

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, MARCH 21, 2022 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING MINUTES

PRESENT: Commissioner Glenn Adams, Chairman
Commissioner Toni Stewart, Vice Chairman
Commissioner Michael Boose
Commissioner Jeannette Council
Commissioner Charles Evans
Commissioner Jimmy Keefe
Commissioner Larry Lancaster
Amy Cannon, County Manager
Tracy Jackson, Assistant County Manager
Sally Shutt, Assistant County Manager
Rick Moorefield, County Attorney
Vicki Evans, Finance Director
Jermaine Walker, Engineering and Infrastructure Director
Daniel Rister, ITS Deputy Director
Tye Vaught, Management Analyst
Rawls Howard, Planning and Inspections Director
Elaina Ball, PWC CEO
James West, PWC Legal Counsel
Candice H. White, Clerk to the Board

Chairman Adams called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Commissioner Lancaster provided comments and offered a prayer for former Cumberland County Sheriff Earl “Moose” Butler and his family. The Pledge of Allegiance to the American flag followed.

Fayetteville-Cumberland Youth Council Members

Olivia Cody
Michael Wilson Jr. (unable to attend)
Marieta Jinson

Chairman Adams recognized the Fayetteville-Cumberland Youth Council Members who were in attendance and asked them to introduce themselves. Olivia Cody stated she attends Northwood Temple Academy. Marieta Jinson stated she is a sophomore at Terry Sanford High School. Ms. Cody and Ms. Jinson reported on the FCYS’s recent trip to Washington, DC and new projects undertaken by the FCYC.

Chairman Adams recognized in attendance Cub Scout Pack 787 Sandhills District.

Recognition of the FSU Hometown Broncos Legacy 2021 Pageant Winners

Little Miss FSU First Runner – Up Isabelle Milaan Elliott
Little Miss FSU Queen Kara Covington
Miss Preteen FSU Amaya Karrington McCray
Mr. Preteen FSU Jerel D. McGeachy, Jr.

Chairman Adams offered the following remarks about the FSU Hometown Broncos Legacy 2021 Pageant Winners:

Fayetteville State University Cumberland County Alumni Chapter sponsors The Hometown Broncos Legacy Pageant to support a General Scholarship and an Endowment to help students in Cumberland County. For the past six years the pageant was reorganized to focus on scholarships. There are two categories for males and females ages 5 years – 12 years: Little Miss and Master ages 5 to 8, and

Preteen Miss and Master for ages 9 to 12. The Pageant is usually held 2 weeks prior to FSU Homecoming Parade.

Little Miss FSU First Runner – Up

Isabelle Milaan Elliott is the daughter of Mrs. Natasha & the Late Mr. Ivery M. Elliott. She is a 2nd grader at Morganton Road Elementary school. Isabelle is the proud granddaughter of Mrs. Debra Slaughter. She is a very talented dancer.

Little Miss FSU Queen

Kara Covington is the daughter of Mr. Demetrius & Jermecka Covington. She is a 3rd grader at Fayetteville Christian School. She performed in the nutcracker at Fayetteville Little Theatre 2021 Christmas production.

Miss Preteen FSU

Amaya Karrington McCray is the daughter of Mr. Thomas & Kenjuana McCray. She is a 7th grader at Hope Mills Middle School. She recently was recognized on 107.7 radio for her achievements for Black History Month.

Mr. Preteen FSU

Jerel D. McGeachy, Jr. is the son of Mr. Jerel & Dominique McGeachy. He is a 5th grader at Rockfish Elementary School. Jerel recently won 2nd place in the Cumberland County District Spelling Bee. He has appeared on television numerous times and at organizations performing Martin Luther King speak, "I have a Dream."

Chairman Adams recognized in attendance Miss Preteen FSU Amaya Karrington McCray, the father of Jerel D. McGeachy, Jr., and Ms. Mallie Monroe, Chair of the FSU The Hometown Broncos Legacy Pageant.

Recognition in Celebration of Women's History Month

Chairman Adams offered the following remarks:

As we observe Women's History Month, many may not know how recent it really is. In 1978, the Education Task Force of Sonoma County California Commission on the Status of Women decided to celebrate women and their accomplishments by creating Women's History Week beginning March 8 in correspondence with International Women's Day. During that week, women taught about unsung female heroes and inspired and uplifted each other. As years passed, the celebration spread across the nation, and in 1981, Congress officially declared March Women's History Month. It is vitally important to our society that we recognize the monumental achievements of women because unfortunately, they did not always receive the recognition they deserved for groundbreaking inventions, record-breaking accomplishments, and more. Ruth Bader Ginsburg once said, "Women belong in all places where decisions are being made. It shouldn't be that women are the exception." I believe this to be true, and each and every day here in Cumberland County, there are amazing women who make decisions to steer this County in the right direction. Tonight, I want to formally observe the elected women officials within Cumberland County. Please pay attention to the screen in front of you for our Women's History Month presentation in their honor.

Chairman Adams concluded his remarks, and a video was shown in honor of current elected women officials in Cumberland County. Chairman Adams presented flowers to Vice Chairwoman Toni Stewart, Commissioner Jeannette Council and Superior Court Judge Gale Adams. District Court Judge Tiffany Whitfield accepted the flowers on behalf of Superior Court Judge Gale Adams who was unable to be present.

PUBLIC COMMENT PERIOD

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

Norma Negron-Bynum – Ms. Negron-Bynum spoke on behalf of Renew Counseling Center that provides services for substance abuse treatment and expressed concern about the small number of referrals being made to the Center when considering the amount of funding coming into the community.

David Williams – Mr. Williams expressed concern about an issue involving Small Claims Court in which he was unable to have money refunded to him although no service was provided.

Vicki Mullins – Ms. Mullins expressed concern about GenX in the water in Cedar Creek and stated she is tired of having to carry water. Ms. Mullins stated this has gone on long enough and it is time for Chemours to take responsibility.

Mike Watters – Mr. Watters, founder of Gray's Creek Residents United, stated he was glad to see Cumberland County had filed a lawsuit against Chemours and DePont chemical companies and would like a copy of the lawsuit. Mr. Watters stated he would like DEQ to enforce its groundwater standards.

Ms. Cannon requested the removal of Item 4.D. Consideration of Bulk Water Purchase Agreement with the Public Works Commission to Serve the Gray's Creek Water and Sewer District. Chairman Adams requested the addition of an item for Nomination and Appointment to the Southeastern Economic Development Commission Board of Directors. Chairman Adams called for a motion.

MOTION: Commissioner Lancaster moved to approve the addition of an item for Nomination and Appointment to the Southeastern Economic Development Commission Board of Directors.
SECOND: Commissioner Council
VOTE: UNANIMOUS (7-0)

1. APPROVAL OF AGENDA

MOTION: Commissioner Boose moved to approve the agenda with the deletion of Item 4.D. as requested.
SECOND: Commissioner Stewart
VOTE: UNANIMOUS (7-0)

2. CONSENT AGENDA

- A. Approval of March 7, 2022 Regular Meeting Minutes
- B. Proclamation Designating April 2022 as North Carolina 811 Safe Digging Month

BACKGROUND

Request was received from Howard Corey, Education Liaison with North Carolina 811, for a proclamation designating the month of April as "North Carolina 811 Safe Digging Month".

The North Carolina One Call System (NC811), a utility notification and education center that celebrates its 43rd year of service to the citizens of North Carolina, is a vital part of preventing damages and injuries when excavating. This vital notification service started in 1978 reaching 2.3 million locate requests from excavators to homeowners in 2021. North Carolina law requires that anyone engaging in demolition or excavation activities contact NC811 at least three days prior to beginning the work by calling or clicking 811.

RECOMMENDATION / PROPOSED ACTION

Respectfully request approval of the proclamation.

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

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>

WHEREAS, as utility owners, excavators, designers, and homeowners work to keep pace with North Carolina's economic development, it is important to minimize damages to underground utility lines, danger to workers and the general public, environmental impact and loss of utility services to the citizens of North Carolina; and

WHEREAS, North Carolina 811, a utility service notification center and leader in education, celebrates its 44th year of continuous service to the State and is key to preventing injuries and damages when excavating; and

WHEREAS, this unique service provides easy, one-call notification about construction and excavation projects that may endanger workers and jeopardize utility lines while promoting workplace and public safety, reducing underground utility damage, minimizing utility service interruptions and protecting the environment; and

WHEREAS, this vital service, which began in 1978, serves the citizens of North Carolina from the mountains to the coast and educates stakeholders about the need for excavation safety whether the project is as small as planting a tree or designing and beginning construction on a new interstate; and

WHEREAS, in 2021, the North Carolina one call system received 2.3 million notification requests and transmitted over 12.9 million requests thereby providing protection to utility companies infrastructure, their employees, excavators, and customers.

NOW THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners has designated the month of April 2022 as "North Carolina 811 Safe Digging Month" to encourage all excavators and homeowners of Cumberland County to contact 8-1-1 either by dialing 8-1-1 or contacting NC811 via the webpage of NC811.org at least three working days prior to digging in order to "Know What's Below," avoid injury, protect the environment, prevent millions of dollars in damages and to remind excavators that three working days' notice is the law, safe digging is no accident, and more information may be obtained by visiting www.nc811.org.

Adopted this 21st day of March 2022.

- C. Approval of Declaration of Surplus County Property and Budget Ordinance Amendment #B220373 and Authorization to Accept Insurance Settlement

BACKGROUND

DATE OF ACCIDENT: DECEMBER 27, 2021

VEHICLE: 2017 FORD EXPLORER

VIN: 1FM5K8ARXHGB00987

FLEET#: FL1704

DEPARTMENT: Sheriff's Office

SETTLEMENT OFFER: \$16,076.00

INSURANCE COMPANY: TRAVELERS

This is a total loss settlement offer.

RECOMMENDATION / PROPOSED ACTION

Management recommends that the Board of Commissioners:

1. Declare the vehicle described above as surplus.
2. Authorize the Accounting Supervisor to accept \$16,076.00 (\$17,076.00 - \$1,000 deductible) as settlement.
3. Allow Travelers to take possession of the wrecked (surplus) vehicle.
4. Approve Budget Ordinance Amendment #B220373 in the amount of \$16,076.00 recognizing the insurance settlement.

Please note this amendment requires no additional county funds.

D. Approval of Budget Ordinance Amendments for the March 21, 2022 Board of Commissioners' Agenda

BACKGROUND

General Fund 101

- 1) Health Department – Budget Ordinance Amendment B220110 to recognize federal funds awarded through the North Carolina Department of Health & Human Services, Division of Public Health in the amount of \$385,842

The Board is requested to approve Budget Ordinance Amendment B220110 to recognize federal funds awarded through the North Carolina Department of Health & Human Services, Division of Public Health in the amount of \$385,842. This state agreement addendum provides temporary funding to support school health services. Staff in these temporary positions will collaborate with local school health programs to provide COVID-19 support and response in schools.

Please note this amendment requires no additional county funds.

- 2) Department of Social Services – Budget Ordinance Amendment B220102 to recognize North Carolina Department of Health and Human Services, Division of Aging and Adult Services in the amount of \$36,410 for individual protective services

The Board is requested to approve Budget Ordinance Amendment B220102 to recognize North Carolina Department of Health and Human Services, Division of Aging and Adult Services in the amount of \$36,410 for individual protective services. These funds are provided via the Adult Protective Services (APS) Essential Services fund through an allocation of American Rescue Plan Act (ARPA) funds. Individual protective services include addressing needs such as provision of physical and mental medical care, assistance with obtaining food and clothing and providing shelter.

Please note this amendment requires no additional county funds.

- 3) Library Grants – Budget Ordinance Amendment B220372 to recognize Arts Council of Fayetteville/Cumberland Project Support Grant funds in the amount of \$2,000

The Board is requested to approve Budget Ordinance Amendment B220372 to recognize Arts Council of Fayetteville/Cumberland Project Support Grant funds in the amount of \$2,000. These funds support the Storytelling Festival “The Sun, the Moon and the Stars”.

Please note this amendment requires no additional county funds.

American Rescue Plan (ARP) Fund 240

- 4) ARPA (American Rescue Plan Act) Public Health, ARPA Negative Economic Impacts, ARPA Services for Disproportionately Impacted Communities, ARPA Infrastructure, ARPA Revenue Replacement, ARPA Administration – Budget Ordinance Amendment B220627 to update the ARPA Grant Project Ordinance as approved by the Board of Commissioners ARPA committee on March 14, 2022, in the amount of \$45,390,000

The Board is requested to approve Budget Ordinance Amendment B220627 to update the ARPA (American Rescue Plan Act) Grant Project Ordinance as approved by the Board of Commissioners ARPA Committee on March 14, 2022, in the amount of \$45,390,000. This Budget Ordinance Amendment will incorporate multiple ARPA reporting code changes, include \$10 million in revenue replacement, move Narcan funds to the nonprofit category, decrease Fayetteville Technical Community College (FTCC) allocation with a plan to use part of the revenue replacement funds to provide these services, include \$1 million to be utilized as a County match for Broadband, take unallocated fund balance to zero and reduce administrative unassigned dollars to \$3,942,726.

Please note this amendment requires no additional county funds.

REGARDING THE FOLLOWING ITEM #5 PLEASE NOTE:

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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. These revisions are not using 'new' funds but are recognizing the use of FY21 funds in FY22.

5) Innovation and Technology Services – Budget Ordinance Amendment B220155 to re-appropriate funds in the amount of \$58,818

The Board is requested to approve Budget Ordinance Amendment B220155 to re-appropriate funds in the amount of \$58,818 for the Tyler Munis upgrade and laptop purchases that could not be made in Fiscal Year 2021 due to computer equipment shortages.

RECOMMENDATION / PROPOSED ACTION

Approve Budget Ordinance Amendments

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

1. Request for Operating Funds for a YMCA Aquatic Center in the Town of Hope Mills

BACKGROUND

During the March 2, 2022 Finance/Audit Committee meeting and again at the March 10, 2022 Agenda Session Meeting, Jackie Warner, Mayor, Town of Hope Mills, and Rick Houpp, YMCA Director, provided information about plans for a new aquatics center to be located off Hope Mills Road. A financial request in the amount of \$5,500 per month for 120 months (\$660,000 total) was also made. If approved, the request was for payments to begin upon the center's opening, projected to be in late 2023 or early 2024.

Because a current Board cannot obligate a future Board to provide funding, a recommendation was made to direct the County Attorney to draft a resolution with parameters in support of the request.

RECOMMENDATION / PROPOSED ACTION

At the March 10, 2022 Agenda Session Meeting, there was unanimous consensus of the Board of Commissioners to approve placing the recommended action below as a Consent Agenda item on the March 21, 2022 Board of Commissioners' meeting:

Approve the resolution in support of the funding request for a YMCA Aquatic Center to be located in the Town of Hope Mills.

CUMBERLAND COUNTY BOARD OF COMMISSIONERS RESOLUTION OF INTENT TO FUND A YMCA AQUATICS CENTER TO BE CONSTRUCTED IN THE TOWN OF HOPE MILLS

Whereas, the Board of Commissioners finds that an aquatics center would be a great recreational and therapeutic asset to serve the citizens of the county; and

Whereas, the Town of Hope Mills has asked the county to fund an aquatics center to be constructed in the Town of Hope Mills in the amount of \$5,500 each month for 10 years with the monthly payments to begin upon the center's opening, projected to be not later than early 2024.

Be it resolved that the Board of Commissioners does hereby intend to provide the funding requested by the Town of Hope Mills for this aquatics center upon the parties entering into an appropriate contract or agreement to set forth the terms under which the funding may be used.

Adopted March 21, 2022.

2. Employee Wellness Clinic Vendor Request for Proposal Recommendation

BACKGROUND

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The County's Employee Wellness Clinic has been a tremendous asset to our employees and their families. Clinic practices and a decline in employee use over the past year led to internal discussion about potential improvements that could lead to better health results and potential health insurance cost savings. Since a vendor RFP was last conducted in 2014, and to provide due diligence, County Management engaged our employee benefits broker, USI, to conduct a nationwide RFP for potential onsite clinic vendors. USI provided staff with proposal summaries from five national vendors. Novant, the current clinic vendor provided a proposal; Cape Fear Valley Health Systems did not propose.

USI representatives and county staff conducted a thorough review of the proposed budgets, staffing models, and services provided through both written proposals and a two-phase interview process. Proactive MD whose headquarters is located in South Carolina, was determined to be the most responsive and offered the overall best service options at the lowest all-in recurring annual cost of \$612,000 plus a year-one implementation fee of \$41,000. Summary results of all proposals is attached.

By transitioning to Proactive MD, the County will be provided with the following, all of which are above the current level of service the current vendor provides within their annual contracted service amount:

1. Competitive pricing that includes next generation programs:
 - a. Onsite biometric screenings at the wellness fair (currently paid as a separate fee of almost \$95,000 on top of Novant's current clinic management fee)
 - b. Pre-employment drug testing (currently with a third-party vendor)
 - c. Potential for at-home visits to members
 - d. Clinic hours that will best fit with county workforce
 - e. 24/7 access to telemedicine with providers who can prescribe
2. Innovative marketing to improve engagement at the clinic
3. A vendor projection that:
 - a. Achieves 50% engagement in the population by year three of operations, to be included in the projection in their performance metrics
 - b. Provides the County with a break even point within 18 months, with a projected ROI between 1.3:1 to 1.5:1

Upon approval of selecting Proactive MD as the clinic's vendor, USI will assist county staff in finalizing the contract and the transition to the new vendor as of July 1, 2022. The current clinic Agreement allows for a 90- day notice to terminate.

RECOMMENDATION / PROPOSED ACTION

At the March 10, 2022 Agenda Session Meeting, there was unanimous consensus to approve placing the recommended action below as a Consent Agenda item on the March 21, 2021 Board of Commissioners' meeting:

Approve Proactive MD to provide employee contracted wellness services totaling \$612,000 annually plus \$41,000 in year one and incorporate those costs into the fiscal year 2023 budget process.

3. Request to Transition the ERAP Program to The Department of Social Services for Program Administration

BACKGROUND

The Emergency Rental Assistance Program or RAP aka ERAP, is intended to provide aid to households that are unable to pay rent or utilities due to economic constraints from the COVID-19 pandemic. The program was initially Innovative Emergency Management, Inc. (IEM) who was contracted to serve as the program administrator of the original federal and state funding. The current vendor's contract will be ending in June and while they have indicated they will see through the remainder of the State ERAP2 funding IEM has informed staff that are not interested in continuing to serve as the program administrator for the funding from the North Carolina Pandemic Recovery Office (NC-PRO). The Department of Social Services (DSS) has been asked to administer the program, and we are ready to fill this role. The program that DSS will be administering are the dollars managed through NCPRO. The Cumberland County Board of Commissioners have accepted this \$17 million. A specialized unit will need to be created within DSS to implement the program, software and equipment will have to be obtained, and support staff

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will have to be hired to process applications and serve as case managers. These costs will be funded from administrative funds included in the \$17M.

RECOMMENDATION / PROPOSED ACTION

At the March 10, 2022 Agenda Session, the Board approved placing the proposed action below as a Consent Item on the March 21, 2022 Board of Commissioners' Meeting agenda:

Approve the transfer of administration of the Emergency Rental Assistant Program to the Department of Social Services and the establishment of 25 time-limited positions assigned to a specialized unit.

4. Contract Renewal with Southern Health Partners for Healthcare Delivery Services at the Cumberland County Detention Center

BACKGROUND

As a result of a recommendation from a formal Request for Proposals process, the Board of Commissioners awarded Southern Health Partners, Inc. (SHP) the contract to provide healthcare delivery services at the Cumberland County Detention Center beginning July 1, 2017. The County is currently in its fifth year of this contract. The contract language allows for extensions of additional one-year terms as follows:

SHP shall provide written notice to the County of the amount of compensation increase requested for renewal periods effective on or after July 1, 2020, or shall otherwise negotiate mutually agreeable terms with County prior to the beginning of each annual renewal period.

For fiscal year 2023, SHP is requesting a two percent increase above the FY2022 base fee and per diem rate, consistent with the increases that have occurred each year of their contract. The request for renewal from SHP is attached.

It has been five years since an RFP process was conducted. Finance staff and staff of the Sheriff's Office are planning to conduct a formal RFP process for detention center healthcare services during fiscal year 2023 to provide due diligence. The SHP agreement allows for a 60 day notice of termination, without cause.

RECOMMENDATION / PROPOSED ACTION

At the March 10, 2022 Agenda Session Meeting, there was unanimous consensus of the Board of Commissioners to approve placing the recommended action below as a Consent Agenda item on the March 21, 2022 Board of Commissioners' meeting:

Approve the FY2023 contract renewal with Southern Health Partners to provide healthcare services at the Detention Center. The annual renewal includes a two percent increase over the FY2022 base fee and per diem rate.

5. Jail Medical Plan

BACKGROUND

The county is required to adopt and maintain a jail medical plan in accordance with N.C.G.S. 153A-225 and 10A NCAC 14J.1001. The plan must be reviewed annually by the Public Health Director. The plan was last approved by Board October 15, 2018. The Public Health Director has completed an annual review of the plan with no revisions. The plan is attached and is available for review in the County Manager's Office. This is the first review by Dr. Green and the Board is requested to approve it for that reason.

RECOMMENDATION / PROPOSED ACTION

County attorney recommended the plan be approved and at the March 10, 2022, Agenda Session the Board approved moving the matter forward to the March 21, 2022, meeting as a consent item.

6. Request for Intent to Lease Real Property to Coastal Horizons Center, Inc.

BACKGROUND

Coastal Horizons Center, Inc., a provider who offers the Treatment Accountability for Safer Communities program (TASC), wishes to enter into a lease agreement with Cumberland County for office space at the Cumberland County Community Corrections Center located at 412 Russell

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Street in Fayetteville. Their current agreement for this space has expired, and the proposed lease includes 1,212 square feet of office space (please refer to attached floorplan). The lease terms would be as follows: a three (3) year term and annual rent in the amount of \$18,180 or \$15.00 per square foot payable in monthly installments of \$1,515.00. A notice of intent to lease must be published at least thirty (30) days in advance of a regular Board of Commissioners' meeting prior to approving any proposed lease.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the March 10, 2022 Board of Commissioners' Agenda Session and forwarded to the March 21, 2022 Board of Commissioners Regular Meeting to be placed on the Consent Agenda.

Staff recommends approval and requests the Board approve the following resolution regarding the intent to lease real property:

BE IT RESOLVED that the Cumberland County Board of Commissioners finds that the real property, specifically identified office space, located at 412 Russell Street in Fayetteville will not be needed for government purposes for the term proposed for the lease of the property to Coastal Horizons, Inc., and this Board intends to adopt a resolution at its regular meeting to be held on May 2, 2022, approving the lease pursuant to the terms to be advertised as follows:

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 regular meeting to be held on May 2, 2022, approving the lease of 1,212 square feet of office space located at 412 Russell Street to Coastal Horizons, Inc. for up to a three (3) year term with annual rent in the amount of \$18,180 or \$15.00 per square foot payable in monthly installments of \$1,515.00.

7. Request to Seek Outside Counsel for a Title Opinion on County Property

BACKGROUND

As explained in the accompanying letter from the Fayetteville-Cumberland Economic Development Corporation (FCEDC) and displayed in the attached aerial map, staff requests approval to hire outside counsel to complete a title opinion on county owned property. This parcel is an 159 acre tract located in the Cumberland Industrial Center and known as "the Sandhills Site."

The FCEDC has applied for a Golden LEAF Grant. A copy of a letter from Golden LEAF and a letter indicating approval by County Management to seek funding for the proposed project is attached. If awarded, the funding will be used to clear and grade the site for future development. A title opinion is required as part of the Golden LEAF grant application process.

The County Attorney is aware of this request and recommended obtaining Board of Commissioner approval to hire outside counsel for the purpose of completing the requested title work on this property.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the March 10, 2022 Board of Commissioners' Agenda Session and moved forward to the Board's March 21, 2022 Regular Meeting as a Consent Agenda Item.

Staff recommends and requests approval to hire outside counsel for a title opinion on the aforementioned county-owned property.

MOTION: Commissioner Evans moved to approve consent agenda Items 2.A. – 2.E.7.

SECOND: Commissioner Stewart

VOTE: UNANIMOUS (7-0)

3. PUBLIC HEARINGS

A. Closure of H. Geddie Ave. and a Portion of E. Holmes St.

BACKGROUND

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N.C.G.S. 153A-241 authorizes boards of county commissioners to close public rights-of-way or easements within the county at the request of adjoining landowners when the rights-of-way or easements are not within any municipality, are not maintained by the Department of

Transportation, all adjoining landowners are noticed or have submitted a petition requesting it, and no individual owning property in the vicinity of the road or the subdivision in which it is located would be deprived of reasonable means of ingress and egress to his or her property. At its February 21, 2022, meeting, the county attorney reported that he had examined all the documents included with the resolution of intent to close the described public rights-of-way or easements and determined that all the statutory conditions would be satisfied by this closure. The board adopted a Resolution of Intent to make the closure and set a public hearing for March 21, 2022.

The attached Order includes the Order Confirmation for the advertising from the Fayetteville Observer, an affidavit of posting the notice on the rights-of-way or easements to be closed, and the legal description prepared by a licensed surveyor. The county attorney reports that the Publisher's Affidavit has not been received and will be included as an item for information only in the April 18, 2022, agenda to create a permanent record of it. The county attorney further reports that these documents comply with the statutory requirements to conduct the public hearing an order the closure.

RECOMMENDATION / PROPOSED ACTION

County attorney recommends that if after the public hearing the board is satisfied that all the statutory conditions have been met, the board adopt the attached Order of Closure to be recorded in the Register of Deeds.

ORDER OF THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY CLOSING A PUBLIC RIGHT-OF-WAY OR EASEMENT DESIGNATED AS H. GEDDIE AVENUE AND A PORTION OF E. HOLMES STREET AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK 18 AT PAGE 23 PURSUANT TO G.S. § 153A-241

MEETING OF MARCH 21, 2022

At its regular meeting February 21, 2022, the Board of Commissioners adopted a resolution of intent to close the public rights-of-way or easements designated as H. Geddie Avenue and that portion of E. Holmes Street lying between its intersections with H. Geddie Avenue and Bolton Street as shown on the plat of Hollywood Subdivision recorded in Plat Book 18, Page 23. The Resolution of Intent also called for a public hearing on the question of this closing to be held at the March 21, 2022, meeting of the Board of Commissioners.

After conducting the public hearing on this date, the Board of Commissioners finds the following:

1. The public rights-of-way or easements designated as H. Geddie Avenue and that portion of E. Holmes Street lying between its intersections with H. Geddie Avenue and Bolton Street as shown on the plat of Hollywood Subdivision recorded in Plat Book 18, Page 23, have not been developed for use as streets nor incorporated into the State highway system and maintained by the North Carolina Board of Transportation.
2. This closure will not cause any parcel to become landlocked.
3. Notice of the public hearing on the question reasonably calculated to give full and fair disclosure of the proposed closing was published in the *Fayetteville Observer* once a week for three successive weeks as shown in the Order Confirmation attached hereto as **Exhibit A**.
4. The county attorney reports that the *Publisher's Affidavit* has not been provided before this date and will be provided as an item of information in the agenda of the April 18, 2022, meeting as a permanent record.
5. All the owners of property adjoining the rights-of-way or easements to be closed petitioned the board to make this closure. No notice of the Resolution of Intent was sent

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to any other property owner for this reason.

6. Notice of the closing and public hearing was prominently posted in at least two places along the rights of way or easements to be closed as shown in the Affidavit of Posting attached hereto as **Exhibit B**.

Based on the foregoing findings of fact, the Board of Commissioners is satisfied that closing the public rights-of-way or easements designated as H. Geddie Avenue and that portion of E. Holmes Street lying between its intersections with H. Geddie Avenue and Bolton Street as shown on the plat of Hollywood Subdivision recorded in Plat Book 18, Page 23, as described herein is not contrary to the public interest and no individual owning property in the vicinity of these rights-of-way or easements would thereby be deprived of reasonable means of ingress and egress to his property.

The Cumberland County Board of Commissioners does hereby order, pursuant to N.C.G.S. § 153A-241, that the public rights-of-way or easements designated as H. Geddie Avenue and that portion of E. Holmes Street lying between its intersections with H. Geddie Avenue and Bolton Street as shown on the plat of Hollywood Subdivision recorded in Plat Book 18, Page 23, and as fully described in the legal description prepared by M.A.P.S. Surveying, Inc. (C-2589) under the direct supervision of Michael J. Adams (PLS L-4491/CFS NC-0075), attached hereto as **Exhibit C**, be, and is closed to public use.

It is further ordered that a certified copy of this order shall be filed in the office of the register of deeds.

Pursuant to N.C.G.S. § 153A-241, upon the closing of a public road or an easement, all right, title, and interest in the right-of-way is vested in those persons owning lots or parcels of land adjacent to the road or easement, and the title of each adjoining landowner, for the width of his abutting land, extends to the center line of the public road or easement, subject, however, to any public utility use or facility located on, over, or under the road or easement immediately before its closing, until the landowner or any successor thereto pays to the utility involved the reasonable cost of removing and relocating the facility.

Any person aggrieved by the closing of this portion of the public rights-of-way or easements designated as H. Geddie Avenue and that portion of E. Holmes Street lying between its intersections with H. Geddie Avenue and Bolton Street as shown on the plat of Hollywood Subdivision recorded in Plat Book 18, Page 23, may appeal the order of the Board of Commissioners to the appropriate division of the General Court of Justice within 30 days after the day this order is adopted.

Adopted in regular meeting March 21, 2022.

Rick Moorefield, County Attorney, presented the background information recorded above and referenced the Order of Closure. Mr. Moorefield stated all the statutory conditions/legal requirements have been met.

Chairman Adams opened the public hearing.

The clerk to the board called the following speaker:

Wayne Dudley – Mr. Dudley appeared as a proponent and stated the area is an older subdivision that was started but never finished and there are lingering streets that need to be closed.

Chairman Adams closed the public hearing.

MOTION: Commissioner Lancaster moved that all statutory conditions have been met and adopt the Order of Closure to be recorded in the Register of Deeds.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

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>

Rezoning Cases

B. Case ZON-22-0029: Rezoning from A1 Agricultural District to R15 Residential District on 6.0 +/- acres or more restrictive zoning district; located at west end of Laguardia Drive, Cumberland County; submitted by Scott Brown (agent) on behalf of William R. Homes, LLC (owner).

Rawls Howard, Planning and Inspections Director, recognized in attendance Stan Crumpler, Planning Board Chairman. Mr. Howard 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. Mr. Howard stated the tract is vacant and the intent is to build a single-family subdivision as an extension of the existing subdivision. Mr. Howard stated there are no hydric soils, water/sewer access is available through the existing subdivision and access is through the existing subdivision from Laguardia Drive. Mr. Howard stated the request is compliant with the South-Central Cumberland Land Use Plan. Mr. Howard stated Planning Staff supported the request and the Planning Board recommended denial with a split vote of 4 to 3.

Commissioner Keefe inquired about access to the subject property and how long the neighborhood zoned R15 had existed. Mr. Howard stated access is from Laguardia Drive and Cypress Crossing has existed since 2005. Commissioner Keefe asked what the Planning Board's decision was based on. Mr. Howard stated throughout discussions at the meeting of the Planning Board, the primary concerns were flooding issues on the site. Mr. Howard stated although the subject property is not located in a flood plain and there are no identifiable wetlands, the existing R15 neighborhood created a divot in the back and associated flooding issues have been observed. Mr. Howard stated the concern was that the new homes would exacerbate or make the flooding more prevalent. Mr. Howard responded to additional questions posed by Commissioner Keefe.

Mr. Moorefield clarified for the record that the Planning Board did not make a recommendation in this case because the motion at the Planning Board was to approve the rezoning, and the motion did not pass. Mr. Moorefield stated the Planning Board did not take any other action and no motion to deny was made, so there is really no direction from the Planning Board. Chairman Adams referenced the minutes from the Planning Board meeting which stated, "the rezoning request was denied", so the Planning Board thought it denied the request, and whether it happened or not, that was the Planning Board's intent.

Commissioner Boose asked whether the case could move forward without a recommendation from the Planning Board. Mr. Moorefield stated should the Board so choose, it can send the case back to the Planning Board even though he agrees with Chairman Adams that the intent of the Planning Board was to deny. Commissioner Boose asked whether there was water/sewer in the existing subdivision and whether the new subdivision is required to have water/sewer. Mr. Howard stated there is a requirement in the ordinance that within a certain distance, water/sewer are required and they are available through the existing subdivision.

Commissioner Evans stated he is stuck on the intent of the Planning Board and asked how the Board of Commissioners can move forward without knowing whether the Planning Board recommended approval or denial of the request. Chairman Adams stated the general intent of the district is to permit all agricultural uses to exist free from most private urban development but then there is a low-density residential designation for a zoning district of R15. Chairman Adams stated there appears to be a conflict and asked how this is to be justified.

MOTION: Commissioner Evans moved in Case ZON-21-0029 to send it back to the Planning Board to get clarification.

SECOND: Commissioner Stewart

DISCUSSION: Commissioner Keefe stated there are people present to speak at the public hearing and the intention of the Planning Board was pretty clear. Commissioner Evans stated it is unfair for the Board of Commissioners to decide when they have to guess at the Planning Board's recommendation. Commissioner Keefe stated the Planning

Board is an advisory board, and the Board of Commissioners needs to do what it was elected to do which is to make a decision at this meeting.

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

4. ITEMS OF BUSINESS

A. Consideration of Proposed Schedule for Fiscal Year 2023 Budget Work Sessions and Budget Public Hearing

BACKGROUND

The following schedule is recommended for consideration with all meetings to be held in the E. Maurice Braswell Courthouse, 117 Dick Street, Fayetteville, NC.

Thursday, May 26, 2022	7:00 PM	Budget Presentation	Room 118
Wednesday, June 1, 2022	5:30 PM	Budget Work Session	Room 564
Monday, June 6, 2022	7:00 PM	Budget Public Hearing / Optional Budget Work Session	Room 118
Wednesday, June 8, 2022	5:30 PM	Budget Work Session	Room 564
Monday, June 13, 2022	5:30 PM	Budget Work Session	Room 564
Wednesday, June 15, 2022	5:30 PM	Budget Work Session (if needed)	Room 564

RECOMMENDATION / PROPOSED ACTION

Adopt the schedule for FY23 budget work sessions and public hearing as recommended or modified.

Ms. Cannon presented the background information and proposed schedule recorded above.

MOTION: Commissioner Council moved to adopt the schedule for FY23 budget work sessions and public hearing as presented.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

B. Consideration of Formal Bid Award: Great Grant Partnership

BACKGROUND

The County has designated \$1 million of American Rescue Plan Act (ARPA) Funds to utilize as a required matching contribution to partner with a private sector broadband provider. The provider will apply to the State for the 2021 – 2022 Growing Rural Economies with Access to Technology (GREAT) Grant. The GREAT grant provides grant funding to private providers of broadband services to facilitate the deployment of broadband service to areas of the state unserved with broadband through this program.

A formal bid process was conducted as required for use of ARPA federal funds. A total of two proposals were received. One proposal was considered nonresponsive. The Brightspeed proposal was considered responsive and met all specifications.

RECOMMENDATION / PROPOSED ACTION

The ARP Committee met on March 14, 2022 and agreed to move the following recommendations to the March 21, 2022 Board of Commissioner's Meeting:

Approval of Bid Number 22-24-CTY to Brightspeed and authorize the Chairman to sign a Memorandum of Agreement establishing a partnership with Brightspeed which includes the required matching funds of \$1 million of ARPA funds.

Ms. Cannon presented the background information recorded above and stated the county is not eligible to apply for the grant because Internet Service Providers are the only eligible applicants; however, counties can partner with a private ISP. Ms. Cannon stated the total project costs recommended by Brightspeed are \$7.5M and by doing so, Brightspeed will actually touch 2,017 locations with a cost per premise of \$3,700. Ms. Cannon explained how the \$7.5 million is broken down and named areas that will be served. Commissioner Council asked how long the project will take. Ms. Cannon stated the grant is due April 4, 2022 and although she is not sure of the grant deadline, there should be a fairly quick turnaround because there is another grant opportunity later in the summer or in the fall.

MOTION: Commissioner Council moved to approve Bid Number 22-24-CTY to Brightspeed and authorize the Chairman to sign a Memorandum of Agreement establishing a partnership with Brightspeed which includes the required matching funds of \$1 million of ARPA funds.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

C. Consideration of Health Insurance Plan Recommendations for Fiscal Year 2023

BACKGROUND

During the March 10, 2022 Agenda Session Meeting, Kevin Quinn of USI provided current year-to-date claims results and trends, and presented health insurance renewal options for the plan year beginning July 1, 2022. The slide presentation is attached. If approved, the recommended options will be incorporated into the fiscal year 2023 budget process.

RECOMMENDATION / PROPOSED ACTION

At the March 10, 2022 Agenda Session Meeting, there was majority consensus of the Board of Commissioners to approve the following actions:

- Keep the \$1,000 deductible Health Reimbursement Account
- The General Fund will absorb \$2,000,000 of the FY2023 budgeted cost risk through a fund balance transfer and the remainder will be absorbed through a per position budgeted increase
- Incorporate into the FY2023 budget process
- Accept Delta Dental's renewal with a negotiated cost increase of 3%
- Accept the AmWINS Renewal at the expected 5% cost increase

Vicki Evans, Finance Director, presented the background information and recommendation/proposed action recorded above. Commissioner Keefe stated he objected to not lowering deductibles at the March 10, 2022 Agenda Session meeting and would rather have a higher premium to get a lower deductible. Commissioner Keefe stated employees are unable to pay the high deductibles which results in letters and calls from collection agencies. Questions and discussion followed. Commissioner Keefe asked what the impact would be to delay the renewal so staff who participate in the county's health insurance can be asked what they want. Ms. Evans stated the impact will be a delay in the BCBS setup as far as the insurance renewal to be effective July 1, 2022, which is the plan year beginning. Ms. Evans stated BCBS is ready to build the setup in their system now and if it is delayed, there is the potential for people's insurance coverage to not be reflected in BCBS. Ms. Cannon requested clarification and stated the county is facing a projected \$4M deficit for next year and the recommendation was to take \$2M out of General Fund Fund Balance with the hope that the impact of COVID levels off and to increase the employer match by \$2.3M. Commissioner Keefe stated he is not asking to affect the money but to find out what the difference would be with an increased premium and a lower deductible. Discussion continued.

MOTION: Commissioner Keefe moved to keep the \$1,000 deductible Health Reimbursement Account; that the General Fund absorb \$2,000,000 of the FY2023 budgeted cost risk through a fund balance transfer and the remainder will be absorbed through a per position budgeted increase; to incorporate into the FY2023 budget process; to

accept Delta Dental's renewal with a negotiated cost increase of 3%; to accept the AmWINS Renewal at the expected 5% cost increase; and to request staff to conduct a survey of county employees on recommendations on premiums versus deductibles.

SECOND: Commissioner Council
VOTE: UNANIMOUS (7-0)

D. REMOVED FROM AGENDA

5. NOMINATIONS

A. Cumberland County Industrial Facilities and Pollution Control Financing Authority

BACKGROUND

The county has received a request from a private company for a financing through the Industrial Facilities and Pollution Control Financing Authority. The Authority has not met since 2010 and County Attorney Moorefield advised that appointments be suspended in 2015 for that reason. The Authority board consists of seven members. The term is for six years. The Authority board members also serve as the members of the board of the Cumberland County Finance Corporation. County Attorney Moorefield does not know when that board last met.

The county attorney's office attempted to contact the existing members and current applicants to confirm their continued interest in serving on the Authority board. Two existing board members responded and indicated they are willing to continue to serve. Each of them has only served one term. The current applicants who were able to be contacted and expressed their continued interest in serving are: Melissa Bostic, Donald Brooks, Thomas J. Keith, Dr. Tracie Hines Lashely, Gary A. Silverman, Kiera Wade and Dakota W. Wright.

The Cumberland County Industrial Facilities and Pollution Control Financing Authority has the following seven (7) vacancies:

- Timothy S. Richardson - completed first term. Eligible for reappointment.
- Ronald C. Crosby, Jr. - completed first term. Eligible for reappointment.
- Vacant Position - Vacated by B. Gleaton.
- Vacant Position - Vacated by C. McNeill.
- Annette C. Billie - Completed second term. Ineligible for reappointment.
- Dr. Don A. Okhomina - Completed first term. Unable to reach to determine whether seeking reappointment.
- Dr. Joan Ceziar - Completed first term. No response as to whether seeking reappointment.

The Cumberland County Industrial Facilities and Pollution Control Financing Authority membership roster and applicant list are attached.

RECOMMENDATION / PROPOSED ACTION

Nominate individuals to fill the seven (7) vacancies on the Cumberland County Industrial Facilities and Pollution Control Financing Authority.

Commissioner Stewart nominated Timothy S. Richardson, Ronald C. Crosby, Jr., Melissa Bostic, Donald Brooks, Dr. Tracie Hines Lashely, Gary A. Silverman, and Dakota W. Wright.

6. APPOINTMENTS

There were no appointments for this meeting.

NOMINATION AND APPOINTMENTS

BACKGROUND

The county received a letter from Pamela H. Bostic, Executive Director of the Southeastern Economic Development Commission, requesting the reappointment of Ms. Amy Cannon to the SEDC Board of Directors for a four-year term to expire on September 30, 2025. In her correspondence, Ms. Bostic acknowledged Ms. Cannon is not eligible for reappointment under the Board of Commissioners' Rules of Procedure and respectfully asked the Board to suspend its Rules of Procedure and consider reappointing Ms. Cannon to serve an additional term.

The membership roster, applicant list and Ms. Bostic's letter regarding the SEDC Board appointment of Ms. Cannon are attached to this memorandum.

RECOMMENDATION / PROPOSED ACTION

Suspend the Board of Commissioners' Rules of Procedure and nominate and appoint Ms. Cannon to serve an additional term on the SEDC Board.

MOTION: Chairman Adams moved to nominate and appoint Amy Cannon to the Southeastern Economic Development Commission Board of Directors.
SECOND: Commissioner Council
VOTE: UNANIMOUS (7-0)

7. CLOSED SESSION:

- A. Attorney-Client Matter(s) Pursuant to NCGS 143.318.11(a)(3)
- B. Prevention of Disclosure of Information that is Confidential Pursuant to NCGS 143-318.11(a)(1)

MOTION: Commissioner Evans moved to go into closed session for Attorney Client Matter(s) Pursuant to NCGS 143.318.11(a)(3) and Prevention of Disclosure of Information that is Confidential Pursuant to NCGS 143- 318.11(a)(1).
SECOND: Commissioner Council
VOTE: UNANIMOUS (7-0)

Chairman Adams recessed the closed session to Conference Room 564 to be reconvened at 8:30 p.m.

MOTION: Commissioner Lancaster moved to come out of closed session.
SECOND: Commissioner Boose
VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Evans moved to adjourn.
SECOND: Commissioner Boose
VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 9:45 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board