

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 18, 2019 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING MINUTES

PRESENT: Commissioner Jeannette Council, Chair
Commissioner Marshall Faircloth, Vice Chairman
Commissioner Glenn Adams
Commissioner Michael Boose
Commissioner Charles Evans
Commissioner Jimmy Keefe
Commissioner Larry Lancaster
Amy Cannon, County Manager
Melissa Cardinali, Assistant County Manager
Sally Shutt, Assistant County Manager
Duane Holder, Assistant County Manager
Darian Cobb, Fellow with NCACC County Manager Fellowship Program
Rob Hasty, Assistant County Attorney
Vicki Evans, Finance Director
Deborah Shaw, Budget Analyst
Heather Harris, Budget Analyst
Jeffrey Brown, Engineering and Infrastructure Director
Brenda Jackson, Social Services Director
Joe Utley, Tax Administrator
Joel Strickland, FAMPO Director and Interim Planning Director
Ed Byrne, Senior Planner
Candice White, Clerk to the Board
Press

Chair Council called the meeting to order. Chair Council stated February is American Heart Month and reminded everyone to engage in a heart healthy lifestyle.

INVOCATION / PLEDGE OF ALLEGIANCE

Chair Council provided the invocation followed by the Pledge of Allegiance to the American flag.

Introduction of the Fayetteville-Cumberland Youth Council Members: Stephen Ferrand and Jasmine Cotton

Stephen Ferrand and Jasmine Cotton were unable to attend the meeting.

Special Recognition - Cumberland County Cares Award - Terra Wright, Spring Lake Strong

Commissioner Adams stated during the Matthew and Florence Hurricane disasters, it was recognized volunteers were needed to help with relief efforts. Commissioner Adams stated one such volunteer was Terra Wright. Commissioner Adams called Terra Wright to the podium and presented her the Cumberland County Cares Award.

Commissioner Adams stated Terra Wright organized a group of residents to form Spring Lake Strong, and the group wasted no time helping families recover from the hurricane; they helped with immediate needs like food, water and clothing, and then helped with cleaning homes and debris from affected neighborhoods.

Commissioner Adams stated before Hurricane Florence, Spring Lake Strong did not exist, but in a few short months, the group has left an impressive footprint of assistance and action to help Spring Lake recover. Commissioner Adams stated Spring Lake Strong has worked with the Cumberland Disaster Recovery Coalition, helping provide information about resources available for hurricane victims, and has partnered with other nonprofits like the Salvation Army, Habitat for Humanity, Second Harvest Food Bank and many churches.

On behalf of the Board of Commissioners, Commissioner Adams thanked Terra Wright and Spring Lake Strong for making a difference in the lives of so many people. Commissioner Adams also recognized in attendance Judy Dawkins, member of the Cumberland County Cares Committee.

PUBLIC COMMENT PERIOD

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

Chief District Court Judge Robert Stiehl – Judge Stiehl stated the jail count at the beginning of the month was 718 and is now 735 with a capacity of 814. Judge Stiehl stated a grant has been received and Judge King will spearhead a project to develop a template for judicial education among judges to combat human trafficking that will be copied and used throughout the state. Judge Stiehl stated local law enforcement needs to be applauded because 56% of all the charges for human trafficking across the State come out of Cumberland County as compared to the other 99 counties.

1. APPROVAL OF AGENDA

MOTION: Commissioner Faircloth moved to approve the agenda.
SECOND: Commissioner Boose
VOTE: UNANIMOUS (7-0)

2. PRESENTATIONS

A. Presentation on "Just Ask", an Initiative for Transitioning Veterans by Major General (retired) Rodney O. Anderson

Retired Major General Rodney O. Anderson stated where to settle and start a new career is an important decision in the lives of military veterans and their families and it is important to invite military veterans and their families to settle in Fayetteville/Cumberland County at the conclusion of their military service. Retired Major General Anderson stated he is present this evening to seek support for this very simple individual activity because the salutation "thank you for your service" can be improved upon with "thank you for your service, I invite you to settle in Fayetteville/Cumberland County at the conclusion of your service". Retired Major General Anderson stated his travels have afforded him the conclusion that this is a very special place to live, work, raise a family, grow a business and enjoy the golden years, but it is all about the people. Retired Major General Anderson stated his charge to everyone in the community is to invite military veterans and their families to settle here in Fayetteville/Cumberland County at the conclusion of their service, because if we all do it, it will make a difference.

B. Month of the Military Child Presentation by Tammy Wilbur-Hoistad

Ms. Tammy Wilbur-Hoistad, Director of Development of the Rick Herrema Foundation, stated her presentation on the Month of the Military Child is being made on behalf of the Community Blueprint Greater Fort Bragg, a diverse community-wide association of individuals and organizations who come together on the second Wednesday of each month to collaborate on ways to close existing services gaps, identify ways to reduce barriers, share resources, and ultimately, improve the system of support and level of care available to service members, veterans, and their families. Ms. Hoistad stated their focus is upon improving service access in eight impact areas including behavioral health, family strength, reintegration, employment, volunteerism, financial and legal, education and housing.

Ms. Hoistad stated April is recognized by the Department of the Defense as Month of the Military Child and the MOMC event will be held April 6. It is an opportunity for communities to honor military kids and the sacrifices they make when their parent(s) serve. Ms. Hoistad stated the MOMC event will be held in conjunction with the annual Ninja Obstacle Course Challenge hosted by The Rick Herrema Foundation, which is a free event for military connected families including active duty, retirees, and veterans. Ms. Hoistad stated in addition to the Ninja Warrior Course,

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>

there will be games and interactive activities and resources in the community that support military families. Ms. Hoistad stated the Ninja O-Course Challenge is an opportunity for kids and adults to push their abilities; this is an annual event held on site at Rick's Place by the Rick Herrema Foundation.

3. CONSENT AGENDA

- A. Approval of January 17, 2019 Special Meeting for Update to Parks and Recreation Master Plan Minutes, February 4, 2019 Regular Meeting Minutes and February 11, 2019 Special Meeting with N.C. Delegation Minutes
- B. Approval of Budget Ordinance Amendments for the February 18, 2019 Board of Commissioners' Agenda

BACKGROUND

General Fund 101

- 1) Health Department - Budget Ordinance Amendment B190076 to recognize federal grant funds from the Food and Drug Administration in the amount of \$6,000 for Environmental Health

The Board is requested to approve Budget Ordinance Amendment B190076 in the amount of \$6,000. Funds are from the Food and Drug Administration for the Environmental Division. These funds will be used for staff to attend the North Carolina Food Safety and Defense Task Force Annual Conference, bimonthly meetings, and training.

Please note this amendment requires no additional county funds.

- 2) Health Department - Budget Ordinance Amendment B190077 to recognize funds in the amount of \$1,444 from the North Carolina Division of Health and Human Services (DHHS) to expand tuberculosis services

The Board is requested to approve Budget Ordinance Amendment B190077 in the amount of \$1,444 recognizing funds from the North Carolina Division of Health and Human Services. These funds will be used to expand tuberculosis services that will focus on infection testing and treatment services.

Please note this amendment requires no additional county funds.

- 3) Library Grants - Budget Ordinance Amendment B191022 to recognize Library Services and Technology Act (LSTA) in the amount of \$1,900

The Board is requested to approve Budget Ordinance Amendment B191022 to recognize a LSTA Evergreen Conference Scholarship Grant of \$1,900. This grant is to cover conference expenses for an employee to attend the Evergreen International Conference. Evergreen is the software used for the library catalog and database. The database provides access to lending materials from across the state, greatly increasing citizens access to materials outside the local library.

Please note this amendment requires no additional county funds.

- 4) General Government Other - Budget Ordinance Amendment B190116 to appropriate fund balance in the amount of \$2,500

The Board is requested to approve Budget Ordinance Amendment B190116 to appropriate fund balance in the amount of \$2,500. This appropriation is to match the City of Fayetteville's contribution to the Second Harvest Food Bank. This action was approved during the agenda review session on February 7, 2019.

Please note this amendment requires appropriation of general fund balance.

REGARDING THE FOLLOWING ITEMS 5 – 6 PLEASE NOTE:

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>

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

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

General Fund 101

- 5) Sheriff's Office - Budget Ordinance Amendment B190136 to re-appropriate funds in the amount of \$62,927 for capital outlay-vehicles

The Board is requested to approve Budget Ordinance Amendment B190136 to re-appropriate funds in the amount of \$62,927. These funds are for vehicle accessories that were not ordered before the State contract and the North Carolina Sheriff's Association systems closed orders. The funds are needed to outfit the vehicles that were ordered and received as part of the FY18 budget.

Community Development Support Housing Fund 267

- 6) Support Housing Program Grants - Budget Ordinance Amendment B191021 to re-appropriate funds from FY18 in the amount of \$132,701 for the City and County Homeless Initiative Program

The Board is requested to approve Budget Ordinance Amendment B191021 to re-appropriate FY18 funds in the amount of \$132,701 for the City and County Homeless Initiative Program. This item was approved at the May 7, 2018 Board of County Commissioners meeting.

RECOMMENDATION / PROPOSED ACTION

Approve Budget Ordinance Amendments

- C. Approval of Revisions to the Board of Commissioners' Rules of Procedure Adopted August 17, 2009; and Rescission of Policy No. 1-2: Placing an Item on a Board of Commissioners Committee Agenda

BACKGROUND

The Board's Rules of Procedure have not been amended to account for the changes in technology which are now being used in the agenda process, the participation of an absent member by telephone, the changes to the Zoning Ordinance which eliminated the use of quasi-judicial hearings for certain zoning cases, and the changes in the agenda process resulting from the dissolution of the standing committees and establishment of the Agenda Session as a regular meeting. The proposed revisions to Rules 6, 8, 9, 25 and 26 are for the purpose of bringing the Rules up to date with these changes and the practices in place. The Resolution is to rescind the Board's adopted policy for placing an item on an agenda of one of the former Standing Committees.

This item was presented at the January 3, 2019, Agenda Session and the Board directed staff to bring it back to the February 7, 2019, Agenda Session after giving the commissioners an opportunity to email any further revisions any would like to have included. The County Attorney sent an email to the commissioners on Monday, January 28, 2019, and asked if anyone wanted any further changes to the Rules. No one requested any further changes.

RECOMMENDATION / PROPOSED ACTION

The Clerk and the County Attorney recommend adoption of these revisions to the Rules and the Resolution set out below.

Whereas, the Board of Commissioners has dissolved its standing committees and established an additional regular meeting designated as an Agenda Session to serve the purpose of the former standing committees; and

Whereas, the Board's Policy No. 1-2: Placing an Item on a Board of Commissioners Committee Agenda is no longer applicable.

BE IT THEREFORE RESOLVED that Policy No. 1-2: Placing an Item on a Board of Commissioners Committee Agenda is hereby rescinded.

The Board approved this item at its February 7, 2019 Agenda Session.

D. Approval of Policy Governing Purchase of Tickets or Tables for Commissioners' Attendance at Local Events

BACKGROUND

At its January 3, 2019, Agenda Session, the Board of Commissioners directed that that Commissioners Adams and Keefe serve as a committee to recommend a policy governing the purchase of tickets or tables for the use of commissioners to attend local events sponsored by community organizations for the consideration of the full board at its February 7, 2109, Agenda Session. Commissioners Adams and Keefe discussed their recommendation with the County Attorney.

RECOMMENDATION / PROPOSED ACTION

Commissioners Adams and Keefe recommend the Board adopt the following resolution to establish a policy governing the purchase of tickets or tables for the use of commissioners to attend local events sponsored by community organizations:

Be it resolved, the Board of Commissioners finds that commissioners' attendance at local events sponsored by our community's non-profit organizations and public institutions serves the public purpose of enhancing the county's mission to provide excellent customer service to its citizens in a fiscally responsible manner.

To that end, commissioners are encouraged to attend such local events as elected officials of Cumberland County.

In order to offset the cost to commissioners of attending such events, funds which are appropriated for this purpose in the annual budget may be used to purchase or reimburse the purchase of tickets for a commissioner and one guest of that commissioner to attend such local events.

For local events for which tables are offered instead of individual tickets, the Chair of the Board is authorized to approve the purchase of a table for the use of commissioners and their invited guests, provided that at least three commissioners express their intent to attend the event.

The Board approved this item at its February 7, 2019, Agenda Session.

E. Approval of Revisions to the Travel Policy Governing Travel by Commissioners

BACKGROUND

At its January 3, 2019, Agenda Session, the Board of Commissioners directed that Commissioners Adams and Keefe serve as a committee to recommend any changes to the policy governing travel by commissioners. Commissioners Adams and Keefe discussed their recommendation with the County Attorney.

RECOMMENDATION / PROPOSED ACTION

Commissioners Adams and Keefe recommend the Board adopt the following resolution to state the finding of the public purpose for travel on county business without any further changes to the existing travel policy applicable to commissioners:

Be it resolved, the Board of Commissioners finds that commissioners' efforts to learn about county government, improve leadership skills, discover new ideas about ways to offer county services and programs, see programs and facilities in place in other communities, and be the best commissioners that they can be, serves the public purpose of enhancing the county's mission to provide excellent customer service to its citizens in a fiscally responsible manner.

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>

To that end, commissioners are encouraged to travel to state and national conferences, receive training from the N.C. Association of County Commissioners and the UNC School of Government and undertake any other efforts that they believe will enhance their abilities to be county commissioners serving the citizens of Cumberland County.

The Board further finds that any such travel undertaken by commissioners for these purposes constitutes county business, and funds which are appropriated for this purpose in the annual budget may be used to pay for or reimburse commissioners for travel undertaken in furtherance of these purposes in accordance with the county's travel policy applicable to commissioners.

The Board approved this item at its February 7, 2019, Agenda Session.

F. Approval of Policy Establishing the Minimum Offer to be Accepted for the Sale of Surplus Real Property

BACKGROUND

At the January 3, 2019, Agenda Session, the County Attorney presented information concerning the bid process used for the sale of surplus real property. This information was originally requested by Commissioner Keefe as a Policy Committee item. The Board directed that the County Attorney work with Commissioner Keefe to develop a proposed minimum bid policy to be presented at the February 7, 2019, Agenda Session. Commissioner Keefe and the County Attorney discussed the proposal.

The proposed policy is intended to accomplish two objectives. First, it is to bring the tax value in line with the market value since these properties have not been reviewed in the past because they are exempt from taxation. The County Attorney confirmed with the Tax Administrator that the tax office can review the surplus properties annually. Second, some of these properties simply will not sell for the amount of the foreclosure judgment lien because it is more than the tax value or the market value and in order to get those properties back on the tax roll it is necessary to reduce the minimum offer required. It will be necessary for the county to stop paying the other municipalities' taxes in order to do that and strictly follow the statutory mechanism for purchasing these properties at the foreclosure sale and reselling them. That is the reason for #2 in the policy below.

RECOMMENDATION / PROPOSED ACTION

With the concurrence of Commissioner Keefe, the County Attorney recommends the following policy governing the minimum amount of an offer necessary to commence the upset bid process for the sale of surplus real property:

1. The Board of Commissioners requests the tax office to review all surplus real property annually and adjust the tax value through the informal appeal process as determined by the review.
2. For foreclosures commenced after the effective date of this policy in which the county becomes the purchaser, the Board of Commissioners elects, pursuant to N.C.G.S. § 105-376(b), to pay only that part of the purchase price that would not be distributed to it and other taxing units on account of taxes, penalties, interest, and such costs as accrued prior to the initiation of the foreclosure action; and the county shall hold the property for the benefit of all taxing units that have an interest in it.
3. The resale of properties acquired by the county through tax foreclosures shall be in accordance with N.C.G.S. § 105-376(c).
4. For the first five years after a property acquired by the county through a tax foreclosure is designated as surplus property, the minimum offer to be accepted for consideration by the Board of Commissioners shall be the amount of the foreclosure judgment or the tax value, whichever is less.

5. After five years on the surplus list, the minimum offer to be accepted for consideration by the Board of Commissioners shall be the estimated cost of advertising for the upset bid process, but not less than \$300.

The Board approved this item at its February 7, 2019, Agenda Session.

- G. Approval of Professional Management Services Agreement with Threadcraft Engineering, Inc. for Disaster Recovery Programs

BACKGROUND

Cumberland County Community Development requested proposals seeking firms to provide professional project management services for disaster recovery programs associated with Hurricane Matthew. These services outlined in the request for proposal are programs funded by the Community Development Block Grant Recovery Disaster Program (CDBG-DR) and the Disaster Recovery Act of 2017 (DRA-17). Three firms responded, one of those firms ultimately withdrew from consideration, and the most qualified firm was ranked and chosen by a selection committee.

Attached is a copy of the Professional Project Management Services Agreement between Cumberland County and the successful proposer, Threadcraft Engineering, Inc. The projects will include Community Development Block Grant – Disaster Recovery (CDBG-DR) funds allocated for the construction of a Permanent Supportive Housing Project (Robin's Meadow); DRA-17 program and the Hazard Mitigation Grant Program. Threadcraft Engineering has submitted a proposal not to exceed \$366,652 for the project management services required to complete these projects. Funds for the CDBG-DR and DRA-17 services are currently available.

RECOMMENDATION / PROPOSED ACTION

At the February 7, 2019 Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below as a Consent Item on the February 18, 2019 Board of Commissioners' Meeting:

1. Approval of the professional project management service agreement with Threadcraft Engineering, Inc and signature by the Chair of the Board of Commissioners.
- H. Approval of Revised Memorandum of Agreement for Disaster Recovery Act of 2017 for Hurricane Matthew

BACKGROUND

At the December 17, 2018, Board of Commissioners' Meeting, the Board approved revisions to a Memorandum of Agreement (MOA) for the Disaster Recovery Act of 2017 (DRA-17) with the North Carolina Department of Public Safety - Division of Emergency Management (NCDPS-DEM) and budget ordinance amendment #191048 for a grant award of \$1,903,500. On January 11, 2019, County Staff received notice from the Deputy State Budget Director that the Office of State Budget and Management (OSBM) is partnering with NCDPS-DEM to provide program management activities to expedite the provision of recovery services to disaster families and to help communities rebuild. In order to do extend services without further delay, OSBM is requesting that Cumberland County agree to a second revision of the MOA for DRA17.

The County Attorney and I have reviewed the most recent version of the MOA and believe the new version is more comprehensive and has greater flexibility than the last version.

Staff has met with representatives from OSBM, and they have toured homes of Hurricane Matthew victims with the greatest need in our area. OSBM is ready to move forward with appraisals and surveys for upwards of ten (10) residential properties with the intent to acquire these properties as part of a larger mitigation strategy.

Included with this memo is a copy of the previously approved MOA for DRA-17 and a copy of the proposed revisions submitted by OSBM.

RECOMMENDATION / PROPOSED ACTION

This item was moved forward to the Board of Commissioners February 18, 2019 regular meeting as a Consent Agenda item at the February 7, 2019 Agenda Session.

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>

I. Approval of Modifications to the Memorandum of Understanding (MOU) Between the NC Department of Health & Human Services and Cumberland County Based Upon HB630

BACKGROUND

As the Board is aware, House Bill 630 was legislation introduced in an effort to improve the provision of Child Welfare services delivered by departments of Social Services in the State of North Carolina. The result of the legislation is articulated in NC General Statute 108A-74, as required the County entered into annual written agreement for all social services programs other than medical assistance; County department failure to provide child welfare services; State intervention in or control of child welfare service delivery.

RECOMMENDATION / PROPOSED ACTION

At the February 7, 2019 Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below as a Consent Item on the February 18, 2019 Board of Commissioners' Meeting:

1. Approval of the Modified Agreement for the MOU between NC DHHS and Cumberland County, and to grant signature authority for the County Manager for this agreement and any subsequent versions that may be received as a result of continuous modification leading up to the finalized performance measures. The Department will provide continuous updates on the modifications and present finalized performance measures to the Board once completed by the state and the county.

J. Approval of Chapin Hall Contract Amendment for the Department of Social Services

BACKGROUND

The purpose of this contract with Chapin Hall at the University of Chicago is to allow for the continued development of a multidimensional and integrative service delivery model for aging out foster children and older teens in transition to adulthood in Cumberland County DSS custody to improve their outcomes. Chapin Hall acts as a trusted intermediary to assist CCDSS to integrate all efforts, such as A Model Approach for Change in Child Welfare (AMAC-CW), and to collaborate with Cumberland's Partners to create a model for change in child welfare. AMAC-CW employs a modified approach to collective impact that will result in an effective, articulated, and documented approach to system changes that will improve outcomes for older youth in foster care and advance child welfare and family support programs in Cumberland County. Duke Endowment has awarded Cumberland County DSS a multi-year grant for the implementation plan for AMAC-CW, in an effort to reform child welfare systems. Grants funds are allotted in installments twice a year in August and December.

RECOMMENDATION / PROPOSED ACTION

At the February 7, 2019 Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below as a Consent Item on the February 18, 2019 Board of Commissioners' Meeting:

1. Approval of Amendment #1 - Chapin Hall at the University of Chicago from \$100,894.50 to \$235,915.00 to include the second installment (December 2018) of the Duke Endowment Grant for FY 2019.

K. Approval of Lease Renewal for the Foster Care Family Visitation Center

BACKGROUND

Due to the increased number of children in foster care, we are unable to accommodate the court ordered visits within our building's limited visitation space. Therefore, the private property located at 727 McGilvery Street is being used as a Family Visitation Center. The site provides a family friendly atmosphere in which court ordered visitations can occur outside of our main building. This site, that we have successfully utilized for the past three years, is staffed with DSS employees.

Per discussion and direction at the February 7, 2019 Agenda Session meeting, CCDSS will work collaboratively with the County and Court system to achieve a long-term comprehensive solution for this facility need.

RECOMMENDATION / PROPOSED ACTION

At the February 7, 2019 Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below as a Consent Item on the February 18, 2019 Board of Commissioners' Meeting:

1. Approval of the commercial lease agreement for one year for the property located at 727 McGilvery Street in the amount \$1,500 per month effective March 8, 2019 thru March 7, 2020.
- L. Approval of Professional Services Agreement for Law Enforcement Center Elevator Modernization Project

BACKGROUND

The Capital Improvement Plan (CIP) identified the modernization of the Law Enforcement Center elevators as a priority, and the CIP that was approved for the FY 2019 budget also included the funding for this project.

The modernization of the elevators includes mechanical, electrical and car upgrades. The fire alarm system will have to be upgraded to current code per City of Fayetteville Fire Marshal. In order to design these mechanical and electrical upgrades, as well as modernize the elevator machinery and cabs, the Engineering and Infrastructure Department selected Progressive Design Collaborative, LTD (PDC) from the List of Qualified Architectural/Engineering Firms approved by the Board of Commissioners at the December 3, 2015 meeting. North Carolina General Statute 143-64.31 requires local governments to select firms qualified to provide architectural, engineering and surveying services on the basis of demonstrated competence and qualifications for the type of professional services required without regard to fee other than unit price information, then negotiate a contract for the services at a fair and reasonable fee with the best qualified firm. PDC is working with an architectural specialist for this project. This specialist will ensure the scope of services is accurate and complete and negotiate a fair and reasonable fee for Cumberland County.

PDC has submitted a proposal for their services. Their proposal is attached for your convenience. PDC has proposed a not to exceed fee of \$122,000 for the elevator engineering and design work. The modernization project bids will be brought back to the BOC at a future meeting for review and consideration.

RECOMMENDATION / PROPOSED ACTION

At the February 7, 2019 Agenda Session, the Board of Commissioners moved this forward as a Consent Item on the February 18, 2019 Board of Commissioners' regular Meeting for staff to look at a long-term plan for utilization of the Law Enforcement Center with the following action:

- Approve a professional services agreement with Progressive Design Collaborative, LTD in the amount of \$122,000.

- M. Approval of Federal Priorities

BACKGROUND

During its Legislative Goals Conference in January, the North Carolina Association of County Commissioners (NCACC) adopted the federal goals listed below.

Cumberland County commissioners and management team members will join other NCACC members for the National Association of Counties (NACo) Legislative Conference in Washington, D.C., on March 2-6.

By consensus at its Feb. 7 Agenda Session meeting, the Board of Commissioners added increasing Impact Aid funding to the list of federal priorities that County officials will promote.

RECOMMENDATION / PROPOSED ACTION

Approve the following federal priorities:

Cumberland County Federal Goal: Support increased funding and protection for Impact Aid.

NCACC Federal Goals:

FG-1: Support increased funding for disaster preparation, assistance and mitigation as well as legislation that expedites and expands county use of federal disaster assistance funds.

FG-2: Support funding for behavioral health programs and services to address the opioid and substance abuse epidemic and support flexibility for counties to use funds for prevention and recovery.

FG-3: Support funding and legislation to expand high speed broadband access.

FG-4: Support measures to reduce the number of people with mental illness in county jails, such as those identified in NACo's Stepping Up Initiative.

FG-5: Support funds for health, human and economic services programs including temporary assistance for needy families, food and nutrition services, and federal block grants.

FG-6: Support funding for payment in lieu of taxes, agricultural, conservation, workforce, economic development and infrastructure programs that help counties meet public needs.

FG-7: Support coordination with state and local governments when a federal agency, such as EPA, seeks to regulate emerging contaminants and other discharges into drinking water sources.

FG-8: Oppose unfunded mandates and changes in eligibility for federal programs that shift costs to counties.

FG-9: Support timely reauthorization of the Older Americans Act, including greater flexibility, and increased funding to fully restore programs to pre-sequestration levels.

MOTION: Commissioner Evans moved to approve consent agenda Items 3.A. – 3. M.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (7-0)

4. PUBLIC HEARINGS

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

Uncontested Rezoning Cases

A. Case P18-16: Rezoning of 2.56+/- acres from R6A Residential & CD Conservancy District to C(P) Planned Commercial or to a more restrictive zoning district; located at the northwest quadrant of the intersection of SR 1118 (Parkton Road) & NC 59 (South Main Street), south of Rockfish Creek; submitted by David McMillan (owner) & Lori S. Epler on behalf of Larry King & Associates (agent). (Hope Mills & County) (Applicant has modified request to rezone 95.72+/- acres to MXD Mixed Use Development/CZ Conditional Zoning)

Joel Strickland, FAMPO Director and Interim Planning Director, presented this item. Mr. Strickland showed vicinity maps and aerial views of the subject property, and provided overviews of the current land uses, current zonings, and surrounding land uses and zonings. Mr. Strickland stated the Planning Board unanimously recommended approval of the rezoning.

Chair Council opened the public hearing for Case P18-16.

The clerk to the board advised there were no speakers for Case P18-16

Chair Council closed the public hearing for Case P18-16.

MOTION: Commissioner Faircloth moved in Case P18-16 to approve the rezoning from R6A Residential, R10 Residential & CD Conservancy District to MXD Mixed Use Development/CZ Conditional Zoning subject to the conditions within our packet and for this recommendation to be consistent with the Southwest Cumberland Land

Use Plan which calls for “open space, suburban residential, mixed use development, and medium density mixed housing”, the “mixed use development” designation allows for residential uses as shown on the site plan and further finding approval of the request is reasonable and in the public interest because the district requested will require public utilities to be extended to an area not currently served and the submitted site plan shows a density in harmony with the surrounding existing zoning and land uses while preserving areas not suitable for development.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (7-0)

Contested Rezoning Cases

B. Case P19-04: Rezoning of 2.03+/- acres from A1 Agricultural to R40 Residential or to a more restrictive zoning district, located at 5153 Grays Creek Church Road, submitted by Don & Leticia Gilmore (owners).

Joel Strickland, FAMPO Director and Interim Planning Director, presented this item. Mr. Strickland showed vicinity maps and aerial views of the subject property, and provided overviews of the current land uses, current zonings, hydric soils, topography, and surrounding land uses and zonings. Mr. Strickland stated the Planning Board unanimously recommended approval of the rezoning.

Commissioner Keefe asked why the petitioner requested R40. Mr. Strickland stated so they could put two units on the subject property. Commissioner Keefe asked why the rezoning was presented to the Board of Commissioners as contested. Mr. Strickland stated a property owner attended the meeting of the Planning Board to contest the rezoning because he had concerns about whether construction would further impede existing drainage issues for his property across the street, so it was presented to the Planning Board as contested. Commissioner Adams stated the proponent did not have major concerns but did inquire about drainage.

Chair Council opened the public hearing for Case P19-04.

The clerk to the board advised there were no speakers for Case P19-04.

Chair Council closed the public hearing for Case P19-04.

MOTION: Commissioner Faircloth moved in Case P19-04 to approve the rezoning from A1 Agricultural to R40 Residential and find it is consistent with the adopted South Central Land Use Plan (2015) which calls for “farmland” at this location, the “farmland” designation allows for one unit per acre with suitable soils for septic, and further find that approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding zoning, existing land uses and lot sizes.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (7-0)

5. ITEMS OF BUSINESS

A. Consideration of Contract for Detention Center Lobby Renovation Project

BACKGROUND

The Capital Improvement Plan (CIP) identified security improvements needed in the Detention Center Lobby. This renovation was included in the FY2019 adopted budget.

The renovation of the lobby provides increased security to the facility by creating an entrance hall where screening can be performed prior to entering the facility. There will be a customer drop-off for screening items, a walk-through metal detector and improved security glass to the area. This

will allow the Detention Center staff to screen individuals, without letting them enter the lobby, like the current configuration for the Law Enforcement Center.

A pre-bid meeting was held on January 15, 2019, in which all local contractors were invited to attend. A bid opening was held on January 28, 2019. The certified bid tab and letter of recommendation to award a contract to the lowest, responsible and responsive bidder from Gordon Johnson Architecture has been attached. The lowest, responsible and responsive base bid was submitted by RAYWEST DESIGNBUILD, LLC in the amount of \$137,511.11. There was an alternate bid received for the replacement of a portion of the exterior glass with bullet resistant glass. The alternate bid price submitted by RAYWEST DESIGNBUILD, LLC was \$11,376.70.

RECOMMENDATION / PROPOSED ACTION

At the February 7, 2019 Agenda Review Meeting, the Board of Commissioners approved placing the proposed actions below as an Item of Business on the February 18, 2019 Board of Commissioners' Meeting:

1. Accept the bids and award a contract to the lowest, responsible and responsive bidder, RAYWEST DESIGNBUILD, LLC, in the amount of \$148,887.81. The contract amount is the base bid amount with the addition of the alternate bid.
2. Establish a contingency in the amount of \$15,000 to be used for additional work recommended by the E&I Director and approved by the County Manager.

Jeffery Brown, Engineering and Infrastructure Director, reviewed the background information and recommendation/proposed action recorded above. There were no questions or discussion.

MOTION: Commissioner Faircloth moved to accept the bids and award a contract to the lowest, responsible and responsive bidder, RAYWEST DESIGNBUILD, LLC, in the amount of \$148,887.81 and establish a contingency in the amount of \$15,000 to be used for additional work recommended by the E&I Director and approved by the County Manager.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

B. Consideration of Resolutions in Support of County's Top State Legislative Priorities

BACKGROUND

The Board of Commissioners met February 11 with Cumberland County's N.C. General Assembly delegation to discuss the County's legislative priorities. Amending the County's prepared food and beverage tax is the County's top priority for the long session, which started January 30. The County is seeking to repeal the sunset provision and enlarge the scope of the tax. Other top issues include seeking state participation in the Gray's Creek public water expansion project and funding for renovations, equipment and technology for the County's future emergency operations and call center at 500 Executive Place.

Separate resolutions for each of the three priorities are presented for the board's consideration. The Food and Beverage Tax presentation from the delegation meeting is attached as background information.

RECOMMENDATION / PROPOSED ACTION

Approve three resolutions in support of the County's top state legislative priorities.

1. Resolution opposing any legislation to divert Cumberland County's food and beverage tax from its uses for debt service, maintenance and operations of the County's arts and entertainment venues.
2. Resolution seeking state participation in the Gray's Creek public water expansion project.
3. Resolution seeking greater flexibility for local governments in expenditure of 911 surcharge funds and adequate funding for next-gen technology in order to assist with renovations, equipment and technology for the County's future emergency operations and call center.

CUMBERLAND COUNTY BOARD OF COMMISSIONERS

RESOLUTION OPPOSING ANY LEGISLATION TO DIVERT CUMBERLAND COUNTY'S
FOOD AND BEVERAGE TAX FROM ITS USES FOR DEBT SERVICE, MAINTENANCE
AND OPERATIONS OF THE COUNTY'S ARTS AND ENTERTAINMENT VENUES

WHEREAS, pursuant to the authority contained in Chapter 413 of the 1993 Session Laws, the Cumberland County Board of Commissioners levied a one percent (1%) tax on prepared food and beverages sold within Cumberland County, which is required by that law to be transferred to the Cumberland County Civic Center Commission exclusively for debt service and any other costs of acquiring, constructing, maintaining, operating, marketing and promoting the arena or expanded arena facilities; and

WHEREAS, in addition to the arena and auditorium, the campus includes the Charlie Rose Agri-Expo Center and the Crown Coliseum, both constructed in the 1990s, and collectively the four venues are known as the Crown Complex; and

WHEREAS, these aging facilities require significant, on-going maintenance and capital improvements to serve the purposes for which they were built, and particularly the auditorium and theater are approaching the ends of their useful lives; and

WHEREAS, these arts and entertainment venues, like almost all public arts and entertainment venues, operate at a loss and require the subsidy provided by the prepared food and beverage tax to remain in service; and

WHEREAS, these public arts and entertainment venues improve the quality of life and are significant to the economy and growth of the County as a regional commercial center; and

WHEREAS, if the prepared food and beverage tax is diverted from its mandatory use for the support of these arts and entertainment facilities, the subsidy must be made up by the County's general fund taxes or the use of these facilities must be greatly diminished.

THEREFORE BE IT RESOLVED, that the Cumberland County Board of Commissioners opposes any legislation which repeals the prepared food and beverage tax or diverts its mandatory use for debt service and any other costs of acquiring, constructing, maintaining, operating, marketing and promoting the existing facilities known as the Crown Complex or any other arts and entertainment facilities financed and constructed in the future to expand or replace these existing arena facilities.

Adopted this 18th day of February 2019.

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
RESOLUTION SEEKING STATE PARTICIPATION IN THE GRAY'S CREEK PUBLIC
WATER EXPANSION PROJECT

Whereas, the Cumberland County Board of Commissioners has made safe drinking water for areas affected by GenX contamination a priority for County government and is pursuing options to bring public water to the Gray's Creek area in the most economical and efficient manner, and

Whereas, the County has commissioned a Preliminary Engineering Report that outlines Phase 1 for the proposed public water extension project and conducted a survey of owners of 851 parcels in the Phase 1 area to gauge their interest in connecting to a public water system; and

Whereas, based on engineering estimates it will cost approximately \$19 million for the Fayetteville Public Works Commission to provide the infrastructure to bring public water to the affected areas; and

Whereas, the County has expressed concerns to the N.C. Department of Environmental Quality about the draft Consent Order between DEQ, Cape Fear River Watch and Chemours about if and how counties will receive any of the settlement funds directly, if the proceeds are considered "fines" can they be allotted to Cumberland County Schools to help bring water to two public

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>

schools in the project area, the factors DEQ will use for determining if connectivity to a public water supply is cost-prohibitive or unsafe, and the nine-month timeline outlined for establishing permanent replacement drinking water supplies; and

Whereas, the Board of Commissioners supports the goal of the North Carolina Association of County Commissioners to seek legislation to help improve water quality in the state, including increased funding and resources for state agencies to develop health advisory levels for emerging contaminants, and increased funding for water and wastewater expansion as well as capital projects; and

THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners is seeking state participation and funding in the Gray's Creek water expansion project.

Adopted this 18th day of February 2019.

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS RESOLUTION SEEKING
GREATER FLEXIBILITY FOR LOCAL GOVERNMENTS IN EXPENDITURE OF 911
SURCHARGE FUNDS AND ADEQUATE FUNDING FOR NEXT- GEN TECHNOLOGY
IN ORDER TO ASSIST WITH RENOVATIONS, EQUIPMENT AND TECHNOLOGY
FOR THE COUNTY'S FUTURE EMERGENCY OPERATIONS AND CALL CENTER**

Whereas, Cumberland County's emergency operations facility and 911 call center are outdated, cramped and obsolete; and

Whereas, the Board of Commissioners has purchased a 17,000-square-foot building, formerly used by the Department of Defense, that is located on a suitable 2.7 acres at 500 Executive Place in Fayetteville and has many security and infrastructure features important to a modern governmental facility; and

Whereas; the building will house the County's Emergency Services Department, which includes the 911 Call Center, Fire Marshal's Office and Emergency Management, now located in the Law Enforcement Center; and

Whereas, renovations and upgrades to the facility are estimated to run between \$15 million and \$17 million, with approximately \$4 million of that total going toward the technology needs for a modern call center; and

Whereas, the building will provide a long-term solution for the county to respond to natural disasters and other emergency conditions and renovation provides a cost-effective solution to providing reliable, quality emergency services to the region and anticipates future growth; and

THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners requests greater flexibility for local governments in expenditure of 911 surcharge funds and adequate funding for next-gen technology in order to assist with renovations, equipment and technology for the County's future emergency operations and call center at 500 Executive Place.

Adopted this 18th day of February 2019.

Sally Shutt, Assistant County Manager, reviewed the background information and recommendation/proposed action recorded above. Commissioner Adams asked that a resolution in support of the school capital building program be brought to the next Agenda Session.

MOTION: Commissioner Keefe moved to accept the three resolutions in support of the County's top state legislative priorities.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (7-0)

6. NOMINATIONS

A. Transportation Advisory Board (9 Vacancies)

Commissioner Faircloth nominated Adolphus Thomas, Nedra Rodriguez, Dwayne Beason, Sr., Terrasine Gardner, Suzanne King, Joel Strickland, Dawn McNair, Katrina Evans and Nkechi Kamalu.

B. Cumberland County Local Emergency Planning Committee (2 Vacancies)

Commissioner Council nominated Fredrick Williams and Ray Jackson.

7. APPOINTMENTS

A. Civic Center Commission (1 Vacancy)

There being two nominees for one vacancy, Commissioners Keefe, Lancaster, Faircloth and Boose voted to appoint Greg Edge. Commissioners Council, Adams and Evans voted to appoint Dineen Morton. Having received the majority vote (4-3), Greg Edge was appointed to the Civic Center Commission.

B. Fayetteville/Cumberland County Economic Development Corporation (1 Vacancy)

C. Cumberland County Home and Community Care Block Grant Committee (1 Vacancy)

D. Equalization and Review Board - Appointment of Officers

MOTION: Commissioner Faircloth moved to appoint Dohn Broadwell to the Fayetteville/Cumberland County Economic Development Corporation; Devin Trego to the Cumberland County Home and Community Care Block Grant Committee; and William Carroll Beard, Jr. as Chairman, Rodney W. Sherrill as First Vice Chairman and Marva Lucas-Moore as Second Vice Chairman of the Equalization and Review Board.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Adams moved to adjourn.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 7:40 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board