

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
MONDAY, OCTOBER 16, 2017 – 6:45 PM  
117 DICK STREET, 1<sup>ST</sup> FLOOR, ROOM 118  
REGULAR/REZONING MEETING  
MINUTES

PRESENT: Commissioner Glenn Adams, Chairman  
Commissioner Charles Evans, Vice Chairman  
Commissioner Michael Boose  
Commissioner Jeannette Council  
Commissioner Jimmy Keefe  
Commissioner Larry Lancaster  
Amy Cannon, County Manager  
Melissa Cardinali, Assistant County Manager  
Tracy Jackson, Assistant County Manager  
Sally Shutt, Assistant County Manager  
Duane Holder, Assistant County Manager  
Rick Moorefield, County Attorney  
Vicki Evans, Finance Director  
Heather Harris, Budget Analyst  
Debra Shaw, Budget Analyst  
Jerod Roberts, Solid Waste Director  
Jeffrey Brown, Engineering and Infrastructure Director  
Randy Beeman, Emergency Services Director  
Tom Lloyd, Planning and Inspections Director  
Robert Van Geons, Fayetteville-Cumberland County Economic  
Development Corporation President  
Candice White, Clerk to the Board  
Kellie Beam, Deputy Clerk  
Press

ABSENT: Commissioner Marshall Faircloth

Chairman Adams called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Commissioner Keefe provided the invocation followed by the Pledge of Allegiance to the American flag.

Recognition of Billy D. Horne for Years of Public Service

Chairman Adams provided highlights of Billy D. Horne's years in public service to include his terms as a Cumberland County Commissioner, Town of Stedman Commissioner and Mayor of the Town of Stedman. Chairman Adams presented a proclamation to Mr. Horne stating the Board of Commissioners wishes to express its great appreciation to him for meritorious service, loyalty and dedication to the citizens of Cumberland County.

Introduction of Fayetteville-Cumberland Youth Council Members:

Crystal Glover, Youth Development & Cultural Arts Program Coordinator  
Rebecca Mitchel – Designated Youth Representative  
2017-2018 New Members of the Fayetteville-Cumberland Youth Council

Chairman Adams introduced Crystal Glover, Youth Development and Cultural Arts Program Coordinator, who asked new FCYC members to stand. Ms. Glover stated the FCYC has 48 members and continues to thrive and grow after being re-established four years ago. Rebecca Mitchel, FCYC President, and the YCYC Youth Advisor described the Youth Council's Glo-Fest project and 5K Fun Run, and presented an award to the County for being its best supporter.

PUBLIC COMMENT PERIOD (6:45 PM – 7:00 PM)

Amy Cannon, County Manager, read the public comment policy. Chairman Adams recognized the clerk to the board who called the following speakers:

Anne Schrader – Ms. Schrader provided comments in opposition to the Atlantic Coast Pipeline. Ms. Schrader stated the pipeline is not needed especially when considering the renewable energy projects coming online that do not harm the environment.

Tom Clark – Mr. Clark provided comments about his attendance of a Board of Adjustment hearing during which a permit request for a tower was considered. Mr. Clark stated the permit request states the proposed tower will be constructed as part of Atlantic’s new metering station in Fayetteville. Mr. Clark stated he was denied the opportunity to speak in opposition to the permit request.

Carol Knight – Ms. Knight provided comments about a business she started in 2003 and a 2018 Small Business Showcase Expo at the Crown Coliseum.

Amy Cannon, County Manager, requested removal from the agenda of Item 12.B. Closed Session for Personnel Matter(s) Pursuant to NCGS 143-318.11(a)(6).

1. Approval of Agenda

MOTION: Commissioner Lancaster moved to approve the agenda with the removal of Item 12.B. Closed Session for Personnel Matter(s) Pursuant to NCGS 143-318.11(a)(6).

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

2. Presentations:

A. Video Documentary of the One Year Anniversary of Hurricane Matthew

Chairman Adams introduced the video documentary, “A Look Back and Ahead” as a recap of what was seen and heard during Hurricane Matthew. Chairman Adams thanked Larry Shaw, Jr., for the production of the video.

B. Presentation by Ms. Roxanne Bailey-Reed, Director of Field Operations on Disaster Recovery and Resiliency Planning Resources for Small Business and Entrepreneurs Through the Carolina Small Business Development Fund

Ms. Cannon introduced Ms. Roxanne Bailey-Reed, Director of Field Operations on Disaster Recovery and Resiliency Planning Resources for Small Business and Entrepreneurs Through the Carolina Small Business Development Fund. Ms. Reed provided information about the Small Business Disaster Recovery and Resiliency KIT booklet and webinar series available to small businesses as part of Disaster Relief and Recovery Program. Greg Taylor, Business Development Officer for the Southeastern Region, provided information about programs to prepare and plan for the next natural disaster and funding sources for grants and loans.

3. Consent Agenda

A. Approval of minutes for the October 2, 2017 regular meeting

B. Approval of Public 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 19, 2017, the Board approved writing off a total of \$23,131.74 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 \$23,131.74 bad debts to the North Carolina Debt Set-Off Program.

C. Approval of Payment of Prior Year Invoice for the County Attorney's Office

BACKGROUND:

The County Attorney's Office is requesting to pay The Fayetteville Observer for invoice 0004905880 for advertising fees for a Notice of Public Hearing totaling \$386.40. Legal staff received the corrected invoice on September 11, 2017 after the deadline to pay FY 2017 invoices. Staff have verified the invoice was not paid and is in fact due. Sufficient funds are available in the current year budget to cover this expenditure.

RECOMMENDATION/PROPOSED ACTION:

Management is requesting approval to pay The Fayetteville Observer for invoice 0004905880 totaling \$386.40.

D. Approval of Offer to Purchase Surplus Property Located at 1901 Newark Avenue, Fayetteville, NC – PIN: 0428-95-7010, Pursuant to the Upset Bid Process

BACKGROUND:

The County and the City of Fayetteville acquired the property being Lot 17, Block H, Slater Subdivision, Plat Book 10, Page 72, located at 1901 Newark Avenue, in the City of Fayetteville, with PIN 0428-95-7010, at a tax foreclosure sale in 2003 for a purchase price of \$3,827.71. The tax value of this parcel is \$7,500.00. The City conveyed its interest in the property to the County by Quitclaim Deed recorded August 31, 2017, in Book 10160 at Page 370.

According to the County's tax records, the parcel is vacant and zoned residential. Ms. Sheryl Hussein has made an offer to purchase this parcel for a price of \$3,827.71. 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 Ms. Sheryl Hussein, 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 is recorded below.

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
ADVERTISEMENT OF INTENT 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 real property being Lot 17, Block H, Slater Subdivision, Plat Book 10, Page 72, located at 1901 Newark Avenue, in the City of Fayetteville, with PIN 0428-95-7010 for a purchase price of \$3,827.71. 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.

E. Approval of Declaration of Surplus County Property and Authorization to Accept Insurance Settlement and Approval of Budget Ordinance Amendment B181160

BACKGROUND:

DATE OF ACCIDENT:	SEPTEMBER 8, 2017
VEHICLE:	2009 JAW CRUSHER
VIN:	12350
DEPARTMENT:	SOLID WASTE

SETTLEMENT OFFER: \$154,000  
INSURANCE COMPANY: CHUBB

This is a total loss settlement offer.

RECOMMENDATION/PROPOSED ACTION:

Management recommends that the Board of Commissioners:

1. Declare the burned equipment described above as surplus.
  2. Authorize the Risk Management Coordinator to accept \$154,000 (\$155,000 - \$1,000 deductible) as settlement.
  3. Approve Budget Ordinance Amendment B181160 in the amount of \$154,000, recognizing the insurance settlement. Please note this amendment requires no additional county funds.
- F. Approval of a Proclamation Recognizing Mr. Steve Rogers for His Contributions, Dedication and Commitment to Cumberland County Citizens

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, service to others is the hallmark of the American character, and central to how Americans meet the challenges after a disaster; and

WHEREAS, elected officials are increasingly turning to service and volunteerism as a cost-effective strategy to meet the needs of survivors after disasters; and

WHEREAS, Mr. Steve Rogers was one of the founding members of the non-profit organization known as the Cumberland Disaster Recovery Coalition (CDRC) in 2011 that was established in response to the tornado that caused wide-spread devastation to homes and property in Cumberland County; and

WHEREAS, Mr. Steve Rogers' long-standing commitment to the CDRC's Board of Directors was evidenced by his ability to obtain the CDRC's letter of incorporation and its non-profit status, and by his coordination of the CDRC's continuous meetings that brought together a multitude of faith-based and local charitable organizations to assess the unmet needs of Cumberland County's citizens; and

WHEREAS, Mr. Rogers was dedicated to the long-term recovery of the citizens of Cumberland County and his vision to foresee the need to maintain CDRC's responsiveness following Hurricane Matthew in October 2016.

NOW, THEREFORE, the Cumberland County Board of Commissioners hereby recognizes Mr. Steve Rogers as an outstanding citizen for his positive contributions, dedication and commitment to Cumberland County and its citizens.

Adopted this 16th day of October 2017.

- G. Approval of Budget Ordinance Amendments:

General Fund 101

- 1) Library Grants - Budget Ordinance Amendment B180767 to recognize additional grant funds in the amount of \$800 from the American Library Association – National Aeronautics and Space Administration (NASA) @ My Library program

The Board is requested to approve Budget Ordinance Amendment B180767 to recognize additional grant funds in the amount of \$800. These funds will be used towards training staff to gain advanced understanding of Earth and the universe in support of the NASA @My Library program.

Please note this amendment requires no additional county funds.

- 2) Health Department - Budget Ordinance Amendment B181193 to recognize additional state funds in the amount of \$592 for Sexually Transmitted Disease (STD) Prevention

The Board is requested to approve Budget Ordinance Amendment B181193 to recognize additional state funds from the Department of Public Health in the amount of \$592. These funds will be used to assist with identifying chlamydia trachomatis in males.

Please note this amendment requires no additional county funds.

- 3) Health Department - Budget Ordinance Amendment B181194 to recognize additional state funds in the amount of \$9,810 for Health Promotion

The Board is requested to approve Budget Ordinance Amendment B181194 to recognize additional state funds from the Department of Public Health in the amount of \$9,810. These funds will be used to provide staff training, media campaigns and implementation of evidence based asthma home trigger assessments.

Please note this amendment requires no additional county funds.

- 4) Health Department - Budget Ordinance Amendment B181197 to recognize additional state funds in the amount of \$27,540 for the Breast and Cervical Cancer Program (BCCCP)

The Board is requested to approve Budget Ordinance Amendment B181197 to recognize additional state funds from the Department of Public Health in the amount of \$27,540. These funds will be used to provide screening and diagnostic services related to breast and cervical cancer for eligible underserved women.

Please note this amendment requires no additional county funds.

- 5) Health Department - Budget Ordinance Amendment B181202 to recognize grant funds in the amount of \$9,681 for Maternal and Child Health

The Board is requested to approve Budget Ordinance Amendment B181202 to recognize grant funds from the Department of Public Health through Richmond County Department of Health and Human Services in the amount of \$9,681. These funds will be used to implement evidence based initiatives addressing infant mortality, birth outcomes and child health.

Please note this amendment requires no additional county funds.

#### Crown Debt Service Fund 602

- 6) Crown Debt Service - Budget Ordinance Amendment B180723 to transfer funds towards interest payments on debt service in the amount of \$21,586

The Board is requested to approve Budget Ordinance Amendment B180723 in the amount of \$21,586. These funds are a transfer from the Food and Beverage fund and will be used for interest payments towards debt service on capital improvements to the Crown.

Please note this amendment requires the use of Food and Beverage fund balance in the amount of \$21,586.

REGARDING ITEM 7 PLEASE NOTE:

Each fiscal year County departments may have projects that are not complete by the fiscal year end (6/30/17) or items ordered that have not been received by fiscal year end. These projects or items were approved in the Fiscal Year 2017 budget; however, the money was not spent by June 30, 2017.

The following amendments seek to bring those funds forward from FY 2017 into the current fiscal year, allowing departments to complete and pay for these items. These revisions are not using 'new' funds, but are recognizing the use of FY17 funds in FY18.

#### General Fund 101

- 7) General Government Other - Budget Ordinance Amendment B180762 to bring FY17 General funds forward in the amount of \$52,000

The Board is requested to approve Budget Ordinance Amendment B180762 to bring FY17 General funds forward in the amount of \$52,000. These funds represent the county's share of the Emergency Services Co-Location Feasibility Study.

#### Contingency Funds Report – FY18

Contingency funds were not used.

#### H. Approval of Cumberland County Facilities Committee Report and Recommendations:

- 1) Bid Award for Charlie Rose Agri-Expo Center Parking Lot Improvements and Budget Ordinance Amendment B180297

#### BACKGROUND:

The repairs/resurfacing of the parking lot at the Charlie Rose Agri-Expo Center is a project that was identified as part of the Parking Lot/Repair Capital Improvement Plan (CIP). A pre-bid meeting was held on September 18, 2017 in which all local contractors were invited to attend. Informal bids were received on September 28, 2017 for the repairs/resurfacing of the Charlie Rose Agri-Expo Center parking lot. The certified bid tab along with a letter of recommendation from Draper Aden Associates, the project engineer, were provided. The lowest, responsible and responsive bid was submitted by Diamond Constructors, Inc in the amount of \$135,331.29.

On August 17, 2015, the Board of Commissioners adopted a reimbursement resolution allowing projects to get started in advance of the planned installment financing plan which was approved on September 12, 2107 by the Local Government Commission (LGC). The repaving of the parking lot at the Charlie Rose Agri-Expo Center was a project identified as a high priority on the list of CIP paving projects. However, after further research, it has been determined that money from the Crown Capital Project Fund can be used to cover the cost of this project.

This item was presented and approved by the Facilities Committee on October 5<sup>th</sup>.

#### RECOMMENDATION:

The Board is requested to approve Budget Ordinance Amendment B180297 which reclassifies funds previously budgeted to the Governmental Capital Project fund (400) to the Crown Capital Project fund (425). It has been confirmed by Bond Counsel that improvements to the Agricultural-Expo area may be recognized as expenses to the Crown Capital Project fund. The total amount of the reclassification is \$160,000; \$110,000 was budgeted for parking lot improvements and \$50,000 was budgeted for building exterior improvements.

The Board of Commissioners are also asked to approve the following recommendations.

1. Accept the bids for the repairs/resurfacing of the parking lot at the Charlie Rose Agri-Expo Center and award a contract to Diamond Constructors, Inc. in the amount of \$135,331.29.

2. Establish a contingency in the amount of \$10,000 to be used for additional work recommended by the E&I Director and approved by the County Manager.

- 2) Professional Services Agreement with Fleming & Associates, PA for Multiple Capital Improvement Projects

**BACKGROUND:**

On October 20, 2014, the Board of Commissioners approved a Professional Services Agreement with Fleming & Associates, PA to complete roof and building envelope assessments for all County facilities. These assessments were completed and delivered to the County in the spring of 2015. Included as part of this assessment was a list of proposed recommended improvements that was utilized to develop the Capital Improvement Plan for roofs and building exteriors.

The Engineering & Infrastructure Department selected Fleming & Associates, PA from the list of professional service consultants that the Board of Commissioners approved on December 3, 2015 to provide the needed engineering services for roof improvements at the Crown Coliseum, Crown Expo and the Historic Courthouse. Fleming & Associates, PA has proposed a cost of \$177,590 for the necessary professional services required to complete these projects. The cost proposal were provided. Funds are currently budgeted for these services.

This was presented and approved by the Facilities Committee on October 5<sup>th</sup>.

**RECOMMENDATION/PROPOSED ACTION:**

The Engineering & Infrastructure Director, County Management and the Facilities Committee recommend that the Board of Commissioners approve the Professional Services Agreement with Fleming & Associates, PA.

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

**SERVICE AGREEMENT**

This Agreement, made this the 16<sup>th</sup> day of October 2017, by and between the County of Cumberland, a body politic and corporate of the State of North Carolina, hereinafter referred to as COUNTY, and Fleming & Associates, P.A., a consulting engineer with an office located at 1004 Hay Street, Fayetteville, NC, hereinafter referred to as ENGINEER.

**WITNESSETH**

WHEREAS, the COUNTY wants to complete roof design and roof improvements for the Crown Coliseum, Crown Expo Center and the Historic Courthouse; and

WHEREAS, the ENGINEER is qualified to perform the roof design and roof improvements for the COUNTY; and

WHEREAS, the ENGINEER has represented that it can provide qualified services which will meet the needs of the COUNTY; and

WHEREAS, the services are of a technical nature and are temporary in character; and

WHEREAS, funds are available in the project budget for the performance of said services.

NOW THEREFORE, the parties agree to the following terms and conditions:

**PURPOSE:** The COUNTY agrees to purchase and the ENGINEER agrees to provide the necessary engineering services for this project as set forth below.

**TERM:** The term of this Agreement shall be from execution date of this contract through, June 30, 2018, unless sooner terminated or extended by mutual agreement. The COUNTY may terminate this Agreement prior to the expiration of the above stated period if in the judgment of the COUNTY;

The ENGINEER has completed all services required.

The ENGINEER failed or neglected to furnish or perform the necessary services to the reasonable satisfaction of the COUNTY.

The COUNTY shall have given the ENGINEER seven (7) days written notice of the COUNTY's intent to terminate this Agreement. The COUNTY will make all payments due the ENGINEER for services rendered and/or expenses actually incurred up to and including the date of such notice of termination.

**SERVICES:** ENGINEER shall perform such expert and technical services as are indicated in the proposal from Fleming & Associates, P.A., dated September 18 2017, attached and incorporated herein. ENGINEER warrants that it shall perform such ancillary work as may be necessary to insure the effective performance of the services cited above. Insofar as practical, the ENGINEER shall cooperate with the operation schedule of the COUNTY, and with other personnel employed, retained, or hired by the COUNTY.

**PRICE:** Compensation for services rendered shall be on a fixed fee as outlined in the proposal. The total contract price shall not exceed \$177,590 without the authorization from the County Manager.

**PAYMENT:** The COUNTY shall pay the ENGINEER within 15 working days of receipt of invoice.

**BENEFIT:** This Agreement shall be binding upon and it shall inure to the benefit of the parties, their legal representatives, successors, and assigns, provided that the provisions with respect to assignment and delegation are fully complied with.

**ASSIGNMENT:** The ENGINEER shall not assign all or any part its contract rights under this Agreement, nor delegate any performance hereunder, nor subcontract, without first obtaining the COUNTY's written approval.

**COMPLIANCE WITH LAW:** The ENGINEER agrees it shall comply with all laws, rules, regulations, and ordinances, proclamations, demands, directives, executive orders, or other requirements of any government or subdivisions thereof which now govern or may hereafter govern this Agreement, including, but limited to, the provisions of the Fair Labor Standards Act of 1938, equal employment laws, and any other applicable law.

**AGENCY AND AUTHORITY:** The COUNTY hereby designates the Engineering & Infrastructure (E&I) Director as its exclusive agent with respect to this Agreement. The E&I Director is authorized, on behalf of the COUNTY, to negotiate directly with the ENGINEER on all matters pertaining to this Agreement. The ENGINEER agrees that all of its dealings with the COUNTY in respect to the terms and conditions of this Agreement shall be exclusively with the E&I Director. Further, the ENGINEER specifically agrees that it shall not modify any of the specifications of any of the services subject to this Agreement except pursuant to the paragraph entitled MODIFICATIONS.

**REMEDIES:** If either party shall default with respect to any performance hereunder, it shall be liable for reasonable damages as provided by law and for all costs and expenses incurred by the other party on account of such default. Waiver by either party of any breach of the other's obligation shall not be deemed a waiver of any other or subsequent breach of the same obligation. No right or remedy of any party is exclusive of any other right or remedy provided or permitted by law or equity, but each shall be cumulative of every other right or remedy now or hereafter existing at law or in equity, or by statute, and may be enforced concurrently or from time to time.

**APPLICABLE LAW:** This Agreement shall be governed by the laws of the State of North Carolina. The parties mutually agree that the courts of the State of North Carolina shall have exclusive jurisdiction of any claim arising under the terms of this Agreement with appropriate venue being Cumberland County.

**NOTICES:** Any notices to be given by either party to the other under the terms of this Agreement shall be in writing and shall be deemed to have been sufficiently given if



delivered by hand, with written acknowledgment of receipt, or mailed by certified mail return receipt requested to the other party at the following addresses or to such other addresses as either party from time to time may designate in writing to the other party for receipt of notice:

**ENGINEER:**

Fleming & Associates, P.A.  
1004 Hay Street  
Fayetteville, NC 28305

**COUNTY:**

Jeffery P. Brown, Engineering & Infrastructure Director  
P.O. Box 1829  
Fayetteville, NC 28302

Such notice, if mailed, shall be deemed to have been received by the other party on the date contained in the receipt.

**SEVERABILITY:** If any term, duty, obligation or provision of this Agreement should be found invalid or unenforceable, such finding shall not affect the validity of any other terms, duties, obligations, and provisions, which shall remain valid, enforceable and in full force and effect.

**MODIFICATION:** This Agreement may be modified only by an instrument duly executed by the parties or their respective successors.

**MERGER CLAUSE:** The parties intend this instrument as a final expression of their Agreement and as a complete and exclusive statement of its terms. No course of prior dealings between the parties and no usage of trade shall be relevant or admissible to supplement, explain, or vary any of the terms of this Agreement. Acceptance of, or acquiescence in, a course of performance rendered under this or any prior Agreement shall not be relevant or admissible to determine the meaning of this Agreement even though the accepting or acquiescing party has knowledge of the nature of the performance and an opportunity to make objection. No representations, understandings, or agreements have been made or relied upon making this Agreement other than those specifically set forth herein.

**DISPUTE RESOLUTION:** The parties must resolve any claim, dispute or other matter in contention arising out of, or relating to, this Agreement through the following procedure. The parties shall first negotiate in good faith to reach an equitable settlement to the dispute. If a negotiated settlement cannot be reached within 10 business days, the parties shall submit to mediation. The parties shall select a mediator, approved by either the North Carolina or federal courts and mutually agreeable to all parties in the dispute to conduct the proceedings which shall be held at the Owner's place of business. If the parties cannot select a mediator within 10 business days, then the Owner shall select a mediator (or, if the Owner is a party to the dispute, the Cumberland County Trial Court Administrator). The mediator's cost shall be equally shared by all parties to the dispute. If a mediated settlement cannot be reached, the final recourse to the aggrieved party is legal action instituted and tried in the General Court of Justice of North Carolina under North Carolina Law with venue for trial being Cumberland County. No party shall have a right to resort to litigation until mediation shall first have occurred and not been successful.

**INDEPENDENT CONTRACTOR:** ENGINEER is an independent CONTRACTOR and not an agent, officer or employee of the COUNTY and shall have no authority to act as an agent of the COUNTY, nor enter any Agreement for or in behalf of the COUNTY. The relationship of ENGINEER with the COUNTY is as an "independent contractor" as that term is defined by the law of the State of North Carolina.

**NON-APPROPRIATION CLAUSE:** This agreement is subject to and contingent upon appropriation of funds for fiscal years subsequent to FY18.

**WITNESS WHEREOF,** the parties hereto have executed this Agreement as of the 16<sup>th</sup> day of October, 2017, by their respective duly authorized representatives.

- 3) Request to Allow Public Art to Be Temporarily Installed on County Property

**BACKGROUND:**

Mr. Eric Lindstrom, on behalf of the Arts Council of Fayetteville/Cumberland County, came before the Facilities Committee on October 5, 2017 and requested to temporarily install two different pieces of public art at the Historic Courthouse and the Judge E. Maurice Braswell Cumberland County Courthouse. The Arts Council is proposing to install one piece of art in front of the Historic Courthouse and one piece of art in front of the Judge E. Maurice Braswell Courthouse. The Facilities Committee deferred to Jeffery Brown, County Engineer, as to the proper and safe location for the artwork.

**RECOMMENDATION/PROPOSED ACTION:**

The Facilities Committee approved this matter to move forward to the full Board of Commissioners for further consideration as a consent agenda item. Staff requests approval to coordinate the temporary installation of the two pieces of art as outlined above.

**I. Approval of Cumberland County Finance Committee Report and Recommendations:**

**1) Rescare Contract Amendment for Workforce Development Services**

**BACKGROUND**

Cumberland County receives annual funding from the state to provide workforce development services through the Workforce Innovation & Opportunity Act (WIOA). These services are contracted to ResCare Workforce Services who participates as an integrated team-member at the Cumberland County NCWorks Career Center. The Workforce Development Board has reviewed and approved a request to extend the current contract to June 30, 2018 and to provide additional funds to the ResCare Workforce Services contract. The total amount of additional federal drawdown funds requested is \$1,680,414 and is broken down further into smaller amounts as follows: \$357,423 for Adult services, \$493,853 for Dislocated Worker services, \$468,363 for National Dislocated Worker Services, \$270,581 for Out-of-School Youth services, and \$90,194 for In-School Youth services. These funds are necessary to continue the existing services provided by ResCare Workforce Services through the end of the contract period. Funds are currently budgeted for these services.

This item was presented and unanimously approved by the Finance Committee on October 5, 2017.

**RECOMMENDATION/PROPOSED ACTION:**

The Workforce Development Board and staff recommend approval of the additional \$1,680,414 to ResCare Workforce 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 contract amendment.

**MOTION:** Commissioner Council moved to approve consent agenda Items 3.A. – 3.I.1).

**SECOND:** Commissioner Evans

**VOTE:** UNANIMOUS (6-0)

**4. Public Hearings**

Ms. Cannon explained the Board of Commissioners' procedures for public hearings.

**Uncontested Rezoning Case**

- A. Case P17-39: Rezoning of .93+/- acres from RR Rural Residential to C1(P) Planned Local Business or to a more restrictive zoning district; located on the east side of Marracco Drive, south of Tom Starling Road; submitted by Jerry & Cylinda Hair (owners) & Theresa Morehead (agent)

Planning Board Meeting Date: September 19, 2017

Planning Board Action: Approve the staff recommendation.

Staff Recommendation: 1<sup>st</sup> motion for Case P17-39: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in

the public interest for the reasons stated in the recommendations of the Planning Staff.

2<sup>nd</sup> motion for Case P17-39: Move to approve the request for C1(P) Planned Local Business zoning.

The motions unanimously passed.

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Tom Lloyd, Planning and Inspections Director, stated Case P17-39 received no opposition at the meeting of the Planning Board and there was a unanimous recommendation for approval.

Chairman Adams opened the public hearing for Case P17-39.

The clerk to the board advised there were no speakers for Case P17-39.

Chairman Adams closed the public hearing for Case P17-39.

MOTION: Commissioner Council moved in Case P17-39 to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Council moved in Case P17-39 to approve the request for C1(P) Planned Local Business zoning.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (6-0)

#### Contested Rezoning Case

B. Case P17-30: Rezoning of 4.86+/- acres from R10 Residential to C1(P) Planned Local Business or to a more restrictive zoning district, located at 5221 Doc Bennett Road, submitted by Leonard & Suk-Hui Wolf (owners) and P. Singh Sandhu (agent).

Planning Board Meeting Date:

September 19, 2017

Planning Board Action:

Deny the staff recommendation.

1<sup>st</sup> motion for Case P17-30: Move to find the request for rezoning inconsistent with the 2030 Growth Vision Plan, and any other applicable land use plan, the request is not reasonable or in the public interest for the reasons stated in the minutes of the Planning Board Meeting which are incorporated herein by reference.

2<sup>nd</sup> motion for Case P17-30: Deny the request for rezoning to C1(P) Planned Local Business zoning/CZ Conditional Zoning for a convenience store with gasoline sales, restaurant, and medical/dental office for the reasons stated in the minutes of the Planning Board Meeting which are incorporated herein by reference.

The motions to deny the requested rezoning passed four to one, with one abstention.

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Mr. Lloyd showed vicinity maps and aerial views of the subject property, and provided overviews of the current land uses, current zonings, and surrounding land uses and zonings. Mr. Lloyd also provided highlights of the site plan. Mr. Lloyd explained why staff advised the applicant to consider extending sewer with a conditional zoning. Mr. Lloyd stated staff recommended approval but the Planning Board recommended denial because it felt there was already a convenience store in the vicinity and adequate commercial zoning in place. Mr. Lloyd responded to questions and noted that the applicant agreed to all ordinance related conditions. Mr. Lloyd stated should the applicant want any other uses other than those allowed in the C1(P), he would have to come back due to the conditional zoning. Chairman Adams expressed concern about turning left on Doc Bennett Road without a traffic light. Mr. Lloyd stated DOT has not indicated whether a signal will be installed at that intersection.

Chairman Adams opened the public hearing for Case P17-30.

The clerk to the board called the following speakers for Case P17-30:

Bill Maxwell – Mr. Maxwell appeared in favor and stated the request is a good use of the property and he would like to request approval of the rezoning.

Scott Flowers – Mr. Flowers appeared in favor as the attorney representing the owner/applicant and reviewed sections of the 2030 Growth Vision Plan, the Land Use Policies Plan and the South Central Land Use Plan relevant to the request. Mr. Flowers stated this development is clustered in a nodal location with commercial properties surrounding it and stated all criteria is met under the three land use plans.

Sandhu Sing – Mr. Sing appeared in favor as Shiva Real Estate, LLC owner/applicant. Mr. Sing stated the subject property fronting Doc Bennett is not conducive to residential development and his development will create 110 jobs during construction and 46 permanent jobs for Cumberland County.

Charles A. Allen – Mr. Allen appeared in opposition and stated he owns a commercial business within sight of the subject property. Mr. Allen expressed concern about the amount of traffic and traffic accidents, and stated there is already a gas station .7 miles from this interchange so another one is not needed. Mr. Allen also expressed concern for the residential area across the street that contains about 40 children and stated a 24/7 station open for gas, beer sales and other activities does not need to be placed on the subject property. Mr. Allen stated the area is rural residential and asked residents opposed to the rezoning request to stand.

Kristie Allen – Ms. Allen appeared in opposition representing Gray's Creek Villas and expressed concern for ground water contamination, traffic on Hwy. 87, decreased property values, safety and a gas station 264 feet from the entrance to her neighborhood where 50 plus children play and wait for the school bus. Ms. Allen stated with 70+ homes, the area should transition to denser residential rather than nonresidential.

Chairman Adams closed the public hearing for Case P17-30.

Questions followed about sewer with the conditional zoning. Mr. Lloyd stated there is not a clear-cut policy regarding sewer, but something this size must have sewer and not septic. Mr. Lloyd also explained C1(P) and MP zoning classifications.

MOTION: Commissioner Boose moved in Case P17-30 to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the original recommendations of the Planning Staff.

SECOND: Commissioner Council

VOTE: PASSED (5-1) (Commissioners Keefe, Evans, Council, Lancaster, Boose voted in favor; Commissioner Adams voted in opposition)

MOTION: Commissioner Boose moved in Case P17-30 to approve the request for rezoning to C1(P) Planned Local Business Zoning/CZ Conditional Zoning for a convenience store with gasoline sales, restaurant, and medical/dental office.

SECOND: Commissioner Council

VOTE: PASSED (5-1) (Commissioners Keefe, Evans, Council, Lancaster, Boose voted in favor; Commissioner Adams voted in opposition)

#### Other Public Hearings

- C. Public Hearing on Proposed Economic Development Incentives for “Project Nano2” and Consideration of a Resolution and Local Incentives Grant Package and Approval of Budget Ordinance Amendment B180028

#### BACKGROUND:

The October 16, 2017 public hearing is to consider a request to grant certain economic development incentives for “Project Nano2”, a United States headquartered company. The company is considering the Cedar Creek Business Center as the location for a new distribution facility.

Recorded below is a resolution to be considered by the Board, which provides a detail of the requested incentives grant. The notice for public hearing was published on October 6, 2017 in the Fayetteville Observer.

#### RECOMMENDATION/PROPOSED ACTION:

Hold the October 16, 2017 public hearing for “Project Nano2”. After the public hearing, consider approval of the resolution recorded below approving the grant of economic development incentives to “Project Nano2” and consider approval of budget ordinance amendment B180028 which appropriates fund balance in the amount not to exceed \$125,000 for any brokerage commissions of fees or costs incurred by the company in purchasing the land.

#### CUMBERLAND COUNTY BOARD OF COMMISSIONERS RESOLUTION APPROVING THE GRANT OF CERTAIN ECONOMIC DEVELOPMENT INCENTIVES TO PROJECT NANO.2

Whereas, the Cumberland County Board of Commissioners (the “Board”) has been requested to grant certain economic development incentives to a company headquartered in the United States (the “Company”) which is considering the Cedar Creek Industrial Park, also known as the Cedar Creek Business Center, (the “Park”) in Fayetteville as the location for a new distribution facility described as “PROJECT NANO.2.” (the “Project”); and

Whereas, part of the incentives package includes the conveyance of approximately 98.27 acres of land in the Park to the Company.

Incident to the consideration of the Company’s request for selling the land as part of the incentives package, the Board finds the following:

1. Notice of a public hearing to hear public comments on the proposed grant of incentives to the Company was published in the *Fayetteville Observer* October 6, 2017.

2. The public hearing was held October 16, 2017, and all persons who wished to speak were allowed to speak.

3. The requested grant of incentives includes the conveyance of approximately 98.27 acres of land in the Park to the Company at a purchase price of \$12,500 per acre for a total of \$1,228,375.

4. The total acres to be conveyed to the Company may vary to a small extent as the Project is developed and the sales price would be adjusted accordingly.

5. There have been no sales of property and no industries have located in the Park since the commencement of developing it as a site for industrial development in 1999.

6. Robert Van Geons, President of the Fayetteville-Cumberland County Economic Development Corporation, reports that the proposed sale includes two small parcels of less than one-acre each and portions of four other parcels located in the Park with an average tax value of \$10,018 per acre.

7. The County Attorney reports that with the exception of the two small parcels of less than one-acre each, the highest tax value of any land in the Park is \$17,860 per acre.

8. The current tax values were established in accordance with the Schedule of Values for the 2017 Revaluation and reflect the Tax Assessor's appraisal of market value as of January 1, 2017.

9. The market value of land on a per-acre basis typically increases as the acreage of the parcel is decreased.

10. Based on the current tax values of all the parcels in the Park and expecting the Project site to increase in its per-acre value due to the subdivision and recombination of the existing parcels, the fair market value of the 98.27 acres to be conveyed to the Company does not exceed \$17,860 per acre for a total of \$1,755,102.

11. The sales price for the conveyance of the 98.27 acres to the Company is \$526,727 less than its fair market value after it is subdivided from the existing parcels in the Park.

12. Robert Van Geons, President of the Fayetteville-Cumberland County Economic Development Corporation, reports that the jobs to be created by the company shall pay the probable average hourly wages as follows:

18 management jobs @ \$62,000 or \$29.81 per hour  
30 clerical jobs @ \$28,000, or \$13.46 per hour  
92 warehouse jobs @ \$28,000 or 13.46 per hour

13. Robert Van Geons, President of the Fayetteville-Cumberland County Economic Development Corporation, reports the current 2017 median salary for all insured industries in Cumberland County as computed by the Department of Commerce, Division of Employment Security, is \$32,329 or \$15.54 per hour.

14. Robert Van Geons, President of the Fayetteville-Cumberland County Economic Development Corporation, reports that the Project will add approximately \$44 million taxable investment in real and business personal property.

15. At the current County tax rate of .799, the annual property taxes generated on just \$40 million of taxable investment generates \$319,600.

16. The construction of the facility and the purchase of business equipment used in the Project will generate substantial new sales tax revenues for the County.

17. The Project's creation of an annual payroll in excess of \$4.5 million will generate substantial new sales tax revenues for the County.

18. The increased property tax and sales tax revenues received by the county for the next ten years as a result of the development of the Project will greatly exceed \$526,727.

19. The conveyance of the property to the Company will create the first industrial development in this industrial park.

20. The conveyance of the property to the Company for locating and developing the Project will stimulate the local economy, promote business, and result in a substantial number of jobs in the County that pay at or above the median average wage in the County.

Be it resolved, that the Board approves the offer of a package of economic development incentives to the Company subject to the terms and conditions as follows:

THE COUNTY'S OBLIGATIONS:

1. The County shall sale approximately 98.27 acres of land in the Park to the Company for locating and developing the Project for a purchase price of \$12,500 per acre, subject to the usual and normal business conditions for the sale of commercial land.

2. At the time of closing the sale of the land, the County shall pay Company an amount not exceeding 10% of the sales price towards brokerage commissions or any other fees or costs incurred by the Company in purchasing the land.

3. The County will partner with the Company to apply for infrastructure improvement grants, provided that County shall not incur any liability for cost shares, construction or maintenance of any infrastructure improvements unless such are specifically approved in advance by the Board.

4. The County will award the Company annual performance-based cash incentive grants in an amount of 75% of the amount of the new real property taxes assessed on the improvements constructed on the land and personal property taxes paid to the County by the Project for the first seven years following the completion of construction and the creation of the first year's jobs, provided that the Company has fulfilled its obligations as set forth in the incentives agreement.

THE COMPANY'S OBLIGATIONS:

1. The Company shall site and construct the Project on the land conveyed to it by the County within five years of the execution of the incentives agreement.

2. The improvements to be constructed on the land and the business equipment and personal property listed for taxes by the Company for the Project shall be not less than \$40 million.

3. With the Project, the Company shall create 140 new full-time jobs in Cumberland County, paying an average wage of \$32,250, with the first 112 jobs being created by the end of 2019 and seven jobs added for each of the next four years.

Further, the County and the Company shall execute a formal incentives agreement that specifies the obligations of each and such other terms and conditions that are required by the law of North Carolina or are usually and customarily contained in such agreements.

Adopted October 16, 2017.

\*\*\*\*\*

Robert Van Geons, Fayetteville-Cumberland County Economic Development Corporation President, and Rick Moorefield, County Attorney, reviewed statutory requirements and the information related to the findings included in the resolution recorded above. Mr. Moorefield stated the Board's adoption of the resolution would approve the incentives.

Chairman Adams opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Adams closed the public hearing.

**MOTION:** Commissioner Keefe moved to approve the Resolution approving the grant of Economic Development Incentives to “Project Nano2” and to approve Budget Ordinance Amendment B180028 which appropriates fund balance in the amount not to exceed \$125,000 for any brokerage commissions of fees or costs incurred by the company in purchasing the land.

**SECOND:** Chairman Adams

**VOTE:** UNANIMOUS (6-0)

D. Public Hearing on the FY2019 Community Transportation Program Grant Application and Consideration of Approval of Submission of the Grant Application and the FY2019 Resolution for Program Funding for our Public Transportation Program

#### BACKGROUND

Staff requests that a public hearing be held regarding the FY 2019 Community Transportation Program Grant Application which is due November 3, 2017. This is an annual request that funds the administrative portion of the Cumberland County Community Transportation Program which coordinates existing transportation programs operating in Cumberland County using local transportation providers. The funding period will run from July 1, 2018 to June 30, 2019. Funding will be used for salaries and fringes of the Transportation Coordinator and the Transportation Assistants, office supplies, driver drug and alcohol testing, travel to meetings and conferences, program marketing for all services provided to County residents, legal advertising and North Carolina Public Transportation Association (NCPTA) membership.

The Community Transportation Program is requesting funding in the following amounts from the NC Department of Transportation (a local match is required as noted below and is typically funded in the local FY Budget):

Project:	Total Amt.:	Local Share:
• Administrative (5311)	\$141,264	\$21,190 (15%)
• Capital (5310)	\$150,000	\$15,000 (10%)
• Rural Operating Assistance Program (ROAP)/ Rural General Public (RGP) Program	\$307,074	\$7,568 (RGP 10%)
Total Project:	\$598,338	\$43,758

#### RECOMMENDATION/PROPOSED ACTION

Staff requests the Board:

1. Hold the Public Hearing regarding the FY 2019 Community Transportation Program Grant Application
2. Approve submission of the FY 2019 Community Transportation Program Grant Application to the NC Department of Transportation
3. Adopt the attached FY 2019 Resolution for Public Transportation Program Funding

#### PUBLIC TRANSPORTATION PROGRAM RESOLUTION

##### FY 2019 RESOLUTION

Section 5311 (including ADTAP), 5310, 5339, 5307 and applicable State funding, or combination thereof.

Applicant seeking permission to apply for Public Transportation Program funding, enter into agreement with the North Carolina Department of Transportation, provide the necessary assurances and the required local match.

A motion was made by \_\_\_\_\_ and seconded by \_\_\_\_\_ for the adoption of the following resolution and upon being put to a vote was duly adopted.

WHEREAS, Article 2B of Chapter 136 of the North Carolina General Statutes and the Governor of North Carolina have designated the North Carolina Department of



Transportation (NCDOT) as the agency responsible for administering federal and state public transportation funds; and

WHEREAS, the North Carolina Department of Transportation will apply for a grant from the US Department of Transportation, Federal Transit Administration and receives funds from the North Carolina General Assembly to provide assistance for rural public transportation projects; and

WHEREAS, the purpose of these transportation funds is to provide grant monies to local agencies for the provision of rural, small urban, and urban public transportation services consistent with the policy requirements of each funding source for planning, community and agency involvement, service design, service alternatives, training and conference participation, reporting and other requirements (drug and alcohol testing policy and program, disadvantaged business enterprise program, and fully allocated costs analysis); and

WHEREAS, the funds applied for may be Administrative, Operating, Planning, or Capital funds and will have different percentages of federal, state, and local funds.

WHEREAS, non-Community Transportation applicants may apply for funding for “purchase-of-service” projects under the Section 5310 program.

WHEREAS, the County of Cumberland hereby assures and certifies that it will provide the required local matching funds; that its staff has the technical capacity to implement and manage the project(s), prepare required reports, obtain required training, attend meetings and conferences; and agrees to comply with the federal and state statutes, regulations, executive orders, Section 5333 (b) Warranty, and all administrative requirements related to the applications made to and grants received from the Federal Transit Administration, as well as the provisions of Section 1001 of Title 18, U. S. C.

WHEREAS, the applicant has or will provide all annual certifications and assurances to the State of North Carolina required for the project;

NOW, THEREFORE, be it resolved that the County Manager of the County of Cumberland is hereby authorized to submit grant application (s) for federal and state funding in response to NCDOT’s calls for projects, make the necessary assurances and certifications and be empowered to enter into an agreement with the NCDOT to provide rural, small urban, and urban public transportation services.

\*\*\*\*\*

Joel Strickland, FAMPO Executive Director, reviewed the background information recorded above.

Chairman Adams opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Adams closed the public hearing.

MOTION: Commissioner Council moved to approve submission of the FY 2019 Community Transportation Program Grant Application to the NC Department of Transportation and adopt the FY 2019 Resolution for Public Transportation Program Funding.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (6-0)

## ITEMS OF BUSINESS

5. Consideration of an Interlocal Agreement Between Cumberland County and the City of Fayetteville to Address Homelessness

**BACKGROUND:**

The City of Fayetteville through its Community Development Director, Victor Sharpe, is requesting consideration of an interlocal agreement to address homelessness. The agreement calls for the following:

1. Provide community-wide programs and services to address homelessness
2. Formation of a Homeless Committee that will meet regularly and develop strategies to address homelessness
3. Continue joint funding of a Homeless Management Information System (HMIS) Data and Evaluation Analyst which shall be an employee of the County, and associated programs and services.

**RECOMMENDATION/PROPOSED ACTION:**

The Finance Committee approved this item at its October 5, 2017 meeting to move on to the full Board of Commissioners as a regular item of business at its October 16, 2017 meeting.

NORTH CAROLINA

INTERLOCAL AGREEMENT BETWEEN  
CUMBERLAND COUNTY AND THE CITY  
OF FAYETTEVILLE TO ADDRESS  
HOMELESSNESS

CUMBERLAND COUNTY

*Approved by the Cumberland County Board of Commissioners \_\_\_\_\_*  
*Approved by the Fayetteville City Council \_\_\_\_\_*

This interlocal agreement is made pursuant to Article 20, Chapter 160A of the General Statutes of North Carolina by and between Cumberland County, a body corporate and politic and a political subdivision of the State of North Carolina, and the City of Fayetteville, a municipal corporation existing under the laws of the State of North Carolina.

**WITNESSETH:**

Whereas, the parties have funded programs and services to address homelessness by their respective community development agencies for a number of years; and

Whereas, the parties desire to establish a partnership that addresses homelessness through the formation of an advisory committee, appropriate programs and services, and the hiring of a Data & Evaluation Analyst, to be jointly funded by the parties and assigned to the Cumberland County Community Development Department.

Now therefore, in consideration of the mutual covenants set forth herein, and pursuant to the specific authority granted to them by Article 20, Chapter 160A of the General Statutes of North Carolina, the parties agree as follows:

- (1) The purpose of this agreement is for the parties to jointly undertake the provision of community-wide programs and services that address homelessness.
- (2) The duration of the agreement shall be for so long as the parties maintain the aforementioned personnel for the purpose of providing programs and services to address homelessness (the “undertaking”).
- (3) A Homeless Committee consisting of a member of City Council, a member of the County Commissioners, an Assistant County Manager, Governmental Affairs Officer, Deputy City Manager, Chairman of the Cumberland County Continuum of Care (CoC), City and County Community Development Directors, and the Data & Evaluation Analyst will meet regularly to coordinate and develop strategies to address homelessness through community-wide programs and services.
- (4) The Data & Evaluation Analyst shall be an employee of Cumberland County and shall report to the Community Development Director for Cumberland County.
- (5) The parties will jointly fund the Data & Evaluation Analyst and associated programs and services in a sufficient amount to cover all the costs incurred by it necessary to the execution of the undertaking in accordance as budgeted and approved by the parties.

(6) This agreement may be amended at any time by the execution of an amendment approved by the governing boards of both parties.

(7) This agreement may be terminated at the end of any fiscal year by the vote of either governing board with written notice of such termination being given to the other governing board at least sixty (60) days prior to the date of termination.

This interlocal agreement has been approved by the governing board of each party and entered into the minutes of the meeting at which such action was taken as indicated above.

\*\*\*\*\*

Tracy Jackson, Assistant County Manager, reviewed the information in the interlocal agreement recorded above. Mr. Boose stated the agreement funds a position but not a single homeless person gets anything by approving the agreement. Mr. Boose stated everyone needs to get together to define the goal and the definition of homelessness because he does not see how the agreement is going to do anything. Discussion followed regarding a definition for homeless and how data collected by the Homeless Management Information System is being used to address the issue of homelessness.

Commissioner Keefe stated this issue should go to the Fayetteville-Cumberland Liaison Committee to identify or redirect what everyone is trying to do with homelessness because at present, data is being gathered but there is no information on how to move forward with a plan. Commissioner Evans stated gathering data and pointing individuals to service agencies for the help they need is a step in the right direction.

MOTION: Commissioner Council moved to approve the interlocal agreement between Cumberland County and the City of Fayetteville to address homelessness.

SECOND: Commissioner Evans

DISCUSSION: Commissioner Boose asked Commissioner Council and Commissioner Evans whether they would be amenable to modifying Item (3) of the interlocal agreement so the Homeless Committee will meet regularly with the Fayetteville-Cumberland Liaison Committee to keep both governing bodies looking at homelessness rather than having the Homeless Committee meet and report to both governing bodies. Commissioner Boose stated that would make the Fayetteville-Cumberland Liaison Committee part of it. Chairman Adams stated he would not include it because the Fayetteville-Cumberland Liaison Committee as a body of elected officials will not be able to meet when the Homeless Committee meets. Chairman Adams suggested rather adding an item so that it is discussed at the Fayetteville-Cumberland Liaison Committee meeting. Commissioner Boose stated he just wants it to go somewhere. Chairman Adams stated the additional item could be that the Homeless Committee report back to the Fayetteville-Cumberland Liaison Committee. Commissioner Keefe stated he would like homelessness to be a project for the Fayetteville-Cumberland Liaison Committee to discuss as an elected body to show leadership, to attack the issues, to address what homelessness is in Cumberland County and to find a way to eradicate what can be eradicated. Chairman Adams stated in order for the Fayetteville-Cumberland Liaison Committee to discuss it, they have to have the data and the Homeless Committee would handle that. Chairman Adams stated his suggestion would be to add an Item (8) to the interlocal agreement that would state the Homeless Committee would come to the Fayetteville-Cumberland Liaison Committee with information. Commissioner Keefe asked Commissioner Council whether she would accept this. Commissioner Council stated it did not originate with us so she does not want anything to hold it up. Chairman Adams asked whether the City of Fayetteville had approved the interlocal agreement and asked Assistant City Manager Jay Reinstein to take to the City of Fayetteville the Board of Commissioners' concern that this information be brought to the Fayetteville-Cumberland Liaison Committee. Mr. Reinstein stated he would do as requested.

VOTE: UNANIMOUS (6-0)

6. Consideration of Community Development Block Grant – Disaster Recovery Grant Award and Budget Ordinance Amendment B180280

**BACKGROUND:**

As part of the ongoing recovery efforts from Hurricane Matthew, the State of North Carolina has proposed to award Cumberland County \$34,945,328 in Community Development Block Grant – Disaster Recovery (CDBG-DR) funding for housing projects and activities as defined in the State’s CDBG-DR Action Plan. Cumberland County is eligible for this non-competitive grant award as one of the hardest impacted counties in Eastern NC during Hurricane Matthew. As the lead entity in administering these funds locally, Cumberland County will be responsible for developing, implementing, and monitoring various projects that address affordable housing needs associated with Hurricane Matthew’s impact on individuals with a low to moderate income. An initial award amount of \$23,260,000 is being allocated to the County for expenditure in the next 24-months. At, or near, the end of the 24-month period, the State will perform a review and examine the allocation of future CDBG-DR funding.

**RECOMMENDATION/PROPOSED ACTION:**

Staff recommends approval of the corresponding Budget Ordinance Amendment Number B180280 in the amount of \$23,260,000 to recognize CDBG-DR Grant Award funds and authorize the Chairman of the Board of Commissioners or County Manager to sign the CDBG-DR award letter and forthcoming grant agreement/MOA as appropriate.

\*\*\*\*\*

Mr. Jackson reviewed the background information recorded above and stated funds will be utilized for affordable housing and aid and assistance to those with low to moderate incomes that suffered disastrous impacts from Hurricane Matthew. Mr. Jackson stated this will be done in combination with the CDBG-DR, Cumberland County Finance and the combined efforts of the County and City Community Development departments. Mr. Jackson stated this is the first of many steps involved in administering this grant and the hope is a consultant can be selected to assist the County in this effort sometime in December. Questions followed.

**MOTION:** Commissioner Council moved to approve Budget Ordinance Amendment Number B180280 in the amount of \$23,260,000 to recognize CDBG-DR Grant Award funds and authorize the Chairman of the Board of Commissioners and/or County Manager to sign the CDBG-DR Award Letter and forthcoming grant agreement/MOA as appropriate.

Commissioner Boose stated he would offer a second if either the Chairman signs everything or if either the County Manager signs everything, or they both do. Mr. Jackson stated the award letter must be signed by the Chairman as written. Chairman Adams stated both can sign.

**SECOND:** Commissioner Boose

**VOTE:** UNANIMOUS (6-0)

7. Consideration of Contract Amendment for Landfill Gas Collection and Control System Expansion

**BACKGROUND:**

Cumberland County’s Ann Street Landfill is due for an expansion of the Landfill Gas Collection and Control System. The landfill is subject to this modification based on Environmental Protection Agency (EPA) regulations known as New Source Performance Standards (NSPS). The most recent NSPS standards require landfill gas to be collected from waste after being in placed for (5) years in an active landfill. The last expansion was done on November 2012 and to remain in compliance the Ann Street Landfill must expand the system no later than January 2018. Funds were previously budgeted for this expansion and are available for use.

**RECOMMENDATION/PROPOSED ACTION:**

The Solid Waste Director along with County Management recommend that the Board of Commissioners consider the following:

1. Approve a contract amendment in the amount of \$419,913 to SCS Engineers for landfill gas collection system expansion.

2. Approve additional 10% Contingency in the amount of \$41,991.30 to ensure contract stability.

\*\*\*\*\*

Mr. Jackson stated with the ongoing regulation of the landfill gas collection system, it is necessary to expand the system and make sure it is properly installed and properly monitored. Mr. Jackson stated consideration is being requested for a contract amendment in the amount of \$419,913 to SCS Engineers and a 10% contingency in the amount of \$41,991.30 to ensure contract stability. Jerod Roberts, Solid Waste Director, reviewed the background information recorded above.

**MOTION:** Commissioner Council moved to approve a contract amendment in the amount of \$419,913 to SCS Engineers for landfill gas collection system expansion and to approve additional 10% Contingency in the amount of \$41,991.30 to ensure contract stability.

**SECOND:** Commissioner Evans

**DISCUSSION:** Commissioner Keefe stated although he supports the work of Mr. Roberts and the direction of the landfill, and although he realizes these are two separate issues, he must go on record to get some movement to leverage these new standards for methane gas and get another contract.

**VOTE:** PASSED (5-1) (Commissioners Evans, Adams, Council, Lancaster and Boose voted in favor; Commissioner Keefe voted in opposition)

Chairman Adams called for a five-minute recess following which the meeting resumed.

8. Consideration of Contract Amendment for Construction Management Services and Approval of Budget Ordinance Amendment B180029

**BACKGROUND:**

In FY16 the Solid Waste Department budgeted \$425,000 for projected engineering fees relating to the landfill cell expansion. The projected amount was to cover the cost for engineering design, bidding and contract negotiation by CDM Smith on behalf of Cumberland County. In FY17, the total amount expended was \$210,858 – leaving an available budget of \$214,142 for the project. In July FY18, the department started the cell expansion of cells 9 & 10. What was not anticipated in the cost was the quality assurance and quality control needed to ensure project stays on schedule and that it meets all specifications within the bid. CDM Smith is currently overseeing the construction services which includes daily inspections and monitoring of the work being completed. The projected total cost of construction services are \$520,665. Therefore, a transfer of \$306,523 is needed from the Solid Waste fund balance to cover these costs.

**RECOMMENDATION/PROPOSED ACTION:**

The Solid Waste Director along with County Management recommend approval of the following recommendations by the Board of Commissioners at their October 16<sup>th</sup> meeting.

1. Approve CDM Smith contract amendment in the amount of \$520,665 for construction management services.
2. Approve Budget Amendment Ordinance B180029 in the amount of \$306,523 utilizing Solid Waste Fund Balance to increase engineering fees.

\*\*\*\*\*

Mr. Jackson stated consideration is being requested for a contract amendment for construction management services with CDM Smith related to the landfill cell expansion in the amount of \$520,665 and an associated budget ordinance amendment in the amount of \$306,523. Mr. Roberts reviewed the background information recorded above. Commissioner Boose inquired regarding the contract term with CDM Smith for oversight. Mr. Jerods stated oversight will be completed in April 2018.

**MOTION:** Commissioner Council moved to approve the CDM Smith contract amendment in the amount of \$520,665 for construction management services and to approve

Budget Amendment Ordinance B180029 in the amount of \$306,523 utilizing Solid Waste Fund Balance to increase engineering fees.

SECOND: Commissioner Evans

DISCUSSION: Commissioner Boose asked whether this was in the FY18 budget. Mr. Roberts responded in the negative and stated in FY16 the Solid Waste Department budgeted \$425,000, but the actual oversight for quality assurance and quality control was not anticipated at that time. Commissioner Boose asked whether the contract will be bid after April 2018. Mr. Roberts stated the cell construction will be complete in April 2018 and CDM Smith, who is just doing quality assurance and quality control, will no longer be under contract. Commissioner Boose asked whether CDM Smith was local. Mr. Roberts stated CDM Smith has been the solid waste consultant for twenty plus years.

VOTE: UNANIMOUS (6-0)

9. Consideration of a Request for a Review of the Public Health Department

BACKGROUND:

Commissioner Evans has made a request for the Board of Commissioners to consider an outside review of the Public Health Department.

RECOMMENDATION/PROPOSED ACTION:

Consider an outside review of the Public Health Department.

\*\*\*\*\*

Commissioner Evans stated he asked that this item be added to the agenda considering the unfortunate mismanagement of mammogram and pap smear information that occurred at the County's Public Health Department. Commissioner Evans stated it is critical that the Board do all that it can to ensure that the County's Health Department is the best that it can be and to show that it is accountable and committed to continuous improvement of services and programs at the Health Department. Commissioner Evans stated because this is a time of leadership transition and the beginning of a great new partnership with Stedman-Wade to expand clinic services for the public, he believes the timing is right for an external quality assurance review for the Health Department. Commissioner Evans stated he is seeking the support of the Board in charging the County Manager with identifying an appropriate external organization or firm to conduct such a review. Commissioner Evans stated he also understands that there have been some other counties in the state that have had similar quality reviews conducted and he would like to request that the County Manager bring back to the Policy Committee a report listing those counties and the names of the external organizations that conducted their reviews.

Chairman Adams stated he believed staff have their marching orders. Commissioner Keefe asked whether that was a motion or request. Chairman Adams stated it was a request to bring information to the Policy Committee. Questions and discussion followed. Chairman Adams stated there was consensus for staff to bring the requested information to the Policy Committee.

10. Nominations to Boards and Committees

A. Transportation Advisory Board (3 Vacancies)

Commissioner Council nominated Shannon Batton, Tracy Honeycutt and Dana Davis.

11. Appointments to Boards and Committees

A. Animal Control Board (1 Vacancy)

Nominee:

City of Fayetteville Resident Position: Shannon Pingitore

B. Library Board of Trustees (2 Vacancies)

Nominees: Paige Ross (Reappointment)  
Brian Tyler (Reappointment)

There being an equal number of vacancies and nominees,

MOTION: Commissioner Evans moved to appoint Paige Ross and Brian Tyler to the Library Board of Trustees.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (6-0)

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

B. Removed from agenda.

MOTION: Commissioner Boose moved to go into closed session for Attorney Client Matter(s) pursuant to NCGS 143-318.11(a)(3).

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Boose moved to reconvene in open session.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Boose moved to adjourn.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (6-0)

There being no further business, the meeting adjourned at 9:35 p.m.

Approved with/without revision:

Respectfully submitted,

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Candice H. White  
Clerk to the Board