

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, JANUARY 6, 2025 9:00 AM PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING MINUTES**

PRESENT:

Commissioner Kirk deViere, Chairman
Commissioner Veronica Jones, Vice Chairwoman
Commissioner Glenn Adams
Commissioner Jeannette Council (Virtual)
Commissioner Marshall Faircloth
Commissioner Pavan Patel
Commissioner Henry Tyson
Clarence Grier, County Manager
Sally Shutt, Assistant County Manager
Brian Haney, Assistant County Manager
Heather Skeens, Assistant County Manager
Faith Phillips, Assistant County Manager
Tye Vaught, Chief of Staff and Interim Community Development Director
Rick Moorefield, County Attorney
Deborah Shaw, Budget and Performance Director
Robin Koonce, Finance Director
Gene Booth, Emergency Services Director
Freddy Johnson Sr., Fire Chief
Jermaine Walker, Director of Engineering and Infrastructure
Amanda Lee, General Manager of Natural Resources
Diane Rice, Communications Director
Andrea Tebbe, Clerk to the Board
Iva Clark, Deputy Clerk

Chairman deViere called the meeting to order at 9:00 AM.

Chairman deViere recognized Chief Johnson and thanked him for attending the meeting.

INVOCATION / PLEDGE OF ALLEGIANCE

Vice Chairwoman Jones provided the invocation followed by the Pledge of Allegiance.

1. APPROVAL OF AGENDA

Clarence Grier, County Manager requested Item 3.E. Update on Chemours Litigation (Cumberland County v. The Chemours Company, The Chemours Company, FC, LLC, E.I., Du Pont De Nemours and Company, Dupont De Nemours, Inc. and Corteva, Inc – Cumberland County File No. 22 CVS 1569) be moved to Items of Business as Item 4.D

MOTION: Commissioner Faircloth moved to approve the agenda
SECOND: Commissioner Adams
VOTE: UNANIMOUS (7-0)

2. PRESENTATION

A. Digital Dispatch Update

Gene Booth, Emergency Services Director presented information on the Digital Dispatch Update.

Cumberland County Emergency Services, in collaboration with the Cumberland County Fire Chief's Association, prioritizes innovation and the integration of advanced technologies. One key initiative identified is the implementation of voice dispatch technology, aimed at enhancing dispatch efficiency and expediting the

response times of first responders. This project has been submitted as a budget request for FY-25.

The voice dispatch system consists of multiple components, each requiring procurement from various vendors. Emergency Services staff have identified the necessary components and vendors and have obtained quotes for the required equipment. Additionally, staff collaborated with 911 Board representatives to determine which elements could be funded through the Emergency Telephone System Fund and the amount needed from the general fund.

The total estimated cost for the project is \$164,714.76 and will be funded with funds from the Emergency Telephone Fund and the General Fund.

Commissioner Tyson asked how quickly Emergency Services can move forward.

Gene Booth, Emergency Services Director responded once the budget amendment will need to be approved by the board, with the budget amendments and contracts there is a 1–2-month timeline.

Chairman deViere asked for a timeline to implement this program.

Gene Booth, Emergency Services Director responded once in place there is an 18-month process.

Chairman deViere asked if the cities and municipalities have been engaged.

Gene Booth, Emergency Services Director stated the City of Fayetteville has been part of the process and they need to purchase equipment to use the program, and all county stations have been involved.

For information purposes only, no action required.

3. CONSENT AGENDA

Commissioner Tyson requested Item 3.G. Acceptance of Offer to Purchase Surplus Property Located at 400 Buhmann Drive, Fayetteville be removed from the Consent Agenda and be added to Items of Business.

MOTION: Vice Chairwoman Jones moved to approve the agenda as modified
SECOND: Commissioner Tyson
VOTE: UNANIMOUS (7-0)

A. Approval of December 2, 2024 Special Meeting Minutes

B. Approval of Proclamation Honoring Fire Chief Ronnie Marley

A request was received for a proclamation honoring Fire Chief Ronnie Marley and his years of service.

C. Approval of Contract Amendments for Temporary Employment Services with Belflex Staffing Network, LLC, ManpowerGroup US, Inc. and the Mega Force Staffing Group, Inc.
Contracts with Belflex Staffing Network, LLC, Manpowergroup US, Inc., and the Mega Force Staffing Group, Inc. were executed in fiscal year 2020 as the result of a formal Request for Proposal (RFP) #19-9-CTY that was conducted for temporary employment services for various County departments and divisions on an as needed basis. The original contract term was through June 30, 2021 with the option to renew for two additional one-year terms. This contract amendment is to extend the contract through January 31, 2025. Due to staff turnover, the RFP was delayed, but the RFP is currently posted with a proposal due date of January 9th.

The RFP will incorporate changes made to positions as a result of the recent classification and compensation study.

D. Approval to Pay Prior Year Invoices

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 | Vendor | Invoice Date/Services Rendered | Amount |
|-------------------------|----------------------------------|--------------------------------|-----------------|
| Internal Services | Dana Safety Supply, Inc. | May 29, 2024 | \$925.27 |
| Internal Services Total | | | \$925.27 |
| Library | Verbatim Language Services, Inc. | May 17, 2024 | \$203.13 |
| Library Total | | | \$203.13 |

E. Update on Status of Chemours Litigation (Cumberland County v. The Chemours Company, The Chemours Company, FC, LLC, E.I. Du Pont De Nemours and Company, Dupont De Nemours, Inc., and Corteva, Inc. – Cumberland County File No. 22 CVS 1569)

Item was moved from the Consent Agenda to Items of Business as Item 4.D.

F. Lease of Parking Lot at 235 Person Street

Proposed lease of the parking lot directly across Person Street from the Courthouse. It adjoins the parking lots leased from the Presbyterian Church and in addition to providing at least 67 more spaces, it enhances the access and traffic flow to the other leased lots. It is to accommodate Courthouse parking for the parking lot lost to the Crown Event Center and the future loss of the portion of remaining Courthouse parking to be used for construction of a parking deck.

Cumberland County Board of Commissioners
Resolution Approving a Lease of the Parking Lot Located at 235 Person Street

Whereas, the county has undertaken two major construction projects which will eliminate substantial existing parking for the county Courthouse; and

Whereas, the owner of the parking lot at 235 Person Street is willing to lease it to the county to accommodate the construction projects; and

Whereas, this parking lot is directly across Person Street from the existing Courthouse and is already being used by the public for Courthouse parking.

The board of commissioners finds the parking lot at 235 Person Street is particularly suitable for Courthouse parking to accommodate the loss of parking during the construction projects; and leasing this parking lot enhances public safety by enabling the county to control access to this parking lot and the adjoining parking lots leased by the county, and to designate and mark parking spaces therein.

Be it resolved, the board of commissioners approves the lease of the parking lot at 235 Person Street attached hereto and authorizes the county manager to sign the lease on behalf of the county.

G. Acceptance of Offer to Purchase Surplus Property Located at 400 Buhmann Drive, Fayetteville

Item was moved to Items of Business as Item 4.E.

H. Approval of Budget Ordinance Amendment for the January 6, 2025 Board of Commissioners' Agenda

General Fund

1) Library Grants – Budget Ordinance Amendment B250523 to recognize funds from the Public Library Association (PLA) Digital Literacy Grant in the amount of \$10,000

The Board is requested to accept and approve Budget Ordinance Amendment B250523 to recognize funds from the Public Library Association (PLA) Digital Literacy Grant in the amount of \$10,000. These funds will be used to provide various digital workshops to the community and to provide an incentive to the participants that complete all the workshops.

4. ITEMS OF BUSINESS

A. Consideration of Change Order #1 for Crown Complex Parking Lot Improvements

Jermaine Walker, Director of Engineering and Infrastructure presented the information on the Consideration of Change Order for #1 Crown Complex Parking Lot Improvements.

On April 25, 2024, the Engineering & Infrastructure Department solicited formal bids to repair parking areas 1, 1A and 4 at the Crown Coliseum Complex. The scope of work included milling, paving, re-striping, striping on new pavement and creating new ADA pathways in Areas 1 and 4. It also included Alternates 1 and 2 which consist of additional paving near the Crown Theater and sealcoating existing pavement. This project was initially funded as an FY22 Crown CIP project in the amount of \$462,000.

On June 17, 2024, the Board of Commissioners approved the selection of Highland Paving Company LLC as the lowest responsive, responsible bidder at \$1,034,491.10, and authorized the County Manager to execute the contract with the vendor. A Budget Revision was also approved to increase the total project budget to \$1,039,877.

On Nov. 4, 2024, the Board of Commissioners approved a budget revision to transfer \$126,660 from other completed Crown projects to increase the total project budget to \$1,166,537 after unforeseen site conditions required additional fine grading of the subgrade in Areas 1 and 4.

Following approval of the budget revision, staff seeks approval of a change order increasing the total contract amount with Highland Paving Co. by \$120,058.35 from \$1,034,491.10 to \$1,154,549.45.

The change order has been preaudited and reviewed for legal sufficiency.

Commissioner Patel asked if the work has been completed.

Mr. Walker responded the work has been completed.

MOTION: Commissioner Tyson moved to approve Change Order #1 with Highland Paving Company LLC for the Crown Complex Parking Lot Improvements project in the Amount of \$120,058.35, increasing the overall contact price from \$1,034,491.10 to \$1,154,549.45

SECOND: Commissioner Patel

VOTE: 6-1 Voting in Favor – Chairman deViere, Vice Chairwoman Jones, Commissioner Tyson, Commissioner Patel, Commissioner Adams, and Commissioner Council.
*Commissioner Council had left the meeting but was not excused by the Board, her vote counts in the affirmative
Voting in Opposition- Commissioner Faircloth

B. Consideration of Change Order #1 for Emergency Services Center Chiller Replacement

Jermaine Walker, Director of Engineering and Infrastructure, provided the information on the Consideration of Change Order #1 For Emergency Services Center Chiller Replacement.

Following the opening of the new Cumberland County Emergency Services Center at 500 Executive Place in December 2022, several critical electronic and pneumatic components of the pre-existing Air Stack chiller have had to be replaced, to the point where staff recommended replacement of the chiller. The criticality of the facility requires the chilled water system be operable 24 hours a day, seven days a week. It is also necessary to maintain the temperature and relative humidity of the communications servers located within the building.

On May 20, 2024, the Board of Commissioners approved the bid award for the Emergency Services Center Chiller Replacement to Dail Mechanical Inc. in the amount of \$419,000 and authorized the project to be paid for with unspent funds from the Emergency Operations Center Capital Project Fund.

In order to complete the chiller replacement without having to shut down Emergency Services or relocate staff, a temporary chiller must be brought in to provide power to the facility while the chiller is replaced. A contract change order in the amount of \$13,250 is required to cover the cost of the temporary chiller. This will increase the contract price from \$419,000 to \$432,250.

The change order has been preaudited and reviewed for legal sufficiency.

MOTION: Commissioner Tyson moved to approve Change Order #1 with CMC Dail Mechanical Inc. for the Cumberland County Emergency Services Building Chiller Replacement project in the amount of \$13,250, increasing the contract price to from \$419,000 to \$432,250.00
SECOND: Vice Chairwoman Jones
VOTE: UNANIMOUS (7-0)

C. Consideration of Change Order #1 for Corporation Drive Outfall Phase I

Jermaine Walker, Director of Engineering and Infrastructure provided information on the Consideration of Change Order #1 for Corporation Drive Outfall Phase I.

On March 15, 2023, the Engineering & Infrastructure Department solicited bids for Phase I – Construction for the Corporation Drive Sanitary Sewer Outfall project. The project included the construction of gravity sewer line along I-95 parallel to Corporation Drive that could potentially serve approximately 180 acres of predominantly industrially zoned land adjacent to the Cumberland Industrial Center. Phase I was funded with a grant from the NC Department of Commerce.

On June 19, 2023, the Board of Commissioners awarded the project to Jymco Construction Company as the lowest responsive, responsible bidder with a bid of \$1,616,318.

The project has been significantly impacted by rain and required an increase of stone bedding from 2 inches to 3 inches and 3.5 inches in addition to significant dewatering and earthwork. The cost and weather impacts require a change order in the amount of

\$106,839.80 increasing the overall contract price from \$1,616,318.00 to \$1,723,157.80 and extending the project timeline by an additional 365 days to Jan. 20, 2025.

There is sufficient funding for this change order in the project budget and the change order has been preaudited and reviewed for legal sufficiency.

Commissioner Tyson asked about the parcel tied to the project and if there has been a study for additional use or capacity of the system that would incorporate other users.

Mr. Walker responded yes and PWC is conducting an analysis.

MOTION: Commissioner Tyson moved to approve Change Order #1 with Jymco Construction Company for Corporation Drive Outfall Phase I in the amount of \$106,839.80, increasing the overall contract price from \$1,616,318 to \$1,723,157.80 and extending the project timeline by an additional 365 days
SECOND: Commissioner Patel
VOTE: UNANIMOUS (7-0)

- D. Update on Status of Chemours Litigation (Cumberland County v. The Chemours Company, The Chemours Company, FC, LLC, E.I. Du Pont De Nemours and Company, Dupont De Nemours, Inc., and Corteva, Inc. – Cumberland County File No. 22 CVS 1569)

Rick Moorefield, County Attorney provided and update on the status of the Chemours Litigation (Cumberland County v. The Chemours Company, The Chemours Company, FC, LLC, E.I. Du Pont De Nemours and Company, Dupont De Nemours, Inc., and Corteva, Inc. – Cumberland County File No. 22 CVS 1569).

The litigation against Chemours is proceeding in Cumberland County Superior Court. The trial date had been set for March 2025 but was pushed back to no earlier than September 10, 2025. There are no pending motions and discovery is on-going. The parties have exchanged the identities of their expert witnesses, but none have been deposed in this case. The county tax administrator was deposed by Chemours in December 2024, and the chief of real estate and mapping in the tax department is to be deposed by Chemours in January 2025. There are no settlement discussions taking place at this time.

The following dates have been established for the progress of the litigation:

Early March 2025 – discovery closes

Middle of May 2025 – summary judgement briefs due

May 30, 2025 – court ordered mediation by this date

September or October 2025 – the court has provided several potential trial dates in these months and the parties are currently negotiating a precise start date.

No action needed, for informational purposes.

- E. Acceptance of Offer to Purchase Surplus Property Located at 400 Buhmann Drive, Fayetteville

Rick Moorefield, County Attorney, presented the information on the Offer to Purchase Surplus Property at 400 Buhmann Drive.

The county and City of Fayetteville acquired the real property with PIN 9487-26-8826, being Part of Lots 26-27 of Buhmann Subdivision, Plat Book 18, Page 42,

located at 400 Buhmann Drive, Fayetteville, at a tax foreclosure sale in 2016 for a purchase price of \$8,582.96. The property is zoned SF6 with a tax value of \$26,000.00. Based on the GIS Mapping and the tax records, there is no structure on the land. The city conveyed its interest in the property to the county on October 3, 2024, by a quitclaim deed recorded in Book 12076 at Page 555. Eric McAllister, on behalf of McAllister Real Estate Investments, LLC, has made an offer to purchase the property for \$8,585.00. 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 county attorney recommends the board consider the offer of Eric McAllister, on behalf of McAllister Real Estate Investments, 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 in accordance with the following notice:

**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 9487-26-8826, being Part of Lots 26-27 of Buhmann Subdivision, Plat Book 18, Page 42, located at 400 Buhmann Drive, Fayetteville, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$8,585.00. 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.

January __, 2025 Andrea Tebbe, Clerk to the Board

Commissioner Tyson asked if the parcel did go through the solicitation process.

Mr. Moorefield stated the property goes through that process during the foreclosure proceeding. Once the County acquires the property, the County considers offers. Once an offer is received, the property is advertised.

Commissioner Tyson requested a list of current surplus property owned by Cumberland County.

Mr. Moorefield stated he would send the list of properties to the Board of Commissioners.

Commissioner Adams stated there is a list of the properties outside of the administrative offices.

Mr. Moorefield stated there is a list on the website and on the outside of the offices.

Vice Chairwoman Jones stated the offer on the property is from Eric McCallister on behalf of McCallister Real Estate Investment.

MOTION: Commissioner Tyson moved to approve the action as outlined by the staff and the Attorney, Cumberland County Board of Commissioners' Notice of Intent to accept the offer to purchase certain real property pursuant to NCGS 160A-269 and additionally take notice that the Board of Commissioners finds the real

property with PIN Number with PIN 9487-26-8826, being Part of Lots 26-27 of Buhmann Subdivision, Plat Book 18, Page 42, located at 400 Buhmann Drive, Fayetteville, is not needed for governmental purposes and proposes to accept an offer to purchase the property for \$8,585.00. Additionally included in this motion, ask that the Board of Commissioners place a 60-day moratorium on all future offers to purchase certain real property and request that the Policy Committee review the current policy to receive offers for purchase of real property and bring back to an agenda session in February

SECOND: Vice Chairwoman Jones

Commissioner Adams asked to clarify moving forward with this sale and bring back the additional information in February.

Chairman deViere clarified the motion, the request to place a 60-day moratorium. and the ask for a review of the current policy.

VOTE: UNANIMOUS (7-0) Commissioner Council had left meeting without being excused by the Board of Commissioners and her vote counts as affirmative.

5. NOMINATIONS

There were no nominations for this meeting.

6. APPOINTMENTS

Alliance Health Board of Directors

Chairman deViere would like to nominate and appoint Vice Chairwoman Jones to the Alliance Health Board of Directors at the January 6, 2025 Board of Commissioners Regular Meeting.

Appointment at the January 6, 2025 meeting allows Vice Chairwoman Jones to attend the January meeting for the Alliance Health Board officially.

MOTION: Commissioner Patel moved to appoint Vice Chairwoman Jones to the Alliance Health Board today, to attend the January meeting of the board

SECOND: Commissioner Tyson

VOTE: UNANIMOUS (7-0) Commissioner Council had left meeting without being excused by the Board of Commissioners and her vote counts as affirmative

7. CLOSED SESSION

MOTION: Commissioner Tyson moved to go into closed session to consult on with the Attorney on Chemours Litigation (Cumberland County v. The Chemours Company, The Chemours Company, FC, LLC, E.I. Du Pont De Nemours and Company, Dupont De Nemours, Inc., and Corteva, Inc. – Cumberland County File No. 22 CVS 1569) for attorney client privileges and additional discuss personnel actions

SECOND: Vice Chairwoman Jones

VOTE: UNANIMOUS (7-0) Commissioner Council had left meeting without being excused by the Board of Commissioners and her vote counts as affirmative

MOTION: Commissioner Tyson moved to come out of closed session

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0) Commissioner Council had left meeting without being excused by the Board of Commissioners and her vote counts as affirmative

No action needed after closed session.

ADJOURNMENT

MOTION: Commissioner Faircloth moved to adjourn the meeting
SECOND: Commissioner Tyson
VOTE: UNANIMOUS (7-0) Commissioner Council had left meeting without being
excused by the Board of Commissioners and her vote counts as affirmative

There being no further business, the meeting adjourned at 10:15 AM.

Approved with/without revision:

Respectfully submitted,

Andrea Tebbe
Clerk to the Board