

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MAY 4, 2020 – 9:00 AM
117 DICK STREET, 5TH FLOOR, ROOM 564
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 564 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 video conference)
Commissioner Jeannette Council
Commissioner Charles Evans (attended by video conference)
Commissioner Jimmy Keefe (attended by video conference)
Commissioner Larry Lancaster (attended by video conference)
Amy Cannon, County Manager
Duane Holder, Deputy County Manager (attended by video conference)
Melissa Cardinali, Assistant County Manager (attended by video conference)
Tracy Jackson, Assistant County Manager (attended by video conference)
Sally Shutt, Assistant County Manager
Rick Moorefield, County Attorney
Dr. Jennifer Green, Public Health Director (attended by video conference)
Gene Booth, Emergency Services Director (attended by video conference)
Dee Taylor, Community Development Director
Candice H. White, Clerk to the Board
Kellie Beam, Deputy Clerk (attended by video conference)

Chairman Faircloth called the meeting to order. Chairman Faircloth recognized Commissioners Adams and Council who were present and confirmed the video conference attendance of Commissioners Boose, Evans, Keefe and Lancaster.

INVOCATION / PLEDGE OF ALLEGIANCE

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

1. APPROVAL OF AGENDA

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

Commissioners Adams, Council and Faircloth who were present voted in favor.
Commissioners Boose, Evans, Keefe and Lancaster who attended by video conference voted in favor.

VOTE: UNANIMOUS (7-0)

2. PRESENTATIONS

A. Update on COVID-19 (Coronavirus) Local Activities by Dr. Jennifer Green, Public Health Director and Gene Booth, Emergency Services Director

Amy Cannon, County Manager, called on Dr. Green, Public Health Director, who began her update on COVID-19 with the following disclaimer:

- This is a rapidly evolving situation and recommendations will change

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- Data presented are up to date as of 5/3/2020
- Data are from Centers for Disease Control and Prevention (CDC) and NC Department of Health and Human Services (NC DHHS)

Dr. Green stated COVID-19 symptoms may appear 2-14 days after exposure to the virus and people with the additional symptoms or combinations of symptoms per the CDC website as outlined below may test positive for COVID-19:

- Cough
- Shortness of breath or difficulty breathing
- Or at least two of these symptoms per the CDC website:
 - Fever
 - Chills
 - Repeated shaking with chills
 - Muscle pain
 - Headache
 - Sore throat
 - New loss of taste or smell

Dr. Green stated children can have similar symptoms to adults and generally have a mild illness.

Dr. Green stated two kinds of tests are available for COVID-19: viral tests and antibody tests.

- A viral or diagnostic test tells you if you have a current infection.
- An antibody test tells you if you had a previous infection
 - Cannot be used for diagnosis, not included in case count
 - May not be able to show if you have a current infection, not a diagnostic test
 - We do not know yet if having antibodies to the virus can protect someone from getting infected with the virus again; not used as a diagnostic test and not included in case count for current infections

Dr. Green presented data on National, North Carolina and Cumberland County COVID-19 Cases as of 5/3/2020 and stated key metrics for North Carolina and reopening include the following:

- Decline in COVID-like illness surveillance
- Decline or leveling in lab confirmed cases
- Decline in positive tests as a % of total tests
- Decline in hospitalizations
- 5K-7K tests, daily (State goal)
- Increase contact tracers to 250 (State goal)
- 30-day supply of PPE (State goal)

Dr. Green stated full data and a dashboard is available on the NC DHHS website.

Dr. Green stated the NC DHHS perspective and local orders include:

- Stay at home order extended to May 8
- Testing
 - Increase testing capacity
 - Conserving personal protective equipment (PPE)
- Tracing
 - Increased staff capacity for contact tracing of new cases
- Trends
 - Analyze numbers of new cases, hospitalizations, deaths, PPE, hospital capacity, etc.
- Clinicians can consider testing for any patient in whom COVID-19 is suspected
- Shift in NC DHHS Testing Criteria – Symptomatic
 - 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.
 - Post-mortem specimens
- Testing at the health department, by appointment, case by case
- Working to increase testing capacity locally
 - Meetings with NC DHHS and local healthcare agencies

- Additional staff capacity needed for testing
- Additional PPE needed to sustain testing
- Requesting additional test kits from State and commercial labs
- Wait list for the rapid diagnostic test
- Sharing test collection kits with congregate living facilities, VA homes, shelters
- Contact tracing
 - Continuing to conduct initial contact investigations
 - Need 20+ contact tracing staff, daily, to keep up with demand and provide mandated services
 - Utilize staff from other health department areas
 - The Carolina Community Tracing Collaborative is hiring and training staff to support contact tracing efforts
 - Available ~approximately May 18
 - We will request additional assistance
- Trends
 - Why the increased number of cases locally?
 - Decreased turnaround time at state lab; 24-48 hours
 - Availability of rapid test from a local provider
 - Outbreaks in surrounding counties
 - 2 new deaths since 4/20
 - Hospitalizations (Cape Fear Valley) – Stable
 - Challenges/shortages on PPE at the health department and in long term care facilities
 - N95s and gowns

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

- EOC activated
- Initial contact investigation to assess risk for positive cases
- Public notification when necessary
- Testing for those that meet NC DHHS guidelines
- Supply testing kits
- Weekly call w/ NC DHHS
- Weekly call w/ large and high impact LHDs
- Weekly call w/ first responders
- Collaboration with partners to assess and meet community needs
- Education for public and local businesses

Dr. Green provide highlights of Executive Order 131: Long Term Care Facilities and NC DHHS recommendations for food processing plants. Dr. Green concluded her presentation by reviewing frequently asked questions about whether antibody and serology tests can be used for diagnostic purposes. Dr. Green responded to questions and comments that followed. On behalf of the Board of Commissioners, Chairman Faircloth thanked Dr. Green for her update.

Ms. Cannon called on Gene Booth, Emergency Services Director, who provided the following update on the activation of the Emergency Operations Center to provide support and response during COVID-19.

- Today marks day 50 of COVID-19 EOC activation
- Weekly conference calls are scheduled and held with EOC, first responders and partners
- EOC manages distribution of resource requests for commodities
- EOC receives and distributes commodities and supplies
- EOC conducts medical surge planning
- EOC engages in non-congregate sheltering planning with Public Health and partners
- EOC participates in fatality management planning with Cape Fear Valley
- EOC provides food distribution planning assistance to Second Harvest Food Bank

In closing, Mr. Booth provided information about Hurricane Preparedness Week. Mr. Booth stated hurricane season is June 1, 2020 – November 30, 2020 and work is underway with community partners to determine what congregate sheltering, best practices and social distancing will look like during hurricane season with COVID-19.

3. CONSENT AGENDA

A. Approval of April 20, 2020 Regular Meeting Minutes

B. 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, which is 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 that were received in the prior fiscal year. When that occurs, approval by the Board of Commissioners is required for payment. The following department has invoices that meet that criteria:

Community Development

Vendor: BelFlex Staffing Network

Two Invoices dated August 11, 2019

Total Invoice Amounts: \$338.00

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

RECOMMENDATION / PROPOSED ACTION

Management is requesting approval to pay prior year invoices for Community Development totaling \$338.00.

C. Approval of Proposed Additions to the State Secondary Road System

BACKGROUND

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

Ritson Lane (SR 4184 Ext.)

N. Kilchattan Drive

S. Kilchattan Drive

Cedar Grove Subdivision Section 2:

Argentine Circle

Cabretto Circle

RECOMMENDATION / PROPOSED ACTION

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

D. Approval of Settlement of the Claim of Mohammed Imam

BACKGROUND

Mohammed Imam filed suit against Cumberland County seeking monetary damages for allegations of violations of federal law incident to his separation from employment. The Board indicated its consent to settle this matter in closed session at the February 17, 2020, meeting. A settlement was reached with Imam in which the County paid \$87,500 in exchange for a release of all claims and the filing of a voluntary dismissal with prejudice. The Settlement Agreement and Release have been fully executed, the monies paid, and the dismissal filed. County Attorney recommended this settlement to avoid further litigation costs, including the expenses associated with a trial scheduled to take place in Elizabeth City with numerous county employees attending. The open meetings law requires that settlements be disclosed and set forth in the minutes.

RECOMMENDATION / PROPOSED ACTION

County attorney recommends the Board to take action on the Consent Agenda to formally approve settlement in Mohammed Imam v. Cumberland County, Case file number 5:17-CV-621, United

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States District Court for the Eastern District of North Carolina, for \$87,500 with Imam releasing all claims against the County and dismissing the lawsuit with prejudice.

- E. Approval of Budget Ordinance Amendments for the May 4, 2020 Board of Commissioner's Agenda

BACKGROUND

General Fund 101

- 1) Sheriff's Office – Budget Ordinance Amendment 200516 to accept Bureau of Justice Assistance funds in the amount of \$45,520.

The Board is requested to approve Budget Ordinance Amendment B200516 to accept Bureau of Justice Assistance funds in the amount of \$45,520. These funds are designated for supplies and equipment for the Cumberland County Sheriff's Office to respond to COVID-19.

Please note this amendment requires no additional county funds.

- 2) Economic Incentives – Budget Ordinance Amendment 200797 to recognize Department of Commerce Economic Development Incentive funding in the amount of \$27,780.

The Board is requested to approve Budget Ordinance Amendment 200797 to recognize Department of Commerce Economic Development Incentive funding in the amount of \$27,780. This funding will be used to fulfill an economic development agreement with Cambridge Lee Industries, LLC.

Please note this amendment requires no additional county funds.

- 3) Carpentry Shop, Facilities Management, Public Buildings Janitorial, Central Maintenance, Engineering – Budget Ordinance Amendment 200606 to appropriate fund balance to cover overtime expenses related to COVID- 19 in the amount of \$188,026.

The Board is requested to approve Budget Ordinance Amendment 200606 to appropriate fund balance in the amount of \$188,026 to cover overtime expenses in the Carpentry Shop, Facilities Management, Public Buildings Janitorial, Central Maintenance, and Engineering departments related to COVID-19.

Please note this amendment requires appropriation of County fund balance.

- 4) Department of Social Services and Public Health – Budget Ordinance Amendment 200735 to appropriate fund balance for the construction of protective barriers at Public Health and the Department of Social Services in the amount of \$91,772.

The Board is requested to approve Budget Ordinance Amendment 200735 to appropriate fund balance for the construction of protective barriers at Public Health and the Department of Social Services in the amount of \$91,772 due to COVID-19.

Please note this amendment requires appropriation of County fund balance.

Community Development Fund 265

- 5) Community Development – Budget Ordinance Amendment 200512 to accept Department of Housing and Urban Development Community Development Block Grant Coronavirus (CDBG-CV) funds in the amount of \$509,194.

The Board is requested to approve Budget Ordinance Amendment B200512 to accept Community Development Block Grant Coronavirus (CDBG-CV) funds made available by the CARES Act in the amount of \$509,194. These funds will provide the Community Development department with resources to respond to the needs of Cumberland County residents that have been impacted by COVID-19. It should be noted that as of this agenda, the U.S. Department of Housing and Urban Development (HUD) has not provided guidance for the use of the funds.

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Please note this amendment requires no additional county funds.

Crown Center Fund 600

- 6) Crown Center – Budget Ordinance Amendment B200225 to recognize Insurance funds from the Travelers Indemnity Company in the amount of \$1,605 to make necessary repairs to the Crown Center.

The Board is requested to approve Budget Ordinance Amendment B200225 to recognize insurance funds from the Travelers Indemnity Company in the amount of \$1,605. Insurance proceeds of \$4,380 were originally recognized by the Board of Commissioners on the April 6, 2020 agenda for fire damage at the Crown Complex. However, the insurance company has increased the proceeds by \$1,605 to further cover repairs.

Please note this amendment requires no additional county funds.

RECOMMENDATION/PROPOSED ACTION:

Approve Budget Ordinance Amendments

MOTION: Commissioner Adams moved to approve the consent agenda Items 3.A. – 3.E.6) recorded above.

SECOND: Commissioner Council

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

Commissioners Boose, Evans, Keefe and Lancaster who attended by video conference voted in favor.

VOTE: UNANIMOUS (7-0)

4. ITEMS OF BUSINESS

- A. Consideration of Submission of the 2020-2024 Consolidated Plan, 2020 Annual Action Plan, and Neighborhood Revitalization Strategy Area Plan

BACKGROUND

As an entitlement of Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) funds, the U.S. Department of Housing and Urban Development (HUD) requires the grantee to submit a Consolidated Plan (along with an Analysis of Impediments to Fair Housing Choice) every five years and an Annual Action Plan within the five-year period. Cumberland County (through the Community Development Department) secured the services of Urban Design Ventures, Inc. to assist in the preparation of the 2020 – 2024 Consolidated Plan for the period July 1, 2020 through June 30, 2025 and the 2020 Annual Action Plan for the period July 1, 2020 – June 30, 2021. The planning process consisted of facilitating consultations with various stakeholders in the community to assess the priority needs and define goals and objectives to address the needs. A Neighborhood Revitalization Strategy Area Plan (targeting the Shaw Heights neighborhood) will also be submitted in conjunction with the Consolidated Plan. The purpose of the Neighborhood Revitalization Strategy Area Plan is to allow the County to target resources within an economically disadvantaged community. The estimated entitlement funding for the 2020 Annual Action Plan year will be \$865,583 from CDBG funds and \$398,574 for HOME funds. The proposed competitive funding awards for programs administered and managed by Community Development this year is the Continuum of Care (CoC) in an estimated amount of \$141,850.

The draft plans were presented, and a public hearing was held at the April 20, 2020 Board of Commissioners virtual meeting. The documents were made available for review on the Cumberland County Community Development's website and at the office location for a 30-day public review and comment period from April 2, 2020 through May 1, 2020. Comments received in reference to the plans will be included with the final copy of the plans. Final copies of the plan will be available at the Community Development Office after May 15, 2020.

RECOMMENDATION/PROPOSED ACTION:

Community Development recommends that the Board of County Commissioners approve submission of the Consolidated Plan, Annual Action Plan, Analysis of Impediments to Fair Housing Choice, and the Neighborhood Revitalization Strategy Area Plan to HUD.

Dee Taylor, Community Development Director, presented the background information recorded above. Commissioner Keefe asked what performance accountability would be tied to the comprehensive plan the Board is being asked to approve and how many people come off of affordable housing each year. Ms. Taylor stated Community Development will submit an annual performance report at the end of the year which will determine whether the needs were met in that year and whether there is need to adjust the project and activities of the plans and/or utilize funds differently in the upcoming year. Ms. Taylor stated she will obtain the affordable housing number from current providers in the community. Commissioner Boose posed questions about the availability of the plan documents for review and the lack of comments. Commissioner Adams stated the lack of comments is not unusual. Ms. Cannon stated this plan was developed fully through community and citizen input and participation and that is likely one reason for the lack of comments. Ms. Taylor stated there were several meetings advertised and coordinated throughout the community and local service providers were consulted in order to develop the plan. Ms. Cannon further stated commissioners were also invited to meet with the consultants to provide input and two commissioners participated. Commissioner Council and asked to have the plans placed on an agenda in March in 2021 so as to not risk the potential loss of funds coming to Cumberland County.

MOTION: Commissioner Council moved to approve submission of the Consolidated Plan, Annual Action Plan, Analysis of Impediments to Fair Housing Choice, and the Neighborhood Revitalization Strategy Area Plan to HUD.

SECOND: Commissioner Adams

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

Commissioners Evans, Keefe and Lancaster who attended by video conference voted in favor.

Commissioner Boose who attended by video conference voted in opposition.

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

B. Consideration of the Small Business Resiliency Program Guidelines

BACKGROUND

During the COVID-19 pandemic, many small businesses were impacted by mandated closures and social distancing guidelines. Through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Cumberland County received additional Community Development Block Grant funding in the amount of \$509,194 from the U.S. Department of Housing and Urban Development (HUD). In response to addressing the local business needs related to COVID-19 pandemic, Cumberland County Community Development (CCCD) is making available its CDBG funds to assist qualified small businesses that suffered an economic hardship during the crisis.

CCCD has developed the Small Business Resiliency Program that will target small businesses with 10 or fewer full-time equivalent employees by providing assistance in the form of a grant of up to \$10,000 based on need. The goal of the program is to assist businesses retain employees and maintain economic stability during the crisis. The program application will be open to qualified businesses that are located within Cumberland County geographic service area which include the Towns of Eastover, Falcon, Godwin, Hope Mills, Linden, Spring Lake, Stedman, Wade and the unincorporated areas of Cumberland County. Applications will be reviewed based on the eligibility requirements established in HUD's CDBG regulations and CCCD's evaluation criteria.

RECOMMENDATION / PROPOSED ACTION

Community Development is requesting the Board of Commissioners to approve the Small Business Resiliency Program guidelines.

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Ms. Taylor presented the background information recorded above. Ms. Taylor outlined the main components of the Small Business Resiliency Program to include eligibility requirements and certification or self-verification that there is no duplication of benefits and that applicants meet the low to moderate income criteria. Ms. Taylor stated the program application will be open to qualified businesses that are located within Cumberland County geographic service area which include the Towns of Eastover, Falcon, Godwin, Hope Mills, Linden, Spring Lake, Stedman, Wade and the unincorporated areas of Cumberland County. Ms. Taylor stated the Public Information Office will disseminate information about the program and information will be posted on the county's website homepage and Community Development webpage. Ms. Taylor stated applications will also be sent to the list of inquires already received and coordinated with the Fayetteville Cumberland County Economic Development Corporation. Ms. Taylor stated the first round is targeted for seven days in order to determine how many applications are received and if funding is still available, another round will be conducted by putting out a request for applications.

In response to a question from Commissioner Keefe as to whether the utilization of funds for for-profit businesses is legal, Rick Moorefield, County Attorney, stated federal HUD funds are being utilized to contract with businesses which must agree with post-award requirements, and it is legal because it utilizes federal funding allocated for these program purposes. Mr. Moorefield stated the program operates through a competitive proposal process in which businesses indicate what they will provide in exchange for the grant money. Commissioner Keefe asked about the certification or self-verification. Ms. Taylor stated documentation will be required to support the certification or self-verification. Commissioner Keefe expressed concern about the use of the funds that may provide some businesses with an unfair advantage over others. Ms. Taylor stated costs will be reviewed to insure they are reasonable, and funds will be disbursed for documented eligible project expenses. Commissioner Keefe asked whether Community Development should partner with local financial institutions to assist with verification of applicant eligibility and distribution of funds. Ms. Taylor stated Community Development has staff with experience in reviewing HUD applications and the disbursement of funds. Ms. Cannon stated this program is being conducted under federal HUD guidelines which incorporate many of the same processes as local financial institutions. Commissioner Boose inquired about follow up or a report back to the Board. Ms. Taylor stated a periodic report of the pilot program can be provided on a monthly basis.

MOTION: Commissioner Adams moved to approve the Small Business Resiliency Program guidelines.

SECOND: Commissioner Boose

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

Commissioners Boose, Evans, Keefe and Lancaster who attended by video conference voted in favor.

VOTE: UNANIMOUS (7-0)

5. NOMINATIONS

A. ABC Board (2 Vacancies)

Commissioner Council nominated Paul Crenshaw and Tammy Sinclair Graham.

6. APPOINTMENTS

A. Board of Health (1 Vacancy)

MOTION: Commissioner Adams moved to appoint Hakkam Alsaidi to the Board of Health in the optometrist position.

SECOND: Commissioner Council

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

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Commissioners Boose, Evans, Keefe and Lancaster who attended by video conference voted in favor.

VOTE: UNANIMOUS (7-0)

B. Fayetteville Technical Community College (FTCC) Board of Trustees (1 Vacancy)

MOTION: Commissioner Adams moved to appoint Charles Harrell to the FTCC Board of Trustees.

SECOND: Commissioner Boose

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

Commissioners Boose, Evans, Keefe and Lancaster who attended by video conference voted in favor.

VOTE: UNANIMOUS (7-0)

7. CLOSED SESSION

No closed session was held.

There being no further business,

MOTION: Commissioner Council moved to adjourn.

SECOND: Commissioner Adams

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

Commissioners Boose, Evans, Keefe and Lancaster who attended by video conference voted in favor.

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 10:40 a.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board