

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MONDAY, OCTOBER 3, 2016 – 9:00 AM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING MINUTES

PRESENT: Commissioner Marshall Faircloth, Chairman
Commissioner Glenn Adams, Vice Chairman
Commissioner Jeannette Council
Commissioner Kenneth Edge
Commissioner Charles Evans
Commissioner Jimmy Keefe
Amy Cannon, County Manager
James Lawson, Deputy County Manager
Melissa Cardinali, Assistant County Manager
Rick Moorefield, County Attorney
Vicki Evans, Finance Director
Heather Harris, Budget Analyst
Kim Cribb, Budget Analyst
Joe Utley, Tax Administrator
Jeffrey Brown, Engineering and Infrastructure Director
Buck Wilson, Public Health Director
Randy Beeman, Emergency Services Director
Earl “Moose” Butler, Cumberland County Sheriff
Ennis Wright, Cumberland County Deputy Sheriff
Callie Gardner, Pretrial Services Director
Candice H. White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

ABSENT: Commissioner Larry Lancaster

Chairman Faircloth called the meeting to order.

INVOCATION AND PLEDGE OF ALLEGIANCE – Pastor Phillips Marks of Pleasant Grove Church of Christ (Disciples of Christ) provided the invocation followed by the Pledge of Allegiance to the American Flag led by Commissioner Adams.

Amy Cannon, County Manager, requested to have added to the agenda recognition of all the partners involved in the flooding event on September 29, 2016 and Budget Ordinance Amendment B171235 as Item 2.F.6).

1. Approval of Agenda

MOTION: Commissioner Evans moved to approve the agenda.

SECOND: Commissioner Edge

Commissioner Adams requested to have Item 4.A. pulled from the agenda.

Commissioner Evans withdrew his motion.

MOTION: Commissioner Evans moved to approve the agenda with the exception of Item 4.A.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

4. Nominations to Boards and Committees

A. Cape Fear Valley Health System Board of Trustees (1 Vacancy)

Commissioner Adams stated he was contacted last week by the hospital Board of Trustees and although the nomination/appointment for this vacancy is to be made by the Board of Commissioners, the process has always been that the Nominating

Committee of the hospital meets and then brings forward nominations to the Board of Commissioners. Commissioner Adams stated there will actually be three nominations coming from the hospital Nominating Committee, including the one for this vacancy, and he would ask to table this nomination until the hospital Nominating Committee meets and brings forward all three nominations.

MOTION: Commissioner Adams moved to pull Item 4.A. from the agenda.

SECOND: Commissioner Evans

DISCUSSION: Commissioner Keefe asked whether the fact that this nomination was for a position that had been vacated mid-term would be indicative of any change in normal procedures. Rick Moorefield, County Attorney, stated although the hospital Board of Trustees is somewhat different in that there are bylaws and corporate documents that control some things, this vacancy would fall under the same process. Commissioner Edge stated a number of the hospital Board of Trustees are appointed by the Board of Commissioners and it would appear to him that in order to fill those vacancies, the Board of Commissioners does not need nominations forwarded by the hospital Nominating Committee. Mr. Moorefield stated although no action needs to be taken to send vacancies through the hospital Nominating Committee, that has been the practice for all appointments, including those made by the Board of Commissioners. Mr. Moorefield also stated the Board of Commissioners is not bound by nominations brought forward by the hospital Nominating Committee. Commissioner Adams concurred that the Board of Commissioners do not need to wait on nominations forwarded by the Nominating Committee and stated because there is a process in place, he does not understand why the Board of Commissioners would deviate from that process on this particular nomination/appointment. Commissioner Adams stated if the Board of Commissioners starts deviating from their process, it will get to the point where there is no process. Commissioner Adams stated the Board of Commissioners needs to stick to and follow its procedures and processes. Commissioner Council stated although the hospital has not always had a Nominating Committee, vacancies such as this one usually come through the Nominating Committee even though it is still a Board of Commissioner appointment. Commissioner Council stated there is no problem with the individual who is being supported for this vacancy and this same individual may even be nominated by the Nominating Committee. Chairman Faircloth asked when the nominations would come forward from the Nominating Committee. Commissioner Council stated she believed they would come forward in January and this particular vacancy occurred months ago and had it been so urgent, it possibly could have been filled earlier. Commissioner Council stated all three nominations should come through the Nominating Committee so all three can undergo orientation and tour the hospital at the same time. Commissioner Council stated all three are Board of Commissioner nominations/appointments and should be under the same process. Commissioner Council stated should this individual not be nominated by the Nominating Committee, a nomination can be made from the floor for this individual.

VOTE: PASSED (4-2) (Commissioners Keefe, Adams, Council and Adams voted in favor; Commissioners Edge and Faircloth voted in opposition.)

Ms. Cannon stated in light of the flooding event on September 29, 2016, it would be remiss if staff involved in the flooding event were not recognized for their service, particularly in light of the professionalism they used in carrying out their duties and functions during the event. Ms. Cannon stated there was no advanced planning in the

torrential rain that produced the flooding and staff had to rely on their training, expertise and the Continuity of Operations Plan (COOP) document. Ms. Cannon spoke to the time she spent in the Emergency Operations Center (EOC) on September 29 and what she observed as far as the calmness of staff and how staff from many different departments coordinated and interacted together. Ms. Cannon stated Emergency Management staff, 911 staff, Information Services staff, Social Services staff, Health Department staff, Public Information staff and the Sheriff’s Office were involved. Ms. Cannon stated Engineering and Infrastructure staff and staff of Tax Administration will be involved on the backend of the event. Ms. Cannon also recognized Assistant County Manager Tracy Jackson for his involvement at the EOC during the event. Staff involved in the event were asked to stand and give their names and departments they represented. Comments followed.

2. Consent Agenda

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

BACKGROUND:

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

Brookshire Subdivision: Gray Goose Loop, Grackle Drive, Mingary Avenue (SR 4149 Ext.), Chimney Swift Drive, Herring Gull Drive, Barn Owl Drive, Snowey Egret Drive, Green Heron Drive, Anhinga Court, Brown Pelican Court, Piping Plover Court

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

RECOMMENDATION / PROPOSED ACTION:

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

B. Approval of Facilities Management Request for Payment of Prior Year Invoice

BACKGROUND:

The Facilities Management section is requesting payment of \$53.33 to Hagemeyer for a fiscal year 2016 invoice dated May 5, 2016. It has been confirmed that items were received and payment has not yet been made to the vendor. Sufficient funds are available in the current year budget to cover this expense.

RECOMMENDATION/PROPOSED ACTION:

Management is requesting approval to pay the prior year payment request of \$53.33 to Hagemeyer.

C. Approval of Sheriff’s Office Request for Payment of Prior Year Invoices

BACKGROUND:

The Sheriff’s Office is requesting payment of multiple fiscal year 2016 invoices as described below:

Vendor	Invoice Date	Invoice Amount
PCM/Tiger Direct	5/27/2016	\$186.09
PCM/Tiger Direct	4/28/2016	270.14
A&M Supply Corporation	5/20/2016	1,781.95
Best Expression	5/31/2016	641.30
Image Graphics	5/20/2016	882.75
Image Graphics	3/18/2016	465.45
Total:		\$4,352.42

It has been confirmed by the Sheriff's Office that items were received and payment has not yet been made to the vendor. Sufficient funds are available in the current year budget to cover these expenditures.

RECOMMENDATION/PROPOSED ACTION:

Management is requesting approval to pay the prior year invoices for a total amount of \$4,352.42.

- D. Approval of Wellness Services Request for Payment of Prior Year Invoices

BACKGROUND:

The Wellness Services Director is requesting payment of multiple fiscal year 2016 invoices payable to Cardinal Health as described below:

Invoice Date	Invoice Amount
7/2/2015	\$343.27
5/5/2016	163.09
5/5/2016	8,028.58
5/5/2016	124.27
5/5/2016 (credit)	-58.38
5/5/2016 (credit)	-2,054.04
Total:	\$6,546.79

Payment was not made within the fiscal year because the original invoices had been misplaced. The items invoiced and/or credited have been verified and there is a total prior year amount due to the vendor of \$6,546.79. Sufficient funds are available in the current year budget to cover these expenses.

RECOMMENDATION/PROPOSED ACTION:

Management is requesting approval to pay the prior year invoices to Cardinal Health totaling \$6,546.79.

- E. Approval of Revisions to the FY 2016-17 Agreement of Conditions and Local Governmental Resolution for Continued Funding of the Governor's Highway Safety Program Grant for Cumberland County Sobriety Court (Funded at 100%)

BACKGROUND:

The Board of Commissioners approved the Agreement of Conditions for the Governor's Highway Safety Program Grant at the June 20, 2016 Board Meeting. The Administrative Office of the Courts/Governor's Highway Safety Department recently increased the funding for the program. The additional funding is for key staff to attend the national conference on Highway Safety Priorities, which is hosted in North Carolina in 2017.

The Local Governmental Resolution needs to be approved by the Board of Commissioners to reflect the total allocation of federal dollars in the amount of \$98,345 to fund Cumberland County Sobriety Court for Fiscal Year 2016-17.

RECOMMENDATION/PROPOSED ACTION:

1. Recommend approval of the North Carolina Governor's Highway Safety Program Local Governmental Resolution for FY2016-17.
2. Recommend approval of Budget Ordinance Amendment B170375 to recognize additional grant funds in the amount of \$4,500. This amendment requires no additional county funds.

- F. Budget Revisions:

General Fund 101

- 1) Sheriff's Office - Budget Ordinance Amendment B170599 to recognize FY16 Byrne grant of \$156,222 for the Cumberland County Sheriff's Office

The Board is requested to approve Budget Ordinance Amendment B170599 in the amount of \$156,222 to be distributed as follows: \$47,427 for Cumberland County Sheriff's Office and \$108,795 for Fayetteville Police Department. The allocation of funds is determined by the US Department of Justice and is based on population. The Sheriff's Office will continue to use the funds to connect computers in the deputy's cars to the SBI and FBI databases. The Fayetteville Police Department intends to utilize the funds for purchase and installation of patrol cameras, upgrade of camera system software, and purchase of supplies for Community Policing.

Please note this amendment requires no additional county funds.

- 2) Emergency Services Grants - Budget Ordinance Amendment B170758 to recognize grant funds of \$5,000 from Homeland Security

The Board is requested to approve Budget Ordinance Amendment B170758 in the amount of \$5,000 for grant funds awarded by Homeland Security. This grant is to be used to purchase new (Ham) radio equipment that will still be operational in the event of loss of power.

Please note this amendment requires no additional county funds.

- 3) Emergency Services Grants - Budget Ordinance Amendment B170145 to recognize grant funds of \$11,000 for Department of Homeland Security (DHS) Exercise.

The Board is requested to approve Budget Ordinance Amendment B170145 to recognize grant funds of \$11,000 from the North Carolina Department of Public Safety. This grant will be used to fund "active shooter" exercises.

Please note this amendment requires no additional county funds.

REGARDING THE FOLLOWING ITEMS 4 – 5 PLEASE NOTE:

Each fiscal year County departments may have projects that are not complete by the fiscal year end (6/30/16) or items ordered that have not been received by fiscal year end. These projects or items were approved in the Fiscal Year 2016 budget however the money was not spent by June 30, 2016. The following amendments seek to bring those funds forward from FY 2016 into the current fiscal year, allowing departments to complete and pay for these items. These revisions are not using 'new' funds, but are recognizing the use of FY16 funds in FY17.

General Fund 101

- 4) Detention Center - Budget Ordinance Amendment B170597 to appropriate FY16 fund balance in the amount of \$4,678 to increase miscellaneous furniture and equipment and maintenance repair equipment

The Board is requested to approve Budget Ordinance Amendment B170597 in the amount of \$4,678 to appropriate FY16 fund balance. This project was budgeted in FY16 to convert radio monitoring system at the Detention Center from analog to digital; however, the process will not be completed until FY17.

Please note this amendment requires a re-appropriation of FY16 fund balance to the current year.

- 5) Sheriff's Office - Budget Ordinance Amendment B170596 to appropriate FY16 fund balance in the amount of \$65,331 for department supplies, miscellaneous furniture and equipment, and capital outlay-cars and trucks

The Board is requested to approve Budget Ordinance Amendment B170596 in the amount of \$65,331 to appropriate FY16 fund balance. This is for department supplies, miscellaneous furniture and equipment, and vehicles ordered but not received by June 30, 2016.

Please note this amendment requires a re-appropriation of FY16 fund balance to the current year.

General Fund 101

- 6) Facilities Maintenance - Budget Ordinance Amendment B171235 to increase the contract previously approved for the chiller replacement, in the amount of \$30,640 for the replacement of the hot water and chilled water lines at Winding Creek.

The Board is requested to approve Budget Ordinance Amendment B171235 in the amount of \$30,640 for the replacement of the hot water and chilled water lines at Winding Creek. The hot water lines from the outside boilers are leaking underground. This was discovered when the conduit was being installed for the new chiller. There is also a high probability that the chilled water lines will fail or leak in the short term. Should that occur, the new chiller will likely be damaged. Therefore, it is in the County's best interest to proceed with replacing the chilled water lines concurrently with the hot water lines. Both sets of lines will be rerouted where the majority of the line will be exposed and not underground. This will allow maintenance staff to inspect on a routine basis for leaks.

Please note this amendment requires the use of funds set aside for renovation and maintenance.

MOTION: Commissioner Council moved to approve consent agenda Items 2.A. – 2.F6).

SECOND: Commissioner Adams

VOTE: UNANIMOUS (6-0)

ITEMS OF BUSINESS

3. Consideration of Approval of State Contract for Sheriff's Office Request to Purchase Tactical Outer Vests and Helmets and Approval of Associated Budget Revision

BACKGROUND:

The Cumberland County Sheriff's Office is requesting to purchase 310 tactical outer vests with ceramic plates and an equal number of ballistic resistant helmets for their officers. Quotes were obtained by Sheriff's Office staff from several different companies in advance of the request to management. Under normal circumstances, a formal bid process would have been required because the total cost is in excess of the statutory \$90,000 threshold. However, one of those companies from which a quote was obtained, American Uniform, has the items available under State Contract at a total cost of \$205,670. This is a local vendor who the Sheriff's Office has purchased from in the past who provides both convenience and current availability.

RECOMMENDATION/PROPOSED ACTION:

Management is recommending:

- 1) Approval to purchase the tactical outer vests and ballistic resistant helmets from American Uniform in the amount of \$205,670.
- 2) Approval of Budget Ordinance amendment B170797 in the amount of \$205,670 to purchase ballistic vests and helmets. The cost will be shared as follows: \$92,385 from forfeiture funds, \$37,835 from general fund contingency funds, and \$65,000 from within the Sheriff's Office budget. Budget revision B0801 previously recognized a citizen contribution of \$10,000 which will be utilized for this purchase. *Please note – this amendment requires no additional county funds.*

Vicki Evans, Finance Director, reviewed the background information recorded above. Ms. Cannon stated when considering recent events, it would not be prudent to hold this request until the next budget year.

MOTION: Commissioner Council moved to approve the purchase of the tactical outer vests and ballistic resistant helmets from American Uniform in the amount of \$205,670 and to approve Budget Ordinance amendment B170797 in the amount of \$205,670 to purchase the ballistic vests and helmets.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (6-0)

4. Nominations to Boards and Committees

A. PULLED FROM AGENDA AS RECORDED ABOVE.

B. Cumberland County Library Board of Trustees (2 Vacancies)

Commissioner Adams nominated Dr. Daniel Montoya and Betsy Small.

C. Cumberland County Local Emergency Planning Committee (10 Vacancies)

Commissioner Council nominated Kevin Arata, Sean Swain, Robert Melvin, Tony Collado, Lt. Freddie Johnson, Jr., Brett Chandler, Tim Mitchell, Calvin Bishop and Rhonda Folks. Commissioner Council also nominated Rosemary Johnson for the At-Large Representative vacancy.

Commissioner Keefe nominated Henry Eisenbarth for the At-Large Representative vacancy.

Commissioner Council withdrew her nomination of Rosemary Johnson for the At-Large Representative vacancy.

D. Human Relations Commission (2 Vacancies)

Commissioner Council nominated Dr. Muhammad Lodhi and Georgeanna Pinckney.

E. Nursing Home Advisory Board (6 Vacancies)

Commissioner Adams nominated Laura Hardy, Phyllis Pierce, Keith Howard, Robert Williams, Brenda McArthur-Strong and Diane Wheatley.

Commissioner Keefe expressed concern about the five Nursing Home Advisory Board members who either resigned or did not seek reappointment. Commissioner Keefe stated the Nursing Home Advisory Board fulfills numerous purposes, only meets quarterly and when five out of eleven members are not active, he has concerns that there may be difficulty achieving a quorum. Commissioner Keefe asked to have records pulled to assure a quorum is being reached because if not, the Board of Commissioners may wish to revisit the Nursing Home Advisory Board.

Commissioner Faircloth nominated Rudy Tatum.

5. Appointments to Boards and Committees

A. Cumberland County Workforce Development Board (3 Vacancies)

Nominees:

Representative of Business: Kent Listoe
Marty Cayton
Isabella Effon

There being an equal number of vacancies and nominees,

MOTION: Commissioner Adams moved to appoint all nominees to their respective positions.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Evans moved to adjourn.

SECOND: Commissioner Council

VOTE: UNANIMOUS (6-0)

There being no further business, the meeting adjourned at 9:45 a.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board