

CUMBERLAND COUNTY BOARD OF COMMISSIONERS

.MONDAY, MAY 5, 2014 – 9:00 AM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING
MINUTES

PRESENT: Commissioner Jeannette Council, Chair
Commissioner Kenneth Edge, Vice Chair
Commissioner Charles Evans
Commissioner Marshall Faircloth
Commissioner Jimmy Keefe
Commissioner Billy King
Commissioner Ed Melvin
Amy Cannon, Interim County Manager
James Lawson, Assistant County Manager
Quentin McPhatter, Assistant County Manager
Rick Moorefield, County Attorney
Melissa Cardinali, Finance Director
Sally Shutt, Public Information Director
Tom Lloyd, Planning and Inspections Director
Kristine Wagner, Transportation Program Coordinator
Sylvia McLean, Community Development Director
Russ Rogerson, Economic Development Alliance of Fayetteville and
Cumberland County Executive Vice President
Candice H. White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Chairman Council called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE – Chairman Council called on Commissioner Marshall Faircloth who provided the invocation followed by the Pledge of Allegiance to the American Flag.

Recognition of Jeffery Brown's Appointment to the American Public Works Association Facilities and Grounds Committee

Commissioner King recognized Cumberland County Engineering and Infrastructure Director Jeffery Brown for his one year appointment to the American Public Works Association (APWA) Facilities and Grounds Committee which took effect March 21, 2014. Commissioner King stated the committee serves as a center of expertise for APWA relating to facilities management and grounds maintenance within public works. Commissioner King stated Mr. Brown was appointed because of his expertise in the subject matters assigned to the Facilities and Grounds Committee.

Mr. Brown stated he looks forward to serving on the committee and bringing innovative ideas back to improve the way the county does business.

Amy Cannon, Interim County Manager, requested the addition of a closed session for Attorney/Client Matter(s) pursuant to NCGS 143-318.11(a)(3) as Item 5.

1. Approval of Agenda

MOTION: Commissioner King moved to approve with agenda with the addition as requested.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

2. Consent Agenda

- A. Approval of minutes of April 22, 2014 regular meeting and the April 22, 2014 Special Meeting with FTCC Board of Trustees
- B. Approval of Health Department Delinquent Accounts to be Written Off and Turned Over to the NC Debt Set-Off Program

BACKGROUND:

At the Board of Health meeting on April 15, 2014 the Board approved writing off a total of \$33,324.95 as bad debts. The bad debt accounts with balances of \$50.00 or higher, will be processed through the North Carolina Debt Set-Off Program which can attach a debtor's State Income Tax refund for payment of bad debts. The accounts with balances under \$50.00 will continue to be worked for collection through in-house collection efforts. This write-off of bad debts is in compliance with the Board of Health's recommendation to write-off bad debts every quarter.

RECOMMENDATION/PROPOSED ACTION:

Approve write off of \$33,324.95 as bad debts to the North Carolina Debt Set-Off Program.

**CUMBERLAND COUNTY DEPARTMENT
OF PUBLIC HEALTH
DELINQUENT ACCOUNTS TO BE TURNED OVER FOR COLLECTION
BAD DEBT WRITE OFF #40
April 1, 2014**

PROGRAM	AMOUNT
ADULT HEALTH	\$20,056.93
BCCCP	\$0.00
CHILD HEALTH	\$6,270.93
DENTAL	\$0.00
DIABETES CLINIC	\$198.00
EXPRESS CARE	\$460.09
FAMILY PLANNING	\$3,516.80
MATERNITY	\$2,822.20
PAP	\$0.00
TOTAL	\$33,324.95

All bad debt accounts with balances of \$50.00 or higher, will be sent to the North Carolina Debt Set-Off Program, which can attach a debtor's State Income Tax Refund for payment of bad debts.

The above accounts are 90 days old or older as of April 1, 2014

- C. Approval of Submission of 2014 Community Development Annual Action Plan

BACKGROUND:

As part of the HUD 5-Year Consolidated Planning process, an Action Plan must be presented each year by Community Development outlining activities to be carried out over the next program year. The 2014 Annual Action Plan is to be submitted to the U.S. Department of Housing and Urban Development (HUD) by May 15, 2014. Proposed entitlement funding for this year is as follows: Community Development Block Grant (CDBG) - \$795,714; and HOME Investment Partnership Act (HOME) - \$288,096. Competitive funding awards in our community this year is as follows: Continuum of Care (CoC) - \$148,807; and Emergency Solutions Grant (ESG) - \$150,403.

The draft proposal was presented and a public hearing held at the April 22, 2014 Board of Commissioners meeting. This document has also been available at several locations throughout the County since April 4, 2014 for a 30-day public review and comment period. No comments have been received to date; however, any comments received will be addressed by the Director and forwarded to HUD along with the Action Plan. If comments are received, responses will also be forwarded to the Board. A final copy of the plan will be available through the Community Development Office beginning May 9, 2014.

RECOMMENDATION/PROPOSED ACTION:

Community Development recommends that the Board of Commissioners approve submission of the Annual Action Plan to HUD by May 15, 2014.

D. Approval of Selection of FY 2015 Transportation Contractors

BACKGROUND:

An evaluation committee consisting of five members of the Transportation Advisory Board (TAB) met April 7, 2014 to review the proposals for transportation contractors. The Transportation Advisory Board then met on April 22, 2014 to approve the following proposals:

- Elderly and Disabled Medical Transportation (EDTAP)
- Rural General Public Transportation (RGP)
- Employment Transportation (EMPL)
- Area Agency on Aging Medical Transportation (AAA Med)
- Area Agency on Aging General Transportation (AAA Gen)

The proposals were rated on: proposal submitted, qualifications and experience, references, Disadvantaged Business Enterprise (DBE) efforts, and value for cost.

B & W Transporting scored the highest for the following proposals approved by the TAB:

- RGP - \$22.75 per unit
- AAA Gen - \$15.00 per unit
- AAA Medical - \$22.75 per unit (split contract)
- EMPL - \$22.75 per unit

FAMIKS Transport scored the highest for the following proposals approved by the TAB:

- EDTAP - \$24.00 per unit
- AAA Medical - \$24.00 per unit (split contract)

RECOMMENDATION/PROPOSED ACTION:

The Transportation Advisory Board would like to request your approval to select the transportation providers named above to provide services for the residents of Cumberland County.

E. Approval of Reconveyance of Properties to the Cumberland County Board of Education

BACKGROUND:

By letter dated March 13, 2014, Tim Kinlaw, Associate Superintendent for Auxiliary Services, requested that certain school sites on which all construction projects have been completed be re-conveyed to the school system in accordance with the sales tax agreement dated December 8, 2009. The agreement requires the County to re-convey the school properties within 60 days of the receipt of the request.

RECOMMENDATION/PROPOSED ACTION:

Authorize the Chair to execute the deed re-conveying the properties as requested.

F. Approval of Corrections to the Cumberland County Smoking Ordinance Adopted on March 17, 2014 (2nd Reading)

BACKGROUND:

On May 6, 2013, the Board adopted an ordinance extending its prohibition of smoking to the grounds of designated facilities including the Department of Social Services, all facilities where Health Department services are provided, and all county library facilities. On March 17, 2014, the Board amended the ordinance to prohibit smoking on the grounds of all buildings where the county conducts its business. Due to proofreading error, both the ordinance and amendment contain an erroneous citation. Both refer to "Chapter 9.5 Article III. Smoking of the Cumberland County Code." The correct citation is "Chapter 9.5 Article VIII. Smoking of the Cumberland County Code." The amendment recorded below corrects the errors.

The Board considered the amendment at its April 22, 2014 meeting; however, not all members of the Board were present.

RECOMMENDATION/PROPOSED ACTION:

That the Board adopts the amendment recorded below.

AN ORDINANCE OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS AMENDING THE ORDINANCE ADOPTED MAY 6, 2013 AND THE AMENDMENT ADOPTED MARCH 17, 2014 REFERENCING CHAPTER 9.5, ARTICLE III. SMOKING, OF THE CUMBERLAND COUNTY CODE TO REFLECT THE CORRECT CODE REFERENCE AS CHAPTER 9.5, ARTICLE VIII. SMOKING, OF THE CUMBERLAND COUNTY CODE

WHEREAS, Cumberland County adopted an ordinance on May 6, 2013 (Cumberland County Code §9.5-91-98) prohibiting smoking in all county leased and owned buildings and vehicles, within 25 feet of the entrance or exit to any public building and on designated grounds; and,

WHEREAS, the Cumberland County Board of Commissioners amended the ordinance on March 17, 2014; and

WHEREAS both the ordinance and subsequent amendment refer to “Chapter 9.5, Article III, Smoking” as where the ordinance is codified in the Cumberland County Code

WHEREAS the correct code reference is Chapter 9.5, Article VIII; and

Whereas, the Board of Commissioners wishes to amend the ordinance adopted on May 6, 2013 and the amendment adopted on March 17, 2014 to reflect the correct code reference; and

WHEREAS, the Board of Commissioners finds the amendment of the ordinance adopted on May 6, 2013 and the amendment adopted on March 17, 2014 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:

The ordinance adopted May 6, 2013 repealing Chapter 9.5 Article III. Smoking of the Cumberland County Code and Adopting a Revised Chapter 9.5 Article III. Smoking of the Cumberland County Code is amended by replacing all mention of “Article III” with “Article VIII”; and

The ordinance adopted March 17, 2014 Repealing Section 9.5-93 of Chapter 9.5, Article III. Smoking, of the Cumberland County Code and Amending Section 9.5-92 of Chapter 9.5, Article III Smoking of the Cumberland County Code is amended by replacing all mention of “Article III” with “Article VIII”.

First reading on the 22nd day of April, 2014.

Adopted upon second reading this 5th day of May, 2014 .

G. Approval of a Proclamation Proclaiming May 4-10, 2014 as “Cumberland County Law Enforcement Officers Week” and May 8, 2014 as “Peace Officers Memorial Day” in Cumberland County

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, Cumberland County recognizes the heroism of all law enforcement officers who have died in the line of duty – giving their lives to protect and serve the citizens of our county; and

WHEREAS, the Cumberland County Sheriff’s Office has lost twelve officers in the line of duty; and

WHEREAS, a permanent memorial has been designated and erected in memory of all those fallen officers and placed in the ground of the Cumberland County Courthouse and Law Enforcement Center.

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners PROCLAIMS May 4-10, 2014 "CUMBERLAND COUNTY LAW ENFORCEMENT OFFICERS WEEK" and May 8, 2014 "PEACE OFFICERS MEMORIAL DAY".

BE IT FURTHER RESOLVED, that the Cumberland County Board of Commissioners encourages all citizens of Cumberland County to recognize the contributions of those who serve their community in potentially dangerous circumstances and the ultimate sacrifice by those who have given their lives protecting and serving this county.

Adopted this 5th day of May, 2014.

H. Approval of a Proclamation Proclaiming May 2014 as "Industry Appreciation Month" in Cumberland County

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, the existing industries of Fayetteville and Cumberland County are an essential segment of the area's economy, providing employment for local residents, contributing revenues and greatly enhancing the area's quality of life; and

WHEREAS, the various industries existing in Fayetteville and Cumberland County have an influence either directly or indirectly upon the lives of every one of the county's citizens; and

WHEREAS, the potential for growth comes in part from within through the expansion of existing industries and the establishment of new, homegrown industries; and

WHEREAS, public awareness and understanding of the importance of industry to our local economy and quality of life are vital to the preservation of a favorable industrial climate; and

WHEREAS, a favorable industrial climate is a major factor in the decision made by officials of existing plants to expand their operations and in our area's ability to attract new industry.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Cumberland County proclaims the month of May, 2014 as "INDUSTRY APPRECIATION MONTH" in Cumberland County and urges its citizens to salute the industries located in our area and the employees of those industries for their important role in the growth and prosperity of Cumberland County.

Adopted this 5th day of May, 2014.

I. Approval of a Proclamation Proclaiming the Month of May 2014 as "Air Quality Awareness Month" in Cumberland County

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, Cumberland County has acknowledged the importance of clean air in promoting quality of life, economic development and future healthy development; and

WHEREAS, we need clean air to protect and improve the quality of our forests, streams and lakes for public recreation and wildlife; and

WHEREAS, Cumberland County is attaining the 2008 federal ozone standard of 0.075 parts per million (ppm), which the EPA ruled in 2013 as the standard; and

WHEREAS, in 2003 the Cumberland County Board of Commissioners partnered with all of its municipalities to participate in the EPA's Early Action Compact and created the Air Quality Stakeholders of Cumberland County to proactively improve air quality for our citizens; and

WHEREAS, for ten years the Air Quality Stakeholders have continued efforts to educate our citizens and find strategies to improve air quality on behalf of the Cumberland County Board of Commissioners and all the municipal governments; and

WHEREAS, the Cumberland County Board of Commissioners, in partnership with all of the local municipal governments, has elected to continue efforts to improve the air quality in the region through the EPA's Ozone Advance Program; and

WHEREAS, the ozone forecast season is from April 1 to October 31, and April 29 to May 5, has been designated as National Air Quality Awareness Week but in recent years Cumberland County has been celebrating this event through the month of May.

NOW THEREFORE, BE IT RESOLVED, that the County of Cumberland Board of Commissioners proclaims the month of May, 2014 as "AIR QUALITY AWARENESS MONTH" and encourages all government employees, citizens and businesses in Cumberland County to observe the month with activities that promote clean air, and take part in making our community "a healthful environment for all current and future citizens of Cumberland County".

Adopted this 5th day of May, 2014.

J. Approval of a Proclamation Proclaiming May 14-28, 2014 as "Emergency Medical Services Week" in Cumberland County

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, emergency medical services (EMS) is a vital public service; and

WHEREAS, first responders, emergency medical technicians and paramedics stand ready to provide compassionate, lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, EMS plays a critical role in public outreach and injury prevention, and is evolving in its role as an important member of the healthcare community; and

WHEREAS, emergency medical responders are supported by emergency medical dispatchers, firefighters, law enforcement officers, educators, administrators, researchers, emergency nurses, emergency physicians and others; and

WHEREAS, the members of EMS teams, both career and volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of EMS practitioners by designating Emergency Medical Services Week.

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners hereby recognizes all Emergency Medical Services personnel and expresses sincere appreciation for the dedicated and professional emergency services provided to the citizens of Cumberland County.

BE IT FURTHER RESOLVED, that the Cumberland County Board of Commissioners hereby proclaims the week of May 18-24, 2014 as Emergency Medical Services Week in Cumberland County with the theme EMS: Dedicated for Life and encourages the community to observe this week with appropriate programs, ceremonies and activities.

Adopted this the 5th day of May, 2014.

K. Budget Revisions:

(1) Water and Sewer/Kelly Hills Water and Sewer

Revisions in the amount of \$56,000 to transfer funds from the General Fund Water and Sewer to Kelly Hills Water and Sewer to purchase a Lift Station Flow Meter from PWC. (B14-351 and B14-351A) Funding Source – Reallocation of Budgeted Expenditures

(2) Social Services Grant Family Violence Care Center

Revision in the amount of \$7,680 to recognize additional grant funds for the Family Violence Care Center program (B14-349) Funding Source – State

(3) Printing and Graphics/General Government

Revision in the amount of \$602 to reallocate budgeted expenditures to fund salary costs for the remainder of FY2014. (B14-347 and B14-347A) Funding Source – Reallocation of Budgeted Expenditures

(4) Tax Administration

Revision in the amount of \$14,695 to appropriate fund balance for tax audits conducted by County Tax Services Inc. (B14-350) Funding Source- Fund Balance Appropriated

(5) School Capital Outlay Category I – Buildings

Revision in the amount of \$2,500,000 to appropriate sales tax fund balance, to budget Capital Outlay Category I expenditures for school renovations as approved by the Board of Education on April 15, 2014. (B14-348) Funding Source – Sales Tax

(6) Landfill Cell Construction/Solid Waste

Revision in the amount of \$7,803,444 to transfer funds from Solid Waste to the Landfill Cell Construction project to provide the estimated additional funds needed to complete the gas system for Cells 1-8 and construct Cells 9 & 10 per the estimated costs from CDM Smith. (B14-331 and B14-331A) Funding Source – Solid Waste Fund Balance

(7) Bethany Fire District

Revision in the amount of \$8,000 to cover unanticipated refunds to taxpayers in the amount of \$500 and to increase contract for additional revenue anticipated to be earned for remainder of fiscal year in the amount of \$7,500. (B14-333) Funding Source – Bethany Fire Tax

(8) Cumberland Fire District

Revision in the amount of \$20,000 to increase contract for additional revenue anticipated to be earned for remainder of fiscal year. (B14-334) Funding Source – Cumberland Fire Tax

(9) Eastover Fire District

Revision in the amount of \$10,000 to cover unanticipated refunds to taxpayers in the amount of \$200 and to increase contract for additional revenue anticipated to be earned for remainder of fiscal year in the amount of \$9,800. (B14-335) Funding Source – Eastover Fire Tax

(10) Godwin-Falcon Fire District (Pg. 71)

Revision in the amount of \$4,000 to cover unanticipated refunds to taxpayers in the amount of \$200 and to increase contract for additional revenue anticipated to be earned for remainder of fiscal year in the amount of \$3,800. (B14-336) Funding Source – Godwin-Falcon Fire Tax

(11) Gray's Creek Fire District #18

Revision in the amount of \$15,000 to cover unanticipated refunds to taxpayers in the amount of \$200 and to increase contract for additional revenue anticipated to be earned for remainder of fiscal year in the amount of \$14,800. (B14-337) Funding Source – Grays Creek #18 Fire Tax

(12) Gray's Creek Fire District #24

Revision in the amount of \$15,000 to cover unanticipated refunds to taxpayers in the amount of \$200 and to increase contract for additional revenue anticipated to be earned for remainder of fiscal year in the amount of \$14,800. (B14-338) Funding Source – Grays Creek #24 Fire Tax

(13) Pearces Mill Fire District

Revision in the amount of \$35,800 to cover unanticipated refunds to taxpayers in the amount of \$800 and to increase contract for additional revenue anticipated to be earned for remainder of fiscal year in the amount of \$35,000. (B14-339) Funding Source – Pearces Mill Fire Tax

(14) Stedman Fire District

Revision in the amount of \$6,200 to cover unanticipated refunds to taxpayers in the amount of \$200 and to increase contract for additional revenue anticipated to be earned for remainder of fiscal year in the amount of \$6,000. (B14-340) Funding Source – Stedman Fire Tax

(15) Stoney Point Fire District

Revision in the amount of \$35,500 to cover unanticipated refunds to taxpayers in the amount of \$500 and to increase contract for additional revenue anticipated to be earned for remainder of fiscal year in the amount of \$35,000. (B14-341) Funding Source – Stoney Point Fire Tax

(16) Vander Fire District

Revision in the amount of \$45,000 to cover unanticipated refunds to taxpayers in the amount of \$500 and to increase contract for additional revenue anticipated to be earned for remainder of fiscal year in the amount of \$44,500. (B14-342) Funding Source – Vander Fire Tax

(17) Wade Fire District

Revision in the amount of \$5,200 to cover unanticipated refunds to taxpayers in the amount of \$200 and to increase contract for additional revenue anticipated to be earned for remainder of fiscal year in the amount of \$5,000. (B14-343) Funding Source – Wade Fire Tax

(18) Westarea Fire District

Revision in the amount of \$30,000 to cover unanticipated refunds to taxpayers in the amount of \$500 and to increase contract for additional revenue anticipated to be earned for remainder of fiscal year in the amount of \$29,500. (B14-344) Funding Source – Westarea Fire Tax

MOTION: Commissioner King moved to approve consent Items 2.A. – 2.K.(18)
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (7-0)

ITEMS OF BUSINESS

3. Nominations to Boards and Committees

A. ABC Board (2 Vacancies)

Commissioner King nominated A. Johnson Chestnutt and Terri Thomas.

B. Fayetteville Technical Community College Board of Trustees (1 Vacancy)

Chairman Council nominated Dr. Marye Jeffreys.

C. Tourism Development Authority (1 Vacancy)

Commissioner Faircloth nominated Dallas Mack Freeman.

D. Transportation Advisory Board (2 Vacancies)

Commissioner Faircloth nominated Vince Wagner and James Roper.

4. Appointments to Board and Committees

A. Human Relations Commission (2 Vacancies)

Nominee: Linda Amos
Tomecia Sobers

There being an equal number of vacancies and nominees,

MOTION: Commissioner Edge moved to appoint Linda Amos and Tomecia Sobers to the Human Relations Commission.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (7-0)

5. Closed Session A. Attorney/Client Matter(s)
Pursuant to NCGS 143-318.11(a)(3)

MOTION: Chairman Council moved to go into closed session for Attorney/Client Matter(s) pursuant to NCGS §143-318.11(a)(3).
SECOND: Commissioner King
VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Edge moved to reconvene in open session.
SECOND: Commissioner King
VOTE: UNANIMOUS (7-0)

Chairman Council called on Rick Moorefield, County Attorney, who reported on behalf of the Board that the Board of Commissioners had reached a final settlement in the case of Russell Holderness vs. the Cumberland County Health Department and Cumberland County in Case

#13OSP19659. Mr. Moorefield stated the terms of the settlement were the payment of \$80,000 to settle the claim plus \$10,000 attorney's fees. Mr. Moorefield stated the matter is resolved.

MOTION: Commissioner Council moved to adjourn.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (7-0)

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

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board