
AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
REGULAR AGENDA SESSION
JUDGE E. MAURICE BRASWELL
CUMBERLAND COUNTY COURTHOUSE - ROOM 564
APRIL 14, 2022
1:00 PM

INVOCATION- Commissioner Michael Boose

PLEDGE OF ALLEGIANCE

1. APPROVAL OF AGENDA
2. APPROVAL OF MINUTES
 - A. March 10, 2022 Agenda Session Regular Meeting
3. PRESENTATIONS
 - A. Downtown Museum
 - B. Introduction to FSU's Innovation and Entrepreneurship Hub and the Community Development Foundation's Equity Venture Capital Fund Projects
 - C. Health Insurance Plan Update for Fiscal Year 2023
4. CONSIDERATION OF AGENDA ITEMS
 - A. Request from the Town of Hope Mills for Cost Sharing of a Sewer Line Serving the Hope Mills Library
 - B. Adjustment to the ABC General Manager's Salary
 - C. Resolution for Funding Assistance for Cumberland County Solid Waste Projects
 - D. Resolution for The Northern Cumberland Regional Sanitary Water and Sewer District (NORCRESS) Grant Application
 - E. Resolution for Gray's Creek Water Sewer District Grant Application
 - F. Formal Bid for Cumberland County Detention Center Boiler Replacement
 - G. Adoption of Revised Code of Ethics to Incorporate Statutory Changes
 - H. Minimum Bid Policy
5. OTHER ITEMS
6. MONTHLY REPORTS
 - A. Health Insurance Update
 - B. Financial Report

- C. Community Development Update
- D. Project Updates
- 7. CLOSED SESSION:
 - A. Economic Development Matter(s) Pursuant to NCGS 143.318.11(a)(4)

ADJOURN

AGENDA SESSION MEETINGS:

May 12, 2022 (Thursday) 1:00 PM

June 9, 2022 (Thursday) 1:00 PM



BOARD OF COMMISSIONERS' OFFICE

MEMORANDUM FOR THE AGENDA OF THE APRIL 14, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CANDICE H. WHITE, CLERK TO THE BOARD

DATE: 4/14/2022

SUBJECT: DOWNTOWN MUSEUM

Requested by: CHAIRMAN GLENN ADAMS

Presenter(s): CHAIRMAN GLENN ADAMS

BACKGROUND

Chairman Adams asked that the board of commissioners receive a presentation on the downtown museum at the April 14 Agenda Session meeting.

RECOMMENDATION / PROPOSED ACTION

For information only.

ATTACHMENTS:

Description

Museum Presentation

Type

Backup Material

Concept in Development

April 14, 2022

An Evolving Conversation

We have a unique opportunity to tell Black American History with Fayetteville at the center.



Theme of Black History & Black Voice

Black History Museum

Market House

Historic Downtown

Existing Memorial

Corridor Projects

Story Collection & Black Fine Arts Consortium

History

Voice

Authors

Theater

Music & Spoken Word



Community Engagement

Black History in Fayetteville

Charette & SPIRIT Recommendations

Advisory Board

Key Groups & Individuals

Media

Development Plan

Pascale Sablan, FAIA, NOMA,
LEED AP

Adjaye Associates

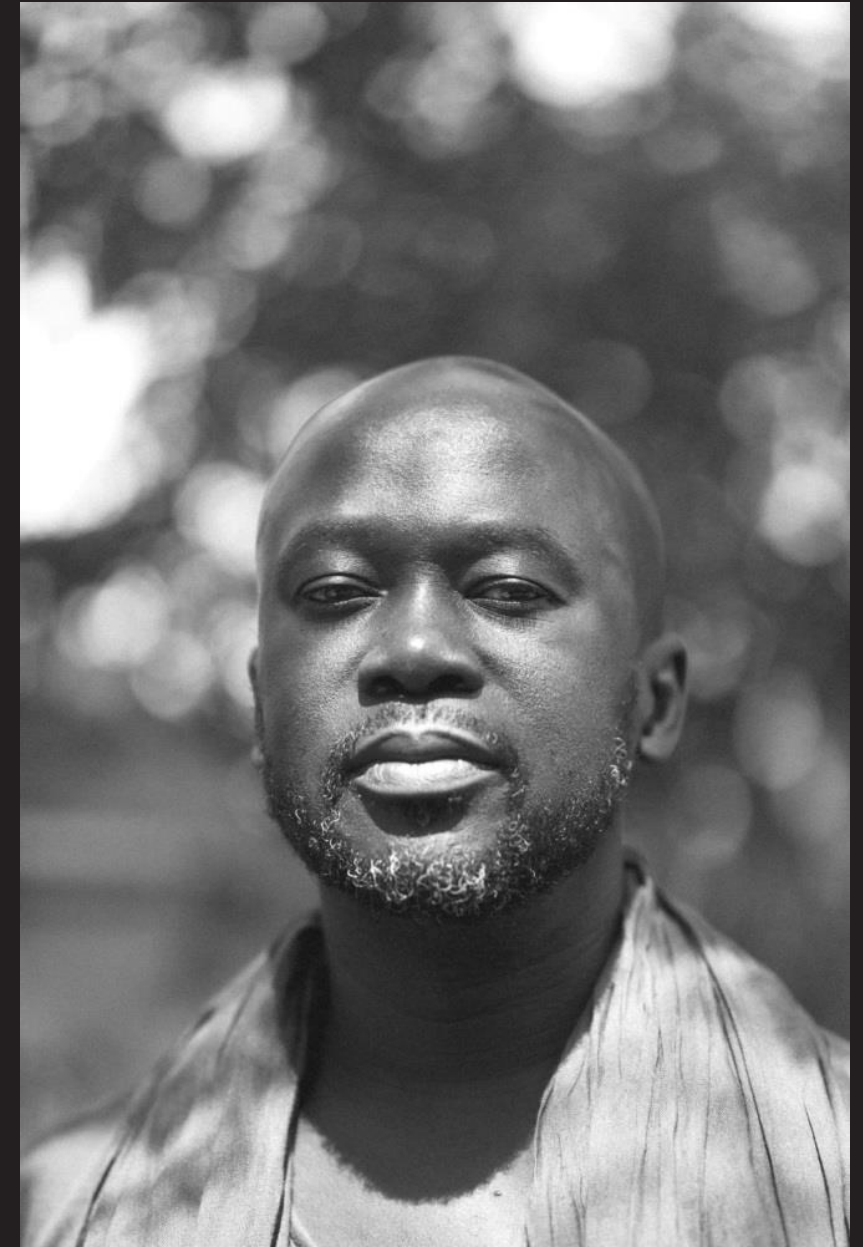


About Sir David Adjaye OBE

Sir David Adjaye OBE is an award winning Ghanaian-British architect known to infuse his artistic sensibilities and ethos for community-driven projects. His ingenious use of materials, bespoke designs and visionary sensibilities have set him apart as one of the leading architects of his generation.

The firm's work ranges from private houses, bespoke furniture collections, product design, exhibitions, and temporary pavilions to major arts centers, civic buildings, and master plans.

His largest project to date, The National Museum of African American History & Culture in Washington, DC opened on the National Mall in Washington DC in 2016 and was named Cultural Event of the Year by The New York Times.



DOCUMENTATION OF PROCESS

David Adjaye with team in Accra Studio



Construction of precast facade panels for 130 William in New York



David Adjaye at the The Martyrs Memorial Ground breaking Ceremony in Niamey



David Adjaye engaging with local residents and community organizations



David Adjaye at site for Newton Enslaved Burial Ground in Barbados



Community engagement meeting featuring Pascale Sablan presenting to local stakeholders



Staff development and site visit of 130 William in New York



Pascale Sablan speaking to students as part of community engagement efforts



Meeting with local agency representatives for the Winter Park Library & Events Center

Partners Waiting to Engage & Be Engaged

Lonnie Bunch

Ford Foundation

Arizona State (Dept. of English)

Duke University (Center for Documentary Studies)

Ayanna Thompson

Fayetteville State University

Clark Construction

David Dodson

Museum Curators, Archivists
& Documentarians

Former Mayors & Leaders

The Process

Engage The People

Create a Plan

Collect Compelling Stories

Become a National Leader

Produce Conceptual Designs



What does it take to move forward?

Budget

A)	\$400,000	Architectural and Urban Design Services/Project Visioning	2022-23
B)	\$180,000	Project Implementation & Community Engagement Director	2022-23
C)	\$90,000	Project Coordinator	2022-23
D)	\$130,000	Contracts for Project History Team (4 part time)	2022-23
E)	\$15,000	Community Charette	2023
F)	\$80,000	Administrative, Accounting, Auditing, and Office Expenses.	2022-23

\$ 895,000

TOTAL PHASE ONE (DESIGN) FIXED BUDGET

The Conclusion is in Our Hands

The story of Fayetteville's Black Community will be told with
reverence.....



**ASSISTANT COUNTY MANAGER STRATEGIC MANAGEMENT/ GOVERNMENTAL
AFFAIRS**

MEMORANDUM FOR THE AGENDA OF THE APRIL 14, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: SALLY SHUTT, ASSISTANT COUNTY MANAGER

DATE: 4/7/2022

**SUBJECT: INTRODUCTION TO FSU'S INNOVATION AND ENTREPRENEURSHIP
HUB AND THE COMMUNITY DEVELOPMENT FOUNDATION'S
EQUITY VENTURE CAPITAL FUND PROJECTS**

Requested by: CHAIRMAN GLENN ADAMS

**Presenter(s): FSU CHANCELLOR DARRELL ALLISON AND FCEDC CEO ROBERT
VAN GEONS**

BACKGROUND

Chairman Glenn Adams has invited Fayetteville State University Chancellor Darrell Allison to give the Board of Commissioners a brief overview of the university's Innovation & Entrepreneurship Hub project. In conjunction with that presentation, Chairman Adams invited Robert Van Geons, President and CEO of the Fayetteville Cumberland Economic Development Corporation, to provide information on the Community Development Foundation's Equity Venture Capital Fund, which received \$2.5 million from the state and is being administered by FCEDC.

RECOMMENDATION / PROPOSED ACTION

For information purposes.

ATTACHMENTS:

Description

FSU Innovation & Entrepreneurship Hub

Type

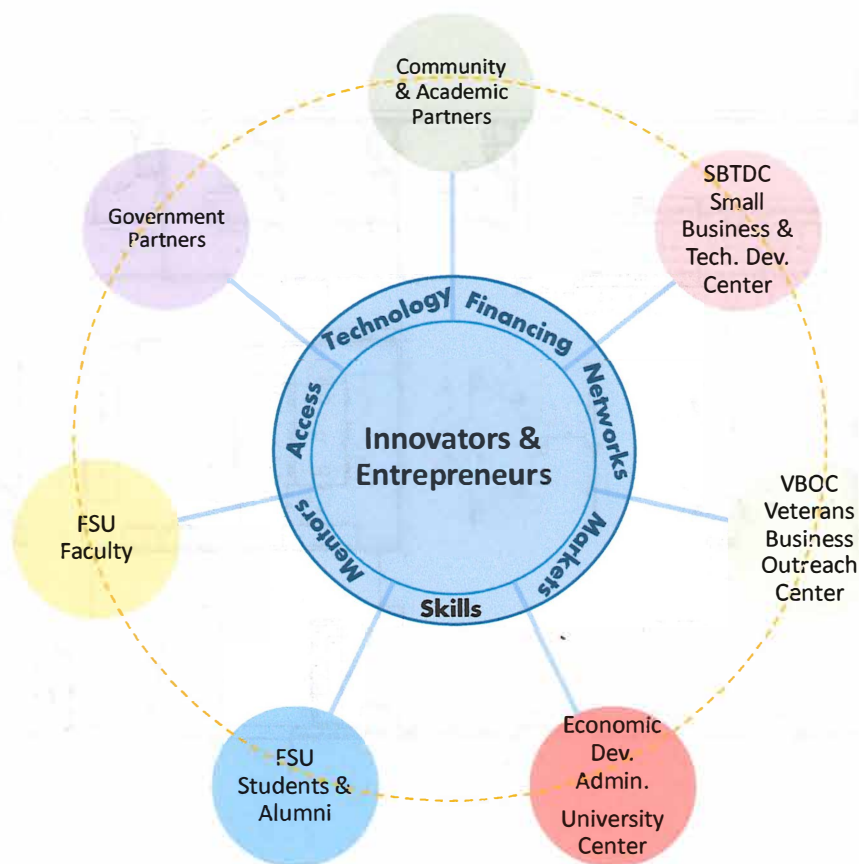
Backup Material



Fayetteville State University Innovation & Entrepreneurship Hub Supporting Small Businesses and Emerging Entrepreneurs

Business Support Resources:

- Skills development tools
- Coaching & counseling
- Work & meeting spaces
- Maker spaces
- Technology access
- Construction Resource Center
- Commercialization support
- Partner resource access



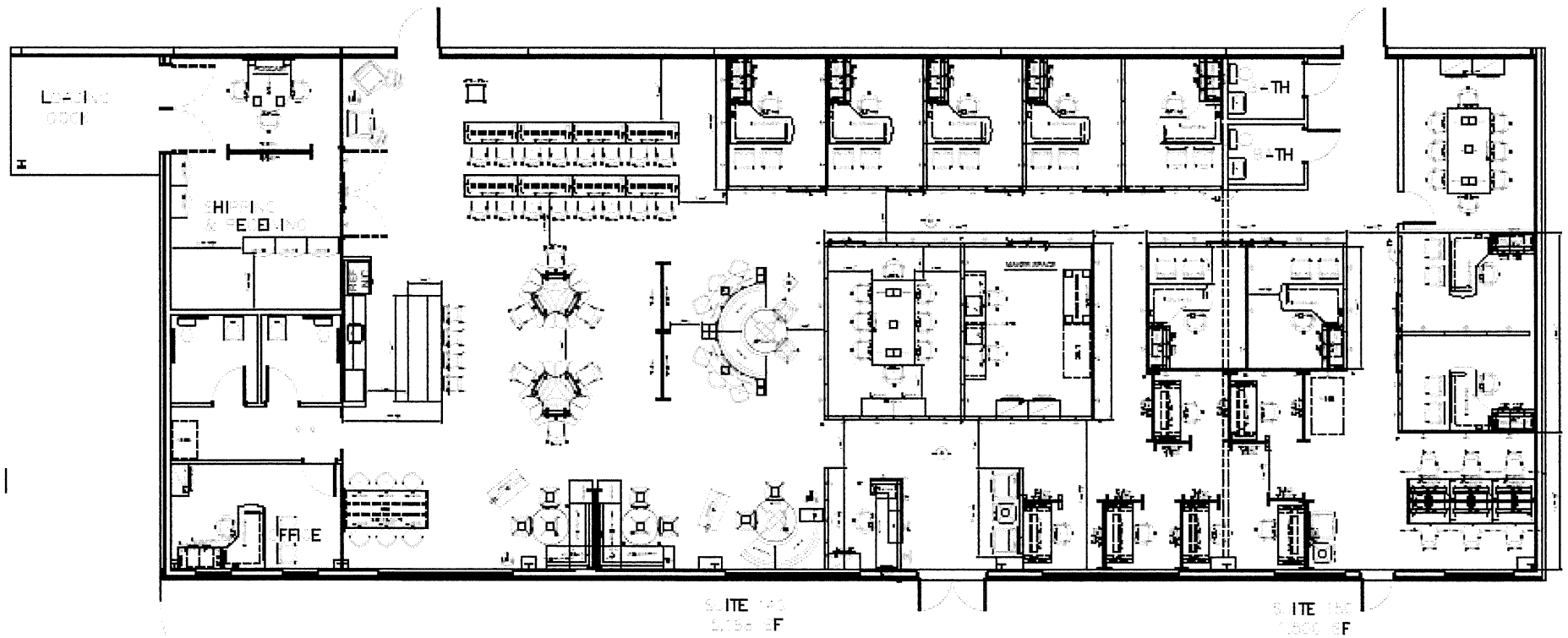
Entrepreneurial Activities:

- Skills development & assessment
- Networking
- Workshops & seminars
- Speaker series
- Venture Cafés
- Business research
- Technical assistance
- Mentoring

Support provided in part by:



Flexible, tech-supported configuration for individual workspaces, conference rooms, group meetings, and casual coffee conversations





RISK MANAGEMENT

MEMORANDUM FOR THE AGENDA OF THE APRIL 14, 2022 **AGENDA SESSION**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: VICKI EVANS, FINANCE DIRECTOR

DATE: 4/4/2021

SUBJECT: HEALTH INSURANCE PLAN UPDATE FOR FISCAL YEAR 2023

Requested by: AMY CANNON, COUNTY MANAGER

Presenter(s): KEVIN QUINN, USI

BACKGROUND

During the March 21, 2022 Board of Commissioners meeting, Commissioners took the following action regarding the FY2023 Health Insurance Plan:

- Keep the \$1,000 deductible Health Reimbursement Account
- The General Fund will absorb \$2,000,000 of the FY2023 budgeted cost risk through a fund balance transfer and the remainder will be absorbed through a per position budgeted increase
- Incorporate into the FY2023 budget process

In addition, staff were directed to conduct an employee survey to aid in determining whether employees would prefer to pay a higher health insurance monthly premium in exchange for a lower annual deductible. After that meeting, staff and brokers with USI worked with BCBS to obtain projected cost scenarios at various levels of premium/deductible to be able to create a realistic option to provide within an employee survey. The county's Public Information Office created the survey which will be available to county employees from Tuesday, April 5th through Monday, April 11th.

Kevin Quinn of USI will be onsite to provide a presentation based on feedback received from employees through the county-wide employee survey, and to answer questions regarding impact of potential plan changes that may be considered for fiscal year 2023. Mr. Quinn will also be providing an update on plan members who have reached the stop loss amount this fiscal year.

The slide presentation is expected to be available by the end of day on Tuesday, April 12, 2022. If the Board of Commissioners chooses to take an action that will result in a BCBS Plan change to be effective for the FY2023 Plan year, it is requested that the official action be made during the April 14, 2022 meeting to allow for BCBS to have a few additional days to implement plan changes.

RECOMMENDATION / PROPOSED ACTION

Consider the responses to the Employee Health Insurance Survey.



ASSISTANT COUNTY MANAGER - ENVIRONMENTAL/ COMMUNITY SAFETY

MEMORANDUM FOR THE AGENDA OF THE APRIL 14, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

**FROM: TRACY JACKSON, ASSISTANT COUNTY
MANAGER/ENVIRONMENTAL & COMMUNITY SAFETY**

DATE: 3/3/2022

**SUBJECT: REQUEST FROM THE TOWN OF HOPE MILLS FOR COST SHARING
OF A SEWER LINE SERVING THE HOPE MILLS LIBRARY**

Requested by: AMY H. CANNON, COUNTY MANAGER

Presenter(s): AMY H. CANNON, COUNTY MANAGER

BACKGROUND

The Town of Hope Mills began a project last Spring to construct a new Public Safety Center on its current Town Administration campus. While capping an old sewer line to the existing fire station, it was discovered that the line was also connected to the Hope Mills Library Branch. This line is obsolete, experiences frequent maintenance issues, and needs to be replaced.

Attached to this memo is a letter from the Town of Hope Mills requesting that the County participate in a cost share for the replacement of the sewer line. The total estimated cost for the line is \$61,321. The Town is proposing a 50/50 split with the County's portion being \$30,660.50.

County staff has explored other alternatives. The only other viable option is to run a separate sewer line under Golfview Road and connect to the PWC sewer on that side of the Town's campus. This option is more expensive since it requires the additional cost of installing a sewer lift station.

Also attached is an aerial map showing the proposed placement of the sewer line on the Town's campus.

RECOMMENDATION / PROPOSED ACTION

Staff requests guidance regarding the cost share request. If there is consensus to move forward with the cost share, staff recommends placing this on the April 18, 2022 Board of of Commissioners Meeting as a Consent Agenda Item.

ATTACHMENTS:

Description	Type
ToHM Request Letter	Backup Material
Proposed Path	Backup Material



TOWN OF HOPE MILLS

5770 ROCKFISH ROAD • HOPE MILLS, NORTH CAROLINA 28348-1848
TELEPHONE (910) 424-4555 • FAX (910) 424-4902

December 1, 2021

The Town of Hope Mills is requesting Cumberland County share in the cost for the sanitary sewer line for the County's Library in Hope Mills. I have attached the price quotes from the architect totaling \$61,321. It is the hope of the Town that the County would share fifty percent (50%) of the cost, \$30,660.50 in order for the new sanitary sewer line to be completed.

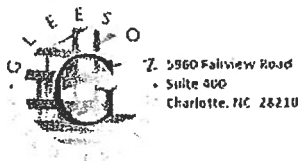
You may ask why is there a need for the new sanitary sewer line for the Library? The Town of Hope Mills is undergoing the construction of a new Public Safety Facility on the site of the current Police & Fire Departments for the Town. The County Library is located on the property adjacent to the Public Safety Construction Project. Some time after construction began, a sewer line was discovered that serviced the County Library and our current Fire Station. This sewer line was not on the survey or on any documents that the Town had showing that this sewer line was on our property. Once discovered, we made sure that the line would stay intact until the project entered phase three. Phase three includes demolishing the current fire station and abandoning the sewer line that services the Library.

The Town has explored several options for relocating the sewer line. The most reasonable option is what has been approved for the Town's project. This new sewer line has been added to the project and will be installed to service the County's Library.

We appreciate the County's understanding and willingness to work with the Town of Hope Mills. We want to make sure all parties have the best option moving forward. If you have any questions you can contact myself or Finance Director, Drew Holland (rholland@townofhopemills.com 910-426-4102) if you have any further questions.

Respectfully submitted,

Scott Meszaros
Town Manager



5960 Fairview Road, Suite 400
Charlotte, NC 28210
Ph : (704) 553-2000

October 14, 2021

Garner & Brown Architects PA

RE: Change Order Request # 6
20-231 John W. Hodges Public Safety

To whom it may concern:

We are pleased to offer the following specifications and pricing to make the following changes:

Sewer Modifications

F.O./Bulletin

Description

Laser Construction Sitework - Sanitary Sewer Modifications

\$50,573.00

Moorman, Kizer & Reitzel, Inc. - Survey

\$2,750.00

Subtotal:

\$53,323.00

15% OH&P

\$53,323.00 15.00%

\$7,998.00

The total amount to provide this work is

\$61,321.00

If you have any questions, please contact me at Ph : (704) 553-2000

Sincerely,

C.E. Gleeson Constructors, Inc

CC:

Approved By:

Architect:

Signature

Signature

Date

Date

**Laser Construction Sitework & Utility
Company Inc.**

4734 Reedy Branch Rd Ste C

Winterville, NC 28590 US

accounting@lcsuc.com



Estimate

ADDRESS

Gleeson Contractors

ESTIMATE

2014

DATE

09/28/2021

DESCRIPTION	QTY	RATE	AMOUNT
SEWER CHANGE ORDER			
Sewer Tie ins (LS)	1	4,200.00	4,200.00
4' Dia Sewer Manholes (EA)	2	3,275.00	6,550.00
8" Sewer Main (Ductile Iron) (LF)	55	85.00	4,675.00
8" Sewer Main (PVC) (LF)	569	42.00	23,898.00
Pipe Testing & Cleanup (LS)	1	6,500.00	6,500.00
Existing Sewer Abandonment (LS)	1	4,750.00	4,750.00

Subtotal: 50,573.00

THIS ESTIMATE IS FOR JOHN N. BOGGS
SEWER & PIPELAIN CHANGE ORDER

TOTAL

\$50,573.00

Accepted By

Accepted Date

October 14, 2021

C.E. Gleeson Constructors, Inc.
984 Livernois Road
Troy, MI 48303
Attn. Brad Baker

RE: John Hodges Public Safety Center
Construction Staking
Hope Mills, N.C. 29348



115 Broadfoot Ave.
P.O. Box 53774
Fayetteville, NC 28305
(910) 484-5191
Fax: (810) 484-0388
lgooden@mkrlnc.com

Dear Mr. Baker,

Moorman, Kizer & Reitzel, (MKR) Inc. appreciates the opportunity to provide you with a construction surveying proposal for the above mentioned project. Moorman, Kizer & Reitzel, Inc. has been providing surveying services in North Carolina for over fifty years.

MKR has reviewed the documents provided for the site in order to determine the amount of field and office work that we anticipate necessary to meet the indicated needs. Based on this analysis, MKR is submitting the anticipated fee estimate as follows:

Construction Survey and Cut Sheets;

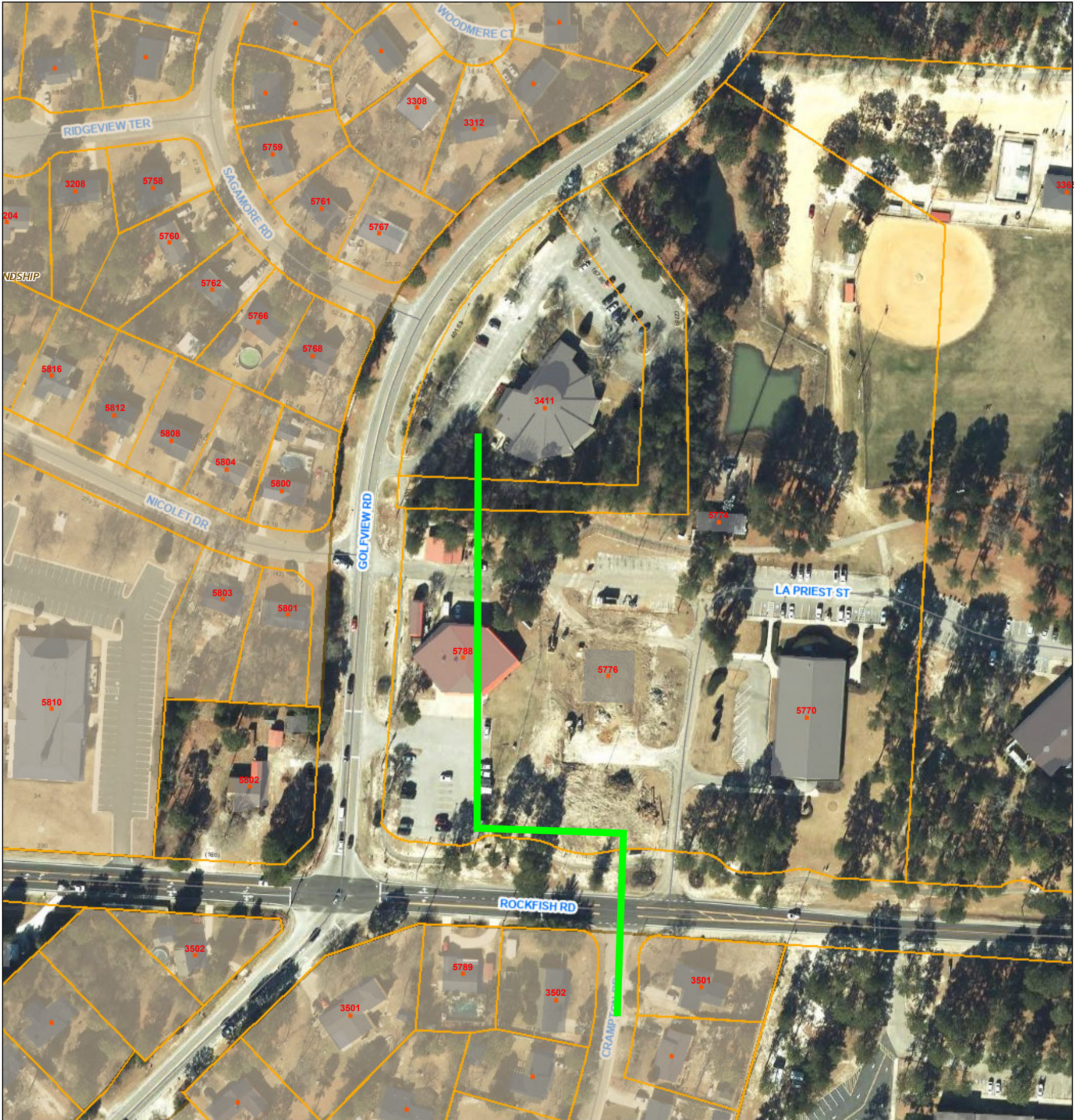
This will include,

- New Parking Lot Staking
- Sanitary Sewer extension to Library with cut sheets.
- Modular Building Water and Pump Station with cut sheets.

Our cost for the above services will be approximately as follows;

- | | |
|----------------------------|-----------|
| • New Parking Lot | \$1475.00 |
| • Sanitary Sewer extension | \$2750.00 |
| • Modular Building | \$2450.00 |

ArcGIS Web Map



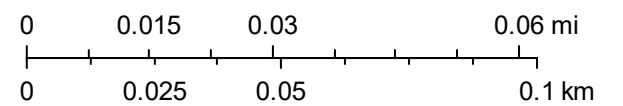
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1:1,483

- Parcels
- Addresses
- Buildings
- Subdivisions
- Streets

HydroPolygons

- HydroPolygons
- Red: Band_1
- Green: Band_2
- Blue: Band_3



CCGIS - TAX MAPPING
CCGIS \ ESRI Charlotte
CCGIS



CLERK TO THE BOARD OF COMMISSIONERS

MEMORANDUM FOR THE AGENDA OF THE APRIL 14, 2022 **AGENDA SESSION**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CANDICE H. WHITE, CLERK TO THE BOARD

DATE: 4/14/2022

SUBJECT: ADJUSTMENT TO THE ABC GENERAL MANAGER'S SALARY

Requested by: CHAIRMAN GLENN ADAMS

Presenter(s): CHAIRMAN GLENN ADAMS

BACKGROUND

At the June 10, 2021 Agenda Session meeting, the board of commissioners considered a request from the Cumberland County ABC Board to increase the salary of its General Manager, David Horne. Action on the request at the Agenda Session meeting failed by a vote of 3 to 3 and according to the Rules of Procedure adopted by the board of commissioners, it did not move forward.

Chairman Adams requested that the board of commissioners consider an adjustment to the ABC Manager's salary at the April 14, 2020 Agenda Session meeting.

RECOMMENDATION / PROPOSED ACTION

Consider an adjustment to the ABC Manager's salary.



SOLID WASTE MANAGEMENT

MEMORANDUM FOR THE AGENDA OF THE APRIL 14, 2022 **AGENDA SESSION**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: AMANDA L. BADER, PE, SOLID WASTE DIRECTOR

DATE: 4/7/2022

SUBJECT: RESOLUTION FOR FUNDING ASSISTANCE FOR CUMBERLAND COUNTY SOLID WASTE PROJECTS

Requested by: AMY CANNON, COUNTY MANAGER

Presenter(s): AMANDA L. BADER, PE, SOLID WASTE DIRECTOR

BACKGROUND

Cumberland County Solid Waste has identified three projects that may be eligible for funding through the North Carolina Department of Environmental Quality's Division of Water Infrastructure (DWI) funding programs. These programs provide funding for a variety of wastewater treatment facilities, stormwater treatment, and projects associated with estuary and nonpoint source programs. There are two funding rounds, one in the spring and one in the fall of each year. This program will be the vehicle for applying for American Rescue Plan Act (ARPA) and Infrastructure Investment and Jobs Act (IIJA) funds in the state. There may be opportunities for ARPA funded grants and principal forgiveness. The three potential projects that are eligible for these programs include:

Stormwater Ponds No. 2 and No. 3 Improvements
Landfill Leachate PFAS Removal
Landfill Gas Collection and Treatment Improvements

Applications are due on May 2, 2022 for the spring funding round. A resolution by the local government is required as part of the application for funding assistance through DWI.

RECOMMENDATION / PROPOSED ACTION

The Solid Waste Director and County Management recommend that the proposed action be placed on the April 19, 2022 Board of Commissioners' agenda as a consent item:

1. Adopt the attached resolution for funding under the Clean Water State Revolving Fund.

ATTACHMENTS:

Description	Type
Eligibility Memo	Backup Material
Spring Application Resolution	Backup Material

Memo

Date: Friday, April 01, 2022

Project: Ann Street Landfill Improvements

To: Amanda Bader, Director Cumberland County Solid Waste

From: HDR Engineering, Inc. of the Carolinas

Subject: Funding Eligibility

Introduction

Cumberland County (County) has three distinct projects associated with the County's Ann Street Landfill that may be eligible for funding from the North Carolina Department of Environmental Quality's Division of Water Infrastructure (DWI) funding programs. The projects are rehabilitation and improvements to stormwater ponds for nutrient removal, treatment of landfill leachate to remove PFAS compounds, and replacement of a landfill gas collection and treatment system, which is used to collect and process methane gas for beneficial use. This memo will provide an evaluation of eligibility for DWI programs for each project.

Funding Program Summary

DWI administers several water infrastructure funding programs including the Clean Water State Revolving Fund (CWSRF), Drinking Water State Revolving Fund, Wastewater State Reserve, Drinking Water State Reserve, and the infrastructure program of the State Community Development Block Grant. Also included in DWI programs is the new Local Assistance for Stormwater Infrastructure Investments Fund (Stormwater Fund) that was created in SL2021-180 (i.e., the state budget) and initially funded with American Rescue Plan Act (ARPA) funds. All funding programs administered by DWI have a common application form; however, project priorities differ between programs, which typically results in different types of information required to complete the application. DWI has two funding rounds each year though some programs are only available once per year. The State Water Infrastructure Authority (SWIA) makes final funding determinations based on recommendations from DWI.

Regardless of the funding program eligibilities, program priorities may limit funding opportunities for any of these projects. That is, a given program may receive more funding request than available funds with lower scoring projects not funded. For non-traditional projects, scoring may be lower than other projects since those projects were not considered as the state developed the project ranking system. For example, the Wastewater Reserve and CWSRF program priority systems were designed around traditional wastewater plant projects with an emphasis on rural communities.

Clean Water State Revolving Fund

The most widely available funding source is the CWSRF which can fund a variety of wastewater collection and treatment facilities, stormwater treatment and conveyance facilities, non-point

source projects, estuary program projects, reclaimed water projects, and other clean water related projects. The CWSRF is a federal program and does have some federal conditions that are required as a condition of funding. Federal requirements may include Davis Bacon wage requirements, American Iron and Steel (transitioning soon to Build America, Buy America), environmental document preparation, Brooks Act engineering services procurement, and typical federal cross cutters. The CWSRF program will typically have \$70-\$80 million available each funding round (i.e., twice per year). The CWSRF is low-interest loan program with some principal forgiveness available based on federal statutes and programmatic decisions. Interest rates are ½ market rates; market rates are determined using The Bond Buyer's 20-Bond Index. Green projects receive an additional 1% discount. NCGS 150G-32(a) defers to federal statutes for project eligibilities.

Wastewater Reserve

The Wastewater Reserve program is a state grant program for wastewater collection, wastewater treatment works, stormwater quality, and nonpoint source projects (NCGS 159G-32). Typically funding for this program is very limited (\$10 million appropriation for this program and the Drinking Water State Reserve combined). However, with SL 2021-180 the NC General Assembly appropriated ARPA funds in addition to the normal state appropriations. Even with the additional funding, funding for the projects reviewed below is very limited as most of the ARPA funds were directed to specific projects and assistance for distressed and at-risk water and sewer systems. Also, inclusion of the ARPA funding requires adherence to federal grant conditions that would not normally be required for this program. These federal conditions are not the same as CWSRF. For example, American Iron and Steel and Davis Bacon wage requirements do not apply to ARPA funds. ARPA requires adherence to 2 CFR Part 200 including federal procurement requirements that CWSRF does not require.

Local Assistance for Stormwater Infrastructure Investments Fund

SL 2021-180 also created a new Stormwater Fund with an initial appropriation of over \$103 million with approximately \$82 million available for competitively selected projects. Since this is a new program, there are some details that are not yet available. DWI is actively working with SWIA on developing a specific priority system for this program that will determine project scoring and rank. It is expected that this new funding program will first be available in the fall of 2022. The development of a stormwater funding program with stormwater specific priorities and competing against other stormwater projects (i.e., not all water and sewer systems across the state), provides a significant opportunity for stormwater project funding. As with the Wastewater Reserve program, the use of ARPA funds requires adherence to federal grant conditions.

Preliminary engineering work (pilot study) is not eligible for funding since the engineering contract was sole sourced. However, if design work is procured following a qualifications-based selection process then the design work will be eligible for ARPA funded grants (must meet all 2 CFR Part 200 procurement requirements) and CWSRF loans.

Project Descriptions

There are three potential projects the County has planned that are potential candidates for funding through one of the DWI funding programs. The following projects are reviewed for eligibilities:

- Stormwater Ponds No. 2 and No. 3 Improvements,
- Landfill Leachate PFAS Removal, and
- Landfill Gas Collection and Treatment Improvements

Stormwater Ponds

The County operates the Ann Street Landfill in accordance with Facility Permit No. 2601-MSWLF-1997. The permit includes the construction and operation of stormwater ponds for the management of stormwater run-off from the various areas of the site. There are five ponds located on the site designed to capture sediment from the site and to reduce the peak stormwater discharges from the site. Sampling from Sediment Pond No. 2 and No. 3 indicates a need to reduce the concentrations of total suspended solids, ammonia and TKN in the discharge from the ponds and its impacts on Cross Creek and the Cape Fear River downstream.

Stormwater treatment facilities are eligible for CWSRF funding. In some cases where the facilities are covered by an NPDES permit (such as the landfill), then the stormwater facilities are considered *treatment works* pursuant to Sec. 212 of the Federal Water Pollution Control Act (aka the Clean Water Act). The implication of meeting the definition of treatment works is that a CWSRF loan will include additional federal requirements that are otherwise not applicable to non-point source type stormwater projects. The project would also be eligible for grants under both the Wastewater Reserve and the new Stormwater Fund. However, as mentioned above, the stormwater fund is new and program administration elements have not been fully defined. It is recommended this project seek CWSRF funding. Since the same application will be considered for a Wastewater Reserve grant; however, a grant is not likely for this project as traditional wastewater projects will score higher and be awarded the limited grant funds. Then in the fall of 2022 (regardless of CWSRF outcome), it is recommended to submit an application to the Stormwater Fund.

Landfill Leachate PFAS Pilot Study

Leachate collected from the Ann Street landfill is discharged by gravity from each of the cells to a gravity sewer that discharges to a lined lagoon for equalization prior to discharge to the City of Fayetteville Public Works Commission (FPWC) Cross Creek Water Reclamation Facility in accordance with its the Industrial User Permit IUP #5001N. Once a pilot study on froth flotation to remove PFAS compounds is completed, a full-scale implementation project may be constructed capable of treating all leachate discharged from the landfill and up to 100,000 gallons per day.

Treatment units that treat leachate from publicly owned landfills are eligible for CWSRF funding. As part of the Infrastructure Investment and Jobs Act (IIJA), principal forgiveness may be

available from the CWSRF this fall and for the next five years for projects that have as a primary purpose the treatment of emerging contaminants. While EPA has provided initial guidance on IIJA, the state has not provided specific information on the implementation of IIJA such as any specific prioritization of emerging contaminant projects. It is anticipated this funding will first be available in the fall of 2022.

It is recommended this project seek CWSRF funding. As with the Stormwater Ponds above, this project would also be eligible for grants under the Wastewater Reserve; however, given the limited availability of grant funds, grant funding is not likely. Depending on the CWSRF Emerging Contaminant funding details that have yet to be developed, another application may be needed when those funds become available.

Landfill Gas Collection and Processing Improvements

The County owns and operates a landfill gas collection and treatment system at the Ann Street Landfill in accordance with its Title V Permit (08846T07). Up until 2021, the County has a third-party lessee that owned the landfill gas rights and operated the collection and treatment system. The County has now assumed ownership of the collection system and treatment infrastructure as well as the contract to deliver processed gas to the Cargill facility located off River Road via transmission line under the Cape Fear River for their beneficial use as a fuel. The existing landfill gas blower, flare, compressor and refrigeration system to remove moisture is no longer capable of effectively processing and transmitting gas to Cargill. In order to continue to provide a beneficial use for the collected landfill gas, the County is proposing to upgrade the blower and moisture removing system facility.

Eligibility for this project is less obvious than other projects addressed in this memo. Guidance from EPA, Overview of Clean Water State Revolving Fund Eligibilities (Overview), May 2016, does indicate that many activities at publicly owned landfills are eligible for CWSRF funding as the leachate is a wastewater stream that must be collected, treated, and disposed or utilized. Activities that are eligible according to the Overview include landfill closure activities such as capping systems (including gas collection) and gas condensation systems. Also included as eligible in the Overview are activities related to leachate collection and treatment. Once gas is collected from the landfill, the use of that gas is not addressed in EPA guidance. HDR contacted DWI regarding the eligibility of landfill gas treatment and distribution. In an email dated March 29, 2022, DWI indicated that all aspects of this project would be eligible including gas collection, gas treatment, and gas distribution lines for utilization – as long as the gas lines would be owned by the County. It is recommended this project seek CWSRF funding.

Summary

DWI administers several water infrastructure funding programs through two funding rounds each year. The CWSRF is a federal program and does have some federal conditions that are required as a condition of funding. With SL 2021-180, the NC General Assembly appropriated ARPA funds to initially fund the new stormwater funding program and to supplement the normal state appropriations for the Wastewater Reserve program. The inclusion of the ARPA funding

requires adherence to federal grant conditions, though these conditions differ from CWSRF federal conditions.

It is recommended that the County seeks CWSRF funds for all three projects. Both the Stormwater Ponds No. 2 and No. 3 Improvements and Landfill leachate PFAS Removal Pilot Study projects are eligible for Wastewater Reserve grants and use the same application as the CWSRF. However, Wastewater Reserve grants are not likely for these projects as traditional wastewater projects will score higher and be awarded the limited grant funds. The Stormwater Ponds No. 2 and No. 3 Improvements project will be eligible for the stormwater funding program in Fall 2022. It is recommended to apply to the Stormwater Fund, regardless of the Spring 2022 CWSRF outcome.

RESOLUTION BY THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction and studies of landfill wastewater (leachate) treatment works, stormwater treatment, and a “green” project, and

WHEREAS, Cumberland County has need for and intends to construct or conduct a study on three separate projects for landfill wastewater (leachate) treatment, stormwater treatment, and a “green” project described as

- Removal of PFAS compounds from landfill leachate through froth flotation,
- Implement improvements to landfill stormwater ponds to reduce the concentrations of total suspended solids, ammonia and TKN in the discharge, and
- Construct improvements to the landfill gas collection and treatment system to improve its efficiency in processing and transmitting the gas for beneficial use as a source of fuel, and

WHEREAS, Cumberland County intends to request State loan and/or grant assistance for the projects,

NOW THEREFORE BE IT RESOLVED, BY THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS:

That Cumberland County, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of Cumberland County to make scheduled repayment of the loan, to withhold from Cumberland County any State funds that would otherwise be distributed to Cumberland County in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide for efficient operation and maintenance of the project on completion of construction thereof.

That Amy Cannon, County Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the ____ day of _____, 2022 at Fayetteville, North Carolina.

Cumberland County Board of Commissioners

By: _____

Glenn B. Adams, Chairman

Attest:

Candace H. White, Clerk to the Board

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Clerk to the Board of Commissioners of the County of Cumberland does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the (name of governing body of applicant) duly held on the _____ day of _____, 2022; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office. IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2022.

(Signature of Recording Officer)

Clerk to the Board



ENGINEERING AND INFRASTRUCTURE DEPARTMENT

MEMORANDUM FOR THE AGENDA OF THE APRIL 14, 2022 **AGENDA SESSION**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JERMAINE WALKER, DIRECTOR OF ENGINEERING AND INFRASTRUCTURE

DATE: 4/8/2022

SUBJECT: RESOLUTION FOR THE NORTHERN CUMBERLAND REGIONAL SANITARY WATER AND SEWER DISTRICT (NORCRESS) GRANT APPLICATION

Requested by: AMY CANNON, COUNTY MANAGER

Presenter(s): JERMAINE WALKER, DIRECTOR OF ENGINEERING AND INFRASTRUCTURE

BACKGROUND

The Cumberland County Engineering and Infrastructure and Public Utilities Departments are applying for the Viable Utility Reserve Grant. This Grant is for water and wastewater systems that have been designated as distressed by the State Water Infrastructure Authority and the Local Government Commission, for the purposes set forth in subdivisions (1) through (5) of G.S. 159G-32(d).

In order to apply for the grant, the County must adopt a resolution authorizing the water sewer project and the filing of the grant application with the State of North Carolina.

The maximum single award is up to \$15M and the date to apply is May 2, 2022.

RECOMMENDATION / PROPOSED ACTION

Staff recommends the Board of Commissioners forward the following action to the April 18, 2022 Board of Commissioner's Meeting as a Consent Agenda Item:

Adopt the attached resolution allowing the department to move forward with the application for funding.

ATTACHMENTS:

Description

Type

NORCRESS Resolution

Backup Material

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

AUTHORIZING RESOLUTION
WATER AND WASTE WATER
PROJECTS

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater system improvements, and

WHEREAS, The NORCRESS Water & Sewer District has need for and intends to make improvements to its wastewater system project described as:

This project is to provide needed repairs to the sewer system and lift stations based off the comprehensive sewer evaluation conducted on the system. The repairs needed are to get the system operating at the original design standards and to prevent the operational issues of a long, low flow force main that has gas binding and sludge accumulation, which is causing inefficiencies with the pumps at the lift stations.

WHEREAS, The NORCRESS Water & Sewer District intends to request state loan and/or grant assistance for the projects,

NOW THEREFORE BE IT RESOLVED, BY THE GOVERNING BOARD OF THE NORCRESS WATER AND SEWER DISTRICT:

That the NORCRESS Water & Sewer District, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the NORCRESS Water & Sewer District to make scheduled repayment of the loan, to withhold from the NORCRESS Water & Sewer District any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide, or contract for, the efficient operation and maintenance of the project upon completion of construction thereof.

That **Amy H. Cannon**, County Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the construction of the projects described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted at a meeting of the Governing Board of the NORCRESS Water and Sewer District held on the 18th day of April 2022 in the Commissioners Meeting Room, Room 118, Judge E. Maurice Braswell Cumberland County Courthouse, 117 Dick Street, in Fayetteville, North Carolina.

NORCRESS Water and Sewer District

Glenn Adams, Chairman
NORCRESS Water & Sewer District
Governing Board

Attest:

Candice White, Clerk to the NORCRESS
Water & Sewer District Governing Board

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Clerk to the Board of Commissioners for Cumberland County, North Carolina, does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Board of Commissioners of the County, acting as the governing body of the NORCRESS Water and Sewer District duly held on the 18th day of April, 2022; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office.

WITNESS my hand and the official seal of the County this 18th day of April 2022.

Candice H. White, Clerk
Board of Commissioners
County of Cumberland, North Carolina

(SEAL)



ENGINEERING AND INFRASTRUCTURE DEPARTMENT

MEMORANDUM FOR THE AGENDA OF THE APRIL 14, 2022 **AGENDA SESSION**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JERMAINE WALKER, DIRECTOR OF ENGINEERING AND INFRASTRUCTURE

DATE: 4/8/2022

SUBJECT: RESOLUTION FOR GRAY'S CREEK WATER SEWER DISTRICT GRANT APPLICATION

Requested by: AMY CANNON, COUNTY MANAGER

Presenter(s): JERMAINE WALKER, DIRECTOR OF ENGINEERING AND INFRASTRUCTURE

BACKGROUND

The Cumberland County Engineering and Infrastructure and Public Utilities Departments are applying for the \$15M Drinking Water Reserve and Wastewater Reserve (State Reserves) Grant. This Grant is for:

1. Project construction grants for public water systems and wastewater systems NC DEQ categorizes as at-risk of becoming distressed.
2. Project construction grants for public water systems and wastewater systems not designated as distressed or categorized as at-risk.
3. Grants for asset inventory and assessments, rate studies, merger/regionalization feasibility, training, and planning grants to conduct project engineering, design, or other preconstruction activities.

In order to apply for the grant, the County must adopt a resolution authorizing the water sewer project and the filing of the grant application with the State of North Carolina.

The dates to apply are May 2 and September 2, 2022.

RECOMMENDATION / PROPOSED ACTION

Staff recommends the Board of Commissioners forward the following action to the April 18, 2022 Board of Commissioner's Meeting as a Consent Agenda Item:

Adopt the attached resolution allowing the department to move forward with the application for funding

ATTACHMENTS:

Description

Type

Gray's Creek Resolution

Backup Material

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

AUTHORIZING RESOLUTION
WATER AND WASTE WATER
PROJECTS

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater system improvements, and

WHEREAS, The Gray's Creek Water & Sewer District has need for and intends to construct a drinking water system project described as:

This project is for the construction of a new central water distribution system to serve an area in Cumberland County that have private wells contaminated above the State's provisional health goal for drinking water.

WHEREAS, The Gray's Creek Water & Sewer District intends to request state loan and/or grant assistance for the projects,

NOW THEREFORE BE IT RESOLVED, BY THE GOVERNING BOARD OF THE GRAY'S CREEK WATER AND SEWER DISTRICT:

That the Gray's Creek Water & Sewer District, the **Applicant**, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.

That the **Applicant** will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the **Applicant** agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the Gray's Creek Water & Sewer District to make scheduled repayment of the loan, to withhold from the Gray's Creek Water & Sewer District any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the **Applicant** will provide, or contract for, the efficient operation and maintenance of the project upon completion of construction thereof.

That **Amy H. Cannon**, County Manager, the **Authorized Official**, and successors so titled, is hereby authorized to execute and file an application on behalf of the **Applicant** with the State of North Carolina for a loan and/or grant to aid in the construction of the projects described above.

That the **Authorized Official**, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That the **Applicant** has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted at a meeting of the Governing Board of the Gray's Creek Water and Sewer District held on the 18th day of April 2022 in the Commissioners Meeting Room, Room 118, Judge E. Maurice Braswell Cumberland County Courthouse, 117 Dick Street, in Fayetteville, North Carolina.

Gray's Creek Water and Sewer District

Glenn Adams, Chairman
Gray's Creek Water & Sewer District
Governing Board

Attest:

Candice White, Clerk to the Gray's Creek
Water & Sewer District Governing Board

CERTIFICATION BY RECORDING OFFICER

The undersigned duly qualified and acting Clerk to the Board of Commissioners for Cumberland County, North Carolina, does hereby certify: That the above/attached resolution is a true and correct copy of the resolution authorizing the filing of an application with the State of North Carolina, as regularly adopted at a legally convened meeting of the Board of Commissioners of the County, acting as the governing body of the Gray's Creek Water and Sewer District duly held on the 18th day of April, 2022; and, further, that such resolution has been fully recorded in the journal of proceedings and records in my office.

WITNESS my hand and the official seal of the County this 18th day of April 2022.

Candice H. White, Clerk
Board of Commissioners
County of Cumberland, North Carolina

(SEAL)



ENGINEERING AND INFRASTRUCTURE DEPARTMENT

MEMORANDUM FOR THE AGENDA OF THE APRIL 14, 2022 **AGENDA SESSION**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JERMAINE WALKER, DIRECTOR OF ENGINEERING AND INFRASTRUCTURE

DATE: 4/8/2022

SUBJECT: FORMAL BID FOR CUMBERLAND COUNTY DETENTION CENTER BOILER REPLACEMENT

Requested by: AMY CANNON, COUNTY MANAGER

Presenter(s): JERMAINE WALKER, DIRECTOR OF ENGINEERING AND INFRASTRUCTURE

BACKGROUND

On December 20, 2021, the Board of Commissioners approved an amendment to the FY 2022 Capital Improvement Projects shifting three projects from Fiscal Year 2022 to Fiscal Year 2023 in order to fund the replacement of the secondary boiler at the Cumberland County Detention Center.

The project was advertised through the formal bid process in which the bidding period opened on February 11, 2022 and closed on March 11, 2022. There were two addendums to the original solicitation. Haire Plumbing and Mechanical Company Incorporated had the lowest responsive bid at \$357K. Funds are budgeted for this replacement project.

Both boilers are over 20 years-old and it would be catastrophic to lose a heating boiler for a facility that operates on a continuous basis.

RECOMMENDATION / PROPOSED ACTION

Staff recommends the following:

1. The Board of Commissioners accept Haire Plumbing and Mechanical Company Incorporated as the lowest

responsive bid through the formal bid process.

2. This item be moved forward to the April 18, 2022 Board of Commissioners Regular Meeting as a Consent Item.

3. Approve contract execution by the Chairman once the contract completes pre-audit and is deemed legally sufficient.

ATTACHMENTS:

Description

Project Bid Tab

Type

Backup Material

March 14, 2022

Jeremy Stefanko
Cumberland County Engineering
130 Gillespie Street
Fayetteville, NC 28301

**Re: Cumberland County Detention Center
Boiler Replacement
Bid Opening Conference**

Dear Mr. Stefanko:

Enclosed for your review are the certified bid tabulations and low base bid contractor recommendation for the above referenced project.

The low single prime base bid for the Boiler Replacement Project at The Cumberland County Detention Center and associated electrical, mechanical, and controls work required in the Construction Documents:

**Haire Plumbing & Mechanical Co. Inc.
367 Winslow Street
Fayetteville, NC 28301
910-483-1421**

Base Bid.....	\$358,000.00
Alternate #1 (Deduct).....	-\$1,000.00

The Wooten Company recommends awarding the contract to the apparent low bidder, Haire Plumbing & Mechanical Co. Inc. to include Base Bid and to include Alternate #1 for Owner preferred equipment.

Sincerely,

THE WOOTEN COMPANY

Glenn D. Bowman P.E.


Cumberland County Detention Center, Boiler Replacement

Wooten

Bid Opening Friday, March 11, 2022, the stroke of 10:00 a.m.
TWC No. 2877-D

Contractor	License #	Addendum #1, #2	Bid Bond	MBE Documents	Minority Status	Base Bid (\$)	Alternate (\$)	Remarks
Haire Plumbing and Mechanical Co. Inc.	4230	✓	✓	✓	✓	\$358,000.00	-\$1,000.00	
Smith's Refrigeration Inc.	14759	✓	✓	✓	✓	\$348,691.00	+\$21,000.00	
Ivey Mechanical Co. LLC	10838	✓	✓	✓	✓	\$823,275.00	\$0.00	
Mechanical Maintenance Inc.	29240	✓	✓	✓	✓	\$403,341.00	+\$20,982.00	
Brady Services, Inc.	20378	1	✓	✓	✓	\$486,897.00	+\$4,584.00	1

This is to certify that the bids tabulated herein were opened and read by the Owner, and observed by the Contractors, at the stroke of **10:00 a.m.** on the **11th** day of **March 2022** at the **Office of Cumberland County Engineering Department, in the City of Fayetteville, NC, 130 Gillespie Street, Suite 214 Fayetteville, NC, 28301.**

 PE
Glenn D. Bowman, PE
The Wooten Company

Remarks:

1. Addendum #2 not acknowledged.
2. None
3. None



OFFICE OF THE COUNTY ATTORNEY

MEMORANDUM FOR THE AGENDA OF THE APRIL 14, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: COUNTY ATTORNEY

DATE: 3/30/2022

**SUBJECT: ADOPTION OF REVISED CODE OF ETHICS TO INCORPORATE
STATUTORY CHANGES**

Requested by: COUNTY ATTORNEY

Presenter(s): COUNTY ATTORNEY

BACKGROUND

The Legislature mandated that all local elected boards adopt a code of ethics by the end of 2010. The board of commissioners did so on November 15, 2010. The attached Code of Ethics is a revision incorporating statutory changes that occurred in 2021. The changes are at the end of the document in the section entitled, "Additional Legal Restrictions Applicable to Certain Conduct."

The change in the criminal provisions is most significant. G.S. 234.2 is a new statute that makes it a felony for an elected county official to solicit or receive personal financial gain from the county by means of intimidation, undue influence, or misuse of employees. G.S. 234.3 is another new statute that prohibits an elected or appointed commissioner from participating in making or administering any contract with any nonprofit for which he or she also serves as a director, officer, or governing board member of the nonprofit. This does not apply to nonprofits created by the county. The penalty for violating this statute is a misdemeanor and the contract is also void. If any commissioner is serving in any capacity for a nonprofit seeking funding from the county, the county attorney advises that commissioner should make a disclosure so that appropriate measures can be taken for the board to approve the contract.

There is one significant change in the section entitled, "Statutory Obligations without Criminal Penalties." G.S. 153A-28(b) is a new statute which requires the finance officer to garnish the compensation of any commissioner with unpaid debt for county services. The most common way this can occur is when a

commissioner does not use all a travel advance for the purposes for which it was received. The other changes made to this section were to correct the statutory cites resulting from Chapter 160 becoming law.

RECOMMENDATION / PROPOSED ACTION

County attorney advises the board to adopt the amended Code of Ethics by adopting the following resolution:

RESOLUTION ADOPTING A REVISED CODE OF ETHICS

Whereas, the Board of Commissioners adopted a Code of Ethics November, 15, 2010; and

Whereas, statutory changes in 2021 require revisions to the Code of Ethics adopted in 2010.

Be it hereby resolved that the Board of Commissioners adopts the Code of Ethics attached hereto in its entirety for the purpose of bringing the Code of Ethics current with the General Statutes of North Carolina.

ATTACHMENTS:

Description

Revised Code of Ethics

Type

Backup Material

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
CODE OF ETHICS ADOPTED PURSUANT TO N.C.G.S. § 160A-86**

April 18, 2022

WHEREAS, the Constitution of North Carolina, Article I, Section 35, reminds us that a "frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty;" and

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires boards of county commissioners to adopt a code of ethics to guide actions by the governing board members in the performance of the member's official duties as a member of that governing board; and

WHEREAS, as elected local government officials we are charged with upholding the trust of the citizens of Cumberland County, North Carolina, and with obeying relevant laws.

NOW THEREFORE, BE IT RESOLVED in recognition. of our blessings and obligations as citizens of the State of North Carolina and as elected county commissioners representing the citizens of Cumberland County and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, the Cumberland County Board of Commissioners does hereby adopt the following general principles and code of ethics to guide the board and its individual members in lawful decision-making. (Hereinafter the terms "elected local government official(s) or elected official(s), the board, board member(s) or elected member(s)," shall be used interchangeably when referring to the members of or to the Cumberland County Board of Commissioners.)

GENERAL PRINCIPLES UNDERLYING THIS CODE OF ETHICS

- The stability and proper operation of democratic representative government depends upon public confidence in the integrity of the government, and upon responsible exercise of the trust conferred by the people upon their elected officials.
- Governmental decisions and policy must be made and implemented through proper channels and processes of the governmental structure.
- Elected local government officials must be able act in a manner that maintains their integrity and independence yet is responsive to the interests and needs of those they represent.
- Elected local government officials must always remain aware that at various times they play different roles:
 - (i) as advocates, who strive to advance the legitimate needs of their citizens;
 - (ii) as legislators, who balance the public interest and private rights in considering and enacting ordinances, orders, and resolutions; and
 - (iii) as fair and impartial decision-makers, when making quasi-judicial and administrative determinations.
- Elected local government officials must know how to distinguish among these roles, to determine when each role is appropriate, and to act accordingly.

- Elected local government officials must be aware of their obligation to conform their behavior to standards of ethical conduct that warrant the trust of their constituents. Each official must be guided by his or her own conscience to determine what conduct is appropriate.

CODE OF ETHICS

Purpose. The purpose of this code of ethics is to establish guidelines for ethical standards of conduct for board members and to provide guidance in determining what conduct is appropriate under the circumstances. It should not be considered a substitute for the law or for a board member's best judgment.

Section 1. Board members should take care to obey all laws that apply to their official actions as board members. Board members should be guided by the spirit as well as the letter of the law in whatever they do. At the same time, board members should feel free to assert policy positions and opinions without fear of reprisal from fellow board members or citizens. No board member should assert that a fellow board member is behaving unethically based upon a disagreement with that board member on a question of policy rather than on the board member's ethical behavior. The board and its members shall endeavor to keep it and themselves up to date on new or on-going legal or ethical quandaries or difficulties that they may face in their official positions.

Section 2. Board members should act with integrity and with independence from improper influence as they exercise the functions of their offices. Board members should use their best independent judgment to pursue the common good as they see it, presenting their opinions to all in a reasonable, forthright, consistent manner. They should be self-governing and not subject to improper influence, while at the same time being able to consider the opinions and ideas of others. At the same time, however, board members should recognize that they are part of the board and should act accordingly. They should respect their office and the board and not behave in ways that reflect badly on either. They should treat other board members and the public with respect and should honor the opinions of others even when they disagree. They should recognize that they are not generally authorized to act on behalf of the board, since the board must take official action as a body.

Section 3.

(a) Board members should avoid impropriety in the exercise of their official duties. Their official actions should be above reproach. A board member shall be considered to be acting with impropriety if a reasonable person who was made aware of the totality of the circumstances surrounding the board member's action would conclude that it was more likely than not that the behavior did not befit someone in the board member's position.

(b) If a board member concludes that his or her actions, while legal and ethical, may be misunderstood, he or she may seek the advice of the board's attorney. He or she may also state on the record the facts of the situation and the steps taken to resolve it.

Section 4. Board members should be faithful in the performance of the duties of their offices. They should act as the especially responsible citizens whom others can trust and respect. In furtherance of their obligation, board members should be faithful in their attendance at meetings and in their preparation for those meetings. They should carefully analyze all credible information that is provided to them. As a group of citizens to whom much has been entrusted, the board should demand full accountability from those over whom it has authority. The board should set a good example for others in the community, keeping in mind that trust and respect must continually be earned. Board members should be willing to

bear their fair share of the board's workload. To the extent appropriate, they should be willing to put the board's interests ahead of their own.

Section 5. Board members should conduct the affairs of the board in an open and public manner. They should comply with all applicable laws governing open meetings and public records, recognizing that doing so is an important way to be worthy of the public's trust. This recognition includes sensitivity to those matters or documents recognized by law as non-public, confidential, or protected. Board members should be always aware that when meeting they are conducting the public's business. Board members should always be aware that their individual written and electronic communications to each other, staff, constituents, and others about matters within the purview of the board should also be regarded as the conduct of the public's business. They should also remember that the records of their local government belong to the public and not to them or their employees. They should make clear that a climate of openness is always to be maintained in the conduct of the public's business. To ensure strict compliance with the laws governing openness, board members should strive to be open. They should prohibit unjustified delay in fulfilling public records requests. They should take deliberate steps before they go into closed session for any reason to ensure that the closed session will be conducted solely for lawful purposes.

ADDITIONAL LEGAL RESTRICTIONS APPLICABLE TO CERTAIN CONDUCT

Criminal Violations. The governing board has no authority to bring criminal charges against its members or to otherwise control its members' behaviors; however, board members should always be vigilant to avoid conduct and conflicts for which they might be subject to criminal prosecution, well beyond the scope of this code of ethics. There are seven very broad criminal statutes which prohibit certain conduct as follows:

N.C.G.S. § 14-234(a)(1) prohibits all public officers and employees from obtaining any direct benefit from any contract in which they are involved in making or administering on behalf of their government agency.

N.C.G.S. § 14-234(a)(2) prohibits all public officers and employees who are not involved in making or administering a contract, but who are deriving a direct benefit from the contract, from attempting to influence any other person who is involved in making or administering the contract.

N.C.G.S. § 14-234(a)(3) prohibits all public officers and employees from soliciting or receiving any gift, reward, or promise of reward, including a promise of future employment, in exchange for recommending or influencing the award of a contract by the public agency he or she serves.

It is important to remember that under any of the above statutes, a person directly benefits from a contract if he or she, or his or her spouse, owns more than a ten percent (10%) interest in the company which is the contractor; derives any income or commission from the contract; or acquires any property under the contract.

N.C.G.S. § 14-234.1 prohibits any public officer or employee from misusing any information made known to the public officer or employee in his or her official capacity before it is made public by acquiring an interest in any property, transaction, or enterprise, or gain any pecuniary benefit which may be affected by such information or official action; or to intentionally aid anyone else in doing any of these acts.

N.C.G.S. § 14-234.2 prohibits any elected officer of a county from soliciting or receiving personal financial gain from the county which the elected officer serves by means of intimidation, undue influence, or misuse of the employees of the county. It is important to note that a violation of this statute constitutes a Class H felony.

N.C.G.S. § 14-234.3 prohibits county commissioners from participating in making or administering a contract, including the award of money in the form of grants, loans, or other appropriation, with any nonprofit for which the county commissioner serves as a director, officer, or governing board member. Participation in making or administering a contract includes deliberating or voting on the contract; attempting to influence any person who is deliberating or voting on the contract; or soliciting or receiving any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract by the county with the nonprofit.

N.C.G.S. § 133-32 prohibits all public officers and employees with the duties of preparing plans, specifications, or estimates for public contracts; awarding or administering public contracts; or inspecting or supervising construction from accepting any gift or favor from any current, past or potential contractor with the governmental agency.

Statutory Obligations without Criminal Penalties. In addition to the statutes with criminal penalties, there are several statutes that prescribe obligations or limit the actions of board members without specific consequences to the individual board members. These statutes are as follows:

N.C.G.S. § 153A-28(b) requires the finance office to garnish compensation paid to any board member to collect any unpaid monies due to the county for county services until such debt is paid in full.

N.C.G.S. § 153A-44 requires a board member to avoid voting only on matters that involve his or her own financial interest or official conduct. Otherwise, this statute implies that board members are obligated to vote.

N.C.G.S. § 160A-87 requires each board member to receive two clock hours of ethics education within 12 months of his or her each election or appointment to a term on the board with the clerk to the board to maintain a record verifying compliance of this requirement by each board member.

N.C.G.S. § 160D-109(a) prohibits a governing board member from voting on any legislative decision regarding a development regulation adopted pursuant Chapter 160D where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

N.C.G.S. § 160D-109(d) prohibits a governing board member exercising quasi-judicial functions pursuant to Chapter 160D from participating in or voting on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. A "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

N.C.G.S. § 160D-109(e) provides that if an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter being considered pursuant to Chapter 160D and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

Adopted at a regular meeting held April 18, 2022

Cumberland County Board of Commissioners
by:

Glenn Adams, Chair

Attest:

Candice White, Clerk to the Board

This document was drafted by R. Moorefield, County Attorney, October 27, 2010. It is acknowledged that much of the language is substantially taken from A Model Code of Ethics for North Carolina Elected Officials, authored by A. Fleming Bell, II, and published by the School of Government, The University of North Carolina at Chapel Hill, 2010. Revisions were drafted March 29, 2022, to incorporate statutory changes.



OFFICE OF THE COUNTY ATTORNEY

MEMORANDUM FOR THE AGENDA OF THE APRIL 14, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: COUNTY ATTORNEY

DATE: 4/7/2022

SUBJECT: MINIMUM BID POLICY

Requested by: BOARD OF COMMISSIONERS

Presenter(s): COUNTY ATTORNEY

BACKGROUND

On April 4, 2022, the board took action to table a bid offer on a 12.44-acre parcel until the board could confirm the policy on considering minimum bids for surplus property. The most recent revision of the minimum bid policy was approved by the board May 17, 2021. The minimum bid policy is attached. If the board wishes to direct surplus property sales to be advertised on the county's website, the following revision to Section 3 of the policy will suffice:

3. The resale of properties acquired by the county through tax foreclosures shall be in accordance with N.C.G.S. § 105-376(c), **with additional notice of the intent to accept an offer to be posted on the county's website by a link appearing prominently on the county's homepage.**

RECOMMENDATION / PROPOSED ACTION

This was provided as information only. No action is needed unless the board wants to adopt the revision for giving additional notice on the county's website.

ATTACHMENTS:

Description	Type
Minimum Bid Policy	Backup Material

Cumberland County

Section I – Board Approved Policies

Subsection 9: General / Miscellaneous

Policy No. 9-3: Policy Establishing the Minimum Offer to be Considered for the Sale of Surplus Real Property

1. The Board of Commissioners requests the tax office to review all surplus real property annually and adjust the tax value through the informal appeal process as determined by the review.

2. For foreclosures commenced after the February 18, 2019, in which the county becomes the purchaser, the Board of Commissioners elects, pursuant to N.C.G.S. § 105-376(b), to pay only that part of the purchase price that would not be distributed to it and other taxing units on account of taxes, penalties, interest, and such costs as accrued prior to the initiation of the foreclosure action; and the county shall hold the property for the benefit of all taxing units that have an interest in it.

3. The resale of properties acquired by the county through tax foreclosures shall be in accordance with N.C.G.S. § 105-376(c).

4. For the first five years after a property acquired by the county through a tax foreclosure is designated as surplus property, the minimum offer to be accepted for consideration by the Board of Commissioners shall be the amount of the foreclosure judgment or the tax value, whichever is less.

5. After five years on the surplus list, the minimum offer to be accepted for consideration by the Board of Commissioners shall be the estimated cost of advertising for the upset bid process, but not less than \$300.

6. All bids shall be made in the name of the person or entity intended to be the grantee in the deed for the property and bids shall not be assigned except with the consent of the Board of Commissioners.

7. No bid shall be accepted from any bidder who owes delinquent property taxes to the Cumberland County Tax Collector.

8. No sale shall be approved for any bidder who shall become delinquent in property taxes due to the Cumberland County Tax Collector after the bidder's bid has been accepted by the Board of Commissioners.

9. The County Attorney shall implement a procedure to determine whether any bidder has delinquent property taxes.

(Agenda Session 2-7-19; Adopted 2-18-19)(Agenda Session 5-13-21; Adopted 5-17-21)

<END>



RISK MANAGEMENT

MEMORANDUM FOR THE AGENDA OF THE APRIL 14, 2022 **AGENDA SESSION**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JULIE A. CRAWFORD, BENEFITS COORDINATOR

DATE: 3/21/2022

SUBJECT: HEALTH INSURANCE UPDATE

Requested by: AMY H. CANNON, COUNTY MANAGER

Presenter(s): N/A

BACKGROUND

As of July 1, 2019, retirees who are 65 and older became covered by a County funded fully insured plan through AmWINS. All other covered members remained insured by the County's self-funded plan through BCBS. The information provided below and within the graphs has been updated to include the monthly premium amount paid to fund the fully insured plan and the actual monthly claims amounts for all other covered members. Combining these amounts for FY20 and beyond is necessary to ensure a complete picture when comparing the claims results to prior years.

Total health insurance claims plus the fully insured premium amount for FY22 are down 3.81% for the month of February as compared to the same month in FY21. To provide some perspective, below is the eight-month average for the past five fiscal years. This average represents the average monthly year-to-date claims for each fiscal year and includes the fully insured premium for fiscal years 20, 21 and 22. Additionally, graphs are provided in the attachment to aid in the analysis. *Staff are continuing to closely monitor claims costs against budget and will bring forth a budget ordinance amendment to appropriate health insurance fund balance in the spring.*

Year to date claims and premium payment through February	\$16,821,188
Less year to date stop loss credits	<u>(\$ 1,771,005)</u>
Net year to date claims and premium payment through February	\$15,050,183

Average monthly claims and fully insured premium (before stop loss) per fiscal year through February:

FY18 \$1,467,496
FY19 \$1,826,926
FY20 \$1,553,506
FY21 \$1,581,012
FY22 \$2,102,649

RECOMMENDATION / PROPOSED ACTION

For information only – no action needed

ATTACHMENTS:

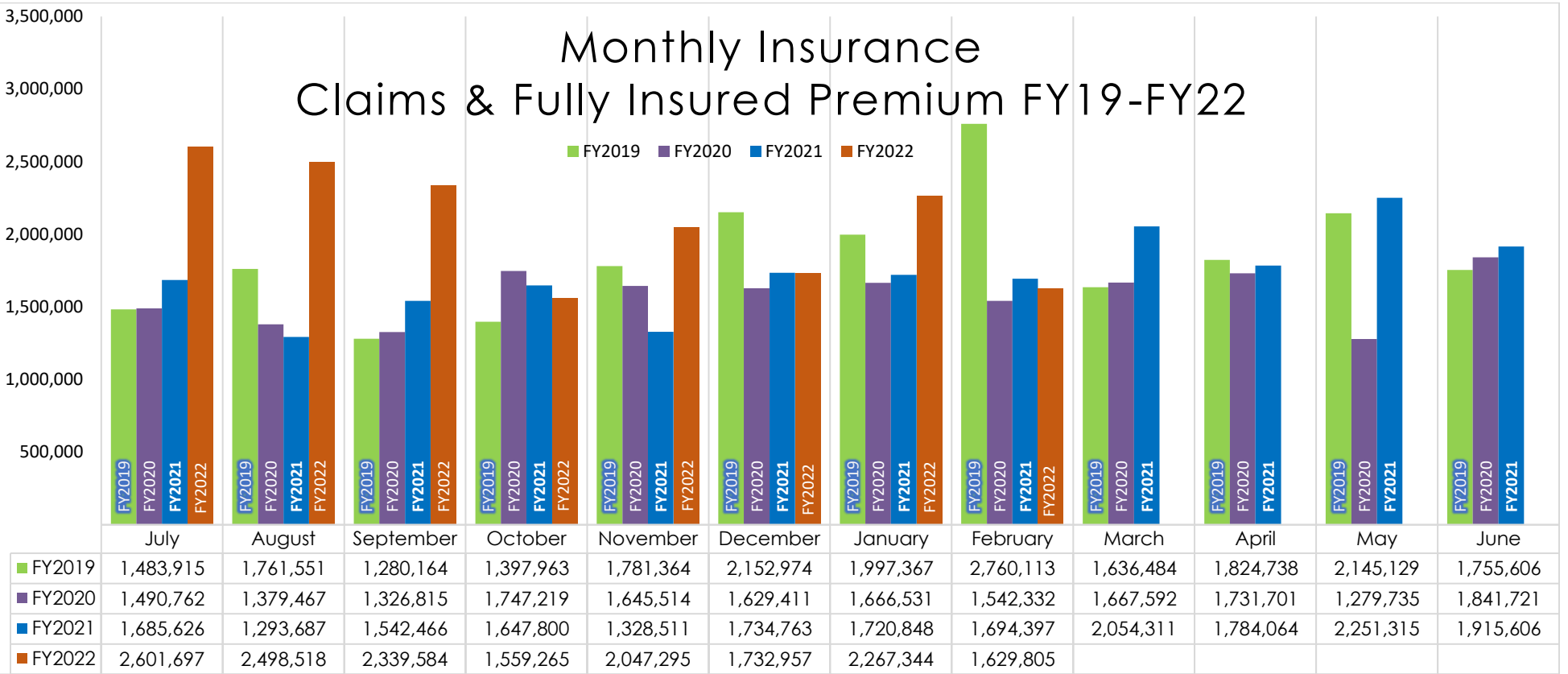
Description

Health Insurance Graphs

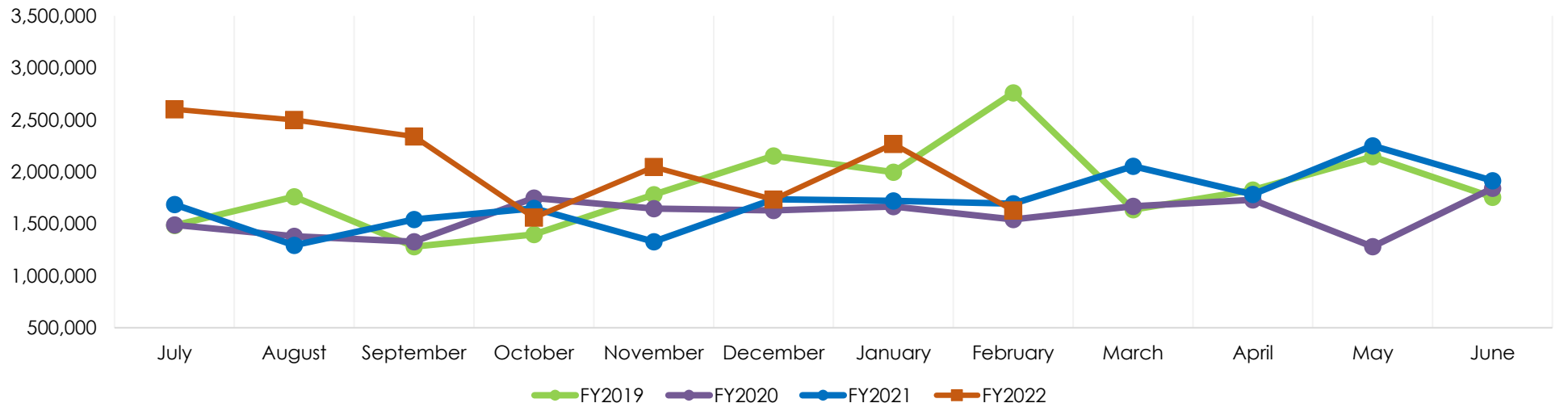
Type

Backup Material

Monthly Insurance Claims & Fully Insured Premium FY19-FY22



Monthly Insurance Claims & Fully Insured Premium FY19-FY22





FINANCE OFFICE

MEMORANDUM FOR THE AGENDA OF THE APRIL 14, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: VICKI EVANS, FINANCE DIRECTOR

DATE: 4/4/2022

SUBJECT: FINANCIAL REPORT

Requested by: AMY CANNON, COUNTY MANAGER

Presenter(s): NA

BACKGROUND

The attached financial report shows results of the general fund for fiscal year 2022, February year-to-date. Additional detail has been provided on a separate page explaining percentages that may appear inconsistent with year-to-date budget expectations.

RECOMMENDATION / PROPOSED ACTION

No action needed. For information and discussion purposes only.

ATTACHMENTS:

Description

Monthly Financial Report

Type

Backup Material

**County of Cumberland
General Fund Revenues**

REVENUES	FY20-21 AUDITED	FY21-22 ADOPTED BUDGET	FY21-22 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF February 28, 2022	PERCENT OF BUDGET TO DATE	*
Ad Valorem Taxes						
Current Year	\$ 169,200,461	\$ 168,721,614	\$ 168,721,614	\$ 165,040,300	97.8%	(1)
Prior Years	1,629,364	828,000	828,000	1,179,011	142.4%	
Motor Vehicles	23,101,696	22,348,691	22,348,691	13,209,206	59.1%	(2)
Penalties and Interest	788,466	578,000	578,000	483,536	83.7%	
Other	926,779	894,959	894,959	777,685	86.9%	
Total Ad Valorem Taxes	195,646,766	193,371,264	193,371,264	180,689,739	93.4%	
Other Taxes						
Sales	55,084,708	53,023,227	53,023,227	23,995,435	45.3%	(3)
Real Estate Transfer	2,215,078	1,600,000	1,600,000	2,181,241	136.3%	
Other	847,834	873,000	873,000	217,444	24.9%	
Total Other Taxes	58,147,620	55,496,227	55,496,227	26,394,120	47.6%	
Unrestricted & Restricted Intergovernmental Revenues	70,904,229	65,581,449	76,944,801	28,053,507	36.5%	(4)
Charges for Services	14,618,559	13,422,090	13,432,090	7,870,057	58.6%	(5)
Other Sources (includes Transfers In)	1,658,932	1,184,882	1,361,489	795,481	58.4%	
Lease Land CFVMC	4,313,522	4,313,522	4,313,522	4,205,080	97.5%	
Total Other	5,972,454	5,498,404	5,675,011	5,000,562	88.1%	
Total Revenue	\$ 345,289,628	\$ 333,369,434	\$ 344,919,393	\$ 248,007,984	71.9%	
Fund Balance Appropriation		9,159,873	20,684,276	-	0.0%	
Total Funding Sources	\$ 345,289,628	\$ 342,529,307	\$ 365,603,669	\$ 248,007,984	67.8%	

**County of Cumberland
General Fund Expenditures**

DEPARTMENTS	YTD ACTUAL					PERCENT OF BUDGET TO DATE	**
	FY20-21 AUDITED	FY21-22 ADOPTED BUDGET	FY21-22 REVISED BUDGET	(unaudited) AS OF February 28, 2022			
Governing Body	\$ 612,166	\$ 682,250	\$ 682,250	\$ 430,662		63.1%	
Administration	1,678,886	1,992,345	2,062,103	871,910		42.3%	
Public Affairs/Education	755,572	916,658	846,900	508,988		60.1%	
Human Resources	948,963	1,071,556	1,071,556	429,624		40.1%	
Print, Mail, and Design	732,642	780,535	780,535	380,419		48.7%	
Court Facilities	111,108	144,920	144,920	91,332		63.0%	
Facilities Maintenance	1,209,766	1,158,465	1,177,712	556,008		47.2%	
Landscaping & Grounds	703,267	800,763	800,763	434,866		54.3%	
Carpentry	218,864	217,753	217,753	122,589		56.3%	
Facilities Management	1,471,010	1,556,056	1,556,056	884,328		56.8%	
Public Buildings Janitorial	878,654	965,301	965,301	566,401		58.7%	
Central Maintenance	704,021	675,219	678,830	409,012		60.3%	
Information Services	4,941,563	6,507,246	7,175,248	3,574,460		49.8%	
Board of Elections	1,924,356	1,556,013	1,556,013	464,941		29.9% ⁽¹⁾	
Finance	1,366,775	1,378,438	1,406,949	855,134		60.8%	
Legal	738,493	1,087,181	1,087,181	514,401		47.3%	
Register of Deeds	2,366,080	2,616,316	3,297,413	1,367,984		41.5%	
Tax	5,768,829	6,387,092	6,551,767	3,657,928		55.8%	
General Government Other	7,508,484	4,622,876	8,852,555	6,189,729		69.9%	
Sheriff	46,770,661	58,503,564	60,514,678	28,658,746		47.4%	
Emergency Services	3,979,701	4,190,026	4,304,115	2,459,802		57.1%	
Criminal Justice Pretrial	537,701	691,215	691,215	311,832		45.1%	
Youth Diversion	30,438	36,687	36,687	19,556		53.3%	
Animal Services	3,296,041	3,509,785	3,844,426	1,980,877		51.5%	
Public Safety Other (Medical Examiners, NC Detention Subsidy)	1,303,113	1,369,155	1,617,155	861,960		53.3%	
Health	23,030,559	25,020,602	31,127,146	13,947,280		44.8%	
Mental Health	5,429,603	5,694,167	5,694,167	3,993,090		70.1%	
Social Services	55,098,629	64,644,188	68,964,722	32,089,662		46.5%	
Veteran Services	437,822	547,167	547,167	297,108		54.3%	

**County of Cumberland
General Fund Expenditures**

DEPARTMENTS	FY20-21 AUDITED	FY21-22 ADOPTED BUDGET	FY21-22 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF February 28, 2022	PERCENT OF BUDGET TO DATE	**
Child Support	5,110,079	5,693,462	5,693,462	2,870,390	50.4%	
Spring Lake Resource Administration	28,155	39,074	39,074	17,036	43.6%	
Library	9,538,364	10,495,183	10,845,000	6,126,135	56.5%	
Culture Recreation Other (Some of the Community Funding)	260,569	260,569	260,569	163,823	62.9%	
Planning	2,968,616	3,489,338	3,564,370	1,982,473	55.6%	
Engineering	409,892	607,937	610,207	370,435	60.7%	
Cooperative Extension	622,080	839,559	842,559	356,102	42.3%	
Location Services	204,386	275,533	202,162	93,156	46.1%	
Soil Conservation	208,202	2,288,939	2,669,781	103,195	3.9%	(2)
Public Utilities	91,456	96,900	96,900	59,619	61.5%	
Economic Physical Development Other	20,000	20,000	20,000	20,000	100.0%	
Industrial Park	17,535	4,332	4,332	3,768	87.0%	
Economic Incentive	632,132	767,447	767,447	28,749	3.7%	(3)
Water and Sewer	179,456	250,000	268,570	53,090	19.8%	(4)
Education	94,876,432	98,053,453	98,053,453	61,995,275	63.2%	
Other Uses:						
Transfers Out	20,391,447	20,024,042	23,412,500	445,069	1.9%	(5)
TOTAL	\$ 310,112,568	\$ 342,529,307	\$ 365,603,669	\$ 181,618,944	49.7%	

Expenditures by Category	FY20-21 UNAUDITED	FY20-21 ADOPTED BUDGET	FY20-21 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF February 28, 2022	PERCENT OF BUDGET TO DATE	
Personnel Expenditures	\$ 134,059,243	\$ 154,487,473	\$ 158,635,313	\$ 84,599,575	53.3%	
Operating Expenditures	153,904,488	164,954,413	179,382,853	96,317,666	53.7%	
Capital Outlay	1,757,391	3,063,379	4,173,003	256,634	6.1%	(6)
Transfers To Other Funds	20,391,446	20,024,042	23,412,500	445,069	1.9%	(5)
TOTAL	\$ 310,112,568	\$ 342,529,307	\$ 365,603,669	\$ 181,618,944	49.7%	

COUNTY OF CUMBERLAND

Fiscal Year 2022 - February Year-to-Date Actuals (Report Run Date: March 28, 2022)

Additional Detail

General Fund Revenues

*

- (1) **Current Year Ad Valorem 97.8%** of budget (96.43% = Total Collection Rate as of 2/28/22)
- (2) **Motor Vehicles 59.1%** - YTD Actual reflects 7 months of collections.
- (3) **Sales Tax 45.3%** - YTD actual reflects 5 months of collections. Collections for the fiscal year are first recorded in October.
- (4) **Unrestricted/Restricted Intergovernmental 36.5%** - There is typically a one to two month lag in receipt of this funding.
- (5) **Charges for Services 58.6%** - The largest component of charges for services is revenue from the Board of Ed for security at 22% of budget. 48% of that revenue has been billed/collected to date.

General Fund Expenditures

**

- (1) **Board of Elections 29.9%** - Municipal election expenses came in lower than anticipated as compared to budget.
- (2) **Soil Conservation 3.9%** - Approximately \$2.1M in USDA Grant funds were budgeted and are unexpended.
- (3) **Economic Incentive 3.7%** - Economic incentives are paid when the company complies.
- (4) **Water and Sewer 19.8%** - Expenditures are in line with past fiscal year trends at this point in the fiscal year.
- (5) **Transfers Out 1.9%** - Transfers are often prepared toward the end of the fiscal year.
- (6) **Capital Outlay 6.1%** - Capital items are typically purchased in the second and third quarters of the fiscal year.



COMMUNITY DEVELOPMENT

MEMORANDUM FOR THE AGENDA OF THE APRIL 14, 2022 **AGENDA SESSION**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: DEE TAYLOR, DIRECTOR OF COMMUNITY DEVELOPMENT

DATE: 4/5/2022

SUBJECT: COMMUNITY DEVELOPMENT UPDATE

Requested by: AMY H. CANNON, COUNTY MANAGER

Presenter(s): COMMUNITY DEVELOPMENT STAFF

BACKGROUND

This report provides a quarterly update on projects and activities being implemented through the Community Development Department for the Program Year period beginning July 1, 2021 and ending June 30, 2022. The funding sources used to carry out the projects and activities include the Community Development Block Grant (CDBG), Community Development Block Grant - Disaster Recovery (CDBG-DR), Home Investment Partnerships Program (HOME), Continuum of Care (CoC) Program, CDBG-CV, Emergency Rental Assistance Program, and general funds.

RECOMMENDATION / PROPOSED ACTION

No action is needed. This item is provided for information purposes only.

ATTACHMENTS:

Description	Type
Community Development Update	Backup Material

COMMUNITY DEVELOPMENT UPDATE

AS OF MARCH 31, 2022

FUNDING SOURCES

- U.S. Department of Housing and Urban Development (HUD)
 - Community Development Block Grant (CDBG): \$903,724
 - Home Investment Partnerships Program (HOME): \$396,328
 - Home Investment Partnerships Program – American Rescue Plan (HOME-ARP): \$1,435,021
 - Continuum of Care (CoC) Program: \$168,049
- Community Development Block Grant – Disaster Recovery - \$3,090,000
- U.S. Department of Treasury
 - Emergency Rental Assistance Program: ERA1 - \$3,735,545.10 / ERA2 (40%) - \$1,182,304.80 / ERA2 (60%) – \$1,773,457.20
- North Carolina Pandemic Recovery Office (NCPRO): ERA1 - \$17,452,503.07 (To be administered by CCDSS)
- Local Funds
 - County General Funds (Admin): \$226,793
 - PATH / CoC Program Match: \$111,939
 - Homeless Initiative (City/County): \$200,000

PROJECTS / ACTIVITIES

Three-Year Homelessness Strategic Plan

On January 19, 2021, Cumberland County issued a Request for Proposal to seek a consultant to analyze the provision of the homeless services delivery system in Cumberland County and develop a three-year actionable homelessness strategic plan. The scope of analyzation includes but is not limited to, reviewing existing services, identifying gaps and duplications across programs and services, and recommending improvements to the community's homeless service delivery system. Proposals were due February 19, 2021. The selection committee recommended OrgCode Consulting, Inc. The Consultant has completed the final Homelessness Strategic Plan to include the Gap Analysis Report. OrgCode presented the plan and report before the stakeholders and conducted a presentation before the County Board of Commissioners at the August 2, 2021 meeting. County Management recommended hiring OrgCode to assist the County with developing an implementation plan. OrgCode is offering this service for a fee of \$30,500. OrgCode met with stakeholders during the month of March 2022 to obtain input. OrgCode is planning to visit again in June.

Treasury - Emergency Rental Assistance Program

In January 2021, the U.S. Department of Treasury allocated \$3,735,545 to Cumberland County and \$6,383,863 to the City of Fayetteville to implement the Emergency Rental Assistance Program established by section 501 of Division N of the consolidated Appropriations Act, 2021, Pub. L. No 116-260 (December 27, 2020). Cumberland County and the City of Fayetteville issued a joint Request for Proposal (RFP) on February 10, 2021, to seek a qualified firm to administer the Emergency Rental Assistance Program (ERAP). Five proposals were received in response to the RFP. The selection committee has made its recommendation for a consultant. The agreement with Innovative Emergency Management (IEM), Inc. was approved by the Board of Commissioners. IEM launched the application for the Rental Assistance Program on June 1, 2021, for both City and County residents.

As of March 24, 2022, IEM has disbursed all of the City's funds. The County has a contract with IEM for a total amount of \$6,691,306 which includes both ERA 1 and ERA2 funds. So far IEM has disbursed \$5,285,944 of County ERAP funds towards assistance.

NCPRO – Emergency Rental Assistance Program (ERA 1)

The State's contract was presented at the December 20, 2021, Board of Commissioners meeting and approved. The County is expected to receive the first installment of Emergency Rental Assistance (ERA 1) funds in the amount of \$17,452,503.07. Funds will be used to provide rental assistance and other housing related services to eligible renters who were economically impacted by the COVID-19 pandemic. Cumberland County Department of Social Services will be administering the State Emergency Rental Assistance Program.

PROJECTS AND ACTIVITIES FOR JULY 1, 2021 – JUNE 30, 2022 FUNDING CYCLE

Public Services Projects and Activities:

- Better Health of Cumberland County / \$35,637 in CDBG funds: to provide prescription medication, eye exams, eyeglasses, dental extractions, and transportation assistance to low to moderate income persons.
- Cape Fear Valley Hospital - Cumberland County Medication Access Program / \$15,000 in CDBG (pending): For prescription medication and supplies. Will serve low to moderate income persons.
- Cumberland HealthNET / \$82,000 in CDBG / CDBG-CV: To use for coordinated entry positions and other operating expenses.
- The Salvation Army / \$15,000 in CDBG: For shelter operating costs. Will serve homeless individuals and families.
- Pending CDBG-CV awards: To provide additional rental assistance support low to moderate income households.

Affordable Housing Development / Investor Owner Rehabilitation Projects

- Action Pathways / \$89,000 in CDBG funds: For acquisition and rehabilitation housing units. This project will benefit low to moderate income residents.
- Hillside – FMHA LLC / \$422,604 in CDBG funds (Pending Agreement Approval): Full rehabilitation of the 32-unit senior complex.
- Kingdom Community Development Corporation / \$500,000 in HOME funds): For acquisition and construction of affordable housing units located in Spring Lake.

Public Facilities / Infrastructure Projects:

- Myrover-Reese Fellowship Homes – Expansion Project / \$269,000 in CDBG funds (Pending environmental review clearance from HUD): Funds will be used to renovate the admin building, fellowship hall, and housing units.
- **Potential Public Facilities** – Pending award and environmental review clearance.

Housing Rehabilitation Projects (Owner-occupied)

- Currently have seventeen (17) projects (minor and full rehabs) that have been completed or pending completion.

CDBG-CV Funds

Cumberland County received a second allocation of CDBG-CV funding from HUD in the amount of \$435,210, bringing the total allocation for CDBG-CV funds to \$944,404. An amendment to the Program Year 2019 Annual

Action Plan was submitted to HUD to outline how funds will be allocated. The Community Development Department has allocated funding for public services (\$500,404), economic development (\$344,000), and administration activities (\$100,000).

Update on expenditures:

- **Small Business Resiliency Program** – Application process was reopened and will remain open until funds are no longer available. Awards have been provided to 22 businesses totaling approximately \$203,082. Applications are still being accepted until funding is no longer available.
- **Public Services** – CDBG-CV funds will also be used to fund agencies providing public services. The Department of Public Health was awarded \$226,000 to expand health services related to COVID-19.
- Community Development is partnering with nonprofit agencies to use funds towards public services to assist any unmet needs and administration (not to exceed 20% of the total).

CDBG - Disaster Recovery

Currently have a contract with The Wooten Company for construction documents, bidding, and construction administration in the amount not to exceed \$90,573. The Wooten Company presented the Robin's Meadow design before the Board of Commissioners on June 11, 2020. The contract was approved by the Board on June 15, 2020. The Wooten Company has finalized documents and plans with the Fayetteville Technical Review Committee. An Invitation for Bid (IFB) for the construction of Robin's Meadow was posted with a deadline of June 17, 2021. No bids were received. The IFB was reissued with a deadline of July 27, 2021, but eventually was cancelled. We will repost the IFB once the construction prices have stabilized.

Fayetteville / Cumberland County Continuum of Care (CoC) on Homelessness

The CoC Board meeting is held the fourth Monday of every month at 4:00 p.m.

Robin's Meadow Transitional Housing (Grant Cycle: July 1, 2021 – June 30, 2022) - \$80,517

County-owned property (12 apartment style units) is provided as transitional housing for homeless families with children. Cumberland County Community Development currently serves as grantee but will eventually transfer grantee responsibilities to an eligible nonprofit agency, pending CoC and HUD approval.

Safe Homes for New Beginnings (Grant Cycle: December 1, 2021 – November 30, 2022) - \$59,957

Community Development currently partners with Family Promise (formerly Cumberland Interfaith Hospitality Network) for the provision of housing units and case management. Community Development is planning to transfer grantee responsibilities to an eligible nonprofit, pending CoC and HUD approval.

Continuum of Care (CoC) Planning: \$21,324

Used to fund one FTE position (CoC Coordinator) to assist the local Continuum of Care group with planning, submission of grant applications, project monitoring, and other CoC related activities.

Emergency Solutions Grant – CV

Cumberland County Community Development serves as the Collaborative Applicant / Lead Agency on behalf of the CoC in the submission of grant applications to the State for Emergency Solutions Grant. The State allocated approximately \$130K to the Fayetteville / Cumberland County community. A local Request for Proposal was issued, and three agencies applied and were recommended for funding. These projects consist of two homeless shelters and one homeless prevention program.

Homeless Initiative (City and County) – The Homeless Committee last met on March 8, 2022, at the Cumberland County Department of Social Services site. The main topics of discussions were:

- Homeless Strategic Plan update
- HMIS Overview
- Nonprofit Capacity Building Workshop
- Updates on Continuum of Care activities, City's Day Resource Center, and the County's Homeless Shelter



ENGINEERING AND INFRASTRUCTURE DEPARTMENT

MEMORANDUM FOR THE AGENDA OF THE APRIL 14, 2022
AGENDA SESSION

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JERMAINE WALKER, DIRECTOR OF ENGINEERING AND INFRASTRUCTURE

DATE: 4/8/2022

SUBJECT: PROJECT UPDATES

Requested by: BOARD OF COMMISSIONERS

Presenter(s): JERMAINE WALKER, DIRECTOR OF ENGINEERING AND INFRASTRUCTURE

BACKGROUND

Please find attached the monthly project report update for your review.

RECOMMENDATION / PROPOSED ACTION

No action is necessary. This is for information only.

ATTACHMENTS:

Description	Type
Project Updates	Backup Material

MONTHLY PROGRESS REPORT				
Project Location	Contract Amount	Project Status	Contract Start Date	Contract Duration
500 Executive Place - Cumberland County Emergency Services Center	\$16.8M	80% Complete. Completed: concrete pads for new equipment and mechanical yard, trimmed parapet caps. Over the next two weeks: complete application of primer on drywall; installation of ceiling grid; construction of CMU wall for mechanical yard; complete electrical wiring; complete lightning protection; install wire racks under raised floor areas; repair existing walls for new windows; and installing inspecting vapor barrier; Awaiting manufacturer final pull-test of roof membrane for CAT-3 Hurricane Standards and delivery of critical items (UPS and Backup Generator). Estimated completion date is June 30, 2022.	3/8/2021	360 days
DSS Elevators	\$1,000,000.00	Expected start date is May 2, 2022.	N/A	N/A
Headquarters Library Parking Lot	\$37,200.00	Completed boring on February 16, 2022. Results should be available mid-March 2022. Will revise design based upon boring results. Revising design based upon boring results. Design will be completed by EOM May 2022. Will solicit on July 1, 2022.	5/13/2021	1/19/2022
Doorway for Register of Deeds	\$115,000.00	Construction start date is April 8, 2022.	N/A	N/A
DSS Camera Replacement and Security System Upgrades	\$219K	90% complete. Awaiting arrival of new access cards. Estimated completion date is now April 22, 2022.	10/11/2021	270 days
Judge Maurice E. Braswell Courthouse Access Management and Security Camera System	\$452K	Expected start date is May 2, 2022. Estimated completion date is mid-June, 2022.	10/11/2021	270 days
Judge Maurice E. Braswell Courthouse Bathroom Updates	Pending	Intent is to do LL bathrooms first. Finalized scope and awaiting permitting. Bids closed on March 30, 2022. Kennedy Construction was only responsive bid. Preparing contract documents.	N/A	N/A
DSS roof replacement	\$1.5M	Conducted pre-construction meeting on January 25, 2022. Construction will start on April 25, 2022. Estimate July 11, 2022.	N/A	N/A
Judge Maurice E. Braswell Courthouse roof replacement	\$400K	Construction started March 21, 2022. Estimated completion date is June 3, 2022.	N/A	N/A