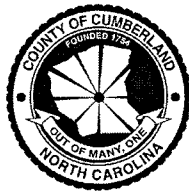


KENNETH S. EDGE
Chairman

W. MARSHALL FAIRCLOTH
Vice Chairman

GLENN B. ADAMS
JEANNETTE M. COUNCIL
CHARLES E. EVANS
JIMMY KEEFE
LARRY L. LANCASTER



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

BOARD OF COMMISSIONERS

CANDICE WHITE
Clerk to the Board

KELLIE BEAM
Deputy Clerk

MEMORANDUM

TO: Facilities Committee Members (Commissioners Adams, Keefe & Lancaster)

FROM: Kellie Beam, Deputy Clerk to the Board

DATE: May 1, 2015

SUBJECT: Facilities Committee Meeting – May 7, 2015

There will be a regular meeting of the Facilities Committee on Thursday, May 7, 2015 at 8:30 AM in Room 564 of the Cumberland County Courthouse.

AGENDA

1. Approval of Minutes – April 2, 2015 Regular Meeting **(Pg. 2)**
 2. Consideration of Approval of an Amendment to the Eastover/NORCRESS Sanitary Sewer Interlocal Agreement **(Pg. 11)**
 3. a) Consideration of Approval of the Bullard Circle Water Extension Interlocal Agreement **(Pg. 17)**
b) Consideration of Approval of Bids for the Construction of the Bullard Circle Water Extension Project **(Pg. 23)**
 4. Consideration of Approval of the Rate Structure for the Kelly Hills/Slocomb Road Water and Sewer District **(Pg. 24)**
 5. Presentation on the Results of the Roof/Building Envelope Assessment **(Pg. 27)**
 6. Update on Offer of Lamar Companies to Lease or Purchase Sites of Existing Billboards **(Pg. 28)**
 7. Other Items of Business **(NO MATERIALS)**
- cc: Board of Commissioners
County Administration
County Legal
County Department Head(s)
Sunshine List

CUMBERLAND COUNTY FACILITIES COMMITTEE
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
APRIL 2, 2015 - 8:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Glenn Adams
Commissioner Larry Lancaster

MEMBERS ABSENT: Commissioner Jimmy Keefe

COMMISSIONERS PRESENT:
Commissioner Kenneth Edge
Commissioner Jeannette Council
Commissioner Charles Evans

OTHERS PRESENT: Amy Cannon, County Manager
James Lawson, Deputy County Manager
Tracy Jackson, Assistant County Manager
Melissa Cardinali, Assistant County Manager for Finance /
Administrative Services
Sally Shutt, Governmental Affairs and Public Information
Officer
Rick Moorefield, County Attorney
Jeffery Brown, Engineering and Infrastructure Director
Vicki Evans, Finance Accounting Manager
Michael Gibson, Fayetteville-Cumberland Parks and
Recreation Director
David McNeill, Duke Energy
Jaz Tunnell, Piedmont Natural Gas
Doug Noble, Lamar Companies
Mark Stocks, Lamar Companies
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Commissioner Glenn Adams called the meeting to order.

1. APPROVAL OF MINUTES – FEBRUARY 5, 2015 REGULAR MEETING

MOTION: Commissioner Lancaster moved to approve the minutes.
SECOND: Commissioner Adams
VOTE: UNANIMOUS (2-0)

DRAFT

2. PRESENTATION BY MR. MICHAEL GIBSON ON DEVELOPMENT OF THE LINDEN TOWN PARK

BACKGROUND:

The Town of Linden has been awarded a Parks and Recreation Trust Fund Grant (PARTF) in the amount of \$212,400 for the development of a park. The Parks and Recreation Master Plan in 2006 recommended a park in the northern portion of the County. This park will be very similar to the Godwin Park completed several years ago.

PARTF grants provide dollar for dollar matching funds to local governments for park and recreation projects. These grant funds will be utilized for the purchase of thirty-eight (38) acres of land, of which five (5) to six (6) acres are within the town limits. This is the same land that was previously considered several years ago. In 2011, County district funds in the amount of \$300,000 were earmarked as the matching funds for this grant. The matching funds will be utilized for the development of the park. The majority of the work will be completed by the Parks and Recreation Department staff.

RECOMMENDATION/PROPOSED ACTION:

Approve the Town of Linden Recreation Project and the associated budget revision which establishes the project budget.

Michael Gibson, Fayetteville-Cumberland Parks and Recreation Director, reviewed the background information and recommendation above. Mr. Gibson stated the land for the park is located on Colliers Chapel Road and an appraisal has been completed and an environmental assessment is scheduled. Mr. Gibson stated the development of the park is a joint effort between Fayetteville-Cumberland Parks and Recreation and Cumberland County.

Mr. Gibson explained the park will be developed in phases as funds become available. Mr. Gibson stated Phase 1 is estimated to take 6-8 months and the majority of the work will be completed by Parks and Recreation Department staff. Mr. Gibson stated Phase 1 includes: a picnic shelter, picnic tables, paved parking lot, paved walking trail, lights, grill(s), trash cans, benches, water fountains, playground unit (ages 5-12). Mr. Gibson further stated Phase 2 would include: full-service recreation center, paved parking lot, paved walking trail, lights, trash cans, benches, water fountains, multi-purpose football/soccer fields, green space and open fields and three competition baseball/softball fields.

Mr. Gibson stated the PARTF Authority consists of three members appointed by the governor; three members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate; and three members appointed by the General Assembly upon the recommendation of the Speaker of the House.

Mr. Gibson explained the authority is charged with six powers and duties to:

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- Receive public and private donations and funds for deposit into the fund.
- Allocate funds for land acquisition.
- Allocate funds for capital projects.
- Solicit financial and material support.
- Develop effective support for parks and recreation.
- Advise the Secretary of the Department of Environment and Natural Resources on any matter he may refer to the body.

Mr. Gibson stated the proposed timeline for the park is to have a groundbreaking the beginning of the summer 2015 and a ribbon cutting at the end of the summer 2015, if everything goes as planned.

Commissioner Edge stated the Town of Linden desperately needs a park and he is happy to see this project moving forward. Commissioner Evans stated he is very happy the Town of Linden is finally going to have the park they have wanted for many years now. Commissioner Evans stated it is something needed for the community.

MOTION: Commissioner Lancaster moved to recommend to the full board approval of the Town of Linden Recreation Project and the associated budget revision which establishes the project budget.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (2-0)

3. CONSIDERATION OF FAYETTEVILLE-CUMBERLAND LIAISON COMMITTEE RECOMMENDATION TO PARTICIPATE IN A TASK FORCE ON SYNTHETIC FIELDS

BACKGROUND:

At the March 12, 2015 City-County Liaison Committee Meeting, City Council Member Arp gave a detailed presentation on the use of modern synthetic materials on running tracks and sports fields as an alternative to cinder, clay asphalt and natural grass.

In addition, Council Member Arp presented the following recommendations:

- Establish a formal Joint Synthetic Track and Field Task Force similar to Fairfax County, VA to develop recommendations on:
 - Transitioning current high school tracks and fields to new synthetic track and turf fields.
 - The funding of new synthetic turf fields, to include public, private and corporate partnership opportunities.
 - The planned replacement of existing and any new synthetic turf fields.
 - The regular on-going maintenance of existing synthetic turf fields.
- The Joint Synthetic Track and Field Task Force should be comprised of community leaders, City of Fayetteville, Cumberland County and Cumberland County School staff who have a direct connection to current high school fields. The task force should be charged with:

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- Proposing recommendations that focus on ensuring fair and equitable access of these proposed parks for all geographic areas of the County.
- Providing a formal report on its findings and recommendations to the Fayetteville City Council, Cumberland County Commissioners and Cumberland County School Board for their collective review and action no later than November 2015.

The following motion was made and unanimously passed at the City-County Liaison meeting:

Mayor Robertson moved for committee members to ask staff to seek the interest of their boards in forming a taskforce to look at all aspects of synthetic fields to include participation of the schools.

RECOMMENDATION/PROPOSED ACTION:

Consider if the County is interested in participating in a task force to look at all aspects of synthetic fields.

Amy Cannon, County Manager, reviewed the background information and recommendation recorded above.

Mr. Gibson stated the Cumberland County Board of Education indicated interest in providing the land but would not be interested in moving forward from a financial standpoint. Mr. Gibson stated the Cumberland County Board of Education did indicate interest in being a part of the Task Force regarding synthetic fields. Mr. Gibson stated he would obtain a copy of the minutes from the Board of Education meeting to incorporate in any information brought back to the City-County Liaison meeting.

Commissioner Edge stated he feels there are savings to be involved in this idea because the school system would save money by not having the responsibility of mowing, tractors, spraying for worms, etc. Commissioner Edge further stated synthetic fields would be a benefit for the entire community and not just the school system but there are liability issues that would be involved. Commissioner Edge stated he feels all of the information gathered should be presented to the Board of Education. Commissioner Edge stated he feels if the Board of Education is not going to participate there may be no need to move forward.

Commissioner Adams stated he feels after seeing all of the capital improvement needs he does not feel like this issue would be high on his agenda. Commissioner Adams further stated he feels the County needs more green space in the community but if the Board of Education does not have the funding available to participate the Board of Commissioners should not move forward with forming a Task Force.

Commissioner Lancaster stated he does not feel like participating in the Task Force would mean the County is obligated to do anything and he would hate for the Board of

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Commissioners to not be involved in the process. Commissioner Lancaster further stated he feels like someone from the Board of Commissioners should be involved in the Task Force.

Commissioner Evans stated he feels the Parks and Recreation Commission should be involved in the process instead of establishing a Task Force since the Parks and Recreation Commission is made up of individuals already looking out for the parks and recreation interest for the City of Fayetteville and Cumberland County. Commissioner Evans further stated the Parks and Recreation Commission could be responsible for gathering all the necessary information regarding synthetic fields and reporting the information back to the Board of Education, City Council and Board of Commissioners.

Mr. Gibson stated the Parks and Recreation Commission could develop a subcommittee to research artificial turfs and bring the information back to all three boards if that is the consensus of the boards. Mr. Gibson stated this issue has not been presented to the City Council but will go to their next work session on May 2, 2015.

MOTION: Commissioner Adams moved to forward this item to the Parks and Recreation Commission.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (2-0)

4. UPDATE ON PROPOSED ROUTE FOR THE ATLANTIC COAST PIPELINE PROJECT

BACKGROUND:

In early January, it was determined that the proposed route of the Atlantic Coast Pipeline Project was going to negatively impact the Cedar Creek Business Park as it was crossing the most desirable locations within the park for development. Once County staff became aware of the proposed route, County staff along with staff from the Economic Development Alliance reached out to representatives with Duke Energy as well as Piedmont Natural Gas.

At the end of January, County staff received a map indicating that the proposed route had been shifted. While the revised route was still dissecting the Cedar Creek Business Park its impact would be significantly less than the initial route. Upon receiving and reviewing the modified route, County Management requested a meeting with representatives from all parties involved with the pipeline project. County staff along with staff from the Economic Development Alliance met with representatives of the project on March 9, 2015. It was communicated that Cumberland County was extremely grateful that the route had been shifted but would like to request that it be shifted further toward the south to reduce the overall impact to the Business Park.

On March 25, 2015, County staff received the latest map indicating a further shift to the south for the proposed route.

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RECOMMENDATION/PROPOSED ACTION:

The Facilities Committee is not being asked to take action. The purpose of this item was to provide the committee an update as to the latest proposed route of the pipeline project and to make the committee aware of the conversations that have transpired between representatives of this project and County staff.

Jeffery Brown, Engineering and Infrastructure Director, reviewed the background information and recommendation recorded above. Mr. Brown stated he has been working with representatives from the pipeline and together they have reached a proposal that is the most feasible route at this time.

Commissioner Edge thanked everyone for working together to make the property more conducive to development. David McNeill, Duke Energy, stated he is excited about the pipeline and the benefits it will bring to all electric customers and potential benefits for the natural gas side of things.

No action taken.

5. CONSIDERATION OF OFFER OF LAMAR COMPANIES TO LEASE OR PURCHASE SITES OF EXISTING BILLBOARDS

BACKGROUND:

Lamar Companies have two billboards on County properties adjacent to the DSS/Public Health complex. One is located on a triangular shaped parcel fronting on the Martin Luther King, Jr., Freeway (the "MLK site"). The other is located on a triangular shaped portion of the DSS property, separated by the railroad tracks and fronting Ramsey Street (the "Ramsey site").

The MLK Site:

The MLK site is a separate parcel lying between the MLK Freeway and the southernmost Hillsboro Street entrance to the DSS parking lot. The tax mapping office calculates this parcel to contain 2.66 acres west of the railroad tracks with an additional 3/1000ths of an acre east of the tracks. Lamar has maintained a static billboard on this site pursuant to a purported ten-year lease with the County dated April 22, 2005. The purported lease provides for an annual rent of \$2,200 which and continues for year to year until either party gives notice of termination. The county attorney cannot find any minutes which reflect the Board of Commissioners approved this lease or that it was advertised subject to upset bid. Both of these are statutory requirements.

The County acquired this parcel and an adjacent strip of land containing 34/100ths of an acre by condemnation in 1997 for \$86,000. This parcel is listed in the tax records as commercially zoned property at a value of \$207,933. It appears from the GIS maps that

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the DSS entrance from Hillsboro Street encroaches slightly onto this parcel. It would be usable for future expansion of parking or other amenities for DSS. Lamar has offered to purchase this parcel or acquire a permanent easement to use it for \$24,000 or to lease it for nine (9) years beginning January 1, 2016, for annual rent of \$3,000.

The Ramsey Site:

The Ramsey site is the portion of the parcel occupied by the DSS building lying on the eastern side of the railroad tracks and fronting Ramsey Street. The tax mapping office calculates this portion to contain 1.26 acres. Lamar maintained a static billboard on this site pursuant to a purported ten (10) year lease dated September 14, 2006, which converted to a year to year lease at the end of the term. It is not apparent in the purported lease when the original term commenced. This purported lease was amended on September 24, 2008, to extend it from January 1, 2016, to December 31, 2018, because the billboard was changed to digital. The annual rent for the original lease term has remained \$500. The purported amendment increases the annual rent to \$1,000. The county attorney cannot find any minutes which reflect the Board of Commissioners approved this lease or amendment or that either was advertised subject to upset bid. Both of these are statutory requirements.

The County acquired this parcel in 1994 as part of the purchase of 25.72 acres for the DSS/Public Health complex. This parcel is listed in the tax records as commercially zoned property at a value of \$0.85 per square foot, or \$46,653 for the 1.26 acres. If the MLK Freeway and Ramsey Street are access-controlled, access to this parcel would be through the DSS parking lot. Lamar has offered to purchase this parcel or acquire a permanent easement to use it for \$65,000 or to lease it for nine (9) years beginning January 1, 2016, for annual rent of \$5,000.

RECOMMENDATION/PROPOSED ACTION:

The county attorney recommends that these existing leases be brought into compliance with the statutory requirements by noticing Lamar that the existing purported leases are not valid. The county attorney further seeks direction as to the Board's preferred resolution of these matters once that notice is delivered.

Rick Moorefield, County Attorney, reviewed the background information and recommendation as recorded above.

Commissioner Adams stated he does not feel like anything can be built on the Ramsey Street site. Mr. Moorefield stated he feels it would be too risky for the County to add the Ramsey Street site to the County's parking lots because someone may park on the train tracks. Commissioner Adams stated the MLK site may be more valuable to the County and it may be better to lease this site for a period of time instead of selling this piece. Commissioner Edge and Commissioner Lancaster stated they both agree with Commissioner Adams.

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Commissioner Adams stated the consensus of the committee is to enter into some kind of arrangement with Lamar Companies to purchase the Ramsey Street site and lease the MLK site. Commissioner Lancaster stated he recommends the county attorney work together with Lamar Companies to come up with a proposal to bring back to the Facilities Committee.

MOTION: Commissioner Lancaster moved to recommend the county attorney work with Lamar Companies to come up with a proposal and bring back to the Facilities Committee.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (2-0)

6. OTHER ITEMS OF BUSINESS

Interbasin Transfer Decision

Commissioner Adams stated he requested the “Discussion of an Appeal of the Interbasin Transfer Decision” be placed on the Facilities Committee agenda. Commissioner Adams stated PWC went into closed session and did not make a decision so he would like to table this item. Commissioner Adams stated he wanted it to be known that the County is in support of working with PWC. Commissioner Adams asked that Amy Cannon stay in contact with PWC about this issue. Ms. Cannon stated she has had some discussion with PWC and will continue to follow up on this matter.

Grove View Terrace Project

Ms. Cannon stated there will be an item on the Grove View Terrace Project brought to the Finance Committee next month but she just wanted to give the Facilities Committee a brief update. Ms. Cannon stated she was approached by Fayetteville Housing Authority and a developer about a project similar to the Hope VI project. Ms. Cannon stated this project would include participation by the City, County, PWC and the housing authority. Ms. Cannon stated the project would demolish the Grove View Terrace units that date back to the 1930’s – 1940’s and rebuild the units under a federal voucher system that would be managed by Fayetteville Housing Authority. Ms. Cannon stated the housing authority is still finalizing the details but they have until May 15, 2015 to apply to the NC Housing Finance Agency. Ms. Cannon stated they will be working to finalize their request of the City, County and PWC to help with a gap in the bond financing and the project cost. Ms. Cannon stated she feels this is a worthy project and one that needs to be considered in the totality of all the project requests.

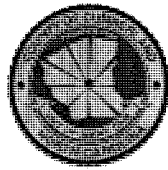
LEC Building Renovations

Mr. Brown stated the LEC building is having lobby renovations that include security upgrades to make it more secure. Mr. Brown stated bids were recently opened and the low bid for the contract was \$153,236 which is within budget. Mr. Brown stated this item will go to the full board in April for approval.

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No other items of business.

MEETING ADJOURNED AT 9:34 AM.



**CUMBERLAND
COUNTY**
NORTH CAROLINA

ENGINEERING & INFRASTRUCTURE DEPARTMENT

Engineering Division · Facilities Management Division · Landscaping & Grounds Division · Public Utilities Division

**MEMO FOR THE AGENDA OF THE MAY 7, 2015
MEETING OF THE FACILITIES COMMITTEE**

TO: FACILITIES COMMITTEE MEMBERS
FROM: JEFFERY BROWN, PE, E & I DIRECTOR
THROUGH: AMY H. CANNON, COUNTY MANAGER
DATE: APRIL 30, 2015
SUBJECT: CONSIDERATION OF APPROVAL OF THE INTERLOCAL AGREEMENT FIRST AMENDMENT TO EASTOVER/NORCRESS SANITARY SEWER EXTENSION AGREEMENT

Requested by: AMY HALL, ADMINISTRATIVE PROGRAM OFFICER

Presenter(s): JEFFERY BROWN, PE, E & I DIRECTOR

Estimate of Committee Time Needed: 10 MINUTES

BACKGROUND:

The Interlocal Agreement dated October 14, 2002, by and between the County of Cumberland (County), the Cumberland County Board of Education (CCBE), NORCRESS Water and Sewer District (NORCRESS), Eastover Sanitary District (ESD) and Public Works Commission of the City of Fayetteville (PWC) stated that the allocated capacity of the Eastover approach main that serves both ESD and NORCRESS is one million gallons per day (GPD). PWC has recently completed flow modeling on the approach main and the test show that there is an additional 180,000 GPD unallocated in the line. NORCRESS has requested from the other entities involved to acquire the additional unallocated capacity in the approach main. The other entities have approved to allow NORCRESS the additional unallocated capacity therefore; the attached amendment needs to be approved. This ammendment is the first step in moving foward in being able to provide a sewer connection to Kansas City Sausage Company without decreasing the existing allocated capacity to either ESD or NORCRESS. The next step will be to develop an agreement between the NORCRESS governing board and Kansas City Sasuage Company for an agreement to connect. The approval of this agreement will be placed on a future Facilities Committee agenda. This agreement will outline any costs as well as any proposed improvements/upgrades to the existing NORCRESS system.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director and County Management recommend that the Facilities Committee approve the Interlocal Agreement First Amendment to Eastover/NORCRESS Sanitary Sewer Extension Agreement and place it on the agendas of the May 18, 2015 Board of Commissioners and the NORCRESS Water and Sewer District meeting.

**STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND**

**INTERLOCAL AGREEMENT
FIRST AMENDMENT TO
EASTOVER/NORCRESS SANITARY
SEWER EXTENSION AGREEMENT**

THIS AGREEMENT made this ____ day of _____, 2015 by and between the County of Cumberland (hereinafter referred to as “COUNTY”), the Cumberland County Board of Education (hereinafter referred to as “CCBE”, NORCRESS Water and Sewer District hereinafter referred to as “NORCRESS”), Eastover Sanitary District (hereinafter referred to as “ESD”), and the City of Fayetteville, a North Carolina municipal corporation, acting by and through its Public Works Commission of the City of Fayetteville, North Carolina (hereinafter referred to as “COMMISSION”).

WITNESSETH

THAT WHEREAS, the parties have entered into an Interlocal Sanitary Sewer Extension Agreement dated October 14, 2002 to allocate 1,000,000 gallons per day (gpd) of capacity in a 15 inch gravity sewer main for the purpose of delivering wastewater to COMMISSION’s wastewater collection system for processing by COMMISSION under terms of separate agreements.

WHEREAS the parties agreed to allocate such capacity as follows:

CCBE	6,000 gpd
NORCRESS	400,000 gpd
ESD	594,000 gpd

WHEREAS, an 18 inch gravity sewer main was installed in the place of the anticipated 15” gravity sewer main.

WHEREAS PARTIES have agreed that the 18 inch gravity sewer line has a capacity of 1,180,000 gpd in accordance the State of North Carolina established criteria.

NOW THEREFORE, In consideration of the mutual promises contained in this Amendment, PARTIES agree to amend the Agreement as follows:

1. The capacity shall be allocated as follows:

CCBE	6,000 gpd
NORCRESS	580,000 gpd
ESD	594,000 gpd
2. Except as expressly stated and agreed in this First Amendment, all other terms and conditions as set forth in the original Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto through their duly authorized officers have executed this Amendment to the original Contract as to the date and year first above written.

This interlocal agreement was approved by the Cumberland County Board of Commissioners on this ____ day of _____, 2015 and entered into the minutes of that meeting.

COUNTY OF CUMBERLAND

By: _____
Kenneth S. Edge, Chairman

ATTEST:

Candice White, Clerk to the Board

Approved for legal sufficiency:

Rick Moorefield, County Attorney

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Vicki Evans, Finance Director

This interlocal agreement was approved by the Cumberland County Board of Education on this ____ day of _____, 2015 and entered into the minutes of that meeting.

**CUMBERLAND COUNTY BOARD
OF EDUCATION**

By: _____
James McLauchlin, Chairman

ATTEST:

This interlocal agreement was approved by the NORCRESS Water and Sewer District Governing Board on this ____ day of _____, 2015 and entered into the minutes of that meeting.

NORCRESS WATER AND SEWER DISTRICT

By: _____
Kenneth S. Edge, Chairman

ATTEST:

Candice White, Clerk

Approved for legal sufficiency:

Rick Moorefield, Attorney

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Vicki Evans, Finance Officer

This interlocal agreement was approved by the Eastover Sanitary District Governing Board on this ____ day of _____, 2015 and entered into the minutes of that meeting.

EASTOVER SANITARY DISTRICT

By: _____
Morgan Johnson, Chairman

ATTEST:

Lisa Lloyd, Clerk to the Board

Approved for legal sufficiency:

Neil Yarborough, Attorney

This interlocal agreement was approved by the Public Works Commission on this ____ day of _____, 2015 and entered into the minutes of that meeting.

**PUBLIC WORKS COMMISSION OF
THE CITY OF FAYETTEVILLE**

By: _____
Michael G. Lallier, Chairman

ATTEST:

Wade R. Fowler, Jr., Secretary

APPROVED as to form this ____ day of _____, 2015.

Scott Flowers, Public Works Commission Attorney

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

J. Dwight Miller, PWC Chief Financial Officer

This interlocal agreement was approved by the Fayetteville City Council on this _____ day of _____, 2015 and entered into the minutes of that meeting.

CITY OF FAYETTEVILLE

By: _____
Nat Robertson, Mayor

ATTEST:

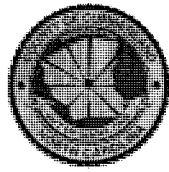
Pamela Megill, City Clerk

Approved for legal sufficiency:

Karen M. McDonald, City Attorney

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

Lisa Smith, Chief Financial Officer



**CUMBERLAND
COUNTY**
NORTH CAROLINA

ENGINEERING & INFRASTRUCTURE DEPARTMENT

Engineering Division · Facilities Management Division · Landscaping & Grounds Division · Public Utilities Division

**MEMO FOR THE AGENDA OF THE MAY 7, 2015
MEETING OF THE FACILITIES COMMITTEE**

TO: FACILITIES COMMITTEE MEMBERS
FROM: JEFFERY BROWN, PE, E & I DIRECTOR
THROUGH: AMY H. CANNON, COUNTY MANAGER
DATE: APRIL 30, 2015
SUBJECT: CONSIDERATION OF APPROVAL OF THE INTERLOCAL AGREEMENT BULLARD CIRCLE WATERLINE EXTENSION

Requested by: AMY HALL, ADMINISTRATIVE PROGRAM OFFICER

Presenter(s): JEFFERY BROWN, PE, E & I DIRECTOR

Estimate of Committee Time Needed: 10 MINUTES

BACKGROUND:

The Public Utilities Division is in the process of extending a PWC waterline to the Bullard Circle area through a special assessment. In moving forward an interlocal agreement between PWC and the County is needed to identify each parties rolls in the this project, to include each entities contribution of 25% of the total project cost and PWC accepting the lines after completion of construction.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director and County Management recommend that the Facilities Committee approve the Interlocal Agreement Bullard Circle Waterline Extension and place it on the agenda of the May 18, 2015 Board of Commissioners meeting.

**STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND**

**INTERLOCAL AGREEMENT
BULLARD CIRCLE WATER EXTENSION**

THIS AGREEMENT made this ____ day of _____, 2015 by and between the County of Cumberland (hereinafter referred to as "COUNTY"), and the City of Fayetteville, a North Carolina municipal corporation, acting by and through its Public Works Commission of the City of Fayetteville, North Carolina (hereinafter referred to as "COMMISSION").

W I T N E S S E T H

THAT WHEREAS, plans are currently being developed for water to serve properties within Bullard Circle area as shown in Exhibit A (hereinafter referred to as the "Project"); and

WHEREAS, the Project has an estimated cost of \$ 525,000 ("Project Cost") that includes the construction of approximately 5,900 linear feet of water main as shown in Exhibit B; and the cost of construction of these mains is estimated to be \$ 440,000 ("Main Cost"); this cost includes the cost of engineering and

WHEREAS, COUNTY and COMMISSION, recognizing the advantages to each for participating in the Project, agree to contribute in the cost of such Project as set forth herein. COMMISSION shall contribute 25% of the total Main Cost, including engineering not to exceed \$ 110,000 and COUNTY shall contribute the remaining costs through assessment, grant or other funding means.

NOW, THEREFORE, in consideration of the mutual benefits each of the parties shall derive from construction and extension of the Project, they mutually agree as follows:

1. Except as otherwise provided herein, upon execution of this Agreement, each of the parties agree to participate in the cost of the Project in the respective amounts set forth above. Payment by COMMISSION to COUNTY shall be based on the final project costs and will be made within 30 days of receipt of an invoice from the COUNTY following project completion and COUNTY's acceptance of final costs.
2. COUNTY will be the Primary agency providing contract administration for engineering services as well as construction, inspection, and other aspects of the Project.
3. COUNTY has contracted or shall contract with a qualified professional engineer for services the engineer may deem necessary for design and construction of the Project to include preparation and submission of erosion control plans as required by the State of North Carolina. All Contractors will operate as Independent Contractors.

4. COUNTY agrees to require all Contractors to maintain adequate Insurance Coverage for their respective services provided. COMMISSION and the City of Fayetteville (the "CITY") will be named as an additional insured on the Contractors General Liability Policy, which shall include Completed Operations coverage.
5. COUNTY agrees to require all Contractors to indemnify and hold harmless the CITY, COMMISSION, and its officers, agents and employees from any claim, action, suit, liability, loss, cost, fine, or any other damage arising out of the negligent acts of Contractor. COUNTY further agrees to indemnify and hold harmless the CITY, COMMISSION, and its officers, agents and employees from any claim, action, suit, liability, loss, cost, fine, or any other damage arising out of the negligent acts of COUNTY.
6. COUNTY and its contractor shall be responsible for complying with all statutes, rules, regulations, and/or ordinances, which may be imposed by other governmental agencies (local, state, and federal) having jurisdiction over the Project.
7. COMMISSION shall acquire all deeds or easements of conveyance for rights-of-way and encroachments necessary for said extension. If such easements are required from those participating in this Agreement, they shall be conveyed at no expense to COMMISSION. The right-of-way costs for this Project shall be a credit against COMMISSION's contribution to the Main Cost.
8. Upon satisfactory completion of construction of said Project and written acceptance of such construction by COMMISSION, said utility mains with such pipes, drains, connections, manholes, and other attachments, equipment, and accessories necessary or desirable in connection therewith shall be the property solely of COMMISSION and COMMISSION will operate and maintain them.
9. The COMMISSION is only responsible for repairs directly related to the Operation and Maintenance of the said Water Main, the associated laterals and meters. Commission will not be responsible for the general maintenance of the street Right of Way, including erosion related damages, pot holes, cracks, etc.
10. In concurrence with the transfer of property from COUNTY to COMMISSION, all standing warranty provisions will be assigned to COMMISSION accordingly.
11. Connections of structures shall not be made until COMMISSION determines all work has been satisfactorily completed and accepts it in writing.

12. Utility services supplied to structures now or hereinafter located along the Project shall be in accordance with COMMISSION rules, regulations, and rate schedules applicable for such structures and in effect at the time of application for service and provided all customary COMMISSION fees and charges for installation and activation of such service have been paid by the applicant[s] for said services. All original operating fees, charges, rates, etc. shall be solely at COMMISSION's discretion in accordance with its established policies which shall be subject to change by COMMISSION. The County will pay the then appropriate FIF for any new customer located along the Project using their FIF credits.
13. Nothing in this Agreement shall be construed to create a partnership or joint venture between COUNTY and COMMISSION. The parties intend that each party shall perform its duties and obligations hereunder as an independent contractor.
14. Binding Effect: This contract shall be binding upon and inure to the benefit of the parties hereto, and their respective heirs, successors, and assigns.
15. Entire Agreement: This contract contains the entire agreement of the parties and there are no representations, inducements, or other provisions other than those expressed herein in writing.
16. Governing Law: This contract shall be governed by the internal laws of the State of North Carolina without regard to the conflict of law's provisions thereof.
17. Notices: Any notice required or permitted hereunder shall be sufficient if hand-delivered or sent certified mail—return receipt requested to:

COUNTY:
County of Cumberland
P.O. Box 1829
Fayetteville, NC 28302
Attention: Amy H. Cannon
County Manager

COMMISSION:
Public Works Commission
P.O. Box 1089
Fayetteville, NC 28302
Attention: Steven K. Blanchard
CEO/General Manager

IN WITNESS WHEREOF, COUNTY and COMMISSION have executed this Agreement as of the date first above written.

COUNTY OF CUMBERLAND

By: _____
Kenneth Edge, Chairman

ATTEST:

Candice White, Clerk to the Board

Approved for legal sufficiency:

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Rick L. Moorefield
County Attorney

Melissa Cardinali
Assistant County Manager for Finance

**PUBLIC WORKS COMMISSION
OF THE CITY OF FAYETTEVILLE**

By: _____
Michael G. Lallier, Chairman

ATTEST:

Wade R. Fowler Jr., Secretary

Approved as to form this _____ day of _____, 2014. This instrument has been pre-audited in the manner Required by the Local Government Budget and Fiscal Control Act

Scott Flowers
Public Works Commission Attorney

J. Dwight Miller
PWC Chief Financial Officer

CITY OF FAYETTEVILLE

By: _____
Nat Robertson, Mayor

ATTEST:

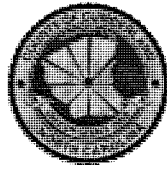
Pamela J. Megill, CMC, City Clerk

Approved for legal sufficiency:

This instrument has been pre-audited in the manner Required by the Local Government Budget and Fiscal Control Act.

Karen M. McDonald
City of Fayetteville Attorney

Lisa Smith
City of Fayetteville Chief Financial Officer



**CUMBERLAND
COUNTY**
NORTH CAROLINA

ENGINEERING & INFRASTRUCTURE DEPARTMENT

Engineering Division · Facilities Management Division · Landscaping & Grounds Division · Public Utilities Division

**MEMO FOR THE AGENDA OF THE MAY 7, 2015
MEETING OF THE FACILITIES COMMITTEE**

TO: FACILITIES COMMITTEE MEMBERS
FROM: JEFFERY BROWN, PE, E & I DIRECTOR
THROUGH: AMY H. CANNON, COUNTY MANAGER
DATE: APRIL 30, 2015
SUBJECT: ACCEPTANCE OF THE BIDS FOR THE CONSTRUCTION OF
THE BULLARD CIRCLE WATERLINE EXTENSION

Requested by: AMY HALL, ADMINISTRATIVE PROGRAM OFFICER

Presenter(s): JEFFERY BROWN, PE, E & I DIRECTOR

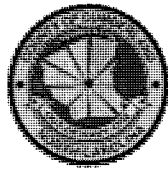
Estimate of Committee Time Needed: 10 MINUTES

BACKGROUND:

The Public Utilities Division will receive bids on May 8, 2015 for the contractor that will install the waterlines in the Bullard Circle area project. To expedite the process to get potable water to the area, we wanted to get this item on the May's meeting agenda for approval. The lowest bid will be known in time for this meeting and will be submitted to you at the meeting.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director and County Management recommend that the Facilities Committee accepts the bids for the construction of the Bullard Circle waterline extension, award a contract to the lowest, responsive bidder, establish a contingency amount based off the price to be used for additional work recommended by the E&I Director and approved by the County Manager and place it on the agenda of the May 18, 2015 Board of Commissioners meeting.



**CUMBERLAND
COUNTY**
NORTH CAROLINA

ENGINEERING & INFRASTRUCTURE DEPARTMENT

Engineering Division · Facilities Management Division · Landscaping & Grounds Division · Public Utilities Division

**MEMO FOR THE AGENDA OF THE MAY 7, 2015
MEETING OF THE FACILITIES COMMITTEE**

TO: FACILITIES COMMITTEE MEMBERS
FROM: JEFFERY BROWN, PE, E & I DIRECTOR
THROUGH: AMY H. CANNON, COUNTY MANAGER
DATE: APRIL 30, 2015
SUBJECT: CONSIDERATION OF APPROVAL OF THE RATE
STRUCTURE FOR THE KELLY HILLS/SLOCOMB ROAD
WATER AND SEWER DISTRICT
Requested by: AMY HALL, ADMINISTRATIVE PROGRAM OFFICER
Presenter(s): JEFFERY BROWN, PE, E & I DIRECTOR
Estimate of Committee Time Needed: 10 MINUTES

BACKGROUND:

The Public Utilities Division is in the process of taking over the billing from PWC for the Kelly Hills/Slocomb Road customers per the revised interlocal agreement dated September 24, 2014. The interlocal agreement will have the County paying \$4.1267 per 1,000 gallons for sewer treatment and basic operation and maintenance costs. The current rate structure for the District is set-up as the “prevailing flat rate charged by the sewer service provider”, which is \$52.74 per month, sewer service provider billing services charge of \$2.00 and Kelly Capital Reserve Fund fee of \$2.10 for a total monthly charge of \$56.84.

To keep all of the County water and sewer districts uniform, the attached rate structure is proposed for the Kelly Hills/Slocomb Road Water and Sewer District. The total charge for sewer users would be \$51.74 per month, the breakdown would be as follows; \$39.74 for sewer usage, \$10.00 for availability and \$2.00 for administration fee.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director and County Management recommend that the Facilities Committee approve the rate structure for the Kelly Hills/Slocomb Road Water and Sewer District to go into effect once the Public Utilities Division begins billing the customers and place it on the agendas of the May 18, 2015 Board of Commissioners and Kelly Hills/Slocomb Road Water and Sewer District meetings.

Kelly Hills/Slocomb Road Sanitary Sewer Rate Schedule

MONTHLY RATE

The monthly rate shall be the sum of the Availability Fee and the Administration Fee.

AVAILABILITY FEE

Availability Fee – Non-connected customers (As referenced in the Cumberland County Water & Sewer Ordinance)	\$10.00
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ADMINISTRATION FEE

Administration Fee	\$2.00
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FLAT RATE SANITARY SEWER SERVICE

The monthly flat rate shall be the sum of the Flat Monthly Charge, Availability Fee and the Administration Fee.

Flat Monthly Charge	\$39.74
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OTHER FEES

Deposit	\$100.00
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Late Penalty	\$10.00
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Reconnect Fee- Business hours (Administrative charge to re-establish service after discontinuance for non-payment)	\$25.00
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After-Hours Reconnect Fee (Available until 9:00 pm)	\$75.00
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*Returned Check Fee (Amount of check plus return fee - CASH, MONEY ORDER OR CERTIFIED CHECK ONLY)	\$25.00
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Court Costs	Actual
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CONNECTION FEES AND CHARGES

1. Facility Investment Fee:

The Facility Investment Fee will be based on the customer's water meter size and will provide Kelly Hills/Slocomb Road Water and Sewer District with funds for long-term system replacement and upgrade.

<u>Size of Water Meter</u>	<u>Facility Investment Fee</u>
5/8"	\$720.00
1"	\$1,800.00
1-1/2"	\$3,600.00
2"	\$5,760.00

Facility Investment Fees for water meter sizes 3" or larger shall be determined by an engineering estimate.

Kelly Hills/Slocomb Road Sanitary Sewer Rate Schedule

2. Sewer Laterals:

An estimate shall be given to the applicant prior to installation and shall be paid by the applicant prior to any installation of laterals to be connected to the sewer system. All charges include labor, equipment and materials required for the installation of the specified pipe size or sizes.

3. Main Extension Charges:

An estimate shall be given to the applicant prior to installation and shall be paid by the applicant prior to extending the main in the sewer district. All charges include labor, equipment and materials required for the installation of the specified pipe size or sizes.



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

ENGINEERING & INFRASTRUCTURE DEPARTMENT

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**MEMO FOR THE AGENDA OF THE MAY 7, 2015
MEETING OF THE FACILITIES COMMITTEE**

TO: FACILITIES COMMITTEE MEMBERS
FROM: JEFFERY BROWN, PE, E & I DIRECTOR
THROUGH: AMY H. CANNON, COUNTY MANAGER
DATE: APRIL 30, 2015
**SUBJECT: PRESENTATION ON THE RESULTS OF THE
ROOF/BUILDING ENVELOPE ASSESSMENTS
COMPLETED ON COUNTY FACILITIES**

Requested by: AMY H. CANNON, COUNTY MANAGER

Presenter(s): JEFFERY BROWN, PE, E & I DIRECTOR

Estimate of Committee Time Needed: 10 MINUTES

BACKGROUND:

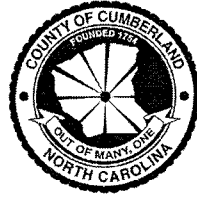
At the Board of Commissioners meeting on October 20, 2014, the Board approved the award of a professional services contract to Fleming & Associates, PA for the completion of a roof and building envelope (exterior) assessment of all County-owned facilities. The purpose of this assessment was to identify any deficiencies with the roofs and building envelopes of County facilities and the associated costs to correct the identified deficiencies.

At this time, the County has not received the final report from Fleming & Associates, but the County has received the costs to repair the deficiencies identified from the assessments conducted by the consultant. This information will be presented to the Facilities Committee during its meeting.

RECOMMENDATION/PROPOSED ACTION:

The Facilities Committee is not being asked to take action at this time. The purpose of this item was to provide the Committee an update on the project.

RICKEY L. MOOREFIELD
County Attorney



ITEM NO. 6

PHYLLIS P. JONES
Assistant County Attorney

ROBERT A. HASTY, JR.
Assistant County Attorney

OFFICE OF THE COUNTY ATTORNEY

5th Floor, New Courthouse • P.O. Box 1829 • Suite 551 • Fayetteville, North Carolina 28302-1829
(910) 678-7762

**MEMO FOR THE AGENDA OF THE MAY 7, 2015,
MEETING OF THE FACILITIES COMMITTEE**

TO: Board of Commissioners; Co. Manager; Jeffrey Brown; Brenda Jackson;
Doug Noble (for the Lamar Companies)
FROM: Co. Atty. *R. Moorefield*
DATE: April 29, 2015
SUBJECT: Update on Offer of Lamar Companies to Lease or Purchase Sites of
Existing Billboards

Requested by Facilities Committee
Estimate of Time Needed: 5 minutes
Attachments: None

BACKGROUND:

On April 2, 2015, the Facilities Committee heard a request from the county attorney to bring the existing purported leases of the billboard sites fronting the MLK Freeway and Ramsey Street on the DSS property into compliance with the statutory requirements. As an update, Lamar has offered to purchase the Ramsey Street site separated from the DSS parking lot by the railroad tracts for \$65,000. It will be necessary to obtain subdivision approval from the City of Fayetteville for the county to sell this site. Lamar is pursuing subdivision approval. Lamar wishes to continue to lease the MLK Freeway site with a rent increase to \$3,000 annually for a nine year lease term. The county attorney is recommending that the transaction be structured as a license to use the property rather than as a lease with a termination clause by which either party can terminate the license upon six months' notice and with the license fee to be renegotiated every three years.

Once these issues are worked out, these matters can be considered by the full Board.

RECOMMENDATION/PROPOSED ACTION:

The county attorney recommends that the Facilities Committee recommend these transactions to the full Board at such time as the subdivision is approved and the license agreement is drafted.