

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 11, 2019 – 8:00 AM
117 DICK STREET, 5TH FLOOR, ROOM 564
SPECIAL MEETING MINUTES

PRESENT: Commissioner Jeannette Council, Chair
Commissioner Marshall Faircloth, Vice Chairman
Commissioner Glenn Adams
Commissioner Michael Boose (arrived 8:08 a.m.)
Commissioner Larry Lancaster

ABSENT: Commissioner Charles Evans
Commissioner Jimmy Keefe

N. C. DELEGATION

PRESENT: Representative John Szoka, Chairman
Representative Elmer Floyd (arrived 8:15 a.m.)
Representative William Richardson
Senator Ben Clark
Senator Kirk DeViere

ABSENT: Representative Marvin W. Lucas

STAFF PRESENT: Amy Cannon, County Manager
Melissa Cardinali, Assistant County Manager
Tracy Jackson, Assistant County Manager
Sally Shutt, Assistant County Manager
Duane Holder, Assistant County Manager
Rick Moorefield, County Attorney
Vicki Evans, Finance Director
Brenda Jackson, Social Services Director
Jeffrey Brown, Engineering and Infrastructure Director
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk

OTHERS PRESENT: Robert Van Geons, Fayetteville-Cumberland Economic Development
Corporation President/CEO
Press

Chair Council called to order the special meeting of the Cumberland County Board of Commissioners.

1. Welcome

Chair Jeannette Council welcomed everyone in attendance. Representative John Szoka, N. C. Delegation Chairman, thanked the Board of Commissioners for holding the meeting and stated it is good to have these meetings before the legislature kicks into full gear to make sure the County knows where the legislature is headed and more importantly so the delegation knows what the County's priorities are and what it can do to assist the citizens of Cumberland County.

2. Discussion of County's Top Legislative Priorities

- A. Food & Beverage Tax: Amend the Prepared Food and Beverage Tax to repeal the sunset provision and enlarge the scope

Amend S.L. 1993-413, Senate Bill 923, as follows:

- Amend **Section 8** by expanding the use of the proceeds to include new arts or entertainment facilities which are not affiliated with the existing facilities commonly known as the Crown Complex.

Sec. 8. Use of Proceeds. – The county shall transfer the proceeds of the prepared food and beverage tax to the Cumberland County Civic Center Commission, an agency of Cumberland County. The proceeds transferred to the Cumberland County Civic Center Commission shall be used (i) to provide for, when due, payments for the current fiscal year with respect to any financing for new arena facilities

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or for the expansion of the existing arena facilities, which may include off-street parking for use in conjunction with the facilities and (ii) to pay other costs of acquiring, constructing, maintaining, operating, marketing, and promoting the new arena or expanded arena facilities. The Cumberland County Civic Center Commission is authorized to acquire, construct, maintain, operate market and promote any such arena, civic center, arts or entertainment facility that is approved by the Board of County Commissioners, whether or not such facility is affiliated with the existing civic center commonly known as the Crown Complex.

The Commission may contract with any person, agency, association, or nonprofit corporation to carry out the activities and programs for which the tax proceeds may be expended. All contracts entered into pursuant to this subsection shall require an annual financial audit of any funds expended and a performance audit of contractual obligations.

- Amend **Section 11** by removing the repeal requirement.

Sec. 11. Repeal. – A tax levied under this act may be repealed by a resolution adopted by the Cumberland County Board of Commissioners. ~~The Cumberland County Board of Commissioners shall repeal the tax when the new or expanded arena facilities for which the tax was imposed are constructed and any debt for those facilities has been paid.~~ Repeal of a tax levied under this act shall become effective on the first day of a month and may not become effective until the end of the fiscal year in which the repeal resolution was adopted. Repeal of a tax levied under this act does not affect a liability for a tax that has attached before the effective date of the repeal, nor does it affect a right to a refund of a tax that accrued before the effective date of the repeal.

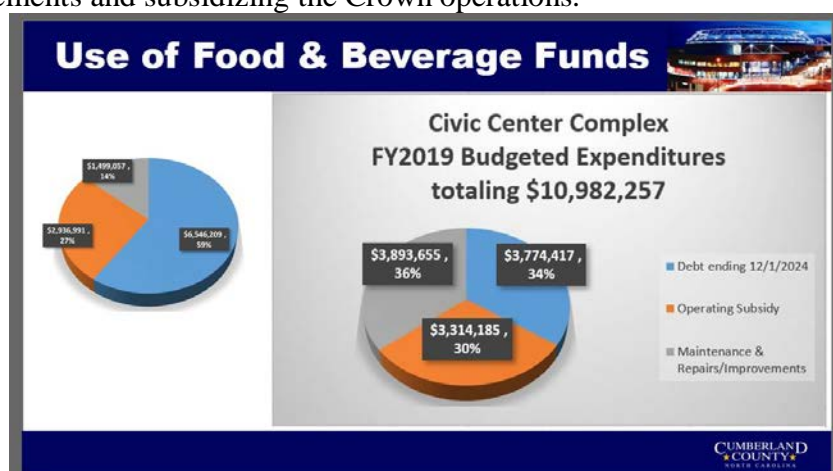
Amy Cannon, County Manager, stated she will begin with the number one priority of the Board of Commissioners which is a request to amend SB 923. Ms. Cannon referenced the information recorded above and stated SB923 has a sunset provision which requires the dedicated tax to be repealed when the current/original debt is satisfied and also limits the use of the proceeds to arena facilities and the campus of the Crown Complex. Ms. Cannon stated the ask is to repeal the sunset provision and enlarge the scope to allow arts and entertainment facilities at locations beyond the current campus.

Ms. Cannon provided the following history and financial information relative to the Food and Beverage tax and the Civic Center Complex:

- Creation of the Cumberland Memorial Auditorium Commission in 1965 (HB 03) after a successful bond referendum which put into place the arena and original theatre; also created the Commission as an entity to efficiently manage the new facilities
- 1991 Session Law changed name to Cumberland County Civic Center Commission (HB2015)
- Food and Beverage tax authorized in 1993 specifically to support the Crown Complex (SB 923); the Board of Commissioners at that time agreed to levy the tax after a very lengthy due diligence period which included a public hearing to give the citizens an opportunity to weigh in

Ms. Cannon stated the goal was to create a venue to add to the quality of life and create a dedicated tax that did not place a burden on property owners in the community. Ms. Cannon stated the tax is dedicated to construct, maintain, operate and promote the Crown Complex facilities.

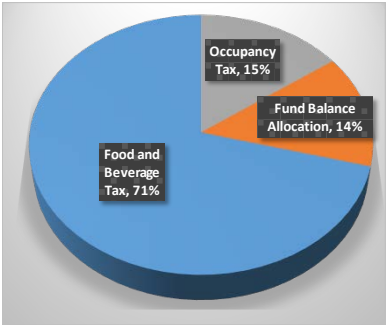
Ms. Cannon presented financial information for the current fiscal year showing that food and beverage dollars are used to cover the debt, as well as the costs for maintenance and repairs/improvements and subsidizing the Crown operations.



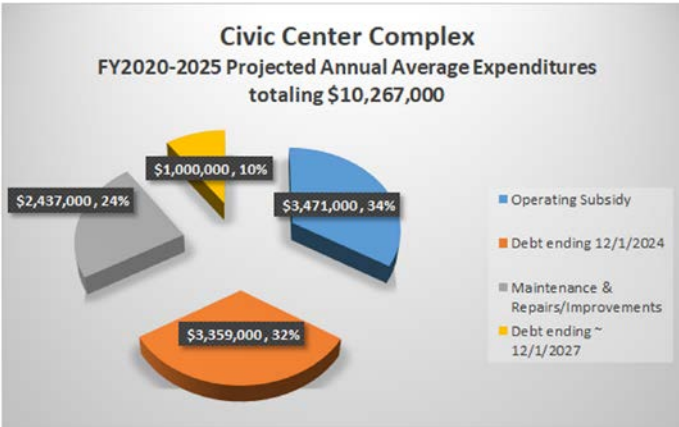
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Ms. Cannon explained how research on entertainment facilities owned and operated by a public entity require some type of operating subsidy and operate at a loss.

Ms. Cannon presented a snapshot of revenues and projected annual average expenditures for the Civic Center Complex for FY2020-2025 to demonstrate how the future of Food and Beverage future funds will be used. Ms. Cannon stated the Board of Commissioners has engaged in a long-term planning process and has developed financial models for the next five to eight years.



Food & Beverage Tax	\$7,274,000
Fund Balance Allocation	1,447,000
Occupancy Tax	1,546,000



Ms. Cannon stated over the years, the County worked with the Local Government Commission (LGC) to refinance the debt to capture a lower interest savings and to flatten the payments, which extended the payment period. Ms. Cannon stated in addition, the LGC has approved \$6.8 million in debt financing that will be finalized in FY2020 for significant, on-going maintenance and capital improvements to the aging facilities. Ms. Cannon stated that debt would end in 2027.

- Current debt through FY2025 ~ \$23.7M
- LGC-approved debt finalized FY2020 ~ \$6.8M (used for capital improvements to replace digital scoreboard, replace ice floor and all related components and replace exterior dome roof of the coliseum)
- Potential debt issuance beyond FY2020 TBD

Ms. Cannon called attention to the currently identified capital improvement needs:

CAPITAL IMPROVEMENT NEEDS					
Crown Complex	FY2019	FY2020	FY2021	FY2022+	Total Project Expenditures
Parking Lot Repair/Resurfacing	\$ 1,152,460	\$ -	\$ 481,381	\$ 159,937	\$ 1,793,778
Building Exterior Improvements	185,020	-	298,620	1,266,300	1,749,940
Roof Repair/Replacement	141,288	284,200	-	-	425,488
Coliseum Ice Floor	1,430,000	1,570,000	-	-	3,000,000
General Maintenance	550,000	400,000	500,000	739,850	2,189,850
Arena Elevator Replacement	-	-	150,000	-	150,000
Repair Stormwater Detention Pond	750,000	-	-	-	750,000
Building System Replacements	165,000	660,000	1,551,000	825,000	3,201,000
Equipment Replacements	495,000	126,500	66,000	-	687,500
Electrical/Lighting Replacements	-	605,000	-	88,000	693,000
Interior Finishes/Furniture Replacements	-	-	1,072,500	1,657,700	2,730,200
Total - Crown Complex	\$ 4,868,768	\$ 3,645,700	\$ 4,119,501	\$ 4,736,787	\$ 17,370,756

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Ms. Cannon concluded her presentation. Senator Clark posed questions regarding the operating subsidy and asked whether part of the expanded use of the funds would include sharing the revenue with the municipalities. Chair Council stated the County has an agreement for sharing sales tax revenue which gives 60% of the revenue to the municipalities.

Representative Richardson stated in 1993, the food and beverage tax was an issue to hoteliers and asked whether the County had discussed continuing the food and beverage tax with them. Representative Szoka stated there is precedence for sharing food and beverage tax across the State; however, this food and beverage tax did not start out as a shared tax but began as a County initiative to benefit all people of the County, not just municipalities, and he has yet to hear anyone explain any plausible rational why legislators would not continue with the original intent. Representative Szoka also stated he did not see how splitting the tax up among municipalities would achieve the original intent.

Commissioner Faircloth stated the Board of Commissioners has looked at usage of Food and Beverage proceeds beyond paying off the debt and has been engaged in long-term planning and studying a Performing Arts Center for at least five years. Commissioner Faircloth stated the County stepped up in the 1970's with an entertainment venue for its citizens and legislators were an integral part of making it happen at that time. Commissioner Faircloth also stated then the County foresaw the need for even greater expansion with the Crown Coliseum with no idea that it would be self-sustaining, and again stepped up with the assistance of legislators. Commissioner Faircloth further stated now the County is stepping up once again to hopefully make a Performing Arts Center happen with the ask for assistance from legislators today is for the extension of the tax. Commissioner Faircloth stated if another entity wants to make a Performing Arts Center happen, then that is on them because this is part of the County's financial plan.

Senator Clark asked whether the Crown could operate without the Food and Beverage tax. Ms. Cannon stated the County's financial models use the dedicated food and beverage tax to cover projected expenditures, including \$3.4 million annually for operating subsidy, and the \$3.3 million in debt service is the only thing that will drop off in 2024. Ms. Cannon stated the hope is to use those funds for debt service for a new Performing Arts Center. In response to a question from Senator Clark regarding the initial sunset provision, Representative Richardson explained the controversy surrounding the creation of the Food and Beverage tax and the opportunity the sunset provision provided to re-evaluate the tax at the time the debt was paid off in the event it was needed somewhere else.

Senator Clark stated it is clear the continuance of the tax is needed to support the Crown Complex and needed for a Performing Arts Center and asked whether there would be enough to share with municipalities. Commissioner Faircloth stated when Senator Clark's email came out about a draft bill that would change the law to require the County to reach an agreement with municipalities to share the Food and Beverage proceeds over an extended period of time, the Board postponed discussing a request for proposals for a Performing Arts Center feasibility study and until there is some assurance the County will get the tax extended, the Board will not move forward because the Performing Arts Center is not feasible without the proceeds or some creative means to finance it. Representative Szoka stated legislators will continue to work closely with County Commissioners on this matter.

B. Public Water: Seek State participation in the Gray's Creek water project

Seek State participation in the Gray's Creek water project and support North Carolina Association of County Commissioners goal about water quality, emerging contaminants and funding for water expansion

Cumberland County, in conjunction with the Fayetteville Public Works Commission (PWC), is pursuing options to bring potable public water to the Gray's Creek area in the most economical and efficient manner. The County is seeking state participation in the project that will bring water to the areas affected by Gen X contamination.

The County and PWC hired the engineering firm of Moorman, Kizer & Reitzel, Inc. to prepare Preliminary Engineering Report (PER) and provide an evaluation of the best option to achieve

this goal. The County has surveyed the owners of 643 parcels in the “Phase 1 Scenario” for the proposed public water extension project for planning purposes and to understand how many residents would be interested in connecting to a public water system if available. At this time, the funding structure and homeowner costs have not been determined.

The County Manager sent the comments to the Department of Environmental Quality about the draft Consent Order between the NCDEQ, Cape Fear River Watch and Chemours. The following challenges are noted:

1. Based on engineering estimates, it will cost approximately \$19 million to provide infrastructure for provision of public water to the Gen X affected areas. While a \$12 million settlement amount was announced, it is not clear whether (or how) the affected Counties will receive these funds (or some portion thereof) directly.
2. If the settlement is considered a “fine” as defined by General Statutes, could Cumberland County Schools receive a portion of the proceeds to aid in bringing public water to the two schools identified for the project?
3. Per the Consent Order, DEQ is given the authority to determine whether connectivity to a public water supply is cost-prohibitive or unsafe. It is not clear what the \$75,000 threshold entails and how DEQ will determine whether connectivity is cost-prohibitive or unsafe.
4. Section F. 19. states, “Permanent replacement drinking water supplies established pursuant to this paragraph shall be installed no later than: (i) nine (9) months from the date Chemours becomes aware that the affected party qualifies for replacement drinking water; or (ii) if Chemours is aware that an affected party qualifies for replacement drinking water at the time this Consent Order is entered, nine (9) months from the date of entry of this Consent Order.” Based on engineering estimates, construction and connection to public water would take up to three to four years to complete, depending on contractor availability. Obviously a 9-month window does not make connection to the PWC public water utility a viable alternative.

In addition, the North Carolina Association of County Commissioners (NCACC) has adopted the following Environment Goal:

Support 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.

Ms. Cannon referenced the information recorded above and stated Cumberland County is seeking State participation as it extends water to the Gray’s Creek area. Ms. Cannon stated a survey was conducted of property owners in the Phase 1 area and the preliminary results indicate they are more positive about water extension than in 2009. Ms. Cannon stated the request of legislators is that the \$12 million settlement amount be distributed to the affected counties rather than be considered as a fine or forfeiture, additional time be allowed beyond nine months so the County can move forward with the extension and funding to assist with the endeavor.

Representative Szoka stated conversation has taken place with Secretary Reagan regarding the civil penalty and the first thing that gets taken out the \$12 million is the investigative costs of DEQ which is just under \$2 million. Representative Szoka stated this is the number one thing the delegation is working on and hopefully this will be sorted out in the final Consent Order as well as concerns about the \$75,000 threshold. Representative Richardson stated the Consent Order is woefully inadequate, the entities responsible should pay for it and not the taxpayers, and his hope is the DEQ will step up and revisit the Order.

Questions and discussion followed. Commissioner Adams asked that the entire Cape Fear River basin be studied as there are contaminants up and down the river. Senator deViere asked that the delegation have access to the survey results once they have become available to Commissioners. Representative Szoka spoke briefly to N. C. Policy Collaboratory grants that will support GenX

research and other emerging environmental contaminants in North Carolina. Representative Szoka stated legislators have also been working on the Texfi site problem, located next to a major intake for PWC, and the entire delegation is aware of, serious about, and working on water and water quality. Commissioner Faircloth pointed out that Phase 1 puts the backbone in place to expand water in the future.

- C. 911 Services: Seek funding for 911 services and the County's new center, to include equipment, renovations and technology

Cumberland County purchased an existing building at 500 Executive Place in Fayetteville to house the County's Emergency Services Department, which includes the 911 Call Center, Fire Marshal's office and Emergency Management. These offices, and the County's Emergency Operations Center, are now housed in the Law Enforcement Center next to the Judge E. Maurice Braswell Courthouse at 117 Dick Street.

The County has an urgent need because our communications center and emergency operations center are outdated and obsolete. The county purchased the Executive Place building for \$5.1 million in November. 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. Building a new center would cost more than \$30 million.

The County will be seeking grant funding from the N.C. 911 Board during the upcoming grant cycle for renovation, hardware, equipment and associated technology costs. The building has 17,000 square feet and sits on 2.722 acres at the intersection of Ravenhill Drive and Executive Place. Originally an insurance service center for State Farm, the building was renovated by the Department of Defense in 2009 into a secure office and data center and includes a K4-rated security fence around the perimeter.

The new facility will provide a long-term solution for the county to respond to natural disasters and other emergency conditions. It will operate 24 hours a day, seven days a week. Renovation provides a cost-effective solution to providing reliable emergency services to the region and a high-quality work environment that promotes staff well-being and anticipates future growth.

Tracy Jackson, Assistant County Manager, referenced the information recorded above and stated the new center will house the Fire Marshal's office, the County 911 Center and Emergency Management which will also give the County an opportunity to expand its Emergency Operations Center that is in dire need of expansion, as is the 911 Center, to make it a more modern and useable facility. Mr. Jackson stated the specific ask is to seek funding from the N.C. 911 Board or other sources of funding to assist with renovation, hardware, equipment and associated technology costs. Commissioner Adams mentioned the collaborative effort or partnership with Fayetteville Technical Community College on developing a proposed fire and rescue training center. In response to questions from Senator deViere, Mr. Jackson stated there is an anticipated need for \$4.4 million in equipment and up to \$17 million for the facility depending on whether there is another partner.

- D. Tier 1 Designation

Ms. Cannon stated Fayetteville Mayor Mitch Colvin and Chair Council convened a group of community stakeholders to begin developing strategies as part of the Tier 1 designation. Robert Van Geons, Fayetteville-Cumberland Economic Development Corporation President/CEO, stated he recently provided his presentation on Cumberland County's Tier I designation to the County Commissioners, and they thought it was important to share with the delegation the economic tier system that is set up to govern state tax incentive programs and other related grants for economic development. Mr. Van Geons presented the following:

Economic Development Tier System

- The Economic Development Tier System is typically understood as way to categorize counties by economic distress:
 - Tier 1: 40 most distressed counties

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- Tier 2: 40 counties in the middle
- Tier 3: 20 least distressed counties
- Originally designed to guide state incentives
- Has grown to impact many other programs and funding sources

How County Rankings Were Computed

- Ranking – Sum of rankings on the following measures:
 - Median household income - annual
 - Unemployment rate - annual average
 - Population growth - 3 year
 - Property value per capita - annual
- Adjustment Factors – Applied after rankings
 - Population - annual
 - < 12,000 => Tier 1
 - 12,000 – 50,000 => Tier 2
 - Poverty rate – 5 year
 - >= 19% and population < 50,000 => Tier 1

Recent Trends

- Since 2016, median household income, unemployment, and per-capita tax base improved over 2018 & 2017 numbers
- Since 2017, median income is up \$2,700, unemployment is down 1.5%, and per capita tax base has risen \$1,900 per capita
- With 2018 Legislation changes, which FCEDC expressed support for, “adjustment factors” were eliminated
- Cumberland County deserves access to the tools and resources available to other communities, facing the same challenges

How County Rankings Are Now Computed

- Ranking – Sum of rankings on the following measures:
 - Median household income - annual
 - Unemployment rate - annual average
 - Population growth - 3 year
 - Property value per capita - annual
- Adjustment Factors – Applied after rankings
 - Population - annual
 - < 12,000 => Tier 1
 - 12,000 – 50,000 => Tier 2
 - Poverty rate – 5 year
 - >= 19% and population < 50,000 => Tier 1

Mr. Van Geons displayed maps depicting 2018 tier designations and 2019 tier designations for North Carolina counties.

Where Do We Stand?

- Adjusted Tax Base – 12
- Pop Growth % (7/17) – 31
- Median HH Inc. – 54
- Unemployment - 21

DNA of Successful Communities

Cumberland County, City of Fayetteville, Fort Bragg

What does Tier 1 status mean for our community? What tools and resources do we gain? How do we move our community forward towards a more prosperous future??

Community Change

- CCS – K-12
- FSU – FTCC – Methodist
- Heath and Wellness Partners

Physical Development

- Department of Commerce
- FCEDC
- Community Development

Transformative Partnerships

- Foundations & Grants
- Pathways to Prosperity
- Private Sector

What Does This Change Mean?

- May increase educational funding / grant opportunities
- May allow for greater flexibility for funding capital needs (education)
- Potential support for child care subsidies
- Provide new opportunities for infrastructure funding, including grant funding
- Eligible economic development projects would qualify for increased State incentives
- Make it easier for local employers to qualify for State incentives
- Reduce the “local match” required for redevelopment grants
- Allow Cumberland County to apply for and better compete for grants and other support
- Many companies and site selectors, recognizing the State’s focus on helping Tier 1 counties, and proactively look to develop in communities like ours.
- Improve competitiveness for funding and grants where Tier status is a consideration.

Examples of Programs that Consider Tier Status

Economic Development Programs

- One NC Fund
- CDBG
- IDF Account
- JDIG
- JMAC
- NC Green Business Fund
- Main Street Solutions
- Building Reuse & Economic Infrastructure Fund
- Broadband Infrastructure

Non-Economic Development Tools

- Transportation
- Child Development
- Education Funding
- Capital Needs
- Arts Programs
- 911 / Public Safety
- Spay and neuter
- Foundations
- Other Granting entities

Driving Towards a Common Destination

Community Change

- CSS – Physical Assets & Curriculum support
- Expungement and Employment services for challenged populations
- Wellness, healthcare, and resources for addressing opioid crisis
- Creative partnerships create pathways to employment for youth & stop cyclical poverty

Physical Change

- Airport Development Corridor
- Speculative Industrial Product
- Call Center Incubator / Training Center / Tech Flex Space
- Establishment of FTZ Zone
- Regional Road Improvements to Port of Wilmington
- Broadband Infrastructure Expansion and Flexibility

Transformational Partnerships

- Partnerships with Golden Leaf, NC Commerce & National Foundations
- Position Community as the Premier HR Gateway to Ft. Bragg
- Connect and utilize existing fiber infrastructure to eliminate the digital divide
- Collaborative partnerships with the private sector

Conversation

- Tier 1 Status provides us tools we deserve access to
- Short term - we want to build a matrix of potential projects – we can do far more together than we can alone – (Broadband example)
- Proposed Tier 1 Portal
- Many of these issues will take time and a sustained commitment to the many factors impacting our overall economic prosperity
- No one project or program alone will achieve our goal, we need a coordinated, multi-pronged strategy - (industrial product example)

How Do We Leverage These Changes?

- Best Advice I ever received regarding grants
- New resources for planning
- Economic Development Supportive Projects
 - Infrastructure in Strategic Corridors
 - Broadband expansion
 - Transportation Projects
 - Water, Sewer, & Natural Gas Infrastructure
- Non-Economic Development Projects
- Potential NGO funding sources

Mr. Van Geons concluded his presentation and provided an inventory of State non-economic programs using G.S. 143B-437.08 tier designations. Representative Floyd stated as it relates economic development, I-95 as a toll road may resurface.

3. Delegation Discussion Topics

A. Shaw Heights: Annexation of Shaw Heights

Ms. Cannon provided an update on initiatives staff are working on with respect to Shaw Heights. Ms. Cannon stated the County is in the process of issuing a Request for Proposals to select a consultant to complete the Community Development Consolidated Five-Year Plan and one of the goals of the plan is to have a targeted assessment of the housing issues/needs in the Shaw Heights area. Ms. Cannon stated as part of the assessment, the consultant will reach out to the owners and the tenants in that area to get feedback on the specific needs for affordable housing. Ms. Cannon stated a market study will also be conducted that will provide needed economic and household data to look at future housing needs of that area.

Ms. Cannon stated the County conducted a land use study for the Shaw Heights area in 2008 and is in the process of looking at a new Land Use Study of that area since the construction of I-295 has been a significant change for the area.

Ms. Cannon referenced Item 4.H. Planning and Inspections recorded below and stated the ask is for an amendment to G.S.153-A40 to give the County the authority to abate public health nuisances in the same way that municipalities can. Ms. Cannon stated this legislative change would be beneficial in the Shaw Heights area as well as other properties in the unincorporated area.

Ms. Cannon stated staff will bring information to the March 7 Agenda Session for Commissioners to consider granting Extraterritorial Jurisdiction (ETJ) to the City of Fayetteville as it relates to a transfer of zoning, subdivision ordinances and housing and building codes and regulations in the Shaw Heights area.

Representative Floyd spoke to improvements to the Murchison Road corridor and stated planning can include the outlined initiatives, but some type of annexation of Shaw Heights needs to move ahead.

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- B. Campaign Materials: Allowing campaign materials at polling sites to remain in place for 24-48 hours after the election

Representative Floyd asked that campaign materials at polling site be allowed to remain in place for 24-48 hours after an election as opposed to throwing them in a dumpster. Commissioner Faircloth referenced HB24 that would allow schools to opt out of being polling sites.

4. Brief Overview of Other Priorities

In the interest of time, Ms. Cannon called attention to other priorities recorded below as well as the N. C. Association of County Commissioners' priority goals which were provided.

A. Human Services

1. Extend provision of services to the blind to children birth to age 14. Currently, services do not start until age 14.
2. Stop reductions and recurring reductions in Mental Health funding in response to increased demands on human services

The NCACC has adopted the following goal - Support provision of state resources to ensure county ability to provide essential public health, behavioral health and social services, with specific consideration to the challenges of incarcerated persons, the continued county role in behavioral health governance, and programs addressing substance use disorder, throughout Medicaid transformation.

B. Social Services

1. Provide adequate funding at the local departments of social services for adult protective services and guardianship. Ensure greater protection of this population by evaluating current state laws while also improving behavioral health services for vulnerable, older and disabled adults.
2. Amend GS 108A-70.49 regarding Medicaid Eligibility Determination and apply a cap for claims against county departments of social services for overpayments. Ensure a state level appeals process prior to an assessment for reimbursement. Establish a waiver of the payback if they can demonstrate the payback will create an undue financial hardship on the county.
3. Preserve Federal and State Block Grants for county administered programs (TANF, SSBG, CSBG, CCDBG, HCCBG), oppose unfunded mandates, and prevent unnecessary workload increases to counties (including shifting state responsibilities to counties).

C. Public Health

1. Oppose any bill or amendment that weakens the ability of local health departments to protect and promote the public's health.
2. Provide additional state funding to address increased demands associated with communicable and emerging infectious diseases

Local health departments must have the capacity to perform communicable disease control and surveillance activities in order to prevent the spread of disease and protect the public. In the last 10 years, cases of communicable diseases have increased over 200%. State funding to support communicable disease efforts has remained stagnant creating pressures on local governments to meet the demands. In FY 17, general communicable disease control cost over \$20 million and state funding only provided 4.3% of that cost. Provide an additional \$8 million to expand local infrastructure for communicable disease activities which will reduce the spread of disease, protect the public and prevent unnecessary healthcare expenditures.

3. Enact Tobacco 21

The National Youth Tobacco Survey reports that in 2014 overall use of tobacco among youth rose, exposing dangerous new trends. Clever marketing of emerging tobacco products (i.e. electronic cigarettes, hookah, and flavored cigars) have reversed the downward trend of overall tobacco use among youth in North Carolina and is putting millions of youth at risk of lifelong lethal nicotine addiction. An estimated 180,000 children now under the age of 18 in North Carolina will eventually die early due to smoking with 6,800 children in North Carolina becoming daily smokers each year. Between 2011 and 2015, use of electronic cigarettes among North Carolina high school students increased by 888% (from 1.7% to 16.8%). Between 2011 and 2013, overall tobacco use increased by 3.9% from 25.8% to 29.7% due to the increased use of emerging tobacco products. Tobacco 21 legislation would reduce early initiation of tobacco use.

D. Public Safety

The Public Safety Tax Force is exploring options for funding of fire service. Volunteer fire departments are facing decreasing numbers of volunteers and increasing demands such as medical calls.

E. School Funding/Public Education

1. Seek legislation to repeal the statutory authority under N.C. Gen. Stat. 115C-431(c) that allows a local school board to file suit against a county board of commissioners over appropriations to the local board of education's capital outlay fund.
2. Increase funding to State Aid to Public Libraries and fund NC Kids and NC Live with recurring funds.

F. Tax and Finance

Seek legislation to maximize remote sales tax collection for counties, including sales tax collection from third-party online sellers.

G. Solid Waste

Maintain local regulation of solid waste container sites.

State agencies are required by N.C. General Statute 150B-21.3A to review existing rules every 10 years. Transfer Facility rules (15A NCAC 13B .0400) are currently being discussed in a rule adoption working group. Solid waste collection sites are our state's first line of defense against illegal dumping and littering.

Collection sites differ from transfer stations in two critical ways: (1) the volume of waste received and (2) the primary users are citizens, not commercial users.

Our focus should be on keeping these collection sites viable and assessable for the community. These sites are provided as a community service and are generally not profitable. These sites are best regulated at a local level, subject to local zoning and solid waste ordinances, without state regulation. Further regulation from a state level may challenge the ability of local governments to keep convenience sites open and available for its citizens.

H. Planning and Inspections

Amend G.S. § 153A-140, the statute authorizing a county to abate public health nuisances, to give counties the same authority as cities to abate public health nuisances summarily without due process requirements by adding "summarily" and striking the due process requirements.

Cities have the authority to abate public health nuisances pursuant to the statute copied below. Cities have the authority to take action summarily without due process requirements.

§ 160A-193. Abatement of public health nuisances.

- (a) A city shall have authority to summarily remove, abate, or remedy everything

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>

in the city limits, or within one mile thereof, that is dangerous or prejudicial to the public health or public safety. Pursuant to this section, the governing board of a city may order the removal of a swimming pool and its appurtenances upon a finding that the swimming pool or its appurtenances is dangerous or prejudicial to public health or safety. The expense of the action shall be paid by the person in default. If the expense is not paid, it is a lien on the land or premises where the nuisance occurred. A lien established pursuant to this subsection shall have the same priority and be collected as unpaid ad valorem taxes.

(b) The expense of the action is also a lien on any other real property owned by the person in default within the city limits or within one mile of the city limits, except for the person's primary residence. A lien established pursuant to this subsection is inferior to all prior liens and shall be collected as a money judgment. This subsection shall not apply if the person in default can show that the nuisance was created solely by the actions of another.

(c) The authority granted by this section does not authorize the application of a city ordinance banning or otherwise limiting outdoor burning to persons living within one mile of the city, unless the city provides those persons with either (i) trash and yard waste collection services or (ii) access to solid waste drop-off sites on the same basis as city residents. (1917, c. 136, sub ch. 7, s. 4; C.S., s. 2800; 1971, c. 698, s. 1; 1979, 2nd Sess., c. 1247, s. 20; 2001-448, s. 1; 2002-116, s. 3; 2014-120, s. 24(h).)

Cumberland County is requesting its delegation to pursue the amendment of G.S. § 153A-140, the statute authorizing a county to abate public health nuisances, to give counties the same authority as cities to abate public health nuisances summarily without due process requirements by adding "summarily" and striking the due process requirements. The requested amendment to the statute is set out below.

§ 153A-140. Abatement of public health nuisances.

A county shall have authority, subject to the provisions of Article 57 of Chapter 106 of the General Statutes, to **summarily** remove, abate, or remedy everything that is dangerous or prejudicial to the public health or safety. Pursuant to this section, a board of commissioners may order the removal of a swimming pool and its appurtenances upon a finding that the swimming pool or its appurtenances is dangerous or prejudicial to public health or safety. The expense of the action shall be paid by the person in default, and, if not paid, shall be a lien upon the land or premises where the nuisance arose, and shall be collected as unpaid taxes. ~~The authority granted by this section may only be exercised upon adequate notice, the right to a hearing, and the right to appeal to the General Court of Justice.~~ Nothing in this section shall be deemed to restrict or repeal the authority of any municipality to abate or remedy health nuisances pursuant to G.S. 160A-174, 160A-193, or any other general or local law. This section shall not affect bona fide farms, but any use of farm property for nonfarm purposes is subject to this section. (1981 (Reg. Sess., 1982), c. 1314, s. 1; 2002-116, s. 2.)

4. Closing Remarks

Representative Szoka stated GenX is the delegation's top issue. Representative Szoka also thanked the County for efforts towards Rhodes Pond and stated the Ruritan Club in the Gray's Creek area is asking that the County work with them to extend Halls Park. Ms. Cannon stated staff are aware of the ask and are meeting with Parks and Recreation and part of the discussion during that meeting will be to consider the request.

Representative Richardson suggested the formation of an ad hoc committee to look at water over the next twenty-five years stating water is essential to future growth and there are other issues along the Cape Fear that are vital to growth in the region. Representative Richardson stated a strategy needs to be developed because the region of the state that gets its water together will be the region that will grow the most.

As it relates to the ETJ, Senator deViere asked whether there needed to be any statutory changes and whether it was to be applied to just the Shaw Heights area or other donut holes as well. Ms. Cannon stated Phase 1 could be Shaw Heights and she would like to bring back to the Board other areas as well. Rick Moorefield, County Attorney, stated the County can follow the statute. Mr. Moorefield stated contact will be made with the delegation should assistance be needed. Senator deViere stated broadband is at the top of everyone's list but he did not see it mentioned. Ms. Cannon stated the expansion of broadband capability is a top priority of the N. C. County Commissioners' Association and is a significant goal as part of the Tier I designation.

6. Adjournment

Chair Council thanked members of the delegation for attending the meeting and for all they do for the citizens of Cumberland County.

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

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board