

CUMBERLAND COUNTY POLICY COMMITTEE
JUDGE E. MAURICE BRASWELL CUMBERLAND COUNTY COURTHOUSE
117 DICK STREET, 5TH FLOOR, ROOM 564
SEPTEMBER 7, 2017 – 10:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Charles Evans
 Commissioner Michael Boose (arrived at 10:35 AM)
 Commissioner Larry Lancaster

OTHER COMMISSIONERS
PRESENT: Commissioner Glenn Adams
 Commissioner Jimmy Keefe
 Commissioner Jeannette Council
 Commissioner Marshall Faircloth

OTHERS PRESENT: Amy Cannon, County Manager
 Tracy Jackson, Assistant County Manager
 Sally Shutt, Assistant County Manager
 Melissa Cardinali, Assistant County Manager
 Rick Moorefield, County Attorney
 Phyllis Jones, Assistant County Attorney
 Tom Lloyd, Planning & Inspections Director
 Cecil Combs, Planning & Inspections Deputy Director
 Candice White, Clerk to the Board
 Kellie Beam, Deputy Clerk to the Board
 Press

Commissioner Evans called the meeting to order.

1. APPROVAL OF MINUTES – AUGUST 3, 2017 SPECIAL MEETING

MOTION: Commissioner Lancaster moved to approve the minutes from the August
 3, 2017 special meeting of the Policy Committee as presented.
SECOND: Commissioner Evans
VOTE: UNANIMOUS (2-0)

2. CONSIDERATION OF INTERLOCAL AGREEMENT WITH BLADEN
 COUNTY FOR INSPECTION SERVICES

BACKGROUND:

The Interlocal Agreement recorded below assigns the Cumberland County Planning & Inspections Department the responsibility for permitting and inspecting Innovative Solar 42, LLC. This solar farm project consists of 444.48 acres with access to the project site

from Rufus Johnson Road and County Line Road entirely within Cumberland County. A total of 288 acres are located within Cumberland County, and the remaining 157 acres located in Bladen County. This LLC will generate power for Duke Energy. Pursuant to NCGS 153A-353, an Interlocal Agreement is needed to permit Cumberland County Inspectors to provide inspection services within Bladen County. All permits and permitting fees for providing the inspection services associated with this project (Building, Electrical, Water Supply Watershed) will be issued and fees collected by Cumberland County.

RECOMMENDATION/PROPOSED ACTION:

Staff requests consideration by the Policy Committee and approval to move forward to the full Board of Commissioners as a Consent Agenda item at the September 18, 2017 regular meeting.

**INTERLOCAL AGREEMENT BETWEEN CUMBERLAND COUNTY
AND BLADEN COUNTY FOR BUILDING INSPECTION SERVICES
FOR A SOLAR FARM PROJECT SITED IN BOTH COUNTIES**

THIS INTERLOCAL AGREEMENT, is made and entered into by and between the County of Cumberland, a body politic and political subdivision of the State of North Carolina, hereinafter referred to as “Cumberland,” and the County of Bladen, a body politic and political subdivision of the State of North Carolina, hereinafter referred to as “Bladen,” to become effective upon the approval of the governing boards of each county in accordance with G.S. § 160A-461.

WITNESSETH:

WHEREAS, the Cumberland County Inspections Department has issued permits for the development of a solar farm project identified as IS 42 Solar Farm (the “Project,”) identified as follows: Watershed Permit issued to Innovative Solar 42, LLC; Building Permit B-17-170656 and Electrical Permit E-17-171043 issued to Canadian Solar; Building Permit B-17-172615 and Electrical Permit E-17-172617 issued to Grays Creek Properties LL; and

WHEREAS, the Project is sited on the Cumberland-Bladen county line and consists of approximately 288.27 acres with PIN 0339-87-3814 located in Cumberland; and approximately 156.21 acres with PIN 0339-00-55-3698, PIN 0339-00-75-1483, and PIN 0039-00-85-8763 located in Bladen (the Project Site); and

WHEREAS, the county line is not marked on the ground within the Project Site; and WHEREAS, highway access to the Project Site is from Rufus Johnson Road and County Line Road entirely within Cumberland; and

WHEREAS, because most of the Project Site and all of the highway access to the Project Site is within Cumberland, and the exact location of the county line is not marked on the ground in the Project Site, Bladen wishes to defer the plan review, permit issuance, inspections and closures of the Building, Electrical and Watershed Permits to Cumberland; and

WHEREAS, G.S. § 153A-353 provides that a county may designate an inspector from another county to serve as a member of the county inspection department, with the approval of the governing body of the other county; and,

WHEREAS, in order to provide inspection services for the Project in the most efficient manner, Cumberland and Bladen desire to enter into this interlocal agreement for inspection services for the Project.

THEREFORE, Cumberland and Bladen, by and through their respective Boards of Commissioners, enter into this Interlocal Agreement for the purposes stated herein.

ARTICLE 1

PURPOSE AND AUTHORITY FOR THE AGREEMENT

The purpose of this Agreement is for Bladen to designate Cumberland's inspectors as Bladen's inspectors for all inspection and permitting of the building, electrical and watershed permits for all portions of the Project and Project Site located in Bladen as described above. The authority for this Agreement is §§ 153A-11, 153A-353, and 160A-11 of the General Statutes of North Carolina.

ARTICLE 2

DURATION OF THE AGREEMENT

This Agreement shall become effective as of the date any inspection or permitting services are, or were, provided on the portion of the Project Site located in Bladen and shall continue until all building, electrical, and watershed permits for the portion of the Project Site located in Bladen are completed and issued.

ARTICLE 3

NO JOINT AGENCY

This Agreement shall not establish a joint agency between the parties.

ARTICLE 4

PERSONNEL

4.1. For purposes of this Agreement only, Bladen designates all inspectors assigned by Cumberland to conduct building and electrical inspections and issue building

and electrical permits for the Project as inspectors for Bladen for all portions of the Project and Project Site located in Bladen as described above. This designation is made pursuant to G.S. § 153A-353.

4.2. For purposes of this Agreement only, Bladen appoints the Cumberland Watershed Administrator as Bladen's agent for the purposes of inspecting and issuing any watershed permit on behalf of Bladen for that portion of the Project and Project Site located in Bladen as described above.

4.3. For purposes of this Agreement only, the building, electrical and watershed permits issued by Cumberland for the portion of the Project or the Project Site located in Bladen as described above, shall be deemed to be permits issued by Bladen.

ARTICLE 5

PERMITTING FEES

For purposes of this Agreement only, all building, electrical, and watershed inspections and permitting fees for inspecting and permitting the portion of the Project and Project Site located in Bladen as described above, shall accrue to Cumberland in consideration of Cumberland providing these services on behalf of Bladen. All inspection and permitting fees shall be billed to and collected from the owner of the Project by Cumberland. Bladen shall have no obligation for the payment of any fees or other costs for these inspection and permitting services.

ARTICLE 6

NO PROPERTY TO BE ACQUIRED

No real or personal property shall be acquired by either party incident this agreement.

ARTICLE 7

AMENDMENT

This Agreement may only be amended by a writing approved by the governing boards of each party.

ARTICLE 8

TERMINATION

8.1 This Agreement may be terminated early by written notice from either party delivered to the county manager of the other party, subject to the further conditions of this Article.

8.2. In the event Cumberland should terminate this Agreement early, any fees that it has collected for inspection services that have not been completed shall be paid to Bladen. The amount of such fees owed to Bladen shall be determined as the percentage

the amount of services which have not been completed bears to the total services for which the fee has been collected.

8.3 In the event Bladen terminates this Agreement early, Cumberland shall retain all fees for inspection services that it has collected and shall have no obligation to pay any portion of the collected fees to Bladen. Upon notice of termination received from Bladen, Cumberland shall immediately cease to perform inspections or issue any permits for the portion of the Project or Project Site located in Bladen.

ARTICLE 9

DISPUTE RESOLUTION

If any dispute shall arise between the parties as to any term of this Agreement or any condition related to the performance of the services under this Agreement, the parties shall first make an effort to resolve the dispute by a committee consisting of a county commissioner, the county manager, and the chief inspections official from each county.

This Interlocal Agreement was approved by the Cumberland County Board of Commissioners at a meeting held _____, 2017, and entered into the minutes.

Tom Lloyd, Planning & Inspections Director, reviewed the background information, recommendation and proposed interlocal agreement as recorded above.

Tracy Jackson, Assistant County Manager, stated the Bladen County Board of Commissioners has approved the Interlocal Agreement. Rick Moorefield, County Attorney, stated he recommends the Cumberland County Board of Commissioners approve the Interlocal Agreement.

MOTION: Commissioner Lancaster moved to recommend to the full board approval to move the Interlocal Agreement forward as a Consent Agenda Item at the September 18, 2017 regular meeting.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (3-0)

3. REVIEW OF CUMBERLAND COUNTY TRAVEL POLICY

BACKGROUND:

A recent revision to the Travel Policy was most recently approved by the Board of Commissioners on June 16, 2008. The most recent procedure change within the

document was on December 15, 2010, as approved by the former County Manager and County Attorney.

RECOMMENDATION/PROPOSED ACTION:

For review and discussion as requested by Commissioner Boose.

Vicki Evans, Finance Director, reviewed the background information and recommendation as recorded above.

Commissioner Boose stated he added this item to the agenda because it has been 10 years since any changes have been made to the Travel Policy. Commissioner Boose asked if mileage and the daily rate are updated regularly. Ms. Evans stated mileage is updated as often as the IRS updates mileage reimbursement rates and meals are followed by GSA which are federal guidelines. Questions and discussion followed.

No action taken.

4. CONSIDERATION OF A FACILITIES NAMING POLICY

BACKGROUND

Cumberland County does not have a formal process or policy for naming facilities owned by the County. At the May 23, 2017, special Policy Committee Meeting, staff presented the proposed policy recorded below for the Committee's review and deliberation. By consensus, the committee requested that the draft policy be brought back to the committee for consideration to allow other commissioners who are not on the committee a chance to provide input.

Following the recommendation of the Policy Committee, the full Board of Commissioners approved naming the Courthouse in memory of Judge E. Maurice Braswell on June 5, 2017. The Courthouse, E. Newton Smith Building, and the Bacote House are the only County-owned facilities named for individuals.

RECOMMENDED/PROPOSED ACTION

Consider the draft policy recorded below for naming County-owned facilities and areas. The policy also includes guidance on how memorials are to be displayed at a County facility.

COUNTY OF CUMBERLAND FACILITY NAMING POLICY

I. PURPOSE

To establish a formal policy and process for naming public facilities owned by Cumberland County. A sound policy can add meaning and significance that embody the values and heritage of this County.

II. AUTHORIZATION

The Board of County Commissioners will be responsible for considering and recommending the naming of facilities that are owned by the County.

III. OBJECTIVES

- A. Provide name identification wherever appropriate for public buildings, structures, facilities, and specified areas.
- B. Provide for citizen input into the process of naming facilities as described above.
- C. Ensure control for the naming of facilities by the Cumberland County Board of Commissioners.

IV. QUALIFYING NAMES

Names should provide some form of individual identity related to:

- A. The geographic location of the facility
- B. A geologic, historical, botanical, horticultural, or scientific feature inherent to the area
- C. An outstanding feature of the facility
- D. Commonly recognized historical event, group, or individual
- E. An adjoining subdivision, school, or street
- F. An individual, donor, or group who contributed significantly to the acquisition or development of the individual facility
- G. An individual who provided an exceptional service in the interest of the County as a whole
- H. An individual who has provided at least 25 years of service to the County
- I. An individual who has been deceased at least one year

V. NAMING PROCESS

- A. At the time land or a facility is acquired, but before development or occupancy occurs, the County Manager will assign a non-descript working name for the area or facility.
- B. Once development is initiated, or occupancy of the facility occurs, the County Policy Committee will receive naming applications in writing for review. If approved by the Policy Committee, the recommendation of a Qualifying Name will go on to the full Board of Commissioners for further consideration.
- C. For an individual (excluding historically significant individuals) to be considered, that person must have contributed significantly to the acquisition or development of the facility or the overall County. Substantial contribution may consist of

volunteer services, the provision of land, or a monetary donation. The recommended name must be submitted by a group and accompanied by:

- 1) a biographical sketch, which shall provide evidence of contributions to the department, facility, or County over all, and
 - 2) a petition demonstrating broad support for the person being recommended. The person must be of fine moral character with demonstrated leadership qualities.
- D. After a name is decided upon by the Board of Commissioners, public notice of the recommended Qualifying Name will occur twice in a 60-day public-notice period.

VI. RENAMING

- A. The renaming of a facility is strongly discouraged. It is recommended that efforts to change a name be subject to the most critical examination so as not to diminish the original justification for the name or discount the value of prior contributors.
- B. Facilities named after individuals should never be changed unless it is found that the individual's personal character is or was such that the continued use of their name for a facility would not be in the best interest of the County.
- C. In order for a facility to be considered for renaming, the recommended name must qualify according to Section V of this policy.

VII. OTHER NAMING ALTERNATIVES

- A. Real property may be donated to Cumberland County subject to any condition for naming the property as may be approved by the Board of Commissioners upon acceptance of the donated property.

VIII. PLAQUES, MARKERS, AND MEMORIALS

- A. All plaques, markers, and memorials are subject to the same naming criteria in Section V of this policy.
- B. Because of their proneness to vandalism and maintenance, plaques, markers, and memorials should be used sparingly.
- C. The Board of Commissioners shall determine the style, size, and placement of all plaques, signs, or markers on a case-by-case basis. In general, the plaques, signs, or markers shall blend or compliment their environment.

Mr. Jackson reviewed the background information and recommendation as recorded above. Mr. Jackson stated when the draft policy was put together he looked at other policies from around the state. Mr. Jackson stated reviewed the draft Facilities Naming Policy.

Commissioner Boose stated he recommends under the item II. AUTHORIZATION the word "re-naming" be added so it would read "The Board of County Commissioners will

be responsible for considering and recommending the naming/*re-naming* of facilities that are owned by the County”.

Commissioner Boose stated under item VI. C. it states “the recommended name must be submitted by a group and accompanied by” he recommends deleting “by a group”. Commissioner Council recommended just changing the word “*must*” to the word “*should*”. The consensus of the committee was to change the word “*must*” to the word “*should*” instead of deleting “by a group” so it will read “the recommended name *should* be submitted by a group and accompanied by”.

Mr. Moorefield stated he will need to make some changes to the language under the item VII. OTHER NAMING ALTERNATIVES. Mr. Moorefield stated the changes to this section were minimal and would be made in time for the draft policy to go forward to the next full board meeting for consideration on September 18, 2017.

MOTION: Commissioner Boose moved to recommend to the full board approval of the draft policy for naming County-owned facilities and areas with the proposed revisions made.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (3-0)

5. OTHER ITEMS OF BUSINESS

No other items of business.

MEETING ADJOURNED AT 11:02 AM