

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
FEBRUARY 18, 2013 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR/REZONING MEETING
MINUTES

PRESENT: Commissioner Jeannette Council, Vice Chair
Commissioner Kenneth Edge (attended by telephone)
Commissioner Charles Evans
Commissioner Marshall Faircloth
Commissioner Billy King
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
Buck Wilson, Public Health Director
George Hatcher, Code Enforcement Officer
Joey Lewis, Code Enforcement Officer
Jeffrey Brown, Engineering and Infrastructure Director
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

ABSENT: Commissioner Jimmy Keefe, Chairman

Vice Chair Council called the meeting to order and announced Chairman Keefe was traveling and therefore unable to attend the meeting.

INVOCATION

Vice Chair Council provided the invocation followed by the Pledge of Allegiance to the American flag led by Saliyah Shanae Goodman, 5th Grader at Mary McArthur Elementary School.

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

James Martin, County Manager, read the public comment period policy. Vice Chair Council recognized the clerk to the board who called the following speakers:

Sally Shutt – Ms. Shutt, Cumberland County’s Chief Public Information Officer, reviewed the itinerary and application process for the Citizens’ Academy beginning March 5, 2013.

Harvey E. Stewart – Mr. Stewart asked the board of commissioners to relocate the Veterans Services Department to the former Board of Elections building on Russell Street. Mr. Stewart stated veterans need more privacy when they are

being assisted with obtaining benefits than the location at the Department of Social Services provides.

Lodies Gloston – Ms. Gloston, Mental Health Area Board Chair, referenced the agenda item for the resolution of intent to merge the Cumberland County Area Mental Health Authority and asked that the Authority be allowed to operate under the interlocal agreement for a period of one year prior to any considerations for merger. Ms. Gloston also asked that the Authority be given an opportunity for dialogue and input on this issue.

Lotta Fisher – Ms. Fisher, Consumer and Family Advisory Committee (CFAC) Co-chair, stated the county has need for a local mental health presence as provided for under the interlocal agreement and opined that a conglomerate merger will hurt consumers in the long run. Mr. Fisher asked the board of commissioners to slow down and carefully consider any potential decision towards merger.

Rev. Floyd W. Johnson – Rev. Johnson, former Mental Health Area Board member, stated a decision to merge will result in the loss of oversight of consumer services and local control of Medicaid dollars for consumers in Cumberland County.

1. Approval of Agenda.

MOTION: Commissioner King moved to approve the agenda.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (6-0)

2. Consent Agenda

A. Approval of February 4, 2013 regular meeting minutes and minutes of the February 7, 2013 Strategic Planning Retreat special meeting

B. Approval of an Application for the Cumberland County Board of Education to Allocate Funds from the 2010 Qualified School Construction Bonds (Issued in January 2011) to Fund Renovation Projects at Several Schools

BACKGROUND:

The Cumberland County School System is requesting approval to allocate \$1,154,000 from the 2010 Qualified School Construction Bonds (issued in January 2011) to fund renovation projects at several schools. The Board of Education has saved money from the construction of the New Century International Middle School that was originally approved with the QSCB.

RECOMMENDATION/PROPOSED ACTION:

Consider approval of the Cumberland County Board of Education's additional request to allocate \$1,154,000 from the Qualified School Construction Bonds to fund renovation projects at several schools and approve the associated attached budget revision.

- C. Approval of Declaration of Surplus County Property and Authorization to Accept Insurance Settlement

BACKGROUND:

DATE OF ACCIDENT	January 11, 2013
VEHICLE	2011 Ford Crown Victoria
VIN	2FABP7BV0BX113592
FLEET #	FL451
DEPARTMENT	Sheriff
SETTLEMENT OFFER	\$11,652
INSURANCE COMPANY	Nationwide

This is a total loss settlement offer.

RECOMMENDATION/PROPOSED ACTION:

Management recommends that the Board of Commissioners:

1. declare the vehicle described above as surplus,
2. authorize the Risk Manager to accept \$11,652.00 as settlement, and
3. allow Nationwide Insurance to take possession of the wrecked (surplus) vehicle.

- D. Approval of the 2013 Federal Legislative Agenda

BACKGROUND:

The City of Fayetteville, Cumberland County and the Fayetteville Regional Chamber of Commerce have partnered with The Ferguson Group to develop a community-wide federal legislative agenda for calendar year 2013. The partners met December 12 in a series of meetings with city and county department heads to discuss community federal advocacy needs with The Ferguson Group lobbyists Debra Bryant and Sara Guy.

During the day-long workshop, time was allocated for city council members and county commissioners to meet with the lobbyists. Based on the sessions with elected officials, local government staff and chamber representatives, The Ferguson Group developed a draft of the Calendar Year 2013 Federal Legislative Agenda for review. As with the 2012 federal agenda, the 2013 federal agenda represents a major change from years past. Rather than focusing on earmarks, it looks at federal grant opportunities and legislative advocacy.

Lobbyist Leslie Mazingo presented the agenda draft to the Board of Commissioners at its regular meeting on February 4 and later that day to the Fayetteville City Council during their work session.

The final version includes four additions to the draft agenda presented on February 4:

- Accelerate I-295 construction schedule – Explore ways to help North Carolina Department of Transportation fund an accelerated construction schedule for the Fayetteville-Cumberland County 1-295 Outer Loop.
- Murchison Road Corridor Development – Seek funding and leverage partnerships in an effort to promote economic development along the Murchison Road corridor.
- Impact Aid – Oppose cuts to Impact Aid and support legislation that assists with school construction projects.
- Seek federal funding sources for a dedicated county law enforcement officer to work with the homeless population.

RECOMMENDATION/PROPOSED ACTION:

Adopt the Calendar Year 2013 Federal Legislative Agenda.

<p>The City of Fayetteville, Cumberland County, and the Fayetteville Regional Chamber of Commerce have formed a strategic partnership to establish a federal advocacy agenda. Federal funding and policy decisions are critical to the growth and strength of our community. In the best interest of their constituents, the partners have prioritized infrastructure, technology and programmatic needs. The combined advocacy efforts will protect and preserve essential community assets and resources, allowing Fort Bragg and its surrounding metropolitan and unincorporated areas to thrive. Therefore, the partners call upon the advocacy of its Congressional delegation to support their highest priorities.</p>	
<p>HOMELAND SECURITY, EMERGENCY RESPONSE AND PUBLIC SAFETY</p>	<p>Combating gun violence, gangs, domestic violence and human trafficking are top priorities. Our community operates under constant public safety danger based on the national security agenda, proximity to Fort Bragg, and our central location and accessibility to interstate highways. Interoperability improvements are a must for our community, yet there is no funding to do so. The military security component creates unique challenges in communications between first responders and the military. County public safety agencies, the city police and fire departments are in need of updating radio systems to be P-25 compliant. Additionally, radio interoperability between the city, county and Fort Bragg emergency services is very limited.</p>
<p><u>Position:</u> Invest in our nation’s homeland security, public safety and local first responders.</p>	
<p><u>PRIORITY INITIATIVES</u></p> <ul style="list-style-type: none"> • Gun Safety • Technology inter-operability • Joint Emergency Operations Center • Anti-Human Trafficking • Innovative Family Justice Center • Court programming for domestic violence and sexual assault prevention 	<p><u>ACTION STEPS</u></p> <p><i>Legislative Advocacy:</i></p> <ul style="list-style-type: none"> • Design language for FY14 Justice Appropriations that gives the Justice Department the flexibility it needs to allow discretionary funding of a competitive grant for public safety technology • Assist acquisition of communication systems for P-25 compliance between military, first responders, and public safety officers • Incentivize joint emergency & crisis services; support government modernization • Fund Homeland Security • Support anti-human trafficking infrastructure funding; port, highway, and street development to provide effective police response <p><i>Federal Assistance:</i></p>

	<ul style="list-style-type: none"> • Smart Policing Initiative • Project Safe Neighborhoods • Violence Against Women Act • Anti-gang initiatives • Byrne Criminal Justice Innovation program
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<p>VETERANS, HEALTH & HUMAN SERVICES</p>	<p>North Carolina has a population of 760,000 veterans. Cumberland County has the third largest population of veterans for any county and ranks first for all categories of disabled veterans, including 100 percent disabled. Fayetteville and Cumberland County are proud to be the home of Fort Bragg, the second largest military installation in the world, and consider it a privilege to serve active-duty military and veterans. Yet the impact on local government, and our health and human services agencies, is significant. Increasingly limited resources are threatening the delivery of health-related and social services for veterans and our military population, who have been at war continuously for 12 years.</p>
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Position: Advocate for targeted funding and legislation to assist with veterans support services, mental health resources, homelessness, and military workforce development.

<p><u>PRIORITY INITIATIVES</u></p> <ul style="list-style-type: none"> • Support court innovation programs with emphasis on veterans and mental health needs • Crisis Intervention Training • Emergency shelter & homeless prevention program support • CDBG & HOME: Affordable Housing 	<p><u>ACTION STEPS</u></p> <p><i>Legislative Advocacy:</i></p> <ul style="list-style-type: none"> • Advocate for veterans support services provided by local governments: transportation, mental health, crisis intervention, medical care, transitional housing and counseling, including creating new legislation where needed • Work with national associations and coalitions to protect and sustain HOME and CDBG funding • Support funding for Institute for Museum and Library Services <p><i>Federal Assistance:</i></p> <ul style="list-style-type: none"> • Veterans Treatment Court, grant application 2013. • Seek capital funding for drop-off center and programmatic support for Crisis Intervention Training • Street Outreach Program • Urban and Non-Urban Homeless Veterans Reintegration • Seek federal funding sources for a dedicated county law enforcement officer to work with homeless
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<p>TRANSPORTATION, ENVIRONMENT & INFRASTRUCTURE</p>	<p>Fayetteville’s infrastructure network is vital to our community’s safety, connectivity, economic development and growth. As local governments respond to fiscal challenges and existing infrastructure ages and lags behind growth, federal support is critical. Public transit is a Smart Growth environmental priority for the region. Fayetteville’s public transit system has experienced an increase in public transit use of 80 percent since 2008. Airport funding must be protected and expanded as our military and business sectors greatly rely on the services provided by Fayetteville Regional Airport and are invested in the future growth of these services. It is imperative that we preserve our natural resources, and green spaces to create beautiful, walkable communities. Fayetteville’s parks and recreation facilities lag behind the national standard and struggle to provide quality of life programs for all its citizens, including the military families our community supports.</p>
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<p><u>Position:</u> Advocate for the authorization of a well-funded, long-term, comprehensive surface transportation program. Advocate for enhanced congressional support for urban design, air quality improvement, traffic calming, street widening, and pedestrian safety improvements on roadways and corridor projects that will promote business development and necessary military transit. Advocate for infrastructure funding to accelerate job growth, assist communities with declining infrastructure, including capital projects for Parks and Recreation facilities.</p>	
<p><u>PRIORITY INITIATIVES</u></p> <ul style="list-style-type: none"> • Protection of public transit system formula funding • Expanding public transportation programs (rural, startups, etc) • Protection and expansion of airport funding • Expansion of roadways and utilities for business development • I-295 accelerated schedule • Environmental protection • Community gateway and transportation corridor beautification funding • Capital funding for maintenance, upgrades and additional facilities 	<p><u>ACTION STEPS</u></p> <p><i>Legislative Advocacy:</i></p> <ul style="list-style-type: none"> • Draft FAST amendments for surface transportation (MAP-21) • Advocate for comprehensive regional master plan development funding • Engage in planning process to prepare for smart communities/smart growth strategies, funding and implementation • Support expanded authority in Water Resources Development Act under Section 219(f) for water and sewer upgrades and remove appropriation restrictions on Corps new starts • Support the Community Parks Revitalization Act and innovative financing of park and recreational infrastructure <p><i>Federal Assistance:</i></p> <ul style="list-style-type: none"> • Seek funding for traffic safety study • Help public transit system maximize federal resources • Help Fayetteville Area Metropolitan Planning Organization maximize federal resources • Seek funding to study I-95 corridor improvements • Explore ways to help NCDOT fund an accelerated construction schedule for the Fayetteville-Cumberland County I-295 Outer Loop • Seek grants to fund parks and recreational facilities
<p>ECONOMIC & WORKFORCE DEVELOPMENT</p>	<p>Economic and talent development, in light of sequestration, creates an urgent need for industry diversification in Cumberland County. We are seeking ways to support business growth and new industry development to combat the county's high unemployment rate. Additionally, attempts to attract large industry to the area have brought to light an infrastructure deficit. Economic development initiatives would benefit greatly from the purchase and development of a mega site.</p>
<p><u>Position:</u> Advocate for additional legislative attention to promote small business development, assist the growth of the local food economy, and workforce innovation grant funding for internships/work-based learning in high growth fields to support veteran employment and skilled workforce for businesses.</p>	
<p><u>PRIORITY INITIATIVES</u></p> <ul style="list-style-type: none"> • Foreign Direct Investment attraction • Mega site • Workforce training initiatives and hiring incentives • Farmers markets • Wounded Warrior employment assistance • Murchison Road Corridor Development 	<p><u>ACTION STEPS</u></p> <p><i>Legislative Advocacy:</i></p> <ul style="list-style-type: none"> • Support funding for U.S. Department of Labor Workforce Innovation Grant programs and High Growth Job Development Initiatives, as well as funding for work-based experiential learning, internships/externships, apprenticeships, youth work programs and business hiring incentives for veterans and ex-offenders • Support funding for workforce development programs for veterans, military families and wounded warriors • Support Veterans Administration and Small Business Administration programs that provide small business loans <p><i>Federal Assistance:</i></p> <ul style="list-style-type: none"> • Seek funding for mega site infrastructure development funding

	<ul style="list-style-type: none"> • U.S. Economic Development Administration Public Works and Economic Adjustment Assistance Programs • U.S. Department of Agriculture’s Farmers Market Promotion Program • Seek funding and leverage partnerships in an effort to promote economic development along the Murchison Road corridor
LOCAL GOVERNMENT SUSTAINABILITY	Congressional support of fiscal tools that help ensure financial sustainability for local governments.
<u>INITIATIVES</u> <ul style="list-style-type: none"> • Online Sales Tax • Municipal Bonds • Impact Aid 	<u>ACTION STEPS</u> <ul style="list-style-type: none"> • Support legislation that allows local governments to collect sales taxes from online sales • Oppose increasing costs of issuing municipal bonds • Oppose cuts to Impact Aid and support legislation that assists with school construction projects

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

- 1) Case Number: MH 6550-2011
 Property Owner: Mildred G. & Charlesene McNeill
 Property Location: 4904 Wall Street, Linden, NC
 Parcel Identification Number: 0574-65-9691

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
 OF DEMOLITION OF A STRUCTURE PURSUANT TO
 THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
 CASE NUMBER: MH6550-2011
 PROPERTY OWNER: Mildred G. and Charlesene McNeil

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on June 18th 2012, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Mildred G. and Charlesene McNeill, located at 4904 Wall Street, Linden, NC, PIN: 0574-65-9691, said ordinance being recorded in Book 8934, page 216 , 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 \$1,900.00.
- (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 \$1,900.00, 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 18th June 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 4904 Wall Street, Linden, NC, as described in Deed Book 0165, page 596, of the Cumberland County Registry and identified in County tax records as PIN 0574-65-9691.

(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 6751-2012
- Property Owner: Stephen A. Brynes
- Property Location: 4710 Tippet Trail, Fayetteville, NC
- Parcel Identification Number: 0433-77-5571

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
 OF DEMOLITION OF A STRUCTURE PURSUANT TO
 THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
 CASE NUMBER: MH6751-2012
 PROPERTY OWNER: Stephen A. Brynes

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on November 19th 2012, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Stephen A. Brynes, located at 4710 Tippet Trail, Fayetteville, NC, PIN: 0433-77-5571, said ordinance being recorded in Book 9056, page 118 , 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 \$693.00.
- (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 \$693.00, 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 19th November 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 4710 Tippet Trail, Fayetteville, NC, as described in Deed Book 7532, page 236, of the Cumberland County Registry and identified in County tax records as PIN 0433-77-5571.

(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.

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| 3) | Case Number: | MH 6672-2012 |
| | Property Owner: | Patricia Moore |
| | Property Location: | 5521 Jackson Street, Hope Mills, NC |
| | Parcel Identification Number: | 0413-98-7349 |

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO

THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH6672-2012
PROPERTY OWNER: Patricia Moore

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on June 18th 2012, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Patricia Moore, located at 5521 Jackson Street, Hope Mills, NC, PIN: 0413-98-7349, said ordinance being recorded in Book 8934, page 222, 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 \$250.00.
- (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 \$250.00, 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 18th June 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 5521 Jackson Street, Hope Mills, NC, as described in Deed Book 5621, page 758, of the Cumberland County Registry and identified in County tax records as PIN 0413-98-7349.

(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 6759-2012
- Property Owner: William & Rebecca Wilson
- Property Location: 8008 Twisted Oaks Drive, Fayetteville, NC
- Parcel Identification Number: 0471-58-4345

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH6759-2012
PROPERTY OWNER: William and Rebecca Wilson

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on November 19th 2012, enacted an ordinance directing the demolition by the owner(s) of the structure(s) William and Rebecca Wilson, located at 8008 Twisted Oaks Drive, Fayetteville, NC, PIN: 0471-58-4345, said ordinance being recorded in Book 9056, page 121, 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 \$1,950.00.
- (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 \$1,950.00, 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 19th November 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 8008 Twisted Oaks Drive, Fayetteville, NC, as described in Deed Book 8099, page 696, of the Cumberland County Registry and identified in County tax records as PIN 0471-58-4345.

(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.

- 5) Case Number: MH 6750-2012
- Property Owner: Anthony L. & Beverly D. Horne
- Property Location: 4705 Tippet Trail, Fayetteville, NC
- Parcel Identification Number: 0433-77-8536

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
 OF DEMOLITION OF A STRUCTURE PURSUANT TO
 THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
 CASE NUMBER: MH6750-2012
 PROPERTY OWNER: Anthony L. & Beverly D. Horne

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on September 17th 2012, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Anthony L. and Beverly D. Horne, located at 4705 Tippet Trail, Fayetteville, NC, PIN: 0433-77-8536, said ordinance being recorded in Book 9001, page 598, 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 \$2,200.00.
- (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 \$2,200.00, 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 17th September 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 4705 Tippit Trail, Fayetteville, NC, as described in Deed Book 5480, page 39, of the Cumberland County Registry and identified in County tax records as PIN 0433-77-8536.

(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.

6) Case Number: MH 6853-2012
Property Owner: Margaret Martin
Property Location: 7365 Third Street, Wade, NC
Parcel Identification Number: 0581-15-3854

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH6853-2012
PROPERTY OWNER: Margaret Martin

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on November 19th 2012, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Margaret Martin, located at 7365 Third Street, Wade, NC, PIN: 0581-15-3854, said ordinance being recorded in Book 9056, page 127, 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 \$1,749.00.
- (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 \$1,749.00, 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 19th November 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 7365 Third Street, Wade, NC, as described in Deed Book 4648, page 692, of the Cumberland County Registry and identified in County tax records as PIN 0581-15-3854.

(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.

F. Approval of a Proclamation Proclaiming February 2013 as "Human Relations" Month" in Cumberland County

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, the Cumberland County Board of Commissioners believes in and respects the dignity and worth of each individual person regardless of race, color, gender, national origin, age, ability or familial status; and

WHEREAS, the County of Cumberland strategically works unceasingly to build strong communities through the celebration of embracing inclusion of diversity and the elimination of discrimination; and

WHEREAS, the County of Cumberland recognizes that its residents are entitled to all of the rights and freedoms set forth in the Constitution of the United States and the State of North Carolina without distinction of any kind; and

WHEREAS, the Constitution of North Carolina, Article I, Section 1, reads, “We hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness”; and

WHEREAS, the County of Cumberland appreciates all of the citizens who have contributed, and continue to contribute to the advancement of mutual understanding, fairness, justice and equal opportunity/access for all people; and

WHEREAS, the residents of Cumberland County have seen tremendous progress in human relations in the years since the establishment of the Fayetteville-Cumberland County Human Relations Commission; and

WHEREAS, we are committed to continued progress in facing the challenges before us including, but not limited to, unlawful discrimination, unequal access for persons with disabilities, educational disparities, housing disparities, health disparities, hate crimes and racial, ethnic, and gender biases, immigration issues, and employment discrimination issues and opportunities.

NOW THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners hereby joins all of North Carolina in proclaiming February, 2013 as HUMAN RELATIONS MONTH in the County of Cumberland and urges all citizens to commend this observance to their neighbors.

Adopted this 18th day of February, 2013.

G. Approval of a Proclamation Proclaiming March 2013 as “American Red Cross Month” in Cumberland County

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

Whereas, The American Red Cross- Highlands Chapter was established on April 26, 1917 in response to call from President Woodrow Wilson after the start of World War I to assist and comfort communities stricken by disasters large and small, and to help the able-bodied and disabled veterans and civilians overseas; AND

Whereas, The American Red Cross- Highlands Chapter provides services to local military personnel and their families, including 24-7 emergency messaging, assisting military members and their families through pre-deployment and post-deployment briefings and seminars ; AND

Whereas, The American Red Cross- Highlands Chapter continues to partner with city and county government and civic agencies to help ensure our communities are more ready and resilient in the face of future disasters: AND

Whereas, Each year the American Red Cross-Highlands Chapter provides shelter, clothing, food and counsel to hundreds of area families who experience a home fire or other disasters such as tornadoes and floods; AND

Whereas, The American Red Cross plays a vital role in relief operations by deploying volunteers to rebuild communities hit by disaster and by providing critical support and resources at home and across the Nation; AND

Whereas, Each year the American Red Cross- Highlands Chapter trains thousands of local citizens to lead safer and healthier lives through life-saving skills from swimming and life guarding to first aid, CPR and AED; AND

Whereas, Each year the American Red Cross- Highlands Chapter helps to collect, test and distribute thousands of life saying units of blood and blood products; AND

Whereas, Our County's leadership relies upon our citizens who are motivated to act by our common humanity. This month, let us come together to celebrate Cumberland County's spirit of generosity, and the dedicated individuals and organizations who keep that spirit alive.

NOW THEREFORE, LET IT RESOLVED, that the Cumberland County Board of Commissioners hereby proclaims March 2013 as AMERICAN RED CROSS MONTH in Cumberland County and encourages all citizens to join in the observance.

Adopted this 18th day of February, 2013.

H. Budget Revisions:

(1) Soil and Water Conservation

Revision in the amount of \$2,798 to recognize fundraiser activities. (B13-246) Funding Source – Fundraiser

(2) Community Development

- a. Revisions in the total amount of \$694,710 to reduce Supportive Housing Program Grant (\$646,684), reduce Housing and Public Services (\$33,026) and provide services for the Homeless (\$15,000). (B13-243 thru B13-243B) Funding Source – Federal
- b. Emergency Solutions – Revision in the amount of \$51,330 to recognize additional state funding for Emergency Solutions Grant and to reallocate budgeted expenditures. (B13-244) Funding Source – State and Reallocation of Budgeted Expenditures

(3) Mental Health

Revision in the amount of \$37,481 to recognize one-time state allocation to support recipients who are denied Medicaid Personal Care Services and to prevent discharges for the month of January. (B13-240) Funding Source - State

(4) Sheriff

Child Sex Predator Program: Revision in the total amount of \$39,086 to increase grant revenue by \$24,086 to equal actual funds available and to appropriate fund balance of \$15,000 to off-set total remaining grant expenditures. (B13-249) Funding Source – Federal and Fund balance Appropriated

MOTION: Commissioner Melvin moved to approve consent agenda items 2.A. – 2.H.(4).
SECOND: Commissioner King
VOTE: UNANIMOUS (6-0)

3. Public Hearings

Rezoning Cases

A. There were no rezoning cases scheduled for public hearings.

Minimum Housing Hearings

Mr. Martin explained the Board of Commissioners' procedure for minimum housing code enforcement public hearings.

The clerk to the board administered an oath to Joey Lewis, Inspector for the County of Cumberland Inspection Department, who provided information to the board of commissioners regarding the following cases:

B. Public Hearing Minimum Housing Code Enforcement

- 1) Case Number: MH 6933-2012
- Property Owner: Gene & Sandra Maynor, Sr.
- Property Location: 5730 Gregory Street, Fayetteville, NC
- Parcel Identification Number: 0419-95-2499

**AFFIDAVIT OF THE HOUSING INSPECTOR’S REPORT
BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS**

I, Joey Lewis, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on Minimum Housing case number MH 6933-2012

Property Owner: Gene & Sandra Maynor, Sr.
 Home Owner: Gene & Sandra Maynor, Sr.
 Property Address: 5730 Gregory Street, Fayetteville, NC
 Tax Parcel Identification Number: 0419-95-2499

SYNOPSIS: This property was inspected on 10/5/2012. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 11/5/2012. Sandra Maynor attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 12/31/2012. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 2/7/2013, no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$2,272.00.

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

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

Vice Chair Council opened the public hearing.

The clerk to the board advised there were no speakers.

Vice Chair Council closed the public hearing.

MOTION: Commissioner Faircloth moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; to order the property owner to remove or demolish the dwelling within 30 days; to order the Inspector to remove or demolish the dwelling if the owner fails to do so and impose a lien on the real property for the cost of such action; and to direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner King

VOTE: UNANIMOUS (6-0)

- 2) Case Number: MH 6931-2012
- Property Owner: Duane Max Bryant c/o Marjorie Rogers
- Property Location: 2643 Flamingo Drive, Fayetteville, NC
- Parcel Identification Number: 0415-45-4699

AFFIDAVIT OF THE HOUSING INSPECTOR’S REPORT
BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS

I, Joey Lewis, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on Minimum Housing case number MH 6931-2012

Property Owner: Duane Max Bryant C/O Marjorie Rogers
Home Owner: Thomas Vantassell
Property Address: 2643 Flamingo Drive, Fayetteville, NC
Tax Parcel Identification Number: 0415-45-4699

SYNOPSIS: This property was inspected on 10/10/2012. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 11/5/2012. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 12/31/2012. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 2/7/2013, no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

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

Vice Chair Council opened the public hearing.

The clerk to the board advised there were no speakers.

Vice Chair Council closed the public hearing.

MOTION: Commissioner Faircloth moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; to order the property owner to remove or demolish the dwelling within 30 days; to order the Inspector to remove or demolish the dwelling if the owner fails to do so and impose a lien on the real property for the cost of such action; and to direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner King
VOTE: UNANIMOUS (6-0)

- 3) Case Number: MH 6939-2012
- Property Owner: Donald A. Moss
- Property Location: 664 W. Manchester Road, Spring Lake, NC
- Parcel Identification Number: 9592-93-0833

AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT
BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS

I, Joey Lewis, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on Minimum Housing case number MH 6939-2012.

Property Owner: Donald A. Moss
Home Owner: Donald A. Moss

Property Address: 664 W. Manchester Road, Spring Lake, NC
Tax Parcel Identification Number: 9592-93-0833

SYNOPSIS: This property was inspected on 10/17/2012. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 11/19/2012. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 12/19/2012. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 2/7/2013, no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

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

Vice Chair Council opened the public hearing.

The clerk to the board advised there were no speakers.

Vice Chair Council closed the public hearing.

MOTION: Commissioner Faircloth moved to adopt the order and report of the Minimum Housing Inspector as the true facts in this case; to order the property owner to remove or demolish the dwelling within 30 days; to order the Inspector to remove or demolish the dwelling if the owner fails to do so and impose a lien on the real property for the cost of such action; and to direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (6-0)

ITEMS OF BUSINESS

4. Presentation of Request by Judge Keever that the County Submit Application to Governor's Highway Safety Program for Continued Funding of Sobriety Court

BACKGROUND:

The Cumberland County Sobriety Court was established in September 2010 to respond to our community's need to address the number of high risk defendants charged with alcohol related offenses.

The main expense to operate the Sobriety Court is the cost of a Sobriety Court Coordinator position. The Coordinator is responsible for curfew monitoring, drug testing, alcohol monitoring, compliance with treatment requirements and court calendar production. These expenses were previously funded by Cumberland County Mental Health.

In order to continue the program, grant funds are being sought from the Governor's Highway Safety Program for Fiscal Year 2013/2014. The Administrative Office of the Courts (AOC) is not in a position to be the grant applicant. The Court System is requesting that the County apply as the grant applicant and provide the required matching funds.

RECOMMENDATION/PROPOSED ACTION:

Accept Judge Keever's presentation and consider approval for Cumberland County to apply for the Governor's Highway Safety Program Grant in order to continue the operation of Sobriety Court in Cumberland County.

Judge Beth Keever reviewed the background information as referenced above and explained the operation of the driving while impaired treatment court, to include the pre-trial portion for individuals that have multiple DWIs pending at any given time and individuals that have prior convictions. Judge Keever stated this program contributes to public safety by ensuring that individuals who have demonstrated significant problems with alcohol are monitored for sixty to ninety days. Judge Keever stated the grant would be effective October 1, 2013 and funds remaining from the current grant will be used to maintain the program through September 30, 2013. Judge Keever stated a 15% county match for personnel aspects of the grant will be required.

MOTION: Commissioner Evans moved that Cumberland County apply for the Governor's Highway Safety Program Grant and approve the county match required for the grant.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

5. Report on Mental Health Clinic Services by Buck Wilson, Public Health Director

BACKGROUND:

The following documents will be presented:

- Productivity report, January 2013
- Productivity report for full time staff, January 2013
- Productivity report for other/exceptions, January 2013
- Patients Served, January 2013

The following individual will address the Board of Commissioners:

- Buck Wilson, Public Health Director

The presentation will take 10 minutes.

RECOMMENDATION/PROPOSED ACTION:

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

Buck Wilson, Public Health Director, stated since the last report, the court psychologist position has been filled. Mr. Wilson stated the no-show rate was at low at 13% and the total direct time was less than last year which is attributable to some of the providers being out on family medical leave. Mr. Wilson reviewed productivity for full time and part time staff and stated target hours for January per clinician were 137 compared to 140 in 2012. Mr. Wilson stated nurses are unable to bill for what they do and this causes percentages to be lower. Mr. Wilson reported the medical director tripled production percentage-wise from the previous year. Mr. Wilson displayed payor sources and stated Medicaid was the highest payor at 302 with total patients being served at 786. Mr. Wilson stated the number of patients per provider for July through January rose on average in November and December and dropped slightly in January. Mr. Wilson responded to questions.

6. Report on Animal Control by Dr. John Lauby, Director and Dr. Cristobal S. Berry-Caban, Chairman

BACKGROUND:

Chairman Keefe requested that various Department Heads and Board Chairs provide a 10-15 minute report before the Board of County Commissioners to provide an update on the performance of the commissioner-appointed boards.

Dr. Cristóbal S. Berry-Cabán, Chairman of the Animal Control Board and I will provide brief update to include the following:

Board Membership consisting of 7 members:

- 1 – Knowledge and Experience in Dog Behavior and /or Handling
- 1 - Promoting Goals of the Animal Protection Society
 - 1 – Veterinarian / Ex-Officio
 - 2 - At Large Positions
- 2 – City of Fayetteville Resident Positions

Mission of Animal Control Board

To hear dangerous dog appeals pursuant to Section 3-91e of the Cumberland County Code;
Provide advice and information to the Animal Control Department;
Make recommendations to Commissioners about improvement to the Animal Control Department;
Work in conjunction with PIO and Animal Control to provide a program of public education and responsible pet ownership.

RECOMMENDATION/PROPOSED ACTION:

Allow sufficient time for Board of Commissioners to ask questions relating to Animal Control issues and concerns.

Dr. John Lauby, Animal Control Director, reviewed the background information recorded above and stated the most important function of the animal control board is to hear dangerous dog appeals under the county code, which give citizens a right to appeal decisions he makes as the director. Dr. Lauby stated the animal control board also provides advice and information on ways to run the animal shelter which complements his experience as a veterinarian. Dr. Lauby stated the animal control board also makes recommendations to the board of commissioners for the improvements to the functioning of the Animal Control Department and works to develop a public education program for responsible pet ownership.

Dr. Lauby stated the pet licensing program from August to December, 2012 took in \$21,000 from 2011 revenues that had not been collected, and took in about \$50,000 at the animal shelter from individuals who applied for licenses they had not been applied for in 2011. Dr. Lauby stated a 50% response improvement has been made as a result of information going out to the public about their responsibility for licensing, and the anticipation for 2013 is that the response will go up to 70% or 75%., which will result in an additional \$100,000.

Dr. Lauby reported in 2011, 11,500 animals were brought into the animal shelter and in 2012, 14,500 were impounded. Dr. Lauby stated the county code is under review to give animal control better enforcement capabilities to protect citizens of the county. Dr. Lauby stated 5,700 dogs and 5,700 cats were euthanized in 2011. Dr. Lauby stated in 2012, 4,000 dogs were euthanized and 6,000 cats were euthanized. Dr. Lauby stated the ultimate goal is to find homes for animals that are adoptable. Dr. Lauby stated Animal Control is short five enforcement officers and is in the processing of interviewing and hiring for those positions. Dr. Lauby responded to questions.

7. Consideration of Resolution of Intent to Merge the Cumberland County Area Mental Health Authority

BACKGROUND:

The process by which a merger takes place is statutory. G. S. § 122C-115(c1) provides that an existing area authority may add additional counties by the agreement of a majority of the existing member counties. This means that the merger agreement must be approved by the respective boards of commissioners.

Incident to a merger, the existing Cumberland County Mental Health Authority must be dissolved. The dissolution process is set out in G. S. § 122C-115.3. This statute requires the cooperation of the governing board of the Area Authority to accomplish a dissolution directed by the Board of Commissioners. The Board of Commissioners only has the authority to direct the dissolution of the area authority upon determining that it is not operating in the best interests of consumers. The action to dissolve must be taken by the governing board of the Area Authority after a public hearing on ten days' published notice. A dissolution directed by the Board of Commissioners is only effective at the end of the fiscal year. After June 30, 2013, the governing board of the Area Authority may dissolve the Area Authority at any time because it will not meet the new population threshold of 500,000.

As an alternative, S.L 2012-126 gives the Board of Commissioners the authority to directly assume the duties of the governing board of the Area Authority. As the governing board of the Area Authority, the Board of Commissioners would have the direct authority to dissolve it. The action to assume the duties of the governing board of the Area Mental Health Authority can only be taken after a public hearing on thirty days' published notice.

In summary, the minimum time needed to dissolve the existing area authority is approximately 14 days with the cooperation of the governing board of the authority and approximately 45 days without it.

RECOMMENATION/PROPOSED ACTION:

In furtherance of the action directed by the Board at its February 7, 2013 planning session, the county manager and county attorney recommend adoption of the resolution of intent.

RESOLUTION OF INTENT OF THE BOARD OF COMMISSIONERS
OF CUMBERLAND COUNTY TO MERGE THE CUMBERLAND COUNTY
AREA MENTAL HEALTH AUTHORITY INTO A MULTI-COUNTY AREA MENTAL
HEALTH AUTHORITY WHICH HAS BEEN AUTHORIZED TO OPERATE
A 1915(b)/(c) MEDICAID WAIVER

Whereas, the Cumberland County Area Mental Health Authority has not been approved to operate a 1915(b)/(c) Medicaid Waiver by the State; and

Whereas, the Cumberland County Area Mental Health Authority has entered into an interlocal agreement with Alliance Behavioral Healthcare, Inc., pursuant to Section 1(a)(3) of S.L. 2011-264, by which the Alliance is the lead LME for Cumberland County; and

Whereas, the interlocal agreement among the Alliance and the Cumberland and Johnston County Area Authorities is the only such interlocal agreement arrangement in the State; and

Whereas, the interlocal agreement with the Alliance does not allow the Board of Commissioners of Cumberland County to appoint any representative for Cumberland County to the governing board of the Alliance; and

Whereas, the Board of Commissioners finds that this lack of commissioner-appointed representation is not in the best interests of Cumberland County consumers.

Therefore, be it resolved that the Board of Commissioners intends to direct the merger of the Cumberland County Mental Health Authority into the Alliance or another multi-county authority, subject to the negotiation of a satisfactory merger agreement.

Be it further resolved that the county manager and county attorney are directed to immediately commence negotiations for this merger with the Alliance and such other multi-county authorities as they deem prudent and recommend such further actions that may be necessary to accomplish this merger.

Adopted at the regular meeting held February 18, 2013.

Rick Moorefield, County Attorney, reviewed the background information recorded above and stated at the February 7, 2013 planning retreat, the board directed staff to proceed with appropriate documentation for a resolution of intent for merger subject to the negotiation of a satisfactory merger agreement. Mr. Moorefield stated this was directed towards a merger with Alliance Behavioral Healthcare or another MCO that offered an acceptable agreement. Mr. Moorefield advised the board cannot merge and maintain the single-county Authority as it currently exists and under the best of circumstances, the board can direct the Authority to proceed with this action. Mr. Moorefield stated it would take the Authority a couple of weeks to proceed with the process. Mr. Moorefield further advised should the Authority choose not to cooperate and it was left incumbent on the board of commissioners to take action, the board would have to take the responsibility of the local Authority upon itself and appoint itself as the governing body of the local Authority. Mr. Moorefield stated should that occur, it would be an approximately forty-five day process. Mr. Moorefield advised should the board wish go forward with the merger by the start of fiscal year 2014, it would need to start the process very soon.

In response to a question from Commissioner King, Mr. Moorefield advised current agreements with Alliance Behavioral Healthcare extend to June 30, 2013 and the expectation is that the Alliance will bring forward another agreement in March for their planning purposes.

Commissioner King stated he spoke with the county attorney as to whether conversations about merger would be possible without the resolution because he did not want to give the impression that a decision had already been made. Commissioner King further stated the board's primary concern is to ensure that Cumberland County has proper representation on the board of directors of a Managed Care Organization (MCO) and consumers continue to receive mental health services. Mr. Moorefield advised without the board taking some formal action, it would be difficult for staff to enter into negotiations with any MCO because there is no clear intent. Mr. Moorefield further advised that the resolution of intent was subject to a satisfactory agreement being reached and at present it is not known whether that will happen.

MOTION: Commissioner Melvin moved to adopt the resolution of intent.

SECOND: Commissioner Council

Commissioner Evans stated he would be acting irresponsibly if he supported the resolution of intent without questions and concerns being addressed, to include questions regarding what will happen to current staff. Commissioner Evans stated there needs to be conversation with the necessary individuals involved so the board will have a clear understanding should a decision be made to merge.

SUBSTITUTE MOTION: Commissioner Evans moved to delay action on the resolution of intent for one year.

SECOND: Commissioner King

In response to a further question from Commissioner King, Mr. Moorefield advised if Cumberland County merged into a multi-county authority under the current statutes, it would have to remain as such for two years; however, Cumberland County could continue to operate under an interlocal agreement for one year. Mr. Moorefield stated the resolution of intent would enable questions posed by the board over the past six months to be the subject of negotiations.

Vice Chair Council stated the State of North Carolina initiated mental health reform and the board of commissioners has to make a firm commitment that it intends to do something that conforms to the letter of the law. Vice Chair Council further stated until the board of commissioners makes a commitment to study the issue with the intent of moving ahead, the commissioners are not going to get any answers to their questions.

Commissioner King asked staff to explore the possibility of MCOs other than Alliance Behavioral Healthcare. Additional comments followed.

VOTE ON SUBSTITUTE MOTION: FAILED (1-5) (Commissioner Evans voted in favor; Commissioners King, Edge, Faircloth, Melvin and Council voted in opposition)

VOTE ON ORIGINAL MOTION: PASSED (5-1) (Commissioners King, Edge, Faircloth, Melvin and Council voted in favor; Commissioner Evans voted in opposition)

8. Nominations to Boards and Committees

A. Cumberland County Workforce Development Board (3 Vacancies)

Commissioner Council nominated John Jones, Charlene Cross and Pamela Gibson.

B. Joint Appearance Commission (1 Vacancy)

Commissioner Edge nominated Matthew Auman McLean.

9. Appointments to Boards and Committees

A. Equalization and Review Board (4 Vacancies)

Nominees:

At-Large Position (Appoint Two (2)): David Duria (Reappointment)
David Mack
Harvey Raynor

Appraiser Position: Douglas Stephens III

Industrialist Position: William Holland

MOTION: Commissioner Faircloth moved to appoint Douglas Stephens, III to the Appraiser Position and William Holland to the Industrialist Position.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (6-0)

Vice Chair Council advised there were three nominees for the two remaining vacancies on the Equalization and Review Board and opened the floor for votes.

David Duria received votes from Commissioners Council, Edge, Faircloth and King.

David Mack received votes from Commissioners Evans, Melvin and King.

Harvey Raynor received votes from Commissioners Edge, Evans, Melvin, Council and Faircloth.

Vice Chair Council confirmed that by vote of the board of commissioners, David Duria and Harvey Raynor were appointed to serve on the Equalization and Review Board in the at-large positions.

MOTION: Commissioner King moved to recess the Cumberland County Board of Commissioners' meeting and convene the meeting of the Overhills Park Water and Sewer District Governing Board.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (6-0)

Vice Chair Council called the meeting of the Overhills Park Water and Sewer District Governing Board to order.

Items of Business

A. Approval of Minutes of the September 20, 2010 Overhills Park Water and Sewer District Governing Board Meeting

MOTION: Commissioner Faircloth moved to approve the September 20, 2010 Overhills Park Water and Sewer District Governing Board meeting minutes.

SECOND: Commissioner King

VOTE: UNANIMOUS (6-0)

B. Approval of a Resolution Authorizing the Overhills Park Water and Sewer District to Apply for the Financing of Water and Waste Water Projects

BACKGROUND:

The Public Utilities Division is working to obtain project funding through grants and low interest loans for a wastewater system in the Overhills Park Water and Sewer District. As a part of the application package the resolution must be approved by the Overhills Park Water and Sewer District governing board. The Clean Water State Revolving Fund (CWSRF) is in the process of accepting applications for funding with a deadline of March 1, 2013. The board previously approved a similar resolution in September 2010; however the CWSRF requires a current resolution to accompany the application.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director and Management recommend adoption of the resolution.

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

AUTHORIZING RESOLUTION
WATER AND WASTE WATER
PROJECTS

WHEREAS, The Federal Clean Water Act Amendments of 1987 and Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater or drinking water system improvements, and

WHEREAS, The Overhills Park Water & Sewer District has need for and intends to construct a wastewater and/or drinking water system projects described as:

This project is to provide sanitary sewer service to a community of approximately three hundred twenty five (325) parcels, primarily residential properties. This community is experiencing a high number of septic tank failures, some of which have resulted in condemnation action by our Health Department. This is primarily a lower income and retired military community.

WHEREAS, The Overhills Park Water & Sewer District intends to request state loan and/or grant assistance for the projects,

NOW THEREFORE BE IT RESOLVED, BY THE GOVERNING BOARD OF THE OVERHILLS PARK WATER AND SEWER DISTRICT:

That the Overhills Park Water & Sewer District, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State (loan and/or grant) award.

That the Overhills Park Water & Sewer District will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the Governing Body of the Overhills Park Water & Sewer District agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Overhills Park Water & Sewer District to make scheduled repayment of the loan, to withhold from the Overhills Park Water & Sewer District any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the Overhills Park Water & Sewer District will provide, or contract for, the efficient operation and maintenance of the project upon completion of construction thereof.

That James E. Martin, County Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a (loan or grant) to aid in the construction of the projects described above.

That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the Overhills Park Water & Sewer District has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted at a meeting of the Governing Board of the Overhills Park Water and Sewer District held on the 18th day of February 2013 in the Commissioners Meeting Room, Room 118, County Courthouse, 117 Dick Street, in Fayetteville, North Carolina.

Jeffrey Brown, Engineering and Infrastructure Director, reviewed the background information recorded above and stated this grant opportunity is similar to the grant used to fund the Southpoint water distribution system. Mr. Brown stated if received, the grant will help fund the installation of a much needed sanitary sewer system in the Overhills Park subdivision.

MOTION: Commissioner Faircloth moved to adopt the resolution
SECOND: Commissioner King
VOTE: UNANIMOUS (6-0)

C. Other Matters

There being no further matters of business,

MOTION: Commissioner King moved to adjourn the meeting of the Overhills Park Water and Sewer District Governing Board and reconvene the Cumberland County Board of Commissioners meeting.

SECOND: Commissioner Edge
VOTE: UNANIMOUS (6-0)

10. CLOSED SESSION: A. Attorney Client Matter(s)
Pursuant to NCGS 143-318.11(a)(3)

MOTION: Commissioner King moved to go into closed session for attorney/client matter(s)
pursuant to NCGS 143-318.11(a)(3).
SECOND: Commissioner Melvin
VOTE: UNANIMOUS (6-0)

Commissioner Edge was excused from the meeting.

MOTION: Commissioner Council moved to go into open session.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (5-0)

MOTION: Commissioner Council moved to lease the property described in the tax records
of Cumberland County as PIN 427-33-6166, which a vacant two acre lot behind
the Winding Creek Executive Plaza, to Family Air, LLC for a ground lease term
of three years with lease payments of \$6,000 per year subject to the provision
that the tenant complies with all zoning requirements of the City of Fayetteville
necessary for it to operate a helicopter helipad.
SECOND: Commissioner King
VOTE: UNANIMOUS (5-0)

MOTION: Commissioner Evans moved to adjourn.
SECOND: Commissioner King
VOTE: UNANIMOUS (5-0)

There being no further business, the meeting adjourned at 8:35 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board