

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
MONDAY, AUGUST 19, 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  
Darian Cobb, Fellow with NCACC County Manager Fellowship Program  
Rick Moorefield, County Attorney  
Rob Hasty, Assistant County Attorney  
Vicki Evans, Finance Director  
Deborah Shaw, Budget Analyst  
Heather Harris, Budget Analyst  
Jeffery Brown, Engineering and Infrastructure Director  
Joel Strickland, FAMPO Director and Interim Planning Director  
Ed Byrne, Senior Planner  
Nedra Rodriguez, Workforce Development Director  
Lisa Blausen, Sheriff's Office Business Manager  
Candice H. White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board

Chair Council called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD

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

Chief District Court Judge Robert Stiehl – Judge Stiehl stated a little over 61,000 the past month and 56,000 in June passed through the courthouse doors; there were 21,000 hearings the past month and 15,000 hearings in June; over the last 60 days the jail's lowest number was 617 on June 21 and today it was the highest at 796. Judge Stiehl stated the numbers can change quickly because the past Friday's number was 700. Judge Stiehl spoke about a graduate of the Community Jail Initiative and provided dates for his graduation ceremony and the next expungement clinic.

Ms. Cannon requested an addition to the agenda of a closed session for Attorney Client Matter(s) pursuant to NCGS 143-381.11(a)(3) as Item 7.A.

1. APPROVAL OF AGENDA

MOTION: Commissioner Adams moved to approve the agenda with the addition of a closed session for Attorney Client Matter(s) pursuant to NCGS 143-381.11(a)(3) as Item 7.A.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

2. CONSENT AGENDA

A. Approval of August 5, 2019 Regular Meeting Minutes

B. Approval of Formal Bid Award for Sheriff's Office Uniforms

BACKGROUND

Formal bids were solicited (using the County's Vendor Self Service site, the State's Interactive Purchasing site, and email), and received for a new uniform provision contract on behalf of the Sheriff's Office.

One responsive bid was received, from vendor American Uniform Sales, Inc. The Sheriff's Office has reviewed the response and confirmed compliance with their specifications.

RECOMMENDATION / PROPOSED ACTION

Management recommends approval of bid award for Bid Number 19-20-SO to American Uniform Sales, Inc., based on the lowest, responsive, responsible bidder standard of award.

C. Approval of Induction of 2019 Agricultural Hall of Fame Nominee

BACKGROUND

The Cumberland County Agricultural Hall of Fame Committee met on August 7, 2019 and selected Mr. Emmett Wayne Beard, Sr., as the 2019 nominee for induction into the prestigious Cumberland County Agricultural Hall of Fame. Enclosed is supporting background information on Mr. Beard.

RECOMMENDATION / PROPOSED ACTION

Approval of the induction of Mr. Emmett Wayne Beard, Sr. into the Cumberland County Agricultural Hall of Fame.

D. Approval of Budget Ordinance Amendment for the August 19, 2019 Board of Commissioners' Agenda

BACKGROUND

Juvenile Crime Prevention Fund 245

1) Juvenile Crime Prevention – Budget Ordinance Amendment B200089 to recognize increased funding in the amount of \$1,087 from the Division of Juvenile Justice

The Board is requested to approve Budget Ordinance Amendment B200089 in the amount of \$1,087 to increase funding in the Intensive Services Network – Alternatives to Commitment Program. This funding will be used to provide treatment services to at-risk youth who have been referred by the court system.

Please note this amendment requires no additional county funds.

REGARDING THE FOLLOWING ITEMS 2 – 8 PLEASE NOTE:

Each fiscal year County departments may have projects that are not complete by the fiscal year end (6/30/19) or items ordered that have not been received by fiscal year end. These projects or items were approved in the Fiscal Year 2019 budget; however, the money was not spent by June 30, 2019.

The following amendments seek to bring those funds forward from FY 2019 into the current fiscal year, allowing departments to complete and pay for these items. These revisions are not using 'new' funds but are recognizing the use of FY19 funds in FY20.

General Fund 101

- 2) General Government Other- Budget Ordinance Amendment B200235 to re-appropriate FY19 funds in the amount of \$6,775 for consulting services

The Board is requested to approve Budget Ordinance Amendment B200235 to re-appropriate FY19 funds in the amount of \$6,775. These funds will be used to complete the consulting services pertaining to fire protection such as development of local supplemental grant program, development of universal performance standards for the fire contract (long range), and review and update the county fire prevention ordinance.

- 3) Emergency Services- Budget Ordinance Amendment B200171 to re-appropriate FY19 grant funds in the amount of \$9,072 from North Carolina Department of Public Safety – Division of Emergency Management

The Board is requested to approve Budget Ordinance Amendment B200171 to re-appropriate the FY19 Preparedness Grant in the amount of \$9,072 from North Carolina Department of Public Safety – Division of Emergency Management. These funds are for equipment and classes that will assist Emergency Management. This grant was approved in the FY19 budget.

- 4) Emergency Services Grant - Budget Ordinance Amendment B200192 to re-appropriate FY19 North Carolina Hazard Mitigation funds in the amount of \$264,211 from the North Carolina Department of Public Safety – Division of Emergency Management

The Board is requested to approve Budget Ordinance Amendment B200192 to re-appropriate FY19 North Carolina Hazard Mitigation funds in the amount of \$264,211 from the North Carolina Department of Public Safety – Division of Emergency Management. These funds will be used to acquire and demolish two residential structures that were damaged as a result of Hurricane Matthew. This item was originally discussed at the August 2, 2018 Finance Committee and approved at the August 6, 2018 Board of County Commissioners' meeting.

- 5) Soil Conservation District - Budget Ordinance Amendment B200001 to re-appropriate FY19 grant funds in the amount of \$452,883 from the North Carolina Department of Agriculture and Consumer Services Division of Soil and Water Conservation

The Board is requested to approve Budget Ordinance Amendment B200001 to re-appropriate FY19 funds in the amount of \$452,883 from the North Carolina Department of Agriculture and Consumer Services Division of Soil and Water Conservation. These funds are for the stream debris removal project resulting from Hurricane Matthew. This item was originally approved by the Board of Commissioners on February 5, 2018 for \$205,305 and on November 5, 2018 in the amount of \$300,000.

- 6) Maintenance and Repairs - Budget Ordinance Amendment B200013 to re-appropriate FY19 funds in the amount of \$399,014 for various maintenance and repair projects that were not completed by June 30th

The Board is requested to approve Budget Ordinance Amendment B200013 to re-appropriate FY19 funds in the amount of \$399,014 for maintenance and repair projects not completed by June 30th.

#### Capital Investment Fund 107

- 7) Maintenance and Repairs - Budget Ordinance Amendment B200281 to re-appropriate FY19 funds in the amount of \$4,242,551 for various maintenance and repair projects that were not completed by June 30th

The Board is requested to approve Budget Ordinance Amendment B200281 to re-appropriate FY19 funds in the amount of \$4,242,551 for maintenance and repair projects not completed by June 30th.

#### Crown Fund 600

- 8) Maintenance and Repairs - Budget Ordinance Amendment B200283 to re-appropriate FY19 funds in the amount of \$661,476 for various maintenance and repair projects that were not completed by June 30th

The Board is requested to approve Budget Ordinance Amendment B200283 to re-appropriate FY19 funds in the amount of \$661,476 for maintenance and repair projects at the Crown complex including ADA upgrades, west VIP entrance and repairs to drainage and storm water ponds.

#### RECOMMENDATION / PROPOSED ACTION

Approve Budget Ordinance Amendments.

#### E. Approval of Cumberland County Board of Commissioners Agenda Session Items

##### 1. Chapin Hall Contract for Department of Social Services

#### BACKGROUND

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

#### RECOMMENDATION / PROPOSED ACTION

At the August 13, 2019 Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below as a Consent Item on the August 19, 2019 Board of Commissioners' Meeting:

1. Approval of Contract for Chapin Hall - Chapin Hall at the University of Chicago in the amount of \$203,541.00.
2. Southeastern Workforce Strategies Contract for Department of Social Services

#### BACKGROUND

The purpose of this contract renewal with Southeastern Workforce Strategies, LLC in the amount of \$313,874 is to allow for the continued development of a multidimensional and integrative service delivery model for aging out foster children and older teens in transition to adulthood in Cumberland County DSS custody to improve their outcomes. Southeastern acts as the project manager and trusted intermediary to assist CCDSS to integrate all efforts, such as A Model Approach for Change in Child Welfare (AMAC-CW), and to collaborate with Cumberland's partners to create a model for change in child welfare. AMAC-CW employs a modified approach to collective impact that will result in an effective, articulated, and documented approach to system changes that will improve outcomes for older youth in foster care and advance child welfare and family support programs in Cumberland County. Duke Endowment has awarded Cumberland County DSS a multi-year grant for the implementation plan for AMAC-CW, in an effort to reform child welfare systems.

#### RECOMMENDATION / PROPOSED ACTION

At the August 13, 2019 Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below as a Consent Item on the August 19, 2019 Board of Commissioners' Meeting:

1. Approval of Contract for Southeastern Workforce Strategies LLC. in the amount of \$313,874.00.

3. Interlocal Agreement Between Capital Area Metropolitan Planning Organization (CAMPO) and Fayetteville Area Metropolitan Planning Organization (FAMPO)

#### BACKGROUND

The transportation planning section of the Cumberland County Planning Department, known as the Fayetteville Area Metropolitan Planning Organization (FAMPO), is partnering with the Capital Area Metropolitan Planning Organization (CAMPO), housed by the City of Raleigh, on a passenger rail study. The passenger rail study will look at the feasibility and needed improvements to support passenger rail between Fayetteville and

Raleigh. The two planning organizations are proposing spending \$100,000 total on phase I of the plan, with each organization contributing \$50,000. A consultant will be procured to carry out the study. The \$50,000 contribution from FAMPO will come out of the already approved fiscal year 2020 budget. In order for this plan to proceed, an interlocal agreement between the two organizations is needed.

#### RECOMMENDATION / PROPOSED ACTION

At the August 13, 2019 Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below as a Consent Item on the August 19, 2019 Board of Commissioners' Meeting:

- Approval of the Interlocal Agreement between the Capital Area Metropolitan Planning Organization (CAMPO) and the Fayetteville Area Metropolitan Planning Organization (FAMPO).

4. Memorandum of Understanding Between Cumberland County Workforce Development Board and Cumberland County Schools

#### BACKGROUND

During fiscal year 2017, the Cumberland County Workforce Development Board entered into a Memorandum of Understanding (MOU) with Cumberland County Schools (CCS) for a Career Development Coordinator to successfully obtain and maintain the Work Ready Community certification for the Cumberland County local area. The ACT Work Ready Communities certification is a community-based framework that links workforce development to education, aligns with the economic development needs of our community, and matches individuals to jobs based on skill levels. Cumberland County was certified as a Work Ready Community May 2018. Currently Cumberland County is at 69% of its maintenance goals for year two of maintenance (attached).

The Workforce Development Board, at its May 21, 2019 meeting, approved the MOU with CCS for their Career Development Coordinator to perform duties to include maintaining Cumberland County's Work Ready Community (CCWRC) certification, the Innovative Career Opportunities Now (ICON) summer internship program, and performing ACT job profiling key steps, not to exceed \$50,000 annually.

#### RECOMMENDATION / PROPOSED ACTION

At the August 13, 2019 Agenda Session meeting, the Board of Commissioners approved to place the action below as a Consent item on the August 19, 2019 Board of Commissioners' Meeting:

- Approval of the Memorandum of Understanding between the Workforce Development Board and the Cumberland County Schools.

5. Memorandum of Understanding Between the Cumberland County Workforce Development Board and Fayetteville Technical Community College for Human Resource Development Services

#### BACKGROUND

Fayetteville Technical Community College (FTCC) has provided a part-time Human Resources Development (HRD) Coordinator to the Cumberland County NCWorks Career Center at no charge to the participants. Based on the popularity and success of this course, in great part to the HRD Instructor conducting the course, it would greatly benefit Cumberland County citizens and businesses to expand the availability of additional training, workshops, and courses developed and facilitated by FTCC's HRD Coordinator to a full-time basis.

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 Workforce Development Board, at their May 21, 2019 meeting, approved the MOU with FTCC to fund fifty percent (50%) of the HRD Coordinator position, \$39,719.05, to provide these services on a full-time basis in the NCWorks Career Center.

#### RECOMMENDATION / PROPOSED ACTION

At the August 13, 2019 Agenda Session meeting, the Board of Commissioners approved to place the action below as a Consent item on the August 19, 2019 Board of Commissioners' Meeting:

- Approval of the Memorandum of Understanding between the Workforce Development Board and Fayetteville Technical Community College and granting the Workforce Development Director authorization to sign said agreement.
6. Memorandum of Understanding with the Cumberland County Workforce Development Board and the North Carolina Veterans Foundation

#### BACKGROUND

During fiscal year 2019, the Cumberland County Workforce Development Board entered into a Memorandum of Understanding (MOU) with North Carolina Veterans Foundation (NCVF) to implement its proven strategy for showing business leaders why and how to hire military personnel, and work with public and private sector organizations to connect businesses with qualified military talent to fill their positions through the North Carolina for Military Employment (NC4ME) coalition.

The Workforce Development Board, at its March 19, 2019 meeting, approved the MOU with NCVF for the advancement of funds not to exceed \$99,750 to be used to pay for venues, food and beverages, outreach activities, technology, administrative support, and other items to connect businesses with qualified military talent. The period of performance of these activities will occur July 1, 2019 through June 30, 2020.

This program was previously provided using State Workforce dollars from several different Workforce agencies across North Carolina. In order to streamline the administrative accountability for the program, a representative of the State has asked if the entirety of the State's funding for this program can be funneled through Cumberland County instead of being split between several different local Workforce agencies. Cumberland County would receive \$5,250 in administrative fees for taking on this new role. Moving to a single contract through one Workforce Board will save cost, time, and effort.

10 Hiring Events will be conducted at locations across North Carolina, including in Wilmington, Charlotte, Raleigh, Durham, Fayetteville, Jacksonville, Salisbury, Havelock, and others. Locations are selected in consultation with DWS, the other members of the NC4ME partnership, and local organizations. Not all events will be held in Cumberland County. However, companies and job seekers from Cumberland County are eligible to, and almost always do, participate in each of our events. This grant funding allows us to put on these events free of charge to employers and job seekers.

NC4ME is North Carolina's public-private partnership supporting military employment. The partnership includes the NC Department of Military & Veterans Affairs, NC National Guard, USO of NC, NC Society for Human Resource Management, and a series of others. There is no near-peer collection of exceptional public and private sector organizations combining their resources toward a similar goal or joint strategy. The unique "partnership approach to service delivery" that NC4ME uses to implement its joint strategy dramatically decreases costs. It's commitment to provide these services free of charge to employers and job seekers is also exceptionally rare in this space.

#### RECOMMENDATION / PROPOSED ACTION

At the August 13, 2019 Agenda Session meeting, the Board of Commissioners approved to place the action below as a Consent item on the August 19, 2019 Board of Commissioners' Meeting:

- Approval of the Memorandum of Understanding between the Workforce Development Board and the North Carolina Veterans Foundation.

7. Extension of Cumberland County Workforce Development Board Contract for One Stop Services with Two Hawk Workforce Services

**BACKGROUND**

Section 121(d)(2)(A) of the Workforce Innovation and Opportunity Act (WIOA) requires Cumberland County Board of Commissioners, as the administrative and fiscal agent of the Title I Workforce Innovation and Opportunity Act (WIOA) funding, to designate or certify a one-stop operator through a competitive procurement process. The operator is charged with coordinating the service delivery among partner agencies in NCWorks Career Center. Duties include but are not limited to:

- Managing daily operations in coordination with WIOA fiscal agent for the lease, utilities and other activities to support the center
- Managing partner responsibilities defined in the Memorandum of Understanding (MOU) among partners Managing hours of operation
- Managing services for individuals and businesses
- Ensure that basic services are available (orientations, labor market information, resource room) Implementing Cumberland County Workforce Development Board Policy
- Adhering to all federal and state regulations and policies
- Reporting to Cumberland County Workforce Development Board on operations, performance and continuous improvement recommendations

On May 10, 2017 the Board of Commissioners approved the award of the FY2018 one-stop operator services contract to Two Hawk Workforce Services. On March 22, 2018, the Workforce Development Board approved the action of extending the Two Hawk Workforce Services contract for an additional one-year period and adding additional funds to perform these services (Amendment I). Regulation allows for the extension of the one-stop service contract for up to three one-year periods if the contract is performing. Because of this, on May 21, 2019, the Workforce Development Board approved the action of extending the Two Hawk Workforce Services contract for an additional one-year period and adding additional funds, \$367,345, to perform these services (Amendment II).

**RECOMMENDATION / PROPOSED ACTION**

At the August 13, 2019 Agenda Session meeting, the Board of Commissioners approved to place the action below as a Consent item on the August 19, 2019 Board of Commissioners' Meeting:

- 1) Approval to extend the existing contract for an additional year
- 2) Approval to increase the contract budget to an amount not to exceed \$878,735 to become effective July 1, 2019 and end June 30, 2020.

8. Amendment of Educational Data Systems, Inc. (EDSI) Statement of Work with Cumberland County Workforce Development Board

**BACKGROUND**

On September 20, 2018, the Board of Commissioners approved the extension of contract #2019093 with EDSI through December 30, 2019. Since that time, Workforce Development Staff have determined that the performance metrics needed to be amended to meet end of calendar year State requirements. This amendment will establish these additional performance metrics for the period of July 1, 2019 through December 31, 2019. The amendment will also require EDSI to have a greater management presence onsite at the NC Works Career Center. This amendment also changes the way the Administrative Fee will be calculated. Currently the Administrative Fee is a flat annual rate paid in 1/12th increments regardless of how the contract is performing. The proposed change will calculate the Administrative Fee based on the percentage of performance metrics completed. An example would be a Performance Goal to serve 500 youth and young adults but only served 250, EDSI is entitled to 50% of the Administrative Fee. The Cumberland County Workforce Development Board approved these changes at their May 21, 2019 meeting.

The proposed contract amendment incorporates the following: 1) adds performance metrics for the period of July 1, 2019 through December 31, 2019, 2) requires EDSI management to have greater onsite presence and 3) changes the calculation method for payment of the Administrative Fee.

#### RECOMMENDATION / PROPOSED ACTION

At the August 13, 2019 Agenda Session meeting, the Board of Commissioners approved to place the action below as a Consent item on the August 19, 2019 Board of Commissioners' Meeting:

- Approval of EDSI contract amendment II.

#### 9. National Flood Insurance Program (NFIP) Community Rating System (CRS) Annual Recertification Progress Report

##### BACKGROUND

Cumberland County participates within the National Flood Insurance Program's (NFIP) Community Rating System (CRS). The CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. The County's participation allows those that are required to have flood insurance to receive discounted insurance premium rates. Cumberland County currently has a class rating of 8 which allows property owners to receive a 10% discount off their insurance premiums for policies within the Special Flood Hazard Area (SFHA).

As part of the County's annual recertification process, our Department is required to provide an update on each action item related to floodplain management outlined within the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan. Another requirement is that this progress report be presented to the governing board. The progress report is being provided as an attachment to this memo.

#### RECOMMENDATION / PROPOSED ACTION

At the August 13, 2019 Agenda Session Meeting, the Board of Commissioners received the report and approved placing the item as a Consent Item on the August 19, 2019 Board of Commissioners' Meeting.

#### 10. Contract for Detention Center Sealant Replacement Project

##### BACKGROUND

Within the Capital Improvement Plan (CIP) there is an identified project that consists of sealing expansion joints, performing window replacement on failed window units, and wet sealing of the Detention Center building exterior. Please note the expanded portion of the Detention Center is not included in this project, and this is only for the original building. These repairs were included in the approved FY 2020 budget.

The project was advertised electronically on the Cumberland County Vendor Self Service site and the State Interactive Purchasing System. The project pre-bid meeting was held on July 8, 2019, in which contractors were invited to attend. Informal bids are scheduled to be received on August 1, 2019. The attached bid tab was presented at the August 8th Agenda Session meeting, along with a recommendation to award a contract to the lowest, responsible and responsive bidder Pro-tech Construction, Inc. in the amount of \$150,359 as well as establishing a contingency for the project in the amount of \$15,000.

#### RECOMMENDATION / PROPOSED ACTION

At the August 13, 2019 Agenda Session Meeting, the Board of Commissioners approved placing the proposed actions below as a Consent Item on the August 19, 2019 Board of Commissioners' Meeting:

1. Accept the bids and award a contract to the lowest, responsible and responsive bidder Pro-tech Construction, Inc. in the amount of \$150,359.00.
2. Establish a contingency in the amount of \$15,000 to be used for additional work recommended by the E&I Director and approved by the County Manager.

#### 11. Offer to Purchase a Small Portion of a Large Tract in Cedar Creek Industrial Park

##### BACKGROUND

Steve Clark has offered to purchase a portion of a 276.47 acre tract of land in Cedar Creek Industrial Park that adjoins his property. His offer is attached. It is roughly a triangle shown on the attached GIS map with the arrow in an orange marker. He has not had the property surveyed so it is not known what the acreage is, but based on its area relative to the adjoining lots it appears to

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be approximately 0.4 acres. His offer is for \$5,000 per acre. The tax office assesses this commercial zoned property at 0.26 per square foot which equals \$11,326 per acre. The portion Mr. Clark wants is bounded by a utility easement and three residential lots. It would not appear to impact the value of the remaining commercial parcel to cut this portion out of the larger tract. It would require subdivision approval by the City of Fayetteville. This sale would also be subject to the statutory upset bid procedure.

#### RECOMMENDATION / PROPOSED ACTION

County Attorney recommends that the Board determine if it wishes to make this sale and establish the terms upon which the sale will be made. Those terms should include that the purchaser obtain a survey from which the boundary and acreage can be determined, compliance with the City's subdivision regulations, and the sales price on a per acre basis.

At its August 13, 2019, Agenda Session the Board approved moving this item to the August 19, 2019, Regular Meeting with the terms of the sale being a sales price of \$11,326 per acre with the Buyer to obtain the survey and comply with the subdivision regulations of the City of Fayetteville, and the sale being subject to the upset bid procedure.

MOTION: Commissioner Faircloth moved to approve consent agenda Items 2.A. – 2.E.11.  
SECOND: Commissioner Adams  
VOTE: UNANIMOUS (7-0)

### 3. PUBLIC HEARINGS

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

#### A. Public Hearing for Edward Byrne Justice Grant Assistant Program

##### BACKGROUND

The Sheriff's Office is fortunate to again be eligible to apply for funding through the Edward Byrne Justice Assistance Grant Program through the United States Department of Justice (USDJ). This grant continues the USDJ efforts to support law enforcement at the local level.

The Cumberland County Sheriff's Office and the City of Fayetteville Police Department must submit a joint application, but each agency may use the funds for their own priorities. The grant allocation is \$140,829, with \$14,128 for the Sheriff's Office and \$126,701 for the Fayetteville Police Department.

The USDJ requires the public be offered an opportunity to comment. The Sheriff's Office will publicly advertise the grant opportunity in the Fayetteville Observer on Wednesday, August 7, 2019. We request approval for a Public Hearing to be held at the Board of Commissioners meeting on Monday, August 19, 2019.

A Memorandum of Understanding with the City of Fayetteville, which is required, has been prepared. The enclosed Program Narrative describes the intended use of the grant. In addition, we are enclosing the "Certifications and Assurances by the Chief Executive of the Applicant Government" form, which must be signed by the Chairman of Board of Commissioners.

#### RECOMMENDATION / PROPOSED ACTION

Conduct the Public Hearing, approve the Memorandum of Understanding, complete the Certification by the Chief Executive of the Applicant Government form, and authorize the County Manager to sign the application submittal.

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Lisa Blausen, Sheriff's Office Business Manager, presented the background information and recommendation/proposed action recorded above. Ms. Blausen stated this is an entitlement grant awarded to local law enforcement agencies to support local crime reduction efforts deemed prudent by the State. Ms. Blausen stated the allocations are determined by the USDJ and are based on population and crime statistics. Ms. Blausen stated the Sheriff's Office will use its Byrne Grant Funds for subscription fees for current connections to the SBI and FBI databases and for air card

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technology costs, and the Fayetteville Policy Department intends to use its funds for equipment as well as training efforts.

Chair Council opened the public hearing.

The clerk to the board stated there were no speakers.

Chair Council closed the public hearing.

MOTION: Commissioner Faircloth moved to approve the Memorandum of Understanding, complete the Certification by the Chief Executive of the Applicant Government form and authorize the County Manager to sign the application submittal.  
SECOND: Commissioner Adams  
VOTE: UNANIMOUS (7-0)

#### Uncontested Rezoning Cases

B. Case P19-31: Rezoning of 4.83+/- acres from A1 Agricultural to R40A Residential or to a more restrictive zoning district, located at 9114 & 9120 Durant Nixon Road, submitted by Paige Faircloth & Lonel Bass (owners) & Tyler Bass (agent).

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Joel Strickland, FAMPO Director and Interim Planning Director, presented this item. Mr. Strickland stated the Planning Board unanimously recommended approval of the rezoning from A1 Agricultural to R40A Residential.

Chair Council opened the public hearing for Case P19-31.

The clerk to the board stated there were no speakers for Case P19-31.

Chair Council closed the public hearing for Case P19-31.

MOTION: Commissioner Keefe moved in Case P P19-31 to approve the rezoning from A1 Agricultural to R40A Residential and find the request consistent with the North Central Land Use Plan (2011) which calls for “farmland” at this location, the “farmland” designation allows for density of one unit per acre and applicable zoning districts include R40A Residential; and further find that approval of the request is reasonable and in the public interest because the request is in harmony with surrounding existing land uses.  
SECOND: Commissioner Boose  
VOTE: UNANIMOUS (7-0)

C. Case P19-32: Rezoning of 50.90+/- acres from RR Rural Residential to R15 Residential or to a more restrictive zoning district, located at 1878 Fennell Road; submitted by Sharleen Williams & Robert J. Williams on behalf of Pelican Property Holdings, LLC (owner).

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Mr. Strickland presented this item and stated the Planning Board unanimously recommended approval of the rezoning from RR Rural Residential to R15 Residential. In response to a question posed by Commissioner Adams, Mr. Strickland stated the current traffic count on Fennell Road is 1,300 vehicles and although it is a two-lane facility, it should be able to accommodate the traffic. Mr. Strickland stated staff can continue to coordinate this with the local DOT office.

Chair Council opened the public hearing for Case P19-32.

The clerk to the board stated there were no speakers for Case P19-32.

Chair Council closed the public hearing for Case P19-32.

MOTION: Chair Council moved in Case P19-32 to approve the rezoning from RR Rural Residential to R15 Residential and find the request is consistent with the adopted South Central Land Use Plan (2015) which calls for “low density residential” at this location, R15 Residential allows for the desired 2.2 to 6 units/acre density within the “low density residential” designation; and further find that approval of the request is reasonable and in the public interest because the district requested is in harmony with surrounding zoning and existing land uses and public water and sewer will be provided to the development.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

D. Case P19-33: Rezoning of 2.31+/- acres from C1(P) Planned Local Business District & R6A Residential to C(P) Planned Commercial or to a more restrictive zoning district, located at 1316 & 1334 Shaw Road, submitted by Mary Lee Cockrell (owner) & Norman Michael Cockrell (agent).

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Mr. Strickland presented this item and stated although no one showed up to speak in favor of or in opposition to the rezoning request, the Planning Board unanimously recommended approval of the rezoning from C1(P) Planned Local Business District and R6A Residential to C(P) Planned Commercial. 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 are no hydric soils and there is access to PWC water and sewer. Mr. Strickland further stated the 2030 Growth Vision Plan calls for this property to be urban and the Shaw Heights Land Use Plan (2008) calls for it to be low density residential and multi-family.

Commissioner Keefe asked whether any long-term plan attempted to dissuade commercial development on Shaw Road. Mr. Strickland responded in the negative. Commissioner Adams asked whether DOT planned to curve the road. Mr. Strickland stated plans are not final but right-of-way acquisition is scheduled for 2022. Mr. Strickland stated this could play a role in changes within the area.

Chair Council opened the public hearing for Case P19-33.

The clerk to the board called the following speakers for Case P19-33:

Michael Cockrell – Mr. Cockrell appeared as a proponent and stated his parents owned the property for years and with a garage in the back, it was not in accordance with C1(P) so he would like to get it rezoned. Mr. Cockrell stated Mr. Peoples has been leasing the garage for the past fifteen years and has a good business, and he would hate to see him loose it on account of the C1(P). Mr. Cockrell stated the R6A really does not matter.

Johann S. Townsend – Ms. Townsend appeared as an opponent and stated she has lived on the property adjoining the subject property for forty-four years and at one time, the building was an auction house. Ms. Townsend stated later the building became a body shop. Ms. Townsend stated it is a salvage yard, not a body shop, and she has had a bad experience with it putting trash in her yard and burying trash in the back near her yard. Ms. Townsend stated she has had environmental services visit the property because of a problem with rats and she has spoken with Ms. Cockrell about the issues with no results.

There being no further speakers, Chair Council closed the public hearing for Case P19-33.

Commissioner Faircloth asked how a decision to rezone or not to rezone would impact the problems brought forward by Ms. Townsend. Mr. Strickland stated the reason Mr. Cockrell is requested the rezoning was to get the zoning in conformance with the present use of the property

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to correct the zoning violation and approval by the Board would bring the auto shop use into conformity. Mr. Strickland stated the problems brought forward by Ms. Townsend are related to code enforcement or nuisance issues and do not necessarily have a bearing on the rezoning. Mr. Strickland stated to his knowledge, this is the first that has heard about the issues and inspectors can check on them as a separate item.

Commissioner Keefe stated he concurred that staff should check on any code enforcement or nuisance issues.

**MOTION:** Commissioner Keefe moved in Case P19-33 to approve the rezoning from C1(P) Planned Local Business District & R6A Residential to C(P) Planned Commercial and find:

- a. The approval is an amendment to the adopted current Shaw Heights Land Use Plan (2008) 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 many of the location criteria for “heavy commercial” as defined in the Land Use Policies Plan (2009);
- c. And, this rezoning approval is reasonable and in the public interest because the subject property has access to public utilities, is of sufficient size to provide buffering to surrounding properties as well as vehicular movement and could provide needed neighborhood services to the surrounding residential properties.

**SECOND:** Chair Council

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

#### Contested Rezoning Cases

E. Case P19-29: Rezoning of 1.60+/- acres from RR Rural Residential to C(P) Planned Commercial or to a more restrictive zoning district, located at 5894 US Hwy 301 South, submitted by James G. Chandler (owner).

\*\*\*\*\*

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 are no hydric soils on the property and there is no water/sewer availability at the property. Mr. Strickland stated the 2030 Growth Vision Plan calls for urban fringe at this location and the Southwest Cumberland Land Use Plan (2013) calls for suburban residential. Mr. Strickland stated the Planning Board recommended denial of the rezoning.

Commissioner Boose asked how many Planning Board members voted to deny the rezoning. Mr. Strickland responded he thought the vote was five to two. Commissioner Boose asked why staff's recommendation was to deny the rezoning. Mr. Strickland stated the recommendation for denial was that it did not meet the location criteria for commercial, public water and sewer were not available and even though there was some commercial in the vicinity, it would prevent further encroachment of heavy commercial zoning in an established residential area. Mr. Strickland stated another reason for denial was the existing residence would become non-conforming and if it was destroyed, it could not be rebuilt. In response to additional questions posed by Commissioner Boose, Mr. Strickland responded the initial zoning was in 1977 and the subject property was on the outskirts of Hope Mills.

In response to a question from Commissioner Faircloth, Mr. Strickland stated there is no home occupation permit currently for a sign shop and it is a residential property. Commissioner Boose asked what sparked the owner's petition. Mr. Strickland stated Mr. Chandler requested the rezoning. Commissioner Boose asked whether any of the contiguous neighbors complained about his sign shop business. Mr. Strickland stated no one showed up in opposition at the public hearing before the Planning Board. Commissioner asked whether anyone was present in opposition. The clerk to the board responded in the negative. Commissioner Faircloth asked whether the owner planned to continue residing on the property. Mr. Strickland stated that was his understanding.

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Commissioner Keefe stated according to the minutes of the Planning Board meeting, the applicant's business is growing, and he wants to put up a sign but is unable to do that on a property zoned residential. Mr. Strickland stated that was correct and although he was offered conditional zoning, he turned it down and opted for straight commercial which would make the dwelling a non-conforming structure. Mr. Strickland stated it would be conditional on his keeping the existing business but he wanted the C(P) zoning.

Commissioner Adams stated once the property is zoned commercial, it will open the property up to any allowable use under C(P) zoning and additionally there will be no public water/sewer. Mr. Strickland stated that is a reason the Planning Board recommended conditional use.

Commissioner Faircloth stated he would like to see the owner and Planning Board revisit the conditional zoning and was prepared to make the following motion.

MOTION: Commissioner Faircloth moved to send Case P19-29 back to the Planning Board with the intent being to try to work on a compromise.

SECOND: Commissioner Adams

Mr. Strickland stated the owner is present.

Chair Council opened the public hearing for Case P19-29.

The clerk to the board called the following speaker for Case P19-29:

James G. Chandler – Mr. Chandler appeared as a proponent and stated he has been making signs at this location for over 15 years and although he appreciates being offered the conditional zoning, he has an awesome piece of property and would like to do more with it such as rent U-Hauls or sell storage trailers. Mr. Chandler stated he has been there a long time, has never had any problems or complaints and has three signed statements from neighboring property owners indicating they have no objection to the property being zoned commercial. Mr. Chandler also stated in 2016, 9,700 vehicles went past his property daily and it has to be more than that now. Mr. Chandler further stated with the new I-295 and work being done on Hope Mills, the area and his business are going to be very busy.

There being no further speakers, Chair Council closed the public hearing for Case P19-29.

Chair Council asked Mr. Chandler whether he understood that if his residence burned under C(P) he could not replace it. Mr. Chandler stated he understood. Chair Council asked Mr. Chandler whether he submitted the signed statements to the Planning staff or Planning Board. Mr. Chandler stated he did not.

Commissioner Faircloth asked Mr. Chandler whether he had a well and septic tank. Mr. Chandler responded in the affirmative. Commissioner Faircloth withdrew his motion stating Mr. Chandler does not want the case sent back to the Planning Board to work out conditional use, and asked Mr. Chandler whether that was correct. Mr. Chandler responded in the affirmative and stated he wanted straight commercial.

MOTION: Commissioner Adams moved in Case P19-29 to deny the rezoning from RR Rural Residential to C(P) Planned Commercial and find the request is not consistent with the adopted Southwest Cumberland Land Use Plan (2013) which calls for "suburban residential" at this location; and further find that denial of the request is reasonable and in the public interest because the subject property lacks access to public utilities to serve heavy commercial development and denial would prevent further encroachment of heavy commercial zoning in an established residential area.

SECOND: Commissioner Evans

DISCUSSION: Commissioner Keefe stated he was inclined to support Mr. Chandler's petition for C(P) because it is obviously a very commercial area close to I-295 and his



property is contiguous on three sides to commercial. Commissioner Keefe stated to deny him the ability to use his land to the highest and best use is punitive, and he applauds his entrepreneurial spirit to try to maximize the use of his land because it does not appear there will be anything infringing on the surrounding areas. Commissioner Boose concurred and stated Mr. Chandler's property is on Highway 301 or the old I-95 which used to be the most traveled North/South route. Commissioner Boose stated it is all commercial except for long term residents who own their land, the three contiguous properties to the North that are already C(P) or C3 and the properties around him that would be the most affected are all in agreement with C(P). Commissioner Boose stated Mr. Chandler is trying to improve his property and he would be inclined to grant C(P). Commissioner Faircloth stated he also would be inclined to grant C(P) because he has said from the beginning that it looks commercial.

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

MOTION: Commissioner Keefe moved in Case P19-29 to approve the rezoning from RR Rural Residential to C(P) Planned Commercial and find:

a. The approval is an amendment to the adopted current Southwest Cumberland Land 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: the property owner testified there was an increase in traffic and I-295 would be located nearby;

c. And, this rezoning approval is reasonable and in the public interest because of the traffic flow surrounding commercial properties.

SECOND: Commissioner Boose

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

F. Case P19-30: Rezoning of 7.35+/- acres from R6A Residential to RR Rural Residential/CZ Conditional Zoning for a recreational vehicle park and/or campground or to a more restrictive zoning district; located on the south side of SR 1834 (Downing Road), north and west of Blackman Drive; submitted by Carolyn Thomas & Larry Strawbridge, Tracy & Wesley C. Roberts and Steven Charles Strawbridge (owners).

\*\*\*\*\*

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 are some hydric soils on the property and there is water/sewer access through PWC. Mr. Strickland stated the site plan calls for 133 lots on the property, the current use is a manufactured home park and it appears there are only four mobile homes remaining with only one being occupied at the time of the site visit. Mr. Strickland stated the 2030 Growth Vision Plan calls for urban fringe at this location and the Vander Land Use Plan (2017) calls for mixed use. Mr. Strickland stated the Planning Board unanimously recommended approval of the rezoning.

In response to questions posed by Commissioner Boose, Mr. Strickland stated the subject property is in the City of Fayetteville's MIA and the applicant was encouraged to speak with City staff, but there was no direct answer one way or another on the City's intentions for the property.

Chair Council opened the public hearing for Case P19-30.

The clerk to the board called the following speaker for Case P19-30:

Patrick Martin – Mr. Martin appeared as a proponent and stated the subject property is currently R6A with a trailer park in the area and the request is to change the zoning to RR Residential/CZ Conditional Zoning for an RV park. Mr. Martin stated a lot of the houses on the property have been abandoned, dilapidated, there is a lot of trash on the property and by cleaning up the property, it will make it better for the County and a great addition to Fayetteville.

There being no further speakers, Chair Council closed the public hearing for Case P19-30.

Commissioner Boose asked Mr. Martin what the plan was for the property once it was cleaned up. Mr. Martin responded the plan was to put in an RV park and that is the conditional zoning being requested. Commissioner Keefe stated the Planning Board recommended approval and asked whether the case was coming before the Board as contested because it involved conditional zoning. Mr. Strickland stated the case is contested because a Planning Board member took the case off of the uncontested agenda at the Planning Board meeting and when that occurs, it goes forward to the Board of Commissioners as contested even though there was unanimous approval by the Planning Board. Mr. Strickland stated this does not happen often and if someone had appeared at the meeting of the Planning Board in opposition to the rezoning, it would have automatically come forward the Board of Commissioners as contested.

MOTION: Commissioner Boose moved in Case P19-30 to approve the rezoning from R6A Residential to RR Rural Residential/CZ Conditional Zoning subject to the conditions within our packet 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 subject property meets the location criteria for “suburban density residential” as defined in the Land Use Policies Plan (2009);
- c. And, this rezoning approval is reasonable and in the public interest because while the underlying zoning district is not consistent with the plan, the requested use is in harmony with the surrounding existing land uses and would be compatible with future mixed-use development on adjacent properties. Public utilities are also available.

SECOND: Chair Council

VOTE: UNANIMOUS (7-0)

#### 4. ITEMS OF BUSINESS

- A. Consideration of Request to Rename the Sheriff's Office Training Center to the Earl "Moose" Butler Law Enforcement Training Center

##### BACKGROUND

The County Manager's Office has received a request from Sheriff Ennis Wright to rename the Sheriff's Office Training Center Building to the Earl "Moose" Butler Law Enforcement Training Center. Included with the request is the required biographical statement, a petition supporting the requested name change, a copy of the Board's county facility renaming policy regarding name changes to County-owned facilities and the public notice affidavit.

This item was presented at the June 13, 2019 Agenda Session and management was directed to bring this matter back for consideration once all the policy requirements were satisfied. All documents have been reviewed and it has been verified that all requirements in the policy have been met.

Estimated costs for changing the building signage and lettering are approximately \$7,000 and are to be covered by the Cumberland County Sheriff's Office.

**RECOMMENDATION / PROPOSED ACTION**

Consider renaming the Sheriff's Office Training Center to the Earl "Moose" Butler Law Enforcement Training Center.

\*\*\*\*\*

Tracy Jackson, Assistant County Manager, presented the background information recorded above.

**MOTION:** Commissioner Lancaster moved to approve the renaming of the Sheriff's Office Training Center to the Earl "Moose" Butler Law Enforcement Training Center.

**SECOND:** Commissioner Evans

**DISCUSSION:** Commissioner Keefe stated former Sheriff Butler was a fine public servant and this represents his hard work and the dedication he had for Cumberland County. Commissioner Keefe inquired regarding a facility naming policy. Mr. Jackson stated a written biography and petition have to be submitted and it has to be advertised sixty days, all of which has been accomplished. Commissioner Boose stated former Sheriff Butler is well-deserving of the renaming.

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

**B. Consideration of Outside Legal Services for Review of Medicaid Contracts for Public Health**

**BACKGROUND**

The North Carolina General Assembly in Session Law 2015-245 directed the NC Department of Health and Human Services (DHHS) to transition the North Carolina Medicaid program from mostly fee-for-service to managed care. Five entities were awarded Prepaid Health Plan (PHP) contracts by NC DHHS. Cumberland County Health Department provides Medicaid reimbursable services and plans to enroll as a provider with all 5 entities. Beneficiaries will choose which PHP will administer their Medicaid benefits.

The rollout of managed care is divided into 2 phases with Cumberland County assigned to Phase 2 which is scheduled for February 2020. The Health Department has received contract templates from the 5 PHPs.

The contracts are very complex and contain concepts and terms that are new to the Health Department and County Legal. Based on this determination and recommendation from County Legal, the Health Department requested a quote from a firm that specializes in this area of law to perform a legal review of the PHP contracts. Funds are available within in the Health Department budget to support this request.

**RECOMMENDATION / PROPOSED ACTION**

Recommend the Board of Commissioners approve the request by the Health Department to seek external legal counsel by engaging Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, LLP to review the PHP contracts. The "Terms of Engagement" attached as Exhibit A provides details of services proposed.

\*\*\*\*\*

Ms. Cannon presented the background information recorded above. Ms. Cannon stated this is believed to be the best course of action and public health departments across the State are engaging law firms that specialize in managed care contracts.

**MOTION:** Commissioner Adams moved to approve the request by the Health Department to seek external legal counsel by engaging Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, LLP to review the PHP contracts.

**SECOND:** Commissioner Faircloth

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

- C. Consideration of Resolution Authorizing the Filing of an Application for Approval of an Installment Financing Contract Authorized by North Carolina General Statutes 160A- 20, Making certain Findings Required by North Carolina General Statutes 159-151, and Calling a Public Hearing on the Proposed Financing for September 3, 2019

BACKGROUND

In 2015 a comprehensive study was completed by an external engineering firm on the conditions of roofs, parking lots, and building exteriors. As a result of the study, improvements were prioritized within a three-year capital improvement plan (CIP). Two separate debt issues were secured to provide funding for the projects. The first debt issuance was completed in 2016 through a bank installment financing totaling \$1.1 million. The second debt issuance was a cash-flow draw program that was secured in 2017 totaling \$11,220,000. The majority of projects from the 2017 draw program have now been contracted. Therefore, the County is now able to move forward in seeking Local Government Commission (LGC) approval for long-term financing.

In addition, financial advisors have provided finance staff with a refinancing analysis of the Series 2009B certificates of participation. The analysis shows the County has the potential to generate over \$1.5 million in interest rate savings by refinancing this debt. The total interest savings on the debt is projected to be \$1.5 million, resulting in projected annual average interest savings of \$250,000 over six years. The refinancing will not extend the life of the 2009B debt.

Attached you will find a resolution which authorizes the filing of an application with the LGC. The purpose of the resolution is to make the findings of fact which include: the installment purchase is preferable to issuing bonds, the amount proposed is not excessive for the stated purpose, the County's debt management policies and procedures are good and in strict compliance with the law, a tax increase is not necessary to pay the debt, and the County is not in default on any existing debt. Additionally, a notice of public hearing on the proposed installment financing will be advertised and conducted in accordance with G.S. 160A-20.

The financing calendar is attached for information purposes. Adoption of the approving resolution and the public hearing will be considered during the September 3, 2019 Board of Commissioners' meeting. The LGC meeting for which approval is being sought is scheduled for October 1, 2019.

RECOMMENDATION / PROPOSED ACTION

- 1. Approve the resolution authorizing the filing of an application to the LGC as required by G.S. 160A-20 as well as the findings as required by G.S. 159-151.
- 2. Call for a public hearing on the proposed financing to be held September 3, 2019.

BOARD OF COMMISSIONERS  
OF  
CUMBERLAND COUNTY, NORTH CAROLINA

Excerpt of Minutes  
of Meeting of  
August 19, 2019

Present: Chairman \_\_\_\_\_ presiding, and Commissioners \_\_\_\_\_

Absent: \_\_\_\_\_

\* \* \* \* \*

Commissioner \_\_\_\_\_ introduced the following resolution, the title of which was read:

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF AN INSTALLMENT FINANCING CONTRACT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTES § 160A-20, MAKING CERTAIN FINDINGS REQUIRED BY NORTH CAROLINA GENERAL STATUTES § 159-151, AND CALLING A PUBLIC

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HEARING ON THE PROPOSED FINANCING FOR  
SEPTEMBER 3, 2019 IN CONNECTION THEREWITH

WHEREAS, the County of Cumberland, North Carolina (the “County”) previously entered into an Installment Financing Agreement dated as of May 1, 2009, between the County and the Cumberland County Finance Corporation (the “Corporation”), pursuant to which the Corporation advanced the proceeds of the Corporation’s Certificates of Participation (Cumberland County Improvement Projects), Series 2009B (the “2009B COPs”) to the County, to provide funds to refund (a) certain maturities of the outstanding \$52,950,000 Refunding Certificates of Participation (Cumberland County Civic Center Project), Series 1998, issued to refinance certain costs of the County’s civic center complex, (b) the outstanding \$37,350,000 Installment Payment Revenue Bonds (Public Building and Equipment Projects), Series 1998, issued to finance a social services facility, a corrections center and equipment for use by the County, and (c) the outstanding \$50,780,000 Installment Payment Revenue Refunding Bonds (Detention Center and Mental Health Facility Projects), Series 2000, issued to refinance the costs of certain County office buildings (collectively, the “2009B Project”); and

WHEREAS, the County previously entered into an Installment Financing Contract dated September 20, 2017, between the County and PNC Bank, National Association (the “2017 IFC”), the proceeds of which were used to finance the construction, renovation and equipping of various capital improvements throughout the County (the “2017 Project” and, together with the 2009B Project, the “Projects”); and

WHEREAS, the Board of Commissioners (the “Board”) of the County desires to pursue the refinancing of (a) all the County’s remaining obligations with respect to the 2009B COPs and (b) all of the County’s obligations under the 2017 IFC, pursuant to one or more installment financing contracts, as permitted under N.C.G.S. § 160A-20; and

WHEREAS, it is anticipated that the cost of refinancing the County’s obligations with respect to the 2009B COPs and refinancing the 2017 IFC will be not more than \$33,700,000, which may include issuance expenses in connection therewith; and

WHEREAS, refinancing the County’s obligations with respect to the 2009B COPs and refinancing the 2017 IFC pursuant to N.C.G.S. § 160A-20 must be approved by the North Carolina Local Government Commission (the “LGC”) and will only be approved if the findings of N.C.G.S. §159-151(b) have been made;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County, as follows:

1. After consideration, the Board has determined that the most advantageous manner of refinancing the County’s obligations with respect to the 2009B COPs and the 2017 IFC is by one or more installment financing contracts pursuant to N.C.G.S. § 160A-20. In support thereof, the Board hereby makes the following findings of fact:

(a) The proposed financing is necessary or expedient because the refinancing of the 2009B COPs and the 2017 IFC will provide debt service savings for the County.

(b) The proposed financing is preferable to a general obligation bond financing for the same purposes because the County’s obligations with respect to the 2009B COPs and the 2017 IFC were themselves installment financing contracts under N.C.G.S. § 160A-20, and the refinancing can be done in an efficient manner to take advantage of debt service savings.

(c) The cost of the proposed undertaking exceeds the amount of funds that can be prudently raised from currently available appropriations, unappropriated fund balances, and non-voted general obligation bonds that could be issued by the County pursuant to Article V, Section 4, of the North Carolina Constitution.

(d) The cost of financing under the proposed financing will not be materially greater than the cost of issuing general obligation bonds and will result in cost savings because of reduced debt service.



(e) The sums proposed to be provided under the financing are adequate and not excessive for the stated purpose of refinancing the 2009B COPs and the 2017 IFC.

(f) The County's debt management procedures and policies are good and have been carried out in strict compliance with law and will henceforth be so carried out.

(g) There will be no increase in taxes necessary to meet the sums to fall due under the proposed financing.

(h) The County is not in default in any of its debt service obligations.

2. Pursuant to N.C.G.S. § 160A-20, the County, through its staff, is hereby authorized to refinance the County's obligations with respect to the 2009B COPs and the 2017 IFC by entering into an installment financing contract that will be secured by a deed of trust with respect to the real property that currently secures the 2017 IFC, or other security instruments that create a security interest in some or all of the property being refinanced, to secure repayment of such financing.

3. The attorney for the County will render an opinion that the refinancing of the 2009B COPs and the 2017 IFC is authorized by law and constitutes a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

4. Each of the County Manager, the County Finance Director and other appropriate officers of the County is hereby authorized and directed to file an application with the LGC for its approval of the financing described above in an amount not to exceed \$33,700,000, and the actions of any of the County Manager, the County Finance Director, and other officers of the County in connection therewith are hereby approved and confirmed.

5. The officers of the County are hereby directed to call a public hearing with respect to the proposed financing to be held September 3, 2019, and to publish notice of such public hearing not less than ten days prior to such date as required by N.C.G.S. § 160A-20.

6. The actions of the officers of the County, working closely with the County's financial advisor, to issue a request for proposals to banks to be the counterparty for the installment financing contract, are hereby ratified and approved.

7. All other acts of the Board and the officers of the County which are in conformity with the purposes and intent of this resolution and in furtherance of the refinancing of the 2009B COPs and refinancing of the 2017 IFC are hereby ratified, approved and confirmed.

8. This resolution shall take effect immediately.

Commissioner \_\_\_\_\_ moved the passage of the foregoing resolution and Commissioner \_\_\_\_\_ seconded the motion and the resolution was passed by the following vote:

Ayes:	Commissioners _____
Nays:	Commissioners _____
Not voting:	Commissioners _____

Vicki Evans, Finance Director, stated details about the proposed installment financing were presented at the August 13 Agenda Session and presented highlights of the background information recorded above. Ms. Evans stated the refinancing totals \$33.7 million which will combine two debt issuances: the 2009B Certificates of Participation and the 2017 Draw Program. Ms. Evans stated the refinancings will create a projected \$1.5 million in interest rate savings over the next six years resulting in projected average interest savings of \$250,000 per year.

**MOTION:** Commissioner Adams moved to approve the resolution authorizing the filing of an application to the LGC as required by G.S. 160A-20 as well as the findings as required by G.S. 159-151 and call for a public hearing on the proposed financing to be held September 3, 2019.

**SECOND:** Commissioner Boose

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

5. NOMINATIONS

A. Board of Adjustment (1 Vacancy)

Commissioner Faircloth nominated Nathan Galbreath.

B. Mid-Carolina Aging Advisory Council (1 Vacancy)

Commissioner Adams nominated Katherine Marable.

6. APPOINTMENTS

A. Cumberland County Workforce Development Board (7 Vacancies)

B. Social Services Board (1 Vacancy)

C. Tourism Development Authority (TDA) (1 Vacancy)

MOTION: Commissioner Faircloth moved to appoint to the Workforce Development Board in the Representative of Business Category Jennifer Watson, Eric Buck, Phillip Perrier, Chas Sampson and Isabella Effon; in the Representative of Workforce Category Carl Manning and in the Representative of Labor Category Anthony McKinnon; and to appoint Betsy Bradshaw to the Social Services Board and Pavan Patel to the Tourism Development Board in the category of Hotel/Motel Under 100 Rooms Representative.

SECOND: Chair Council

VOTE: UNANIMOUS (7-0)

7. CLOSED SESSION

A. Attorney Client Matter(s) Pursuant to NCGS 143-310.11(a)(3)

MOTION: Commissioner Boose moved to go into closed session for Attorney Client Matter(s) pursuant to NCGS 143-318.11(a)(3).

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Evans moved to reconvene in open session.

SECOND: Chair Council

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Evans moved to adjourn.

SECOND: Chair Council

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 8:25 p.m.

Approved with/without revision:

Respectfully submitted,

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Candice H. White  
Clerk to the Board