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**CUMBERLAND**  
★ **COUNTY** ★  
NORTH CAROLINA

**BOARD OF COMMISSIONERS**

CANDICE WHITE  
Clerk to the Board

KELLIE BEAM  
Deputy Clerk

**MEMORANDUM**

TO: Facilities Committee Members (Chairman Adams, Edge, Evans and Keefe)  
FROM: Kellie Beam, Deputy Clerk to the Board *KB*  
DATE: September 30, 2016  
SUBJECT: Facilities Committee Meeting – October 6, 2016

**There will be a regular meeting of the Facilities Committee on Thursday, October 6, 2016 at 8:30 AM in Room 564 of the Cumberland County Courthouse.**

**AGENDA**

1. Approval of Minutes – September 1, 2016 Facilities Committee Regular Meeting **(Pg. 2)**
2. National Flood Insurance Program "NFIP" Community Rating System "CRS" Annual Recertification Progress Report **(Pg. 8)**
3. Consideration of Approval of Revised Lease Terms for the First Presbyterian Church of Fayetteville Parking Lot Lease **(Pg. 12)**
4. Consideration of Approval of Contract to Construct a New Haul Road for the Subtitle D Landfill **(Pg. 14)**
5. Other Items of Business **(NO MATERIALS)**

cc: Cumberland County Board of Commissioners  
Cumberland County Management  
Cumberland County Legal Department  
Sunshine List

# DRAFT

ITEM NO. 1

CUMBERLAND COUNTY FACILITIES COMMITTEE  
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564  
SEPTEMBER 1, 2016 - 8:30 A.M.  
MINUTES

MEMBERS PRESENT: Commissioner Glenn Adams  
Commissioner Jimmy Keefe  
Commissioner Kenneth Edge

MEMBERS ABSENT: Commissioner Charles Evans

COMMISSIONERS PRESENT:  
Commissioner Larry Lancaster

OTHERS PRESENT: Amy Cannon, County Manager  
James Lawson, Deputy County Manager  
Tracy Jackson, Assistant County Manager  
Melissa Cardinali, Assistant County Manager  
Sally Shutt, Governmental Affairs Officer  
Rick Moorefield, County Attorney  
Jeffery Brown, Engineering & Infrastructure Director  
Deborah Shaw, Budget Analyst  
Kim Cribb, Budget Analyst  
Carol Short, First Presbyterian Church  
Harry Shaw, First Presbyterian Church  
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 – AUGUST 4, 2016 FACILITIES COMMITTEE MEETING

MOTION: Commissioner Edge moved to approve the minutes as presented.  
SECOND: Commissioner Keefe  
VOTE: UNANIMOUS (3-0)

2. DISCUSSION REGARDING STATUS OF WINDING CREEK CHILLER

BACKGROUND:

The Facilities Management Division of Engineering & Infrastructure has identified significant issues with the 90 ton chiller that serves the Winding Creek Facility at 711 Executive Place. This chiller contains two separate circuits with each circuit containing

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two compressors. One of the compressors on one circuit has failed and the other circuit has a compressor that is in the process of failing. Maintenance staff has done everything possible over the last few weeks to prevent a sudden failure of the remaining compressor. This facility is equipped with a secondary 25 ton chiller however it does not have the capacity to cool the entire building. This entire facility is leased to tenants and by contract the County is responsible for adequate maintenance and operation of the HVAC system.

Engineering and Infrastructure staff is in the process of evaluating repair and/or replacement options at the current time, and the goal is to present these options along with a recommendation to the Facilities Committee at its September 1, 2016 meeting, but staff may not have the information it needs from HVAC engineers by September 1, 2016. It is important to make the Facilities Committee aware of the situation in case there is a need to bring a recommendation directly to one of the regularly scheduled Board of Commissioners' meetings in September as this is a critical facility issue.

## RECOMMENDATION/PROPOSED ACTION

It is uncertain at the current time if the Facilities Committee will be asked to take any formal action on this item; however, it is imperative to make the committee aware of the situation and possible solutions that are being evaluated.

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Jeffery Brown, Engineering and Infrastructure Director, reviewed the background information and recommendation as recorded above.

Mr. Brown stated the Alliance Behavioral Healthcare leases the first and second floor of the Winding Creek facility and Cape Fear Valley leases the third and fourth floor and the chiller has been having issues for several years. Mr. Brown further stated since 2014 the County has spent approximately \$40,000 on repairs to the chiller.

Mr. Brown stated there are currently two chillers at the Winding Creek facility, a large chiller and a smaller chiller. Mr. Brown stated he suggests replacing both chillers with an even larger energy-efficient chiller which would give some additional capacity to renovate the fifth floor of the Winding Creek facility if needed in the future. Mr. Brown stated he recommends the Facilities Committee approve the purchase of a chiller and installation from Brady through Trane which has a US Communities contract for HVAC equipment and installation for \$171,000 and place this item on the September 6, 2016 Board of Commissioners agenda.

Commissioner Keefe asked about the lifespan of a commercial chiller. Mr. Brown responded the lifespan of a commercial chiller should be about 20-30 years depending on the use, environment and maintenance of the chiller. Commissioner Keefe asked if the funds for the replacement chiller would come out of the general fund or building fund. Mr. Brown stated the replacement of the Winding Creek facility chiller is critical and he plans to use building funds from projects that the County saved money on last fiscal year

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and could possibly put off less critical projects budgeted this fiscal year. Commissioner Adams stated he applauds staff for the capital budget being put in place so issues can be taken care of without having to use the fund balance.

MOTION: Commissioner Keefe moved to recommend to the full board approval of the capital purchase of a new chiller for the Winding Creek facility from the building fund and to add this item to the September 6, 2016 BOC agenda.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (3-0)

### 3. CONSIDERATION OF APPROVAL OF PARKING LOT LEASE AGREEMENT RENEWAL WITH THE FIRST PRESBYTERIAN CHURCH OF FAYETTEVILLE

#### BACKGROUND

Cumberland County presently leases parking lot space from the First Presbyterian Church of Fayetteville with an entrance off Person Street. Use of this particular parking lot has been monitored over time, and it appears the lot is used most heavily Monday through Friday between 9 a.m. and 12 p.m., but usage drops dramatically after noon with the parking lot hardly being used in the afternoons.

The terms of the current lease are as follows:

- The lot is available for public use between the hours of 7:00 a.m. and 7:00 p.m. Monday – Friday.
- The lease does not have a specific end date and auto-renews November 1<sup>st</sup> of each year.
- The lease was initiated at an annual rate of \$20,400 with a 3% increase in the rate each successive year. The lease amount for FY16 was \$23,424.16.

Staff has provided a notice of intent to the First Presbyterian Church as per the termination provisions of the lease agreement.

#### RECOMMENDATION/PROPOSED ACTION

This information is presented for the purpose of discussion in order to revisit the need for this lease under the current terms. Notice was given to the lessee as required in the event the Committee wishes to take further action.

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**STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND**

**PARKING LOT LEASE**

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This Lease Agreement made and entered into this 10th day of March 2011, by and between First Presbyterian Church of Fayetteville, North Carolina, Inc., and Cumberland County, a body politic and corporate of the State of North Carolina;

## WITNESSETH:

WHEREAS, the County of Cumberland, hereinafter referred to as "COUNTY", wishes to obtain additional overflow parking space to accommodate persons conducting business in the Courthouse; and

WHEREAS, the First Presbyterian Church of Fayetteville, North Carolina, Inc., Bow and Ann Streets, Fayetteville, North Carolina 28302, hereinafter referred to as "CHURCH", has parking spaces in excess of its immediate need which it desires to lease to the COUNTY.

NOW THEREFORE, the COUNTY and the CHURCH, in consideration of the mutual benefits to be derived hereunder, agree as follows:

1. The CHURCH leases to the COUNTY, and the COUNTY leases from the CHURCH, the areas identified as "A" and "B" on the plat [the "space"]. The COUNTY shall use the space for parking by COUNTY employees and the public using the COUNTY Courthouse during the weekdays (Monday through Friday) from 7 a.m. until 7 p.m. The CHURCH reserves the right to use the space at all other times.
2. This lease shall continue for successive one year terms commencing on November 1, 2010, until terminated by either party giving notice to the other party of its desire to terminate sixty (60) days in advance of the termination.
3. Ingress and egress to the space shall be strictly limited to the Person Street entrance.
4. The COUNTY will pay the CHURCH for the initial term an annual rental of Twenty Thousand, Four Hundred Dollars (\$20,400), payable in advance equal monthly installments on the first of each month commencing on November 1, 2010. The annual rent shall increase 3% for each successive renewal term on November 1.

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5. The COUNTY will use signs to indicate the location of the leased premises and will be responsible for traffic control, mowing, landscaping, and cleaning and maintenance, including re-striping of parking spaces and re-asphalting when necessary. The CHURCH will maintain the existing outdoor lighting and pay the utilities expense for the existing lighting.
6. The COUNTY agrees to indemnify and hold harmless the CHURCH from and against all losses, claims, or damages of any kind whatsoever out of the use by the COUNTY, its employees, or licensees.
7. In addition to the annual rent, the COUNTY shall pay any county property taxes or county fees assessed or charged against the space by the COUNTY.

IN AGREEMENT hereto, the parties intending to be bound hereby have authorized the affixing of their signatures and seals by their duly authorized officers on their behalf and as their respective acts.

\*\*\*\*\*

Tracy Jackson, Assistant County Manager, reviewed the background information and recommendation as recorded above. Commissioner Adams stated he feels there are plenty of parking options around the courthouse and he does not feel the County needs to pay to allow additional parking for the courthouse.

Harry Shaw, First Presbyterian Church, stated the lease between the County and First Presbyterian Church goes back many years and he noticed the parking lot is still being used. Mr. Shaw further stated he would be willing to renegotiate the lease agreement with the County to keep the parking lot available for public use. Mr. Shaw further stated he feels the parking lot will be used more as Person Street continues to grow.

Commissioner Keefe asked how many parking spots are available in the parking lot and what the tax value is on the property. Mr. Jackson stated he did not have the requested information but he would look into it and bring it back to the Facilities Committee. Commissioner Keefe stated he feels the lease agreement should stay in place until the end of this fiscal year and then look in to possibly negotiating the lease terms so everyone involved has ample time to prepare. Commissioner Edge agreed with Commissioner Keefe and stated this would give staff time to find out how many parking spots are available and the tax value of the parking lot.

Commissioner Keefe stated he would like to suggest adding an addendum to the lease agreement now to extend the lease until June 30, 2017 and during that time discuss

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renegotiating the lease terms with the church. Mr. Moorefield suggested the County could continue the lease with First Presbyterian Church until June 30, 2017 without the 3% escalation in the current lease agreement.

Commissioner Adams stated the consensus of the Facilities Committee was for the County to continue the current lease agreement until June 30, 2017, without the 3% escalation and directed staff to negotiate the lease agreement with First Presbyterian Church and research the tax value amount and the number of parking spots available and bring this item back to the Facilities Committee once negotiations have been made with the church.

#### 4. OTHER ITEMS OF BUSINESS

Commissioner Keefe stated he feels there needs to be clarification on the process and protocol for unauthorized repairs; maintenance and renovations in the courthouse or County buildings and departments need to be informed.

Ms. Cannon stated Mr. Jackson has been working with County Engineer Jeffery Brown to put a process in place. Mr. Jackson stated the protocol for making repairs, maintenance and renovations in County buildings has been distributed to staff. Mr. Jackson explained if staff wants to make a change in use, perform demolition work and/or renovations it has to come through the Facilities Committee first and the department will have to make the presentation to the Facilities Committee. Mr. Jackson further stated Engineering and Infrastructure staff will be available to provide consulting and answer questions regarding renovations before the presentation is done at the Facilities Committee.

There were no other items of business.

MEETING ADJOURNED AT 8:56 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**  
**OCTOBER 6, 2016 MEETING OF THE FACILITIES COMMITTEE**

**TO:** FACILITIES COMMITTEE MEMBERS

**FROM:** JEFFERY P. BROWN, PE, E & I DIRECTOR

**THROUGH:** TRACY JACKSON, ASSISTANT COUNTY MANAGER 

**DATE:** SEPTEMBER 29, 2016

**SUBJECT:** NATIONAL FLOOD INSURANCE PROGRAM (NFIP)  
COMMUNITY RATING SYSTEM (CRS) ANNUAL  
RECERTIFICATION PROGRESS REPORT

**Requested by:** JEFFERY P. BROWN, PE, E & I DIRECTOR

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

**Estimate of Committee Time Needed:** 10 MINUTES

**BACKGROUND:**

Cumberland County participates within the National Flood Insurance Program's (NFIP) Community Rating System (CRS). The CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. The County's participation allows those that are required to have flood insurance to receive discounted insurance premium rates. Cumberland County currently has a class rating of 8 which allows property owners to receive a 10% discount off of their insurance premiums for policies within the Special Flood Hazard Area (SFHA).

As part of the County's annual recertification process, our Department is required to provide an update on each action item related to floodplain management outlined within the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan. Another requirement is that this progress report be presented to the governing board. The progress report is being provided as an attachment to this memo.

Our Department received notification on October 8<sup>th</sup> that the County's recertification packet had been reviewed and the County was found to be in good standing in the CRS Program for the next year.

**RECOMMENDATION/PROPOSED ACTION:**

The Facilities Committee is not being asked to take action. This purpose of this item is to provide the Committee the progress report as required by NFIP for the County's annual recertification for the Community Rating System.



CRS Activity 510

Progress Report

Date this Report was Prepared: September 14, 2016

Name of Community: Cumberland County

Name of Plan: Cumberland – Hoke Regional Hazard Mitigation Plan

Date of Adoption of Plan: June 6, 2016

5 Year CRS Expiration Date: June 6, 2021

1. How can a copy of the original plan or area analysis report be obtained: The County has adopted the plan and in the process of being published. Once published it will be available on the County's website at the following link.  
[www.co.cumberland.nc.us/planning.aspx](http://www.co.cumberland.nc.us/planning.aspx)  
Once you are on the website, click the tab "Other New Business" and it will take you directly to the link to download the complete report.
2. Describe how this evaluation report was prepared and how it was submitted to the governing body, released to the media, and made available to the public:  
Cumberland County partnered with Hoke County and was awarded a grant from the State to update their Hazard Mitigation Plan into one combined plan. The report was published on the County's website and at various locations around the County. Public hearings were held and each jurisdiction's governing body adopted the plan upon completion.
3. Provide a review of each recommendation or action item in the action plan or area analysis report, including a statement on how much was accomplished during the previous year:

*Note: The six jurisdictions that the County provides implementation of their Floodplain Development Ordinance (Eastover, Godwin, Falcon, Wade, Linden & Stedman) do not have any additional action items related to SFHA that are not listed below.*

**The following action items are for Cumberland County and all jurisdictions.**

*Action #1: Maintain an all hazards public education program to educate and prepare residents for all of the hazards that impact Cumberland County.*

- This is a new action item in the recently adopted Hazard Mitigation Plan and there has been no action taken since adoption.

*Action #3: Conduct a countywide infrastructure vulnerability assessment to identify priority needs for updating ill-designed or outdated critical structures.*

- This is a new action item in the recently adopted Hazard Mitigation Plan and there has been no action taken since adoption.

*Action #5: Collaborate with NC Cooperative Extension and NC Agriculture and Forestry Adaptation Working Group to provide more local support and encouragement of forest conversation and farmland preservation measures.*

- This is a new action item in the recently adopted Hazard Mitigation Plan and there has been no action taken since adoption.

*Action #8: Analyze and update local development ordinances to make buildings safer from wind and flooding, more energy and water efficient, more tolerant of heatwaves and healthier to live in. Also, provide incentives for making buildings safer from wind, flooding, more energy and water efficient and healthier to live in.*

- This is a new action item in the recently adopted Hazard Mitigation Plan and there has been no action taken since adoption.

*Action #9: Use natural systems, more open space and green surfaces to manage stormwater in a more resilient fashion.*

- This is a new action item in the recently adopted Hazard Mitigation Plan and there has been no action taken since adoption.

**The following action items are for Cumberland County unincorporated areas.**

*Action #1: Restrict residential and non-compatible uses within the Special Flood Hazard Area.*

- The County restricts the zoning of the special flood hazard area to Conservancy District (CD) which restricts residential and non-compatible uses.

*Action #3: Develop a tree ordinance to address clear cutting.*

- The County currently has a small stream standard where vegetation is required to remain undisturbed. The Planning Department will evaluate how best to implement a comprehensive tree ordinance.

*Action #4: Develop a greenway program as a means to protect natural areas along the rivers, streams, creeks and drain ways.*

- The County currently has a small stream standard where vegetation is required to remain undisturbed.

*Action #5: Revise the Subdivision Ordinance requiring and additional access for emergency vehicles and to be used as an evacuation route for developments located near special flood hazard area.*

- This provision has not been included as part of the Subdivision Ordinance at the current time. Funding of such requirements is the reason in which this provision has not been included within the ordinance.

4. Discuss why any objectives were not reached or why implementation is behind schedule:

The reason in which any objective was not achieved has been listed above underneath the action item.

5. What are the recommendations for new projects or revised recommendations?

Our focus over the next year will be to begin implementation of the new action items that have been identified in the recently adopted plan.

AMY H. CANNON  
County Manager

JAMES E. LAWSON  
Deputy County Manager



MELISSA C. CARDINALI  
Assistant County Manager


W. TRACY JACKSON  
Assistant County Manager



**OFFICE OF THE COUNTY MANAGER**

**MEMO FOR THE AGENDA OF THE OCTOBER 6, 2016  
MEETING OF THE FACILITIES COMMITTEE**

**TO:** FACILITIES COMMITTEE MEMBERS

**FROM:** W. TRACY JACKSON, ASST. COUNTY MANAGER 

**THROUGH:** AMY H. CANNON, COUNTY MANAGER

**DATE:** SEPTEMBER 23, 2016

**SUBJECT:** CONSIDERATION OF REVISED TERMS FOR THE FIRST PRESBYTERIAN CHURCH OF FAYETTEVILLE PARKING LOT LEASE

**Requested By:** W. Tracy Jackson, Asst. County Manager

**Presenter(s):** W. Tracy Jackson, Asst. County Manager

**Estimate of Committee Time Needed:** 10 Minutes

**BACKGROUND**

Since the last Facilities Committee Meeting, staff has met with representatives from the First Presbyterian Church of Fayetteville and arrived at mutually agreeable terms based upon the direction of the Facilities Committee. Attached to this memo is a comparison of the current and recently negotiated terms for the church parking lot being leased by the County. Staff has also included information requested by the Facilities Committee regarding tax value and number of parking spaces.

**RECOMMENDATION/PROPOSED ACTION:**

This information is presented at the request of the Facilities Committee in order to develop a revised lease agreement. Agreement upon the revised lease terms is necessary before proceeding further.

**FIRST PRESBYTERIAN CHURCH OF FAYETTEVILLE**  
**PARKING LOT LEASE AGREEMENT WITH CUMBERLAND COUNTY**  
**FISCAL YEAR 2017**

GENERAL INFORMATION

- Tax value of parking lot: \$180,081 (\$151,621 for the land, \$28,460 for the asphalt)
- Tax exempt since it belongs to the church, but storm-water fees still must be paid (just for information - taxes would be \$2,412; storm water fees are \$945)
- There appears to be 111 parking spaces in the Person Street Lot of the First Presbyterian Church

CURRENT TERMS

Item:	Description:
Days/Hours of Use	Mon-Fri, 7 a.m. to 7 p.m.
Term	Successive one year terms without a sunset
Escape Clause	Can be terminated by either party 60 days in advance of the termination
Rent	\$20,400, payable in equal monthly installments, commencing 11/1/2010; rent increases each successive year by 3%; County to pay County property taxes or County fees assessed or charged against the space by the County (FY16 annual rent was \$23,424.16)
Maintenance	Responsible for signage, traffic control, mowing, landscaping, cleaning, including re-striping and re-asphalting when necessary

NEGOTIATED TERMS

Item:	Description:
Days/Hours of Use	No change
Term	Change renewal date to an end date of <b>June 30, 2017</b>
Escape Clause	No change
Rent	Pay FY16 rate with no escalator via monthly installment through June 30, 2017; <b>remove payment of fees, but County to be responsible for taxes if church loses its tax-exempt status</b>
Maintenance	Change to responsible for signage, traffic control, mowing, landscaping, and cleaning. <b>Remove responsibility for re-striping and re-asphalting, but add responsible for pothole maintenance</b>





**CUMBERLAND  
COUNTY**  
NORTH CAROLINA

**SOLID WASTE MANAGEMENT**

**MEMO FOR THE AGENDA OF THE  
OCTOBER 6, 2016 MEETING OF THE FACILITIES COMMITTEE**

**TO:** FACILITIES COMMITTEE MEMBERS

**FROM:** JEFFERY P. BROWN, PE, E & I DIRECTOR

**DATE:** SEPTEMBER 29, 2016

**SUBJECT:** CONSIDERATION OF APPROVAL OF CONTRACT TO  
CONSTRUCT A NEW HAUL ROAD FOR THE SUBTITLE D  
LANDFILL

**Requested by:** JEFFERY P. BROWN, PE, E & I DIRECTOR

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

**Estimate of Committee Time Needed:** 10 MINUTES

**BACKGROUND:**

A new haul road needs to be constructed for the Subtitle D Landfill at the Ann Street Complex. The existing haul road needs to be taken out of service and the road removed in order to utilize this area for waste placement and compaction. The existing haul road was constructed as temporary road with the understanding that it would have to be relocated. It is critical that the Department move forward with this project now as the available air space will be needed for waste placement.

Informal bids are scheduled to be received on September 30<sup>th</sup> at 1:30 PM for the construction of the new haul road. The received bids will be presented to the Facilities Committee on October 6<sup>th</sup> along with the certified bid tab provided by the project engineer with a recommendation to award a contract to the lowest responsible bidder. The Committee will also be asked to establish a contingency amount for the project. Since bids will not be available prior to the distribution of the committee agenda, the budget revision will be presented at the October 17, 2016 Board of Commissioner's meeting.

**RECOMMENDATION/PROPOSED ACTION:**

The Interim Solid Waste Director along with County Management recommend that the Facilities Committee approve the following recommendations and forward them to the Board of Commissioners for its consideration at their October 17<sup>th</sup> meeting.

1. Award a contract to the lowest responsible and responsive bidder.
2. Establish a contingency amount to be used for additional work recommended by the Interim Solid Waste Director and approved by the County Manager.
3. The associated budget revision will be presented for approval at the October 17, 2016 Board of Commissioners' meeting.