

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
AUGUST 3, 2020 – 9:00 AM
117 DICK STREET, FIRST FLOOR, ROOM 118
REGULAR MEETING MINUTES

PRESENT: Commissioner Marshall Faircloth, Chairman
Commissioner Glenn Adams, Vice Chairman
Commissioner Michael Boose
Commissioner Jeannette Council
Commissioner Charles Evans
Commissioner Jimmy Keefe
Commissioner Larry Lancaster
Amy Cannon, County Manager
Duane Holder, Deputy County Manager
Tracy Jackson, Assistant County Manager
Sally Shutt, Assistant County Manager
Rick Moorefield, County Attorney
Gene Booth, Emergency Services Director
Terri Robinson, Board of Elections Director
Vicki Evans, Finance Director
Deborah Shaw, Senior Budget Management Analyst
Heather Harris, Budget and Data Performance Analyst
Andrew Jakubiak, Budget Analyst
Robert Van Geons, Fayetteville-Cumberland Economic Development
Corporation President/CEO
Candice H. White, Clerk to the Board
Kellie Beam, Deputy Clerk

Chairman Faircloth called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Chairman Faircloth provided the invocation followed by the Pledge of Allegiance to the American flag.

Amy Cannon, County Manager, asked to have an update on Tropical Storm Isaias and consideration of a Declaration of a State of Emergency added to the agenda.

1. APPROVAL OF AGENDA

MOTION: Commissioner Boose moved to approve the agenda with the addition of an update on Tropical Storm Isaias and consideration of a Declaration of a State of Emergency.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

A. UPDATE ON TROPICAL STORM ISAIAS AND CONSIDERATION OF A DECLARATION OF A STATE OF EMERGENCY

Ms. Cannon stated COVID-19 has created unique challenges when preparing for this tropical storm and the hurricane season as a whole, and several months ago county management and some of the department heads formed a work group. Ms. Cannon stated Deputy County Manager Duane Holder, Assistant County Manager Tracy Jackson, Emergency Services Director Gene Booth, Social Services Director Brenda Jackson, Public Health Director Dr. Green and many community partners are part of that work group. Ms. Cannon stated as part of the preparation for hurricane season, the work group has been meeting for several months as it relates to sheltering in the event it is needed. Ms. Cannon stated we are all living in unprecedented times and circumstances and even though she believes the county is in the best possible position and is as prepared as can be, there are still many unknown factors with any hurricane or event. Ms. Cannon called on Mr. Booth who provided a weather briefing on Tropical Storm Isaias that included a forecast over the next 24-36 hours for wind, flooding rain, river flooding and tornados depending on the actual path

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of the tropical storm. Mr. Booth responded to questions and stated although prepared to do so if conditions warrant, staff do not anticipate the need to open emergency shelters. Mr. Booth encouraged residents to finish their storm preparations by early evening as tropical storm force winds could result in tree damage and subsequent power outages.

Ms. Cannon referenced the handout of the Declaration of a State of Emergency for Tropical Storm prepared by County Attorney Rick Moorefield and stated as of the March 30, 2020 amendment to Chapter 5 of the Cumberland County Code, the Board of Commissioners issues the proclamation of emergency and authorizes the chairman to sign.

DECLARATION OF A STATE OF EMERGENCY WITHIN CUMBERLAND COUNTY, NORTH CAROLINA

Whereas, Tropical Storm Isaias is forecast to impact Cumberland County commencing overnight Monday, August 3, 2020, and last into Tuesday, August 4, 2020, with the major impacts being high, damaging winds and flash flooding; and

Whereas, the Cumberland County Board of Commissioners has determined that the impacts of Tropical Storm Isaias within Cumberland County create an imminent threat of widespread or severe property damage and injury, including loss of life and property, to the extent that public safety authorities will be unable to maintain public order or provide adequate protection for lives or property; and

Whereas, declaring a State of Emergency and imposing the restrictions and prohibitions ordered herein is necessary to maintain order and protect public health, safety, and welfare, and to secure and protect public and private property.

Now therefore, pursuant to the authority vested in the Cumberland County Board of Commissioners under Article 1A of Chapter 166A of the North Carolina General Statutes and Chapter 5 of the Cumberland County Code, the Board of Commissioners does hereby order as follows:

1. A State of Emergency is declared within all area of Cumberland County which is not located within the corporate limits of any municipality.
2. This State of Emergency shall extend to and cover all areas within the corporate limits of any municipality within Cumberland County for which the mayor or governing board makes an official request in writing to be included within this declaration, as evidenced by the request attached hereto.
3. All residents within the County are advised to make immediate preparations for this emergency and to exercise appropriate caution with respect to the developing hazards which will be created by this emergency, to particularly include flash flooding.
4. The Cumberland County Emergency Operations Center is activated and shall be staffed appropriately to meet the needs created by this emergency.
5. All Cumberland County law enforcement officers, employees, and all other emergency management personnel subject to the control of the Board of Commissioners shall cooperate in implementation and enforcement of this declaration, the Cumberland County Emergency Operations Plan, and all applicable local, state and federal laws and regulations.
6. This declaration shall be distributed to the news media and other organizations calculated to bring its contents to the attention of the public; filed with the Clerk to the Board of Commissioners; and distributed to others as necessary to ensure proper implementation.
7. This declaration shall take effect upon its adopting on August 3, 2020, at the time indicated with the signature of the Chair of the Board of Commissioners below and shall remain in effect until modified or rescinded.

MOTION: Commissioner Boose moved to approve the Declaration of a State of Emergency and direct the Chairman to sign.
SECOND: Commissioner Adams
VOTE: UNANIMOUS (7-0)

2. PRESENTATIONS

A. Presentation by the Board of Elections on Preparing for the 2020 General Election During the COVID-19 Pandemic

BACKGROUND

Cumberland County Elections Director Terri Robertson will present information on the response to the COVID-19 pandemic and the preparations for the November 3 General Election. The Board of Elections has approved 12 One-Stop Voting locations and is seeking additional precinct workers for the early voting period and Election Day.

Ms. Robertson will discuss issues arising from the pandemic and the funding available to the county to help conduct safe and accessible voting.

RECOMMENDATION / PROPOSED ACTION

For information purposes.

Terri Robertson, Board of Elections Director, provided the following presentation on the response to COVID-19 and preparations for the November 3, 2020 General Election.

Ms. Robertson reviewed how the following grants and funding will be used for the election: Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding

- \$419,937
 - Used for expenditures incurred to prevent, prepare for, and respond to COVID-19 during the 2020 Federal Election

Help America Vote Act (HAVA) Funding

- Reimbursement Minimum \$10,000
- Reimbursement Maximum \$250,000 depending on available funds
 - Used for reimbursement-eligible expenditures incurred to improve the administration of federal elections

Ms. Robertson highlighted the following options for voting:

In Person on Election Day

- Taking precautions at the precincts to prevent the spread of COVID-19

Absentee Ballot by Mail

- Expecting an increase in the number of persons requesting an absentee ballot by mail

One Stop Early Voting (locations/hours expanded in an effort to eliminate crowding)

- 12 Locations
 - Weekdays 8 a.m. - 7:30 p.m. 12 Days
 - Saturdays 8 a.m. - 3 p.m. 3 Days
 - Sundays 1 p.m. - 5 p.m. 2 Days

Ms. Robertson stated the Board of Elections office will not be opened for voting because it is too small to accommodate social distancing. Ms. Robertson outlined the voting site locations:

1. Smith Recreation Center
2. College Lakes Recreation Center
3. Hope Mills Recreation Center
4. J.D. Pone Recreation Center
5. Spring Lake Recreation Center
6. E.E. Miller Recreation Center
7. Westover Recreation Center
8. Cliffdale Recreation Center
9. Kiwanis Recreation Center - In Lieu Of Board of Elections

10. Stoney Point Recreation Center
11. East Regional Library
12. Massey Hill Recreation Center

Ms. Robertson stated many experts are predicting 20% to 30% of voters will vote absentee by mail and the Board of Elections is already seeing an increase in applications compared to previous years at this time.

Ms. Robertson stated the Board of Elections is continuing to look for precinct officials:

- For this election, the requirement for precinct officials to live in precinct has been waived. We must have some in-precinct officials; and we must balance the party representation as much as possible
- Students who are 17 years old can work if their parents and principal sign the application
- Senate Bill 217 passed - prevents payment to precinct officials working in the 2020 General Election from reducing unemployment insurance benefits

Ms. Robertson stated the Board of Elections will be providing PPE to precinct officials and One Stop workers to include masks, face shields, hand sanitizer and gloves. Ms. Robertson stated voters will be encouraged to wear face masks or face coverings and if they do not have a mask, the Board of Elections will offer them a mask. Ms. Robertson stated precinct officials will be required to wear a PPE. Ms. Robertson stated precautions will include social distancing of voters and precinct officials and sanitizing will be conducted throughout the day during One Stop and election day. Ms. Robertson concluded her presentation and responded to questions about the application process for absentee ballots, notifications about polling site changes and the process used for checking absentee ballots.

3. CONSENT AGENDA

- A. Approval of Minutes June 3, 2020 Special Meeting FY21 Budget Work Session, June 8, 2020 Special Meeting FY21 Budget Public Hearing, June 15, 2020 Special Meeting FY21 Budget Work Session and June 15, 2020 Regular Meeting
- B. Approval of Declaration of Surplus County Property and Authorization to Accept Insurance Settlement and Budget Ordinance Amendment BR #210558

BACKGROUND

DATE OF ACCIDENT: JUNE 22, 2020
VEHICLE: 2013 CHEVROLET CAPRICE
VIN: 6G1MK5U23DL825180
FLEET#: FL218
DEPARTMENT: Sheriff's Office
SETTLEMENT OFFER: \$7,923.21
INSURANCE COMPANY: Travelers

This is a total loss settlement offer.

RECOMMENDATION / PROPOSED ACTION

Management recommends that the Board of Commissioners:

1. Declare the vehicle described above as surplus.
2. Authorize the Accounting Supervisor to accept \$7,923.21 (\$8,923.21 - \$1,000 deductible) as settlement.
3. Allow Travelers to take possession of the wrecked (surplus) vehicle.
4. Approve Budget Ordinance Amendment BR#210558 in the amount of \$7,924, recognizing the insurance settlement. Please note this amendment requires no additional county funds.

- C. Approval of Sale of Surplus Real Property Located at 1416 Faircloth St, Fayetteville

BACKGROUND

On December 16, 2019, the Board adopted a resolution of its intent to accept an offer to purchase property with PIN 0446-49-6402, located at 1416 Faircloth Street, Fayetteville, NC, and directed that it be advertised and sold pursuant to the upset bid process of G.S. § 160A-269. Melissa Snyder

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has made an offer to purchase the property for \$7,086.52. The parcel is zoned SF6, with a tax value of \$25,000.00. Based on the County GIS Mapping and the tax records, there is a 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 January 2, 2020. 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.

D. Approval of Sale of Surplus Real Property Located at 3421 Seawell Street, Fayetteville

BACKGROUND

On January 21, 2020, the Board adopted a resolution of its intent to accept an offer to purchase property with PIN 0424-79-5251, being Lots 160-162 Campbell Park Subdivision, located at 3421 Seawell St, Fayetteville, NC, and directed that it be advertised and sold pursuant to the upset bid process of G.S. § 160A-269. James A. Raynor, on behalf of Raynor Property Management LLC, has made an offer to purchase the property for \$4,027.02. The parcel is zoned R6A, with a tax value of \$5,000.00. Based on the County GIS Mapping, there is a structure on the lot; however, based on the tax records, there has been no structure on the lot since 2017.

Notice of the proposed sale, subject to the upset bid process required by G.S. § 160A-269, was advertised in the *Fayetteville Observer* on January 28, 2020. 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 Sale of Surplus Real Property Located at 3615 Lamboll Drive, Fayetteville

BACKGROUND

On January 21, 2020, the Board adopted a resolution of its intent to accept an offer to purchase property with PIN 0440-66-0538, being .5 Acre, Cogdell Land, located at 3615 Lamboll Drive, Fayetteville, NC, and directed that it be advertised and sold pursuant to the upset bid process of G.S. § 160A-269. Sheila Burden has made an offer to purchase the property for \$300.00. The parcel is zoned RR, with a tax value of \$6,563.00. Based on the County GIS Mapping 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 January 28, 2020. 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.

F. Approval of Sale of Surplus Real Property Located at 3306 Dandelion Lane, Fayetteville

BACKGROUND

On January 21, 2020, the Board adopted a resolution of its intent to accept an offer to purchase property with PIN 0441-41-2106, located at 3306 Dandelion Lane, Fayetteville, NC, and directed that it be advertised and sold pursuant to the upset bid process of G.S. § 160A-269. Jason M. Nixon has made an offer to purchase the property for \$4,103.18. The parcel is zoned A1, with a tax value of \$19,000.00. Based on the County GIS Parcel View System and the tax records, there is no structure on the lot.

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Notice of the proposed sale, subject to the upset bid process required by G.S. § 160A-269, was advertised in the *Fayetteville Observer* on January 28, 2020. 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.

- G. Acceptance of Offer to Purchase Surplus Properties Located at 814 Anita Rd., Off Clyde St., and Off Sage St., Fayetteville

BACKGROUND

Antonio T. Shelly has made offers to purchase the following surplus properties for \$1 more than the county's purchase price as indicated for each:

PIN 0469-61-7062, 814 Anita Road, Fayetteville; offer of \$1,689; tax value of \$4,500; zoned SF10; acquired 2010

PIN 0419-50-3201, off Clyde Street, Fayetteville; offer of \$1,126; tax value of \$4,500; zoned SF6; acquired 2010

PIN 0446-47-2905, off Sage Street, Fayetteville; offer of \$1,966; tax value of \$3,000; zoned SF6; acquired 2003

These lots are owned jointly with the City of Fayetteville and the City will have to join in the conveyance. 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 attached.

RECOMMENDATION / PROPOSED ACTION

The County Attorney recommends that the Board consider the offers of Mr. Shelly and if the Board proposes to accept the offers, resolve that the described real property is not needed for governmental purposes, the Board intends to accept Mr. Shelly's offers, 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 described herein is not needed for governmental purposes and proposes to accept an offer to purchase the properties with PIN 0469-61-7062 located at 814 Anita Rd., Fayetteville, for a price of \$1,689; PIN 0419-50-3201 located off Clyde St., Fayetteville, for a price of \$1,126; and PIN 0446-47-2905 located off Sage St., Fayetteville, for a price of \$1,966. 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 or all offers. Further details may be obtained from the Office of the County Attorney, at 910-678-7762.

- H. Approval of Budget Ordinance Amendments for the August 3, 2020 Board of Commissioners' Agenda

BACKGROUND

General Fund 101

- 1) Health Department - Budget Ordinance Amendment B210068 to recognize grant funds in the amount of \$50,000 from the American Public Health Association

The Board is requested to approve Budget Ordinance Amendment B210068 in the amount of \$50,000 representing grant funds from the American Public Health Association for the Healthiest Cities and Counties Challenge Grant. These funds will be used in partnership with Fort Bragg

Department of Public Health and UNC-G to focus on reducing adult and childhood obesity by improving access to healthy foods in Cumberland County.

Please note this amendment requires no additional county funds.

- 2) Health Department - Budget Ordinance Amendment B210070 to recognize grant funds in the amount of \$10,000 from the Cumberland County Foundation, Inc. – Fred and June Aysse Charitable Endowment

The Board is requested to approve Budget Ordinance Amendment B210070 in the amount of \$10,000 representing grant funds from the Cumberland County Foundation, Inc. – Fred and June Aysse Charitable Endowment. These funds will be used to meet needs identified by the Child Fatality Prevention Taskforce.

Please note this amendment requires no additional county funds.

- 3) Animal Control – Budget Ordinance Amendment B210485 to recognize grant funds in the amount of \$10,000 from the Maddie Fund Grant

The Board is requested to approve Budget Ordinance Amendment B210485 in the amount of \$10,000 representing grant funds from the Maddie Fund Grant. These funds will be used for the purchase of medication to treat heartworm positive animals in the care of Animal Control. This will reduce the number of heartworm positive dogs euthanized due to high cost of treatment.

Please note this amendment requires no additional county funds.

- 4) Library – Budget Ordinance Amendment B210459 to recognize funds in the amount of \$6,000 from Fayetteville Technical Community College

The Board is requested to approve Budget Ordinance Amendment B210459 to recognize funds in the amount of \$6,000 from Fayetteville Technical Community College (FTCC). These funds are pursuant to an agreement with FTCC to provide reimbursement of library expenditures for materials that are utilized by FTCC students.

Please note this amendment requires no additional county funds.

REGARDING THE FOLLOWING ITEMS #5 - #10 PLEASE NOTE:

Each fiscal year County departments may have projects that have been approved and initiated but are not complete by the fiscal year end (6/30/20) or items ordered that have not been received by fiscal year end. These projects or items were approved in the Fiscal Year 2020 budget; however, the money was not spent by June 30, 2020.

The following amendments seek to bring those funds forward from FY 2020 into the current fiscal year, allowing departments to complete and pay for these projects and items. These revisions are not using ‘new’ funds but are recognizing the use of FY20 funds in FY21.

General Fund 101

- 5) General Government Other – Budget Ordinance Amendment B210708 re-appropriate FY20 funds in the amount of \$8,000 for consulting services

The Board is requested to approve Budget Ordinance Amendment B210708 to re-appropriate FY20 funds in the amount of \$8,000. These funds will be used to complete the consulting services pertaining to fire protection.

- 6) Library - Budget Ordinance Amendment B210641 to re-appropriate FY20 funds in the amount of \$1,824 for replacement carts purchased in FY20

The Board is requested to approve Budget Ordinance Amendment B210641 to re-appropriate FY20 funds in the amount of \$1,824. These funds are needed for replacement book carts that were

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ordered in FY20 but have not been received.

- 7) Library – Budget Ordinance Amendment B210642 to re-appropriate FY20 funds in the amount of \$4,737 for sneeze guards purchased in FY20

The Board is requested to approve Budget Ordinance Amendment B210642 to re-appropriate FY20 funds in the amount of \$4,737. These funds are needed for sneeze guards that were ordered in FY20 but have not been received.

- 8) Library Grants – Budget Ordinance Amendments B210648 to re-appropriate the remaining grant funds in the amount of \$3,925

The Board is requested to approve Budget Ordinance Amendment B210648 to re-appropriate the remaining Library Services and Technology (LSTA) grant funds in the amount of \$3,925. These funds are needed to continue COVID-19 related expenditures. These funds were approved by the Board of County Commissioners on June 15, 2020.

- 9) Parks and Recreation – Budget Ordinance Amendment B210282 to re-appropriate FY20 funds in the amount of \$438,339

The Board is requested to approve Budget Ordinance Amendment B210282 to re-appropriate FY20 funds in the amount of \$438,339. These funds are needed for Parks and Recreation projects that were not completed in FY20.

- 10) Emergency Services Grants – Budget Ordinance Amendment B210663 to re-appropriate grant funds in the amount of \$64,307.

The Board is requested to approve Budget Ordinance Amendment B210663 to re-appropriate the Homeland Security Grant funds in the amount of \$64,307. These funds are needed to purchase an all-terrain vehicle (ATV) that will be utilized as an EMS MEDSTAT vehicle. These funds were approved by the Board of County Commissioners on November 18, 2019.

RECOMMENDATION / PROPOSED ACTION

Approve Budget Ordinance Amendments

MOTION: Commissioner Adams moved to approve consent agenda Items 3.A. – 3.H.10)

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (7-0)

4. PUBLIC HEARINGS

A. Public Hearing on Proposed Economic Development Incentives for "Project BBQ"

BACKGROUND

This public hearing is to consider an economic development incentive package for “Project BBQ”, a US headquartered company, considering Cumberland County for a potential project. The company intends on operating a distribution center and a call center. If we are successful in attracting this Company, this operation would take place within an existing building, located in the Cumberland Industrial Park. The proposed project would create a total of 118 full time jobs by 2024 with an average wage of \$38,600 and a comprehensive benefits package. The Company would also make a significant investment in real estate and equipment exceeding \$10,000,000 over the next five years.

We are requesting consideration of a local incentive grant, not to exceed \$175,000. The notice for the Public Hearing was published on July 23, 2020 in the *Fayetteville Observer* and is attached to this memorandum.

RECOMMENDATION / PROPOSED ACTION

Hold the required public hearing for “Project BBQ”. After the public hearing, consider approval of the local incentive grant in an amount not to exceed \$175,000.

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Robert Van Geons, Fayetteville-Cumberland Economic Development Corporation President/CEO, presented the background information recorded above. Mr. Van Geons stated the strongest competition for this project is Georgia in the greater Atlanta metro. Mr. Van Geons stated in addition to paying above private sector average wages, all jobs, with very few exceptions, are within the \$31,000 to \$41,000 range and the company provides full medical for the employee and their family, provides a 401K and provides front-loaded sick leave. Mr. Van Geons stated the company made a commitment that citizens who need jobs the most will receive strong consideration. Mr. Van Geons stated the same claw back components the State uses for their OneNC funds will be incorporated into this project and the company would have to maintain 90% of all jobs for two years after receiving the last incentive payment.

Chairman Faircloth stated he and Vice Chairman Adams met with company representatives and were very impressed, especially with the company's benefits.

Chairman Faircloth opened the public hearing.

The clerk to the board stated there were no speakers.

Chairman Faircloth closed the public hearing.

MOTION: Commissioner Adams moved to approve the local incentive grant for "Project BBQ" in an amount not to exceed \$175,000.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

5. ITEMS OF BUSINESS

A. Consideration of Request to Refer Certain Title Work to Outside Counsel

BACKGROUND

County Attorney requests the Board's consent to refer the title work for the Community Development Department to Attorney Rebecca Person on the same terms that she has done the title work for the Bragg Estates easements which was \$500 per parcel. Community Development may use its HUD funds to pay for this work. The County Attorney's Office does not have sufficient staff to timely do this title work at this time.

RECOMMENDATION / PROPOSED ACTION

Approve the request.

Rick Moorefield, County Attorney, presented the background information recorded above and stated although the Community Development Department has not had a lot of title work up until now, it will be beneficial to refer this work to outside counsel.

MOTION: Commissioner Adams moved to approve the request to refer the title work for the Community Development Department to Attorney Rebecca Person under the terms of \$500 per parcel.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

B. Consideration of Request to Engage Outside Counsel to Represent Staff at Board of Adjustment Hearing

BACKGROUND

There is another firing range case pending before the Board of Adjustment. Each firing range case that has been heard by the BOA has been appealed to the appellate courts. The Code of Professional

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Conduct prohibits the County Attorney from representing both the Board of Adjustment and the Planning Staff in these hearings. The record that is created at the hearing before the BOA is crucial to the court's decision. The County Attorney requests the Board to consent to engaging Attorney Scott Flowers to represent planning staff at this hearing. Mr. Flowers has experience with these hearings and represented planning staff in one of the Tiger Swan cases.

RECOMMENDATION / PROPOSED ACTION

Approve the request.

Mr. Moorefield presented the background information recorded above and stated this is a new and rather complex case. Commissioner Adams stated because the Code of Professional Conduct prohibits the County Attorney from representing both the Board of Adjustment and the Planning staff in these hearings, his suggestion would be to put out a Request for Proposal for an attorney so Mr. Moorefield would not have to come before the Board each time. Mr. Moorefield stated that would be his recommendation for all firing range cases although all cases will not be appealed. Commissioner Boose stated he agrees with giving Mr. Moorefield the authority to contact with an attorney when something comes up, but he does not want to create a position for an attorney to sit in on all Board of Adjustment meetings. Commissioner Adams stated technically every case could possibly be appealed. In response to a question from Commissioner Keefe, Mr. Moorefield stated most of these cases involve commercial operations that are attempting to get around the county's ordinance with three having gone to the Court of Appeals and one having gone to the Supreme Court. Mr. Moorefield stated the county has prevailed and protected its ordinance in each case.

MOTION: Commissioner Adams moved to approve the request to engage Attorney Scott Flowers to represent staff at the Board of Adjustment hearing.
SECOND: Commissioner Boose
VOTE: UNANIMOUS (7-0)

6. NOMINATIONS

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

Commissioner Adams nominated Naynesh Mehta for the category of Hotel/Motel Over 100 Rooms Representative.

Commissioner Boose asked whether the outgoing TDA member and Naynesh Mehta were related. Ms. Cannon responded they are brothers. Commissioner Boose nominated Benjamin Moore. Commissioner Adams stated Mr. Moore may not be a representative in the category of Hotel/Motel Over 100 Rooms. Commissioner Boose nominated Adam Collier. Commissioner Adams stated Adam Collier is the nominee for appointment to the Fayetteville Area Convention and Visitors Bureau (FACVB) Board of Directors. Commissioner Boose withdrew his nomination of Benjamin Moore and Adam Collier.

Mr. Moorefield advised the statute does not require hotel/motel representatives to be owners and he has informed the TDA accordingly. Mr. Moorefield stated the statute reads such that the owners of hotels/motels over 100 rooms nominate a representative and the representative can be anyone. Mr. Moorefield stated locating individuals that reside in Cumberland County and are affiliated with hotels/motels over 100 rooms is an issue. A brief discussion followed.

MOTION: Commissioner Council moved to delay this appointment to the TDA until the Board of Commissioners comes to a decision based on the intent of the statute.
SECOND: Commissioner Boose
VOTE: UNANIMOUS (7-0)

Mr. Moorefield stated he would provide a copy of the statute for discussion at the agenda session meeting next week.

7. APPOINTMENTS

A. ABC Board Chairman

B. Fayetteville Area Convention and Visitors Bureau (FACVB) Board of Directors (1 Vacancy)

MOTION: Commissioner Adams moved to appoint Frances Jackson as the ABC Board Chairman for the 2020-2021 year and to appoint Adam Collier to the Fayetteville Area Convention and Visitors Bureau in the category of Hotel/Motel Over 100 Rooms Representative.

SECOND: Commissioner

VOTE: UNANIMOUS (7-0)

8. CLOSED SESSION

There was no closed session.

Ms. Cannon stated staff will continue to monitor Tropical Storm Isaias and out of an abundance of caution, the opening of county offices will be delayed until 10:00 a.m. tomorrow and she will be coordinating the same with court officials.

MOTION: Commissioner Evans moved to adjourn.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 10:05 a.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board