

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
AND  
CUMBERLAND COUNTY LEGISLATIVE DELEGATION  
MONDAY, JANUARY 30, 2017 – 8:00 AM  
PUBLIC HEALTH DEPARTMENT  
1235 RAMSEY STREET – 3<sup>RD</sup> FLOOR AUDITORIUM  
SPECIAL MEETING  
MINUTES

CUMBERLAND COUNTY

PRESENT: Commissioner Glenn Adams, Chairman  
Commissioner Charles Evans, Vice-Chairman  
Commissioner Jeannette Council  
Commissioner Marshall Faircloth  
Commissioner Jimmy Keefe (arrived at 8:30 a.m.)  
Commissioner Michael Boose (arrived at 8:35 a.m.)  
Amy Cannon, County Manager  
Tracy Jackson, Assistant County Manager  
Rick Moorefield, County Attorney  
Sally Shutt, Governmental Affairs Officer  
Jeffery Brown, Engineering & Infrastructure Director  
Jody Risacher, Library Director  
Brenda Jackson, Social Services Director  
Vicki Evans, Finance Director  
Terri Robertson, Board of Elections Director  
Jerod Roberts, Solid Waste Director  
Randy Beeman, Emergency Services Director  
Joe Utley, Tax Administrator  
Candice H. White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board

CUMBERLAND COUNTY

ABSENT: Commissioner Larry Lancaster  
Melissa Cardinali, Assistant County Manager

LEGISLATIVE MEMBERS

PRESENT: Senator Ben Clark, 21<sup>st</sup> District  
Representative John Szoka, 45<sup>th</sup> District  
Representative Elmer Floyd, 43<sup>rd</sup> District  
Representative Billy Richardson, 44<sup>th</sup> District

LEGISLATIVE MEMBERS

ABSENT: Senator Wesley Meredith, 19<sup>th</sup> District  
Representative Marvin W. Lucas, 42<sup>nd</sup> District

OTHERS PRESENT: Mayor Charles McLaurin, Town of Eastover  
Kim Nazarchyk, Eastover Town Manager  
Press

1. CALL TO ORDER AND INTRODUCTIONS

Chairman Glenn Adams called the special meeting of the Cumberland County Board of Commissioners to order and introduced County Commissioners and staff in attendance.

Senator Ben Clark gave the invocation. Representative John Szoka welcomed everyone in attendance and introduced the Legislative Delegation.

2. DISCUSSION TOPICS

- A. Tax and Finance - Discussion of Impact to Cumberland County if the Entire Appraised Value is Exempt under the Disabled Veterans Property Tax Exclusion

Talking Points:

- Cumberland County is proud to have one of the largest populations of disabled veterans in the state and to provide important services to our veterans through our Veterans Services Office and other departments.
- While we understand the desire to provide a tax break to those citizens in honor of their service, the Board of Commissioners wants the delegation to be aware of the \$2.77 million financial loss the proposed House Bill 2 will have on Cumberland County. This does not include the impact to Fayetteville and the other municipalities.
- The citizens of Cumberland and Onslow counties will be bearing the largest part of the burden.
- Cumberland County has 3,799 residents receiving the exemption.
- The current taxable assessed value is \$374,036,884 (after the \$45,000 per parcel exemption), or \$2.77 million tax dollars based on the 74-cent tax rate for Cumberland County only. This does not include the impact to the municipalities or the county's fire tax and recreation districts.
- Cumberland County provides important services to veterans. The Veterans Services Office receives little state funding.

Options to Consider:

- Oppose the change in the legislation.
- Set a specific amount for the exemption higher than \$45,000, but not the entire amount.
- Compensate the county for the loss of \$2.77 million. Additional note: In Fiscal Year 2016, Cumberland County received only \$3,100 from the state for our Veterans Services Office.

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Commissioner Faircloth reviewed the talking points recorded above. Representative John Szoka stated the filing of this bill was a surprise to him and he has spoken to all four sponsors and the intentions were noble but there was not much homework done. Representative Szoka further stated many bills are filed every year that do not turn into law and he would not support this bill as written if it comes before him. Senator Ben Clark agreed and stated he would not support the bill as written if it gets to the Senate.

B. Support Legislation and Funding to Raise the Age of Juvenile Jurisdiction from 16 to 18 except for Felony Crimes.

Talking Points:

- North Carolina is the only state to automatically prosecute all 16 and 17 year olds in the adult justice system, regardless of the offense. Changing the legislation will better serve our youth by allowing them to learn from their mistakes and not have their opportunities automatically limited and their lives damaged by a permanent adult record.
- Any juvenile who commits a criminal offense on or after his or her 16<sup>th</sup> birthday is subject to prosecution as an adult, even for first-time minor offenses such as shoplifting, loitering or disorderly conduct. Even when charges are dismissed, if the arrest and court records are not expunged, the incident and youth's record of arrest follows him or her into adulthood, creating significant impediments to employment and education. The direct and indirect consequences of an arrest in the adult legal system can also have an impact on social benefits, housing, licenses and legal residency status.
- In response to this, the Cumberland County Board of Commissioners has partnered with law enforcement and court officials to establish a Misdemeanor Diversion Program for 16 and 17 year old first time misdemeanor offenders.

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Chairman Adams reviewed the talking points recorded above. Representative Szoka stated this issue should have good support in the House but may not have the same support in the Senate. Representative Szoka stated in the past the Sheriff's Association has been opposed to raising the age but it is his understanding that the Sheriff's

Association is now in favor. Representative Richardson stated he does not see any problem getting this passed through the House. Senator Clark stated he does not recall what has happened in the past regarding raising the age of juvenile jurisdiction but he is hopeful this can be passed.

#### C. Support the City and County in Securing Funding for a Consolidated 911 Center

##### Talking Points:

- During Hurricane Matthew, it was very evident that Cumberland County needs a modern 911 Emergency Operations Center.
- Fortunately, we were already working on the issue and in February 2016, the County and City of Fayetteville completed a needs assessment.
- A consolidated 911 Emergency Operations Center for the City of Fayetteville and Cumberland County is expected to cost an estimated \$33.5 million.
- The City and County are preparing a 911 Board grant application and plan to submit in April.
- The local governments are concerned about the impact of House Bill 730 (SL 2015-261) and the shifting of funds away from existing 911 operations and consolidation to the build-out of the state Next Generation 911.
- A joint needs assessment and feasibility study found that the separate City and County call centers do not meet current safety and survivability standards for this kind of critical operation.
- Consolidation of the two existing 911 centers offers the potential for improved efficiency and enhanced ability to address the demands of new Next Generation 911 standards.
- The Fort Bragg Garrison Command has expressed an interest in exploring consolidation of their existing Public Safety Answering Point with the City and County.

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Commissioner Jimmy Keefe discussed the talking points recorded above. Representative Floyd asked if there was a location determined for a consolidated 911 center. Commissioner Keefe stated there were two locations initially presented but the Joint 911 Task Force is still researching the best possible location.

#### D. Mental Health

##### Talking Points:

- We want to see more funding for mental health issues.
- We want to ensure the Counties have a voice in the governance of our mental health programs.
- Support increased state funding for behavioral health services and facilities at the state and local level and structure appropriate county participation in behavioral health program governance.
- We want a change in legislation that will give us flexibility in allocating mental health funds because the county cannot maintain funding mental health at the current level.
- Support changing legislation to allow Counties flexibility in allocating mental health funds.
- Issue: Counties are not realizing the same economies of scale seen by the State since the Medicaid waiver implementation.
- The last change to GS122C-115 specific to county funding for mental health was in 2001, pertaining to section “(b)” when the word “may” was changed to “shall”.
- Many changes have occurred since mental health reform was first introduced. This includes the movement from county provided services to county managed services to county merger and consolidation.
- As such, when Counties provided mental health services, billing revenues were generated. For Cumberland County, any gains or losses were being tracked in an assigned fund balance line until January 1, 2013.
- In fiscal year 2013, when Cumberland County merged with Alliance Behavioral Health, fund balance for behavioral health services equaled a little more than \$14 million.

- Each year since, the county has allocated \$4.8 million annually to Alliance Behavioral Health, so as not to be out of compliance with General Statute 122C-115 sections (b) and (d).
- This county is no longer in a position of having assigned fund balance to continue funding mental health services at the same level. Continued funding at that level could mean cutting services elsewhere in the county or increasing taxes. We are not in favor of either of those options.
- Over fifteen years have passed since this item was last changed even though savings have been gained by the state because of the achieved results of economies of scale and the Managed Care Organization's ability to grow their fund balance.
- Counties should not be required to fund at the same level when the mental health system overall has been completely overhauled since 2001 when the statute made it mandatory for Counties to continue funding at the same level.
- The county is not saying we will not fund mental health services. However, we are asking for legislation to allow flexibility by:
  - delete the word "shall" in (b) of GS 122C-115 and remove all of (d)

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Commissioner Jeannette Council reviewed the talking points recorded above. Amy Cannon, County Manager, explained the county has two different requests regarding Mental Health funding. Ms. Cannon stated the first request is to make sure state funding for mental health services is distributed equitably. Ms. Cannon further stated since the merger and the consolidation of the MCO the share of state funding Cumberland County has received has been significantly diminished. Ms. Cannon stated there is no requirement about equalizing state funds to a county after consolidation due to an MCO. Ms. Cannon stated the second request goes back to legislation in 2001 and the wording that Counties "shall" continue putting in the same amount of county dollars as they did in 2001 and prior and there have been a lot of changes in services since 2001 so the county is requesting changing the word "shall" to "may" to give Counties more flexibility.

Representative Szoka asked if there were other Counties in favor of making a change to the ordinance. Vicki Evans, Finance Director, stated at this point she is not aware of any other county that is considering this option. Representative Szoka suggested working with the NCACC to find out if any other Counties are in support of changing the ordinance from "shall" to "may" because he feels to get this change made there needs to be more support besides Cumberland County. Representative Floyd agreed that working with the NCACC would help this issue move forward quicker. Representative Floyd further stated he feels Cumberland County should talk with Health and Human Service members regarding this issue. Ms. Cannon stated she would be happy to reach out to the NCACC to gain support from other Counties.

E. Repeal the Electronics Recycling Program and the Ban on Disposing Computers, Televisions and other Electronics in the Landfill

Talking Points:

- Cumberland County is spending an increasing amount of money on its Electronic Recycling Program to dispose of televisions, computers and other electronics banned from the landfill.
- In FY 2016, we spent \$30,748. (381 tons)
- Already in FY 17 (July – December 2016), we have spent \$45,526. (410 tons)
- We are asking that you repeal the electronics recycling program and the ban on disposing electronics in the landfill.
- Last year, the Senate amended H169 to repeal the state's electronics recycling program while also lifting the ban on land filling electronics. This issue arose from an interim report and recommendations by the Department of Environmental Quality; however, the House never included it in its regulatory reform legislation.
- NC banned electronics from going into landfills effective July 1, 2011. Session Law 2015-286 Section 4.2 (Study Computer Equipment, Television and Electronics Recycling Program) required The Department of Environment and Natural Resources, in consultation with the North Carolina League of Municipalities, the NC Association of County Commissioners, the Consumer Electronics Association, the Retail

Merchants Association and representatives of the recycling and waste management industries, to study North Carolina's recycling requirements for discarded computer equipment and television.

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Chairman Adams reviewed the talking points recorded above. Representative Szoka stated this bill came to the House and was one of the last bills considered. Representative Szoka asked that Cumberland County specifically pass a resolution asking the Legislative Delegation to repeal the Electronics Recycling Program.

#### F. Public Library

##### Talking Points:

- Cumberland County has a nationally award-winning library. In 2012, the library received the National Medal for Museum and Library Services as one of five outstanding libraries in the country.
- Last year, the library won state awards for adult programming, young adult programming and staff development.
- During Fiscal Year 2016 Cumberland County residents:
  - Visited the library nearly 1.2 million times;
  - Borrowed nearly 1.7 million items;
  - Used the valuable resources of NC LIVE nearly 185,000 times

Commissioner Evans reviewed the talking points recorded above. Commissioner Evans stated the Cumberland County Board of Commissioners is asking that the Legislative Delegation:

- Increase State Aid to Libraries by \$3 million to \$17,182,135.
  - State Aid for Public Libraries for Cumberland County Public Library is budgeted at \$311,976.
  - These funds are critical for the purchase of materials for residents, including books, audio-visual and electronic resources.
- Increase funding for NCLive by \$1 million
  - NCLive is a state-funded organization that purchases databases for all types of libraries and makes the content available to all North Carolina citizens.
  - NCLive provides information-rich digital content, including magazine and newspaper articles, videos, e-books, health and job-searching information to North Carolinians through their libraries.

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Representative Floyd asked if state aid was increased by \$3 million what Cumberland County would receive. Chairman Adams stated the amount Cumberland County would specifically receive is unknown but he would have someone look into the issue. Representative Floyd stated when you ask for something you have to look at where it will start and where it will stop.

#### G. Social Services

##### Talking Points:

- Advocate for the preservation of federal funding of the Social Services Block Grant (SSBG).
- Support state funding in the event the federal Social Services Block Grant is eliminated or cut.
  - The Social Services Block Grant funds adult services programs, such as adult protective services and Temporary Assistance for Needy Families, as well as child welfare services. These programs would be at risk.
  - North Carolina is among 10 states that pass the SSBG funds directly to counties.
  - If the funds are cut, the counties face a potential unfunded mandate.
- Prevent the Temporary Financial Assistance for Facilities Licensed to Accept State-County Special Assistance Payments, which was included in the 2016-2017 budget bill, from becoming a permanent assistance payment with a 50-percent county match.

- Effective October 1, 2016, through June 30, 2017, the State-County Special Assistance rate increased to \$1,216 for adult care homes. This is a \$34 increase per month from the county. To be eligible for special assistance, individuals must be age 65 or older, or disabled and live in a residential facility approved for special assistance. The facility must agree to accept the state rate for special assistance residents. Individuals who are eligible for special assistance are automatically eligible for Medicaid.
- Based on the point-in-time number of 656 Special Assistance cases, Cumberland County DSS projects the county will pay \$100,368 during the nine-month period (\$17 per person per month).

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Brenda Jackson, DSS Director, reviewed the talking points recorded above. Representative Richardson asked if this would include halfway houses or 28 day facilities because most people incarcerated are addicted to drugs. Chairman Adams stated the funding for drug problems would fall under mental health.

#### H. Elections

##### Talking Points:

- One Stop Voting Flexibility
  - Voter turn-out varies based on the type of election.
  - With an eye on cost-effectiveness, the County Board of Elections would like to have some flexibility when One Stop Voting starts based on the type of election.
- Support changing NCGS 163.227.2(b) to allow local flexibility between minimum and maximum days depending on the type of election.
  - House Bill 589 (2013) changed the beginning of One Stop Voting from the third Thursday to the second Thursday before an election. The Fourth Circuit Court struck down the portion of HB 589 as it concerns the One Stop Voting period returning the beginning of One Stop Voting to the third Thursday before an Election (2012).
  - There should be flexibility in the law for counties on when the One Stop Voting period should begin based on the type of election being held.
  - Changing the wording to state that the One Stop Voting period must begin no earlier than the third Thursday prior to an election and no later than second Thursday before an election would give the County Board of Elections the flexibility to determine the number of days needed for One Stop Voting based on the type of election (i.e. municipal compared to federal) and probable voter turnout based on past elections.
- Challenges – Seek legislative changes in NCGS 163-85 to avoid contradiction in the law.
  - Cumberland was one of three counties ordered to undo sustained challenges to voters within 90 days of the election.
  - Based on the court's order, the State Board of Elections directed Cumberland County to restore to their previous status all voters removed on or after August 10 based on a residency challenges so the removed voters would be able to vote on Election Day.
- All other County Boards of Elections were directed that no future residency challenges could be heard under GS 163-85 and 163-86 prior to Election Day.
  - Currently NCGS 163-85 (3) allows that a challenge may be made because a person is not a resident of the precinct in which he or she is registered.
  - NCGS 163-82.15 (d)(e) (Change of address within the county) allows a voter to update his or her voter registration address on Election Day.
  - The grounds for a challenge prior to Election Day based on a voter no longer residing in a specific precinct should be removed.
- Seek changes in NCGS 163-85(e) as it regards Prima Facie evidence.
  - The law currently provides that to show proof that the voter no longer resides in the precinct, the Challenger is only required to present a letter mailed by returnable first class mail to the voter at the address on the voter registration card and returned because the person does not live at the address.

- The law should require the Challenger to show more than a returned first class mail envelope/letter and should have personal knowledge that the voter in question is no longer eligible to vote in the county and as allowed under NCGS 163-82.15 (d)(e) would not be able to update his or her voter registration address on Election Day.

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Commissioner Michael Boose reviewed the talking points recorded above. Questions and some discussion followed.

### 3. OTHER TOPICS

Chairman Adams asked the legislative delegation what the Cumberland County Board of Commissioners can do to help them. Representative Szoka stated these joint sessions are very valuable. Representative Szoka stated he appreciates the format of this session and that the information was distributed in advance.

Commissioner Faircloth stated within the last year the Cumberland County Legislative Delegation has done some great work on behalf of Cumberland County and he would like to publically thank this delegation for all of their hard work.

Commissioner Evans stated he has one concern he wanted to voice regarding the damage from Hurricane Matthew. Commissioner Evans asked what can be done collectively to help the citizens still struggling from the hurricane. Representative Richardson stated Governor Roy Cooper is coming to Cumberland County today to meet regarding this topic. Representative Richardson stated the governor is working on block grants that will impact Cumberland County.

Representative Floyd stated he has prepared a bill for the annexation of Shaw Heights and he is asking for support from the Cumberland County Board of Commissioners because it would help the process move forward. Representative Floyd stated the annexation would increase the tax value to the county. Chairman Adams stated the board would do its part in assisting to make sure the citizens of Shaw Heights are taken care of.

Representative Szoka asked the Cumberland County Board of Commissioners to submit resolutions regarding the following issues:

- Resolution Seeking Relief From the Increase to Certain Property Tax Homestead Exclusions Proposed in 2017 H.B. 2
- Resolution Requesting the General Assembly to Amend GS 122C-115 to Afford Counties' Flexibility for Funding the Provision of Mental Health Services
- Resolution Requesting the General Assembly to Amend GS 163-227.2(b) to Afford County Boards of Elections Flexibility to Establish the Duration of One Stop Voting

### 4. CLOSING REMARKS

Chairman Adams thanked everyone in attendance for all of the hard work.

### 5. ADJOURNMENT

There being no further matters of business, the special meeting adjourned at 9:42 a.m.

Respectfully submitted,

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Kellie Beam  
Deputy Clerk to the Board