

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, JUNE 15, 2015 – 6:45 PM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR/REZONING MEETING
MINUTES

PRESENT: Commissioner Kenneth Edge, 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
Sally Shutt, Governmental Affairs Officer
Tom Lloyd, Planning and Inspections Director
Jeffrey Brown, Engineering and Infrastructure Director
Bobby Howard, Solid Waste Director
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

ABSENT: Commissioner Marshall Faircloth, Vice Chairman

Chairman Edge called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Commissioner Evans provided the invocation followed by the Pledge of Allegiance to the American flag led by Destinee Harris, 6th Grade, Lake Rim Elementary School.

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

Amy Cannon, County Manager, read the public comment policy. Chairman Edge recognized the clerk to the board who called the following speaker:

Jackie Taylor – Ms. Taylor stated she opposed the proposed revisions to the Cumberland County Code regarding weapons posting because she doesn't think law abiding citizens should have to remove their guns before coming onto county property. Ms. Taylor stated this will not stop criminals or people who should not be carrying weapons. Ms. Taylor stated N. C. is an open carry state and she hopes the Board will not amend the ordinance.

Outgoing Board Member Recognition:

Rayford Hunt - Cumberland County Local Emergency Planning Committee

On behalf of the Board of Commissioners, Commissioner Keefe recognized Rayford Hunt for his service on the Cumberland County Local Emergency Planning Committee. Mr. Hunt was not present to receive his certificate of appreciation.

Recognition of Citizens Academy Graduates:

On behalf of the Board of Commissioners, Chairman Edge recognized graduates of the Spring 2015 Citizens' Academy as recorded below.

Ora Bethea	Marsha Bryant
Denise Comulada	Alexia Fields
John Garvey	Ralph Hinrichs
Wilson Jenkins	Terry Johnson

Terry Malmgren
Yvette Sanders
Raymond Sienkiewicz
Michael Simmons
Sallie Solomon
Griselda Sutton
Terry Williams

Jewel Martin
Ruth D. Sherman
Sook Sienkiewicz
George Solomon
Kathleen Spell
Paul L. Taylor

1. Approval of Agenda

MOTION: Commissioner Lancaster moved to approve the agenda.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

2. Presentation on the Progress of the Collision Repair and Refinishing Technology (CRRT) Center by Dr. Larry Keen, President, Fayetteville Technical Community College (FTCC)

Chairman Edge recognized Dr. Larry Keen, President of FTCC, who provided a progress report of the Collision Repair and Refinish Technologies Program. Dr. Keen thanked the Board of Commissioners for their support in starting the program and reshaping the collision repair industry one student at a time.

Dr. Keen reported the collision repair industry was needed for the following reasons:

- The issue of unfilled positions in the industry has reached crisis levels
- No one left to “steal”
- 14% of shops invest in any type of training or equipment
- 10% of technicians have any certification
- 2% are certified to weld
- Salaries range from \$45,000 to \$100,000+

Dr. Keen provided current CRRT Program Statistics:

- 56 Active students across 4 teams
- 15 Currently registered for August
- 87% retention among CRRT students
- 45% of students are military
- 80+ professional certifications have already been awarded to CRRT students
- 67.4% of available students have been placed in jobs in the industry through apprenticeships and internships.
Students have only completed 1 year of the 2 year program

Dr. Keen provided an overview of FTCC/Industry Relations associated with the CRRT Program:

- National General Insurance has outsourced the training of all 500 of their adjusters to FTCC
- Baker Collision Services hired 6 CRRT students for a 10 week paid internship in Columbia SC. And put them up in corporate housing.
- Caliber Collision:
 - Has hired 6 of our students
 - Provided tools for the students which the students can keep if they stay for 18 months
 - Is negotiating with FTCC to outsource all the their training to us including assistance with our next building to house this training
- Honda America is talking with FTCC about assisting them in developing their collision training programs for schools
- The following companies are talking with FTCC about creating on-line universities for them:
 - Barber Trucking, Sideners Collision, Mile One Automotive, Penske Group, Caliber Collision, Baker Automotive, National General...

Dr. Keen provided highlights of FTCC/CRRT innovations:

- Professionalism as 50% of student grade
- Remanufacturing process using high-end materials, alloys and electronics

- Tablet based environment – no books
- Draft Days
- Making our own carbon fiber parts
- 3D printing for automotive
- Career fairs for people with mobility issues, amputees, spinal cord injuries, etc...
- Train the mentor program for the industry

Dr. Keen stated 100% of the students have already been offered jobs, Caliber’s told FTCC it would hire the first 20,000 produced and another company indicated it would have the first 10,000 produced. Dr. Keen concluded his presentation and stated the CRRT Program put Cumberland County on the map because companies that never looked at the community are doing so now.

3. Consent Agenda

Commissioner Keefe asked to have Item 3.K.(2) removed from the consent agenda for separate discussion and action.

A. Approval of minutes for the May 26, 2015 Special Meeting for the FY16 Budget Presentation, the May 28, 2015 Budget Work Session, the June 1, 2015 regular meeting, the June 2, 2015 Public Hearing for the FY16 Budget, the June 4, 2015 Department Head Appeals and the June 8, 2015 Budget Work Session.

B. Approval of Proposed Addition to the State Secondary Road System:

BACKGROUND:

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

McCall South Subdivision: McCall Road

DOT has determined that the above street is eligible for addition to the state system.

RECOMMENDATION / PROPOSED ACTION:

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

C. 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 May 19, 2015, the Board approved writing off a total of \$27,321.73 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 the department’s 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 \$27,321.73 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 #42 March 31, 2015	
PROGRAM	AMOUNT
ADULT HEALTH	\$12,957.34
CHILD HEALTH	\$4,420.20
DENTAL	\$2,709.03

EXPRESS CARE	\$1,817.41
FAMILY PLANNING	\$2,592.02
MATERNITY	\$2,825.73
TOTAL	\$27,321.73
<p style="text-align: center;">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 03/31/2015</p>	

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

BACKGROUND:

DATE OF ACCIDENT: May 8, 2015
 VEHICLE: 2004 Chevrolet Tahoe
 VIN: 1GNEK13V84R258028
 FLEET#: FL390
 DEPARTMENT: Sheriff's Office
 SETTLEMENT OFFER: \$7,148.74
 INSURANCE COMPANY: Travelers Property Casualty Company

This is a total loss settlement offer.

RECOMMENDATION/PROPOSED ACTION:

Management recommends that the Board of Commissioners:

1. Declare the vehicle described above as surplus.
2. Authorize the Risk Management Coordinator to accept \$7,148.74 as settlement.
3. Allow Travelers Property Casualty Company to take possession of the wrecked (surplus) vehicle.

E. Approval of a Resolution of the Cumberland County Board of Commissioners Supporting Governor McCrory's Bond Proposal

A RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS SUPPORTING GOVERNOR MCCRORY'S BOND PROPOSAL

WHEREAS, Governor McCrory has proposed a \$2.85 billion bond purposed for investment in the State of North Carolina's infrastructure to strengthen and support the needs of transportation, public health, education, technology, parks, ports and military operations; and

WHEREAS, in his proposal, Governor McCrory dedicates \$1.48 billion to 101 infrastructure projects in 64 counties and \$1.37 billion to 27 highway and 176 paving projects in 57 counties across North Carolina, creating substantial short-term and long-term job growth through projects enhancing North Carolina's readiness for economic growth; and

WHEREAS, among the projects in his bond proposal, there are significant investments in Cumberland County and its neighboring counties; and

WHEREAS, in his proposal, Governor McCrory dedicates an estimated \$10.6 million for the Fayetteville State University Lyons Science Building Renovation project and an estimated \$11 million for Ft. Bragg and Camp Lejeune road improvements; and

WHEREAS, also in his proposal, Governor McCrory dedicates an estimated \$47.9 million for the All-American Freeway project and an estimated \$54.5 million for the I-295 project; and

WHEREAS, North Carolina has a history of using long-term financing to meet infrastructure needs, and it is considered prudent to invest when current rates are at historic lows; and

WHEREAS, the bond proposal does not require a tax increase and is well within the State's debt affordability as determined by the State Treasurer and the nonpartisan Debt Affordability Committee; and

WHEREAS, fifteen years have passed since the State's last general obligation bond was authorized for the improvement of public infrastructure, resulting in years of statewide deferred maintenance.

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of County Commissioners hereby supports the addition of Governor McCrory's general obligation bond proposal to the November 2015 ballot.

Adopted this 15th day of June, 2015.

F. Approval of Alcoholic Beverage Control (ABC) Board Travel Policy

BACKGROUND:

According to the attached correspondence from A. Johnson Chestnutt, Chairman of the Cumberland County ABC Board, the ABC Board is requesting that the Cumberland County Board of Commissioners approves the ABC Board's adoption of Cumberland County's Travel Policy, CP-06, in accordance with House Bill 1717: Modernization of the State ABC System, Section 13.

RECOMMENDATION/PROPOSED ACTION:

Approve the ABC Board's request to adopt Cumberland County Travel Policy, CP-06, and direct the Clerk to the Board to send to the ABC Commission written confirmation of said action and a copy of Cumberland County's Travel Policy, CP-06.

G. Approval of Interlocal Agreement Between Cumberland County and the Town of Spring Lake for Building Inspection Services

BACKGROUND:

The Town of Spring Lake has requested the use of one of Cumberland County's Level III Building Inspectors for two major projects. The first project is the new construction of a 100 room, four story hotel. The second project is for the remodeling of an existing grocery store. Both of these projects are of such scale that they require a Level III Building Inspector which the Town does not have available. The inter-local agreement specifies that the inspector will only be used for these two projects and on an as needed basis. The projected completion of these two projects is estimated to be approximately eight months. The agreement as recorded below has been reviewed and approved by the County Attorney.

RECOMMENDATION/PROPOSED ACTION:

Staff recommends a motion to approve an interlocal agreement between Cumberland County and the Town of Spring Lake that will allow the Town of Spring Lake to utilize a Cumberland County Level III Building Inspector as specified in the agreement.

CUMBERLAND COUNTY AND
TOWN OF SPRING LAKE
INTERLOCAL AGREEMENT FOR BUILDING INSPECTION SERVICES

NORTH CAROLINA
COUNTY OF CUMBERLAND

NORTH CAROLINA
TOWN OF SPRING LAKE

THIS AGREEMENT, made and entered into this the ____ day of _____ 2015, by and between the County of Cumberland a body politic and political subdivision of the State of North Carolina established and operating pursuant to the laws of the State of North Carolina (hereinafter called "COUNTY"), and the Town of Spring Lake, a municipal corporation organized and existing pursuant to the laws of the State of North Carolina (hereinafter called "TOWN").

WITNESSETH:

WHEREAS, N. C. Gen. Stat. § 160A-413 provides that “. . . a city council may designate an inspector from any other city or county to serve as a member of its inspection department with the approval of the governing body of the other city or county[;]” and

WHEREAS, N. C. Gen. Stat. § 160A-413 further provides that “. . . “[t]he inspector, if designated from another city or county under this section, shall, while exercising the duties of the position, be considered a municipal employee. The city shall have the same potential liability, if any, for inspections conducted by an individual who is not an employee of the city as it does for an individual who is an employee of the city.

WHEREAS, TOWN has requested COUNTY to enter into this agreement for the purpose of providing building inspection services and County, upon action of its Board of Commissioners, has agreed to do so.

THEREFORE, COUNTY and TOWN, though action taken by their respective governing boards, agree as follows:

ARTICLE 1

PURPOSE AND AUTHORITY FOR THE AGREEMENT

The purpose of this Agreement is to establish an Undertaking, as herein below defined, by the two units of local government who are parties to this Agreement. The authority for this Agreement is Article 20 of Chapter 160A of the General Statutes of North Carolina.

ARTICLE 2

DEFINITIONS

For purposes of this Agreement, the following definitions shall apply:

2.1 “Agreement” – shall mean this Interlocal Agreement for Building Inspection Services.

2.2 “County” – shall mean the County of Cumberland, North Carolina.

2.3 “Town” – shall mean the Town of Spring Lake.

2.4 “Undertaking” – shall mean the services identified herein and in Attachment 1.

ARTICLE 3

DURATION OF THE AGREEMENT

The duration of this Agreement shall begin upon adoption of this Agreement by the governing bodies of COUNTY and TOWN and shall exist and be effective until the specific projects described in Attachment 1, consisting of the construction of a new hotel and the renovation of an existing grocery store, are completed and TOWN notices COUNTY that the inspection services are no longer needed by TOWN.

ARTICLE 4

AMENDMENTS

This Agreement may only be amended by the parties in writing after the approval of the governing boards of each.

ARTICLE 5

TERMINATION

This Agreement may be terminated by written notice from the TOWN or COUNTY. Such notice shall be provided a minimum of 30 days from in advance of the termination.

ARTICLE 6

TOWN’S OBLIGATIONS

TOWN agrees:

6.1 To satisfy those duties and obligations identified in Attachment 1.

6.2 Pursue the Undertaking in accordance with all applicable Federal, State and local laws and regulations.

6.3 TOWN shall reimburse COUNTY for all salary, benefits and mileage costs associated with this temporary assignment. Salary and benefits will be reimbursed at \$28.42 per hour and mileage will be reimbursed at \$0.575 per mile. Billing and payment will be consistent with COUNTY’s payroll schedule.

6.4 TOWN agrees that any COUNTY inspector performing services under

this contract, shall, while exercising the duties of the position, be considered a municipal employee, and TOWN shall have the same potential liability, if any, for inspections conducted by a COUNTY inspector providing services under this contract as it does for an inspector who is an employee of the city.

ARTICLE 7
COUNTY OBLIGATIONS

COUNTY agrees to:

7.1 To satisfy those duties and obligations identified in Attachment 1.

7.2 Pursue the Undertaking in accordance with all applicable Federal, State and local laws and regulations.

ARTICLE 8
JOINT OBLIGATIONS

The parties agree to discuss any modifications that may be necessary to satisfy the desires of the parties or other local, state, or federal requirements.

IN WITNESS WHEREOF the parties hereto have executed this Agreement, the same having been approved by the respective governing bodies of the County and the Town.

ATTACHMENT 1
DUTIES AND RESPONSIBILITIES
BUILDING INSPECTION, PERMITTING AND PLAN REVIEW SERVICES

In order to ensure effective and timely delivery of these services, this Attachment sets forth the service expectations of both jurisdictions.

Service type and frequency to be provided by Cumberland County. Cumberland County agrees to provide building inspections to Town of Spring Lake of the same type and frequency as allowed for in this agreement. Cumberland County will provide inspections only when Town has an inspector out of the office or there is no qualified inspector on duty. Exceptions to this limitation may be made with the mutual consent of both parties.

Permitting and Inspection Process for Contracted Inspections. The following process shall be utilized for scheduling and performing inspections for building permits issued by Town of Spring Lake.

Town of Spring Lake will continue to issue all permits, collect all fees and maintain responsibility for all plans and permits issued.

Inspections requests shall be called into the Cumberland County Inspections Coordinator by the Inspections Clerk. The scheduled inspections will typically be accomplished within twenty-four hours.

All inspections shall be conducted based on the pre-approved permits and plans on file with the Town of Spring Lake Inspections Department and as where required by the state building code. Reasonable effort will be made to complete inspections in accordance with approved plans, but deviations between plans and the state building code will be resolved in favor of the code, particularly in the case of life-safety code requirements.

H. Approval of Request from Solid Waste Department to Purchase a Used Dump Truck

BACKGROUND:

Cumberland County Solid Waste Management has been renting a 2012 model 725 Articulated Dump Truck from Gregory Poole and has an opportunity to purchase that equipment for \$175,971 in lieu of purchasing a new dump truck. Comparable equipment was researched and quoted and the requested item was found to be an excellent value in comparison. The FY2015 budget included \$325,000 for a new off road dump truck resulting in a budgeted savings of \$149,029.

RECOMMENDATION/PROPOSED ACTION:

Approve the request to purchase the used dump truck for \$175,971.

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

(1) Lease Terms for Dorothy Spainhour Facility

BACKGROUND:

During the March 5, 2015 Special Meeting of the Board of Commissioners, an update was provided regarding the Dorothy Spainhour facility located at 223 Hull Road. Easter Seals United Cerebral Palsy (UCP) is a nonprofit agency currently housed in the 12,310 square foot building. They provide children's educational and therapeutic day services in a developmentally appropriate environment for infants, toddlers and preschoolers requiring specialized care, including autistic clients. These services are unique and unavailable elsewhere in the region.

These services are similar to those provided by the former Cumberland County Mental Health Local Management Entity (LME) until 2004 when the LME divested of this service. At that time, the LME established an agreement with Easter Seals UCP to utilize the Spainhour facility for the specific and sole purpose of continuing developmental day services for children, with the understanding that Easter Seals UCP would pay utility costs and provide ongoing maintenance for the building. Under this arrangement, they have been able to sustain this critical service within a limited budget.

Easter Seals UCP continues to be the only certified developmental day center in our region. The Spainhour Center is also the largest Easter Seals Center in North Carolina, with a staff of 30 serving up to 92 enrollees, including approximately 30 referrals from the Cumberland County School System. They are also the only agency providing year-round, full-day child care, before and after school, including the Summer. They fill a gap in our community by supplementing childcare needs for the Partnership for Children, and clients who are no longer eligible for DSS childcare subsidies.

Deputy County Manager James Lawson and Assistant County Manager Tracy Jackson have been in discussions with Mr. Mark Germann, Community Director for Easter Seals/UCP, and Amanda Hurlburt, Spainhour Site Manager, regarding their operations, financial condition and terms for a lease agreement. Mr. Germann has indicated that due to their budgetary constraints, additional costs incurred by Easter Seals/UCP would probably create financial difficulties, and likely result in a reduction of their services in our community. A review of their financial data reflects an uncertain trend from year-to-year that widely varies from end-of-year shortfalls to break-even to surplus. Mr. Germann indicates that Easter Seals UCP North Carolina & Virginia, Inc. and Affiliate have had to take on some debt in order to help sustain their operations.

CONSIDERATIONS:

In considering reasonable lease terms for the Easter Seals UCP to continue operations in the Spainhour facility, the following should be taken into account:

- Community impact; critical nature and lack of alternative resources for this specialized service.
- Services were previously under the umbrella of Cumberland County.
- Spainhour facility has been generally maintained in a structurally sound condition.
- Over the past 5 years, Easter Seals UCP has spent an average of over \$37,000 annually for utilities and maintenance; recently covered \$13,000 cost of replacing an aging HVAC unit.
- Easter Seals UCP's financial condition.

On June 4, 2015, the Facilities Committee approved a recommendation to extend a 3-year agreement with the Easter Seals UCP to remain in the Dorothy Spainhour Center with the following stipulations:

- Continue the same developmental day programs and services currently provided; Cumberland County must receive 30 days advance notice of changes in services.
- Maintain responsibility for utility costs and ongoing maintenance of the facility to the County's standard; this includes building and grounds; HVAC, plumbing, electrical

and telephone systems; parking area, playground and fencing. Any replacement of mechanical equipment or proposed renovation must be coordinated through the County for approval.

- Provide annual financial statements.
- Be subject to periodic facility inspections conducted by the County; and correct any noted deficiencies within a reasonable timeframe.
- Payment of an annual \$1 lease rate.

RECOMMENDATION/PROPOSED ACTION:

Consider whether to approve the Facilities Committee's recommendation.

- (2) Professional Services Agreement with McGill Associates for Bragg Estates Sewer Project

BACKGROUND:

The Bragg Estates Water and Sewer (BEWS) District has received notification from the USDA Rural Development of their intent to fund the installation of sewer within the District. The application may be completed on the basis of a Rural Utilities Service (RUS) loan not to exceed \$497,000, a RUS grant not to exceed \$1,453,000 and a contribution from Cumberland County of \$50,000 for a total project cost of \$2,000,000. The next step in moving forward with the application is to hire an engineer for the design, bidding and construction oversight of the wastewater collection system. A Request for Qualifications (RFQ) for Engineering Services for the Bragg Estates Sewer Project was sent out to engineering firms in December 2014, with responses received on January 9, 2015. A selection committee was formed and tasked with evaluating the Qualification Statements submitted by the engineering firms responding to the RFQ. An evaluation matrix was used to evaluate the written qualification statements and a numerical score was assigned to each engineering firm. McGill Associates was selected by the committee to complete the design, bidding and construction oversight for the BEWS District.

This was presented to the Facilities Committee on June 4th.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director, County Management and the Facilities Committee recommend that the Bragg Estates Water Sewer District Governing Board approve the Professional Services Agreement with McGill Associates in the amount of \$210,000.

- (3) Public Utilities Policy Regarding Delinquent Account Collections

BACKGROUND:

The purpose of the Delinquent Account Policy is to set forth uniform collection actions for all of the Cumberland County Water and Sewer Districts. The policy establishes the steps that will be taken should an account become delinquent. The policy will be for all existing and future Water and Sewer Districts created by Cumberland County Board of Commissioners.

This was presented to the Facilities Committee on June 4th and the Committee approved the policy as presented with one modification. The Committee removed the requirement to send written notification by certified mail.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director, County Management and the Facilities Committee recommend that the Board of Commissioners approves the Delinquent Account Policy with the changes approved by the Facilities Committee as shown on the policy recorded below.

Cumberland County Public Utilities Division Delinquent Account Policy

The Public Utilities Division will take the following steps to collect past due payments from the customers:

Water Customers and Sewer Customers with Elder Valves

1. Send a cutoff notice (regular mail) informing the customer that payment needs to be paid by 5:00 PM the day prior to the cutoff date stated on the notice. In addition, the customer will receive a door hanger at the service address on the day prior to the cutoff date stated on the notice.
2. If no payment is made, the customer will then be disconnected from the service. Service will not be restored until all outstanding bills and charges are paid, and all service or reconnection charges are paid in accordance with the rate currently in effect and approved by the Board of Commissioners of Cumberland County.
3. For sewer customers, the Environmental Health Division of the Cumberland County Health Department will be notified that sewer service has been disconnected which in turn may render the residence uninhabitable.
4. Accounts delinquent over 90 days and in excess of \$50.00 will be submitted to the NC Debt Set-Off program, which will allow the County to retrieve monies owed through income tax returns and lottery winnings.
5. Accounts delinquent in excess of \$200 will then be sent to Small Claims Court to seek judgment against the customer.
6. Any returning customer with a previous debt and who is legally responsible shall be required to pay the debt before being allowed to sign up for a new service.

Sewer Customers without Elder Valves

1. Send a cutoff notice (regular mail) informing the customer that payment needs to be paid by 5:00 PM the day prior to the cutoff date stated on the notice. In addition, the customer will receive a door hanger at the service address on the day prior to the cutoff date stated on the notice.
2. If no payment is made, Public Utilities staff will then place a work order to have an elder valve installed to disconnect the service. Service will not be restored until all outstanding bills and charges are paid, and all service or reconnection charges are paid in accordance with the rate currently in effect and approved by the Board of Commissioners of Cumberland County.
3. The Environmental Health Division of the Cumberland County Health Department will be notified that sewer service has been disconnected which in turn may render the residence uninhabitable.
4. Accounts delinquent over 90 days and in excess of \$50.00 will be submitted to the NC Debt Set-Off program, which will allow the County to retrieve monies owed through income tax returns and lottery winnings.
5. Accounts delinquent in excess of \$200 will then be sent to Small Claims Court to seek judgment against the customer.
6. Any returning customer with a previous debt and who is legally responsible shall be required to pay the debt before being allowed to sign up for a new service.

Customers Not Connected and Only Paying Availability Fee

1. Accounts delinquent over 90 days and in excess of \$50.00 will be submitted to the NC Debt Set-Off program, which will allow the County to retrieve monies owed through income tax returns and lottery winnings.
2. Accounts delinquent in excess of \$200 will then be sent to Small Claims Court to seek judgment against the customer.
3. Any returning customer with a previous debt and who is legally responsible shall be required to pay the debt before being allowed to sign up for a new service.

(4) Disposition of the Wells House

BACKGROUND:

During the March 5th Budget Work Session, it was recommended to the Board of Commissioners that the Wells House located at 111 Bradford Avenue be considered for demolition based on the facility's current condition and utilize the vacant space to expand the existing paved parking lot that serves 109 Bradford Avenue. Funding has been included in the FY16 budget for demolition. To demolish the structure the following steps along with the projected timeframes will have to be taken.

Complete Asbestos Survey on the Structure	30 days
Advertise and Award Demolition Project	45 days

Complete Demolition	30 days
Survey, Design and Permit Parking Lot Area	60 days
Advertise and Award Construction Project	45 days
Complete Construction Project	45 days

If approved, the Engineering & Infrastructure Department would anticipate beginning this process in July 2015.

This was presented to the Facilities Committee on June 4th.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director, County Management and the Facilities Committee recommend that the Board of Commissioners approves the demolition of the Wells House based on the above schedule and to utilize the vacant space for the expansion of the existing paved parking for 109 Bradford Avenue.

(5) License Agreement to Lamar Companies for Continued Billboard Use

BACKGROUND:

The Lamar Companies have two billboards on county properties adjacent to the DSS/Public Health complex. One is located on a triangular shaped parcel fronting on the Martin Luther King, Jr., Freeway (the “MLK site.”) The other is located on a triangular shaped portion of the DSS property, separated by the railroad tracks and fronting Ramsey Street (the “Ramsey site.”)

The MLK site is a separate parcel lying between the MLK Freeway and the southern-most Hillsboro Street entrance to the DSS parking lot. The tax mapping office calculates this parcel to contain 2.66 acres west of the railroad tracks with an additional 3/1000ths of an acre east of the tracks. Lamar has maintained a static billboard on this site pursuant to a purported ten-year lease with the county dated April 22, 2005. Lamar wishes to continue to lease the MLK Freeway site with a rent increase to \$3,000 annually for a nine year lease term. The county attorney is recommending that the transaction be structured as a license to use the property with a termination clause by which either party can terminate the license upon six months’ notice and with the license fee to be renegotiated every three years.

The Ramsey site is the portion of the parcel occupied by the DSS building lying on the eastern side of the railroad tracks and fronting Ramsey Street. The tax mapping office calculates this portion to contain 1.26 acres. Lamar maintained a static billboard on this site pursuant to a purported ten year lease dated September 14, 2006, which converted to a year to year lease at the end of the term. It is not apparent in the purported lease when the original term commenced. This purported lease was amended on September 24, 2008, to extend it from January 1, 2016, to December 31, 2018, because the billboard was changed to digital. The annual rent for the original lease term has remained \$500. The county acquired this parcel in 1994 as part of the purchase of 25.72 acres for the DSS/Public Health complex. This parcel is listed in the tax records as commercially zoned property at a value of \$0.85 per square foot, or \$46,653 for the 1.26 acres. Lamar has offered to purchase this parcel for \$65,000 or to lease it for 9 years beginning January 1, 2016, for annual rent of \$5,000.

At its June meeting, the Facilities Committee recommended that both sites be licensed to Lamar for continued billboard use. A draft license agreement for both parcels is recorded below.

RECOMMENDATION/PROPOSED ACTION:

The county attorney requests that the Board of Commissioners considers the Facilities Committee’s recommendation.

LICENSE AGREEMENT

THIS LICENSE AGREEMENT is hereby made and entered into this _____ day of _____, 2015, by and between THE COUNTY OF CUMBERLAND, (hereinafter

referred to as the "LICENSOR," and THE LAMAR COMPANIES, a _____ corporation authorized to conduct business in North Carolina (hereinafter referred to as the "LICENSEE").

W I T N E S S E T H;

WHEREAS, LICENSOR is the fee simple owner of certain real property located in Cumberland County, North Carolina, as more particularly identified in Exhibit "A", attached hereto and by reference made a part hereof; and

WHEREAS, LICENSEE desires to use a portion of LICENSOR's property for the purpose of maintaining a (static)(digital) billboard which is owned by LICENSEE and has been located on this property for a number of years; and

WHEREAS, LICENSOR agrees to grant, and LICENSEE agrees to accept, a LICENSE for the aforementioned purpose.

NOW, THEREFORE, for and in consideration of the terms, conditions and mutual covenants contained herein and other good and valuable consideration received by each party, the sufficiency of which are hereby acknowledged, LICENSOR and LICENSEE hereby agree as follows:

1. LICENSOR hereby grants LICENSEE, its agents, servants and assigns the right, privilege and license to use the property described in Exhibit "A" (License Area) to inspect, alter, improve, maintain, and repair the (static)(digital) billboard advertising sign located thereon; and attain ingress and egress to and upon said License Area for the purpose of exercising the rights, privileges and license granted herein.
2. This License is granted for a term not to exceed ten (10) years commencing on _____ and shall continue in full force and effect thereafter until terminated by LICENSOR or LICENSEE upon six (6) months written notice.
3. LICENSEE shall pay LICENSOR an annual License Fee to be paid in advance each year by the anniversary date of the License Term. The initial License Fee shall be _____. The License Fee shall be renegotiated every three years with such renegotiated License Fee to take effect on the fourth and eighth year's anniversary date of the License Term.
4. LICENSOR retains the right to use the License Area in any manner not inconsistent with the rights herein granted to LICENSEE provided, however, that the LICENSOR shall not disturb the billboard in any way without prior approval by the LICENSEE.
5. The LICENSEE expressly acknowledges and accepts its responsibility under applicable North Carolina law for loss, damage, or injury to persons or property, arising out of or resulting from the authorized use of the License Area, unless, however, such claim or demand shall arise out of or result from the negligence or willful misconduct of LICENSOR, its servants, agents, employees, or assigns.
6. Neither LICENSOR nor LICENSEE shall have any responsibility to each other in the event of any damage to or theft of any equipment or property of the other party except if caused by the gross negligence or willful misconduct of such party, and the party incurring such loss shall look to its own insurance coverage, if any, for recovery in the event of any such damage, loss or theft.
7. LICENSEE agrees that any and all work performed in the License Area and in association with the purposes of this License shall be done in a good, safe, workmanlike manner and in accordance with applicable federal, state, and local statutes, rules, regulations and ordinances.
8. In the event LICENSEE shall not make any alterations to the License Area without the prior written consent of LICENSOR, which consent shall not be unreasonably withheld. LICENSOR may refuse to allow any such alteration if in LICENSOR'S

judgment such alteration would adversely affect LICENSOR'S use of the License Area or its adjoining property.

9. LICENSEE'S failure to pay the annual License Fee, or comply with any other provision of this License shall constitute default. In the event LICENSEE fails to cure any such default within a reasonable period of receiving written notice of such default from LICENSOR, then LICENSOR shall have the right to terminate the License herein granted with respect to the applicable License Area and pursue any other remedies available at law or in equity.

10. Upon termination of this License Agreement, LICENSEE shall, within a reasonable time and at LICENSEE's sole cost and expense, remove the billboard and all equipment, accessories, and materials owned by LICENSEE from the License Area and restore said License Area as nearly as practicable to its condition prior to the granting of the License.

11. The License Area is of such configuration and is not of such size as to justify, in the opinion of the parties, entering into a formal lease and/or sublease covering the License Area. The parties have therefore entered into this License Agreement which, the parties recognize, is not dispositive of all matters and issues that may arise during the License period with respect to the License Area. As and when issues and matters arise during the course of the License Period that are not definitively controlled by the provisions of this License Agreement, the parties shall act reasonably and in good faith endeavor to adjust and resolve such issues and matters.

12. This License Agreement shall be governed by and construed in accordance with the laws of North Carolina.

13. LICENSEE acknowledges that LICENSOR has made no warranty nor given any assurance to LICENSEE as to the suitability of the License Area for LICENSEE'S purposes.

IN WITNESS WHEREOF, the undersigned parties have executed this License Agreement on the day and year first above written.

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

- (1) Internal Audit and Finance/Audit Committee Charters

BACKGROUND:

At the April 2, 2015 Finance Committee meeting, recent changes to the Generally Accepted Auditing Standards (GAAS) and their implications were discussed. In summary of that meeting, the County is no longer allowed to provide assistance to the external auditor by using County internal audit staff unless structure changes are made within the County.

The heart of the changes needed is designed to insure the internal audit staff maintain independence and objectivity and are free from interference by any element in the organization. To further insure this change, the internal audit staff should have direct access to the governing body. In this case the Finance Committee of the Board of Commissioners is asked to oversee the system of internal audit.

While the internal auditor has historically performed independently and objectively, the approval of an Internal Audit Charter as well as a Finance Committee Charter will solidify the County's commitment to the internal audit process and provide assurance to both internal and external parties that our internal audit program is one of quality and independence.

For your consideration, the following are highlights of the charters:

Finance Committee Charter:

- Purpose – assist the Board of Commissioners in fulfilling its oversight responsibilities for the financial reporting process , the system of internal control, the audit process and monitoring compliance with laws and regulations
- Authority of the committee – conduct or authorize investigations in to any matters within its scope of responsibility
- Responsibilities –
 - Financial statement review
 - Review audit results
 - Monitor County’s internal control system
 - Internal audit – monitor effectiveness of internal audit, review internal audit plans and reports
 - External audit – review performance, review coordination with internal audit, receive annual audit report
- Compliance – review any audit findings
- Reporting – report to the Board of County Commissioners at least once per year

Internal Audit Charter:

- Purpose – insure Internal Auditing endeavors are conducted in compliance with County objectives and policies as well as the government auditing standards applicable to financial and performance audits
- Authority – establishes the authority of the Internal Audit activity and insures that the Internal Auditor has full, free, and unrestricted access to the Finance Committee
- Establishes independence and objectivity as a requirement for Internal Audit
- Responsibilities –
 - Appraise effectiveness of financial controls within the County
 - Evaluate sufficient adherence to policies, procedures, and compliance with governmental laws and regulations
 - Ascertain quality of controls for safeguarding County assets
 - Perform special reviews as requested
- Reporting – file a written report of each internal audit engagement with the Clerk to the Board of Commissioners and periodically report to the Finance Committee and Assistant County Manager

RECOMMENDATION/PROPOSED ACTION:

Staff recommends approving the Internal Audit Charter and the Finance Committee Charter as recorded below.

**CUMBERLAND COUNTY
INTERNAL AUDIT CHARTER**

PURPOSE

Internal Auditing is an independent appraisal activity established to conduct reviews of operations and procedures and to report findings and recommendations to the Cumberland County Board of Commissioners Finance Committee, the Cumberland County Manager, the Finance Director, and the department reviewed. All Internal Auditing endeavors are to be conducted in compliance with County objectives and policies as well as the government auditing standards applicable to financial and performance audits.

VALUES AND GUIDING PRINCIPLES

In delivering its services, the internal audit activity embraces the values of integrity, objectivity, confidentiality and competency, as identified by the Institute of Internal Auditors Code of Ethics. Additionally, anyone who is practicing internal auditing at Cumberland County will be a Certified Government Audit Professional within twelve months of employment by the Internal Audit Department. The internal audit activity also demonstrates Cumberland County’s Core Values:

- Professionalism
- Respect
- Integrity with accountability
- Diversity
- Excellent Customer Service

AUTHORITY

Internal Auditing reports to the Cumberland County Assistant County Manager for Finance and Administrative Services, but has full, free, and unrestricted access to the County's Finance Committee. These reporting relationships ensure office independence, promote comprehensive audit coverage, and assure adequate consideration of audit recommendations.

Internal Audit personnel, in the performance of audits and with stringent accountabilities of safekeeping and confidentiality, will be granted unlimited accessibility to all County activities, records, property, and employees, except Official Personnel Files, which will be obtained through the County Manager. All employees are requested to assist the internal audit activity in fulfilling its roles and responsibilities.

Internal Auditing is a function that has no direct authority over activities, which its personnel review. The performance of these reviews does not relieve management of any assigned responsibilities.

Objectivity is essential to the audit staff in the proper fulfillment of its duties. Performance of line responsibilities by internal auditors may compromise their objectivity. This practice will be limited and considered in personnel selection for audit assignments.

INDEPENDENCE AND OBJECTIVITY

The internal audit activity will remain free from interference by any element in the organization, including matters of audit selection, scope, procedures, frequency, timing, or report content to permit maintenance of a necessary independent and objective mental attitude.

Internal auditors will have no direct operational responsibility or authority over any of the activities audited. Accordingly, they will not implement internal controls, develop procedures, install systems, prepare records, or engage in any other activity that may impair internal auditor's judgment.

Internal auditors will exhibit the highest level of professional objectivity in gathering, evaluation, and communicating information about the activity or process being examined. Internal auditors will make a balanced assessment of all the relevant circumstances and not be unduly influenced by their own interests or by others in forming judgments.

The Chief Audit Executive will confirm to the Finance Committee, at least annually, the organizational independence of the internal audit activity.

RESPONSIBILITIES

The scope of Internal Auditing encompasses, but is not limited to, the examination and evaluation of the adequacy and effectiveness of the organization's governance, risk management, and internal controls as well as the quality of performance in carrying out assigned responsibilities to achieve the County's stated goals and objectives. To this end, Internal Auditing furnishes the Finance Committee and reviewed department with analysis, appraisals, recommendations, counsel, and information concerning the activities reviewed.

The fulfillment of this accountability is not confined to but includes:

- Appraising the effectiveness and application of administrative and financial controls and reliability of data that is developed within the County.
- Evaluating sufficiency of an adherence to plans, policies, procedures, and compliance with governmental laws and regulations.
- Ascertaining the adequacy of controls for safeguarding County assets and, when appropriate, verifying the existence of assets.
- Performing special reviews, requested by the County Manager, Assistant County Manager, Finance Director, or the Finance Committee.

- Conducting appraisals of effective and efficient use of County resources and making appropriate recommendations to the County Manager, Assistant County Manager, Finance Director, Finance Committee, and the department reviewed.
- Monitoring and evaluating governance processes.

REPORTING AND MONITORING

A written report will be prepared and issued by the Chief Audit Executive or designee following the conclusion of each internal audit engagement and will be filed with the Clerk to the Board of Commissioners. The internal audit report may include management's response and corrective action taken or to be taken in regard to the specific findings and recommendations. Management's response, whether included within the original audit report or provided thereafter (i.e. within thirty days) by management of the audited area should include a timetable for anticipated completion of action to be taken and an explanation for any corrective action that will not be implemented.

The internal audit activity will be responsible for appropriate follow-up on engagement findings and recommendations. All significant findings will remain in an open issues file until cleared. The Chief Audit Executive will periodically report to the Assistant County Manager and the Finance Committee on the internal audit activities. Reporting will include significant risk exposures and control issues, including fraud risks, governance issues, and other matters needed or requested by the senior management or the Finance Committee.

QUALITY ASSURANCE AND IMPROVEMENT PROGRAM:

The internal audit activity will maintain a quality assurance and improvement program that covers all aspects of the internal audit activity. The program will include an evaluation of the internal audit activity's conformance with the Definition of Internal Auditing and the Standards and an evaluation of whether internal auditors apply the Code of Ethics. The program also assesses the efficiency and effectiveness of the internal audit activity and identifies opportunities for improvement.

The Chief Audit Executive will communicate to senior management and the Finance Committee on the internal audit activity's quality assurance and improvement program, including results of ongoing internal assessments and external assessments conducted at least every five years.

CUMBERLAND COUNTY FINANCE (AUDIT) COMMITTEE CHARTER

PURPOSE

To assist the Board of County Commissioners (BOCC) in fulfilling its oversight responsibilities for the financial reporting process, the system of internal control, the audit process, and the County's process for monitoring compliance with laws and regulations and the code of conduct.

AUTHORITY

The finance committee has authority to conduct or authorize investigations into any matters within its scope of responsibility. It is empowered to:

- Appoint, compensate, and oversee the work of any registered public accounting firm employed by the County.
- Resolve any disagreements between management and the auditor regarding financial reporting.
- Pre-approve all auditing services.
- Retain independent counsel, accountants, or others to advise the committee or assist in the conduct of an investigation.
- Seek any information it requires from employees—all of whom are directed to cooperate with the committee's requests—or external parties.
- Meet with County management and staff, external auditors, or outside counsel, as necessary.

COMPOSITION

The Audit Committee will consist of the Finance Committee of the BOCC, all of which are Cumberland County Commissioners. The BOCC Chair will appoint the Finance Committee members and the Finance Committee will elect their chair.

Each committee member will be both independent and financially literate. At least one member shall be designated as the “financial expert,” as defined by applicable legislation and regulation.

MEETINGS

The Finance Committee will meet at least four times a year, with authority to convene additional meetings, as circumstances require. All committee members are expected to attend each meeting. The committee will invite members of management, auditors, or others to attend meetings and provide pertinent information, as necessary. It will hold private meetings with auditors (see below) and executive sessions. Meeting agendas will be prepared and provided in advance to members, along with appropriate briefing materials. Minutes will be prepared.

RESPONSIBILITIES

The Finance Committee will carry out the following responsibilities:

Financial Statements

- Review significant accounting and reporting issues, including complex or unusual transactions and highly judgmental areas, and recent professional and regulatory pronouncements, and understand their impact on the financial statements.
- Review with management and the external auditors the results of the audit, including any difficulties encountered.
- Review with management and the external auditors all matters required to be communicated to the committee under generally accepted auditing Standards.
- Understand how management develops interim financial information and the nature and extent of internal and external auditor involvement.

Internal Control

- Consider the effectiveness of the County’s internal control system, including information
- Understand the scope of internal and external auditors' review of internal control over financial reporting and obtain reports on significant findings and recommendations, together with management's responses.

Internal Audit

- Review with the County Manager, the Assistant County Manager, the Finance Director, and the chief audit executive about the charter, plans, activities, staffing, and organizational structure of the internal audit function.
- Review the effectiveness of the internal audit function, including compliance with The Institute of Internal Auditors' Standards for the Professional Practice of Internal Auditing.
- On a regular basis, review internal audit reports and meet separately with the chief audit executive on an as needed basis to discuss any matters that the committee or internal audit believes should be discussed privately.

External Audit

- Review the external auditors' proposed audit scope and approach, including coordination of audit effort with internal audit.
- Review the performance of the external auditors, and exercise final approval on the appointment or discharge of the auditors.
- Review and confirm the independence of the external auditors by obtaining statements from the auditors on relationships between the auditors and the County, including non-audit services, and discussing the relationships with the auditors.
- On a regular basis, meet separately with the external auditors to discuss any matters that the committee or auditors believe should be discussed privately.

Compliance

- Review the findings of any examinations by regulatory agencies and any auditor observations.

- Obtain updates from management and County legal counsel regarding compliance matters on an as needed basis.

Reporting Responsibilities

- Report to the BOCC about committee activities, issues, and related recommendations as needed, but at a minimum, one time a year.
- Provide an open avenue of communication between internal audit, the external auditors, and the BOCC.
- Review any other reports the County issues that relate to committee responsibilities.

Other Responsibilities

- Perform other activities related to this charter as requested by the BCC.
- Institute and oversee special investigations as needed.
- Confirm annually that all responsibilities outlined in this charter have been carried out.
- Evaluate the committee's and individual members' performance on a regular basis.

(2) Budget Revisions for the Incurred But Not Reported (IBNR) Year End Entry

BACKGROUND:

During the FY16 budget planning session held in March, Mark III presented information regarding health insurance cost increases including an unexpected rise in current year claims of 20%. In addition, finance staff have been monitoring active employee and retiree health insurance claims throughout the fiscal year and the trend does show that claims costs have increased. By June 30 of each fiscal year *the County must estimate the dollar amount of claims for services that have been rendered but not yet billed to BCBS for the fiscal year, known as IBNR-incurred but not reported.* The estimate of IBNR is based on prior year data combined with current year trend. This fiscal year, the expenditure budget is not enough to cover the actual claims paid and the IBNR, which is recorded in our books through a journal entry. The combined projected budget shortfall is \$2,300,000. Of that shortfall, the estimated IBNR amount totals \$2,135,000.

Budget revisions have been prepared to request the movement of general funds totaling \$2,300,000 into the active employee health insurance fund and the retiree health insurance fund to cover the projected shortfall at year-end. It is anticipated that the IBNR portion of the total will be put back into the general fund (by reversing the journal entry) during the second quarter of FY16. At that time a budget revision will be prepared. The net impact to the general fund is a one-time projection of \$165,000.

RECOMMENDATION/PROPOSED ACTION:

Approval of the four budget revisions (B15-340A, B15-341A, B15-340 and B15-341) moving funds from the general fund to the health insurance funds.

(3) Funding Agreements with Alliance Behavioral Healthcare

BACKGROUND:

Cumberland County currently has two funding agreements with Alliance Behavioral Health Care (Alliance), each providing \$2.4 million in county funding, for a total of \$4.8 million in County dollars. One agreement is a three-year tri-party contract between the County, Alliance and the Cape Fear Valley Medical Center (CFVMC) that allocates funding for services provided by CFVMC; this contract expires June 30, 2016. The second agreement is a one-year two-party contract between the County and Alliance that allocates funding for all other behavioral health provider services in Cumberland County; this contract is set to expire June 30, 2015.

During Alliance's fiscal year 2014 audit, unspent County funds were recorded as unearned revenue (a liability account) based on the contract language. This caused a drastic decrease in their current ratio which is used to determine their stability across the state against all other managed care organizations (MCOs). Based on a recommendation by their auditors, Alliance has requested a change in the contract language for fiscal year 2015 and forward. The proposed language has been changed to reflect any unspent County funds to be recognized as restricted fund balance instead of unearned revenue and

allows that fund balance to be treated as income in the next fiscal year and to be utilized for services for Cumberland County residents. They are seeking approval no later than June 30, 2015 so that this change can be applied in this year's audit.

In addition, the Alliance requested a 1% increase to the \$4.8 million allocation (or \$48,000) to support the administrative efforts required to manage these funds. During merger discussions, it was understood that the County's funding was to be allocated to support services and that the administration of these funds would be the responsibility of the Alliance, which is also supported by administrative funds provided through Medicaid and State funds. In their request, the Alliance indicated that they are no longer able to sustain the costs of administering County services and has therefore made this request of all its County partners which includes Cumberland, Durham and Wake.

During the June 4, 2015, the Finance Committee meeting, Rob Robinson reported to the Committee the challenges he faced administering the County's funds. He also indicated that Medicaid and State administrative funds could not be used in support of managing County dollars.

In response to the requests from Alliance, the Finance Committee approved the following recommendations for Board of Commissioner consideration:

1) Amend language in paragraph 3 of the 2015 Funding Agreement (as indicated by underlining):

Pursuant to N.C.G.S. 122C-115, the County agrees to allocate and pay to Alliance Two Million Four Hundred Thousand Dollars (\$2,400,000.00) for the provision of mental health, intellectual/developmental disability and substance abuse services to eligible Cumberland residents served by Alliance. The County shall pay to Alliance through a wire transfer an amount equal to one-quarter the Annual Allocation beginning on July 2, 2014, and quarterly thereafter. Any Annual Allocation funds left unspent at the end of the fiscal year shall be applied to the next year's annual allocation. Alliance will recognize funding as income in the year received and any unspent funding from the current year and prior years will be recognized as income in the current year. Cumberland County funds held by Alliance on June 30, shall be held by Alliance in a restricted fund balance for the purchase of services for Cumberland County residents in future fiscal years, unless otherwise directed in writing by the County Manager.

2) Renew the above referenced agreement for one year from July 1, 2015 to June 30, 2016.

3) Authorize the Alliance to utilize \$48,000 of the current \$2.4 million allocation of Cumberland County funding to cover administrative costs (equates to 1% of the total \$4.8 million County funding allocation)

RECOMMENDATION/PROPOSED ACTION:

Consider whether to approve the Finance Committee's recommendation.

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

(1) Wrecker Board Data Review

BACKGROUND:

At the June 4, 2015 Policy Committee meeting, staff was asked to review statistics for the County's Rotation Wrecker Program and other data associated with Road Runner Towing Service. There are no records kept of private requests for a non-rotation wrecker by the County Communication Center so staff cannot verify how many times a specific towing service may have been requested by a private citizen through the Communications Center. Staff did however request information from the City of Fayetteville and found that of 3,260 rotation wreckers dispatched since May 2014 to May 2015, Road Runner Towing was dispatched 131 times or 4% of the total calls dispatched.

RECOMMENDATION/PROPOSED ACTION:

This is for information purposes only. Staff makes no recommendation or proposes any action at this time.

CUMBERLAND COUNTY WRECKER SERVICE CALL DATA: MAY 2014 - MAY 2015			
Zones 1, 2 & 3			
	Accepted	Cancelled	Total
301 TRUCK STOP	21	5	26
AAA AUTOMOTIVE	21	7	28
AUTO TUNE INC	2	4	6
B&B TOWING	7	5	12
B&D TOWING	0	1	1
BEACON	1	0	1
BISHOPS AUTO	19	12	31
CROSS CREEK	16	5	21
CRUMPLERS	1	12	13
EDS WRECKER	28	11	39
ERNIES TIRE SALES & SERVICE	24	5	29
HMC	6	3	9
HOLDERS RECOVERY	5	3	8
HORNES RECOVERY	5	2	7
JC TOWING	8	12	20
JOHNNYS TOWING	7	1	8
KENS MUFFLER SHOP	15	6	21
LEROYS WRECKER SERVICE	17	2	19
LOGANS BODY SHOP	3	6	9
MARKS WRECKER SERVICE	3	12	15
NORTONS AUTO SALES	17	1	18
NORTONS WRECKER SERVICE	20	4	24
PHILLIPS RECOVERY	13	9	22
PHILLIPS TOWING	14	10	24
PHILLIPS TRANSPORTATION	15	8	23
RALPHS	15	3	18
T&K TOWING	12	7	19
TARHEEL TOWING & RECOVERY	4	6	10
TOW RITE CO	78	18	96
WORTH BROTHERS TOWING	84	14	98
	481	194	675

Note: Number of calls may vary from one towing service to another depending on the zone worked (some zones are busier than others) and whether or not an individual wrecker service was under a suspension from the wrecker rotation program by the Sheriff's Office. The total number of wrecker calls in the county service area may appear low compared to the City of Fayetteville, which had 3,260 total calls for the same time period because the State Highway Patrol handles a wrecker rotation program for the same area of the county since they investigate all traffic accidents on state roadways outside municipalities.

(2) Removed for separate discussion and action as recorded below.

- L. Approval of the FY 2015-2016 Home and Community Care Block Grant for Older Adults Agreement Between County of Cumberland and Mid-Carolina Area Agency on Aging

BACKGROUND:

Grant funding allocations for the Home & Community Care Block Grant for Cumberland County have not yet been finalized for FY2015-2016; however, the County has been instructed to use the current funding levels for planning purposes at this time. Mid-Carolina Area Agency on Aging has provided committee recommendations that the service provider allocations be maintained as currently distributed.

RECOMMENDATION/PROPOSED ACTION:

Approve the County Summary and County Agreement for the Provision of County-Based Aging Services which require the signatures of the Chairman of the Board and the County Finance Director.

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

- (1) Case Number: MH 457-2014
Property Owner: Betty Morneault c/o David Pait
Property Location: 6526 Alamance Road, Hope Mills, NC
Parcel Identification Number: 0412-54-7360

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

CASE NUMBER: MH 457-2014

PROPERTY OWNER: Betty Morneault c/o David Pait

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on November 17, 2014, enacted an ordinance directing the demolition by the owner of the structure Betty Morneault, located at 6526 Alamance Road, Hope Mills, NC, PIN: 0412-54-7360, said ordinance being recorded in Book 9548, page 437, of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$4,300.00.
- (3) There were no salable materials resulting from said work.

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

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$4,300.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated November 17, 2014, and in Section 153A-372 of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at 6526 Alamance Road, Hope Mills, NC, as described in Deed Book 3940, page 867, of the Cumberland County Registry and identified in County tax records as PIN 0412-54-7360.

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

(4) That one copy of this resolution be filed in the minutes of this Board of County Commissioners and another copy certified and delivered by the Clerk as a charge to the Tax

Collector, who shall thereupon enter the amount of the assessment set forth above upon the Tax Books of the County as a special assessment against the above described property.

- (2) Case Number: MH 634-2014
Property Owner: Ruby H. Parker Heirs
Property Location: 139 N. Grogg Street, Spring Lake, NC
Parcel Identification Number: 0511-27-1603

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 634-2014
PROPERTY OWNER: Ruby H. Parker Heirs

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on October 20, 2014, enacted an ordinance directing the demolition by the owner(s) of the structure(s) Ruby H. Parker Heirs, located at 139 N Grogg Street, Spring Lake, NC, PIN: 0511-27-1603, said ordinance being recorded in Book 9536, page 0566, of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$1,100.00.
- (3) There were no salable materials resulting from said work.

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

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$1,100.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(3) That as provided in the Ordinance of Cumberland County dated October 20, 2014, and in Section 160A-443(6) of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at 139 N Grogg Street Spring Lake, NC, as described in Deed Book 0490, page 0008, of the Cumberland County Registry and identified in County tax records as PIN 0511-27-1603.

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

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

- (3) Case Number: MH 775-2014
Property Owner: James E. & Jennifer Wright & RBMG. Inc. (Netbank, Inc.)

Property Location: 8533 Candlebrush Dr., Linden, NC
Parcel Identification Number: 0554-56-7668

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY
CASE NUMBER: MH 775-2014

PROPERTY OWNER: James E. & Jennifer Wright & RBMG. INC. (Netbank, Inc.)

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on January 20, 2015, enacted an ordinance directing the demolition by the owner of the structure James E. & Jennifer Wright & RBMG. INC. (Netbank, Inc.), located at 8533 Candlebrush Dr; Linden, NC, PIN: 0554-56-7668, said ordinance being recorded in Book 9585, page 328, of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$2,540.00.
- (3) There were no salable materials resulting from said work.

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

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$2,540.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated January 20, 2015, and in Section 153A-372 of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at 8533 Candlebrush Dr, Linden, NC, as described in Deed Book 3189, page 559, of the Cumberland County Registry and identified in County tax records as PIN 0554-56-7668.

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

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

N. Budget Revisions:

- (1) Emergency Services

Revision in the amount of \$16,711 to recognize additional revenue received from the NC Emergency Performance Grant. (B15-343) Funding Source – State

- (2) Soil and Water Conservation District
Revision in the amount of \$2,940 to recognize additional fundraiser collections. (B15-352) Funding Source – Other
- (3) Mid-Carolina Senior Transportation
Revision in the amount of \$555 to recognize receipt of general fees collected. (B15-353) Funding Source – Fees
- (4) Recreation and Parks – Hope Mills
Revision in the amount of \$15,000 to recognize additional revenue received. (B15-344) Funding Source – Recreation and Parks Tax
- (5) Lake Rim Fire District
Revision in the amount of \$7,500 to increase contract for additional revenues earned. (B15-345) Funding Source – Lake Rim Fire District Tax
- (6) Grays Creek Fire District #24
Revision in the amount of \$5,600 to increase expenditure line to cover unanticipated motor vehicle collection fees in the amount of \$600 and recognize additional revenue received in the amount of \$5,000. (B15-347) Funding Source – Grays Creek Fire District Tax
- (7) Grays Creek Fire District #18
Revision in the amount of \$5,600 to increase expenditure line to cover unanticipated motor vehicle collection fees in the amount of \$600 and recognize additional revenue received in the amount of \$5,000. (B15-346) Funding Source – Grays Creek Fire District Tax
- (8) Tourism Development Authority
Revision in the amount of \$512,000 to recognize additional revenues anticipated to be earned for the remainder of the current fiscal year. (B15-357) Funding Source – Room Occupancy Tax
- (9) Facilities Maintenance/Public Buildings Janitorial
Revisions in the total amount of \$17,000 to reallocate budgeted expenditures from Public Buildings Janitorial to Facilities Maintenance to cover maintenance and repair costs through the remainder of the fiscal year. (B15-359 thru B15-360A) Funding Source – Reallocation of Budgeted Expenditures
- (10) Facilities Maintenance/Court Facilities
Revision in the amount of \$30,169 to reallocate budgeted expenditures from Court Facilities to Facilities Maintenance to cover maintenance and repair costs through the remainder of the fiscal year. (B15-361 thru B15-361A) Funding Source – Reallocation of Budgeted Expenditures
- (11) Facilities Maintenance/Stadium Maintenance
Revision in the amount of \$8,000 to reallocate budgeted expenditures from Stadium Maintenance to Facilities Maintenance to cover maintenance and repair costs through the remainder of the fiscal year.

(B15-362 thru B15-362A) Funding Source – Reallocation of Budgeted Expenditures

(12) Non-Medical Transportation Grant/General Government Other

Revision in the amount of \$45,000 to appropriate fund balance to provide the required 10% local match for Section 5310 Non-Medical Transportation Grant. (B15-364 thru B364A) Funding Source – Fund Balance Appropriated

MOTION: Commissioner Evans moved to approve consent agenda Items 3.A. – 3.K.(12) with the exception of Item 3.A.(2) as removed for separate discussion and action.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (6-0)

3.K.(2) Revisions to Section 9.5-101 of the Cumberland County Code Regarding Weapons Posting

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:

These revisions were approved by the Policy Committee at its June 4, 2015, meeting by a vote of 2-1.

Commissioner Keefe asked why these revisions were being considered because the county and the state are open carry. Rob Hasty, Assistant County Attorney, stated the County Attorney’s Office was asked to research the matter because an individual entered the Historic Courthouse carrying an open carry firearm which made someone nervous. Mr. Hasty stated research revealed there is no prohibition to open carry and it is being brought to the attention of the Board to determine whether it desires to revise the ordinance to prohibit open carry. Commissioner Keefe stated this appears to be a knee-jerk reaction, there have never been any problems and this matter should be delayed so more research can be conducted. Commissioner Evans provided comments in support of the ordinance revisions. Additional comments followed.

MOTION: Commissioner Keefe moved to table the revisions to Section 9.5-101 of the Cumberland County Code for sixty days to gather more information.

Motion died due to lack of a second.

Commissioner Council stated this issue has been of concern across the state and as such, it came before the Legislative Goals Committee on which she served as co-chair. Commissioner Council stated approval of the revision follows through with the concerns for safety that were voiced at the state level and makes this ordinance clear in Cumberland County.

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

SECOND: Commissioner Evans

DISCUSSION: Chairman Edge stated he would support the motion because the state gave counties the authority to prohibit the concealed carry of firearms in county buildings. Chairman Edge stated there are only six words changed in the ordinance thereby making weapons, including concealed handguns and open carry

handguns prohibited. Chairman Edge stated commissioners have a duty to protect individuals coming into county buildings and the authority to make changes that best fit Cumberland County.

VOTE: PASSED (5-1) (Commissioners Evans, Lancaster, Edge, Council, and Adams voted in favor; Commissioner Keefe voted in opposition.)

Rick Moorefield, County Attorney, advised the revisions to Section 9.5-101 of the Cumberland County Code were not adopted and would be brought back in August for a second reading.

4. Public Hearings

Ms. Cannon explained the Board of Commissioners' procedures for public hearings.

Tom Lloyd, Planning and Inspections Director, stated there were no speakers signed up in opposition to Case P15-27 or to Case P15-28 as recorded below and the Planning Board recommended approval of each of the cases.

Uncontested Rezoning Case

- A. Case P15-27: Rezoning of 2.16+/- acres from R40 Residential to A1 Agricultural, or to a more restrictive zoning district, located at 2226 Dunn Road, submitted by James A. McLaurin (owner) and Michael J. Adams, PLS.

Staff Recommendation:

1st motion for Case P15-27: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration in of this case, which minutes are to be fully incorporated herein by reference.

2nd motion for Case P15-27: Move to approve the rezoning for A1 Agricultural district as recommended by the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

Planning Board Recommendation: Approve the Staff Recommendation.

Chairman Edge opened the public hearing for Case P15-27.

The clerk to the board advised there were no speakers for Case P15-27.

Chairman Edge closed the public hearing for Case P15-27.

MOTION: Commissioner Council moved in Case P15-27 to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration in of this case, which minutes are to be fully incorporated herein by reference.

SECOND: Chairman Edge

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Council moved in Case P15-27 to approve the rezoning for A1 Agricultural district as recommended by the Planning Staff included in the agenda package and as reflected in the minutes of the Planning

Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

SECOND: Chairman Edge
VOTE: UNANIMOUS (6-0)

- B. Case P15-28: Rezoning of 3.00+/- acres from R6A Residential to C(P) Planned Commercial, or to a more restrictive zoning district, located at 1062 Charmain Street, submitted by Albert and Shirley R. Norton on behalf of ASK Properties, LLC. (owner).

Staff Recommendation:

1st motion for Case P15-28: Move to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

2nd motion for Case P15-28: Move to approve the rezoning for C(P) Planned Commercial as recommended by the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

Planning Board Recommendation: Approve the Staff Recommendation.

Chairman Edge opened the public hearing for Case P15-28.

The clerk to the board advised there were no speakers for Case P15-28.

Chairman Edge closed the public hearing for Case P15-28.

MOTION: Commissioner Evans moved in Case P15-28 to find the request for rezoning consistent with the 2030 Growth Vision Plan, and any other applicable land use plan, reasonable and in the public interest for the reasons stated in the recommendations of the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

SECOND: Commissioner Council
VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Evans moved in Case P15-28 to approve the rezoning for C(P) Planned Commercial as recommended by the Planning Staff included in the agenda package and as reflected in the minutes of the Planning Board's consideration of this case, which minutes are to be fully incorporated herein by reference.

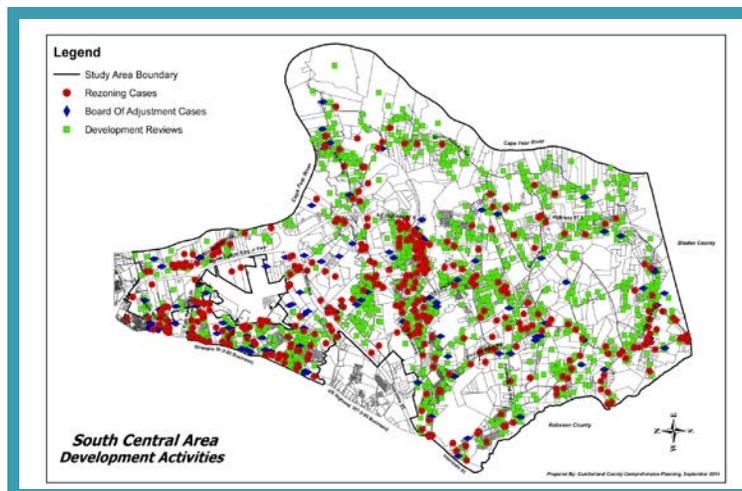
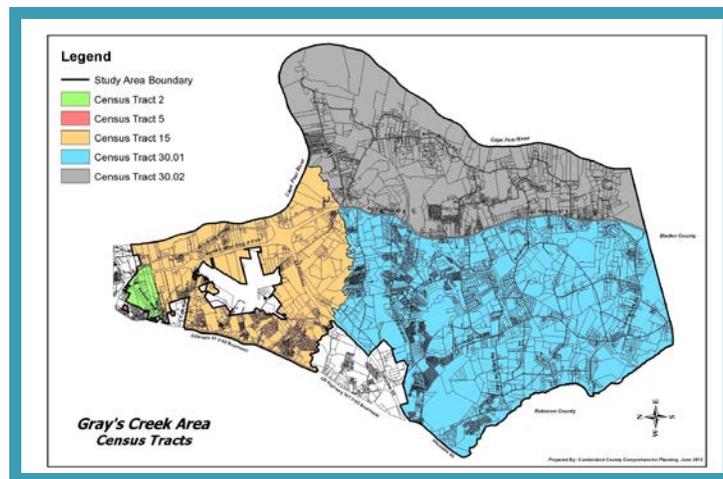
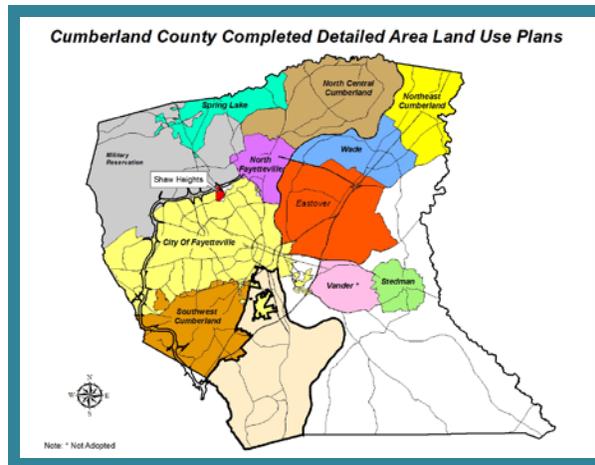
SECOND: Commissioner Council
VOTE: UNANIMOUS (6-0)

- C. Presentation on South Central Land Use Plan

Mr. Lloyd recognized Will Denning, Comprehensive Planning Manager, and Denise Sykes, Senior Planner, and Will Linville, Planner, for having worked on the South Central Land Use Plan. Mr. Lloyd stated the plan recommendations are being provided by the Comprehensive Planning Committee of the Planning Board as well as the Planning Board.

- (1) South Central Land Use Plan – PowerPoint Presentation

Mr. Denning displayed and provided an overview of the following maps:



Mr. Denning then outlined the process used to develop the South Central Land Use Plan;

ACTIVITY	DATE
Research, Compile, and Analyze Data	April - November 2013
Conduct Vision Session with Area Residents <ul style="list-style-type: none"> • Present data • Gather community issues, needs & desires • Establish Citizen Planning Committee 	September 2013
Develop Draft Plan Facilitated by Staff with the Citizen Planning Committee	October 2013 – August 2014

Present Draft Plan to Area Residents and Get Feedback	October 2014
Planning Committee Review Residents' Comments and Finalize the Draft Plan	November 2014
Planning Staff Finalize Draft Plan Document	January 2015 – March 2015
Planning Board Public Hearing	May 2015
Governing Board Hold Public Hearing and Adopt the Plan	June 2015

Mr. Denning stated once established, the Citizen Planning Committee identified the following:

Future Vision:

- Controlled Growth
- Maintain country atmosphere
- Improvements around Crown Coliseum
- Incorporated Gray's Creek
- Affordable water and sewer
- Preservation of wildlife habitats and open space

Existing Assets:

- Peace and Quiet
- Agriculture
- School system
- Cape Fear River
- Community atmosphere

Liabilities:

- Litter - especially along roads
- Animal control
- Lack of control of urban and industrial sprawl
- Poor private trash service
- Lack of police protection
- No controls on the type of houses built

Mr. Denning provided an overview of the Citizen Planning Committee:

- All volunteers (53)
- 15 Meetings held
- Over 30 hours developing the plan
- Between 11-27 participants per meeting

Mr. Denning highlighted recommendations for the South Central area as follows:

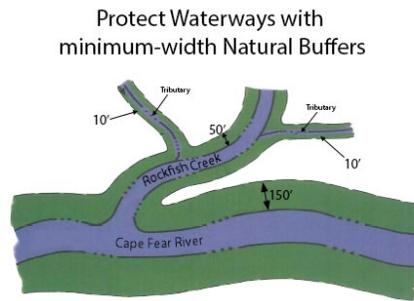
Goals and Objectives:

- Residential
- Commercial
- Open Space
- Transportation
- Farmland
- Community Facilities & Services
- Industrial/Manufacturing
- Community Appearance

Entrance Corridors Enhancements

- Chicken Foot Road
- US Highway 301 South/Gillespie Street
- Claude Lee Road
- Owen Drive
- Owen Drive Extension
- I- 95
- Doc Bennett Road
- Airport Road
- Wilmington Highway/Old N.C. Highway 87 South
- N C Highway 87 South

Waterways Natural Buffer Protection



Co-Locate Community Facilities and Services

- Law Enforcement
- Schools
- Recreation Centers
- Parks
- Walking Trails
- Social Services
- Medical & Mental Health Services
- Libraries, Etc.

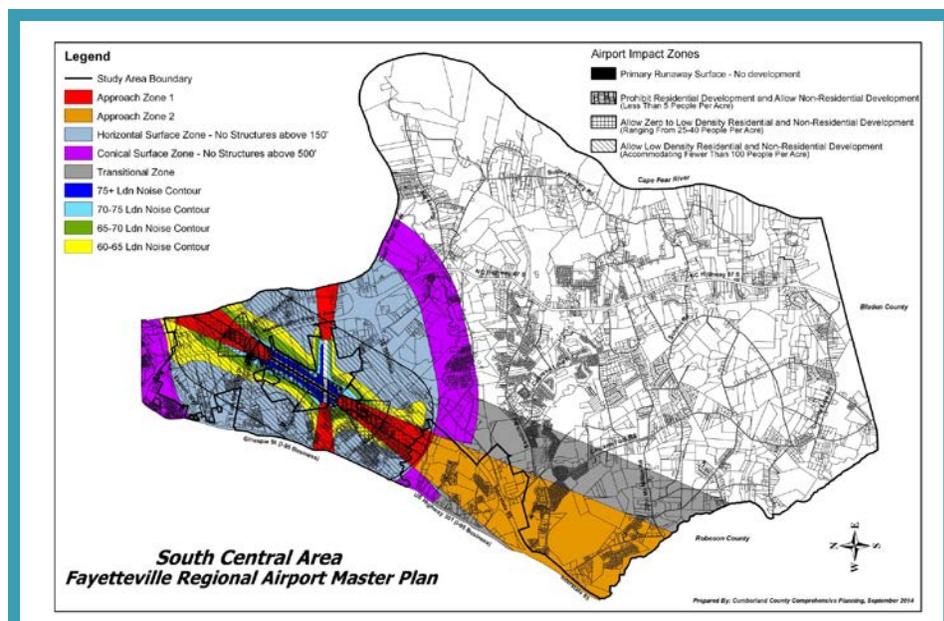
No New Billboards on Designated Streets

- Martin Luther King Jr. Boulevard
- I- 95
- Proposed Airport/Coliseum/Downtown Connector Roads
- U.S. Highway 301 South
- Claude Lee Road
- Airport Road
- Chicken Foot Road
- East Mountain Drive

Other Recommendations:

- Concentrate commercial development in nodes at major intersections and interchanges
- No new strip commercial development
- Encourage the re-use of vacant industrial and commercial buildings
- Protect residential areas from industrial and commercial development
- Protect farmland, the agricultural interests, and the rural character in the southern portion of the Area
- Create provisions for a “family subdivision” for immediate family farm members and farm workers

Mr. Denning briefly reviewed the Fayetteville Regional Airport Master Plan as follows:



Mr. Denning stated other recommendations included the protection of natural areas, environmentally sensitive areas, and historic and scenic sites. Mr. Denning stated additional recommendations were to promote infill development and preserve the rural character in the farmland designated area.

Mr. Denning provided an overview of the recommended Water and Sewer Policy:

- Density Greater than two units or lots/per acre must have public or community water and sewer.
- Areas with existing water and sewer should be encouraged to be developed first
- Explore the establishment of a water district with the water source from Bladen County to provide safe drinking water with the district being owned, operated and controlled by the residents.
- Any future water and sewer extensions should be done incrementally and systematically.
- Rural water should be extended only to provide potable water, eliminate water contamination issues, and be explicit for rural development only.
- Sewer only be permitted in designated farmland area where there is a health risk.

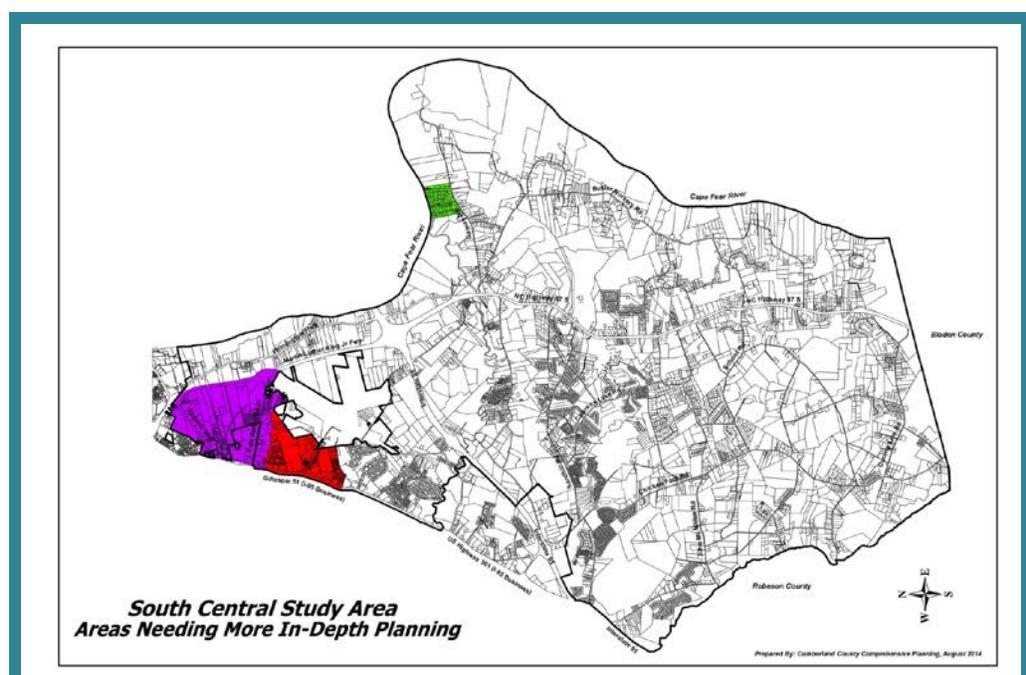
Mr. Denning stated recommendations for development were to develop incentives to encourage cluster and open space subdivisions, no access easements for residential development along roadways and to support the adopted bike and pedestrian connectivity plan. Mr. Denning stated there was also a recommendation to extend the Cape Fear River Trail to Arnette Park.

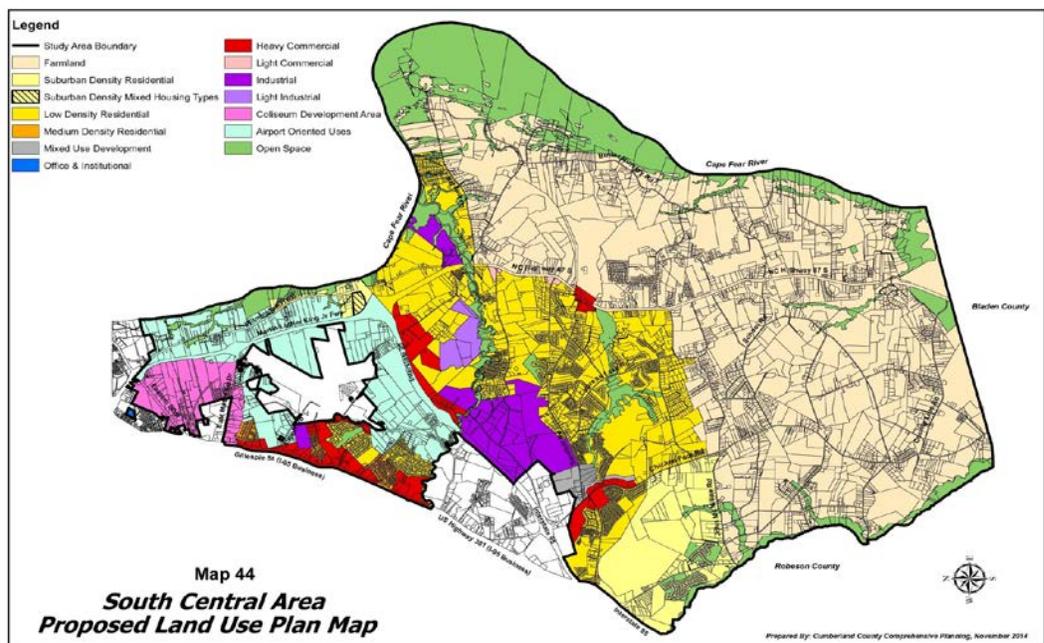
Mr. Denning stated there was a recommendation to continue effective development of the Cumberland County Industrial Center by instituting:

- A systematic beautification and maintenance plan
- Additional landscaping
- Signage
- Manicured grass areas
- Enhanced visual appeal of vacant structures

Mr. Denning stated recommendation was also for Crown Coliseum Complex and airport area linkages. Mr. Denning then displayed slides with streetscapes, an urban street cross-section and the Fayetteville/Cumberland County Regional Wayfinding Signage Program.

Mr. Denning displayed a map of the south central study area and areas requiring more in-depth planning. Mr. Denning also provided highlights of a South Central area proposed land use plan map as follows:





Mr. Denning briefly reviewing the following recommended projects for the South Central area:

- Sandhill Road/ Chicken Foot Road realignment & intersection improvements
- Provide fenced walking trails around the perimeter of all school sites for the community use
- Repair dam on Canady Pond Road
- Establish standards for private trash pickup service
- Post more speed limit signs
- Sheriff substation
- Improve Yarborough Road
- Pave dirt roads
- Develop A-1 type zoning district that allows only stick built homes

Mr. Denning concluded his presentation by recognizing members of the Citizens Planning Committee and thanking them for their service.

(2) South Central Land Use Plan Recommendations

This draft Plan provides the location of future land uses in the area bounded on the south by Robeson and Bladen Counties, on the west by U.S. 301 South and Interstate 95, on the north by the City of Fayetteville, and on east by the Cape Fear River.

Comprehensive Planning Committee Recommendation:

Approve the plan and move it forward to the Board of Commissioners for their review and approval for the reasons stated in the recommendations of the Comprehensive Planning Committee included in the agenda package and as reflected in the minutes of the Planning Board’s consideration of this case, which minutes are to be fully incorporated herein by reference.

Planning Board Recommendation: Approve the Committee Recommendation

Chairman Edge opened the public hearing for South Central Land Use Plan.

The clerk to the board called the following speakers:

Paul Johnson – Mr. Johnson appeared in favor and spoke to the 21 month process involved in drafting the plan for a diverse area with a variety of interests, the persistence of the planning committee members and the effort to reach consensus that will represent the overall will of the

community as it relates to managing growth and future growth. Mr. Johnson thanked planning staff for shepherding the process.

Roberta Waddle – Ms. Waddle appeared in favor and stated no plan is perfect but citizens of the area came together to express their wishes for the area. Ms. Waddle stated one only has to look around the county to see too little planning for growth and development and the committee was asked what they would like to see in 20 to 30 years. Ms. Waddle stated the plan is the result of discussion, arguments and compromise.

Debra Stewart – Ms. Stewart appeared in favor and stated as a resident of Grays Creek, she supports the plan because she has no other ideas about how to control development in the Grays Creek area. Ms. Stewart stated important to her are the preservation of wild life habitats and farmland because without them, there will be no sustainable future. Ms. Stewart stated preservation of historical areas is also important to her. Ms. Stewart asked that these be considered when looking at the plan.

Regina Blanding – Ms. Blanding appeared in favor and stated she is one of the few people serving on the committee that doesn't think growth is a bad thing because it is something outsiders see and want to become a part of. Ms. Blanding stated her reason for serving on the committee was to see that there was responsible growth for current and future residents. Ms. Blanding asked that the Board consider the interests of all citizens.

There being no further speakers, Chairman Edge closed the public hearing for South Central Land Use Plan.

Commissioner Keefe posed questions regarding the use and application of the South Central Land Use Plan. Mr. Lloyd stated the plan supplements the 2030 Growth Vision Plan and serves, along with the Land Use Policies Plan, as a tool to help the Planning Board make planning and zoning decisions. Mr. Lloyd explained triggers or changes that could have an effect on the adopted plan and that could also be reflected in the Planning Board's recommendations. Mr. Lloyd stated this is one of several plans used in the Planning Board's recommendations.

Commissioner Adams spoke to the conservative nature of the plan's water and sewer policy with the recommendation for the establishment of a water district with Bladen County designated as the water source and the recommendation to extend water only when there are health problems. Commissioner Adams stated he felt this presented a limited view and there needs to be conversation about whether to have this type of water and sewer policy or whether to have water extended throughout the community. Commissioner Adams stated there appears to be a conflict between the desire for urban amenities and the protection of rural areas.

MOTION: Commissioner Council moved to approve the South Central Land Use Plan as presented.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (6-0)

Chairman Edge thanked the Comprehensive Planning Committee and staff for their work on the plan and noted that in the minutes of the May 19, 2015 Planning Board meeting, Mr. Denning read the following statement for clarification: "It should be noted that this plan may be changed, modified or altered if the basis for some or all of the land use decisions made within the document changes in the future. Factors that may precipitate this change included, but are not limited to, the extension of public or community water and sewer, road improvements or changes, the construction of a school or public facility, changes in the economic climate, land use policy changes or the location of major employment in or near the area."

ITEMS OF BUSINESS

5. Nomination and Appointment

- A. Mid-Carolina Rural Transportation Advisory Committee (1 Vacancy)

There was no nomination or appointment.

6. Nominations to Boards and Committees

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

Commissioner Adams nominated Detective Melton Brown.

7. Appointments to Boards and Committees

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

Nominee(s): Paul Crenshaw
Dr. Linwood Powell

Chairman Edge called for a vote. Commissioners Evans, Keefe and Adams voted to appoint Paul Crenshaw. Commissioners Lancaster, Edge and Council voted to appoint Dr. Linwood Powell. With the vote being 3 to 3, there was no appointment. This item will be brought back to the first meeting in August.

- B. Human Relations Commission (2 Vacancies)

Nominees: Kevin Brooks (Reappointment)
Kim Robertson

- C. Transportation Advisory Board (1 Vacancy)

Nominee:

Dialysis Center Representative: Antionette Wiggins (Reappointment)

MOTION: Commissioner Council moved to appoint Kevin Brooks and Kim Robertson to the Human Relations Commission and Antionette Wiggins to the Transportation Advisory Board.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Council moved to recess the Cumberland County Board of Commissioners' meeting and convene the meeting of the Bragg Estates Water and Sewer District Governing Board.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (6-0)

Chairman Edge called the meeting of the Bragg Estates Water and Sewer District Governing Board to order.

1. Items of Business

- A. Approval of minutes for the December 15, 2014 special meeting

- B. Approval of Professional Services Agreement with McGill Associates for Bragg Estates Water and Sewer Projects

BACKGROUND:

The Bragg Estates Water and Sewer (BEWS) District has received notification from the USDA Rural Development of their intent to fund the installation of sewer within the District. The application may be completed on the basis of a Rural Utilities Service

(RUS) loan not to exceed \$497,000, a RUS grant not to exceed \$1,453,000 and a contribution from Cumberland County of \$50,000 for a total project cost of \$2,000,000. The next step in moving forward with the application is to hire an engineer for the design, bidding and construction oversight of the wastewater collection system. A Request for Qualifications (RFQ) for Engineering Services for the Bragg Estates Sewer Project was sent out to engineering firms in December 2014, with responses received on January 9, 2015. A selection committee was formed and tasked with evaluating the Qualification Statements submitted by the engineering firms responding to the RFQ. An evaluation matrix was used to evaluate the written qualification statements and a numerical score was assigned to each engineering firm. McGill Associates was selected by the committee to complete the design, bidding and construction oversight for the BEWS District.

This was presented to the Facilities Committee on June 4th.

RECOMMENDATION/PROPOSED ACTION:

The Engineering and Infrastructure Director, County Management and the Facilities Committee recommend that the Bragg Estates Water Sewer District Governing Board approve the Professional Services Agreement with McGill Associates in the amount of \$210,000.

MOTION: Commissioner Council moved to approve consent agenda Items 1.A. and 1.B.
SECOND: Commissioner Evans
VOTE: UNANIMOUS (6-0)

There being no further matters of business,

MOTION: Commissioner Council moved to adjourn the meeting of the Bragg Estates Water and Sewer District Governing Board and reconvene the meeting of the Cumberland County Board of Commissioners.
SECOND: Commissioner Evans
VOTE: UNANIMOUS (6-0)

Chairman Edge called the meeting of the Cumberland County Board of Commissioners to order.

8. Closed Session: A. Attorney Client Matter(s)
Pursuant to NCGS 143-318.11(a)(3)

MOTION: Commissioner Lancaster moved to go into closed session for Attorney Client Matter(s) pursuant to NCGS 143-318.11(a)(3).
SECOND: Commissioner Council
VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Evans moved to reconvene in open session.
SECOND: Commissioner Keefe
VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Evans moved to adjourn.
SECOND: Commissioner Adams
VOTE: UNANIMOUS (6-0)

There being no further business, the meeting adjourned at 8:45 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board