

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, MAY 20, 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
Tracy Jackson, Assistant County Manager
Sally Shutt, Assistant County Manager
Duane Holder, Assistant County Manager
Darian Cobb, Fellow with NCACC County Manager Fellowship Program
Rick Moorefield, County Attorney
Vicki Evans, Finance Director
Deborah Shaw, Budget Analyst
Heather Harris, Budget Analyst
T.J. Riddle, Engineering and Infrastructure
Brenda Jackson, Social Services Director
Joe Utley, Tax Administrator
Gene Booth, Emergency Services Director
Joel Strickland, FAMPO Director and Interim Planning Director
Ed Byrne, Senior Planner
Candice H. White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Chair Council called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Reverend Cureton Johnson, retired pastor of First Baptist Church, provided the invocation followed by the Pledge of Allegiance to the American flag led by Commissioner Adams.

RECOGNITION

Introduction of the Fayetteville-Cumberland Youth Council Members
Justus Locke
Courtney Streeter

Chair Council asked Fayetteville-Cumberland Youth Council members to introduce themselves. Justus Locke stated he is a senior at Gray's Creek High School. Sarah Richardson stated she is a senior at Jack Britt High School and is attending in lieu of Courtney Streeter.

Diane Chandler on Receiving the Governor's Award for Volunteer Service Cumberland

Commissioner Faircloth recognized Diane Chandler stating she is the secretary for the Cumberland Disaster Recovery Coalition which she joined in 2011 shortly after tornadoes struck Cumberland County and she has been instrumental in the group's growth and success. Commissioner Faircloth stated the Cumberland Disaster Recovery Coalition is a long-term recovery group that includes nonprofits, faith-based and charitable organizations working together to meet the unmet needs of Cumberland County residents affected by State and Federally declared disasters.

Commissioner Faircloth stated on May 14, Ms. Chandler received the Governor's Award for Volunteer Service in recognition of her contributions to the coalition's efforts over the years, especially following Hurricane Matthew in 2016. The award honors the true spirit of volunteerism by recognizing individuals, groups and

businesses that make a significant contribution to their community through volunteer service. Commissioner Faircloth stated Al Foote, the administrative Officer for Medicaid Transportation and Disaster Coordination at the Department of Social Services, nominated Ms. Chandler for the award because her detailed minutes have allowed the CDRC to maintain records documenting the coalition's rise from a small group, to a non-profit long-term recovery group (LTRG) and now to one of the most productive and successful long term recovery groups in the state.

On behalf of the Board, Commissioner Faircloth congratulated Ms. Chandler on her award.

County Cares Award - Fayetteville Runners Club

Commissioner Faircloth recognized members of the Fayetteville Running Club with the Cumberland Cares award in recognition of their volunteer fundraising efforts to benefit local charities and scholarships for young people. Commissioner Faircloth stated the Fayetteville Running Club is a registered 501c3 non-profit that uses their love of running to have a positive impact not only on their own lives but on the lives of others and in 2018, the club donated a total of over \$10,000 to local charities and scholarships. Commissioner Faircloth stated every month the club selects a local charity and makes a \$500 donation, which comes from the proceeds of their Annual Firecracker 4 Miler Race. Commissioner Faircloth named some of the recipients of the club's donations and on behalf of the Board, thanked the club members for their volunteer efforts.

Seventy-First Classical Middle School Envirothon Team on Second-Place Finish at State Competition

Commissioner Faircloth stated each year the Cumberland Soil & Water Conservation District sponsors middle school and high school teams in Envirothon competitions that teach young people about natural resources and resource problems. Commissioner Faircloth stated although the event is competitive, education is the bottom line. Commissioner Faircloth stated the Board of Commissioners is pleased to recognize the "Hundred Acre Woods" Envirothon Team from Seventy-First Classical Middle School for winning second place in the Area VII competition and second place at the State competition.

Commissioner Faircloth stated the Seventy-First Classical Middle School Envirothon Team advisor is Victoria Gemelli, a 6th grade science teacher at the school. The team members are:

- Emmy Tang
- Yimeng Ma
- Joshua Myoung
- Cheryl Li
- Jennifer Yu

Commissioner Faircloth stated Envirothon teams are tested on their knowledge of natural resources - soils, forestry, wildlife, aquatics and current environmental issues. Students visit five "in-the-field" test stations where written and hands-on problem solving is required.

Cumberland County Spring 2019 Citizens' Academy Graduates

Chair Council called on Assistant County Manager Sally Shutt who stated the Cumberland County Citizens' Academy was held April 2 through May 7 with twenty-two individuals completing the program and receiving certificates at a short ceremony held during the final session.

Ms. Shutt congratulated the following individuals on graduating from the Cumberland County Citizens' Academy and asked those present to stand when their name was called.

- | | |
|----------------------|--------------------|
| • Melvin Acosta | • Irene Grimes |
| • Jeff Brooks | • Shakeyla Ingram |
| • Jewrine Brown | • Erin Mansfield |
| • Christopher Cheek | • Jeremy Martin |
| • Meta Weaver Coaxum | • Brenee Orozco |
| • Kathryn Crumpler | • Thurston Plumley |
| • Katelyn Crumpler | • Tyler Romero |
| • Anthony Dotta | • Edward Samuelian |
| • June Edmonds | • Kenneth Shelton |
| • Kittie Elrod | • Steven Stanfield |
| • Karen Grays | • Scott Weaver |

PUBLIC COMMENT PERIOD

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

District Court Judge Toni King – Judge King stated she was asked to stand in by Chief District Court Judge Robert Stiehl to inform the Board that the jail population on April 18 was 639, April 25 was 678 and May 17 was 671. Judge King stated in April, no district courts went beyond 5:00 p.m. and the district court is in the process of establishing a Human Trafficking Court with the anticipated kick-off date being June 27, 2019. Judge King provided additional comments about the Human Trafficking Court grant, interested providers and training.

1. APPROVAL OF AGENDA

MOTION: Commissioner Lancaster moved to approve the agenda.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

2. CONSENT AGENDA

A. Approval of May 6, 2019 Regular Meeting Minutes

B. Approval of a Memorial Day Proclamation

BACKGROUND

Request as received for a proclamation for Memorial Day, Monday, May 27, 2019.

RECOMMENDATION / PROPOSED ACTION

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

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, on Memorial Day, America undertakes its solemn duty to remember the courageous men and women who made the ultimate sacrifice in the defense of our Country and the cause of freedom around the world; and

WHEREAS, we owe all those who sacrificed in our name a tremendous debt, including our Nation's mothers and fathers who have given their daughters and sons to America, spouses and partners who shoulder the weight of unthinkable loss, and courageous children in whom the legacies of their parents live on; and

WHEREAS, as we honor those who have died in our Nation's service, we understand and appreciate the values of patriotism, citizenship, commitment, honor and duty; and

WHEREAS, at this moment, men and women of the Air Force, Army, Navy, Marine Corps and Coast Guard are serving around the world and deserve our gratitude and respect; and

WHEREAS, Memorial Day gives us the opportunity to reflect on the past and renew our patriotism so that we may continue to live in freedom and seek peace so that our veterans will not have died in vain.

NOW THEREFORE, WE, the Board of Commissioners of Cumberland County, do hereby proclaim Memorial Day, May 27, 2019, as a day to honor the valor and sacrifice of our fallen service members and to renew our commitment to uphold the ideals for which they died. We also call upon the citizens of Cumberland County to observe Memorial Day as a day of prayer for permanent peace.

Adopted this 20th day of May 2019.

C. Approval to Pay Prior Year Invoice for Department of Social Services

BACKGROUND

The Department of Social Services is requesting to pay a fiscal year 2018 invoice to Lutheran Family Services in the amount of \$63.32. The invoice was received after the deadline to pay fiscal year 2018 invoices. Staff has verified that this invoice has not been paid and is in fact due. Sufficient funds are available in the current year budget to absorb this expenditure.

RECOMMENDATION / PROPOSED ACTION

Management is requesting to pay a fiscal year 2018 invoice for the Department of Social Services to Lutheran Family Services in the amount of \$63.32.

D. Approval of Sale of Surplus Real Property Located at 6383 Canadian Ave., Fayetteville, NC

BACKGROUND

On April 15, 2019, the Board adopted a resolution of its intent to accept an offer to purchase property with PIN 0442-55-6720, located at 6383 Canadian Avenue, Fayetteville, NC, and directed that it be advertised and sold pursuant to the upset bid process of G.S. § 160A-269. Gladys Heredia has made an offer to purchase the property for \$2,159.57. The parcel is zoned RR, with a tax value of \$10,000.00. Based on the County GIS Parcel Viewer System and the tax records, there is no structure on the lot.

Notice of the proposed sale, subject to the upset bid process required by G. S. § 160A-269, was advertised in the Fayetteville Observer on April 20, 2019. The publisher's affidavit is attached. More than 10 days have elapsed since the notice was published. No upset bid was received.

RECOMMENDATION / PROPOSED ACTION

County Attorney recommends the Board accept this offer and authorize the Chair or the County Manager to execute a deed for the property upon the County's receipt of the balance of the purchase price.

E. Approval of Offer to Purchase Surplus Properties Located at Ashley St., Fayetteville, NC

BACKGROUND

The County acquired the real property with the PIN 0437-12-3719, being Lot 18 E T Spence Sub Div Tolar Ld (0.19 ac), located at Ashley St., Fayetteville, NC, at a tax foreclosure sale in 2004 for a purchase price of \$3,672.03. The property is zoned MR5 with a tax value of \$7,500.00. Based on the GIS Mapping and the tax records, there is no structure on the lot. No governmental entity has expressed a desire to acquire this property and this property has been declared surplus by the Board of Commissioners. Friendship Community Gardens made an offer to purchase the property for \$3,672.03.

The County and City acquired the real property with the PIN 0437-12-3815, being 0.19 ac land, located at Ashley St., Fayetteville, NC, at a tax foreclosure sale in 2012, along with two other parcels, for a total purchase price of \$11,781.05. The prorated share of the purchase price for the parcel is \$3,180.88. The property is zoned MR5 with a tax value of \$7,500.00. Based on the GIS Mapping and the tax records, there is no structure on the lot. The City has transferred its interest in the property to the County via Quit Claim Deed dated July 7, 2016 and recorded on July 20, 2016. No governmental entity has expressed a desire to acquire this property and this property has been declared surplus by the Board of Commissioners. Friendship Community Gardens made an offer to purchase the property for \$3,180.88.

Exhibit 1 is a map setting out the location of each parcel and its associated PIN number.

If the Board proposes to accept these offers, 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 that the Board consider the offers of Friendship Community Gardens. If the Board proposes to accept the offers, resolve that the described real properties are not needed for governmental purposes and direct that they 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 0437-12-3719, being Lot 18 E T Spence Sub Div Tolar Ld (0.19 ac), located at Ashley St., Fayetteville, NC, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$3,672.03. The Board further finds that the real property with PIN 0437-12-3815, being 0.19 ac land, located at Ashley St., Fayetteville, NC, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$3,180.88. 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.

F. Approval of Offer to Purchase Surplus Property Located at 809 Montgomery St., Fayetteville, NC

BACKGROUND

The County acquired the real property with the PIN 0436-78-6341, being Lots 24-27 Raines Property, located at 809 Montgomery St., Fayetteville, NC, at a tax foreclosure sale in 2012 for a purchase price of \$15,499.25. The property is zoned MR5 with a tax value of \$44,500.00. Based on the GIS Mapping and the tax records, there is a structure on the lot. No governmental entity has expressed a desire to acquire this property and this property has been declared surplus by the Board of Commissioners. Raed A. Alrubaye made an offer to purchase the property for \$15,499.25.

Exhibit 1 is a map setting out the location of the parcel and its PIN number.

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 that the Board consider the offer of Raed A. Alrubaye. 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 0436-78-6341, being Lots 24-27 Raines Property, located at 809 Montgomery St., Fayetteville, NC, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$15,499.25. 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.

G. Approval of Budget Ordinance Amendments for the May 20, 2019 Board of Commissioners' Agenda

BACKGROUND

General Fund 101

1) Social Services - Budget Ordinance Amendment B190051 to re-appropriate Department of Health and Human Services' Adoption Promotion Program funds in the amount of \$121,555

The Board is requested to approve Budget Ordinance Amendment B190051 to re-appropriate Department of Health and Human Services' Adoption Promotion Program funds from prior years in the amount of \$121,555 for the Department of Social Services' adoption services program.

Please note this amendment requires appropriation of general fund balance.

2) Social Services - Budget Ordinance Amendment B190028 to recognize funds from North Carolina Department of Health and Human Services in the amount of \$68,400

The Board is requested to approve Budget Ordinance Amendment B190028 to recognize funds from North Carolina Department of Health and Human Services in the amount of \$68,400 for adoptions completed.

Please note this amendment requires no additional county funds.

3) Soil and Water Conservation District - Budget Ordinance Amendment B190370 to recognize funds in the amount of \$2,000 and to appropriate general fund balance in the amount of \$500. Both amounts were received from the North Carolina Department of Agriculture, Division of Soil and Water Disaster Assistance Program in FY 2018 and FY2019

The Board is requested to approve Budget Ordinance Amendment B190370 to recognize funds from the North Carolina Department of Agriculture, Division of Soil and Water Disaster Assistance Program in the amount of \$2,000 for FY 2019 and to appropriate general fund balance in the amount of \$500 received from the North Carolina Department of Agriculture, Division of Soil and Water Disaster Assistance Program in FY 2018. The funding received is reimbursement for technical assistance that Soil & Water Conservation provided to property owners during stream cleanup in FY 2018.

Please note this amendment requires appropriation of general fund balance in the amount of \$500.

Tourism Development Authority Fund 285

4) Tourism Development Authority - Budget Ordinance Amendment B190210 to appropriate Tourism Development Authority (TDA) fund balance in the amount of \$68,000 to the discretionary fund within Tourism Development Authority organization

The Board is requested to approve Budget Ordinance Amendment B190210 to appropriate Tourism Development Authority (TDA) fund balance in the amount of \$68,000 to the discretionary fund within Tourism Development Authority organization. These funds will be used to provide funding for three grants awarded by the TDA at the April 24, 2019 TDA meeting.

Please note this amendment requires appropriation of Tourism Development Authority fund balance.

5) Tourism Development Authority - Budget Ordinance Amendment B190205 to recognize an increase in occupancy tax collections in the amount of \$1,518,570

The Board is requested to approve Budget Ordinance Amendment B190205 to recognize an increase in occupancy tax collections in the amount of \$1,518,570. Revenue projected for FY2019 is higher than the fiscal year 2019 budget.

Please note this amendment requires no additional county funds.

RECOMMENDATION / PROPOSED ACTION

Approve Budget Ordinance Amendments

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

1. Construction of New Landfill Scalehouse and Convenience Site Improvements and Budget Ordinance Amendment B190112

BACKGROUND

The existing scalehouse at the Ann Street Landfill is deficient in multiple areas. In addition, Solid Waste is seeking to improve customer service at the Ann Street site. To address both areas of concern, an improvement project for both the scalehouse and convenience site was presented to the Board of Commissioners at the May 9, 2019 Agenda Session meeting. Significant highlights of the presentation include the increased customer and employee safety, traffic efficiency, and a more modern scalehouse design. Operational efficiency and safety are key to the project.

RECOMMENDATION / PROPOSED ACTION

At the May 9, 2019 Agenda Session meeting, the Board of Commissioners approved placing the proposed action below on the Consent Agenda for the May 20, 2019 Board of Commissioners' Meeting:

Approve Budget Ordinance Amendment B190112 to appropriate fund balance of the Solid waste Fund to be used to fund capital outlay expenditures for this project.

2. Contract with County Tax Services, Inc. (CTSI) for Tax Auditing Services

BACKGROUND

Cumberland County consists of approximately 10,300 businesses that currently file annual business personal property returns for ad valorem property taxation and 815 businesses that file gross receipt returns.

NCGS 105-312 (b) "Duty to Discover and Assess Unlisted Property" states "It shall be the duty of the assessor to see that all property not properly listed during the regular listing period be listed, assessed and taxed..." In order to comply with the statute, Cumberland County Tax Administration has developed a compliance verification and education program to ensure taxpayers are filing their business listings and gross receipt returns timely and correctly.

The current contract with our third-party vendor, County Tax Services, Inc. is set to end June 30, 2019. In compliance with the County's Purchasing Policy, a Request for Proposals (RFP) was issued.

In accordance with N.C.G.S. § 105-289, the NC Department of Revenue maintains a list of qualified firms, of which 5 firms are listed. Three of the 5 firms responded with proposals. In the

past, Cumberland County has employed two of the three responding firms and has valuable insight into their capabilities and performance.

A thorough review of the submitted proposals was conducted, and the ranking determined per the scoring grids attached. There were 3 submissions: County Tax Service Inc. (CTSI), Evans and Associates (E&A) and Tax Management Associates (TMA).

The final scores were as follows:

County Tax Services Inc.	370
Tax Management Associates	340
Evans and Associates	240

RECOMMENDATION / PROPOSED ACTION

At the May 9, 2019 Agenda Session meeting, the Board of Commissioners approved placing the proposed action below on the Consent Agenda for the May 20, 2019 Board of Commissioners' Meeting:

Approval of the contract with County Tax Services Inc. (CTSI) to conduct auditing services for Cumberland County in support of their business listing and gross receipts returns compliance program.

3. Fiscal Year 2019 Audit Contract with Cherry Bekaert LLP

BACKGROUND

On April 18, 2016 the Board of Commissioners approved a three-year agreement for Cherry Bekaert to perform the annual audit for Cumberland County. The fiscal year 2019 audit contract is the last year within that three-year agreement. The contract amount of \$118,750 is inclusive of full financial and single audit completion and report writing.

RECOMMENDATION / PROPOSED ACTION

At the May 9, 2019 Agenda Session meeting, the Board of Commissioners unanimously approved placing the following action on the Consent Agenda for the May 20, 2019 Board of Commissioners' meeting:

Approve the fiscal year 2019 audit contract with Cherry Bekaert LLP in the amount of \$118,750.

4. Rescind Bid Award for Aerial Mosquito Control Contract

BACKGROUND

The Board of Commissioners awarded a standby contract for aerial mosquito control services to Williams Air Service, Inc., on November 19, 2018.

Staff notified the vendor of bid award. In the process of getting the contract process started, the vendor verbally declined contract execution, stating they could not meet the requirements of the bid specifications or honor their bid prices. On March 15, 2019 a certified letter was mailed to the vendor, notifying them that an executed contract was needed by April 5, 2019 or the County would proceed with rescinding the bid award.

The vendor did not respond in writing but called and stated they could not honor their bid.

RECOMMENDATION / PROPOSED ACTION

At the May 9, 2019 Agenda Session meeting, the Board of Commissioners approved placing the proposed action below on the Consent Agenda for the May 20, 2019 Board of Commissioners' meeting:

Rescind the bid award to Williams Air Service, Inc. for bid number 19-4-HLTH and issue a new request for bids for standby mosquito aerial spraying services.

5. Cumberland County Bragg Estates Sanitary Sewer Easement

BACKGROUND

The Board of Commissioners (BOC) accepted and approved the Letter of Conditions from USDA Rural Development for the Bragg Estates Loan and Grant at their meeting on December 15, 2014. The following conditions were accepted; a Rural Utilities Service (RUS) loan not to exceed \$497,000, a RUS grant not to exceed \$1,453,000, and a contribution from Cumberland County of \$50,000 for a total project cost of \$2,000,000.

The Public Utilities Division has been working with McGill Associates and the Department of the Army, Corps of Engineers, to acquire a utility easement for the sewer installation across property that is owned by the Corps of Engineers. The request for an easement was sent to the Corps of Engineers in 2017 and had to move through their procedural processes before getting to this step of execution of an agreement. Staff and the engineering firm of McGill Associates have met with and communicated with staff from different agencies within the Corps of Engineers in order to meet their administrative procedures. USDA Rural Development Staff, Judy Hunt and Steve Smith, have been involved throughout this process to assist in every way that they could to help move the project forward. The need for this easement is extremely critical as it provides the most cost-effective route for the construction of the sanitary sewer system to serve the Bragg Estates Subdivision.

RECOMMENDATION / PROPOSED ACTION

At the May 9, 2019 Agenda Session Meeting, the Board of Commissioners approved placing the proposed actions as a Consent Item on both the May 20, 2019 Board of Commissioner's Meeting and the May 20, 2019 Bragg Estates Water and Sewer District Meeting:

1. Execute Easement No. DACA21-2-19-0022 with the Department of the Army, Corps of Engineers, for the construction of the Bragg Estates Sanitary Sewer System.
2. Approve payment for easement in the amount of \$7,340.
6. Cumberland County Landscape Division Parking Lot Slope Stabilization Contract

BACKGROUND

The Capital Improvement Plan (CIP) for FY 2019 identified the slope stabilization repairs for the Landscaping Division Parking Lot. At the Board of Commissioners meeting on November 19, 2018, the Board of Commissioners approved the Design-Build delivery method be utilized for this project. The Engineering and Infrastructure (E&I) Department solicited Request for Qualifications (RFQ) in December 2018, but due to an insufficient response had to re-solicit qualifications. The qualifications were due in February 2019 after a second RFQ process. E&I Staff evaluated the Statement of Qualifications (SOQ) and entered into an Engineering Services Agreement with TA Loving Company and their design-build team. TA Loving Company's design-build team completed the design on April 19, 2019. E&I Staff reviewed the design and approved it on April 25, 2019. E&I Staff also requested that the construction costs be submitted for review and approval in order to execute a construction contract.

TA Loving Company provided the construction cost in the amount of \$260,000 on May 1st. E&I Staff have evaluated the proposed construction costs and feel that the next step should be to execute a contract for the submitted price.

RECOMMENDATION / PROPOSED ACTION

At the May 9, 2019 Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below on the Consent Agenda for the May 20, 2019 Board of Commissioners' Meeting:

Accept the contract amount and award a contract to TA Loving Company in the amount of \$260,000

7. Crown Coliseum American with Disabilities Act (ADA) Seating Project Contract

BACKGROUND

Based upon analysis, the Crown Coliseum lacks sufficient compliant seating per the Americans with Disabilities Act (ADA). The seating is insufficient around the Coliseum concourse and suites. In order to provide compliant ADA seating, the Engineering and Infrastructure Department (E&I)

selected Fleming and Associates, PA, from the List of Qualified Architectural/Engineering Firms approved by the Board of Commissioners at the December 3, 2015 meeting. North Carolina General Statute 143-64.31 requires local governments to select firms qualified to provide architectural, engineering and surveying services on the basis of demonstrated competence and qualifications for the type of professional services required without regard to fee. Fleming and Associates, PA, Engineering and Infrastructure staff and Spectra met on-site to discuss design options. The North Carolina Department of Insurance provided input regarding the design throughout the process for regulatory compliancy. Fleming and Associates, PA, completed the design and the project was advertised for a pre-bid meeting on April 1, 2019 and a bid meeting on April 22, 2019. Due to an insufficient number of bids, the project was re-advertised, and the bids were opened on May 1, 2019.

The lowest, responsible and responsive bid was submitted by M&E Contracting, Inc. in the amount of \$539,895 that is inclusive of a \$30,000 owner's allowance to address any additional work. A certified bid tab and letter of recommendation has been provided and attached by the project engineer.

This work will be conducted at the same time the ice rink floor is being replaced in order to limit the disruption to shows and events at the Crown Coliseum.

RECOMMENDATION / PROPOSED ACTION

At the May 9, 2019 Agenda Session Meeting, the Board of Commissioners approved placing the proposed actions below on the Consent Agenda for the May 20, 2019, Board of Commissioners' Meeting:

Accept the bids and award a contract to the lowest, responsible and responsive bidder M&E Contracting, Inc. in the amount of \$539,895.

8. Professional Services Agreement with Fleming & Associates, PA for Cumberland County Detention Center Roof Project

BACKGROUND

On October 20, 2014, the Board of Commissioners approved a Professional Services Agreement with Fleming & Associates, PA to complete roof and building envelope assessments for all County facilities. These assessments were completed and delivered to the County in the spring of 2015. Included as part of this assessment was a list of proposed recommended improvements that was utilized to develop the Capital Improvement Plan for roofs and building exteriors.

The Engineering & Infrastructure Department selected Fleming & Associates, PA from the list of professional service consultants that the Board of Commissioners approved on December 3, 2015 to provide the needed engineering services for roof improvements at the Cumberland County Detention Center. Fleming & Associates, PA has proposed a cost of \$120,740 for the necessary professional services required to complete this project. The engineering funds are from installment financing and the funding for construction will be programmed into the FY 20 Capital Investment Fund (CIF). The cost proposal has been attached for your convenience.

RECOMMENDATION / PROPOSED ACTION

At the May 9, 2019 Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below on the Consent Agenda for the May 20, 2019 Board of Commissioners' Meeting:

Approve the Engineering Services Agreement in the amount of \$120,740 to Fleming and Associates, PA, for the engineering and design of the Cumberland County Detention Center Roof Project.

9. Internal Policy Setting Minimum Retention Periods for Records with the Disposition Instruction "Destroy When Administrative/Reference Value Ends"

BACKGROUND

In accordance with Chapters 121 and 132 of the General Statutes of North Carolina, state and local governmental entities may only destroy public records with the consent of the Department of

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>

Natural and Cultural Resources (DNCR), the Division of Archives and Records. Retention schedules are the primary way that the Division of Archives and Records gives its consent to state and local governments to destroy their records.

These schedules are an agreement between the local government and the DNCR and must be approved by the governing board before an agency is permitted to destroy records according to the schedule. In order for a county to comply with the provisions of the retention schedule, it will establish and enforce internal policies setting minimum retention periods for the records that the DNCR has scheduled with the disposition instruction “destroy when administrative/reference value ends.” Items containing “administrative/reference value” in the disposition instructions are generally those records that hold limited value and are seen as transitory that have little or no documentary or evidential value and that need not be set aside for future use.

RECOMMENDATION / PROPOSED ACTION

At the May 9, 2019 Agenda Session meeting, the Board of Commissioners approved placing the proposed action below on the consent agenda for the May 20, 2019 Board of Commissioners' meeting:

Adopt the Internal Policy Setting Minimum Retention Periods for Records with the Disposition Instruction “Destroy When Administrative/Reference Value Ends”.

Cumberland County Section

I – Board Approved Policies

Subsection 9: General / Miscellaneous

Policy No. 9-2: Internal Policy for Setting Minimum Retention Periods for Records with the Disposition Instruction “*Destroy When Administrative/Reference Value Ends*”

1.0 PURPOSE

The purpose of this policy is to comply with the provisions of the General Records Schedule for Local Government Agencies and all Program Records Schedules approved by the State Archivist and the Secretary of the Department of Natural and Cultural Resources and adopted by the Cumberland County Board of Commissioners.

2.0 SCOPE

Local government agencies and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research and reference value. These certain records series have been designated by retention periods that allow these records to be destroyed when “*administrative/reference value ends.*” This policy provides for the establishment of minimum retention periods so these certain records series may be destroyed as authorized of the Department of Natural and Cultural Resources.

3.0 STATEMENT

Administrative/reference value is defined by the Department of Natural and Cultural Resources as, “the usefulness of records to support ancillary operations and the routine management of an organization.” Items containing “*administrative/reference value*” in the disposition instructions are generally those records that hold limited value and are seen as transitory that have little or no documentary or evidential value and that need not be set aside for future use.

Minimum retention periods for records that the Department of Natural and Cultural Resources has scheduled with the instruction “*destroy when administrative/reference value ends*” will be set out in the disposition instructions for the General Records Schedule for Local Government Agencies and all Program Records Schedules prepared for adoption by the Cumberland County Board of Commissioners.

4.0 IMPLEMENTATION

The custodian of records with the disposition instruction “*destroy when administrative/reference value ends*” will be responsible for the implementation of this policy.

10. Records Retention and Disposition Schedule / 2019 General Records Schedule for Local Government Agencies

BACKGROUND

The State Archives of North Carolina (SANC) has been publishing retention schedules for county governments since 1960 and although its approach to writing retention schedules has been practical, it has presented challenges. To mitigate the challenges, the Government Records Section of the SANC has transitioned the process for updating local retention schedules to a new model, the General Records Schedule for Local Government Agencies. The General Records Schedule is common to all government agencies and will be used in conjunction with the Program Records Schedule which includes those records unique to the creating agency’s mission.

The State Archivist and the Secretary of the Department of Natural and Cultural Resources officially approved the 2019 General Records Schedule for Local Government Agencies and it is now available for adoption by the Board of County Commissioners. Agencies that adopt the General Records Schedule should follow it for all general records standards and should continue to follow their most recently signed Program Records Schedule for all their agency programs.

RECOMMENDATION / PROPOSED ACTION

At the May 9, 2019 Agenda Session meeting, the Board of Commissioners approved placing the proposed actions below on the consent agenda for the May 20, 2019 Board of Commissioners' meeting:

Adopt the 2019 General Records Schedule for Local Government Agencies and authorize the Chair to execute the signature page for forward to the Records Analysis Unit of the Government Records Section.

11. Memorandum of Understanding between the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), the North Carolina Department of Agriculture and Consumer Services - Division of Soil and Water Conservation (DSWC) an agency of the State of North Carolina, the Cumberland Soil and Water Conservation District (SWCD) and Cumberland County

BACKGROUND

The proposed agreement is between the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), the North Carolina Department of Agriculture and Consumer Services - Division of Soil and Water Conservation (DSWC) an agency of the State of North Carolina, the Cumberland Soil and Water Conservation District (SWCD) and Cumberland County clearly defines the roles and responsibilities of each party to the agreement.

The purpose of this agreement is to supplement the Cooperative Working Agreement between the USDA- Natural Resources Conservation Service, North Carolina Department of Agriculture and Consumer Services, North Carolina Soil and Water Conservation Commission, and Cumberland Soil and Water Conservation District. This operational agreement documents those areas of common interest of the federal, state and local partnership in natural resources conservation.

The parties mutually agree to provide leadership in natural resources conservation. The parties pledge to work together by advancing and practicing teamwork, including input in the decision-making process; communicating, coordinating, and cooperating; promoting mutual respect, and sharing leadership, ownership, credit and responsibility.

This will not change the funding or responsibilities of the department.

RECOMMENDATION / PROPOSED ACTION

At the May 9, 2019 Agenda Session meeting, the Board of Commissioners approved placing the

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>

proposed action below on the Consent Agenda for the May 20, 2019 Board of Commissioners' Meeting:

Approve the Memorandum of Understanding

12. Resolution Amending the Special Fire Tax District

BACKGROUND

In the middle of the twentieth century, rural fire protection districts were established throughout unincorporated areas of Cumberland County as prescribed by North Carolina General Statute Chapter 69. These rural fire districts have enabled funding to provide fire protection to the residents of unincorporated areas of Cumberland County for many years. Cumberland County has primarily contracted with private, non-profit fire departments to provide essential fire services and continues to do so now and into the foreseeable future.

Subsequently, on June 5, 1989, the Cumberland County Board of Commissioners established a separate fire protection service district that encompassed the territory of all rural fire protection districts. This action was taken consistent with North Carolina General Statute 153A. Creation of this special service district levied taxes upon property located within the boundaries of the district and those taxes have been collected since that time.

Effective July 1, 1989, the Cumberland County Fire Protection Service District was implemented such that "tax monies raised shall be used to provide and maintain adequate equipment and manning for those financially distressed rural fire districts within Cumberland County." A maximum rate of \$.15/\$100 valuation was established in the original ordinance.

Within the ordinance adopting the special service district, there was no language that specifically quantified what a financially distressed rural fire district entailed. This lack of clarity adds an unnecessary level of subjectivity. Costs to provide fire and rescue services have dramatically increased since 1989. There are many less volunteers willing to serve now than in that time period, not only in Cumberland County but across the country. This dramatic change has forced many contracting private, non-profit fire departments to hire more career firefighters. Cost of fire apparatus and fire equipment have also increased exponentially. The current funding structure is not meeting the current or projected needs to provide fire and rescue services within the unincorporated areas of Cumberland County.

Today, in order to address these concerns, Special Fire Protection Service Districts are utilized by counties across North Carolina to provide funding to support fire and rescue services. This approach to providing fire and rescue services is the most commonly utilized by North Carolina county governments. Cumberland County is currently funding fire protection services in unincorporated areas by two separate methods – fifteen separate rural fire protection districts and one countywide, consolidated fire protection service district. All of the rural fire districts are at the maximum tax rate of \$.10/\$100 valuation. Only the Beaver Dam rural fire district has any additional tax capacity. The countywide fire protection service district is currently using \$.0125/\$100 valuation of the available \$.15/\$100 valuation.

The recommendation before the Commissioners at this time is to modify the structure of the existing Cumberland County Fire Protection Service District to more clearly provide funding for all unincorporated areas of Cumberland County rather than only those that are "financially distressed" as was identified in 1989. This modernization to allow funds collected within the fire protection service district to be used within any unincorporated areas of Cumberland County solely to provide fire and rescue services will provide a more sustainable funding system to ensure that residents continue to receive these important services.

RECOMMENDATION / PROPOSED ACTION

At the May 9, 2019 Agenda Session meeting, the Board of Commissioners approved placing the proposed action below on the Consent Agenda for the May 20, 2019 Board of Commissioners' Meeting:

Approve the proposed resolution.

State of North Carolina
County of Cumberland

RESOLUTION
MODERNIZING THE EXISTING CUMBERLAND COUNTY FIRE PROTECTION
SERVICE DISTRICT

WHEREAS, the Cumberland County Board of Commissioners established the Cumberland County Fire Protection Service District on June 5, 1989 as permitted and prescribed by North Carolina General Statute Article 16, Part 1 of Chapter 153A to be effective July 1, 1989; and

WHEREAS, the special fire protection service district only encompasses the territory of all existing rural fire protection districts established under the provisions of Article 69 of the North Carolina General Statutes; and

WHEREAS at the time of adoption, the primary focus of funding derived from the special service district was to provide and maintain adequate equipment and manning for those financially distressed rural fire districts within Cumberland County; and

WHEREAS, the Board recognizes that many dynamics have changed over the past thirty years in providing fire and rescue services to the citizens of Cumberland County, including costs and complexity of providing these essential public safety services; and

WHEREAS, the Board desires to provide the highest level of fire and rescue services possible to the people of Cumberland County in the most responsible and sustainable manner possible.

NOW THEREFORE, the Board of County Commissioners of Cumberland County, North Carolina, hereby resolves:

1. Funding for the Cumberland County Fire Protection Service District to be consistent with North Carolina General Statute 153A Article 16.
 2. To declare that tax monies raised from the Cumberland County Fire Protection Service District may be used to provide and maintain adequate equipment and staffing for all rural fire districts within Cumberland County, not limited to those rural districts that are deemed to be financially distressed.
 3. To affirm that the provision of emergency rescue services are integral and essential to the special service district as permitted by North Carolina General Statutes.
 4. That these modifications to the Cumberland County Fire Protection Service District are effective July 1, 2019.
13. NCDOT Contingent Offer to Purchase Real Property Located at Lloyd Auman Elementary School to Acquire a Drainage Easement and to Apply the Proceeds to the Principal Owing on Outstanding Debt

BACKGROUND

Two tracts of land constituting the Lloyd Auman Elementary School parcel were deeded to the County pursuant to an Installment Financing Agreement dated December 1, 2009. The NCDOT is requesting construction and drainage easements from Cumberland County in connection with improvements being made to Raeford Road. The NCDOT has proposed a total contingent offer of \$96,174.00 as fair market value for the easements, and the granting of the easements has been approved by the Cumberland County Board of Education. After discussion about the financing documents, Cumberland County Schools staff agreed to application of the proceeds toward the remaining principal amount of the outstanding debt under the Installment Financing Agreement dated December 1, 2009, in part to finance the costs of renovating and modernizing Lloyd Auman Elementary School.

The letter from the NCDOT and Contingent Offer are attached as Exhibit 1. The Drainage Easement agreement is attached as Exhibit 2, and copies of the plan-sheets are attached as Exhibit 3.

RECOMMENDATION / PROPOSED ACTION

The County Attorney requests the following actions be taken:

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>

1. Approve and accept the NCDOT Total Contingent Offer of \$96,174.00, contained in the Summary Statement/Contingent Offer to Purchase Real Property, dated April 26, 2018, to acquire a drainage easement on the Lloyd Auman Elementary School property.
 2. Approve application of the proceeds, \$96,174.00, toward the remaining principal amount of the outstanding debt under the Installment Financing Agreement dated December 1, 2009.
14. Waiver of Fee for Use of Crown by National Guard

BACKGROUND

The North Carolina National Guard at the state level, who is having a large group of soldiers from Cumberland County deploying overseas for active duty and are requesting the use of the Crown Theater for a send-off event for the soldiers and their families. They are requesting the use of the Crown Theater at no charge. The facility in Wake County is willing to allow the use of their facility at no charge.

RECOMMENDATION / PROPOSED ACTION

At the May 9, 2019 Agenda Session meeting, the Board of Commissioners approved placing the proposed action below on the Consent Agenda for the May 20, 2019 Board of Commissioners' Meeting:

Approval to Waive the fee for use of the Crown Theater for the North Carolina National Guard deployment send-off event.

MOTION: Commissioner Lancaster moved to approve consent agenda items 2A. – 2.H.14.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (7-0)

3. PUBLIC HEARINGS

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

Uncontested Rezoning Cases

A. Case P07-75: Modification of the permit for an approved C(P) Planned Commercial/CUD Conditional Use District for mini-warehousing with outside storage of motor vehicles, retail/office space, second floor dwelling and car wash, with the permit allowing for religious worship facility, restaurant, recreation/amusement indoor (conducted for profit) & barbering and hairdressing services/salons; consisting of 11.66+/- acres; located at the southern quadrant of SR 1003 (Camden Road) and SR 1112 (Rockfish Road); submitted by Michael G. Waguespack on behalf of Cam Rocks, LLC (owner).

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

Chair Council opened the public hearing for Case P07-75.

The clerk to the board stated there were no speakers for Case P07-75

Chair Council closed the public hearing for Case P07-75.

MOTION: Commissioner Faircloth moved in Case P07-75 to approve the modification to the C(P) Planned Commercial/CUD Conditional Use District to add the additional permitted uses of religious worship facility, restaurant, recreation/amusement indoor (conducted for profit) & barbering and hairdressing services/salons and find this recommendation to be consistent with the Southwest Cumberland Land Use

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>

Plan (2013) which calls for “heavy commercial” at this location, all of the requested additional uses are allowed within the C(P) Planned Commercial district which is classified as “heavy commercial” zoning and further find approval of this request is reasonable and in the public interest because the modification requested is in harmony with the surrounding zoning and existing land uses.

SECOND: Chair Council

VOTE: UNANIMOUS (7-0)

B. Case P19-16: Rezoning of 0.20+/- acre from R6A Residential to C(P) Planned Commercial or to a more restrictive zoning district, located at 1100 Honeycutt Road; submitted by Mark Reconnu on behalf of Gina’s Property Holdings, LLC (owner) & Terry C. Faircloth, PLS (agent).

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

Chair Council opened the public hearing for Case P19-16.

The clerk to the board stated there were no speakers for Case P19-16.

Chair Council closed the public hearing for Case P19-16.

Commissioner Keefe inquired about properties surrounding the subject property. Mr. Strickland stated a car lot is on the property beside the subject property and some of the cars are on the subject property which means it is currently not in compliance. Mr. Strickland stated the applicant is requesting the rezoning to bring the property into compliance. Commissioner Adams inquired about the property behind the subject property. Mr. Strickland stated it is zoned R6A residential and there are dwellings on it.

MOTION: Commissioner Faircloth moved in Case P19-16 to approve the rezoning from R6A Residential to C(P) Planned Commercial and find:

a. The approval is an amendment to the adopted current North Fayetteville Land Use Plan (2003) 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 subject property meets most of the location criteria for “heavy commercial” as defined in the Land Use Policies Plan (2009), and will be recombined with the western adjacent property to provide sufficient area for pedestrian and vehicular movement, buffering and landscaping for a commercial development;

c. And, this rezoning approval is reasonable and in the public interest because the district requested is in harmony with the adjacent existing land uses and zoning and approval of this request will allow the development of a currently vacant property.

SECOND: Chair Council

VOTE: UNANIMOUS (7-0)

C. Case P19-17: Rezoning of 3.33+/- acres from RR Rural Residential to C(P) Planned Commercial or to a more restrictive zoning district, located at 6585 Rockfish Road, submitted by Gerald & Betty Hunnicutt on behalf of Hunnicutt Corporation (owners) and Mark Candler on behalf of Alhobishi Convenience Stores & Rentals (agent).

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

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>

of the current land uses, current zonings, and surrounding land uses and zonings. Mr. Strickland stated the Planning Board unanimously recommended approval of the rezoning.

Commissioner Keefe stated this property is contiguous to a prior case and asked whether the petitioners were working together. Mr. Strickland stated the properties do not have the same owners, but it is believed that the three parcels are operating together on whatever their plans may be.

Chair Council opened the public hearing for Case P19-17.

The clerk to the board stated there were no speakers for Case P19-17.

Chair Council closed the public hearing for Case P19-17.

MOTION: Chair Council moved in Case P19-17 to approve the rezoning from RR Rural Residential 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 Faircloth

VOTE: UNANIMOUS (7-0)

Contested Rezoning Cases

D. Case P19-19: Rezoning of 4.63+/- acres from A1 Agricultural to R20 Residential or to a more restrictive zoning district, located at 3425 South River School Road; submitted by Pamela Williams (owner) & Scott Brown, PE on behalf of 4D Site Solutions, Inc (agent).

Rick Moorefield, County Attorney, advised the petitioner withdrew his request in Case P19-19 so nothing will change as it relates to the zoning of the 4.63+/- acres. Commissioner Adams asked whether the petitioner would have to wait a year to bring his request back and what would be involved. Mr. Strickland stated the petitioner can bring the case back, but the process would have to start all over again. Mr. Strickland stated regardless of what is requested, it would have to go before the Planning Board for a recommendation. Mr. Moorefield stated it would involve a new application and new fee because Case P19-19 no longer exists.

E. 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)

Joel Strickland, FAMPO Director and Interim Planning Director, presented this item. Mr. Strickland stated this case was originally heard on March 18, 2019 and it is being brought back at the direction of the Board. Mr. Strickland showed vicinity maps and aerial views of the subject property, and provided overviews of the current land uses, current zonings, and surrounding land uses and zonings. Mr. Strickland stated the Planning Board unanimously recommended denial of the rezoning.

Mr. Moorefield reminded the Board that is March 18, 2019 action was to recess the public hearing and reopen the public hearing for the sole purpose of allowing the petitioner and the airport director to provide sufficient evidence as to whether they had reached an agreement.

Mr. Strickland stated his understanding from the airport is that they have not reached an agreement. Chair Council recalled she requested an agreement in writing. Mr. Strickland stated a letter

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>

received from the City specifically stated they met on May 9 and at that meeting, they were unable to come to an agreement.

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

MOTION: Commissioner Boose moved in Case P18-35 to approve the rezoning from M(P) Planned Industrial to RR Rural Residential / CZ Conditional Zoning for a recreational vehicle park and / or campground subject to the conditions within our packet and find:

- a. The approval is an amendment to the adopted South Central Land Use Plan (2015) 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 current use on two adjacent properties is also an RV park and a double-wide mobile home park.
- c. And, this rezoning approval is reasonable and in the public interest because this rezoning does nothing more than extend the same type of current use on two adjacent properties to this property.

SECOND: Commissioner Lancaster

VOTE: PASSED (4-3) Commissioners Lancaster, Boose, Adams and Evans voted in favor; Commissioners Keefe, Faircloth and Council voted in opposition)

Other Public Hearings

F. Public Hearing - 2019 Draft Community Development Annual Action Plan

BACKGROUND

The Community Development Annual Action Plan covers the period from July 1, 2019 through June 30, 2020. The draft 2019 Annual Action Plan was available for a 30-day citizen's review and comment period throughout Cumberland County from April 18, 2019 to May 17, 2019. In the past, the County's Annual Action Plan had to be submitted to the U.S. Department of Housing and Urban Development (HUD) by May 15th. However, the Congressional appropriation process for HUD's 2019 appropriations has been delayed. HUD had recommended that Grantees do not submit their Annual Action Plans until the 2019 allocations have been announced.

As part of following the citizen participation process, a public hearing must be held to obtain citizens' comments. All comments received regarding the plan will be addressed by Community Development within 15 days of receipt and will be included in the final 2019 Annual Action Plan that will be submitted to HUD. After the public review period and all comments are incorporated in the document, a final 2019 Annual Action Plan (with the updated allocations) will be submitted to the Board of Commissioners for approval to submit to HUD by the extended deadline.

RECOMMENDATION / PROPOSED ACTION

Community Development requests that the Board of County Commissioners hold a public hearing on the draft 2019 Annual Action Plan to offer input and comments, as well as to receive comments from the public. No other action is necessary.

Dee Taylor, Community Development Director, stated the draft 2019 Annual Action Plan describes the resources Community Development plans to use to undertake eligible projects during the program year beginning July 1, 2019 – June 20, 2020. Ms. Taylor stated as required by HUD, draft plans have been distributed throughout various locations for public comment for a period of 30 days. Ms. Taylor stated after the public comment period, all comments will be incorporated into the document and the final 2019 Annual Action Plan will be brought back to the Board of Commissioners at its June 3, 2019 meeting for approval to submit to HUD.

Chair Council opened the public hearing for the 2019 Draft Community Development Annual Action Plan.

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>

The clerk to the board stated there were no speakers.

Chair Council closed the public hearing for the 2019 Draft Community Development Annual Action Plan.

No action was requested.

4. ITEMS OF BUSINESS

A. Consideration of County and City Co-Location of 9-1-1 Communication Services

BACKGROUND

Cumberland County's 9-1-1 Communications Center, and its Emergency Operations Center (EOC), have outgrown its current facility and is in immediate need of relocation. Hurricane's Matthew and Florence also revealed inadequacies in terms of facility needs for 9-1-1 and our EOC. As a result, the County quickly identified and purchased an existing facility located at 500 Executive Place in Fayetteville that can be renovated and upfitted to meet the current and future needs for Cumberland County Emergency Services. Purchasing this building rekindled interest about the possibility of co-locating with the City of Fayetteville and eventually consolidating 9-1-1 communication services. With the approval of the Board, staff engaged a knowledgeable and experienced Emergency Services consultant to perform a full analysis of 500 Executive Place. Two conceptual floorplans were created: one for the County alone, and one with the City 9-1-1 co-located on site. Staff also engaged the Administration of the NC 9-1-1 Board and attended a required workshop in preparation for this year's 9-1-1 grant process.

The County and City each reinstituted its respective 9-1-1 Committees, and the committees had a series of meetings to discuss the possibilities for co-location. Most recently, the committees met on Wednesday, May 15th, and the County offered the following tenets to the City:

1. Co-location, and eventual consolidation, are ideal goals for the County and City to pursue.
2. A joint agreement must be in place between the County and City prior to the start of any construction.
3. The County and City will agree to collaborate on the selection of an architectural and engineering firm for the project using submittals recently solicited by the County.
4. The County and City will authorize its respective staffs to collaborate on the design of the building.
5. The City will pay 100% of the cost for any addition to the building associated with City co-location.
6. Cost-sharing will be based on a per square footage lease agreement for dedicated and shared space (see attachment) in the current building footprint using \$14 per square foot as the basis for calculating lease costs. Utility and maintenance costs would be split on a pro-rated basis with the County paying 60% and the City paying 40% (see attachment).
7. The agreement will include a termination clause and a buy-out option for the County in the event the City vacates the facility. The County would pay the depreciated cost for the City's add-on to the building.
8. The County and City will maintain its respective 9-1-1 Committees and staff will present updates and progress reports on a quarterly basis to the joint committee.
9. The County and City will partner on the grant application to the NC 9-1-1 Board and move it forward for the May 31, 2019, submission deadline.
10. The City was advised that the County needed to know a definite decision about co-locating no later than Noon the day after the meeting in order for staff to complete the grant application to the NC 9-1-1 Board prior to the May 31st submission deadline.

RECOMMENDATION / PROPOSED ACTION

Staff is seeking direction from the Board of Commissioners on the tenets offered to the City by the County 9-1-1 committee.

Tracy Jackson, Assistant County Manager, reviewed the background information and tenets offered to the City as recorded above.

Mr. Jackson stated the City responded over the weekend and proposed four different opt-out provisions tied to: the design of the “building addition”, the design of dedicated City space in the existing building, agreement on shared space necessary to support the 911 Center and successfully receiving a grant award from the N. C. 911 Board. Mr. Jackson stated the County has one opt-out clause which involved the County purchasing the City’s add-on to the building at the depreciated cost if the City decided co-location was not a good fit. Mr. Jackson stated other items proposed by the City included sharing the cost of the building addition or “fair share portion”; the County paying for interior renovation of City-owned spaces; paying rent on a per square foot basis with no dollar amount specified; split the upfit costs 50/50 with the City to pay rent on 50% of the square footage for shared spaces with no square footage dollar amount specified; staff to work together on designs for current and future needs 10, 20 and 30 years into the future; consensus and working on the goals of co-location and consolidation; completion of a joint agreement before construction begins; sharing of the building operation and maintenance costs; a desire to identify how funding sources will be split for the new facility; joint staff reports to both governing bodies every three to six months during the first two years; joint 911 committees should continue monthly meetings with a neutral facilitator; and consolidation within one year of occupying the facility. Mr. Jackson stated staff is seeking guidance and direction.

Commissioner Adams stated he felt it was important to include that staff would work together but the County would be final arbiter in any of the decisions. Commissioner Adams stated the County owns the building and when matters reach an impasse, somebody has to make the decision. Commissioner Adams also stated that the County asked to hear from the City no later than 12:00 p.m. on Friday, May 17 and he has not had an opportunity to read the City’s response he just received. Commissioner Adams stated it is his belief that the County should go forward with 911 individually and if the City wants to come back later and talk about leasing space, they have the option to do so.

Commissioner Keefe stated as with Commissioner Adams, he has not had an opportunity to digest the City’s response that he just received. Commissioner Keefe stated the County provided an inviting proposal and he felt the County should stay with the committee’s recommendation.

MOTION: Commissioner Keefe moved that the committee’s recommendation as originally presented by the county manager be brought forward to the City for a joint 911 facility.

SECOND: Commissioner Faircloth

DISCUSSION: Commissioner Adams stated there cannot be a blanket motion without a deadline. Commissioner Keefe stated the City Council has a meeting Wednesday evening, May 22 and asked Commissioner Adams if he would accept a Thursday, May 23 by 12:00 p.m. deadline. Commissioner Adams stated if what was just received from the City is rejected and if the County wants a yes or no response by noon on Thursday, he will accept it. Commissioner Adams stated even if the County goes it alone, it does not close the door to the City. Ms. Cannon stated in order to have a strong joint grant application, the agreed upon terms need to be inserted into an interlocal agreement and approved by both bodies. Commissioner Faircloth stated although he too just received the City’s response, he briefly reviewed it and his opinion is that there is nothing in the City’s response that was not agreed on in principle. Commissioner Adams stated the interlocal agreement should be sent to the City along with the committee’s recommendation so the City Council can vote on it at their Wednesday meeting. Commissioner Faircloth stated all the language from the City needs to be in the interlocal agreement unless there is a deal breaker because the current draft does not contain it. Commissioner Adams stated he was not in favor of incorporating the City’s language into the current draft. Commissioner Faircloth stated it was agreed that if it was not to the City’s satisfaction, they could get out of it. Commissioner Adams stated the City could get out but not without penalty. Commissioner Faircloth stated without penalty was not discussed but what was discussed was if money was spent and the City came up with a deal breaker, then the County would need to be reimbursed. Ms. Cannon stated the County would have an architect on board and would incur design costs so there would be a financial impact. Ms. Cannon stated should the County move forward with the City, the design cost would be greater. Commissioner Boose

stated the City's proposal speaks to a "fair share portion" without a dollar amount but \$14 per square foot was sent to them. Commissioner Boose stated "calculations to be determined" does not constitute an agreement. Commissioner Adams stated the committee's recommendation was much more succinct and to the point.

AMENDED MOTION: Commissioner Keefe moved that the committee's recommendation as originally presented by the county manager be brought forward to the City for a joint 911 facility with a response deadline of Thursday, May 23 at 12:00 p.m. and that the interlocal agreement include the County as the arbiter in any final decisions that need to be made.

SECOND TO AMENDED MOTION: Commissioner Faircloth

DISCUSSION: Commissioner Adams asked whether the interlocal agreement would also be sent to the City. Mr. Moorefield stated when considering the timing, it needs to be sent. Chair Council stated it is the understanding of this Board that the interlocal agreement will also be sent.

VOTE ON AMENDED MOTION: PASSED (6-1) (Commissioners Keefe, Lancaster, Faircloth, Council, Boose and Adams voted in favor; Commissioner Evans voted in opposition)

5. NOMINATIONS

A. Cumberland County Home and Community Care Block Grant Committee (2 Vacancies)

Chair Council nominated Joanne Yokely and Kevin Walker.

B. Cumberland County Workforce Development Board (1 Vacancy)

Commissioner Faircloth nominated Dr. Mark Sorrells.

C. ABC Board (2 Vacancies)

Commissioner Lancaster nominated Frances Jackson and Alex Warner.

6. APPOINTMENTS

A. Jury Commission (1 Vacancy)

MOTION: Commissioner Faircloth moved to appoint Scott Flowers to the Jury Commission.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (7-0)

Chair Council recessed the Board of Commissioners meeting and convened the meeting of the Bragg Estates Water and Sewer District Governing Board.

7. BRAGG ESTATES WATER AND SEWER DISTRICT CONSENT AGENDA

A. Approval of June 15, 2015 Minutes

MOTION: Commissioner Adams moved to approve the June 15, 2015 minutes.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

B. Cumberland County Bragg Estates Sanitary Sewer Easement

BACKGROUND

The Board of Commissioners (BOC) accepted and approved the Letter of Conditions from USDA

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>

Rural Development for the Bragg Estates Loan and Grant at their meeting on December 15, 2014. The following conditions were accepted; a Rural Utilities Service (RUS) loan not to exceed \$497,000, a RUS grant not to exceed \$1,453,000, and a contribution from Cumberland County of \$50,000 for a total project cost of \$2,000,000.

The Public Utilities Division has been working with McGill Associates and the Department of the Army, Corps of Engineers, to acquire a utility easement for the sewer installation across property that is owned by the Corps of Engineers. The request for an easement was sent to the Corps of Engineers in 2017 and had to move through their procedural processes before getting to this step of execution of an agreement. Staff and the engineering firm of McGill Associates have met with and communicated with staff from different agencies within the Corps of Engineers in order to meet their administrative procedures. USDA Rural Development Staff, Judy Hunt and Steve Smith, have been involved throughout this process to assist in every way that they could to help move the project forward. The need for this easement is extremely critical as it provides the most cost-effective route for the construction of the sanitary sewer system to serve the Bragg Estates Subdivision.

RECOMMENDATION / PROPOSED ACTION

At the May 9, 2019 Agenda Session meeting, the Board of Commissioners approved placing the proposed actions as a consent item on both the May 20, 2019 Board of Commissioner's meeting and the May 20, 2019 Bragg Estates Water and Sewer District Meeting:

1. Execute Easement No. DACA21-2-19-0022 with the Department of the Army, Corps of Engineers, for the construction of the Bragg Estates Sanitary Sewer System.
2. Approve payment for easement in the amount of \$7,340.

MOTION: Commissioner Faircloth moved to execute Easement No. DACA21-2-19-0022 with the Department of the Army, Corps of Engineers, for the construction of the Bragg Estates Sanitary Sewer System and approve payment for easement in the amount of \$7,340.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

There being no further business,

Chair Council adjourned the meeting of the Bragg Estates Water and Sewer District Governing Board and reconvened the regular meeting of the Board of Commissioners.

MOTION: Commissioner Evans moved to adjourn.

SECOND: Chair Council

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 8:15 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board