

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 8, 2020 – 9:00 AM
117 DICK STREET, FIRST FLOOR, ROOM 118
REGULAR MEETING MINUTES

PRESENT: Commissioner Marshall Faircloth, Chairman
Commissioner Glenn Adams, Vice Chairman
Commissioner Michael Boose
Commissioner Jeannette Council
Commissioner Charles Evans
Commissioner Jimmy Keefe
Commissioner Larry Lancaster
Amy Cannon, County Manager
Duane Holder, Deputy County Manager
Tracy Jackson, Assistant County Manager
Sally Shutt, Assistant County Manager
Rick Moorefield, County Attorney
Vicki Evans, Finance Director
Joe Utley, Tax Administrator
Keith Todd, Information Services Director
Lisa Blausen, Sheriff's Office
Deborah Shaw, Senior Budget Management Analyst
Heather Harris, Budget and Data Performance Analyst
Andrew Jakubiak, Budget Analyst
Freddy L. Johnson, Sr., Fire Chief, Stoney Point Fire Department, Inc.
Ronnie Marley, Fire Chief, Pearce's Mill Fire Department
Candice H. White, Clerk to the Board
Kellie Beam, Deputy Clerk

Chairman Faircloth called the meeting to order.

INVOCATION / PLEDGE OF ALLEGIANCE

Pastor John T. Morrison, Jr., Mt. Zion AME Zion Church, provided the invocation followed by the Pledge of Allegiance to the American flag.

Amy Cannon, County Manager, requested to add to the agenda as Item 8.A. Closed Session for Attorney Client Matter(s) Pursuant to NCGS 143-318.11(a)(3).

1. APPROVAL OF AGENDA

MOTION: Commissioner Council moved to approve the agenda with the addition of a Closed Session for Attorney Client Matter(s) Pursuant to NCGS 143-318.11(a)(3) as Item 8.A.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

2. PRESENTATIONS

A. Update on Mid-Carolina Council of Governments Operations by Mr. Justin Hembree, Executive Director

BACKGROUND

Mr. Justin Hembree, Executive Director of Mid-Carolina Council of Government, will be updating the Board of Commissioners at the Tuesday, September 8, 2020 Board Meeting.

RECOMMENDATION / PROPOSED ACTION

For information purposes only.

Ms. Cannon introduced the presentation and stated Justin Hembree, Executive Director of Mid-Carolina Council of Governments, joined Mid-Carolina Council of Governments in January 2020 and has been working on revitalizing the MCCOG. Mr. Hembree stated the MCCOG functions as a multi-county planning, development and human services organization that reaches across county and municipal borders to provide technical assistance to its local governments and to administer programs that benefits its region's citizens. Mr. Hembree also stated the mission of the MCCOG is to provide creative regional solutions to relevant and emerging issues in Cumberland, Harnett and Sampson counties while providing a standard of excellence in the delivery of federal, state and regional services to its communities.

Hr. Hembree stated over the past nine months, the major areas of focus for the MCCOG have been outreach, communications, capacity analysis for delivery services, capacity building for growing services, teambuilding internal capacity with MCCOG staff, and building partnerships and relationships with local governments and citizens across the region. Mr. Hembree stated some of the areas of focus have had to be carried out differently because of COVID-19.

Mr. Hembree provided a synopsis of specific actions the MCCOG has taken that included scheduling regular Board meetings to build consensus with elected officials across the region, engaging with county and municipal managers, disseminating newsletters and funding alerts, rebranding the organization and pushing out a temporary new website, establishing partnerships with the Southeastern Economic Development Commission/Economic Development Administration, taking steps to become the fiscal agent for the Fayetteville Cumberland Reentry Council, contracting with the City of Fayetteville to conduct its Affordable Housing Study, talking with the City of Fayetteville about becoming members of the MCCOG, working on COVID-19 response and recovery for high risk older adults and their care givers, administering additional funds from the CARES Act and working with state level advocacy groups such as the NCARCOG.

Mr. Hembree outlined what is on the horizon for the MCCOG:

- COVID CDBG Program
- COVID Recovery and Response
- Regional Threat Assessment
- Regional Asset Inventory
- Emergency and Disaster Cooperative Agreement
- Disaster Recovery Umbrella Contract
- October Webinar Series
- Broadband Enhancement
- Quality Housing
- Technology Upgrades
- Partnerships with Other Regional Councils
- Possible Service Expansions
- Administrative Policy Updates and Rewrites

Mr. Hembree stated every place in the country is in an Economic Development District and in North Carolina, a lot of the EDDs are housed in COGs; however, Cumberland is in a region in which the SEDC is its EDD. Mr. Hembree stated it is important and beneficial for the MCCOG and its three counties to form a strong relationship with the EDD for funding and funding for the innovation of regional projects that would not normally be a priority for local funding. Mr. Hembree spoke briefly to MCCOG's work with the EDA to conduct a regional threat assessment and develop a plan for resiliency for the three-county region during times of disaster. Mr. Hembree stated the second phase will include an inventory of all available resources in the region that could potentially be deployed to help specific jurisdictions during a disaster or as needed during day-to-day operations.

Mr. Hembree concluded his update and stated things are moving forward with the MCCOG as it works to build capacity, change the culture, and develop partnerships during the new normal of COVID-19. Mr. Hembree responded to questions and comments that followed. Commissioner Keefe stated the COG is a regional problem solver and as such, he would like the MCCOG to look into broadband and issues related to homelessness and affordable housing. Commissioner Evans concurred with Commissioner Keefe's comments about issues related to homelessness and asked that the MCCOG look into affordable housing for individuals who has been incarcerated.

Chairman Faircloth stated Cumberland County's EDD is the SEDC in Bladen County he would like to explore realigning the EDD with the MCCOG for a more direct pipeline to Washington.

3. CONSENT AGENDA

A. Approval of August 17, 2020 Regular Meeting Minutes

B. Approval of Proclamation for Constitution Week

BACKGROUND

Request was received for a proclamation proclaiming the week of September 17-23, 2020 as Constitution Week 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 Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS: September 17, 2020 marks the two hundred and thirty-third anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

NOW, THEREFORE WE, the Cumberland County Board of Commissioners, by virtue of the authority vested in us, do hereby proclaim the week of September 17 through 23, 2020 as

CONSTITUTION WEEK

in Cumberland County and ask Cumberland County citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

C. Approval of a Resolution in Support of the North Carolina Department of Transportation's Installation of Roadway Improvements

BACKGROUND

The North Carolina Department of Transportation requested a resolution from the Cumberland County Board of Commissioners endorsing the installation of roadway improvements along SR 1115 (Black Bridge Road) at the entrance to the T. J. Robinson Life Center. The construction of these improvements will be at no cost to Cumberland County.

RECOMMENDATION / PROPOSED ACTION

Consider approval of the resolution.

RESOLUTION IN SUPPORT OF THE NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION'S REQUEST FROM THE
CUMBERLAND COUNTY BOARD OF COMMISSIONERS ENDORSING THE
INSTALLATION OF ROADWAY IMPROVEMENTS

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>

WHEREAS, NCDOT has requested a resolution from the Cumberland County Board of Commissioners endorsing the installation of roadway improvements along SR 1115 (Black Bridge Road) at the entrance to the T J Robinson Life Center; and

WHEREAS, NCDOT proposes to make improvements to this roadway. Said improvements will consist of the addition of a left turn land and right turn lane to enhance safety and operational efficiency; and

WHEREAS, the construction of these improvements will be at no cost to Cumberland County.

NOW, THEREFORE, BE IT RESOLVED, that the Cumberland County Board of Commissioners endorses the concept of NCDOT making said improvements to this section of SR 1115 (Black Bridge Road) with turn lanes to enhance its safety.

ADOPTED this 8th day of September 2020.

D. Approval of FY2020-2021 Tax Levy Charge to the Collector

BACKGROUND

In accordance with NCGS 105-321(b) before delivering the tax receipts to the Tax Collector in any year, the Board of County Commissioners shall adopt and enter into its minutes an order directing the Tax Collector to collect the taxes charged in the tax records and receipts.

RECOMMENDATION / PROPOSED ACTION

A copy of the order must be delivered to the Collector at the time the tax receipts are delivered to him. Recommend that the Board approve the levy and charge the Collector with the responsibility to collect the taxes.

2020-2021 LEVY

AUTHORITY	CC LEVY	LATE LIST	PUBLIC SERVICE	PUBLIC SERVICE LATE LIST	CC LEVY & PUBLIC SERVICE LEVY	TOTAL CC LEVY, PS LEVY & LATE LIST
BEAVER DAM	172,124.24	1.57			172,124.24	172,125.81
BETHANY	307,908.26	3.18			307,908.26	307,911.44
BONNIE DOONE	2,468.94	-			2,468.94	2,468.94
COTTON	1,326,759.25	37.86			1,326,759.25	1,326,798.91
CUMBERLAND RD FD	634,922.34	13.19			634,922.34	634,935.53
EASTOVER FIRE	358,106.97	42.30			358,106.97	358,149.27
GODWIN-FALCON FIRE	121,518.15	4.67			121,518.15	121,522.82
GRAYS CREEK	1,149,391.54	14.55			1,149,391.54	1,149,406.09
LAFAYETTE VILLAGE	5.52	-			5.52	5.52
LAKE RIM	9,477.03	-			9,477.03	9,477.03
MANCHESTER	94,376.16	-			94,376.16	94,376.16
PEARCE'S MILL	1,029,160.98	124.70			1,029,160.98	1,029,285.68
SPECIAL FIRE					-	-
STEDMAN FIRE	183,587.60	1.81			183,587.60	183,589.41
STONEY POINT	1,268,673.77	19.88			1,268,673.77	1,268,693.65
VANDER FIRE	1,234,587.64	50.16			1,234,587.64	1,234,637.80
WADE FIRE	121,973.60	1.56			121,973.60	121,975.16
WESTAREA FIRE	1,367,791.98	78.97			1,367,791.98	1,367,870.93
WESTAREA STATION 10	278,003.15	4.50			278,003.15	278,007.65
FIRE DIST SUBTOTAL	9,658,837.08	398.70	-	-	9,658,837.08	9,659,235.78
EASTOVER	587,485.30	13.72			587,485.30	587,499.02
EASTOVER-VANDER	19,457.46	-			19,457.46	19,457.46
FALCON	31,635.47	-			31,635.47	31,635.47
FAYETTEVILLE	62,866,897.02	2,620.24			62,866,897.02	62,869,517.26
STORM WATER	11,558,596.32	-			11,558,596.32	11,558,596.32
FAYET SOLID WASTE	13,877,300.25	-			13,877,300.25	13,877,300.25
REVITALIZATION	162,201.89	30.21			162,201.89	162,232.10
GODWIN	15,735.07	1.90			15,735.07	15,736.97
HOPE MILLS TOWN	4,945,981.64	78.14			4,945,981.64	4,946,059.78
HOPE MILLS REFUSE	1,332,073.00	-			1,332,073.00	1,332,073.00
HOPE MILLS STORM WATER	763,246.80	-			763,246.80	763,246.80
LINDEN TOWN	24,527.76	-			24,527.76	24,527.76
SPRING LAKE	2,871,679.62	13.83			2,871,679.62	2,871,693.45
SPRING LAKE REFUSE	559,541.72	-			559,541.72	559,541.72
SL STORM WATER	290,572.92	-			290,572.92	290,572.92
STEDMAN TOWN	291,265.95	13.23			291,265.95	291,279.18
WADE TOWN	110,857.89	-			110,857.89	110,857.89
CITY SUB-TOTALS	100,289,056.08	2,771.27	-	-	100,289,056.08	100,291,827.35
COUNTY WIDE	167,415,627.20	6,559.60			167,415,627.20	167,422,186.80
RECREATION	3,297,007.34	136.43			3,297,007.34	3,297,142.77
HM RECREATION	537,607.69	8.52			537,607.69	537,616.21
SOLID WASTE	5,906,936.00	-			5,906,936.00	5,906,936.00
					-	-
SUB TOTAL	177,157,178.23	6,703.55	-	-	177,157,178.23	177,163,881.78
GRAND TOTAL	287,105,071.39	9,873.52	-	-	287,105,071.39	287,114,944.91

Note: Special Fire is now part of the fire district known as Fire Service District.

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MEMORANDUM

TO: Joseph R. Utley, Jr., Tax Administrator

FROM: Board of County Commissioners

DATE: August 27, 2020

RE: FY2020-2021 Tax Charge

State of North Carolina

County of Cumberland and all Municipalities through Inter-Local Agreement

To the Tax Collector of the County of Cumberland and Municipalities through Inter-Local Agreement.

You are hereby authorized, empowered, and commanded to collect the taxes set forth in the tax records filed in the office of Tax Administration and in the tax receipts herewith delivered to you, in the amounts and from taxpayers likewise therein set forth. Such taxes are hereby declared to be a first lien upon all real property of the respective taxpayers in the County of Cumberland and Municipalities through Inter-Local Agreement, and this order shall be a full and sufficient authority to direct, require, and enable you to levy on and sell any real or personal property of such taxpayers, for and on account thereof, in accordance with law.

Witness my hand and official seal, this 8th day of September 2020.

E. Approval of Settlement in Cain v. Cumberland County et al.

BACKGROUND

Eric Cain filed suit against Cumberland County, the Cumberland County Civic Center Commission, and Global Spectrum in North Carolina Civil Superior Court, seeking monetary damages for allegations of negligence in a slip and fall incident of February 17, 2017, at the Crown Expo Center. In the closed session of the June 15, 2020, meeting of the Board of Commissioners, the Board indicated its consent for settlement of this action for up to \$20,000. The County reached settlement with Cain in which the County would pay \$20,000 in exchange for a release of all claims against the County Defendants 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. The Settlement Agreement is attached.

County Attorney recommended this settlement to avoid further litigation costs, including the expenses associated with trial.

RECOMMENDATION / PROPOSED ACTION

Formally approve settlement in 19 CVS 5062, Eric Cain v. Cumberland County, Cumberland County Civic Center Commission, and Global Spectrum, LP for \$20,000 from County Defendants with Cain releasing all claims against the County Defendants and filing a dismissal of the lawsuit.

F. Approval of Budget Ordinance Amendments for the September 8, 2020 Board of Commissioners' Agenda

BACKGROUND

General Fund 101

1) Heath Department - Budget Ordinance Amendment B210426 to recognize state Tobacco Prevention Program funds in the amount of \$38,709.

The Board is requested to approve Budget Ordinance Amendment B210426 to recognize state Tobacco Prevention Program funds in the amount of \$38,709. These funds will be used to subcontract with the University of North Carolina (UNC) Lineberger Cancer Center to form a

Military Health and Readiness Initiative. This team will address tobacco use by the active duty population.

Please note this amendment requires no additional county funds.

2) Health Department – Budget Ordinance Amendment B210592 to recognize state funds from the Department of Health and Human Services (DHHS) Division of Public Health in the amount of \$546,323.

The Board is requested to approve Budget Ordinance Amendment B210592 to recognize state funds from the Department of Health and Human Services (DHHS), Division of Public Health in the amount of \$546,323. This funding will be used to prevent, prepare and respond to Coronavirus Disease 2019 (COVID-19) by carrying out surveillance, epidemiology, laboratory capacity, infection control, mitigation, communications, and other preparedness and response activities.

Please note this amendment requires no additional county funds.

3) Health Department - Budget Ordinance Amendment B210594 to recognize state funds from the Department of Health and Human Services (DHHS) Division of Public Health in the amount of \$31,997.

The Board is requested to approve Budget Ordinance Amendment B210594 to recognize state funds from the Department of Health and Human Services (DHHS) Division of Public Health in the amount of \$31,997. These funds will be used to help provide supplemental nutritious foods, nutrition education and referrals to health care for low-income persons during critical periods of growth and development.

Please note this amendment requires no additional county funds.

Crown Center Fund 600

4) Crown Center – Budget Ordinance Amendment B210601 to recognize Federal Emergency Management Agency (FEMA) and NC Disaster Reimbursement funds in the amount of \$113,812.

The Board is requested to approve Budget Ordinance Amendment B210601 to recognize FEMA and NC Disaster Reimbursement funds in the amount of \$113,812. These funds will be used to perform Crown Theatre Facilities repairs on the breezeway, as well as replacement of several parking lot lights and various repairs of damages at the Coliseum, all as a result of Hurricane Florence.

REGARDING THE FOLLOWING ITEMS #5 - #21 PLEASE NOTE:

Each fiscal year County departments may have projects that have been approved and initiated but were not complete by the fiscal year end (6/30/20) or items ordered that had not been received by fiscal year end. These projects or items were approved in the Fiscal Year 2020 budget; however, the money was not spent by June 30, 2020.

The following amendments seek to bring those funds forward from FY 2020 into the current fiscal year, allowing departments to complete and pay for these projects and items. These revisions are not using ‘new’ funds but are recognizing the use of FY20 funds in FY21.

General Fund 101

5) Facilities Maintenance, Department of Social Services, Industrial Park – Budget Ordinance Amendment B210945 to re-appropriate funds for FY20 projects that were not completed in the amount of \$272,335

The Board is requested to approve Budget Ordinance Amendment B210945 to re-appropriate funds for FY20 projects that were not completed in the amount of \$272,335.

- 6) Human Resources – Budget Ordinance Amendment B211240 to re-appropriate tuition assistance funds in the amount of \$500

The Board is requested to approve Budget Ordinance Amendment B211240 to re-appropriate tuition assistance funds in the amount of \$500. These funds were approved for use in FY20, but the course did not end until FY21.

- 7) Library – Budget Ordinance Amendment B210904 to re-appropriate FY20 maintenance and repair funds in the amount of \$2,815

The Board is requested to approve Budget Ordinance Amendment B210904 to re-appropriate FY20 maintenance and repair funds in the amount of \$2,815. These funds will be used to complete a sliding door repair that was not completed in FY20.

- 8) Library Grants – Budget Ordinance Amendment B210075 to re-appropriate e-rate funds in the amount of \$179,065.

The Board is requested to approve Budget Ordinance Amendment B210075 to re-appropriate e-rate funds in the amount of \$179,065.

- 9) Animal Control – Budget Ordinance Amendment B210219 to re-appropriate FY20 grant and donation funds in the amount of \$82,729

The Board is requested to approve Budget Ordinance Amendment B210219 to re-appropriate FY20 grant and donation funds in the amount of \$82,729. These funds include PetSmart Charities, PETCO foundation, and Animal Control donations.

- 10) Water and Sewer Department – Budget Ordinance Amendment B210932 to re-appropriate FY20 funds in the amount of \$150,189

The Board is requested to approve Budget Ordinance Amendment B210932 to re-appropriate FY20 funds in the amount of \$150,189. These funds are needed to continue providing consultant services for the Engineering Department.

- 11) Emergency Services – Budget Ordinance Amendment B210080 to re-appropriate remaining Emergency Management Performance Grant (EMPG) funds in the amount of \$22,257

The Board is requested to approve Budget Ordinance Amendment B210080 to re-appropriate Emergency Management Performance Grant (EMPG) funds in the amount of \$22,257. These funds were not utilized in FY20 due to the Coronavirus Pandemic and will be used in FY21 for training, supplies, and equipment for the Emergency Management Division.

- 12) Sheriff's Office – Budget Ordinance Amendment B210355 to re-appropriate remaining Bureau of Justice Assistance (BJA) Coronavirus Emergency Supplemental Funding Program funds in the amount of \$43,072

The Board is requested to approve Budget Ordinance Amendment B210355 to re-appropriate Bureau of Justice Assistance (BJA) Coronavirus Emergency Supplemental Funding Program funds in the amount of \$43,072. These funds will be used to purchase sanitizer, wipes, gloves, and masks to assist the Sheriff's Office respond to the COVID-19 Pandemic.

- 13) Sheriff's Office – Budget Ordinance Amendment B210356 to re-appropriate FY17 and FY18 Byrne Grant in the amount of \$33,985 and to de-obligate FY19 Byrne Grant funds in the amount of \$14,128

Budget Ordinance Amendment B210356 to re-appropriate FY17 and FY18 Byrne Grant funds in the amount of \$33,985 and to de-obligate FY19 Byrne Grant funds in the amount of \$14,128. FY17 and FY18 Byrne Grant funds were not fully expended in FY20 as projected. FY19 Byrne Grant funds were budgeted in FY21 but were spent in FY20.

14) Sheriff's Office – Budget Ordinance Amendment B210785 to re-appropriate funds for items not received in FY20 in the amount of \$2,819

The Board is requested to approve Budget Ordinance Amendment B210785 to re-appropriate purchase orders for items not received in FY20 in the amount of \$2,819. These are items ordered but not received in FY20.

Capital Investment Fund 107

15) Capital Investment Fund – Budget Ordinance Amendment B210422 to re-appropriate Fayetteville Technical Community College (FTCC) funds in the amount of \$322,048

The Board is requested to approve Budget Ordinance Amendment B210422 to re-appropriate Fayetteville Technical Community College (FTCC) funds in the amount of \$322,048. These funds are needed to complete healthy technologies mechanical system renovations, culinary electrical, gas, and floor renovations, and nursing renovations.

16) Capital Investment Fund - Budget Ordinance Amendment B210948 to re-appropriate funds from various projects not completed in FY20 in the amount of \$2,069,098

The Board is requested to approve Budget Ordinance Amendment B210948 to re-appropriate funds from various projects not completed in FY20 in the amount of \$2,069,098.

Federal Drug Forfeiture Fund 204

17) Sheriff's Office – Budget Ordinance Amendment B210786 to re-appropriate funds for items not received in FY20 in the amount of \$34,787

The Board is requested to approve Budget Ordinance Amendment B210786 to re-appropriate funds for items not received in FY 20 in the amount of \$34,787. These funds are needed to complete the purchase of a bomb suit.

18) Sheriff's Office – Budget Ordinance Amendment B210831 to re-appropriate FY20 Capital Outlay Car and Truck funds in the amount of \$55,000

The Board is requested to approve Budget Ordinance Amendment B210831 to re-appropriate FY20 Capital Outlay Car and Truck funds in the amount of \$55,000. This item was originally discussed at the January 2, 2019 Board of Commissioners' meeting pursuant to Budget Ordinance Amendment B210079.

Crown Center Fund 600

19) Crown Center – Budget Ordinance Amendment B210600 to re-appropriate maintenance and repair funds in the amount of \$6,775

The Board is requested to approve Budget Ordinance Amendment B210600 to re-appropriate maintenance and repair funds in the amount of \$6,775. These funds are needed for a Crown Suite repair related to Hurricane Florence.

20) Crown Center – Budget Ordinance Amendment B210949 to re-appropriate funds from various projects not completed in FY20 in the amount of \$1,328,119

The Board is requested to approve Budget Ordinance Amendment B210949 to re-appropriate funds from various projects not completed in FY20 in the amount of \$1,328,119.

Group Insurance Fund 801

21) Employee Pharmacy – Budget Ordinance Amendment B210950 to re-appropriate funds from a project not completed in FY20 in the amount of \$4,800

The Board is requested to approve Budget Ordinance Amendment B210950 to re-appropriate funds from a project not completed in FY20 in the amount of \$4,800. These funds are needed to install barriers at the E. Newton Smith Center.

MOTION: Commissioner Keefe moved to approve consent agenda Items. 3.A. – 3.F.21).
SECOND: Commissioner Council
VOTE: UNANIMOUS (7-0)

4. PUBLIC HEARINGS

A. Public Hearing for Edward Byrne Memorial Justice Assistance Grant

BACKGROUND

The Sheriff's Office is fortunate to again be eligible to apply for funding from the Edward Byrne Memorial Justice Assistance Grant (JAG) through the United States Department of Justice (USDOJ). This grant continues the USDOJ efforts to support local law enforcement at the local level.

The Cumberland County Sheriff's Office and the City of Fayetteville Police Department must submit a joint application, but each agency may use the funds for their own priorities. The grant allocation is \$147,229, with \$17,594 for the Sheriff's Office and \$129,635 for the City of Fayetteville Police Department.

The USDOJ requires the public be offered an opportunity to comment. The Sheriff's Office will publicly advertise the grant opportunity in the Fayetteville Observer on Saturday, August 22, 2020. We request approval for a Public Hearing to be held at the Board of Commissioners meeting on Tuesday, September 8, 2020.

A Memorandum of Understanding with the City of Fayetteville, which is required, has been prepared. The enclosed Program Narrative describes the intended use of the grant. In addition, we are enclosing the "Certifications and Assurances by the Chief Executive of the Applicant Government" form, which must be signed by the Chairman of Board of Commissioners.

RECOMMENDATION / PROPOSED ACTION

Conduct the Public Hearing, approve the Memorandum of Understanding, complete the Certification and Assurances by the Chief Executive of the Applicant Government form, and authorize the County Manager to sign the application submittal.

Ms. Cannon referenced the background information and recommendation/proposed action recorded above. Ms. Cannon stated Lisa Blauser with the Sheriff's Office is available for questions.

Chairman Faircloth opened the public hearing.

The clerk to the board stated there were no speakers.

Chairman Faircloth closed the public hearing.

MOTION: Commissioner Boose moved to approve the Memorandum of Understanding, complete the Certification and Assurances by the Chief Executive of the Applicant Government form, and authorize the County Manager to sign the application submittal.
SECOND: Commissioner Lancaster
VOTE: UNANIMOUS (7-0)

5. ITEMS OF BUSINESS

A. Consideration of a Modified Coronavirus Relief Fund (CRF) Plan and Associated Budget Ordinance Amendment #B211059

BACKGROUND

As was briefly mentioned at the end of your August 13th Agenda Session meeting, staff received notice from the North Carolina Office of State Budget & Management, on July 31st, that H.B. 1023/S.L. 2020-80 appropriated an additional \$150 million to be distributed to county governments. This brings the total Coronavirus Relief Fund (CRF) appropriation to \$300 million. In previous legislation, counties could choose to share these funds with municipalities. S.L. 2020-80 changed that language to direct that counties must give a minimum of 25% of their total allocation to municipalities. The legislation gave municipalities until September 1st to submit their plans requesting funds to the counties. Staff immediately notified all nine municipalities of the second round of funding and communicated the September 1st deadline for plan submission. Once received, counties have only until September 15th to submit modified plans to the State.

The following is a snapshot of CRF funding:

Original Cumberland County allocation	\$ 5,708,842
Additional Cumberland County allocation	6,511,541
Total Cumberland award	12,220,383
Required municipal 25%	<u>(3,055,096)</u>
Net County available funding	\$ 9,165,287

Because of the State-mandated September 15, 2020 submission deadline for revised plans, staff is presenting the attached modified CRF plan for your consideration. The modified plan includes consideration of additional funding for Fayetteville, Hope Mills, and Spring Lake (as they were the three municipalities that requested additional funding), and staff's recommendation for the most streamlined way to report and account for these federal funds. Should the Board be comfortable with approval of the revised CRF plan (to include the additional municipal amounts), we would request your approval at this meeting. Should you need or desire further deliberation, we would ask that you consider suspension of your rule that you do not take action at your September 10th Agenda Session meeting and that you adopt the plan at that Thursday session.

Staff will also initiate a discussion of additional funding options available to the Board to meet COVID-related operational and community needs.

RECOMMENDATION / PROPOSED ACTION

Approval of the modified Coronavirus Relief Fund Plan and associated budget ordinance amendment #B211059.

Ms. Cannon stated the workgroup developed for the CRF funds has met tirelessly over the last couple of months on the first and the second allocations. Ms. Cannon stated the work of the group has been detailed and somewhat difficult because the state guidance has changed constantly. Duane Holder, Deputy County Manager, presented the background information recorded above and the following PowerPoint presentation.

Mr. Holder provided the following update on Coronavirus Relief Fund (CRF) appropriations:

- \$2.2T Coronavirus Aid, Relief & Economic Stability (CARES) Act
- CARES Act included \$150B in state/local aid; NC allocated \$4 billion
- HB 1023/SL 2020-80 additional \$150M to counties
- Cumberland County allocated additional \$6.5M for total \$12.2M
- Required 25% to municipalities totals \$3M

Mr. Holder reviewed the following federal and state guidelines for CRF funds and stated rules from the U. S. Treasury say that any staff whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency are 100% eligible for COVID-19 funding which includes all public safety and public health staff.

- Must be used for COVID-19 response

- Examples of permitted use – testing and equipment, payroll, technology, personal protective equipment (PPE), redirected staff compensation (payroll), disinfection, protective measures, financial assistance
- Reimbursement of costs to municipal governments
- Cannot make up for lost revenue

Mr. Holder stated other considerations for CRF funds include:

- All funding must be expended by December 30, 2020
- Federal and state guidance continues to change
- Monthly reports are due to state
- Counties are no longer held responsible for municipal expenditures

Mr. Holder stated it will still be prudent for the county to review municipal expenditures since those funds are still coming through the county and the county wants to continue to be good stewards of the municipal dollars to assist the municipal partners.

Mr. Holder stated staff recommendations for the modified plan are as follows, with the bulk of the funding to be charged to the county's payroll expenses.

- For reporting and accounting purposes, charge public safety payroll and Family First Coronavirus Recovery Act (FFCRA) leave to County CRF funds
- Allocate municipal CRF funds based on per capita calculation
- Utilize redirected payroll to address county and community COVID response needs

Mr. Holder stated of primary importance is that there is no question as to the eligibility of expenditures and monthly reporting requirements when the county is audited.

Mr. Holder presented proposed CRF expenses and stated since the funding goes back to March 1, 2020, some of the funds have already been expended and reported to the state.

Actual Public Health Expenses	\$ 17,841
Payroll	8,645,389
Actual COVID-19 Compliance	502,057
City of Fayetteville	2,699,803
Town of Hope Mills	202,163
Town of Spring Lake	<u>153,130</u>
Total	\$12,220,383

Mr. Holder presented proposed CRF municipal support and stated the figures include the original allocations for the municipalities and are not "in addition to" the initial funding allocations.

- \$3,055,096 – 25% municipal appropriation
 - City of Fayetteville \$2,699,803
 - Town of Hope Mills \$ 202,163
 - Town of Spring Lake \$ 153,130

Mr. Holder stated as a point of information, the City of Fayetteville requested just over \$3.3 million, the Town of Hope Mills requested \$785,000 and the Town of Spring Lake requested \$1.3 million.

Mr. Holder stated three surveys have been issued to all county departments and multiple meetings have been held, the results of which is the creation of an inventory internal needs that are COVID-19 related. Mr. Holder stated these additional funding options include Public Health services, technology, workspace modifications, facility upgrades and economic assistance. Mr. Holder stated economic assistance can fall under categories such as assisting community-based organizations; emergency financial assistance; programs for mortgage, rental and utility assistance; assistance for emergency medical response; and childcare assistance. Mr. Holder concluded his presentation and stated the county still finds itself in economic stagnancy because it does not know how its revenues are going to respond and how long it will experience a lag.

In response to a question posed by Commissioner Evans, Mr. Holder explained that the Town of Hope Mills was allocated more than the Town of Spring Lake under the per capita basis which

was a more objective and fair calculation and is also used in other funding calculations. Commissioner Evans also posed questions about whether CRF funds under the option of economic assistance could be used for churches in townships to hire teachers to teach students and provide care while parents are working. Mr. Holder stated usage of CRF funds for that purpose may qualify but because the school system is still providing the instruction, the usage may be for more of a supervisory role rather than a teaching role. Mr. Holder stated an RFP would have to be issued for interested entities countywide and the contract would have to be with a nonprofit organization.

Commissioner Keefe referenced his proposal for volunteer fire stations in Cumberland County and stated as emergency first responders, these COVID-19 related expenditures were not included in their budgets:

Categories	Amount
1. Medical expenses such as: Emergency medical response expenses, including emergency medical transportation, related to COVID-19. a. Stryker LifePak 1000 defibrillator and disposables for all Vehicles of the 20 Volunteer Fire Stations in Cumberland County. Total units requested, 110. Price of each defibrillator is \$2200.00	\$242,000.00
2. Public health expenses such as: Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency. a. PPE Allotment to each of the 20, County Volunteer Fire Department in the amount of \$3500.00 each. Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency. b. 20 Quantity-Disinfectant misting sprayer to sanitize common area, vehicles and Turn out gear. Price each is \$1250.00	\$ 70,000.00 \$ 25,000
TOTAL Request for CARES Act funding from Cumberland County	\$ \$337,000.00

Commissioner Boose stated Commissioner Evan’s proposal could place blanket services throughout the county and he would be interested in following up on the proposal. Commissioner Boose also concurred with Commissioner Keefe’s proposal and outlined additional resources he would like provided for volunteer fire stations to include 20 more defibrillators so one can remain in each station and trainers in each station for all the units. Commissioner Boose stated these would bring Commissioner Keefe’s proposed total of \$337,000 to approximately \$492,536.

Commissioner Council referenced Commissioner Evan’s proposal and CARES Act funds allocated directly to the school system. Commissioner Council stated the Board needs a list of CARES Act funds coming into Cumberland County and asked that it be provided at the September 10, 2020 Agenda Session meeting. Commissioner Adams stated because of all the money coming into multiple organizations in Cumberland County, the list may not be exhaustive. Questions and discussion followed.

MOTION: Commissioner Adams moved to table the modified Coronavirus Relief Fund Plan and associated budget ordinance amendment #B211059 until the September 10, 2020 Agenda Session meeting.

SECOND: Chairman Faircloth

DISCUSSION: Commissioner Boose asked whether action could be taken at the September 10, 2020 Agenda Session meeting. Chairman Faircloth stated the Board could suspend its rules so it can act. Commissioner Adams stated September 10, 2020 would give staff and the Board an opportunity to refine the CRF plan and still meet the deadline. Mr. Holder stated the proposed CRF plan provided to the Board at this meeting would not be contingent on other action the Board may take. Ms. Cannon stated

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there is an item on the September 10, 2020 agenda for funding considerations resulting from the availability of CRF funds which is really step two and information in the agenda packet will give a breakdown of freed up funding as a result of the proposed CRF plan Mr. Holder presented at this meeting. Chairman Faircloth asked what would happen if action on September 10, 2020 changed the proposed CRF plan presented at this meeting. Mr. Holder stated in that instance, the request would be to not approve the proposed CRF plan as presented at this meeting. Chairman Faircloth stated he wanted to go on record as supporting the volunteer fire departments/first responders. Chairman Faircloth stated Cumberland County does not have paid fire/first responder personnel, but the City of Fayetteville does and they are paid. Chairman Faircloth also stated he would like to know on September 10, 2020 whether the City of Fayetteville will receive CARES Act funds. Chairman Faircloth and Commissioner Boose confirmed that the Board would act at the September 10, 2020 Agenda Session meeting.

VOTE: UNANIMOUS (7-0)

6. NOMINATIONS

A. Cumberland County Workforce Development Board (6 Vacancies)

Commissioner Keefe nominated Kia McMillian for the representative of Workforce category. Commissioner Adams nominated Tammy Beckley, Jimmy Ray Plater, Sr. and Diana Potts for the Representative of Business categories; Curtis Brown, Sr. for the Representative of Workforce category; and Robert Van Geons for the Representative of Economic Development category.

7. APPOINTMENTS

There were no appointments scheduled for this 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 Adams

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Adams moved to reconvene open session.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Boose moved to adjourn.

SECOND: Commissioner Adams

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 10:30 a.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board

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