

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 4, 2022 – 9:00 AM
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
Keith Todd, ITS Director
Jermaine Walker, Engineering and Infrastructure Director
Faith Phillips, Library Director
Tye Vaught, Management Analyst
Candice H. White, Clerk to the Board
Andrea Tebbe, Deputy Clerk
Press

Chairman Adams called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

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

Chairman Adams asked to have a proclamation added to the agenda to proclaim April 2022 as Child Abuse Prevention and Awareness Month.

MOTION: Commissioner Evans moved to add the proclamation proclaiming April 2022 as Child Abuse Prevention and Awareness Month to the agenda.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

1. APPROVAL OF AGENDA

MOTION: Commissioner Evans moved to approve the agenda.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

2. PRESENTATIONS

A. Update on Community Child Abuse Prevention Plan by Ms. Faith Boehmer

BACKGROUND

Ms. Faith Boehmer, Child Advocacy Center, and Ms. Elizabeth (Liz) Sampler, Partnership for Children, will be providing an update on the Community Child Abuse Prevention Plan at the April 4, 2022 Board of Commissioners' meeting.

RECOMMENDATION / PROPOSED ACTION

This presentation is for informational purposes only.

Faith Boehmer, Child Advocacy Center, and Elizabeth (Liz) Simpler, Partnership for Children, provided an update on the Community Child Abuse Prevention Plan with the following PowerPoint presentation.

WHO WE ARE

- ☐ Over 30 agencies in Cumberland County provide leadership and education to community about preventing child abuse
- ☐ Coalition is divided into three sub-committees
 - ☐ Community Engagement
 - ☐ DART (Data and Research Team)
 - ☐ Parent Engagement

SUB-COMMITTEES

- ☐ Community Engagement
 - ☐ Committee responsible for engaging the community in the coalition's activities
 - ☐ Goals:
 - ☐ Develop Communication Briefs by means of video(s)
These will be used to share the work of SOAR
 - ☐ Reach out to Media Outlets through PSA(s)
- ☐ DART (Data and Research Team)
 - ☐ Responsible for collecting, organizing, translating, and sharing data on SOAR's activities and overall goals.
 - ☐ Goals:
 - ☐ Preparing and disseminating a quarterly report tool (possibly using Survey Monkey) to collect SOAR data.
 - ☐ Achieve consensus on and request specific data on key CAN metrics for Cumberland County to request from DSS for quarterly reporting to SOAR
- ☐ Parent Engagement
 - ☐ Connections Matter
 - ☐ Parent Cafe's
 - ☐ Goals:
 - ☐ Offered café's virtually in 2021, beginning to do some in person
 - ☐ Planning to host a facilitator training in the near future

Ongoing SOAR (Strength in Overcoming Adversity through Resiliency) Activities and Accomplishments

- ☐ Resilience Documentary training provided to community members
Will be training coalition members to facilitate this training
- ☐ Family Connects community stakeholder buy in and support
- ☐ Protective Factors Training Provided to community
Bringing the Protect Factors Framework to Life in Your Work
Helps all participants understand how the protective factors strengthen families
 - ☐ 2 workshops scheduled
 - ☐ April 4-6
 - ☐ May 23-25
- ☐ Triple P Program brought to community. Program is housed at Cumberland County Health Department
- ☐ Parent Cafes provided to community members

Ms. Boehmer and Ms. Simpler concluded their presentation and responded to questions that followed. Commissioner Evans read and presented the proclamation proclaiming April 2022 as Child Abuse Prevention and Awareness Month to Ms. Boehmer and Ms. Simpler.

Commissioner Keefe requested removal from the consent agenda of Items 3.G. – 3.M. for separate discussion and action.

3. CONSENT AGENDA

- A. Approval of March 17, 2022 Special Meeting, March 21, 2022 Special Meeting and March 21, 2022 Regular Meeting Minutes

B. Approval to Pay Prior Year Invoice

BACKGROUND

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

Department: Sheriff's Office
Vendor: Bob Barker
Goods Received: June 2021
Total Amount: \$1,478.75

Department: Sheriff's Office
Vendor: Craftmaster Hardware
Invoice Date: June 22, 2021
Total Amount: \$340.27

Department: Sheriff's Office
Vendor: Fayetteville Footwear/Red Wing Shoes
Invoice Date: June 29, 2020
Total Amount: \$98.44

RECOMMENDATION / PROPOSED ACTION

Management is requesting approval to pay prior year invoices for the Sheriff's Office totaling \$1,917.46.

C. Approval of Proclamation Recognizing April 4-10, 2022 as National Public Health Week

BACKGROUND

National Public Health Week is observed during the first week of April every year. That's seven days to champion the health of all Americans. It's a week to recognize that everyone should lead healthier lives, irrespective of where they live, work, or come from. Since its founding in 1955, the initiative has become an important movement to highlight issues that can improve the health and happiness of a nation. You could choose to crush a workout or any workout challenge today. It's a great week to start eating healthy and stick to it. Whatever you do, remember to involve your friends, family, and the larger community. It's also a week when we campaign for health policies that are fair, inclusive, and accessible to all communities in the United States.

RECOMMENDATION / PROPOSED ACTION

Recommendation for approval that April 4-10 be designated as National Public Health Week.

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, the Cumberland County public health workforce is a critical component of our emergency response to natural and man-made disasters and widespread disease outbreaks in our county, including COVID-19; and

WHEREAS, our county and state public health workers have been courageous, inventive and tireless in their work to protect our residents from the threats of the COVID-19 pandemic, while continuing to perform their other essential public health functions, often times at the risk of their own safety and health; and

WHEREAS, public health measures to control and eliminate infectious diseases, improve environmental sanitation, and promote healthy lifestyle practices have been the greatest cause of improved health status and increased life expectancy for the residents of our County and all North Carolina's residents; and

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WHEREAS, public health plays a critical role advancing health equity and preventing chronic diseases and injuries, resulting in improved productivity and decreased health care costs for all North Carolinians; and

WHEREAS, the Cumberland County Commissioners are committed to a continued emphasis on prevention in public health, and to helping our county and all North Carolina reach a better state of health through actions outlined in the Healthy North Carolina 2030 objectives; and

WHEREAS, communities, local health departments, employers, hospitals and health care providers, individuals and families, insurers, county leaders and policy makers, faith-based communities, and schools and childcare facilities must work together to identify and develop innovative solutions to health problems facing the people of Cumberland County; and

WHEREAS, the Cumberland County Commissioners encourage all residents to recognize that public health is working to ensure that all residents are protected from threats such as COVID-19, influenza, foodborne disease, injury, and chronic diseases such as diabetes, heart disease, and asthma; and

WHEREAS, April 4-10, 2022, has been designated as NATIONAL PUBLIC HEALTH WEEK.

NOW, THEREFORE, We, the Cumberland County Board of Commissioners, in regular session, do hereby unanimously proclaim that April 4-10, 2022, shall be designated as "PUBLIC HEALTH WEEK" in Cumberland County, and commend its observance to all county residents and convey our deepest gratitude to those public health professionals who serve our county every day.

Adopted this 4th day of April 2022.

D. Approval of Proclamation Recognizing April 10-16, 2022 as National Public Safety Telecommunicators Week

BACKGROUND

Every year during the second week of April, the telecommunications personnel in the public safety community are honored. This week-long event, initially set up in 1981 by Patricia Anderson of the Contra Costa County Sheriff's Office in California, is a time to celebrate and thank those who dedicate their lives to serving the public. It is a week that should be set aside so everyone can be made aware of their hard work and dedication. This week of recognition coincides with National 9-1-1 Education Month.

RECOMMENDATION / PROPOSED ACTION

Cumberland County Emergency Services respectfully request the approval of the 2022 National Public Safety Telecommunicators Week Proclamation beginning April 10th thru April 16th.

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, emergencies can occur at any time that require law enforcement, fire or emergency medical services; and

WHEREAS, when an emergency occurs, the prompt response of law enforcement officers, firefighters and medical services personnel is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our law enforcement officers, firefighters and emergency medical workers is dependent upon the quality and accuracy of information obtained from citizens who telephone the Cumberland County Communications Center; and

WHEREAS, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Telecommunicators are the single vital link for our law enforcement officers, firefighters, and emergency medical workers by monitoring their activities by radio, providing them information and ensuring their safety; and

WHEREAS, Public Safety Telecommunicators of the Cumberland County Communications Center have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

WHEREAS, dispatchers have exhibited compassion, understanding and professionalism during the performance of their jobs over the past year.

NOW THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners retroactively proclaims the week of April 10-16, 2022, as “NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK” in Cumberland County in honor of the men and women whose diligence, professionalism and dedication keep our County and citizens safe each and every day.

Adopted this 4th day of April 2022.

E. Approval of Proclamation Recognizing April 11, 2022 as Arbor Day

BACKGROUND

Request was received for a proclamation recognizing Monday, April 11, 2022, as Arbor Day in Cumberland County. The proclamation will be read at the Arbor Day event on Monday, April 11, 2022, at 1:30 p.m. at the Clark Park Nature Center.

RECOMMENDATION / PROPOSED ACTION

Respectfully request approval of the proclamation.

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, the County of Cumberland recognizes the importance of trees to the economic, aesthetic, and ecological well-being of our community; AND

WHEREAS, it is recognized that planting and maintaining healthy trees in our ever-changing society are both desirable and necessary; AND

WHEREAS, Arbor Day is a long-standing American tradition that represents an important element of our national heritage; AND

WHEREAS, the County-City Joint Appearance Commission is a leader in the encouragement of environmental stewardship; AND

WHEREAS, Cumberland County Cooperative Extension is a community resource for information and provides technical assistance regarding the care and maintenance of our trees; AND

WHEREAS, individuals can act in this county to improve the environment by planting trees and ensuring that these trees are protected and receive proper maintenance in the years ahead.

NOW, THEREFORE, We, the Board of Commissioners of Cumberland County, North Carolina, do hereby proclaim Monday, April 11, 2022, to be Arbor Day in Cumberland County and urge our citizens to take an active part to ensure our community has a better quality of life by providing a clean environment with more trees.

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Presented the 11th day of April 2022.

F. Approval of Proclamation Recognizing April 2022 as National County Government Month

BACKGROUND

National County Government Month (NCGM), held each April, is an annual celebration of county government. NACo President Larry Johnson's 2022 theme, Counties THRIVE, focuses on six areas that fortify what counties do to best serve their residents:

Technology – equipping counties to expand broadband access to ensure all residents can learn, do business and communicate effectively

Health – improving our overall health and well-being

Readiness – preparing the county workforce to gain the skills they need

Infrastructure – strengthening resilience and the backbone of our communities

Vulnerable communities – advancing equity, strengthening the safety net and ensuring that our residents have the help they need

Economic opportunities – creating conditions for all of us to compete in the 21st century economy.

RECOMMENDATION / PROPOSED ACTION

Approve proclamation recognizing April 2022 as National County Government Month.

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

National County Government Month - April 2022
“Counties THRIVE”

WHEREAS, the nation’s 3,069 counties serving more than 315 million Americans provide essential services to create healthy, safe and vibrant communities; and

WHEREAS, counties provide health services, administer justice, keep communities safe, foster economic opportunities and much more; and

WHEREAS, Cumberland County and all counties take pride in our responsibility to protect and enhance the health, wellbeing and safety of our residents in efficient and cost-effective ways; and

WHEREAS, under the leadership of National Association of Counties President Larry Johnson, NACo is demonstrating how “Counties THRIVE,” especially in supporting residents and businesses during the coronavirus pandemic; and

WHEREAS, each year since 1991 the National Association of Counties has encouraged counties across the country to elevate awareness of county responsibilities, programs and services.

NOW THEREFORE, BE IT PROCLAIMED, that the Board of County Commissioners of Cumberland County hereby recognizes April 2022 as National County Government Month and encourages all county officials, employees, schools and residents to participate in county government celebration activities.

Adopted this 4th day of April 2022.

G. PULLED FOR SEPARATE DISCUSSION AND ACTION AS RECORDED BELOW

H. PULLED FOR SEPARATE DISCUSSION AND ACTION AS RECORDED BELOW

I. PULLED FOR SEPARATE DISCUSSION AND ACTION AS RECORDED BELOW

J. PULLED FOR SEPARATE DISCUSSION AND ACTION AS RECORDED BELOW

- K. PULLED FOR SEPARATE DISCUSSION AND ACTION AS RECORDED BELOW
- L. PULLED FOR SEPARATE DISCUSSION AND ACTION AS RECORDED BELOW
- M. PULLED FOR SEPARATE DISCUSSION AND ACTION AS RECORDED BELOW
- N. Acceptance of Offer to Purchase Surplus Property Located off Ingram Street, Fayetteville

BACKGROUND

The county acquired the real property with PIN 0438-82-8039, being Lots 76-80 Map 3 Fairview, located off Ingram Street, Fayetteville, at a tax foreclosure sale in 2012 for a purchase price of \$3,235.38. The property is zoned SF6 with a tax value of \$4,375.00. Based on the GIS Mapping and the tax records, there is no structure on the lot. Demond Hogan on behalf of Black Rose 72 LLC has made an offer to purchase the property for \$3,235.38. 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 Demond Hogan on behalf of Black Rose 72 LLC. If the Board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269.

CUMBERLAND COUNTY BOARD OF COMMISSIONERS NOTICE OF INTENT 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 0438-82-8039, being Lots 76- 80, Map 3, Fairview, located off Ingram Street, Fayetteville, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$3,235.38. 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.

- O. Acceptance of Offer to Purchase Surplus Property Located at 213 Hawthorne Road, Fayetteville

BACKGROUND

The county and the City of Fayetteville acquired the real property with PIN 0438-42-6620, being Lot 17 Windsor Terrace, Section 2, Plat Book 10, Page 17, located at 213 Hawthorne Road, Fayetteville, at a tax foreclosure sale in 2006 for a purchase price of \$6,447.07. The property is zoned SF6 with a tax value of \$8,000.00. The City conveyed its interest in the property to the County on March 7, 2022, by a quitclaim deed recorded in Book 11411 at Page 282. Based on the GIS Mapping and the tax records, there is no structure on the lot. Bonita F. Davis made an offer to purchase the property for \$6,447.07. 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 Bonita F. Davis. 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 NOTICE OF INTENT TO ACCEPT AN OFFER TO PURCHASE CERTAIN REAL PROPERTY PURSUANT TO N.C.G.S § 160A-269

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Take notice that the Board of Commissioners finds the real property with PIN 0438-42-6620, being Lot 17 Windsor Terrace, Section 2, Plat Book 10, Page 17, located at 213 Hawthorne Road, Fayetteville, NC, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$6,447.07. 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.

P. Acceptance of Offer to Purchase Surplus Property Located at 6103 Canadian Avenue, Fayetteville

BACKGROUND

The county acquired the real property with PIN 0442-67-1253, being Lot 88 Twin Oaks, Section 4, Part 15, Plat Book 84, Page 114, located at 6103 Canadian Avenue, Fayetteville, at a tax foreclosure sale in 2005 for a purchase price of \$4,909.43. The property is zoned RR with a tax value of \$10,000.00. Based on the GIS Mapping and the tax records, there is no structure on the lot. Gladys Heredia made an offer to purchase the property for \$4,909.43. 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

County attorney recommends the Board consider the offer of Gladys Heredia. 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
NOTICE OF INTENT 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 0442-67-1253, being Lot 88 Twin Oaks, Section 4, Part 15, Plat Book 84, Page 114, located at 6103 Canadian Avenue, Fayetteville, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$4,909.43. 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.

Q. Acceptance of Offer to Purchase Surplus Property Located at 6229 Canadian Avenue, Fayetteville

BACKGROUND

The county acquired the real property with PIN 0442-66-9594, being Lot 103, Twin Oaks Revision, Section 4, Part 20, Plat Book 87, Page 103, located at 6229 Canadian Avenue, Fayetteville, at a tax foreclosure sale in 2007 for a purchase price of \$5,817.18. The property is zoned RR with a tax value of \$10,000.00. Based on the GIS Mapping and the tax records, there is no structure on the lot. Gladys Heredia made an offer to purchase the property for \$5,817.18. 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 Gladys Heredia. 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.

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**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
NOTICE OF INTENT 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 0442-66-9594, being Lot 103 Twin Oaks Revision, Section 4, Part 20, Plat Book 87, Page 103, located at 6229 Canadian Avenue, Fayetteville, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$5,814.18. 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.

- R. Acceptance of Offer to Purchase Surplus Property Located at 6347 Canadian Avenue, Fayetteville

BACKGROUND

The county acquired the real property with the PIN 0442-65-5638, being Lot 114 Twin Oaks, Section 4, Part 6, Plat Book 81, Page 109, located at 6347 Canadian Avenue, Fayetteville, at a tax foreclosure sale in 2009 for a purchase price of \$4,918.94. The property is zoned RR with a tax value of \$10,000.00. Based on the GIS Mapping and the tax records, there is no structure on the lot. Gladys Heredia made an offer to purchase the property for \$4,918.94. 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 Gladys Heredia. 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
NOTICE OF INTENT 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 0442-65-5638, being Lot 114 Twin Oaks, Section 4, Part 6, Plat Book 81, Page 109, located at 6347 Canadian Avenue, Fayetteville, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$4,918.94. 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.

- S. Approval of Budget Ordinance Amendments for the April 4, 2022 Board of Commissioners' Agenda

BACKGROUND

General Fund 101

- 1) General Government Other - Budget Ordinance Amendment B221197 to appropriate general fund balance in the amount of \$10,556 for Mid-Carolina Council of Governments

The Board is requested to approve Budget Ordinance Amendment B221197 to appropriate general fund balance in the amount of \$10,556. Mid-Carolina Council of Governments received a \$113,645 increase in federal funding for Care Management/Consumer Directed Services, Elderly Nutrition, and Home Improvement and an increase in the local match is required.

Please note this amendment requires appropriation of general fund balance.

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- 2) Department of Social Services – Budget Ordinance Amendment B221156 to recognize higher than anticipated Share the Warmth Program funds in the amount of \$17,382

The Board is requested to approve Budget Ordinance Amendment B221156 to recognize higher than anticipated Share the Warmth Program funds in the amount of \$17,382. These funds will be used to provide at-risk Duke Energy customers with financial assistance for energy costs. This amount represents a \$17,382 increase over the originally budgeted amount of \$4,482.

Please note this amendment requires no additional county funds.

- 3) Library – Budget Ordinance Amendment B221127 to recognize higher than anticipated State Aid to Public Libraries funds in the amount of \$30,239

The Board is requested to approve Budget Ordinance Amendment B221127 to recognize higher than anticipated State Aid to Public Libraries funds in the amount of \$30,239. These funds will be spent on e-materials, a database, and books and launchpads for the children’s collection. Increased monthly payments throughout the course of FY22 will result in a total of \$336,218 in State Aid to Public Libraries funding, an increase of \$30,239 above the budgeted amount of \$305,979.

Please note this amendment requires no additional county funds.

- 4) Library Grants – Budget Ordinance Amendment B221065 to recognize Friends of the Library funds in the amount of \$47,900

The Board is requested to approve Budget Ordinance Amendment B221065 to recognize Friends of the Library funds in the amount of \$47,900. These funds will be used for adult, teen and children’s programs, program speakers, promotions, staff developments and awards for staff.

Please note this amendment requires no additional county funds.

General Fund 101 and Capital Investment Fund 107

- 5) General Government Other and Capital Investment Fund – Budget Ordinance Amendment B220001 to transfer general fund balance from the general fund to the capital investment fund in the amount of \$62,549,036

The Board is requested to approve Budget Ordinance Amendment B220001 to transfer general fund balance from the general fund to the capital investment fund in the amount of \$62,549,036. This transfer was approved by the Board of Commissioners at the 3/17/2022 Special Meeting on Capital Planning upon approval of the policy authorizing the transfer to be budgeted.

Please note this amendment requires appropriation of general fund balance.

Tourism Development Authority Fund 285

- 6) Tourism Development Authority - Budget Ordinance Amendment B221198 to recognize an increase in occupancy tax collections in the amount of \$1,263,208

The Board is requested to approve Budget Ordinance Amendment B221198 to recognize an anticipated increase in occupancy tax collections in the amount of \$1,263,208. Revenue projected for FY2022 is higher than the fiscal year 2022 budget.

Please note this amendment requires no additional county funds.

T. Proclamation Proclaiming April 2022 as Child Abuse Prevention and Awareness Month

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

April 2022 Child Abuse Prevention and Awareness Month

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Whereas, based on national best practice and research, The Child Advocacy Center (CAC) was founded in 1993 by a group of concerned local professionals seeking to coordinate services to child abuse victims and their families; and

Whereas, the primary goal of the CAC is to alleviate the trauma children experience once a disclosure of sexual abuse or serious physical abuse occurs; and

Whereas, the CAC provides a safe and child-friendly environment where professionals from 19 community agencies come together to interview, investigate and provide support for abused children and their families; and

Whereas, the CAC reduces the number of interviews for child victims of abuse by providing specially trained professionals to conduct forensic interviews in a centralized location; and

Whereas, the CAC provides continuing education to professionals who serve child abuse victims and child abuse prevention and awareness programs to the entire community; and

Whereas, the CAC coordinates Multidisciplinary Team case reviews where professionals from multiple agencies come together to plan the best course of legal and supportive action for the child abuse victim; and

Whereas, national research has determined that this type of coordinated approach can help alleviate trauma for children, increase the prosecution rate of perpetrators, and be fiscally beneficial to the community.

Now, Therefore, We, the Cumberland County Board of Commissioners, on behalf of the citizens of Cumberland County, do hereby proclaim April 2022 as Child Abuse Prevention and Awareness Month in Cumberland County, N.C. and recognize the Child Advocacy Center and the work of its community partners in creating a safer community for all and protecting our community's children.

Adopted this 4th day of April 2022.

MOTION: Commissioner Evans moved to approve the consent agenda with the exception of Items 3.G. – 3.M. as pulled for separate discussion and action.
SECOND: Commissioner Council
VOTE: UNANIMOUS (7-0)

G. Approval of Sale of Surplus Real Property Located at 1716 Bladen Circle, Fayetteville

BACKGROUND

On December 20, 2021, the Board adopted a resolution of its intent to accept the offer of Josh Speiss on behalf of Joshua Tree Associates, LLC, to purchase property with PIN 0466-39-8246, being .55 acre, Hall Land, located at 1716 Bladen Circle, Fayetteville, for \$2,299.62, and directed that it be advertised and sold pursuant to the upset bid process of G.S. § 160A-269. The parcel is zoned RR, with a tax value of \$6,000.00. 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 December 27, 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 county manager to execute a deed for the property upon the county's receipt of the balance of the purchase price.

H. Approval of Sale of Surplus Real Property Located at 325 Bonnie Street, Fayetteville

BACKGROUND

On December 20, 2021, the Board adopted a resolution of its intent to accept the offer of Josh Speiss on behalf of Joshua Tree Associates, LLC, to purchase property with PIN 0418-19-4368, being Lots 79-81 Oakland Subdivision, Section 1, Part 4, Plat Book 22, Page 73, located at 325 Bonnie Street, Fayetteville, for \$3,194.26, and directed that it be advertised and sold pursuant to the upset bid process of G.S. § 160A-269. The parcel is zoned SF6, with a tax value of \$5,063.00. 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 December 27, 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 county manager to execute a deed for the property upon the county's receipt of the balance of the purchase price.

I. Approval of Sale of Surplus Real Property Located off Turnpike Road, Fayetteville

BACKGROUND

On December 20, 2021, the Board adopted a resolution of its intent to accept the offer of Bonita F. Davis to purchase property with PIN 0427-81-9722, being Lots 7 & 8 Lakeview Heights, Section 1, Plat Book 12, Page 48, located off Turnpike Road, Fayetteville, for \$3,108.72, 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 \$3,750.00. 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 December 27, 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. Acceptance of Offer to Purchase Surplus Property Located Off A.B. Carter Road, Fayetteville

BACKGROUND

The county acquired the real property with PIN 0465-44-1576, being vacant land located off A. B. Carter Road, Fayetteville, described in Deed Book 7287, Page 321, at a tax foreclosure sale in 2006 for a purchase price of \$4,264.50. The property is zoned A1 with a tax value of \$4,000. Based on the GIS Mapping and the tax records, there is no structure on the lot. Clifford and Eugenie Bastien made an offer to purchase the property for \$2,500. 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 Clifford and Eugenie Bastien. 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
NOTICE OF INTENT 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 0465-44-1576, being vacant land located off A. B. Carter Road, Fayetteville, described in Deed Book 7287, Page 321, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$2,500.00. 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.

K. Acceptance of Offer to Purchase Surplus Property Located at 324 E. Jenkins Street, Fayetteville

BACKGROUND

The county acquired the real property with PIN 0436-33-7038, being .56 acre located at 324 East Jenkins Street, Fayetteville, at a tax foreclosure sale in 2012 for a purchase price of \$5,449.51. The property is zoned R6A with a tax value of \$14,000.00. Based on the GIS Mapping and the tax records, there is no structure on the lot. Suriya Jayawardena on behalf of SSA Apartments, LLC, has made an offer to purchase the property for \$5,449.51. 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 Suriya Jayawardena on behalf of SSA Apartments, LLC. If the Board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269.

CUMBERLAND COUNTY BOARD OF COMMISSIONERS NOTICE OF INTENT 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 0436-33-7038, being .56 acre, located at 324 East Jenkins Street, Fayetteville, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$5,449.51. 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.

L. Acceptance of Offer to Purchase Surplus Property Located off Lake Upchurch Drive, Fayetteville

BACKGROUND

The county acquired the real property with PIN 9493-57-3358, located off Lake Upchurch Drive, Fayetteville, at an execution sale in 1999 for a purchase price of \$2,625.12. The property is zoned RR with a tax value of \$15,188.00. Based on the GIS Mapping and the tax records, there is no structure on the lot. David G. Fox and Lynn W. Fox made an offer to purchase the property for \$2,625.12. 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 David G. Fox and Lynn W. Fox. 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
NOTICE OF INTENT TO ACCEPT AN OFFER TO PURCHASE
CERTAIN REAL PROPERTY PURSUANT TO N.C.G.S. § 160A-269**

Take notice that the Board of Commissioners finds the real property with PIN 9493-57-3358, located off Lake Upchurch Drive, Fayetteville, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$2,625.12. 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.

M. Acceptance of Offer to Purchase Surplus Property, Being 12.44 Acres of Vacant Land Located Adjacent to the Cape Fear River, Fayetteville

BACKGROUND

The county and City of Fayetteville acquired the real property with PIN 0446-33-1463, being 12.44 acres of vacant land located adjacent to the Cape Fear River, in Fayetteville, at a tax foreclosure sale in 2012 for a purchase price of \$14,368.98. The property is zoned SF6 with a tax value of \$62,000.00. Based on the GIS Mapping and the tax records, there is no structure on the land. A GIS map of the property is attached as Exhibit A. The city conveyed its interest in the property to the county on July 8, 2020, by a quitclaim deed recorded in Book 10813 at Page 436. Elise Lamartiniere on behalf of Lughome Corporation has made an offer to purchase the property for \$14,368.98. 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 Elise Lamartiniere on behalf of Lughome Corporation. 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
NOTICE OF INTENT 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 0446-33-1463, being 12.44 acres of vacant land located adjacent to the Cape Fear River, in Fayetteville, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$14,368.98. 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.

Commissioner Keefe asked Rick Moorefield, County Attorney, how his office determined the tax value of Items 3.G. – 3.L. because as surplus property, they all have a tax value of zero. Mr. Moorefield stated they are listed by the Tax Department as having a tax value of zero because they are owned by local government and are exempt, but the Tax Departments does give them a tax appraised value. Commissioner Keefe asked whether back taxes were owed on any of these properties. Mr. Moorefield responded in the negative and stated his office checks to see whether back taxes are owed in accordance with the policy adopted by the Board.

Commissioner Keefe stated Item 3.M. has a tax appraised value of \$62,000 and the request is to consider an offer to purchase for \$14,368.98. Commissioner Keefe stated the \$62,000 tax appraised value of the property should be considered and asked what the justification was for

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selling the 12-acre property on the Cape Fear River at \$14,368.98. Chairman Adams stated at this point, the property is worth zero to the county because no tax revenue is received and if the property is sold, the county will receive tax revenue on \$62,000. Mr. Moorefield stated the Board of Commissioners adopted a policy establishing the minimum offer to be considered at the property's cost to the county and with this property, the cost to the county was \$14,368.98.

Commissioner Keefe asked how the sale of this property was advertised. Mr. Moorefield stated the legal requirement is to advertise in a newspaper of general circulation, so there was an ad published in The Fayetteville Observer.

Commissioner Keefe stated he has a fundamental issue with selling property at 20% of its value and he does not feel the sale of surplus property is communicated with the public. Commissioner Keefe offered additional comments and stated a better process needs to be put in place.

MOTION: Commissioner Keefe moved to approve Items 3.G. – 3.L.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

Chairman Adams posed questions about the policy adopted by the Board. Mr. Moorefield stated the policy establishes the minimum bid to be considered; however, the Board does not have to accept any bid. Mr. Moorefield stated for his office to accept a bid, the bid amount has to be at the property's cost to the county. Chairman Adams stated a policy change as it relates to advertising needs to be brought to the Board. Mr. Moorefield stated the law has not changed with respect to advertising in a newspaper of general circulation, so that will always have to be done unless that law changes.

MOTION: Commissioner Keefe moved to delay action and table Item 3.M. until the policy can be confirmed.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

4. ITEMS OF BUSINESS

A. Consideration of Mid-Carolina Workforce Development Consortium Agreement and Resolution

BACKGROUND

The Mid-Carolina Regional Council (MCRC) is moving forward with the formation of the new three-county workforce development area. The MCRC has received updated guidance from the State's Division of Workforce Solutions (DWS) regarding a proposed regionalization of workforce services. MCRC Staff is working to put together preliminary documents that will be submitted to the State Workforce Commission by April 8, 2022.

At this point, the Cumberland County Attorney is working with the other County Attorneys to develop language that is appropriate for the purpose of the agreement. Copies of the proposed agreement will be provided at the meeting.

RECOMMENDATION / PROPOSED ACTION

Consideration and approval of the proposed resolution and agreement by the MCRC Director Justin Hembree.

RESOLUTION APPROVING THE AGREEMENT FOR THE MID-CAROLINA WORKFORCE DEVELOPMENT CONSORTIUM

Whereas, Cumberland County desires to enter into workforce development consortium agreement pursuant to North Carolina General Statutes, Section 160A-461 with the North Carolina counties of Harnett and Sampson to organize a workforce development area; and

Whereas, these contiguous units of local government agree to establish a consortium pursuant to the provisions of North Carolina General Statutes, Section 160A-464(1) to act jointly as a workforce development area under the Workforce Innovation and Opportunity Act (WIOA), Public Law 113-128 as enacted July 22, 2014; and

Whereas, this consortium shall be known as the Mid-Carolina Workforce Development Consortium; and

Whereas, a copy of said consortium agreement is attached herewith.

Now, therefore, be it resolved by the Cumberland County Board of Commissioners that it hereby approves the attached consortium agreement by and between Harnett County and Sampson County to organize a workforce development area under the Workforce Innovation and Opportunity Act of 2014.

Adopted this the 4th day of April, 2022.

Ms. Cannon stated Mid-Carolina Regional Council Director Justin Hembree spoke with the Board of Commissioners during an Agenda Session meeting about expanding the Workforce Development program from its original concept. Ms. Cannon stated Mr. Hembree had planned to be at the meeting but was out of town attending a funeral.

MOTION: Commissioner Lancaster moved to adopt the resolution approving the agreement for the Mid-Carolina Workforce Development Consortium.
SECOND: Commissioner Evans
VOTE: UNANIMOUS (7-0)

B. Consideration of Multi-Purpose Event Center Capital Project Budget Ordinance #220002 and Declaration of Official Intent to Reimburse Expenditures

BACKGROUND

A draft capital project budget ordinance for the Multi-Purpose Event Center has been developed for Board of Commissioners' consideration. The overall project budget is currently expected to not exceed \$82.5 million. This is inclusive of the \$80 million estimated cost as shown within the feasibility study presented in September 2021, the approximate \$2 million contract for the Owner's Agent, and \$500,000 in estimated debt issuance costs. Details of the capital project ordinance are shown within the attachment.

In addition, U.S. Treasury regulations and guidelines that involve debt financing transactions require that a governmental entity declare its intent to use debt financing for a given project before expenses are incurred. In accordance with this requirement, the County must adopt a resolution of intent to incur indebtedness for the construction of the Multi-Purpose Event Center capital project in order to reimburse itself for any costs incurred before the financing is executed from the proceeds of the debt issuance.

The attached resolution would satisfy the federal reimbursement requirements by declaring the County's intent to finance the capital improvement projects from an installment contract in an amount not to exceed \$82.5 million.

RECOMMENDATION / PROPOSED ACTION

The Board is requested to approve:

- (1) Capital Project Budget Ordinance B220002 to establish the budget for the Multi-Purpose Event Center capital project, in an amount not currently expected to exceed \$82,500,000.
- (2) the resolution of official intent to pursue tax exempt financing and to reimburse expenditures with proceeds of a borrowing.

**CAPITAL PROJECT BUDGET ORDINANCE #220002
CUMBERLAND COUNTY CIVIC/CROWN CENTER
MULTI PURPOSE EVENT CENTER CAPITAL PROJECT**

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The Cumberland County Board of Commissioners hereby adopt the following Capital Project Ordinance in accordance with North Carolina General Statues 159-13.2:

Section 1. The project authorized is the Multi-Purpose Event Center construction project. The initial revenue source will be a transfer from the Food and Beverage (200) Fund Balance into the Multi-Purpose Event Center capital project fund (426) to support initial expenditures, to later be reimbursed by proceeds from a borrowing upon approval by the Local Government Commission.

Section 2. The following projected expenditures are appropriated for this project:

| | <u>Expenditure</u> |
|--|--------------------|
| Surveying | \$ 48,000 |
| License & permits | \$ 100,000 |
| Contingency | \$ 9,052,000 |
| Architect | \$ 5,500,000 |
| Owners Agent | \$ 2,200,000 |
| Engineering (Geotech) | \$ 100,000 |
| Construction | \$ 65,000,000 |
| Debt Issuance Costs | \$ 500,000 |
| Transfer to the Food and Beverage Fund | \$ 2,500,000 |

Section 3. The following associated revenue is appropriated for this project:

| | <u>Revenue</u> |
|--|----------------|
| Proceeds from Debt Issuance | \$ 82,500,000 |
| Transfer from the Food and Beverage Fund | \$ 2,500,000 |

Section 4. The County Manager, as Budget Officer, is hereby authorized to transfer funds between line items within this capital project ordinance, however, any net increases or decreases to total capital project ordinance appropriations shall require a capital project ordinance amendment by the Board of Commissioners.

Section 5. Within five days after adoption, copies of this ordinance shall be filed with the Finance Officer, Budget Officer, and Clerk to the Board, to be kept on file by them for their direction in the disbursement of County funds for this project.

Adopted this _____ day of _____, 2022.

MULTI-PURPOSE EVENT CENTER – CAPITAL PROJECT

BACKGROUND: The Cumberland County Board of Commissioners and the Civic Center Commission have determined to replace the Crown Theater rather than to spend additional funds renovating it. In accordance with the Commission Act, the Commission has worked with the Board of Commissioners in planning for the construction of a replacement facility for the Theater, including engaging a third-party consultant to make recommendations about the best use and location of a replacement for the Theater. As a result of that work, the Commission and the Board of Commissioners have determined to construct a multi-purpose event center to replace the Theater. The multi-purpose event center is a “new arena facility” as contemplated by the Food and Beverage Tax Act. The purpose of the Commission and the purpose of the food and beverage tax have not changed, and neither is tied to a particular location. Therefore, the food and beverage tax proceeds will be available to make payments in each fiscal year with respect to any financing for the Replacement Facility as a “new arena facility” and to pay other costs of acquiring, constructing, maintaining, operating, marketing, and promoting the Replacement Facility. (Mary Nash Rusher, Bond Counsel)

On April 4, 2022, the Board of Commissioners adopted a resolution of official intent to pursue tax exempt financing and to reimburse expenditures with proceeds of a borrowing in an amount not currently expected to exceed \$82,500,000.

CUMBERLAND COUNTY, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE EXPENDITURES

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, Cumberland County, North Carolina (the “County”) intends to provide financing for certain capital improvements, including a new multipurpose event center (the “Project”);

WHEREAS, the County has advanced and/or will advance its own funds to pay expenditures relating to the Project, may borrow funds on a short term taxable or tax-exempt basis in order to pay such expenditures or may enter into contracts obligating third parties to make certain expenditures relating to the Project (the “Original Expenditures”) prior to incurring indebtedness and to receive reimbursement for such Expenditures from proceeds of tax-exempt bonds or taxable debt, or both;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the County, meeting in regular session on the 4th day of April 2022, as follows:

1. The County intends to utilize the proceeds of tax-exempt indebtedness or to incur other debt, to pay the costs of the Project in an amount not currently expected to exceed \$82,500,000.
2. The County intends that the adoption of this resolution be its declaration of official intent pursuant to Treasury Regulations Section 1.150-2, or any successor or substitute Treasury Regulations which may be promulgated hereafter and is intended to expressly declare the County’s intention to reimburse itself for the Original Expenditures heretofore paid or to be paid by the County, such reimbursement to be made with the proceeds of indebtedness to be incurred by the County.
3. All Original Expenditures to be reimbursed by the County, except to the extent permitted by applicable Treasury Regulations, were paid no more than 60 days prior to, or will be paid on or after the date of, this declaration of official intent. The County understands that such reimbursements must occur not later than 18 months after the later of (i) the date the Original Expenditure was paid; or (ii) the date the Project is placed in service or abandoned, but in no event more than three years after the Original Expenditure was paid.
4. This resolution will take effect immediately upon its passage.

Vicki Evans, Finance Director, stated a feasibility study was conducted in the fall of 2021 for a Multi-Purpose Event Center and the county was provided information to include potential costs and a timeline. Ms. Evans stated the county recently conducted a feasibility study for an Owner’s Agent and information from both feasibility studies was utilized to create a Capital Project Budget Ordinance account for the capital project that included the construction cost, the Owner’s Agent contract and debt issuance. Ms. Evans referenced Capital Project Budget Ordinance B220002 and stated debt payout is expected to occur upon building review and approval and construction contract execution which is expected to be in early 2024 according to the feasibility study. Ms. Evans stated until that time as the project incurs costs, the Food and Beverage fund balance will be utilized to fund those costs. Ms. Evans stated approximately \$2.5M is included in the Capital Project Budget Ordinance for those initial costs. Ms. Evans stated after the debt take-out occurs and proceeds are received, the Food and Beverage fund will be reimbursed. Ms. Evans stated a Declaration of Official Intent to Reimburse Expenditures was prepared by bond counsel is also included. Ms. Evans responded to questions.

MOTION: Commissioner Council moved to approve the Capital Project Budget Ordinance B220002 to establish the budget for the Multi-Purpose Event Center capital project, in an amount not currently expected to exceed \$82,500,000.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Council moved to approve the resolution of official intent to pursue tax exempt financing and to reimburse expenditures with proceeds of a borrowing.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (7-0)

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C. Consideration of Contract Approval for MBP Carolinas for Owner's Representative Services

BACKGROUND

At the request of the Board of Commissioners, Staff solicited a Request for Proposal for the Cumberland County Multi-Purpose Event Center on November 5, 2021. At the January 18, 2022, Board of Commissioners' Regular Meeting, the following recommendations were approved as an Item of Business: (1) Accept the selection of MBP Carolinas, Incorporated as the Owner's Representative for the Cumberland County Multi-Purpose Event Center; (2) Authorize Staff to negotiate a preliminary draft contract with MBP Carolinas, Inc. and (3) once approved by Legal, the draft contract be presented to the Board of Commissioners Multi-purpose Event Center Committee for review and approval before presentation to the Board of Commissioners for final approval.

The attached contract was reviewed by the Multi-Purpose Event Center Committee and per the request of the Committee members that there be some clarification regarding the site selection process, communication/reporting to the MPC Committee/Board of Commissioners throughout the process and compensation language.

This contract was developed from coordination between Staff and MBP Carolinas, Inc. and undergone legal review with both MBP Carolinas Inc. Legal and the County's Legal Department.

The proposed negotiated cost for service is \$2.2M and projected budget is \$82.5M.

RECOMMENDATION / PROPOSED ACTION

Staff recommends the Board of Commissioners approve the MBP Carolinas contract subject to completion of the pre-audit process and allow the Chairman to sign the contract on behalf of the County.

Ms. Cannon presented the background information and recommendation/proposed action recorded above. At the request of Commissioner Keefe, Engineering and Infrastructure Director Jermaine Walker explained the role of the Owner's Representative as it relates to the Multi-Purpose Event Center project and responded to questions.

Commissioner Boose posed a question about the completion date being extended from the fall of 2024 to the fall of 2025. Ms. Cannon stated there is a competitive process described in the North Carolina General Statutes that all local governments have to utilize. Ms. Cannon stated this project is being approached differently and the value of having an Owner's Representative is that some of the processes can be overlapped and if the Multi-Purpose Center Committee can meet and look at options for potential sites, the county can then begin preparing the site at the same time it goes through the design process. Ms. Cannon stated the county is in a better situation for moving this project faster with the assistance of an Owner's Representative.

MOTION: Commissioner Lancaster moved to approve the MBP Carolinas contract subject to completion of the pre-audit process and allow the Chairman to sign the contract on behalf of the County.

SECOND: Commissioner Council

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

5. **NOMINATIONS**

There were no nominations for this meeting.

6. **APPOINTMENTS**

A. **Cumberland County Industrial Facilities and Pollution Control Financing Authority**

MOTION: Commissioner Stewart moved to appoint Timothy S. Richardson, Ronald C. Crosby, Jr., Melissa Bostic, Donald Brooks, Dr. Tracie Hines Lashley, Gary A. Silverman, and Dakota W. Wright to the Cumberland County Industrial Facilities and Pollution Control Financing Authority
SECOND: Commissioner Council
VOTE: UNANIMOUS (7-0)

7. CLOSED SESSION

There was no closed session.

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

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

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board