

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
MONDAY, MARCH 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.

INVOCATION / PLEDGE OF ALLEGIANCE

Commissioner Keefe provided the invocation followed by the Pledge of Allegiance to the American flag.

Introduction of the Fayetteville-Cumberland Youth Council Members

Paige Diana  
James Jensen - Position: Sergeant at Arms

Chair Council recognized Paige Diana and James Jensen of the Fayetteville-Cumberland Youth Council and thanked them for attending.

Introduction of the Seventy-First High School Future Business Leaders of America (FBLA)

Chair Council recognized and welcomed members of the 71<sup>st</sup> High School Future Business Leaders of America and their adviser and business teacher, Mr. Stanley Ford. The members recited the FBLA pledge.

Recognition of Commissioner Charles Evans on Completing the Advanced Leadership Corps Program

Chair Council recognized Commissioner Charles Evans who recently completed the Advanced Leadership Corps program that is offered annually to county and municipal elected officials by the School of Government at UNC Chapel Hill. Chair Council stated he was one of the twenty-three elected leaders to complete the five-day program that is part of the Local Elected Leaders Academy sponsored by the School of Government, N. C. Association of County Commissioners and N. C. League of Municipalities. Chair Council stated the leadership program was created in 2013 to help city and county elected officials understand the broader challenges of governing in today's environment, to enable them to build their personal leadership abilities and to give them an opportunity to act collaboratively.

More than 80 municipal and county elected officials from across N. C. have completed the program since its inception.

#### Recognition of Cape Fear High School State Champion Wrestlers

Commissioner Keefe recognized Cape Fear High School wrestlers Jared Barbour and Dallas Wilson as the N. C. High School Athletic Association 3-A Individual State Champions in their respective weight classes. Commissioner Keefe stated the wrestlers won their titles in February during the NCHSSA tournament in Greensboro with Jared, a senior, winning the 170-pound class and finishing the season with a 49-2 record, and Dallas Wilson, a junior, winning the 138-pound class championship match by a 12-0 decision and being undefeated all season with a 50-0 record. Commissioner Keefe also recognized Coach Heath Wilson and Principal Lee Spruill.

#### Recognition of Retired Cumberland County Employee - Christopher "Todd" Bell, Central Maintenance

Commissioner Evans recognized Mr. Bell and stated he began work with Cumberland County in July 1984 and retired in October 2018 from the Central Maintenance Facility where he served as a fleet maintenance technical. Commissioner Evans stated for thirty-four years and two months, Mr. Bell worked to ensure the County's vehicles operated properly. On behalf of the Board, Commissioner Evans thanked Mr. Bell for his many years of service to Cumberland County and wished him a long and healthy retirement.

#### 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:

Wayne Dee – Mr. Dee stated he was present for transparency, clarification and education. Mr. Dee offered comments about taxation, debt obligations and credit.

Chief District Court Judge Robert Stiehl – Judge Stiehl stated in February 57,282 citizens came through the courthouse doors, 18,947 cases were scheduled for hearings, and 2 guns/2 tazers/263 knives were seized at the courthouse entrances by Sheriff's deputies who are doing a good job keeping everyone safe. Judge Stiehl stated the February 25 jail number was the highest at 720, the March 18 jail number was the lowest at 655 and total capacity is 814. Judge Stiehl stated it costs \$90 per day per inmate, most are there as pre-trial confinement and the DA's office is doing a good job monitoring the numbers. Judge Stiehl offered comments about the Stepping Up initiative and invited Board members to attend the SIMS workshop on March 28 and 29.

#### 1. APPROVAL OF AGENDA

MOTION: Commissioner Adams moved to approve the agenda.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

Commissioner Adams requested removal of Item 2.I. from the consent agenda and Commissioner Boose requested removal of Item 2.D. from the consent agenda for separate discussion and action.

#### 2. CONSENT AGENDA

A. Approval of February 18, 2019 Regular Meeting Minutes

B. Approval of Proclamation Recognizing March 2019 as American Red Cross Month in Cumberland County

## BACKGROUND

Request was received for a proclamation from the Board of Commissioners recognizing March 2019 as American Red Cross Month in Cumberland County.

## RECOMMENDATION / PROPOSED ACTION

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

COUNTY OF CUMBERLAND

NORTH CAROLINA

## PROCLAMATION

WHEREAS, The American Red Cross Sandhills Chapter was established on April 26, 1917 in response to call from President Woodrow Wilson after the start of World War I to assist and comfort communities stricken by disasters large and small, and to help the able-bodied and disabled veterans and civilians overseas; AND

WHEREAS, The American Red Cross Sandhills Chapter provides services to local military personnel and their families, including 24-7 emergency messaging, assisting military members and their families through pre-deployment and post-deployment briefings and seminars; AND

WHEREAS, The American Red Cross Sandhills Chapter continues to partner with city and county government and civic agencies to help ensure our communities are more ready and resilient in the face of future disasters; AND

WHEREAS, Each year the American Red Cross Sandhills Chapter provides shelter, clothing, food and counsel to hundreds of area families who experience a home fire or other disasters such as tornadoes and floods; AND

WHEREAS, The American Red Cross plays a vital role in relief operations by deploying volunteers to rebuild communities hit by disaster and by providing critical support and resources at home and across the Nation; AND

WHEREAS, Each year the American Red Cross Sandhills Chapter trains thousands of local citizens to lead safer and healthier lives through life-saving skills from swimming and life guarding to first aid, CPR and AED; AND

WHEREAS, Each year the American Red Cross Sandhills Chapter helps to collect, test and distribute thousands of life saving units of blood and blood products; AND

WHEREAS, Our County's leadership relies upon our citizens who are motivated to act by our common humanity. This month let us come together to celebrate Cumberland County's spirit of generosity, and the dedicated individuals and organizations who keep that spirit alive.

NOW THEREFORE, LET IT BE RESOLVED, that the Cumberland County Board of Commissioners hereby proclaims March 2019 as AMERICAN RED CROSS MONTH in Cumberland County and encourages all citizens to join in the observance.

Adopted this 18th day of March 2019.

C. Approval of Proclamation Recognizing March 22, 2019 as Arbor Day

## BACKGROUND

Request was received for a proclamation recognizing March 22, 2019 as Arbor Day in Cumberland County.

## RECOMMENDATION / PROPOSED ACTION

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

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, the County of Cumberland recognizes the importance of trees to the economic, aesthetic, and ecological well-being of our community; AND

WHEREAS, it is recognized that planting and maintaining healthy trees in our ever-changing society are both desirable and necessary; AND

WHEREAS, Arbor Day is a long-standing American tradition that represents an important element of our national heritage; AND

WHEREAS, the County-City Joint Appearance Commission is a leader in the encouragement of environmental stewardship and is assisting with the planting of trees by the students of our schools; AND

WHEREAS, Cumberland County-Cooperative Extension is a community resource for information and provides technical assistance regarding the care and maintenance of our trees; AND

WHEREAS, individuals can act in this county to improve the environment by planting trees and ensuring that these trees are protected and receive proper maintenance in the years ahead.

NOW, THEREFORE, I, Jeannette Council, Chairman of the Board of Commissioners of Cumberland County, North Carolina, do hereby proclaim Friday, March 22, 2019 to be

Arbor Day in Cumberland County

AND urge our citizens to take an active part to ensure our community has a better quality of life by providing a clean environment with more trees.

Presented the 22nd day of March 2019.

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

E. Approval of Resolution to Support Amending Legislation to Provide Counties with the Same Authority as Cities to Address Public Health Nuisances

BACKGROUND

The Board of Commissioners met Feb. 11 with Cumberland County's N.C. General Assembly delegation to discuss the County's legislative priorities. The attached resolution supports amending N.C. Gen. Stat. 153-A- 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 in the attached resolution.

RECOMMENDATION / PROPOSED ACTION

Consideration of approval of the proposed resolution.

NUISANCES

Whereas, N.C. Gen. Stat. 160A-193 gives cities the authority to act summarily to abate public health nuisances; and

Whereas, N.C. Gen. Stat. 153-A-140, the statute authorizing counties to abate public health nuisances, includes due process requirements not imposed on cities; and

Whereas, counties' statutory authority to abate public health nuisances is more restrictive than that of cities; and

Whereas, counties need the same authority as cities to address public health nuisances;

NOW THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners supports amending N.C. Gen. Stat. 153-A-140 to provide counties the same authority as cities to address public health nuisances by adding "summarily" and striking the due process requirement so that the statute reads:

§ 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.)

Adopted this 18th day of March 2019.

F. Approval of Resolution to Support Additional Revenue Sources to Address Public School and Community College Capital Challenges

#### BACKGROUND

Cumberland County supports efforts to increase the state's investment in public school facilities. The North Carolina Association of County Commissioners has adopted the legislative priority of "seeking additional revenue sources, including a statewide bond and lottery proceeds, to equitably address statewide public school and community college capital challenges."

The resolution seeking increased state funding for public school and community college capital needs is presented to the Board of Commissioners for consideration.

#### RECOMMENDATION / PROPOSED ACTION

Consider approval of the attached resolution to support additional revenue sources including a statewide bond to address public school and community college capital needs.

#### CUMBERLAND COUNTY BOARD OF COMMISSIONERS

#### RESOLUTION TO SUPPORT ADDITIONAL REVENUE SOURCES INCLUDING A STATEWIDE BOND TO ADDRESS PUBLIC SCHOOL AND COMMUNITY COLLEGE CAPITAL CHALLENGES

Whereas, Cumberland County supports efforts to increase the state's investment in public school and community college facilities; and

Whereas, counties urgently need resources to address more than \$8.1 billion in needs for new facilities and renovations at public schools throughout North Carolina; and

Whereas, according to research conducted by the North Carolina Association of County Commissioners, from 2015-2016, school expenses consumed, on average, 35 percent of each county budget; and



Whereas, even though counties have taken on more operational costs for schools, the state contributes a very small portion of funds for school capital expenses, hovering around 2 percent; and

Whereas, prosperity in North Carolina is inextricably linked to education outcomes, and investing in public school construction will modernize our learning facilities to support the state's transition to digital learning, ensuring that North Carolina students have the tools to compete in the workforce of the future; and

Whereas, counties are challenged with limited options to raise revenue to pay for school construction, renovation and repair, and many counties have no room to raise property taxes and are seeing no growth in their sales and property tax bases; and

NOW THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners supports legislative action, to include a statewide bond, to address public school and community college capital challenges.

Adopted this 18th day of March 2019.

G. Approval to Pay Prior Year Invoices for Various Cumberland County Departments

BACKGROUND

Several departments have requested approval to pay multiple prior year invoices as summarized below. Details are shown within the attachment.

The Sheriff's Office, Planning and Inspections, and the Department of Social Services are requesting to pay multiple prior year invoices which total \$2,968.50. These Departments were not notified, or invoices were not received until after the deadline to pay Fiscal Year 2018 invoices. Goods or services have been verified as having been received or rendered. These invoices have been researched and verified as not paid and are in fact due. Sufficient funds are available in each named departmental budget to absorb these expenditures in the current budget.

RECOMMENDATION / PROPOSED ACTION

Management is requesting approval to pay prior year invoices for the Sheriff's Office, Planning and Inspections, and the Department of Social Services totaling \$2,968.50.

H. Approval of Formal Bid Award for Landfill Compactor

BACKGROUND

Funds were appropriated in the Solid Waste Department's Fiscal Year 2019 budget for the purchase of a compactor. Formal bids were solicited, received and reviewed for this purchase. CMI Roadbuilding, Inc. provided the lowest cost for the purchase, in the amount of \$769,000.00.

RECOMMENDATION / PROPOSED ACTION

Management recommends approval of bid award number 19-10-SW to CMI Roadbuilding, Inc., based on the lowest, responsive, responsible bidder standard of award.

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

J. Approval of Offer to Purchase Surplus Property Located At 1716 Stanberry Court, Fayetteville, NC

BACKGROUND

The County acquired the real property with the PIN 0438-27-5472, being Bldg. Lt 29, Burton Farm, located at 1716 Stanberry Court, Fayetteville, NC, at a tax foreclosure sale in 2005 for a purchase price of \$3,599.75.

The property is zoned SF6 with a tax value of \$5,500.00. Based on the GIS Mapping and the tax records, there is no structure on the lot. Strong Hands Holding, LLC made an offer to purchase the property for \$3,599.75. If the Board proposes to accept this offer, the proposed sale must be

advertised subject to the upset bid process of G. S. § 160A-269. The proposed advertisement is included in the recommendation below.

#### RECOMMENDATION / PROPOSED ACTION

The County Attorney recommends the Board consider the offer of Strong Hands Holding, LLC. If the Board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269.

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

Take notice that the Board of Commissioners finds the real property with PIN 0438-27-5472, being Bldg. Lt 29, Burton Farm, located at 1716 Stanberry Court, Fayetteville, NC, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$3,599.75. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The Board of Commissioners may at any time reject any and all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302

#### K. Approval of Budget Ordinance Amendments for the March 18, 2019 Board of Commissioners' Agenda

#### BACKGROUND

##### General Fund 101

- 1) Health Department - Budget Ordinance Amendment B190097 to recognize funds from the Cumberland County School System for School Health in the amount of \$170,000

The Board is requested to approve Budget Ordinance Amendment B190097 in the amount of \$170,000. Cumberland County Schools awarded the Cumberland County Health Department \$170,000 in additional funding to hire four temporary school health nurses for the remainder of the school year.

Please note this amendment requires no additional county funds.

- 2) Health Department - Budget Ordinance Amendment B190098 to recognize funds in the amount of \$22,746 from the North Carolina Division of Health and Human Services (DHHS)

The Board is requested to approve Budget Ordinance Amendment B190098 in the amount of \$22,746 recognizing funds from the North Carolina Division of Health and Human Services for Maternal Health. These funds will be used to educate communities on maternal and child health issues, purchase equipment, additional car seats, and long acting reversible contraceptives.

Please note this amendment requires no additional county funds.

- 3) Health Department - Budget Ordinance Amendment B190102 to recognize grant funds from the North Carolina Division of Health and Human Services – Environmental Health Division in the amount of \$8,000

The Board is requested to approve Budget Ordinance Amendment B190102 to recognize grant funds from the North Carolina Division of Health and Human Services- Environmental Health Division in the amount of \$8,000. This grant will be used to increase awareness of allergen and asthma triggers in low income communities by providing incentives to participants such as humidity meters, green cleaning kits, and educational posters and pamphlets.

Please note this amendment requires no additional county funds.

- 4) Jail Health Program/ Detention Center - Budget Ordinance Amendment B190961 to transfer funds from the Detention Center to the Jail Health Program in the amount of \$175,000

The Board is requested to approve Budget Ordinance Amendment B190961 to transfer funds from the Detention Center to the Jail Health Program in the amount of \$175,000. The safekeeper medical expenses are the expenses for medical care received by inmates that are being housed at other state facilities due to their medical conditions. Safekeeper expenses total \$183,500 as of the December invoice. Additional funds of \$175,000 are needed based on the year-end projection of \$350,000.

Please note this amendment requires no additional county funds.

- 5) Library/Unallocated Revenue - Budget Ordinance Amendment B191189 to recognize funds from Piedmont Natural Gas in the amount of \$750

The Board is requested to approve Budget Ordinance Amendment B191189 to recognize funds from Piedmont Natural Gas in the amount of \$750. These funds are provided by Piedmont Natural Gas to purchase parking passes from the City of Fayetteville for library employees to park due to construction in front of the Cumberland County Library located at 300 Maiden Lane.

Please note this amendment requires no additional county funds.

- 6) Library Grants - Budget Ordinance Amendment B190421 to recognize grant funds from the American Library Association in the amount of \$300

The Board is requested to approve Budget Ordinance Amendment B190421 to recognize grant funds from the American Library Association in the amount of \$300. This grant will be used for a presenter to speak on the American Creed: Community Conservations Program.

Please note this amendment requires no additional county funds.

- 7) Library Grants - Budget Ordinance Amendment B191192 to recognize e-rate funds from the Microelectronics Center of North Carolina in the amount of \$876

The Board is requested to approve Budget Ordinance Amendment B191192 to recognize e-rate funds from the Microelectronics Center of North Carolina in the amount of \$876. These e-rate funds will be used to support library services such as equipment and computer software.

Please note this amendment requires no additional county funds.

- 8) Social Services - Budget Ordinance Amendment B190808 to recognize additional funds from the North Carolina Department of Health and Human Services in the amount of \$500,519

The Board is requested to approve Budget Ordinance Amendment B190808 to recognize additional funds from the North Carolina Division of Health and Human Services in the amount of \$500,519 for the Energy Assistance Program. These funds will be used to help low income individuals pay for utilities.

Please note this amendment requires no additional county funds.

- 9) General Government Other/Central Maintenance, Landscaping and Grounds, and Animal Control- Budget Ordinance Amendment B190139 to recognize funds from North Carolina State Disaster Reimbursement and Federal Emergency Management Agency (FEMA) in the amount of \$66,091

The Board is requested to approve Budget Ordinance Amendment B190139 to recognize funds from the North Carolina State Disaster Reimbursement in the amount of \$16,523 and from FEMA in the amount of \$49,568. These funds reflect overtime worked during the Hurricane Florence event.

Please note this amendment requires no additional county funds.



10) Public Buildings Janitorial/General Government Other - Budget Ordinance Amendment B190546 to establish two new custodial positions in the amount of \$72,882

The Board is requested to approve Budget Ordinance Amendment B190546 to establish two new custodial positions in the amount of \$72,882. Contingency funding will be utilized to establish these positions.

Please note this amendment requires the utilization of contingency funds.

Solid Waste Fund 625

11) Solid Waste Fund - Budget Ordinance Amendment B190141 to recognize funds from North Carolina State Disaster Reimbursement and Federal Emergency Management Agency (FEMA) in the amount of \$58,372

The Board is requested to approve Budget Ordinance Amendment B190141 to recognize funds from the North Carolina State Disaster Reimbursement in the amount of \$14,593 and from FEMA in the amount of \$43,779. These funds reflect overtime worked during the Hurricane Florence event.

Please note this amendment requires no additional county funds.

12) Solid Waste Fund - Budget Ordinance Amendment B190737 in the amount of \$325,000 to increase Other Post-Employment Benefits (OPEB) and Pension Expenses to actuarial projections

The Board is requested to approve Budget Ordinance Amendment B190737 in the total amount of \$325,000. Under the Governmental Accounting Standards Board (GASB) Statement 75, OPEB and pension expenses must be reflected in the annual operating budget. The FY19 budget did not reflect these OPEB costs and therefore, need to be appropriated. The budget is based on actuarial projections. These expenses will be included in the recommended budget for FY20 in the amount of \$325,000.

Please note this amendment requires the use of Solid Waste fund balance.

REGARDING THE FOLLOWING ITEMS 13 PLEASE NOTE:

Each fiscal year County departments may have projects that are not complete by the fiscal year end (6/30/18) or items ordered that have not been received by fiscal year end. This project or item was approved in the Fiscal Year 2018 budget; however, the money was not spent by June 30, 2018. The following amendment seek to bring those funds forward from FY 2018 into the current fiscal year, allowing departments to complete and pay for these items. This revision is not using 'new' funds but are recognizing the use of FY18 funds in FY19.

Community Development Support Housing Fund 267

13) Support Housing Program Grants - Budget Ordinance Amendment B190009 to re-appropriate funds from FY18 in the amount of \$61,164 for the Continuum of Care grant and transfer from the General Fund

The Board is requested to approve Budget Ordinance Amendment B190009 to re-appropriate the HUD Continuum of Care grant. This amendment also re-appropriates the FY18 transfer from the general fund in support of the county's homeless initiative.

RECOMMENDATION / PROPOSED ACTION

Approve Budget Ordinance Amendments

L. Approval of Cumberland County Board of Commissioners Agenda Session Items

1. Establishment of a Management Fellow Position for Recruitment Purposes and Associated Budget Ordinance Amendment #190193

## BACKGROUND

The Board of Commissioners approved a request on October 1, 2018 for a Management Fellow to begin working with the County in early January 2019. At that time, the Board also approved the recruitment of a second Management Fellow. The second Fellow was to be included in the Fiscal Year 2020 budget for a July 1, 2019 effective date.

What was not evident in October when the Board recommended a second Fellow, was the timeline associated with a July 1 hire date.

Students graduating in May with their Masters in Public Administration (MPA) have started the application process with the International City / County Management Association (ICMA). Therefore, students will begin the interview process very shortly and begin receiving and accepting job offers within the next two months.

While the County would not anticipate expending funds for the second Fellow position prior to July 1, 2019, County policy requires the position and funding be established prior to offering a candidate a position.

Therefore, a position and budget need to be established prior to July 1 in order to aid in successfully competing for a qualified MPA graduate.

## RECOMMENDATION / PROPOSED ACTION

At the March 14, 2019 Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below as a Consent Item on the March 18, 2019 Board of Commissioners' meeting:

1. Establish a second Management Fellow position effective April 1, 2019
  2. Approve associated budget ordinance amendment #190193
- 
2. Denial of Bid Exception on Contract for Sheriff's Office Uniforms under G.S. § 143-129

## BACKGROUND

North Carolina General Statute G.S. § 143-129 (e) (6) allows an exception to bidding requirements for purchases of apparatus, supplies, materials, or equipment when standardization or compatibility is the overriding consideration. The use of this exception requires Board of Commissioner approval prior to a contract award.

The Sheriff's Office is requesting an exception to bidding based on the referenced statute (see Attachment 1). This item has been reviewed with the County Attorney.

## RECOMMENDATION / PROPOSED ACTION

At the March 14, 2019 Agenda Session, the Board of Commissioners moved this item forward to the March 18, 2019 Board of Commissioners' Consent Agenda with the following action:

Unanimous denial of a bid exception for Sheriff's Office uniforms authorized under G.S. § 143-129 (e) (6) based on standardization and compatibility being the overriding consideration in regard to a contract with American Uniform Sales, Inc. Finance Director is instructed to proceed with and have a request for proposal for Sheriff's Office uniforms completed within sixty (60) days.

3. Bid Award for County-Wide Temporary Services Contracts

## BACKGROUND

The County currently contracts with a single county-wide vendor to provide temporary services. Obtaining qualified temporary staff in the timely manner needed to meet departmental needs has become increasingly more difficult. After receiving departmental input regarding county-wide temporary staffing needs, finance staff issued a request for proposals (RFP) for temporary services, with a plan for one or more contracts with a contract effective date of July 1, 2019.

A total of 17 responsive proposals were received and reviewed (see Attachment A). Staff is recommending contracts with the following four vendors: 22nd Century Technologies, INC., Belflex Staffing Network, LLC., Manpower, Inc., and Mega Force Staffing Group, Inc. Temporary

positions for each of the vendors will vary based on the lowest range of costs provided in the best and final offers.

#### RECOMMENDATION / PROPOSED ACTION

At the March 14, 2019 Agenda Session Meeting, the Board of Commissioners approved placing the action below as a Consent Item on the March 18, 2019 Board of Commissioners' Meeting:

Approval of four separate contracts for temporary services between the County and 22nd Century Technologies, INC., Belflex Staffing Network, LLC., Manpower, Inc., and Mega Force Staffing Group, Inc. each to be effective July 1, 2019.

4. Resolution to Authorize use of Electronic Advertisement for Contracts Subject to G.S. §143-129

#### BACKGROUND

G.S. § 143-129 requires that contracts for construction or repair work, in the amount of \$500,000 or more, and contracts for the purchase of apparatus, supplies, materials, and equipment, in the amount of \$90,000 or more be publicly advertised in a local newspaper. A decision to advertise solely by electronic means, whether for particular contracts or generally for all contracts that are subject to G.S. § 143-129, shall be approved by the governing board of the county at a regular meeting of the board.

In an effort to be more efficient and save time, staff are requesting the Board approve the attached resolution (as revised) which will authorize the County Manager (or her designee) to advertise solicitations for bid using electronic means in lieu of placing an advertisement in a newspaper.

#### RECOMMENDATION / PROPOSED ACTION

At the March 14, 2019 Agenda Session Meeting, the Board of Commissioners approved placing the action below as a Consent Item on the March 18, 2019 Board of Commissioners' Meeting:

Approval of the resolution to authorize use of electronic advertisement for contracts subject to G.S. § 143-129 (as revised to remove the option of publishing in the newspaper).

#### Resolution to Authorize the Use of Electronic Advertisement for Contracts Subject to G.S. § 143-129

Whereas, contracts for construction or repair work, and for the purchase of apparatus, supplies, materials, and equipment that meet the monetary threshold established in G.S. § 143-129 must be publicly advertised; and

Whereas, G.S. § 143-129(b) authorizes the governing board to allow the use of electronic advertisement as an alternative to advertisement in a newspaper of general circulation; and

Whereas, advertisement by electronic means may be a more effective and efficient method of reaching prospective bidders; and

Whereas, it is in all cases important to provide citizens an opportunity to obtain information about major contracts to be awarded by the County;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY, NORTH CAROLINA:

1. The County Manager or his or her designee is authorized to advertise solicitations for bid using electronic means in lieu of placing an advertisement in a newspaper of general circulation.
2. Advertisement by electronic means shall be used, and the requirements of G.S. § 143-129(b) shall be met so long as this method meets the minimum time for advertisement under that statute.
3. This resolution shall take effect immediately upon its passage.

Adopted this 18th day of March 2019.

5. Cost Allocation Options for 9-1-1 Co-Location Lease with City of Fayetteville

**BACKGROUND**

The Board heard details of recent discussions with the City's 9-1-1 Committee concerning proposed lease costs to the City for a possible co-location of the City's 9-1-1 Center with the County at 500 Executive Place. The Board concurred with the Chair's actions to date as it relates to this matter and the appointment of a County 911 Committee to continue discussions with the City's 911 Committee on co-location.

**RECOMMENDATION / PROPOSED ACTION**

The Board agreed to move this matter forward to the March 18th Board of Commissioners' Meeting as a Consent Agenda item to ratify the actions of the Chair to date regarding this matter and the appointment of a County 911 Committee to continue discussions with the City's 911 Committee.

6. Request for Qualifications for Architectural/Engineering Services For Renovations To 500 Executive Place

**BACKGROUND**

The Board of Commissioners purchased the facility located at 500 Executive Place toward the end of 2018 for the purpose of renovating the facility to house the 911 Communications Center, Emergency Operations Center, Emergency Management and Fire Marshall offices. Prior to purchasing the facility, the County obtained the services of AECOM to complete a feasibility study to determine a preliminary layout of the facility for the uses listed above.

The next step is to obtain the Architectural/Engineering Services of a consulting firm to complete the necessary design drawings for the required renovations to the facility. North Carolina General Statute 143-64.31 requires local governments to select firms on the basis of demonstrated competence and qualifications to complete the project without regard to fee. Therefore, the County is required to issue a Request for Qualifications (RFQ). The draft RFQ has been attached that the County intends to issue. RFQ submittals are due to the Engineering & Infrastructure Office by 5:00 PM on April 24, 2019. The RFQs will then be reviewed and ranked. Engineering & Infrastructure Staff and the County's 911 Committee will then work with the most qualified firm to establish a scope of services and a fee for the services to be completed. The goal is to be able to present a recommendation and professional services agreement to the Board of Commissioners for consideration at the June 6, 2019 Agenda Session Meeting.

**RECOMMENDATION / PROPOSED ACTION**

At the March 14, 2019 Agenda Review Meeting, the Board of Commissioners approved placing this item on the Consent Agenda of the March 18, 2019 Board of Commissioners' Meeting for approval.

7. Request for Proposal for the Preparation of the 2020-2025 Consolidated Plan / 2020 Annual Action Plan

**BACKGROUND**

Community Development will partner with the City of Fayetteville Economic and Community Development Department to solicit proposals from a qualified consultant to assist the City and County with preparing the upcoming 5-year Consolidated Plan (July 1, 2020 - June 30, 2025) and Annual Action Plan (July 1, 2020 - June 30, 2021) as necessary to continue to receive Community Development Block Grant (CDBG) and Home Investment Partnerships Program Funds as entitlement grants from the U.S. Department of Housing and Urban Development (HUD). The Consolidated Plan will also include a Neighborhood Revitalization Strategy Area (NRSA) plan for census tracts identified by both the City and County. The County's plan is to target the Shaw Heights neighborhood as a NRSA.

The RFP will be published on April 1, 2019. The selected Consultant is anticipated to begin work on July 1, 2019. The County and the City will enter into a separate agreement with the selected Consultant.

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#### RECOMMENDATION / PROPOSED ACTION

At the March 14, 2019 Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below as a Consent Item on the March 18, 2019 Board of Commissioners' Meeting:

Approval of the Request for Proposal to solicit a Consultant to assist with the preparation of the Program Years 2020-2025 Consolidated Plan / Program Year 2020 Annual Action Plan.

8. Process by Which the City of Fayetteville May Exercise Extraterritorial Jurisdiction Within the Unincorporated Area Known as Shaw

#### BACKGROUND

The unincorporated area commonly known as Shaw is bounded by the Fort Bragg Military Reservation to the north and lies on each side of Murchison Road (NC 210). It encompasses portions of the subdivisions or communities of Tiffany Pines and North Point Village, and all of Shaw Heights. Other than the boundary with Fort Bragg, it is bounded by the City of Fayetteville and completely lies within one mile of the City's corporate limits. The County enforces the State Building Code and also applies its zoning, subdivision and minimum housing codes in this area.

Under G. S. 160A-360, all towns have the authority to enforce their planning and development Codes within one mile of the corporate limits unless the county is enforcing a zoning ordinance, subdivision regulations, and the State Building Code in the area. That statute also provides that when the county is enforcing these powers, the town and county can enter into an agreement as to the areas each will exercise these powers.

#### RECOMMENDATION / PROPOSED ACTION

The City and County can agree upon the area within which each will exercise these planning and development powers by each governing board's adoption of a formal resolution approving the agreement. At its March 14, 2019, Agenda Session, the Board approved moving this to the agenda of the March 18, 2019, meeting as a consent item.

9. Request from City of Fayetteville for County to Donate a Parcel for City to Develop a Senior Center

#### BACKGROUND

The City has requested the County to donate the parcel with PIN 0437-29-0849 to the City as part of a senior center in conjunction with Fayetteville State University also developing a wellness center on the larger site. The attached letter from Mayor Colvin to Chair Council describes the details of the request. The attached map shows the location of the lot. The PIN and map are correct; however; the legal description of the property contained in the letter is not correct. The correct description will be used for the deed to the City. This lot was obtained by the County by tax foreclosure in 1931 and has not been declared surplus.

#### RECOMMENDATION / PROPOSED ACTION

County Attorney recommends the Board declare this lot surplus and direct that it be conveyed to the City. At its March 14, 2019, Agenda Session, the Board approved moving this to the March 18, 2019, meeting as a consent item.

10. Contract for Crown Coliseum Ice System Replacement Project and Associated Budget Ordinance Amendment #B190002

#### BACKGROUND

The Capital Improvement Plan (CIP) identified the Crown Coliseum Ice System for replacement as part of the installment financing that was approved by the Local Government Commission (LGC) in September 2017. The Crown Coliseum Ice System Replacement includes the demolition and installation of the ice floor and mechanical center, all associated mechanical and electrical work, as well as replacement of the dasher board system.

On October 15, 2018, the Cumberland County Board of Commissioners approved the professional services agreement for Stevens Engineers, Inc., for the design of the replacement of the ice rink

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chiller, cooling tower and ice floor. On December 20th, the Engineering & Infrastructure Director received notification from the design engineer requesting the contract be assigned to B32 Engineering Group, Inc. due to the formation of the engineering group after engineering functions were split from Stevens Engineer, Inc. This assignment was approved by the Board of Commissioners on January 22nd.

B32 Engineering Group, Inc., continued design during this reassignment and a pre-bid was held on February 13, 2019 at the Crown Coliseum. Specialty contractors and local contractors were invited to attend the pre-bid. The bid opening was scheduled for February 25th at 2:00 PM. Due to an insufficient number of bids for a formal project, the project will be re-advertised in the newspaper on March 1st. The project bid opening is now scheduled on March 11th at 2:00 PM.

The received bids were presented to the Board of Commissioners at the Agenda Session Meeting on March 14th, with a recommendation to award the contract to the lowest, responsible and responsive bidder, Cimco Refrigeration, Inc., in the amount of \$3,202,690. The design engineer is recommending that the County establish a contingency in the amount of 8% for the project.

A budget revision is needed to increase the total project amount for the Crown Coliseum ice system replacement project. Budgeted funds totaling \$1,885,345 are available for the project within the Crown CIP installment financing. The original budget did not include the demolition and removal of the concrete floor. The consulting engineer has identified the replacement of key components of the ice plant chiller which are failing, as work that must be accomplished as part of this project. Overall construction costs have also increased since the time of the initial budget estimate. This budget revision will transfer \$350,000 from the Crown Complex budget where funds were budgeted for the replacement of the dasher board system which has become part of this project. A transfer of \$1,217,345 is needed from the Crown Food & Beverage fund balance to cover the additional costs of this project.

#### RECOMMENDATION / PROPOSED ACTION

At the March 14, 2019 Agenda Review Meeting, the Board of Commissioners approved placing the proposed actions below on the Consent Agenda on the March 18, 2019 Board of Commissioners' Meeting:

1. Accept the bids and award a contract to the lowest, responsible, and responsive bidder, Cimco Refrigeration, Inc., in the amount of \$3,202,690.
  2. Establish a contingency in the amount of \$250,000 to be used for additional work recommended by the E&I Director and approved by the County Manager.
  3. Approve Budget Ordinance Amendment #B190002 which will transfer \$1,217,345 (as determined from the bid opening on March 11th) from the Crown Food & Beverage fund balance and \$350,000 is being transferred from the Crown org for the construction of the ice floor system at the Crown Coliseum.
- 
11. Request from NCDOT For Permanent Right of Way and Easements For I-295 Fayetteville Outer Loop Project

#### BACKGROUND

Cumberland County Engineering & Infrastructure (E&I) Staff was contacted by Hearn's Real Estate Solutions (HRES) Staff on behalf of the North Carolina Department of Transportation (NCDOT) regarding additional right of way, a permanent drainage easement and a temporary construction easement on County owned property due to impacts of the future I-295 Fayetteville Outer Loop Project. NCDOT is acquiring right of way and easements for the project from I-95 in Robeson County to south of SR 1003 (Camden Road) in Cumberland County for TIP Project U-2519AB. The County owns two parcels that are impacted by the construction of this project.

The first parcel that is impacted is located on SR 1116 (Old Plank Road) and identified as U-2519AB Parcel 098 (PIN 9493-84-1667). This is a vacant property that is approximately 0.597 acres. The permanent acquisition includes 0.018 acres of right of way and 0.010 acres of permanent drainage easement. A map of the permanent acquisition and permanent drainage easement has been attached. E&I Staff does not feel that granting the permanent right of way and permanent drainage easement to NCDOT would have a negative impact on this property. NCDOT is not

offering compensation due to the fact that the lot remains large enough to be developed as a residential site and the road frontage is being increased from 15' to approximately 25'.

The second parcel that is impacted is located at 4759 Black Bridge Road and identified as U-2519AB Parcel 122 (PIN 0403-44-4448). This is the Parker Solid Waste Container Site and is approximately 0.342 acres. The temporary construction easement acquisition includes approximately 0.066 acres. The offer includes payment and improvements to chain-link fencing and signs for the container site. A map of the temporary construction easement has been attached. E&I Staff does not feel that granting the temporary construction easement to NCDOT would have a negative impact on this property. Since this is a temporary easement,

NCDOT is also asking for an agreement for entry to be executed as well. All the necessary documents have been attached for your review.

#### RECOMMENDATION / PROPOSED ACTION

At the March 14, 2019, Agenda Review Meeting, the Board of Commissioners approved placing the proposed actions below as a Consent Item on the March 18th Board of Commissioners' Meeting:

1. Approve the permanent right of way acquisition and permanent drainage easement for Parcel 098.
2. Approve granting the temporary construction easement acquisition along with the agreement for entry for Parcel 122.

MOTION: Commissioner Adams moved to approve consent agenda Items 2.A. – 2.L.11 with the exception of Items 2.D. and 2.I. removed for separate discussion and action.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

- 2.D. Approval of Resolution in Support of Requesting the North Carolina Department of Transportation to Name a Section of I-295 in Cumberland County After Lyndo Tippet

#### BACKGROUND

Mr. Daniel DeVane has formally requested that a portion of I-295 in Cumberland County be named for former Secretary of the North Carolina Department of Transportation, Lyndo Tippet. Attached to this memo is a letter of support from Mr. DeVane, NCDOT criteria for the naming of the road, Mr. DeVane's application to the NCDOT for the naming, and a proposed resolution drafted by the County Attorney for the Board of Commissioners to consider.

#### RECOMMENDATION / PROPOSED ACTION

Consideration of approval of the proposed resolution.

#### CUMBERLAND COUNTY BOARD OF COMMISSIONERS RESOLUTION REQUESTING THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO NAME A SECTION OF I-295 IN CUMBERLAND COUNTY IN HONOR OF LYND TIPPETT

Whereas, as a businessman and leader in the community, Lyndo Tippet has been a champion for Cumberland County for many years; and

Whereas, Lyndo served as president of the Fayetteville-Cumberland Chamber of Commerce and Chairman of the PWC; was active in getting funding for the Cape Fear Botanical Garden; has been a strong supporter of Methodist University; and was also instrumental in getting the U.S. Army Airborne & Special Operations Museum located downtown instead of at Fort Bragg; and

Whereas, Governor Mike Easley appointed Lyndo to be the Secretary of the North Carolina Department of Transportation, where he served with distinction for eight years; and

Whereas, prior to his appointment as Secretary of Transportation, Lyndo also served on the NC Board of Transportation representing Division 6 which included Cumberland County.

Be it resolved, in gratitude for his service to Cumberland County and particularly for his leadership in enhancing the public transportation system in the State, the Cumberland County Board of Commissioners hereby requests the North Carolina Board of Transportation to name a section of I-295 within Cumberland County in honor of Lyndo Tippet.

Adopted this 18th day of March 2019.

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Commissioner Boose stated this item was not presented during an Agenda Session and posed questions regarding the \$2,000 application fee and letters of recommendation. Chair Council recognized Daniel H. DeVane, former North Carolina legislator, who named individuals that provided letters of recommendation and stated the family of Lyndo Tippet will provide the \$2,000.

MOTION: Commissioner Keefe moved to approve the resolution requesting the N. C. Department of Transportation to name a section of I-295 in Cumberland County in honor of Lyndo Tippet.  
SECOND: Commissioner Adams  
VOTE: UNANIMOUS (7-0)

## 2.I. Approval of Sheriff's Office Request to Change Part-time Position to Full-time

### BACKGROUND

The Board is requested to approve changing part-time position 107000055, Administrative Coordinator I, to a full-time position. This request is based on organization needs within the Sheriff's Office and a review of the duties and responsibilities for the position. Sufficient lapse salary has been identified to fund this request, therefore no additional funding is required.

### RECOMMENDATION / PROPOSED ACTION

Approve Request to Change Part-time Position to Full-time

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Commissioner Adams stated he felt the change from part-time to full-time should go through the budget process because lapsed salaries will only fund the position through the end of the fiscal year. Commissioner Adams stated should the Board support the change, he does not want the budget allocation for the Sheriff's Office to increase to fund this position full-time.

MOTION: Commissioner Adams moved to approve the change from a part-time position to a full-time position, to fund with lapsed salaries for the remainder of the fiscal year and for the Sheriff's Office to identify funds within its current fiscal year budget to fund the increase after the current fiscal year.  
SECOND: Commissioner Evans  
VOTE: UNANIMOUS (7-0)

## 3. PUBLIC HEARINGS

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

### Uncontested Rezoning Cases

A. Case P19-09: Rezoning of 1.44+/- acres from R6A Residential/CU Conditional Use Overlay District to allow the placement of a recreational vehicle in an approved manufactured home park to C(P) Planned Commercial or to a more restrictive zoning district; located on the west side of SR 1132 (Legion Road), north of SR 3009 (Pioneer Drive); submitted by S. Hewitt Fulton, III on behalf of Z.V. Pate, Inc. (owner) & Alex T. Keith (agent).

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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 property has PWC water and septic for sewer. Mr. Strickland provided a hydric soils map and stated the Planning Board unanimously recommended approval. Commissioner Boose posed questions regard the single-wide on the property. Mr. Strickland stated the plan is for everything to be removed and for the property to become commercial.

Chair Council opened the public hearing for Case P19-09.

The clerk to the board called the following speaker for Case P19-09.

Alex Keith – Mr. Keith signed up as a proponent but did not speak.

Chair Council closed the public hearing for Case P19-09.

MOTION: Commissioner Faircloth moved in Case P19-09 to approve the rezoning from R6A Residential/CU Conditional Use Overlay District to allow the placement of a recreational vehicle in an approved manufactured home park to C(P) Planned Commercial and find this recommendation to be consistent with the Southwest Cumberland Land Use Plan (2013) which calls for “heavy commercial” at this location, C(P) Planned Commercial is classified as a “heavy commercial” zoning district and further find approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding zoning and existing land uses.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (7-0)

#### Contested Rezoning Cases

B. Case P18-35: Rezoning of 21.56+/- acres from M(P) Planned Industrial to C(P) Planned Commercial or to a more restrictive zoning district; located on both sides of Lazy Acres Street, east of SR 2341 (Claude Lee Road); submitted by John Lee, Fred Lee, Jr. and James Lee (owners) & James C. Robinson (agent). (Applicant has modified request to RR Rural Residential/CZ Conditional Zoning for a recreational vehicle park and/or campground)

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Mr. Strickland 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 property is vacant, there is well and septic on the property and stated the 2030 Growth Vision Plan and the South Central Land Use Plan show the property as urban and airport oriented uses. Mr. Strickland displayed a hydric soils map and the site plan proposed for the property. Mr. Strickland stated the Planning Board unanimously recommended denial.

Commissioner Keefe stated in reading the minutes of the Planning Board meeting, there appears to have been some confusion related to the site plans and more background needs to be provided. Mr. Strickland provided a timeline beginning December 11, 2018 at which time staff originally recommended denial of the request and the Planning Board deferred the case to February 19, 2019 in order to give the applicant time to work on the site plan and engage in dialogue with the airport. Mr. Strickland stated on February 19, 2019, staff received a letter from the airport director opposing the case and the Planning Board recommended denial of the request. At the request of Commissioner Keefe, Mr. Strickland explained how staff arrive at their recommendations.

Commissioner Boose asked why Mr. Robinson continued to submit the same plan and at what point did the airport’s plan fall away. Mr. Strickland stated there is a cost to Mr. Robinson each time he submits a site plan and the airport’s plan was just presented to Mr. Robinson.

Commissioner Adams stated he could not get clarification on who would be responsible for the road maintenance and this concerns him because it could become a problem, as well as the fact that there is no water and no sewer. Mr. Strickland stated it would be up to the property owner to maintain the road.

Commissioner Boose asked how long the petitioners would have to wait before they could submit another application. Mr. Strickland stated he would have to wait one year unless a Commissioner requested that it be brought back.

Chair Council opened the public hearing for Case P18-35.

The clerk to the board called the following speakers for Case P18-35.

James Robinson – Mr. Robinson signed up as a proponent but did not speak at this time.

Greg Whitley – Mr. Whitley appeared as a proponent representing the petitioners and stated he did not represent the petitioners when they went before the Planning Board and he is equally confused by reading the minutes. Mr. Whitley referenced a letter from the airport director to the Planning Board along with the airport director's proposal for something his client was under the impression he would agree to. Mr. Whitley stated his client had to pay a surveyor and engineer each time he changed his plans and he was happy to do whatever worked for everyone such as moving sites from the north to the east side. Mr. Whitley referenced a map of the airport overlay district, the County zoning ordinance for overlay districts and a map of airport impact zones and stated these basically call for residential development from 25 to 100 people per acre whereas the applicant is calling for a maximum of 10 to 20 people per acre. Mr. Whitley stated he does not feel that conflicts with the area.

Commissioner Adams requested clarification on the road. Mr. Whitley stated a matter went before the N. C. Court of Appeals to establish access to the parcel with the campground and the access traverses the subject parcel. Mr. Whitley also stated Lazy Acres is listed as an urban collection street on the FAMPO plan and urban collection streets provide land access service, serve ingress and egress functions and may transition from rural to city traffic. Commissioner Adams stated the road provides access but there is no Department of Transportation or County maintenance of the road so it will be left up to the property owner. Mr. Whitley stated Mr. Robinson currently uses the road for his campground and because a good road is good for business, Mr. Robinson maintains the road.

Gerald Newton – Mr. Newton, City of Fayetteville Development Services Director, appeared as an opponent and stated he was present on behalf of the City because the airport director was out of town. Mr. Newton referenced Article VIII of the County zoning ordinance and stated it provides guidance for when development within the airport impact zone can occur and the guidance provides three provisions to consider in approval: 1) control of the uses compatible with the airport, 2) consistency with the off-airport land use plan, and 3) a favorable recommendation by the airport director. Mr. Newton referenced a letter from the airport director dated February 19, 2019 who remained in opposition. Mr. Newton stated the FAMPO elements also have impact on federal and state pass-through funds on transportation including aviation. Mr. Newton stated petitions for rezoning for properties located within the airport impact zone should not be favorably considered except when airport compatible land uses and densities are met. Mr. Newton stated the proposal is located in the airport overlay district and the plan expansion lies directly beside airport runway 4 -approach and runway 22-departure zones; the location is not consistent with the FAMPO Aviation Plan which calls for prohibiting this activity under critical approach/departure zones; the proposal is not consistent with the adopted 2015 South Central Land Use Plan which calls for airport oriented uses. Mr. Newton stated the proposed underlying of this district of rural residential is for areas where public water and sewer are not possible and yet residential development is encouraged, which is not the situation in this case where



the airport overlay discourages residential uses at this location. Mr. Newton stated the airport director is on record and continues to be on record as opposing the use as being incompatible with the airport operation; therefore, this proposal does not meet any of the standards under the County's ordinance and the City of Fayetteville as an adjoining property owner and owner of the airport and the Fayetteville Regional Airport director respectfully request the rezoning of RR Rural Residential/CZ Conditional Zoning be denied by the Board of Commissioners as recommended by the Planning Board.

Commissioner Faircloth stated he is confused by the airport director's February 19, 2019 letter because it implies he may have been okay with it had the applicant followed his recommendations, and it appears to infer there may be room for compromise. Mr. Newton referenced a March 13, 2019 letter and stated that letter no longer expresses conditional opposition but straight opposition because the proposal is not compatible with airport land uses.

James Robinson – Mr. Robinson appeared as a proponent and stated he did not see the plan the airport director submitted to the Planning Department that turns everything sideways and he would have complied with it had he known that was what was wanted. Mr. Robinson stated as far as the road goes, there are long term people living there with RVs and 60% to 70% of his business is from people visiting individuals either being deployed or returning from being deployed or visiting individuals in the military.

Commissioner Keefe asked Mr. Robinson whether there were any permanent residences in the current or proposed RV park. Mr. Robinson stated there is only one permanent residence and it is his. Commissioner Keefe asked Mr. Robinson how long people stay in the RV park. Mr. Robinson responded a lot of people purchase RVs as off-base housing so as not to uproot their families, so it can be two to two and one-half years.

Chair Council closed the public hearing for Case P18-35.

Commissioner Keefe stated there are a lot of unanswered questions and if there can be a compromise, he does not want Mr. Robinson to have to wait a year to come back. Commissioner Adams suggested sending the case back to the Planning Board now that Mr. Robinson has an attorney because a year is too long. Commissioner Evans asked that Mr. Robinson and the airport director come up with a plan suitable to both and then come back to the Board.

**MOTION:** Commissioner Council moved in Case P18-35 to recess the public hearing to the May 20, 2019 meeting with direction that the parties bring back further evidence on the issue as to whether a compromise can be made and that the Board prefers the property owner and airport director enter into a signed agreement resolving the airport's issues.

**SECOND:** Commissioner Adams

**DISCUSSION:** Commissioner Faircloth stated he wanted to be clear that the intent of the motion was so the parties could get together and a compromise could be made satisfactory to the airport. Commissioner Faircloth stated he feels a compromise can be made because the first letter from the airport director implied it could.

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

C. Case P18-50: Rezoning of .47+/- acres from A1 Agricultural to R6A Residential or to a more restrictive zoning district, located at 315 John B Carter Road; submitted by Mary K. Whitted, Brenda Williams, Deborah Wright, Della W. Perkins & Betty James on behalf of Lillie Mae Whitted Heirs (owner).

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Mr. Strickland 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 there is PWC water and a septic tank

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system on the property and no hydric soils, and the current use of the property is a single-family dwelling. Mr. Strickland stated the case was originally denied by staff and the Planning Board gave the petitioner more time to work with the Health Department to determine whether she could get a second septic system on the property. Mr. Strickland stated the Health Department could not locate the old septic system and advised the petitioner to get the zoning approved before seeing whether there could be two septic systems on the property. Mr. Strickland stated the case then came back to the Planning Board and they unanimously recommended approval of the rezoning under the premise the petitioner would be required to get approval from Environmental Health concerning the private septic tanks as part of their group development review.

In response to a question from Commissioner Keefe, Mr. Byrne stated a minimum of one acre of land is required for a mobile home park.

Commissioner Adams stated he did not understand why the Health Department advised the petitioner to get the rezoning first. Mr. Byrne stated originally there were two dwelling on the property but the mobile home to the back was removed. Mr. Byrne stated the Planning Board sent the case to the Health Department to locate two septic tanks on the property to evaluate them to determine whether they could be used. Mr. Byrne stated the Health Department could not find either of the two septic tanks and advised a perk test would have to be done in order to put in a new septic tank. Mr. Byrne stated since it was going to cost \$400 for the Health Department to test the site, they wanted to be sure the rezoning was going to be allowed. Mr. Byrne stated under R6A, it is required for water and sewer to be available.

Commissioner Keefe asked whether approval could be conditional on a valid septic tank. Mr. Strickland stated that is not possible because it is not a conditional zoning. Mr. Moorefield stated a building permit would not be issued if there was not a valid septic tank.

Chair Council opened the public hearing for Case P18-50.

The clerk to the board called the following speaker for Case P18-50.

Mary Whitted – Ms. Whitted appeared as a proponent and stated Hurricane Florence destroyed her home and she could not afford to purchase a trailer and pay lot space, too. Ms. Whitted stated she plans to put a trailer on her mother's property. Ms. Whitted stated there is a septic tank because the people lived there and it should be free. Ms. Whitted stated every time she contacts the septic man to make it available, he tells her he has to go out of town. Ms. Whitted stated she needs somewhere to go now.

Chair Council closed the public hearing for Case P18-50.

**MOTION:** Commissioner Evans moved in Case P18-50 to approve the rezoning from A1 Agricultural to R6A Residential and find:

- a. The approval is an amendment to the adopted current Vander Land Use Plan (2017) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request;
- b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the property was previously developed with two dwelling units and will be required to get approval from Cumberland County Environmental Health concerning the private septic tanks as part of their group development review;
- c. And this rezoning approval is reasonable and in the public interest because the district requested will allow the property to be redeveloped with its previous use of two dwelling units while restricting the permitted uses to those in harmony with the surrounding area.

**SECOND:** Commissioner Adams

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

**D. Case P19-05: Rezoning of 1.50+/- acres from R10 Residential to C2(P) Planned Service and Retail District/CZ Conditional Zoning for trades contractor activities or to a more restrictive**

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zoning district; located on the northwest side of SR 1243 (US Hwy 301 South), north of SR 1126 (Brooklyn Circle); submitted by Timothy B. Evans (owner).

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Mr. Strickland 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 there is PWC water with a septic system and no issues with hydric soils on the property. Mr. Strickland stated the current use of the property is vacant, and Planning staff and the Planning Board recommended denial of the rezoning.

In response to a question posed by Commissioner Keefe, Mr. Strickland further explained how Planning staff make their recommendations and stated 5 members of the Planning Board voted and 3 did not vote. Commissioner Keefe stated the minutes did not show how many voted and asked how the 3 members could not vote. Mr. Moorefield stated for the Planning Board it would typically be because they had been involved in the process or had some connection with the project.

Chair Council opened the public hearing for Case P19-05.

The clerk to the board called the following speakers for Case P19-05.

Tim Evans – Mr. Evans appeared as a proponent and requested clarification on the vote.

Mr. Byrne stated 5 voted for denial.

Mr. Evans stated he had a lengthy conversation with Mr. Strickland about the turnover in Planning staff and Mr. Strickland agreed to visit the site. Mr. Evans stated there are 20,000 cars a day and increasing due to the growth of Grays Creek and from By Pass 162 down to the By Pass 59, there are ten major heavy commercial pieces. Mr. Evans stated his piece borders a heavy commercial piece and the Southwest Plan and Land Use Policy Plan have many recommendations that support commercial on this corridor and state this area is in need of more study. Mr. Evans stated he became frustrated at the meeting of the Planning Board because none of this was brought forward, only the map. Mr. Evans explained why he did not see how the property would be suited for residential uses under the current zoning of R10.

Kenneth Bowers – Mr. Bowers appeared as an opponent and provided the following presentation and photographs of surrounding properties.

Spring Valley Campground and Neighbors  
Facts supporting R 10 or R7.5 zoning for P19-05

Objective

- The surrounding residents oppose changing the zoning of P19-05, because commercial Zoning is not compatible or complementary with the current conditions.
- The residents further desire the protection of their property rights of the adjacent and surrounding properties

Facts

- Current Zoning calls for R10 or R7.5 residential supported by the planning office.
- Residential zoning is more compatible with the properties Adjacent to and surrounding P19-05
- Approximately 83% of the surrounding area is residential (Slide 4)
- The Individual requesting the zoning change does not have a definitive use as of 1 Feb 2019.
- Once commercial zoning is granted and/or the property changes

hands there is no Guarantee the proposed concept will be executed (former Woodbridge school).

Ann Bowers – Ms. Bowers appeared as an opponent and stated Mr. Evans told the Planning Board he had no immediate plans for the property. Ms. Bowers stated trades contractor activities is very diverse and no one knows exactly what that will be. Ms. Bowers stated their business has been in operation since 1970 and they have to concern themselves with their guests and make sure noise does not create a problem for them. Ms. Bowers stated she does not know how so many things can remain unknown, especially when she and her husband have to defend their property and ensure their customers, who are high-level professional people, have a nice quiet place to stay.

Commissioner Council asked Ms. Bower what type of business she and her husband conducted. Ms. Bower stated they have a campground that is within 25 to 30 feet of the subject property.

Chair Council closed the public hearing for Case P19-05.

In response to a request from Commissioner Faircloth, Ms. Bowers pointed out their property on the map that was displayed and stated they are classified as hospitality and always have been. Mr. Byrne explained HS(P) stands for Highway Services Plan which is similar to CP only with commercial. Questions followed regarding the surrounding zonings and properties. In response to a question from Commissioner Keefe, Mr. Strickland stated the main difference between CP and C2(P) is light to heavy commercial with CP being heavy commercial and C2(P) being more restrictive.

MOTION: Commissioner Evans moved in Case P19-05 to approve the rezoning from R10 Residential to C2(P) Planned Service and Retail District/CZ Conditional Zoning for trades contractor activities and find:

- a. The approval is an amendment to the adopted current Southwest Cumberland Land and Use Plan (2013) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request;
- b. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: US 301 is commercial in this area with two Heavy Commercial C(P) zoned parcels adjoining this property across US 301, two further Heavy Commercial C(P) zoned parcels located in close proximity across US 301, and the much larger parcel adjoining to the north being zoned HS(P) which is similar to current C(P) zoning;
- c. And this rezoning approval is reasonable and in the public interest because the district requested will allow the property to be redeveloped with a use than is more restrictive than the C(P) zoning around it.

SECOND: Commissioner Faircloth  
VOTE: UNANIMOUS (7-0)

#### 4. ITEMS OF BUSINESS

##### A. Consideration of Resolution to Lease Certain Real Property to the Vision Resource Center

#### BACKGROUND

At the January 7, 2019, Board of Commissioners' Meeting, the Board adopted the required resolution of intent pursuant to G.S. 160A-272, and the notice was advertised in the Fayetteville Observer on February 15, 2019 (publisher's affidavit attached). Adoption of the following resolution will authorize the Chairwoman to execute the lease.

#### RECOMMENDATION / PROPOSED ACTION

Adopt the following resolution:

The Cumberland County Board of Commissioners finds:

The real property located at 2736 Cedar Creek Road in Fayetteville (the Alphin House) will not be needed for government purposes for the term proposed for the lease of the property to the Vision Resource Center;

The Board adopted a resolution of intent to lease the property described herein at its regular meeting held January 7, 2019; and

The notice of intent to lease the property was advertised in the Fayetteville Observer on February 15, 2019.

BE IT THEREFORE RESOLVED that the Chairwoman to the Cumberland County Board of Commissioners is authorized to execute a lease to the Vision Resource Center, a non-profit corporation, for that property consisting of approximately 2,752 square feet of space, on approximately 7.06 acres, located at 2736 Cedar Creek Road, Fayetteville, NC, for a term of not more than three (3) years and three (3) months commencing April 1, 2019, at an annual rental rate of Two-Thousand Four Hundred Dollars (\$2,400).

\*\*\*\*\*

Tracy Jackson, Assistant County Manager reviewed the background information recorded above. There were no questions or discussion.

MOTION: Commissioner Evans moved to adopt the resolution to lease certain real property to the Vision Resource Center.  
SECOND: Commissioner Faircloth  
VOTE: UNANIMOUS (7-0)

B. Consideration of Interlocal Agreement with the City of Fayetteville for a Joint Contract for ASAP to PSAP Alarm Software

BACKGROUND

Emergency Services 911 communications are requesting funding for an addition to our CAD software known as ASAP to PSAP. This software allows alarm monitoring vendors to securely interface with our system to advise of needed responses to alarm activations. Currently, these notifications are made by phone to Telecommunicators. Alarm associated calls of this nature represent approximately 20% of the incoming call volume into the 911 center. The elimination of these phone calls also allows for quicker notification of the alarm events to responders. As the County and City CAD is a shared operating environment, this is also an opportunity to secure this functionality for both agencies at once with a cost-sharing agreement to reduce total cost to taxpayers rather than each agency paying full price.

RECOMMENDATION / PROPOSED ACTION

Approval the Interlocal Cost Sharing Agreement with the City of Fayetteville for the ASAP to PSAP software.

\*\*\*\*\*

Mr. Jackson reviewed the background information recorded above. There were no questions or discussion.

MOTION: Commissioner Adams moved to approve the Interlocal Cost Sharing Agreement with the City of Fayetteville for the ASAP to PSAP software.  
SECOND: Commissioner Lancaster  
VOTE: UNANIMOUS (7-0)

C. Consideration of Proposed Schedule for Fiscal Year 2020 Budget Work Sessions and Budget Public Hearing



## BACKGROUND

Management anticipates submitting the FY20 Recommended Budget to the County Commissioners on Thursday, May 30, 2019. Several work sessions may be needed for review of the recommended budget. The following schedule is recommended for consideration with all meetings to be held in the Judge E. Maurice Braswell Courthouse, 117 Dick Street, Fayetteville, NC.

- Thursday, May 30, 2019 7:00 PM Budget Presentation Room 118
- Monday, June 3, 2019 5:30 PM Budget Work Session Room 564
- Tuesday, June 4, 2019 5:30 PM Budget Work Session Room 564
- Monday, June 10, 2019 7:00 PM Budget Public Hearing / Work Session Room 118
- Tuesday, June 11, 2019 5:30 PM Budget Work Session Room 564

## RECOMMENDATION / PROPOSED ACTION

Adopt the schedule for FY20 budget work sessions and public hearing as recommended or modified.

\*\*\*\*\*

Ms. Cannon reviewed the background information recorded above the proposed schedule for FY20 budget work sessions and public hearing.

MOTION: Commissioner Adams moved to adopt the schedule for FY20 budget work sessions and public hearing as recommended.  
SECOND: Commissioner Boose  
VOTE: UNANIMOUS (7-0)

## 5. NOMINATIONS

### A. Cape Fear Valley Health System Board of Trustees (3 Vacancies)

Commissioner Adams nominated Murtis Worth, Billy R. King and Dr. Warren McDonald. Commissioner Boose nominated Pamela Suggs Story. Commissioner Evans nominated Dr. Daniel Uba.

### B. Animal Control Board (1 Vacancy)

Commissioner Adams nominated Charlotte Davis.

## 6. APPOINTMENTS

### A. Transportation Advisory Board (9 Vacancies)

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

There being an equal number of vacancies and nominees,

MOTION: Commissioner Faircloth moved to appoint Adolphus Thomas, Nedra Rodrigues, Dwayne Benson, Sr., Terrasine Gardner, Suzanne King, Joel Strickland, Dawn McNair, Katrina Evans and Nkechi Kamalu to the Transportation Advisory Board; and Fredrick Williams and Ray Jackson to the Cumberland County Local Emergency Planning Commission.  
SECOND: Commissioner Adams  
VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Faircloth moved to adjourn.  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 9:00 p.m.

Approved with/without revision:

Respectfully submitted,

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Candice H. White  
Clerk to the Board