

CUMBERLAND COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 10, 2020 – 1:00 PM
117 DICK STREET, 5TH FLOOR, ROOM 564
AGENDA SESSION 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 (departed 2:50 p.m.)
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
Brenda Jackson, Social Services Director
Rawls Howard, Planning and Inspections Director
Keith Todd, Information Services Director
Mayor Joe Dixon, Town of Wade
Michael Gibson, Fayetteville-Cumberland Parks and Recreation Director
Freddy L. Johnson, Sr., Fire Chief Stoney Point Fire Department
Ronnie Mitchell, Sheriff's Office Legal Counsel
Candice H. White, Clerk to the Board
Kellie Beam, Deputy Clerk

Chairman Faircloth called the meeting to order.

Amy Cannon, County Manager, asked to have Item 5.A. changed to Consideration of a Modified CRF Plan and Associated Budget Ordinance Amendment #B211059 and add as Item 5.B. Consideration of the Addition of One New Staff Attorney II Position and Associated Budget Ordinance Amendment #B210169. Ms. Cannon also called attention to a memo from Finance Director Vicki Evans that had been distributed for purposes of information and stated although no action is needed, the Board of Commissioners may wish to endorse the decision by staff that County Payroll will not implement the employer's option to defer the employee portion of the Social Security tax for wages paid between September 1, 2020 and December 31, 2020.

1. APPROVAL OF AGENDA

MOTION: Commissioner Boose moved to approve the agenda to include the changes as requested.
SECOND: Commissioner Council
VOTE: UNANIMOUS (7-0)

2. APPROVAL OF MINUTES

A. August 13, 2020 Regular Agenda Session Minutes

MOTION: Commissioner Council moved to approve the August 13, 2020 regular Agenda Session minutes.
SECOND: Commissioner Boose
VOTE: UNANIMOUS (7-0)

3. PRESENTATIONS

A. Parks and Recreation Master Plan

BACKGROUND

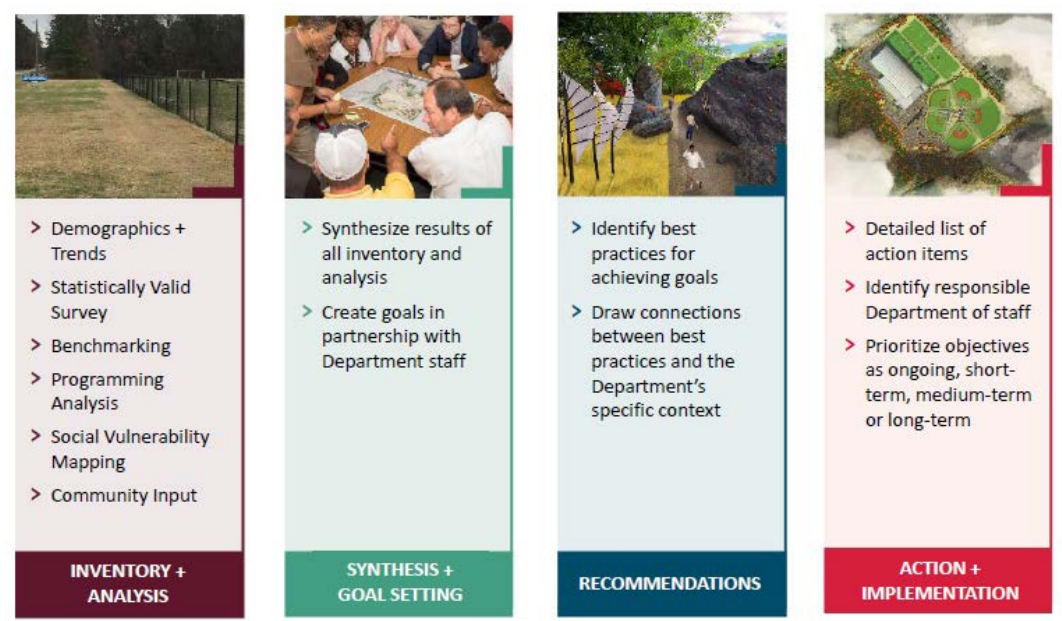
Fayetteville-Cumberland Parks & Recreation (FCPR) has requested an opportunity to present the proposed update to the FCPR Parks and Recreation Master Plan. The revised plan will be presented to the Fayetteville City Council on September 8, 2020.

RECOMMENDATION / PROPOSED ACTION

No action is requested. This is for information only.

Michael Gibson, Fayetteville-Cumberland Parks and Recreation Department Director, introduced Rachel Cotter and Philip Parnin with McAdams Engineering (Parks, Recreation and Greenways) who provided a presentation of the proposed update to the Fayetteville-Cumberland Parks and Recreation Comprehensive Plan to include a summary of process, themes and recommendations.

Ms. Cotter outlined the summary of process below:



Ms. Cotter stated community input/engagement included local government briefings, meetings with stakeholder groups, public open houses and a statistically valid survey that received 637 responses which resulted in a precision of +/-3.88 at the 95 percent level of confidence.

Ms. Cotter stated the plan is rooted in community values and how local government envisions themes for the future. Ms. Cotter stated the themes or how the community imagines the future of the parks system from the statistically valid survey included interlocal (interjurisdictional) agreements, operations, equity, parkland, and programming.

Ms. Carter presented recommendations for the theme of parkland:

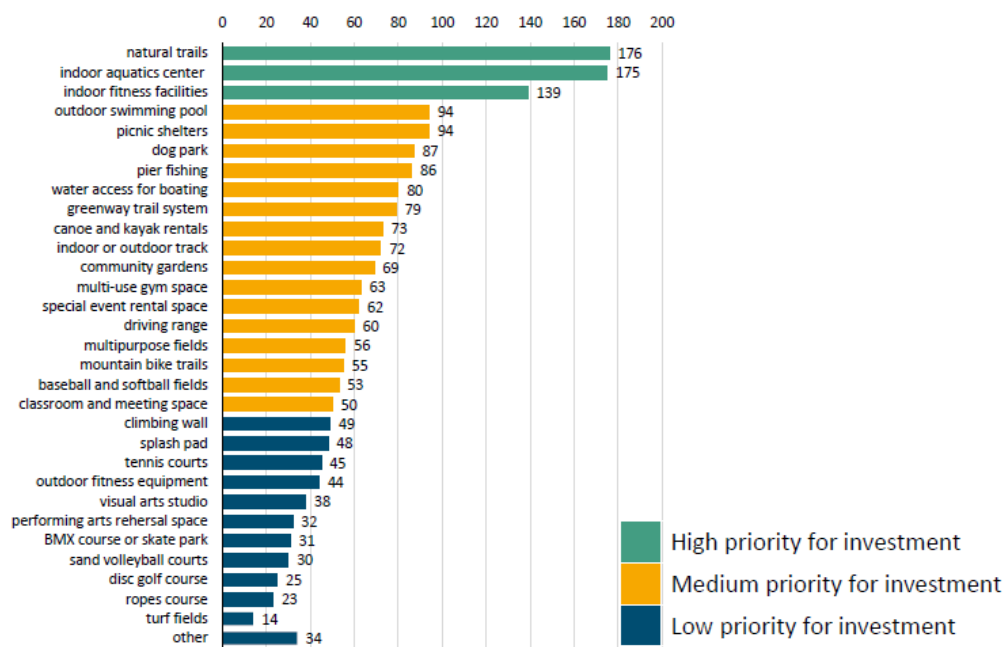
Offer an additional 830 acres of parkland by 2028 to increase the Department's level of service from 3.91 acres of parkland per 1,000 residents to 5 acres of parkland per 1,000 residents.

Offer an additional 186 miles of trail by 2028 to increase the Department's level of service from 0.04 miles of trail per 1,000 residents to 0.6 miles of trail per 1,000 residents.

Offer an additional 247,357 square feet of indoor recreation space by 2028 to increase the Department's level of service from 0.26 square feet of indoor recreation space per resident to 1 square foot of indoor recreation space per resident.

Ms. Cotter reviewed a map of future parkland and facility search areas and presented highlights of the top priorities for the investment in facilities according to the statistically valid survey.

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Ms. Cotter stated recommendations were that parkland should provide the following:

- Natural walking or hiking trails
- Indoor aquatics center
- Indoor fitness facilities
- Multi-use fields and courts
- Playgrounds
- Indoor recreation center and gym
- Walking and running trails
- Open fields for free play.

Mr. Parnin presented recommendations for the theme of programming:

Map programming locations to determine geographic gaps in service provision

Create business plans for program development, evaluation, and enhancement.

Develop cost recovery and pricing policy to direct staff in establishing user fees. The Department should create a cost recovery philosophy that is true to their role as a community service provider, while also allowing flexibility to recoup costs from those able to pay.

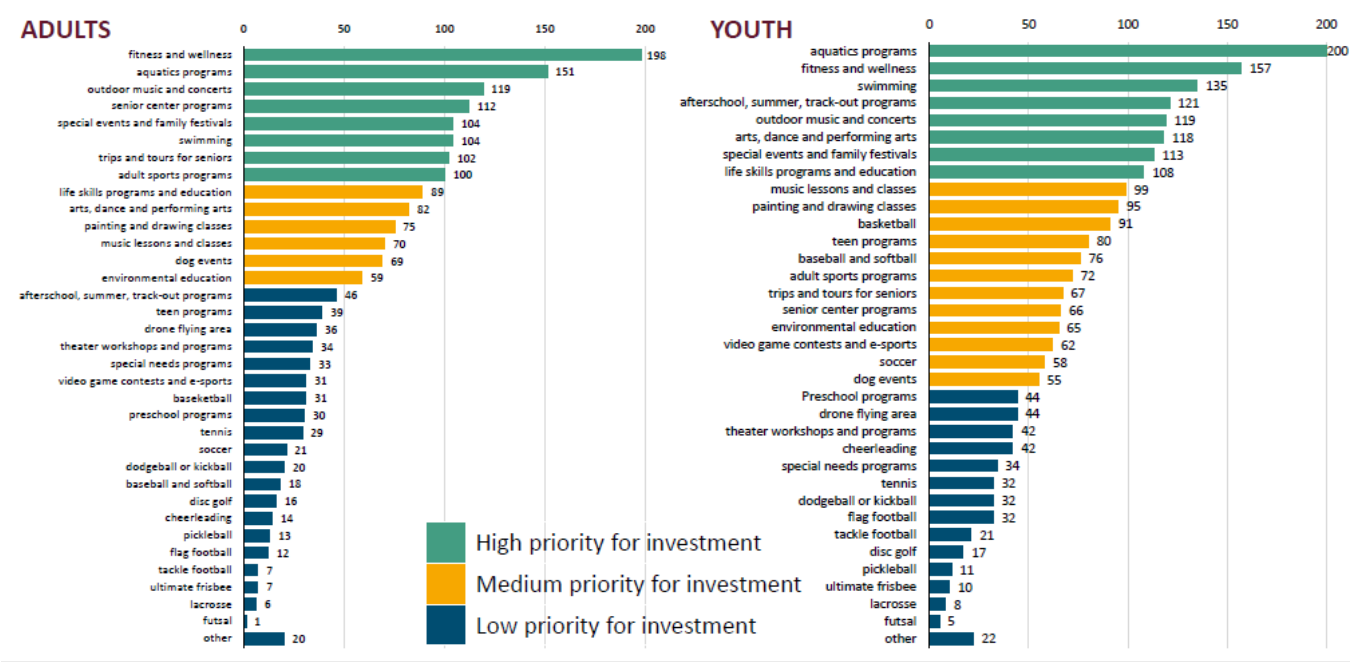
Update fee schedule based on cost recovery goals and implementation of new pricing strategies.

Mr. Parnin stated recommendations were that programming should provide the following:

- Fitness and wellness programs
- Aquatics programs
- Outdoor music and concerts
- Senior center programs
- Special events and family festivals
- Swimming
- Trips and tours for seniors
- Adult sports programs
- Afterschool, summer, track out programs
- Arts dance and performing arts
- Life skills programs and education

Mr. Parnin reviewed a listing of the top priorities for two levels of programming arising from the statistically valid survey of both youth and adults. In response to a question posed by Commissioner Boose, Mr. Parnin stated youth are ages seventeen and below and adults are ages eighteen and up.

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Mr. Parnin stated recommendations were that the theme of operations should do the following:
Implement strategies to track workload management such as documenting workloads, increasing FTEs, reducing travel time for maintenance tasks, and identifying work to be contracted.

Expand the Departments operations through partnerships for maintenance and programming needs. Evaluate partnerships annually.

Classify and prioritize all Departmental operations to be able to determine which operational activities should be prioritized when resources are limited.

Ms. Cotter stated the concept of equity is one of the guiding principles of the plan and recommendations for the theme of equity were to:
Increase number of residents living within a 10-minute walk of a park or a 15-minute drive of a park.

Ensure parks in areas of high social vulnerability receive equitable investment compared to parks in less vulnerable areas.

Increase per capita operating expense from \$60.04 to \$69.56. This results in an overall operating expense increase of \$3,041,146 for a total operating budget of \$22,041,1146.

Update fee structure with pricing strategies that enable some users to pay to ensure continued low-cost or no-cost access to programming for those unable to pay.

Ms. Cotter stated recommendations for the theme of interlocal/interjurisdictional agreements were:
Determine and track number of out of town users of parks, programs and facilities to understand the impact these users have on the system.

Quantify the impact these users have on the system and use the data generated to discuss joint use agreements or interlocal agreements with adjacent jurisdictions.

In the communities signed on to the interlocal agreement, make updates, improvements, and expansions to parks that create safe places for children to play, and parks that create a source of pride in local communities

Provide picnic shelters, walking trails, basketball courts, and playgrounds.

In existing parks address drainage issues, safety, field maintenance, programmatic marketing, and expanding parking.

Support recreation in constituent jurisdictions by recruiting volunteers to coach, coordinating league play, and tracking resident input and ideas.

Mr. Gibson responded to questions posed by Commissioner Boose regarding the parkland facility map. Commissioner Boose noted the top ten priority investments for the levels of programming for youth and adults appeared to mirror each other. Mr. Gibson stated that demonstrates the family-

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oriented nature of the plan because families want multi-use facilities with venues to accommodate everyone in the family. Ms. Cotter responded to questions from Commissioner Boose about cost recovery, recouping costs from those able to pay and the interlocal/interjurisdictional agreements.

Commissioner Keefe stated Cumberland County is rated on the health of its community and one of the metrics is the location of park and recreation facilities and the connectivity of trails, events, parks, and facilities. Mr. Gibson stated the robust interlocal agreement with the school system for the use of its facilities provides better access than the county's counterparts across the state. Mr. Gibson stated the greenways plan is continually being added to; the connectivity of the Linear Park Trail to downtown Fayetteville will be completed in the next 60 days and the ability to go down Person Street and connect to the Botanical Gardens has been funded and will happen.

B. Planning Department Historic Preservation Grant Application

BACKGROUND

The Planning & Inspections Department has submitted a grant application for a reimbursement grant in the amount of \$90,000 from the NC State Historic Preservation Office. This is a Hurricane Florence and Hurricane Michael ESHPF Hurricane Disaster Relief Grant. The funds will be utilized to hire a consultant to perform a historical resources survey of Cumberland County. This grant does not include the City of Fayetteville, the Town of Hope Mills and Fort Bragg. These entities have their own historic preservation programs. The project will include other areas of the County not presently covered by a historic preservation program. If awarded, the grant will be administered in-house and the designated project manager will be Trey Smith, Planning Manager. It is anticipated that the grant will be awarded in November 2020.

RECOMMENDATION / PROPOSED ACTION

No action required at this time. This is just for information.

Rawls Howard, Planning and Inspections Director, presented the background information recorded above and the following PowerPoint to further explain the grant application.

Mr. Howard stated the National Park Service (NPS) has awarded NC State Historic Preservation Office (SHPO) funding for historic resource protection and rehabilitation to provide recovery assistance to historic resources damaged by Hurricanes Florence and/or Michael. Mr. Howard stated NPS will make available up to \$9.25 million in grants for historic resources located in 61 eligible counties in N.C. that have been designated by FEMA for disaster assistance.

Mr. Howard stated grant funding may be utilized for the following:

- Architectural and archaeological survey and inventory of historic resources to determine eligibility, degree of damage, and provide preparedness for future disasters
- Planning activities toward future stabilization and/or repair of damaged historic properties
- Brick and mortar work to stabilize and/or repair damaged historic properties
- Execution of projects to mitigate threat of damage to eligible historic properties from future natural disasters

Mr. Howard displayed a snapshot of the architectural surveys and/or studies conducted to identify historic assets in North Carolina counties as of June 2018 and stated although Cumberland County is shown as having begun a survey, upon further digging, it was determined that the survey conducted in the 1970's was apparently never completed and the county never had a full official survey to identify its historic resources. Mr. Howard stated the survey can be used to address historic questions or used as a foundation to implement rehabilitation programs with organizations such as FEMA. Mr. Howard stated depending on what is revealed by the survey, staff may come back to the Board to discuss the potential for a historic preservation program in the county.

Mr. Howard concluded his presentation and outlined the way grant funds would be utilized if received:

Project Type

Historic Resource Survey and Inventory Project

Project Location

County-wide (excluding the City of Fayetteville, the Town of Hope Mills and Fort Bragg)

Grant Amount Requested

\$90,000 (Reimbursement); 1 to 1.5-year project

Grant Manager

Trey Smith, Planning Manager

Overall Goal

Hire Consultant to Perform Historical Resources Survey; Discuss Future Programs

4. CONSIDERATION OF AGENDA ITEMS

- A. Request to Establish a New Position in the Sheriff's Office for Gun Permits and the Associated Budget Ordinance Amendment B210113

BACKGROUND

Attached you will find a memorandum from Sheriff Ennis Wright requesting an additional Administrative Support Specialist position in the Gun Permits section. The annualized cost of this new position is \$43,367 and the cost for this fiscal year is \$36,800.

RECOMMENDATION / PROPOSED ACTION

Sheriff Wright requests the following action be placed on the September 21, 2020 Board of Commissioners' meeting:

Approve the establishment of a new position in the Gun Permits section and approve the Associated Budget Ordinance Amendment B210113.

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

MOTION: Commissioner Adams moved that the proposed action be placed on the September 21, 2020 Board of Commissioners consent agenda to approve the establishment of a new position in the Gun Permits section and the Associated Budget Ordinance Amendment B210113.

SECOND: Commissioner Lancaster

VOTE: UNANIMOUS (7-0)

B. Sheriff's Office Uniform Contract

BACKGROUND

The formal bid award for Sheriff's Office uniforms, Bid 19-20-SO, was approved by the Cumberland County Board of Commissioners on August 19, 2018. One responsive bid was received from vendor American Uniform Sales, Inc. The Sheriff's Office has completed, and County Legal has reviewed, the contract for these services.

RECOMMENDATION / PROPOSED ACTION

The Sheriff recommends that the proposed action be placed on the September 21, 2020 Board of Commissioners Consent Agenda to approve the contract for Bid Award 19-20-SO to American Uniform Sales, Inc, based on the lowest, responsive, responsible bidder standard of award.

Rick Moorefield, County Attorney, stated the reason the contract has been delayed is that it does not comply with the county's purchasing policy. Mr. Moorefield stated the contract is with the Sheriff and not Cumberland County, but still must be approved by the Board of Commissioners under state statute. Mr. Moorefield explained issues associated with the contract prepared by the Sheriff's Office and stated he has taken the substantive portions of that contract and has prepared a contract with the county together with the Sheriff. Mr. Moorefield stated he would recommend the contract he prepared because the other contract does not suffice for legal sufficiency in terms of the lack of the Board's control over it.

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Ronnie Mitchell, Sheriff's Office Legal Counsel, stated he has not seen the draft prepared by Mr. Moorefield because when they spoke, they only spoke about the draft he submitted. Mr. Mitchell stated the draft he submitted was drafted similar to the one for Southern Health Partners in order to give the Sheriff substantial authority over it. Mr. Mitchell stated candidly he thinks NCGS 143-129 actually exempts this type of contract from bidding but requires Board approval. Mr. Mitchell stated the last contract he could locate was from 1994 and since that time it has been treated as an open account without any bidding. Mr. Mitchell stated he contacted a number of agencies to include the Fayetteville Police Department and 30 to 35 Sheriff's Offices and none of them bid uniform contracts and the reason they do not is the requirement of compatibility. Mr. Mitchell stated it has been over 20 years since this issue has been addressed.

Commissioner Adams stated Mr. Mitchell should have the opportunity to see the contract prepared by Mr. Moorefield. Commissioner Adams also stated with the 90-day termination by either party, the 3 to 5-year renewal made more sense to him because it prevents the contract from having to be brought before the Board every year.

MOTION: Commissioner Adams asked to table the matter so Mr. Moorefield's contract can be sent to the Sheriff's Office for their input and so the attorney can bring a contract back to the September 21, 2020 meeting.

SECOND: Commissioner Evans

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

C. Minimum Housing Code Enforcement for the Town of Wade

BACKGROUND

The town attorney for the Town of Wade has confirmed that the Town of Wade wants to relinquish its jurisdiction to the County for the purposes of Minimum Housing enforcement. This method is now allowed by the new Chapter 160D in the General Statutes. It will require the Town to adopt a resolution relinquishing its jurisdiction to the County and requesting the County to apply its Minimum Housing Ordinance to the Town's jurisdiction. This will require the County to amend its Minimum Housing Ordinance to add the Town of Wade to the jurisdiction of the County for this purpose. This will take the Town completely out of regulating Minimum Housing and it will become a County responsibility. It is likely the Towns of Falcon, Eastover and Stedman will also want to do Minimum Housing this way.

RECOMMENDATION / PROPOSED ACTION

County attorney requests direction from the Board as to whether it wishes to offer this approach to the Town of Wade and the Towns of Falcon, Eastover and Stedman.

Ms. Cannon recognized in attendance Mayor Joe Dixon and Mayor Pro Tem Johnny Lanthorn from the Town of Wade. Mr. Moorefield stated the new Chapter 160D affects all counties and municipalities across the state and addresses four specific areas: planning, zoning, building inspections and minimum housing. Mr. Moorefield stated he spoke with the attorney for the Town of Wade and the Town of Wade is satisfied to relinquish its jurisdiction to the county as it relates to minimum housing. Mr. Moorefield states this would require a resolution by the Town of Wade and the county, and the county would need to amend its ordinance to include the Town of Wade's corporate limits. Mr. Moorefield stated he has not spoken with representatives with the Towns of Falcon, Eastover and Stedman that currently have agreements with the county for the enforcement of their minimum housing codes, but is likely they will prefer this approach as well because it basically makes minimum housing a total county function.

In response to a question posed by Commissioner Evans, Mr. Moorefield explained what minimum housing encompasses according to the statutory provisions. Commissioner Adams asked whether minimum housing could be a function under the Council of Governments. Mr. Moorefield stated the Council of Governments cannot adopt ordinances and to enforce minimum housing also requires an ordinance from the Board of Commissioners.

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In response to a question posed by Chairman Faircloth, Mayor Dixon stated over time all ordinances enforced by the town basically came from the county. Chairman Faircloth asked whether there will be any additional costs associated with the county taking over code enforcement from the smaller towns. Mr. Moorefield stated the bulk of these cases are resolved at the inspector level and when that does not happen, the attorney's office gets involved with title searches and then there is a cost for demolition which is usually around \$2,500 to \$4,000. Mr. Moorefield stated sometimes service costs can be high because on occasion minimum housing cases have to be advertised in the newspaper at a cost of \$300 to \$400. Chairman Faircloth asked whether the county would be reimbursed by municipalities when it incurs costs to enforce code. Mr. Moorefield stated with regard to the Town of Wade, it will relinquish its jurisdiction to the county, the county ordinance will be applied, and the town's code enforcement will become a total county function. Commissioner Adams stated in the case of demolition, the lien stays on the property until such time as it is sold.

Discussion followed about the length of time since minimum housing cases have come before the Board and title searches the need to be conducted for minimum housing cases to move forward.

MOTION: Commissioner Boose moved that the county accept jurisdiction relinquished by the Town of Wade for the purpose of Minimum Housing enforcement and that this proposed action be placed on the September 21, 2020 Board of Commissioners' consent agenda.

SECOND: Commissioner Lancaster

DISCUSSION: Commissioner Adams asked that this approach be offered to the Towns of Falcon, Eastover and Stedman. Commissioner Council asked the clerk to research the date the last minimum housing case was brought before the Board. Commissioner Council also asked whether making minimum housing a total county function for smaller towns will create additional expense for the county. Commissioner Adams stated cases can also be referred to Environmental Court.

AMENDED MOTION: Commissioner Boose moved that the county accept jurisdiction relinquished by the Town of Wade for the purpose of Minimum Housing enforcement, that this approach be offered to the Towns of Falcon, Eastover and Stedman, and that this proposed action be placed on the September 21, 2020 Board of Commissioners' consent agenda.

SECOND TO AMENDED MOTION: Commissioner Lancaster

VOTE ON AMENDED MOTION: UNANIMOUS (7-0)

Mr. Moorefield stated he will follow up with the Towns of Falcon, Eastover and Stedman.

D. Memorandum of Agreement with Cumberland County and the Cumberland County Board of Education for Support in Emergency Events Affecting Cumberland County, North Carolina

BACKGROUND

In the event of declared States of Emergency in Cumberland County, the Cumberland County Emergency Management Department has the need for support in various public health, shelter and transportation functions. Over the years, the Cumberland County Board of Education has provided those various types of support in the areas of shelter, care of persons displaced by the event and transportation services.

The Cumberland County Board of Education has prepared a Memorandum of Agreement to support activities in response to emergency events affecting Cumberland County. The purpose of this agreement is to combine resources with Cumberland County Emergency Management to successfully manage an emergency incident or event, and for the Cumberland County Schools to provide resources for shelter facilities, staffing and transportation services that would assist in

providing protection and care for the affected population in Cumberland County during an emergency.

The term of this agreement begins on the date that it is signed and will continue for the duration of five (5) years. The attached agreement can be renewed as many times as desired at the agreement of both parties. Both parties shall be responsible for their own costs incurred and for requesting reimbursement for those costs to the appropriate entity, which may include, but is not limited to the Federal Emergency Management Agency (FEMA).

RECOMMENDATION / PROPOSED ACTION

Staff recommends moving this request forward as a Consent Agenda item to the September 21, 2020 Board of Commissioners' Meeting for approval.

Vicki Evans, Finance Director, referenced the background information recorded above. Commissioner Boose asked who would be responsible if the power goes out in the shelter facilities. Ms. Cannon stated there will be a strategic effort to move individuals to shelters that have generators. Additional questions followed about shelter facilities.

MOTION: Commissioner Lancaster moved to forward the Memorandum of Agreement with Cumberland County and the Cumberland County Board of Education for support in emergency events affecting Cumberland County, North Carolina as a consent agenda item to the September 21, 2020 Board of Commissioners' meeting for approval.

SECOND: Commissioner Boose

VOTE: UNANIMOUS (7-0)

Commissioner Adams asked if Item 5.A. could be taken next since representatives from the county's volunteer fire departments were in attendance. Consensus followed.

5.A. Consideration of a Modified CRF Plan and Associated Budget Ordinance Amendment #B211059

BACKGROUND

Pursuant to discussion at the Board of Commissioners' regular meeting on September 8, 2020, staff will discuss funding considerations resulting from the availability of CRF funds with the Board. Staff have worked very diligently with all departments throughout the County to identify COVID-related response needs. Since the initial notification of CRF funding an internal work group has met more than 15 times during the last 4 months to try to interpret federal and state rules, identify current and future internal departmental needs, facilitate funding to municipalities and ensure accurate accounting and reporting to the North Carolina Pandemic Recovery Office.

Recorded below is a general summary of total County CRF funds, previously reported expenditures, municipal appropriations, internal requests from departments and the net funding available for other considerations.

Duane Holder, Deputy County Manager, referenced the background information recorded above and provided the inventory of already approved CARES Act funding in Cumberland County recorded below. Detailed information for the over \$71 million appropriated to public governmental agencies in Cumberland County was also provided.

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Inventory of CARES Act Funding in Cumberland County

Cumberland County Board of Education	22,223,127
Cape Fear Valley Health Systems	17,400,000
City of Fayetteville	14,154,793
Cumberland County	11,388,885
Fayetteville Technical Community College (FTCC)	6,621,798
Town of Hope Mills	50,000
Town of Spring Lake	50,000
Fayetteville - PWC	-
Total CARES Act Funding	<u>\$ 71,888,603</u>

*Inventory includes responses to inquiries made to public/governmental entities in Cumberland County as of September 9, 2020

Mr. Holder stated the summary page for revised funding considerations resulting from the availability of CRF funding recorded below includes discussion from the September 8, 2020 Board of Commissioners’ meeting. Detailed information for the \$2.6 million was also provided.

Cumberland County Funding Considerations Resulting From Availability of CRF Funding REVISED	
Total County appropriation	\$ 12,220,383
Actual County expenses previously reported	(869,898)
Municipalities' appropriation	<u>(3,055,096)</u>
Freed up capacity from CRF funds	8,295,389
Internal requests from departments	
Technology	(2,538,847)
Public Health COVID Response	(1,300,000)
Office/Workspace Modifications	(693,929)
Other Expenses	(296,835)
Protective Barriers	(32,030)
Virtual Learning Centers (Employees)	<u>(20,000)</u>
Total department requests	(4,881,641)
External community assistance	
Volunteer Fire Departments	(500,000)
Virtual Learning Centers (Community)	<u>(250,000)</u>
Total community assistance	(750,000)
Net available capacity	\$ 2,663,748

Mr. Holder noted internal requests from county departments (\$4.8 million) were separated from the external community assistance requested by Commissioners Boose, Evans and Keefe at the September 8, 2020 meeting (\$750,000). Commissioner Keefe asked to have the RFP for the virtual learning centers fast-tracked in order to meet the deadline. Mr. Holder stated if the Board agrees with the revised funding considerations and for purposes of reporting, these funds can then be freed up and not tied to the December 30, 2020 deadline.

MOTION: Commissioner Keefe moved to approve the revised funding considerations resulting from availability of CRF funding.

SECOND: Commissioner Boose

DISCUSSION: Commissioner Adams requested for the record a breakdown of funding for the volunteer fire departments as requested by Commissioners Boose and Keefe. Mr. Holder reviewed the request from Commissioner Keefe recorded below totaling \$337,000 and additional resources requested by Commissioner Boose to include 20 more defibrillators so one could be housed at each volunteer fire stations, 20 additional misters and a trainer for each volunteer fire station. Mr. Holder stated this brought the total to approximately \$492,536 but for purposes of budgeting, \$500,000 was allocated. Chairman Faircloth asked Freddy Johnson, Stoney Point

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Fire Department, Inc. Fire Chief, if this covered all the requests of the volunteer fire departments. Chief Johnson responded in the affirmative and thanked the Board of Commissioners and County Management for their support.

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

VOTE: UNANIMOUS (7-0)

E. Workforce Development Program Year 2020 Local Area Annual Plan

BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) requires each Workforce Development Board (WDB) to develop and submit, in partnership with the local chief elected official, a comprehensive four-year plan. The WIOA Program Year (PY) 2020 is to provide current information, including local policies, and be effective July 1, 2020 – June 30, 2024, with updates submitted annually during that time.

The comprehensive PY 2020 Plan includes information related to the Workforce Development Board Overview, Local Area Strategic Planning, Regional Strategic Planning, NCWorks Commission, NCWorks Career Center, Employer Services, Performance, Equal Opportunity, WIOA Title I Programs (i.e., Adult and Dislocated Worker Services and Youth Services), and Local Innovations (e.g., local best practices and strategies). The complete document and attachments are available via <http://co.cumberland.nc.us/departments/career-center-group/career-center/local-area-plan>. The Cumberland County Workforce Development Board approved the PY 2020 Cumberland County Local and Regional Workforce Development Area Plan at their May 19, 2020 meeting.

RECOMMENDATION / PROPOSED ACTION

The Workforce Development Board requests that this item be placed on the September 21, 2020 Board of Commissioners consent agenda for approval of the PY 2020 Cumberland County Local and Regional Workforce Development Area Plan from the Cumberland County Board of Commissioners. Upon approval, it is requested that the Chair of the Cumberland County Board of Commissioners sign the Signatory page and the County Manager be authorized to sign the Certification form.

F. Cumberland County NCWORKS Career Center Partner Memorandum of Understanding (MOU) and Infrastructure Funding Agreement (IFA)

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BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) Section 121(c)(1) requires each Local Workforce Development Board (WDB), with the agreement of the Chief Elected Official (CEO), to develop and enter into a Memorandum of Understanding (MOU) between the Local WDB and one-stop partners (e.g., Cumberland County NCWorks Career Center), consistent with WIOA Section 121(c)(2), concerning the operation of the one-stop delivery system in the local workforce area. Additionally, the sharing and allocation of infrastructure costs among one-stop partners is governed by WIOA Section 121(h), its implementing regulations, and the Federal Cost Principles contained in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) at 2 CFR part 200. MOU and IFA documents take effect on the first day of the program year (July 1). The MOU is valid for three program years (unless revision is required). The IFA is valid for one year; a new IFA must be prepared and submitted each program year.

RECOMMENDATION / PROPOSED ACTION

The Workforce Development Board requests that this item be placed on the September 21, 2020 Board of Commissioners consent agenda for approval of the Cumberland County NCWorks Career Center Partner MOU and IFA from the Cumberland County Board of Commissioners. Upon approval, it is requested that Chair of the Cumberland County Board of Commissioners sign MOU and IFA signatory page, the Workforce Development Board Director be authorized to sign as the designated representative of WIOA Title I: Adult, Dislocated Worker, and Youth Formula programs on the MOU and IFA, and the applicable County department heads be authorized to sign as the designated representative for their respective departments as listed within the MOU and IFA.

Tracy Jackson, Assistant County Manager, presented the background information and recommendation/proposed actions for Items 4.E and 4.F. recorded above. Mr. Jackson stated the PY2020 Local Area Annual Plan and the NCWORKS Career Center Partner Memorandum of Understanding (MOU) and Infrastructure Funding Agreement (IFA) are typically taken to the WFD Board and then submitted to the State but in order to promote better transparency, the process is being changed to bring them before the Board of Commissioners prior to submitting to the State.

Mr. Jackson stated the PY2020 Local Area Annual Plan under Item 4.E. addresses State and Federal requirements for the administration and oversight of the WIOA programs at the Career Center; the plan was due in May but was delayed while awaiting an apprenticeship nominee for the WFD Board.

Mr. Jackson stated the MOU under Item 4.F. provides the basic agreement between the partners providing workforce services at the Career Center. Mr. Jackson stated the second part are the IFAs which specifically describe how the partners will share operating costs. Mr. Jackson stated cost-sharing is defined by WIOA and consist of nonpersonal expenses related to the rental of facilities, utilities, maintenance, equipment and technology.

Mr. Jackson responded to questions that followed and stated the WFD location is currently on Ray Avenue with the State as the primary leaseholder and the county as a sublessee to the State for the small space it occupies; however, the State has signed an agreement for the facility that previously housed the Navy Federal Credit Union on McPherson Church Road. Mr. Jackson stated the county has 7 FTEs and 1 temp with WFD and there are 65 to 70 people under the one roof when the WFD location is fully occupied.

Commissioner Keefe asked if WFD could be a function under the Council of Governments. Ms. Cannon stated there was meeting earlier in the day and staff will bring to the October 8, 2020 Agenda Session a request to allow staff to begin the transfer of WFD and the Senior Employment Program. Ms. Cannon stated she specifically asked the County Attorney to put a clause in the new contract with Two Hawk that would allow the county to assign that contract.

Chairman Faircloth asked that Item 4.G. be taken along with Items 4.E. and 4.F.

G. Proposed Contracts for Two Hawk Workforce Services

BACKGROUND

Two Hawk Workforce Services begin providing services at the Cumberland County NCWorks Career Center as of July 1, 2020 under two separate temporary authorization letters attached to this memo. The letters authorize Two Hawk to provide services through October 1, 2020 so that a final contract could be fully researched, developed, and negotiated. County Management, Legal and Finance have worked closely together to bring a set of comprehensive proposed contracts to the Board of Commissioners at its September 21, 2020 regular meeting.

The new contracts will include:

- More stringent financial and budgeting reporting requirements by adding more detailed categories to the contract budget and invoicing system to include a statement of balance remaining in each category
- Authorization for the County to assign its responsibilities to a third party such as a Council of Governments

Funding from State-allocated Workforce Innovation and Opportunity Act (WIOA) funds for the Workforce Provider Services contract are proposed as follows:

- Total for Program Services: \$2.2 million, with an up to 7% profit margin, consisting of
 - \$800,000 for Adult Services
 - \$50,000 for Finish Line Grant (FLG) Services
 - \$550,000 for Dislocated Worker Services
 - \$600,000 for Out-of-School-Youth (OSY) Services
 - \$200,000 for In-School-Youth (ISY) Services

Funding from State-allocated Workforce Innovation and Opportunity Act (WIOA) funds for the One-Stop Operator/Center Manager Services contract are proposed as follows:

- \$400,000 with an up to 5% profit margin

The new contracts will supersede and replace the current Letters of Authorization for both services.

RECOMMENDATION / PROPOSED ACTION

No action is requested at this time. Staff will continue negotiations with Two Hawk Workforce Services and bring forward proposed contracts for consideration and approval at the September 21, 2020 Board of Commissioners' Meeting.

Mr. Jackson presented the background information and recommendation/proposed action recorded above. Commissioner Adams referenced the contract with Two Hawk Workforce Services and asked who determines the up to 5% and up to 7% profit margin. Mr. Jackson stated in the past there has not been a clear definition of the profit margin but there are guidelines given to workforce areas so they can turn a profit; the guidelines are probably not as objective as most would like. Mr. Jackson stated staff complete the checklist and the checklist falls into a category of either high or low. Commissioner Adams asked who developed the objective measures. Mr. Jackson stated he would define the measures as subjective based on the individual performing the evaluation.

Mr. Jackson stated the goal is for staff to continue negotiations with Two Hawk Workforce Services and bring forward proposed contracts for consideration and approval at the September 21, 2020 Board of Commissioners' meeting.

MOTION: Commissioner Council moved that:

Item 4.E. be placed on the September 21, 2020 Board of Commissioners consent agenda for approval of the PY 2020 Cumberland County Local and Regional Workforce Development Area Plan from the Cumberland County Board of Commissioners and upon approval, the Chair of the Cumberland County Board of Commissioners will sign the Signatory page and the County Manager will be authorized to sign the Certification form;

Item 4.F. be placed on the September 21, 2020 Board of Commissioners consent agenda for approval of the Cumberland County NCWorks Career Center Partner MOU and IFA from the Cumberland County Board of Commissioners and upon approval, the Chair of the Cumberland County Board of Commissioners will sign the MOU and IFA signatory page, the Workforce Development Board Director will be authorized to sign as the designated representative of WIOA Title I: Adult, Dislocated Worker, and Youth Formula programs on the MOU and IFA, and the applicable County department heads will be authorized to sign as the designated representative for their respective departments as listed within the MOU and IFA; and

Item 4.G. be taken under advisement.

SECOND: Commissioner Evans

VOTE: UNANIMOUS (7-)

H. National Flood Insurance Program (NFIP) Community Rating System (CRS) Annual Recertification Progress Report

BACKGROUND

Cumberland County participates in the National Flood Insurance Program's (NFIP) Community Rating System (CRS). The CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. The County's participation allows those that are required to have flood insurance to receive discounted insurance premium rates. Cumberland County currently has a class rating of 8 which allows property owners to receive a 10% discount off their insurance premiums for policies within the Special Flood Hazard Area (SFHA).

As part of the County's annual recertification process, the Engineering & Infrastructure Department is required to provide an update on each action item related to floodplain management outlined within the Cumberland County Multi-Jurisdictional Hazard Mitigation Plan. Another requirement involves presenting this progress report to the governing board. The progress report is being provided as an attachment to this memo.

RECOMMENDATION / PROPOSED ACTION

Staff recommends that the report be placed on the September 21, 2020 Board of Commissioners' Meeting agenda as a consent item.

Mr. Jackson referenced the background information and recommendation/proposed action recorded above. Mr. Jackson stated it is important to know that there are 26 out of 100 counties in N. C. that participate in this program and their ratings range from a 6 to a 10; Cumberland County's rating is 8 and the lower the number the better the rating with a 10% discount off insurance premiums inside the floodplain and a 5% discount off insurance premiums outside the floodplain. Mr. Jackson responded to questions about what it would take for the county to be rated a 6.

MOTION: Commissioner Adams moved that the National Flood Insurance Program (NFIP) Community Rating System (CRS) Annual Recertification Progress Report be placed on the September 21, 2020 Board of Commissioners' meeting agenda as a consent item.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

I. Water Service Utility Agreement with JFJ III Investments, LLC, for Deer Meadow Subdivision

BACKGROUND

The Public Utilities Division has received a request from JFJ III Investments LLC to connect a six-lot subdivision to the existing Southpoint water system located in the Gray's Creek Water and Sewer District. The project will consist of installation of approximately 464 feet of a 2-inch water

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>

line with six individual 1-inch domestic water services, with all costs being paid by JFJ III Investments LLC. The Utility Service Agreement is needed to set the guidelines between JFJ III Investments LLC and Gray's Creek Water and Sewer District, to ensure proper installation and connection to the system. Upon completion of construction of the water lines and written acceptance of the as-builts and certifications the said utility mains shall be the property of Gray's Creek Water and Sewer District and will be operated and maintained as part of the existing Southpoint water system.

The County Attorney has reviewed the attached Utility Service Agreement.

RECOMMENDATION / PROPOSED ACTION

The Public Utilities Division and County Management recommend that the item be placed on the September 21, 2020 Board of Commissioners agenda and the Gray's Creek Water and Sewer District Governing Board agenda as a consent item.

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

MOTION: Commissioner Council moved that Item 4.I. be placed on the September 21, 2020 Board of Commissioners' agenda and the Gray's Creek Water and Sewer District Governing Board's agenda as a consent item.

SECOND: Commissioner Keefe

VOTE: UNANIMOUS (7-0)

Commissioner Lancaster departed the meeting not having been excused.

J. Legal Issues with the Headquarters Library Parking Lot Repair

BACKGROUND

The Headquarters Library parking lot continues to deteriorate due to the failing stormwater drain. It must be fixed. The County was not able to get FEMA funds to repair the failing line because we could not establish ownership of it by any documentation and it was regarded by FEMA as part of the City's stormwater drainage system. The City has maintained its position that it is not responsible for the failing drainpipe because no record exists of the City having installed, regularly maintained, removed or replaced the stormwater pipe; nor is there any record of documentation that establishes that the City obtained or exclusively used an easement to exercise control over the pipe. No record of who installed the drainage pipe has been found.

Under North Carolina law, a city becomes responsible for a drain constructed by third persons when, and only when, the city has adopted it as part of its drainage system. Accordingly, there is no municipal responsibility for maintenance and upkeep of drains constructed by third persons for their own convenience and the better enjoyment of their property unless the drain be accepted or controlled in some legal manner by the municipality.

Although there is no record of who installed the drainpipe, this pipe and the catch basins connected to it only prevent flooding in Maiden Lane. The County engaged the engineering firm of Moorman, Kizer and Reitzel to analyze the parking lot drainage system and to particularly determine the impact of plugging the failing drainpipe. The map of the flooding that would occur with a 10-year storm if the failing drainpipe is plugged is attached as the "Street Flooding Map." Based on this analysis, it appears this system was designed and installed only to prevent the flow of water into Maiden Lane and to drain Maiden Lane. The Library Parking Lot has its own surface-water drainage system consisting of two catch basins in the back curb with each connected to short drainpipes directly to Cross Creek. The Library Parking Lot is not benefited by the separate system draining Maiden Lane. These facts do not show that a former private owner of the library parcel built this system for the convenience and better enjoyment of their property. The City's position in this matter ignores both that fact and assumes that an unknown private owner installed three catch basins in Maiden Lane without any agreement with the City.

Jeffery Brown obtained the following documents relevant to the issue of whether the City has exercised control over this drainpipe to have incorporated it into its drainage system as follows:

1. There is a June 1982 City of Fayetteville and PWC Engineering Drawing for the Maiden Lane Extension. This project was a significant widening of Maiden Lane in the area adjoining the library property. That drawing shows there were two drainpipes on the library property at that time. The one that is now failing was only connected with one 15" pipe to three catch basins in the southern side of Maiden Lane. The City completely redesigned that system by adding a catch basin in the City-owned parking lot, adding another in Maiden Lane, and removing two existing catch basins in Maiden Lane. The City further added an 18' line to the system connected to two new catch basins in Maiden Lane and one new catch basin in the City-leased parking lot. The other line on the library property was marked to be plugged by the City with the catch basins it was connected to being connected to new drain lines. It is unknown when this work was completed.
2. The County's July 1984 Site Plan and Roof Plan for the Headquarters Library shows the abandoned 18" storm drain on the western side of the property to be removed and shows the 15" storm drain to remain. It shows the 15" pipe to be connected to only three catch basins in Maiden Lane. It is unknown if the catch basins in the City's parking lots had not been installed at that time or whether they just were not shown for this site plan.
3. Jeffery Brown reports that sometime in the late 1990s, the State required all municipalities over 100,000 in population to inventory and map their storm drainage systems. He is familiar with that mapping system. He obtained the attached GIS map of the failing drainpipe from the City Engineer on September 26, 2018. The City Engineer referenced the map as the Interactive Hydrology Analysis Map that allows you to see the drainage inventory within the City limits as available.

The County certainly has the option to assume responsibility for the drainpipe, replace it and repair the parking lot at its own cost; but under these circumstances, it is the opinion of the county attorney that whether or not it can be shown who installed the failing drainpipe, the City's actions of adding additional catch basins to the line with an 18" pipe and plugging another drainpipe on the property at the time it widened Maiden Lane constituted the City's exercising control of this drainage system and adopting it into the City's stormwater drainage system for Maiden Lane. However, the ultimate determination of the City's liability for this failing drainpipe must be through litigation.

The only way the Board can obtain a resolution of this issue before paying for the project is to file suit against the City to seek abatement of the nuisance and pay for the damage caused by the City's failure to maintain the drainpipe and allowing it to continue in its present state of disrepair. With the prospect of appeals, that litigation would likely go on for more than two years.

To get started on the parking lot repairs immediately, the County can put the City on notice of the intent to plug the line and repair the parking lot with the expectation that the City will file a suit against the County; or put the City on notice of the intent to replace the line and repair the parking lot and file suit against the City for the cost of the replacement and repair.

RECOMMENDATION / PROPOSED ACTION

County attorney requests direction from the Board as to which option it prefers.

Mr. Moorefield presented the background information recorded above and displayed a street flooding map and a 2018 City of Fayetteville stormwater inventory map. Mr. Moorefield stated the City Attorney's office advised the map is not a City stormwater inventory map but rather a map of stormwater systems that are in the City. Mr. Moorefield reviewed the maps and stated the county engineer had expressed concern with the 18" pipe being connected to the 15" pipe. Mr. Moorefield stated the law in N. C. is that a city does not have any responsibility for stormwater infrastructure that it does not own, control, or maintain. Mr. Moorefield stated it is the City's position that it has no record of the City ever installing the failing drainpipe, that a former private owner of the library parcel built the system, and that the City has no responsibility for it.

Mr. Moorefield stated when the county had an engineering analysis of the hydrology conducted to show what would happen if the county plugged the line and repaired the parking lot, it showed flooding for a ten-year storm would be contained within in the curve of Maiden Lane and flooding would be 10” to 12” in the lowest area. Mr. Moorefield stated the City’s assertion is that a former private owner of the library parcel built this system for the convenience and better enjoyment of their property, but that is not what happened because the original system was designed just to drain Maiden Lane. Mr. Moorefield stated what the City has done to it since 1982 added drainage to Maiden Lane.

Mr. Moorefield stated this matter presents a legal issue because case law in N. C. is very and there is no case like this one in which a failing drainpipe is only connected with one 15” pipe to three catch basins. Mr. Moorefield stated the City of Fayetteville is not saying that they did not build the system and they are not saying that a former private property owner built the system; however, the City is saying they have no record that they built it. Mr. Moorefield stated there is no record of anyone having built it, but the City had to grant permission to whoever built it to put in three catch basins. Mr. Moorefield stated the last letter he received from the City Attorney was that the City was not admitting liability but would be willing to discuss a joint arrangement and joint payment to fix everything. Discussion followed.

In response to a question posed by Chairman Faircloth, Mr. Moorefield stated Hurricane Florence caused the joints to separate and now every time there is a substantial rain, the soil outside of the pipe is being washed away which causes the pavement to sink and cause further deterioration to the Headquarters Library parking lot. Mr. Moorefield stated it would be futile not to fix the drain because the next time there is a major rain, the same thing will happen. Commissioner Adams asked whether it would happen if the line was plugged. Mr. Moorefield stated it would not happen if the line was plugged. Mr. Moorefield stated there has been no way to resolve this matter short of the county taking some action and putting the City on notice it’s going to result in litigation. Mr. Moorefield noted that the City adopted an ordinance in June 2019 that stated any drainage infrastructure on private property is the responsibility of the private owner. Discussion continued.

MOTION: Commissioner Keefe moved to direct the County Attorney to put the City of Fayetteville on notice of the county’s intent to cap the line if the City does not respond with a joint resolution by October 15, 2020.
SECOND: Commissioner Adams
VOTE: UNANIMOUS (7-0)

Mr. Moorefield asked the Board if they would consider as an add-on to the agenda of his request to refer title work for the Inspections Department to Attorney Rebecca Person. Commissioner Adams stated the county has done a couple of things using Attorney Rebecca Person and there are other attorneys in town that can handle title work. Mr. Moorefield stated the county could certainly use different attorneys for this work and he would follow up. No action was taken.

K. Juvenile Crime Prevention Council Request to Remove One At-Large Position

BACKGROUND

The Juvenile Crime Prevention Council (JCPC) has had several meetings over the course of the year where a quorum could not be achieved. The JCPC membership is currently comprised of 24 members and a quorum requirement is 13 members in attendance, which has been difficult to attain.

The Board of Commissioners are allowed to appoint up to seven (7) At-Large positions and has the authority to modify membership as necessary.

In order to assist the JCPC in obtaining enough members to facilitate the work of the Council, the JCPC Council met on August 12, 2020 and approved removing one (1) of the vacant At-Large positions on the Council in order to assist the JCPC in obtaining quorums for their meetings. This change would bring the At- Large Commissioner Appointments to four (4) instead of seven (7) and would change the membership to 23 members, requiring only 12 council members to attain a

quorum. The JCPC will remain in compliance with NCGS 143B-846 regarding membership, a copy of which is attached for your review.

RECOMMENDATION / PROPOSED ACTION

The Juvenile Crime Prevention Council respectfully requests that this item be placed on the September 21, 2020 Board of Commissioners Consent Agenda for approval to remove one vacant At-Large position in order to assist in obtaining a quorum for the JCPC meetings.

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

MOTION: Commissioner Evans moved that Item 4.K. be placed on the September 21, 2020 Board of Commissioners' consent agenda for approval to remove one vacant At-Large position in order to assist in obtaining a quorum for the JCPC meetings.
SECOND: Commissioner Council
VOTE: UNANIMOUS (7-0)

For the record, Commissioner Adams stated he is the current Chairman of the JCPC.

5. OTHER ITEMS

A. CONSENSUS TO MOVE UP ON AGENDA (See page 9.)

Ms. Cannon stated one of the things discussed at the Tuesday, September 8, 2020 regular meeting was that the Board would suspend its rules at this Agenda Session so it could take action to approve the funding considerations resulting from the availability of CRF funding. Ms. Cannon stated that was not done when this item was moved up on the agenda and asked the Board to consider doing so at this time so Item 5.A. could be considered approved.

MOTION: Commissioner Adams moved that the Board of Commissioners' suspend its rules related to the only actions to be taken by the Board at an Agenda Session.
SECOND: Commissioner Boose
VOTE: UNANIMOUS (7-0)

B. Consideration of the Addition of One New Staff Attorney II Position and Associated Budget Ordinance Amendment #B210169

MOTION: Commissioner Council moved that Budget Ordinance Amendment #B210169 be placed on the September 21, 2020 Board of Commissioners' consent agenda for the addition of one new Staff Attorney II position.
SECOND: Commissioner Evans
VOTE: UNANIMOUS (7-0)

6. MONTHLY REPORTS

A. Community Development Block Grant - Disaster Recovery (CDBG-DR) Update

BACKGROUND

Cumberland County, in partnership with the North Carolina Office of Recovery & Resiliency (NCORR), is implementing a Community Recovery Infrastructure activity funded through the Community Development Block Grant Disaster Recovery Program. The attached report is an update on the status of the activity (Robin's Meadow Permanent Supportive Housing) undertaken by Cumberland County.

RECOMMENDATION / PROPOSED ACTION

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

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>

CUMBERLAND COUNTY DISASTER RECOVERY PROGRAMS UPDATE
FOR THE SEPTEMBER 10, 2020
BOARD OF COMMISSIONERS’ AGENDA SESSION

Status as of August 31, 2020:

Milestones/Activities:

- NCORR executed SRA with County December 17, 2019;
- Robins Meadow Permanent Supportive Housing Project/Community Recovery Infrastructure – received project specific award letter January 23, 2020;
- DRA-17 & HMGP Projects – County completed acquisition and demolition of 10 properties;
- Robins Meadow Permanent Supportive Housing Project/Community Recovery Infrastructure - A/E Services – The Wooten Company is providing construction administration services and completing the construction document phase to include submitting documents to City of Fayetteville Technical Review Committee and Engineering Review Committee for final review process; and
- A letter (dated July 28, 2020) was sent to NCORR requesting additional CDBG-DR funds in the amount of \$1,000,000 to cover construction and supportive services.

Current Staffing:

- State POC: John Ebbighausen – Director of Disaster Recovery Programs, NC Office of Recovery & Resiliency (NCORR); Mary Glasscock; Infrastructure Manager (NCORR)
- Cumberland County:
 - o Sylvia McLean, P.T. Community Development (CD) Consultant

Commissioner Adams asked whether funds had been received for Robins Meadow. Mr. Holder stated the county has not heard back from the State.

B. Preliminary FY2020 Financial Report June Year-to-Date

BACKGROUND

The financial report is included which shows preliminary results of the general fund for fiscal year 2020, June year-to-date (unaudited). Additional detail has been provided on a separate page explaining percentages that may appear inconsistent with year-to-date expectations. A chart is shown below to show comparative results of three specific revenue sources that were projected to be most impacted by COVID-19.

Category of Tax Revenue	FY20 YTD Actual	FY20 YTD Actual v. FY20 Budget			FY20 YTD Actual v. FY20 Projected*			FY20 YTD Actual v. FY19 Actual		
		FY20 Budget	\$ Variance	% Variance	FY20 Projected	\$ Variance	% Variance	FY19 Actual	\$ Variance	% Variance
Sales**	\$ 42,219,929	\$ 43,327,484	\$ (1,107,555)	-3%	\$ 41,412,491	\$ 807,438	2%	\$ 45,124,463	\$ (2,904,534)	-7%
Food & Beverage	6,745,471	6,633,529	111,942	2%	6,617,871	127,600	2%	7,218,300	(472,829)	-7%
Occupancy	1,469,474	1,500,000	(30,526)	-2%	1,493,574	(24,100)	-2%	1,772,614	(303,140)	-21%

* FY20 Projected amounts were provided during the FY21 budget discussions to better emphasize the potential COVID-19 revenue impact.

** FY20 Year-to-Date (YTD) Actual total for Sales Tax Revenue is not yet complete for the fiscal year.

This amount reflects 11 of 12 months of collections.

RECOMMENDATION / PROPOSED ACTION

No action needed. For discussion purposes only.

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County ofCumberland General Fund Revenues						
REVENUES	FY18-19 AUDITED	FY19-20 ADOPTED BUDGET	FY19-20 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF June 30, 2020	PERCENT OF BUDGET TO DATE	*
Ad Valorem Taxes						
<u>Current Year</u>	\$ 165,634,524	\$ 165,517,000	\$ 165,517,000	\$ 166,739,244	100.7%	(1)
Prior Years	1,252,112	1,186,000	1,186,000	817,963	69.0%	
Motor Vehicles	19,996,530	19,937,832	19,937,832	20,340,183	102.0%	(2)
Penalties and Interest	699,244	742,000	742,000	690,906	93.1%	
Other	1,057,248	993,000	993,000	918,128	92.5%	
Total Ad Valorem Taxes	188,639,658	188,375,832	188,375,832	189,506,425	100.6%	
Other Taxes						
Sales	45,124,463	43,327,484	43,327,484	42,219,929	97.4%	(3)
Real Estate Transfer	1,351,286	700,000	700,000	1,689,875	241.4%	
Other	990,033	929,726	929,726	909,560	97.8%	
Total Other Taxes	47,465,781	44,957,210	44,957,210	44,819,363	99.7%	
Unrestricted & Restricted Intergovernmental Revenues	59,774,565	62,157,523	65,279,765	58,351,367	89.4%	
Charges for Services	14,213,771	13,255,898	13,710,334	14,302,386	104.3%	
Other Sources (includes Transfers In)	3,880,475	2,668,738	2,810,085	3,010,284	107.1%	
Lease Land CFVMC	3,871,987	3,871,986	3,871,986	4,012,056	103.6%	
Total Other	7,752,461	6,540,724	6,682,071	7,022,340	105.1%	
Total Revenue	\$ 317,846,236	\$ 315,287,187	\$ 319,005,212	\$ 314,001,881	98.4%	
Fund Balance Appropriation		8,667,646	25,096,006	-	0.0%	
Total Funding Sources	\$ 317,846,236	\$ 323,954,833	\$ 344,101,218	\$ 314,001,881	91.3%	

County of Cumberland General Fund Expenditures						
DEPARTMENTS	FY18-19 AUDITED	FY19-20 ADOPTED BUDGET	FY19-20 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF June 30, 2020	PERCENT OF BUDGET TO DATE	**
Governing Body	\$ 610,121	\$ 662,458	\$ 662,458	\$ 612,701	92.5%	
Administration	1,448,887	1,837,782	1,837,782	1,682,344	91.5%	
<u>Public Affairs/Education</u>	455,570	847,376	863,546	661,051	76.6%	
Human Resources	893,308	1,169,176	1,169,176	1,009,127	86.3%	
Print, Mail, and Design	719,586	775,255	775,255	643,315	83.0%	
Court Facilities	121,286	203,470	211,970	114,371	54.0%	(1)
<u>Facilities Maintenance</u>	808,708	1,102,362	1,372,637	967,335	70.5%	(2)
Landscaping & Grounds	622,743	724,187	724,187	690,228	95.3%	
Carpentry	152,063	230,045	246,490	211,909	86.0%	
<u>Facilities Management</u>	1,172,046	1,435,808	1,538,244	1,259,322	81.9%	
Public Buildings Janitorial	680,038	857,847	959,319	784,441	81.8%	
<u>Central Maintenance</u>	881,695	706,587	773,015	596,321	77.1%	
Information Services	4,455,373	4,812,492	7,057,366	5,552,861	78.7%	
Board of Elections	1,618,420	2,022,011	2,022,011	1,400,350	69.3%	(3)
Finance	1,175,657	1,412,532	1,412,532	1,299,306	92.0%	
Legal	705,449	873,883	873,883	631,924	72.3%	(4)
Register of Deeds	2,095,487	2,462,240	3,137,006	2,435,629	77.6%	
Tax	5,550,502	5,913,536	5,941,085	5,625,151	94.7%	
General Government Other	3,295,143	4,126,674	4,766,478	2,976,599	62.4%	(5)
Sheriff	48,326,988	54,114,179	55,293,898	48,610,275	87.9%	
Emergency Services	3,337,827	3,806,111	4,339,202	3,655,978	84.3%	
Criminal Justice Pretrial	491,622	587,684	587,684	563,626	95.9%	
Youth Diversion	22,768	37,027	37,027	31,665	85.5%	
Animal Control	3,101,494	3,462,878	3,739,759	3,283,990	87.8%	
Public Safety Other (Medical Examiners, NC Detention Subsidy)	1,070,647	1,554,236	1,554,236	1,062,545	68.4%	(6)
Health	22,490,684	23,325,572	24,328,885	21,068,566	86.6%	
Mental Health	5,290,783	5,468,948	5,630,923	5,316,990	94.4%	
Social Services	56,140,773	62,535,270	63,596,865	56,773,325	89.3%	
Veteran Services	369,584	454,308	454,308	426,127	93.8%	
Child Support	4,805,597	5,412,018	5,412,018	4,929,306	91.1%	
Spring Lake Resource Administration	30,226	34,542	34,542	29,503	85.4%	

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County of Cumberland General Fund Expenditures					
DEPARTMENTS	FY18-19 AUDITED	FY19-20 ADOPTED BUDGET	FY19-20 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF June 30, 2020	PERCENT OF BUDGET TO DATE **
Library	10,215,040	10,739,461	10,956,696	10,168,163	92.8%
<u>Stadium Maintenance</u>	93,284	10,000	10,000	1,399	14.0% <u>(7)</u>
Culture Recreation Other (Some of the Community Funding)	260,569	260,569	260,569	260,569	100.0%
Planning	2,910,536	3,315,834	3,341,686	2,711,212	81.1%
Engineering	1,113,724	699,048	1,081,606	978,925	90.5%
<u>Cooperative Extension</u>	602,184	773,148	773,148	558,569	72.2% <u>(8)</u>
Location Services	176,925	211,911	211,911	192,232	90.7%
Soil Conservation	194,174	145,291	608,174	183,212	30.1% <u>(9)</u>
Public Utilities	83,287	88,106	88,106	85,110	96.6%
Economic Physical Development Other	20,000	20,000	20,000	20,000	100.0%
Industrial Park	9,020	1,427	3,415	2,220	65.0% <u>(10)</u>
Economic Incentive	429,724	521,677	549,457	402,406	73.2%
Water and Sewer	-	250,000	250,000	20,287	8.1% <u>(11)</u>
Education	93,502,807	94,047,126	94,047,126	93,056,498	98.9%
Other Uses:					
Transfers Out	34,241,477	19,902,741	30,545,537	30,131,528	98.6%
TOTAL	\$ 316,793,829	\$ 323,954,833	\$ 344,101,218	\$ 313,678,513	91.2%

Expenditures by Category	FY17-18 UNAUDITED	FY19-20 ADOPTED BUDGET	FY19-20 REVISED BUDGET	YTD ACTUAL (unaudited) AS OF June 30, 2020	PERCENT OF BUDGET TO DATE
<u>Personnel Expenditures</u>	\$ 128,499,408	\$ 145,632,904	\$ 146,341,793	\$ 131,852,636	90.1%
<u>Operating Expenditures</u>	151,804,878	156,762,673	164,395,705	149,932,988	91.2%
Capital Outlay	2,248,067	1,656,515	2,818,183	1,761,361	62.5%
Transfers To Other Funds	34,241,477	19,902,741	30,545,537	30,131,528	98.6%
TOTAL	\$ 316,793,829	\$ 323,954,833	\$ 344,101,218	\$ 313,678,513	91.2%

COUNTY OF CUMBERLAND
Fiscal Year 2020 - June Year-to-Date Actuals (Report Run Date: September 1, 2020)
Additional Detail
General Fund Revenues
•
(1) Current Year Ad Valorem 100.7% - The bulk of revenues are typically recorded between November - January.
(2) Motor Vehicles 102.0% - YTD Actual reflects 11 months of collections.
(3) Sales Tax 97.4% - YTD Actual reflects 11 <u>month</u> of collections.
General Fund Expenditures
••
(1) Court Facilities 54.0% - Various capital improvement and maintenance and repair costs were conservatively budgeted but not utilized during the year.
(2) Facilities Maintenance 70.5% - Various capital improvement and maintenance and repair costs were conservatively budgeted but not utilized during the year.
(3) Board of Elections 69.3% - Municipal election expenses were conservatively budgeted but not utilized during the year. Capital outlay budgeted at \$294K was not purchased during the year.
(4) Legal - 72.3% - Personnel costs are low <u>as a result of</u> multiple vacancies in the department.
(5) General Government Other 62.4% - The expenditures are in line with past fiscal year trends.
(6) Public Safety Other 68.4% - The NC Youth Detention Subsidy actual cost was significantly less <u>that</u> budgeted.
(7) Stadium Maintenance 14.0% - <u>Swampdogs</u> last submitted a telephone reimbursement request for the month of August 2019. The final cost for the year is reflected.
(8) Cooperative Extension 72.2% - Personnel costs are low caused by vacancies within the department.
(9) Soil Conservation 30.1% - Approximately \$415K in NC Disaster Recovery Act 2018 funds remain unexpended and will be carried forward.
(10) Industrial Park 65.0% - Maintenance costs were conservatively budgeted but not utilized during the year.
(11) Water and Sewer 8.1% - There was not an expenditure need until June this fiscal year.

C. Project Updates

BACKGROUND

Please find a copy of the monthly project update recorded below as provided by the Engineering and Infrastructure Department.

RECOMMENDATION / PROPOSED ACTION

No action is requested. This item is presented for your information only.

MONTHLY PROGRESS REPORT				
Project Location	Contract Amount	Project Status	Contract Start Date	Contract Duration
Department of Social Services Chiller and Cooling Tower Replacement Project	\$741,215.00	The installation of the cooling tower and chiller is complete. Punch list items complete and moving to final inspection.	4/4/2020	120 days
Judge E. Maurice Braswell Courthouse Generator	\$3,076,097.00	The contractor has completed the project. All equipment on the previous generator has been converted to the new generators. Work is being performed to provide emergency power to Rooms 564, 118 and 119, as well as the pressure booster and building controls.	10/23/2019	179 days
LEC Elevator Modernization Project	\$1,362,557.00	Elevator 2 is now <u>complete</u> and Bar Construction is now focused on completing Elevator 1 (main lobby elevator). Elevator 1 is approximately 65% complete, the motors and a new control panel have been installed. New travel ropes for the elevators have been installed. Elevator pit and cab work continues. Should be finished with the interiors of the cab in the next couple of weeks.	4/6/2020	179 days
Department of Social Services Elevator Modernization Project	\$175,590.00	The contractor has a week of HVAC work left on the roof. They have installed four 2-ton units on the roof but are currently waiting on the power and disconnects to be installed. Once the new units are operable, they will demo the roof top unit and the AHU in the penthouse. Once the AHU/RTU is removed they will install the drywall and fireproof/caulk any penetrations and repair the roofing for the RTU. The Electrical Contractor has begun running the conduits to the emergency panels to move the electrical circuits to connect emergency power.	5/20/2020	60 days
Crown Coliseum Cooling Tower Replacement	\$596,000.00	This project kicked off on 8/28/20 and is anticipated to be completed by 9/18/20.	5/18/2020	93 days
Detention Center Grinder Pump	\$232,400.00	This project is complete with the exception of finish work to the asphalt and sidewalk which were disturbed during the project.	7/15/2020	160 days
Crown Coliseum Parking Lot Improvement Project (Areas 1, 2, &3)	\$653,976.60	The next phase of work is being assessed to confirm the amount of labor and materials that will be required.	Not Started	120 days
Crown Coliseum ADA Bathroom and Ticket Booth Renovations	\$541,217.00	The PO will be obtained and a Notice to Proceed will be issued after reappropriation of funds from FY20 to FY21 (9/8/20).	Not Started	180 days

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Commissioner Keefe inquired about a briefing on the new Emergency Operations Center. Ms. Cannon stated Mr. Jackson will send an update to the Cumberland County 911 Committee on September 15, 2020 and a meeting of the committee will be called in October 2020.

D. Health Insurance Update

BACKGROUND

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

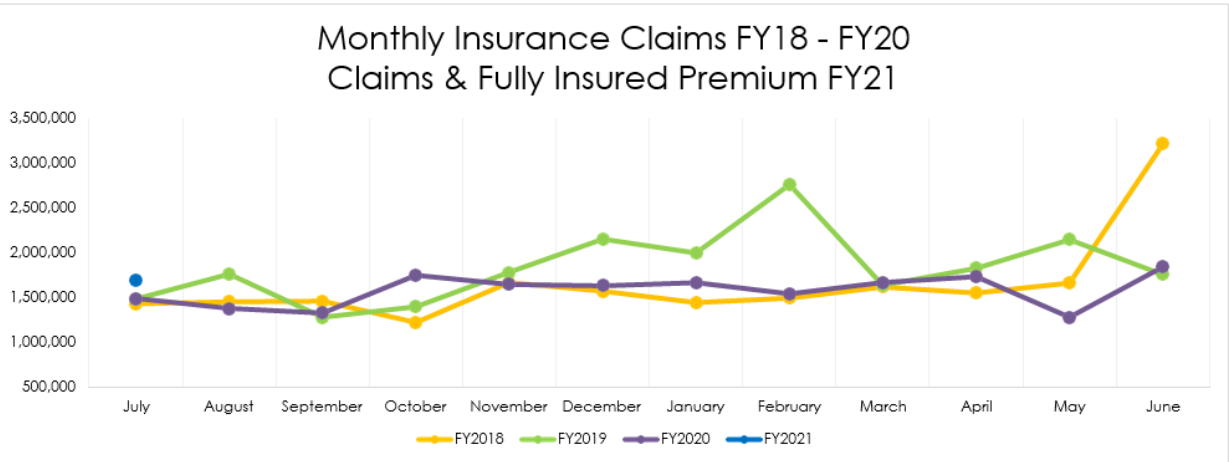
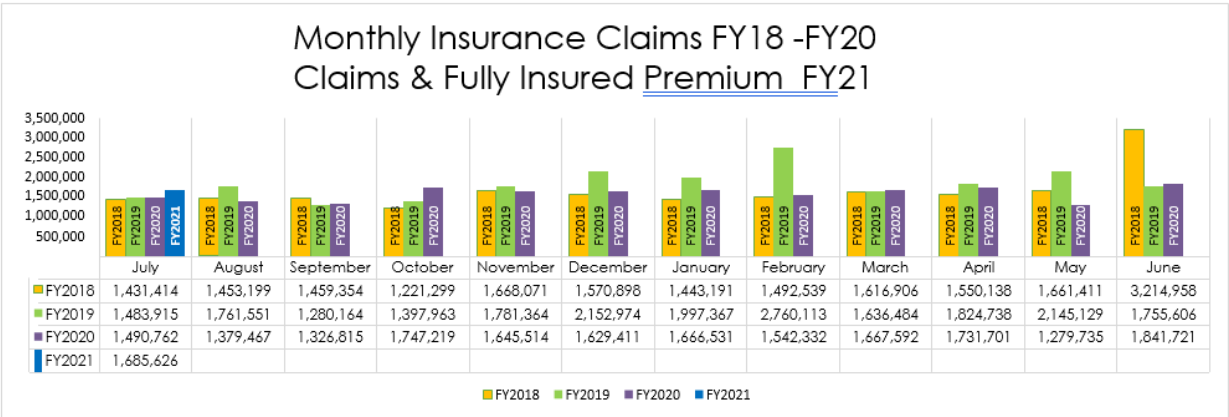
Total health insurance claims plus the fully insured premium amount for FY21 are up 13.07% for the month of July as compared to the same month in FY20. To provide some perspective, below is the one-month average for the past five fiscal years. This average represents the average monthly year-to-date claims for each fiscal year and includes the fully insured premium for FY21. Additionally, graphs are provided in the attachment to aid in the analysis.

Year to date claims and premium payment through July \$1,685,626
Less year to date stop loss credits (\$0.00)
Net year to date claims and premium payment through July \$1,685,626

Average monthly claims and fully insured premium (before stop loss) per fiscal year through July:
FY17 \$1,503,129
FY18 \$1,431,414
FY19 \$1,483,915
FY20 \$1,490,762
FY21 \$1,685,626

RECOMMENDATION / PROPOSED ACTION

For information only – no action needed.



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In response to an earlier question posed by Commissioner Council, Chairman Faircloth stated the last minimum housing case brought before the Board of Commissioners was on February 19, 2018.

7. CLOSED SESSION

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

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

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Evans moved to reconvene in open session.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

MOTION: Commissioner Evans moved to adjourn.

SECOND: Commissioner Council

VOTE: UNANIMOUS (7-0)

There being no further business, the meeting adjourned at 3:30 p.m.

Approved with/without revision:

Respectfully submitted,

Candice H. White
Clerk to the Board