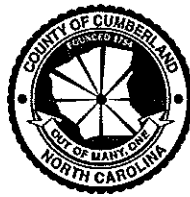


JIMMY KEEFE
Chairman

JEANNETTE M. COUNCIL
Vice Chairman

MARSHALL FAIRCLOTH
KENNETH S. EDGE
CHARLES E. EVANS
BILLY R. KING
EDWARD G. MELVIN



CANDICE WHITE
Clerk to the Board

KELLIE BEAM
Deputy Clerk

CUMBERLAND
★ COUNTY ★
NORTH CAROLINA

BOARD OF COMMISSIONERS

MEMORANDUM

TO: Policy Committee Members (Commissioners Evans, Faircloth, and Edge)

FROM: Kellie Beam, Deputy Clerk to the Board *KB*

DATE: April 26, 2013

SUBJECT: Policy Committee Meeting – May 2, 2013

There will be a regular meeting of the Policy Committee on Thursday, May 2, 2013 at 10:30 AM in Room 564 of the Cumberland County Courthouse.

AGENDA

1. Approval of Minutes – April 4, 2013 Meeting **(Pg. 2)**
2. Discussion on Economic Development Incentive Agreements and Contract for Funding Economic Development Activities **(Pg. 4)**
3. Update on Status of Outdoor Shooting Range Regulations **(Pg. 7)**
4. Consideration of Approval of Federal Advocacy Partnership MOU **(Pg. 9)**
5. Consideration of Approval of Americans with Disabilities Act (ADA) Policy **(Pg. 12)**
6. Other Items of Business **(NO MATERIALS)**

cc: Board of Commissioners
Administration
Legal
Communications Manager
County Department Head(s)
Sunshine List

DRAFT

CUMBERLAND COUNTY POLICY COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
APRIL 4, 2013 – 10:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Charles Evans , Chairman
Commissioner Kenneth Edge
Commissioner Marshall Faircloth

OTHERS PRESENT: James Martin, County Manager
Amy Cannon, Deputy County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Chief Public Information Officer
Buck Wilson, Public Health Director
Rod Jenkins, Deputy Public Health Director
Hank Debnam, Mental Health Director
Kellie Beam, Deputy Clerk to the Board
Press

Commissioner Evans called the meeting to order.

1. ELECTION OF POLICY COMMITTEE CHAIRMAN

Commissioner Edge nominated Commissioner Evans to serve as chairman of the Policy Committee.

MOTION: Commissioner Edge moved that nominations be closed and that Commissioner Evans be appointed to serve as chairman of the Policy Committee.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (3-0)

2. APPROVAL OF MINUTES – NOVEMBER 1, 2012 MEETING

MOTION: Commissioner Faircloth moved to approve the minutes.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (3-0)

3. CONSIDERATION OF REQUEST FOR APPROVAL OF ORDINANCE FOR SMOKE FREE CAMPUS AT SELECTED COUNTY FACILITIES

DRAFT

Buck Wilson, Public Health Director, stated the Board of Health submitted a recommendation to the Policy Committee to implement a smoke free campus at the Health Department, the Historic Courthouse that houses Health Department employees, and the Department of Social Services. Mr. Wilson further stated on April 5, 2012, a draft version of the ordinance was presented to the Policy Committee but since the April 5, 2012 meeting, the ordinance has been revised and approved by the county attorney's office, as well as the Board of Health.

Mr. Wilson stated the revised ordinance includes the following county facilities:

- Health Department
- Historic Courthouse
- Department of Social Services
- E. Newton Smith Center
- Mental Health Center at Bradford Avenue
- Library (inclusive of eight branch locations)

Mr. Wilson stated the desire is to cover all county facilities that house Department of Public Health employees. Mr. Wilson further stated the Library Board also requested to be included in the ordinance.

James Martin, County Manager, requested the ordinance list "County Facility at Bradford Avenue" instead of the "Mental Health Center at Bradford Avenue" due to the changeover of the Mental Health Center as of July 1, 2013.

Commissioner Edge asked how long this process would take. Mr. Wilson stated should the board approve the revised ordinance, it could take about six months to implement. Mr. Wilson stated he would work within any time frame set by the board.

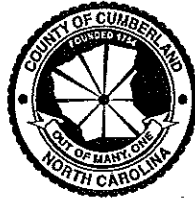
MOTION: Commissioner Faircloth moved to recommend to the full board approval of the revised ordinance with the revisions staff requested.
SECOND: Commissioner Edge
VOTE: UNANIMOUS (3-0)

4. OTHER MATTERS OF BUSINESS

Commissioner Evans stated he sent a memo to the full board and staff regarding "Proposed Economic Development Merit System" that he would like to place on the May 2, 2013 Policy Committee agenda.

MEETING ADJOURNED AT 11:15 AM

RICKEY L. MOOREFIELD
County Attorney



PHYLLIS P. JONES
Assistant County Attorney

OFFICE OF THE COUNTY ATTORNEY

5th Floor, New Courthouse • PO Box 1829 • Suite 551 • Fayetteville, North Carolina 28302-1829
(910) 678-7762

**MEMO FOR THE AGENDA OF THE
MAY 2, 2013 MEETING OF THE POLICY COMMITTEE**

TO: Policy Committee; Co. Manager; Russ Rogerson
FROM: Co. Atty. *R. Moorefield*
DATE: April 26, 2013
SUBJECT: Summary of Economic Development Incentives Agreements and Contract for Funding Economic Development Activities

Requested by: Policy Committee Chair Evans
Estimate of Committee Time Needed: For Discussion by the Committee

BACKGROUND: FOR DISCUSSION PURPOSES ONLY

INCENTIVE AGREEMENTS:

The following four economic development incentives agreements have been approved by the Board of Commissioners, drafted by the County Attorney, executed by the chairman and delivered to the economic development office of the Chamber of Commerce since January 1, 2010:

MBM Hospitality, LLC:

- Approved September 20, 2010
- To create 76 jobs by March 31, 2012
- First incentive payment due March, 2014
- Agreement has not been returned to the County

Strategic Solutions Unlimited, Incorporated:

- Revised agreement approved October 18, 2010
- To create 10 jobs by December 31, 2012
- First incentive payment was due March, 2013
- No request for payment was received by the County

Nitta Gelatin USA, Inc.:

- Approved November 5, 2012
- To create 6 jobs by December 31, 2014
- First incentive payment due March, 2015
- Agreement has not been returned to the County

Raeform Road Partners, LLC, and Sykes Enterprises Incorporated:

- Approved November 19, 2012
- To create 150 jobs by December 31, 2014
- First incentive payment due March, 2015
- Agreement has not been returned to the County

FUNDING AGREEMENT:

The current fiscal year's funding agreement is with the Fayetteville-Cumberland County Chamber of Commerce in the amount of \$410,000. The services provided under the contract are described as "economic development services covering staffing, retention, business development, marketing, FTZ, etc." Mr. Peters has reported that \$40,000 of this money is used to fund the Chamber's contribution to the contracted services with the Ferguson Group. Additional funding for the economic development activities of the Chamber is provided through separate contracts with the City of Fayetteville and the PWC.



CUMBERLAND
COUNTY
NORTH CAROLINA

CHARLES EVANS
COUNTY COMMISSIONER – AT LARGE

TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS
FROM: CHARLES EVANS, COMMISSIONER CE/KB
DATE: APRIL 2, 2013
SUBJECT: PROPOSED ECONOMIC DEVELOPMENT MERIT SYSTEM

I am honored to serve on this governing body with county commissioners who clearly agree that it is our responsibility to attempt to bring jobs to our community for citizens who want to work. We all wish to provide the best employment opportunities we can.

As you know, the City of Fayetteville and Cumberland County have contracted for many years with the Fayetteville Regional Chamber of Commerce, and now the Economic Development Alliance, for economic development services. I recently asked staff for information regarding the economic development services, or lack of services, received from the chamber in promoting our county, which I believe is as deserving of jobs as any other county. I refer you to the email compiled and sent to each of you by staff, at my request, that clearly shows something I am sure we would rather not have known. In all honesty, we are not getting what our taxpayers are expecting of their tax dollars from the team hired to make it happen.

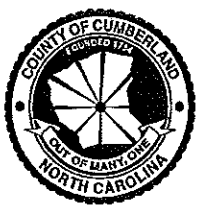
It is total insanity to keep doing the same thing over and over just to get the same result: nothing. I think we as leaders need to take immediate action. I suggest, based on the Chamber's lackluster performance, we immediately put them on a merit system, one that will reward them monetarily based on the number of jobs they bring to our county; not the ones they claim credit for and did not provide.

Please advise me regarding what direction I should take to facilitate further discussion and consequently immediate action that will benefit the citizens of this great county and show them that we aren't just talking the talk but we feel their pain and are willing to act.

Thank you for your attention to this matter.

Cc: James E. Martin, County Manager
Amy Cannon, Deputy County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Chief Public Information Officer

RICKEY L. MOOREFIELD
County Attorney



PHYLLIS P. JONES
Assistant County Attorney

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**MEMO FOR THE AGENDA OF THE
MAY 2, 2013 MEETING OF THE POLICY COMMITTEE**

TO: Policy Committee; Co. Manager; Planning Director
FROM: Co. Atty. *R. Moorefield*
DATE: April 26, 2013
SUBJECT: Update on Status of Outdoor Shooting Range Regulations

Requested by: County Manager
Presented by: County Attorney
Estimate of Committee Time Needed: 20 minutes

BACKGROUND:

There are no design criteria for outdoor shooting ranges in the county's zoning ordinance. A zoning permit with site plan review is required because these are non-residential uses. Planning staff has identified 14 outdoor ranges that are currently in operation within the county's jurisdiction. Most of these were in existence prior to the date in 2005 when a permit was required for all non-residential uses and are not subject to the permit requirement. There is one application for a permit currently pending.

Most of the complaints received about any of these ranges are for noise. There have also been some complaints about safety concerns by adjoining landowners. The pending application is for a tract of less than 4 acres for use as a pistol range. The site contains no improvements designed to attenuate the noise.

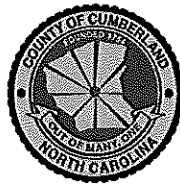
Planning staff has developed and recommended comprehensive and stringent range design regulations patterned on those used by the U. S. Department of Energy. These have been considered by the Codes Committee of the Planning Board at two meetings held in March and April. The Codes Committee has recommended that these regulations not be applied to clubs and lodges as defined in the Zoning Ordinance. This is a broad exemption that may cover most of these uses. This recommendation has not been presented to the full Planning Board.

Due to the timing of the advertising requirements for the public hearing that will be required to adopt the regulations, the county attorney requested permission to advertise a public hearing to be held at the May 6, 2013 meeting of the Board of Commissioners to consider imposing a moratorium of 60 days duration for the issuance of any further permits for outdoor shooting ranges. That will give the Board until the second meeting in June to adopt some level of regulation of these ranges which can be modified by the Board at a later date if necessary.

Information on the staff-recommended regulations and the recommendations of the Codes Committee will be provided at the Policy Committee meeting.

RECOMMENDATION/ACTION REQUESTED:

County attorney requests a general discussion of this item with direction on the approach the Committee prefers that the Planning Board take with regard to these regulations in order to insure that the Board of Commissioners may adopt regulations in June, 2013.



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

PUBLIC INFORMATION OFFICE

MEMORANDUM

TO: POLICY COMMITTEE

FROM: SALLY SHUTT, PUBLIC INFORMATION DIRECTOR *SS*

DATE: APRIL 25, 2013

SUBJECT: FEDERAL ADVOCACY PARTNERSHIP MOU

BACKGROUND

Cumberland County, the City of Fayetteville and the Fayetteville Regional Chamber have a federal advocacy partnership that has worked collaboratively through a contracted lobbying firm to pursue federal funding for projects identified in an annual, collectively established federal agenda. The partnership has developed a new Memorandum of Understanding to more effectively respond to the new federal funding paradigm, which reflects a change in focus from legislative earmarks to administrative allocation through competitive grants.

REQUEST

A copy of the draft MOU is attached for your review and consideration.

PERSON OR ORGANIZATION MAKING REQUEST

A committee of chamber, city and county management and strategic initiative staff was formed to review the future of the federal advocacy partnership. The group developed the attached MOU and is now seeking approval from the partnership's governing boards.

ESTIMATED PRESENTATION TIME

10-15 minutes



City of
Fayetteville
North Carolina



MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING, entered into this ___ day of _____ 2013, by and between the CITY OF FAYETTEVILLE (“City”), acting by and through its duly elected City Council, the COUNTY OF CUMBERLAND (“County”), acting by and through its duly elected Board of Commissioners and the FAYETTEVILLE REGIONAL CHAMBER (“Chamber”), acting through its Board of Directors, hereinafter “The Partners.”

Whereas, the City, County, and the Chamber have successfully worked collaboratively through a common contractor to pursue federal funding for projects identified each year; and

Whereas, the federal funding system focus has changed from legislative designation to administrative allocation through competitive grants; and

Whereas, due to the importance of military spending to the local economy, federal funding and policy decisions are critical to the growth and strength of the City, County, and Chamber; and

Whereas, The Partners believe that it is in best interest of their respective constituents to collaborate on the pursuit of a federal advocacy agenda and federal designation and grant funding opportunities; and

Whereas, the operating practices and resources of the partnership must be revised to respond effectively to the new federal funding paradigm; and

Whereas, the City, County, and Chamber have partnered to create and support the Economic Development Alliance of Fayetteville and Cumberland County (“Alliance”) for the purpose of serving job creation and development in the region;

NOW THEREFOR; City of Fayetteville, County of Cumberland, and the Fayetteville Regional Chamber agree as follow:

1. Priority areas for advocacy and pursuit of federal grant opportunities include
 - a. Military spending and policy; and
 - b. Transportation and infrastructure spending and policy; and
 - c. Public safety and community quality of life spending and policy; and
 - d. Education and training spending and policy.
2. The Partners will designate representatives for a coordinating committee that will be responsible for
 - a. Developing Partner legislative advocacy agenda; and
 - b. Responding to legislative issues as they arise; and
 - c. Resource allocation and prioritization ; and
 - d. Coordination and collaboration of federal grant opportunities.

3. Federal Advocacy Agenda:

- a. Annual Priorities: The Partners will meet annually to establish a federal advocacy agenda that will identify up to ten (10) highest priority issues to be the focus of their combined advocacy efforts.
- b. Federal Representation Resource: The Alliance will contract for professional services to assist the Partnership with:
 - i. Development and pursuit of the legislative advocacy agenda focused on policy; and
 - ii. Administrative advocacy in pursuit of grant funding; and
 - iii. Identification, pursuit and advocacy of federal designation opportunities that meet the goals of the established legislative advocacy agenda.

The cost of this contract will be divided equally between the Partners.

4. Federal Grant Funding:

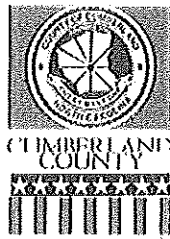
- a. Collaborative Efforts: The Partners will collaborate on seeking and pursuing opportunities for federal grant funding on issues and projects defined in the legislative advocacy agenda. This effort will include developing a unified resource for grant research focused on developing grant opportunities for existing programs and needs of any partner organization, grant writing assistance, and agency advocacy.
- b. Federal Grant Support Resource: The Alliance will secure resources to research federal grant opportunities which will incorporate support for grant writing and may include contracting, FTE, or a combination thereof. The cost of this resource will be divided between the Partners as agreed by the parties.

THIS MEMORANDUM OF UNDERSTANDING renews automatically on an annual basis until such time that a member of the Partnership provides 60 day advance written notification of cancellation to all parties.

Anthony G. Chavonne
Mayor
City of Fayetteville

Jimmy Keefe
Chairman
Board of Commissioners

Mark Rice
Chairman
Fayetteville Regional Chamber



OFFICE OF THE COUNTY ATTORNEY


Courthouse, 117 Dick Street - Suite 551 • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 678-7762 • Fax: (910) 678-7758

April 24, 2013

MEMORANDUM

TO: POLICY COMMITTEE

THRU: RICK MOOREFIELD, COUNTY ATTORNEY

FROM: PHYLLIS JONES, ASSISTANT COUNTY ATTORNEY 

SUBJECT: AMERICANS WITH DISABILITIES ACT (ADA) POLICY

Background

Title II of the Americans with Disabilities Act of 1990 requires the County not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. As a local government employer with over 50 employees, Cumberland County is required to designate an employee to oversee its compliance with the ADA, establish grievance procedures, and provide notice to the public of Title II's requirements and its applicability to the County's services, programs, and activities.

Prompted by a citizen inquiry, a committee of staff including Sally Shutt, Information Officer, John Holmes, ADA Coordinator, and I reviewed the County's compliance with the requirements and drafted the attached policy which incorporates the information required to be in the notice and identifies the ADA compliance officer. Adoption of the policy will allow for its posting on the county website and dissemination to the public in other written communication so that interested persons will know the County is aware of and acknowledges its responsibility in this regard.

RECOMMENDATION

The Policy Committee adopt the staff recommendation that the Board of Commissioners approve the attached Cumberland County ADA Policy.

AMERICANS WITH DISABILITIES ACT Policy

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), Cumberland County will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

Employment: Cumberland County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication: Cumberland County will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in county programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

Modifications to Policies and Procedures: Cumberland County will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in county offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Cumberland County, should contact the ADA Coordinator (listed below) Monday - Friday 8:00 am to 5:00pm as soon as possible but no later than 48 hours before the scheduled event

John F. Holmes, ADA Coordinator
Cumberland County Human Resources Office
117 Dick Street, Lower Level, Room 15
P.O. Drawer 1829
Fayetteville, North Carolina 28302-1829

Telephone Number (910) 678-7656

Email: jholmes@co.cumberland.nc.us

TDD Telecommunication Unit for the Deaf (910) 678-7659.

The ADA does not require the **Cumberland County** to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

Complaints that a program, service, or activity of **Cumberland County** is not accessible to persons with disabilities should be directed the ADA Coordinator.

Cumberland County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

Cumberland County Grievance Procedure under The Americans with Disabilities Act

This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the **Cumberland County**. The county's Personnel Policy governs employment-related complaints of disability discrimination.

The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to:

John F. Holmes, ADA Coordinator
Cumberland County Human Resources Office
117 Dick Street, Lower Level, Room 15
P.O. Drawer 1829
Fayetteville, North Carolina 28302-1829

Telephone Number (910) 678-7656

Email: jholmes@co.cumberland.nc.us

TDD Telecommunication Unit for the Deaf (919) 678-7659.

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or his designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the **Cumberland County** and offer options for substantive resolution of the complaint.

If the response by the ADA Coordinator or his designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the **County Manager** or his designee.

Within 15 calendar days after receipt of the appeal, the **County Manager** or his designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the **County Manager** or his designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or his designee, appeals to the **County Manager** or his designee, and responses from these two offices will be retained by the **Cumberland County** for at least three years.