
AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
OCTOBER 16, 2006
6:45 PM

INVOCATION - Commissioner Talmage Baggett

PLEDGE OF ALLEGIANCE –

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

1. Consent Agenda

A. Approval of minutes for the October 2, 2006 regular meeting.

B. Approval of Proposed Additions to the State Secondary Road System:

The Woods at Birch Creek Subdivision: Frontera Place, Franciscan Drive
Marcus James Drive (SR 4901 Ext.)
Lambrusco Place

Baywood Subdivision: Bent Grass Drive (SR 2072 Ext.)

No Subdivision Listed: Dusty Lane (SR 2562 Ext.)

C. Approval of Proposed Increase in the 2006 Flu and Pneumonia Vaccine Fees.

D. Approval of and Authorization to Record Restrictive Covenants for Cedar Creek Business Center.

E. Approval of a Resolution of Intent for the Town of Hope Mills to Rejoin the Cumberland County Joint Planning Board and Directing Staff to Prepare Interlocal Agreement for Consideration by the Governing Boards.

F. Approval of the Department of Social Services Work First Program Plan – October 1, 2007 – September 30, 2009.

G. Approval of Adoption of a Resolution Consenting to Tax-Exempt Financing by the Cumberland Road Volunteer Fire Department to Refinance a Current Loan and Purchase a New Fire Truck.

H. Approval of Ordinance Assessing Property for the Cost of Demolition.

Case Number: MH 4425-2005
Property Owners: Glenn Anthony McLaurin, Luttie Kay McLaurin, John A. McLaurin and Elizabeth Dorff
Property Location: 2710 Gilbert McLaurin Road, Fayetteville, NC
Parcel ID No: 0469-53-3146

I. Approval of Declaration of Foreclosed Real Property as Surplus.

J. Approval of Memorandum of Understanding Between the North Carolina Cooperative Extension Service and Cumberland County.

K. Approval of Declaration of Surplus County Property and Authorization to Accept Insurance Settlement.

L. Approval of a Proclamation Proclaiming October 26, 2006 as "ShowBiz Day" in Cumberland County.

M. Budget Revisions:

(1) Civic Center

Revision in the amount of \$2,825 to budget for insurance settlement received for parking lot light damage. (B07-140) **Funding Source – Insurance Settlement**

(2) Eastover Sanitary District

Revision in the amount of \$25,000 to appropriate fund balance for additional legal services and feasibility study. (B07-141) **Funding Source – Eastover Sanitary District Fund Balance**

(3) Health

Revision in the amount of \$7,644 to budget anticipated state revenue for the mosquito program. (B07-143) **Funding Source - State**

(4) Mental Health

- a. Therapeutic Alternative for Safe Community - Revision in the amount of \$42,000 to budget new counselor position per state funding. (B07-144) **Funding Source – State**

b. Revisions in the amount of \$551,851 to budget additional state funding for contracted services. (B07-145 thru B07-148) **Funding Source – State**

(5) Juvenile Crime Prevention Council

Revision in the amount of \$4,287 to appropriate fund balance to refund FY2006 unspent funds. (B07-149) **Funding Source – Juvenile Crime Prevention Fund Balance**

(6) Board of Education

Revision in the amount of \$1,148,113 to appropriate fund balance to rebudget unexpended funds from FY2006. (B07-151) **Funding Source – General Fund Fund Balance**

(7) Sheriff

Revision in the amount of \$116 to appropriate fund balance to budget interest earned in prior years. (B07-152) **Funding Source – Interest**

N. Approval of Deputy Finance Officer for Crown Center.

2. Public Hearings

Uncontested Cases

Rezoning

- A. Case P06-61. The rezoning of seven parcels totaling 15.53 acres from R6 to C(P), or to a more restrictive zoning district, located on the south side of Andrews Road, west of Ramsey Street, owned by Clyde A. Culbreth, et. al.
- B. Case P06-67. The rezoning of 101.04 acres from RR to R10, or to a more restrictive zoning district, located at the southeast quadrant of Camden and Waldos Beach Roads, owned by March F. Riddle.
- C. Case P06-69. The rezoning of a .70 acre portion of a .89 acre tract from R10 to C1(P), or to a more restrictive zoning district, at 3725 Cumberland Road, owned by Dancarol Real Estate, Ltd.

Other Public Hearings

- D. Public Hearing to Consider Revised Flood Damage Prevention Ordinance.

Items of Business

- 3. Nominations to Boards and Committees
 - A. Wrecker Review Board (1 Vacancy)
- 4. Appointments to Boards and Committees
 - A. Adult Care Home Community Advisory Committee (3 Vacancies)
 - Nominees: Stephanie Hodges (Reappointment)
 - Edgar F. Merritt
 - Kristin Sharp
 - B. Criminal Justice Partnership Advisory Board (1 Vacancy)
 - Nominee: Jeannette Council
 - C. Human Relations Commission (2 Vacancies)
 - Nominees: Bobby Ervin (Reappointment)
 - Zeandrew Farrow (Reappointment)
 - D. Minimum Housing Appeals Board (1 Vacancy)
 - Nominee: I. J. McNeil
- 5. Closed Session:
 - A. Economic Development Matters
Pursuant to NCGS 143-318.11(a)(4).

ADJOURN

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

MEETINGS: November 6, 2006 (Monday) - 9:00 AM
November 20, 2006 (Monday) – 6:45 PM



ITEM NO. 1B

COUNTY of CUMBERLAND

James E. Martin
County Manager

Cliff Spiller
Assistant County Manager

Juanita Pilgrim
Deputy County Manager

Office of the County Manager

Amy H. Cannon
Assistant County Manager

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF OCTOBER 16, 2006

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER

DATE: OCTOBER 6, 2006

SUBJECT: PROPOSED ADDITIONS TO THE STATE SECONDARY ROAD SYSTEM

BACKGROUND

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

<u>The Woods at Birch Creek Subdivision:</u>	Frontera Place, Franciscan Drive Marcus James Drive (SR 4091 Ext.) Lambrusco Place
<u>Baywood Subdivision:</u>	Bent Grass Drive (SR 2072 Ext.)
<u>No Subdivision Listed:</u>	Dusty Lane (SR 2562 Ext.)

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

RECOMMENDATION

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

PROPOSED ACTION

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

/ct
Attachments



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

October 9, 2006

Division Six - District Two
Cumberland County

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

Subject: Secondary Road Addition

Dear Mr. King,

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

The Woods at Birch Creek Subdivision

- Frontera Place
- Franciscan Drive
- Marcus James Drive (SR 4091 Ext.)
- Lambrusco Place

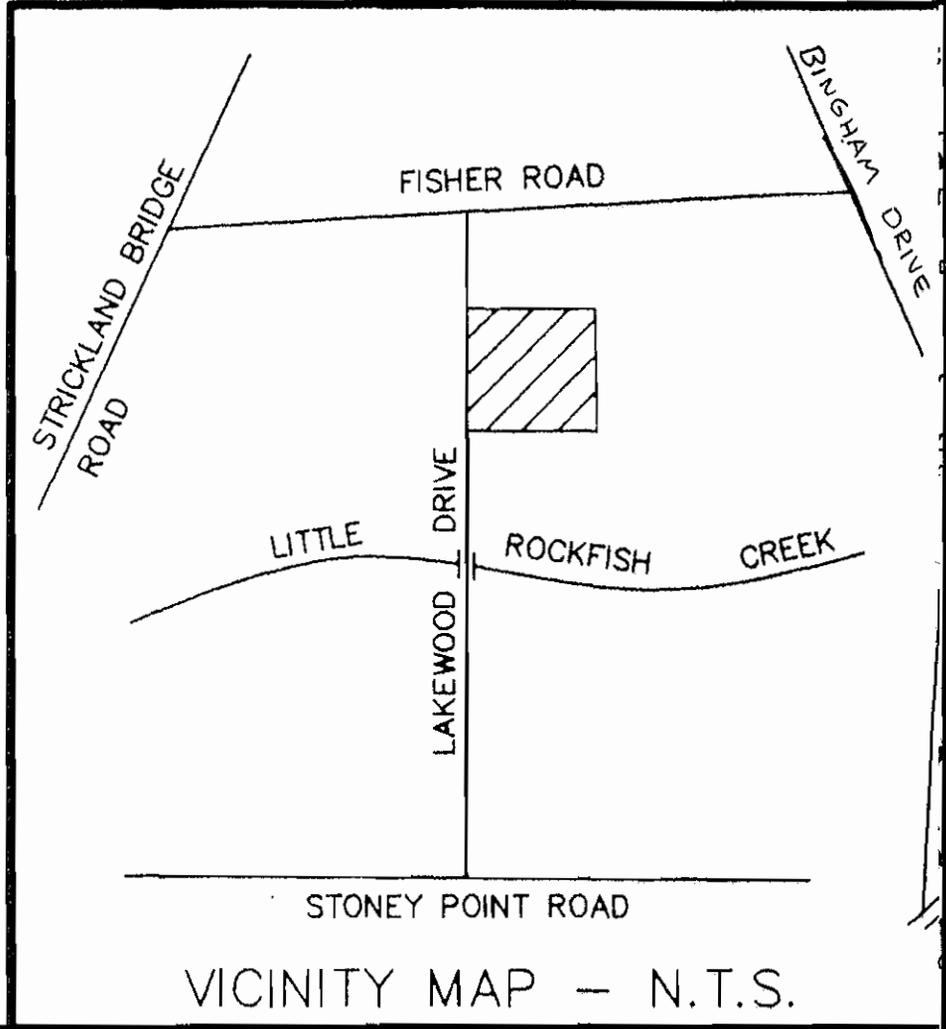
It is our recommendation that the above named street(s) be placed on the State's Secondary Road System. If you and your Board concur in our recommendation, please submit a resolution to this office.

Sincerely,

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

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

RRS:rdp



NOTES :

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

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

There are no nonconforming structures created by this subdivision.

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

All distances are horizontal ground distances.

Area computed by coordinate method.

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

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



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

October 9, 2006

Division Six - District Two
Cumberland County

Mr. Billy R. King, Chairman
Cumberland County Board of Commissioners
Post Office Box 1829
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Subject: Secondary Road Addition

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

Baywood Subdivision

- Bent Grass Drive (SR 2072 Ext.)

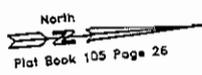
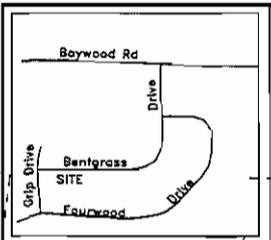
It is our recommendation that the above named street(s) be placed on the State's Secondary Road System. If you and your Board concur in our recommendation, please submit a resolution to this office.

Sincerely,

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

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

RRS:rdp



CURVE	RADIUS	TANGENT	LENGTH	DELTA	DEGREE	CHORD	CH.BEARING
C-6	647.76'	6.28'	12.56'	1°06'41"	8°50'43"	12.56'	N 03°29'08"E
C-7	647.76'	10.02'	20.03'	1°46'18"	8°50'43"	20.03'	N 04°55'38"E
C-8	647.76'	4.67'	9.33'	0°49'32"	8°50'43"	9.33'	N 06°13'33"E
C-9	1894.96'	15.61'	31.23'	0°53'49"	2°52'19"	31.23'	N 06°11'25"E
C-10	1894.96'	10.91'	21.82'	0°54'00"	2°52'19"	21.82'	N 06°17'05"E
C-11	2054.96'	16.54'	33.07'	0°55'20"	2°47'17"	33.07'	S 05°17'20"W
C-12	2054.96'	15.94'	31.87'	0°53'19"	2°47'17"	31.87'	S 06°11'40"W
C-13	587.76'	5.17'	10.34'	1°00'30"	9°44'53"	10.34'	S 06°08'04"W
C-14	587.76'	10.01'	20.02'	1°57'07"	9°44'53"	20.02'	S 04°39'15"W
C-15	587.76'	3.84'	7.68'	0°44'54"	9°44'53"	7.68'	S 03°16'15"W

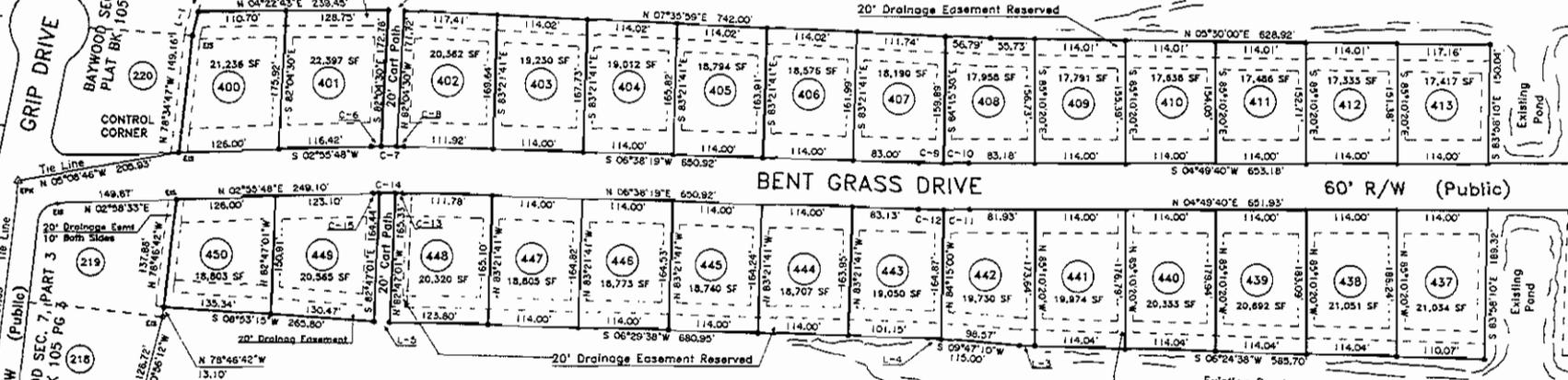
COURSE	BEARING	DISTANCE
L-1	N 71°16'52"W	31.72'
L-2	N 07°56'16"E	20.00'
L-3	S 06°24'30"W	19.46'
L-4	S 09°47'10"W	16.43'
L-5	S 07°13'35"W	20.00'

D.S. Golf Centers, LLC
 Db 5310 Pg 166
 BAYWOOD GOLF COURSE
 Plat Bk 97 Pg 158

- NOTES:
- 1) no horizontal control located within 2,000'.
 - 2) All distances shown are horizontal ground distances.
 - 3) Area by Coordinate Computations.
 - 4) This property is subject to easements and restrictions of record.
 - 5) Building Setback Limits ... 30' Front Yard
10' Side Yard
15' Side Yard Adjoining Cart Path
35' Rear Yard
 - 6) Water & Sewer By PWC of Fayetteville.

Nonconforming structures have not been created by this subdivision.
 The individual lots in this development do not have public sewer and/or water services available and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private water wells as of the date of this recording.

00509
 BK110 Pg 149



D.S. Golf Centers, LLC
 Db 5310 Pg 166
 BAYWOOD GOLF COURSE
 Plat Bk 97 Pg 158

Approved by _____ on the _____ day of _____, 2004.
 Signed _____ (Seal)
 Chairman, Planning Commission

CERTIFICATE OF OWNERSHIP AND DEDICATION
 The undersigned hereby acknowledges that the land shown on this plat is within the subdivision jurisdiction of Cumberland County and that this plat and allotment is our free act and deed and that we do hereby dedicate forever all areas shown or indicated on said plat.

LEGEND:
 EIS ... Existing Iron Stake
 EPK ... Existing P.K. Nail
 O ... Iron Stake Set
 --- Lines Surveyed
 ... Lines Not Surveyed



Thomas J. Gooden
 Professional Land Surveyor L-3196

I certify that this survey creates a subdivision of land within the area of a county or municipality that has an ordinance that regulates parcels of land.
 Thomas J. Gooden PLS L-3196

State of North Carolina
 Cumberland County
 I, Jodi DeLamont Barnett Notary Public
 of the County and State aforesaid,
 certify that Gene F. Wilford Sr.
 personally appeared before me this day and acknowledged
 the execution of the foregoing instrument.
 Witness my hand and official stamp or seal,
 this 5th day of January, 2004.
Jodi DeLamont Barnett
 Notary Public
 My commission expires 2/10/17

DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 NO APPROVAL NECESSARY
 RR Stone
 DISTRICT ENGINEER
 1-5-04
 DATE

149

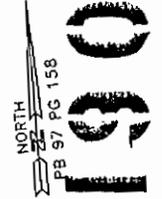
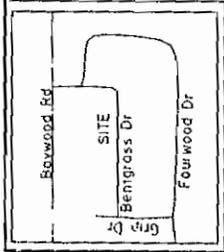
STATE OF NORTH CAROLINA
 COUNTY OF CUMBERLAND
 I, Donna McFayton REVIEW OFFICER OF
 CUMBERLAND COUNTY, CERTIFY THAT THE MAP
 TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL
 STATUTORY REQUIREMENTS FOR RECORDING
Donna McFayton
 REVIEW OFFICER
 Jan 5, 2004
 DATE

GOODEN & ASSOCIATES, INC.
 1745 CYPRESS LAKES ROAD
 HOPE MILLS, N.C. 28348
 PHONE 910-223-7766
 FAX 910-223-7788

Deed Reference
 Deed Book 5751 Page 816 DRAWING # 03386A
 100 0 100 200 300
 GRAPHIC SCALE - FEET

SUBDIVISION SURVEY
BAYWOOD
 SECTION SIX PART ONE
 EASTOVER TOWNSHIP
 CUMBERLAND COUNTY NORTH CAROLINA
 SCALE 1" = 100'
 OCTOBER 7, 2003

BK 110 Pg 149



VICINITY MAP
(NOT TO SCALE)

LEGEND:
 EIS ... Existing Iron Stake
 EPK ... Existing PK Nail
 O ... Iron Stake Set
 --- ... Lines Surveyed
 - - - - - ... Lines Not Surveyed

- NOTES:
- 1) No horizontal control located within 2,000'.
 - 2) All distances shown are horizontal ground distances.
 - 3) This subdivision is subject to easements and restrictions of record.
 - 4) Building setbacks limits ... 30' Front Yard ... 35' Rear Yard ... 5' Side Yard
 - 5) Water & Sewer by PWC of Fayetteville.
 - 6) Nonconforming structures have not been created by this subdivision.
 - 7) All structures shown are subject to local zoning ordinances and/or water service available and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private water wells as of the date of this recording.

Approved by the Cumberland County Planning Board on the 28th day of October, 2004.
 Signed: *Thomas J. Gooden*
 Chairman/Planning Director

N/F
 D.S. GOLF CENTERS, LLC
 DB 5310 PG 166
 BAYWOOD GOLF COURSE
 PB 97 PG 158

N/F
 D.S. GOLF CENTERS, LLC
 DB 5310 PG 166
 BAYWOOD GOLF COURSE
 PB 97 PG 158

N/F
 D.S. GOLF CENTERS, LLC
 DB 5310 PG 166
 BAYWOOD GOLF COURSE
 PB 97 PG 158

N/F
 D.S. GOLF CENTERS, LLC
 DB 5310 PG 166
 BAYWOOD GOLF COURSE
 PB 97 PG 158

N/F
 D.S. GOLF CENTERS, LLC
 DB 5310 PG 166
 BAYWOOD GOLF COURSE
 PB 97 PG 158

N/F
 D.S. GOLF CENTERS, LLC
 DB 5310 PG 166
 BAYWOOD GOLF COURSE
 PB 97 PG 158

COURSE	BEARING	DISTANCE	LENGTH	DEGTA	CHORD	CALCULATED
C-1	S 09°17'39"E	10.87	30.25	5°00'51"	30.24	N 00°10'12"E
C-2	N 03°05'25"W	4.98	10.30	3°28'17"	10.30	N 02°02'19"W
C-3	S 03°05'25"W	5.08	10.30	3°28'17"	10.30	N 02°02'19"W
C-4	N 86°12'32"E	114.00	100.00	1°00'00"	100.00	N 89°42'08"W
C-5	S 85°10'20"W	114.00	100.00	1°00'00"	100.00	N 89°42'08"W
C-6	N 86°12'32"E	114.00	100.00	1°00'00"	100.00	N 89°42'08"W
C-7	S 85°10'20"W	114.00	100.00	1°00'00"	100.00	N 89°42'08"W
C-8	N 86°12'32"E	114.00	100.00	1°00'00"	100.00	N 89°42'08"W
C-9	S 85°10'20"W	114.00	100.00	1°00'00"	100.00	N 89°42'08"W
C-10	N 86°12'32"E	114.00	100.00	1°00'00"	100.00	N 89°42'08"W
C-11	S 85°10'20"W	114.00	100.00	1°00'00"	100.00	N 89°42'08"W
C-12	N 86°12'32"E	114.00	100.00	1°00'00"	100.00	N 89°42'08"W
C-13	S 85°10'20"W	114.00	100.00	1°00'00"	100.00	N 89°42'08"W
C-14	N 86°12'32"E	114.00	100.00	1°00'00"	100.00	N 89°42'08"W
C-15	S 85°10'20"W	114.00	100.00	1°00'00"	100.00	N 89°42'08"W
C-16	N 86°12'32"E	114.00	100.00	1°00'00"	100.00	N 89°42'08"W

EXISTING RAILROAD
 OF THREE WOOD DR
 AND BENTGRASS DR

53184
 RECEIVED
 10-28-2004
 REGISTERED TO BLENB
 CURRER AND CO., P.L.L.C.

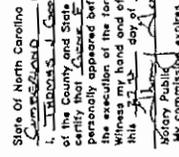
BK112 PG 190

STATE OF NORTH CAROLINA
 COUNTY OF CUMBERLAND
 I, *Donna M. Frazier*, REVIEW OFFICER OF
 CUMBERLAND COUNTY, CERTIFY THAT THE MAP
 TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL
 STATUTORY REQUIREMENTS FOR RECORDING.

Donna M. Frazier
 REVIEW OFFICER
 DATE 10-28-04

DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS
 CONSTRUCTION STANDARDS CERTIFICATION
 APPROVED *E.E. STAVE*
 DATE 10-28-04

N/F
 D.S. GOLF CENTERS, LLC
 DB 5310 PG 166
 BAYWOOD GOLF COURSE
 PB 97 PG 158



State of North Carolina
 Cumberland County
 I, *Thomas J. Gooden*, a Notary Public
 of the County and State aforesaid,
 personally appeared before me this day and acknowledged
 the execution of the foregoing instrument.
 Witness my hand and official stamp of seal,
 this 28th day of October, 2004.
 Notary Public
 My commission expires 10/28/2006

CERTIFICATE OF OWNERSHIP AND DEDICATION
 The undersigned hereby acknowledges that the land shown
 on this plat is within the subdivision regulation jurisdiction
 of Cumberland County and that this plat and instrument is
 in compliance with the provisions of the subdivision regulation
 act and that the undersigned hereby dedicates forever
 all areas shown or indicated on said plat.



I, *Thomas J. Gooden*, certify that this plat was drawn
 under my supervision from an actual survey, recorded in
 Book *5310* Page *166* of the Public Records of Cumberland
 County, North Carolina, and that the boundaries not
 surveyed are clearly indicated as drawn from information
 found in Book *5310* Page *166* of the Public Records of
 Cumberland County, North Carolina, and that the ratio of
 precision as calculated is 1:10,000+;
 that this plat was prepared in accordance with
 G.S. 47-30 as amended.
 Witness my original signature, registration
 number and seal this 22 day of October, A.D., 2004.

Thomas J. Gooden
 Professional Land Surveyor L-3196

I certify that this survey creates a subdivision of land
 within the area of a county or municipality that has
 an ordinance that regulates parcels of land.

Thomas J. Gooden
 (Thomas J. Gooden PLS L-3196)

BK 112 PG 190

A ZERO LOT LINE DEVELOPMENT
 SUBDIVISION SURVEY FOR
BAYWOOD
 SECTION SIX PART TWO
 EASTOVER TOWNSHIP
 NORTH CAROLINA
 CUMBERLAND COUNTY
 SCALE 1" = 100'

GOODEN & ASSOCIATES, INC.
 1745 CYPRESS LAKES ROAD
 HOPE MILLS, N.C. 28348
 PHONE 910-223-7766
 FAX 910-223-7788

DEED REFERENCE
 DB 5751 PG 816 DRAWING # 03386-A1

OWNER:
 TOP CHOICE PROPERTIES, INC.
 111 DUNN ROAD
 FAYETTEVILLE, N.C. 28301
 (910) 483-2290

60' R/W (Public)
 BENT GRASS DRIVE
 BAYWOOD SEC. 6 PART 1
 PB 110 PG 149
 BAYWOOD SEC. 6 PART 1
 PB 110 PG 149



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

October 9, 2006

Division Six - District Two
Cumberland County

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

Subject: Secondary Road Addition

Dear Mr. King,

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

- Dusty Lane (SR 2562 Ext.)

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

Sincerely,

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

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

RRS:rdp



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: October 3, 2006

RE: Approval of Proposed Increase in the 2006 Flu and Pneumonia Vaccine Fees

BACKGROUND

At the Board of Health meeting on September 19, 2006, the Board unanimously approved an increase of the fees for the Flu and Pneumonia Vaccines. This increase brings our fees in line with our current costs and in line with our community partners. Historical data is as follows:

VACCINE	2005 FEE	2006 PROPOSED FEE
Flu	\$20.00	\$25.00
Pneumonia	\$25.00	\$35.00

RECOMMENDATION/PROPOSED ACTION

Management requests to have this item placed on the next County Commissioners' meeting agenda for their approval to change the aforementioned Fees.

/dwmc





ITEM NO. 1D

COUNTY of CUMBERLAND

Office of the County Attorney

October 3, 2006

MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA OF OCTOBER 16, 2006

TO: BOARD OF COMMISSIONERS

FROM: GRAINGER R. BARRETT, COUNTY ATTORNEY 

SUBJECT: APPROVAL OF AND AUTHORIZATION TO RECORD RESTRICTIVE COVENANTS FOR CEDAR CREEK BUSINESS CENTER

BACKGROUND: FAEDC, the County Engineer and the County Attorney have prepared proposed Restrictive Covenants to provide comprehensive standards and a unified plan of development for Cedar Creek Business Center. These are adapted from the covenants filed for the Cumberland Industrial Center. The proposed Restrictive Covenants are attached.

RECOMMENDATION: Approve proposed Restrictive Covenants, authorize Chairman to sign on behalf of County, and authorize recording in the Cumberland County Registry.

Atch.

RESTRICTIVE COVENANTS

**CEDAR CREEK
BUSINESS
CENTER**

**RESTRICTIVE COVENANTS
CEDAR CREEK BUSINESS CENTER**

WHEREAS, Cumberland County (the "COUNTY") is the owner of certain property in Cumberland County, North Carolina known as THE CEDAR CREEK BUSINESS CENTER (the "CENTER"), a plat of which has been duly recorded in Plat Book 99, Page 33 of the Cumberland County, North Carolina Registry, as supplemented by plat duly recorded in Plat Book 117, Page 26 of the said Registry; and

WHEREAS, the COUNTY desires to provide for the preservation of the values and amenities in said CENTER and under a general plan or scheme of improvement desires to subject said CENTER to the covenants, restrictions, easements, affirmative obligations, charges and liens hereinafter set forth, hereinafter referred to as the "Covenants" or the "Declaration", all of which is hereby declared to be for the benefit of said property and each and every owner of any and all parts thereof; and

WHEREAS, the following Restrictive Covenants are made for and in consideration of the mutual covenants existing or hereinafter to exist by and between the COUNTY and the grantee or grantees of any site or lot lying within the boundaries of the CENTER, and are made with the express intent of ensuring the orderly development of the CENTER and ensuring that new site development is harmonious with existing development, the

environment and the Master Plan for the CENTER. Said covenants shall run with the land as hereinafter described.

NOW, THEREFORE, the COUNTY, for itself, its successors and assigns, subjects the CENTER to the following restrictive covenants and conditions, all of which shall run with the land and be binding upon all grantees of any portion of or site in the CENTER:

1. **Permitted Principal Uses and Structures.** Those principal uses and structures permitted by the zoning district regulations applicable to any property within the CENTER will be permitted. The COUNTY, however, expressly reserves the right to limit or restrict the use of a particular site or lot or particular sites or lots, by attaching additional restrictive covenants to particular sites or lots at or prior to closing.

2. **Approval of Site and Development Plans.** Before commencing development involving a new structure, building or use, or involving an addition, alteration or change to an existing structure, building or use on or to any site or lot in the CENTER, the property owner shall:

(1) Submit site plans to the appropriate governmental zoning review agency in accordance with its zoning regulations for approval.

(2) Submit development plans to the County Manager for review as to conformity with the restrictive covenants contained herein.

3. **Requirements for Site Plans.** A site plan shall include all information required by the relevant zoning ordinance and at least the following (whether required by the ordinance or not):

(a) A plat of the property to be developed, showing the dimensions and shape of the property, required setback lines, the exact sizes, location and height of all existing structures (including signs, fences and walls) and buildings, and of all proposed structures (including signs, fences and walls) and buildings, or additions or alterations to existing structures (including signs, fences and walls) and buildings, including any additions, alterations, or expansions for which plans have been made, but are not expected to be implemented immediately.

(b) The topography of the area to be developed, with contour intervals of five (5) feet or less, showing existing physical features, including all existing trees of six (6) inches or greater in caliper and all intermittent or perennial watercourses.

(c) The location and size of all existing and proposed streets, alleys, sidewalks, pedestrian ways, curbs and other curb cuts, gutters, parking and loading areas (indicating the number of parking spaces), open space and outdoor storage areas to be developed within the site.

- (d) The location and size of all existing and proposed sanitary and storm sewers and culverts, and water, gas, telephone, electric and other utility lines that are within or which serve the site to be developed. Easements existing or proposed for such installations shall be shown.
- (e) The nature and manner of any and all excavations and grading proposed for the site, including fill, compaction, and slope planting and treatment.
- (f) A tabulation of the total square footage of the property to be developed, showing what percentage and number of square feet is proposed to be devoted to uses, including off-street parking or loading areas, open or landscaped areas and other major uses.

4. The Development Plan Shall Include:

- (a) A copy of the site plan.
- (b) An architectural plan including proposed elevations, building materials, building covers, exterior wall colors, and signage.
- (c) The location, height, type and material of all plantings, landscaping, screening, walls, fences, signs, outdoor lighting systems, required or otherwise.
- (d) The location of all dumpsters or other outdoor trash receptacles.
- (e) The specific use to which each building or structure will be put, the square footage of floor area to be put to each such use and, for traffic generation estimates, the estimated number of employees who will work therein, and the shifts they will work.
- (f) The type of wastes or by-products, if any, to be generated and the proposed method of disposal of such.

5. Procedures for Plan Reviews.

- (a) The procedure for the site plan review shall be those contained within the applicable zoning ordinance.
- (b) Development plan review - two (2) copies of all development plans shall be submitted to the County Manager, who shall have up to fourteen (14) days to review the plans and to notify the applicant of his/her decision taken with respect to the plan, which may include approval, approval subject to condition(s), disapproval, and/or specific waivers of restrictive covenants contained herein (and said waiver is filed in the Register of Deeds Office as a partial release of restrictive covenants). In case of conditional approval, the applicant shall make the necessary changes and submit two (2) copies of the revised plan for approval.

- (1) An approved development plan shall expire and shall be null and void unless a building permit for the construction of substantial elements of said plan or plans has been issued within a period of one (1) year after approval.
- (2) If it becomes necessary for an approved development plan to be changed, such change may be made only with the written approval of the County Manager.

6. **Development Standards.** All structures, buildings and improvements within the CENTER shall be constructed and maintained in conformance with the following standards, unless the County Manager approves a specific exception, in writing and said exception is filed in the Register of Deeds Office as a partial release of restrictive covenants.

- (a) **General Standards.** All development shall be in conformance with the building, zoning, subdivision, property maintenance and other ordinances, statutes, and/or regulations of the COUNTY and the State of North Carolina, unless appropriate variances have been granted.
- (b) **Building Groups.** Multiple structures, including accessory buildings, planned for one lot or site shall be designed in a unified architectural style and be unified spatially.
- (c) **Setbacks.** No building or structure shall be erected within any building setback area specified by the Cumberland County Zoning Ordinance as in effect at the time of construction of any such building. The areas between the property and building setback lines are to be used only for landscaping, lawns, walks, driveways, and approved identification signs, provided, however, employee and visitor parking areas shall be allowed no closer than twenty-five (25) feet to a property line. No off-street parking shall be permitted within these areas, except with the written permission of the County Manager and filed in the Register of Deeds Office as a partial release from restrictive covenants.
- (d) **Landscaping.** All sites and lots shall be landscaped between all property and building lines within ninety (90) days of completion of construction or as weather permits. Landscaping may include lawns, trees and shrubs. If landscaping materials are destroyed or die, they shall be replaced as soon as practicable during the next suitable planting season. All landscaping must be included as part of the architectural plan review described hereinabove.
- (e) **Site Coverage Ratio.** To insure the attractiveness of the CENTER and to provide for adequate space for off-street parking, buildings, structures and parking areas shall not cover more than sixty percent (60%) of the site or lot.
- (f) **Construction Standards.** All buildings, structures and improvements shall be constructed and maintained in accordance with the following standards, unless an

exception is approved in writing by the County Manager and filed in the Register of Deeds Office as a partial release from restrictive covenants.

(1) No wood frame structures will be permitted.

(2) Exterior walls of all structures and buildings shall be brick, tilt-up concrete, concrete panels, or their industry approved equivalent. Exterior metal walls shall not be permitted below 24 feet above average mean grade. All plans are subject to the approval of the County Manager as above described.

(3) The County Manager shall approve the color of all exterior walls, including those that are resurfaced or repainted, as part of the development plan review.

- (g) **Parking and Storage of Motor Vehicles and Equipment.** Owners of property within the CENTER shall not permit their employees, tenants or visitors to park on public streets within the CENTER except within spaces duly designated by the County Manager for parking. Property owners must provide suitable concrete, asphalt, bituminous or similarly surfaced off-street parking spaces and driveways in conformance with the COUNTY's development standards. To enhance the appearance of the CENTER, whenever possible, parking and service areas shall be located on those sides of each building which do not front on a street. Concrete curb and gutter shall be required for all driveways and parking areas.
- (h) **Loading Areas.** No loading docks or areas shall be constructed or located fronting on any street or proposed street or within any required setback areas, without written approval by the County Manager and which approval has been filed in the Register of Deeds Office as a partial release from restrictive covenants.
- (i) **Outside Storage.** No new materials, supplies, waste or rubbish shall be stored in any area except inside an enclosed building, unless screened by a wall or other appropriate screen six (6) feet in height or rising two (2) feet above the stored material, whichever is higher. Storage of products produced on the site shall conform to the COUNTY's applicable zoning, fire prevention, and health regulations and to applicable federal and state law.
- (j) **Erosion Control, Sediment Control, and Storm Drain Facilities.** Erosion and sediment controls shall be installed as required by the regulations of the State of North Carolina and/or the COUNTY, as they are from time to time in effect. Each owner shall be required to provide adequate drainage facilities, including on-site controls which shall be at least sufficient to accommodate the estimated change in rate of stormwater runoff for the ten (10) year storm resulting from the placement of buildings and parking areas, and which discharge said runoff in a manner consistent with commonly accepted engineering practices.
- (k) **Signs.** Plans and specifications for the construction, installation, and alteration, and illumination of all outdoor signs for each lot or site must be approved in writing by

the County Manager as part of the development plan review process. The COUNTY reserves the right to limit the number and size of signs within the CENTER. Signs shall identify only the corporate name, trademark and/or trade name of the owner, and shall not otherwise be used for advertising purposes.

- (1) **Drains and Sewers.** All connections of drains and sewers with the public sewers of the COUNTY and/or the Public Works Commission shall be made in accordance with local and state regulations.

 - (m) **Telephone and Electrical Service.** All secondary telephone and electrical service lines shall be underground between the primary lines and the structures or buildings erected on any site developed within the CENTER.
7. **Maintenance.** The owner, lessee or occupant of any lot or site shall be responsible for the maintenance and clean and safe condition of the land, buildings, landscaping, exterior lighting, parking areas and all other improvements, including prompt removal of all trash, lawn mowing, tree and plant trimmings. During construction, it shall be the responsibility of each land owner to ensure that public streets and construction sites are kept free of unsightly accumulations of rubbish and scrap materials, and that construction materials, trailers, and the like are kept in a neat and orderly manner. If any owner, lessee, or occupant fails to comply with any of its responsibilities for property maintenance, then the COUNTY shall have the right, privilege and license to enter upon the premise and take any and all measures necessary to maintain the property to meet the standards set out herein, and to charge and recover from the owner of the property for the expenses incurred in so doing.
8. **Option to Repurchase in Event of No Construction.** If, after the expiration of three (3) years from the date of purchase of the property in the CENTER from the COUNTY, the then record property owner shall not have begun in good faith the actual construction, as determined in the reasonable discretion of the County Manager, of a building acceptable to the County Manager upon the property, then, in that event, the COUNTY shall have the right and option to tender and refund to said record property owner the amount of the original purchase price paid to the COUNTY for the property less twenty percent (20%) for out-of-pocket expenses, lost opportunity costs, and other damages. whereupon such tender the said record property owner shall forthwith convey marketable title to the property back to the COUNTY by special warranty deed. In the event that the record property owner for any reason fails or refuses to convey title back to the COUNTY as required herein, then, in that event, the COUNTY shall have the right to enter into and take possession of said property, together with all rights or remedies in law or in equity necessary or desirable to have fee simple marketable title to the property conveyed back to the COUNTY.
9. **Option to Purchase.** In the event that any owner of unimproved property in the CENTER or any portion thereof shall propose to sell all or a portion thereof, the COUNTY shall have the first right and option to purchase said property at the same purchase price paid to the COUNTY by the original purchaser. Prior to such sale, the

property owner shall notify the COUNTY by certified mail, return receipt requested, of its intentions to sell the property or any portion thereof. Said notice shall describe the exact parcel proposed to be sold. The COUNTY shall have sixty (60) days from receipt of said notice in which to exercise its option by written notice sent certified mail, return receipt requested. Closing shall take place within sixty (60) days after such exercise.

10. **Warranties.** In the event that the COUNTY exercises any of its rights specified in paragraph 9 and 10 hereof to reacquire the property, the then record property owner shall convey the property to the COUNTY by Special Warranty Deed, free and clear of all liens and encumbrances.
11. **Enforcement.** Each of the foregoing restrictive covenants shall run with the land and be enforceable by the COUNTY, its successors and assigns by any remedy available in law or in equity. Any breach hereof, at the option of the COUNTY, its successors or assigns, may be enjoined, abated or remedied by such remedies as are provided for in law or in equity. Breach of any of the foregoing restrictive covenants shall not defeat or render invalid the lien of any mortgage on the property made in good faith and for value and shall not prevent the foreclosure sale of the property or any part thereof, provided, however, that each and all of the foregoing restrictive covenants shall at all times remain in full force and effect against the property, or any part thereof, title to which is obtained by foreclosure or any mortgage or other lien. No waiver by the COUNTY of any breach shall be deemed a waiver of any other or subsequent breach of the same obligation. No right or remedy of the COUNTY shall be exclusive of any other right or remedy allowed by law or equity, but each shall be cumulative of every other right or remedy hereunder, or now or hereafter existing at law or in equity, or by statute or otherwise, and may be enforced concurrently or from time to time.
12. **Subdivisions and Leases.** No owner of property in the CENTER shall subdivide such property except in accordance with the subdivision regulations of the COUNTY, and with the written consent of the County Manager, which consent shall be filed in the Register of Deeds Office as a partial release from restrictive covenants. No purchaser from the COUNTY of property in the CENTER shall lease such property without the prior written consent of the County Manager, and which consent shall be filed in the Register of Deeds Office as a partial release from restrictive covenants.
13. **Invalidity of Provisions.** Should any proceedings at law or in equity decree that *anyone or part of anyone of the foregoing Restrictive Covenants* be declared invalid, the same shall not invalidate all or any part of the remaining covenants, which shall remain in full force and effect.
14. **Amendments.** In addition to the provisions above for partial releases from specific restrictive covenants and for terminating or renewing this entire set of restrictive covenants as below provided, the COUNTY may waive, release, rescind, modify, alter or amend any of the foregoing restrictive covenants, but only with the consent of

the owners of more than fifty percent (50%), in area, of the area or tracts within the CENTER which have been conveyed by the COUNTY..

15. **Duration.** These restrictive covenants shall be covenants running with the land and shall be binding on all lot owners, their heirs, devisees or assigns for a period of 20 years from the date hereof, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument, signed by the then owners of two-thirds or more of the area of the lots or site within the CENTER, exclusive of public rights-of-way, has been recorded consenting to terminate said covenants in whole or in part.

NOW, THEREFORE, the COUNTY subjects the CENTER to the above set forth Restrictive Covenants, intending and providing that they shall run with and burden the land.

This the __ day of October, 2006.

CUMBERLAND COUNTY, N.C.

By: BILLY R. KING, Chairman
Cumberland County Board of Commissioners

ATTEST:

MARSHA FOGLE
Clerk to the Board

**STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND**

I, _____, a Notary Public in and for the State of North Carolina, certify that MARSHA FOGLE personally appeared before me this day and acknowledged that she is the Clerk to the Board of Commissioners of Cumberland County, North Carolina; that BILLY R. KING, is the Chairman of the Board of Commissioners; that above document was signed and sealed by said Chairman and attested by the said Clerk on behalf of said Board, all by its authority duly granted; and that said MARSHA FOGLE acknowledged the said Deed to be the act and deed of the said Board.

WITNESS my hand and seal this the ____ day of October, 2006.

Notary Public
My commission expires: _____



ITEM NO. IE

COUNTY of CUMBERLAND

Office of the County Attorney

October 9, 2006

MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA OF OCTOBER 16, 2006

TO: BOARD OF COMMISSIONERS

FROM: GRAINGER R. BARRETT, COUNTY ATTORNEY

SUBJECT: APPROVAL OF RESOLUTION OF INTENT FOR THE TOWN OF HOPE MILLS TO REJOIN THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND DIRECTING THE STAFF TO PREPARE AN INTERLOCAL AGREEMENT FOR CONSIDERATION BY THE GOVERNING BOARDS

BACKGROUND: Based on discussion at the Board's recent joint meeting with the Town of Hope Mills' Board of Commissioners, the Town's Board adopted and has transmitted to the Board of Commissioners the enclosed Resolution of Intent to Rejoin the Cumberland County Joint Planning Board. The enclosed resolution of the Board of Commissioners approves and accepts the Town Board's Resolution and directs staff to prepare an Interlocal Agreement for consideration by the two governing boards.

RECOMMENDATION: Approve the enclosed resolution.

Atch.



TOWN OF HOPE MILLS

P.O. BOX 367 • 5770 ROCKFISH ROAD • HOPE MILLS, NORTH CAROLINA 28348-0367
TELEPHONE (910) 424-4555 • FAX (910) 424-4902

October 3, 2006

OCT - 6 2006

Mr. Billy R. King, Chairman and
Board of County Commissioners
P. O. Box 1829
Fayetteville, NC 28302

Dear Chairman King:

Thank you for attending our meeting last Thursday and for agreeing to allow us to rejoin the Cumberland County Joint Planning Board.

The Town of Hope Mills is entering a new era and we need to work closely with you in the best interests of our citizens. Your input is very important to us as is your experience in all the matters we discussed.

The meeting was very positive and we have heard many nice things about all of you and the comments you and the County staff made that night.

We hope we can return the favor by doing something for you someday. Please call when we can assist in any way.

Thanks again for everything, especially for caring.

Sincerely,

Eddie Dees, Mayor

cc: County Manager James Martin; County Attorney Grainger Barrett; Planning Director Tom Lloyd; Hope Mills Board of Commissioners; Town Manager Roy D. Taylor

RESOLUTION
OF THE
BOARD OF COMMISSIONERS
OF THE
TOWN OF HOPE MILS. NORTH CAROLINA

RESOLUTION OF INTENT TO REJOIN
THE CUMBERLAND COUNTY JOINT PLANNING BOARD

WHEREAS, the Town of Hope Mills does hereby declare its intent to rejoin the Cumberland County Joint Planning Board, for comprehensive planning services, subject to terms and conditions of an Interlocal Agreement;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Town of Hope Mills, NC, hereby declares its intent to rejoin the Cumberland County Joint Planning Board subject to execution of an Interlocal Agreement.

ADOPTED this 2nd day of October, 2006.

Eddie Dees

EDDIE DEES, MAYOR

ATTEST:

Phyllis C. Register
Phyllis C. Register, MMC, Town Clerk

CERTIFIED TRUE COPY
IN WITNESS WHEREOF, I have hereto set my
hand and affixed the corporate seal of the
Town of Hope Mills, North Carolina, this

2nd day of *October* 2006,
Phyllis C. Register
Town Clerk

**A RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS
APPROVING AND ACCEPTING THE TOWN OF HOPE MILLS' BOARD OF
COMMISSIONERS' RESOLUTION OF INTENT TO REJOIN THE CUMBERLAND
COUNTY JOINT PLANNING BOARD**

WHEREAS, the Board of Commissioners of the Town of Hope Mills has adopted and conveyed to the Board of Commissioners a Resolution of Intent For the Town of Hope Mills To Rejoin the Cumberland County Joint Planning Board; and

WHEREAS, the Cumberland County Board of Commissioners wishes to approve and accept that Resolution of Intent;

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners that it approves and accepts the Resolution of Intent For the Town of Hope Mills To Rejoin the Cumberland County Joint Planning Board conveyed to it by the Board of Commissioners of the Town of Hope Mills, and

BE IT FURTHER RESOLVED, that it directs the County staff to prepare with the appropriate staff of the Town of Hope Mills an Interlocal Agreement implementing that Resolution of Intent for consideration by both governing boards.

This the 16th day of October, 2006.

Billy R. King
Chairman, Board of Commissioners

ATTEST:

MARSHA S. FOGLE
Clerk to the Board



ITEM NO. 1F

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 OCTOBER 16, 2006

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JUANITA PILGRIM, DEPUTY COUNTY MANAGER

DATE: OCTOBER 10, 2006

SUBJECT: APPROVAL OF CUMBERLAND COUNTY DEPARTMENT OF SOCIAL SERVICES 2007-2009 WORK FIRST PLAN

BACKGROUND

On August 28, 1997, the General Assembly approved SB3532 which made significant changes to North Carolina's Public Assistance Program. All counties are required to develop local Work First Plans. The Board of Commissioners appointed a Planning Committee to develop the County Plan.

The Work First Plan was available for comment to the public at the Board of Commissioners Offices, the Department of Social Services, and the Department of Social Services website and the main branch of the Cumberland County Public Library. The Cumberland County Board of Social Services unanimously approved the plan on September 27, 2006 and recommended approval of the Plan.

A full copy of the Department of Social Services Work First Plan for October 1, 2007 through September 30, 2009 is available to view in the Clerk to the Board's Office located on the 5th Floor of the Cumberland County Courthouse.

RECOMMENDATION/PROPOSED ACTION

County Management and Mr. William Scarlett, Department of Social Services Director recommend approval of the County Work First Plan.

/ct

CM101006-1



COUNTY of CUMBERLAND

Department of Social Services

October 2, 2006

Cumberland County Board of Commissioners
117 Dick Street Room 554
Fayetteville, NC 28302

Dear Commissioners:

The Work First Plan for October 1, 2007 through September 30, 2009 is attached for your review and approval. It identifies services that will be provided to Work First families in Cumberland County and must be submitted to the state by October 31, 2006. It was developed with input from a survey of Work First clients, a stake holder's forum, and the Work First Advisory Council. The Work First Advisory Council approved it on September 20, 2006. The plan has been made available for public comment at the Cumberland County court house, the Cumberland County Public Library, the Cumberland County Department of Social Services, and is available at the Cumberland County Department of Social Services web site. The Cumberland County Board of Social Services unanimously approved the plan on September 27, 2006 and recommends your approval.

I also recommend approval of the plan by the Board of Commissioners on October 16, 2006 and will need the signature of the Chairman to signify approval.

Sincerely,

William F. Scarlett, Director

Attachment

CC: Mr. James Martin, County Manager
Ms. Juanita Pilgrim, Deputy County Manager

**CUMBERLAND COUNTY
DEPARTMENT OF SOCIAL SERVICES**

**CUMBERLAND COUNTY
WORK FIRST PROGRAM PLAN
October 1, 2007- September 30, 2009**

**William F. Scarlett
Director**

Contact:

**Richard Everett
CCDSS
PO Box 2429
Fayetteville, NC 28302
910-677-2360
Fax: 910-677-2885
ei1@ccdssnc.com**

**Cumberland County
Work First Plan**

**Board of County
Commissioners**

Billy R. King, Chairman
Talmadge Baggett Jr.
John T. Henley, Jr., M.D.
Jeanette Council
J. Breeden Blackwell
Kenneth S. Edge
Ms. Diane Wheatley

County Management

James Martin, Co. Mgr.
Juanita Pilgrim, Deputy Co. Mgr.
Cliff Spiller, Asst. Co. Mgr.
Amy Cannon, Asst. Co. Mgr.

Social Services Board

Mary Deyampert-McCall, Chair
Patrick Koehne
George Hendricks
Lyn Green
Chet Oehme

Work First Advisory/Planning Committee

Mary Deyampert-McCall
J. C. Basnight, ED. D
Alban Burney
Geoff Dalphonse
Richard Everett
Jennifer Kready
Elsie Gilmore
Jayne Hammonds
H. Wayne Hill
Patrick Hurley
Francis Jackson
Austin Keating, III
Doris Lane
Rusty Long
Carl Manning
Traci Maynor
Ellen Morales
Debbie Norman
Lynn Olavarria
Juanita Pilgrim
Janet Prince
William Scarlett
Natasha Scott
Manuel Specht
Della Sweat
Josephus Thompson
Cherry Thompson
Vivian Tookes
Cindy Wilson
Patricia Tyson
Diane Wheatley

Chairperson, CC Social Services Board
VP, Fayetteville Technical Community College
Small Business Pgm Mgr, CC Business Council
Asst Dir, Fayetteville Area System of Transit
Assistant Director, CC Dept of Social Services
Cumberland County Partnership for Children
Housing Dir, Kingdom Community Development Corp
Community Readiness Consultant, Pope Air Force Base
Dir, Pope Airman & Family Readiness Center
Dir, Work Force Development Center
Superintendent of Operations, FAST
Child Support Supv. III, NC Child Support Enforcement
Pgm Mgr, CC Department of Public Health
Executive Director, Fayetteville Urban Ministry
Executive Director, Kingdom Community Dev Corp
Work First Participant
Asst. Unit Manager, Vocational Rehabilitation
Child Welfare, CC Dept of Social Services
Army Emergency Relief, Community Activities & Services
Assistant County Manager
Women's Program Supv, CC Mental Health Authority
Director, CC Dept of Social Services
Social Work Coor, Cumberland County Schools
Director of Emergency Services, The Salvation Army
Day Care Prog Supv, CC Dept of Social Services
Supv, NC Employment Security Commission
Employment Readiness Program
Work First Prog Mgr, CC Dept of Social Services
Work First Prog Mgr, CC Dept of Social Services
Director, Consumer Credit Counseling Service
CC Commissioner/Liaison to Dept of Social Services

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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

October 5, 2006

AGENDA ITEM FOR OCTOBER 16, 2006

- TO:** Cumberland County Board of Commissioners
- FROM:** Cumberland Road Volunteer Fire Department
- THRU:** Marsha Fogle, Clerk to the Board
- RE:** Adoption of a Resolution consenting to tax-exempt financing by the Cumberland Road Volunteer Fire Department to refinance a current loan and purchase a new fire truck.

BACKGROUND: The Cumberland Road Volunteer Fire Department is proposing to borrow money from First Citizens Bank and Trust to refinance a loan and purchase a new fire truck. Total amount of the loan is \$542,880.05.

The Fire Department held a public hearing on this matter on October 2, 2006, at which no one spoke in opposition.

The Board's consent will not obligate the County for repayment of this debt.

ACTION: Consent to the tax-exempt financing in the amount and for the purposes noted above and authorize the Clerk to the Board to certify in writing to First Citizen's Bank the Board of Commissioner's consent to the financing.

COUNTY APPROVAL

State of North Carolina
County of Cumberland

Certificate of Clerk Re Approval of Tax-Exempt Loan To Volunteer Fire Department by Board of Commissioners

The undersigned, being the duly qualified Clerk of Cumberland County, North Carolina, does hereby certify that the following is a true and accurate copy of a Resolution passed by the Board of Commissioners of Cumberland County, North Carolina, at its regular meeting on the 16th day of October, 2006, which Resolution was duly introduced, seconded and approved, and that said Resolution remains in full force and effect:

“NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Board of Commissioners of Cumberland County, North Carolina, does hereby approve (within the scope of the qualifying language set forth below) a tax-exempt loan to the CUMBERLAND ROAD VOLUNTEER FIRE DEPARTMENT from First Citizens Bank and Trust Company in the principal amount of \$542,880.05, which loan is for the following purpose (check applicable purpose):

1. () for the construction of a fire station for the VFD including the purchase of underlying real property;
2. () the purchase by the VFD of a fire truck or fire trucks; and

which fire truck(s) and/or fire station will be owned and operated by the VFD at the following address:

3545 Cumberland Road
Fayetteville, NC 28305

RESOLVED FURTHER, that the approval of the loan to the VFD set forth above is given solely for purposes of the public approval requirements for tax-exempt financing application to the VFD because of Section 150(e)(3) and Section 147(f) of the Internal Revenue Code of 1986, as amended, and such approval does not obligate the County or its Board of Commissioners in any way regarding repayment of the debt.”

DULY CERTIFIED BY THE EXECUTION HEREOF AND THE PLACING HEREOF OF THE SEAL OF THE SAID COUNTY, THIS _____ DAY OF _____, 2006.

SEAL

CLERK
Cumberland County, North Carolina



ITEM NO. 14

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 OCTOBER 16, 2006

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER

DATE: OCTOBER 6, 2006

**SUBJECT: APPROVAL OF ORDINANCE ASSESSING PROPERTY
FOR THE COST OF DEMOLITION – PIN: 0469-53-3146**

BACKGROUND

On February 21, 2006, the Board of County Commissioners enacted an ordinance directing that the structure located at 2710 Gilbert McLaurin road, Fayetteville, NC (PIN: 0469-53-3146) be demolished by the owner. The owner failed to comply with the demolition order within the specified time period and, accordingly, the Minimum Housing Inspector had the structure demolished as required by the ordinance at a cost of \$1,775.00.

In accordance with the requirements of the Demolition Ordinance and the authority granted by G.S. 160-A-443(6), the cost of the demolition shall be assessed to the property and shall constitute a lien against the property upon which the costs were incurred.

RECOMMENDATION/PROPOSED ACTION

Adopt the attached ordinance assessing Glenn Anthony McLaurin, Luttie Kay McLaurin, John A. McLaurin & Elizabeth Dorff, for property located at 2710 Gilbert McLaurin Road, Fayetteville, NC for the cost of demolition.

/ct

CM100606-2

ORDINANCE ASSESSING PROPERTY FOR THE COSTS
OF DEMOLITION OF A STRUCTURE PURSUANT TO
THE MINIMUM HOUSING CODE OF CUMBERLAND COUNTY

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on February 21, 2006, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Glenn Anthony McLaurin, Luttie Kaye McLaurin, John A. McLaurin & Elizabeth Dorff located at 2710 Gilbert McLaurin Road (PIN:0469-53-3146), said ordinance being recorded at Book 7160, page 450, of the Cumberland County Registry of Deeds;

WHEREAS, the time within which said demolition was to be performed has expired and the owner(s) failed to comply with the ordinance within such period; and

WHEREAS, the said ordinance further directed the Minimum Housing Inspector to effect the demolition of the structure(s) in the event the owner(s) failed to do so;

WHEREAS, the Minimum Housing Inspector has reported to this Board that:

- (1) Said work had been accomplished.
- (2) The cost of such work was \$1,775.00.
- (3) There were no salable materials resulting from said work.

NOW THEREFORE, the above report coming on to be considered and the Board of County Commissioners finding it to be a true and accurate accounting, the said Board hereby ORDAINS:

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$1,775.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated February 25, 2006, and in Section 160A-443(6) of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at 2710 Gilbert McLaurin Road, Fayetteville, NC, as described in Deed Book 3401, page 821, of the Cumberland County Registry and identified in County tax records as PIN 0469-53-3146.

(3) That as further provided in Section 160A-443(6) of the General Statutes of North Carolina, such lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of said General Statutes;

(4) That one copy of this resolution be filed in the minutes of this Board of County Commissioners and another copy certified and delivered by the Clerk as a charge to the Tax Collector, who shall thereupon enter the amount of the assessment set forth above upon the Tax Books of the County as a special assessment against the above described property.

* * * * *

I certify that the foregoing Ordinance was adopted and ordered by the Board of Commissioners of Cumberland County, North Carolina, this 16th day of October, 2006, at 6:45'clock P.M.

Cumberland County Clerk



ITEM NO. 11

COUNTY of CUMBERLAND

Office of the County Attorney

October 6, 2006

MEMORANDUM FOR BOARD OF COMMISSIONERS' OCTOBER 16, 2006 AGENDA

TO: BOARD OF COMMISSIONERS

FROM: GRAINGER R. BARRETT, COUNTY ATTORNEY 

SUBJECT: DECLARING FORECLOSED REAL PROPERTY SURPLUS

BACKGROUND: The County of Cumberland has recently acquired by tax foreclosure certain real property located in the County. Exhibit 1 is a list of that property which also shows their tax values. Exhibit 2 is a set of maps which show the PIN number, vicinity, and township for each parcel.

RECOMMENDATION AND PROPOSED ACTION: That the Board declare the foreclosed property as surplus to the needs of the County.

lrc

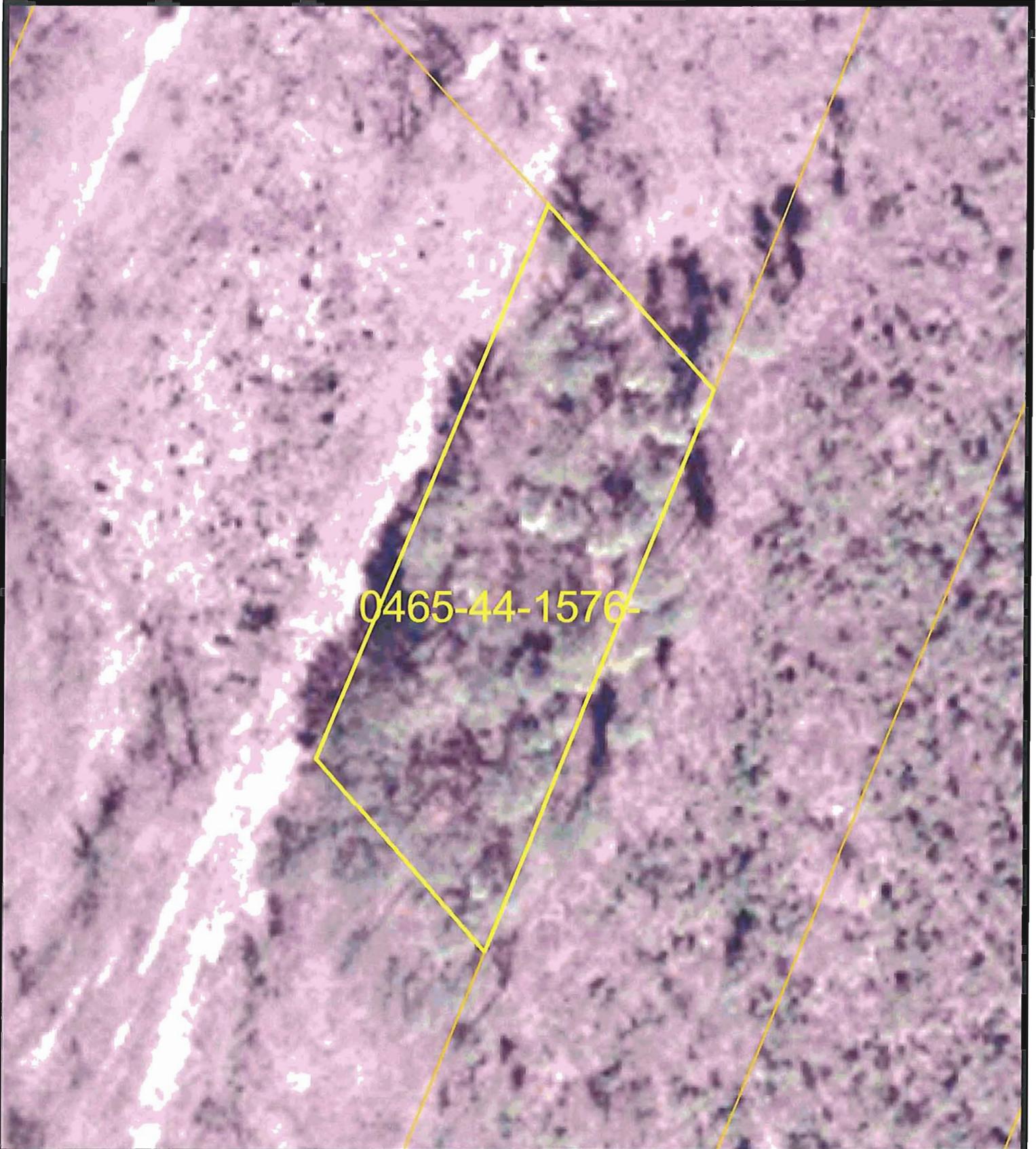
Attachments: Parcel and vicinity maps

PROPERTY OWNED BY COUNTY – OBTAINED BY TAX FORECLOSURE

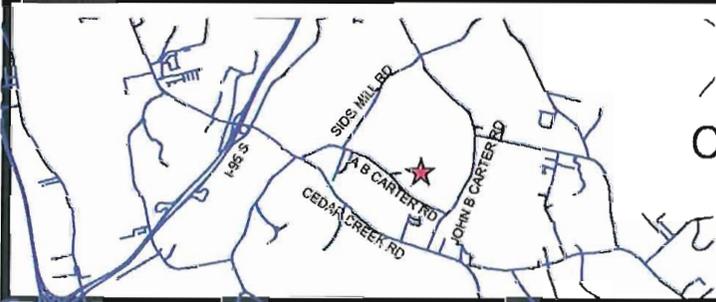
(Revised 10/6/2006)

<u>Description</u>	<u>Date Acquired</u>	<u>Value</u>	<u>County's Tax Lien</u>	<u>Deed</u>	<u>PIN No</u>
1. .55 ac Annie J. Hill Land	06-30-06	\$ 8,925	\$4,264.50	7287-321	0465-44-1576
2. Lot 1 Manchester Pk Sec. 1	08-15-06	\$ 7,500	\$5,767.38	7332-478	0513-20-8357
3. Lot 53 East Bend Add & Adj 15 ft (0.23 acs)	04-03-06	\$14,835	\$5,362.25	7194-386	0447-40-3469
4. .46 Acre Emily McPherson Ld Lot 6 Moses Evans Estate Division (1.7 ac)	08-10-05	\$10,625 \$12,568	\$4,918.75	6971-151 6971-151	0408-70-0893 0449-78-7859
5. Lots 37 – 40 John Holmes Sub	04-03-06	\$23,951	\$8,013.55	7194-388	0456-08-1680
6. Lot 107 Ellerslie Sec. 3 Lot 108 Ellerslie Sec 3 Lot 6 Foxfire Sec 7 Rev	05-01-06	\$15,000 \$15,000 \$ 7,000	\$5,064.91	7220-844 7220-844 7220-844	0543-06-5780 0543-06-5861 0408-83-4694
7. 1.97 Acs Adj to Lot 13 Bluesprings Wood	07-06-06	\$ 9,850	\$3,184.60	7292-716	9496-62-9420
8. Lot 38 Live Oak Sec 3 (0.45 ac)	07-06-06	\$13,500	\$5,924.57	7292-724	0471-68-2414
9. Lot 58 Broadell Sub Sec. 2	06-19-06	\$12,500	\$9,479.30	7273-151	0438-28-2788
10. Lot Idlewild	03-14-06	\$ 1,969	\$1,965.43	7174-754	0436-06-9862
11. Lot 17 Windsor Terr Sec 2	03-14-06	\$ 7,500	\$6,447.07	7174-752	0438-42-6620
12. Lot 50 X150	03-16-06	\$24,598	\$5,025.94	7176-575	0437-88-1738
13. Lot 19 Windfield Sec. 1	9-5-06	\$68,100	\$4,275.64	7353-701	0441-41-0343
14. 0.75 Kenneth E & Kathryn D. Fisher	9/18/06	\$ 9,775	\$3,934.24	7365-594	0452-46-2455

Items 3, 6, 10 and 11 are jointly owned with the City Of Fayetteville.



0465-44-1576-



Site Map

CEDAR CREEK TOWNSHIP

50 0 50 Feet



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E MANCHESTER RD

BRINKLEY DR

0513-20-8357



2

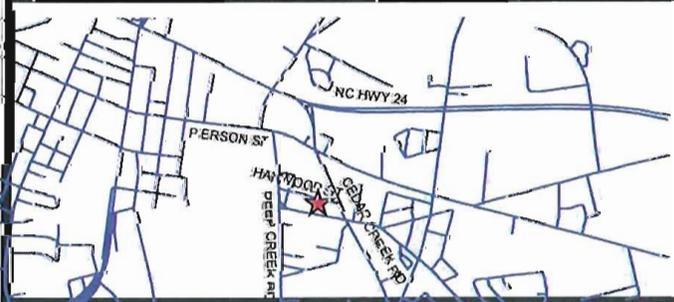


Site Map

MANCHESTER TOWNSHIP



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3



Site Map

EASTOVER TOWNSHIP

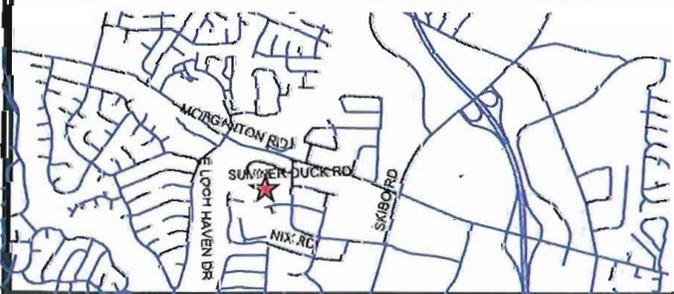
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DEPARTMENT OF PUBLIC WORKS
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0408-70-0893



Site Map

4c
SEVENTY FIRST TOWNSHIP



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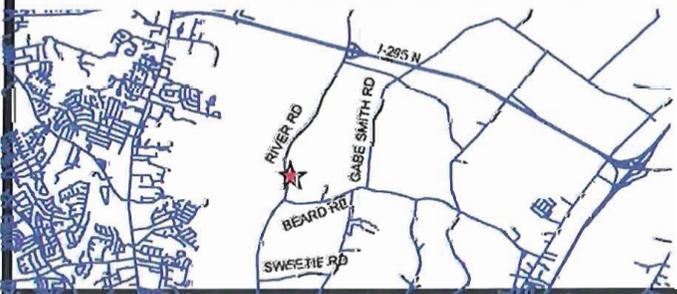


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0449-78-7859-

RIVER RD



4b



Site Map

EASTOVER TOWNSHIP

100 0 100 Feet

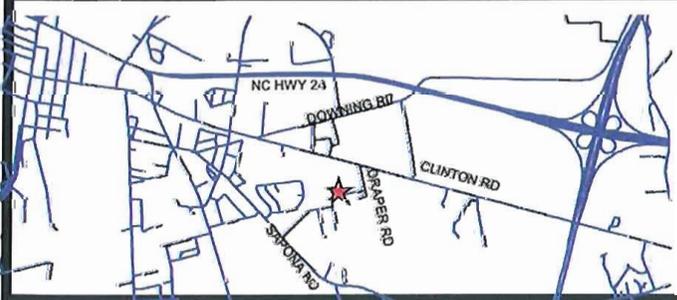


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0456-08-1680-

PINPOINT RD



Site Map

EASTOVER TOWNSHIP

100 0 100 Feet



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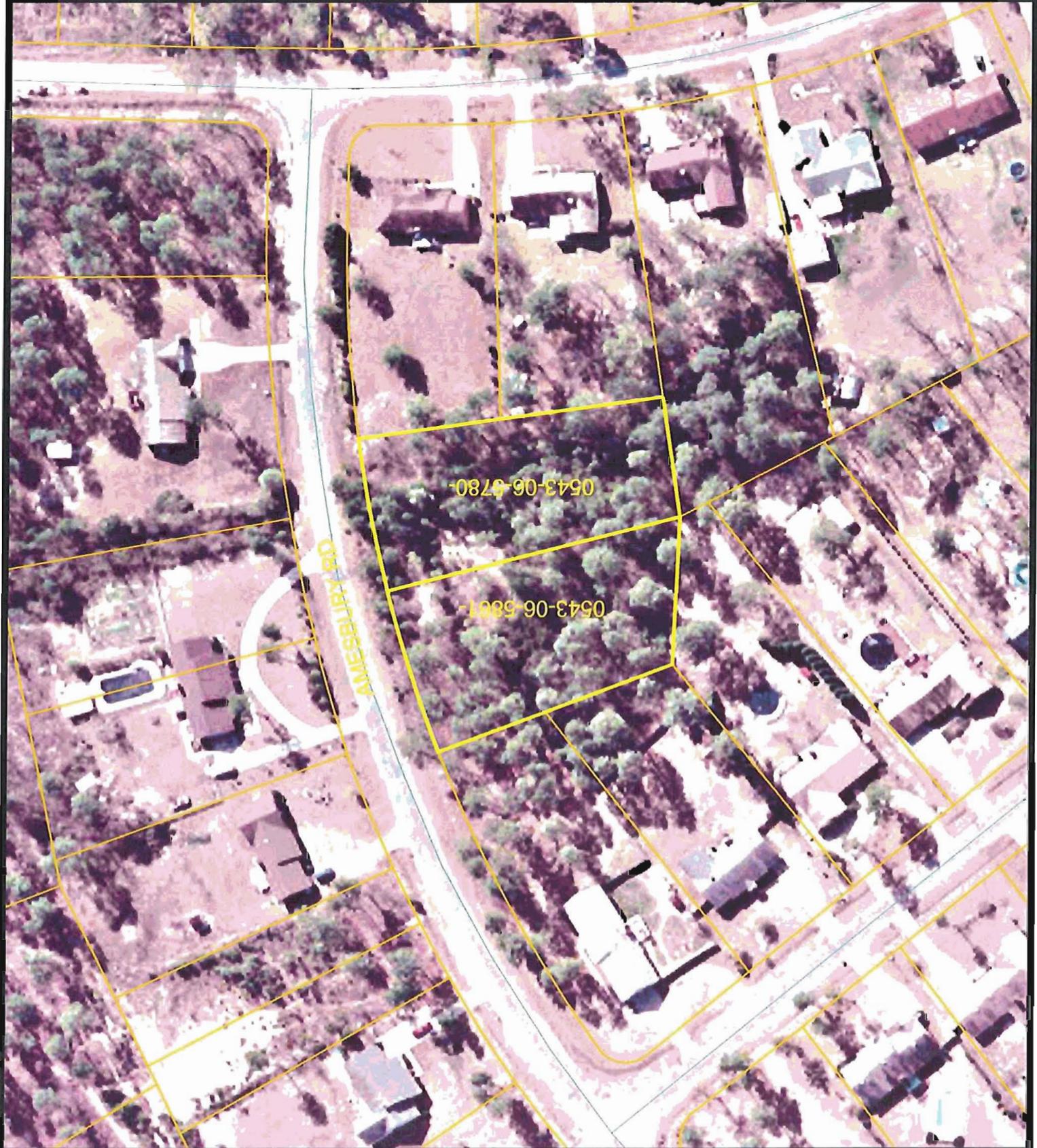
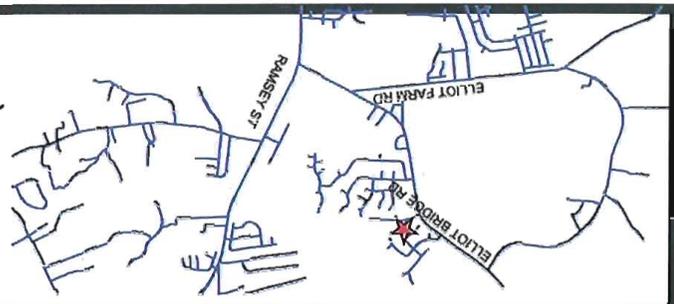


CARVERS CREEK TOWNSHIP

Site Map



Lot 20

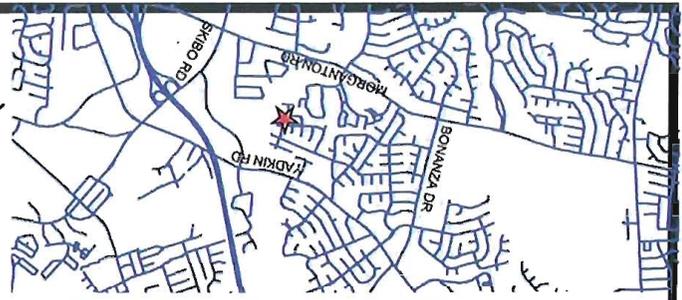


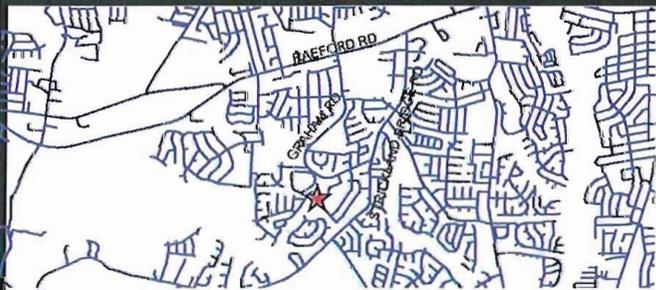
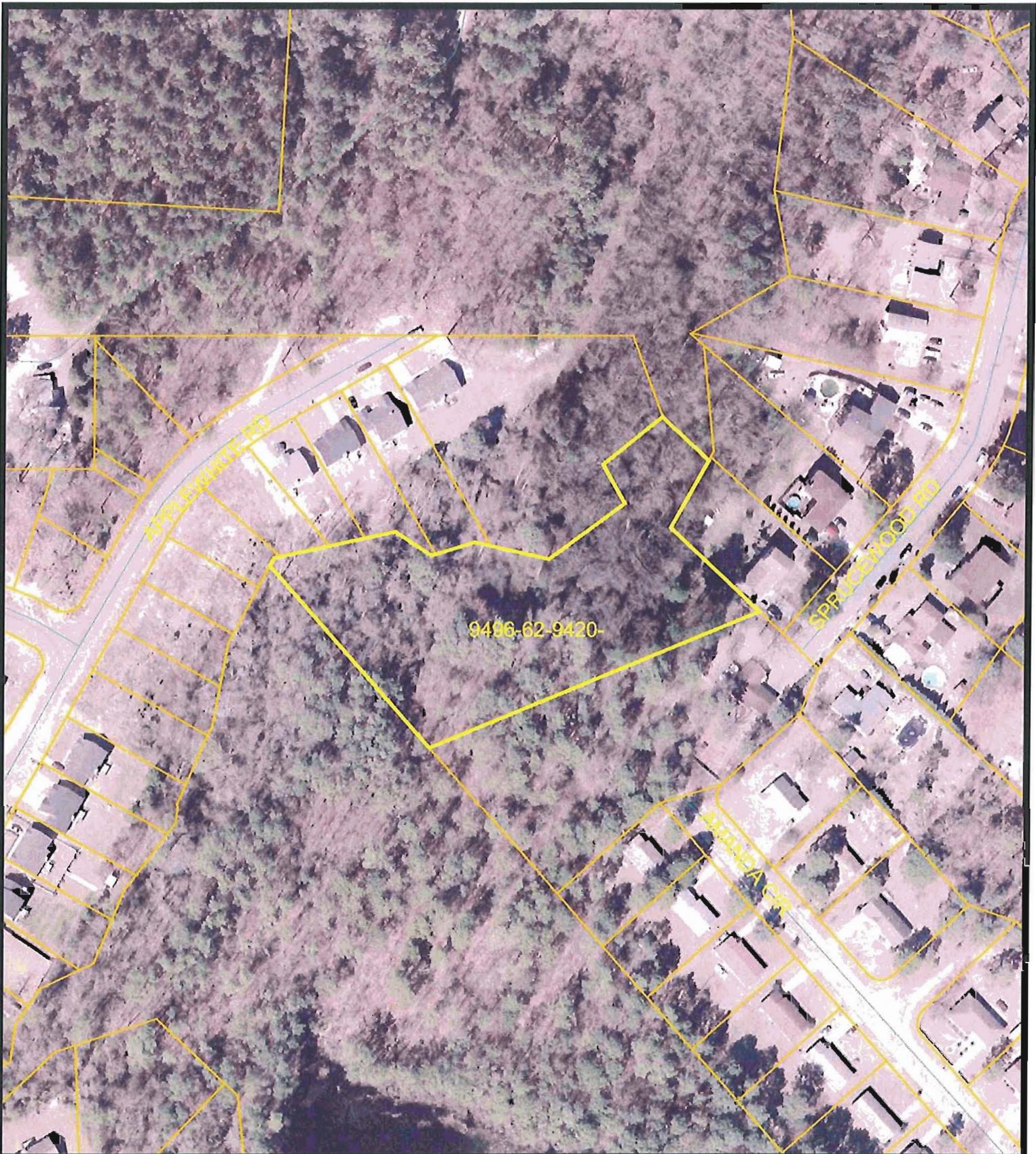
THE COUNTY OF CLARKE, NORTH CAROLINA
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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SEVENTY FIRST TOWNSHIP

Site Map

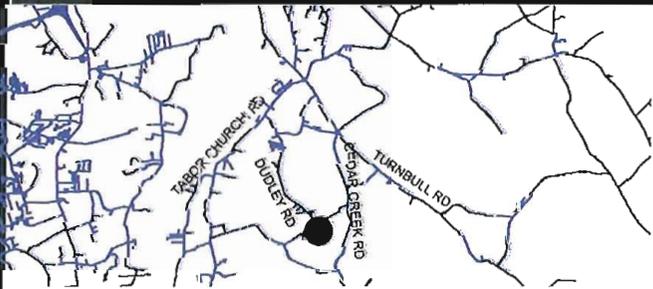




7  **Site Map**
SEVENTY FIRST TOWNSHIP



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Site Map
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Site Map
CROSS CREEK TOWNSHIP

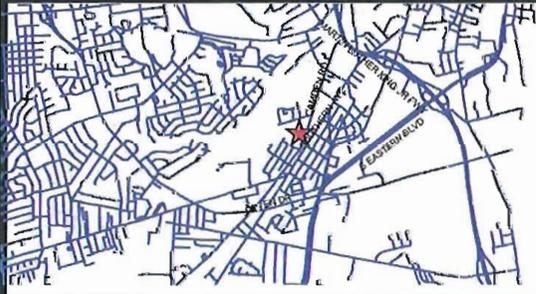


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0436-06-9852

CAMDEN RD



10  Site Map
CROSS CREEK TOWNSHIP



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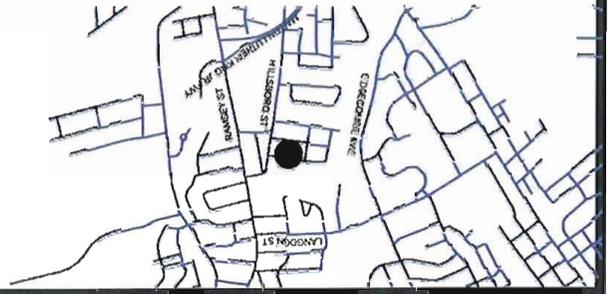
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CROSS CREEK TOWNSHIP Site Map



11





12

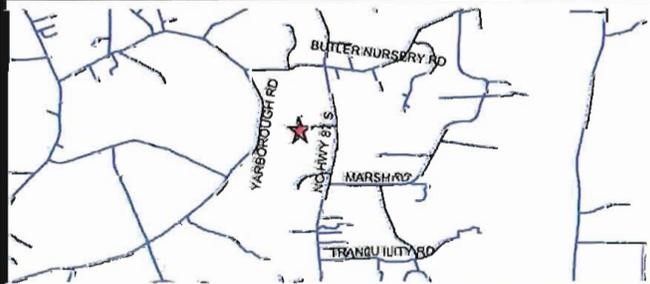


Site Map

CROSS CREEK TOWNSHIP



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13

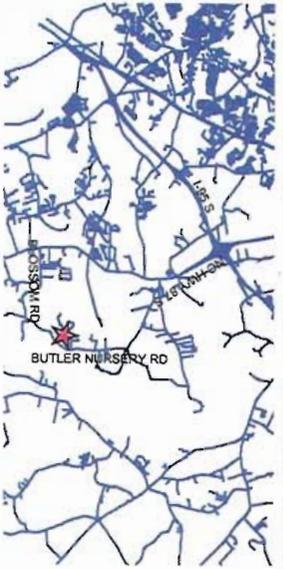


Site Map

GRAYS CREEK TOWNSHIP



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14



Site Map

GRAYS CREEK TOWNSHIP



100

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100 Feet



THE COUNTY OF CHAMPAIGN, ILLINOIS, AND ANY OF ITS DEPARTMENTS, AGENCIES, OR EMPLOYEES, SHALL NOT BE LIABLE FOR ANY DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM THE USE OF THIS PRODUCT, EVEN IF ADVISED OF THE POSSIBILITY THEREOF.

ITEM NO. 1J

COUNTY of CUMBERLAND

Office of the County Attorney

October 5, 2006

MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA OF OCTOBER 16, 2006

TO: BOARD OF COMMISSIONERS

FROM: GRAINGER R. BARRETT, COUNTY ATTORNEY 

SUBJECT: APPROVAL OF REVISED MEMORANDUM OF UNDERSTANDING BETWEEN THE N.C. COOPERATIVE EXTENSION SERVICE AND CUMBERLAND COUNTY

BACKGROUND: Enclosed is a new Memorandum of Understanding between North Carolina State University's Cooperative Extension Service and the County. This revised agreement comes recommended from a team representing the Association of County Commissioners, the N.C. Cooperative Extension Program at N.C. A&T University, and the N.C. Cooperative Extension Service at N.C. State University. This Memorandum reflects the current relationship between the County and the Cumberland County Cooperative Extension Office. All new hires will become employees of N.C. State University but the County "sends in" the payroll contribution for all employees, including currently grandfathered employees. Currently grandfathered employees will have two Open Enrollment periods in the Fall of 2006 or 2007 to convert to state "send in" status, that is, essentially, to become N.C. State University employees and to switch from the local government to the state retirement system. If the number of grandfathered local (referred to in the MOU as "regular") employees across the state drops below fifty (50) as of any March 1, then all those employees would convert. Under the MOU, County Extension employees are classified as SPA (State Personnel Act) employees. The County will pay its share of salary and benefits for all County Extension personnel, Workers Comp, and will provide offices, equipment, utilities, telephone, office supplies and other instructional materials needed for efficient operation of the program. The County will not be electing the optional "lock-in" option, will would automatically adjust the County's cost for its share of salaries and benefits at a fixed percentage over the life of the MOU. The MOU may be reviewed at any time, continues year to year, and may be terminated by not less than 120 days prior written notice.

RECOMMENDATION: Approve the revised Memorandum of Understanding between the N.C. Cooperative Extension Service and Cumberland County, and authorize the Chairman or County Manager to sign on behalf of the County.

Atch.

Meeting Tuesday - 9/26 @ 9:00 AM (WR of 25th) No. 100-100
James Martin

From:
Sent:
To:

Vicki Pettit [vicki_pettit@ncsu.edu]
Friday, September 08, 2006 11:56 AM
david.smith@alamance-nc.com; rfrench@co.alexander.nc.us; manageralc@skybest.com;
alucas@co.anson.nc.us; manager@ashcountygov.com; robert.wiseman@ncmail.net;
paul.spruill@ncmail.net; zee.lamb@ncmail.net; gmartin@bladenco.org;
mlawing@brunco.net; wanda.greene@buncombecounty.org; rlewis@co.burke.nc.us;
jdday@co.cabarrus.nc.us; bwhite@co.caldwell.nc.us; rwoodruff@camdencountync.gov;
johnl@cartercountygov.org; jearp@caswellcountync.gov; tlundy; charlie.horne@ncmail.net;
david.badger@cherokeecounty-nc.gov; cliff.copeland@ncmail.net; manager@clayconc.com;
david.dear@clevelandcounty.com; jvarner@columbusco.org; hblizzard@co.craven.nc.us;
James Martin; dscanlon@co.currituck.nc.us; comgr@darenc.com; rhyatt@co.davidson.nc.us;
terry.bralley@co.davie.nc.us; mikea@duplincounty.org; mruffin;
lcarmon@co.edgecombe.nc.us; perviegw@co.forsyth.nc.us; ccoudriet@franklincountync.us;
jwinters@co.gaston.nc.us; tim_russell@earthlink.net; jeff.cabe.comgr@ncmail.net;
gcmanger@granvillecounty.org; ddavenport@co.greene.nc.us; dmcneill@co.guilford.nc.us;
delkm@halifaxnc.com; nemory@harnett.org; rhoneycutt@haywoodnc.net;
swyatt@hendersoncountync.org; hertford.county@ncmail.net; mwood@hokecounty.org;
hydeco@beachlink.com; jmashburn@co.iredell.nc.us; jacksoncomgr@jacksonnc.org;
rick.hester@johnstonnc.com; jonescounty; dsmitherman@leecountync.com;
mjarmar@co.lenoir.nc.us; skiser@lincolncounty.org; sgreenwood@maconnc.org;
rmcdevitt@madisoncountync.org; roverman@martincountyncgov.com; charlesa; Harry Jones;
rwhitson@mitchell.main.nc.us; imetzler@pinehurst.net; dcotton@moorecountync.gov;
bob.murphy@nashcountync.gov; bshell@nhcgov.com; wayne.jenkins@ncmail.net;
frank_clifton@co.onslow.nc.us; jlink@co.orange.nc.us; beach@pamlico.net; keaton;
bauerj@pender-county.com; bdarden@mchsi.com; scarpenter@personcounty.net;
dselliott@co.pitt.nc.us; mtalbert@polknc.org; rtwells@co.randolph.nc.us; hayjim;
ken.windley@co.roberson.nc.us; tbr@co.rockingham.nc.us; cowanwk@co.rowan.nc.us;
jcond@blueridge.net; ssauer@sampsonnc.com; jcrumpton@scotlandcounty.org;
jmyers@co.stanly.nc.us; dbullins@co.stokes.nc.us; sammons@co.surry.nc.us;
manager@swaincounty.org; awilson1@citcom.net; wmcawaran@tyrrellcounty.net;
mshalati@co.union.nc.us; jlayscue@vancecounty.org; dcooke@co.wake.nc.us;
ljones@cowarren.nc.us; dpeoples@washconc.org; rocky.nelson@ncmail.net;
Lee.Smith@waynegov.com; wcmanger@charter.net; ewilliford@wilson-co.com;
ewilliams@yadkincounty.gov; mlawhern@yanceycountync.gov; codirs@cals.ncsu.edu
distdirs; DistAdminAssts@cals.ncsu.edu; Jon Ort; Joe Zublena; Vicki Pettit; Tracy Brown;
David Thompson; Kathy DeMay; Sheri Schwab; Harvey Lineberry; mckinnie; Alice Pennix;
Celvia Stovall; Anita; Tracy Brown; Chiquita McAllister
Subject: IMPORANT INFORMATION - NEW MOU BETWEEN NC COOPERATIVE EXTENSION AND COUNTY GOVERNMENT

Cc:

Subject:

Attachments:

MOUAnnouncementLetter090606.pdf; MOUDocument090606.pdf;
MOUSummaryofChanges090606.pdf; ListofRegularEmployeesbyCounty090606.pdf;
StepsForm090606.pdf



MOUAnnouncementMOUDocument0906MOUSummaryofChaListofRegularEmplo StepsForm090606.
Letter090606.pdf... 06.pdf (308 KB)... nges090606.pdf ... yeesbyCounty... pdf (17 KB)

All County Managers and County

Extension Directors in North Carolina,

The attached information provides the details of the new Memorandum of Understanding between North Carolina Cooperative Extension and County Government.

County Managers - This is an electronic version of the information you received today at the County Managers Luncheon at the NCACC Annual Conference. If you were unable to attend this luncheon, the NCACC will forward this hard copy information to you.

County Extension Directors - A hard copy version of the attached information is being sent to you in the US Mail today.

Please take a few minutes to review this important information. If you have any questions, please contact Sheri Schwab, Associate Director of CALS Personnel at NC State University at sheri_schwab@ncsu.edu.

Thanks,
Vicki

--
Vicki Pettit, CPS, Executive Assistant
North Carolina State University
College of Agriculture and Life Sciences North Carolina Cooperative Extension Service 120
Patterson Hall, Campus Box 7602, Raleigh, NC 27695
Phone: 919.515.2811 Fax: 919.515.3135
Email: vicki_pettit@ncsu.edu

MOU Summary of Changes

September 6, 2006

Part I

[4] and [5]: Combined former MOU 4, 5, and 6. In the new 4 and 5, changed "*Recommend to...*" to "*Consult with....*" Renumbered the section to reflect the deletion of former #6.

[15]: Removed Community Advisory Leadership System information. Added documentation of the annual "*Report to the People*" by CES/CEP to the respective Boards.

Part II

[5]: Changed "Confer and advise with" language to "*Provide regular input...on the particular needs of the county....*"

Part III

[1]: Changed "*will be worked out in*" to "*will be made after consultation between...*" to "*will be made in consultation between.*"

[2]: Added that each party will be responsible for complying with applicable laws.

[3]: Added that each party will cooperate in applying the AA/EEO plans of CES or CEP.

[4]: Added that Extension employees will be governed by the Leave Policies of the Universities and OSP, including FMLA, FIL, and items "*related to the earning rates, payout timing and amounts, and administration of*" leave. Changed "*amounts*" to "*computation.*" Added "*Educational leave for EPA employees, as provided under University policy, will be reviewed in consultation with the County.*"

[6]: Moved old #4 to new §6. Changed "*Agents...*" to "*employees....*"

[7] and [8]: Old Memorandum of Agreement (MOA) is merged into the new MOU.

[7.1]: Describes the conversion to send-in payrolling for [7.1.1] all new hires, [7.1.2] transition of current Extension employees over 2 open-enrollment periods in 2006 and 2007, [7.1.3] all transfers, [7.1.4] at such time that total non-send-in employee population drops below fifty (50) across the state.

[7.2]: Added "*and former Federal Appointees will maintain federal benefits, the employer-paid parts of which will be paid for solely by NCSU or NCA&TSU.*"

[7.3.4]: Clarified that it would be "*severances, if any, based on reductions-in-force (RIFs) as approved under OSP guidelines...*"

[7.3.5]: Added "*and any bonus leave balance as explicitly approved per each county per year granted,...*"

[7.3.7]: Changed "*compensatory time*" to "*extra time and overtime to non-FLSA exempt employees*"

[8]: Created to move the optional Lock-in Provision into the main document.

[9]: Created on-going Partnership Committee to address future Partnership issues and initiatives.

North Carolina Cooperative Extension Service

NC STATE UNIVERSITY

College of Agriculture and Life Sciences

Office of the Director
Campus Box 7602
Raleigh, NC 27695-7602
919.515.2811, 2812, 2813
919.515.3135 (fax)

TO: County Managers
County Extension Directors

FROM:



David Thompson
Executive Director, NC Association of County Commissioners



M. Ray McKinnie, Administrator/Associate Dean for Extension,
NC Cooperative Extension Program, NC A&T State University

Jon F. Ort, Assistant Vice Chancellor, Associate Dean, & Director,
NC Cooperative Extension Service, NC State University

DATE: September 6, 2006

SUBJECT: New Memorandum of Understanding between County
Governments and North Carolina Cooperative Extension

We are pleased to deliver a new Memorandum of Understanding (MOU) to you. As you know, this document serves as the structure of the cooperative relationship created between local, state, and federal governments committed to bringing research-based knowledge from NC A&T State University and NC State University to the citizens of each county, the Cherokee Reservation, and the entire state of North Carolina through North Carolina Cooperative Extension (NCCE).

Times change, and as such, our cooperating entities are called upon to give due diligence to having a sound basis for how our respective operations work together. Jointly, we must periodically review our partnership to ensure we are working from an accurate reflection of the relationship. To accomplish this review, a team representing the North Carolina Association of County Commissioners (NCACC), the NC Cooperative Extension Program at NC A&T State University, and the NC Cooperative Extension Service at NC State University, has met regularly over the past two years. Our goal was to identify

North Carolina State University and North Carolina A&T State University commit themselves to positive action to secure equal opportunity regardless of race, color, creed, national origin, religion, sex, age, or disability. In addition, the two Universities welcome all persons without regard to sexual orientation. North Carolina State University, North Carolina A&T State University, U.S. Department of Agriculture, and local governments cooperating.

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each entity's needs and concerns as it relates to the operation of our partnership, as well as to scrutinize the underlying MOU document itself. Through these meetings, we collaboratively updated the document for a more effective MOU that is simultaneously reflective of our strong collaborative partnership.

This new MOU is presented to you now for your implementation. We are delivering this package of information to all County Managers and all County Extension Directors today. County Managers, you can expect the County Extension Director in your county to make an appointment with you within the next three weeks to discuss this important document. County Extension Directors, you are tasked with the responsibility of setting this meeting and addressing any concerns or questions. Together, each of you is asked to ensure that this document is presented to your Board of County Commissioners for its timely approval and adoption.

Enclosed you will find the new MOU itself. We have included a synopsis of the changes made between the former MOU and Memorandum of Agreement (MOA) and this updated version. In reviewing it, you will see that the new MOU is a combination of the two former documents, but other than that, does not differ significantly from the past versions.

A significant change in the MOU is that it begins to move all Cooperative Extension employees to one uniform payroll system. This change is critical to reduce benefit and policy disparities between NCCE employees across the state. The decision was made collaboratively and retains the option for counties to continue to control their portion of salary increases.

The new document requires all Cooperative Extension new hires to be payrolled through either NCSU or NCA&TSU. This process is called "send-in." All current Extension employees in non-send-in (known as "regular") payroll arrangements as of October 1, 2006, will have two open-window options in which to convert from "regular/non-send-in" to "send-in" per their respective individual choices. The two open window periods will coincide with the State of North Carolina's NCFlex Open Enrollment period in Fall 2006 and Fall 2007. The effective date for the change would then be the January 1 of the following year.

The new MOU must be signed no later than November 1, 2006, for a January 1, 2007, implementation, or no later than October 1, 2007, for a January 1, 2008, implementation. After October 1, 2007, the transitional windows will not be available again unless the total number of "regular" employees across the state drops below fifty (50) as determined yearly on March 1. If the total number of

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“regular” employees across the state is less than 50 at that time, then respective County Boards will be contacted to notify of the need to switch these remaining employees to “send-in”.

In addition to the actual document, we have included other information you may find helpful in your upcoming discussions and implementation of this new document. Please know that members of the Committee are available to answer questions about the changes in the new MOU and how its implementation will affect Extension operations within your county.

Through the discussions we have had in this review process, we felt that keeping this form of positive, joint problem solving and communication going into the future was important and beneficial. To this end, a Joint NCACC and Cooperative Extension Partnership Committee is established in the implementation of this new MOU. The Partnership Committee’s membership will be comprised of representatives from all three organizations, and will meet at least twice a year to enhance future communications and to cooperatively address mutual issues and needs. This Partnership Committee is a testament to the value this collaboration brings to the people of North Carolina. Of all the items in the new MOU, the establishment of this joint committee is perhaps our most important accomplishment.

We would be remiss if we did not take this opportunity to acknowledge and extend our appreciation to the members of the Committee who have served over the past two years. They are:

Charles Abernathy, County Manager, McDowell County
Ron Aycock, former Executive Director, NC Association of County Commissioners
Donald Cobb, District Extension Director, North Central District
Ed Emory, County Extension Director, Duplin County
Brent Henry, County Extension Director, Wake County
Randy Keaton, County Manager, Pasquotank County
Tom Lundy, County Manager, Catawba County
Larry Meadows, County Manager, Jones County
M. Ray McKinnie, Administrator/Associate Dean for Extension, NC Cooperative Extension Program
Jon Ort, Assistant Vice Chancellor, Associate Dean and Director, NC Cooperative Extension Service
Vicki Pettit, Executive Assistant, NC Cooperative Extension Service

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Jacqueline Roseboro, County Extension Director, Columbus County
Mike Ruffin, County Manager, Durham County
Rodney Sawyer, County Extension Director, Currituck County
Sheri Schwab, Associate Director of CALS Personnel, NC State
University
Celvia Stovall, Associate Director, NC Cooperative Extension Program
David Thompson, Executive Director, NC Association of County
Commissioners
Joseph Zublena, Associate Director and Director of County Operations,
NC Cooperative Extension Service

Again, we celebrate with you the accomplishment of this new document and what it represents: a strong and successful Cooperative Extension program that continues to positively impact the citizens of North Carolina.

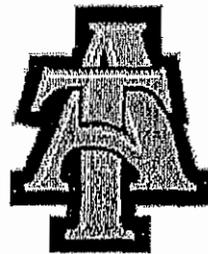
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Enclosures



MEMORANDUM OF UNDERSTANDING

Between
The Board of County Commissioners
and
The North Carolina Cooperative Extension Service
North Carolina State University
and
The North Carolina Cooperative Extension Program
North Carolina A&T State University

NC STATE UNIVERSITY



PREAMBLE

The North Carolina Cooperative Extension Service (NCCES) was established as a part of the College of Agriculture and Life Sciences of North Carolina State University (NCSU) by federal and state legislation for the specific purpose of "extending" the educational services of the University to the people of the state on subjects related to agriculture and natural resources, family and consumer sciences, 4-H and youth development, and community and rural development. The laws creating the Cooperative Extension Service were specifically designed to assure that the findings of research in these areas are communicated to the people of the state.

Under the Federal Appropriations Act of 1972, funds were provided to the 1862 land-grant universities (NCSU) to enhance the extension outreach of the 1890 universities, which included North Carolina A&T State University (NCA&T). The Food and Agriculture Act of 1977 further stipulated that these funds be appropriated directly to the 1890 institutions, and formalized the North Carolina Cooperative Extension Program (NCCEP) as an official part of the School of Agriculture and Environmental Sciences at NCA&T.

While representing two separate Universities, the North Carolina Cooperative Extension Service (NCSU) and the North Carolina Cooperative Extension Program (NCA&T) work together to better serve the people of the State through the delivery of locally relevant programs, education and expertise.

Legislation further provided for a cooperative relationship among three levels of government—federal, state, and county—to ensure that the needs of all three levels are addressed.

The primary purpose of North Carolina Cooperative Extension is to provide the people of North Carolina with the most current and relevant unbiased research-based information—particularly that which is related to strengthening the economy through profitable, sustainable and safe food, forest and green industry systems; to protecting the environment and natural resources; and to empowering youth and families to lead healthier lives and become community leaders. This is accomplished by Cooperative Extension employees who are charged with carrying out the extension education programs of the university and the U.S. Department of Agriculture.

Cooperative Extension has sufficient flexibility to permit attention to the special problems, needs and interests of the citizens and leadership in each county. Therefore, the programmatic, personnel and funding complement reflects the unique needs of each county. County Advisory Councils are consulted on a regular basis to assist in prioritizing the county educational program content. Program clientele or recipients of services include individuals, families, communities, municipalities, agricultural and seafood processing and marketing firms, other businesses and certain organizations. This includes work with adults and youth in both urban and rural settings.

To assure that educational programs offered by Cooperative Extension meet the needs of local clientele, it is important that both elected and appointed decision makers at each level of government understand their respective responsibilities and relationships in the conduct and funding of this work. To this end, the following portions of this Memorandum of Understanding will detail the individual relationships and mutually agreed upon responsibilities of NCSU, NCA&T and each county that signs this agreement.

Part I.
**The North Carolina Cooperative Extension Service and
the North Carolina Cooperative Extension Program will:**

1. *Establish minimum requirements and qualifications for employment in Extension work.*
2. *Receive and examine applications for employment.*
3. *Interview and screen applicants to determine their qualifications and availability.*
4. *Consult with the Board of County Commissioners, or the County Manager as designee, regarding qualified applicants for appointment to vacant or new Extension positions.*
5. *Consult with the Board of County Commissioners, or the County Manager as designee, regarding the salaries of all Extension employees, including County Extension Directors, Extension Agents, Extension Paraprofessionals, Extension Secretaries, and any other Cooperative Extension-based positions.*
6. *Determine jointly with the County Board of Commissioners, or the County Manager as designee, the share of salaries to be paid by each and provide the University share of these salaries.*
7. *Prepare and submit an annual budget to the Board of County Commissioners, or the County Manager as designee, for securing the county's share of funds for salaries and operating expenses each fiscal year.*
8. *Provide funds for official travel necessary to conduct Extension work to the extent that funds are available and for purposes authorized by state and federal policies.*
9. *Provide Extension employees with funds for postage, bulletins, leaflets and other publications for delivering Extension programming and conducting regular business.*
10. *Accept responsibility and provide the leadership for administration and supervision for Extension programs and personnel, including compliance with affirmative action and equal employment opportunity requirements.*
11. *Develop and administer a personnel management plan that will provide the annual review of each worker's performance, counseling for job improvement where needed, and periodic county program reviews.*
12. *Provide a staff of specialists to train agents in current technology and other changes affecting agriculture and natural resources, family and consumer sciences, 4-H and youth, and community and rural development and to assist them in conducting work in these areas.*
13. *Provide Extension workers with training programs as needed to maintain effective program delivery.*
14. *Seek regular input from the County and maintain a County Advisory Leadership System to ensure that county Extension programs are based on the particular needs of people in their respective county.*

15. Prepare and submit a "Report to the People" to the Board of Commissioners, or the County Manager as designee, at least annually, informing the Board or Manager of Extension programs and work accomplished.

Part II.

The Board of County Commissioners will:

1. Provide the County's share of salaries and benefits for Extension personnel.
2. Comply with the State of North Carolina's Worker's Compensation Act, N.C. General Statute § 97-2(2).
3. Provide offices, equipment, utilities, telephones, office supplies, instructional materials and other items needed for efficient operation of the County Extension Center and program; and comply with the accessibility provisions of the Americans with Disabilities Act.
4. Review and consider the annual budget request from NCCES/NCCEP, and take appropriate action by July 1 of each fiscal year.
5. Provide regular input to the District and County Extension Directors on the particular needs of people in their respective county to help ensure that county Extension programs are based on specific needs and meet county programming plans.

Part III.

The North Carolina Cooperative Extension Service, the North Carolina Cooperative Extension Program, and the Board of County Commissioners mutually agree:

1. That all county Extension employment appointments and separations will be made in consultation between NCCES, NCCEP, or both (based on funding of the position), and the Board of County Commissioners, or the County Manager as designee, and that no official action related to such appointments or separations will be taken by either party regarding appointment or separation prior to discussion of the matter with the other party.
2. That the Board of County Commissioners and NCCES/NCCEP shall each be responsible for compliance with applicable laws and regulations relating to their respective operations.
3. To cooperate in applying affirmative action and equal employment opportunity plans of NCCES/NCCEP.
4. That the policies established by the State of North Carolina under N.C. General Statute §126 and followed by the UNC System be used in granting and administration of leave related to the earning rates, transfer policies, payout computation and timing, and administration of vacation, sick, civil, community involvement, military, Family and Medical Leave, Family Illness Leave, leaves of absence, and other approved leave programs for Cooperative Extension personnel. Educational leaves of absence for EPA employees provided under University policy will be reviewed in consultation with the County.

5. That Extension employees will follow county policies relative to office hours, office closings for inclement weather and holidays, and for the management and use of county property.
6. That Extension employees will not be classified under a county classification system.

7. Send-in Provisions of the Cooperative Arrangement

7.1. Transitioning to Send-In

7.1.1. All new hires to Cooperative Extension beginning January 1, 2007, and thereafter, will be covered under the "send-in" payroll arrangement provisions as outlined below.

7.1.2. All current Extension employees in non-send-in payroll arrangements as of October 1, 2006, will have two open-window options in which to convert from "non-send-in" (also known as "regular") to "send-in" per their respective individual choices. There will be two annual conversion windows in which the employees will make their choice. These two annual windows will coincide with the annual NC Flex open-enrollment dates for 2006 and 2007 as published by NC Flex. Employees must communicate their desire to change to "send-in" by submitting an official request form available from the College of Life Sciences Personnel Office at NCSU or NCCEP Administrative office. The change will be effective January 1 of the year following the communication of their choice, either 2007 or 2008. The employee must utilize the NC Flex open-enrollment period to change any applicable benefits except for retirement contributions and health insurance. Outside of these two specific open-enrollment periods, current employees will (1) remain in their respective county's payroll arrangement for the remainder of their employment in their respective county, or (2) change to "send-in" under the provisions outlined in 7.1.3. or 7.1.4. below.

7.1.3. Effective January 1, 2007, and thereafter, all current Extension employees transferring between counties into other Extension positions will be converted to "send-in" upon transfer to the new County.

7.1.4. NCCES/NCCEP will review the total population of non-send-in employees across the state annually each March 1. At such time that the total number of Extension employees across the State falls to or below 50, irrespective of the individual count in any one county, all remaining non-send-in employees will be converted to "send-in" effective January 1 of the next year. NCCES/NCCEP will notify in writing the respective Boards and County Managers by May 1, so that arrangements can be considered in time for the changing fiscal years beginning July 1.

7.2. Establishing Accounts to Operationalize the Send-In Process

To operationalize the "send-in" payroll arrangement, NCCES/NCCEP will establish a Trust Fund Account for the County at NCSU/NCA&T that will serve as the vehicle for the transfer of funds from the County to NCSU/NCA&T for use in paying the county's agreed-upon share of salary and benefits for Extension personnel.

7.2.1. Procedure for Providing Funds to the Account

A State Treasurer's Electronic Payment System (STEPS) form will be completed and the original submitted to the Associate Director of Cooperative Extension via the appropriate District Extension Director. The County Finance Officer,

or the designated County representative, will receive notification from the NCSU College of Agriculture and Life Sciences Personnel Office or the NCA&T Personnel Office prior to the University's payroll date, generally the last working day of each month, advising the amount due for the current payroll. Within 5 business days following the payday, the respective University will draft against the County's established trust account in the amount communicated.

7.2.2. Administration of the Account

The trust account will be maintained in accordance with the respective NCSU or NCA&T accounting policies and procedures. The trust account will be audited and reconciled by the NCSU College of Agriculture and Life Sciences Business Office or the NCA&T College of Agriculture and Environmental Sciences Business Office, respectively, to ensure the month-end account balance remains zero.

7.3. Employee Benefits

7.3.1. Retirement Benefits

All "send-in" Extension Personnel will participate solely in either the North Carolina Teachers and State Employees Retirement System and accompanying North Carolina Disability Income Plan, or the Optional Retirement Plan, based on eligibility criteria established by the State. They will be eligible solely for respective NCSU or NCA&T employee benefits for which they qualify based on their appointment and FTE, and former federal appointees will maintain federal benefits, the employer-paid parts of which will be paid for solely by NCSU or NCA&T.

7.3.2. Taxes and Fringe Benefits

The County will be responsible for providing their proportional share of fringe benefits for all send-in Extension personnel, including but not limited to the following:

7.3.2(a) Employer contributions to all applicable Federal and State taxes.

7.3.2(b) Employer contribution to the State Retirement System per N.C. General Statute §135, or to the Optional Retirement Plan per N.C. General Statute §135-5.1.

7.3.2(c) Employer contribution to the Health Insurance matching charges per N.C. General Statute §135.

7.3.3. Workers' Compensation will be administered pursuant to N.C. General Statute §97-2(2).

7.3.3(a) The County will provide full and direct coverage for those employees subject to the County workers' compensation insurance within the county insurance program. Employees for whom the County will maintain workers' compensation coverage are the following:

7.3.3(a)(1) All secretarial and any other positions designated as SPA (subject to the State Personnel Act); and

7.3.3(a)(2) All Program Assistants/Associates who are not funded

by directly allocated federal funds such as EFNEP, or Program Assistants/Associates who are paid in part by EFNEP funds but which account for less than 50% funding.

7.3.3(b) NCSU/NCA&T will provide full and direct coverage for their respective Extension employees subject to the respective University's workers' compensation insurance within the respective University's insurance program. Extension employees for whom the respective University will maintain workers' compensation coverage are the following:

7.3.3(b)(1) All County Extension Directors and Extension Agents.

7.3.3(b)(2) All Program Assistants or Associates who are funded by directly allocated federal funds such as EFNEP, or Programs Assistants or Associates who are paid in part by EFNEP funds at equal to or more than 50% funding.

7.3.4. NCSU/NCA&T will process severance pay under reductions-in-force (RIFs) as approved under Office of State Personnel guidelines for County-based employees subject to the State Personnel Act (SPA) and unemployment compensation as mandated by the State.

7.3.5. The County will pay its proportional share of annual/vacation leave, up to a maximum of 240 hours per the OSP and/or UNC System guidelines, and any bonus leave balance as explicitly approved per each county per year granted, upon an employee's separation.

7.3.6. The County will pay its proportional share of state longevity for SPA employees upon an employee's service anniversary date.

7.3.7. The County will pay its proportional share of any accrued "extra" time (hour-for-hour) or overtime (1.5 hour-for-hour) to Extension employees that are subject to Fair Labor Standards Act or North Carolina Wage and Hour Act upon an employee's earning anniversary date or as due to the employee at the time of separation.

7.4 Optional County-paid Salary Increases or Bonuses to Extension Personnel

At their discretion, Counties may award additional permanent salary increases or one-time pay awards to Extension Personnel. If this is so desired by the County under the "send-in" payroll arrangement, this action must be communicated to the appropriate District Extension Director's office no later than the first of any month in which the desired increase or bonus is to be applied.

8. Optional Lock-in Provision

This section, if enacted by separate signature of the County, effects an optional "lock-in" agreement between the County and NCSU/NCA&T for Extension personnel. The "lock-in" provision establishes constants to be maintained over the course of the agreement for cost-share percentages.

8.1 Salary Adjustments for SPA Employees under the Lock-in Provision

County and NCSU/NCA&T will fund salary adjustments and increases so that the funding percentages agreed upon in the lock-in section below are maintained. The full compensation plan for state employees as approved by the General Assembly will serve as the basis for compensation adjustments and both the County and NCSU/NCA&T will adhere to the lock-in plan's effective dates and implementation instructions. Extension personnel receiving salary from grant funds will be governed by the terms and conditions of the applicable grant within the scope and applicability of NCSU/NCA&T personnel policies governing grants. These compensation components include, but are not limited to:

- 8.1.1. Across-the-board adjustments,
- 8.1.2. Cost-of-living adjustments (COLA),
- 8.1.3. Merit adjustments,
- 8.1.4. Bonuses (in any form conveyed), and
- 8.1.5. Promotion, classification, market, or equity adjustments.

8.2. Salary Adjustments for EPA Employees under the Lock-In Provision

County and NCSU/NCA&T will fund salary adjustments and increases so that the funding percentages agreed upon in the lock-in section below are maintained. The full compensation plan for University employees as approved by the General Assembly and implemented by the Office of the President, University of North Carolina System, will serve as the basis for all compensation adjustments and both the County and NCSU/NCA&T will adhere to the plan's effective dates and implementation instructions. Extension personnel receiving salary from grant funds will be governed by the terms and conditions of the applicable grant within the scope and applicability of NCSU/NCA&T personnel policies governing grants. These compensation components include, but are not limited to:

- 8.2.1. Across-the-board adjustments,
- 8.2.2. Cost-of-living adjustments (COLA),
- 8.2.3. Merit adjustments,
- 8.2.4. Bonuses (in any form conveyed), and
- 8.2.5. Promotion, classification, market, or equity adjustments.

8.3. Enacting the Lock-in Provision

By signing at this section separately, the County and NCSU/NCA&T shall adhere to the following provisions, guidelines, and procedures.

Salary and Benefits

Salaries and benefits, as delineated above in 7.3, may be split on the basis of either (Option A) type of employee (EPA and/or SPA), or (Option B) individual position.

The County and NCSU/NCA&T agree on the following proportional salary and benefits funding percentages, applicable throughout the duration of this Memorandum of Understanding:

8.3. Option A.

All EPA employees _____ % County _____ % NCSU/NCA&T

All SPA employees _____ % County _____ % NCSU/NCA&T

* any position added to this county's staff of Extension Personnel subsequent to the effective date of this Agreement will adhere to the above percentages.

Board Chair or County Manager Signature	Printed Name	Title	Date
<i>Signature for Option A Lock-in Provision ONLY</i>			

OR

8.3. Option B. Each position shared per the list of detailed percentages below:

_____	_____ % County	_____ % NCSU/NCA&T
_____	_____ % County	_____ % NCSU/NCA&T
_____	_____ % County	_____ % NCSU/NCA&T
_____	_____ % County	_____ % NCSU/NCA&T
_____	_____ % County	_____ % NCSU/NCA&T
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_____	_____ % County	_____ % NCSU/NCA&T
_____	_____ % County	_____ % NCSU/NCA&T
_____	_____ % County	_____ % NCSU/NCA&T

* any position added to this county's staff of Extension Personnel through mutual agreement between the County and NCSU/NCA&T subsequent to the effective date of this Agreement will document the funding splits in correspondence between this County and NCSU/NCA&T, and will become a part of this Agreement.

Board Chair or County Manager Signature	Printed Name	Title	Date
<i>Signature for Option B Lock-in Provision ONLY</i>			

"Regular" County Employee Distribution
as of 7/1/2006

<u>West District</u>	<u>13 Employees In 2 of 16 Counties</u>
	Madison 7
	Yancey 6

<u>South West District</u>	<u>62 Employees In 10 of 14 Counties</u>
	Alexander 6
	Burke 5
	Caldwell 6
	Cleveland 8
	McDowell 6
	Rutherford 6
	Catawba 5
	Gaston 7
	Iredell 9
	Polk 4

<u>North West District</u>	<u>55 Employees In 6 of 14 Counties*</u>
	Rowan 6*
	Alamance 6
	Davidson 9
	Forsyth 13
	Rockingham 7*
	Surry 7

*Rockingham switched to send-in as of 8/1/2006. *Rowan will switch to send-in as of 1/1/2007.

<u>North Central District</u>	<u>45 Employees In 6 of 14 Counties</u>
	Johnston 10
	Vance 5
	Wilson 6
	Person 7
	Durham 7
	Orange 10

<u>South Central District</u>	<u>32 Employees In 7 of 14 Counties</u>
	Columbus 7
	Cumberland 5
	Richmond 2
	Robeson 6
	Harnett 6
	Stanly 3
	Bladen 3

<u>North East District</u>	<u>40 Employees In 8 of 16 Counties</u>
	Camden 3
	Dare 5
	Martin 6
	Pasquotank 7
	Tyrrell 4
	Washington 1
	Beaufort 7
	Northampton 7

<u>South East District</u>	<u>0 Employees in 13 Counties</u>
	NONE

9. A semi-annual meeting will be convened to maintain communication of ideas, developments, concerns and changes within the scope of the Counties and Cooperative Extension relationship. Members of the committee will include representatives of the North Carolina Association of County Commissioners (NCAAC), representatives from County Governments as recommended by the NCAAC, and administrators and designees of Cooperative Extension.

We are in agreement with the above description of the responsibilities and relationships, and that this Memorandum of Understanding may be reviewed at any time. Each party is responsible for all actions for which they have sole responsibility or for which they take unilateral action.

Signatures of the persons below authorize execution of this document, commencing on _____ (date), and continuing year-to-year, unless otherwise terminated in writing by either party under notification to the other party no less than one-hundred twenty (120) days prior to the desired termination date. Termination of this agreement shall have the effect of withdrawal of Cooperative Extension activities and programs in the County.

Signature: _____ Date: _____
Chairperson or Designee
Board of County Commissioners
_____ County

Signature: _____ Date: _____
Director
North Carolina Cooperative Extension Service
North Carolina State University

Signature: _____ Date: _____
Administrator
North Carolina Cooperative Extension Program
North Carolina A&T State University

North Carolina Cooperative Extension

NC STATE UNIVERSITY

Cumberland County Center
North Carolina Cooperative Extension
301 East Mountain Drive
Fayetteville, NC 28306-3444
Phone (910) 321-6860
Fax (910) 321-6883

DELIVER FAX TO:
FAX NUMBER:
PHONE:

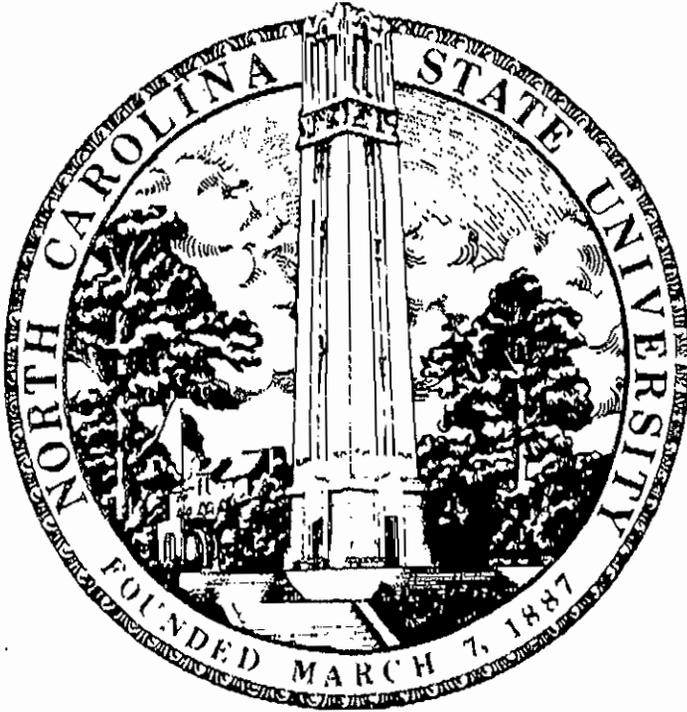
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Employment and program opportunities are offered to all people regardless of race, color, national origin, sex, age, or disability.
North Carolina State University, North Carolina A&T State University, U.S. Department of Agriculture, and local governments cooperating.

This is a copy of the MOU that was signed in 1993.



**MEMORANDUM
of
UNDERSTANDING**

Between

**The North Carolina Cooperative
Extension Service
North Carolina State University
North Carolina A&T State University
and
The Board of County Commissioners**

**MEMORANDUM
of
UNDERSTANDING**

Between

The North Carolina Cooperative Extension Service

North Carolina State University

North Carolina A&T State University

and

The Board of County Commissioners

The North Carolina Cooperative Extension Service was established as a part of the College of Agriculture and Life Sciences of North Carolina State University by *federal and state legislation* for the specific purpose of "extending" the educational service of the university to the people of the state on subjects relating to agriculture and natural resources, home economics, 4-H and youth, and community and rural development. The laws creating Cooperative Extension were specifically designed to assure that the findings of research in these areas are communicated to the people.

Under the Appropriations Act of 1972, funds were provided to the 1862 land-grant universities to enhance the extension outreach of the 1890 universities, which include North Carolina A&T State University. The Food and Agriculture Act of 1977 stipulated that these funds be appropriated directly to the 1890 institutions and formalized the extension program as an official part of the School of Agriculture at that institution. However, to provide effective coordination,

administrative contacts will be handled by the County and District Directors of North Carolina State University with appropriate attention given to North Carolina A&T State University personnel.

Legislation provided that Cooperative Extension work be a partnership among three levels of government — federal, state, and county. Extension Agents are given university appointments and, upon acceptance by the Board of County Commissioners, designated as county faculty members with professional rank of either North Carolina State University or North Carolina A&T State University. They are charged with carrying out the extension education programs of the universities and the U.S. Department of Agriculture.

To assure that education programs offered by Cooperative Extension at both land-grant institutions meet the needs of local clientele, it is important that both elected and appointed officials of each level of government understand their respective responsibilities and relationships in the conduct of this work.

The North Carolina Cooperative Extension Service and the North Carolina Cooperative Extension Program will:

1. Establish minimum requirements and qualifications for employment in extension work;
2. Receive and examine applications for employment;
3. Interview and screen applicants to determine their qualifications and availability;
4. Recommend to the Board of County Commissioners qualified applicants for appointment to vacant or new Extension positions;
5. Recommend the salaries of Extension Agents and Extension Paraprofessionals;
6. Recommend the salaries of Extension Secretaries and pay the state portion according to the State Personnel Pay Plan;
7. Determine jointly with the County Board of Commissioners the share of salaries to be paid by each and provide the state and federal share of these salaries;

- 8. Prepare and submit an annual budget request to the Board of Commissioners for the county's share of funds for salaries and operating expenses;
- 9. Provide funds for official travel necessary in the conduct of Extension work to the extent that funds are available and for purposes authorized by state and federal policies;
- 10. Provide Extension Agents with federal funds for postage, bulletins, leaflets, and other publications for educational purposes;
- 11. Accept responsibility and provide the leadership for administration and supervision for Extension programs and personnel, including compliance with affirmative action and equal employment opportunity requirements;
- 12. Develop and administer a personnel management plan that will provide
 - a. the annual review of each worker's performance
 - b. counseling for job improvement where needed
 - c. periodic county program reviews;
- 13. Provide a staff of specialists to train agents in current technology and other changes affecting agriculture and natural resources, home economics, 4-H and youth, and community and rural development and to assist them in the conduct of work in these areas;
- 14. Provide Extension workers with training programs as needed to maintain effective program delivery;
- 15. Develop and maintain a County Advisory Leadership System to assure that county Extension programs are based on the particular needs of people in their respective county.

- 2. Comply with the Worker's Compensation Act as amended (G.S. 97-2(2));
- 3. Provide offices, equipment, utilities, telephones, office supplies, instructional materials, and other items needed for efficient operation of the County Extension Center and program; comply with the accessibility provisions of the American Disabilities Act of 1990;
- 4. Review and consider the annual budget request from the Cooperative Extension Service and take appropriate action by July 1 of each fiscal year;
- 5. Confer and advise with the District and County Extension Directors relative to county Extension programs.

**The North Carolina Cooperative Extension Service,
the North Carolina Cooperative Extension Program,
and the Board of County Commissioners mutually agree:**

- 1. That all county Extension appointments and separations are to be worked out jointly between the North Carolina Cooperative Extension Service and the Board of County Commissioners, and that no official action will be taken by either party regarding appointment or separation prior to discussion of the matter with the other party;
- 2. That the policies established by the State of North Carolina and followed by the university be used as a guide in granting vacation, sick, civil, and military leave for Cooperative Extension personnel;
- 3. To cooperate in applying affirmative action and equal employment opportunity plans of the North Carolina Cooperative Extension Service;
- 4. That Extension Agents will not be classified under a county classification system;
- 5. That Extension Agents will follow county policies relative to office hours and holidays.

The Board of County Commissioners will:

- 1. Provide the county's share of salaries and appropriate benefits for Extension personnel;

We are in agreement with the above description of the responsibilities and relationships, and that this memorandum of understanding may be reviewed at any time.

Date: May 17, 1993

Thomast. Beards, Chairman
Board of CUMBERLAND County Commissioners

Date: 5/29/93

Newells, Director
North Carolina Cooperative Extension Service



**North Carolina
Cooperative Extension Service**

**NORTH CAROLINA STATE UNIVERSITY
NORTH CAROLINA A&T STATE UNIVERSITY**

Published by

North Carolina Cooperative Extension Service

Distributed in furtherance of the Acts of Congress of May 8 and June 30, 1914. Employment and program opportunities are offered to all people regardless of race, color, national origin, sex, age, or disability. North Carolina State University, North Carolina A&T State University, U.S. Department of Agriculture, and local governments cooperating.



ITEM NO. 1K

COUNTY of CUMBERLAND

Office of the Risk Manager

October 4, 2006

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES B. SILMAN, RISK MANAGEMENT DIRECTOR *BS*

SUBJECT: CONSIDERATION OF DECLARATION OF SURPLUS
COUNTY PROPERTY AND AUTHORIZATION TO ACCEPT
INSURANCE SETTLEMENT

BACKGROUND

DATE OF ACCIDENT	September 23, 2006
VEHICLE	2006 Ford Crown Victoria
VIN	2FAHP71W26X143655
FLEET #	FL44
MILEAGE	20,050
DEPARTMENT	Sheriff
SETTLEMENT OFFER	\$18,154.89
INSURANCE COMPANY	Travelers

This is a total loss settlement offer.

RECOMMENDATION/PROPOSED ACTION

Management recommends that the Board of Commissioners:

1. declare the vehicle described above as surplus
2. authorize the Risk Manager to accept \$18,154.89 as settlement
3. allow Travelers Insurance to take possession of the wrecked (surplus) vehicle.



St. Paul Fire and Marine Ins. Co.
3632 Queen Palm Drive
Tampa, FL 33619
Telephone: (800) 387-8734 x 73688
Fax: (800) 798-0632

October 3, 2006

Cumberland County
Att: Mr. Silman
VIA FACSIMILE: 910-323-6106

2ND VERSION

RE: Claim Number: CDS5701
Claimant:
Insured: Cumberland County
Date of Loss: 09-23-2006

Dear Mr. Silman:

I have received the appraisers report regarding the damage to your vehicle. Your 2006 Ford Crown Vic Police Intercepts, 4 Dr. Sedan, vin: 2FAHP71W26X143655 has been declared a total loss. The value of your vehicle has been established as follows, with the Travelers taking possession of your vehicle:

Actual Cash Value:	\$18,563.00
Plus Sales Tax:	556.89
Plus Tag/Title Transfer Fee:	35.00
Less Deductible:	(1000.00)
Total Payment:	\$18,154.89

Upon receipt of the properly executed Title and Keys (if not left with vehicle), we will issue a payment in the amount of \$18,154.89. The Title needs to be signed in the "sellers" position exactly as the name(s) appears on the title. A Signed & Notarized Affidavit may be needed for any errors.

Please see attached Autosource Valuation for your review.

Should you have any questions or concerns, please feel free to contact me at the above number.

Sincerely,


Sabrina Grimes
Total Loss Unit

**PROCLAMATION PROCLAIMING OCTOBER 26, 2006
AS SHOWBIZ DAY IN CUMBERLAND COUNTY**

WHEREAS, residents in the Fayetteville and Cumberland County area, business and their employees are strongly encouraged to do business locally in order to generate economic activity in the community; and

WHEREAS, this additional economic activity will create new jobs and retain existing jobs as well as generate tax revenue which is needed to maintain and improve services provided by local governments; and

WHEREAS, the Cumberland County Business Council has hosted the ShowBiz business-to-business trade show for the past fifteen (15) years to promote local business growth and encourage the concept of buying from local firms; and

WHEREAS, ShowBiz increases interaction between businesses and customers as the largest trade show in southeastern North Carolina; and

WHEREAS, Fayetteville and Cumberland County contributed over \$3.1 billion in retail sales to North Carolina's economy in 2005; and

WHEREAS, a trade show designed to showcase local businesses and foster consumer relations plays a vital role in maintaining a strong local, regional and state economy:

NOW THEREFORE, that the Cumberland County Board of Commissioners do hereby proclaim October 26, 2006 as

SHOWBIZ DAY

to encourage the recognition of ShowBiz as a fundamental marketing strategy for companies in the area to network with their current and prospective customer base and to salute the businesses and employees involved for their role in the growth and prosperity of Cumberland County.

Billy R. King, Chairman
Cumberland County Board of Commissioners

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>807-140</u>
Date Received	<u>9/27/06</u>
Date Completed	

Fund No. 620 Agency No. 444 Organ. No. 4442
 Organization Name: Civic Center

ITEM NO. 1M(1)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
7686	Insurance Settlements	0	2,825	2,825
				-
				-
				-
				-
	Total	0	2,825	2,825

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
343J	857	Maintenance and Repair - Grounds	32,566	2,825	35,391
					-
					-
					-
					-
					-
		Total	32,566	2,825	35,391

Justification:

Budget revision in the amount of \$2,825.00 to budget funds received from an insurance settlement and to budget the expense associated with the repairs needed.

Fund Balance:

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

Submitted By: [Signature] Date: 9/20/06
 Department Head

Reviewed By: [Signature] Date: 9/27/06
 Budget Analyst

Reviewed By: [Signature] Date: 10/10/06
 Deputy Assistant County Mgr

Reviewed By: _____ Date: _____
 Information Services

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B07-141
Date Received	9/29/2006
Date Completed	

Fund No. 252 Agency No. 450 Organ. No. 4517
 Organization Name: Eastover Sanitary District

ITEM NO. 1M(2)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	0	25,000	25,000
		0	25,000	25,000
	Total			

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1810	757	FICA Match	368	0	368
1911	757	Per Diem - Board	4,800	0	4,800
3111	758	Professional Services - Legal	7,500	5,000	12,500
3390	758	Contracted Services	2,700	0	2,700
340J	758	Eastover II Feasibility	10,000	20,000	30,000
3419	758	Miscellaneous	1,800	0	1,800
3903	758	Contingency	4,684	0	4,684
5775	760	Principal	46,000	0	46,000
5776	760	Interest	171,060	0	171,060
		Total	248,912	25,000	273,912

Justification:

Revision to appropriate fund balance to budget additional expenditures for legal services and ESD II.

Funding Source:

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

Fund Balance:

Submitted By: _____ Date: _____
 Department Head
 Reviewed By: HBT Bob Tucker Date: 9/29/06
 Budget Analyst
 Reviewed By: Amber Cannon Date: 10/10/06
 Assistant County Mgr
 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.	807-143
Date Received	10-3-06
Date Completed	

Fund No. 101 Agency No. 431 Organ. No. 4303
 Organization Name: MOSQUITO CONTROL

ITEM NO. 1M(3)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4135	N.C. MOSQUITO PROGRAM	0	7,644	7,644
Total		0	7,644	7,644

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
2992	153	DEPARTMENT SUPPLIES	40,000	7,644	47,644
Total			40,000	7,644	47,644

Justification:

THIS BUDGET REVISION REQUESTS TO BUDGET FOR ADDITIONAL STATE FUNDING THAT THE DEPARTMENT HAS RECEIVED NOTIFICATION THAT IT CAN EXPECT TO RECEIVE.

State: 7,644 Federal: _____ Fund Balance: _____ County: _____
 Other: _____ Fees: _____ Prior Year: _____ Other: _____

Submitted By: [Signature] Date: 9/28/06
 Department Head
 Reviewed By: [Signature] Date: 10-3-06
 Budget Analyst
 Reviewed By: [Signature] Date: 10/10/06
 Deputy Assistant County Mgr
 Reviewed By: _____ Date: _____
 Information Services

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>307-144</u>
Date Received	<u>10-5-06</u>
Date Completed	

Fund No. 112 Agency No. 43B Organ. No. 4340
 Organization Name: Therapeutic Alternatives for Safe Communiti

ITEM NO. 1M(4)a

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4263	TASC-State	53,244	42,000	95,244
Total		53,244	42,000	95,244

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1210	521	Salaries	209,326	32,681	242,007
1810	521	FICA Match	16,209	2,500	18,709
1820	521	Retirement	10,382	1,601	11,983
1824	521	401k	2,118	327	2,445
1830	521	Medical Insurance	27,774	4,629	32,403
1860	521	Worker's Comp	753	118	871
1991	521	Salary Adj	85	144	229
Total			266,647	42,000	308,647

Justification:

Create one new position per State allocation.

Funding Source:

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

Submitted By: Donald G. Horner Date: 10-4-06
 Department Head
 Reviewed By: Kelly Outrey Date: 10/11/06
 Budget Analyst
 Reviewed By: Amy H. Cannon Date: 10/10/06
 Deputy/Assistant County Mgr
 Reviewed By: _____ Date: _____
 Information Services

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

<u>Position #</u>	<u>Title & Grade</u>	<u>Current Budget</u>	<u>Increase (decrease)</u>	<u>Revised Budget</u>
M40NEW	Substance Abuse Counselor II-66	-0-	\$32,681	\$32,681

James Janor

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B07-145</u>
Date Received	<u>10-5-06</u>
Date Completed	

Fund No. 112 Agency No. 43B Organ. No. 4337
 Organization Name: Therapeutic Alternatives for Safe Communiti

ITEM NO. 1 M (4) 6
pg 1 of 4

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4263	Therapeutic Alt. for Safe Comm. State	633,798	69,000	702,798
Total		633,798	69,000	702,798

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3390	511	Contracted Services	785,541	69,000	854,541
Total			785,541	69,000	854,541

Justification:

Increase contracted services per State allocation.

Funding Source:

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

Fund Balance:

Submitted By: Donald L. Horner Date: 10-4-06
 Department Head
 Reviewed By: Sally Cutry Date: 10-5-06
 Budget Analyst
 Reviewed By: Amyn Cannon Date: 10/10/06
 Deputy/Assistant County Mgr
 Reviewed By: _____ Date: _____
 Information Services

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>307-146</u>
Date Received	<u>10-5-06</u>
Date Completed	

Fund No. 112 Agency No. 43A Organ. No. 4336
 Organization Name: MH - Child & Youth Contract

1 M(4)b
pg 2 of 4

REVENUE				
Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4221	Child Mental Health - State	0	54,662	54,662
Total		0	54,662	54,662

EXPENDITURES					
Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3390	477	Contracted Services	123,370	54,662	178,032
Total			123,370	54,662	178,032

Justification:
 Budget additional state funds for contracted services.

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

Submitted By: <u>Donald A. Haver</u> Department Head	Date: <u>10-4-06</u>	Approved By: _____ Date: _____ County Manager _____ Date: _____ Board of County Commissioners _____ Date: _____
Reviewed By: <u>Sally Autry</u> Budget Analyst	Date: <u>10-5-06</u>	
Reviewed By: <u>Amy Cannon</u> Deputy Assistant County Mgr	Date: <u>10/10/06</u>	
Reviewed By: _____ Information Services	Date: _____	

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B07-148</u>
Date Received	<u>10-5-06</u>
Date Completed	

Fund No. 112 Agency No. 43E Organ. No. 434R
 Organization Name: MH - Adult Contracts

1M(4)b
pg 4 of 4

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4246	NC - Adult Mental Health State	174,000	218,650	392,650
Total		174,000	218,650	392,650

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3390	598	Contracted Services	606,823	218,650	825,473
Total			606,823	218,650	825,473

Justification:

Budget additional state fund to increase contracted services.

Funding Source:

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

Fund Balance:

Submitted By: Ronald Stern Date: 10-4-06
 Department Head
 Reviewed By: Billy Antrop Date: 10-5-06
 Budget Analyst
 Reviewed By: Amye Cannon Date: 10/10/06
 Deputy Assistant County Mgr
 Reviewed By: _____ Date: _____
 Information Services

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B07-149
Date Received	10/6/2006
Date Completed	

Fund No. 430 Agency No. 438 Organ. No. 4385

Organization Name: Juvenile Crime Prevention Council (JCPC) Programs

ITEM NO. 1M(5)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance	24,975	4,287	29,262
Total		24,975	4,287	29,262

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
2620	771	Refunds	24,975	4,287	29,262
			24,975	4,287	29,262

Justification:

Revision to refund FY2006 unspent Juvenile Assessment Center funds.

Funding Source:

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

Fund Balance:

Submitted By: _____ Date: _____

Department Head

Reviewed By: Howard Bone Date: 10/6/06

Budget Analyst

Reviewed By: Amy Cannon Date: 10/10/06

Deputy Assistant County Mgr

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.	B07-151
Date Received	10/6/2006
Date Completed	

Fund No. 101 Agency No. 470 Organ. No. 4702
 Organization Name: Education

ITEM NO. 1M(6)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance		1,148,113	
Total			1,148,113	-

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3862	382	Fayetteville Tech Capital Outlay	4,204,153	78,218	4,282,371
6110	382	Lafayette Hall Renovations	0	37,725	37,725
6112	382	Horace Sisk Renovations	0	32,170	32,170
6113	382	Roof Repairs	0	625,000	625,000
6114	382	Minor Renovations	0	375,000	375,000
			4,204,153	1,148,113	5,352,266

Justification:

Revision to rebudget unexpended funds from FY2006.

Funding Source:

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

Fund Balance:

Submitted By: _____ Date: _____
 Department Head
 Reviewed By: Howard B. [Signature] Date: 10/6/06
 Budget Analyst
 Reviewed By: Amey Cannon Date: 10/10/06
 Deputy Assistant County Mgr
 Reviewed By: _____ Date: _____
 Information Services

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B07-152
Date Received	10/9/2006
Date Completed	

Fund No. 101 Agency No. 422 Organ. No. 422T
 Organization Name: Local Law Enforcement Block Grant

ITEM NO. 1M(7)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated		116	
Total			116	-

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
4003	112	Police Information Network (PIN)	7,263	116	7,379
			7,263	116	7,379

Justification:

Revision to budget interest earned in prior years.

Funding Source:

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

Fund Balance:

Submitted By: _____ Date: _____
 Department Head
 Reviewed By: Howard C. Bar Date: 10/9/06
 Budget Analyst
 Reviewed By: Amy N. Cauffman Date: 10/10/06
 Deputy Assistant County Mgr
 Reviewed By: _____ Date: _____
 Information Services

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

**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

October 11, 2006

MEMORANDUM

To: Board of County Commissioners

From: Amy H. Cannon, Assistant County Manager 

Subject: Deputy Finance Officer for Crown Center

BACKGROUND:

North Carolina General Statutes Chapter 159, Article 3, entitled "The Local Government Budget and Fiscal Control Act" requires all checks drawn on an official depository to be signed by the Finance Officer or a properly designated Deputy Finance Officer and countersigned by another official of the local government designated for this purpose by the Governing Board. The act also requires the Deputy Finance Officer to have a faithful performance bond in an amount not less than \$10,000 or more than \$250,000.

I recommend that Mr. Paul Beard, Assistant General Manager/Chief Operating Officer, be appointed to sign checks for the Crown Center's checking and savings account.

RECOMMENDATION AND PROPOSED ACTION:

1. Approve the appointment of Mr. Paul Beard as Deputy Finance Officer;
2. Provide a faithful performance bond in the amount of \$20,000 for Mr. Paul Beard;
3. Approve the attached resolution implementing the above recommendations.

/Attachment (Resolution)

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

RESOLUTION

WHEREAS, due to the operation requirements unique to the Cumberland County Crown Center, a need exists for checks to be issued during all hours of the day and night. These checks are drawn on official depositories that contain funds held on behalf of others; and

WHEREAS, the timing, amounts, or payees of these checks cannot be anticipated and, in most cases, the checks must be issued immediately; and

WHEREAS, the timing of the checks requires the appointment of a Deputy Finance Officer and, in addition, more than one person must be authorized to countersign each check; and

WHEREAS, North Carolina General Statute Chapter 159, Article 3, entitled "The Local Government Budget and Fiscal Control Act", authorizes the Governing Board to appoint Deputy Finance Officers to designate individual(s) to countersign the checks, and to fix the amount of the faithful performance bond to be provided by the appointee.

NOW THEREFORE, to facilitate the operational requirement of the Cumberland County Crown Center, the Board of County Commissioners hereby RESOLVES that:

- Mr. Paul Beard is appointed a Deputy Finance Officer and is authorized to sign the checks/drafts issued on the checking and savings accounts maintained by the Cumberland County Crown Center.
- The appointee will provide a faithful performance bond in the amount of \$20,000.00.



October 5, 2006

To: Amy Cannon, Assistant County Manager

From:  Rick Reno, Chief Executive Officer

Subject: Deputy Finance Officer

Please place on the next Board of County Commissioners' agenda the appointment of Paul Beard, Assistant General Manager/Chief Operating Officer as a Deputy Finance Officer. This will give him the authority to sign checks for the Crown Center.

Thank you for your assistance in this matter.



ITEM NO. 2A

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

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

COUNTY of CUMBERLAND

Planning and Inspections Department

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

OCTOBER 6, 2006

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

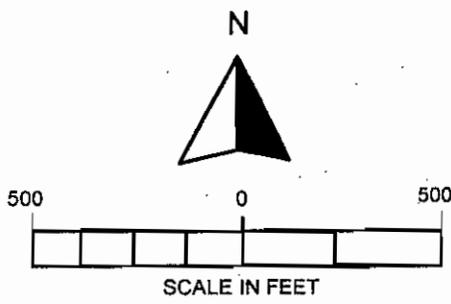
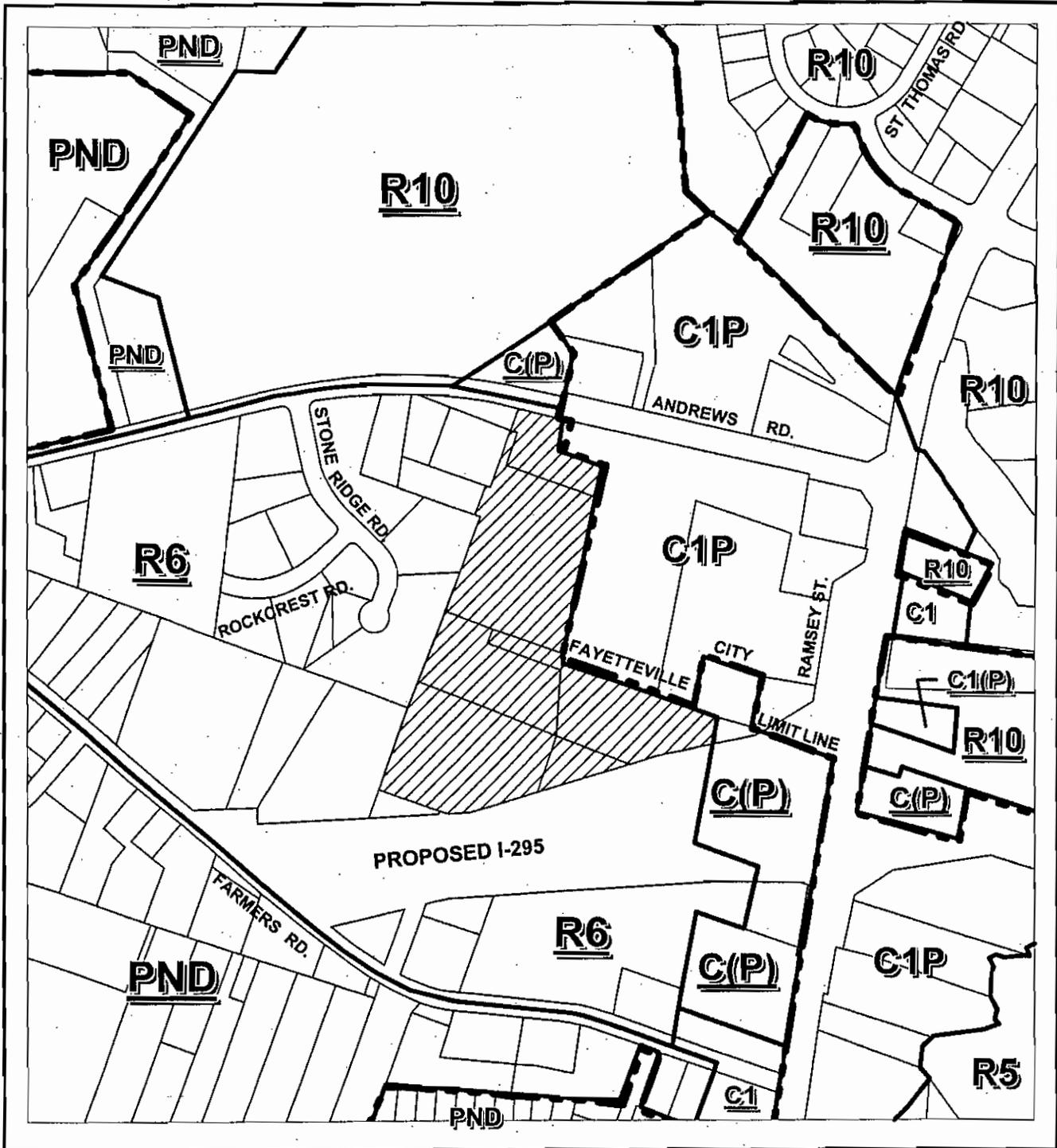
SUBJECT: **P06-61:** REZONING OF SEVEN PARCELS TOTALING 15.53 ACRES FROM R6 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF ANDREWS ROAD, WEST OF RAMSEY STREET, SUBMITTED BY KIMLEY-HORN ASSOCIATES, OWNED BY CLYDE A. CULBRETH, ET AL.

ACTION: THE MEMBERS PRESENT AT THE AUGUST 15, 2006 MEETING VOTED UNANIMOUSLY TO DENY THE C(P) PLANNED COMMERCIAL DISTRICT AND APPROVE C1(P) PLANNED COMMERCIAL DISTRICT.

SITE INFORMATION: **Area:** 15.53 acres; **Frontage & Location:** 162 feet on Andrews Road; **Depth:** 1,330 feet; **Jurisdiction:** County; **Current Use:** Residential; **Initial Zoning:** August 21, 1972 (Area 1); **Zoning Violation(s):** None; **Surrounding Zoning:** North-R10, C(P), City limits-R10, PND, C1P, East-R10, C1(P), C(P), City limits-R10, R5, C1, C1P, South-PND, R6, C(P), C1(P), City limits-PND, and West-R10, PND, R6, and City Limits-PND; **Surrounding Land Use:** Shopping center, medical center, substation, DOT, single family residential and vacant property; **North Fayetteville Area Detailed Land Use Plan:** Heavy Commercial and Low Density Residential; **Watershed Area:** Yes – must meet Watershed requirements; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / PWC – a sewer extension will be required to serve the area; **Soil Limitations:** Some hydric soils – Rains sandy loam; **Subdivisions:** If the parcels are to be developed, will need to be recombined, re-subdivided and a C(P) site plan review will be required on any and all lots that may be created or existing; **Ft Bragg/Pope AFB:** Pope AFB has no objections to this case; **Military Impact Area:** Yes; **Highway Plan:** Andrews Road is identified as a Major Thoroughfare. The Plan calls for a multi-lane facility (Priority 1). Road improvements are not included in the 2006-2012 MTIP. The Fayetteville Outer Loop is identified in the Highway Plan as a Major Thoroughfare. The Plan calls for a multi-lane facility with a 250 foot right-of-way. Road improvements are included in the 2006-2012 MTIP. **Planning/Design:** In progress, **Mitigation:** FFY07, **ROW Acquisition:** FFY 06, 07, Post Years, **Construction:** 08, 12, Post Years; **Average Daily Traffic Count (2004):** 5,400 on Andrews Road.

MINUTES OF AUGUST 15, 2006:

Mr. Lloyd reviewed the site plan information and stated that Staff recommends denial of C(P) zoning for this location but approval of the C1(P) district, even though this recommendation is not totally consistent with the Land Use Plan, based on the findings that there is C1(P) zoning adjacent to this tract; C1(P) would allow for the uses which could accommodate the adjacent Cape Fear Valley Medical Center; and the North Fayetteville Area Detailed Land Use Plan calls for heavy commercial and low density residential at this location, C1(P) zoning provides a good balance between the two districts. O&I(P) would also be considered as suitable for this property.



REQUEST REZONING R6 TO C(P)

ACREAGE: 15.53 AC.+/-		HEARING NO: P06-61	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0531-72-9323,8061,71-8760,7651,6373
81-0323,1498

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



ITEM NO. 2B

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

COUNTY of CUMBERLAND

Planning and Inspections Department

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

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

OCTOBER 6, 2006

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P06-67: REZONING 101.04 ACRES FROM RR TO R10 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTHEAST QUADRANT OF CAMDEN AND WALDOS BEACH ROADS, SUBMITTED BY JOSEPH P. RIDDLE III, OWNED BY MARCH F. RIDDLE.**

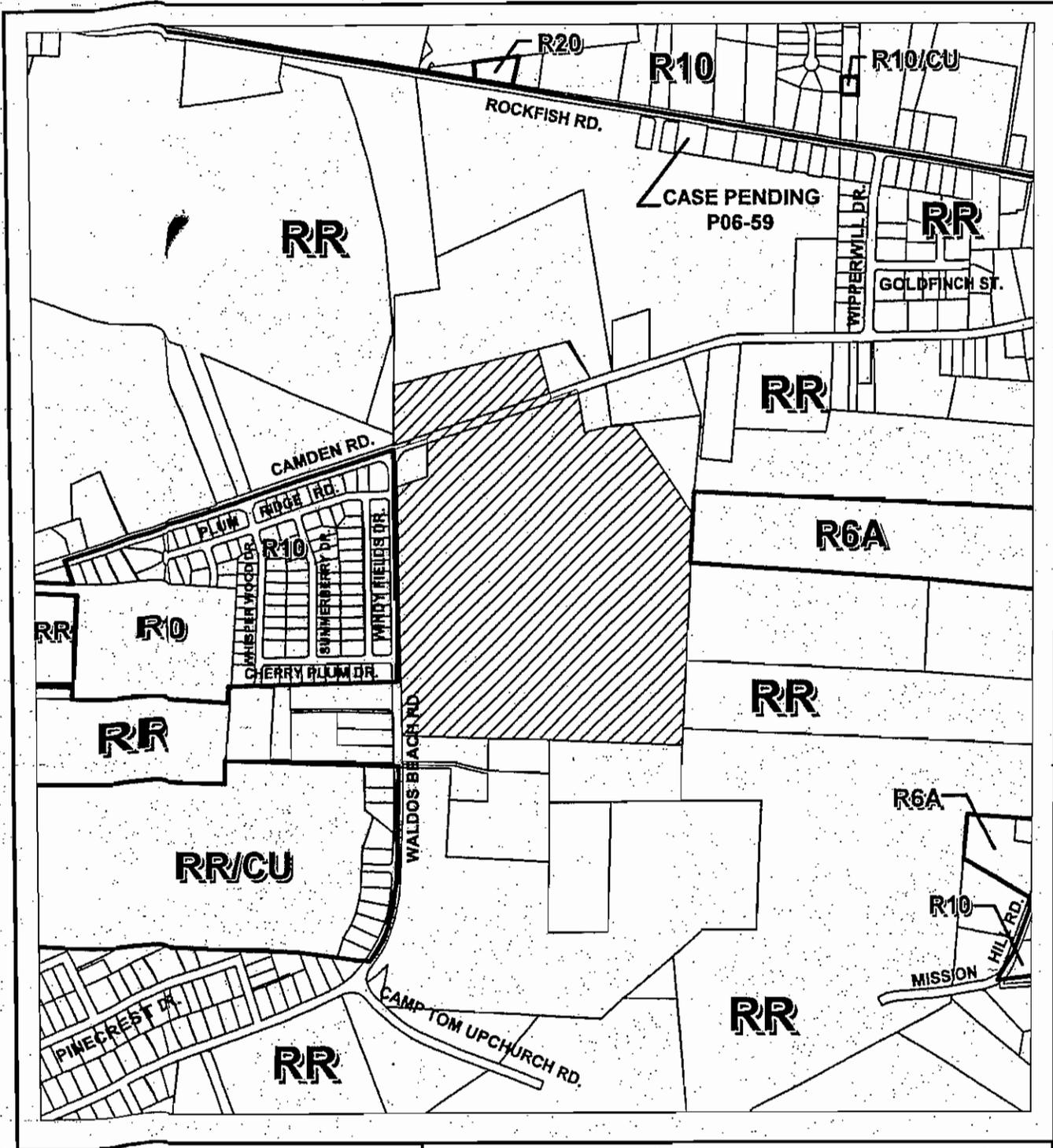
ACTION: THE MEMBERS PRESENT AT THE SEPTEMBER 19, 2006 MEETING VOTED UNANIMOUSLY TO APPROVE THE R10 RESIDENTIAL DISTRICT.

SITE INFORMATION: Area: 101.04 acres; **Frontage & Location:** 2,720 feet on Camden Road; **Depth:** 2,000 feet; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Residential; **Initial Zoning:** February 3, 1977 (Area 7); **Surrounding Zoning:** North-R20, RR, R10, R10/CU, East-RR, R10, R6A, South-RR, RR/CU, West-RR, RR/CU, R10; **Surrounding Land Use:** School, church, single family residential and vacant land; **2010 Land Use Plan:** Low Density Residential; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC Water and Sewer available; **Soil Limitations:** Yes – JT (Johnston loam) and Woodington loamy sand (Wo); **School Capacity/Enrolled:** Stoney Point Elementary 620/833, John Griffin Middle 1274/1291, Jack Britt High 1750/1874; **Subdivisions:** A subdivision review will be required prior to development; **Military Impact Area:** No; **NCDOT:** Turn lanes may be required, a 10' x 70' sight distance easement will be required at the intersection of Camden and Waldos Beach Roads, a 25' right-of-way radius shall be required at all intersections, all lots shall be served internally and the developer needs to apply for a driveway permit; **Highway Plan:** Camden Road is identified as a Major Thoroughfare. The plan calls for a multi-lane facility with a 100 foot right-of-way. Road improvements are included in the 2006-2012 MTIP. ROW: Post Years, Construction: Post Years, Unfunded Project; **Average Daily Traffic Count (2004):** 6,500 on Camden Road; **Notes:** Density minus 20% for roads: RR – 176 lots, R15 – 234 lots, R10 – 352 lots.

MINUTES OF SEPTEMBER 19, 2006:

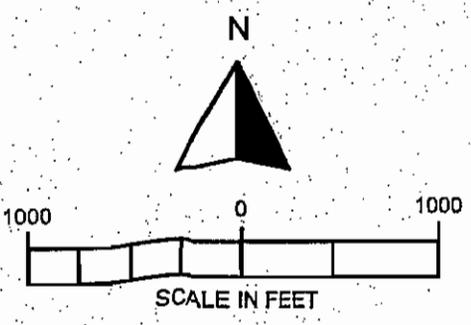
Mr. Lloyd stated that the Planning & Inspections Staff recommends approval of the R10 zoning district based on the findings that the request is consistent with the 2010 Land Use Plan; the request is in keeping with the current surrounding zoning of the area; and public utilities are available to this site and connection will be required upon development. The R15 zoning is the only other suitable district to be considered for this request. There was no opposition to this case.

A motion was made by Mr. McNeill and seconded by Mr. Cain to approve Case P06-67 as submitted. Motion carried unanimously with Mrs. Epler abstaining.



REQUESTED REZONING RR TO R10

ACREAGE: 101.04 AC.+/-		HEARING NO: P06-67	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			



PIN: 9494-85-0682

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



ITEM NO. 2C

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

OCTOBER 6, 2006

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P06-69: REZONING OF A .70 ACRE PORTION OF A .89 ACRE TRACT FROM R10 TO C1(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3725 CUMBERLAND ROAD, SUBMITTED BY MICHAEL TATE PLS, OWNED BY DANCAROL REAL ESTATE, LTD.**

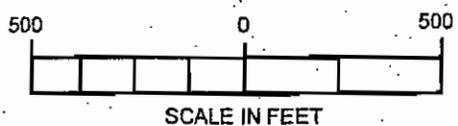
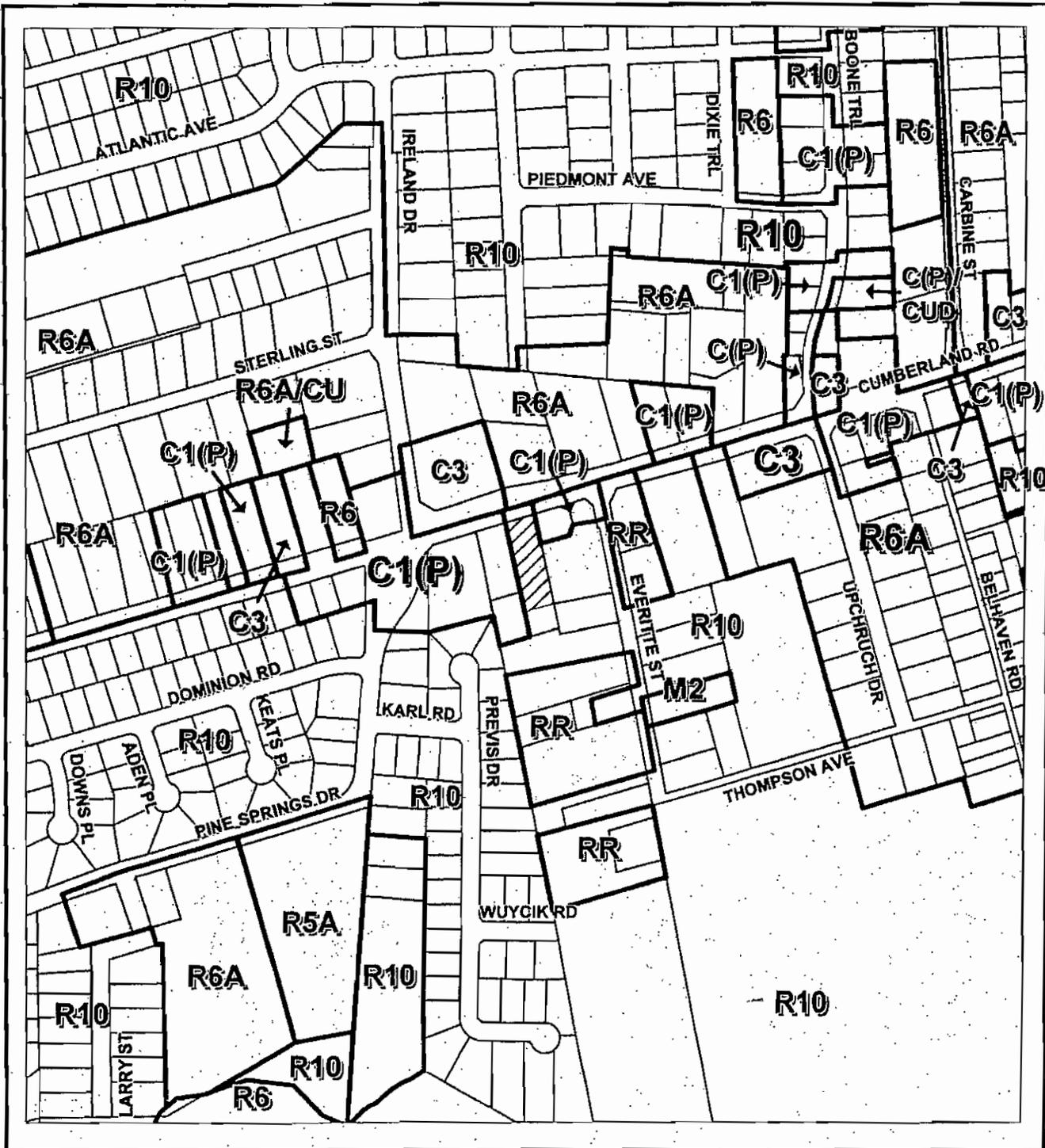
ACTION: THE MEMBERS PRESENT AT THE SEPTEMBER 19, 2006 MEETING VOTED UNANIMOUSLY TO APPROVE THE C1(P) PLANNED COMMERCIAL DISTRICT.

SITE INFORMATION: Area: .70 acres; **Frontage & Location:** 100 feet on Cumberland Road; **Depth:** 311 feet; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Residential; **Initial Zoning:** November 17, 1975 (Area 4); **Nonconformities:** Yes – if rezoned, the structure will become nonconforming due to dimensional requirements; **Surrounding Zoning:** North-R10, R6, R6A, C1(P), C3, East-R10, R6, R6A, C1(P), C(P), C(P)/CUD, M2, South-RR, R10, R6, R6A, R5A, and West-R10, R6, R6A, R6A/CUD, C1(P), C3, R5A
Surrounding Land Use: Manufactured home park (5), gas station, church, farmer's market, duplex, apartments, single family residential and vacant land; **2010 Land Use Plan:** Heavy Commercial; **Urban Services Area:** Yes; **Water/Sewer Availability:** Well / Septic – PWC water available on Cumberland Road; **School Capacity/Enrolled:** Sherwood Park Elementary 461/561, Ireland Drive Middle 243/246, Douglas Byrd Middle 765/684, Douglas Byrd High 1280/1340; **Subdivisions:** A C(P) site plan will be required prior to development; **Military Impact Area:** No; **Highway Plan:** Cumberland Road is identified as a Major Thoroughfare. This is a multi-lane facility with a current 90-110 foot right-of-way. Road improvements have been completed; **Average Daily Traffic Count (2004):** 16,000 on Cumberland Road.

MINUTES OF SEPTEMBER 19, 2006:

Mr. Lloyd stated that the Planning & Inspections Staff recommends approval of the C1(P) zoning district based on the findings that although the request is not consistent with the 2010 Land Use Plan which calls for heavy commercial at this location, the C1(P) Light Commercial district is in character with the current zoning of the area; the subject property is located on a major thoroughfare; and public utilities are available to the site and upon development, connection would be required. There are no other suitable zoning districts to be considered for this request. There was no opposition to this case.

A motion was made by Mrs. Epler and seconded by Mr. McNeill to approve Case P06-69 as submitted. Unanimous approval.



REQUESTED REZONING: R10 TO C1(P)

ACREAGE: 0.70 AC.+/-		HEARING NO: P06-69	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			



ITEM NO. 2D

COUNTY of CUMBERLAND

Engineering Department

ROBERT N. STANGER, P.E.
County Engineer

October 9, 2006

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

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

THROUGH: AMY H. CANNON, ASSISTANT COUNTY MANAGER

SUBJECT: REVISED FLOOD DAMAGE PREVENTION ORDINANCE
NEW FLOOD INSURANCE RATE MAPS (FIRMS)

BACKGROUND:

The Board of Commissioners at its September 18, 2006 meeting adopted the revised draft Flood Damage Prevention Ordinance and new Flood Insurance rate Maps (FIRMs) and set the time and date for the required public hearing as 6:45 PM, Monday, October 16, 2006. Refer to the attached memorandum dated September 11, 2006.

Notice of the Public hearing was published in the Fayetteville Observer (one-half page notice) on Thursday, October 5, 2006.

Notice of Public Hearing was posted at the Volunteer Fire Departments on September 25, 2006.

Notice to property owners within the SFHA that do not reside in the community was given by first class mail postmarked September 27, 2006.

RECOMMENDATION/PROPOSED ACTION:

At the conclusion of the public hearing, the recommendation of the County Engineer, County Attorney and management is to adopt the revised Flood Damage Prevention Ordinance and new FIRMs effective January 5, 2007.

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



COUNTY of CUMBERLAND

Engineering Department

ROBERT N. STANGER, P.E.
County Engineer

September 11, 2006

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

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

THROUGH: AMY H. CANNON, ASSISTANT COUNTY MANAGER

SUBJECT: REVISED FLOOD DAMAGE PREVENTION ORDINANCE
NEW FLOOD INSURANCE RATE MAPS (FIRMS)

BACKGROUND:

The State of North Carolina, through the Federal Emergency Management Agency's (FEMA) Cooperating Technical Partner initiative, has been designated as the first Cooperating Technical State (CTS). As a CTS, the State will assume primary ownership and responsibility of the National Flood Insurance Program (NFIP) Flood Insurance Rate Maps (FIRMs) for all North Carolina communities. In 2001, the State initiated a floodplain mapping program to produce updated FIRMs in a digital format for communities presently in the NFIP and new FIRMs for communities that have applied to be in the NFIP.

On August 30, 2005, the County received the Preliminary Flood Maps for our community from the North Carolina Division of Emergency Management (NCDEM) - Floodplain Management Branch. A 90 day public appeal process followed in which public meetings were held by the State to receive comment on the preliminary maps. During this time the County Engineering Department reviewed the maps and submitted comments and revisions to the State for incorporation in the final maps.

On July 5, 2006, the County received the Letter of Final Determination and Revised FIRMs from NCDEM which initiates the six month compliance period in which the County must adopt the new FIRMs and the associated revisions to our Flood Damage Prevention Ordinance. This must be completed prior to January 5, 2007, the effective date of the new FIRMs. No further revisions to the FIRMs are permitted prior to the January 5, 2007 effective date of the new maps.

Attached is a copy of the revised Flood Damage Prevention Ordinance for your review and comment. The revised ordinance was prepared from the "2005 NC Model Flood Damage Prevention Ordinance" developed by NCDEM - Floodplain Management Branch. NCDEM recommends that communities use the model ordinance and tailor it to the specifics of the community. The significant changes in the draft revised Flood Damage Prevention Ordinance include:

- New definitions in **Article 2** and terminology throughout the ordinance to reflect the terminology on the new FIRMs and to simplify the ordinance. Two new terms in the definition section are "Regulatory Flood Protection Elevation" which is the elevation to which all development in the Special Flood Hazard Area (SFHA) must be protected and "Reference Level" which represents the portion of the structure/utility that must meet this Regulatory Flood Protection Elevation.
- Requiring new development in a SFHA be elevated or floodproofed 2 feet above the Base Flood Elevation (BFE) (2 foot freeboard) as recommended in the County Hazard Mitigation Plan and adopted earlier this year by the Board of Commissioners. The current requirement is to elevate or floodproof to the BFE. The new Regulatory Flood Protection Elevation will be the BFE + 2 feet as defined in **Article 2**.
- **Article 4, Section B(2)(h)** - Requires limitations on the use of below BFE enclosures to be for parking, building access, and/or limited storage only.
- **Article 5, Section A(10)** - Inclusion of the amendments in the North Carolina Flood Act of 2000, NCGS 143-215.51-61, prohibiting certain uses in the SFHA including hazardous waste facilities, solid waste facilities, salvage yards and chemical storage facilities except by variance under certain conditions.
- **Article 5, Section B(3)** - Requires new or replacement manufactured homes in the SFHA be elevated to the regulatory flood protection elevation regardless if the structure is in a new or existing manufactured home park or subdivision. This is more restrictive than the current ordinance which would allow new or replacement units in an existing manufactured home park or subdivision to be elevated such that the chassis is 36 inches above adjacent grade regardless of the BFE.
- **Article 5, Section B(7)&(8)** - Provides for specific standards regarding placement of Temporary Non-Residential Structures and Accessory Structures in the SFHA.

The revisions to the FIRMs include:

- A limited re-study of the County resulting in some areas, particularly east of Cape Fear River, now being in the SFHA and subject to the requirements of our flood damage prevention ordinance when the new maps become effective on January 5, 2007.
- Base Flood Elevations established in all SFHA that were formerly called approximate A Zone.
- New designation for areas formerly within the 500-year floodplain but outside the 100-year floodplain, Zone B, and outside the 500-year floodplain, Zone C. These areas are known as Zone Shaded-X and Zone X respectively.
- The floodway information is shown whereas on the old FIRMs it was not.

As indicated, the County must adopt the revised ordinance and FIRMs prior to January 5, 2007. Failure to do so will result in suspension from the National Flood Insurance, revocation of all flood policies, and the County would not be eligible for Federal and State disaster assistance. In addition, to the County's requirements for amending our ordinances, there is a procedure from NCDEM and FEMA which must be followed that includes:

- Publication of the Notice of Public Hearing which must be no less than a one-half page notice in a newspaper with general circulation in the community. We intend to combine the notice for the unincorporated portion of the County together with the notice for the small municipalities (Falcon, Godwin, Linden, Stedman and Wade) whose floodplain management programs we administer through interlocal agreement. Each town will hold a public hearing for their community.

- Notice of Public Hearing must be posted throughout the community. We intend to post the notice at the Volunteer Fire Departments.
- Property Owners within the SFHA that do not reside in the community must be given notice by first class mail. The small towns will be responsible for any first class mailings required in their community.

The proposed schedule to complete these tasks is as follows:

- Present the draft ordinance to the Board of Commissioners at its September 18, 2006 meeting and request the date for the public hearing be set for October 16, 2006.
- Publish Notice of Public Hearing in the Fayetteville Observer on September 26, 2006.
- Post Notice of Public Hearing at volunteer fire departments during the week of September 25-29, 2006.
- Develop list of property owners in the SFHA that do not reside in the community and require notification by first-class mail. Notification of the public hearing will be mailed no later than October 2, 2006.
- Public Hearing on October 16, 2006 at which time the Board adopts the revised ordinance and new FIRMs.
- Attend public hearings scheduled by Falcon, Godwin, Wade, Linden and Stedman to assist with adoption of the ordinance and their new FIRMs.

The County Attorney's office has reviewed the draft revised Flood Damage Prevention Ordinance for legal sufficiency.

RECOMMENDATION/PROPOSED ACTION:

The recommendation of the County Engineer, County Attorney and management is to adopt the draft revised Flood Damage Prevention Ordinance and new FIRMs and set the date for the required public hearing for 7:00 PM, October 16, 2006.

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

REVISED DRAFT

FLOOD DAMAGE PREVENTION

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

SECTION A. STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3 and 4 of Article 18 of Chapter 153A; and Part 121, Article 6 of Chapter 153A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of Cumberland County, North Carolina, does ordain as follows:

SECTION B. FINDINGS OF FACT.

- (1) The flood prone areas within the jurisdiction of County of Cumberland are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities and by the occupancy in flood prone areas of uses vulnerable to floods or other hazards.

SECTION C. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

- (1) restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- (4) control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
- (5) prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES.

The objectives of this ordinance are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

- (4) to minimize prolonged business losses and interruptions;
- (5) to minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;
- (6) to help maintain a stable tax base by providing for the sound use and development of flood prone areas; and
- (7) to ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

ARTICLE 2. DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

“Accessory Structure (Appurtenant Structure)” means a structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

“Addition (to an existing building)” means an extension or increase in the floor area or height of a building or structure.

“Appeal” means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance.

“Area of Shallow Flooding” means a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

“Area of Special Flood Hazard” see “Special Flood Hazard Area (SFHA)”

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Base Flood” means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

“Base Flood Elevation (BFE)” means a determination of the water surface elevations of the base flood as published in the Flood Insurance Study. When the BFE has not been provided in a “Special Flood Hazard Area”, it may be obtained from engineering studies available from a Federal or State or other source using FEMA approved engineering methodologies. This elevation, when combined with the “Freeboard”, establishes the “Regulatory Flood Protection Elevation”.

“Building” see “Structure”

“Chemical Storage Facility” means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

“Cumulative Substantial Improvement” means any reconstruction, repairs, rehabilitation, addition, or any other improvement (substantial or not) of a structure where the total costs counted cumulatively over 10 years equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the latest or current improvement. If the total cumulative improvement costs equal or exceed fifty (50) percent, the original structure or other development must be brought into compliance with state or county floodplain management regulations, as required for a new structure according to this chapter. The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing state and county health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
- (2) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

“Development” means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

"Disposal" means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Elevated Building" means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Encroachment" means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

"Existing Manufactured Home Park or Manufactured Home Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the community.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters; and/or
- (2) the unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Boundary and Floodway Map (FBFM)" means an official map of a community, issued by the Federal Emergency Management Agency, on which the Special Flood Hazard Areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the Flood Insurance Rate Map (FIRM).

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the Special Flood Hazard Areas have been defined as Zone A.

"Flood Insurance" means the insurance coverage provided under the National Flood Insurance Program.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, issued by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

"Flood Insurance Study (FIS)" means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

"Flood Prone Area" see "Floodplain"

"Floodplain" means any land area susceptible to being inundated by water from any source.

"Floodplain Administrator" is the individual appointed to administer and enforce the floodplain management regulations.

"Floodplain Development Permit" means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain Management Regulations" means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

"Flood Zone" means a geographical area shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

"Freeboard" means the height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation".

"Functionally Dependent Facility" means a facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

"Hazardous Waste Facility" means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

"Highest Adjacent Grade (HAG)" means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

"Historic Structure" means any structure that is:

- (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
- (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) individually listed on a local inventory of historic landmarks in communities with a "Certified Local Government (CLG) Program"; or
- (d) certified as contributing to the historical significance of a historic district designated by a community with a "Certified Local Government (CLG) Program"

Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.

"Lowest Adjacent Grade (LAG)" means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

"Lowest Floor" means lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

"Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market Value" means the building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

"Mean Sea Level" means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the floodplain, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

"New Construction" means structures for which the "start of construction" commenced on or after the effective date of the original version of the community's Flood Damage Prevention Ordinance and includes any subsequent improvements to such structures.

"Non-Encroachment Area" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

"Post-FIRM" means construction or other development for which the "start of construction" occurred on or after the effective date of the initial Flood Insurance Rate Map for the area.

"Pre-FIRM" means construction or other development for which the "start of construction" occurred before the effective date of the initial Flood Insurance Rate Map for the area.

"Principally Above Ground" means that at least 51% of the actual cash value of the structure is above ground.

"Public Safety" and/or "Nuisance" means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational Vehicle (RV)" means a vehicle, which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Reference Level" is the top of the lowest floor or lowest attendant utility, whichever is lower, for structures within Special Flood Hazard Areas designated as Zone AE.

"Regulatory Flood Protection Elevation" means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard.

"Remedy a Violation" means to bring the structure or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Salvage Yard" means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

"Solid Waste Disposal Facility" means, as defined in NCGS 130A-290(a)(35), any facility involved in the disposal of solid waste.

“Solid Waste Disposal Site” means, as defined in NCGS 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

“Special Flood Hazard Area (SFHA)” means the land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year, as determined in Article 3, Section B of this ordinance.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. *The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.*

“Structure” means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

“Substantial Damage” means damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of “substantial improvement”.

“Substantial Improvement” means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- (a) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or,
- (b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

“Variance” is a grant of relief from the requirements of this ordinance.

“Violation” means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Articles 4 and 5 is presumed to be in violation until such time as that documentation is provided.

“Water Surface Elevation (WSE)” means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

“Watercourse” means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) if applicable, of County of Cumberland, North Carolina (unincorporated areas) and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

SECTION B. BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Cumberland County, North Carolina (unincorporated areas) dated Jan 05, 2007, which are adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within Special Flood Hazard Areas determined in accordance with Article 3, Section B of this ordinance.

SECTION D. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

- (a) considered as minimum requirements;
- (b) liberally construed in favor of the governing body; and
- (c) deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of County of Cumberland, North Carolina (unincorporated areas) or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent County of Cumberland, North Carolina (unincorporated areas) from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

The County Engineer, hereinafter referred to as the "Floodplain Administrator", is hereby appointed to administer and implement the provisions of this ordinance.

SECTION B. FLOODPLAIN DEVELOPMENT APPLICATION, PERMIT AND CERTIFICATION REQUIREMENTS.

- (1) **Application Requirements.** Application for a Floodplain Development Permit shall be made to the floodplain administrator and approved prior to any development activities located within Special Flood Hazard Areas. The following items shall be presented to the floodplain administrator to apply for a floodplain development permit:
- (a) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - i) the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - ii) the boundary of the Special Flood Hazard Area as delineated on the FIRM or other flood map as determined in Article 3, Section B, or a statement that the entire lot is within the Special Flood Hazard Area;
 - iii) flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 3, Section B;
 - iv) the boundary of the floodway(s) or non-encroachment area(s) as determined in Article 3, Section B;
 - v) the Base Flood Elevation (BFE) where provided as set forth in Article 3, Section B; Article 4, Section C(11 & 12); or Article 5, Section D;
 - vi) the old and new location of any watercourse that will be altered or relocated as a result of proposed development;
 - vii) certification of the plot plan may be required by a registered land surveyor or professional engineer at the discretion of the floodplain Administrator.
 - (b) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:
 - i) Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - ii) Elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
 - iii) Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
 - (c) If floodproofing, a Floodproofing Certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
 - (d) A Foundation Plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 - ii) Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(c), when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;
 - (e) Usage details of any enclosed areas below the regulatory flood protection elevation.

- (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
- (g) Copies of all other Local, State and Federal permits required prior to floodplain development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)
- (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure Article 5, Sections B(6 &7) of this ordinance are met.
- (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

(2) **Permit Requirements.** The Floodplain Development Permit shall include, but not be limited to:

- (a) A description of the development to be permitted under the floodplain development permit.
- (b) The Special Flood Hazard Area determination for the proposed development per available data specified in Article 3, Section B.
- (c) The regulatory flood protection elevation required for the reference level and all attendant utilities.
- (d) The regulatory flood protection elevation required for the protection of all public utilities.
- (e) All certification submittal requirements with timelines.
- (f) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
- (g) The flood openings requirements, if in Zones A, AO, AE or A1-30.
- (h) Below BFE enclosure uses shall be limited to parking, building access, and or limited storage only.

(3) **Certification Requirements.**

- (a) Elevation Certificates

A final as-built Elevation Certificate (*FEMA Form 81-31*) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The floodplain administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(b) Floodproofing Certificate

If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data and an operational plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the floodplain administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The floodplain administrator shall review the certificate data and plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a floodplain development permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

- (c) If a manufactured home is placed within Zone A, AO, AE, or A1-30 and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per Article 5, Section B(3).
- (d) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.
- (e) Certification Exemptions. The following structures, if located within Zone A, AO, AE or A1-30, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
 - i) Recreational Vehicles meeting requirements of Article 5, Section B(6)(a);
 - ii) Temporary Structures meeting requirements of Article 5, Section B(7); and
 - iii) Accessory Structures less than 150 square feet meeting requirements of Article 5, Section B(8).

SECTION C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

The Floodplain Administrator shall perform, but not be limited to, the following duties:

- (1) Review all floodplain development applications and issue permits for all proposed development within Special Flood Hazard Areas to assure that the requirements of this ordinance have been satisfied.
- (2) Advise permittee that additional Federal or State permits (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and require that copies of such permits be provided and maintained on file with the floodplain development permit.
- (3) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Prevent encroachments into floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Article 5, Section D are met.
- (6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with Article 4, Section B(3).

- (7) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with Article 4, Section B(3).
- (8) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with Article 4, Section B(3).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Article 4, Section B(3) and Article 5, Section B(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (11) When Base Flood Elevation (BFE) data has not been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, in order to administer the provisions of this ordinance.
- (12) When Base Flood Elevation (BFE) data is provided but no floodway nor non-encroachment area data has been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- (13) When the lowest ground elevation of a parcel or structure in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.
- (14) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection.
- (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the floodplain administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (17) Revoke floodplain development permits as required. The floodplain administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (18) Make periodic inspections throughout all special flood hazard areas within the jurisdiction of the community. The floodplain administrator and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (19) Follow through with corrective procedures of Article 4, Section D.
- (20) Review, provide input, and make recommendations for variance requests.

- (21) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

SECTION D. CORRECTIVE PROCEDURES.

- (1) Violations to be Corrected: When the floodplain administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- (2) Actions in Event of Failure to Take Corrective Action: If the owner of a building or property shall fail to take prompt corrective action, the floodplain administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:
 - (a) that the building or property is in violation of the Flood Damage Prevention Ordinance;
 - (b) that a hearing will be held before the floodplain administrator at a designated place and time, not later than ten (10) days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and,
 - (c) that following the hearing, the floodplain administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as appears appropriate.
- (3) Order to Take Corrective Action: If, upon a hearing held pursuant to the notice prescribed above, the floodplain administrator shall find that the building or development is in violation of the Flood Damage Prevention Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than sixty (60) calendar days, nor more than One-hundred-eighty (180) calendar days. Where the floodplain administrator finds that there is imminent danger to life or other property, he may order that corrective action be taken in such lesser period as may be feasible.
- (4) Appeal: Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the floodplain administrator and the clerk within ten (10) days following issuance of the final order. In the absence of an appeal, the order of the floodplain administrator shall be final. The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- (5) Failure to Comply with Order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be guilty of a misdemeanor and shall be punished at the discretion of the court.

SECTION E. VARIANCE PROCEDURES.

- (1) The Board of Adjustment as established by Cumberland County Board of Commissioners, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:
 - (a) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.

- (b) functionally dependant facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of Article 4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages.
 - (c) any other type of development, provided it meets the requirements stated in this section.
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
- (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally dependant facility, where applicable;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report from the applicant, addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (8) The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (9) Conditions for Variances:
- (a) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.

- (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
 - (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (d) Variances shall only be issued prior to development permit approval.
 - (e) Variances shall only be issued upon:
 - i) a showing of good and sufficient cause;
 - ii) a determination that failure to grant the variance would result in exceptional hardship; and
 - iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (10) A variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.
- (a) The use serves a critical need in the community.
 - (b) No feasible location exists for the use outside the Special Flood Hazard Area.
 - (c) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
 - (d) The use complies with all other applicable Federal, State and local laws.
 - (e) The County of Cumberland has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

In all Special Flood Hazard Areas the following provisions are required:

- (1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.
- (2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- (4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters, and electric outlets/switches.

- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
- (7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (8) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.
- (9) Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the floodway, non-encroachment area, or stream setback, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway, non-encroachment area, or stream setback, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- (10) New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted, except by variance as specified in Article 4, Section E(10). A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to Article 4, Section B(3) of this ordinance.
- (11) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- (12) All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- (13) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (14) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

SECTION B. SPECIFIC STANDARDS.

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided, as set forth in Article 3, Section B, or Article 4, Section C(11 & 12), the following provisions, in addition to Article 5, Section A, are required:

- (1) Residential Construction. New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.
- (2) Non-Residential Construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance. Structures located in A, AE and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B(3), along with the operational and maintenance plans.

(3) Manufactured Homes.

- (a) New or replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.
- (b) Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
- (c) All enclosures or skirting below the lowest floor shall meet the requirements of Article 5, Section B(4)(a), (b), and (c).

(4) Elevated Buildings. Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

- (a) shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
- (b) shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;
- (c) shall include, in Zones A, AO, AE, and A1-30, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - i) A minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - ii) The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - iii) If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - iv) The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
 - v) Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - vi) Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(5) Additions/Improvements.

- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - i) not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

- ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
 - (b) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
 - (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - i) not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
 - (d) Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.
- (6) Recreational Vehicles. Recreational vehicles shall either:
- (a) be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
 - (b) meet all the requirements for new construction.
- (7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the floodplain administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the floodplain administrator for review and written approval;
- (a) a specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;
 - (b) the name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - (c) the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - (d) a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - (e) designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- (8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:
- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
 - (b) Accessory structures shall not be temperature-controlled;
 - (c) Accessory structures shall be designed to have low flood damage potential;

- (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (e) Accessory structures shall be firmly anchored in accordance with Article 5, Section A(1);
- (f) All service facilities such as electrical shall be installed in accordance with Article 5, Section A(4); and
- (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with Article 5, Section B(4)(c).

An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures in accordance with Article 4, Section B(3).

SECTION C. RESERVED.

SECTION D. SMALL STREAM STANDARDS.

In areas outside of the Special Flood Hazard Areas along small streams designated by the floodplain administrator, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to Article 5, Sections A and B, shall apply:

No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

SECTION E. RESERVED.

SECTION F. FLOODWAYS AND NON-ENCROACHMENT AREAS.

Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Article 3, Section B. The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions, in addition to standards outlined in Article 5, Sections A and B, shall apply to all development within such areas:

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated that:
 - (a) the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice and presented to the floodplain administrator prior to issuance of floodplain development permit, or
 - (b) a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- (2) If Article 5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- (3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - (a) the anchoring and the elevation standards of Article 5, Section B(3); and
 - (b) the no encroachment standard of Article 5, Section F(1).

ARTICLE 6. LEGAL STATUS PROVISIONS.

SECTION A. EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOOD DAMAGE PREVENTION ORDINANCE.

This ordinance in part comes forward by re-enactment of some of the provisions of the flood damage prevention ordinance enacted February 01,1982 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued thereunder are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the flood damage prevention ordinance of County of Cumberland enacted on February 01,1982, as amended, which are not reenacted herein are repealed.

SECTION B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a floodplain development permit has been granted by the floodplain administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of six (6) months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

SECTION C. EFFECTIVE DATE.

This ordinance shall become effective January 05, 2007.

SECTION D. ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the _ Board of Commissioners of County of Cumberland, North Carolina, on the _____ day of _____, 2006.

WITNESS my hand and the official seal of _____, this the _____ day of _____, 2006

(signature)



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

October 5, 2006

October 16, 2006 Agenda Item

TO: Board of Commissioners
FROM: Ann Hymes, Deputy Clerk
SUBJECT: Wrecker Review Board Vacancy (1)

The Wrecker Review Board has the following vacancy:

Sheriff's Appointee

Lt. John Legette - Appointed in April 2006 to fill an unexpired term. Eligible for reappointment.

I have attached the current membership list for this board.

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

Attachment

pc: Sgt. Flythe, Sheriff's Office

WRECKER REVIEW BOARD
2 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>County Appointee</u>				
Chuck Epler Eagle Motor Company 4619 Bragg Blvd. Fayetteville, NC 28303 867-8585	04/06	2nd	Apr/08 04/30/08	No
<u>Sheriff's Appointees</u>				
Lt. John Legette Cumberland County Sheriff's Office 131 Dick Street Fayetteville, NC 28301	04/06 (to fill unexpired term)	1st	Nov/06 11/30/06	Yes
<u>Wrecker Licensee Appointees</u>				
Philip McCorquodale Philip's Towing Service 327 Alexander Street Fayetteville, NC 28301 323-9600	02/06	1st	Feb/08 02/28/08	Yes
Larry Sessoms Larry's Towing Service P.O. Box 36166 Fayetteville, NC 28303 425-1050/237-0891(Cell)	02/06	2nd	Feb/08 02/28/08	No
<u>State Highway Patrol Appointee</u>				
Sgt. Scott Canady State Highway Patrol 2435 Gillespie Street Fayetteville, NC 28306 486-1334	02/06	1st	Feb/08 02/28/08	Yes

Contact: Sgt. Stan Flythe, Sheriff's Office
Phone: 672-5657

Meetings as needed.



COUNTY of CUMBERLAND

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JOHN T. HENLEY, JR.
DIANE WHEATLEY

October 3, 2006

October 16, 2006 Agenda Item

TO: Board of Commissioners
FROM: Ann Hymes, Deputy Clerk
SUBJECT: Adult Care Home Community Advisory Committee

BACKGROUND: On October 2, 2006 the Board of Commissioners nominated the following to fill two (3) vacancies on the Adult Care Home Community Advisory Committee:

Nominee: **Stephanie Hodges** (reappointment)
Edgar F. Merritt
Kristin Sharp

PROPOSED ACTION: Appoint the above.

Attachments

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

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

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Tiffany M. Adams (B/F) 1123 Curry Ford Drive Fayetteville, NC 28314 867-5976/286-1061(W)	2/06	Initial	Feb/07 2/28/07	Yes
Deborah Atkinson 217 Andover Road Fayetteville, NC 28311 822-5441/486-1582	9/05	1 st	Aug/08 8/31/08	Yes
Mary Ann Brown-Jackson 1959B James Hamner Way Fayetteville, NC 28311 822-1311/483-3101	1/06	1 st	Jan/09 1/31/09	Yes
Cathy Bain (W/F) 2426 Wade-Stedman Stedman, NC 28391 486-8084/818-4292(W)	6/06	1 st	June/09 6/30/09	Yes
Herma Jean Bradley (/F) 714 Topeka Street Fayetteville, NC 28301 822-3689	6/06	1 st	June/09 6/30/09	Yes
Mexie Fields (/F) 1815 Primrose Drive Fayetteville, NC 28301 488-8432	1/06	Initial	Jan/07 1/31/07	Yes
James Ingram(B/M) P.O. Box 87671 Fayetteville, NC 28304 257-1831/488-8415(W)	1/05	Initial	Jan/07 1/31/07	Yes
Julie Smith 3705 Tyson Circle Hope Mills, NC 28348 425-6215	9/05	1 st	Aug/08 8/31/08	Yes

Adult Care Home Community Advisory Committee, continued

9/06

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Linda Brownlee-Jones (B/F) 5817 Pettigrew Drive Fayetteville, NC 28314 867-9589	4/06	Initial	Apr/07 4/30/07	Yes
Stephanie Hodges (W/F) 3424 Harrisburg Road Fayetteville, NC 28306 429-9300/292-5651(Cell)	11/05	Initial	Nov/06 11/30/06	Yes
Wynella A. Myers (B/F) 706 Sarazan Drive Fayetteville, NC 28303 425-3732	9/06	Initial	Aug/07 8/31/07	Yes
Janet Pelley 6131 Lochview Drive Fayetteville, NC 28311 488-4947	4/06	2nd	April/09 4/30/09	No
John Poulos (W/M) 3025 Brechin Road Fayetteville, NC 28303 867-2622/424-4242(W)	6/06	2nd	June/09 6/30/09	No
Gary Collier (W/M) 6335 Hackberry Hope Mills, NC 28348 423-4853/323-0760, Ext. 7138(W)	2/06	Initial	Feb/07 2/28/07	Yes
Dr. Claudett Tompkins (B/F) 260 Old Farm Road Fayetteville, NC 28314 864-5336/424-4797(W)	9/06	2nd	Aug/09 8/31/09	No
Patricia Paul (W/F) 805 Lakecrest Drive Fayetteville, NC 28301 488-5054	3/04	1 st	Mar/07 3/18/07	Yes

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

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

APPLICANTS FOR
ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
EDWARDS, MANDELLA (/F) 4151 VILLAGE DRIVE FAYETTEVILLE, NC 28304 429-0790	FULL TIME STUDENT	
SERVES ON THE NURSING HOME ADVISORY BOARD		
MERRITT, EDGAR F. (B/M) 1506 BOROS DRIVE FAYETTEVILLE, NC 28303 822-2976/286-2552(W)	RETIRED CITY POLICE PART-TIME DEPT OF JUVENILE JUSTICE	3 YRS COLLEGE
SHARP, KRISTIN (B/F) 3434 LUBBOCK DRIVE HOPE MILLS, NC 28348 323-1046/678-8289(W)	COUNSELOR	BS – PSYCHOLOGY MA – COUNSELING MA – HUMAN RESOURCE DEVELOPMENT
THOMAS, NAVY (B/F) 7208 REEDYCREEK DRIVE FAYETTEVILLE, NC 28314 867-4531/483-2222(W)/224-1332(CELL)	MAINTENANCE TECH.	2 YR TECH. COLLEGE
SERVES ON THE NURSING HOME ADVISORY BOARD		



COUNTY of CUMBERLAND



Board of County Commissioners

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DIANE WHEATLEY

MARSHA S. FOGLE
CLERK TO THE BOARD

ANN HYMES
DEPUTY CLERK

October 3, 2006

October 16, 2006 Agenda Item

MEMORANDUM

TO: Board of Commissioners
FROM: Ann Hymes, Deputy Clerk
SUBJECT: Criminal Justice Partnership Advisory Board

BACKGROUND: On October 2, 2006 the Board of Commissioners nominated the following to fill one (1) vacancy on the Criminal Justice Partnership Advisory Board.

County Commissioner Representative

Nominee: **Jeannette Council**

I have attached the current membership list for this board.

PROPOSED ACTION: Appoint the above.

Attachments

pc: Callie Gardner, Day Reporting Center
Elizabeth Keever, Chief District Court Judge

CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD

Established by the Board of County Commissioners May 16, 1994

Terms were initially set and staggered June, 1996.

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Probation Officer/Assistant JDM</u>				
Jonette Quenum(/F) Div. of Community Corrections 412-A Russell Street Fayetteville, NC 28301 486-1890 (W)	8/05	1st	June/08 6/30/08	Yes
A. Wayne Marshburn, JDM Div. of Community Correction 412-A W. Russell Street Fayetteville, NC 28301 486-1161(W)	8/05	3rd	June/08 6/30/08	Yes
<u>Superior Court Judge</u>				
Jack A. Thompson Cumberland Co. Courthouse – Ste. 307 P.O. Box 363 Fay., NC 28302 678-2900(W)	4/04	1st	April/07 4/30/07	Yes
<u>District Court Judge</u>				
Beth Keever (W/F) Cumberland County Courthouse 117 Dick Street Fay., NC 28301 678-2901(W)	6/06	5th	June/09 6/30/09	Yes
<u>Police Chief or Designee</u>				
Lieutenant Michael Calfee Fayetteville Police Department 467 Hay Street Fay., NC 28301 433-1861	9/04	1st	Sept/07 9/30/07	Yes
<u>Sheriff or Designee</u>				
Major John McRainey Cumberland County Sheriff's Office Law Enforcement Center 131 Dick Street Fay., NC 28301 323-1500(W)	8/05	3rd	June/08 6/30/08	Yes

CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD PG. 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Community-Based Corrections Programs Representative</u>				
Sue Horne (/F) Fayetteville Area Sentencing 310 Green Street, Suite 110 Fay., NC 28301 323-5852	4/06	1st	April/09 4/30/09	Yes
<u>District Attorney</u>				
Ed Grannis (W/M) Cumberland County Courthouse 117 Dick Street Fay., NC 28301 678-2915(W)	6/04	4th	June/07 6/30/07	Yes
<u>Victim Services Programs Representative</u>				
Sharon Wright Hucks (B/F) Cumberland County District Attorney's Office Cumberland County Courthouse Fay., NC 28301 678-2915(W)	8/05	3rd	June/08 6/30/08	Yes
<u>At-Large</u>				
Kimbrell Tucker(W/F) CC Courthouse – Ste. 211 Fay., NC 28301 678-2901(W)	6/04	1st	June/07 6/30/07	Yes
Frederick H. Frimet (C/M) 1163 Bluebird Lane Fay., NC 28311 488-7486(H)	6/04	1st	June/07 6/30/07	Yes
Richard A. Hayes 332 Summertime Road Fay., NC 28303 484-0137/733-4564(W)	6/04	3rd	June/07 6/30/07	No
Carrie M. Heffney (B/F) 7665 Wilkins Drive Fay., NC 28311 488-0707/678-8351(W)	6/06	4th	June/09 6/30/09	Yes

CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD PG. 3

<u>Name/Address</u>	<u>Date</u> Appointed	<u>Eligible For</u> Term	<u>Expires</u>	<u>Reappointment</u>
<u>At-Large</u> Ralph Spivey (W/M) 3113 Baker Street Fay., NC 28303 867-3201	6/04	2nd	June/07 6/30/07	No
Kirk Nance 603 Pilot Avenue Fay., NC 28303 484-4140/323-3500(W)	6/06	2nd	June/09 6/30/09	No
<u>Public Defender</u> Ron McSwain (W/M) Cumberland County Courthouse, Suite 307 117 Dick Street Fay., NC 28301 678-2918(W)	6/04	4th	June/07 6/30/07	Yes
<u>County Commissioner</u> Billy R. King (B/M) P.O. Box 1829 Fay., NC 28302 678-7771(W)	6/04	4th	June/07 6/30/07	Yes
Talmage S. Baggett (W/M) P.O. Box 1829 Fay., NC 28302 678-7771(W)	6/06	3rd	June/09 6/30/09	Yes
<u>Substance Abuse Service Representative</u> James Miller (W/M) RR 1, Box 340 Hope Mills, NC 28348 485-6953	8/05	4th	June/08 6/30/08	Yes
<u>Criminal Defense Attorney</u> Sherry Miller 108 Hay Street Fay., NC 28301 485-5004(W)	6/04	1st	June/07 6/30/07	Yes

CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD PG. 4

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>County Manager or Designee</u> Juanita Pilgrim (B/F) P.O. Box 1829 Fay., NC 28302 678-7723(W)	6/00	N/A	N/A	Yes

Meetings: Second Tuesday of Each Quarter, 5:30 PM, Cumberland County Day Reporting Center, 412 W. Russell Street, Fayetteville, NC 28301-5548



COUNTY of CUMBERLAND

Board of County Commissioners

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JEANNETTE M. COUNCIL
JOHN T. HENLEY, JR.
DIANE WHEATLEY

October 3, 2006

October 16, 2006 Agenda Item

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

BACKGROUND: On October 2, 2006, the Board of Commissioners nominated the following to fill two (2) vacancies on the Human Relations Commission:

Nominees: **Bobby Ervin** (reappointment)
Zeandrew Farrow (reappointment)

PROPOSED ACTION: Appoint the above.

pc: City of Fayetteville – Human Relations Director

HUMAN RELATIONS COMMISSION
 (County Commissioner Appointees)
 2Year Term

Name/Address	Date Appointed	Term	Expires	Eligible for Reappointment
Bobby Ervin (W/M) Fayetteville Tech. Community College P.O. Box 35236 Fayetteville, NC 28303 484-5668/678-8466(W)	11/01/04	1 st	11/01/06	Yes
Zeandrew Farrow 403 Virginia Avenue Spring Lake, NC 28390 257-8570 (Cell)	11/01/04	1 st	11/01/06	Yes
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

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



COUNTY of CUMBERLAND

Board of County Commissioners

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MARSHA S. FOGLE
CLERK TO THE BOARD

ANN HYMES
DEPUTY CLERK

October 3, 2006

October 16, 2006 Agenda Item

TO: Board of Commissioners
FROM: Ann Hymes, Deputy Clerk
SUBJECT: Minimum Housing Appeals Board

BACKGROUND: On October 2, 2006, the Board of Commissioners nominated **I. J. McNeil** to serve his second term as a Regular Member on the Minimum Housing Appeals Board.

PROPOSED ACTION: Appoint the above.

Attachments

pc: Charisse Brown, Planning/Inspections Department

MINIMUM HOUSING APPEALS BOARD
3 Year Staggered Terms

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Willie McKoy (B/M) 1632 Greenock Avenue Fayetteville, NC 28304-2930 423-2196	09/04	2nd	Oct/07 10/31/07	No
I. J. McNeil(B/M) 821 Oakcrest Drive Fayetteville, NC 28301 822-3152	10/03	1st	Oct/06 10/31/06	Yes
Jimmy Ragland (B/M) 906C Greenleaf Drive Fayetteville, NC 28314 867-6972	09/04	1st	Oct/07 10/31/07	Yes
Clyde V. Vaughan (W/M) 126 West Circle Court Fayetteville, NC 28301 497-8237 or 8238	9/05	1 st	Oct/08 10/31/08	Yes
John Williams (B/M) 7712 Guinevere Court Fayetteville, NC 28314 864-9536/944-7612(W)	11/05	1st	Nov/08 11/30/08	Yes

Meetings: Quarterly - Second Tuesday of the first month of each quarter per calendar year -
(January, April, July, October)
Old Courthouse, 130 Gillespie St., 6:30 PM

Contact: Charisse Brown, ext. 6643, Planning and Inspections Department

MINIMUM HOUSING APPEALS BOARD
(Alternate Members)
 3 Year Terms

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Deborah Ann Dantzler (B/F) 421 Old Farm Road Fayetteville, NC 28314 487-2548/488-2120, ext. 7494(W)	8/05 to fill unexp. term	1st	Dec/07 12/31/07	Yes
Louis L. King (W/M) 1004 Greenhouse Drive Hope Mills, NC 28348 425-3732	12/05	1 st	Dec/08 12/31/08	Yes
Charles Lewis (B/M) 3300 Morganton Road Fayetteville, NC 28303 485-7755/257-9656(W)	2/05 to fill unexp. term	1 st	Oct/07 10/31/07	Yes
Anthony L. Maccy (W/M) 2026 Poplar Drive Fayetteville, NC 28304 425-4989	10/05	1 st	Oct/08 10/31/08	Yes
Linda J. Miller 5815 Cherrystone Drive Fayetteville, NC 28311 480-0063/822-7923(W)	1/05	1 st	Jan/08 1/31/08	Yes

APPLICANTS FOR
MINIMUM HOUSING APPEALS BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BURRISS, JR, CLAYTON OLIVER (C/M) 2026 FOREST HILLS DRIVE FAYETTEVILLE, NC 28303 822-2800	RETIRED DESIGN ENGR	DEGREE – BUSINESS ADMIN/MGMT MAJOR
JENSEN, LEESA (W/F) 719 ASHFIELD DRIVE FAYETTEVILLE, NC 28311 630-0253/433-1695(W)	HUMAN RELATIONS SPECIALIST	MASTERS: BUSINESS ADMINISTRATION
KELLY, MARIE (AA/F) 6527 BONNIE BELL LANE FAYETTEVILLE, NC 28314 864-7175	UNEMPLOYED	HS – SOME COLLEGE
LOWE, CLABON RODELL (B/M) 512 KENTWELL COURT FAYETTEVILLE, NC 28303 864-7145/396-5710/5663(W)	US ARMY	2 YR DEGREE

ITEM NO. 5

CLOSED SESSION