

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 17, 2025 – 6:45 pm
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING MINUTES**

PRESENT:

Chairman Kirk deViere
Vice Chairwoman Veronica Jones
Commissioner Glenn Adams
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
Rick Moorefield, County Attorney
Tye Vaught Chief of Staff and Interim Community Development Director
Faith Phillips, Assistant County Manager and Library Director
Rawls Howard, Director of Planning and Inspections
Deborah Shaw, Budget and Performance Director
Robin Koonce, Finance Director
Amanda Lee, General Manager of Natural Resources
Diane Rice, Communications Director
Andrea Tebbe, Clerk to the Board
Iva Clark, Deputy Clerk

ABSENT: Commissioner Jeannette Council

Chairman called the meeting to order at 6:46 PM.

INVOCATION / PLEDGE OF ALLEGIANCE

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

INTRODUCTION

Fayetteville-Cumberland Youth Council

The Board of Commissioners recognized the Fayetteville-Cumberland Youth Council Members that were in attendance.

Walter Sanders, Cumberland International Early College

Mr. Sanders shared information on FCYC and the recent projects that include the Jingle Tree, a holiday program for children in foster care, 18 Presents, an after-school program, and a teen dating violence seminar.

Commissioner Patel presented a Certificate of Appreciation to Walter Sanders.

PUBLIC COMMENT

County Manager Grier provided the Board of Commissioners' policy and procedures for public comment period.

Chairman asked the clerk to call on the speakers.

Speakers:

John Paul Keller – spoke about the Bee Keeping Association, his new business, Buzzin’ Blends and issues he states he has experienced in the zoning department.

1. APPROVAL OF AGENDA

MOTION: Vice Chairwoman Jones moved to approve the agenda.
SECOND: Commissioner Tyson
VOTE: UNANIMOUS (6-0)

2. CONSENT AGENDA

A. Approval of Reappointment of Tax Administrator

On February 15, 2021, the Cumberland County Board of Commissioners appointed Joseph R. Utley to the position of Tax Administrator, effective April 1, 2015 through March 31, 2025.

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

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

On June 15, 1998, the Board of Commissioners adopted a resolution in compliance with State statutes allowing disposal of County “personal property, worth less than \$5,000 per item or group of similar items, which have become obsolete, unusable, economically unrepairable, or otherwise surplus to the needs of the county.” On October 6, 2008, the Board raised this limit to \$30,000. The approval allows the Assistant County Manager over Facilities to authorize the disposal of property meeting this criteria. As part of this process, a report of items that have been approved for surplus is provided to the Board of Commissioners twice a year - in February and August.

Please find attached a list of miscellaneous items from various County departments or agencies that met the above criteria and that have been approved to be disposed of. As a practice, items given up by County departments as surplus are first offered to other County departments for reuse. Items left unclaimed by other departments after seven days along with end of useful life vehicles are placed on GovDeals for auction. Damaged items or items determined to have no remaining value are taken to Ann Street Landfill for disposal. Revenues from GovDeals sales are placed in an account and used to offset the cost of replacing County vehicles.

C. Request for Authorization to Fund Security Fence at Robin's Meadow Transitional Housing Complex

Robin’s Meadow Transitional Housing Complex provides critical housing support to vulnerable families in Cumberland County. On December 24, 2024, a tragic shooting incident occurred at the complex, resulting in a fatality and intensifying security concerns among residents, staff, and the surrounding community. Given the serious nature of the incident and the ongoing risks associated with unauthorized access to the property, immediate action is necessary to enhance safety measures at the facility.

To address these concerns, the County Manager approved staff to procure services from Seegars Fence Company of Fayetteville, Inc. without going through a competitive bidding process under the emergency public exigency provision of the County Purchasing Policy. Additionally, the County Attorney’s Office has reviewed and confirmed that the procurement method is legally sufficient.

To expedite the necessary security improvements, the County has engaged Seegars Fence Company of Fayetteville, Inc. to install a perimeter security fence at a total cost of \$154,435. Funding for this project is available within the American Rescue Plan (ARP) freed-up capacity dollars previously approved by the Board for Robin’s Meadow redevelopment.

The American Rescue Plan Ad Hoc Committee met on February 10, 2025, and unanimously voted to place this item on the Board of Commissioners' February 17, 2025, Regular Meeting Agenda as a Consent Item.

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 these criteria:

Department	Vendor	Invoice Dates	
Amount			
Social Services	Sherry Oxendine	6/28/2024	<u>\$320.00</u>
		Total:	\$320.00
Internal Services	Gregory Poole	5/21/2024	\$302.13
Internal Services	Manpower	6/23/2024	\$967.20
Internal Services	NC Dept of Labor	6/20/2024	\$200.00
Internal Services	Hubbard	4/2024	\$46.79
Internal Services	Performance Battery	6/7/2024	\$29.96
Internal Services	Cintas	6/2024	<u>\$462.32</u>
		Total:	\$2,008.40
Solid Waste	USDI	7/2024 & 8/2024	\$3,109.71
Solid Waste	PAS	4/3/2024	<u>\$4,464.40</u>
		Total:	\$7,574.11

E. Policy Directing the Flow of Work Through the Committees of the Board of Commissioners

The Policy Directing the Flow of Work Through the Committees of the Board of Commissioners was presented to the Policy Committee by its chairperson, Commissioner Tyson. The policy was considered by the Policy Committee at its February 11, 2025, meeting and the committee voted unanimously to recommend the policy to the board of commissioners. The committee members directed the county manager to move the matter to the agenda of the February 17, 2025, meeting as a consent item. The county attorney submitted the item on behalf of the county manager.

Pulled for further discussion and moved to Items of Business.

F. Approval of the Board of Commissioners' Updated 2025 Committee Meeting Schedule

The Board of Commissioners approved the Committee Meeting Structure t the December 16, 2025 Regular Meeting.

At the February 11, 2025 Policy Committee Meeting, the updated schedule for the committee meetings was approved.

Requesting Board approval for the updated Committee Meeting Schedule.

G. Approval of Budget Ordinance Amendments for the February 17, 2025 Board of Commissioners' Agenda

General Fund 101

1) Health Department – Budget Ordinance Amendment B250020 to realign funds in the amount of \$150,235

The Board is requested to accept and approve Budget Ordinance Amendment B250020 to realign funds in the amount of \$150,235. This funding will be used to create two full-time positions: a public health educator and a substance abuse worker and to provide opioid awareness educational materials. The addition of these positions will increase the salaries and benefits. These positions will provide opioid awareness and overdose prevention education in Cumberland County Schools.

Please note this amendment requires no additional county funds.

2) Health Department – Budget Ordinance Amendment B250022 to recognize grant funds from the North Carolina Alliance for Public Health Agencies, Inc. in the amount of \$22,500

The Board is requested to accept and approve Budget Ordinance Amendment B250022 to recognize grant funds from the North Carolina Alliance for Public Health Agencies, Inc. in the amount of \$22,500. This funding will be used for a temporary part-time position. This position will coordinate Thriving Hearts activities at the health department. The Thriving Hearts program is part of the research project being conducted by the University of Chapel Hill. The purpose of the program is to implement interventions to create the conditions for mothers to not only survive pregnancy, but to thrive.

Please note this amendment requires no additional county funds.

3) Library Grants – Budget Ordinance Amendment B251139 to recognize funds from The Arts Council of Fayetteville/Cumberland County in the amount of \$5,000

The Board is requested to accept and approve Budget Ordinance Amendment B251139 to recognize funds from The Arts Council of Fayetteville/Cumberland County in the amount of \$5,000. These funds will be used to commission a mural for the West Regional Library.

Please note this amendment requires no additional county funds.

Animal Medical Fund 215

4) Animal Medical – Budget Ordinance Amendment B250067 to recognize donations in the amount of \$6,496

The Board is requested to accept and approve Budget Ordinance Amendment B250067 to recognize donations in the amount of \$6,496. This funding is for medical treatment related to animals housed at the shelter.

Please note that this amendment requires no additional county funds.

Rhodes Pond Grant Fund 253

5) Rhodes Pond Grant – Budget Ordinance Amendment B250041 to recognize grant funds from the North Carolina Office of State Budget and Management in the amount of \$500,000

The Board is requested to accept and approve Budget Ordinance Amendment B250041 to recognize grant funds from the North Carolina Office of State Budget and Management in the amount of \$500,000. This funding will be used for the parking and bathroom facilities at Rhodes Pond.

Please note that this amendment requires no additional county funds.

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

1. Rejection of Bids for Sheriff's Training Indoor Firing Range Replacement Project

On November 18, 2024, the Board of Commissioners approved the selection of Range Systems as the lowest responsive, responsible bidder for the Earl Butler Sheriff's Training Indoor Firing Range Replacement Project. During the contract review process, it was determined that guidance related to the requirement for vendors to provide bid bonds was unclear, which could have had an impact on the bids received.

After review, the Purchasing Division recommended the rejection of all bids and that the project be resolicited. This resolicitation would fall within the County's informal bid requirements.

This item was presented at the Feb. 13, 2025, Board of Commissioners Agenda Session and the Board voted to place this item on the Consent Agenda of the Board's Feb. 17, 2025 regular meeting.

Commissioner Adams requested to move Item 2.E. to Items of Business as Item 4.D.

MOTION: Vice Chairwoman Jones moved to approve the agenda with changes
SECOND: Commissioner Patel
VOTE: UNANIMOUS (6-0)

3. PUBLIC HEARING

Rezoning Case

A. CASE # ZON-24-0039

Rawls Howard, Director of Planning and Inspection presented the information on the rezoning request.

Rezoning from A1 Agricultural District to R15 Residential District or to a more restrictive zoning district for 20.50 +/- acres; located north of Fennell Road and west of Tower Drive, submitted by Scott Brown (Agent) on behalf of Sids Mill Properties LLC (Owner).

Chairman deViere opened the public hearing and asked the clerk if there were any speakers.

The clerk responded there were no speakers.

Chairman deViere closed the public hearing and call for questions from the Board.

Commissioner Faircloth asked about the school district.

Commissioner Tyson asked about the process for the rezoning.

Mr. Howard responded that current process is 1. Application and fee, 2. Staff review application and land use plan, 3. Staff Report 4. Planning Board 5. Advertise public hearing and send notice to surrounding property owners 6. Board of Commissioner meeting.

MOTION: Commissioner Tyson moved to approve the rezoning request from A1 Agricultural District to R15 Residential District. The Board finds that the request is consistent with the South-Central Area Land Use Plan which calls for "Low Density Residential" at this location. The Board also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (6-0)

4. ITEMS OF BUSINESS

A. Request to Restore Nonprofit Assistance Program Funding to the Original Budget and Associated Budget Ordinance Amendment B250157

Tye Vaught, Chief of Staff and Interim Community Development Director presented the information on the Request to Restore Nonprofit Assistance Program Funding to the Original Budget and Associated Budget Ordinance Amendment B250157.

At their January 21, 2025, meeting, the American Rescue Plan (ARP) Committee directed staff to develop a framework for reopening the Nonprofit Assistance Program application for Fiscal Year 2026. In response, staff created a draft guideline for the programs administration to align with the Committee's intent and direction from that meeting. At the ARP Committee's February 10, 2025 meeting the Committee approved the draft guideline to include changes recommended by the County Attorney.

The application period is scheduled to run for 30 days, from February 17, 2025, through March 17, 2025. After the application period closes, staff will evaluate submissions based on the approved guideline and present recommendations to the Committee at its next available meeting. The ARP Committee's recommendations will then be forwarded to the full Board of Commissioners for consideration.

The ARP Committee also voted to forward the following funding request for consideration and approval:

The original Nonprofit Assistance Program budget was established at \$3,500,000 using ARP-freed-up capacity in the General Fund. To date:

- The program expended \$1,440,127 in Fiscal Year 2024.
- The program has obligated \$587,274 in Fiscal Year 2025.
- The total obligated amount is \$2,027,401.
- The current available capacity in the Nonprofit Fund is \$390,864.

To restore the program to its original budget of \$3,500,000, a transfer of \$1,081,735 is needed. Approved applications will be funded beginning in Fiscal Year 2026.

Commissioner Adams requested the meeting for non-profits be adjusted due to incoming inclement weather.

Chairman deViere agreed due to weather.

Commissioner Tyson asked about the current program.

Mr. Vaught provided information on existing non-profit program.

Commissioner Tyson asked about non-profits that may qualify.

Mr. Vaught explained the 5 categories or “buckets” the non-profits would fall into.

1. Arts & Culture
2. Faith Based
3. Health and Human Services
4. Community Development
5. Youth/At Risk

Vice Chairwoman Jones discussed previous funding, and this new program allows Fire Departments to apply for funding. She thanked staff for the hard work on this program and thanked the Board of Commissioners for the consideration.

MOTION: Vice Chairwoman Jones moved to approve the American Rescue Plan Committees funding recommendation and the Associated Budget Ordinance Amendment B250157

SECOND: Commissioner Tyson

VOTE: UNANIMOUS (6-0)

B. Consideration of Resolution in Support of State Legislative Agenda Items

Faith Phillips presented information on the Consideration of Resolution in Support for State Legislative Agenda Items

The Board of Commissioners held a joint special meeting on February 10, 2025, with the Cumberland County state delegation. During this meeting, the Board presented State Legislative Agenda Items based on strategic priority areas identified during a Strategic Planning Retreat on January 30 and 31, 2025.

Based on feedback from the meeting, a resolution supporting State Legislative Agenda items was presented to the Board of Commissioners during the Agenda Session for consideration with the recommendation that the resolution be moved to the February 17, 2025 regular meeting.

After discussion during the February 13, 2025 Agenda Session meeting, a recommendation was made for the resolution to be placed on the February 17, 2025 meeting agenda as an item of business.

MOTION: Vice Chairwoman Jones moved to approve the Resolution in Support of the State Legislative Agenda Items
SECOND: Commissioner Tyson
VOTE: UNANIMOUS (6-0)

C. Fiscal Year 2024 Response to Address Financial Performance Indicator of Concern

Robin Koonce presented information on the Fiscal Year 2024 Response to Address Financial Performance Indicator of Concern.

The Local Government Commission (LGC) requires local governments to submit responses into a portal within 60 days of audit presentation, if the audit presentation included a Financial Performance Indicator of Concern (FPIC). April Adams, Cherry Bekaert and Holland LLP, presented the fiscal year 2024 audit results at the January 9, 2025, Agenda Session meeting and explained a FPIC related to a net operating loss in the County's Water/Sewer funds. The deadline for the response to the LGC is March 9, 2025.

The "FPIC Response" contains the corrective action plan being implemented to eliminate this FPIC and requires signatures of at least 2/3 of the governing body.

MOTION: Commissioner Patel moved to approve the action plan: The Board of Commissioners, County Manager, and Finance Director sign the response to be sent to the LGC in accordance with 20 NCAS 03.0508 to ensure submission to the LGC before the deadline.
SECOND: Commissioner Tyson
VOTE: UNANIMOUS (6-0)

D. Policy Directing the Flow of Work Through the Committees of the Board of Commissioners

Clarence Grier and Rick Moorefield presented the information on the Policy Directing the Flow of Work Through the Committees of the Board of Commissioners was presented to the Policy Committee by its chairperson, Commissioner Tyson. The policy was considered by the Policy Committee at its February 11, 2025, meeting and the committee voted unanimously to recommend the policy to the board of commissioners. The committee members directed the county manager to move the matter to the agenda of the February 17, 2025, meeting as a consent item. The county attorney submitted the item on behalf of the county manager.

MOTION: Commissioner Tyson moved to adopt the policy
SECOND: Commissioner Patel
VOTE: 5-1 Voting in Favor: Commissioner Tyson, Vice Chairwoman Jones, Chairman deViere, Commissioner Faircloth. Voting in Opposition: Commissioner Adams

5. NOMINATIONS

There are no nominations for this meeting.

6. APPOINTMENTS

There are no appointments for this meeting.

7. CLOSED SESSION

A. Attorney Client Matter Pursuant to NCGS 143.318.11(a)(3)

MOTION: Vice Chairwoman Jones moved to go into closed session for Attorney Client Matter Pursuant to NCGS 143.318.11(a)(3)
SECOND: Commissioner Tyson
VOTE: UNANIMOUS (6-0)

MOTION: Vice Chairwoman Jones moved to come out of closed session
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (6-0)

ADJOURNMENT

MOTION: Commissioner Tyson moved to adjourn the meeting
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (6-0)

There being no further business, the meeting adjourned at 8:57 PM

Approved with/without revision:

Respectfully submitted,

Andrea Tebbe
Clerk to the Board