

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, OCTOBER 18, 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 (arrived at 7:30 p.m.)
Commissioner Jeannette Council
Commissioner Jimmy Keefe
Commissioner Larry Lancaster
Commissioner Toni Stewart
Amy Cannon, County Manager
Tracy Jackson, Assistant County Manager
Sally Shutt, Assistant County Manager
Rick Moorefield, County Attorney
Vicki Evans, Finance Director
Jermaine Walker, County Engineer
David Moon, Deputy Planning and Inspections Director
Trey Smith, Comprehensive Planning Manager
Candice H. White, Clerk to the Board
Kellie Beam, Deputy Clerk

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.

Introduction of the Fayetteville-Cumberland Youth Council Members

Laiya Davis, FCYC Vice Chair
James Toon

Chairman Evans welcomed and introduced Fayetteville-Cumberland Youth Council member Laiya Davis, FCYC Vice Chair and student at Cumberland International Early College High School, and James Toon, student at Grays Creek High School. Ms. Davis provided highlights of the FCYC's 2021-2022 year. Mr. Toon spoke briefly about the FCYC's participation with the Joint Fort Bragg and Cumberland County Food Policy Council.

PUBLIC COMMENT PERIOD

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

Paul Williams – Mr. Williams offered comments about election integrity, voter IDs and valid elections. Mr. Williams asked that Cumberland County set an example for the state and let the NC Board of Elections audit its voting machines.

Chilleko Hurst – Mr. Hurst offered comments about homelessness and those who have yet to receive funds. Mr. Hurst also recommended tearing down the remnants of slavery such as the Market House.

Ms. Cannon asked the Board to consider deferring public hearing Items 3.C. Case ZON-21-0004 and 3.D. Case ZON-21-0005 to the November 15, 2021, regular meeting.

1. APPROVAL OF AGENDA

MOTION: Commissioner Council moved to approve the agenda to include deferring public hearing Items 3.C. Case ZON-21-0004 and 3.D. Case ZON-21-0005 to the November 15, 2021, regular meeting.

SECOND: Commissioner Stewart

VOTE: UNANIMOUS (6-0)

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2. CONSENT AGENDA

- A. Approval of October 4, 2021, Regular Meeting Minutes
- B. Resolution of the Cumberland County Civic Center Commission

BACKGROUND

At its September 2021 meeting, the Cumberland County Civic Center Commission unanimously adopted the attached Resolution supporting the efforts of the Board of Commissioners toward planning and building a multi-use facility to replace the obsolete theater. The Civic Center Commission asked that it be presented to the Board of Commissioners.

RECOMMENDATION / PROPOSED ACTION

For information only. No action needed.

RESOLUTION SUPPORTING CROWN CENTER STUDY AND PLAN FOR BUILDING AND CONSTRUCTING A NEW MULTI-USE ENTERTAINMENT FACILITY IN CUMBERLAND COUNTY

WHEREAS, The Crown Complex, which includes the Crown Arena, and Theatre, has served the local community by providing high-quality events since 1968; and

WHEREAS, Past studies have concluded that the cost of necessary repairs and upgrades to the Arena and Theatre are prohibitive, prompting the announced closure of the venues by November 2025; and

WHEREAS, The results of public and stakeholder outreach suggests a desire to replace the Arena and Theatre with a new venue to retain a variety of entertainment events in the market; and

WHEREAS, It is vital that a new venue support programming that is reflective of the young, diverse greater Cumberland County market.; and

WHEREAS, Local, regional, and national event promoters expressed interest in utilizing a new venue in the Cumberland County market; and

WHEREAS, Careful consideration was given to competition in the regional market, particularly for traditional performing arts center events; and

WHEREAS, The entertainment industry has experienced sustained growth, with trends towards flexible venues that can host a variety of events and performances; and

WHEREAS, There is demand for a multi-purpose venue to retain existing event activity and attract new content to the market; and

WHEREAS, The existing Food & Beverage Tax represents the most viable means of funding the cost of a new multi-purpose venue; and

WHEREAS, The study showed that a successful project would be self-sustaining, community supported and spur economic growth; and

WHEREAS, Over 80 percent of the community forum respondents had a positive attitude toward a new venue and a majority of participants preferred a downtown location;

NOW, THEREFORE, BE IT RESOLVED, that We, the Cumberland County Civic Center Commission, support the feasibility study presented by CSL in partnership with Spectra Management, and request the Cumberland County Commissioners immediately begin the process of design and construction of a new Multi-Use Entertainment facility in downtown Fayetteville.

Adopted this 28 day of September 2021.

- C. Approval of Formal Bid Award for Direct Radiology (DR) Imaging X-Ray System

BACKGROUND

Funds in the amount of \$175,132 were appropriated in the Sheriff's Office fiscal year 2022 budget for the purchase of a portable Direct Radiology (DR) Imaging X-ray system. This equipment will be utilized by the Bomb Squad to help in rapidly identifying potential explosive ordnance device (EOD) which will improve the overall safety and security of our community.

Formal bids were solicited, and Logos Imaging LLC submitted the only response. The proposal was responsive, met all specifications and includes a proposed cost of \$175,131.61.

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RECOMMENDATION / PROPOSED ACTION

Purchasing staff recommend approval of bid award number 22-06-SO to Logos Imaging LLC, based on the best overall value standard of award.

- D. Approval of Sole Source for the Purchase of IAPro and Blue Team software from CI Technologies, Inc.

BACKGROUND

The Sheriff's Office fiscal year 2022 budget includes \$65,000 to upgrade the Internal Affairs and Human Resources investigation system and network. The current system and network will be enhanced and integrated using the IAPro and Blue Team software from CI Technologies, Inc. This software is an advanced platform for early intervention and wellness support designed for use across the public safety enterprise. It is designed from the ground-up to meet the needs of Internal Affairs and Professional Standard Units. IAPro and Blue Team are both Internal Affairs application solutions that focus on corrections and public safety. It is also a centralized system for tracking employee investigations, complaints, hearings, and can also be used for deputies to report on use of force, vehicle pursuits, and an array of other incidents.

CI Technologies, Inc. is the owner of the software and the sole source to provide training, data migration, data integration, along with user and technical support for both IAPro and Blue Team. The vendor has provided a quote in the amount of \$62,600.

RECOMMENDATION / PROPOSED ACTION

Purchasing staff recommend utilizing the sole source bid exception based on North Carolina General Statute 143-129 (e) (6) (ii), as the needed product is available from only one source.

- E. Acceptance of Offer to Purchase Surplus Property Located at 4777 Old Savannah Church Road, Fayetteville

BACKGROUND

The County acquired the real property with the PIN 0461-39-9250, being 1.00 Acre Hair Land Church Property, located at 4777 Old Savannah Church Road, Fayetteville, at a tax foreclosure sale in 2019 for a purchase price of \$7,517.96. The property is zoned A1 with a tax value of \$60,200.00. Based on the GIS Mapping and the tax records, there is a structure on the lot. Ryan Zielinski made an offer to purchase the property for \$7,517.96. 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 Ryan Zielinski. 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 0461-39-9250, being 1.00 Acre Hair Land Church Property, located at 4777 Old Savannah Church Road, Fayetteville, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$7,517.96. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The Board of Commissioners may at any time reject any and all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

- F. Acceptance of Offer to Purchase Surplus Property Located at 6513 Celestial Pine Drive, Hope Mills

BACKGROUND

The County acquired the real property with the PIN 0432-14-7939, being Lot 61 Cedar Oaks, Section 4, Plat Book 75 at Page 45, located at 6513 Celestial Pine Drive, Hope Mills, at a tax foreclosure sale in 2020 for a purchase price of \$9,936.07. The property is zoned A1 with a tax value of \$16,000.00. Based on the GIS Mapping and the tax records, there is no structure on the lot. Michele Patak made an offer to purchase the property for \$9,936.07. 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 Michele Patak. 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 0432-14-7939, being Lot 61 Cedar Oaks, Section 4, Plat Book 75 at Page 45, located at 6513 Celestial Pine Drive, Hope Mills, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$9,936.07. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The Board of Commissioners may at any time reject any and all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

G. Acceptance of Offer to Purchase Surplus Property Located at 1709 Albacore Circle, Hope Mills

BACKGROUND

The County acquired the real property with the PIN 0442-66-5794, being Lot 149 Twin Oaks, Section 4, Part 11, Plat Book 82, Page 116, located at 1709 Albacore Circle, Hope Mills, at a tax foreclosure sale in 2012 for a purchase price of \$4,519.61. The property is zoned RR with a tax value of \$10,00.00. Based on the GIS Mapping and the tax records, there is no structure on the lot. James Frederickson made an offer to purchase the property for \$4,519.61. 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 James Frederickson. 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 0442-66-5794, being Lot 149 Twin Oaks, Section 4, Part 11, Plat Book 82, Page 116, located at 1709 Albacore Circle, Hope Mills, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$4,519.61. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The Board of Commissioners may at any time reject any and all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

H. Acceptance of Offer to Purchase Surplus Property with PIN 0547-75-0999 Located Off Colliers Chapel Church Road

BACKGROUND

The County acquired the real property with the PIN 0574-75-0999, located off Colliers Chapel Church Road and being the property described in Deed Book 7695, page 726, at a tax foreclosure sale in 2007 for a purchase price of \$4,793.12. The property is zoned R6A with a tax value of \$5,000. Based on the GIS Mapping and the tax records, there is no structure on the lot. Connie McBryde made an offer to purchase the property for \$1,500. 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 Connie McBryde. 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 0547-75-0999, located off Colliers Chapel Church Road and being the property described in Deed Book 7695, page 726, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$1,500. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The Board of Commissioners may at any time reject any and all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

I. Approval of Sale of Surplus Real Property Located at 512 Moore Street, Fayetteville

BACKGROUND

On September 20, 2021, the Board adopted a resolution of its intent to accept the offer of Michael Washington to purchase property with PIN 0437-47-4755, located at 512 Moore Street, Fayetteville, for \$5,991.83, and directed that it be advertised and sold pursuant to the upset bid process of G.S. § 160A-269. The parcel is zoned MR5, with a tax value of \$2,625.00. Based on the County GIS Parcel View System and the tax records, there is no structure on the lot.

Notice of the proposed sale, subject to the upset bid process required by G.S. § 160A-269, was advertised in the Fayetteville Observer on September 24, 2021. The publisher's affidavit is attached. More than 10 days have elapsed since the notice was published. No upset bid was received.

RECOMMENDATION / PROPOSED ACTION

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

J. Approval of Sale of Surplus Real Property Located at 7653 Maggie Circle, Fayetteville

BACKGROUND

On September 20, 2021, the Board adopted a resolution of its intent to accept the offer of Maline Crupi to purchase property with PIN 9486-57-0335, being .44 Acre Gillis Land, located at 7653 Maggie Circle, Fayetteville, for \$4,648.68, and directed that it be advertised and sold pursuant to the upset bid process of G.S. § 160A-269. The parcel is zoned AR, with a tax value of \$14,955.00. Based on the County GIS Parcel View System and the tax records, there is a structure on the lot.

Notice of the proposed sale, subject to the upset bid process required by G.S. § 160A-269, was advertised in the Fayetteville Observer on September 24, 2021. The publisher's affidavit is attached. More than 10 days have elapsed since the notice was published. No upset bid was received.

RECOMMENDATION / PROPOSED ACTION

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

K. Approval of Sale of Surplus Real Property Located at 6722 Baldoon Drive, Fayetteville

BACKGROUND

On September 20, 2021, the Board adopted a resolution of its intent to accept the offer of Michael Nepstad on behalf of MDN Rentals, LLC, to purchase property with PIN 9497-79-1976, being Lot 106 Loch Lomond, Section 2, Part 1, Plat Book 28, Page 3, located at 6722 Baldoon Drive, Fayetteville, for \$9,867.94, and directed that it be advertised and sold pursuant to the upset bid process of G.S. § 160A-269. The parcel is zoned SF10, with a tax value of \$10,000.00. Based on the County GIS Parcel View System and the tax records, there is no structure on the lot.

Notice of the proposed sale, subject to the upset bid process required by G.S. § 160A-269, was advertised in the Fayetteville Observer on September 24, 2021. The publisher's affidavit is attached. More than 10 days have elapsed since the notice was published. No upset bid was received.

RECOMMENDATION / PROPOSED ACTION

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

L. Approval of Sale of Surplus Real Property Located at 7005 Ryan Street, Fayetteville

BACKGROUND

On September 20, 2021, the Board adopted a resolution of its intent to accept the offer of Michael Nepstad on behalf of MDN Rentals, LLC to purchase property with PIN 9497-69-3948, being Major Part Lot 14 Loch Lomond, Section 2, Part 1, Plat Book 28, Page 3, located at 7005 Ryan Street, Fayetteville, for \$11,740.37, and directed that it be advertised and sold pursuant to the upset bid process of G.S. § 160A-269. The parcel is zoned SF10, with a tax value of \$9,500.00. Based on the County GIS Parcel View System and the tax records, there is no structure on the lot.

Notice of the proposed sale, subject to the upset bid process required by G.S. § 160A-269, was advertised in the Fayetteville Observer on September 24, 2021. The publisher's affidavit is attached. More than 10 days have elapsed since the notice was published. No upset bid was received.

RECOMMENDATION / PROPOSED ACTION

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

M. Approval of Budget Ordinance Amendments for the October 18, 2021, Board of County Commissioners' Agenda

BACKGROUND

General Fund 101

1) Central Maintenance – Budget Ordinance Amendment B220309 to recognize insurance proceeds in the amount of \$2,452

The Board is requested to approve Budget Ordinance Amendment B220309 to recognize insurance proceeds in the amount of \$2,452. These funds will be used to purchase lift pads for Central Maintenance.

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Please note this amendment requires no additional county funds.

- 2) Health Department - Budget Ordinance Amendment 220313 to recognize federal funds in the amount of \$39,900 through the North Carolina Department of Health and Human Services – North Carolina Division of Public Health

The Board is requested to approve Budget Ordinance Amendment B220313 in the amount of \$39,900 of federal funds through the North Carolina Department of Health and Human Services – North Carolina Division of Public Health. These funds will be used to address COVID-19 related health disparities and advance health equity by expanding capacity and services to prevent and control COVID-19 infection among historically marginalized populations. The state agreement addendum requires a designated staff member to carry out all outlined duties. The Health Department will receive additional funding for Fiscal Year 2023 to sustain this position through at least June 30, 2023.

Please note this amendment requires no additional county funds.

REGARDING THE FOLLOWING ITEM #3 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 (6/30/21) or items ordered that had not been received by fiscal year end. These projects or items were approved in the Fiscal Year 2021 budget; however, the money was not spent by June 30, 2021.

The following amendment seeks to bring those funds forward from FY 2021 into the current fiscal year, allowing departments to complete and pay for these projects and items. This revision is not using 'new' funds but are recognizing the use of FY21 funds in FY22.

General Fund 101

- 3) Sheriff's Office Grants – Budget Ordinance Amendment B220331 to re-appropriate grant funds in the total amount of \$95,252

The Board is requested to approve Budget Ordinance Amendment B220331 to re-appropriate grant funds from the United States Department of Justice in the total amount of \$95,252. These funds will be used for programs aimed at reducing crime or enhancing safety for the public or officers. Funds were originally approved at the Cumberland County Board of Commissioners' meeting on April 5, 2021.

RECOMMENDATION / PROPOSED ACTION

Approve Budget Ordinance Amendments

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

1. Approval of September 9, 2021, Agenda Session Item - Budget Ordinance Amendment #B220486 for Martin Luther King, Jr. Park Improvements

BACKGROUND

At the September 9, 2021, Agenda Session, the Board of Commissioners received a presentation from members of the Martin Luther King, Jr. Committee on planned improvements to the park. At that meeting, the Board approved forwarding the following motion to the September 20, 2021, Board of Commissioners' Meeting:

Allocate \$2,500,000 to the Martin Luther King, Jr. Committee and \$500,000 to Orange Street Historic Preservation Committee for capital improvements.

This item was moved from the September 20, 2021, meeting to the October 18, 2021, Meeting so that a presentation could be provided by "Orange Street". The "Orange Street" organization is working on a presentation for a future Agenda Session.

RECOMMENDATION / PROPOSED ACTION

Approve Budget Ordinance Amendment #B220486 allocating \$2.5M for capital improvements at the Martin Luther King, Jr. Park subject to a fully executed contractual agreement and other legal requirements.

2. Amendment to Spectra Venue Management Agreement

BACKGROUND

Attached you will find the current Management Agreement and a proposed Amendment to the Management Agreement for the Crown Coliseum Complex. In the current agreement, the initial term expires on June 30, 2022. This initial term may be extended for an additional period of five years, to end on June 30, 2027.

The amendment includes an initial term of five years expiring on June 30, 2027, with an option to extend the term an additional five years ending on June 30, 2032. The Fixed Management Fee is \$99,000 representing a increase in the base fee of \$3,000. In addition, Spectra proposes to contribute \$100,000 by September 1, 2023; an additional \$100,000 to the facility by September 1, 2023; and if the terms of the agreement are extended to June 30, 2032, an additional \$100,000 by September 1, 2027. These contributions will be used for mutually agreed improvements or equipment designed to increase revenue generated at the venue. In the event any individual venues are closed or repurposed in a material way, Spectra has the right to seek a negotiation in good faith for appropriate fee changes that reflect facility changes.

RECOMMENDATION / PROPOSED ACTION

At the October 14, 2021, Agenda Session, the Board approved forwarding the following action to the October 18, 2021, Board of Commissioner's Meeting:

Approve the attached amendment to Management Agreement with Spectra Venue Management.

3. Public Health Billing Guide Updates

BACKGROUND

The Billing Guide provides detailed billing information for each program offered by the Health Department. The guidelines are in compliance with requirements from NC Department of Public Health, NC Department of Health and Human Services, Division of Medical Assistance and Centers for Medicaid and Medicare Services. The revised version includes the following changes effective October 18, 2021:

- PG 8: County of residence is no longer required for Women, Infants, and Children (WIC). NC DHHS no longer requires individuals to be a resident of the county in which services are received
- PG 10, 11, 13, and 14: United Healthcare, Tricare East, and Medcost are added throughout the manual as health plans CCDPH contracts with
- PG 18: The following have been added as income sources to determine eligibility for a sliding fee scale
 - Income taxes – adjusted gross income
 - Bank statements (only if it shows monthly deposits of income)
 - Patients in the Family Planning Clinic can self-declare income for individuals that are school age and 22 and under with college ID or proof of registration

The Board of Health approved the Billing Guide updates at their meeting on September 21, 2021.

All patients with scheduled appointments will be notified immediately of the Billing Guide updates. Patients requesting appointments will be informed of our proof of income policy change prior to scheduling an appointment. In addition, public notices will be posted in the clinics and at patient registration.

RECOMMENDATION / PROPOSED ACTION

At the October 14, 2021, Agenda Session, the Board approved forwarding the following action to the Board of Commissioner's October 18, 2021, Meeting:

Approve the Public Health Billing Guide Updates

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4. Public Health Department FY2022 Fee Schedule Changes

BACKGROUND

North Carolina Law, G.S. 130-A-39(g) allows local health departments to implement fees for services rendered with the approval of the Cumberland County Board of Health and the Board of Commissioners. Fees are recommended for each vaccine by considering the acquisition cost of the vaccine, the Medicaid rate, 3rd Party rates and the type of vaccine being administered.

During the COVID-19 pandemic Medicaid temporarily increased their fee schedule and the Health Department anticipated this change would be temporary. However, after multiple extensions and in communication with our Medicaid Consultant, we were advised that these fees will remain at the increased rate and local health department fees should be set at the baseline Medicaid rates.

The proposed Cumberland County Health Department fee schedule reflects the change in fees to baseline Medicaid rates and the increased cost in medical supplies to render these services. Patients with low income may qualify for reduced fees which will be based on a sliding fee scale.

The Board of Health approved the proposed FY22 Public Health Department Fee Schedule at their meeting on September 21, 2021.

RECOMMENDATION / PROPOSED ACTION

At the October 14, 2021, Agenda Session, the Board approved forwarding the following action to the October 18, 2021, Board of Commissioner's Meeting:

Approval of the FY2022 Public Health Department Fee Schedule

5. Request from Famiks Transport, Inc. for Increase in Trip Rate for Community Transportation

BACKGROUND

FAMIKS Transport Inc. is requesting reconsideration of their original bid be reinstated from the FY21 budget discussion. This will result in the need to amend their four (4) existing contracts for the current fiscal year.

If the proposed contract amendment is approved, the trip rate reimbursement will increase from \$24.50 per unit of service to \$25.50 per unit of service from the approved existing contract and be effective upon approval by the Board of Commissioners. The rate increase can be absorbed with the existing grant allocation for these programs.

At the October 14th, 2021, Agenda Session, the Board of Commissioners agreed to the trip rate increase for FAMIKS as proposed by staff. In addition, the Board of Commissioners gave direction to staff to engage a discussion with B&W Transportation regarding any need for a rate increase for their operation and to update the Board at a future Agenda Session regarding the conversation or need.

RECOMMENDATION / PROPOSED ACTION

At the October 14, 2021, Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below as a Consent Item on the October 18, 2021, Board of Commissioners Meeting:

Approve the per trip rate increase for FAMIKS, Inc.

6. Request to Consider Contracts at Regular Board of Commissioners' Meetings

BACKGROUND

The County's contract approval process now requires Board of Commissioner approval and the Chairman's signature at the end of the contract approval workflow. There have been times when the contract approval process has taken longer because of the requirement to present the contract at a Board of Commissioner Agenda Session Meeting which occurs once monthly, and then receive approval at the next regular board meeting. Depending on the date of legal sufficiency approval, there is potential for a contract to be pending board approval for up to 45 days.

To become more efficient in the contract approval process, staff are requesting approval for contracts to be presented as an item of business at a regularly scheduled board meeting if waiting for the next Agenda Session will create delays that impact the project timeline or cost.

RECOMMENDATION / PROPOSED ACTION

At the October 14, 2021, Agenda Session, the Board approved moving the following action as a Consent Item on the October 18, 2021, Board of Commissioner's Meeting:

Approval for contracts to be presented as an item of business at the regularly scheduled Board of Commissioner meetings if waiting for the next Agenda Session will result in project delays.

7. Revised Community Development Rental Rehabilitation Program Policy

BACKGROUND

The Community Development Department is revising certain program policies in an effort to achieve the goals and objectives outlined in the 2020 – 2024 Consolidated Plan. The purpose of revising the Rental Rehabilitation Program policy is to achieve the following specific goals:

- Increase affordable rental housing units in the community;
- Increase the interest in the program from local investors / owners; and
- Improve access to affordable housing for special populations (elderly, disabled, homeless, victims of domestic violence, and large families).

The main changes in the policy include the loan terms and targeting special populations. Additional verbiage has been included to further clarify program requirements. The revised policy is attached with the changes highlighted in blue text.

RECOMMENDATION / PROPOSED ACTION

At the October 14, 2021, Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below as a Consent Item on the October 18, 2021, Board of Commissioners' Meeting agenda:

Approve the revised Community Development Rental Rehabilitation Program Policy.

8. OrgCode Consulting, Inc. Proposal for a Homelessness Strategic Plan

BACKGROUND

Through a Request for Proposal process, Cumberland County selected OrgCode Consulting, Inc. to develop a Three-Year Homelessness Strategic Plan. At the August 2, 2021 Board of Commissioners' meeting, Ms. Cindy Crain from OrgCode Consulting, Inc. presented the Homelessness Strategic Plan. The structure of the plan outlined the following:

- four major impact areas to address;
- objectives for addressing the impact areas;
- leading voices to advocate on behalf of the homeless; and
- recommended actions steps to be completed by the leaders and the community.

At the September 20, 2021, Board of Commissioners Meeting, the Board approved the consent item for County staff to proceed with engaging OrgCode Consulting, Inc. to develop a scope of work detailing an implementation plan for recommendations from the Homeless Strategic Plan and present the proposal at the October Agenda Session meeting.

Funding is available within the Community Development budget to begin implementation of the recommendations identified in the Homeless Study.

RECOMMENDATION / PROPOSED ACTION

At the October 14, 2021, Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below as a Consent Item on the October 18, 2021, Board of Commissioners' Meeting agenda:

Approve the proposed service offer submitted by OrgCode Consulting, Inc. in the amount not to exceed \$30,500.

9. Creech and Associates' Proposal for a Space Needs Analysis and Facilities Master Plan

BACKGROUND

On May 3, 2021, Cumberland County advertised a Request for Qualifications for a General Government Services Building Space Utilization and Site Analysis study. The Study would examine current usage within the Judge E. Maurice Braswell Cumberland County Courthouse (JEMB Courthouse), the Cumberland County Historic Courthouse, and 109 Bradford Avenue to determine the space needs for the departments that are currently housed in these facilities and which departments currently under the direction of the County Manager could be relocated to a future General Government Services Building.

During the August 10, 2021, Board of Commissioners' Agenda Session, the Board of Commissions accepted the selection of Creech and Associates as the preferred choice to conduct the General Services Building Space Utilization and Site Analysis Study and granted permission to enter into negotiations for a refined scope and final price at which time Staff would present to the Board for approval.

Attached is Creech and Associates' proposal for design services to complete a comprehensive space needs analysis and facility master plan for the prescribed departments within Cumberland County government. The intent is to analyze current utilization of existing facilities, determine current and future needs for space, and generate a master plan to address deficiencies of the 24 departments identified in the study. The facilities included in this assessment are the Judge E. Maurice Braswell Courthouse, Historic Courthouse, Bradford Building (109 Bradford Ave), Spainhour Building (223 Hull Rd.) and the Winding Creek Annex (707 Executive Place).

The purpose of this analysis will be to create a Facilities Master Plan that incorporates the future design and construction of a new General Government Services Building and select renovations to the other facilities with the results providing a recommendation on the size and location of the new General Government Services Building.

The cost of the study which incorporates a facilities condition assessment, spaced needs analysis and facilities master plan is \$331,500. The estimated length to complete the study is 8 months and Staff will provide periodic updates to the Board of Commissioners during this process.

The Board previously approved funding in the Capital Investment Fund for this study.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the October 14, 2021, Board of Commissioners' Agenda Session Meeting and approved to move forward to the October 18, 2021, Regular Meeting as a Consent Agenda Item.

Staff requests approval the Creech and Associates' Proposal for Space Needs Analysis and Facilities Master Plan.

10. Discussion of August 16, 2021, Action Regarding Historic Courthouse (Moved from September Agenda Session)

BACKGROUND

August 10, 2021, Agenda Session

The County Engineer presented a proposal from the Wooten Company to complete an expanded scope of work, determining the additional costs associated with renovations at the Historic Courthouse.

At that meeting Chairman Evans asked that this item and the RFQ for the general government services building be presented and discussed at the same time. After much discussion, a motion was made to cease consideration of consultant services for Historic Courthouse renovations and to approve the RFQ for consultant services for a general government services building. That motion passed with a vote of five to one.

August 16, 2021, Board of County Commissioner's Meeting

The item was moved forward from the August 10 Agenda Session for consideration. A motion was made to proceed with the renovation of the Historic Courthouse provided that all of the

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funding be from ARP funds not to exceed \$3M, to make it ADA compatible and with Covid restrictions and social distancing for the public. That motion passed with a vote of four to three.

September 9, 2021, Agenda Session

Commissioner Evans placed an item on this agenda session to discuss the August 16, 2021 actions regarding the Historic Courthouse. After much discussion, Commissioner Adams made a motion to table this to the October meeting.

The County has been considering a General Government Services Building which will centralize services and enhance the customer service experience for our citizens. This first step in this process is the Building Utilization Study. The Historic Courthouse and the departments housed in that facility are included in this comprehensive review.

At the October Agenda Session, the Board directed the County Engineer to prioritize the review of the Historic Courthouse in the General Government Services Building Feasibility Study to provide information and feedback to the Board in advance of full completion of the Study.

RECOMMENDATION / PROPOSED ACTION

At the October 14, 2021, Agenda Session, the Board approved moving the following action as a Consent Item to the October 18, 2021, Board of Commissioner's Meeting:

Suspend renovations of the Historic Courthouse pending recommendations and the findings from the Building Utilization Study.

11. Request to Conduct Community Survey

BACKGROUND

Local governments across the country conduct community surveys to gather citizen feedback that helps inform policy decision-making, long-range priorities, and strategic planning for the organization.

Some counties conduct surveys annually; others every two or three years. The public opinion poll is designed to assess awareness and perception of County services and determine priorities for the community. The survey also sets a baseline for future surveys and performance measurements.

The Board of Commissioners established Government Communication as a key priority for 2021-2022 and objectives include developing a comprehensive communications plan that includes how citizens contact and engage with County departments and how the County shares information with residents. A citizen engagement and communications survey will assist in creating this plan and setting performance indicators.

Rather than conducting a survey limited to external communications, management is recommending a more extensive community survey like those conducted by other local governments.

The recommendation includes hiring a survey consultant that specializes in conducting resident surveys for jurisdictions and has the research to provide benchmarking data.

If the board approves, the suggested timing would be to design the survey instrument and sampling plan by early November; conduct the survey in November/December and have the results ready for the commissioners prior to the annual planning retreat in late January.

At the October 14, 2021, Board of Commissioners Agenda Session, the board voted unanimously to continue with the community survey and directed staff to investigate electronic community survey software program opportunities. This item is being placed on the Consent Agenda for the October 18, 2021, Regular Board Meeting.

RECOMMENDATION / PROPOSED ACTION

At the October 14, 2021, Agenda Session, the Board approved forwarding the following action to the October 18, 2021, Board of Commissioner's Meeting:

Conduct a community survey and have staff investigate electronic community survey software program opportunities.

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 <https://www.cumberlandcountync.gov/departments/commissioners-group/commissioners/meetings/agendas-minutes-and-videos>

12. Resolution of Intent to Lease Certain Real Property to Crown Castle South, LLC

BACKGROUND

At the October 14, 2021, Board of Commissioners' Agenda Session, there was consensus to consider leasing property located at 853 Technology Drive, Fayetteville, to Crown Castle South, LLC. A notice of intent to enter into the proposed lease must be published at least 30 days in advance of a regular meeting to approve the lease. Complete background information regarding this proposed lease is attached to this memo.

RECOMMENDATION / PROPOSED ACTION

Staff requests the Board adopt the following resolution:

BE IT RESOLVED that the real property located at 853 Technology Drive, Fayetteville, will not be needed for government purposes for the twenty (20) year term proposed for the lease of property to Crown Castle South, LLC, and this Board intends to adopt a resolution at its December 6, 2021, regular meeting approving the lease pursuant to the terms to be advertised as follows:

PUBLIC NOTICE OF PROPOSED LEASE PURSUANT TO G.S. 160A-272

Take notice that the Cumberland County Board of Commissioners has found that the real property described herein will not be needed for government purposes for the term of the lease described herein and that the Board intends to adopt a resolution at its meeting to be held on December 6, 2021, approving the lease of approximately 4,200 square feet of land located at 853 Technology Drive, Fayetteville, NC, to Crown Castle South, LLC, for a term of twenty (20) years commencing September 24, 2022, at an annual rent of \$12,068.10 for the first five (5) years and then increase the annual rent every five (5) years thereafter by fifteen percent (15%).

13. Fayetteville-Cumberland Liaison Committee Meeting-Expansion of Homeless Committee

BACKGROUND

The Fayetteville-Cumberland Liaison Committee is continuing to meet on a regular basis. In the August 18, 2021, and September 15, 2021, meetings, several motions were approved to take items back to the full Board of Commissioners and Fayetteville City Council for approval. Those items are listed below:

August 18, 2021, Liaison Committee Meeting:

Presentation by Dee Taylor on the Homeless Initiative Fund

The Homeless Initiative Fund and Committee were created by an Interlocal Agreement between the City and County to address homelessness. The purpose of the fund is as follows:

- Provide community-wide programs/services that address homelessness
- Support the Homeless Management Information System
- Provide support for the Data and Evaluation Analyst position

After discussion regarding the membership of that committee, a motion was made to expand the Committee to provide better community representation. The recommended committee makeup is as follows:

2 County Commissioners
2 City Council Members
Deputy City Manager
Assistant County Manager
City and County Community Development Directors
Continuum of Care Chairperson
School Superintendent or designee
Board of Education Member

RECOMMENDATION / PROPOSED ACTION

At the October 14, 2021, Agenda Session the Board approved placing the following action as a Consent Item on the October 18, 2021, Board of Commissioners' meeting:

Approve expansion of the Homeless Committee members.

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 <https://www.cumberlandcountync.gov/departments/commissioners-group/commissioners/meetings/agendas-minutes-and-videos>

MOTION: Commissioner Lancaster moved to approve consent agenda Items 2.A. through 2.N.13.
SECOND: Commissioner Council
VOTE: UNANIMOUS (6-0)

3. PUBLIC HEARINGS

- A. Public Hearing to Consider Approval, for Purposes of Meeting the Requirements of the Internal Revenue Code, of up to \$29,000,000 in Educational Facilities Revenue Refunding Bonds to be Issued by the Public Finance Authority for the Benefit of The Methodist University, Inc. (the “Borrower”)

BACKGROUND

The Public Finance Authority (PFA) is a governmental unit of the State of Wisconsin created for the purpose of issuing tax-exempt and taxable conduit bonds for public and private entities nationwide. PFA is sponsored by the National Association of Counties, the National League of Cities, the Wisconsin Counties Association and the League of Wisconsin Municipalities. Any debt issued is not debt of the County or PFA, but rather is payable solely from debt service payments received from the entity involved (in this case, the Borrower). Approximately 175 North Carolina projects have been financed by PFA.

PFA has been requested to issue the Bonds pursuant to Section 66.0304 of the Wisconsin Statutes, as amended, in the principal amount of up to \$29,000,000. The proceeds of the Bonds will be loaned to the Borrower to be used to (1) refund the Borrower’s obligations with respect to the North Carolina Capital Facilities Finance Agency Revenue Bonds (The Methodist University), Series 2012, the proceeds of which were used to refinance and finance prior capital projects on the Borrower’s campus, including, without limitation, street improvements, certain building renovations, new residence halls, medical laboratories, lecture halls, locker facilities and other campus improvements (the “2012 Projects”), (2) refund the Borrower’s obligations with respect to the North Carolina Capital Facilities Finance Agency Educational Facilities Revenue Bond (The Methodist University), Series 2014, the proceeds of which were used to refinance and finance prior capital projects on the Borrower’s campus, including, without limitation, a physical fitness intramural center, a science center addition, a residence hall, a health sciences building and other campus improvements (the “2014 Projects” and together with the portion of the 2012 Projects to be refinanced with the proceeds of the Bonds, the “Projects”), (3) fund a debt service reserve fund and (4) finance certain issuance costs to be incurred in connection with the Bonds. The Bonds will constitute “qualified 501(c)(3) bonds” within the meaning of Section 145(a) of the Code.

The Projects will be owned and operated by the Borrower.

Wisconsin law and Federal tax law requires that tax exempt bonds issued to finance or, in certain circumstances, refinance, facilities owned by nonprofit organizations be approved by the elected legislative body (or highest elected representative) of the governmental unit that has jurisdiction over the area in which the facility is to be located. Prior to this approval, Internal Revenue Code Section 147(f) requires that a public hearing be held, at which hearing the public is given the opportunity to comment on the Projects.

Because the proceeds of the Bonds will be used to refinance the Projects, which are located in the County, the Board is one of the appropriate governing bodies to approve the use of tax-exempt bonds to refinance the Projects for the purposes of Section 147(f) of the Code.

The Borrower will promise to repay the principal, premium, if any, and interest on the Bonds. Neither PFA nor the County would have any liability whatsoever for the payment of principal or interest on the Bonds. The Bonds will be special limited obligations of PFA payable solely from the loan repayments to be made by the Borrower to the PFA.

The Bonds shall not be deemed to constitute a debt of the County or a pledge of the faith and credit of the County but shall be payable solely from the revenues and other funds provided therefor.

The County will have no responsibility whatsoever for the Bonds. The Bonds will not affect the County's debt ratios or legal debt limit. Because no taxes or other revenues of the County will be pledged to pay these Bonds, the staff of the County has made no financial analysis of the Bonds, the Borrower or the Project.

The notice of public hearing (attached) was published in the The Fayetteville Observer as required by law. The form of the resolution to be adopted by the Board is also attached.

RECOMMENDATION / PROPOSED ACTION

That the Board of Commissioners (the "Board") hold a public hearing on the proposed issuance of not to exceed \$29,000,000 of the Bonds to be issued by the Public Finance Authority; and

At the conclusion of a public hearing, the Board adopt the attached resolution which finds:

1. That the \$29,000,000 in Educational Facilities Revenue Refunding Bonds do not constitute a debt of the County; nor require a tax levy or a pledge of the faith and credit of the County; nor will affect the County's debt ratios or legal debt limit;
2. That the County has made no financial analysis of the Bonds, of the Borrower or of the projects financed and refinanced;
3. Approve the issuance of not to exceed \$29,000,000 in Educational Facilities Revenue Refunding Bonds to be issued by the Public Finance Authority for the benefit of the Borrower; and
4. Reserving all rights with respect to zoning, planning, plans, specifications, inspections, etc. that the County would otherwise require.

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF CUMBERLAND, NORTH CAROLINA, APPROVING THE ISSUANCE BY THE PUBLIC FINANCE AUTHORITY (WISCONSIN) OF UP TO \$29,000,000 AGGREGATE PRINCIPAL AMOUNT OF ITS EDUCATIONAL FACILITIES REVENUE REFUNDING BONDS FOR THE PURPOSE OF FINANCING AND REFINANCING CERTAIN FACILITIES IN THE COUNTY OF CUMBERLAND, NORTH CAROLINA

WHEREAS, this Board of Commissioners today held a public hearing with respect to the proposed Educational Facilities Revenue Refunding Bonds (the "*2021 Bonds*") to be issued by the Public Finance Authority in an amount not to exceed \$29,000,000 on behalf of The Methodist University, Inc., a North Carolina nonprofit corporation and organization described in Section 501(c)(3) of the Code (the "*Borrower*"), and used to (1) refund the Borrower's obligations with respect to the North Carolina Capital Facilities Finance Agency Revenue Bonds (The Methodist University), Series 2012, the proceeds of which were used to refinance and finance prior capital projects on the Borrower's campus, including, without limitation, street improvements, certain building renovations, new residence halls, medical laboratories, lecture halls, locker facilities and other campus improvements (the "*2012 Projects*"), (2) refund the Borrower's obligations with respect to the North Carolina Capital Facilities Finance Agency Educational Facilities Revenue Bond (The Methodist University), Series 2014, the proceeds of which were used to refinance and finance prior capital projects on the Borrower's campus, including, without limitation, a physical fitness intramural center, a science center addition, a residence hall, a health sciences building and other campus improvements (the "*2014 Projects*" and together with the portion of the 2012 Projects to be refinanced with the proceeds of the Bonds, the "*Projects*"), (3) fund a debt service reserve fund and (4) finance certain issuance costs to be incurred in connection with the Bonds. The 2021 Bonds will constitute "qualified 501(c)(3) bonds" within the meaning of Section 145(a) of the Code;

WHEREAS, in order for the 2021 Bonds to be tax-exempt, Federal tax law (specifically, Section 147(f) of the Internal Revenue Code, as amended (the "*Code*")) requires the governing body of the governmental entity having jurisdiction of the area in which a bond financed project is located to approve the issuance of the 2021 Bonds after a public hearing;

WHEREAS, pursuant to Section 66.0304(11)(a) of the Wisconsin Statutes, prior to their issuance, bonds issued by the Authority must be approved by the governing body or highest ranking executive or administrator of a political subdivision within whose boundaries the project is to be located;

WHEREAS, the Borrower has requested that the Board of Commissioners of the County of Cumberland, North Carolina approve the refinancing of the Projects and the issuance of the 2021 Bonds

in order to satisfy the requirements of Section 4 of the Amended and Restated Joint Exercise of Powers Agreement Relating to the Public Finance Authority, dated as of September 28, 2010 (the “*Joint Exercise Agreement*”), and Section 66.0304(11)(a) of the Wisconsin Statutes; and

WHEREAS, County of Cumberland taxpayers will have no responsibility for payment of the 2021 Bonds;

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

Section 1. The Board of Commissioners hereby approves the refinancing of the Projects and the issuance of the 2021 Bonds, all in the principal amount of not to exceed \$29,000,000. It is the purpose and intent of the Board of Commissioners that this resolution constitutes approval of the issuance of the 2021 Bonds by the County of Cumberland, North Carolina, which is one of the governmental units having jurisdiction over the areas in which the respective projects located, in accordance with the Code and with Section 66.0304(11)(a) of the Wisconsin Statutes and Section 4 of the Joint Exercise Agreement.

Section 2. THE COUNTY OF CUMBERLAND HAS NO RESPONSIBILITY FOR THE PAYMENT OF THE PRINCIPAL OF OR INTEREST ON THE 2021 BONDS OR FOR ANY COSTS INCURRED BY THE METHODIST UNIVERSITY, INC. WITH RESPECT TO THE 2021 BONDS OR THE PROJECTS REFINANCED THEREWITH. THE COUNTY PLEDGES NEITHER ITS TAXING POWER NOR REVENUES FOR THE 2021 BONDS.

Approved after public hearing at the October 18, 2021, Regular Meeting of the Cumberland County Board of Commissioners.

Sheila Kinsey, Methodist University Vice President for Planning and Administration, provided highlights of the background information recorded above and a brief overview of the project. Rick Moorefield, County Attorney, acknowledged receipt of the publisher’s affidavit and reported that he had presented it to the Clerk to the Board for viewing at the meeting.

Chairman Evans opened the public hearing.

The clerk to the board stated there were no speakers.

Chairman Evans closed the public hearing.

MOTION: Commissioner Adams moved to adopt the resolution (recorded above).

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (6-0)

B. Bethany Area Land Use Plan

BACKGROUND

As part of the Joint Planning Board’s ongoing efforts to develop detailed land use plans for the entire County and the member municipalities, the staff along with residents in the area, have developed a land use plan for the Bethany area of Cumberland County.

The Cumberland County Joint Planning Board reviewed, heard comments, and approved the plan as presented by staff at their September 21, 2021, regular meeting by a vote of 3-2.

RECOMMENDATION / PROPOSED ACTION

Hold a public hearing and consider adoption of the Bethany Area Land Use Plan as recommended by staff and approved by the Planning Board.

RESOLUTION OF ADOPTION BETHANY AREA LAND USE PLAN COUNTY OF CUMBERLAND

WHEREAS, the Cumberland County Joint Planning Board is empowered to recommend plans for the County of Cumberland in accordance with G.S. 160D-501 of the North Carolina General Statutes; and

WHEREAS, the Planning Staff has prepared a specific document entitled the Bethany Area Land Use Plan designed to provide the County of Cumberland a statement of desirable objectives to guide future growth, change, and development within the Bethany Study Area; and

WHEREAS, the Plan is subject to future re-evaluation or changes by existing and future Planning Boards, and the Cumberland County Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners hereby adopts the Bethany Area Land Use Plan

On this 18th day of October 2021.

Trey Smith, Comprehensive Planning Manager, stated there are twelve land use plans in the County and without an adopted detailed land use plan, the Bethany area was governed by the 2030 Land Use Plan adopted in 2008 which calls for the whole area to be rural. Mr. Smith provided the following PowerPoint presentation that reviewed the plan area, the processes and timelines, public input, existing conditions, future uses, land use classifications, maps of the Bethany area, input from public meetings and recommendations.

Bethany Plan Area

- Last without an adopted detailed land use plan
- Located within the northeast portion of the County
- Comprises approximately 11,204 acres
- Population: Approximately 1,564
- Rural in nature

Public Input	January 28, 2020	Informational Meeting held; 65 people in attendance
	October 2020	Update to County website to allow for public comments Gained input for Vision Statement and SWOT analysis
	January 28, 2021	Virtual Meeting held to discuss Vision Statement, SWOT Analysis
	February 4, 2021	Virtual meeting held to discuss draft policies, future land use map, and recommendations
	February 11, 2021	Virtual meeting held to further discuss draft policies, future land use map, and recommendations
	February 25, 2021	Draft plan posted online for comment Property owners within the study area mailed a postcard detailing where to provide comment for plan March 5, 2021 hard copies placed at Bethany Fire Department
	June 29, 2021	Drop-in Session held from 6-8pm at Center Baptist Church Property owners were sent a postcard informing them of the Drop-in Session

Bethany Area Future Land Use Map / Crosswalk Table

Bethany Area Land Use Map Classifications	CD	A1/A1A	R40/R40A	R30/R30A	R20/R20A	RR	O&I(P)	C1(P)	C2(P)	C(P)
Open Space										
Rural										
Rural Density Residential										
Suburban Density Residential										
Commercial										
		Rezoning is likely appropriate								
		Rezoning may be appropriate, but only when compatible with the surrounding area. Conditional zoning should be required.								

Land Use Classifications

- Rural Classification
 - Associated Zoning Districts: A1 and A1A; R40 and R40A may be appropriate in this area only when compatible with the surrounding area and when a Conservation Development or some other form of higher development standard is utilized. Conditional zoning should be required.

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Mr. Smith stated one of the policies for the rural classification is that zero lot line development is discouraged and if the use of conditional zoning is requested, setbacks should be appropriate to the character of the area should be considered as well as additional measures to protect the rural character of the area.

- Rural Density Residential
 - Associated Zoning Districts: A1, A1A, R40, R40A. R30 and R30A may be appropriate, but only when compatible with the surrounding area. Conditional zoning should be required.
- Suburban Density Residential
 - Associated Zoning Districts: R30, R30A, R20, R20A, and RR.
- Commercial Classification
 - Associated Zoning Districts: C1(P) and O&I(P). C2(P) and C(P) may be considered with conditional zoning.

Bethany Area General Recommendations

AGRICULTURE

- Encourage the development of new small farms, farmstead, homesteads, holdings and artisan activities of 1-10 acres or similar sizes to capitalize on the agricultural nature of the area
- Encourage farmers to participate in the Cumberland County Voluntary Agricultural District (VAD) and Present Use Taxation Programs
- Support incentives for retired farmers and absentee landowners to rent their land to active farmers or reforest their land to tree farming
- Promote educational measures that show the importance of farming and the role it plays in the economic, social, and environment of the Study Area and County
- Support agri-tourism and agribusiness operations such as a "Bee Byway", the creating and selling of farm-based products, and educational farm experiences that are in harmony with the surrounding area

NATURAL ENVIRONMENT

- Support the preservation and protection of the Special Flood Hazard Area, farmland, Significant Natural Heritage Areas, Managed Areas, Dedicated Nature Preserves, historic features, and scenic sites
- Support efforts to enhance minimum stream buffers widths, floodplain development limitations, and tree preservation/restoration in open space/recreation areas
- Adopt County rural design standards
- Explore the creation of a Compatibility Design section of the Cumberland County Zoning Ordinance that specifies context-sensitive development options in the Agricultural and Rural Residential areas in the Future Land Use Plan

COMMUNITY

- Support the efforts of the Bethany Historical Society
- Support the establishment of a local Farmers' Market and local roadside produce stands
- Establish a centralized location for community events and where local food trucks can serve the community
- Improve existing facilities for recreational ball fields and research grant funding for those improvements
- Promote measures to rehabilitate vacant or abandoned homes
- Establish walking/ biking trail in the area
- Explore the creation of a community clean- up program to address roadside trash

Mr. Smith stated meetings with the general public and the Planning Board involved whether the plan should allow R40 zoning district. Mr. Smith reiterated R40 can be consistent with the plan only if it is compatible with the surrounding area and conditional zoning is utilized, and R40 would only be consistent with the plan if it was not a zero lot line subdivision.

Chairman Evans opened the public hearing.

The clerk to the board called the following speakers:

Danielle Lipford – Ms. Lipford appeared in opposition and stated she opposed anything other than A1/A1A in the plan because future development outside of agricultural zoning will negatively impact the Bethany community that is

comprised of 90% agricultural and conservation zoning. Ms. Lipford stated the intent of agriculture zoning is to protect farmland and farming activities as well as to protect against urban/agriculture conflicts. Ms. Lipford stated to allow for anything other than A1/A1A will negatively affect her family's livelihood as livestock growers and farmers.

Stephen Bullard – Mr. Bullard appeared in opposition and stated R40 is a direct contradiction to what people asked for when the county came to them for input and does not match the Bethany area. Mr. Bullard reviewed some of the questions and answers that were part of a public survey. Mr. Bullard stated he is in favor of keeping the zoning in this area A1 as the people in the area have clearly stated. Mr. Bullard asked that R40 be taken out of the plan.

Chairman Evans closed the public hearing.

Commissioner Keefe asked whether other land use plans were restricted to A1 or zoning districts that would not allow for growth. Mr. Smith stated he was not aware of any. Commissioner Keefe stated he would like the Board to consider R40 with restrictions that would not allow any developments with zero lot lines, that would only allow R40 approved setbacks, and that would restrict development to one house per acre. Mr. Smith read verbatim from the Rural Policies, Policy 2 and stated this reflects Commissioner Keefe's considerations for R40, "The utilization of zero lot line /variable lot line developments is not desirable in this classification unless rural design standards, such as buffers, berms, additional setbacks, etc. are applied. This can be accomplished through the use of conditional zoning". Commissioner Keefe asked to change the policy language from "not desirable" to "not acceptable". Commissioner Adams stated he would support changing the language to "strongly discouraged" because at some point the area will grow and this will still support controlled growth if this Board and future Boards follow the plan.

Commissioner Keefe asked Commissioner Adams whether he favored one house per acre and only allowing R40 approved setbacks. Commissioner Adams stated he did not have a problem with that. Commissioner Keefe stated he would accept Commissioner Adams' policy language of "strongly discouraged". Mr. Moorefield clarified R40 is 3,560 SF smaller than one acre and asked Commissioner Keefe whether he was eliminating R40. Commissioner Keefe stated he wanted one house per acre. Mr. Moorefield stated that is a significant change to the plan and would eliminate R40.

Chairman Evans suggested sending the plan back to the Planning Board when considering the changes being requested.

Commissioner Keefe conceded to R40. Mr. Moorefield stated with Commissioner Keefe conceding to R40, changing the policy language to "strongly discouraged" would be acceptable because it does not constitute a significant change from what was recommended by the Planning Board.

MOTION: Commissioner Keefe moved to approve the Bethany Area Land Use Plan subject to modification of Policy 2 of the Rural Policies to state, "utilization of zero lot line/variable lot developments is strongly discouraged" as opposed to "not desirable".

SECOND: Commissioner Adams

VOTE: PASSED (5-1) (Commissioners Lancaster, Council, Keefe, Adams and Stewart voted in favor; Chairman Evans voted in opposition)

Uncontested Rezoning Cases

C. Case ZON-21-0004: Deferred to the November 15, 2021, Regular Meeting

D. Case ZON-21-0005: Deferred to the November 15, 2021, Regular Meeting

E. Case ZON-21-0007: Rezoning of 0.50 +/- acres from R10 Residential District to C(P) Planned Commercial District or to a more restrictive zoning district; located at 5725 Camden Road; submitted by Yarborough, Winters & Neville, P.A. (agent) on behalf of David Ferruzzi (owner).

Mr. Moon showed vicinity or location maps and aerial views of the subject property. Mr. Moon provided overviews of the current land uses, current zonings, and surrounding land uses and zonings as well as soil conditions. Mr. Moon stated the request is compliant with the South-West Cumberland Land Use map. Mr. Moon stated PWC sewer lines are in close proximity to the property and PWC water is available along the frontage of Camden Road. Mr. Moon stated Planning and Inspections staff and the Planning Board recommended approval.

Chairman Evans opened the public hearing for Case ZON-21-0007.

The clerk to the board stated there were no speakers for Case ZON-21-0007.

Chairman Evans closed the public hearing for Case ZON-21-0007.

Commissioner Adams asked whether the subject property had water and sewer. Mr. Moon stated a water line runs along the front of the property and sewer lines are in close proximity. Commissioner Adams stated with the lack of water and sewer on Camden Road, it does not make sense to approve commercial zoning. Commissioner Adams asked whether the Town of Hope Mills objected to the request for commercial zoning. Mr. Moon stated no comments were received from the Town of Hope Mills, even though the town was notified.

MOTION: Commissioner Keefe moved in Case ZON-21-0007 to approve the rezoning request from R10 Residential District to C(P) Planned Commercial District and find that the request is consistent with the Southwest Cumberland Land Use Plan, which calls for Heavy Commercial. Approval of the request is reasonable and in the public interest because the C(P) Planned Commercial District would allow an atmosphere that supports existing and future commercial activities while complementing the surrounding residential area and would be compatible and in harmony with the surrounding land use activities and zoning.

SECOND: Commissioner Lancaster

VOTE: PASSED (4-2) (Commissioners Lancaster, Keefe, Council and Stewart voted in favor; Commissioners Evans and Adams voted in opposition)

Commissioner Boose arrived at the meeting.

F. Case ZON-21-0008: Rezoning of a portion of two lots on 0.58 +/- acres from CD Conservancy District/CUD Conditional Use District to R15 Residential District/ Conditional Use District or a more restrictive district; located at 2241 & 2245 Mannington Drive; submitted by Moorman, Kaiser, And Reitzel, Inc. on behalf of Pami Remodeling (Owner).

Mr. Moon showed vicinity or location maps and aerial views of the subject property. Mr. Moon provided overviews of the current land uses, current zonings, and surrounding land uses and zonings as well as soil conditions. Mr. Moon stated PWC water and sewer utilities are available along the Mannington Drive frontage. Mr. Moon stated the request is not consistent with the South-Central Land Use Plan. Mr. Moon stated northern portion of the subject property was zoned conservancy district because it fell within the FEMA 100-Year Flood Plain line. Mr. Moon stated the applicant petitioned to amend the existing flood maps to relocate the flood boundaries from the affected lots. Mr. Moon stated the next step is to rezone the property to allow for development of the lots. Mr. Moon stated the request is not consistent with the existing land use plan designation of "open space" but approval of the request would be an amendment to the map. Mr. Moon stated Planning and Inspections staff and the Planning Board recommended approval.

Chairman Evans opened the public hearing for Case ZON-21-0008.

The clerk to the board stated there were no speakers for Case ZON-21-0008.

Chairman Evans closed the public hearing for Case ZON-21-0008.

Commissioner Adams stated even though the flood line was moved, there is still a reason for it to be open space because moving the flood line will not prevent the property from flooding. Commissioner Keefe asked how many lots comprised the property. Mr. Moon stated there are two lots and the flood line that has been relocated to the perimeter of the property crossed the middle of the two lots. Commissioner Adams stated the Board just discussed following land use plans and this request is not consistent with the South-Central Land Use Plan.

MOTION: Commissioner Keefe moved in Case ZON-21-0008 to approve the rezoning request from CD Conservancy District/ CUD Conditional Use District to R15 Residential District/CUD Conditional Use District, subject to conditions of approval of Case P10-09 and find:

1. Approval is an amendment to the adopted, current South-Central Land Use Plan; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request.
2. The applicant has petitioned to amend the existing flood maps to remove the flood boundaries from the affected lots. The existing land use plan designation of "open space" is based off the existing flood hazard lines.
3. The request is reasonable and in the public interest because the requested district would allow development that would be compatible and in harmony with the surrounding land use activities and zoning.

SECOND: Commissioner Council

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

Mr. Moorefield asked to clarify for the record whether the flood line had been incorrectly designated/mapped. Mr. Moon stated he could not attest to it being incorrectly mapped. Mr. Moorefield asked whether the FEMA map had been changed. Mr. Moon stated the FEMA map has been changed with no interference of a flood plain on those lots.

MOTION: Commissioner Adams moved to deny the rezoning request from CD Conservancy District/CUD Conditional Use District to R15 Residential District/CUD Conditional Use District and find that the request is not consistent with the South-Central Land Use plan which calls for Open Space. Denial of the request is reasonable and in the public interest because it is not consistent with the South-Central Land Use Plan.

SECOND: Commissioner Stewart

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

G. Case ZON-21-0009: Rezoning of 10.32 +/- acres from A1 Agricultural District to RR Rural Residential District or to a more restrictive zoning district; located north of Sanderosa Road and east of Baywood Road; submitted by George Rose (agent) on behalf of R Chi, LLC (owner).

Mr. Moon showed vicinity or location maps and aerial views of the subject property. Mr. Moon provided overviews of the current land uses, current zonings, and surrounding land uses and zonings as well as soil conditions. Mr. Moon stated the request is consistent with the Eastover Land Use Plan. Mr. Moon stated the site would have to be served by septic and well. Mr. Moon stated Planning and Inspections staff and the Planning Board recommended approval.

Chairman Evans opened the public hearing for Case ZON-21-0009.

The clerk to the board stated there were no speakers for Case ZON-21-0009.

Chairman Evans closed the public hearing for Case ZON-21-0009.

Commissioner Boose asked about the availability of water and sewer. Mr. Moon stated PWC water and sewer are in the vicinity of the property and would have to be extended to the site to accommodate water and sewer service to homes that would be constructed. Commissioner Adams stated without water and sewer, he was trying to figure out whether GenX was present on the property.

MOTION: Commissioner Lancaster moved in Case ZON-21-0009 to approve the rezoning request from A1 Agricultural District to RR Rural Residential District and find the request is consistent with the Eastover Land Use Plan which calls for Rural Density Residential and find 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 Council

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

4. ITEMS OF BUSINESS

A. Fayetteville-Cumberland Liaison Committee - Homeless Collaboration

BACKGROUND

At the September Liaison Committee Meeting, City members asked if the County would collaborate with the City on the Homeless Day Center. Mayor Colvin made a motion that the City Council and the Board of Commissioners discuss the Homeless Day Center and get guidance on whether there is an appetite to collaborate or not, for planning purposes. The motion passed (4 to 1).

At the October 14 Agenda Session, Commissioner Adams provided an update on actions of the Liaison Committee and the summary below of this collaboration issue:

- County can continue with the Homeless Shelter
 - City can continue with renovation of the Homeless Day Center
 - In the future, there has to be communication because at some point, these projects have to be meshed
 - Resources will have to be merged to maximize
 - Work together through the Homeless Committee already created through Interlocal Agreement
- Commissioner Adams made the following motion:

To collaborate with the city on homelessness through the Homeless Committee Interlocal Agreement. The motion passed (4 to 3). Since this was not unanimous approval, this item will be presented as an Item of Business.

RECOMMENDATION / PROPOSED ACTION

At the October 14, 2021, Agenda Session, the Board approved forwarding the following action to the October 18, 2021, Board of Commissioners' meeting:

Collaborate with the City on Homelessness through the Homeless Committee Interlocal Agreement.

Ms. Cannon presented the background information recorded above. In response to a question posed by Commissioner Boose, Commissioner Adams stated the county has started going down the road with a homeless shelter and should bring the shelter to completion as a homeless mitigation project for the county, and the city has started its process for a homeless day center, and

the city should complete the day center. Commissioner Adams stated after those two projects are completed, conversations will continue, and the Homeless Committee may grow to include other surrounding towns.

A brief discussion followed about the update and actions taken at the October 14, 2021, Agenda Session meeting.

MOTION: Commissioner Adams moved that the city continue with the homeless day center, the county continue with the homeless shelter and that the Homeless Committee meet and move forward in collaboration on the homeless issue.
SECOND: Commissioner Council
VOTE: PASSED (6-1) (Commissioners Lancaster, Council, Lancaster, Adams, Boose and Stewart voted in favor; Chairman Evans voted in opposition)

B. Consideration of Crown Complex Multi-Purpose Market and Financial Feasibility Study Next Steps

BACKGROUND

Attached is the Market and Financial Feasibility Study Summary presented to the public on September 15, 2021. A few of the key findings presented are as follows:

- Cost to upgrade the Theatre/Arena are cost prohibitive
- Public/Stakeholder feedback supports replacement with a new venue
- Programming must be reflective of young, diverse market
- Local, regional, and national promoters expressed interest in new venue
- Consideration should be given to regional market competition
- Entertainment industry has experienced sustained growth
- Demand exists for a multi-purpose venue
- Existing Food & Beverage Tax most viable source to fund the new venue

The study also presented information on the building program, site analysis, financial analysis and the economic and fiscal impacts. The following timeline and Next Steps were presented:

- Secure Project Funding.....Late 2021 to Early 2022
- Option to Hire Owners Rep.....Mid 2022
- Site Selection & Purchase.....Late 2022 to Early 2023
- Design & DocumentationLate 2022 to Late 2023
- Final Building Review/Approval and Construction Contract Execution.....Early 2024
Construction.....Mid 2024 to Late 2025
- Venue Opening..... November 2025

The first step in this timeline is securing project funding. If the Board has a desire to move this project forward, the County should work with our Financial Advisor, DEC Associates Inc., in a review of the project costs, key financial assumptions and financial pro forma. DEC would then update our Capital Planning Model with this data and present this to the Board.

At the October 14, 2021, Agenda Session, the Board discussed the recommendation to initiate the first step of securing project funding by directing the Finance Director to work with our Financial Advisor, DEC Associates, Inc. in reviewing project costs, key financial assumptions and the financial pro forma. In addition, the Board instructed the Manager to prepare and present the Request for Proposal (RFP) to engage the Owner's Representative at the November Agenda Session. The actions were approved to move forward at the October 18, 2021 Board of Commissioner's Meeting. This motion was not unanimous and will be presented as an Item of Business.

RECOMMENDATION / PROPOSED ACTION

At the October 14, 2021, Agenda Session, the Board approved forwarding the following actions to the October 18, 2021, Board of Commissioner's Meeting:

- Engage the County's Financial Advisor, DEC, Associates, Inc. in reviewing the financial assumptions, project costs and updating the Capital Planning Model with a presentation at the November Agenda Session.
- Prepare and present the Request for Proposal (RFP) to engage the Owner's Representative at the November Agenda Session.

Commissioner Adams stated he voted in opposition to this item at the Agenda Session meeting, but he has gathered more information and his vote at this time will support the item. Commissioner Keefe stated he would like the Board to allow the County Manager to release the RFP to engage the Owner's Representative instead of waiting another thirty days as this will further delay the process.

MOTION: Commissioner Keefe moved to engage the County's financial advisor, DEC Associates, Inc., in reviewing the financial assumptions, project costs and updating the Capital Planning Model and allow the County Manager to prepare and release the Request for Proposal (RFP) to engage the Owner's Representative.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (7-0)

5. NOMINATIONS

A. Joint Fort Bragg & Cumberland County Food Policy Council (6 Vacancies)

Commissioner Adams nominated the following individuals for the categories indicated:

Member Representing Local Higher Education position:
Dr. Dana Kolbfleisch, Methodist University

Member Who Works in the Field of Healthcare, Public Health, Food Insecurity/Food Access or Child and Adult Care position:
Shella Korch, Carolina Collaborative Community Care

Member Who Does Not Work in Local Government or Health Agencies position:
Veronica Feliciano, Fayetteville State University

Member Representing Fort Bragg Schools position:
Stephanie White, Mental Health Military & Family Life Counselor

Member(s) Who Works in Local Government position (2):
Mayor Pro Tem Kenjuana McCray, Town of Hope Mills
Natasha Randall, Women's Health Research

B. Cumberland County Home and Community Care Block Grant Committee (7 Vacancies)

Commissioner Adams nominated the following individuals for the categories indicated:

Older Consumer category:
Delores "Dee" Boyer
Willie Wright
Stephen MacDonald

Civic Representative category:
Bennie Bradley

Aging Services Provider category:
Debra Kinney
Lisa Hughes
Kendra Haywood

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 <https://www.cumberlandcountync.gov/departments/commissioners-group/commissioners/meetings/agendas-minutes-and-videos>

6. APPOINTMENTS

A. Library Board of Trustees (3 Vacancies)

MOTION: Commissioner Adams moved to appoint Irene Grimes, Joseph “Bart” Fisher, and Ariel Matthews to the Library Board of Trustees.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

Chairman Evans recognized Fayetteville Cumberland Youth Council Members Laiya Davis and James Toon who shared what they learned by attending the meeting.

7. CLOSED SESSION

There was no closed session.

MOTION: Commissioner Council moved to adjourn.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (7-0)

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

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board