

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, DECEMBER 3, 2012 – 9:00 AM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING
MINUTES

PRESENT: Commissioner Marshall Faircloth, Chairman
Commissioner Jimmy Keefe, Vice Chairman
Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner Charles Evans
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, Chief Public Information Officer
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Chairman Marshall Faircloth called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE – Commissioner King provided the invocation followed by the Pledge of Allegiance to the American Flag.

1. Administration of Oath of Office to:
 - A. W. Marshall Faircloth by J. Lee Warren, Jr., Cumberland County Register of Deeds
 - B. Kenneth S. Edge by Talmage S. Baggett, Jr., District Court Judge
 - C. James K. Keefe by Claire Hill, Superior Court Judge
2. Election of Officers:
 - A. Chairman

MOTION: Commissioner Council moved to nominate Commissioner Keefe as Chairman, that nominations be closed, and that Commissioner Keefe be elected by acclamation.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (7-0)

B. Vice Chairman

MOTION: Commissioner Edge moved to nominate Commissioner Council as Vice Chairman, that nominations be closed, and that Commissioner Council be elected by acclamation.

SECOND: Commissioner King

VOTE: UNANIMOUS (7-0)

3. Presentation of Plaque to Outgoing Chairman

On behalf of the full Board and the County of Cumberland, Chairman Keefe presented a plaque to outgoing Chairman Faircloth.

Commissioner Faircloth acknowledged accomplishments of the Board of Commissioners and the County of Cumberland during his term as chairman to include an in-house pharmacy and wellness clinic; detention center expansion; potable water in the Southpoint area; renovations at the E. Newton Smith Center; economic development activities to include the Nitta Gelatin expansion, Sykes Enterprises call center and sale of the shell building; establishing the Cumberland County's Citizens' Academy; the Cumberland County Public Library and Information Center's award of the 2012 National Medal for Museum and Library Service; and the award of the Government Finance Officers' Association's Certificate of Achievement for Excellence in Financial Reporting to the county Finance Department. Commissioner Faircloth also acknowledged mental health has been at the forefront of the Board of Commissioners consideration and will continue to be as the state mandated changes move forward. Commissioner Faircloth stated looking forward he hopes the Board of Commissioners will continue to function as a team and over the next few years, his goal is to get the tax rate as low as possible. Commissioner Faircloth thanked the Board of Commissioners, county staff and his wife Carol for their support over the past year.

Chairman Keefe thanked the Board of Commissioners for having the confidence in him to assume the duties as Chairman and thanked the citizens of Cumberland County for re-electing him. Chairman Keefe recognized the newly elected and current state representatives, mayors within Cumberland County, locally elected judges and other Cumberland County elected officials. Chairman Keefe recognized Major General Reeder, Commander of the JFKSWC, and his wife, Adrian, and thanked members of his family.

Chairman Keefe delivered the following remarks:

As we continue into 2013, our country, states and local governments are going to be challenged to stretch dollars and to expand services when and where they are needed. In the past your commissioners had taken a very conservative stance on spending and always are looking for creative ways to leverage our funding to not increase taxes. I am proud to say that, when other counties are scrambling for funding, our planning approach has allowed Cumberland County to maintain its services without asking property owners for an increase in our taxes.

As I said earlier, my background is in the military and business community. As a cadet at The Citadel and as young Lieutenant, I was fortunate to have a leaders and commanders that pulled

me aside and showed me what “Right Looks Like”. I quickly found out that was just not his opinion, but a culture of leadership and training to get the job done right the first time. You also find out quickly that, “What is Right is not always popular, and what is Popular is not always Right”.

With the downturn in the economy these past few years, the most successful companies were forced to become better by putting more energy in their customers. As a county, we will work very hard on increasing our customer service and fulfilling the needs our citizens. We will strive everyday to be a better government.

Our Philosophy is that:

People are our Business, and We Care About our People

One of the newest programs that we have initiated with our staff is our “PRIDE” program. Our commitment is to treat every citizen with Professionalism, Respect, Integrity with Accountability, Dignity and Diversity, and Exceptional Customer Service. We expect to have PRIDE in ourselves, we expect our staff to have PRIDE in their Department and we expect our citizens to have PRIDE in their county. As part of this program, each of our department heads will be expected to complete a leadership program and implement it within their respective departments. Another part of our exceptional customer service is to extend our hours of operation in some service related departments to allow great accessibility to our working citizens. We have already started with a pilot program in our health department that will have extended hours one night a week. We do this because:

People are our Business, and We Care About our People

Another new initiative is that we will designate a position of an “efficiency auditor” that will have the responsibility to audit each department and make recommendations on how to improve efficiency to providing service to our citizens and to save money using technology and identifying archaic business practices that cost money and reduce service. With a 304 million dollar budget, we will set a goal of saving a minimum of 1%, or 3 million dollars annually. With small changes, we can have big impact on our citizens and the service we provide. We have already started on this program with the implementation of our print management program, our cell phone use policy and our prescription drug pharmacy. These programs alone should save more than 1 million dollars annually. We do this because:

People are our Business, and We Care About our People

One of the most exciting programs that we have established in the last 60 days is our Citizens Academy. We recently graduated our first class of citizens to resounding accolades from the graduates. This program is set to familiarize students with the different departments in Cumberland County government. Last year the commissioners gave our public information director, Sally Shutt, a task and a vision to set up this program, to plant this garden of well informed citizens and cultivate them to become involved in County Government. Not only did she nurture the seeds, till the soil, water the plants, she cared and produced an outstanding graduating class. Current plans are to only do this twice a year and there is already a lot of interest in the next class in March. We do this because:

People are our Business, and We Care About our People

Our other commitment to our citizens is that we will be diligent and not play petty politics that negatively affect the very people who elected us and who we are honored to serve. We will continue to work together to be creative problem solvers, continue to watch over public funds, continue to look for waste on efficiency and revenue and correct it immediately.

As we move forward into this upcoming year, I would like to ask each of our commissioners to “expect more,” from ourselves and our staff. I encourage senior staff and department heads to “expect more” from their co-workers, I hope that citizens will “expect more” from county government. My commitment is to represent myself as the citizens of Cumberland County elected me to do. Personally, I will “expect more” of myself and more importantly, I will “give more” to my community.

I look forward to working with my fellow commissioners and casting a die for the future of this great county. I am very proud and humbled by the confidence entrusted to me, and look forward to continuing to be part of this great leadership team.

4. Approval of Agenda

MOTION: Commissioner King moved to approve the agenda.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS (7-0)

5. Consent Agenda

- A. Approval of minutes for the November 19, 2012 regular meeting
- B. Approval of Bonds for Public Officials

BACKGROUND:

Pursuant to North Carolina General Statutes, the Board of Commissioners must approve bonds for selected officials at its first meeting in December.

RECOMMENDATION/PROPOSED ACTION:

Approve the bonds listed below.

<u>Name/Position</u>	<u>Amount</u>	<u>Expires</u>	<u>Broker</u>	<u>Carrier</u>
Finance Officer (Amy Cannon – County of Cumberland)	\$100,000	Indefinite	Marsh	Ohio Casualty Ins. Co.
Finance Officer (Amy Cannon – Eastover Water and Sewer District)	\$ 50,000	Indefinite	Marsh	Ohio Casualty Ins. Co.
Finance Officer (Amy Cannon – Norcross Water and Sewer District)	\$ 50,000	Indefinite	Marsh	Ohio Casualty Ins. Co.

Finance Officer (Amy Cannon – Tourism Development Authority)	\$ 50,000	Indefinite	Marsh	Ohio Casualty Ins. Co.
Asst. Finance Officer (Howard Abner)	\$ 50,000	Indefinite	Marsh	Ohio Casualty Ins. Co.
Senior Account (Robert Tucker – County of Cumberland)	\$ 50,000	Indefinite	Marsh	Ohio Casualty Ins. Co.
Deputy Finance Officer (Robert Tucker – Eastover Sanitary District)	\$ 20,000	Indefinite	Marsh	Ohio Casualty Ins. Co.
Register of Deeds (J. Lee Warren, Jr.)	\$ 25,000	Indefinite	Marsh	Ohio Casualty Ins. Co.
Tax Administrator (Aaron Donaldson)	\$200,000	Indefinite	Marsh	Ohio Casualty Ins. Co.
Sheriff (Earl Butler)	\$ 25,000	12-06-14	Marsh	Ohio Casualty Ins. Co.
Sheriff's Office (Chief Deputy Paul Hinson)	\$ 20,000	Indefinite	Marsh	Ohio Casualty Ins. Co.
Mental Health (Hank Debnam)	\$ 20,000	Indefinite	Marsh	Ohio Casualty Ins. Co.
Social Services (Brenda Reid Jackson)	\$ 20,000	Indefinite	Marsh	Ohio Casualty Ins. Co.
Civic Center (Lisa Foster)	\$ 20,000	Indefinite	Marsh	Ohio Casualty Ins. Co.
Civic Center (Ashley Foster)	\$ 20,000	Indefinite	Marsh	Ohio Casualty Ins. Co.
Community Development (Sylvia McLean)	\$ 20,000	Indefinite	Marsh	Ohio Casualty Ins. Co.

- C. Approval of Final Resolution Authorizing Execution and Delivery of FTCC Installment Financing Agreement

BOARD OF COMMISSIONERS
OF
COUNTY OF CUMBERLAND, NORTH CAROLINA

Excerpt of Minutes

of Meeting of
December 3, 2012

Present: Chairman _____ presiding, and Commissioners _____

Absent: _____

* * * * *

The following resolution was introduced and its title was read:

RESOLUTION CONCERNING FINAL APPROVAL OF THE
EXECUTION AND DELIVERY OF AN INSTALLMENT
FINANCING AGREEMENT UNDER NORTH CAROLINA
GENERAL STATUTE §160A-20 TO FINANCE THE
ACQUISITION AND CONSTRUCTION OF IMPROVEMENTS
TO VARIOUS BUILDINGS AT FAYETTEVILLE TECHNICAL
COMMUNITY COLLEGE AND AUTHORIZING THE
EXECUTION AND DELIVERY OF DOCUMENTS IN
CONNECTION THEREWITH

WHEREAS, the Board of Commissioners of the County of Cumberland, North Carolina (the "County") has decided to pursue the acquisition and construction of improvements (including roofing and HVAC replacements) to various buildings at Fayetteville Technical Community College in the County (the "Project") pursuant to an installment financing agreement, as permitted under N.C.G.S. § 160A-20; and

WHEREAS, the County will enter into an Installment Financing Agreement dated on or about December 10, 2012 (the "Agreement"), between the County and Bank of America, N.A. (the "Bank") pursuant to which the Bank has agreed to make a loan to the County to finance the Project; and

WHEREAS, the Agreement is an agreement authorized under Section 160A-20 and having payments thereon by the County subject to appropriation; and

WHEREAS, financings pursuant to Section 160A-20 must be approved by the North Carolina Local Government Commission (the "LGC"), and the LGC approved the Agreement at its meeting on November 13, 2012; and

WHEREAS, the County's obligations under the Agreement, including the County's obligation to make payments under such agreement, is to be secured by a lien and security interest on the HVAC component of the Project; and

WHEREAS, there have been presented to the Board the form of the Agreement;

WHEREAS, the Board desires to approve the Agreement and to authorize other actions in connection therewith; and

WHEREAS, the County at its meeting on November 5, 2012, made findings with respect to the Project and the financing thereof; and

WHEREAS, the County has today held a public hearing regarding the financing of the Project through the execution and delivery of the Agreement; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF CUMBERLAND, NORTH CAROLINA:

The financing of the Project pursuant to and in accordance with the terms and conditions of the Agreement, in the aggregate principal amount not to exceed \$3,600,000 is hereby approved.

The Chairman or Vice Chairman of the Board and the County Manager, or any of them, are hereby authorized and directed to execute and deliver the Agreement, which shall be in substantially the forms previously submitted, which are hereby approved, with such completions, omissions, insertions, and changes as may be approved by the Chairman, Vice Chairman or the County Manager, with the advice of the County Attorney and Special Counsel, including such changes as may be required by the LGC, their execution to constitute conclusive evidence of their approval of any such completions, omissions, insertions and changes. The Clerk of the Board shall attest and seal such documents as require the Clerk's attestation and the County seal.

The Board hereby approves the execution and delivery by the County of the Agreement and any other documents or certificates that may be required in connection with the execution, delivery and performance of the Agreement and the acquisition and construction of the Project.

The Chairman, Vice Chairman, County Manager, County Finance Officer, County Attorney and Clerk of the Board are hereby authorized to take any and all such further action and to execute and deliver such other documents as may be necessary or advisable to carry out the intent of this resolution and to effect the financing pursuant to the Agreement. Without limiting the generality of the foregoing, the Chairman, Vice Chairman or County Manager are authorized to approve all details of the financing. Execution of the Agreement and related documents by the Chairman, Vice Chairman or County Manager, as the case may be, shall conclusively evidence approval of all such details of the financing.

To the extent permitted by law, the County Manager, or such other officer or employee of the County as may be responsible from time to time for the preparation of the County's annual budget, is hereby authorized and directed to carry out the obligations imposed by the Agreement on such officer or employee.

All other actions of the officers of the County which are in conformity with the purposes or intent of this resolution and in furtherance of the execution and delivery of the Agreement are hereby ratified, approved and confirmed. The representations of the County made in the Agreement are hereby confirmed.

All resolutions or parts thereof in conflict herewith are hereby repealed.

This resolution shall take effect immediately.

D. Approval of Stoney Point-Cumberland County Fire Protection Contract

ADDENDUM TO FIRE PROTECTION AND EMS SERVICES
CONTRACTS BETWEEN CUMBERLAND COUNTY
AND STONEY POINT FIRE DEPARTMENT INC.

Approved by Board of Commissioners on December 3, 2012.

This contract addendum is made this ____ day of December 2012, by the County of Cumberland (hereinafter referred to as County) and Stoney Point Fire Department Inc. (hereinafter referred to as Fire Department).

Whereas, the Department is currently providing fire protection and certain emergency medical services within the Lake Upchurch and Stoney Point Fire Districts within Cumberland County pursuant to the terms of a Contract for Fire Protection Services dated July 1, 1989, and an EMS Addendum dated August 6, 1996; and

Whereas, the Department is identified in the contract and addendum as Stoney Point Volunteer Fire Department; and

Whereas, the legal name of the Department is Stoney Point Fire Department Inc.; and

Whereas the Department has requested the County to review its contract and confirm that the service delivery expectations are current and acceptable to the County.

Now therefore the parties agree that the existing contracts between the parties for Fire Protection Services, dated July 1, 1989, and the EMS Addendum, dated August 6, 1996, shall remain current and in full force and effect until terminated in accordance with their terms.

E. Budget Revisions:

(1) General Fund Debt Service/Education

Revision in the amount of \$370,020 to reduce Fayetteville Technical Community College debt service budget and reallocate to capital outlay. (B13-174 and B13-174A) Funding Source – Reallocation of Budgeted Expenditures

(2) Southpoint Water/County Water & Sewer

Revision in the amount of \$2,350 to budget anticipated tap fees of \$1,550 and to appropriate water & sewer fund balance of \$800 for the additional transfer from County Water and Sewer Department. (B13-178 and B13-178A) Funding Source – Fees and Water & Sewer-Fund Balance

(3) Health

- a. Center for Disease Control Tuberculosis: Revision in the amount of \$11,591 to recognize additional state authorization of funds. (B13-173) Funding Source – State

- b. Sexually Transmitted Disease Clinic: Revision in the amount of \$21,585 to recognize additional fees to be earned. (B13-179) Funding Source – Fees
 - c. Communicable Disease Clinic: Revision in the amount of \$20,000 to recognize additional fees to be earned. (B13-180) Funding Source – Fees
 - d. Immunization Clinic: Revision in the amount of \$32,238 to recognize additional state authorization of funds. (B13-183) Funding Source – State
 - e. Family Planning Clinic: Revision in the amount of \$41,383 to recognize additional state authorization of funds. (B13-184) Funding Source – State
 - f. Family Planning Clinic: Revision in the amount of \$15,000 to appropriate Health Department fund balance to purchase drugs for the remainder of the fiscal year. (B13-185) Funding Source – Health Department-Fund Balance
- (4) Fire Chief's Association
- Revision in the amount of \$7,300 to cover unanticipated refunds to taxpayers in the Gates Four annexation area. (B13-175) Funding Source – Special Fire Tax
- (5) Stoney Point Fire District
- Revision in the amount of \$51,630 to cover unanticipated refunds to taxpayers in the Gates Four annexation area. (B13-176) Funding Source – Stoney Point Fire Tax
- (6) Vander Fire District
- Revision in the amount of \$15,480 to cover unanticipated refunds to taxpayers. (B13-177) Funding Source – Vander Fire Tax
- (7) Juvenile Crime Prevention Programs
- Revision in the amount of 33,979 to appropriate fund balance to refund revenue received but not spent in FY2012. (B13-182) Funding Source – JCP-Fund Balance
- (8) Finance

Revision to in the amount of \$92,456 to appropriate fund balance to establish a Finance Director position in the Finance Department beginning January 1, 2013. (B13-186) Funding Source – General Fund-Fund Balance

(9) General Government Other

Revision to in the amount of \$125,000 to appropriate fund balance to fund additional unemployment claims. (B13-187) Funding Source – General Fund-Fund Balance

(10) Managed Care Organization (MCO)

Revision to in the amount of \$1,748,751 to establish 35 new positions and related operating for the MCO beginning January 1, 2013. (B13-188) Funding Source – Other

MOTION: Commissioner King moved to approve consent items 5.A through 5.E.(10).

SECOND: Commissioner Edge

VOTE: UNANIMOUS (7-0)

ITEMS OF BUSINESS

6. Nominations to Boards and Committees

A. Board of Health (4 Vacancies)

Commissioner King nominated Heather Burkhardt, Dr. Oliver Hodge, Pamela Pollock and Christopher Frank to their respective positions.

B. Civic Center Commission (5 Vacancies)

Commissioner Faircloth nominated Mark Lynch.

Commissioner King nominated Thaddeus Jenkins, Robert C. Williams and John Hood.

Commissioner Melvin nominated Liz Varnedoe.

Commissioner Edge nominated Judy Dawkins.

Commissioner Evans nominated Eric Jones.

Chairman Keefe nominated Sean Fincher.

MOTION: Chairman Keefe moved that nominations be closed.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

7. Appointments to Boards and Committees

A. Air Quality Stakeholders' Committee (1 Vacancy)

Nominee: Kady-Ann Davy

B. Cumberland County Mental Health, Developmental Disabilities and Substance Abuse Services Area Board (7 Vacancies)

Nominees:

CFAC Family Representative Individuals in Recovery from Addiction:

Jo Beth Cain (Reappointment)

CFAC Family Representative Individual with Intellectual or other Developmental Disabilities:

Lodies Gloston (Reappointment)

Openly Declared CFAC Member Representative Individual with Mental Illness:

Alejandro Vazquez (Reappointment)

Individual with Health Care Expertise:

Dr. Zane Walsh (Reappointment)

Individual with Social Services Expertise:

Allie Wiggins (Reappointment)

Openly Declared CFAC Representative Individual in Recovery from Addiction:

Gladys Hunt (Reappointment)

Member Representative General Public:

Lilliana Parker (Reappointment)

There being an equal number of vacancies and nominees,

MOTION: Commissioner Council moved to appoint all nominees by acclamation to their respective positions.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (7-0)

Chairman Keefe stated one of his initiatives in preparation for this meeting was to embrace the past. Chairman Keefe asked former County Commissioners in attendance to please stand and be recognized.

MOTION: Commissioner Evans moved to adjourn.

SECOND: Commissioner King

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 9:47 a.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board