

CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
AMERICAN RESCUE PLAN COMMITTEE  
COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564  
DECEMBER 21, 2021 – 1:00 PM  
SPECIAL MEETING MINUTES

PRESENT: Commissioner Jimmy Keefe, ARP Committee Chairman  
Commissioner Glenn Adams  
Commissioner Toni Stewart  
Amy Cannon, County Manager  
Tracy Jackson, Assistant County Manager  
Rick Moorefield, County Attorney  
Kevin McGuckin, Assistant County Attorney  
Vicki Evans, Finance Director  
Ivonne Mendez, Accounting Supervisor  
Tye Vaught, Management Analyst  
Dee Taylor, Community Development Director  
Jermaine Walker, County Engineer  
Richard Bryant, Assistant County Engineer  
Loren Bymer, PIO Deputy Director  
Candice H. White, Clerk to the Board

1. CALL TO ORDER

Commissioner Keefe called the meeting to order. The purpose of the meeting is to review and discuss American Rescue Plan Act projects.

2. APPROVAL OF AGENDA

MOTION: Commissioner Stewart moved to approve the agenda.  
SECOND: Commissioner Adams  
VOTE: UNANIMOUS (3-0)

3. APPROVAL OF MINUTES - October 4, 2021 Special Meeting

MOTION: Commissioner Adams moved to approve the October 4, 2021 minutes.  
SECOND: Commissioner Stewart  
VOTE: UNANIMOUS (3-0)

4. ITEMS OF BUSINESS

A. REPORT ON LEGAL REVIEWS CONDUCTED ON PROPOSED ARP PROJECTS

Amy Cannon, County Manager, stated staff attending this meeting attended the six sessions

sponsored by the School of Government and NCACC, and the training was enlightening and helpful as it relates to the ARPA. Ms. Cannon stated the training ended in October 2021 and during the month of November, the attorneys worked on the proposed projects from a legal point of view; this included vetting the projects according to U.S. Treasury Guidelines, uniform procurement guidelines and N.C. General Statutes. Ms. Cannon referenced the booklet prepared by the County Attorney's office as it pertained to the ARPA program and project review for legal sufficiency. Ms. Cannon also referenced the Table of Contents for the proposed ARP projects and noted the last page of the handout summarized the proposed projects, fund allocations, staff recommendations and subsequent revised fund allocations. (The booklet is available in the office of the Clerk to the Board.)

Ms. Cannon stated staff believe some of the projects cannot be accomplished with ARP funds, but some may be able to be funded through other avenues. Chairman Adams stated staff did an excellent job but instead of opting out, why was a way not found to fit projects such as the schools and mental health into one of the four categories. Rick Moorefield, County Attorney, stated the primary use of ARP funds is to benefit populations disproportionately affected by COVID, but the difficulty is dealing with the logistics. Commissioner Keefe asked why the county cannot be more creative. Mr. Moorefield stated the attorneys in his office tried to find a way to do all of the proposed projects.

#### Aid for Affordable Housing-\$10M

Mr. Moorefield stated primary control of this project in Shaw Heights is state and federal regulations, both of which limit the provision of affordable housing to 80% of AMI or below. Mr. Moorefield stated this cannot be a loan project because ARP funds must be expended by December 31, 2026. Mr. Moorefield stated his strong legal recommendation is for this to be a county-constructed and county-owned project with a contract for someone to manage it. Ms. Cannon advised the committee that the county owns a 3-acre lot in Shaw Heights. Mr. Moorefield stated it is zoned R6 which limits it to approximately 20 units, and the watershed protection area limits the impervious surface to 24%. Jermaine Walker, Director of Engineering and Infrastructure, displayed an aerial view of the 3-acre lot area. Mr. Moorefield stated affordable housing can be located in any census tract, but the tenants have to be 80% of AMI or below. Questions and discussion followed about the \$10M for affordable housing and the project in Shaw Heights.

#### Shaw Heights Sewer Project-\$5M

Mr. Walker reviewed a map of existing sewer and the plan for sewer extension in Shaw Heights. Ms. Cannon stated Moorman Kizer and Reitzel, Inc. have already been engaged to start looking at the area for sewer. Mr. Walker stated a design proposal has been received from MKR and staff are ready to move forward with the full design. In response to a question from Chairman Adams, Mr. Walker stated part of the planning process is to coordinate with NCDOT, PWC and the City of Fayetteville. Ms. Cannon stated the request of the committee is whether staff should proceed. In response to a question from Commissioner Keefe, Mr. Walker stated the price of construction can be adjusted based on the number of connections that would have to be created. Chairman Adams asked whether the county could pay PWC to construct the lines. Ms. Cannon stated she would have that discussion with PWC CEO Elaina Ball. Mr. Moorefield stated ARP funds can be used to make "necessary investments in water, sewer" and the description of "necessary" means aligning the eligibility of sewer project with activities allowed under the EPA's Clean Water State

Revolving Fund (CWSRF) and not just laying lines for future development. Mr. Walker stated if the NTP to start the design is issued in January 2022 and with all things going perfectly, staff estimate the sewer construction can be completed at the earliest December 2024. Ms. Cannon referenced the last page of the handout and stated the revised fund allocation that began as \$5M is now looking like a \$12M fund allocation, so the scope of the project can be changed, or additional funding can be allocated. There was consensus to approve the project concept to move things forward. Community Development Director Dee Taylor will come back with CDBG/HOME dollars that may be available to leverage the affordable housing project.

#### Backup Generator Purchase for Emergency Shelters-\$1.8

Vicki Evans, Finance Director, stated the School of Government is advising local governments not to make capital purchases before the final rules are produced because prior approval may be required for capital items. Ms. Cannon stated the SOG also advised against about making significant capital purchases that become capital improvements on sites the county does not own. Ms. Cannon stated Mr. Walker is working with a contractor on the electrical needs for the permanently installed generators, but the county will use other funds and not use ARP funds for the project until further guidance is available. Questions and discussion followed.

#### Library Mobile Technology Lab/Bookmobile-\$500,000

Kevin McGuckin, Assistant County Attorney, stated the county is legally authorized to undertake this project under state and federal law. Mr. McGuckin stated the library serves the entire county and in order to use ARP funds for this project, the county must document that it benefits persons of low to moderate income adversely affected by Covid. Mr. McGuckin stated the safe harbor is to implement the project within qualified census tracts; from a legal perspective to implement the project outside QCT will require staff to take extra steps to produce data showing the people being provided the service were negatively affected by COVID. Questions and discussion followed. Mr. Moorefield stated when a service is being provided in a qualified census tract, there is a presumption that the people being served are disproportionately impacted.

Chairman Adams stated the ARP Committee has already determined it wants these projects done, but the Committee has not heard whether they can be justified and/or how they can be accomplished. Chairman Adams stated the Committee should not have to do that part. Ms. Cannon summarized the risk involved from the financial perspective and stated it is ultimately up to the Committee. Chairman Adams stated the projects that pose a risk should be identified for the Committee as opposed to going into so much detail. Ms. Cannon stated there are projects other than the Library Mobile Technology Lab/Bookmobile that pose risks. Chairman Adams stated the projects do not necessarily have to come out of ARP funds and asked what the best way would be to handle them. Ms. Cannon stated the Library Mobile Technology Lab/Bookmobile and Backup Generator Purchase for Emergency Shelters can come out of county funds because the uniform procurement guidelines from the U.S. Treasury are onerous, but staff felt like there was a need for these two projects. Consensus followed.

Mr. Moorefield stated the County-wide Water Feasibility Study cannot use ARP funds because it does not align with the Safe Water Drinking Act (SWDA). Ms. Cannon stated the county's federal lobbyists feel the county will be in a better position when applying for grants if it has allocated some of its ARP funds for Gray's Creek. Ms. Cannon asked the Committee whether it would

consider setting aside some of the ARP funds for Gray's Creek so it can be used as leverage for grant purposes. Commissioner Keefe asked for a recommendation. Ms. Cannon stated the lobbyist indicated about 20% of the project; \$10M ARP funds and \$10M county funds. Consensus followed for \$10M for Gray's Creek. Chairman Adams asked that this be communicated with the legislative delegation to better position the county for EPA money. Ms. Cannon stated the lobbyists with Hamm Consulting Group are looking into EPA funding.

#### Aid to Nonprofit Organizations

Ms. Cannon stated this project has an RFP and an application and is ready to be issued on January 19, 2022; there is a month for proposal submission with the deadline being February 18, 2022. Questions followed. There was consensus to move forward with this project and consider a cap at a later time.

#### Small Business Economic Assistance-\$3.5M

Mr. McGuckin stated the overarching federal criteria is whether the small business has been impacted by COVID's public health side or conversely negatively impacted by COVID. Mr. McGuckin stated there is authority under N.C. law to provide assistance to small businesses but is subject to the two-part test: the activity must be reasonably connected to a legitimate aim of government and the ultimate gain must be in the public's interest, not that of the private entity, and that the activity address the needs of persons of low to moderate income. Questions and discussion followed. Mr. Moorefield stated a sole proprietor would be eligible and would be eligible in terms of maintaining their income if they were of low to moderate income. Ms. Cannon stated this program will be under Community Development, similar to the program under the CARES Act, and will be conducted in-house. Consensus followed. Chairman Adams asked that county small businesses be addressed before city small businesses since the city also received funding for small business economic assistance. Ms. Cannon stated the county has been advised by the SOG that it has to have policies in place for every one of these programs, which is why it will go out January 19, 2022.

#### First Time Home Buyers Program-\$2.5M

Ms. Cannon stated this program will be conducted in-house under Community Development. Mr. Moorefield stated under this program, the federal guidelines are more restrictive than the state guidelines, and eligibility is limited to residents of a qualified census tract with a family income 80% or less of the AMI for the county. Mr. Moorefield stated funds for an eligible applicant are limited to \$3,200 with an additional amount of \$2,500 for each dependent of the applicant living in the applicant's household; there is one unit per applicant. Ms. Cannon stated because there are so many rental dollars available, the county wants to target mortgage assistance. Discussion followed. Ms. Evans stated specifics will go into the policy. Ms. Cannon stated the application for mortgage assistance and application guidelines were sent out in advance of this meeting and the January 19, 2022 timeframe will be targeted.

#### Job Training Assistance-\$2M

Ms. Cannon stated the county will work with Fayetteville Technical Community College on this project.

Planning for Homeless Shelter-\$250,000

Ms. Cannon stated included in the packet is the request is for an Owner's Representative and the county has already been looking at available land close to the day shelter; the Owner's Representative will assist with the search. Mr. McGuckin stated this project falls within the federal and state guidelines; funds are to be used to benefit those of low or moderate income and those whose adjusted annual income is not more than 60% of AMI; however, because federal rule for moderate income is set at 80% of AMI, it would be prudent to use that as the standard since the source is federal ARP funds. Questions and discussion followed. Ms. Cannon stated if staff can target having the policy completed and reviewed by legal mid-January, then the week of January 19, 2022 can be targeted to send out the RFP.

CCSO Purchase of NARCAN to Combat Opioid Overdoses-\$140,000

Ms. Cannon stated the NARCAN project can be done but suggested the purchase of only a six-month supply because money should be forthcoming from the opioid settlement the Spring of 2022. Ms. Cannon stated she has not heard back from the hospital. Commissioner Keefe asked whether first responders would get any NARCAN. Ms. Cannon stated this request was received from the Sheriff's Office and based on a letter written by Sheriff Ennis Wright. Ms. Cannon stated she will circle back with Mike Nagowski, CEO of the hospital. Discussion followed.

B. DISCUSSION OF NEXT STEPS

Ms. Cannon stated next steps were generally discussed under the proposed ARP projects.

5. OTHER ITEMS OF BUSINESS

A. PRELIMINARY ARP STAFF NEEDS

Ms. Cannon staff needed to see what projects were viable and to be moved forward. Ms. Cannon stated at present, an additional Accountant II will need to be hired for the Finance Department to work with ARP and a Program Manager will need to be hired to manage all of the pieces. Ms. Cannon stated Management Analyst Tye Vaught will work on data analytics and performance measurement, which will include tracking to ensure the population is served. Consensus followed.

Chairman Adams stated mental health services probably need to be looked at down the line and he is hearing from service providers that people cannot be found to staff group homes. Mr. Moorefield stated mental health is listed on the non-profit list so he would expect some responses. Ms. Cannon suggested for the Committee's consideration the Community Paramedics Program with the target/goal being to address opioid overdoses and those with mental health issues who continually end up in the Emergency Department. Ms. Cannon provided additional information and stated ARP funding may possibly be allocated for this. There was consensus to bring this back to the ARP Committee.

Commissioner Keefe provided closing comments and asked whether ARP funds could be invested in broadband. Mr. Moorefield stated state law has not changed but there are counties providing direct payment subsidies to families that cannot afford broadband. Discussion followed.

6. ADJOURN

MOTION: Commissioner Adams moved to adjourn.

SECOND: Commissioner Stewart

VOTE: UNANIMOUS (3-0)

There being no further business, the meeting adjourned at 3:15 p.m.

Approved with/without revision:

Respectfully submitted,

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Candice H. White  
Clerk to the Board