

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 5, 2017 – 9:00 AM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING MINUTES

PRESENT: Commissioner Glenn Adams, Chairman
Commissioner Charles Evans
Commissioner Michael Boose
Commissioner Jeannette Council
Commissioner Marshall Faircloth
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
Rick Moorefield, County Attorney
Vicki Evans, Finance Director
Deborah Shaw, Budget Analyst
Heather Harris, Budget Analyst
Joe Utley, Tax Administrator
Jeffrey Brown, Engineering and Infrastructure Director
Dee Taylor, Community Development Director
Victor Sharpe, Fayetteville Community Development Director
Candice H. White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Chairman Adams called the meeting to order and relayed condolences to Commissioner Keefe on the passing of his mother.

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

Recognition of Chairman Glenn B. Adams on Being Honored as an Alumni of a North Carolina Historically Black College and University and Being Named a “Living Legend”

Commissioner Council stated it gives her great pleasure to recognize Chairman Glenn Adams who was honored as a 2017 Historically Black Colleges and Universities (HBCUs) alumni and Living Legend during a scholarship gala in Winston Salem on August 26. Commissioner Council stated as part of the tribute, Chairman Adams is featured in the 2018 Commemorative Living Legends Calendar that showcases outstanding alumni of the eleven HBCUs in North Carolina. Commissioner Council stated the honor celebrates the achievements of alumni who are having an impact on our cities, counties, states, the nation and the world with one goal being to show youth the breadth and depth of achievers who graduate from HBCUs. Commissioner Council stated Chairman Adams is a Fayetteville native, a graduate of E.E. Smith High School, received his bachelor of arts degree from NC State University, received his juris doctorate from North Carolina Central University School of Law and also attended a summer session at Oxford University in England. Commissioner Council stated Chairman Adams is an attorney, was elected to the Board of Commissioners for District 1 in 2014, served on the N.C. Central University Board of Trustees from 2003 to 2011 and was the chairman of the trustees from 2009 to 2011. Commissioner Council congratulated Chairman Adams and stated Cumberland County is proud of his community work and leadership.

Recognition of County Manager Amy Cannon on her Appointment to the National Association of Counties Financial Services Center Advisory Committee

Chairman Adams recognized Cumberland County Manager Amy Cannon and stated Ms. Cannon has been appointed to the Financial Services Center Advisory Committee of the National Association of Counties (NACo), which creates and

delivers transformative solutions to public entities. Chairman Adams stated the Financial Services program focuses on purchasing, retirement, finance and healthcare and noted that Ms. Cannon is also an ICMA (International City/County Management Association) Credentialed Manager. Chairman Adams stated Ms. Cannon has been the Cumberland County Manager since 2014, after serving as the deputy county manager for three years and the assistant county manager for financial and administrative services for 11 years. Chairman Adams stated in addition, Ms. Cannon has been with Cumberland County for 27 years and was the County's finance director for 15 years. Chairman Adams stated Ms. Cannon is a Fayetteville native, is a Seventy-First High School graduate, is a certified public accountant and a North Carolina Certified Government Finance Officer. Chairman Adams stated Ms. Cannon was appointed by NACo President Roy Charles Brooks and has been invited to participate in the "Serving the Underserved: Counties Addressing Poverty" initiative that includes a poverty summit in December in Fort Worth, Texas. Chairman Adams congratulated Ms. Cannon on her appointment.

Amy Cannon, County Manager, requested an addition to the agenda as Item 7.B. a closed session for economic development matter(s) pursuant to NCGS 143-318.11(a)(4).

1. Approval of Agenda

MOTION: Commissioner Boose moved to approve the agenda with the addition of a closed session for economic development matter(s) pursuant to NCGS 143-318.11(a)(4) as requested.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (7-0)

2. Consent Agenda

A. Approval of minutes for the August 21, 2017 regular meeting

B. Approval of Sole Source for Service and Repairs by Gregory Poole Equipment

BACKGROUND:

Cumberland County Solid Waste Department utilizes Caterpillar equipment to carry out its various operations. Gregory Poole Equipment is the authorized Caterpillar dealer in Eastern North Carolina; therefore, they are the only company authorized to service and repair Caterpillar equipment.

RECOMMENDATION/PROPOSED ACTION:

Requesting approval of a sole source exception under North Carolina General Statute 143-129 (e)(6), based on availability from only one source of supply.

C. Approval of Sole Source for Service and Repairs by Goodin Equipment Services

BACKGROUND:

Cumberland County Solid Waste Department utilizes Terex equipment to carry out its various operations. Goodin Equipment Services is the authorized Terex roadbuilding dealer in Eastern North Carolina, South Carolina and Virginia; therefore, they are the only company authorized to service and repair Terex equipment.

RECOMMENDATION/PROPOSED ACTION:

Requesting approval of a sole source exception under North Carolina General Statute 143-129 (e)(6), based on availability from only one source of supply.

D. Approval to Pay Prior Year Invoices:

BACKGROUND:

Vendor invoices that have not been paid in the fiscal year in which services were rendered or goods were received require approval for payment by the Board of Commissioners. The process has been for departments to forward the request to pay to the finance director. The prior year invoices are reviewed in finance for completeness

and are then forwarded on to the consent agenda for consideration at the next scheduled Board of Commissioners meeting.

There is a period of time after the June 30th end of the fiscal year in which Finance will accept transactions of the previous fiscal year. For fiscal year 2017, that time frame ended one week earlier for invoice processing than was typical in the past. Although departments were sent notices and reminders of the cutoff date to inform of this change, invoices do arrive beyond the cutoff date and those invoices must be considered. There are more requests than usual for this Board meeting because this is the first scheduled Board meeting since the cutoff date passed. Based on history, we do expect additional requests to pay prior year invoices but there may not be this amount of volume during a single meeting.

Four separate requests for approval pay vendor invoices from fiscal year 2017 and one request for approval to pay a vendor invoice for Jail Health services provided during fiscal year 2016 are recorded below as follows:

RECOMMENDATION/PROPOSED ACTION:

Management is requesting review of the memorandums recorded below and requesting approval to pay prior years' invoices.

1) Engineering & Infrastructure

BACKGROUND:

The Engineering & Infrastructure Department is requesting to pay \$1,125.00 to Green Leaf Tree & Stump Removal for services rendered in June 2017. The invoice was received on August 18, 2017, after the cutoff for paying Fiscal Year 2017 invoices. Staff have verified the invoice has not yet been 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 prior year invoice to Green Leaf Tree & Stump Removal totaling \$1,125.00.

2) Sheriff's Office

BACKGROUND:

The Cumberland County Sheriff's Office is requesting payment of five invoices for UniFirst Corporation totaling \$503.75 listed below:

Invoice Number	Amount	Invoice Date
267 1016234	\$100.75	6/30/17
267 1014209	\$100.75	6/23/17
267 1012161	\$100.75	6/16/17
267 1010122	\$100.75	6/9/17
267 1008051	\$100.75	6/2/17

These invoices were received on August 11, 2017 and due to an oversight of Sheriff Department staff these invoices were not paid before the year-end deadline. Staff have verified the invoices have not yet been paid and are 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 prior year invoices from UniFirst Corporation totaling \$503.75.

3) Sheriff's Office

BACKGROUND:

The Cumberland County Sheriff's Office is requesting payment to Supplyworks for prior year invoice and credit memos that have a net amount of \$155.46. Items were purchased in January 2017. Several items were returned and two credit memos were received. The Sheriff's Office did not receive the original invoice nor the credit memos until they were contacted by Supplyworks on or around August 21, 2017. Staff have verified the invoice

has not yet been 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 Supplyworks the net amount of one invoice and two credit memos totaling \$155.46.

4) Solid Waste

BACKGROUND:

The Cumberland County Solid Waste Management Department is requesting to pay the following prior year invoices:

Vendor	Date	Invoice #	Amount Due
Stone Truck Parts	3/10/17	1270690131	\$1,504.96
Stone Truck Parts	3/10/17	1270690140	\$1,477.11
Stone Truck Parts	3/10/17	1270690147	\$1,531.12
Phillip's Towing	6/22/17	55979	\$535.50
Phillip's Towing	6/22/17	56166	\$75.00
Phillip's Towing	6/8/17	56992	\$262.50
TruckPro, LLC	5/27/17	083-0120608	\$575.45

The invoices total \$5,961.64. The Stone Truck Parts and Phillip's Towing invoices were received on 8/4/17 and 8/14/17 and due to an oversight by Solid Waste staff were not processed before the year-end deadline. The TruckPro, LLC invoice was not received until 8/24/17, after the deadline for paying Fiscal Year 2017 invoices. Staff have verified the invoices have not yet been paid and are 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 prior year invoices for the Solid Waste Management Department totaling \$5,961.64.

5) Public Health Department

BACKGROUND:

The Department of Public Health is requesting payment of FY16 invoices with service dates and amounts listed:

Date of Service	Amount Due
10/13/15	\$412.00
12/17/15	\$623.00
3/10/16	\$428.00
3/15/16	\$371.00
3/22/16	\$289.00
3/29/16	\$822.00
3/31/16	\$371.00

These invoices are from S.C. Tolbert, DDS., PA, and are for dental services provided to jail inmates totaling \$3,316.00. Staff have verified the invoices have not yet been paid and are in fact due. Sufficient funds are available in the current year budget to cover these expenditures.

RECOMMENDATION/PROPOSED ACTION:

Management is requesting approval to pay the prior year invoices for Dr. Tolbert totaling \$3,316.00.

- E. Approval of a Proclamation Recognizing September 2017 as "Cumberland County Emergency Preparedness Month"

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, Cumberland County, North Carolina's weather can be unpredictable and dangerous as seen during last year's 7 large hail events, 10 wind damage events and 6 flood and flash flood events; and

WHEREAS, every community, business, family and individual in Cumberland County must be ready for natural and man-made disasters including tornadoes, flooding, hurricanes and public disturbances that might disrupt normal daily activities; and

WHEREAS, all Cumberland County residents can take a few simple steps – making a family disaster plan, creating an emergency supply kit and staying informed – to help make preparedness and personal responsibility a priority; and

WHEREAS, Cumberland County residents should know the risks for their area and plan accordingly; and

WHEREAS, Cumberland County residents should help the elderly and those who cannot help themselves; and

WHEREAS, Cumberland County residents should include the safety of their pets and/or livestock in their emergency plans; and

WHEREAS, Cumberland County, North Carolina Emergency Management and the United States Department of Homeland Security have collaborated to recognize September as National Emergency Preparedness Month to encourage Cumberland County residents to be disaster ready.

NOW THEREFORE, the Cumberland County Board of Commissioners hereby proclaims the month of September 2017 as "EMERGENCY PREPAREDNESS MONTH" in Cumberland County and encourages all county residents to plan and prepare weather-related and man-made disasters by assembling their emergency supply kits and updating their emergency plans.

Adopted this 5th day of September, 2017.

F. Approval of Budget Ordinance Amendments:

General Fund 101

- 1) Library Grants - Budget Ordinance Amendment B180805 to recognize grant funds in the amount of \$30,249 from the State Library of North Carolina – Library Services and Technology Act (LSTA)

The Board is requested to approve Budget Ordinance Amendment B180805 to recognize grant funds in the amount of \$30,249 from the State Library of North Carolina – Library Services and Technology Act (LSTA). These funds will be used to purchase technology and educational activities for learning lab programs.

Please note this amendment requires no additional county funds.

North Carolina Elderly Handicapped Transportation Fund 277

- 2) Mid Carolina Senior Transportation - Budget Ordinance Amendment B180858 to recognize the Mid Carolina Home and Community grant funds in the amount of \$23,125

The Board is requested to approve Budget Ordinance Amendment B180858 to recognize grant funds in the amount of \$23,125 from the Mid Carolina Home and Community block grant that was presented to the Board of Commissioners during the June 19, 2017 meeting. In compliance with the Older Americans Act (OAA), these funds will be used to provide both medical and general transportation for Cumberland County seniors ages 60 and older.

Please note this amendment requires no additional county funds.

REGARDING THE FOLLOWING ITEMS 3-5 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

- 3) Public Utilities - Budget Ordinance Amendment B180890 to bring FY17 General funds forward in the amount of \$14,204 for Utility Billing software program

The Board is requested to approve Budget Ordinance Amendment B180890 to bring FY17 General funds forward in the amount of \$14,204. This request is for the Utility Billing software project that was initiated in FY16 and is expected to complete by the end of the calendar year.

- 4) Library - Budget Ordinance Amendment B180576 to bring FY17 General funds forward in the amount of \$1,258 for the purchase of books

The Board is requested to approve Budget Ordinance Amendment B180576 to bring FY17 General funds forward in the amount of \$1,258 towards the purchase of books. The books were ordered in FY17; but not received until after June 30, 2017.

Community Development Fund 265

- 5) Housing Activities - Budget Ordinance Amendment B180159 to bring FY17 Community Development funds forward in the amount of \$100,000 for disaster relief

The Board is requested to approve Budget Ordinance Amendment B180159 to bring FY17 Community Development funds forward in the amount of \$100,000. On June 5, 2017 Cumberland County Community Development was awarded \$150,000 from the North Carolina Housing Finance Agency. This request is to bring the remaining FY17 funds forward to be used for housing rehabilitation projects for homes that were damaged due to Hurricane Matthew.

Contingency Funds Report – FY18

Contingency funds were not used.

MOTION: Commissioner Faircloth moved to approve consent agenda Items 2.A. – 2.F.5).
SECOND: Commissioner Boose
VOTE: UNANIMOUS (7-0)

3. Public Hearing on the Community Development Block Grant – Disaster Recovery (CDBG-DR) Program

BACKGROUND:

The State of North Carolina is the recipient of a CDBG-DR grant intended to address unmet housing needs associated with Hurricane Matthew. As one of the hardest hit counties, Cumberland County has been recognized as a grant sub-recipient and is expected to receive

\$34.7 million in aid for projects that address affordable housing needs in municipalities and in the unincorporated areas of the county.

Two Public Hearings regarding this subject are required prior to applying for this program, and the City of Fayetteville held one public hearing on August 28th at a Council Meeting. Staff originally planned to request a public hearing and present a copy of the proposed application to the Board at its regular meeting on September 18th. Unfortunately, the State changed the application deadline from October 1st to September 15th, thereby requiring the public hearing to be held at the September 5th Board meeting instead.

The CDBG-DR program will aid low and moderate income homeowners who experienced major to severe damage to their homes and have remaining unmet needs, after subtracting benefits from the Federal Emergency Management Agency (FEMA), Small Business Administration (SBA) and private insurance. This program will include reconstruction activities, acquisition and construction of new homes, and insurance subsidies to eligible low and moderate income families. The CDBG-DR Action Plan and the Cumberland County Resilient Redevelopment Plan are being used by the State as the basis for local priorities and projects that address unmet needs related to affordable housing.

The County will be the lead entity to receive funds and is required to work with all interested municipalities to determine how CDBG-DR funds will be distributed. It is being proposed that both the County and the City of Fayetteville, each having recognized Housing and Urban Development (HUD) entitlements, will implement the CDBG-DR programs with joint consensus about priorities and projects. The smaller municipalities of Cumberland County will fall under the County's HUD entitlement program for the purposes of this grant.

All projects must meet HUD standards. County Staff from Administration, Emergency Services, and Community Development have been working closely with their counterparts at the City of Fayetteville to complete an application to be submitted for the State's CDBG-DR Program.

RECOMMENDED/PROPOSED ACTION:

Hold the public hearing and take any comments and feedback.

Tracy Jackson, Assistant County Manager, recognized Cumberland County Community Development Director Dee Taylor, Fayetteville Community Development Director Victor Sharpe and Mr. Griffin with the N. C. Governor's Disaster Recovery office. Mr. Jackson reviewed the background information recorded above and noted that the State changed the application/proposal submission deadline from October 1st to September 15th and adjustments have been made accordingly. Mr. Jackson provided the following PowerPoint presentation containing important details about the proposed path forward concerning the CDBG-DR program. Mr. Jackson stated there are four counties with the greatest impact from Hurricane Matthew with Cumberland County being one of the four and the County is relying on the state's action plan to guide where the County can head with the funds coming down from the Federal Government to local counties and cities.

What is CDBG-DR?

- * Adapted from HUD's CDBG program and used to address unmet disaster recovery needs *for low to moderate income individuals*
- * Grant from the Federal Government to a state (recipient) to declared counties (sub-recipients)
- * Counties with the highest impact will receive the greatest percentage of assistance
- * State required to develop an Action Plan with funding priorities

Basis for Addressing Needs

- * State of NC CDBG-DR Action Plan
- * HUD Low to Moderate Income Criteria
- * Cumberland County Resilient Redevelopment Plan (focused on major and unmet needs)

Funding Priorities

- * Housing (#1 priority is affordable housing) divided into the following categories:
 - * Homeowner Recovery Program

- * Rental Housing Recovery Program
- * Multi-Family New Construction Program
- * Public Housing Restoration
- * Supportive Housing & Services
- * Economic Recovery
 - * Small Business Recovery
- * Public Infrastructure and Facilities
 - * Community Recovery Program

Mr. Jackson explained funding priorities for Public Infrastructure and Facilities are geared more towards community programs that provided services impacting low to moderate income individuals along the lines of community centers and schools, and not so much for dams and other types of infrastructure. Mr. Jackson repeated the number one priority is affordable housing.

How Much Aid is Anticipated?

- * \$34,760,000 or 22% of remaining grant award after the State deducts its share as the recipient will come down to Cumberland County
 - * By comparison, the other hardest hit counties in North Carolina will receive:
 - * Edgecombe: 18% or \$28,440,000
 - * Robeson: 45% or \$71,100,000
 - * Wayne: 15% or \$23,700,000

Program Administration

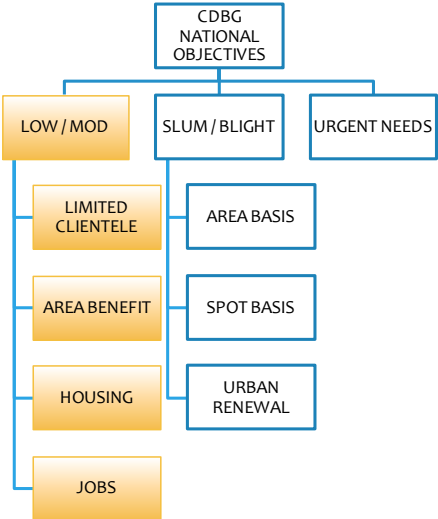
- * State will work with county as lead recipient (2 separate grant agreements could be executed and funds allocated to both Cumberland County and the City of Fayetteville; two separate entitlement programs to address different needs locally are being pursued)
- * County and City collaborating to identify and prioritize CDBG-DR eligible projects
- * County will work with its respective municipalities; Fayetteville is its own jurisdiction and the state agrees with that process
- * Cumberland is unique in that it has two HUD Entitlement Programs managed by the Community Development Departments of Cumberland County and the City of Fayetteville

Mr. Jackson stated conversations have been held with local municipalities to determine their needs or ideas related to this program.

Summary Draft Project Proposal

- * Includes rehabilitation/repair, reconstruction, & development
- * Single-Family (for home owners and rental properties) & Multi-Family Housing (rental properties)
- * Supportive Housing Services (to include homeless needs if that is agreed upon)
- * Small Business Recovery Assistance
- * Approx. 535 units and 100 Homeless Housed
- * \$23.3 million for City CDBG-DR projects
- * \$11.4 million for County CDBG-DR projects

Benefit to Low/Moderate Income



- * Limited Clientele – benefiting low-to-moderate income people
- * Area Benefit – at least 51% of the residents in the area have to be low-to-moderate income
- * Housing – the property has to be occupied by low-to-moderate income residents
- * Jobs – at least 51% of permanent jobs created or retained have to benefit low-to-moderate income residents
- * The income limit (at 80% of area median income) for a four-person household is \$41,850

Project Summary

Mr. Jackson stated a lot of different needs have been identified and many different types of approaches are being proposed to address those needs throughout the community to affect as many households as possible with the dollars that are available.

Program Name	Category	Project	Funding Amount		Units (City/County)
			City	County	
Homeowner Recovery Program	Single-Family Homeownership Rehabilitation	City-wide by application/ County-wide by application	\$2,500,000	\$1,000,000	50/20
	Single-Family Homeownership Reconstruction	City-wide by application/ County-wide by application	\$3,750,000	\$1,500,000	10/5
	Mobile Home Repair	City-wide by application/ County-wide by application	\$300,000	\$150,000	20/10
	Housing Repair Reimbursement	City-wide by application/ County-wide by application	\$250,000	\$125,000	10/5
	Single-Family Homeowner	Oakridge Estates	\$2,000,000		50 units constructed

Program Name	Category	Project	Funding Amount		Units (City/County)
			City	County	
Small Rental Repair Program	Small Rental Repair Program	City-wide by application/ County-wide by application	\$1,050,000	\$300,000	20/4
Multi-family Rental Housing	Multi-family Rental Housing Repair	Mt. Sinai Homes	\$4,950,000		99 units repaired
	Multi-family Rental Housing Development	To Be Determined		\$2,500,000	50 units constructed
	Multi-family Rental Housing Development	To Be Determined		\$500,000	10 units constructed
	Multi-family Rental Housing Development	To Be Determined	\$2,817,500	\$2,817,500	112

Program Name	Category	Project	Funding Amount		Units (City/County)
			City	County	
Supportive Housing Services Grant	Supportive Housing Services Grant	Permanent Supportive Housing (TBD)		\$2,500,000	50 units
Small Business Recovery Assistance	Small Business Recovery Assistance	Business Assistance	\$750,000		10 businesses assisted
Community Recovery Program	Community Recovery Program	Day Center/Homeless Shelter	\$5,000,000		100 clients housed
TOTAL			\$23,367,500	\$11,392,500	\$34,760,000

Mr. Jackson stated that it must be shown that structures which are reconstructed or rehabilitated must not be prone to damage from disaster in the future. Mr. Jackson stated it either has to be mitigated today or mitigated in the future before these funds can be dedicated. Mr. Jackson stated this is still about identifying needs and state and local officials will determine whether projects are viable and not high risk in terms of what is being proposed.

Timeline

- * Initial Proposal Submitted: August 11, 2017
- * Information Sessions for Public:
 - * August 24
 - * September 7, DSS at 7 pm

Public Hearings:

- * City: August 28 at 7 p.m
- * County: September 5 at 9 a.m.
- * Formal Proposal Due: September 15, 2017

Mr. Jackson concluded his presentation. Questions followed. Commissioner Council asked to have updates provided either at the committee level or to the full Board.

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 go forward with the CDBG-DR application.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (7-0)

ITEMS OF BUSINESS

4. Consideration of Ordinance Allowing the Sale of Alcoholic Beverages Before Noon on Sundays

BACKGROUND:

The North Carolina General Assembly approved Senate Bill 155 (An Act to Make Various Changes to the Alcoholic Beverage Control Commission Laws) in June. Commonly referred to as the “Brunch Bill,” Section 4 of the legislation allows counties and cities to adopt ordinances allowing permittees to sell alcoholic beverages beginning at 10 a.m. on Sundays. Under current law, alcoholic beverages may not be sold or consumed on any licensed premises before noon on Sunday.

The commissioners’ three-member Policy Committee considered the Brunch Bill at their August 3 meeting. The motion to bring the bill before the full seven-member board died because it was not seconded. Therefore, it did not appear on a full board agenda in August.

Commissioner Michael Boose requested the ordinance be considered on the September 5 Board of Commissioners agenda.

The City of Fayetteville adopted an ordinance on August 14 allowing sales to start at 10 a.m. on Sundays. No other municipalities in Cumberland County have adopted an ordinance permitting the earlier sales.

RECOMMENDATION/PROPOSED ACTION:

Consider whether Cumberland County should adopt the ordinance recorded below allowing for the sale of beer, wine and mixed beverages beginning at 10 a.m. on Sundays in the unincorporated areas.

**AN ORDINANCE TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES BEFORE NOON
ON SUNDAYS AT LICENSED PREMISES WITHIN THE UNINCORPORATED AREA OF
CUMBERLAND COUNTY**

WHEREAS, on June 29, 2017, the North Carolina General Assembly enacted Senate Bill 155, entitled “An Act to Make Various Changes to the Alcoholic Beverage Control Commission Laws”; and

WHEREAS, Section 4 of Ratified Senate Bill 155 authorizes city and county governments to adopt an ordinance to allow alcohol sales beginning at 10 a.m. on Sundays; and

WHEREAS, Ratified Senate Bill 155 was signed into law by Governor Roy Cooper on the 30th day of June, 2017, and became effective on that date (Session Law 2017, Chapter 87); and

WHEREAS, by enacting Senate Bill 155, North Carolina joins 47 other States in allowing alcohol service before noon on Sunday; and

WHEREAS, Sunday morning alcohol service will allow the hospitality community and retail merchants in our county to meet consumer demands of their customers; and

WHEREAS, Sunday morning alcohol service will benefit the County’s small business community, bring people into business districts earlier in the day, and generate increased tax revenues; and

WHEREAS, our County has a diverse population with different religious beliefs, each of which has various times and multiple days for worship.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Cumberland County, North Carolina that:

Section 1. Pursuant to the authority contained in G.S. 153A – 145.7, the sale of malt beverages, unfortified wine, fortified wine, and mixed beverages is allowed in the unincorporated areas of Cumberland County beginning at 10 a.m. on Sunday pursuant to the licensed premises’ permit issued under G.S 18B – 1001.

Section 2. This ordinance is effective at 10:00 a.m. the first Sunday following its adoption by the Board of Commissioners. .

Commissioner Boose referenced the proposed ordinance stating it is in line with what the North Carolina Restaurant and Lodging Association has indicated as to giving people the option and individual choice.

MOTION: Commissioner Boose moved to adopt the ordinance allowing for the sale of beer, wine and mixed beverages beginning at 10 a.m. on Sundays in the unincorporated areas.

SECOND: Commissioner Keefe

DISCUSSION: Chairman Adams clarified that the ordinance would pertain only to the unincorporated area in Cumberland County and not any of its municipalities. Commissioner Evans asked how many businesses in the unincorporated area would be affected. Mr. Moorefield stated he did not have that information but it will extend the hours of Kangaroo, other quick marts and any entities already permitted to sell alcoholic beverages. Commissioner Evans stated his understanding was that the intent was to help with the finances of small businesses and other businesses in the rural areas. Mr. Moorefield stated a finding or necessity has to be expressed in an ordinance and the language in the proposed ordinance such as assisting small businesses by meeting the preferences of their customers satisfies that finding of necessity.

VOTE: PASSED (6-1) (Commissioners Boose, Lancaster, Keefe, Faircloth, Council and Adams voted in favor; Commissioner Evans voted in opposition)

Mr. Moorefield stated because the ordinance was approved by a majority of those voting but not by all members of the Board, it will be considered at the next regular meeting and, if at that meeting the ordinance receives a majority of the votes, it will be adopted.

5. Nominations to Boards and Committees

A. Joint Planning Board (2 Vacancies)

Commissioner Council nominated Diane Wheatley and J. Carl Manning.

6. Appointments to Boards and Committees

A. Fayetteville-Cumberland Parks and Recreation Advisory Commission
(2 Vacancies)

Nominees: Stacy Carr III (Reappointment)
Scott Pope (Reappointment)

MOTION: Commissioner Evans moved to appoint Stacy Carr III and hold the appointment of Scott Pope in abeyance until the next meeting.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

7. Closed Session
- A. Attorney-Client Matter(s)
Pursuant to NCGS 143-318.11(a)(3)
- B. Economic Development Matter(s)
Pursuant to NCGS 143-318.11(a)(4)

MOTION: Commissioner Faircloth moved to go into closed session for Attorney Client Matter(s) pursuant to NCGS 143-318.11(a)(3) and Economic Development Matter(s) pursuant to NCGS 143-318.11(a)(4).

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Evans moved to reconvene in open session.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Evans moved to adjourn.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 10:20 a.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board