

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, APRIL 13, 2015 – 9:00 AM
117 DICK STREET, 1ST FLOOR, ROOM 118
SPECIAL MEETING
MINUTES

PRESENT: Commissioner Kenneth Edge, Chairman
Commissioner Marshall Faircloth, Vice Chairman (arrived 9:08 a.m.)
Commissioner Glenn Adams (telecommunicated/departed following motion to go into closed session)
Commissioner Jeannette Council (arrived 9:08 a.m.)
Commissioner Charles Evans
Commissioner Jimmy Keefe
Commissioner Larry Lancaster
Amy Cannon, County Manager
James Lawson, Deputy County Manager
Melissa Cardinali, Assistant County Manager
Tracy Jackson, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Governmental Affairs Officer
Vicki Evans, Finance Director
Tom Lloyd, Planning and Inspections Director
Bobby Howard, Solid Waste Director
Jeffrey Brown, Engineering and Infrastructure Director
Buck Wilson, Public Health Director
Terri Robertson, Board of Elections
Lee Warren, Register of Deeds
Ron Cooper, Fleet Maintenance Superintendent
Michael Gibson, Parks and Recreation Director
Candice H. White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Chairman Edge called the meeting to order.

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

Recognition of Cumberland County Solid Waste Management by the North Carolina Department of Transportation for Outstanding Public Stewardship and Commitment to Protecting North Carolina's Environment by Participating in the Adopt-A-Highway Program for 25 Consecutive Years (1989-2014)

On behalf of the Board of Commissioners, Chairman Edge presented a plaque to Bobby Howard, Solid Waste Director, for having been recognized by the N. C. Department of Transportation for participation in the Adopt-A-Highway program for twenty-five consecutive years. Chairman Edge stated Solid Waste first adopted Wilkes Road in 1989 and environmental enforcement inspectors clean up the highway every quarter.

Recognition of Buck Wilson, Public Health Director, for being elected as President of the North Carolina Association of Local Health Directors for 2015

On behalf of the Board of Commissioners, Chairman Edge recognized Buck Wilson, Public Health Director, for his election as president of the N. C. Association of Local Health Directors. Chairman Edge stated Mr. Wilson has been a member of the Association for thirteen years and has served in several capacities including secretary, treasurer and vice-president. Chairman Edge also stated the association is committed to ensuring the public's health through leadership and commitment to the principles of public health practice throughout the state. Chairman Edge stated Mr. Wilson has also served as chairman for several of the association's committees.

Recognition of the following Cumberland County Departments for their outstanding community support and valuable contributions to the United Way of Cumberland County 2014 Annual Campaign:

Administration Services
Board of Elections
Central Maintenance Facility
Finance Department
Register of Deeds Office

On behalf of the Board of Commissioners, Chairman Edge presented United Way Achievement Awards to Amy Cannon, County Manager; Terri Robertson, Board of Elections; Ron Cooper, Fleet Maintenance Superintendent; Vicki Evans, Finance Director; and Lee Warren, Register of Deeds, for their respective department's outstanding community support and valuable contributions to the United Way of Cumberland County's 2014 annual campaign.

Recognition of Sally Shutt for Receiving the 2014-2015 United Way Employee Campaign Manager of the Year

On behalf of the Board of Commissioners, Chairman Edge recognized Sally Shutt, Governmental Affairs Officer, for receiving an award as the 2014-2015 United Way Employee Campaign Manager of the Year.

1. Approval of Agenda

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

2. Consent Agenda

A. Approval of minutes for the March 5, 2015 Special Meeting for FY16 Work Session, March 10, 2015 Special Meeting for Strategic Planning and March 16, 2015 Regular Meeting and March 31, 2015 Special Meeting for Strategic Planning

B. Approval of Proposed Additions to the State Secondary Road System:

BACKGROUND:

The North Carolina Department of Transportation has received petitions requesting the following streets be placed on the State Secondary Road System for maintenance.

Village at Rockfish Subdivision: Summer Cove Drive, Dunkirk Court,
Harrington Road

DOT has determined that the above streets are eligible for addition to the state system.

RECOMMENDATION/PROPOSED ACTION:

NCDOT recommends that the above named streets be added to the State Secondary Road System. County Management concurs. Approve the above listed streets for addition to the State Secondary Road System.

C. Approval of Health Department Delinquent Accounts to be Written Off and Turned over to the N. C. Debt Set-Off Program

BACKGROUND:

At the Board of Health meeting on March 17, 2015, the Board approved writing off a total of \$20,013.62 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 our 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 \$20,013.62 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 #41 March 17, 201	
PROGRAM	AMOUNT
ADULT HEALTH	\$7,734.29
CHILD HEALTH	\$3,997.10
DENTAL	\$2,668.00
EXPRESS CARE	\$1,273.00
FAMILY PLANNING	\$1,554.66
MATERNITY	\$2,786.57
TOTAL	\$20,013.62

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 12/31/2014

- D. Approval of Payment of Prior Year Invoice for Annual Maintenance Contract with CenturyLink for the Telephone System for the Library

BACKGROUND:

The Library is requesting payment of a \$1,126.56 Century Link invoice that covered service periods during fiscal year 2014. During a transitional period between telephone systems, the service contract was inadvertently not cancelled. Staff believed the invoice to be invalid but have since learned it is legitimate. Procedures have been put in place to minimize this type of reoccurrence.

RECOMMENDATION/PROPOSED ACTION:

Management is requesting approval to pay the prior year invoice in the amount of \$1,126.56 and approval of the corresponding budget revision B15-284.

- E. Approval of Bid Award to Shaw Construction Company, Inc. for the Law Enforcement Center Lobby Renovation Project

BACKGROUND:

Informal bids were received on March 31, 2015 for the lobby renovation project at the Law Enforcement Center (LEC) located on Dick Street. The purpose of this project is to address security inefficiencies as well as to improve customer service.

The low bid was submitted by Shaw Construction Company, Inc. in the amount of \$153,236. In addition, it is recommended that a contingency in the amount of \$15,000 be established to address any changes that may arise during construction.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director and County Management recommend that the Board of Commissioners:

1. Accept the bids for the Cumberland County LEC Lobby Renovation Project and award a contract to Shaw Construction Company, Inc. in the amount of \$153,236.
2. Establish a contingency in the amount of \$15,000 to be used for additional work recommended by the E&I Director and approved by the County Manager.

F. Approval of Facilities Committee Report and Recommendation:

- 1) Development of the Linden Town Park and Associated Budget Revision to Establish the Project Budget

BACKGROUND:

Mr. Michael Gibson made a presentation at the April 2, 2015 Facilities Committee Meeting on the status of the development of the Linden Town Park. The Town of Linden has been awarded a Parks and Recreation Trust Fund Grant (PARTF) in the amount of \$212,400 for the development of a park. The Parks and Recreation Master Plan in 2006 recommended a park in the northern portion of the county. This park will be very similar to the Godwin Park completed several years ago.

PARTF grants provide dollar for dollar matching funds to local governments for parks and recreation projects. These grant funds will be utilized for the purchase of 38 acres of land, of which five to six acres are within the town limits. This is the same land that was previously considered several years ago. In 2011, county district funds in the amount of \$300,000 were earmarked as the matching funds for this grant. The matching funds will be utilized for the development of the park. The majority of the work will be completed by the Parks and Recreation Department staff.

RECOMMENDATION/PROPOSED ACTION:

Approve the Town of Linden Recreation Project and budget revision B15-271 which establishes the project budget.

- 2) Committee Recommendation to Refer the Synthetic Field Feasibility Review to the Parks & Recreation Advisory Board

BACKGROUND:

At the March 12, 2015 City-County Liaison Committee Meeting, Council Member Arp gave a detailed presentation on the use of modern synthetic materials on running tracks and sports fields as an alternative to cinder, clay, asphalt and natural grass.

In addition, Council Member Arp presented the following recommendations:

- ✓ *Establish a formal Joint Synthetic Track and Field Task Force similar to Fairfax County, VA to develop recommendations on:*
 - *Transitioning current high school tracks and fields to new synthetic track and turf fields.*
 - *The funding of new synthetic turf fields, to include public, private and corporate partnership opportunities.*
 - *The planned replacement of existing and any new synthetic turf fields.*
 - *The regular on-going maintenance of existing synthetic turf fields.*
- ✓ *The task force be comprised of community leaders, City of Fayetteville, Cumberland County, and Cumberland County School staff who have a direct connection to current high school fields. The task force be charged with:*
 - *Proposing recommendations that focus on ensuring fair and equitable access of these proposed parks for all geographic areas of the county.*
 - *Providing a formal report on its findings and recommendations to the Fayetteville City Council, Cumberland County Commissioners, and Cumberland County School Board for their collective review and action NLT November 2015.*

The following motion was made and unanimously passed:

Mayor Robertson moved for committee members to ask staff to seek the interest of their boards in forming a taskforce to look at all aspects of synthetic fields to include participation of the schools.

The Facilities Committee discussed the formation of a task force and the role of the Parks & Recreation Advisory Board on this issue. There was some discussion that in essence, the Parks & Recreation Advisory Board is a “task force” on parks and recreation issues since the members are appointed by the City and the County. Since this proposal has not been presented to the Advisory Board, a motion was made to ask the Parks & Recreation

Board to review the feasibility of installing synthetic fields and walking tracks and report their findings to the City, County and Board of Education.

RECOMMENDATION/PROPOSED ACTION:

Forward this item to the Parks & Recreation Advisory Board to review the feasibility of synthetic fields and running tracks.

3) Revised Route for the Atlantic Coast Pipeline Project

BACKGROUND

In early January, it was determined that the proposed route of the Atlantic Coast Pipeline Project was going to negatively impact the Cedar Creek Business Park as it was crossing the most desirable locations within the park for development. Once County staff became aware of the proposed route, County staff along with staff from the Economic Development Alliance reached out to representatives with Duke Energy as well as Piedmont Natural Gas.

At the end of January, County staff received a map indicating that the proposed route had been shifted. While the revised route was still dissecting the Cedar Creek Business Park, its impact would be significantly less than the initial route. Upon receiving and reviewing the modified route, County Management requested a meeting with representatives from all parties involved with the pipeline project. County staff along with staff from the Economic Development Alliance met with representatives of the project on March 9th. It was communicated that Cumberland County was extremely grateful that the route had been shifted but would like to request that it be shifted further toward the south to reduce the overall impact to the Business Park. On March 25th, County staff received the latest map indicating a further shift to the south for the proposed route.

This item was presented to the Facilities Committee on April 2nd.

RECOMMENDATION:

The Board of Commissioners is not being asked to take action. This purpose of this item was to provide the Board an update as to the latest proposed route of the pipeline project and to make the Board aware of the conversations that have transpired between representatives of this project and County staff.

G. Approval of Finance Committee Report and Recommendation:

1) Changes in Audit Standards Regarding Use of Internal Auditors

BACKGROUND:

In 2004 the American Institute of Certified Public Accountants (AICPA) launched a clarity project in an effort to make Generally Accepted Auditing Standards (GAAS) easier to read, understand and apply. The final piece of this project relates to the internal audit function, which produced very specific guidelines for the use of internal auditors on an external audit. As an example of this arrangement, when Cherry Bekaert conducted the annual audit for the County in 2014, they were assisted by the County's internal auditor.

The plan was to continue the use of internal audit staff on the annual audit. However, there are some organizational structure issues addressed in the GAAS requirements that prevent Cherry Bekaert from utilizing the internal audit staff in the upcoming FY15 audit. One of the main factors is that the new standard requires the internal audit function to have a systematic and disciplined approach including quality. As the internal audit function is considered part of the internal control structure, the approach and methodology must be in place for substantially all of the fiscal year in order for the external auditors to be able to rely on the work of the internal auditor. This clarification was issued in 2014 and effective for the County's June 30, 2015 year end. The timing of the release did not allow the County time to make the necessary organizational changes to comply with all the criteria needed for the internal audit function to be considered independent for purposes of involvement in the external audit.

Therefore, Cherry Bekaert is unable to utilize internal audit staff for the FY15 audit which will result in increased audit fees for the audit. The fee will increase by \$20,500 in the fiscal year 2015-16 budget. Additionally, an updated structure needs to be in place by July 1, 2015 that allows the external auditors to rely on the work of the County's internal audit staff.

RECOMMENDATION/PROPOSED ACTION:

The Finance Committee recommends the approval of the audit fee increase of \$20,500 for the fiscal year 2015 audit and recommends directing staff to reorganize the internal audit structure and review the recommendations of Cherry Bekaert in designing an internal audit structure that allows the County to return to the use of internal audit staff on the annual audit.

2) Recommendation Regarding Phase III of Classification and Pay Study

BACKGROUND:

In the Spring of 2011, the County began a comprehensive Classification and Pay Study that was conducted in phases.

Phase I of the Study involved a review of general County government positions and was implemented July 2012. Phase II involved a review of Human Services positions subject to the State Human Resources Act (i.e., positions assigned to the Department of Social Services and the Department of Public Health) and was implemented September 2013. However, due to significant state issues and uncertainty involving NCFast, Medicaid and NCTracks, the review of income maintenance caseworkers was delayed until the impact of these programs could be adequately assessed.

Phase III (i.e., the review of Income Maintenance Caseworker I positions assigned to DSS Recertification and Adult Medicaid teams) has now been completed. Based on DSS program and system changes, it has been determined that the level of responsibility for seventy-four (74) positions have increased. Therefore in coordination with the Office of State Human Resources, we are recommending that these positions be reclassified.

The Board previously set aside funding in the FY2015 budget for implementation of this final phase. The net annual projected costs of Phase III is \$96,127 after federal and state reimbursements.

On April 2, 2015, the Finance Committee approved the recommendation as recorded below for the full Board's consideration.

RECOMMENDATION/PROPOSED ACTION:

County Management and Human Resources recommend approval of the proposed actions for Phase III of the Classification and Pay Study.

3) Funding of Continuum of Care Homeless Management Information System

BACKGROUND:

On March 12, 2015, the Continuum of Care (CoC) gave a presentation to the Fayetteville-Cumberland Liaison Committee, which included an overview of the CoC's structure and goals.

The CoC is designated as the lead agency responsible for working towards goals intended to provide more housing and services to our homeless population. An emphasis has been placed on developing an effective community-wide, coordinated intake and assessment process to better manage the referral process and available community resources. The U.S. Department of Housing and Urban Development (HUD) is requiring CoC programs to improve quality data management through the use of a HUD-approved Homeless Management Information System (HMIS) to better track client data and service provider outcomes. HUD also expects CoCs to assign a system administrator to manage the HMIS. The CoC programs within North Carolina have been approved to use the Michigan Coalition Against Homelessness (MCAH) HMIS statewide. The annual fee for the HMIS is projected at \$15,000 - \$20,000; cost projections for a system administrator vary.

During the March 12th Fayetteville-Cumberland Liaison Committee meeting, the Committee voted unanimously to endorse the funding of future programs and for the City and County representatives to present this to their respective governing bodies for consideration. The intent would be for the City and County to share equally in the costs associated with implementing and managing an HMIS.

Since the March 12th meeting, the CoC has had additional discussion regarding the upcoming MCAH HMIS conversion and recommends assigning the system administrator role internally during the initial phase following the conversion. This will provide an opportunity to test, debug and resolve any issues with the system and fully assess system administrator responsibilities to determine the best alternative for carrying out this function moving forward. County staff will also explore potential funding sources to help cover the future cost for administering the HMIS. It is important to note that the CoC has submitted an application for 501(c)(3) nonprofit status, which will allow the CoC to seek additional funding opportunities for housing/homelessness initiatives.

On April 2, 2015, the Finance Committee approved the recommendation as recorded below for the full Board’s consideration.

RECOMMENDATION/PROPOSED ACTION:

In consideration of the Fayetteville-Cumberland Liaison Committee’s request, County Management recommends:

- 1. Approval to fund the County’s portion of the shared cost for the MCAH HMIS fee.
 - 2. Utilize internal staff to carry out and assess the system administrator role to determine the future delivery of this function.
- H. Approval of Offer to Purchase Five Parcels of Real Property in the Savoy Heights Subdivision, Section I, Fayetteville, and One Parcel Described as a Permanent Conservation Easement

BACKGROUND:

The county acquired the six parcels of real property described below by a single tax foreclosure in 2012 for a total tax lien amount of \$9,227.47. The amount of the foreclosure judgment has been prorated to each parcel. William Murphy has made an offer to purchase each of the properties as indicated below. Based on the County GIS Mapping system and County Tax Department there are no structures on the parcels. Each parcel is zoned by the City of Fayetteville as indicated.

PIN	Description: PB 20/21	Zoning- MR5 Mixed Residential	Tax Value	Foreclosure Judgment	Offer
0437-11-4516	Savoy Hgts Sec I Lots 114 & 116	MR5	\$11,250	\$1,038.10	\$1,038.10
0437-11-0345	Savoy Hgts Sec I Lots 216	MR5	\$10,000	\$922.75	\$922.75
0437-00-6970	Savoy Hgts Sec. I Lot 311	MR5	\$5,625	\$519.05	\$519.05
0437-00-0500	Savoy Hgts Sec I Lot 403 & Lot 405	MR5	\$6,250	\$576.72	\$576.72
0437-12-4190	Savory Hgts Sec I Lot 104	MR5	\$3,500	\$323.00	\$323.00
PIN	Description: PB 117/189	Zoning: SF10	Tax Value	Foreclosure Judgment	Offer
0426-54-8992	Briarwood Sec 3 4.05 Acres	SF 10- Single Family Residential	\$55,688	\$5,847.85	\$5,847.85

If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process pursuant to G. S. § 160A-269.

RECOMMENDATION/PROPOSED ACTION:

County attorney recommends the Board consider the offer of William Murphy and if the Board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269.

I. Approval of Offer to Purchase Surplus Property Located at 3445 Dandelion Lane, Fayetteville, NC

BACKGROUND:

The County acquired the real property with PIN 0441-51-3552 located at 3445 Dandelion Lane, Fayetteville, NC from a tax foreclosure sale in 2012 for a purchase price of \$5,782.81. Based on the County GIS Mapping system and County Tax Department there is no structure on the property. The tax value is \$19,000. Mr. Dennis Miller has made an offer to purchase the property for \$5,782.81 and has submitted the required deposit to the Finance Department. If the Board proposes to accept this offer, the sale must be advertised subject to the upset bid process pursuant to G. S. § 160A-269.

RECOMMENDATION/PROPOSED ACTION:

The county attorney recommends that the Board consider the offer of Dennis Miller and if the Board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269.

J. Approval of Settlement of the Costs and Attorney's Fees in Nettles V. Cumberland County and Kirby

BACKGROUND:

Kenneth and Tami Nettles filed an appeal in Superior Court regarding the issuance of a Special Use Permit to Mark and Jackie Kirby to operate a firing range on their property for profit. The Superior Court ruled in favor of the Nettles and has remanded the matter to the Board of Adjustment and further awarded costs and attorney fees to be paid to the Nettles. Cumberland County filed Notice of Appeal to the North Carolina Court of Appeals, but the Kirbys did not appeal. In closed session on March 2, 2015, the Board of Commissioners agreed to offer a compromise settlement amount for the costs and attorney's fees in the amount of \$3,000 in order to avoid the expense and uncertainty of appeal. The Nettles accepted the offer, and a settlement agreement has been prepared as recorded below.

RECOMMENDATION/PROPOSED ACTION:

It is recommended that the settlement be approved.

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into among: Kenneth C. Nettles, Jr. and Tami Jernigan Nettles ("Nettles") and Cumberland County. Collectively, all of the above will be referred to as "the Parties".

WHEREAS the Nettles filed a Petition for Writ of Certiorari against Cumberland County and Reginald M Kirby and Jacqueline T. Kirby ("Kirby's"), Respondents, 13 CVS 4517, Cumberland County Superior Court ("Petition"). The Petition sought the reversal of a Special Use Permit issued by Cumberland County to the Kirby's as well as attorney fees and costs; and

WHEREAS the matter came on for hearing during the October 27, 2014 civil session of Cumberland County Superior Court before the Honorable Kendra D. Hill, and Judge Hill entered an Order, filed on January 23, 2015, granting the relief requested by the Nettles and further granting the Nettles request for attorney's fees and costs. Cumberland County filed Notice of Appeal on February 23, 2015; and

WHEREAS to avoid the delay, uncertainty, inconvenience and expense of an appeal and protracted litigation, NOW, THEREFORE, THE PARTIES DO HEREBY AGREE AS FOLLOWS:

1. This settlement is only a compromise of a disputed matter regarding attorney fees and costs, and this settlement shall not be construed as an admission by Cumberland County that it acted outside of the scope of its legal authority or abused its discretion in issuing the Special Use Permit which is the subject of this action.

2. Cumberland County shall pay to the Nettles, by and through their attorney, the sum of THREE THOUSAND AND 00/100'S DOLLARS (\$3,000.00) within fourteen (14) days of execution of this Agreement by the Parties.
 3. The payment referenced above is an agreed upon compromise that settles the amount of attorney's fees and costs at issue in this matter without the need for further judicial review or action, with the Order entered in this matter on January 23, 2015, otherwise remaining in full force and effect.
 4. Cumberland County will dismiss the appeal filed in this matter within seven (7) days of execution of this Agreement.
 5. This Agreement shall be deemed to be made in the state of North Carolina and all matters arising from or in connection with this Agreement shall be governed by the laws of the state of North Carolina.
 6. This Agreement contains the entire agreement between the Parties with regard to the matters set forth in it and shall be binding upon and enure to the benefit of the executors, administrators, personal representatives, heirs, successors and assigns of each. This agreement may not be amended except by written consent of the Parties.
- K. Approval of a Proclamation Proclaiming April 2015 as "National County Government Month"

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

National County Government Month - April 2015

"Counties Moving America Forward: The Keys are Transportation and Infrastructure"

WHEREAS, the nation's 3,069 counties serving more than 300 million Americans provide essential services to create healthy, safe, vibrant and economically resilient communities; and

WHEREAS, counties move America forward by building infrastructure, maintaining roads and bridges, providing health care, administering justice, keeping communities safe, running elections, managing solid waste, keeping records and much more; and

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

WHEREAS, through National Association of Counties President Riki Hokama's "Transportation and Infrastructure" initiative, NACo is encouraging counties to focus on how they have improved their communities through road projects, new bridges, building new facilities, water and sewer improvements and other public works activities; and

WHEREAS, in order to remain healthy, vibrant, safe, and economically competitive, America's counties provide transportation and infrastructure services that play a key role in everything from residents' daily commutes to shipping goods around the world; and

WHEREAS, each year since 1991 the National Association of Counties has encouraged counties across the country to actively promote their own programs and services to the public they serve; and

NOW, THEREFORE, BE IT RESOLVED THAT We, the Board of County Commissioners of Cumberland County, do hereby proclaim April 2015 as National County Government Month and encourage all county officials, employees, schools and residents to participate in county government celebration activities.

Presented this 13th day of April, 2015.

L. 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, sex and national origin. The Act was amended in 1988 to include familial status, 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.

RECOMMENDATION AND PROPOSED ACTION:

Community Development recommends that the Board of Commissioners recognize April as Fair Housing Month in Cumberland County.

Fair Housing Month
Proclamation

Whereas, April 2015 marks the 47th 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 2015 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 __ day of _____, 2015.

M. Approval of a Proclamation Recognizing April 2015 as “Cumberland County Green Schools Month” in Cumberland County

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, Cumberland County Schools has adopted the Go Green Initiative (GGI), a grassroots program that teaches students personal responsibility for the Earth and assists the evaluation of every aspect of school infrastructure environmental impact; and

WHEREAS, Cumberland County Schools in partnership with Sustainable Sandhills, an environmental non-profit working to preserve and enhance the Sandhills for

current and future generations, have created a unique Green Schools model that embraces public-private partnership to successfully create healthy learning environments and demonstrate environmental stewardship, including energy savings cost avoidance of \$1.9 million dollars since 2011; and

WHEREAS, Cumberland County has acknowledged the importance of moving our community toward a more sustainable future for our children through leadership on sustainability; and

WHEREAS, a regard for the need to provide public policies that reduce environmental impact and costs, protect and improve the quality of our schools and quality of life in our communities; and

WHEREAS, in 2013, Cumberland County government, in their 2030 Growth Vision Plan committed to “well managed growth... planning more open spaces, and a cleaner, healthier environment”; and

WHEREAS, in the 2030 Growth Vision Plan, Cumberland County government, reinforced their commitment to continue moving toward lessening dependence on automobile transportation through bikeways, sidewalk connections, a rural transportation system; and

WHEREAS, in the 2030 Growth Vision Plan, Cumberland County government, committed to community schools which would encourage the use of bikes and walking to schools, alternative transportation; and

WHEREAS, since 1995, Cumberland County Schools have sought to improve school infrastructure, energy efficiency, waste reduction, and water conservation efforts in community schools, while balancing the need to be responsible financial stewards. Cumberland County Schools have energized school leadership through the creation of incentives for all principals who conserve and reduce energy, and provide leadership to teachers and facilities staff to conserve and reduce energy;

WHEREAS, since 2009, the Cumberland County Green Schools Program has continued efforts to educate students and their families on effective strategies to improve air quality, reduce pollution and waste, and build knowledge in STEM, renewable energy, and green technology fields throughout all schools in Fayetteville and Cumberland County; and

WHEREAS, Earth Day is celebrated throughout the world during the month of April on the 22nd day, and Earth Week is celebrated in April each year; Cumberland County Green Schools have engaged the wider community to provide a Earth Day celebration on April 21-22, 2015 at the Cape Fear Botanical Garden;

WHEREAS, Earth Day celebrations include installations of school gardens, provision of quality environmental education to students and teachers from local resources, campus clean ups, recycled art and fashion events, and invites participation from businesses, residents, elected officials, and institutes of higher education.

NOW THEREFORE BE IT RESOLVED, that the County of Cumberland Board of Commissioners proclaims the month of April 2015, as “Cumberland County Green Schools Month” and encourages all government employees, citizens and businesses within Cumberland County to observe the month by thanking a school employee, recycling, riding a bike, planting trees and gardens at their areas schools, using FAST transit for daily commuting, joining the Earth Day Festival with our school children, and supporting the vision of this County as a national Green Schools leader.

Adopted this 13th day of April, 2015.

- N. Approval of a Resolution of the Cumberland County Board of Commissioners Supporting the Request of the Board of Education for Revision to the Low-Wealth Funding Formula

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
LOW WEALTH RESOLUTION**

WHEREAS, according to the Public School Forum finance study, Cumberland County Schools (CCS) ranks 86 out of 100 counties in 2012-13 adjusted property tax base per student; and,

WHEREAS, Cumberland County Schools has the 24th highest effective county tax rate at \$.754; and,

WHEREAS, in addition, according to the N.C. Department of Public Instruction, CCS ranks 106th in state per pupil expenditure; and,

WHEREAS, CCS is spending 121 less state dollars per student than in 2009-10 versus 144 more per student Statewide in 2014-15; and,

WHEREAS, Cumberland County and Onslow County rank 5th and 3rd respectively in per capita personal income for North Carolina; and,

WHEREAS, the per capita personal income formula is based on statistics from the US Bureau of Economic Analysis and disproportionately affects counties with a large number of federally connected employees as it inaccurately reflects the wealth of Cumberland County citizens; and,

WHEREAS, due to this inaccurate wealth estimation, CCS is ineligible for receipt of low wealth funds; and,

WHEREAS, this disproportion significantly and directly impacts the education of the school children in Cumberland County.

NOW, THEREFORE, BE IT RESOLVED that the Cumberland County Board of Commissioners respectfully requests that the N.C. General Assembly use the statistics from U.S. Census Bureau, a per capita money income formula in determining the low wealth allocation for Cumberland County Schools.

Adopted this 13th day of April, 2015.

O. Budget Revisions:

(1) Health

- a. Community Transformation Grant - Revision in the amount of \$15,319 to fund Human Services Planner II position for the remainder of the fiscal year. Funding has also been allocated for FY2016. (B15-277) Funding Source – Grant
- b. Express Care – Revision in the amount of \$6,950 to recognize additional fees to support the reclassification of the Clinic Coordinator for the Immunization/Express Care Clinic. (B15-269) Funding Source – Fees
- c. Dental Clinic - Revision in the amount of \$50,000 to appropriate fund balance to re-budget new dental software that was originally budgeted in FY2014 but never encumbered. (B15-268) Funding Source – General Fund Balance

(2) County Water and Sewer

Revision in the amount of \$461,155 to reallocate budgeted revenues to Public Works Commission Cost Share by reducing fund balance appropriated (\$418,555) and adjusting the expense for the Vander Sewer Project (\$42,600). (B15-226) Funding Source – Reallocation of Budgeted Revenues

(3) Emergency Services

Revision in the amount of \$1,500 to recognize a donated Winnebago to be used as a command center in case of an emergency. (B15-275) Funding Source – Donation

(4) Library Grants

Revision in the amount of \$1,500 to budget the Building the Bench Staff Development Grant. (B15-288) Funding Source - Grant

(5) Sheriff Office

Revision in the amount of \$49,109 to recognize insurance proceeds to purchase a new patrol vehicle and equipment. (B15-287) Funding Source – Insurance Proceeds

(6) Planning and Inspections

Revision in the amount of \$20,000 to appropriate fund balance for additional demolition and rehabilitation projects for the remainder of the fiscal year. (B15-282) Funding Source – General Fund Balance

(7) Health Other

Revision in the amount of \$3,437 to appropriate fund balance to roll forward remainder of FY14 funds into FY15 for community funding organization, Contact. (B15-278) Funding Source – General Fund Balance

(8) New Century Middle School Project

Revision in the amount of \$5,066 to recognize additional contractor sales tax refunds for renovations and repairs. (B15-280) Funding Source – Refunds

(9) Vehicle Insurance

Revision in the amount of \$112,000 to appropriate fund balance in the amount of \$70,000 and recognize additional insurance premiums in the amount of \$42,000 to pay the final quarter vehicle premium and estimated claims for the fiscal year. (B15-283) Funding Source – Fund Balance and Insurance Premiums

(10) Vander Fire District

Revision in the amount of \$7,600 to cover unanticipated refunds to taxpayers in the amount of \$6,600 and to budget additional motor vehicle tax collection fees in the amount of \$1,000. (B15-286) Funding Source – Vander Fire District Tax

(11) School Capital Outlay

Revisions in the total amount of \$4,011,000 to appropriate sales tax fund balance (\$4,111,000) to budget Capital Outlay Category I expenditures for school renovations in the amount of \$3,929,000, to budget Capital Outlay Category II expenditures for equipment in the amount of \$182,000 and to reduce School Sales Tax Article 42 (\$100,000) for Capital Outlay Category III for vehicles in the amount of \$100,000 as approved by the Board of Education on March 10, 2015. (B15-267 thru B15-267B) Funding Source – Sales Tax

MOTION: Commissioner Evans moved to approve consent agenda Items 2.A. – 2.O(11).
SECOND: Commissioner Council
VOTE: UNANIMOUS (7-0)

ITEM OF BUSINESS

3. Consideration of Request from Mr. Lee Herrera for Stay of the Order of the Demolition of the Dwelling at 7846 Amesbury Road, Fayetteville and Status of the Demolition Order from the County Attorney

BACKGROUND:

Upon the county attorney's recommendation, at its meeting on February 2, 2015, the Board extended the stay of the order of demolition of the dwelling located at 7846 Amesbury Road to April 6, 2015 subject to conditions. The county attorney's recommendation for the extension of the stay to April 6 was based on his belief at that time that the first commissioners' meeting in April was the 6th. That stay expired on April 6, 2015.

On January 27, Mr. Herrera requested the tax assessor to decrease the value of the property to \$12,000 based on his assertion that, "[t]he home has been condemned by the county for unsuitable septic system. The lot value is 10-15k less cost of demolition." Pursuant to this request, on February 13, 2015, the tax assessor reduced the value of the lot to \$1,800 and the dwelling to \$1,279, for a total of \$3,079.

On March 31, 2015, DENR issued a letter to Mr. Herrera requesting that he provide documentation to demonstrate that appropriate easements exist to allow the discharged wastewater to flow into the ditch that flows into adjacent properties before discharging to the first natural stream, and to obtain a flow estimate for the nearest natural stream from a specified hydrologist at the USGS North Carolina Water Science Center in Raleigh and provide that data to DENR. DENR advised Mr. Herrera that if no response was received within 60 days, his project would be deactivated and withdrawn from review.

The demolition order entered by the Board on April 22, 2014, has been stayed by the Board at Mr. Herrera's request since July 7, 2014, a full nine months. Mr. Herrera has now requested the Board to grant another stay.

RECOMMENDATION/PROPOSED ACTION:

This permitting process has consumed an extraordinary amount of time but due to the straightforward nature of the two items that DENR has requested, there does appear to be an end in sight. If on April 13, 2015 Mr. Herrera demonstrates that he has provided DENR the information requested by DENR's letter of March 31, 2015, the county attorney recommends that the Board grant a new stay to May 4, 2015, the date of the Board's first meeting in May. If Mr. Herrera does not demonstrate that he has provided DENR the requested information, the county attorney recommends that the Board take no further action. If the Board does not take action the demolition will proceed. Mr. Herrera will still have the remedy of seeking injunctive relief from a court.

Rick Moorefield, County Attorney, reviewed the background information and recommendation as recorded above. Mr. Moorefield stated Mr. Herrera initially requested a stay on July 7, 2014 incident to a demolition order issued April 22, 2014. Mr. Moorefield stated in September 2014, Mr. Herrera made an application to DENR for a different type of system and nothing had been received from DENR until last week, the week of April 6, 2015. Mr. Moorefield stated on April 10, Mr. Herrera's engineer submitted the additional information requested by DENR for the permit decision. Mr. Moorefield stated his recommendation is that the Board grants a new stay to May 4, 2015. Mr. Moorefield stated he does not know how DENR will rule on the permit but in his opinion, it is possible that DENR will approve it. Mr. Moorefield stated this should be completed within thirty days and it should only take a week to ten days for Mr. Herrera to install the system.

Questions followed. Mr. Moorefield stated the only violation at this point is that the property does not have a working septic tank and the way the ordinance reads, there either has to be a working septic tank or it must be rehabilitated. Mr. Moorefield stated that while Mr. Herrera has this permit application in process, it is arguable that he is attempting to rehabilitate.

Commissioner Keefe stated the situation with this property and the involvement of the neighbors has gone on for six years and Mr. Herrera was aware of the problems when he bid on the property. Commissioner Keefe stated this situation has gone on too long for the neighbors and he will not support a new stay.

Commissioner Council stated she visited the property and it does not appear as though there is intent to fix the house. Commissioner Council stated it has been nine months since she called a special meeting of the Board for the purpose of hearing from Mr. Herrera and she will not support a new stay.

Chairman Edge recognized Mr. Herrera who stated the matter has been out of his hands since he submitted his application to DENR. Mr. Herrera stated because the property is condemned and because DENR could deny the permit and the county could demolish the property, it would not be a wise endeavor to spend \$30,000 at this time to make the neighbor happy. Mr. Herrera stated he paid taxes on the property when it was valued at \$130,000 to \$132,000 and then afterwards asked that the property value be decreased because it had been condemned by the county for unsuitable septic system. Mr. Herrera stated if he receives approval, he fully intends to remodel the house which will put \$130,000 back on the tax rolls.

Additional questions followed. Commissioner Faircloth stated since Mr. Herrera is depending on the State to act, he will support granting the new stay until May 4.

MOTION: Commissioner Faircloth moved to grant a new stay to May 4, 2014.
SECOND: Commissioner Lancaster
VOTE: FAILED (2-5) (Commissioners Faircloth and Lancaster voted in favor; Commissioners Evans, Edge, Council, Keefe, and Adams voted in opposition)

4. Nominations to Boards and Committees

There were no nominations were scheduled for this meeting.

5. Appointments to Boards and Committees

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

Nominee: Herman Dudley (Reappointment)

MOTION: Commissioner Faircloth moved to reappoint Herman Dudley to the Adult Care Home Community Advisory Committee.
SECOND: Commissioner Council
VOTE: UNANIMOUS (7-0)

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

MOTION: Commissioner Lancaster moved to go into closed session for Attorney Client Matter(s) Pursuant to NCGS 143-318.11(a)(3).
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Faircloth moved to reconvene in open session.
SECOND: Commissioner Evans
VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Faircloth moved to adjourn.
SECOND: Commissioner Evans
VOTE: UNANIMOUS (6-0)

There being no further business, the meeting adjourned at 10:47 a.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board