

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
DECEMBER 17, 2012 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR/REZONING MEETING
MINUTES

PRESENT: Commissioner Jimmy Keefe, Chairman
Commissioner Jeannette Council, Vice Chairman
Commissioner Kenneth Edge
Commissioner Charles Evans
Commissioner Marshall Faircloth
Commissioner Ed Melvin
James Martin, County Manager
Amy Cannon, Deputy County Manager/Finance Officer
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Chief Public Information Officer
Tom Lloyd, Planning and Inspections Director
Buck Wilson, Public Health Director
Jeffrey Brown, County Engineer
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

ABSENT: Commissioner Billy King

Chairman Keefe called the meeting to order and called for a moment of silence for the victims and families of the school shooting in Connecticut. Chairman Keefe noted Commissioner King was unable to attend the meeting due to illness.

INVOCATION

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

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

James Martin, County Manager, read the public comment period policy. Chairman Keefe recognized the Clerk to the Board who called the following speaker:

Ann Redding – Ms. Redding expressed concern that the changes in mental health will leave people in the county with no services and no place to turn. Ms. Redding stated therapists are jumping ship because there is no job security, and the county will end up with criminals on the streets and more people in jail.

Recognition of 2012 Excellence Award for Cumberland County Mental Health Center

Commissioner Faircloth recognized Hank Debnam, Mental Health Area Director, for the Programs of Excellence Award received by the Cumberland County Mental Health Center. Commissioner Faircloth stated the winners were honored during the NC Council's Conference and Exhibition in Pinehurst on Thursday, December 6, 2012 and the award was in the category of Prevention, Outreach and Wellness for the Strengthening Families program. Commissioner Faircloth explained the Strengthening Families Program is an evidence based parenting program sponsored by Cumberland County Community Collaborative and the training helps families with school age children to gain knowledge in setting limits and boundaries, develop better communication skills, and assists with skill building activities that focus on resolving conflict. Mr. Debnam offered comments about the Cumberland County Community Collaborative and stated he was appreciative of the recognition.

Mr. Martin requested an addition to the agenda as Item 3.H.(16) of a request received from Mr. Debnam for the extension of an Accounting Clerk (Claims) position, a Lead Worker (Claims-A/R) position, a LMH Administrator position and a Computer Tech position through January 31, 2013 (budget revisions B13-209, B13-209A and B13-209B). Mr. Martin explained the request is due to the delay of the Managed Care Organization (MCO) start date for Alliance Behavioral Healthcare and the state will continue to allocate funds to Cumberland County LME to extend these positions that were originally scheduled for termination on December 31, 2012.

Mr. Martin also requested an addition to the agenda as Item 4.I. for the continuation of the public hearing from the November 19, 2011 meeting on the closure of a portion of Wade-Stedman Road.

Commissioner Faircloth requested an addition to the agenda of a request for the extension of three Mental Health positions for January through June, 2013: two Volunteer Services positions at \$43,364 and a Management/Lead Worker IV position at \$22,705. Commissioner Evans asked that the positions be considered for an extension of one year.

Chairman Keefe called for motions to add the items as requested to the agenda.

MOTION: Commissioner Evans moved to approve the addition to the agenda of a request received from Mental Health Director Hank Debnam for the extension of an Accounting Clerk (Claims) position, a Lead Worker (Claims-A/R) position, a LMH Administrator position and a Computer Tech position through January 31, 2013 (budget revisions B13-209, B13-209A and B13-209B).

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Melvin moved to approve the addition to the agenda for the continuation of the public hearing on the closure of a portion of Wade-Stedman Road as Item 4.I.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Faircloth moved to approve the addition to the agenda of a request for the extension of three Mental Health positions for January through June, 2013: two Volunteer Services positions at \$43,364 and a Management/Lead Worker IV position at \$22,705.

SECOND: Commissioner Evans

DISCUSSION: Commissioner Melvin asked Mr. Martin why he had not recommended the extension of the three Mental Health positions. Mr. Martin explained the Management/Lead Worker IV position reviews applications for concealed weapons permits for any history of treatment for mental illness and Buck Wilson, Health Department Director, agreed those duties could be handled utilizing existing staff in the Health Department. Mr. Martin further explained the two Volunteer Services positions have been utilized to operate a food pantry and clothes closet in addition to helping the Mental Health Auxiliary, a nonprofit 501(c)(3). Mr. Martin stated the Mental Health Auxiliary had itself designated as the payee for social security payments and other forms of compensation for 150 clients and Mental Health assigned those two Volunteer Services positions to help the Mental Health Auxiliary with those duties. Mr. Martin further stated the Mental Health Auxiliary gets paid \$30 per client each month and the reason he did not recommend the extension of the two positions was because the Mental Health Auxiliary nonprofit agency received payment to perform the duties.

VOTE: FAILED (3-3) (Commissioners Evans, Faircloth and Keefe voted in favor; Commissioners Melvin, Council and Edge voted in opposition)

1. Approval of Agenda

MOTION: Commissioner Melvin moved to approve the agenda as amended.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

2. Presentation of the FY 2012 Annual Audit by Ms. Michelle Thompson, CPA, Partner, Cherry, Bekaert and Holland, L.L.P.

BACKGROUND:

The annual audit has been completed by the independent certified public accounting firm of Cherry, Bekaert and Holland, L.L.P. Michelle Thompson, Partner, with Cherry, Bekaert &

Holland, L.L.P., is prepared to present the results of the annual audit to the Board of County Commissioners at the December 17, 2012 Commissioners' meeting.

RECOMMENDATION/PROPOSED ACTION:

Recommend that the Board of County Commissioners accept the independent auditor's report.

Chairman Keefe called on Amy Cannon, Deputy County Manager/Finance Officer, who introduced Michelle Lloyd Thompson, a partner with Cherry, Bekaert & Holland, L.L.P. Ms. Cannon also recognized Eddie Burke, a partner with Cherry, Bekaert & Holland, L.L.P. and Linda Suggs, Cherry, Bekaert & Holland, L.L.P. local office manager. Ms. Cannon asked Ms. Thompson to proceed with the audit report and the report on Cumberland County's financial statements for fiscal year ended June 30, 2012.

Ms. Thompson provided the following presentation, beginning with the audit opinion:

Audit Results:

- Generally Accepted Auditing Standards -Basic Financial Statements:
 - Unqualified – “clean opinion”
 - Represents *highest* level of assurance a Certified Public Accountant can give
- Government Auditing Standards (an additional set of standards that must be applied)
- OMB Circular A-133 – State and Federal Financial Assistance:
 - Unqualified – “clean opinion” on single audit of federal and state grant expenditures, the highest level of assurance a Certified Public Accountant can give

Ms. Thompson called attention to the Statement of Auditing Standards 114, a required communication to the Board of Commissioners.

Ms. Thompson reported the General Fund's revenues and transfers exceeded the General Fund's expenditures and transfers out by \$1.6 million. Ms. Thompson further reported that this gain when added to the beginning Fund Balance resulted in an ending Fund Balance of \$105.2 million. Ms. Thompson stated the legally budgeted County School Fund is consolidated into the General Fund for financial reporting purposes and total revenues plus expenditures less transfers out plus the fund's beginning Fund Balance of \$7.9 million resulted in a net surplus of \$6.98 million. Ms. Thompson reported this added to the \$105.2 million resulted in a combined General Fund ending balance of \$112 million. Ms. Thompson advised this Fund Balance is only for reporting purposes.

“Audit” General Fund Summary

Ms. Thompson reported Fund 112-Mental Health has a negative \$1.6 million in revenue over expenditures and Fund 106-County School ended the year with almost a \$1 million deficit which was a planned use of the Fund Balance. Ms. Thompson reported Fund 101-General Fund has a surplus of \$3.2 million.

General Fund Summary- Expanded

Ms. Thompson reported the revenues recognized were \$344.3 million which was \$624,000 below budget. Ms. Thompson stated this is actually good considering the final budget amount included a Fund Balance appropriation of \$14.7 million. Ms. Thompson called attention to the funds with positive variances and stated these indicated management and the Board of Commissioners' conservative budgeting estimates, which is a good policy the county has been implemented over the years, serves as a shining example across the state during the current economic times.

Ms. Thompson reported restricted intergovernmental revenues had a negative \$3.99 million variance due to unrealized revenues in the cumulative government departments. Ms. Thompson advised a negative variance in this category is not bad because generally these revenues are offset by decreases in expenditures. Ms. Thompson reported the proceeds from long-term debt had a negative variance of \$3.499 million which is again an offset related to a reduction on the spending side.

Fund 101 (General Fund) Revenues

Ms. Thompson reported all variances are positive which indicates all spending is within budgetary limits. Ms. Thompson stated a negative variance would have indicated a violation of general statutes. Ms. Thompson reported the positive revenue over expenditures is \$3.2 million.

Fund 101 (General Fund) Expenditures

Ms. Thompson stated last year GASB Statement 54 redefined the way Fund Balance is categorized with the focus being the constraints placed on the use of the funds and the source of the funds. Ms. Thompson provided definitions for the Fund Balance categories of non-spendable, restricted, committed, assigned and unassigned.

Fund Balance Categories

Ms. Thompson reported the General Fund balance is \$112 million and of that \$18.3 related to Fund 112-Mental Health and \$6.9 million related to Fund 106-County School. Ms. Thompson reported the internally generated Fund 101-General balance of \$30.6 million is unassigned and represents 10.94% of the current year's expenditures. Ms. Thompson reported Mental Health and County Schools have no unassigned balances as most of the Fund Balances are in other categories. Ms. Thompson stated in order for the combined Fund Balance to be the 10% required for the total fund, which is the internal policy set by this Board of Commissioners, it was necessary to have 10.94% unassigned in Fund 101. Ms. Thompson reported the total available Fund Balance, which included assigned and unassigned, is 22%. Ms. Thompson stated the Board of Commissioners set a minimum of 15% for the total available Fund Balance.

Fund Balance History – Fund 101

Ms. Thompson reviewed a history or trending of the Fund Balance-Fund 101 for 2003 through 2012 and stated funds over 10% may be set aside for special purposes or for specific one-time expenditures. Ms. Thompson stated the Local Government Commission's minimum is set at 8%.

MOTION: Commissioner Faircloth moved to accept the fiscal year 2012 audit report.
SECOND: Commissioner Edge
VOTE: UNANIMOUS (6-0)

3. Consent Agenda

Commissioner Edge requested that Items 3.H.(14), 3.H.(15)a., 3.H.(15) b., 3.H.(15)c., and 3.H.(15) d. be pulled for separate discussion and action.

- A. Approval of minutes for the December 3, 2012 regular meeting
- B. Approval of Proposed Additions to the State Secondary Road System:

Cypress Lakes Village Subdivision: Pride Lane (SR 2974 Ext), Vergeland Drive
Epic Way, Perfection Lane, Debut Avenue

Rosewood Farm Subdivision: Roseway Court

BACKGROUND:

The North Carolina Department of Transportation has received petitions requesting the following streets be placed on the State Secondary Road System for maintenance (see attached):

Cypress Lakes Village Subdivision: Pride Lane (SR 2974 Ext), Vergeland Drive
Epic Way, Perfection Lane, Debut Avenue

Rosewood Farm Subdivision: Roseway Court

DOT has determined that the above streets are eligible for addition to the state system.

RECOMMENDATION/PROPOSED ACTION:

NCDOT recommends that the above named streets be added to the State Secondary Road System. County Management concurs. Approve the above listed streets for addition to the State Secondary Road System.

- C. Approval of Destruction of Finance Department Records

Pursuant to the resolution adopted by the Board of County Commissioners on February 4, 1985, authorization is requested to destroy Finance Department records noted below. The destruction of these records is in accordance with the Records Retention and Disposition Schedule issued by the North Carolina Division of Archives and History which was previously adopted by the Board of Commissioners.

BACKGROUND:

Pursuant to a resolution adopted by the Board of County Commissioners on February 4, 1985, the County Manager has authorized destruction of certain Finance Department records. See below.

1. Records with three-year retention requirement (dated prior to July 1, 2009).
 - a. Fiscal correspondence/memorandums.
 - b. Bank statements, canceled checks. Deposit slips, and reconciliation file.
 - c. Purchasing – request for proposals for purchase contracts, purchase orders, and requisitions.
 - d. Cash receipt report files.
 - e. Check registers
 - f. Investment records.
 - g. Journal vouchers.
 - h. LGC financial statements.
 - i. Invoices.
 - j. Employee Earnings Record File – Local government retirement system monthly reports.
Payroll file – salaries paid and deductions file.
2. Records with two-year retention requirement (dated prior to July 1, 2010).
 - a. Employee benefits register file.
3. Records with one-year retention requirement (dated prior to July 1, 2011).
 - a. Daily journal and ledger printouts.
 - b. Monthly detail reports, except June 30 which is permanent.
4. Records that have been superseded or obsolete.
 - a. Property and equipment inventory files.

The destruction of these records is in accordance with the Records Retention and Disposition Schedule issued by the North Carolina Division of Archives and History and adopted by the Board of County Commissioners’.

RECOMMENDATION/PROPOSED ACTION:

Accept the report on disposition of records and include same in minutes of the December 17, 2012, Board of Commissioners’ Meeting.

- D. Approval of Bid Award to NetSmart for Electronic Health Record System for the Public Health Department

BACKGROUND:

The Cumberland County Purchasing Department received formal bids for an integrated Electronic Medical Records System (EMR) for the Cumberland County Health Department. Funds are available in the Capital Project Fund for the Public

Health Center. This EMR System was originally contemplated to be purchased as part of construction of the new facility.

The bid received by NetSmart was \$323,312 and is the best choice based on familiarity with local public health services, NetSmart's current working relationship with Cumberland County and the fact that 12 local Health Departments are using NetSmart products with great success. NetSmart is the best overall product for the needs of the Cumberland County Health Department.

RECOMMENDATION/PROPOSED ACTION:

The Cumberland County Purchasing Department and Management recommend that the Board of County Commissioners accept the bid award to NetSmart in the amount of \$322,312.

- E. Approval of Bid Award to Bass Air Conditioning Company for Central Maintenance Facility Upgrades

BACKGROUND:

Informal bids were received on November 15, 2012 for HVAC and electrical upgrades to the Central Maintenance Facility (CMF) located on Mayview Street. The existing HVAC system is not adequate for the building, and the upgrades will allow outside air into the building ventilation system which is a current code requirement. The electrical upgrades consist of reworking all the existing electrical panels to include the ability to add a generator in the future if the need shall arise. Attached is the certified bid tabulation and the project engineer's (Progressive Design Collaborative, LTD) letter of recommendation. The low bid was submitted by Bass Air Conditioning Company, Inc., in the amount of \$115,450. In addition, a 5% contingency in the amount of \$5,773 is recommended. Funding has already been appropriated for this project.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director and County Management recommend that the Board of Commissioners:

1. Accept the bids for the Cumberland County Central Motor Fleet – HVAC Upgrade Project and award a contract to Bass Air Conditioning Company in the amount of \$115,450.
2. Establish a contingency in the amount of \$5,773 to be used for additional work recommended by the E&I Director and approved by the County Manager.

- F. Approval of Payment of Past Year Invoice for Cumberland County Crown Coliseum

BACKGROUND:

The Cumberland County Crown Center has requested payment for a FY2012 invoice for services rendered by Le Bleu Water Fayetteville. The total amount to be paid is \$101.65. The Crown has implemented procedures to prevent reoccurrence.

RECOMMENDATION/PROPOSED ACTION:

Management is requesting approval for payment of the above invoice in the amount of \$101.65 and approval of the associated budget revision.

G. Approval of Ordinance Assessing Property for the Cost of Demolition:

- 1) Case Number: MH 6609-2011
Property Owner: Lanny Ray & Billy K. Marler
Property Location: 5917 Kelly's Landing Road, Fayetteville, NC
Parcel Identification Number: 0454-52-1756

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH6609-2011
PROPERTY OWNER: Lanny Ray & Billy K. Marler

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on April 16, 2012, enacted an ordinance directing the demolition by the owner(s) of the structure(s)

Lanny & Billy K. Marler, located at 5917 Kelly's Landing Road, Fayetteville, NC, PIN: 0454-52-1756, said ordinance being recorded in Book 8882, page 480, of the Cumberland County Registry of Deeds;

WHEREAS, the time within which said demolition was to be performed has expired and the owner(s) failed to comply with the ordinance within such period; and

WHEREAS, the said ordinance further directed the Minimum Housing Inspector to effect the demolition of the structure(s) in the event the owner(s) failed to do so;

WHEREAS, the Minimum Housing Inspector has reported to this Board that:

- (1) Said work had been accomplished.
- (2) The cost of such work was \$2,400.00.
- (3) There were no salable materials resulting from said work.

NOW THEREFORE, the above report coming on to be considered and the Board of County Commissioners' finding it to be a true and accurate accounting, the said Board hereby ORDAINS:

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$2,400.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated April 16, 2012, and in Section 160A-443(6) of the General Statutes of North Carolina, the amount of the

foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at 5917 Kelly's Landing Road, Fayetteville, NC, as described in Deed Book 3397, page 869, of the Cumberland County Registry and identified in County tax records as PIN 0454-52-1756.

(3) That as further provided in Section 160A-443(6) of the General Statutes of North Carolina, such lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of said General Statutes;

(4) That one copy of this resolution be filed in the minutes of this Board of County Commissioners and another copy certified and delivered by the Clerk as a charge to the Tax Collector, who shall thereupon enter the amount of the assessment set forth above upon the Tax Books of the County as a special assessment against the above described property.

- 2) Case Number: MH 6733-2012
Property Owner: Audley M Edmondson
Property Location: 1608 Shaw Road, Fayetteville, NC
Parcel Identification Number: 0419-95-8343

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH6733-2012
PROPERTY OWNER: Audley M. Edmondson

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on September 17, 2012, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Audley M. Edmondson, located at 1608 Shaw Road, Fayetteville, NC, PIN: 0419-95-8343, said ordinance being recorded in Book 9001, page 580, of the Cumberland County Registry of Deeds;

WHEREAS, the time within which said demolition was to be performed has expired and the owner(s) failed to comply with the ordinance within such period; and

WHEREAS, the said ordinance further directed the Minimum Housing Inspector to effect the demolition of the structure(s) in the event the owner(s) failed to do so;

WHEREAS, the Minimum Housing Inspector has reported to this Board that:

- (1) Said work had been accomplished.
- (2) The cost of such work was \$2,442.00.
- (3) There were no salable materials resulting from said work.

NOW THEREFORE, the above report coming on to be considered and the Board of County Commissioners' finding it to be a true and accurate accounting, the said Board hereby ORDAINS:

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$2,442.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated September 17, 2012, and in Section 160A-443(6) of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at 1608 Shaw Road, Fayetteville, NC, as described in Deed Book 6596, page 323, of the Cumberland County Registry and identified in County tax records as PIN 0419-95-8343.

(3) That as further provided in Section 160A-443(6) of the General Statutes of North Carolina, such lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of said General Statutes;

(4) That one copy of this resolution be filed in the minutes of this Board of County Commissioners and another copy certified and delivered by the Clerk as a charge to the Tax Collector, who shall thereupon enter the amount of the assessment set forth above upon the Tax Books of the County as a special assessment against the above described property.

- 3) Case Number: MH 6711-2012
Property Owner: Towers Realty Group, LLC
Property Location: 6115 Pineview Street, Fayetteville, NC
Parcel Identification Number: 0520-87-5808

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH6711-2012
PROPERTY OWNER: Towers Realty, LLC c/o Curtis James

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on September 17, 2012, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Towers Realty, LLC c/o Curtis James, located at 6115 Pineview Street, Fayetteville, NC, PIN: 0520-87-5808, said ordinance being recorded in Book 9001, page 583, of the Cumberland County Registry of Deeds;

WHEREAS, the time within which said demolition was to be performed has expired and the owner(s) failed to comply with the ordinance within such period; and

WHEREAS, the said ordinance further directed the Minimum Housing Inspector to effect the demolition of the structure(s) in the event the owner(s) failed to do so;

WHEREAS, the Minimum Housing Inspector has reported to this Board that:

- (1) Said work had been accomplished.
- (2) The cost of such work was \$3,000.00.
- (3) There were no salable materials resulting from said work.

NOW THEREFORE, the above report coming on to be considered and the Board of County Commissioners' finding it to be a true and accurate accounting, the said Board hereby ORDAINS:

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$3,000.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated September 17, 2012, and in Section 160A-443(6) of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at 6115 Pineview Street, Fayetteville, NC, as described in Deed Book 7038, page 565, of the Cumberland County Registry and identified in County tax records as PIN 0520-87-5808.

(3) That as further provided in Section 160A-443(6) of the General Statutes of North Carolina, such lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of said General Statutes;

(4) That one copy of this resolution be filed in the minutes of this Board of County Commissioners and another copy certified and delivered by the Clerk as a charge to the Tax Collector, who shall thereupon enter the amount of the assessment set forth above upon the Tax Books of the County as a special assessment against the above described property.

- 4) Case Number: MH 6712-2012
Property Owner: Towers Realty Group, LLC
Property Location: 6137 Pineview Street, Fayetteville, NC
Parcel Identification Number: 0520-88-4061

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH6712-2012
PROPERTY OWNER: Towers Realty, LLC c/o Curtis James

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on September 17, 2012, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Towers Realty, LLC c/o Curtis James, located at 6137 Pineview Street, Fayetteville, NC, PIN: 0520-88-4061, said ordinance being recorded in Book 9001, page 586 , of the Cumberland County Registry of Deeds;

WHEREAS, the time within which said demolition was to be performed has expired and the owner(s) failed to comply with the ordinance within such period; and

WHEREAS, the said ordinance further directed the Minimum Housing Inspector to effect the demolition of the structure(s) in the event the owner(s) failed to do so;

WHEREAS, the Minimum Housing Inspector has reported to this Board that:

- (1) Said work had been accomplished.
- (2) The cost of such work was \$2,600.00.
- (3) There were no salable materials resulting from said work.

NOW THEREFORE, the above report coming on to be considered and the Board of County Commissioners' finding it to be a true and accurate accounting, the said Board hereby ORDAINS:

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$2,600.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated September 17, 2012, and in Section 160A-443(6) of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at 6137 Pineview Street, Fayetteville, NC, as described in Deed Book 7038, page 565, of the Cumberland County Registry and identified in County tax records as PIN 0520-88-4061.

(3) That as further provided in Section 160A-443(6) of the General Statutes of North Carolina, such lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of said General Statutes;

(4) That one copy of this resolution be filed in the minutes of this Board of County Commissioners and another copy certified and delivered by the Clerk as a charge to the Tax Collector, who shall thereupon enter the amount of the assessment set forth above upon the Tax Books of the County as a special assessment against the above described property.

H. Budget Revisions:

(1) Library Grants

Revision in the amount of \$5,000 to recognize an Institute of Museum and Library Services grant to fund interactive items at the Library. (B13-190) Funding Source – Grant

(2) School C.o. Category I/ Category II

Revisions in the total amount of \$2,110,610 to appropriate fund balance for school capital outlay buildings (\$1,340,000) and school capital outlay equipment (\$770,610). (B13-193 and B13-193A) Funding Source – Sales Tax Fund Balance

(3) Public Facilities Management

Revision in the amount of \$69,615 to appropriate maintenance and renovation fund balance for replacement of chiller at the Agri-Expo Center. (B13-196) Funding Source – Maintenance and Renovation Fund Balance

(4) Health

Revision in the amount of \$40,000 to budget anticipated fees in Adult Health program to provide a medical doctor for services to be reimbursed by Cumberland Healthnet. (B13-197) Funding Source – Fees

(5) 2009 QSCB Projects/New Century Middle/General Government

Revisions in the total amount of \$419,024 to closeout Fund 019 by transferring funds to New Century Middle School (\$418,718) and transfer funds to General Fund (\$306). (B13-194 thru B13-194B) Funding Source - Qualified School Construction Bonds

(6) Cooperative Extension

Revision in the amount of \$6,125 to budget Junior League of Fayetteville grant for the “Read Me a Story” project (\$1,400) and In-kind services (\$4,725). (B13-199) Funding Source – Grant and In-kind

(7) Eastover Sanitary District General Fund

Revision in the amount of \$23,874 to appropriate fund balance to contract with Customer Controls Unlimited to replace the sewer lift station radios and antennas. (B13-198) Funding Source – Fund Balance Appropriated

(8) Eastover Fire District

Revision in the amount of \$6,000 to cover unanticipated refunds to taxpayers. (B13-202) Funding Source – Eastover Fire Tax

(9) Manchester Fire District

Revision in the amount of \$250 to cover unanticipated refunds to taxpayers. (B13-203) Funding Source – Manchester Fire Tax

(10) Westarea Fire District

Revision in the amount of \$400 to cover unanticipated refunds to taxpayers. (B13-204) Funding Source – Westarea Fire Tax

(11) Animal Control

Revision in the amount of \$114,543 to appropriate fund balance to cover additional expenses: laptops, radios and supplies for vehicles; uniforms for personnel, supplies for trappers and software. (B13-201) Funding Source – Fund Balance Appropriated

(12) Sheriff

Revision in the amount of \$60,503 to recognize insurance proceeds to purchase for two new replacement vehicles. (B13-205) Funding Source – Insurance Proceeds

(13) JCP Programs

Revision in the amount of \$50,000 to recognize state grant for Gaining Awareness through Education (GATE) program. (B13-206) Funding Source – State

(14) PULLED FOR SEPARATE DISCUSSION AND ACTION AS RECORDED BELOW

(15) Mental Health Other

a. PULLED FOR SEPARATE DISCUSSION AND ACTION AS RECORDED BELOW

b. PULLED FOR SEPARATE DISCUSSION AND ACTION AS RECORDED BELOW

- c. PULLED FOR SEPARATE DISCUSSION AND ACTION AS RECORDED BELOW
- d. PULLED FOR SEPARATE DISCUSSION AND ACTION AS RECORDED BELOW

(16) Mental Health – Other

Revision for the extension of an Accounting Clerk (Claims) position in the amount of \$3,069, a Lead Worker (Claims-A/R) position in the amount of \$3,486, a LMH Administrator position in the amount of \$4,901 and a Computer Tech position in the amount of \$4,311 through January 31, 2013. (B13-209, B13-209A and B13-209B)

MOTION: Commissioner Faircloth moved to approve the consent agenda with the exception of Items 3.H.(14), 3.H.(15)a., 3.H.(15) b., 3.H.(15)c., and 3.H.(15) d. as pulled for separate discussion and action

SECOND: Commissioner Edge

VOTE: UNANIMOUS (6-0)

Chairman Keefe called on Commissioner Edge who posed questions regarding budget revisions B13-208, B13-208A, B13-208B, B13-208C and B13-208D. Ms. Cannon stated a cost center had been established to separately account for the Managed Care Organization (MCO) beginning January 1, 2013 which was called Mental Health Other. Ms. Cannon explained this cost center was established so all county funding for Mental Health services and items could be segregated.

Ms. Cannon stated budget revision B13-208C appropriated Mental Health Fund Balance in the total amount of \$75,575 as requested by the Mental Health Director to fund operating supplies/costs in the amount of \$14,325, legal services in the amount of \$21,250, and to provide \$40,000 for five mini-grants through June 30, 2013. Ms. Cannon explained the five mini-grants included \$10,500 to Better Health of Fayetteville, \$7,500 to the Autism Society of Cumberland County, \$8,000 to the Child Advocacy Center, Inc., \$10,000 to the Cumberland County Mental Health Auxiliary and \$4,000 to the National Alliance for the Mentally Ill of Cumberland County.

Commissioner Edge stated all of the agencies receiving the mini-grants are good organizations that do a great deal of good for Cumberland County; however, they are all 501(c)(3) nonprofit organizations and no county department should be granting mini-grants to any agencies because that is the prerogative of the Board of Commissioners. Commissioner Edge stated there are many agencies in the county that provide services to mental health patients other than the five contained in the budget revision.

Ms. Cannon explained budget revision B13-208D for Smart Start was for the Early Intervention Program and there are three Mental Health employees funded by Smart Start funds with a small match by the county. Ms. Cannon stated the Board is being asked to fund the three positions through June 30, 2013 at the request of Smart Start because after that date, Smart Start will go

through its normal budget process and move the Early Intervention Program beginning July 1, 2013.

Item 13.H. (14) General Government Other/ Mental Health Other

Revision in the amount of \$292,647 to reallocate budgeted expenditures for Roxie Center, the Sobriety Court and the Majors program to a new organization in order to consolidate County funded mental health programs. (B13-208) Funding Source – County

(15) Mental Health Other

a. Revision in the amount of \$292,647 to budget expenditures for Roxie Center, the Sobriety Court and the Majors program that were transferred from other organizations; to budget \$1,054,004 of fund balance appropriated for Mental Health Services \$292,328, Substance Abuse Services \$371,853, Developmental Disabilities Services \$328,126, and Crisis Services \$61,697; to budget \$107,514 of ABC revenue for substance abuse services. (B13-208A) Funding Source – Reallocated Expenditures, Fund Balance Appropriated, ABC 5-Cent Tax and Profit for Education

b. Revision in the amount of \$72,642 to continue the Crisis Intervention Training Coordinator and Juvenile Court Liaison positions through June 30, 2013. (B13-208B) Funding Source- Fund Balance Appropriated

c. Revision in the amount of \$75,575 to appropriate fund balance to fund operating supplies/costs \$14,325, legal services \$21,250, and to provide \$40,000 for five mini-grants through June 30, 2013. (B13-208C) Funding Source- Fund Balance Appropriated

d. Mental Health Smart Start

Revision in the amount of \$97,582 to recognize revenue to continue funding the Smart Start and Head Start programs through June 30, 2013 (B13-208D) Funding Source- State, Grant, and Fund Balance Appropriated

MOTION: Commissioner Edge moved to approve Items 3.H.(14), 3.H.(15)a., 3.H.(15) b., 3.H.(15)c., and 3.H.(15) d. with the exception of the \$40,000 for five mini-grants through June 30, 2013 as requested under budget revision B13-208C.

SECOND: Commissioner Council

VOTE: PASSED (4-2) (Commissioners Melvin, Council, Keefe and Edge voted in favor; Commissioners Evans and Faircloth voted in opposition)

4. Public Hearings

Mr. Martin explained the Board of Commissioners' procedures for public hearings.

Chairman Keefe called on Tom Lloyd, Planning and Inspections Director, who stated the six public hearing zoning cases were uncontested and recommended for approval by the Joint Planning Board. Mr. Lloyd stated there were no speakers for the six zoning cases.

These are the duly advertised/noticed public hearings set for this date and time.

Uncontested Rezoning Cases

- A. Case P12-27: Rezoning of 2.97+/- acres from C3 Heavy Commercial and RR Rural Residential to C(P) Planned Commercial or to a more restrictive zoning district; located at 3893 and 3899 Clinton Road and northwest of SR 1006 (Clinton Road), southeast of Sunnyview Lane; submitted by Catherine L. and Donnie Hare McLaurin (owners) and William B. Snively, PLS.

RECOMMENDATION: Members present at the November 20, 2012 meeting of the Joint Planning Board recommended adoption and approval of the consistency and reasonableness statements and to approve C(P) Planned Commercial District.

- B. Case P12-58: Rezoning of 2.41+/- acres from A1 Agricultural to R40A Residential or to a more restrictive zoning district, located at 6370 Murphy Road, submitted by Doene Carter (owner).

RECOMMENDATION: Members present at the October 16, 2012 meeting of the Joint Planning Board recommended adoption and approval of the consistency and reasonableness statements and to approve R40A Residential District.

- C. Case P12-67: Rezoning of 3.07+/- acres from A1 Agricultural to R40A Residential or to a more restrictive zoning district, located at 2742 and 2748 Fields Road, submitted by Allen B. and Sherylene M. Cosand (owners).

RECOMMENDATION: Members present at the November 20, 2012 meeting of the Joint Planning Board recommended adoption and approval of the consistency and reasonableness statements and to approve R40A Residential District.

- D. Case P12-69: Rezoning of 1.37+/- acres from M(P) Planned Industrial to R20 Residential or to a more restrictive zoning district, located at the north west quadrant of SR 2341 (Claude Lee Road) and SR 2219 (Snow Hill Road), submitted by Timothy B. Evans (owner) and Huxley A. Jones.

RECOMMENDATION: Members present at the November 20, 2012 meeting of the Joint Planning Board recommended adoption and approval of the consistency and reasonableness statements and to approve R20A Residential District.

- E. Case P12-70: Rezoning of 4.00+/- acres from A1 Agricultural to R40A Residential or to a more restrictive zoning district, located at 1101 and 1105 Old Vander Road, submitted by Velma A. Reynolds West and Mark West (owners).

RECOMMENDATION: Members present at the November 20, 2012 meeting of the Joint Planning Board recommended adoption and approval of the consistency and reasonableness statements and to approve R40A Residential District.

- F. Case P12-74: Rezoning of .86+/- acre from C1(P) Planned Local Business to C2(P) Planned Service and Retail or to a more restrictive zoning district, located at 7162 Rockfish Road, submitted by Wendi P. Kmet (owner) and David L. Zuravel, Esq.

RECOMMENDATION: Members present at the November 20, 2012 meeting of the Joint Planning Board recommended adoption and approval of the consistency and reasonableness statements and to approve C2(P) Planned Service and Retail District.

Chairman Keefe opened the public hearing for Case P12-27, Case P12-58, Case P12-67, Case P12-69, Case P12-70 and Case 12-74.

The Clerk to the Board advised there were no speakers for Case P12-27, Case P12-58, Case P12-67, Case P12-69, Case P12-70 and Case 12-74.

Chairman Keefe closed the public hearing for Case P12-27, Case P12-58, Case P12-67, Case P12-69, Case P12-70 and Case 12-74.

- MOTION: Commissioner Melvin moved to approve the recommendation of the Joint Planning Board for Case P12-27, Case P12-58, Case P12-67, Case P12-69, Case P12-70 and Case 12-74.
- SECOND: Commissioner Faircloth
- VOTE: UNANIMOUS (6-0)

Other Public Hearings

- G. Public Hearing on the FY 2014 Community Transportation Program Grant

BACKGROUND:

The NCDOT deadline for the yearly application for the Community Transportation Program Grant funds is December 28, 2012. The required Public Hearing was advertised in the Fayetteville Observer on December 7, 2012 for the Board's December 17, 2012 6:45 P.M. meeting. This is the annual request that funds the administration portion of the Cumberland County Community Transportation Program. The funding period is July 1, 2013 to June 30, 2014. The Community Transportation Program is requesting the following funding amounts from NCDOT – Public Transportation Division:

<u>Project</u>	<u>Total Amount</u>	<u>Local Share</u>
Administrative	\$79,535	\$11,931(15%)

RECOMMENDATION/PROPOSED ACTION:

Conduct the Public Hearing and approve the FY 2014 Application and Resolution for the Community Transportation Program Grant funds.

Kristine Wagner, Transportation Program Coordinator, reviewed the background information as recorded above.

This is the duly advertised/noticed public hearing set for this date and time.

Chairman Keefe opened the public hearing.

The Clerk to the Board advised there were no speakers.

Chairman Keefe closed the public hearing.

MOTION: Commissioner Evans moved to approve the FY 2014 Application and Resolution for the Community Transportation Program Grant funds.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (6-0)

H. Public Hearing on the FY 2014-2016 Federal Section 5316 Grant Application (Job Access Reverse Commute Grant –JARC)

BACKGROUND:

The NCDOT deadline for the Federal Section 5316 grant application for the Community Transportation Program is December 28, 2012. The required Public Hearing was advertised in the Fayetteville Observer on December 7, 2012 for the Board's December 17, 2012 6:45 P.M. meeting. This Grant will provide additional employment trips for rural residents of Cumberland County.

The Community Transportation Program is requesting the following funding amounts from NCDOT – Public Transportation Division:

<u>Project</u>	<u>Total Amount</u>	<u>Local Share</u>
Operating	\$100,000	\$50,000(50%)

The local share will be provided by a match in ROAP funds (State) and fares. The Community Transportation Program is not requesting any additional funds from the County in order to meet the match.

RECOMMENDATION/PROPOSED ACTION:

Conduct a Public Hearing on December 17, 2012 and approve the FY 2014 – FY 2016 Application for Federal Section 5316 Funds.

Kristine Wagner, Transportation Program Coordinator, reviewed the background information as recorded above.

This is the duly advertised/noticed public hearing set for this date and time.

Chairman Keefe opened the public hearing.

The Clerk to the Board advised there were no speakers.

Chairman Keefe closed the public hearing.

MOTION: Commissioner Faircloth moved to approve the FY 2014 – FY 2016 Application for Federal Section 5316 Funds.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (6-0)

I. Public Hearing on Closure of a Portion of Wade-Stedman Road

Rick Moorefield, County Attorney, advised this public hearing was a continuation from the November 19, 2012 meeting. Mr. Moorefield stated at that meeting, speaker David Faircloth indicated he was not in opposition to the closure but had questions about his well easement on the affected property. Mr. Moorefield further stated Mr. Faircloth requested and was granted thirty days to work out any issues that might be involved. Mr. Moorefield stated he received a letter from Mr. Faircloth earlier in the day that indicated although all of the issues had not been resolved; he was not opposed to the road closure.

Mr. Moorefield stated the portion of Wade-Stedman Road (S.R. 1826) consisted of approximately 265' in length at the terminus of its centerline with the boundary of U.S. Highway 13 and located in Black River Township, Cumberland County. Mr. Moorefield also stated the affected property owners were Ali Alsaidi and Alfiah Alsaidi, Clarence Lee Tart, Jr., and Mary Lee B. Tart, and Joan W. Peacock and on October 1, 2012, the Board of Commissioners adopted a resolution of intent to close that portion of Wade-Stedman Road (S.R. 1826) as requested by petition of said property owners.

Mr. Moorefield stated after conducting the public hearing and based on the following findings of fact, that if the Board of Commissioners was satisfied that closing the

portion of Wade-Stedman Road was not contrary to the public interest and no individual owning property in the vicinity of the road would thereby be deprived of reasonable means of ingress and egress to his property, then the Board of Commissioners had the authority to enter into the closure which would be recorded in the Register of Deeds. Mr. Moorefield advised the findings had been included in the written order presented in the November 19, 2012, agenda as follows:

1. Notice of the public hearing on the question reasonably calculated to give full and fair disclosure of the proposed closing was published in the *Fayetteville Observer* once a week for three successive weeks as shown in the Publisher's Affidavit.
2. A copy of the resolution was sent by registered or certified mail to each owner shown on the county tax records of property adjoining the portion of the public road to be closed who did not join in the request to have the road closed as shown on the Affidavit of Notice.
3. Notice of the closing and public hearing was prominently posted in at least two places along the road as shown in the Certificate of Posting.
4. No one spoke in opposition to closing the portion of Wade-Stedman Road described herein at the public hearing.

This is the continuation of the duly advertised/noticed public hearing set for November 19, 2012.

Chairman Keefe re-opened the public hearing.

The Clerk to the Board advised there were no speakers.

Chairman Keefe closed the public hearing.

MOTION: Commissioner Faircloth moved to order the closure of the described portion of Wade-Stedman Road with the four findings of fact as recorded above and as stated fully in the Order presented at the November 19, 2012 meeting.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (6-0)

Items of Business

5. Mental Health Clinic Report by Dr. Mark chandler, Medical Director for Mental Health

BACKGROUND:

The following documents were presented:

- Productivity report, November 1st-30th
- Productivity report for full time staff, November 1st-30th

- Productivity report for other/exceptions, November 1st-30th
- Mental Health brochure

The following individual addressed the Board of Commissioners:

- Dr. Mark Chandler, Medical Director for Mental Health

RECOMMENDATION/PROPOSED ACTION:

At this time, there is no recommendation other than to accept the presentation of the productivity reports as presented.

Dr. Chandler called attention to the productivity report. In response to a question posed by Commissioner Council, Dr. Chandler stated one of the psychiatrists was out under the FMLA for an extended period and a locum tenens would not be cost effective. Dr. Chandler further stated one of the child psychiatrists had also resigned.

Commissioner Council asked Dr. Chandler to relay the plans for increasing the productivity numbers. Dr. Chandler stated some of the numbers had already improved and with three of the clinicians leaving, one psychiatrist on extended FMLA leave and one psychiatrist having resigned, their numbers would be zero. Dr. Chandler stated the services they provided would have to be redistributed to remaining staff and the numbers should continue to improve. Dr. Chandler responded to additional questions. Chairman Keefe requested that in the future, a graph be incorporated into the report so it could provide a snapshot of where the clinic had been, the clinic's current position and the clinic's goal. Dr. Chandler reported staff stability and physicians are the biggest concern for the Mental Health Clinic.

6. Designation of Voting Delegate to the NCACC's 2013 Legislative Goals Conference

BACKGROUND:

The NCACC's 2013 Legislative Goals Conference will be held January 24-25, 2013 at the Sheraton RTP in Durham County. The Board of Commissioners is hereby requested to designate a commissioner or other official as a voting delegate. The voting delegate designation form is to be returned to the NCACC no later than Friday, January 11, 2013.

RECOMMENDATION/PROPOSED ACTION:

Appoint a voting delegate to the NCACC's 2013 Legislative Goals Conference.

Commissioner Council nominated former NCACC President Commissioner Kenneth Edge.

MOTION: Commissioner Faircloth moved that nominations be closed and that Commissioner Edge be appointed by acclamation.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

7. Nominations to Boards and Committees

There were no nominations.

8. Appointments to Boards and Committees

A. Board of Health (4 Vacancies)

Nominees:

Veterinarian: Dr. Heather Burkhardt (Reappointment)

Dentist: Dr. Oliver Hodge

Registered Nurse: Pamela Pollock, RN

General Public Representative: Christopher Frank (Reappointment)

There being an equal number of vacancies and nominees for the Board of Health,

MOTION: Commissioner Council moved to appoint all nominees to their respective positions on Board of Health by acclamation.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (6-0)

B. Civic Center Commission (5 Vacancies)

Nominees:

Robert C. Williams

Sean Fincher

Liz Varnedoe

John Hood (Reappointment)

Thaddeus T. Jenkins (Reappointment)

Judy Dawkins

Eric Jones

Mark Lynch

Chairman Keefe advised with eight nominees for five vacancies on the Civic Center Commission, the five nominees who received the most votes would be appointed to serve on the Civic Center Commission.

Robert C. Williams received votes from Commissioners Council, Keefe, Faircloth and Edge.

Sean Fincher received votes from Commissioners Melvin and Keefe.

Liz Varnedoe received votes from Commissioners Evans, Melvin, Council, Faircloth and Edge.

John Hood received votes from Commissioners Council and Edge.

Thaddeus T. Jenkins received votes from Evans, Council, Keefe and Edge.

Judy Dawkins received votes from Commissioners Evans, Melvin, Council, Keefe, Faircloth and Edge.

Eric Jones received votes from Commissioners Evans, Melvin and Faircloth.

Mark Lynch received votes from Commissioners Evans, Melvin, Keefe and Faircloth.

Chairman Keefe confirmed that by vote of the Board of Commissioners, Robert C. Williams, Liz Varnadoe, Thaddeus T. Jenkins, Judy Dawkins and Mark Lynch had been appointed to serve on the Civic Center Commission.

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

MOTION: Commissioner Council moved to go into closed session for attorney-client matters pursuant to NCGS 143-318.11(a)(3).

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Edge moved to reconvene in open session.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Council moved to adjourn.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (6-0)

There being no further business, the meeting adjourned at 8:45 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board