

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, MARCH 2, 2015 – 9:00 AM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING
MINUTES

PRESENT: Commissioner Kenneth Edge, Chairman
Commissioner Marshall Faircloth, Vice Chairman
Commissioner Glenn Adams
Commissioner Jeannette Council
Commissioner Charles Evans
Commissioner Jimmy Keefe
Commissioner Larry Lancaster
Amy Cannon, County Manager
James Lawson, Deputy County Manager
Melissa Cardinali, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Governmental Affairs Officer
Vicki Evans, Finance Director
Bobby Howard, Solid Waste Director
Jeffrey Brown, Engineering and Infrastructure 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 Evans provided the invocation followed by the Pledge of Allegiance to the American Flag.

Amy Cannon, County Manager, requested an addition to the consent agenda of a proclamation proclaiming March 10, 2015 as Women and Girls HIV/AIDS Awareness Day in Cumberland County as Item 2. H.

Commissioner Keefe requested the removal of Item 5. Consideration of Appointment of Local Firefighters' Relief Fund Board – Wade Community Fire Department based on a discussion among Commissioner Adams, the County Attorney and himself.

1. Approval of Agenda

MOTION: Commissioner Lancaster moved to approve the agenda with the addition of Item 2.H. and the removal of Item 5.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

2. Consent Agenda

A. Approval of Minutes for the February 9, 2015 Special Meeting and the February 16, 2015 Regular Meeting

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:

Estates at Camden Subdivision: Kersey Avenue, Newgate Street, Aldbury Court, Watford Way, Market Hill Drive, Kimbolton Drive, Quarry Hollow Drive, Stretton Avenue, St. Ives Court

Grays Creek Villas Subdivision: Headwind Drive, Cherry Point Drive

Rockfish Crossing Subdivision: Laurelwood Place, Matchwood Court, Lowbranch Court
Silverhill at Springfield Subdivision: Batesfield Drive, Crystobal Road, Eclipse Drive

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 Sale of the Group Home Facility Located at 800 Old Wilmington Road

BACKGROUND:

On January 20, 2015, the Board resolved that the group home facility located at 800 Old Wilmington Road was not needed for governmental purposes and directed that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269. The proposed sale was advertised in the *Fayetteville Observer* February 3, 2015. The upset bid period expired with no further bids being received. The bid price of \$215,000 was submitted by the lessee, RHA/North Carolina MR, Inc. The property was appraised on September 14, 2014, by Roger G. Holmes, a licensed general appraiser, for \$215,000.

RECOMMENDATION/PROPOSED ACTION:

County attorney recommends the Board to accept this offer and authorize the chairman and or county manager to execute a warranty deed and such other closing documents as the county attorney deems necessary to sell the property to the sole bidder, RHA/North Carolina MR, Inc., for \$215,000.

D. Approval of Sale of Real Property Located at 4110 and 4118 River Point Drive Fayetteville, to Jackson Estates, LLC.

BACKGROUND:

On January 28, 2015, the Board adopted a resolution of intent to accept the offer of Jackson Estates, LLC. to purchase these two lots for a total of \$6,000:

PIN 0454-43-6052; located at 4110 River Point Dr., Fayetteville, NC; being Lot 19, River Point, Plat Book 88, Page 47. Based on the County GIS Mapping system it appears to be a vacant residential lot with a tax value of \$17,500.

PIN 0454-42-6788; located at 4118 River Point Dr., Fayetteville, NC; being Lot 20, River Point, Plat Book 88, Page 47. The tax records list a 1998 14x80 mobile home with a value of \$11,493 located on the lot as personal property of the previous owner of the parcel. The residential lot has a tax value of \$7,549.

Notice of the proposed sale subject to upset bids was advertised in the *Fayetteville Observer* February 9, 2015. The upset bid period has elapsed with no further bids being received.

RECOMMENDATION/PROPOSED ACTION:

County attorney recommends the Board to accept this offer and authorize the Chairman to execute a deed to convey the property to Jackson Estates, LLC. upon the County's receipt of the balance of the purchase price.

E. Approval of Sale of the BP Sandlin Subdivision Lots

BACKGROUND:

On January 5, 2015, the Board adopted a resolution of intent to accept the offer of Kishorkumar Kaneria to purchase each of the four properties below. Each of the parcels is vacant with the exception of a chain link fence and canopy located on the parcel described as Lots 13-16.

PIN	Description: PB 9-70	Zoning	Tax Value	Foreclosure Judgment	Offer
0501-67-8477	Lots 53-56	R6	\$23,488	\$2,791.03	\$3,305.00
0501-67-5259	Lots 13-16	C3	\$46,562	\$5,547.46	\$6,339.50
0501-67-6584	Lots 19-30	R6	\$ 9,750	\$1,176.40	\$2,150.00
0501-67-6342	Lots 65, 66, 1/2 of 64	C3	\$16,988	\$2,018.30	\$2,465.00

Pursuant to G. S. § 160A-269, notice of the proposed sale subject to upset bids was advertised in the *Fayetteville Observer* February 10, 2015. The upset bid period has expired with further bids being received.

RECOMMENDATION/PROPOSED ACTION:

County attorney recommends the Board to accept this offer and authorize the Chairman to execute a deed to convey the four properties to Mr. Kaneria upon the county's receipt of the balance of the purchase price.

- F. Approval of Rejection of Bid #15-10-DC (F) for Video Visitation System at Cumberland County Detention Center

BACKGROUND:

Bids were solicited and received for a Video Visitation System for the Detention Center. Since then projects have been re-prioritized and other projects require the utilization of funds previously allocated.

RECOMMENDATION/PROPOSED ACTION:

Request approval to reject the bids for Video Visitation System in order to close out this project.

- G. Budget Revisions:

- (1) Social Services – Grant Family Violence Care Center

Revision in the amount of \$23,347 to recognize additional grant funds for budgeted salary expenses per grant requirements and to reallocate fund balance appropriated in the amount of \$23,347 for needed maintenance and repair of buildings at the Domestic Violence Shelter (B15-199 and B15-199A) Funding Source – Crime Commission Grant and Fund Balance Appropriated

- (2) Vander Fire District

Revision in the amount of \$2,595 to cover unanticipated refunds to taxpayers. (B15-204) Funding Source – Vander Fire District Tax

- (3) Gray's Creek Middle School Project

Revision in the amount of \$315 to budget the remaining interest proceeds to facilitate final close-out of this project. (B15-206). Funding Source – Other

- (4) New Century Elementary School Project

Revision in the amount of \$30 to budget the remaining interest proceeds (\$29) and contractor sales tax refunds (\$1) and reallocation of the expenditure budget to facilitate final close-out of this project. (B15-207). Funding Source – Other

- (5) Education

Revision in the amount of \$470,384 to appropriate fund balance to re-budget Fayetteville Technical Community College's unspent FY2014 capital allocation in the amount of \$637,919; excluding funds already incorporated into the FY2015 budget in the amount of \$167,535. (B15-209) Funding Source – Fund Balance Appropriated

- (6) Sheriff's Office

Revision in the amount of \$103,609 to appropriate fund balance to increase the Sheriff's contribution to the Law Enforcement Officer's Separation Allowance to match the Annual Required Contribution in the most recent actuarial valuations. (B15-212 and B15-212A). Funding Source – Fund Balance Appropriated

- (7) Detention Center

Revision in the amount of \$133,833 for repairs and maintenance at the Detention Center. (B15-210) Funding Source – Fund Balance Appropriated

- H. Proclamation Proclaiming March 10, 2015 as Women and Girls HIV/AIDS Awareness Day in Cumberland County

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, the federal Office of Women's Health has designated March 10 as National Women and Girls HIV/AIDS Awareness Day; and

WHEREAS, women account for one in four of the more than 1.1 million people living with HIV in this country, and one in five new infections; and

WHEREAS, women of color are disproportionately affected, accounting for the majority of new cases among women, as they have since the very early days of the epidemic; and

WHEREAS, AIDS is now the leading cause of death for black women ages-25-34; and

WHEREAS, the Centers for Disease Control and Prevention has determined that it is important to approach this health problem with women through social networking and cultural events in communities of color; and

WHEREAS, National Women and Girls HIV/AIDS Awareness Day serves as an opportunity for Cumberland County officials and citizens to come together to offer support, encourage discussion, and educate women and girls about prevention of HIV transmission, the importance of getting tested for HIV, and how to live and manage HIV/AIDS.

NOW, THEREFORE, We, the Cumberland County Board of Commissioners, do hereby proclaim March 10, 2015, as

WOMEN and GIRLS HIV/AIDS Awareness Day
in Cumberland County

and urge all citizens to join us in this special observance.

Adopted this 2nd day of March, 2015.

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

ITEMS OF BUSINESS

3. Partnership Federal Advocacy Report

BACKGROUND:

The City of Fayetteville, Cumberland County and the Fayetteville Regional Chamber formed a partnership that works collaboratively and strategically to engage with the federal government and pursue funding assistance for strategic focus areas identified in an annual, collectively established agenda. These efforts ensure protection and preservation of essential community assets and resources. The Partnership Federal Advocacy Report outlines specific initiatives undertaken through the consultant on behalf of the community during the first six months of FY 2015.

For many years, the Partnership's federal agenda focused on earmarks and legislation that could be amended to meet a specific need in our community. The processes by which we engaged with the federal government and the results of that engagement have continued to evolve. Cumberland County and Fayetteville now face a far different environment, a situation that the Partnership began to embrace in 2013 with the adoption of a revised Memorandum of Understanding

(MOU). The MOU recognizes the importance of engagement with the federal government across a variety of strategic, tactical and policy junctures to successfully advocate for our community.

In January 2014, the Partnership contracted with FaegreBD, a federal services consulting firm, to perform a federal affairs assessment. Elected officials and subject-matter experts, representing the City, County and Chamber, met with the consultant during a series of strategic planning workshops to assist in assessing and developing a community federal agenda. That work yielded a set of community priorities that match federal opportunities and provide a roadmap for future engagement in Washington, D.C. The community's federal agenda prioritizes needs and outlines a strategy to achieve the goals set forth in the Partnership's MOU and Federal Advocacy Program. David Gogol, Vice Chair of FaegreBD, presented the Federal Assessment and draft FY 2015 Federal Agenda to the Board of Commissioners on June 2, 2014. County Commissioners, City Council and the Fayetteville Regional Chamber Board adopted the FY 2015 Federal Agenda in June 2014.

The Partnership's initial work focused on identifying issues specific to garrison communities and specific agency and legislative requests to address systemic issues identified in the workshops. Mr. Gogol will update the board on initiatives undertaken through the consultant on behalf of the community during the first six months of FY 2015 and discuss moving forward as we continue to foster collaboration in the Partnership, develop action agendas, seek the support of our Congressional delegation, and report progress on a bi-annual basis.

RECOMMENDATION/PROPOSED ACTION:

Accept the report as information and provide any additional guidance to the staff.

Sally Shutt, Governmental Affairs Officer, reviewed the background information as recorded above. Ms. Shutt introduced David Gogol, Vice Chair of FaegreBD, and stated while in Cumberland County, Mr. Gogol will also meet with directors of the Health and Human Services departments, representatives from FTCC regarding Workforce Development and jobs training, the Fayetteville Regional Chamber, the City of Fayetteville and the Fayetteville City Council.

Mr. Gogol stated FaegreBD has worked with local governments since 1985 and the Fayetteville/Cumberland County community is the most distinctive community FaegreBD has worked for because of the ever present influence of Ft. Bragg which affects everything about local government in the community. Mr. Gogol made the following introductory points and spoke to the process and reporting/contract management provided by FaegreBD. Mr. Gogol stated FaegreBD attempts to ferret out local issues and focus on federal issues.

Introduction

- Fort Bragg creates a greater intersection with the federal government than the vast majority of communities enjoy.
- The insulation from the Great Recession that Fayetteville and Cumberland County experienced is being replaced with a downward trend.
- The community has already rallied together on the related issue of the 440th Airlift Wing.
- The community engagement has allowed FBDC's work to date to focus less on the engagement with the Department of Defense but rather with federal agencies that can assist Fayetteville and Cumberland County in dealing with the effects of DOD decision

Process

- FBDC responded to an RFP from the Partnership in 2013 and began working in February 2014.
- Following a six month landscape analysis, FBDC and the Partnership entered into a year engagement to begin working on the Community's federal priorities.

Reporting and Contract Management - The Partnership and FBDC work as a TEAM

- Partnership representatives join FBDC on a bimonthly hour-long call to review developments in the community, discuss completed activities and plan new initiatives.
- FBDC provides written updates regarding policy initiatives, grants and key events in Washington, D.C., of interest to the Partnership.

Mr. Gogol outlined the federal agency engagement and efforts to sensitize the federal government to the special issues of the community. Mr. Gogol stated many of the agencies were unaware of how concentrated the impacts of the Army drawdown are on this community.

Federal Agency Engagement

- The drawdown has focused the Partnership's efforts toward federal agencies that impact several issues important to the community.
- Ted Voorhees, Amy Cannon and Doug Peters traveled to Washington, D.C., to begin engagement with federal officials in November 2014.

Mr. Gogol stated FaegreBD looked across a whole spectrum of issues and identified city problems, county problems and the Partnership's collective issues. Mr. Gogol outlined the focus areas below and areas of support and advocacy that are community specific.

Focus Areas

- The presence of Fort Bragg and the drawdown of military and civilian personnel provided a number of areas in which work could be undertaken.
- FBDC and the Partnership conducted a thorough examination of the wide range of issues impacting the community: Employment, Veterans, Housing, Human Services/Homelessness, Federal Grants, Legislative, Police/Criminal Justice, Economic Development, Data (housing and economy), and Census

2015 Partnership Areas of Support and Advocacy

- Municipal Finance
- Preservation of City Federal Funding
- Preservation of County Federal Funding
- 440th
- Veterans
- Employment
- Federal Grants
- Transportation/Transit
- Federal Tax Policy
- Law Enforcement/Criminal Justice
- Census
- Data (housing and economy)
- Legislative

Mr. Gogol stated there are four issues that have become FaegreBD's principles areas of work; however, these may change as time moves forward and new priorities emerge. Mr. Gogol spoke to the areas of law enforcement/criminal justice, census, data (housing and economy) and legislative issues as outlined below. Mr. Gogol explained a garrison community differs from a military community in the sense that thousands of soldiers are deployed and return to the community with challenges that are unlike other areas of the United States. Mr. Gogol stated the Department of Justice has agreed to focus on issues unique to garrison communities to best understand how to help communities deal with the challenges.

Law Enforcement/Criminal Justice

- Army presence creates special problems for Fayetteville and Cumberland County.
- Partnership will work with the DOJ on:
 - Issues unique to garrison communities
 - Funding for body cameras
 - Soldier-connected domestic abuse & suicide initiatives
 - Building relationship with Killeen, TX

Mr. Gogol explained the census drives federal funding and other decisions made by the federal government. Mr. Gogol stated as soldiers deploy, they get counted in the census of the community they list as their home and not in the local census which had the effect in 2010 of tremendously undercounting the population in Cumberland County and North Carolina.

Census

- Census policy established decades ago has hurt the community during times of high deployment.
- Partnership members engaged with the Governor's office will work on:
Establishing more equitable rules with the US Census for counting deployed

Mr. Gogol stated Data will track the impact of drawdown. Mr. Gogol stated FaegreBD will work with the VA as it relates to housing and the economy because this is one of the most important issues the community will deal with in the coming months. Mr. Gogol stated with the

military shrinking and moving, FaegreBD will monitor the situation, understand where the negative impacts are and determine what the responses will be.

Data (housing and economy)

- DOD decisions can affect vacancy rates, sale prices and foreclosures within the community.
- The VA finances a large number of home purchases for both active and former military in the community.
- Because of that and the slowdown in the real estate market, through foreclosures, it has become the largest owner of single family properties in Cumberland County.
- VA Loan Guaranty Services has agreed to:
Share community-specific data, as well as how that data compares to other communities in the country

Legislative

- During the work that occurred in 2014, a number of issues were identified that are likely best addressed through seeking federal legislation.

Commissioner Adams asked whether education was included in the issues that were identified. Mr. Gogol stated education is a really big issue but it is an area for which federal spending is formula-driven which makes it difficult to seek funding for specific communities.

Commissioner Keefe stated the uniqueness of the community provides challenges and it has been penalized quite severely in the area of education. Mr. Gogol stated FaegreBD is attempting to get traction with the Pentagon and the Department of Education which is challenging to do for one community. Mr. Gogol stated the Cumberland County/Fayetteville community is special and FaegreBD has uncovered a precedence that the military has been building schools with the hope that the law can be amended to allow for new construction off- base which would be unprecedented in national history.

Commissioner Council stated the impact of the federal government on this community cannot be emphasized enough when it comes to education. Commissioner Council stated impact aid has been cut severely and there are ancillary issues that touch children such as the deterioration of school buildings. Mr. Gogol stated there are about eight garrison communities across the country and this community hosts one of the largest garrisons.

Chairman Edge spoke to lobbying to change the way certain state and local taxes are levied. Chairman Edge stated the local community educates children of the military and military families drive on our roads and many of health and human services clients are people in the military. Mr. Gogol stated the balance between the military mission and the role of the community in support of that mission is at present tilted against local government. Mr. Gogol stated our community is essentially subsidizing the military mission and even though the delegation is sensitive to the issue, the rest of the country is not aware of it.

Commissioner Adams stated in order for there to be conversation and discussion about it and reflect its importance, he would propose that education be included as a focus area for the Partnership.

Commissioner Faircloth spoke to the positive impact of the military on the community and the need to support efforts to retain the 440th.

Mr. Gogol reviewed the issues below stating these are best addressed by seeking federal legislation through conversations with the delegation.

Tax Adjustment

- Federal programs exist to assist local communities when federal actions cause a loss in local revenue.
- The drawdown could provide an opportunity to create another such program.

Enhanced Use Lease

- Enhanced Use Leases (EULs) have become popular ways to construct commercial businesses on government properties, however they deprive local units of government needed property and sales tax revenues.
- Legislation could provide for the payment of property taxes by private developers using EULs

Office of Economic Adjustment

- Fort Bragg Regional Alliance has received planning grants from the Office of Economic Adjustment (OEA).
- OEA is not allowed to assist communities directly as they deal with the drawdown, but a legislative change could allow for it.

Mr. Gogol reviewed the schedule moving forward and proposed milestones as outlined below.

Moving Forward

- Strategic Workshop - Limited to FY 2016 Focus areas
- Develop Action Plan - Customized plan for each Focus Area
- Adopt FY16 Federal Agenda - Approve plans by June 30

Proposed Milestones:

- Workshop- April 2015
- Develop Action Plan-May 2015
- Action Plan Adoption-June 2015

Comments followed. There was consensus to accept the Partnership Federal Advocacy Report as information.

4. Nominations to Boards and Committees

A. Animal Control Board (1 Vacancy)

Commissioner Council nominated Ashley Haines.

B. Equalization and Review Board (5 Vacancies)

Commissioner Adams nominated Horace Humphrey, Ernest Canady, Kathy Olsen, W. Carroll Beard, Jr. and Rodney Sherrill.

Commissioner Keefe asked to refer to the Policy Committee clarification of term limits for citizens serving on commissioner-appointed boards and committees.

Commissioner Adams asked to carry the nominees forward apart from clarification by the Policy Committee.

C. Nursing Home Advisory Board (1 Vacancy)

Commissioner Faircloth nominated Mary Dillon.

5. REMOVED FROM AGENDA - Consideration of Appointment of Local Firefighters' Relief Fund Board – Wade Community Fire Department.

6. Appointment to Boards and Committees

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

Nominee: Mary Dillon

B. Cumberland County Juvenile Crime Prevention Council (1 Vacancy)

County Commissioner:

Nominee: Commissioner Glenn Adams

C. Farm Advisory Board (1 Vacancy)

Cooperative Extension Service Representative:

Nominee: Lisa Childers

D. Nursing Home Advisory Board (2 Vacancies)

Nominees: Carla Fagan
Keith Howard

There being an equal number of vacancies and nominees,

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

SECOND: Chairman Edge

VOTE: UNANIMOUS (7-0)

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

B. Personnel Matter(s) Pursuant to NCGS 143-318.11(a)(6)

MOTION: Commissioner Lancaster moved to go into closed session for Attorney Client Matter(s) Pursuant to NCGS 143-318.11(a)(3) and for Personnel Matter(s) Pursuant to NCGS 143-318.11(a)(6).

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Adams moved to reconvene in open session.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Evans moved to adjourn.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 10:30 a.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board