510 tons of this was sold to Craven County Wood Energy to generate electricity for PJM power;
- There are 17 full-service recycling centers throughout the county and these are located within 7 miles of every home in the county.

County Manager Martin questioned how this is impacted by the City of Fayetteville's recycling program and Ms. Daniel explained this is only county recyclables.

5. Consideration of Report and Recommendation of the Cumberland County Finance Committee:
 - A. School Funding Agreement

BACKGROUND: On September 2, 2010, the Finance Committee met to discuss the School Funding Agreement. The following action was recommended to the Full Board for consideration:

PROPOSED ACTION: Approve the Finance Committee's recommendation to defer consideration of any funding agreement until the Board has a clear picture of any financial mandates that could come to the County from the Legislature, which does not mean that there will not be a funding agreement in its current form or a modified form. This does not imply there will not be a funding agreement beginning 2011.

Commissioner Edge reported that the September 2nd Finance Committee meeting was attended by six of the Commissioners and considerable discussion took place regarding the upcoming funding agreement. He stated he feels that both the county and the Board of Education were happy with the success of the two agreements, but with the knowledge the State is facing from \$3.1B to \$5B cuts this next year and since no one knows what cuts will be handed down to counties, the above proposed action was agreed upon. Commissioner Edge emphasized this does not mean there will not be a funding agreement in its' current form or a modified form.

MOTION: Commissioner Edge moved to approve the action as presented.

SECOND: Commissioner Faircloth

DISCUSSION: Commissioner Faircloth stated that by no means does the Board want to preclude the idea of the funding agreement, but since the Board has been forewarned, the Board must be prepared for whatever cuts will be passed down to the counties from the State. The Board does not want to be put in the position of having to cut county employees by going forward with a funding agreement at this time. Chairman King stated he was not at the meeting, but commended the committee for the decision to wait on the funding agreement. Chairman King also stated he hopes the Board of Education knows that the County is not abandoning its commitment to Cumberland County Schools.

VOTE: UNANIMOUS

6. Consideration of Report and Recommendation of the Cumberland County Policy Committee:

A. Funeral Leave Policy

BACKGROUND: Policy Committee considered proposed amendment to the funeral leave policy in August which was placed on August 16, 2010 agenda of the Board of Commissioners. Due to discussion of the issue between the August meeting of the Policy Committee and the scheduled Board meeting on August 16, 2010, the item was pulled from the agenda and sent back to Policy Committee for further consideration at its September 2, 2010 meeting. At its September 2, 2010 meeting, Policy Committee recommended a different proposal which eliminates funeral leave as a separate category of leave, adds three (3) days of accumulated annual sick leave in lieu of the existing funeral leave, and makes funeral and bereavement leave eligible uses of sick leave. Adopting the amendments will require amendment to the Personnel Ordinance.

BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY

ORDINANCE AMENDING THE CUMBERLAND COUNTY PERSONNEL ORDINANCE

Be it ordained by the Board of Commissioners that the Cumberland County Personnel Ordinance, codified as Chapter 10 of the Cumberland County Code, *Personnel*, is hereby amended as follows:

Sec. 10-108. Sick leave., sub-section (a), *Sick leave credits.*, is amended to increase the number of sick days accumulated annually from 11.986 to 15.002 and to clarify the amount of sick leave earned proportionately by employees working more or less than 80 hours per pay period by substituting the following language for Sec. 10-108(a):

(a) *Sick leave credits.* All employees subject to the local Government Employees' and Law Enforcement Officers' Retirement Systems who are in a pay status for ten or more workdays, 80 hours, in a pay period earn sick leave at the rate of .577 days per pay period or 15.002 days per year. Employees whose normal work week is less than or more than 40 hours per week shall earn sick leave proportionately with the number of hours worked.

Employees shall be credited with sick leave accrued during time lost due to on-the-job injuries. Sick leave accrued during this period of disability shall be manually posted to the monthly leave log.

Sec. 10-108. Sick leave., sub-section (c), *Uses of sick leave.*, is amended by adding paragraph 3 as follows:

(c) *Uses of sick leave.* Leave may be used for illness or injury which prevents an employee from performing usual duties and for the actual period of temporary disability, and for:

(1) Medical appointments.

(2) Illness of a member of the employee's immediate family. For purposes of this policy, immediate family is described and defined under the definition section of the Family and Medical Leave Policy.

(3) Attendance at any funeral or memorial service for any decedent and for the bereavement of any loved one with which employee had any relationship.

Sec. 10-108. Sick leave., sub-section (d), *Verification of sick leave.*, is amended by adding an additional sentence as follows:

(d) *Verification of sick leave.* To avoid abuse of sick leave privileges, the department head may require a statement from a medical doctor or other acceptable proof that the employee was unable to work due to personal illness, family illness, or medical appointments. The department head may require any acceptable proof of the use of sick leave for attendance at a funeral service or bereavement.

Sec. 10-116. Funeral leave., is repealed in its entirety.

The purpose of these amendments is to increase accumulated annual sick leave by three (3) days, to make attendance at funeral services and bereavement eligible uses

of sick leave, and to repeal the provision of funeral leave as a separate category of leave.

These amendments shall become effective September 12, 2010.

Adopted in regular meeting held September 7, 2010.

RECOMMENDATION: Adopt the ordinance amendments as recommended by Policy Committee.

Commissioner Gilfus advised that six Board members also attended the Policy Committee meeting and a wide range of discussion took place between Board members and staff regarding the funeral leave policy. After weighing financial and personnel considerations, the committee recommended to do away with the existing policy and to add three days to the allowable annual sick leave days, making funeral and bereavement leave eligible uses of sick leave. This change allows these days to go toward retirement

MOTION: Commissioner Gilfus moved to follow the Policy Committee's recommendation and to adopt the ordinance amendments as presented.
SECOND: Commissioner Edge
VOTE: Voting in favor of the motion – Commissioners Council, Edge, Faircloth, Gilfus, King and Melvin. Voting against the motion – Commissioner Keefe.

7. Nominations to Boards and Committees

There are no nominations for this agenda.

8. Appointments to Boards and Committees

A) Cumberland County Criminal Justice Partnership Advisory Board (3 Vacancies)

Nominees:

Probation Officer: Sharon Phillips, JDM

At-Large: Kristin Jones

Police Chief or Designee: Captain Charles Kimble (Reappointment)

B) Cumberland County Local Emergency Planning Committee (1 Vacancy)

Nominees:

Emergency Management Representative: Greg Phillips (Reappointment)

C) Fayetteville-Cumberland Senior Citizens Advisory Committee (4 Vacancies)

Nominees: Marlene Jacobs (Reappointment)
Mary Rizor (Reappointment)
Glenda Dye (Reappointment)
Lewis Scott Oatman

D) Southeastern Economic Development Commission (SEDC) (1 Vacancy)

Nominees: Commissioner Jeannette M. Council

MOTION: Commissioner Edge moved to appoint all nominees in Item 8.A. through 8.D.
SECOND: Commissioner Gilfus
VOTE: UNANIMOUS

9. Closed Session A. Economic Development Matter(s)
Pursuant to NCGS 143.318.11(a)(4).

MOTION: Commissioner Gilfus moved to go into Closed Session for the requested item.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS

Thereupon, the Board went into closed session.

Upon returning into open session, the following motions were made:

MOTION: Commissioner Faircloth moved to go into Open Session.
SECOND: Commissioner Edge
VOTE: UNANIMOUS

Mr. Doug Peters made a request to the Board to set a public hearing to consider an action for a hotel project operated by Five-Point Hospitality for September 20, 2010.

MOTION: Commissioner Council moved to set a public hearing for the project as requested for September 20, 2010.
SECOND: Commissioner Gilfus
VOTE: UNANIMOUS

MOTION: Commissioner Edge moved to adjourn.
SECOND: Commissioner Council
VOTE: UNANIMOUS

There being no further business, the meeting adjourned at 10:42 a.m.

Approved with/without revision:

Respectfully submitted,

Marie Colgan
Clerk to the Board