

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
MONDAY, AUGUST 3, 2015 – 9:00 AM  
117 DICK STREET, 1<sup>ST</sup> FLOOR, ROOM 118  
REGULAR MINUTES

PRESENT: Commissioner Kenneth Edge, Chairman  
Commissioner Marshall Faircloth, Vice Chairman  
Commissioner Glenn Adams  
Commissioner Jeannette Council  
Commissioner Charles Evans  
Commissioner Jimmy Keefe  
Commissioner Larry Lancaster  
Amy Cannon, County Manager  
James Lawson, Deputy County Manager  
Melissa Cardinali, Assistant County Manager  
Tracy Jackson, Assistant County Manager  
Rick Moorefield, County Attorney  
Rob Hasty, Assistant County Attorney  
Sally Shutt, Governmental Affairs Officer  
Vicki Evans, Finance Director  
Bobby Howard, Solid Waste Management Director  
Jeffrey Brown, Engineering and Infrastructure Director  
Joe Utley, Tax Administrator  
Sandra Napier, Tax Department  
Candice H. White, Clerk to the Board  
Kellie Beam, Deputy Clerk to the Board  
Press

Chairman Edge called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE – Commissioner Adams provided the invocation followed by the Pledge of Allegiance to the American Flag led by Holden Moorefield, Boy Scout Troup 747 from Saint James Lutheran Church.

1. Approval of Agenda

MOTION: Commissioner Lancaster moved to approve the agenda.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

Commissioner Council requested the removal of Item 2.J., Commissioner Adams requested the removal of Item 2.S. and Commissioner Keefe requested the removal of Item 2.T. from the consent agenda for separate discussion and action.

2. Consent Agenda

A. Approval of minutes for the June 15, 2015 regular meeting

B. Approval of Tax Collector's Preliminary Report and Proposed Annual Settlement for FY15

BACKGROUND:

North Carolina General Statutes, Section 105-373 requires the Tax Collector of Cumberland County after the 1<sup>st</sup> day of July of each year to render a preliminary report to the Board of County Commissioners concerning persons whose tax liabilities remain unpaid and to propose an annual settlement of taxes charged to him for collection for the past year. The Tax Collector has submitted such preliminary report and proposed settlement. The preliminary report consists of (i) a list of persons owning real property whose taxes for the tax year of 2014-2015 remain unpaid, (ii) a list of the persons not owning real property whose taxes for the year 2014-2015 remain unpaid (the proposed insolvent list), and (iii) a statement under oath by the Tax Collector that he has made diligent efforts to collect such taxes. The proposed settlement consists of the amounts of taxes with which the Tax Collector has been charged for the year and the amounts of

credits against such charges, the real and personal property tax balance is charged to the forthcoming tax year.

**RECOMMENDATIONS/PROPOSED ACTION:**

The statute requires the Board to review the preliminary report, determine the insolvent list to be entered into the minutes, credit the Tax Collector with the insolvent list and make a settlement, i.e., approve or correct the proposed settlement. The Legal Department has reviewed for legal sufficiency. Proposed action is that the Board adopts the resolution recorded below as Exhibit D.

**EXHIBIT D**

Resolution accepting preliminary report of the Tax Collector, crediting the insolvent list, and approving proposed annual settlement.

Whereas, North Carolina General Statutes, Section 105-373, requires the Tax Collector of Cumberland County after the 1<sup>st</sup> day of July of each year to render a preliminary report to the Board of County Commissioners concerning persons whose tax liabilities remain unpaid and to propose an annual settlement of taxes charged to the Tax Collector for collection for the past ten years; and

Whereas, the Tax Collector has submitted such preliminary report and proposed settlement.

Now therefore, the Board of Commissioners of Cumberland County hereby resolves:

1. That the preliminary report of the Tax Collector of Cumberland County, consisting of (i) a list of persons owning real property whose taxes for the preceding fiscal year 2014-2015 remain unpaid and the principal amount owned by each person; (ii) a list of the persons not owning or who have not listed real property whose taxes for the preceding fiscal tax year 2014 – 2015 remain unpaid and the principal amount owned by each person (the proposed insolvent list) and (iii) a statement under oath by the Tax Collector that he has made diligent efforts to collect such taxes, be and it hereby is, accepted;
2. That the Board hereby finds that the persons in the list of those that do not own or have not listed real property are insolvent as that term is used in G.S. 105-373, directs that the list of such person be entered into the minutes of the meeting of the Board as the insolvent list, and further directs that the amounts in such list be, and hereby are, credited to the Tax Collector in his annual settlement;
3. That the proposed settlement of the Tax Collector, appended hereto, for taxes in his hands for collection for the fiscal tax year 2014 - 2015, be and it hereby is, approved and that he be, and thereby is, charged with the amounts set forth in the settlement under the heading “Charges” and credited with the amounts set forth in the settlement under the heading “Credits”.

**COUNTY SETTLEMENT**

June 30, 2015

**Charge:**

Real and Personal Charge 2014	\$	163,208,153.00
Vehicles Charge 2014	\$	8,789.54
Added Charge Real & Personal 2014	\$	1,710,675.42
Added Charge Vehicles 2014	\$	11,871.29
Solid Waste 2014	\$	4,948,512.00
Added Solid Waste 2014	\$	2,016.00
Total Tax Interest	\$	695,593.69
Added Charge Advertising Cost 2014	\$	33,167.00
County Demolition Fee	\$	48,575.02
Interest Collected County Demolition	\$	3,701.88
Certified Mail Fee Collected	\$	4,767.36
Garnishment Fee Collected	\$	186,135.26
Return Check Processing Fee Collected	\$	-

Worthless Check Penalty Collected	\$	13,298.53
Legal Fees	\$	11,824.00
Prepared Food & Beverage Tax Collected	\$	6,124,615.46
Prepared Food & Beverage Tax Collected Interest & Penalty	\$	67,069.31
Room Occupancy Tax Collected	\$	5,560,071.53
Room Occupancy Tax Collected Interest & Penalty	\$	44,394.92
County Gross Receipts Vehicle Tax Current Year	\$	561,352.04
County Gross Receipts Vehicle Tax Interest & Penalty	\$	14.01
County Heavy Equipment Rentals	\$	227,608.19
County Heavy Equipment Rentals Interest	\$	1,465.79
Windridge Water Extension Project	\$	639.00
Windridge Water Extension Project Interest	\$	52.33
Lake Upchurch Dam Assessment	\$	148,081.52
Lake Upchurch Dam Assessment Interest	\$	35,252.54
Brooklyn Circle Water Extension Assessment	\$	1,556.94
Brooklyn Circle Water Extension Assessment Interest	\$	367.61
Cedar Creek Rd Water Extension	\$	1,857.52
Cedar Creek Rd Water Extension Interest	\$	1,337.86
Adjustment - Advertising Beginning Balance Booked	\$	59,375.35
	<b>\$</b>	<b>183,722,191.91</b>

**Credits:**

Deposit with Finance	\$	180,796,938.50
Advertising Cost Deposited with Finance	\$	30,949.37
Interest Deposited with Finance	\$	849,249.94
Real & Personal Releases Allowed	\$	473,990.81
Vehicles Releases Allowed	\$	1,321.11
Solid Waste Releases Allowed	\$	1,152.00
Total Discount Allowed	\$	-
Real & Personal Balance	\$	1,427,219.35
Advertising Cost Balance	\$	61,592.98
Vehicle Balance	\$	2,346.88
Solid Waste Balance	\$	77,430.97
Adjustment	\$	-
	<b>\$</b>	<b>183,722,191.91</b>

**Charge:**

Real & Personal Balance 2013	\$	1,426,535.93
Vehicle Balance 2013	\$	1,190,545.91
Solid Waste Balance 2013	\$	79,807.27
County Gross Receipts Vehicle Tax 1st Year Prior 2013	\$	-
Prepared Food & Beverage Tax All Prior	\$	78,789.21
Room Occupancy Tax Collected All Prior	\$	28,449.26
Real & Personal Balance 2012	\$	475,570.52
Vehicle Balance 2012	\$	748,482.37
Solid Waste Balance 2012	\$	21,403.95
Real & Personal Balance 2011 & Prior	\$	1,304,313.26
Vehicle Balance 2011 & Prior	\$	3,535,541.39
Solid Waste Balance 2011 & Prior	\$	30,214.02
2003 & Prior Taxes Collected After Being Barred	\$	6,186.37
	<b>\$</b>	<b>8,925,839.46</b>

**Credits:**

Real & Personal Collected 2013	\$	969,637.22
Vehicles Collected 2013	\$	676,075.49
Solid Waste Collected 2013	\$	57,882.72
County Gross Receipts Vehicle Tax 1st Year Prior 2013	\$	-
Prepared Food & Beverage Tax All Prior	\$	78,789.21
Room Occupancy Tax Collected All Prior	\$	28,449.26
Real & Personal Collected 2012	\$	169,489.01
Vehicles Collected 2012	\$	87,338.67

Solid Waste Collected 2012	\$	10,466.82
Real & Personal Collected 2011 & Prior	\$	129,745.11
Vehicles Collected 2011 & Prior	\$	85,975.33
Solid Waste Collected 2011 & Prior	\$	7,443.80
Real & Personal Releases Allowed 2013	\$	7,571.04
Vehicle Releases Allowed 2013	\$	91,328.32
Solid Waste Releases Allowed 2013	\$	-
Real & Personal Releases Allowed 2012	\$	2,379.60
Vehicle Releases Allowed 2012	\$	25,542.43
Solid Waste Releases Allowed 2012	\$	48.00
Real & Personal Releases Allowed 2011 & Prior	\$	2,102.59
Vehicle Releases Allowed 2011 & Prior	\$	17,220.82
Solid Waste Releases Allowed 2011 & Prior	\$	-
2003 & Prior Taxes Collected After Being Barred	\$	6,186.37
	\$	2,453,671.81

**Taxes Barred by Statute: 2004**

Real Property	\$	14,872.85
Personal	\$	151,161.04
Vehicles	\$	379,856.28
Public Service	\$	5,045.05
Solid Waste Fees	\$	1,448.61
Advertising	\$	780.77
Credit for Five Year & Prior Insolvents	\$	-
	\$	553,164.60

**Balance Prior Years Taxes:**

Real & Personal Balance 2013	\$	449,327.67
Vehicles Balance 2013	\$	423,142.10
Solid Waste Balance 2013	\$	21,924.55
Real & Personal Balance 2012	\$	303,701.91
Vehicles Balance 2012	\$	635,601.27
Solid Waste Balance 2012	\$	10,889.13
Real & Personal Balance 2011 & Prior	\$	1,000,605.85
Vehicles Balance 2011 & Prior	\$	3,052,488.96
Solid Waste Balance 2011 & Prior	\$	21,321.61
	\$	5,919,003.05

**TOTAL CREDITS: \$ 8,925,839.46**

**Summary of 2004 Real/Personal & Vehicles Taxes to be Barred**

	Vehicles	Personal	Real	Service	Fees	Total
County					-	
County Pets	379,856.28	144,645.33	14,872.85	5,045.05		544,419.51
	-	-	-	-	6,515.71	6,515.71
Fayetteville				-	-	
Revit	122,129.69	21,310.36	2,221.23			145,661.28
Fayetteville Vehicle Fee	21.78	11.02	-	-	-	32.80
	19,085.27	-	-	-	-	19,085.27
Hope Mills			-	-	-	
Hope Mills Vehicle Fee	6,499.33	1,350.01	-	-	-	7,849.34
	1,525.07	-	-	-	-	1,525.07
Hope Mills Pets	-	-	-	-	-	-
Spring Lake				-	-	
	11,989.34	1,809.63	2.36			13,801.33
Stedman			-	-	-	
Stedman Vehicle Fee	221.92	18.23	-	-	-	240.15
	70.00	-	-	-	-	70.00

Godwin	68.66	-	-	-	-	68.66
Wade	56.90	-	11.49	-	-	68.39
Falcon	49.46	-	-	-	-	49.46
Linden	93.94	-	-	-	-	93.94
Eastover	-	-	-	-	-	-
Solid Waste User Fee	-	-	-	-	1,448.61	1,448.61
Storm Water Fee	-	-	-	-	386.15	386.15
Advertising Fee	-	-	-	-	780.77	780.77
Total	<u>541,667.64</u>	<u>169,144.58</u>	<u>17,107.93</u>	<u>5,045.05</u>	<u>9,131.24</u>	<u>742,096.44</u>
TA500 MR VEHICLES	541,667.64					
TA500 MR CC	195,383.75					
TA500 MR PS	<u>5,045.05</u>					
	742,096.44					

C. Approval of FY16 Tax Charge to the Tax Collector

**BACKGROUND:**  
In accordance with NCGS 105-321(b) before delivering the tax receipts to the Tax Collector in any year, the Board of County Commissioners shall adopt and enter into its minutes an order directing the Tax Collector to collect the taxes charged in the tax records and receipts.

**RECOMMENDATION/PROPOSED ACTION:**  
A copy of the order must be delivered to the Collector at the time the tax receipts are delivered to him. Proposed action is that the Board approves the levy and charges the Collector with the responsibility to collect the taxes.

State of North Carolina  
  
County of Cumberland and all Municipalities through Inter-Local Agreement  
  
To the Tax Collector of the County of Cumberland and Municipalities through Inter-Local Agreement.

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of Tax Administration and in the tax receipts herewith delivered to you, in the amounts and from taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Cumberland and Municipalities through Inter-Local Agreement, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

AUTHORITY	CC LEVY	LATE LIST	PUBLIC SERVICE	PUBLIC SERVICE LATE LIST	CC LEVY & PUBLIC SERVICE LEVY	TOTAL CC LEVY, PS LEVY & LATE LIST
BEAVER DAM	115,830.52	121.71	-	-	115,830.52	115,952.23
BETHANY	184,668.84	147.01	-	-	184,668.84	184,815.85

BONNIE DOONE		-	-	-		
	2,905.29				2,905.29	2,905.29
COTTON			-	-		
	779,298.70	614.91			779,298.70	779,913.61
CUMBERLAND RD FD			-	-		
	443,985.04	292.90			443,985.04	444,277.94
EASTOVER FIRE			-	-		
	164,767.44	103.30			164,767.44	164,870.74
GODWIN-FALCON FIRE			-	-		
	67,236.37	60.59			67,236.37	67,296.96
GRAYS CREEK			-	-		
	645,752.70	538.77			645,752.70	646,291.47
LAFAYETTE VILLAGE	5.20	-	-	-		
					5.20	5.20
LAKE RIM			-	-		
	5,112.95	0.11			5,112.95	5,113.06
MANCHESTER			-	-		
	69,116.50	76.62			69,116.50	69,193.12
PEARCE'S MILL			-	-		
	696,951.81	611.41			696,951.81	697,563.22
SPECIAL FIRE			-	-		
	752,206.68	480.91			752,206.68	752,687.59
STEDMAN FIRE			-	-		
	116,536.32	75.26			116,536.32	116,611.58
STONEY POINT			-	-		
	834,919.99	237.39			834,919.99	835,157.38
VANDER FIRE			-	-		
	763,190.05	500.13			763,190.05	763,690.18
WADE FIRE			-	-		
	72,975.52	109.26			72,975.52	73,084.78
WESTAREA FIRE			-	-		
	869,120.35	274.81			869,120.35	869,395.16
WESTAREA STATION 10			-	-		
	184,969.60	82.43			184,969.60	185,052.03
FIRE DIST SUBTOTAL			-	-		
	6,769,549.87	4,327.52			6,769,549.87	6,773,877.39
EASTOVER			-	-		
	530,990.27	466.41			530,990.27	531,456.68
EASTOVER-VANDER		-	-	-		
	14,407.90				14,407.90	14,407.90
FALCON			-	-		
	20,161.29	12.89			20,161.29	20,174.18
FAYETTEVILLE			-	-		
	61,237,699.46	36,771.17			61,237,699.46	61,274,470.63
STORM WATER		-	-	-		
	2,265,375.00				2,265,375.00	2,265,375.00
FAYET STORM WATER		-	-	-		
	4,530,750.00				4,530,750.00	4,530,750.00
FAYET SOLID WASTE		-	-	-		
	2,679,908.00				2,679,908.00	2,679,908.00
REVITALIZATION			-	-		
	126,158.46	180.01			126,158.46	126,338.47
GODWIN			-	-		
	15,047.99	17.89			15,047.99	15,065.88
HOPE MILLS TOWN			-	-		
	4,585,616.49	1,724.55			4,585,616.49	4,587,341.04
HOPE MILLS REFUSE		-	-	-		
	1,120,608.00				1,120,608.00	1,120,608.00
HOPE MILLS STORM WATER		-	-	-		
	675,792.00				675,792.00	675,792.00
LINDEN TOWN			-	-		
	18,468.00	16.36			18,468.00	18,484.36
SPRING LAKE			-	-		
	2,974,916.12	1,542.97			2,974,916.12	2,976,459.09
SPRING LAKE REFUSE		-	-	-		
	575,460.00				575,460.00	575,460.00
SL STORM WATER		-	-	-		
	285,033.00				285,033.00	285,033.00
STEDMAN TOWN			-	-		
	271,475.49	93.02			271,475.49	271,568.51
WADE TOWN			-	-		
	81,682.07	79.37			81,682.07	81,761.44
CITY SUB-TOTALS			-	-		
	82,009,549.54	40,904.64			82,009,549.54	82,050,454.18
COUNTY WIDE			-	-		
	151,524,143.29	91,393.85			151,524,143.29	151,615,537.14
COUNTY PETS RECREATION	-	-	-	-	-	-
	3,080,981.43	1,964.84			3,080,981.43	3,082,946.27
HM RECREATION			-	-		
	498,437.37	187.44			498,437.37	498,624.81
SOLID WASTE		-	-	-		
	4,960,896.00				4,960,896.00	4,960,896.00
SUB TOTAL			-	-		
	160,064,458.09	93,546.13			160,064,458.09	160,158,004.22
GRAND TOTAL			-	-		
	248,843,557.50	138,778.29			248,843,557.50	248,982,335.79

D. Approval of Destruction of Governing Body Records for 2011 and 2012

BACKGROUND:

In accordance with the County Management Records Retention and Disposition Schedule issued by the North Carolina Division of Archives and History and adopted by the Board of Commissioners at its May 6, 2013 meeting, authorization is requested to destroy Governing Body Department records as recorded below.

COMMISSIONERS' AGENDA AND MEETING PACKET RECORD SERIES – 2011 & 2012

Per Standard 1 – Administration and Management Records – Item #2  
Destroy in office other records when administrative value ends.

CORRESPONDENCE AND MEMORANDA RECORD SERIES – 2011 & 2012

Per Standard 1 – Administration and Management Records – Item #18  
Destroy routine administrative correspondence and memoranda when administrative value ends.

RECOMMENDATION/PROPOSED ACTION:

Approve destruction of the record series as noted above.

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

BACKGROUND:

The North Carolina Department of Transportation has received petitions requesting the following streets be placed on the State Secondary Road System for maintenance:

Braxton Cove Subdivision: Gallberry Farms Road (SR 3968 Ext.),  
Derby Lane (SR 2996 Ext.), Seafield Lane, Prestonfield Lane

DOT has determined that the above streets are eligible for addition to the state system.

RECOMMENDATION/PROPOSED ACTION:

NCDOT recommends that the above named streets be added to the State Secondary Road System. County Management concurs. Approve the above listed streets for addition to the State Secondary Road System.

F. Approval of Offer to Purchase Surplus Property Located at Lot 22 Block W Colonial Heights on Betsy Ross Drive

BACKGROUND:

The County acquired the real property with PIN 0423-07-4266, being Lot 22 Block W Colonial Hgts, on Betsy Ross Drive, Fayetteville, NC, from a tax foreclosure sale in 2010 for a purchase price of \$2,899.02. Based on the County GIS Mapping system there does not appear to be a structure on the property. The tax value is \$3,250. Mr. Ronnie Fields has made an offer to purchase the property for \$2,899.02, and has submitted the required deposit to the Finance Department. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269.

RECOMMENDATION/PROPOSED ACTION:

The county attorney recommends that the Board consider the offer of Ronnie Fields and if the Board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269.

G. Approval of Acceptance Offer to Purchase Certain Real Property Located at 2323 Applebury Lane, Fayetteville

BACKGROUND:

On February 2, 2015, the Board adopted a resolution of its intent to accept the offer of Samuel Jones to purchase the surplus real property with PIN 0405-87-9315 located at 2323 Applebury Ln, Fayetteville, NC, for a purchase price of \$6,238.67. Based on the County GIS Map and tax records there is a 1,228 square foot single family residence built in 1969 located on the lot with a tax value of \$45,400.

The sale was made subject to the upset bid process and with the last sale being advertised in the *Fayetteville Observer* on June 19, 2015. Mr. Samuel Jones was the last and final bidder with an offer to purchase the property for \$10,103.19.

**RECOMMENDATION/PROPOSED ACTION:**

County attorney recommends the Board accept this offer of Mr. Samuel Jones and authorize the Chair to execute a deed for the property upon the county's receipt of the balance of the purchase price.

- H. Approval of Memorandum of Agreement with Duplin County to Transfer Pet Sheltering CAMET Equipment to Cumberland County Emergency Services

**BACKGROUND:**

Duplin County NC has offered to transfer Pet Sheltering Camet Equipment to Cumberland County Emergency Services. The equipment is part of Department of Homeland Security (DHS), Grant awards from the NC Department of Public Safety (NCDPS). The value of the equipment is \$10,210, however there is no cost to Cumberland County other than to maintain the equipment. This equipment will be recognized in the Fixed Asset Listing in the Emergency Services Department.

**RECOMMENDATION/PROPOSED ACTION:**

Approve the Memorandum of Agreement and the associated budget revision B16-002 for accounting purposes only.

- I. Approval of a Memorandum of Agreement with Morehead City Police Department to Transfer an Electronic Message Board to Cumberland County Emergency Services

**BACKGROUND:**

Morehead City Police Department, of Carteret County NC has offered to transfer an Electronic Message Board to Cumberland County Emergency Services. The Message Board is part of a Department of Homeland Security (DHS), FY-2013 Grant award from the NC Department of Public Safety (NCDPS). The value of the Board is \$11,406.62, however there is no cost to Cumberland County other than to maintain the equipment. This equipment will be recognized in the Fixed Asset Listing in the Emergency Services Department.

**RECOMMENDATION/PROPOSED ACTION:**

Approve the Memorandum of Agreement and the associated budget revision for accounting purposes only. This Grant requires signature authorizations from the County Manager, Legal attorney, Finance Director, Emergency Manager and County Clerk.

- J. PULLED FOR SEPARATE DISCUSSION AND ACTION AS RECORDED BELOW.

- K. Approval of Amendment to Contracts for the County Manager, County Attorney and Clerk to the Board

**BACKGROUND:**

Amendments to the contracts for the County Manager, County Attorney and Clerk to the Board require approval by the Board of Commissioners. The appropriate contract amendments are recorded.

**RECOMMENDATION/PROPOSED ACTION:**

Approve the contract amendments for the County Manager, County Attorney and Clerk to the Board at the August 3, 2015 Board of Commissioners meeting.

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

AMENDEMENT TO  
EMPLOYMENT AGREEMENT  
FOR COUNTY MANAGER

*Approved by the Board of Commissioners August 3, 2015*



This amendment is made to the employment agreement between the County of Cumberland and AMY H. CANNON, approved by the Cumberland County Board of Commissioners on June 9, 2014, to be effective July 9, 2014.

In consideration of the further terms and conditions set forth in the employment agreement referenced above, the parties agree to amend the agreement by changing Section II.3 to read as follows:

3. Pay the COUNTY MANAGER the same amount of any annual stipend or COLA as is paid to all other employees.

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

AMENDEMENT TO  
EMPLOYMENT AGREEMENT  
FOR COUNTY ATTORNEY

*Approved by the Board of Commissioners August 3, 2015*

This amendment is made to the employment agreement between the County of Cumberland and Rickey L. Moorefield, approved by the Cumberland County Board of Commissioners on August 4, 2014, to be effective July 1, 2014.

In consideration of the further terms and conditions set forth in the employment agreement referenced above, the parties agree to amend the agreement by changing Section II.3 to read as follows:

3. Pay the COUNTY ATTORNEY the same amount of any annual stipend or COLA as is paid to all other employees.

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

AMENDEMENT TO  
EMPLOYMENT AGREEMENT  
FOR COUNTY CLERK

*Approved by the Board of Commissioners August 3, 2015*

This amendment is made to the employment agreement between the County of Cumberland and CANDICE WHITE, approved by the Cumberland County Board of Commissioners on August 4, 2014, to be effective July 1, 2014.

In consideration of the further terms and conditions set forth in the employment agreement referenced above, the parties agree to amend the agreement by changing Section II.3 to read as follows:

3. Pay the COUNTY CLERK the same amount of any annual stipend or COLA as is paid to all other employees.

L. Approval of Acceptance of Annual Leave in Workforce Development Transfer

BACKGROUND

Effective July 1, 2015 the county assumed the administrative and fiscal oversight of the Workforce Development Program due to the changes in the Workforce Innovation and Opportunity Act (WIOA). As such, three employees were transferred from Fayetteville Technical Community College (FTCC) to the county on July 1.

Under the provisions of the Cumberland County Personnel Ordinance these employees would be considered new employees since they have not worked for the county within the last three years. In the prior transfer to FTCC, a Memorandum of Agreement was developed to address unique provisions related to the transfer of personnel. Specifically, the county asked FTCC to accept the transfer of up to 40 hours of annual leave. The assumption in this current transfer has been that the county would respond in a like manner and accept up to 40 hours of annual leave upon the transfer back to the county, which the county manager believes is appropriate and fair under the circumstances in this

situation. This will not be an expense to the county since federal funds are available to fund the leave.

Since our Personnel Ordinance does not provide approval for transfer of annual leave for new employees, the county manager is respectfully requesting the Board to ratify her decision to honor the same annual leave transfer provision requested of FTCC. This is a very unique situation and the county manager thinks it is reasonable to expect that generally, the same provisions in the former transfer would be applicable in this current transfer.

**RECOMMENDATION/PROPOSED ACTION:**

Ratify approval of the transfer of up to 40 hours of annual leave for three employees that transferred to the County effective July 1, 2015, based upon a similar provision in the previous transfer.

**M. Approval of Induction of 2015 Agriculture Hall of Fame Nominees**

The Cumberland County Agricultural Hall of Fame Committee met on Tuesday, July 28, 2015 and selected Mrs. Kay Bullard and Mr. Mark Gilbert “Gip” Smith as the 2015 nominees for induction into the prestigious Cumberland County Agricultural Hall of Fame. The Board of Commissioners is being asked to approve Mrs. Bullard and Mr. Smith for induction. Information about each nominee is recorded below.

**Achievements in his/her field:**

**Kay Bullard** was instrumental in creating a subject and grade level listing of the North Carolina Education Goals and Objectives achieved by the NC Project Food, Land and People lessons. During her fourteen year tenure as Education Coordinator for Cumberland Soil and Water Conservation District the District received many awards. Facilitated NC Project Food, Land and People educator workshops for teachers in Cumberland County as well as Area 7 (Bladen, Columbus, Cumberland, Harnett, Hoke, Richmond, Robeson, Sampson, and Scotland County). Kay lived on a family farm growing up as a child. Her family were pioneers of the conservation best management practices using “no-till” conservation techniques. Today, her family farm continues to use best management practices on their farm.

**Community Service and Achievements:**

Member of Macedonia Baptist Church

Organist for 33 years

Served as a teacher for Sunday School, Mission Friends, GAs, Acteens and VBS

**Membership in Professional and Civic Organizations:**

North Carolina Conservation District Employees Association

North Carolina Environmental Educators Association

North Carolina Association of Education Office Professionals

**Awards, Honors, and Degrees Earned:**

Certified Environmental Educator

North Carolina Food Land and People Facilitator

Professional Standards Program - Level 3 Certificate

Hardbarger Business College - Associates Degree

**Achievements in his/her field:**

At age 85, **Gilbert “Gip” Smith** continues to farm along River Road where his family moved in 1937. The 10<sup>th</sup> of 11 children, Mr. Smith was born in Sampson County and recalls one of his first farm duties was pumping water for the mules at age 6. Mr. Smith was 20 years old when his father, S.O. Smith Sr., died, leaving his youngest son to run the farm operation and bring in his first crop without his father’s guidance. After serving two years in the U.S. Army, he returned to the family farm along River Road in 1955 and never left. “I decided then I was going to be a farmer and be a good one,” he said. Over six decades, he has grown tobacco, soybeans, corn, wheat and other row crops on his properties in Cumberland, Duplin and Sampson counties and raised hogs and cows. He partnered with his brother Woodrow on farms in Duplin and Sampson counties and with his brother John on row crops in Cumberland County. John Smith was inducted into the Cumberland County Agriculture Hall of Fame in 2002. Gilbert Smith started in the cattle

business by feeding 40 to 50 head at his barn and then expanded the “M.G. Smith Farms” operation in 1970 when he built a feedlot on River Road that would hold up to 400 beef cattle. The feedlot business thrived and “M.G. Smith Farms” cows were shipped to packing companies in North Carolina, Alabama, Georgia, Florida and beyond. During this time, he was also farming approximately 1,200 acres. Over the years, Mr. Smith has downsized, but he continues to have a few cows and grows soybeans, wheat, hay and corn. He still owns the 1966 Chevrolet truck he first used to ship cattle and haul grain, and you will find the vehicle parked under the barn built by his father in 1937. Today, Mr. Smith is not slowing down and he embodies the strong work ethic modeled by his father, brothers and others, including Mr. Oscar McLean, a River Road neighbor who lived to be 103 and taught a young Gip Smith much about farming and life. Mr. Smith still enjoys driving his tractors in the fields he has farmed for 60 years and working in his backhoe, especially on his most recent project -- the clearing of a farm he purchased in 2013 along Beard Road.

Community Service and Achievements:

- Served in the U.S. Army from March 1953 to April 1955. He was stationed in Baumholder, Germany, and served as a combat medic
- Member of Lebanon Baptist Church in Eastover since 1947
- Provided guidance and assistance to many farmers and cattlemen in the community over the years
- Married to Janie Sessoms Smith for 58 years. Father of three children and grandfather of five
- Generously and quietly assisted individuals and organizations in the community

Membership in Professional and Civic Organizations:

- Past member of the Cumberland County Cattlemen’s Association

Awards, Honors, and Degrees Earned:

- First-place Soybean Yield Contest, 1978, Senior Division

- N. Approval of Request to Purchase a Used TEREX 390E Trash Compactor for Solid Waste Department

BACKGROUND:

Cumberland County Solid Waste is requesting the Commissioners approve the purchase of a used 2004 Terex 390E trash compactor for \$150,000 with funds saved on capital outlay items in FY16 budget.

RECOMMENDATION/PROPOSED ACTION:

Based on the requisitions Purchasing has received for approved capital outlay items there will be sufficient funds to purchase the trash compactor. Recommend that the Board of Commissioners approves the purchase of the used 2004 Terex 390E trash compactor in the amount of \$150,000.

- O. Approval of Request to Enter into an Interlocal Contract for Cooperative Purchasing with H-GAC to Purchase Equipment

BACKGROUND:

Cumberland County has an opportunity to enter into an Interlocal Contract for Cooperative Purchasing which would allow us to purchase equipment at a savings. The County Attorney’s Office has reviewed the proposed Interlocal Contract with Houston-Galveston Area Council (H-GAC) for cooperative purchasing and has certified that it is approved as to form.

RECOMMENDATION/PROPOSED ACTION:

Consider authorization to enter into the Interlocal Contract for Cooperative Purchasing with H-GAC to purchase equipment.

- P. Approval of Declaration of Surplus County Property and Authorization to Accept Insurance Settlement

BACKGROUND:

DATE OF ACCIDENT: June 4, 2015

VEHICLE: 2011 Ford Truck F150  
VIN: 1FTFX1EF8BKD13412  
FLEET#: AC25  
DEPARTMENT: Animal Control  
SETTLEMENT OFFER: \$16,467.24  
INSURANCE COMPANY: Travelers Property Casualty Company

This is a total loss settlement offer.

RECOMMENDATION/PROPOSED ACTION:

Management recommends that the Board of Commissioners:

1. declares the vehicle described above as surplus
  2. authorizes the Risk Management Coordinator to accept \$16,467.24 as settlement
  3. allows Travelers Property Casualty Company to take possession of the wrecked (surplus) vehicle
- Q. Approval of Payment of Prior Year Invoice to Behavioral Interventions for Electronic Monitoring Services for Pre-Trial Services

**BACKGROUND:**

Pre-Trial Services is requesting payment of a \$4,514.48 Behavioral Interventions (BI) invoice for electronic monitoring services rendered in June, 2014. The invoice was not paid, is now past due and the vendor is requesting payment. Sufficient funds exist within the FY16 Pre-Trial Services budget to cover the cost of this invoice. Procedures have been put in place to minimize this type of reoccurrence.

RECOMMENDATION/PROPOSED ACTION:

Management is requesting approval to pay the prior year invoice in the amount of \$4,514.48.

- R. Approval of Payment to Lawmen's for Sheriff's Office Prior Year Expense

**BACKGROUND:**

The Sheriff's Office is requesting payment of a \$22,291.91 invoice from Lawmen's for ammunition ordered in fiscal year 2013 but received in 2015. The purchase order that authorized payment for the ammunition order was not rolled into the next fiscal year. The invoice is now past due. Sufficient funds exist within the FY16 Sheriff's Office budget to cover the cost of this invoice. Procedures have been put in place to minimize this type of reoccurrence.

RECOMMENDATION/PROPOSED ACTION:

Management is requesting approval to pay the prior year expense in the amount of \$22,291.91.

- S. PULLED FOR SEPARATE DISCUSSION AND ACTION AS RECORDED BELOW.
- T. PULLED FOR SEPARATE DISCUSSION AND ACTION AS RECORDED BELOW.
- U. Approval of Resolution of Support the Stepping Up Initiative to Reduce the Number of People with Mental Illness in Jail

**STEPPING UP INITIATIVE TO  
REDUCE THE NUMBER OF PEOPLE WITH MENTAL ILLNESSES IN JAILS**

WHEREAS, counties routinely provide treatment services to the estimated 2 million people with serious mental illnesses booked into jails each year; and

WHEREAS, prevalence rates of serious mental illnesses in confinement facilities are three to six times higher than for the general population, with statistics showing that almost 13% of North Carolina's prison population requires some type of intervention due to mental health issues; and

WHEREAS, almost three-quarters of adults with serious mental illnesses in jails have co-occurring substance use disorders; and

WHEREAS, adults with mental illnesses tend to stay longer in jail and upon release are at a higher risk of recidivism than people without these disorders; and

WHEREAS, county jails spend two to three times more on adults with mental illnesses that require interventions compared to those without these treatment needs; and

WHEREAS, without the appropriate treatment and services, people with mental illnesses can continue to cycle through the criminal justice system, often resulting in tragic outcomes for these individuals, their families, and their communities; and

WHEREAS, county jails are generally an unsafe environment for those with mental health treatment needs; and

WHEREAS, the North Carolina Association of County Commissioners has undertaken a serious effort to address the local service needs of those with mental illnesses through the appointment of a special Task Force; and

WHEREAS, Cumberland County, like all counties, takes pride in our responsibility to protect and enhance the health, welfare and safety of our residents in efficient, safe, and socially just ways; and

WHEREAS, through the Stepping Up Initiative, the National Association of Counties, the Council of State Governments Justice Center and the American Psychiatric Foundation are encouraging counties to reduce the number of people with mental illnesses in county jails.

NOW, THEREFORE, LET IT BE RESOLVED, by the Cumberland County Board of Commissioners,

1. That the Board of Commissioners does hereby sign on to the Call to Action to reduce the number of people with mental illnesses in our county jail and commits to sharing lessons learned with other counties in North Carolina and across the country to support the Stepping Up Initiative; and
2. That the Board of Commissioners will utilize resources available through the Stepping Up Initiative and other resources provided by the Council of State Governments Justice Center to convene a diverse team of leaders and decision makers from multiple agencies who are committed to safely reducing the number of people with mental illnesses in jails, and
3. That this team will utilize the comprehensive resources available through the Stepping Up Initiative to develop a plan to reduce the number of people with mental illness in the county jail for 2016-2020, consistent with the Council of State Governments Justice Center report and recommendations.

V. Approval of Proclamation Recognizing August 2015 as “Childhood Cancer Awareness Month”

COUNTY OF CUMBERLAND

NORTH CAROLINA

#### PROCLAMATION

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 nearly 15,000 of our country's young people each and every year.

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 cosmetics 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, the County of Cumberland Board of Commissioners hereby proclaims the month of August 2015 as “Childhood Cancer Awareness Month” in Cumberland County and commends its observance to all citizens.

Adopted this 3<sup>rd</sup> day of August, 2015.

W. Approval of Report on the Disposal of Surplus Property Pursuant to NCGS 160A-226(a)

BACKGROUND

On June 15, 1998, the Board adopted a resolution founded in the statutes allowing disposal of County “personal property worth less than \$5000 per item or group of similar items which have become obsolete, unusable, economically unrepairable, or otherwise surplus to the needs of the county”.

The resolution stipulated further that County Management shall render semi-annual reports to the Board of County Commissioners summarizing disposals in February and August of each year. Accordingly, that report recorded below.

RECOMMENDATION/PROPOSED ACTION:

That the Board accepts and approves the report on the disposal of surplus County property. That the Board adopts the report and that the report is duly recorded in the official minutes.

SURPLUS PROPERTY DISPOSAL LIST  
January 1, 2015 – June 30, 2015

ITEM NO.	PROPERTY DESCRIPTION	RENDERING DEPARTMENT	DISPOSAL METHOD
1	Machines (3)	Information Services	Landfill-Ann Street
2	Monitors (4 Pallets)	Sheriff's Office	Landfill - Ann Street
3	Desk	Cooperative Extension	Landfill - Ann Street
4	Filing Cabinets (2)	Cooperative Extension	Landfill - Ann Street
5	Chairs (2)	Cooperative Extension	Landfill - Ann Street
6	Book Case (1)	Cooperative Extension	Landfill - Ann Street
7	Chairs (2)	DSS	Landfill - Ann Street
8	Furniture (Misc)	Crown Coliseum	Landfill - Ann Street
9	Washing Machine	RT Group Home	Landfill - Ann Street
10	Surplus Items (Misc)	Sheriff's Office	Landfill - Ann Street
11	Desk Chairs (4)	Animal Control	Landfill - Ann Street
12	Shredder (1)	Board of Elections	Landfill - Ann Street
13	Fax Machine (1)	Board of Elections	Landfill - Ann Street
14	Scanner (1)	Board of Elections	Landfill - Ann Street
15	Chair (1)	Clerk of Court	Landfill - Ann Street
16	Desk (1)	Information Services	Landfill - Ann Street
17	Refrigerator (1)	Information Services	Landfill - Ann Street
18	Chair (1)	Clerk of Court	Landfill - Ann Street
19	Refrigerator (1)	Old Courthouse	Landfill - Ann Street
20	Filing Cabinet (1)	Cooperative Extension	Landfill - Ann Street
21	Paper Trimmer (1)	Cooperative Extension	Landfill - Ann Street
22	Phlebotomy Chair (1)	Health Dept	Landfill - Ann Street
23	Audiometers (3)	Health Dept	Landfill - Ann Street
24	Fax Machine (1)	Health Dept	Landfill - Ann Street

25	Mini Refrigerator (1)	Health Dept	Landfill - Ann Street
26	Microwaves (2)	Health Dept	Landfill - Ann Street
27	Holters (40)	Sheriff's Office	Bladen Co.Sheriff's Off.
28	Computers (3 Pallets)	Public Library	Landfill - Ann Street
29	Desk (6)	FTCC	Various
30	Credenzas (2)	FTCC	Varous
31	Chair (1)	FTCC	Various
32	Furniture (Misc)	Information Services	Landfill - Ann Street
33	Chairs (6)	Planning	Landfill - Ann Street
34	Safe (1)	Planning	Landfill - Ann Street
35	Printer (1)	Planning	Landfill - Ann Street
36	Paper Shredder (1)	Administration	Landfill - Ann Street
37	E-Series Van (1FBSS31L87DB01713)	Library	GovDeals
38	F-150 Pickup Truck (1FTRW07L51KE27993)	Sheriff	GovDeals
39	Ford Taurus (1FALP52U2VA235674)	Community Development	GovDeals
40	Crown Victoria (2FAHP71W74X151442)	Sheriff	GovDeals
41	Crown Victoria (2FAHP71W85X141519)	Sheriff	GovDeals
42	Crown Victoria (2FAFP71W91X128960)	Sheriff	GovDeals
43	Crown Victoria (2FAHP71W45X141517)	Sheriff	GovDeals
44	Crown Victoria (2FAFP71W5YX148763)	Sheriff	GovDeals
45	Crown Victoria (2FAHP71W46X143673)	Sheriff	GovDeals
46	Crown Victoria (1FMCA11U8VZB20287)	Community Development	GovDeals
47	Ford Expedition (1FMFU15597LA67824)	Sheriff	GovDeals
48	Multi 1218 PRINTING PRESS	Print Shop	GovDeals
49	Crystal-Vision PVC-TYPE Shrink Film	Print Shop	GovDeals
50	National Hot-Melt Glue Pellets for bookbinding	Print Shop	GovDeals
51	One lot of surplus vehicle parts	CMF	GovDeals
52	Office desk 4ea	CMF	GovDeals
53	Aerostar XLT Extended(1FMDA31X1VZB96587)	PTS-2	GovDeals
54	Mobile Vision Patrol Car Video System	Sheriff	GovDeals
55	Eyewitness Patrol Car Video System 3 ITEMS	Sheriff	GovDeals
56	Lot of blue emergency lights and misc parts	Sheriff	GovDeals
57	Crown Victoria (2FAFP71W6YX179603)	Sheriff	GovDeals
58	Crown Victoria (2FAFP71W0YX179614)	Sheriff	GovDeals
59	Ranger P/U (1FTCR10U4SUB40091)	Sheriff	GovDeals
60	Crown Victoria (2FAFP71WXYX179605)	Sheriff	GovDeals
61	Aerostar (1FMDA21X5RZA47616)	PD	GovDeals
62	Crown Victoria (2FAHP71W65X141518)	Sheriff	GovDeals
63	Crown Victoria (2FAHP71W93X205080)	Sheriff	GovDeals
64	Crown Victoria (2FAHP71W23X205079)	Sheriff	GovDeals
65	Crown Victoria (2FAHP71W03X205081)	Sheriff	GovDeals
66	Crown Victoria (2FAFP71W12X151280)	Sheriff	GovDeals
67	Crown Victoria (2FAFP71W12X151277)	Sheriff	GovDeals
68	Crown Victoria (2FAFP71W51X125442)	Sheriff	GovDeals
69	Crown Victoria (2FAFP71W31X125438)	Sheriff	GovDeals
70	Crown Victoria (2FAFP71W11X125437)	Sheriff	GovDeals
71	Crown Victoria (2FAFP71W61X125465)	Sheriff	GovDeals
72	Crown Victoria (2FAFP71WX1X125436)	Sheriff	GovDeals
73	Ford Club Wagon (1FBHE31H3SHB04470)	Sheriff	GovDeals
74	Acura TL (19UUA5645XA013189)	Sheriff	GovDeals
75	Grand Caravan (1D4GP24E07B251601)	Social Service	GovDeals
76	Ranger (1FTCR10U3SUB31267)	Land Scape	GovDeals
77	Crown Victoria (2FAFP71W01X125431)	Sheriff	GovDeals
78	Expedition (1FMFU15577LA67823)	Sheriff	GovDeals
79	Expedition (1FMPU16L4YLB94712)	Sheriff	GovDeals
80	Lumina (2G1WL52K8X9201389)	Tax	GovDeals
81	Lumina (2G1WL52K9W9238000)	Tax	GovDeals
82	Lumina (2G1WL52K1X9207003)	Sheriff	GovDeals
83	Crown Victoria (2FAFP71W3YX179610)	Sheriff	GovDeals
84	Crown Victoria (2FAFP71W6YX149869)	Sheriff	GovDeals
85	Crown Victoria (2FAFP71W1XX165445)	Sheriff	GovDeals
86	Crown Victoria (2FAFP71W6XX165456)	Sheriff	GovDeals
87	Intrepid (2B3HD46R2YH216056)	Sheriff	GovDeals
88	Express Van (GNGG25R7X1123982)	Sheriff	GovDeals
89	Crown Victoria (2FALP72W2RX151378)	Community Development	GovDeals
90	Crown Victoria (2FAFP71W91X125461)	Sheriff	GovDeals
91	Intrepid (2B3HD46R9YH216054)	Sheriff	GovDeals
92	Intrepid (2B3HD46RXYH404596)	Sheriff	GovDeals
93	Intrepid (2B3HD46R1YH404597)	Sheriff	GovDeals
94	Fold and Inserting Machine 05DE-5118	Print Shop	GovDeals
95	Club Wagon (1FBHE21H3MHB26871)	Library	GovDeals

96	Ram Wagon (2B5WB35Z5KK394540)	Library	GovDeals
97	Lumina (2G1WL52K7W9217890)	Sheriff	GovDeals
98	Aerostar (1FMCA11U7RZA33146)	Mental Health	GovDeals
99	Intrepid (2B3HD46T5VH649801)	Mental Health	GovDeals
100	Ranger (1FTCR14U5VTA50811)	Community Development	GovDeals
101	Crown Victoria (2FAFP71W9WX116976)	Sheriff	GovDeals
102	Silverado 1500 p/u (1GCEK19V25Z286182)	Animal Control	GovDeals
103	Lumina (2G1WL52K3W9218048)	Tax	GovDeals
104	Crown Victoria (2FAFP71W6XX165442)	Sheriff	GovDeals
105	Crown Victoria (2FAFP71W3WX116973)	Sheriff	GovDeals
106	Silverado 1500 p/u (2GCEC19V841311901)	Animal Control	GovDeals
107	Silverado 1500 p/u (2GCEC19V041317109)	Animal Control	GovDeals
108	Silverado 1500 p/u (1GCEK19VX5Z284227)	Animal Control	GovDeals
109	Crown Victoria (2FALP71W4TX107424)	Sheriff	GovDeals
110	Cirrus (1C3EJ56H6YN302294)	Crown Coliseum	GovDeals
111	Crown Victoria (2FALP72W2SX201847)	Mental Health	GovDeals
112	Ford F-150 P/U (1FTEF15N4SNA69567)	Crown Coliseum	GovDeals
113	Ford F-150 P/U (1FTZF17W0WNB31690)	Build grounds	GovDeals
114	Intrepid (2B3HD46R7YH216053)	Sheriff	GovDeals
115	Intrepid (2B3HD46R5YH216052)	Sheriff	GovDeals
116	Neopost Tabbing System (TA60/HSTF/CT36)	Print Shop	GovDeals
117	John Deere 1590 Grain Drill (N01590X705611)	Agriculture	GovDeals
118	MD40 Charging System Analyzer	CMF	GovDeals
119	17700 A/C Recycling Machine (07523)	CMF	GovDeals
120	emergency lights/w blue lenses	Sheriff	GovDeals
121	Ranger P/U (1FTYR14U2WTA34234)	Tax	GovDeals
122	Crown Victoria (2FALP71W6VX125197)	Tax	GovDeals
123	E-Series Van E-350 (1FBSS31L34HA94772)	Social Service	GovDeals
124	Club Wagon (1FBJS31H6SHB95809)	Build grounds	GovDeals
125	Expedition (1FMFU18L4VLC12470)	Animal Control	GovDeals
126	Aerostar (1FMCA11U8TZB02465)	Mental Health	GovDeals
127	Crown Victoria (2FAFP71W61X125434)	Sheriff	GovDeals
128	BMW M-3 (WBACG7322TAS96150)	Sheriff	GovDeals
129	Crown Victoria(2FAFP71W6YX179617)	Sheriff	GovDeals
130	Intrepid (2B3HD46R0YH216055)	Sheriff	GovDeals
131	Crown Victoria (2FAFP71W11X125471)	Sheriff	GovDeals
132	Crown Victoria (2FAFP71W01X125462)	Sheriff	GovDeals
133	Crown Victoria (2FAFP71W8YX179618)	Sheriff	GovDeals
134	Crown Victoria (2FAHP71W94X151443)	Sheriff	GovDeals
135	Crown Victoria (2FAFP71W42X151273)	Sheriff	GovDeals
136	Crown Victoria (2FAFP71W2YX179615)	Sheriff	GovDeals
137	Crown Victoria (2FAFP71W11X125468)	Sheriff	GovDeals
138	Crown Victoria (2FAHP71W23X205082)	Sheriff	GovDeals
139	Crown Victoria (2FAFP71W11X125440)	Sheriff	GovDeals
140	Crown Victoria (2FAHP71W84X151434)	Sheriff	GovDeals
141	Crown Victoria (2FAFP71W41X125450)	Sheriff	GovDeals
142	Crown Victoria (2FAFP71W22X151269)	Sheriff	GovDeals
143	Crown Victoria (2FAFP71W52X151279)	Sheriff	GovDeals
144	Crown Victoria (2FAFP71W22X151272)	Sheriff	GovDeals
145	Crown Victoria(2FAFP71W02X151271)	Sheriff	GovDeals
146	Crown Victoria (2FAFP71W82X151275)	Sheriff	GovDeals
147	Crown Victoria (2FAFP71W71X125460)	Sheriff	GovDeals
148	Crown Victoria (2FAFP71W41X125433)	Sheriff	GovDeals
149	Crown Victoria(2FAFP71W31X125472)	Sheriff	GovDeals
150	Crown Victoria (2FAFP71W31X125469)	Sheriff	GovDeals
151	Crown Victoria (2FAFP71W11X125454 )	Sheriff	GovDeals
152	Crown Victoria (2FAFP71W1YX179606 )	Sheriff	GovDeals
153	Crown Victoria (2FAFP71W01X137403)	Sheriff	GovDeals
154	Crown Victoria (2FAFP71W01X125459)	Sheriff	GovDeals
155	Crown Victoria (2FAFP71WX1X125453)	Sheriff	GovDeals
156	Crown Victoria (2FAFP71W61X125451)	Sheriff	GovDeals
157	Crown Victoria (2FAFP71W71X125443)	Sheriff	GovDeals
158	Crown Victoria (2FAFP71W8YX179621)	Sheriff	GovDeals
159	Crown Victoria (2FAFP71W3XX165432)	Sheriff	GovDeals
160	Crown Victoria (2FAFP71W9XX165449)	Sheriff	GovDeals
161	Crown Victoria (2FAFP71W4XX165455)	Sheriff	GovDeals
162	Crown Victoria (2FAFP71W8XX165443)	Sheriff	GovDeals
163	Crown Victoria (2FAFP71W2XX165440)	Sheriff	GovDeals
164	Crown Victoria (2FAFP71W2WX116978)	Sheriff	GovDeals
165	Crown Victoria (2FAFP71W0WX116963)	Emergency Service	GovDeals
166	Intrepid (2B3HD46T1VH623230)	Tax	GovDeals



167	Lumina (2G1WL52K2X9208287)	Sheriff	GovDeals
168	Lumina (2G1WL52K7X9207555 )	Sheriff	GovDeals
169	Lumina (2G1WL52K8X9202378)	Sheriff	GovDeals
170	F150 P/U (1FTEX15Y1NKB89906)	Land Scape	GovDeals
171	F150 XL (1FTEF15N8PLA42889)	Library	GovDeals
172	Ford E350 (1FBSS31L54HA94773)	Social Service	GovDeals
173	Aerostar (1FMCA11UXSZB79689)	Mental Health	GovDeals
174	Aerostar (1FMCA11U75ZB12189)	Animal Control	GovDeals
175	Foggers Aerosol Generator 96F116138/96F116141	Health Dept	GovDeals
176	Cushman Club Cart	Sheriff	GovDeals
177	Lot of 14 emergency lights (MX-7000 )	Sheriff	GovDeals
178	Jet Ski's /Trailer (ARJ00816L899/ARJ02089A999)	Sheriff	GovDeals
179	Amergraph Plate Burning	Print Shop	GovDeals
180	Gallo Light Table	Print Shop	GovDeals
181	Crown Victoria (2FAFP71W9YX179613)	Sheriff	GovDeals
182	S10 Blazer (1GNDT13Z7N2171226)	Build grounds	GovDeals
183	B3500 Van (2B5WB35Y5TK189311)	Social Service	GovDeals
184	Crown Victoria(2FAFP71W4YX179602)	Sheriff	GovDeals
185	Intrepid (2B3HD46T7VH754842)	Sheriff	GovDeals
186	Lumina (2G1WL52K2W9233723)	Sheriff	GovDeals
187	Lumina (2G1WL52K9X9238577)	Sheriff	GovDeals
188	Lumina (2G1WL52K4X9208114)	Sheriff	GovDeals
189	Lumina (2G1WL52KXX9204536)	Sheriff	GovDeals
190	Lumina (2G1WL52K7W9237753)	Sheriff	GovDeals
191	Lumina (2G1WL52K7W9232597)	Sheriff	GovDeals
192	Lumina (2G1WL52K9W9236117)	Sheriff	GovDeals
193	Lumina (2G1WL52K3X9200103)	Sheriff	GovDeals
194	Lumina (2G1WL52K5X9208347)	Sheriff	GovDeals
195	Lumina (2G1WL52K2W9237965)	Sheriff	GovDeals
196	Lumina (2G1WL52K2X9207737)	Sheriff	GovDeals
197	Lumina (2G1WL52K6X9205991)	Sheriff	GovDeals
198	Lumina (2G1WL52K1X9204344)	Sheriff	GovDeals
199	Lumina (2G1WL52K5X9202242)	Sheriff	GovDeals
200	Lumina (2G1WL52K2X9201565)	Sheriff	GovDeals
201	Lumina (2G1WL52KXX9198737)	Sheriff	GovDeals
202	Crown Victoria (2FAFP71W3YX190851)	Sheriff	GovDeals
203	Crown Victoria (2FAFP71W3WX116990)	Sheriff	GovDeals
204	Crown Victoria (2FAFP71W5WX116974)	Sheriff	GovDeals
205	Crown Victoria (2FAFP71W8WX116970)	Sheriff	GovDeals
206	Crown Victoria (2FAFP71W6YX179620)	Sheriff	GovDeals
207	Crown Victoria (2FAFP71W1WX116986)	Sheriff	GovDeals
208	Crown Victoria (2FAFP71WXWX116971)	Sheriff	GovDeals
209	Crown Victoria (2FAFP71W0XX165453)	Sheriff	GovDeals
210	Crown Victoria (2FAFP71W9XX165435)	Sheriff	GovDeals
211	Crown Victoria (14 emergency lights blue lenses)	Sheriff	GovDeals
212	Intrepid (2B3HD46R1YH364442)	Sheriff	GovDeals
213	Grand Caravan (1D4GP24E67B251599)	Social Service	GovDeals
214	Vehicle Equipment/Parts	CMF	GovDeals
215	B3500 Van (2B5WB35Z4VK586424)	Build grounds	GovDeals
216	Taurus (1FACP5040NA221792)	Sheriff	GovDeals
217	B3500 Van (2B5WB35Z5VK565839)	Sheriff	GovDeals
218	Lumina (2G1WL52K7X9205756)	Sheriff	GovDeals
219	Cutlass Ciera (1G3AJ55MXT6397339)	Sheriff	GovDeals
220	Crown Victoria (2FAFP71W91X25458)	Sheriff	GovDeals
221	Crown Victoria (2FAFP71W91X25458)	Sheriff	GovDeals
222	Crown Victoria (2FAFP71WXYX179619)	Sheriff	GovDeals
223	Lot of Various Vehicle Parts	CMF	GovDeals
224	4 Amber bar lights	CMF	GovDeals
225	Aerostar (1FMCA11U2VZB56931)	Mental Health	GovDeals
226	Air Compressor (30T 890235)	CMF	GovDeals
227	Automotive Engine Analy	CMF	GovDeals
228	Crown Victoria (2FAFP71W5YX190852)	Sheriff	GovDeals
229	Crown Victoria (2FAFP71WZ1X125446)	Sheriff	GovDeals
230	Crown Victoria (2FAFP71W6WX116983)	Sheriff	GovDeals
231	Crown Victoria (2FAFP71W21X125432)	Sheriff	GovDeals
232	Crown Victoria (2FAFP71W5YX179611)	Sheriff	GovDeals
233	Crown Victoria (2FAFP71W5XX165433)	Sheriff	GovDeals
234	Crown Victoria (2FAFP71W5XX165433)	Sheriff	GovDeals
235	Taurus (FACP52U8PA290973)	Mental Health	GovDeals
236	20 emergency lights/w blue lenses	Sheriff	GovDeals
237	20 emergency lights/w blue lenses	Sheriff	GovDeals
238	20 emergency lights/w blue lenses	Sheriff	GovDeals

239	Crown Victoria (2FAFP71W4XX165438)	Sheriff	GovDeals
240	Crown Victoria (2FALP71W8VX125198)	Sheriff	GovDeals
241	E350 Van (1FBJS31H4SHB95808)	Social Service	GovDeals
242	Crown Victoria (2FALP71W8TX127854)	Sheriff	GovDeals
243	B3500 Van (2B5WB35Y1YK144566)	Social Service	GovDeals
244	B3500 Van (2B5WB35Y4XK533734)	Social Service	GovDeals
245	Crown Victoria (2FAFP71W1TX121779)	Sheriff	GovDeals
246	Ram 1500 P/U (1B7HC16Z3RS696358)	Sheriff	GovDeals
247	Crown Victoria (2FAFP71W0XX165436)	Sheriff	GovDeals
248	Crown Victoria (2FAFP71W01X125445)	Sheriff	GovDeals
249	Crown Victoria (2FAFP71W3XX165446)	Sheriff	GovDeals
250	Crown Victoria (2FAFP71W3VX125187)	Sheriff	GovDeals
251	Crown Victoria (2FAFP71W9VX125193)	Sheriff	GovDeals
252	Crown Victoria (2FAFP71W1YX190850)	Sheriff	GovDeals
253	Crown Victoria (2FALP71W3VX125190)	Sheriff	GovDeals
254	Crown Victoria (2FAFP71W4YX179597)	Sheriff	GovDeals
255	Taurus (1FACP52U0PA207844)	Mental Health	GovDeals
256	Crown Victoria(2FAFP71W7XX165448)	Sheriff	GovDeals
257	Crown Victoria (2FALP71W2VX121163)	Sheriff	GovDeals
258	Montero Sport (JA4MT31P8VP001539)	Sheriff	GovDeals
259	Lumina (2G1WL52K0X9205436 )	Sheriff	GovDeals
260	Lexus LS400 (JT8UF11E4P0167714)	Sheriff	GovDeals
261	Crown Victoria (2FAFP71W1WX116972)	Sheriff	GovDeals
262	E350 Van (1FMEE1120VHB20561)	Social Service	GovDeals
263	Crown Victoria (2FAFP71W4WX116979)	Sheriff	GovDeals
264	Crown Victoria (2FAFP71W4XX165441)	Sheriff	GovDeals
265	Crown Victoria (2FAFP71W3VX131104)	Sheriff	GovDeals
266	Crown Victoria (2FAFP71W3YX179607)	Sheriff	GovDeals
267	Lumina (2G1WL52K8X9205877)	Sheriff	GovDeals
268	Crown Victoria (2FALP71W4VX125196)	Sheriff	GovDeals
269	Lumina (2G1WL52K3W9236758)	Sheriff	GovDeals
270	Crown Victoria (2FALP71W5VX125188)	Sheriff	GovDeals
271	Lumina (2G1WL52K4W9235649)	Sheriff	GovDeals
272	Crown Victoria (2FAFP71WXV125185)	Sheriff	GovDeals
273	Crown Victoria (2FAFP71WXWX116968)	Sheriff	GovDeals
274	Crown Victoria (2FAFP71W0WX116977)	Sheriff	GovDeals
275	Crown Victoria (2FALP71W1VX125186)	Sheriff	GovDeals
276	B3500 Van (2B5WB35Y0XK533732)	Social Service	GovDeals
277	Crown Victoria (2FAFP71W7XX165434)	Sheriff	GovDeals
278	Crown Victoria (2FAFP71W5YX179608)	Sheriff	GovDeals
279	B3500 Van (2B5WB35Y9XK533731)	Social Service	GovDeals
280	Crown Victoria (2FAFP71W8WX116967)	Sheriff	GovDeals
281	Crown Victoria (2FALP71WXTX121778)	Sheriff	GovDeals
282	Crown Victoria (2FALP71WXVX125199)	Sheriff	GovDeals
283	Crown Victoria (2FALP71W5VX125191)	Sheriff	GovDeals
284	Crown Victoria (2FAFP71W2XX165437)	Sheriff	GovDeals
285	Lumina (2G1WL52K3X9199289)	Sheriff	GovDeals
286	Crown Victoria (2FAFP71W7WX116989)	Sheriff	GovDeals
287	F250 P/U (1FTEF25N9SNA63172)	Solid Waste	GovDeals
288	E350 Van (1FBJS31H1SHB49921)	Social Service	GovDeals
289	Crown Victoria (2FAFP71W4YX179616)	Sheriff	GovDeals
290	Crown Victoria (2FAFP71W81X125449)	Sheriff	GovDeals
291	Crown Victoria (2FAFP71W8YX179604)	Sheriff	GovDeals
292	Taurus (1FAFP53262A177316)	Social Service	GovDeals
293	Lumina (2G1WL52K7X9199277)	Sheriff	GovDeals
294	E350 Van (1FBJS31H1SHB39065)	Social Service	GovDeals
295	Crown Victoria (2FAFP71W81X125435)	Sheriff	GovDeals
296	AeroStar (1FMCA11U0RZB07295)	Mental Health	GovDeals
297	Crown Victoria (2FAFP71W6WX116966)	Sheriff	GovDeals
298	Crown Victoria (2FAFP71W5WX116988)	Sheriff	GovDeals
299	Lumina (2G1WL52K6X9202699)	Sheriff	GovDeals
300	Crown Victoria (2FAFP71W62X151274)	Sheriff	GovDeals
301	Crown Victoria (2FAFP71W8YX179599)	Sheriff	GovDeals
302	Ranger XLT P/U (1FTYR14U7WTA34228)	Fire Marshal	GovDeals
303	Crown Victoria (2FAFP71W5YX190849)	Sheriff	GovDeals
304	Crown Victoria (2FAFP71W8VX125203)	Sheriff	GovDeals
305	Crown Victoria (2FAFP71W7WX116961)	Sheriff	GovDeals
306	Crown Victoria (2FAFP71W9TX123523)	Sheriff	GovDeals
307	Crown Victoria (2FAFP71W7XX165451)	Sheriff	GovDeals
308	Lumina (2G1WL52K5W9233683)	Sheriff	GovDeals
309	Lumina (2G1WL52K1X9206921)	Sheriff	GovDeals
310	Lumina (2G1WL52K2X9199462)	Sheriff	GovDeals

311	Olds Cierra SL (1G3AJ55M1S6391038)	Mental Health	GovDeals
312	Crown Victoria (2FAFP71W6XX165439)	Sheriff	GovDeals
313	Crown Victoria (2FAFP71W4WX116982)	Sheriff	GovDeals
314	Crown Victoria (2FAFP71W51X125456)	Sheriff	GovDeals
315	Taurus (1FACP52UXPA290974)	Mental Health	GovDeals
316	Olsmobile Cierra (1G3AJ55M3T6419178)	Sheriff	GovDeals
317	Lumina (2G1WL52KXX9206027)	Sheriff	GovDeals
318	Lumina (2G1WL52K9W9233993)	Sheriff	GovDeals
319	Crown Victoria (2FAFP71W7WX116975)	Sheriff	GovDeals
320	Tarus (1FALP5240SA193047)	Sheriff	GovDeals
321	Crown Victoria (2FAFP71W2WX116964)	Sheriff	GovDeals
322	Crown Victoria (2FAFP71W3WX116987)	Sheriff	GovDeals
323	Crown Victoria (2FAFP71W7YX179609)	Sheriff	GovDeals
324	Crown Victoria (2FAFP71WXXX165444)	Sheriff	GovDeals
325	Crown Victoria (2FAFP71W7VX125189)	Sheriff	GovDeals
326	Crown Victoria (2FAFP71W5WX116991)	Sheriff	GovDeals
327	Lumina (2G1WL52K6W9232882)	Sheriff	GovDeals
328	Monte Carlo (2G1WW12M5T9225399)	Sheriff	GovDeals
329	Lumina (2G1WL52K0W9236457)	Sheriff	GovDeals
330	Crown Victoria (2FAFP71W61X125448)	Sheriff	GovDeals
331	Agco-Tye No-Till Grain Drill	Agriculture	GovDeals
332	Tv Cart w/27" Tv and VCR Program	Administration	Child Advocacy
333	51 Cuff/Magazine Combination	Sheriff	Bladen Co.Sheriff's Off.
334	Disk Storage Subsystem-DS6800	Information Services	Landfill-Ann Street

X. Budget Revisions:

(1) Library

- a. Grants – Revision in the amount of \$4,965 to recognize EZ Edge Technology Grant to purchase four Apple IMac computers for digital video production and editing. (B16-007) Funding Source – Federal
- b. Grants – Revision in the amount of \$8,625 to recognize a grant from the Cumberland Community Foundation/Women’s Giving Circle to purchase playaway views and headphones for targeted day care centers. (B16-008) Funding Source – Grant
- c. Grants – Revision in the amount of \$4,000 to recognize a grant from the Art’s Council for Storytelling Festival to pay performers and expenses. (B16-009) Funding Source – Grant
- d. Grants – Revision in the amount of \$35,813 to recognize EZ Literacy & Lifelong Learning Grant to purchase various items for the Library. (B16-010/B16-010A) Funding Source – Federal and County
- e. Revision in the amount of \$4,974 to roll forward the unused purchase order (\$4,931) and to further appropriate additional fund balance (\$43) to pay an invoice. (B16-016) Funding Source – Fund Balance Appropriated

(2) Senior Aide Program

Revision in the amount of \$319 reduction to reconcile county budget with state allocation for FY2016. (B16-011/011A)  
Funding Source - State and County

(3) Crown Center/Prepared Food & Beverage Tax

Revision in the amount of \$750,000 reduction after a review of general maintenance items has shown that an annual budget of \$250,000 will meet the need (B16-012/012A) Funding Source – Crown Center/Prepared Food & Beverage Tax

MOTION: Commissioner Council moved to approve the consent agenda with the exception of Item 2.J., Item 2.S. and Item 2.T. as pulled for separate discussion and action.  
SECOND: Commissioner Lancaster  
VOTE: UNANIMOUS (7-0)

2.J. Approval of Lease Amendment for Alliance Behavioral Healthcare

BACKGROUND:

At its June 4 meeting, the Facilities Committee voted to approve the request from Alliance Behavioral Healthcare to amend its lease of the offices at 711 Executive Place to a month-to-month lease after December 2015. Alliance Behavioral Healthcare has given the county notice that it will move to another location early next year. The proposed lease amendment is recorded below.

RECOMMENDATION/PROPOSED ACTION:

County attorney recommends the Board approve the Facilities Committee's

LEASE RENEWAL

THIS LEASE RENEWAL is made and entered into this 1<sup>st</sup> day of July, 2015 by and between the COUNTY OF CUMBERLAND (hereinafter referred to as "Landlord") and ALLIANCE BEHAVIORAL HEALTHCARE (hereinafter referred to as "Tenant").

WITNESSETH:

THAT WHEREAS, the Landlord and Tenant entered into a Lease Agreement dated July 1, 2014, for the lease of space at 711 Executive Place, Fayetteville, North Carolina, (hereinafter the "Original Lease Agreement"); and

WHEREAS, the Landlord and Tenant desire to amend the Original Lease Agreement, while keeping in effect all terms and conditions of the Original Lease Agreement not inconsistent with the terms and conditions set forth below.

NOW THEREFORE, for and in consideration for the mutual covenants and agreements made herein, the parties agree to renew and amend the Original Lease Agreement as follows:

1. The Tenant and Landlord agree to extend the term of the Lease through December 31, 2015, and thereafter on a month to month basis through June 30, 2016. Alliance may terminate the lease upon 30 days written notice after January 1, 2016 ("Lease Renewal Term").
2. The Lease Rate for the Lease Renewal Term shall remain at an amount equal to \$12/ per sq.ft., and \$4 for unfinished space, for an annual rental amount of \$225,848, payable in equal monthly installments of \$18,820.67 and shall be paid by Tenant to Landlord monthly on or before the 5th day of each month beginning July 1, 2015, plus the pro rata cost of utilities invoiced by Landlord for the Leased Space.
3. Except for the changes made herein, the Original Lease Agreement shall remain in full force and effect to the extent not inconsistent with this Amendment. In the event that there is a conflict between the Original Lease Agreement and this Amendment, this Amendment shall control.

IN WITNESS WHEREOF, the parties have expressed their agreement to these terms by causing this Lease Renewal to be executed by their duly authorized office or agent. This Lease Renewal shall be effective as July 1, 2015.

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Commissioner Council stated the lease provides an opportunity for the Alliance and the County to work together and also provides a bargain for the Alliance. Commissioner Council asked that the proposed lease agreement be explored to determine why a six-month lease term followed by a month-to-month lease term was being requested. James Lawson, Deputy County Manager, stated the County received a notice from the Alliance indicating that they were interested in

exploring another space. Mr. Lawson also stated his most recent understanding was that the Alliance had narrowed its review down to two facilities and would soon make a decision on one of them. Commissioner Council asked whether the Alliance provided a reason. Mr. Lawson stated a specific reason was not given. Commissioner Council posed additional questions and stated the terms of the lease renewal does not make it look like the Alliance and the County are working together. Amy Cannon, County Manager, stated County Management would reach out to Rob Robinson, Executive Director of the Alliance, to see whether there is any reconsideration.

MOTION: Commissioner Council moved to delay this item in order to give county management an opportunity to further negotiate the lease renewal.  
SECOND: Commissioner Evans  
VOTE: UNANIMOUS (7-0)

## 2.S. Approval of Agreement to Hire Outside Counsel

Commissioner Adams stated after reviewing the item, he felt the matter should be removed from the agenda and discussed in closed session.

MOTION: Commissioner Adams moved that the matter involving the agreement to hire outside counsel be discussed in closed session as a personnel matter.  
SECOND: Commissioner Faircloth  
VOTE: UNANIMOUS (7-0)

## 2.T. Approval of Revisions to Section 9.5-101 of the Cumberland County Code Regarding Weapons Posting (Second Reading)

### BACKGROUND:

A man has entered the Historic Courthouse carrying an open carry firearm. Someone also emailed library personnel stating that the posting on its website prohibiting “carrying weapons of any kind” is unlawful and enforceable as North Carolina law preempts county rules over the carrying of handguns.

The ordinance Cumberland County has on this issue is section (a) of 9.5-101 which states,

Concealed weapon posting. (a) *Posting of signs required.* The county manager is hereby ordered to post appropriate signage on each park, building or portion of a building now or hereafter owned, leased as lessee, operated, occupied, managed or controlled by Cumberland County, as well as the appurtenant premises to such buildings, indicating that concealed handguns are prohibited therein.

(Sections (b) through (c) of this ordinance provide exceptions for law enforcement officers and others, but these subsections are not specifically relevant to this issue)

### Open Carry

N.C.G.S. § 153A-129 allows a county, by ordinance, to regulate the display of firearms on public property. N.C.G.S. §14-409.40(f) allows a county to prohibit the possession of firearms in public-owned buildings, their grounds, and parking areas with the exception that firearms may be stored in vehicles while on the above-described property. These are the relevant statutes to apply to “open carry” of firearms.

Cumberland County’s ordinance cited above prohibiting weapons specifically references “concealed handguns”, so it does not apply to open carry. The ordinance must be revised or a new ordinance passed to prohibit the open carry of firearms on county property under the statutory authority.

### Concealed Carry

It is unlawful for a person to willfully or intentionally carry a concealed pistol or gun, unless the weapon is a handgun and the person has a concealed handgun permit (there are other

exceptions not relevant to this discussion). N.C.G.S. ¶ 14-269. Any person with a concealed handgun permit may carry a concealed handgun unless otherwise specifically prohibited by law. N.C.G.S. ¶ 14-415.11 (N.C.G.S. ¶ 14-415.11(c) lists specific exceptions where handguns are not allowed even with a permit to include, schools, courthouses, law enforcement facilities, and venues where alcohol is sold or admission is charged).

N.C.G.S. 14-415.23 states that “A unit of local government may adopt an ordinance to permit the posting of a prohibition against carrying a concealed handgun, in accordance with G.S. 14-415.11(c), on local government buildings and their appurtenant premises. Further, N.C.G.S. 14-415.23(b) provides that a county may adopt an ordinance to prohibit, by posting, the carrying of a concealed handgun on county recreational facilities. N.C.G.S. 14-415.23(c) provides that the term “recreational facilities” includes athletic fields, swimming pools, athletic event facilities, and the appurtenant facilities of these examples. The statute states that “recreational facilities” does not include any greenway or biking/walking path or any other area not specifically described therein. Therefore, it seems that a county may not ban concealed carry handguns in county owned parks. This is further supported because concealed handguns are specifically permitted in state parks in N.C.G.S. 14-415.11(c1).)

Based on these “concealed carry” statutes, a county may prohibit the concealed carry of firearms in county buildings and their appurtenant premises as well as recreational facilities. The current Cumberland County ordinance on concealed weapon posting appears consistent with the statutory authority other than it allowing the posting to prohibit handguns in parks.

The ordinance may be revised with language as follows to be consistent with the statutory authority to prohibit handguns (both concealed and open carry) on county property:

Sec. 9.5-101. – ~~Concealed~~ **Weapon** posting.

- (a) Posting of signs required. The county manager is hereby ordered to post appropriate signage on each ~~park~~, recreational facility, building or portion of a building now or hereafter owned, leased as lessee, operated, occupied, managed or controlled by Cumberland County, as well as the appurtenant premises to such buildings, indicating that **weapons, including** concealed handguns **and open carry handguns** are prohibited therein.

#### RECOMMENDATION/PROPOSED ACTION:

The revisions were approved by the Policy Committee at its June 4, 2015, meeting and at the June 15, 2015 meeting of the Board of Commissioners (not unanimous - second reading required).

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Commissioner Keefe stated he pulled this item so the public will have a better understanding of concealed carry handguns in county owned parks and walking trails. Rob Hasty, Assistant County Attorney, advised the state statute defines “recreational facilities” and provides that the term “recreational facilities” includes athletic fields, swimming pools, athletic event facilities, and the appurtenant facilities of these examples. Mr. Hasty further advised that the statute states that “recreational facilities” does not include any greenway or biking/walking path or any other area not specifically described therein. Mr. Hasty stated therefore, it seems that a county may not ban concealed carry handguns in county owned parks.

Commissioner Keefe stated he feels this will be confusing to citizens at a park with athletic fields and asked that the Board revisit the matter so citizens will understand what is and is not authorized as it relates to open carry.

In response to a question posed by Commissioner Adams, Mr. Hasty stated the law is not clear when there is a combination of an athletic field with appurtenant facilities and a walking/biking trail. Mr. Hasty stated his opinion would be based on the majority use which would be the athletic field so the prohibition against carrying a concealed handgun would apply. Questions and comments followed.

MOTION: Commissioner Keefe moved to table for sixty days revisions to Section 9.5-101 of the Cumberland County Code regarding weapons posting.

SECOND: Commissioner Faircloth

DISCUSSION: Commissioner Council stated she felt uneasy waiting an additional two months thereby allowing individuals to enter a county building with open carry firearms,

especially since someone has already done that. Commissioner Evans stated he also felt two months was too long. Chairman Edge stated there may be some misunderstanding regarding trails but there is no misunderstanding about the authority given to the Board of Commissioners by the General Assembly to post signage prohibiting open carry handguns in county-owned buildings. Chairman Edge stated he did not feel the Board should belabor the matter for another month or two. Rick Moorefield, County Attorney, stated from what he has heard, it appears the concern is over ambiguity regarding recreational facilities and the application of state statute to the ordinance. Mr. Moorefield stated law enforcement and the District Attorney's office are aware of the state statute which will override the county's ordinance but if it will add clarity, a statement can be added to the amendment that "a recreational facility shall not include any trail" and then the statutory reference could be cited. Commissioner Adams stated the only problem with adding a statement would be that the amendment could once again take two readings thereby causing further delay. Commissioner Adams stated it is not for the Board to reinvent the state statute and he felt, from what the county attorney stated, the amendment does not have to have the additional statement.

VOTE: FAILED (1-6) (Commissioner Keefe voted in favor; Commissioners Evans, Lancaster, Faircloth, Edge, Council and Adams voted in opposition)

MOTION: Commissioner Lancaster moved to approve revisions to Section 9.5-101 of the Cumberland County Code regarding weapons posting.

SECOND: Chairman Edge

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

#### ITEMS OF BUSINESS

3. Consideration of Designation of Voting Delegate to North Carolina Association of County Commissioners (NCACC) Conference

##### BACKGROUND:

Article VI, Section 2 of the NCACC's Constitution provides: "On all questions, including the election of officers, each county represented shall be entitled to one vote, which shall be the majority expression of the delegates of that county. The vote of any county in good standing may be cast by any one of its county commissioners who is present at the time the vote is taken; provided, if no commissioner be present, such vote may be cast by another county official, elected or appointed, who holds elective office or an appointed position in the county whose vote is being cast and who is formally designated by the board of county commissioners. These provisions shall likewise govern district meetings of the Association. A county in good standing is defined as one which had paid the current year's dues."

##### RECOMMENDATION/PROPOSED ACTION:

Appoint a voting delegate to the 2015 NCACC Annual Conference to be held August 20-23, 2015 in Pitt County, North Carolina.

MOTION: Commissioner Council moved to appoint Chairman Edge as the voting delegate and Vice Chairman Faircloth as the alternate voting delegate.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (7-0)

4. Nominations to Boards and Committees

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

Commissioner Council nominated Carla Fagan.

- B. Animal Control Board (1 Vacancy)

Chairman Edge nominated George Butterfly.

C. Board of Adjustment (3 Vacancies)

Commissioner Council nominated Vickie Mullins and Alfonso Ferguson, Sr.

5. Appointment of ABC Board Chairman

BACKGROUND:

Pursuant to the North Carolina General Statutes, the Board of Commissioners shall appoint the chairman of the ABC Board.

The ABC Board recommends that Johnson Chestnutt be appointed as the chairman for the 2015-2016 fiscal year.

RECOMMENDATION/PROPOSED ACTION:

Appoint a chairman of the ABC Board.

MOTION: Commissioner Council moved to appoint Johnson Chestnutt as the ABC Board chairman.

SECOND: Commissioner Evans

DISCUSSION: Commissioner Adams stated although he was not singling out the ABC Board and had nothing against supporting Johnson Chestnutt as the ABC Board chairman, he encouraged allowing everyone an opportunity to serve as a chairman or vice chairman.

VOTE: UNANIMOUS (7-0)

6. Appointments to Boards and Committees

A. Cumberland County Juvenile Crime Prevention Council (JCPC)  
(1 Vacancy)

Nominee:

At-Large Representative: Detective Melton Brown (Reappointment)

MOTION: Commissioner Faircloth moved to appoint Detective Melton Brown to the Cumberland County Juvenile Crime Prevention Council.

SECOND: Chairman Edge

VOTE: UNANIMOUS (7-0)

B. Fayetteville Technical Community College Board of Trustees ( 1 Vacancy)

Nominees: Paul Crenshaw  
Dr. Linwood Powell

Chairman Edge called for votes supporting nominee Paul Crenshaw. Commissioner Evans, Keefe and Adams cast their votes for Paul Crenshaw.

Chairman Edge called for votes supporting nominee Dr. Linwood Powell. Commissioners Lancaster, Faircloth, Edge and Council cast their votes for Dr. Linwood Powell.

Dr. Linwood Powell received the majority vote and was appointed to the Fayetteville Technical Community College Board of Trustees.

7. Closed Session:
- A) Attorney Client Matter(s)  
Pursuant to NCGS 143-318.11(a)(3)
  - B) Personnel Matter(s)  
Pursuant to NCGS 143-318.11(a)(6)



MOTION: Commissioner Lancaster moved to go into closed session for Attorney Client Matter(s) pursuant to NCGS 143-318.11(a)(3) and Personnel Matter(s) pursuant to NCGS 143-318.11(a)(6).

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Evans moved to reconvene in open session.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Adams moved to table Item 2.S. Approval of Agreement to Hire Outside Counsel.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Evans moved to adjourn.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

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

Approved with/without revision:

Respectfully submitted,

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Candice H. White  
Clerk to the Board