

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
APRIL 6, 2020 – 9:00 AM
117 DICK STREET, 1ST FLOOR, ROOM 118
REGULAR MEETING MINUTES

In order to comply with the N. C. Governor's Executive Order 121, Section 3.A.a., this meeting was available to the public and media live via the Cumberland County website (co.cumberland.nc.us), Facebook page (facebook.com/CumberlandNC), Youtube page (youtube.com/user/CumberlandCountyNC/videos), and on Fayetteville Cumberland Education Channel (FCE-TV) Spectrum Cable Channel 5. Staff entered and exited meeting room 118 so no more than ten (10) persons were gathered at the same time in accordance with the Governor's Executive Order.

PRESENT: Commissioner Marshall Faircloth, Chairman
Commissioner Glenn Adams, Vice Chairman
Commissioner Michael Boose (attended by teleconference)
Commissioner Jeannette Council
Commissioner Charles Evans (attended by teleconference)
Commissioner Jimmy Keefe
Commissioner Larry Lancaster (attended by teleconference)
Amy Cannon, County Manager
Melissa Cardinali, Assistant County Manager
Tracy Jackson, Assistant County Manager
Sally Shutt, Assistant County Manager
Duane Holder, Deputy County Manager
Rick Moorefield, County Attorney
Dr. Jennifer Green, Public Health Director
Jeffery Brown, Engineering and Infrastructure Director
Vicki Evans, Finance Director
Candice H. White, Clerk to the Board

Chairman Faircloth called the meeting to order. Commissioners Boose, Evans and Lancaster confirmed their teleconference attendance when their names were called.

INVOCATION / PLEDGE OF ALLEGIANCE

Commissioner Boose provided the invocation followed by the Pledge of Allegiance to the American flag.

1. APPROVAL OF AGENDA

MOTION: Commissioner Council moved to approve the agenda.
SECOND: Commissioner Adams

Commissioners Adams, Faircloth, Council and Keefe who were present voted in favor.
When called on for his vote, Commissioner Boose voted in favor.
When called on for his vote, Commissioner Lancaster voted in favor.
When called on for his vote, Commissioner Evans voted in favor.

VOTE: UNANIMOUS (7-0)

2. PRESENTATIONS

A. Update on COVID-19 (Coronavirus) Local Activities

Dr. Green, Public Health Director, began her update on COVID-19 with the following disclaimer:

- This is a rapidly evolving situation and recommendations will change
- Data presented is up to date as of 4/5/2020
- Data is from Centers for Disease Control and Prevention (CDC) and NC Department of Health and Human Services (NC DHHS)

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Dr. Green provided information on National Public Health Week and stated many of the themes align with COVID-19 efforts.



- **Monday: Mental Health** — advocate for and promote emotional well-being
- **Tuesday: Maternal and Child Health** — ensure the health of mothers and babies throughout the lifespan
- **Wednesday: Violence Prevention** — reduce personal and community violence to improve health
- **Thursday: Environmental Health** — help protect and maintain a healthy planet
- **Friday: Education** — advocate for quality education and schools
- **Saturday: Healthy Housing** — ensure access to affordable and safe housing
- **Sunday: Economics** — advocate for economic empowerment as the key to a healthy life

Dr. Green presented data on National, North Carolina and Cumberland County COVID-19 Cases and stated the numbers are still coming in with the peak estimated to be April 22, 2020. Dr. Green stated as of this update, 89 of the 100 North Carolina counties have seen a case and Cumberland County has 48 cases and no deaths in the community. Dr. Green reiterated that people need to stay home so there are fewer cases and the curve is flattened. Dr. Green stated the state health department has advised caution when sharing certain data so individuals with COVID-19 are not identified and explained why particular categories of data being shared may be incomplete.

Dr. Green presented updated facemask recommendations from the Centers for Disease Control and Prevention and numbers as they relate to personal protective equipment requested and received from the strategic national stockpile (procedure masks, N95s, gowns, gloves, face shields, coveralls). Dr. Green stated cloth facemasks are recommended when social distancing is not possible in public settings such as grocery stores and pharmacies.

Dr. Green stated as of this presentation, updated testing criteria from the NCDHHS is as follows:

- Testing not recommended for asymptomatic persons
- Stay home if you have mild symptoms, such as fever and cough without shortness of breath or difficulty breathing.
- If you are experiencing severe symptoms, call a doctor or 911
- State laboratory is prioritizing testing by:
 - Hospitalized patients
 - Healthcare workers or first responders
 - Patients who live or have regular contact with a high-risk setting
 - Persons who are at higher risk of severe illness and for whom a clinician has determined that results would inform clinical management.

Dr. Green stated individuals can still get tested by commercial laboratories that do not utilize NCDHHS criteria.

Dr. Green stated Cumberland County's response to COVID-19 includes the following:

- EOC activated
- Health department conducting initial contact investigation to assess risk for positive cases
- Public notification when necessary (close contacts unable to be identified; not yet necessary)
- Testing for those that meet NCDHHS guidelines
- Weekly call w/ NCDHHS
- Weekly call w/ large and high impact large Health Departments
- Weekly call w/ first responders
- Collaboration with partners to assess and meet community needs, to include the homeless
- Education for public and local businesses

Dr. Green concluded her presentation by providing information on Cumberland County modes of communication and responded to questions and comments that followed. In response to a question from Commissioner Keefe, Dr. Green stated if individuals live in Cumberland County or Ft. Bragg, they are counted as a Cumberland County case and reported in Cumberland County numbers. Commissioner Keefe asked management to look into getting public information displayed on digital billboards now that a State of Emergency has been declared. On behalf of the Board of Commissioners, Chairman Faircloth thanked Dr. Green for her presentation, her work and that of the team at the Health Department during the COVID-19 emergency.

3. CONSENT AGENDA FOR APRIL 6, 2020 (Items 3.A. – 3.F. recorded below recorded in black font)

A. Ratification of March 16, 2020 Consent Agenda Approval

BACKGROUND

The March 16, 2020 agenda included several items which were time-sensitive. Most of the Consent Agenda related to items the Board discussed and approved unanimously at the March 12, 2020 Agenda Session. On March 27, 2020, the Board gave consent by email for the County Manager to move the Consent Agenda forward, due to the unprecedented circumstances created by COVID-19.

The items from the March 16, 2020 Consent Agenda are listed below:

3. MARCH 16, 2020 CONSENT AGENDA (Items 3.A. – 3.E.5. recorded below in blue font)

A. Approval of February 13, 2020 Special Meeting Minutes and February 17, 2020 Regular Meeting Minutes

B. Approval of Proclamation Recognizing March 2020 as American Red Cross Month in Cumberland County

BACKGROUND

Request was received for a proclamation recognizing March 2020 as American Red Cross Month in Cumberland County.

RECOMMENDATION / PROPOSED ACTION

The Board of Commissioners is respectfully requested to consider approval of the proclamation.

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, The American Red Cross Sandhills Chapter was established on April 26, 1917 in response to call from President Woodrow Wilson after the start of World War I to assist and comfort communities stricken by disasters large and small, and to help the able-bodied and disabled veterans and civilians overseas; AND

WHEREAS, The American Red Cross Sandhills Chapter provides services to local military personnel and their families, including 24-7 emergency messaging, assisting military members and their families through pre-deployment and post-deployment briefings and seminars; AND

WHEREAS, The American Red Cross Sandhills Chapter continues to partner with city and county government and civic agencies to help ensure our communities are more ready and resilient in the face of future disasters; AND

WHEREAS, Each year the American Red Cross Sandhills Chapter provides shelter, clothing, food and counsel to hundreds of area families who experience a home fire or other disasters such as tornadoes and floods; AND

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WHEREAS, The American Red Cross plays a vital role in relief operations by deploying volunteers to rebuild communities hit by disaster and by providing critical support and resources at home and across the Nation; AND

WHEREAS, Each year the American Red Cross Sandhills Chapter trains thousands of local citizens to lead safer and healthier lives through life-saving skills from swimming and lifeguarding to first aid, CPR and AED; AND

WHEREAS, Each year the American Red Cross Sandhills Chapter helps to collect, test and distribute thousands of life-saving units of blood and blood products; AND

WHEREAS, Our County's leadership relies upon our citizens who are motivated to act by our common humanity. This month, let us come together to celebrate Cumberland County's spirit of generosity and the dedicated individuals and organizations who keep that spirit alive.

NOW THEREFORE, LET IT BE RESOLVED, that the Cumberland County Board of Commissioners hereby proclaims March 2020 as AMERICAN RED CROSS MONTH in Cumberland County and encourages all citizens to join in the observance.

Adopted this 16th day of March 2020.

C. Approval of Declaration of Cumberland County Sheriff's Office Weapons as Surplus and Authorization to Sell

BACKGROUND

I request that four (4) Larue rifles purchased in 2010 for use by the Special Response Team Marksman Observers be declared surplus for the reason that new rifles have been purchased for this team. I further request authorization to sell the four (4) surplus rifles to a federally licensed firearms dealer by electronic notice and electronic auction to the highest bidder in accordance with N.C.G.S. § 160A-270.

RECOMMENDATION / PROPOSED ACTION

Approve the request by adopting the following resolution:

Be it resolved, that the Cumberland County Board of Commissioners hereby approves the request of the Cumberland County Sheriff to declare four (4) Larue rifles purchased by the Sheriff's Office in 2010 as surplus property and further authorizes the Sheriff to sell these surplus weapons only to a federally licensed firearms dealer by electronic notice and electronic auction in accordance with N.C.G.S. § 160A-270.

D. Approval of Budget Ordinance Amendments for the March 16, 2020 Board of Commissioners' Agenda

BACKGROUND

General Fund 101

1) Emergency Services – Budget Ordinance Amendment B200616 to recognize remaining Emergency Preparedness Grant funds in the amount of \$8,319.

The Board is requested to approve Budget Ordinance Amendment B200616 to recognize remaining Department of Public Safety Emergency Preparedness Grant funds in the amount of \$8,319. Approved uses of these grant funds include required emergency management training as well as equipment.

Please note this amendment requires no additional county funds.

2) Public Health – Budget Ordinance Amendment B200168 to appropriate Health Department fund balance for Care Coordination for Children in the amount of \$106,000.

The Board is requested to approve Budget Ordinance Amendment B200168 to appropriate Health Department fund balance to support Care Coordination for Children in the amount of \$106,000. These funds will be used to hire 6 additional temporary case managers to reduce caseloads and ensure compliance with program benchmarks set by State and Federal requirements.

Please note this amendment requires appropriation of Health Department fund balance.

Education Fund 106

3) School Capital Outlay Category I – Budget Ordinance Amendment B200678 in the amount of \$10,000,000 for school renovations.

The Board is requested to approve Budget Ordinance Amendment B200678 in the amount of \$10,000,000. This revision is to appropriate fund balance (sales tax) for school renovations as approved by the Cumberland County Board of Education on February 11, 2020.

Please note this amendment requires appropriation of school fund balance.

REGARDING THE FOLLOWING ITEMS PLEASE NOTE:

Each fiscal year County departments may have projects that are not completed by the fiscal year end (6/30/19) or items ordered that have not been received by fiscal year end. These projects or items were approved in the Fiscal Year 2019 budget; however, the money was not spent by June 30, 2019.

The following amendments seek to bring those funds forward from FY 2019 into the current fiscal year, allowing departments to complete and pay for these items. These revisions are not using ‘new’ funds but are recognizing the use of FY19 funds in FY20.

Capital Investment Fund 107

4) Capital Investment Fund – Budget Ordinance Amendment B200954 to re-appropriate \$135,677 remaining at fiscal year-end designated for FTCC Capital Outlay

The Board is requested to approve Budget Ordinance Amendment B200954 to re-appropriate \$135,677 designated for FTCC Capital Outlay.

5) Capital Improvement Fund - Budget Ordinance Amendment B200016 to re-appropriate \$273,720 representing the contingency portion of the Judge Maurice Braswell Courthouse Generator replacement project.

The Board is requested to approve Budget Ordinance Amendment B200016 to re-appropriate the contingency portion of the Judge Maurice Braswell Courthouse Generator replacement project. The original re-appropriation was approved by the Board on July 26, 2019 in the amount of \$2,737,200. The amount approved did not include the standard 10% contingency. These funds are needed for the completion of the project.

RECOMMENDATION / PROPOSED ACTION

Approve Budget Ordinance Amendments

E. Approval of Cumberland County Board of Commissioners’ Agenda Session Items

1. Contract for Detention Center Grinder Pump

BACKGROUND

The Phase II Detention Center Sewer Grinder Pump Project was included in the FY20 Capital Improvement (CIP). This project includes the installation of a grinder pump in an additional location where sewer leaves the facility and enters the sewer main on Gillespie Street. Last fiscal year, a grinder pump was installed on the west side of the facility where sewer enters the sewer main on Worth Street. Grinder pumps are required to eliminate sewer blockages within the sewer

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collection system owned and operated by the Public Works Commission (PWC) due to inappropriate waste being discharged into the sewer system by inmates. In July 2019, Engineering & Infrastructure (E&I) staff contacted Progressive Design Collaborative, LTD (PDC), to perform the design for the Detention Center sewer grinder pump for a fee of \$17,400.

The project was advertised electronically on the Cumberland County Vendor Self Service site. The project pre-bid meeting was held on January 23, 2020. The bid opening was held on February 4, 2020. The certified bid tab and letter of recommendation to award the project from PDC are attached. The lowest, responsible, and responsive bidder was provided by Haire Plumbing and Mechanical Company, Inc. in the amount of \$200,000. Budgeted funds are available for the completion of this project. This project was budgeted within the CIP for \$215,000 which included engineering and construction. The Detention Center Building Exterior Repair Project was budgeted at \$162,500 and was completed for \$111,507. Therefore, a portion of the remaining funds from the Building Exterior Repair Project will be used for the overage in the Sewer Grinder Pump Project.

RECOMMENDATION / PROPOSED ACTION

At the March 12, 2020 Agenda Session Meeting, the Board of Commissioners approved placing the proposed actions below as a Consent Item on the March 16, 2020 Board of Commissioners' Meeting:

1. Accept the bids and award a contract to the lowest, responsible, and responsive bidder Haire Plumbing and Mechanical Company, Inc. in the amount of \$200,000.
2. Establish a contingency in the amount of \$15,000 to be used for additional work through a contract change order recommended by the E&I Director and approved by the County Manager.
2. Contract for Crown Complex Parking Lot Improvements

BACKGROUND

The Capital Improvement Plan (CIP) identified repairs for the North, West and Agricultural Extension Staff/Expo Loading Dock parking lots and these improvements were funded in the FY 20 CIP budget in the amount of \$800,500. The project consists of asphalt removal, asphalt paving, concrete sidewalk for ADA pathways and pavement markings for the parking lots. At the November 18th Board of Commissioners meeting, the Board approved utilizing \$160,414 of this funding for the West VIP entrance repairs to prevent water from entering the Crown Coliseum causing structural damage to the facility. Also, repairs were necessary to the stormwater detention pond at the Crown Complex which had been rebuilt following Hurricane Matthew. These repairs were also funded from the parking lot improvement funds. There is \$623,061 available for the parking lot improvement project from the original \$800,500 in funding. In addition to the \$623,061, there is \$50,000 remaining from the boiler repair and \$50,000 that was budgeted for the fire alarm upgrade within the Coliseum that can also be used for paving improvements.

A pre-bid meeting was held on February 13, 2020, in which all local contractors were invited to attend. The project was also advertised on the State Interactive Purchasing Site (IPS) and Cumberland County Vendor Self-Service site. The bid opening was held on February 26, 2020. The lowest, responsible, and responsive bidder for the base bid was provided by Highland Paving Company, LLC., in the amount of \$689,371.75. The attached map depicts the areas that were included in the base bid as well as the area that was an alternate. If we elect not to perform the improvements for Area 1A at this time, then this will reduce the base bid amount by \$35,395.15 for a revised total base bid of \$653,976.60. There are available funds to cover this amount along with establishing a contingency amount for the project. If contingency funds are available at the end of the work included in the contract amount, these funds can then be used to make the improvements for Area 1A.

RECOMMENDATION / PROPOSED ACTION

At the March 12, 2020 Agenda Session Meeting, the Board of Commissioners approved placing the proposed actions below as a Consent Item on the March 16, 2020 Board of Commissioners' Meeting:

1. Accept the bids and award a contract to the lowest, responsible, and responsive bidder Highland Paving Company, LLC excluding Area 1A in the amount of \$653,976.60.

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2. Establish a contingency in the amount of \$66,000 to be used for additional work through a contract change order recommended by the E&I Director and approved by the County Manager.
3. Encroachment Agreement with North Carolina Department of Transportation (NCDOT) for NORCRESS Water & Sewer District

BACKGROUND

The NORCRESS sewer system was constructed in 2004. A sewer lateral within the system is no longer functioning and is causing sanitary sewer to back up into an office building in Wade. The Public Works Commission (PWC) has been going to this property weekly and blowing out the line to push the sewer through the line to prevent it from backing up into the building. This service is above and beyond the scope of work in the operation and maintenance agreement. PWC has stated that a new service lateral must be installed in order to properly serve this property. An Encroachment Agreement is required by NCDOT since the sewer main is on the opposite side of the street.

The County Attorney has reviewed the attached Encroachment Agreement. There is available funding within the NORCRESS operating budget to pay for the installation of the service lateral.

RECOMMENDATION / PROPOSED ACTION

At the March 12, 2020 Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below as a Consent Item on both the March 16, 2020 Board of Commissioners' Meeting and the March 16, 2020 NORCRESS Water and Sewer District Meeting:

Approve the attached NCDOT Encroachment Agreement that would allow PWC to replace the failing sewer lateral.

4. Health Insurance Plan Changes for Fiscal Year 2021 - BCBS

BACKGROUND

During the March 12, 2020 Agenda Session Meeting, Kevin Quinn, Broker with USI, presented health insurance renewal options for the plan year beginning July 1, 2020. The Board of Commissioners considered the options presented.

RECOMMENDATION / PROPOSED ACTION

At the March 12, 2020 Agenda Session Meeting, the Board of Commissioners unanimously approved placing the action below as a Consent Agenda Item on the March 16, 2020 Board of Commissioners' Meeting:

Approval of the Health Insurance Plan Renewal to be included in the fiscal year 2021 budget process which will incorporate increasing the individual stop loss (ISL) amount from \$150,000 to \$175,000 within the BCBS self-funded plan with all other components of this plan remaining the same.

5. Revised Subrecipient Agreement with Family Endeavors, Inc.

BACKGROUND

On June 1, 2018, a Sub-recipient Agreement was made between Cumberland County and Family Endeavors, Inc. for \$200,000 in Homeless Initiative funds (\$100,000 County / \$100,000 City of Fayetteville) to provide housing stabilization assistance to homeless and at-risk families and individuals. Family Endeavors, Inc. was able to provide services to 158 households.

The County and City continue to appropriate \$200,000 jointly on a recurring basis for this initiative. There is approximately \$105,000 in County/City Homeless Initiative funds available, which accumulated prior to the initiation of the contract, for homeless and at-risk services. In addition, the agreement between Cumberland County and Family Endeavors, Inc. is still active with the term ending June 30, 2020. Cumberland County Community Development is requesting to continue and expand its partnership with Family Endeavors, Inc. and utilize these available funds to provide services to additional families and individuals experiencing homelessness or at-risk of experiencing homelessness.

RECOMMENDATION / PROPOSED ACTION

Approve the revised Subrecipient Agreement made between Cumberland County and Family Endeavors, Inc., which increases the contract by \$105,000 (one-time funds) for the provision of homeless services and signature by the Chairman of the Board of Commissioners.

RECOMMENDATION / PROPOSED ACTION

County Management requests ratification of the March 16, 2020 Consent Agenda approval.

B. Ratification of the Adoption of Amendments to the Emergency Management Ordinance

BACKGROUND

The final draft of the Emergency Management ordinance is attached. It incorporates the amendments adopted by the board of commissioners at the March 30, 2020, Special Meeting. The amendment which gives the county manager authority to issue a proclamation of emergency upon finding there is an immediate threat of the loss of human life conflicts with the former section 5-7 which gave that power to the director of emergency management. For that reason, the final draft shows former section 5-7 being repealed. Because the amendments adopted by the board required a substantial revision to the draft that was presented on March 30, 2020, the final draft should be reflected in the minutes.

RECOMMENDATION / PROPOSED ACTION

County attorney advises the board to ratify the March 30, 2020, adoption of the amendments to the Emergency Management Ordinance in order to record the official draft of the ordinance in the minutes by adopting the following resolution:

RESOLUTION RATIFYING THE ADOPTION OF AMENDMENTS TO THE EMERGENCY MANAGEMENT ORDINANCE

Whereas, at a Special Meeting held March 30, 2020, the Board of Commissioners adopted substantial amendments to the County's Emergency Management Ordinance, codified as Article I of Chapter 5 of the Cumberland County Code; and

Whereas, the adopted amendments were substantially different than the amendments proposed in the draft that was presented for the Board's consideration.

Be it therefore resolved, that the Board of Commissioners finds the attached draft of the amended Emergency Management Ordinance, to be codified as Article I of Chapter 5 of the Cumberland County Code, fully and accurately reflects the amendments to the ordinance adopted by the Board at a Special Meeting held March 30, 2020.

Be it further resolved that the Board hereby ratifies the adoption of the amendments to the Emergency Management Ordinance as reflected in the draft attached hereto and directs the Clerk to the Board to place the same in the Ordinance Book.

Chapter 5

EMERGENCY MANAGEMENT*

Article I. In General

- Sec. 5-1. Short title.
- Sec. 5-2. Definitions.
- Sec. 5-3. Intent and purpose.
- Sec. 5-4. Obstruction of emergency management.
- Sec. 5-5. Government and private liability
- Sec. 5-6. Appointment and duties of director.
- Sec. 5-7. Extraordinary powers and duties of director.
- Sec. 5-8. Nonemergency responsibilities and functions of agency.
- Sec. 5-9. Proclamation of state of emergency; prohibitions and restrictions authorized.
- Sec. 5-10. Emergency powers and duties of department.

Sec. 5-11. Regulations and proclamations effective as ordinances.
Sec. 5-12. Conflicting ordinances, orders, rules and regulations.
Sec. 5-13. Validity.
Sec. 5-14. Violations.
Secs. 5-15–5-20. Reserved.

Article II Enhanced 911 Telephone Service

Sec. 5-21. Short title.
Sec. 5-22. Authority and purpose.
Sec. 5-23. Jurisdiction.
Sec. 5-24. Definitions.
Sec. 5-25. Enhanced 911 service established.
Sec. 5-26. 911 charges.
Sec. 5-26.1. Telephone records.
Sec. 5-27. Misuse of 911 system; penalty.
Sec. 5-28. Effective date

***Editor's note—**An ordinance adopted June 15, 1987, changed the title of Ch. 5 from "Civil Preparedness" to "Emergency Management" and amended various sections of the chapter as set out herein.

Cross reference—Flood damage prevention, Ch. 6.5.

State law references—Riots and civil disorders, (former) Ch. 14, Art. 36A; powers of counties to enact ordinances to deal with states of emergency, (former) G.S. § 14-288.13; power of chairman of board of County Commissioners to extend emergency restrictions imposed in municipality, (former) G.S. § 14-288.14; continuity of local government in emergency, Ch. 162B; North Carolina Emergency Management Act, Ch. 166A.

EMERGENCY MANAGEMENT

ARTICLE I. IN GENERAL

Sec. 5-1. Short title.

This article shall be known and may be cited and referred to as the "Emergency Management Ordinance for Cumberland County"

Sec. 5-2. Definitions.

The following words and phrases used in this article shall be defined and interpreted as hereinafter provided:

General. The definitions contained in the North Carolina Emergency Management Act, Article 1A, Chapter 166A, North Carolina General Statutes, as amended from time to time, are expressly incorporated and made a part of this article as though fully set forth herein.

Agency shall mean the county emergency services department which shall serve in all capacities as the county's emergency management department.

Attack shall mean direct or indirect assault against territory under the jurisdiction of the county or municipalities therein, or of the state, or the United States of America by the military or paramilitary forces hostile to the government of the state or of the United States, or the agents thereof; or physical attack by means of weapons of mass destruction or by acts of terrorism or sabotage; and shall include assault by bombing (conventional or nuclear), chemical or biological agents or sabotage devices.

Dangerous weapon or substance shall mean:

- (1) Any deadly weapon, ammunition, explosive incendiary device, radioactive material or device (as defined in G.S. Section 14-288.8(c)), gasoline, or other instrument or substance designed for a use that carries a threat of serious bodily injury or destruction of property;
- (2) Any instrument or substance that is capable of being used to inflict serious bodily injury or destruction of property, when the circumstances indicate that there is some probability that such instrument or substance will be so used;
- (3) Any part or ingredient in any instrument or substance included in the foregoing when the circumstances indicate a probability that such a part or ingredient will be so used.

Director shall mean the director of the department appointed as provided in this article.

Disaster shall have the same meaning as *emergency* as defined in the North Carolina Emergency

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Management Act, Article 1A, Chapter 166A, North Carolina General Statutes, as amended from time to time.

Emergency management forces shall mean the employees, equipment, material and facilities of all units of local government, including any department, commission, office or agency thereof whose emergency management responsibilities and functions have been delegated to the agency and all volunteer personnel, and the equipment and facilities of volunteer agencies that have been made available for emergency management purposes to the agency or to the units of local government that have delegated their emergency management responsibilities and functions to the agency.

Emergency management volunteer shall mean any person duly registered, identified and appointed by the director of the department and assigned to participate in emergency management functions.

Evacuation advisory shall mean a notice to the population of an area, or part thereof, in which a state of emergency has been declared that there is a substantial risk of death or serious injury to those remaining in such area, that public safety or public health officials cannot relieve or mitigate the danger, and that evacuation is advised.

Regulations shall include the department's plans, programs and rules, regulations and operating and emergency procedures prepared for emergency management activities.

To volunteer shall mean to contribute a service, equipment, material or facilities to the agency without expectation for or right to remuneration.

Sec. 5-3. Intent and purpose.

(a) It is the intent and purpose of this article:

- (1) To establish the county emergency management department and to authorize the county to enter into an interlocal agreement which, when fully executed, will insure the complete and efficient utilization of the personnel and material resources of the county and of municipalities within the county to carry out the emergency management responsibilities and functions of those units of government; and
- (2) To delegate to the department those express powers, duties, rights and functions of this unit of government which it may lawfully delegate and to limit the exercise of such delegated powers, duties, rights and functions to those that are necessary to execute the emergency management responsibilities of the units of local government participating in such interlocal agreements.

(b) This article will not relieve any unit of local government or any department, commission, office or other agency of such unit of any responsibilities or authority given to it under the Constitution and laws of the United States or the state or any charter or ordinance of the local unit of government except as expressly provided in such laws.

(c) This article is not intended to supersede or adversely affect the work of any volunteer agency organized for relief in disaster emergencies, except as expressly provided in the Constitution and laws of the United States or of the state, or as expressly provided herein.

Sec. 5-4. Obstruction of emergency management.

No person shall willfully obstruct, hinder or delay any member of the emergency management forces in the implementation of the provisions of emergency management plans or practice alerts, when such plans or alerts have been duly approved and authorized to be implemented, or in the enforcement of any regulations duly and lawfully promulgated under the provisions of this article.

Sec. 5-5. Government and private liability.

(a) The conduct of emergency management activities, or the implementation of plans, or the promulgation of regulations under the provisions of this article, and the compliance in good faith on the part of the governmental officials, emergency management volunteers, and private parties with the provisions of such plans and regulations are hereby declared to be governmental functions of and on behalf of the county and the municipalities therein, which functions are intended for the protection and promotion of the public peace, health and safety. Neither the county nor the municipalities, nor

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agents and representatives of the same, or any individual, receiver, firm, partnership, corporation, association or trustee, or any of the agents thereof in good faith carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this article, shall be liable for any damage sustained to persons or property as the result of such activity.

(b) Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the county or any municipalities therein the right to inspect, designate and use a whole or any part or parts of such real estate or premises for the purposes of sheltering persons during an actual, impending or practice disaster situation is hereby declared to be serving a governmental function of and on behalf of the county or the municipality concerned. In such case, such a person shall not be civilly liable for the death of, or injury to, any persons on or about such real estate or premises under such license, privilege or other permission, or for the loss of or damage to the property of such persons occurring while such real estate or premises are used for the aforesaid purpose during the aforesaid situation.

Sec. 5-6. Appointment and duties of director.

The department shall have an executive officer who shall be known as the director and who shall be appointed by the county manager and confirmed by the board of commissioners. All emergency management activity and forces authorized by this article or by any interlocal agreement, when executed, shall be under the supervision of the director. The director may employ such assistants and other personnel as are deemed necessary for the proper functioning of the department. The director shall have the authority to designate and appoint, from among such department employees, one or more deputy directors, who shall assume the emergency duties of the director in the event of his or her absence or inability to act during such emergencies until such time as a successor director can be appointed.

Sec. 5-7. Extraordinary powers and duties of the director.

Repealed by Amd. 3-30-2020.

Sec. 5-8. Nonemergency responsibilities and functions of the agency.

During any period in which an attack or disaster has not occurred or is not imminent, the agency, under the supervision of the director, shall have the following responsibilities and functions:

- (1) Development and coordination of plans for the use of emergency management forces in the event of attack or disaster, including entering into pre-emergency contracts to expedite the agency's response in the event of a disaster or attack. Such plans shall have the objective of minimizing or preventing damage to persons and property and of protecting and restoring to usefulness government services and public utilities necessary for the public health, safety and welfare.
- (2) Drafting and obtaining the prior approval of units of local government participating in or coordinating with any interlocal agreement under this article of regulations which shall become effective in the event of attack or disaster.
- (3) Coordination of the recruitment and training of emergency management forces so that such forces are available and are prepared to conduct the emergency management function in time of attack or disaster.
- (4) Negotiation and execution of agreements with owners or persons in control of buildings or other property for the use of such property for emergency management purposes in the event of attack or disaster, provided that no agreement shall authorize compensation of such owners or persons without the prior approval of the units of local government which shall be responsible for such compensation.
- (5) Provision of public information programs designed to educate the residents of the county concerning appropriate action on their part for the protection of their persons and property in the event of attack or disaster.

- (6) Coordination of public practice alerts authorized by appropriate local units of government designed to insure the readiness of emergency management forces and to familiarize residents of the county with emergency management regulations and activities which will be implemented and conducted in the event of attack or disaster.
- (7) Liaison with state and federal authorities and the authorities of appropriate political subdivisions outside the county so as to insure the preparation of effective emergency management plans and regulations and the effective coordination of the emergency management activities of the agency with those of the other authorities in the event of attack or disaster.
- (8) Promulgation of standard operating procedures controlling the activities of the agency's employees in fulfilling the responsibilities and conducting the functions designated above.

Sec. 5-9. Proclamation of state of emergency; prohibitions and restrictions authorized.

(a) A state of emergency shall be deemed to exist whenever, during times of public crisis, disaster, rioting, catastrophe, public health emergency or similar public emergency, public safety authorities are unable to maintain public order or afford adequate protection for lives, safety, or property, or whenever the occurrence of any such condition is imminent.

(b) In the event any state of emergency shall be deemed to exist in which the county manager finds there is an immediate threat of the loss of human life, upon such notice as can be made to each of the members of the board of commissioners, the county manager is authorized to proclaim a state of emergency or modify a proclamation of emergency that is already in place and put into place any of the prohibitions and restrictions set forth in this section. The determination that a state of emergency exists and the imposition of prohibitions and restrictions shall be made on the basis of facts known to the county manager or in good faith reliance upon facts presented to him or her by public safety officials and others reasonably believed to have knowledge of such facts. Any such proclamation of emergency by the county manager shall only be effective until such time as the board of commissioners shall meet in a duly called meeting.

(c) In the event any state of emergency shall be deemed to exist in which the county manager finds there is not an immediate threat of the loss of human life, the county manager shall take such measures as necessary to notice the board of commissioners for an emergency meeting which may be conducted by such means as are available under the circumstances. If a quorum to conduct an emergency meeting is obtained within two (2) hours of the time the effort to give notice commences, the board of commissioners may issue a proclamation of emergency or modify an existing proclamation of emergency by putting into place any of the prohibitions and restrictions set forth in this section. The determination that a state of emergency exists and the imposition of prohibitions and restrictions shall be made on the basis of facts known to the board of commissioners or in good faith reliance upon facts presented to the board by public safety officials and others reasonably believed to have knowledge of such facts.

(d) In the event any state of emergency shall be deemed to exist in which the county manager finds there is not an immediate threat of the loss of human life and a quorum cannot be obtained for the board of commissioners to conduct an emergency meeting within two (2) hours of the time the effort to give notice commences, pursuant to G.S. Section 166A-19.31, the chair of the board of county commissioners is hereby authorized and empowered to determine and proclaim the existence of a state of emergency in the county, subject to the jurisdictional limitations set forth in G.S. Section 166A-19.22(b), and to impose within the area of jurisdiction of this article those prohibitions and restrictions set forth in G.S. Section 166A-19.31(b), and authorized in this section, which are appropriate at a particular time. The determination that a state of emergency exists and the imposition of prohibitions and restrictions shall be made on the basis of facts known to the chair or in good faith reliance upon facts presented to him or her by public safety officials and others reasonably believed to have knowledge of such facts.

(e) In the event that the director, county manager or public safety officials who are aware of facts indicating a state of emergency exists make a diligent effort and cannot communicate with the chair of the board of commissioners within a reasonable time, the vice-chair of such board shall have and exercise all the powers herein granted the chair. In the event that neither the chair nor

the vice-chair can be located within a reasonable time, the county manager shall exercise the powers and authority granted the chair under this article until such time as either of the aforesaid officials are located and assume the powers herein granted.

(f) A proclamation issued pursuant to this article may limit the application of all or any prohibitions and restrictions set forth in the proclamation to specific parts of the area of jurisdiction of this chapter and exempt from any or all of the prohibitions and restrictions imposed in the proclamation certain persons acting in the line of and scope of duties essential to the preservation of public order and immediately necessary to protect the public safety, health and welfare. Such persons may include, but are not limited to, law enforcement officers, firefighters and other government employees; volunteer firefighters and emergency medical services members; doctors, nurses and employees of hospitals and other medical facilities; on-duty federal or state military personnel; employees of public utilities and public transportation companies; and employees of newspapers, magazines, radio broadcasting and television broadcasting companies.

(g) A proclamation made hereunder shall be in writing, shall set forth findings of the facts upon which a determination of the existence of a state of emergency was made and upon which the prohibitions and restrictions contained therein were based, and shall impose only those prohibitions and restrictions reasonably necessary and appropriate at the time of the issuance of the proclamation to restore or maintain public order, protect property, and the public health, safety and welfare. A proclamation may be amended to increase or reduce prohibitions and restrictions, subject to the same requirements set forth above for initial proclamations. A copy of any proclamation or amendment thereof shall be posted in the county courthouse and distributed so as reasonably to give notice to those persons affected by it. A copy of the proclamation or an amendment, together with a synopsis of the substance thereof designed for rapid mass communication, shall be provided to all the mass communication media serving the affected area. An original of the proclamation executed by the issuer, shall be retained by the clerk to the board of commissioners and certified copies thereof shall be furnished to the public or governmental agencies and officials thereof, upon request.

(h) A proclamation issued hereunder may impose the following prohibitions and restrictions:

(1) Of movements of people in public places, including any of the following:

- (a) Imposing a curfew.
- (b) Directing and compelling the voluntary or mandatory evacuation of all or part of the population from any stricken or threatened area within the governing body's jurisdiction.
- (c) Prescribing routes, modes of transportation, and destinations in connection with evacuation.
- (d) Controlling ingress and egress of an emergency area, and the movement of persons within that area.
- (e) Providing for the closure, within the emergency area, of streets, roads, highways, bridges, public vehicular areas, or other areas ordinarily used for vehicular travel, except to the movement of emergency responders and other persons necessary for recovery from the emergency. In addition to any other notice or dissemination of information, notification of any closure of a road or public vehicular area under this authority shall be given to the North Carolina Department of Transportation as soon as practicable. The Sheriff of Cumberland County, in consultation with the county manager or the county manager's designee, is given the authority to close streets, roads, highways, bridges, public vehicular areas, or other areas ordinarily used for vehicular travel. Any order of closure is subject to the provisions of G.S. Sections 166A-19.70(c) and (d).

(2) Of the operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate.

(3) Upon the possession, transportation, sale, purchase, and consumption of alcoholic beverages.

(4) Upon the possession, transportation, sale, purchase, storage, and use of gasoline, and dangerous weapons and substances, except that this shall not authorize prohibitions or restrictions on lawfully possessed firearms or ammunition. As used herein, the term "dangerous weapons and substances" has the same meaning as it does under G.S. 14-288.1, and the term "firearm" has the same meaning as it does under G.S. 14-409.39(2).

(5) Upon other activities and conditions, by prohibiting or restricting the same, upon an identification of such activities and conditions and a determination that control of the same is reasonably necessary to maintain order and protect lives or property during the state of emergency.

(i) Upon a determination by the issuer of the proclamation or the board of commissioners that a state of emergency no longer exists, or that the proclamation should be modified to reduce or increase the area to which it applies or the prohibitions and restrictions previously imposed, such action shall be directed by the issuance of a superseding proclamation.

Sec. 5-10. Emergency powers and duties of the agency.

In the event of a proper and lawful declaration of a local state of emergency by any or all of the units of government that have delegated emergency management functions and responsibilities to the agency upon the occurrence of or imminent threat or disaster within its or their areas of legal jurisdiction, the agency, supervised by the director, shall have the authority to implement prior approved plans and promulgate prior approved regulations to the extent provided by and exempt as may be otherwise required in such declaration or declarations. Such authority shall, upon coordination with the county finance director and county manager, include authority to authorize emergency purchases of services, supplies and equipment to procure resources essential to expedite the department's response to any emergency. This authority shall be in addition to the non-emergency authority already possessed by the agency. Such plans and regulations may be amended, modified or terminated only by action of the governing bodies of the local units of government cooperating with the agency or participating in an interlocal agreement authorized by this article.

Sec. 5-11. Regulations and proclamations effective as ordinances.

All regulations and proclamations, and the prohibitions and restrictions included in them, duly and lawful promulgated under this article by the agency, the county manager, the chair of the board of commissioners, the vice-chair of the board of commissioners, or the board of commissioners shall be deemed to be, and have the effect of, a county ordinance. (Comp.

Sec. 5-12. Conflicting ordinances, orders, rules and regulations.

At all times when regulations lawfully promulgated pursuant to this article shall be in effect, such regulations shall supersede all existing ordinances, orders, rules and regulations of the county insofar as the latter may be inconsistent with such regulations.

Sec. 5-13. Validity.

If any section, subsection, sentence, clause or phrase of this article is for any reason held to be invalid, such holding shall not affect the validity of the remaining portions of this article. The board of commissioners hereby declares that it would have passed this article and amendments thereto and each remaining section, subsection, clause and phrase thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses or phrases might be declared invalid.

Sec. 5-14. Violations.

Any person who violates any provision of an ordinance or a declaration enacted or declared pursuant to this article shall be guilty of a Class 2 misdemeanor in accordance with G.S. 14-288.20A.

Secs. 5-15-5-20. Reserved.

All references to any materials which are described in these minutes or incorporated into these minutes are to the materials that are contained in the same numbered item in the agenda for this meeting. These may be viewed online in the agenda set out on this web page <http://co.cumberland.nc.us/departments/commissioners-group/commissioners/meeting-documents>

C. Approval of a Resolution for Designation of Applicant's Agent Needed to Apply for Federal and State Disaster Aid

BACKGROUND

As part of the process of applying for federal and state disaster aid as a result of COVID-19, it is necessary for the Board of Commissioners to approve a resolution designating a primary and secondary applicant agent for this event. Once approved, the designated individuals will be allowed to sign paperwork and file aid applications on behalf of the Board of Commissioners.

RECOMMENDATION / PROPOSED ACTION

Management recommends approval of the attached resolution for designation of a primary and secondary applicant agent for the COVID-19 event.

D. Approval to Pay Prior Year Invoices

BACKGROUND

There is a period of time after June 30th of fiscal year-end in which transactions of the prior fiscal year will continue to be processed (typically until the third week in August). After that cutoff date has passed, a department may still receive a vendor invoice that is payable for services that were rendered, or goods were received in the prior fiscal year. When that occurs, approval by the Board of Commissioners is required for payment. The following departmental invoices meet that criteria:

Department of Social Services

Vendor: AT&T

Invoice Date: June 9, 2019

Total Invoice Amount: \$11,415.00

Vendor: BelFlex Staffing Network

Invoice Date(s): June 16, 2019-August 11, 2019

Total Invoice Amounts: \$14,696.80

Vendor: New Beginnings Healthcare

Invoice Date: December 16, 2019

Total Invoice: \$990.00

Vendor: Pearl's Angel Care, Inc.

Invoice Date: November 14, 2019

Total Invoice: \$774.00

Vendor: Shred-It USA

Invoice Date(s): February 7, March 7, 2019

Total Invoices: \$465.00

Vendor: Veronica Hudson

Invoice Date: October 11, 2019

Total Invoice: \$828.63

DSS Total Invoices: \$29,169.43

Sheriff's Office

Vendor: Axon Enterprise, Inc.

Invoice Date: December 22, 2018

Total Invoice: \$667.68

Engineering Vendor: Belflex

Invoice date(s) January and June, 2019

Total invoices: \$5,101.57

Employee Wellness Services Vendor: Novant Corporate Health

Invoice date: May 30, 2019

Total Invoice: \$1,459.20

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Grand Total all invoices: \$36,397.88

Staff have verified these invoices have not been paid. There are sufficient funds within the fiscal year 2020 departmental budgets to cover these expenses.

RECOMMENDATION / PROPOSED ACTION

Management is requesting approval to pay prior year invoices for various County Departments totaling \$36,397.88.

- E. Approval of Proclamation Designating April 2020 as "North Carolina 811 Safe Digging Month"

BACKGROUND

A request was received from Howard Corey, Education Liaison with North Carolina 811, for a proclamation from the Cumberland County Board of Commissioners designating April 2020 as "North Carolina 811 Safe Digging Month".

RECOMMENDATION / PROPOSED ACTION

The Board of Commissioners is respectfully requested to consider approval of the proclamation.

COUNTY OF CUMBERLAND

NORTH CAROLINA

PROCLAMATION

WHEREAS, as utility owners, excavators, designers, and homeowners work to keep pace with North Carolina's economic development, it is important to minimize damages to underground utility lines, danger to workers and the general public, environmental impact and loss of utility services to the citizens of North Carolina; and

WHEREAS, North Carolina 811, a utility service notification center and leader in education, celebrates its 42nd year of continuous service to the State and is key to preventing injuries and damages when excavating; and

WHEREAS, this unique service provides easy, one-call notification about construction and excavation projects that may endanger workers and jeopardize utility lines while promoting workplace and public safety, reducing underground utility damage, minimizing utility service interruptions and protecting the environment; and

WHEREAS, this vital service, which began in 1978, serves the citizens of North Carolina from the mountains to the coast and educates stakeholders about the need for excavation safety whether the project is as small as planting a tree or designing and beginning construction on a new interstate; and

WHEREAS, in 2019, the North Carolina one call system received 2.2 million notification requests and transmitted over 12.2 million requests thereby providing protection to utility companies infrastructure, their employees, excavators, and customers.

NOW THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners has designated the month of April 2020 as "North Carolina 811 Safe Digging Month" to encourage all excavators and homeowners of Cumberland County to contact 8-1-1 either by dialing 8-1-1 or contacting NC811 via the webpage of NC811.org at least three working days prior to digging in order to "Know What's Below," avoid injury, protect the environment, prevent millions of dollars in damages and to remind excavators that three working days' notice is the law, safe digging is no accident, and more information may be obtained by visiting www.nc811.org.

Adopted this 6th day of April 2020.

- F. Approval of Budget Ordinance Amendments for the April 6, 2020 Board of Commissioners' Agenda

All references to any materials which are described in these minutes or incorporated into these minutes are to the materials that are contained in the same numbered item in the agenda for this meeting. These may be viewed online in the agenda set out on this web page <http://co.cumberland.nc.us/departments/commissioners-group/commissioners/meeting-documents>

BACKGROUND

Crown Center Fund 600

1) Crown Center – Budget Ordinance Amendment B200910 to recognize insurance funds in the amount of \$4,380 to make fire damage repairs.

The Board is requested to approve Budget Ordinance Amendment B200910 to recognize insurance funds from The Travelers Indemnity Company in the amount of \$4,380 to make necessary repairs to the Crown Center.

These repairs are the result of a fire that occurred on February 29, 2020. The ticket booth, breezeway, and mechanical yard were damaged.

Please note this amendment requires no additional funds.

MOTION: Commissioner Adams moved to approve the consent agenda Items 3.A. – 3.F.1) recorded above.

SECOND: Chairman Faircloth

Commissioners Adams, Faircloth, Council and Keefe who were present voted in favor.

When called on for his vote, Commissioner Boose voted in favor.

When called on for his vote, Commissioner Lancaster voted in favor.

When called on for his vote, Commissioner Evans voted in favor.

VOTE: UNANIMOUS (7-0)

4. ITEMS OF BUSINESS

A. Consideration of Health Insurance Plan Changes for Fiscal Year 2021 - AmWINS

BACKGROUND

During the March 12, 2020 Agenda Session Meeting, Kevin Quinn, Broker with USI, presented health insurance renewal options for the plan year beginning July 1, 2020. The Board of Commissioners considered the options presented.

RECOMMENDATION / PROPOSED ACTION

At the March 12, 2020 Agenda Session Meeting, there was not a unanimous decision by the Board of Commissioners to approve placing the action below as a Consent Agenda Item on the March 16, 2020 Board of Commissioners' Meeting. The vote was four in favor and one opposed. Therefore, the action is being presented as an item of business, requesting approval as follows:

Approval of the Health Insurance Plan Renewal to be included in the fiscal year 2021 budget process which will incorporate the enhanced prescription benefit to retirees age 65 and over. That enhanced prescription benefit will provide a \$0 copay for preferred generic prescriptions specific to the fully insured AmWINS plan. All other AmWINS plan components will remain the same.

Chairman Faircloth stated he was the only commissioner who voted in opposition to this item at the March 12, 2020 agenda session meeting and the reason he voted in opposition was because he wants more first dollar coverage for specialist visits for employees. Chairman Faircloth stated it may be the fiscal year 2022 budget process before this can be revisited.

MOTION: Commissioner Adams moved to approve the Health Insurance Plan Renewal to be included in the fiscal year 2021 budget process which will incorporate the enhanced prescription benefit to retirees age 65 and over that will provide a \$0 copay for preferred generic prescriptions specific to the fully insured AmWINS plan.

SECOND: Chairman Faircloth

All references to any materials which are described in these minutes or incorporated into these minutes are to the materials that are contained in the same numbered item in the agenda for this meeting. These may be viewed online in the agenda set out on this web page <http://co.cumberland.nc.us/departments/commissioners-group/commissioners/meeting-documents>

Commissioners Adams, Faircloth, Council and Keefe who were present voted in favor.
When called on for his vote, Commissioner Boose voted in favor.
When called on for his vote, Commissioner Lancaster voted in favor.
When called on for his vote, Commissioner Evans voted in opposition.

VOTE: PASSED (6-1) (See revote on Item 4.A. recorded below.)**

B. Consideration of North Carolina Department of Transportation - Cumberland County (FAMPO) Model Agreement

BACKGROUND

The transportation planning section of the Cumberland County Planning and Inspections Department, known as the Fayetteville Area Metropolitan Planning Organization (FAMPO), works with the North Carolina Department of Transportation (NCDOT) on the development of the region's transportation demand model. The transportation demand model is used by FAMPO and NCDOT to predict future travel patterns to better plan and prioritize transportation needs with the Fayetteville Urbanized Area. The model is typically updated every five years and smaller changes can be made at any time. Metropolitan Planning Organizations (MPOs) are required to have an objective method for evaluating the use of federal funding for transportation projects, which the model provides. MPO's the size of ours, known as Transportation Management Areas (TMA's) with 200,000 people plus, are required to have transportation models. The benefit of participating with NCDOT is that if we did not, we would be totally responsible for building the model as well as funding it ourselves. So working with NCDOT on the model allows the cost to be split and also allows the cooperation of both staffs in building the model.

Of the budgeted funds, the only cost to the County would be its percentage of the local match, which every local government will provide. Also, keep in mind, these costs are included in the budgeted local match. For the newest update of the travel demand model, FAMPO will pay \$143,654.37 of the total cost of \$253,808.74, which is more cost effective than previous iterations of the model. The cost associated with the model agreement has been budgeted in FAMPO's FY20 Budget.

RECOMMENDATION / PROPOSED ACTION

Staff requests approval of the model agreement and authorization for the Chairman of the Board of Commissioners to execute the model agreement.

Tracy Jackson, Assistant County Manager, presented the background information recorded above and stated the cost to develop the model is \$220,308.74 and the data cost is \$33,500. Mr. Jackson stated the federal portion is \$110,154.37, the local match will be the same amount and the local match will cover 100% of the cost for the data. Mr. Jackson stated this brings the total match for the county to \$143,654.37. Mr. Jackson stated staff request approval of the model agreement and authorization for the Chairman to execute the model agreement.

Commissioner Keefe stated this item was not brought before the Board at an agenda session meeting so without FAMPO being able to brief the Board, he is not sure how he feels about the county's portion of over \$100,000. Mr. Jackson stated that amount will be shared by the county and municipal members of FAMPO, so the total amount is not borne by Cumberland County. Commissioner Adams stated he attended a meeting of FAMPO and the other members are very much in tune with what is going on and have received resources from FAMPO.

MOTION: Commissioner Council moved to approve the model agreement and authorize the Chairman of the Board of Commissioners to execute the model agreement.

SECOND: Commissioner Adams

Commissioners Adams, Faircloth and Council who were present voted in favor.
Commissioner Keefe who was present voted in opposition.

All references to any materials which are described in these minutes or incorporated into these minutes are to the materials that are contained in the same numbered item in the agenda for this meeting. These may be viewed online in the agenda set out on this web page
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When called on for his vote, Commissioner Boose voted in favor
When called on for his vote, Commissioner Lancaster voted in favor.
When called on for his vote, Commissioner Evans voted in favor.

VOTE: PASSED (6-1) (Commissioners Adams, Faircloth, Council, Boose Lancaster and Boose voted in favor; Commissioner Keefe voted in opposition)

Commissioner Evans referenced Item 4.A. Consideration of Health Insurance Plan Changes for Fiscal Year 2021 – AmWINS recorded above and stated following further consideration, he would like to change his vote to favor the motion. Therefore, the vote to approve the Health Insurance Plan Renewal to be included in the fiscal year 2021 budget process which will incorporate the enhanced prescription benefit to retirees age 65 and over that will provide a \$0 copay for preferred generic prescriptions specific to the fully insured AmWINS plan was UNANIMOUS (7-0).**

5. NOMINATIONS

There are no nominations for this meeting.

6. APPOINTMENTS

There are no appointments for this meeting.

Chairman Faircloth recessed the Board of Commissioners' meeting.

Chairman Faircloth convened the meeting of the NORCRESS Water and Sewer District Governing Board.

7. NORCRESS WATER AND SEWER CONSENT AGENDA

- A. Approval of Encroachment Agreement with North Carolina Department of Transportation (NCDOT) for NORCRESS Water & Sewer District

BACKGROUND

The NORCRESS sewer system was constructed in 2004. A sewer lateral within the system is no longer functioning and is causing sanitary sewer to back up into an office building in Wade. The Public Works Commission (PWC) has been going to this property weekly and blowing out the line to push the sewer through the line to prevent it from backing up into the building. This service is above and beyond the scope of work in the operation and maintenance agreement. PWC has stated that a new service lateral must be installed in order to properly serve this property. An Encroachment Agreement is required by NCDOT since the sewer main is on the opposite side of the street.

The County Attorney has reviewed the attached Encroachment Agreement. There is available funding within the NORCRESS operating budget to pay for the installation of the service lateral.

RECOMMENDATION / PROPOSED ACTION

At the March 12, 2020 Agenda Session Meeting, the Board of Commissioners approved placing the proposed action below as a Consent Item on both the March 16, 2020 Board of Commissioners' Meeting and the March 16, 2020 NORCRESS Water and Sewer District Meeting:

Approve the attached NCDOT Encroachment Agreement that would allow PWC to replace the failing sewer lateral.

MOTION: Commissioner Council moved to approve the NCDOT Encroachment Agreement that would allow PWC to replace the failing sewer lateral.

SECOND: Commissioner Adams

Commissioners Adams, Faircloth, Council and Keefe who were present voted in favor.

All references to any materials which are described in these minutes or incorporated into these minutes are to the materials that are contained in the same numbered item in the agenda for this meeting. These may be viewed online in the agenda set out on this web page <http://co.cumberland.nc.us/departments/commissioners-group/commissioners/meeting-documents>

When called on for his vote, Commissioner Boose voted in favor.
When called on for his vote, Commissioner Lancaster voted in favor.
When called on for his vote, Commissioner Evans voted in favor.

VOTE: UNANIMOUS (7-0)

B. Approval of June 17, 2019 Minutes of the NORCRESS Water and Sewer District Governing Board

MOTION: Commissioner Council moved to approve the June 17, 2019 minutes of the NORCRESS Water and Sewer District Governing Board.

SECOND: Commissioner Adams

Commissioners Adams, Faircloth, Council and Keefe who were present voted in favor.
When called on for his vote, Commissioner Boose voted in favor.
When called on for his vote, Commissioner Lancaster voted in favor.
When called on for his vote, Commissioner Evans voted in favor.

VOTE: UNANIMOUS (7-0)

Chairman Faircloth adjourned the meeting of the NORCRESS Water and Sewer District Governing Board.

Chairman Faircloth reconvened the Board of Commissioners' meeting.

8. CLOSED SESSION:

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

MOTION: Commissioner Council moved to go into closed session for Attorney-Client Matter(s) Pursuant to NCGS 143.318.11(a)(3).

SECOND: Commissioner Keefe

Commissioners Adams, Faircloth, Council and Keefe who were present voted in favor.
When called on for his vote, Commissioner Boose voted in favor.
When called on for his vote, Commissioner Lancaster voted in favor.
When called on for his vote, Commissioner Evans voted in favor.

VOTE: UNANIMOUS (7-0)

Chairman Faircloth recessed the Board of Commissioners' meeting so the closed session portion of this meeting would no longer be available to the public and media live via the Cumberland County website (co.cumberland.nc.us), Facebook page (facebook.com/CumberlandNC), Youtube page (youtube.com/user/CumberlandCountyNC/videos), and on Fayetteville Cumberland Education Channel (FCE-TV) Spectrum Cable Channel 5.

Chairman Faircloth reconvened the Board of Commissioners' meeting in closed session.

MOTION: Commissioner Council moved to reconvene in open session.

SECOND: Commissioner Adams

Commissioners Adams, Faircloth, Council and Keefe who were present voted in favor.
When called on for his vote, Commissioner Boose voted in favor.
When called on for his vote, Commissioner Lancaster voted in favor.
When called on for his vote, Commissioner Evans voted in favor.

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Council moved to adjourn.

SECOND: Commissioner Adams

Commissioners Adams, Faircloth, Council and Keefe who were present voted in favor.

When called on for his vote, Commissioner Boose voted in favor.

When called on for his vote, Commissioner Lancaster voted in favor.

When called on for his vote, Commissioner Evans voted in favor.

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 10:25 a.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White

Clerk to the Board