

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, JUNE 3, 2013 – 9:00 AM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING
MINUTES

PRESENT: Commissioner Jimmy Keefe, Chairman
Commissioner Jeannette Council, Vice Chair
Commissioner Kenneth Edge
Commissioner Marshall Faircloth
Commissioner Billy King
Commissioner Ed Melvin
James Martin, County Manager
Amy Cannon, Deputy County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Rob Hasty, Assistant County Attorney
Howard Abner, Assistant Finance Director
Kelly Autry, Accountant
Bob Tucker, Accountant
Krista Barnhill, Accountant
Todd Hathaway, Finance Department
Howard Lloyd, Sheriff's Office/Budget
Jody Risacher, Public Library and Information Center Director
Sally Shutt, Public Information Director
Jeffrey Brown, Engineering and Infrastructure Director
Randy Beeman, Emergency Services Director
Brenda Jackson, Department of Social Services Director
Dr. Larry Keen, President of Fayetteville Technical Community
College
Carl Mitchell, Vice President for Human Resources & Institutional
Effectiveness/Assessment,
James Lott, Workforce Development Director
David McCune, Chair of the Workforce Development Board
Candice H. White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

ABSENT: Commissioner Charles Evans

Chairman Keefe called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE – Commissioner Council recognized Rev. Frederick Hill, Jr., Assistant Pastor of Friendship Missionary Baptist Church, who provided the invocation followed by the Pledge of Allegiance to the American Flag.

Employee Recognition: James Martin, County Manager, stated a recognition would not be announced during this meeting.

1. Approval of Agenda

MOTION: Commissioner King moved to approve the agenda.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (6-0)

2. Presentation on Workforce Development Program by Dr. Larry Keen, President of Fayetteville Technical Community College, Mr. Carl Mitchell, Vice President for Human Resources & Institutional Effectiveness/Assessment, Mr. James Lott, Workforce Development Director, and Mr. David McCune, Chair of the Workforce Development Board

Chairman Keefe recognized Dr. Larry Keen, President of Fayetteville Technical Community College (FTCC), who provided a back brief of how FTCC took on workforce development responsibilities in Cumberland County. Dr. Keen introduced Carl Mitchell, Vice President for Human Resources & Institutional Effectiveness/Assessment; James Lott, Workforce Development Director; and David McCune, Chair of the Workforce Development Board. Dr. Keen then reviewed the following:

Mission Statement:

To provide an integrated system of training, retraining, and employment for job seekers and employers of Cumberland County positively influencing the economic development of the local service region.

Mr. McCune identified new members of the Workforce Development Board and their areas of expertise. Mr. McCune stated workforce development has been well represented by the board and staff at conferences and State leadership has noted the board's participation. Mr. McCune also stated he was recently appointed to a two-year term on the Southeastern Training Association Board. Mr. McCune stated FTCC staff are focused on moving workforce development forward for the betterment of the Cumberland County community.

Dr. Keen stated FTCC is participating in regional and national meetings so the latest workforce development information coming out of Washington, DC can be known before the fact.

Mr. Mitchell stated the Workforce Development (WD) Center serves over 1,000 local citizens a year who are seeking training, retraining, job referrals, or assistance in soft-skill or interviewing preparation and/or job search techniques. Mr. Mitchell reported over 400 individuals received soft-skill training the past year. Mr. Mitchell stated the Center serves another 5,000 citizens each year who are seeking unemployment insurance benefits. Mr. Mitchell stated funding for WD Center programs is based on allocations from the federal Workforce Investment Act (WIA) of 1998, and Cumberland County's allocation is about \$2 million per year in federal funds that provide services. Mr. Mitchell stated \$800,000 is designated for the youth programs and the other \$1.2 million serves unemployed adults. Mr. Mitchell stated without major direct costs to the budgeted federal funds, FTC provides professional services such as budgeting and accounting, WD Center employee training and development, and oversight of the WD Center operations as in-kind support.

Mr. Mitchell stated the WD Center provides individualized career guidance, assessment, assistance in resume writing and job search, and also pays for tuition and associated services for jobseekers to participate in training provided by approved training providers. Mr. Mitchell stated following training, individuals are followed for one year through case management to ensure their success. Mr. Mitchell stated services provided to local youth ages 16 – 21 attempt to lessen high school dropout rates by providing a paid Summer Youth Work Experience which averages around 168 youth working at over 75 worksites across Cumberland County. Mr. Mitchell stated in addition to classroom training, paid work experience is provided to adults for 480 hours with over 70% of these participants securing permanent employment after the work experience program is completed. Mr. Mitchell stated follow up and post service training is also provided.

Mr. Mitchell stated FTCC also provides staff support to the 23-member Workforce Development Board, with a majority of the members coming from the private business sector. Mr. Mitchell stated board members provide policy guidance on the services and programs and make suggestions for program modifications or new programs designed to meet local employer needs. Mr. Mitchell stated under the guidance of Dr. Keen and Mr. McCune, the current Workforce Development Board is very active and highly engaged, and has a strategic vision for improving the visibility of WD Center services while ensuring that programs remain customer-friendly, effective, and efficient. Mr. Mitchell stated the board provides suggestions that will meet both local employer training needs and the needs of local WD Center participants in need of skills development prior to entering the job market.

Mr. Mitchell highlighted the following significant achievements:

- Successfully transitioned operational control from Cumberland County to FTCC, without any disruption of services or knowledge by the clients that such a transition was underway.
- Eligibility processes for participants have been streamlined for efficiency resulting in less time for local citizens to obtain needed assistance.
- The Workforce Development Board has reengineered itself resulting in high levels of engagement and liaison with local employers seeking Center assistance.
- Budgets are carefully monitored resulting in the ability to triple the number of clients served over the past two years.
- Based upon local employer requests, almost all Center participants are receiving soft-skill training to supplement the other Center services being provided.
- Combined services has resulted in synergy of effort allowing for better access to data and information upon which to make decisions related to local economic development.
- The Workforce Development Board participated in training related to the Board's role and function with 100% Board attendance. This training resulted in subsequent Board-led strategic planning sessions to identify strategic directions and activities during the 2013-2018 timeframe.
- Costs of services per participant have been reduced from \$2,000 to \$500 over the past two years.
- Successfully passed the annual State Audit for programs and services (completed in April 2013)
- Have made approximately 30 presentations to business, government and related agencies in the past twelve months to expand interest in services available at the Center.

- Positioned the Workforce Development Center and the Workforce Solutions Office (formerly ESC for the upcoming mandated integration of services). Plans for local integration were presented at the Statewide Workforce Development Directors meeting in May, 2013.
- Newly created partnerships with Cumberland County Parks and Recreation and Cumberland County Library System have resulted in increased visibility of services.

Number of Workforce Investment Act Services to Local Citizens

	July 1, 2010-June 30, 2011	July 1, 2011-April 30, 2013*
Orientation	411	2536
Applications	237	1636
Enrollments:		
Adults	126	834
Dislocated Workers	55	421
Youth	133	681
Training:		
Adults	96	848
Dislocated Workers	30	387
Youth	80	458

*Does not include May 1, 2013 - June 30, 2013

Soft-skills enhancements:

446 WIA participants completed HRD at FTCC and 120 have completed CRC certificates during the July 1, 2012 to April 30, 2013 (first 10 months of 2012-13 year)

Mr. Mitchell outlined the future strategic directions of the Workforce Development Board for the next five years:

- Obtain outside flexible funding to maximize resources through grants, fees, increased number of people/services, and other resources.
- Increase the visibility of the Workforce Development Center and inform community stakeholders of services through a clear communication network that conveys the values, activities, needs, and accomplishments of the JobLink Center.
- Connect job seekers with other agencies through increased collaboration to assist applicants in overcoming barriers to employment and meet employer demands.
- Ensure fiscal responsibility, accountability, and financial stability.

Mr. Mitchell stated there is a push to eliminate separate county workforce development boards and move to the Council of Government concept thereby reducing from 23 to 16 workforce areas. Mr. Mitchell stated FTCC is encouraging phone calls or letters of support to let the Cumberland County Workforce Development continue to move forward. Dr. Keen stated FTCC has developed a workforce development model that works well and the Governor’s study group asked FTCC to forward more information on its restructuring. Dr. Keen concluded the presentation by stating at present the future of workforce development is an unknown. Dr. Keen stated FTCC signed on with Cumberland County for the benefit of the community and additional discussions will be needed should the number of counties involved increase.

Commissioner King requested that Item 3.H.(3) and Item 3.H.(4) be pulled for separate discussion and action. Chairman Keefe requested that Item F.(1) be pulled for separate discussion and action.

3. Consent Agenda

- A. Approval of minutes for May 20, 2013 regular meeting
- B. Approval of Appointment of Deputy Finance Officer for Crown Center

BACKGROUND:

North Carolina General Statutes Chapter 159, Article 3, entitled “The Local Government Budget and Fiscal Control Act” requires all checks drawn on an official depository be signed by the Finance Officer or a properly designated Deputy Finance Officer and countersigned by another official of the local government designated for this purpose by the Governing Board. The act also requires the Deputy Finance Officer to have a faithful performance bond in an amount not less than \$10,000 or more than \$250,000.

The Deputy County Manager recommends that Robert Leavell, Administrative Program Officer I, be appointed to sign checks for the Crown Center’s checking and savings account.

RECOMMENDATION AND PROPOSED ACTION:

- 1. Approve the appointment of Robert Leavell as Deputy Finance Officer;
- 2. Provide a faithful performance bond in the amount of \$20,000 for Robert Leavell;
- 3. Approve the resolution as recorded below implementing the above recommendations.

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

RESOLUTION

WHEREAS, due to the operation requirements unique to the Crown Center; and

WHEREAS, the timing, amounts, or payees of these checks cannot be anticipated and, in most cases, the checks must be issued immediately; and

WHEREAS, the timing of the checks requires the appointment of a Deputy Finance Officer and, in addition, more than one person must be authorized to countersign each check; and

WHEREAS, North Carolina General Statute Chapter 159, Article 3, entitled “The Local Government Budget and Fiscal Control Act”, authorizes the Governing Board to appoint Deputy Finance Officers to designate individual(s) to countersign the checks, and to fix the amount of the faithful performance bond to be provided by the appointee.

NOW THEREFORE, to facilitate the operational requirement of the Crown Center, the Board of County Commissioners hereby RESOLVES that:

1. Robert Leavell is appointed a Deputy Finance Officer and is authorized to sign the checks/drafts issued on the checking and savings accounts maintained by Crown Center.
2. The appointee will provide a faithful performance bond in the amount of \$20,000.00.

Adopted this 3rd day of June, 2013.

- C. Approval of Federal and State Home & Community Care Block Grant for FY2014

BACKGROUND:

The Federal and State Home and Community Care Block Grant for Cumberland County for FY2014 is \$1,468,994. This funding is content upon final allocation.

The following have been provided:

Lead Agency Designation

County Services Summary

County Agreement for the Provision of County-Based Aging Services

RECOMMENDATION/PROPOSED ACTION:

Approve the County Summary and the County Agreement for the Provision of County-Based Aging Services which require the signature of the Chairman of the Board.

July 1, 2013 through June 30, 2014

Home and Community Care Block Grant for Older Adults

Agreement for the Provision of County-Based Aging Services

This Agreement, entered into as of this 1st day of July, 2013, by and between the County of Cumberland (hereinafter referred to as the "County") and the Mid-Carolina Area Agency on Aging, (hereinafter referred to as the "Area Agency").

Witnesseth That:

WHEREAS, the Area Agency and the County agree to the terms and conditions for provision of aging services in connection with activities financed in part by Older Americans Act grant funds, provided to the Area Agency from the United States Department of Health and Human Services through the North Carolina Division of Aging and Adult Services (DAAS) and state appropriations made available to the Area Agency through the North Carolina Division of Aging and Adult Services, as set forth in a) this document, b) the County Funding Plan, as reviewed by the Area Agency and the Division of Aging and Adult Services, c) the Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Service Providers, d) the Division of Aging and Adult Services Service Standards Manual, Volumes I through

IV, and, e) the Division of Aging and Adult Services Community Service Providers Monitoring Guidelines.

NOW THEREFORE, in consideration of these premises, and mutual covenants and agreements hereinafter contained, the parties hereto agree as follows:

1. As provided in the Area Plan, community service providers specified by the County to encourage maximum collocation and coordination of services for older persons are as follows:

Cumberland County Coordinating Council on Older Adults, Inc.

1.(a) The Community Service Provider(s), shall be those specified in the County Funding Plan on the Provider Services Summary format(s) (DOA-732) for the period ending June 30 for the year stated above.

2. Availability of Funds. The terms set forth in this Agreement for payment are contingent upon the receipt of Home and Community Care Block Grant funding by the Area Agency.

3. Grant Administration. The grant administrator for the Area Agency shall be Glenda Dye, Aging Director. The grant administrator for the County shall be the County Manager.

It is understood and agreed that the grant administrator for the County shall represent the County in the performance of this Agreement. The County shall notify the Area Agency in writing if the administrator changes during the grant period. Specific responsibilities of the grant administrator for the County are provided in paragraph seven (7) of this Agreement.

4. Services authorized through the County Funding Plan, as specified on the Provider Services Summary format(s) (DOA-732) are to commence no later than July 1 of the state fiscal year and shall be undertaken and pursued in such sequence as to assure their expeditious completion. All services required hereunder shall be completed on or before the end of the Agreement period, June 30 of the state fiscal year.

5. Assignability and Contracting. The County shall not assign all or any portion of its interest in this Agreement. Any purchase of services with Home and Community Care Block Grant for Older Adults funding shall be carried out in accordance with the procurement and contracting policy of the community services provider or, where applicable, the Area Agency, which does not conflict with procurement and contracting requirements contained in 45 CFR 92.36. Federal funds shall not be awarded to any sub-recipients who have been suspended or debarred by the Federal government. In addition, Federal funds may not be used to purchase goods or services costing over \$100,000 from a vendor that has been suspended or debarred from Federal grant programs.

6. Compensation and Payments to the County. The County shall be compensated for the work and services actually performed under this Agreement by payments to be made

monthly by the Area Agency. Total reimbursement to the community service providers under this Agreement may not exceed the grand total of Block Grant funding, as specified on the Provider Services Summary format (DOA-732).

(a) Interim Payments to the County

Upon receipt of a written request from the County, the Division of Aging and Adult Services, through the Area Agency, will provide the County Finance Officer with an interim payment equivalent to seventy percent (70%) of one-twelfth (1/12) of the County's Home and Community Care Block Grant allocation by the 22nd of each month.

(b) Reimbursement of Service Costs

Reimbursement of service costs are carried out as provided in Section 3 of the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Service Providers, revised February 17, 1997.

(c) Role of the Area Agency

The Area Agency shall be responsible for disbursing Home and Community Care Block Grant Funding to Community Service Providers in accordance with procedures specified in the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Manual for Community Service Providers, revised February 17, 1997.

(d) Payment of Administration on Aging Nutrition Services Incentive Program (NSIP) Subsidy

NSIP subsidy for congregate and home delivered meals will be disbursed by the Division of Aging through the Area Agency to the County on a monthly basis, subject to the availability of funds as specified in Section 3 of the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Services Providers, revised February 17, 1997.

If through the US Department of Agriculture Area Agency on Aging Elections Project, the County elects to receive a portion of its USDA entitlement in the form of surplus commodity foods in lieu of cash, the Area Agency will notify the County in writing of its community valuation upon notification from the Division of Aging and Adult Services. The delivery of commodity and bonus foods is subject to availability. The County will not receive cash entitlement in lieu of commodities that are unavailable or undelivered during the Agreement period.

7. Reallocation of Funds and Budget Revisions. Any reallocation of Block Grant funding between counties shall be voluntary on the part of the County and shall be effective only for the period of the Agreement. The reallocation of Block Grant funds between counties will not affect the allocation of future funding to the County. If during the performance period of the Agreement, the Area Agency determines that a portion of the Block Grant will not be expended, the grant administrator for the County shall be notified in writing by the Area Agency and given the opportunity to make funds available

for reallocation to other counties in the Planning and Service Area or elsewhere in the state.

The Area Agency may authorize community service providers to implement budget revisions which do not cause the County to fall below minimum budgeting requirements for access, in-home, congregate, and home delivered meals services, as specified in Division of Aging and Adult Services budget instructions issued to the County. If a budget revision will cause the County to fall below minimum budgeting requirements for any of the aforementioned services, as specified in Division of Aging and Adult Services budgeting instructions issued to the County, approval for the revision from the Area Agency prior to implementation by the community service provider, so as to assure that regional minimum budgeting requirements for the aforementioned services will be met.

In the event the Service Provider's rate of progress on the contract is leading to under spending at the end of the contract period, the Area Agency may reallocate Home and Community Care Block Grant funds within the county as necessary to most effectively utilize funds.

Unless community services providers have been given the capacity to enter data into the Aging Resources Management System (ARMS), Area Agencies on Aging are responsible for entering amended service data into the Division of Aging Management Information System, as specified in the N.C. Division of Aging and Adult Services Home and Community Care Block Grant Procedures Manual for Community Service Providers, revised February 17, 1997.

8. Monitoring. This Agreement will be monitored to assure that services are being provided as stated in the Division of Aging and Adult Service monitoring Policies and Procedures at <http://www.ncdhhs.gov/aging/monitor/mpolicy.htm> .

The monitoring of services provided under this Agreement shall be carried out by the Area Agency on Aging in accordance with its Assessment Plan and/or by the DAAS Program Compliance Representative (PCR). Local Departments of Social Services providing Adult Day Care, Adult Day Health Care, Housing and Home Improvement, and/or In-Home Aide (all levels) through the Home and Community Care Block Grant will receive monitoring by the State PCR. All other services and grantees are monitored by the Area Agency on Aging serving the counties' PSA.

Counties and community service providers will receive a written report of monitoring findings in accordance with procedures established in Section 308 of the AAA Policies and Procedures Manual (7/1/03 and revised 10/1/09). Any areas of non-compliance will be addressed in a written corrective action plan with the community service provider.

9. Disputes and Appeals. Any dispute concerning a question of fact arising under this Agreement shall be identified to the designated grants administrator for the Area Agency. In accordance with Lead Regional Organization (LRO) policy, a written decision shall be promptly furnished to the designated grants administrator for the County.

The decision of the LRO is final unless within twenty (20) days of receipt of such decision the Chairman of the Board of Commissioners furnishes a written request for appeal to the Director of the North Carolina Division of Aging and Adult Services, with a copy sent to the Area Agency. The request for appeal shall state the exact nature of the complaint. The Division of Aging and Adult Services will inform the Chairman of the Board of Commissioners of its appeal procedures and will inform the Area Agency that an appeal has been filed. Procedures thereafter will be determined by the appeals process of the Division of Aging and Adult Services. The state agency address is as follows:

Director
North Carolina Division of Aging and Adult Services
2101 Mail Service Center
693 Palmer Drive
Raleigh, North Carolina 27699-2101

10. Termination for Cause. If through any cause, the County shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or the County has or shall violate any of the covenants, agreements, representations or stipulations of this Agreement, the Area Agency shall have the right to terminate this Agreement by giving the Chairman of the Board of Commissioners written notice of such termination no fewer than fifteen (15) days prior to the effective date of termination. In such event, all finished documents and other materials collected or produced under this Agreement shall at the option of the Area Agency, become its property. The County shall be entitled to receive just and equitable compensation for any work satisfactorily performed under this Agreement.

11. Audit. The County agrees to have an annual independent audit in accordance with North Carolina General Statutes, North Carolina Local Government Commission requirements, Division of Aging and Adult Services Program Audit Guide for Aging Services and Federal Office of Budget and Management (OMB) Circular A-133.

Community service providers, as specified in paragraph one (1), who are not units of local government or otherwise subject to the audit and other reporting requirements of the Local Government Commission are subject to audit and fiscal reporting requirements, as stated in NC General Statute 143C-6-22 and 23 and OMB Circular A-133, where applicable. Applicable community service providers must send a copy of their year-end financial statements, and any required audit, to the Area Agency on Aging. Home and Community Care Block Grant providers are not required to submit Activities and Accomplishments Reports. For-profit corporations are not subject to the requirements of OMB Circular A-133, but are subject to NC General Statute 143C-6-22 and 23 and Yellow Book audit requirements, where applicable. Federal funds may not be used to pay for a Single or Yellow Book audit unless it a federal requirement. State funds will not be used to pay for a Single or Yellow Book audit if the provider receives less than \$500,000 in state funds. The Department of Health and Human Services will provide confirmation of federal and state expenditures at the close of the state fiscal year. Information on audit and fiscal reporting requirements can be found at <https://www.ncgrants.gov/NCGrants/PublicReportsRegulations.jsp>.

The following provides a summary of reporting requirements under NCGS 143C-6-22 and 23 and OMB Circular A-133 based upon funding received and expended during the service provider's fiscal year.

<u>Annual Expenditures</u>	<u>Report Required to AAA</u>	<u>Allowable Cost for Reporting</u>
<ul style="list-style-type: none"> Less than \$25,000 in State or Federal funds 	Certification form and State Grants Compliance Reporting <\$25,000 (item # 11, Activities and Accomplishments does <u>not</u> have to be completed) OR Audited Financial Statements in Compliance with GAO/GAS (i.e. Yellow Book)	N/A
<ul style="list-style-type: none"> Greater than \$25,000 and less that \$500,000 in State or Federal Funds 	Certification form and Schedule of Grantee Receipts >\$25,000 and Schedule of Receipts and Expenditures OR Audited Financial Statements in Compliance with GAO/GAS (i.e. Yellow Book)	N/A
<ul style="list-style-type: none"> \$500,00+ in State funds, but <u>and</u> Federal pass through in an amount less than \$500,000 	Audited Financial Statement in compliance with GAO/GAS (i.e. Yellow Book)	May use State <u>not</u> Federal Funds
<ul style="list-style-type: none"> \$500,000+ in State funds <u>and</u> \$500,000+ in Federal pass through funds (i.e. at least \$1,000,000) 	Audited Financial Statement in compliance with OMB Circular A-133 (i.e. Single Audit)	May use State and funds
<ul style="list-style-type: none"> Less than \$500,000 in State Federal funds, funds <u>and</u> \$500,000+ in Federal pass through funds 	Audited Financial Statement in compliance with OMB Circular A-133 (i.e. Single Audit)	May use but <u>not</u> State funds.

12. Audit/Assessment Resolutions and Disallowed Cost. It is further understood that the community service providers are responsible to the Area Agency for clarifying any audit exceptions that may arise from any Area Agency assessment, county or community service provider single or financial audit, or audits conducted by the State or Federal Governments. In the event that the Area Agency or the Department of Health and Human Services disallows any expenditure made by the community service provider for any reason, the County shall promptly repay such funds to the Area Agency once any final appeal is exhausted in accordance with paragraph nine (9). The only exceptions are

if the Area Agency on Aging is designated as a community service provider through the County Funding Plan or, if as a part of a procurement process, the Area Agency on Aging enters into a contractual agreement for service provision with a provider which is in addition to the required County Funding Plan formats. In these exceptions, the Area Agency is responsible for any disallowed costs. The County or Area Agency on Aging can recoup any required payback from the community service provider in the event that payback is due to a community service provider's failure to meet OMB Circular A-122 requirements, requirements of A-110, requirements of 45CFR, Part 1321, and 45CFR, Part 92, or state eligibility requirements as specified in policy.

13. Indemnity. The County agrees to indemnify and save harmless the Area Agency, its agents, and employees from and against and all loss, cost, damages, expenses, and liability arising out of performance under this Agreement to the extent of errors or omissions of the County.

14. Equal Employment Opportunity and Americans With Disabilities Act Compliance. Both the County and community service providers, as identified in paragraph one (1), shall comply with all federal and state laws relating to equal employment opportunity and accommodation for disability.

15. Data to be Furnished to the County. All information which is existing, readily available to the Area Agency without cost and reasonably necessary, as determined by the Area Agency's staff, for the performance of this Agreement by the County shall be furnished to the County and community service providers without charge by the Area Agency. The Area Agency, its agents and employees, shall fully cooperate, with the County in the performance of the County's duties under this Agreement.

16. Rights in Documents, Materials and Data Produced. The County and community service providers agree that at the discretion of the Area Agency, all reports and other data prepared by or for it under the terms of this Agreement shall be delivered to, become and remain, the property of the Area Agency upon termination or completion of the work. Both the Area Agency and the County shall have the right to use same without restriction or limitation and without compensation to the other. For the purposes of this Agreement, "data" includes writings, sound recordings, or other graphic representations, and works of similar nature. No reports or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of the County.

17. Interest of the Board of Commissioners. The Board of Commissioners covenants that neither the Board of Commissioners nor its agents or employees presently has an interest, nor shall acquire an interest, direct or indirect, which conflicts in any manner or degree with the performance of its service hereunder, or which would prevent, or tend to prevent, the satisfactory performance of the service hereunder in an impartial and unbiased manner.

18. Interest of Members of the Area Agency, Lead Regional Organization, and Others. No officer, member or employee of the Area Agency or Lead Regional Organization, and no public official of any local government which is affected in any

way by the Project, who exercises any function or responsibilities in the review or approval of the Project or any component part thereof, shall participate in any decisions relating to this Agreement which affects his personal interest or the interest of any corporation, partnership or association in which he is, directly or indirectly, interested; nor shall any such persons have any interest, direct or indirect, in this Agreement or the proceeds arising there from.

19. Officials not to Benefit. No member of or delegate to the Congress of the United States of America, resident Commissioner or employee of the United States Government, shall be entitled to any share or part of this Agreement or any benefits to arise here from.

20. Prohibition Against Use of Funds to Influence Legislation. No part of any funds under this Agreement shall be used to pay the salary or expenses of any employee or agent acting on behalf of the County to engage in any activity designed to influence legislation or appropriations pending before Congress.

21. Applicable Law. This Agreement is executed and is to be performed in the State of North Carolina, and all questions of interpretation and construction shall be construed by the laws of such State.

In witness whereof, the Area Agency and the County have executed this Agreement as of the day first written above.

D. Approval of Revised Fayetteville Area Metropolitan Planning Organization (FAMPO) Memorandum of Understanding

BACKGROUND:

In 2002, the City of Fayetteville, the Town of Hope Mills, the Town of Spring Lake, the Fort Bragg Military Reservation, Pope Air Force Base, Cumberland County, Harnett County, Hoke County and the North Carolina Department of Transportation entered into a Memorandum of Understanding establishing the Fayetteville Area Metropolitan Planning Organization (FAMPO) to perform transportation planning pursuant to certain federal and state statutes. It is necessary to revise the Memorandum to add the Town of Eastover, the Town of Parkton, the City of Raeford, and Robeson County and remove Pope Air Force Base as parties to the agreement and to clarify the roles and responsibilities of the parties. Cumberland County remains the host planning agency with the Executive Director and staff to remain Cumberland County employees in the Planning and Inspections Department.

RECOMMENDATION/PROPOSED ACTION:

The county attorney recommends adoption of the attached resolution approving Memorandum of Understanding for execution by the Chairman.

Board of Commissioners of Cumberland County
Resolution Approving the Execution of a Memorandum of Understanding
For Cooperative, Comprehensive, and Continuing Transportation Planning
Within the Fayetteville Metropolitan Planning Area

WHEREAS, this Board recognizes that the efficient movement of traffic within and through the Fayetteville urban area is a highly desirable element of a comprehensive plan for the orderly growth and development of the area; and

WHEREAS, there are a number of governmental jurisdictions within the Fayetteville Metropolitan Planning Area which are authorized to implement the responsibilities for transportation planning by the North Carolina General Statutes; and

WHEREAS, this Board desires that a coordinated, comprehensive, and cooperative transportation planning process be maintained in the Fayetteville Metropolitan Planning Area to ensure that such planning is conducted in an efficient and economical basis commensurate with the public health, safety, and welfare; and

WHEREAS, this Board finds that the revised Memorandum of Understanding among the City Of Fayetteville, Town of Eastover, Town Of Hope Mills, Town Of Parkton, City Of Raeford, Town Of Spring Lake, Fort Bragg Military Reservation, Cumberland County, Harnett County, Hoke County, Robeson County and the North Carolina Department Of Transportation which sets forth the responsibilities and working arrangements for maintaining a continuing, comprehensive, and cooperative transportation planning process within the Fayetteville Metropolitan Planning Area promotes the provision of such planning in the manner desired by this Board.

BE IT RESOLVED by the Board of Commissioners of the County of Cumberland that the Memorandum of Understanding among the City Of Fayetteville, Town of Eastover, Town Of Hope Mills, Town Of Parkton, City Of Raeford, Town Of Spring Lake, Fort Bragg Military Reservation, Cumberland County, Harnett County, Hoke County, Robeson County and the North Carolina Department Of Transportation, set out fully in the minutes of this meeting, be approved and the Chairman and County Clerk are directed to execute the same.

Adopted at the regular meeting held June 3, 2013.

MEMORANDUM OF UNDERSTANDING FOR
COOPERATIVE, COMPREHENSIVE, AND CONTINUING
TRANSPORTATION PLANNING

AMONG

THE CITY OF FAYETTEVILLE, THE TOWN OF EASTOVER, THE TOWN OF HOPE MILLS, THE TOWN OF PARKTON, THE CITY OF RAEFORD, THE TOWN OF SPRING LAKE, THE FORT BRAGG MILITARY RESERVATION, THE COUNTY OF CUMBERLAND, THE COUNTY OF HARNETT, THE COUNTY OF HOKE, THE COUNTY OF ROBESON, AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION IN COOPERATION WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION

WITNESSETH:

WHEREAS, certain of the parties hereto have previously entered into a Memorandum of Understanding for cooperative, comprehensive, and continuing transportation planning through the Fayetteville Area Metropolitan Planning Organization (the FAMPO), which agreement was last amended in December 2002; and

WHEREAS, the parties desire to continue that transportation planning through the FAMPO and amend and expand the agreement to include additional parties and clarify their respective roles and responsibilities; and

WHEREAS, each Metropolitan Planning Organization (MPO) is required to develop a Metropolitan Transportation Plan in cooperation with NCDOT and in accordance with 23 U.S.C. § 134, any amendments thereto, and any implementing regulations; and a Comprehensive Transportation Plan in accordance with North Carolina General Statute §136-66.2; and

WHEREAS, the Metropolitan Transportation Plan serves as the basis for future transportation improvements within the Metropolitan Planning Area; and

WHEREAS, the parties intend that this Memorandum of Understanding shall supersede all prior memoranda of understanding among any of them pertaining to the FAMPO.

NOW THEREFORE, in consideration of the mutual benefits afforded to each party, the parties agree as follows:

Section 1. Boundary of the Metropolitan Planning Area

The Fayetteville Urban Metropolitan Planning Area consists of the Fayetteville Urban Area as defined by the United States Department of Commerce, Bureau of the Census, plus that area beyond the existing urbanized area boundary that is expected to become urbanized within a twenty-year planning period. This area is hereinafter referred to as the Metropolitan Planning Area.

Section 2. Planning Responsibility within the Metropolitan Planning Area

Cooperative, continuing and comprehensive transportation planning shall be undertaken in the Metropolitan Planning Area by the FAMPO in accordance with all applicable federal and state statutes. The FAMPO shall coordinate any transportation planning it undertakes which may have a regional impact with Mid-Carolina Rural Planning Organization and the Lumber River Rural Planning Organization.

Section 3. Establishment of the FAMPO

The FAMPO shall be governed by a board of directors which shall be the policy making board for the MPO and shall be constituted as follows:

The voting members of the board of directors of the FAMPO shall consist of the Chief Elected Official, or a single representative appointed by the Chief Elected Official, from the governing boards of each of the General Purpose Local Governments which are parties to this agreement; an additional representative from the City Council of Fayetteville, appointed by the Chief Elected Official, to represent the Transit Operator for

the City of Fayetteville; a representative from Division Six of the North Carolina Department of Transportation; and a representative from Division Eight of the North Carolina Department of Transportation. In addition, the board of directors of the FAMPO shall include a non-voting representative from the Fort Bragg Military Reservation, a non-voting representative from the Federal Highway Administration-North Carolina Division, and a non-voting representative from the Federal Transit Administration-Region IV. The members representing the Fort Bragg Military Reservation and the state and federal agencies shall be selected as determined by the agencies they are representing.

Section 4. Conduct of Business by the FAMPO Board of Directors

The FAMPO board of directors will meet as often as it deems appropriate and advisable. The board of directors will adopt by-laws and select a Chair and Vice-chair and conduct its business in accordance with its adopted by-laws. All meetings of the board of directors shall be subject to the Open Meetings Law.

Section 5. Role and Responsibilities of the FAMPO

The FAMPO board of directors will be responsible for carrying out the provisions of 23 U.S.C. § 134 (Federal Highway Administration); and 49 U.S.C. §§ 5303, 5304, 5305, 5306 and 5307(Federal Transit Administration); including the following duties and responsibilities:

- 5.1. Review and approval of the annual transportation Unified Planning Work Program and any subsequent amendments;
- 5.2. Review and approval of the Transportation Improvement Program for multimodal capital and operating expenditures to insure coordination between local and State capital and operating improvement programs and any subsequent amendments;
- 5.3. Review and approval of the Metropolitan Transportation Plan, and subsequent changes thereto, and the Comprehensive Transportation Plan as required by the N.C.G.S. § 136-66.2(d). Revisions in the transportation plans must be jointly approved by the FAMPO board of directors and the North Carolina Department of Transportation;
- 5.4. Endorsement, review and approval of changes to the Federal Highway Administration Functional Classification System, the Adjusted Urbanized Area Boundary and the Metropolitan Planning Area Boundary;
- 5.5. Endorsement, review and approval of a Prospectus for Transportation Planning which defines work tasks and responsibilities for the various agencies participating in the transportation planning process;
- 5.6. Establishment of goals and objectives for the transportation planning process reflective of and responsive to such comprehensive plans for growth and development in the Metropolitan Planning Area as are adopted by Boards of General Purpose Local Government.

5.7. Approval and distribution of federal funds designated for the Metropolitan Planning Area under the provisions of MAP-21 and any other subsequent transportation funding authorizations.

Section 6. Establishment of the Transportation Coordinating Committee (the TCC)

6.1. The parties acknowledge that transportation planning is a specialized field. In order to give the FAMPO, as the duly constituted Transportation Advisory Committee (the TAC), access to the technical expertise necessary to meet the requirements of federal and state law, a Technical Coordinating Committee (the TCC) shall be established with the responsibility for advising the FAMPO on the technical aspects of the transportation planning process, performing such technical analysis as necessary to support transportation planning and making recommendations to the FAMPO and local and State governmental agencies for any necessary actions relating to the continuing transportation planning process.

6.2. Membership of the TCC shall include technical representation from all local and State governmental agencies directly related to and concerned with the transportation planning process for the Metropolitan Planning Area and shall consist of the following:

Voting members, serving *ex-officio*:

City Manager, City of Raeford
County Manager, County of Cumberland
County Manager, County of Hoke
County Manager, County of Robeson
Town Manager, Town of Eastover
Town Manager, Town of Hope Mills
Town Manager, Town of Spring Lake
Director, Cumberland County Planning and Inspections Department
Director, Fayetteville Transit Department
Director, Fayetteville – Cumberland County Parks and Recreation Department
Director, City of Fayetteville Engineering and Infrastructure Department
Director, Cumberland County Engineering and Infrastructure Department
Director, Fayetteville Regional Airport
Manager, City of Fayetteville Planning and Zoning Division
City Traffic Engineer, City of Fayetteville
Director, Mid Carolina Rural Planning Organization
Planner, Lumber River Rural Planning Organization
Manager, Harnett County Planning Services
Supervisor, Cumberland County Schools Planning Department
Executive Director, Mid-Carolina Council of Governments
Executive Director, Sustainable Sandhills
Assoc. Vice-Chancellor for Facilities Management at Fayetteville State University
Installation Transportation Officer, Fort Bragg Military Reservation
Division Engineer, Division Six, Division of Highways, NCDOT
Division Engineer, Division Eight, Division of Highways, NCDOT

Division Construction Engineer, Division Six, Division of Highways, NCDOT
Division Construction Engineer, Division Eight, Division of Highways, NCDOT
Division Traffic Engineer, Division Six, Division of Highways, NCDOT
Division Traffic Engineer, Division Eight, Division of Highways, NCDOT
Fayetteville Metropolitan Area Coordinator, Transportation Planning Branch,
NCDOT

Voting members, selected by the agency they represent:

Representative of the Fayetteville – Cumberland County Chamber of Commerce;
Representative of Cumberland County Transportation Advisory Board;

Non-voting members, serving *ex officio*:

Director, Public Transportation Division, NCDOT
Community Planner, North Carolina Division, Federal Highway Administration
Community Planner, Region IV, Federal Transit Administration
Representative of the Directorate of Facilities Engineering, Fort Bragg Military
Reservation

Section 7. Conduct of Business by the TCC

The TCC will meet as often as it deems appropriate and advisable. The TCC will adopt by-laws and select a Chair and Vice-chair and conduct its business in accordance with its adopted by- laws. All meetings of the TCC shall be subject to the Open Meetings Law.

Section 8. Role and Responsibilities of the TCC

The TCC shall be responsible for development, review, and recommendation for approval of the Prospectus, Transportation Improvement Program, Federal-Aid Urban System and Boundary, revisions to the Transportation Plan, planning citizen participation, and documentation reports on the transportation study.

Section 9. Establishment of the Citizens Advisory Committee (the CAC)

There shall also be a Citizens Advisory Committee (the CAC) established consisting of no less than 11 and not more than 17 interested citizens who reside within the Metropolitan Planning Area. The members of the CAC shall be appointed by the FAMPO board of directors and shall be selected to represent areas of interest and interest groups, including traditionally underrepresented members of the community, to address such interests as bicycle paths, pedestrian greenways, environmental concerns, road safety, traffic congestion, freight, rail and transit and with representatives including advocates for the disabled, seniors and minorities.

Section 10. Conduct of Business by the CAC

The CAC will meet as often as it deems appropriate and advisable to make recommendations to the TAC and the TCC. The CAC will adopt by-laws and select a Chair and Vice-chair and conduct its business in accordance with its adopted by- laws. All meetings of the CAC shall be subject to the Open Meetings Law.

Section 11. The Executive Director

Administrative coordination for the FAMPO (TAC), the TCC and the CAC will be performed by an Executive Director. The Executive Director shall be selected by a panel consisting of the Development Services Director and the Director of Engineering and Infrastructure for the City of Fayetteville, the Director of Planning and Inspections for Cumberland County, and the managers or the designees of the managers of the towns of Hope Mills and Spring Lake. The Executive Director shall become an employee of Cumberland County, subject to the provisions of Cumberland County's personnel rules and policies, assigned to the Cumberland County Planning and Inspections Department and report to the county's Director of Planning and Inspections. The Executive Director shall select such other staff as may be budgeted in accordance with the selection and recruitment rules and policies of Cumberland County. All staff selected by the Executive Director shall become employees of Cumberland County assigned to the Cumberland County Planning and Inspections Department and subject to the provisions of the County's personnel rules and policies.

Section 12. Role and Responsibilities of the Executive Director

12.1. The Executive Director shall serve *ex officio* as the Secretary of the FAMPO Board of Directors (the TAC), the TCC and the CAC and shall be responsible to arrange the meetings and agendas and maintain the minutes and records of each. In addition, the Executive Director shall prepare the Prospectus, the Unified Planning Work Program the (UPWP), a Transportation Improvement Program in accordance with federal and state regulations and requirements; develop a Transportation Plan in accordance with federal and state regulations; maintain the Transportation Plan; execute the transportation planning process in accordance with federal and state laws and regulations; prepare invoices and progress reports in accordance with federal, state, and local requirements; structure the public involvement process needed to ensure that the UPWP, Transportation Plan, Transportation Improvement Program, and any transportation conformity determinations meet federal requirements; and consult with the FAMPO Board of Directors, the TCC and the CAC regarding the best approaches to performing the duties listed above.

12.2. In advance of making any proposal or recommendation to the TAC, the TCC or the CAC, the Executive Director shall provide such recommendation to the chief planning official for every jurisdiction within the Metropolitan Planning Area which may be impacted by such proposal or recommendation in sufficient time for the chief planning official to review and comment on the proposal or recommendation.

Section 13. Additional Responsibilities of Member Governments

13.1. The representative from each General Purpose Local Government on the FAMPO board of directors shall be responsible for instructing the clerk of his/ her local government to provide to the Executive Director copies of the minutes of any action taken by his/her local government which involves any MPO plan.

13.2. Each member signatory local government shall coordinate zoning and subdivision approval in their respective jurisdictions in accordance with the FAMPO adopted transportation plan.

13.3. As the host agency, the Cumberland County Planning and Inspections Department will serve as the Lead Planning Agency for transportation planning in the Metropolitan Planning Area. All other member signatory local governments will assist in the transportation planning process by providing planning assistance, data, and inventories in accordance with the Prospectus for Transportation Planning.

Section 14. Funding and Fiscal Matters

14.1. All transportation and related federal aid planning grant funds available to promote the cooperative transportation planning process will be expended in accordance with the Unified Planning Work Program adopted by the TAC. Administration of funding in support of the Transportation Planning Process on behalf of the TAC will be conducted by the County of Cumberland as the host planning agency. Cumberland County will execute appropriate agreements with funding agencies as provided by the Planning Work Program.

14.2. The local match for the Federal Aid planning funds will be determined based on the current federal matching requirements. The signatory General Purpose Local Governments will contribute to the local match requirement based on their percentage of the population within the Metropolitan Planning Area at the most recent decennial census. Only the non-municipal population of those portions of counties located within the Metropolitan Planning Area shall be counted for counties. Member governments may also be asked to contribute additional local funding for projects wholly within their jurisdictional limits.

14.3. The fair market rental value of the office space provided by the Cumberland County Planning and Inspections Department as the host agency will be counted toward Cumberland County's match as an in-kind contribution. The fair market value of the rent shall be figured as the same annual rate per square foot that Cumberland County receives from the State of North Carolina for any other county-owned office space rented by the State.

Section 15. Duration of the Agreement

Any party may terminate its participation in the MPO and remove itself from this Agreement by giving sixty days' advance notice in a writing signed by the Chief Elected Official, if a local government, or by the chief executive officer of the agency, if not a local government. This notice shall be delivered to the Chairman of the FAMPO board of directors and to the Executive Director.

IN WITNESS WHEREOF, the parties to this Memorandum of Understanding have been authorized by appropriate action to sign the same, the City of Fayetteville by its Mayor, the Town of Eastover by its Mayor, the Town of Hope Mills by its Mayor, the Town of Parkton by its Mayor, the City of Raeford by its Mayor, the Town of Spring Lake by its Mayor, Fort Bragg Military Reservation by its Director of Public Works Business Center, the County of Cumberland by its Chairman, the County of Harnett by its Chairman, the County of Hoke by its Chairman, the County of Robeson by its Chairman and the North Carolina Department of Transportation by the Secretary of Transportation.

E. Approval of Proposed Additions to the State Secondary Road System:

Baywood Village Subdivision: Lifestyle Road, Antique Court
Raccoon Path, Himalayan Road

Mariners Point Subdivision: Mariners Landing Drive (SR 4164
Ext.), Wave Runner Court, Boat
Landing Court, Crestridge Court

The Village on Asphens Creek Subdivison:

Screech Owl Drive, Woodpecker
Drive, Goshawk Drive, Snipe Court
Geese Court, Piper Court

Henry's Place Subdivision: Thrower Road, Addie Lane
Dew Op Drive, Creekdew 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:

Baywood Village Subdivision: Lifestyle Road, Antique Court, Raccoon Path,
Himalayan Road

Mariners Point Subdivision: Mariners Landing Drive (SR 4164 Ext.), Wave
Runner Court, Boat Landing Court, Crestridge
Court

The Village on Asphens Creek Subdivison: Screech Owl Drive, Woodpecker Drive,
Goshawk Drive, Snipe Court, Geese Court,
Piper Court

Henry's Place Subdivision: Thrower Road, Addie Lane, Dew Op Drive, Creekdew
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.

F. Approval of Library System Bids:

- 1) Pulled for separate discussion and action as recorded below.
- 2) Audio/Visual Materials and Books

BACKGROUND:

Formal “Sealed” bids were received in Purchasing on April 15, 2013 for books and library materials for the Cumberland County Public Libraries.

Please find additional information regarding the bids received and a request to award the bid to Baker & Taylor for those services:

The Library has reviewed and analyzed the bids for library materials from several vendors, considering bids for print and audiovisual materials. After careful consideration and review, the Library recommends that Baker & Taylor’s bid be accepted as its primary vendor. The complete bid package is available in the purchasing office.

Ingram and Baker & Taylor were the only two companies that bid on both books and audiovisual. In comparing the two, it was noted that Baker & Taylor were higher in some categories while Ingram was higher in other categories. Baker & Taylor, however, provides the best electronic data interchange for immediate transfer of purchase information into the library’s catalog/circulation software.

In the past, the Libarya have used Ingram as our secondary source for materials not available from Baker & Taylor.

RECOMMENDATION/PROPOSED ACTION:

Management and Purchasing support the recommendation of the Cumberland County Public Library in awarding the bid to Baker & Taylor for the Cumberland County Public Libraries source for materials.

- G. Approval of a Proclamation Proclaiming June 15, 2013 as “Elder Abuse Awareness Day” in Cumberland County

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, Cumberland County’s seniors are valued members of society and it is our collective responsibility to ensure they live safely and with dignity; and

WHEREAS, abuse of older people is a tragedy inflicted on vulnerable seniors and an every-increasing problem in today’s society that crosses all socio-economic boundaries; and

WHEREAS, combating abuse of older people will help improve the quality of life for all seniors across this country and will allow seniors to continue to live as independently as possible and contribute to the life and vibrancy of Cumberland County; and

WHEREAS, Cumberland County's seniors are guaranteed that they will be treated with respect and dignity to enable them to continue to serve as leaders, mentors, volunteers and important and active members of this community; and

WHEREAS, we are all responsible for building safer communities for Cumberland County's seniors; and

WHEREAS, the well-being of Cumberland County's seniors is in the interest of all and further adds to the well-being of the Cumberland County community.

NOW THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners does hereby proclaim June 15, 2013 as ELDER ABUSE AWARENESS DAY and encourages all Cumberland County residents to recognize and celebrate the accomplishments of Cumberland County's seniors.

Adopted this 3rd day of June, 2013.

H. Budget Revisions:

(1) Southpoint Water

Revision in the amount of \$1,150 to increase tap fees revenue to fund a contract for installation of a new water tap. (B13-348) Funding Source – Fees

(2) Tourism Development Authority

Revision in the amount of \$290,000 to recognize additional earned occupancy tax revenue. (B13-346) Funding Source – Taxes

(3) Pulled for separate discussion and action as recorded below.

(4) Pulled for separate discussion and action as recorded below.

(5) School Capital Outlay

a. Category I - Buildings - Revision in the amount of \$23,000 to appropriate fund balance to budget additional capital outlay for school renovations. (B13-343) Funding Source – Sales Tax Fund Balance

b. Category II – Equipment – Revision in the amount of \$94,500 to appropriate fund balance to budget additional capital outlay equipment for schools. (B13-343A) Funding Source – Sales Tax Fund Balance

c. Category III – Vehicles – Revision in the amount of \$120,000 to appropriate fund balance to budget additional capital outlay vehicles for schools. (B13-343B) Funding Source – Sales Tax Fund Balance

- (6) Soil and Water Conservation District
Revision in the amount of \$1,755 to recognize fundraiser revenue for the purchase of additional rain barrels. (B13-341) Funding Source – Fundraiser

- (7) Senior Aides

Revision in the amount of \$21,842 to recognize a reduction in state allocation for participant wages. (B13-337) Funding Source – State

- (8) General Government Other/Solid Waste-Ann Street

Revision to appropriate fund balance in the amount of \$10,319 to reimburse the Solid Waste Fund for tipping fees associated with the demolition of seven dwellings located in the City of Fayetteville that are jointly owned by the City and County. The City is responsible for demolition and the County for disposal. (B13-439 and B13-439A) Funding Source – Fund Balance Appropriated

MOTION: Commissioner Edge moved to approve consent agenda Items 3.A. – 3.H.(8) with the exception of 3.H.(3), Item 3.H.(4) and Item F.1) as pulled for separate discussion and action.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (6-0)

F.1) Security Services for Public Library System

BACKGROUND:

Formal bids were received in Purchasing for Security Services for the Cumberland County Public Library.

Please find additional information regarding the bids received and a request to award the bid to Baker & Taylor for those services:

The Library requested quotes for armed and unarmed security services beginning in FY 2014. There is a marginal difference in the hourly rates between the two companies but that Maxwell is the lower of the two bids in question. After reviewing both bidders, the Library found there are significant differences between the credentials and training qualifications of the two companies.

At this time, Maxwell does not have on its payroll staff trained to carry firearms. Mr. Maxwell agrees that he will have staff complete the state-required armed guard training if his company receives the contract. There is no additional training provided by Maxwell, aside from new guards shadowing experienced guards when they first start.

Around the Clock already has employees that have passed the minimum state-required training as well as additional training. Around the Clock has an established, ongoing employee-training program that goes beyond the basic state-required training and includes customer service training and refreshers on the use of weapons, All Around the Clock guards receive eight hours of in-service training each year and Around the Clock provides an additional eight hours of training per quarter to its guards that is tailored to the needs of the customer and the customer's service population.

RECOMMENDATION / PROPOSED ACTION:

Management and Purchasing support the recommendation of the Cumberland County Public Library in awarding the bid to Around the Clock Security for Security Services.

Chairman Keefe asked Ms. Risacher to elaborate on the need for armed security at the library. Ms. Risacher stated incident reports reflect that the majority of incidents occur at the headquarters library and it is appropriate to have an armed guard at that downtown urban location to serve as a deterrent more than anything else. Ms. Risacher stated does not recall that a weapon has ever been used at that facility but because there are occasionally serious issues, an armed guard has been part of the security history at the headquarters library. Ms. Risacher responded to additional questions and explained individuals have been barred from the library due to behavioral issues in accordance with the rules governing the use of the library. Ms. Risacher also explained incident report numbers do not warrant security at some of the library locations and some of the locations have part-time security; however, the headquarters library is covered for the full 70 hours. Ms. Risacher responded to additional questions and stated when individuals refuse to leave the library after having been asked to do so, it involves an immediate call to the Fayetteville Police Department.

3.H.(3) Group Health Insurance

Revision in the amount of \$1,400,000 to appropriate fund balance of \$1,365,000 for projected claims and the year-end "Incurred But Not Reported" estimate for the annual audit and \$35,000 for the estimated "Other Post-Employment Benefits" year-end expense. (B13-344) Funding Source – Fund Balance Appropriated

3.H.(4) Retiree Health Insurance

Revision in the amount of \$600,000 to appropriate fund balance for projected claims and the year-end "Incurred But Not Reported" estimate for the annual audit. (B13-345) Funding Source – Fund Balance Appropriated

In response to questions involving the above referenced budget revisions, Amy Cannon, Deputy County Manager, explained these are required budget entries for monies that have to be set aside

at the end of the fiscal year as a potential liability for claims that may be incurred during the fiscal year. Ms. Cannon further explained these are incurred but not paid out or reported until the following fiscal year and can be reversed following the audit. Ms. Cannon responded to further questions. Commissioner Edge stated the budget revisions are routine and requested every year.

MOTION: Commissioner King moved to approve Item 3.H.(3), Item 3.H.(4) and Item F.1).

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

ITEMS OF BUSINESS

4. Consideration of Designation of Voting Delegate to the National Association of Counties (NACo) Annual Conference in July 2013

BACKGROUND:

The NACo is preparing for the 78th Annual Conference to be held July 19-22, 2013, in Tarrant County, Texas. Cumberland County has paid its NACo membership dues and has at least one paid registrant for the conference.

Should the Board of Commissioners wish to participate in NACo's annual election of officers and policy adoption, the Board will need to appoint a voting delegate and an alternate who will be authorized to pick up Cumberland County's voting materials.

RECOMMENDATION/PROPOSED ACTION:

Appoint a voting delegate and an alternate to the NACo Annual Conference to be held July 19-22, 2013.

MOTION: Commissioner King moved to appoint Commissioner Edge as the voting delegate to the 78th Annual NACo Conference.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Edge moved to appoint Commissioner Council as the alternate voting delegate to the 78th Annual NACo Conference.

SECOND: Commissioner King

VOTE: UNANIMOUS (6-0)

5. Consideration of Amendments to Animal Control Ordinance

BACKGROUND:

The Cumberland County Animal Control Director, Dr. John Lauby, has recommended changes to the Cumberland County Animal Control Ordinance to better serve the citizens of Cumberland

County. He has provided revised or additional language in numerous sections of the ordinance. Each change is indicated by an underline or strike-through in the attached revised sections.

RECOMMENDATION/PROPOSED ACTION:

The changes proposed to the ordinance have been reviewed by the county attorney and are deemed legally sufficient. The county attorney recommends that should the Board of Commissioners desire to make the changes in the ordinance, that the relevant sections be repealed and readopted with the revised language.

AN ORDINANCE OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS
AMENDING
CHAPTER 3, ANIMALS, OF THE CUMBERLAND COUNTY CODE

WHEREAS, the Cumberland County Board of Commissioners adopted a revised County Animal Control Ordinance in May, 2012; and

WHEREAS, the Board of Commissioners wishes to make revisions to the Cumberland County Animal Control Ordinance by repealing and replacing certain sections and adopting additional new sections; and

WHEREAS, the Board of Commissioners finds the revisions of Chapter 3, Animals, of the Cumberland County Code, to be in the public interest and to promote public health, safety and welfare,

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

Chapter 3, Animals, of the Cumberland County Code is hereby amended as follows:

Repeal "Section 3-10. Definitions" in its entirety

New Section 3-10 adopted as follows:

Sec. 3-10. Definitions

(a) As used in this ordinance, the following terms shall have the meanings respectively ascribed to them in this section:

"Abandon" means to cease providing for the care, control or maintenance of an animal without the transfer of ownership of such animal.

"Animal Shelter or Department's Shelter" means the premises operated by the Animal Control Department for the purposes of impounding, sheltering or caring for animals or any other premises operated by another entity with which the county contracts for such purposes.

"Animal Control Department" means the Cumberland County Animal Control Department.

"Animal Control Director" means the Director of the Animal Control Department, or his/her designee.

"Animal Control Officer" means a person employed by the Animal Control Department as its enforcement officer in the impoundment of animals, controlling of animals running at large, and as otherwise provided or required in this Chapter.

"At large" or "running at large" means any animal which is not confined on the property of its owner, the leased premises of the animal's owner, or under the actual physical control of a

competent person, other than a licensed, currently privilege tax paid, hunting dog under supervision while engaged in a lawful actual or simulated hunt.

“Breeding, Show, or Hunting Dog” means any animal that was used in Breeding, Showing, or Hunting in the last year if over one (1) year old: or any animal younger than one (1) year that is eligible to breed, show or hunt in the coming year.

“Chapter” means the provisions of this Animal Control Ordinance as may be in effect in Cumberland County or any municipal jurisdiction located therein.

"Confinement" means to secure an animal in a locked house, run, enclosure or fenced yard within the boundaries of the owner's, leaseholder's, or keeper's property (i.e., house, fenced yard).

"County Manager" shall mean the duly appointed County Manager of the County or his/her designee.

"Cruelty" means to endanger by any act of omission or commission the life, health or safety of an animal.

“Director” means the Director of the Animal Control Department.

"Exposed to rabies" means any animal that has been bitten by or exposed in a manner proven to be able to transmit rabies, to any other animal known to have been infected with rabies or any other animal reasonably suspected of being infected with rabies that is not available for laboratory diagnosis.

"Fee Schedule" means any schedule of fees related to the administration of this ordinance, which may be adopted by the Board of Commissioners.

"Fowl" means chickens, guineas, geese, ducks, pigeons, and other avian animals.

“Harboring” means regularly feeding, sheltering or caring for an animal.

"Impoundment" means placing an animal in an animal control vehicle or unit, or holding an animal at the animal shelter, or holding an animal at any other location at the direction of the Director of Animal Control.

"Keeper" means any person, acting in the capacity of the owner, or at the owner's request, who is responsible for the care, welfare and maintenance of the animal.

"Livestock" includes, but is not limited to, equine animals, bovine animals, sheep, goats, llamas and swine.

"Neuter" means to render a male dog or cat unable to reproduce.

“Nuisance/Reckless” owner is an owner who has received a violation under Chapter 3 and has outstanding fees owed to Cumberland County Animal Control for previous violation(s) or who has not complied with the requirements for ownership of a dangerous or potentially dangerous dog.

"Owner" shall mean anyone taking care of or having custody of an animal, such as by providing food, water, shelter or medical care, but shall not include taking care or having custody of the animal for compensation.

"Permit" means a permit issued by the Animal Control Department or similar agency of any applicable governmental unit having jurisdiction.

"Potentially Dangerous Dog" and "Dangerous Dog" shall have the meanings set forth in Section 3-30 hereof.

"Restraint" means that an animal is actually physically controlled by leash or tether held by a competent person or within any vehicle, trailer or other conveyance being driven, pulled or parked on the street or confined within the property limits of its owner or keeper.

"Run" means an area used to confine a dog or dogs of a size that complies with any of the requirements of this Chapter.

"Sanitary" means a condition of good odor and cleanliness, which precludes the probability of disease transmission and insect breeding and which preserves the health of the public.

"Spay" means to remove the ovaries of a female dog or cat in order to render the animal unable to reproduce.

"State law" means the General Statutes of North Carolina.

"Stray" means any animal reasonably presumed not to have any owner, including but not limited to an animal running at large or not under restraint.

"Tethered" or "tethering" mean attaching an animal to a stationary object by means of a chain, cable, rope or similar device.

"Vaccination" means an injection of United States Department of Agriculture approved rabies vaccine administered by a licensed veterinarian or certified rabies vaccinator as defined in G.S. 130A-186.

"Transfer" means to convey or change ownership from one person to another with or without the exchange of money or other consideration.

(b) All other words or phrases used herein shall be defined and interpreted according to their common usage.

(Adopted June 3, 2013)

Repeal "Section 3-15. Nuisance animals; animals posing a threat to the public."

New Section 3-15 adopted as follows:

Sec. 3-15. Nuisance animals; animals posing a threat to the public.

(a) For the purposes of this section, "nuisance" means but is not limited to the conduct or behavior resulting from any act of omission or commission by the owner or keeper of any small or large animal, fowl, cat or dog which molests passersby or passing vehicles, damages private or public property; barks, whines, howls, crows or makes other noises in an habitual or continuous fashion which annoys the comfort, repose, health or safety of the people in the community; is unconfined in season; ~~habitually~~ defecates on the property of someone other than the owner; or ~~habitually~~ eats or otherwise destroys the plants, shrubs or similar landscaping on the property of someone other than the owner.

(b) For the purposes of this section, "nuisance animal" means any animal that commits any of the acts, conduct or behaviors defined as constituting a nuisance in this section.

(c) No person shall keep any animal which is a nuisance animal or which causes a nuisance as defined in this section.

(d) Notice of violation. When an Animal Control Officer determines that a violation of this section has occurred, he may issue a written warning of violation and notice of public nuisance, which shall be served on the owner or keeper of the animal. The owner or keeper shall be responsible for abating the nuisance within twenty-four (24) ~~seventy-two (72)~~ hours by making sure his animal does not engage in any further act or acts which may constitute a nuisance under this section.

(e) Failure to abate the nuisance. If the Animal Control Officer determines that the animal has engaged in any further act(s) constituting a nuisance, or if the owner or keeper of the animal fails to abate the condition which constitutes the nuisance within twenty-four (24) ~~seventy-two (72)~~ hours after issuance of the written warning of violation, the Animal Control

Officer may issue a notice of violation and civil penalty for the first offense and additional penalties for each subsequent offense. If the owner fails to abate the nuisance after the first ~~second~~ civil penalty, the Animal Control Officer may seize and impound the animal. If the animal is seized, the Animal Control Officer must post a notice of seizure and impoundment with the owner or keeper of the animal. The owner or keeper may reclaim the animal upon payment of any civil penalties and shelter fees or charges for the impoundment. If the animal is not reclaimed within five (5) days, it shall become the property of the Animal Control Department and shall be disposed of according to the Department's policies.

(f) Owner unknown. In situations where the owner of a nuisance animal is unknown, the Animal Control Officer shall impound the animal without posting notice of the impoundment. If the owner does not redeem the animal within five (5) days, the animal shall become the property of the Animal Control Department and shall be disposed of according to the Department's policies.

(g) Animal housed or restrained less than fifteen (15) feet from public way. When an Animal Control Officer has determined that an animal is being housed or restrained within fifteen (15) feet of a public street, road or sidewalk, and the animal poses a threat to the public, but the animal is not in the street, road or on the sidewalk, the Animal Control Officer shall issue a warning to the owner or keeper of the animal directing that the animal be moved to a distance greater than fifteen (15) feet from the public street, road or sidewalk. If the owner or keeper refuses to move the animal, the Animal Control Officer shall issue a notice of violation and civil penalty for the first offense and additional penalties for each subsequent offense. After the first ~~second~~ civil penalty ~~second offense~~ the animal control services officer may impound the animal. The Animal Control Officer must leave a notice of impoundment with the owner/ keeper or affix the notice to the premises from which the animal has been seized. The owner shall have five (5) days to redeem the animal. If the animal is redeemed, the owner must pay all civil penalties and shelter fees for the impoundment. If the owner fails to redeem the animal within five (5) days the animal shall become the property of the Animal Control Department and shall be disposed of according to the Department's policies.

(h) Animal found in the public way. If an animal is housed or restrained within fifteen (15) feet of a public street, road or sidewalk and the animal poses a threat to the public, and the Animal Control Officer finds it to be in the public street, road or on the sidewalk and the owner or keeper is not at home or refuses to remove the animal from the public street, road or sidewalk, the Animal Control Officer may impound the animal. The Animal Control Officer must leave a notice of impoundment with the owner or keeper or affix the notice to the premises from which the animal was housed or restrained. The animal services officer may issue a notice of violation and civil penalty for a first offense and additional penalties for each subsequent offense. The owner shall have five (5) days to redeem the animal. If the animal is redeemed the owner or keeper must pay all civil penalties and shelter fees for the impoundment. If the owner or keeper fails to redeem the animal within five (5) days the animal shall become the property of the Animal Control Department and shall be disposed of according to the Department's policies.

(i) Private remedies. This section shall not be construed to prevent a private citizen from pursuing a private cause of action for damages against the owner or keeper of any animal that has caused injury to said private citizen or his property for damages or any other loss resulting from an animal being a nuisance as defined by this section or otherwise.

(Adopted June 3, 2013)

Repeal “Section 3-22. Spaying or neutering as condition for adoption of dogs and cats; violations.”

New Section 3-22 adopted as follows:

Sec. 3-22. Spaying or neutering as condition for adoption or reclaiming by owner of dogs and cats; violations.

(a) No dog or cat may be adopted from the animal shelter unless the animal has been surgically spayed or neutered, or the adopting owner agrees to do have the animal surgically spayed or neutered in accordance with any time limit imposed by the Animal Control Director.

(b) The Animal Control Director shall implement procedures to enforce this section.

(c) The failure of any person adopting an impounded animal to comply with this section shall constitute a violation of this section and shall constitute the forfeiture of the animal to the Animal Control Department.

(d) Any animal picked up by Animal Control for running at large: or designated Potentially Dangerous or Dangerous Dog shall be spayed or neutered prior to being returned to its owner.

(e) The Animal Control Director when dealing with dogs picked up for running at large may make a one-time exception for Breeding, Show, or Hunting Dogs.

(Adopted June 3, 2013)

Repeal “Section 3-23. Keeping of animals; mistreatment, abandonment prohibited; care; restraining of dogs; exercise area for dogs.”

New Section 3-23 adopted as follows:

Sec. 3-23. Keeping of animals; mistreatment, abandonment prohibited; care; restraining of dogs; exercise area for dogs.

(a) All dogs, cats and other small animals kept as house pets shall be housed, fed and protected from the weather in such a manner as not to create a nuisance.

(b) No person shall willfully or negligently:

(1) Torture, cruelly beat, injure, maim, mutilate or without good cause destroy or kill any animal, whether wild or tame, belonging to himself or to another;

(2) Deprive any animal of food, drink or shelter; or

(3) Cause any other person to do any of the above acts.

(c) If an animal is found by any Animal Control Officer to be in one of the above described conditions in subsection 3-23(a) or (b), the officer shall take appropriate measures, including civil or criminal enforcement, to protect the welfare of the animal. If the Animal Control Officer determines that a confined animal's life is in immediate danger or the animal has been abandoned, the Animal Control Officer shall seize such animal if such seizure is not prohibited by applicable law and shall report the conditions to an appropriate law enforcement agency if seizure is not permitted. The Animal Control Officer shall leave a notice for the owner or keeper advising why the animal has been taken.

(d) No dog, cat or other small animal shall be confined within or on a motor vehicle under such conditions as may endanger the health or well-being of the animal, including, but not limited to, dangerous temperature or lack of adequate food or water.

(e) No person shall abandon or cause to be abandoned any dog, cat or any other type of animal.

(f) Owners and keepers of dogs, cats and other small animals shall provide food, shelter and medical attention to such animals, including but not limited to the following:

- (1) Sufficient wholesome food that is nutritious for the species;
- (2) Fresh, potable drinking water;
- (3) Medical attention to relieve such animals from suffering;
- (4) Shade from the sun; and

(5) Shelter to allow the animal to remain dry and protected from the elements. Such shelter shall be fully enclosed on three (3) sides, roofed and have a solid floor. The entrance to the shelter shall be flexible to allow the animal's entry and exit, and sturdy enough to block entry of wind or rain. The shelter shall be small enough to retain the animal's body heat and large enough to allow the animal to stand and turn comfortably. The enclosure shall be structurally sound and in good repair.

(g) It shall be unlawful to tether a dog except in accordance with this subsection.

(1) No dog shall be tethered outdoors unless the keeper or owner of the dog is holding the tether.

(2) It shall be an affirmative defense to a violation of this subsection that the tethering is required to protect the safety or welfare of a person or the dog, provided that the keeper or owner of the dog acquires a permit from the Animal Control Director ~~for the temporary tethering of a dog while acquiring kennels or fencing.~~

(3) The provisions of this subsection (g) shall not apply to a temporary tether:

(a) During a lawful animal event, veterinary treatment, grooming, training, or law enforcement activity; or

(b) To a keeper or owner walking a dog with a hand-held leash, or during lawful hunting activities if reasonably necessary for the safety of the dog, or while a dog is actively engaged in shepherding or herding livestock; or

(c) When meeting the requirements of a camping or recreation facility; or

(d) When the animal's caretaker is outside and within eyesight of the animal; or

(e) After taking possession of a dog that appears to be a stray dog and after having advised the Animal Control Department of the stray.

(4) The provisions of subsections (g)(2) and (3) above shall apply only if:

(a) The tether is not placed directly round the dog's neck and is attached to a properly fitting collar or harness of nylon or leather worn by the dog; and

(b) The weight of the tether does not exceed more than one-tenth of the dog's body weight; and

(c) The tether is unlikely to become tangled or twisted and is attached with a swivel that will prevent tangling or twisting.

(d) The tether is arranged to be free of any obstacles which may limit the movement of the dog ~~length of the tether~~ and the tether is at least twelve (12) feet long; and

(e) The dog is tethered in a manner that permits access to necessary shelter and water.

(5) Any dog that remains tethered in violation of this subsection for more than fourteen (14) days after the owner receives a notice of violation may be seized by an Animal Control Officer or law enforcement officer and impounded at the Department's shelter. If the dog's owner does not show that an adequate confinement enclosure complying with the requirements of this ordinance has been installed on the owner's property within 72 hours of the impoundment, exclusive of Sundays and county government holidays, the dog shall be deemed to have been forfeited to the county and shall be disposed of in accordance with the Department's policy.

(h) Any dog confined within a fenced yard or run must have an adequate space for exercise. Provided, however, that where dogs are kept or housed on property without a fenced yard and such dogs are kept in an enclosure or run, such enclosure or run shall provide adequate space for exercise. Such an enclosure or run shall be constructed of chain link or similar type of materials with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping from such enclosure. The top of such enclosure shall be sufficiently covered to provide the dog with adequate shade and protection from the elements.

(Adopted June 3, 2013)

Adopt New Section 3-27 as follows:

Sec.3-27. Sanitation.

No keeper of any animal shall cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area or common grounds owned jointly by the members of a homeowners or condominium association, or upon private property without permission of the occupant of said property, unless such keeper immediately removes and disposes of all feces deposited by such animal by the following methods:

(a) Collection of the feces by appropriate implement and placement in a paper or plastic bag or other appropriate container; and

(b) Removal of such bag or container and disposition thereafter in a manner as otherwise permitted by law.

(Adopted June 3, 2013)

Adopt New Section 3-28 as follows:

Sec. 3-28. Breeding/Advertising/Transfer[BAT] Permit.

Owners who wish to breed their dog or cat and meet the requirements of the breeding/advertising/transfer [BAT] permit as outlined in part B of this section, may apply for such permit through the Animal Control division. The holder of the [BAT] permit would be authorized to breed, sell, trade, advertise, receive for any compensation, give away or transfer ownership of no more than one litter per licensed animal, per household, per year.

(a) Under no circumstances shall a [BAT] permit be issued:

(1) For any dog or cat not currently licensed as required in Section 3-50 of this code unless such person lives outside the county limits.

(2) To any person who has ever been convicted by any court of a charge relating to animal cruelty or neglect or has such a charge[s] pending until outcome of charges has been determined.

(b) A [BAT] Permit must be obtained by, but not limited to:

(1) Any person wishing to breed their dog or cat;

(2) Each breeding pair, dog or cat, before breeding shall take place;

(3) Any person who intentionally or unintentionally causes or allows the breeding of dogs or cats.

(c) Any person convicted of violating the provisions of subsection (b) of this section shall be punished by a fine of not less than three hundred dollars (\$300) or by imprisonment in the county jail for not more than thirty (30) days.

(Adopted June 3, 2013)

Adopt New Section 3-29 as follows:

Sec. 3-29. Nuisance/Reckless owner.

A person cited as a Nuisance/Reckless owner shall be ordered to surrender all of his/her dogs/cats to Animal Control and shall refrain from owning, keeping or harboring those dogs/cats or any dogs/cats for a period of three (3) years.

(Adopted June 3, 2013)

Repeal “Section 3-74. Selling live animals in public rights of way and other public property prohibited.”

New Section 3-74 as follows:

Sec. 3-74. Selling live animals in public rights of way and other public property prohibited.

It is unlawful to sell, auction, trade, barter, and display for commercial purposes or give away any live animal within the right of way of any public highway, commercial parking lot, garage sale, flea market, festival, park, community center, public vehicular area, public sidewalk, public property or street within Cumberland County. The Animal Control Department may immediately take custody of and impound any live animals found being sold in violation of this section. This section shall not apply to any animal welfare organization or humane society qualified under Section 501(c)(3) of the Internal Revenue Code acting pursuant to a permit issued by the Animal Control Director, which permit may be conditioned on reasonable conditions to assure the health, welfare and safety of the animals being sold, auctioned, traded, bartered, displayed or given away.

Rick Moorefield, County Attorney, advised only those portions of the Animal Control ordinance containing changes have been included and it is recommended that entire sections containing changes be repealed and readopted because of the substantial number of changes being requested in the sections. Mr. Moorefield reviewed the proposed changes as recorded above and stated Dr. John Lauby, Cumberland County Animal Control Director, recommended these proposed changes to the Cumberland County Animal Control Ordinance to better serve the citizens of Cumberland County.

Chairman Keefe recognized Dr. Lauby who stated problems in Cumberland County are getting worse rather than better and national statistics show that 80% of all animals that bite are roaming at large and unneutered. Dr. Lauby stated there were over 1,000 bites in the county last year and proactive measures need to be taken to better protect citizens. Dr. Lauby also stated unfortunately responsible ownership has to be legislated because allowing citizens to do it their way is not working. In response to a question from Commissioner Council, Dr. Lauby stated Sec. 3-74. “Selling live animals in public rights of way and other public property prohibited” is enforceable by both animal control officers and city police.

Commissioner King stated he felt the proposed changes needed serious consideration prior to adoption and asked whether the expectation was for the board to adopt the proposed changes at this meeting. Mr. Moorefield confirmed the recommendation was for the board to consider adoption. Discussion followed. Dr. Lauby explained the addition of the new Sec.3-27.

“Sanitation” was driven by complaints from livid homeowners who have pet owners turn their backs while their pets defecate in someone else’s yards. In response to a question from Commissioner King, Dr. Lauby explained the proper procedure for handling pet waste outside of the confines of its owner’s property.

MOTION: Commissioner Melvin moved to approve the proposed changes to the Animal Control ordinance.

SECOND: Commissioner Faircloth

DISCUSSION: In response to a question posed by Chairman Keefe, Dr. Lauby explained permitting involved with the sale of animals.

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

Mr. Moorefield advised the proposed changes to the Animal Control ordinance would not be effective or enforceable because they were not unanimously adopted. Mr. Moorefield further advised the proposed changes must come before the board of commissioners for a second reading anytime within 100 days and may then be adopted by majority vote. Chairman Keefe asked that the second reading occur at the June 17, 2013 regular meeting.

6. Nominations to Boards and Committees

A) ABC Board (2 Vacancies)

Commissioner Edge nominated Bob Lewis and Alice Stephenson.

B) Air Quality Stakeholders’ Committee (1 Vacancy)

Commissioner Council nominated Pat Edwards.

C) Fayetteville Technical Community College Board of Trustees (1 Vacancy)

Commissioner Faircloth nominated Sheryl Lewis.

D) Human Relations Commission (2 Vacancies)

Commissioner King nominated Sandra Mitchell and Mitchell Guy.

E) Joint Senior Citizens Advisory Commission (3 Vacancies)

Commissioner King nominated Dwight Palmer, Jr. and Daisy D. Maxwell, and Commissioner Edge nominated Naomi Ruffin.

F) Jury Commission (1 Vacancy)

Chairman Keefe nominated Ashley Pastorius.

G) Mid-Carolina Aging Advisory Committee (1 Vacancy)

Commissioner Edge nominated Francis Collier.

H) Nursing Home Advisory Board (7 Vacancies)

Commissioner Faircloth nominated Barbara Spigner, Mitchell Guy, Dr. John Briggs and Cassandra White Haire.

Chairman Keefe asked that the additional three vacancies be forwarded to the June 17, 2013 meeting for nominations.

I) Parks and Recreation Advisory Commission (3 Vacancies)

Commissioner King nominated Henry J. Bowden, Elvin McNeill and Marshal Fogle.

7. Appointments to Boards and Committees

A) Adult Care Home Community Advisory Committee (1 Vacancy)

Nominee: Donna Atkins

B) Air Quality Stakeholders' Committee (1 Vacancy)

Nominee:
Board of Health Stakeholder: Christopher Frank (Reappointment)

C) Board of Adjustment (2 Vacancies)

Nominees:
Regular Member: Horace Humphrey (Reappointment)
Alternate Member: George Lott

D) Cumberland County Local Emergency Planning Committee (1 Vacancy)

Nominee:
At-Large Representative: Phillip McCorquodale (Reappointment)

E) Joint Planning Board (2 Vacancies)

Nominees: Diane Wheatley
Carl Manning

There being an equal number of vacancies and nominees,

MOTION: Commissioner Council moved to appoint by acclamation all nominees to their respective positions.
SECOND: Commissioner
VOTE: UNANIMOUS (6-0)

Chairman Keefe called for a five minutes recess following which the business as recorded below was conducted.

8. Presentation of FY 2014 Recommended County Budget

BACKGROUND:

County Manager James Martin will provide a brief presentation of the FY 2014 recommended budget.

Chairman Keefe called on James Martin, County Manager, who delivered his budget message for FY2014. Mr. Martin stated the recommended countywide budget is \$512,410,896 million which represents a 0.63% decrease over the current year's countywide budget and includes multi-year capital projects of \$106,080,218. Mr. Martin stated the recommended FY2014 General Fund budget is \$312,881,703 million which represents an increase of \$8,809,648 million or 2.90% more than the FY2013 adopted General Fund budget. Mr. Martin stated the budget includes a recommended countywide property tax rate of 74.0 cents per \$100 valuation which is the same as the current year. Mr. Martin stated each one cent on the tax rate is projected to generate \$2.1 million in real, personal, public service and motor vehicle taxes.

With regard to revenue highlights, Mr. Martin stated the FY2014 ad valorem taxes are projected to be 100.75% of budget with motor vehicle collections at 106.89% of budget, resulting in \$1.6 million in projected ad valorem tax collections over budget.

With regard to expenditure highlights, Mr. Martin stated overall obligations at year-end are estimated to be approximately 95.2% of budgeted expenditures and projected results for FY2013, revenue over expenditures for recurring operations, are expected to result in a \$2,763,195 gain.

Mr. Martin stated county-provided funding for Mental Health is \$4,043,901, and a \$2,275,609 contract with CFVHS is included for a Crisis Intervention Drop-In Center, a 23-Hour Crisis Bed Unit and for current Roxie Detoxification services. Mr. Martin stated it is believed there will be an increase in mental health services under these new arrangements and last week CFVHS agreed to the county underwriting up to the \$2.4 million in terms of any loss they may have. Mr. Martin stated although the proposed budget reflects a \$2,275,609 contract with CFVHS, he will have to bring a proposed adjustment to the board for the \$2.4 million. Mr. Martin stated explained the offsetting adjustment. Mr. Martin stated this does not include funding for developmental disabilities and substance abuse services.

Mr. Martin reviewed budget recommendations for the Detention Center Expansion which included phasing in thirty-six positions as needed.

Mr. Martin referenced the following strategic goals as established by the board of commissioners and stated he believes the recommended FY2014 recommended meets each of them to some degree:

- Ensure a safe and healthy community by providing needed services to our citizens in a timely manner.
- Provide adequate infrastructure consistent with orderly growth of a dynamic county.
- Promote economic development by creating and retaining jobs, and providing career opportunities, quality education, culture and recreational services.
- Educate, inform and engage employees, citizens, elected and appointed officials through effective and efficient communications.
- Employ motivated, professional and well-trained personnel who offer excellent customer service with PRIDE-- Professionalism, Respect, Integrity with accountability, Diversity and Excellent customer service.

Mr. Martin then covered the budget approach he uses each year and the General Fund budget as follows:

Budget Approach

- Base budget
 - Departmental operating expenditures maintained at FY2013 levels
- Supplemental request
 - Provides opportunity to request dollars for needs that are not addressed in base budget
 - One-time
 - Recurring
 - New positions

General Fund Budget:

	Requested	Change	Recommended
Base Budget	\$ 303,228,319	\$ (3,193,606)	\$ 300,034,713
Supplemental Request			
One-Time	4,952,433	724,596	5,677,029
Recurring	4,337,267	549,784	4,887,051
New Positions	6,252,842	(3,969,932)	2,282,910
Total Supplemental	<u>15,542,542</u>	<u>(2,695,552)</u>	<u>12,846,990</u>
Total General Fund	<u>318,770,861</u>	<u>(5,889,158)</u>	<u>312,881,703</u>

Mr. Martin stated the county continues to follow the budget policy reflected below as established by the board of commissioners in 2001. Mr. Martin stated the policy states that the county should never appropriate more than 3% of the General Fund budget from fund balance and that premise if offset by sustainable revenue on a recurring basis. Mr. Martin stated the fund balance being recommended in the budget is 1.6% because the belief is that a fund balance appropriation of 3% cannot be sustained.

Budget Policy:

- Sustainable fund balance appropriation
 - Limit fund balance appropriation to an amount that can be sustained on a recurring basis
- Align expenditures with recurring revenue and/or a sustainable fund balance appropriation
 - To increase expenditures, identify revenue source(s)

- Maintain minimum unassigned fund balance - 10.0%
 - Transfer any excess to reserve fund or make an assignment of fund balance for specific one-time project/expenditures

Mr. Martin then reviewed the following:

Budget Highlights:

- County-wide budget \$512,410,896
 - \$3,227,924 (0.63%) decrease
- General Fund budget \$312,881,703
 - \$8,809,648 (2.90%) increase
 - Law Enforcement \$5,116,796 (13.1%)

County-wide Budget:

■ General Fund	\$312,881,703	61.06%
■ Special Revenue	\$46,321,371	9.04%
■ Capital Projects	\$106,080,218	20.70%
■ Enterprise	\$24,594,572	4.80%
■ Internal Service	\$22,077,106	4.31%
■ Permanent & Pension	<u>\$455,926</u>	<u>0.09%</u>
	Total	\$512,410,896 100.00%

Budget Highlights:

- County-wide tax rate remains at 74-cents
- All fire districts tax remain at 10-cents
- Special Fire District tax 1¼-cents
 - Funds 5 low wealth districts for staffing & related equipment
 - 30% to Fire Chiefs' Association
- Recreation tax remains at 5-cents
- County school current expense \$76,220,676
 - Same as last year
- FTCC current expense \$9,552,404
 - \$389,099 (4.2%) increase
 - \$275,199 additional capital needs
 - \$669,801 for debt service
- General Fund - 52 new positions, \$2,219,777
 - 36 Positions to implement the phase-in hiring for the jail expansion (phase II)
 - Health Department
 - 1 Computer Systems Administrator for Admin
 - 8 Positions Jail Health
 - 4 Positions STD Clinic
 - 1 Physician for Adult Health Clinic
 - 1 Administrative Coordinator for Engineering Dept
 - 1 Maintenance Technician for Public Buildings

Classification and Pay Plan:

- FY2014 recommended budgeted
 - Sets aside \$1.3 million to implement Phase II
 - Effective September, 2013
 - Includes the Health and Social Services departments

General Fund Revenue:

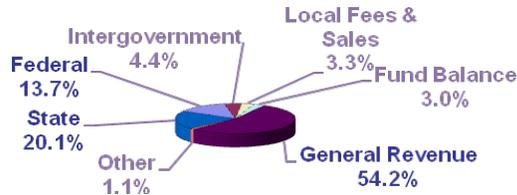
■ Ad valorem taxes	\$168,933,380
■ Real/personal property	147,855,162
■ Motor vehicle	12,694,193
■ Motor vehicle (one-time)	3,000,000
■ Prior years	5,384,025
■ Other taxes	41,522,008

■ Sales	39,384,123
■ Other	2,137,885
■ Unrestricted intergovernmental	10,436,673
■ Restricted intergovernmental	59,216,784
■ Licenses & permits	2,084,150
■ Sales & services	8,875,845
■ Miscellaneous	4,160,524
■ Interest	110,000
■ CFVMC	3,615,271
■ Other	201,708
■ Transfers	7,544,434
■ Fund balance appropriated	10,107,905
■ Health Department	434,074
■ Water & sewer	500,000
■ Economic incentives	672,774
■ Mental Health	1,053,092
■ Special purposes	2,500,000
■ General	<u>4,947,965</u>
Total	\$312,881,703

General Fund Revenue by Category:



General Fund Revenue by Source:



General Fund Expenditures:

■ Personnel	\$124,468,935
■ Basic operating	24,117,038
■ Other charges & services	4,746,285
■ Capital outlay	1,438,650
■ Other	<u>533,786</u>
Department total (49.63%)	\$155,304,694
■ Social Service programs	26,710,191
■ Debt service	25,665,067
■ Community funding	1,485,618
■ Transfers	1,303,826
■ Education	
■ County schools current expense	76,220,676
■ FTCC current expense	9,552,404
■ Other	<u>1,312,208</u>

■ Miscellaneous

15,327,019
Total \$312,881,703

Mental Health Activities: CFVHS total of \$2,275,609 to be adjusted to a total of \$2.4 million

Managed Care Organization (MCO)	
Personnel	\$ 3,363,992
Operating	<u>324,579</u>
	3,688,571
Cape Fear Valley Health System	
Crisis Intervention Drop-Off Center	1,425,609
23-Hour Crisis Bed Unit	500,000
Roxie Avenue	<u>350,000</u>
	\$ 2,275,609
Mental Health Other	
Personnel	197,779
Operating	154,034
MH services (MCO)	2,400,000
Sobriety Court	80,315
Majors program	155,000
Court Ordered Care	<u>125,000</u>
	\$ 3,112,128
Total Mental Health Activities	<u><u>\$ 9,076,308</u></u>

Community Funding:

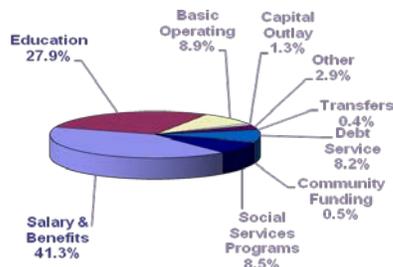
Organization	FY 2013 Adopted	FY 2014 Requested	FY 2014 Recommended
Airborne Special Operations Museum	200,000	200,000	200,000
Arts Council	80,000	80,000	80,000
Boys and Girls Club	10,000	10,000	10,000
BRAC-Regional Alliance	25,000	30,000	30,000
Cape Fear Botanical Garden	6,642	8,000	6,642
Cape Fear Regional Bureau for Community Actic	12,150	25,000	12,150
Cape Fear River Assembly	11,674	11,674	11,674
Center for Economic Empowerment & Developnr	10,625	30,000	10,625
CC Coordinating Council on Older Adults/RSVP	105,489	100,215	100,215
CC Veterans Council	1,000	1,000	1,000
Child Advocacy Center	39,768	39,768	39,768
Communicare	40,000	40,000	40,000
Contact	6,874	6,874	6,874

Organization	FY 2013 Adopted	FY 2014 Requested	FY 2014 Recommended
The Alliance for Economic Development	410,000	410,000	410,000
HIV Task Force	5,978	5,978	5,978
Hope Mills Chamber of Commerce	35,000	-	-
Mid Carolina Council of Governments	195,746	195,746	195,746
Mid Carolina Council of Governments- In Home /	24,734	24,734	24,734
N.C. Division of Vocational Rehabilitation	63,276	64,116	64,116
N.C. Forest Service	135,596	135,175	135,175
Salvation Army/Seasonal	35,000	35,000	35,000
SE NC Radio Reading	7,500	7,500	7,500
Second Harvest Food Bank of Southeast NC	15,000	35,000	15,000
Southeastern Economic Development Commiss	31,943	31,943	31,943
Spring Lake Chamber of Commerce	35,000	-	-
Teen Involvement Program	5,978	5,978	5,978
United Way - 211	<u>5,500</u>	<u>5,500</u>	<u>5,500</u>
Total	1,555,473	1,539,201	1,485,618

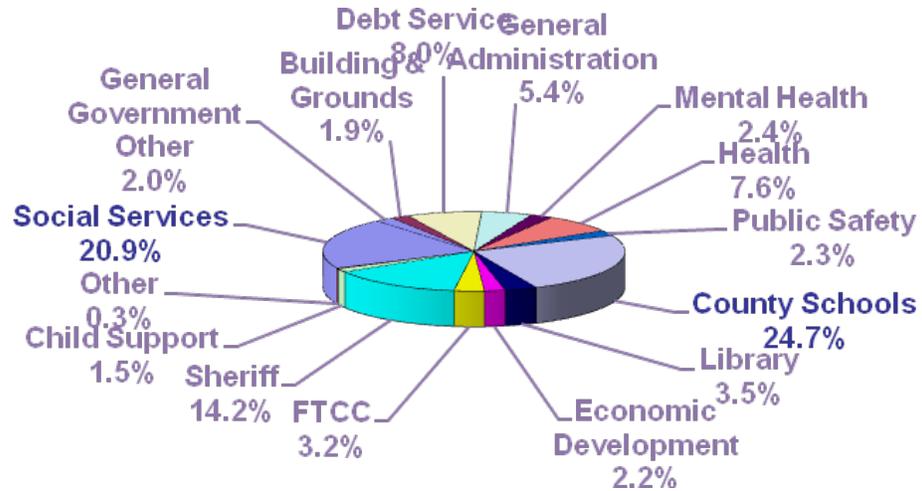
General Fund-Fund Balance:

Total funds - July 1, 2012 (per audit)	\$ 105,195,908
Projected revenues - June 30, 2013	307,457,009
Projected expenditures - June 30, 2013	(304,693,814)
Projected results of FY2013 operations	\$ 2,763,195
Total other one-time adjustments	(8,425,122)
FY2013 net gain (deficit)	\$ (5,661,927)
Projected total funds available	99,533,981
Less: unspendable for inventories	(144,603)
Less: restricted for Register of Deeds	(623,297)
Less: restricted stabilization by state statute	(23,866,704)
Less: restricted stabilization by state statute- mental health	(2,982,121)
Less: committed for property revaluation	(465,259)
Less: assigned for tax/finance software	(7,175,000)
Less: assigned for water & sewer industrial expansion	(5,393,382)
Less: assigned for economic development incentive	(1,500,448)
Less: assigned for mental health services	(12,605,781)
Less: assigned for renovation & maintenance	(1,466,294)
Less: assigned special purposes	(525,135)
Projected undesignated fund balance-FY2013	42,785,957
FY2014 base expenditure budget	300,034,713
Recurring additions	4,887,051
One-time additions	5,677,029
Supplemental new positions	2,282,910
FY2014 recommended expenditure budget	\$ 312,881,703
FY2014 revenue budget	
General revenue	\$ 286,161,795
Ad valorem tax growth (current)	4,174,449
Sales tax growth	1,352,937
Transfers	7,544,434
Supplemental recurring revenue	41,074
Supplemental one-time revenue - vehicle tax	3,000,000
Supplemental one-time revenue - other	499,109
Total revenue	\$ 302,773,798
Fund balance appropriated for base expenditures	4,832,483
Fund balance appropriated for recurring additions	78,713
Fund balance appropriated for new positions	36,769
Fund balance from water & sewer industrial expansion	500,000
Fund balance from health	434,074
Fund balance from mental health	1,053,092
Fund balance from economic development incentive	672,774
Fund balance from special purposes	2,500,000
Total fund balance appropriated	10,107,905
FY2014 total estimated revenue budget	\$ 312,881,703
% reserve remaining	10.44%

General Fund Expenditures by Category:



General Fund Expenditures by Function:



Mr. Martin displayed ten-year graphs depicting salary expenditures, basic operating expenses, General Fund debt service, FTCC current expense, General Fund debt service projections and debt service projections for the Crown Center. Mr. Martin then reviewed the following:

Multi-Year Capital Projects – Project Costs:

Project	Budgeted (1)		Proposed (2)				Total
	FY2013	FY2014	FY2013	FY2014	FY2015	FY2016	
- Current Projects -							
Health Department Building	27,986,300	Closed					-
Western Regional Library	5,717,186	5,717,186					5,717,186
Gray's Creek Middle School	20,537,047	20,537,047					20,537,047
New Century International Elementary	17,517,851	17,517,851					17,517,851
Landfill Construction-Current	4,198,052	4,198,052					4,198,052
School Renovations-QSCBs	15,923,770	15,923,770					15,923,770
Landfill Construction-New	655,771	655,771					655,771
Eastover Sanitary District- Water II	8,479,575	8,479,575					8,479,575
Eastover Sanitary District- Sewer	50,000	50,000					50,000
Detention Facility Expansion	14,944,566	14,944,566					14,944,566
New Century Middle School	18,052,645	18,052,645					18,052,645
Southpoint Water Project	540,802	540,802					540,802
Total	134,603,565	106,617,265	-	-	-	-	106,617,265
Potential Projects (3)							
E. Newton Smith Center							unknown
Pamalee Branch Library							7,542,992
Total							7,542,992
	134,603,565	106,617,265	-	-	-	-	114,160,257

(1) Gray shaded projects are essentially finished, but not officially closed on the county's books. In some cases, a small amount of remaining unspent funds have been reallocated within the project.

(2) Proposed funds for current projects have not yet been budgeted as of July 1, 2013, but are expected to be budgeted during the listed fiscal year.

(3) Potential projects are neither budgeted or funded. An estimated cost is listed for reference only. The cost of future renovations to the E. Newton Smith Center are unknown.

Multi-Year Capital Projects Funding:

Project	Budgeted		Financing Sources				County
	FY2013	FY2014	Federal	State	Debt	Other	
- Current Projects -							
Health Department Building	27,986,300	Closed					
Western Regional Library	5,717,186	5,717,186			5,314,224		402,962
Gray's Creek Middle School	20,537,047	20,537,047			20,000,000	537,047	
New Century International Elementary	17,517,851	17,517,851			17,239,528	278,323	
Landfill Construction-Current	4,198,052	4,198,052				4,198,052	
School Renovations-QSCBs	15,923,770	15,923,770			15,900,000	23,770	
Landfill Construction-New	655,771	655,771				655,771	
Eastover Sanitary District- Water II	8,479,575	8,479,575	1,797,700		6,177,000	504,875	
Eastover Sanitary District- Sewer		50,000				50,000	
Detention Facility Expansion	14,944,566	14,944,566				423,433	14,521,133
New Century Middle School	18,052,645	18,052,645		2,816,930	14,805,000	430,715	
Southpoint Water Project	540,802	540,802			540,802		
Total	134,553,565	106,617,265	1,797,700	2,816,930	79,976,554	7,101,986	14,924,095

Potential Projects (1)	Est Costs					
Landfill Construction-New	5,844,229					
E. Newton Smith Center	unknown					
Pamalee Branch Library	7,542,992					

(1) Potential projects have not been approved; therefore, only an estimated cost is shown with no identified funding source. The addition to the current landfill is budgeted at \$655,771 for permitting costs. The remaining \$5,844,229 will be budgeted once bids are received and the actual cost is known and approved.

Mr. Martin concluded his presentation and Chairman Keefe opened the floor for questions. Commissioner Keefe asked whether the recommended budget included a salary increase for employees. Mr. Martin stated at this time the recommended budget did not contain a proposed increase for county salaries; last year phase I of the classification and pay study was implemented and all county salaries were increased 2%. In response to a question posed by Commissioner Council, Mr. Martin stated the .44% represented the amount more than 10% of the \$321 million budget. Mr. Martin explained this was one-time and not sustainable.

Mr. Martin thanked department heads for holding the line on expenses, and finance staff and the management team for their work in producing the FY2014 recommended budget.

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

MOTION: Commissioner Faircloth moved to go into closed session for attorney/client matter(s) pursuant to NCGS 143-318.11(a)(3).

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Council moved to go into open session.

SECOND: Commissioner King

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner King moved to approve settlement in Cumberland County v. Gentry Group, LLC, Robert R. Stafford, Clarence H. Keim, III, et al. 12 CVS9004, the terms of which are to accept the amount of \$210,000 from the

defendants in quarterly payments paid over ten years at 2% interest, with the Gentry Group, Stafford and Keim entering into a Confession of Judgment to be filed should they default on the payments.

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

MOTION: Commissioner Edge moved to adjourn.
SECOND: Commissioner King
VOTE: UNANIMOUS (6-0)

There being no further business, the meeting adjourned at 12:10 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board