

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MAY 20, 2013 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR/REZONING MEETING
MINUTES

PRESENT: Commissioner Jimmy Keefe, Chairman
Commissioner Jeannette Council, Vice Chair
Commissioner Kenneth Edge
Commissioner Charles Evans (departed at 9:10 pm)
Commissioner Marshall Faircloth
Commissioner Billy King
Commissioner Ed Melvin
James Martin, County Manager
Amy Cannon, Deputy County Manager/Finance Officer
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Public Information Director
George Hatcher, Code Enforcement Officer
Joey Lewis, Code Enforcement Officer
Tom Lloyd, Planning and Inspections Director
Sharon Saunders, Veterans Services Director
Hank Debnam, Mental Health Authority Director
Jonathan Charleston, Mental Health Authority Attorney
Ellen Holliman, Alliance Behavioral Healthcare Director
Lascel Webley, Jr., Alliance Board of Directors Chair
Ken Jones, Eastpointe Director and Chief Executive Officer
Lee Smith, Eastpointe Board of Directors Chair
Gerry Fountain, Advocate, SRI Contractor with the U. S. Army
Wounded Warrior Program, Warrior Transition Command
(WTC)
Lee R. (Richie) Hines, Jr., District Engineer with of the North
Carolina Department of Transportation
Russ Rogerson, Executive Vice President of Economic
Development Alliance of Fayetteville and Cumberland
County
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Chairman Keefe called the meeting to order.

INVOCATION

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

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

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

Christopher Mitchell: Mr. Mitchell appeared on behalf the City/County Joint Appearance Commission and as chairman of the Community Appearance Awards Program. Mr. Mitchell explained the nominations process for the 5th Annual Community Appearance Awards Program, the thirteen award categories and the awards selection process. Mr. Mitchell stated the awards ceremony will be held at the Villagio Apartment Homes community on July 25, 2013 beginning at 7:00 p.m. Mr. Mitchell further stated citizens improve the appearance of their properties which also improves the appearance of the community and saves local government a lot of money.

Certificate of Appreciation to Ms. Sharon Sanders from the Department of the Army in Recognition of Dedication and Support of the U.S. Army Wounded Warrior Program (AW2).

Gerry Fountain, Advocate, SRI Contractor with the U. S. Army Wounded Warrior Program, Warrior Transition Command (WTC), recognized Sharon Saunders, Director of the Cumberland County Veterans Services, for the assistance she provides to AW2 Veterans, family members and caregivers. Mr. Fountain stated whenever Ms. Sanders is call upon, she directly focuses on getting the issue resolved in a timely manner and she has been instrumental with tracking the AW2 veterans percentage ratings for service connected disabilities and submitting documents required in order for claims to be processed. Mr. Fountain stated Ms. Sanders' continued outreach efforts to provide relief, dignity, encouragement and support during critical life transitions have made a lasting impact on those she serves. Ms. Sanders extended her appreciation to the board of commissioners for their support of the Veterans Services Department and their support of the department's move to its new location in the former Board of Elections facility on Russell Street.

James Martin, County Manager, requested the addition to the consent agenda as Item 2.K. approval of a certificate of appreciation to Beaver Dam Fire Chief Richard Bullard who retired after thirty years of service on April 30, 2013, and a closed session for attorney/client matters pursuant to NCGS 143-318.11(a)(3) as Item 9.C.

1. Approval of Agenda

MOTION: Commissioner Melvin moved to approve the agenda with the additions as requested.

SECOND: Commissioner King

VOTE: UNANIMOUS (7-0)

2. Consent Agenda

- A. Approval of minutes for May 6, 2013 regular meeting
- B. Approval of Bid Award for In-Car Digital Video Cameras for the Sheriff's Office

BACKGROUND:

Formal bids were received in Purchasing for In-Car Digital Video Camera Systems for Law Enforcement Vehicles. The low bid did not meet specifications and after evaluating the competing bids, Sheriff Butler is requesting to award the bid to Watchguard at a total of \$191,062 because the camera and vendor best meet the needs of the Sheriff's Office. A budget revision was previously approved by the Board of Commissioners on February 5, 2013 using federal forfeiture funds.

RECOMMENDATION/PROPOSED ACTION:

Management and Purchasing support the recommendation of Sheriff Butler in awarding the bid to Watchguard in the amount of \$191,062 for the In-Car Digital Video Camera Systems for Law Enforcement Vehicles.

- C. Approval of a Modification to Existing Professional Services Contract with Koonce, Noble & Associates for Observation of the Southpoint Water Distribution Project

BACKGROUND:

The contract between Koonce, Noble & Associates and Cumberland County for the work on the Southpoint project has a special provision stating that the construction observation shall be billed at hourly billing rates, prevailing at the time the work is completed, plus mileage. In preparing the purchase order for this contract, a dollar amount was not included in the total for the construction observation. The total cost of increase to the purchase order is \$6,500, which will be added to their existing contract for a total of \$75,450.

RECOMMENDATION/PROPOSED ACTION:

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

1. Approves the increase to the purchase order in the amount of \$6,500.
2. Approves the associated budget revision.

The proposed action by the Board is to follow the staff recommendation.

- D. Approval of Modification to Existing Professional Services Contract for the Vander Sanitary Sewer Extension

BACKGROUND:

On October 6, 2011, Cumberland County was awarded a grant from The Golden LEAF Foundation in the amount of \$469,218 for the extension of a sanitary sewer line into the Vander community with the ability to serve civic organizations as well as businesses.

In January 2012, the County sent out a Request for Qualifications (RFQ) for providing engineering services for the design of the system. After a comprehensive review, Morman, Kizer & Reitzel, Inc. (MKR, Inc) was selected as the design firm for the project and a contract was executed for a Not to Exceed (NTE) amount of \$59,500. A preliminary route for the sewer line was identified and forwarded to PWC for review. PWC proposed an alternative route due to the depth of the sewer line as well as the requirement that a portion of this line would have to be a low pressure system due to the inability of serving the identified customers with a gravity line. While the alternate route increases the cost substantially it has the ability to serve more residential customers as well as commercial businesses. PWC agreed to make up the difference between the allocated grant funding and the total project cost. At the June 4, 2012 Board of Commissioners meeting, the Board approved to increase the contract to \$142,038.01 due to the route change. Since this time, the route once again has been modified due to the escalated cost of constructing the proposed sewer line within the NCDOT R/W. As a result, additional surveying and design work will be required. Please be informed that this is the final route and no additional changes are anticipated. MKR, Inc has submitted a revised price based on the new alignment and their fee has increased to an amount NTE \$182,419.00. Funds are budgeted for this contract increase.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director and County Management recommend that the Board of Commissioners modify the existing contract with MKR, Inc. for an amount NTE \$182,419.00.

E. Cumberland County Policy Committee Report and Recommendation:

- 1) Federal Advocacy Partnerships Memorandum of Understanding

BACKGROUND:

Cumberland County, the City of Fayetteville and the Fayetteville Regional Chamber have a federal advocacy partnership that has worked collaboratively through a contracted lobbying firm to pursue federal funding for projects identified in an annual, collectively established federal agenda. The partnership has developed a new Memorandum of Understanding (MOU) to more effectively respond to the new federal funding paradigm, which reflects a change in focus from legislative earmarks to administrative allocation through competitive grants. At its May 2, 2013 meeting, the Policy Committee recommended sending the MOU to the full board for approval.

PERSON OR ORGANIZATION MAKING REQUEST:

A committee of chamber, city and county management and strategic initiative staff was formed to review the future of the federal advocacy partnership. The group developed the MOU and is now seeking approval from the partnership's governing boards.

2) Americans with Disabilities Act (ADA) Policy

BACKGROUND:

Title II of the Americans with Disabilities Act of 1990 requires the County not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. As a local government employer with over 50 employees, Cumberland County is required to designate an employee to oversee its compliance with the ADA, establish grievance procedures, and provide notice to the public of Title II's requirements and its applicability to the County's services, programs, and activities.

Prompted by a citizen inquiry, a committee of staff including Sally Shutt, Information Officer, John Holmes, ADA Coordinator, and Phyllis Jones, Assistant County Attorney, reviewed the County's compliance with the requirements and drafted the policy as recorded below which incorporates the information required to be in the notice and identifies the ADA compliance officer. Adoption of the policy will allow for its posting on the county website.

On May 2, 2013, the Policy Committee unanimously adopted the staff recommendation and voted to recommend that the Board of Commissioners approve the Cumberland County ADA Policy.

RECOMMENDATION/PROPOSED ACTION:

The Board of Commissioners approves the Cumberland County ADA Policy as recorded below.

AMERICANS WITH DISABILITIES ACT Policy

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), Cumberland County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: Cumberland County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: Cumberland County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in county programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: Cumberland County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in county offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Cumberland County, should contact the ADA Coordinator (listed below) Monday - Friday 8:00 am to 5:00pm as soon as possible but no later than 48 hours before the scheduled event

John F. Holmes, ADA Coordinator
Cumberland County Human Resources Office
117 Dick Street, Lower Level, Room 15
P.O. Drawer 1829
Fayetteville, North Carolina 28302-1829
Telephone Number (910) 678-7656
Email: jholmes@co.cumberland.nc.us

TDD Telecommunication Unit for the Deaf (910) 678-7659.

3) Policy Committee Draft Minutes

F. Approval of Interlocal Agreement and Resolution with the Town of Godwin Adopting the Cumberland County Animal Control Ordinance

BACKGROUND:

The county's ordinances do not apply in the corporate limits of any incorporated municipality unless the municipal governing board consents. Once a county ordinance is applied within the corporate limits, the governing bodies of the county and the municipality must enter into an interlocal agreement in order for county personnel to enforce the ordinance within the municipality. The revised county animal control ordinance adopted in May, 2012, included provisions to accommodate the particular needs of those municipalities expressing an interest in applying the ordinance in their jurisdictions. The City of Fayetteville promptly acted to apply the ordinance within its corporate limits. The city and the county have had an interlocal agreement for the county to provide animal control services within the city for many years.

The County Attorney's office has recently drafted Resolutions and Interlocal Agreements for the other municipalities in Cumberland County to adopt the Cumberland County Animal Control Ordinance and authorize the county's Animal Control Department to provide animal control services in their jurisdictions. The Towns of Eastover, Linden, Spring Lake, Stedman, and Wade recently entered into interlocal agreements with the county approved by the Board of Commissioners at its March 18 and April 15, 2013 meetings. The town of Godwin has now also passed the Resolution and executed an interlocal agreement.

RECOMMENDATION/PROPOSED ACTION:

The county attorney recommends that the Board of Commissioners approves the interlocal agreement with the Town of Godwin to authorize the Cumberland County Animal Control Department to continue providing services in that jurisdiction.

NORTH CAROLINA

AGREEMENT FOR INTERLOCAL UNDERTAKING

CUMBERLAND COUNTY

THIS AGREEMENT, is made and entered into by and between the TOWN OF GODWIN, a municipality duly incorporated under the laws of North Carolina (hereinafter referred to as TOWN), and CUMBERLAND COUNTY, a body politic and corporate of the State of North Carolina (hereinafter referred to as COUNTY);

WITNESSETH:

WHEREAS, COUNTY has established, staffed and funded a department for the provision of animal control services and an animal shelter; and

WHEREAS, the governing boards of TOWN and COUNTY have determined that animal control services can be most efficiently provided through a comprehensive program administered by one department within the municipal limits and adjoining suburban and rural areas; and

WHEREAS, the governing board of TOWN has adopted Chapter 3, Animals, of the *Cumberland County Code of Ordinances* as the animal control ordinance of the TOWN; and

WHEREAS, the governing boards of TOWN and COUNTY have by resolution ratified the provisions of this Agreement for Interlocal Undertaking pursuant to North Carolina General Statutes, Chapter 160A, Article 20, Part I, for the purpose of providing an interlocal undertaking to provide for the provision of animal control services.

NOW THEREFORE, for and in consideration of the mutual covenants herein contained and of the mutual benefits to result therefrom, the parties hereby agree as follow:

1. PURPOSE: The purpose of this Agreement is to establish an interlocal undertaking, as provided in N.C.G.S. 160A-460, *et seq.*, whereby the COUNTY shall serve as the animal control agency for both TOWN and the COUNTY and COUNTY shall enforce TOWN'S animal control ordinance in the incorporated areas of TOWN.
2. PERSONNEL: All personnel necessary to staff, implement, administer and provide the joint animal control services contemplated by this Agreement shall be employees of COUNTY, provided, however, that COUNTY shall not be obligated to provide or fund a higher level of animal control services within TOWN than it does in its own jurisdiction.
3. FINANCES: For the same level of professional animal control services provided in COUNTY'S jurisdiction, TOWN will not make any appropriation to COUNTY; but all licenses, fees, and penalties collected under Chapter 3, Animals, of the *Cumberland County Code*, being adopted by TOWN and enforced under this Agreement, shall be retained by COUNTY.

4. AMENDMENT: This Agreement may be amended at any time by mutual agreement between the parties in writing and duly ratified by their respective governing boards, with any such amendment being effective upon adoption.
5. DURATION: This Agreement shall commence on the date ratified by COUNTY'S governing board and shall endure so long as the parties hereto exist and have the power to make and maintain such an agreement, unless sooner terminated as hereinafter provided.
6. TERMINATION: This Agreement may be terminated by either party upon one hundred eighty (180) days prior written notice duly authorized by its governing board to the other party; provided that such termination shall only be effective at the end of a fiscal year.
7. PROPERTY: This Agreement does not require the purchase, acquisition, or disposition of real property by either party.

THEREFORE, the parties have set their hands and seals pursuant to action of their respective governing boards taken on the date indicated for each.

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

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| 1) Case Number: | MH6831-2012 |
| Property Owners: | Sundust, LLC. & Mark A. Stout |
| Property Location: | 3301 Clinton Road, Fayetteville, NC |
| Parcel Identification Number: | 0456-78-3194 |

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH6831-2012
PROPERTY OWNER: Sundust, LLC c/o Mark A. Stout

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on November 19, 2012, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Sundust, LLC c/o Mark A. Stout, located at 3301 Clinton Road, Fayetteville, NC, PIN: 0456-78-3194, said ordinance being recorded in Book 9056, page 124, of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$1,475.00.

(3) There were no salable materials resulting from said work.

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

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$1,475.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated 19 November, 2012, and in Section 160A-443(6) of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at 3301 Clinton Road, Fayetteville, NC, as described in Deed Book 4946, page 103, of the Cumberland County Registry and identified in County tax records as PIN 0456-78-3196.

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

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

2) Case Number:	MH6864-2012
Property Owner:	Grace G. Edwards
Property Location:	4624 Gray's Creek Church Road, Hope Mills, NC
Parcel Identification Number:	0442-63-8035

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH6864-2012
PROPERTY OWNER: Grace G. Edwards

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on January 22, 2013, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Grace G. Edwards, located at 4624 Gray's Creek Church Road, Hope Mills, NC, PIN: 0442-63-8035, said ordinance being recorded in Book 9104, page 619, of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$1,699.00.
- (3) There were no salable materials resulting from said work.

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

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$1,699.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated 22 January, 2013, and in Section 160A-443(6) of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at 4624 Gray's Creek Church Road, Hope Mills, NC, as described in Deed Book 4272, page 303, of the Cumberland County Registry and identified in County tax records as PIN 0442-63-8035.

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

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

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| 3) Case Number: | MH6865-2012 |
| Property Owners: | Alice G. Nelson - Heirs c/o Ruby McMillian |
| Property Location: | 4610 Gray's Creek Church Road, Hope Mills, NC |
| Parcel Identification Number: | 0442-63-8230 |

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY

CASE NUMBER: MH6865-2012
PROPERTY OWNER: Alice G. Nelson c/o Ruby McMillian

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on January 22, 2013, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Alice G. Nelson c/o Ruby McMillian, located at 4610 Gray's Creek Church Road, Hope Mills, NC, PIN: 0442-63-8230, said ordinance being recorded in Book 9104, page 607, of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$1,699.00.
- (3) There were no salable materials resulting from said work.

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

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$1,699.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated 22 January, 2013, and in Section 160A-443(6) of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at 4610 Gray's Creek Church Road, Hope Mills, NC, as described in Deed Book 4272, page 303, of the Cumberland County Registry and identified in County tax records as PIN 0442-63-8230.

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

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

H. Approval of Proclamation Proclaiming May 19-25, 2013 as “Public Works Week” in Cumberland County

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, public works services provided in the Cumberland County community are an integral part of our citizens’ everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs that supply water for domestic, agricultural and industrial needs; that provide sewer service for waste collection, treatment and disposal systems; that provide public buildings for health and human services, public library services, education and courts; that provide solid waste landfills and containerized sites; and that provide funding and financing for the county’s many public works services and programs; and

WHEREAS, the health, safety and comfort of the Cumberland County community greatly depends on these facilities, services and financing; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff Cumberland County’s public works related departments is materially influenced by people’s attitudes and understanding of the importance of the work they perform; and

WHEREAS, the year 2013 marks the 53rd annual National Public Works Week sponsored by the American Public Works Association.

NOW, THEREFORE, WE, the Cumberland County Board of Commissioners, do hereby proclaim the week of May 19-25, 2013, as

“PUBLIC WORKS WEEK”

in Cumberland County and call upon all Cumberland County citizens and organizations to acquaint themselves with the issues involved in providing the county’s public work services and programs, and to recognize the contributions the county’s public works officials make every day to the county’s health, safety, comfort and quality of life.

Adopted this 20th day of May, 2013.

I. Approval of Proclamation Recognizing Terry Sanford High School’s Centennial Graduating Class on June 6, 2013

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, Fayetteville Terry Sanford High School has 280 students that will graduate on June 6, 2013, the centennial year; and

WHEREAS, Fayetteville Terry Sanford High School was established in the year 1913; and

WHEREAS, from the first day Fayetteville Terry Sanford High School opened and into the future, it has taken great pride in teaching the finest minds on earth; and

WHEREAS, the mission of Fayetteville Terry Sanford High School is to “Celebrate the Past, and Embrace the Future”; and

WHEREAS, Fayetteville Terry Sanford High School moves into the next century, it is mindful of its mission to accept nothing less than excellence.

NOW, THEREFORE, We, the Cumberland County Board of Commissioners do hereby recognize Fayetteville Terry Sanford High School’s centennial graduating class on the 6th day of June, in the year 2013.

Adopted this the 20th day of May, 2013.

J. Budget Revisions:

(1) Emergency Services Grant

Revision in the amount of \$2,203 to rebudget unexpended funds from the FY2012 Regional Exercise Grant. (B13-323) Funding Source – State

(2) Overhills Sewer Project/ Water and Sewer Project

Revisions in the amount of \$15,000 to transfer funds from the Water and Sewer Department to establish a new capital project for the Overhills Sewer Project. The initial funding is for the preparation of the Engineering Report and the Environmental Information Document. (B13-331 and B13-331A) Funding Source – General Fund Water and Sewer Department

(3) Southpoint Water

Revision in the amount of \$2,000 to increase tap fee revenue to fund a contract for installation of water meters. (B13-328) Funding Source – Fees

(4) Sheriff

a. School Law Enforcement - Revision in the amount of \$32,000 to reallocate contingency funds to fund additional fuel costs for remainder of fiscal year. (B13-324) Funding Source – Reallocation of Budgeted Expenditures

- b. Revision in the amount of \$125,000 to reallocate contingency funds to fund additional fuel costs for remainder of fiscal year. (B13-325) Funding Source – Reallocation of Budgeted Expenditures
- c. Jail and Detention – Revision in the amount of \$80,000 to appropriate fund balance for the purchase of food and provisions and maintenance and repairs on building due to an increase in the average daily inmate population over the year. (B13-326) Funding Source – General Fund Fund Balance Appropriated

(5) Recreation and Parks

Revision in the amount of \$150,000 to recognize additional Recreation Tax collections for payment to the City of Fayetteville per the recreation contract for services. (B13-332) Funding Source – Recreation Tax

(6) Health

Immunization Clinic – Revision to appropriate Health Department Fund balance to offset a \$61,168 reduction in state funding. (B13-333) Funding Source – Health Department Fund Balance

(7) Health Department Capital Project/Tax Administration

Revision to recognize interest and contractor sales tax income to transfer \$131,397 to the Tax Department to purchase and install workstations and to budget the remaining \$501,301 for future capital needs. (B13-334 and B13-334A) Funding Source – Interest and Sales Tax Contractors Income

- K. Approval of a Certificate of Appreciation to Retired Beaver Dam Fire Chief Richard Bullard

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

3. Public Hearings

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

Uncontested Rezoning Cases

- A) Case P13-08: Rezoning of 2.99+/- acres from M(P)/CU Planned Industrial/Conditional Use Overlay for manufactured home sales and M(P)

Planned Industrial to M(P) Planned Industrial or to a more restrictive zoning district; located at 2965 Gillespie Street, and on the east side of SR 2273 (Gillespie Street), southwest of SR 2260 (Airport Road); submitted by Stephen D. Wheeler and Carla M. Emmons on behalf of Emmons & Wheeler LLC, and John M. Tyson on behalf of Cedar Creek Crossing West LLC (owners).

Staff Recommendation: Approval

Planning Board Recommendation: Approve Staff Recommendation

RECOMMENDATION: Members present at the April 16, 2013 meeting of the Joint Planning Board recommended the adoption and approval of the consistency and reasonableness statements and to approve M(P) Industrial district.

- B) Case P13-09: Rezoning of 3.66+/- acres from A1 Agricultural to C(P) Planned Commercial or to a more restrictive zoning district; located at 5208 NC HWY 87 South and on the west side of NC HWY 87 South, south of SR 2238 (Sand Hill Road); submitted by Betty B. Walters (owner) and Uta Belletete.

Staff Recommendation: Approval

Planning Board Recommendation: Approve Staff Recommendation

RECOMMENDATION: Members present at the April 16, 2013 meeting of the Joint Planning Board recommended the adoption and approval of the consistency and reasonableness statements and to approve C(P) Planned Commercial district.

Uncontested Conditional Zoning Case

- C) Case P13-11: Rezoning of 5.38+/- acres from C3/CU Heavy Commercial/Conditional Use Overlay for outside storage, RR/CU Rural Residential/Conditional Use Overlay for outside storage and RR Rural Residential to C(P)/CZ Planned Commercial/Conditional Zoning district for motor vehicle repair and outside storage or to a more restrictive zoning district, located at 3427 Clinton Road, submitted by Stephen H. Ledwell Trustee (owner) and Andy Nichols.

Staff Recommendation: Approval of C(P)/CZ for motor vehicle repair w/ outside storage

Planning Board Recommendation: Approve Staff Recommendation

RECOMMENDATION: Members present at the April 16, 2013 meeting of the Joint Planning Board recommended the adoption and approval of the consistency and reasonableness statements and to approve C(P) Planned Commercial/CZ Conditional Zoning district for motor vehicle repair and outside storage.

This is the duly advertised/noticed public hearing set for this date and time for Case P13-08, Case P13-09 and Case P13-11.

Chairman Keefe opened the public hearing for Case P13-08, Case P13-09 and Case P13-11.

The clerk to the board advised there were no speakers for Case P13-08, Case P13-09 and Case P13-11.

Chairman Keefe closed the public hearings for Case P13-08, Case P13-09 and Case P13-11.

MOTION: Commissioner Edge moved to approve the recommendation of the Planning Board for Case P13-08, Case P13-09 and Case P13-11 and the conditions as set forth for Case P13-11.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (7-0)

Minimum Housing Code Enforcement

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

D)	Case Number:	MH6925-2012
	Property Owners:	Billy W. & Rachel Wilson
	Property Location :	6621 Rockfish Road, Fayetteville, NC
	Parcel Identification Number:	0404-26-9762

Mr. Lewis stated the board of commissioners deferred minimum housing case number MH 6925-2012 to this meeting at their January 22, 2013 meeting.

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 6925-2012.

Property Owner: Billy W. & Rachel Wilson
Home Owner: Billy W. & Rachel Wilson
Property Address: 6621 Rockfish Road, Fayetteville, NC
Tax Parcel Identification Number: 0404-26-9762

SYNOPSIS: This property was inspected on 9/25/2012. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 10/29/2012. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation or be demolished and the debris removed from the premises by a date not later than 11/30/2012. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. No appeal was filed. Upon my visit to the property on 5/10/2013, no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$50,000.00. The Assessor for Cumberland County has the structure presently valued at \$7,124.00.

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

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

Chairman Keefe opened the public hearing.

The clerk to the board called the following speakers.

Connie Harris – After being placed under oath, Ms. Harris appeared in favor and stated she lives across from the subject property which has been in the state of disrepair for over five years. Ms. Harris stated the property has been broken into, has become a haven for various critters and mosquitoes, has become unsafe and unhealthy and is an eyesore. Ms. Harris stated the vacant property is also thought to have contributed to the breaking and entering of the property next door to it.

Cameron D. Scott – After being placed under oath, Mr. Scott appeared in opposition and stated he represented Ocwen Loan Servicing, the loan servicing agency for the note holder in this case. Mr. Scott stated a foreclosure hearing had been set for March, 2013 but due to issues with the foreclosure, Ocwen currently has the hearing scheduled for June 3, 2013 with the Clerk of Court in order to conduct the sale of the property. Ms. Scott stated Ocwen does not have rights to the property to authorize demolition or anything else, and requests that the case be tabled for an additional 90 days so the foreclosure can go through. Mr. Scott stated at that time Ocwen will request the opportunity to either rehabilitate or demolish the structure.

There being no further speakers, Chairman Keefe closed the public hearing.

Commissioner Faircloth asked who had authority to secure the property. Mr. Lewis stated although it would typically be the owners, that was not applicable in this case. Mr. Lewis stated he was told by Ocwen the structure was secured.

Commissioner Council inquired regarding action the board could take. Rick Moorefield, County Attorney, stated the board of commissioners has the legal authority under its ordinance to table the case again or move forward with the demolition.

Mr. Moorefield asked Mr. Scott whether there had been a hearing. Ms. Scott responded the March, 2013, hearing date was continued because there is no affidavit of default that is required to be shown to the Clerk of Court in order to proceed with the sale because that process has been backlogged. Mr. Moorefield stated if there is a hearing on June 3, 2013, the board of commissioners will likely not be in a position to finalize the case in 90 days. Mr. Scott stated it can be finalized in 30 days because the sale will be held on June 24, 2013, the upset bid period will expire within 10 days or around July 4, 2013, and the sale can be confirmed around July 5, 2013. Mr. Scott stated at that time, there will be an actual owner of the property.

Mr. Moorefield asked Mr. Scott whether Ocwen had the authority under the terms of its security instrument agreement to secure the property. Mr. Scott stated there is authority under the terms of the agreement and Ocwen was told by the Property Preservation Team that the property had been secured; however, based on the evidence presented at this hearing, that has not been done.

In response to a question posed by Commissioner Edge, Mr. Scott stated on or about July 5, 2013 someone would hold title to the property having been the successful bidder at the sale and someone would then have the right to make the decision whether to rehabilitate or demolish the structure. In response to a question from Commissioner Evans, Mr. Scott explained the Property Preservation Team is an outside contractor and senior level Ocwen staff is [now directly looking into this matter](#).

Chairman Keefe inquired regarding the property's current value. Mr. Lewis stated the salvage value of the structure is approximately \$7,000 and estimated cost for repairs is approximately \$120,000. Mr. Lewis stated his first complaint driven inspection was on September 25, 2012. Mr. Scott stated he is unable to say what the lien amount is with any accuracy but it could be \$90,000.

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

an ordinance certified by the Chairman and record the same in the Register of Deeds.

SECOND: Commissioner Keefe

DISCUSSION: Commissioner King stated the case is somewhat involved with circumstances that cannot be controlled. Commissioner King asked whether Commissioner Council would amend her motion for 60 days. Commissioner Council stated she would not amend her motion. Commissioner Faircloth stated since there is a lien holder involved with perhaps \$90,000 at stake and if there could be some assurance that the property will be secured so it's not subject to vermin or unwanted inhabitants, he would be willing to give 90 days' contingent on the action taken within 30 days or the next meeting. Commissioner Evans stated the issues needs to be resolved now because the property was not secured as previously directed and the values of neighboring properties are being affected. In response to a question from Commissioner King, Mr. Lewis stated the property is between 2,200 and 2,400 square feet, the roof is bad, the floors are buckled and water damaged, the insulation is exposed, the ceilings have fallen, the copper wiring is gone and it is only going to get worse.

VOTE: PASSED (5-2) (Commissioners Evans, Melvin, Council, Keefe and Edge voted in favor; Commissioners Faircloth and King voted in opposition)

Other Public Hearings

- E) Presentation, Public Hearing and Request for Approval of a Resolution of the North Carolina Department of Transportation 2012-2013 Secondary Roads Improvement Program for Cumberland County - Lee R. Hines, Jr., District Engineer.

BACKGROUND:

The Department of Transportation has requested a Public Hearing on the North Carolina Department of Transportation 2012-2013 Secondary Roads Improvement Program for Cumberland County at the May 20, 2013 Board of Commissioners Meeting.

Mr. Lee R. (Richie) Hines, Jr., District Engineer with of the North Carolina Department of Transportation, will be making the presentation.

A resolution is below and is required by the North Carolina Department of Transportation indicating approval of the 2012-2013 Secondary Road Construction Program.

RECOMMENDATION / PROPOSED ACTION:

NCDOT recommends that the 2012-2013 Secondary Roads Improvement Program and the resolution as recorded below for Cumberland County be approved.

RESOLUTION APPROVING FY 2012-2013
SECONDARY ROAD PROGRAM
COUNTY OF CUMBERLAND

BE IT RESOLVED that the Cumberland County Board of Commissioners does hereby approve the FY 2012-2013 Secondary Road Program for Cumberland County as presented by the North Carolina Department of Transportation. The program is attached to this resolution.

Adopted on this 20th day of May, 2013.

Chairman Keefe recognized former Cumberland County District Attorney Ed Grannis and Lee R. (Richie) Hines, Jr., District Engineer with of the North Carolina Department of Transportation. Mr. Hines introduced Ken Murphy, NCDOT Division 6 Maintenance Engineer, and Bill Hannon, Cumberland County Maintenance Engineer. Mr. Hines presented the following proposed 2012-2013 Secondary Roads Improvement Program for Cumberland County:

FY 2013 (July 1, 2012 – June 30, 2013)
North Carolina Department of Transportation
Proposed Secondary Road Construction Program
Cumberland County

Allocation and Funding	
Highway Fund	\$387,378.59
Trust Fund	<u>\$513,933.91</u>
Total Allocation	\$901,312.50
Funds to Cover Overruns in Previously Approved Projects	\$788,068.22
Total Funding Available	\$113,253.78
Paving Program	\$0.00
Funds used to build and pave unpaved roads in priority order from the Rural and Residential/Subdivision List	

There are no unpaved roads scheduled for improvement and paving in this Program due to the Statewide Priority Rating for this Fiscal Year.

Contingency Reserve	\$113,253.78
Funds used for unpaved road surveying and right of way acquisition, unpaved and additions, property owner participation, paving driveways of rural fire or rescue departments, and overdrafts.	

Grand Total

\$901,312.50

Mr. Hines reported \$788,068.22 was used to cover projects presented to the board in the past to include paving projects for Mimosa Drive, Pinecrest Road, Carlos Road, Gordon Williams Road, a reclamation job on County Line Road and work by a local company on Barefoot Road. Mr. Hines responded to questions posed by Commissioner Evans regarding Draper and Pinpoint Roads and stated the roads cannot be accepted into the NCDOT maintenance system unless property owners donate the right-of-way. Mr. Hines stated he would have to look into whether the right-of-way can be taken through eminent domain. Commissioner Evans asked him to do so and report back to the board. Commissioner King invited NCDOT staff to visit the roads considering the recent rainfall.

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

Chairman Keefe opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Keefe closed the public hearing.

MOTION: Commissioner Edge moved to approve the 2012-2013 Secondary Roads Improvement Program and the resolution approving the same.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

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

Items of Business

4. Consideration of the Merger Recommendation of the Mental Health Authority

Jonathan Charleston, Attorney for the Cumberland County Mental Health Authority, stated on March 18, 2013, the board of commissioners adopted a resolution conferring all powers, responsibilities and duties of the governing board of the Cumberland County Area Mental Health, Developmental Disabilities And Substance Abuse Authority upon the Cumberland County Board Of Commissioners to become effective no earlier than May 15, 2013, and further directing the Mental Health Authority to commence negotiations to merge the Cumberland County Area Authority into a multi-county authority and recommend a merger plan to the Board of Commissioners by May 15, 2013. Mr. Charleston stated this resolution was agreed to and supported by the Board of the Mental Health Authority.

Mr. Charleston stated to address cost efficiencies in the mental health service delivery system, the State of North Carolina implemented a plan to consolidate area authorities and, pursuant to Session Law 2012-151 (Senate Bill 191), two models were authorized for a consolidation plan

including merger where a single larger Local Management Entity (LME) is formed from the merger of two or more LMEs or interlocal agreement among LMEs where a single LME is identified as the leader for all 1915(b)/(c) Medicaid Waiver purposes.

Mr. Charleston stated the Mental Health Authority elected to meet the legislative mandate through an interlocal agreement with Alliance Behavioral Healthcare and, through subsequent negotiations, the Alliance agreed to appoint one Cumberland County resident to its governing board. Mr. Charleston also stated the Cumberland County Board of Commissioners expressed concern that the interlocal agreement with the Alliance did not allow the commissioners to appoint any representatives for Cumberland County to the governing board of Alliance and determined that such lack of commissioner-appointed representation was not in the best interest of Cumberland County consumers. Mr. Charleston further stated as a result of that concern, the commissioners adopted a resolution on February 18, 2013, indicating their intent to direct the merger of the Area Authority into the Alliance or another multi-county authority.

Mr. Charleston stated it was his opinion that any of the above directives requires the prior approval of the Department of Health and Human Services (DHHS) Secretary and the Secretary of DHHS concurs with his opinion.

Mr. Charleston stated the Area Authority sought to lead the discussions regarding consolidation and adopted various resolutions in support of the same with it being the contention of the Area Authority Board that it had a broader knowledge of the subject matter. Mr. Charleston also stated on March 18, 2013, the Commissioners adopted resolutions that provided, among other things, that the Area Authority negotiate a plan to consolidate the Area Authority into an existing multi-county area authority that operates a Managed Care Organization (MCO). Mr. Charleston further stated in response to that directive, the Mental Health Authority issued a Request for Information (RFI) announcing its intention to consolidate into an existing MCO, and the RFI was submitted to the eleven LME/MCOs then existing to solicit interest in consolidating with the Mental Health Area Authority. Mr. Charleston reported responses to the RFI were received from the Alliance Behavioral Healthcare and Eastpointe Human Services MCOs.

Mr. Charleston stated subsequent to the March 18, 2013, resolution adopted by the board of commissioners, North Carolina Governor Pat McCrory outlined a proposed framework for Medicaid reform to improve care, customer service and results for North Carolina's young and elderly, disabled, mentally ill and low-income families. The plan, entitled "A Partnership for a Healthy North Carolina," calls for providers, recipients, taxpayers and the state to come together to implement a coordinated care model of delivery to bring long-term predictability, sustainability and efficiency to the program. Mr. Charleston advised one of the main components of the plan was to call for a unified coordinated plan for the physical and mental health of consumers in North Carolina.

Mr. Charleston stated in a statement released on April 8, 2013, DHHS Secretary Aldona Z. Wos, MD, stated that the Governor's proposed plan will, among other things, "create a comprehensive system to coordinate a network of care around the whole person. The central piece of the Partnership for a Healthy North Carolina is the formation of approximately three 'Comprehensive Care Entities'. These entities will be responsible for coordinating physical and

behavioral health care for all Medicaid recipients.” Mr. Charleston pointed out and asked the board of commissioners to keep in mind that nowhere in the Secretary’s statement does it mention LMEs/MCOs; it only mentions coordinated care.

Mr. Charleston stated Governor McCrory’s plan has not yet been finalized and the Governor indicated on April 3, 2013, that “over the next few weeks, officials from DHHS will be meeting with lawmakers and various stakeholder groups to talk through the administration’s reform strategy and get additional feedback as the plan is finalized.” Mr. Charleston also stated the Governor further indicated that DHHS “will begin developing a Request for Proposals (RFP) to form several statewide Comprehensive Care Entities that will contract with the state to deliver services through provider networks.” Mr. Charleston further stated a series of presentations across the state are currently being led by Secretary Wos and DHHS Division of Medical Assistance Director Carol Steckel, one of which county administration attended.

Mr. Charleston stated recently the Governor issued another press release which states in part, “Governor McCrory, Senate President Pro Tem Phil Berger and House Speaker Thom Tillis have joined forces today in pursuit of Medicaid reform. A waiver is the next crucial step in pursuing innovative Medicaid reform in North Carolina’s Medicaid system”. Mr. Charleston stated the federal government grants waivers that allow flexibility in how states operate the financing of their Medicaid programs.

Mr. Charleston stated pursuant to the Mental Health Authority’s May 6, 2013, memorandum to the board of commissioners, the Mental Health Authority reported the results of its May 1, 2013, meeting and the recommendation was made that the merger timeframe be delayed until such time as the environment is more settled with regard to the delivery of Medicaid reimbursed mental health services in North Carolina.

Mr. Charleston stated the Mental Health Authority identified the following compelling reasons for its May 1, 2013, recommendation:

- Governor’s McCrory recently proposed the Partnership for a Healthy North Carolina and seeks legislative support for consolidating physical health and behavioral health into a single managed care initiative where services will be managed by Comprehensive Care Entities (CCE) rather than LME/MCOs such as Alliance and Eastpointe. This proposal creates significant uncertainty regarding the continued viability of the LME/MCO model.
- Governor McCrory, DHHS Secretary Aldona Wos, MD, and DMA (Medicaid) Director Carol Steckel believe that the current system is unsustainable and propose that the Governor’s plan will lead to significant cost savings and provide a more “cost efficient” solution towards Medicaid services.
- Governor McCrory plans to submit RFP’s to any eligible entity interested in pursuing a contract to provide a Medicaid specific managed care service for physical and mental health together.
- Significant concerns exist as to whether any existing LME/MCO meets the eligibility requirement to operate as a CCE under the proposed 1115 Waiver as no LME/MCO is believed to have the requisite experience of physical health Medicaid managed care of

consumers nor do they have long term experience operating behavioral health managed care.

There also appears to be reasonable certainty that the current number of LME/MCOs will be further reduced from eleven to three or less.

Several Area Board members, including Commissioner King, reported that reliable sources informed them that current LME/MCOs will ultimately be eliminated and larger private managed care organizations such as Magellan, United Health Care, etc. will be designated to provide consolidated managed care services in North Carolina.

Any merger of the Area Authority at this time will result in obligating Cumberland County to share financial responsibility for the merged MCO (and obligations of a dissolved LME/MCO) although the viability of the LME/MCO is unknown at this time.

Mr. Charleston stated the recommendation as made by the Mental Health Authority in its May 1, 2013, memorandum remains unchanged.

Mr. Charleston stated the Mental Health Authority believes this delay to be appropriate under the circumstances and in the best interest of the citizens of Cumberland County. Mr. Charleston also stated the Mental Health Authority is authorized and meets the requirements of Session Law 2011-264 for maintaining a local presence in order to serve the unique needs of Cumberland County as a LME through its alignment with the Alliance pursuant to the interlocal agreement which became effective in September, 2011. Mr. Charleston further stated the ability to maintain that relationship was confirmed in correspondence from the immediate past Secretary of DHHS.

Mr. Charleston referenced North Carolina General Statute (NCGS) § 122C-118.1 and stated his interpretation is that the board of commissioners may have the option to appoint members of the Alliance board today. Mr. Charleston stated the statute specifically addresses the structure of the board and reads as follows, “The boards of county commissioners within a multicounty area with a catchment population of at least 1,250,000 shall have the option to appoint members of the area board in a manner or with a composition other than as required by this section by each county unanimously adopting a resolution to that effect”. Mr. Charleston stated the board of commissioners adopted a unanimous resolution that allowed the Alliance to opt out of the prescribed governance model and instead elect a model that calls for an alternative structure. Mr. Charleston stated the School of Government concurs with his opinion that the statute clearly gives the board of commissioners the option to appoint representatives to the Alliance Board of Directors; however, the Alliance takes the position that the board of commissioners waived that option when it adopted the resolution that stated the members of the Alliance board would be appointed by the Wake and Durham County Boards of Commissioners. Mr. Charleston stated that is not his opinion.

Mr. Charleston stated on May 13, 2013, the Mental Health Authority reviewed and discussed the responses to the RFI. Mr. Charleston reviewed a compilation of the individual evaluations as follows:

PROPOSED BOARD GOVERNANCE	4 Board seats In exchange for \$2.67 million (1/3 of \$8M Loan to Alliance by WAKE and DURHAM Counties) OR 5 Board seats in exchange for \$2.67M and matching the funding and liability contributions of Wake and Durham County	1.89	Minimum one seat with potential additional seats based on need and statutory requirements	1.67
MCO FUNCTIONS TO BE LOCATED IN CUMBERLAND COUNTY	Maintain Admin., MH/SA & IDD Care Coordination, Community Relations and Provider Network Positions	1.67	Probability of keeping all positions Maintain Admin., MH/SA & IDD Care Coordination, Community Relations, Provider Monitoring functions	1.89
MCO BUSINESS FUNCTIONS TO BE LOCATED IN CUMBERLAND COUNTY	NONE	0.89	Would consider locating Program Integrity Unit in Cumberland County (could result in additional positions)	2.44
POTENTIAL LIABILITIES	\$ 8M startup loan (Wake & Durham) Cumberland County will share in that liability Less \$ 513K already contributed. Potential share of liabilities pursuant to NCGS § 122C 115.3	1.00	None Reported. Potential share of liabilities pursuant to NCGS § 122C 115.3	2.67

Guide for Evaluation of Merger Proposals from Alliance Behavioral Health and Eastpointe Human Services

CRITERIA FACTOR	ALLIANCE	Criteria Factor	Criteria Factor	
		Average Rating (1 - 3)	Average Rating (1 - 3)	
		EASTPOINTE		
CUMBERLAND STAFF EMPLOYMENT CONDITIONS	Benefits comparable. Accept vacation, sick, accrual rate. Employees will have to reapply - given preference for current/vacant positions	1.67	Benefits comparable. Accept vacation, sick, Additional benefits, tenure, and retirement consideration is negotiable	2.11
MCO STRENGTH BY SELF REPORT		0.11		0.00
Computer System	Alpha Computer System: Providers and staff already familiar with system resulting in less disruption with merger	2.44	NetSmart vendor with an Avatar Processing system that is unique to Eastpointe. Strong and fully functional IT system with optimized reporting	1.22
Potential Funding Contributions Cumberland County	Amount depends on number of Board seats + per capita contributions estimated to be from 7.1 M to estimated \$10.5 M less \$513,000 (Cumberland LME payment made to Alliance) <i>*Updated information</i>	1.67	3 months Cumberland LME Operating Expenses + per-capita contribution: \$769,730 + estimated \$4,454,173 = \$5,223,903 <i>*Updated information</i>	2.33

	Criteria Average Rating Total	25.89	Criteria Average Rating Total	28.44
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Chairman Keefe asked if representatives from Eastpointe were in attendance. Mr. Charleston introduced Ken Jones, Eastpointe Director and Chief Executive Officer, and J. W. Simmons, Eastpointe Board of Directors.

Commissioner Evans asked how the mental health fund balance would be handled if Cumberland County were to merge with the Alliance. Hank Debnam, Mental Health Authority Director, stated the county manager asked that \$14 million of the fund balance be assigned for mental health services for Cumberland County residents and although he cannot state with total certainty, Richard Slipsky, Special Deputy Attorney General at the N.C. Department of Justice, indicated the fund balance would go to the merged entity.

Commissioner Evans asked whether a merger or interlocal agreement with the Alliance would be of greater benefit to Cumberland County citizens. Mr. Martin stated although Mr. Charleston’s opinion that the board of commissioners has the option to appoint representatives to the Alliance Board of Directors without a merger is likely not a well accepted position and has not been accepted by the Alliance, and if the board of commissioners’ continued concern is to have a greater say in the governance of the Alliance, his recommendation would be for the county attorney and county manager to resume negotiations towards a merger.

Mr. Moorefield stated the issue for Cumberland County is the way in which business has been conducted and is still being conducted. Mr. Moorefield stated the board of commissioners has gone on record with its concerns about the efficiencies of the operation and unless it is cleaned up, those inefficiencies will continue. Mr. Moorefield stated if the county merges, it will have to divest itself of the Mental Health Clinic. Mr. Moorefield stated the county needs to decide what it is going to do because if it continues to provide services on its own, it runs the risk of being deemed not to meet the maintenance of effort requirements under NCGS § 122C. Mr. Moorefield advised the benefit to Cumberland County consumers will be the best use of local monies.

Mr. Charleston asked whether there has been a direct request by the board of commissioners to the Alliance to appoint board members under the interlocal agreement. Mr. Martin stated the request has been made and the response from the Alliance was that it would recommend the appointment of four seats subject to a merger agreement. Mr. Charleston stated his belief is that a specific request under the statutes has not been made to the Alliance from the board of commissioners in the exercise of its authority requesting that Cumberland County be allowed to have commissioner representation on the board of the Alliance. Mr. Charleston stated there is also nothing in the deliberations of the proceedings of the board of commissioners that would suggest that the question was ever put to the Alliance pursuant to the statutes authorizing the same.

Mr. Charleston stated before the board of commissioners makes a decision, he feels it is incumbent upon the board to direct staff to explore all options. Mr. Charleston stated there is a legitimate question as to whether the board of commissioners can make those appointments now.

Commissioner Melvin asked Lascel Webley, Jr., Chair of the Alliance Board of Directors, whether the Alliance would be open to Cumberland County appointing members to the governing board through the interlocal agreement. Mr. Wesley stated he could not respond because the question would have to be taken to the Alliance board.

Commissioner Edge referenced a recently introduced bill related to the physical and behavioral health care for all Medicaid recipients, and stated these changes will not happen overnight and more changes will occur. Commissioner Edge stated he did feel the LME brought the board of commissioners the plan it asked them to provide because they want to continue business as usual. Commissioner Edge stated Cumberland County has a relationship and has invested county dollars with the Alliance and he has heard from county staff and the Alliance that the transition that began February 1, 2013, has been seamless, Cumberland County providers have been through the credentialing process, billing and authorization portals have been set up and any disruption for county consumers has been at a minimum as he sees it. Commissioner Edge stated the Alliance has indicated a desire to merge with Cumberland County with four to five seats on its governing board. Commissioner Edge stated even if the number of MCOs is reduced, it is better for the county to be aligned with an MCO with whom it has a good working relationship than to continue under an interlocal agreement and be placed with an MCO by the State. Commissioner Edge stated pursuant to the terms of the interlocal agreement between the Cumberland County LME and the Alliance MCO, the Secretary of the DHHS has already assigned all State administrative funding for the Cumberland County LME to the Alliance and all functions performed by the Cumberland County LME are solely as a contractor of the Alliance. Commissioner Edge stated this has placed the Cumberland County LME in a position of having no significant independent functions to perform. Commissioner Edge stated the county is also negotiating with Cape Fear Valley Hospital to take over the current county-provided mental health clinic which will impact the provision of mental health services within the county.

MOTION: Commissioner Edge moved that the county manager and the county attorney immediately proceed to negotiate a merger agreement with the Alliance to include discussions of the mental health clinic and the role of Cape Fear Valley Hospital with the goals of merging with the Alliance, divesting the mental health clinic and obtaining all the necessary state approvals with the merger to be effective July 1, 2013 or as soon thereafter as can be reasonably accomplished.

SECOND: Commissioner Melvin

DISCUSSION: Commissioner King stated having been a part of the mental health board for quite some time, he sees things differently and believes the current system is working. Commissioner King stated with the uncertainties about the future of mental health, he would recommend slowing down and revisiting the matter in twelve to eighteen month. Commissioner King stated it is not known at this time whether the present system is sustainable. Commissioner King stated he would argue that the leadership of the mental health board is in a far better position to make this type of decision. Commissioner Evans concurred with Commissioner King and stated he feels the issue should not be rushed into without careful talk with and listening to the mental health board.

Commissioner Faircloth asked how the resolution as put forth in the recommendation under Item 4.A. plays into the motion. Mr. Moorefield stated the resolution was offered in the agenda as an alternative based on the board's evaluation of the Area Authority's recommendation. Mr. Moorefield advised if the board is in agreement with the Mental Health Authority's recommendation, the board would not need to take any action on the resolution. Mr. Moorefield further advised if the board is not agreement with the Mental Health Authority's recommendation, then the board can adopt the resolution to take control of the duties and responsibilities of the Mental Health Authority.

Mr. Moorefield advised if Commissioner Edge's motion is approved, the board will still have to approve an agreement because there is presently no basis for an agreement. Mr. Moorefield also stated the board can leave the Mental Health Authority in place because the motion is in spite of its recommendation. Mr. Moorefield further stated the motion supersedes the resolution and the ultimate authority for how mental health is handled in the county is with the board of commissioners. Mr. Moorefield clarified before the county can merge, the board of commissioners will have to dissolve the local LME. Mr. Moorefield further clarified that Commissioner Edge's motion is directing staff to negotiate a merger agreement because there is currently no merger agreement.

Mr. Charleston stated he does not agree with Mr. Moorefield because the Area Authority is a political subdivision of the State exercising its statutory authority. Mr. Moorefield advised Mr. Charleston that he has also discussed these issues with Special Deputy Attorney General Slipsky.

Chairman Keefe asked Mr. Moorefield to clarify the motion. Mr. Moorefield stated the motion is what the board of commissioners directed the mental health board to do six weeks ago and is now directing county staff to come back with a merger agreement. Mr. Moorefield advised the motion does nothing to the existing mental health LME and before the board of commissioners adopts a merger agreement, it will have to take action with respect to the LME.

VOTE: PASSED (5-2) (Commissioners Melvin, Council, Keefe, Faircloth and Edge voted in favor; Commissioners Evans and King voted in opposition)

- A. Consideration of the Decision to Exercise the Authority of the Mental Health Authority

BACKGROUND:

At its March 18, 2013 meeting the Board of Commissioners adopted a resolution conferring the powers, responsibilities and duties of the governing board of the Cumberland County Area Mental Health, Developmental Disabilities and Substance Abuse Authority upon the Cumberland County Board of Commissioners pursuant to

N.C.G.S § 153A-77(a). This action was conditioned upon the conduct of the statutorily required public hearing and the further condition that the exercise of this authority by the Board of Commissioners would not become effective before May 15, 2013.

The requisite public hearing was conducted at the May 6, 2013 meeting. After the public hearing the county attorney recommended that the Board take no further action until it received a merger recommendation from the Mental Health Board. The county attorney advised there was no urgency to require a special meeting and this recommendation could be received at the May 20th regular meeting.

The recommendation of the Mental Health Board had not been sent to county management at the time this agenda memo was prepared but management had been advised that a recommendation would be provided.

RECOMMENDATION/PROPOSED ACTION:

The county attorney recommends that the decision for the Board of Commissioners to commence the exercise of the authority of the Mental Health Board should only be made after consideration of the merger recommendation. The county attorney further recommends that the Board of Commissioners should exercise the authority of the Mental Health Board only if the merger recommendation of the Mental Health Board conflicts with the merger decision of the Board of Commissioners.

If the Board of Commissioners chooses to assume the authority of the Mental Health Board, it may do so by adopting the following resolution:

STATE OF NORTH CAROLINA

CUMBERLAND COUNTY

RESOLUTION COMMENCING THE EXERCISE OF THE AUTHORITY OF THE
CUMBERLAND COUNTY AREA MENTAL HEALTH, DEVELOPMENTAL
DISABILITIES AND SUBSTANCE ABUSE AUTHORITY BY THE CUMBERLAND
COUNTY BOARD OF COMMISSIONERS PURSUANT TO N.C.G.S § 153A-77(A)

Whereas, on March 18, 2013, the Board of Commissioners adopted a resolution conferring the powers, responsibilities and duties of the governing board of the Cumberland County Area Mental Health, Developmental Disabilities and Substance Abuse Authority upon the Cumberland County Board of Commissioners pursuant to N.C.G.S § 153A-77(a); and

Whereas, this action was conditioned upon the conduct of the statutorily required public hearing and the further condition that the exercise of this authority by the Board of Commissioners would not become effective before May 15, 2013; and

Whereas, the Board of Commissioners conducted the duly advertised public hearing at its regular meeting on May 6, 2013.

Be it resolved that the exercise of the powers, responsibilities and duties of the governing board of the Cumberland County Area Mental Health, Developmental Disabilities and Substance Abuse Authority by the Cumberland County Board of Commissioners pursuant to N.C.G.S § 153A-77(a) shall commence upon the adoption of this resolution.

Be it further resolved that the former governing board of the Cumberland County Area Mental Health, Developmental Disabilities and Substance Abuse Authority shall continue in existence as an advisory board to the Cumberland County Board of Commissioners.

Adopted this ____ day of ____, 2013.

There was no further discussion or action taken with respect to the foregoing resolution.

Commissioner Evans was excused from the meeting.

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

5. Presentation of Economic Development Report by Russ Rogerson

BACKGROUND:

Mr. Russ Rogerson, Executive Vice President of Economic Development Alliance of Fayetteville and Cumberland County, will be making a presentation on an Economic Development Report at the May 20, 2013, Board of Commissioners' meeting.

RECOMMENDATION/PROPOSED ACTION:

Accept the report as presented.

Russ Rogerson, Executive Vice President of Economic Development Alliance of Fayetteville and Cumberland County, provided the following Economic Development Quarterly Dashboard Report:

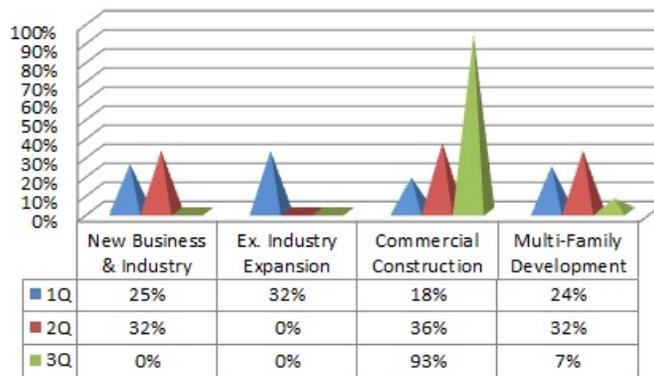
Economic Development Dashboard Summary

Economic Development Dashboard	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	FY Totals
Capital Investment	\$55,806,413	\$79,246,721	\$34,980,833		\$170,033,967
Job Creation	211	150	0		361
Retention Visits	22	17	20		59

Community Marketing	6	4	10		20
Prospect Contacts	35	20	42		97

New Business & Industry:	\$0.00
Ex. Industry Expansions:	\$0.00
Commercial Construction:	\$32,675,833
Multi-Family Developments:	\$2,305,000

Capital Investment Breakdown



Job Creation	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	FY Totals
Manufacturing	6	0	0		6
Accommodations & Food Service	15	0	0		15
Retail Trade & Specialty Retail	190	0	0		190
Telecommunications	0	150	0		150

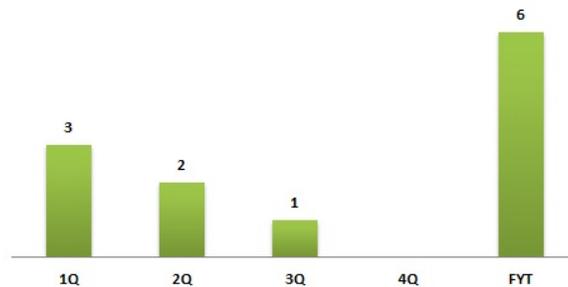
Mr. Rogerson reported there were no new jobs created by new business and industry during the third quarter, and there were no existing industry expansion jobs during the third quarter.

Project Updates & Announcements

Mr. Rogerson reported Alliance staff are currently working with nine active projects totaling more than \$860 million in potential community investment and estimated to create 3,100 new jobs. Mr. Rogerson also reported during the third quarter, Alliance staff hosted two community visits related to active economic development projects.

Primary Industry Sector	Projects
Manufacturing	6
Distribution	1
Research and Development	1
Information Technology/Data Center	1
Total Projects	9

Economic Development Community Visits



Key Activities for the Quarter

- Hope VI Business Park Plan completed.
- AUSA Conference Washington, DC. attended
- The Alliance website launched
- Hosted client visit for a 30,000 sq. ft. user
- NCDOC Staff Presentation – Update on Fayetteville & Cumberland County
- Military Business Park – 20,000 sq. ft. flex building completed
- Cedar Creek Business Center Incentive Agreement
- Met with John Ellis and the Hope Mills ED Committee
- Attended the Site Selectors’ Guild
- California Mission Trip & AeroDef Trade Show
- In early March the Alliance staff hosted a community visit for a manufacturing project projected to create \$100 million in community investment and 250 new jobs. The Fayetteville-Cumberland County community is the ONLY North Carolina location being considered.
- Sykes (Project 500) continues to settle in to their temporary spaced located in the old Goody’s building on Skibo Road. They have hired 50 employees and continue with their hiring processes.

Existing Industry Retention Visits

A total of 20 retention visits had been completed during the third quarter. Of these 20 visits, 18 of the plant managers participated in the Synchronist survey. During the course of the third quarter, two of the plant managers expressed an interest in expansion – to take place within the next three-years. These expansions would result in the creation of new jobs, the purchase of new equipment, and the need for additional square footage and/or a new facility. One plant manager stated there would be an additional 50 jobs added in the near future. Out of the 20 companies interviewed, three are at risk of closing due to sales and lack of work.

Existing Industry Retention Visits	
Military Contractors	0
Call Centers	0
Service Providers	11
Industrial/Heavy Commercial	9

Of the 18 plant managers who participated in the survey
 60% reported INCREASE IN SALES
 40% reported SALES ARE STABLE
 0% reported DECLINE IN SALES

Top & Bottom Five Services

The following tables define the Top-Five and Bottom-Five services (public and utility) for each quarter. Each of the services are ranked individually on a number scale of 1 (being the lowest score possible) to 7 (being the highest score possible) by the plant managers visited during the course of each fiscal year quarter. The rankings listed in the following tables are the cumulative total (average score) of all plant managers who participated in the survey during the specified quarter.

TOP 5 SERVICES 3 rd Quarter 2012-2013			
1.	FIRE PROTECTION	PUBLIC SERVICE	6.18
2.	CHILD CARE	PUBLIC SERVICE	6.00
3.	TRUCKING	PUBLIC SERVICE	5.88
4.	ECONOMIC DEVELOPMENT	PUBLIC SERVICE	5.71
5.	AIR CARGO SERVICE	PUBLIC SERVICE	5.59

BOTTOM 5 SERVICES 3 rd Quarter 2012-2013			
1.	HEALTH CARE SERVICES	PUBLIC SERVICE	4.65
2.	TRAFFIC CONTROL	PUBLIC SERVICE	4.53
3.	PUBLIC TRANSPORTATION	PUBLIC SERVICE	4.47
4.	COMMUNITY SERVICES	PUBLIC SERVICE	4.38
5.	PROPERTY TAX FAIRNESS	PUBLIC SERVICE	3.53

Site Selector Rankings – Top 20 Asset Factors

Area Development Magazine

The following table defines the Top 20 assets (by combined ranking average of corporate and consultant response) considered to be of “high importance” in the site selection decision process and the current availability or standing of those assets within the Fayetteville and Cumberland County community as reported in the Garner Economics study.

RANK	ASSETS/FACTORS	CORPORATE SURVEY	CONSULTANT SURVEY	AVERAGE RANK	GARNER STUDY
1.	Highway Accessibility	57.0%	71.1%	64.1%	Green
2.	Availability of Skilled Labor	53.9%	71.1%	62.5%	Red
3.	Low Union Profile	47.1%	54.1%	50.6%	Red
4.	Labor Costs	42.6%	54.9%	48.8%	Yellow
5.	State and Local Incentives	33.1%	61.6%	47.4%	Yellow
6.	Right-to-Work State	45.8%	47.3%	46.6%	Green
7.	Availability of Advanced ICT Services	49.3%	43.2%	46.3%	Green
8.	Available Buildings	41.7%	46.8%	44.3%	Yellow
9.	Tax Exemptions	32.6%	53.1%	42.9%	Red
10.	Proximity to Major Markets	32.1%	51.3%	41.7%	Yellow
11.	Corporate Tax Rate	35.7%	46.9%	41.3%	Red
12.	Expedited or “Fast Track” Permitting	29.2%	48.2%	38.7%	Red
13.	Energy Availability and Cost	35.3%	39.3%	37.3%	Yellow
14.	Occupancy or Construction Costs	35.3%	37.8%	36.6%	Green
15.	Available (Shovel Ready) Land	18.7%	52.7%	35.7%	Yellow
16.	Inbound/Outbound Shipping Costs	26.7%	43.2%	35.0%	Yellow
17.	Environmental Regulations	31.2%	29.7%	30.5%	Green
18.	Low Crime Rate	31.4%	26.1%	28.8%	Red
19.	Availability of Long-Term Financing	31.9%	23.4%	27.7%	Red
20.	Proximity to Suppliers	15.8%	36.4%	26.1%	Yellow

Mr. Rogerson concluded his report and responded to questions.

- 6. Consideration of Relocating the Live Broadcast of Cumberland County Board Meetings to Fayetteville Cumberland Education Television (FCETV) -Time Warner Channel 5

BACKGROUND:

Time Warner Cable currently provides two Public, Education and Government (PEG) channels in Cumberland County – the Community Access Channel (Channel 7) and the

Fayetteville/Cumberland Educational Television Channel (Channel 5), which is programmed and operated by Fayetteville Technical Community College on behalf of Cumberland County, the City of Fayetteville and Fort Bragg.

Cumberland County has been airing its Board of County Commissioners meetings live on Channel 7, which Time Warner Cable has programmed and operated for more than 20 years. On July 1, 2013, the cable company will cease operating and programming the Community Access Channel and turn control over to the City of Fayetteville, which will convert the channel to a government access channel and begin operating and programming functions.

The city presented the county with a fee schedule to air commissioners' meetings and other programming. FTCC will not charge the county to air the commissioners' meetings or other county programs on FCETV-Channel 5.

The public information director and county management have reviewed the county's options for continuing to provide live broadcasts of board of commissioner meetings on Time Warner Cable, as well as rebroadcasts of those meetings and airing other county-related programming. Moving the live broadcasts of the commissioners' meetings to FCETV-Channel 5 is the most cost effective option and will assist in meeting the strategic goal of educating, informing and engaging our citizens through effective and efficient communications.

With the board's approval, county administration would like to move the live meeting coverage from Channel 7 to Channel 5 and would like to do so beginning June 10, the night of the FY2014 Budget Public Hearing. The public hearing conflicts with the city's regularly scheduled meeting, which will air live on Channel 7. Rather than not air the county's budget public hearing live, county administration recommends making the move to FCETV-Channel 5 a few weeks early.

Sally Shutt, Public Information Director, reviewed the background information as recorded above.

MOTION: Commissioner Faircloth moved to move the live meeting coverage from Channel 7 to 5 beginning June 10, 2013.

SECOND: Commissioner King

VOTE: UNANIMOUS (6-0)

7. Nominations to Boards and Committees

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

Commissioner Faircloth nominated Donna Atkins.

B. Air Quality Stakeholders' Committee (1 Vacancy)

Commissioner Council nominated Christopher Frank.

C. Board of Adjustment (2 Vacancies)

Commissioner Council nominated Horace Humphries and Commissioner Melvin nominated George Lott.

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

Commissioner Melvin nominated Phillip McCorquodale.

E. Joint Planning Board (2 Vacancies)

Commissioner King nominated Diane Wheatley and Carl Manning.

8. Appointments to Boards and Committees

A. Adult Care Home Community Advisory Committee (5 Vacancies)

Nominees: Rebecca Campbell (Reappointment)
Daniel Rodriguez (Reappointment)
Ralph T. Cascasan (Reappointment)
Cassandra W. Haire (Reappointment)
Sheba McNeill

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 Faircloth

VOTE: UNANIMOUS (6-0)

9. Closed Session:
- A) Economic Development Matter(s)
Pursuant to NCGS 143-318.11(a)(4)
 - B) Personnel Matter(s) Pursuant to
NCGS 143-318.11(a)(6)
 - C) Attorney/Client Matter(s) Pursuant to
NCGS 143-318.11(a)(3)

MOTION: Commissioner Faircloth moved to go into closed session for economic development matter(s) pursuant to NCGS 143-318.11(a)(4), personnel matter(s) pursuant to NCGS 143-318.11(a)(6) and attorney/client matter(s) pursuant to NCGS 143-318.11(a)(3).

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Council moved to go into open session.
SECOND: Commissioner King
VOTE: UNANIMOUS (6-0)

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

There being no further business, the meeting adjourned at 10:30 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board