

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, MAY 7, 2018 – 9:00 AM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING MINUTES

PRESENT: Commissioner Larry Lancaster, Chairman
Commissioner Jeannette Council, Vice Chair
Commissioner Glenn Adams
Commissioner Michael Boose
Commissioner Charles Evans
Commissioner Marshall Faircloth
Commissioner Jimmy Keefe
Amy Cannon, County Manager
Tracy Jackson, Assistant County Manager
Sally Shutt, Assistant County Manager
Duane Holder, Assistant County Manager/Interim Health Director
Rick Moorefield, County Attorney
Vicki Evans, Finance Director
Deborah Shaw, Budget Analyst
Heather Harris, Budget Analyst
Brenda Jackson, Social Services Director
Jeffrey Brown, Engineering and Infrastructure Director
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk
Press

Chairman Lancaster called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Dr. Tony Haire provided the invocation followed by the Pledge of Allegiance to the American flag led by Peyton Musser.

Recognition of the Public Information Office for Receiving Four North Carolina City & County Communicators Excellence in Communications Awards

Chairman Lancaster provided the recognition stating the Cumberland County Public Information Office won four second-place Excellence in Communications Awards from the North Carolina City & County Communicators' on April 19 during the organization's annual conference in New Bern.

The awards were for:

- Second place in the Instructional Video category for the "Love Me? Vaccinate Me" video, which was part of a campaign created for Animal Control.
- Second place in the Printed Publications – Posters or fliers category for the "Love Me? Vaccinate Me" posters.
- Second place in the Communication Technology – Digital Signage Programming category.
- Second Place in the Multi-Platform Campaign category for Cumberland ALERTS. The County launched a new county-wide emergency notification system in August and the Public Information Office created a video, fliers, advertising, digital signage, news releases, columns and social media postings to encourage citizens to sign up.

Chairman Lancaster introduced the PIO team and congratulated them on these awards.

- Communications and Outreach Coordinator Geneve Mankel
- Graphic Design Information Specialist II Claudia Sievers
- Public Information Specialist Jon Soles
- Public Information Director Sally Shutt

Recognition of Finance Director Vicki Evans on Receiving the Certificate of Achievement for Excellence in Financial Reporting

Commissioner Keefe provided the recognition stating the Government Finance Officers Association of the United States and Canada has awarded Cumberland County with the Certificate of Achievement for Excellence in Financial Reporting for the County's Comprehensive Annual Financial Report (CAFR) for fiscal year 2017. The award names Finance Director Vicki Evans as the finance officer responsible for preparing the report.

This is the 28th consecutive year Cumberland County's Finance Department has received the certificate of achievement, which is the highest form of recognition in governmental accounting and financial reporting.

The Certificate of Achievement for Excellence in Financial Reporting Program recognizes state and local governments that go beyond the minimum requirements of generally accepted accounting principles by preparing comprehensive annual financial reports that are transparent and that clearly communicate the County's financial story.

Our citizens will find the annual audits on the Finance Department page of the County's website, along with other financial reports. Commissioner Keefe congratulated Ms. Evans and the Finance Department for their hard work.

Recognition of Brenda Reid Jackson for Being Named the Director of the Year by the North Carolina Association of County Directors of Social Services

Commissioner Evans provided the recognition stating the Cumberland County Department of Social Services Director Brenda Reid Jackson was named the 2018 DSS Director of the Year by the North Carolina Association of County Directors of Social Services. The announcement was made April 26 during the association's conference in Blowing Rock, N.C.

Ms. Jackson has over 30 years of experience as a social services leader and she was the 2017 president of the N.C. Association of County social services directors. She was appointed Cumberland County DSS director in 2008 and under her direction, DSS developed and implemented strategic goals focused on forward thinking, innovation, automation and cutting-edge service delivery through collaborative work with customers, community partners and employees.

The association's media release said, "Ms. Jackson's dedication, accomplishments, competencies and pure passion for every aspect of the social services profession made her most deserving of this award.

When it comes to protecting vulnerable children, the elderly and disabled, as well as ensuring families' nutritional and medical needs are met, she is a leader of which the citizens of Cumberland County and North Carolina can be proud."

Since Ms. Jackson became director, Cumberland County DSS has won 11 state association Best Practice Awards for innovative programs and during her tenure, DSS attorneys have successfully argued five child welfare cases before the State Supreme Court, which have had an impact on juvenile laws in North Carolina.

During Hurricane Matthew, Ms. Jackson's master plan for administering the disaster Food and Nutrition Services program was recognized by the U. S. Department of Agriculture as a model for the nation.

During her tenure as president of the state directors' association, she led the Association through many challenges, especially those related to regionalization of the social services system under House Bill 630 and the evaluation of the Social Services system in North Carolina.

Among her many other honors, Ms. Jackson was inducted into the East Carolina University School of Social Work's Hall of Fame and received the Distinguished Alumni Award. Commissioner Evans congratulated Ms. Jackson on being named Director of the Year.

1. APPROVAL OF AGENDA

MOTION: Commissioner Adams moved to approve the agenda.

SECOND: Chairman Council

VOTE: UNANIMOUS (7-0)

2. CONSENT AGENDA

A. Approval of the April 16, 2018 Special and Regular Meeting Minutes

B. Approval of Proclamation to Support Building Business Rally

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION
BUILDING BUSINESS RALLY
MAY 22, 2018

WHEREAS, the City of Fayetteville, Cumberland County, Hoke County, Cumberland County Schools, the Town of Hope Mills, the Town of Spring Lake, the Public Works Commission, Fayetteville State University, Fayetteville Technical Community College, Cape Fear Valley Health and the Fayetteville Area System of Transit have teamed up together to increase business opportunities with local vendors; and

WHEREAS, millions of dollars will be spent annually by these local organizations and their efforts to increase business with local vendors, promote a diverse and viable economy and raise awareness of the need for local contractors; and

WHEREAS, a Building Business Rally is taking place May 22, 2018 to educate and engage local businesses on how to do business with their organizations and the types of goods and services each organization needs; and

WHEREAS, the Building Business Rally will also provide valuable information from a variety of local and state resources that support business growth as well as present classes to local vendors to increase knowledge and business opportunities; and

WHEREAS, Cumberland County is proud to show support for local businesses and contractors in Cumberland County and surrounding areas.

NOW THEREFORE, BE IT RESOLVED, that We, the Cumberland County Board of Commissioners, hereby support the BUILDING BUSINESS RALLY to be held May 22, 2018 and encourage all local business suppliers, professional service providers, and prime and sub-contractors of all sizes to participate.

Adopted the 7th of May 2018.

C. Approval of Proclamation Naming May 22, 2018 Salvation Army Day

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION
Cumberland County Salvation Army Day
May 22, 2018

WHEREAS, a love for God and a desire to help others is the motivation behind the men and women of The Salvation Army; and

WHEREAS, The Salvation Army in Cumberland County, North Carolina provides much more than spiritual counseling and basic human necessities to the needy and hurting on a daily basis; and

WHEREAS, The Salvation Army serves as a symbol of compassion, but more so an active participant in the provision of services to thousands of Cumberland County, North Carolina citizens; and

WHEREAS, The Salvation Army has been providing these programs to residents for more than 131 years; and

WHEREAS, The Salvation Army provides its services to people in need without discrimination.

NOW THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners does hereby proclaim May 22, 2018 as

SALVATION ARMY DAY

in Cumberland County, North Carolina and urges all of our citizens to join us in honoring the dedicated people who work or volunteer for this fine organization and touch the lives of so many.

Adopted this 7th day of May 2018.

- D. Approval of Offer to Purchase Surplus Real Property, Being Lot 50 Golden Creek Mobile Home Sub., Located at 222 Bream Place, Plat Book 63, Page 6

BACKGROUND

The County acquired the real property with PIN 0425-70-6131 at a tax foreclosure sale in 2016 for a purchase price of \$4,952.82. The parcel is described in the tax records as Lot 50 Golden Creek Mobile Home Sub., located at 222 Bream Place, Plat Book 63, Page 6, zoned residential, with a tax value of \$13,019. Based on the County GIS Parcel Viewer System, the parcel has a structure on the property. Mr. Darryl K. Stackhouse has made an offer to purchase the property for \$4,952.82, and has submitted the required deposit to the Finance Department. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269. The proposed advertisement was provided.

RECOMMENDATION / PROPOSED ACTION

The County Attorney recommends that the Board consider the offer of Mr. Stackhouse. If the Board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269.

- E. Approval of Offer to Purchase Surplus Real Property, Being 1.00 Acre Godwin Land, Located On Leitha Lane

BACKGROUND

The County acquired the real property with PIN 0593-83-0211 at a tax foreclosure sale in 2005 for a purchase price of \$3,547.44. The parcel is described in the tax records as 1.00 Acre Godwin Land, located on Leitha Lane, zoned A1, with a tax value of \$7,500.00. Based on the County GIS Parcel Viewer System, the parcel is a vacant lot with no structure on the property. Ms. Wanda A. McCoy has made an offer to purchase the property for \$3,547.44, and has submitted the required deposit to the Finance Department. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269. The proposed advertisement was provided.

RECOMMENDATION / PROPOSED ACTION

The County Attorney recommends that the Board consider the offer of Ms. McCoy. If the Board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269.

F. Approval of Offer to Purchase Surplus Real Property Located at 2224 Dixie Trail

BACKGROUND

The County acquired the real property with PIN 0416-81-9454 at a tax foreclosure sale in 2017 for a purchase price of \$7,260.99. The parcel is described in the tax records being S ½ Lot 60 Pine Acres Sec. 2, located at 2224 Dixie Trail, Plat Book 18 Page 45, zoned R10, with a tax value of \$26,600.00. Based on the County GIS Parcel Viewer System and the tax records, the parcel has a structure on the property. Mr. Jeffrey S. Gleaton has made an offer to purchase the property for \$7,260.99, and has submitted the required deposit to the Finance Department. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269. The proposed advertisement was provided.

RECOMMENDATION / PROPOSED ACTION

The County Attorney recommends that the Board consider the offer of Mr. Gleaton. If the Board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269. The proposed ad was provided.

G. Approval of Resolution of Concurrence with Abandonment of Old Carver's Falls Road by NCDOT

BACKGROUND

NCDOT has requested the Board of Commissioners to concur with the recommendation of NCDOT to abandon Old Carver's Falls Road (SR 2084) from the State's Secondary Road System. The request from NCDOT, with maps and the petition that was presented to NCDOT, is attached. Abandonment of a road from the State's Secondary Road System is wholly a decision of the State Board of Transportation and there is no statutory authority for the Board of Commissioners to concur with the decision of the State Board. The petition submitted to the NCDOT states that it has been signed by all the property owners on Secondary Road 2084. It is only signed by Carvers Falls LLC. Norwood E. Bryan, Jr., owns the frontage on the north side of the road and he did not sign the petition.

RECOMMENDATION / PROPOSED ACTION

The county attorney recommends that the Board adopt the following resolution which addresses the issues discussed above:

Whereas, the NCDOT has requested the Cumberland County Board of Commissioners to concur with the recommendation of the NCDOT to abandon Old Carver's Falls Road (SR 2084) from the State's Secondary Road System; and

Whereas, the Cumberland County Board of Commissioners has no authority with respect to roads within the State's Secondary Road System; and

Whereas, the NCDOT has reported to the Cumberland County Board of Commissioners that Old Carver's Fall Road (SR 2084) is eligible for partial abandonment from the State System.

Be it resolved, the Cumberland County Board of Commissioners does not object to the NCDOT taking action to abandon Carver's Falls Road (SR 2084) or any portion of it.

Be it further resolved, that if the owners of the property adjoining this road petition the Board of Commissioners to close it upon its being abandoned from the State System, the Board of Commissioners will require the owners of both adjoining properties to petition the Board of Commissioners for closure.

H. Approval of Hazardous Materials Emergency Preparedness (HMEP) Grant

BACKGROUND

Cumberland County Emergency Services received notification of a grant award through the 2017 Homeland Security Grant Program (HSGP) for a Hazardous Materials Emergency Planning (HMEP) grant in the amount of \$10,000. The Grant award is for the time period of January 1, 2018 through December 31, 2018. Emergency Services along with the Local Emergency Planning Committee (LEPC) propose to perform a full scale hazardous materials transportation exercise

prior to the end of the calendar year. The exercise will take place at a local industrial facility in Cumberland County. The project will gauge Cumberland County's hazardous materials responder's readiness to mitigate a scenario involving the loading and transportation of hazardous materials. The grant will be utilized for planning, executing, and evaluation the exercise.

RECOMMENDATION / PROPOSED ACTION

The County Manager recommends approval of Budget Ordinance Amendment B180806 to recognize grant funds in the amount of \$10,000 and acceptance of grant award from North Carolina Department of Public Safety-Homeland Security Grant Program, Hazardous Materials Emergency Preparedness Grant and authorization for the County Manager to sign the grant award.

- I. Approval of Budget Ordinance Amendments for the May 7, 2018 Board of Commissioners' Agenda

BACKGROUND

General Fund 101

1. Public Safety Other - Budget Ordinance Amendment B180027 to appropriate fund balance in the amount of \$321,262

The Board is requested to approve Budget Ordinance Amendment B180027 in the amount of \$321,262. This request has two components. Funding for medical examiners in the amount of \$111,850 is requested due to an increase in opioid related deaths. This has led to an increase in the number of autopsies. North Carolina Youth Detention Subsidy in the amount of \$209,412 is also requested. The Detention Subsidy is based on the length of time a Judge remands the juveniles.

Please note this amendment requires appropriation of fund balance.

2. Library Grants - Budget Ordinance Amendment B180684 to recognize a grant in the amount of \$600 from the National Aeronautics and Space Administration (NASA)

The Board is requested to approve Budget Ordinance Amendment B180684 to recognize grant funds in the amount of \$600 from the National Aeronautics and Space Administration (NASA). These are reimbursable grant funds to the library for staff that attended training.

Please note this amendment requires no additional county funds.

3. Library Grants - Budget Ordinance Amendment B180942 to recognize a grant in the amount of \$500 from the State Library of North Carolina – Library Services and Technology (LSTA) Research Institute for Public Libraries (RIPL)

The Board is requested to approve Budget Ordinance Amendment B180942 to recognize grant funds in the amount of \$500 from the State Library of North Carolina – Library Services and Technology (LSTA) Research Institute for Public Libraries (RIPL). These funds will be used towards continuing education expenses for staff.

Please note this amendment requires no additional county funds.

State Drug Forfeiture Fund 206

4. State Drug Forfeiture - Budget Ordinance Amendment B180940 to recognize revenue and to increase the capital expenditures-cars and trucks in the amount of \$4,500

The Board is requested to approve Budget Ordinance Amendment B180940 in the amount of \$4,500. Revenues of NC Controlled Substances and interest income is being recognized to be able to obtain an additional vehicle by paying off the lien of a seized vehicle.

Please note this amendment requires no additional county funds.

Westarea Fire District Fund 237

5. Westarea Fire District - Budget Ordinance Amendment B180227 to recognize additional tax revenue in the amount of \$37,000

The Board is requested to approve Budget Ordinance Amendment B180227 to recognize additional tax revenue of \$37,000 to be used toward expenses within the fire district.

Please note this amendment requires no additional county funds.

Contingency Funds Report – FY18

Contingency funds were not used.

RECOMMENDATION / PROPOSED ACTION

Approve Budget Ordinance Amendments

- J. Approval of Cumberland County Facilities Committee Report and Recommendation(s)
 1. Approval of Resolution of Intent to Lease Certain Real Property to Cumberland County Communicare, Inc.

BACKGROUND

Cumberland County Communicare, Inc., a local not-for-profit agency that assists people in overcoming mental health problems, substance abuse/chemical dependency, and the trauma of sexual victimization and abuse, wishes to enter into a lease agreement with Cumberland County for 13,994 square feet of office space located at 109 Bradford Avenue in Fayetteville. This agreement contains terms that mirror the prior agreement (attached) between Communicare and Cumberland County and will take the place of that agreement which will expire June 30, 2018. The agreement also continues to recognize the in-kind services that Communicare provides to the County. The rent is proposed at an annual rate of \$41,308 and will be for a three-year term.

RECOMMENDATION / PROPOSED ACTION

On May 3, 2018, the Facilities Committee agreed to move this forward as a Consent Agenda item to the full Board of Commissioners at the May 7, 2018, Regular Meeting. As per statute, the Board is asked to adopt the following resolution:

BE IT RESOLVED that the Cumberland County Board of Commissioners finds that the real property located at 109 Bradford Avenue in Fayetteville will not be needed for government purposes for the term proposed for the lease of the property to Cumberland County Communicare, Inc., and this Board intends to adopt a resolution at its regular meeting to be held on June 18, 2018, approving the lease pursuant to the terms to be advertised as follows:

PUBLIC NOTICE OF PROPOSED LEASE PURSUANT TO G.S. 160A-272

TAKE NOTICE that the Cumberland County Board of Commissioners has found that the real property described herein will not be needed for government purposes for the term of the lease described herein and that the Board intends to adopt a resolution at its regular meeting to be held on June 18, 2018, approving the lease of 13,944 square feet of office space located at 109 Bradford Avenue in Fayetteville to Cumberland County Communicare, Inc. for up to a three (3) year term with annual rent in the amount of forty-one thousand three hundred eight dollars (\$41,308.00) per year.

2. Approval of Resolution of Intent to Lease Certain Real Property to Easter Seals UCP of North Carolina and Virginia, Inc.

BACKGROUND

Easter Seals UCP of North Carolina and Virginia, Inc. provides support and services for children with intellectual developmental disabilities at the Dorothy Spainhour Center where specially trained teachers and therapists work with local clients and families. The current lease agreement for this 12,310 square foot facility, located at 223 Hull Road in Fayetteville, will expire June 30, 2018, and Easter Seals wishes to renew the lease for a three (3) year term for one dollar (\$1.00) per year. A notice of intent to lease must be published at least thirty (30) days in advance of a

regular Board of Commissioners' meeting prior to approving any proposed lease as per G.S. 160A-272.

RECOMMENDATION / PROPOSED ACTION

On May 3, 2018, the Facilities Committee agreed to move this forward as a Consent Agenda item to the full Board of Commissioners at the May 7, 2018, Regular Meeting. As per statute, the Board is asked to adopt the following resolution:

BE IT RESOLVED that the Cumberland County Board of Commissioners finds that the real property located at 223 Hull Road in Fayetteville will not be needed for government purposes for the term proposed for the lease of the property to Easter Seals UCP of North Carolina and Virginia, Inc., and this Board intends to adopt a resolution at its regular meeting to be held on June 18, 2018, approving the lease pursuant to the terms to be advertised as follows:

PUBLIC NOTICE OF PROPOSED LEASE PURSUANT TO G.S. 160A-272

TAKE NOTICE that the Cumberland County Board of Commissioners has found that the real property described herein will not be needed for government purposes for the term of the lease described herein and that the Board intends to adopt a resolution at its regular meeting to be held on June 18, 2018, approving the lease of approximately 12,310 square feet of space located at 223 Hull Road in Fayetteville to Easter Seals UCP of North Carolina and Virginia, Inc. for up to a three (3) year term with annual rent in the amount of one dollar (\$1.00) per year.

K. Approval of Cumberland County Finance Committee Report and Recommendation(s)

1. Approval of Budget Revision & Contract for Services in Support of the Homeless Initiative Program

BACKGROUND

Cumberland County and the City of Fayetteville entered into an Interlocal Agreement to address homelessness in October 2017. In the agreement, both parties agreed on joint funding for homeless initiatives and the formation of a Homeless Committee to coordinate and develop strategies to address homelessness through community-wide programs and services. The Homeless Committee consists of the following individuals:

- o Larry Lancaster, Cumberland County Commissioner Chair
- o Larry Wright, Fayetteville City Council Member
- o Duane Holder, Cumberland County Assistant County Manager (Co-Chair)
- o Jay Reinstein, Fayetteville Assistant City Manager (Co-Chair)
- o Sally Shutt, Cumberland County Assistant County Manager
- o Cynthia Blot, Fayetteville Economic & Community Development Director
- o Dee Taylor, Cumberland County Community Development Interim Director
- o Catrina Valadez, Cumberland County Community Development Data Analyst
- o Paul Taylor, Chair, Fayetteville/Cumberland County Continuum of Care on Homelessness

For FY 17-18, the County budgeted \$150,000 for the Homeless Initiative Program, which included \$100,000 in County funds and \$50,000 in City of Fayetteville funds. The City of Fayetteville has increased their contribution by an additional \$50,000 to bring their total amount to \$100,000. A budget revision is requested to recognize the additional \$50,000 contribution from the City of Fayetteville. No additional County funds are required.

The Homeless Committee released the Homeless Initiative Program Request for Proposals (RFP) on March 12, 2018 with an April 6, 2018 response deadline. The purpose of the program is to provide additional support in the community that will address the gaps in housing and supportive services for homeless persons and those persons at-risk of being homeless. A copy of the RFP Notice is attached for your reference.

Four (4) agencies responded to the RFP. At the April 23, 2018 Homeless Committee Meeting, the committee voted to recommend award of the contract for services to Endeavors, Inc. (formerly Family Endeavors). Copies of the RFP Application Score Sheets for each of the respondents have been attached for your reference. The multi-year contract will total \$200,000, beginning on June 1, 2018 and ending on June 30, 2020. Periodic performance reviews will occur during the contract

period to determine the continuation of funding. The Homeless Committee will monitor program performance and outcomes and make recommendations to the Commissioners and City Council based on results.

This item was presented to the Cumberland County Finance Committee on May 3, 2018 and was unanimously approved to forward this item to the full Board at their May 7, 2018 Board of Commissioners' meeting.

RECOMMENDATION / PROPOSED ACTION

1. Approve Budget Ordinance Amendment #B181070 to recognize an increase of \$50,000 from the City of Fayetteville for the Homeless Initiative Program. Total Program funding will increase from \$150,000 to \$200,000. No additional County funds are required.
2. Approve a contract between Cumberland County and Endeavors, Inc. in the amount of \$200,000 for the provision of homeless services and supports, pursuant to the terms of the Homeless Initiative Program RFP. The contract term will be June 1, 2018 to June 30, 2020.

L. Approval of Cumberland County Policy Committee Report and Recommendation(s)

1. Approval of State CDBG-DR Waiver

BACKGROUND

The NC Department of Public Safety – Division of Emergency Management recently asked local counties to quickly respond as to whether it would allow the State to serve as the lead entity for the CDBG-DR program in the four counties hit hardest by Hurricane Matthew. Since there are separate Memorandums of Agreement (MOA) between Cumberland County and the State, and Cumberland County and the City of Fayetteville, Staff is bringing this matter to the Policy Committee for further consideration. The State contends it will have increased program speed, overall standardization, and will serve as a support to the resilient recovery of disaster survivors if the County agrees to cede lead entity to the State. Staff believes switching the lead to the State at this critical juncture will cause further delays in processing applications since existing MOA's will have to be amended and approved. Staff believes it is in the County's best interest to continue to serve as lead entity and to encourage the State to move CDBG-DR applications along to Step 4 of the 8-step NC Rebuild process as quickly as possible.

The State has also offered to allow local governments to participate in its Construction Manager-at-Risk (CMR) contract for services. Staff believes this should be weighed further and not ruled out but maintained as an option. Participation in the CMR program may save some time depending upon the amount of time and effort it would take to create a RFP and go through the bid process.

City of Fayetteville management and staff do not wish for the County to transfer lead entity status to the State.

RECOMMENDATION / PROPOSED ACTION

On May 3, 2018, the Policy Committee approved forwarding this item to the full Board for consideration as a Consent Agenda item at its May 7, 2018, Regular Meeting authorizing staff to respond to the State and requesting an exemption to cede lead entity status to the State for the CDBG-DR program.

MOTION: Commissioner Faircloth moved to approve consent agenda Items 2.A. - 2.L.1.
SECOND: Commissioner Adams
VOTE: PASSED (6-1) (Commissioners Faircloth, Keefe, Council, Lancaster, Adams and Evans voted in favor; Commissioner Boose voted in opposition)

3. ITEMS OF BUSINESS

A. Consideration of Resolution in Support of Cumberland County's State Legislative Agenda

BACKGROUND

The Cumberland County Board of Commissioners approved the 2018 Cumberland County State Legislative Agenda on February 19, 2018. The commissioners met with members of Cumberland

County's North Carolina General Assembly delegation on March 9, 2018, to discuss the County's legislative priorities. The agenda packet included background information for the items, but no board-approved resolutions seeking specific legislative action.

The North Carolina General Assembly will reconvene on May 16, 2018, in Raleigh for the short session. A resolution has been prepared outlining the specific legislative action requests included in the state legislative agenda and discussed with the delegation on March 9. An approved resolution will be forwarded to the delegation prior to the beginning of the short session.

RECOMMENDATION / PROPOSED ACTION

The options before the board include:

- Consider approving the resolution. If approved, direct staff to forward the signed document to the Cumberland County General Assembly delegation.
- Consider editing the resolution prior to approval.
- Consider other formal communications to the delegation regarding specific legislative priorities.

CUMBERLAND COUNTY BOARD OF COMMISSIONERS RESOLUTION IN SUPPORT OF CUMBERLAND COUNTY'S ADOPTED STATE LEGISLATIVE AGENDA FOR 2018

WHEREAS, the Cumberland County Board of Commissioners approved the 2018 Cumberland County State Legislative Agenda on February 19, 2018; and

WHEREAS, on March 9, 2018, the Cumberland County Board of Commissioners met with members of Cumberland County's North Carolina General Assembly delegation to discuss the items on the Board's State Legislative Agenda; and

WHEREAS, the North Carolina General Assembly will reconvene on May 16, 2018, in Raleigh for the short session; and

WHEREAS, the Board of Commissioners outlined specific legislative action requests in its agenda that commissioners would like the Cumberland County delegation to support;

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that the Board requests funding for extending public water lines in the Gray's Creek area where private wells have been contaminated by GenX, as well as support for endeavors to determine the health impact from contamination and to ensure accountability; and

BE IT FURTHER RESOLVED, that the Board requests legislation to amend the Prepared Food and Beverage Tax (Session Law 1993-413) by repealing the sunset requirement that the tax cease when the debt service on the Crown Coliseum Complex is paid in 2024 and expanding the permitted uses of the tax proceeds to allow greater flexibility for any purpose that will promote or enhance tourism, travel, arts, entertainment and sports venues and activities within Cumberland County.

~~BE IT FURTHER RESOLVED, that the Board requests changes in the county's local occupancy tax legislation (Session Law 2001-484) to allow Cumberland County to comply with the House Finance Committee Guidelines for Occupancy Tax Legislation; and~~

BE IT FURTHER RESOLVED, that the Board requests the flexibility of using Article 43 sales tax proceeds for public safety funding as volunteer fire departments face decreasing numbers of volunteers and increasing demand for services; and

BE IT FURTHER RESOLVED, that regarding sales tax collections, the Board requests support in seeking federal legislation that would allow for the collection of existing sales taxes on out-of-state catalog and online sales, and that the N.C. Department of Revenue reports include breakdowns between taxes collected on goods versus taxes collected for services; and

BE IT FURTHER RESOLVED, that the Board requests support for legislation to repeal the statutory authority under N.C. Gen. Stat. 115C-431(c) that allows a local school board to file suit against a county board of commissioners over county appropriations for education; and

BE IT FURTHER RESOLVED, that the Board requests increased funding for school capital challenges, including but not limited to maintenance, renovation, construction and debt; and

BE IT FURTHER RESOLVED, that the Board requests continued support of a county-administered social services system as the Social Services Regional Supervision and Collaboration Working Group (established pursuant to Session Law 2017-41) holds ongoing meetings and explores a “vision” for county social services that may include a state administered system in the future; and

BE IT FURTHER RESOLVED, that the Board requests increased state funding for mental health services and support public managed care for the mental health, substance use and intellectually/developmentally disabled population; and

BE IT FURTHER RESOLVED, that the Board supports the request from the North Carolina Association of Local Health Directors in asking the General Assembly for funding to add Communicable Disease Nurse positions in all county health departments; and

BE IT FURTHER RESOLVED, that the Board supports increased funding for State Aid to Libraries; and

BE IT FURTHER RESOLVED, that the Board requests support in protecting counties’ funding streams for 911 services;

BE IT FURTHER RESOLVED, that the Board requests that Cumberland County be selected as the site for the proposed North Carolina Military Hall of Fame.

This the 7th day of May 2018.

Sally Shutt, Assistant County Manager, provided the following presentation.

Background

- Board approved State Legislative Agenda on Feb. 19
- Met with Legislative Delegation on March 9
- Agenda packet included background information on items, but no resolutions
- General Assembly reconvenes May 16

Items Included in Resolution

- Funding for water expansion in GenX contaminated areas; support endeavors to determine health impact and accountability
- Amend Food and Beverage Tax to repeal sunset and expand uses
- Amend Local Occupancy Tax to allow County to operate under House guidelines
- Flexibility for Article 43 sales tax to be used for public safety
- Support for federal legislation allowing sales tax collection on online transactions and request for state reports to specify tax on goods vs. services
- School funding: Repeal school board authority to sue counties over funding; increase school capital funding
- Human Services:
 - Continue support for county-administered Social Services
 - Increase mental health funding
 - Communicable disease nurse funding
- Increase Aid to State Libraries
- Protect counties’ funding streams for 911 services
- Consider Cumberland County as the home for the N.C. Military Hall of Fame

Options

- Consider approving the resolution and direct staff to forward to the Cumberland County General Assembly delegation
- Consider edits to the resolution
- Consider other formal communications regarding legislative priorities

MOTION: Commissioner Keefe moved to approve the resolution as presented.
SECOND: Commissioner Boose

DISCUSSION: Commissioner Adams stated he cannot support the resolution until the request to change the county's local occupancy tax legislation is removed. Commissioner Adams stated at the March 9 meeting with the legislative delegation, the Board was asked not to send this request to the legislature because it would not come back the way the Board wanted. Commissioner Adams stated Representative Floyd stated he did not believe the county should pursue it at this time but if it came before him for a vote, he would request a percentage of the funds go to the MLK Committee, Representative Lucas stated he would suggest that the county not tamper with the issue right now because it would not be advantageous to the county, and Representative Szoka stated he would not recommend sending it because nothing good could come from submitting the request as a local bill.

Commissioner Evans concurred with Commissioner Adam's statements. Commissioner Boose concurred with Commissioner Adams' summary of the meeting and stated he favors attaching funds for MLK and sending the request to see what happens.

Commissioner Keefe stated one of the main purposes behind the request is the board makeup as authorized by state statute. Commissioner Keefe stated it is a seven-member exclusive board made up of a majority of hotel owners that does not reflect the makeup of the community and continues to be unable to enhance tourism in the community. Commissioner Keefe stated the idea of a local occupancy tax has been in place for over eighteen years and of all of the local occupancy tax bills in the legislature, Cumberland County's is the most restrictive with the county only being able to retain 3% of the tax for its citizens. Commissioner Keefe stated the original intent of the legislation included the MLK Park and it should receive a percentage of the funds.

Commissioner Adams stated should the motion on the floor fail, he was prepared to offer a motion to approve the resolution without the request to change the county's occupancy tax legislation, which is in line with what was said by the legislation delegation. Commissioner Adams also stated he is not opposed to MLK receiving some of the funds, this is just not the appropriate venue for it. Commissioner Council stated anything sent to the legislature that is not unanimously supported by the Board is not going to pass or go anywhere.

VOTE: FAILED (5-2) (Commissioners Faircloth, Council, Adams, Lancaster and Evans voted in opposition; Commissioners Keefe and Boose voted in favor)

MOTION: Commissioner Adams moved to approve the resolution with an edit to remove the request for changes in the county's local occupancy tax legislation to allow Cumberland County to comply with the House Finance Committee Guidelines for Occupancy Tax Legislation.

SECOND: Commissioner Evans

VOTE: PASSED (6-1) (Commissioners Faircloth, Council, Adams, Lancaster, Evans and Boose voted in favor; Commissioner Keefe voted in opposition)

B. Consideration of Governance Options for Health and Human Services Departments

BACKGROUND

The Board is in the midst of a very methodical and deliberate decision-making process as it relates to the structure and governance of its health and human services departments. A presentation will be provided to facilitate Board discussion.

RECOMMENDATION / PROPOSED ACTION

For discussion purposes only.

Duane Holder, Assistant County Manager, recognized Board of Health members Dr. Vicki Andrews, Dr. Sam Fleishman and Dr. Heather Burkhardt, and Health Department Deputy Director

Rodney Jenkins and Administrative Assistant Ashley Yun. Mr. Holder also recognized Social Services Board Member Susan Reeder and staff from the Department of Social Services. Mr. Holder provided the following presentation as background information and a review of the options.

Background Information

- North Carolina General Statute 153A-77
 - “AN ACT TO PROMOTE EFFICIENCY AND EFFECTIVENESS IN THE ADMINISTRATION OF HUMAN SERVICES.....”
- 33 of 100 Counties in NC have changed their model or exercised some change in their governance
- First discussed in Spring 2017 during Annual Budget Planning process

Due Diligence Process

- Summer/Fall 2017
 - Management meetings with DSS & DPH Directors
 - Management, DSS & DPH Directors meetings with UNC School of Government (SOG) Subject Matter Experts (SME's)
- January 26, 2018 – Consolidation/Governance discussion during BOCC Goal-Setting Retreat
- February 27, 2018 – BOCC, DSS Board & Board of Health attended UNC SOG presentation – presentation continues to run on FCETV
- April 16, 2018 – Public Hearing as required by law for change in governance
- April 19, 2018 – Board of County Commissioner Survey on Governance Options
- May 7, 2018 – Item for Discussion

Options for Consideration

- Maintain separate DSS & Public Health; maintain both Governing Boards
- Maintain separate DSS & Public Health; assume control of DSS Board and/or Board of Health
- Consolidate DSS & Public Health and appoint a Consolidated Human Service Agency (CHSA) Board
- Consolidate DSS & Public Health and serve as the Consolidated Human Service Agency (CHSA) Board

Major Decision Points

- Separate Departments or Consolidated Department?
- Appointed Board(s) to Control the Separate or Consolidated Department or Commissioners serve as Board?
- Hire/Fire Authority of Director(s)?
- State Human Resources Act for Employees?

Mr. Holder stated the pros and cons below are as management sees them under each scenario.

Separate or Consolidated?

- Separate
 - Pros: Defined roles, clarity of mission/purpose, tradition, expertise, aligned w/funding
 - Cons: Planning in silos, duplication of effort, inefficiencies
- Consolidated
 - Pros: Serving the “whole person,” shared resources, joint planning, innovation
 - Cons: Diluted mission/purpose, not aligned w/funding, physical plant

Appointed Board(s) or Commissioners?

- Appointed Board(s)
 - Pros: Technical expertise, term limits, governance “buffer,” tradition, diversity of backgrounds, talents & experiences
 - Cons: No constituency, hard to fill vacancies, outside influence in appointments (DSS), size
- Commissioners
 - Pros: Accountability, span of control & influence, streamlined budget process
 - Cons: Possible lack of technical expertise, additional administrative duties, public perception

Mr. Holder stated Commissioners should also take into consideration that in addition to accountability, it will also assume liability for both departments regardless of the structure. Mr. Holder also stated should Commissioners assume responsibility for the Board of Health, they will still have to recruit the same professionals with the same very prescriptive credentials for a Health Advisory Committee.

Hire/Fire Authority of Director(s)

- Separate Governing Boards?
- Board of County Commissioners?
- County Manager with advice & consent of Appointed Board?
- County Manager with advice & consent of Board of Commissioners?

State Human Resources Act (SHRA)

- Current DSS & Public Health employees under SHRA
- Current County policies comply
- Appeal Rights
- Total Service Time (leave can be transferred to & from State government)
- Required if BOCC assumes control of separate agency board(s)
- Optional under consolidation

Mr. Holder noted responses to the survey indicated it was either somewhat important or important to leave employees under the SHRA. Mr. Holder stated this posture, as far as survey results, is important for employees to hear. Mr. Holder concluded his presentation.

Commissioner Keefe stated the Health Advisory Committee, with its technical expertise, is paramount, particularly on the Board of Health. Mr. Holder confirmed if Commissioners assume control of the Board of Health, they will have to appoint a Health Advisory Committee. Mr. Holder stated under any consolidation scenario, even if Commissioners were the Consolidated Board, they would still have to appoint a Health Advisory Committee. Commissioner Keefe asked how appointments to the Social Services Board would change. Mr. Holder stated Commissioners can appoint any advisory committee at any time, but the law says what Commissioners have to appoint in the situation of a Board of Health. Mr. Holder stated in terms of consolidation, if Commissioners appoint a consolidated board there are very prescriptive credentials and experiences that have to be on that board such as a social worker and four consumers of human services. Mr. Holder stated all appointments would be made by Commissioners, with the exception of the initial board of a consolidated human services agency, which would be formed by a nominating committee of the pre-existing Social Services Board and Board of Health. Mr. Holder also stated the law mandates a minimum of fifteen members and sets a maximum of twenty-five members, and the current Board of Health members would be part of the fifteen.

Commissioner Keefe asked whether finance and funding matters under a consolidated human services agency would have to come before Commissioners. Mr. Holder stated the way those separate boards currently have to get authority from Commissioners to set fees would not change under a consolidated board.

Commissioner Adams stated he previously thought consolidation was the way to go, but thanks to staff, the presentation by the School of Government and the information that has been gathered, he no longer favors consolidation and does not think it will save costs. Commissioner Adams stated he is back to separate boards, but would look at giving the county manager the ability to hire and fire the directors with the consent of Commissioners. Commissioner Adams stated he also feels Commissioners need to go ahead and make a decision. Mr. Holder stated for the county manager to have the ability to hire and fire the directors, with the approval of Commissioners, can only be accomplished under the following two options:

- Maintain separate DSS & Public Health; assume control of DSS Board and/or Board of Health
- Consolidate DSS & Public Health and serve as the Consolidated Human Service Agency (CHSA) Board

Commissioner Council stated the Board of Health and Social Services Board have been explicit that Commissioners should maintain the separate boards. Commissioner Council stated what she wants is open communication between the county manager and both boards and for employees to

remain under SHRA. Commissioner Council stated when considering the complexities and differences, she is looking for some sort of compromise because she is not sure time can be divided equally between health and social services. Commissioner Council stated she has come to realize this would not be a solution for Commissioners, the Social Services Board and the Board of Health, and asked how this could be done. Mr. Holder stated to Commissioner Council that her statements appeared to favor the option to maintain separate DSS & Public Health departments and maintain both governing boards.

Commissioner Boose asked Mr. Holder whether he had a recommendation. Mr. Holder stated he would draw a recommendation based on the Commissioners' feedback. Mr. Holder stated the survey results had a theme and although he realizes Commissioners want to fit and customize to the local need, the law restricts what decisions can be made. Commissioner Boose asked whether the separate boards could continue if Commissioners assume control of DSS Board and/or Board of Health. Mr. Holder stated under that option, Commissioners would become the governing board of the separate departments and appoint a Health Advisory Committee. Commissioner Boose asked whether the duties of the Health Advisory Committee would be same as the duties of the Social Services Board and the Board of Health. Mr. Holder stated the duties are similar and there are several that Commissioners can delegate to the Health Advisory Committee, but there are some Commissioners would have to retain as the governing board. Mr. Holder stated because of the Health Department accreditation standards, there are certain things the governing board has to do and then there is a smaller subset of things that be delegated to the Health Advisory Committee. Mr. Holder stated should Commissioners assume responsibilities of the Board of Health, Commissioners would have to have regular meetings as a Board of Health. Mr. Holder also stated there are certain rules and regulations that an advisory committee cannot implement and enforce because the enforcement responsibilities would rest with Commissioners. Commissioner Boose asked whether the option to "Maintain separate DSS & Public Health; assume control of DSS Board and/or Board of Health" would be a permanent commitment. Mr. Holder stated a change in the governance model is accomplished by holding a public hearing followed by adopting a resolution. Commissioner Boose asked what the pros and cons would be to select that option till further notice. Mr. Holder stated the Board of Health expressed the desire to remain the governing board of the Health Department and because this is a volunteer board, the question before them would be whether they are willing to step down to becoming an advisory committee member on a month-to-month basis not knowing whether they will an advisory committee or a governing board. Mr. Holder stated in addition to that fluid environment, Commissioners would also be attempting to recruit members and interested individuals would not know whether they were being recruited for an advisory committee position or a governing board position.

Commissioner Faircloth stated if Commissioners are only looking at short-term problems, he would not want to enter into a long-term solution that could be difficult to unwind. Commissioner Faircloth stated there are definitely short-term problems as he sees it and no matter who is in charge, problems will always come back to the Board of Commissioners. Commissioner Faircloth stated another issue is that the role and model of health care is changing and as the healthcare environment changes, Commissioners need to pay attention to the industry locally and keep studying so they can be on top of it. Commissioner Faircloth stated is the Health Department is going to be an integral player in the healthcare and wellness of the community, that may influence whatever decision is made.

Commissioner Keefe stated the departments have quality people working for them but sometimes they operate in silos and a big part of community health is about bringing services together with less silos or operating independently. Commissioner Keefe stated Commissioners sit on the hospital board of trustees, are involved with the school system and are involved on the financial side. Commissioner Keefe stated County Commissioners seem to be a tether to these different organizations, will help increase the health of the community and are ultimately responsible. Mr. Holder stated although he cannot speak to prior efforts, since he had been with the county he has helped shepherd efforts to work across those lines and both departments have been very open and see the value in working together. Mr. Holder stated unfortunately because of funding situations and laws, there are certain situations in which the departments cannot work across those lines. Commissioner Keefe stated there needs to be an all-encompassing community health plan that is just not social services or public health by themselves but also includes education.

Commissioner Council stated she is heartened by the discussion and the only solution she sees is separate governing boards. Commissioner Council stated one of the prioritized goals of the Board

of Health is to issue a position statement on governance and recruit for a permanent health director. Commissioner Council stated the county has been in limbo without a permanent health director, according to the county manager, for almost twelve months and a decision has to be made, even though there is not a simplistic one. Mr. Holder reminded Commissioners that a recruitment process for a health director could take another six months and the delay in a decision would also delay the recruitment of a director.

Commissioner Evans stated he does not see Commissioners taking over additional responsibilities of governance of these boards and perhaps Commissioners need to tweak their selection of board members to those who are genuinely concerned about the welfare of citizens. Commissioner Evans stated these board should maintain their separate identity.

A brief discussion followed about the selection process for a health director and timeframe for a decision to be made about the governance structure. Commissioner Adams stated regardless of which department conducts the search for the health director, he would advocate for the county manager and staff to be on the search committee.

MOTION: Commissioner Faircloth moved that the Board of Commissioners set the next meeting on May 21, 2018 as its deadline to make a decision.
SECOND: Commissioner Evans
VOTE: UNANIMOUS (7-0)

4. NOMINATIONS

A. Joint Appearance Commission (2 Vacancies)

Commissioner Adams nominated Christopher Davis and Latara Ray.

5. APPOINTMENTS

There were no appointments for this meeting.

6. CLOSED SESSION:

A. Attorney Client Matter Pursuant to NCGS 143.318.11(a)(3)

MOTION: Commissioner Faircloth moved to go into closed session for Attorney Client Matter(s) pursuant to NCGS 143-318.11(a)(3).
SECOND: Commissioner Council
VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Faircloth moved to reconvene in open session.
SECOND: Commissioner Adams
VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Adams moved to adjourn.
SECOND: Commissioner Evans
VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 11:20 a.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board