

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MARCH 21, 2011 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR/REZONING MEETING CORRECTED MINUTES
(Corrected by Action of the Board April 18, 2011)

PRESENT: Chairman Kenneth Edge
Commissioner Jeannette Council
Commissioner Charles Evans
Commissioner Marshall Faircloth
Commissioner Jimmy Keefe
Commissioner Billy King
Commissioner Ed Melvin
James Martin, County Manager
Amy Cannon, Deputy County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Communication & Strategic Initiatives Manager
Tom Lloyd, Director of Planning & Inspections
Bob Stanger, County Engineer
Carol Roberts, Moseley Architects, Inc.
Doug Zawiskie, Moseley Architects, Inc.
Eric Linstrom, sfL+a Architects
Dan Mace, Moseley Architects, Inc.
Candice White, Deputy Clerk to the Board
Marie Colgan, Clerk to the Board

INVOCATION - Commissioner Jimmy Keefe

PLEDGE OF ALLEGIANCE –

PUBLIC COMMENT PERIOD (6:45 PM – 7:00 PM) - No speakers

1. Approval of Agenda

MOTION: Commissioner King moved to approve the agenda as presented.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS

2. Consent Agenda

A. Approval of Minutes for the February 18, 2011 Special Meeting and February 22, 2011 Regular Meeting

B. Approval of Release of Closed Session Minutes for 2007-2009

BACKGROUND: County Attorney Rick Moorefield has reviewed the following closed session minutes and has approved their release pursuant to G.S. § 143-318.10(e).

January 16, 2007	Economic Development – Military Business Park Economic Development – Ethanol Plant
February 5, 2007	Economic Development – E-85 Attorney-Client – Sheriff’s Office
February 20, 2007	Attorney-Client – Joint Use Agreement Economic Development – E-85 Attorney-Client – Solid Waste – landfill
March 19, 2007	Real Estate Matter – Option for Solid Waste Department Attorney-Client – Kagan v. Cumberland County Attorney-Client – Lake Upchurch

April 2, 2007	Attorney-Client – Kagan v. Cumberland County Attorney-Client – Solid Waste Department Attorney-Client – Confidentiality Law
April 16, 2007	Attorney-Client – Lake Upchurch Real Estate Matter – Crown Coliseum Real Estate Matter – Property for Parking
May 7, 2007	Real Estate Matter – Property for Parking Attorney-Client – David Davis Settlement Attorney-Client – Solid Waste Department – landfill Attorney-Client – Lake Upchurch Economic Development – E-85
May 29, 2007	Attorney-Client – Health Insurance Contract Economic Development – Parachute Company Attorney-Client – Solid Waste Department
May 31, 2007	Attorney-Client – Health Insurance Contract
June 7, 2007	Attorney-Client – Norcross (CC Policy Committee)
June 18, 2007	Attorney-Client – Lake Upchurch Attorney-Client – Norcross Criminal Investigation – Spring Lake Police Economic Development – Parachute Company Economic Development – Juvenile Facility
August 6, 2007	Economic Development – Project Big Economic Development – Goodyear Economic Development – Parachute Company Economic Development – BRAC Contractors Attorney-Client – Ann Street landfill Attorney-Client – Lake Upchurch
August 20, 2007	Real Estate Matter – Civic Center purchase Attorney-Client – Solid Waste Department Attorney-Client – Foreclosure
September 4, 2007	Economic Development – Goodyear Economic Development – Military Business site Economic Development – Project Mohr Partners Economic Development – Juvenile Facility Real Estate Matter – Peace Street properties
September 17, 2007	Attorney-Client – County v. Waguespack Attorney-Client – Solid Waste Department
October 15, 2007	Attorney-Client – Legal obligation to accommodate Court System Economic Development – New State Prison Facility Economic Development – Juvenile Facility
November 5, 2007	Economic Development – Goodyear
December 17, 2007	Economic Development – Project Sport Economic Development – Moore Automotive Economic Development – Project Upland Economic Development – Goodyear Real Estate Matter – Peace Street
January 7, 2008	Economic Development – Juvenile Facility Economic Development – Goodyear Attorney-Client – Goodyear legislation Attorney-Client – Video Machines Attorney-Client – Western Elementary School
February 4, 2008	Economic Development – Goodyear Economic Development – Project Moore Economic Development – Project Maintenance Economic Development – Project Sport
February 19, 2008	Economic Development – Shell Building
February 26, 2008	Economic Development – Goodyear
March 10, 2008	Economic Development – Goodyear
March 17, 2008	Attorney-Client – Grays Creek School
April 21, 2008	Attorney-Client – Animal Control Economic Development – Shell Building

	Economic Development – Project Lafayette
	Economic Development – Project Save
May 19, 2008	Economic Development – Lafayette Call Center
	Economic Development – Project Brown Distribution
	Economic Development – Shell Building
June 2, 2008	Attorney-Client – Legal obligations to fund capital projects
August 18, 2008	Attorney-Client – Fire Departments
September 2, 2008	Attorney-Client – Solid Waste Management
	Attorney-Client – Special Ops vs. Lodestar Group, LLC
September 15, 2008	Economic Development – Project Stephen
	Economic Development – Project Ice
	Economic Development – Goodyear
	Attorney-Client – Solid Waste Franchise agreement
October 6, 2008	Attorney-Client – Pratt Industries contract
	Economic Development – Goodyear
October 20, 2008	Attorney-Client – NAACP
November 17, 2008	Attorney-Client – Invocation Procedures
December 1, 2008	Attorney-Client – Western School and Library
December 15, 2008	Economic Development – US Foreign Trade Zone
	Economic Development – DAK Plant Expansion
	Economic Development – Hotel
	Attorney-Client – Fire Protection contract
March 16, 2009	Attorney-Client – Cc Hospital System
	Economic Development – Rajan Shamdasani Project
	Real Estate Acquisition- 3962 Humming Bird Lane
April 6, 2009	Attorney-Client – Public Records Request
	Economic Development – Rajan Shamdasani Project
	Attorney-client – Fire Protection contracts
April 20, 2009	Attorney-Client – Spring Lake Police Department
May 4, 2009	Economic Development – Project Extract
	Attorney-Client – Spring Lake Police Department
May 18, 2009	Real Estate Matter – Possible acquisitions in the vicinity of New Health Department building
June 1, 2009	Economic Development – Project Extract
	Attorney-Client – Bond Issue Fees
August 24, 2009	Attorney-Client – Grays Creek Water & Sewer District
September 21, 2009	Real Estate Matter – Prince Charles Hotel
October 19, 2009	Real Property Acquisition – Prince Charles Hotel
November 16, 2009	Economic Development – Project Big
	Real Property Acquisition – Prince Charles Hotel
December 7, 2009	Attorney-Client – Social Services investigation by SBI
December 21, 2009	Attorney-Client – Report on use of public funds for economic development

RECOMMENDED/PROPOSED ACTION: Approve the release of the closed session minutes listed above.

C. Approval of PWC Electric Utility Easement - County-Owned Property on Person Street.

BACKGROUND: The Public Works Commission of Fayetteville is requesting a 15' x 15' utility easement on County property located on Person Street for the purpose of installing an underground electrical vault. Refer to the attached easement and map. PWC is removing overhead electrical lines along Person Street and installing underground electrical lines. The County Attorney's Office has reviewed the easement for legal sufficiency.

RECOMMENDATION/PROPOSED ACTION: The recommendation of the County Engineer and Management is to approve the PWC electrical

utility easement. The proposed action by the Board is to follow the staff recommendation.

- D. Approval of FY2012 Application for Continuation of Implementation Funding for the Day Reporting Center of the Criminal Justice Support Unit.

BACKGROUND: The Criminal Justice Partnership Program Advisory Board met on March 8, 2011 and approved the Application for Continuation of Implementation Funding for the Day Reporting Center in the amount of \$208,289 for FY 2012. The application must be approved by the Board of County Commissioners prior to being sent to the Criminal Justice Partnership Program for approval.

RECOMMENDATION/PROPOSED ACTION: Consider approval of the Application for Continuation of Implementation Funding as provided to the Board.

- E. Approval of a Proclamation Recognizing April as Fair Housing Month.

BACKGROUND: Enacted in 1968, the Fair Housing Act prohibits housing discrimination on the basis of race, color, religion and national origin. The Act was amended in 1974 to outlaw discrimination based on sex and in 1988 to bar discrimination against families with children and persons with disabilities.

April is National Fair Housing Month and the Cumberland County Community Development Department wants to make sure residents of Cumberland County are aware of and educated on the Fair Housing Law. Our goal is that all citizens will receive fair treatment when looking for a home and to make housing choice a reality through fair housing planning.

Fair Housing Month Proclamation

Whereas, April 11, 2011 marks the 43rd anniversary of the passage of the U.S. Fair Housing Law, Title VIII of the Civil Rights Act of 1968, as amended, which enunciated a national policy of Fair Housing without regard to race, color, religion, national origin, sex, familial status, and handicap, and encourages fair housing opportunities for all citizens; and

Whereas, the State of North Carolina is substantially equivalent to the Federal Fair Housing Law, and has enforcement powers to prosecute violators of said Law; and

Whereas, several local governments within the State of North Carolina are substantially equivalent to the State Fair Housing Law and share the same enforcement properties as the State and are duty bound to lend their support for those local governments that are not substantially equivalent to the State fair Housing Law; and

Whereas, Cumberland County, albeit not a substantially equivalent jurisdiction, supports the State Fair Housing Law.

Now, Therefore We Proclaim That, Cumberland County will adhere to the fundamental right of all its citizens to have equal access to housing, which shall include all housing related transactions regardless of the protected status of the person or persons seeking housing and/or housing related transactions.

Now, Therefore I, Kenneth S. Edge, by virtue of the authority vested in me as Chairman of the Cumberland County Board of Commissioners, do hereby proclaim:

April 2011 as
Fair Housing Month

In Witness Whereof, I have hereunto set my hand and caused the seal of Cumberland County, North Carolina to be affixed this 21st day of March, 2011.

RECOMMENDATION/PROPOSED ACTION: Community Development recommends that the Board of Commissioners recognize April as Fair Housing Month in Cumberland County.

- F. Approval of Proclamation Proclaiming April 2011 as Child Abuse Prevention and Awareness Month in Cumberland County.

April 2011
Child Abuse Prevention Month
Proclamation

Whereas, Based on national best practice and research, The Child Advocacy Center 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; and

Whereas, The Child Advocacy Center provided services to 525 child victims of physical and/or sexual abuse during 2010 which saved the community over \$500,000

Now, Therefore, on behalf of the citizens of Cumberland County, the Cumberland County Board of Commissioners do hereby proclaim April 2011 as Child Abuse Prevention and Awareness Month in Cumberland County, NC 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 21st day of March, 2011.

RECOMMENDATION/PROPOSED ACTION: Recommend approval of the proclamation as presented.

- G. Approval of a Proclamation Proclaiming April 2011 as “National County Government Month”.

COUNTY OF CUMBERLAND NORTH CAROLINA

PROCLAMATION
“SERVING OUR VETERANS, ARMED FORCES AND THEIR
FAMILIES”

WHEREAS, the nation’s 3,068 counties provide a variety of essential public services to communities serving more than 300 million Americans; and

WHEREAS, Cumberland County and all counties take seriously their responsibility to protect and enhance the health, welfare and safety of its residents in sensible and cost-effective ways; and

WHEREAS, Cumberland County honors and thanks our residents who have served and who continue to serve this country through military service; and

WHEREAS, county government delivers many important services to America’s veterans, military service members and their families, including physical and mental health, housing, employment, and justice; and

WHEREAS, the National Association of Counties is the only national organization that represents county governments in the United States; and

WHEREAS, the National Association of Counties has encouraged counties across the country to actively promote their own programs and services; and

WHEREAS, Cumberland County and the National Association of Counties are working together to Restore the Partnership among all levels of government to better serve American communities;

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners do hereby proclaim April 2011 as National County Government Month and encourage all Cumberland County officials, employees, schools and residents to participate in county government celebration activities.

Adopted this 21st day of March, 2011.

RECOMMENDATION/PROPOSED ACTION: Recommend approval of the proclamation as presented.

H. Approval of Ordinance Assessing Property for the Costs of Demolition:

- 1) Case Number: MH 6162-2010
Property Owner: Michael J. Hill
Property Location: 1412 Chedington Road, Hope Mills, NC
Parcel Identification Number: 0443-31-1138

Approved Ordinance can be found in the Minimum Housing Ordinance Book.

- 2) Case Number: MH 6132-2010
Property Owner: Geneva P. Sanders, c/o David Sanders
Property Location: 3747 (Unit 1) Cumberland Road and
4313 ½ (Unit 2) Cumberland Road,
Fayetteville, NC
Parcel Identification Number: 0415-89-3624

Approved Ordinance can be found in the Minimum Housing Ordinance Book.

- 3) Case Number: MH 6144-2010
Property Owner: Walter Terry Murphy. c/o Cindy Tabor
Property Location: 167 Latonea Drive, Fayetteville, NC
Parcel Identification Number: 0424-43-8405

Approved Ordinance can be found in the Minimum Housing Ordinance Book.

- 4) Case Number: MH 6220-2010
Property Owner: Thomas N. and Alisa R. Dodson

Property Location: 2693 Blowing Rock Court, Hope Mills, NC
Parcel Identification Number: 0442-45-8885

Approved Ordinance can be found in the Minimum Housing Ordinance Book.

- 5) Case Number MH 6212-2010
Property Owner: Anthony and Sangie Bass
Property Location: 3106 Dyke Street, Fayetteville, NC
Parcel Identification Number: 0426-51-3014

Approved Ordinance can be found in the Minimum Housing Ordinance Book.

I. Budget Revisions:

(1) Recreation and Parks

- a. Hope Mills - Revision in the amount of \$100,000 to budget additional revenue anticipated for remainder of fiscal year. (B11-294) Funding Source – Hope Mills Recreation Tax
- b. Revision in the amount of \$500,000 to budget additional revenue anticipated for remainder of fiscal year. (B11-295) Funding Source – Recreation Tax
- c. Revision in the amount of \$175,620 to budget grant for Godwin Park from NC Parks and Recreation Trust Fund (\$150,000) and matching funds from the Town of Godwin (\$25,620). (B11-305) Funding Source – Grant and Town of Godwin

(2) Cumberland County Community Correction Center

Revision in the amount of \$9,600 to recognize rent income from Coastal Horizon to cover additional utility expenses. (B11-291) Funding Source – Rent

(3) Mid Carolina Senior Transportation

- a. Revision in the amount of \$470 to budget fees (\$395) and appropriate fund balance (\$75) to cover increase in medical transportation. (B11-289) Funding Source – Fees, Fund Balance Appropriated
- b. Revision in the amount of \$16,106 to recognize additional AAA Grant funds (\$14,496) and to reallocate budgeted expenditures for the required match (\$1,610). (B11-318) Funding Source – Grant and Reallocation of Budgeted Expenditures from General Fund

(4) Sheriff/LEO Separation Allowance

Revision in the amount of \$115,236 to appropriate fund balance to increase Sheriff's contribution to the Law Enforcement Officers' Separation Allowance Fund to reflect the most recent actuarial estimate. (B11-286 and B11-286A) Funding Source – Fund Balance

(5) Emergency Telephone Systems

- a. Revision in the amount of \$5,867 to appropriate fund balance to purchase mobile device licenses and upgrades for 346 county vehicles. (B11-304) Funding Source – Emergency Telephone System Fund Balance

- b. Revision in the amount of \$67,345 to appropriate fund balance to purchase computer hardware and accessories. (B11-312) Funding Source – Emergency Telephone System Fund Balance
- (6) General Fund Debt Service/School Capital Outlay Lottery

Revision in the amount of \$238,320 to transfer Lottery Proceeds from the School Capital Outlay Fund (\$23,832) and to budget Federal Interest Subsidy (\$214,488) to pay interest payment on Qualified School Construction Bonds Series 2011A. (B11-287 and B11-287A) Funding Source – NC Lottery Proceeds and Federal Interest Subsidy
- (7) Fire Districts

Revisions in the total amount of \$401,300 to increase contracts with fire districts (\$401,000) for additional revenue anticipated and (\$300) for unanticipated refunds to taxpayers for remainder of fiscal year. (B11-296 thru B11-296Q) Funding Source – Fire District Tax
- (8) Health
 - a. Family Planning - Revision in the amount of \$25,000 to recognize additional state funding. (B11-309) Funding Source – State
 - b. Administration – Revision in the amount of \$1,500 to recognize a North Carolina Center for Public Health Quality Grant. (B11-321) Funding Source - Grant
- (9) 5303 Planning Grant

Revision in the amount of \$680 to reallocate budgeted expenditures and revenues based on corrected population figures. (B11-311) Funding Source – Reallocation of Budgeted Expenditures and Revenues
- (10) Tourism Development Authority

Revision in the amount \$320,000 to recognize additional revenue anticipated for remainder of fiscal year. (B11-315) Funding Source – Room Occupancy Tax
- (11) Industrial Development Fund

Revision in the amount of \$1,779,850 to reallocate budgeted revenues and expenditures from a Special Revenue Fund to the General Fund. (B11-307 thru B11-307B) Funding Source – Reallocation of Budgeted Revenue and Expenditures
- (12) Water and Sewer Fund

Revision in the amount of \$632,785 to reallocate budgeted revenues and expenditures from a Special Revenue Fund to the General Fund. (B11-308 thru B11-308B) Funding Source – Reallocation of Budgeted Revenue and Expenditures
- (13) Property Revaluation Fund

Revision in the amount of \$545,158 to reallocate budgeted revenues and expenditures from a Special Revenue Fund to the General Fund. (B11-310 thru B11-310B) Funding Source – Reallocation of Budgeted Revenue and Expenditures
- (14) Eastover Sanitary District

Revision in the amount of \$65,000 to appropriate fund balance for unanticipated costs and to approve a contract with Hobbs Upchurch & Associates. (B11-319) Funding Source – Eastover Sanitary District Fund Balance

MOTION: Commissioner Melvin moved to approve all consent agenda items 2.A. through 2.I.14.
SECOND: Commissioner Council
VOTE: UNANIMOUS

3. Public Hearings

This is the advertised public hearing set for this date and time.

Uncontested Cases

Rezoning

- A. Case P11-04: Rezoning of .52+/- acres from R10 Residential to R6A Residential, or to a more restrictive zoning district, located at 4104 Camden Road, submitted by Christina R. Sweat (owner).

The Planning Board recommends denial of the R6A Residential district but to approve the RR Rural Residential district.

The Chairman opened the public hearing.

Speakers: The Clerk verified that no speakers opposing item 3.A. had signed up to speak.

The Chairman closed the public hearing.

MOTION: Commissioner Faircloth moved to recommend denial of the R6A Residential district but to approve the RR Rural Residential district.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS

Items of Business

4. Consideration of Report and Recommendation of the Cumberland County Finance Committee Meeting on March 3, 2011.

A. FY2012 Medical Insurance Plan Projections and Options

BACKGROUND: At the March 3, 2011 Finance Committee meeting, Mark Browder of Mark III Employee Benefits, presented the medical plan renewal projections for Fiscal Year 2012. The current projections indicate that the county's medical plan costs may experience a 12% increase from the current fiscal year. This 12% increase equates to approximately \$1.9M.

Mr. Browder presented the Committee with several options that reduced or eliminated the need for additional funding. These various options included adding a county clinic or county pharmacy as well as increases in co-pays and deductibles.

The Finance Committee asked Management, in conjunction with the Health Director, to explore the feasibility of establishing a county pharmacy and clinic at the Health Department. The Committee requested an update to the full Board at their March 21, 2011 meeting.

In order to accurately evaluate potential cost savings and pharmacy space and staffing requirements, information regarding prescriptions fills for last year is needed. County staff has requested this information from BCBS, but have not received the data as of

this date. Once the data is received and analyzed, County staff will be in a better position to review our options for housing a county pharmacy.

Amy Cannon, Deputy County Manager, provided the above background information stating that information on the number of prescriptions filled for last year was just received showing 64,000 as the amount filled last year. Mrs. Cannon stated she would like to change the proposed action reflected in the Board's packet to possibly the second meeting in April in order to have time to review the information received to determine if there is potential space at the Public Health Department to place a county pharmacy.

RECOMMENDATION/PROPOSED ACTION: Defer any action on this item until the Board of Commissioners' April 5th or April 18th meeting to give staff the time needed to analyze and evaluate the options for a county pharmacy.

MOTION: Commissioner King moved follow staff's recommendation to defer action on this item to the first or second meeting in April as requested.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS

B. Changes to 2008 County Financial Policies

BACKGROUND: The Governmental Accounting Standards Board (GASB) has issued GASB Statement No.54 *Fund Balance Reporting and Governmental Fund Type Definitions* that will be effective for fiscal periods that begin after June 30, 2010, meaning the fiscal year ending June 30, 2011 for North Carolina governments. Statement No.54 significantly changes the focus of fund balance reporting from what purposes fund balance is going to be used or appropriated for to what constraints are placed on how resources within fund balance can be used and identification of the source of those constraints.

The two major classifications of fund balance are now "non-spendable fund balance" and "spendable fund balance". The spendable fund balance classification is further divided into restricted, committed, assigned and unassigned fund balances.

GASB Statement No. 54 paragraph 23 also mandates note disclosure about a unit's decision making authority and order of spending when resources from multiple fund balance categories are available for use for the same purpose.

To comply with GASB Statement No. 54, the Local Government Commission, a division of the Department of State Treasurer, in Memorandum #2010-35 has directed units of government, in part, to: (1) review that all funds are properly classified, (2) review fund balance policy, (3) and to review or develop a policy on spending order of revenues.

Amy Cannon, Deputy County Manager, provided the above background information.

RECOMMENDATION/PROPOSED ACTION: The proposed action by the Board is to follow the recommendation of the Finance Committee and approved the revisions to the County's 2008 Financial Policies.

MOTION: Commissioner Faircloth moved to approve the revisions to the County's 2008 Financial Policies as presented.

SECOND: Commissioner Melvin

DISCUSSION: Commissioner King requested Mrs. Cannon to further explain the changes. Ms. Cannon stated it changes the categories of fund balance from designated, undesignated and reserved to two major categories: spendable and non-spendable fund balance which is more user-friendly and is more easily understood by the average reader. An example of non-spendable would be the reserve for inventories and are not available for spending. The spendable fund

balance is segregated into four categories: restricted, what is committed by the board, assigned and unassigned fund balance.
VOTE: UNANIMOUS

C. March 3, 2011 Finance Committee Meeting Minutes

5. Consideration of Report and Recommendation of the Cumberland County Facilities Committee Meeting on March 3, 2011.

A) Conceptual Design for Detention Center Expansion Project

BACKGROUND: Programming for the proposed expansion of the County Detention Facility has been underway since late November 2010 and numerous meetings with the Project Committee and the architects have been held to review and discuss; (1) population forecasts, (2) classification of existing and future beds, (3) evaluation of the core support areas (kitchen, laundry, medical, master control, property storage, mechanical/electrical) and (4) conceptual schematic design plans with preliminary estimated costs.

Moseley Architects presented the above information at the March 3, 2011 County Facilities Committee meeting for the committee's review and consideration of endorsing a conceptual plan for expansion of the Detention Center for recommendation to the Board of Commissioners. Although the Facilities Committee made no recommendation regarding the conceptual plan, the Committee recommended the information be presented to the Board for its consideration.

Upon approval of a conceptual design, it is anticipated that it will take between 12 and 15 months to prepare the construction plans and specifications, obtain approvals from the State, let bids and award contracts for construction. Given that construction costs are estimated to increase 6% annually for the next two years, it is important to make timely decisions on this project.

Bob Stanger, County Engineer, provided the above background information advising the Project Committee consists of representatives from the Board of Commissioners, Management, Engineering Department, the Sheriff's Office, Jail Administration and the architects. County Manager Martin advised that when the county purchased the property the Detention Center is located on ten or twelve years ago, he did not believe that anyone foresaw the potential at that time the site would be fully built out within 12-15 years from that date. The county is trying to take into consideration at this time and for any future expansion, the maximization of bed space within the footprint of the building and thus he has continued to make a case for that during any meeting that he has been in. Therefore, numbers being provided to the Board may have been impacted by his earlier comments. Mr. Stanger called on Carol Roberts, Director of Criminal Justice with Moseley Architects, to provide additional information. Ms. Roberts introduced other project members in attendance and provided a presentation on desirable features the Sheriff's Office wanted to see incorporated into the design, listed deficiencies of the current facility, provided population forecasts for the county, future bed needs and whether the core will withstand an expansion. Below are the desired features to be included:

- Water shut off from officer station
- Officers need keys to cells
- Privacy for toilets
- Prefer elevated Officer Stations
- Like glass fronts on cells
- Good sight lines into units
- Finishes that are easy to clean
- Supervisor Management Station
- Integration of old and new security systems
- Unstoppable drains (as close as we can get)
- Radios must work at all times
- Good view into recreation yards

- Classrooms for inmates
- Help with mental health and suicide prevention
- Need more maximum security/isolation space
- Need more/better security in administration
- Want to be sure to build large enough to accommodate future growth

Ms. Roberts listed deficiencies of the current detention facility as follows:

- Capacity of 568
- Average Daily Population (ADP) 591 for 2010
- Peak ADP of 662 in 2010

Ms. Roberts stated the county's population growth over the past six years has been fairly slow, but is expected to increase between 2010 – 2030 by almost 13% (part of that is due to the increase of the military population at Ft. Bragg). Figures on admission rates were provided for the years 2004-2009 as follows:

- 2009 showing 12,164 admissions
- 2010 projected to have 12,283 admissions
- 2030 projected to have 13,823 admissions

Ms. Roberts provided figures on the average length of stay for the last six years and the forecast for the projected detention population for 2010 is 599 and for 2030 is 674 with the classified and peaked figure at 890. Other information provided was inmate profiles, gender, felons versus misdemeanors, amount of charges, and length of stay. Ms. Roberts spoke on classification of prisoners and how that affects the bed space.

Ms. Roberts stated her firm recommended the future bed space for 2030 at 890 which means that an additional 322 beds would be needed.

Ms. Roberts provided more information on needs addressed by the plan. The current kitchen facility is equipped to provide meals for 600 inmates, plus staff, but was designed to serve up to 900 inmates. \$84,400 in equipment would be needed to bring the capacity up to 900 inmates. The footprint could not support over 1,200 inmates without renovation and additional equipment. The laundry area can handle a capacity of 1,500 inmates with the existing equipment. The medical area will need more exams rooms; more chart storage space, additional employees and more office space for administrative staff. Another security electronics room is needed, a new chiller and boiler will be needed for an expansion and the existing chilled water and hot water pumps will need to be replaced. New hot water heaters and a new fire line will also be needed. A new emergency generator is needed for the expansion and should be large enough to accommodate any future expansions.

Dan Mace provided a handout with schematic design information for a build out of the footprint based on the information that was obtained on the county's needs. Mr. Mace reviewed the site plan showing the location of the proposed expansion with 58 additional parking spaces. Mr. Mace noted an alternative to allow more parking spaces which would entail a small purchase of land on which to relocate the retention pond in order to increase the parking lot to 100 additional parking spaces, but their cost estimates did not include the land acquisition. Mr. Mace also reviewed the schematic design for the first and second floors showing the mix of housing unit types proposed for the initial expansion of 380 beds, as well as for future build-out of the site which would add 384 beds for a total of 764 additional beds. Mr. Mace also noted a waiver is being sought to allow an increase in the maximum number of dormitory beds in a unit from 40 to 64 which would reduce operating costs and reduce the unit construction cost per bed. Inmates will be under constant observation which will decrease damage to county property. Mr. Mace presented other items considered within the plan whereby services are brought directly to the units; such as, recreation yards, video visitations, and medical triage which helps make it cost effective. Mr. Mace explained that a Special Management Unit is being planned with 60 beds to address the concerns of mentally ill inmates. A future build-out plan was also discussed which would add 384 beds for a total of 764

additional beds and the existing core would accommodate that number of inmates.

Mr. Mace presented a handout of probable total project cost for a 380-bed expansion (80,890 square feet) at a cost of \$18,861,367.93 and a 764 bed built out expansion (141,790 square feet) at a cost of \$33,050,893.65. Mr. Mace advised that with construction cost escalation, their cost estimates include a 6% contingency for this year as it takes ten months to get to the bidding process which takes about two months. Mr. Mace pointed out that these are schematic estimates and as the project develops, subsequent estimates will be calculated that may reduce the actual cost. Mr. Mace confirmed to Commissioner Evans that they had not been requested to give consideration to moving law enforcement offices to this location. In response to a question from Commissioner Council regarding the number of beds needed based on the classified and peaked projected population in 2030 as 890, Mrs. Roberts explained that by adding another dormitory on the top of the facility at this time would be very cost effective. Mr. Mace reminded members that until the state rules on the 64-bed option, the county is limited currently to 40 beds in a dormitory. In response to a question from Commissioner Keefe, Mr. Mace advised construction cost per square foot would be a little over \$100 for a single dormitory, a little over \$225 for a special management unit and a medium security unit would be about \$180 per square foot. Commissioner Keefe noted that the number of beds had increased since the initial discussions on the expansion and was concerned with the projected operational costs of the increase in beds being proposed. Discussion ensued regarding the projected operational costs and County Manager Martin informed members that a figure has not been determined yet but believes the 380 bed proposal makes sense to consider. Amy Cannon presented a handout which outlined the funding of the two scenarios and pointed out that the county set aside \$3M in this year's budget for the project. After identifying other funds that can be diverted and future year's ad valorem taxes that will accumulate in the years ahead, along with other reserve funds that can be used, approximately \$13.1M would be accumulated which would leave a deficit of \$5,766,971 to be financed (resulting in a debt service payment of about a half million dollars a year) on a 380-bed expansion. Commissioner Keefe stated he believed the Board should consider a cap on the expansion project.

RECOMMENDATION/PROPOSED ACTION: The recommendation of Management and staff is to endorse the design concept for the initial expansion of 380 beds with an estimated project budget of \$18.86 million and instruct staff to proceed with developing the construction plans and specifications for the project. The proposed action by the Board is to follow the staff recommendation.

- MOTION:** Commissioner Keefe moved to cap the jail funding at \$15M and request Moseley Architects to bring back to the Board their recommendation on how to lower the cost to the cap amount.
- SECOND:** Commissioner Faircloth
- DISCUSSION:** County Manager Martin confirmed with Commissioner Keefe that the number he wanted capped to \$15M was the total estimated project budget cost of \$18,861,367.93. Commissioner Melvin verified with the County Manager that this amount does not include operational costs.
- VOTE:** Voting in favor of the motion – Chairman Edge, Commissioners Evans, Faircloth, Council, Melvin and Keefe. Voting in opposition – Commissioner King.

It was agreed that the estimated operational costs will be presented at the same time the architects submit the revised plan which will come directly to the full Board. Chairman Edge thanked the presenters for their cooperation and diligence.

B) March 3, 2011 Facilities Committee Meeting Minutes

6. Consideration of Report and Recommendation of the Cumberland County

Policy Committee Meeting on March 3, 2011.

A) Amendment to Animal Control Ordinance Section 3-12

BACKGROUND:

Mr. James Bass appeared at the February 22, 2011, Board of Commissioner's meeting and asked that his Jambass Ranch zoo be exempted from regulation by the Animal Control Ordinance as it was when the ordinance was originally adopted. Mr. Bass' stated that his zoo had been in operation since 1993 and that his permits from Wildlife Resources Commission were not continued after December 31, 2010 because of the ordinance provisions. Mr. Bass has been charged with a violation of the ordinance upon a criminal summons brought by a county resident. The Board directed him to appear at the March 3, 2011 Policy Committee meeting to present his request.

Mr. Bass appeared at the March 3, 2011 Policy Committee meeting. The County Attorney advised that it was appropriate for the committee to consider that possession of wildlife is also regulated by the State and that Mr. Bass' commercial zoo has been in operation since 1993. The Policy Committee voted to approve the proposed amendment to Section 3-12.

County Attorney Moorefield referred to the above background information and referred the Board to their packet for the actual ordinance with the recommended changes bolded. Attorney Moorefield advised the recommended change to the language in subsection C is the same language which was in the section prior to 2006 and Mr. Bass had not experienced any problems with this language. The recommended change would repeal the current Section 3-12 of the Animal Control Ordinance and would adopt the proposed language as noted below.

AN ORDINANCE OF THE CUMBERLAND COUNTY BOARD OF
COMMISSIONERS
MAKING REVISIONS TO SECTION 3-12 OF CHAPTER 3, ANIMAL
CONTROL, OF THE CODE OF ORDINANCES OF THE COUNTY OF
CUMBERLAND, NORTH CAROLINA

WHEREAS, the Cumberland County Board of Commissioners adopted a revised County Animal Control Ordinance in August, 2000, and has amended it from time to time; and

WHEREAS, the Board of Commissioners wishes to revise the Cumberland County Animal Control Ordinance as set forth below, and finds the same to be in the public interest and to promote the public health, safety and welfare,

NOW, THEREFORE, BE IT ORDAINED by the Cumberland County Board of Commissioners that:

Section 3-12 of Chapter 3, Animal Control, of the Code of Ordinances of the County of Cumberland, North Carolina, is hereby repealed in its entirety, and the following substituted in lieu thereof:

Sec. 3-12. Keeping of wild or exotic animals.

A. For the purpose of this section, a wild or exotic animal means an animal which is usually not a domestic animal and which can normally be found in the wild state, including, but not limited to lions, tigers, leopards, panthers, wolves, foxes, lynxes or any hybrid of like animals, alligators, crocodiles, apes, foxes, elephants, rhinoceroses, bears, all forms of poisonous snakes, raccoons, skunks, monkeys, bats and like animals.

B. It is unlawful to keep or harbor or breed or sell or trade any wild or exotic animal as a pet, for display or for exhibition purposes, whether gratuitously or for a fee, except as may be licensed by the state Wildlife Resources Commission under its regulations pertaining to wildlife rehabilitators.

C. This section shall not apply to zoological parks, zoos, educational or medical institutions, or circuses that perform in Cumberland County for not more than seven (7) days. If a circus is scheduled to be in Cumberland County for more than seven (7) days, then the circus may apply to the Animal Services Director for an extension permit for a period not to exceed an additional seven (7) days, on such terms as the Animal Services Director shall determine will protect the public health, safety and welfare.

D. The penalty for a violation of this Section 3-12 shall be a \$1,000 fine. Upon receiving a citation or notice of violation for violation of this section, the owner or possessor of any such animal shall remove it from Cumberland County within thirty (30) days. Failure to remove such animal after such citation or notice of violation shall have been served shall subject the owner or possessor to a \$500 fine for each subsequent day of violation after such thirty (30) day period, and the Animal Services Department shall be authorized to obtain an administrative search warrant, to seize any such animal[s], and remove it or them from Cumberland County. The owner or possessor shall liable to the County for reimbursement of any expenses incurred by the County in enforcing this section by causing such animal[s] to be removed from Cumberland County.

This amendment shall become effective immediately upon its adoption.

Adopted this 21st day of March, 2011.

RECOMMENDATION/PROPOSED ACTION: Approve the recommendation of the Policy Committee to repeal the current Section 3-12 of the Animal Control Ordinance and adopt the proposed amended Section 3-12.

MOTION: Commissioner Keefe moved to approve the recommendation of the Policy Committee to repeal the current Section 3-12 of the Animal Control Ordinance and adopt the proposed amended Section 3-12.
SECOND: Commissioner King
VOTE: UNANIMOUS

B) Amendment to Community Development Loan Servicing Policy

BACKGROUND: In an effort to assist delinquent borrowers who face certain hardships, Community Development is proposing to amend its loan servicing policy to include debt restructure as an additional option for repayment. Hardships considered would be those that result in loss of income, due to illness or death, natural or industry disasters, or other events as approved by the Community Development Director. Restructuring debt can include extending the term of the loan and/or reducing the interest rate to make the loan affordable, yet still collect the outstanding debt.

Community Development will continue to follow all other options available in its servicing policy for recovering delinquent debts. Past due accounts are evaluated on an individual basis to determine the most appropriate method of repayment. Debt restructure would be used only in extreme cases where it appears improbable that the borrower will ever be able to bring the account current and maintain the original loan terms.

Prior to restructuring a debt, Community Development staff will review each borrower's financial statements to assess whether this option is feasible and to determine if this is the most viable loan servicing option for the borrower. A new payment amount and terms necessary to bring the account current will be established based on the financial review. Once this has been determined, a modification of the Promissory Note will be made to reflect the changes, and if the term is extended, a new Deed of Trust will be required. A copy of the

Servicing Policy is attached with the proposed amendment highlighted on pages five and seven.

RECOMMENDATION AND PROPOSED ACTION: The recommended changes were unanimously approved by the Policy Committee on March 3, 2011. Therefore, the request is to approve the policy amendment by the Board of Commissioners with an effective date of April 1, 2011.

Deputy County Manager Cannon presented the above background information on the request to amend the Loan Service Policy.

MOTION: Commissioner King moved to approve the policy amendment as presented effective April 1, 2011.
SECOND: Commissioner Council
VOTE: UNANIMOUS

C) Ambulance Franchise Request from Dennis Dunston

BACKGROUND: Dennis L. Dunston, Jr., d/b/a Victory 1 Enterprise, has requested a franchise to provide non-emergency ambulance transport throughout Cumberland County. Mr. Dunston states that he has purchased and equipped an ambulance that has been inspected by the state Office of Emergency Medical Services. Mr. Dunston states that his ambulance meets the licensing requirements of the Department of Health and Human Services. Mr. Dunston states that he has been told by the OEMS that the county manager must certify that his proposed service complies with any local requirements in order to receive the license.

Mr. Dunston states that his company currently uses handicap-accessible vans to provide transportation services for wheel chair bound clients for in-county medical appointments. He wishes to add the ambulance to expand his medical transportation services to bed-ridden clients.

The county has an ambulance franchise ordinance which requires all franchisees to participate in the EMS dispatch rotation. The ordinance requires every franchisee to provide service to every call to which it is dispatched, regardless of the ability of the patient to pay for the service. Cape Fear Valley Hospital is the only ambulance service provider in the county. Cape Fear Valley Hospital provides the same non-emergency transport service that Mr. Dunston proposes.

Mr. Dunston's proposed service does not meet the requirements of the county's ambulance franchise ordinance because he only wishes to provide non-emergency medical transport. He is simply not eligible to be considered for a franchise. The state regulations governing the provision of emergency medical services provide for the licensure by the state of differentiated levels of ambulance service. Non-emergency transport is one of the levels that the state permits. The state license requires that the service provider comply with all local ordinances. That is why Mr. Dunston cannot proceed further.

The Policy Committee considered this matter in closed session because it presents legal issues that should only be discussed in closed session pursuant to G.S. 143-318.11(3) to preserve the attorney-client privilege. The Policy Committee did not take any action on this request. The County Attorney has continued discussions with Neil Yarborough who represents Mr. Dunston in this matter.

County Attorney Moorefield stated he believed that all Commissioners received a letter from Dennis Dunston regarding a county-wide ambulance franchise to provide non-emergency ambulance service. This service is currently provided by Cape Fear Valley hospital system through its EMS operation and is the only ambulance service provider in the county. Mr. Dunston reports that he has already purchased an ambulance and has inquired into personnel for operating it and the State has advised him that his ambulance operation will be licensed upon certification from the County Manager that he is in compliance with all local requirements. Unfortunately, the County ordinance does not provide for any differentiating level of

services other than the full blown ambulance service which Mr. Dunston is neither able nor proposing to provide. There was further discussion after closed session at the Policy Committee meeting on this subject with Neil Yarborough who represents Mr. Dunston; however, no action can be recommended at this time. Commissioner King questioned why no action could be taken at this time and Attorney Moorefield explained that if action is taken at this time, Mr. Dunston's request would have to be denied because of the county's ordinance and further explained concerns with the county and the hospital's relationship regarding ambulance service. Chairman Edge suggested that discussions between Mr. Dunston's attorney and the hospital's attorney continue in order to reach a resolution.

RECOMMENDATION/PROPOSED ACTION: Direct the county attorney to continue discussion of this matter with Mr. Dunston's attorney and the hospital's attorney in order to seek a permanent resolution of the ambulance franchise issue.

- MOTION:** Commissioner King moved to direct the County Attorney to continue discussion of this matter with Mr. Dunston's attorney and the hospital's attorney in order to seek a permanent resolution of the ambulance franchise issue.
- SECOND:** Commissioner Council
- VOTE:** Voting in favor of the motion – Chairman Edge, Commissioners King, Faircloth, Council, Melvin and Keefe. Voting in opposition – Commissioner Evans.

D) March 3, 2011 Policy Committee Meeting Minutes

7. Presentation by Ms. Cynthia Wilson, Chief Executive Officer of the Cumberland Community Action Program, Inc. on the Aspire Self-Sufficiency Program.

Cynthia Wilson provided a handout and introduced Stephanie Ashley, Program Director and Tiffany Anthony, Program Manager. The primary area of focus for the ASPIRE program is employment and to help individuals rise above poverty levels. The following 2010 ASPIRE participant successes were noted:

- 22 moved out of sub-standard housing
- 43 obtains jobs
- \$10.94 – average wage
- 26 secured a job with benefits
- 19 rose above federal poverty level
- 89 obtained a degree or certification

Success stories were shared and information was provided on outcome measures expected by June 30, 2012.

8. Consideration of a Resolution of the Cumberland County Board of Commissioners Opposing Senate Bill 8 Regarding Charter Schools.

**RESOLUTION OF
THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY
OPPOSING SENATE BILL 8 REGARDING CHARTER SCHOOLS**

WHEREAS, the Cumberland County Board of Commissioners is responsible for funding the capital needs of the Cumberland County Schools with its more than 53,000 students; and

WHEREAS, because of its commitment to providing exceptional public education opportunities to the children of Cumberland County, the Board of Commissioners also provides local funds for supplemental and enrichment programs for the students of Cumberland County; and

WHEREAS, the Cumberland County Board of Education has also taken measures to secure funding for elective programs for its students including, but not limited to, pre-

kindergarten programs and JROTC, in order to provide significant benefits for its students beyond the basic education requirements; and

WHEREAS, the State reduced revenues to the Public School Building Capital Fund (PSBCF) by more than \$260 million in the current (2009-11) biennium budget by temporarily diverting the corporate income tax set-aside that flows into the Public School Building Capital Fund and by reducing the counties' share of lottery proceeds for 2010-11; and

WHEREAS, the Governor's proposed budget for 2011-13 permanently ends the set-aside for the PSBCF, costing counties more than \$70 million per year in perpetuity, and reduces the counties' share of lottery funds by more than \$100 million per year for the next two years, resulting in a total loss to counties for public school capital needs of more than \$350 million for the upcoming biennium; and

WHEREAS, the North Carolina General Assembly is currently considering Senate Bill 8, No Cap on Charter Schools, that would increase the numbers of these schools and expand their funding; and

WHEREAS, Senate Bill 8 would entitle charter schools to a portion of all funds that flow through local public school system accounts including private donations, supplemental public funds and grants secured by the actions of school boards; and

WHEREAS, Senate Bill 8 would reduce the number of students necessary to form a charter school; and

WHEREAS, the proposal Senate Bill 8 to authorize counties to spend money for charter school capital needs will only diminish even further the funds available for counties to meet the growing demands for public school facilities; and

WHEREAS, the combined impact of the cuts to public school capital funding in the proposed biennium budget and the proposed Senate Bill 8 diversion of further funds from the public schools shall strain Cumberland County's resources to provide adequate capital funding and any supplemental funding to the public schools.

THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners respectfully requests members of the North Carolina General Assembly to carefully consider Senate Bill 8 and make modifications that address the above concerns, specifically to:

- Provide a mechanism for accounting for funds that were either secured by the actions of, or donated to, the public schools and eliminate the proposed sharing of these funds.
- Eliminate any requirement of sharing of funds for programs provided by the public schools but not provided by charter schools.
- Require a reasonable number of minimum students necessary to form a charter school.
- Revise the capital funding provision to eliminate the further diversion of public school capital funds.

Adopted at the regular meeting of the Cumberland County Board of Commissioners held on the 21st day of March, 2011.

MOTION: Commissioner Council moved to adopt the resolution as presented.

SECOND: Commissioner King

DISCUSSION: Commissioner Faircloth stated he is in favor of this resolution and was alarmed by information he recently received regarding this topic. The resolution is a modified resolution from the one the school board recently adopted to fit the particular needs of the county.

VOTE: UNANIMOUS

9. Nominations to Boards and Committees

A. Adult Care Home Community Advisory Committee (1 Vacancy)

BACKGROUND: Kim Howard is completing first term and is eligible for reappointment; however, due to her inactivity on the committee, recommendation of the committee is for Herman Dudley to be placed in this position.

Commissioner Council moved to nominate Herman Dudley.

B. Joint Appearance Commission (1 Vacancy)

BACKGROUND: At a meeting in August, 2010, the Board of Commissioners appointed Steven Coleman to this commission. Due to Mr. Coleman's non-attendance, the commission is requesting that he be removed and recommends Noell Kindrick be placed in this position.

Commissioner Melvin moved to nominate Noelle Kindrick.

C. Transportation Advisory Board (1 Vacancy)

BACKGROUND: Dianne Grumelot is completing a second term and is not eligible for reappointment. Recommendation of this board is for Pamela Story to fill this position.

Commissioner King moved to nominate Pamela Story.

10. Appointments to Boards and Committees

A. Cumberland County Local Emergency Planning Committee (1 Vacancy)

Nominee: Captain Kenneth Eaker

B. Equalization and Review Board (1 Vacancy)

Nominee: Kathy Olsen

C. Tourism Development Authority (1 Vacancy)

Nominee: Sue Wooster

MOTION: Commissioner Faircloth moved to appoint all nominees as listed.

SECOND: Commissioner Council

VOTE: UNANIMOUS

11. Closed Session A. Personnel Matters Pursuant to
NCGS 143-318.11(a)(6).

B. Economic Development Matter(s)
Pursuant to NCGS 143-318.11(a)(4).

MOTION: Commissioner Evans moved to go into Closed Session.

SECOND: Commissioner Council

VOTE: UNANIMOUS

MOTION: Commissioner King moved to go into Open Session.

SECOND: Commissioner Council

VOTE: UNANIMOUS

Chairman Edge announced the Board completed evaluations on the County Manager, County Attorney and County Clerk during Closed Session. It was determined they all are meeting the expectations of the Board and commended each for their satisfactory work.

MOTION: Commissioner Council moved that the Board appoint Candice White as Clerk to the Cumberland County Board of Commissioners at an annual salary of \$61,924 and a salary supplement of \$100 per month in lieu of a travel allowance effective July 1, 2011.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS

MOTION: Commissioner Evans moved to adjourn.

SECOND: Commissioner King

VOTE: UNANIMOUS

There being no further business, the meeting adjourned at 9:20 p.m.

Approved with/without revision:

Respectfully submitted,

Marie Colgan
Clerk to the Board