

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 15, 2021 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING MINUTES

PRESENT: Commissioner Charles Evans, Chairman
Commissioner Glenn Adams, Vice Chairman
Commissioner Michael Boose
Commissioner Jeannette Council (departed at 9:34 p.m. during closed session)
Commissioner Jimmy Keefe
Commissioner Larry Lancaster
Commissioner Toni Stewart
Amy Cannon, County Manager
Duane Holder, Deputy County Manager
Tracy Jackson, Assistant County Manager
Sally Shutt, Assistant County Manager
Angel Wright-Lanier, Assistant County Manager
Rick Moorefield, County Attorney
Vicki Evans, Finance Director
Brenda Jackson, Social Services Director
Dee Taylor, Community Development Director
Rawls Howard, Planning and Inspections Director
Candice H. White, Clerk to the Board

Chairman Evans called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD

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

Kathy Greggs – Ms. Greggs did not appear when her name was called.

1. APPROVAL OF AGENDA

Ms. Cannon responded to questions about the agenda outline and items moved forward from the Agenda Session meeting to the consent agenda.

MOTION: Commissioner Adams moved to approve the agenda.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (7-0)

2. CONSENT AGENDA

A. Approval of January 21, 2021 Special Meeting and February 1, 2021 Regular Meeting Minutes

B. Approval of Report on the Disposal of Surplus Property Pursuant to N.C.G.S.160A- 226(a)

BACKGROUND

On June 15, 1998, the Board of Commissioners adopted a resolution found in the statutes allowing disposal of County “personal property, worth less than \$5,000 per item or group of similar items, which have become obsolete, unusable, economically unrepairable, or otherwise surplus to the needs of the county.” On October 6, 2008 the Board raised this limit to \$30,000. The approval allows the Assistant County Manager to authorize the disposal.

Please find attached a list of miscellaneous items from various County departments or agencies that met the above criteria and that have been disposed of. All items were taken to the Ann Street Landfill for disposal as appropriate. Also included is a list of vehicles that have been declared surplus and are in the process of being placed on GovDeals for auction.

RECOMMENDATION / PROPOSED ACTION

Approval of the attached report, so that the report may be duly recorded in the official minutes, and the disposal of the items indicated on the report.

SURPLUS PROPERTY DISPOSAL LIST
August 1, 2020 - January 31, 2021

ITEM NO.	PROPERTYDESCRIPTION	RENDERING DEPARTMENT	DISPOSAL METHOD
1	22 Chairs	Child Support	Landfill-Ann Street
2	2 Chairs	Planning	Landfill-Ann Street
3	1 Printer	Planning	Landfill-Ann Street
4	2 Chairs	NCH/ADMIN	Landfill-Ann Street
5	4 Ice Machines	Detention Center	Landfill-Ann Street
6	10 Tables	Detention Center	Landfill-Ann Street
7	20 Chairs	Detention Center	Landfill-Ann Street
8	4 Bookshelves	Detention Center	Landfill-Ann Street
9	13 Chairs	Social Services	Landfill-Ann Street
10	8 Vacuums	Social Services	Landfill-Ann Street
11	1 Cabinet	Social Services	Landfill-Ann Street
12	5 Chairs	Information Systems	Landfill-Ann Street
13	1 File Cabinet	Veterans Services	Landfill-Ann Street
14	1 Bookcase	Veterans Services	Landfill-Ann Street
15	1 Hutch	Planning	Landfill-Ann Street
16	2 Chairs	Detention Center	Landfill-Ann Street
17	1 Ice Machine	Detention Center	Landfill-Ann Street
18	1 Printer	Planning	Landfill-Ann Street
19	2 Chairs	Planning	Landfill-Ann Street
20	3 Chairs	Public Health	Landfill-Ann Street
21	Medical Equipment	Public Health	Landfill-Ann Street
22	10 Chairs	Sheriff's Office	Landfill-Ann Street
23	1 Desk	Sheriff's Office	Landfill-Ann Street
24	1 Wooden Stand	Sheriff's Office	Landfill-Ann Street
25	1 Printer	Sheriff's Office	Landfill-Ann Street
26	1 Bookshelf	Sheriff's Office	Landfill-Ann Street
27	2 Printer Desks	Tax Administration	Landfill-Ann Street
28	2 Mini Fridges	Social Services	Landfill-Ann Street
29	1 Microwave	Social Services	Landfill-Ann Street
30	4 Chairs	Social Services	Landfill-Ann Street

CUMBERLAND COUNTY VEHICLES REQUESTED FOR SURPLUS

Department	Vehicle Description	Reason for Surplus	Mileage	Year	Fleet#	Estimated Value	Disposition
CCSO	FORD CROWN VIC	End of useful life; intake leak	150944	2006	FL 41	\$1,617	GOVDEALS
SOCIAL SERVICES	DODGE CARAVAN	End of useful life; needs engine	59,848	2015	SS 20	\$9,767	GOVDEALS
CCSO	FORD CROWN VIC	Needs transmission replacement	212,215	2008	FL 161	\$1,422	GOVDEALS
PLANNING DEPARTMENT	DODGE RAM	Needs engine and transmission replacement	169,628	2001	PD5	\$4,982	GOVDEALS
ANIMAL SERVICES	CHEVY TAHOE	End of useful life; catalytic converter failure, evaporator leak	210,825	2004	AC 18	\$3,758	GOVDEALS
CCSO	FORD CROWN VIC	End of useful life; timing chain	203,475	2011	FL477	\$2,556	GOVDEALS
CCSO	FORD CROWN VIC	End of useful life; heater core failure	201,224	2010	FL 456	\$2,515	GOVDEALS
CCSO	POLARIS SPORTSMAN	End of useful life; dismembered; parts unavailable for repair	695	2011	FL 511	\$4,585	GOVDEALS
CMF	FORD F-550 SD	End of useful life; wrecker is no longer being used	127642	2005	CMF 4	\$15,000	GOVDEALS
TAX	FORD RANGER XLT	End of useful life; repair cost exceed value of vehicle	145,648	1999	TS5	\$2,366	GOVDEALS
CCSO	FORD CROWN VIC	End of useful life; rear axle bearing failure	168,660	2010	FL458	\$2,943	GOVDEALS
EMERGENCY SERVICES	FORD WINNEBAGO	End of useful life; repair cost exceed value of vehicle	7,681	1999	ES 8	\$10,000	GOVDEALS
ANIMAL SERVICES	CHEVY TAHOE	End of useful life; repair cost exceed value of vehicle	210,825	2004	AC 18	\$4,193	GOVDEALS
CCSO	FORD CROWN VIC	End of useful life; repair cost exceed value of vehicle	170,918	2008	FL 98	\$1,699	GOVDEALS
COMMUNITY DEVELOPMENT	FORD RANGER	End of useful life; repair cost exceed value of vehicle	114,000	1999	CD 1	\$2,757	GOVDEALS
CCSO	ISUZU BOX TRUCK	End of useful life; unable to repair roof and lift gate, parts for repair discontinued; seized vehicle	112,806	1997	FL 971	\$4,500	GOVDEALS
ANIMAL SERVICES	FORD TAURUS	End of useful life; blown head gasket	55,900	1998	AC6	\$1,337	GOVDEALS
CCSO	BEARING BOX TRUCK	End of useful life; repair costs exceed value of vehicle	99,999	2000	FL-2001	\$3,300	GOV DEALS

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C. Approval of Request to Pay Prior Year Invoices

BACKGROUND

There is a period of time after June 30th of fiscal year-end in which transactions of the prior fiscal year will continue to be processed (typically until the third week in August). After that cutoff date has passed, a department may still receive a vendor invoice that is payable for services that were rendered, or goods were received in the prior fiscal year. When that occurs, approval by the Board of Commissioners is required for payment. The following departmental invoices meet that criteria:

Public Information Office

Vendor: Carolina Interpreting Associates, Inc.

Service Date: March 16, 2020

Total Amount: \$364.26

Soil and Water Conservation District

Vendor: City of Fayetteville

Services provided during June, 2020

Total Amount: \$5,314.24

Soil and Water Conservation District

Vendor: City of Fayetteville

Services provided during June, 2020

Total Amount: \$17,727.00

Staff have verified these invoices have not been paid. There are sufficient funds within the fiscal year 2021 departmental budget to cover these expenses.

RECOMMENDATION / PROPOSED ACTION

Management is requesting approval to pay a prior year invoice for the Public Information Office totaling \$364.26, and for the Soil and Water Conservation District totaling \$23,041.24.

D. Approval of Reappointment of Tax Administrator

BACKGROUND

On March 16, 2015, the County of Cumberland Board of Commissioners appointed Joseph R. Utley to the position of Tax Administrator, effective April 1, 2015 through March 31, 2017.

At that time, Mr. Utley was required to obtain all certifications as outlined in the N.C. General Statutes for County Assessor within his first two years of appointment. Mr. Utley became a certified County Assessor effective April 7, 2016, fulfilling this obligation.

According to the N.C. General Statute 105-294(a), the Tax Administrator must be appointed for a term of no less than two years and no more than four years. Based on Mr. Utley's nearly twenty five years of experience with the County and his leadership as Tax Administrator for the last six years, it is recommended that Mr. Utley be reappointed to an additional four-year term.

RECOMMENDATION / PROPOSED ACTION

Reappoint Mr. Joseph R. Utley, Jr. to the position of Tax Administrator for the period of April 1, 2021 through March 31, 2025.

E. Approval of Acceptance of Offer to Purchase Surplus Property Located at 823 McNeil Street, Spring Lake

BACKGROUND

The County acquired the real property with the PIN 0501-78-6946, being Lt 1 Angela Black Subd., Plat Book 138, page 47, located at 823 McNeil Street, Spring Lake, at a tax foreclosure sale in 2019 for a purchase price of \$13,091.88. The property is zoned R6 with a tax value of \$10,000.00. Based on the GIS Mapping and the tax records, there is a structure on the lot. Michael Nepstad on behalf of MDN Rentals, LLC made an offer to purchase the property for \$13,091.88. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269. The proposed advertisement is included in the recommendation below.

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RECOMMENDATION / PROPOSED ACTION

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

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

Take notice that the Board of Commissioners finds the real property with PIN 0501-78-6946, being Lt 1 Angela Black Subd., Plat Book 138, page 47, located at 823 McNeil Street, Spring Lake, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$13,091.88. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The Board of Commissioners may at any time reject all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

- F. Approval of Acceptance of Offer to Purchase Surplus Property Located At 3239 Princess Ann Drive, Fayetteville

BACKGROUND

The County acquired the real property with PIN 0425-16-7712 at a tax foreclosure sale in 2018 for a purchase price of \$7,868.48. The parcel is described in the tax records as Lot 58 Haire Sub, Plat Book 34, Pg. 32, located at 3239 Princess Ann Drive, Fayetteville. It is zoned R6A, with a tax value of \$34,700.00. Based on the GIS Mapping and the tax records, there is a structure on the property. Ms. Maline Crupi has made an offer to purchase the property for \$7,868.48 and has submitted the required deposit to the Finance Department. 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 offer of Ms. Crupi and if the Board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269.

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

Take notice that the Board of Commissioners finds the real property described herein is not needed for governmental purposes and proposes to accept an offer to purchase the property with PIN 0425-16-7712, being Lot 58 Hair Sub, Plat Book 34, Pg.32, located at 3239 Princess Ann Drive, Fayetteville, for a purchase price of \$7,868.48. 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 all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

- G. Approval of Acceptance of Offer to Purchase Surplus Property Located at 504 Carteret Place, Fayetteville

BACKGROUND

The County and the City of Fayetteville acquired the real property with the PIN 0520-94-5534, being Lot 350 Sec. 10 College Lakes Part A, Plat Book 32, page 44, located at 504 Carteret Place,

Fayetteville, at a tax foreclosure sale in 2012 for a purchase price of \$9,226.29. The property is zoned SF10 with a tax value of \$20,000. The City conveyed its interest in the property to the County on August 22, 2018, by a quitclaim deed recorded in Book 10365 at page 546. Based on the GIS Mapping and the tax records, there is a structure on the lot. Michael Nepstad on behalf of MDN Rentals, LLC made an offer to purchase the property for \$9,226.29. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269. The proposed advertisement is included in the recommendation below.

RECOMMENDATION / PROPOSED ACTION

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

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

Take notice that the Board of Commissioners finds the real property with PIN 0520-94-5534, being Lot 350 Sec. 10 College Lakes Part A, Plat Book 32, page 44, located at 504 Carteret Place, Fayetteville, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$9,226.29. 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 all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

H. Approval of Acceptance of Offer to Purchase Surplus Property Located at 6323 Canadian Avenue, Fayetteville

BACKGROUND

The County acquired the real property with the PIN 0442-66-9074, being Lot 107 Twin Oaks, Sec. Four, Part 20, Plat Book 86, page 117, located at 6323 Canadian Avenue, Fayetteville, at a tax foreclosure sale in 2016 for a purchase price of \$1,899.22. The property is zoned RR with a tax value of \$10,000.00. Based on the GIS Mapping and the tax records, there is no structure on the lot. Wayne D. Sparrow made an offer to purchase the property for \$1,899.22. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269. The proposed advertisement is included in the recommendation below.

RECOMMENDATION / PROPOSED ACTION

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

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

Take notice that the Board of Commissioners finds the real property with PIN 0442-66-9074, being Lot 107 Twin Oaks, Sec. Four, Part 20, Plat Book 86, page 117, located at 6323 Canadian Avenue, Fayetteville, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$1,899.22. 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 all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

I. Approval of Acceptance of Offer to Purchase Surplus Property Located Off Hummingbird Place, Fayetteville

BACKGROUND

The County acquired the real property with the PIN 0467-44-5967, being .41 Ac. Jacobs Ld., located off Hummingbird Place, Fayetteville, at a tax foreclosure sale in 2010 for a purchase price of \$4,072.81. The property is zoned RR with a tax value of \$5,653.00. Based on the GIS Mapping and the tax records, there is no structure on the lot. Dawn C. McKoy made an offer to purchase the property for \$4,072.81. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269. The proposed advertisement is included in the recommendation below.

RECOMMENDATION / PROPOSED ACTION

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

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

Take notice that the Board of Commissioners finds the real property with 0467-44-5967, being .41 ac. Jacobs Ld., located off Hummingbird Place, Fayetteville, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$4,072.81. 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 all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

J. Approval of Acceptance of Offer to Purchase Surplus Property Located at 2012 Bain Drive, Fayetteville

BACKGROUND

The County and the City of Fayetteville acquired the real property with the PIN 0428-84-3816, being Lots 154- 155 Council Heights, Plat Book 1, page 32, located at 2012 Bain Drive, Fayetteville, at a tax foreclosure sale in 2013 for a purchase price of \$14,961.21. The property is zoned SF6 with a tax value of \$31,100.00. The City conveyed its interest in the property to the County on January 22, 2021, by a quitclaim deed recorded in Book 11002 at Page 54. Based on the GIS Mapping and the tax records, there is a structure on the lot. Michael Nepstad on behalf of MDN Rentals, LLC made an offer to purchase the property for \$14,961.21. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269. The proposed advertisement is included in the recommendation below.

RECOMMENDATION / PROPOSED ACTION

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

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

Take notice that the Board of Commissioners finds the real property with PIN 0428-84-3816, being Lots 154- 155 Council Heights, Plat Book 11, page 32, located at 2012 Bain Drive, Fayetteville, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$14,961.21. 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

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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 all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

- K. Approval of Acceptance of Offer to Purchase Surplus Properties, Being Two Parcels at 4025 Limestone Street, Eastover

BACKGROUND

The County acquired the two parcels of real property described below at a tax foreclosure sale in 2017 for a total purchase price of \$11,029.97.

PIN 0469-45-6373, .35 Acres of McLaurin Ld., 4025 Limestone St., Eastover; tax value of \$9,500.00; zoned R6A

PIN 0446-45-7228, .35 Acres of McLaurin Ld., 4025 Limestone St., Eastover; tax value of \$9,500.00; zoned R6A

Based on the GIS Mapping and the tax records, there is not a structure on either of the lots. Deldrick Gilbert made an offer to purchase the properties for \$11,029.97. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269. The proposed advertisement is included in the recommendation below.

RECOMMENDATION / PROPOSED ACTION

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

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

Take notice that the Board of Commissioners finds the real properties with PIN 0469-45-6373, being .35 Acres of McLaurin Ld., and PIN 0446-45-7228, being .35 Acres of McLaurin Ld., both located at 4025 Limestone Street, Eastover, are not needed for governmental purposes and proposes to accept an offer to purchase the property for \$11,029.97. 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 all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

- L. Approval of Acceptance of Offer to Purchase Surplus Property Located at 4741 Desert Ridge Road, Fayetteville

BACKGROUND

The County acquired the real property with the PIN 9493-55-5245, being Lot 22 Upchurch Sands, Sec. 4, Plat Book 94, page 190, located at 4741 Desert Ridge Road, Fayetteville, at a tax foreclosure sale in 2013 for a purchase price of \$8,286.75. The property is zoned RR with a tax value of \$10,000.00. Based on the GIS Mapping and the tax records, there is no structure on the lot. Zondra D. Barnes made an offer to purchase the property for \$8,286.75. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269. The proposed advertisement is included in the recommendation below.

RECOMMENDATION / PROPOSED ACTION

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

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

Take notice that the Board of Commissioners finds the real property with PIN 9493-55-5245, being Lot 22 Upchurch Sands, Sec. 4, Plat Book 94, page 190, located at 4741 Desert Ridge Road, Fayetteville, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$8,286.75. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The Board of Commissioners may at any time reject all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

- M. Approval of Acceptance of Offer to Purchase Surplus Property Located at 4709 Star Rite Lane, Fayetteville

BACKGROUND

The County acquired the real property with PIN 9493-45-9348, being Lot 107 Upchurch Sands Sec. 4, Plat Book 94, page 190, located at 4709 Star Rite Lane, Fayetteville, at a tax foreclosure sale in 2016 for a purchase price of \$7,263.93. The property is zoned RR with a tax value of \$57,900. Based on GIS Mapping and the tax records, there is a dwelling on the property. Myles Hester has made an offer to purchase the property for \$7,263.93 and has submitted the required deposit to the Finance Department. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G.S. § 160A-269. The proposed advertisement is included in the recommendation below.

RECOMMENDATION / PROPOSED ACTION

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

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

Take notice that the Board of Commissioners finds the real property with PIN 9493-45-9348, being Lot 107 Upchurch Sands, Sec. 4, Plat Book 94, page 190, located at 4709 Star Rite Lane, Fayetteville, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$7,263.93. 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 all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

- N. Approval of Budget Ordinance Amendments for the February 15, 2021 Board of Commissioners' Agenda

BACKGROUND

General Fund 101

1) Emergency Services Grants – Budget Ordinance Amendment B211123 to recognize a donation from the Cumberland County Fire Chiefs' Association in the amount of \$5,000

The Board is requested to approve Budget Ordinance Amendment B211123 to recognize a donation from the Cumberland County Fire Chiefs' Association in the amount of \$5,000. These funds are a match to the recent Hertford Grant award and will be used to purchase smoke alarms for Cumberland County Citizens as part of the Fire Prevention Outreach program.

Please note this amendment requires no additional county funds.

Intergovernmental Fund 201

2) Excise Tax, Domestic Violence – Budget Ordinance Amendment B210164 to establish a budget for specified Register of Deeds revenues per new Governmental Accounting Standards Board (GASB) Statement 84 implementation in the amount of \$1,698,100

The Board is requested to approve Budget Ordinance Amendment B210164 to establish a budget for specified Register of Deeds revenues per new Governmental Accounting Standards Board (GASB) Statement 84 implementation in the amount of \$1,698,100. Budgeted funds will include the real estate transfer tax, remittances to the state treasurer and marriage licenses.

Please note this amendment requires no additional county funds.

School Fines Fund 210

3) School Fines & Forfeitures – Budget Ordinance Amendment B211186 to establish a budget for school fine and forfeiture funds per new Governmental Accounting Standards Board (GASB) Statement 84 implementation in the amount of \$14,400

The Board is requested to approve Budget Ordinance Amendment B211186 to establish a Special Revenue Fund for school fine and forfeiture funds per new Governmental Accounting Standards Board (GASB) Statement 84 implementation in the amount of \$14,400. Under G.S. 14-4 any civil penalty or fine assessed for a violation of a local ordinance must be remitted to the local school administrative unit in the county in which the penalty was assessed.

Please note this amendment requires no additional county funds.

4) Concealed Weapon Permit – Budget Ordinance Amendment B210012 to establish a budget for concealed weapon permits per new Governmental Accounting Standards Board (GASB) Statement 84 implementation in the amount of \$216,000

The Board is requested to approve Budget Ordinance Amendment B210012 to establish a budget for concealed weapon permits per new Governmental Accounting Standards Board (GASB) Statement 84 implementation in the amount of \$216,000. These funds are used for payments to the North Carolina State Bureau of Investigation for background checks and fingerprinting services.

Please note this amendment requires no additional county funds.

Community Development Fund 265

5) Emergency Rental Assistance – Budget Ordinance Amendment B210003 to recognize United States Department of the Treasury Emergency Rental Assistance funds in the amount of \$3,735,545

The Board is requested to approve Budget Ordinance Amendment B210003 to recognize United States Department of the Treasury Emergency Rental Assistance funds in the amount of \$3,735,545. These funds will be administered through the Community Development Department to provide financial assistance to households unable to pay rent or utility bills due to the COVID-19 Pandemic.

Please note this amendment requires no additional county funds.

NC Elderly Handicap Transportation Fund 277

6) Community Transportation – Budget Ordinance Amendment B210123 to recognize Coronavirus Aid, Relief, and Economic Security (CARES) Act funding from the Department of Health and Human Services in the amount of \$44,561

The Board is requested to approve Ordinance Amendment B210123 to recognize Coronavirus Aid, Relief, and Economic Security (CARES) Act funding from the Department of Health and Human Services in the amount of \$44,561. These funds will be used towards the costs of transporting the qualified elderly population to and from COVID-19 vaccination sites.

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>

Please note this amendment requires no additional county funds.

7) Community Transportation – Budget Ordinance Amendment B210127 to recognize Coronavirus Aid, Relief, and Economic Security (CARES) Act funding from the Mid-Carolina Agency on Aging in the amount of \$4,000

The Board is requested to approve Budget Ordinance Amendment B210127 to recognize Coronavirus Aid, Relief, and Economic Security (CARES) Act funding from the Mid-Carolina Agency on Aging in the amount of \$4,000. The funds will be used to purchase personal protective equipment (PPE) for the qualified elderly population who will receive the COVID-19 vaccination. This PPE includes face masks, hand sanitizers and disinfectant cleaners.

Please note this amendment requires no additional county funds.

Representative Payee Fund 280

8) Representative Payee – Budget Ordinance Amendment B210044 to establish a budget for DSS cash accounts per new Governmental Accounting Standards Board (GASB) Statement 84 implementation in the amount of \$1,038,200

The Board is requested to approve Budget Ordinance Amendment B210044 to establish a budget for DSS cash accounts per new Governmental Accounting Standards Board (GASB) Statement 84 implementation in the amount of \$1,038,200. Payee accounts hold funds entrusted to the agency as the guardian/ payee for funds such as social security, death benefits, disability, and child support.

Please note this amendment requires no additional county funds.

REGARDING THE FOLLOWING ITEM #9 PLEASE NOTE:

Each fiscal year County departments may have projects that have been approved and initiated but were not complete by the fiscal year end (6/30/20) or items ordered that had 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 amendment seeks 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.

9) Soil Conservation District – Budget Ordinance Amendment B210051 to re-appropriate grant funds for stream debris removal from the NC Division of Soil and Water in the amount of \$414,952

The Board is requested to approve Budget Ordinance Amendment B210051 to re-appropriate grant funds for stream debris removal from the NC Division of Soil and Water in the amount of \$414,952. This project has been extended until December 31, 2021. This grant is sub-contracted to the City of Fayetteville through an interlocal agreement.

Contingency Funds Report – FY21

The County Manager approved the following use of contingency funds totaling \$2,212.

- \$2,212 was used for the Cedar Creek Industrial Park to cover high water bills due to an irrigation system leak which has since been repaired.

RECOMMENDATION / PROPOSED ACTION

Approve budget ordinance amendments.

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

1. Resolution in Support of the Triangle Trails Initiative

BACKGROUND

The Triangle Trails Initiative (also known as Triangle Trails) is a newly launched collaboration between government, business, anchor institutions and civic leaders to make the Research Triangle Region a national leader in greenways and trails. The mission of this newly-forming organization is to help brand, promote, market, program and grow the existing trail programs of the regional network. This organization also aims to serve as a clearinghouse to help local entities seek and leverage resources for grant acquisition, planning documents, and inter- agency coordination for greenway construction.

The Triangle Trails Initiative is currently an ad hoc organization operated by volunteers and is being established in partnership with the East Coast Greenway Alliance, headquartered in Durham, NC, which has offered to incubate its growth under its 501(c)(3) umbrella. It is the plan of the organization to grow into a comparable organization similar to the Carolina Threads Trail (in Charlotte) and the Piedmont Legacy Trails in the Triad.

Triangle Trails is not requesting any monetary support from the County. They are asking for a resolution of support from area counties to be used to leverage funding requests from private donors. There are 14 counties in the Triangle Trails coverage area with 12 counties having already approved supportive resolutions. This item was presented to the Board at their February 11, 2021 Agenda Session.

RECOMMENDATION / PROPOSED ACTION

At the February 11, 2021 Agenda Session Meeting, the Board of Commissioners approved placing this item as a Consent Item on the February 15, 2021 Board of Commissioners Meeting. Staff recommends approval of this item.

RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY, NORTH CAROLINA SUPPORTING THE FORMATION OF THE TRIANGLE TRAILS INITIATIVE

WHEREAS, Cumberland County, North Carolina is committed to maintaining and enhancing the quality of life for citizens throughout the region and recognizes that the “Triangle Trails Initiative” will contribute to quality of life by weaving together community and regional assets via a network of trails and greenways; and

WHEREAS, the “Triangle Trails Initiative” recommends linking trails and greenways together, across a multi-county regional landscape, gaining cooperation of public and private sector interests that encourage collaboration; and to create a network that will, in the long term, provide transportation, exercise, leisure, safety, accessibility, recreation, community and economic benefits aimed at enhancing the quality of life; and

WHEREAS, many communities, agencies, and trail advocates in the region have taken a lead in planning and building local trails and greenways, and those efforts can be greatly enhanced by being connected to a larger regional network of trails; and

WHEREAS, trails and their green landscape areas help improve the quality of the air we breathe by preserving trees and vegetation, by promoting reduce congestion through non-motorized transportation, and enhance the quality of our water through natural buffers mitigating the impacts of storm water run-off; and

WHEREAS, trails and greenways are freely accessible community assets offering opportunities for transportation, recreation and exercise to everyone, including children and families, providing safe places for county residents to experience a sense of community, celebrate our history and culture, and create stronger social ties; and

WHEREAS, trails have significant impact on the health and economic viability of the region encouraging active lifestyles, increased levels of tourism, enhanced property values, added jobs, as well as enhanced ability to attract and retain businesses to the region due to improved quality of life; and

WHEREAS, the “Triangle Trails Initiative” provides the foundation for a long term strategy that will continue to grow and to provide an invaluable resources for our children, grandchildren and great grandchildren.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland Board of Commissioners of Cumberland County, North Carolina supports the concept of working within a regional framework to plan, design, develop and link protected undeveloped landscapes and natural resources by endorsing the “Triangle Trails Initiative.”

ADOPTED this ____ day of _____ 2021.

2. Funding Agreement with Kingdom Community Development Corporation

BACKGROUND

As required by the U.S. Department of Housing and Urban Development (HUD), Cumberland County Community Development has set aside at least 15 percent of its HOME Investment Partnerships Program (HOME) allocation for specific projects to be undertaken by a private nonprofit, community-based organization called a Community Housing Development Organization (CHDO). The CHDO must meet certain requirements such as: maintaining a certain legal status, organizational structure, and capacity and experience. Kingdom Community Development Corporation has served as the CHDO for Cumberland County for many years and has been involved in expanding new affordable housing for both homebuyers and renters.

Attached is a copy of the Funding Agreement between Cumberland County and Kingdom Community Development Corporation to use funds for land acquisition, site clearance, and infrastructure / improvements on eight (8) lots as part of a multi-phased affordable housing development project that will be located along Elizabeth Street and Lee Street in Spring Lake. The development hard cost for the infrastructure / site improvements will include new onsite improvements that are essential for the development of the site for the affordable housing to be constructed. Community Development funds in the amount up to \$204,732 are available for Phase I of this project. Once completed, the project will serve households with an income at or below 80% of the area median income.

RECOMMENDATION / PROPOSED ACTION

At the February 11, 2021 Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below as a Consent Item on the February 15, 2021 Board of Commissioners' Meeting:

Approve the funding agreement with Kingdom Community Development Corporation in the amount not to exceed \$204,732.

3. Alliance Health Board of Director Vacancies

BACKGROUND

Alliance Health is governed by an appointed Board of Directors. The Alliance Board consists of community stakeholders from Durham, Wake, Cumberland and Johnston counties that are appointed by their respective County Commissioners. Orange County has also initiated the process of requesting formal disengagement from Cardinal Innovations Healthcare and is seeking realignment with Alliance Health. (See attached correspondence from Orange County to NC DHHS.)

Cumberland County Commissioners appoint four directors to the Alliance Board and two of those four director positions have expired. Each of those directors served two consecutive terms of three years and are not eligible for reappointment under the Cumberland County Commissioners' Rules of Procedure. (See attached membership roster.)

Correspondence was received from the Alliance Board Chairman recommending that Lodies J. Gloston be appointed to the Alliance Board for an additional three-year term. (See attached correspondence.) Rule 29 of the Rules of Procedure for the County Commissioners of Cumberland County states, “no citizen may serve more than two consecutive terms on any board/committee (must be off at least one year before returning to the board/committee).” Rule 29 further states,

“The Board of Commissioners reserves the right to waive this requirement, based on special circumstances.”

Following discussion at the February 11, 2021 Agenda Session meeting, consensus was to waive the two consecutive term requirement, nominate Lodies Gloston for a third term on the Alliance Health Board of Directors, and forward the nomination to the February 15, 2021 regular meeting for appointment.

RECOMMENDATION / PROPOSED ACTION

Waive the two consecutive term requirement and appoint Lodies Gloston to a third term on the Alliance Health Board of Directors.

4. Cape Fear Valley Health System Board of Trustee Vacancies

BACKGROUND

The Cape Fear Valley Health System Board of Directors consists of twenty appointed trustees. Seven of the trustees are the Cumberland County Commissioners. Eight trustees are appointed at-large by the Board of Commissioners, with two of those being medical doctors and one being a nurse.

Of the eight trustees appointed at-large by the Board of Commissioners, two medical doctor trustee positions and one general public trustee position have expired. These trustees have each served two consecutive terms of three years and are not eligible for reappointment. (See attached membership roster.)

Following discussion at the February 11, 2021 Agenda Session meeting, consensus was to nominate and forward to the February 15, 2021 regular meeting for appointment Dr. Michael Jones and Dr. Myron Strickland for the two medical doctor Board of Trustee positions and Marshall Faircloth and Robert “Jason” Poole for the one general public Board of Trustee position.

RECOMMENDATION / PROPOSED ACTION

Appoint Dr. Michael Jones and Dr. Myron Strickland to the two medical doctor Board of Trustee positions on the Cape Fear Valley Health System Board of Directors, and Marshall Faircloth or Robert “Jason” Poole to the one general public Board of Trustee position on the Cape Fear Valley Health System Board of Directors.

5. Reconsideration of Joint Resolution of the Board of Commissioners and the City Council Requesting Cumberland County's Delegates to the General Assembly to Sponsor a Local Bill to Amend Session Law 1991-413, Authorizing a Prepared Food and Beverage Tax, and to Modify the Distribution of Proceeds from the Sale of Alcoholic Beverages in Cumberland County Pursuant to G.S. 18b-805(E)

BACKGROUND

A Joint Resolution between the Board of Commissioners and the City Council as well as language to amend Session Law 1993-413 and to modify the distribution of proceeds from the sale of alcoholic beverages in Cumberland County was approved by the Board on January 19, 2021 and subsequently approved by the City Council on January 25, 2021.

On January 21, 2021 the Board of Commissioners held a special meeting with our Legislative Delegation to discuss this item and other potential legislative changes for the upcoming session. For many years, the Board has requested amendments to Session Law 1991-413 to expand the use of the Food and Beverage proceeds and to remove the repeal requirement once the debt has been paid. The Delegation advised the Board at this most recent meeting that a referendum would likely be required to move this legislation successfully through the General Assembly.

This new information regarding a referendum requirement creates significant risks to the County and the extension of the tax. The proposed language for Session Law 1965-892 which allows the sharing of ABC revenue with the City of Fayetteville, Spring Lake and Hope Mills does not address a referendum requirement. The currently approved resolution and proposed Session Law language provides that the County would begin sharing ABC revenue immediately without results

of a referendum. This creates a potential loss of \$9M of revenue to the County, \$3M of ABC revenue and \$6M Food and Beverage revenue upon a failed referendum.

The Food and Beverage Work Group comprised of Chairman Evans, Vice Chairman Adams and Commissioner Keefe met with staff twice since the January 21, 2021 Delegation Meeting to discuss this new information and how we should proceed with the potential legislative changes. County Staff obtained information from the NCACC regarding local bills related to food and beverages taxes. Paige Worsham indicated the General Assembly has not passed any bills recently without the voter referendum requirement. Durham County is the entity that most recently took a proposed food and beverage tax to the voters in 2008, and the referendum failed to pass.

The work group believes there is a significant risk of losing the Food and Beverage Tax in our community if the repeal is tied to a referendum. Therefore, they are recommending the Board rescind the Joint Resolution of the Cumberland County Board of Commissioners and the Fayetteville City Council.

Since meeting with the work group, staff met with the County's Bond Counsel. While staff agrees with the workgroup's recommendation to rescind the Joint Resolution, after discussion with Bond Counsel, staff does not recommend pursuing any legislative changes. Additionally, staff suggests the County continue working with Spectra in completing the feasibility study once events have resumed at the Crown Complex.

RECOMMENDATION / PROPOSED ACTION

This item was presented to the Board of Commissioners' at their February 11, 2021 Agenda Session and was approved to move the following recommendation to the February 15, 2021 Board of Commissioner's meeting as a consent agenda item:

Rescind the Joint Resolution of the Cumberland County Board of Commissioners and the Fayetteville City Council and suspend pursuing any legislative changes.

6. Fiscal Year 2021 Audit Contract with Elliott Davis, PLLC

BACKGROUND

On February 13, 2020 the Board of Commissioners awarded the County's audit contract for fiscal years 2020, 2021, and 2022 to Elliott Davis, PLLC. Each fiscal year the audit contract requires approval by the Board of Commissioners. For fiscal year 2021, the total County contract cost is \$98,940 and the total cost for the Tourism Development Authority (TDA) is \$4,539. Both amounts are consistent with the amounts presented during the request for proposal process conducted last fiscal year.

RECOMMENDATION / PROPOSED ACTION

The following actions were recommended during the February 11, 2021 Agenda Session meeting:

1. Approval of the Fiscal Year 2021 Audit Contract and Engagement Letter with Elliott Davis, PLLC.
2. At the request of the Board of County Commissioners, Finance Director will request that Elliott Davis, PLLC consider engaging a local minority firm to cover a portion of the audit work.

7. Intergovernmental Support Agreement Between the United States and Cumberland County for Fort Bragg Animal Services

BACKGROUND

In February 2016, Cumberland County entered into an Intergovernmental Support Agreement with Fort Bragg to provide animal control services on the installation.

Under the agreement, Fort Bragg pays Cumberland County to respond to animal services dispatches within the portions of the post located in Cumberland County. Stray and surrendered animals from post are taken to the Animal Services shelter. The County also quarantines animals from Fort Bragg as needed.

The original agreement was for one year and renewable annually for up to four additional years.

Animal Services invoices the post monthly for services rendered. Over the course of the five-year period, Animal Services has requested pricing adjustments to the agreement based on the costs to the County for the services rendered.

The attached agreement for your consideration is for one year and can be renewed for successive one-year periods for four additional years. Fort Bragg has agreed to new changes in the prices for services. The cost for productive dispatches per animal impounded will go from \$223 to \$309. The cost for surrendered animals taken over the counter from Fort Bragg will go from \$30 to \$309 per animal. The \$309 cost is the average cost for intaking, housing and caring for one animal for the average length of stay of nine days. These animals are either reported as stray and found on Fort Bragg or surrendered by owners living on Fort Bragg.

Animal Services also has a new partnership with Fort Bragg. The post is providing veterinarians and staff to perform sterilization surgeries on dogs, cats and livestock at the animal shelter twice a month. This partnership provides more surgical experience for new graduate veterinarians beginning their Army career and is a valuable service to the Animal Services Department. Animal Services Director Elaine Smith reports this partnership is working well and very beneficial to both parties.

At the Agenda Session on February 11, 2021 the board approved moving this item to the consent agenda for the regular meeting of the Board of Commissioners on February 15, 2021.

RECOMMENDATION / PROPOSED ACTION

Approve the attached Intergovernmental Support Agreement between Cumberland County and Fort Bragg for animal services provided on the post.

8. Federal Legislative Agenda

BACKGROUND

The Board of Directors of the North Carolina Association of County Commissioners (NCACC) adopted 12 federal legislative priorities for the 2021-2022 Congressional Biennium during its Legislative Goals Conference held virtually in January 2021.

The NCACC typically takes the lobbying lead on items of statewide impact for both state and federal priorities. The association has partnered with a federal adviser, Leslie Mazingo of Strategics Consulting. The County pays NCACC membership dues of \$23,030.

NCACC 2021-2022 Federal Legislative Goals

FG-1: Support direct and flexible funding as needed by counties of all sizes to mitigate the ongoing Impact of COVID-19 Pandemic.

FG-2: Support efforts to promote food system resiliency, such as ways to strengthen North Carolina's Food System and increase access to affordable, healthy food options.

FG-3: Support increased funding for disaster preparation, assistance and mitigation as well as legislation that expedites and expands county use of federal disaster assistance funds.

FG-4: Support federal reclassification of 911 telecommunicators as first responders.

FG-5: Support funding for behavioral health programs and services to address the opioid and substance abuse epidemic and support flexibility for counties to use funds for prevention and recovery.

FG-6: Support funding and legislation to expand high-speed broadband access.

FG-7: Support measures to reduce the number of people with mental illness in county jails such as those identified in NACo's "Stepping Up Initiative."

FG-8: Support funds for health, human and economic services programs including Temporary Assistance for Needy Families, Food and Nutrition Services and federal block grants.

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FG-9: Support increased funding and flexibility in services for older Americans.

FG-10: Support additional funding for Payment In Lieu of Taxes (PILT), agricultural, conservation, workforce, economic development, and Infrastructure programs that help counties meet public needs.

FG-11: Support strong regulations and enforcement along with funding assistance or reimbursement to state and local governments when a federal agency, such as the EPA, regulates emerging contaminants and other discharges into drinking water sources.

FG-12: Oppose unfunded mandates and changes in eligibility for federal programs that shift costs to counties.

At the February 11, 2021, Agenda Session, the commissioners approved placing the NCACC Federal Legislative Goals on the consent agenda for the regular board meeting on February 15, 2021.

In addition, the commissioners also approved placing the consideration of issuing a Request for Quotes for federal lobbying services on the consent agenda.

RECOMMENDATION / PROPOSED ACTION

Adopt the NCACC Federal Legislative Goals and share them with the County's federal delegation and allow staff to issue a Request for Quotes for federal lobbying services and bring the proposals to the board for consideration.

9. Lease Agreement with the North Carolina Department of Agriculture - Plant Industry Division

BACKGROUND

The North Carolina Department of Agriculture - Plant Industry Division currently leases approximately 368 +/- square feet of space at the Charlie Rose Agri-Expo Center from Cumberland County for the operation of its Witchweed Program. This space is leased at a rate of \$15.00 per square foot or \$5,250.00 per year payable in equal monthly installments of \$460.00 per month, over a two-year period. The proposed term of the lease is January 1, 2021 to December 31, 2023. All the terms in the proposed lease remain the same. The County provides all utilities and janitorial services but does not provide telephone services. This space has been leased for this particular purpose to the State at least as far back as 2012.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the February 11, 2021 Board of Commissioners' Agenda Session. Staff recommended approval of the agreement and requested that it be forwarded for consideration as a Consent Agenda Item to the February 15, 2021 Board of Commissioners' Regular Meeting.

10. AECOM Change Order #2 for 500 Executive Place

BACKGROUND

Since the County ceased the Construction Manager-at-Risk (CMAR) method of construction with Balfour- Beatty and moved to the Design-Bid-Build process with AECOM (which saved the County approximately \$1.4M) staff needs to process a change order so AECOM can provide construction contract administration services for the County. These services are specified in the attached AECOM Change Order #2. The cost for these services will be \$62,401 as outlined in the attached change order document. This cost was anticipated and is much less than the County would have paid under the CMAR contract with Balfour-Beatty.

Funds are available in the Capital Project Fund for the cost of the change order.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the February 11, 2021 Board of Commissioners' Agenda Session. It was approved to move forward to the February 15, 2021 Board of Commissioners' Regular Meeting for further consideration. Staff recommends approval of the AECOM Change Order #2 and requests the County Manager be authorized to sign the change order.

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>

11. Notice from the Cumberland County Board of Commissioners Transferring the Workforce Innovation and Opportunity Act (WIOA) Program and Fiscal Agent for Programs to The Mid-Carolina Council of Governments

BACKGROUND

The attached letter is the first step in a process required by the North Carolina Department of Commerce - Division of Workforce Solutions (DWS) for the transfer of WIOA program and fiscal agent from one entity to another (in this case from Cumberland County to the Mid-Carolina Council of Governments or "COG").

March 1, 2021 is the proposed transfer date, but this will likely be impacted by the other pending tasks and reviews required by DWS before the transfer can occur.

These tasks include:

- DWS Financial Monitors must complete a financial assessment of the Mid Carolina COG to determine financial fitness (DWS and Local Area)
- A new grants administration agreement will need to be signed by DWS and Mid-Carolina COG (DWS and Local Area)
- DWS will have to close-out the funding for Cumberland County. Cumberland County funding will have to be de-obligated and re-issued to Mid Carolina. A statement from Cumberland County that all expenditures and obligations have been satisfied may need to be completed by Cumberland County (DWS and Local Area)
- Amendments to Special projects (if applicable) (Local Area)
- Updated Memorandum of Agreement/ Memorandum of Understanding (MOA/MOU) to reflect changes (Local Area)
- A statement that details the process for an orderly transition of services to customers from Cumberland County to Mid Carolina (Local Area)
- A complete inventory list and a determination of property that will need to be transferred to Mid-Carolina COG (Local Area)
- Financial Monitor, Programmatic Monitor, and Planner schedule on-boarding meetings with Mid- Carolina COG (DWS)

RECOMMENDATION / PROPOSED ACTION

This item was presented to the Board of Commissioners' at their February 11, 2021 Agenda Session Meeting. This item was approved to move forward as a Consent Agenda Item for the February 15, 2021 Board of Commissioners' Meeting. Staff recommends approval, and execution by the Board Chair, of the attached transfer letter.

12. Board of Education's Offer of Real Property in Accordance with G.S. 115C-518

BACKGROUND

The Cumberland County Board of Education adopted a resolution May 12, 2020, to convey the parcel with PIN 0426-89-4048 containing 0.78 acres to Robeson Investment Corporation by quitclaim deed. G.S. 115C- 518 requires the Board of Education to offer the parcel to the County on the same terms before the conveyance to any third party can be made. The Board of Education's reasons for deeding this parcel without any monetary consideration are that it is not useful to the School System for any purpose; a 2019 storm damaged trees on the property and neighbors are complaining it is unsightly; and Robeson Investment Corporation has used it as part of its adjoining business, Fayetteville Building Supply, since at least 1993.

The parcel is an irregularly shaped lot adjoining Trainer Road, which connects to Levy Drive near its intersection with Robeson Street. The boundary of the parcel is shown outlined in green on the Boundary Map on page 1 of the attachment. A GIS Aerial Map showing the parcel outlined in blue is page 2 of the attachment. The aerial map shows the parcel is occupied and used by the adjoining business, with a building and several trailers being maintained on it. The request of Attorney Rebecca Person, on behalf of the Board of Education, is pages 3 and 4 of the attachment. According to the tax records, the parcel has split zoning of residential (SF10) and light industrial (LI), with a land value of \$39,263.

RECOMMENDATION / PROPOSED ACTION

County manager and county attorney recommend the Board of Commissioners decline the offer of this parcel for the same reasons the Board of Education wishes to divest it.

MOTION: Commissioner Adams moved to approve consent agenda Items 2.A. - O.12.
SECOND: Commissioner Council
VOTE: UNANIMOUS (7-0)

3. PUBLIC HEARINGS

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

Contested Rezoning Cases

A. Case P21-01: Rezoning of 30.10+/- acres from A1 Agricultural to R40 Residential/CZ Conditional Zoning for a 26 lot zero lot line subdivision or to a more restrictive zoning district, located at 2647 & 2673 Wade Stedman Road, submitted by James S. & Beverly L. Fisher (owners) & Ben Stout (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. Mr. Howard stated A1 is a one unit per two acres residential zoning classification and R40 zoning classification is for 40,000 SF residential lots; because it is conditional zoning, there is a site plan attached to the request. Mr. Howard stated the parcel is 30 acres bisected by Wade-Stedman Road. Mr. Howard stated the property is served by Eastover Sanitary District water and private septic; public sewer is not available in this area and the property is not within a water/sewer district. Mr. Howard stated the area to the west of the property is covered by wetlands and a drainage area covers the back point of the property. Mr. Howard stated the property is split between two long-range plans; the 2030 Growth Vision Plan designates this area as "Rural Area", the Eastover Land Use Plan designated the portion on the west side of Wade Stedman Road as "Rural Density Residential" with minimum lot size of 20,000 square feet and a density of 1 to 2.2 units/acre. Mr. Howard stated the portion of the parcel on the east side of Wade Stedman Road is part of the proposed/ongoing Bethany Area Plan. Mr. Howard stated the request is plan compliant. Mr. Howard stated a rezoning request for this property for R20 went before the Planning Board about a year ago, but the applicant withdrew the request before it went before the Board of Commissioners with a recommendation from the Planning Board for R40. Mr. Howard displayed the subdivision plat with 26 lots for a zero-lot line subdivision and stated in this case, the developer is taking advantage of the reduced or flexible setback standards provided by zero-lot line development. Mr. Howard pointed out the 26 lots would still be allowed even if it was not a zero-lot line development. Mr. Howard stated Planning Staff recommended approval and there was a split vote by the Planning Board (5-4) for R40/CZ which resulted in a recommendation for denial of the request.

In response to a question posed by Commissioner Boose, Mr. Howard stated each of the proposed 26 lots is one acre. Commissioner Keefe asked whether additional conditions could be included in this conditional zoning, so the developer is unable to combine a lot of the homes in one single area based on the overall size of the lot. Mr. Howard stated the applicant must agree to any conditions.

Chairman Evans opened the public hearing for Case P21-01.

The clerk to the board called the following speakers for Case P21-01.

Ben Stout – Mr. Stout appeared as a proponent and deferred his time.

Scott Brown – Mr. Brown appeared as a proponent and stated he is a civil engineer and the surveyor for the project, and he understands from the Planning Board meeting there are some concerns about stormwater and water. Mr. Brown stated a water fire flow test was conducted along Wade-Stedman Road and it met the state's minimum requirements. Mr. Brown stated as far as stormwater, with 26 lots at 40,000 square feet on 30 acres, the maximum build out leaves out 24% and is considered a low-density project by the state's Division of Water Resources. Mr. Brown stated an infiltration basin up Wade-Stedman Road on the East side of the development was added but not required by DOT or by stormwater. Mr. Brown

stated in the event the basin fills up, it will spill over into the existing DOT road drainage.

In response to a question from Commissioner Boose about the maximum build out of 24%, Mr. Howard stated the 24% impervious is for the footprint consisting of roof tops, asphalt, buildings, or pavement which would leave open 76% pervious area as open ground and grass.

R. Jonathan Charleston – Mr. Charleston appeared as a proponent and attorney for the owner of the subject property and stated the proposed use is plan compliant. Mr. Charleston stated development in the vicinity involves either R40 or one-half acre lots and if the request is approved, it will not change the character of the community. Mr. Charleston stated the owner seeks the highest and best use of the subject property and has a right to do so unless the proposed use places a burden on adjacent property owners, which is not the situation in this case. Mr. Charleston stated opposition can be expressed based on cogent evidence but in this case, there is no evidence in the record to support the objections that have been expressed. Mr. Charleston stated the demand far outweighs the supply of available housing in the Cape Fear High School area, the Board has approved R40/CZ zoning requests in the past and he has compiled a list of every recent similar request and approval if the Board would like to review it, the opposition has asked the Fisher family to bear the entire burden of retaining the rural characteristics of the area, which will not change under the request, and there is no evidence that rezoning the property will have any appreciable effect on surrounding uses. Mr. Charleston asked the Board to approve the applicant's request for R40/CZ. Mr. Charleston asked to use his remaining time for rebuttal.

Robin Bridges – Ms. Bridges appeared as an opponent and stated the Planning Board received over 63 emails and 185 petition signatures objecting to the rezoning and due to COVID, most residents are not present at this meeting. Ms. Bridges stated the proposed use of the property conflicts with the 2030 Growth Vision Plan, disrupts the rural character and sustainability of the Bethany area, flooding and water quality issues have not been adequately addressed, R40 with zero-lot line is not appropriate in rural areas and infrastructure does not support this kind of growth. Ms. Bridges stated residents are still waiting on a Bethany Land Use Plan, even after being told it was a priority, there is a voluntary agricultural district adjacent to the subject property and adjacent farms will be negatively impacted by the proposed use. Ms. Bridges asked the Board to deny the applicant's request for R40. Ms. Bridges requested an opportunity for rebuttal.

Stephen Bullard – Mr. Bullard appeared as an opponent and stated he has lived in the Bethany area for 44 years; his family has been there for over 100 years and the request for R40 will destroy the land. Mr. Bullard stated he has been involved with construction for over 25 years and construction involves two major factors: 1. a structure that is well built with no corners cut and is appealing to the eye, and 2. different types of construction built in the right location. Mr. Bullard stated a residential neighborhood does not belong in a rural agricultural forestry area. Mr. Bullard stated the preservation of farmland in this area was to be promoted and protected under the 2030 Growth Vision Plan but rezoning to R40 is doing the opposite and destroying it. Mr. Bullard asked the Board to deny the request for R40.

There being no further speakers, Chairman Evans closed the public hearing for Case P21-01.

Commissioner Keefe stated he did not like the term "zero-lot line", especially in rural areas and even though 1 house per acre retains some of the rural character, he would not favor it without some conditions and wanted to know if they would be met by the builder. Commissioner Keefe stated his conditions would be: 1. Setbacks would be required at a level consistent with low density areas or 35' on each side and 50' front and back; 2. there be only 1 house per 40,000 SF; and 3. HOA has the responsibility to maintain and restrict water run-off by the retention pond and if the HOA does not do that, then the property owners would be assessed for the county to do so. Mr.

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Rawls stated the builder would have to agree. Mr. Stout, for the owner, stated he felt the conditions were reasonable and he has no issue with them.

Commissioner Adams stated the language relative to the HOA could be a part of the deed and asked whether there had been conversation with the school district. Mr. Howard stated the capacity and enrollment of the schools are: Eastover Central Elementary 540/388; Mac Williams Middle 1270/ 1189; and Cape Fear High 1425/1427.

Commissioner Boose stated he visited the property twice and on one visit when weather conditions are dry, the property was still wet, and the state-maintained ditches were full. Commissioner Boose stated he has spoken with the builder, the residents, PWC about water issues and the fire department and there is currently not enough water pressure in Eastover for firefighters to draw so they have to carry their own water. Commissioner Boose stated in other rezoning cases, references are made to a plan, even though some of them are old, but the residents in this area do not have a plan. Commissioner Boose stated he did not hear opponents say they did not want other people in the area, he heard them say they did not want any other problems with the land other than those they are currently dealing with. Commissioner Boose asked why this case could not be deferred until there is a plan. Commissioner Boose stated he did not feel the people in that area are being unreasonable. Mr. Charleston stated his client would prefer not to defer the case due to a number of contractual matters already in place and he would ask the Board to respectfully move forward.

Chairman Evans recognized Ms. Robin Bridges for rebuttal.

Ms. Bridges stated the water issues are very important and the voluntary agricultural district with a bee farm, a hay farm, a North Carolina licensed chicken producer and a pig farm are being overlooked because residents moving into the area will interfere with their livelihood; they will not like the smells or sounds coming from the district. Ms. Bridges stated residents who build according to an A1 designation recognize they are building in a farming community. Ms. Bridges stated the builder will not be able to construct all the homes on the Eastover side of the subject property because it's too wet and the current residents of the R40A parcel are considering recourse with their builder because it is too wet.

Chairman Evans recognized Mr. Ben Stout for rebuttal.

Mr. Stout stated he understood the concerns and has been aggressive in trying to address the concerns. Mr. Stout read a disclosure statement that had to be placed on the plat so there is no skirting the issue of what homeowners are buying into. Mr. Stout also stated they are putting in a pond to regulate the hydrology on the Eastover side so the development can be done the right way.

Mr. Charleston stated the applicant is open to reasonable conditions and agrees to the conditions heard thus far.

MOTION: Commissioner Keefe moved in Case P21-01 to approve the rezoning request from A1 Agricultural to R40 Residential/CZ Conditional Zoning subject to the following additional conditions agreed to by the owner: setbacks of 35 feet on each side and 50 feet front and back; only one home to be built for every 40,000 SF on the lot; a Homeowners Association is to be established for maintenance of the retention pond and should the HOA fail to maintain the retention pond, the county may assess the homeowners for the maintenance and that notice of this condition be included with each deed for a 26 lot zero-lot line subdivision and find the request consistent with the 2030 Growth Vision Plan which calls for "Rural Areas" and the Eastover Land Use Plan (2018) designation of "Rural Density Residential" as it requires that any lot within this designation to be at least 40,000 square feet. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses, zoning classifications and lot sizes.

SECOND: Commissioner Lancaster

DISCUSSION: Commissioner Adams stated he does not think the HOA will work and the county will be in the foreclosure business before too long. Commissioner Keefe stated that is why he wanted to put some teeth into that condition.

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

B. 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 applicant was referred back to the Planning Board by the Board of Commissioners because the applicant was unable to attend the meeting of the Planning Board before the case came before the Board of Commissioners. Mr. Howard stated at that meeting, Planning Staff recommended denial of the case and the Planning Board supported the recommendation for denial of the request. Mr. Howard stated the request is not consistent with the Stedman (2020) Land Use Plan and Southwest Cumberland (2016) Land Use Plan. Mr. Howard stated when the Planning Board heard the case a second time, denial of the rezoning request was recommended a second time with a split vote of 7 to 2.

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

The clerk to the board stated there were no speakers for Case P20-47.

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

MOTION: Commissioner Adams moved in Case P20-47 to deny the rezoning request from A1 Agricultural to RR Rural Residential and find the request not consistent with the Stedman (2020) and Southeast Cumberland (2016) Land Use Plans which designates this parcel as "Agricultural" and "Farmland" respectively. Both designations encourage the preservation of farmland and rural character while only supporting higher densities if compatible with the surrounding neighborhood uses. Denial of the request is reasonable and in the public interest as the surrounding area is predominantly zoned A1 Agricultural and the subject property lacks access to public water and sewer that could support a higher density.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (7-0)

C. Case P21-03: Rezoning of 2.06+/- acres from A1 Agricultural to R40A Residential or to a more restrictive zoning district, located at 6524 Cedar Oaks Circle, submitted by Vicki Liszewski (owner) & Clayton Homes (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 R40A is the same as R40 but it allows manufactured homes within the designation. Mr. Howard stated this is a single-family subdivision, the majority of the homes are manufactured homes and there is one home per lot with only a few stick-built homes. Mr. Howard stated the South Central Land Use Plan calls for 2.2 to 6 units/acre and as a policy and not regulatory document, desires only stick-built homes. Mr. Howard stated Planning Staff recommended denial of the request because it is not plan compliant and because of concerns that the two-acre lots under R40A would allow a second home on the lot, change the dynamic of the neighborhood and act as a springboard for requests for more homes on lots throughout the

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neighborhood. Mr. Howard stated the Planning Board unanimously supported denial of the request.

Chairman Evans opened the public hearing for Case P21-03.

The clerk to the board called the following speakers for Case P21-03.

Joseph Liszewski – Mr. Liszewski appeared as a proponent and stated on the lots with one home, people centered their homes on the lots and could not build another home on the lot even if they wanted to. Mr. Liszewski stated his family built their home closer to the front of the lot and as close to the road as possible because they were told by the seller that in 10 to 15 years, they could build another home towards the back of the property. Mr. Liszewski stated he just got engaged and is trying to keep his family together by building a second home on the lot and his neighbors have no problem with it.

Danielle Matthews – Ms. Matthews appeared as a proponent and stated the 21-year-old son has autism, has grown up in the existing home and will live with them in the second home. Ms. Matthews stated change is a struggle for individuals with autism and with the second home so close, the son can walk back to his original bedroom in the first house and that will calm him down. Ms. Matthews stated the proposed zoning will not change the look of the neighborhood because the second home will be so far back on the lot it will not be seen, and they have specifications for a new well and septic for the property.

There being no further speakers, Chairman Evans closed the public hearing for Case P21-03.

Commissioner Adams stated with the surrounding properties all being A1, the requested rezoning would enable all allowable uses of the R40A designation.

MOTION: Commissioner Adams moved in Case P21-03 to deny the rezoning request from A1 Agricultural to R40A Residential and find the request not consistent with the South-Central Land Use Plan (2015) which calls for “Low Density Residential” at this location. The “Low Density Residential” area designation allows for a density of 2.2 to 6 units/acre, however, the plan desires only stick-built homes. Denial of the request is reasonable and in the public interest because the R40A district is not in harmony with the surrounding zoning and existing land uses.

SECOND: Commissioner Council

VOTE: PASSED (6-1) (Commissioners Keefe, Evans, Adams, Lancaster, Stewart and Council voted in favor; Commissioner Boose voted in opposition.)

Uncontested Rezoning Cases

D. Case P20-51: Rezoning of 0.64+/- acres from R6A Residential to C(P) Planned Commercial or to a more restrictive zoning district, located on the northeast side of the intersection of NC 59 (S Main Street) and SR 3352 (Betsy Ross Drive), submitted by Fredrick L. Wallace (owner). (Applicant has revised request to C2(P) Planned Service and Retail/CZ Conditional Zoning for motor vehicle sales)

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 Planning Staff recommended approval and the Planning Board unanimously recommended approval of the request.

Commissioner Adams asked whether this had been discussed with the Town of Hope Mills. Mr. Howard responded in the affirmative and stated there are two members of the Joint Planning Board

appointed by the Town of Hope Mills and a planner from the Town of Hope Mills attended the meeting.

Chairman Evans opened the public hearing for Case P20-51.

The clerk to the board stated there were no speakers for Case P20-51.

Chairman Evans closed the public hearing for Case P20-51.

MOTION: Commissioner Adams moved in Case P20-51 to approve the rezoning request from R6A Residential to C2(P) Planned Service and Retail/CZ Conditional Zoning for motor vehicle sales and find the request consistent with the Southwest Cumberland Land Use Plan (2013) designation of "Mixed Use Development" as it allows for a mixture of residential, office and institutional uses as well as generally light commercial uses. C2(P) is designated as "light commercial" within the Land Use Policies Plan (2009). Approval of the request is reasonable and in the public interest as it will restrict the property to one permitted use, the property is located at a newly renovated interchange, and the request is in harmony with non-residential zoning in the surrounding area.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

E. Case P20-63: Rezoning of 1.00+/- acres from M(P) Planned Industrial to R30 Residential or to a more restrictive zoning district, located on the southwest side of SR 2212 (Doc Bennett Road), north of Interstate 95, submitted by Gerald D. and James S. Pone (owners).

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 Planning Staff recommended approval and the Planning Board unanimously recommended approval of the request.

Chairman Evans opened the public hearing for Case P20-63.

The clerk to the board stated there were no speakers for Case P20-63.

Chairman Evans closed the public hearing for Case P20-63.

MOTION: Commissioner Adams moved in Case P20-63 to approve the rezoning request from M(P) Planned Industrial to R30 Residential and find the request consistent with the South Central Land Use Plan (2015) designation of "Airport Oriented Uses". The "Airport Oriented Uses" designation is meant to protect the Airport from unwanted encroachment, protect human life and allow for further expansion. The site will be limited to a single-family dwelling unit or a similar residential use and would be less density/people on site than potential nonresidential uses. Approval of the request is also reasonable and in the public interest as the district requested is in harmony with existing zoning and land uses to the north and the site has access to public water.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (7-0)

F. Case P21-04: Rezoning of 1.50+/- acres from C2(P) Planned Service and Retail/CZ Conditional Zoning for trades contractor activities to C2(P) Planned Service and Retail or to a more restrictive zoning district, located on the northwest side of SR 1243 (US Hwy 301 South), north of SR 1126 (Brooklyn Circle), submitted by Augustin Alvarez on behalf of AJD, LLC (owner) and George M. Rose (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 Planning Staff recommended approval and the Planning Board unanimously recommended approval of the request.

Chairman Evans opened the public hearing for Case P21-04.

The clerk to the board stated there were no speakers for Case P21-04.

Chairman Evans closed the public hearing for Case P21-04.

MOTION: Commissioner Boose moved in Case P21-04 to approve the rezoning request from C2(P) Planned Service and Retail/CZ Conditional Zoning to C2(P) Planned Service and Retail and find the request consistent with the Southwest Cumberland Land Use Plan (2013) designation of "Heavy Commercial". The "Heavy Commercial" designation allows for uses that provide for the shopping needs of the immediate neighborhood, community, region, and the traveling public. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing zoning and land uses.

SECOND: Commissioner Stewart

VOTE: UNANIMOUS (7-0)

G. Case P21-07: Rezoning of 4.26+/- acres from C(P) Planned Commercial to RR Rural Residential or to a more restrictive zoning district, located at the southwest corner of the intersection of SR 1842 (Shelton Beard Road) and SR 1006 (Maxwell Road), submitted by Nicholas S. Harrell (owner) & James C. Long Jr. (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 Planning Staff recommended approval and the Planning Board unanimously recommended approval of the request.

Chairman Evans opened the public hearing for Case P21-07.

The clerk to the board stated there were no speakers for Case P21-07.

Chairman Evans closed the public hearing for Case P21-07.

MOTION: Commissioner Lancaster moved in Case P21-07 to approve the rezoning request from C(P) Planned Commercial to RR Rural Residential and find the request consistent with the Stedman Land Use Plan (2020) designation of "Suburban Density Residential" as it requires that any lot with this designation to be at least 20,000 square feet. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses and zoning.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (7-0)

4. ITEMS OF BUSINESS

A. Consideration of Formal Bid Award for an Electronic Health Record (EHR) System for the Cumberland County Department of Public Health

BACKGROUND

A Request for Proposals (RFP) was issued for a comprehensive Electronic Health Record (EHR) solution to support clinical and ancillary operations at the Department of Public Health. Proposals were received and evaluated. The evaluation results determined that CureMD.COM, Inc. offers the best overall value to the County. CureMD.COM, Inc. is proposing a three-year agreement at a first year cost of \$109,963 and an annual recurring cost of \$47,844. Capital Improvement Fund (CIF) funds in the amount of \$400,000 were appropriated in the fiscal year 2021 budget for the overall project cost. This recommendation is only for the software purchase and implementation.

This item was presented by Deputy County Manager, Duane Holder, during the February 11, 2021 Agenda Session meeting. There was not unanimous Board of Commissioner approval to move this item forward as a consent agenda item, therefore it is being presented as an Item of Business.

RECOMMENDATION / PROPOSED ACTION

Finance and Purchasing staff recommend awarding RFP 19-16-IS II to CureMD.COM, Inc. based on the best overall value standard of award established by North Carolina General Statute 143-129.8 (b) (2).

Duane Holder, Deputy County Manager, presented the background information recorded above and stated this item was also presented during the February 11, 2021 Agenda Session meeting but did not receive unanimous approval. Mr. Holder stated the current system utilized by the Health Department is very inefficient and upgrades to the system are no longer being supported by the vendor. Mr. Holder stated county Information Services staff have worked in collaboration with the Health Department staff in the issuance and evaluation of the proposals; the county received six EHR proposals and costs are outlined in the agenda packet materials. Mr. Holder stated Finance and Purchasing staff recommend awarding RFP 19-16-IS II to CureMD.COM, Inc. based on the best overall value standard of award established by North Carolina General Statute 143-129.8 (b) (2).

Commissioner Keefe stated he expressed concern at the Agenda Session meeting about not having the Health Department electronic records on the same system as Cape Fear Valley Health System; however, it appears there is not reasonable space to accommodate all of the information needed.

MOTION: Commissioner Lancaster moved to award RFP 19-16-IS II to CureMD.COM, Inc. based on the best overall value standard of award established by North Carolina General Statute 143-129.8 (b) (2).

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

B. Consideration of Diversity, Equity & Inclusion (DEI) Executive Steering Committee Alternative Holiday Schedule Recommendation

BACKGROUND

During the August 13, 2020 Board of Commissioners' Agenda Session, Commissioner Keefe introduced a proposed County Policy on Religious and Celebratory Holidays. The purpose of the newly proposed policy was to be more inclusive and to better allow staff to prioritize their individual days of observance. By unanimous vote, the Board agreed to send the policy proposal to the newly formed Diversity, Equity and Inclusion (DEI) Advisory Committee for review and recommendation.

The DEI Advisory Committee initiated review of the policy proposal in October and continued their work through November. In December, the Committee reached consensus to forward two policy options for consideration to the DEI Executive Steering Committee. As a reminder, the DEI Executive Steering Committee is inclusive of the County Manager, Deputy County Manager, Assistant County Manager, General Managers/Co-Conveners and Administrative Support to the Committee. The DEI Advisory Committee Charter states: "The CCDEI Advisory Committee will recommend actions, under the conditions of the charter, to the Executive Steering Committee".

A summary of the DEI Advisory Committee's review and recommendations are attached for the Board's information. Based on the Committee's proposed options, it is the recommendation of the Executive Steering Committee to keep the current County Holiday Schedule and add one floating day (for a total of 13 holidays). This modification to the existing County Holiday Schedule preserves traditional holiday schedules, remains in alignment with State holiday schedules, and allows for individual flexibility in the observance of a holiday of the individual employee's choosing.

If approved, the current County Holiday Schedule would be amended as of the date of approval.

This item was presented and discussed at the Board's February 11, 2021 Agenda Session. This item is presented under the Board's Items of Business since the motion to move forward was not unanimous.

RECOMMENDATION / PROPOSED ACTION

Approve the addition of one "floating" holiday to the existing County Holiday Schedule, effective as of the date of approval, that may be used at an employee's discretion, taken on a day they choose, pending supervisor approval.

Mr. Holder presented the background information recorded above and stated this item was also presented at the February 11, 2021 Agenda Session meeting but did not receive unanimous approval.

Mr. Holder reviewed Commissioner Keefe's proposed County Policy on Religious and Celebratory Holidays by providing the following PowerPoint slide and stated while Commissioner Keefe's proposed County Policy on Religious and Celebratory Holidays would keep 12 paid holidays, it would provide for county offices to be open an additional four days during the year.

- Presented in August 2020
- County would maintain 12 paid holidays
- 8 static days, observed by all County employees
 - New Year's Day
 - MLK, Jr. Birthday
 - Memorial Day
 - Independence Day
 - Labor Day
 - Veterans' Day
 - Thanksgiving Day
 - Christmas Day
- 4 previous days become "floating" holidays (County offices would be open)
 - Good Friday
 - Day after Thanksgiving
 - Christmas Eve
 - Day after Christmas
 - Employees could request previous (traditional) days off or choose from list of "Personal Celebration Days"

Mr. Holder displayed the following slide and stated acknowledgement of these holidays would create increased inclusiveness for the county's workforce.



Mr. Holder presented and reviewed the following slide of the timeframe for the DEI Advisory Committee's proposal review:

- Policy proposal review Oct – Nov 2020
- Consensus reached on recommendations Dec 2020
- Recommendations forwarded to DEI Executive Steering Committee (County Manager, General Manager and Finance Director/Convenor Vicki Evans, General Manager and DSS Director/Convenor Brenda Jackson)

Mr. Holder reviewed the DEI Advisory Committee recommendations (Option #1 or Option #2) as forwarded to the DEI Executive Steering Committee and displayed the following PowerPoint slide.

1. Keep the current Holiday Schedule but change the names of religious holidays (example – change “Christmas” to “Winter Holiday” and either
 - Add one floating day (for a total of 13 holidays), OR
 - Take away Good Friday to add one floating day.

-OR-
2. Maintain 12 paid County holidays
 - 10 static and would be consistent throughout Cumberland County Government (existing 12, minus Good Friday and Christmas Eve)
 - 2 “floating” holidays

Mr. Holder presented and reviewed the following slide of the DEI Executive Steering Committee's recommendation. Mr. Holder stated it is important to note that while this recommendation does not increase the number of days county offices are open to the public, it also does not increase the number of days county offices are closed to the public.

- Maintain the current County Holiday Schedule and add one “floating” day (for a total of 13 holidays)
 - County remains closed for 12 holidays
 - Flexibility & inclusiveness
 - Aligns with State

Commissioner Keefe stated last spring our county found itself divided on a number of levels and there was a part the community that felt it was not being heard. Commissioner Keefe stated the State Holiday Schedule recognizes holidays of a single faith and forces employees to take those holidays even though the holidays are not in line with their faith. Commissioner Keefe highlighted his proposal and stated the purpose of government is not to tell employees their faith which is why there is separation of church and state. Commissioner Keefe stated his proposal provides “personal celebration days” to be more inclusive whereas the recommendation of the DEI Executive Steering Committee takes away from that inclusiveness and equality. Commissioner Keefe stated his proposed policy allows Cumberland County to lead on inclusion, equality and diversification and says it welcomes and recognizes everyone. Commissioner Keefe stated it will be unheard of in the state of North Carolina and in the nation. Commissioner Keefe stated he is personally disappointed and feels the addition of 1 “floating” holiday appears to be self-serving. Commissioner Keefe stated he originally asked for 4 “floating” holidays but is willing to accept 2 “floating” holidays. Commissioner Keefe asked the Board to consider the DEI Advisory Committee recommendation of Option #2. Questions and discussion followed.

MOTION: Commissioner Adams moved to approve the addition of 1 "floating" holiday to the existing County Holiday Schedule, effective as of the date of approval, that may be used at an employee's discretion, taken on a day they choose, pending supervisor approval.

SECOND: Commissioner Lancaster

DISCUSSION: Commissioner Keefe stated from a pragmatic standpoint, nothing has really been done because the same thing is being maintained. Commissioner Keefe stated what this is saying is if you celebrate other particular holidays, you are not included, and the county is forcing you to take the days in the existing county holiday schedule. Commissioner Keefe stated the county has not done what he believes the charge was to the DEI Advisory Committee and almost seems like it is defending employee interest instead of diversity, equity and inclusion. Commissioner Keefe stated an

extra day is being given but there is still no acknowledgement of the religious base and cultural holidays of others in the group.

VOTE: PASSED (5-2) (Commissioner Evans, Adams, Lancaster, Stewart and Council voted in favor; Commissioners Keefe and Boose voted in opposition)

C. Consideration of Water Service Utility Agreement with JFJ III Investments, LLC, for Rufus Johnson Road Subdivision

BACKGROUND

The Public Utilities Division has received a request from JFJ III Investments LLC to connect a twenty-one-lot subdivision to the existing Southpoint water system located in the Gray's Creek Water and Sewer District. The project will consist of installation of approximately 1961 feet of 8-inch water line with twenty-one individual 3/4-inch domestic water services, with all costs being paid by JFJ III Investments LLC. The Utility Service Agreement is needed to set the guidelines between JFJ III Investments LLC and Gray's Creek Water and Sewer District, to ensure proper installation and connection to the system. Upon completion of construction of the water lines and written acceptance of the as-builts and certifications the said utility mains shall be the property of Gray's Creek Water and Sewer District and will be operated and maintained as part of the existing Southpoint water system. The Southpoint water system has enough capacity to serve these additional lots and maintain the capacity needed for current customers that are paying the monthly availability fee but are not connected to the system plus enough capacity to cover any spikes in the daily demand.

The County Attorney has reviewed the attached Utility Service Agreement.

RECOMMENDATION / PROPOSED ACTION

This item was presented to the Board of Commissioners at their February 11, 2021 Agenda Session. The Board approved this item to move forward to the February 15, 2021 Board of Commissioners agenda, and the Gray's Creek Water and Sewer District Governing Board agenda, as a consent item. Staff recommends approval of the request.

Tracy Jackson, Assistant County Manager, presented the background information recorded above and stated this item was also presented at the February 11, 2021 Agenda Session meeting. Mr. Jackson noted the Southpoint water system has adequate capacity for water connection.

Commissioner Adams stated because the water is contaminated, to provide water from the Southpoint water system is not appropriate.

MOTION: Commissioner Keefe moved to approve the Water Service Utility Agreement with JFJ III Investments, LLC for the Rufus Johnson Road Subdivision.

SECOND: Commissioner Lancaster

VOTE: PASSED (6-0) (Commissioners Keefe, Evans, Boose, Lancaster, Stewart and Council voted in favor. Commissioner Adams voted in opposition.)

5. NOMINATIONS

A. Cumberland County Juvenile Crime Prevention Council (6 Vacancies)

Commissioner Adams nominated Stephanie Dixon for the Substance Abuse Professional category; Mariamarta Conrad for the Public Representing Interests of Families of At-Risk Individuals category; Trenton Hightower for the Person Under Age 21 category; Michael Fiala for the Juvenile Defense Attorney category; and Dr. Antonio Jones and Dr. Mark Kendrick for the At-Large Representative category.

6. APPOINTMENTS

A. Equalization and Review Board (6 Vacancies)

MOTION: Commissioner Adams moved to appoint to the At-Large Position, Marva-Lucas Moore and Andrea Phillips; to the Businessman category, Derwood Clark; to the Farmer category, Wayne Collier; to the Home Builder category, Jassan Robbins; and to the Real Estate Agent category, George Turner.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

B. Transportation Advisory Board (3 Vacancies)

MOTION: Commissioner Adams moved to appoint to the County DSS Director or Designee category, Ashley Patterson; to the County Planning Department Director or Designee category, Rawls Howard; and to the MPO Representative category, Justin Ritchey.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (7-0)

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

Commissioner Keefe withdrew his nomination of Robert “Jason” Poole.

MOTION: Commissioner Adams moved to appoint to the Medical Doctor category, Dr. Michael Jones and Dr. Myron Strickland; and to the General Public category, Marshall Faircloth.

SECOND: Commissioner Lancaster

VOTE: PASSED (6-1) (Commissioners Council, Keefe, Evans, Adams, Lancaster, and Stewart voted in favor; Commissioner Boose voted in opposition.)

D. Alliance Health Board of Directors (1 Vacancy)

MOTION: Commissioner Adams moved to waive the Cumberland County Board of Commissioners’ rule regarding the two consecutive term requirement as it relates to the appointment to fill one vacancy on the Alliance Health Board of Directors.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (7-0)

Commissioner Boose asked about length of the term and term limits on the Alliance Health Board of Directors. Commissioner Adams stated appointments are for three-year terms and a director may serve three terms.

MOTION: Commissioner Adams moved to appoint Lodies Gloston to a third term on the Alliance Health Board of Directors.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (7-0)

Chairman Evans recessed the Board of Commissioners’ meeting.

Chairman Evans convened the meeting of the Gray’s Creek Water and Sewer District Governing Board.

GRAY’S CREEK WATER AND SEWER DISTRICT GOVERNING BOARD AGENDA:

7. GRAY’S CREEK WATER AND SEWER CONSENT AGENDA

- A. Approval of September 21, 2020 and January 19, 2021 Gray's Creek Water and Sewer District Governing Board Minutes

MOTION: Commissioner Lancaster moved to approve the September 21, 2020 and January 19, 2021 Gray's Creek Water and Sewer District Governing Board minutes.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

8. GRAY'S CREEK WATER AND SEWER ITEMS OF BUSINESS

- A. Water Service Utility Agreement with JFJ III Investments, LLC, for Rufus Johnson Road Subdivision

BACKGROUND

The Public Utilities Division has received a request from JFJ III Investments LLC to connect a twenty-one-lot subdivision to the existing Southpoint water system located in the Gray's Creek Water and Sewer District. The project will consist of installation of approximately 1961 feet of 8-inch water line with twenty-one individual 3/4-inch domestic water services, with all costs being paid by JFJ III Investments LLC. The Utility Service Agreement is needed to set the guidelines between JFJ III Investments LLC and Gray's Creek Water and Sewer District, to ensure proper installation and connection to the system. Upon completion of construction of the water lines and written acceptance of the as-builts and certifications the said utility mains shall be the property of Gray's Creek Water and Sewer District and will be operated and maintained as part of the existing Southpoint water system. The Southpoint water system has enough capacity to serve these additional lots and maintain the capacity needed for current customers that are paying the monthly availability fee but are not connected to the system plus enough capacity to cover any spikes in the daily demand.

The County Attorney has reviewed the attached Utility Service Agreement.

RECOMMENDATION / PROPOSED ACTION

This item was presented to the Board of Commissioners at their February 11, 2021 Agenda Session. The Board approved this item to move forward to the February 15, 2021 Board of Commissioners agenda, and the Gray's Creek Water and Sewer District Governing Board agenda. Staff recommends approval of the request.

MOTION: Commissioner Lancaster moved to approve the Water Service Utility Agreement with JFJ III Investments, LLC, for Rufus Johnson Road Subdivision.

SECOND: Commissioner Keefe

VOTE: PASSED (6-1) (Commissioner Council, Keefe, Evans, Boose, Lancaster and Stewart voted in favor; Commissioner Adams voted in opposition)

Chairman Evans adjourned the meeting of the Gray's Creek Water and Sewer District Governing Board.

Chairman Evans reconvened the Board of Commissioners' meeting.

9. CLOSED SESSION:

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

- B. Attorney-Client Matter(s) Pursuant to NCGS 143.318.11(a)(3)

MOTION: Commissioner Lancaster moved to go into closed session for Economic Development Matter(s) Pursuant to NCGS 143.318.11(a)(4) and Attorney Client Matter(s) Pursuant to NCGS 143.318.11(a)(3).

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

Commissioner Council departed the meeting at 9:34 p.m. during closed session without having been excused.

MOTION: Commissioner Adams moved to reconvene in open session.
SECOND: Commissioner Stewart
VOTE: UNANIMOUS (7-0) (Commissioners Boose and Council were not present for the vote.)

MOTION: Commissioner Keefe moved to adjourn.
SECOND: Commissioner Stewart
VOTE: UNANIMOUS (7-0) (Commissioners Boose and Council were not present for the vote.)

There being no further business, the meeting adjourned at 9:40 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board