

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 16, 2020 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING MINUTES

PRESENT: Commissioner Marshall Faircloth, Chairman
Commissioner Michael Boose
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
Brenda Jackson, Social Services Director
Rawls Howard, Planning and Inspections Director
Vicki Evans, Finance Director
Dr. Jennifer Green, Public Health Director
Freddy Johnson, Sr., Cumberland County Fire Chiefs Association President
Ronnie Marley Cumberland County Fire Chiefs Association Vice President
Taneshia Kerr, Greater Fayetteville Chamber Interim President and CEO
Candice H. White, Clerk to the Board
Kellie Beam, Deputy Clerk

ABSENT: Commissioner Glenn Adams, Vice Chairman
Commissioner Jeannette Council

Chairman Faircloth called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

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

RECOGNITION

County Commissioners for Receiving the Award of Merit from the Greater Fayetteville Chamber

Taneshia Kerr, Greater Fayetteville Chamber Interim President and CEO, referenced the Greater Fayetteville Chamber's 2020 Public Safety Valor Awards as announced October 13, 2020 and presented the Award of Merit in gratitude to the Board of Commissioners and County Manager Amy Cannon for their contribution to FTCC's Cumberland County Regional Fire and Rescue Training Center scheduled for completion in 2022. Ms. Kerr summarized how the state-of-the-art training facility will support FTCC's Fire Protection Technology public service program of study.

County Commissioners and County Manager by the Cumberland County Fire Chiefs Association

Freddy Johnson, Sr., Cumberland County Fire Chiefs Association President, congratulated the Board of Commissioners and Ms. Cannon on receiving the Award of Merit and stated one of the categories of the Award of Merit is outstanding initiative for a long-term project. Chief Johnson stated when completed, the Cumberland County Regional Fire and Rescue Training Center project will have a positive impact on the community. On behalf of all member departments of the Cumberland County Fire Chiefs' Association, Chief Johnson thanked the Board of Commissioners for their contribution to the project and all they have done for the county's fire protection service. Chief Johnson presented plaques to the Board of Commissioners and Ms. Cannon as a show of appreciation. Chairman Faircloth recognized Ronnie Marley Cumberland County Fire Chiefs Association Vice President, who was also in attendance.

Commissioner Keefe stated Ms. Cannon saw the long-term impact of the Fire and Rescue Training Center and thanked her for her support. Chairman Faircloth thanked the Greater Fayetteville Chamber and the Cumberland County Fire Chiefs’ Associations for the recognitions.

Chairman Faircloth recognized in attendance Commissioner-elect Toni Stewart.

PUBLIC COMMENT PERIOD

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

Wayne Dee – Mr. Dee provided remarks about governance and the applicability of certain principles to the entire community.

Ms. Cannon requested the removal of Item 5.B. Nominations for the Civic Center Commission from the agenda for forward to the December meeting.

1. APPROVAL OF AGENDA

MOTION: Commissioner Boose moved to approve the agenda with the removal and forward of Item 5.B. to the December meeting.
SECOND: Commissioner Lancaster
VOTE: UNANIMOUS (5-0)

2. CONSENT AGENDA

- A. Approval of November 2, 2020 Regular Meeting Minutes
- B. Approval of FY2020-2021 JCPC Unallocated Funding Recommendations

BACKGROUND

The Cumberland County Board of Commissioners approved the FY2020-2021 Juvenile Crime Prevention Council (JCPC) funding recommendations at their June 15, 2020 Budget Session. The State Division of Adult Correction and Juvenile Justice (DACJJ) Office approved total funds in the amount of \$1,119,291, which included \$30,000 in unallocated funds. The FY2020-2021 funding included an allocation to the Fayetteville Police Department in the amount of \$10,000, which was conditional funding for housing/shelter of juvenile victims of human trafficking. During the first quarter of FY20-21, the Fayetteville Police Department provided a letter stating that they would be returning the \$10,000 in funding because Medicaid was available to provide the sheltering of juveniles. The JCPC Council met in October and voted to incorporate the \$10,000 to the unallocated funding, bringing the total available funds to \$40,000.

The JCPC Council requested currently funded programs to submit requests for proposals (RFPs) to apply for the \$40,000 available in unallocated funding. RFPs were received and reviewed by the JCPC Finance Committee on November 3, 2020 and referred their recommendations to the full JCPC Council for approval. The JCPC Council approved the funding recommendations as follows for submission to the November 16, 2020 Board of Commissioners Meeting for final approval:

Cumberland County Communicare - Electronic Medical Records	\$10,000
Cumberland County Dispute Resolution - Teen Court	\$ 4,251
Fayetteville Police Department - WORTH Court	\$ 9,360
Fayetteville Urban Ministries - Career Readiness Program	\$16,389
Total:	\$40,000

As per the North Carolina Department of Public Safety (NCDPS) guidelines, this funding must be awarded and approved by December 31, 2020 in NCALLIES.

RECOMMENDATION / PROPOSED ACTION

Approve the funding recommendations of the JCPC Council to the programs as listed above in order to meet the NCDPS deadline of December 31, 2020.

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>

- C. Approval of Agreement of Conditions and Local Governmental Resolution for Funding the North Carolina Human Trafficking Commission for Cumberland County Human Trafficking WORTH Court and Approval of Budget Ordinance Amendment #B- 210326

BACKGROUND

The North Carolina Human Trafficking Commission (NCHTC), the North Carolina Administrative Office of the Courts (NCAOC), and Cumberland County are dedicated in working together in assisting State courts in addressing human trafficking in our state. The purpose of this grant is to fund the WORTH Court Project by supporting and insuring the best practices of human trafficking survivors and providing collaborative efforts with service providers to develop training opportunities, outreach efforts, education and community awareness of human trafficking.

The NCHTC and the NCAOC have requested that Cumberland County Government act in the capacity of contracting agency for the WORTH Court Project as indicated in the attached documents in an amount not to exceed \$105,193.54. This funding will continue to support the existing human trafficking WORTH Court initiative.

The Agreement of Conditions is attached for consideration by the Cumberland County Board of County Commissioners. The term of said agreement would be effective upon approval and expire at June 30, 2021.

RECOMMENDATION / PROPOSED ACTION

County Management requests approval of the Agreement of Conditions with the North Carolina Human Trafficking Commission and the North Carolina Administrative Office of the Courts and approval of the Local Government Resolution and associated Budget Ordinance Amendment #B-210326 in order to recognize the grant funds in the amount of \$105,193.54 and authorize the County Manager to sign the required documents.

- D. Approval of Budget Ordinance Amendments for the November 16, 2020 Board of Commissioners' Agenda

BACKGROUND

General Fund 101

- 1) Public Health – Budget Ordinance Amendment B211249 to recognize North Carolina Division of Public Health (DPH) funds for immunization in the amount of \$112,129

The Board is requested to approve Budget Ordinance Amendment B211249 to recognize North Carolina Division of Public Health (DPH) funds for immunization in the amount of \$112,129. These additional funds will be used to enhance influenza vaccination activities and implement innovative local solutions to achieve increased vaccination coverage during the Coronavirus Pandemic. The Health Department will focus on those with known coverage disparities and those at higher risk of complications from influenza and COVID-19 disease.

Please note this amendment requires no additional county funds.

Juvenile Crime Prevention Fund 245

- 2) Juvenile Crime Prevention – Budget Ordinance Amendment B210199 to align In-Kind amounts approved by the North Carolina Department of Public Safety, Division of Juvenile Justice in the amount of \$200,384

The Board is requested to approve Budget Ordinance Amendment B210199 to align In-Kind amounts approved by the North Carolina Department of Public Safety, Division of Juvenile Justice, in the amount of \$200,384. The programs are: Falling Run Missionary Baptist Church - \$23,967, Find-A-Friend-Career Readiness Program – \$22,161, Pickens Peace Project - \$17,313, Communities United for Youth Development - \$1,200, Cumberland County Dispute Resolution Center - \$11,651, WORTH Court - \$1,872, Greater Life of Fayetteville - \$120,220, Communicare (FACT) - \$2,000.

Please note this amendment requires no additional county funds.

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>

RECOMMENDATION / PROPOSED ACTION

Approve Budget Ordinance Amendments

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

1. Cumberland County Schools Facility Needs Survey 2021 - 2025

BACKGROUND

The North Carolina General Statutes (NCGS 115C-426.2) strongly encourage local school boards to develop a five-year facility needs plan and to share that plan with the local county commissioners. The goal is to promote greater mutual understanding of immediate and long-term budgetary issues and constraints affecting both public schools and county government.

In their continued adherence to this statute and goal, Cumberland County Schools Associate Superintendent of Auxiliary Services, Joe Desormeaux presented the Facility Needs Survey for years 2021 - 2025 to the Board of Commissioners during the November 12, 2020 Agenda Session meeting.

RECOMMENDATION / PROPOSED ACTION

Receive the report and reflect the presentation in the minutes of the November 16, 2020 Board of County Commissioners meeting. Receipt of the survey does not necessarily constitute endorsement or commitment to fund the survey.

2. Updated 2020 Fayetteville-Cumberland Parks & Recreation Master Plan

BACKGROUND

On September 10, 2020, the Board received a presentation prepared by a Parks & Recreation consultant (McAdams) about the proposed 2020 Parks & Recreation Master Plan. Parks & Recreation staff advise that the Fayetteville City Council has adopted the plan, and it is being requested that the Board of Commissioners adopt the plan. No funding, or requests for funding, are associated with this plan.

The 2006 Plan, and the 2020 Plan, can be found at the following link: <https://www.fcpr.us/facilities/administrative/about-us/master-plan>

Attached is a copy of the presentation prepared and provided by the consultant, McAdams. Recommendations regarding the new Master Plan begin at Page 7. Michael Gibson will be present at the meeting to answer specific questions about the plan.

RECOMMENDATION / PROPOSED ACTION

This item was heard at the November 12, 2020 Board of Commissioners' Agenda Session and moved forward to the November 16, 2020 Board of Commissioners' regular meeting as a Consent Agenda item with the following recommendation:

Adoption of the 2020 Updated Parks and Recreation Master Plan.

3. Cumberland County Community Transportation Program 2020 System Safety Plan

BACKGROUND

The Cumberland County Community Transportation Program System Safety Plan for FY2020 has been updated in order to meet requirements from the North Carolina Department of Transportation – Public Transportation Division. The purpose of the plan is to ensure that our transportation through private contractors provide safe and reliable transportation for Cumberland County residents. The plan includes six core elements: Driver/Employee Selection, Driver/Employee Training, Safety Data Acquisition/Analysis, Drug and Alcohol Abuse Programs, Vehicle Maintenance, and Security.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the November 12, 2020 Board of Commissioners' Agenda Session Meeting, and it was moved forward as a Consent Agenda item for the November 16, 2020 Board of Commissioners' Regular Meeting. It is requested that the Cumberland County Board of

Commissioners approve the plan as submitted in order to meet requirements from the North Carolina Department of Transportation – Public Transportation Division.

4. Cumberland County Community Transportation 2020 Title VI Program Plan

BACKGROUND

The Community Transportation Program Title VI Program Plan has been developed and reviewed by NCDOT-IMD and the NCDOT Office of Civil Rights to guide CTP in its administration and management of Title VI-related activities conducted by both the Cumberland County CTP and its contractors to meet the NCDOT requirement as a grant recipient. The plan states that it is the policy of the Cumberland County Community Transportation Program (CTP) to ensure that no person shall, on the grounds of race, color, sex, age, national origin, or disability, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and any other related non-discrimination Civil Rights laws and authorities.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the November 12, 2020 Board of Commissioners' Agenda Session Meeting, and it was moved forward as a Consent Agenda item for the November 16, 2020 Board of Commissioners' Regular Meeting. Staff requests the Board of County Commissioners approve the Community Transportation Program 2020 Title VI Program Plan to meet the requirements from the North Carolina Department of Transportation – Integrated Mobility Division and the NCDOT Office of Civil Rights.

5. North Carolina Non-Congregate COVID-19 Sheltering Memorandum of Agreement

BACKGROUND

North Carolina Emergency Management (NCEM) has provided an opportunity to receive reimbursement for non-congregate sheltering for COVID-19 in the form of an optional “State Centric Program.” Cumberland County can continue to submit to FEMA for reimbursement if preferred. Cumberland County has provided non-congregate sheltering to at-risk and COVID-19 positive residents that do not have anywhere else to stay, as well as transportation to and from testing. Cumberland County began providing transportation services for this at-risk population on June 1, 2020. The start date for providing hotel rooms was June 16, 2020. If the MOA is signed, Cumberland County will stop submitting to FEMA for reimbursement and submit to NCEM.

The State-Centric model allows counties or other eligible organizations to request NC Emergency Management to provide expedited reimbursement for non-congregate shelter and eligible wrap-around services. Counties or other eligible organizations that request this option will remain responsible for setting up and managing their non-congregate sheltering program, including coordinating comprehensive wrap-around services (e.g., food, care for those with disabilities and or access and functional needs, medicine, cleaning/disinfecting, transportation, security, and laundry), as well as weekly reporting and verification of program costs.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the November 12, 2020 Board of Commissioners' Agenda Session Meeting and moved forward to the November 16, 2020 Board of Commissioners' Regular Meeting as a Consent Agenda Item. Cumberland County Emergency Services recommends that the Memorandum of Agreement (MOA) with North Carolina Emergency Management for expedited reimbursement for Non-Congregate COVID-19 Sheltering MOA be approved and authorize the Chairman of the Board of Commissioners to sign the MOA.

6. Community-Based Virtual Learning Center Selection

BACKGROUND

During the September 10, 2020 Agenda Session, the Board approved the utilization of \$250,000 County funding to assist with the provision of community-based Virtual Learning Centers for students in rural and/or underserved areas of the County. Staff issued a Request for Proposals (RFP) on October 9, 2020 with an original due date of October 19, 2020. Based on prospective applicant questions and subsequent responses, the RFP due date was extended to October 21, 2020.

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>

Attached is a summary of the proposal evaluations. Based on the evaluation, staff recommend the County to enter into agreements with the following programs for the operation of community-based Virtual Learning Centers:

Town of Hope Mills
YMCA
First Baptist Church
Changing Our Lives Today, Inc.
Crosskids Afterschool
Marvin United Methodist Church
New Testament Learning Center
Soul Harvest Church
Town of Godwin

RECOMMENDATION / PROPOSED ACTION

At the November 12, 2020 Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below as a Consent Agenda Item on the November 16, 2020 Board of Commissioners' Meeting:

Approve staff to enter into contractual agreements with the recommended organizations at the funding amounts per the attached Funding Recommendations, for the provision of Community-Based Virtual Learning Center services.

7. Memorandum of Agreement (MOA) Between the United States Department of Agriculture, Natural Resources Conservation Service and the North Carolina Department of Agriculture and Consumer Services - Division of Soil and Water Conservation and the Cumberland Soil and Water Conservation District and the County of Cumberland, North Carolina

BACKGROUND

Periodically the agencies that provide funding and support to the Cumberland Soil and Water Conservation District revise and update agreements in an effort to assure that responsibilities and services provided by the partner agencies are clearly defined and understood. This time period, our Soil and Water Conservation Board has the option to utilize a 2018 template or the new 2020 Memorandum of Agreement (MOA). The District Board has elected to utilize the 2020 MOA (attached). There are no costs to the County, and the intent of the agreement remains unchanged.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the November 12, 2020 Board of Commissioners' Agenda Session and was recommended to be forwarded to the November 16, 2020 Board of Commissioners' Meeting as a Consent Agenda item with the following recommendation:

Approval of the 2020 Memorandum of Agreement

8. Electrical Switchgear Replacement at the E. Maurice Braswell Courthouse

BACKGROUND

During the Courthouse Generator Project, it was discovered that the main electrical switchgear for the Courthouse needs to be replaced. The switchgear is original to the facility and is nearly forty years old. The equipment is obsolete and replacement parts are difficult to obtain. Any available replacement parts are refurbished and could be unreliable. The electrical subcontractor informed staff that the switchgear is a potential point of failure that could force the facility to be closed for an extended period if it were to fail. If a catastrophic failure occurred in the existing switchgear, it is likely that temporary power would have to be provided while new switchgear is manufactured and installed. The lead time on manufacturing this equipment is 16 – 20 weeks. If this were to occur, it would involve unexpected costs, excessive downtime, and it would limit options for the new switchgear since fabrication would have to be expedited. With the switchgear replacement, a larger electrical panel can be installed that will allow additional electrical load to be placed on the generators. Ideally, this work could be completed over a holiday weekend depending on the timing of design, bidding, and approval. This will ultimately dictate when the project can be scheduled.

The project will need to be designed then bid for manufacturing and installation. The estimated cost for engineering, procurement, and fabrication of the switchgear is \$270,000. Funding for this project has been identified in the Capital Improvement Fund.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the November 12, 2020 Board of Commissioners' Agenda Session Meeting and moved forward to the November 16, 2020 Board of Commissioners' Regular Meeting as a Consent Agenda Item. Staff requests approval to utilize the Capital Investment Fund to complete this project in the amount of \$270,000.00.

9. Extension of Janitorial Contract with 360 Brands and Associated Budget Ordinance Amendment #B211176

BACKGROUND

360 Brands (d.b.a. 360 Clean) started providing janitorial services at the E. Maurice Braswell Courthouse July 1, 2019 after being selected in an RFP process. The total amount of the contract for FY20 was not to exceed \$164,270.52 (\$13,689.21 per month). The contract was approved by the Board of Commissioners for an eighteen-month extension through December 31, 2022 at an increased rate of \$15,750.00 per month.

Staff believes that 360 Clean has improved its performance to a satisfactory level over time, and it would be problematic to potentially switch janitorial providers during the height of the COVID-19 pandemic. Staff proposes to extend the contract for janitorial services with 360 Clean for an additional eighteen months through June 30, 2022, with an option to renew for an additional year, at a price not to exceed \$15,750.00 per month. Attached is a copy of the proposed contract extension.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the November 12, 2020 Board of Commissioners' Agenda Session Meeting and moved forward to the November 16, 2020 Board of Commissioners' Regular Meeting as a Consent Agenda Item. Staff requests the following proposed actions be approved:

- 1) Approve the contract extension with 360 Brands (d.b.a., 360 Clean) and authorize the Chairman to sign the extension
 - 2) Approve Budget Ordinance Amendment #B211176 in the amount of \$94,500.00
10. Workforce Development Finish Line Grant Award for Administration and Operations and Associated Budget Ordinance Amendment #B210914

BACKGROUND

The North Carolina Department of Commerce - Division of Workforce Solutions has notified the Cumberland County Workforce Development Department (CCWFD) that it will be awarded \$50,000 to manage the operations of the Finish Line Grant (FLG) Program. The FLG program provides eligible students with funding for emergent needs while pursuing educational goals at Fayetteville Technical Community College (FTCC) and CCWFD. This funding will assist in the administration and monitoring of the program by hiring a temporary employee to perform these programmatic duties. This funding is to be utilized prior to the end of June 30, 2021.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the November 12, 2020 Board of Commissioners' Agenda Session Meeting and moved forward to the November 16, 2020 Board of Commissioners' Regular Meeting as a Consent Agenda Item. Staff requests the following proposed actions be approved:

- 1) Accept the Finish Line Grant award for administration and operations.
 - 2) Approve Budget Ordinance Amendment #B210914 in the amount of \$50,000.
11. Qualification-Based Selection Lists for Professional Services Related to Engineering and Infrastructure Projects

BACKGROUND

North Carolina General Statute 143-64.31 requires local governments to select firms to provide architectural, engineering and surveying services on the basis of demonstrated competence and qualifications for the type of professional services required without regard to fee other than unit

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>

price information. Based on the number of Capital Improvement Plan (CIP) projects Engineering & Infrastructure undertakes each year that necessitate professional services, the most efficient way obtain professional services is to establish a list of qualified firms that can provide specialized consulting based upon the discipline needed to successfully initiate and complete any given project. The primary benefit of this approach is that it can reduce the amount of time required to issue a Request for Qualifications (RFQ) and review multiple vendor submissions for each project. The County can still reserve the right to issue a separate RFQ for a specific project when it is determined to be in the County's best interest.

The Engineering & Infrastructure Department issued a RFQ for Professional Services and reviewed/scored the responses. The RFQ was for architectural services and various disciplines of engineering and surveying. Attached you will find a list of qualified firms sorted into areas of expertise and competency. The list shall be effective for a period of three years with an option to extend for two additional one-year periods not to exceed five total years.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the November 12, 2020 Board of Commissioners' Agenda Session Meeting and moved forward to the November 16, 2020 Board of Commissioners' Regular Meeting as a Consent Agenda Item. Staff requests acceptance of the attached Qualification Based Selection list for the providers of professional services illustrated therein.

12. Request of the Town of Wade to Relinquish Its Jurisdiction to the County for Minimum Housing Code Enforcement

BACKGROUND

On October 13, 2020, the Town of Wade Board of Commissioners adopted a formal resolution to subject the jurisdiction of the Town of Wade to the County's Minimum Housing and to request the Board of Commissioners to accept the jurisdiction of the Town of Wade for this purpose and apply and enforce the County's Minimum Housing Code within the jurisdiction. A copy of the Resolution is attached.

The Town of Wade and the County have the authority to undertake this transfer of jurisdiction and application of the County's Minimum Housing Code pursuant to N.C.G.S. § 16 Chapter 160D is new and is in effect now, but it allows the existing local Minimum Housing Ordinances to also remain in effect until July 1, 2021. (Session Law 20-25, Section 51 (b)) Staff is currently working on revisions to the County's Minimum Housing Code. The process by which the County may accept the jurisdiction of a town and apply the C ordinance requires that both governing boards adopt formal resolutions and the County will have to amend its Ordinance to include the town's jurisdiction. The Ordinance amend require a public hearing.

At its regular meeting September 21, 2010, the Board voted to accept the request from the Town of Wade once it was formally made. At the November 12, 2020, Agenda Session Board voted to approve placing this matter on the Consent Agenda for the November 16, 2020, meeting.

RECOMMENDATION / PROPOSED ACTION

Adopt the formal resolution set out below:

Cumberland County Board of Commissioners Resolution to Accept the Jurisdiction of the Town of Wade for the Application and Enforcement of the County's Minimum Housing Code

Whereas, N.C.G.S. § 160D-202 authorizes a town to relinquish its jurisdiction to a county for the application and enforcement of the county's Minimum Housing Code and authorize the county to accept such jurisdiction to apply and enforce its Minimum Housing Code; and

Whereas, on October 13, 2020, the Town of Wade Board of Commissioners adopted a resolution relinquishing its jurisdiction to the County of Cumberland for the purpose of apply and enforcing the County's Minimum Housing Code, being Article IV, Chapter 4, Cumberland County Code, with a copy of the Town's resolution being attached hereto.

Now therefore, be it resolved that the Cumberland County Board of Commissioners do accept the jurisdiction of the Town of Wade for the application and enforcement of the County's Minimum Housing Code, being Article IV, Chapter 4, Cumberland County Code.

Be it further resolved that the County's Minimum Housing Code, being Article IV, Chapter 4, Cumberland County Code, shall be amended to include the jurisdiction of any town within Cumberland County which requests to relinquish its jurisdiction to the County for this purpose and for which the Cumberland County Board of Commissioners accepts such jurisdiction.

Be it further resolved that the effective date of the application of the County's Minimum Housing Code within the jurisdiction of the Town of Wade shall be the date the amendment expanding the jurisdiction of the Cumberland County Minimum Housing Code is adopted by the Board of Commissioners after public hearing.

Adopted November 16, 2020

MOTION: Commissioner Lancaster moved to approve consent agenda items 2.A. – 2.E.12.
SECOND: Commissioner Boose
VOTE: UNANIMOUS (5-0)

3. PUBLIC HEARINGS

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

A. Public Hearing for 5311 and Approval of Submission of FY 2022 Applications for the Community Transportation Program (5311, 5310, 5307) Grant Funds and Resolution

BACKGROUND

Staff requests that a public hearing be held regarding the FY 2022 Community Transportation Program (5311) Grant Application which is due December 1, 2020. Staff also requests approval for submission of grant applications for 5310, and 5307 in the amounts listed below. This is an annual request that funds the Cumberland County Community Transportation Program which coordinates existing transportation programs operating in Cumberland County using local transportation providers. The funding period will run from July 1, 2021 to June 30, 2022. Funding will be used to provide trips to work, school, medical, and general errands.

The administrative portion will be used for salaries and fringes of the Transportation Coordinator and the Transportation Assistants, office supplies, driver drug and alcohol testing, travel to meetings and conferences, program marketing for all services provided to County residents, legal advertising, and North Carolina Public Transportation Association (NCPTA) membership.

The Community Transportation Program is requesting funding in the following amounts from the NC Department of Transportation (a local match is required as noted below and is typically funded in the local FY Budget):

Project:	Total Amt.:	Local Share:
Administrative (5311)	\$191,756	\$38,351 (20%)
Capital (5310)	\$250,000	\$50,000 (20%)
Capital (5307)	\$96,378	\$19,276 (20%)
Total Project:	\$538,134	\$107,627

RECOMMENDATION / PROPOSED ACTION

Staff requests the Board hold the Public Hearing for 5311 and approve the submission of the FY 2022 Projects for Community Transportation Program (5311, 5310, 5307) Grant Applications to the NC Department of Transportation.

Rawls Howard, Planning and Inspections Director, presented the background information and recommendation/proposed action recorded above.

Chairman Faircloth opened the public hearing.

The clerk to the board stated there were no speakers.

Chairman Faircloth closed the public hearing.

MOTION: Commissioner Lancaster moved to approve the submission of the FY 2022 Projects for Community Transportation Program (5311, 5310, 5307) Grant Applications to the NC Department of Transportation.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (5-0)

Uncontested Rezoning Cases

B. Case P15-09: Modification of an approved C2(P) Planned Service and Retail/CZ Conditional Zoning for retailing, office and trade contracting district for the addition of a 50' by 240' structure or to a more restrictive zoning district on 8.42+/- acres; located on the southwest side of SR 1126 (Brooklyn Circle), northeast of Lady Lane Road; submitted by DSI Properties, LLC (owner) & Nichols Buildings (agent).

Rawls Howard, Planning and Inspections Director, showed vicinity or location maps and aerial views of the subject property. Mr. Howard provided overviews of the current land uses, current zonings, and surrounding land uses and zonings as well as soil conditions and the availability of water and sewer. Mr. Howard stated staff recommended approval and the Planning Board unanimously approved.

Chairman Faircloth opened the public hearing for Case P15-09.

The clerk to the board stated there were no speakers for Case P15-09.

Chairman Faircloth closed the public hearing for Case P15-09.

MOTION: Commissioner Keefe moved in Case P15-09 to approve the modification request to an approved C2(P)/CZ Conditional Zoning for retailing, office and trade contracting 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: since the conditional zoning was originally approved, the parcel has been recombined with the area designated for "heavy commercial" by the land use plan and has been developed as a large planned commercial development; c) And this rezoning approval is reasonable and in the public interest as the modification does not create any detrimental impacts to their original approval and the request is in harmony with adjacent existing zoning and land uses.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (5-0)

C. Case P20-37: Rezoning of 7.05+/- acres from A1 Agricultural to C2(P) Planned Service and Retail District/CZ Conditional Zoning for requested C2(P) uses or to a more restrictive zoning district, located on the north side of SR 2242 (Braxton Road), west of Rossendale Drive, submitted by Ross L. Green (owner). (Applicant has revised request to RR Rural Residential)

Rawls Howard, Planning and Inspections Director, showed vicinity or location maps and aerial views of the subject property. Mr. Howard provided overviews of the current land uses, current zonings, and surrounding land uses and zonings as well as soil conditions and the availability of water and sewer. Mr. Howard stated staff did not recommend the original request from A1 Agriculture to CP which is the heaviest commercial district and when it went to the Planning Board, the Planning Board recommended a lighter designation that falls more into a residential district. When the applicant revised the request for RR Rural Residential, staff recommended A1 to RR and the Planning Board unanimously supported RR.

Chairman Faircloth opened the public hearing for Case P20-37.

The clerk to the board stated there were no speakers for Case P20-37.

Chairman Faircloth closed the public hearing for Case P20-37.

MOTION: Commissioner Lancaster moved in Case P20-37 to approve the rezoning request from A1 Agricultural to RR Rural Residential and find the request consistent with the South Central Land Use Plan (2015) which designates this area “Low Density Residential” as the desired density in this designation is 2.2 to 6 units/acre and the designation requires public water and sewer, of which the property has access. Approval of the request is also reasonable and in the public interest as the district requested is in harmony with surrounding zoning and existing land uses.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (5-0)

D. Case P20-48: Rezoning of 13.70+/- acres from R40 Residential to R40A Residential or to a more restrictive zoning district, located at 1419 H Bullard Road, submitted by Elijah Lovejoy on behalf of The Church of the Apostles Resurrection Church (owner).

Rawls Howard, Planning and Inspections Director, showed vicinity or location maps and aerial views of the subject property. Mr. Howard provided overviews of the current land uses, current zonings, and surrounding land uses and zonings as well as soil conditions and the availability of water and sewer. Mr. Howard stated the church requested the rezoning in order to put a parsonage on the site with the option to put a mobile home. Mr. Howard stated staff felt the request was plan compliant and the Planning Board unanimously supported the request.

Chairman Faircloth opened the public hearing for Case P20-48.

The clerk to the board stated there were no speakers for Case P20-48.

Chairman Faircloth closed the public hearing for Case P20-48.

MOTION: Commissioner Lancaster moved in Case P20-48 to approve the rezoning request from R40 Residential to R40A Residential and find:

A. The approval is an amendment to the adopted current South-Central Land Use Plan (2015) map; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request.

B. The following change in conditions was considered in amending the zoning ordinance (zoning map) to meet the development needs of the community: the designation of “Low Density Residential” is not well supported with the lack of public utilities and the currently approved density will not change due to this request.

C. And this rezoning approval is reasonable and in the public interest as the requested district is in harmony with existing surrounding zoning and permitted land uses.

SECOND: Commissioner Keefe

DISCUSSION: Commissioner Keefe asked whether the church owned the 13-acres and whether there was the opportunity to put more than one or two mobile homes on the property. Mr. Howard stated the church would be limited under R40A.

VOTE: UNANIMOUS (5-0)

E. Case P20-49: Rezoning of 2.50+/- acres from A1 Agricultural to C(P) Planned Commercial or to a more restrictive zoning district, located on the south side of SR 1814 (J T Matthews Road), east of Interstate 95, submitted by Roger & Jeanette Cornett on behalf of Cornett Properties, LLC (owner).

Rawls Howard, Planning and Inspections Director, showed vicinity or location maps and aerial views of the subject property. Mr. Howard provided overviews of the current land uses, current zonings, and surrounding land uses and zonings as well as soil conditions and the availability of water and sewer. Mr. Howard stated this request was initiated by an adjacent business losing property as part of the I-95 widening project and the property owner would like to combine the this property with the existing business to meet their parking requirements.

Chairman Faircloth opened the public hearing for Case P20-49.

The clerk to the board stated there were no speakers for Case P20-49.

Chairman Faircloth closed the public hearing for Case P20-49.

MOTION: Commissioner Keefe moved in Case P20-49 to approve the rezoning from A1 Agricultural to C(P) Planned Commercial and find:

A. The approval is an amendment to the adopted current Wade Land Use Plan (2004) 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 parcel generally meets the location criteria for "heavy commercial" as defined in the Land Use Policies Plan (2009) and would not be suitable for additional residential development due to the I-95 widening project;

C. And this rezoning approval is reasonable and in the public interest as the district requested is in harmony with existing adjacent land uses and zoning near an I-95 interchange.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (5-0)

F. Case P20-50: Rezoning of 7.39+/- acres from A1 Agricultural to C(P) Planned Commercial or to a more restrictive zoning district, located at 4042 Goldsboro Road, submitted by Christopher Hudson on behalf of MCH Investments, LLC (owner).

Rawls Howard, Planning and Inspections Director, showed vicinity or location maps and aerial views of the subject property. Mr. Howard provided overviews of the current land uses, current zonings, and surrounding land uses and zonings as well as soil conditions and the availability of water and sewer. Mr. Howard stated this request is a change to the Plan; staff supported the request and the request received unanimous support by the Planning Board.

Chairman Faircloth opened the public hearing for Case P20-50.

The clerk to the board stated there were no speakers for Case P20-50.

Chairman Faircloth closed the public hearing for Case P20-50.

MOTION: Commissioner Keefe moved in Case P20-50 to approve the rezoning request from A1 Agricultural to C(P) Planned Commercial and find:

- A. The approval is an amendment to the adopted current Eastover Land Use Plan (2018) 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 parcel generally meets the location criteria for “heavy commercial” as defined in the Land Use Policies Plan (2009) and is located at an Interstate 95 interchange;
- C. And this rezoning approval is reasonable and in the public interest as the district requested is in harmony with existing adjacent zoning/land uses and the parcel is served by public water.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (5-0)

Contested Rezoning Cases

G. Case P20-47: Rezoning of 22.28+/- acres from A1 Agricultural to RR Rural Residential or to a more restrictive zoning district, located at the northeast and southeast quadrants of the intersection of SR 2028 (Ava Road) & SR 2027 (Beaver Dam Road), submitted by Carin A. Bunce (owner).

Rawls Howard, Planning and Inspections Director, showed vicinity or location maps and aerial views of the subject property. Mr. Howard provided overviews of the current land uses, current zonings, and surrounding land uses and zonings as well as soil conditions and the availability of water and sewer. Mr. Howard stated the plan calls for this entire area to be agricultural and this request would increase the allowed density from 1 unit/2 acre under A1 Agricultural to 2 units/ 1 acre under RR Rural Residential. Mr. Howard stated the Plan calls for the growth and protection of farmland with small scale rural type residential while only supporting higher densities if compatible with the surrounding neighborhood uses. Mr. Howard stated R40 would be the densest district considering what currently exists in the surrounding area. Mr. Howard stated staff recommended denial of the request and the Planning Board also supported denial of the request. Mr. Howard stated he felt the Planning Board was open to dialogue, but the applicant was not present at the Planning Board meeting.

Chairman Faircloth opened the public hearing for Case P20-47.

The clerk to the board called the following speaker for Case P20-47:

Morgan Beam – Mr. Beam appeared as a proponent to the rezoning request and stated health concerns prevented him from attending the Planning Board meeting. Mr. Beam stated he owns neighboring parcels less than a mile away to the north that have been approved for R40A and RR. Mr. Beam stated there is a wetland that cuts down the middle of this property so he will be unable to quadruple the amount of density. Mr. Beam stated he would have liked to have been able to have this conversation with the Planning Board because he would like to be able to put some level of density on the property that would allow for affordable housing for his in-laws. Mr. Beam asked the Board of Commissioners if they would reconsider the case. Mr. Beam stated he knows RR is a heavy density and he would certainly be open to R40 or something that would not limit his ability to develop the property when considering what was found with the perk test.

In response to a question posed by Commissioner Boose, Mr. Howard stated R40 is a larger conversation between staff and the Planning Board because it seems to be the fall back density. Mr. Howard stated in this particular case, staff felt R40 was the tightest density that would be recommended going forward due to the water/sewer issues and the Planning Board’s decision was made fairly quickly when staff presented. Commissioner Boose inquired about the difference between R40 and R40A. Mr. Howard responded the only difference is the allowance of mobile homes; the density is the same. Mr. Beam stated his due diligence thus far has found that the

parcel on the south side of Ava Road is completely unbuildable so it would just be the parcel on the northern side of Ava Road. Commissioner Keefe asked whether the case could go back to the Planning Board since the applicant's situation did not allow him to be present to present his case because if his case is voted against at this meeting, he will not be able to come back until the following January. Commissioner Keefe stated he has always had a problem with R40 as opposed to A1 as it relates to density because if the soils are not good, one could take the entire plat and tuck all the units on to a corner of it. Mr. Howard stated staff are having conversations with the Planning Board and the community about how it should be reformatted. Commissioner Keefe stated he would like for the applicant to be able to plead his case and talk before the Planning Board. Commissioner Keefe asked Mr. Beam whether he would prefer to go before the Planning Board in January or prefer to have a decision made at this meeting. Mr. Beam stated he would like the opportunity to have a conversation with the Planning Board in hopes of having a more favorable report. Chairman Faircloth stated the Board can refer the case back to the Planning Board and in the meantime, Mr. Beam can get with staff to work things out.

Chairman Faircloth closed the public hearing for Case P20-47.

MOTION: Commissioner Boose moved to send Case P20-47 back to the Planning Board for reconsideration since the property owner was unable to be present at the Planning Board meeting due to illness.
SECOND: Commissioner Lancaster
VOTE: UNANIMOUS (5-0)

4. ITEMS OF BUSINESS

- A. Consideration of Holding a Public Hearing on the Financing of the Emergency Operations Center (EOC) Capital Project and the Fayetteville Technical Community College (FTCC) Fire Training Center

BACKGROUND

The EOC capital project and the FTCC Fire Training Center were both prioritized within the County's Capital Planning Model for debt issuance to occur this fiscal year. The project schedules for both projects line up in a way for Cumberland County to take advantage of issuing debt on these two projects in a single public financing which will save on debt issuance costs and the commitment of staff time. In addition, to secure debt on the \$10,000,000 for the FTCC Fire Training Center contribution, collateral of the EOC building will be pledged. Finance staff has been consulting with the County's financial advisors and bond counsel about moving this debt issuance forward and have developed the attached tentative financing schedule.

A February 2, 2021 Local Government Commission (LGC) request for debt issuance of Limited Obligation Bonds, Series 2021 approval is being requested. There are several actions required of the Board of Commissioners prior to the financing going before the LGC. All of those are shown on the attached schedule with yellow highlights to emphasize the Board of Commissioner meeting date as well as the action item. Entities who will be working with the County throughout this financing are shown at the bottom of the schedule. The amount to be financed will be shown within the preliminary financing documents with the following language: "the County intends to issue Limited Obligation Bonds (LOBs) in an amount not to exceed \$25,000,000, to finance construction of a new emergency operations center for the County and a fire training center to be operated by FTCC."

An update on the financing and the status of the projects was provided during the November 12, 2020 Agenda Session meeting. Details of a request to call for a public hearing is also attached.

RECOMMENDATION / PROPOSED ACTION

Approve the request to call for a public hearing to be held during the December 21, 2020 Board of Commissioners' meeting.

Vicki Evans, Finance Director, presented the background information recorded above and provided an update on the potential financing and status of the projects aided by the following

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>

PowerPoint presentation. Ms. Evans stated the proposed financing in an amount not to exceed \$25,000,000 is to finance construction of a new emergency operations center for the County at \$15 million and a \$10 million contribution to a fire training center to be operated by FTCC.

EOC Capital Project

- One of the five original capital funding priorities of the BOCC (spring 2018) when the Capital Planning Model was first developed
- EOC Budget History
 - \$15M original capital budget established (Summer 2019)
 - \$16,150,000 current approved budget ordinance amount
 - \$2,251,387 911 Board grant award (Fall 2019) and upon award acceptance, the capital project budget that was then \$15 million was increased to \$16 million resulting in a decrease to the debt proceeds amount
 - \$150,000 budget increase for technology/equipment (Fall 2020) from the freed-up capacity the CARES funds provided
 - \$1,000,000 911 fund balance usage approval (not yet budgeted) and can only be used for technology and equipment not previously included in the \$16,150,000 budget
 - \$3,401,387 total funding available from other sources

October 22, 2020 - EOC Committee Meeting

Project Update

- \$17,521,703 revised project cost estimate
- Construction invitation to bid released last week
- Bids due December 15, 2020
- Bid award scheduled for January 4, 2021 BOCC meeting*
- Contract scheduled for execution (February 2021)
- Construction (March 2021-December 2021) and projected to take about ten months
- Activation (April 2022)

*this is the date that helps determine the LGC request for debt approval date

- Financing amount not to exceed \$15M for this project will be used through the preliminary financing documents as the debt issuance amount specific to the EOC project, including debt issuance costs; that amount can be later adjusted to the actual amount needed when the final project amount is approved the BOCC; based on the current project estimate of \$17.5 million, \$50 million will be sufficient as debt issuance costs also need to be allowed for
 - Other funds totaling \$3,401,387 will be utilized
- Reimbursement Resolution (adopted by BOCC January 2019)
 - Receipt of the debt proceeds allows payment back to Capital Investment Fund for costs already incurred (projected to be about \$6M)
 - The EOC facility will be used as collateral for the \$10M borrowing for the FTCC Fire Training Center

FTCC Fire Training Center Project

- BOCC approved \$10M contribution to help fund the project (Fall 2018)

Project Update

- \$20,349,180 Total project costs (Design/Build, CMaR); FTCC other funding sources include:
 - \$9,546,640 Connect NC Bond Funds
 - \$220,290 State Equipment Funds
 - \$582,250 FTCC Institutional Funds (fund balance)
 - Bid phase scheduled to begin January 2021
- Contract execution scheduled for March 2021
- Construction scheduled from April 2021-April 2022
- FTCC planning to move-in June 2022
- FTCC capital project, not a county capital project–FTCC will incur all expenses related to this project and periodically construction reimbursement requests to be submitted to County
- County will pay FTCC based on draws from debt proceeds in a total amount NTE \$10M

Ms. Evans stated the request is for the Board to hold a public hearing on December 21, 2020 which is a statutory requirement of the debit issuance process. Ms. Evans displayed the notice language below minus the time and date of the meeting.

The Board of Commissioners of the County of Cumberland, North Carolina (the “County”) intends to issue Limited Obligation Bonds (LOBs) in an amount not to exceed \$25,000,000 to finance construction of a new emergency operations center for the County and a fire training center to be operated by FTCC, as permitted under NCGS §160A-20. Pursuant to such statute, the County is authorized to finance the Projects by entering into an agreement pursuant to which it promises to make payments in installments, which will be secured by a deed of trust or other security instrument that creates a security interest in some or all the property financed to secure repayment of the financing. It is anticipated that the cost of the Projects to be financed will be up to approximately \$25,000,000, which may include issuance expenses in connection with the financing.

In response to a question posed by Commissioner Boose, Ms. Evans stated of the \$17.5 million project cost, \$6 million has already been paid.

MOTION: Commissioner Lancaster moved to hold a public hearing during the December 21, 2020 Board of Commissioners’ meeting on the financing of the Emergency Operations Center (EOC) Capital Project and the Fayetteville Technical Community College (FTCC) Fire Training Center.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (5-0)

B. Consideration of Resolution Opposing Fuquay-Varina's Interbasin Transfer Certificate Request

BACKGROUND

The Town of Fuquay-Varina is seeking comments on their request for an interbasin transfer (IBT) certificate from the source river basin of the Cape Fear River basin to the receiving river basin of the Neuse River basin. Fuquay-Varina is requesting an average day transfer of approximately 4 million gallons per day (MGD) from the Cape River basin to the Neuse River basin. The requested transfer amount is based on 2055 water demand projections in the Town’s service area.

The Town held a public meeting in Fayetteville on Oct. 21 in the parking lot of Cross Creek Mall to receive comments on its proposed IBT request. Other meetings were held in Pittsboro (Chatham County) and Cary (Wake County) in October. The public meetings are a preliminary step in the IBT request.

The public comment period for this phase of the project ends on Nov. 20.

The resolution in opposition to the IBT certificate request has been prepared for the Board of Commissioners to consider. As a community dependent on the Cape Fear River for our water and impacted by inter basin transfers, it is important that our concerns be heard. The Cumberland County Mayors' Coalition is also submitting a resolution opposing the IBT.

Because of past advocacy efforts to protect our future water supply, previous IBT certificates have ultimately included requirements for water to be returned to the Cape Fear River.

Mailed and emailed comments will be given equal consideration. Mailed comments should be addressed to Hazen and Sawyer, Attn: Ms. Mary Sadler, PE, 4011 West Chase Blvd, Suite 500, Raleigh, NC 27607.

Comments may be submitted electronically to msadler@hazenandsawyer.com.

Interested parties will have future opportunities to provide comments during the overall IBT certificate request process.

RECOMMENDATION / PROPOSED ACTION

Approve the resolution and forward to Hazen and Sawyer at msadler@hazenandsawyer.com by November 20 public comment deadline.

Sally Shutt, Assistant County Manager, referenced a proposed resolution and reviewed the background information recorded above. Ms. Shutt stated interbasin transfer is defined as the regulated movement of surface water from one river basin to another. Ms. Shutt stated Fuquay-Varina has partnered with the City of Sanford to purchase up to 6 million gallons per day of finished water to meet their needs over a 30-year planning period. Ms. Shutt stated Fuquay-Varina is requesting an average transfer of 4 million gallons per day and a maximum per day transfer of 8 million gallons per day from the Cape Fear River Basin in Lee County to the Neuse River Basin in Wake County. Ms. Shutt stated as part of the request process, Fuquay-Varina must prepare an environmental impact statement, conduct public meetings and submit a petition to the Environmental Management Commission the IBT certificate. Ms. Shutt stated the process is anticipated to take about three years. Ms. Shutt stated the town conducted a public hearing in Cumberland County at Cross Creek Mall on October 21 and other meetings were held in Pittsboro in Chatham County and Cary in Wake County in October, and the public comment period ends Friday, November 20. Ms. Shutt read the proposed resolution.

Commissioner Boose asked where the public hearing was held at Cross Creek Mall and how individuals were notified of the public hearing. Ms. Shutt stated the public hearing was held in a parking lot at Cross Creek Mall, PWC sent out notifications to stakeholders and she was not sure how notifications were handled by Fuquay-Varina. Commissioner Boose stated he was concerned that the public hearing held in a parking lot of shut down mall, for the most part, was the only opportunity for the County and City to be heard. Commissioner Boose stated he was not in favor of allowing the transfer nor the resolution because the precedence concerned him more than anything else. Commissioner Keefe concurred with Commissioner Boose and stated his concern was the language in the proposed resolution that states, “NOW, THEREFORE, BE IT RESOLVED THAT the Cumberland County Board of Commissioners *wants* the Town of Fuquay and the N.C. Division of Water Resources to fully consider the impact of an IBT to the downstream communities, to thoroughly vet source alternatives within the Neuse River Basin and that for any remaining IBT, there be a requirement that treated wastewater be returned to the Cape Fear Basin”. Commissioner Keefe stated the purpose of the resolution is to send a clear message and to “want” them to consider is not a very clear message. Commissioner Keefe stated the clear message should be, “NOW, THEREFORE, BE IT RESOLVED THAT the Cumberland County Board of Commissioners *opposes any water taken out of the Interbasin Transfer without the requirement that the treated wastewater be returned to the Cape Fear River at its current levels,*” if that is the Board’s purpose.

MOTION: Commissioner Keefe moved to support a resolution with the amended language that states the Cumberland County Board of Commissioners opposes the Interbasin Transfer without the requirement that the treated wastewater be returned to the Cape Fear at its current level.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (5-0)

Resolution as amended:

RESOLUTION ON THE IMPACT OF THE PROPOSED INTERBASIN TRANSFER (“IBT”) CERTIFICATE REQUEST BY THE TOWN OF FUQUAY-VARINA FOR WATER FROM THE CAPE FEAR RIVER BASIN TO THE NEUSE RIVER BASIN

WHEREAS, maintaining the quantity and quality of water in the Cape Fear River is of paramount importance to the public health, security and economic welfare of Cumberland County, North Carolina, and surrounding communities; and

WHEREAS, the County of Cumberland believes the Interbasin Transfer ("IBT") Certificate request submitted by the Town of Fuquay-Varina poses increased risks to the water supply of Cumberland County and other counties downstream; and

WHEREAS, the Cumberland County Board of Commissioners has determined it is in the public interest of Cumberland County citizens as well as the citizens of all communities benefited by the Cape Fear River and its waters to oppose any permanent transfer of water from the Cape Fear River to other river basins; and

WHEREAS, in recent years, the Cape Fear River upstream and downstream of Fayetteville has been fraught with numerous water quality issues stemming from industrial discharges and emerging contaminants from other sources; and

WHEREAS, reduction of streamflow through IBT would exacerbate pollutant concentrations and water quality issues such as algae blooms that are more likely during low-flow periods; and

WHEREAS, communities which are largely in the Triangle area have been successful in obtaining water supply allocations from Jordan Lake that leave Cumberland County and other downstream communities without guaranteed reservoir storage during drought; and

WHEREAS, significant IBT is already occurring from the Cape Fear Basin including the largest permitted IBT by the Towns of Cary and Apex, which established a clear precedent that return of wastewater to the source basin can help mitigate for the impacts of IBT; and

NOW, THEREFORE, BE IT RESOLVED THAT the Cumberland County Board of Commissioners opposes the interbasin transfer of water from the Cape Fear River Basin without the requirement that the same level of treated wastewater be returned back to the Cape Fear River Basin.

Adopted this 16th day of November 2020.

5. NOMINATIONS

A. Board of Adjustment (1 Vacancy)

Commissioner Boose nominated Mike Downing.

B. REMOVED FROM AGENDA

C. Cumberland County Juvenile Crime Prevention Council (3 Vacancies)

Chairman Faircloth nominated Amy Navejas, Dwight E. Palmer, Jr. and Gregory L. Davis to their respective categories.

D. Tourism Development Authority (3 Vacancies)

Commissioner Keefe referenced information provided by the County Attorney at the November 12, 2020 Agenda Session meeting that may give the Board more latitude for members on the Tourism Development Authority and he would like to delay the nominations pending more guidance from the County Attorney.

MOTION: Commissioner Keefe moved to table nominations to the Tourism Development Authority till the December 21, 2020 meeting.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (5-0)

E. Transportation Advisory Board (7 Vacancies)

Commissioner Keefe nominated Terrasine Gardner, Mike Rutan, Dorothy Harris, Alinda Bailey, Veronica Pierce, Katrina Evans and Nkechi Kamalu to their respective categories.

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>

6. APPOINTMENTS

There were no appointments.

7. CLOSED SESSION:

A. Economic Development Matter(s) Pursuant to NCGS 143.318.11(a)(4)

B. Personnel Matter(s) Pursuant to NCGS 143-318.11(a)(6)

MOTION: Commissioner Lancaster moved to go into closed session for Economic Development Matter(s) Pursuant to NCGS 143.318.11(a)(4) and Personnel Matter(s) Pursuant to NCGS 143.318.11(a)(6).

SECOND: Commissioner Boose

VOTE: UNANIMOUS (5-0)

MOTION: Commissioner Lancaster moved to reconvene in open session.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (5-0)

Ms. Cannon called the Board's attention to a resolution establishing the eligibility for continued participation in the county's group health insurance plan for certain retired employees. Ms. Cannon stated the county is continuing to have significant issue in recruiting talent in the upper level positions, department head positions and management positions and staff are asking the Board to extend retiree health insurance to a limited group of employees in order to assist with recruitment and retention.

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY
ESTABLISHING THE ELIGIBILITY FOR CONTINUED PARTICIPATION IN THE
COUNTY'S GROUP HEALTH INSURANCE PLAN FOR CERTAIN RETIRED
EMPLOYEES**

Whereas, the Board of Commissioners acted March 3, 2016, to eliminate retired employees' participation in the County's Group Health Insurance Plan as an employment benefit for all employees hired after June 30, 2016; and

Whereas, the Board of Commissioners is informed by county management, and the Board finds, that reinstating this retiree health insurance as an employment benefit for executive level positions will be beneficial for the recruitment and retention of employees in those key positions; and

Whereas, the Board of Commissioners is informed by county management, and the Board finds, that reinstating this employment benefit for this limited class of employees will not create a financial hardship for the administration of the County's Group Health Insurance Plan.

Now therefore, be it resolved, the County's Group Health Insurance Plan is amended by inserting the language as follows:

Employees holding the positions of County Manager, Deputy or Assistant County Manager, County Attorney, Attorney in the Legal Department, Clerk to the Board, Deputy Clerk to the Board, or Department Head shall be eligible to continue participation in the County's Group Health Insurance Plan upon retirement subject to the following conditions:

- (a) Must retire from Cumberland County government with at least ten consecutive years of full-time County employment in any combination of the eligible positions;
- (b) Must have participated in the County's group health insurance plan for at least three full years prior to regular, early, or disability retirement;
- (c) Must be receiving retirement benefits from the N.C. Local Government Employees Retirement System;

- (d) Must pay One Hundred percent (100%) of the employee portion of the premium costs of such health insurance; and
- (e) Shall be subject to any other applicable limitations in the plan.

This Amendment shall be effective to all current employees in the eligible positions who are not otherwise eligible and to all new hires in the eligible positions after the date this resolution is adopted.

Adopted November 16, 2020.

MOTION: Commissioner Lancaster moved to approve the resolution establishing the eligibility for continued participation in the county's group health insurance plan for certain retired employees.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (5-0)

MOTION: Commissioner Evans moved to adjourn.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (5-0)

There being no further business, the meeting adjourned at 8:30 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board