

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 7, 2016 – 9:00 AM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING MINUTES

PRESENT: Commissioner Marshall Faircloth, Chairman
Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner Jimmy Keefe
Commissioner Larry Lancaster
Amy Cannon, County Manager
Melissa Cardinali, Assistant County Manager
Tracy Jackson, Assistant County Manager
Rick Moorefield, County Attorney
Vicki Evans, Finance Director
Heather Harris, Budget Analyst
Kim Cribb, Budget Analyst
Joe Utley, Tax Administrator
Jeffrey Brown, Engineering and Infrastructure Director
Buck Wilson, Public Health Director
Randy Beeman, Emergency Services Director
Candice H. White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

ABSENT: Commissioner Glenn Adams
Commissioner Charles Evans

Chairman Faircloth called the meeting to order.

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

Amy Cannon, County Manager, asked to revise Item 13. from a Closed Session for Attorney Client Matter(s) pursuant to NCGS 143-318.11(a)(3) to a County Attorney Report on the Case Involving the Board of Elections so the report could be provided in open session.

1. Approval of Agenda

MOTION: Commissioner Edge moved to approve the agenda to include the requested revision to Item 13.
SECOND: Commissioner Council
VOTE: UNANIMOUS (5-0)

2. Presentation from Brig. Gen. (Ret.) Mabry (Bud) Martin, Chairman, North Carolina Military Affairs Commission, on Strategic Plan for Supporting and Enhancing North Carolina Military Missions and Installation

Sally Shutt, Governmental Affairs Office, introduced Brig. Gen. (Retired) Mabry (Bud) Martin, Chairman, North Carolina Military Affairs Commission, and welcomed George Breece, a member of the Military Affairs Commission and the Commission's Quality of Life Committee. Brig. Gen. (Retired) Martin stated the Strategic Plan sets out Governor McCrory's forward leaning plan as to what North Carolina should look like down the road and basically provides a framework for stakeholders to work together to pursue opportunities to extend the military mission and economic mission for North Carolina. Brig. Gen. (Retired) Martin stated the four strategic goals are: 1) support and enhance North Carolina's existing military installations and missions, 2) increase the economic impact of the military and defense industry in North Carolina, 3) improve the quality of life for uniformed service members, veterans and their families, and 4) provide legislative and state agency coordination for military-related issues. Brig. Gen. (Retired) Martin stated there are a lot of opportunities in North Carolina when considering the military installations of Ft. Bragg, Seymour Johnson Air Force Base, the Marine Corps Base Camp LeJeune and the Coast Guard, all of which have a critical mission in the military defense

industry in North Carolina. Brig. Gen. (Retired) Martin highlighted recommendations to support the goals and their potential impact on military communities. Brig. Gen. (Retired) Martin stated the military is a \$66 billion industry in the State, second only to agriculture, and as the second largest economic sector of the State's economy, support for military host communities is essential. Brig. Gen. (Retired) Martin concluded his report by stating implementation plans will be developed based on the goals in the Strategic Plan and the collaborative efforts by all parties will guarantee North Carolina is the most military and veteran friendly state in the United States. Brig. Gen. (Retired) Martin responded to questions and comments that followed.

3. Consent Agenda

- A. Approval of minutes for the September 16, 2016 Joint City-County special meeting, September 19, 2016 regular meeting, October 3, 2016 regular meeting and the October 19, 2016 special meeting

- B. Approval of Board of Health Recommendations:

- 1) Request to Reduce the Tattoo License Fee for Conventions

BACKGROUND:

At the Board of Health meeting on September 20, 2016, the Board approved to reduce the current tattoo license fee for conventions of \$150 to \$50 to promote additional similar conventions in Cumberland County.

RECOMMENDATION/PROPOSED ACTION:

Requesting approval of reducing tattoo license fee to \$50 for conventions.

- 2) Revisions to the Health Department Billing Guide

BACKGROUND:

The Board of Commissioners originally approved the Cumberland County Department of Public Health Billing Guide on October 19, 2015. The Board of Health met on September 20, 2016 and approved the Revised Billing Guide to be followed when providing services to Health Department patients. The Billing Guide provides detailed billing information for each program offered by the Health Department. The guidelines are in compliance with requirements from NC Department of Public Health, NC Department of Health and Human Services, Division of Medical Assistance and Centers for Medicaid and Medicare Services.

In the revised version, Introduction- Page 3 Sentence added- Patients requesting program services are not required to apply for Medicaid. Fee Setting Page 3-4 Section added to define how service fees are set.

RECOMMENDATION/PROPOSED ACTION:

Requesting approval of the Revised Billing Guide.

- 3) Health Department Delinquent Accounts to be Turned Over to the N.C. Debt Set-Off Program

BACKGROUND:

At the Board of Health meeting on September 20, 2016, the Board approved writing off a total of \$20,365.49 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. This program 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 \$20,365.49 bad debts to the North Carolina Debt Set-Off Program.

- C. Approval of Payment of Prior Year Invoices:

- 1) Community Funding Request for Payment of Prior Year Invoice to Mid-Carolina Council of Governments and the Corresponding Budget Revision

BACKGROUND:

Budget staff is requesting payment of a community funding prior fiscal year invoice payable to Mid-Carolina Council of Governments in the amount of \$58,419. The invoice is the fiscal year 2016 fourth quarter reimbursement request which has not yet been paid because the invoice was received after the cutoff date for processing prior year invoices. This item does require a re-appropriation of fiscal year 2016 budgeted funds totaling \$58,419.

RECOMMENDATION/PROPOSED ACTION:

General Government Other – Budget Ordinance Amendment B170046 to appropriate FY 2016 fund balance in the amount of \$58,419 for the Mid-Carolina Council of Governments

The Board is requested to approve Budget Ordinance Amendment B170046 in the amount of \$58,419 to appropriate FY 2016 fund balance for an unpaid invoice representing the last payment of their community funding for FY 2016.

Please note this amendment requires a re-appropriation of FY 2016 fund balance to the current year.

- 2) Risk Management Request for Payment of Prior Year Invoice to Hope Mills Glass

BACKGROUND:

Risk Management staff is requesting payment of a prior fiscal year invoice payable to Hope Mills Glass in the amount of \$108.07. The invoice has not yet been paid because the cutoff date for processing fiscal year 2016 invoices has passed. Sufficient funds are available in the current year budget to cover this expenditure.

RECOMMENDATION/PROPOSED ACTION:

Management is requesting approval to pay the prior year invoice totaling \$108.07.

- 3) Health Department Request for Payment of Prior Year Invoices

BACKGROUND:

The Health Department is requesting payment of multiple fiscal year 2016 invoices as described below:

Vendor	Invoice Date	Invoice Amount
Arrow Pest Control	6/27/2016	\$120.00
Cape Fear Orthopedic Clinic, PA	5/2/2016	47.24
Cape Fear Orthopedic Clinic, PA	6/13/2016	150.18
Total		<u>\$317.42</u>

Invoices were received after the cutoff date for processing FY16 invoices. Sufficient funds are available in the current year budget to cover these expenditures.

RECOMMENDATION/PROPOSED ACTION:

Management is requesting approval to pay the prior year invoices totaling \$317.42.

- 4) Sheriff's Office Request for Payment of Prior Year Invoices

BACKGROUND:

The Sheriff's Office is requesting payment of multiple fiscal year 2016 invoices as described below:

Vendor	Invoice Date	Invoice Amount
Tippmann	5/2/2016	\$ 536.50
South East Sales	5/4/2016	107.00
SFA Fire Protection, Inc.	2/29/2016	800.00
Total		<u>\$1,443.50</u>

Invoices were received after the cutoff date for processing FY16 invoices. Sufficient funds are available in the current year budget to cover these expenditures.

RECOMMENDATION/PROPOSED ACTION:

Management is requesting approval to pay the prior year invoices totaling \$1,443.50.

- 5) Purchasing Division Request for Payment of Prior Year Invoice to Systel and the Corresponding Budget Revision

BACKGROUND:

Purchasing staff is requesting payment of a prior fiscal year invoice for copier charges, payable to Systel in the amount of \$5,622.00. The invoice was not paid prior to the cutoff date for processing fiscal year 2016 invoices. This action requires a budget revision in the amount of the invoice. Approval of Budget Ordinance Amendment B170600 to re-appropriate FY16 fund balance is requested. Please note this amendment requires a re-appropriation of FY16 fund balance to the current year.

RECOMMENDATION/PROPOSED ACTION:

Print, Mail & Design – Budget Ordinance Amendment B170600 to appropriate FY 2016 fund balance in the amount of \$5,622 for FY 2016 photocopier charges

The Board is requested to approve Budget Ordinance Amendment B170600 in the amount of \$5,622 to appropriate FY 2016 fund balance in order to pay an invoice for photocopier usage that took place in FY 2016.

Please note this amendment requires a re-appropriation of FY 2016 fund balance to the current year.

- D. Approval of Grant of Easement to PWC Across Jointly-Owned Property Acquired by Tax Foreclosure

BACKGROUND:

The PWC has requested the county to grant a utility easement across the residential property located at the corner of Hyannis Drive and Strickland Bridge Road, being Lot 3, Emerald Gardens, as shown in Plat Book 31 at page 42. The property was acquired jointly by the county and city by a tax foreclosure. The PWC agreed to pay the sewer assessment to be levied against the property.

RECOMMENDATION/PROPOSED ACTION:

County attorney recommends the Board approve the request and authorize the Chair to execute a deed of easement.

- E. Approval of Recommendations for the Community Transportation Service Plan (CTSP) Steering Committee

BACKGROUND:

This scope of work is developed around the central theme of making a strategically planned response to the projected mobility needs of the general public and targeted populations in Cumberland County, and continuously improving service delivery and management within the region. The CTSP will be developed through a public education and involvement process that includes the general public, private and non-profit transportation providers, human service providers and targeted populations that include individuals with disabilities, low incomes and limited English proficiency.

A Consultant Team will present and discuss the Community Transportation Service Plan and engage steering committee members to provide comments and input. The Steering Committee will have the opportunity to share their knowledge or perception of unmet needs and the problems and/or concerns associated with the operation and/or management of the existing transportation system.

Ten (10) individuals from among the target service providers here in Cumberland County have been identified and have agreed to serve on the steering committee which is to consist of 10 to 15 individuals. (1). Mr. Sam Hutchison (Cape Fear Valley Senior Health), (2). Ms. Kasey E. Ivey (Sunshine Senior Center), (3). Ms. Meagan Honaker (St. Joseph of the Pines), (4) Ebou Sankareh (Famiks Transport, Inc.), (5). Barbara Canady (B & W Transporting, Inc.), and (6). Ms. Rosalind Woods (RDL Therapeutic Solutions & Action Pathways, Inc.) (7) Thomas Cooney (Spring Lake Public Works), (8) Linda Robothan (FTCC Career Readiness Recruiter), (9) Marisa Ramos-Mason (Health Promotions Coordinator), (10) Commissioner Charles Evans.

RECOMMENDATION/PROPOSED ACTION:

Consider the ten (10) individuals as recommended and approve to serve on steering committee to provide input for the Community Transportation Service Plan.

- F. Approval of Offer to Purchase Surplus Property Being Lot 5, Block D, Spring Lake Subdivision, Plat Book 11, Page 3

BACKGROUND:

The County acquired the real property with PIN 0501-76-4311, being Lot 5, Block D, Spring Lake Subdivision, Plat Book 11 at page 3 from a tax foreclosure sale in 2014 for a purchase price of \$4,172.00. The tax value is \$24,421.00. Based on the County GIS Mapping system, there is not a structure on the property. Ms. Virginia Novak has made an offer to purchase the property for \$4,172.00. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269.

RECOMMENDATION/PROPOSED ACTION:

The County Attorney recommends that the Board consider the offer of Virginia Novak 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. The proposed advertisement follows:

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
ADVERTISEMENT OF PROPOSAL TO ACCEPT AN OFFER TO
PURCHASE CERTAIN REAL PROPERTY
PURSUANT TO N.C.G.S § 160A-269**

Take notice that the Board of Commissioners finds the real property described herein is not needed for governmental purposes and proposes to accept an offer to purchase the property with PIN 0501-76-4311, being Lot 5, Block D, Spring Lake Subdivision, Plat Book 11 at Page 3 for \$4,172.00. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The Board of Commissioners may at any time reject any and all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

- G. Approval of Sale of Surplus Certain Real Property Being Lots 3 & 4 and 11 & 12, Block D, Spring Lake Subdivision, Plat Book 11, Page 3.

BACKGROUND:

On September 19, 2016, the Board adopted a resolution of its intent to accept the offer of Ms. Virginia Novak to purchase the listed properties for \$7,464.60:

Description	Tax Value	County's Tax Lien	Deed	PIN
Lots 3 & 4, Block D, PB 11-3, Spring Lake S/D, with address of 122 N. First St., Spring Lake	\$47,482.00	\$3,927.56	8926/884	0501-76-3388
Lots 11 & 12, Block D, PB 11-3, Spring Lake S/D, abuts N. Second St., Spring Lake	\$56,551.00	\$3,290.66		0501-76-5466

Based on the GIS Map, both properties are vacant lots and are zoned by the Town of Spring Lake as commercial (CB).

Notice of the proposed sale was advertised in the *Fayetteville Observer* on September 28, 2016, subject to the upset bid process required by G. S. § 160A-269. More than 10 days have elapsed since the notice was published. No upset bid was received.

RECOMMENDATION/PROPOSED ACTION:

County Attorney recommends the Board accept this offer and authorize the Chair to execute a deed for the properties upon the County's receipt of the balance of the purchase price.

H. Approval of the October 6, 2016 Cumberland County Facilities Committee Report and Recommendation(s):

- 1) National Flood Insurance Program "NFIP" Community Rating System "CRS" Annual Recertification Progress Report

BACKGROUND:

Cumberland County participates within the National Flood Insurance Program's (NFIP) Community Rating System (CRS). The CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. The County's participation allows those that are required to have flood insurance to receive discounted insurance premium rates. Cumberland County currently has a class rating of 8 which allows property owners to receive a 10% discount off of their insurance premiums for policies within the Special Flood Hazard Area (SFHA).

As part of the County's annual recertification process, our Department is required to provide an update on each action item related to floodplain management outlined within the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan. Another requirement is that this progress report be presented to the governing board. The progress report is provided below.

Our Department received notification on October 8th that the County's recertification packet had been reviewed and the County was found to be in good standing in the CRS Program for the next year.

This was presented to the Facilities Committee at its October 6th meeting.

RECOMMENDATION/PROPOSED ACTION:

The Board of Commissioners is not being asked to take action. This purpose of this item is to provide the Board the progress report as required by NFIP for the County's annual recertification for the Community Rating System.

CRS Activity 510
Progress Report

Date this Report was Prepared: September 14, 2016

Name of Community: Cumberland County

Name of Plan: Cumberland – Hoke Regional Hazard Mitigation Plan

Date of Adoption of Plan: June 6, 2016

5 Year CRS Expiration Date: June 6, 2021

1. How can a copy of the original plan or area analysis report be obtained: The County has adopted the plan and in the process of being published. Once published it will be available on the County's website at the following link. www.co.cumberland.nc.us/planning.aspx Once you are on the website, click the tab "Other New Business" and it will take you directly to the link to download the complete report.
2. Describe how this evaluation report was prepared and how it was submitted to the governing body, released to the media, and made available to the public:
Cumberland County partnered with Hoke County and was awarded a grant from the State to update their Hazard Mitigation Plan into one combined plan. The report was published on the County's website and at various locations around the County. Public hearings were held and each jurisdiction's governing body adopted the plan upon completion.
3. Provide a review of each recommendation or action item in the action plan or area analysis report, including a statement on how much was accomplished during the previous year:

Note: The six jurisdictions that the County provides implementation of their Floodplain Development Ordinance (Eastover, Godwin, Falcon, Wade, Linden & Stedman) do not have any additional action items related to SFHA that are not listed below.

The following action items are for Cumberland County and all jurisdictions.

Action #1: Maintain an all hazards public education program to educate and prepare residents for all of the hazards that impact Cumberland County.

- This is a new action item in the recently adopted Hazard Mitigation Plan and there has been no action taken since adoption.

Action #3: Conduct a countywide infrastructure vulnerability assessment to identify priority needs for updating ill-designed or outdated critical structures.

- This is a new action item in the recently adopted Hazard Mitigation Plan and there has been no action taken since adoption.

Action #5: Collaborate with NC Cooperative Extension and NC Agriculture and Forestry Adaptation Working Group to provide more local support and encouragement of forest conservation and farmland preservation measures.

- This is a new action item in the recently adopted Hazard Mitigation Plan and there has been no action taken since adoption.

Action #8: Analyze and update local development ordinances to make buildings safer from wind and flooding, more energy and water efficient, more tolerant of heatwaves and healthier to live in. Also, provide incentives for making buildings safer from wind, flooding, more energy and water efficient and healthier to live in.

- This is a new action item in the recently adopted Hazard Mitigation Plan and there has been no action taken since adoption.

Action #9: Use natural systems, more open space and green surfaces to manage stormwater in a more resilient fashion.

- This is a new action item in the recently adopted Hazard Mitigation Plan and there has been no action taken since adoption.

The following action items are for Cumberland County unincorporated areas.

Action #1: Restrict residential and non-compatible uses within the Special Flood Hazard Area.

- The County restricts the zoning of the special flood hazard area to Conservancy District (CD) which restricts residential and non-compatible uses.

Action #3: Develop a tree ordinance to address clear cutting.

- The County currently has a small stream standard where vegetation is required to remain undisturbed. The Planning Department will evaluate how best to implement a comprehensive tree ordinance.

Action #4: Develop a greenway program as a means to protect natural areas along the rivers, streams, creeks and drain ways.

- The County currently has a small stream standard where vegetation is required to remain undisturbed.

Action #5: Revise the Subdivision Ordinance requiring and additional access for emergency vehicles and to be used as an evacuation route for developments located near special flood hazard area.

- This provision has not been included as part of the Subdivision Ordinance at the current time. Funding of such requirements is the reason in which this provision has not been included within the ordinance.

- 4. Discuss why any objectives were not reached or why implementation is behind schedule:
The reason in which any objective was not achieved has been listed above underneath the action item.
- 5. What are the recommendations for new projects or revised recommendations?
Our focus over the next year will be to begin implementation of the new action items that have been identified in the recently adopted plan.

2) Revised Lease Terms for the First Presbyterian Church of Fayetteville
Parking Lot Lease

BACKGROUND:
Since the October 6, 2016 Facilities Committee Meeting, staff has met with representatives from the First Presbyterian Church of Fayetteville and arrived at mutually agreeable terms based upon the direction of the Facilities Committee on September 1, 2016. The County Attorney has drafted a revised lease agreement based upon those terms (attached). A summary of the revised terms is as follows:

Item:	Description:
Days/Hours of Use	No change
Term	Change renewal date to an end date of June 30, 2017
Rent	Pay FY16 rate with no escalator via monthly installment through June 30, 2017; remove payment of fees, but County shall pay any County property taxes assessed or charged against the space for the tax year commencing January 1, 2017.
Maintenance	Change to responsible for signage, traffic control, mowing, landscaping, and cleaning. Remove responsibility for re-striping and re-asphalting, but add responsible for pothole maintenance

RECOMMENDATION/PROPOSED ACTION:
Staff recommends the Board of Commissioners approve the revised lease agreement as recorded below.

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

PARKING LOT LEASE

This Lease Agreement made and entered into this ____ day of November, 2016, to be effective November 1, 2016, by and between First Presbyterian Church of Fayetteville, North Carolina, Inc., and Cumberland County, a body politic and corporate of the State of North Carolina;

WITNESSETH:

WHEREAS, the County of Cumberland, hereinafter referred to as “COUNTY,” wishes to obtain additional overflow parking space to accommodate persons conducting business in the Courthouse; and

WHEREAS, the First Presbyterian Church of Fayetteville, North Carolina, Inc., Bow and Ann Streets, Fayetteville, North Carolina 28302, hereinafter referred to as “CHURCH,” has parking space in excess of its immediate needs which it desires to lease to the COUNTY.

NOW THEREFORE, COUNTY and CHURCH, in consideration of the mutual benefits to be derived hereunder, agree as follows:

- 1. CHURCH leases to COUNTY, and COUNTY leases from CHURCH, the areas identified as “A” and “B” on the attached plat (the “Space”), consisting of approximately 111 parking spaces. COUNTY shall use the Space for parking by COUNTY employees and the public using the COUNTY Courthouse during the weekdays (Monday through Friday) from 7 a.m. until 7 p.m. CHURCH reserves the right to use the Space at all other times.
- 2. This lease term shall be from November 1, 2016, to June 30, 2017.
- 3. Ingress and egress to the Space shall be strictly limited to the Person Street entrance.
- 4. For this term of eight months, COUNTY will pay CHURCH rental in the amount of \$15,616 payable on the first of each month in advance equal monthly installments of \$1,952 with the first installment due upon execution of this lease by the parties. In addition to the rent for this term, COUNTY shall pay any COUNTY property taxes assessed or charged against the Space by COUNTY for the tax year commencing January 1, 2017.

5. COUNTY will use signs to indicate the location of the leased premises and will be responsible for traffic control, mowing, landscaping, cleaning and repair of any potholes occurring on the leased premises. CHURCH will maintain the existing outdoor lighting and pay the utilities expense for the existing lighting.

6. The COUNTY agrees to indemnify and hold harmless the CHURCH from and against all losses, claims, or damages of any kind whatsoever out of the use by COUNTY, its employees or invitees.

IN AGREEMENT hereto, the parties intending to be bound hereby have authorized the affixing of their signatures and seals by their duly authorized officers on their behalf and as their respective acts.

This the 7th day of November, 2016.

3) Contract to Construct a New Haul Road for the Subtitle D Landfill

BACKGROUND:

A new haul road needs to be constructed for the Subtitle D Landfill at the Ann Street Complex. The existing haul road needs to be taken out of service and the road removed in order to utilize this area for waste placement and compaction. The existing haul road was constructed as temporary road with the understanding that it would have to be relocated. It is critical that the Department move forward with this project now as the available air space will be needed for waste placement.

Informal bids were received on September 30th at 1:30 PM for the construction of the new haul road. The received bids were presented to the Facilities Committee on October 6th along with the certified bid tab provided by the project engineer with a recommendation to award a contract to the lowest responsible bidder, Bentley Development Company. It was decided to award the bid alternate of the contractor provided the necessary stone in conjunction with the base bid for a total bid award of \$346,293.75.

Due to the increased volume of waste being brought to the landfill as a result of Hurricane Matthew along with the regularly scheduled Board of Commissioners meeting being canceled that was scheduled for October 17th, the County Manager executed the contract based on the Facilities Committee approval from October 6th. Therefore, the Board of Commissioners need to retroactively approve the contract.

RECOMMENDATION/PROPOSED ACTION:

The Interim Solid Waste Director along with County Management recommend that the Board of Commissioners approve the following recommendations.

1. Award a contract in the amount of \$346,293.75 to Bentley Development Company for the construction a new haul road for the subtitle D landfill.
2. Establish a contingency amount of \$17,400 to be used for additional work recommended by the Interim Solid Waste Director and approved by the County Manager.
3. Approve Budget Ordinance Amendment B170037 in the amount of \$363,694 for construction of a new haul road. The total amount consists of the \$346,294 for construction of the new haul road and \$17,400 represents a 5% contingency at the request of the Solid Waste Interim Director.

I. Approval of November 4, 2016 Facilities Committee Item - Contract to Replace the Roof for the Community Corrections

BACKGROUND:

The Engineering & Infrastructure Department worked with a consultant to complete roof assessments for all County facilities in the spring of 2015. It was determined that the Community Corrections Center facility located at 412 W.

Russell Street needed to have the roofing membrane replaced for all sections of the roof and this roofing need has been identified as a priority for completion. At the August 17, 2015 Board of Commissioners meeting, the Board approved a reimbursement resolution for capital projects in which the County would fund certain projects on the frontend and then reimburse ourselves once the installment financing plan is approved. The Board of Commissioners also approved a budget revision at its December 3, 2015 meeting to coincide with the reimbursement resolution.

Informal bids were received on October 27th at 2:00 PM for the Community Corrections Center roofing project. The certified bid tab along with a letter of recommendation from Atlas Engineering, Inc. has been attached.

This item was approved by the Facilities Committee at their November 3rd meeting.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director along with County Management recommend that the Board of Commissioners approve the following recommendations contingent on the Facilities Committee approving the item at its November 3rd meeting.

1. Award a contract to Hamlin Roofing in the amount of \$242,425 for the replacement of the roofing membrane on all sections of the Community Corrections Center facility.
 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.
- J. Approval of the October 6, 2016 Cumberland County Finance Committee Report and Recommendation(s):
- 1) Internal Audit Report and Plan

BACKGROUND:

The Cumberland County Finance Committee met on October 6, 2016 and the Internal Audit Plan was presented as an agenda item.

At the June 15, 2015 Board of Commissioner's meeting, an Audit/Finance Committee Charter was adopted. The Charter requires that an audit plan be submitted to the Audit Committee for approval.

A summary of audits/projects completed during the January – June time period and a plan for the July - December 2016 time period are being submitted at this time. In January, a plan for the remainder of fiscal year will be submitted.

RECOMMENDATION/PROPOSED ACTION"

Consider approval of the July – December 2016 Internal Audit Plan as recorded below.

Cumberland County Internal Audit
Audit Tasks Complete
January – June 2016

<u>Audit/Project</u>	<u>Department</u>
✓ Physical Inventories (Jan & Jun)	Central Maintenance Facility (CMF) Solid Waste Garage Health/Jail Dept Pharmacy
✓ Bank Accounts	Social Services
✓ Cash receipts procedures review	Sample of depts with petty cash or change funds
✓ Cash Counts	Sample of depts. with change funds and/or petty cash funds
✓ Fee and procedures review	Animal Control

- ✓ Review of Invoices for 3-5 years Solid Waste
- ✓ Sales tax distribution expenses Board of Education
- ✓ Expenditures of County Funds Sample of Outside Agencies

Cumberland County Internal Audit
Audit Plan
July - December 2016

Audit/Project	Department
Physical inventories	Central Maintenance Facility (CMF) Solid Waste garage Employee Pharmacy Health Department Pharmacy Health Department supply room
Inventory account reconciliations	CMF Solid Waste
Bank accounts	Sheriff - Detention Center Social Services
Cash counts	Sample of depts with petty cash or change funds
Review of procedures	Detention Center Finance Division
Schedule of Federal & State Expenditures	For FY2015-16 audit
Single Audit with Cherry Bekaert, CPA firm	For FY2015-16 audit

2) Request to Surplus Solid Waste Equipment

BACKGROUND:
Over the years, the Solid Waste Department has compiled quite a bit of equipment that has been taken out of service. The majority of this equipment is not in working condition and is located at both the Ann Street and Wilkes Road sites. In an effort to improve the functionality of the space as well as improving the aesthetics at each of these sites, it is my recommendation that this equipment be declared surplus property and then sold. A list of this equipment is recorded below.

Typically, the County utilizes GovDeals.com for selling surplus equipment. GovDeals.com requires extensive individual information be listed for equipment. Therefore, the Department is evaluating the possibility of having a public auction for this equipment. A public auction would be more efficient since it will take less time for staff to prepare and manage. The understanding is that prior to utilizing GovDeals.com, the County did hold public auctions to sell surplus equipment.

This was presented and approved by the Finance Committee at its October 6th meeting.

RECOMMENDATION/PROPOSED ACTION:
The Interim Solid Waste Director, County Management and the Finance Committee recommend that the Board of Commissioners approve the Solid Waste Department’s request to declare the list of equipment surplus property recorded below and authorize sale of the equipment.

VEHICLE/ EQUIPMENT		VEHICLE/EQUIPMENT DECRPTION	VIN #	LOCATION
#				
1		5 Bay Dual Axle 5th Wheel Dump Trailer		Ann Street
2	41	Mack Truck Model MR6855 (old water truck w/out tank)	1M2K127C5EM006938	Ann Street
3	31	89 Volvo Rolloff Truck w/out lift		Ann Street
4	36	94 White International 3800 DT466 school bus; driver & one other seat, handicap lift	1HVBBAAM43H675973	Ann Street
5	37	GM Milk truck with tommy lift on back		Ann Street
6	48	98 Ford F250 pick-up with tommy lift and cage	1FTPF27L5WKC3673	Ann Street
7	55	99 Ford Ranger with tool box, bed liner	1FTYR10V3XUB78773	Ann Street
8	3	2000 white Dodge pick-up no bed	1B7HC164X15200533	Ann Street
9	23	White Chevy pick-up with no bed	1GCFR24HF373848	Ann Street
10	84	Green Military 4x4 Chevrolet pick-up truck	1GCGD34J7EF341830	Ann Street
11	7	2000 Ford Ranger	1FTYR14V2YTB38699	Ann Street
12	17	2001 Ford F-250 Quad-cab 4x4 pick-up	1FTNW21LXIEB81671	Ann Street
13	20	92 Ford F-250 custom work truck	1FTHF25H9NNA91243	Ann Street
14	47	98 Ford F-150 V8 Triton, no seat	1FTRF17W6XNA74199	Ann Street
15	54	96 Ford Ranger XL, no bed, no back wheels	1FTCR10U8TUC07812	Ann Street
16	53	96 Ford Ranger XL pick-up	1FTCR10UXTUC07813	Ann Street
17		Red custom deluxe Chevy pick-up		Ann Street
18	74	Ford Ranger CL pick-up	1FTCR10U4TPB60180	Ann Street
19	115	D7H LGP Caterpillar Dozer		Ann Street
20	2	Red Mule 2500 Kawasaki dump bed		Ann Street
21	112	175 John Deere 2155 Tractor ID# L02155A613630		Ann Street
22		Flat bed for truck		Ann Street
23		Holmes 600 wrecker bed serial# A89BJ8491		Ann Street
24		Auto Crane serial # 320300-53CCT0999		Ann Street
25		Air Compressor 276387		Ann Street
26		#200 Air Diesel Deutz water pump		Ann Street
27		#227 Diesel Deutz on trailer model# F3L912		Ann Street
28		#225 ConCover sprayer bed		Ann Street
29		Roll off lift		Ann Street
30		#532 Power Boss Sweeper model# TSS/88-LD Serial# 1895118		Ann Street
31		Sand Blaster on black metal trailer		Ann Street
32		#242 Generator Model A265		Ann Street
33		Air Compressor 1350 Intek series NAPA model 828236T serial# 00008978		Ann Street
34		NAPA Air Compressor model# 821033GTH serial# HOP279723		Ann Street
35		INGERSOLL RAND Air Compressor model 2475 serial# 8036635		Ann Street
36		Commercial 60" Riding John Deere F935 mower		Ann Street
37		#210 Amida light model 5.00-2MH serial 8811A0101		Ann Street
38		#231 John Deere 48" push mower serial# GX1383XO		Ann Street
39		#201 96" pull behind electric magnet model 47085 serial 47082-19		Ann Street
40		#108 Bobcat model 853 serial# 510250244		Ann Street
41		#228 Bobcat Sweeper attachment serial# 434704200		Ann Street
42		Bobcat forks		Ann Street
43		John Deere 613 bush hog		Ann Street
44		#271 5 ft box blade		Ann Street
45		White Truck bed		Ann Street
46		Blue & Grey Truck bed		Ann Street
47		#10 Military Wrecker truck ID# 05198C70-10577		Ann Street
48		#250 Military Compressor unit model# P250-W-D-M-H268 serial 155571		Ann Street
49		Diesel Tank Truck bed serial# 362T1009 serial# 282T1010		Ann Street
50		Diesel Tank Truck bed with ext. serial# 282T1010		Ann Street
51		16 -- 8 yard boxes		Ann Street
52		8 -- 1,000 gallon metal tanks		Ann Street - Cherokee Bldg
53	121	JCB Backhoe serial # AB577669V		Ann Street - Cherokee Bldg
54	103	Rex Trash Master		Ann Street - Cherokee Bldg
55	160	Mega 300-III Daewood Loader rubber wheel Machine name: MG300-III Serial 0135		Ann Street - Cherokee Bldg Ann Street - White Goods
56	106	1978 Crane RT 300 ton HYDRAULIC model MC2500 serial 6245/72		Lot
57	111	Motor Grader		Wilkes Road
58	43	1992 Ford F-250XL serial# 1FTEF25N6PLA42884		Wilkes Road
59	110	Caterpillar Grader serial# 99E10948		Wilkes Road

3) Joint 911 Center Consulting Services for the Purpose of Grant Application and Consolidation Planning and the Associated Budget Revision

BACKGROUND:
At the Joint City-County meeting held on September 16th, staff presented information to both governing bodies regarding continuation of the Joint 911

Center Project. In a subsequent meeting held later on September 16th, the Joint 911Steering Committee held its organizational meeting. Staff presented information at both meetings requesting to extend the contract of Mission Critical Partners (MCP) who did the preliminary feasibility study regarding a Joint 911 Center for Cumberland County and the City of Fayetteville. In order to fully develop a plan for consolidating the separately existing City and County 911 Center's, and apply for the next round of NC 911 Fund grants, it is necessary to obtain further assistance from MCP. The most recent MCP proposal that includes a description of the work to be accomplished at an estimated cost of \$104,000 has been received. It is proposed that the City and County do a 50/50 cost share for these services. The City of Fayetteville approved a contract extension with MCP at an October 24th special meeting of the City Council.

RECOMMENDATION/PROPOSED ACTION:
The Finance Committee and staff recommend that the Board of Commissioners approve a budget revision in the amount of \$52,000 so the County can participate in funding the cost of MCP's continued work on the Joint 911 Center Project.

- K. Approval of November 4, 2016 Finance Committee Item - Third Party Consultant for Federal Emergency Management Agency (FEMA) Reimbursement and the Associated Budget Amendment B170033

BACKGROUND:
The following information was presented to the finance committee on November 3, 2016. A request for proposal (#17-14-ES) was issued on Monday, October 24, seeking qualified firms to provide FEMA public assistance program consulting in response to Hurricane Matthew. Responses were received on Friday, October 28. The county received responses from five separate companies. Hourly rate comparisons are shown below:

BID TOTALS - FEMA PUBLIC ASSISTANCE CONSULTING #17-14-ES

RFP Listed Positions	Adjusters International, Inc.	DMS Disaster Consultants	Ernst & Young LLP	Hagerty Consulting, Inc.	Innovative Emergency Management, Inc. dba IEM
Senior Advisor for Disaster Recovery	No Charge	\$ 208.00	\$ 299.00	\$ 180.00	\$ 165.00
Technical Assistance Liaison	190.00	107.00	198.00	190.00	137.00
Appeals Specialist	190.00	165.00	147.00	220.00	145.00
Debris Specialist	160.00	80.00	147.00	175.00	122.00
Mitigation Specialist	160.00	155.00	147.00	230.00	137.00
Disaster Recovery Specialist	160.00	147.00	147.00	230.00	125.00
Project Manager	190.00	145.00	249.00	195.00	145.00
Overall Total	\$ 1,050.00	\$ 1,007.00	\$ 1,334.00	\$ 1,420.00	\$ 976.00

All costs proposed are to be inclusive of labor, materials, equipment, incidentals, etc. necessary to provide the scope of services outlined in the RFP. Rates proposed are also to include all expenses, including general overhead, equipment, field overhead, profit, travel per diem, all necessary food, water, restroom and lodging facilities needed to provide these services.

All bidders met the qualifications. However, in addition to having the most competitive overall hourly rates, IEM is also a woman-owned company and they provided the most comprehensive and specific project implementation plan and deliverables within their bid. Contingent on working out a satisfactory contract, management is recommending that a contract be awarded to IEM as a first choice and DMS Disaster Consultants as a second choice in an amount not to exceed \$150,000 and approval of a corresponding budget revision.

RECOMMENDATION/PROPOSED ACTION:
Management recommends awarding the FEMA public assistance consultant contract to IEM as a first choice (contingent upon working out a satisfactory contract) and DMS Disaster Consultants as a second choice and the corresponding budget revision.

General Government Other – Budget Ordinance Amendment B170033 to appropriate fund balance in the amount of \$150,000 for the FEMA Public Assistance Consulting Contract

The Board is requested to approve Budget Ordinance Amendment B170033 for FEMA contracted services in the amount of \$150,000.

Please note this amendment requires appropriation of General Fund fund balance.

L. Approval of the October 6, 2016 Cumberland County Policy Committee Report and Recommendation(s):

1) Contractor Pre-Qualification Policy

BACKGROUND:

CDM Smith, the Solid Waste Department's consulting engineer, is reaching the final stages in completing the construction drawings as well as the permitting with the Department of Environmental Quality (DEQ) for the construction of cells #9 and #10 at the Ann Street Subtitle D Landfill. In order to ensure that the County gets a well-qualified contractor that has experience in landfill construction, it would be advantageous for the Solid Waste Department to prequalify contractors. In order to prequalify contractors, North Carolina General Statute 143-135.8 requires the unit of local government to adopt an objective prequalification policy as well as an assessment tool that includes the prequalification scoring values and the minimum score required for prequalification.

In conjunction with the County Attorney, the Solid Waste Department has provided a prequalification policy as recorded below along with assessment tool for this specific project.

This was presented and approved by the Policy Committee at its October 6th meeting.

RECOMMENDATION/PROPOSED ACTION:

The Interim Solid Waste Director, the County Attorney, County Management and the Policy Committee recommend that the Board of Commissioners adopt the Prequalification Policy recorded below along with the assessment tool for the construction of cells #9 and #10 at the Ann Street Subtitle D Landfill.

Prequalification Policy
Cumberland County, North Carolina

In accordance with North Carolina General Statute 143-135.8, Cumberland County has established this Prequalification Policy which shall be used for construction projects and repair projects for which Cumberland County intends to prequalify bidders. The Contractor Prequalification Policy establishes a process of evaluating and determining whether potential bidders have the skill, judgment, integrity, sufficient financial resources, and ability necessary to faithfully perform a contract for construction or repair. This Prequalification Policy pertains only to projects for which Cumberland County intends to prequalify bidders. The policy is intended to be general in nature and therefore, any prequalification process initiated by Cumberland County will require the preparation of a separate project specific Contractor Prequalification Form (also known as an assessment tool which outlines criteria for that specific project). This Prequalification Policy and the use of the Contractor Prequalification Form shall be applied objectively.

On projects requiring prequalification, only bids from prequalified bidders will be accepted. Bids from non-prequalified firms will be deemed non-responsive and will not be opened.

Contractor Prequalification Form

For each construction or repair project in which the County intends to prequalify bidders, a project specific Contractor Prequalification Form will be adopted by the Cumberland County Board of Commissioners for each project and will be available to all interested firms. The form shall include specific requirements for the project and shall meet all the following criteria:

1. Must be uniform, consistent, and transparent in its application to all bidders.
2. Must allow all bidders who meet the prequalification criteria to be prequalified to bid on

- the construction or repair work project.
3. Clearly state the prequalification criteria, which must comply with all of the following:
 - a. Be rationally related to the construction or repair work.
 - b. Not require that the bidder has previously been awarded a construction or repair project by Cumberland County.
 - c. Permit bidders to submit history or experience with projects of similar size, scope, and complexity.
 4. Clearly state the assessment process of the criteria to be used.
 5. Provide a process for a denied bidder to protest the County's determination.
 6. Outline a process for notifying a denied prequalified bidder.

Contractor Prequalification Evaluation Process

Cumberland County shall establish a Prequalification Review Committee to review all of the prequalification applications. The Prequalification Review Committee shall, at a minimum, consist of: a representative from the Cumberland County Purchasing Department, a representative from the Cumberland County Engineering & Infrastructure Department, and a representative from the Cumberland County Department in which the work is being completed for. The committee may also include other pertinent individuals. The committee will evaluate each application and the accompanying scoring matrix using the criteria established in the Project Specific Contractor Prequalification Form to determine whether the applicant is prequalified to bid on the project, based on the information contained in the application. All firms that submitted prequalification applications will be notified, in writing, of the committee's decision.

Protest Procedure

Any firm(s) that is denied prequalification to bid may protest the decision as outlined below:

1. A firm which is denied prequalification may protest the committee's decision by filing a written protest to the County Manager, unless otherwise designated, within three (3) business days of receiving the notice that the firm has been denied prequalification. Specific notification details will be included in the project specific Contractor Prequalification Form.
2. The protest shall clearly state all of the reasons why the firm is contesting the denial and include all documents supporting the firm's position.
3. The Prequalification Review Committee will review the written protest and notify the firm within five (5) business days of their decision.
4. All protest review decisions by the Prequalification Review Committee are final.
5. Such protest process shall be completed prior to opening bids under the provisions of N.C. Gen. Stat. § 143-129 (b) and shall allow sufficient time for a bidder subsequently prequalified pursuant to a protest to submit a bid on the contract for which the bidder is subsequently prequalified.
6. A firm's failure to comply with any requirements of the protest procedures of this section shall result in the firm's protest being terminated and rendered moot.

Notice of Decision

All firms that submitted applications for prequalification shall be promptly notified in writing of the Prequalification Review Committee's decision, including the reason for denial, via e-mail. Notice shall be provided prior to the opening of bids for the project and with sufficient time for the firm to protest the denial of the application. Such notice is available upon request as well.

- M. Approval of a Proclamation Congratulating RYANNE SQUIBB on winning the title of "Baby Miss Princess of North Carolina" and returning the title to Cumberland County.

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, RYANNE SQUIBB, who is eighteen months of age, recently won the State pageant title of "Baby Miss Princess of North Carolina"; and

WHEREAS, in order to win this title, RYANNE SQUIBB had to stand out over four other young girls from across the State of North Carolina, thus bringing the title back to Cumberland County; and

WHEREAS, since winning the title in July 2016, RYANNE SQUIBB has been traveling to over twenty pageants and parades throughout North Carolina as well as donating many items to local and statewide charities; and

WHEREAS, Ryanne Squibb raised over \$500 for Victory Junction, a camp for children with serious illnesses and disabilities.

NOW THEREFORE, We, the Board of Commissioners of Cumberland County, do hereby extend to Ryanne Squibb our sincere congratulations on winning the title of “Baby Miss Princess of North Carolina” and returning the title to Cumberland County. We also extend genuine appreciation for her many donations to charities.

This 7th day of November, 2016.

N. Budget Revisions

General Fund 101

- 1) Sheriff Grants - Budget Ordinance Amendment B171001 to recognize grant funds in the amount of \$132,000 from the U.S. Department of Justice

The Board is requested to approve Budget Ordinance Amendment B171001 in the amount of \$132,000 for grant funds awarded by the U.S. Department of Justice, Coverdell National Forensic Science Improvement Grants Program. This grant is to be used to purchase laser scanning equipment.

Please note this amendment requires no additional county funds.

- 2) General Government Other - Budget Ordinance Amendment B170457 to transfer \$2,551 to the NC Elderly Fund for employee stipends

The Board is requested to approve Budget Ordinance Amendment B170457 in the amount of \$2,551. During the budget process, the estimated stipends for separate funds were held in the General Government Other – Contingency account. This amendment is to transfer the true/paid-out stipends to the respective (separately funded) department.

Please note this amendment requires no additional county funds.

- 3) General Government Other - Budget Ordinance Amendment B170589 to transfer \$1,855 to the Senior Aides Fund for employee stipends

The Board is requested to approve Budget Ordinance Amendment B170589 in the amount of \$1,855. During the budget process, the estimated stipends for separate funds were held in the General Government Other – Contingency account. This amendment is to transfer the true/paid-out stipends to the respective (separately funded) department.

Please note this amendment requires no additional county funds.

- 4) School Health - Budget Ordinance Amendment B170834 to recognize \$200,000 from the Cumberland County Board of Education

The Board is requested to approve Budget Ordinance Amendment B170834 in the amount of \$200,000 from the Cumberland County Board of Education. These funds are allocated through June 30, 2017 and will be used to employ additional temporary school nurses.

Please note this amendment requires no additional county funds.

Vander Fire District Fund 235

- 5) Vander Fire District - Budget Ordinance Amendment B170044 to appropriate \$4,848 in tax revenue to cover unanticipated refunds owed to citizens and businesses due to overpayments

The Board is requested to approve Budget Ordinance Amendment B170044 in the amount of \$4,848. These funds are necessary to provide refunds to taxpayers in the Vander Fire District who overpaid their 2016 property taxes.

Please note this amendment requires no additional county funds.

NC Elderly Fund 277

- 6) Transportation - Budget Ordinance Amendment B170800 to recognize \$6,336 for the 10% local match requirement for the Cumberland County 5-Year Community Transportation Service Plan (CTSP)

The Board is requested to approve Budget Ordinance Amendment B170800 in the amount of \$6,336. These funds are necessary to pay the North Carolina Department of Transportation the 10% local match which is due each time we submit a new 5-Year CTSP.

Please note this amendment requires the use of Transportation fund balance.

Solid Waste Fund 625

- 7) Solid Waste - Budget Ordinance Amendment B171039 to recognize \$80,000 for processing electronic waste

The Board is requested to approve Budget Ordinance Amendment B171039 in the amount of \$80,000. These funds are necessary due to legislative changes which have made the county responsible for the full cost of recycling televisions.

Please note this amendment requires the use of Solid Waste fund balance.

REGARDING THE FOLLOWING ITEM 8 PLEASE NOTE:

Each fiscal year County departments may have projects that are not complete by the fiscal year end (6/30/16) or items ordered that have not been received by fiscal year end. These projects or items were approved in the Fiscal Year 2016 budget however the money was not spent by June 30, 2016. The following amendment seeks to bring those funds forward from FY 2016 into the current fiscal year, allowing departments to complete and pay for these items. This revision is not using 'new' funds, but is recognizing the use of FY16 funds in FY17.

General Fund 101

- 8) Education – Fayetteville Technical Community College - Budget Ordinance Amendment B170086 to appropriate FY 2016 fund balance in the amount of \$901,613 to increase FTCC Capital Outlay

The Board is requested to approve Budget Ordinance Amendment B170086 in the amount of \$901,613 to appropriate FY 2016 fund balance to increase the FTCC capital outlay line. This is the available remaining amount from FY 2016. A re-appropriation of these remaining funds is requested to be carried into FY 2017.

Please note this amendment requires a re-appropriation of FY 2016 fund balance to the current year.

MOTION: Commissioner Edge moved to approve consent agenda Items 3.A. – 3.N.8).
SECOND: Commissioner Lancaster
VOTE: UNANIMOUS (5-0)

ITEMS OF BUSINESS

4. Consideration of the Proposed Schedules, Standards, Rules and Timeline for the 2017 Property Tax Revaluation Process

BACKGROUND:

N.C. General Statute 105-317(b)(1) requires that uniform schedules of values, standards, and rules be prepared for each revaluation of real property, one for appraising property at market value and one for appraising agricultural, horticultural, and forest land at its present-use value. The statute also requires the values, standards, and rules be reviewed and approved by the board of county commissioners before January 1 of the year they are applied. Before the board gives final approval, certain notices must be published and the public must be given an opportunity to comment on the proposed schedules. Once the board of commissioners adopts the Schedules, Standards and Rules, statutes provide a period of 30 days to appeal the schedule to the North Carolina Property Tax Commission.

It is important to note that the Schedules, Standards and Rules developed by the staff are just one step in the process and serves as the framework or foundation for the revaluation. Until the appeals process for the Schedules, Standards and Rules is completed, values cannot be finalized.

SCHEDULE OF EVENTS:

<u>Date</u>	<u>Description</u>
November 7, 2016	Submit the proposed Schedules, Standards and Rules to the Board of Commissioners for their review
November 8, 2016	Advertise that the proposed Schedules, Standards and Rules are available for inspection in the Tax Office; a public hearing is scheduled for November 21, 2016
November 21, 2016	Hold the public hearing during regularly scheduled Commissioners Meeting
December 19, 2016	Board of Commissioners to adopt the Schedules, Standards and Rules
December 20, 2016	First date to advertise notice that the Schedules, Standards and Rules have been adopted by the Board of Commissioners and anyone wishing to appeal must do so to the NC Property Tax Commission in writing within 30 days
December 27, 2016	Second date to advertise notice: Same as above
January 3, 2017	Third date to advertise notice: Same as above
January 10, 2017	Fourth and final date to advertise notice: Same as above
January 19, 2017	Last date the Schedules, Standards and Rules can be challenged to the NC Property Tax Commission

RECOMMENDATION/PROPOSED ACTION:

Direct the Tax Administrator to maintain a copy of each of the proposed Schedules, Standards, and Rules in his office where they shall remain available for public inspection.

Direct the Tax Administrator to publish a statement in a newspaper having general circulation in the county stating:

- a) The proposed Schedules, Standards, and Rules to be used in appraising real property in the county have been submitted to the board of county commissioners and are available for public inspection in the assessor's office, located in the Cumberland County Courthouse, 117 Dick Street, 5th floor, Room 570; and

b) A public hearing on the proposed Schedules, Standards and Rules shall be held by the Cumberland County Board of Commissioners at their next regularly scheduled meeting on November 21, 2016, at 6:45 p.m.

Joe Utey, Tax Administrator, reviewed the background information and recommendation/proposed action recorded above and provided the following presentation:

Calendar for Schedule of Values
Processes and formulas used to set values

- Nov. 7, 2016 Call for public hearing on processes & formulas (SOV) used to determine values
- Nov. 21, 2016 Hold public hearing on the SOV
- Dec. 19, 2016 Board adopts the processes & formulas (SOV) to determine values
- Dec. 20, 2016 30-day appeal period begins for processes & formulas used to determine values (SOV)
 - *Appeals of SOV are made to the Property Tax Commission*
- Jan. 17, 2017 Board's regularly scheduled meeting value expectations will be presented as long as there are no further appeals of the SOV as allowed by the Property Tax Commission

Calendar for Property Owner Tax Notices

- Jan. 20, 2017 Mail revaluation notices to property owners
- Jan. 20, 2017 Informal appeals period begins for 30 days
- Feb. 20, 2017 Formal appeals period begins and is open for approximately 90 days
 - *Storm impact will be taken into account during appeal period*
 - *Tax office already looking at reviewing damaged property and reaching out to property owners*

Communicating with Taxpayers

- Webpage with links to revaluation page and how to report storm damage
- Press release explaining storm damage reporting process
- Information insert included with revaluation notices on how to report storm damage
- Phone message on how to report storm damage
- Videos on the reappraisal process to include reporting storm damage

Report storm damage to the tax office by calling Customer Service at: 910-678-7507

MOTION: Commissioner Council moved to direct the Tax Administrator to maintain a copy of each of the proposed Schedules, Standards, and Rules in his office where they shall remain available for public inspection and direct the Tax Administrator to publish a statement in a newspaper having general circulation in the county stating: a) The proposed Schedules, Standards, and Rules to be used in appraising real property in the county have been submitted to the board of county commissioners and are available for public inspection in the assessor's office, located in the Cumberland County Courthouse, 117 Dick Street, 5th floor, Room 570; and b) A public hearing on the proposed Schedules, Standards and Rules shall be held by the Cumberland County Board of Commissioners at their next regularly scheduled meeting on November 21, 2016, at 6:45 p.m.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (5-0)

5. Consideration and Approval of a Resolution for Designation of Applicant's Agent in Order to Apply for Federal and State Disaster Aid

BACKGROUND:

As part of the process for applying for federal and state disaster aid after Hurricane Matthew, it is necessary for the Board of Commissioners to approve a resolution for the designation of an applicant's agent who can sign paperwork and file aid applications on behalf of the governing body.

RECOMMENDATION/PROPOSED ACTION:
Staff recommends approval of the resolution for Designation of Applicant’s Agent as recorded below.

Ms. Cannon reviewed the background information recorded above.

RESOLUTION DESIGNATION OF APPLICANT'S AGENT North Carolina Division of Emergency Management																			
Organization Name (hereafter named Organization) _____ Disaster Number: _____																			
Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate): _____																			
Applicant's Fiscal Year (FY) Start _____ Month: _____ Day: _____																			
Applicant's Federal Employer's Identification Number _____																			
Applicant's Federal Information Processing Standards (FIPS) Number _____																			
<table border="1"><thead><tr><th>PRIMARY AGENT</th><th>SECONDARY AGENT</th></tr></thead><tbody><tr><td>Agent's Name _____</td><td>Agent's Name _____</td></tr><tr><td>Organization _____</td><td>Organization _____</td></tr><tr><td>Official Position _____</td><td>Official Position _____</td></tr><tr><td>Mailing Address _____</td><td>Mailing Address _____</td></tr><tr><td>City, State, Zip _____</td><td>City, State, Zip _____</td></tr><tr><td>Daytime Telephone _____</td><td>Daytime Telephone _____</td></tr><tr><td>Facsimile Number _____</td><td>Facsimile Number _____</td></tr><tr><td>Pager or Cellular Number _____</td><td>Pager or Cellular Number _____</td></tr></tbody></table>		PRIMARY AGENT	SECONDARY AGENT	Agent's Name _____	Agent's Name _____	Organization _____	Organization _____	Official Position _____	Official Position _____	Mailing Address _____	Mailing Address _____	City, State, Zip _____	City, State, Zip _____	Daytime Telephone _____	Daytime Telephone _____	Facsimile Number _____	Facsimile Number _____	Pager or Cellular Number _____	Pager or Cellular Number _____
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Pager or Cellular Number _____	Pager or Cellular Number _____																		
BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this _____ day of _____, 20____.																			
<table border="1"><thead><tr><th>GOVERNING BODY</th><th>CERTIFYING OFFICIAL</th></tr></thead><tbody><tr><td>Name and Title _____</td><td>Name _____</td></tr><tr><td>Name and Title _____</td><td>Official Position _____</td></tr><tr><td>Name and Title _____</td><td>Daytime Telephone _____</td></tr></tbody></table>		GOVERNING BODY	CERTIFYING OFFICIAL	Name and Title _____	Name _____	Name and Title _____	Official Position _____	Name and Title _____	Daytime Telephone _____										
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Name and Title _____	Daytime Telephone _____																		
CERTIFICATION I, _____, (Name) duly appointed and _____ (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of _____ (Organization) on the _____ day of _____, 20____. Date: _____ Signature: _____																			

MOTION: Commissioner Lancaster moved to approve the Resolution for Designation of an Applicant’s Agent.
SECOND: Commissioner Council
VOTE: UNANIMOUS (5-0)

6. Consideration of Petition of DSI Properties, LLC, to Close an Unnamed, Unopened Road

BACKGROUND:
Road closure by the Board of Commissioners is governed by G.S. § 153A-241. The process is commenced by the Board adopting a resolution of intent. Once that resolution is adopted the statute requires advertised and specific notice of the proposed closure and for the Board to hold a public hearing. The Board may close the road after the public hearing if the Board is satisfied that the closure is not contrary to the public interest and that no individual owning property in the vicinity of the road would be deprived of reasonable means of access to his or her property. Any person who is aggrieved by the closure may appeal to the courts within 30 days of the order of closure being adopted. Once the road is closed, title to the property lying in the road vests in the adjoining property owners.

DSI Properties, LLC, submitted a petition to close a portion of an unnamed, unopened road 30’ in width and shown on the plat recorded in Plat Book 9 at page 33, which connects with Brooklyn Circle (formerly known as Houston Street) near its intersection with U.S. Highway 301 South. A copy of the petition was provided as Exhibit 1. A copy of the recorded plat with the portion of the road for which closure is requested being highlighted in yellow was provided as Exhibit 2. The GIS map that was provided as Exhibit 3 shows the parcels owned by DSI Properties, LLC, with the boundaries shown as blue lines. The parcels with PIN #0423-18-8993, #0423-28-3316, and #0423-28-1611 are the only ones that abut the portion of the road for which closure is requested. The narrow strip bounded by parallel blue lines is the road and the GIS map shows that it is completely wooded. The county attorney reports that the GIS maps show that the remainder of this road and the additional 30’ road which intersects it are also unnamed and unopened.

The county attorney examined the GIS Parcel Viewer for any parcels which would become landlocked if this portion of this road is closed and reports that there are none. A copy of a GIS

Parcel Viewer map showing the portion of the road to be closed highlighted in orange was provided as Exhibit 4. The Site Plan prepared by C. Gregory Bagley, Engineer, was provided as Exhibit 5, and shows the detailed description of the portion of the road for which closure is requested. A copy of the legal description for the portion of the road for which closure is requested was provided as Exhibit 6.

RECOMMENDATION/PROPOSED ACTION:

County attorney recommends the Board to commence this closure by adopting the Resolution of Intent as follows:

RESOLUTION OF INTENT TO CLOSE A PORTION OF AN UNNAMED,
UNOPENED ROAD AND CALLING A PUBLIC HEARING ON THE QUESTION
PURSUANT TO G.S. 153A-241

WHEREAS, DSI Properties, LLC, submitted a petition to the Cumberland County Board of Commissioners (the "Board") requesting the Board to close a portion of an unnamed, unopened road 30' in width and shown on the plat recorded in Plat Book 9 at page 33, which connects with Brooklyn Circle (formerly known as Houston Street) near its intersection with US Highway 301 South; and

WHEREAS, the Board finds that the GIS maps of Cumberland County show the road to be wooded and unopened; and

WHEREAS, the County Attorney reported to the Board that the portion of the road to be closed is abutted only by the parcels with PIN # 0423-18-8993, PIN # 0423-28-3316, and PIN # 0423-28-1611 and that each of these parcels is owned by the petitioner, DSI Properties, LLC; and

WHEREAS, the County Attorney further reported to the Board that according to the GIS Parcel Viewer, the closure of this portion of the road would not cause any other parcel to become landlocked; and

WHEREAS, the Board has received a legal description of the portion of the road to be closed prepared by C. Gregory Bagley, PLS, L-3025.

BE IT RESOLVED, that pursuant to the request of DSI Properties, LLC, the Board intends to close the above described portion of this unnamed, unopened road as shown by the legal description prepared by C. Gregory Bagley, PLS.

BE IT FURTHER RESOLVED, that the Board shall hold a public hearing on the question of this closure December 19, 2016, at 6:45 p.m. in the Commissioners Meeting Room (Room 118), First Floor, Courthouse, 117 Dick Street, Fayetteville, North Carolina, and the Board shall hear all interested persons who appear with respect to whether the closure would be detrimental to the public interest or to any individual's property rights.

BE IT FURTHER RESOLVED, notice of this public hearing shall be given in accordance with G.S. § 153A-241.

Adopted in regular meeting held November 7, 2016.

Rick Moorefield, County Attorney, reviewed the background information recorded above and stated the road is not opened, has never been opened and is unused. Mr. Moorefield further stated DSI Properties, LLC owns the two buildings fronting Highway 301 as shown on the aerial map and has purchased the adjoining properties on both sides of the area of road it wants to close for the purpose of expanding its business. Mr. Moorefield stated DSI Properties, LLC is not asking to close the portion that immediately fronts Highway 301 that does not directly abut its property and is privately owned, nor does it want to close any portion of the road beyond what is has requested. Mr. Moorefield reviewed the recommendation/proposed action recorded above and stated should the resolution be adopted, the statute requires advertised and specific notice of the proposed closure for three consecutive weeks, posting of the proposed road closures at two locations and holding of a public hearing on December 19, 2017.

MOTION: Commissioner Council moved to adopt the Resolution of Intent to Close a Portion of an Unnamed Unopened Road and call a public hearing on the question pursuant to G.S. 153A-241 on December 19, 2016.
SECOND: Commissioner Lancaster
VOTE: UNANIMOUS (5-0)

7. Consideration of Department of Transportation Recommendation to Add Oilseed Drive to the State Secondary Road System

BACKGROUND:

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

Oilseed Drive

DOT has determined that the above street is eligible for addition to the state system.

RECOMMENDATION / PROPOSED ACTION:

NCDOT recommends that the above named street be added to the State Secondary Road System. Consider approval of the above listed street for addition to the State Secondary Road System.

Ms. Cannon reviewed the background information recorded above and noted the letter from NCDOT recommending addition to the State Secondary Road System. Ms. Cannon stated Oilseed Drive is the new drive constructed near the Cargill plant.

MOTION: Commissioner Lancaster moved to approve the addition of Oilseed Drive to the State Secondary Road System.
SECOND: Commissioner Council
VOTE: UNANIMOUS (5-0)

8. Consideration of Workforce Development Board Recommendation to Award the FY2017 Services Contract to Rescare Workforce Services

BACKGROUND:

Cumberland County receives funding from the state to provide workforce development services through the Workforce Innovation and Opportunity Act (WIOA). These workforce services are contracted to a suitable provider that participates as an integrated team-member at the Cumberland County NCWorks Career Center. A Request for Proposal (RFP) for WIOA Program Services was issued because the current contract will expire November 30, 2016. The services include four (4) distinct programs: Adult, Dislocated Worker, In-School Youth ages 14 – 21, and Out-of-School Youth ages 16 – 24. The approximate annual funds for each of the programs are: \$900,000 for Adult, \$800,000 for Dislocated Worker, \$750,000 for Out-of-School Youth, and \$250,000 for In-School Youth.

All proposals were evaluated utilizing factors such as customer flow, staffing, statement of work, and program design, organizational experience, past performance, references, transition and staff training plan, program cost/budget proposal and program metrics. After making an initial recommendation to the Workforce Development Board on September 7, 2016, it was decided to table the final recommendation until all bidders made an oral presentation supplementing and explaining their proposal. The evaluation team heard the presentations from all bidders on October 24, 2016. The recommendation for each of the four contracts was made to the Workforce Board on November 2nd, and after much deliberation and analysis by the RFP Review Committee, Rescare Workforce Services was selected as the successful proposer to provide services in all four program areas (i.e., Adult, Dislocated Worker, In-School Youth, and Out-of-School).

RECOMMENDATION/PROPOSED ACTION:

The Workforce Development Board and staff recommend approval of Rescare Workforce Services as the successful proposer to provide services for all four program areas (i.e., Adult, Dislocated Worker, In-School Youth, and Out-of-School) and to authorize the County Manager to execute the negotiated contracts.

Tracy Jackson, Assistant County Manager, recognized Jim Lott, Workforce Development Director, and David McCune, Chairman of the Workforce Development Board. Mr. Jackson reviewed the background information recorded above.

MOTION: Commissioner Lancaster moved to approve Rescare Workforce Services as the successful proposer to provide services for all four program areas (i.e., Adult, Dislocated Worker, In-School Youth, and Out-of-School) and to authorize the County Manager to execute the negotiated contracts.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (5-0)

9. Consideration of Adoption of 2017 Board of Commissioners Regular Meeting Dates

BACKGROUND:

Each year the Board of Commissioners considers adoption of its regular meeting dates for the upcoming calendar year and each year there are exceptions that have to be considered. The exceptions for calendar year 2017 include the following:

- The first meeting in January has been moved to Tuesday, January 3 because the preceding Monday, January 2 will be observed as the New Year's Day holiday.
- The second meeting in January has been moved to Tuesday, January 17 because the preceding Monday, January 16 will be observed as Martin Luther King, Jr. Day.
- The second meeting in April has been moved to Tuesday, April 18 because the preceding Monday, April 17 is Easter Monday. The Board at its November 19, 2012 meeting took action to continue moving the Easter Monday meeting to Tuesday.
- The first meeting in September has been moved to Tuesday, September 5 because the preceding Monday, September 4 will be observed as Labor Day.

The first meeting in March 2017 has been not been cancelled because the NACo Legislative Conference is scheduled for February 25 – March 1, 2017 2016 in Washington, DC and therefore will not pose a scheduling conflict with the March 6, 2017 meeting.

RECOMMENDATION/PROPOSED ACTION:

Adopt the 2017 Board of Commissioners' regular meeting dates as proposed.

January 3, 2017, 9:00AM (Tuesday)

January 17, 2017, 6:45PM (Tuesday)

July – NO MEETINGS

February 6, 2017, 9:00AM

February 20, 2017, 6:45PM

August 7, 2017, 9:00AM

August 21, 2017, 6:45PM

March 6, 2017, 9:00AM

March 20, 2017, 6:45PM

September 5, 2017, 9:00AM (Tuesday)

September 18, 2017, 6:45PM

April 3, 2017, 9:00AM

April 18, 2017, 6:45PM (Tuesday)

October 2, 2017, 9:00AM

October 16, 2017, 6:45PM

May 1, 2017, 9:00AM

May 15, 2017, 6:45PM

November 6, 2017, 9:00AM

November 20, 2017, 6:45PM

June 5, 2017, 9:00AM

June 19, 2017, 6:45PM

December 4, 2017, 9:00AM

December 18, 2017, 6:45PM

Ms. Cannon reviewed the background information recorded above.

MOTION: Commissioner Council moved to adopt the 2017 Board of Commissioners' regular meeting dates as proposed.
SECOND: Commissioner Lancaster
VOTE: UNANIMOUS (5-0)

10. Nominations to Boards and Committees

A. Cumberland County Workforce Development Board (1 Vacancy)

Commissioner Council nominated Dr. David Brand.

B. Joint Appearance Commission (2 Vacancies)

Commissioner Council nominated Dennis T. Walker and Mary Beth MacKenzie.

C. Senior Citizens Advisory Commission (1 Vacancy)

Nominations were forwarded to the November 21, 2017 meeting.

D. Tourism Development Authority (1 Vacancy)

Commissioner Edge nominated Pavan Patel.

E. Transportation Advisory Board (4 Vacancies)

Commissioner Council nominated Anne Morrison, Kenneth Washington, Joel Strickland and Dawn McNair.

11. Appointment of Tourism Development Authority Chairman

BACKGROUND:

Pursuant to the January 28, 2002 resolution creating the Tourism Development Authority, the Board of Commissioners shall from time to time designate the chairperson of the Authority who shall be the presiding officer of the Authority. The resolution does not limit the number of times the chairperson may serve as the presiding officer.

The Tourism Development Authority at their October 26, 2016 meeting unanimously voted to recommend that Vivek Tandon preside as the chairperson for the 2017 calendar year. Mr. Tandon's first term expires November 30, 2018.

RECOMMENDATION/PROPOSED ACTION:

Consider whether to follow the recommendation of the Tourism Development Authority and appoint Vivek Tandon as chairperson for the 2017 calendar year.

MOTION: Commissioner Lancaster moved to appoint Vivek Tandon as the Tourism Development Authority chairperson for the 2017 calendar year.
SECOND: Commissioner Council
VOTE: UNANIMOUS (5-0)

12. Appointments to Boards and Committees

A. Cumberland County Library Board of Trustees (2 Vacancies)

Nominees: Dr. Daniel Montoya (Reappointment)
Betsy Small (Reappointment)

B. Cumberland County Local Emergency Planning Committee (10 Vacancies)

Nominees:

Print and Broadcast Media Representatives: Kevin Arata (Reappointment)
Sean Swain

Operators of Facilities Representatives:

Robert Melvin
Tony Collado

Law Enforcement Representatives:

Lt. Freddie Johnson Jr.
(Reappointment)
Brett Chandler

Emergency Management Representative:

Tim Mitchell

At-Large Representatives:

Calvin Bishop
Henry Eisenbarth

Utilities Representative:

Rhonda Folks

C. Human Relations Commission (2 Vacancies)

Nominees:

Dr. Muhammad Lodhi
Georgeanna Pinckney

D. Nursing Home Advisory Board (6 Vacancies)

Nominees:

Keith Howard (Reappointment)
Laura Hardy
Phyllis Pierce
Robert Williams
Brenda McArthur-Strong
Diane Wheatley
Rudy Tatum

There being an equal number of vacancies and nominees for Items 12.A. – 12.C.,

MOTION: Commissioner Faircloth moved to appoint all nominees to their respective positions for Items 12.A. – 12.C.

SECOND: Commissioner Council

VOTE: UNANIMOUS (5-0)

Chairman Faircloth advised there were seven nominees for six vacancies on Item 12.D., the Nursing Home Advisory Board. Chairman Faircloth called for a vote. Votes are recorded below.

1. Keith Howard – Commissioners Edge, Keefe, Faircloth, Council and Lancaster (5 votes)
2. Laura Hardy – Commissioners Edge, Faircloth, Council and Lancaster (4 votes)
3. Phyllis Pierce - Commissioners Edge, Keefe, Faircloth, Council and Lancaster (5 votes)
4. Robert Williams - Commissioners Edge, Faircloth, Council and Lancaster (4 votes)
5. Brenda McArthur-Strong – Received no votes.
6. Diane Wheatley - Commissioners Edge, Keefe, Faircloth, Council and Lancaster (5 votes)
7. Rudy Tatum - Commissioners Edge, Keefe, Faircloth, Council and Lancaster (5 votes)

Having received the majority of votes, Keith Howard, Laura Hardy, Phyllis Pierce, Robert Williams, Diane Wheatley and Rudy Tatum were appointed to the Nursing Home Advisory Board.

13. County Attorney Report on the Case Involving the Board of Elections

Mr. Moorefield advised the North Carolina Chapter of the NAACP sued the Beaufort County, Cumberland County, Moore County and State Boards of Elections in a federal lawsuit filed Monday, October 31, 2017. Mr. Moorefield stated the basis of the lawsuit was a conflict between a state and federal statute. Mr. Moorefield stated in North Carolina, there is a process in which a registered voter can challenge any other registered voter for a list of nine specific reasons, one of which is a voter is not residing in the precinct in which he or she is registered. Mr. Moorefield stated the plaintiffs have asserted that this statutory challenge process violates a

federal law known as the National Voter Registration Act of 1993. Mr. Moorefield stated the Act starts out with “Each state shall...”, has never been applied at the county level and the county Boards of Elections have had to rely on guidance given by the State Board of Elections. Mr. Moorefield stated this has been done in Cumberland and the other counties.

Mr. Moorefield stated in Cumberland County, an individual named Michael Hyers, beginning in 2014, filed in excess of 6,000 challenges with about 4,000 having been filed since February or March of 2016. Mr. Moorefield stated the Cumberland County Board of Elections had discussed wanting the legislature to address the general statute because they did not believe it fitted the way it was being used. Mr. Moorefield stated the Cumberland County Board of Elections heard 4,000 challenges, over multiple days of hearings and these challenges have been an arduous and time consuming process. Mr. Moorefield stated the local Board of Elections applied the general statute as stringently as possible and there were hundreds of voters for which the challenges were not sustained; however, most were sustained because the registrants did not show up to defend themselves.

Mr. Moorefield stated Mr. Hyers obtained the information from the state Board of Elections website of inactive voters and the reasons for his making these challenges were not known to the Board of Elections. Mr. Moorefield stated the list was comprised of inactive voters who had not responded to a notice from the Board of Elections, which resulted in the notice being returned as undeliverable. Mr. Moorefield stated that the NAACP alleges that the counties acted in concert with individuals to target African-American voters and remove them from the rolls. Mr. Moorefield stated there was no basis for this allegation. Mr. Moorefield stated in Cumberland County, the challenges were conducted with only a challenged voter’s name associated with a number form Excel spreadsheets. Mr. Moorefield stated he believed the large numbers in Cumberland County were likely due to active duty soldiers who were either deployed or no longer in Cumberland County. Mr. Moorefield stated that only a small number of the challenged voters voted during the early voting period.

Mr. Moorefield stated part of the resolution was that over the weekend, the state Board of Elections re-registered these voters so they would be able to vote as if their registration had never been cancelled by the local Boards of Elections. Mr. Moorefield stated there will be no impact on these individuals to vote on November 8. Mr. Moorefield also stated it is important to note that even those voters for whom registrations were cancelled by the challenges would have been denied the right to vote a provisional ballot.

Mr. Moorefield stated a lot of effort has been put into conducting these challenges and the County has had to send these individuals two notices as a result of these challenges which had resulted in staff overtime and additional expenses. Mr. Moorefield stated the Board of Elections was compelled to follow the law, whatever the Courts deemed it to be. Mr. Moorefield stated that the counties were not in a position to defend this State statute and that the Assistant Attorney General defending the State Board of Elections had argued at the hearing for a temporary restraining order that it was the State’s position that this was a county issue and that the State did not intend to defend the State statute.

Mr. Moorefield responded to questions that followed. Mr. Moorefield stated Cumberland County is not a party and the Cumberland County Board of Elections did not do anything illegal. Mr. Moorefield further stated that the only issue that could impact the county was that the NAACP has requested attorney’s fees and is represented by law firms from San Francisco, New York and D.C. Mr. Moorefield stated the lawsuit could potentially continue in appeals long after the election.

MOTION: Commissioner Council moved to adjourn.
SECOND: Commissioner Edge
VOTE: UNANIMOUS (5-0)

There being no further business, the meeting adjourned at 10:29 a.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board