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**AGENDA**  
**CUMBERLAND COUNTY BOARD OF COMMISSIONERS**  
**COURTHOUSE – ROOM 118**  
**DECEMBER 18, 2006**  
**6:45 PM**

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INVOCATION - Commissioner Breeden Blackwell

PLEDGE OF ALLEGIANCE – Noah and Eli Blashford

**PUBLIC COMMENT PERIOD (6:45 PM – 7:00 PM)**

1. Consent Agenda
  - A. Approval of minutes for the December 4, 2006 regular meeting.
  - B. Approval of Proposed Additions to the State Secondary Road System:  
  
The Woods at Birch Creek Subdivision: Bardolino Drive  
  
Worthington Subdivision: Falconbridge Road, Bramblegate Road,  
Clifton Drive, Sunpoint Drive, Colville Court
  - C. Approval of Cumberland County Finance Committee Report and Recommendation:
    - 1) ABC System Property Matter
  - D. Approval of Purchase of Used Rex Trash Compactor for Solid Waste Department.
  - E. Approval of Sole Source Purchase for Solid Waste Department.
  - F. Approval of Sale of Surplus County-Owned Real Property Acquired by Tax Foreclosure – Lots 18-19 Sapona Park Map 1, Sec B, Cedar Creek Township; PIN 0445-69-5751.
  - G. Approval of Amendment of Franchise Ordinance and Franchise Agreement for Shana B. Yi and Jae Yong Yi (Lee) to Provide Food Services at the DSS Building (2<sup>nd</sup> Reading).
  - H. Approval of a Proclamation Proclaiming February 11, 2007 as “Education Sunday” in Cumberland County.

I. Budget Revisions:

(1) Tax Administration

Revision in the amount of \$3,045 to appropriate fund balance to pay Tax Management Associated for audits. (B07-186) **Funding Source – General Fund Fund Balance**

(2) Mental Health

Revision in the amount of \$363,000 to appropriate fund balance for developmental therapy services to children. (B07-189) **Funding Source – Mental Health Fund Balance**

(3) Social Services

Revision in the amount of \$209,936 to recognize additional federal funds for the crisis intervention program. (B07-190) **Funding Source- Federal**

(4) Wade Fire District

Revision in the amount of \$13,024 to re-budget FY2006 state grant for expenditures relating to right-of-way improvements and paving of the entrance to the Wade Community Fire Department. (B07-191) **Funding Source – Grant**

(5) Sheriff

a. School Law Enforcement: Revision in the amount of \$150,000 to establish three School Resource Officer positions to serve in elementary schools per the request of the Board of Education. (B07-192) **Funding Source – Board of Education**

b. Revision in the amount of \$32,500 to budget insurance settlements and funds from the sale of old motorcycles to purchase three new motorcycles. (B07-193) **Funding Source – Sale of Fixed Assets and Insurance Settlements**

- c. Revision in the total amount of \$70,650 to purchase a latent fingerprint computer and software using \$32,436 of State grant funds and fund balance of \$38,214. (B07-197) **Funding Source – State Grant and Fund Balance Appropriated**

(6) Parks and Recreation

Revision in the amount of \$70,000 to appropriate fund balance for additional equipment needed to complete the Eastover Central Recreation Center. (B07-188) **Funding Source – Parks and Recreation Fund Balance**

(7) School Capital Fund

Revision in the net amount of \$12,736,148 to budget lottery proceeds, reallocate sales tax and appropriate fund balance to fund capital expenditures. (B07-196 through B07-196B) **Funding Source – Lottery Proceeds, Sales Tax, and Fund Balance Appropriated**

2. Public Hearings

**Uncontested Cases**

**Rezoning**

- A. Case P06-82. The rezoning 2.24 acres from A1 to R40A, or to a more restrictive zoning district, at 6554 Oak Grove Church Road, owned by James E. Griffin and Rodney E. Griffin.
- B. Case P06-84. The rezoning of 1.46 acres from RR to R10 (now R7.5), or to a more restrictive zoning district, located on the southeast side of Clinton Road, east of Bladen Circle, owned by Dennis J. and Julie A. Byrd.
- C. Case P06-85. The rezoning of 1.03 acres from R6A/CU to C(P), or to a more restrictive zoning district, at 2970 Cumberland Road, owned by Bruce D. and Rhonda H. Bright.
- D. Case P06-86. The rezoning of .47 acres from R10 (now R7.5) to C1(P), or to a more restrictive zoning district at 4721 Camden Road, owned by Kacey Shupe.

### **Contested Cases**

- E. Case P06-83. The rezoning of 3.0 acres from A1 to A1A, at 5116 Berry Tree Lane, owned by Chang Ye Thompson.
- F. Case P06-87. The rezoning of two parcels totaling 16.45 acres from A1 to R40, or to a more restrictive zoning district at 2602 and 2608 John McMillan Road owned by Robert J. Williams IV.

### **Withdrawn Case**

- G. Case P06-75. **\*\*\*This case has been withdrawn\*\*\***

### **Other Public Hearings**

- H. Public Hearing on Request to Close a Portion of Sahara Place.
- I. Minimum Housing Code Enforcement
  - 1. Case Number: MH 4474-2005  
Property Owner: Luis R. Rivera  
Property Location: 6519 Celestial Pine Drive, Hope Mills, NC  
Parcel ID Number: 0432-41-8749
  - 2. Case Number: MH 4690-2005  
Property Owner: Mary Hills Troy  
Property Location: 2024 Memory Lane, Fayetteville, NC  
Parcel ID Number: 0443-11-2170

### **Items of Business**

- 3. Consideration of Rejection of Bid Offer and Withdrawal of Marsh Street Property from the Cumberland County Surplus Property Listing.
- 4. Consideration of Proposed School Funding Agreement.
- 5. Consideration of Adoption of Board of Commissioners' 2007 Regular Meeting Dates.
- 6. Consideration of Designation of a Voting Delegate for the Legislative Goals Conference – January 11-12, 2007.
- 7. Nominations to Boards and Committees
  - A. Adult Care Home Community Advisory Committee (2 Vacancies)

- B. Air Quality Stakeholders Committee (1 Vacancy)
- C. Cumberland County Home and Community Care Block Grant Committee (6 Vacancies)
- D. Mental Health Board (2 Vacancies)
- 8. Appointments to Boards and Committees
  - A. ABC Board (2 Vacancies)
    - Nominees: Stephen Horne  
Valarie Wynne-Hall  
Landis Chavis
  - B. Nursing Home Advisory (1 Vacancy)
    - Nominee: Edgar F. Merritt
- 9. Closed Session: A. Attorney-Client Matters  
Pursuant to NCGS 143.318(a)(3).

**ADJOURN**

**THIS MEETING WILL BE BROADCAST LIVE ON TIME WARNER COMMUNITY CHANNEL 7.**

**MEETINGS: January 2, 2007 (Tuesday) – 9:00 AM  
January 16, 2007 (Tuesday) – 6:45 PM**



ITEM NO. 1B

## COUNTY of CUMBERLAND

James E. Martin  
County Manager

Cliff Spiller  
Assistant County Manager


Juanita Pilgrim  
Deputy County Manager

*Office of the County Manager*

Amy H. Cannon  
Assistant County Manager

### **MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF DECEMBER 18, 2006**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: JAMES E. MARTIN, COUNTY MANAGER** 

**DATE: DECEMBER 8, 2006**

**SUBJECT: PROPOSED ADDITIONS TO THE STATE SECONDARY ROAD SYSTEM**

### **BACKGROUND**

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

The Woods at Birch Creek Subdivision: Bardolino Drive

Worthington Subdivision: Falconbridge Road, Bramblegate Road,  
Clifton Drive, Sunpointe Drive  
Colville Court

DOT has determined that the above streets are eligible for addition to the state system.

### **RECOMMENDATION**

NCDOT recommends that the above named streets be added to the State Secondary Road System. County Management concurs.

### **PROPOSED ACTION**

Approve the above listed streets for addition to the State Secondary Road System.

/ct  
Attachments



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

December 4, 2006

Division Six - District Two  
Cumberland County

Mr. Billy R. King, Chairman  
Cumberland County Board of Commissioners  
Post Office Box 1829  
Fayetteville, North Carolina 28302

Subject: Secondary Road Addition

Dear Mr. King,

This is reference to a petition submitted to this office requesting street(s) in Cumberland County be placed on the State's Secondary Road System. Please be advised that these street(s) have been investigated and our findings are that the below listed street(s) are eligible for addition to the State System.

**The Woods at Birch Creek Subdivision**

- Bardolino Drive

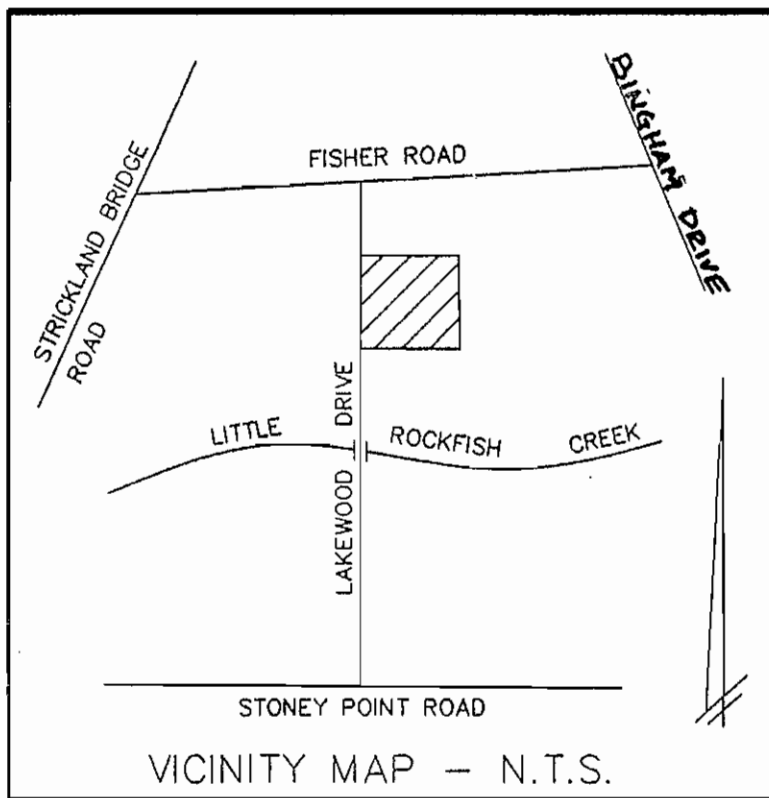
It is our recommendation that the above named street(s) be placed on the State's Secondary Road System. If you and your Board concur in our recommendation, please submit a resolution to this office.

Sincerely,

A handwritten signature in black ink that reads "R. R. Stone".

R. R. Stone, P.E.  
District Engineer

RRS:rdp



**NOTES :**

There is no USGS or NCGS monument within 2000' of site.

This subdivision falls under the jurisdiction of the Cumberland County Subdivision Regulation Ordinance and meets its guidelines.

There are no nonconforming structures created by this subdivision.

No principal structures shall encroach on any utility or drainage easement shown indicated hereon.

No access to Lakewood Drive is permitted from the rear of Lots 1-10, 119, 120, &

All distances are horizontal ground distances.

Area computed by coordinate method.

Minimum Building Setbacks : Front 30'  
Side 5' (10' if bordering a non zero lot line tract)  
Rear 15' (35' if bordering a non zero lot line tract)

In addition to the easements shown, there is a 10' easement (5' each side of all interior side lot lines) reserved for drainage and maintenance purposes.





STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY  
GOVERNOR

LYNDO TIPPETT  
SECRETARY

December 1, 2006

Division Six - District Two  
Cumberland County

Mr. Billy R. King, Chairman  
Cumberland County Board of Commissioners  
Post Office Box 1829  
Fayetteville, North Carolina 28302

Subject: Secondary Road Addition

Dear Mr. King,

This is reference to a petition submitted to this office requesting street(s) in Cumberland County be placed on the State's Secondary Road System. Please be advised that these street(s) have been investigated and our findings are that the below listed street(s) are eligible for addition to the State System.

**Worthington Subdivision**

- Falconbridge Road
- Bramblegate Road
- Clifton Drive
- Sunpointe Drive
- Colville Court

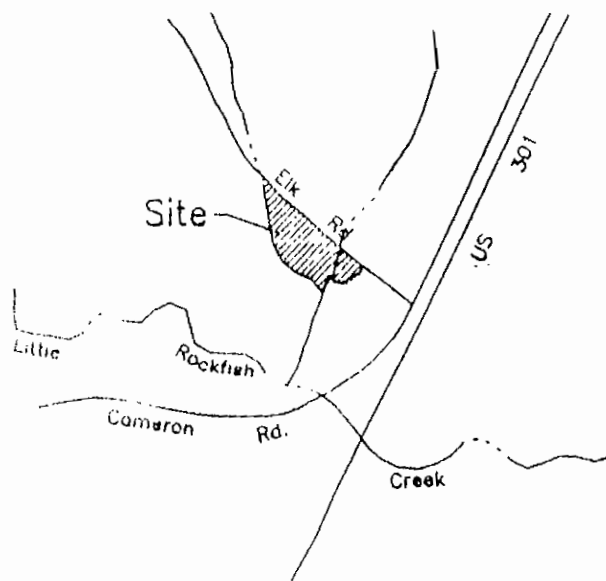
It is our recommendation that the above named street(s) be placed on the State's Secondary Road System. If you and your Board concur in our recommendation, please submit a resolution to this office.

Sincerely,

A handwritten signature in black ink that reads "R. R. Stone".

R. R. Stone, P.E.  
District Engineer

RRS:rdp



Vicinity Map  
NTS

State of North Carolina CUMBERLAND County  
 I, RONALD DAVID PLUMMER certify that this plat was drawn under  
 my supervision from an actual survey made under my supervision  
~~( deed description recorded in Book \_\_\_\_\_ Page \_\_\_\_\_, etc. )~~  
~~( other )~~; that the boundaries not surveyed are clearly indicated  
~~as drawn from information found in Book \_\_\_\_\_ Page \_\_\_\_\_~~  
 that the ratio of precision as calculated is 1: 7500; that  
 this plat was prepared in accordance with G.S. 47-30 as amended.  
 Witness my original signature, registration number and seal this  
30<sup>th</sup> day of JANUARY, A.D., 1997.

- ☒ The survey creates a subdivision of land within the  
 area of a county or municipality that has an ordinance  
 that regulates parcels of land.
- ☐ The survey is of an existing parcel or parcels of land.



ITEM NO. 1C

## COUNTY of CUMBERLAND

James E. Martin  
County Manager

Cliff Spiller  
Assistant County Manager


Juanita Pilgrim  
Deputy County Manager

*Office of the County Manager*

Amy H. Cannon  
Assistant County Manager

### MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF DECEMBER 18, 2003

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: AMY H. CANNON, ASSISTANT COUNTY MANAGER** 

**DATE: DECEMBER 13, 2006**

**SUBJECT: APPROVAL OF AUTHORIZATION TO LOAN FUNDS TO  
ABC BOARD FOR LAND PURCHASE BASED UPON TERMS WHICH ARE  
SUBSTANTIALLY THE SAME AS A PRIOR TRANSACTION**

### BACKGROUND

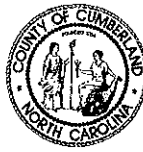
At the Finance Committee meeting on December 7, 2006, the Committee considered a request from the ABC Board for an advance of funds of approximately \$380,000 to purchase land for a new site in Hope Mills. In 2005, the Board of Commissioners approved a similar transaction, where the County advanced the ABC Board \$275,000, for the construction of the new Spring Lake store. The ABC Board agreed to repay the advance quarterly over a period of 15 years. An Interlocal Agreement with similar terms and conditions will be executed for this transaction.

### RECOMMENDATION/PROPOSED ACTION

Approve this transaction in concept and authorize the Chairman to execute the Interlocal Agreement on terms comparable to the 2005 agreement with the ABC Board.

/ct

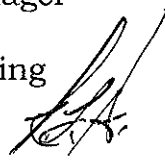
CM121306-2



ITEM NO. 10

# COUNTY of CUMBERLAND

*Office of Solid Waste Management*

**DATE:** December 11, 2006  
**TO:** James Martin, County Manager  
**THRU:** Thelma Matthews, Purchasing  
**FROM:** Robert L. Howard, Director   
**SUBJECT:** Approval To Purchase Trash Compactor

Request permission to purchase a 370 trash compactor to replace the rex that caught fire last year. Road Machinery has a used machine for \$150,000.00; the cost of a new machine is \$505,090.00 which is now called a TC400. This machine will come with new wheels and a 60-day engine and transmission warranty. The wheels alone are over \$25,000.00 and this company has sold us all of our compactors in the past. So they are a very reputable company.

Monies were not budgeted under capital for this equipment but we received an insurance settlement in the amount of \$161,495.00 for the old rex, so we would like to use this money. Budget revision is attached.

Attachment: Budget Revision

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>807-195</u>
Date Received	<u>12/11/06</u>
Date Completed	

Fund No. 625 Agency No. 460 Organ. No. 4606  
 Organization Name: Solid Waste Management - Ann St Landfill

REVENUE				
Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
7686	Insurance Settlement	0	150,000	150,000
				-
				-
				-
				-
				-
	Total	0	150,000	150,000

EXPENDITURES					
Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3610		CO Equipment	535,000	150,000	685,000
					-
					-
					-
					-
					-
					-
					-
		Total	535,000	150,000	685,000

**Justification:**

To purchase rebuilt trash compactor from insurance settlement money.

Funding Source: State: \_\_\_\_\_ Federal: \_\_\_\_\_ Fund Balance: County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_


Submitted By: <u>[Signature]</u> Department Head	Date: <u>12-11-06</u>	Approved By: _____  County Manager _____  Board of County Commissioners _____ Date: _____
Reviewed By: <u>[Signature]</u> Budget Analyst	Date: <u>12/11/06</u>	
Reviewed By: <u>[Signature]</u> Deputy Assistant County Mgr	Date: <u>12/12/06</u>	
Reviewed By: _____ Information Services	Date: _____	



ITEM NO. 1E

## COUNTY of CUMBERLAND

*Office of Solid Waste Management*

DATE: December 13, 2006  
TO: Board of Commissioners  
THRU: Cliff Spiller, Assistant County Manager   
FROM: Robert Howard, Director  
SUBJECT: Approval of Sole Source Purchase for Solid Waste Department

Cumberland County Solid Waste is requesting approval of a Sole Source purchase for a Trash Compactor for use at the Ann Street landfill.

Solid Waste is recommending purchasing a new Terex TC550 Trash Compactor from Road Machinery Services for \$595,506, with a four year extended power train factory warranty for \$19,500 and a fire suppression system for \$6,800 for a total of \$621,806. The reasons for recommending a Sole Source Purchase are:

1. The only trash compactor that has full width compaction in a single pass. This provides a greater efficiency in compacting waste.
2. Has proven to provide excellent waste density numbers. The Terex has the highest PLI (pounds per linear inch) compaction rating. This machine has 733 pounds per linear inch of compaction and the next closest machine to it is 573 pounds per linear inch. We believe that with this compaction rate this machine is in a class of its own.
3. Has an ergonomically designed seat with equal visibility in the forward and reverse travel directions. Terex is the only compactor that has this safer operating feature.

In summary, Cumberland County has a 390 Terex Compactor and a Rex 370 Compactor and if we are allowed to purchase the TC550 Trash Compactor, which is the same as the 390 Terex Compactor, we will have two 110,000 pound machines to take care of our Subtitle "D" landfill and one Rex 370 to use as a back-up. We are also hoping to replace our burnt machine with a used Rex 370 to pack our C & D waste. Our maintenance personnel have been trained and are familiar with these type machines as well as our equipment operators. We think that purchasing this particular piece of equipment will make our landfill more efficient through standardization to minimize maintenance and repair costs. A budget revision is attached.

Thank you for your consideration of this request.

Attachments





## **TEREX MODEL TC550 LANDFILL COMPACTOR**

Powered by Cummins QSK-19 Tier III diesel engine, turbo-charged and after-cooled, 525 HP (392 kW) @ 2000 RPM, 24 volt starting system, 24 volt electrical system, two (2) 8D batteries. Dry-type replaceable air cleaner with safety element, built-in pre-cleaner and dash-mounted service indicator. Fuel and oil filters and water separator. Engine high temperature, low oil pressure and loss of coolant shutdown system. Specially designed large capacity steel framed aluminum core side-by-side radiator/oil cooler with wide fin spacing, in-line tubes, sight glass for coolant level, protected by two heavy-duty swing-out, steel louvered steel grill doors that are equipped with steel guards. Machine is propelled by four (4) separate hydrostatic drive systems, one (1) independent drive system for each wheel. Each hydrostatic drive system consists of a variable displacement pump and motor with a heavy-duty planetary wheel end drive. Each planetary wheel end is equipped with a lubrication level site gauge and oil sampling ports. Hydrostatic pumps driven by a torsionally protected pump drive box with cab mounted temperature gauge. Each hydrostatic drive traction system is protected by enclosed self-diagnostic instrumentation for high temperature, low oil charge pressure and low hydrostatic oil level which activates audible and visual alarm system with automatic engine shutdown. Hydrodynamic braking for each wheel and spring applied hydraulic released parking/emergency wet brakes on rear wheels. Articulated power steering with full-hydraulic cushioned cylinders. 234 gallon (886 liter) fuel capacity. Quick opening hinged steel doors at articulation joint for easy access. Tilt-up engine hood with seals is raised and lowered hydraulically. Movable engine compartment work light with magnetic base. Complete underside of machine protected by heavy-duty steel "belly pans". Belly pans are hydraulically lowered for service and cleanout and are equipped with a "belly pan up" indicating light. Heavy-duty, 16ft. (4,877mm) wide, semi "U" type blade with see-through trash screen and reversible cutting edges, tow hooks, hydraulically controlled up, down, hold, and float control positions. Steel wheels with self-cleaning manganese alloy steel cleats designed for maximum crushing and compaction of solid waste and traction. Each wheel has two covered inspection holes. Inside of each wheel protected by cable traps and labyrinth-type, anti-wrap disc. 13ft.-8in. (4,166mm) wide compaction per pass. All wheels fender covered. Front steps with grab handles. ISO-mounted sound suppressed cab with cleanout door, heater, adjustable, suspension mounted, side facing high-back seat. Joystick controls. Gauges mounted on dashboard, windshield wiper, washer, and defroster fans both front and rear. Tinted safety glass. Eight 50 watt halogen operating lights- 4 front and 4 rear. Forward tilting cab. ROPS. Electrical system protected by master disconnect switch. External start receptacle. **STANDARD PAINT TEREX WHITE.**

### **Standard Features Include:**

- \* Air Conditioning including cab pressurizer
- \* Engine Block Heater (110 Volt)
- \* Cold Weather Starting Kit (Ether)
- \* Fire Extinguisher mounted in cab (20 lb. dry chemical)
- \* Backup Alarm (Audio)
- \* External Start Receptacle
- \* Big Dog Cleats



**TC550 TRASHMASTER****TRASHMASTER - TRASH COMPACTORS**

	<b>Code Number</b>	<b>F.O.B. MSRP PRICE</b>
<b><u>TC550 - TRASHMASTER</u></b> .....	TC550	\$ 782,630

*STANDARD FEATURES INCLUDE:*

- AIR CONDITIONING (INCLUDING CAB PRESSURIZER)
- BACKUP ALARM (AUDIO)
- COLD WEATHER STARTING KIT (ETHER)
- ENGINE BLOCK HEATER (110 Volt)
- FIRE EXTINGUISHER MOUNTED IN CAB ( 20# Dry Chemical)
- BIG DOG CLEATS



ITEM NO. 1F

## COUNTY of CUMBERLAND

*Office of the County Attorney*

December 12, 2006

**MEMORANDUM FOR BOARD OF COMMISSIONERS' DECEMBER 18, 2006 AGENDA:**

TO: BOARD OF COMMISSIONERS

FROM: GRAINGER R. BARRETT, COUNTY ATTORNEY *GRB*

SUBJECT: APPROVAL OF SALE OF SURPLUS-COUNTY OWNED REAL  
PROPERTY ACQUIRED BY TAX FORECLOSURE-LOTS 18-19 SAPONA  
PARK MAP 1 SEC B; CEDAR CREEK TOWNSHIP; PIN 0446-69-5751

**BACKGROUND:** On or about February 14, 2006, the County acquired by tax foreclosure the above property. The amount currently owed on the foreclosure judgment including interest and costs is \$5,955.72.

Cumberland Christian Center, Inc. was the last and highest bidder offering to purchase the County's interest in the property for **\$5,955.72** and has deposited \$595.58 in the Finance Office. The tax value of the property is \$3,000.00.

This property is surplus to the needs of the County and, according to N.C.G.S. 153A-176 and N.C.G.S. 105-376, the County has the authority to sell such property. Management has reviewed this offer and it is now being submitted for the Board to consider whether or not to accept Cumberland Christian Center, Inc.'s bid. The property has been advertised and this office has not received any upset bids. The bid period is now closed.

**RECOMMENDATION AND PROPOSED ACTION:** That the Board of Commissioners consider whether to accept the offer of Cumberland Christian Center, Inc., to purchase the above property for the sum of **\$5,955.72**, plus costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

GRB/cht  
Attachment



## Site Map

CEDAR CREEK TOWNSHIP

50 0 50 Feet



THE COUNTY OF CUMBERLAND AND ITS GIS DEPARTMENT DISCLAIMS ACCOUNTABILITY FOR THIS PRODUCT AND MAKES NO WARRANTY, EXPRESS OR IMPLIED CONCERNING THE ACCURACY THEREOF. RESPONSIBILITY FOR INTERPRETATION AND APPLICATION OF THIS PRODUCT LIES WITH THE USER.





ITEM NO. 16

## COUNTY of CUMBERLAND

*Office of the County Attorney*

December 12, 2006

**MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA OF DECEMBER 18, 2006:**

**TO:** BOARD OF COMMISSIONERS

**FROM:** GRAINGER R. BARRETT, COUNTY ATTORNEY *GRB*

**SUBJECT:** APPROVAL OF AMENDMENT OF FRANCHISE ORDINANCE AND FRANCHISE AGREEMENT FOR SHANA B. YI AND JAE YONG YI (LEE) TO PROVIDE FOOD SERVICES AT THE DSS BUILDING

**Background:** At its meeting of December 4, 2006, the Board of Commissioners approved first reading of a franchise ordinance and franchise agreement authorizing Shana B. Yi and Jae Yong Yi (Lee) to provide food services at the DSS Building.

**Recommendation:** Approve second reading of franchise ordinance and amended franchise agreement authorizing Shana B. Li and Jae Yong Yi (Lee) to provide food services at the DSS Building.

**AN ORDINANCE GRANTING A FRANCHISE  
AT THE DEPARTMENT OF SOCIAL SERVICES BUILDING  
LOCATED AT 1225 RAMSEY STREET**

WHEREAS, the County of Cumberland has certain property located at 1225 Ramsey Street, Fayetteville, North Carolina, known as the New DSS Building; and

WHEREAS, SHANA B. LI AND JAE YONG YI (LEE), propose to provide snacks, meals and drinks to the employees and visitors of the New DSS Building located at 1225 Ramsey Street, Fayetteville, North Carolina; and

WHEREAS, the Board of Commissioners of Cumberland County wishes to grant the right to use County property to private entities by franchise ordinance and the Board of Commissioners finds and determines that it is in the public interest to grant a franchise to SHANA B. LI AND JAE YONG YI (LEE), for the New DSS Building, 1225 Ramsey Street, Fayetteville, North Carolina;

NOW, THEREFORE, the Board of Commissioners of Cumberland County, North Carolina, hereby ordains that the following ordinance is, and it is, hereby enacted:

**Section 1.     Purpose:**

The purpose of this Ordinance is to provide for the orderly and careful use by SHANA B. LI AND JAE YONG YI (LEE), of a portion of the premises and facilities of the New DSS Building, 1225 Ramsey Street, Fayetteville, North Carolina, to provide food services, and to ensure such use contributes to the general welfare of the citizens of this County.

**Section 2.     Franchise Granted:**

The Board of Commissioners grants a franchise for the use of the building located at 1225 Ramsey Street, Fayetteville, North Carolina, to SHANA B. LI AND JAE YONG YI (LEE), for the sole purpose of providing meals, snacks and drinks for the employees and visitors at the New DSS Building. The terms and conditions of such franchise shall be set forth in a Franchise Agreement by and between said franchisee and the County of Cumberland and such terms and conditions are hereby incorporated by reference into this Ordinance.

Adopted by the Cumberland County Board of Commissioners this 4th day of December, 20006.

\_\_\_\_\_  
KENNETH S. EDGE, Chairman  
Board of County Commissioners

ATTEST:

\_\_\_\_\_  
MARSHA FOGLE  
Clerk to the Board

NORTH CAROLINA  
CUMBERLAND COUNTY

FIRST AMENDMENT TO SNACK BAR FRANCHISE AGREEMENT

THIS FIRST AMENDMENT, to be effective as of November 15, 2006, to that certain Snack Bar Franchise Agreement, dated as of September 29, 2003 (the "Agreement"), by and between SHANA B. YI and JAE YONG YI (LEE) ("Franchisee") and the COUNTY OF CUMBERLAND ("County"),

WITNESSETH:

WHEREAS, the parties entered into the Agreement for the purpose of having Franchisee provide snack bar food services at the Cumberland County Courthouse, and

WHEREAS, the parties desire to amend the Agreement to provide that Franchisee shall also provide such snack bar food services at the County's New DSS Building,

NOW, THEREFORE, the parties agree to amend the Agreement as follows:

1. The parties agree to assign that certain Snack Bar Franchise Agreement, dated as of August 5, 2002 (the "DSS Snack Bar Agreement"), by and between Robertson's Food Service and the County of Cumberland, attached hereto as Exhibit "A", to Franchisee hereunder, which DSS Snack Bar Agreement is incorporated herein by reference as if fully set forth.
2. Paragraph B of the DSS Snack Bar Agreement, as incorporated herein by reference, is amended by deleting "June 30, 2007" and inserting in lieu thereof "September 30, 2008."
3. Paragraph F of the DSS Snack Bar Agreement is amended by deleting it and substituting for it in its entirety Paragraph 5 of the Agreement.
4. Paragraph K of the DSS Snack Bar Agreement is amended by deleting the address information for Robertson's Food Service and inserting thereof "Shana B. Yi, 304 Wagoner Drive, Fayetteville, N.C. 28303 (910.487.6919)".
5. Except as expressly amended and modified above, all the remaining terms and provisions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this agreement as of the day and year first above written, by authority duly given and intending to be bound thereby.

\_\_\_\_\_  
SHANA B. YI

\_\_\_\_\_  
JAE YONG YI (LEE)

COUNTY OF CUMBERLAND

ATTEST:

BY: \_\_\_\_\_  
Marsha Fogle, Clerk

BY: \_\_\_\_\_  
KENNETH EDGE, Chairman  
Board of Commissioners

This instrument has been  
pre-audited in the manner  
required by the Local  
Government Budget and Fiscal  
Control Act.

Approved for Legal Sufficiency

\_\_\_\_\_  
Amy H. Cannon  
Assistant County Manager

\_\_\_\_\_  
County Attorney's Office

**NORTH CAROLINA**

**COUNTY OF CUMBERLAND**

**SNACK BAR FRANCHISE AGREEMENT**

THIS AGREEMENT, made and entered into this 5<sup>th</sup> day of August, 2002, by and between, Robertson's Food Service a North Carolina corporation, with its principal place of business located at 213 Oakridge Avenue, Fayetteville, NC, hereinafter referred to as "FRANCHISEE", and the COUNTY OF CUMBERLAND, a body politic and corporate of North Carolina, hereinafter referred to as "COUNTY".

**W I T N E S S E T H:**

WHEREAS, the COUNTY is desirous of granting a franchise to a food services vendor for the purpose of operating a Snack Bar to provide food services to the visitors and staff of the Cumberland County Department of Social Services located at 1225 Ramsey Street, Fayetteville, North Carolina 28301 (the "New DSS Building"); and

WHEREAS, FRANCHISEE is a food services vendor and has expressed an interest in operating a Snack Bar to provide said food services; and

WHEREAS, the Board of Commissioners of Cumberland County, North Carolina has granted the FRANCHISEE a franchise to use certain facilities located on ground level of the New DSS Building to operate a Snack Bar; which includes preparation area, dry storage, employee restrooms, and office space, as set forth in floor plan attached as Attachment I (the "premises" or the "leased premises"); and

WHEREAS, said franchise requires that the terms and conditions of such services be set forth in an agreement.

NOW, THEREFORE, for and in consideration of the promises and agreements hereafter set forth and the mutual benefits to be derived by the parties therefrom, the FRANCHISEE and the COUNTY promise and agree as follows:

- A. **PURPOSE:** The COUNTY approved FRANCHISEE'S bid for a franchise to provide food services at the New DSS building located at 1225 Ramsey Street, Fayetteville, North Carolina.
- B. **TERM:** The FRANCHISEE shall use said premises to operate a Snack Bar from August 1, 2002 through June 30, 2007, which shall, subject to the approval of the parties, renew thereafter for successive periods of five (5) years each.
- C. **AGENCY AND AUTHORITY:** The COUNTY hereby designates William F. Scarlett, Director, Cumberland County Department of Social Services, as its exclusive agent with respect to this Agreement. The Director is authorized, on behalf of the COUNTY, to negotiate directly with the FRANCHISEE on all matters pertaining to this Agreement. The FRANCHISEE agrees that all of its dealings with the COUNTY regarding this



Agreement shall be exclusively with the same Director. Further, the FRANCHISEE specifically agrees that it shall not modify any of the services subject to this Agreement except as described in the paragraph entitled MODIFICATION.

**D. SERVICES:**

1. During the term of this Agreement, COUNTY agrees that the FRANCHISEE shall be authorized to operate a Snack Bar for the purpose of providing food services at the New DSS building. The FRANCHISEE shall provide, at FRANCHISEE's own expense, all the supplies and equipment necessary to operate a Snack Bar. FRANCHISEE shall submit detailed plans to the COUNTY for approval. No external signage shall be allowed.
2. Food and drink items which are sold at the Snack Bar shall be Deli Style, palatable and of high quality. Prices charged for food and drink shall be no higher than that charged for similar merchandise in other similarly situated local places of business. Said prices are subject to reasonable, periodic adjustments by the FRANCHISEE in order to maintain reasonable profit margins in the operation of the Snack Bar and are subject to the review of the Director of the Cumberland County Department of Social Services.
3. The initial hours of operation for the FRANCHISEE to provide food services at the New DSS Building shall be weekdays from 7:30 a.m. until 5:00 p.m., except COUNTY recognized holidays. The FRANCHISEE will operate a Snack Bar during such hours to provide food services to customers. The parties shall re-evaluate initial hours of operation ninety (90) days after the opening of the Snack Bar. In any event, the hours of operation of the Snack Bar shall be subject to the reasonable approval of the Director of the Cumberland County Department of Social Services.
4. The FRANCHISEE shall make all reasonable efforts to provide high quality and enjoyable food products for consumption by customers. The FRANCHISEE shall employ adequate personnel to provide the needed food services and to render prompt, courteous service. The FRANCHISEE shall keep the kitchen facilities and equipment clean and orderly and in compliance with all ordinances, regulations, codes, and laws.
5. The COUNTY shall provide trash disposal services, convenient to the Snack Bar.
6. The FRANCHISEE shall operate the Snack Bar as an independent business enterprise, and shall hire and pay the wages and compensation of all its employees and agents including any insurance or worker's compensation that may be required. The FRANCHISEE shall be responsible for the conduct of its employees, agents or contractors.

7. The FRANCHISEE shall not use or occupy, nor permit the Snack Bar or any part thereof to be used or occupied for any unlawful business use or any purpose deemed disreputable or extra hazardous or which will constitute a public or private nuisance or which is in any way detrimental, harmful, or prejudicial to the COUNTY, or is in violation of any laws, regulations, ordinances or codes, present or future.
8. Should the COUNTY deem FRANCHISEE'S performance or its operation of the Snack Bar as unsatisfactory for any reason, COUNTY will notify the FRANCHISEE in writing, providing details of said unsatisfactory performance. FRANCHISEE shall have fifteen (15) days thereafter to eliminate any deficiencies. Failure to eliminate the deficiencies may result in termination pursuant to paragraph 12.
9. In its operation of the Snack Bar, FRANCHISEE shall maintain a Grade "A" Health Inspection Rating issued by the North Carolina Department of Health and Natural Resources, Division of Environmental Health. Failure to do so shall result in the immediate termination of this franchise agreement.
10. FRANCHISEE shall serve at the Snack Bar only those foods that have been properly inspected by U.S. Government agencies, and maintained according to Cumberland County Health Department standards.

E. **MAINTENANCE OF RECORDS:** The FRANCHISEE agrees to keep its books, documents, and records relating to the provision of food services under this Agreement for a minimum of one year after the expiration of this franchise.

F. **FEES:** During the term of this Agreement, the FRANCHISEE shall pay to the COUNTY Eight and ½ Percent (8.5%) of the net sales generated by the Snack Bar ("the Commission") with a minimum Commission of \$800.00 per month. The term "net sales" shall mean the gross receipts of the Snack Bar, to include sales on the premises and catering, less sales tax and discounts, if any. The Commission shall be paid monthly, by the 15th day of the following month (i.e.: the Commission payable for the month of January shall be paid by February 15th). FRANCHISEE shall provide proof of sales to Cumberland County in the form of a copy of its "Monthly Business Report", along with a copy of cash register tapes, invoices, or other documentation as required by the County. Payments shall be made by check payable to "Cumberland County". Monthly checks and reporting information shall be mailed to: Cumberland County; Attention Finance; P. O. Box 1829; Fayetteville, NC 28302-1829. The FRANCHISEE shall provide and maintain a cash register capable of calculating discounts, if applicable, to DSS Staff when presenting an ID card.

G. **UTILITIES:** The COUNTY shall provide, at its own expense, to the FRANCHISEE power and water utilities necessitated by the operation of the Snack Bar to include the provision of hot and cold potable water, all lighting, heating, and cooling requirements for the operation of the Snack Bar. The COUNTY shall provide electrical service for all equipment and outlets at the Snack Bar. Any natural gas service shall be provided by FRANCHISEE. The COUNTY shall provide three (3) inactive phone lines for

(telephone, fax, data) use by the FRANCHISEE. The FRANCHISEE shall be responsible for activation and payment of activated lines.

**H. PREMISES:**

1. FRANCHISEE shall make no alterations or changes in the present facility without prior approval of the COUNTY.
2. The FRANCHISEE shall maintain and leave said premises in substantially as good condition as when received by it, excepting reasonable wear and tear. Any additions, fixtures or improvements placed or made by the FRANCHISEE in or upon the premises, which are permanently affixed to the leased premises and which cannot be removed without unreasonable damage to said premises, shall become the property of the COUNTY and remain upon the premises as a part thereof upon the termination of this agreement. All other additions, fixtures or improvements to include trade fixtures, office furniture and equipment, and similar items which can be removed without irreparable damage to the premises, shall be and remain the property of the FRANCHISEE and should be removed from the premises by the FRANCHISEE within Thirty (30) days from the termination of this agreement, provided that the FRANCHISEE shall bear the expense of any repairs of the premises, other than reasonable wear and tear, caused by such removal. If FRANCHISEE does not remove such items within Thirty (30) days of termination, the COUNTY shall have the option to (1) declare such fixtures abandoned and the COUNTY becomes the owner, (2) demand that FRANCHISEE remove the same at FRANCHISEE's expense, returning the Premises to the condition required herein, or (3) remove all items and clean the area, with FRANCHISEE being responsible for reimbursing the COUNTY for any expense incurred for the removal and cleaning.
3. The FRANCHISEE shall provide all of the janitorial services necessary to properly maintain the snack bar, which includes the preparation area, dry storage, employee restrooms, and office space.

- I. **LICENSING:** The FRANCHISEE shall obtain, at its own expense, all necessary business and health inspection licenses from the State of North Carolina and the Cumberland County Board of Health and shall continuously comply with all applicable State and Federal laws and regulations and County ordinances and regulations.

J. **INSURANCE AND HOLD HARMLESS PROVISIONS:** The FRANCHISEE shall, at its sole cost and expense, secure and constantly maintain during the term of this Agreement public and product liability insurance and Workmen's Compensation insurance in the minimum amounts as follows:

1. Bodily Injury \$ 500,000.00 for each occurrence, and \$1,000,000.00 aggregate
2. Property Damage \$ 100,000.00 for each occurrence, and \$ 100,000.00 aggregate
3. Product Liability \$1,000,000.00 minimum coverage
4. Workmen's Compensation insurance covering any of the FRANCHISEE's employees engaged in any work at the Snack Bar. The coverage shall meet all statutory requirements.

The FRANCHISEE shall furnish the COUNTY a certificate of insurance evidencing the coverage set out above before FRANCHISEE begins any work under this franchise agreement. FRANCHISEE shall name the COUNTY as an additional insured. The FRANCHISEE hereby agrees to release and hold harmless the COUNTY from all liability for personal injury and property damage arising out of the provision of food services under this Franchise Agreement, except that which is due to the active fault or negligence of the COUNTY. The insurance policy shall cover any such liability asserted against the COUNTY and the aforesaid obligation of the FRANCHISEE to hold the COUNTY harmless.

FRANCHISEE shall not be liable for injury or damage to persons or property except those resulting from the acts or negligence of FRANCHISEE or its employees, agents and assigns. Neither FRANCHISEE nor the COUNTY shall be held responsible or liable for any loss or damage due to fire, flood, or by insurrection or riot, or other causes which are not due to the acts, omissions or negligency of FRANCHISEE or the COUNTY, or in any event for consequential damages.

K. **NOTICES:** Unless otherwise specified herein: Any written notice to FRANCHISEE shall be sufficient if sent by certified mail, return receipt requested or personally delivered to:

Robertson's Food Service  
Attention: Jeff Robertson  
213 Oakridge Avenue  
Fayetteville, NC 28305

or to such other address provided by FRANCHISEE to the COUNTY in writing and delivered to the COUNTY by certified mail, return receipt requested; and any notice to the COUNTY shall be sufficient if sent by certified mail, return receipt requested or personally delivered to : \_\_\_\_\_

William F. Scarlett, Director  
Cumberland County Dept. of Social Services  
P. O. Drawer 2429  
Fayetteville, N. C. 28302-2429

or to such other person at such address provided by the COUNTY to FRANCHISEE in writing and delivered to FRANCHISEE by certified mail, return receipt requested, notice being effective upon mailing.

L. **ASSIGNMENT:** The FRANCHISEE shall not assign all or part of its contract rights under this Agreement, or delegate any performance, or subcontract, without first obtaining the COUNTY'S written approval.

M. **TERMINATION:** This Agreement may be terminated immediately by the COUNTY or the COUNTY may pursue any other remedy recognized in law or equity upon the violation of any of the terms of the agreement.

Upon the entering of a judgment of bankruptcy or insolvency by or against the FRANCHISEE, the COUNTY may immediately terminate this Agreement for cause.

Either party may terminate the contract for any reason upon sixty (60) days notice in writing to the other party.

Upon termination or expiration of this Agreement, FRANCHISEE will remove all equipment, food products, etc., owned by FRANCHISEE from the Snack Bar or any other area at DSS controlled by FRANCHISEE pursuant to the terms of H.1.

**N. MISCELLANEOUS:**

1. The parties hereto, for themselves, their agents, officials, employees, and servants shall not discriminate in any manner on the basis of race, gender, color, creed, handicap, or national origin in the course of fulfilling any obligation, duty, or service under this Agreement. More specifically, FRANCHISEE shall comply with Title VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (ADA), and all requirements imposed by Federal regulations, rules, and guidelines issues pursuant to these Titles for both personnel employed and customers served.
2. This Agreement is non-exclusive. The COUNTY reserves the right to contract with one or more vendors to provide additional specific food or drink services at the new DSS Building.
3. FRANCHISEE shall pay in a timely manner all taxes associated with the operation of the Snack Bar. Failure to pay shall be grounds for termination of the agreement.

O. **MODIFICATION:** This Franchise Agreement may be modified only by an instrument duly executed by the parties or their respective successors.

IN WITNESS WHEREOF, the FRANCHISEE and the have caused their duly authorized officers to execute this instrument the day and year first above written, in triplicate originals, one copy being retained by the FRANCHISEE, one copy by the COUNTY.

ATTEST:

BY: Marsha Fogle  
MARSHA FOGLE, Clerk

COUNTY OF CUMBERLAND

BY: J. Breeden Blackwell  
J. BREEDEN BLACKWELL, Chairman  
Board of Commissioners

[COUNTY SEAL]

ATTEST:

BY: \_\_\_\_\_  
Secretary

BY: J. H. [Signature]

[CORPORATE SEAL]

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Approved for Legal Sufficiency

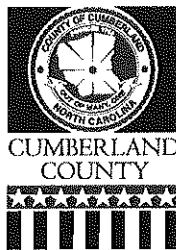
Amy H. Cannon  
Amy H. Cannon  
Assistant County Manager

[Signature]  
County Attorney's Office  
(X) Renewable  
( ) Non-renewable  
Expiration Date: 6-30-07

KENNETH S. EDGE  
Chairman

J. BREEDEN BLACKWELL  
Vice Chairman

JEANNETTE M. COUNCIL  
JOHN I. HENLEY, JR.  
BILLY R. KING  
EDWARD G. MELVIN  
DIANE WHEATLEY



MARSHA S. FOGLE  
Clerk to the Board

MARIE COLGAN  
Deputy Clerk

**BOARD OF COMMISSIONERS**

5th Floor, New Courthouse • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829  
(910) 678-7771 • Fax: (910) 678-7770

ITEM NO. 14

**December 12, 2006**

**Agenda Item for December 18 , 2006 Meeting**

**TO: Board of Commissioners**  
**FROM: Marsha Fogle**  
**RE: Adoption of a Proclamation proclaiming February 11 2007**  
**"EDUCATION SUNDAY"**

**BACKGROUND: The Fayetteville Cumberland County Ministerial Council, Inc. requests the Board to adopt a Proclamation proclaiming February 11, 2007 "Education Sunday".**

**ACTION: Adopt Proclamation**

**Attachments: Proclamation**  
**Letter from the Council**

*Celebrating Our Past... Embracing Our Future*

FALCON - FAYETTEVILLE - GODWIN - HOPE MILLS - LINDEN - SPRING LAKE - STEDMAN - WADE



COUNTY OF CUMBERLAND

NORTH CAROLINA

## PROCLAMATION

WHEREAS, the Fayetteville-Cumberland County Ministerial Council (FCCMC) is composed of local ministers who work for the betterment of the citizens in our county and surrounding areas; and

WHEREAS, a goal of the FCCMC is to promote Education Sunday on February 11, 2007; and

WHEREAS, all churches will unite in prayer for our students, educators, parents and administrators as well as for all others who work in the school system; and

WHEREAS, the FCCMC continually seeks avenues to help eliminate negatives such as gangs, drugs, and low expectation; and

WHEREAS, FCCMC celebrates and encourages the many achievements of its schools and students.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of Cumberland County proclaims February 11, 2007 "EDUCATION SUNDAY" in Cumberland County and urges all citizens to take part in recognizing this important day.

*Adopted this 18<sup>th</sup> day of December, 2006.*

---

Kenneth S. Edge, Chairman

Marshall F. YI

## FCCMC

*Fayetteville Cumberland County Ministerial Council, Incorporated*

*P.O. Box 2696, Fayetteville, NC 28302*

Dr. Allen S. McLauchlin  
President  
(910) 868-9640 Church  
(910) 818-1228 Cell



**Galatians 6:2**

Dr. Jerry Butler  
Vice President  
(910) 488-7590 Home  
(910) 308-2304 Cell

***"We are  
Better  
Together"***

September 25, 2006

B. R. King  
Cumberland County Commissioner  
P.O. Box 1829  
Fayetteville, NC 28302

Dear B. R. King,

The Fayetteville-Cumberland County Ministerial Council (FCCMC) is composed of local ministers from the region who work for the betterment of the citizens in our city, county and in the surrounding vicinities. A new goal of the FCCMC is to promote Education Sunday, February 11, 2007. We recognize the many challenges and issues facing schools; therefore, our plan is to ask all churches to be united in prayer for our students, educators, parents and administrators as well as for all others who work in the school system.

We are asking you to proclaim the 11<sup>th</sup> of February as Education Sunday in our City. Copies of the proclamation would be provided to the churches in advance so they may incorporate Education Sunday into any worship services of their choice. If each church's membership focuses on problems facing our students and educators, and resolve to do something positive about improvements, it will be a productive day.

The FCCMC is continually seeking avenues to help eliminate negatives such as gangs, drugs, and low expectations. While doing so, we nevertheless, must celebrate and encourage the many achievements and successes of our schools and students. We trust that Education Sunday will be a start.

We look forward to hearing from you and joining us in promoting Education Sunday. Should you have questions or desire additional information, please feel free to telephone me at ( 910) 818-1228.

Sincerely Yours,

*Dr. Allen S. McLauchlin*

Dr. Allen S. McLauchlin  
Fayetteville Cumberland County Ministerial Council, President  
Pastor, New Life Bible Church

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>807-186</u>
Date Received	<u>11.28.06</u>
Date Completed	

Fund No. 101 Agency No. 410 Organ. No. 4152

Organization Name: Tax Administration

ITEM NO. 1I(1)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated		<u>3,045</u>	

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3101	28	Audit	9,020	3,045.	12,065.

Total                      9,020                      3,045                      12,065

**Justification:**

Revision in the amount of \$3045.1 to pay Tax Management Assoc. for audit bills that have been paid through 11/28/06, based upon additional taxes collected and received as a result of TMA Audits, per agreement signed the 26th day of March 1997.

**Funding Source:**

State: \_\_\_\_\_ Federal: \_\_\_\_\_ County: \_\_\_\_\_ New: \$ 3,045.00 Other: \_\_\_\_\_  
Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

**Fund Balance:**

Submitted By: Caron Donaldson Date: 11.28.06  
Department Head

Reviewed By: Kelly Aultrey Date: 11.28.06  
Budget Analyst

Reviewed By: Amber Cannon Date: 12/13/06  
~~Deputy~~ Assistant County Mgr

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Information Services

**Approved By:**

County Manager

Board of County  
Commissioners

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

<b>Budget Office Use</b>	
Budget Revision No.	<u>307.189</u>
Date Received	<u>12.7.06</u>
Date Completed	

Fund No. 112 Agency No. 43C Organ. No. 4343  
 Organization Name: MH - Developmental Disabilities Contracts

ITEM NO. 1I(2)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	7,175	363,000	370,175
Total		7,175	363,000	370,175

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3391	573	Other Services	358,406	363,000	721,406
Total			358,406	363,000	721,406

**Justification:**

Use fund balance for Developmental Therapy services to children. The state funds allocated were not adequate. Additional state funds have been requested.

Funding Source: State: \_\_\_\_\_ Federal: \_\_\_\_\_ Fund Balance: \_\_\_\_\_ County: \_\_\_\_\_ New: \_\_\_\_\_ X  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_ Other: \_\_\_\_\_

Submitted By: Donald K. Homan Date: 12-6-06  
 Department Head  
 Reviewed By: Kelly Catrup Date: 12/8/06  
 Budget Analyst  
 Reviewed By: Ameyd Cannon Date: 12/12/06  
 Deputy/Assistant County Mgr  
 Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Information Services

<b>Approved By:</b>	
_____	Date: _____
County Manager	
_____	Date: _____
Board of County Commissioners	
_____	Date: _____

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>807-190</u>
Date Received	<u>12/7/06</u>
Date Completed	

Fund No. 101 Agency No. 437 Organ. No. 4365  
 Organization Name: SOCIAL SERVICES

ITEM NO. 1I(3)

REVENUE				
		Pg 1 of 2		
Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4355	NC CRISIS INTERVENTION	216,941	209,936	426,877
Total		216,941	209,936	426,877

EXPENDITURES				
Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)
4389	262	CRISIS INTERVENTION	216,941	209,936
Total			216,941	209,936

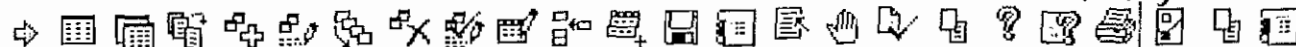
To recognize additional funding.

Funding Source: State: \_\_\_\_\_ Federal: 209,936 County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

Submitted By: [Signature] Date: 11-30-06  
 Department Head  
 Reviewed By: [Signature] Date: 12/6/06  
 Budget Analyst  
 Reviewed By: [Signature] Date: 12/12/06  
 Deputy Assistant County Mgr  
 Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Information Services

Approved By:	
_____	Date: _____
County Manager	
_____	Date: _____
Board of County Commissioners	
_____	Date: _____

File Edit Display Window Help



Budget Fiscal Year 07 Fund 101 Agency 437 Organization 4365

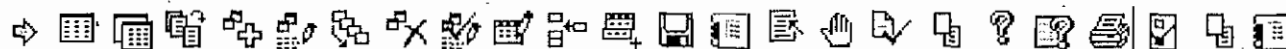
Activity

☐ Display Totals

Totals		
Current	Recognized	Unrecognized

	Rev Srce	Description	Current	Recognized	Unrecognized
1	435E	NC TANF INCT	19,000.00	0.00	19,000.00
2	435H	NC AFDC INCT	3,300.00	0.00	3,300.00
3	4352	NC ADULT D/C	117,605.00	0.00	117,605.00
4	4353	NC LINKS	123,925.00	0.00	123,925.00
5	4355	NC CRIS INTR	216,941.00	0.00	216,941.00
6	4356	NC PER C/SVC	45,000.00	0.00	45,000.00
7	4362	NC CHORE IN	225,008.00	38,405.30	186,602.70
8	4379	NC MISC	458,655.00	176.25	458,478.75
9	6505	CFVH ELGI SP	67,000.00	9,832.42	57,167.58
10	6506	HSRH CASEWKR	0.00	0.00	0.00
11	6511	ENROLL FEES	62,200.00	18,900.00	43,300.00

File Edit Display Window Help



Expense Budget Summary Inquiry

Budget Fiscal Year 07 Fund 101 Agency 437 Organization 4365

Activity Function

☐ Display Totals

Totals		
Current	Encumbered	
Expended	Available	

	Object	Description	Current	Encumbered	Expended	Available
1	4359	WORK1ST WTW	0.00	0.00	0.00	1
2	4360	PERM PLANNIG	45,000.00	0.00	14,174.92	30,82
3	4362	S START DAY	0.00	0.00	0.00	1
4	4370	TRANS CLIENT	0.00	0.00	0.00	1
5	4989	CRIS INTR	216,941.00	0.00	142,878.12	74,06

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B06-191
Date Received	12/8/2006
Date Completed	

Fund No. 498 Agency No. 429 Organ. No. 4294  
 Organization Name: Wade Fire District

ITEM NO. 1I(4)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4508	DOT Public Access Grant	0	13,024	13,024

Total 0 13,024 13,024

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
4508	854	DOT Public Access Grant	0	13,024	13,024

0 13,024 13,024

**Justification:**

Revision to re-budget FY2006 state grant for expenditures relating to right-of-way improvements and paving of the entrance to the Wade Community Fire Department.

**Funding Source:**

State: \_\_\_\_\_ Federal: \_\_\_\_\_ County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

**Fund Balance:**

Submitted By: \_\_\_\_\_

Date: \_\_\_\_\_

Reviewed By: Edward J. Bono

Date: 12/8/06

Reviewed By: Amy D. Caution

Date: 12/12/06

Reviewed By: \_\_\_\_\_

Date: \_\_\_\_\_

Information Services

**Approved By:**

County Manager

Board of County Commissioners

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B67-192</u>
Date Received	<u>12/17/06</u>
Date Completed	

Fund No. 101 Agency No. 422 Organ. No. 422F  
 Organization Name: School Law Enforcement

ITEM NO. 1 I (5) a

pg 1 of 2

REVENUE				
Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
6423	Security--Board of Education	1,076,018	150,000	1,226,018
	Total	1,076,018	150,000	1,226,018

EXPENDITURES					
Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1210	106	Salary Regular	1,333,570	45,474	1,379,044
1810	106	Social Security	136,403	3,480	139,883
1820	106	Retirement	64,355	2,175	66,530
1824	106	401-K County 1%	13,452	456	13,908
1826	106	401-K Law Enf	64,627	2,274	66,901
1830	106	Medical Insur	162,015	5,874	167,889
1860	106	Worker's Comp	52,637	1,383	54,020
2120	107	Uniforms	23,055	3,897	26,952
2994	107	Misc Furn & Equip	650	14,928	15,578
3603	108	Cap Outlay--Veh	0	68,709	68,709
3610	108	Cap Outlay--Equip	0	1,350	1,350
Total			1,850,764	150,000	2,000,764

**Justification:**

Establish 3 School Resource Officer positions to serve in various elementary schools, as requested by the Board of Education. Recognize Revenue increase and establish related Expense budget.

**Funding Source:**

State: \_\_\_\_\_  
 Other: 150,000

**Fund Balance:**

Federal: \_\_\_\_\_ County: \_\_\_\_\_ New: \_\_\_\_\_  
 Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

Other: \_\_\_\_\_

Submitted By: Earl R. Butler Date: 12-6-06  
 Department Head

Reviewed By: Howard R. Rine Date: 12/8/06  
 Budget Analyst

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Deputy/Assistant County Mgr

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Information Services

Approved By:	
_____	Date: _____
County Manager	
Board of County Commissioners	
_____	Date: _____



<u>Position #</u>	<u>Title &amp; Grade</u>	<u>Current Budget</u>	<u>Increase (decrease)</u>	<u>Revised Budget</u>
CSONEW1	Deputy II - L102	-0-	\$15,158	\$15,158
CSONEW2	Deputy II - L102	-0-	15,158	15,158
CSONEW3	Deputy II - L102	-0-	15,158	15,158
				<u>\$ 45,474</u>

*James E. Jansa*  
12/13/06

Budget Office Use	
Budget Revision No.	B07493
Date Received	
Date Completed	

ITEM NO. 1I (S)b

EXPENDITURES					
Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3603	101	Capital Outlay--Vehicles	1,007,902	32,500	1,040,402
					-
					-
					-
					-
					-
					-
					-
		Total	1,007,902	32,500	1,040,402

State: \_\_\_\_\_ Federal: \_\_\_\_\_ County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
Other: 32,500 Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

<p align="center"><b>Approved By:</b></p>	
<p>_____</p> <p align="center"><b>County Manager</b></p>	<p><b>Date:</b> _____</p>
<p><b>Board of County Commissioners</b></p>	<p><b>Date:</b> _____</p>

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B07-197
Date Received	12/12/2006
Date Completed	

Fund No. 101 Agency No. 422 Organ. No. 4200

Organization Name: Sheriff

ITEM NO. 1I(5)C

**REVENUE**

*pg 1 of 5*

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated		38,214	
	State Grant		32,436	

Total

70,650

-

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3610	101	Capital Outlay	30,322	70,650	100,972
			30,322	70,650	100,972

**Justification:**

Revision to purchase latent fingerprint examination computer and software using \$32,436 of State grant funds and fund balance of \$38,214.

**Funding Source:**

State: \_\_\_\_\_  
Other: \_\_\_\_\_

Federal: \_\_\_\_\_  
Fees: \_\_\_\_\_

**Fund Balance:**

County: \_\_\_\_\_ New: \_\_\_\_\_  
Prior Year: \_\_\_\_\_

Other: \_\_\_\_\_

Submitted By: \_\_\_\_\_

Date: \_\_\_\_\_

Department Head

Reviewed By: Howard A. Orr

Date: 12/12/06

Budget Analyst

Reviewed By: Amy D. Cannon

Date: 12/12/06

Deputy/Assistant County Mgr

Reviewed By: \_\_\_\_\_

Date: \_\_\_\_\_

Information Services

**Approved By:**

County Manager

Board of County  
Commissioners

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**STATE OF NORTH CAROLINA  
COUNTY OF WAKE**

**SAFIS LOCAL EQUIPMENT GRANT - COOPERATIVE AGREEMENT**

THIS COOPERATIVE AGREEMENT made and entered into, by and between the North Carolina Department of Justice (hereinafter referred to as Department ) and the Cumberland County Sheriff's Office (hereinafter referred to as Local Agency),

WITNESSETH:

THAT, WHEREAS, the Department is required by NCGS 114-19 to operate and manage the statewide automated fingerprint identification system (SAFIS), and

WHEREAS, the Department has been appropriated state funds by the North Carolina General Assembly to replace state and local SAFIS equipment and related software, and

WHEREAS, the Local Agency currently maintains and operates local SAFIS equipment that interacts with central SAFIS core equipment in order to fulfill local law enforcement and employment screening responsibilities, and

WHEREAS, above noted local equipment has exceeded its useful life and must be compatible with centralized core equipment operated by the Department, and

NOW, THEREFORE, in consideration of the above understanding, the Department and Local Agency agree to the following:

A. DEPARTMENT PROVISIONS: The Department shall agree to the following:

1. Equipment Purchase – The Department agrees to procure and purchase all equipment hardware and software described in Attachment A. With state funds appropriated by the 2006 General Assembly, the Department agrees to incur full costs for the purchase and installation of hardware and software described in Attachment A. Total costs the Department agrees to incur shall not exceed \$32,436. The local agency agrees to pay for all recurring operational charges described under LOCAL AGENCY PROVISIONS found below.

2. Installation & Technical Assistance – The Department agrees to provide, at no charge, installation services related to the equipment described in Attachment A. The Department further agrees to provide technical assistance to the Local Agency which can be accessed by calling 919-662-4509 x6403. This technical assistance includes normal SAFIS system operating assistance and does not expand any warranties or performance guarantees of above noted equipment.

3. Assignment – The Department is authorized to contract with Motorola Incorporated, who may act on behalf of the Department to provide the hardware, software, installation and related services described in Attachment A. This Agreement or any interest therein shall not be assigned or transferred by the Department to any other contract vendor without written approval of the Local Agency.

4. Funds Availability – This cooperative agreement and associated provisions are dependent upon and subject to the allocation of funds for the purpose set forth and the agreement will automatically terminate if funds cease to be available.

B. LOCAL AGENCY PROVISIONS: The Local Agency shall agree to the following provisions:

1. Retain Complete Equipment and Software Title & Ownership – Upon successful delivery and installation by the Department, or the Department's authorized contractors, upon Local Agency premises, the Local Agency shall agree to accept equipment and associated software title and related ownership responsibilities. A complete list of Local Agency Equipment and Software services are described in Attachment A.

2. Annual SAFIS Equipment and Software Maintenance Charges – The Local Agency agrees to pay for all SAFIS equipment and software maintenance charges described in Attachment A, which become effective after the termination of the first year warranty period.

3. Annual SAFIS Equipment and Software Operating Costs – The Local Agency agrees to pay for all associated staffing, telecommunication, office or computer room physical space and related operating costs.

4. Equipment & Software Warranty – The Local Agency understands that there is no provision of any warranty or equipment or software performance rights other than those described in the above noted Department provisions. As an independent Local Agency, Local Agency will hold the Department harmless for any liability and personal injury that may occur, and shall be wholly responsible for the daily operation of the local SAFIS equipment provided and described in Attachment A.

5. Authorized Local Agency Official – The Local Agency understands that only a duly authorized official, with authority to commit the agency to financial obligations described in this agreement will sign and execute the agreement on behalf of the Local Agency.

C. AGREEMENT CONTACTS: Agreement Administrators shall be the following positions:

1. Department Agreement Administrator – The SAFIS Assistant Special Agent in

Charge of the Criminal Information and Identification Section of the State Bureau of Investigation, whose telephone number is (919) 662-4509 x6403, is hereby designated as the Department Contract Administrator for this Agreement. The Department Contract Administrator is responsible for monitoring Contractor's performance, approving payment to Contractor, and for evaluating the performance of Contractor.

2. Local Agency Representative – The Supervisor of Forensic Services, whose telephone number is (910) 677-5407, is hereby designated as the key contact and Local Agency Representative for the Cumberland County Sheriff's Office.

- D. THIS COOPERATIVE AGREEMENT may be amended at any time with the consent of both parties and shall have full force and effect for a period of one year after the signature on this agreement.
- E. THIS COOPERATIVE AGREEMENT is executed in duplicate originals, one to be retained by each party.
- F. THIS COOPERATIVE AGREEMENT may be terminated by either party upon one hundred eighty (180) days written notice.
- G. IN WITNESS WHEREOF, this Cooperative Agreement has been executed by Nels Roseland, Deputy Chief of Staff, for the Department of Justice and the following Local Agency Authorized Official on behalf of the Local Agency.

NORTH CAROLINA DEPARTMENT OF JUSTICE

By: Nels C Roseland

DATE: 10/17/06

Nels Roseland  
Deputy Chief of Staff

CUMBERLAND COUNTY SHERIFF'S OFFICE

By: \_\_\_\_\_  
Authorized Local Agency Official

DATE: \_\_\_\_\_

James E. Martin, County Manager

**ATTACHMENT A:**  
**DESCRIPTION OF LOCAL SAFIS EQUIPMENT PROVIDED TO:**  
**Cumberland County Sheriff's Office**

Description	Unit Cost	Number of Units	Total Cost	Annual Maintenance Charge*
<b>Latent Station</b> – Motorola Printrak BIS Latent Station Lite/0233-00121 hardware. Includes: Leadtools Imaging Suite V.13, Symantec Ghost V 7.5, Aware Accuscan, Aware WSQ 1000, Motorola Printrak BIS Latent Lite Software and associated installation, integration, project management, training and documentation and out of pocket services.	\$32,436	1	\$32,436	First Year Included in Warranty, Year 2 charge is estimated to be \$3,358 per unit subject to a potential 3.3% annual increase thereafter.
<b>TOTAL VALUE</b>			<b>\$32,436</b>	

**\* NOTE:** Annual maintenance charges and associated payment terms are the responsibility of the local agency and Motorola.

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

<b>Budget Office Use</b>	
Budget Revision No.	B07-188
Date Received	12/7/2006
Date Completed	

Fund No. 420 Agency No. 442 Organ. No. 4441  
 Organization Name: Parks and Recreation

ITEM NO. 1 I (6)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	2,009,810	70,000	2,079,810
		2,009,810	70,000	2,079,810

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
299A	766	Computer Hardware	0	16,000	16,000
2994	766	Miscellaneous Furniture and Equipment	0	29,000	29,000
3603	767	Capital Outlay Vehicles	0	15,000	15,000
3650	767	Capital Outlay Other Improvements	985,743	10,000	995,743
Total			985,743	70,000	1,055,743

**Justification:**

Revision in the amount of \$70,000 to appropriate fund balance to complete the Eastover Central Recreation Center.

**Funding Source:**

State: \_\_\_\_\_ Federal: \_\_\_\_\_ County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

Submitted By: \_\_\_\_\_

Date: \_\_\_\_\_

Department Head

Reviewed By: Kelly Anthony

Date: 12/11/06

Budget Analyst

Reviewed By: Amber Cannon

Date: 12/12/06

Deputy Assistant County Mgr

Reviewed By: \_\_\_\_\_

Date: \_\_\_\_\_

Information Services

**Approved By:**

County Manager

Board of County  
Commissioners

Date: \_\_\_\_\_

Date: \_\_\_\_\_



**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B07-196
Date Received	12/12/2006
Date Completed	

Fund No. 106 Agency No. 470 Organ. No. 4704  
 Organization Name: School C.O. Category I - Buildings

ITEM NO. 1 I (7)

**REVENUE**

*Pg 1 of 3*

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	1,650,000	3,657,000	5,307,000
NEW	Education Lottery Proceeds	0	4,735,148	4,735,148
2512	Article 40 (1/2) Sales Tax	0	3,000,000	3,000,000
Total		1,650,000	11,392,148	13,042,148

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3836	458	School Capital Outlay - Category I	3,579,192	11,392,148	14,971,340
Total			3,579,192	11,392,148	14,971,340

**Justification:**

Revision in the amount of \$11,392,148 to fund additional Capital Outlay Category I expenditures.

Funding Source: State: \_\_\_\_\_ Federal: \_\_\_\_\_ County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

Submitted By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Department Head  
 Reviewed By: Bob Tucker Date: 12/13/06  
 Budget Analyst  
 Reviewed By: Amber Cannon Date: 12/13/06  
 Deputy Assistant County Mgr  
 Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Information Services

Approved By:	
County Manager	Date: _____
Board of County Commissioners	Date: _____

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

**Budget Office Use**

Budget Revision No.	B07-196A
Date Received	12/12/2006
Date Completed	

Fund No. 106 Agency No. 470 Organ. No. 4706

Organization Name: School C.O. Category II - Equipment

**REVENUE**

*pg 2 of 3*

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
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9901	Fund Balance Appropriated	0	1,344,000	1,344,000
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Total		0	1,344,000	1,344,000
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**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
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3837	460	School Capital Outlay - Category II	2,815,000	1,344,000	4,159,000
------	-----	-------------------------------------	-----------	-----------	-----------

Total		2,815,000	1,344,000	4,159,000
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**Justification:**

Revision in the amount of \$1,344,000 to fund additional Capital Outlay Category II expenditures.

**Funding Source:**

State: \_\_\_\_\_ Federal: \_\_\_\_\_ County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

**Fund Balance:**

Submitted By: \_\_\_\_\_ Date: \_\_\_\_\_

Department Head

Reviewed By: Bob Tarcher Date: 12/13/06

Budget Analyst

Reviewed By: Amy N. Cannon Date: 12/13/06

Deputy Assistant County Mgr

Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_

Information Services

**Approved By:**

County Manager

Board of County  
Commissioners

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B07-196B
Date Received	12/12/2006
Date Completed	

Fund No. 106 Agency No. 412 Organ. No. 4106

Organization Name: Special Sales Tax

**REVENUE**

*pg 3 of 3*

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4580	NC Public School Building Capital Fund	0	3,000,000	3,000,000
2512	Article 40 (1/2) Sales Tax	3,000,000	(3,000,000)	-
Total		3,000,000	0	3,000,000

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
Total			0	-	-

**Justification:**

Revision to budget proceeds from the NC Public School Building Fund which will be used for debt service and to move the existing Article 40 Sales Tax budget to fund expenditures in Capital Outlay - Category I (Buildings).

Funding Source: State: \_\_\_\_\_ Federal: \_\_\_\_\_ Fund Balance: County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

Submitted By: [Signature] Date: \_\_\_\_\_  
Reviewed By: Bob Tucker Date: 12/13/06  
Reviewed By: Amy N. Cannon Date: 12/13/06  
Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Information Services

Approved By:	
County Manager	Date: _____
Board of County Commissioners	Date: _____

Charles C. Morris,  
Chair  
Town of Linden  
Donovan McLaurin,  
Vice-Chair  
Wade, Falcon & Godwin



Thomas J. Lloyd,  
Director  
Cecil P. Combs,  
Deputy Director

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman

## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

Clifton McNeill, Jr.,  
Roy Turner,  
Lori Epler,  
Sara E. Piland,  
Cumberland County

DECEMBER 8, 2006

ITEM NO. 2A

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: P06-82: REZONING OF 2.24 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 6554 OAK GROVE CHURCH ROAD, SUBMITTED BY GLORIA B. GRIFFIN, OWNED BY JAMES E. GRIFFIN AND RODNEY E. GRIFFIN.

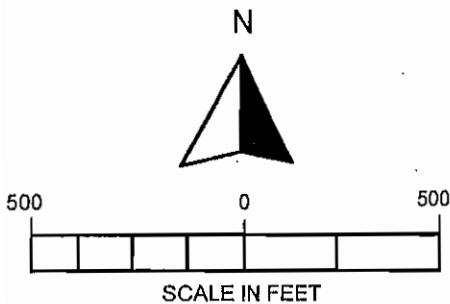
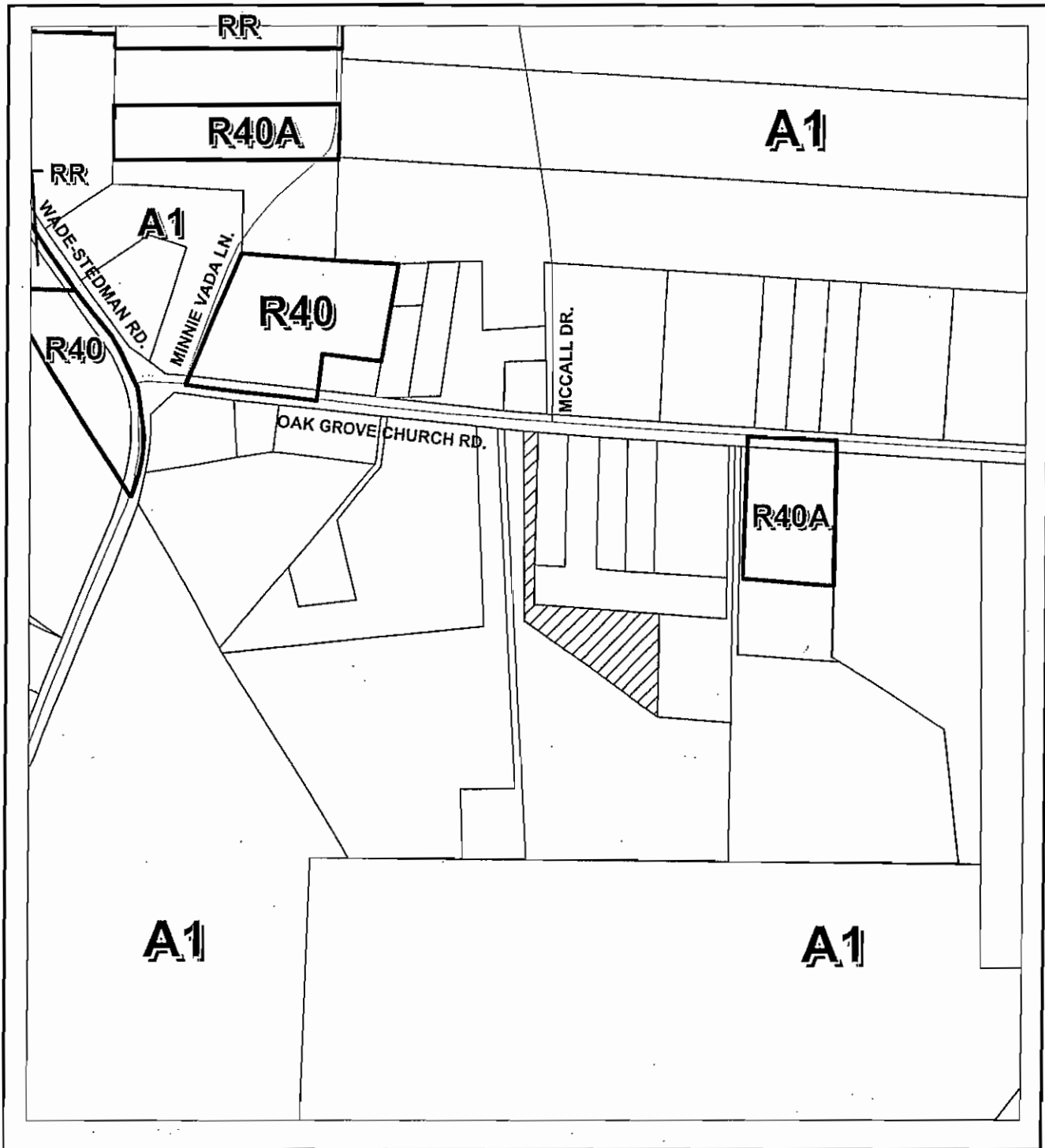
ACTION: THE MEMBERS PRESENT AT THE NOVEMBER 21, 2006 MEETING VOTED UNANIMOUSLY TO APPROVE THE R40A RESIDENTIAL DISTRICT.

**SITE INFORMATION:** **Area:** 2.24 acres; **Frontage & Location:** 20 feet on Oak Grove Church Road; **Depth:** 625 feet; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Residential; **Initial Zoning:** September 3, 1996 (Area 20); **Zoning Violation(s):** None; **Surrounding Zoning:** North-A1, R40, R40A, RR, East-A1, R40A, South-A1, and West-A1, R40; **Surrounding Land Use:** Church, cemetery, well drilling, single family residential, farmland, and vacant land; **2010 Land Use Plan:** Farmland; **Urban Services Area:** No; **Water/Sewer Availability:** Well / Septic tank; **Soil Limitations:** None; **School Capacity/Enrolled:** Stedman Primary 136/163, Stedman Elementary 303/286, Mac Williams Middle 1274/1159, Cape Fear High 1400/1490; **Subdivisions:** A group development review will be required prior to the addition of any other structures. This property does not have enough road frontage to be further subdivided; **Military Impact Area:** No; **Highway Plan:** No road improvements or new construction are specified for this area; **Average Daily Traffic Count (2004):** 580 feet on Oak Grove Church Road; **Notes:** Density: A1 – 1 unit; A1A – 2 units; R40A – 2 units.

#### MINUTES OF NOVEMBER 21, 2006:

Mr. Lloyd stated that staff recommends approval of the R40A district based on the findings that the request is consistent with the 2010 Land Use Plan which calls for Farmland at this location; and rezoning is reasonable and consistent with the current zoning, lot sizes and character of the general area. The A1A and R40 zoning districts are the only other suitable zoning districts to be considered for this request.

**Mr. McNeill made a motion, seconded by Mr. Turner, to follow the staff recommendation and approve P06-82 as submitted. Unanimous.**



## REQUESTED REZONING A1 TO R40A

ACREAGE: 2.24 AC.+/-

HEARING NO: P06-82

ORDINANCE: COUNTY

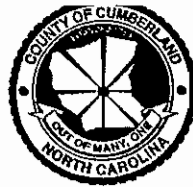
HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

Charles C. Morris,  
Chair  
Town of Linden  
Donovan McLaurin,  
Vice-Chair  
Wade, Falcon & Godwin



Thomas J. Lloyd,  
Director  
Cecil P. Combs,  
Deputy Director

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman

## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

Clifton McNeill, Jr.,  
Roy Turner,  
Lori Epler,  
Sara E. Piland,  
Cumberland County

DECEMBER 8, 2006

ITEM NO. 26

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: P06-84: REZONING OF 1.46 ACRES FROM RR TO R10 (NOW R7.5) OR TO A MORE RESTRICTIVE ZONING DISTRICT LOCATED ON THE SOUTHEAST SIDE OF CLINTON ROAD, EAST OF BLADEN CIRCLE, OWNED BY DENNIS J. AND JULIE A. BYRD.

ACTION: THE MEMBERS PRESENT AT THE NOVEMBER 21, 2006 MEETING VOTED UNANIMOUSLY TO DENY THE R10 (NOW R7.5) RESIDENTIAL DISTRICT AND APPROVE THE R15 RESIDENTIAL DISTRICT.

**SITE INFORMATION:** Area: 1.46 acres; **Frontage & Location:** 27 feet on Clinton Road; **Depth:** 475 feet; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Vacant; **Initial Zoning:** April 26, 1979 (Area 8); **Zoning Violation(s):** None; **Surrounding Zoning:** North-RR, R10, R6A, C3, East-RR, R10, South-A1, RR, R10, M2, and West-RR, R15, R6A, C3, C3/CU, M2; **Surrounding Land Use:** Insulation company, single family residential and vacant land; **2010 Land Use Plan:** Suburban Density Residential; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / PWC; **Soil Limitations:** Yes – Le (Leon sand) and JT (Johnston loam); **School Capacity/Enrolled:** Sunnyside Elementary 245/356, Mac Williams 1274/1159, Cape Fear 1400/1490; **Subdivisions:** A group development review will be required prior to any future development. This property does not have enough road frontage to be further subdivided; **Military Impact Area:** No; **Highway Plan:** No road improvements or new construction are specified for this area; **NCDOT:** A driveway permit will be required. **Average Daily Traffic Count (2004):** 5,500 on Clinton Road; **Notes:** Density: RR – 3 units; R15 – 4 units; R10 – 6 units.

#### MINUTES OF NOVEMBER 21, 2006:

Mr. Lloyd reviewed the case information and stated that staff recommends denial of the R10 district based on the findings that the request is inconsistent with the 2010 Land Use Plan which calls for Suburban Density Residential; and rezoning this property will not serve a viable public purpose and is unreasonable since the entire subject property contains hydric soils, which could cause stormwater runoff onto adjacent properties. There are no other suitable zoning districts for this request.

The Public Hearing opened.

Mr. Dennis Byrd, petitioner and owner, addressed the Board. He stated that his intent was to rezone this property and build 4 apartments for the elderly. He stated that there was already like zoning in this area.

Mr. McLaurin asked Mr. Byrd to repeat his intended use. Mr. Byrd stated that he wanted to construct 4 apartment units to cater to older adults. Mr. McLaurin asked if R15 would be sufficient for that use.

Mr. Byrd stated that it would but he had asked for R10 because the property adjoining his is R10 and he thought a request for the same zoning would be more easily approved.

Mr. McLaurin asked if access to this property would connect to the adjacent R10 property. Mr. Byrd stated that it would not because a creek separates the lots.

Mr. Turner asked about problems with stormwater runoff. Mr. Byrd stated that there were not any current problems that he was aware of. Mr. Turner asked if the additional construction of apartment units would increase or create drainage problems. Mr. Byrd stated that he didn't believe that it would.

Mr. Lloyd stated that the Board should also consider the required paved parking and expressed the staff's concern that approval of this request would start a trend towards rezoning in this area.

Mr. McLaurin asked the petitioner if an R15 zoning, allowing the construction of 4 units, would be sufficient for his purpose. Mr. Byrd stated that it would be sufficient and he asked to amend his request to R15.

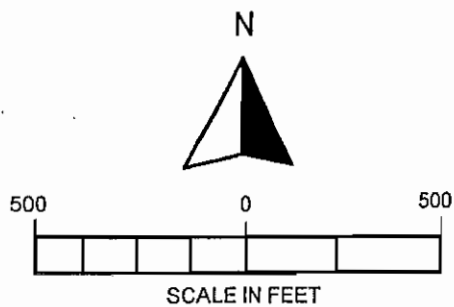
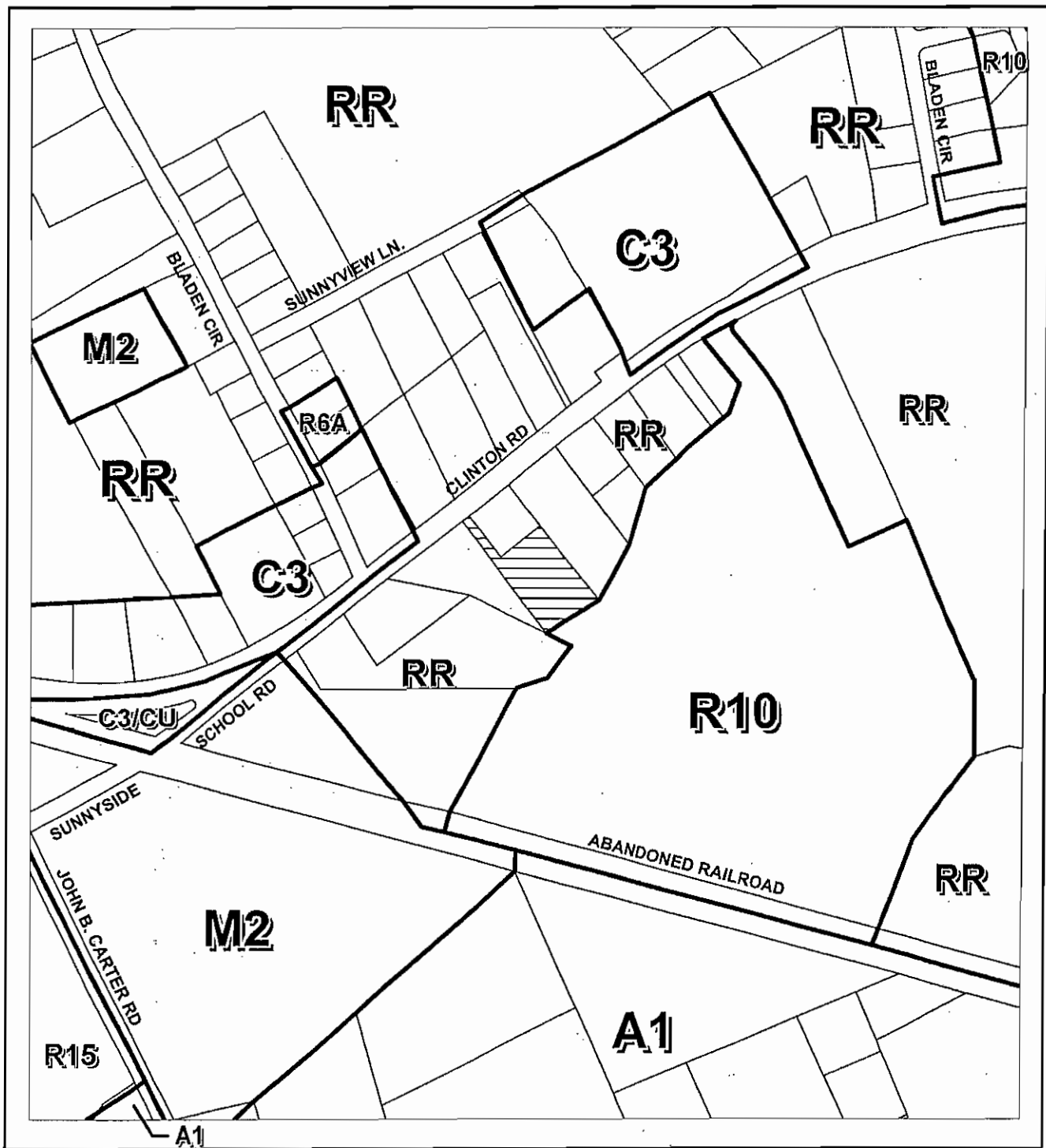
Mrs. Piland stated that even though the infrastructure was there, that did not mean that the area needed the density.

The Public Hearing closed. No one appeared to speak in opposition to the request.

Mr. Lloyd stated that the rezoning to R10 on adjacent property had been approved in 2004, prior to any knowledge of drainage problems. At this time, staff has questions concerning drainage problems or stormwater runoff.

Mr. McLaurin stated that approval of R15 would guarantee a certain type of dwelling and would provide some type of protection for this area.

**Mr. McLaurin made a motion, seconded by Mr. Turner, to deny the request for R10 but approve the amended request for R15. Unanimous.**



## REQUESTED REZONING RR TO R10

ACREAGE: 1.46 AC.+/-

HEARING NO: P06-84

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD



Charles C. Morris,  
Chair  
Town of Linden  
Donovan McLaurin,  
Vice-Chair  
Wade, Falcon & Godwin



Thomas J. Lloyd,  
Director  
Cecil P. Combs,  
Deputy Director

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman

## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

Clifton McNeill, Jr.,  
Roy Turner,  
Lori Epler,  
Sara E. Piland,  
Cumberland County

DECEMBER 8, 2006

ITEM NO. 2C

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: P06-85: REZONING OF 1.03 ACRES FROM R6A/CU TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2970 CUMBERLAND ROAD, OWNED BY BRUCE D. AND RHONDA H. BRIGHT.

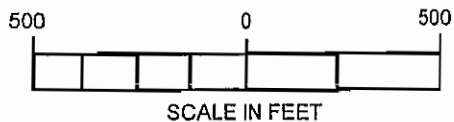
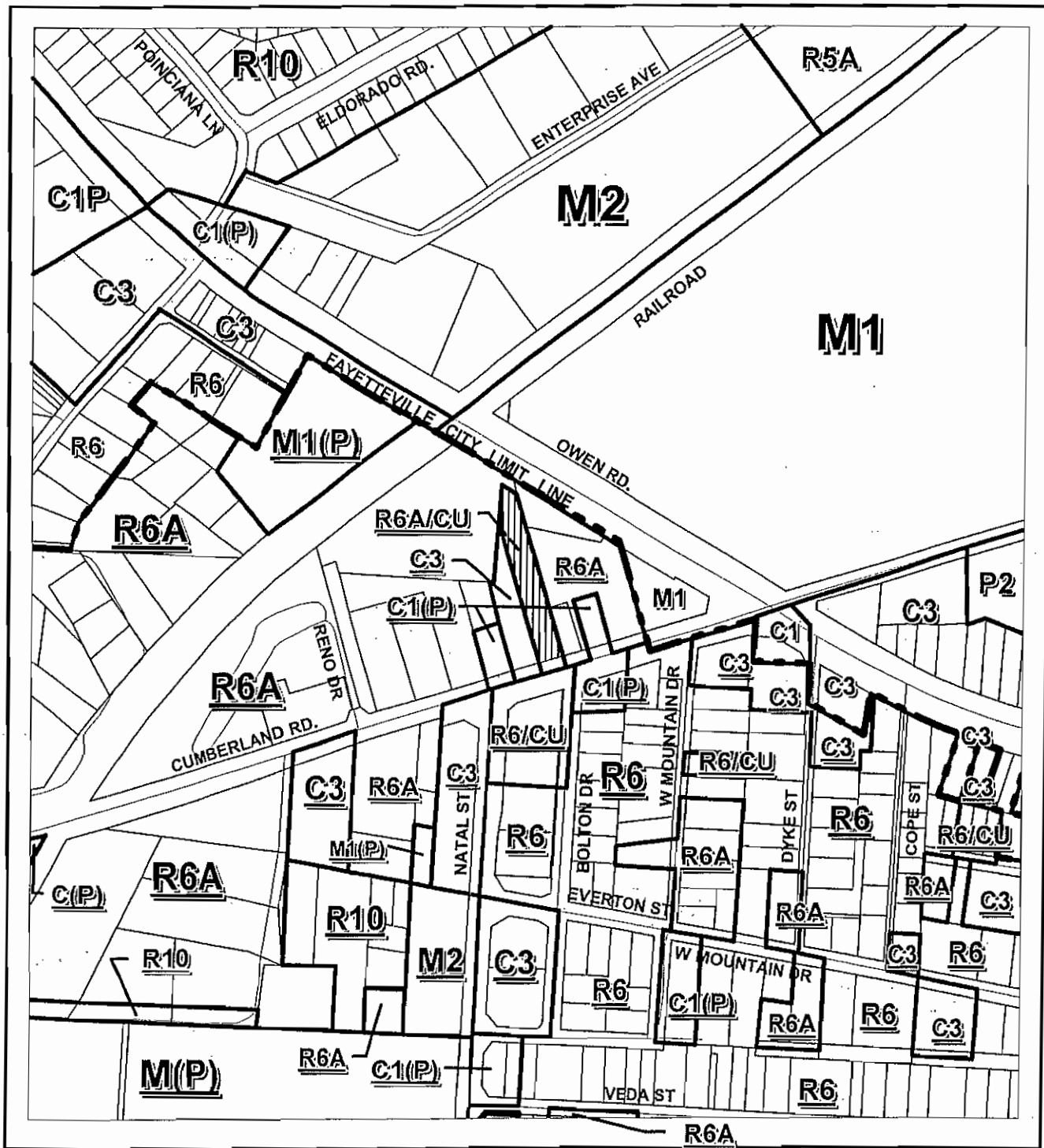
ACTION: THE MEMBERS PRESENT AT THE NOVEMBER 21, 2006 MEETING VOTED UNANIMOUSLY TO APPROVE THE C(P) PLANNED COMMERCIAL DISTRICT.

**SITE INFORMATION:** **Area:** 1.03 acres; **Frontage & Location:** 80 feet on Cumberland Road; **Depth:** 553 feet; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Vacant Residential; **Initial Zoning:** August 1, 1975 (Area 3); **Zoning Violation(s):** None; **Nonconformities:** If rezoned, the existing structures will become nonconforming due to dimensional requirements; **Surrounding Zoning:** North-R6A, M1(P), City limit-R10, R6, M1, M2, C1(P), C3, East-R6, R6/CU, R6A, C(P), city limit-C1, C3, P2, M1, South-R10, R6, R6A, C1(P), C(P), M(P), M1(P), and West-R6A, C1(P), C(P), city limit-R6, C3; **Surrounding Land Use:** Building supply, sub station, insurance company, florist, gas station, satellite company, retail store, daycare, upholstery business (2), single family residential and vacant land; **2010 Land Use Plan:** Heavy Commercial; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / PWC; **Subdivisions:** A C(P) site plan review will be required for a change of use for any future developments; **Military Impact Area:** No; **Highway Plan:** Cumberland Road is identified as a Major Thoroughfare. This is a multi-lane facility with a current 90-110 foot right-of-way. Road improvements have been completed; **Average Daily Traffic Count (2004):** 15,000 on Cumberland Road.

#### MINUTES OF NOVEMBER 21, 2006:

Mr. Lloyd stated that staff recommends approval of the C(P) district based on the findings that the request is consistent with the 2010 Land Use Plan; rezoning is reasonable and consistent with the character of the area; and the subject property is located on a Major Thoroughfare. The R5, R5A, O&I(P) and C1(P) are also suitable zoning districts to be considered for this request.

**Mr. McNeill made a motion, seconded by Mr. Turner, to follow the staff recommendation and approve P06-85 as submitted. Unanimous.**



## REQUESTED REZONING R6A/CU TO C(P)

ACREAGE: 1.03 AC.+/-

HEARING NO: P06-85

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

Charles C. Morris,  
Chair  
Town of Linden  
Donovan McLaurin,  
Vice-Chair  
Wade, Falcon & Godwin



Thomas J. Lloyd,  
Director  
Cecil P. Combs,  
Deputy Director

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman

## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

Clifton McNeill, Jr.,  
Roy Turner,  
Lori Epler,  
Sara E. Piland,  
Cumberland County

DECEMBER 8, 2006

ITEM NO. 2D

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: P06-86: REZONING OF .47 ACRES FROM R10 (NOW R7.5) TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 4721 CAMDEN ROAD, OWNED BY KACEY SHUPE.

ACTION: THE MEMBERS PRESENT AT THE NOVEMBER 21, 2006 MEETING VOTED UNANIMOUSLY TO DENY THE C1(P) PLANNED COMMERCIAL DISTRICT AND APPROVE THE O&I(P) OFFICE & INSTITUTIONAL DISTRICT.

**SITE INFORMATION:** **Area:** .47 acres; **Frontage & Location:** 75 feet on Camden Road; **Depth:** 272 feet; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Vacant Residential; **Initial Zoning:** November 17, 1975 (Area 4); **Zoning Violation(s):** None; **Nonconformities:** Yes – the residential structure will become nonconforming; **Surrounding Zoning:** North-RR, R10, East-R20, R10, R10/CU, R6A, C(P), South-RR, R10, MXD/CU, and West-R10, C(P); **Surrounding Land Use:** Daycare, manufactured home park, single family residential and vacant land; **2010 Land Use Plan:** Low Density Residential; **Urban Services Area:** Yes; **Water/Sewer Availability:** Well / Septic – Aqua (formerly Brookwood) water available 790 feet NW and PWC sewer available 480 feet to the NW (both within Saddleridge Subd.); **Subdivisions:** A site plan review will be required for a change of use for any future development. A recombination plat must be recorded; **Military Impact Area:** No; **Highway Plan:** Camden Road is identified as a Major Thoroughfare. This proposal calls for a multi-lane facility with a 100-foot right-of-way. Road improvements are included in the 2006-2012 MTIP. Planning/Design: In Progress, Mitigation: FFY 07, ROW: FFY 06, Construction: FFY 08, 09, Post Years; **Average Daily Traffic Count (2004):** 17,000 on Camden Road; **Notes:** The subject property will not be affected by the realignment of Camden Road; the affected area is north of this site.

#### MINUTES OF NOVEMBER 21, 2006:

Mr. Lloyd presented the case information and stated that staff recommends denial of the C1(P) district based on the findings that the request is not consistent with the 2010 Land Use Plan which calls for Low Density Residential at this location; rezoning to the C1(P) district is arbitrary and will not serve a viable public purpose but would promote strip commercial development in a predominately residential area; and the request is not reasonable nor compatible with the current zoning and character of the area. There are no other suitable zoning districts to be considered for this request.

The Public Hearing opened.

Ms. Kacey Shupe, owner and applicant, addressed the Board. She stated that her request was in keeping with the changes in the area. There is a high amount of traffic and less and less residential

use. She stated that she no longer lives in the house but has renovated it extensively. She stated that in earlier years, she had no problem renting the house but now that the area has changed so much, the house has been empty since January of this year and that interest in her property as a residential use is non-existent. She stated that people do not want to live in an area that is so loud, has such heavy traffic, and increased problems with vandalism and vagrants. She stated that she had talked to her neighbors and they are all in favor of this request due to changes in the area. She further noted that there is already commercial zoning surrounding this property.

Mrs. Epler asked if the applicant was aware that rezoning would result in only a 40 foot wide structure being allowed on the property. Ms. Shupe stated that the house would be removed or demolished anyway.

Mr. Joe Pomales, realtor, verified that the property is undesirable for use as a home. He repeated concerns that increasing traffic and crime in the area are very detrimental to residential use. He stated that the neighbors are all in favor of the commercial zoning and that they are, in fact, hoping it will be approved so that they can file their own requests.

Mr. Tommy Watts stated that he had watched Ms. Shupe work very hard to maintain the property as a residence. He stated that the changes in the area had made the property undesirable for residential use and that the current zoning was actually hurting the value of her property. He told the Board that it would benefit everyone in this area if the rezoning was approved.

Ms. Glenda Stump, realtor, addressed the Board. She stated that commercial growth of surrounding areas was now extending into this area. A change away from residential use is necessary to alleviate growing problems in the Hope Mills Road area. She stated that there is no place for growth from the Hope Mills Road area to go except to Camden Road. Ms. Stump stated that the map shown was deceiving in that it does not accurately show commercial rezoning of the surrounding area nor the trend away from residential uses in this area. She stated that this area needs revitalization and that a change to C1(P) would only improve the area. There were no hindrances to be seen.

The Public Hearing closed.

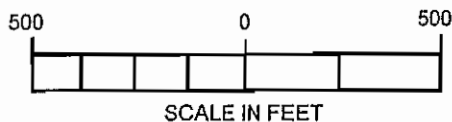
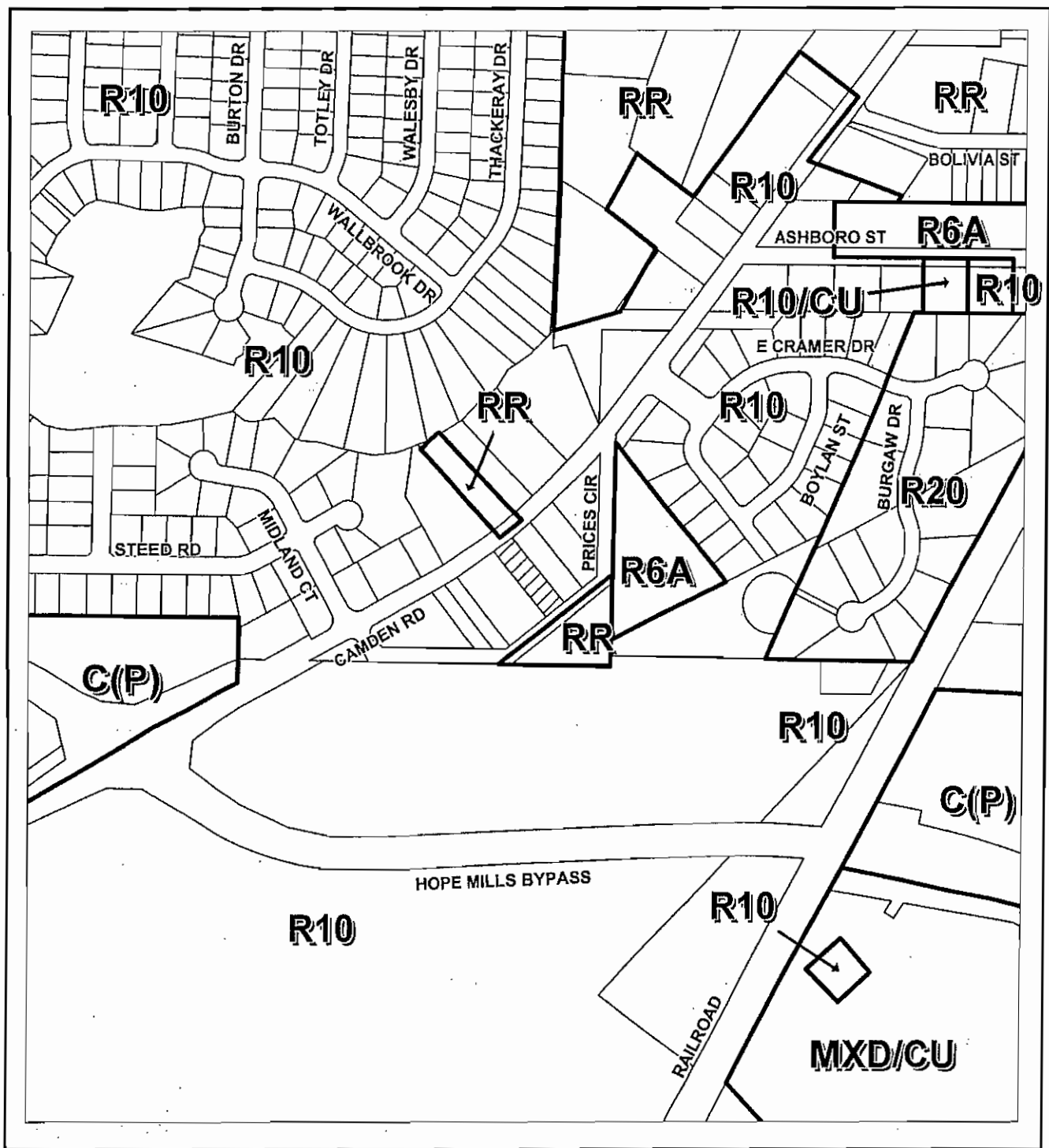
Commissioner Wheatley asked Mr. Lloyd to review the existing surrounding zoning. Mr. Lloyd highlighted those areas and stated that there were currently 5 residences located in the proposal area. He further stated that the 2030 Plan denoted this area as a commercial node due to the existence of the proposed by-pass.

Mrs. Epler asked if O&I(P) had been discussed with the applicant. Mr. Lloyd stated that it was not but that staff would have favorably considered it if the applicant had requested it. He stated that O&I(P) would serve as a good buffer for future proposed changes.

Commissioner Wheatley stated that she was concerned that no opposition was present. She stated that she would prefer knowing if the neighbors approved the request or if they simply did not understand the reason for the hearing.

Mrs. Epler asked if the applicant would consider a deferral to allow for consideration of an O&I(P) district. The applicant stated that she had already considered the O&I(P) and would be agreeable to amending her request to O&I(P) at this time without deferring.

**Mrs. Epler made a motion, seconded by Mr. McLaurin, to deny the C1(P) and approve O&I(P). Unanimous approval.**



## REQUESTED REZONING: R10 TO C1(P)

ACREAGE: 0.47 AC. +/-		HEARING NO: P06-86	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

Charles C. Morris,  
Chair  
Town of Linden  
Donovan McLaurin,  
Vice-Chair  
Wade, Falcon & Godwin



Thomas J. Lloyd,  
Director  
Cecil P. Combs,  
Deputy Director

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman

## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

Clifton McNeill, Jr.,  
Roy Turner,  
Lori Epler,  
Sara E. Piland,  
Cumberland County

DECEMBER 8, 2006

ITEM NO. 2E

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: P06-83: REZONING OF 3.0 ACRES FROM A1 TO A1A AT 5116 BERRY TREE LANE, OWNED BY CHANG YE THOMPSON.

ACTION: THE MEMBERS PRESENT AT THE NOVEMBER 21, 2006 MEETING VOTED 7 TO 1 TO DENY THE A1A AGRICULTURAL DISTRICT.

**SITE INFORMATION:** Area: 3.0 acres; **Frontage & Location:** 353 feet on Berry Tree Lane; **Depth:** 376 feet; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Residential; **Initial Zoning:** September 3, 1996 (Area 20); **Zoning Violation(s):** None; **Surrounding Zoning:** Primarily A1 with A1/CU to the South; **Surrounding Land Use:** Single family residential and vacant land; **2010 Land Use Plan:** Farmland; **Urban Services Area:** No; **Water/Sewer Availability:** Well / Septic; **Soil Limitations:** Yes – Wo (Woodington loamy sand); **School Capacity/Enrolled:** Stedman Primary 136/163, Stedman Elementary 303/286, Mac Williams Middle 1274/1159, Cape Fear High 1400/1490; **Subdivisions:** A subdivision or group development review will be required prior to any future development; **Military Impact Area:** No; **Highway Plan:** No road improvements or new construction are specified for this area; **Average Daily Traffic Count (2004):** 1,200 on Carl Freeman Road; **Notes:** Berry Tree Lane is a 50' paved public road; Density: A1 – 1 lot; A1A – 3 lots.

#### MINUTES OF NOVEMBER 21, 2006:

Mr. Lloyd reviewed the case information and stated that staff recommends approval of the A1A district based on the findings that the request is consistent with the 2010 Land Use Plan which calls for Farmland at this location; and the rezoning request is reasonable and consistent with the current zoning, lot sizes and character of the general area. There are no other suitable zoning districts to be considered for this request.

The Public Hearing opened.

Ms. Chang Thompson, applicant and owner, addressed the Board and stated that she needed to rezone the property in order to subdivide and sell it. She has had potential buyers but they state that the lot is too large as it is.

Dr. Thomas Durr addressed the Board in opposition to the request. He stated that he had assumed the purpose of the rezoning was for eventual mobile homes, but now understands that the applicant simply wants a smaller lot. He is still opposed to the rezoning based on the fact that he and his neighbors want the area to remain A1 with at least 2 acre lots. He asked for a show of support, against the rezoning, from audience members. Many people stood. Dr. Durr reminded the Board of his repeated appearances before them in the past to oppose like requests. He further stated that

smaller lots in this area will increase the current problems with drainage and will not help to increase or preserve current land values. Dr. Durr asked that the Board respect the residents' desire to keep this area as it is.

Mr. Lloyd reviewed past rezoning cases and decisions in the area.

Mr. Franz Lohr appeared in opposition. He stated that subdividing property in this area will increase the current problems with drainage and runoff. He stated that smaller lots cannot sustain functioning septic tanks and that recent new construction on the east side of the river had greatly contributed to serious problems with flooding and runoff.

Mr. Maury Ferrari appeared in opposition. He stated that he strongly opposed any further attempts to rezone and subdivide in this area because of existing problems with standing water, runoff, and flooding.

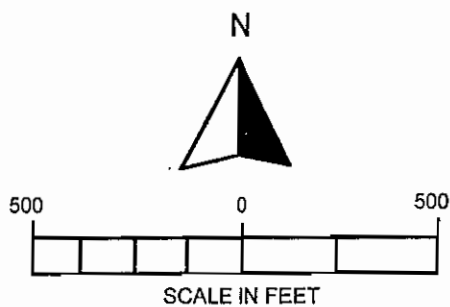
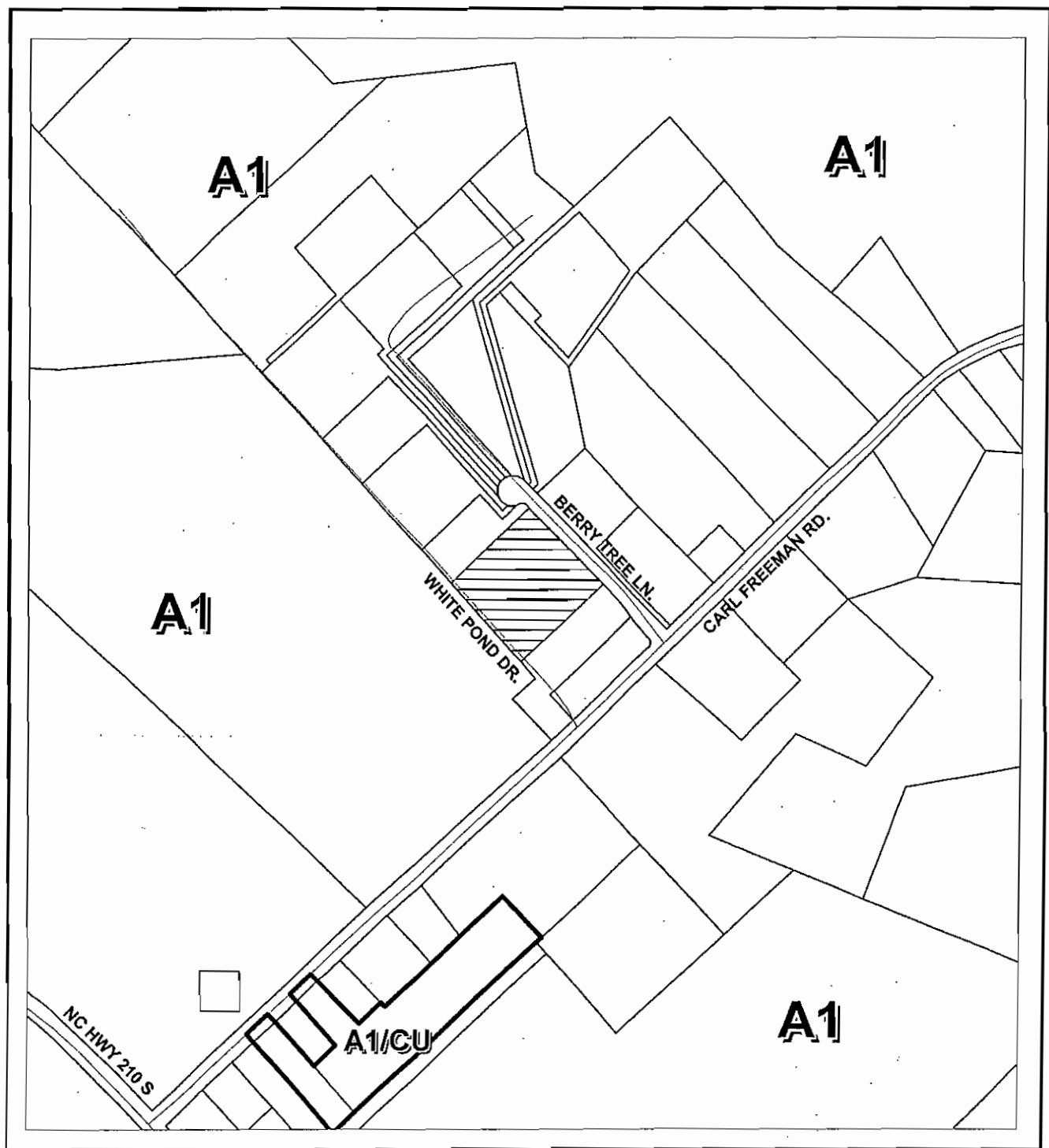
Ms. Thompson declined to speak in rebuttal.

The Public Hearing closed.

Mrs. Piland stated that she understood the concerns of both sides and felt that the interest of the property owner and the desires of the current residents must both be considered.

Mr. McNeill asked if the property owner could subdivide her property under the current zoning. Mr. Lloyd replied that she could not, but that she could consider a group development. Mr. McNeill stated that while he was sympathetic to the petitioner he could not approve rezoning for the purpose of satisfying a potential buyer.

**Mr. McNeill made a motion, seconded by Mrs. Piland, to deny the request. The motion passed 7 to 1, with Mrs. Epler voting in opposition.**



## REQUESTED REZONING A1 TO A1A

ACREAGE: 3.00 AC.+/-

HEARING NO: P06-83

ORDINANCE: COUNTY

HEARING DATE

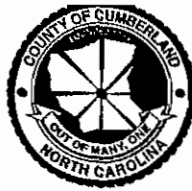
ACTION

PLANNING BOARD

GOVERNING BOARD



Charles C. Morris  
Chair  
Town of Linden  
Donovan McLaurin,  
Vice-Chair  
Wade, Falcon & Godwin



Thomas J. Lloyd,  
Director  
Cecil P. Combs,  
Deputy Director

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman

## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

Clifton McNeill, Jr.,  
Roy Turner,  
Lori Epler,  
Sara E. Piland,  
Cumberland County

DECEMBER 8, 2006

ITEM NO. 2F

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: P06-87: REZONING OF TWO PARCELS TOTALLING 16.45 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 2602 AND 2608 JOHN MCMILLAN ROAD, SUBMITTED BY ANN LOCKLEAR, OWNED BY ROBERT J. WILLIAMS IV.

ACTION: THE MEMBERS PRESENT AT THE NOVEMBER 21, 2006 MEETING VOTED UNANIMOUSLY TO DENY THE R40 RESIDENTIAL DISTRICT.

**SITE INFORMATION:** **Area:** 16.45 acres; **Frontage & Location:** 390 feet on John McMillan Road; **Depth:** 200 feet; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Residential; **Initial Zoning:** June 25, 1980 (Area 13); **Zoning Violation(s):** None; **Surrounding Zoning:** Primarily A1 and R40; **Surrounding Land Use:** Cell tower, horse boarding, single family residential, farmland, and vacant land; **2010 Land Use Plan:** Farmland; **Urban Services Area:** No; **Water/Sewer Availability:** Well / Septic tank; **Soil Limitations:** Ra (Rains loamy sand) – approximately one-third of the subject property; **School Capacity/Enrolled:** Gray's Creek Elementary 764/728, Gray's Creek Middle 495/614, Gray's Creek High 1270/1099; **Subdivisions:** A subdivision or group development will be required prior to any development of these two properties; **Military Impact Area:** No; **Highway Plan:** No road improvements or new construction are specified for this area; **NCDOT:** A driveway permit will be required, turn lanes may be required, and all lots will be required to be served internally; **Average Daily Traffic Count (2004):** 730 on John McMillan; **Notes:** Density minus 20% for roads: A1 – 6 lots; R40 – 14 lots.

#### MINUTES OF NOVEMBER 21, 2006:

Mr. Lloyd reviewed the case information and stated that staff recommends approval of the R40 district based on the findings that the request is consistent with the 2010 Land Use Plan which calls for Farmland at this location; and rezoning is consistent with the current zoning, lot sizes and character of the area. The A1A zoning district is the only other suitable zoning district to be considered for this request.

The Public Hearing opened.

Ms. Ann Locklear, petitioner, addressed the Board. She stated that she was the realty agent for this property and that the owner plans to build a subdivision on this property comparable to what is already in the area.

Ms. Patty Nunnery addressed the Board in opposition. She stated that she has lived in the area for 18 years because it is rural and agricultural. She stated that increased rezoning and construction is already changing the character of the area. The extreme growth in this area has come without the

benefit of increased county services. She had concerns with the fire department and law enforcement response times, increasing crime, overcrowded schools, and traffic congestion. She presented a petition showing neighbor opposition to the request.

Mr. McNeill asked if she had noticed any problems with water runoff. Ms. Nunnery stated that she currently had serious problems with drainage and standing water on her property.

Ms. Wendy Boudreaux appeared in opposition and stated that the existing water problems showed the need to stop new construction and subdivision of property in this area. She expressed concerns regarding overcrowded schools, traffic, and runoff. She asked the Board to keep the area zoned A1.

Mr. Raymondes Santiago appeared in opposition and advised the Board that he currently had serious problems with his septic tank and well. He noted that smaller lots in this area would have the same problems. He urged the Board to deny the request.

Ms. Locklear spoke in rebuttal and stated that the increase in population that is expected with BRAC will force the county to address the issue of services. She wants her company to be able to meet the demand for housing that will occur at that time.

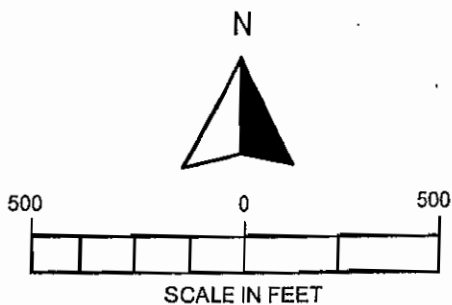
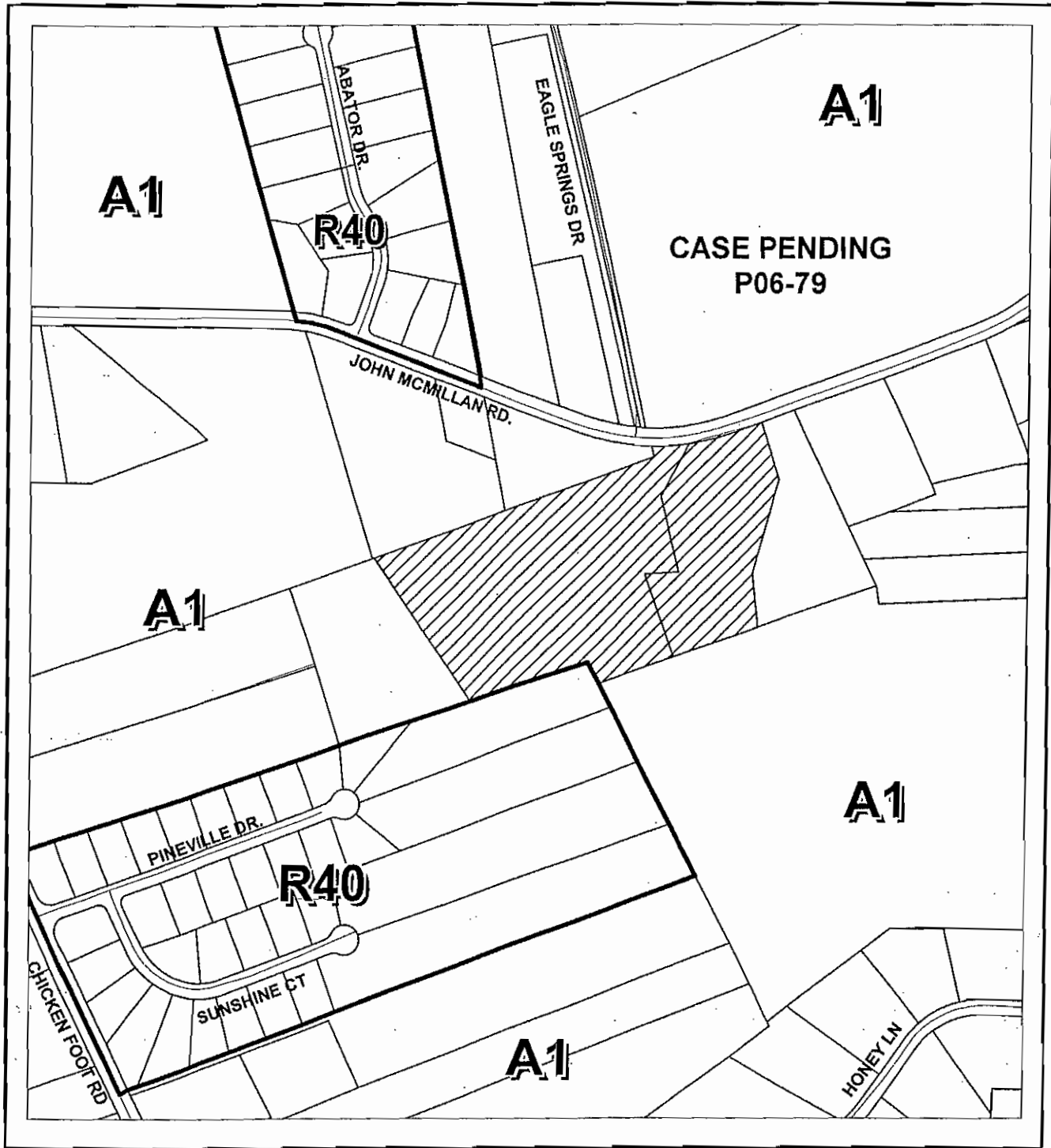
The Public Hearing closed.

Mr. Lloyd reviewed the soils map at the request of Mrs. Epler.

Mrs. Piland asked if the staff had considered addressing soil and water issues during case review and providing that information to the Board. Mr. Lloyd stated that staff does consider those issues but in this case the degree of storm runoff was not known.

Mr. McNeill stated that he was aware of the poor drainage in that area and expressed his concern that further development would only increase the problem.

**Mr. McNeill made a motion, seconded by Mrs. Piland, to deny the request. Unanimous.**



## REQUESTED REZONING A1 TO R40

ACREAGE: 16.45 AC.+/-

HEARING NO: P06-87

ORDINANCE: COUNTY

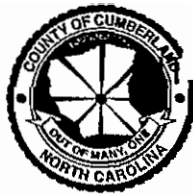
HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

Charles C. Morris  
Chair  
Town of Linden  
Donovan McLaurin  
Vice-Chair  
Wade, Falcon & Godwin



Thomas J. Lloyd,  
Director  
Cecil P. Combs,  
Deputy Director

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman

## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

Clifton McNeill, Jr.,  
Roy Turner,  
Lori Epler,  
Sara E. Piland,  
Cumberland County

DECEMBER 8, 2006

ITEM NO. 26

*\*Case Withdrawn\**

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS (See attached letter)  
FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD  
SUBJECT: P06-75: REZONING OF 1.0 ACRE FROM RR TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT AT 4446 CLINTON ROAD, SUBMITTED BY G. NEIL YARBOROUGH, OWNED BY JANICE I. AND TOMMY D. FAIRCLOTH.  
ACTION: THE MEMBERS PRESENT AT THE NOVEMBER 21, 2006 MEETING VOTED UNANIMOUSLY TO DENY THE C1(P) PLANNED COMMERCIAL DISTRICT.

**SITE INFORMATION:** **Area:** 1.0 acre; **Frontage & Location:** 235 feet on Clinton Road and 180 feet on Old Vander Road; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Residential; **Initial Zoning:** September 3, 1996 (Area 20); **Zoning Violation(s):** None; **Nonconformities:** Yes, the existing structures are legal nonconforming due to dimensional requirements (built in 1926); **Surrounding Zoning:** North-RR, R10, C1(P) and C(P), East-RR, South-R20, RR, and West-RR, RR/CU, C(P), R5A; **Surrounding Land Use:** No name commercial, single family residential and vacant land; **2010 Land Use Plan:** Suburban Density Residential; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / PWC; **Soil Limitations:** None; **Subdivisions:** If rezoned, a site plan review will be required prior to any development. **Military Impact Area:** No; **Highway Plan:** No road improvements or new constructions specified for this area; **Average Daily Traffic Count (2004):** 5,500 on Clinton Road and 1,800 on Old Vander Road.

#### MINUTES OF NOVEMBER 21, 2006:

Mr. Lloyd reviewed case information and stated that staff recommends denial of the C1(P) zoning district based on the findings that rezoning the subject property is inconsistent with the 2010 Land Use Plan which calls for Suburban Density Residential at this location; currently, severe congestion is prevalent on Clinton and Old Vander Roads qualifying this request as unreasonable; the uses allowed within the C1(P) zoning district will only add to the already overburdened street system. In addition to the existing school traffic, a 230 lot subdivision with direct access to Old Vander Road, south of the subject property, was approved as a use by right in March 2006; and rezoning the subject property to a commercial district at this location will not serve a viable public purpose and should not be considered until such time that the streets in the immediate area are upgraded. There are no other suitable rezoning districts to be considered for this request. Mr. Lloyd added that NC Department of Transportation had reviewed the rezoning request and advised that a convenience store at this location would significantly increase the already high traffic count in this area by 815 vehicles per day.

The Public Hearing opened.

Mr. Neil Yarbrough, attorney, appeared before the Board on behalf of the applicants. He stated that the facts given by staff as reasons for denial were actually reasons for approval. The points mentioned verify that the location is ideal for a convenience store. He reminded the Board that a C1(P) site plan review would be required and the concerns would be addressed during that process.

He noted that surrounding property is already commercially zoned or permitted as a conditional use. He also stated that in the near future this area will no longer have any residential application. He asked the Board to allow the property owners the same rights of use as those allowed to the property owners with commercial zoning on the other lots.

Mr. McLaurin asked Mr. Yarborough if the rights of homeowners in the area had been considered. He stated that they had the right to expect privacy and security and to protect the value of their property. He pointed out that a convenience store would bring in lights, noise, and traffic. Mr. Yarborough replied that the plan review process would address those concerns. Mr. Yarborough stated that while he agreed that commercial rezoning would have a negative impact, at first, to the immediate homeowners, change was imminent for this area.

Mr. Michael Williams appeared in opposition. He agreed that traffic increases would add to the congestion in the area. He noted that residents already had enough access to stores and shopping and did not need any more. He further stated that previous rezoning requests were misrepresented to the citizens and that the citizens would have objected to the requests if they had known the truth.

Ms. Mary Williams appeared in opposition and told the Board that there was already a major problem with traffic congestion due to the nearby schools and the double intersections.

Mr. Robert West appeared in opposition and stated that the staff should address a larger surrounding area when representing a case for review. He stated that the nearby schools and shopping center should be shown on the site plan to give a true representation of the impact another store would bring to the area.

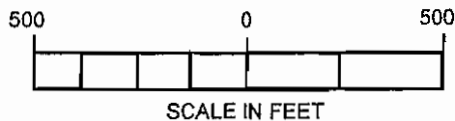
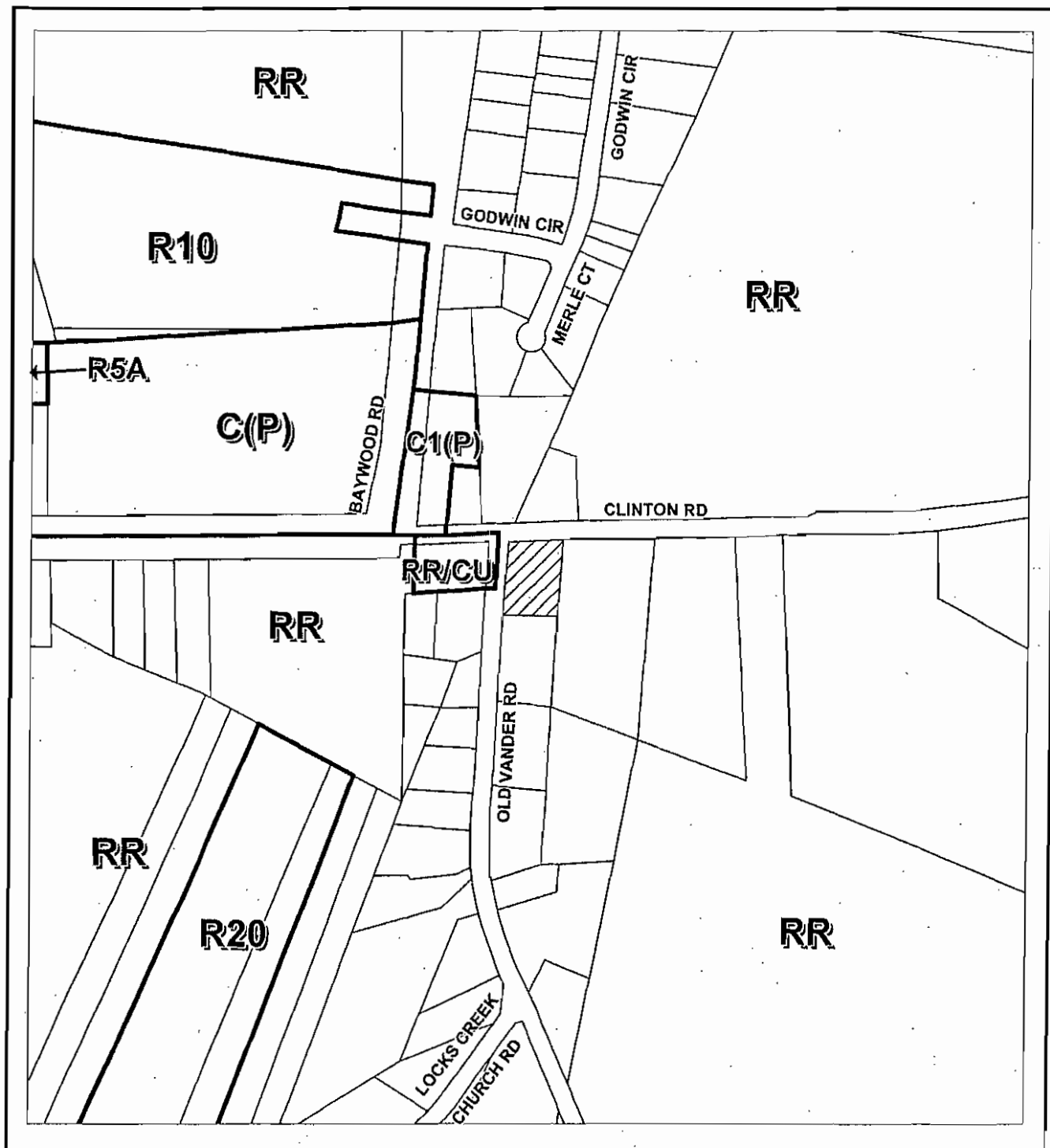
Mr. C.W. Horne appeared in opposition and presented letters from neighbors who opposed the rezoning request. He shared his concerns about existing traffic congestion.

Mr. Yarborough spoke in rebuttal. He stated that he appreciated the concerns of the neighbors and that the staff would require a review process whereby they would address those concerns. He repeated that the eventual changes to the area will be away from residential uses and that current problems with traffic and congestion will not go away.

The Public Hearing closed.

Mrs. Epler stated that the traffic problems had existed in that area for over 25 years. She stated that the fact that nearby intersections don't line up only increases the problem. She agreed that future growth will move the use of this area away from residential but that for now, it should remain residential until NCDOT addresses the traffic problems. She stated that this was not the right time or the right area for this type of rezoning.

**Mrs. Epler made a motion, seconded by Mrs. Piland, to deny the request for rezoning. Unanimous.**



## REQUESTED REZONING: RR TO C1(P)

ACREAGE: 1.00 AC.+/-

HEARING NO: P06-75

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

**THE YARBOROUGH LAW FIRM, P.A.**

115 E. Russell Street  
Fayetteville, North Carolina 28301

Garris Neil Yarborough  
Hugh Addison Winters, III  
John H. Jackson  
Charles E. Sweeny

Telephone: (910) 433-4433  
Facsimile: (910) 433-2233  
www.yarboroughlawfirm.com

December 4, 2006

Mr. Tom Lloyd  
Planning Board  
**VIA FACSIMILE: 678-7631**

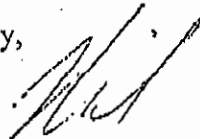
Re: Janice and Tommy Faircloth  
Case No.: P06-75

Dear Tom:

After attending the November Planning Board Meeting, my clients and I are of the opinion that now is not the best time to rezone this property to commercial. My clients are therefore withdrawing their rezoning application and will file it again in a year or so.

If you have any questions, do not hesitate to contact my office.

Yours truly,



GARRIS NEIL YARBOROUGH  
Attorney at Law

GNV:kbb

cc: Tommy and Janice Faircloth



ITEM NO. 24

## COUNTY of CUMBERLAND

*Office of the County Attorney*

December 5, 2006

**MEMORANDUM FOR COMMISSIONERS' AGENDA OF DECEMBER 18, 2006**

TO: BOARD OF COMMISSIONERS

FROM: GRAINGER R. BARRETT, COUNTY ATTORNEY *GRB*

SUBJECT: PUBLIC HEARING ON REQUEST TO CLOSE A PORTION OF  
SAHARA PLACE

**BACKGROUND:** The property owner adjacent to both sides of Sahara Place located on the eastern margin of Hidden Oasis Drive in Eastover Township has petitioned that the street be closed. The Board has called a public hearing to consider its request. The Board may close the road if it finds that no person will be denied reasonable egress or ingress to his/her property.

**RECOMMENDATION AND PROPOSED ACTION:** If the Board of Commissioners makes the required statutory finding and decides to close this portion of Sahara Place, that the Board adopt the attached resolution and direct the staff to record it in the Cumberland County Registry.

GB/lrc  
Attachments



## **RESOLUTION CLOSING A PORTION OF SAHARA PLACE**

WHEREAS, a petition has been submitted to the Cumberland County Board of Commissioners (the "Board") by an adjoining landowner to close a portion of Sahara Place, in Cumberland County;

WHEREAS, following proper notice, the Board held a public hearing on the question of the closing of such street on the 18<sup>th</sup> day of December, 2006, and heard all interested persons who appeared with respect to whether the closing would be detrimental to the public interest or to any individual's property rights; and

WHEREAS, following the public hearing the said Board found and determined that such public street is not under the control of the North Carolina Department of Transportation; that no person would be deprived of reasonable means of ingress and egress to his property by such closing, but that the reservation of certain easements would be appropriate and desirable; and that it is therefore not contrary to the public interest to close such street, subject to the reservation of the easements described below;

NOW THEREFORE, the Cumberland County Board of Commissioners hereby RESOLVES, pursuant to authority granted by G.S. 153A-241, that the public street more particularly described below be, and it is hereby, closed, subject, however to the continued dedication and preservation of an easement therein for existing and future utilities, and of an easement therein for public safety emergency vehicle access:

BEGINNING at a point being the SE corner of lot 27 as shown on that plat recorded in the Cumberland County Registry entitled Hummingbird Place Phase 1, Plat Book 114, Page 97 (Said point also being the NE corner of Sahara Place, a 50 foot right-of-way as shown on said plat); thence with said right-of-way N 84° 39' 38" W 174.73 ft to a point in a curve to the right; thence with said curve N 39° 39' 38" W with a cord distance of 35.36 ft and an arc of 39.28 ft to a point in the eastern margin of Hidden Oasis Drive right-of-way; thence from said point S 5° 20' 22" W 100 ft to a curve to the right; thence with said curve N 50° 20' 22" E with a cord distance of 35.36 ft and an arc of 39.28 ft to a point in the southern margin of Sahara Place right-of-way; thence with said right-of-way S 84° 39' 38" E 174.73 feet to a point being the NW corner of Lot 26 as shown on said Plat; thence with the eastern right-of-way of Sahara Place N 5° 20' 23" E 50 feet to the BEGINNING.

And the Board further RESOLVES, that a certified copy of this Resolution be recorded in the Cumberland County Registry.

Adopted this 18<sup>th</sup> day of December, 2006.

---

KENNETH S. EDGE, Chairman  
Board of Commissioners

---

Marsha Fogle, Clerk to the Board of  
Commissioners

AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT  
BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS

I, Kim Reeves, Code Enforcement Officer for the County of Cumberland Planning & Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on Minimum Housing Case Number MH4474-2005

Property Owner: **Luis R. Rivera**

Property Address: **6519 Celestial Pine Drive, Hope Mills, NC**

Tax Parcel Identification Number: **0432-41-8749**

SYNOPSIS: This property consists of a single wide mobile home that was inspected on September 12, 2006. (Note: This property has been in and out of violation for three years prior, this particular action began 9/12/06). All property owners and parties of interest were legally served with the Notice of Violations and afforded a Hearing on October 18, 2006. The property owners **did not attend** the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than November 17, 2006. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) No Appeal was filed. Upon my visit to the property on December 8, 2006, no corrective action has been made to the mobile home. The structure is presently vacant and unsecured. In it's present state, the structure constitutes a fire, health, and safety hazard. The estimated cost to repair this structure to a minimum standard for human habitation is \$17,000.00. The Assessor for Cumberland County has the mobile home presently valued at \$500.00 for salvageable materials. Attached is a map depicting the location of the property. (See Exhibit B.)

**RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THIS STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.**

Kim Reeves

Kim Reeves, Affiant

Code Enforcement Officer/County of Cumberland

Sworn to and Subscribed to by me this  
the 8<sup>th</sup> day of December 2006.

Cynthia A. Tucker  
Notary Public

My Commission Expires: June 5, 2010

BOARD FINDINGS AND ACTION CHECK LIST  
MINIMUM HOUSING REHABILITATION AND/OR DEMOLITION ORDINANCE

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

**BOARD OF COUNTY COMMISSIONERS MOTION:**

1. If the Board feels that the structure should be demolished, the Board's motion should be:

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case, and

To order the property owner to remove or demolish the dwelling within \_\_\_\_\_ days.

To order the Inspector to remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

2. If the Board feels that the property can be rehabilitated, the Board's motion should be:

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

To order the property owner to rehabilitate the property within \_\_\_\_\_ days.

To order the property owner to vacate and secure the property within \_\_\_\_\_ days pending rehabilitation.

To order the Inspector to rehabilitate the property or remove or demolish the dwelling, if the owner fails to do so and impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by the Chairman and record the same in the Register of Deeds.

3. If the Board wishes to delay action on the case, the Board's motion should be:

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

To delay a decision on the case until \_\_\_\_\_ (date) in order to give the owner or party of interest time to: \_\_\_\_\_

Charles C. Morris  
Chair  
Town of Linden

Donovan McLaurin  
Vice-Chair  
Wade, Falcon & Godwin  
Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman



## COUNTY of CUMBERLAND

*Planning and Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Clifton McNeill, Jr.,  
Roy Turner,  
Lori Epler,  
Sara E. Piland,  
Cumberland County

### FINDINGS OF FACT AND ORDER

October 25, 2006

CASE #: MH 4474-2005

TO: Luis Roberto Rivera & Parties of Interest  
2615 3RD Avenue 4E  
Bronx, NY 10451

Property at: 6519 Celestial Pine Drive, Hope Mills, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 10/2/2006.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 10/18/2006 at 9:30:00 AM. The items identified below took place at the Hearing:

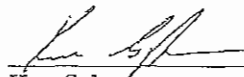
- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: Luis Rivera filed an answer by telephone.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 9/20/2006. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
  - ☒ a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 4474-2005, dated 9/12/2006.
  - ☒ b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
  - ☒ c. The dwelling is unfit for human habitation.

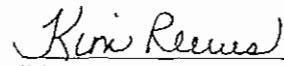
131 Gillespie Street, Old Courthouse, Room 101 - Fayetteville, North Carolina 28301 - Telephone (910) 321-6643 - Fax (910) 321-6637

EXHIBIT A

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure (including cinderblock pump house) and then causing the debris to be removed from the premises by a date not later than 11/17/2006. All required permits must be obtained. A copy of this order must be presented when obtaining permits.
  - ☒ b. The dwelling shall be vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
  - ☒ c. The structure shall be secured within 72 hours of receipt of this notice and remain secured.
  - ☒ d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after 72 hours of receipt of notice (for failure to secure the property) and after 11/17/2006 (for failure to comply with this order).
  - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 11/17/2006. The cost of said demolition will be assessed against the real property in the form of a lien.

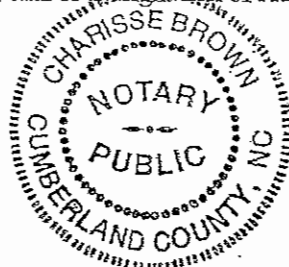
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.

  
Ken Sykes  
Hearing Officer

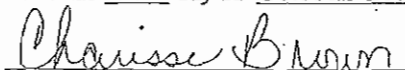
  
Kim Reeves  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form & Designation of Authorized Agent form

cc: Jimmy Hooks, Agent



Sworn to and Subscribed to by me  
this the 25<sup>th</sup> day of October, 2006

  
Notary Public  
My Commission Expires: 9/29/07

# PROOF OF SERVICE OF FINDINGS OF FACT & ORDER

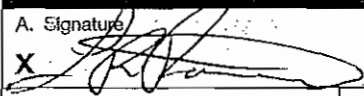
SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <input checked="" type="checkbox"/> X </p> <p><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p style="text-align: right;">FOFO MH4474 KR</p> <p>LUIS ROBERTO RIVERA &amp; PARTIES OF INTEREST 2615 3RD AVENUE 4E BRONX NY 10451</p>		<p>B. Received by (Printed Name) C. Date of Delivery</p> <p>NOV 2 2006</p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p>	
		<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7003 050004 7403 1600</p>			
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

EXHIBIT A

## MAP DEPICTING LOCATION OF PROPERTY

6519 Celestial Pine Drive, Hope Mills, NC  
Tax Parcel Identification Number: 0432-41-8749  
Case Number: MH 4474-2005  
Property Owner: Luis R. Rivera

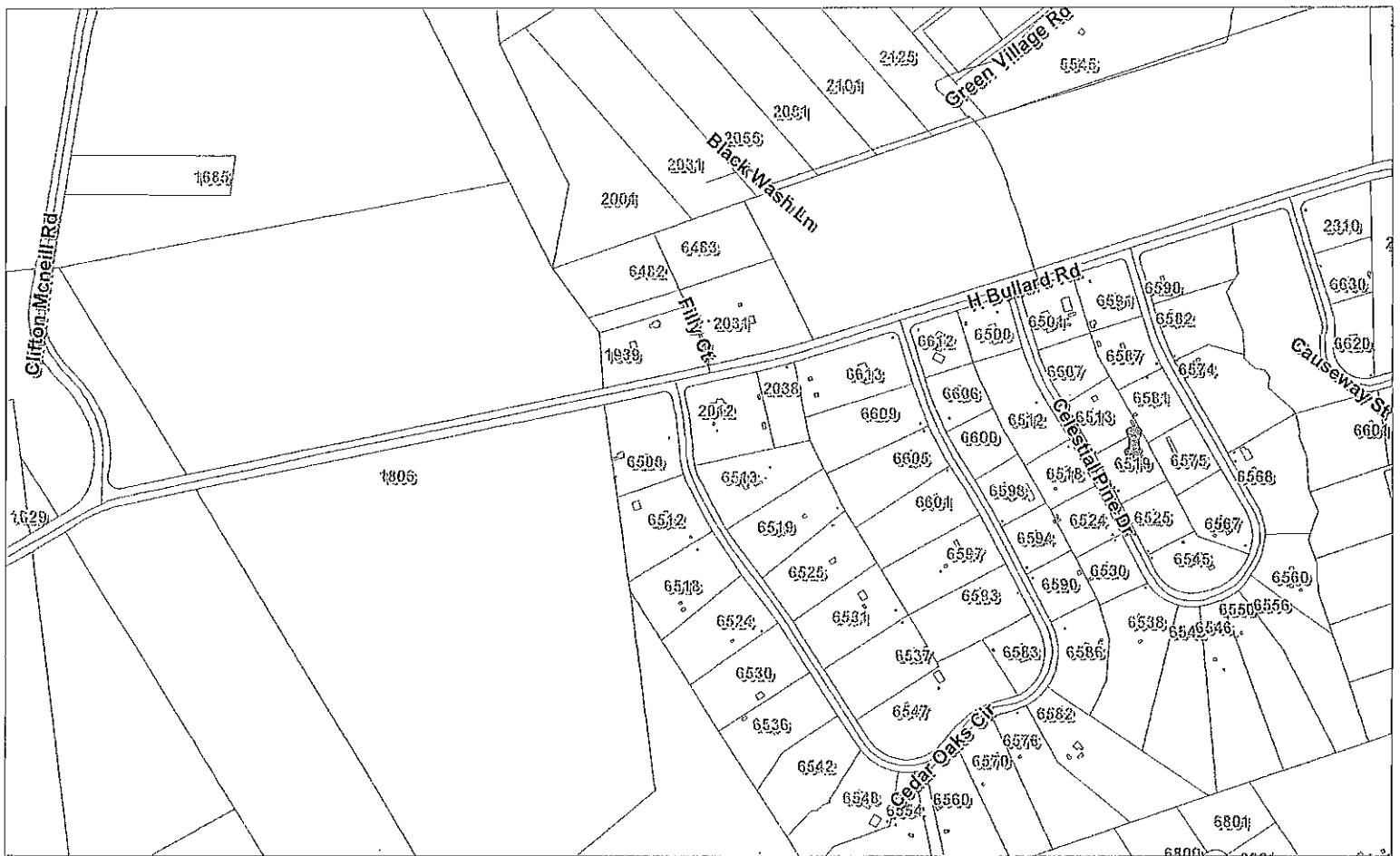


EXHIBIT B



AFFIDAVIT OF THE HOUSING INSPECTOR'S REPORT  
BEFORE THE BOARD OF CUMBERLAND COUNTY COMMISSIONERS

I, George Hatcher, Code Enforcement Officer for the County of Cumberland Planning & Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on case numbers MH4690-2005


Property Owner: **Mary Hills Troy**

Property Address: **2024 Memory Lane, Fayetteville, NC**

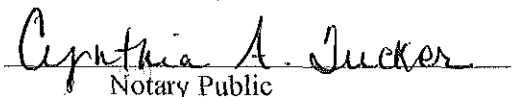
Tax Parcel Identification Number: **0443-11-2170**

SYNOPSIS: This property consists of a single wide mobile home destroyed by fire that was inspected on November 15, 2005. All property owners and parties of interest were legally served with the Notice of Violations and afforded a Hearing on February 1, 2006. The property owners **did not attend** the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than March 12, 2006. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) No Appeal was filed. Upon my visit to the property on December 8, 2006, no corrective action has been made to the mobile home. The structure is presently vacant and unsecured. In it's present state, the structure constitutes a fire, health, and safety hazard. The estimated cost to repair this structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has the mobile home presently valued at \$500.00 for salvageable materials. Attached is a map depicting the location of the property. (See Exhibit B.)

**RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THIS STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.**

  
George Hatcher, Affiant  
Code Enforcement Officer/County of Cumberland

Sworn to and Subscribed to by me this  
the 8<sup>th</sup> day of December 2006.

  
Cynthia A. Tucker  
Notary Public

My Commission Expires: June 5, 2010

**BOARD FINDINGS AND ACTION CHECK LIST**  
**MINIMUM HOUSING REHABILITATION AND/OR DEMOLITION ORDINANCE**

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

**BOARD OF COUNTY COMMISSIONERS MOTION:**

1. If the Board feels that the structure should be demolished, the Board's motion should be:

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case,  
and

To order the property owner to remove or demolish the dwelling within \_\_\_\_\_ days.

To order the Inspector to remove or demolish the dwelling, if the owner fails to do so and  
impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by  
the Chairman and record the same in the Register of Deeds.

2. **If the Board feels that the property can be rehabilitated, the Board's motion should be:**

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

To order the property owner to rehabilitate the property within \_\_\_\_\_ days.

To order the property owner to vacate and secure the property within \_\_\_\_\_ days  
pending rehabilitation.

To order the Inspector to rehabilitate the property or remove or demolish the dwelling, if the  
owner fails to do so and impose a lien on the real property for the cost of such action.

To direct the clerk to incorporate the foregoing findings and orders in an ordinance certified by  
the Chairman and record the same in the Register of Deeds.

3. **If the Board wishes to delay action on the case, the Board's motion should be:**

To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

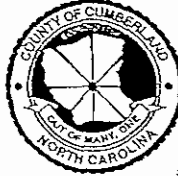
To delay a decision on the case until \_\_\_\_\_ (date) in order to give the owner  
or party of interest time to: \_\_\_\_\_

4. In addition there is imposed a civil penalty in the amount of \$\_\_\_\_\_ per day (up to  
a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

Charles C. Morris  
Chair  
Town of Linden

Donovan McLaurin  
Vice-Chair  
Wade, Falcon & Godwin

Garland C. Hostetter  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman



## COUNTY of CUMBERLAND

### Planning and Inspections Department

Nancy Roy, AICP  
Director  
Thomas J. Lloyd,  
Deputy Director

Clifton McNeill, Jr.,  
Roy Turner,  
Lori Epler,  
Sara E. Pfland  
Cumberland County

### FINDINGS OF FACT AND ORDER

February 2, 2006

CASE #: MH 4690-05

TO: Mary Hills Troy & Parties of Interest  
209 Oakland Drive  
Fayetteville, NC 28301

Property at:  
2024 Memory Lane

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 2/1/2006 at 9:30:00 AM. The items identified below took place at the Hearing:

- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by Mike Bell (mobile home owner) via telephone. The answer was heard and considered. Those present were: \_\_\_\_\_.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 1/11/2006. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
  - ☒ a. The dwelling in question is/are violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 4690-05, dated 11/15/2005.
  - ☒ b. Due to these findings, the dwelling is/are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
  - ☒ c. The dwelling is/are unfit for human habitation.

Findings and Facts of Order


Case #: MH 4690-05

Page 2

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or party(ies) of interest of the dwelling(s) named above are required to bring such dwelling(s) into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling(s) up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 3/2/2006. All required permits must be obtained. A copy of this order must be presented when obtaining permits.
  - ☒ b. The dwelling(s) shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
  - ☒ c. The structure shall be/remain secured.
  - ☐ d. A violation is punishable as a misdemeanor and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after \_\_\_\_.
  - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 3/2/2006. The cost of said demolition will be assessed against the real property in the form of a lien.

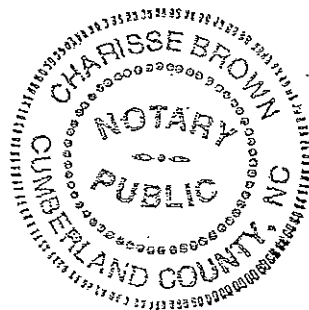
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.

  
Ken Sykes  
Hearing Officer

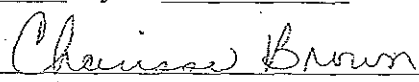
  
George Hatcher  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc: Mike Bell, 2315 Swallowtail Ct, Fayetteville, NC 28301



Sworn to and Subscribed to by me this  
the 1<sup>st</sup> day of February, 2006

  
Notary Public  
My Commission Expires: 9/29/07

PROOF OF SERVICE OF  
FINDINGS OF FACT & ORDER

NORTH CAROLINA  
COUNTY OF CUMBERLAND

PLANNING/INSPECTIONS DEPARTMENT

RE: Mary Hills Troy  
Name of Violator  
MH 4690-06 + MH 4691-06  
Case Number

AFFIDAVIT OF RETURN OF SERVICE  
(Personal Service to Individual)

I, GEORGE HATCHER, Code Enforcement Officer, with the Cumberland County Inspections Department,  
(name & title)  
personally served Mary Hills Troy, a copy of the  
(name of violator)

Findings of Fact + Order + Appeal Procedures  
Dated Feb 2, 2006 citing violations of

Article IV, Chapter 4, minimum Housing Code

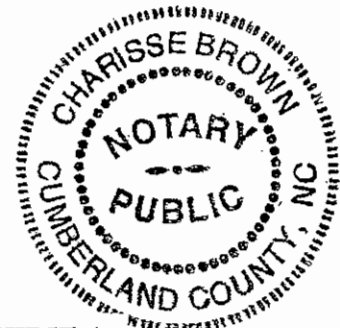
of the Cumberland County Ordinance by mailing said notice(s) certified and 1<sup>st</sup> class mail to the address shown below,  
209 Oakland Avenue, Fayetteville, NC 28301 (2/3/06)  
and by posting said notice(s) on the property located at 2014 and 2024 Memory Lane,  
Fayetteville, NC 28306 (2/6/06)

I further certify that said service was completed on this the 6<sup>th</sup> day of FEBRUARY, 2006.

George Hatcher  
Code Enforcement Officer

Sworn to and subscribed to before me  
this the 2<sup>nd</sup> day of September, 2006.  
Charisse Brown  
Notary Public

My Commission Expires: 9/29/07



## MAP DEPICTING LOCATION OF PROPERTY

2024 Memory Lane, Fayetteville, NC

Tax Parcel Identification Number: 0443-11-2170

Case Number: MH 4690-2005

Property Owner: Mary Hills Troy

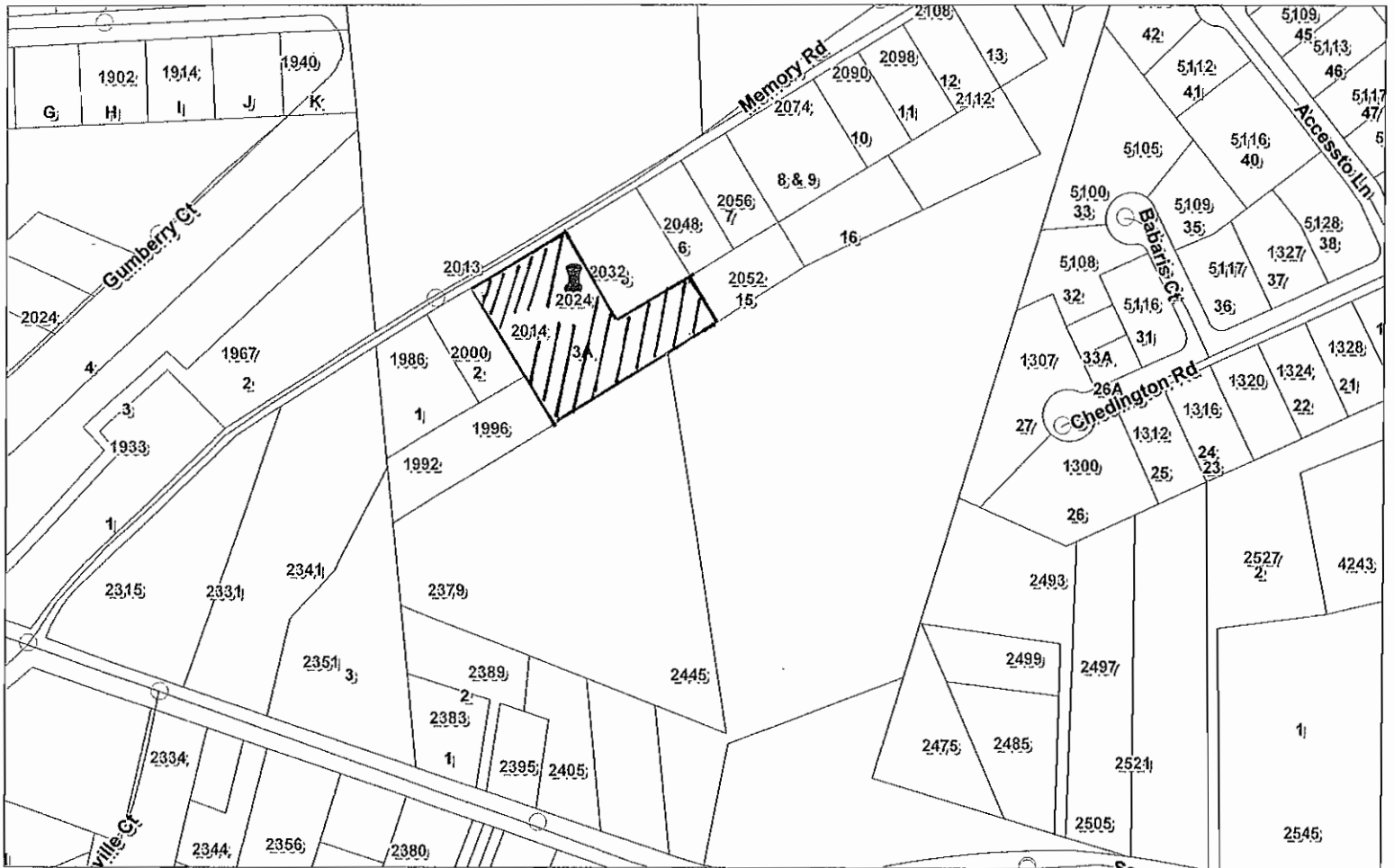
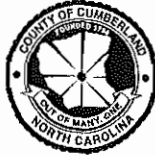


Exhibit B



ITEM NO. 3

## COUNTY of CUMBERLAND

*Office of the County Attorney*

December 13, 2006

**MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA OF DECEMBER 18, 2006:**

**TO:** BOARD OF COMMISSIONERS

**FROM:** GRAINGER R. BARRETT, COUNTY ATTORNEY

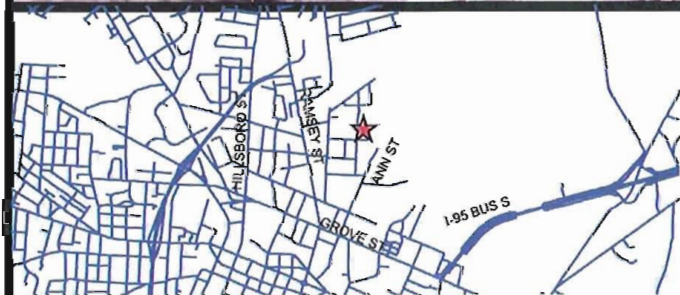
**SUBJECT:** CONSIDERATION OF REJECTION OF BID OFFER AND WITHDRAWAL OF MARSH STREET LOT FROM SURPLUS PROPERTY LISTING

**Background:** Earlier this year, the Board of Commissioners approved a listing of real property surplus to the needs of the County that had been acquired through foreclosure. One of those properties was the lot on Marsh Street, PIN 0437-88-1738. The County Attorney's Office recently received a bid from Gihan Dibonaventura in the amount of \$5,025.94 for the lot, the amount of the County's foreclosed taxes and costs. The tax value of the property is \$24,598, although the house on the property is in very poor condition and all windows have been boarded up.

This lot is adjacent to the Ann Street Landfill, and management and the County Attorney's Office recommend retaining this property in the name of the County. Therefore, management and the County Attorney's Office recommend rejecting Gihan Dibonaventura's bid offer and also withdrawing this property from the County's surplus property list.

**Recommendation:** Consider whether to reject Gihan Dibonaventura's bid offer and also withdraw this property from the County's surplus property list.





Site Map

CROSS CREEK TOWNSHIP



50 0 50 Feet

THE COUNTY OF CUMBERLAND AND ANY HEREIN  
DISCLAIMER: THE COUNTY OF CUMBERLAND  
FOR THIS PRODUCT AND MAKES NO WARRANTY  
EXPRESS OR IMPLIED CONCERNING THE  
ACCURACY THEREOF. RESPONSIBILITY FOR  
INTERPRETATION AND APPLICATION OF THIS  
PRODUCT LIES WITH THE USER.





ITEM NO. 4

## COUNTY of CUMBERLAND

James E. Martin  
County Manager

Cliff Spiller  
Assistant County Manager

Juanita Pilgrim  
Deputy County Manager

Amy H. Cannon  
Assistant County Manager

### *Office of the County Manager*

#### **MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF DECEMBER 18, 2003**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: JAMES E. MARTIN, COUNTY MANAGER**

**DATE: DECEMBER 13, 2006**

**SUBJECT: APPROVAL OF PROPOSED SCHOOL FUNDING AGREEMENT**

#### **BACKGROUND**

Attached you will find the proposed school funding agreement which was approved by the Board of Education on December 12, 2006. The process of negotiating a new agreement has transpired over a nine month period which began with a joint meeting of both Boards on March 30, 2006. At this meeting, the County presented a statement of principles which has remained the basis for development of this agreement. The statement of principle is "the County believes the first issue to be addressed with regard to the continuation of the existing school funding formula is whether, as a matter of principle, the Board of Commissioners and School Board can agree that annual school funding increases should be AFFORDABLE and SUSTAINABLE in order to maintain the financial stability of the County without increasing the tax burden on property owners."

Since that meeting, management from both entities has met many times to develop an agreement that provides adequate funding but is affordable and sustainable. The new agreement is still based upon growth in the property tax base, like the prior agreement, with some modification. The new agreement translates the appropriation to a tax rate equivalent of forty-four cents on the tax rate. The County will, as with the prior agreement, budget the school appropriation based upon projected growth. However, once the audit is complete and actual property tax revenues are known, the school appropriation will be adjusted to reflect actual revenues realized, and any under appropriation due to budget estimates will be paid at that time to the Board of Education. Any adjustment required because of over-appropriation will result in a payment from the Board of Education. Additionally, specific language is included in the agreement for revaluation, Project Development Financing districts, and additional funds for the operation of new schools.

#### **RECOMMENDATION/PROPOSED ACTION**

Approve the attached school funding formula Interlocal agreement for the period of July 1, 2007 through June 30, 2011.

/ct  
CM121306-1

**NORTH CAROLINA  
CUMBERLAND COUNTY**

**INTERLOCAL  
AGREEMENT**

This interlocal agreement, is made and entered into this \_\_\_\_\_ day of December, 2006, and effective as of the 1<sup>st</sup> day of July, 2007, by and between the Cumberland County Board of Education, a body politic of the State of North Carolina, hereinafter called the BOARD OF EDUCATION, and the County of Cumberland, a body politic of said State (the 'County'), hereinafter called the BOARD OF COMMISSIONERS, to memorialize a mutual agreement between the parties regarding annual appropriations by the BOARD OF COMMISSIONERS to the school current expense fund of the BOARD OF EDUCATION;

**W I T N E S S E T H:**

WHEREAS, the BOARD OF EDUCATION exercises the statutory authority to administer the Cumberland County School System, and the BOARD OF COMMISSIONERS exercises the statutory duty to provide certain school current expense funding to the BOARD OF EDUCATION ; and

WHEREAS, both the BOARD OF EDUCATION and the BOARD OF COMMISSIONERS agree that investment in public education is a priority of both boards and essential to the economic development of the community and to its quality of life; and

WHEREAS, the two boards recognize that disputes regarding appropriations from the BOARD OF COMMISSIONERS to the BOARD OF EDUCATION for school current expense funding can disrupt the budget processes of both boards and should be avoided; and

WHEREAS, the two boards agree that determining annual school current expense fund appropriations based on a mutually-agreed upon, foreseeable and objectively-derived funding formula would be beneficial and desirable, and in the public interest; and

WHEREAS, both boards have discussed development of a formula for funding school current expense appropriations; and

WHEREAS, the parties acknowledge a mutual consensus that annual school funding increases must be affordable in order to recognize the critical investment in the community's future that funding of public education represents, and to maintain the financial stability of the County; and

WHEREAS, the BOARD OF COMMISSIONERS and the BOARD OF EDUCATION have approved a mutually agreed-upon funding formula that implements those principles, and have authorized entering into this Interlocal Agreement with each other in order to execute that undertaking; and

WHEREAS, the parties have previously entered into an interlocal agreement regarding an agreed-upon funding formula, which will expire June 30, 2007, and wish to enter into this Interlocal Agreement to adjust the funding formula, as more particularly set forth herein; and

WHEREAS, the BOARD OF COMMISSIONERS and the BOARD OF EDUCATION have each approved this interlocal agreement and caused such approval to be reflected in the respective minutes of each governing board; and

WHEREAS, the BOARD OF COMMISSIONERS and the BOARD OF EDUCATION desire to enter into this Interlocal Agreement to set forth the respective undertakings and responsibilities of each party with respect to the BOARD of COMMISSIONERS' annual appropriations to the BOARD OF EDUCATION's current expense fund;

NOW THEREFORE, pursuant to N.C.G.S. 160A-461, the BOARD OF EDUCATION and the BOARD OF COMMISSIONERS mutually agree and enter into this interlocal undertaking, as follows:

1. PURPOSE: The parties enter into this Interlocal Agreement to establish a mutually-agreed upon funding formula for annual appropriations from the BOARD OF COMMISSIONERS to the BOARD OF EDUCATION's school current expense fund. The recitals set forth above are incorporated by reference as if fully set forth herein.

2. FUNDING FORMULA:

a) Subject to the provisions hereof, the BOARD OF COMMISSIONERS' annual appropriation each fiscal year during the term of this Agreement to the BOARD OF EDUCATION's school current expense fund shall be equal to those revenues derived from forty-four cents (\$.44) on the County's ad valorem property tax rate, *excluding, however,* and adjusting for any revenues derived from the incremental valuation, as set forth in G.S. 159-107, of a district established under the Project Development Financing Act, Article 6 of Subchapter 4 of Chapter 159 of the General Statutes and pledged to a Revenue Increment Fund, as provided in G.S. 159-107(c), to retire debt issued pursuant to such Act. Beginning with respect to its appropriation for fiscal year 2008, the BOARD OF COMMISSIONERS shall appropriate such amount annually to the school current expense fund for each fiscal year during the term hereof, terminating with its appropriation to such fund for fiscal year 2011. For purposes of this Interlocal Agreement, the projected revenue to be derived from forty-four cents (\$.44) on the County's ad valorem property tax rate for each fiscal year shall be deemed to be the revenues estimated for purposes of, and included as an assumption in, the BOARD OF COMMISSIONERS' adopted budget for such next fiscal year, *subject, however,* to adjustment as provided herein.

b) The amount to be appropriated as provided herein shall be adjusted to reflect the actual revenues realized and collected by the County from its ad valorem tax levy each fiscal year, as reflected in the County's Comprehensive Annual Financial Report ("CAFR") for each applicable fiscal year. Any adjustment required because of an under-appropriation due to actual ad valorem property tax revenue collections in excess of those estimated for budget purposes shall be paid by the BOARD OF COMMISSIONERS to the BOARD OF EDUCATION within thirty days after receipt of the CAFR. Any adjustment required because of an over-appropriation due to actual ad valorem property tax revenue collections less than those estimated for budget purposes shall be paid by the BOARD OF EDUCATION to the BOARD OF COMMISSIONERS within thirty days after receipt of the CAFR.

c) In consideration of, and subject to, the BOARD OF COMMISSIONERS complying with the terms hereof, the BOARD OF EDUCATION irrevocably waives and relinquishes its right to initiate and pursue any statutory or judicial process to appeal, mediate, arbitrate or otherwise resolve any dispute between the boards regarding school current expense fund appropriations.

d) The BOARD OF COMMISSIONERS shall appropriate to the school current expense fund, for any fiscal year during the term hereof as to which a county revaluation shall have taken effect, the amount equal to the revenue derived from the number of cents on the after-revaluation revenue-neutral equivalent tax rate equal to forty-four cents on the ad valorem property tax rate prior to such revaluation. See Exhibit A, attached hereto and incorporated by reference, for an example of the revenue-neutral tax rate calculation applicable to the revaluation which became effective FY 2004. By way of further example of the intent and effect of this subsection, assume that in the fiscal year immediately prior to a fiscal year in which a revaluation becomes effective that the County's ad valorem property tax rate is eighty-eight cents (\$.88), and further assume that the after-revaluation revenue-neutral equivalent ad valorem tax rate is eighty-four cents (\$.84), then the BOARD OF COMMISSIONERS would appropriate to the school current expense fund, for each fiscal year in which that revaluation was effective, the revenue derived from forty-two cents (\$.42) on the after-revaluation tax rate.

e) The BOARD OF COMMISSIONERS and the BOARD OF EDUCATION agree that, during the term of this Agreement, the BOARD OF EDUCATION by resolution(s) may request and the BOARD OF COMMISSIONERS shall fund, an increase in the funding allocation provided for herein, to be used and applied for operating funds of new school facilities, the revenues equivalent up to a cumulative additional 1.5 cents increase in the tax rate, to be allocated to the BOARD OF EDUCATION herein during the term of this Agreement. As used in this subsection (e), "1.5 cents" shall mean and refer to 1.5 cents on the tax rate prior to any revaluation, to be adjusted in the event of any revaluation as provided in subsection (d) above. If the BOARD OF EDUCATION shall make a request by resolution for an increase in its funding allocation as authorized herein, it shall provide the BOARD OF COMMISSIONERS, if the BOARD OF COMMISSIONERS shall have so requested, information in such detail as the BOARD OF COMMISSIONERS may reasonably have requested about all additional or increased revenues (i) received by, granted to, or appropriated or authorized to, as the case may be, the BOARD OF EDUCATION and not reflected in the BOARD OF EDUCATION'S budget initially adopted for that fiscal year or (ii) reasonably anticipated to be received by, granted to, or appropriated or authorized to, as the case may be, the BOARD OF EDUCATION in the immediately forthcoming fiscal year.

f) Neither party shall arbitrarily or unilaterally reduce or eliminate funding for school public health nurses, school resource officers, or school crossing guards, without mutual agreement of both the Superintendent of Schools and the County Manager expressed in writing.

3. TERM: The term of this Interlocal Agreement shall be, and its provisions shall govern appropriations from the BOARD OF COMMISSIONERS to the BOARD OF EDUCATION's school current expense fund for the parties' fiscal years, from July 1, 2007 through June 30, 2011.
4. RENEWAL: The parties may renew this Interlocal Agreement for an additional four-year term upon mutually satisfactory terms. The BOARD OF EDUCATION's Finance Committee and the BOARD OF COMMISSIONERS' Finance Committee shall each

respectively assess the benefits and effectiveness of the provisions of this Interlocal Agreement, and make a recommendation regarding renewal to their respective parent governing board, no later than September 30, 2010. The BOARD OF EDUCATION and the BOARD OF COMMISSIONERS shall each take official action on the respective recommendations and give notice hereunder to the other party no later than December 31, 2010.

5. AMENDMENT: The parties may only amend this Interlocal Agreement by a writing approved by both boards and signed by their respective duly authorized representatives.
6. TERMINATION: This Interlocal Agreement may not be terminated except upon mutual consent of both the Board of Commissioners and the Board of Education.
7. MISCELLANEOUS: This undertaking does not require the acquisition or disposition of real property, nor the joint appointment of any personnel.

8. NOTICE: Any notice to be given by either party to the other under this Interlocal Agreement shall be in writing and shall be deemed to have been sufficiently given if delivered by hand, with written acknowledgment of receipt, or mailed by certified mail return receipt requested to the other party at the following address or to such other address as either party from time to time designates in writing to the other party for the receipt of notice:

**BOARD OF EDUCATION:**

Superintendent of Schools  
P.O. Box  
Fayetteville, N.C. 28302

**COUNTY:**

County Manager  
P.O. Box 1829  
Fayetteville, NC 28302

IN WITNESS WHEREOF the Board of Education and the Board of Commissioners have caused their duly authorized officials to execute this agreement the day and year first above written, pursuant to authority duly given and as their respective acts, intending to be bound thereby.

**CUMBERLAND COUNTY BOARD OF EDUCATION**

ATTEST:

BY: \_\_\_\_\_

BY: \_\_\_\_\_, Clerk  
\_\_\_\_\_, Chairman  
Board of Education

**COUNTY OF CUMBERLAND**

BY: \_\_\_\_\_

ATTEST: \_\_\_\_\_, Chairman  
Board of Commissioners

BY: \_\_\_\_\_  
MARSHA FOGLE, Clerk



ITEM NO. 5

BILLY R. KING  
CHAIRMAN

KENNETH S. EDGE  
VICE CHAIRMAN

TALMAGE S. BAGGETT, JR.  
J. BREEDEN BLACKWELL  
JEANNETTE M. COUNCIL  
JOHN T. HENLEY, JR.  
DIANE WHEATLEY

## COUNTY of CUMBERLAND

*Board of County Commissioners*

MARSHA S. FOGLE  
CLERK TO THE BOARD

ANN HYMES  
DEPUTY CLERK

**December 8, 2006**

### **Agenda Item for December 18, 2006**

**TO:** Board of Commissioners

**FROM:** Marsha Fogle, Clerk

**RE:** Adoption of Board of Commissioners' regular meeting dates  
For 2007

**ACTION:** Adopt or modify meeting date schedule

**Attachment:** Meeting dates for 2007

COMMISSIONERS' MEETING DATES  
2007

January 2, 2007 (Tuesday)	9:00AM
January 16, 2007 (Tuesday)	6:45PM
February 5, 2007	9:00AM
February 20, 2007 (Tuesday)	6:45PM
March 5, 2007	NO MEETING (NACo Legislative Conference)
March 19, 2007	6:45PM
April 2, 2007	9:00AM
April 16, 2007	6:45PM
May 7, 2007	9:00AM
May 21, 2007	6:45PM
June 4, 2007	9:00AM
June 18, 2007	6:45PM
July	NO MEETINGS IN JULY
August 6, 2007	9:00AM
August 20, 2007	6:45PM
September 4, 2007 (Tuesday)	9:00AM
September 17, 2007	6:45PM
October 1, 2007	9:00AM
October 15, 2007	6:45PM
November 5, 2007	9:00AM
November 19, 2007	6:45PM
December 3, 2007	9:00AM
December 17, 2007	6:45PM

ALL MEETINGS ARE ON MONDAY EXCEPT AS NOTED ABOVE.

Meeting Scheduled Adopted: December 18, 2006





# COUNTY of CUMBERLAND

BILLY R. KING  
CHAIRMAN

MARSHA S. FOGLE  
CLERK TO THE BOARD

KENNETH S. EDGE  
VICE CHAIRMAN

*Board of County Commissioners*

ANN HYMES  
DEPUTY CLERK

TALMAGE S. BAGGETT, JR.  
J. BREEDEN BLACKWELL  
JEANNETTE M. COUNCIL  
JOHN T. HENLEY, JR.  
DIANE WHEATLEY

**November 27, 2006**

## **Agenda Item for December 18, 2006 Meeting**

**TO: Board of Commissioners**

**FROM: Marsha Fogle, Clerk**

**RE: Designation of a voting delegate for the Legislative Goals Conference – January 11-12, 2007**

**ACTION: Designate a voting delegate for the Conference.**



## Memorandum

**RETURN FORM BY JANUARY 3, 2007**

### **VOTING DELEGATE DESIGNATION FORM LEGISLATIVE GOALS CONFERENCE JANUARY 11-12, 2007**

**NOTE: Please place this action on your board meeting agenda.**

Each Board of County Commissioners is hereby requested to designate a commissioner or other official as a voting delegate. Each voting delegate should complete and sign the following statement and **RETURN IT TO THE ASSOCIATION NO LATER THAN JANUARY 3, 2007.**

I, \_\_\_\_\_; hereby certify that I am the duly designated voting

delegate for \_\_\_\_\_ County at the North Carolina Association of County Commissioners

Legislative Goals Conference at the Pinehurst Resort in Pinehurst, North Carolina.

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Article VI, Section of the Association's Constitution provides:

"On all questions, including the election of officers, each county represented shall be entitled to one vote, which shall be the majority expression of the delegates of that county. The vote of any county in good standing may be cast by any one of its County Commissioners who is present at the time the vote is taken; provided, if no commissioner be present, such vote may be cast by another county official, elected or appointed, who holds elective office or an appointed position in the county whose vote is being cast and who is formally designated by the Board of County Commissioners. These provisions shall likewise govern district meetings of the Association. A county in good standing is defined as one which has paid the current year's dues."



ITEM NO. 7A

## COUNTY of CUMBERLAND

*Board of County Commissioners*

BILLY R. KING  
CHAIRMAN

KENNETH S. EDGE  
VICE CHAIRMAN

TALMAGE S. BAGGETT, JR.  
J. BREEDEN BLACKWELL  
JEANNETTE M. COUNCIL  
JOHN T. HENLEY, JR.  
DIANE WHEATLEY

MARSHA S. FOGLE  
CLERK TO THE BOARD

ANN HYMES  
DEPUTY CLERK

December 4, 2006

### **December 18, 2006 Agenda Item**

TO: Board of Commissioners

FROM: Marie Colgan, Deputy Clerk *MC*

SUBJECT: Adult Care Home Community Advisory Committee Vacancies (2)

The Adult Care Home Community Advisory Committee has the following vacancies:

- Kristin Sharp – Was appointed to serve on this committee on October 16, 2005. She has respectfully declined the appointment. Replacement needed.
- Linda Brownlee-Jones – Resigned. Replacement needed.

I have attached the current membership and applicant list for this board.

**PROPOSED ACTION:** Make nominations to fill the vacancies (2).

Attachments

pc: Andrea Wright  
Mid-Carolina Area Agency on Aging

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE  
Initial Appointment 1 Year/Subsequent Term 3 Years

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Tiffany M. Adams (B/F) 1123 Curry Ford Drive Fayetteville, NC 28314 867-5976/286-1061(W)	2/06	Initial	Feb/07 2/28/07	Yes
Kristin Sharp (B/F) 3434 Lubbock Drive Hope Mills, NC 28348 323-1046/678-8289(W)	10/06	Initial	Oct/07 10/31/07	Yes
Mary Ann Brown-Jackson 1959B James Hamner Way Fayetteville, NC 28311 822-1311/483-3101	1/06	1 <sup>st</sup>	Jan/09 1/31/09	Yes
Edgar F. Merritt (B/M) 1506 Boros Drive Fayetteville, NC 28303 822-2976/286-2552(W)	10/06	Initial	Oct/07 10/31/07	Yes
Herma Jean Bradley ( /F) 714 Topeka Street Fayetteville, NC 28301 822-3689	6/06	1 <sup>st</sup>	June/09 6/30/09	Yes
Mexie Fields ( /F) 1815 Primrose Drive Fayetteville, NC 28301 488-8432	1/06	Initial	Jan/07 1/31/07	Yes
James Ingram(B/M) P.O. Box 87671 Fayetteville, NC 28304 257-1831/488-8415(W)	1/05	Initial	Jan/07 1/31/07	Yes
Julie Smith 3705 Tyson Circle Hope Mills, NC 28348 425-6215	9/05	1 <sup>st</sup>	Aug/08 8/31/08	Yes

## Adult Care Home Community Advisory Committee, continued

10/06

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Linda Brownlee-Jones (B/F) 5817 Pettigrew Drive Fayetteville, NC 28314 867-9589	4/06	Initial	Apr/07 4/30/07	Yes
Stephanie Hodges (W/F) 3424 Harrisburg Road Fayetteville, NC 28306 429-9300/292-5651(Cell)	10/06	1 <sup>st</sup>	Nov/09 11/30/09	Yes
Wynella A. Myers (B/F) 706 Sarazan Drive Fayetteville, NC 28303 425-3732	9/06	Initial	Aug/07 8/31/07	Yes
Janet Pelley 6131 Lochview Drive Fayetteville, NC 28311 488-4947	4/06	2nd	April/09 4/30/09	No
John Poulos (W/M) 3025 Brechin Road Fayetteville, NC 28303 867-2622/424-4242(W)	6/06	2nd	June/09 6/30/09	No
Gary Collier (W/M) 6335 Hackberry Hope Mills, NC 28348 423-4853/323-0760, Ext. 7138(W)	2/06	Initial	Feb/07 2/28/07	Yes
Dr. Claudett Tompkins (B/F) 260 Old Farm Road Fayetteville, NC 28314 864-5336/424-4797(W)	9/06	2nd	Aug/09 8/31/09	No
Patricia Paul (W/F) 805 Lakecrest Drive Fayetteville, NC 28301 488-5054	3/04	1 <sup>st</sup>	Mar/07 3/18/07	Yes

CONTACT: Andrea Wright, Regional Ombudsman, Mid-Carolina Area Agency on Aging,  
P. O. Box 1510, Fayetteville, NC 28302. Phone: 323-4191, ext. 25

MEETINGS: Quarterly: March, June, September, December 1st Thursday of Particular Month, 2:00 PM,  
Blue Street Senior Center

APPLICANTS FOR  
ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
EDWARDS, MANDELLA ( /F) 4151 VILLAGE DRIVE FAYETTEVILLE, NC 28304 429-0790	FULL TIME STUDENT	
<b>**SERVES ON THE NURSING HOME ADVISORY BOARD**</b>		
LLOYD, TOM (W/M) 1306 BERKSHIRE RD FAYETTEVILLE, NC 28305 484-6762/678-7618(W)	PLANNING DIRECTOR	BA/MA – GEOGRAPHY/ PLANNING MINOR – PSYCHOLOGY & STATISTICS
THOMAS, NAVY (B/F) 7208 REEDYCREEK DRIVE FAYETTEVILLE, NC 28314 867-4531/483-2222(W)/224-1332(CELL)	MAINTENANCE TECH.	2 YR TECH. COLLEGE
<b>**SERVES ON THE NURSING HOME ADVISORY BOARD**</b>		

ITEM NO. 7B



## COUNTY of CUMBERLAND

*Board of County Commissioners*

BILLY R. KING  
CHAIRMAN

KENNETH S. EDGE  
VICE CHAIRMAN

TALMAGE S. BAGGETT, JR.  
J. BREEDEN BLACKWELL  
JEANNETTE M. COUNCIL  
JOHN T. HENLEY, JR.  
DIANE WHEATLEY

MARSHA S. FOGLE  
CLERK TO THE BOARD

ANN HYMES  
DEPUTY CLERK

November 30, 2006

### December 18, 2006 Agenda Item

TO: Board of Commissioners  
FROM: Marie Colgan, Deputy Clerk  
SUBJECT: Air Quality Stakeholders' Committee Vacancy (1)

The Air Quality Stakeholders' Committee has the following vacancy:

#### City of Fayetteville Stakeholder

It is recommended by the City of Fayetteville that Council Member **Keith A. Bates, Sr.** be nominated to fill this position.

I have attached the current membership list for this Committee.

**PROPOSED ACTION: Make nomination to fill the vacancy (1).**

Attachment

pc: Tom Lloyd

## AIR QUALITY STAKEHOLDERS COMMITTEE

<u>NAME</u>	<u>STAKEHOLDER</u>	<u>DATE APPT'D</u>	<u>TERM</u>	<u>EXPIRES</u>	<u>ELIGIBLE FOR REAPPOINT.</u>
Commissioner Eleanor Ayers PO Box 220 Stedman, NC 28391 323-1892	Town of Stedman	4/06	2 <sup>nd</sup>	4/09	No
Colonel Gregory Bean Director of Public Works Bldg 3-1631, Butner Road Fort Bragg, NC 28310-5000 396-4009 <a href="mailto:beangg@bragg.army.mil">beangg@bragg.army.mil</a>	Fort Bragg	4/06	2 <sup>nd</sup>	4/09	No
Steven Blanchard, CEO Public Works Commission 8768 Coats Road Linden, NC 28356 223-4002 <a href="mailto:steve.blanchard@faypwc.com">steve.blanchard@faypwc.com</a>	PWC	4/06	2 <sup>nd</sup>	4/09	No
George Breece PO Box 2801 Fayetteville, NC 28302 484-5430(H); 484-5431(Fax) <a href="mailto:george@breece.com">george@breece.com</a>	Citizen	4/06	2 <sup>nd</sup>	4/09	No
Mayor Edwin S. Deaver 5770 Rockfish Road Hope Mills, NC 28348 424-4554; 424-2384(H) <a href="mailto:pcregister@town.hope-mills.nc.us">pcregister@town.hope-mills.nc.us</a>	Citizen	4/06	2 <sup>nd</sup>	4/09	No
Scott Peters Goodyear Tire & Rubber Company 6655 Ramsey Street Fayetteville, NC 28311	Major Industry	4/06	1 <sup>st</sup>	4/09	Yes
Joseph Follet, MD Lafayette Clinic 1756 Metromedical Drive Fayetteville, NC 28304	Medical Rep.	4/06	2 <sup>nd</sup>	4/09	No
Michael Green P.O. Drawer 510 Fayetteville, NC 28302 483-1371 <a href="mailto:mgreen6592@aol.com">mgreen6592@aol.com</a>	Cohen & Green	4/06	2 <sup>nd</sup>	4/09	No
Henry Holt 1709 Clinton Road Fayetteville, NC 28301 483-5137 <a href="mailto:hwhwork@netquick.net">hwhwork@netquick.net</a>	Petroleum Distributor	4/06	2 <sup>nd</sup>	4/09	No



AIR QUALITY STAKEHOLDERS COMMITTEE – Page 2

<u>NAME</u>	<u>STAKEHOLDER</u>	<u>DATE APPT'D</u>	<u>TERM</u>	<u>EXPIRES</u>	<u>ELIGIBLE FOR REAPPOINT.</u>
Karl Legatski 122 Magnolia Avenue Fayetteville, NC 28305 484-8684(H) 867-8675 <a href="mailto:karl@celtechinc.net">karl@celtechinc.net</a>	Citizen	4/06	2 <sup>nd</sup>	4/09	No
William A. Martin Cumberland Co. Business Council P.O. Box 9 Fayetteville, NC 28302 484-4242	CCBC	4/06	2 <sup>nd</sup>	4/09	No
Dr. Harold Maxwell 227 Fountainhead Lane Fayetteville, NC 28301 433-3600 <a href="mailto:hamaco@nc.rr.com">hamaco@nc.rr.com</a>	Board of Health	4/06	2 <sup>nd</sup>	4/09	No
Donovan McLaurin PO Box 97 Wade, NC 28395 484-0116; 428-6066(fax) <a href="mailto:mclaurin@outdrs.net">mclaurin@outdrs.net</a>	Homebuilders Association	4/06	2 <sup>nd</sup>	4/09	No
Joe Levister, Jr. FTCC PO Box 35236 Fayetteville, NC 28303 678-8321	FTCC	4/06	1 <sup>st</sup>	4/09	Yes
Denise Sykes Planning/Inspections Department 130 Gillespie Street Fayetteville, NC 28301 678-7629 <a href="mailto:dsykes@co.cumberland.nc.us">dsykes@co.cumberland.nc.us</a>	Towns of Wade Falcon, Godwin	4/06	2 <sup>nd</sup>	4/09	No
Stephen C. Waters, Sr. 4377 Ferncreek Drive Fayetteville, NC 28314 485-2135 <a href="mailto:scwaters@ashland.com">scwaters@ashland.com</a>	APAC aka Crowell Construction	4/06	2 <sup>nd</sup>	4/09	No
Talmage Baggett Board of Commissioners PO Box 1829 Fayetteville, NC 28302 433-2000	County of Cumberland	4/06	2 <sup>nd</sup>	4/09	No

Original appointments made March 17, 2003.

Committee will be active for about 3 years.

Contact/Staff: Rick Heicksen and Maurizia Chapman – Planning Department.

No regular meeting date.



VIA FACSIMILE: 910-678-7638

November 29, 2006

*Rick*  
Mr. Richard Heicksen  
Section Chief and TAC Secretary  
Fayetteville Area Metropolitan Planning Organization  
130 Gillespie Street  
Fayetteville, NC 28301

RE: Air Quality Stakeholders Committee

Dear Mr. Heicksen:

As you know, the City of Fayetteville has a representative position on the Air Quality Stakeholders of Cumberland County. At this time, I would like to appoint Councilmember Keith Bates to serve in that capacity for the City.

Mr. Bates can be reached at the following:

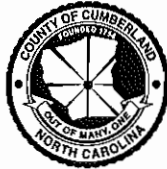
**Keith A. Bates Sr.**  
Council Member District 1  
5404 Chesapeake Road  
Fayetteville, NC 28311  
(910) 488-6315  
[kbates05@nc.rr.com](mailto:kbates05@nc.rr.com)

Thank you for your assistance in the matter and please let me know if you have any questions.

Sincerely,

*Anthony G. Chavonne*  
Anthony G. Chavonne  
Mayor

ANTHONY G. CHAVONNE, MAYOR  
433 HAY STREET  
FAYETTEVILLE, NC 28301-5537  
(910) 433-1992/FAX (910) 433-1948  
[www.cityoffayetteville.org](http://www.cityoffayetteville.org)



# COUNTY of CUMBERLAND

BILLY R. KING  
CHAIRMAN

MARSHA S. FOGLE  
CLERK TO THE BOARD

KENNETH S. EDGE  
VICE CHAIRMAN

*Board of County Commissioners*

ANN HYNES  
DEPUTY CLERK

TALMAGE S. BAGGETT, JR.  
J. BREEDEN BLACKWELL  
JEANNETTE M. COUNCIL  
JOHN T. HENLEY, JR.  
DIANE WHEATLEY

November 30, 2006

## December 18, 2006 Agenda Item

TO: Board of Commissioners

FROM: Marie Colgan, Deputy Clerk

SUBJECT: Cumberland County Home and Community Care Block Grant Committee Vacancies (6)

The Cumberland County Home and Community Care Block Grant Committee has the following vacancies:

### Older Consumer:

Bettie Carroll – Completed Second Term – not eligible for re-appointment. It is recommended that **Elma Jorgensen** be nominated to fill this vacancy.

Caren Hosmer – Resigned. It is recommended that **Kristine Wagner** be nominated to fill this vacancy.

**Janice Lucas** – Completed First Term – eligible for re-appointment. It is recommended that she be re-appointed for another term.

### Aging Service Provider

**Judy Dawkins** - Completed First Term – eligible for re-appointment. It is recommended that she be re-appointed for another term.

**Patricia Edwards** - Completed First Term – eligible for re-appointment. It is recommended that she be re-appointed for another term.

### Elected Official

Ethel Clark – Completed First Term – Does not wish to be re-appointed. It is recommended that **Richard Higgins** be nominated to fill this vacancy.

I have attached the current membership and applicant list for this board.

**PROPOSED ACTION:** Make nominations to fill the vacancies (6).

Attachments

pc: Carolyn Tracy, Mid-Carolina Area Agency on Aging

CUMBERLAND COUNTY  
HOME AND COMMUNITY CARE BLOCK GRANT COMMITTEE  
(PLANNING COMMITTEE FOR AGING SERVICES)  
4 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Older Consumer</u>				
Bettie Carroll 1100 Clarendon Street - 402 Fayetteville, NC 28305	12/02	2nd	June/06 6/30/06	No
Janice Lucas P.O. box 61 Falcon, NC 28342 980-1296	12/02	1st	Dec/06 12/31/06	Yes
(Ms.) Willie Loftin 491 Slocomb Road Fayetteville, NC 28311 488-2202	5/04	1 <sup>st</sup>	April/08 4/30/08	Yes
Edwin Deaver P.O. Box 127 Hope Mills, NC 28348	5/06	1st	May/10 5/31/10	Yes
Edith B. Melvin (B/F) 3016 Piney Mountain Drive Hope Mills, NC 28348 481-9951	4/05	1st	April/09 4/30/09	Yes
Caren Hosmer (W/F) 130 Gillespie Street Fayetteville, NC 28301 864-9505/678-7624 (W)	4/05	1st	April/09 4/30/09	Yes
Gretta Reese 1721 Bridger Street Fayetteville, NC 28301 488-5909	5/04	2nd	April/08 4/30/08	No
Carolyn Kitts 545 Tablerock Drive Fayetteville, NC 28303 867-6182	12/03	1st	Dec/07 12/31/07	Yes

Home and Community Care Block Grant Committee continued

Page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Older Consumer</u>				
Virginia Kelly 615 Regina Avenue Spring Lake, NC 28390 497-0494	12/03	1st	Dec/07 12/31/07	Yes
<u>Aging Service Provider</u>				
Karin Simkin Department of Social Services PO Box 2429 Fayetteville, NC 28302-2429	4/05	1st	April/09 4/30/09	Yes
Belinda Davis P.O. Box 3069 Fayetteville, NC 28302-3069	4/05	2nd	April/09 4/30/09	No
Sam Hutchison Senior Health Services 101 Robeson Street, Suite 202 Fayetteville, NC 28301	4/05	2nd	April/09 4/30/09	No
Toney McCray Bethel Adult Day Health Care 1065 Progress Street Fayetteville, NC 28306 484-8727	12/03	1st	Dec/07 12/31/07	Yes
Katherine VanSickle CCCCOA, INC. 339 Devers Street Fayetteville, NC 28303 484-0111	1/06	1st	Dec/09 12/31/09	Yes
Angie Yates Home Health Services of CC 235 N. McPherson Church Road, Suite 210 Fayetteville, NC 28303	4/05	1st	April/09 4/30/09	Yes
Judy Dawkins RSVP 739 Blue Street Fayetteville, NC 28301 433-1136	12/02	1st	Dec/06 12/31/06	Yes

Home and Community Care Block Grant Committee continued

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<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
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Aging Service Provider

Patricia Edwards Hope Mills Sunshine Center 3226 Davis Street Hope Mills, NC 28348	12/02	1st	Dec/06 12/31/06	Yes
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Civic Representative

Crystal McNair United Way of Cumberland Co. PO Box 303 Fayetteville, NC 28302-0303	11/03	1st	Nov/07 11/30/07	Yes
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Elected Official

Ethel Clark Mayor Town of Spring Lake P.O. Box 617 Spring Lake, NC 28390 497-2800	12/02	1st	Dec/06 12/31/06	Yes
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County Representatives

Amy Cannon  
Assistant County Manager  
PO Box 1829  
Fayetteville, NC 28302-1829

Juanita Pilgrim  
Deputy County Manager  
PO Box 1829  
Fayetteville, NC 28302-1829

APPLICANTS FOR HOME AND COMMUNITY CARE BLOCK GRANT COMMITTEE

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
COLLIER, GARY (W/M) 6335 HACKBERRY HOPE MILLS, NC 28348 423-4853/323-0760, EXT.7138(W)	HOME HEALTH SERVICE PROVIDER  <b>**Serves on the Adult Care Home Community Advisory Board**</b>	BACHELOR OF RELIGIOUS EDUCATION
HAIR, ANTHONY D. (B/M) 6344 MURPHY ROAD STEDMAN, NC 28391 323-9176/592-1575(W)	CONSUMER SOLUTIONS REPRESENTATIVE	BS EDUCATION



## COUNTY of CUMBERLAND

BILLY R. KING  
CHAIRMANKENNETH S. EDGE  
VICE CHAIRMANTALMAGE S. BAGGETT, JR.  
J. BREEDEN BLACKWELL  
JEANNETTE M. COUNCIL  
JOHN T. HENLEY, JR.  
DIANE WHEATLEYMARSHA S. FOGLE  
CLERK TO THE BOARDANN HYMES  
DEPUTY CLERK

## Board of County Commissioners

December 7, 2006

**December 18, 2006 Agenda Item**

TO: Board of Commissioners

FROM: Marie Colgan, Deputy Clerk *mc*

SUBJECT: Mental Health Board Vacancies (2)

The Mental Health Board has the following vacancies:

**Individual with Management or Business Expertise**

Robin Imperial – Resigned. Replacement needed. The Mental Health Board recommends **Michael Boose** be nominated to fill this vacancy.

**Individual with Financial Expertise** (new position classification based on statute change).

Craig Wilkins – Resigned. The Mental Health Board recommends **Willie Cooper** be nominated to fill this vacancy.

I have attached the current membership and applicant lists for this board.

**PROPOSED ACTION:** Make nominations to fill the vacancies (2).

Attachments

cc: Hank Debnam, Mental Health Director



MENTAL HEALTH BOARD 06/06  
(Cumberland County Area Mental Health, Developmental Disabilities and Substance Abuse Board)  
4 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Licensed Physician</u>				
Dr. Melvin L. Henderson (B/M) 132 Great Oaks Fayetteville, NC 28303	11/02	1st	1/1/07 Jan/07	Yes
<u>Individual with Financial Expertise</u>				
A. Johnson Chestnut (W/M) P.O. Box 87167 Fayetteville, NC 28304 484-6365/323-1040(W)	12/02	2nd	1/1/07 Jan/07	No
<u>Professional Rep. (Psychology, Social Work, Nursing, Religion)</u>				
Rev. Floyd Johnson, Jr. (B/M) 716 Amber Drive Fayetteville, NC 28311 822-0457	12/04	1st	1/1/09 Jan/09	Yes
<u>Representative with a Family Member or from a Citizen's Organization who Advocates for Persons with a Developmental Disability</u>				
Anna F. Finch (W/F) 3 Skye Place Fayetteville, NC 28303 485-1179	12/02	1st	1/1/07 Jan/07	Yes
<u>Drug Abuse Rep. (Family Consumer)</u>				
William H. McDougal (B/M) 661 Country Club Road Fayetteville, NC 28301 488-7311	05/04 to fill unexp. term	1st	1/1/08 Jan/08	Yes
<u>Developmental Disabilities (Family Consumer)</u>				
David Wendelken ( /M) 818 Azalea Drive Fayetteville, NC 28301 677-0495/223-2417(W)	06/06	1st	6/30/10 June/10	Yes
<u>Drug Abuse, Primary Consumer, Presently in Recovery</u>				
Gladys Hunt (I/F) 7158 Eagle Spring Drive Hope Mills, NC 28348 425-7409/483-8442(W)	1/06	1st full	1/1/10 Jan/10	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Mental Health Rep. from a Citizens Organization or Primary Consumer</u>				
Luis M. Collazo (H/M) 2051 Merrimac Drive Fayetteville, NC 28314 864-1818/433-1697(W)	12/04	1st	1/1/09 Jan/09	Yes
<u>Mental Health Rep. (Family Consumer)</u>				
Albert Bleakley (W/M) 3018 Ravenhill Drive Fayetteville, NC 28303 484-9406	12/04	2nd	1/1/09 Jan/09	No
<u>Alcoholism (Family Consumer)</u>				
Phyllis M. Spain (B/F) P.O. Box 821 Spring Lake, NC 28390 484-4726/916-4974(W)	06/06 to fill unexp. term	1st	1/1/10 Jan/10	Yes
<u>Alcoholism, Primary Consumer, Presently in Recovery</u>				
Nathan Taylor (B/M) 6819 Mangrove Drive Fayetteville, NC 28314 864-8742	11/04	2nd	1/1/09 Jan/09	No
<u>Individual with Management or Business Expertise</u>				
Robin Imperial (W/F) 3238 Turtle Point Dr. – Apt. A Fayetteville, NC 28304 221-9402/424-6249(W)	10/05 to fill unexp. term	1st	1/1/07 Jan/07	Yes
<u>At Large Members</u>				
Evelyn O. Shaw (B/F) P.O. Box 1195 Fayetteville, NC 28302 488-3562/323-5303	05/04 to fill unexp. term	1st	1/1/07 Jan/07	Yes
<u>Individual Representing the Interest of Children</u>				
Linda Hair (W/F) 2103 Fordham Drive Fayetteville, NC 28304 485-7347/485-7854(W)	12/02	2nd	1/1/07 Jan/07	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Openly Declared Consumer with Mental Illness</u>				
Nancy Capps (I/F) 1343 Devonshire Drive Fayetteville, NC 28304	12/02	1st	1/1/07 Jan/07	Yes
<u>Openly Declared Consumer with a Developmental Disability</u>				
Craig Wilkins (W/M) 104 Samuel Street Fayetteville, NC 28304	12/02	1st	1/1/07 Jan/07	Yes

County Commissioner (2)\* (Voting Members) - Billy R. King and Diane Wheatley

Contact: Hank Debnam, Mental Health Director

Meetings: 1<sup>st</sup> Wednesday of the month at 5:15 PM, 711 Executive Place, Board Room 124.

\* Board expanded to 18 members 11-06-02.\*

APPLICANTS FOR  
MENTAL HEALTH BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BLANCO, SWANY (B/ ) 6512 WINDY CREEK WAY FAYETTEVILLE, NC 28306 864-3674/323-2875(W)	COUNSELOR	MA – COUNSELING
BOOSE, MICHAEL C. (W/M) 309 FARLEY PLACE FAYETTEVILLE, NC 28303 860-3889/486-9292(W)	BUSINESS OWNER ATTORNEY	ECU/CAMPBELL LAW
BURRISS, JR, CLAYTON OLIVER (C/M) 2026 FOREST HILLS DRIVE FAYETTEVILLE, NC 28303 822-2800	RETIRED DESIGN ENGR	DEGREE IN BUSINESS ADMIN/MGMT MAJOR
COOPER, WILLIE JR (B/M) 5599 ASHGROVE DRIVE FAYETTEVILLE, NC 28311 488-4037/829-9873(W)	CPA	BS-BUSINESS ADMIN. GRAD. STUDIES
CRAVER, ELYSE H. (W/F) 3606 LAKE SHORE DRIVE HOPE MILLS, NC 28348 425-3667/391-1210(W)	HOSPITAL CONSULTANT & BIOHAZARDOUS WASTE TRAINER	MA – HEALTH EDUCATION
DILLON, MARY E. ( /F) 3209 MCCHOEN DRIVE FAYETTEVILLE, NC 28301 822-2045/678-8348(W)	BASIC SKILLS INSTRUCTOR	BS – ELEM. EDUCATION
GLOSTON, LOUIS J. (B/M) 2000 GREENDALE DRIVE FAYETTEVILLE, NC 28304 867-5724/484-7869(W)	CHIEF OPERATIONS OFFICER	BA – MANAGEMENT MA – MANAGEMENT
<b>**SERVES ON THE JOINT APPEARANCE BOARD**</b>		
MARSHALL, BARBARA SUMMEY (B/F) 7640 WILKINS DRIVE FAYETTEVILLE, NC 28311 488-2615/977-2303(W)	NAVY RESERVE CHAPLAIN	BA – PSYCHOLOGY & ARTS MA – ARTS IN RELIGIOUS ED. DR. OF MINISTRY IN COLLAB. LEADERSHIP
MCCUNE, DAVID JR. (W/M) 4801 RESEARCH DRIVE FAYETTEVILLE, NC 28306 297-6034(H)	VICE PRESIDENT MCCUNE TECHNOLOGY	SOME COLLEGE
PARKER, LILIANA C. (W/H/F) P.O. BOX 58064 FAYETTEVILLE, NC 28305 433-0791/551-4611(W)	BUSINESS OWNER	MASS COMMUNICATIONS/ JOURNALISM–POST GRAD SOC. PROCESSES & PUB.OPINION BA & MGMT-INTERN.RELATIONS

PECHMANN, GREGORY(W/M)  
211 FAIRWAY DRIVE  
FAYETTEVILLE, NC 28305  
868-7204/483-8101(W)

CPA

BSBA – ACCOUNTING

SESSOMS, KARLA D. (B/F)  
6624 JACOBS CREEK CIR  
FAYETTEVILLE NC 28306  
425-7634(H); 426-2273(W)

RN  
HOME CAREGIVERS

ASSOC. APPLIED  
SCIENCE

SHARP, KRISTIN S. (B/F)  
3434 LUBBOCK DRIVE  
HOPE MILLS, NC 28348  
323-1046/678-8289(W)

COUNSELOR

BS – PSYCHOLOGY  
MA – COUNSELING  
MA – HUMAN RESOURCE  
DEVELOPMENT

**\*\*Nominated to serve on the Adult Care Home  
Community Advisory Committee\*\***

SMITH-COAXUM, JANICE(B/F)  
617 BROMSWORTH TRAIL  
FAYETTEVILLE, NC 28311  
488-0459/678-7048(W)

RETIRED EDUCATOR  
ADJUNCT PROFESSOR

EdD-EDUCATION LEADERSHIP  
MA-ADMIN/SUPERVISION  
MA-ELEM. EDUCATION  
BS

WIGGINS, ALLIE D. (A/F)  
5222 BROOKFIELD ROAD  
FAYETTEVILLE, NC 28303  
868-4219/988-4267(CELL)

RETIRED CLINICAL  
SOCIAL WORKER

MA – SOCIAL WORK  
LICENSED CLINICAL  
SOCIAL WORKER

**\*\*Serves on the Community Child Protection/Fatality Prevention Team\*\***

WILLIAMS, TYRONE A.(AM/M)  
3311 LAKE BEND DRIVE  
FAYETTEVILLE, NC 28311  
670-9431/480-4841(W)

PRESIDENT, WHF, INC

BS – THEOLOGY



HANK DEBNAM, M.P.H.  
AREA DIRECTOR

Telephone: (910) 323-0601  
Fax: (910) 323-0096

## COUNTY of CUMBERLAND

### *Mental Health Center*

ACCREDITED



COUNCIL ON ACCREDITATION  
OF SERVICES FOR FAMILIES  
AND CHILDREN, INC.

#### MEMORANDUM

TO: Marie Colgan, Deputy Clerk  
Board of Commissioners

FROM: Casie Anderson, Clerk to the Area Board *CA*

DATE: December 7, 2006

RE: Cumberland County Mental Health, Developmental Disabilities and Substance Abuse Services  
Area Board Recommendations for Appointment

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At its December 6, 2006 meeting, the Cumberland County Mental Health, Developmental Disabilities and Substance Abuse Services Area Board approved the recommendation of Willie Cooper to fill the vacant position of an *Individual with Financial Expertise*.

In addition, during the December 6, 2006 meeting, the Area Board also approved the recommendation of Michael Boose to fill the vacant position of an *Individual with Management or Business Expertise*.

I would like to request that the two (2) nominees be presented to the Commissioners for their consideration at the December 18, 2006 meeting. If you have any questions, please contact me at 222-6133. Thank you.

cc: Commissioner Diane Wheatley, Area Board Liaison  
Commissioner Billy King, Area Board Liaison  
Evelyn O. Shaw, Area Board Chair  
Hank Debnam, Area Director

P.O. Box 3069 • 711 Executive Place • Fayetteville, North Carolina 28302-3069

*Additional locations where caring people provide mental health, developmental disabilities, and substance abuse services for the community:*

Adult Services Center  
323-0601

Child & Family Services  
323-2311

Fuller Center  
822-5066

Roxie Avenue Center  
484-1212

Spainhour Center  
483-7283

Spring Lake Center  
321-6413



# COUNTY of CUMBERLAND

BILLY R. KING  
CHAIRMAN

KENNETH S. EDGE  
VICE CHAIRMAN

TALMAGE S. BAGGETT, JR.  
J. BREEDEN BLACKWELL  
JEANNETTE M. COUNCIL  
JOHN T. HENLEY, JR.  
DIANE WHEATLEY

*Board of County Commissioners*

MARSHA S. FOGLE  
CLERK TO THE BOARD

ANN HYMES  
DEPUTY CLERK

**December 6, 2006**

## **December 18, 2006 Agenda Item**

**TO: Board of Commissioners**  
**FROM: Marsha Fogle, Clerk**  
**RE: Appointments to the ABC Board (2 vacancies)**

**The Board of Commissioners, at its meeting on December 4, 2006, nominated the following people to serve on the ABC Board:**

**Stephen Horne  
Valarie Wynne-Hall  
Landis Chavis**

**ACTION: Appoint two of the above nominees**

**Note: One of the nominees will fill the Ed Melvin vacancy (to expire June, 2008), and the other nominee will fill the Steve Satisfsky vacancy (to expire June, 2008)**

**Attachments: ABC Members  
ABC Applicants**

# ABC BOARD

6/06

## 3 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Ed Melvin (W/M) 3017 Ravenhill Drive Fayetteville, NC 28303 433-2119/391-4028(W)	6/05	1st	June/08 6/30/08	Yes
Edward Maynor (AI/M) 3718 Floyd Drive Hope Mills, NC 28348 424-4214/425-5668(W)	6/06	1st	June/09 6/30/09	Yes
Stanley Johnson (W/M) 4718 Cameron Road Hope Mills, NC 28348 425-4509	5/04	2nd	June/07 6/30/07	No
Glenn B. Adams 407 Hilliard Drive Fayetteville, NC 28311 822-4578/678-8900(W)	5/04	1st	June/07 6/30/07	Yes
Stephen R. Satsky (W/M) 219 Devane Street Fayetteville, NC 28305 483-9344/483-2920(W)	6/05	2nd	June/08 6/30/08	No

Commissioner Liaison: Kenneth Edge

Regular Meetings: 2nd Monday of the month at 6:00 PM in the Conference Room at the office on Owen Drive (1705 Owen Drive, Fayetteville, NC 28304).

Contact: ABC Board General Manager Gene Webb, 484-8167.



APPLICANTS FOR  
ABC BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ALLEN, CINDY (W/F) 2233 WILMINGTON HIGHWAY FAYETTEVILLE, NC 28306 483-3213/323-8811(W)	OWNER -NURSERY & LANDSCAPING COMPANY	ASSOCIATE DEGREE: DENTAL ASSISTANT
<b>**SERVES ON THE JOINT APPEARANCE COMMISSION**</b>		
BLANCO, SWANY (B/) 6512 WINDY CREEK WAY FAYETTEVILLE, NC 28306 864-3674/323-2875(W)	COUNSELOR	MA - COUNSELING
CHAVIS, DR. ANNIE M. (B/F) 3454 THORNDIKE DRIVE FAYETTEVILLE, NC 28311 488-9555/672-1852(W)	COLLEGE PROFESSOR	
CHAVIS, LANDIS REED (W/M) 3855 CEDAR CREEK ROAD FAYETTEVILLE, NC 28312 483-1729/483-4783(W)	OWNER/PRESIDENT PLUMBING CO.	HIGH SCHOOL
CHESTNUTT, A. JOHNSON(W/M) 578 MILDEN ROAD FAYETTEVILLE, NC 28314 484-6365/323-1040(W)	ACCOUNTANT	BSBA
FLEMING, JOE (B/M) 7235 RYAN STREET FAYETTEVILLE, NC 28314 868-1428/257-7323	RETIRED	16 YEARS
<b>**SERVES ON THE NURSING HOME ADVISORY BOARD**</b>		
HALL, R. KEITH (C/M) 5744 MACK SIMMONS FAYETTEVILLE, NC 28312-7776 485-6836	USN RETIRED	HS/USN SCHOOLS
HORNE, STEPHEN T., JR. (W/M) 801 FAIRFIELD ROAD FAYETTEVILLE, NC 28303 484-0487	RETIRED	1 ½ YEARS COLLEGE
INGRAM, JAMES (B/M) PO BOX 87671 FAYETTEVILLE, NC 28304 257-1831/488-8415(W)	EDUCATION ADMIN.	BA, MA, ED.S
KEEFE, JIMMY (W/M) 370 ECHO LANE FAYETTEVILLE, NC 860-7706/323-1791, EXT. 303 (W)	OWNER/OPERATOR TROPHY HOUSE	CITADEL GRADUATE

KNIGHT, BOBBY L. (W/M)  
PO BOX 1842  
FAYETTEVILLE, NC 28302  
323-0023/624-5533(W)

SEMI-RETIRED HIGH SCHOOL  
REAL ESTATE INVESTMENTS

LEACH, JACQUELINE (AA/F)  
5520 MARCIA STREET  
FAYETTEVILLE, NC 28303  
868-4897/677-2977(W)

VISTA VOLUNTEER ACCOUNTING DEGREE  
AMERICORP

MACK, DAVID JAMES (B/M)  
5479 LYNBROOK COURT  
FAYETTEVILLE, NC 28314  
867-1214

RETIRED  
SCHOOL ADMINISTRATOR

MANNING, BILLY H. (B/M)  
718 RUSTLAND DRIVE  
FAYETTEVILLE, NC 28301  
822-1919/483-7111

RETIRED MILITARY ASSOC. POLICE SCIENCE  
& CC SHERIFF'S DEPT & BUSINESS LAW

MATTHEWS, GEORGE E. (B/M)  
6984 KINGS LYNN LOOP  
FAYETTEVILLE, NC 28304  
487-3904/396-8169/2227

GOVT. CONTRACT BS - TECH. AERONAUTICS  
EMPLOYEE MA - HUMAN RELATIONS

MCFADYEN, WILLIAM DAVID (W/M)  
7122 HUNTERS POINT DRIVE  
FAYETTEVILLE, NC 28311  
822-2362

RETIRED ASSOC. DEGREE -  
PART-TIME COURIER BUSINESS ADMIN.

MERRITT, EDGAR F. (B/M)  
1506 BOROS DRIVE  
FAYETTEVILLE, NC 28303  
822-2976/286-2552(W)

RETIRED CITY POLICE 3 YRS COLLEGE  
PART-TIME: DEPT OF  
JUVENILE JUSTICE

POOLE, ROBERT E. (W/M)  
2700 BRIARCREEK PLACE  
FAYETTEVILLE, NC 28304  
678-8197/483-1367 (W)

PRESIDENT/MANAGER HS/40 YRS OF BUSINESS  
POOLE OFFICE INTERIORS MANAGEMENT



# COUNTY of CUMBERLAND

*Board of County Commissioners*

BILLY R. KING  
CHAIRMAN

KENNETH S. EDGE  
VICE CHAIRMAN

TALMAGE S. BAGGETT, JR.  
J. BREEDEN BLACKWELL  
JEANNETTE M. COUNCIL  
JOHN T. HENLEY, JR.  
DIANE WHEATLEY

MARSHA S. FOGLE  
CLERK TO THE BOARD

ANN HYMES  
DEPUTY CLERK

**December 6, 2006**

## **Agenda Item for December 18, 2006 Meeting**

**TO: Board of Commissioners**

**FROM: Marsha Fogle, Clerk**

**RE: Appointment to the Nursing Home Advisory Board (1 vacancy)**

**BACKGROUND:** The Board of Commissioners, at its meeting on December 4, 2006, nominated Mr. Edgar F. Merritt to fill the Peter Paoni vacancy on the Nursing Home Advisory Board.

**ACTION:** Appoint the nominee

**Attachment: Nursing Home Advisory Board Member List**  
**Copy: Andrea Wright-Valdez**

NURSING HOME ADVISORY BOARD  
3 Year Term  
(Initial Appointment One Year)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Martha McKoy P.O. Box 42152 Fayetteville, NC 28309 423-0771	9/05	1st	9/30/08 Sept/08	Yes
William R. Nichols(W/M) 1240 Magnolia Church Road Stedman, NC 28391 483-3934/433-1924(W)	2/06	Init.	02/28/07 Feb/07	Yes
Barbara Randolph (W/F) P.O. Box 36113 Fayetteville, NC 28303 484-3602 (H)	4/06	1st	4/30/09 April/09	Yes
Dr. Kathleen Radcliff(W/F) P.O. Box 53004 Fayetteville, NC 28305 484-4895/868-8153(W)	1/06	1st	1/31/09 Jan/09	Yes
Mandella Edwards ( /F) 4151 Village Drive Fayetteville, NC 28304 429-0790(H)	4/06	Init.	4/30/07 April/07	Yes
Rev. Dr. Joe Fleming (B/M) 7235 Ryan Street Fayetteville, NC 28314 864-9084/257-7323(W)	6/06	1st	6/30/09 June/09	Yes
Navy Thomas (B/F) 7208 Reedy Creek Drive Fayetteville, NC 28314 867-4531/483-2222(W)/224-1332(Cell)	6/06	Init.	6/30/07 June 07	Yes
Robert Pringle (B/M) 1835 Cascade Street Fayetteville, NC 28301 483-7547	10/04	2nd	10/31/07 Oct/07	No

# Nursing Home Advisory Board

Page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Peter A. Paoni (W/M) 705 Marketview Court Fayetteville, NC 28301 486-5123	11/05	Init.	11/30/06 Nov/06	Yes
Hervenna Pannell (B/F) 1821 Eichelberger Drive Fayetteville, NC 28303 822-8516/907-9355(W)	2/06	1st	2/28/09 Feb/09	Yes
Lora L. Watson 1516 Chedington Road Hope Mills, NC 28348 485-3558/323-3041(W)	4/04	1st	4/30/07 April/07	Yes

CONTACT: Andrea Wright - Mid-Carolina Area Agency on Aging  
P. O. Box 1510, Fayetteville, NC 28302, (Phone: 323-4191, ext. 25)

Quarterly, (February, May, August & November) at 10:00 AM on the fourth Wednesday - at various nursing homes in the county.

ITEM NO. 9A

# CLOSED SESSION

**Attorney-Client Matter Pursuant  
to NCGS 143-318.11(a)(3)**