

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
MONDAY, NOVEMBER 19, 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  
Amy Cannon, County Manager  
Melissa Cardinali, Assistant County Manager  
Sally Shutt, 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  
Rodney Jenkins, Health Department Assistant Director  
Trey Smith, Comprehensive Planning Manager  
Patti Speicher, Planning Manager  
Robert Van Geons, Fayetteville-Cumberland Economic Development  
Corporation President/CEO  
Candice White, Clerk to the Board  
Press

ABSENT: Commissioner Jimmy Keefe

Chairman Lancaster called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Chairman Lancaster provided the invocation followed by the Pledge of Allegiance to the American flag.

Introduction of the Fayetteville-Cumberland Youth Council Members - Ashliyn Burgos and Karen Calderon

Chairman Lancaster recognized Ashliyn Burgos and Karen Calderon of the Fayetteville-Cumberland Youth Council. Miss Burgos stated she is the Student Body President at Gray's Creek High School and Fayetteville-Cumberland Youth Council Chair. Miss Calderon stated she is a senior at Gray's Creek High School and Secretary of the Future Business Leaders of American chapter at the 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:

Willie Williams – Mr. Williams stated he a member of the Community Awareness Alliance and hears about money being appropriated for a Performing Arts Center but nothing about money being appropriated for the homeless. Mr. Williams stated he would like to have a liaison appointed or someone to talk with about plans for the homeless.

Patricia Blake-Lee – Ms. Lee stated her family bought a home in Spring Lake in 1997 but they do not have decent water because the water provided by Overhills Park is bad. Ms. Lee stated her family has to have water delivered to their home and asked why they unable to receive decent water from Overhills Park.

Douglas B. Modde – Mr. Modde shared his recommendations for ways to reduce consumption of fossil fuels.

1. APPROVAL OF AGENDA

MOTION: Commissioner Boose moved to approve the agenda.  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (6-0)

2. CONSENT AGENDA

- A. Approval of November 5, 2018 Regular Meeting Minutes
- B. Approval of a Proclamation Recognizing Retirement

BACKGROUND

A request was received for a proclamation recognizing the retirement of the Executive Director of the Arts Council.

RECOMMENDATION / PROPOSED ACTION

The Board of Commissioners is respectfully requested to consider approval of the proclamation.

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, Deborah Martin Mintz has been the longest tenured Executive Director of the Arts Council; and

WHEREAS, Deborah led the effort to stabilize arts and culture funding in our community through advocating for a dedicated percentage of occupancy tax which has contributed significantly to the growth of award-winning, nationally recognized arts and culture programming; and

WHEREAS, Deborah has greatly contributed to growing an industry that supports 1,876 full-time equivalent jobs in our community; and

WHEREAS, under Deborah's leadership, The Arts Council of Fayetteville-Cumberland County has been recognized as one of the most respected arts agencies in the state; and

WHEREAS, her extraordinary efforts in partnership with our school system resulted in Cumberland County Public Schools receiving a Kennedy Center Arts Education award; and

WHEREAS, under her leadership, The Arts Council was one of twelve organizations nationwide selected by Ovation, America's only arts network, for their Stand for the Arts award.

NOW THEREFORE, LET IT BE RESOLVED, that We, the Cumberland County Board of Commissioners, hereby express to Deborah Martin Mintz our deepest gratitude for her immeasurable contributions and distinguished service to our Cumberland County community, and our best wishes for a long and happy retirement.

Adopted this 19th day of November 2018.

- C. Approval of Declaration of Surplus Property and Authorization to Accept Insurance Settlement and Approval of Budget Ordinance Amendment B191449

BACKGROUND

DATE OF ACCIDENT: SEPTEMBER 16, 2018

VEHICLE: 2008 FORD CROWN VICTORIA

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VIN: 2FAHP71V08X166359

FLEET#: FL67

DEPARTMENT: Sheriff's Office

SETTLEMENT OFFER: \$1804.95

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 \$1,805 (\$2,805 - \$1,000 deductible) as settlement.
3. Allow Travelers to take possession of the wrecked (surplus) vehicle.
4. Approve Budget Ordinance Amendment #191449 in the amount of \$1,805, recognizing the insurance settlement. Please note this amendment requires no additional county funds.

#### D. Approval of Formal Bid Award for Aerial Mosquito Control Standby Contract

#### BACKGROUND

In the event of a natural disaster, aerial mosquito control services may be required to control an increase in the mosquito population. Standby contracts for these services are imperative to have in place as they allow the County to begin serving the community immediately following an event without waiting for a bid process to be completed, as mandated by Federal disaster procurement regulations. In the event that services need to be rendered, the County will issue a Notice to Proceed and purchase order to the contracted vendor. The contract terms shall be for an initial period of one year with the option to renew for two additional one-year terms.

Formal bids were recently solicited, received, and reviewed for an aerial mosquito control services standby contract. Bidders submitted a cost per acre amount for two separate spray chemicals. Williamsburg Air Service, Inc., submitted the lowest cost for each chemical spray. Staff of the Health Department will determine the appropriate chemical spray prior to the County issuing a notice to proceed. An approximate total County cost per chemical spray follows:

Trumpet/Naled:  $\$1.58 \times 650 \text{ (square miles)} \times 640 \text{ (acres/square mile)} = \$657,280$   
Dibrom/Naled:  $\$1.56 \times 650 \text{ (square miles)} \times 640 \text{ (acres/square mile)} = \$648,960$

#### RECOMMENDATION / PROPOSED ACTION

Management is recommending approval to award the aerial mosquito spraying standby contract to Williamsburg Air Service, Inc., based on the lowest, responsive, responsible bidder standard of award.

#### E. Approval of Sole Source Procurement for Pneumatic Controls Upgrade

#### BACKGROUND

Funds in the amount of \$72,000.00 were approved in the fiscal year 2019 budget for the upgrade of pneumatic controls on the 4th floor of the Cumberland County Department of Social Services (DSS) building.

Pneumatic controls are a component of the building's HVAC system. The current controls are antiquated and an upgrade is necessary in order to have an automated system.

The pneumatic controls for the remaining floors of the DSS building are operated using Metasys Software. Metasys Software is proprietary to Johnson Controls, Inc. The upgraded controls for the 4th floor will need to be compatible with this existing software. Johnson Controls has submitted a quoted cost of \$53,200.00.

#### RECOMMENDATION / PROPOSED ACTION

Management recommends approval of utilizing the sole source bid exception based on North Carolina General Statute 143-129 (e) (6) (iii), whereas standardization or compatibility are the overriding consideration.

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F. Approval to Sign the Cumberland County NCWorks Career Center Partner MOU and Infrastructure Funding Agreement

**BACKGROUND**

Section 121(c)(1)(A) of the Workforce Innovation and Opportunity Act (WIOA) requires each Local Board, with the agreement of the Chief Elected Official (CEO), to develop and enter into a Memorandum of Understanding (MOU) between the Local Board and the One-Stop Partners, consistent with WIOA Section 121(c)(2), concerning the operations of the one-stop delivery system in a local workforce area. This requirement is further described in the Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans, Performance and Accountability, and the One-Stop System Joint Provisions: Final Rule at 20 CFR 678.500, 34 CFR 361.500, and 34 CFR 463.500, and in Federal guidance.

The sharing and allocation of infrastructure costs among one-stop partners is governed by WIOA Section 121(h), its implementing regulations, and the Federal Cost Principles contained in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) at 2 CFR part 200.

Cumberland County Workforce Development Board must enter into a MOU and an Infrastructure Funding Agreement (IFA) with all its required partners as defined in WIOA Section 121(b)(2)(A) and its recommended partners.

The Funding Agreement Signatory Page must be signed by all partners to include the Cumberland County Board of Commissioners Chairman no later than November 30, 2018. Effective July 1, 2019 and beyond, Infrastructure Funding Agreement addendums will be required no later than July 1st.

**RECOMMENDATION / PROPOSED ACTION**

The Cumberland County Workforce Development Board recommends Cumberland County Board of Commissioner Chairman Larry L. Lancaster sign the Memorandum of Understanding, the Infrastructure Funding Agreement and the Infrastructure Funding Agreement Signatory Page.

G. Approval of the Exercise of an Option to Purchase Real Property Located at 500 Executive Place, Fayetteville

**BACKGROUND**

In previous closed session discussions, the Board has indicated its intent to approve the purchase of the real property located at 500 Executive Place, Fayetteville, for a purchase price of Five Million, One Hundred Thousand Dollars (\$5,100,000) to be used for governmental purposes. County management has had a professional consultant evaluate the property and has determined it is suitable for governmental use. If approved by the Board, closing is scheduled for November 20, 2018.

**RECOMMENDATION / PROPOSED ACTION**

County manager and county attorney recommend approval of the exercise of the option to purchase the property.

H. Approval of Agreement with Hope Mills for the County to Complete the Permitting and Inspection of the Craft Brewery Development at 5435 Corporation Drive

**BACKGROUND**

County Planning and Inspections staff approved a site plan containing three buildings for a craft brewery development at 5435 Corporation Drive and issued a building permit for the main building. After construction commenced, the property was annexed by the Town of Hope Mills. When the main building was about 90% complete, county staff issued a stop-work order and the building permit was revoked because the owner changed contractors and the permit was issued in the name of the original contractor. Because the land is no longer in the county's jurisdiction, the county cannot issue any further permits or the Certificate of Occupancy. The permit fees are not refundable. The Town of Hope Mills has asked the County Inspections Department to complete the permitting and inspections of all three buildings. On November 5, 2018, the Town Board of Commissioners approved an agreement granting the county the authority to complete the

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permitting and inspections of this project. County inspections staff are aware of the Town's request and are prepared to complete the project.

#### RECOMMENDATION / PROPOSED ACTION

County attorney recommends approval of the Agreement which was approved by the Hope Mills Board of Town Commissioners on November 5, 2018.

#### I. Approval of Amendments to the Interlocal Agreement Establishing the Joint Planning Board

##### BACKGROUND

The original interlocal agreement establishing the Joint Planning Board was adopted in 1973. Other than changes in the participating municipalities, the agreement has not been substantially changed. The current agreement provides that the Planning Board will appoint an "Acting Director" from among other Planning staff to serve as Director upon the position becoming vacant and until a successor is hired. It further provides that the Planning Board will recommend persons who may be suitable to serve as the Director to the County Manager. Then the County Manager and the Managers or Administrators of each participating town which has a manager or administrator will form a committee to nominate the Director to the Board of County Commissioners. The Board of County Commissioners will make the final selection and is not limited to the recommendation made by the committee of managers. Under the current agreement, only the Board of Commissioners has the authority to terminate the Planning Director.

The County Manager is requesting that the agreement be amended to make the hiring and managerial supervision of the Planning Director consistent with the treatment of other county department heads that are subject to the direct supervision and control of the county manager. The proposed amendments will do that by making the Planning Director a regular county department head that reports directly to the County Manager. Because this is an interlocal agreement, the amended agreement will have to be approved by each participating town.

#### RECOMMENDATION / PROPOSED ACTION

County Manager and County Attorney recommend approval of the amended agreement to make the position of Director of Planning and Inspections a regular county department head subject to the supervision and control of the County Manager.

#### J. Approval of Budget Ordinance Amendments for the November 19, 2018 Board of Commissioners' Agenda

##### BACKGROUND

##### General Fund 101

1) General Government Other - Budget Ordinance Amendment B191334 in the amount of \$1,083,825 to budget a transfer between the General Fund and the Capital Investment Fund for the sale of property

The Board is requested to approve Budget Ordinance Amendment B191334 in the amount of \$1,083,825. In FY18, proceeds from the sale of real property to Campbell Soup Supply, LLC were received in the amount of \$1,083,825 and placed in the General Fund. This request is to transfer the funds from that sale into the Capital Investment Fund to be used for special projects.

Please note this amendment requires appropriation of fund balance.

2) Public Health - Budget Ordinance Amendment B190064 to recognize Medicaid revenue from the North Carolina Department of Health and Human Services in the amount of \$30,235

The Board is requested to approve Budget Ordinance Amendment B190064 in the amount of \$30,235 representing Medicaid revenue received from the North Carolina Department of Health and Human Services. The funds will be used to purchase replacement computers for several clinics within the Cumberland County Health Department. Cumberland County Information Services department performed an assessment of computers within the Health Department and determined 41 computers need to be replaced to be compatible with necessary software upgrades.

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Please note this amendment requires no additional county funds.

- 3) Sobriety Court - Budget Ordinance Amendment B191059 to recognize grant funds in the amount of \$8,000 from the North Carolina Governor's Highway Safety Program

The Board is requested to approve Budget Ordinance Amendment B191059 to recognize grant funding from the North Carolina Governor's Highway Safety Program in the amount of \$8,000. These funds are for the Traffic Safety Project which includes pretrial monitoring of drivers at high risk for driving while intoxicated.

Please note this amendment requires no additional county funds.

- 4) Cooperative Extension - Budget Ordinance Amendment B190210 to recognize a private donation in the amount of \$2,000

The Board is requested to approve Budget Ordinance Amendment B190210 to recognize a donation in the amount of \$2,000 from the Cumberland County Fair event. The donation will be used to purchase jackets and shirts for the employees of the Cooperative Extension Department to be worn during the fair, farm visits, teaching classes, and agriculture tours.

Please note this amendment requires no additional county funds.

#### Senior Aides Fund 256

- 5) Senior Aides - Budget Ordinance Amendment B191346 to align the Senior Aids FY19 budget to the updated grant award from Senior Services of America in the amount of \$20,445

The Board is requested to approve Budget Ordinance Amendment B191346 in the amount of \$20,445. During the budget process, Senior Services of America had not released the FY19 grant figures; therefore, the FY18 grant award was used as the budget basis. Fiscal Year 2019 grant information has been received from Senior Services of America allowing the FY19 budget to be aligned accordingly.

Please note this amendment requires no additional county funds.

#### RECOMMENDATION / PROPOSED ACTION

Approve Budget Ordinance Amendments

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

1. Contract for Parking Lot Improvements at Crown Complex

#### BACKGROUND

The Capital Improvement Plan (CIP) identified repairs for the East Parking Lot and the remaining portion of the Agri-Expo parking lots at the Crown Complex. The project consists of asphalt removal, asphalt paving and pavement markings for the both parking lots.

A pre-bid meeting was held on October 1, 2018, in which all local contractors were invited to attend. The bid opening was originally scheduled for October 15, 2018, but due to an insufficient number of bids, the bid opening had to be rescheduled. The bid opening was held on October 26, 2018. The bids were presented to the Facilities Committee on November 1st. The lowest, responsible and responsive bid was submitted by Highland Paving Company, LLC in the amount of \$1,328,480.00.

#### RECOMMENDATION / PROPOSED ACTION

The Facilities Committee approved the recommendations listed below at its November 1, 2018, meeting and forwarded this item to the full Board of Commissioners as a Consent Agenda item at its November 19, 2018, Board of Commissioners' Meeting:

1. Accept the bids and award a contract to Highland Paving Company, LLC in the amount of \$1,328,480.00.

2. Establish a contingency in the amount of \$100,000 to be used for additional work recommended by the E&I Director and approved by the County Manager.
2. Contract for East Slope Closure Project at Ann Street Landfill and Associated Budget Ordinance Amendment #B191061

#### BACKGROUND

There are specific areas within landfill cells one through eight that have reached the final elevations in which waste can be placed at the Ann Street Landfill. Therefore, these areas can be officially closed out or capped. Capping these areas will tremendously reduce the maintenance costs as well as increase the ability to maintain compliance with environmental regulations. The project scope includes surveying, clearing, site preparation, soil placement, geosynthetics, stormwater berms, stormwater pipes, landfill gas pipe and seeding.

A non-mandatory pre-bid meeting was held on September 20, 2018, in which all specialty contractors were invited to attend. The bid opening was initially scheduled for October 11, 2018, however it had to be rescheduled due to Hurricane Michael. The bid opening was rescheduled for October 16, 2018. The lowest, responsible and responsive bid was submitted by Shamrock Environmental Corporation in the amount of \$4,058,342.20. A 10% contingency is included in the contract amount. The project was included in the FY19 Budget in the amount of \$3,550,000. Therefore, a budget ordinance amendment will be required to transfer money from Solid Waste Fund Balance in the amount of \$508,343 in order to award the contract.

#### RECOMMENDATION / PROPOSED ACTION

The Facilities Committee approved the recommendations listed below at its November 1, 2018, meeting and forwarded this item to the full Board of Commissioners as a Consent Agenda item at its November 19, 2018, Board of Commissioners' Meeting:

1. Accept the bids for the East Slope Closure Project at the Ann Street Landfill and award a contract to Shamrock Environmental Corporation in the amount of \$4,058,342.20 inclusive of 10% for contingency purposes.
2. Approve Budget Ordinance Amendment #B191061 in the amount of \$508,343 for additional funding needed to award a contract for the bid amount. This amount is the difference between the bid amount and the budgeted amount. The additional funding is being transferred from Solid Waste Fund Balance.
3. Establishment of Criteria for Design-Build Delivery Method for Construction Projects

#### BACKGROUND

On August 23, 2013, Session Law 2013-401, House Bill 857, was signed into law, authorizing the governmental entities to utilize the design-build delivery method for construction contracts. The first step in the process for utilizing the design-build delivery method is that a governmental entity is to establish in writing the criteria used for determining the circumstances under which the design-build method is appropriate for a project. The criteria proposed is the following:

Criteria 1: The extent to which the County can adequately and thoroughly define the project requirements prior to the issuance of the request for qualifications (RFQ) for a design-builder. The design-build delivery method may be used if it is determined that, for the project, the County has professional personnel that are both qualified and experienced to thoroughly define project requirements prior to the issuance of a request for qualifications for a design-builder.

Criteria 2: The time constraints for the delivery of the project. The design-build delivery method may be used if a project has a firm date by which a facility must be operational and the normal delivery method is likely not be timely (typically RFQ, study, design, bid and construct). The size and cost of a project will dictate complexity and schedule.

Criteria 3: The ability to ensure that a quality project can be delivered. The design-build delivery method may be used if it is determined that, for the project, the County has professional and experienced personnel to ensure that the design-build firm will provide a quality project within the budget constraints established by the Board. Consideration will be given to the qualifications and experience of the personnel in the Engineering & Infrastructure Department.

Criteria 4: The capability of the County to manage and oversee the project, including the availability of experienced staff or outside consultants who are experienced with the design-build method of project delivery. The design-build delivery method may be used if it is determined that, for the project, the County has professional and experienced personnel that are knowledgeable of design-build projects, or, in the alternative, experienced consultants who are available to be retained to perform the construction management of a design- build contract.

Criteria 5: A good faith effort to comply with G.S. 143-128.2, G.S. 143-128.4, and to recruit and select small business entities. The design-build delivery method may be used if it is determined that, for the project, requirements will be imposed which will ensure that contractors will comply with the M/WBE goals.

Criteria 6: The criteria utilized by the County, including a comparison of the costs and benefits of using the design-build delivery method for a given project in lieu of the other delivery methods identified. The criteria utilized by the County when considering a design-build delivery method for a project will be as follows:

- Is the project well defined and does it include qualitative and quantitative characteristics that make a design- build contract more appropriate than other methods of delivery?
- Is the project timeline overly constrained and will it be necessary to have the project complete and operational within a short timeframe?
- Will it be necessary to have beneficial use of a portion of the project while it is under construction?
- Given the scope of the project, is there a maximum budget that must be adhered to in order to allow negotiations and flexibility to make appropriate decisions on scope as the project progresses?
- Does the design-build delivery method meet the ultimate operational goals established for a given project and the quality of product achieved as a result of a more fluid and flexible delivery method?

In general terms, if it is determined that the expected expense of a design-build project will be no more than ten percent (10%) greater than the expected expense of a traditional RFQ, study, design, bid and construct project, the design-build delivery method may be utilized.

#### RECOMMENDATION / PROPOSED ACTION

The Facilities Committee approved the establishment of criteria for a design-build delivery method for construction projects at its February 1, 2018, meeting and forwarded this item to the full Board of Commissioners as a Consent Agenda item at its February 19, 2018, Board of Commissioners' Meeting.

4. Utilizing Design-Build Delivery Method for The Landscaping Facility Parking Lot Slope Stabilization Project

#### BACKGROUND

The Capital Improvement Plan (CIP) identified slope stabilization repairs for the Landscaping Parking Lot. The Engineering and Infrastructure Department has reviewed the design-build delivery method for this project. The project meets the criteria based on the following:

Criteria 1: The Cumberland County Engineering & Infrastructure Department has professional personnel that are both qualified and experienced to thoroughly define the project requirements prior to the issuance of a request for qualifications for a design-builder.

Criteria 2: The Landscape Parking Lot Slope Stabilization has to be performed while maintaining accessibility to the parking lot. The parking lot is utilized by staff and there are limited storage options for equipment. Additionally, the parking lot continues to face erosion issues by weather events, putting the limited space we have at risk. A traditional delivery method would not be timely, as the County would have to issue an RFQ, an engineering firm perform a study, complete a design, then bid and construct the project. A design-build delivery method would allow for the selected firm to begin their study, design and construction process upon being selected through the RFQ process.



Criteria 3: The Cumberland County Engineering & Infrastructure Department has professional and experienced personnel to ensure that the design-build firm will provide a quality project within the budget constraints established by the Board.

Criteria 4: The Cumberland County Engineering & Infrastructure Department has professional and experienced personnel that are knowledgeable of design-build projects. Should it become necessary to contract the construction management of a design-build contract, there are experienced consultants local to Cumberland County that are available.

Criteria 5: The County complies with G.S. 143-128.2, G.S. 143-128.4.

Criteria 6: The design-build process may reduce the project schedule by approximately three to six months. This has a direct benefit to the project budget. The design-build delivery method is not expected to involve any additional expense than the expected expense of a traditional RFQ, design, bid-construct project, but by reducing the timeframe of delivery, it eliminates the potential for price escalation that could occur if a traditional RFQ, design, bid-construct project was pursued. Additionally, reducing the project schedule directly impacts reducing the property loss occurring at the Landscaping Parking Lot and along the property's slope.

Qualifications and experience for Engineering & Infrastructure (E&I) Staff that will be involved with managing this project have been attached. The next steps in this process will be for E&I Staff to develop a Request for Qualifications (RFQ) to send out. E&I Staff will evaluate, select and negotiate a contract price for the work to be completed.

#### RECOMMENDATION / PROPOSED ACTION

The Facilities Committee approved the design-build delivery method for the Landscaping Parking Lot Stabilization Project at its November 1, 2018, meeting and forwarded this item to the full Board of Commissioners as a Consent Agenda item at its November 19, 2018, Board of Commissioners' Meeting.

5. Cumberland County Facilities Committee Draft Minutes - November 1, 2018 (For Information Purposes Only)
- L. Approval of Cumberland County Finance Committee Report and Recommendation(s)
  1. Engaging Outside Legal Counsel for DSS Independent Contractor for Children's Services - M. Russ and Budget Ordinance Amendment #B191134

#### BACKGROUND

Due to unexpected events, the Legal Section is in dire need of additional attorney support. One of the Staff Attorneys has been on Family Medical Leave since August 2018. He is expected to return to the office soon but will be unable to resume his normal caseload. His duties will be to concentrate on in-house matters to include working with adult services, staffing cases to determine whether safety issues require the court to intervene and helping with complex orders. Hurricane Florence has created a backlog of work. All DSS Juvenile Court attorneys continue to carry heavy caseloads and new petitions continue to be filed.

The hurricanes also delayed the hiring of an attorney and paralegal that was granted to DSS by the Commissioners in the last budget. I expect the attorney position to be filled on October 29. Even though the new attorney is experienced in Juvenile Law, becoming familiar with the social services cases takes a significant amount of time because of the number of cases and the way they are scheduled for court.

Next, the juvenile cases are complex and require more preparation time. Many go from the Abuse and Neglect status to the Termination of Parental Rights within a short period of time. Moving these cases is extremely important to provide permanency for children. Any delay in the process is an expense for the Agency and the County. Having a contract attorney who is familiar with the juvenile law, especially the Termination of Parental Rights and the Responsible Individual law, will mean the other attorneys can concentrate on the heavy caseloads that are assigned as set out in the Local Court Rules.

Lastly, the retirement of the Managing Attorney on January 31, 2019 will also require an adjustment period for the Legal Section staff. The attorneys may be required to handle some of the other legal matters that the Managing Attorney has been responsible for, which are outside of their usual practice.

#### RECOMMENDATION / PROPOSED ACTION

The Finance Committee recommends approval of the Contract Amendment for Margaret Russ to increase her FY 18-19 contract by \$75,000.00 and Budget Amendment #191134 to move \$75,000.00 from Salaries to Contracted Services to fund the balance. This contract shall not exceed \$95,000.00.

2. Authorization of Interlocal Agreement with the Town of Hope Mills to Share in State Appropriated Funding for Mosquito Spraying

#### BACKGROUND

The Health Department received a State appropriation in the amount of \$260,536 to conduct mosquito abatement activities as a result of Hurricane Florence. These funds may be expended to conduct ground and/or aerial spraying, establish or enhance an existing Integrated Mosquito Management at the city or county level, and to purchase BTI mosquito dunks for distribution to citizens.

The Town of Hope Mills conducted ground spraying in corporate limits of the town. The Town has requested financial assistance to recoup their expenses related to mosquito abatement as a result of Hurricane Florence. Because of their activities, the County did not incur the cost of ground spraying within the Town limits. Based on their pro-rata share of the County, it is projected that the cost of spraying that area would total \$13,100. We are requesting the ability to allow the Town of Hope Mills to share in the State-appropriated funding for mosquito spraying.

#### RECOMMENDATION / PROPOSED ACTION

On November 1, 2018, the Finance Committee unanimously approved forwarding this to the full Board of Commissioners as a Consent Agenda Item for the November 19, 2018 regular meeting. The request is for the Board to approve the development of an interlocal agreement with the Town of Hope Mills to share in the State-appropriated funding for mosquito in an amount not to exceed \$13,100 and authorize the Chairman of the Board of Commissioners to execute the agreement.

3. Cumberland County Finance Committee Draft Minutes - November 1, 2018 (For Information Purposes Only)

MOTION: Commissioner Faircloth moved to approve consent agenda items 2.A. – 2.L.3.  
SECOND: Commissioner Adams  
VOTE: UNANIMOUS (6-0)

#### 3. PUBLIC HEARINGS

Ms. Cannon explained the Board of Commissioners' procedures for public hearings.

##### A. Eastover Area Land Use Plan

Trey Smith, Comprehensive Planning Manager, presented the draft Eastover Area Land Use Plan and displayed a map of the study area boundary to include the Eastover town limits. Mr. Smith stated the public participation portion of the planning process took place December 2017 through August 2018, which helped Planning Staff craft recommendations and future land use maps. Mr. Smith reviewed maps depicting existing land use, current zoning, future plans for transportation projects and the widening of I-95 from Eastover to Benson, overlay and agriculture districts and municipal influence areas, utilities, and wetlands and floodplain.

Mr. Smith stated recommendations include the area as a whole and there are specific recommendations for the Town of Eastover. Mr. Smith reviewed the Eastover Areas recommendations for open space and parks, agricultural and farmland, residential, community appearance, commercial, industrial, community facilities and services and transportation. Mr. Smith also reviewed recommendations specific to the Town of Eastover for residential, parks and

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recreation, transportation, commercial core, feasibility of a town police force and reestablishing the Flea Hill Drainage District when the current agreement expires in 2024.

Mr. Smith reviewed maps depicting future land use classifications for the northern, southern, western and eastern portions of the study area and for the Town of Eastover. Mr. Smith stated the ultimate goal of a successful land use map is to reflect a combination of land uses that enhance the community, preserve the existing natural environment and scheme the growth of the area systematically, which is done by indicating where the various land uses or proposed developments should occur and how it will blend with existing conditions.

Mr. Smith addressed plan consistency and clarified the following: The designation of an area with a particular land use classification does not mean that the most intense zoning district described in the land use classifications is automatically recommended. A range of densities and intensities applies within each category, and the use of different zoning districts within each category should reinforce this range and be based on infrastructure capacity, community character, protection of common open space, and prevailing density and lot size in the surrounding area. The Future Land Use Map documents the general recommended future use for each designated area. However, other types of uses may be compatible with the designated use and deemed to be consistent with the Land Use Plan. For example, a school or duplex-style home could be found to be consistent with the plan designation of Suburban Density Residential.

Mr. Smith concluded his presentation and thanked residents of the Eastover Committee.

Kim Nazarchyk, Eastover Town Manager, stated he felt the plan is an excellent compromise and will allow development within the town and also maintain commercial areas. Mr. Nazarchyk expressed his appreciation to the County for its assistance with the plan.

Commissioner Adams asked whether the impact of exits off of I-95/interchanges had been taken into consideration. Mr. Smith stated that was not factored into the plan but what was factored in was the anticipated popularity of the area with most of the commercial development being located within the commercial overlay at one of the interchanges. Commissioner Adams asked that the NCDOT be made aware of and understands what the Eastover area wants and what is contained within the plan.

Commissioner Faircloth posed questions about the Flea Hill Drainage District. Eastover Town Councilman Stan Crumpler stated the district handled the last storm well, but Hurricane Matthew was a disaster. Mr. Crumpler stated the contract that extends to 2024 does not provide for maintenance, which has been the issue all along. Mr. Crumpler stated efforts are underway to set up a new drainage district, of which only 40% is located in the town, when the current agreement expires in 2024.

Commissioner Boose thanked everyone involved in developing the plan and spoke to futuristic approaches that drive people to an area.

Chairman Lancaster opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Lancaster closed the public hearing

MOTION: Commissioner Adams moved to approve the Eastover Area Land Use Plan as submitted.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (6-0)

## Uncontested Rezoning Cases

### B. Case P18-33

Rezoning of 1.14+/- acres from RR Rural Residential to C2(P) Planned Service and Retail District, located at 6569 Rockfish Road, submitted by Lajos Goczan (owner).

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>

\*\*\*\*\*

Patti Speicher presented this item. Ms. Speicher 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. Ms. Speicher called attention to staff recommendation for approval of the rezoning from RR Rural Residential to C1(P) Planned Local Business District/CZ Conditional Zoning for all allowed uses in the C1(P) District and stated the Planning Board unanimously approved the staff recommendation.

Chairman Lancaster opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Lancaster closed the public hearing.

**MOTION:** Commissioner Boose moved to approve the rezoning from RR Rural Residential to C1(P) Planned Local Business District/CZ Conditional Zoning for all allowed uses in the C1(P) District and find it is consistent with the text of the Southwest Cumberland Land Use Plan (2013) which recommends strip commercial along Camden Road and is consistent with the location criteria for light commercial in the Land Use Policies Plan (2009); and further find that approval of the C1(P)/CZ district is reasonable and in the public interest because the district recommended will restrict the allowable uses to those that would be in harmony with the existing commercial uses in the area without allowing the heavy commercial that would not be compatible with the remaining residentially zoned properties.

**SECOND:** Commissioner Council

**VOTE:** UNANIMOUS (6-0)

#### 4. ITEMS OF BUSINESS

- A. Consider Request for Refund of Excise Tax for a Deed of Conveyance Recorded by Single Source Real Estate Services, Inc.

#### BACKGROUND

At its November 5, 2018, meeting the Board of Commissioners approved the request of Single Source Real Estate Services, Inc., for 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, and to set the hearing required for this matter at the November 19, 2018, meeting. The Register of Deeds recommended that the refund be granted in the amount of \$219.50. The county attorney reports that the deed was also recorded in Harnett County and that notice of the hearing was given to the taxpayer. Back-up documentation was provided in the agenda of the November 5, 2018, meeting.

#### RECOMMENDATION / PROPOSED ACTION

The county attorney recommends that the board conduct the hearing and approve the requested refund.

\*\*\*\*\*

Rick Moorefield, County Attorney, reviewed the background information recorded above. Chairman Lancaster asked whether the taxpayer or anyone representing the taxpayer was present to speak during the conduct of the hearing. No one responded. In response to a question from Commissioner Adams, Mr. Moorefield clarified that the tax is split one-half each to the county and the State and the Board can only release the county's portion.

**MOTION:** Commissioner Adams moved to approve the requested refund.

**SECOND:** Commissioner Faircloth

**VOTE:** UNANIMOUS (6-0)

B. Consideration of Amendments to the FCEDC By-Laws

BACKGROUND

The FCEDC Board of Directors has adopted the attached FCEDC By-Law Amendments for consideration of approval at the November 19, 2018 Board of Commissioners meeting.

The amendments are summarized below:

1. The number of Cumberland County and City of Fayetteville appointments shall increase from 3 each to 4 each. Effective December 2018, the County will appoint 4 members (with the Chairman or his/her Designee), the City of Fayetteville will appoint 4 members (with the Mayor or his Designee), and 2 members will continue to be appointed by the private sector. Ex-Officio Officers would remain the County Manager, City Manager, and Community College President.
2. Election of Officers will now occur at the July meeting, versus the current practice of election of officers in December.
3. Amendment to FCEDC Address: The FCEDC By-Laws will now reflect their new office address at 201 Hay Street, Suite 401A, Fayetteville, NC 28301.

A copy of the amended FCEDC By-Laws is attached showing all changes and mark-ups.

RECOMMENDATION / PROPOSED ACTION

Consider approval of amendments to the FCEDC By-Laws.

\*\*\*\*\*

Robert Van Geons, Fayetteville-Cumberland Economic Development Corporation President/CEO, presented this item and summarized amendments to the by-laws. Mr. Van Geons stated the Fayetteville City Council and Board of Commissioners must approve changes in the membership of the FCEDC Board of Directors, and the Fayetteville City Council has approved the amendments to the by-laws.

Commissioner Adams stated when the FCEDC Board of Directors was set up, there was clearly an entity for the private sector he has a major concern now that no one knows who the private sector entity is that appoints two members.

MOTION: Commissioner Adams moved to send the amended FCEDC By-Laws to the Policy Committee for discussion about the private sector.

SECOND: Commissioner Boose

DISCUSSION: Commissioner Boose asked Mr. Van Geons who notifies the FCEDC of appointments from the private sector. Mr. Van Geons stated the Community Development Foundation (CDF) still exists as an entity and Linda Lee Allen was a subset of that entity. Mr. Van Geons stated the CDF still makes appointments to the Board of Directors and recognizing the contributions by the Tourism Development Authority (TDA), they appointed Vivek Tandon to fill one of the private sector positions representing hoteliers. Mr. Van Geons stated the goal has always been that private sector appointments should represent sectors supporting the FCEDC. Mr. Van Geons stated Jack Rostetter of H&H Homes is the other private sector appointee. Commissioner Adams asked who determines who the private sector entity is and why is it the CDF since there are a lot of groups in the community. Commissioner Faircloth suggested approving the amended by-laws and then study how the private sector entity is chosen, especially since the Fayetteville City Council has approved the amendments. Commissioner Adams states if the amended by-laws are approved, then there is no need for discussion. Mr. Van Geon stated should the Board approve the amended by-laws, he will take this conversation back to the FCEDC Board of Directors. Commissioner Adams stated he has always had an issue with an entity that the City and County do not appoint making appointments to the Board of Directors, especially since that entity is not inclusive of the entire community. Commissioner Adams stated the Board of Commissioners have a duty to make sure this happens. Commissioner Boose stated his second to the motion was to define or refine the phrase "private sector".



VOTE: PASSED (4-2) (Commissioners Council, Boose, Adams and Evans voted in favor; Commissioners Faircloth and Lancaster voted in opposition)

Commissioner Council stated this has been an ongoing concern because the Board is not reflective of the population. Commissioner Council asked whether a time limit could be placed on the matter, so it can be settled. Ms. Cannon asked whether it could be placed on the agenda for the December 6 meeting of the Policy Committee. Mr. Van Geons stated he would be attending a trade show on December 6 and unable to attend.

C. Consideration of Adoption of 2019 Board of Commissioners' Regular Meeting Dates

BACKGROUND

Each year the Board of Commissioners considers adoption of its regular meeting dates for the upcoming calendar year and each year there are exceptions that have to be considered. The exceptions for calendar year 2019 include the following:

- The second meeting in January has been moved to Tuesday, January 22 because the preceding Monday, January 21 will be observed as Martin Luther King, Jr. Day.
- The first meeting in March has been cancelled because the NACo Legislative Goals Conference will be held March 2-6, 2019, Saturday through Wednesday, in Washington, DC.
- The second meeting in April has been moved to Tuesday, April 23 because the preceding Monday, April 22 is Easter Monday. The Board at its November 19, 2012 meeting acted to continue moving the Easter Monday meeting to Tuesday.
- The first meeting in September has been moved to Tuesday, September 3 because the preceding Monday, September 2 will be observed as Labor Day.

RECOMMENDATION / PROPOSED ACTION

Adopt the 2019 Board of Commissioners' regular meeting dates as proposed or amended.

\*\*\*\*\*

Ms. Cannon reviewed the background information recorded above. Commissioner Council asked whether the second meeting in April should continue to be moved to Tuesday since the County observes Good Friday and not Easter Monday. Ms. Cannon stated it has been a continued practice because there are still people who travel that weekend.

MOTION: Commissioner Council moved to adopt the 2019 Board of Commissioners' regular meeting dates as proposed.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (6-0)

D. Designation of Voting Delegate to the NCACC's 2019 Legislative Goals Conference

BACKGROUND

The NCACC's 2019 Legislative Goals Conference will be held Thursday and Friday, January 10-11, 2019, at the Raleigh Marriott Crabtree Valley in Wake County. The Board of Commissioners is hereby requested to designate a commissioner or other official as a voting delegate to the conference. The voting delegate designation form is to be returned to the NCACC no later than Friday, December 28, 2018.

RECOMMENDATION / PROPOSED ACTION

Appoint a voting delegate to the NCACC's 2019 Legislative Goals Conference.

\*\*\*\*\*

Ms. Cannon reviewed the background information recorded above.

MOTION: Commissioner Faircloth moved to designate Commissioner Council as the primary voting delegate and himself as the secondary voting delegate to the NCACC's 2019 Legislative Goals Conference.  
SECOND: Commissioner Boose  
VOTE: UNANIMOUS (6-0)

5. NOMINATIONS

A. Cumberland County Workforce Development Board (4 Vacancies)

Commissioner Council nominated Mark Wilderman, Eric Buck and Phillip Perrier to the three Representative of Business positions and Dr. J. Lee Brown to the Representative-Other position.

6. APPOINTMENTS

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

B. Cumberland County Juvenile Crime Prevention Council (JCPC) (2 Vacancies)

C. Board of Health (1 Vacancy)

MOTION: Commissioner Council moved to reappoint Laura Leal to the FACVB Board of Directors in the Hotel/Motel over 100 Rooms Representative position; reappoint Becki Kirby to the FACVB Board of Directors in the At-Large Representative position; reappoint Densie Lucas to the Juvenile Crime Prevention Council in the At-Large Representative position; reappoint August Newman to the Juvenile Crime Prevention Council in the Member of Faith Community Representative position; and appoint John Larch to the Board of Health in the Engineer Representative position.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (6-0)

7. CLOSED SESSION

No closed session was held.

Chairman Lancaster recognized Fayetteville-Cumberland Youth Council members Ashliyn Burgos and Karen Calderon who shared what they learned from attending the meeting.

MOTION: Commissioner Council moved to adjourn.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (6-0)

There being no further business, the meeting adjourned at 7:50 p.m.

Approved with/without revision:

Respectfully submitted,

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Candice H. White  
Clerk to the Board