

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
TUESDAY, SEPTEMBER 2, 2014 – 9:00 AM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING
MINUTES

PRESENT: Commissioner Jeannette Council, Chair
Commissioner Kenneth Edge, Vice Chair
Commissioner Charles Evans
Commissioner Marshall Faircloth
Commissioner Jimmy Keefe
Commissioner Billy King
Commissioner Ed Melvin
Amy Cannon, County Manager
James Lawson, Deputy County Manager
Melissa Cardinali, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Government Affairs Officer
Jeffrey Brown, Engineering and Infrastructure Director
Vicki Evans, Accounting Manager
Russ Rogerson, Economic Development Alliance Executive Vice
President
Tim Richardson, Economic Development Alliance Board
Chairman
Candice H. White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Chairman Council called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE –Commissioner Ed Melvin provided the invocation followed by the Pledge of Allegiance to the American Flag.

Recognition of Retired County Employee:

Brenda “Diana” Fisher, Cumberland County Register of Deeds

On behalf of the Board of Commissioners, Commissioner Melvin recognized Brenda “Diana” Fisher for her years of service with the Cumberland County Register of Deeds’ office. Ms. Fisher offered comments regarding her service and thanked Register of Deeds Lee Warren, former co-workers and her family for their support over the years.

Chairman Council recognized Register of Deeds and former County Commissioner Lee Warren.

Presentation of Government Finance Officers Association Award-Fiscal Year 2013-Certificate of Achievement for Excellence in Financial Reporting

Chairman Council stated this certificate is presented by the Government Finance Officers Association to Cumberland County for its excellence in the Comprehensive Annual Financial Report (CAFR). Chairman Council 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. Chairman Council further stated the Award of Financial Reporting Achievement has consistently been awarded to Amy Cannon, County Manager, when she was the Deputy County Manager/Finance Director and was primarily responsible for preparing the award-winning CAFR.

Chairman Council stated Melissa Cardinali, Assistant County Manager for Finance/Administrative Services, served as part of the financial team that was begun by Ms. Cannon and will continue with the tradition of

excellence in financial reporting. Members of the financial team were also recognized.

1. Approval of Agenda

MOTION: Chairman Council moved to approve the agenda.
SECOND: Commissioner King
VOTE: UNANIMOUS (7-0)

2. Consent Agenda

A. Approval of Minutes for the August 18, 2014 Regular Meeting

B. Approval of Health Department Delinquent Accounts to be Written Off and Turned Over to the N.C. Debt Set-Off Program

BACKGROUND:

At the Board of Health meeting on August 19, 2014 the Board approved writing off a total of \$50,616.51 as bad debts. The bad debt accounts with balances of \$50.00 or higher, will be processed through the North Carolina Debt Set-Off Program, which can attach a debtor's State Income Tax refund for payment of bad debts. The accounts with balances under \$50.00 will continue to be worked for collection through our in-house collection efforts. This write-off of bad debts is in compliance with the Board of Health's recommendation to write-off bad debts every quarter.

RECOMMENDATION/PROPOSED ACTION:

Approve write off of \$50,616.51 bad debts to the North Carolina Debt Set-Off Program.

CUMBERLAND COUNTY DEPARTMENT OF PUBLIC HEALTH
DELINQUENT ACCOUNTS TO BE TURNED OVER FOR COLLECTION
BAD DEBT WRITE OFF #40

PROGRAM	AMOUNT
ADULT HEALTH	\$25,844.45
CHILD HEALTH	\$10,800.79
DENTAL	\$680.80
DIABETES CLINIC	\$972.58
EXPRESS CARE	\$2,155.00
FAMILY PLANNING	\$5,797.29
IMMUNIZATIONS	\$301.76
MATERNITY	\$2,970.01
POSTPARTUM	\$1,093.83
TOTAL	\$50,616.51

All bad debt accounts with balances of \$50.00 or higher will be sent to the North Carolina Debt Set-Off Program which can attach a debtor's State Income Tax Refund for payment of bad debts. The above accounts are 90 days old or older as of April 30, 2014.

C. Approval of Declaration of Surplus Property and Approval of Sale of County-Owned Real Property Acquired by Tax Foreclosure:
PIN: 0443-52-5494

BACKGROUND:

On or about May 29, 2014, the County acquired by tax foreclosure the property listed below. The amount currently owed on the foreclosure judgment including interest and costs for the property is \$4,970.62.

LOT 2 JESSIE BRYANT (0.16 AC); 4566 S NC 87 HWY
(LOCATED ON NC HWY 87 S OFF SMITH ROAD)
PIN 0443-52-5494; GRAYS CREEK TOWNSHIP

Joseph P. Riddle III was the last and highest bidder offering to purchase the County's interest in the property for \$10,000.00 and has deposited \$1,000.00 in the Finance Office. The tax value of the property is \$7,070.00.

This property has not been declared surplus to the needs of the County. If it is so declared, according to N.C.G.S. §153A-176 and N.C.G.S. §105-376, the County has the authority to sell such property. Management has reviewed this offer and it is now being submitted for the Board to consider whether or not to accept Mr. Riddle's bid. The property has been advertised and has received several bids; however, Joseph P. Riddle III was the final and highest bidder. The bid period is now closed.

RECOMMENDATION/PROPOSED ACTION:

That the Board of Commissioners considers whether to declare this property surplus to the needs of the County. If declared surplus, that the Board of Commissioners consider whether to accept the offer of Joseph P. Riddle III to purchase the above property for the sum of \$10,000.00, plus advertising and recording costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

- D. Approval of FY 2014-2015 Agreement of Conditions and Local Governmental Resolution for Continued Funding of the Governor's Highway Safety Program Grant for Cumberland County Sobriety Court

BACKGROUND:

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

The Administrative Office of the Courts was recently informed that the grant application requires submitting a new Agreement of Conditions and completion of a revised Governmental Resolution for FY 2014-2015. The attached Governmental Resolution and revised Agreement of Conditions must be reviewed and approved by the Cumberland County Board of Commissioners and returned to the Governor's Highway Safety Program as soon as possible. The Federal Funding for this fiscal year has been approved in the amount of \$92,176, which is 100% of the grant and there is no requirement for a local match.

RECOMMENDATION/PROPOSED ACTION:

Approve the Agreement of Conditions and Local Governmental Resolution to finalize the application process of the Sobriety Court Grant for Cumberland County and direct staff to submit the paperwork to the North Carolina Governor's Highway Safety Program as soon as possible.

- E. Approval of a Proclamation Congratulating Reverend Fredrick Hendley in Celebration of his 25 Years of Pastoral Service at Hood Memorial A.M.E. Zion Church

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, Reverend Fredrick Hendley began singing God's praises from state to state with his siblings, the Hendley Brothers, in 1962; and

WHEREAS, Reverend Fredrick Hendley accepted his call into the ministry in 1983 and became Senior Pastor of Hood Memorial A.M.E. Zion Church in 1989; and

WHEREAS, Reverend Fredrick Hendley increased the membership of Hood Memorial A.M.E. Zion Church from 40 to over 400 during his tenure and provided the leadership that led to the construction of a new sanctuary in 2004; and

WHEREAS, Reverend Fredrick Hendley has been involved in numerous outreach ministries, civic organizations, ministerial functions, and served as CEO of Project REACH and authored his first book "Life After Death"; and

WHEREAS, Reverend Fredrick Hendley has been recognized by N. C. Representative Elmer Floyd, former N. C. Governor Beverly Purdue, Judge Cheri Beasley and has been a recipient of the Order of the Long Leaf Pine award; and

WHEREAS, Reverend Fredrick Hendley is married to retired principal Sabrina Hendley and together they have one daughter, Sabrina Nicole; two sons, Fredrick Vaughn and Michael Hendley; and one granddaughter, Samia Hammond.

NOW THEREFORE, BE IT PROCLAIMED, that the Cumberland County Board of Commissioners do hereby extend to Reverend Fredrick Hendley, our congratulations on his 25 years of pastoral service and our sincere appreciation for his service to the Cumberland County community. May Reverend Fredrick Hendley enjoy a sustained tenure with the congregation of Hood Memorial A.M.E. Zion Church and remain a fruitful member of our community for many years to come.

Presented this 5th day of October, 2014.

- F. Approval of a Proclamation Proclaiming September 2014 as “Childhood Cancer Awareness Month” in Cumberland County

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION
Childhood Cancer Awareness Month

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection report cancer is the leading cause of death by disease among U.S. children between infancy and age 15. This tragic disease is detected in more than 15,000 of our country's young people each and every year; and

WHEREAS, one in five of our nation's children loses his or her battle with cancer. Many infants, children and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers; and

WHEREAS, founded over twenty years ago by Steven Firestein, a member of the philanthropic Max Factor family, the American Cancer Fund for Children, Inc. and Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at North Carolina Children's Hospital in Chapel Hill, Levine Children's Hospital in Charlotte, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor Courageous Kid Recognition Award ceremonies, community Get Well cards and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.

NOW THEREFORE, BE IT PROCLAIMED, that the Cumberland County Board of Commissioners hereby proclaims September 2014 as Childhood Cancer Awareness Month in Cumberland County.

Adopted this 2nd day of September, 2014.

- G. Approval of a Proclamation Proclaiming September 2014 as “National Preparedness Month” in Cumberland County

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, “National Preparedness Month” creates an important opportunity for every resident of Cumberland County, North Carolina to prepare their homes, businesses and

communities for any type of emergency including natural disasters and potential terrorist attacks; and

WHEREAS, investing in the preparedness of ourselves, our families, businesses and communities can reduce fatalities and economic devastation in our communities and in our nation; and

WHEREAS, the Federal Emergency Management Agency's *Ready* Campaign, citizen Corps and other federal, state, local, tribal, territorial, private and volunteer agencies are working to increase public activities in preparing for emergencies and to educate individuals on how to take action; and

WHEREAS, emergency preparedness is the responsibility of every citizen of Cumberland County, North Carolina and all citizens are urged to make preparedness a priority and work together, as a team, to ensure that individuals, families and communities are prepared for disasters and emergencies of any type; and

WHEREAS, all citizens of Cumberland County, North Carolina are encouraged to participate in citizen preparedness activities and asked to visit the websites of the *Ready* campaign at Ready.gov or Listo.gov (in Spanish) and become more prepared.

NOW, THEREFORE, BE IT RESOLVED, that We, the Cumberland County Board of Commissioners, do hereby proclaim September, 2014 as National Preparedness Month, and encourage all citizens and businesses to develop their own emergency preparedness plan, and work together toward creating a more prepared society.

Adopted this the 2nd day of September, 2014.

H. Approval of a Proclamation Proclaiming September 11, 2014 as "9/11 National Day of Service and Remembrance"

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, in an unprovoked and senseless act of terrorism, four civilian aircraft were hijacked on September 11, 2001 and crashed in New York City, Pennsylvania and the Pentagon resulting in a momentous loss of innocent U.S. lives of all heritages; and

WHEREAS, while we continue to recover from the loss of innocent lives, the spirit of the U.S. has been revitalized, giving way to expressions of patriotism; and

WHEREAS, inspired by the heroism of our nation's public service personnel, military service members and countless volunteers, our nation found unity and strength; and

WHEREAS, from the tragedy of September 11 emerged a stronger nation, renewed by the spirit of national pride and a true love of country; and

WHEREAS, Americans also have fought back against terror by choosing to overcome evil with good by loving their neighbors as they would like to be loved, contributing to relief efforts and volunteering their time to aid those in need.

NOW, THEREFORE, BE IT RESOLVED, that We, the Cumberland County Board of Commissioners, do hereby proclaim September 11, 2014 as

9/11 NATIONAL DAY OF SERVICE AND REMEMBRANCE

in the County of Cumberland and urge our citizens to recognize the heroism of firefighters, rescue and law enforcement personnel, military service members and the many volunteers who responded to these tragic events with courage, selfless compassion, determination and skill; and to remember the victims and innocent lives lost as a result of the tragic events on September 11, 2001.

Adopted this the 2nd day of September, 2014.

I. Budget Revision:

(1) General Litigation Fund

Revision in the amount of \$250,000 to appropriate fund balance for legal settlement. (B15-036) Funding Source – General Litigation Fund Balance

MOTION: Commissioner King moved to approve consent agenda Items 2.A. – 2.I.(1).

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (7-0)

ITEMS OF BUSINESS

3. Presentation of the Tourism Development Authority (TDA) Annual Report by Vivek Tandon, Chairman

BACKGROUND:

In accordance with Session Law 2001-484, the Tourism Development Authority shall report at the close of the fiscal year to the Board of Commissioners on its receipts and expenditures for the year in such detail as the Board may require. Recorded below is the report for the fiscal year which ended June 30, 2014.

The report was prepared by Tammy Gillis, Internal Auditor, who provides financial support to the TDA. Vivek Tandon, TDA Chairman, will be present at the Board of Commissioners' Tuesday, September 2, 2014 meeting to provide the report and respond to questions.

RECOMMENDATION/PROPOSED ACTION:

Receive the report.

During the fiscal year ended June 30, 2014 the Occupancy Tax netted \$5,012,934.50 in revenue.

These funds have been distributed as follows:

Cumberland County Crown Coliseum	\$1,252,988.65
Fayetteville Area Visitors and Convention Bureau	2,297,594.97
Arts Council of Fayetteville	1,253,233.65
TDA Discretionary Funds	209,117.23
Total	<u>\$5,012,934.50</u>

TDA Discretionary Funds:

Balance July 1, 2013 (unobligated)	\$ 800,923.92
Funds received for the fiscal year	209,117.23
** Funds returned or not requested by recipient	17,538.87
Less obligations during the fiscal year	(289,801.00)
Less minimum balance	<u>(100,000.00)</u>
Balance June 30, 2014 (unobligated)	\$ 637,779.02

During the year, the TDA obligated funds for the following projects:

Communities in Schools - "When Pigs Fly BBQ Cookoff"	\$ 24,121.57
Greater Spring Lake Chamber of Commerce	8,500.00
Ft. Bragg Marathon & Half Marathon	25,000.00
Picasso Exhibit at Methodist McCune Art Gallery	24,213.00
Hope Mills Chamber of Commerce	9,840.00
Junior League of Fayetteville - Holly Day Fair	24,853.20
Fayetteville Duck Derby	12,300.00
Total	<u>\$ 128,827.77</u>

During the year, the TDA paid obligations from previous fiscal years for the following projects:

Hope Mills Chamber of Commerce	\$ 19,913.00
Cape Fear Botanical Garden	15,850.36
Swamp Dogs - 4th of July Fireworks	17,454.00
Fay-Cumberland Parks & Rec - Christmas in the Park 2013	14,917.00
NC Civil War Trails / FAVCB	1,600.00
Total	<u>\$ 69,734.36</u>

As of June 30, 2014 the TDA had the following outstanding obligations:

NC Civil War Trails / FAVCB	\$ 2,900.00
Triangle Futbol	22,500.00
Fay-Cumberland Parks & Rec - Christmas in the Park 2014	7,500.00
FSU Foundation - Fayetteville State Homecoming	7,500.00
Fayetteville Regional Chamber	25,000.00
Patriot Outreach	8,300.00
Total	<u>\$ 73,700.00</u>

Note: some of the obligations mentioned above span more than one fiscal year.

**Funds were returned or not requested because expenditures submitted were less than approved award amount.

Vivek Tandon, TDA Chairman, provided the report as recorded above on the TDA's annual receipts and expenditures for the fiscal year ended June 30, 2014. Mr. Tandon responded to questions regarding occupancy tax revenues. Mr. Tandon explained the TDA requires events to have measurement tools in place and report back to the TDA on their impact with regard to room production.

4. Nominations to Boards and Committees

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

Commissioner Faircloth nominated Marcus Ingram.

5. Appointments to Boards and Committees

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

Nominee: Mary Ann Ayars (Reappointment)
George W. Mitchell (Reappointment)
Latara Ray (Reappointment)
Rasheedah Reid (Reappointment)
Carla Fagan

B) Animal Control Board (1 Vacancy)

Nominee:

City of Fayetteville Position: Melissa Katzenberger (Reappointment)

C) Southeastern Economic Development Commission (1 Vacancy)

Nominee: Commissioner Jeannette Council (Reappointment)

There being an equal number of vacancies and nominees,

MOTION: Commissioner Edge moved to appoint by acclamation all nominees to their respective positions.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (7-0)

6. Closed Session A. Economic Development Matter(s)
Pursuant to NCGS 143-318.11(a)(4)

MOTION: Chairman Council moved to go into closed session for Economic Development Matter(s) Pursuant to NCGS 143-318.11(a)(4).

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Edge moved to reconvene in open session.
SECOND: Commissioner Evans
VOTE: UNANIMOUS (7-0)

MOTION: Chairman Council moved to adjourn.
SECOND: Commissioner Melvin
VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 11:15 a.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board