
AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
NOVEMBER 20, 2006
6:45 PM

INVOCATION - Commissioner Jeannette Council

PLEDGE OF ALLEGIANCE –

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

1. Consent Agenda

- A. Approval of minutes for the November 6, 2006 regular meeting.
- B. Approval of Bid Rejection for Bay Shore Properties Dam Removal, Grading & Erosion Control Project (Lake Upchurch).
- C. Approval of Health Department Delinquent Accounts and Authorization to Submit to Collection Agencies.
- D. Approval of Request for Funding to Support the Dr. Martin Luther King, Jr. Memorial Park Paver Project.
- E. Approval of a Proclamation Proclaiming December 1, 2006 as “World AIDS Day” in Cumberland County.
- F. Approval of Destruction of Finance Department Records.
- G. Budget Revisions:

(1) Health

Revision in the amount of \$1,881 to appropriate fund balance to rebudget unexpended funds received from FY06 March of Dimes Folic Acid Grant. (B07-172) **Funding Source – General Fund Fund Balance**

(2) Emergency 911

Revision in the amount of \$2,000 to appropriate fund balance to contract for foreign language interpreter for 911 calls. (B07-170) **Funding Source – Emergency 911 Fund Balance**

(3) Emergency Services Grants

Revision in the amount of \$48,340 to budget Critical Infrastructure Protection Federal Grant. (B07-171) **Funding Source - Grant**

(4) Westarea Fire District

Revision in the amount of \$200 to budget for unanticipated refunds to taxpayers. (B07-169) **Funding Source – Fire District Tax**

(5) Sheriff Training Center/Federal Drug Forfeiture

Revisions in the amount of \$10,739 to transfer funds from the Federal Drug Forfeiture Fund to the Sheriff's Training Center Capital Project Fund for the purchase of IP phones. (B07-173 and B07-173A) **Funding Source – Federal Drug Forfeiture Fund Balance**

2. Public Hearings

Uncontested Cases

Rezoning

- A. Case P06-72. The rezoning of .6 acres from R6A to C(P), or to a more restrictive zoning district, at 4469 South Main Street, owned by Purdue Drive Investments, LLC.
- B. Case P06-73. The rezoning of 1.34 acres from A1 to A1A, on the south side of Butler Nursery Road, east of Two Rut Road, owned by Dorothy T. Tatum.
- C. Case P06-74. The rezoning of .91 acres from C1(P) to C(P), at 4591 Cumberland Road, owned by Gerald Chambers.

- D. Case P06-76. The rezoning of 2 parcels totaling 4.54 acres from R40 to R30, or to a more restrictive zoning district, located on the south side of Clinton Road, west of the Sampson County Line, owned by Robert L. Nunnery, Jr.
- E. Case P06-77. The rezoning of a 3.45 acre portion of a 55.75 acre tract from A1 to R40, or to a more restrictive zoning district, located on the northwest side of Allie Cooper Road, west of South West Street, owned by Harold and Jolene Maxwell.

Conditional Use District

- F. Case P06-50. The rezoning of 73.21 acres from A1 to R20/DD/CUD and Permit, or to a more restrictive zoning district, located between Cedar Creek and A.B. Carter Roads, west of Willard Drive, owned by J. O. Carter, Jr. et al.
- G. Case P06-64. The rezoning of 11.72 acres from A1 to M(P)/CUD and Permit, or to a more restrictive zoning district to allow new and used motor vehicle (Auto, Truck & Trailer), equipment, parts and tire sales (retail and wholesale), tool and equipment rental, motor vehicle (trucks, cars, boat, RV and farm equipment) and equipment repair, tire installation and body work (garage), office, junkyard-salvage and storage of motor vehicles, parts and equipment, wrecker service, mobile service vehicle, and fabrication and welding, on Temple Oak Avenue, north of Macedonia Church Road, owned by James D. Smith.

Revisions and Amendments

- H. Case P06-80. Revisions, Amendments and Updates to the Cumberland County Zoning Ordinance for the Cumberland County Joint Planning Board's One Year Review of the June 20, 2005 Ordinance.

Other Public Hearings

- I. Public Hearing on the Windridge Subdivision Water Line Extension Project and Approval of a Resolution Adopting the Preliminary Assessment Roll.

Minimum Housing Code Enforcement

- J. Case Number: MH 4784-2006
Property Owner: Kathryn & Kenneth Fisher
Property Location: Lot to left of 3554 Hidden Oaks Drive, Fayetteville, NC
Parcel Identification Number: 0452-46-6548
- K. Case Number: MH 4654-2005
Property Owner: Michael O'Brien
Property Location: 1164 Armadillo Drive, Fayetteville, NC
Parcel Identification Number: 0419-76-5213

- L. Case Number: MH 4826-2006
Property Owner: Vance Brewer Marsh Life Estate
Property Location: Lot in front of 3646 Hidden Oaks Drive, Fayetteville, NC
Parcel Identification Number: 0452-56-5624
- M. Case Number: MH 4827-2006
Property Owner: M.J. Marsh Farms, Inc.
Property Location: Lot behind 3267 Shem Creek Drive, Mobile Home A,
Fayetteville, NC
Parcel Identification Number: 0452-27-2136
- N. Case Number: MH 4828-2006
Property Owner: M.J. Marsh Farms, Inc.
Property Location: Lot behind 3267 Shem Creek Drive, Mobile Home B,
Fayetteville, NC
Parcel Identification Number: 0452-27-2136
- O. Case Number: MH 4777-2006
Property Owner: M.J. Marsh Farms, Inc.; Mobile Home Owner: Tim Larson
Property Location: 3427 Shem Creek Drive, Fayetteville, NC
Parcel Identification Number: 0452-47-0387
- P. Case Number: MH 4829-2006
Property Owner: M.J. Marsh Farms, Inc.
Property Location: 5284 Butler Nursery Road, Fayetteville, NC
Parcel Identification Number: 0452-56-7522

Items of Business

- 3. Presentation by Mr. Bob Stanger of the Cumberland County Facilities Committee Report on the Status of the Courthouse Security and Renovation Project and the Impact on Courthouse Parking (PowerPoint Presentation).
- 4. Consideration of Voluntary Agricultural District Ordinance and Farm Advisory Committee By-Laws.
- 5. Nominations to Boards and Committees
 - A. Air Quality Stakeholders' Committee (1 Vacancy)
 - B. Mental Health Board (6 Vacancies)

6. Appointments to Boards and Committees

A. Community Child Protection Fatality Prevention Fatality Prevention Team (2 Vacancies)

Nominees: Allie D. Wiggins (Reappointment)
Kalisha Abercrombie

B. Human Relations Commission (1 Vacancy)

Nominee: Cornelius Williams

C. Joint Senior Citizens Advisory Commission (3 Vacancies)

Nominees: Eleanor Ayers
George Hatcher, Sr.
Kristine Wagner

D. Library Board of Trustees (2 Vacancies)

Nominees: Maxine McCoy (Reappointment)
Nellie L. McCoy (Reappointment)

E. Nursing Home Advisory Board (1 Vacancy)

Nominee: Peter A. Paoni

F. Transportation Advisory Board (9 Vacancies)

Nominees:

City of Fayetteville Representative:

County Mental Health Director or Designee:

Emergency Medical Services Representative:

County Planning Dept. Director or Designee:

Vocational Rehabilitation Representative:

At-Large Representatives:

Victor Sharp

Densie Lucas

Wally Ainsworth

Tom Lloyd

Tammy Jackson

Charles Luther

Dianne Grumelot

T. Joel Strickland

Pam Presser (Reappointment)

G. Workforce Development Board (2 Vacancies)

Nominees:

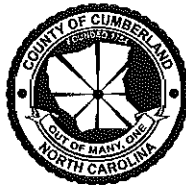
Rehabilitation Representative:	Ellen Morales
Economic Development Representative:	William A. Martin (Reappointment)

7. Closed Session:
- A. Personnel Matter Pursuant to NCGS 143.318.11(a)(6).
 - B. Attorney-Client Matter Pursuant to NCGS 143.318.11(a)(3)

ADJOURN

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

MEETINGS: December 4, 2006 (Monday) - 9:00 AM
December 18, 2006 (Monday) - 6:45 PM



ITEM NO. 1B

COUNTY of CUMBERLAND

Engineering Department

ROBERT N. STANGER, P.E.
County Engineer

November 14, 2006

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: ROBERT N. STANGER, COUNTY ENGINEER *Bob*

THROUGH: AMY H. CANNON, ASSISTANT COUNTY MANAGER

SUBJECT: REJECT BIDS FOR BAY SHORE PROPERTIES DAM REMOVAL, GRADING & EROSION CONTROL PROJECT (LAKE UPCHURCH)

BACKGROUND:

Bids were received on October 19, 2006, for the Bay Shore Properties Dam Removal, Grading & Erosion Control Project. The existing berm on Bay Shore Properties LLC property is considered by NC Dam Safety as a part of the regulated dam on Lake Upchurch. The project proposes to place fill on and behind the berm and raise the elevation so that the berm would be eliminated as part of the regulated dam. Fill material would be removed from the high side of the property and moved to the low side to backfill the berm.

Attached is a copy of the itemized bid tab for the project. The low bid was submitted by Atwell Construction Company, Inc., in the amount of \$762,671.00. The initial estimate for this project provided to the County from Bay Shores Properties, LLC in the April, 2006 meeting with management was \$550,000. The low bid is approximately \$212,000 over this budget. Given the increased costs of the Lake Upchurch Dam Restoration Project, the property owners cannot afford these additional costs and the recommendation of the County Engineer is to reject the bids and work with Bay Shores Properties, LLC to find ways to reduce the scope and cost of this phase of the Lake Upchurch Project.

RECOMMENDATION/PROPOSED ACTION:

The recommendation of the County Engineer and management is to reject the bids for the Bay Shore Properties Dam Removal, Grading & Erosion Control Project.

The proposed action by the Board is to follow the staff recommendation.

BAY SHORE PROPERTIES DAM REMOVAL, GRADING & EROSION CONTROL PROJECT

BID OPENING - 2:00 PM, OCTOBER 19, 2006

BID ITEM	QUANTITY	ATWELL CONSTRUCTION CO., INC.		BMCO CONSTRUCTION, INC.		ES&J ENTERPRISES, INC.		AUTRY GRADING, INC.		MW CLEARING & GRADING, INC.	
		UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT	UNIT PRICE	BID AMOUNT
1. MOBILIZATION	LUMP SUM	LS \$	15,000.00	LS \$	15,000.00	LS \$	15,000.00	LS \$	15,000.00	LS \$	15,000.00
2. EROSION & SEDIMENTATION CONTROL	LUMP SUM	LS \$	88,275.00	LS \$	130,000.00	LS \$	87,985.00	LS \$	160,000.00	LS \$	147,638.14
3. CLEARING & GRUBBING	43.9 AC	\$3,000 per AC	\$ 131,700.00	\$3,189.06 per AC	\$ 140,031.62	\$3,000 per AC	\$ 131,700.00	\$3,100 per AC	\$ 136,090.00	\$3,100 per AC	\$ 136,090.00
4. STRIPPING TOPSOIL/ORGANIC MATERIAL	43.1 AC	\$1,600 per AC	\$ 68,960.00	\$2,800 per AC	\$ 120,680.00	\$2,650 per AC	\$ 114,215.00	\$3,400 per AC	\$ 146,540.00	\$9,640 per AC	\$ 415,484.00
5. UNCLASSIFIED EXCAVATION	123,600 CY	\$3.20 per CY	\$ 395,520.00	\$2.33 per CY	\$ 287,988.00	\$3.00 per CY	\$ 370,800.00	\$2.95 per CY	\$ 364,620.00	\$5.00 per CY	\$ 617,705.06
6. SEEDING	43.9 AC	\$1,440 per AC	\$ 63,216.00	\$1,850 per AC	\$ 81,215.00	\$1,425 per AC	\$ 62,557.50	\$2,150 per AC	\$ 94,385.00	\$2,052 per AC	\$ 90,082.80
7. BORROW EXCAVATION (SELECT BACKFILL)	0 CY	\$15.00 per CY	\$ -	\$11.50 per CY	\$ -	\$25 per CY	\$ -	\$14.50 per CY	\$ -	\$25.00 per AC	\$ -
TOTAL BID			\$ 762,671.00		\$ 774,914.62		\$ 782,257.50		\$ 916,635.00		\$ 1,422,000.00

Certified true and accurate

By:

Robert N. Stanger

Date:

10/27/06





ITEM NO. 1C

COUNTY of CUMBERLAND

E. Newton Smith Public Health Center

MEMORANDUM

TO: Board of County Commissioners

THRU: Mrs. Juanita Pilgrim, Deputy County Manager *Juanita Pilgrim*

FROM: Mr. A. Wayne Raynor, Health Director *A. Wayne Raynor*

DATE: November 6, 2006

RE: Approval of Delinquent Accounts To Be Turned Over to Collectors

BACKGROUND

At the Board of Health meeting on October 17, 2006, the Board approved writing off \$72,866.35 as bad debts and turning them over to the contracted collection agency – Professional Recovery Consultants, Inc. This write-off of bad debts is in compliance with the Board of Health's recommendation to write-off bad debts every quarter.

RECOMMENDATION/PROPOSED ACTION

Management requests to have this item placed on the next County Commissioners' meeting agenda for their approval to write off bad debts in the amount of \$72,866.35 and to turn them over to Professional Recovery Consultants, Inc. for collection.

/dwmc
:Attachment



**CUMBERLAND COUNTY DEPARTMENT
OF PUBLIC HEALTH
DELINQUENT ACCOUNTS TO BE TURNED OVER FOR COLLECTION
BAD DEBT WRITE-OFF # 15
October 17, 2006**

PROGRAM	AMOUNT
ADULT HEALTH	\$29,507.31
BCCCP	\$242.00
COMMUNICABLE DISEASE	\$0.00
CHILD HEALTH	\$7,597.99
DENTAL	\$915.00
FAMILY PLANNING	\$23,750.47
GYN	\$1,607.43
IMMUNIZATIONS	\$497.30
MATERNITY	\$3,924.68
PAP	\$4,694.17
T.B.	\$130.00
TOTAL	\$72,866.35

The above accounts are 90 days old or older as of October 1, 2006.



ITEM NO. 15

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 NOVEMBER 20, 2006

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER 

DATE: NOVEMBER 14, 2006

SUBJECT: APPROVAL OF REQUEST FOR FUNDING TO SUPPORT THE
DR. MARTIN LUTHER KING JR. MEMORIAL PARK PAVER PROJECT

BACKGROUND

Chairman King has requested this item be placed on the November 20, 2006 agenda. The Dr. Martin Luther King Jr. Committee is requesting \$5,000 in support of the Dr. Martin Luther King Jr. Memorial Park Paver Project. The \$5,000 will purchase a 24"x24" paver in Cumberland County's name which will be placed at the foot of the statue prior to the unveiling. A budget revision is attached regarding this request.

RECOMMENDATION / PROPOSED ACTION

Consider approval of the request and associated budget revision.

/ct

CM111406-2



**Fayetteville-Cumberland County
Dr Martin Luther King, Jr. Committee**
Post Office Box 111,
Fayetteville, North Carolina 28302-0111

The Honorable Billy R. King, Chairman
Cumberland County Board of Commissioners
PO Box 1829
Fayetteville, NC 28302

Dear Commissioner King:

Take the first step in faith. You don't have to see the whole staircase, just take the first step.

Martin Luther King, Jr. (1929-1968)

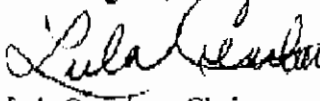
The Fayetteville/Cumberland County Dr. Martin L. King, Jr. Committee is extremely excited about continuing the work of developing the Dr. Martin Luther King, Jr. Memorial Park. The Committee is planning several activities in the near future and we still solicit your support. The first activity will be a major fundraiser effort for the Dr. Martin Luther King, Jr. Memorial Park and would like for you and your organization to play a vital part. A Pavers and Brick project is now underway! The Dr. Martin Luther King, Jr. Memorial Park is, and always has been a community project and we need your assistance to assure that the project moves forward in a manner that will be representative of our community.

We are respectfully asking you to consider purchasing a 24 x 24 paver at the bargain price of \$5,000.00 to kick off this campaign. Pavers and bricks, purchased by December 1, 2006 will be laid at the foot of the stature prior to the unveiling. We only anticipate selling five of the 24 x 24 size and encourage you to be one of the few to have a paver in perpetual at the base of the stature. Your paver will help honor Dr. King, and create a beautiful place in the Fayetteville/Cumberland County Community. We are asking for your help today! Please make your check payable to the Dr. Martin L. King, Jr. Memorial Park Fund, along with the information you want engraved on the paver and mail to:

MLK Memorial Park Fund
PO Box 111
Fayetteville, NC 28302

It is important for the community to rally around this effort. We strongly encourage you to participate and we thank you in advance for your support.

Warm regards,


Lula Crenshaw, Chairperson
Board of Directors

739 Blue Street, Fayetteville, NC 28301
No One Can Enter and Leave Unchanged

Board of Directors
Lula Crenshaw • Charissa Davis • Little Gregory • Rev. Aaron Johnson • Ronnie Mitchell • Floyd Shorter • Robert Smith

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B07-175
Date Received	11/13/2006
Date Completed	

Fund No. 101 Agency No. 412 Organ. No. 4195

Organization Name: General Government Other

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated		5,000	

Total

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
345E	088	Contributions	0	5,000	5,000
			0	5,000	5,000

Justification:

Revision to appropriate fund balance to purchase one of only five 24 X 24 pavers to be used at the base of the Dr. Martin L. King, Jr. statue. (Contribution is to the MLK Memorial Park Fund).

Funding Source:

State: _____ Federal: _____ County: _____ New: _____ Other: _____
Other: _____ Fees: _____ Prior Year: _____

Fund Balance:

Submitted By: _____

Date: _____

Department Head

Reviewed By: Edward C. Allen

Date: 11/14/06

Budget Analyst

Reviewed By: Amy N. Cannon

Date: 11/14/06

Deputy Assistant County Mgr

Reviewed By: _____

Date: _____

Information Services

Approved By:

Date: _____

County Manager

Board of County
Commissioners

Date: _____



ITEM NO. 1E

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 NOVEMBER 20, 2006

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER 

DATE: NOVEMBER 9, 2006

SUBJECT: APPROVAL OF PROCLAMATION PROCLAIMING DECEMBER 1, 2006
AS "WORLD AIDS DAY" IN CUMBERLAND COUNTY

BACKGROUND

Ms. LaToya Rouse of the Cumberland County HIV Task Force has requested that the Board of Commissioners consider proclaiming December 1, 2006 as "World AIDS Day" in Cumberland County.

A proclamation has been prepared and is attached for your consideration.

RECOMMENDATION/PROPOSED ACTION

Management recommends adoption of the proclamation.

/ct

CM110906-2

2006 WORLD AIDS DAY PROCLAMATION

WHEREAS, the global spread of HIV infection and AIDS necessitates a worldwide effort to increase communication, education and action to stop the spread of HIV/AIDS; and

WHEREAS, the Joint United Nations Program on HIV/AIDS (UNAIDS) observes December 1 of each year as World AIDS Day, a day to expand and strengthen the worldwide effort to stop the spread of HIV/AIDS; and

WHEREAS, UNAIDS estimates that approximately 40 million people worldwide are estimated to be living with HIV/AIDS; and

WHEREAS, the American Association for World Health is encouraging better understanding of the challenges of HIV/AIDS nationally, as it recognizes that the number of people diagnosed with HIV and AIDS in the United States continues to increase, with an estimated 1,100,000 people in the United States now infected and approximately 40,000 new HIV infections occurring every year; and

WHEREAS, in North Carolina almost 9,000 have died from AIDS, approximately 18,000 persons reported to have HIV or AIDS, and an additional 10,000 persons who may be unaware of their infection; and

WHEREAS, the World AIDS Day 2006 theme – “Stop AIDS. Keep the Promise”— encourages people to take personal responsibility in the fight against AIDS, be accountable, and address the devastation of the HIV/AIDS global epidemic with leadership, honesty and action;

NOW, THEREFORE, the Board of Commissioners of Cumberland County do hereby proclaim December 1, 2006, as “WORLD AIDS DAY” in Cumberland County, and urge all citizens to take part in activities and observances designed to increase awareness and understanding of HIV/AIDS, to take part in HIV/AIDS prevention activities and programs, and to join the effort to prevent the further spread of HIV/AIDS around the world and particularly here in Cumberland County.

This the 20th day of November, 2006.

Billy R. King, Chairman
Board of County Commissioners



ITEM NO. 1F

COUNTY of CUMBERLAND

James E. Martin
County Manager

Juanita Pilgrim
Deputy County Manager

Office of the County Manager

Cliff Spiller
Assistant County Manager

Amy H. Cannon
Assistant County Manager

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 20, 2006

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER

DATE: NOVEMBER 8, 2006

SUBJECT: DESTRUCTION OF FINANCE DEPARTMENT RECORDS

BACKGROUND

Pursuant to a resolution adopted by the Board of County Commissioners on February 4, 1985, the County Manager has authorized destruction of certain Finance Department records (see attachment).

The destruction of these records is in accordance with the Records Retention and Disposition Schedule issued by the North Carolina Division of Archives and History and adopted by the Board of County Commissioners.

RECOMMENDATION/PROPOSED ACTION

Accept the report on disposition of records and include same in minutes of the November 20, 2006 Board of Commissioners' Meeting.

/cas

Attachment



COUNTY of CUMBERLAND

James E. Martin
County Manager

Juanita Pilgrim
Deputy County Manager

Office of the County Manager


Cliff Spiller
Assistant County Manager

Amy H. Cannon
Assistant County Manager

November 8, 2006

MEMORANDUM

TO: JAMES E. MARTIN, COUNTY MANAGER

FROM: AMY H. CANNON, ASSISTANT COUNTY MANAGER 

SUBJECT: DESTRUCTION OF FINANCE DEPARTMENT RECORDS

Pursuant to the resolution adopted by the Board of County Commissioners on February 4, 1985, authorization is requested to destroy Finance Department records noted below. The destruction of these records is in accordance with the Records Retention and Disposition Schedule issued by the North Carolina Division of Archives and History which was previously adopted by the Board of County Commissioners.

1. Records with three-year retention requirement (dated prior to July 1, 2003).
 - a. Fiscal correspondence/memorandums.
 - b. Bank statements, canceled checks. Deposit slips, and reconciliation file.
 - c. Purchasing – request for proposals for purchase contracts, purchase orders, and requisitions.
 - d. Cash receipt report files.
 - e. Check registers.
 - f. Investment records.
 - g. Journal vouchers.
 - h. LGC financial statements.
 - i. Invoices.
 - j. Employee Earnings Record File – Local government retirement system monthly reports.
Payroll file – salaries paid and deductions file.
2. Records with two-year retention requirement (dated prior to July 1, 2004).
 - a. Employee benefits register file.
3. Records with one-year retention requirement (dated prior to July 1, 2005).
 - a. Daily journal and ledger printouts
 - b. Monthly detail reports, **except June 30 which is permanent.**
4. Records that have been superseded or obsolete.
 - a. Property and equipment inventory files.

Budget Office Use	
Budget Revision No.	B07-172
Date Received	11.8.06
Date Completed	

ITEM NO. 1G(1)

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	COUNTY FUND BALANCE APPROPRIATED		1,881	
	Total	0	1,881	0

Object Code	Appr Unit	Description		Current Budget	Increase (Decrease)	Revised Budget
4110	183	FOLIC ACID		2,086	1,881	3,967
					-	-
					-	-
			Total	2,086	1,881	3,967

THIS BUDGET REVISION REQUESTS TO BUDGET FOR UNSPENT FUNDS FROM FISCAL YEAR 2006 MARCH OF DIMES FOLIC ACID GRANT.

Submitted By: Sabryne Rayor 11/2/06 Date: _____
 Department Head
 Reviewed By: Kelly Cutry 11-8-06 Date: _____
 Budget Analyst
 Reviewed By: Amy Cannon 11/14/06 Date: _____
 Deputy Assistant County Mgr
 Reviewed By: _____ Date: _____
 Information Services

Board of County
Commissioners Date:

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use

Budget Revision No. B07-170

Date Received 11-8-06

Date Completed _____

Fund No. 107 Agency No. 450 Organ. No. 4575

Organization Name: Emergency 911

ITEM NO. 1G(2)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	10,000	2,000	12,000

Total 2,000

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3390	467	Contracted Services	0	2,000	2,000

Total 0 2,000 2,000

Justification:

Revision in the amount of \$2,000 for contracting with Language service to interpret 911 calls of a foreign language. Estimated call volume annually is 250 calls lasting 5 minutes each.

Funding Source:

State: _____
Other: _____

Federal: _____
Fees: _____

Fund Balance:

County: _____ New: _____
Prior Year: _____

Other: _____

Submitted By: RC Hummer
Department Head

Date: 11/6/06

Reviewed By: Seelye, Anthony
Budget Analyst

Date: 11/8/06

Reviewed By: Amy Cannon
Deputy Assistant County Mgr

Date: 11/14/06

Reviewed By: _____
Information Services

Date: _____

Approved By:

Date: _____

County Manager

Board of County
Commissioners

Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>007-171</u>
Date Received	<u>11-8-06</u>
Date Completed	

Fund No. 101 Agency No. 420 4215
 Organization Name: Emergency Services Grants

ITEM NO. 1 G (3)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
New	Dept. of Homeland Security-CIP (Part 1) Grant - Buffer Zone Grant	0	48,340	48,340
Total		0	48,340	48,340

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
New		Dept. of Homeland Security-CIP (Part 1) Grant - Buffer Zone Grant		48,340	48,340
Total			0	48,340	48,340

Justification:

Revision in the amount of \$48,340 to budget new, Critical Infrastructure Protection (CIP) Part I-Grant. Grant for Equipment purchases.

Funding Source: State: _____ Federal: 48,340 County: _____ New: _____ Other: _____
Fund Balance: Fees: _____ Prior Year: _____

Submitted By: RC Nunnery
 Department Head

Date: 11/2/06

Reviewed By: Howard E. Brown
 Budget Analyst

Date: 11/13/06

Reviewed By: Amber L. Cannon
 Deputy Assistant County Mgr

Date: 11/14/06

Reviewed By: _____
 Information Services

Date: _____

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B07-169
Date Received	11/7/2006
Date Completed	

Fund No. 499 Agency No. 429 Organ. No. 4296

Organization Name: Westarea Fire District

ITEM NO. 1 G (4)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
1000	Taxes Current Year	693,440	200	693,640
Total		693,440	200	693,640

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
4027	855	Tax Refunds	500	200	700
Total			500	200	700

Justification:

Increase expenditure line to cover unanticipated refunds to taxpayers.

Funding Source:

State: _____
Other: 200

Federal: _____
Fees: _____

Fund Balance:

County: _____ New: _____
Prior Year: _____

Other: _____

Submitted By: _____

Date: _____

Reviewed By: Kelly Autry

Date: 11/7/06

Reviewed By: Arnell Carson

Date: 11/14/06

Reviewed By: _____

Date: _____

Information Services

Approved By:

Date: _____

County Manager

Board of County
Commissioners

Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B07-173
Date Received	11/13/2006
Date Completed	

Fund No. 011 Agency No. 422 Organ. No. 42BC

Organization Name: Sheriff's Training Facility

ITEM NO. 16(5)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9133	Transfer from Fund 230	4,192,300	10,739	4,203,039

Total

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
2994	ZAC	Miscellaneous Equipment	133,500	10,739	144,239
			133,500	10,739	144,239

Justification:

Revision to transfer funds from the Sheriff's Federal Forfeiture Fund to the Training Facility Capital Project for the purchase of IP phones.

Funding Source:

State: _____ Federal: _____ Fund Balance: _____ County: _____ New: _____ Other: _____
Other: _____ Fees: _____ Prior Year: _____

Submitted By: _____

Date: _____

Department Head

Reviewed By: Howard C. Abner

Date: 11/13/06

Budget Analyst

Reviewed By: Ampt Cannon

Date: 11/14/06

~~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.	B07-173A
Date Received	11/13/2006
Date Completed	

Fund No. 230 Agency No. 422 Organ. No. 422P

Organization Name: Sheriff's Federal Drug Forfeiture Fund

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance	495,687	10,739	506,426

Total

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
387F	745	Transfer to Fund 011	231,003	10,739	241,742
			231,003	10,739	241,742

Justification:

Revision to transfer funds from the Sheriff's Federal Forfeiture Fund to the Training Facility Capital Project for the purchase of IP phones.

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

Submitted By: _____

Date: _____

Department Head

Reviewed By: Howard R. Bar

Date: 11/13/06

Budget Analyst

Reviewed By: Amyl Cannon

Date: 11/14/06

Deputy Assistant County Mgr

Reviewed By: _____

Date: _____

Information Services

Approved By:

County Manager

Board of County
Commissioners

Date: _____

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

NOVEMBER 9, 2006

ITEM NO. 2A

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P06-72: REZONING OF .6 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4469 SOUTH MAIN STREET, SUBMITTED BY LONNIE M. PLAYER, JR., ESQ., OWNED BY PURDUE DRIVE INVESTMENTS LLC.**

ACTION: THE MEMBERS PRESENT AT THE OCTOBER 17, 2006 MEETING VOTED UNANIMOUSLY TO DENY THE C(P) PLANNED COMMERCIAL DISTRICT AND APPROVE THE O&I(P) OFFICE AND INDUSTRIAL DISTRICT.

SITE INFORMATION: Area: .60 acres; **Frontage & Location:** 150 feet on South Main Street; **Depth:** 175 feet; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Residential; **Initial Zoning:** February 3, 1977 (Area 7); **Nonconformities:** Yes – If rezoned, the structure will become nonconforming due to dimensional requirements; **Surrounding Zoning:** North and West-CD, R10, C1(P), M2, East-R10 and R6A, and South-CD, R10, R6A, R6A/CU, C3; **Surrounding Land Use:** Convenience store, church, and single family residential; **2010 Land Use Plan:** Medium Density Residential; **Urban Services Area:** Yes; **Water/Sewer Availability:** Well / Septic; **Subdivisions:** A recombination plat will be required; and site plan approval will be required for any future development of this property; **Military Impact Area:** No; **Highway Plan:** South Main Street is identified as a Major Thoroughfare. The Highway Plan calls for a multi-lane facility (Priority 1). Road improvements are not included in the 2006-2012 MTIP; **Average Daily Traffic Count (2004):** 14,000 on South Main Street.

MINUTES OF OCTOBER 17, 2006:

Mr. Lloyd reviewed the site information and stated that the Staff recommends denial of the C(P) district based on the findings that the request is not consistent with the 2010 Land Use Plan and the C(P) district is not in character with the existing development in the immediate area. The Staff considered but also recommended denial of the C1(P) and the O&I(P) districts.

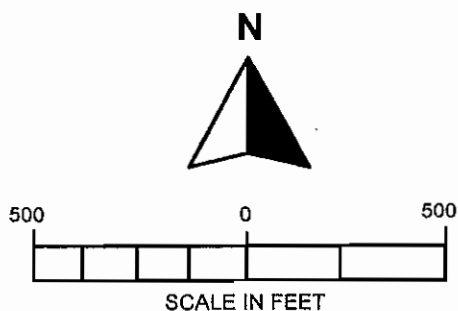
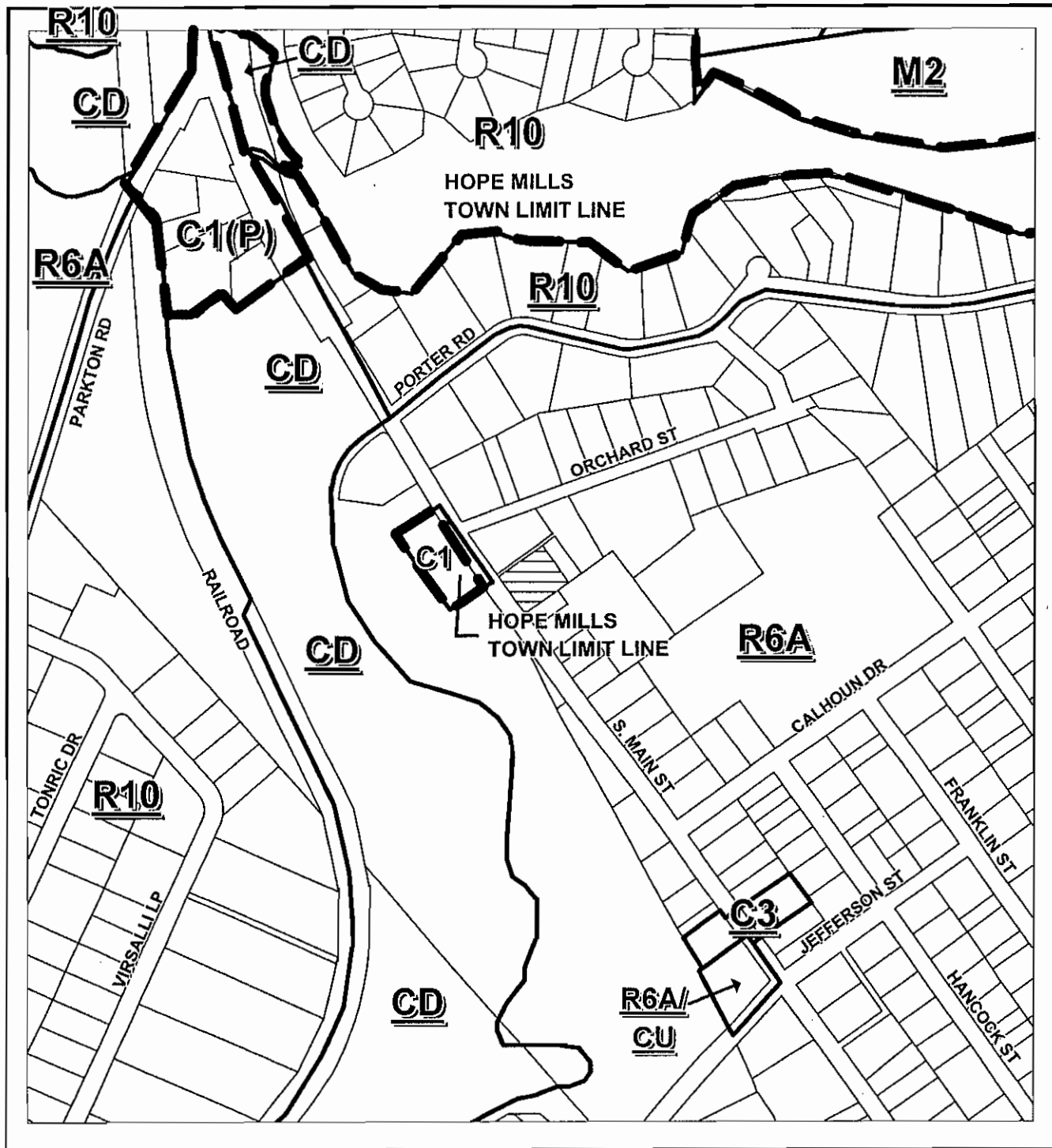
The Public Hearing opened. J. Thomas Neville, attorney, addressed the Board on behalf of the applicant and stated that Dr. Esensoy was amending his application to request O&I(P), not C(P). He stated that his client wanted to open a pediatric practice in Hope Mills. This would benefit Dr. Esensoy, his clients, and the people of Hope Mills, as there currently is no pediatric office in that area. Mr. Neville further stated that the site is in an area not currently suited for future residential use or growth. Under the O&I(P), renovation of the existing structure would keep the outside appearance of a residence while transforming the interior into an office setting. Mr. Neville stated that his client would be willing to entertain any specific conditions required by Planning Staff.

Dr. Esensoy addressed the Board, stating his willingness to answer any questions. Mr. McNeill asked

if this rezoning would create a non-conforming structure. Mr. Lloyd answered that it would at C(P). Discussion followed on setbacks and renovations to the structure in both C(P) and O&I(P). The Public Hearing closed. There was no opposition.

Mr. McNeill stated that while he agreed with the need for the business in that area, he was concerned with the non-conforming status. Mr. Lloyd stated that the status only pertained to the C(P) district. Mrs. Epler stated that she also agreed with the need in the area and did not believe that the rezoning or the pediatric practice would harm the character of the area.

Mrs. Epler made a motion, seconded by Mr. Turner, to approve the amended request of O&I(P). Unanimous approval.



REQUESTED REZONING: R6A TO C(P)

ACREAGE: 0.60 AC.+/-

HEARING NO: P06-72

ORDINANCE: COUNTY

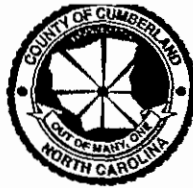
HEARING DATE

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

NOVEMBER 9, 2006

ITEM NO. 28

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P06-73: REZONING OF 1.34 ACRES FROM A1 TO A1A, ON THE SOUTH SIDE OF BUTLER NURSERY ROAD, EAST OF TWO RUT ROAD, OWNED BY DOROTHY T. TATUM OWNER.**

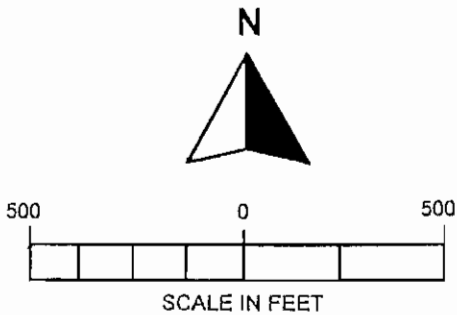
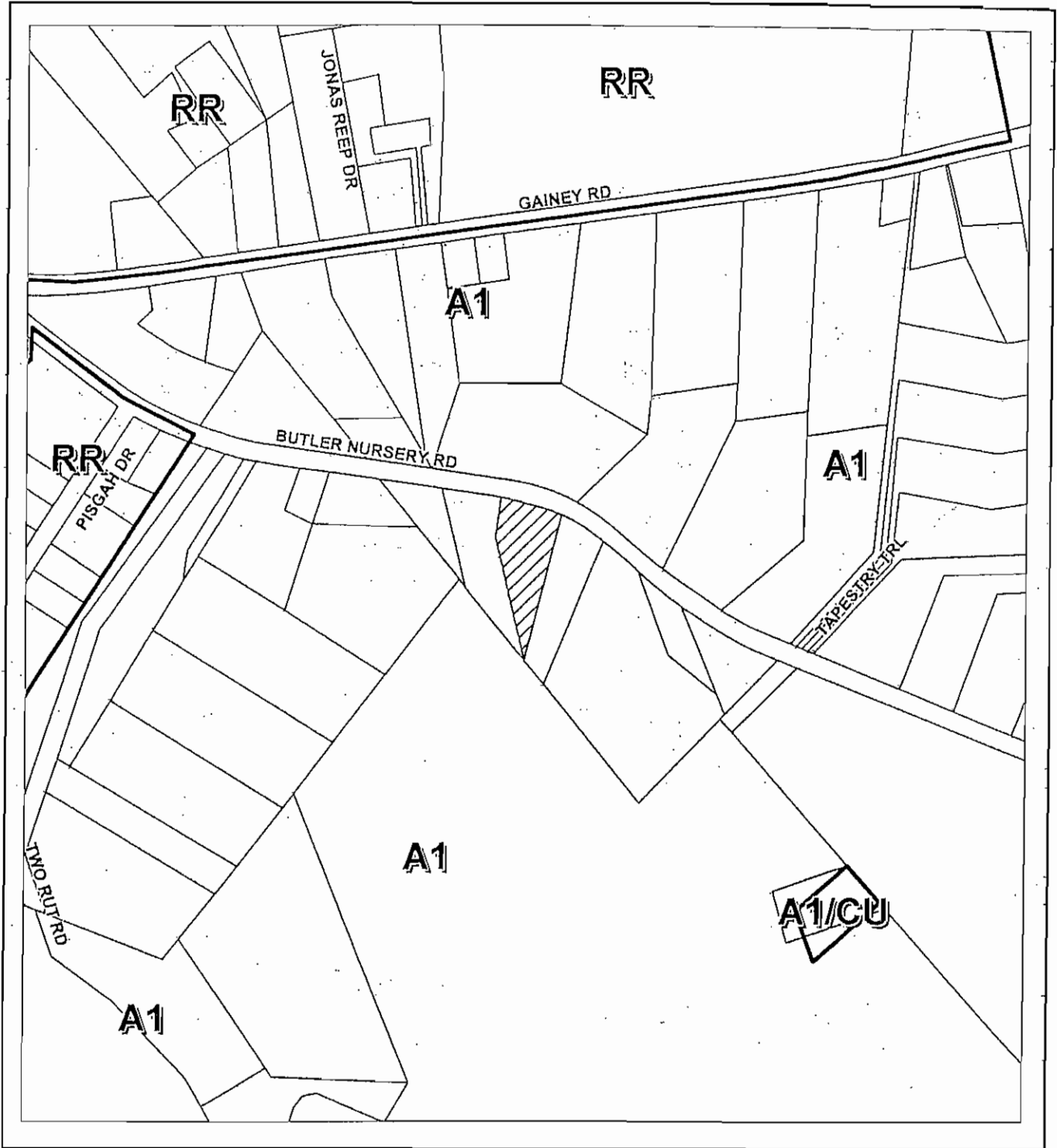
ACTION: THE MEMBERS PRESENT AT THE OCTOBER 17, 2006 MEETING VOTED UNANIMOUSLY TO APPROVE THE A1A AGRICULTURAL DISTRICT.

SITE INFORMATION: Area: 1.34 acres; **Frontage & Location:** 402 feet on Butler Nursery Road; **Depth:** 486 feet; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Residential; **Initial Zoning:** March 1, 1994 (Area 17); **Surrounding Zoning:** Primarily A1 and RR, with A1/CU to the South; **Surrounding Land Use:** Church, single family residential and vacant land; **2010 Land Use Plan:** Farmland; **Urban Services Area:** No; **Water/Sewer Availability:** Well / Septic; **Soil Limitations:** Some hydric soils (Roanoke loams); **Subdivisions:** A subdivision review will be required for this property; **School Capacity/Enrolled:** Gray's Creek Elementary 764/728, Gray's Creek Middle 495/614, Gray's Creek High 1,270/1,261; **Military Impact Area:** No; **Highway Plan:** Butler Nursery Road is identified as a Major Thoroughfare. The Highway Plan calls for a center turning lane (Priority 3). Road improvements are not included in the 2006-2012 MTIP; **Average Daily Traffic Count (2004):** 1,200 on Butler Nursery Road; **Notes:** Density: A1A – 1 unit.

MINUTES OF OCTOBER 17, 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; and rezoning to the A1A district will bring this property into conformity. There are no other suitable rezoning districts to be considered for this request.

A motion was made by Mrs. Epler, seconded by Mr. McNeill, to follow the staff recommendation and approve Case P06-73 as submitted. Unanimous approval.



REQUESTED REZONING: A1 TO A1A

ACREAGE: 1.34 AC.+/-

HEARING NO: P06-73

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

NOVEMBER 9, 2006

ITEM NO. 2C

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P06-74: REZONING OF .91 ACRES FROM C1(P) TO C(P), AT 4591 CUMBERLAND ROAD, SUBMITTED BY GEORGE L. LOTT, OWNED BY GERALD CHAMBERS.**

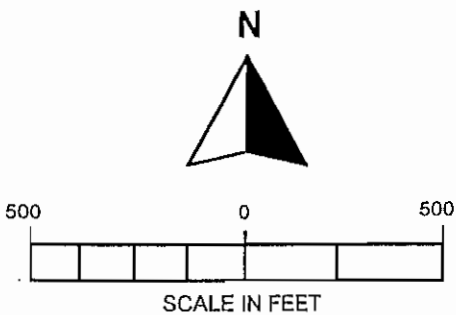
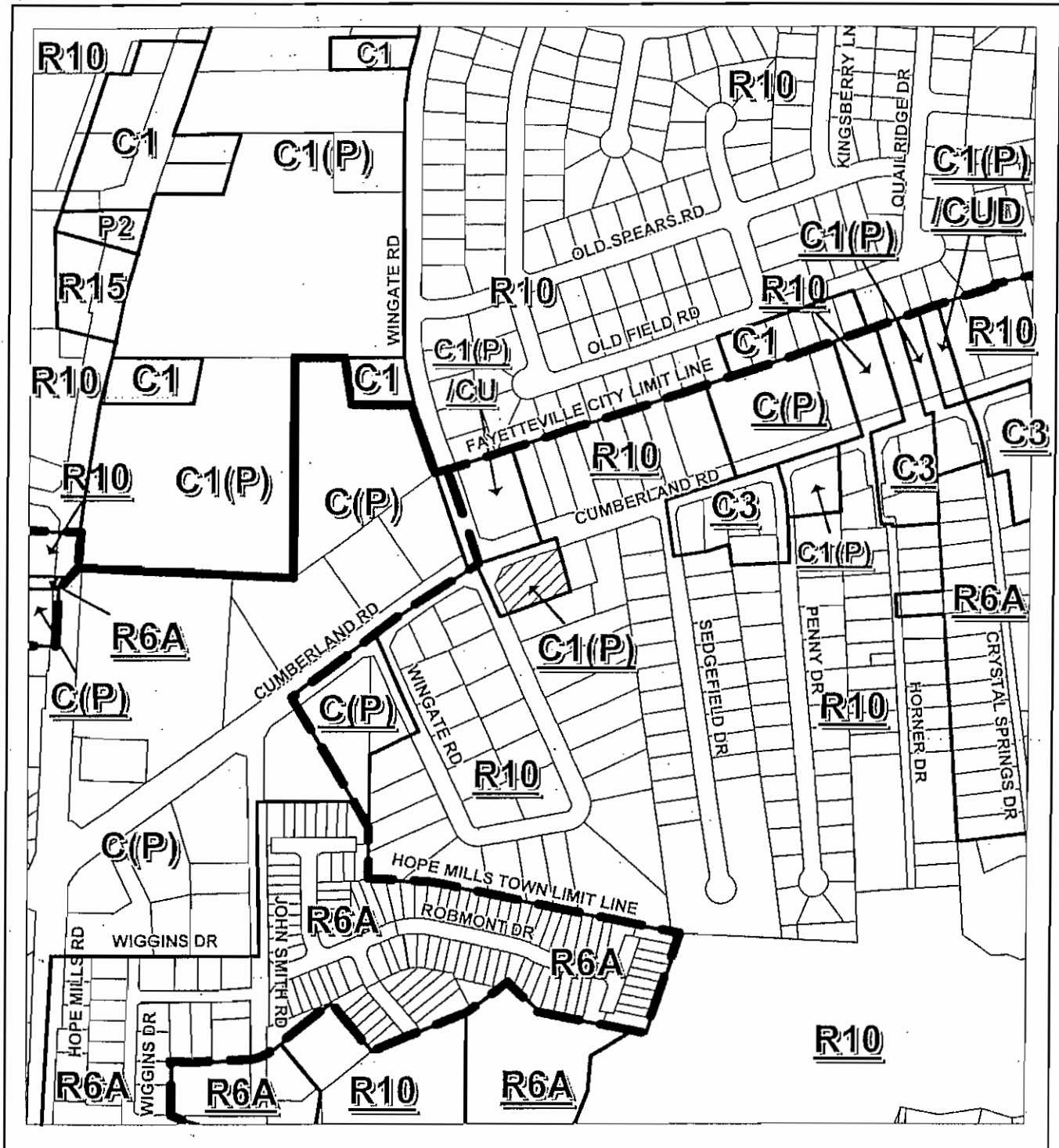
ACTION: THE MEMBERS PRESENT AT THE OCTOBER 17, 2006 MEETING VOTED UNANIMOUSLY TO APPROVE THE C(P) PLANNED COMMERCIAL DISTRICT.

SITE INFORMATION: Area: .91 acres; **Frontage & Location:** 201 feet on Cumberland Road; **Depth:** 151 feet; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Commercial; **Initial Zoning:** November 17, 1975 (Area 4); **Zoning Violation(s):** None; **Surrounding Zoning:** North-R10, C1, C1(P), C1(P)/CU, East-R10, R6A, C1, C1(P), C(P), C3, South-R10, R6A, C(P), and West-R15, R10, R6A, P2, C1, C(P); **Surrounding Land Use:** Health Care Center, strip mall, church, custom paint shop, duplexes, lettering business and single family residential; **2010 Land Use Plan:** Light Commercial; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC water and sewer available; **Subdivisions:** A site plan review will be required on any development; **Military Impact Area:** No; **Highway Plan:** No road improvements or new construction are specified for this area; **Average Daily Traffic Count (2004):** 15,000 on Cumberland Road.

MINUTES OF OCTOBER 17, 2006:

Mr. Lloyd reviewed the case information and stated that Staff recommends approval of the C(P) zoning district even though the request is not consistent with the 2010 Land Use Plan based on the findings that the request is consistent with the zoning and existing development in the area; the subject property is located on a major thoroughfare; which has recently been widened to five lanes; and public utilities are available and upon any re-development of the subject property, connection will be required. There are no other suitable rezoning districts to be considered for this request.

A motion was made by Mrs. Epler, seconded by Mr. McNeill, to follow the staff recommendation and approve Case P06-74 as submitted. Unanimous approval.



REQUESTED REZONING: C1(P) TO C(P)

ACREAGE: 0.91 AC.+/-

HEARING NO: P06-74

ORDINANCE: COUNTY

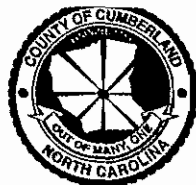
HEARING DATE

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

NOVEMBER 9, 2006

ITEM NO. 2D

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P06-76:** REZONING OF 2 PARCELS TOTALLING 4.54 ACRES FROM R40 TO R30 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF CLINTON ROAD, WEST OF THE SAMPSON COUNTY LINE, OWNED BY ROBERT L. NUNNERY JR.

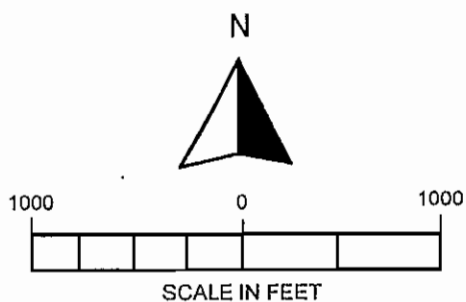
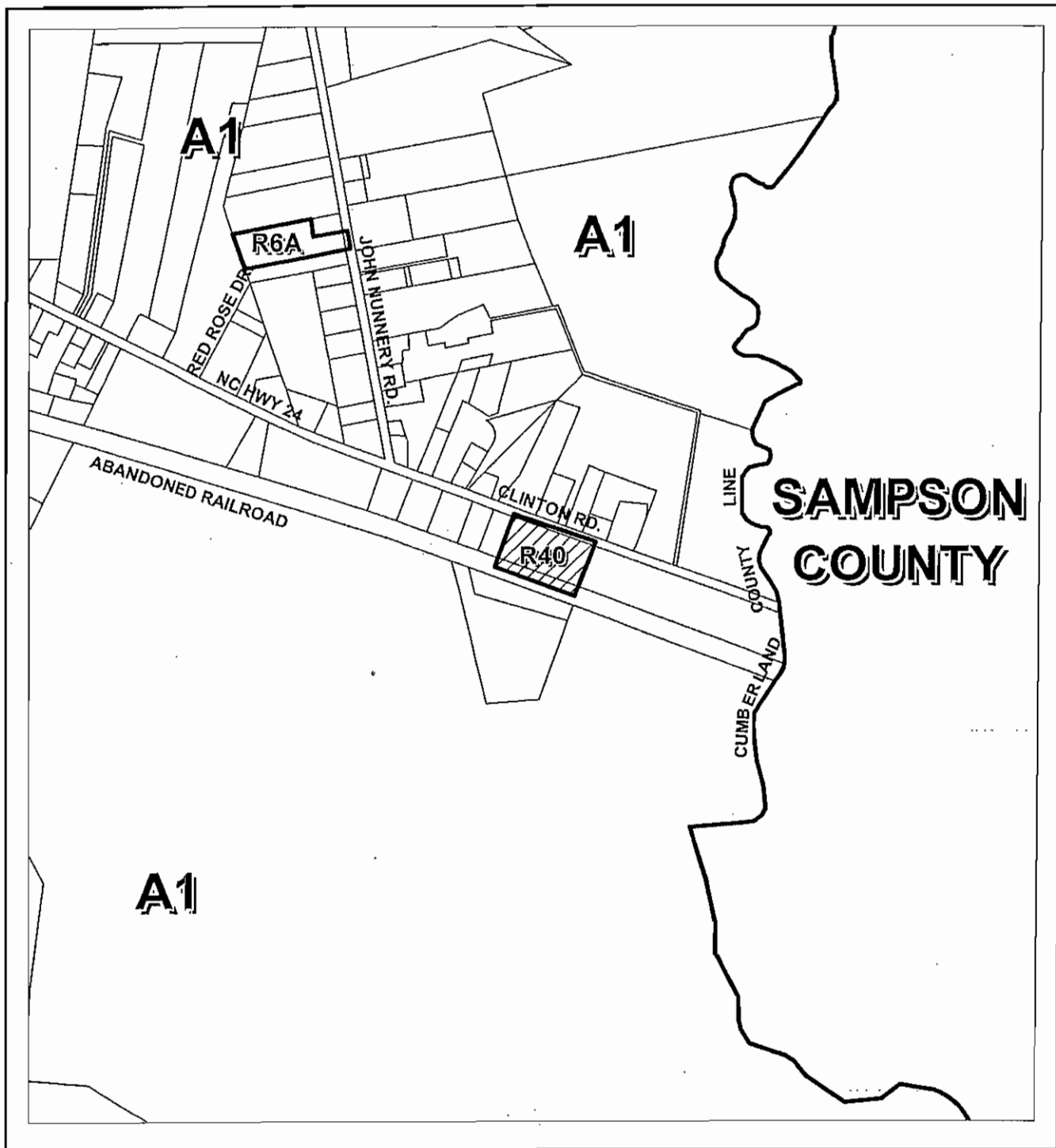
ACTION: THE MEMBERS PRESENT AT THE OCTOBER 17, 2006 MEETING VOTED UNANIMOUSLY TO APPROVE THE R30 RESIDENTIAL DISTRICT.

SITE INFORMATION: Area: 4.54 acres; **Frontage & Location:** 556 feet on Clinton Road; **Depth:** 354 feet; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Vacant; **Initial Zoning:** September 3, 1996 (Area 21); **Previous Zoning Action:** Case P06-16, A1 to R40, 4/18/06 (brought back at the request of the Commissioner's); **Zoning Violation(s):** None; **Surrounding Zoning:** Primarily A1 with some R6A to the Northwest; **Surrounding Land Use:** Auto sales, gas station, log homes and car sales, and single family residential; **2010 Land Use Plan:** Farmland and Open Space; **Urban Services Area:** No; **Water/Sewer Availability:** Sampson County Water / Septic; **Soil Limitations:** No; **School Capacity/Enrolled:** Stedman Primary 136/163, Stedman Elementary 303/286, Mac Williams Middle 1,274/1,189, Cape Fear High 1,400/1,490; **Subdivisions:** A subdivision review will be required in order to develop these lots; **Military Impact Area:** No; **Highway Plan:** NC Hwy 24 is identified as a Major Thoroughfare. This is a multi-lane facility with a current 250 foot right-of-way. Road improvements are included in the 2006-2012 MTIP; Planning/Design-In Progress, Mitigation-SFY 08, ROW-SFY 08, 09, Construction-SFY 08, 11, and Post Years – this will not affect the subject property; **Average Daily Traffic Count (2004):** 9,700 on Clinton Road; **Notes:** Density- R40-4 lots; R30 -6 lots.

MINUTES OF OCTOBER 17, 2006:

Mr. Lloyd reviewed the case information and stated that the Staff recommends approval of the R30 zoning district even though the request is not consistent with the 2010 Land Use Plan based on the findings that Sampson County water is available to the subject property; and the subject property is located on a major thoroughfare. There are no other suitable rezoning districts to be considered for this request.

A motion was made by Mrs. Epler, seconded by Mr. McNeill, to follow the staff recommendation and approve case P06-76 as submitted. Unanimous approval.



REQUESTED REZONING R40 TO R30

ACREAGE: 4.54 AC.+/-		HEARING NO: P06-76	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

PIN: 1405-45-3066
PIN: 1405-45-4223

AF

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

NOVEMBER 9, 2006

ITEM NO. 2E

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P06-77: REZONING OF A 3.45 ACRE PORTION OF A 55.75 ACRE TRACT FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTHWEST SIDE OF ALLIE COOPER ROAD, WEST OF SOUTH WEST STREET, OWNED BY HAROLD AND JOLENE MAXWELL.**

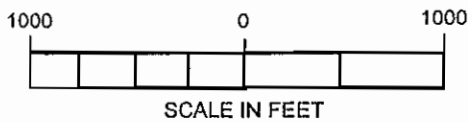
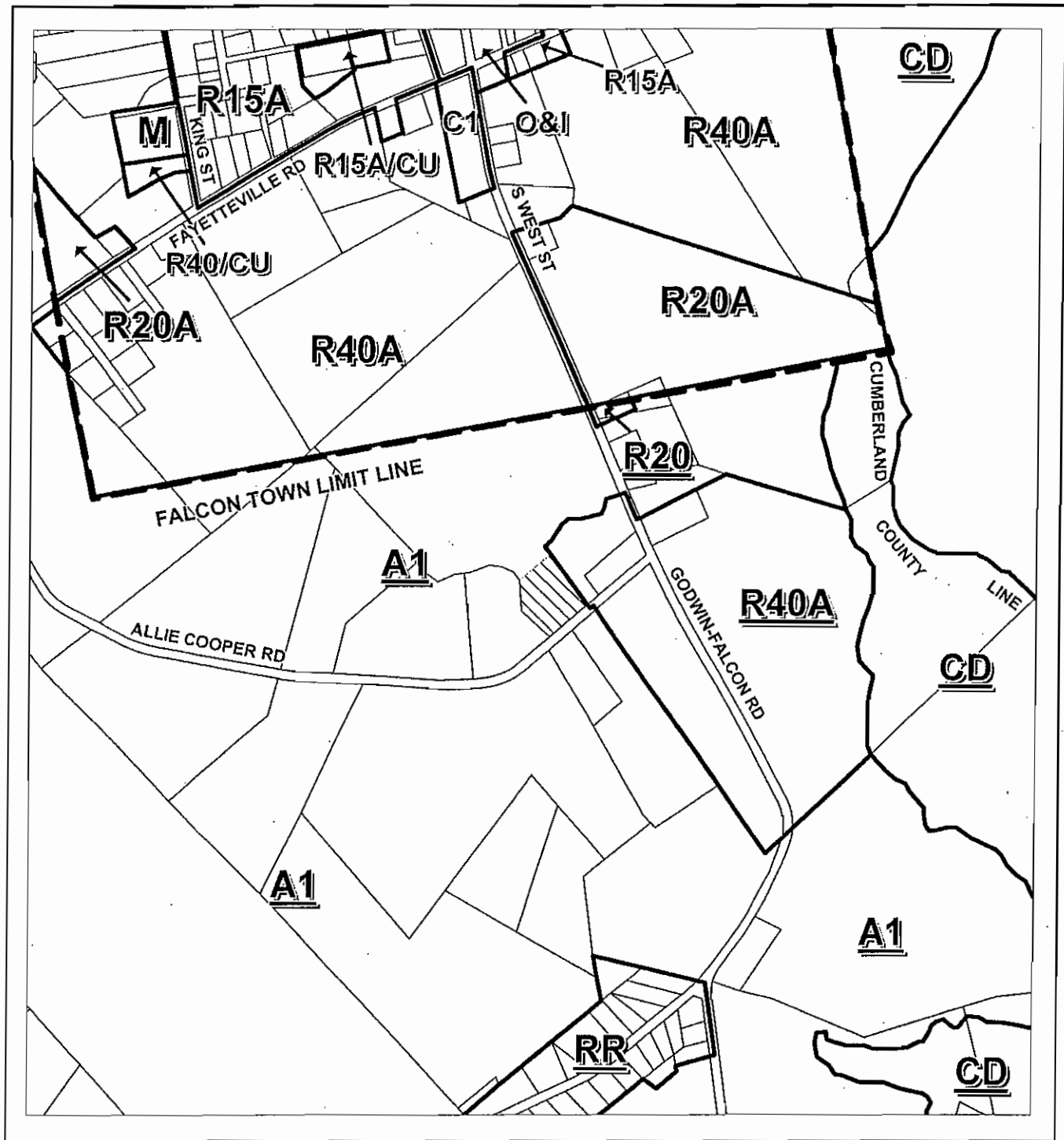
ACTION: THE MEMBERS PRESENT AT THE OCTOBER 17, 2006 MEETING VOTED UNANIMOUSLY TO APPROVE THE R40 RESIDENTIAL DISTRICT.

SITE INFORMATION: Area: 3.45 acres; **Frontage & Location:** 351 feet on Allie Cooper Road; **Depth:** 294 feet; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Farmland; **Initial Zoning:** November 25, 1980 (Area 14); **Zoning Violation(s):** None; **Surrounding Zoning:** North-A1, R40/CU, R40A, R20A, R15A, R15A/CU, O&I, C1, M, East-CD, A1, R40A, South-CD, A1, R40A, RR, and West-A1, R40A, R20A; **Surrounding Land Use:** Single family residential and vacant land; **2010 Land Use Plan:** Farmland and Low Density Residential; **Urban Services Area:** No; **Water/Sewer Availability:** Well/Septic-Falcon Water available along Allie Cooper Rd; **Soil Limitations:** No; **School Capacity/Enrolled:** District #7 Elementary 241/270, Mac Williams Middle 1,274/1,159, Cape Fear High 1,400/1,490; **Subdivisions:** A subdivision review will be required; **Military Impact Area:** No; **Highway Plan:** No road improvements or new construction specified for this area; **Average Daily Traffic Count (2004):** 390 on Allie Cooper Road; **Notes:** Density: A1-1 lot / 2 units; A1A-3 lots / 3 units; R40-3 lots / 4 units.

MINUTES OF OCTOBER 17, 2006:

Mr. Lloyd reviewed the case information and stated that Staff recommends approval of the R40 zoning district based on the findings that rezoning the property is consistent with the 2010 Land Use Plan; Falcon water is available to the subject property and upon development, connection will be required; and R40 is a more restrictive zoning district than the current zoning. The A1A rezoning district is the only other zoning district to be considered for this request.

A motion was made by Mrs. Epler, seconded by Mr. McNeill, to follow the staff recommendation and approve Case P06-77 as submitted. Unanimous approval.



REQUESTED REZONING: A1 TO R40

ACREAGE: 3.45 AC.+/-		HEARING NO: P06-77	
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

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

COUNTY of CUMBERLAND

Planning and Inspections Department

ITEM NO. 2F

NOVEMBER 9, 2006

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P06-50:** REZONING OF 73.21 ACRES FROM A1 TO R20/DD/CUD AND PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED BETWEEN CEDAR CREEK AND A. B. CARTER ROADS, WEST OF WILLARD DRIVE, SUBMITTED BY MICHAEL J. ADAMS, OWNED BY J. O. CARTER, JR. ET AL.

ACTION: THE MEMBERS PRESENT AT THE OCTOBER 17, 2006 MEETING VOTED UNANIMOUSLY TO APPROVE THE R20/DD/CONDITIONAL USE DISTRICT AND PERMIT.

SITE INFORMATION: **Area:** 73.21 acres; **Frontage & Location:** 1,074 +/- feet on Cedar Creek and A. B. Carter Roads; **Depth:** 2,940 +/- feet; **Jurisdiction:** County; **Current Use:** Residential and vacant; **Initial Zoning:** September 14, 1979 (Area 9); **Surrounding Zoning:** North-A1, RR, PND, East-A1, RR, R10, C3, South-A1, R10/CU, M(P) and West-A1, A1/CU, RR, R15, M(P); **Surrounding Land Use:** Church, duplex, single family residential, and farmland; **2010 Land Use Plan:** Low Density Residential; **Urban Services Area:** No; **Water/Sewer Availability:** PWC/PWC upon development, connection will be required. (Water is available on Cedar Creek Road and sewer exists 1000+/- feet at the intersection of Cedar Creek and Clark West Roads). **Soil Limitations:** Some limitations - Leon sand, Stallings loamy sand, and Torhunta soils; **School Capacity/Enrolled:** Sunnyside Elementary 245/296, Seabrook Elementary 340/369, Mac Williams Middle 1274/1133, Cape Fear High 1400/1507; **Military Impact Area:** No; **Highway Plan:** Cedar Creek Road is identified as a Major Thoroughfare. The Plan calls for a multi-lane facility (Priority 1-unfunded). A B Carter Road is a Minor Thoroughfare. The Plan calls for adding a center turn lane (Priority 3); **Average Daily Traffic Count (2004):** 9,700 on Cedar Creek Road, 1,600 on A. B. Carter Road; **Notes:** Conditions attached.

MINUTES OF OCTOBER 17, 2006:

Mr. Lloyd reviewed the case information and reminded the Board that this case had now been reviewed three times. At their regular meeting on July 18, 2006, the Planning Board asked the applicant to consider submission of a Density Development/ Conditional Use District (CUD) and Permit for the subject property. The applicant submitted a couple of different designs to Staff. When the design was finalized, it was presented to the full Staff. On September 19, 2006 the Staff recommended deferral of this case until an engineer-certified drainage plan was submitted to ensure no water runoff would occur onto the adjacent properties. After discussion with the applicant, the applicant chose to forward the case in its current state without the suggested drainage plan. Mr. Lloyd advised the Board that Staff recommends denial of this request, even though the request is consistent with the 2010 Land Use Plan, based on the findings that without an engineer-certified drainage plan, there is no assurance that this site can handle its own stormwater with no runoff occurring on adjacent properties; and several of the lots, especially on the northeast side of the development, are designed in areas with hydric soils, abating the original reason for the Density Development/CUD.

Vice-Chair McLaurin reviewed quasi-judicial proceedings and swore in all speakers. Vice-Chair McLaurin also asked the Board members if they had any conflict with this case. None was voiced. He asked if any Board member had been contacted in any way regarding this case. There was no contact reported.

Attorney J. Thomas Neville, representing the developer, addressed the Board. He stated that his client had worked hard with staff to meet all of their requirements and would present the best possible use of the property. He stated that 40% of the site would remain undeveloped. His client has changed his initial zoning request from R15 to R20, and decreased his requested lot number down to 125, in order to satisfy concerns and meet ordinance requirements. Mr. Neville stated that the structures to be built would be upwards of the \$200,000 range and average approximately 2800 square feet. He further stated that he agreed with the need for engineered plans but that the cost was prohibitive and the disturbance of the land was unnecessary until the rezoning had been approved. At that point, his client would proceed with all required regulations. Mr. Neville stated that he was aware of opposition by a few adjacent property owners who were concerned with runoff. He assured the Board that he would address those concerns and follow all DEHNR approved plans. He further stated that the developer had earnestly worked with staff to meet all concerns and is in agreement with all required conditions.

Chair Morris asked if the client was entering into the plan voluntarily, subject to all conditions set before the Board. Mr. Neville stated that he was.

Discussion followed on stormwater plans and the disturbance of the land. Mr. Neville stated that he would comply with the Board's request to have the stormwater utility approve the drainage plans.

Mr. Lloyd advised the Board that Mr. Neville's concern with not disturbing the land to obtain engineered plans, prior to Board approval of the rezoning request, would be addressed in future ordinance changes. Mr. McNeill asked Mr. Lloyd if the staff denial changed after hearing that the agent, surveyor and landowner are in agreement to have the Stormwater Utility approve the plans. Mr. Lloyd stated that staff would now recommend approval.

John Alphin addressed the Board and stated that as an adjacent property owner and neighbor, he had no opposition to this rezoning and he did not believe the development would harm the adjacent property owners or land. He asked the Board to consider approval of the request.

Michael Adams, surveyor, advised the Board that he was available for any questions.

George Hatcher, Sr. appeared in opposition. He advised the Board that just prior to the meeting, he had been given a copy of ordinance related conditions the developer will have to follow. Mr. Hatcher stated that those conditions greatly relieved his concerns. Clear cutting of the land adjacent to his property had greatly increased problems on his own land with runoff and serious flooding. The stormwater requirements would remove his opposition to this case if the Board can assure that the conditions will be met and enforced.

Mr. Lloyd stated that the conditional use district and permit requires that the ordinance regulations be met. He also referred the Board to the conditions which require approval by the stormwater utility prior to the initiation of any building. Mr. Barrett reiterated that the conditional use district and permit requires that all conditions be met prior to issuance of any permits.

Chair Morris questioned Mr. Hatcher regarding the runoff problem he was concerned with and when the clearing of the adjacent land had occurred. Mr. Hatcher identified the parcels that had been cleared. It was determined that the property Mr. Hatcher referred to was the property being considered for rezoning.

Jessie Simmons addressed the Board in opposition. He stated that heavy rains already cause major problems with runoff on his property. He is concerned that increased building will further increase the drainage problems. The Public Hearing closed.

Mr. McNeill asked for clarification that the site plan complies with block length requirements. Ms. Speicher replied that it did not, but that the Board or the County Commissioners could grant a waiver at their discretion. Mr. McNeill stated that he was concerned that the petitioner was asking for Board approval without being in compliance with existing Ordinance requirements and that the Board's decision would be based on the petitioner's promise to take care of the drainage problem without submitting plans. He stated that the Board would be in a better position to support the request if the plans could be reviewed.

Mrs. Epler stated that this case would be a first in requiring the stormwater utility to approve the plans prior to issuance of any permits.

Mr. Lloyd and Mr. Barrett both reminded the Board that the recommended staff conditions, as part of the conditional use permit, would provide assurance of maintenance and upkeep of the drainage plans. If adherence to the conditions should cause substantial changes to the site plan, then the petitioner would be required to return to the Board for review and approval of the revised site plan.

Mrs. Epler stated that the developer had been more than willing to work with the staff to meet all required conditions.

Mr. McNeill asked the surveyor if the wetlands shown on his plan had been so indicated by an engineer and if the pond was proposed or existing. Mr. Adams stated that an engineering firm had drawn up those plans, delineating the wetlands, and that the existing pond would remain and be enhanced.

Mrs. Epler made a motion, seconded by Chair Morris, that the conditional use district is neither arbitrary nor unduly discriminatory and in the public interest and that the conditional use district should be approved. Unanimous approval.

Mrs. Epler made a motion, seconded by Chair Morris, that the conditional use district permit, if developed as submitted and subject to the conditions required, and voluntarily agreed to, will not materially endanger the public health and safety, will not substantially injure the value of adjoining or abutting property, will be in harmony with the area in which it is to be located, will be in conformity with the Land Use Plan, Highway Plan and other plans officially adopted by the Board of Commissioners and that it be approved according to the conditions listed. Unanimous approval.

MINUTES OF SEPTEMBER 19, 2006:

Mr. Lloyd asked that Case P06-50 be deferred for 30 days to allow the developer time to redesign his plans and submit engineering plans for stormwater drainage. **A motion to defer the case until the October 17, 2006 Planning Board meeting was made by Mrs. Epler and seconded by Mr. Cain. Unanimous approval.**

MINUTES OF AUGUST 15, 2006:

A motion to defer Case P06-50 until the September 19, 2006 Planning Board meeting was made by Mrs. Epler and seconded by Mr. McLaurin. Unanimous approval.

MINUTES OF JULY 18, 2006:

Mr. Lloyd reviewed the site information and stated that the Planning & Inspections Staff recommended approval of the R15 based on the findings that the request is consistent with the 2010 Land Use Plan; the request is in character with the surrounding zoning in the area; the subject properties are located on a Major Thoroughfare; and PWC water is available to the site. Other suitable zoning districts are R40, R40A, R30, R30A, RR, R20 and R20A. The Public Hearing opened.

Michael Adams, developer, advised the Board that he was unaware of the sewer requirement but had no problems with it.

Ahsanie Reezek, realtor, stated that \$250,000 and up homes were proposed for this property and that they would be a nice addition to the area.

Michael Woods stated that the additional homes would be welcome in the area.

George Hatcher, Sr. spoke in opposition and stated that he was very affected by this proposal and respectfully asked that the Board reconsider approval. He noted that approximately 20% of the land was undevelopable wetlands. His property would be negatively affected by drainage and runoff. If the rezoning is approved, up to 210 homes could be built and the land could not handle that amount.

Mr. Adams readdressed the Board and stated that he understood Mr. Hatcher's concerns. He was willing to work with him and any other neighbors regarding drainage problems. He intends to build a maximum of 70 houses.

Mrs. Epler asked if a soil scientist had performed borings to check the water table. Mr. Adams confirmed that this had been done. Mrs. Epler noted that this property was prime for consideration of a CUD and asked if he would be agreeable to that possibility. Mr. Adams stated that he would. He further stated that he had no objection to a deferral to pursue that type of development. Mr. Lloyd stated that he agreed with Mr. Hatcher's assessment of the wetland area and that a deferral for a CUD consideration would be a good idea. The Public Hearing closed.

Mrs. Epler presented a motion, seconded by Mr. McNeill, to defer the request for a period of 30 days to allow the petitioner time to work with Planning Staff on a CUD proposal. Motion passed unanimously.

ATTACHMENT - Case P06-50:

Application Conditions Submitted by the Applicant:

1. 40% open space: 26.83 acres
2. Single family residential development for 125 lots (23,379 square feet, average lot size)

Ordinance Related Conditions

Permit-Related:

1. Prior to application for any permit(s) related to this development, the developer must submit to, and receive approval from, the City/County Stormwater Utility, engineer-certified drainages plans that address the site's ability to handle its own run-off and that there will not be any negative effect on the surrounding properties as related to drainage issues.
2. The owner/developer(s) of these lots must obtain detailed instructions on permits required to place a structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. The County Code Enforcement Section will need a copy of this approved condition sheet and the approved plat/plan. For additional information, the developer should contact a Code Enforcement Officer.
3. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits.
4. The developer must provide the Code Enforcement Section with an approved state sedimentation and erosion control plan (S&E) prior to any application for permits. If any retention/detention basins are required for state approval of this plan, then five copies of a revised plan showing the location of the basin(s) must be submitted and approved by Planning & Inspections prior to application for any permits.
5. The NC Department of Transportation (NCDOT) approve the proposed curbcut(s) and the proper permits must be obtained prior to zoning/building permit application.
6. At a minimum, a zoning permit is required prior to the placement of any structure on any portion of any lot within this development.
7. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
8. *Certificate of Occupancy* will not be issued until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

9. The developer is required to submit to Land Use Codes, three copies of the legal documents specifically designating responsibility for all common/open space & recreational area through an owners' association for this development. These documents must be approved by the County Attorney prior to any permit application and/or the sale of or submission for final plat approval of any lot or unit within this development.

10. All setbacks along the periphery of this development shall meet the dimensional requirements of the adjacent zoning district.
11. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the R20/Density Development - Conditional Use District must be complied with.
12. The signage for this development shall be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be **obtained prior to the installation of any permanent signs on the property.** (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
13. Sections 4.1.c, "Curbs and Gutters"; 4.1.d, "Required Drainage"; 4.1.e, "Sidewalks"; 4.3.g, "Fire Hydrants", and 4.3.h, "Underground Utilities", of the County Subdivision Ordinance must be adhered to.
14. The developer must obtain driveway permits from the NC Department of Transportation (NCDOT).
15. The NC Department of Transportation (NCDOT) approves the street plans and the street(s) are required to be constructed to the NCDOT standards for secondary roads.
16. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development.
17. The NC Department of Transportation (NCDOT) may require turn lanes to be installed.
18. A perimeter buffer must be provided and maintained in accordance with the provisions of Section 803 E, County Zoning Ordinance.
19. All notes and calculations as shown on the site plan and/or included in the application are to be considered as a part of this conditional approval.

Plat-Related:

20. A 10' x 70' sight distance easement shall be required for each street and/or drive where they intersect with NC Hwy. 53 & 210 (Cedar Creek Road) and shall be reflected on the final plat.
21. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact E911 Street Naming/Signs for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Street Naming & Addressing Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
22. The developer shall contact E911 Street Naming and Addressing regarding the process of acquiring "approved" street names and the approved street names must be reflected on the plat when submitted for final approval. **(Note: Street name approval can take up to ten working days.)**
23. Dedication of ten feet of right-of-way and reservation of ten feet of right-of way along NC HWY 53/210 (Cedar Creek Road) is required and the metes and bounds for both dedication and reservation must be shown on the final plat and/or reflected on any future site plans. The location

24. of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line.
25. The builder/developer shall provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for, or at the time of permit application, the individual plot plans for each individual residential lot must be approved by Land Use Codes prior to issuance of any permits.
26. All lots within this development must be served by the internal street system and the final plat must reflect a "no access" easement on all the lots along NC Hwy. 53 / 210 (Cedar Creek Road) and SR 2011 (A B Carter Road).
27. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat.
28. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission of any phase of this development for final plat approval by Land Use Codes.
29. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
30. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2.6 b, c, or d, County Subdivision Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Mary Ann Steinmetz to schedule an inspection of the improvements.)
31. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

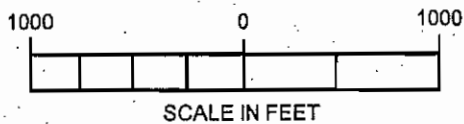
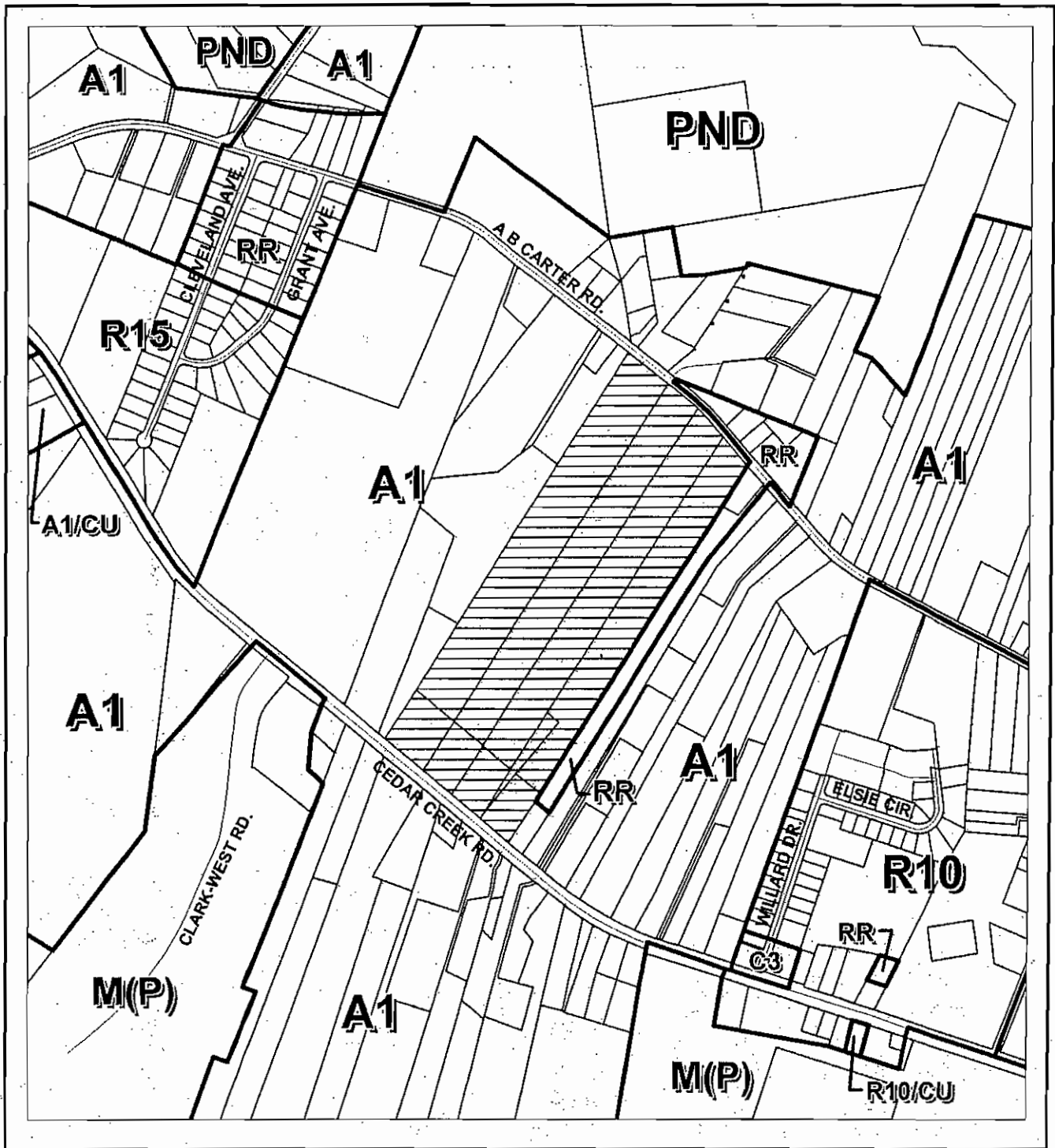
Plat-Required Statement:

32. Since this development is located within the *Farmland Protection Area* as defined on the current Land Use Plan map, the following disclosure statement shall be provided on the final plat:

"This property or neighboring property may be subject to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted farming and agricultural practices and operations, including but not limited to noise, odors, dust, the operation of any kind of machinery the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides."

33. The all structures shall be shown on the final plat or the final plat shall reflect the following statement:

"Nonconforming structures have not been created by this subdivision."



REQUESTED REZONING A1 TO R20/DD/CUD

ACREAGE: 73.21 AC. +/-		HEARING NO: P06-50	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

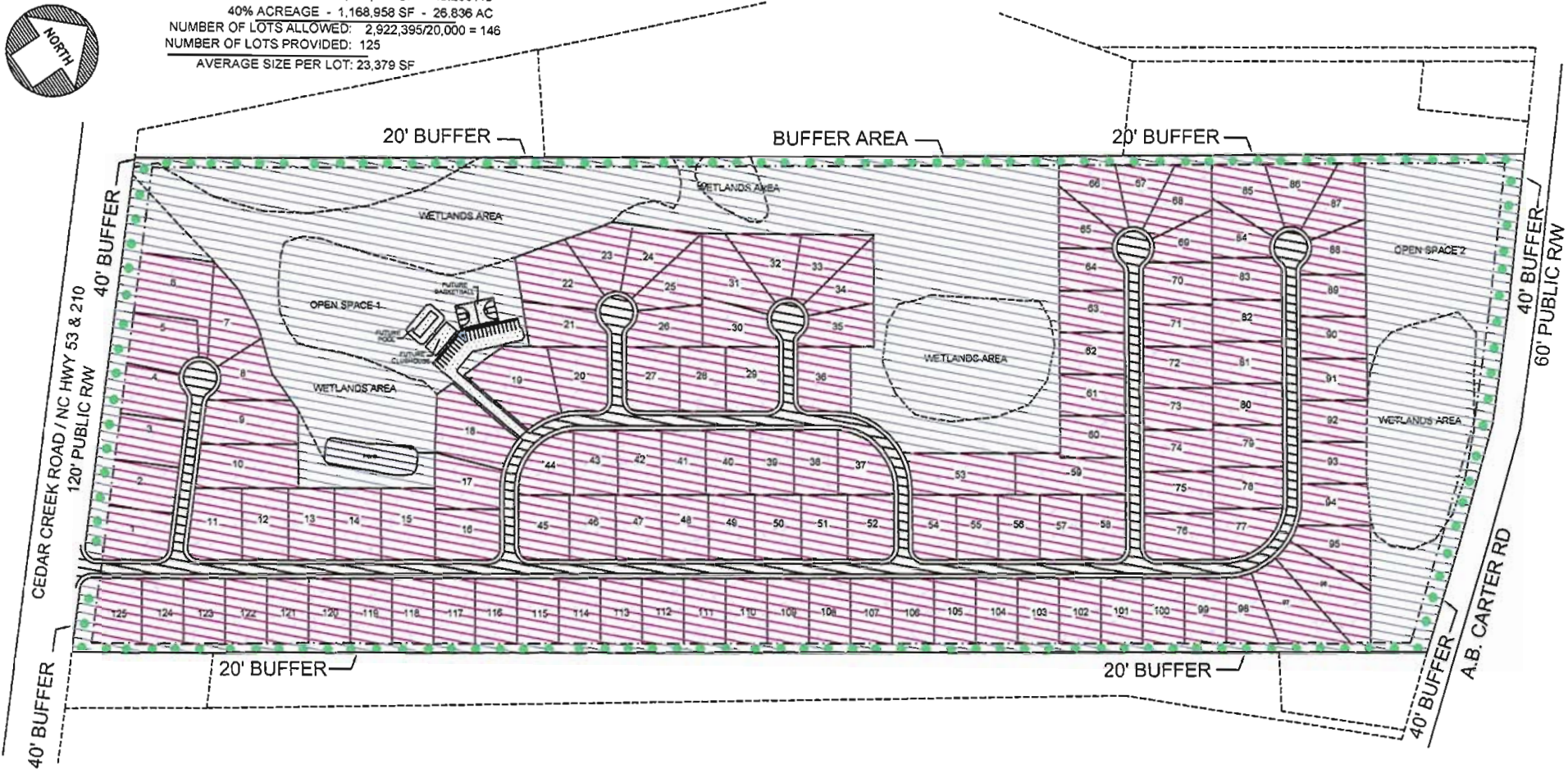
PIN: 0465-11-6961, 12-4068, 2274, 0452, 7289,
13-8760, 23-0581, 2365, 4271

AF
08/23/06 REV 07/10/06
07/24/06
08/21/06
08/23/06



SITE PLAN CALCULATIONS
TOTAL ACREAGE - 3,189,187 SF - 73.213 AC
TOTAL RW - 266,792 SF - 6.125 AC
CUD APPLICABLE ACREAGE 2,922,395 SF - 67.089 AC
60% ACREAGE - 1,753,437 SF - 40.253 AC
40% ACREAGE - 1,168,958 SF - 26.836 AC
NUMBER OF LOTS ALLOWED: 2,922,395/20,000 = 146
NUMBER OF LOTS PROVIDED: 125
AVERAGE SIZE PER LOT: 23,379 SF

OPEN SPACE PROVIDED
BUFFER - 200,318 SF - 4.598 AC
AREA 1 - 743,799 SF - 17.062 AC
AREA 2 - 224,858 SF - 5.162 AC
TOTAL 1,168,975 SF 26.836 AC



R20/DENSITY DEVELOPMENT-CONDITIONAL USE DISTRICT
REQUEST: SINGLE FAMILY RESIDENTIAL DEVELOPMENT
CASE: P06-50 ACREAGE: 73.21±
SCALE: NTS

08-23-06

MOTIONS ON CONDITIONAL USE OVERLAY DISTRICT REZONING
APPLICATION

If the motion is to approve:

I move that the Board of Commissioners finds that this conditional use district overlay application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that it be approved.

If the motion is to deny:

I move that the Board of Commissioners fail to find that this conditional use district overlay application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that it be denied.

See Zoning Ordinance Sec. 4.23.1(b).

MOTIONS ON CONDITIONAL USE OVERLAY PERMIT APPLICATION

If the motion is to approve:

I move that the Board of Commissioners finds that this conditional use district overlay permit application, if completed as proposed,

- (i) will not materially endanger the public health and safety, and
- (ii) will not substantially injure the value of adjoining or abutting property, and
- (iii) will be in harmony with the area in which it is to be located, and
- (iv) will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners,

and that it be approved.

If the motion is to deny:

I move that the Board of Commissioners fails to find that this conditional use district overlay permit application, if completed as proposed,

[Specify one or more of (i) through (iv) above AND state a reason for the failure to make such finding(s) based on substantial, material and competent evidence in the record on the application before the Board]

and that it be denied.

See Zoning Ordinance Sec. 4.23.2(a).

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

NOVEMBER 9, 2006

ITEM NO. 26

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P06-64:** REZONING OF 11.72 ACRES FROM A1 TO M(P)/CUD AND PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT TO ALLOW NEW AND USED MOTOR VEHICLE (AUTO, TRUCK & TRAILER), EQUIPMENT, PARTS AND TIRE SALES (RETAIL & WHOLESALE), TOOL AND EQUIPMENT RENTAL, MOTOR VEHICLE (TRUCKS, CARS, BOAT, RV & FARM EQUIPMENT) AND EQUIPMENT REPAIR, TIRE INSTALLATION AND BODY WORK (GARAGE), OFFICE, JUNKYARD-SALVAGE AND STORAGE OF MOTOR VEHICLES, PARTS AND EQUIPMENT, WRECKER SERVICE, MOBILE SERVICE VEHICLE, AND FABRICATION AND WELDING, ON TEMPLEOAK AVENUE, NORTH OF MACEDONIA CHURCH ROAD, OWNED BY JAMES D. SMITH.

ACTION: THE MEMBERS PRESENT AT THE OCTOBER 17, 2006 MEETING VOTED UNANIMOUSLY TO DENY THE M(P)/CONDITIONAL USE DISTRICT AND PERMIT. MRS. EPLER ABSTAINED FROM THE VOTE.

SITE INFORMATION: Area: 11.72 acres; **Frontage & Location:** 623 feet on Temple Oak Avenue; **Depth:** 550 feet; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Barn and storage; **Initial Zoning:** September 14, 1979 (Area 9); **Previous Zoning Action:** Case P93-45, A1 to RR, denied 5/25/93 and Case 90-107, A1 to RR, denied 10/23/90; **Nonconformities:** No; **Violation:** Yes, 10-3-05; **Surrounding Zoning:** North-A1, East-A1, R40, RR, South A1, R40A, RR, and South-A1, R6A; **Surrounding Land Use:** Manufactured home park, well drilling and produce, single family residential, vacant land, and farmland; **2010 Land Use Plan:** Farmland; **Urban Services Area:** No; **Water/Sewer Availability:** Well / Septic; **Soil Limitations:** None; **Military Impact Area:** No; **Average Daily Traffic Count (2004):** 880 on Macedonia Church Road; **Notes:** Application Information: 1. Hours of operation: Monday through Saturday, 8:00 am to 10:00 pm, Wrecker Service – 24 hours a day; 2. Freestanding sign (onsite); 3. Two employees.

MINUTES OF OCTOBER 17, 2006:

Mrs. Epler left the room.

Mr. Lloyd reviewed the case information and stated that this case had previously been deferred to allow the applicant to revise his application to include all of his intended uses. He noted that an existing violation had been open on this property for over a year. Mr. Lloyd stated that Staff recommended denial of the M(P)/CUD and Permit at the September 12th meeting based on the findings that the district is inconsistent with the 2010 Land Use Plan which calls for farmland at this location; consideration of the M(P) district for this area is arbitrary and would not serve a viable public interest; and the degree of difference in uses allowed between the existing surrounding zoning and

the proposed zoning, qualify this request as being unreasonable. Staff also recommended denial of the Conditional Use Permit based on the findings that the use is a danger to the public health and safety due to the possibility of fluids leaching into soils in an area comprised of private, individual wells; the use is not in harmony with the area in which it is located; and the degree of difference in this specific use requested as related to the existing surrounding uses makes this request unreasonable. The applicant has revised his application to include additional uses and has amended the site plan. Staff again recommends denial. In addition to the reasons listed above, the additional uses further increase the incompatibility with the surrounding area.

Chair Morris swore in James D. Smith, the owner of the property. He stated that his plan has always been to retire from his full-time business and work at home to be with his family. He listed the uses he was requesting to be allowed.

Lisa Dicker, duly sworn, addressed the Board. She stated that the owner was her father and that she planned to work with him. She further stated that they could and would meet all required conditions. She stated that she was aware of the findings of fact that must be met before the Board could grant a conditional use permit and that she and her father could meet those requirements. She stated that their business would not endanger the public health or safety because they would carefully follow the conditions. Rodents would not be a concern because they already had a termite control contract and would continue that contract to make sure that there were no rats or snakes on their property. She stated that no oil or fluids would be drained from the vehicles on the property. Ms. Dicker stated that the use would be in harmony with the area and vehicles would be kept from view with a fence, required by the conditions. Ms. Dicker stated that value of adjoining property would not be hurt and she presented a notarized statement from a realtor attesting to that fact. She stated that the home and business would be in conformity with the Land Use Plan and other plans in place. She asked to submit notarized statements detailing the fact that the proposed business would have no negative effects on the area. Mr. Barrett advised Ms. Dicker that she could have the statements submitted but that the Board could not consider any of the information contained within the statements when making their decision because the persons who signed the statements were not present. The statements were entered into the record and Ms. Dicker presented the information. She also distributed a transportation report showing that her business would not negatively affect the traffic flow or generation in the area. Ms. Dicker asked and was granted permission to display a show of support from the audience by asking them to stand. Approximately thirteen children and adults stood in support of the request. Ms. Dicker asked the Board to allow her the opportunity to work with her father in a family owned business.

Wilton Smith, duly sworn, spoke in opposition. He stated that he did not accept that this retirement business had always been the family's plan, as there had been two prior rezoning requests for different reasons, over the past years. He and his neighbors had successfully opposed those requests. Mr. Smith voiced his concern over the existing zoning violation on the property and questioned who would prevent future violations and enforce compliance with the conditional use permit. He was very concerned with rodent infestation and spread of disease. Mr. Smith stated that the number of people who opposed this request greatly outnumbered those who supported it.

Dr. Thomas Durr, duly sworn, told the Board that he did not begrudge anyone the opportunity of making an honest dollar for their hard work, but not at the expense of another's health and safety. He expressed his concern with the appearance of the Board's willingness to spot zone A1 property in this part of the county. He was also concerned with the existing violation on the property and noted that the staff recommendation already verifies that the conditions of approval cannot be met.

Stacy Houston, duly sworn, stated that as an adjacent property owner, he opposed the rezoning because of the negative changes that this business would cause to his property. He stated that the property already appeared to be a junkyard and that a fence would not alter that fact. He stated that

the business would decrease the value of his home and that this predominantly residential area needs to be protected. Mr. Houston asked the Board to exercise their authority and protect the homeowners in this area by denying the request.

James Smith declined the opportunity to speak in rebuttal. The Public Hearing closed.

Mr. McNeill asked the applicant to explain the existing violation on his property. Mr. Smith stated that over the years he had occasionally repaired cars at his home and that he was not aware that he could not do that without a permit until he was cited for the violation. He verified that some vehicles had been there for 10 years but stated that no fluids had ever been drained at that location.

Mr. Turner asked for clarification of the uses allowed in the requested zoning district. Mr. Lloyd stated that, regardless of the zoning district, only those uses specifically listed in the conditional use permit application would be allowed.

Mr. McNeill made a motion, seconded by Mrs. Piland, to deny the Conditional Use District and Permit application request. Unanimous approval, with Mrs. Epler abstaining from the vote.

Mrs. Epler reentered the room.

MINUTES OF SEPTEMBER 19, 2006:

Mrs. Epler exited the hearing room.

Vice-Chair McLaurin advised the audience that P06-64 would be heard according to rules for a quasi-judicial procedure. He asked that all audience members who had signed up to speak approach the podium. Vice-Chair McLaurin swore in the following speakers: J.D. Smith, Lisa Dicker, Wilton Smith, James Hall, Dr. Thomas Durr, and Stacey Houston.

Vice-Chair McLaurin asked the Board if anyone had received information about this case prior to this hearing. All Board members stated that they had received letters. Vice-Chair McLaurin stated that he had also been contacted by phone and had personally visited the site. Mr. Turner stated that he had received a personal visit from a citizen. Mr. Barrett reminded the Board that any information received outside of tonight's forum could not be considered. He further stated that the Board must base their decision solely on information received during the Public Hearing.

Mr. Lloyd reviewed the site information and stated that the Planning & Inspections Staff recommends denial of M(P)/CUD for this location based on the findings that the district is inconsistent with the 2010 Land Use Plan which calls for farmland at this location; consideration of the M(P) district for this area is arbitrary and would not serve a viable public interest; and the degree of difference in uses allowed between the existing surrounding zoning and the proposed zoning, qualify this request as being unreasonable. He further stated that Staff also recommends denial of the Conditional Use Permit based on the findings that the use is a danger to the public health and safety due to the possibility of fluids leaching into soils in an area comprised of private, individual wells; the use is not in harmony with the area in which it is located; and the degree of difference in the specific uses requested as related to the existing surrounding uses makes this request unreasonable. There were no other suitable districts to be considered for this request. The Public Hearing opened.

Mr. J.D. Smith, petitioner, stated that his plans were to retire and move his auto repair and sales business to his residence so that he could work at home and be with his family. He stated that his current zoning of A1 would not allow him to do that. He was aware of the regulations required to operate the business, including zoning compliance for a car dealer's license, and would abide by all conditions. He stated further that he was aware that zoning inspectors would keep a check on him

and would pull his permits if he violated any of the conditions. Mr. Smith asked for a show of support from audience members by asking them to stand if they were in support of his request. Thirteen audience members stood.

Mr. Barrett asked Mr. Smith if he had any information to present to the Board showing the effect of his operation on the value of adjacent property. Mr. Smith stated that he had no such information. He further advised the Board that he would not actually be operating a junkyard, but simply storing junked cars to use for parts. He advised the Board that he would be requesting auto sales as part of the permit. Mr. Lloyd reviewed the allowable uses in the M(P)/CUD.

Mr. McNeill asked how long Mr. Smith had been operating at his home. Mr. Smith stated that he wasn't running his business from there, but at his shop location on Cedar Creek Road. He stated that there were cars at his home residence right now that he was working on but that he wasn't draining any fluids from them.

Lisa Dicker spoke in favor of the request, stating that she was Mr. Smith's daughter. She advised that she had moved back home after leaving law enforcement to operate a garage with her father as a family business. She stated that the Planning Staff had given them guidelines and regulations to follow and that she and her father would be able to comply with all of them. She asked for approval of the request to allow her the opportunity to have this family business with her father and to be able to give back to the community.

Mr. Barrett advised the Board that upon review of Mr. Smith's original application, his request for car sales was not included and could not be added at this point. Mr. Barrett advised the Board that the applicant should be given the choice to either move ahead with his request as written, without car sales, or defer the request to allow for the application to be amended and re-advertised. The Public Hearing was closed.

Vice-Chair McLaurin asked Mr. Smith to declare his preference. Mr. Smith stated that without car sales the rezoning would not do him any good. He stated that staff members in Room 103 had told him he had to ask for M(P) to get car sales.

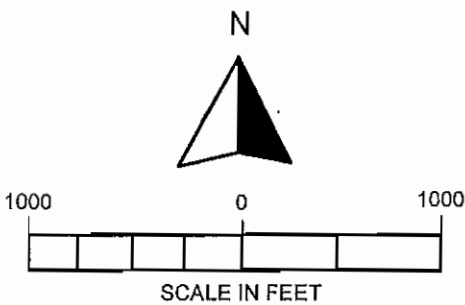
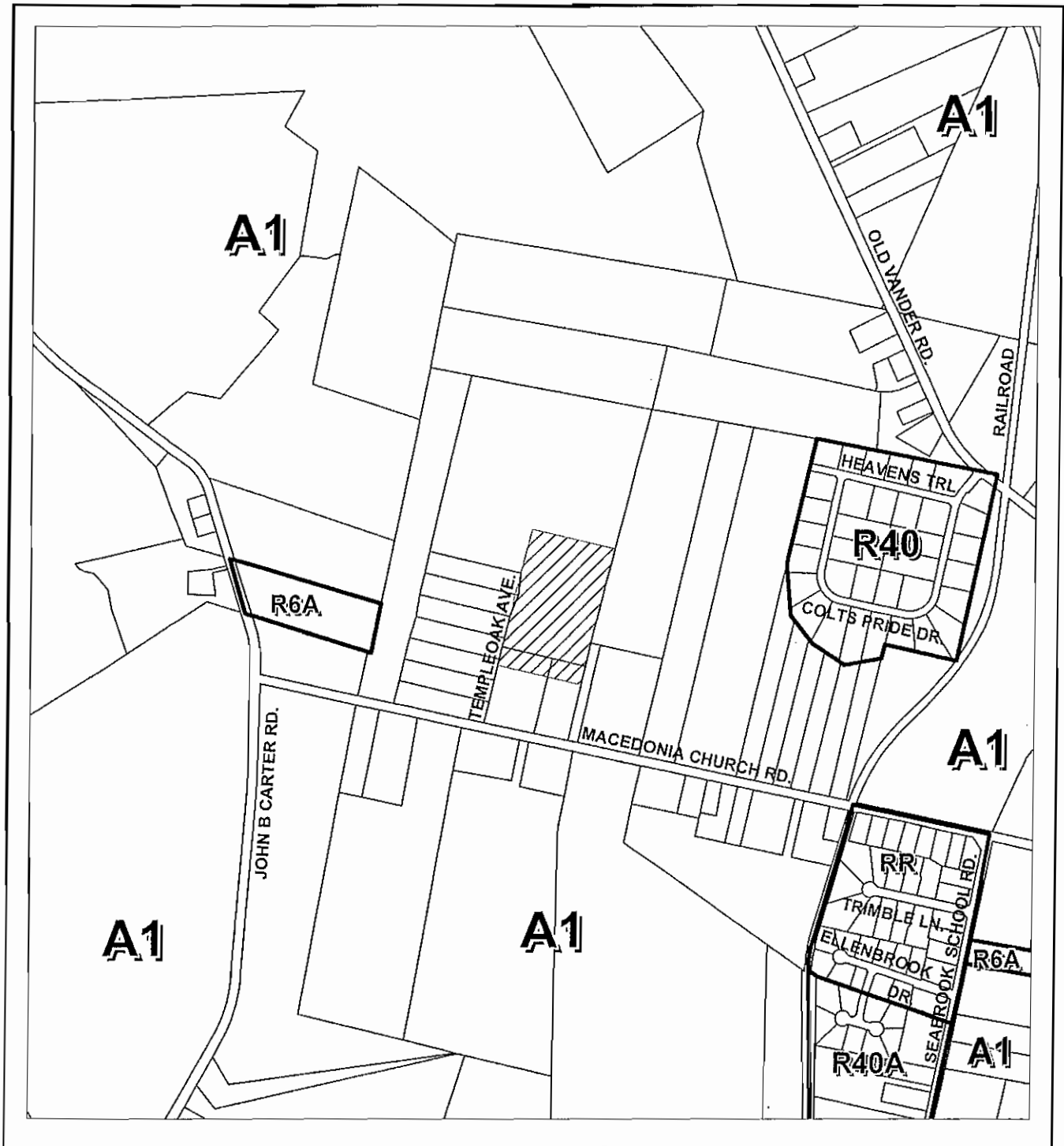
Mr. McNeill asked if the audience members who had signed up to speak could still be afforded that opportunity at tonight's hearing and then suspend the hearing until October. Mr. Barrett stated that the request for car sales was a materially different request and could not be presented. He further stated that any information received from speakers tonight could not be considered by Board members in forming their decision at a later date.

Ms. Speicher noted that the applicant would have to amend his site plan as well as his application.

Mr. McNeill stated that the Board's desire was for any and all applicants to be given a fair hearing and that the only way to do that for Mr. Smith was to allow him to defer his case until October 17th.

Mr. McNeill made a motion, seconded by Mr. Hostetter, to defer Case P06-64 until October 17th, with no additional cost to the applicant. Unanimous approval with Mrs. Epler abstaining.

Mrs. Epler reentered the hearing room.

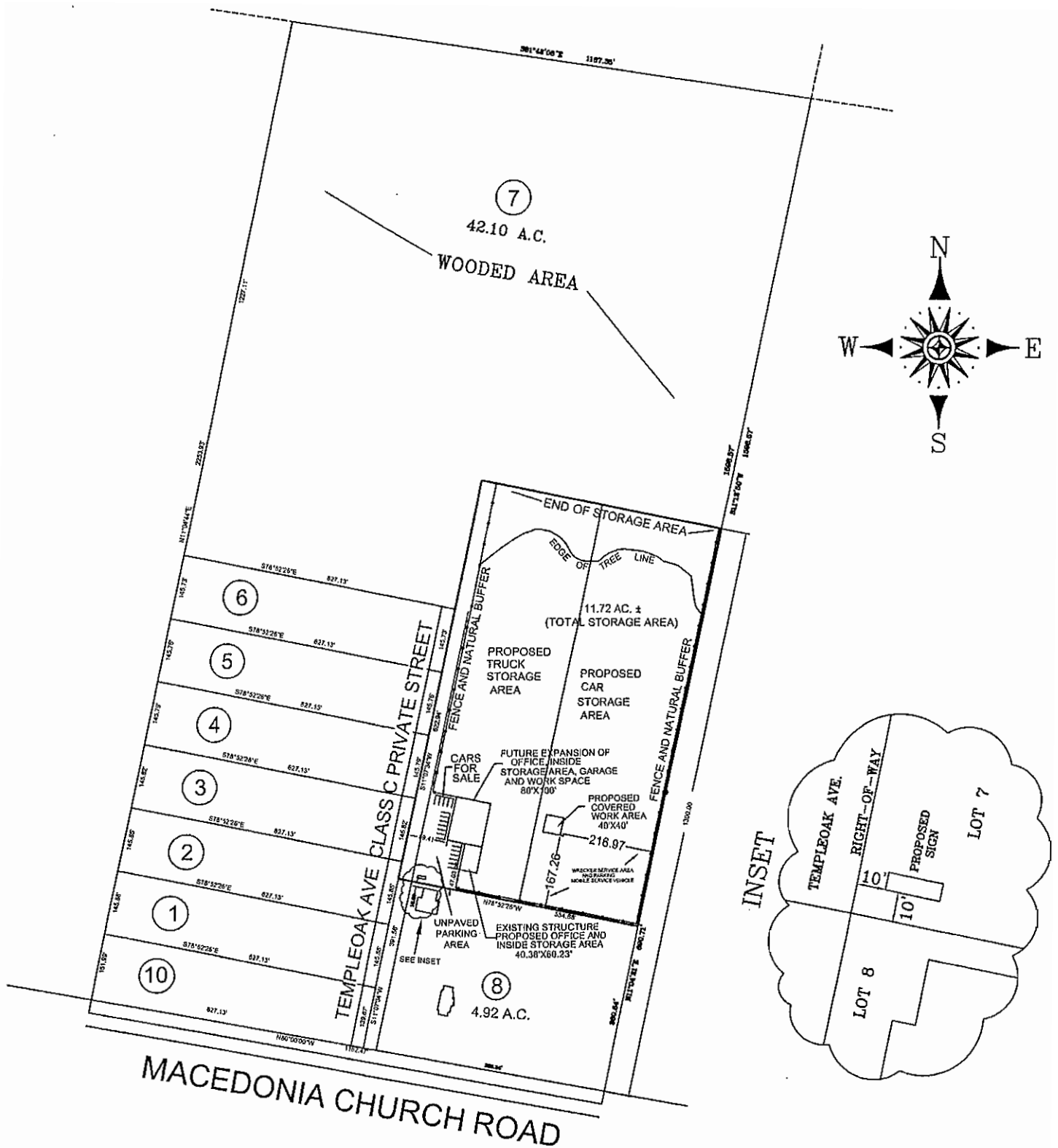


REQUESTED REZONING A1 TO M(P)/CUD

ACREAGE: 11.72 AC.+/-		HEARING NO: P06-64	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

PORT. OF PIN: 0465-98-6216
 PORT. OF PIN: 0465-97-4061
 PORT. OF PIN: 0465-96-7935

AF
 9/26/06 Revised

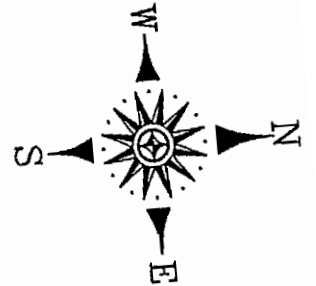
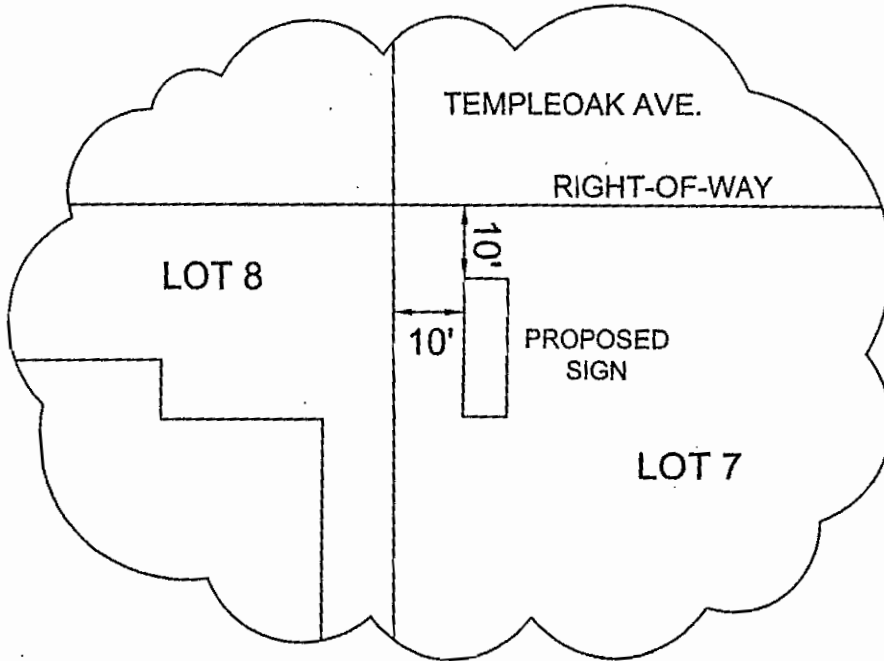


CONDITIONAL USE DISTRICT & PERMIT

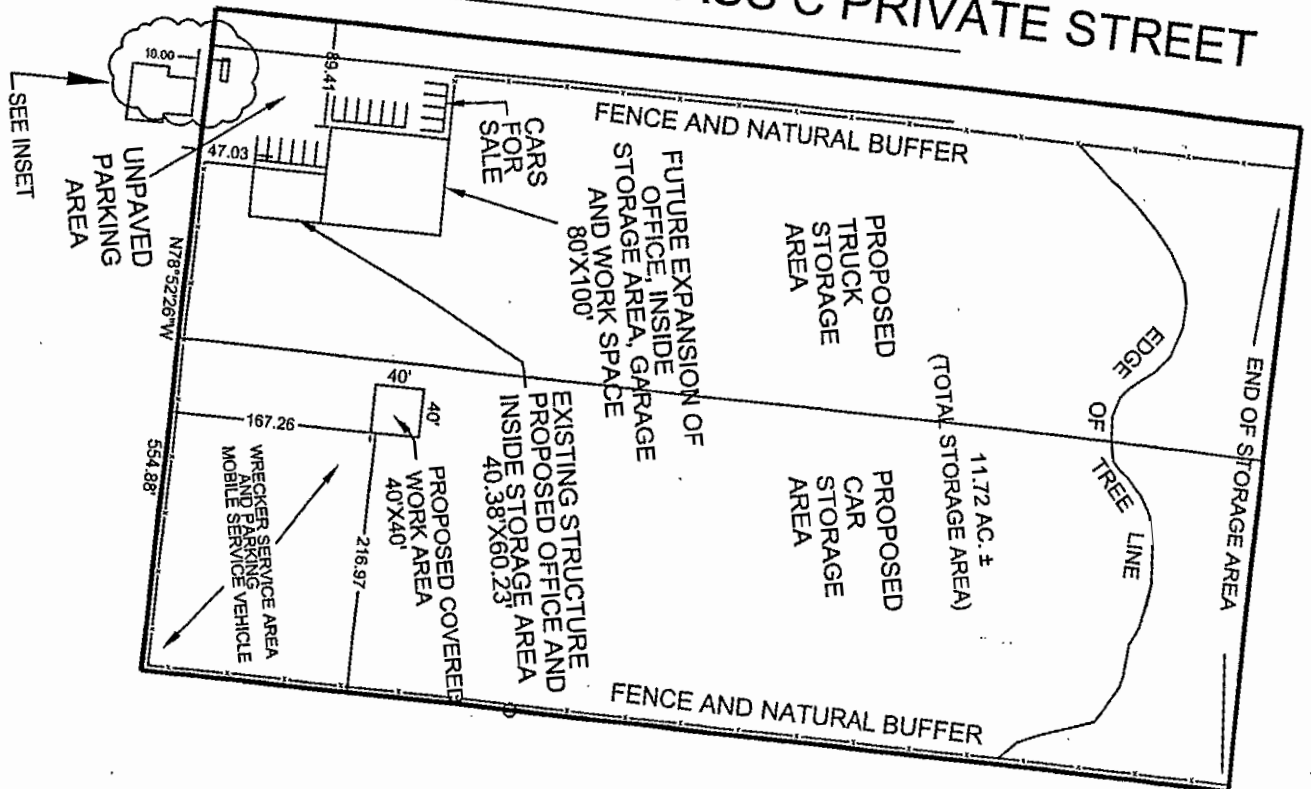
REQUEST: TO ALLOW NEW AND USED MOTOR VEHICLE, EQUIPMENT, PARTS & TIRE SALES; TOOL & EQUIPMENT RENTAL; MOTOR VEHICLE & EQUIPMENT REPAIR; TIRE INSTALLATION & BODY WORK; OFFICE; JUNKYARD-SALVAGE & STORAGE OF MOTOR VEHICLES, PARTS & EQUIPMENT; WRECKER SERVICE; MOBILE SERVICE VEHICLE; & FABRICATION & WELDING

CASE: P06-64 ACREAGE: 11.72±
SCALE: NTS PARKING: AS SHOWN

INSET



TEMPLEOAK AVE CLASS C PRIVATE STREET



P06-64
1"=160'

MOTIONS ON CONDITIONAL USE OVERLAY DISTRICT REZONING
APPLICATION

If the motion is to approve:

I move that the Board of Commissioners finds that this conditional use district overlay application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that it be approved.

If the motion is to deny:

I move that the Board of Commissioners fail to find that this conditional use district overlay application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that it be denied.

See Zoning Ordinance Sec. 4.23.1(b).

MOTIONS ON CONDITIONAL USE OVERLAY PERMIT APPLICATION

If the motion is to approve:

I move that the Board of Commissioners finds that this conditional use district overlay permit application, if completed as proposed,

- (i) will not materially endanger the public health and safety, and
- (ii) will not substantially injure the value of adjoining or abutting property, and
- (iii) will be in harmony with the area in which it is to be located, and
- (iv) will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners,

and that it be approved.

If the motion is to deny:

I move that the Board of Commissioners fails to find that this conditional use district overlay permit application, if completed as proposed,

[Specify one or more of (i) through (iv) above AND state a reason for the failure to make such finding(s) based on substantial, material and competent evidence in the record on the application before the Board]

and that it be denied.

See Zoning Ordinance Sec. 4.23.2(a).

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

NOVEMBER 9, 2006

ITEM NO. 24

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P06-80:** REVISIONS, AMENDMENTS AND UPDATES TO THE CUMBERLAND COUNTY ZONING ORDINANCE FOR THE CUMBERLAND COUNTY JOINT PLANNING BOARD'S ONE YEAR REVIEW OF THE JUNE 20, 2005 ORDINANCE.

ACTION: THE MEMBERS PRESENT AT THE OCTOBER 17, 2006 MEETING VOTED UNANIMOUSLY TO APPROVE THE ONE-YEAR REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, WITH THE ADDITIONAL CHANGE OF DELETING THE WORDS "MEDIUM-SIZED" FROM ARTICLE III, SECTION 304, AND REMOVING THE BILLBOARD RELATED PORTION OF THE AMENDMENT.

SITE INFORMATION: One-year Revision and Amendment attached.

MINUTES OF OCTOBER 17, 2006:

Mr. Lloyd reviewed the revisions and amendments to the Ordinance and stated that this public hearing was part of the process in the one-year Zoning Ordinance review. The Land Use Codes Committee had met on three occasions to review the Ordinance and address the needs as presented by Staff.

The Public Hearing opened. Mr. John Gillis, addressed the Board and thanked the Committee for addressing the problem areas in the Ordinance, specifically with the R10 district. He stated that he appreciated their efforts and their work. Mr. Gillis asked for clarification of the changes regarding day care centers. Mr. Lloyd stated that the change addressed the more commercial nature of day care facilities and was not written to deter or prohibit small home day cares. Mr. Gillis again thanked the Board and Staff and stated that as a member of the Home Builders Association, he looked forward to working with Staff on revisions to the Subdivision Ordinance.

The Public Hearing closed. No one appeared in opposition.

Mr. McNeill asked that the words "medium-sized" be removed from Article III, Section 304.

Commissioner Wheatley expressed her concern with allowing day care centers to be permitted without any clearer restrictions than are written in the Ordinance. She stated that day care centers should be considered as more of a commercial-type business and regulated as such. Discussion followed on operation and regulation of day care facilities and the differences between home day cares and centers.

Mrs. Epler made a motion, seconded by Vice-Chair McLaurin, to approve the one-year revision and amendment to the Cumberland County Zoning Ordinance as submitted, with the additional change of deleting the words "medium-sized" from Article III, Section 304. Unanimous approval.

Mr. Lloyd stated that the billboard issue referred to in the staff recommendation was not part of the Ordinance revision and should be removed and returned to the Land Use Codes Committee for discussion.

Chair Morris made a motion, seconded by Mrs. Epler, to remove the Billboards attachment from the submitted revision and amendment and return it to the Land Use Codes Committee for review. Unanimous approval.

CASE NO. P06-80

REVISIONS, AMENDMENTS AND UPDATES TO THE CUMBERLAND COUNTY ZONING ORDINANCE FOR THE CUMBERLAND COUNTY JOINT PLANNING BOARD'S ONE YEAR REVIEW OF THE JUNE 20, 2005 ORDINANCE.

June 20, 2005 County Zoning Ordinance Review (Land Use Codes Committee with Planning Board Edits)

Article I Administrative Provisions

Section 106 Enforcing Inspector – Change enforcing inspector from “Code Enforcement Coordinator” to “Planning & Inspections Director or their designee” & change title to “Ordinance Administrator”.. (p.2)

Article II Interpretations, Calculations & Definitions

Section 203 Definitions of Specific Terms and Words

1. “Call Center” - add to definitions: *A central building or office place where agents or operators man banks of telephones to either make outgoing, or field incoming, telephone calls for a large company or organization.*
2. “Equestrian Facilities” – add to definitions: *Commercial stand alone facilities or as an integral part of and in conjunction with residential developments, including: horse ranches, boarding stables, riding schools and academies, trails, and horse exhibition facilities. Barns, stables, corrals, paddocks and the like are considered accessory and incidental to the foregoing uses.*
3. “Governmental Use” – add to definitions: *A building, structure or facility owned and operated or occupied by a unit of local government of this state, including but not limited to a municipality, any agency of the state, the United States or any state thereof, or any Indian tribe recognized as such by the federal government. This definition does not include any utility, whether owned and/or operated by any public or private agency.*
4. “Lot, Through” – current definition: “An interior lot having frontage on two streets or a corner lot having frontage on three streets.” Change to: *A lot, other than a corner lot, having frontage on two parallel, or approximately parallel, streets; or a corner lot having frontage on three or more streets.* (p.14)

Article III Zoning Districts

Section 304 Residential Districts

1. R10 – Change to read: R7.5 R10 Residential District: A district designed primarily for single-family dwelling units on medium-sized lots with a lot area of 7,500 ~~10,000~~ square feet or above. (Change all references of “R10” throughout the Ordinance to read as “R7.5” except for item 7 below. (p. 25)

2. R5& R5A – Reverse order as listed in Ordinance (p. 25)

Section 305 Planned Professional District

3. O&I(P) – Add statement requiring plan approval (p. 26)

Section 306 Planned Commercial Districts

4. C1(P) – Add statement requiring plan approval (p. 26)
5. C(P) – Clarify statement to require plan approval (p. 26)

Section 307 Planned Industrial Districts

6. M1(P) – Clarify statement to require plan approval (p. 26)
7. Add R10 as a corresponding district to the R7.5 district (p.26)

Article IV Permitted, Conditional & Special Uses

Section 403 Use Matrix

1. “Day Care Facility” – prohibit in residential districts unless located on a major or minor thoroughfare (p. 32)
2. “Hospital” is listed twice in matrix – delete reference from line that states “Hospital/Sanitarium” (p. 33)
3. “Manufactured Home Class C” – delete “P” in all districts except R6A (p. 33)
4. “Riding Academy Activity” – change to read: “Equestrian Facilities” and allow as permitted use in R40, R40A, R30, R30A; and only upon approval in conjunction with a Special Use Permit in the R20 and R20A districts, in addition to districts currently permitted in (p. 35)
5. Add “Call Center” to Matrix as a permitted use in the M(P) zoning district.
6. Change reference to “R10” to read as “R7.5”

Article V Companion Districts – Conditional Use Districts

1. Sec 502, Restrictions on Filing of Applications – Add sentence clarifying that all current record owners must sign the application (p. 38)
2. Sec 504, Action by the Planning Board –Change the word “shall” to “may” hold a public hearing in the first sentence (p. 39)
3. Sec 504, Action by the Planning Board – After the last complete sentence on this page but prior to “In recommending.....” add the following sentence: “When favorably recommending approval of the Conditional Use District, the Planning Board shall issue a statement addressing the reasonableness of the proposed rezoning, in addition to addressing the request’s consistency with the current Land Use Plan.” (p. 39)
4. Sec 505, Action by the Board of Commissioners – The second paragraph, second sentence change to read: “ If the Board of Commissioners approves the rezoning application, a statement analyzing the reasonableness of the proposed rezoning along with addressing the consistency of the request with the current Land Use Plan shall be made a part of the record. Only upon approval of the Conditional Use District shall the Board of Commissioners consider approval of the Conditional Use Permit.” (p. 40)

Article VI Mixed Use Development – Conditional Use Districts

Sec 603, Uses Allowed, subparagraph C – Add “mini-warehousing with no outside storage of vehicles” if constructed in accordance with Section 914.

Article VII Planned Neighborhood Development – Conditional Use District

No changes

Article VIII Density Development – Conditional Use District

No changes

Article IX Individual Uses

1. Sec 901, Development Standards for Individual Uses – Amend second to last sentence to read: “All non-residential uses listed within this Article require site plan review and approval in accordance with Article XIV unless this Article specifically requires approval of a Special Use Permit or Conditional Use Permit.” (p. 59)
2. Sec 903, Bed and Breakfast, subparagraph H – the last sentence be amended to read: No off-street parking shall be permitted any closer to the right-of-way than the principal structure ~~allowed in any front yard~~ (p. 60)
3. Sec 912 Kennel Operations, subparagraph D – Amend to read: “A vegetative buffer shall be required along the side and rear property lines and must comply with the provisions of Section 1102 G. and/or a In addition, a privacy fence may be required if it is determined the ~~buffer/fence~~ would alleviate any detrimental effects on neighboring properties.” Also, add subparagraph so that kennel operations shall not be allowed in residential districts if the minimum lot size required by the zoning district of the subject tract has been compromised and require the kennel operations including all pens, shelters, etc., to meet the setbacks as required by the zoning district (p. 64)
4. Sec 916, Non-residential Use as Permitted in Residential, subparagraph C – clarify parking criteria so that only parking required by this Ordinance has to be paved if the site is located within the Urban Services Area (p. 66)
5. Sec 921, Recreation Vehicle Park and/or Campground, subparagraphs B and J – The second sentence of subparagraph B to be amended as: Each recreation vehicle/camp site, excluding sites used solely for tents, shall be a minimum of 1,200 square feet in area with a maximum of 20 sites per acre. In subsection J the wrong reference is given for site plan requirements – Article XIII – should read: Article XIV (p. 69)
6. Sec 927, Towers, subparagraph B – Amend the first sentence to read: “The applicant, owner, or developer of a tower that is to be at least 75 feet in height shall submit a site plan with the application for ~~building permits~~ to authorize construction of erection of the tower (p. 71)

Article X Other Uses

No changes

Article XI Lot and Yard Regulations

1. Sec. 1102, Yard Regulations, subparagraph C, Fences and Walls, add the following sentence to item (3): "A fence erected in conjunction with a buffer area shall be set back a sufficient width from the property line to allow for the proper maintenance and upkeep of the vegetative buffer". (p. 86)
2. Sec 1102, Yard Regulations, subparagraph G, Buffer Requirements – clarify requirement for buffers when nonresidential is adjacent to residential; consider exemptions from the buffer requirements for "governmental uses, including public and private elementary, junior high/middle, and high schools accredited by the State of North Carolina". Under item 1(d) clarify the reference to "street" as "public" streets. Also, under item 3(d) increase the time period from one year to three years (p. 87)
3. Sec 1102, Yard Regulations, subparagraph H, Location of Accessory Buildings in Any District – Add the following sentence at the end of the paragraph: Any accessory structure greater than 700 square feet in floor area must be located inside the building envelope.(p. 87)
4. Sec 1104, District Dimensional Provisions (Chart) – Under the "Density" column for the R10 zoning district, change "R10" to read as "R7.5" and change 10,000 square feet of land area for the "minimum lot size" and "1st DU" to read as "7,500". (p. 90)
5. Sec 1104, District Dimensional Provisions (Chart) – switch positions of the R5 and R5A criteria (p. 90)

Article XII Off-Street Parking and Loading

No changes

Article XIII Sign Regulations

1. Sec 1302, Definitions, Pole Sign – amend definition to read as: A freestanding sign that is mounted on a pole or other support so that the bottom edge of the sign face is ~~six feet or more above grade.~~ (p. 101)
2. Sec 1305, General Site and Sign Specifications, subparagraph C, Freestanding Sign Location, 2, Pole Signs – Amend second sentence to read: Also, pole signs shall maintain a minimum clearance of nine feet over any pedestrian areas and 14 feet over any vehicular paths ~~and shall not extend vertically above the roofline or parapet wall of a building.~~ In addition, the following is to be inserted as the last sentence of this paragraph: Pole signs more than 100 feet in height shall be set back from any property line a distance of one foot for each foot of height above ground level when otherwise allowed within this Article (p. 104).
4. Sec 1306, Signs Permitted by District, B. Professional, Commercial and Industrial Districts, 3. C(P) Planned Commercial District – Provisions related primarily to signs in the HS(P) district contained in the July 1972 Ordinance was inadvertently omitted from the current Ordinance and should be inserted as a third paragraph, reading: Detached business signs with no height limitation are allowed when located within 1,500 feet of an interstate (I-95) and when said signs are in excess of 100 feet in height these signs shall not be limited in area when located within 1,500 feet of an

interstate (I-95) exit ramp, measured at the ramp's outer intersection with a state road (NC or SR). (p. 107)

- *5. ~~See 1307, Billboards (Off-Premises Signs), subparagraph A, General Provisions— Insert between the current items numbered 4 and 5 provisions restricting billboards to being located no closer than 1,000 feet of the I-295 corridor. Renumber current item number 5 to 6. (p. 107) (See attached memorandum, dated October 10, 2006, from Jimmy Teal, Planning Director, City of Fayetteville)~~
- 5 6. Sec 1308, Signs Prohibited, subparagraph A, Signs Not to Constitute Traffic Hazards – add flashing signs.
- 6 7. Create a definition for mechanical/digital signs, to read: Any sign with changeable copy and the message changes in increments of at least eight seconds shall be considered as "sign" under this Article.

Article XIV Planned Districts

No changes

Article XV Amendments

1. Sec 1502, Staff Recommendation, subparagraph A – Amend as: The appropriateness of the request in relation to, and the request's consistency with the current Comprehensive Land Use Plan for the subject area; (p. 113)
2. Sec 1502, Staff Recommendation – create subparagraph H, to read as follows: *The reasonableness of the proposed request for all small-scale rezonings.* (p. 114)
3. Sec 1503, Planning Board Hearing & Recommendation, subparagraph B – Amend the first sentence to read: Following consideration of proposed amendments, supplements, changes, modifications or repeal of provisions of the Ordinance, the Planning Board shall report all proposals it has considered to the Board of Commissioners along with a statement addressing consistency of the request with the current Land Use Plan and its recommendation thereon. (p. 114)
4. Sec 1504, Board of Commissioners' Hearing and Final Disposition, subparagraph C – Amend the first sentence to read: To approve any amendment, supplement, change, modification or repeal of any provisions of this Ordinance, the Board of Commissioners shall address the consistency of the action with the current Land Use Plan; and make a finding and determination entered in the minutes of the meeting, that such action is reasonable, neither arbitrary or unduly discriminatory and in the public interest.

Article XVI Board of Adjustments

No changes

Article XVII Legal Provisions

No changes

Resolution

No changes



ITEM NO. 21

COUNTY of CUMBERLAND

Office of the County Attorney

November 15, 2006

MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA OF NOVEMBER 20, 2006

TO: BOARD OF COMMISSIONERS

FROM: GRAINGER R. BARRETT, COUNTY ATTORNEY

SUBJECT: PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL FOR WINDRIDGE WATER LINE EXTENSION PROJECT

BACKGROUND: The Board has previously called a public hearing on adoption of the Preliminary Assessment Roll for the Windridge Water Line Extension Project. Notice of the public hearing and first class mail notice to affected property owners has been duly published and sent in accordance with statute.

RECOMMENDATION: Hold public hearing, and consider whether to annul, modify or confirm the assessments as set forth in the Preliminary Assessment Roll. If and when the Board confirms the assessment roll, it should direct the clerk to enter into the minutes of the board the date, hour and minute of confirmation. From the time of confirmation each assessment shall be a lien on the property assessed of the same nature and to the same extent as the lien for county property taxes, under the priorities set forth in G.S. 153A-200. If and when confirmed, the Board should also direct that a copy of the assessment roll be delivered to the county tax collector for collection in the same manner as property taxes.

ITEM NO. 4CNovember 6, 2006
Agenda Item**COUNTY of CUMBERLAND****Public Utilities**THOMAS B. COONEY III, P.E.
Public Utilities Director**MEMORANDUM FOR BOARD OF COMMISSIONERS**
AGENDA OF NOVEMBER 6, 2006

TO: BOARD OF COUNTY COMMISSIONERS

FROM: TOM COONEY, PUBLIC UTILITIES DIRECTOR *TBC*

THROUGH: JAMES E. MARTIN, COUNTY MANAGER *JM*

DATE: OCTOBER 25, 2006

SUBJECT: APPROVAL OF SCHEDULING A PUBLIC HEARING AND
ADOPTION OF THE PRELIMINARY ASSESSMENT ROLL FOR THE
WINDRIDGE SUBDIVISION WATER LINE EXTENSION PROJECT

BACKGROUND

The Board of Commissioners at their August 16, 2004 meeting, adopted a Final Assessment Resolution for the Windridge Project. I am pleased to report that the construction of the water line extension throughout the Windridge Subdivision is now complete and that the Fayetteville Public Works Commission has accepted the lines. The final project costs have been determined and the preliminary assessment roll prepared. A copy of the assessment roll is attached for your review.

The next step is for the Board of Commissioners to adopt this preliminary assessment roll and set a date for a public hearing. I would like to recommend that the public hearing be scheduled for the second meeting in November, which is November 20, 2006 at 6:45 pm.

The following is a summary of the costs and the calculated assessment per lot:

Engineering and Design	Marziano & Manier	\$ 17,400.00
Construction	Utilities Plus	<u>\$ 525,350.05</u>
	Total	\$ 542,750.05
PWC Participation to upsize the main line		\$ 139,491.71
PWC Participation to install Fiber Optic Conduit		<u>\$ 14,259.50</u>
	PWC	\$ 153,751.21

Balance to be assessed \$ 388,998.84

Number of Lots for Assessment 81
Assessment per lot

\$ 4,802.46

RECOMMENDATION

The Utilities Department and County Management recommend that the Board of Commissioners adopt the Preliminary Assessment Roll and set a Public Hearing date of November 20, 2006 at 6:45 pm..

Attachments:

Final Assesment Roll
Windridge Subdivision
Water Extension

Parcel Number	Owner Name	Owner Address	City	Situs Address	Assessment per Lot
0422-64-8469-	AGUILASTRATT, ALEXANDER & WIFE	620 TORHUNTA DR	HOPE MILLS, NC 28348-9281	620 TORHUNTA DR	\$ 4,802.46
0422-64-1813-	ALWARD, DANIEL G & WIFE	8037 KALMIA LN	HOPE MILLS, NC 28348-9284	8037 KALMIA LN	\$ 4,802.46
0422-64-6369-	ANDREWS, PHILLIP KEITH & WIFE	230 COLONIAL DR	ROCKINGHAM, NC 28379-4051	8010 KALMIA LN	\$ 4,802.46
0422-64-5176-	BAILEY, RICHARD A JR & WIFE	8005 KALMIA LN	HOPE MILLS, NC 28348-9284	8005 KALMIA LN	\$ 4,802.46
0422-64-1765-	BAIN, MICHAEL S & WIFE	8033 KALMIA LN	HOPE MILLS, NC 28348-9284	8033 KALMIA LN	\$ 4,802.46
0422-64-3471-	BARTH, GARY L & WIFE CORNELIA	8017 KALMIA LN	HOPE MILLS, NC 28348-9284	8017 KALMIA LN	\$ 4,802.46
0422-55-8174-	BEASLEY, CHARLES A & WIFE	9005 KALMIA LN	HOPE MILLS, NC 28348-9266	9005 KALMIA LN	\$ 4,802.46
0422-65-7232-	BERTRAND, SEAN PAUL &	517 TORHUNTA DR	HOPE MILLS, NC 28348-9280	517 TORHUNTA DR	\$ 4,802.46
0422-64-6181-	BOSTIC, MILTON C JR & WIFE	7033 KALMIA LN	HOPE MILLS, NC 28348-9278	7033 KALMIA LN	\$ 4,802.46
0422-64-5991-	BRITT, MARK &	528 TORHUNTA DR	HOPE MILLS, NC 28348-9279	528 TORHUNTA DR	\$ 4,802.46
0422-64-8191-	BRITTAIN, GALE JUNE	7025 KALMIA LN	HOPE MILLS, NC 28348-9278	7025 KALMIA LN	\$ 4,802.46
0422-65-4179-	BUNDY, FREDERICK J & WIFE	516 TORHUNTA DR	HOPE MILLS, NC 28348-9279	516 TORHUNTA DR	\$ 4,802.46
0422-64-7364-	BUNNING, CLIFFORD DEAN & WIFE	7034 KALMIA LN	HOPE MILLS, NC 28348-9283	7034 KALMIA LN	\$ 4,802.46
0422-65-6471-	CARPENTER, REX K & WIFE TAMI E	509 TORHUNTA DR	HOPE MILLS, NC 28348-9280	509 TORHUNTA DR	\$ 4,802.46
0422-64-4755-	CHANEY, STERLING D & WIFE	8026 KALMIA LN	HOPE MILLS, NC 28348-9283	8026 KALMIA DR	\$ 4,802.46
0422-65-6562-	COX, WODELL GRANT & WIFE	7009 BYERLY DR	HOPE MILLS, NC 28348-8621	505 TORHUNTA DR	\$ 4,802.46
0422-65-0710-	CRUSER, ABBIE E	8009 BYERLY DR	HOPE MILLS, NC 28348-8627	8009 BYERLY DR	\$ 4,802.46
0422-55-9394-	DAUB, AARON T & WIFE CAMILA D	518 BLANEY CT	HOPE MILLS, NC 28348-9248	518 BLANEY CT	\$ 4,802.46
0422-65-4542-	DEVER, CHARLES H SR & WIFE	7015 BYERLY DR	HOPE MILLS, NC 28348-8621	7015 BYERLY DR	\$ 4,802.46
0422-65-3003-	DICKE, ROBERT CHARLES & WIFE	8038 KALMIA LN	HOPE MILLS, NC 28348-9283	8038 KALMIA LN	\$ 4,802.46
0422-74-4064-	FAULER, ROBERT J & WIFE	1688 CHICKEN FOOT RD	HOPE MILLS, NC 28348-7954	1688 CHICKEN FOC	\$ 4,802.46
0422-65-8003-	FAULK, WESLEY BENSON	602 HUMBOLDT PL	FAYETTEVILLE, NC 28314-257	525 TORHUNTA DR	\$ 4,802.46
0422-64-4284-	FIGUEROA, KRIS	8009 KALMIA LN	HOPE MILLS, NC 28348-9284	8009 KALMIA LN	\$ 4,802.46
0422-65-6791-	FOSTER, JEFFERY E &	7006 BYERLY DR	HOPE MILLS, NC 28348-8620	7006 BYERLY DR	\$ 4,802.46
0422-65-2142-	FULMORE, SAMUEL D JR	8042 KALMIA LN	HOPE MILLS, NC 28348-9283	8042 KALMIA LN	\$ 4,802.46
0422-64-9768-	GAMMON, JONATHON & WIFE	613 TORHUNTA DR	HOPE MILLS, NC 28348-9282	613 TORHUNTA DR	\$ 4,802.46
0422-55-8549-	GARRISON, DAVID K & WIFE	9018 KALMIA LN	HOPE MILLS, NC 28348-9257	9018 KALMIA LN	\$ 4,802.46

Final Assesment Roll
Windridge Subdivision
Water Extension

Parcel Number	Owner Name	Owner Address	City	Situs Address	Assessment per Lot
0422-65-0443-	GRIGGS, CHARLENE HODGES	512 BLANEY CT	HOPE MILLS, NC 28348-9297	512 BLANEY CT	\$ 4,802.46
0422-64-3429-	GROVES, DANFORD F & WIFE	8021 KALMIA LN	HOPE MILLS, NC 28348-9284	8021 KALMIA LN	\$ 4,802.46
0422-64-2568-	GUYTON, DURWARD EDMUND	8025 KALMIA LN	HOPE MILLS, NC 28348-9284	8025 KALMIA LN	\$ 4,802.46
0422-74-2099-	HALBERT, BURT V IV & WIFE	7009 KALMIA LN	HOPE MILLS, NC 28348-9278	7009 KALMIA LN	\$ 4,802.46
0422-74-0180-	HELMICK, PAUL A & WIFE	7017 KALMIA LN	HOPE MILLS, NC 28348-9278	7017 KALMIA LN	\$ 4,802.46
0422-74-0710-	HELMS, ROBERT F II & WIFE	617 TORHUNTA DR	HOPE MILLS, NC 28348-9282	617 TORHUNTA DR	\$ 4,802.46
0422-64-8507-	HENDERSON, KATHERINE J	616 TORHUNTA DR	HOPE MILLS, NC 28348-9281	616 TORHUNTA DR	\$ 4,802.46
0422-65-1623-	HUGHES, TOMMIE & WIFE MAMIE	8005 BYERLY DR	HOPE MILLS, NC 28348-8627	8005 BYERLY DR	\$ 4,802.46
0422-64-5617-	JOHNSON, CHARLES A & WIFE	8022 KALMIA LN	HOPE MILLS, NC 28348-9283	8022 KALMIA LN	\$ 4,802.46
0422-65-0573-	JOHNSON, MICHAEL WAYNE	508 BLANEY CT	HOPE MILLS, NC 28348-9297	508 BLANEY CT	\$ 4,802.46
0422-65-3513-	KIMBALL, JOHN W & WIFE	7019 BYERLY DR	HOPE MILLS, NC 28348-8621	7019 BYERLY DR	\$ 4,802.46
0422-55-7350-	KINGSBURY, JEFFREY L & WIFE	9013 KALMIA LN	HOPE MILLS, NC 28348-9266	9013 KALMIA DR	\$ 4,802.46
0422-74-3195-	KURZENDOERFER, DEBORAH G	7005 KALMIA LN	HOPE MILLS, NC 28348-9278	7005 KALMIA LN	\$ 4,802.46
0422-65-5009-	LAMBERT, MARVIN L & WIFE	5960 E HEIGHTS DR APT	COLUMBUS, GA 31909-6940	520 TORHUNTA DR	\$ 4,802.46
0422-74-1362-	LAWLER, CAROLE J & HUSBAND	7018 KALMIA LN	HOPE MILLS, NC 28348-9277	7018 KALMIA LN	\$ 4,802.46
0422-74-2393-	LILLY, ESTHERLENE	7010 KALMIA LN	HOPE MILLS, NC 28348-9277	7010 KALMIA LN	\$ 4,802.46
0422-64-3954-	LINCOLN, JOHN EDWARD & WIFE	8034 KALMIA LN	HOPE MILLS, NC 28348-9283	8034 KALMIA LN	\$ 4,802.46
0422-65-0000-	MADDIES, STEPHEN R & WIFE	8045 KALMIA LN	HOPE MILLS, NC 28348-9284	8045 KALMIA LN	\$ 4,802.46
0422-65-5772-	MAHURIN, GEORGE H & WIFE	7010 BYERLY DR	HOPE MILLS, NC 28348-8620	7010 BYERLY DR	\$ 4,802.46
0422-64-9351-	MAYO, LARRY N	628 TORHUNTA DR	HOPE MILLS, NC 28348-9281	7026 KALMIA LN	\$ 4,802.46
0422-65-4430-	MCCOY, REGENTIA R	508 TORHUNTA DR	HOPE MILLS, NC 28348-9279	508 TORHUNTA DR	\$ 4,802.46
0422-64-6842-	MCDANIEL, JOSEPH FRANKLIN JR &	604 TORHUNTA DR	HOPE MILLS, NC 28348-9281	604 TORHUNTA DR	\$ 4,802.46
0422-64-9817-	MCKENNON, LARICKY C & WIFE	609 TORHUNTA DR	HOPE MILLS, NC 28348-9282	609 TORHUNTA DR	\$ 4,802.46
0422-64-7192-	ORR, DORENE S & HUSBAND	7029 KALMIA LN	HOPE MILLS, NC 28348-9278	7029 KALMIA LN	\$ 4,802.46
0422-74-0672-	OSGOOD, CYNTHIA B	621 TORHUNTA DR	HOPE MILLS, NC 28348-9282	621 TORHUNTA DR	\$ 4,802.46
0422-65-5040-	PHILLIPS, MARK A & WIFE	524 TORHUNTA DR	HOPE MILLS, NC 28348-9279	524 TORHUNTA DR	\$ 4,802.46
0422-64-8965-	PILLOT, ANTHONY F & WIFE	605 TORHUNTA DR	HOPE MILLS, NC 28348-9281	605 TORHUNTA DR	\$ 4,802.46

Final Assesment Roll
Windridge Subdivision
Water Extension

Parcel Number	Owner Name	Owner Address	City	Situs Address	Assessment per Lot
0422-65-2767-	PRENTICE, DANIEL A JR & WIFE	8006 BYERLY DR	HOPE MILLS, NC 28348-8620	8006 BYERLY DR	\$ 4,802.46
0422-65-2460-	PULLIAM, DAVID M	511 BLANEY CT	HOPE MILLS, NC 28348-9298	511 BLANEY CT	\$ 4,802.46
0422-65-1240-	RATLEY, TIMOTHY A & WIFE	521 BLANEY CT	HOPE MILLS, NC 28348-9298	8048 KALMIA LN	\$ 4,802.46
0422-65-4249-	RENSCH, DONALD M & WIFE	512 TORHUNTA DR	HOPE MILLS, NC 28348-9279	512 TORHUNTA DR	\$ 4,802.46
0422-74-1190-	RILEY, TOMMY CHO & WIFE	7013 KALMIA LN	HOPE MILLS, NC 28348-9278	7013 KALMIA LN	\$ 4,802.46
0422-55-8590-	RIVENBANK, BRUCE L & WIFE	9014 KALIMIA LN	HOPE MILLS, NC 283489257	9014 KALIMIA LN	\$ 4,802.46
0422-65-4774-	ROBERTSON, SUSAN C	7014 BYERLY DR	HOPE MILLS, NC 283488620	7014 BYERLY DR	\$ 4,802.46
0422-64-6429-	ROGERS, JAMES M	8014 KALMIA LN	HOPE MILLS, NC 28348-9283	8014 KALMIA LN	\$ 4,802.46
0422-64-4323-	ROGERS, STEPHEN P & WIFE	8013 KALMIA LN	HOPE MILLS, NC 28348-9284	8013 KALMIA DR	\$ 4,802.46
0422-64-7704-	ROLLINS, SHEILA G	608 TORHUNTA DR	HOPE MILLS, NC 28348-9281	608 TORHUNTA DR	\$ 4,802.46
0422-74-1523-	ROUSE, JEROME L	625 TORHUNTA DR	HOPE MILLS, NC 28348-9282	625 TORHUNTA DR	\$ 4,802.46
0422-64-0952-	SELLERS, JASON T & WIFE	8041 KALMIA LN	HOPE MILLS, NC 28348-9284	8041 KALMIA DR	\$ 4,802.46
0422-64-9191-	SEXTON, ROBERT H & WIFE	7017 KALMIA LN	HOPE MILLS, NC 28348-9278	7021 KALMIA LN	\$ 4,802.46
0422-65-2806-	SHURLING, DAVID RAY	8010 BYERLY DR	HOPE MILLS, NC 28348-8626	8010 BYERLY DR	\$ 4,802.46
0422-64-4804-	SICK, DONALD P & WIFE VANESSA	8030 KALMIA LN	HOPE MILLS, NC 28348-9283	8030 KALMIA LN	\$ 4,802.46
0422-64-9410-	SIMMONS, KEVIN & WIFE PERLITA	624 TORHUNTA DR	HOPE MILLS, NC 28348-9281	624 TORHUNTA DR	\$ 4,802.46
0422-64-2616-	STEWART, TIMOTHY D &	8029 KALMIA LN	HOPE MILLS, NC 28348-9284	8029 KALMIA LN	\$ 4,802.46
0422-65-2267-	SUTTON, GLENN C & WIFE DJUNA L	515 BLANEY CT	HOPE MILLS, NC 28348-9298	515 BLANEY CT	\$ 4,802.46
0422-65-7302-	TOBIE, CHRISTY J	513 TORHUNTA DR	HOPE MILLS, NC 28348-9280	513 TORHUNTA DR	\$ 4,802.46
0422-55-8212-	TOOLEY, KERRY S & WIFE	9009 KALMIA LN	HOPE MILLS, NC 28348-9266	9009 KALMIA LN	\$ 4,802.46
0422-64-5568-	VAUGHAN, LANE M & WIFE	8018 KALMIA LN	HOPE MILLS, NC 28348-9283	8018 KALMIA LN	\$ 4,802.46
0422-55-6388-	WALTON, WENDELL JR	9017 KALMIA LN	HOPE MILLS, NC 28348-9266	9017 KALMIA LN	\$ 4,802.46
0422-65-3776-	WEBER, RAY M II & WIFE JANET M	7018 BYERLY DR	HOPE MILLS, NC 28348-8620	7018 BYERLY DR	\$ 4,802.46
0422-65-7162-	WILSON, TINA M	521 TORHUNTA DR	HOPE MILLS, NC 28348-9280	521 TORHUNTA DR	\$ 4,802.46
0422-74-1485-	YE, JOSE & NILDA	903 E FAIRMOUNT RD	BURBANK, CA 91501-1211	629 TORHUNTA DR	\$ 4,802.46
0422-55-9047-	YOUNG, FRANK L	8049 KALMIA LN	HOPE MILLS, NC 28348-9284	8049 KALMIA LN	\$ 4,802.46
0422-64-7655-	YOUNG, ROY FRANKLIN &	612 TORHUNTA DR	HOPE MILLS, NC 28348-9281	612 TORHUNTA DR	\$ 4,802.46

12



Scale: 1"=300'

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

FINAL ASSESSMENT RESOLUTION
WINDRIDGE SUBDIVISION
WATER EXTENSION PROJECT

WHEREAS, The Cumberland County Board of Commissioners has determined a serious public health problem exists in the Windridge Subdivision, with contaminated individual water supply systems; and

WHEREAS, the property owners within the Windridge Subdivision have petitioned the Cumberland County Board of Commissioners to extend public water within the subdivision, and

WHEREAS, the Cumberland County Health Department has researched its records for water quality complaints and recommends the Board of Commissioners undertake a special assessment to finance water extensions for the Windridge Subdivision as shown on the attached map.

NOW THEREFORE, the Board of Commissioners, pursuant to Article 9 of Chapter 153A of North Carolina General Statutes, hereby adopts the following special assessment resolution:

- I. Need for Project: The Board of Commissioners of Cumberland County hereby undertakes a project to extend public water to the Windridge Subdivision. This project is required to eliminate the use of contaminated individual groundwater wells for consumptive and hygienic purposes. The Cumberland County Health Department and the State's Epidemiologist's Office conducted a review of water quality complaints in the above-referenced area and found high levels of arsenic and other compounds hazardous to health in the well water at many homes within this subdivision.
- II. General Description of the Project: This project will include installation of approximately 5,650 total linear feet of water main extending from an existing 8 inch water main along Chickenfoot Road near the Windridge Subdivision, including all appurtenances, to serve 80 residences within the Windridge subdivision.
- III. Ownership: The water line extensions will become the property of the Public Works Commission of the City of Fayetteville and will be operated and maintained by PWC as part of its comprehensive public water system throughout its service area.
- IV. Proposed Basis of Assessment: The proposed basis of assessment will be at an equal rate per lot in the project area along which public water is extended.
- V. Percentage of Cost to be Assessed: The total engineering, construction and administrative costs shall be assessed against the benefited properties in this special assessment project.
- VI. Abeysance: No assessment will be held in abeyance.
- VII. Terms of Payment: The assessment will be payable in ^{five}ten (5) annual installments and the first installment with interest will be due sixty (60) days after the date that the assessment roll is confirmed. One installment with interest is due on the anniversary date in each successive year until the assessment is paid in full. The interest rate shall be set at eight percent (8%) per annum. The assessment may be paid in full without interest anytime up to sixty (60) days after the confirmation of the assessment roll is published.

IN WITNESS WHEREOF, this resolution adopted this the 16th day of August, 2004.

COUNTY OF CUMBERLAND

BY: Jeannette M. Council
Dr. Jeannette M. Council, Chairman
Board of County Commissioners

ATTEST

BY: Marsha Fogle
MARSHA FOGLE, Clerk

A RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS
ADOPTING THE PRELIMINARY ASSESSMENT ROLL FOR THE WINDRIDGE
SUBDIVISION WATER LINE EXTENSION PROJECT

WHEREAS, the Board of Commissioners of Cumberland County (the "Board") adopted a Final Assessment Resolution for the Windridge Subdivision Water Line Extension Project (the "Project") on August 16, 2004; and

WHEREAS, the Project is now complete and the Public Works Commission has accepted the water lines; and

WHEREAS, the Project's total costs have been determined, as provided by G.S. 153A-193, and the preliminary assessment roll prepared, as provided by G.S. 153A-194; and

WHEREAS, the Board wishes to call a public hearing on the final assessment roll, as provided by G.S. 153A-194;

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that the Board adopts the attached preliminary assessment roll for the Windridge Subdivision Water Line Extension Project, which is incorporated herein by reference as if fully set forth; and

BE IT FURTHER RESOLVED, that each assessment will be at an equal rate per lot in the Project area along which public water lines are extended; and

BE IT FURTHER RESOLVED, that each assessment will be payable in five (5) annual installments and the first installment with interest will be due sixty (60) days after the date that the assessment roll is confirmed. One installment with interest is due on the anniversary date in each successive year until the assessment is paid in full. The interest rate shall be set at eight percent (8%) per annum. The assessment may be paid in full without interest anytime up to sixty (60) days after the confirmation of the assessment roll is published; and

BE IT FURTHER RESOLVED, that the preliminary assessment roll shall be filed in the Clerk to the Board's office, where it shall be available for public inspection; and

BE IT FURTHER RESOLVED, that the Board calls a public hearing on the preliminary assessment roll for November 20, 2006, at 6:45 p.m. in the Commissioners' Meeting Room, Room 118, Cumberland County Courthouse, 117 Dick Street, Fayetteville, N.C. 28301; and

BE IT FURTHER RESOLVED, that at least ten days before the public hearing, a notice shall be published that the preliminary assessment roll has been completed, describing the Project in general terms, noting that the preliminary assessment roll is available in the Clerk to the Board's Office for public inspection, and stating the time and place for the public hearing on the preliminary assessment roll, all as required by G.S. 153A-194; and

BE IT FURTHER RESOLVED, that at least ten days before the date of the public hearing, a notice of hearing shall be mailed by first class mail to each owner of property listed on the preliminary assessment roll, stating that the preliminary assessment roll in the Clerk to the Board's Office is available for inspection, and stating the amount as shown on the preliminary assessment roll of the assessment against the property of the owner.

This the 6th day of November, 2006.

BILLY R. KING, Chairman
Board of Commissioners

ATTEST:

MARSHA FOGLE, Clerk
Board of Commissioners

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

I, George Hatcher, Inspector for the County of Cumberland 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 MH 4784-2006.

Property Owner: Kathryn & Kenneth Fisher

Property Address: lot to left of 3554 Hidden Oaks Drive

Tax Parcel Identification Number: 0452-46-6548

SYNOPSIS: This property was inspected on 2/23/2006. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 3/29/2006. No one attended 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 by a date not later than 6/29/2006. 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 11/9/2006 no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$20,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

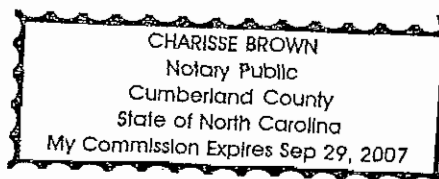
Attached is a map depicting the location of the property. (See Exhibit B.)

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE 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 7th day of November 2006.

Charisse Brown
Notary Public



My Commission Expires: 9/29/07

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

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

FINDINGS OF FACT AND ORDER

April 3, 2006

CASE #: MH 4784-2006

TO: Kathryn & Kenneth Fisher & Parties of Interest
3554 Hidden Oaks Drive
Fayetteville, NC 28306-7305

Property at:
lot to left of 3554 Hidden Oaks Dr.

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 3/13/2006.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 3/29/2006 at 9:15:00 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: _____.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 3/6/2006. 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 4784-2006, dated 2/23/2006.
 - ☒ 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.

EXHIBIT A


Findings and Facts of Order


Case #: MH 4784-2006

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 6/29/2006. **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 6/29/2006. 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.

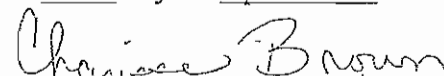

Ken Sykes
Hearing Officer


George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:

Sworn to and Subscribed to by me this
the 3rd day of April, 2006



Notary Public

My Commission Expires: 9/29/07



PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER
DATED 4/4/06
CASE # MH 4784-06

NORTH CAROLINA
COUNTY OF CUMBERLAND

PLANNING/INSPECTION DEPARTMENT

RE: KATHRYN & KENNETH FISHER
Name of Violator

MH 4784-06
Case Number

AFFIDAVIT OF RETURN OF SERVICE
(Personal Service to Individual or Agent)

I, GEORGE HATCHER, with the Cumberland County Inspection Department,
(name & title)

personally served KATHRYN & KENNETH FISHER, a copy of the
(name of violator)

FINDINGS OF FACT & ORDER & APPEALS PROCEDURES citing violations of
Article IV CHAP 4

of the Cumberland County Ordinance. Said notice(s) were in fact left with a person of suitable age and discretion, namely
KATHRYN FISHER by delivering said notice(s) to the violator at the
address shown below:

3554 HIDDEN OAKS
street name

FAYETTEVILLE NC 28306
city, state, zip

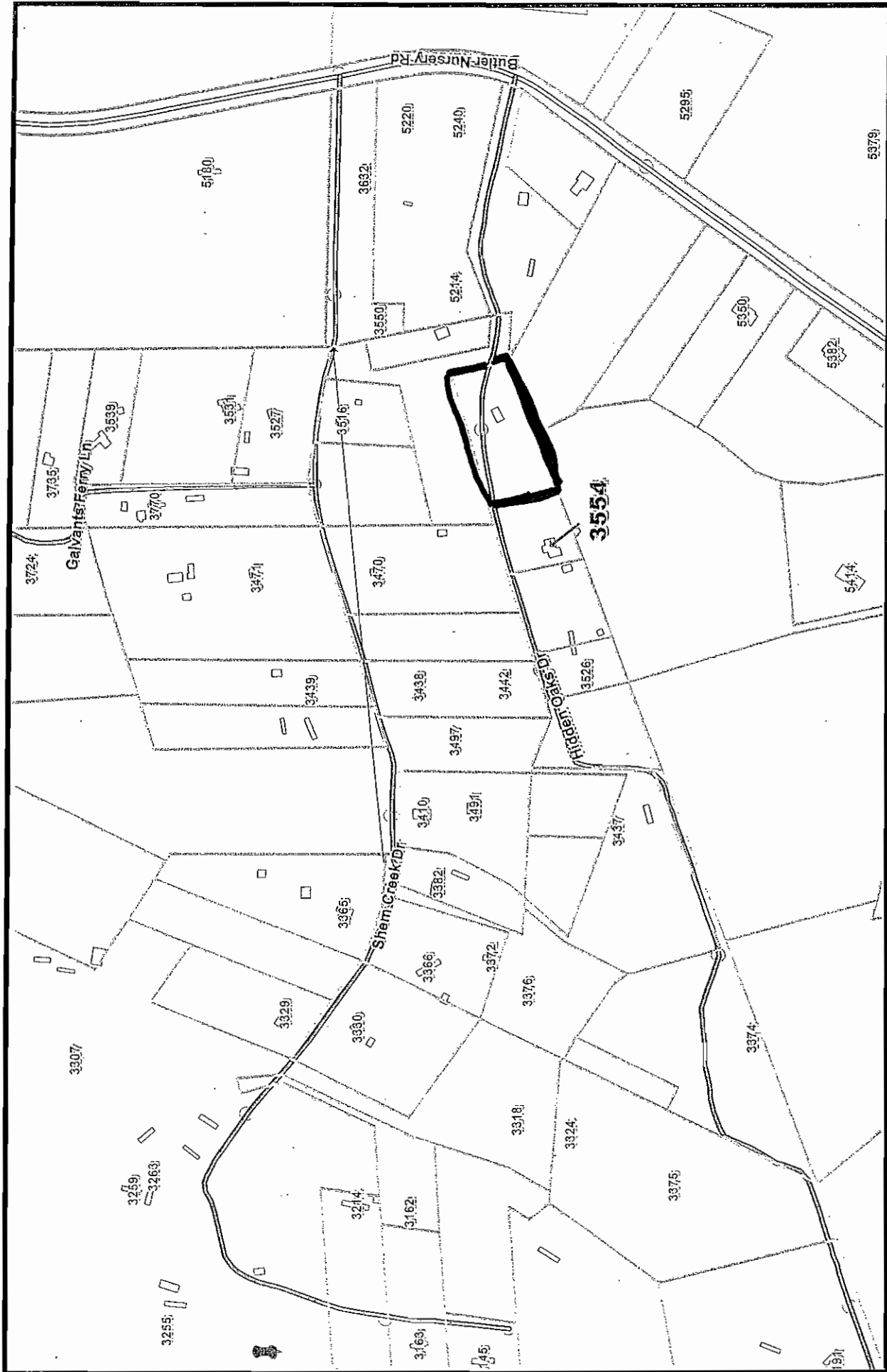
I further certify that said service was completed on this the 4th day of APRIL, 2006.

George Hatcher
(signature)

Sworn to and subscribed to before me

this the 4th day of April, 2006.
Chaise Brown
Notary Public

My Commission Expires: 9/29/07



KATHRYN & KENNETH FISHER
CASE # MH 4784-06
LOT TO LEFT OF 3554 HIDDEN OAKS DRIVE

Scale 1 in. = Not to Scale
 Printed 8,2006



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

I, George Hatcher, Inspector for the County of Cumberland 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 MH 4654-2005.

Property Owner: Michael O'Brien

Property Address: 1164 Armadillo Drive

Tax Parcel Identification Number: 0419-76-5213

SYNOPSIS: This property was inspected on 10/28/2005. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 11/30/2005. Michael O'Brien attended 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 by a date not later than 3/1/2006. 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 11/9/2006 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$20,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

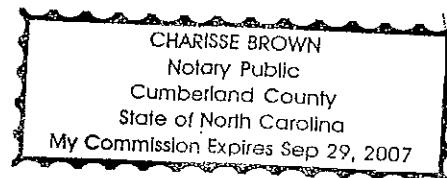
Attached is a map depicting the location of the property. (See Exhibit B.)

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE 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 7th day of November 2006.

Charisse Brown
Notary Public



My Commission Expires: 9/29/07

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

Denovan McLaurin
Vice-Chair
Waco, Falcon & Godwin

Garland C. Hostetler
Town of Spring Lake
Harvey Cain, Jr.,
Town of Steadman



COUNTY of CUMBERLAND

Planning and Inspections Department

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

Clifton McNeill, Jr.,
Roy Turner,
Lori Epier,
Sara E. Piliand
Cumberland County

FINDINGS OF FACT AND ORDER

November 30, 2005

CASE #: MH 4654-05

TO: Michael O'Brien & Parties of Interest
7724 Siple Avenue
Fayetteville, NC 28304

Property at:
1164 Armadillo Drive

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 11/3/2005.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 11/30/2005 at 9:15:00 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: Michael O'Brien, Ken Sykes and Joey Lewis said in for Mr. Mosley.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 10/31/2005. 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 4654-05, dated 10/28/2005.
 - ☒ 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.

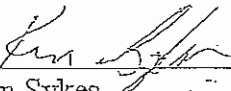
Findings and Facts of Order

Case #: MH 4654-05

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 3/1/2006. 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 3/1/2006.
 - ☒ 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 3/1/2006. The cost of said demolition will be assessed against the real property in the form of a lien.

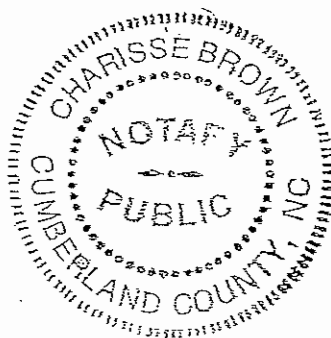
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.


Ken Sykes
Hearing Officer

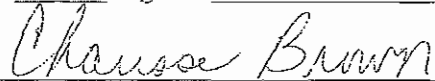

Ronnie Mosley
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me this
the 30th day of November, 2005



Notary Public

My Commission Expires: 9/29/07

PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER
DATED 12/8/05
CASE # MH 4654-05

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p><input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p><input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</p> <p><input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p style="text-align: right;">FOFO MH4654 RM</p> <p>MICHAEL O'BRIEN & PARTIES OF INTEREST 7724 SIPLE AVENUE FAYETTEVILLE NC 28304</p>	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery MICHAEL O'BRIEN 12-8-05</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

7005 0390 0006 0047 2294

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

7005 0390 0006 0047 2294

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only. No Insurance Coverage Provided)	
For more information visit our website at www.usps.com	
OFFICE OF THE Inspector General	
Postage \$	
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total	
Sent To: Street or PO: MICHAEL O'BRIEN & PARTIES OF INTEREST City: FAYETTEVILLE NC 28304	

Postmark Here
NOV 10 2005
FAYETTEVILLE NC

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

I, George Hatcher, Inspector for the County of Cumberland 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 MH 4826-2006.

Property Owner: Vance Brewer Marsh Life Estate
Home Owner: V.B. Marsh
Property Address: lot in front of 3646 Hidden Oaks Drive

Tax Parcel Identification Number: 0452-56-5624

SYNOPSIS: This property was inspected on 2/23/2006. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 4/12/2006. V.B. Marsh attended 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 by a date not later than 7/12/2006. 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.) An appeal was filed (see Exhibit B for the Housing Appeals Board Decision). The Housing Appeals Board granted a 90 day extension with a final compliance date of 10/11/2006. On my visit to the property on 11/9/2006 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

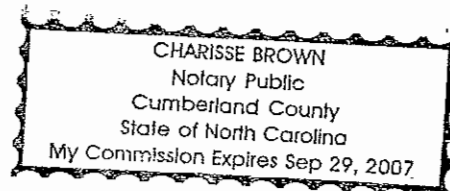
The estimated cost to repair the structure to a minimum standard for human habitation is \$20,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00. Attached is a map depicting the location of the property. (See Exhibit C.)

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE 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 7th day of November 2006.

Charisse Brown
Notary Public



My Commission Expires: 9/29/07

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
Planning/Inspections

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

FINDINGS OF FACT AND ORDER

April 13, 2006

CASE #: MH 4826-2006

TO: Vance Brewer Marsh Life Estate & Parties of Interest
3030 H. Bullard Road
Hope Mills, NC 28348

Property at: lot in front of 3646 Hidden Oaks Drive

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 3/29/2006.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 4/12/2006 at 9:15:00 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: V.B. Marsh, George Hatcher and Ken Sykes.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 3/16/2006. 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 4826-2006, dated 2/23/2006.
 - ☒ 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.

EXHIBIT A

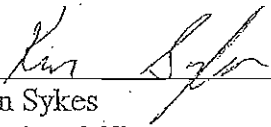
Findings and Facts of Order

Case #: MH 4826-2006

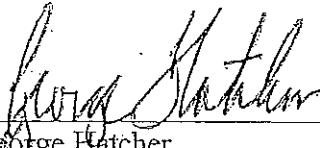
Page 2

- ☒ 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 7/12/2006. 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 7/12/2006. 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.



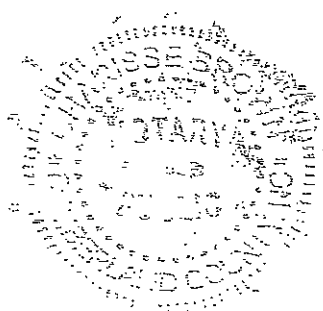
Ken Sykes
Hearing Officer



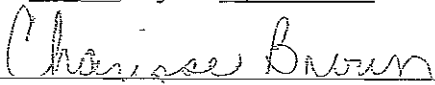
George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me this
the 13th day of April, 2006



Notary Public
My Commission Expires: 9/29/07

PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER
DATED 5/3/06

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 X <i>[Signature]</i></p> <p>B. Received by (Printed Name) <i>VANCE B MARSH</i></p> <p>C. Date of Delivery <i>5-3-06</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>1. Article Addressed to:</p> <p>FOFO GH MH4825-4829 VANCE B MARSH LIFE EST & PARTIES OF INTERE 3030 H BULLARD ROAD HOPE MILLS NC 28348</p>		<p>a. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes </p>	
<p>2. Article Number (Transit)</p> <p>7005 0390 0006 0047 7169</p>			
PS Form 3811, February 2004		Domestic Return Receipt	

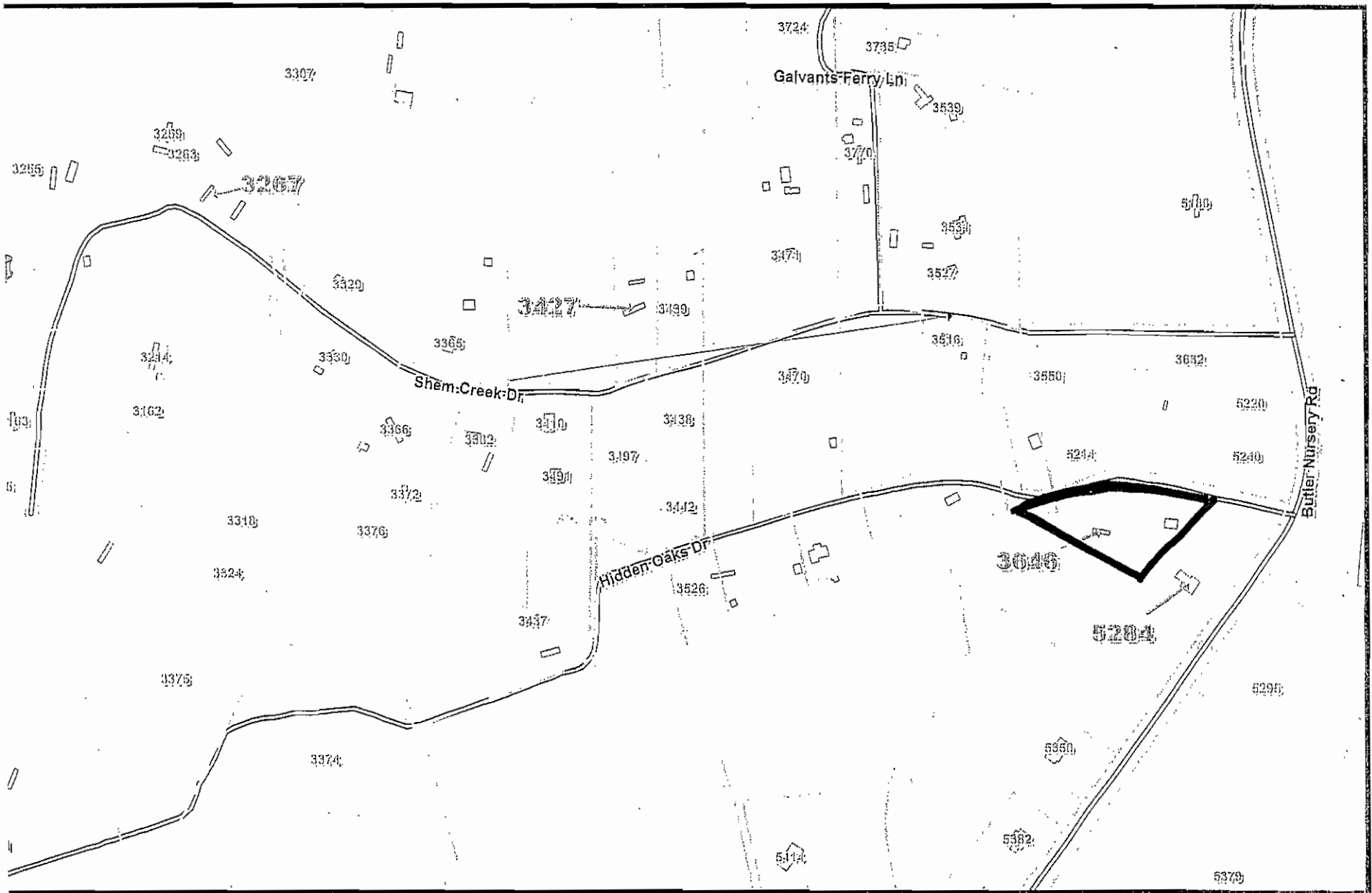
7005 0390 0006 0047 7169

Cumberland Co. Inspection Dept.

Postage \$	
Insured Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	

VANCE B MARSH LIFE EST & PARTIES OF INTERE
3030 H BULLARD ROAD
HOPE MILLS NC 28348

FOFO GH
MH4825-4829



W.J. Watson Farms, Inc.



Scale 1 in. = Not to Scale
Printed 8,2006

CASE # MH 4777-06	3427 SHEM CREEK DRIVE
CASE # MH 4826-06	LOT IN FRONT OF 3646 HIDDEN OAKS DRIVE
CASE # MH 4827 & 4828-06	LOT BEHIND 3267 SHEM CREEK DRIVE - MOBILE HOME A & B
CASE # MH 4829-06	5284 BUTLER NURSERY ROAD



Charles C. Morris
Chair
Town of Linden

Donovan McLaurin
Vice-Chair

Wade, Falcon & Godwin
Garland C. Rostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Siedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director
Planning/Inspections

Cecil P. Combs,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Lon Epler,
Sara E. Pineda,
Cumberland County

NOTIFICATION OF HOUSING APPEALS BOARD DECISION

AMENDED

July 17, 2006

Resent due to error in mailings

FILE NO: MH 4826, 4827 & 4828-2006

BOARD OF APPEALS MEETING DATE:

PROPERTY OWNER: M.J. Marsh Farms, Inc.

July 11, 2006, 6:30 P.M.

MAILING ADDRESS: 3030 H Bullard Road
Hope Mills, NC 28348

PROPERTY LOCATION:

lot behind - 3267 Shem Creek Road, Mobile Home A & B
lot in front of - 3646 Hidden Oaks Drive

OWNER/AGENT/OR REPRESENTATIVE(S) PRESENT: M.J. Marsh


DECISION RENDERED ON THE ABOVE CASE(S):

1. At the above referenced Housing Appeals Board meeting, the Board granted M.J. Marsh Farms, Inc. a final 90 day extension to complete the demolition of the structures located on the lot behind 3267 Shem Creek Road (identified as Mobile Home A & B) and the lot in front of 3646 Hidden Oaks Drive.
2. The new compliance date is 10/11/2006. The Inspector should be notified when the demolition is completed and an inspection will be scheduled.
3. Failure to meet the new compliance date may result in the following action:
 - a. A \$50.00 per day civil penalty may be imposed for each day's continuing violation after the compliance date.
 - b. The County Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners. The cost of said demolition will be assessed against the real property in the form of a lien.
 - c. Subject you to prosecution in criminal court for a Class 3 Misdemeanor.

Charisse Brown
Secretary/gn
Housing Board of Appeals

DATED 6/29/06

2006 0810 0000 1729 0151

COMPLETE THIS SECTION ON DELIVERY		SENDER: COMPLETE THIS SECTION	
A. Signature 		1. Article Addressed to: Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.	
B. Received by (Printed Name) U.S. MAIL C. Date of Delivery 9-14-06		2. Article Addressed to: HBA GH MH 4777 4826 4827 4828 4829 VANCE B MARSH LIFE ESTATE 3030 H DILLARD ROAD HOPE MILLS NC 28348 5284 Butler Nursery Rd Fayetteville NC 28306	
D. Is delivery address different from item 1? Yes <input type="checkbox"/> No <input type="checkbox"/> If YES, enter delivery address below: 130 Glenview St Fayetteville NC 28306		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) Yes <input type="checkbox"/> No <input type="checkbox"/>		5. Article Num 2006 0820 0000 1229 0151	

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

I, George Hatcher, Inspector for the County of Cumberland 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 MH 4827-2006.

Property Owner: M.J. Marsh Farms, Inc.

Home Owner: V.B. Marsh

Property Address: lot behind - 3267 Shem Creek Drive, Mobile Home A

Tax Parcel Identification Number: 0452-27-2136

SYNOPSIS: This property was inspected on 2/23/2006. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 4/12/2006. V.B. Marsh attended 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 by a date not later than 7/12/2006. 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.) An appeal was filed (see Exhibit B for the Housing Appeals Board Decision). The Housing Appeals Board granted a 90 day extension with a final compliance date of 10/11/2006. On my visit to the property on 11/9/2006 no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$20,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

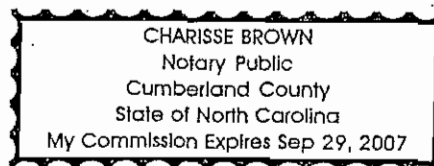
Attached is a map depicting the location of the property. (See Exhibit C.)

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE 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 7th day of November 2006.

Charisse Brown
Notary Public



My Commission Expires: 9/29/07

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



Thomas J. Lloyd,
Director
Planning/Inspections

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

COUNTY of CUMBERLAND

Planning and Inspections Department

FINDINGS OF FACT AND ORDER

April 13, 2006

CASE #: **MH 4827-2006**

TO: M.J. Marsh Farms, Inc. & Parties of Interest
3030 H Bullard Road
Hope Mills, NC 28348

Property at: lot behind - 3267 Shem Creek Road, Mobile Home A

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 3/29/2006.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 4/12/2006 at 9:15:00 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: V.B. Marsh, George Hatcher and Ken Sykes.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 3/16/2006. 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 4827-2006**, dated 2/23/2006.
 - ☒ 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.

EXHIBIT A

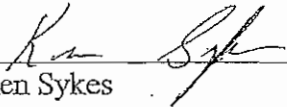
Findings and Facts of Order

Case #: MH 4827-2006

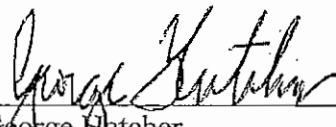
Page 2

- ☒ 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 7/12/2006. **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 7/12/2006. 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



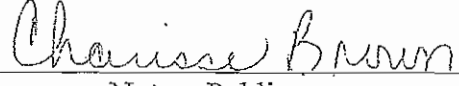
George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me this
the 13th day of April, 2006



Notary Public
My Commission Expires: 9/29/07

PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER

DATED 5/3/06

SENDER'S COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.

Print your name and address on the reverse.

Attach title card to the back of the multipiece, or on the front if space permits.

1. Article Addressed to:

VANCE B MARSH LIFE EST & PARTIES OF INTEREST
3030 H BULLARD ROAD
HOPE MILLS NC 28348

2. Article Number: 7005 0390 0006 0047 7169

PS Form 3837, FEBRUARY 2004 Domestic Return Receipt

RECIPIENT'S COMPLETE THIS SECTION

A. Signature: *[Signature]* Agent ☐ Addressee ☐

B. Replied by (Printed Name): *[Signature]* C. Date of Delivery: *[Signature]*

D. Delivery Address: *[Signature]* E. Return Receipt for Merchandise ☐ Yes ☐ No

F. Restricted Delivery ☐ Yes ☐ No

G. Signature: *[Signature]* H. Date of Delivery: *[Signature]*

I. Signature: *[Signature]* J. Date of Delivery: *[Signature]*

K. Signature: *[Signature]* L. Date of Delivery: *[Signature]*

M. Signature: *[Signature]* N. Date of Delivery: *[Signature]*

O. Signature: *[Signature]* P. Date of Delivery: *[Signature]*

100295-00-14 (4-0)

RECIPIENT'S COMPLETE THIS SECTION

1. Article Number: 7005 0390 0006 0047 7169

PS Form 3837, FEBRUARY 2004 Domestic Return Receipt

SENDER'S COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.

Print your name and address on the reverse.

Attach title card to the back of the multipiece, or on the front if space permits.

1. Article Addressed to:

VANCE B MARSH LIFE EST & PARTIES OF INTEREST
3030 H BULLARD ROAD
HOPE MILLS NC 28348

2. Article Number: 7005 0390 0006 0047 7169

PS Form 3837, FEBRUARY 2004 Domestic Return Receipt

RECIPIENT'S COMPLETE THIS SECTION

A. Signature: *[Signature]* Agent ☐ Addressee ☐

B. Replied by (Printed Name): *[Signature]* C. Date of Delivery: *[Signature]*

D. Delivery Address: *[Signature]* E. Return Receipt for Merchandise ☐ Yes ☐ No

F. Restricted Delivery ☐ Yes ☐ No

G. Signature: *[Signature]* H. Date of Delivery: *[Signature]*

I. Signature: *[Signature]* J. Date of Delivery: *[Signature]*

K. Signature: *[Signature]* L. Date of Delivery: *[Signature]*

M. Signature: *[Signature]* N. Date of Delivery: *[Signature]*

O. Signature: *[Signature]* P. Date of Delivery: *[Signature]*

100295-00-14 (4-0)

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 Siedman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director
Planning/Inspections

Cecil P. Combs,
Deputy Director

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

NOTIFICATION OF HOUSING APPEALS BOARD DECISION

AMENDED

July 17, 2006

Resent due to error in mailings

FILE NO: MH 4826, 4827 & 4828-2006

BOARD OF APPEALS MEETING DATE:

PROPERTY OWNER: M.J. Marsh Farms, Inc.

July 11, 2006, 6:30 P.M.

MAILING ADDRESS: 3030 H Bullard Road
Hope Mills, NC 28348

PROPERTY LOCATION:

lot behind - 3267 Shem Creek Road, Mobile Home A & B
lot in front of - 3646 Hidden Oaks Drive

OWNER/AGENT/OR REPRESENTATIVE(S) PRESENT: M. J. Marsh

DECISION RENDERED ON THE ABOVE CASE(S):

1. At the above referenced Housing Appeals Board meeting, the Board granted M.J. Marsh Farms, Inc. a final 90 day extension to complete the demolition of the structures located on the lot behind 3267 Shem Creek Road (identified as Mobile Home A & B) and the lot in front of 3646 Hidden Oaks Drive.
2. The new compliance date is 10/11/2006. The Inspector should be notified when the demolition is completed and an inspection will be scheduled.
3. Failure to meet the new compliance date may result in the following action:
 - a. A \$50.00 per day civil penalty may be imposed for each day's continuing violation after the compliance date.
 - b. The County Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners. The cost of said demolition will be assessed against the real property in the form of a lien.
 - c. Subject you to prosecution in criminal court for a Class 3 Misdemeanor.

Charisse Brown
Secretary/gh
Housing Board of Appeals

PROOF OF SERVICE OF HOUSING APPEALS BOARD DECISION
DATED 6/29/06
CASE # MH 4777, 4827, 4828, 4829-06

7006 0610 0000 1729 0151

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only - Insurance Coverage Provided)

Official Inspection Dept.

Postage \$
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees \$

Postmark Here
18
2006
FAYETTEVILLE NC

Sent, MH 4777 4826 4827 4828 4829
VANCE B MARSH LIFE ESTATE
3030 H BULLARD ROAD
HOPE MILLS NC 28348

SENDER - COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
HBA GH
MH 4777 4826 4827 4828 4829
VANCE B MARSH LIFE ESTATE
3030 H BULLARD ROAD
HOPE MILLS NC 28348
5284 Butler Nursery Rd
Fay 28306

2. Article Num (Transfer to)
7006 0610 0000 1729 0151

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *V. Marsh* Agent Addressee

B. Received by (Printed Name)
V.B. MARSH

C. Date of Delivery
9-14-06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No
130 Gillespie St. Rm 101
Fayetteville NC

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

7005 0390 0006 0047 6407

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only - Insurance Coverage Provided)

Cumberland Co. Inspection Dept.

Postage \$
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees \$

Postmark Here
27
JUN
FAYETTEVILLE NC

Sent, MH 4777 4827 4828
M. J. MARSH FARMS INC
3030 H BULLARD RD
HOPE MILLS NC 28348

SENDER - COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
HBA GH
MH 4777 4827 4828
M. J. MARSH FARMS INC
3030 H BULLARD RD
HOPE MILLS NC 28348

2. Article Num (Transfer to)
7005 0390 0006 0047 6407

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *V. Marsh* Agent Addressee

B. Received by (Printed Name)
V.B. MARSH

C. Date of Delivery
6-29-06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

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

I, George Hatcher, Inspector for the County of Cumberland 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 MH 4828-2006.

Property Owner: M.J. Marsh Farms, Inc.

Home Owner: V.B. Marsh

Property Address: lot behind - 3267 Shem Creek Drive, Mobile Home B

Tax Parcel Identification Number: 0452-27-2136

SYNOPSIS: This property was inspected on 2/23/2006. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 4/12/2006. V.B. Marsh attended 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 by a date not later than 7/12/2006. 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.) An appeal was filed (see Exhibit B for the Housing Appeals Board Decision). The Housing Appeals Board granted a 90 day extension with a final compliance date of 10/11/2006. On my visit to the property on 11/9/2006 no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$20,000.00. The Assessor for Cumberland County has the structure presently valued at \$1,500.00.

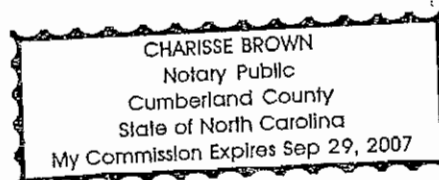
Attached is a map depicting the location of the property. (See Exhibit C.)

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE 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 7th day of November 2006.

Charisse Brown
Notary Public



My Commission Expires: 9/29/07

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



Thomas J. Lloyd,
Director
Planning/Inspections

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

COUNTY of CUMBERLAND

Planning and Inspections Department

FINDINGS OF FACT AND ORDER

April 13, 2006

CASE #: MH 4828-2006

TO: M.J. Marsh Farms, Inc. & Parties of Interest
3030 H Bullard Road
Hope Mills, NC 28348

Property at: lot behind - 3267 Shem Creek Road, Mobile Home B

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 3/29/2006.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 4/12/2006 at 9:15:00 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: V.B. Marsh, George Hatcher and Ken Sykes.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 3/16/2006. 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 4828-2006, dated 2/23/2006.
 - ☒ 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.

EXHIBIT A

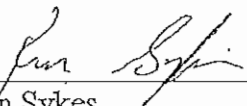
Findings and Facts of Order

Case #: MH 4828-2006

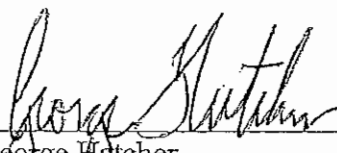
Page 2

- ☒ 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 7/12/2006. 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 7/12/2006. 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

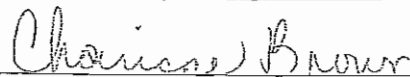


George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:

Sworn to and Subscribed to by me this
the 13th day of April, 2006



Notary Public
My Commission Expires: 9/29/07



PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER.
DATED 5/3/06

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 X <i>[Signature]</i> <input type="checkbox"/> Agent</p> <p>B. Received by (Printed Name) VANCE B MARSH <input type="checkbox"/> Addressee</p> <p>C. Date of Delivery 5-3-06 <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>1. Article Addressed to:</p> <p>FOFO GH MH4825-4829 VANCE B MARSH LIFE EST & PARTIES OF INTEREST 3030 H BULLARD ROAD HOPE MILLS NC 28348</p>		<p>3. Service Type: <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <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 (Transit)</p> <p>7005 0390 0006 0047 7169</p>			

PS Form 3811, February 2004 Domestic Return Receipt 102205-02-M-11540

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only)

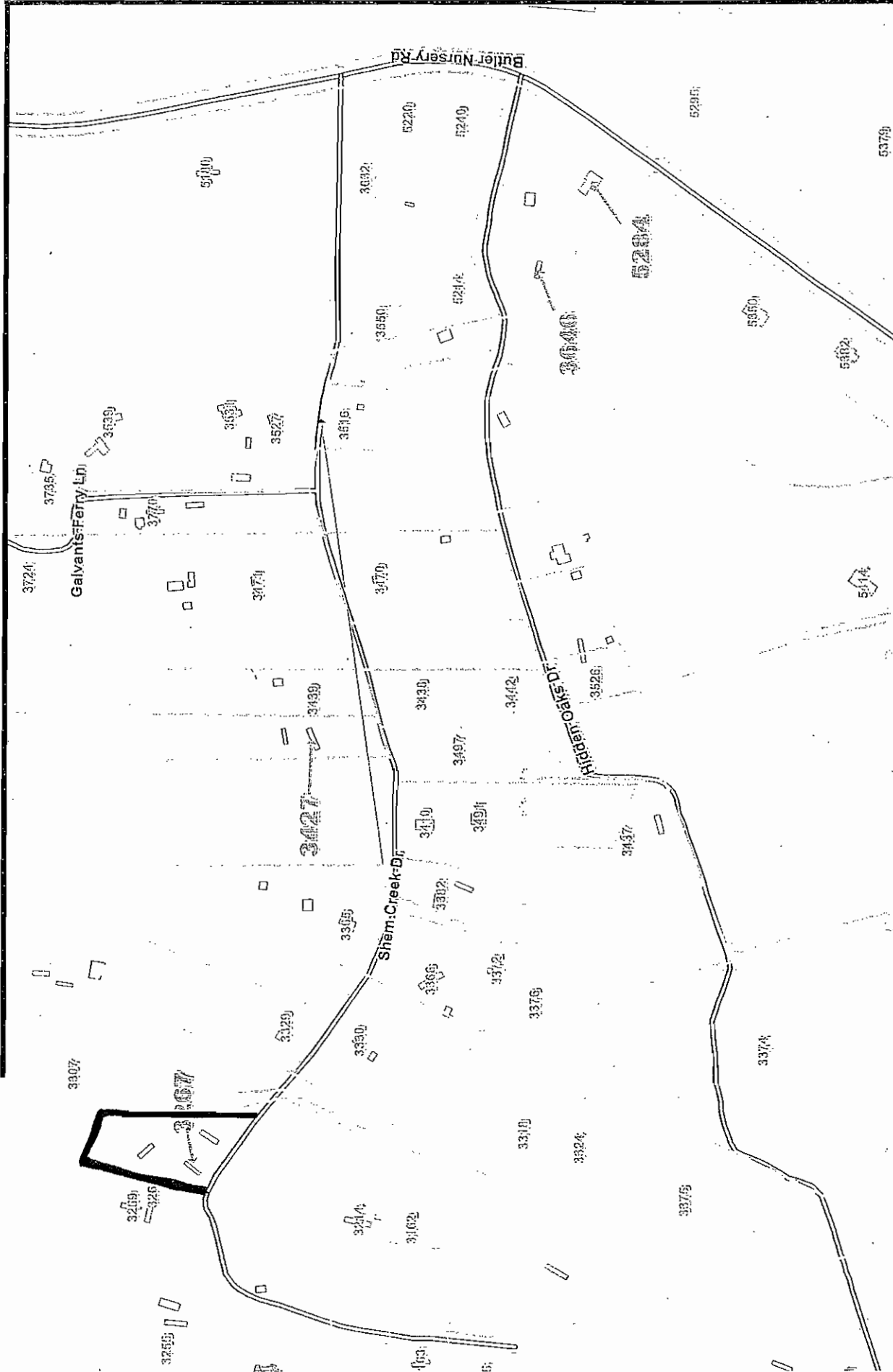
RECEIVED INFORMATION FROM THE POSTAL SERVICE

Cumberland Co. Inspection Dept.

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

FOFO GH
MH4825-4829
VANCE B MARSH LIFE EST & PARTIES OF INTEREST
3030 H BULLARD ROAD
HOPE MILLS NC 28348

5/3/06 1400 9000 0000 5000



W. H. HARRIS & SONS, INC.

CASE # MH 4777-06 3427 SHEM CREEK DRIVE
CASE # MH 4826-06 LOT IN FRONT OF 3646 HIDDEN OAKS DRIVE
CASE # MH 4827 & 4828-06 LOT BEHIND 3267 SHEM CREEK DRIVE - MOBILE HOME A & B
CASE # MH 4829-06 5284 BUTLER NURSERY ROAD



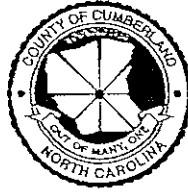
Scale 1 in. = Not to Scale
Printed 8,2006

EXHIBIT C

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
Planning/Inspections

Cecil P. Combs,
Deputy Director

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

NOTIFICATION OF HOUSING APPEALS BOARD DECISION

AMENDED

July 17, 2006

Resent due to error in mailings

FILE NO: MH 4826, 4827 & 4828-2006

BOARD OF APPEALS MEETING DATE:

PROPERTY OWNER: M.J. Marsh Farms, Inc.

July 11, 2006, 6:30 P.M.

MAILING ADDRESS: 3030 H Bullard Road
Hope Mills, NC 28348

PROPERTY LOCATION:

lot behind - 3267 Shem Creek Road, Mobile Home A & B
lot in front of - 3646 Hidden Oaks Drive

OWNER/AGENT/OR REPRESENTATIVE(S) PRESENT: M. B. Marsh

DECISION RENDERED ON THE ABOVE CASE(S):

1. At the above referenced Housing Appeals Board meeting, the Board granted M.J. Marsh Farms, Inc. a final 90 day extension to complete the demolition of the structures located on the lot behind 3267 Shem Creek Road (identified as Mobile Home A & B) and the lot in front of 3646 Hidden Oaks Drive.
2. The new compliance date is 10/11/2006. The Inspector should be notified when the demolition is completed and an inspection will be scheduled.
3. Failure to meet the new compliance date may result in the following action:
 - a. A \$50.00 per day civil penalty may be imposed for each day's continuing violation after the compliance date.
 - b. The County Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners. The cost of said demolition will be assessed against the real property in the form of a lien.
 - c. Subject you to prosecution in criminal court for a Class 3 Misdemeanor.

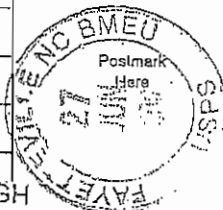
Charisse Brown

Secretary/gh
Housing Board of Appeals

PROOF OF SERVICE OF HOUSING APPEALS BOARD DECISION
DATED 6/29/06
CASE # MH 4777, 4827, 4828-06

7005 0390 0006 0047 6407

U.S. Postal Service CERTIFIED MAIL RECEIPT <small>(Domestic Mail Only. No Insurance Coverage Provided)</small> <small>For more information visit our website at www.usps.com</small>	
Cumberland Col Inspection Dept	
Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	
Sent to: M. J. MARSH FARMS INC 3030 H BULLARD RD HOPE MILLS NC 28348	HBA GH MH4777 4827 4828



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4, if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HBA GH
MH4777 4827 4828
M. J. MARSH FARMS INC
3030 H BULLARD RD
HOPE MILLS NC 28348

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Signature]*

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

6-29-06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. A

7005 0390 0006 0047 6407

PS Form 3811, February 2004

Domestic Return Receipt

102595-02/M-1540

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

I, George Hatcher, Inspector for the County of Cumberland 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 MH 4777-2006.

Property Owner: M.J. Marsh Farm, Inc.

Home Owner: Tim Larson

Property Address: 3427 Shem Creek Drive

Tax Parcel Identification Number: 0452-47-0387

SYNOPSIS: This property was inspected on 2/23/2006. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 3/29/2006. V.B. Marsh attended 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 by a date not later than 6/29/2006. 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.) An appeal was filed (see Exhibit B for the Housing Appeals Board Decision). The Housing Appeals Board granted a 90 day extension with a final compliance date of 10/11/2006. On my visit to the property on 11/9/2006 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$20,000.00. The Assessor for Cumberland County has the structure presently valued at \$2,000.00.

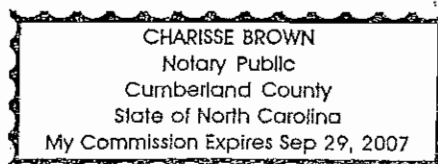
Attached is a map depicting the location of the property. (See Exhibit C.)

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE 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 10 day of November 2006.

Charisse Brown
Notary Public



My Commission Expires: 9/29/07

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

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

FINDINGS OF FACT AND ORDER

April 3, 2006

CASE #: **MH 4777-2006**

TO: M.J. Marsh Farm, Inc. & Parties of Interest & Tim Larson & Parties of Interest
3030 H. Bullard Road 3427 Shem Creek Drive
Hope Mills, NC 28348 Fayetteville, NC 28306

Property at: 3427 Shem Creek Drive

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 3/8/2006.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 3/29/2006 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: V. B. Marsh, George Hatcher and Ken Sykes.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 3/6/2006. 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 4777-2006**, dated 2/23/2006.
 - ☒ 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.

EXHIBIT A


Findings and Facts of Order


Case #: MH 4777-2006

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 6/29/2006. 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 6/29/2006. The cost of said demolition will be assessed against the real property in the form of a lien.

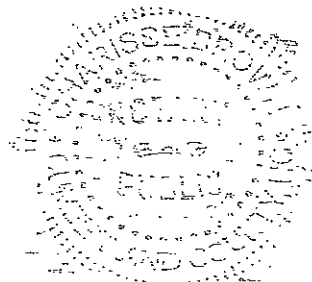
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.


Ken Sykes
Hearing Officer



George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me this
the 3rd day of April, 2006


Charisse Brown
Notary Public
My Commission Expires: 9/29/07

PROOF OF SERVICE OF FINDINGS OF FACT & ORDER
DATED 4/4/06
CASE # MH 4777-06

NORTH CAROLINA
COUNTY OF CUMBERLAND

PLANNING/INSPECTION DEPARTMENT

RE: MT MARSH TIM LARSON DANNY LARSON
Name of Violator
MH 4777-06
Case Number

AFFIDAVIT OF RETURN OF SERVICE
(Personal Service to Individual or Agent)

I, GEORGE HATCHER, with the Cumberland County Inspection Department,
(name & title)
personally served MT MARSH, TIM LARSON, DANNY LARSON, a copy of the
(name of violator)
FINDINGS OF FACT & ORDER & APPEALS PROCEDURES citing violations of
Article IV CHAP 4
of the Cumberland County Ordinance. Said notice(s) were in fact left with a person of suitable age and discretion, namely
DANNY LARSON by delivering said notice(s) to the violator at the
address shown below:

3437 SHAM CREEK
street name
FAYETTEVILLE NC 28306
city, state, zip

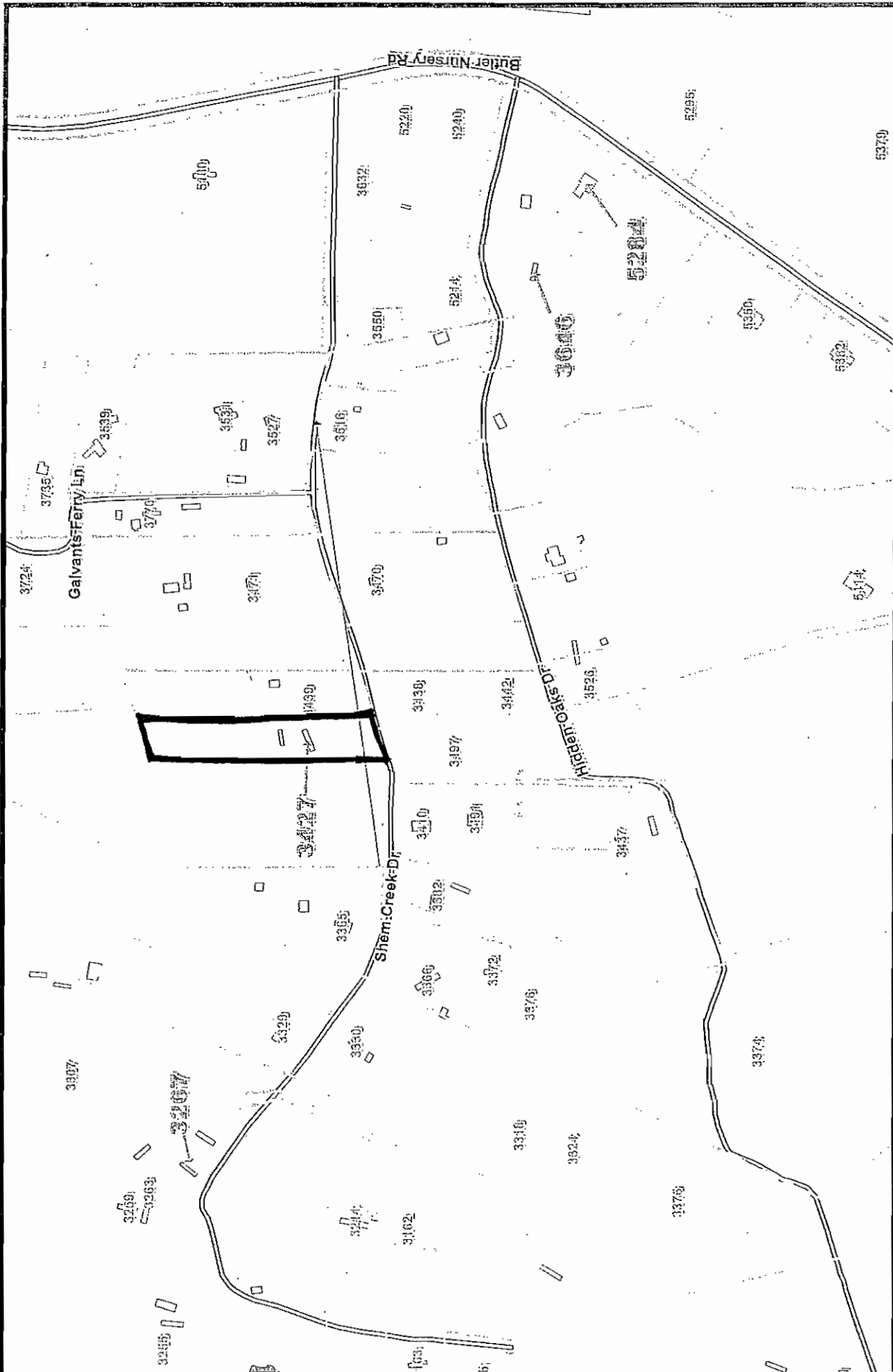
I further certify that said service was completed on this the 4th day of APRIL, 20 06.

George Hatcher
(signature)

Sworn to and subscribed to before me
this the 4th day of April, 20 06.
Chaisee Brown
Notary Public

My Commission Expires: 9/29/07

EXHIBIT D



WILLIAMSON PARADE, INC

- CASE # MH 4777-06 3427 SHEM CREEK DRIVE
- CASE # MH 4826-06 LOT IN FRONT OF 3646 HIDDEN OAKS DRIVE
- CASE # MH 4827 & 4828-06 LOT BEHIND 3267 SHEM CREEK DRIVE - MOBILE HOME A & B
- CASE # MH 4829-06 5284 BUTLER NURSERY ROAD

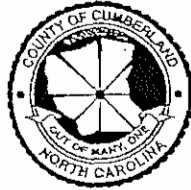
Scale 1 in. = Not to Scale
Printed 8,2006



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 Steadman



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director
Planning/Inspections

Cecil P. Combs,
Deputy Director

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

NOTIFICATION OF HOUSING APPEALS BOARD DECISION

AMENDED

Resent due to error in mailings

July 17, 2006

BOARD OF APPEALS MEETING DATE:

July 11, 2006, 6:30 P.M.

FILE NO: MH 4777 & 4829-2006

PROPERTY OWNER: M.J. Marsh Farm, Inc. & Tim Larson

MAILING ADDRESS: 3030 H. Bullard Road 3427 Shem Creek Drive
Hope Mills, NC 28348 Fayetteville, NC 28306

PROPERTY LOCATION:

3427 Shem Creek Dr.
5284 Butler Nursery Rd.

OWNER/AGENT/OR REPRESENTATIVE(S) PRESENT: V.B. Marsh.

DECISION RENDERED ON THE ABOVE CASE(S):

1. At the above referenced Housing Appeals Board meeting, the Board granted M.J. Marsh Farm, Inc. & Tim Larson a **final 90 day extension**:
 - a. To repair the unit at 3427 Shem Creek Drive to a minimum standard for human habitation.
 - b. You must obtain the required Change of Use Permit for the structure at 5284 Butler Nursery Road, and meet the required standards for an accessory structure.
2. The new compliance date is 10/11/2006. The Inspector should be notified when the repairs are made and an inspection will be scheduled.
3. Failure to meet the new compliance date may result in the following action:
 - a. A \$50.00 per day civil penalty may be imposed for each day's continuing violation after the compliance date.
 - b. The County Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners. The cost of said demolition will be assessed against the real property in the form of a lien.
 - c. Subject you to prosecution in criminal court for a Class 3 Misdemeanor.

Charisse Brown

Secretary/gh

Housing Board of Appeals

130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 321-6636 · Fax: (910) 321-6637

EXHIBIT B

PROOF OF SERVICE OF HOUSING APPEALS BOARD DECISION

DATED 6/29/06

CASE # MH 4777-06

7005 0390 0006 0047 6407

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only - Signature and Insurance Coverage Provided)

Comberland Co. Inspection Dept.

Postage \$
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees \$

Postmark
Date
27 JUN 2006
FAYETTEVILLE NC 28401

HBA GH
MH4777 4827 4828

Street or PO
M. J. MARSH FARMS INC
3030 H BULLARD RD
City HOPE MILLS NC 28348

SENDER - COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HBA GH
MH4777 4827 4828

M. J. MARSH FARMS INC
3030 H BULLARD RD
HOPE MILLS NC 28348

2. Article Number
7005 0390 0006 0047 6407

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]*
☐ Agent
☐ Addressee

B. Received by (Printed Name)
C. Date of Delivery
6-29-06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

7006 0810 0000 1729 0151

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only - Signature and Insurance Coverage Provided)

Comberland Co. Inspection Dept.

Postage \$
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees \$

Postmark
Date
18 JUN 2006
FAYETTEVILLE NC 28401

HBA GH
MH 4777 4826 4827 4828 48

Street or PO
VANCE B MARSH LIFE ESTATE
3030 H BULLARD ROAD
City HOPE MILLS NC 28348

SENDER - COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HBA GH
MH 4777 4826 4827 4828 48

VANCE B MARSH LIFE ESTATE
3030 H BULLARD ROAD
HOPE MILLS NC 28348

2. Article Number
7006 0810 0000 1729 0151

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]*
☐ Agent
☐ Addressee

B. Received by (Printed Name)
C. Date of Delivery
11-11-06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

130 Gillespie ST Rm 101
Fayetteville NC

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

7005 0390 0006 0047 6391

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only - Signature and Insurance Coverage Provided)

Comberland Co. Inspection Dept.

Postage \$
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees \$

Postmark
Date
27 JUN 2006
FAYETTEVILLE NC 28401

HBA GH
MH4777

Street or PO
TIM L. LARSON & PARTIES OF INTEREST
3427 SHEM CREEK DRIVE
City FAYETTEVILLE NC 28306

SENDER - COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HBA GH
MH4777

TIM LARSON & PARTIES OF INTEREST
3427 SHEM CREEK DRIVE
FAYETTEVILLE NC 28306

2. Article Number
7005 0390 0006 0047 6391

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X *[Signature]*
☐ Agent
☐ Addressee

B. Received by (Printed Name)
C. Date of Delivery
11-11-06

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

130 Gillespie ST.
Rm 101
Fayetteville, NC

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

EXHIBIT D

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

I, George Hatcher, Inspector for the County of Cumberland 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 MH 4829-2006.

Property Owner: M.J. Marsh Farms, Inc.
Home Owner: V.B. Marsh
Property Address: 5284 Butler Nursery Road

Tax Parcel Identification Number: 0452-56-7522

SYNOPSIS: This property was inspected on 2/23/2006. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 4/12/2006. V.B. Marsh attended 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 by a date not later than 7/12/2006. 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.) An appeal was filed (see Exhibit B for the Housing Appeals Board Decision). The Housing Appeals Board granted a 90 day extension with a final compliance date of 10/11/2006. On my visit to the property on 11/9/2006 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$20,000.00. The Assessor for Cumberland County has the structure presently valued at \$2,000.00.

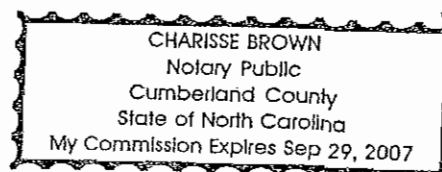
Attached is a map depicting the location of the property. (See Exhibit C.)

RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE 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 7th day of November 2006.

Charisse Brown
Notary Public



My Commission Expires: 9/29/07

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.

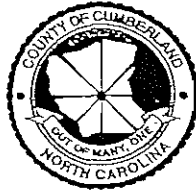
3. If the Board wishes to delay action on the case, the Board's motion should be:

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,
Deputy Director

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

FINDINGS OF FACT AND ORDER

April 17, 2006

CASE #: MH 4829-2006

TO: M.J. Marsh Farms, Inc. & Parties of Interest
3030 H Bullard Road
Hope Mills, NC 28348

Property at:
5284 Butler Nursery Road

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 3/29/2006.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 4/12/06 at 9:15:00 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: V. B. Marsh, George Hatcher and Ken Sykeys.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 3/17/2006. 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 4829-2006, dated 2/23/2006.
 - ☒ 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.

EXHIBIT A

Findings and Facts of Order

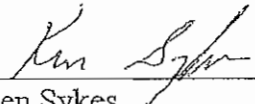
Case #: MH 4829-2006


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 7/12/2006. 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 7/12/2006. The cost of said demolition will be assessed against the real property in the form of a lien.

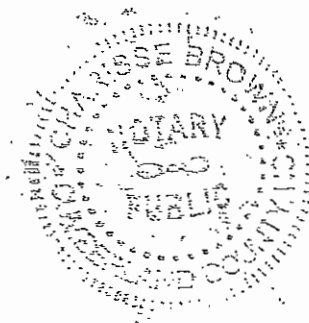
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.


Ken Sykes
Hearing Officer

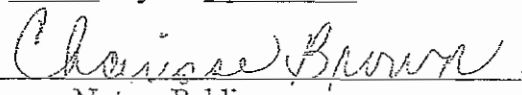

George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me this
the 17th day of April, 2006


Notary Public
My Commission Expires: 9/29/07

PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER
DATED 5/3/06
CASE # MH 4829-06

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 this 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 X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>[Name]</i> C. Date of Delivery <i>[Date]</i></p> <p>D. Is delivery address different from Item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, enter delivery address below:</p>	
<p>1. Article Addressed to:</p> <p>POFO GR MH4829-4828 VANCE B MARSH LIFE EST & PARTIES OF INTEREST 3030 H BULLARD ROAD HOPE MILLS NC 28348</p>		<p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <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 (Metric)</p> <p>7005 0390 0006 0047 7169</p>		<p>PS Form 3800, FEBRUARY 2004 Domestic Return Receipt 109508-02-11-1040</p>	

7005 0390-0006 0047 7169

U.S. POSTAL SERVICE
CERTIFIED MAIL RECEIPT

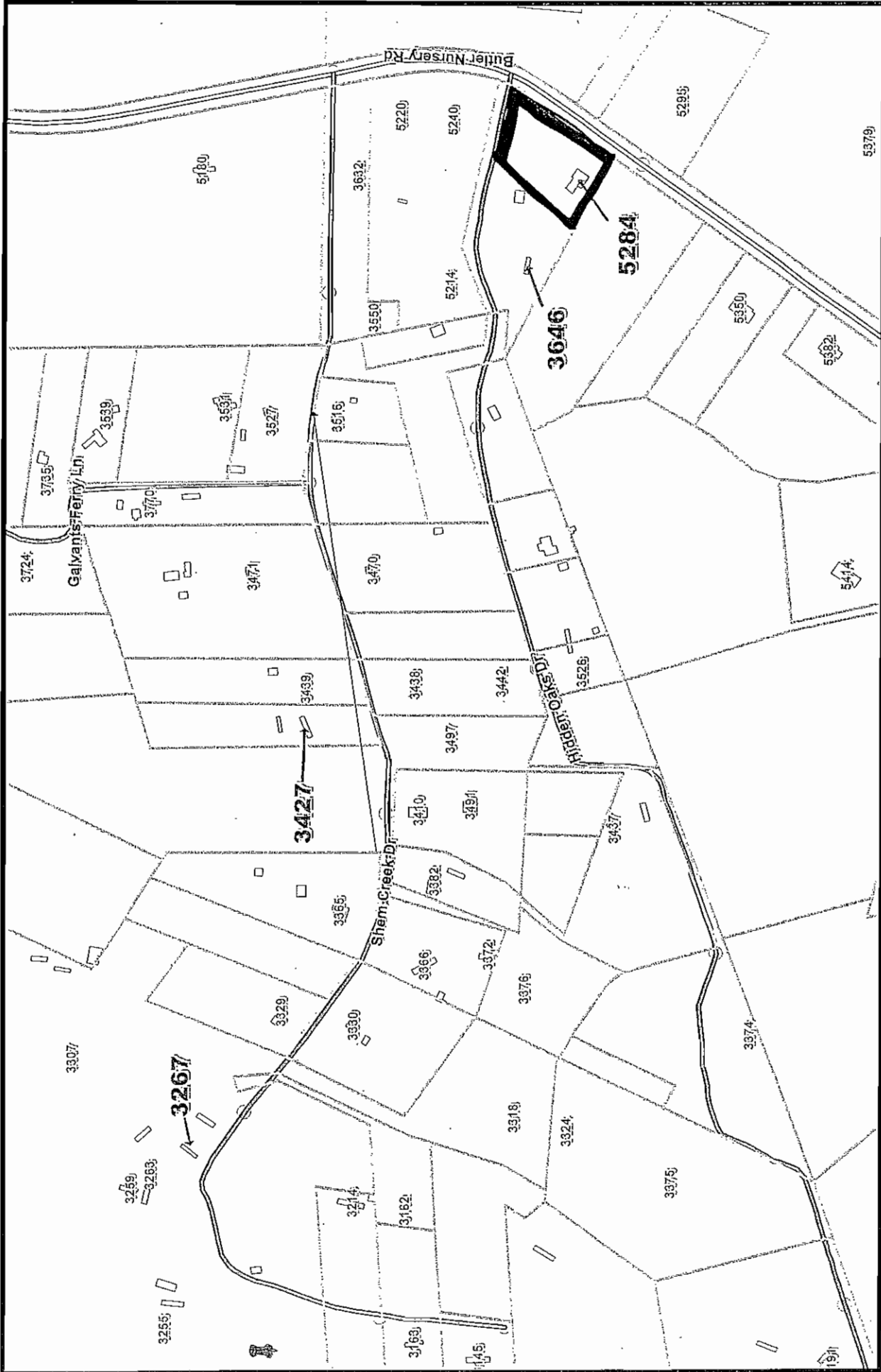
Cumberland Co. Inspection Dept.

Postage	\$	
Certified Fee	\$	
Return Receipt Fee (Endorsement Required)	\$	
Restricted Delivery Fee (Endorsement Required)	\$	
Total Postage & Fees	\$	

VANCE B MARSH LIFE EST & PARTIES OF INTEREST
 3030 H BULLARD ROAD
 HOPE MILLS NC 28348

MH4829-4828
 POFO GR

5/3/06
 8:11 AM
 5/3/06



M.J. MARSH FARMS, INC

- CASE # MH 4777-06 3427 SHEM CREEK DRIVE
- CASE # MH 4826-06 LOT IN FRONT OF 3646 HIDDEN OAKS DRIVE
- CASE # MH 4827 & 4828-06 LOT BEHIND 3267 SHEM CREEK DRIVE - MOBILE HOME A & B
- CASE # MH 4829-06 5284 BUTLER NURSERY ROAD

Scale 1 in. = Not to Scale
Printed 8/2006



EXHIBIT C

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
Planning/Inspections

Cecil P. Combs,
Deputy Director

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

NOTIFICATION OF HOUSING APPEALS BOARD DECISION

AMENDED

Resent due to error in mailings

July 17, 2006

BOARD OF APPEALS MEETING DATE:

FILE NO: MH 4777 & 4829-2006

July 11, 2006, 6:30 P.M.

PROPERTY OWNER: M.J. Marsh Farm, Inc. & Tim Larson

MAILING ADDRESS: 3030 H. Bullard Road 3427 Shem Creek Drive
Hope Mills, NC 28348 Fayetteville, NC 28306

PROPERTY LOCATION:

3427 Shem Creek Dr.
5284 Butler Nursery Rd.

OWNER/AGENT/OR REPRESENTATIVE(S) PRESENT: U.E. Marsh.

DECISION RENDERED ON THE ABOVE CASE(S):

1. At the above referenced Housing Appeals Board meeting, the Board granted M.J. Marsh Farm, Inc. & Tim Larson a final 90 day extension:
 - a. To repair the unit at 3427 Shem Creek Drive to a minimum standard for human habitation.
 - b. You must obtain the required Change of Use Permit for the structure at 5284 Butler Nursery Road, and meet the required standards for an accessory structure.
2. The new compliance date is 10/11/2006. The Inspector should be notified when the repairs are made and an inspection will be scheduled.
3. Failure to meet the new compliance date may result in the following action:
 - a. A \$50.00 per day civil penalty may be imposed for each day's continuing violation after the compliance date.
 - b. The County Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners. The cost of said demolition will be assessed against the real property in the form of a lien.
 - c. Subject you to prosecution in criminal court for a Class 3 Misdemeanor.

Charisse Brown

Secretary/gn

Housing Board of Appeals

130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 321-6636 · Fax: (910) 321-6637

PROOF OF SERVICE OF HOUSING APPEALS BOARD DECISION
DATED 6/29/06
CASE # MH 4777, 4827, 4828, 4829-06

7006 0810 0000 1729 0151

USPS Postal Service
CERTIFIED MAIL RECEIPT
(Postage and Fees for Restricted Delivery are Extra)

Cumberland Co Inspection Dept

Postage \$
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees \$

Sent to: **VANCE B MARSH LIFE ESTATE**
3030 H BULLARD ROAD
HOPE MILLS NC 28348

Postmark: **FAVETTEVILLE NC 2006**

HBA GH
MH 4777 4826 4827 4828 4829

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
HBA GH
MH 4777 4826 4827 4828 4829
VANCE B MARSH LIFE ESTATE
3030 H BULLARD ROAD
HOPE MILLS NC 28348
*5284 Butler Nursery Rd
Fay 28306*

2. Article Num (Transfer to): **7006 0810 0000 1729 0151**

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *X [Signature]* Agent: ☐ Addressee: ☒

B. Received by (Printed Name): **V.B. MARSH** C. Date of Delivery: **9-14-06**

D. Is delivery address different from Item 1? ☐ Yes
If YES, enter delivery address below: ☐ No
**130 Gillespie St. Rm 101
Fayetteville NC**

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, February 2004 Domestic Return Receipt 102596-02-11-1540

7005 0390 0006 0047 6407

USPS Postal Service
CERTIFIED MAIL RECEIPT
(Postage and Fees for Restricted Delivery are Extra)

Cumberland Co Inspection Dept

Postage \$
Certified Fee
Return Receipt Fee (Endorsement Required)
Restricted Delivery Fee (Endorsement Required)
Total Postage & Fees \$

Sent to: **M. J. MARSH FARMS INC**
3030 H BULLARD RD
HOPE MILLS NC 28348

Postmark: **FAVETTEVILLE NC 2006**

HBA GH
MH 4777 4827 4828

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
HBA GH
MH 4777 4827 4828
M. J. MARSH FARMS INC
3030 H BULLARD RD
HOPE MILLS NC 28348

2. Article Num (Transfer to): **7005 0390 0006 0047 6407**

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *X [Signature]* Agent: ☐ Addressee: ☒

B. Received by (Printed Name): **M. J. MARSH** C. Date of Delivery: **6-29-06**

D. Is delivery address different from Item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-11-1540



ITEM NO. 3

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 NOVEMBER 20, 2006

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER 

DATE: NOVEMBER 14, 2006

**SUBJECT: PRESENTATION OF CUMBERLAND COUNTY FACILITIES
COMMITTEE REPORT ON THE STATUS OF THE COURTHOUSE
SECURITY AND RENOVATION PROJECT AND THE IMPACT ON
COURTHOUSE PARKING (POWERPOINT PRESENTATION BY BOB
STANGER)**

BACKGROUND

The Facilities Committee met on Tuesday, October 17, 2006 to discuss the status on the County Construction Projects/Impact of Courthouse Site Improvements on Parking.

The Facilities Committee unanimously voted to request that Management make the same presentation to the Board of Commissioners. Mr. Robert Stanger, County Engineer will be making a PowerPoint presentation on the status of the Courthouse Security and Renovation Project and the impact on Courthouse parking.

RECOMMENDATION/PROPOSED ACTION

Receive the presentation by Bob Stanger, County Engineer, for information and any input desired.

Attachment: Minutes

/ct

CM102606-2



COUNTY of CUMBERLAND

Engineering Department

ROBERT N. STANGER, P.E.
County Engineer

October 25, 2006

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: ROBERT N. STANGER, COUNTY ENGINEER *Bob*

THROUGH: AMY H. CANNON, ASSISTANT COUNTY MANAGER

SUBJECT: COURTHOUSE LOBBY EXPANSION & PLAZA RENOVATION PROJECT

BACKGROUND:

An update on the status of County construction projects was presented to the Facilities Committee at its October 17, 2006 meeting at which time staff discussed in detail the proposed construction phasing plan for the improvements in the Courthouse parking lot. Refer to the memorandum to Facilities Committee dated October 11, 2006. Of particular concern is how parking will be impacted during construction and what options may be available for off-site parking during this time.

The County Manager recommended to the Facilities Committee that the same presentation be made to the Board of Commissioners for their consideration and input. The Facilities Committee concurred with the manager's recommendation.

Attached is a powerpoint presentation of the construction phasing plan for the parking lot improvements at the Courthouse. The plan shows the sequencing of work, estimated duration of each phase, and the impact to parking during each phase. In addition, the aerial photograph shows two locations that were determined to be viable options for off-site parking during construction, the vacant area behind the Detention Center and the Bow Street property formerly occupied by the Fire Station. The costs associated with developing these areas for temporary parking is shown on the last slide in the presentation.



COUNTY of CUMBERLAND

Engineering Department

ROBERT N. STANGER, P.E.
County Engineer

October 11, 2006

MEMORANDUM

TO: COUNTY FACILITIES COMMITTEE

FROM: ROBERT N. STANGER, COUNTY ENGINEER *Bob*

THROUGH: AMY H. CANNON, ASSISTANT COUNTY MANAGER

SUBJECT: STATUS REPORT ON COUNTY CONSTRUCTION PROJECTS

BACKGROUND:

The status to date of the County Construction Projects managed by the County Engineering Department is as follows:

Public Health Facility Renovations: The Facilities Committee, at its September 19, 2006 meeting, endorsed the concept of constructing a new Public health Facility located on the DSS site and forwarded the recommendation to the Finance Committee to explore options to finance the project.

Courthouse Security and Plaza Renovations: Construction of Phase 1 Courthouse Lobby Expansion began on July 17, 2006. The construction time for this phase is 130 calendar days. The work completed to date includes demolition of the canopy and entrance stairs and installation of the pile foundations and grade beams for the lobby addition. The steel framing will begin within two weeks. The second and third phases of the project includes the plaza and parking lot renovations is expected to begin in late January 2007. Plans and specifications are being developed and bids will be let in November, 2006.

Animal Control/Sheriff's Training Center: Construction began in mid-December, 2005. The contract time is 360 calendar days. Significant work accomplished in the last 30 days in the Animal Control Center includes: erecting metal building and insulation 90% complete, masonry walls 100% complete, hollow metal frames 100% complete, plumbing, mechanical and electrical rough-in 90% complete, installing HVAC piping and duct rough-in 60% complete, installing VAV boxes 80% complete, set boiler and pumps 50% complete, installing mechanical controls wiring 10% complete.

In the Sheriff's Training Center: metal building erection is 100% complete, plumbing, mechanical and electrical rough-in 100% complete, set boiler and chiller 100% complete, gas piping 100% complete, HVAC piping 100% complete, installing HVAC units and VAV boxes 100% complete, mechanical control wiring 90% complete, prime painting 100% complete, metal stud framing 100% complete. The project is about 68% complete. The projected completion date for the Sheriff's Training Center is January 1, 2007 and March 1, 2007 for the Animal Control Center.

Crown Arena/Theater Renovations: Construction is complete with the exception of punch list items.

Russell Street Parking Lot: Construction is complete with the exception of installing of the electrical meter base and permanent irrigation controller. The parking lot has been in use for the past two months.

Lake Upchurch Dam Restoration: Construction began on May 22, 2006. The significant work items accomplished to date include: installing erosion control measures, demolition of existing fuse-plug, excavation for new labyrinth spillway structure, installing reinforcing steel, forming and pouring concrete slabs and wall sections for the labyrinth spillway 80% complete, clearing and grubbing access road and borrow area for repair of the earthen breach. This phase of the project is about 65% complete.

The grading plan for the fill behind the berm on Bay Shores Properties LLC land has been prepared and submitted to DENR Land Quality for the land disturbing permit. Specifications for the project were developed by County Engineering and the project has been let for bids. A pre-bid meeting was held on October 5, 2006 and bids will be received on October 19, 2006..

Gillespie Street Parking Lot: Bids were received on August 10, 2006 and the low bid was submitted by W.J. Jackson Construction Company in the amount of \$119,873.00 for the base bid plus the alternate for sod. The Board awarded a contract to W.J. Jackson at its August 21, 2006 meeting. Contracts are being executed and a pre-construction meeting has been scheduled for October 16, 2006. Work is expected to begin by the end of October with completion scheduled by the end of December.

Cedar Creek Business Center Landscaping, Irrigation & Signage: The contractor is 100% complete with landscaping and irrigation with the exception of replacing one tree. The main identification sign was installed and the work accepted on July 28, 2006.

Historic Courthouse Re-roofing: Construction began in mid-August. The contract time is 60 calendar days. Work accomplished to date includes set-up, delivery of materials, demolition of existing roof areas and installation of new roof system. The project is about 75% complete.

Cumberland Industrial Center Production Drive Extension: The project is substantially complete with the exception of punch-list items.

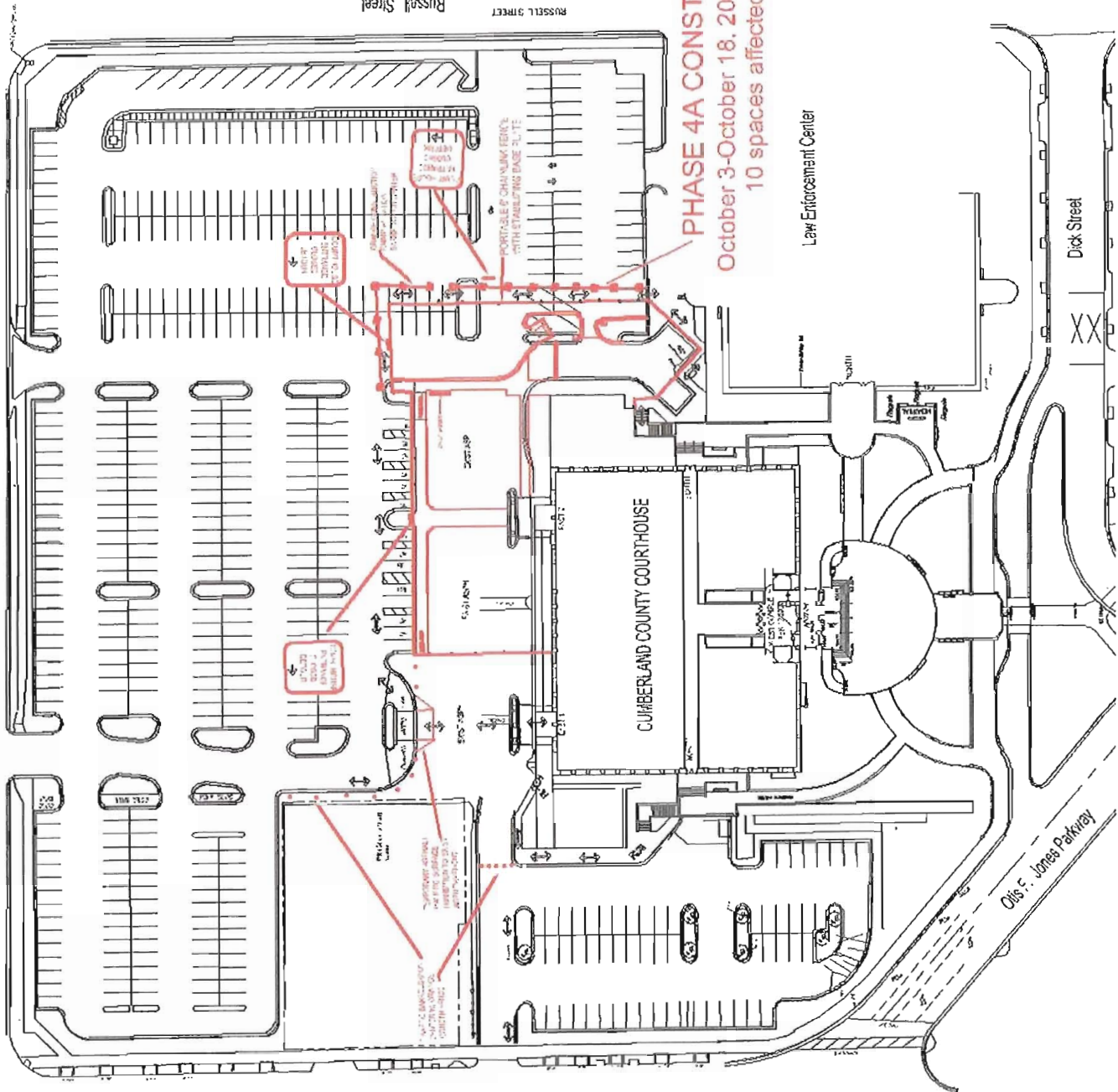
New Courthouse Elevator Renovations: All elevators have been renovated and are in service. Remaining work includes installation of additional hand rails in the passenger elevator cabs.

NEW COURTHOUSE LOBBY ADDITION & PLAZA RENOVATION PROJECT





Cool Spring Street



PHASE 4A CONSTRUCTION
 October 3-October 18, 2007 (15 day duration)
 10 spaces affected

Law Enforcement Center

Dick Street

Oliver Jones Parkway

CONSTRUCTION PHASE 4A CONSTRUCTION NARRATIVE
 Phase 4A - Site Contractor shall commence work as required and proceed

After completion of Phase 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

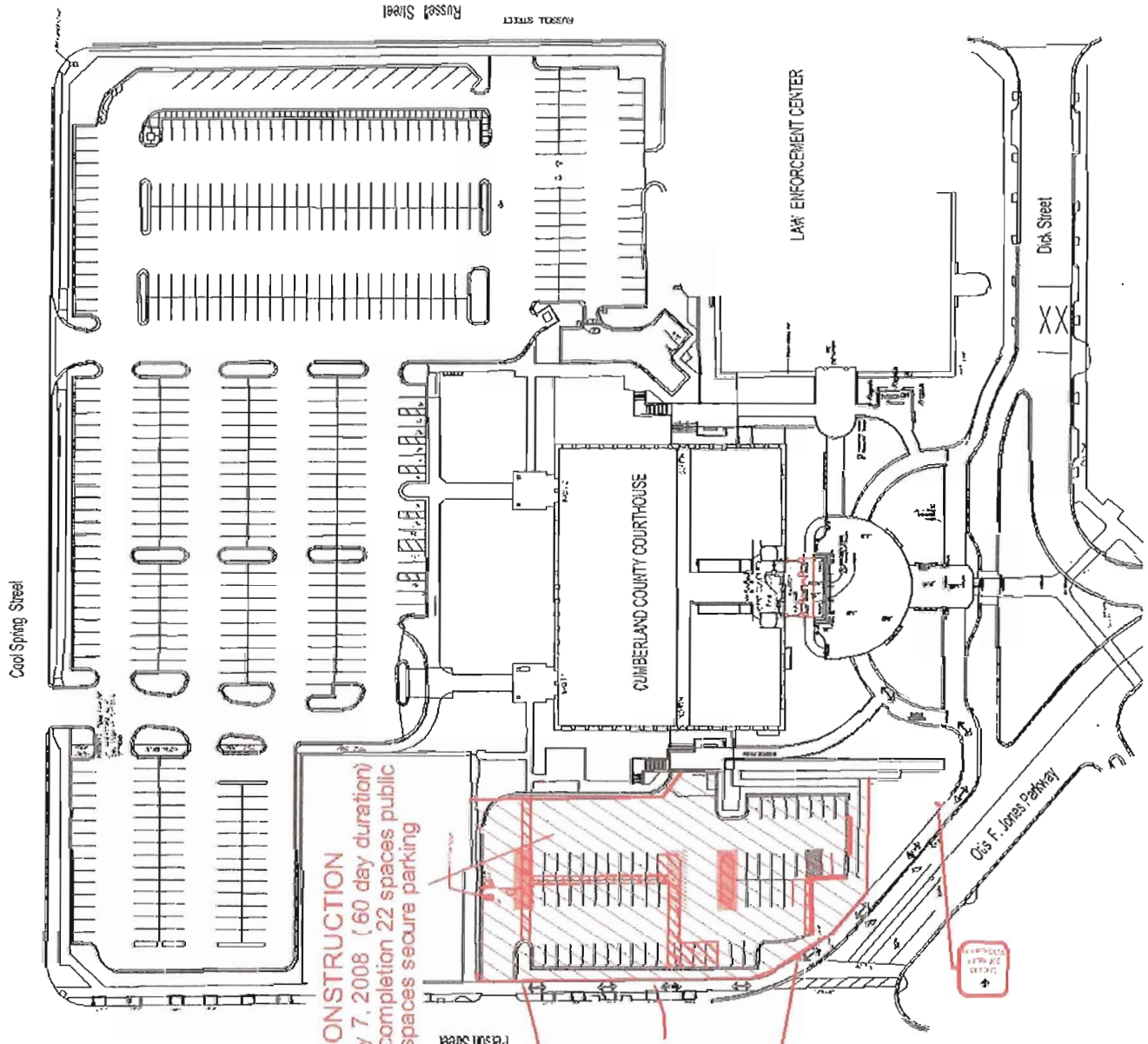
Site Contractor shall provide the necessary equipment and materials to complete the work.

The newly installed "Master" Erection will be the primary means of access to the site during the construction of the Project. The Site Contractor shall maintain the access to the site at all times.

The Site Contractor shall provide the necessary equipment and materials to complete the work. The Site Contractor shall maintain the access to the site at all times.

The Site Contractor shall provide the necessary equipment and materials to complete the work. The Site Contractor shall maintain the access to the site at all times.

1. Local traffic will be affected during construction.
2. Access will be maintained by One Way traffic at all times.
3. Access will be maintained by One Way traffic at all times.
4. Site will be maintained by One Way traffic at all times.
5. Access will be maintained by One Way traffic at all times.
6. Access will be maintained by One Way traffic at all times.
7. Access will be maintained by One Way traffic at all times.
8. Access will be maintained by One Way traffic at all times.
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16. Access will be maintained by One Way traffic at all times.
17. Access will be maintained by One Way traffic at all times.
18. Access will be maintained by One Way traffic at all times.



PHASE 5 CONSTRUCTION
 November 5, 2007-January 7, 2008 (60 day duration)
 63 spaces affected- after completion 22 spaces public
 39 spaces secure parking

12A.000000 9.000000 10.000000 11.000000 12.000000 13.000000 14.000000 15.000000 16.000000 17.000000 18.000000 19.000000 20.000000 21.000000 22.000000 23.000000 24.000000 25.000000 26.000000 27.000000 28.000000 29.000000 30.000000 31.000000 32.000000 33.000000 34.000000 35.000000 36.000000 37.000000 38.000000 39.000000 40.000000 41.000000 42.000000 43.000000 44.000000 45.000000 46.000000 47.000000 48.000000 49.000000 50.000000 51.000000 52.000000 53.000000 54.000000 55.000000 56.000000 57.000000 58.000000 59.000000 60.000000 61.000000 62.000000 63.000000 64.000000 65.000000 66.000000 67.000000 68.000000 69.000000 70.000000 71.000000 72.000000 73.000000 74.000000 75.000000 76.000000 77.000000 78.000000 79.000000 80.000000 81.000000 82.000000 83.000000 84.000000 85.000000 86.000000 87.000000 88.000000 89.000000 90.000000 91.000000 92.000000 93.000000 94.000000 95.000000 96.000000 97.000000 98.000000 99.000000 100.000000

PHASE 6 CONSTRUCTION January 7- January 27, 2008 (20 day duration) No spaces affected- weekend work

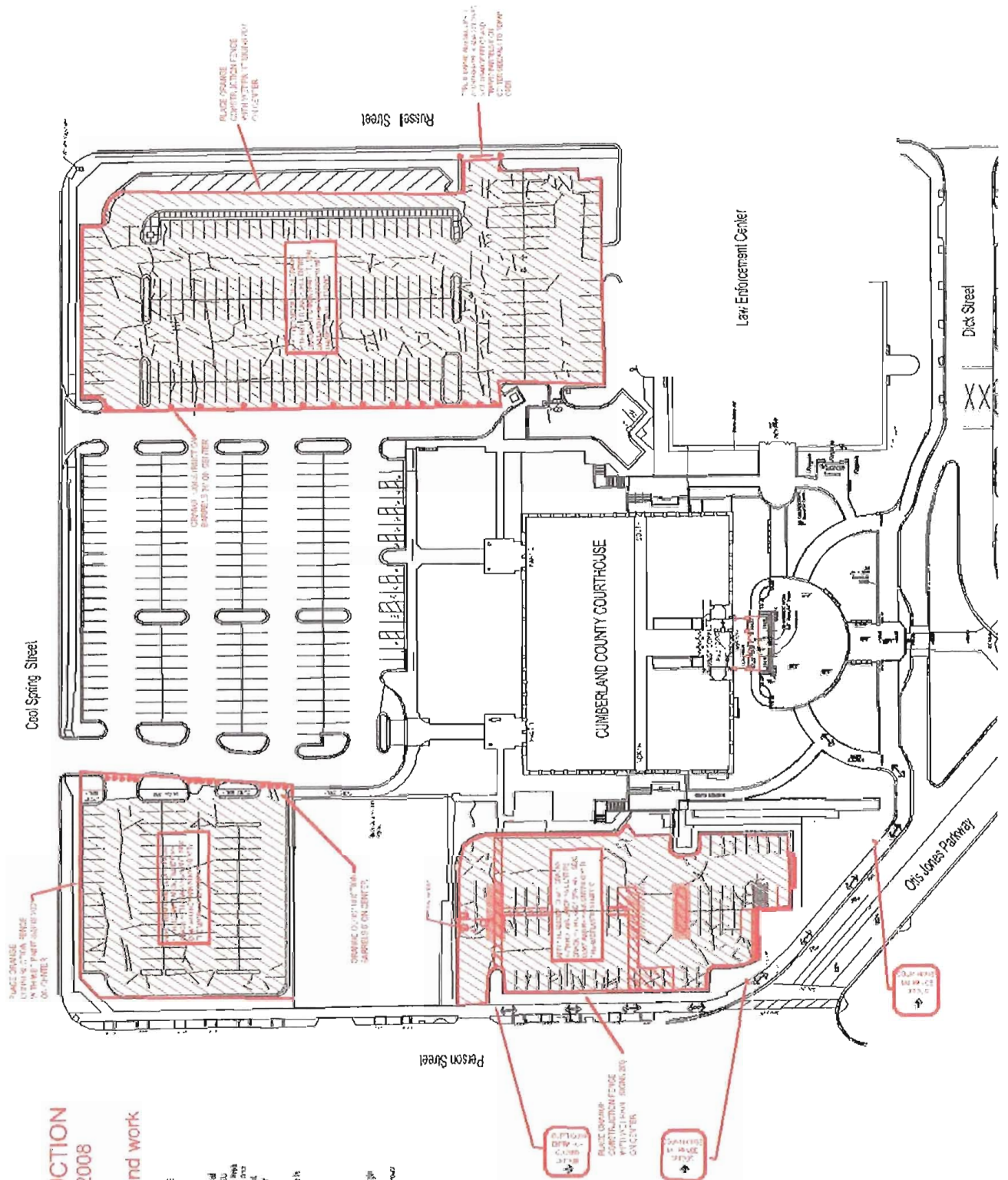
COOL SPRING PLAZA PHASE 6 CONSTRUCTION

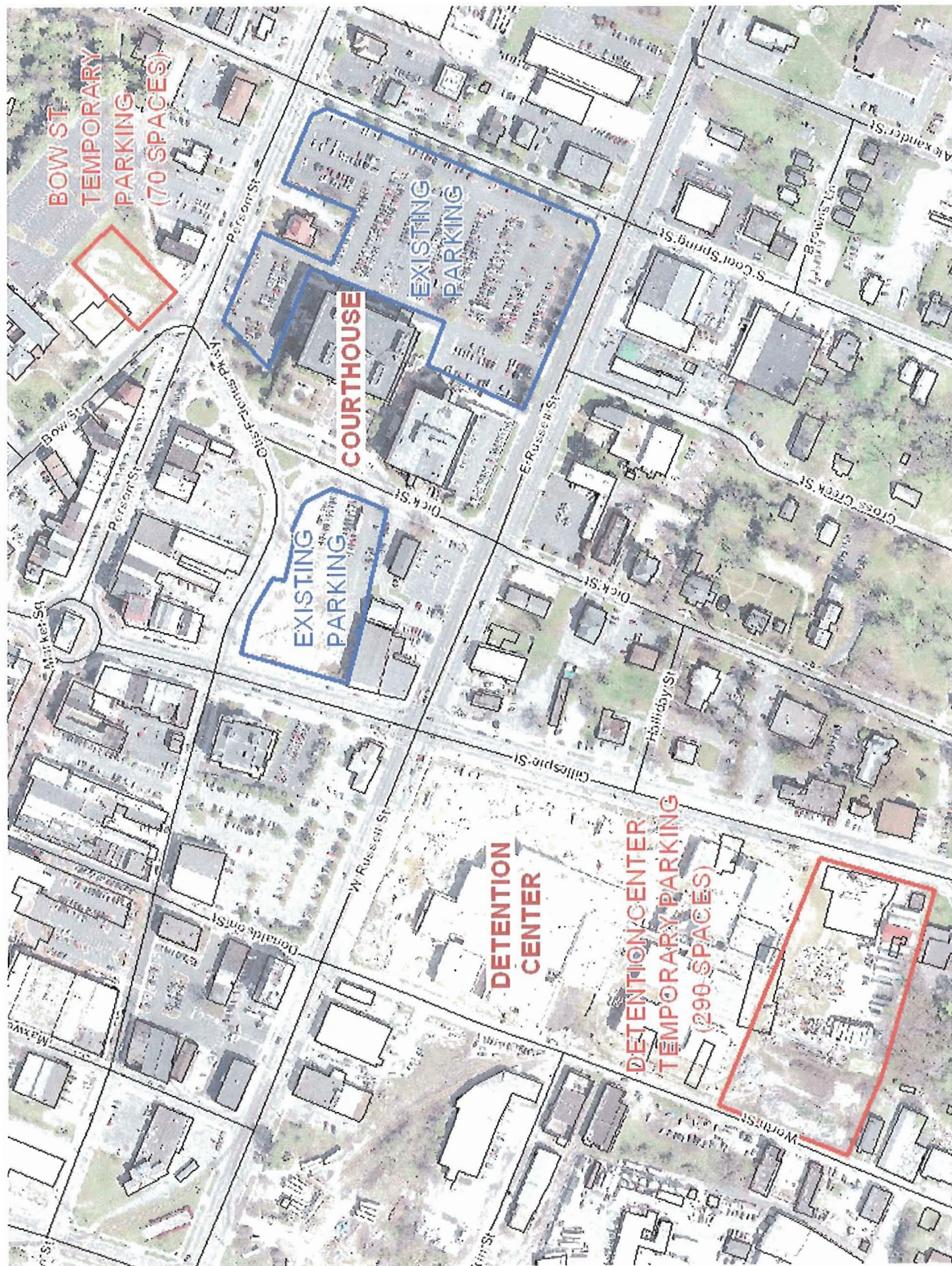
Phase 6 - 10/10/07 - 11/10/07 (10 day duration)

The final Phase 6 work is the construction of the new parking lot at the end of the building. This work will include the construction of the parking lot, the construction of the new entrance to the building, and the construction of the new entrance to the building. The construction of the new entrance to the building will be completed by the end of the construction period.

A Proposed Construction Schedule for Phase 6 is shown below. The construction of the new entrance to the building will be completed by the end of the construction period.

1. Construction of the new entrance to the building.
2. Construction of the new entrance to the building.
3. Construction of the new entrance to the building.
4. Construction of the new entrance to the building.
5. Construction of the new entrance to the building.
6. Construction of the new entrance to the building.
7. Construction of the new entrance to the building.
8. Construction of the new entrance to the building.
9. Construction of the new entrance to the building.
10. Construction of the new entrance to the building.





TEMPORARY PARKING COSTS

	DETENTION CENTER	BOW ST (Old Fire Station)
	290 Parking Spaces	70 Parking Spaces
PROPERTY LEASE / RENT	\$0	\$0
STONE BASE MATERIAL	\$40,000	\$18,000
EQUIPMENT RENTAL	\$4,000	\$2,200
GRADING, TOPSOIL & SEEDING	\$0	\$2,000
LABOR	\$5,000	\$2,000
FENCING	\$13,600	\$2,000
PARKING LAYOUT	\$10,000	\$2,000
PROPERTY RESTORATION	\$10,000	\$4,900
TOTAL COST	\$82,600	\$33,100

OTHER CONSIDERATIONS

TEMPORARY SHELTER	\$15,000	N/A
SHUTTLE TRANSPORTATION	\$638/DAY/VEHICLE	N/A
RAILROAD SPUR TRACK		N/A
TEMPORARY LIGHTING		
SECURITY		

CUMBERLAND COUNTY FACILITIES COMMITTEE MEETING
OCTOBER 17, 2006 – 8:00 AM
REGULAR MEETING

PRESENT: Chairman Diane Wheatley
Commissioner Breeden Blackwell
Commissioner Jeannette Council
James Martin, County Manager
Cliff Spiller, Assistant County Manager
Amy Cannon, Assistant County Manager
Grainger Barrett, County Attorney
Rick Moorefield, Assistant County Attorney
Bob Stanger, County Engineer
Al Brunson, Facilities Maintenance Manager
Sara VanderClute, Public Information Officer
Ann Hymes, Deputy Clerk

1. Approval of Minutes: September 19, 2006

MOTION: Commissioner Blackwell moved to approve.
SECOND: Commissioner Council
VOTE: UNANIMOUS

2. Status Report on County Construction Projects/Impact of Courthouse Site Improvements on Parking

Bob Stanger, County Engineer, provided a brief status report on County construction projects.

At the September Facilities Committee Meeting, the committee endorsed the concept of constructing a new Public Health Facility located on the DSS site and forwarded the recommendation to the Finance Committee to explore options to finance the project.

Construction began on the Animal Control/Sheriff's Training Center in mid-December, 2005. The contract time is 360 calendar days. Significant work on both projects has been accomplished in the last 30 days. The projected completion date for the Sheriff's Training Center is January 1, 2007, and the completion date for the Animal Control Center is March 1, 2007.

The Crown Arena/Theater Renovation Project is 100% complete with the exception of several punch list items.

Construction on the Russell Street parking lot is 100% complete with the exception of installing the electrical meter base and permanent irrigation controller. The parking lot has been in use for the past two months.

Construction on the Lake Upchurch Dam Restoration project began on May 22, 2006. Significant work has been accomplished. The construction phase is approximately 65% complete. The grading phase for the fill behind the berm on Bay Shores Properties will

discussed. Shuttle transportation would cost approximately \$638.00 per day per vehicle. The "crush and run" needed for the Detention Center parking lot and the Bow Street parking lot would cost approximately \$58,000.00. The County Manager noted that the "crush and run" could later be reused at the County landfill. Utilizing the Crown parking lot and the Department of Social Services parking lot, using shuttle service, was also mentioned.

James Martin recommended making this presentation to the full Board at the first County Commissioners meeting in November.

MOTION: Commissioner Blackwell moved to ask management to make this presentation concerning temporary parking to the full Board of Commissioners at the first meeting in November.

SECOND: Commissioner Council

VOTE: UNANIMOUS

MEETING ADJOURNED: 9:25 AM.



ITEM NO. 4

COUNTY of CUMBERLAND

Office of the County Attorney

November 14, 2006

MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA OF NOVEMBER 20, 2006:

TO: BOARD OF COMMISSIONERS

FROM: GRAINGER R. BARRETT, COUNTY ATTORNEY

**SUBJECT: VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE AND FARM ADVISORY
COMMITTEE BY-LAWS**

BACKGROUND: The Board of Commissioners considered these items at its September 18, 2006 meeting and asked for some further review of the minimum acreage size and the waiver of water or sewer assessment provisions. The Farm Advisory Committee has reviewed these matters and has revised the Ordinance (i) to provide that the minimum size for a farm to be included shall be the same minimum size required for use value taxation, five acres for horticultural use, ten acres for agricultural use, and twenty acres for forestry use, and (ii) to delete the previous waiver of assessment provision. The Farm Advisory Committee also has included a provision requiring a conservation agreement as a condition of participating in a Voluntary Agricultural District, as required by the enabling legislation, and also recommending that the conservation agreement terminate automatically if the land is removed from the Voluntary Agricultural District.

Please see the enclosed memorandum from George Autry.

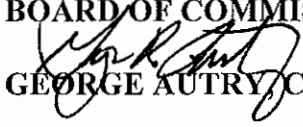
RECOMMENDATION: Consider whether to adopt Voluntary Agricultural District Ordinance and Farm Advisory Committee By-Laws.

Encl.

NC STATE UNIVERSITY

Cumberland County Center
North Carolina Cooperative Extension
College of Agriculture and Life Sciences
301 East Mountain Drive
Fayetteville, North Carolina 28306
Phone: (910) 321-6860
Fax: (910) 321-6883

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA
OF NOVEMBER 20, 2006**

TO: BOARD OF COMMISSIONERS
FROM:  GEORGE AUTRY, COUNTY EXTENSION DIRECTOR
DATE: NOVEMBER 9, 2006
**SUBJECT: VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE AND
FARM ADVISORY COMMITTEE BYLAWS**

BACKGROUND

The Cumberland County Farm Advisory Committee presented a proposed Voluntary Agricultural District Ordinance and Farm Advisory Committee Bylaws to the Board of Commissioners on September 18, 2006. During the discussion, the Commissioners asked staff to research the minimum acreage requirement for a district as set forth in the enabling legislation and to get input from the Eastover Sanitary District and NORCRESS, regarding Article IX Waiver of Water and Sewer Assessments. This information is included in your packet, along with copies of the Ordinance and Bylaws and minutes from the Commissioners' Meeting on September 18, 2006.

At their regularly scheduled meeting on October 10, 2006, the Cumberland County Farm Advisory Committee discussed the questions raised by the Board of Commissioners. Listed below are the recommendations of the Cumberland County Farm Advisory Committee:

1. **The minimum agricultural district size should be the same as the minimum acreage requirements set forth in the Present-Use Tax Value Program, 10 acres of agricultural land, 5 acres of horticultural land and 20 acres of forest land.**
2. **Article IX Waiver of Water and Sewer Assessments should be removed from the Ordinance in its entirety.**
3. **Item D should be added to Article III Certification and Qualification of farmland, as specified in the enabling legislation. The Cumberland County Farm Advisory Committee would like to insert an additional sentence (underlined portion) "D. Is the subject of a conservation agreement, as defined in N.C.G.S. 121-35, between the county and the owner of such land that prohibits non-farming use or development of such land for a period of at least ten years, except for the creation of not more than three lots that meet applicable zoning and subdivision regulations. This conservation agreement will become null and void if the land is removed from the Voluntary Agricultural District Program."**

RECOMMENDATION/PROPOSED ACTION

Approve the recommendation of the Cumberland County Farm Advisory Committee to adopt the Voluntary Agricultural District Ordinance and adopt the Farm Advisory Committee Bylaws.

CUMBERLAND COUNTY
VOLUNTARY AGRICULTURAL DISTRICT ORDINANCE

ARTICLE I – AUTHORITY

The articles and sections of this ordinance are adopted pursuant to authority conferred by N.C.G.S. Chapter 153A and Chapter 106, Article 61, Farmland Preservation Enabling Act, as amended.

ARTICLE II – PURPOSE

The purpose of this ordinance is to promote agricultural and environmental values and the general welfare of the County and, more specifically, increase identity and pride in the agricultural community and its way of life, encourage the economic health of agriculture, and increase protection from non-farm development and other negative impacts on properly managed farms.

This ordinance establishes a Voluntary Agricultural District Program, which provides the following benefits:

- Preserves and maintains agricultural areas in the County.
- Informs non-farming neighbors and potential land purchasers that the participating farm may emit noise, dust, and smell, which may avoid conflicts between neighbors and potential nuisance claims.
- Gives the farming community an enhanced voice in Cumberland County Commissioners' decisions affecting farmland.
- Conserves open space and natural resources as the County's population and development expand.
- Farmer participation in the Program is voluntary and the farmer may terminate his/her participation at any time.

ARTICLE III - CERTIFICATION AND QUALIFICATION OF FARMLAND

In order for farmland to qualify under this Article, it must be real property that:

- A. Is participating in the land present-use value taxation program established by N.C.G.S. 105-277.7 or is otherwise determined by the County to meet all qualifications of this program set forth in N.C.G.S. 105-277.3;

- B. Is certified by the North Carolina Forest Service and/or Natural Resources Conservation Service of the United States Department of Agriculture, in consultation with the Cooperative Extension, as being a farm on which at least two-thirds of the land is composed of soils that (i) are best suited for providing food, seed, fiber, forage, timber, oil seed crops, and horticultural crops, including Christmas trees and ornamentals; (ii) have good soil qualities; (iii) are favorable for all major crops common to the County where the land is located; (iv) have a favorable growing season; and (v) receive the available moisture needed to produce high yields an average eight out of ten years; or on which at least two-thirds of the land has been actively used in agricultural, horticultural or forestry operations as defined in N.C.G.S. 105-277.2 (1), (2), and (3) during each of the five previous years, measured from the date on which the determination must be made as to whether the land in question qualifies.
- C. Is managed, if highly erodible land exists on the farm, in accordance with the Natural Resources Conservation Service-defined erosion control practices that are addressed to highly erodible land.
- D. *Is the subject of a conservation agreement, as defined in N.C.G.S. 121-35, between the county and the owner of such land that prohibits non-farming use or development of such land for a period of at least ten years, except for the creation on not more than three lots that meet applicable zoning and subdivision regulations. This conservation agreement will become null and void if the land is removed from the Voluntary Agricultural District Program.*

ARTICLE IV– CREATION OF VOLUNTARY AGRICULTURAL DISTRICTS

- A. Implementation
Any agricultural district shall initially consist of at *least 10 acres of agricultural land, or 5 acres of horticultural land, or 20 acres of forest land, as set forth in the land present-use value taxation program, of qualifying farmland.* An agricultural district may be enlarged by adding qualifying, contiguous farmland and by application by non-farm landowners contiguous to qualifying agricultural district.
- B. Education
The County may take such action as it deems appropriate through the Farm Advisory Board or other entities or individuals to encourage the formation of the Districts and to further their purposes and objectives, including the implementation of a public information program to reasonably inform landowners of the Voluntary Agricultural District Program.

C. Withdrawal

In the event that one or more participants in a District withdraws or loses eligibility to participate and the acreage becomes less than the minimum or results in land being noncontiguous, a District will continue to exist so long as there is at least one (1) remaining qualifying farm.

ARTICLE V – APPLICATION, APPROVAL, AND APPEAL PROCEDURE

A. Application Procedure

A landowner may apply to participate in the Voluntary Agricultural District Program by submitting an application to the Cooperative Extension Office. The application shall be on forms provided by Cooperative Extension and approved by the Farm Advisory Board.

B. Approval Process

1. Upon receipt of an application, the Cooperative Extension Director will forward copies to the following agencies for their prompt evaluation and response:

- a. The Cumberland County Tax Department,
- b. The Natural Resources Conservation Service office for Cumberland County,
- c. The Cumberland County Soil and Water Conservation District office, and/or
- d. The North Carolina Forest Service.

2. Upon receipt of the responses from the Cumberland County Tax Department, the Natural Resources Conservation Service, the Cumberland County Soil and Water Conservation District, and the North Carolina Forest Service, the Farm Advisory Board shall consider the application at its next regularly scheduled meeting. The Cooperative Extension Director shall notify the applicant by first-class mail of the Farm Advisory Board's decision within 15 days.

C. Appeal

If the Farm Advisory Board denies an application, the petitioner shall have 30 days to appeal the decision to the Board of Commissioners. Such appeal shall be submitted in writing to the Clerk to the Board of Commissioners. The decision of the Board of Commissioners is final.

ARTICLE VI – NOTIFICATION

Upon approval of a Voluntary Agricultural District and notification to the applicant by the Cooperative Extension Director, the Cumberland County Planning Department shall provide notification of said District by the following methods:

- A. Signs approved by the Farm Advisory Board shall be installed along the right-of-way of major roads adjoining the District in a manner so that current and potential residents and property owners may be made aware that farming and agricultural activities may take place at any time. Specific location of the signs, including number of signs necessary to provide adequate notice of the specific District, shall be approved by the Cumberland County Planning and Inspections Director.
- B. The Cumberland County Planning and Inspections Department shall maintain maps of approved Districts within the Cumberland County Geographic Information Mapping System Database. This mapping information may be viewed by accessing the Cumberland County website at www.co.cumberland.nc.us, or at the following County offices and other agencies: Register of Deeds, Tax Administration/GIS Mapping and Planning and Inspections, Cooperative Extension Service, Natural Resources Conservation Service, Cumberland County Soil and Water Conservation District, and the North Carolina Forest Service.
- C. The Cumberland County Tax Department and the Register of Deeds Office shall add a special notice to the GIS database so that anyone conducting title or real estate record searches, or general research on parcels of land, will be advised of the location of and participation in Voluntary Agricultural Districts, in relation to the subject parcel(s).
- D. Notice of these methods of District notification and identification shall be included in all Cumberland County Voluntary Agricultural District Program information brochures made available to the public by the Cooperative Extension Service, County Planning and Inspections Department, or the County Tax Department.

ARTICLE VII– REVOCATION OF PARTICIPATION IN THE PROGRAM

- A. By written notice to the Farm Advisory Board, a landowner of qualifying farmland may revoke his/her participation in the Voluntary Agricultural District Program formulated pursuant to Article V of this ordinance, or the Farm Advisory Board may revoke same participation based on non-compliance by the landowner. Such revocation shall result in loss of eligibility to receive benefits as set forth in this ordinance.

ARTICLE VIII– PUBLIC HEARINGS ON PROPOSED CONDEMNATION

A. Purpose

Pursuant to N.C.G.S. 106-740, no state or local public agency or governmental unit may formally initiate any action to condemn any interest in qualifying farmland within a District until such agency or unit has requested the Farm Advisory Board hold a public hearing on the proposed condemnation. This ordinance requires and provides for such hearing.

B. Procedure

1. Upon receiving a notice of proposed condemnation, the Farm Advisory Board shall direct the Cooperative Extension Director to publish notice describing the proposed action in a newspaper of general circulation in Cumberland County within five (5) business days of the request, and in the same notice shall notify the public of a public hearing before the Farm Advisory Board on the proposed condemnation to be held within ten (10) days of receipt of the notice.
2. The Farm Advisory Board shall meet to review
 - a. If the need for the project has been satisfactorily established by the agency or unit of government involved, including a review of any fiscal impact analysis conducted by the agency involved;
 - b. Alternatives to the proposed action that have less impact and are less disruptive to the agricultural activities of the District within which the proposed action is to take place.
3. The Farm Advisory Board shall consult with the Cooperative Extension Director, the Natural Resources Conservation Service District Conservationist, and any other individuals, agencies or organizations deemed by the Farm Advisory Board to be necessary for its review of the proposed action. Land value will not be a factor in the selection between properties under consideration for the proposed action.
4. The Cumberland County Board of Commissioners shall condemn farmland within a District only “as a last resort” if it is considering condemnation for County purposes.
5. Within five (5) days after the public hearing, the Farm Advisory Board shall make a report containing its findings and recommendations regarding the proposed action. The report shall be made available to the public for comment prior to its being conveyed to the decision-making body of the agency proposing the acquisition.

6. There will be a period of ten (10) days allowed for public comment on the report of the Farm Advisory Board.
7. After the ten (10) day period for public comment has expired, the Farm Advisory Board shall submit a final report containing all of its findings and recommendations regarding the proposed action to the decision-making body of the agency proposing the condemnation.
8. The total time period, from the day that a notice requiring a hearing has been received to the day that a final report is issued to the decision-making body of the agency proposing the acquisition shall not exceed thirty (30) days. If the agency agrees to an extension, the agency and the Farm Advisory Board shall mutually agree upon a schedule to be set forth in writing and made available to the public.
9. No state or local agency may formally initiate a condemnation action while the proposed condemnation is properly before the Farm Advisory Board within these time limits.

~~ARTICLE IX WAIVER OF WATER AND SEWER ASSESSMENTS~~

~~A. No Requirement to Connect~~

~~No qualifying farm inside a District shall be required to connect to Northeast Cumberland Regional Sewer System (NORCRESS) or any other County Water and Sewer District.~~

~~B. Abeyance~~

~~Water and sewer assessments will be held in abeyance, without interest, for qualifying farms, inside a District, until any improvement on such a farm is connected to the water or sewer system for which the assessment was levied.~~

~~C. Termination of Abeyance~~

~~When the period of abeyance ends, the assessment shall thereafter become payable in accordance with the terms set out in the applicable assessment resolution.~~

~~D. Suspension of Statute of Limitations~~

~~Statutes of limitations shall be suspended during the time that any assessment is held in abeyance without interest.~~

~~E. Other Statutory Abeyance Procedures~~

~~Nothing in this section is intended to diminish the authority of NORCRESS or any other County Water and Sewer District to hold any assessment in abeyance under N.C.G.S. 153A 201.~~

ARTICLE X – NORTH CAROLINA AGENCY NOTIFICATION

A. Adoption

Upon adoption of this ordinance and any subsequent amendment, the Clerk to the Board of Commissioners shall record this ordinance with the North Carolina Commissioner of Agriculture and Consumer Services.

B. Annual Report

The Cooperative Extension Director, on behalf of the Farm Advisory Board, shall make an annual report each January to the North Carolina Commissioner of Agriculture and Consumer Services as specified in N.C.G.S. 106-743.

ARTICLE XI – LEGAL PROVISIONS

A. Limit of Liability

In no event shall the County or any of its officers, employees, or agents be held liable in damages for any misfeasance, malfeasance, or nonfeasance occurring in good faith in connection with the duties of obligation imposed by this ordinance.

B. No Cause of Action

In no event shall any cause of action arise out of the failure of a person researching the title of a particular tract to report to any person the proximity of the tract to a qualifying farm or District as defined in this ordinance.

C. Severability

If any article, section of subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance.

D. Conflict with other Ordinances and Statutes

Whenever the provisions of this ordinance conflict with other ordinances of Cumberland County, this ordinance shall govern to the extent allowed by law. Whenever the provisions of any federal or state statute require restrictive provisions than are required by this ordinance, the provisions of such statute shall govern.

**ARTICLE XI
ENACTMENT**

The Cumberland County Board of Commissioners hereby adopts and enacts the preceding ordinance.

Adopted this the _____ day of _____, ____.

Motion for adoption by _____ and seconded by
_____.

CUMBERLAND COUNTY BOARD OF COMMISSIONERS

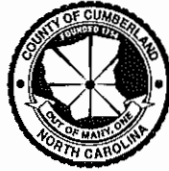
Chairperson

ATTEST:

Clerk to the Board of Commissioners

Approval as to form:

County Attorney



ITEM NO. 5A

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

November 14, 2006

November 20, 2006 Agenda Item

TO: Board of Commissioners

FROM: Ann Hymes, Deputy Clerk

SUBJECT: Air Quality Stakeholders' Committee Vacancy (1)

The Air Quality Stakeholders' Committee has the following vacancy:

Talmage Baggett – Term as County Commissioner will expire in December.
Replacement needed.

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 nd	4/09	No
Colonel Gregory Bean Director of Public Works Bldg 3-1631, Butner Road Fort Bragg, NC 28310-5000 396-4009 beangg@bragg.army.mil	Fort Bragg	4/06	2 nd	4/09	No
Steven Blanchard, CEO Public Works Commission 8768 Coats Road Linden, NC 28356 223-4002 steve.blanchard@faypwc.com	PWC	4/06	2 nd	4/09	No
George Breece PO Box 2801 Fayetteville, NC 28302 484-5430(H); 484-5431(Fax) george@breece.com	Citizen	4/06	2 nd	4/09	No
Mayor Edwin S. Deaver 5770 Rockfish Road Hope Mills, NC 28348 424-4554; 424-2384(H) pcregister@town.hope-mills.nc.us	Citizen	4/06	2 nd	4/09	No
Scott Peters Goodyear Tire & Rubber Company 6655 Ramsey Street Fayetteville, NC 28311	Major Industry	4/06	1 st	4/09	Yes
Joseph Follet, MD Lafayette Clinic 1756 Metromedical Drive Fayetteville, NC 28304	Medical Rep.	4/06	2 nd	4/09	No
Michael Green P.O. Drawer 510 Fayetteville, NC 28302 483-1371 mgreen6592@aol.com	Cohen & Green	4/06	2 nd	4/09	No
Henry Holt 1709 Clinton Road Fayetteville, NC 28301 483-5137 hwhwork@netquick.net	Petroleum Distributor	4/06	2 nd	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 karl@celtechinc.net	Citizen	4/06	2 nd	4/09	No
William A. Martin Cumberland Co. Business Council P.O. Box 9 Fayetteville, NC 28302 484-4242	CCBC	4/06	2 nd	4/09	No
Dr. Harold Maxwell 227 Fountainhead Lane Fayetteville, NC 28301 433-3600 hamaco@nc.rr.com	Board of Health	4/06	2 nd	4/09	No
Donovan McLaurin PO Box 97 Wade, NC 28395 484-0116; 428-6066(fax) mclaurin@outdrs.net	Homebuilders Association	4/06	2 nd	4/09	No
Joe Levister, Jr. FTCC PO Box 35236 Fayetteville, NC 28303 678-8321	FTCC	4/06	1 st	4/09	Yes
Denise Sykes Planning/Inspections Department 130 Gillespie Street Fayetteville, NC 28301 678-7629 dsykes@co.cumberland.nc.us	Towns of Wade Falcon, Godwin	4/06	2 nd	4/09	No
Stephen C. Waters, Sr. 4377 Ferncreek Drive Fayetteville, NC 28314 485-2135 scwaters@ashland.com	APAC aka Crowell Construction	4/06	2 nd	4/09	No
Talmage Baggett Board of Commissioners PO Box 1829 Fayetteville, NC 28302 433-2000	County of Cumberland	4/06	2 nd	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.



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 14, 2006

November 20, 2006 Agenda Item

TO: Board of Commissioners

FROM: Ann Hymes, Deputy Clerk

SUBJECT: Mental Health Board Vacancies (6)

The Mental Health Board has the following vacancies:

Individual with Financial Expertise

A. Johnson Chestnut – Second term due to expire 1/1/07. The Mental Health Board recommends **Christopher Bostock** be nominated to serve in this position.

Individual Representing the Interest of Children

Linda Hair – Second term due to expire 1/1/07. The Mental Health Board recommends **Pam McEvoy** be nominated to serve in this position.

Licensed Physician

Dr. Melvin Henderson – First term due to expire 1/1/07. The Mental Health Board recommends he be reappointed.

Representative with a Family Member or from a Citizen's Organization who Advocates for Persons with a Developmental Disability

Anna Finch – First term due to expire 1/1/07. The Mental Health Board recommends she be reappointed.

At-Large Representative

Evelyn Shaw – First term due to expire 1/1/07. The Mental Health Board recommends she be reappointed.

Openly Declared Consumer with Mental Illness

Nancy Capps – First term due to expire 1/1/07. The Mental Health Board recommends she be reappointed.

The Mental Health Reform Changes mandates that boards must contain at least 2 of the members have financial expertise and not more than 50% of the members can be consumers, family members, or advocates. It also limits board terms to 3 years and two consecutive terms.

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

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

pc: Hank Debnam, Mental Health Director



HANK DEBNAM, M.P.H.
AREA DIRECTOR

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

COUNTY of CUMBERLAND

Mental Health Center

ACCREDITED



MEMORANDUM

TO: Ann Hymes, Deputy Clerk
Board of Commissioners

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

DATE: November 9, 2006

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

At its November 8, 2006 meeting, the Cumberland County Mental Health, Developmental Disabilities and Substance Abuse Services Area Board approved the recommendation of Christopher Bostock as a new appointment to fill the position of *Individual with Financial Expertise* slot being vacated by Johnson Chestnutt. In addition, the Area Board also approved the recommendation of Pam McEvoy as a new appointment to fill the position of *Individual Representing the Interest of Children*, slot being vacated by Linda Hair.

At its November 8, 2006 meeting, the Area Board also approved recommending the reappointments of:

Evelyn Shaw, *At-Large Representative*

Anna Finch, *Representative with a Family Member or from a Citizen's Organization Who Advocates for Persons with a Developmental Disability*

Dr. Melvin Henderson, *Licensed Physician*

Nancy Capps, *Openly Declared Consumer with Mental Illness*

I would like to request that the nominees be presented to the Commissioners for their consideration at the next County Commissioners' meeting.

I am also enclosing information which changes the number of years for appointment of our Board members – from 4 years to 3 years as well as changes in Board makeup.

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

House Bill 2077

Mental Health Reform Changes **S.L. 2006-142**

*Mental Health Omnibus**

This Act incorporated policy provisions that were addressed in the original drafts of (HB 2077 Strengthen Mental Health Providers; HB 2080 Strengthen LMEs; HB 2081 Strengthen State MH/DD/SAS Reform; HB 2082 Increase MH/DD/SA Crisis Services; HB 2083 Consumer and Family Advisory Committees).

The Act requires area authorities when contracting with persons for provisions of services, to use the standard contract adopted by the Secretary. The bill allows area authorities to amend the contract to comply with a court-imposed duty.

The Act directs the DHHS to revise the State Plan to make it more of a strategic planning document and to also include a mechanism to measure the State's progress towards increased performance in the delivery of MH/DD/SA services and directs the Department to produce a cumulative document addressing applicable provisions of State plans implemented since July 1, 2001. The document will constitute the State Plan until July 1, 2007.

The Act clarifies the existing process by which an LME must submit its quarterly financial statement to the board of county commissioners of the counties that are members of the LME. Reports must be submitted to the county finance officer.

The Act creates a statutory definition for "Local Management Entity" (LME). This is a term that has been used for the past 5 years to describe the 6 different types of local public agency that is responsible for the management of publicly funded mental health, developmental disabilities, and substance abuse services (SA/DD/SAS) and clarifies that it is the duty of the director of an LME to both manage the public MH/DD/SAS system and to enforce all applicable laws.

The Act creates a new law (G.S. 122C-115.4) that clearly outlines the functions of an LME to be the management and oversight of the public MH/DD/SAS system at the local level. The specific functions are consistent with current practice, but have not been clearly articulated in the law. The functions are: access to service, provider endorsement and monitoring, review and approval of services for non-Medicaid eligible consumers, concurrent review of person-centered plans, authorization of State facility bed days, care coordination, community collaboration, and financial management. LMEs would be allowed to subcontract any of these functions consistent with applicable laws. The Secretary could remove one or more of an LME's functions if the LME is not performing the function adequately as measured by critical performance measures adopted by the Secretary. LME boards must contain at least 2 of the members have financial expertise and not more than fifty percent (50%) of the members can be consumers, family members, or advocates. It also limits board terms to 3 years and two consecutive terms.

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

06/06

<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: 1st 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
BOSTOCK, CHRISTOPHER (/M) 424 KINGSFORD ROAD FAYETTEVILLE, NC 28314 864-6501/486-0415(W)	RESIDENT DIRECTOR FINANCIAL ADVISOR	BS
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
SERVES ON THE JOINT APPEARANCE BOARD		
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

MCEVOY, PAM (C/F) PO BOX 488 FAYETTEVILLE, NC 28302-0488 424-0117/486-9700(W)	EXEC. DIRECTOR CHILD ADVOCACY	BA – COMMUNICATIONS
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) **Nominated to serve on the Adult Care Home Community Advisory Committee**	COUNSELOR	BS – PSYCHOLOGY MA – COUNSELING MA – HUMAN RESOURCE DEVELOPMENT
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) **Serves on the Community Child Protection/Fatality Prevention Team**	RETIRED CLINICAL SOCIAL WORKER	MA – SOCIAL WORK LICENSED CLINICAL SOCIAL WORKER



ITEM NO. 6A

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

MARSHIA S. FOGLE
CLERK TO THE BOARD

ANN HYMES
DEPUTY CLERK

November 7, 2006

November 20, 2006 Agenda Item

TO: Board of Commissioners

FROM: Ann Hymes, Deputy Clerk

SUBJECT: Appointments to the Community Child Protection Fatality Prevention Team

BACKGROUND: On November 6, 2006, the Board of Commissioners nominated the following to fill two (2) vacancies on the Community Child Protection Fatality Prevention Team:

Nominees: At-Large Positions: **Allie D. Wiggins** (reappointment)
Kalisha Abercrombie

PROPOSED ACTION: Appoint the above.

Attachment

pc: Gail Rios, Review Coordinator, CCPFPT

CUMBERLAND COUNTY
COMMUNITY CHILD PROTECTION/FATALITY PREVENTION TEAM
(County Commissioner Appointees)
3 Year Terms

Name/Address	Date Appointed	Term	Expires	Eligible For Reappointment
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Law Enforcement Officer Position

Sheriff's Office:

Lynette Hodges CC Sheriff's Office 131 Dick Street Fayetteville, NC 28301 Phone: 677-5593	6/06 (to fill unexp. term)	1st	Apr/07 4/30/07	Yes
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Fayetteville City Police Department:

Chris Davis Fayetteville Police Dept. 467 Hay Street Fayetteville, NC 28301 433-1855	6/06 (to fill unexp. term)	1st	Apr/07 4/30/07	Yes
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EMS Provider or Firefighter Position

Carl Strange 1557 Magnolia Church Road Stedman, NC 28391 584-8674/678-2076(Cell)	9/05 (to fill unexp. term)	1st	Sept/08 9/30/08	Yes
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Parent of a Child Who Died Before Reaching Their 18th Birthday Position

Vivian Strickland 171 Currin Street Fayetteville, NC 28311 822-2824	12/03	2nd	Nov/06 11/30/06	No
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At-Large Positions

Allie D. Wiggins 5222 Brookfield Road Fayetteville, NC 28303 868-4219/988-4267(Cell)	1/05 (to fill unexpired term)	1st	Nov/06 11/30/06	Yes
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Mattie Pipkin 1812 Gola Drive Fayetteville, NC 28301 822-8799	12/03	2nd	Nov/06 11/30/06	No
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Dr. David Smith 210 West Summerchase Drive Fayetteville, NC 28311 822-1766/609-4341(W)	9/05	2nd	Sept/08 09/30/08	No
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APPLICANTS FOR
COMMUNITY CHILD PROTECTION/FATALITY PREVENTION TEAM

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ABERCROMBIE, KALISHA (B/F) 3804 CASPER STREET FAYETTEVILLE, NC 28348 797-2537/864-7230(W)	DIRECT CARE PROVIDER AT RESIDENTIAL GROUP HOME	WORKING ON ASSOCIATE DEGREE
HAIR, ANTHONY D. (B/M) 6344 MURPHY ROAD STEDMAN, NC 28391 323-9176/592-1575(W)	CONSUMER SOLUTIONS REPRESENTATIVE	BS EDUCATION
MACK, DAVID J. (B/M) 5479 LYNBROOK COURT FAYETTEVILLE, NC 28314 867-1214	RETIRED SCHOOL ADMINISTRATOR	MS – SCHOOL ADMIN.
SERVES ON THE EQUALIZATION & REVIEW BOARD		
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
SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE		
WEBB, BERNARD (/M) P.O. BOX 70398 FT. BRAGG, NC 28307 630-3282/(336)402-1197	CITY LETTER CARRIER	AA – GEN STUDIES BS – PSYCHOLOGY MA - HRD



ITEM NO. 6B

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

November 7, 2006

November 20, 2006 Agenda Item

TO: Board of Commissioners
FROM: Ann Hymes, Deputy Clerk
SUBJECT: Human Relations Commission

BACKGROUND: On November 6, 2006, the Board of Commissioners nominated the following to fill one (1) vacancy on the Human Relations Commission:

Nominee: **Cornelius Williams**

PROPOSED ACTION: Appoint the above.

Attachments

pc: City of Fayetteville – Human Relations Director

APPLICANTS FOR
HUMAN RELATIONS COMMISSION

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
FLEMING, JOE (B/M) 1406 GRANDA DRIVE FAYETTEVILLE, NC 28314 257-7323	RETIRED	16 YEARS
SERVES ON THE NURSING HOME ADVISORY BOARD		
LANGLEY, MARGO (B/F) 974-3 STEWARTS CREEK DRIVE FAYETTEVILLE, NC 28314 864-1169/919-662-2800/919-856-5920(W)	DETENTION OFFICER	AA DEGREE + COURSES
LOWE, CLABON RODELL (B/M) 512 KENTWELL COURT FAYETTEVILLE, NC 28303 864-7145/396-5710/5663(W)	US ARMY	2 YR DEGREE
MERRITT, EDGAR F. (B/M) 1506 BOROS DRIVE FAYETTEVILLE, NC 28303 822-2976	RETIRED POLICE OFFICER	UNIVERSITY 1960-63
SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE		
WILLIAMS, CORNELIUS (B/M) 1327 FOUR WOOD DRIVE FAYETTEVILLE, NC 28312 486-5044	RETIRED USAF	BA – EDUCATION

HUMAN RELATIONS COMMISSION
 (County Commissioner Appointees)
 2Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible for Reappointment</u>
Bobby Ervin (W/M) Fayetteville Tech. Community College P.O. Box 35236 Fayetteville, NC 28303 484-5668/678-8466(W)	11/04	1 st	11/01/06	Yes
Zeandrew Farrow 403 Virginia Avenue Spring Lake, NC 28390 257-8570 (Cell)	10/06	2 nd	11/01/08	No
Lynette Hill Gardner (B/F) 3217 Hennardland Place Hope Mills, NC 28348 424-5787/822-9963(W)	6/05	1 st	07/01/07	Yes
Denise Giles(W/F) 1062 Center Street Fayetteville, NC 28306 485-8079/826-2454, ext.22(W)	6/05	1 st	07/01/07	Yes

Contact: Ronald McElrath
 Human Relations Director
 City of Fayetteville

Meetings: 2nd Thursday of every month
 City Hall – Lafayette Room



ITEM NO. 6C

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

November 13, 2006

November 20, 2006 Agenda Item

TO: Board of Commissioners
FROM: Ann Hymes, Deputy Clerk
RE: Appointments to Joint Senior Citizens Advisory Commission

BACKGROUND: The Board at its meeting on November 6, 2006 nominated the following people for appointment to the Joint Senior Citizens Advisory Commission:

Eleanor Ayers
George Hatcher, Sr.
Kristine Wagner

These appointees will serve two year terms.

ACTION: Appoint the nominees.

Attachments

pc: James McMillan, Special Projects Coordinator, City of Fayetteville

JOINT FAYETTEVILLE/CUMBERLAND COUNTY
SENIOR CITIZENS ADVISORY COMMISSION
2 Year Term
(County Appointees)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Rhonda Batten(W/F) 1811 McGougan Road Fayetteville, NC 28303 483-4388/678-2920(W)/583-0392(Cell)	10/06	2nd	9/30/08 Sept/08	No
Tom Cain 2786 Baywood Road Fayetteville, NC 28312 630-3970(H)	10/06	1st	9/30/08 Sept/08	Yes
E. C. (Chip) Modlin (W/M) 2811 Millbrook Road Fayetteville, NC 28303 485-5262(H)	10/06	1st	9/30/07	Yes
Deneen Morton-Tarpley Advantage Hospice & Home Care 1710 Owen Drive Fayetteville, NC 28304 689-0373(W)/624-0499 (Cell)	10/06	1st	9/30/07	Yes
Joe Potts (W/M) 1200 Goodview Avenue Fayetteville, NC 28305 484-6506/818-3783 (Cell)	10/06	2nd	9/30/08 Sept/08	No
Carolyn Tracy (W/F) 718 Southview Circle Fayetteville, NC 28311 323-4191, x26 (W)	10/06	1st	9/30/08	Yes

Contact: James McMillan, Special Programs Supervisor, City of Fayetteville.
Phone: 433-1560 - Fax: 433-1560 – Email: jmcmillan@ci.fay.nc.us

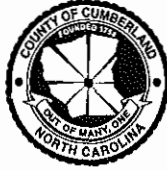
Commissioner Liaison: John Henley, Jr.

Regular Meetings: 2nd Tuesday of each month at 2:30 PM
Senior Citizens Service Center, 739 Blue Street (Conference Room)

*NOTE: This Board was expanded in 2006. The City & County agreed to expand from 10 to 20 members. The BOC had responsibility to appoint 2 new members to a 1 yr. term & 3 new members to a 2 yr. term.

APPLICANTS FOR
SENIOR CITIZENS ADVISORY BOARD

<u>NAME/ADDRESS/TELEPHONE</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	BACHELOR OF RELIGIOUS EDUCATION
HATCHER, GEORGE R., SR (C/M) 3534 A.B. CARTER ROAD FAYETTEVILLE, NC 28312 483-5896/818-8263(CELL)	RETIRED CIVIL SERVICE	2 YR COLLEGE CERTIFIED COMMUNI- CATIONS ENGINEER
LANGLEY, MARGO (B/F) 974-3 STEWARTS CREEK DRIVE FAYETTEVILLE, NC 28314 864-1169/919-662-2800/919-856-5920(W)	DETENTION OFFICER	AA DEGREE + COURSES
MACK, DAVID J. (B/M) 5479 LYNBROOK COURT FAYETTEVILLE, NC 28314 867-1214	RETIRED SCHOOL ADMINISTRATOR	MS – SCHOOL ADMIN.
SERVES ON THE EQUALIZATION & REVIEW BOARD		
NIJHAWAN, INDER PAL (IA/) 3545 TURNBERRY CIRCLE FAYETTEVILLE, NC 28303 864-0351/672-1618(W)	PROFESSOR FSU	PhD
WAGNER, KRISTINE (W/F) 130 GILLESPIE STREET FAYETTEVILLE, NC 28301 436-0340/678-7624(W)	CC TRANSPORTATION PRGM COORDINATOR	BACHELORS DEGREE
WHITMEYER, LOIS G. (W/F) 3002 HAMMERFEST CIRCLE FAYETTEVILLE, NC 28306 423-2350	RETIRED	SOME COLLEGE



ITEM NO. 60

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

November 7, 2006

November 20, 2006 Agenda Item

TO: Board of Commissioners
FROM: Ann Hymes, Deputy Clerk
SUBJECT: Library Board of Trustees

BACKGROUND: On November 6, 2006, the Board of Commissioners nominated the following to fill two (2) upcoming vacancies on the Library Board of Trustees:

Nominees: **Maxine McCoy** (reappointment)
Nellie L. McCoy (reappointment)

PROPOSED ACTION: Appoint the above.

Attachments

pc: Jerry Thrasher, Library Director

LIBRARY BOARD OF TRUSTEES
3 Year Term

Name/Address	<u>Date</u> Appointed	Term	Expires	<u>Eligible For</u> Reappointment
Richard P. Higgins (W/M) 1309 Mack Street Spring Lake, NC 28390-2507 497-1027	11/03	2nd	Dec./06 12/31/06	No
Nellie L. McCoy (B/F) P.O. Box 514 Spring Lake, NC 28390-3004 497-2890 (H)	09/06 (to fill unexp. term)	1st	Dec/06 12/31/06	Yes
Fred D. Littlejohn (W/M) 6101 Moncreiffe Road Fayetteville, NC 28311-2900 822-1007 (H)	11/05	2nd	Dec/08 12/31/08	No
Maxine McCoy (W/F) 112 Hillside Avenue Fayetteville, NC 28301-4828 485-1944 (H)	11/03	1st	Dec/06 12/31/06	Yes
Sylvia G. Ray (W/F) 204 Hillside Avenue Fayetteville, NC 28301-4830 484-8781/323-3377(W)	11/04	2nd	Dec/07 12/31/07	No
Susan Walters (W/F) 4100 Yarborough Road Hope Mills, NC 28348 483-1252 (H)	11/05	1st	Dec/08 12/31/08	Yes
Robbin Tatum (W/F) 6080 Cedar Creek Road Fayetteville, NC 28312-7559 433-2955/678-2402(W)	11/04	1st full	Dec/07 12/31/07	Yes
Dr. Polly Davis (W/F) 2542 S. Edgewater Drive Fayetteville, NC 28303 484-5887/678-8322(W) (Dr. Davis was appointed 9/06; however, her first term will not begin until January 2007 after Richard Higgins' board appointment expires.)	09/06	1st	Dec/09 12/31/09	Yes

Library Liaison: Commissioner J. Breeden Blackwell

Contact: Jerry Thrasher, Library Director

Meeting Date: 3rd Thursday of each month at 9:05 AM - Different Libraries within the County

APPLICANTS FOR
LIBRARY BOARD

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
FRANKLIN, BETTY (W/F) 6499 PERICAT DRIVE FAYETTEVILLE, NC 28306 425-0008/323-3418(W)	OFFICE ADMINISTRATOR	HS, SALES & NEGOTIATING COURSES
JOHANNES, ULRICH (W/M) 516 THORNGATE DRIVE FAYETTEVILLE, NC 28303 864-0420/433-1718(W)	ASSOC. NETWORK ADMINISTRATOR	BACHELORS – INFORMA- TION TECHNOLOGY
MYERS, WYNELLA A. (B/F) 706 SARAZAN DRIVE FAYETTEVILLE, NC 28303 822-5526/864-5196(W)	BUSINESS MANAGER	MA – SUPERVISION & MGT BA – MATH
NICHOLS, WILLIAM R. (W/M) 1240 MAGNOLIA CHURCH ROAD STEDMAN, NC 28391 483-3934/433-1924(W)	SURVEYOR (CITY) ORDAINED MINISTER	ASSOCIATE: MARKETING
SERVES ON THE NURSING HOME ADVISORY BOARD		
SPAIN, PHYLLIS M. (B/F) PO BOX 821 SPRING LAKE, NC 28390 484-4726/916-4974(W)	MINISTER/CHAPLAIN	DOCTORATE OF MINISTRY CLINICAL PASTORAL ED.
SERVES ON THE MENTAL HEALTH BOARD		
WADDLE, ROBERTA (W/F) 3941 GAINEY ROAD FAYETTEVILLE, NC 28306 484-7936	SEMI RETIRED	BS – BIOLOGY ED. MS – BOTANY ASSOC – EDP
WINSTEAD, SUSAN (C/F) 3204 BROADVIEW DRIVE FAYETTEVILLE, NC 28301 306-0148/630-1587(W)	BUSINESS CONSULTANT TECHNOLOGY MANAGER	BA – POLITICAL SCIENCE MS – BUSINESS ADMIN.



ITEM NO. 6E

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

November 7, 2006

November 20, 2006 Agenda Item

TO: Board of Commissioners

FROM: Ann Hymes, Deputy Clerk

SUBJECT: Nursing Home Advisory Board

BACKGROUND: On November 6, 2006, the Board of Commissioners nominated the following to fill one (1) vacancy on the Nursing Home Advisory Board:

Nominee: **Peter A. Paoni**

PROPOSED ACTION: Appoint the above.

Attachments

pc: Andrea Wright, Mid-Carolina Area Agency on Aging

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

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<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.

APPLICANTS FOR
NURSING HOME ADVISORY BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ADAMS, TIFFANY M. (B/F) 1123 CURRY FORD DRIVE FAYETTEVILLE, NC 28314 867-5976/286-1061(W) **SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**	CHURCH MUSICIAN SALES ASSOCIATE	GRADUATING FSU SPRING '06
BROWNLEE-JONES, LINDA (B/F) 5817 PETTIGREW DRIVE FAYETTEVILLE, NC 28314 867-9589 *SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE*	OUTREACH MINISTRIES	SOME COLLEGE
LLOYD, TOM (W/M) 1306 BERKSHIRE ROAD FAYETTEVILLE, NC 28305 484-6762/678-7618(W)	PLANNING DIRECTOR	BA, MA – GEOGRAPHY/ PLANNING MINOR- PSYCHOLOGY & STATISTICS



ITEM NO. 6F

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 7, 2006

November 20, 2006 Agenda Item

TO: Board of Commissioners
FROM: Ann Hymes, Deputy Clerk
SUBJECT: Transportation Advisory Board

BACKGROUND: On November 6, 2006, the Board of Commissioners nominated the following to fill nine (9) vacancies on the Transportation Advisory Board:

Nominees: City of Fayetteville Representative:
County Mental Health Director or Designee:
Emergency Medical Services Representative:
County Planning Dept. Director or Designee:
Vocational Rehabilitation Representative:
At-Large Representatives:

Victor Sharp
Densie Lucas
Wally Ainsworth
Tom Lloyd
Tammy Jackson
Charles Luther
Dianne Grumelot
T. Joel Strickland
Pam Presser (reappt.)

PROPOSED ACTION: Appoint the above.

Attachment

pc: Kristine Wagner, Transportation Program Coordinator

TRANSPORTATION ADVISORY BOARD
2 Year Term
(Staggered 2 & 3 Year Terms Initially)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>City of Fayetteville Representative</u>				
Victor Sharpe Community Development Director City of Fayetteville 433 Hay Street Fayetteville, NC 28301 433-1601	12/04	1st	Nov/06 11/30/06	Yes
<u>Urban Transit Provider Representative</u>				
Jerome Brown, Transit Director City of Fayetteville Fayetteville Area System Of Transit 455 Grove Street Fayetteville, North Carolina 28301 433-1743	12/03	2nd	Nov/05 11/30/05	No
<u>Mid-Carolina Council of Governments Director or Designee</u>				
Carolyn Tracy Mid-Carolina Council of Governments P.O. Box 1510 Fayetteville, North Carolina 28302-1510	11/05	1st	Nov/07 11/30/07	Yes
<u>County DSS Director or Designee</u>				
Crystal Black Cumberland County DSS P.O. Box 2429 Fayetteville, North Carolina 28302-2429	11/05	1st	Nov/07 11/30/07	Yes
<u>DSS Work First Representative</u>				
Ann Farrell Cumberland County DSS P.O. Box 2429 Fayetteville, North Carolina 28302-2429	11/05	1st	Nov/07 11/30/07	Yes
<u>Workforce Development Center Director or Designee</u>				
Geneva Mixon Workforce Development Center 410 Ray Avenue Fayetteville, North Carolina 28301	11/05	1st	Nov/07 11/30/07	Yes

Transportation Advisory Board

Page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Sheltered Workshop Director or Designee</u>				
Suzanne Peper	11/04	1st	Nov/06	Yes
Employment Source		full	11/30/06	
600 Ames Street				
Fayetteville, North Carolina 28301				
<u>Aging Programs Representative</u>				
Katherine VanSickle	11/05	1st	Nov/07	Yes
Cumberland County Coordinating Council On Older Adults			11/30/07	
339 Devers Street				
Fayetteville, North Carolina 28303				
<u>County Mental Health Director or Designee</u>				
Densie Lucas	01/04	1st	Nov/05	Yes
CC Area Mental Health Center		full	11/30/05	
109 Bradford Avenue				
Fayetteville, North Carolina 28301-5496				
323-0601(W)				
<u>Emergency Medical Services Representative</u>				
Wally Ainsworth	11/04	1st	Nov/06	Yes
Cumberland County EMS			11/30/06	
610 Gillespie Street				
Fayetteville, North Carolina 28306				
<u>County Representative</u>				
Juanita Pilgrim	12/02	2nd	Nov/04	No
Deputy County Manager			11/30/04	
P.O. Box 1829				
Fayetteville, North Carolina 28302-1829				
<u>County Planning Department Director or Designee</u>				
Tom Lloyd	11/04	1st	Nov/06	Yes
Cumberland County Planning Department			11/30/06	
P.O. Box 1829				
Fayetteville, North Carolina 28302-1829				
<u>County Health Director or Designee</u>				
Sharon Stanley	11/05	2nd	Nov//07	No
Cumberland County Health Dept.			11/30/07	
227 Fountainhead Lane				
Fayetteville, North Carolina 28301				

Transportation Advisory Board

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<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Private Transportation Provider Representative</u>				
David Walker, Jr. 1902 J N. Sanshills Boulevard Aberdeen, North Carolina 28301	12/02	2nd	Nov/04 11/30/04	No
<u>At-Large Representatives</u>				
Elyse Arthur 725 West Rowan Fayetteville, NC 28301 483-2719	02/04	1 st	Nov/05 11/30/05	Yes
Natasha Scott Board of Education 2465 Gillespie Street Fayetteville, North Carolina 28306 678-2419	11/04	1st	Nov/06 11/30/06	Yes
Dana Stoogenke P.O. Drawer 1510 Fayetteville, NC 28302 323-4191, ext. 34(W)	11/04	1 st	Nov/06 11/30/06	Yes
Pam Presser Dept. of Social Services 1225 Ramsey Street Fayetteville, North Carolina 28301 677-2531	11/04	1st	Nov/06 11/30/06	Yes

**Board was created by the Commissioners on 11/6/00.

Meetings: Second Tuesday in first month of Quarter at 11:00 AM.

Location: Lafayette Room -- City Hall.



ITEM NO. 66

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 7, 2006

November 20, 2006 Agenda Item

TO: Board of Commissioners
FROM: Ann Hymes, Deputy Clerk
SUBJECT: Workforce Development Board

BACKGROUND: On November 6, 2006 the Board of Commissioners nominated the following to fill two (2) vacancies on the Workforce Development Board:

Rehabilitation Representative: **Ellen Morales**

Economic Development Representative: **William A. Martin** (reappointment)

I have attached the current membership list for this board.

PROPOSED ACTION: Appoint the above.

Attachments

pc: Patrick Hurley, Workforce Development Center

CUMBERLAND COUNTY WORKFORCE DEVELOPMENT BOARD
(FORMERLY, PRIVATE INDUSTRY COUNCIL)
3 Year Terms

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Private Sector:</u>				
Kathy Olsen (W/F) Olsen Realty 854 S. Reilly Road Fayetteville, NC 28314 964-1459	9/05	1 st full	Sept/08	Yes
Bob Dickerson (W/M) Tire Battery Corporation 107 Tom Starling Road, Suite 101 Fayetteville, NC 28306	9/05	2nd	Sept/08	No
Loleta L. Wilkerson (/F) Pentagon Federal Credit Union 1800 Skibo Road, Suite 320 Fayetteville, NC 28303 487-3404/868-5594(W)	10/05	1st	Oct/08	Yes
Annie Hasan (B/F) Children's World Creative School 408 Spring Avenue Spring Lake, NC 28390 497-8770	9/05	2nd	Sept/08	No
Leesa Jensen (W/F) CBI Technologies 719 Ashfield Drive Fayetteville, NC 28311	8/03	2nd	Sept/06	No
W. G. McHenry (W/M) 3648 Lakeshore Drive Fayetteville, NC 28348 425-6863	8/03	2nd	July/06	No
JoLeita Evans (W/F) 2974 Evans Dairy Road Fayetteville, NC 28312 483-9065/484-5972(W)	11/05	1st	Nov/08	Yes

CUMBERLAND COUNTY WORKFORCE DEVELOPMENT BOARD

Page 2

Name/Address	Date Appointed	Term	Expires	Eligible For Reappointment
Tim Owen (W/M) Owen Garden Center 5995 Clifdale Road Fayetteville, NC 28304 864-2905	8/04	2nd	Aug/07	No
Wendall Troy(B/M) School Link, Inc. P.O. Drawer 36067 Fayetteville, NC 28303 223-2116, Ext. 101	2/06	2nd	Feb/09	No
Charles A. Richter (/M) NCNG 235 N. McPherson Church Rd. – Ste. 203 Fayetteville, NC 28303 401-6063	10/05	1st	Oct/08	Yes
Mike Baldwin (W/M) 1337 Sawyer Court Hope Mills, NC 28348 323-9493/426-5000(W)	6/06	1st	June/09	Yes
Jean Harrison (/F) Cape Fear Valley Medical Center P.O. Box 2000 Fayetteville, NC 28302-2000	6/06	1st	June/09	Yes
<u>Public Sector:</u>				
Social Services Representative: Vivian Tookes(B/F) Dept. of Social Services P. O. Box 2429 Fayetteville, NC 28302 323-1540	9/05	2nd	Sept/08	No
<u>Rehabilitation:</u>				
Billy Cupit (W/M) North Carolina Department of Human Resources Division of Vocational Rehabilitation Services 1200 Fairmont Court Fayetteville, NC 28304	8/02			

CUMBERLAND COUNTY WORKFORCE DEVELOPMENT BOARD

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<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Community Based Organization:</u>				
Patricia Tyson(W/F) Consumer Credit Counseling Service 316 Green Street Fayetteville, NC 28301 323-3192	9/05	2nd	Sept/08	No
Dr. Robin Jenkins (W/M) Communicare, Inc. P.O. Box 30 Fayetteville, NC 28302 433-1116	2/06	2nd	Feb/09	No
Suzanne Peper (/F) Employment Source 600 Ames Street Fayetteville, NC 28301 485-4341	1/05	1st	Jan/08	Yes
<u>Economic Development:</u>				
William A. Martin (W/M) Cumberland Co. Business Council P. O. Box 8 Fayetteville, NC 28302 484-4242, ext. 228	8/03	1st	July/06	Yes
<u>Employment Service:</u>				
Glenn McQueen (B/M) Employment Security Comm. 414 Ray Avenue Fayetteville, NC 28301 486-1010	8/02			
<u>Labor:</u>				
Damita Rucker-Ash(B/F) United Steelworkers of America 5839 Corner Oaks Drive Hope Mills, NC 28348 423-8479	9/05	2nd	Sept/08	No

CUMBERLAND COUNTY WORKFORCE DEVELOPMENT BOARD

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<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Education:</u>				
Dr. Edward Jackson (W/M) Fayetteville Technical Community College P. O. Box 35236 Fayetteville, NC 28303	8/03	1st	July/06	Yes
Chancellor T. J. Bryan (B/F) Fayetteville State University 1200 Murchison Road Fayetteville, NC 28301 486-1141	1/05	1st	Jan/08	Yes
<u>County Representative:</u>				
Juanita Pilgrim Asst. County Manager P. O. Box 1829 Fayetteville, NC 28302 678-7726	7/93	N/A	N/A	N/A

Contact: Patrick Hurley, Director, CC Workforce Development Center

Regular Meetings: 1st Tuesday, every other month, noon, site varies
(Name Changed to Cumberland County Workforce Development Board, November, 1995)

ITEM NO. 7A

CLOSED SESSION

**Personnel Matter Pursuant
to NCGS 143-318.11(a)(6)**

ITEM NO. 7B

CLOSED SESSION

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