

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, NOVEMBER 2, 2015 – 9:00 AM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MINUTES

PRESENT: Commissioner Kenneth Edge, Chairman
Commissioner Marshall Faircloth, Vice Chairman
Commissioner Glenn Adams
Commissioner Jeannette Council
Commissioner Charles Evans
Commissioner Jimmy Keefe
Commissioner Larry Lancaster
Amy Cannon, County Manager
Tracy Jackson, Assistant County Manager
Rick Moorefield, County Attorney
Rob Hasty, Assistant County Attorney
Sally Shutt, Governmental Affairs Officer
Deborah Shaw, Budget Analyst
Jeffrey Brown, Engineering and Infrastructure Director
Brenda Jackson, Social Services Director
Rodney Jenkins, Deputy Health Director
Candice H. White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Chairman Edge called the meeting to order.

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

Recognition of the Cumberland County Department of Social Services for receiving the NC Association of County Directors of Social Services (NCACDSS) Best Practice Award for Advancement in Staff and Leadership Development for their Job Swap Program led by the Adult Services Section

On behalf of the Board of Commissioners, Commissioner Council recognized Brenda Jackson, Social Services Director, and department staff and stated the Department of Social Services (DSS) received four Best Practice Awards at the Social Services Institute October 21-23, 2015 in Hickory. Commissioner Council stated the awards recognize DSS initiatives in 2014-2015.

Commissioner Council stated the department won Best Practice Award for Advancement in Staff Leadership and Development for its annual “Job Swap – Is the Grass Greener on the Other Side?” event and the North Carolina Association of Directors of Social Services presented the award. Commissioner Council stated the “Job Swap” began seven years ago and is held annually during County Government Week; the event allows DSS staff to vote management into their positions and to vote themselves or their co-workers into management or other positions throughout the agency for 25 cents per vote. Commissioner Council stated the event provides an opportunity for staff to display their leadership potential, give management a firsthand perspective of the daily tasks of staff and help identify improvements and efficiencies. Commissioner Council stated this year, DSS staff cast 2,880 votes, which raised \$720, and all proceeds went toward the agency’s Senior Health Fair and the March to Work job fair.

Recognition of the Cumberland County Department of Social Services Chapter of the North Carolina Social Services Association (NCSSA) for winning three Best Practices Awards for Membership Retention, Innovative Fundraising and Chapter of the Year at the 2015 Social Services Institute

On behalf of the Board of Commissioners, Commissioner Council recognized Ms. Jackson and department staff and stated the Cumberland County Chapter of the North Carolina Social Services Association (NCSSA) received three awards for efforts to empower others. The awards were Best Practice in Membership

Retention, Innovative Fundraising and Chapter of the Year. Commissioner Council stated the awards recognized the Cumberland County NCSSA for its efforts to help DSS employees have fun, relieve stress and strengthen morale. Commissioner Council also stated the activities included assistance with food drives, staff appreciation initiatives, support of foster care events, CARE Family Domestic Violence Center donations, sponsorship of County Government Week activities and continued sponsorship of the Cumberland County NCSSA Scholarship.

Commissioner Council stated the NCSSA sponsors an awards program aimed at recognition of chapters and counties excelling in leadership, creative, innovative membership and development.

Recognition of Deputy Health Director Rod Jenkins on being selected as a Jim Bernstein Community Health Leadership Fellow for 2015-2017

On behalf of the Board of Commissioners, Commissioner Council recognized Rod Jenkins, Deputy Health Director, and stated Mr. Jenkins was selected as a Jim Bernstein Community Health Leadership Fellow for 2015-2017. Commissioner Council stated the fellows program is administered by the North Carolina Foundation for Advanced Health Programs and its purpose is to develop and prepare future leaders to work in and improve the health of rural and underserved communities in North Carolina.

Commissioner Council stated Mr. Jenkins was notified of his selection in July and has already begun attending required leadership training. Commissioner Council stated the core elements of the program are leadership, partnership, rural life and the N.C. health system and at the conclusion of the two-year fellowship, members are expected to:

- Have a clear understanding of rural and underserved community needs
- Demonstrate leadership skills to engage and collaborate with others to improve the health and economic status of a given community
- Be prepared and inspired to become a confident, highly-skilled and influential individual

Mr. Jenkins stated he was honored to have been selected as a 2015-2017 Bernstein Health Leadership Fellow and will endeavor to learn all that he can and live up to the outstanding standards set forth by the late Mr. Jim Bernstein.

1. Approval of Agenda

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

Commissioner Keefe asked to have Item 2.G. pulled from the consent agenda for separate discussion and action.

Commissioner Adams asked to have Item 2.H. and Item 2.J. pulled from the consent agenda for separate discussion and action.

2. Consent Agenda

- A. Approval of minutes for the October 19, 2015 regular meeting
- B. Approval of Sole Source and Purchase Request for Ultra Electronics Forensic Technology for the Cumberland County Sheriff's Office

BACKGROUND:

The Cumberland County Sheriff's Office uses the Integrated Ballistics Identification System equipment for firearms examinations. The Sheriff's Office examines and shoots over 610 firearms a year, compares over 2,800 bullets and cartridge cases for felony

cases, and conducts over 18,000 integrated Ballistic Information System (IBIS) comparisons per year.

The Sheriff's Office was informed by Ultra Electronics Forensic Technology that their IBIS equipment would be categorized as "end of life" as it is incapable of upgrades needed to keep pace with current technologies meeting Department of Justice security requirements. The equipment will no longer be supported effective in 2016.

Cumberland County Sheriff's Office supports four (4) local agencies in the County and fifty-eight (58) other surrounding counties/agencies within North Carolina. Ballistics evidence is integral to linking firearms to crimes and to successful prosecution of crimes. Without this equipment, evidence could be challenged in court; court cases could be delayed or lost.

Cumberland County Sheriff's Office was awarded a grant for \$175,000 to replace IBIS equipment. The Sheriff's Office will be required to supplement this grant with approximately \$25,000 and has allocated controlled substance funding for the remainder of this expense.

Ultra Electronics Forensic Technology is the only manufacturer of ballistic entry equipment utilized by the National Integrated Ballistic Information Network.

Therefore, the Sheriff's Office is requesting approval to purchase and sole source the Integrated Ballistics Identification System as a sole source exception approved by the Board of Commissioners.

RECOMMENDATION/PROPOSED ACTION:

Management is requesting approval of a sole source exception (GS 143-129)(e)(6) based on the needed product being available from only one source of supply.

- C. Approval of Memorandum of Agreement Between the State of North Carolina Department of Public Safety Emergency Management and Cumberland County for the Homeland Security Grant Program – Grant Award # EMW-2015-SS-00062-S01

BACKGROUND:

Cumberland County has been awarded a Homeland Security Exercise Grant in the amount of \$5,500. This is provided as a pass-through award from North Carolina Emergency Management. Therefore, to receive the grant we will need to sign the proposed memorandum of agreement with The State of North Carolina.

This exercise grant will be used to conduct a table top exercise dealing with a violent assailant in a public location like a school, hospital or large business. The exercise is in support to ongoing development and revision of current response procedures as it pertains to an active shooter or violent assailant.

RECOMMENDATION/PROPOSED ACTION:

Approve the acceptance of this Homeland Security Exercise Grant and the associated budget revision B16-135.

- D. Approval of Memorandum of Understanding Between the US Department of Agriculture, the North Carolina Department of Agriculture and Consumer Services - Division of Soil and Water Conservation and Cumberland County

BACKGROUND:

THIS AGREEMENT is between the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), the North Carolina Department of Agriculture and Consumer Services - Division of Soil and Water Conservation (DSWC) an agency of the State of North Carolina, the Cumberland Soil and Water Conservation District (SWCD) and Cumberland County collectively referred to as the parties, to clearly define the roles and responsibilities of the parties.

The purpose of this agreement is to supplement the Cooperative Working Agreement between the USDA-Natural Resources Conservation Service, North Carolina Department

of Agriculture and Consumer Services, North Carolina Soil and Water Conservation Commission, and Cumberland Soil and Water Conservation District. This operational agreement documents those areas of common interest of the federal, state and local partnership in natural resources conservation.

The parties mutually agree to provide leadership in natural resources conservation. The parties pledge to work together by advancing and practicing teamwork, including input in the decision making process; communicating, coordinating, and cooperating; promoting mutual respect, and sharing leadership, ownership, credit and responsibility.

RECOMMENDATION/PROPOSED ACTION:

Approve the Memorandum of Understanding as recorded below

MEMORANDUM OF UNDERSTANDING

Between the

**UNITED STATES DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE**

and the

**NORTH CAROLINA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES -
DIVISION OF SOIL AND WATER CONSERVATION**

and

THE CUMBERLAND SOIL AND WATER CONSERVATION DISTRICT

and

CUMBERLAND COUNTY, NORTH CAROLINA

For their Cooperation in the
Conservation of Natural Resources

BACKGROUND STATEMENT AND PURPOSE

THIS AGREEMENT is between the Natural Resources Conservation Service (NRCS), an agency of the United States Department of Agriculture (USDA), the North Carolina Department of Agriculture and Consumer Services - Division of Soil and Water Conservation (DSWC) an agency of the State of North Carolina, the Cumberland Soil and Water Conservation District (SWCD) and Cumberland County collectively referred to as the parties, to clearly define the roles and responsibilities of the parties.

The purpose of this agreement is to supplement the Cooperative Working Agreement between the USDA-Natural Resources Conservation Service, North Carolina Department of Agriculture and Consumer Services, North Carolina Soil and Water Conservation Commission, and Cumberland Soil and Water Conservation District. This operational agreement documents those areas of common interest of the federal, state and local partnership in natural resources conservation.

The parties mutually agree to provide leadership in natural resources conservation. The parties pledge to work together by advancing and practicing teamwork, including input in the decision making process; communicating, coordinating, and cooperating; promoting mutual respect, and sharing leadership, ownership, credit and responsibility.

AUTHORITIES, STATUTES, LAWS

NRCS is authorized to cooperate and furnish assistance to the parties in the conservation of natural resources as referenced in the Soil Conservation and Domestic Allotment Act, 16 U.S.C. 590; The Department of Agriculture Reorganization Act of 1994, Public Law 103-354; and Secretary's Memorandum No. 1010-1, Reorganization of the Department of Agriculture, dated October 20, 1994.

DSWC is authorized to enter into this agreement by North Carolina General Statutes §139-4 and §143B-294 - §143B-297.

The District authority is defined in Soil Conservation Districts Law, General Statutes of North Carolina §139-1 - §139-47.

The county is authorized to enter into this agreement by North Carolina General Statute §153A-11 and §160A-461 - §160A-464.

ROLES AND RESPONSIBILITIES:

CONSERVATION PROGRAM IMPLEMENTATION

The parties recognize the natural resources conservation program as a unique blend of voluntary conservation initiatives and federal, state, and local mandates. Together these address a variety of natural resource, environmental, and educational issues. The parties agree to jointly commit their program authorities and financial and human resources to cooperatively implement a unified natural resources conservation program in areas of mutual concern. The implementation of all programs will be done in accordance with program policy and procedure developed for that specific program – whether federal, state, or local.

Inventories and Data Sharing: The parties agree to identify, define, and coordinate the collection and use of natural resource and other data needed to support the delivery of local, state and federal conservation program benefits. The parties will cooperate in maintaining data to assure that it supports the mutual needs of the parties for resource planning and evaluation. The parties further agree that gathered data will be mutually shared and used in support of conservation program implementation as needed to facilitate implementation of the programs shown in Attachment A. The use and disclosure of information will be consistent with the guidelines provided in the Records, Facilities, and Equipment section of this agreement. Both NRCS and SWCD technical employees in the office will maintain adequate knowledge of available conservation programs in order to provide basic customer service including, but not limited to:

1. Providing basic information about program requirements and signup periods
2. Helping a customer complete a program application
3. Interviewing the customer to determine resource concerns and conservation issues
4. Gathering of farm data to support development of a conservation plan
5. Developing a conservation plan

Setting Program Priorities: The parties agree to implement the conservation program based on mutually developed priorities while recognizing individual responsibilities for federal, state, or local mandates. The parties further agree to annually re-evaluate established priorities and adjust as warranted. SWCD Board of Supervisors has the responsibility, with the assistance of NRCS, to organize local work groups to assess resource conditions and establish local priorities, and develop a single SWCD/NRCS partnership plan of work each fiscal year (July 01-June 30). Specifically, NRCS employees will first address workload associated with Federal conservation programs, NRCS priorities, and required NRCS administrative procedures. As time is available, NRCS employees will assist with the North Carolina Agriculture Cost Share Program (NCACSP) and other District priorities. Likewise, District staff will first address workload associated with the NCACSP, District priorities, and required District administrative procedures. As time is available, District staff will assist with federal conservation programs and other NRCS priorities.

Programs to be Implemented: The parties agree to use federal, state, and local programs in a complimentary fashion to address local priorities and concerns. Attachment A includes a list of programs that will be utilized to address priorities and concerns. Employees from both agencies will work across program lines to assure efficient and effective customer service.

Marketing: The parties agree to conduct a common effort to inform the public of program opportunities and benefits. This information will be provided to the appropriate media concerning district activities and programs.

See Attachment A for a marketing profile and a summary of media outlets.

TECHNICAL STANDARDS AND JOB APPROVAL AUTHORITY

The parties agree to utilize the NRCS Field Office Technical Guide or Soil and Water Conservation Commission adopted standards as the minimum technical standards for conservation program implementation in areas of mutual concern. The parties may utilize more stringent standards when necessary to comply with locally enacted laws or ordinances. The NRCS will be the lead agency in the development, maintenance, and interpretation of the Field Office Technical Guide. When program contracts are developed, the District and NRCS employees in the office will provide conservation planning assistance that meets NRCS planning policy. At a minimum, the conservation planning will encompass the field or fields impacted by the cost-shared conservation practice.

The parties agree that their respective employees will provide technical assistance based on assigned conservation practice job approval authority which is based on acquired knowledge, skills, and demonstrated ability and within applicable laws, regulations, and guidelines. Conservation practice job approval authority will be determined and documented according to NRCS National Engineering Manual, Part 501 and in accordance with the NC NRCS policy and procedures regarding job approval authority. Job approval authority for District employees for non agricultural practices will be determined and documented by the N.C. Soil and Water

Conservation Commission pursuant to NCAC 15A 06F.0105(c)(3). Each technical employee in the office will acquire the necessary skills to qualify for job approval authority for the routinely

used engineering and non-engineering conservation practices prevalent in the county. Both District and NRCS employees will attend available training sessions to maintain their knowledge, skills, and abilities related to conservation planning and practice design, layout, checkout, and certification.

PERSONNEL AND FISCAL MANAGEMENT

The parties recognize that natural resources conservation programs are delivered through an intergovernmental system, in which federal, state, and local governments work together.

The parties will work together to provide staffing and fiscal resources commensurate with workload, priorities, allocated funding, and expertise necessary to deliver a balanced and diversified conservation program. Staffing will be a mix of employees provided by federal, state, county, and district resources. There are certain authorities delegated to specific staff as follows:
Department Head

The parties jointly agree that Donna Foster will serve as the Department Head. The Department Head will represent the District and its employees at county meetings, conferences, and appropriate functions.

Personnel Management

The management of personnel will be as follows:

- a) Hiring and dismissal of district employees will be in accordance with county personnel policies or district policy when employees are not employed by the county.
- b) The management of NRCS personnel is the responsibility of NRCS.
- c) The management of county employees is the responsibility of the Cumberland District Board of Supervisors.
- d) The District Conservationist is delegated the authority for:
 - 1) Technical oversight
 - a. As a condition of assigning Job Approval Authority for agricultural practices to District employees, NRCS must periodically review the technical work of these employees to assure adherence to planning and design standards and policy. The DC is assigned as the NRCS representative to provide this oversight. NRCS Area personnel will also periodically review the technical work of both NRCS and District employees in the office.
 - 2) Delivery of employee technical training and development
- e) The Department Head will make recommendations to the Cumberland District Board of Supervisors regarding the following in accordance with county government policy:
 - 1) Recruitment and hiring of district employees
 - 2) Employee performance evaluation, including awards, disciplinary actions, and separation
 - 3) Leave coordination and approval
 - 4) Certification of Time and Attendance reports
 - 5) Determination and approval of training requiring expenditure of district funds
 - 6) For counties with technicians cost shared through the state's Cost Share Programs, responsibility for documenting 2080 hours for each funded position spent per year on non-point source pollution control issues by office staff.

In the event that a county employee feels aggrieved, their recourse is according to county government personnel policy. The parties agree to work cooperatively to resolve employee grievances.

Hiring, supervision, development, evaluation and dismissal of county employees will be done in accordance with applicable law and county personnel policies. Likewise, hiring, supervision, development, evaluation and dismissal of NRCS employees will be done in accordance with applicable law and NRCS personnel policies.

Fiscal Management

The parties will work together to maximize available resources and actively seek funding to accomplish natural resource priorities and programs.

Each party is responsible for its own fiscal resources to include equipment, supplies, and accounts.

The Department Head and Administrative Assistant will actively assist the district with the following:

- 1) Development of operating budgets
- 2) Tracking of expenditures for maintaining funding accountability
- 3) Making recommendations regarding expenditure of funds and purchases

TECHNICAL AND ADMINISTRATIVE CONTACTS

NRCS	<u>Technical</u>
Name:	Renessa Hardy Brown
Title:	District Conservationist
Address:	301 East Mountain Dr. Suite 229 Fay, NC 28306
Phone No.	910-484-8479 ext. 3
Fax No.	844-325-6821
E-mail:	renessa.brown@nc.usda.gov

NRCS	<u>Administrative</u>
Name:	Renee Melvin
Title:	ASTC – Field Operations
Address:	208 C Malloy St, Goldsboro, NC 27534
Phone No.	919-751-0976
Fax No.	919-751-9876
E-mail:	Renee.melvin@nc.usda.gov

SWCD	<u>Technical</u>
Name:	Larry Simpson
Title:	NCACSP Technician
Address:	301 East Mountain Dr. Suite 229 Fay, NC 28306
Phone No.	910-484-8479 ext. 3
Fax No.	844-325-6821
E-mail:	larry.simpson@nc.nacdnet.net

SWCD	<u>Administrative</u>
Name:	Donna Foster
Title:	Administrative Program Officer
Address:	301 East Mountain Dr. Suite 229 Fay, NC 28306
Phone No.	910-484-8479 ext. 3
Fax No.	844-325-6821
E-mail:	dfoster@co.cumberland.nc.us

RECORDS, FACILITIES, AND EQUIPMENT

The parties will work together to provide office space, vehicles, and equipment within funding limits, operating guidelines, authorities, federal and state laws, and local ordinances. Any and all parties may negotiate formal agreements when financial reimbursement for use of office space, vehicles or other equipment/facilities is required. Specifically, the following is mutually agreeable:

- 1) Vehicles: Cumberland County will provide transportation, either a vehicle or mileage reimbursement, for District employees. NRCS will provide a vehicle for the NRCS employee(s). District personnel with NRCS approval to operate government vehicles may use the federal vehicle for promoting conservation programs, commensurate with the NRCS mission and priorities, when it is not needed by NRCS personnel. District personnel operating a federal government vehicle must provide proof of liability insurance.
- 2) Office Space: Cumberland County will provide office space for the District and NRCS employees at the USDA Service Center. Any space is provided at no cost and is incidental to this agreement.

The parties will agree on the maintenance, update, and disposition of relevant records. Access to records will be governed by Section 1619 of the Food, Conservation, and Energy Act of 2008, the Federal Freedom of Information Act (FOIA) and/or the North Carolina Public Records Law depending on whether the record is a federal record or a state/local record. Each party accepts

responsibility for any security breach caused by their employee(s). District personnel with access to federal records, either electronic or hard copies, will complete the required annual security training, conducted through NRCS.

All parties agree to protect personally identifiable and/or confidential information from customers and employees by securing this information in locked file cabinets. When the information is being used and not in a locked cabinet, the employees will keep it with them personally (folder, memory storage device) to avoid improper disclosure or loss of the data. Personally identifiable and/or confidential information will only be used for authorized purposes

FEE FOR SERVICES

The parties recognize that nonfederal signatories may establish procedures to collect fees, where permissible, for delivery of such services (for example: sell materials (i.e. native species plants); solicit sponsorship for special events, or community/educational workshops; general fundraising) which are not provided through federal financial or technical assistance.

ACCOUNTABILITY

The parties agree to cooperatively develop and utilize natural resource databases to measure effectiveness in program delivery and customer satisfaction. The District will provide a copy of its Annual Report by September 1 and Business Plan/Plan of Operations by July 31 to the other signatories of this agreement. The District will also provide a copy of their Long Range Plan which, at no time, will be in excess of five years old.

SCOPE OF AGREEMENT

This agreement covers the basic operating understanding between all parties. Authority to carry out specific projects or activities, transfer of funds, or acquisition of services or property, will be established under separate agreement. The parties agree that contracts, memorandums of understanding, and/or additional agreements may be entered into, as needed, to facilitate the implementation of natural resources conservation programs within the conservation districts.

TORT LIABILITY

The parties will each assume responsibility for the actions of their officials or employees acting within the scope of their employment to the extent provided by federal and state laws and local ordinances.

CIVIL RIGHTS

The parties recognize the benefit and importance of delivering conservation programs equitably to all customers, having a diverse staff to assist this customer base, and having diversity within the district board. The parties agree to work cooperatively to achieve diversity in all aspects of the conservation program through effective outreach and marketing.

The parties will be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987 (Public Law 100-259) and other nondiscrimination statutes, namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, Americans with Disabilities Act of 1990, and in accordance with regulations of the USDA Secretary of Agriculture (7CFR-15, Subparts A & B) which provide that no person in the United States shall, on the grounds of race, color, national origin, age, sex, religion, marital status, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Agriculture or any agency thereof.

REVIEW/MODIFICATION/TERMINATION

This agreement will be reviewed annually and, unless amended, shall be in effect for a period not to exceed five (5) years from the date of final signature. The agreement can be modified or terminated at any time by mutual consent of all parties or can be terminated by any party by giving 60 days written notice to the other parties.

Attachment A

The following is a detailed list of Resource Inventories, Programs and Marketing Media used to address local conservation priorities and concerns. The parties agree to utilize these in a

complimentary manner, thus maximizing the delivery of conservation benefits to customers and clients. This list is subject to informal changes or updates.

RESOURCE INVENTORY & DATA SHARING

Natural Resource Inventory (FSA, NCACSP, 0.200)
River Basin Study Reports
Natural Heritage Inventory of Cumberland County
Cumberland County GIS
Cumberland SWCD Long Range Plan
Soil Survey of Cumberland County
Grassland Reserve Program (GRP)

NC Agriculture Cost Share Program (NCACSP)
Environmental Quality Incentives Program (EQIP)
Forest Land Enhancement Program (FLEP)
Wildlife Habitat Incentives Program (WHIP)
Toolkit
Maps (USGS Topographical, National Wetland Inventory and Flood Insurance Rate Maps.)
Historical Aerial Photos

PROGRAMS

Federally Initiated Programs

Conservation Technician Assistance (CTA)
National Cooperative Soil Survey (NCSS)
Small Watershed Program (PL-566)
River Basin Surveys & Investigations (RB-09)
Resource Conservation & Development (RC&D)
Emergency Watershed Program (EWP)
Environmental Quality Incentives Program (EQIP)
Grassland Reserve Program (GRP)
Conservation Stewardship Program (CStP)

Forest Land Enhancement Program (FLEP)
Wetland Reserve Program (WRP)
Wildlife Habitat Incentives Program (WHIP)
Conservation Reserve Program (CRP / CREP)
Emergency Conservation Program (ECP)
NC Partners for Wildlife
Farmland Protection
319 Funds
Other Farm Bill authorized conservation programs

North Carolina Initiated State Programs

NC Agriculture Cost Share Program (NCASCP) – DSWC
Erosion and Sedimentation Control – Urban Areas
Stewardship Incentive Program (SIP) – NCFS
Confined Animal Permits – NCDENR
Farmland Protection
NC-Wetland Restoration Program (NC-WRP)
NC Agriculture Water Resources Assistance Program (AgWRAP) - DSWC

Community Conservation Assistance Program (CCAP)
Clean Water Management Trust Fund
Wildlife Biology Technical Assistance – NCWRC
Wildlife Restoration Committee
State non-discharge rules (0.100, 0.2H200 & 0.2T)
Forest Development Plan (FDP) – NCFS
North Carolina Environmental Education Plan
North Carolina Big Sweep

Locally Initiated Programs

Open Spaces Institute Advisory Board

Farmland Preservation

Erosion and Sedimentation Control – Urban Areas
Site Plan Reviews – Non Ag. Developments
Environmental Education
Awards and Recognition Program

- MARKETING MEDIA
- Newsletters (SWCD, FSA, CES, Country Intranet)
- Private Schools
- Public Schools
- Church Newsletters
- Local Government payrolls and billings
- Regional Chamber of Commerce
- Community College
- Internet Web Pages (State, County, SWCD)
- 4-H Groups
- Local Broadcasting (TV, Radio, Cable)

E. Approval of Payment of Prior Year Invoices for the Cumberland County Public Health Department

BACKGROUND:

Each year a cutoff date for invoice processing is set by the Finance Department to allow for sufficient time to run reports and analyze data for the fiscal year year-end close and financial audit. Since the cutoff date, the Health Department received the following eight fiscal year 2015 invoices that need consideration for payment:

<u>Vendor</u>	<u>Amount</u>
Airgas	\$ 42.37
Cape Fear Valley OB/GYN	70.01
Cumberland Anesthesia Associates	631.04
Polley Clinic of Dermatology	302.30
Polley Clinic of Dermatology	163.30
Shred-It	44.00
UNC Hospitals	401.04
Valley Radiology	67.70
Total	\$1,721.76

Sufficient funds exist within the current fiscal year 2016 Health Department budget to cover the prior year cost; therefore, a budget revision is not needed.

RECOMMENDATION/PROPOSED ACTION:

Management is requesting approval to pay the Health Department’s prior year invoices totaling \$1,721.76.

F. Approval of Payment of Prior Year Invoices for Facilities Maintenance – Prior Year Invoice to Brady for Services Performed in FY2014

BACKGROUND:

Facilities Maintenance is requesting payment of a \$6,965.52 final Brady invoice for services rendered in February, 2014. The vendor recently realized they had not submitted a final invoice for the work and are now requesting payment. The work was performed and the invoice is owed. Procedures have been put in place to minimize this type of reoccurrence.

RECOMMENDATION/PROPOSED ACTION:

Management is requesting approval to pay the prior year Brady invoice in the amount of \$6,965.52 and the corresponding budget revision B16-136.

G. Pulled for separate discussion and action as recorded below.

H. Pulled for separate discussion and action as recorded below.

I. Budget Revisions

1) Information Services

Revision in the amount of \$5,633 to recognizing reimbursement from Workforce Development (B15-134) Funding Source – Reimbursement

J. Pulled for separate discussion and action as recorded below.

MOTION: Chairman Edge moved to approve consent agenda Items 2.A. – 2.J. with the exception of Items 2.G., 2.H. and 2.J. as pulled for separate discussion and action.
SECOND: Commissioner Keefe
VOTE: UNANIMOUS (7-0)

2.G. Approval of Offer to Purchase Surplus Property Being 1.19 Acres Located Off Slocumb Road, Fayetteville, NC

BACKGROUND:

The County acquired the real property with PIN 0542-51-7136 from a tax foreclosure sale in 2011 for a purchase price of \$4,874.05. The parcel consists of 1.19 acres located off Slocumb Rd, Fayetteville with a tax value of \$15,000. Based on the County GIS Mapping system there does not appear to be a structure on the property. Summer Stokes has made an offer to purchase the property for \$4,874.05, and has submitted the required deposit to the Finance Department. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269. The proposed advertisement is recorded below.

RECOMMENDATION/PROPOSED ACTION:

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

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
ADVERTISEMENT OF PROPOSAL TO ACCEPT AN OFFER TO PURCHASE
CERTAIN REAL PROPERTY PURSUANT TO N.C.G.S § 160A-269**

Take notice that the Board of Commissioners finds the real property described herein is not needed for governmental purposes and proposes to accept an offer to purchase the property with PIN 0542-51-7136, being 1.19 acres located off Slocumb Rd., Fayetteville, for a purchase price of \$4,874.05. Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The Board of Commissioners may at any time reject any and all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

Commissioner Keefe asked how the \$15,000 tax value was derived. Rick Moorefield, County Attorney, stated the tax value was derived from the tax records and the purchase price of \$4,874.05 was derived from a tax foreclosure sale in 2011. Mr. Moorefield stated the County's bid in 2011 was the only bid and the purchase price included the taxes that were due and costs associated with the foreclosure. Mr. Moorefield stated that his office had been instructed not to process an offer his office less than the amount of the foreclosure judgment and he always provides the tax value to the Board as some indication of the property's value. Commissioner Adams asked whether attorney's fees were included. Mr. Moorefield stated the price includes the tax foreclosure amount and costs associated with the foreclosure.

MOTION: Commissioner Keefe moved to approve consent agenda Item 2.G.
SECOND: Commissioner Council
VOTE: UNANIMOUS (7-0)

2.H. Approval of Proclamation to Declare Functional End to Veteran Homelessness

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, in 2009, the Department of Veterans Affairs set the goal of ending veteran homelessness by the end of 2015, and since then, the federal government approved increased funding to address the problem; and

WHEREAS, on October 1, 2013, Family Endeavors Supportive Services for Veteran Families began providing rapid re-housing for homeless veterans in Cumberland County, North Carolina. The program conducted intensive outreach to sheltered and unsheltered locations such as underpasses, streets and woods to locate, identify and engage homeless veterans; and

WHEREAS, October 1, 2014, the Department of Veterans Affairs recognized Cumberland County as one of 79 high-priority communities due to the large number of homeless veterans and the VA authorized additional Housing and Urban Development Veterans Assisted Supportive Housing vouchers and additional funding to Family Endeavors for rapid re-housing; and

WHEREAS, the Mayor of Fayetteville joined the national Mayor’s Challenge to End Veteran Homelessness by 2015 and the City of Fayetteville and Cumberland County made homelessness a top priority; and

WHEREAS, unprecedented coordination between the Fayetteville VA Medical Center, Family Endeavors, the Continuum of Care, City of Fayetteville and Cumberland County Community Development Departments and community partners established a Coordinated Entry System for homeless veterans to ensure care coordination and rapid re-housing in order to achieve “Functional Zero” status for Cumberland County with more than 280 veterans finding permanent housing in the past year; and

WHEREAS, “Functional Zero” does not mean veterans will never experience housing crisis; instead it means Cumberland County has a systematic response with services in place to ensure veterans who fall into homelessness can be placed in housing within 30 days.

NOW, THEREFORE, BE IT RESOLVED, that the County of Cumberland Board of Commissioners proclaims that through extraordinary teamwork and collaboration Cumberland County has removed the buildup of current homeless veterans and developed a coordinated system with resources to address future homelessness among veterans, thus achieving a functional end to homelessness for veterans in our community.

Adopted this the 2nd day of November, 2015.

Commissioner Adams stated the proclamation to bring a functional end to homelessness is of significance and importance to the Cumberland County community. Commissioner Adams recognized Family Endeavors Supportive Services for Veteran Families staff members Larissa Witt and Mary John Williams. Commissioner Adams stated one of the Board of Commissioners’ goals is to bring an end to homelessness and the increased funding and efforts of community partners are a key part of achieving that goal. Commissioner Adams also stated the new Veterans’ Center on Raeford Road is opening today and is thus another collaborative resource to address future homelessness among veterans in our community.

MOTION: Commissioner Adams moved to approve consent agenda Item 2.H.
SECOND: Chairman Edge
VOTE: UNANIMOUS (7-0)

2.J. Approval of Proclamation to Declare November 13, 2015 as Veterans Treatment Court Day in Cumberland County

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, November 13, 2014, marked the opening of the Cumberland County Veteran Treatment Court; and

WHEREAS, the debt our county, state and nation owes our citizen-soldiers is profound; and

WHEREAS, the citizen-soldier is experiencing difficulties reintegrating into our society due to the turmoil caused by PTSD, mental health and substance abuse issues; and

WHEREAS, the aforementioned issues may be mitigating factors in the commission of illegal acts; and

WHEREAS, the evidence-based practices administered by the Cumberland County Veterans Treatment Court have proven to reduce recidivism by utilizing the “whole person” concept to include counseling, employment, education, incentives and sanctions, drug testing and mentor support; and

WHEREAS, our county constitutes the greatest concentration of active duty and veterans per capita in the United States and the presence of the Veterans Treatment Court contributes to the improvement of our community and the restoration of its citizen-soldiers,

NOW, THEREFORE, BE IT RESOLVED, we hereby proclaim November 13, 2015, as Veterans Treatment Court Day in the County of Cumberland, Fayetteville, North Carolina, and encourage all citizens to become familiar with the services and benefits provided by the Veterans Treatment Court and to support the maxim of “No One Left Behind”.

Adopted this the 2nd day of November, 2015.

Commissioner Adams stated the proclamation recognizing November 13, 2015, as Veterans Treatment Court Day is a testament to the Board of Commissioners’ vote one year ago to stand strong with veterans in the Cumberland County community. Commissioner Adams stated Veterans Treatment Court Day will be celebrated November 13, 2015 in courtroom 2B. Commissioner Adams invited everyone to attend. Chairman Edge stated former Judge Beth Keever and many others were advocates for a Veterans Treatment Court in Cumberland County. Commissioner Adams acknowledged Judge Lou Olivera and his staff for their work in this effort.

MOTION: Commissioner Adams moved to approve consent agenda Item 2.J.
SECOND: Commissioner Evans
VOTE: UNANIMOUS (7-0)

ITEMS OF BUSINESS

3. Consideration of Request to Relinquish Easement Rights

BACKGROUND:

The County owns the parcel with PIN 0405-34-9740. It consists of 5.25 acres and is located off of Fisher Road with access to Fisher Road by a dirt driveway located within an existing public right-of-way 60’ in width. The Department of Social Services operates a group home on the property. CRA Timber Management, LLC, claims that it owns the 60’ public easement on which the county’s driveway is located.

CRA has constructed a paved street on its parcel. The right of way for the new paved street lies partially within the existing public easement. CRA has developed a residential subdivision which is served by the new paved street and wishes to incorporate the area within the existing public easement into the common area of the new subdivision. In order to do this, CRA has requested the county to relinquish its rights in the existing easement. If the county does so, CRA will then request the Town of Hope Mills to close the existing easement. The Town has annexed CRA’s property and has jurisdiction over this closure.

RECOMMENDATION/PROPOSED ACTION:

If the Board of Commissioners wishes to accommodate CRA’s request, the county attorney advises that the Board can do so by adopting the following resolution:

A Resolution of the Cumberland County Board of Commissioners to Relinquish
Certain Easement Rights in Exchange for Access to a Newly Constructed Public Street

Whereas, Cumberland County owns the parcel with PIN 0405-34-9740; and

Whereas, this parcel's access to a public street (Fisher Road) is only by an unimproved, dirt driveway located on a public easement abutting the county's parcel; and

Whereas, CRA Timber Management, LLC, (CRA), has advised the county that it is the owner of the tract upon which the public easement serving county's parcel is located; and

Whereas, CRA has advised the county that CRA has constructed a paved public street named "McKinnon Farm Road" which has been incorporated into the public street system of the Town of Hope Mills; and

Whereas, CRA has requested the county to relinquish all current and future rights it has to the public easement owned by CRA in order for CRA to petition the Town of Hope Mills to permanently close the public easement; and

Whereas, CRA has advised the county that once the public easement is closed, CRA intends to incorporate the land area encompassed by the public easement into the common area of the residential subdivision served by McKinnon Farm Road which has been developed by CRA; and

Whereas, CRA proposes to convey to county in fee simple an access parcel approximately 60' in width to connect county's parcel to the newly paved McKinnon Farm Road.

Be it therefore resolved as follows:

The Board of Commissioners finds:

- (1) it to be in the county's best interest to use the newly paved McKinnon Farm Road as the access between the county's parcel as described above and Fisher Road; and
- (2) CRA's construction of the newly paved McKinnon Farm Road and granting a permanent access parcel to the county for it constitutes adequate consideration for the county to relinquish its current and future rights to the existing public easement.

Based upon the foregoing findings the Board directs staff to complete the proposed transaction between the county and CRA by the county conveying all its current and future rights, title and interest in the public easement and the land upon which the public easement is located by quit-claim deed to CRA in exchange for CRA's conveyance to county in fee simple an access parcel to the newly constructed McKinnon Farm Road, all as shown on the preliminary plat prepared by Larry King & Associates, R.L.S., P.A., which is fully included herein by reference.

Mr. Moorefield reviewed the background information as recorded above. Commissioner Adams asked whether CRA partially owned the easement. Mr. Moorefield responded CRA proposes to convey to the county in fee simple an access parcel approximately 60' in width to connect county's parcel to the newly paved McKinnon Farm Road. Commissioner Adams asked what CRA proposes to do with the easement. Mr. Moorefield stated the right of way for the new paved street lies partially within the existing public easement, CRA has developed a residential subdivision which is served by the new paved street and CRA wishes to incorporate the area within the existing public easement into the common area of the new subdivision. Mr. Moorefield stated in order to do this, CRA has requested that the county relinquish its rights in the existing easement. Mr. Moorefield stated if the county does so, CRA will then request the Town of Hope Mills to close the existing easement because the Town has annexed CRA's property and has jurisdiction over the closure. Commissioner Adams posed additional questions.

Chairman Edge stated the only structure on the road is a group home owned by the County, there are plans to install a traffic light at the intersection of the new paved road and Fisher Road and the proposal is to provide access to the group home via the paved road rather than the current dirt path. Chairman Edge stated the proposal makes transportation safer for the group home and also provides better access for faculty of the school system. Commissioner Keefe asked whether

there was a reason to retain the easement. Mr. Moorefield stated with the new access, there is no reason to retain the easement.

MOTION: Commissioner Keefe moved to approve the easement and adopt the resolution as recorded above.
SECOND: Commissioner Lancaster
VOTE: UNANIMOUS (7-0)

4. Consideration of Adoption of 2016 Board of Commissioners Regular Meeting Dates

BACKGROUND:

Each year the Board of Commissioners considers adoption of its regular meeting dates for the upcoming calendar year and each year there are exceptions that have to be considered. The exceptions for calendar year 2016 include the following:

- o The second meeting in January has been moved to Tuesday, January 19 because the preceding Monday, January 18, will be observed as Martin Luther King, Jr. Day.
- o The first meeting in September has been moved to Tuesday, September 6 because the preceding Monday, September 5, will be observed as Labor Day.

The first meeting in March 2016 has been not been cancelled because the NACo Legislative Conference is scheduled for February 20-24, 2016 in Washington, DC and therefore will not pose a scheduling conflict with the March 7, 2016 meeting.

Also, Easter Monday will be March 28, 2016 or the 4th Monday. This will not pose a scheduling conflict with the Monday, March 21, 2016 meeting.

RECOMMENDATION/PROPOSED ACTION:

Adopt the 2016 Board of Commissioners' regular meeting dates as recorded below.

January 4, 2016, 9:00AM	July – NO MEETINGS
January 19, 2016, 6:45PM (Tuesday)	
February 1, 2016, 9:00AM	August 1, 2016, 9:00AM
February 15, 2016, 6:45PM	August 15, 2016, 6:45PM
March 7, 2016, 9:00AM	September 6, 2016, 9:00AM (Tuesday)
March 21, 2016, 6:45PM	September 19, 2016, 6:45PM
April 4, 2016, 9:00AM	October 3, 2016, 9:00AM
April 18, 2016, 6:45PM	October 17, 2016, 6:45PM
May 2, 2016, 9:00AM	November 7, 2016, 9:00AM
May 16, 2016, 6:45PM	November 21, 2016, 6:45PM
June 6, 2016, 9:00AM	December 5, 2016, 9:00AM
June 20, 2016, 6:45PM	December 19, 2016, 6:45PM

NOTE: ALL MEETINGS ARE ON HELD MONDAY EXCEPT AS NOTED ABOVE.

Amy Cannon, County Manager reviewed the background information as recorded above.

MOTION: Commissioner Keeve moved to adopt the 2016 Board of Commissioners' regular meeting dates as recorded above.
SECOND: Commissioner Faircloth
VOTE: UNANIMOUS (7-0)

5. Nominations to Boards and Committees

A. Farm Advisory Board (3 Vacancies)

Commissioner Faircloth nominated Sherill Jernigan, Wayne Beard and Vance Tyson.

B. Fayetteville/Cumberland County Economic Development Corporation (3 Vacancies)

The Fayetteville/Cumberland County Economic Development Corporation is a new non-profit economic development corporation that will be funded jointly by the City of Fayetteville and Cumberland County. Members will serve three-year terms after initial staggered appointments.

The City and County will each appoint three (3) seats. One of the three seats shall be designated for a member of the Cumberland County Board of Commissioners. It was suggested that the county elected official seat could be appointed for the one (1) year term. The remaining two (2) nominations should represent the diversity within the community and have business finance, business or infrastructure development, workforce development or real estate/utility knowledge.

RECOMMENDATION/PROPOSED ACTION:

Nominate two citizens and one elected official to fill (3) vacancies with staggered terms:

1. One (1) seat with an initial term of one (1) year
2. One (1) seat with an initial term of two (2) years
3. One (1) seat with an initial term of three (3) years

Chairman Edge reviewed the background information and recommendation/proposed action as recorded above.

For the elected official position, Commissioner Council nominated the incoming Chairman or the Chairman's designee for a one-year term.

For citizen positions, Commissioner Keefe nominated Franklin Douglas Byrd, III, for a two-year term, Commissioner Evans nominated Jerome Scott for a two-year term and Commissioner Council nominated Tim Richardson for a two-year term.

For citizen positions, Commissioner Council nominated Juanita Pilgrim for a three-year term and Commissioner Keefe nominated Tim Richardson for a three-year term.

Commissioner Faircloth asked whether the individuals nominated submitted an application. Because Jerome Scott had not submitted an application, Commissioner Evans withdrew his nomination of Mr. Scott and nominated Billy R. King for a two-year term.

Chairman Edge stated once appointed, all positions will be effective January 1, 2016.

C. Tourism Development Authority (1 Vacancy)

Commissioner Lancaster nominated Vivek Tandon.

Mr. Moorefield responded to questions posed by Commissioner Adams regarding the membership of the Tourism Development Authority. Ms. Cannon stated there is a perception that hotel/motel owners who are residents of Cumberland County, as opposed to hotel managers from large hotel/motel chains, are more vested financially in the community.

6. Appointment of Tourism Development Authority Chairman

BACKGROUND:

Pursuant to the January 28, 2002 resolution creating the Tourism Development Authority, the Board of Commissioners shall from time to time designate the chairperson of the Authority who

shall be the presiding officer of the Authority. The resolution does not limit the number of times the chairperson may serve as the presiding officer.

Members of the Tourism Development Authority at their October 28, 2015 meeting unanimously voted to recommend that William S. Wellons, Jr. preside as the chairperson for the 2016 calendar year. Mr. Wellons' second term expires August 31, 2016.

RECOMMENDATION/PROPOSED ACTION:

Consider whether to follow the recommendation of the Tourism Development Authority and appoint William S. Wellons, Jr. as chairperson for the 2016 calendar year.

MOTION: Chairman Edge moved to appoint Williams S. Wellons, Jr. as chairperson of the Tourism Development authority for calendar year 2016.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (7-0)

7. Appointments to Boards and Committees

A. Hazard Mitigation Planning Committee (3 Vacancies)

Nominees:

Cumberland County At-Large Citizens: Ora Bethea
Henry Eisenbarth
Alexia Fields
Barrett Lowe
John Jay Wyatt

Commissioner Keefe withdrew his nomination of Henry Eisenbarth and John Jay Wyatt.

MOTION: Commissioner Faircloth moved to appoint Ora Bethea, Alexia Fields and Barrett Lowe to the Hazard Mitigation Planning Committee in the at-large citizen positions.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

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

B. Attorney Client Matters
Pursuant to NCGS 143-318.11(a)(3)

MOTION: Commissioner Faircloth moved to go into closed session for Economic Development Matter(s) pursuant to NCGS 143-318.11(a)(4) and Attorney Client Matter(s) pursuant to NCGS 143-318.11(a)(3).

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Faircloth moved to reconvene in open session.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Faircloth moved to adjourn.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 10:35 a.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board