

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
MONDAY, OCTOBER 15, 2018 – 6:45 PM  
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  
Melissa Cardinali, Assistant County Manager  
Tracy Jackson, Assistant County Manager  
Sally Shutt, Assistant County Manager  
Duane Holder, Assistant County Manager  
Rick Moorefield, County Attorney  
Vicki Evans, Finance Director  
Deborah Shaw, Budget Analyst  
Heather Harris, Budget Analyst  
Jeffrey Brown, Engineering and Infrastructure Director  
Brenda Jackson, Social Services Director  
Tom Lloyd, Planning and Inspections Director  
Patti Speicher, Planning Manager  
Candice White, Clerk to the Board  
Kellie Beam, Deputy Clerk  
Press

Chairman Lancaster called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Commissioner Faircloth provided the invocation followed by the Pledge of Allegiance to the American flag led by Addison Hester, second grader at Glendale Elementary School.

Recognition of the Public Information Office by the North Carolina Association of County Commissioners and the Local Government Federal Credit Union

BACKGROUND

Matt Gunnet, Membership Services Coordinator for the N.C. Association of County Commissioners, and Melissa Kerley, Senior Membership Development Director for the Local Government Federal Credit Union, will present the Cumberland County Public Information Office with the LGFCU's 2018 Excellence in Innovation Award for the development and implementation of the Cumberland Alerts Campaign. The recognition includes a \$1,000 check from the LCFCU.

Cumberland County introduced Cumberland Alerts in August 2017 as its new emergency notification system. The Public Information Office developed a multi-platform campaign to encourage residents to register with the system. After creating a name, slogan and logo branding the system to Cumberland County, PIO staff produced printed products, digital billboards, videos, social media postings, news releases and advertising, as well promoted the system through various outlets.

The PIO team members are Geneve Mankel, Claudia Sievers, Jon Soles and Sally Shutt.

In addition to the LGFCU award, the PIO team received the Award of Excellence for Communication or Marketing Plans for Cumberland Alerts from the City-County Communications & Marketing Association (3CMA), a national professional group. The award was announced in September during the organization's national conference.

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## RECOMMENDATION / PROPOSED ACTION

Thank the NCACC and LGFCU for recognizing the Public Information Office with the 2018 Excellence in Innovation Award.

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Matt Gunnet, Membership Services Coordinator for the N.C. Association of County Commissioners, stated the Mission of the NACC is to support and promote the well-being of all North Carolina counties through advocacy, education, research, and member services for all 100 counties for the betterment of North Carolina. Mr. Gunnet thanked Commissioners and DSS Director Brenda Jackson for their service on the organization's committees. Mr. Gunnet introduced Melissa Kerley, Senior Membership Development Director for the Local Government Federal Credit Union, who provided highlights of the LGFCU's Excellence in Innovation Award. Mr. Gunnet stated ten awards are given in four categories: General Government, Youth Services, Public Information and Participation and Intergovernmental Collaboration and a diverse group of judges are selected. Mr. Gunnet stated programs are judged based on four criteria: is the program innovation, are there measurable results that demonstrate improved service delivery or cost improvement to the county, can the project be replicated in other counties or jurisdictions, and is the project likely to be recommended. Mr. Gunnet recognized PIO team members Geneve Mankel, Claudia Sievers, Jon Soles and Sally Shutt and presented a check for \$1,000 to Cumberland County for the Cumberland Alerts Campaign.

Amy Cannon, County Manager, stated the PIO team also received the Award of Excellence for Communication or Marketing Plans for Cumberland Alerts from the City-County Communications & Marketing Association (3CMA), a national professional group. The award was announced in September during the organization's national conference.

## Recognition of Cumberland County 4H Youth Voice Delegates

### BACKGROUND

Jessica Drake, Cumberland County Cooperative Extension 4-H Agent, will introduce Marla Hughes and Alizdair Ray, the two Cumberland County delegates to YouthVoice 2018, the ninth annual youth summit hosted by the N.C. Association of County Commissioners. The summit was held Aug. 24-25 in conjunction with NCACC's annual conference in Catawba County.

## RECOMMENDATION / PROPOSED ACTION

The youth delegates will report briefly to the commissioners about their experiences during the summit.

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Jessica Drake, Cumberland County Cooperative Extension 4-H Agent, stated the 4-H specializes in youth development and does so by instilling life skills in young people. Ms. Drake introduced Marla Hughes and Alizdair Ray, the two Cumberland County delegates to YouthVoice 2018, who thanked the Cumberland County Cooperative Extension 4-H and the NCACC for the opportunity and shared their experiences at the ninth annual youth summit hosted by the NCACC. Commissioner Adams thanked the delegates for representing Cumberland County and participating in the summit.

Chairman Lancaster recognized Fayetteville Cumberland Youth Council members Shelby McLamb, a senior at Pine Forest High School, and Kennedy Williams, a senior at Cumberland International Early College High School.

## PUBLIC COMMENT PERIOD

Amy Cannon, County Manager, read the public comment policy. Chairman Lancaster recognized the clerk to the board who called the following speakers:

John Watkins – Mr. Watkins did not appear when his name was called.

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Chief District Court Judge Robert Stiehl – Judge Stiehl stated September was impacted by Hurricane Florence with 5 ½ days of courthouse closure, but 43,641 citizens still came through the doors and there were over 15,000 hearings and cases scheduled. Judge Stiehl thanked the Board of Commissioners and County staff for working with him to reconfigure space which allowed the displaced hearings to be heard by the first week in October. Judge Stiehl also expressed thanks for the devotion and efforts put forward during the hurricane. Judge Stiehl mentioned the upcoming Domestic Violence Vigil and Remember My Name Memorial.

Mike Speranza – Mr. Speranza stated he owns a mobile home park in Spring Lake that was flooded and destroyed during Hurricane Florence. Mr. Speranza stated he currently receives no income from the mobile home park and asked that the C&D fees be waived so he can dispose of the mobile homes and other debris.

Tiffany Mosley – Ms. Mosley requested assistance with restoration of the Evans Lake dam that was damaged during Hurricane Matthew.

Amy Cannon, County Manager, requested the removal from the agenda of Item 5.B. Consideration and Approval of a Request for a Watershed Project by the Lake Upchurch Homeowner's Association and the addition of a Closed Session for Personnel Matter(s) Pursuant to 143-318.11(a)(6) under Item 8.

## 1. APPROVAL OF AGENDA

MOTION: Commissioner Adams moved to approve the agenda with the removal of Item 5.B. Consideration and Approval of a Request for a Watershed Project by the Lake Upchurch Homeowner's Association and the addition of a Closed Session for Personnel Matter(s) Pursuant to 143-318.11(a)(6) under Item 8.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

## 2. PRESENTATIONS

### A. Update on Community Child Abuse Prevention Plan by Ms. Mary Sonnenberg

#### BACKGROUND

Ms. Mary Sonnenberg, President, Partnership for Children of Cumberland County, Inc. will be providing an update on the Community Child Abuse Prevention Plan the October 15, 2018 Board of Commissioners Meeting.

#### RECOMMENDATION / PROPOSED ACTION

Accept the report as presented, no action required.

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Mary Sonnenberg, President of the Partnership for Children of Cumberland County, Inc., stated in November 2017, the Strength in Overcoming Adversity through Resilience (SOAR) team presented the state's first child abuse prevention plan. Ms. Sonnenberg stated the SOAR team is made up of over two dozen organizations in the community that have been working since 2013 to address child abuse in the county and come up with preventive measures. Ms. Sonnenberg stated there is currently no extra funding for this effort and these organizations are participating as part of what they do on a daily basis. Ms. Sonnenberg stated the vision is to live in a community that is safe and stable where children are nurtured, and families thrive. Ms. Sonnenberg stated this can be achieved by building a suite of prevention and intervention services on the front end. Ms. Sonnenberg stated the team has set a goal to reduce child abuse and maltreatment by 90% by the year 2030.

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Sharon Moyer with the Partnership for Children stated to achieve the goals, there will have to be the enactment of large system change which will not happen overnight. Ms. Moyer provided the following presentation as an update on progress over the past year and stated a measurable impact on the community will not happen until three to five years.

#### SOAR Team Three Focus Areas

##### Community Engagement - Engage, Empower and Educate

- Brand - Develop a logo and brand image for the SOAR team
- Web Presence - Develop a widget for partners to place on their website and link to the SOAR webpage
- Resolution of Support - Engage the community and gain support for the Community Child Abuse Prevention Plan by gathering resolutions of support (currently gathered from 50 agencies; 976 individuals)
- Resilience Screenings - Empower the community by showing the 1-hour screening of the movie Resilience
- Protective Factors Training - Educate the community by providing protective factors training (multi-module training course)

##### Data and Research Team

1. Establish metrics to track progression towards 90 x 30 goal
2. Map Continuum of Care Services
3. Identify needs and priorities to accessing resources
4. Assess data trends to inform future implementation of SOAR

##### Parent Engagement

- Train
- Support
- Foster Resiliency (Parent Café Model)
- Engage

##### Leading the Way

Ms. Moyer stated Cumberland County is the leader in this effort to reduce child abuse and maltreatment and state officials chose the County to lead the Triple P (Positive Parenting Program), an eighteen-regional program. Ms. Moyer stated this is the first child collaborative program in North Carolina and planning is underway for a program called Family Connect which provides three nurse home visits for every family with a newborn in Cumberland County, regardless of income or demographic risk. Ms. Moyer stated Cumberland County is also serving as a model and educator to other communities that are developing prevention plans.

##### Economic Impact

Ms. Moyer stated Triple P will bring \$290,000 into the County and grants are also being sought outside of the community; a request has been submitted for \$34,000 and notification is pending.

##### Moving Forward

Ms. Moyer stated the team will continue to engage the community through presentations and garnering resolutions of support. Ms. Moyer stated the team will continue to educate and empower the community through the showing of the movie Resilience and providing protective factors training. Ms. Moyer stated the team will continue to monitor its progress in achieving its goals, objectives, benchmarks and outcomes.

Questions and comments followed.

#### 3. CONSENT AGENDA

- A. Approval of October 1, 2018 Regular Meeting Minutes
- B. Approval of Proclamation for the CARE Clinic Celebrating 25 Years of Care

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

The CARE Clinic – Celebrating 25 Years of Care

WHEREAS, The CARE Clinic has offered free health care to low income, uninsured adults in Cumberland County with Compassion, Assistance, Referral and Education for 25 years. The CARE Clinic has provided comprehensive primary care, limited specialty clinics for chronic diseases, and dental extraction services to relieve tooth pain to all who seek their care, regardless of ability to pay. Since opening its doors on November 16, 1993, The CARE Clinic has demonstrated the ability to deliver high-quality, cost-effective, affordable health care; and

WHEREAS, 2018 marks the 25th anniversary of The CARE Clinic, which to-date has served more than 20,000 Cumberland County citizens since its incorporation as a non-profit agency in November 1993, producing economic benefits to the area, keeping patients out of emergency rooms and improving access to health care, the health of their patients and the health of the community; and

WHEREAS, the clinical volunteers of The CARE Clinic, to include physicians, dentists and dental assistants, nurses, pharmacists, and lab technicians, offer patient-focused, coordinated health care – to include preventive and primary care for individuals; medical clinics every Tuesday and Thursday and dental clinics the second and fourth Wednesdays of each month are used to provide the scope of services. Non-clinical volunteers provide a variety of services, to include serving as committee members, sending newsletters and assisting with clerical duties; and

WHEREAS, the Cumberland County community has been supportive of The CARE Clinic and its mission: To provide quality health care to the uninsured, low income people who live in Cumberland County and to be a force for a healthier community; and

WHEREAS, the 25th anniversary of The CARE Clinic offers the opportunity for all citizens to celebrate and recognize the importance of the services provided by The CARE Clinic, its volunteers and donors; and

WHEREAS, throughout 2018, The CARE Clinic celebrated a variety of events for community involvement and invited all Cumberland County citizens and beyond to participate by helping with or attending one or more of these activities: The Evening of CARE dinner in February, Toast of the Town Wine and Beer Tasting in May, The CARE Clinic Golf Tournament in September, Clinic Evenings Mini-Celebrations for patients in November and a Celebrating 25 Years of CARE volunteer appreciation community event.

NOW, THEREFORE, I, Larry L. Lancaster, Chairman of the Cumberland County Commissioners, and the Cumberland County Board of Commissioners do hereby proclaim 2018 as the Year of The CARE Clinic – Celebrating 25 Years of Care, and encourage all Cumberland County citizens to participate in this year-long celebration in order to have a better understanding of the important role The CARE Clinic serves in our community.

Adopted this 15th day of October 2018.

C. Approval of Departmental Records Retention Schedules and Amendments

BACKGROUND

The State Archives of North Carolina provides records retention and disposition policies for government and public agencies. The Board of Commissioners previously approved policy amendments on May 6, 2013.

We have found that several schedules and amendments were updated by the State Archives. The following Records Retention and Disposition Schedules and Amendments need Board of Commissioner approval:

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November 7, 2014 Amendments - Personnel Records  
County Management / Register of Deeds / Tax Administration / Veterans Services

November 15, 2015 - Original Schedule County Sheriff's Office

May 1, 2016 - Original Schedule  
Water & Sewer Authorities and Sanitary Districts (Kelly Hills, Norcross, Overhills, South Point)

October 1, 2016 Amendments  
County Management - Emergency Services Records / Sheriff's Office - Program Operational  
Records: Sheriff Records

These documents will be available for viewing in the County Manager's Office. In addition, the Local Government Retention Schedule can be accessed by going to the following link:  
<https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules>

#### RECOMMENDATION / PROPOSED ACTION

Management is requesting approval of the schedules and amendments listed above.

#### D. Approval of the Cumberland County Detention Center Jail Health Plan

##### BACKGROUND

The Cumberland County Detention Center Jail Health Plan is designed and designated for providing medical care for prisoners in the Cumberland County Jail or Detention Center. The plan: (1) is designed to protect the health and welfare of the prisoners and to avoid the spread of contagious disease; (2) provides for medical supervision of prisoners and emergency medical care for prisoners to the extent necessary for their health and welfare; (3) provides for the detection, examination and treatment of prisoners who are infected with tuberculosis or venereal diseases; and (4) encourages the utilization of Medicaid coverage for inpatient hospitalization, or for any other Medicaid services allowable for eligible prisoners, providing that the plan includes a reimbursement process which pays to the State, that portion of the costs, including the costs of the services provided and any administrative costs directly related to the services to be reimbursed to the State's Medicaid program.

This written medical plan has been developed in compliance with N.C. General Statute §153A-225, and it shall be available for ready reference by jail personnel. Accordingly, the medical plan includes a description of the health services available to inmates.

The plan has been developed in consultation with the appropriate local officials and organizations, including the Sheriff, the Public Health Medical Director, the Local or District Health Director, and the local medical society. The plan meets the approval of each representative.

The Cumberland County Detention Center Jail Health Plan has no revisions but must be annually approved by the Board of Commissioners. A full copy of the Plan is available in the County Manager's Office for review.

#### RECOMMENDATION / PROPOSED ACTION

Management recommends approval of the Cumberland County Detention Center Jail Health Medical Plan.

#### E. Approval of Formal Bid Award for Solid Waste Container Boxes

##### BACKGROUND

Funds in the amount of \$134,000.00 were appropriated in the Solid Waste Department's Fiscal Year 2019 budget for the purchase of container boxes.

Formal bids were solicited, received and reviewed for this purchase. Baker Waste Equipment, Inc. provided the lowest cost, in the amount of \$113,986.03.

#### RECOMMENDATION / PROPOSED ACTION

Management recommends approval of bid award number 19-1-SW II (I) to Baker's Waste Equipment, Inc., based on the lowest, responsive, responsible bidder standard of award.

#### F. Approval of Payment for Prior Year Invoice for the Information Services Department

##### BACKGROUND

The Information Services Department is requesting to pay a Fiscal Year 2018 invoice to Granicus for NovusAgenda in the amount of \$392.33. This invoice was received on August 22, 2018 after the deadline to pay Fiscal Year 2018 invoices. Staff has verified that this invoice has not been paid and is in fact due. Sufficient funds are available in the current year budget to absorb this expenditure.

#### RECOMMENDATION / PROPOSED ACTION

Management is requesting to pay a Fiscal Year 2018 invoice for the Information Services Department to Granicus in the amount of \$392.33.

#### G. Approval of Payment of Prior Year Invoice for the Sheriff's Office and Budget Ordinance Amendment B190045

##### BACKGROUND

The Sheriff's Office is requesting to pay two Fiscal Year 2018 invoices #OCP13136 and #OCP13025 to Southern Health Partners for outside medical care for inmates totaling \$27,582.66. Staff have verified that both invoices have not been paid and are in fact due. Approval of Budget Ordinance Amendment B190045 to re- appropriate Fiscal Year 2018 funds has been requested and is needed to pay these invoices.

Please note this amendment requires a re-appropriation of Fiscal Year 2018 funds to the current year.

#### RECOMMENDATION / PROPOSED ACTION

The Board is requested to approve Budget Ordinance Amendment B190045 to bring Fiscal Year 2018 funds forward in the amount of \$27,583.00. This represents funding to pay for outside medical care for inmates received in Fiscal Year 2018. The final invoices were received after the fiscal year deadline.

Please note this amendment requires a re-appropriation of Fiscal Year 2018 funds to the current year.

#### H. Approval of Payment of Prior Year Invoice for the Workforce Development Department and Budget Ordinance Amendment B190115

##### BACKGROUND

The Workforce Development Department is requesting to pay a prior year invoice to ResCare in the amount of \$56,843.67 for contracted service delivery. Workforce Development staff completed the required review after the deadline to pay Fiscal Year 2018 invoices. A budget revision to re-appropriate funds remaining from Fiscal Year 2018 is required to cover the cost of this expenditure.

#### RECOMMENDATION / PROPOSED ACTION

Management is requesting approval to pay ResCare in the amount of \$56,843.67 for contracted service delivery.

The Board is requested to approve Budget Ordinance Amendment B190115 to bring Fiscal Year 2018 Workforce Development funds forward in the amount of \$56,844.00. These funds represent funding to pay for program services specific to the prior year ResCare invoice.

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Please note this amendment requires a re-appropriation of Fiscal Year 2018 Workforce Development funds to the current year.

I. Approval for Payment of Prior Year Invoices for the Department of Public Health

BACKGROUND

The Department of Public Health is requesting to pay five Fiscal Year 2018 invoices for medical and temporary employment services totaling \$1,455.31. The four medical invoices were received after the deadline to pay Fiscal Year 2018 invoices and the invoice for temporary employment services was received prior to the deadline but misplaced until after the deadline to pay Fiscal Year 2018 invoices. Staff have verified these invoices have not been paid and are in fact due. There are sufficient funds in the current budget to absorb these expenditures.

RECOMMENDATION / PROPOSED ACTION

Management is requesting approval to pay five prior year invoices for the Department of Public Health for medical and temporary employment services in the amount of \$1,455.31.

J. Approval of Declaration of Surplus Property and Authorization to Accept Insurance Settlement and Approval of Budget Ordinance Amendment 190212

BACKGROUND

DATE OF ACCIDENT: SEPTEMBER 14, 2018

VEHICLE: 2015 DODGE CARAVAN

VIN: 2C4RDGBG5FR652108

FLEET#: SS21

DEPARTMENT: SOCIAL SERVICES

SETTLEMENT OFFER: \$10,917.36

INSURANCE COMPANY: Travelers

This is a total loss settlement offer. Vehicle damaged as a result of Hurricane Florence

RECOMMENDATION / PROPOSED ACTION

Management recommends that the Board of Commissioners:

1. Declare the vehicle described above as surplus.
2. Authorize the Risk Management Coordinator to accept \$10,917.36 (\$11,917.36 - \$1,000 deductible) as settlement.
3. Allow Travelers to take possession of the wrecked (surplus) vehicle.
4. Approve Budget Ordinance Amendment B190212 in the amount of \$10,918, recognizing the insurance settlement. Please note this amendment requires no additional county funds.

K. Approval of Declaration of Surplus Property and Authorization to Accept Insurance Settlement and Approval of Budget Ordinance Amendment 190207

BACKGROUND

DATE OF ACCIDENT: SEPTEMBER 14, 2018

VEHICLE: 2017 DODGE CARAVAN

VIN: 2C4RDGBG9HR839130

FLEET#: SS1707

DEPARTMENT: SOCIAL SERVICES

SETTLEMENT OFFER: \$18,552.75

INSURANCE COMPANY: Travelers

This is a total loss settlement offer. Vehicle damaged as a result of Hurricane Florence

RECOMMENDATION / PROPOSED ACTION

Management recommends that the Board of Commissioners:

1. Declare the vehicle described above as surplus.

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2. Authorize the Risk Management Coordinator to accept \$18,552.75 (\$19,552.75 - \$1,000 deductible) as settlement.
  3. Allow Travelers to take possession of the wrecked (surplus) vehicle.
  4. Approve Budget Ordinance Amendment B190207 in the amount of \$18,553, recognizing the insurance settlement. Please note this amendment requires no additional county funds.
- L. Approval of Declaration of Surplus Property and Authorization to Accept Insurance Settlement and Approval of Budget Ordinance Amendment B190213

#### BACKGROUND

DATE OF ACCIDENT: SEPTEMBER 14, 2018

VEHICLE: 2012 FORD ECONOLINE

VIN: 1FBSS3BL2CDA78504

FLEET#: SS17

DEPARTMENT: SOCIAL SERVICES

SETTLEMENT OFFER: \$12,383.05

INSURANCE COMPANY: Travelers

This is a total loss settlement offer. Vehicle damaged as a result of Hurricane Florence

#### RECOMMENDATION / PROPOSED ACTION

Management recommends that the Board of Commissioners:

1. Declare the vehicle described above as surplus.
  2. Authorize the Risk Management Coordinator to accept \$12,383.05 (\$13,383.05 - \$1,000 deductible) as settlement.
  3. Allow Travelers to take possession of the wrecked (surplus) vehicle.
  4. Approve Budget Ordinance Amendment B190213 in the amount of \$12,384, recognizing the insurance settlement. Please note this amendment requires no additional county funds.
- M. Approval of Budget Ordinance Amendments for the October 15, 2018 Board of Commissioners' Agenda

#### BACKGROUND

##### General Fund 101

- 1) General Government Other - Budget Ordinance Amendment B190086 in the amount of \$1,000 from the North Carolina Association of County Commissioners

The Board is requested to approve Budget Ordinance Amendment B190086 in the amount of \$1,000 from the North Carolina Association of County Commissioners. The funds are awarded to the Public Information Office for winning the 2018 Excellence in Innovation Award for the development and implementation of the Cumberland Alerts Campaign.

Please note this amendment requires no additional county funds.

- 2) Sheriff's Office Grants-Budget Ordinance Amendment B190945 in the amount of \$78,615 from the Office of Justice Programs at the U.S. Department of Justice

The Board is requested to approve Budget Ordinance Amendment B190945 in the amount of \$78,615 from the Office of Justice Programs at the U.S. Department of Justice. This grant will be used for the implementation of the National Incident Based Reporting System (NIBRS) which is an FBI mandated change in reporting crime statistics.

Please note this amendment requires no additional county funds.

- 3) Sheriff's Office Grants - Budget Ordinance Amendment B190044 to recognize a Byrne grant of \$146,619 from the U.S. Department of Justice

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The Board is requested to approve Budget Ordinance Amendment B190044 in the amount of \$146,619 to be distributed as follows: \$29,587 for Cumberland County Sheriff's Office and \$117,032 for Fayetteville Police Department. The allocation of funds is determined by the U.S. Department of Justice and is based on population. The Sheriff's Office will continue to use the funds to connect computers in the deputy's cars to the SBI and FBI databases. The Fayetteville Police Department intends to utilize the funds for purchase of a community policing vehicle/trailer and a communication mobile command center.

Please note this amendment requires no additional county funds.

- 4) Animal Control - Budget Ordinance Amendment B190085 to recognize a donation in the amount of \$2,000 from Walmart Distribution

The Board is requested to approve Budget Ordinance Amendment B190085 in the amount of \$2,000 from Walmart Distribution. These funds will be used to purchase additional medications to help with the influx of animals received from Hurricane Florence.

Please note this amendment requires no additional county funds.

- 5) Animal Control - Budget Ordinance Amendment B190116 to recognize a grant award in the amount of \$14,000 from the Banfield Foundation

The Board is requested to approve Budget Ordinance Amendment B190116 in the amount of \$14,000 from the Banfield Foundation. These funds will be used to purchase supplies such as a pediatric scale, universal centrifuge, autoclave and trays, small animal anesthesia machine, and other items.

Please note this amendment requires no additional county funds.

- 6) Library Grants - Budget Ordinance Amendment B190123 to recognize a National Aeronautics and Space Administration (NASA) grant award in the amount of \$1,500 from the American Library Association

The Board is requested to approve Budget Ordinance Amendment B190123 in the amount of \$1,500 from the American Library Association. These funds will be used to purchase materials and supplies for National Aeronautics and Space Administration (NASA) program at the library.

Please note this amendment requires no additional county funds.

- 7) Library Grants - Budget Ordinance Amendment B190124 to recognize a grant award in the amount of \$5,000 from the Financial Industry Regulatory Authority (FINRA) Investor Education Foundation

The Board is requested to approve Budget Ordinance Amendment B190124 in the amount of \$5,000 from the Financial Industry Regulatory Authority (FINRA) Investor Education Foundation. These funds will be used to purchase materials to enhance the library's personal finance materials. Please note this amendment requires no additional county funds.

#### REGARDING THE FOLLOWING ITEMS 8 PLEASE NOTE:

Each fiscal year County departments may have projects that are not complete by the fiscal year end (6/30/18) or items ordered that have not been received by fiscal year end. These projects or items were approved in the Fiscal Year 2018 budget; however, the money was not spent by June 30, 2018.

The following amendments seek to bring those funds forward from FY 2018 into the current fiscal year, allowing departments to complete and pay for these items. These revisions are not using 'new' funds but are recognizing the use of FY18 funds in FY19.

#### General Fund 101

8) General Government Other - Budget Ordinance Amendment B190020 to re-appropriate funds in the amount of \$7,000 for the State Criminal Alien Assistance Program

The Board is requested to approve Budget Ordinance Amendment B190020 to re-appropriate funds in the amount of \$7,000 for the State Criminal Alien Assistance Program (SCAAP). This program gathers information from the Sheriff's Office, the State of North Carolina, and the Federal Government to assist the finance department in preparing the annual application for SCAAP. This application allows the County to be reimbursed for noncitizens who are housed in the County detention center.

#### RECOMMENDATION / PROPOSED ACTION

Approve Budget Ordinance Amendments

N. Approval of Cumberland County Facilities Committee Report and Recommendation(s)

1. Radio Tower Lease Agreement with Cape Fear Amateur Radio Society

#### BACKGROUND

The Cape Fear Amateur Radio Society (CFARS) provides volunteer Amateur Radio operators who help our community in good times and bad, through community events, disaster response, and educational programs. CFARS is seeking a new location for their primary antenna and is requesting to place an antenna on the old Highsmith Rainey Building located 109 Bradford Avenue in Fayetteville. The proposed use of the space on the tower provides more effective and efficient services to the citizens of Cumberland County without any negative impact to existing operations. This serves as a benefit to the County and more specifically Emergency Management during disaster operations like those encountered during Hurricanes Matthew and Florence.

The proposed terms for the new agreement are as follows:

- Five-year term commencing October 15, 2018 and ending June 30, 2023 Rent of \$10 for the entire five-year term
- Lessor provides and maintains existing antennae, connections, and headend building while Lessee provides and maintains its headend equipment
- Lessor provides utilities and environmentally controlled headend building (utilities are singly metered for entire facility and therefore cannot be split out)
- Lessee is self-insured

#### RECOMMENDATION / PROPOSED ACTION

The Facilities Committee approved moving this forward for consideration by the full Board of Commissioners as a Consent Agenda item at the October 15, 2018 regular meeting.

2. Approval of Lease Agreement Renewal for The Cooper Solid Waste Container Site

#### BACKGROUND

The Solid Waste Department operates the Cooper Container site located at 2210 Rich Walker Road, Wade, NC. Cumberland County leases the property for this site from the Shirley Beard Cooper Heirs. This container site has been in place since 2009 and the projected cost of constructing a new container site in a different location is \$75,000. It is critical that this site remain open in order to provide the necessary service to the citizens within the surrounding community. The current lease agreement was entered into on January 1, 2009 and is set to expire on January 1, 2019 (attached for your convenience). The lease rate has been \$8,000 for the ten-year period.

The property owners have agreed to renew the lease with Cumberland County for an additional five years at a lease rate of \$5,000 for the full five-year term and is to be paid promptly after the execution of the lease agreement.

#### RECOMMENDATION / PROPOSED ACTION

The Facilities Committee approved the lease renewal for the Cooper Solid Waste Container Site at its October 4, 2018 meeting and forwarded this item to the full Board of Commissioners as a Consent Agenda item at its October 15, 2018 Board of Commissioners' Meeting.

3. Approval of Contract for Parking Lot Improvements at Central Maintenance and Building Maintenance Facilities

#### BACKGROUND

The Capital Improvement Plan (CIP) identified repairs for the Central Maintenance and Building Maintenance Facility's parking lots. The project consists of asphalt removal and replacement for the entire parking lot.

A pre-bid meeting was held on September 11, 2018, in which all local contractors were invited to attend. Informal bids were scheduled to be received on September 25, 2018, but the bid date was rescheduled due to Hurricane Florence. Informal bids will be received on October 1, 2018. The lowest, responsible and responsive bid was submitted by Diamond Constructors, Inc. in the amount of \$420,422.87.

#### RECOMMENDATION / PROPOSED ACTION

The Facilities Committee approved the recommendations listed below at its October 4, 2018, meeting and forwarded this item to the full Board of Commissioners as a Consent Agenda item at its October 15, 2018, Board of Commissioners' Meeting:

1. Award a contract to Diamond Constructors, Inc. in the amount of \$420,422.87 for parking lot improvements at the Central Maintenance Facility and the Building Maintenance Facility.
2. Establish a contingency in the amount of \$20,000 to be used for additional work recommended by the E&I Director and approved by the County Manager.
4. Approval of Professional Services Agreement with Stevens Engineers for Replacement of Crown Coliseum Ice Rink Chiller, Cooling Tower and Floor

#### BACKGROUND

The Capital Improvement Project (CIP) identified the Crown Coliseum ice rink chiller, cooling tower and floor for replacement. The ice rink chiller, cooling tower and floor replacement will provide increased life expectancy to the facility and enhance the fan experience. The current system has reached the end of its useful life and is beginning to be problematic for providing a safe and adequate ice surface for playing hockey. These improvements are part of the installment financing package and will be repaid from the Crown fund.

North Carolina General Statute 143-64.31 requires local governments to select firms to provide architectural, engineering and surveying services on the basis of demonstrated competence and qualifications for the type of professional services required without regard to fee other than unit price information. This project is highly specialized, and the Engineering and Infrastructure staff issued a Request for Qualifications (RFQ) for professional services on July 26, 2018 with submittals due back on August 31, 2018. Our Department received three submittals (all from out of state) to review and evaluated the firms based on the submitted qualifications.

E&I staff selected the most responsible and responsive firm based on their statement of qualifications and contacted various references. The most responsive and responsible firm is Stevens Engineers, Inc. based out of Hudson, Wisconsin. Stevens Engineers, Inc. was contacted and submitted a proposal for their services. Their proposal is attached for your convenience. Stevens Engineers has proposed a not to exceed fee of \$233,700 for the engineering work required to complete the replacement of the chiller, cooling tower and ice floor.

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#### RECOMMENDATION / PROPOSED ACTION

The Facilities Committee approved the professional services agreement with Stevens Engineers, Inc. in the amount of \$233,700 at its October 4, 2018 meeting and forwarded this item to the full Board of Commissioners as a Consent Agenda Item at its October 15, 2018, Board of Commissioners' Meeting.

5. Cumberland County Facilities Committee Draft Minutes - October 4, 2018 (For Information Purposes Only)
6. Approval of Grant of Easement to City of Fayetteville for Bus Stop Shelter at Cliffdale Road Library

#### BACKGROUND

The City has requested the county to grant an easement approximately 2' in width and 20' in length to be located in the southeastern corner of the lot on which the Cliffdale Road Branch Library is located. The City wants to construct a concrete pad and shelter for a bus stop within the easement. The City will be responsible to maintain the bus stop. The City's request, the easement document, and a GIS map of the parcel and approximate location of the easement are attached.

#### RECOMMENDATION / PROPOSED ACTION

The Facilities Committee approved the City's request subject to the condition being placed in the easement deed that the easement would be extinguished if the City ceased to use it for a bus stop shelter. The County Attorney concurs with the recommendation of the Facilities Committee.

MOTION: Commissioner Faircloth moved to approve consent agenda Items 3.A. – 3.N.6.  
SECOND: Commissioner Adams  
VOTE: UNANIMOUS (7-0)

#### 4. PUBLIC HEARINGS

- A. Public Hearing on the Community Development Program Year 2017 Draft Consolidated Annual Performance and Evaluation Report (CAPER)

#### BACKGROUND

Attached is the draft PY2017 Consolidated Annual Performance and Evaluation Report (CAPER) prepared by Community Development. This document is available for public review and comment during the period August 31, 2018 – September 14, 2018. Copies have also been distributed to several locations throughout the County in compliance with our Citizen Participation Plan (See attached Public Notice). The final CAPER will be available in the County Commissioners office and at the Community Development office for viewing.

The PY2017 CAPER details program accomplishments and an assessment of our efforts in meeting the goals and objectives set forth in our Annual Action Plan for the period July 1, 2017 through June 30, 2018. Performance reporting meets three basic purposes: 1) it provides HUD with necessary information for the Department to meet its statutory requirements to assess each grantee's ability to carry out relevant community development programs in compliance with all applicable rules and regulations; 2) it provides information necessary for HUD's Annual Report to Congress, also statutorily mandated; and 3) it provides grantees an opportunity to describe to citizens their successes in revitalizing deteriorated communities and meeting objectives outlined in the Consolidated Plan. This reporting tool assures that citizens, community groups, and other interest stakeholders in the community planning process are accurately informed of the use of these federal funds.

#### RECOMMENDATION / PROPOSED ACTION

1. Receive the presentation on the Consolidated Annual Performance and Evaluation Report (CAPER)

All references to any materials which are described in these minutes or incorporated into these minutes are to the materials that are contained in the same numbered item in the agenda for this meeting. These may be viewed online in the agenda set out on this web page <http://co.cumberland.nc.us/departments/commissioners-group/commissioners/meeting-documents>

2. Community Development requests that the Board of County Commissioners hold a public hearing on the draft PY2017 CAPER to offer input and comments, as well as receive comments from the public. No other action is necessary.

\*\*\*\*\*

Dee Taylor, Interim Community Development Director, reviewed the background information recorded above and provided the following presentation.

Consolidated Plan Process Status  
5-Year Strategic Plan  
Determine Community Needs (Through Community Input)  
Prioritizes Those Needs  
Sets Goals for Meeting Those Needs

Ms. Taylor stated as part of meeting the fiscal participation requirements backed by HUD, Community Development holds two public hearing each year; one during the preparation and submission of the Annual Action Plan and one during the preparation and submission of the CAPER. Ms. Taylor explained the CAPER covers the accomplishments and progress in meeting the needs of that year. Ms. Taylor reviewed the table below.

Program Year	Begins July 1st and ends June 30 <sup>th</sup>	2015 - 2020				
		Year 1	Year 2	Year 3	Year 4	Year 5
Annual Action Plan	Describes projects and activities to undertake during the year	✓	✓	✓	✓	Not Started
Consolidated Annual Performance & Evaluation Report	Reports on accomplishments and progress of the completed year	✓	✓	Deadline Extended to 10/26/18	Not Started	Not Started

- Ms. Taylor stated consolidated plan priorities identified in the community include the following:
- Affordable Housing
  - Homelessness
  - Non-Housing Community Development (i.e., human services activities, public facilities and infrastructure)

Ms. Taylor reported the goals and the activities, beneficiaries and expenditures for each plan priority as recorded below:

Affordable Housing

Goal: Increase Affordable Quality Housing

ACTIVITY	BENEFICIARIES	EXPENDED
Homeowner Housing Rehabilitated	27 Housing Units	\$449,587
Homeowner Housing Rehabilitated (NCHFA ESFRLP – Disaster Recovery)	3 Housing Units	\$72,606
Homeowner Housing Added	4 Housing Units*	\$380,158

Homeless

Goal: Provide Essential Services and Housing for the Homeless

ACTIVITY	BENEFICIARIES	EXPENDED
ESG - Rapid Re-housing	14 Households	
ESG - Homeless Prevention	82 Persons	\$105,192
ESG - Homeless Persons Overnight Shelter	50 Persons	
CoC – Transitional Housing	12 Households	\$161,303
CoC – Permanent Supportive Housing	5 Households	

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Non-Housing Community Development  
Goal: Improve Access to Public Services (Human Services)

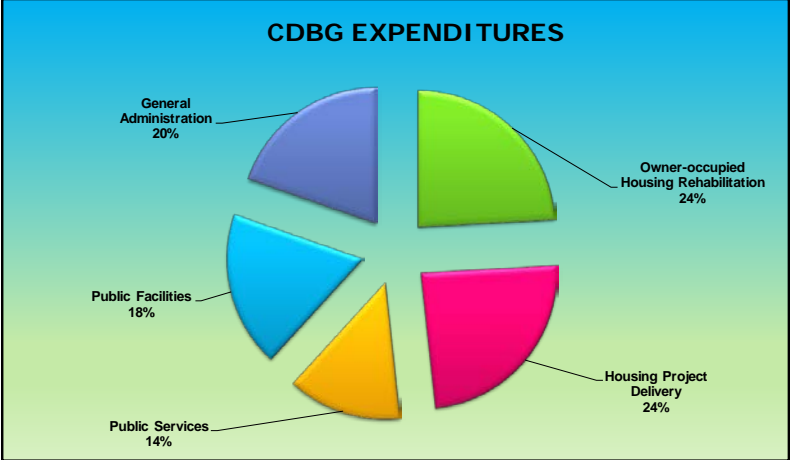
ACTIVITY	BENEFICIARIES	EXPENDED
Public Services (Human Services)	3,091 Persons	\$104,931

Goal: Improve Public Facilities/Develop Infrastructure

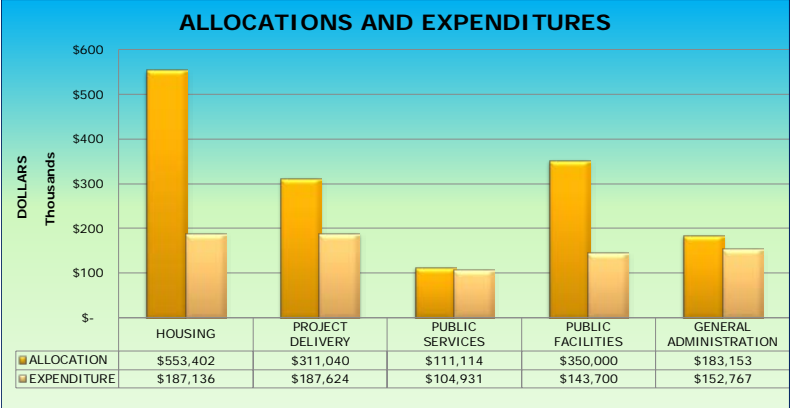
ACTIVITY	BENEFICIARIES	EXPENDED
Public Facility for LMI Housing Benefit	6 Households	\$143,700

Ms. Taylor reported CDBG, HOME, CoC, and Non-Federal allocations and expenditures as shown below:

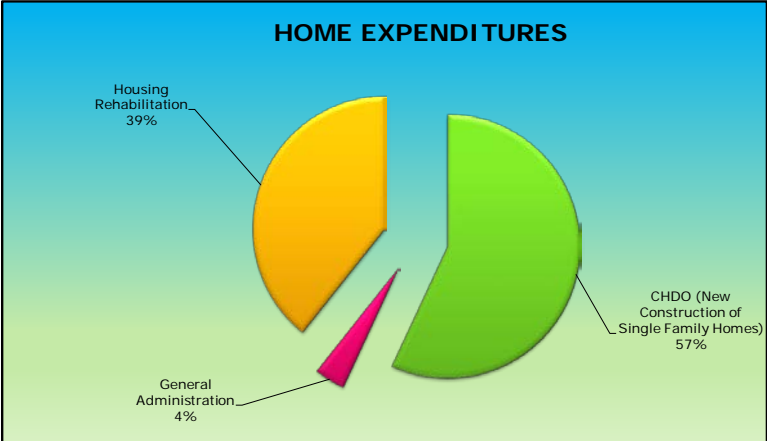
CDBG (Entitlement)



CDBG Funds

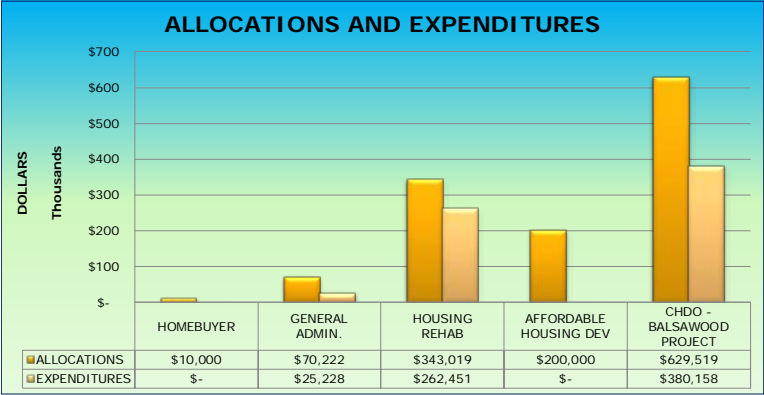


HOME (Entitlement)

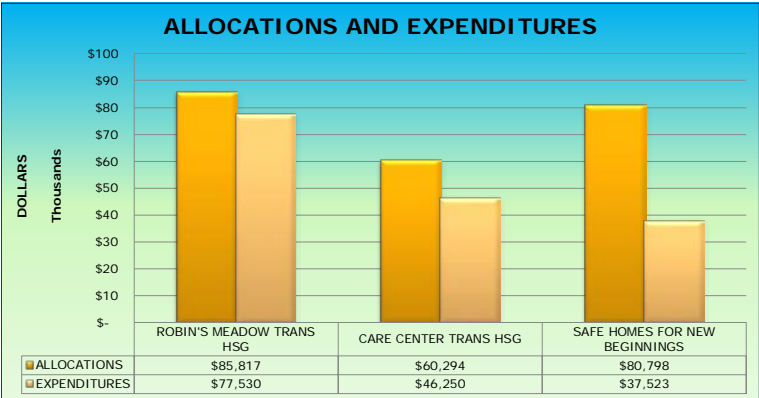


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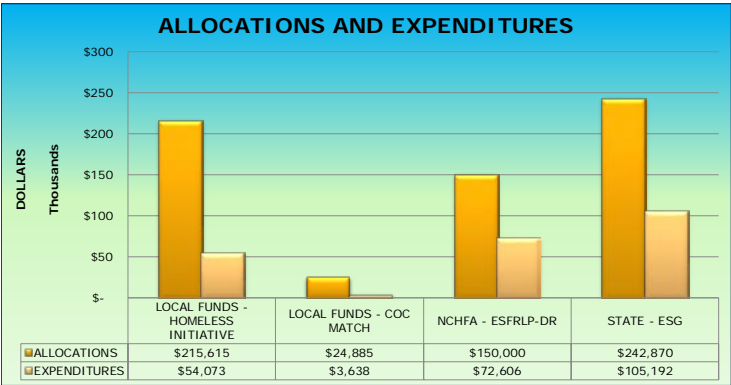
HOME Funds



CoC Funds



Non-Federal Funds



Ms. Taylor stated there is a fifteen-day public review period from August 31 through September 14, the document is available at six locations countywide and the CAPER is due to HUD by October 26, 2018. Ms. Taylor and Assistant County Manager/Interim Health Director Duane Holder responded to questions about allocations, funding cycles, overlap of program years and carryover or return of funds. Commissioner Adams suggested reporting allocations and expenditures per year as opposed to providing cumulative totals. In response to questions posed by Commissioner Evans regarding homelessness, Mr. Holder further explained the Homeless Initiative funds for those at risk of being homeless and funding for the Day Center. Mr. Holder also provided a brief update on Homeless Committee activities.

Chairman Lancaster opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Lancaster closed the public hearing.

- MOTION: Commissioner Council moved to accept the presentation on the Consolidated Annual Performance and Evaluation Report (CAPER).
- SECOND: Commissioner Evans
- VOTE: UNANIMOUS (7-0)

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B. Request for Public Hearing and Approval of Submission of FY 2020 Applications for the Community Transportation Program Grant Funds and Resolution

BACKGROUND

Staff requests that a public hearing be held regarding the FY 2020 Community Transportation Program (5311) Grant Application which is due November 2, 2018. Staff also requests approval for submission of grant applications for ROAP, 5310, and 5307 in the amounts listed below. This is an annual request that funds the Cumberland County Community Transportation Program which coordinates existing transportation programs operating in Cumberland County using local transportation providers. The funding period will run from July 1, 2019 to June 30, 2020. Funding will be used to provide trips to work, school, medical, and general errands.

The administrative portion will be used for salaries and fringes of the Transportation Coordinator and the Transportation Assistants, office supplies, driver drug and alcohol testing, travel to meetings and conferences, program marketing for all services provided to County residents, legal advertising and North Carolina Public Transportation Association (NCPTA) membership.

The Community Transportation Program is requesting funding in the following amounts from the NC Department of Transportation (a local match is required as noted below and is typically funded in the local FY Budget):

<u>Project</u>	<u>Total Amt.</u>	<u>Local Share:</u>
Administrative (5311)	\$183,760	\$27,564 (15%)
Capital (5310)	\$250,000	\$25,000 (10%)
Capital (5307)	\$96,378	\$ 9,638 (10%)
Rural Operating Assistance Program (ROAP)/		
Rural General Public (RGP) Program	\$306,633	\$7,524 (RGP 10%)
Total Project:	\$836,771	\$69,726

RECOMMENDATION / PROPOSED ACTION

Staff requests the Board hold the Public Hearing for 5311 and approve the submission of the FY 2020 Projects for Community Transportation Program (5311, 5310, 5307 and ROAP) Grant Applications to the NC Department of Transportation.

\*\*\*\*\*

Joel Strickland, FAMPO Executive Director, reviewed the background information recorded above. Mr. Strickland stated NCDOT is now requiring that all grant applications be submitted at one time and if approved, the projects will be submitted for the FY2020 budget.

Chairman Lancaster opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Lancaster closed the public hearing.

- MOTION: Commissioner Council moved to approve the submission of the FY 2020 Projects for Community Transportation Program (5311, 5310, 5307 and ROAP) Grant Applications to the NC Department of Transportation.
- SECOND: Commissioner Faircloth
- VOTE: UNANIMOUS (7-0)

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## Uncontested Rezoning Cases

### C. P18-31

#### BACKGROUND

Case P18-31: Rezoning of 10.33+/- acres from RR Rural Residential to R40 Residential or to a more restrictive zoning district, located at 2991 Blossom Road, submitted by Vance U. Tyson Jr. (owner) & Tim Evans on behalf of Longleaf Properties (agent).

#### RECOMMENDATION / PROPOSED ACTION

Planning Board Action: Unanimously recommended approval of the staff recommendation to approve the request for rezoning at the August 21, 2018 meeting for the reasons stated in the recommendations of the Planning Staff and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

Staff Recommendation: In Case P18-31, the Planning and Inspections Staff recommends approval of the rezoning from RR Rural Residential to R40 Residential and find it is consistent with the adopted South Central Land Use Plan (2015) which calls for “farmland” at this location, the “farmland” designation allows for one unit per acre with suitable soils for septic, and further find that approval of the request is reasonable and in the public interest because the district requested will provide for larger lot sizes than the current zoning in an area lacking public utilities.

If the Board of Commissioners wish to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

#### MOTION:

In Case P18-31, I move to approve the rezoning from RR Rural Residential to R40 Residential and find it is consistent with the adopted South Central Land Use Plan (2015) which calls for “farmland” at this location, the “farmland” designation allows for one unit per acre with suitable soils for septic, and further find that approval of the request is reasonable and in the public interest because the district requested will provide for larger lot sizes than the current zoning in an area lacking public utilities.

\*\*\*\*\*

Tom Lloyd, Planning Director, presented this item and reviewed the background information recorded above.

Chairman Lancaster opened the public hearing for Case P18-31.

The clerk to the board advised there were no speakers for Case P18-31.

Chairman Lancaster closed the public hearing for Case P18-31.

MOTION: Commissioner Boose moved in Case P18-31 to approve the rezoning from RR Rural Residential to R40 Residential and find it is consistent with the adopted South Central Land Use Plan (2015) which calls for “farmland” at this location, the “farmland” designation allows for one unit per acre with suitable soils for septic, and further find that approval of the request is reasonable and in the public interest because the district requested will provide for larger lot sizes than the current zoning in an area lacking public utilities.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

### D. P18-30

#### BACKGROUND

Case P18-30: Rezoning of 3.01+/- acres from A1 Agricultural to R40 Residential or to a more restrictive zoning district, located at 3818 & 3840 Yarbrough Road, submitted by Robert Lee and

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Mary Anne Martin Howell & Lucy S. Martin (owners) & Lori S. Epler on behalf of Larry King & Associates (agent).

#### RECOMMENDATION / PROPOSED ACTION

Planning Board Action: Unanimously recommended approval of the staff recommendation to approve the request for rezoning at the August 21, 2018 meeting for the reasons stated in the recommendations of the Planning Staff and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

Staff Recommendation: In Case P18-30, the Planning and Inspections Staff recommends approval of the rezoning from A1 Agricultural to R40 Residential and find it is consistent with the adopted South Central Land Use Plan (2015) which calls for “farmland” at this location, the “farmland” designation allows for one unit per acre with suitable soils for septic, and further find that approval of the request is reasonable and in the public interest because the developed parcels, if approved, will be brought into compliance with the minimum lot size requirements.

If the Board of Commissioners wish to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

#### MOTION:

In Case P18-30, I move to approve the rezoning from A1 Agricultural to R40 Residential and find it is consistent with the adopted South Central Land Use Plan (2015) which calls for “farmland” at this location, the “farmland” designation allows for one unit per acre with suitable soils for septic, and further find that approval of the request is reasonable and in the public interest because the developed parcels, if approved, will be brought into compliance with the minimum lot size requirements.

\*\*\*\*\*

Tom Lloyd, Planning Director, presented this item and reviewed the background information recorded above.

Chairman Lancaster opened the public hearing for P18-30.

The clerk to the board advised there were no speakers for Case P18-30.

Chairman Lancaster closed the public hearing for Case P18-30.

MOTION: Commissioner Council moved in Case P18-30 to approve the rezoning from A1 Agricultural to R40 Residential and find it is consistent with the adopted South Central Land Use Plan (2015) which calls for “farmland” at this location, the “farmland” designation allows for one unit per acre with suitable soils for septic, and further find that approval of the request is reasonable and in the public interest because the developed parcels, if approved, will be brought into compliance with the minimum lot size requirements.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

E. P18-27

#### BACKGROUND

Case P18-27: Rezoning of 3.93+/- acres from A1 Agricultural to R40 Residential or to a more restrictive zoning district, located at 3519 & 3545 Butler Nursery Road, submitted by Dorothy T. Tatum (owner).

#### RECOMMENDATION / PROPOSED ACTION

Planning Board Action: Unanimously recommended approval of the staff recommendation at the August 21, 2018 meeting for the reasons stated in the recommendations of the Planning Staff and

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as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

**Staff Recommendation:** In Case P18-27, the Planning and Inspections Staff recommends approval of the rezoning from A1 Agricultural to R40 Residential and find it is consistent with the adopted South Central Land Use Plan (2015) which calls for “farmland” at this location, the “farmland” designation allows for one unit per acre with suitable soils for septic, and further find that approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding zoning, existing land uses and lot sizes.

If the Board of Commissioners wishes to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

**MOTION:**

In Case P18-27, I move to approve the rezoning from A1 Agricultural to R40 Residential and find it is consistent with the adopted South Central Land Use Plan (2015) which calls for “farmland” at this location, the “farmland” designation allows for one unit per acre with suitable soils for septic, and further find that approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding zoning, existing land uses and lot sizes.

\*\*\*\*\*

Tom Lloyd, Planning Director, presented this item and reviewed the background information recorded above.

Chairman Lancaster opened the public hearing for Case P18-27.

The clerk to the board advised there were no speakers for Case P18-27.

Chairman Lancaster closed the public hearing for Case P18-27.

**MOTION:** Commissioner Faircloth moved in Case P18-27 to approve the rezoning from A1 Agricultural to R40 Residential and find it is consistent with the adopted South Central Land Use Plan (2015) which calls for “farmland” at this location, the “farmland” designation allows for one unit per acre with suitable soils for septic, and further find that approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding zoning, existing land uses and lot sizes.

**SECOND:** Commissioner Council

**VOTE:** UNANIMOUS (7-0)

**Contested Rezoning Cases**

**F. P18-29**

**BACKGROUND**

Case P18-29: Rezoning of 2.25+/- acres from A1 Agricultural to R40A Residential or to a more restrictive zoning district, located at 2130 Montana Road, submitted by Vance U. Tyson Jr. (owner) & Annie Mae Efird (agent).

**RECOMMENDATION / PROPOSED ACTION**

**Planning Board Action:** Unanimously recommended denial of the staff recommendation to approve the request for rezoning at the August 21, 2018 meeting as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

**Staff Recommendation:** In Case P18-29, the Planning and Inspections Staff recommends approval of the rezoning from A1 Agricultural to R40A Residential and find: a. The approval is an amendment to the adopted current South Central Land Use Plan (2015) map; and that the Board of Commissioners should not require any additional request or application for amendment to said

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map for this request; b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the parcel does not meet the minimum criteria for “low density residential” defined in the Cumberland County Land Use Policies Plan: public or community water and public sewer required, must have direct access to a public street; c. And, this rezoning approval is reasonable and in the public interest because the district requested is in harmony with surrounding zoning and existing land uses.

If the Board of Commissioners wish to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

**MOTION:**

In Case P18-29, I move to deny the rezoning from A1 Agricultural to R40A Residential and find it is not consistent with the adopted South Central Land Use Plan (2015) which calls for “low density residential” at this location; and further find that denial of the rezoning is reasonable and in the public interest because although the existing zoning is also not consistent with the “low density residential” designation, possible runoff onto adjacent properties due to the sloping topography is better mitigated by larger lot sizes with less development and the request is not in harmony with the surrounding existing land uses of one dwelling unit per lot.

\*\*\*\*\*

Tom Lloyd, Planning Director, presented this item. Mr. Lloyd showed vicinity maps and aerial views of the subject property, and provided overviews of the current land uses, current zonings, and surrounding land uses and zonings. Mr. Lloyd stated with the exception of the subject property, there is only one structure per lot in the current land use plan and this request would allow the addition of a structure. Mr. Lloyd stated concern was expressed at the meeting of the Planning Board about runoff from the subject property to the corner lot, and that adding another structure would contribute to the runoff. Mr. Lloyd stated after hearing the concern and studying the contours map, the Planning Board unanimously recommended denial. Mr. Lloyd stated the rezoning is not consistent with the land use plan which calls for low density; however, density is not the issue; the runoff is that issue. Mr. Lloyd stated the petitioner did not show up before the Planning Board.

Chairman Lancaster opened the public hearing for Case P18-29.

The clerk to the board called the following speaker:

Robert Downey - Mr. Downey appeared as a proponent to the rezoning and stated his property is adjacent to the subject property and he has lived there the past 30 years. Mr. Downey stated for 25 years he had maintained the road and to add another structure would create more traffic on the road he personally maintains. Mr. Downey stated all the dirt is gone from the subject property and the remaining clay will not absorb water so runs off onto his property.

Chairman Lancaster closed the public hearing for Case P18-29.

**MOTION:** Commissioner Adams moved in Case P18-29 to deny the rezoning from A1 Agricultural to R40A Residential and find it is not consistent with the adopted South Central Land Use Plan (2015) which calls for “low density residential” at this location; and further find that denial of the rezoning is reasonable and in the public interest because although the existing zoning is also not consistent with the “low density residential” designation, possible runoff onto adjacent properties due to the sloping topography is better mitigated by larger lot sizes with less development and the request is not in harmony with the surrounding existing land uses of one dwelling unit per lot.

**SECOND:** Commissioner Boose

**VOTE:** UNANIMOUS (7-0)

## 5. ITEMS OF BUSINESS

- A. Consideration to Remove the Condition that the Work Plan for the Mt. Vernon Estates Watershed Project Be Reviewed by the Soil and Water Conservation District Supervisors

### BACKGROUND

On June 18, 2018, the Board approved the recommendation of the Policy Committee for the County to undertake a watershed improvement project to restore the dam at Mt. Vernon Estates. The Board included the conditions imposed by the Policy Committee as recommended by the County Attorney that before the county undertakes this project, (1) the petitioners obtain additional engineering to establish all the properties that will benefit in this watershed and whether the benefits will accrue uniformly to differing classes of property; (2) that the project work plan be submitted to the Cumberland County Soil and Water District Commissioners for approval; and (3) that sufficient access rights to the dam be conveyed to the County. The Board placed an additional condition that the project costs shall not exceed \$560,000.

The property owners have obtained the additional engineering report described in condition #1. The Soil and Water Conservation District Supervisors have declined to review the work plan because they have only been involved in projects that benefit or relate to agricultural improvements and the Division engineers with the State Soil and Water Conservation Service do not work on high-hazard dams. The District does not have the legal obligation to review these plans but does have the authority to do so. The County Attorney recommended this review because the county does not have staff with expertise in watershed improvement projects, the engineering to date has been done by an engineer working for the property owners who simply want to repair the dam to maintain their waterfront lots, and all dam repair projects must be made incident to a watershed improvement or flood control project. If the county continues to undertake these projects, we must remain cognizant that each of these stream watersheds is part of the greater Cape Fear Watershed. Because this project was requested by the property owners for the purpose restoring their dam and was not a county- proposed watershed improvement project, the County Attorney believed review by the District Supervisors would have benefited this project and served to ensure consistency with other such projects in the larger Cape Fear Watershed.

Because the Board adopted the County Attorney's recommendation to obtain this review, in order to proceed with this project, the Board must remove the condition that the work plan be reviewed by the Soil and Water Conservation District Supervisors. If the Board elects to remove that condition, the next step will be for the county to hire the engineer to complete the work plan.

### RECOMMENDATION / PROPOSED ACTION

The County Attorney has no recommendation on proceeding with this project. The Board can rely on the engineer's opinion that the project qualifies as a watershed improvement project as described in the applicable sections of Chapter 139 of the General Statutes to move the project forward. That opinion is attached.

\*\*\*\*\*

Rick Moorefield, County Attorney, reviewed the background information recorded above and explained that although the County cannot do dam repairs as just dam repairs, but the County can do them incident to watershed improvements projects. Mr. Moorefield stated even though the State Soil and Water Conservation Service does not work on high-hazard dams, the request was for technical expertise in terms of guidance on a review of the work plan. Mr. Moorefield stated he was not contemplating that the Soil and Water Conservation would approve the plan, only review it and make comments. Mr. Moorefield also stated he believed a review by the Soil and Water Conservation would serve to ensure consistency with other such projects in the larger Cape Fear Watershed and that there would be oversight on smaller projects as to how they relate to the overall watershed. Mr. Moorefield stated if the County were to undertake a comprehensive watershed plan, the District would have the legal obligation to review the plans.

Mr. Moorefield stated if the Board chooses to proceed with this project, it must first remove the condition that the work plan be reviewed by the Soil and Water Conservation. Mr. Moorefield further stated if the Board elects to remove that condition, the next step will be for the County to hire the engineer to complete the work plan. Mr. Moorefield stated this is at the stage of becoming a County project should the Board choose to move forward.

Commissioner Council stated she would like to receive information on how many dams have been breached in the County. In response to a question from Commissioner Evan, Mr. Moorefield stated this matter was originally brought to the County as a dam repair project and initial discussion with the Board of Commissioners was for a dam repair project; however, everyone is now aware that the County does not have the authority to do a dam repair project because it has to be incident to flood control or watershed improvement. Commissioner Keefe asked Mr. Moorefield whether it would be a deal breaker to remove the condition that the work plan be reviewed by the Soil and Water Conservation. Mr. Moorefield responded in the negative and stated it was not a legal requirement that they review the plan.

**MOTION:** Commissioner Keefe moved to remove the condition that the work plan be reviewed by the Cumberland County Soil and Water Conservation.

**SECOND:** Commissioner Boose

**DISCUSSION:** Commissioner Adams asked Mr. Moorefield why he recommended that the project work plan be submitted to the Soil and Water Conservation and whether it needed to be done. Mr. Moorefield stated the opinion of Jewell Engineering, is that it qualifies as a watershed project per Chapter 139 and the Board can rely on that opinion; however, he would feel better if the Soil and Water Conservation agreed with that opinion. Commissioner Adams asked who would be assessed. Mr. Moorefield responded just the waterfront properties on the lake according to Jewell Engineering.

Commissioner Faircloth asked whether a larger project would trigger a requirement that would activate the Soil and Water Conservation. Mr. Moorefield stated there is an official process for comprehensive watershed plans; however, the Board has not taken action to undertake a comprehensive watershed plan. Commissioner Faircloth asked the Board whether it was ready to undertake a comprehensive watershed plan before moving too far into this project.

Commissioner Boose asked whether the Soil and Water Conservation review would be a substitute for the engineering plan. Mr. Moorefield responded in the negative and stated he would have expected the Soil and Water Conservation to make comments. Commissioner Keefe asked what would happen if the project were to exceed the cap. Mr. Moorefield stated the project would have to come back to the Board.

Commissioner Council asked whether the County will have to hire an engineer. Mr. Moorefield responded in the affirmative and reiterated that this is a County project and not a project of the homeowners. Commissioner Council stated Cumberland County is not in the dam business and if this becomes a County project, it will set a dangerous precedence for the others who will request dam repairs. Commissioner Council also stated the County does not have the money to do what it is supposed to do, and the County budget is already stretched to the limit.

Commissioner Faircloth asked what the status of the project would be if Commissioner Keefe's motion failed. Mr. Moorefield responded the Board will have to approve a budget for the project, hire an engineer and give staff the direction to move forward. Commissioner Faircloth stated at some point that the Board needs to look at what happened to these dams, excluding those within municipalities, and what the long-term implications are for the County and how it impacts drainage in the County. Commissioner Faircloth stated this does at some point have

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implications for quality of life and safety in Cumberland County, and he would like to see a comprehensive approach rather than piecemeal by piecemeal approach. Commissioner Faircloth stated even though he is in favor of this project, he would like to see how it fits in overall.

Commissioner Adams stated the quandary is that the Board is being asked to vote on something that cannot be done so he thinks this project needs to be tabled until all questions are answered and more information is given to the Board. Commissioner Adams also stated it does not make sense to vote against Commissioner Keefe's motion and let conditions stay where they are with nothing happening.

**SUBSTITUTE MOTION:** Commissioner Adams moved to table this project until questions are answered.

**SECOND:** Commissioner Faircloth

**DISCUSSION:** Commissioner Boose stated Mr. Moorefield's recommendation was to ask the Soil and Water Conservation to review the workplan but there was nothing said about whether the County would follow their report or whether the project would be held up if the workplan was not reviewed and the Soil and Water Conservation chose not to respond. Commissioner Boose stated he did not understand why this item is even on the agenda. Mr. Moorefield stated the review was a significant part of the Board's motion. Commissioner Boose stated the County asked so he does not see how the project goes back to zero. Commissioner Adams stated that was one of the conditions that had to be met according to what the Board did. Mr. Moorefield stated he understood the Board's motion to be that the workplan would actually be reviewed by the Soil and Water Conservation.

**VOTE ON SUBSTITUTE MOTION: PASSED (4-3)** (Commissioners Faircloth, Council, Adams and Evans voted in favor; Commissioners Keefe, Lancaster and Boose voted in opposition)

Chairman Lancaster asked the status of this issue and what can be expected in a reasonable amount of time. Mr. Moorefield stated his understanding now is that the project is tabled for follow up on Commissioner Faircloth's suggestion. Commissioner Adams concurred and stated it is not dead, just tabled until information requested by Commissioner Faircloth is provided. Commissioner Boose stated the vote just killed the project. Chairman Lancaster stated Mt. Vernon Estates residents need to be made aware this is being looked into further, and recognized residents of Mt. Vernon Estates in attendance for comments.

B. This item was removed from the agenda.

C. Consideration and Approval of Waiving Solid Waste Disposal Fees for Residential Customers

## BACKGROUND

Following Hurricane Matthew, the Board of Commissioners waived Solid Waste disposal fees for residential customers that were impacted by Hurricane Matthew. The fees were waived from the time the storm impacted our community in early October until October 31, 2016. The waived fees included disposal fees for yard debris along with construction and demolition debris.

Due to the devastating impacts from Hurricane Florence, Staff is requesting that Solid Waste disposal fees for residential customers impacted by the storm be waived from September 18th until October 13th. It is also important to note that residents can properly place storm debris material at the NCDOT right of way. This debris will be collected by the County's debris collection contractor at no charge to the citizens.

#### RECOMMENDATION / PROPOSED ACTION

The Interim Solid Waste Director and County Management recommend that the Board of Commissioners retroactively approve the waiver of Solid Waste Disposal Fees from September 18th to October 13th for residential customers impacted by Hurricane Florence.

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MOTION: Commissioner Boose moved to retroactively approve the waiver of Solid Waste Disposal Fees from September 18th to October 13th for residential customers impacted by Hurricane Florence.  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (7-0)

#### D. Consideration and Approval of Request to Waive Permitting Fees for Hurricane Florence

##### BACKGROUND

Staff is requesting that the following permitting fees be waived retroactively to September 24, 2018 by the Planning and Inspections Department because of residential and commercial property damage caused by Hurricane Florence:

1. Electrical Permit: \$40.00 (includes service change or repair, replace outlets, etc.)
2. Insulation: \$50.00 (average cost for the permit to repair damaged insulation)
3. Mechanical: \$40.00 (includes change outs to damaged units and the associated duct work)
4. Building permit: \$75.00 (includes repair to building components such as flooring, sub-flooring, roof damage, etc.)
5. Manufactured Home Replacement: \$155.00 - Single Wide; \$200.00 - Double Wide

The total amount waived to date for all permit categories associated with Hurricane Matthew damage is approximately \$28,922.00. No end-date for the waiver is proposed to give property owners ample time to sort through insurance and various forms of state and federal aid that should be forthcoming.

#### RECOMMENDATION / PROPOSED ACTION

Staff recommends Board approval to waive the aforementioned permit fees for Hurricane Florence-related repairs and construction as specified above.

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MOTION: Commissioner Boose moved to waive the aforementioned permit fees for Hurricane Florence-related repairs and construction as specified in the background information recorded above.  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (7-0)

#### E. Consideration of Interlocal Agreement for Contracted Debris Removal in the County's Small Towns

##### BACKGROUND

Contracts for debris removal and monitoring were procured by the County in accordance with federal procurement standards, prior to the arrival of Hurricane Florence. After consultation with Federal Emergency Management Agency (FEMA) and North Carolina Emergency Management staff, we were advised that the contractual language allows the County to utilize our debris contractors within the small towns and be eligible for FEMA reimbursement. However, interlocal agreements specific to debris management for this event must first be executed.

The interlocal agreement will establish the County's legal responsibility to provide contractual debris management specific to the effects of Hurricane Florence. Once the interlocal agreement is approved by the Board of Commissioners, each Town Board will also need to approve before the County can mobilize our contractor. As of the date of this memorandum, the Towns of Eastover, Wade, Falcon, Godwin and Linden had notified the County of their interest in the County managing the debris within their town limits. Additional details may be found in the attached interlocal agreement.

#### RECOMMENDATION / PROPOSED ACTION

Management recommends the Board of Commissioners approve the attached interlocal agreement.

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MOTION: Commissioner Boose moved to approve the interlocal agreement for contracted debris removal in the County's small towns.  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (7-0)

#### F. Consideration of Interlocal Agreement with the Town of Stedman to Enforce the County's Minimum Housing Ordinance within the Town of Stedman

#### BACKGROUND

The Town of Stedman adopted a resolution applying the County's Minimum Housing Ordinance within the Town's corporate limits and has now requested to enter into an interlocal agreement with the County for the County to enforce the County's Minimum Housing Ordinance within the Town's corporate limits. All costs will be the responsibility of the County. The Town of Stedman is requesting the same enforcement agreement that was done for the Town of Eastover. Copies of the Resolution and Interlocal Agreement are attached.

#### RECOMMENDATION / PROPOSED ACTION

The County Attorney recommends that the Board approve the request to be consistent with the same service being provided to the Town of Eastover at County's expense.

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MOTION: Commissioner Boose moved to approve the interlocal agreement with the Town of Stedman for the County to enforce the County's Minimum Housing Ordinance within the Town of Stedman's corporate limits and that it be consistent with the same service being provided to the Town of Eastover at the County's expense.  
SECOND: Commissioner Council

DISCUSSION: Commissioner Keefe asked why the other small towns within the County are not included. Mr. Moorefield responded each town has to adopt a resolution applying the County's Minimum Housing Ordinance and some of the towns do not have a minimum housing ordinance or have not chosen to apply the County's ordinance. Commissioner Keefe asked whether the town are aware of this. Mr. Moorefield stated he had communication with all town clerks in early 2017 about this.

VOTE: UNANIMOUS (7-0)

#### 6. NOMINATIONS

##### A. Library Board of Trustees (3 Vacancies)

Commissioner Adams nominated Katrina Tiffany, Irene Grimes and Belinda Wilkerson.

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7. APPOINTMENTS

- A. Nursing Home Advisory Board (1 Vacancy)
- B. ABC Board (1 Vacancy)
- C. Animal Control Board (2 Vacancies)

Commissioner Adams withdrew his nomination of Dan Griffin to the ABC Board.

MOTION: Commissioner Council moved to appoint Florence McEachern to the Nursing Home Advisory Board, Alex Warner to the unexpired term on the ABC Board and Yvette Sanders and April Kelly to the Animal Control Board.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

8. CLOSED SESSION: Attorney-Client Matter Pursuant to NCGS 143-318.11(a)(3)  
Personnel Matter(s) Pursuant to NCGS 143-318.11(a)(6)

MOTION: Commissioner Boose moved to go into closed session for Attorney Client Matter(s) Pursuant to NCGS 143.318.11(a)(3) and Personnel Matter(s) Pursuant to NCGS 143-318.11(a)(6).

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Boose moved to reconvene in open session.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Evans moved to adjourn.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 9:30 p.m.

Approved with/without revision:

Respectfully submitted,

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Candice H. White  
Clerk to the Board