

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 16, 2013 – 6:45 PM  
117 DICK STREET, 1<sup>ST</sup> FLOOR, ROOM 118  
REGULAR/REZONING MEETING  
MINUTES

- PRESENT:
- Commissioner Jimmy Keefe, Chairman
  - Commissioner Jeannette Council, Vice Chair
  - Commissioner Charles Evans (attended by phone)
  - Commissioner Billy King
  - Commissioner Ed Melvin
  - James Martin, County Manager
  - Amy Cannon, Deputy County Manager
  - James Lawson, Assistant County Manager
  - Rick Moorefield, County Attorney
  - Sally Shutt, Public Information Director
  - Jon Soles, Public Information Specialist
  - George Hatcher, Code Enforcement Officer
  - Joey Lewis, Code Enforcement Officer
  - Joan Fenley, Cumberland County Inspector
  - Tom Lloyd, Planning and Inspections Director
  - Jeffrey Brown, Engineering and Infrastructure Director
  - Randy Beeman, Emergency Services Director
  - Dan Domico, Human Resources Consultant
  - Delores Taylor, Community Development Community Services Manager
  - Sylvia McLean, Community Development Business Manager
  - Ellen Holliman, Area Director / Chief Executive Officer of the Alliance Behavioral Healthcare System
  - Rob Robinson, Chief Operating Officer of the Alliance Behavioral Healthcare System
  - Al Bradley, Human Resources Director of the Alliance Behavioral Healthcare System
  - Hank Debnam, Alliance Behavioral Healthcare Cumberland County Site Director
  - Candice White, Clerk to the Board
  - Kellie Beam, Deputy Clerk to the Board
  - Press
- ABSENT:
- Commissioner Kenneth Edge
  - Commissioner Marshall Faircloth

Chairman Keefe called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Commissioner King recognized Rev. Robin Kay Monk, Youth Pastor of First Baptist Church, who provided the invocation followed by the Pledge of Allegiance to the American flag.

Chairman Keefe announced that Commissioner Kenneth Edge and Commissioner Marshall Faircloth were traveling and unable to attend the meeting. Chairman Keefe also announced that Commissioner Evans would attend the meeting by phone.

**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 speakers:

Archie Barringer – Mr. Barringer stated he represented Friends of the Sandhills State Veterans Cemetery. Mr. Barringer stated under a bill sponsored by Senator Wesley Meredith, the General Assembly appropriated \$125,000 for repairs, renovations and upgrades to the Sandhills State Veterans Cemetery committal structure where funeral services are held. Mr. Barringer stated additional funds are needed for the project and donations can be sent to the Cumberland Community Foundation.

Margie Whitehead – Ms. Whitehead, on behalf of the Linden community, thanked the Board of Commissioners for their work with the Fayetteville-Cumberland Parks and Recreation Commission to have a park constructed in Linden.

Presentation of Government Finance Officers Association Award - Fiscal Year 2012 - Certificate of Achievement for Excellence in Financial Reporting to Ms. Amy Cannon, Deputy County Manager

Chairman Keefe stated this award is presented by the Government Finance Officers Association to Cumberland County for its Comprehensive Annual Financial Report (CAFR). Chairman Keefe also stated the Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reports, and its attainment represents a significant accomplishment by a government and its management. Commissioner Keefe further stated the Award of Financial Reporting Achievement has consistently been awarded to Amy Cannon, Deputy County Manager, who is primarily responsible for preparing the award-winning CAFR. Commissioner Keefe recognized Ms. Cannon for receiving this prestigious award for Cumberland County for this year and in years past. Ms. Cannon accepted the award on behalf staff whose hard work and dedication made the award possible and thanked the Board of Commissioners for their continued support.

Recognition of the Cumberland County Department of Public Health on Accreditation by the North Carolina Local Health Department Accreditation Board (NCLHDA)

Commissioner Billy King recognized the Cumberland County Department of Public Health on its being granted accreditation status by the N. C. Local Health Department Accreditation Board on June 21, 2013. Commissioner King presented the accreditation designation certificate to Buck Wilson, Public Health Director, who stated the accreditation runs through 2017. Mr. Wilson and

Rodney Jenkins, Assistant Public Health Director, offered comments regarding the accreditation.

Recognition of Outgoing Board Member:

Tom Cain, Fayetteville-Cumberland Parks and Recreation Advisory Board

On behalf of the Board of Commissioners, Commissioner King recognized Tom Cain for his service to Cumberland County as a member of the Fayetteville-Cumberland Parks and Recreation Advisory Board. Mr. Cain thanked the Board of Commissioners for the opportunity to serve on the advisory board for the past eight years.

1. Approval of Agenda

MOTION: Commissioner King moved to approve the agenda.  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (5-0)

2. Consent Agenda

- A. Approval of minutes of the September 3, 2013 regular meeting
- B. Approval of Sole Source Request from Fayetteville-Cumberland Parks & Recreation for Purchase of Lighting Equipment for County-Owned Recreation Facilities

BACKGROUND:

Fayetteville – Cumberland Parks and Recreation is requesting a sole source approval under general statutes 143-129(e)(6). The funding in the amount of \$56,725 for the lighting equipment was approved in the County’s fiscal year 2014 budget since these upgrades are for county recreation facilities.

The Fayetteville – Cumberland Parks and Recreation Department is requesting to use Musco Lighting for the Control Link System. Presently there are 36 County facilities with Musco Lighting that Parks and Recreation maintain. The purpose of this system is to allow staff to control when the lights are to be used by computer link. The system will provide energy efficiency in controlling kilowatt hours and eliminate the need to pay personnel to turn lights on and off.

RECOMMENDATION/PROPOSED ACTION:

Approval of sole source exception (GS 143-129)(e)(6) since standardization or compatibility is the overriding consideration in this case.

C. Approval of Deputy Finance Officer for the 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.

Krista Barnhill is an Accountant with the Cumberland County Finance Department who has been temporarily assigned to the Crown Center. Ms. Barnhill’s assignment results from the resignation of the current Finance Officer for the Crown, Lisa Foster. By appointing Ms. Barnhill Deputy Finance Officer for the Crown Center, the County will be assured someone is available to sign checks as well as insure continued controls are in place during the transition period.

**RECOMMENDATION/PROPOSED ACTION:**

1. Approve the appointment of Krista Barnhill as Deputy Finance Officer for the Crown Center;
2. Provide a faithful performance bond in the amount of \$20,000 for Krista Barnhill;
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. Krista Barnhill 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 16<sup>th</sup> day of September, 2013.

D. Approval of Cumberland County Facilities Committee Report and Recommendation(s):

1) Additional Space for Probation Officers

**BACKGROUND:**

During the August Facilities Committee meeting, Mr. Martin informed the Committee that county administration would soon be presenting a recommendation regarding additional office space for the Cumberland County Adult Probation and Parole Office, which is located at 412 W. Russell Street. The State recently allocated four new probation officer positions for Cumberland County Adult Probation. Since the Probation Office has maximized use of their current allotted space, they lack the space needed to accommodate three of the four new probation officers, and have made a request to the County for additional space. Wayne Dudley, Engineering Tech, and James Lawson, Assistant County Manager, recently met with officials from the NC Department of Public Safety, and Ms. Jackie Beal, Judicial District Manager (JDM) regarding their additional office space needs. During the meeting, three offices were identified as proposals to accommodate their needs. They also relayed that they have received an indication from the State that they will likely allocate additional new positions in the near future, which would consequently create a need for added space beyond the current request.

Probation and Parole is located in the same facility that once housed the Cumberland County Day Reporting Center (DRC), until funding under the Criminal Justice Partnership Program (CJPP) was discontinued on July 1, 2012, thereby eliminating the DRC program and making available the office space they vacated.

Since that time, the County has not identified another suitable County function to assign to the vacant area; nor has the County identified another agency interested in leasing space in a building that houses only Criminal Justice-related services. The County leases a portion of the building to Coastal Horizons and the remaining occupied space houses Adult Probation and Parole. According to NC General Statute 15-209, counties are obligated to provide office space specifically for probation activities. However, the County leases some space to the Probation Office for non-probation activities including the Judicial District Manager Jackie Beal, her administrative support staff, file room, conference room and drug lab.

Currently, there are ten vacant offices available in the building which would allow the County to address the immediate space needs for Adult Probation and Parole, and would provide room to consider their future office space needs should they arise as anticipated. However, the remaining available office space in this facility would be included in the updated county facilities assessment.

On September 5, 2013, this request was presented to the Facilities Committee. Following the discussion on this item, the Facilities Committee approved Probation and Parole's request to occupy three vacant offices within their current building located at 412 W. Russell Street.

**RECOMMENDATION/PROPOSED ACTION:**

County Management, the Engineering and Infrastructure Director, and the Facilities Committee recommend that the Board of Commissioners approve the allocation of three additional offices to Cumberland County Adult Probation and Parole Office at the building located at 412 W. Russell Street.

- 2) Development of Capital Improvement Plan

**BACKGROUND:**

Over the last several months there has been significant discussion concerning the need to develop a Capital Improvement Plan in order to effectively forecast the cost of facility improvements throughout the County. Currently there are slightly over 50 buildings with approximately 1.9 million square feet that the Engineering & Infrastructure Department is responsible for maintaining.

Some planning occurred in 2010; however, it is also important to point out that the plans to renovate the E. Newton Center were placed on hold due to the need to shift the funding that had been identified for renovations to the expansion of the Detention Center.

Listed below are the critical actions that must be taken and completed in order to arrive at the time in which a comprehensive Capital Improvement Plan can be developed;

1. One of the initial steps previously taken in 2007 was asking each Department to complete a space utilization survey to determine if their present space allocation was sufficient and if they would need additional space in the coming years. This information is outdated, so the first step would be to have each Department review the information previously provided and to make any necessary changes. This task can be completed with internal resources.
2. Compile a list of all unoccupied space within all County buildings and develop a proposed plan of action to occupy this space either with County personnel or lease the space to an outside agency that could coincide with the existing use(s) of the building. This task can be completed with internal resources.
3. Complete a comprehensive facility assessment (inventory) of all County buildings to include the following:

- A roof survey by a Registered Roof Consultant (RRC)
- Pavement evaluation of parking lots and sidewalk/walkway assessment
- An inclusive building assessment that evaluates windows, interior and exterior walls, painting, carpet, lights, plumbing fixtures etc.
- A detailed equipment evaluation to include HVAC units, chillers, boilers, generators, etc.

These tasks will have to be completed by outside resources. A Request for Qualifications (RFQ) would have to be compiled and advertised in order to select a firm to complete this work. Due to the complexity of this assessment, multiple RFQs will have to be developed as it will be a challenge to find one firm that would have expertise in each of these areas.

The Department is currently in the process of transitioning to a work order program that has ability to track a detailed summary of each piece of equipment and the cost to operate and maintain. Each of these assessments will determine immediate needs and an estimated cost to repair the identified deficiency.

Once all the above actions have been completed, then the necessary steps can begin to develop a comprehensive Capital Improvement Plan that addresses building construction, building renovations, and maintenance and repairs. It is not possible to develop a comprehensive Capital Improvement Plan until these assessments and evaluations are completed. Currently the Department is in a reactive mode to deal with challenges as they surface. A comprehensive Capital Improvement Plan will give us the opportunity to have a paradigm shift to becoming more proactive in the way we conduct business. This document will allow us to effectively plan and adequately budget the identified cost needed for each fiscal year.

On September 5, 2013, this plan of action was presented to the Facilities Committee. Following the discussion on this item, the Facilities Committee endorsed this plan and directed staff to move forward with completing the first two tasks within the next two months and to compile and solicit RFQ(s) in order to complete task #3.

**RECOMMENDATION/PROPOSED ACTION:**

The Engineering and Infrastructure Director, County Management and the Facilities Committee recommend that the Board of Commissioners approve the outlined plan above in order to move toward the goal of completing a Comprehensive Capital Improvement Plan.

**3) Selection of Consulting Firm for Farmer's Market Feasibility Study**

**BACKGROUND:**

The process of hiring a consulting firm to conduct the Farmer's Market Feasibility Study for Cumberland County is being led by Cumberland County Cooperative Extension and members of a selection committee. The selection committee members include Cooperative Extension Advisory Council members: George Quigley, Rodney Jenkins,

Cathy Mansfield, and Pam Pollard; Cumberland County Farm Bureau President, Sherrill Jernigan; and Cooperative Extension staff members: Lisa Childers and Kenny Bailey.

On August 26, 2013 face-to-face interviews were held with the following firms:

Earthwise  
P.O. Box 2093  
Wake Forest, NC 27588

Matson Consulting  
P.O. Box 661  
Aiken, SC 29801

Crawford Design Company  
116 North Cool Spring Street  
Fayetteville, NC 28301

Each consulting firm introduced their firm and was asked by the panel to answer five questions. Each firm responded to the questions and presented their proposal for the committee's consideration.

The two questions determined to be most important by the interview team were:

Have you ever conducted a farmer's market study?

What will your survey technique be to determine the need for supply and demand for the market?

After a round table discussion, the panel unanimously recommended Earthwise to conduct the study. The decision was based on their experience of conducting a very similar feasibility study for the Vance County Farmer's Market and their comprehensive survey process for determining supply and demand. Techniques included: consulting with farmers, establishing demands through multiple means – citizen meetings, advertising, surveys, and focus groups. Earthwise is based out of Wake Forest and has extensive expertise in the areas of landscape architecture, environmental planning, engineering, real estate, etc. The firm's project management plan includes architectural plans, site analysis, financial projections, and identifying consumer and vendor (farmer) demand of a market.

Although the other two firms' presentations were very informative, they did not provide the best answers to the two key questions of experience in regards to a farmers market study and survey techniques.

**RECOMMENDATION/PROPOSED ACTION:**

Approve Earthwise as the consulting firm to conduct the Farmer's Market Feasibility Study.

E. Approval of Cumberland County Finance Committee Report and Recommendation(s):

1) Report on Phase II of Classification and Pay Study

**BACKGROUND:**

Phase I of the Classification/Pay Study involved a review of general County government positions and was implemented July 2012. As presented to the Board of Commissioners in 2012, Phase II of the study was completed in the 1<sup>st</sup> quarter of this fiscal year and involved a review of Human Service agency positions (i.e., those positions assigned to the Department of Social Services and the Department of Public Health). The study process used in Phases I & II was the same in terms of collecting job and salary information; however, some additional steps were required, such as obtaining the NC Office of State Personnel approval, as the Human Service agency positions are subject to the State Personnel Act. Also, in Phase I, the study team essentially developed new classifications and reallocated the County's positions to these classifications. In Phase II, the study team was required to use existing State classification titles; therefore, the study recommendations involve more salary grade changes than position reallocations. 990 positions were studied in Phase II and approximately 69% (632 employees) will be eligible for a salary increase upon study implementation. The Board allocated \$1.3 million to implement Phase II and the funding to support the study recommendations is within the budgeted allocation.

On September 5, 2013, a report and recommendation was presented to the Facilities Committee. Following discussion on this item, the Committee approved the recommendation to implement the results of the Study.

**RECOMMENDATION/PROPOSED ACTION:**

The Facilities Committee, County Management and Human Resources recommend approval of actions proposed in Phase II of the Classification and Pay study.

2) Award of Vander Sewer Project Bid

**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. The initial completion date for this project was to be October 6, 2012. However, due to the fact that the route was changed in order to serve a greater population, the completion date for the project was extended to April 2014. An interlocal agreement was executed between PWC, the City of Fayetteville, and Cumberland County in August 2012 where PWC agreed to participate in the cost of the project since the relocation of the line would increase their future service area. While PWC initially agreed to fund all additional cost up to one million for the entire project, the PWC Commission voted on September 11, 2013 to increase their contribution to \$1.2 million in addition to the grant to cover the increased cost of the project.

Formal bids were received on September 5, 2013 for Vander Sewer Project and the certified bid tabulation has been attached. The low bid was submitted by Utilities Plus in the amount of \$1,258,638.93. In addition, an in-project contingency in the amount of

\$161,160 is recommended to address any changes that may arise during construction. An associated budget revision will appropriate the needed funding for this project.

**RECOMMENDATION/PROPOSED ACTION:**

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

1. Accept the bids for the Vander Sewer Project and award a contract to Utilities Plus in the amount of \$1,258,638.93.
2. Establish a contingency in the amount of \$161,160 to be used for additional work recommended by the E&I Director and approved by the County Manager.
3. Approve the associated budget revision.
  - 3) Viper Radio P-25 Communications Upgrade

**BACKGROUND:**

Cumberland County's communication center must procure and upgrade equipment within the center to become P25 compliant. P25 was developed through a lack of interoperability in large part due to manufacturers of communication equipment not providing compatible equipment and removing competitiveness in the communication market. In an effort to reduce the problems (P25) was created. It began in 1990s with a coordination of Association of Public Safety Communications Officials (APCO) International and the National Association of State Telecommunications Directors (NASTD) and participating federal agencies.

P25 targeted four primary objectives:

- Allow effective, efficient, and reliable intra-agency communications...so organizations can easily implement interoperable and seamless joint communications in both routine and emergency circumstances
- Ensure competition in system life cycle procurements...so agencies can choose from multiple vendors and products, ultimately saving, money and gaining the freedom to select from the widest range of equipment and features.
- Provide user-friendly equipment...so users can take full advantage of their radios 'lifesaving capabilities on the job-even under adverse conditions – with minimal training.
- Improve radio spectrum efficiency...so networks will have enough capacity to handle calls and allow room for growth, even in areas where the spectrum is crowded and it's difficult for agencies to obtain licenses for additional radio frequencies.

Cumberland County's communication center is connected to the North Carolina State Voice Interoperability Plan for Emergency Responders (VIPER) system and the center currently operates on an 800 megahertz (MHZ) Smart Zone trunked radio system. The VIPER system network is maintained by the North Carolina Highway Patrol. The

connection is specialized as a hardwire connection by use of fiber cable from the communication center to the network site. This provides enhanced communication features for public safety.

The complexity of the communication equipment within the communication center and the viability of P25 for the immediate and long term functionality require development of specifications and operational parameters sufficient for request for proposals. Current staff does not have the expertise or knowledge to manage the highly complex and significant upgrade of communication equipment investment. Therefore, it is vital that we obtain the services of professionals with the technical expertise to complete this critical project on our behalf. It is important to note that State VIPER timelines dictate that this project be fast tracked for completion within those time constraints.

**RECOMMENDATION/PROPOSED ACTION:**

The Finance Committee, County Management and the Emergency Services Director recommend approval of the acquisition of professional services for P-25 compliance.

**F. Approval of Cumberland County Policy Committee Report and Recommendation(s):**

**1) Resolution Regarding Pinpoint and Draper Roads Right-of-Way Issues**

**BACKGROUND:**

Pinpoint and Draper Roads are connected private roads located off Clinton Road near the Vander Community. These roads are in very poor condition and appear to be impassable after heavy or prolonged rainfall. The roads serve 31 parcels. From the aerial photo, it appears that about half of these parcels contain dwellings. NCDOT has indicated its willingness to add the roads to the State system for maintenance if the property owners would donate the right of way for the roads. At the request of Commissioner Evans, in 2012 the county attorney's office sent information and forms to all parcel owners by which the owners could indicate their willingness to donate right of way. Only ten parcel owners responded that they were willing to donate the needed right of way. Using the process by which the property owners donate right of way to bring these roads into the State system does not appear to be an option.

Draper Road crosses the CSX railroad right of way that runs parallel to Clinton Road. DOT has advised the county attorney that CSX will not permit any improvements in its right of way unless DOT closes three other at-grade rail crossings in Cumberland County. This makes it impossible for that portion of the road to be brought into the State system.

The county attorney advised the Policy Committee at its September 5, 2013 meeting that the only action the county could take would be to request NCDOT to make these roads passable as neighborhood roads without bringing them into the State system. The county attorney advised the Committee that this would require a legal action to be brought against the property owners if the owners would not consent to DOT entering their property to make the improvements. The Committee voted to send this matter to the full

board for consideration to request DOT to make these roads passable without bringing them into the State system for continuing maintenance.

RECOMMENDATION/PROPOSED ACTION:

The county attorney recommends that the Board adopt the resolution as recorded below.

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

RESOLUTION

WHEREAS, the Board of Commissioners finds that the County has an interest in insuring that all its residents are served by roads that are passable by vehicles providing emergency services of any nature; and

WHEREAS, Draper and Pinpoint Roads are connected private roads located off Clinton Road near the Vander Community which are in very poor condition and appear to be impassable after heavy or prolonged rainfall; and

WHEREAS, the Board of Commissioners has been informed that all of the owners of the properties served by Draper and Pinpoint Roads are not willing to donate right of way to the North Carolina Department of Transportation (NCDOT) in order to place these roads in the State highway system.

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners requests the NCDOT to evaluate Draper and Pinpoint Roads in Cumberland County to determine if NCDOT can make these roads passable as neighborhood public roads without bringing them into the State highway in accordance with N. C. Gen. Stat. § 136-67.

BE IT FURTHER RESOLVED, that the county attorney is directed to provide such assistance in securing consent from the property owners that NCDOT may request.

Adopted this 16<sup>th</sup> day of September, 2013.

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

- 1) Case Number: MH 6950-2012  
 Property Owner: Hubert M. Garrett  
 Property Location: 3229 Periwinkle Drive, Fayetteville, NC  
 Parcel Identification Number: 0415-12-3561  
**ORDINANCE ASSESSING PROPERTY FOR THE COSTS  
 OF DEMOLITION OF A STRUCTURE PURSUANT TO  
 THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY  
 CASE NUMBER: MH6950-2012  
 PROPERTY OWNER: Hubert M. Garrett**

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on Jun 17, 2013, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Hubert M. Garrett, located at 3229 Periwinkle Drive, Fayetteville, NC, PIN: 0415-12-3561, said ordinance being recorded in Book 9226, page 700, of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$2,594.00.
- (3) There were no salable materials resulting from said work.

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

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$2,594.00, 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 June 17, 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 3229 Periwinkle Drive, Fayetteville, NC, as described in Deed Book 3547, page 91, of the Cumberland County Registry and identified in County tax records as PIN 0415-12-3561.

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

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

H. Budget Revisions:

(1) Health

- a. Sexually Transmitted Disease Clinic/Pharmacy - Revisions in the total amount of \$20,000 to recognize additional Medicaid fees and Pharmacy fees anticipated to be earned to purchase contraceptives for STD patients. (B14-097 and B14-097A) Funding Source – Fees
- b. Diabetes Education Clinic- Revision in the net amount of \$38,742 to abolish a nutritionist position and to increase operating for necessary expenditures. (B14-099) Funding Source – Fees

(2) Sheriff

- a. Federal Forfeiture – Justice - Revision in the amount of \$400,000 to appropriate fund balance for the purchase of replacement Tasers, body armor and DCI Terminal security upgrades and access fees. (B14-095) Funding Source – Federal Forfeiture Fund Balance Appropriated
- b. Revision in the amount of \$151,376 to recognize Edward Byrne Memorial Justice Assistance Grant for FY2013. This is a grant between Cumberland County in the amount of \$48,503 and the City of Fayetteville in the amount of \$102,873. The County’s grant will be used for connection to the NC SBI and FBI databases and for data communications for deputy vehicles. (B14-096) Funding Source – Grant
- c. Revision in the amount of \$6,863 to reallocate budgeted expenditures to fund reclassifications of three switchboard operators. (B14-101) Funding Source -Reallocation of Budgeted Expenditures

MOTION: Commissioner Council moved to approve consent agenda Item 2.A. – Item 2.H.(2)c.

SECOND: Commissioner King

VOTE: UNANIMOUS (5-0)

3. Public Hearings

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

Uncontested Rezoning Case

- A. Case P02-08: Revocation of A1/CU Agricultural/Conditional Use Overlay for automobile sales and automobile and lawn mower parts and accessory sales on 1.00+/- acre reverting to the previous zoning classification of A1 Agricultural or

to a more restrictive zoning district, located at 6898 and 6904 Goldsboro Road, owned by Faustino Espino.

Staff Recommendation: Approval to revoke CU and rezone to A1  
Planning Board Recommendation: Approve Staff Recommendation

RECOMMENDATION: Members present at the August 20, 2013 meeting of the Joint Planning Board recommended the revocation of A1/CU Agricultural/Conditional Use Overlay for automobile sales and automobile and lawn mower parts and accessory sales reverting to the previous zoning classification of A1 Agricultural or to a more restrictive zoning district.

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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 Council moved to follow the recommendation of Planning staff and the Planning Board for approval to revoke CU and rezone to A1 in case P02-08.

SECOND: Commissioner King

VOTE: UNANIMOUS (4-0)

#### Uncontested Conditional Zoning Case

B. Case P13-33: Rezoning of 1.08+/- acres from C1(P)/CU Planned Local Business/Conditional Use Overlay for a convenience store and future restaurant and RR Rural Residential to RR/CZ Rural Residential/ Conditional Zoning district for a day care and RR Rural Residential, or to a more restrictive zoning district; located at 6544 through 6586 US HWY 301 South; submitted by Ibrahim Ahmed Alsaidi on behalf of Pit Stop 301 Express, LLC. (owner), Ronnie Allen on behalf of Union Oak AME Zion Church Trustees (owner) and Edina M. Amundsen.

Staff Recommendation: Approval of RR/CZ for a day care and RR  
Planning Board Recommendation: Approve Staff Recommendation

RECOMMENDATION: Members present at the August 20, 2013 meeting of the Joint Planning Board recommended the adoption and approval of the consistency and reasonableness statements and to approve RR Rural Residential/CZ Conditional Zoning district for a day care and RR Rural Residential.

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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 Melvin moved to follow the recommendation of Planning staff and the Planning Board for approval of RR/CZ for a day care and RR in case P13-33.

**SECOND:** Commissioner King

**VOTE:** UNANIMOUS (5-0)

- C. Case P13-35: Rezoning of 177.00+/- acres from A1 Agricultural and CD Conservancy to MXD/CZ Mixed Use Development/Conditional Zoning or to a more restrictive zoning district; located on the west side of SR 1714 (River Road), north of I-295; submitted by Ingeborg Vinent Heirs and River Bluff Farm C/O Eva Hansen (owners).

Staff Recommendation: Approval of MXD/CZ

Planning Board Recommendation: Approve Staff Recommendation

**RECOMMENDATION:** Members present at the August 20, 2013 meeting of the Joint Planning Board recommended the adoption and approval of the consistency and reasonableness statements and to approve MXD Mixed Use Development/CZ Conditional Zoning district and the extension of the Sewer Services Area to include the subject property.

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Tom Lloyd, Planning and Inspections Director, advised the petitioner requested that the public hearing be delayed for thirty (30) days.

**MOTION:** Commissioner King moved to delay the public hearing until October 21, 2013 according to the request of the petitioner for a thirty (30) day delay in case P13-35.

**SECOND:** Commissioner Council

**VOTE:** UNANIMOUS (5-0)

MOTION: Chairman Keefe moved that the Board of Commissioners allow Commissioner Evans to abstain from the minimum housing code enforcement hearings due to his participation by phone and inability to view the evidence.  
SECOND: Commissioner Council  
VOTE: UNANIMOUS (4-0)

Minimum Housing Code Enforcement Hearings

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

D. Case Number: MH104-2013  
Property Owner: Angela Simon  
Property Location: 5613 Belsky Court, Hope Mills, NC  
Parcel Identification Number: 0423-04-1219

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

I, Debra Johnson, 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 104-2013.

Property Owner: Angela Simon  
Home Owner: Angela Simon  
Property Address: 5613 Belsky Court, Hope Mills, NC  
Tax Parcel Identification Number: 0423-04-1219

SYNOPSIS: This property was inspected on 5/21/2013. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 6/26/2013. Angela Simon 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 8/2/2013. 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 9/5/2013, the required corrective action had not been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

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

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

\*\*\*\*\*

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

Chairman Keefe opened the public hearing.

The clerk to the board advised there were no speakers.

Chairman Keefe closed the public hearing.

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 Melvin

VOTE: UNANIMOUS (4-0)

E. Case Number: MH35 -2013

Property Owner: Citi Mortgage, Inc

Property Location: 7910 Pinebuff Court, Fayetteville, NC

Parcel Identification Number: 0533-96-4835

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

I, Joan Fenley, 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 35-2013.

Property Owner: Citi Mortgage, Inc

Home Owner: Citi Mortgage, Inc

Property Address: 7910 Pinebuff Court, Fayetteville, NC

Tax Parcel Identification Number: 0533-96-4835

SYNOPSIS: This property was inspected on 2/7/2013. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 3/22/2013. Cindy Boyd of Brock & Scott attended the Hearing via telephone. 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 6/20/2013. 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 9/5/2013, the required corrective action had not been made to the structure. The structure is presently vacant and reasonably secured. 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 \$249,000.00. The Assessor for Cumberland County has the structure presently valued at \$0.00.

**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 speaker:

Mark Asbill –Mr. Asbill appeared in opposition as legal representation for the property’s owner of record, Citi Mortgage, Inc. and after being administered an oath, Mr. Asbill provided a back brief on the property and stated the insurance company has refused to pay the claim to Citi Mortgage, Inc., the insured under the Deed of Trust, who should also be the insured under the insurance policy. Mr. Asbill stated the property sold for \$300,000, there was a mysterious fire and although there have been no charges of arson, the insurance company is refusing to pay the claim. Mr. Asbill requested an additional ninety (90) days so an insurance adjuster can perform an evaluation of the property for the benefit of Citi Mortgage, Inc. Mr. Asbill stated his client would be more interested in demolishing the structure themselves.

Chairman Keefe closed the public hearing.

The clerk to the board administered an oath to Joan Fenley, Inspector for the County of Cumberland Inspection Department. Ms. Fenley advised the fire occurred in September, 2012 and the property is located in a neighborhood. Ms. Fenley stated over the past five to six months, the Inspections Department has received a large number of complaints regarding the property and one of the individuals has put their house on the market due to the condition of the adjoining property.

**MOTION:** Chairman Keefe 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 60 days; to order the Inspector to remove or demolish the dwelling if the owner fails to do so and impose a lien on the real property for the cost of such action; and to direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

**SECOND:** Commissioner Melvin

**VOTE:** UNANIMOUS (4-0)

F. Case Number: MH67-2013  
Property Owner: Janet Rene Whiting  
Property Location: 1408 Shaw Road, Fayetteville, NC  
Parcel Identification Number: 0419-94-1510

**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 67-2013.

Property Owner: Janet Rene Whiting  
Home Owner: Janet Rene Whiting  
Property Address: 1408 Shaw Road, Fayetteville, NC  
Tax Parcel Identification Number: 0419-94-1510

**SYNOPSIS:** This property was inspected on 4/15/2013. The property owner was legally served with Notice of Violations and was afforded a Hearing on 5/28/2013. Janet R. Whiting 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 8/28/2013. 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 9/5/2013, the required corrective action had not been made to the property. The structure is presently vacant and reasonable secured. In its present state, the property constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$62,703.00. The Assessor for Cumberland County has the structure presently valued at \$3,551.00.

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:

Janet R. Whiting – Ms. Whiting appeared in opposition and after being administered an oath, stated she lives in Georgia and has spent the last five years caring for her mother who passed in August. Ms. Whiting stated she plans to use insurance money for repairs to her father's house.

Commissioner Melvin asked Ms. Whiting for a timeframe. Ms. Whiting requested ninety (90) days or something approximate to that.

Michael B. Whiting – Mr. Whiting appeared in opposition and after being administered an oath, stated he is self employed contractor and repairs were being made to the house up until the last month of the time that had been allotted; however, his mother was admitted to intensive care and one week before the allotted time ended, she passed. Mr. Whiting stated this threw the work off schedule. Mr. Whiting stated he can complete the work within the extended time requested by his sister because the condition of the house is not beyond repair.

Chairman Keefe closed the public hearing.

Commissioner Council asked Mr. Hatcher if the necessary permits could be issued. Mr. Hatcher responded that renovation permits could be issued and the tax assessor reduced the structure to storage condition and reduced the value to \$3,551. Chairman Keefe asked the estimated cost of repairs. Mr. Hatcher responded at current construction costs it is estimated to be \$62,703. Commissioner Council asked Mr. Whiting if he was in the process of securing the needed permits. Mr. Whiting responded he was not because he was attempting to bring the property up to par and the situation with his mother threw everything off schedule. Chairman Keefe stated because this property is located in a neighborhood, there needs to be action taken towards repairing it.

MOTION: Commissioner Melvin 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 90 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 Council

VOTE: UNANIMOUS (4-0)

- G. Case Number: MH6971 -2012
- Property Owner: Clinton Graham
- Property Location: 520 Pine Tree Lane, Spring Lake NC
- Parcel Identification Number: 0511-09-3286

**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 6971-2012.

Property Owner: Clinton Graham  
 Home Owner: Clinton Graham  
 Property Address: 520 Pine Tree Lane, Spring Lake, NC  
 Tax Parcel Identification Number: 0511-09-3286

**SYNOPSIS:** This property was inspected on 12/14/2012. The property owner was legally served with Notice of Violations and was afforded a Hearing on 1/28/2013. Renee Graham 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 4/27/2013. 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 9/5/2013, the required corrective action had not been made to the property. In its present state, the property constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is N/A. The Assessor for Cumberland County has the structure presently valued at N/A.

**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 advised there were no speakers.

Chairman Keefe closed the public hearing.

**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 Melvin

**DISCUSSION:** Commissioner King asked whether there was an explanation for the demolition debris not having been removed. Mr. Hatcher stated there was no explanation. Commissioner King asked whether the county would perform the removal and lien the property. Mr. Hatcher responded in the affirmative and pointed out that some of the property owners have been able to sell their properties after the county cleared them which enabled to the county to recoup its money. Commissioner King asked whether anyone appeared in this case. Mr. Hatcher stated Renee Graham attended the January 28, 2013 hearing and at that time the property owner was given until April, 2013 to demolish the structures. Mr. Hatcher stated the structures were demolished but the lot has not been cleaned up of the resulting debris. Commissioner King asked the cost of the debris removal. Mr. Hatcher responded \$3,000 to \$4,000. Commissioner King asked the value of the real property. Mr. Hatcher responded approximately \$150,000 due to the large acreage involved.

**VOTE:** UNANIMOUS (4-0)

H. Case Number: MH72-2013  
Property Owner: Camilla Horne  
Property Location: 1931 Middle Road, Eastover, NC  
Parcel Identification Number: 0458-67-2259

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

I, George Hatcher, 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 72-2013.

Property Owner: Camilla Horne  
Home Owner: Camilla Horne  
Property Address: 1931 Middle Road, Eastover, NC  
Tax Parcel Identification Number: 0458-67-2259

**SYNOPSIS:** This property was inspected on 4/16/2013. The property owner was legally served with Notice of Violations and was afforded a Hearing on 6/20/2013. 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 7/20/2013. 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 9/5/2013, the required corrective action had not been made to the property. The structure is presently vacant and reasonable secured. In its present state, the property constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$120,320.00. The Assessor for Cumberland County has the structure presently valued at \$6,006.00 (in utility condition).

**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 advised there were no speakers.

Chairman Keefe closed the public hearing.

**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 Melvin  
VOTE: UNANIMOUS (4-0)

**Other Public Hearings**

I. Community Development Program Year 2012 Consolidated Annual Performance and Evaluation Report (CAPER)

**BACKGROUND:**

Community Development has prepared an abbreviated version of the draft CAPER for the 2012 Program Year (PY2012). This document is available for public review and comment during the period September 3, 2013 through September 17, 2013. Copies of the draft CAPER in its entirety will be available for review in the County Commissioners office and at the Community Development office beginning September 27, 2013. Copies of the abbreviated version have been distributed to several locations throughout the County in compliance with Community Development's Citizen Participation Plan. The final CAPER is due to HUD by September 27, 2013.

The PY2012 CAPER details program accomplishments and an assessment of our efforts in meeting the goals and objectives set forth in our Annual Action Plan for the period July 1, 2012 through June 30, 2013. Performance reporting meets three basic purposes: 1) It provides HUD with necessary information for the Department to meet its statutory requirements to assess each grantee's ability to carry out relevant community development programs in compliance with all applicable rules and regulations; 2) It provides information necessary for HUD's Annual Report to Congress, also statutorily mandated; and 3) It provides grantees an opportunity to describe to citizens their successes in revitalizing deteriorated communities and meeting objectives outlined in their Consolidated Plan. This reporting tool assures that citizens, community groups, and other interested stakeholders in the community planning process are accurately informed of the use of these federal funds.

**RECOMMENDATION/PROPOSED ACTION:**

Community Development requests that the Board of Commissioners hold a public hearing on the PY2012 CAPER. No other action is necessary.

\*\*\*\*\*

Ms. Sylvia McLean, Business Manager and Ms. Delores Taylor, Community Services Manager, provided a report on the accomplishments of the Community Development Department in relation to the goals and objectives stated in the Annual Action Plan.

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.

Chairman Keefe advised other than holding the public hearing, no other action by the Board of Commissioners was necessary.

#### ITEMS OF BUSINESS

4. Presentation by Ellen Holliman, Area Director/Chief Executive Officer of the Alliance Behavioral Healthcare System

#### BACKGROUND:

Ellen Holliman, Area Director / Chief Executive Officer of the Alliance Behavioral Healthcare System and Rob Robinson, Chief Operating Officer of the Alliance Behavioral Healthcare System will be making a presentation at the September 16, 2013 Board of Commissioner's meeting.

#### RECOMMENDATION/PROPOSED ACTION:

Accept the report as presented.

\*\*\*\*\*

Chairman Keefe called on Ellen Holliman, Area Director / Chief Executive Officer of the Alliance Behavioral Healthcare System who introduced Rob Robinson, Chief Operating Officer of the Alliance Behavioral Healthcare System; Al Bradley, Human Resources Director of the Alliance Behavioral Healthcare System; and Hank Debnam, Cumberland County Site Director.

Ms. Holliman stated her presentation would highlight the following:

- Cumberland Merger
- FY 14 Budget
- Provider Network
- Senate Bill 208
- Secretary's Medicaid Reform

Cumberland Merger:

- Effective July 8, 2013
- Hired 37 staff from Cumberland LME
  - Staff started July 8
  - Eight started August 1 due to Local Government Retirement policies
- Contracted with 41 providers who had contracts with Cumberland LME prior to January 1, 2013
- Maintained the FY13 level of funding
- DHHS Secretary approved the merger with the exception of fund balance language
  - Durham and Wake BOCCs to approve amendment

Alliance Funding:

Source	Amount	% of Total
Medicaid	\$308,126,720	72.5%
State	\$44,224,961	10.4%
Local	\$36,877,940	8.7%
Administration	\$35,920,020	8.4%
Total	\$425,149,641	100%

Anticipated FY14 Allocations:

Crisis Services	\$4,000,000
Inpatient Beds	\$1,794,376
Residential Services	\$1,828,773
Outpatient	\$1,094,597
SAIOP	\$684,000
ACTT	\$510,000

Ms. Holliman stated the allocation of local and state dollars is basically what it has been in the past; however, due to the contract with Cape Fear Valley Health System, there may be more money in crisis contracts than there has been in the past.

Provider Network:

- Merger Agreement required Alliance to allow providers to indicate an interest in providing MH/DD/SA services in Cumberland County
- Request for interest released giving providers opportunity to identify populations they wish to serve and services they wish to provide
- Received 102 responses
- Many responses for services for which Alliance currently has sufficient capacity
- Two providers expressed interest in developing highly-specialized services meeting identified network needs
  - Opioid treatment
  - Adolescent sex offender treatment and support
- Currently in conversation with these providers to explore and develop program initiatives
- Expect to address these service needs through RFPs within the next month
  - To be announced in provider newsletter and on the Alliance web site
  - Interested providers are encouraged to respond

- Need identified for outpatient therapy and psychiatric services to state-funded individuals
  - Integrated Behavioral Health Services elected to expand this capacity

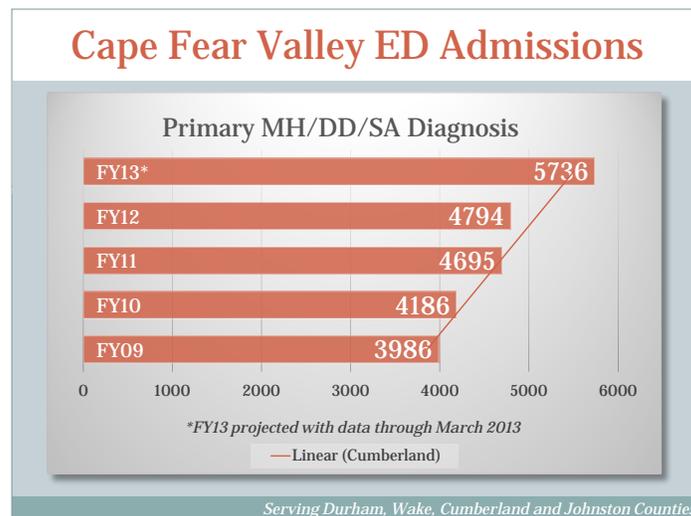
Commissioner Council asked whether the Alliance was using fewer providers. Ms. Holliman stated at this time, all Medicaid providers under contract before the Alliance took over in January, 2013 as the Managed Care Organization (MCO) were offered contracts.

**Cumberland Consumers Served:**

Ms. Holliman stated this data represents consumers identified by DMH/DD/SAS and DMA as the number and percent of those served by diagnostic criteria. Ms. Holliman stated only one target population was below the standard and four of the six either met or were above the State benchmark.

Population	Number Served	% of Population in Need Served	State Benchmark
Adult MH	6977	61%	48%
Adult SA	2104	10%	11%
Adult I/DD	725	37%	37%
Child MH	4797	56%	52%
Child SA	246	15%	9%
Child I/DD	406	17%	20%

**Cape Fear Valley ED Admissions:**



Ms. Holliman stated Emergency Department (ED) admissions jumped from FY12 to FY13 but with the transition of services, it is anticipated that the numbers will decline this year as Cape Fear Valley Health System gets all of its service up and running.

Cumberland Inpatient Care:

- 275 consumers admitted to CFV between January and May 2013
  - 26 (9%) re-admitted at least once within 30 days
  - State benchmark is <7%
- 117 consumers admitted to State psychiatric hospitals during FY13
- Highest per capita rate of inpatient services in the Alliance region

Ms. Holliman pointed out that the benchmark for readmission is 7% and Cape Fear Valley Hospital was at 9% for readmissions over a thirty (30) day period.

SB208 Financial Requirements:

Section 1. (b) (1) The LME/MCO has made adequate provisions against the risk of insolvency

- a. The LME/MCO had submitted to the Department all of the financial records and reports required to be submitted under the contract

Section 1. (b) (1) The LME/MCO has made adequate provisions against the risk of insolvency

- b. There are no consecutive three-month periods during which the LME/MCO's ratio of current assets to current liabilities is less than 1.0, based on a monthly review of the LME/MCO's balance sheets for each month of the three-month period, as determined by the Secretary

Ms. Holliman stated the Alliance has met the minimum requirements each month and it is anticipated that it will continue to do so.

DMA Ratios

- Current Ratio – current assets divided by current liabilities must be greater than 1.0

Ms. Holliman explained the loans from the three departments are the reason the Alliance has not scored higher at this time because the loans or liabilities count towards the ratio.

SB208 Financial Requirements:

Section 1. (b) (2) The LME/MCO is making timely provider payments. The Secretary shall certify that an LME/MCO is making timely provider payments if there are no consecutive three-month periods during which the LME/MCO paid less than 90% of clean claims for covered services within the 30-day period following the LME/MCO's receipt of these claims during that three-month period.

Paid Within 30 Days:

Ms. Holliman stated the Alliance is close to 100% almost every month.

DMA Ratios:

- Monitoring total service and administrative expenses (including IBNR) compared to capitation

Month	Total Capitation Revenue Greater than Total Expenses?
February	Yes
March	Yes
April	Yes
May	Yes

- Defensive Interval –days a company can operate without having to access non-current assets; State looking for minimum of 30

Ms. Holliman stated the Alliance is well above the minimum benchmark of 30%.

- Medical Loss Ratio – medical claims expense divided by the total capitation payment must not fall below 80% at any point in time

Ms. Holliman stated the Alliance is well above the benchmark of 80%.

- Risk Reserve – 2% of monthly capitation deposited within five days of receiving monthly capitation

Month	Requirement Met?
February	Yes
March	Yes
April	Yes
May	Yes

Secretary’s Medicaid Plan:

- DHHS wants fewer MCOs, likely four (currently at 10)
- MCO leaders discussing logical regional structure
- Counties required to be contiguous (at this point, counties in existing MCOs not required to be contiguous)
- Minimum 300,000 covered Medicaid lives with four MCOs (Alliance currently has 186,000, which means the Alliance will have to partner)
- Draft map to DHHS on September 30 for a regional system

Chairman Keefe asked whether a county that may choose to be with the Alliance would have to be contiguous. Ms. Holliman confirmed that is the message the Alliance Board received from the State Director of Mental Health on September 5<sup>th</sup> and it was stated once again during the Directors' meeting on September 13<sup>th</sup>. Ms. Holliman stated she said she would not approve the merger of noncontiguous MCOs. Ms. Holliman stated she would look out for the best interest of Durham, Wake, Cumberland and Johnston counties with the plan for a regional system.

Conclusion:

- Local Business Plan

Ms. Holliman stated the Local Business Plan has to be written every 3 years and the Alliance is in the process of writing its plan. Ms. Holliman asked to present the plan to the Board of Commissioners for approval either late October or November.

- County Commissioner Advisory Committee

Ms. Holliman stated under per SB208 there is to be a County Commissioner Advisory Committee comprised of one county commissioner from each county that is part of the MCO. Ms. Holliman stated it will serve as a chief advisory board to the Area Authority and to the Director of the MCO on matters pertaining to the delivery of services for individuals with disabilities.

- Board appointments

Ms. Holliman stated she was pleased to see the number of qualified applications the Alliance received for the three vacant Cumberland seats on the Alliance; there were 19 total applications, 5 applicants withdrew, 14 interviews were conducted and the top 6 recommendations were sent to the Board of Commissioners.

Ms. Holliman concluded her presentation and responded to questions.

Commissioner Council stated since personnel from the Alliance were present at the meeting and were from out of town, she was prepared to offer the following motion.

**MOTION:** Commissioner Council moved to move Item 8. Nominations and Appointments - Alliance Behavioral Healthcare System Board to Item 5. and to renumber the remaining items accordingly.

**SECOND:** Chairman Keefe

**VOTE:** UNANIMOUS (4-0)

## 5. Nominations and Appointments - Alliance Behavioral Healthcare System Board

**BACKGROUND:**

On August 16, 2013, Alliance Behavioral Healthcare sent out a notice regarding the process for the three vacant Cumberland seats on the Alliance Board of Directors. The three seats were allocated to Cumberland County as part of the July merger of the Alliance and Cumberland County Mental Health. Dr. John Griffin already sits on the Alliance Board.

The Alliance accepted applications for the three Cumberland seats until 5:00 p.m. on August 30<sup>th</sup>. Ellen Holliman, Alliance Chief Executive Officer, met with each applicant to explain the appointment process and to discuss any conflicts of interest that may prohibit an applicant from Alliance Board membership. All applicants were invited to the September 5<sup>th</sup> meeting of the Alliance Board to introduce themselves. This was followed by individual interviews with Board members on September 10<sup>th</sup>.

The Alliance Board notified the Board of Commissioners' Nomination Committee of its top six candidates and the identity of all of the applicants on September 10<sup>th</sup>. The Nomination Committee met in a special meeting on September 12<sup>th</sup> and recommended the following individuals, who have been listed in alphabetical order, for the three vacant Cumberland seats on the Alliance Board of Directors:

- Christopher Bostock
- Commissioner Kenneth Edge
- Lodies Jackson Gloston

**RECOMMENDATION/PROPOSED ACTION:**

Consider recommendations of the Nomination Committee, and nominate and appoint three (3) individuals for the three vacant Cumberland seats on the Alliance Board of Directors.

\*\*\*\*\*

Commissioner Council, Chair of the Nomination Committee, presented the background information as recorded above as the Nomination Committee report. Commissioner Council noted six of the seven commissioners were present at the meeting of the Nomination Committee.

**MOTION:** Commissioner Council moved to nominate and appoint Christopher Bostock, Commissioner Kenneth Edge and Lodies Jackson Gloston to the Alliance Behavioral Healthcare's Board of Directors.

**SECOND:** Chairman Keefe

**VOTE:** UNANIMOUS (5-0)

6. Consideration of Crown Center Matters:

A. Designate Civic Center Commission as County's Agent for Centerplate Contract

**BACKGROUND:**

In 2007, the Board of Commissioners approved the contract between the County and Centerplate for the provision of food services at the Crown Complex that does not expire until 2017. The contract was signed by the Chairman of the Board of Commissioners on behalf of the County. One of the provisions in that contract obligated Centerplate to make \$200,000 in capital purchases by October 1, 2012. Centerplate had only made approximately \$185,000 in capital purchases by that date but did spend the full amount by July 30, 2013. At its July 30, 2013 meeting the Civic Center Commission determined that Centerplate had breached its contract by not making the required capital purchases in accordance with the contract provisions but that Centerplate had subsequently cured the breach.

The Commission directed that this breach be reported to the Board of Commissioners. In order to clarify the Commission's authority and responsibility with respect to this contract, the Commission further directed that a request be made to the Board of Commissioners to designate the Commission as the County's agent for all purposes with respect to the County's contract with Centerplate.

**RECOMMENDATION/PROPOSED ACTION:**

Because the Commission has the statutory authority to operate the Crown Complex, the County Attorney recommends that the Board of Commissioners should designate the Civic Center Commission as the County's agent for all purposes related the County's contract with Centerplate for the provision of food services at the Crown Complex.

\*\*\*\*\*

Rick Moorefield, County Attorney, reviewed the background information as recorded above. Chairman Keefe asked whether the Civic Center Commission had the authority to enter into contracts and whether the request was consistent with something the Board of Commissioners had done in the past. Mr. Moorefield responded in the affirmative. Additional questions followed.

**MOTION:** Commissioner Melvin moved to follow the recommendation of the county attorney to designate the Civic Center Commission as the County's agent for all purposes related to the County's contract with Centerplate for the provision of food services at the Crown Complex.

**SECOND:** Commissioner Council

**VOTE:** UNANIMOUS (5-0)

**B. Update on Private Management Contract**

**BACKGROUND:**

The Civic Center Commission has selected Global Spectrum as its choice for the private management of the Crown Complex. The county attorney is currently discussing the specifics of the management contract with Global Spectrum. The county attorney

anticipates that the contract will be considered by the Civic Center Commission during September and will become effective by November 1, 2013. The compensation provision must be reviewed by bond counsel and the county must issue a RIF notice to the Crown employees thirty days in advance of the date the transition is made to private management. Global Spectrum desires to begin interviews of the Crown employees who wish to continue their employment at the Crown as soon as possible. Global Spectrum has proposed a contract which gives the Commission the discretion to terminate the contract at the end of the third Operating Year on June 30, 2016.

The Civic Center has the statutory authority “to operate the Civic Center facility under the terms and conditions prescribed by the Board of Commissioners.” Because the Commission’s desire to shift to private management is such a significant change, the county attorney advises that the Board of Commissioners should indicate its consent to that change in accordance with its authority to prescribe the terms and conditions.

**RECOMMENDATION/PROPOSED ACTION:**

The county attorney recommends that the Board adopt the resolution as recorded below.

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

**RESOLUTION**

WHEREAS, the Cumberland County Civic Center Commission (the “Commission”) has the statutory authority to operate the Civic Center Complex under the terms and conditions prescribed by this Board of Commissioners; and

WHEREAS, the Commission has determined that management of the Complex by a professional private management company with experience and expertise in the management of such facilities will enhance the opportunities for increasing the quantity and quality of entertainment events at the Complex; and

WHEREAS, the Commission requested proposals for private management of the Complex and selected a management company after evaluation of those proposals; and

WHEREAS, it is the goal of the Board of Commissioners that the Complex become as financially self-sustaining as possible to the end that the Food and Beverage Tax subsidy allocated to the Complex may be used for major maintenance and improvements to the facilities; and

WHEREAS, the Board of Commissioners finds that the Commission’s decision to contract for the private management of the Complex is reasonable and intended to promote the Board’s goal of sustainability.

BE IT THEREFORE RESOLVED, that the Board of Commissioners concurs with and supports the Civic Center Commission’s decision to contract for the private

management of the Crown Complex, on such terms and conditions as the Commission deems prudent and subject to the any other applicable terms of S. L. 1991-27.

Adopted this 16<sup>th</sup> day of September, 2013.

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Rick Moorefield, County Attorney, reviewed the background information as recorded above and stated the Civic Center Commission will meet on September 24, 2013 and the Commission anticipates having a contract from Global Spectrum to consider at that meeting. Mr. Moorefield stated there is no contract at this time and he is in the process of working out the final details.

Mr. Moorefield also stated Crown employees are county employees and the Reduction in Force (RIF) notice is expected to go out to Crown employees tomorrow, September 17, 2013. Mr. Moorefield advised it is a requirement under the county ordinance that employees must be given notice of a RIF at least thirty (30) days in advance of it taking effect. Mr. Moorefield also advised the RIF notice does not contain a date as to when the RIF will take place because that date will not be known until there is a contract. Mr. Moorefield stated at present, it appears the date will be November 1, 2013. Mr. Moorefield advised another aspect is to get the approval of bond counsel for the public financing aspect which is related to the compensation provisions of the agreement.

Mr. Moorefield advised according to N. C. General Statutes, the Civic Center Commission has the statutory authority “to operate the Civic Center facility under the terms and conditions prescribed by the Board of Commissioners.” Mr. Moorefield stated since this is such a significant change in the management of the Crown Complex, it is his recommendation that the Board of Commissioners adopts a resolution, not to approve the contract, but to support the concept of private management of the Crown Complex. Mr. Moorefield also stated although this is not a technical requirement of the statutory framework under which the Civic Center Commission is set up, it is a “best management practice” for the Board of Commissioners to address it in this manner.

Commissioner Evans asked whether the contract contained language about Crown employees maintaining their jobs. Mr. Moorefield stated there is a specific provision in the contract that addresses the transition of employees and based on negotiations and information available at this time, employees who wish to continue will be interviewed and offered a job for which they qualify. Mr. Moorefield advised this does not mean all employees will be guaranteed a job or the same job they currently hold. Mr. Moorefield stated from the discussions he has had, it is expected that the language will require and that Global Spectrum will agree to make reasonable efforts to place employees in similar positions within the private company.

Commissioner Evans asked whether it would be in the best interest of Crown employees for the board to approve the resolution without a contract being in place. Mr. Moorefield

clarified the resolution is in support of the concept of private management, not the contract.

Commissioner Council asked whether Crown employees involved in the RIF would be given consideration for vacant county positions. Mr. Martin stated they would receive preference for vacant positions for which they qualify.

Commissioner Melvin inquired regarding longevity pay for Crown employees involved in the RIF. James Lawson, Assistant County Manager, stated according to the county's personnel ordinance, individuals must be actively employed on November 30<sup>th</sup> to qualify for a longevity payment in December. Commissioner Melvin asked whether there was a way Crown employees could receive longevity pay this year if the transition to private management occurs on November 1<sup>st</sup>.

Commissioner Evans asked whether the Civic Center Commission could move forward without the Board of Commissioners approving the resolution. Mr. Moorefield responded in the affirmative and stated he brought the resolution forward and cited the language from the statute so the Board of Commissioners could exercise its authority to prescribe terms and conditions should it so desire before the Civic Center Commission takes action. Mr. Moorefield stated the Board of Commissioners has not yet prescribed any terms or conditions.

**MOTION:** Commissioner Evans moved that the Board of Commissioners not take action on the resolution until more information is given to the board, especially regarding county employees at the Crown Coliseum.

**SECOND:** Commissioner King

**DISCUSSION:** Chairman Keefe stated although he supports longevity pay or a pro rata share for Crown employees, he felt the Board was getting somewhat misdirected by involving itself in Crown personnel issues which the Board has always directed the Civic Center Commission to handle. Mr. Martin stated this is the county's first RIF notice as the result of privatization and suggested that staff be allowed to bring back a proposal to the Board for something along the lines of severance pay. Mr. Moorefield asked whether the Board wanted to vote on the contract with Global Spectrum, if the Civic Center Commission approved it, and stated the Board would have that authority if it prescribed it as a term of this particular transaction.

**VOTE:** PASSED (4-1) (Commissioners Evans, Melvin, Council and King voted in favor; Commissioner Keefe voted in opposition)

Chairman Keefe recessed the meeting.

Chairman Keefe reconvened the meeting.

- MOTION:** Commissioner Melvin moved to continue discussion on the Crown Complex resolution and contract.
- SECOND:** Commissioner King
- VOTE:** PASSED (4-1) (Commissioners Keefe, Melvin, Council and King voted in favor; Commissioner Evans voted in opposition)

Mr. Martin stated the county personnel ordinance provides for priority consideration of employees who lose their jobs as the result of a reduction in force. Mr. Martin stated rather than refer to it as longevity pay, he would recommend that the Board authorizes management to grant to those employees who are still employed with the Crown on the date of transition, if it is November 1<sup>st</sup> or any time prior to November 30<sup>th</sup>, severance pay equivalent to what they would have received in longevity pay. Mr. Martin stated this would become a moot issue if their employment with the county extended beyond November 30<sup>th</sup>. Mr. Martin also stated if employees resign or leave prior to that time, they would not be eligible.

- MOTION:** Commissioner Council moved to offer severance pay to all Crown employees who qualify for longevity pay and who are still employed at the time of transition to private management as long as it is before December 1<sup>st</sup>.
- SECOND:** Commissioner King

**DISCUSSION:** Mr. Moorefield stated his understanding is that twenty-two (22) of the twenty-eight (28) current Crown employees would be eligible for longevity if they are still employed on November 30<sup>th</sup>. Mr. Moorefield stated six (6) of the current employees would not be eligible. Commissioner Evans stated without a contract, the Board does not know anything and is moving ahead based on hearsay.

- VOTE:** PASSED (4-1) (Commissioners Keefe, Melvin, Council and King voted in favor; Commissioner Evans voted in opposition)

Additional questions and discussion followed regarding whether the Board of Commissioners would exercise its authority to prescribe any terms and conditions.

- MOTION:** Commissioner King moved that the Board of Commissioners set as a condition that upon the Civic Center Commission's consideration of the contract, it recommends the contract to the Board of Commissioners for final action.
- SECOND:** Commissioner Melvin
- VOTE:** UNANIMOUS (5-0)

- 7. Consideration of Request from City of Fayetteville for a 30 Foot Easement on County Property Located on Washington Drive/Little Cross Creek Trail

**BACKGROUND:**

Memo from Michael Gibson, Director of Fayetteville-Cumberland Parks and Recreation Department stated as follows: “In order to construct the Little Cross Creek Trail, City of Fayetteville requests Cumberland County to dedicate a 30’ easement on county property located on Washington Drive, according to the legal description. This portion will be used as a public right-of-way on the pedestrian trail which, once complete, will extend from Mazarick Park to Veteran’s Park Phase II and into the Linear Park Trail system.”

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Mr. Martin reviewed the background information as recorded above and stated the recommendation is for approval.

**MOTION:** Commissioner Melvin moved to approve the dedication of a 30” easement for a pedestrian trail.  
**SECOND:** Commissioner King  
**VOTE:** UNANIMOUS (5-0)

- 8. Nominations to Boards and Commissions
  - A. Cumberland County Community Child Protection/Fatality Prevention Team (2 Vacancies)  
  
Applicants that Graduated from County Citizens’ Academy: None  
  
Commissioner Council nominated Sgt. Kimberly Gagnon and Lt. Timothy Tew.
  - B. Cumberland County Juvenile Crime Prevention Council (JCPC) (1 Vacancy)  
  
Applicants that Graduated from County Citizens’ Academy: None  
  
Commissioner Melvin nominated Stephanie Glover.
  - C. Cumberland County Local Emergency Planning Committee (1 Vacancy)  
  
Applicants that Graduated from County Citizens’ Academy: Ashley Pastorius  
  
Commissioner Melvin nominated Mark Faircloth.

- 9. Appointments to Boards and Committees
  - A. Cumberland County Local Emergency Planning Committee (1 Vacancy)  
  
Nominee:            Hospital Representative:            Marsha Lunt

B. Southeastern Economic Development Commission (SEDC) (1 Vacancy)

Nominee: Amy Cannon

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 Melvin

VOTE: UNANIMOUS (5-0)

10. Closed Session: No closed session was called for this meeting.

MOTION: Commissioner Council moved to adjourn.

SECOND: Commissioner King

VOTE: UNANIMOUS (5-0)

There being no further business, the meeting adjourned at 9:45 p.m.

Approved with/without revision:

Respectfully submitted,

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Candice H. White  
Clerk to the Board