

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
MONDAY, FEBRUARY 17, 2014 – 6:45 PM  
117 DICK STREET, 1<sup>ST</sup> FLOOR, ROOM 118  
REGULAR/REZONING MEETING  
MINUTES

PRESENT: Commissioner Jeannette Council, Chair  
Commissioner Kenneth Edge Vice Chairman  
Commissioner Charles Evans (attended via teleconference)  
Commissioner Marshall Faircloth  
Commissioner Jimmy Keefe  
Commissioner Billy King  
Commissioner Ed Melvin  
James Martin, County Manager  
Amy Cannon, Deputy County Manager  
James Lawson, Assistant County Manager  
Quentin McPhatter, Assistant County Manager  
Rick Moorefield, County Attorney  
Melissa Cardinali, Finance Director  
Sally Shutt, Public Information Director  
Jon Soles, Public Information Specialist  
Tom Lloyd, Planning and Inspections Director  
Buck Wilson, Public Health Director  
Mike Nagowski, CEO Cape Fear Valley Health System (CFVHS)  
Breedon Blackwell, CFVHS Director of Government Affairs and Relations  
Candice White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board  
Press

Chairman Council called the meeting to order and announced Commissioner Evans would participate in the meeting by teleconference.

INVOCATION / PLEDGE OF ALLEGIANCE

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

Recognition of Outgoing Board Members:

Dr. Barbara Ciampa, Board of Health  
Jimmy Kizer, Board of Health

On behalf of the Board of Commissioners, Commissioner King recognized Jimmy Kizer for his service on the Board of Health. Dr. Barbara Ciampa was unable to be present.

Recognition of Retired County Employees:

Dorothy McNeill

Cumberland County Department of Public Health

On behalf of the Board of Commissioners, Commissioner King recognized Dorothy McNeill for her years of service with the Public Health Department. Ms. McNeill was unable to be present. Buck Wilson, Public Health Director, accepted the plaque on her behalf.

Eugene Daniels  
Cumberland County Sheriff's Office

On behalf of the Board of Commissioners, Commissioner Melvin recognized Eugene Daniels with a plaque honoring his years of service with the Sheriff's Department.

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

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

Belinda Davis – Ms. Davis presented a book to the Board of Commissioners titled *America's Forgotten Caste-Free Blacks in Antebellum Virginia and North Carolina* by author Rodney Barfield. Ms. David stated the history of America and American slavery would be incomplete without these stories of free blacks.

Kristina Butler – Ms. Butler, a student at Westover High School who has been in several competitions and received top honors for her reading of Maya Angelou's poems "A Woman Should Have", "Phenomenal Woman" and "Still I Rise", provided a reading of "Phenomenal Woman" as a part of Black History Month.

1. Approval of Agenda

MOTION: Commissioner King moved to approve the agenda.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

2. Consent Agenda

A. Approval of minutes of the February 3, 2014 regular meeting and the February 4, 2014 Special Meeting/Welcome and Information Session

B. Approval of Bid Award for Voice Interoperability Plan for Emergency Responders (VIPER) System to Motorola Solutions, Inc.

BACKGROUND:

The county acquired services of Mission Critical Partners (MCP) for specification development, bid evaluation and formulation of recommendation in response of Project 25 (P25) compliance. The attached letter from MCP addresses the bid in accordance with North Carolina Voice Interoperability Plan of Emergency Responders (VIPER). The

VIPER system is controlled and maintained by the North Carolina Highway Patrol and oversight by the system manager Mr. Mike Hodgson. The system manager expects P25 cutover June or July 2014. Cumberland County Communications Center must be P25 ready by April 30, 2014.

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 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 VIPER bid submitted by Motorola was as follows:

Equipment, training, etc.	\$694,496
Maintenance-5 years	<u>111,833</u>
Total Bid	\$806,329

**RECOMMENDATION/PROPOSED ACTION:**

Approve the bid from Motorola Solutions, Inc. as recommended by Mission Critical Partners subject to further negotiations. MCP identified potential cost savings in portions of the proposal involving encryption, microphones, control stations, maintenance and spare parts. Additional savings may be recognized if the County elects to purchase equipment for a backup dispatch center. MCP will provide assistance to the County with any negotiations.

- C. Approval of a Proclamation Proclaiming February 2014 as "Human Relations" Month" in Cumberland County

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

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

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

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

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

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

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

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

NOW THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners hereby joins all of North Carolina in proclaiming February, 2014 as HUMAN RELATIONS MONTH in the County of Cumberland and urges all citizens to commend this observance to their neighbors.

Adopted this 17th day of February, 2014.

- D. Approval of a Proclamation Proclaiming March 2014 as "American Red Cross Month" in Cumberland County

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

Whereas, The American Red Cross Highlands Chapter was established on April 26,

1917 in response to call from President Woodrow Wilson after the start of World War I to assist and comfort communities stricken by disasters large and small, and to help the able-bodied and disabled veterans and civilians overseas; AND

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

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

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

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

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

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

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

NOW THEREFORE, LET IT BE PROCLAIMED, that the Cumberland County Board of Commissioners hereby proclaims March, 2014 as AMERICAN RED CROSS MONTH in Cumberland County and encourages all citizens to join in the observance.

Adopted this 17th day of February, 2014.

E. Budget Revisions:

(1) General Fund Debt Service

Revision in the amount of \$15,280,102 to recognize General Obligation Refunding Bonds Series 2014 of \$15,070,000 and accrued interest of \$210,102. These bonds are being issued to advance refund the balance of the \$35,505,000 General Obligation Refunding Bonds Series 2004. (B14-272) Funding Source – General Obligation Refunding Bonds and Accrued Interest

(2) Sheriff – School Law Enforcement

Revision in the amount of \$16,150 to reallocate budgeted expenditures to reclassify a Deputy Sheriff Sergeant position to a Deputy Sheriff Lieutenant position. (B14-271) Funding Source – Reallocation of Budgeted Expenditures

MOTION: Commissioner Keefe moved to approve consent items 2.A. – 2.E.(2).

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (7-0)

3. Public Hearings

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

Rezoning Cases

Uncontested Rezoning Cases

- A. Case P14-01: Rezoning of 2.29+/- acres from A1 Agricultural to R40 Residential, or to a more restrictive zoning district, located at 3235 John McMillan Road, submitted by James R. Seals (owner) and Timothy Evans.

Staff Recommendation: Adopt and approve the reasonableness statement, find request consistent with LUP and approve R40

Planning Board Recommendation: Approve Staff Recommendation

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Tom Lloyd, Planning and Inspections Director, presented this item. Mr. Lloyd stated planning staff's recommendation and the recommendation of the Planning Board was to adopt and approve the reasonableness statement, find the request consistent with LUP and approve R40. Mr. Lloyd further stated there is no opposition to rezoning Case P14-01.

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

Chairman Council opened the public hearing.

The Clerk to the Board advised there were no speakers.

Chairman Council closed the public hearing.

MOTION: Commissioner Faircloth moved to adopt and approve the reasonableness statement and find request consistent with LUP.  
SECOND: Commissioner Keefe  
VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Faircloth moved to approve staff recommendation for R40.  
SECOND: Commissioner Keefe  
VOTE: UNANIMOUS (7-0)

Contested Conditional Zoning Case

- B. Case P13-50: Rezoning of 1.37+/- acres from R20 Residential to M(P) Planned Industrial, or to a more restrictive zoning district, located at 725 and 729 Snow Hill Road, submitted by Huxley A. and Ahuilda J. Jones (owners).

Staff Recommendation: Denial of M(P)/CZ for ammunition remanufacturing, assembly and distribution as request is not reasonable nor consistent with LUP  
Planning Board Recommendation: Approve Staff Recommendation

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Tom Lloyd, Planning and Inspections Director, presented this item and stated Case P13-50 is a request for M(P)/CZ conditional zoning to allow ammunition remanufacturing, assembly and distribution. Mr. Lloyd provided a brief history of the rezoning of the property and stated staff could have worked with the petitioner on the request under the property's zoning classification prior to December, 2013. Mr. Lloyd showed vicinity maps and aerial views of the subject property, and provided overviews of the current land uses, current zonings, and surrounding land uses and zonings.

Mr. Lloyd stated the Planning Board was ready to deny the request for M(P) Planned Industrial but suggested that the applicants come back with a request for conditional zoning, which they did. Mr. Lloyd stated the Planning Board considered granting the rezoning until the meeting last month, but had two objections; overbuilding on the site and the subject property's proximity to the Fayetteville Regional Airport. Mr. Lloyd stated following the meeting of the Planning Board, the airport director reanalyzed the situation and withdrew his objection.

Mr. Lloyd stated prior to this meeting, the applicant asked to be able to work with Planning staff. Mr. Lloyd stated staff do not object to working with the applicant because the overbuilding issue can be resolved, the property was zoned M(P) originally and the airport director's objections are no longer an issue. Mr. Lloyd responded to questions and discussed ensued regarding M(P) setback requirements.

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

Chairman Council opened the public hearing.

The Clerk to the Board called the following speakers:

Tim Evans – Mr. Evans appeared in favor as the previous owner of the property, explained how the property was split by NCDOT's realignment of Snow Hill Road and how the splitting of the property prevented the property from meeting the set back requirements under M(P) zoning.

Huxley Jones – Mr. Jones, owner of the property, appeared in favor and asked that the case be returned to Planning staff so it can be reworked and brought back to the Board at a later date.

Chairman Council closed the public hearing.

MOTION: Commissioner King moved that Case P13-50 be returned for the applicant to work with planning staff.

SECOND: Commissioner Melvin

VOTE: PASSED (6-1) (Commissioners Melvin, Edge, Council, Faircloth, King and Keefe voted in favor; Commissioner Evans voted in opposition)

#### ITEMS OF BUSINESS

#### 4. Consideration of Approval of Jail Health Medical Plan as Outlined in NC G.S. 153A-225

##### **BACKGROUND:**

The manual provides the plan for providing medical care for inmates at the Cumberland County Detention Center. The plan is designed to protect the health and welfare of the inmates, avoid the spread of contagious diseases, provide for medical supervision of inmate and emergency medical care for the inmates to the extent necessary for their health and welfare, and provide for the detection, examination and treatment of inmates who are infected with tuberculosis or venereal diseases. It includes a procedure in the event of a death and discharge planning for patients to another facility.

The plan complies with 10A NCAC 14J.1001 titled Medical Plan. NC G.S. 153A-225 states the plan must be adopted by the governing body.

The original plan will be available for review in the Clerk's office.



**RECOMMENDATION/PROPOSED ACTION:**

Adopt the Jail Health Medical Plan.

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Mr. Martin stated he recently learned that the Jail Health Medical Plan had to be approved annually by the Board of Commissioners as prepared by the Health Department in consultation with the Sheriff's Office. Mr. Martin asked the Board to consider adopting the plan in order to meet that requirement and that the changes forthcoming from the attorney for the Sheriff's Office be considered as amendments to the plan at the appropriate time.

Buck Wilson, Public Health Director, stated the plan is reviewed annually by the Public Health Director, the Medical Director and the medical doctor at the jail. Mr. Wilson stated the plan undergoes review every year and the plan is required to be adopted by the governing body. Mr. Wilson advised in order to comply with 10A NCAC 14J.1001, the written plan has to include policies and procedures that address the following areas:

- 1) Health and screening of inmates upon admission;
- 2) Handling routine medical care;
- 3) The handling of inmates with chronic illnesses or known communicable diseases or conditions;
- 4) Administration, dispensing and control of prescription and non-prescription medications;
- 5) Handling emergency medical problems, including but not limits to emergencies involving dental care, chemical dependence, pregnancy and mental health;
- 6) Maintenance and confidentiality of medical records; and
- 7) Privacy during medical examinations and conferences with qualified medical personnel.

Commissioner King asked Rick Moorefield, County Attorney, whether he had reviewed the plan. Mr. Moorefield stated he had not reviewed the plan due to issues involving timing. Additional questions followed. Mr. Wilson confirmed a jail health plan had been in place for years but this was the first year to his knowledge that the Board of Commissioners had been asked to adopt the plan. Commissioner Keefe asked if there would be any issues with the Board approving the plan as presented and having the Health Department work with the Sheriff's Office in the future. Mr. Wilson stated there would be no issues.

**MOTION:** Commissioner Keefe moved to approve the Jail Health Medical Plan.

**SECOND:** Commissioner Faircloth

**DISCUSSION:** Chairman Council stated her question had been the same as Commissioner Keefe's because her concern was that the plan be developed in collaboration with the Sheriff's Office.

Commissioner Faircloth withdrew his second to the motion. Discussion followed. Mr. Moorefield confirmed that if substantive changes are made to the plan, the Health Director can bring the plan back to the Board at that time.

Commissioner Faircloth restored his second to the motion.

VOTE: PASSED (4-3) (Commissioners Melvin, Edge, Faircloth and King voted in favor; Commissioners Council, King and Evans voted in opposition)

5. Update on Mental Health Services Provided by Cape Fear Valley Health System

BACKGROUND:

Mike Nagowski will provide an update on the mental health services provided by the Cape Fear Valley Health System (CFVHS).

RECOMMENDATION/PROPOSED ACTION:

For information purposes only.

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Mike Nagowski, CEO Cape Fear Valley Health System, introduced Dr. Sam Fleishman, Medical Director for Behavioral Health Services at CFVHS and the Mental Health Clinic; Doug Webster, Administrative Director for Behavioral Health Services and the Mental Health Clinic; and Breeden Blackwell, Director of Government Affairs and Relations. Mr. Nagowski stated a collaborate effort by Cumberland County, CFVHS, Alliance Behavioral Healthcare and law enforcement brought about the opening of the clinic on July 1, 2013. Mr. Nagowski stated patient encounters have increased 45% through January, 2014 and new patient evaluations have increased by more than 68%. Mr. Nagowski also stated a big step in patient access to services was the expansion of the walk-in capability.

Mr. Nagowski stated in mid-November, children's services were moved from the Bradford Avenue site to the main campus at CFVHS with the goal to separate children's services from the severely mentally ill. Mr. Nagowski stated children's therapy has increased 51% through January, 2014 and services have expanded to the Child Advocacy Center where clinicians are providing services one day a week. Mr. Nagowski stated CFVHS is one of six facilities in North Carolina receiving highly specialized training in peer-child interaction therapy which is important for severely disturbed children ages 3 to 6. Mr. Nagowski stated in December, 2013, CFVHS was selected to be the provider for the Cumberland County School System.

Mr. Nagowski stated the Pharmacy Medication Assistance Program (PMAP) is an effort to provide medications for individuals who have an immediate need for it so they can begin taking the medication while waiting for their prescriptions to be filled. Mr. Nagowski stated this dramatically reduces the amount of re-admissions these individuals face.

Mr. Nagowski stated over the past several weeks, the Roxie Avenue Center has been expanded and the Mental Health Center has been relocated to the second floor so scheduled appointments and the walk-in center are both located at the Roxie Avenue Center. Mr. Nagowski stated on February 3<sup>rd</sup>, a 23-bed observation unit had a soft opening. Mr. Nagowski stated the observation unit provides an opportunity to stabilize patients during their first 2-3 hours at the center either through medications or therapies in order to avoid admission.

Dr. Fleishman offered comments regarding the positive effects of consolidating crisis evaluation and stabilization with other mental health services to take individuals that otherwise would have ended up in the emergency department to the appropriate level of care.

Chairman Council recognized Rob Robinson, Alliance Behavioral Health Chief Operating Office who will become the Chief Executive Officer on April 1, 2014, and Hank Debnam, Alliance Behavioral Healthcare Cumberland County site director.

Mr. Webster stated another area of collaboration came from Chief District Court Judge Beth Keever who supported crisis intervention training for the magistrates because they perform involuntary commitments.

6. Nominations to Boards and Committees

A. Animal Control Board (2 Vacancies)

Chairman Council nominated Shelly Bryant and Cindy Collins.

7. Appointments to Boards and Committees

A. Cape Fear Valley Health System Board of Trustees (2 Vacancies)

Nominees:     General Public Position – County Commissioner Appointee:

Earnest Curry (Reappointment)  
Wilson Lacey  
Michael Williford

MOTION: Chairman Council moved to reappoint Earnest Curry to the General Public position.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (7-0)

MOTION: Chairman Council moved to appoint Wilson Lacy to the General Public position.

SECOND: Commissioner King

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

MOTION: Commissioner Melvin moved to appoint Michael Williford to the General Public position.

SECOND: Commissioner Faircloth

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

Chairman Council announced the Board of Commissioners hired The Mercer Group from Atlanta, Georgia as the search firm for the recruitment of a new county manager.

8. CLOSED SESSION: No closed session was held.

MOTION: Commissioner King moved to adjourn.

SECOND: Chairman Council

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 8:03 p.m.

Approved with/without revision:

Respectfully submitted,

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Candice H. White  
Clerk to the Board