

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
MAY 18, 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 138, Sections 6.A. and 6.B., this remote meeting was simultaneously streamed online with live audio and video and 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
Commissioner Charles Evans
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)
Tracy Jackson, Assistant County Manager (attended by video conference)
Sally Shutt, Assistant County Manager (attended by video conference)
Rick Moorefield, County Attorney
Deborah Shaw, Senior Budget Management Analyst (attended by video conference)
Candice H. White, Clerk to the Board
Kellie Beam, Deputy Clerk (attended by video conference)

ABSENT: Commissioner Jeannette Council

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

INVOCATION / PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD

Chairman Faircloth recognized the clerk to the board who stated no written comments had been submitted through the county’s website for this virtual meeting.

Amy Cannon, County Manager, requested an addition to the agenda of a closed session for Attorney-Client Matter(s) pursuant to NCGS 143-318.11(a)(3) under Item 8.

1. APPROVAL OF AGENDA

MOTION: Commissioner Adams moved to approve the agenda to include the addition of a closed session for Attorney-Client Matter(s) pursuant to NCGS 143-318.11(a)(3) under Item 8.

SECOND: Commissioner Boose

Chairman Faircloth voiced his vote as being in favor.
When called on, Commissioner Adams voted in favor.
When called on, Commissioner Boose voted in favor.
When called on, Commissioner Keefe voted in favor.
When called on, Commissioner Evans voted in favor.
When called on, Commissioner Lancaster voted in favor.

VOTE: UNANIMOUS (6-0)

2. PRESENTATIONS

A. Update on COVID-19 (Coronavirus) by Dr. Jennifer Green, Public Health Director

Ms. Cannon called on Dr. Jennifer Green, Public Health Director, who began her update on COVID-19 by presenting data on North Carolina and Cumberland County cases to include increased testing numbers and the percentage of tests that are positive. Dr. Green stated tracing for positive cases continues in Cumberland County and during today's meeting, the Board will consider a request for a new epidemiology nurse and three temporary nurses to increase testing capacity and assist with contact tracing. Dr. Green stated an online self-assessment and appointment portal have been posted on the Cumberland County Department of Public Health website and drive-thru test collection will occur at Manna Church on Tuesdays and Wednesdays while supplies last and testing is available. Dr. Green stated to protect the health and safety of staff and clients, test collection is by drive-up appointment only for individuals who complete the online assessment form in advance. Dr. Green responded to questions that followed from Commissioner Keefe.

3. CONSENT AGENDA

A. Approval of May 4, 2020 Regular Meeting Minutes

B. Approval to Pay Prior Year Invoice

BACKGROUND

There is a period of time after June 30th of fiscal year-end in which transactions of the prior 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 department meets that criteria:

Sheriff's Office

Vendor: Central Square

Invoice Date: June 4, 2018

Total Amount: \$80.00

RECOMMENDATION / PROPOSED ACTION

Management is requesting approval to pay the prior year invoice for the Sheriff's Office that totals \$80.00.

C. Approval of Acceptance of Workers Compensation Settlement

BACKGROUND

During a closed session on April 6, 2020, the Board of Commissioners approved moving forward with a worker's compensation settlement. Per NCGS § 143-318.11, the terms of the settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded. The Order Approving Compromise Settlement Agreement is attached.

Please note: Commissioner Adams recused himself from the closed session on April 6, 2020 specific to this discussion.

RECOMMENDATION / PROPOSED ACTION

Accept the report of Order Approving Compromise Settlement Agreement, filed on April 15, 2020 by the North Carolina Industrial Commission.

D. Approval of Acceptance of Workers Compensation Settlement

BACKGROUND

During a closed session on April 6, 2020, the Board of Commissioners approved moving forward with a worker's compensation settlement. Per NCGS § 143-318.11, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a

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reasonable time after the settlement is concluded. The Order Approving Compromise Settlement Agreement is attached.

RECOMMENDATION / PROPOSED ACTION

Accept the report of Order Approving Compromise Settlement Agreement, filed on April 14, 2020 by the North Carolina Industrial Commission.

- E. Approval of Budget Ordinance Amendments for the May 18, 2020 Board of Commissioners' Agenda

BACKGROUND

General Fund 101

- 1) Sheriff's Office – Budget Ordinance Amendment B200008 to allocate additional funds in the amount of \$13,707 to the Sheriff's Office storage array project.

The Board is requested to approve Budget Ordinance Amendment B200008 to allocate additional funds to the storage array project in the Sheriff's Office. This project will provide additional data storage capacity. The original budget for this project was \$95,000, but the lowest bid received was \$108,707. The Cumberland County Sheriff's Office will provide the remaining \$13,707 from available fuel funds from declining fuel prices.

Please note this amendment requires no additional county funds.

- 2) Sheriff's Office – Budget Ordinance Amendment B200063 to recognize a donation to the Cumberland County Sheriff's Office from Korean Presbyterian Church in the amount of \$1,000.

The Board is requested to approve Budget Ordinance Amendment B200063 to recognize a donation to the Cumberland County Sheriff's Office from Korean Presbyterian Church in the amount of \$1,000.

This donation will be used toward the replacement of an ice machine in the Law Enforcement Center. Please note this amendment requires no additional county funds.

- 3) Public Health – Budget Ordinance Amendment B200006 to recognize Federal funds distributed through the North Carolina Department of Health and Human Services: Division of Public Health in the amount of \$205,618 for COVID-19 crisis response.

The Board is requested to approve Budget Ordinance Amendment B200006 to recognize Federal funds distributed through the North Carolina Department of Health and Human Services: Division of Public Health in the amount of \$205,618. These funds will be used for COVID-19 crisis response activities.

Please note this amendment requires no additional county funds.

RECOMMENDATION / PROPOSED ACTION

Approve Budget Ordinance Amendments.

- F. Approval of Cumberland County Board of Commissioners Agenda Session Items

1. Request for New Epidemiology Nurse and Funding for 3 Temporary Nurses for COVID-19 Response

BACKGROUND

The FY2021 Cumberland County Department of Health budget request includes a request for one additional Communicable Disease nurse (PHN III) to serve in the Epidemiology clinic. The current COVID-19 pandemic has highlighted and exacerbated the need for this position. Nurses in the Epidemiology Clinic are on the front lines of the COVID-19 pandemic. They are responsible for identifying positive cases, conducting case investigations and contact tracing for each positive case, and facilitating testing for suspected cases. They conduct these activities in addition to their

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other mandated duties to prevent the spread of other communicable diseases (TB, Hepatitis, Meningitis, etc.) The Epidemiology Clinic is currently staffed by three communicable disease nurses (PHN III), one nurse supervisor and a Medical Office Assistance. Prior to COVID-19, there was an identified need for an additional PHN III to manage the NCDHHS mandated services. During our State audit, North Carolina Department of Health and Human Services(NCDHHS) recommended the hiring of an additional nurse for the Epidemiology clinic. The salary and fringes for the new position \$75,610.

In addition, we have identified an additional need for five temporary nurses to aid in the response for the COVID-19 pandemic (two funded by NC DHHS COVID 19 funding and three funded by Cumberland County. NC DHHS has tasked each local health department with increasing our capacity for contact tracing and testing for COVID-19. Increasing our capacity in these two areas is part of Governor Cooper's plan to reopen North Carolina. Currently, we cannot meet the demand to increase testing and contact tracing, while still providing our other services mandated by NCDHHS. The additional temporary nursing staff will support our efforts to deploy mobile test units in zip codes with the highest number of cases. As we increase testing, we will also see an increase in the number of positive cases, which require contact tracing. We anticipate needing at least 20 staff to assist with contact tracing daily. We are requesting additional Cumberland County funding for three temporary nurses for three months. The projected total cost is \$60,000

RECOMMENDATION / PROPOSED ACTION

At the May 14, 2020 Agenda Session Meeting, the Board of Commissioners unanimously approved placing the action below as a Consent Agenda Item on the May 18, 2020 Board of Commissioners' Meeting: Approval of Budget Ordinance Amendment B200124 in the amount of \$67,784.

2. Contract for Crown Coliseum Cooling Tower Replacement

BACKGROUND

The Capital Improvement Plan (CIP) in FY 20 identified the replacement of the Crown Coliseum Cooling Tower. The total project budgeted amount is \$731,500. In February, Engineering & Infrastructure (E&I) staff contracted with Stanford White, Inc., to perform the design for the replacement of the cooling tower in the amount of \$66,000.

The project was advertised electronically on the Cumberland County Vendor Self Service site and State Interactive Purchasing Site (IPS). The project pre-bid meeting was held on April 20, 2020. The bid date was advertised for April 30, 2020. The certified bid tab and letter of recommendation to award the project from Stanford White, Inc., are attached. The lowest, responsible and responsive bidder was provided by Boilermasters, Inc., in the amount of \$530,000. This bid amount includes the acceptance of bid alternate #1 for a stainless-steel tower, which would provide a longer life cycle than a galvanized tower. Budgeted funds are available for the completion of this project.

RECOMMENDATION / PROPOSED ACTION

This item was heard at the May14, 2020 Board of Commissioners' Agenda Session meeting, and the Board agreed to forward it as a Consent Agenda item for approval of the following actions at the May 18, 2020 Board of Commissioners' meeting:

1. Accept the bids and award a contract to the lowest, responsible and responsive bidder, Boilermasters, Inc. in the amount of \$530,000.
2. Establish a contingency in the amount of \$53,000 to be used for additional work through a contract change order recommended by County Engineering staff and approved by the County Manager.
3. Contract for Crown Coliseum and Agri-Expo ADA Repairs and Associated Budget Ordinance Amendment #200234

BACKGROUND

County Engineering has been working to make improvements to the Crown Complex as funding allows. Renovations to restrooms and ticket booths that are not compliant with the Americans with Disabilities Act (ADA) were identified and have been slated for implementation. In the Crown Coliseum and Exposition Center, the restrooms lack proper grab bars, sinks, and plumbing fixtures.

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Additionally, the ticket booths in both facilities lack proper transaction windows to accommodate ADA customers. In order to provide compliant ADA restrooms and ticket booths, the Engineering and Infrastructure Department (E&I) selected Cromwell Architect Engineers, Inc., from the List of Qualified Architectural/Engineering Firms approved by the Board of Commissioners at the September 17, 2018 meeting. North Carolina General Statute 143-64.31 requires local governments to select firms qualified to provide architectural, engineering and surveying services on the basis of demonstrated competence and qualifications for the type of professional services required without regard to fee. Cromwell Architect and Engineers, Inc. and Engineering and Infrastructure staff met on-site to perform a walkthrough of the facilities issues. Cromwell Architects Engineers, Inc., completed the design and the project was advertised for a pre-bid meeting on April 21, 2020 and a bid meeting on May 1, 2020.

The certified bid tab and letter of recommendation to award the contract to the lowest, responsible and responsive bidder from Cromwell Architect Engineers, Inc., is attached. The lowest, responsible and responsive bid was submitted by M&E Contracting, Inc., in the amount of \$484,987 (\$466,548 for restroom renovations and \$18,439 as Option 2 for ticket booth renovations). An owner's allowance of \$50,000 is included within the bid amount, therefore a contingency amount is not needed for this project.

Project design costs specific to these ADA improvements totaled \$56,230, bringing the total project cost to \$541,217. The total budget for the project was \$400,000. A budget revision is required to cover the budgeted shortfall totaling \$141,217.

RECOMMENDATION / PROPOSED ACTION

This item was heard at the May 14, 2020 Board of Commissioners' Agenda Session meeting, and the Board agreed to forward it as a Consent Agenda item for approval of the following actions at the May 18, 2020 Board of Commissioners' meeting:

- The Board is requested to approve Budget Ordinance Amendment #200234 to appropriate Occupancy Tax fund balance of \$58,717. Budgeted savings from the Crown cooling tower project, totaling \$82,500 will be utilized for a total budgetary increase of \$141,217.
 - Accept the bids and award a contract to the lowest, responsible and responsive bidder M&E Contracting, Inc. in the amount of \$484,987.
4. Amendment to Owner-Engineer Agreement Number 1 with McGill Associates, P.A., for the Bragg Estates Water and Sewer District and Associated Budget Ordinance Amendment #200031

BACKGROUND

The contract between McGill Associates, P.A. and Bragg Estates Water and Sewer District was executed in 2015 (attached for reference). The contract did not include preparation of plats for thirty easements and 1 plat for the purchase of the sewer pump station site which is now needed for the preparation of the easement documents so the project can move forward. A lump sum amount of \$25,000 is proposed as additional compensation for the plats. There is also a request to increase the consultant's fees and make an adjustment to the construction phase services per the terms of the contract for McGill Associates, P.A., because their standard rate has increased since the contract was executed in 2015. The lump sum rate increase for the construction phase services requested is \$18,345, for a total contract increase for this amendment of \$43,345.

USDA Rural Development approved this request by McGill Associates, P.A. and funds are available in the project budget.

RECOMMENDATION / PROPOSED ACTION

This item was heard at the May 14, 2020 Board of Commissioners' Agenda Session meeting, and the Board agreed to forward it as a Consent Agenda item for approval of the following actions at the May 18, 2020 Board of Commissioners' meeting and the May 18, 2020 Bragg Estates Water and Sewer District agenda:

1. Approve Amendment to Owner-Engineer Agreement No. 1 with McGill Associates, P.A. in the amount of \$43,345.
2. Approve Budget Ordinance Amendment #200031 in the amount of \$43,345 for the Amendment to Owner-Engineer Agreement No. 1 with McGill Associates, P.A.

5. Engaging Outside Counsel to Provide Title Opinion for Easement Parcels

BACKGROUND

Upon completion of the engineering for the Bragg Estates sewer system, it was determined that easements would be required on approximately 30 parcels within the Bragg Estates Subdivision. The County Attorney's Office does not have the staff to complete this work at this time. County Attorney requests the Board to authorize the District to engage local real estate attorney, Rebecca Person, to do this work. Ms. Person has an active real estate practice and does title work for the PWC and NCDOT. She has agreed to do this work for a flat fee of \$500 per parcel. The county attorney has examined the title to some parcels in this subdivision and believes this to be a reasonable fee.

RECOMMENDATION / PROPOSED ACTION

County attorney recommends the Board authorizes the Bragg Estates Water and Sewer District to engage attorney Rebecca Person to complete the title work for the acquisition of sewer easements in the Bragg Estates Subdivision at a flat fee of \$500 per parcel.

6. Selection of a Fiscal Year 2021 Workforce Innovation and Opportunity Act Title I Program Services Provider and One Stop Center Manager

BACKGROUND

Cumberland County receives annual funding from the state to provide workforce development services through the Workforce Innovation and Opportunity Act (WIOA). These important services are focused on local employers, unemployed and underemployed adults, veterans, dislocated workers, In School Youth (aged 14-21) and Out of School Youth (aged 16-24). These services were contracted to Educational Data Systems, Inc, also known as "EDSI," for FY19 and the first 6 months of FY20. EDSI's contract ended December 31, 2019 and to date has not been extended.

The RFP for FY21 WIOA Title I Program Services was released on January 6, 2020 (copy attached) and the deadline for receipt of proposals was February 17, 2020. Proposals were received from Eckerd Concepts, EDSI, and Two Hawk Workforce Services. Proposals were evaluated by an ad hoc review committee, which consisted of Workforce Development Board and Youth Council members. The review committee reviewed submissions for the following information which were weighted as indicated: customer flow, staffing, statement of work, and program design (36%); organizational experience, past performance, and references (23%); transition and staff training plan (9%); program cost/budget proposal (14%); and program metrics (9%). Bidders made oral presentations (9%) to supplement their proposals on March 4, 2020. The review committee recommended Two Hawk Workforce Services as the most qualified and responsive proposer which was then considered and approved by the Executive Committee of the Workforce Development Board on April 3, 2020. A copy of the scoring results for each of the proposed service providers is attached.

Estimated allocations for FY21 for the specific program areas in Cumberland County were included in the RFP as follows:

1. \$800,000 for adult services programs
2. \$550,000 for dislocated worker programs
3. \$800,000 for youth services programs

These not-to-exceed amounts are separate and apart from administrative costs and may be subject to change as they were based upon a prior estimate of available funds. It is anticipated that the exact funding amount will be known at or about the time of final contract negotiations. All contracts for services will be on a cost- reimbursement basis, based upon performance, and may be extended for two additional years at the discretion of the County.

With Board of Commissioner approval, the Workforce Development Board will negotiate a FY21 contract with Two Hawk Workforce Services for administrative costs associated with providing the aforementioned services. A proposed contract is to be presented for the consideration of the Board of Commissioners prior to July 1, 2020.

RECOMMENDATION / PROPOSED ACTION

This item was heard at the May 14, 2020 Board of Commissioners' Agenda Session meeting, and the Board agreed to forward it as a Consent Agenda item for approval of the following actions at the May 18, 2020 Board of Commissioners' meeting:

1. Approval of Two Hawk Workforce Services as the successful proposer to provide WIOA Title I Youth, Adult, and Dislocated Worker program services, and One Stop Operator Services for the Cumberland County NCWorks Career Center in FY21, and
2. Authorization to negotiate a FY21 contract for these services with Two Hawk Workforce Services
7. Engagement with Elliott Davis for Census Data Testing for the Local Government Employee Retirement System (LGERS) Employer Participants

BACKGROUND

The Office of State Auditor (OSA) selected a sample of 49 employer participants of the LGERS and has asked those units and their independent auditors to provide assurance to OSA on the accuracy of certain elements of census data. The objective of census data testing conducted through an external audit engagement is to provide assurance to OSA and the Department of State Treasurer that the census data being provided by employers is materially correct.

Cumberland County was last selected for this type of data testing during the audit for fiscal year 2016. This is a separate engagement from the fiscal year 2020 contract to audit accounts at an additional cost of \$7,500. The report is due to the Local Government Commission on or before October 31, 2020.

RECOMMENDATION / PROPOSED ACTION

At the May 14, 2020 agenda session meeting, the Board of County Commissioners approved placing the following action as a consent item on the May 18, 2020 Board of Commissioners' meeting agenda:

Approval of the engagement with Elliott Davis for Census Data Testing for the Local Government Employee Retirement System (LGERS) Employer Participants, totaling \$7,500.

MOTION: Commissioner Adams moved to approve consent agenda Item 3A. – Item 3.F.7.

SECOND: Commissioner Boose

Chairman Faircloth voiced his vote as being in favor.
When called on, Commissioner Adams voted in favor.
When called on, Commissioner Boose voted in favor.
When called on, Commissioner Keefe voted in favor.
When called on, Commissioner Evans voted in favor.
When called on, Commissioner Lancaster voted in favor.

VOTE: UNANIMOUS (6-0)

4. ITEMS OF BUSINESS

- A. Consideration of Revised Schedule for Fiscal Year 2021 Budget Work Sessions and Budget Public Hearing

BACKGROUND

A budget schedule was previously approved with a presentation of the FY2021 Recommended Budget at a separate meeting on Thursday, May 28, 2020. Management recommends canceling this meeting and including the FY2021 Recommended Budget Presentation as an Item of Business at your June 1, 2020 meeting.

RECOMMENDATION / PROPOSED ACTION

The following schedule is recommended for consideration with all meetings to be held in the Judge E. Maurice Braswell Courthouse, 117 Dick Street, Fayetteville, NC.

Monday, June 1, 2020 at 9:00 AM - Budget Presentation

Wednesday, June 3, 2020 at 5:30 PM - Budget Work Session

Monday, June 8, 2020 at 7:00 PM - Budget Public Hearing / Work Session

Tuesday, June 9, 2020 at 5:30 PM - Budget Work Session

Thursday, June 11, 2020 at 1:00 PM - Budget Work Session

Wednesday, June 17, 2020 at 5:30 PM - Budget Work Session

Adopt the schedule for FY21 budget work sessions and public hearing as modified.

Ms. Cannon presented the background information and recommendation/proposed action recorded above.

MOTION: Commissioner Adams moved to adopt the schedule for FY21 budget work sessions and public hearing as modified.

SECOND: Commissioner Boose

Chairman Faircloth voiced his vote as being in favor.

When called on, Commissioner Adams voted in favor.

When called on, Commissioner Boose voted in favor.

When called on, Commissioner Keefe voted in favor.

When called on, Commissioner Evans voted in favor.

When called on, Commissioner Lancaster voted in favor.

VOTE: UNANIMOUS (6-0)

B. Update on Revenue Trends Amid COVID-19

BACKGROUND

In response to an inquiry made by the Board of Commissioners at the May 14, 2020 Agenda Session I would like to provide the following information regarding revenue trends during the COVID-19 pandemic. As part of our data compilation for the FY21 budget process, Budget staff has researched the most significant revenue sources to try to determine the potential impact of the pandemic on those revenues.

The 'stay-at-home' order was issued by Governor Cooper towards the end of March 2020. Therefore, most of the revenues collected in subsequent months have not been reported or distributed to the County. However, Budget staff has reached out to local hoteliers, restaurants and our Tax Office to ascertain impacts on these revenues. The most difficult part of this exercise is that the true impact of COVID-19 on revenues will not start to fully emerge until late June or July.

What has been observed as of today:

- Ad valorem tax collections are trending lower than previous years, as much as one percent
- Food and beverage retailers report significant reductions due to restaurant and bar closures resulting in reduced food and beverage tax collections of approximately 30% less for the month of March 2020 versus March 2019
- Occupancy tax for March appears to be trending approximately 35% lower than March 2019
- Sales for the month of March are approximately 16% lower than the same month last year

We will continue to monitor revenues over the course of the pandemic and phased re-opening of the State.

RECOMMENDATION / PROPOSED ACTION

For information purposes only.

Ms. Cannon referenced the background information recorded above and stated the four sources of revenue are sensitive to the national economy and local economic conditions. Ms. Cannon stated ad valorem and sales tax make up about 70% of all General Fund revenues, and food and beverage and occupancy tax are significant revenue sources for the Crown Coliseum's operation and debt service. Ms. Cannon stated pre-COVID-19, sales tax and food and beverage and occupancy tax were exceeding budget projections as well as the actual received last year. Ms. Cannon stated the tax office was also working on 99.6% of collections.

Ms. Cannon stated in March when the stay-at-home order was put in place, the situation quickly deteriorated and changed. Ms. Cannon stated projecting the impact is difficult because there is about a two-month lag between the time the tax is incurred, sales are reported from the State of North Carolina to the county and occupancy tax is paid and reported in the tax office. Ms. Cannon stated occupancy tax for March, which was only a partial month for the stay-at-home order, appears to be trending approximately 35% lower than March 2019. Ms. Cannon stated food and beverage retailers are reporting significant reductions due to dine-in restaurant and bar closures; fast food restaurants are doing extremely well. Ms. Cannon stated based on March revenues, sales tax is 16% less than March of last year. Ms. Cannon stated ad valorem tax collections are trending 1% lower than previous years.

Ms. Cannon stated based on surveys conducted by budget staff, it is believed the information being provided is as accurate as possible. Ms. Cannon stated this has changed the recommended budget which she sees as a no-growth budget in the upcoming year. Ms. Cannon stated it is difficult to determine what recovery will look like for the community, so these revenue sources are being projected for the next fourteen months on a monthly basis. Ms. Cannon concluded her update by stating the recommended budget will contain significant details with little funds.

- C. Deobligation of Hurricane Matthew Community Development Block Grant - Disaster Recovery Funding by the North Carolina Office of Recovery and Resiliency and Associated Budget Ordinance Amendment #200122

BACKGROUND

The North Carolina Office of Recovery and Resiliency (NCORR) has formally notified the County that it has deobligated funding initially allocated for Hurricane Matthew. This was previously discussed with the Board of Commissioners at their December 12, 2019 Agenda Session meeting in which representatives from NCORR were present to explain the forthcoming deobligation of funds. The item was moved forward as an item of business at the December 16, 2019 regular meeting and a new subrecipient agreement with the State was approved at that time.

Attached is a copy of the letter sent to the County deobligating \$20,286,168.30 of the original Hurricane Matthew allocation of \$23,260,000 awarded to Cumberland County. A budget amendment is necessary to reduce the budget by the amount of the deobligated funds.

RECOMMENDATION / PROPOSED ACTION

This item was heard at the May 14, 2020 Board of Commissioners' Agenda Session meeting, and the Board agreed to forward it as an Item of Business for consideration of the following action at the May 18, 2020 Board of Commissioners' meeting:

Approve Budget Ordinance Amendment #200122 in the amount of \$20,199,473 recognizing the deobligation of these CDBG-DR funds.

Ms. Cannon referenced the background information and associated budget ordinance amendment recorded above and stated Tracy Jackson, Assistant County Manager, will provide a perspective that was not presented at the May 14, 2020 agenda session meeting. Mr. Jackson stated NCORR staff attended the December 12, 2019 agenda session and indicated in discussion at that time that more funding would be coming into Cumberland County than what was initially awarded in the CDBG-DR grant. Mr. Jackson stated the 2019 fourth quarter report online shows approximately

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\$20 million in projects, administrator costs and planning costs allocated to Cumberland County. Mr. Jackson stated that could include the City of Fayetteville and other things in which the county does not have a direct hand. Mr. Jackson stated not knowing how much funding is coming to the county puts it at a disadvantage. Mr. Jackson stated he discussed this with Ms. Cannon, and it may be worthwhile to ask State staff to come back and explain where they are in the first quarter of 2020 and what the State's plan is for dollars coming into Cumberland County. Mr. Jackson stated even though the request is to deobligate Hurricane Matthew CDBG-DR funding, hearing from the state may be a more palatable option at this time. Commissioner Boose concurred. Commissioner Keefe asked whether there was a written plan for the \$34 million award, to include Robin's Meadow, and whether the county asked for \$34 million or was waiting on the State. Mr. Jackson stated the county submitted plans for those dollars in 2016 and during the process involving a myriad of changes at the State level, the county arrived at where it is today. Mr. Jackson stated there was no option for the county to continue any further with the State pulling those funds back from counties. Mr. Jackson stated the only thing that is known at this time is that the State has their own plans and formulas for executing projects based on needs they identified through FEMA and other information analysis.

MOTION: Commissioner Adams moved to table this item so representatives from NCORR can present the State's plan for the use of the CDBG-DR funds initially allocated to Cumberland County.

SECOND: Commissioner Boose

Chairman Faircloth voiced his vote as being in favor.

When called on, Commissioner Adams voted in favor.

When called on, Commissioner Boose voted in favor.

When called on, Commissioner Keefe voted in favor.

When called on, Commissioner Evans voted in favor.

When called on, Commissioner Lancaster voted in favor.

VOTE: UNANIMOUS (6-0)

D. Consideration of a Resolution to Amend the Local Act Authorizing the Food and Beverage Tax

BACKGROUND

At its May 14, 2020, the Board considered requesting the local legislative delegation to sponsor a local bill to amend the local act authorizing the Food and Beverage Tax by removing the sunset provision and clarifying that the tax proceeds can be used for arts and entertainment facilities located anywhere within the County. The matter was not moved forward to this agenda as a consent item. County manager and county attorney advise this is prudent to continue planning for a new performing arts facility to replace the obsolete theater at the Crown Complex and is necessary if a new performing arts facility is sited anywhere other than the Crown Complex.

RECOMMENDATION / PROPOSED ACTION

County manager and county attorney recommend adoption of the Resolution recorded below to amend the local act authorizing the food and beverage tax.

CUMBERLAND COUNTY BOARD OF COMMISSIONERS

RESOLUTION REQUESTING CUMBERLAND COUNTY'S DELEGATES TO THE
GENERAL ASSEMBLY TO SPONSOR AND SUPPORT A LOCAL BILL TO AMEND
SESSION LAW 1993-413, AUTHORIZING A PREPARED FOOD AND BEVERAGE TAX

Whereas, pursuant to the authority contained in Session Law 1993-413, the Cumberland County Board of Commissioners levied a one percent (1%) tax on prepared food and beverages sold within Cumberland County, which is required by that law to be transferred to the Cumberland County Civic Center Commission exclusively for debt service and any other costs of acquiring, constructing, maintaining, operating, marketing and promoting the arena or expanded arena facilities; and

Whereas, in addition to the arena, the arena facilities consist of the auditorium and theater constructed prior to the arena and the Crown Coliseum constructed after the arena, collectively known as the Crown Complex; and

Whereas, these aging facilities require significant, on-going maintenance and capital improvements to serve the purposes for which they were built and the auditorium and theater are approaching the ends of their useful lives; and

Whereas, these arts and entertainment venues, like most public arts and entertainment venues, operate at a loss and require the subsidy provided by the prepared food and beverage tax to remain in service; and

Whereas, these public arts and entertainment venues improve the quality of life and are significant to the economy and growth of the County as a regional commercial center; and

Whereas, this law contains a sunset provision which requires the Board of Commissioners to repeal the tax when the debt on the Crown Complex is extinguished, which shall occur in 2023; and

Whereas, the Board of Commissioners has engaged a consultant to evaluate the market and residents' preferences for a performing arts venue to replace the obsolete theater to include a recommendation on where it should be sited within the County to best serve its purposes; and

Whereas, without the continued funding provided by the prepared food and beverage tax, it is impractical for the County to continue planning for a performing arts venue.

THEREFORE BE IT RESOLVED, that the Cumberland County Board of Commissioners requests each of the County's Senators and Representatives in the General Assembly to sponsor and support a local bill amending Session Law 1993-413 to remove the sunset provision and clarify that the prepared food and beverage tax proceeds may be used to finance and support arts and entertainment venues located anywhere in the County in the future to expand or replace these existing arena facilities commonly known as the Crown Complex, consistent with the proposed draft attached hereto.

Adopted this 18th day of May 2020.

Ms. Cannon presented the background information recorded above. Ms. Cannon stated the request is for the local legislative delegation to sponsor a local bill amending the bill authorizing the prepared food and beverage tax to remove the sunset provision and clarify the tax proceeds can be used for an arts and entertainment facility anywhere within the county. Commissioner Boose stated expanding how the tax proceeds may be used will free up money for other county projects that otherwise could not be undertaken due to the lack of funds. Commissioner Keefe stated the lack of the food and beverage subsidy would not only prevent the county from undertaking any new projects, it would effectively put a nail in the coffin of the operation of the Crown Coliseum. Chairman Faircloth concurred and stated the amendment is critical to any steps taken in the arts venue.

MOTION: Commissioner Boose moved to adopt the Resolution to amend the local act authorizing the food and beverage tax and forward to the local legislative delegation.

SECOND: Commissioner Lancaster

Chairman Faircloth voiced his vote as being in favor.

When called on, Commissioner Adams voted in favor.

When called on, Commissioner Boose voted in favor.

When called on, Commissioner Keefe voted in favor.

When called on, Commissioner Evans voted in opposition.

When called on, Commissioner Lancaster voted in favor.

VOTE: PASSED (5-1) (Commissioners Adams, Boose, Faircloth, Keefe and Lancaster voted in favor; Commissioner Evans voted in opposition)

5. NOMINATIONS

A. Joint Planning Board (2 Vacancies)

Commissioner Adams nominated Kasandra Herbert. Commissioner Boose nominated Gray Burton. Commissioner Keefe nominated Lori Epler.

B. Board of Adjustment (1 Vacancy)

Commissioner Adams nominated Marva Lucas-Moore.

C. Fayetteville-Cumberland Parks and Recreation Advisory Commission (4 Vacancies)

Commissioner Boose nominated Vickie Mullins, Louis Wood and Jeremy George. Commissioner Adams nominated Andrew Dempster, Jr.

6. APPOINTMENTS

A. ABC Board (2 Vacancies)

MOTION: Commissioner Adams moved to appoint Paul Crenshaw and Tammy Sinclair Graham to the ABC Board.

SECOND: Chairman Faircloth

Chairman Faircloth voiced his vote as being in favor.
When called on, Commissioner Adams voted in favor.
When called on, Commissioner Boose voted in favor.
When called on, Commissioner Keefe voted in favor.
When called on, Commissioner Evans voted in favor.
When called on, Commissioner Lancaster voted in favor.

VOTE: UNANIMOUS (6-0)

Chairman Faircloth recessed the Board of Commissioners' meeting.

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

BRAGG ESTATES WATER AND SEWER DISTRICT GOVERNING BOARD AGENDA:

7. BRAGG ESTATES WATER AND SEWER DISTRICT CONSENT AGENDA

A. Approval of Minutes of the April 20, 2020 Bragg Estates Water & Sewer District Governing Board Meeting

B. Amendment to Owner-Engineer Agreement Number 1 with McGill Associates, P.A., for the Bragg Estates Water and Sewer District and Associated Budget Ordinance Amendment #200031

BACKGROUND

The contract between McGill Associates, P.A. and Bragg Estates Water and Sewer District was executed in 2015 (attached for reference). The contract did not include preparation of plats for thirty easements and 1 plat for the purchase of the sewer pump station site which is now needed for the preparation of the easement documents so the project can move forward. A lump sum amount of \$25,000 is proposed as additional compensation for the plats. There is also a request to increase the consultant's fees and make an adjustment to the construction phase services per the

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<http://co.cumberland.nc.us/departments/commissioners-group/commissioners/meeting-documents>

terms of the contract for McGill Associates, P.A., because their standard rate has increased since the contract was executed in 2015. The lump sum rate increase for the construction phase services requested is \$18,345, for a total contract increase for this amendment of \$43,345.

USDA Rural Development approved this request by McGill Associates, P.A. and funds are available in the project budget.

RECOMMENDATION / PROPOSED ACTION

This item was heard at the May 14, 2020 Board of Commissioners' Agenda Session meeting, and the Board agreed to forward it as a Consent Agenda item for approval of the following actions at the May 18, 2020 Board of Commissioners' meeting and the May 18, 2020 Bragg Estates Water and Sewer District agenda:

1. Approve Amendment to Owner-Engineer Agreement No. 1 with McGill Associates, P.A. in the amount of \$43,345.
2. Approve Budget Ordinance Amendment #200031 in the amount of \$43,345 for the Amendment to Owner-Engineer Agreement No. 1 with McGill Associates, P.A.

C. Approval of Engaging Outside Counsel to Provide Title Opinion for Easement Parcels

BACKGROUND

Upon completion of the engineering for the Bragg Estates sewer system, it was determined that easements would be required on approximately 30 parcels within the Bragg Estates Subdivision. The County Attorney's Office does not have the staff to complete this work at this time. County Attorney requests the Board to authorize the District to engage local real estate attorney, Rebecca Person, to do this work. Ms. Person has an active real estate practice and does title work for the PWC and NCDOT. She has agreed to do this work for a flat fee of \$500 per parcel. The county attorney has examined the title to some parcels in this subdivision and believes this to be a reasonable fee.

RECOMMENDATION / PROPOSED ACTION

County attorney recommends the Board authorizes the Bragg Estates Water and Sewer District to engage attorney Rebecca Person to complete the title work for the acquisition of sewer easements in the Bragg Estates Subdivision at a flat fee of \$500 per parcel.

MOTION: Commissioner Boose moved to approve Item 7.A. – Item 7.C. of the Bragg Estates Water and Sewer District consent agenda.

SECOND: Commissioner Adams

Chairman Faircloth voiced his vote as being in favor.

When called on, Commissioner Adams voted in favor.

When called on, Commissioner Boose voted in favor.

When called on, Commissioner Keefe voted in favor.

When called on, Commissioner Evans voted in favor.

When called on, Commissioner Lancaster voted in favor.

VOTE: UNANIMOUS (6-0)

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

Chairman Faircloth convened the Board of Commissioners' meeting.

8. CLOSED SESSION

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

SECOND: Commissioner Adams

Chairman Faircloth voiced his vote as being in favor.

When called on, Commissioner Adams voted in favor.

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When called on, Commissioner Boose voted in favor.
When called on, Commissioner Keefe voted in favor.
When called on, Commissioner Evans voted in favor.
When called on, Commissioner Lancaster voted in favor.

VOTE: UNANIMOUS (6-0)

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 Adams moved to reconvene in open session.
SECOND: Commissioner Boose

Chairman Faircloth voiced his vote as being in favor.
When called on, Commissioner Adams voted in favor.
When called on, Commissioner Boose voted in favor.
When called on, Commissioner Keefe voted in favor.
When called on, Commissioner Evans voted in favor.
When called on, Commissioner Lancaster voted in favor.

VOTE: UNANIMOUS (6-0)

MOTION: Commissioner Lancaster moved to adjourn.
SECOND: Commissioner Boose

Chairman Faircloth voiced his vote as being in favor.
When called on, Commissioner Adams voted in favor.
When called on, Commissioner Boose voted in favor.
When called on, Commissioner Keefe voted in favor.
When called on, Commissioner Evans voted in favor.
When called on, Commissioner Lancaster voted in favor.

VOTE: UNANIMOUS (6-0)

There being no further business, the meeting adjourned at 9:55 a.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board