

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 5, 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 Marshall Faircloth
Commissioner Jimmy Keefe
Amy Cannon, County Manager
Melissa Cardinal, Assistant 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
Jeffrey Brown, Engineering and Infrastructure Director
Joe Utley, Tax Administrator
Brenda Jackson, Social Services Director
Lisa Childers, Cooperative Extension Director
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk
Press

ABSENT: Commissioner Charles Evans

Chairman Lancaster called the meeting to order and recognized in attendance Town of Spring Lake Mayor Larry Dobbins and Town of Spring Lake Alderman Jackie Jackson.

INVOCATION / PLEDGE OF ALLEGIANCE

Rabbi Eve Eichenholtz of Beth Israel Synagogue provided the invocation followed by the Pledge of Allegiance to the American flag.

Recognition of Cooperative Extension Livestock Agent Liz Lahti on Receiving the Search for Excellence Award in Crop Production

BACKGROUND

Cumberland County Cooperative Extension Livestock Agent Liz Lahti was selected for the Search for Excellence Award in Crop Production at the North Carolina Agriculture Agents meeting in June. The Search for Excellence Award was for forage research and education. Lahti was among Cooperative Extension agents in five southeastern counties who received the award.

The agents recognized a need for forage research and education. Forage production is a large part of livestock farms in the area and accounts for 22,600 acres of hay grown in the five counties. Over the last two years, the agents established two sprigged Bermuda grass variety trials, an herbicide trial and held three haylage field days to demonstrate how haylage is harvested and stored.

RECOMMENDATION / PROPOSED ACTION

Recognize Cumberland County Cooperative Extension Livestock Agent Liz Lahti on receiving the Search for Excellence Award in Crop Production.

Chairman Lancaster recognized Liz Lahti, Livestock Agent with Cumberland County Cooperative Extension, and stated she was the recipient of the North Carolina Association of County Agriculture Agent's State Search for Excellence in Crop Production. Chairman Lancaster stated

Ms. Lahti was part of a team of Extension agents from five Southeastern North Carolina counties who were recognized for their work in forage production, which is a large part of livestock farms. Chairman Lancaster stated over the last two years, the agents established Bermuda grass variety trials, a herbicide trial and held field days for farmers. Chairman Lancaster stated this project resulted in significant impacts for farmers as some reported saving up to \$50 an acre with the new information they gained from the project. Ms. Lahti stated the project was very enjoyable and she appreciated being able to participate in it. Lisa Childers, Cooperative Extension Director, thank the Board of Commissioners for supporting the Cooperative Extension.

PUBLIC COMMENT PERIOD

No public comment period was held.

1. APPROVAL OF AGENDA

MOTION: Commissioner Adams moved to approve the agenda.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (6-0)

2. PRESENTATIONS

- A. Presentation of the Fort Bragg Joint Land Use Study by Vagn Hansen with Benchmark Planning, LLC

BACKGROUND

Approximately two years ago, the Department of Defense awarded a planning grant to conduct a Joint Land Use Study (JLUS) in the Fort Bragg region. The purpose of the study was to assess the potential threat to the military training mission from incompatible urban growth and development that has occurred in the areas surrounding Fort Bragg and Camp Mackall since the completion of the 2005 BRAC process. The grant was managed through the Regional Land Use Advisory Commission (RLUAC), and the study was performed by Benchmark Planning, LLC, of Charlotte, N.C.

The study has been completed, and Mr. Vagn Hansen with Benchmark Planning will provide a presentation and explain the study's findings (a copy of the presentation is attached).

RECOMMENDATION / PROPOSED ACTION

There is no action required. This presentation is for information only.

Amy Cannon, County Manager, introduced Vagn Hansen with Benchmark Planning, LLC who provided the following presentation as an overview of the JLUS and JLUS findings. Mr. Hansen stated JLUS is a study funded by the DoD's Office of Economic Adjustment to help communities and military installations work together in achieving compatible growth and long-term sustainment of the military training mission. Mr. Hansen stated the JLUS focus is land use compatibility as it relates to the military's ability to train. Mr. Hansen stated there were 130 total JLUS conducted from 1985 to 2016. Mr. Hansen reviewed the following influences on the sustainability of the military's mission.



Mr. Hansen displayed a map depicting the 5-mile study area and reviewed the following:

- 5-mile Focus Area (around Fort Bragg)
- Counties: Cumberland, Harnett, Hoke, Moore, Richmond and Scotland
- Cities/Towns: Aberdeen, Eastover, Fayetteville, Hoffman, Pinebluff, Pinehurst, Raeford, Spring Lake, Southern Pines, Whispering Pines, Vass.
- Partner Organizations: Fort Bragg, Fort Bragg Regional Alliance, Mid-Carolina COG, NC Department Commerce, NC DEQ, Sustainable Sandhills, The Nature Conservancy, US Fish & Wildlife Service

Mr. Hansen reviewed the JLUS process over 24 months as follows.

- TASK ONE: Project Initiation & Administration
 - RLUAC Board of Directors Meetings (x7)
 - RLUAC Membership Meetings (x8)
 - Stakeholder Meetings (ongoing)
 - 3 Rounds of Public Presentations
- 6 counties each round
 1. Kick-off Presentation (x6)
 2. Interim Findings (x6)
 3. Final JLUS (x6)
- TASK TWO: Review & Research
 - Existing plans, reports, studies
 - Review land use policies and ordinances
 - Demographic information
 - Development trends and patterns
 - Environmental constraints
 - Climate resiliency
 - GIS data collection & mapping
 - Presentation of Research Summary (May 2017)
- TASK THREE: Land Use Compatibility Analysis
 - Identify land development patterns
 - Identify areas of compatibility/incompatibility
 - Identify future conditions
 - Present Compatibility Analysis
 - Present Interim Findings
- TASK FOUR: Prepare Draft & Final Study
 - Prepare Draft Recommendations
 - Prepare Draft Study
 - Final Draft Prepared
 - RLUAC Board of Directors Endorsement
 - Final Presentations
- TASK FIVE: Prepare Implementation Plan
 - Concurrent with the preparation and review of the Final Draft

Mr. Hanson reviewed key findings as follows:

Continued Population Growth

- Change in developed land cover 2008-2016
- Need to protect the longleaf pine ecosystem

Changes in Training Mission

- The Army has shifted training from counterinsurgency training to a Decisive Action Training Environment (DATE).
 - An increase in combined arms live fire maneuver training
 - New noise contour study did not reveal any major expansions
- The use of Small Unmanned Aerial Systems (SUAS) and Tactical Unmanned Aerial Vehicles (TUAV)
 - Although not an issue today

- Need for continued monitoring/management of airspace
- Potential frequency spectrum challenges with the deployment of new systems

Mr. Hansen displayed maps outlining large caliber and large caliber peak noise levels inside the study area and special use airspace, low level aviation and rotary wing flight and the unmanned aerial systems corridors.

Mr. Hansen reviewed the following JLUS areas of recommendation:

- Regional Coordination
- Compatible Growth
- Environmental
- Fort Bragg

Mr. Hansen displayed a map depicting critical and important compatible use protection ratings within the study area, the installation boundary, within municipalities and within the county boundary. Mr. Hansen provided the information below and explained the compatible use protection rating utilizes criteria refined during the JLUS process. Mr. Hansen also displayed a map depicting conserve lands and compatibility protection needs within the study area, within the installation boundary, within municipalities and within the county boundary. Mr. Hansen explained conservation lands and compatibility protection needs in many of the critical areas are now protected; however, compatibility work still remains.

Compatible Growth

- Compatibility evaluation criteria for “CRITICAL” conservation areas:
 - 130+ dB PK15 Large Caliber Noise Contour
 - 70+ dB CDNL Large Caliber Noise Contour
 - 104+ dB Small Arms Noise Contour
 - 75+ dB ADNL Aviation Noise Contour
 - Clear Zones
 - Accident Potential Zone 1
 - Red Cockaded Woodpecker Active Foraging Areas
 - • Areas Located Under: UAS Corridor
 - Wildlife Habitat Connector Areas
- Compatibility evaluation criteria for “IMPORTANT” conservation areas:
 - 115+ dB PK15 Large Caliber Noise Contour
 - 62+ dB CDNL Large Caliber Noise Contour
 - 87+ dB Small Arms Noise Contour
 - 65+ dB ADNL Aviation Noise Contour
 - Accident Potential Zone 2
 - • Areas Located Under: Air Corridors, Aviation Routes
 - Biodiversity / Wildlife Habitat Rating of 7+
 - Within High Quality / Outstanding Resource Waters Area

Mr. Hansen outlined implements projects for JLUS as follows:

- Updates to Sandhills GIS Database
- RLUAC website update
- RLUAC case management and tracking system
- Local government JLUS comprehensive plan supplements
- Local government compatible use ordinance toolbox
- Local government GIS data assistance
- Comprehensive plan assistance to local governments
- Green Growth Toolbox – local government implementation

Mr. Hansen stated for next steps, the RLUAC will work with Mid-Carolina COG on submitting an implementation grant to OEA. Mr. Hansen stated this is typically a three-month process with the focus on the 8 recommendations. Mr. Hansen concluded his presentation and responded to questions.

Commissioner Keefe requested the removal of Item 3.E. from the consent agenda for separate discussion and action.

Commissioner Boose requested the removal of Items 3.J. and 3.P. for separate discussion and action.

3. CONSENT AGENDA

- A. Approval of October 15, 2018 Regular Meeting Minutes and October 18, 2018 Special Meeting for Capital Project Planning Minutes
- B. Approval of Resolution in Support of Agriculture

BACKGROUND

Each year in November, Cumberland County Cooperative Extension partners with the Kiwanis Club of Fayetteville in honoring and recognizing the importance of agriculture with the annual Farm City Week luncheon and program. During this salute to agriculture, the Young Farmer of the Year is honored, and the Agricultural Hall of Fame induction takes place. We are requesting that the Cumberland County Board of Commissioners support an Agriculture Support Resolution in recognition of our Farm City celebration.

RECOMMENDATION / PROPOSED ACTION

Request is for approval of the Agriculture Support Resolution in recognition of the Farm City celebration.

AGRICULTURE SUPPORT RESOLUTION

WHEREAS, agriculture and agribusiness are the number one industry in North Carolina contributing \$85 billion to our state's economy; and

WHEREAS, we enjoy a food supply that is abundant, affordable and among the world's safest, thanks in large part to the efficiency and productivity of North Carolina's farmers; and

WHEREAS, our farmers provide the food, fuel and fiber for our state and our country; and

WHEREAS, agriculture touches the life of everyone, whether it be in our daily meals or the clothes we wear; and

WHEREAS, farming supports the other community businesses and the local economy; and

WHEREAS, it is estimated that we are going to need to increase food production by at least 70% by 2050 to meet the growing world food demands; and

WHEREAS, we are losing farmland at an alarming rate and it is getting progressively more difficult to recruit and retain farmers; and

WHEREAS, we need to support our agricultural industry and our farmers and encourage a safe and abundant food supply.

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners does hereby:

- Support the development of our community by advocating for a healthy agricultural economy; and
- Encourage the efficient and safe use of our natural resources; and
- Support and encourage policies and practices which enhance the viability of farming operations; and
- Agree to work with community members, officials, and other decision makers to make informed decisions regarding agricultural production, processing and marketing that will support and sustain the agricultural industry as a whole.

Adopted this 5th day of November 2018.

C. Approval of Proposed Additions to the State Secondary Road System - All American Business Park and Churchill Downs Subdivision

BACKGROUND

The North Carolina Department of Transportation has received petitions requesting the following streets be placed on the State Secondary Road System for maintenance (see attached):

All American Business Park

- Missy Byrd Drive

Churchill Downs Subdivision:

- Storm Cat Lane (SR 3987 Ext.)
- Real Quiet Place

DOT has determined that the above streets are eligible for addition to the state system.

RECOMMENDATION / PROPOSED ACTION

Approve the above listed streets for addition to the State Secondary Road System

D. Approval of Resolution of Intent To Close A Dead End Portion Of Old Carvers Falls Road And Call For A Public Hearing On The Question

BACKGROUND

Road closure by the Board of Commissioners is governed by G.S. § 153A-241. The process is commenced by the Board adopting a resolution of intent. Once that resolution is adopted the statute requires advertised and specific notice of the proposed closure and for the Board to hold a public hearing. The Board may close the road after the public hearing if the Board is satisfied that the closure is not contrary to the public interest and that no individual owning property in the vicinity of the road would be deprived of reasonable means of access to his or her property. Any person who is aggrieved by the closure may appeal to the courts within 30 days of the order of closure being adopted. Once the road is closed, title to the property lying in the closed road vests in the adjoining property owners.

Carvers Falls LLC submitted a petition to close a dead end, unimproved portion of Old Carvers Falls Road. A copy of the petition is attached as Exhibit 1. A survey and legal description of the portion to be closed prepared by Larry King & Associates, R.L.S., P.A., are attached to the petition as Exhibits 2 and 3. A notice from NCDOT that the portion for which closure is requested is not state-maintained is attached as Exhibit 4. The county attorney has examined the county's GIS records and reports that the portion for which closure is requested is unimproved, is abutted by only two parcels with PIN 0540-19-9577 and 0540-29-6886 and each of these is owned by the petitioners, and no parcels will be landlocked by this closure.

RECOMMENDATION / PROPOSED ACTION

County attorney recommends the Board to commence this closure by adopting the attached Resolution of Intent calling for a public hearing on December 17, 2018.

BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY RESOLUTION OF INTENT TO CLOSE A PORTION OF A PUBLIC ROAD AND CALLING A PUBLIC HEARING ON THE QUESTION PURSUANT TO G.S. 153A-241

WHEREAS, Carvers Falls LLC submitted a petition to the Cumberland County Board of Commissioners (the "Board") requesting the Board to close a dead-end and unimproved portion of Old Carvers Falls Road, located in Carvers Creek Township, Cumberland County; and

WHEREAS, the petitioners submitted notice from the NCDOT that the portion of the road for which closure is requested is not state-maintained; and

WHEREAS, the County Attorney reported to the Board that the GIS maps of Cumberland County show the portion of the road for which closure is requested to be unimproved; is abutted

only by the parcels with PIN 0540-19-9577 and 0540-29-6886 owned by the petitioners; and the requested closure would not cause any other parcel to become landlocked; and

WHEREAS, the petitioners have provided a survey and legal description of the portion of the road to be closed, prepared by Larry King & Associates, R.L.S., P.A.

BE IT RESOLVED, that pursuant to the request of Carvers Falls LLC, the Board intends to close the above described portion of this unimproved, dead-end portion of Old Carvers Falls Road as shown by the survey and legal description prepared by Larry King & Associates, R.L.S., P.A.

BE IT FURTHER RESOLVED, that the Board shall hold a public hearing on the question of this closure December 17, 2018, at 6:45 p.m. in the Commissioners Meeting Room (Room 118), First Floor, Courthouse, 117 Dick Street, Fayetteville, North Carolina, and the Board shall hear all interested persons who appear with respect to whether the closure would be detrimental to the public interest or to any individual's property rights.

BE IT FURTHER RESOLVED, notice of this public hearing shall be given in accordance with G.S. § 153A-241.

Adopted in regular meeting held November 5, 2018.

E. Removed for separate discussion and action as recorded below.

F. Approval of Declaration of Foreclosed Real Properties as Surplus

BACKGROUND

Upon being the successful bidder on tax foreclosed property, the County first offers that property to the various County Departments and Agencies, as well as the City. If none of these governmental entities has a need for the property, the Commissioners are then asked to declare the property surplus, and the property is placed on the County’s Surplus Property List for sale to the public.

The County of Cumberland has recently acquired, through tax foreclosure, certain real properties located within the County. No governmental entity has expressed a desire to acquire these properties. Exhibit 1 lists the properties along with their tax values. Exhibit 2 is a series of maps setting out the location of each parcel and its associated PIN number.

RECOMMENDATION / PROPOSED ACTION

That the Board declare the foreclosed properties listed in Exhibit 1 as surplus to the needs of the County.

**EXHIBIT 1
COUNTY OWNED PROPERTY**

ITEM	PIN	ADDRESS	DESCRIPTION	ASSESSED VALUE
1.	0425-16-7712-	3239 PRINCESS ST (dwelling)	LT 58 HAIRE SUB ADD 1	\$34,700.00
2. A	0486-94-7240-	N/A	½ ACRE MELVIN LD	\$4,160.00
B	0486-94-6298-	530 MAGNOLIA CHURCH RD, STEDMAN (dwelling)	½ ACRE J H FISHER LD & RES	\$35,400.00
3.	0413-58-8250-	N/A	.26 J A LIVINGSTON LD	\$6,563.00
4.	0436-79-3728-	N/A	LT 2 BLK B SOUTHEAST FAY REDEV SEC 1 MANN ST	\$975.00

COUNTY AND CITY OWNED PROPERTY

ITEM	PIN	ADDRESS	DESCRIPTION	ASSESSED VALUE \$
5.	0437-81-1404-	319 LINCOLN DR (dwelling)	IMP 319 E/S LINCOLN DR LT 15 CAPE FEAR DEV	\$23,700.00
6.	0427-91-0414-	1515 PIERCE ST (dwelling)	LTS 15 & 16 LAKEVIEW HGTS (0.13 AC)	\$26,800.00

- G. Approval of Offer to Purchase Surplus Property Located at 1315 Cade Hill Avenue, Fayetteville, NC

BACKGROUND

The County and the City of Fayetteville acquired the real property with the PIN 0446-45-3206, being Lt 20 Cade Hill Sec 2 (0.51 ac), located at 1315 Cade Hill Avenue, Fayetteville, NC, at a tax foreclosure sale in 2017 for a purchase price of \$13,170.73. The property is zoned SF6 with a tax value of \$38,100.00. The City conveyed its interest in the property to the County on September 28, 2018, by a quitclaim deed recorded in Book 10390 at page 725. Based on the GIS Mapping and the tax records, there is a structure on the lot. Jerry B. Hair, Sr., made an offer to purchase the property for \$13,170.73. 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 is included in the recommendation below.

RECOMMENDATION / PROPOSED ACTION

The County Attorney recommends the Board consider the offer of Jerry B. Hair, Sr. 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.

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS ADVERTISEMENT OF
PROPOSAL TO ACCEPT AN OFFER TO PURCHASE CERTAIN REAL PROPERTY
PURSUANT TO N.C.G.S § 160A-269**

Take notice that the Board of Commissioners finds the real property with PIN 0446-45-3206, being Lt 20 Cade Hill Sec 2 (0.51 ac), located at 1315 Cade Hill Avenue, Fayetteville, NC, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$13,170.73. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The Board of Commissioners may at any time reject any and all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

- H. Approval of Sale of Surplus Real Property Located at 504 Carteret Place, Fayetteville, NC

BACKGROUND

On September 4, 2018, the Board adopted a resolution of its intent to accept an offer to purchase property with PIN 0520-94-5534, located at 504 Carteret Place, Fayetteville, NC, and directed that it be advertised and sold pursuant to the upset bid process of G.S. § 160A-269. Don Gilmore has made an offer to purchase the property for \$9,226.29. The parcel is zoned SF10, with a tax value of \$20,000.00. Based on the County GIS Parcel Viewer System and the tax records, there is a structure on the lot.

Notice of the proposed sale, subject to the upset bid process required by G. S. § 160A-269, was advertised in the Fayetteville Observer on September 12, 2018. The publisher's affidavit is attached. More than 10 days have elapsed since the notice was published. No upset bid was received.

RECOMMENDATION / PROPOSED ACTION

County Attorney recommends the Board accept this offer and authorize the Chair to execute a deed

for the property upon the County's receipt of the balance of the purchase price.

- I. Approval of Declaration of Surplus Property and Authorization to Accept Insurance Settlement and Approval of Budget Ordinance Amendment 191140

BACKGROUND

DATE OF ACCIDENT: SEPTEMBER 15, 2018

VEHICLE: 2007 FORD CROWN VICTORIA

VIN: 2FAHP71W77X134659

FLEET#: FL228

DEPARTMENT: Sheriff's Office

SETTLEMENT OFFER: \$1,932.67

INSURANCE COMPANY: Travelers This is a total loss settlement offer.

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 \$1,933 (\$2,933 - \$1,000 deductible) as settlement.
3. Allow Travelers to take possession of the wrecked (surplus) vehicle.
4. Approve Budget Ordinance Amendment 191140 in the amount of \$1,933, recognizing the insurance settlement. Please note this amendment requires no additional county funds.

- J. Removed for separate discussion and action as recorded below.

- K. Approval to Pay Prior Year Invoices for Emergency Services Department

BACKGROUND

Emergency Services Department is requesting to pay a Fiscal Year 2016 invoice to NICE, Inc. in the amount of \$4,158.00 for warranty coverage on recording equipment. The past-due invoice was received on September 26, 2018. Research on the past due invoice was completed by Emergency Services and Finance staff. We have verified this invoice has not been paid and is in fact due. Sufficient funds are available in the current budget to absorb this expenditure.

In addition, Emergency Services Department is also requesting to pay an amount still owed on a Fiscal Year 2017 invoice to Motorola Solutions in the amount of \$64.67. The invoice was received on October 18, 2018 after the deadline to pay Fiscal Year 2018 invoices. Staff has confirmed this amount was not paid and is in fact due. Sufficient funds are available in the current year to absorb this amount.

RECOMMENDATION / PROPOSED ACTION

Management is requesting approval to pay Emergency Services Department invoices for Fiscal Year 2016 to NICE, Inc. in the amount of \$4,158.00 and approval to pay the balance due in the amount of \$64.67 to Motorola Solutions.

- L. Approval of Request for Refund of Excise Tax for a Deed of Conveyance

BACKGROUND

Single Source Real Estate Services, Inc., has requested a refund of the county's one-half of the excise tax paid for recording a deed for the reason that the deed was recorded in error in Cumberland County and should have been recorded in Harnett County. The Register of Deeds has recommended that the refund be granted in the amount of \$219.50. The recommendation of the Register of Deeds, the request, and a copy of the deeds are attached. The county attorney advises that this is a sufficient basis to grant the request.

G.S. § 105-228.37 governs this refund process. The Board of Commissioners must conduct a hearing on the request after 10 days' notice to the taxpayer. This is not a public hearing. The County may only refund one-half of the total tax because the County only received one-half of the tax and the State received the other half. The refund will bear interest pursuant to the statute.

RECOMMENDATION / PROPOSED ACTION

The county attorney recommends that the board set a hearing on this matter at its next regular meeting November 19, 2018, and direct that notice of the hearing be given to the taxpayer in accordance with G.S. § 105-228.37.

M. Approval of Report of FY2018 Summary of Activities Funded by County ABC Funds

BACKGROUND

In accordance with North Carolina General Statute 18B-805(h), Expenditure of Alcoholism Funds: Funds distributed under subdivisions (b)(4) and (c)(3) of this section shall be spent for the treatment of alcoholism or substance abuse or for research or education on alcohol or substance abuse. The minutes of the board of county commissioners or local board spending funds allocated under this subsection shall describe the activity for which the funds are to be spent. Any agency or person receiving funds from the county commissioners or local board under this subsection shall submit an annual report to the board of county commissioners or local board from which funds were received, describing how the funds were spent.

For fiscal year 2018 collections related to (b)(4) totaled \$109,850; collections related to (c)(3) totaled \$275,805; for a combined total of \$385,655. Alliance Behavioral Healthcare has reported that multiple provider agencies provided and were paid for substance abuse services totaling \$2,233,095 and served 1,176 substance abuse consumers over the course of fiscal year 2018.

RECOMMENDATION / PROPOSED ACTION

Accept the report and include same in minutes of the November 5, 2018 Commissioners' Meeting. (The report may be viewed online in the agenda set out on this web page <http://co.cumberland.nc.us/departments/commissioners-group/commissioners/meeting-documents>)

N. Approval of Budget Ordinance Amendments for the November 5, 2018 Board of Commissioners' Agenda

BACKGROUND

General Fund 101

- 1) General Government Other - Budget Ordinance Amendment B190995 in the amount of \$500,000 to correct transfers between the General Fund and the Capital Investment Fund

The Board is requested to approve Budget Ordinance Amendment B190995 in the amount of \$500,000. Transfers between funds should be equal. In this case, the transfer out of the General Fund into the Capital Investment Fund was \$500,000 greater than it should have been. This amendment will correct the over stated budget transfer out of the general fund by decreasing the General Fund transfer. Once made, the general fund transfers will match the transfers to the Capital Investment Fund.

Please note this amendment will decrease General Fund fund balance appropriated.

- 2) Animal Control - Budget Ordinance Amendment B190634 in the amount of \$587 from private donations

The Board is requested to approve Budget Ordinance Amendment B190634 in the amount of \$587 from private donations. These donations will be used to purchase toys, treats, and bedding for the animals in the facility.

Please note this amendment requires no additional county funds.

- 3) Animal Control - Budget Ordinance Amendment B190636 in the amount of \$3,360 from private donations

The Board is requested to approve Budget Ordinance Amendment B190636 in the amount of \$3,360 from private donations. These donations will be used for medical expenses.

Please note this amendment requires no additional county funds.

- 4) Public Health - Budget Ordinance Amendment B190021 to recognize state funds from the Division of Public Health – Environmental Health in the amount of \$260,536

The Board is requested to approve Budget Ordinance Amendment B190021 in the amount of \$260,536 representing state funds received from the Division of Public Health-Environmental Health. These funds are to support mosquito control services to abate mosquito populations within Cumberland County due to Hurricane Florence.

Please note this amendment requires no additional county funds.

- 5) Soil Conservation Department - Budget Ordinance Amendment B191045 to move \$300,000 in grant funds from Engineering to the Soil Conservation Department to be used for stream debris removal

The Board is requested to approve Budget Ordinance Amendment B191045 to move recognized grant funding from the North Carolina Department of Agriculture and Consumer Services – Division of Soil and Water Conservation. These funds were approved during the FY19 budget process. This request is to move the funds to Soil Conservation, as the project will be managed by this department.

Please note this amendment requires no additional county funds.

- 6) Engineering - Budget Ordinance Amendment B190337 to remove a North Carolina Golden Leaf Foundation grant from the Engineering budget

The Board is requested to approve Budget Ordinance Amendment B190337 in the amount of \$100,000 to remove a North Carolina Golden Leaf Foundation grant from the budget. During the FY19 budget process, we anticipated having funds remaining in the amount of \$100,000, however; all grant funds were spent by the end of FY18. Therefore, this correction is needed so the Engineering Department's budget is not overstated.

Please note this amendment requires no additional county funds.

Capital Investment Fund 107

- 7) Capital Investment Fund - Budget Ordinance Amendment B191058 to appropriate Capital Investment Fund Balance in the amount of \$300,000

The Board is requested to approve Budget Ordinance Amendment B191058 in the amount of \$300,000 to appropriate Capital Investment Fund Balance for a performing arts center feasibility study. The Board of County Commissioners approved the feasibility study during the October 18, 2018 special meeting.

Please note this amendment requires appropriation of Capital Investment fund balance.

Community Development Block Grant Disaster Recovery Fund 264

- 8) Community Development Block Grant Disaster Recovery Fund - Budget Ordinance Amendment B190474 to reconcile funds in the amount of \$42,020

The Board is requested to approve Budget Ordinance Amendment B190474 to adjust the Community Development Block Grant Disaster Recovery Funds (CDBGDR) in the amount of \$42,020. Since this is a two-year grant, a reconciliation was conducted to adjust the FY 2019 grant amount based upon the actual expenditures from FY 2018.

Please note this amendment requires no additional county funds.

Crown Fund 600 and Food and Beverage Fund 200

9) Crown/Food and Beverage - Budget Ordinance Amendment B191179 to transfer funds from Food and Beverage in the amount of \$150,000 and to budget Federal Emergency Management Agency (FEMA) reimbursements in the amount of \$40,000

The Board is requested to approve Budget Ordinance Amendment B191179 to transfer funds from the Food and Beverage fund in the amount of \$150,000 to the Crown Fund. This is for the emergency repair of the ice floor chiller at the Crown Coliseum. Funds in the amount of \$40,000 are being budgeted to recognize FEMA funds for damages related to Hurricane Florence.

Please note this amendment requires appropriation of food and beverage fund balance.

REGARDING THE FOLLOWING ITEMS 10-11 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.

Community Development Fund 265

10) Housing Activities and Public Facilities - Budget Ordinance Amendment B190409 to re-appropriate funds in the amount of \$396,660 for Community Development Housing Activities and \$350,000 for Community Development Public Facilities

The Board is requested to approve Budget Ordinance Amendment B190409 to re-appropriate funds in the amount of \$396,660 for Community

Development Housing Activities and \$350,000 for Community Development Public Facilities. This request is to bring the remaining funds forward that were approved during FY18 and remained unspent at fiscal year-end.

Community Development Home Fund 266

11) Home Administration and Home Housing Activity- Budget Ordinance Amendment B190413 to re-appropriate funds in the amount of \$29,419 for Home Administration and \$561,381 for Home Housing Activity

The Board is requested to approve Budget Ordinance Amendment B190413 to re-appropriate funds in the amount of \$29,419 for Community Development Home Administration and \$561,381 for Community Development Home Housing Activity. This request is to bring the remaining funds forward that were unspent during FY18.

Contingency Funds Report – FY19

The County Manager approved the following uses of contingency funds totaling \$32,195.

- \$22,045 was used for Information Services for DASD mainframe maintenance. During the budget process, funds were budgeted in the Capital Investment Fund for a new mainframe, however the vendor has informed the county that the equipment is not nearing the end of life as originally reported by the vendor. Therefore, only continued maintenance is required at this point.

- \$10,150 was used to fund surveying costs at the Cedar Creek Business Center for a South River Electric Membership Corporation Substation for the installation of three phase power in the Park.

RECOMMENDATION / PROPOSED ACTION

Approve Budget Ordinance Amendments.

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

1. Resolution of Intent to Lease Certain Real Property to Hometown America Sports, Inc.

BACKGROUND

Mr. Jeremy Aagard, General Manager for the SwampDogs, has requested an extension of the current lease agreement with an expiration date of December 31, 2018 (attached) as per the agreed upon process for requesting this extension. Representatives from Hometown America Sports, Inc. and Fayetteville Technical Community College have met and agreed upon a mutually beneficial relationship that includes shared use of J.P Riddle Stadium. Staff has been involved in discussions with both parties, and it is evident that each party is ready and willing to share the facility and assure it is utilized and maintained to the benefit of the community.

In order to advance this relationship, Hometown America Sports, Inc. desires to address the following items in the existing lease:

- Expand the cap of twenty (20) non-Coastal Plain League (CPL) events to fifty (50) non-CPL events.
- Allow four (4) consecutive one-year extensions to Hometown America Sports, Inc. starting in 2020 and ending in 2023 for the continued use of J.P. Riddle Stadium.

RECOMMENDATION / PROPOSED ACTION

This item was considered by the Facilities Committee at its November 1, 2018 meeting. The Facilities Committee approved this item to move forward to the full Board of Commissioners as a Consent Agenda Item for further consideration at the November 5, 2018 regular meeting for: 1) the adoption of the initial resolution of intent to lease certain real property, 2) required 30-day advertising as per N.C.G.S. 160A-272, and with one amendment to the proposed contract: The Committee agreed that the SwampDogs should pay 10% to the County in concession fees for all non-CPL events, a change from the previously agreed upon 7% rate, with 3% going to FTCC (see Section 15, "Rent").

The Facilities Committee recommends approval of the intent to lease and required advertising and adoption of the following resolution:

BE IT RESOLVED that the Cumberland County Board of Commissioners finds that the real property known as J.P. Riddle Stadium and associated facilities located at 2823 Legion Road will not be needed for government purposes for the term proposed for the lease of the property to Hometown Sports America, Inc., and this Board intends to adopt a resolution at its regular meeting to be held on December 17, 2018, approving the lease pursuant to the terms to be advertised as follows:

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 December 17, 2018, approving the lease of J.P. Riddle Stadium and associated facilities located at 2823 Legion Road to Hometown Sports America, Inc. for one years, with an option to renew for four (4) consecutive one year terms, commencing on January1, 2019 at an annual rental rate of \$12,000, and the Lessee shall pay 10% to the County in concession fees for all non-CPL events, a change from the previously agreed upon 7% rate, with 3% going to Fayetteville Technical Committee College.

P. Removed for separate discussion and action as recorded below.

MOTION: Commissioner Keefe moved to approve the consent agenda with the exception of Items 3.E., 3.J. and 3.P. as removed for separate discussion and action.
SECOND: Commissioner Council
VOTE: UNANIMOUS (6-0)

3.E. Approval of Interlocal Agreement Between the County of Cumberland and the Town of Spring Lake for Building Inspection Services

BACKGROUND

The Town of Spring Lake would like to enter into an agreement with the County of Cumberland for Building Inspection Services on a temporary basis until the Town can fill a vacant position. Under this agreement, the Town will reimburse the County for these services. The Agreement is attached for your review and approval at the November 5, 2018 Board of Commissioners' meeting.

RECOMMENDATION / PROPOSED ACTION

Consider approval of the attached Interlocal Agreement between the Town of Spring Lake and the County of Cumberland for Building Inspection Services.

Commissioner Keefe asked how the reimbursement amount was determined and whether the County was staffed to provide these services. Ms. Cannon stated there has been a similar agreement in the past and this is an updated agreement. Ms. Cannon stated the salary and fringe benefit reimbursement rate is based on the actual salary and fringe benefits per hour, and this is on a temporary basis because the Town of Spring Lake has undertaken the recruitment process to fill their position. Commissioner Keefe asked how the building inspection services are tracked. Ms. Cannon stated County employees will keep detailed information about the hours they provide services to the Town of Spring Lake. Ms. Cannon stated the County is adequately staff to provide these services.

MOTION: Commissioner Adams moved to approve the Interlocal Agreement between the Town of Spring Lake and the County of Cumberland for building inspection services.
SECOND: Commissioner Boose
VOTE: UNANIMOUS (6-0)

3.J. Approval of Health Department Delinquent Accounts to be Turned Over to the N.C. Debt Set-Off Program

BACKGROUND

At the Board of Health meeting on October 16, 2018, the Board approved writing off a total of \$20,133.48 as bad debts. The bad debt accounts, with balances of \$50.00 or higher, will be processed through the North Carolina Debt Set-Off Program. This program can attach a debtor's State Income Tax refund and/or lottery winnings for payment of bad debts. The accounts with balances under \$50.00 will continue to be worked for collection through our in-house collection efforts. This write-off of bad debts is in compliance with the Cumberland County Department of Public Health Debt Collection Policy 02-03 to write-off bad debts every quarter.

RECOMMENDATION / PROPOSED ACTION

Approve write off of \$20,133.48 bad debts to the North Carolina Debt Set-Off Program.

CUMBERLAND COUNTY DEPARTMENT OF PUBLIC HEALTH
DELINQUENT ACCOUNTS TO BE TURNED OVER FOR COLLECTION BAD DEBT
WRITE OFF #54
September 30, 2018

PROGRAM	AMOUNT
ADULT HEALTH CLINIC	\$2,003.39
BCCCP	\$92.47
CHILD HEALTH CLINIC	\$6,037.76
DENTAL HEALTH CLINIC	\$184.00
FAMILY PLANNING CLINIC	\$6,149.78
IMMUNIZATIONS	\$1,961.90
MATERNAL HEALTH CLINIC	\$3,704.18
TOTAL	\$20,133.48

All bad debt accounts with balances of \$50.00 or higher, will be sent to the North Carolina Debt Set-Off Program, which can attach a debtor's State Income Tax Refund for payment of bad debts.

The above accounts are 90 days old or older as of 6/30/2018

Commissioner Boose inquired regarding the basis for the \$50.00 cut off. Duane Holder, Assistant County Manager/Interim Health Director, stated it is based on the minimum amount that can be sent to the North Carolina Debt Set-Off Program.

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

1. Waiver of Solid Waste Fees for Speranza Mobile Home Park Debris Due to Hurricane Florence

BACKGROUND

At the October 15, 2018, Board of Commissioners’ Meeting during Public Comments, Mr. Mike Speranza, co-owner of Speranza Mobile Home Park located off West Manchester Road in Spring Lake, requested that Solid Waste fees be waived for twenty-nine mobile homes that his family owns which were damaged during Hurricane Florence due to flooding. Staff have visited the property in question and estimated that the amount of demolition material fees to be waived will be approximately \$14,500. This may also involve labor, equipment, and transportation costs associated with the debris removal if the Speranza’s cannot provide the debris removal. The waiver of tipping fees and/or removal cost is typically not reimbursable to the County by FEMA because the debris is on private, commercial property. It is worth noting that after Hurricane Matthew, a similar situation occurred at a local mobile home park, and the owner was required to remove storm-related debris without a waiver of tipping fees or other assistance from the County.

Rather than a waiver, staff recommends the amount of the tipping fees for the tonnage accepted be placed on the property in question as a lien to be recovered when and if the parcel associated with the Speranza Mobile Home Park is sold.

RECOMMENDATION / PROPOSED ACTION

On November 1, 2018, the Finance Committee approved forwarding this to the full Board of Commissioners as a Consent Agenda item at the November 5, 2018 regular meeting with the stipulation that the amount of the tipping fees for the tonnage accepted be placed on the property in question as a lien to be recovered when and if the parcel associated with the Speranza Mobile Home Park is sold.

Commissioner Boose commended staff for their recommendation and working with Mr. Speranza on issues arising from a disaster. Commissioner Faircloth pointed out a lien will be placed on the property, so the tipping fees will not be gratis.

MOTION: Commissioner Boose moved to approve Item 3.J. and Item 3.P.
SECOND: Commissioner Council
VOTE: UNANIMOUS (6-0)

4. ITEMS OF BUSINESS

- A. Approval of Contract to Administer the Crisis Intervention Program (CIP) and Low-Income Energy Assistance Program (LIEAP)

BACKGROUND

The Cumberland County Department of Social Services has contracted with and outsourced its Energy Program to the Salvation to effectively administer the program. Due to limited space and personnel at the main building to accommodate upwards of 10,000 yearly applications, it was deemed necessary to contract with an external agency. This outsourcing has afforded CCDSS the opportunity to focus on other essential day to day business functions while continuing to meet the citizens' needs via an external entity. Previously, we were forced to rely on temporary staff who had to be trained to administer the program while the Salvation Army has a relatively low turnover rate and can offer knowledgeable and proficient staff.

RECOMMENDATION / PROPOSED ACTION

We respectfully request your approval to contract with The Salvation Army again, in FY 18-19, in the amount of \$251,713. Of this amount, there are no County funds required.

Brenda Jackson, Social Services Director, reviewed the background information recorded above stating the CIP is a year-round program related to utility assistance and assistance for citizens who experience a heating and cooling related crisis. Ms. Jackson stated this is a federal program based on eligibility criteria with \$1.9 being allotted that are issued through the state system directly to the vendor. Ms. Jackson stated the LIEAP is a seasonal federal program, December 1 through March 31, for citizens 60 or older and is administered through the state. Ms. Jackson stated December is designated just for senior citizens following which the general population can apply for the program January 1 through March 31. Ms. Jackson stated this is a one-time utility assistance benefit based on eligibility criteria with \$1.9 in federal funds being allotted and issued directly to citizens. Ms. Jackson stated \$251,713 in federal funds is also received to administer the program and there has been a contract with the Salvation Army since 2001 to administer the CIP program and the contract was expanded in 2011 for the Salvation Army to administer the LIEAP. Ms. Jackson stated these programs fit well with the mission of the Salvation Army. Questions followed.

MOTION: Commissioner Faircloth moved to approve the contract with the Salvation Army in FY18-19 in the amount of \$251,713 to administer the CIP and LIEAP.
SECOND: Commissioner Adams
VOTE: UNANIMOUS (6-0)

5. NOMINATIONS

- A. Fayetteville Area Convention and Visitors Bureau (FACVB) Board of Directors (2 Vacancies)

Commissioner Council nominated Laura Leal and Becki Kirby.

B. Cumberland County Juvenile Crime Prevention Council (3 Vacancies)

Commissioner Council nominated Densie Lucas, Amanda Shepherd and Augusta Newman.

C. Civic Center Commission (5 Vacancies)

Consensus was to table this item for 30 days.

D. Board of Health (1 Vacancy)

6. APPOINTMENTS

A. Cumberland County Library Board of Trustees (3 Vacancies)

MOTION: Commissioner Council moved to appoint Irene Grimes, Katrina Tiffany and Belinda Wilkerson.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (6-0)

7. CLOSED SESSION:

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

MOTION: Commissioner Boose moved to go into closed session for Attorney Client Matter(s) Pursuant to NCGS 143.318.11(a)(3).

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Adams moved to reconvene in open session.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Adams moved to adjourn.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 10:55 a.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board