

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
FEBRUARY 22, 2011 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR/REZONING MEETING

PRESENT: Chairman Kenneth Edge
Commissioner Jeannette Council
Commissioner Charles Evans
Commissioner Marshall Faircloth
Commissioner Jimmy Keefe
Commissioner Billy King
Commissioner Ed Melvin
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Amy Cannon, Assistant County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Communication & Strategic Initiatives Manager
Kristine Wagner, Transportation Program Coordinator
Harvey Raynor, Deputy County Attorney
Bob Stanger, County Engineer
George Hatcher, Code Enforcement Officer
Candice White, Deputy Clerk to the Board
Marie Colgan, Clerk to the Board

INVOCATION - Commissioner Ed Melvin

PLEDGE OF ALLEGIANCE – Dennis Brooks, Student at Max Abbott Middle School

Chairman Edge recognized and congratulated Amy Cannon as the new Deputy County Manager.

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

Speakers:

James Bass, manager of Jambass Ranch, provided a handout to the Board and spoke regarding Section 3.12 of the county's Animal Control Ordinance. Mr. Bass stated his ranch has been open since 1993 and between 10,000 and 15,000 students visit the ranch yearly. Recently, he has encountered problems with P.E.T.A. regarding the interpretation of Section 3-12 and the state Wildlife Resources Commission had not renewed his permits. He requested that Section 3-12 of the county ordinance be changed. and will attend the March 3rd Policy Committee meeting when this matter will be discussed. Mr. Bass was invited to attend the March 3rd meeting of the Policy Committee to discuss his request and was directed to contact the County Attorney about to discuss anything that could be done with regard to his wildlife permits being withheld by the Wildlife Resources Commission.

Bobby Swilley stated he is in support of the Point East Subdivision dam repair request which will be heard later during the meeting.

Daryl Cobranchi spoke on the Point East Subdivision dam repair request agenda item stating when the group attended the August Board meeting, they did not have a firm estimate of the cost of the project, but that had been obtained. He reiterated the Homeowners Association does not have the monies to repair or breach the dam and the association has been put on notice that DENR has turned the matter over to the Attorney General's office for enforcement measures.

The names of Dave Averette and Tim Middleton were signed up, but they were not available to speak.

County Manager Martin advised he has received a revised Final Assessment Roll for Item 3.B.3. which adds two additional names to the roll and copies were provided to the Board.

1. Approval of Agenda.

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

SECOND: Commissioner King

VOTE: UNANIMOUS

2. Consent Agenda

A. Approval of February 7, 2011 regular meeting minutes.

B. Approval of Community Development Vehicle to be Declared as Surplus Property and Authorize that it be Donated to Fayetteville Urban Ministry.

BACKGROUND: Through the Public Services Program, Community Development provided funds to Cumberland County Coordinating Council on Older Adults (CCCCOA) to purchase a truck in 1999. The vehicle was used by CCCCCOA staff as part of a program to do home repairs for their elderly clients. Over the years, CCCCCOA has maintained and repaired the truck as necessary, but has recently determined that it was more cost effective to replace the truck rather than make needed repairs. Currently the truck is inoperable and CCCCCOA has transferred title to the vehicle to Cumberland County, as is required by our funding regulations. The vehicle specifications are as follows:

Year: 1998

Purchased: 9/29/1999

Make/Model: Chevrolet C2500 Truck

VIN: 1GCGC29R5WE194037.

Mileage: 121,858

Condition: Inoperable; broken fuel pump

Based on information obtained at NADAguides.com, the price report for this type of truck estimates the trade-in value to be between \$2,900 and \$4,600.

Rusty Long, Executive Director, Fayetteville Urban Ministry (FUM), has expressed that his organization has a need for the truck. Although the organization cannot purchase a new vehicle, it does have sufficient funds available to make the necessary repairs. FUM is a qualified nonprofit with a mission to serve low-income clients, and has received funding under the Community Development program in the past. Therefore, transfer of the vehicle to FUM would be consistent with our program objectives.

RECOMMENDATION/PROPOSED ACTION: Requesting the truck be declared surplus and the title transferred to Fayetteville Urban Ministry in accordance with County Policy and Procedures.

C. Approval of Lease and Sales Tax Agreements for Western Middle School.

BACKGROUND: The Sales Tax Agreement and Lease and Management Agreement were part of the documents to complete the recent QSCB transaction. Execution of each of these was approved by the following language in the resolution adopted by the Board on November 15, 2010:

The Chairman and 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.

These documents have been executed by the Board of Education. These documents contain the same provisions that have been included in previous QSCBs.

The Sales Tax Agreement makes the Board of Education the agent for the county for all aspects of the school construction project and obligates the County to utilize all sales and use tax reimbursements from the project for use in construction, improvement or maintenance of school buildings.

The school property was deeded to the County for the financing transaction. The Lease and Management Agreement leases the property back to the Board of Education and gives the Board of Education full control of the construction project and the building for 15 years.

RECOMMENDATION/PROPOSED ACTION: Approve each of the agreements for execution by the Chairman.

- D. Approval of Bid Award to Screen Tec, LLC for a Trommel Screen for the Solid Waste Department.

BACKGROUND: Bids were solicited for a Trommel Screen by Cumberland County Purchasing for the Solid Waste Department. Three bids were received: Gregory Poole in the amount of \$317,694; Powerscreen Mid-Atlantic in the amount of \$219,750 and Screen Tech in the amount of \$271,500.

RECOMMENDATION/PROPOSED ACTION: Because there was no statement from the Director of Solid Waste Management as to the equivalency of the machine bid by the low bidder to the specifications in the request for bids, the County Attorney reviewed the bid tabulations for all three bidders. The bid of ScreenTech LLC (\$271,500) was the only bid that was completely responsive to the bid request for each non-optional specification. According to the Director of Solid Waste Management, he did not find that the machine bid by the low bidder was equivalent to the bid specifications because he had each vendor perform a demonstration of its machine with the tub grinder it would be used with and the lowest bid machine simply was not able to keep up with the tub grinder. The County Attorney's concludes this demonstration approach was reasonable and provides a legally sufficient basis to reject the lowest bid if the Board chooses to do so and recommends approval of the bid of ScreenTech in the amount of \$271,500.

- E. Approval of Rejection of Bids for Disaster Debris Clearance and Management for the Emergency Services Department.

BACKGROUND: Bids were solicited for Disaster Debris Clearance and Disaster Management by Cumberland County Purchasing. Kenneth Currie, Director of Emergency Services and the Purchasing Accounts Manager recommend all bids be rejected and rebid with revised specifications which they feel will financially benefit the County.

RECOMMENDATION/PROPOSED ACTION: Reject all bids and rebid project.

- F. Cumberland County Committee Reports (for Information Purposes):

- 1) Cumberland County Facilities Committee (see minutes maintained by the Clerk's office)
- 2) Cumberland County Finance Committee (see minutes maintained by the Clerk's office)

- G. Budget Revisions:

(1) Health

- a. Express Care - Revision in the amount of \$109,600 to budget additional revenue for prescription medication. (B11-284) Funding Source – Fees
- b. Sexually Transmitted Disease Clinic – Revision in the amount of \$896 to recognize a grant received from Health Education Foundation. (B11-278) Funding Source – Grant

(2) Library

Revision in the amount of \$24,480 to recognize additional E-Rate funds. (B11-283) Funding Source – Grant

(3) Mental Health

- a. Treatment Alternative Street Crime Community Partnership -Revision in the amount of \$1,375,325 to appropriate Mental Health Fund Balance (\$23,669) to cover expenses already incurred and to reduce state (\$810,097) and federal (\$588,897) funding. (B11-281) Funding Source – State, Federal and Mental Health Fund Balance
- b. NC Treatment Alternative to Street Crime - Revision in the amount of \$196,291 to reduce Mental Health Fund Balance (\$9,230), state (\$148,595) and federal (\$38,466) funding. (B11-282) Funding Source – State, Federal and Mental Health Fund Balance

MOTION: Commissioner Melvin moved to approve all consent agenda items 2.A. through 2.G.3.B.

SECOND: Commissioner Council

VOTE: UNANIMOUS

3. Public Hearings

There were no Rezoning Cases for the February 22, 2011 Agenda

These are the advertised public hearings set for this date and time.

A. Public Hearing for the Annual Community Transportation Program Grant.

BACKGROUND: Per the County's Transportation Program Coordinator, the NCDOT deadline for the County's yearly application for the Community Transportation Program Grant funds is March 11, 2011. The required Public Hearing was advertised in the Fayetteville Observer on February 8th, for the Board's February 22, 2011 6:45 P.M.

meeting. This Grant incorporates the administrative funds for the Cumberland County Community Transportation Program as described in application. The funding period is July 1, 2011 to June 30, 2012. The Community Transportation Program is requesting the following funding amounts from NCDOT – Public Transportation Division:

<u>Project</u>	<u>Total Amount</u>	<u>Local Share</u>
Administrative	\$79,535	\$11,931 (15%)

RECOMMENDATION/PROPOSED ACTION: Review the application and conduct a Public Hearing on February 22, 2011. Approve the FY2012 Application for Community Transportation Program Grant Funds.

Kristine Wagner, Transportation Program Coordinator, presented the above information.

The Chairman opened the Public Hearing.

Speakers: The Clerk verified there were no speakers for item 3.A.

The Chairman closed the Public Hearings.

MOTION: Commissioner Council moved to approve the FY2012 Application for Community Transportation Program Grant funds.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS

B. Public Hearings for the Cedar Creek Road Water Extension Project:

1. Approval of Second Preliminary Assessment Resolution.
2. Approval of Preliminary Assessment Roll.
3. Approval of Adoption of Final Special Assessment Resolution and Final Assessment Roll for the Cedar Creek Road Water Extension Project.

BACKGROUND: At its January 18, 2011, the Board directed that public hearings on the matters covered in the Second Preliminary Assessment Resolution and on the Preliminary Assessment Roll be advertised for the February 22, 2011 meeting. Once these public hearings are concluded the Board can pass a final assessment resolution approving the project and setting the terms and conditions of said assessment and confirm the final assessment roll. This will close out this project.

RECOMMENDATION / PROPOSED ACTION:

- (1) Hold the public hearing regarding the matters covered in the second preliminary special assessment resolution.
- (2) Hold the public hearing on the preliminary assessment roll.
- (3) Adopt the attached Final Special Assessment Resolution.
- (4) Move to confirm the Final Assessment Roll for the Cedar Creek Road Water Extension Project.

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

SECOND PRELIMINARY SPECIAL
ASSESSMENT RESOLUTION FOR
CEDAR CREEK ROAD
WATER EXTENSION PROJECT

WHEREAS, the property owners within the 3000 and 4000 blocks of Cedar Creek Road have petitioned the Cumberland County Board of Commissioners to extend public water within their community; and

WHEREAS, the Board of Commissioners adopted a preliminary assessment resolution for this project at its meeting held October 20, 2008; and

WHEREAS, the project has now been completed; and

WHEREAS, the Board of Commissioners determined at its meeting held August 17, 2009 to increase the percentage of the cost of the project to be paid by the County and to decrease the percentage of the cost of the project to be paid by the property owners; and

WHEREAS, N.C.G.S. 153A-192 requires the Board to adopt and advertise a new preliminary assessment resolution if it decides that a different percentage of the cost should be assessed than that proposed in the original preliminary assessment resolution.

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

I. Need for Project: The Board of Commissioners of Cumberland County has undertaken a project to extend public water to the Cedar Creek Road Community. This project was needed to eliminate the use of individual groundwater wells for consumptive and hygienic purposes. The overall quality of the ground water in this area is poor, requiring property owners to use expensive water treatment systems.

II. General Description of the Project: This project included installation of approximately 3,500 total linear feet of water main extending from an existing 8 inch water main along Highway 210 near the intersection with Cedar Creek Road, including all appurtenances, to serve eighteen (18) residences, one (1) church and one (1) concrete products plant within this community.

III. Ownership: The water line extensions will become the property of the Public Works Commission of the City of Fayetteville and will be operated and maintained by PWC as part of its comprehensive public water system throughout its service area.

IV. Proposed Basis of Assessment: The proposed basis of assessment will be at an equal rate per lot in the project area along which public water is extended.

V. Percentage of Cost to be Assessed: Fifty-two and 859/1000 percent (52.859%) of the total cost of the project, including but not limited to engineering, construction and administrative costs, shall be assessed against the benefited properties in this special assessment project and the County shall pay the remaining forty-seven and 141/1000 percent (47.141%).

VI. Abeyance: No assessment will be held in abeyance.

VII. Terms of Payment: The assessment will be payable in fifteen (15) annual installments and the first installment with interest will be due sixty (60) days after the date that the assessment roll is confirmed. One installment with interest is due on the anniversary date in each successive year until the assessment is paid in full. The interest rate shall be set at six percent (6%) per annum. The assessment may be paid in full without interest anytime up to sixty (60) days after the confirmation of the assessment roll is published.

VIII. Order of Public Hearing: A public hearing on all matters covered by this resolution will be held at 6:45 pm on Tuesday, February 22, 2011 in Room 118 of the Cumberland County Courthouse at the regularly scheduled meeting of the Board of Commissioners.

IX. This project having been completed and the cost now being known, the County Manager is directed to designate a person to cause the preliminary assessment roll to be completed and filed in the office of the clerk to the Board, and to further notice each owner of property listed on the roll of a public hearing to be held at the 6:45 pm on Tuesday, February 22, 2011 in Room 118 of the Cumberland County Courthouse at the regularly scheduled meeting of the Board of Commissioners at the conclusion of the public hearing on the second preliminary assessment resolution described above.

This resolution is adopted at the regular meeting of the Board of Commissioners held January 18, 2011.

CEDAR CREEK PRELIMINARY ASSESSMENT ROLL

Parcel Number	Owner Name	Owner Address	City, State Zip	Situs Address	Assessment per Lot
0464-87-0125-	ALDMON, JERRY RUTH BROCK	3950 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7966	3950 CEDAR CREEK ROAD	\$ 4,204.88
0464-87-2395-	BALLANCE, RONALD H & JAN C	3927 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7966	3927 CEDAR CREEK ROAD	\$ 4,204.88
0464-76-8049-	CEDAR CREEK CHURCH OF GOD TRUSTEES	PO BOX 175	FAYETTEVILLE, NC 28302-0175	4006 CEDAR CREEK ROAD	\$ 4,204.88

0464-87-1939-	CHAVIS, LANDIS & WIFE	3855 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7964	3855 CEDAR CREEK ROAD	\$ 4,204.88
0464-86-4755-	CULBRETH, WALTER C	3983 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7966	3983 CEDAR CREEK ROAD	\$ 4,204.88
0464-87-3155-	MURRAY, WILLIAM B JR & WIFE AN	3949 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7966	3949 CEDAR CREEK ROAD	\$ 4,204.88
0464-88-0187-	PFEFFERLE, DONALD B JR & WIFE	3849 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7964	3849 CEDAR CREEK ROAD	\$ 4,204.88
0464-87-2584-	PIERPOINT, KIMBERLY S & HUSBAND DAVID P	3909 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7966	3909 CEDAR CREEK ROAD	\$ 4,204.88
0464-86-4904-	RICHARDSON, FAYE M	3963 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7966	3963 CEDAR CREEK ROAD	\$ 4,204.88
0464-86-5380-	RUSS, LEWIS & WIFE	4041 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7968	4041 CEDAR CREEK ROAD	\$ 4,204.88
0464-78-5497-	SESSOMS, TONY HARRELL & WIFE ALMA S	3774 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7961	3774 CEDAR CREEK ROAD	\$ 4,204.88
0464-97-0552-	STARLING, BOBBIE A	3881 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7964	3881 CEDAR CREEK ROAD	\$ 4,204.88
0464-86-1754-	TATUM, ANNIE RUTH HEIRS C/O EDNA E TATUM	3992 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7965	3992 CEDAR CREEK ROAD	\$ 4,204.88
0464-77-7765-	TRUELOVE, MELBA	3882 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7963	3882 CEDAR CREEK ROAD	\$ 4,204.88
0464-78-8797-	WEST, ALICE F & LOIS JEAN DEES	3785 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7962	3785 CEDAR CREEK ROAD	\$ 4,204.88
0464-77-9438-	WEST, KELLY DAVID & WIFE SHERYL T	3906 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7965	3906 CEDAR CREEK ROAD	\$ 4,204.88
0464-78-9535-	WILLIAMS, KYRA FAYE	3216 GRAYLYN TERRACE	WILMINGTON, NC 28411-4748	3801 CEDAR CREEK ROAD	\$ 4,204.88
0464-78-7170-	WEST, ALICE F	3844 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7963	3844 CEDAR CREEK ROAD	\$ 4,204.88
0464-86-5507-	ZANDIOTIS, FREDERICK L & WIFE ANITA S	4009 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7968	4009 CEDAR CREEK ROAD	\$ 4,204.88
0464-66-7978-	MCNC PRODUCTS CO. C/O DUCHARME, MCMILLEN & ASSOC.	8440 ALLISON POINT BLVD	INDIANAPOLIS, IN 46250	3960 CEDAR CREEK ROAD	\$ 4,204.88

Basis for Assessment: Equal rate per lot served and assessed.

Terms of Payment: Payment in full without interest within sixty days of the publication of the Assessment Roll confirmation or in fifteen (15) annual payments of outstanding principal plus six percent (6%) interest with the first payment due sixty (60) days from the Assessment Roll confirmation and afterward on that anniversary date in each successive year until paid in full.

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

FINAL
SPECIAL ASSESSMENT RESOLUTION
CEDAR CREEK ROAD
WATER EXTENSION PROJECT

WHEREAS, the property owners within the 3000 and 4000 blocks of Cedar Creek Road have petitioned the Cumberland County Board of Commissioners to extend public water within their community, and

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

I. Need for Project: The Board of Commissioners of Cumberland County has undertaken a project to extend public water to the Cedar Creek Road Community. This project was needed to eliminate the use of individual groundwater wells for consumptive and hygienic purposes. The overall quality of the ground water in this area is poor, requiring property owners to use expensive water treatment systems.

II. General Description of the Project: This project included installation of approximately 3,500 total linear feet of water main, extending from an existing 8 inch water main along Highway 210 near the intersection with Cedar Creek Road, including all appurtenances, to serve eighteen (18) residences, one (1) church and one (1) concrete products plant within this community.

III. Ownership: The water line extensions will become the property of the Public Works Commission of the City of Fayetteville and will be operated and maintained by PWC as part of its comprehensive public water system throughout its service area.

IV. Proposed Basis of Assessment: The proposed basis of assessment will be at an equal rate per lot in the project area along which public water is extended.

V. Percentage of Cost to be Assessed: Fifty-two and 859/1000 percent (52.859%) of the total cost of the project, including but not limited to engineering, construction and administrative costs, shall be assessed against the benefited properties in this special assessment project and the County shall pay the remaining forty-seven and 141/1000 percent (47.141%).

VI. Abeyance: No assessment will be held in abeyance.

IX. Terms of Payment: The assessment will be payable in fifteen (15) annual installments and the first installment with interest will be due sixty (60) days after the date that the assessment roll is confirmed. One installment with interest is due on the anniversary date in each successive year until the assessment is paid in full. The interest rate shall be set

at six percent (6%) per annum. The assessment may be paid in full without interest anytime up to sixty (60) days after the confirmation of the assessment roll is published.

X. Order of Public Hearing: A public hearing on all matters covered by this resolution was held at 6:45 pm on Tuesday, February 22, 2011 in Room 118 of the Cumberland County Courthouse at the regularly scheduled meeting of the Board of Commissioners.

IN WITNESS WHEREOF, this resolution adopted this the 22nd day of February, 2011.

CEDAR CREEK FINAL ASSESSMENT ROLL

Parcel Number	Owner Name	Owner Address	City, State Zip	Situs Address	Assessment per Lot
0464-87-0125-	ALDMON, JERRY RUTH BROCK	3950 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7966	3950 CEDAR CREEK ROAD	\$ 3,822.62
0464-87-2395-	BALLANCE, RONALD H & JAN C	3927 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7966	3927 CEDAR CREEK ROAD	\$ 3,822.62
0464-76-8049-	CEDAR CREEK CHURCH OF GOD TRUSTEES	PO BOX 175	FAYETTEVILLE, NC 28302-0175	4006 CEDAR CREEK ROAD	\$ 3,822.62
0464-87-1939-	CHAVIS, LANDIS & WIFE	3855 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7964	3855 CEDAR CREEK ROAD	\$ 3,822.62
0464-86-4755-	CULBRETH, WALTER C	3983 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7966	3983 CEDAR CREEK ROAD	\$ 3,822.62
0464-87-3155-	MURRAY, WILLIAM B JR & WIFE AN	3949 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7966	3949 CEDAR CREEK ROAD	\$ 3,822.62
0464-88-0187-	PFEFFERLE, DONALD B JR & WIFE	3849 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7964	3849 CEDAR CREEK ROAD	\$ 3,822.62
0464-87-2584-	PIERPOINT, KIMBERLY S & HUSBAND DAVID P	3909 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7966	3909 CEDAR CREEK ROAD	\$ 3,822.62
0464-86-4904-	RICHARDSON, FAYE M	3963 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7966	3963 CEDAR CREEK ROAD	\$ 3,822.62
0464-86-5380-	RUSS, LEWIS & WIFE	4041 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7968	4041 CEDAR CREEK ROAD	\$ 3,822.62
0464-78-5497-	SESSOMS, TONY HARRELL & WIFE ALMA S	3774 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7961	3774 CEDAR CREEK ROAD	\$ 3,822.62
0464-97-0552-	STARLING, BOBBIE A	3881 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7964	3881 CEDAR CREEK ROAD	\$ 3,822.62
0464-86-1754-	TATUM, ANNIE RUTH HEIRS C/O EDNA E TATUM	3992 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7965	3992 CEDAR CREEK ROAD	\$ 3,822.62
0464-77-7765-	TRUELOVE, MELBA	3882 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7963	3882 CEDAR CREEK ROAD	\$ 3,822.62
0464-78-8797-	WEST, ALICE F & LOIS JEAN DEES	3785 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7962	3785 CEDAR CREEK ROAD	\$ 3,822.62

0464-77-9438-	WEST, KELLY DAVID & WIFE SHERYL T	3906 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7965	3906 CEDAR CREEK ROAD	\$ 3,822.62
0464-78-9535-	WILLIAMS, KYRA FAYE	3216 GRAYLYN TERRACE	WILMINGTON, NC 28411-4748	3801 CEDAR CREEK ROAD	\$ 3,822.62
0464-78-7170-	WEST, ALICE F	3844 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7963	3844 CEDAR CREEK ROAD	\$ 3,822.62
0464-86-5507-	ZANDIOTIS, FREDERICK L & WIFE ANITA S	4009 CEDAR CREEK RD	FAYETTEVILLE, NC 28312-7968	4009 CEDAR CREEK ROAD	\$ 3,822.62
0464-66-7978-	MCNC PRODUCTS CO. C/O DUCHARME, MCMILLEN & ASSOC.	8440 ALLISON POINT BLVD	INDIANAPOLIS, IN 46250	3960 CEDAR CREEK ROAD	\$ 3,822.62
0464-77-4619-	ROACH, CATHERINE S & HUSBAND JOHN L	3890 CEDAR CREEK ROAD	FAYETTEVILLE, NC 28312	3890 CEDAR CREEK ROAD	\$ 3,822.62
0464-78-7350-	BAILEY, KENNETH WAYNE	3824 CEDAR CREEK ROAD	FAYETTEVILLE, NC 28315	3824 CEDAR CREEK ROAD	\$ 3,822.62

Basis for Assessment: Equal rate per lot served and assessed.

Terms of Payment: Payment in full without interest within sixty days of the publication of the Assessment Roll confirmation or in fifteen (15) annual payments of outstanding principal plus six percent (6%) interest with the first payment due sixty (60) days from the Assessment Roll confirmation and afterward on that anniversary date in each successive year until paid in full.

Chairman Edge called on Harvey Raynor to provide additional information on this item. Mr. Raynor stated the two public hearings are needed to close out the Cedar Creek Water Extension project. A resolution was passed in 2008, but during construction, a situation arose regarding a change in drainage which changed the assessment from 100% with the county picking up some of the cost. That change caused the need for the second resolution which resulted in the county's share of the total cost being 47.141% and 52.859% of the total cost of the project being assessed to the property owners. Mr. Raynor also informed the board that it was just discovered in the last two days there were two other residents who had tapped onto the system and a motion will be needed to add these names to the final assessment roll.

The Chairman opened the Public Hearing on the Secondary Preliminary Assessment Resolution.

Speaker:

Helma Russ informed the Board she lives in the Cedar Creek area and thanked the Board for providing water to that area, but requested the Board to consider helping the residents by lowering the interest rate or the payments as many residents in this area are on a fixed income. Ms. Russ questioned whether PWC has been contacted to help pay some of the charges and questioned if other companies in the area have been asked to pay a portion.

County Manager Martin advised PWC had declined to help with the cost and Bob Stanger advised that traditionally water extensions to industrial users have been cost shared. Discussion ensued regarding the interest rate being charged and background was provided regarding the original request by the landowners asking the county to provide the water and assess the landowners. Commissioner Evans questioned if there was anything additional the county to do to help the landowners, but it was agreed that the installment agreement is what was agreed upon by the Board.

The Chairman closed the Public Hearing.

MOTION: Commissioner Melvin moved to approve the Second Preliminary Assessment Resolution.
SECOND: Commissioner Council
VOTE: UNANIMOUS

The Chairman opened the Public Hearing on the Preliminary Assessment Roll.

Speakers: The Clerk verified there were no speakers for item 3.A.

The Chairman closed the Public Hearing

Mr. Raynor advised his office had been informed through an anonymous phone call there were two residents who had tapped onto the line that were not on the assessment roll. Confirmation of this was made through the engineers. Mr. Raynor requested the Board add two additional names to the Final Assessment Roll (3890 Cedar Creek Road owned by Catherine S. & John L. Roach and 3824 Cedar Creek Road owned by Kenneth Wayne Bailey); move to approve the Final Assessment Roll with the assessment amount of \$3,822.62 per lot, and to adopt the Final Special Assessment Resolution.

MOTION: Commissioner Council moved to adopt the Final Special Assessment Resolution, to amend the Final Assessment Roll to include the two additional names which changes the assessment amount to \$3,822.62 per lot, and to adopt the Final Special Assessment Resolution.
SECOND: Commissioner King
DISCUSSION: Commissioner Faircloth questioned whether the final roll includes all that can be included and the Board was informed that PWC now owns the lines and anyone who wants to tap on would have to go through PWC.
VOTE: Voting in favor of the motion – Chairman Edge, Commissioners Faircloth, Council, Melvin, and King. Voting in opposition – Commissioner Evans.

At 7:24 pm on February 22, 2011, the Board confirmed the assessment for the Cedar Creek Water Extension project.

C. Public Hearing Minimum Housing Code Enforcement

1. Case Number: MH6240-2010
Property Owner: Marriane McLean
Property Location: 4602 & 4608 McNeil Road
Parcel Identification No: 0477-20-9617

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 6240-2010.

Property Owner: Marriane McLean
Home Owner: Marriane McLean
Property Address: 4602 & 4608 McNeil Road, Fayetteville, NC
Tax Parcel Identification Number: 0477-20-9617

SYNOPSIS: This property was inspected on 7/6/2010. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 9/2/2010. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 12/2/2010. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 2/9/2011 the required corrective action had not been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$15,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

RECOMMENDATION: It is the recommendation of the Planning & Inspection Department that the structure be demolished, and the debris removed from the lot.

The Chairman opened the Public Hearing.

The Clerk provided the oath to George Hatcher, Code Enforcement Officer, who provided a power point presentation on the case.

There being no further speakers, the Chairman closed the Public Hearing.

MOTION: Commissioner Melvin moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; to order the property owner to

remove or demolish the dwelling within 60 days; to further order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action; and to direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner King
VOTE: UNANIMOUS

2. Case Number: MH6279-2010
Property Owner: Everett L. & June I. Gates
Property Location: 2707 Canton Street
Parcel Identification No: 0456-86-9603

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 6279-2010.

Property Owner: Everett L. & June I. Gates
Home Owner: Everett L. & June I. Gates
Property Address: 2707 Canton Street, Fayetteville, NC
Tax Parcel Identification Number: 0456-86-9603

SYNOPSIS: This property was inspected on 8/9/2010. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 9/30/2010. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 11/30/2010. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 2/9/2011 the required corrective action had not been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$20,000.00. The Assessor for Cumberland County has the structure presently valued at \$1,500.00.

RECOMMENDATION: It is the recommendation of the Planning & Inspection Department that the structure be demolished, and the debris removed from the lot.

The Chairman opened the Public Hearing.

The Clerk provided the oath to George Hatcher, Code Enforcement Officer, who provided a power point presentation on the case.

There being no further speakers, the Chairman closed the Public Hearing.

MOTION: Commissioner Melvin moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; to order the property owner to remove or demolish the dwelling within 60 days; to further order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action; and to direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Council

VOTE: UNANIMOUS

Items of Business

4. Consideration of Request for County Assistance with Point East Subdivision Dam Repair.

BACKGROUND: The Board of County Commissioners, at its June 21, 2010 meeting, referred to the County Policy Committee the request for assistance from the property owners in Point East Subdivision to breach the dam of the lake within this subdivision. The County Attorney advised the Board that there was no statutory authority for the County to undertake a special assessment project to breach a dam and that the property owners would need to petition the Board to repair the dam. The Point East Homeowners Association (HOA) is currently under a Dam Safety Order from NCDENR to repair or permanently breach the dam.

A new petition from the property owners in Point East Subdivision requesting the County undertake a special assessment project to repair the dam was received on July 20, 2010. The petition was signed by 9 of 15 property owners (60%) having 10 of 17 lots (59%) on the lake. The petition has been reviewed by the County Engineering Department.

The request was presented to the Policy Committee at its August 5, 2010 meeting. The deficiencies with the dam and the requirements in the NC Administrative Code - Title 15A, Subchapter 2K - Dam Safety for small high hazard (Class C) dams were reviewed with the committee. Given the uncertainty of the cost of the repair work, since no formal repair plan has been approved by NC Dam Safety, the Policy Committee instructed staff to work with the Point East Homeowners Association, its engineer, Averette Engineering, and NC Dam Safety to determine the extent of the investigative work and repair work required to meet Dam Safety requirements.

A teleconference was held on August 27, 2010, with Steve McEvoy, Dam Safety Engineer, Daryl Cobranchi, President of the Homeowners Association, Dave Averette, engineer for Point East Homeowners Association, and Tim Middleton, consultant to Dave Averette, and Bob Stanger, County Engineer, to discuss the requirements to repair

the dam. The consensus of the group was that Dave would develop an action plan for the Point East Homeowners Association to consider and Daryl would then advise the County of its plan.

Mr. Cobranchi advised the Engineering Department that the HOA is requesting the County include the cost of all engineering studies and repair plans in the cost of a special assessment project and that the engineers are willing to perform the work and defer payment until such time that the Board of Commissioners approves the assessment project. This information was presented to the Policy Committee at its October 7, 2010 meeting. The consensus of the Policy Committee was to take no action on the request to undertake the engineering studies required to develop a repair plan and that it was up to the HOA to do their necessary work first.

Should the Board wish to proceed with a special assessment project, the next step is to prepare a preliminary assessment resolution for the dam repair project and to bring this back to the Board at its next meeting for approval and to set the date for the public hearing. The Board should be aware that the cost of the engineering studies, estimated at \$25,000, could not be assessed against the property owners should the Board decide that the repair work on the dam is cost prohibitive.

County Manager Martin referred members to their packet information and distributed an additional handout provided by Daryl Cobranchi in the form of a memo from ACTS Engineering supplying a brief work summary and costs associated with the Point East Dam project with a total estimated cost of \$238,000. County Engineer Stanger reminded the Board of background information as provided above. A total of 17 property owners on the lake would be assessed for this project. There are 43 property owners surrounding the lake that are members of the homeowner's association; with the property owners on the lake responsible for maintenance of the lake. During discussion, the Board was informed that only about 60% of the property owners on the lake had signed the petition to request help from the County, but Mr. Cobranchi stated he felt additional names could be obtained. Mr. Stanger confirmed that engineering costs have typically been folded into the total project cost, but once an approved plan is received from the state and the cost is determined, the Board may decide the project is cost prohibitive and then the \$25,000 engineering costs cannot be assessed to the property owners. Mr. Cobranchi stated the homeowners do not have the money, cannot get the monies in other ways, such as grants, and their only option is to ask for help from the Commissioners. Commissioner Council voiced her concern about using county funds to go forward with this project when citizens are in need of clean drinking water and other Commissioners voiced concern about a past approval of a dam project that ended up being very costly.

MOTION: Chairman Edge moved to take no action on this item.

SECOND: Commissioner Council

DISCUSSION: Commissioner Evans stated he felt it should be dealt with and Chairman Edge agreed to allow a substitute motion.

SUBSTITUTE MOTION: Commissioner Evans moved to deny the request for funding of this project.

SECOND: Chairman Edge

DISCUSSION: Commissioner Melvin questioned whether the requestors would be able to bring back another request if they wanted to and Chairman Edge advised he thought so, but with the points made earlier and with the fact that the Board does not know what is coming down from the State this year which will effect the County's budget, the outcome may be the same.

VOTE: Voting in favor of the motion – Chairman Edge, Commissioners King, Melvin, Evans and Council.
Voting in opposition – Commissioner Faircloth.

5. Consideration of Cumberland County Schools Facility Needs Assessment and Authorization for Chairman and County Manager to Sign for Submittal to the State Board of Education.

BACKGROUND: Mr. Tim Kinlaw, Associate Superintendent of Auxiliary Services of the Cumberland County School System, will be providing information on the Schools Facility Needs Assessment to the Board of County Commissioners on February 22, 2010.

RECOMMENDATION/PROPOSED ACTION: Consider the Cumberland County School System Facility Needs Assessment and authorize the Chairman and the County Manager to sign the appropriate documents for submittal to the State Board of Education.

Mr. Kinlaw informed the Board the NC Department of Public Instruction requires all school systems to complete a Capital Needs Assessment every five years in order to compare needs across the state. He then provided a power point presentation on the 2011 School Facilities Update stating the total schools' facility needs in 1996 was \$411,000,000 with the 2011 facility needs at \$157,000,000 as evidenced by the survey book. Mr. Kinlaw advised a major capital project is a new Ft. Bragg High School, but the project would depend on the availability of federal funding. Another project is a new north elementary school in the Long Hill and Raleigh Road area. Mr. Kinlaw informed the Board that from 1996 to 2010 a total \$241M in school construction projects were completed and provided a breakdown of those yearly project costs showing how they were paid for. In 2008, \$10M was received in Sales Tax proceeds, \$5.9M was received in lottery proceeds and \$3.5M was in public school construction funds for a total of \$19,400,000. For 2011, the projected Sales Tax proceeds is \$7.5M, lottery proceeds projected at \$4.1M and no monies expected from the public school building fund, therefore reducing the expected revenue by \$7.8M which creates a problem. Mr. Kinlaw advised in 2014, the 1992 bond referendum will be retired, which will release the revenues committed for that debt service; however; with losing the school construction fund monies and receiving low sales tax proceeds, almost 80% of their current capital funds are committed to long term debt. Currently, when school buses have to be replaced, the State pays for it, but the Governor's proposed budget would shift this responsibility to counties. Mr. Kinlaw stated the school system is ready for the influx of BRAC related students in the high growth areas.

MOTION: Commissioner King moved to authorize the Chairman and the County Manager to sign the appropriate documents for submittal to the State Board of Education for the Cumberland County School System Facility Needs Assessment.
SECOND: Commissioner Council
VOTE: UNANIMOUS

6. Update on Parks and Recreation Proposal for Capital Projects – Michael Gibson, Director.

Parks & Recreation Director Michael Gibson referred members to their packet which includes a memo from Site Solutions regarding a proposal for assisting with a bond package which includes about \$86M worth of projects as approved in the 2006 Parks and Recreation master plan. The proposal is to contract with Site Solutions to put some structure to each of the projects on the list included in the packets. The expected timeline is to talk with the citizens of the county late this year and come back to the Board in 2012 for support of the bond package. Chairman Edge questioned whether the County would be the one issuing all the debt for the bond proposal and County Manager Martin stated he believes that is what is proposed with an interlocal agreement as there would be some difficulty in separating projects. Mr. Martin stated the plan before the Board would cost some additional funds to be shared with the City. Mr. Gibson added that once the structure is added by Site Solutions, discussions would then take place on how to prioritize the projects. Commissioner Council confirmed with Mr. Gibson that he is not asking for monies, but is just bringing a request forward for approval of the process as the county's share of the cost would be taken out of the district's fund balance with the county's share being around \$22,000 to \$23,000 as the whole project is around \$49,000. Mr. Gibson stated the total amount could be reduced to as little as \$30,000 if staff is involved more with collecting data.

MOTION: Commissioner King moved to authorize the spending of district funds in the amount of \$22,000 to \$23,000 (50%) of the total amount of approximately \$48,000 for the proposed Site Solutions proposal for assisting with a bond package for the Parks and Recreation Master Plan projects.
SECOND: Chairman Edge
VOTE: UNANIMOUS

7. Nominations to Boards and Committees

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

Background: Due to staffing changes within the Fayetteville Police Department, a request was received from the City of Fayetteville Chief of Police Tom Bergamine that Lt. Wade Owen be replaced by Captain Kenneth Eaker.

Commissioner King nominated Captain Kenneth Eaker to fill the Law Enforcement Representative slot.

B. Equalization and Review Board (1 Vacancy)

Background: Kathy Olsen is completing her first term and is eligible for reappointment.

Commissioner Council nominated Kathy Olsen for a second term as the Real Estate Agent position slot.

C. Tourism Development Authority (1 Vacancy)

Background: Sue Wooster is completing her first term and is eligible for reappointment and she is willing to serve a second term.

Commissioner Evans nominated Sheba McNeill and Commissioner Melvin nominated Sue Wooster for a second term as the Hotel/Motels Over 100 Room Representative.

8. Appointments to Boards and Committees

A. Air Quality Stakeholders' Committee (1 Vacancy)

Nominee:

Town of Eastover Stakeholder: Henry L. Tew

MOTION: Commissioner Faircloth moved to appoint Henry L. Tew as the Town of Eastover Stakeholder position.

SECOND: Commissioner King

VOTE: UNANIMOUS

B. Animal Services Board (2 Vacancies)

Nominees:

At-Large Positions: Christine E. Powell
Robert A. Kater
Burton Lawson
Victor Hogan

Chairman Edge, Commissioners Council and Melvin voting for Christine Powell.

Chairman Edge voting for Robert A. Kater

Commissioners King, Evans, Faircloth and Council voting for Burton Lawson.

Commissioners King, Evans, Faircloth and Melvin voting for Victor Hogan.

Burton Lawson and Victor Hogan were appointed to fill the two vacancies.

C. Fayetteville Area Convention and Visitors Bureau (1 Vacancy)

Nominee:

Billy Wellons

By acclamation, the Board appointed Billy Wellons to fill the one vacancy.

D. Nursing Home Advisory Board (1 Vacancy)

Nominees:

Resheeda Reid
Barbara Spigner

Chairman Edge voted for Resheeda Reid. Commissioners Faircloth, Evans, King, Council and Melvin voted for Barbara Spigner.

Barbara Spigner was appointed to fill the one vacancy.

9. CLOSED SESSION: Not Needed.

MOTION: Commissioner Council moved to adjourn.

SECOND: Commissioner King

VOTE: UNANIMOUS

There being no further business, the meeting adjourned at 8:25 p.m.

Approved with/without revision:

Respectfully submitted,

Marie Colgan
Clerk to the Board