
AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
AUGUST 20, 2007
6:45 PM

INVOCATION - Commissioner Breeden Blackwell, Vice-Chairman

Minister:

PLEDGE OF ALLEGIANCE -- Gracyn Martin, Kindergarten, Bladen Primary School

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

Special Recognition:

Cumberland County Cares Award – George Quigley
William Johnstone

Recognition of Retired County Employee: Jackie Strother, Cumberland County Mental Health

Recognition of Outgoing Board Member: Mr. Stanley Johnson, ABC Board

1. **Public Hearings**

Uncontested Cases

- A. Case P02-04. Amending a portion of the permit for a previously approved R10/Conditional Use Overlay, revisiting construction of a public right-of-way for an area reserved from the original approval, on approximately 527 acres, located at the southeast quadrant of Chicken Foot Road and Sand Hill Roads, owned by Birchwood Farms, Inc.
- B. Case P07-31. The rezoning of 2.71 acres from A1 to R30A, or to a more restrictive zoning district, at 1188 Cypress Lakes Road, owned by John L. McArthur, Jr.

- C. Case P07-47. The rezoning of two portions of a 20.26 acre tract, consisting of 9.43 acres and 4.20 acres from M2 to R7.5, or to a more restricting zoning district, located south of Church Street, east of Freedom Lane, owned by Gillis & Gillis, Inc.
- D. Case P07-48. The rezoning of a .92 acre portion of a 5.5 acre tract from C(P) to O&I(P), or to a more restrictive zoning district, at 3551 Dunn Road, owned by Eastover Development Partners, LLC.
- E. Case P07-49. The rezoning of a .50 acre portion of a 1.33 acre tract from R10 to C(P), or to a more restrictive zoning district, at 3209 Cedar Creek Road, owned by Richard and Laura R. King.
- F. Case P07-51. The rezoning of three (3) parcels totaling 6.71 acres from A1A to R40A, or to a more restrictive zoning district, located on the west side of Hawkins Road, east of McBryde Street, owned by Mary A. Wilson.
- G. Case P07-57. The rezoning of .33 acres from R6 to C(P), or to a more restrictive zoning district, located on the south side of Owen Drive, east of Cope Street, owned by Edmon and Kathryn Monsour.
- H. Case P07-58. The rezoning of one parcel and a portion of a second parcel totaling 14.99 acres from O&I(P) and R10 to R5, or to a more restrictive zoning district, located at the north quadrant of Ramsey Street and McCloskey Road, owned by James and Eva Singletary and Tonya Clark, Trustee.
- I. Case P07-61. The rezoning of a 21.86 acre portion of a 51.33 acre tract from RR to O&I(P), or to a more restrictive zoning district, located on the north side of Clinton Road, west of Mobius Road, owned by Cumberland County.

Contested Cases

- J. Case P07-45. The rezoning of a 2.68 acre portion of a 49.87 acre tract from A1 to R15, or to a more restrictive zoning district, located east of Lancelot Court, north of Palestine Road, owned by John C. Culbreth.
- K. Case P07-59. The rezoning of 1.38 acres from R6A to C(P), or to a more restrictive zoning district, at 2670 John Smith Road, owned by Dean H. & Dawn Smelcer, Jr.

Conditional Use Permit Cases

- L. Case P07-22. The rezoning of 2.2 acres from A1 to R20, or to a more restrictive zoning district, at 871 Remely Court, owned by Brian Daigneault.

- M. Case P07-44. The rezoning of 2.7 +/- acres from R5 to C(P), or to a more restrictive zoning district, located at the west quadrant of Murchison Road and Charmain Street, owned by Albert and Shirley Norton.
- N. Case P07-56. The rezoning of .94 acres from C1(P) and R6A to C(P), or to a more restrictive zoning district, at 2972 Dunn Road, owned by Vivian Lewis, et. al.

Zoning Cases Withdrawn by Applicants

- O. Case P07-54. The rezoning of 20.54 acres from RR to R7.5, or to a more restrictive zoning district, located on the east side of Hummingbird Place, south of Three Wood Drive, owned by Castle Hayne Homes, LLC.

2. Consent Agenda

- A. Approval of minutes for the August 6, 2007 regular meeting.
- B. Approval of the FY08 Charge to the Tax Collector.
- C. Approval of Ordinance Assessing Property for the Cost of Demolition:
 - 1) Case Number: MH 4917-2006
Property Owners: Paul P. & Angela A. Virtue, Jr.
Property Location: 2334 George Owen Road, Fayetteville, NC
Parcel Identification Number: 0405-84-0477
- D. Approval of Franchise Ordinance and Franchise Agreement to Carolina Residential Services, Inc. to Provide Food Services at Mental Health Authority's Bradford Avenue Facility (2nd Reading).
- E. Approval of Report and Recommendation of the Cumberland County Finance Committee Regarding Sheriff's Request for Positions.
- F. Approval of Report and Recommendation of the Cumberland County Facilities Committee.
 - 1) Bid Award for Courthouse Cooling Tower Replacement Project.

G. Budget Revisions:

(1) Sheriff's Office/General Government Other

Revision in the amount of \$56,591 to reallocate budgeted expenditures to fund the upgrade of a Deputy I position to Deputy III and to establish a new Deputy III position. These two positions will be assigned to the major crimes division in the Sheriff's Office. (B08-023 and B07-23A) **Funding Source – Reallocation of Budgeted Expenditures**

(2) Social Services

Revision in the amount of \$455,415 to budget funding for Work First Demo Grant. (B08-024) **Funding Source – Federal**

(3) Health

Revision in the amount of \$136,665 to budget funding received for South Central Partnership for Public Health Incubator Project. (B08-026) **Funding Source – State**

(4) Day Reporting

Revision in the amount of \$255 reducing the budget to the state grant. (B08-027) **Funding Source - State**

Items of Business

3. Consideration of Recommendation of the Eastover Sanitary District Board for the Board of Commissioners to Appoint Mrs. Helen Crumpler to the Eastover Sanitary District Board.
4. Consideration of Referral of the Town of Eastover Request for a Municipal Influence Area.
5. Consideration of Board of Education's Request for Acquisition of Real Property.
6. Nominations to Boards and Committees

A. Criminal Justice Partnership Advisory Board (1 Vacancy)

- B. Cumberland County Finance Corporation and Cumberland County Industrial Facilities & Pollution Control Financing Authority (2 Vacancies)
 - C. Local Emergency Planning Committee (1 Vacancy)
 - D. Senior Citizens Advisory Board (2 Vacancies)
7. Appointments to Boards and Committees
- A. Air Quality Stakeholders' Committee (1 Vacancy)
Nominee: Town of Spring Lake Stakeholder: Mayor Pro-Tem James O'Garra
 - B. Cumberland County Juvenile Crime Prevention Council (1 Vacancy)
Nominee: At-Large Representative: Henry Berry
 - C. Cumberland County Emergency Planning Committee (1 Vacancy)
Nominee: Law Enforcement Representative: Sgt. Robert Kidd
 - D. Nursing Home Advisory Board (4 Vacancies)
Nominees: Tiffany Adams
 Clyde Hammond
 Tom Lloyd
 Teresa McNeill
 - E. Tourism Development Authority (1 Vacancy)
Nominee: Hotel/Motel Under 100 Rooms Representative: Jimmy Keefe
 - F. Workforce Development Board (1 Vacancy)
Nominee: Education: Dr. Joe Mullis

RECESS THE BOARD OF COMMISSIONERS' REGULAR MEETING.

CONVENE THE KELLY HILLS/SLOCOMB ROAD WATER & SEWER DISTRICT GOVERNING BOARD MEETING (SEE SEPARATE AGENDA) / ADJOURN

RECONVENE THE REGULAR BOARD OF COMMISSIONERS' MEETING.

8. Closed Session: A) Real Property Matter(s)
 Pursuant to NCGS 143-318.11(a)(5).
- B) Attorney Client Matter(s)
 Pursuant to NCGS 143-318.11(a)(3).

ADJOURN

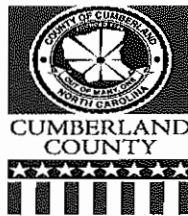
THIS MEETING WILL BE BROADCAST LIVE ON TIME WARNER COMMUNITY CHANNEL 7.

MEETINGS: September 4, 2007 (Tuesday) - 9:00 AM
September 17, 2007 (Monday) - 6:45 PM

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris
Town of Linden



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

ITEM NO. 1A

AUGUST 10, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P02-04:** AMENDING A PORTION OF THE PERMIT FOR A PREVIOUSLY APPROVED R10/CONDITIONAL USE OVERLAY, REVISITING CONSTRUCTION OF A PUBLIC RIGHT-OF-WAY FOR AN AREA RESERVED FROM THE ORIGINAL APPROVAL, ON APPROXIMATELY 527 ACRES, LOCATED AT THE SOUTHEAST QUADRANT OF CHICKEN FOOT AND SAND HILL ROADS, SUBMITTED BY JAMES M. KIZER, P.E., P.L.S., OWNED BY BIRCHWOOD FARMS, INC.

ACTION: MEMBERS PRESENT AT THE JULY 17, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATIONS AND APPROVE R10/CONDITIONAL USE DISTRICT

SITE INFORMATION: Area: 527 acres; **Frontage and Location:** Chicken Foot and Sand Hill Roads; **Jurisdiction:** County; **Current Use:** Residential; **Initial Zoning:** June 25, 1980 (Area 13); **Zoning Violation(s):** None; **Surrounding Zoning:** North-A1, R40, R40A, RR, R20, R20/CU, R15, R10, R6A, C(P), C(P)/CU, Hope Mills city limit-C3, East-A1, RR, R20/DD/CUD, R15, C(P), South-A1, A1/CU, R40, R40A, and West-A1, RR, R10, C(P), C(P)/CU; **Surrounding Land Use:** AAA Cooper, school, single family residential, woodland and farmland; **2010 Land Use Plan:** Low Density Residential and Open Space; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / PWC; **Soil Limitations:** Yes - Johnston loam; **School Capacity/Enrolled:** Gallberry Farm Elementary 886/1032, Gray's Creek Middle 495/614, Gray's Creek High 1270/1087; **Military Impact Area:** No; **Highway Plan:** Chicken Foot Road is identified as a Major Thoroughfare. The plan calls for widening to a multi-lane facility with a proposed 100 foot right-of-way (Priority 1). Road improvements are not included in the 2007-2013 MTIP. **Average Daily Traffic Count (2004):** 7800 on Chicken Foot Road, 5900 on Sand Hill Road, 1900 on Cypress Lakes Road; **Notes:** This area was rezoned to allow a mixed use development as a Conditional Use Overlay, Case P02-04, on 2/25/01. The request is to allow construction of a public right-of-way in an area previously reserved.

MINUTES OF JULY 17, 2007

This case was originally approved by the Board of Commissioners in February 2001 as a Conditional Use Overlay for a mixed use project. At that time the applicant voluntarily agreed to reserve the area indicated on the current site plan with pink shading and to re-visit the approval of this strip of right-of-way in or around a five year time frame. During the original public hearings on the case, there was considerable opposition from the residents of Ham Road for the direct connection of Celebration Drive to Ham Road.

Case P02-04

Currently, the applicant is requesting the approved permit be amended to allow for construction of a street in this area with a sidewalk along the northern boundary as shown on the attached site plan.

The Planning & Inspections Staff recommends approval of the amendment to the Permit as requested provided that the developer constructs a roundabout or other traffic calming measure in the area south of, but in close proximity to, the existing portion of Ham Road and that the sidewalk be constructed as shown on the current site plan. This recommendation is based on the following:

1. The amendment to the Permit will not materially endanger the public health or safety if constructed according to the plan as submitted and recommended – approval of this request will significantly enhance the public health and safety by providing the proposed Cotton Fire Department Substation with a direct route to Ham Road and the remainder of the Cypress Lakes area; emergency response times will be drastically reduced and the standards of the County development regulations will be complied with to ensure public health and safety are protected;
2. The request meets all required conditions and specifications – subdivision review at Staff level will be required prior plat recordation as an assurance that the development will meet or exceed the minimum standards for development;
3. The request, if approved, will maintain or enhance the value of adjoining or abutting properties – the overall project currently under construction is a quality development and approval of amending the Permit will allow for more convenient access to schools and a future park; and
4. The location and character of the request, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Land Use Plan and adopted planning policies.

The applicant and property owner have been given a copy of this recommendation and have verbally agreed to install a roundabout or other traffic calming measure.

A motion was made by Vice-Chair Epler and seconded by Mr. McNeill to follow the staff recommendations and approve C(P)/Conditional Use District because the application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest. The motion passed unanimously.

A motion was made by Vice-Chair Epler and seconded by Mr. McNeill to approve the Conditional Use Permit after finding that when completed, the proposal: 1) will not materially endanger the public health and safety; 2) will not substantially injure the value of adjoining or abutting property; 3) will be in harmony with the area in which it is to be located; and 4) will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners. The motion passed unanimously.

MINUTES OF FEBRUARY 5, 2002

Mr. Lloyd requested that the packet material be introduced into the record.

After a brief discussion regarding a request from Ms. Ann Henry, a motion was made by Mr. Mullinax and seconded by Mr. Byrd to allow proponents and opponents 20 minutes each to speak regarding this case. The motion passed unanimously.

Case P02-04 Continued

Maps were displayed outlining the zoning and land use in the area. A video and slides of the site were shown. Mr. Lloyd explained that this case was heard at the last meeting, and the developers have offered a different site plan showing Ham Road as a walking path instead of a road as originally indicated. Mr. Lloyd said that the staff recommended approval of the Conditional Use Overlay District based on the findings that the request is reasonable, not arbitrary or unduly discriminatory and in the public interest.

The Planning staff recommends approval of the Conditional Use Overlay Permit based on the findings that the proposal:

1. Will not materially endanger the public health and safety;
2. Will not substantially injure the value of adjoining or abutting property;
3. Will be in harmony with the area in which it is to be located; and
4. Will be in conformity with the 2010 Land Use and Thoroughfare Plans.

Mr. Jim Kizer, engineer for the project, appeared before the Board and said that he would not repeat what he said at the last meeting; however, he reminded the Board that this is a good plan, and they worked with the Planning staff to create it. He said that the adjustment to make Ham Road a walking trail and remove the roundabout was at the request of the area residents. He said that the area would have adequate area set aside for five years, and if at that time, DOT wishes to open it, it will be opened to serve as a road. Mr. Kizer said that the developers met with the residents regarding their issues. They also met with DOT, who assured them that they could use three four-way stop signs to slow the traffic. Mr. Kizer added that they have amended the request to eliminate "special entertainment uses," Section 3.4, from the uses allowed in the commercial district. He said that the plan offered is a good one that addresses the concerns of the community.

Mr. Tom Prewitt appeared before the Board and said that his family is the developer, and he lives in Cypress Lakes and was available for questions.

Mr. Tim Henry appeared before the Board and said that the residents met with the Prewitt family and didn't get real concrete answers to their questions. He said that the residents were treated to a history and future plans for the area. He said that the residents view the plan as a vision of the past. He said that DOT representatives were not present at the meeting. Mr. Henry said that the residents are not against progress, they are just against poor planning and want a 21st century plan. He said that the proposal encourages suburban sprawl. He said that a large development such as this one should have more studies to include schools, air and water pollution, crime and necessary services. Mr. Henry then asked if a good development would: turn quiet neighborhood roads into major thorough-fares; ignore state and environmental regulations; fill in wetlands; create storm water drainage problems; serve retail establishments with a two-lane road; have retail establishments in close proximity to schools; and place unnecessary burdens on taxpayers. Mr. Henry concluded by asking the Prewitts to honor the spirit of the community, and the Board to zone only the seven acre parcel indicated for an erosion and sedimentation permit to allow 80 lots to generate income for the Prewitts while the rest of their plan can be more thoroughly studied.

Mr. Morris asked what the residents thought about eliminating the circle and making Ham Road a walking trail.

Mr. Henry said that it would be very helpful, and he would need time to think about it.

Ms. Nadine Kingsley appeared before the Board and said that she is the oldest resident on Ham Road. She said that she had no objection to development across the pond, but Ham Road was designed as a subdivision road—not a major thoroughfare. She said she does not approve of Ham Road being used as a thoroughfare for heavy equipment.

Mr. Allen Freeman appeared before the Board and said that he was in the meeting with the Prewitts and their engineering team. He said that there were many generalities, and the

recommendation regarding Ham Road was not shown at the meeting. He said that he asked residents of Cypress Lakes if they moved to the area to get into the city or get away, and they said that they moved there to get away from the city. He said that he is not opposed to development, but the residents want to work with the developer. He said that steps have been taken to move in that direction, but there are still many unanswered questions. He presented a petition with approximately 120 signatures of Cypress Lakes residents who indicate concerns regarding the proposal. He said that projections for Chickenfoot Road indicate a traffic count of 43,993 cars after the 447 acres is developed, and this would be comparable to Skibo Road. He said that the residents want the area developed in a way that is conducive to the spirit of Cypress Lakes. He said that R10 density will allow 7,500 square foot parcels if zero lot line is used. He said that the residents don't want these homes to negatively impact their property values. Mr. Averette asked about the petition. Mr. Freeman said that the petition does not state that residents are for or against the proposal, merely that they have concerns about the development.

Mr. Kizer appeared before the Board in rebuttal. He said that he has been working with DOT, and this proposal will not generate the trip generation count that Mr. Freeman quoted. He said that 2,000 residents are anticipated in the area. He said that 700 homes were sold in the County last year, and this development will probably sell 20 to 40 homes per year. He said that the proposal is a 50-year plan, not an overnight development. He said that the plan proposes a properly planned community—not a fragmented one.

Mr. Morris asked about restrictive covenants, and Mr. Kizer said that they would have them. He said that this development would have water and sewer, which were not available when the R15 property was developed.

When asked about the sizes and types of homes proposed, Mr. Kizer said that there will be different housing types. Mr. Tom Prewitt said that the housing would be market generated with homes of 1,800 square feet to start with. Mr. Tad Prewitt added that there is already a lot of R10 zoning in the area.

The public hearing was closed.

Mr. Averette said that this was a public hearing for a Conditional Use Overlay District with mixed-use development, and the Board wasn't actually approving the plan as submitted. He said that the Board's job is to look at whether the uses allowed in the various districts are suitable for the area.

Mr. Olsen said that he has heard the objections and tried to get a feel for them. He said that Ham Road is no longer proposed for a thoroughfare. He asked where else in the County such a development could occur. He said that others want to get away from the city also, and he added that the proposal with schools and businesses close to schools is a very good plan.

A motion was made by Mr. Olsen and seconded by Mr. Averette to follow the staff recommendation and approve the Conditional Use Overlay District based on the findings that the request is reasonable, not arbitrary or unduly discriminatory and in the public interest. The motion passed unanimously.

A motion was made by Mr. Olsen and seconded by Dr. Olion to follow the staff recommendation and approve the Conditional Use Overlay Permit based on the findings that the proposal: 1. Will not materially endanger the public health and safety; 2. Will not substantially injure the value of adjoining or abutting property; 3. Will be in harmony with the area in which it is to be located; and 4. Will be in conformity with the 2010 Land Use and Thoroughfare Plans. A condition that the uses allowed under Section 3.4 of the Zoning Ordinance regarding special entertainment would not be allowed under the action. The motion passed unanimously.

MINUTES OF JANUARY 15, 2002

Maps were displayed outlining the zoning and land use in the area. A video and slides of the site were shown. Mr. Lloyd said that the staff recommended approval of the Conditional Use Overlay District based on the findings that the request is reasonable, not arbitrary or unduly discriminatory and in the public interest.

The Planning staff recommends approval of the Conditional Use Overlay Permit based on the findings that the proposal:

1. Will not materially endanger the public health and safety;
2. Will not substantially injure the value of adjoining or abutting property;
3. Will be in harmony with the area in which it is to be located; and
4. Will be in conformity with the 2010 Land Use and Thoroughfare Plans.

The packet materials were entered into the record.

Mr. Jim Kizer, engineer, appeared before the Board and said that he worked on the master plan for nearly one year. He said that it is a vision for long-range development, an asset to the County and will have a village environment. He said as he researched the area, he became more and more enthralled with the value of the site—less than one mile from I-95, Walmart Distribution Center, the Cumberland County Industrial Park, schools and a golf course. He said that he and the developers met with the Planning Director and Land Use Chief Planner for input twice before the plan was finalized. He said that the goal is to create a community village environment where residents can walk to schools, shopping, recreation, etc. He said that the plan includes residential, professional and commercial use, and nearly all are accessed internally. Mr. Kizer said that there are no individual driveways off of Chickenfoot Road, a landscaped island along Chickenfoot Road is proposed, and roundabout within the development to slow the traffic. He said that the plan includes berming the school.

Commissioner Edge asked why the developers were requesting a Conditional Use Overlay District rather than the individual zoning districts.

Mr. Lloyd said that the staff advised the developers to use this approach because the County does not have the new mixed-use district in place. He said that zoning individually would appear to be spot zoning. Mr. Lloyd said one advantage of zoning the property with a Conditional Use District and Permit is that plan approval is required. Mr. Barrett added that individual zoning would create disjointed, unconnected uses and could not achieve the harmonious environment that the developer wants to create. Mr. Lloyd said that the CU also allows conditions to be placed on the project.

Mr. Warren said that when the Ordinance is redrafted, it will contain a multi-use district that will be used to create what the developer has in mind for this development.

Vice-Chair McNeill questioned a white, triangular area on the map and was told that it is school property proposed for a middle school.

Mr. Tom Pruitt appeared before the Board and said that he lives at Cypress Lakes, and his family intends to develop the area, and he was available for questions.

Mr. Tad Pruitt appeared before the Board and said that he has lived all over the country and has seen many long-range planning efforts such as this work in many areas. He said that this is a large tract of land, and this plan appears to be the most optimum proposal for the site.

Mr. Alan Freeman appeared before the Board in opposition. He said that he lives in Cypress Lakes on the road that will be extended into the development (Ham Road). He said that he was

speaking for many of the residents (about 20 people in the audience stood). He said that this site contains over 500 acres, and over 400 acres will be used for R10 zoning that backs up to the current R15 in the area. He noted that many residents in the area did not receive notice of the meeting. He said if this has been in planning for one year, he wondered why the residents were notified only last week. He said that they weren't given much time to react. He said that the residents would like to meet with the developers to have some questions answered, and Tom Pruitt agreed. He asked that the Board defer action until after the meeting. Mr. Freeman said that the residents are not against development, but they are against being stonewalled. He asked that the residents be allowed to work with the Pruitts to make the proposal more consistent with the current zoning. He said that 2,000 additional homes will be allowed under the proposal, and he questioned if the area could survive the traffic congestion, and whether the Fire Department, medical facilities, Sheriff's Department, etc. could support such growth. He said that R15 would be a better zone because R10 will allow 7,500 square foot lots. He noted that other golf course communities have limited access. He said that the residents worked with the Walmart people, and they were willing to work with the Pruitts.

The 10-minute time limit was expired after Mr. Freeman spoke. Two more individuals were signed up to speak in opposition.

Vice-Chair McNeill asked when a meeting could be held. Mr. Freeman said that January 20 was mentioned.

Mr. Kizer appeared before the Board in rebuttal and said in laying out the major roads, they recognized that there would be additional traffic, and that's why there are no direct drive accesses proposed. He said that the developer would have to widen Chickenfoot Road to three lanes because NCDOT will require a turn lane. He said that water and sewer are in place now, and they weren't when the area was developed at R15 standards. He said that the R10 will allow homes valued at \$125,000 to \$300,000, and the developers want the flexibility.

The Board called on the additional speakers in opposition to speak for two minutes each.

Mr. Tim Henry appeared before the Board in opposition and said that he lives in Cypress Lakes and manages projects from \$100,000 to tens of millions of dollars. He said that there are ways to make sure that costs are reduced. He said that Highway 87 was widened to four lanes and asked why some of the development couldn't be developed off of Highway 87. He said that he had concerns regarding safety issues—traffic around the school, what type of commercial uses would be allowed near the school, heavy equipment on Ham Road.

Mr. Reese Everson appeared before the Board in opposition and said that he has lived in the area since the 1980s. He asked why a road is needed from Ham Road into the project that can cause safety and traffic problems.

Mr. Tad Pruitt appeared before the Board in rebuttal. He said that most of the concerns seemed to come from residents of Ham Road. He said that plans were drawn back many years ago showing that Ham Road would be extended. He said that it was never planned as a cul-de-sac. He said that the project is a plan that the County will have control over for many years and should bring money into the County. He asked the Board to look at the project—not the road issue.

Vice-Chair McNeill said at one time DOT was very interested in roundabouts. He asked if anyone had contacted DOT. Mr. Kizer said that he spoke with Mr. Bruton in casual conversation, but had not asked for approval of the roundabout. He said that a four-way stop could be used if the roundabout is not approved. Vice-Chair McNeill asked if there were any plans for more road curvature to slow down the traffic. Mr. Kizer said that they have considered three- and four-way stops, and DOT said that they would approve 25 mph speed limit if the residents request it. He added that anything that DOT recommends to help, the developers are willing to do.

Case P02-04 Continued

Mr. Morris asked if there is an exit from the project through the professional area. He was told that there are four total exits proposed along Chickenfoot Road. Mr. Morris said that he had seen some of the Pruitts' developments, and he knows they do quality work. He asked if they would object to deferring the case until after the meeting with the residents is held.

Mr. Tom Pruitt said that he felt that the public hearing was the best possible way to publicly state their intent, and this would be the most effective way to notify the residents of the area. He said that the Planning staff notified the residents as they do in rezoning cases. He said that he would be happy to meet with the residents.

Mr. Lloyd said that the case could go to the February 5, 2002 meeting and still be heard by the Commissioners at the February 18, 2002 meeting.

Chair Gillis asked about the mailings. Mr. Lloyd said that very few were returned, and the staff mails the notifications to the addresses indicated in the tax records.

Chair Gillis called on a gentleman in the audience. Mr. Edward Earl Cromartie, Sr. appeared before the Board and asked if DOT was contacted. Mr. Lloyd said that he spoke with Mr. Bruton at DOT; however, they don't normally give input until there is an approved plan. Mr. Cromartie said that there was not enough information regarding Ham Road.

Vice-Chair McNeill said that one year is a long time to devote to an effort, and he asked if the developers would agree to February 5 for the case to be reheard. Mr. Tad Pruitt said that there are two individuals interested in the commercial area, and he would like to proceed.

Vice-Chair McNeill said that he was scheduled for surgery during the week of February 5 and could not attend the meeting, and he would prefer that the case be deferred for a month. He said that he would like to receive information from DOT regarding the roundabout(s) and four-way stops, and either would be fine. Vice-Chair McNeill expressed concern about speed control on the road by the school. He said that the request allows all uses allowed in the districts, and it may be wise to eliminate some of the uses that the developers know that they will not use.

Mr. Tad Pruitt said that they would prefer the earlier meeting because of the potential commercial interest. Mr. Tom Pruitt said that spring time is the best time to begin building, and there will be delays in obtain plan approval from staff. He also preferred the earlier meeting.

Chair Gillis said that the Board is not approving the site plan, so that could change. He said that he appreciated the large planned neighborhoods because they eliminate strip development and are quality developments. He said that the main wrinkle in the plan seemed to be the access road going through the existing community. He asked the developers to work with the neighborhood because the Commissioners tend to react more favorably to requests when there isn't a lot of opposition.

A motion was made by Vice-Chair McNeill and seconded by Mr. Averette to defer action on this case until February 5, 2002 to allow the developers and residents an opportunity to meet.

Mr. Olsen said that he's seen a lot of presentations come before the Board, and this appeared to be one of the best—a beautiful community. He cautioned the developers not to be in a hurry and do it right.

Upon a vote on the motion, it passed unanimously.

MINUTES OF FEBRUARY 25, 2002 BOARD OF COMMISSIONERS MEETING

The Planning Board recommends approval of the overlay district and permit with the following condition:

Case P02-04 Continued

- that the uses allowed under Section 3.4 of the Zoning Ordinance regarding special entertainment are not allowed.

SPEAKERS:

1. Danny Gleaton – resides at 1579 Chickenfoot Road, Hope Mills. Property adjoins the Prewitt Land and Birchwood Farms, Inc. on 2 sides. Property was A1 when he moved there about 20 years ago. He has made improvements to his property and has livestock on his land. Concerned about the R6 zoning because it brings a lot of families with small children. Concerned about the safety hazards to the public if the livestock and human interaction occurs. Also concerned that the new zoning will place his property at increased liability and risk. Concerned about noise from traffic and wants to protect his privacy. He would like the Board to consider the following conditions if the overlay district is approved:
 - buffer - 8 feet high – adjacent to his two property lines;
 - increase the setback in both R6 & O&I zones to a minimum of 35 feet from our property lines;
 - exterior lighting be turned away from the property inward toward the developer's property;
 - limit the hours of operation in the O&I zone from 7:00AM to 7:00PM;
 - keep the harmony of the surrounding area, by limiting the height of the buildings to 2 stories in R6 and O&I.
2. Jim Kizer – engineer for the project. Mr. Kizer said that in addition to the condition of not allowing special entertainment (Section 3.4 of the Zoning Ordinance), they will also agree to these conditions:
 - no auction sales, excluding livestock auctioning;
 - no automobile wrecking yards and junkyards;
 - no blacksmith services;
 - no bus repair and storage terminal activities
 - no bus station activities;
 - no detention facilities;
 - no fairground activities, including carnivals and circuses;
 - no farm machinery sales and servicing;
 - no laboratory, research;
 - no mini-warehousing
 - no mobile home sales;
 - no monument sales;
 - no pawn shops;
 - no second hand pawn and swap shop sales;
 - no trailer rentals
 - no truck terminal activities.

Mr. Kizer said the goal is to create a "community village environment". He said this would be a walking community. He noted that there would be no direct access to commercial sites except by Chickenfoot Road. In response to a question, Mr. Kizer said it would take about 50 years to fully develop the property.

3. Tom Prewitt – lives at 1775 Cypress Lakes Road. He said he is the spokesperson for the development. Mr. Prewitt said he has lived here all his life and would do nothing to detract from the character of the land. He said this development will be much like the one in Columbia, Maryland.

Case P02-04 Continued

Commissioner Baggett noted that this development has been well planned and well thought out. He compared it to a "Pinehurst" type level development. He said it would be a great compliment to any area. He said the only concern he has is that the developers had to sign a petition for annexation in order to receive PWC services.

4. Tad Prewitt – working with the commercial development of the project. He said it would be set up similar to Litchfield Beach development with 80 foot buffers.
5. Allen Freeman – lives in Cypress Lakes on the road that will be extended into the Development (Ham Road). Concerned about traffic conditions. Does not want the traffic to go on Ham Road; there are other points of access. If Ham Road should be used, would like some guarantee that it will not become a major thoroughfare from Chickenfoot Road to Cypress Lakes Road. If, as proposed, Ham Road is be a walking trail, is concerned that after five years it will be converted into a major access. Concerned that Ham Road would be used as a construction staging site for the project. Would like to see R15 rezoning instead of R10, if the project is approved. It would lessen the traffic burden and serve as a legitimate effort to maintain a sense of conformity and well balanced blending of property values between the new development and the established Cypress Lakes community.
Mr. Freeman asked the Board of Commissioners to consider his concerns and recommendations.

In response to some of the concerns noted above, Mr. Tom Prewitt said they do not intend to build a thoroughfare through the Project, unless DOT requires them to. He said Ham Road would not be used a staging area for the first phase of the project.

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

SECOND: Commissioner Warren

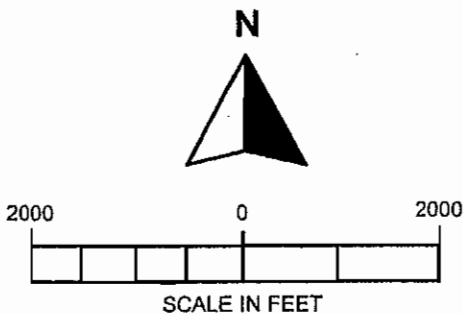
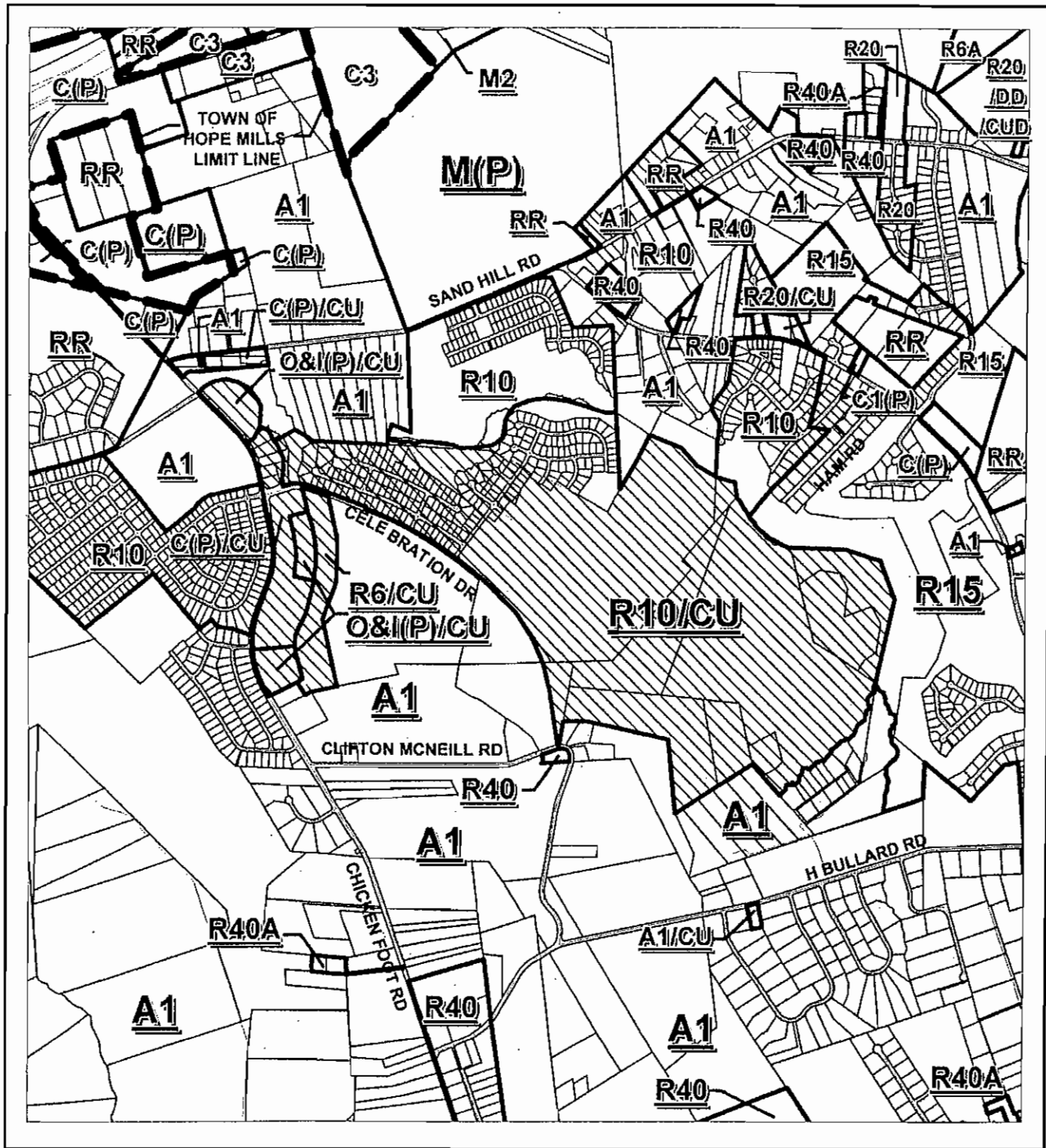
DISCUSSION: Commissioner Edge said this is a good plan and he commended the Prewitts on offering this project. He said this development plan "comes from the heart" and it will grow the community safely and in keeping with the integrity of the surrounding area. Commissioner King said this is a comprehensive development plan and he is glad to see the green spaces included in the plan. Commissioner Warren noted that the Prewitts have a passion for the land, and the development will have everything it needs.

VOTE: UNANIMOUS

MOTION: Commissioner Baggett moved that the Board of Commissioners finds that this conditional use district overlay permit application, if completed as proposed with the conditions as noted above (Planning Board conditions and the conditions noted by Jim Kizer and agreed to by the petitioner) will not materially endanger the public health and safety, will not substantially injure the value of adjoining or abutting property, will be in harmony with the area in which it is to be located and will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners, and that it be approved.

SECOND: Commissioner King

VOTE: UNANIMOUS



CONDITIONAL USE OVERLAY DISTRICT

ACREAGE: 527 AC. +/-

HEARING NO: P02-04

ORDINANCE: COUNTY

HEARING DATE

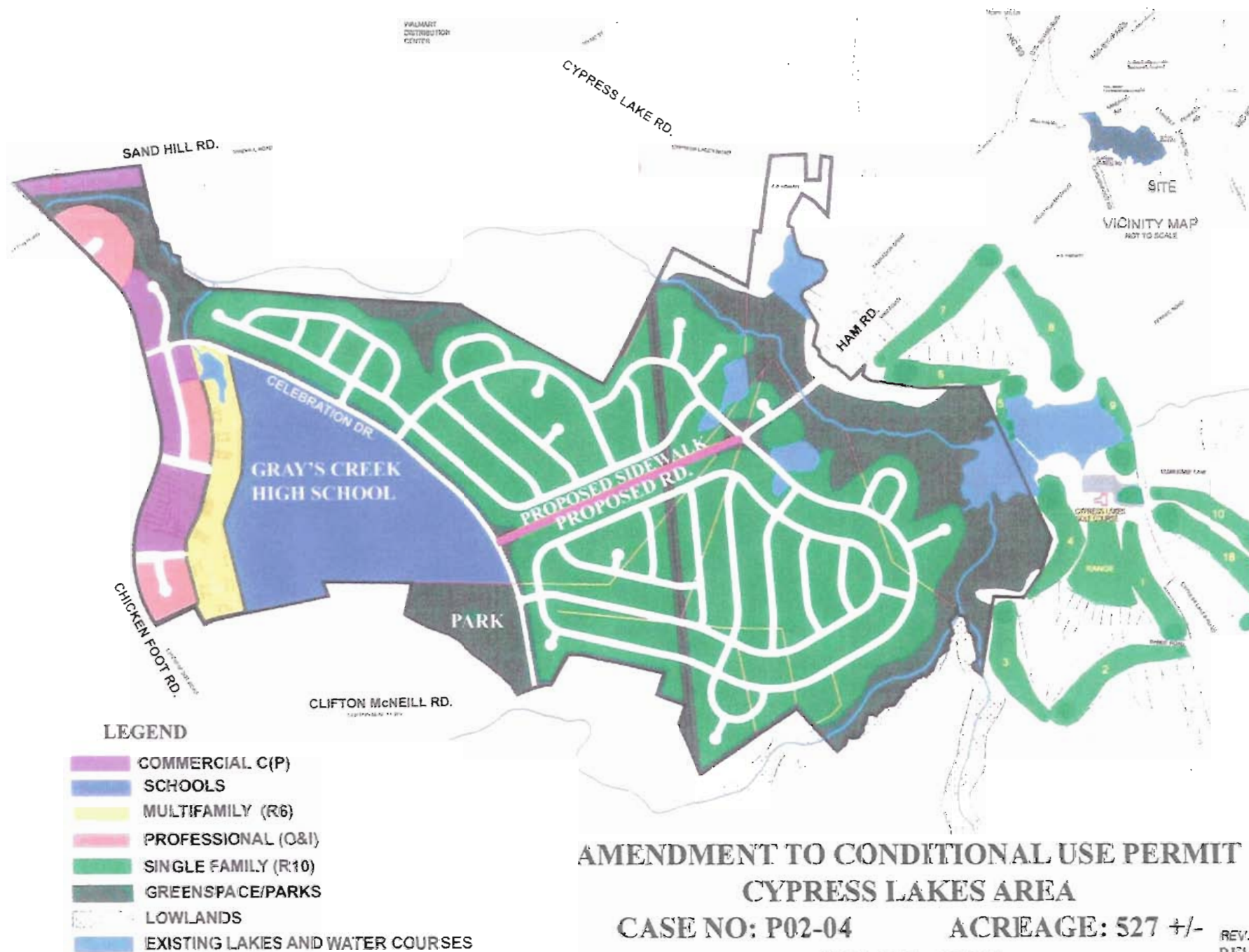
ACTION

PLANNING BOARD

GOVERNING BOARD

PIN: SEE FILE

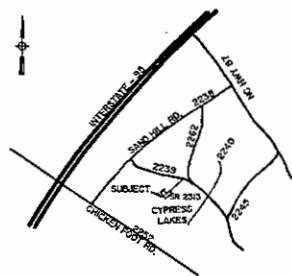
MAS
REV. 6-19-2007
REV. 6-25-2007



REV. 7/11/2007
 REV. 7/10/07
 Rev. 6-20-2007

NOT TO SCALE

154



VICINITY MAP

I here 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.

Stuart Gooden

Know all men by these presents, that we hereby acknowledge this plat and allotment to be our free act and deed that we do hereby dedicate to public use all streets and easements forever all areas so shown or indicated on said plat.

Alfred N. Prewitz

OWNER

DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS

PROPOSED SUBDIVISION ROAD
CONSTRUCTION STANDARDS CERTIFICATION

APPROVED *Stuart Gooden*

DISTRICT ENGINEER

DATE 10/26/92

NORTH CAROLINA
BLADEN COUNTY

I, STUART GOODEN R.S. #1-800, certify that this map was drawn under my supervision from an actual survey made under my supervision, and the description recorded in Book 3818, Page 323, that the ratio of parcels as calculated by latitude and longitude is 1/10,000, that the boundaries not surveyed are shown as broken lines plotted from information found in books referenced, that this map was prepared in accordance with G. S. 47-30 as amended. Witness my hand and seal this 10th day of OCTOBER, A.D. 1992.

Stuart Gooden Land Surveyor



NORTH CAROLINA
CUMBERLAND COUNTY

I, THOMAS J. GOODEN, a Notary Public of the County and State of North Carolina, do hereby certify that I am a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument, Witness my hand and official stamp or seal, this 10th day of OCTOBER, 1992.

Thomas J. Gooden Notary Public

10/26/1992



NORTH CAROLINA
CUMBERLAND COUNTY

The foregoing certificate of Thomas J. Gooden, Notary Public, is certified to be correct. This instrument was presented for registration and recorded in Book 3818, Page 323, on the 10th day of OCTOBER, 1992.

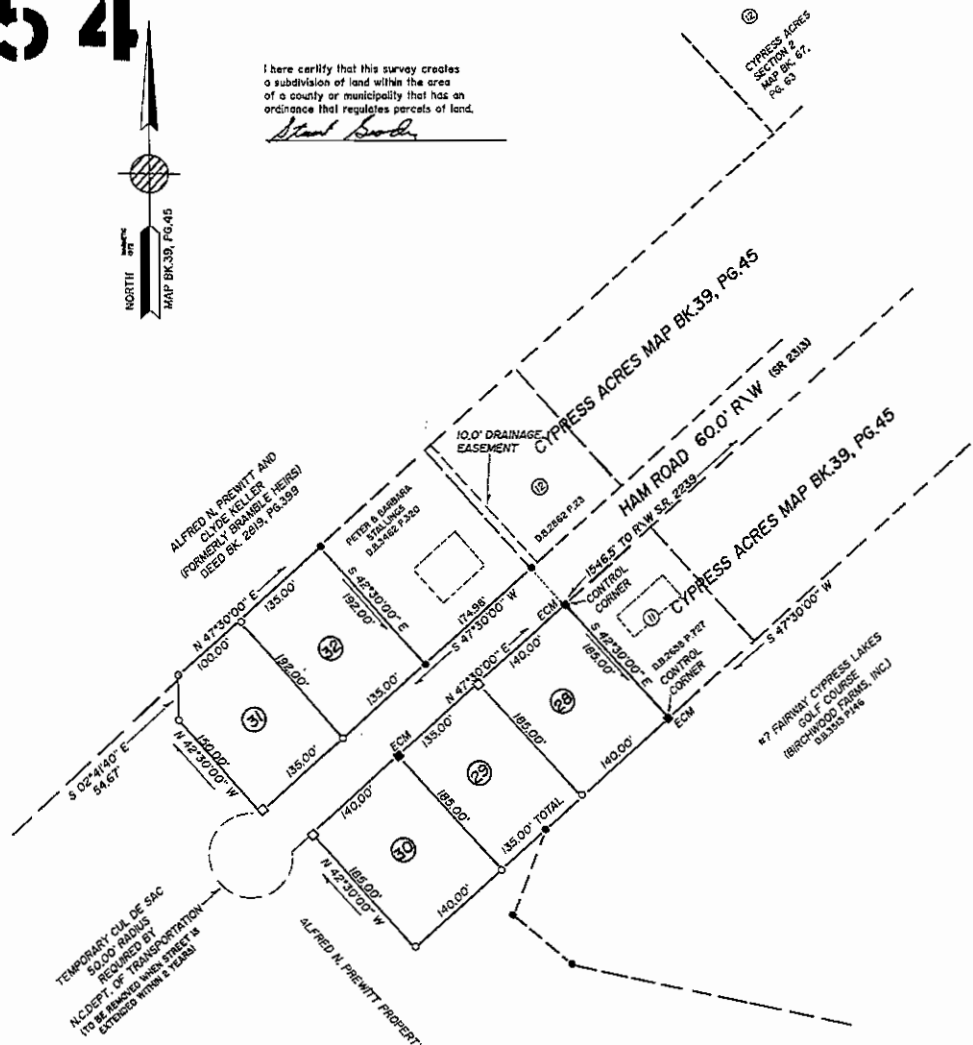
Stuart Gooden Register of Deeds

Approved by the Clerk of the County of Cumberland, North Carolina, on the 26th day of OCTOBER, 1992.

STUART GOODEN R.S. #1-800

REFERENCE:
D.B. 3818 P. 323

Recorded in Book of Maps Vol. 81 Pg. 154



NOTE:
5.0' DRAINAGE AND UTILITY EASEMENTS
ARE RESERVED ON EACH SIDE OF
ALL REAR AND SIDE LOT LINES.

LEGEND:

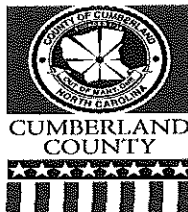
- = EXISTING CONCRETE MONUMENT
- = EXISTING IRON STAKE
- = SET IRON STAKE
- = SET CONCRETE MONUMENT

REVISIONS	PROPERTY OF ALFRED N. PREWITT		COMPANY STUART GOODEN R. S. L-805	
	CYPRESS ACRES SECTION 3		ELIZABETHTOWN, N.C. PHONE (919) 645-4311	
	TOWNSHIP: GRAYS CREEK	COUNTY: CUMBERLAND	DATE: 10/05/1992	SURVEYED BY: TJG
	STATE: NORTH CAROLINA		SCALE: 1" = 100'	DRAWN BY: SDS
	ZONE:	TAX MAP: 0432-06	PARCEL: 47-0599	CHECKED & CLOSURE BY:
				FIELD BOOK 148
				DRAWING NO. C 324

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris
Town of Linden



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

ITEM NO. 1B

AUGUST 10, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-31: REZONING OF 2.71 ACRES FROM A1 TO R30A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1188 CYPRESS LAKES ROAD, OWNED BY JOHN L. MCARTHUR JR.**

ACTION: THE MEMBERS PRESENT AT THE JUNE 19, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE R30 RESIDENTIAL DISTRICT.

SITE INFORMATION: **Area:** 2.71 acres; **Frontage & Location:** 410 feet on Cypress Lakes Road; **Depth:** 320 feet (average); **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Residential; **Initial Zoning:** June 24, 1980 (Area 13); **Zoning Violation(s):** None; **Surrounding Zoning:** North-A1, R40, RR, M(P), East-A1, R40, R10, South-A1, R10, R10/CU, and West-A1, R10, M(P); **Surrounding Land Use:** Single family residential, woodland and farmland; **2010 Land Use Plan:** Low Density Residential; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / Septic Tank; **Soil Limitations:** None; **School Capacity/Enrolled:** Gallberry Farm Elementary 1032/886, Gray's Creek Middle 614/495, Gray's Creek High 1087/1270; **Subdivisions:** A subdivision or group development review will be required prior to any permits being issued; **NCDOT:** Driveway access will be severely restricted; **Military Impact Area:** No; **Highway Plan:** Cypress Lakes Road is identified as a Major Thoroughfare. The plan calls for adding a center turning lane (Priority 3). No road improvements are included in the 2007-2013 MTIP; **Average Daily Traffic Count (2004):** 1900 on Cypress Lakes Road; **Notes:** Density: A1 – 1 lot or 1 unit, A1A – 2 lots or 3 units, R40 – 2 lots or 3 units, R30 – 3 lots or 4 units.

MINUTES OF JUNE 19, 2007

This case was presented to the Board at their April 17, 2007 meeting. At that time, it appeared the applicant did not have a clear understanding of what he had requested in the rezoning application. The Staff had recommended denial of the rezoning and the Board recommended a deferral of the case so the applicant could meet with Staff concerning his application. The applicant agreed to the deferral.

The applicant has verbally told Staff via telephone that he would like for his application to proceed as it was originally submitted primarily because he would like to have the option of creating three lots and constructing either "stick built" homes or placing manufactured homes on two of the lots.

The Planning & Inspections Staff recommends denial of the R30A district but approval of the R30 district based on the following:

1. The request and the recommendation are not consistent with the Land Use Plan; however, this area has transitioned from rural and farmland uses to single family residential lots with "stick built" homes; and
1. The request is not consistent with the zoning and the uses in the surrounding area; and
3. Public water is available to this site, upon development connection will be required.

The only other suitable zoning district to be considered for this application would be R40.

Mr. Lloyd stated that there was one person in favor to speak and one person to speak in opposition.

Public Hearing opened.

Mr. John Lee McArthur, Jr., the applicant, stated that he doesn't feel that his request is unusual. He has been acquainted with manufactured homes, mobile homes, and modular homes for years. Mr. McArthur is willing to compromise and build stick or modular home on the property, whatever is necessary to get the required zoning.

Joe Christopher appeared before the Board in opposition. Mr. Christopher asked that nothing be approved with an "A" on the end of the zoning and stated that this was the only mobile home in the entire area. Mr. Christopher feels that R30A would create a mobile home park. He feels that R40 zoning will allow the applicant to put 2 dwellings on the property and keep property values up.

Mr. McArthur spoke in rebuttal. He stated that he disagreed with Mr. Christopher about how many manufactured homes are actually in the area. He stated that there are two, one at the corner of Sand Hill and Cypress Lakes Roads, it had been bricked in.

Chair Morris asked the applicant if he was comfortable with R30 zoning.

Mr. McArthur stated that he would agree to R30 zoning.

Public Hearing closed.

Mr. McNeill said that the applicant has cleaned up the property and that it looks really good.

A motion was made by Mr. McNeill, seconded by Vice Chair McLaurin, to follow the staff recommendation and approve case P07-31 for R30. Unanimous approval.

MINUTES OF APRIL 17, 2007:

Mr. Combs reviewed the site information and stated that staff recommends denial of the R30A district based on the findings that the R30A zoning district is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location; and the subject property is located on a Major Thoroughfare. If rezoned, the Planning & Inspections Staff also recommends a Conditional Use District and Permit to require conditions for the clean-up of the property. There are no other suitable zoning districts to be considered for this site.

The Public Hearing opened.

John McArthur Sr. addressed the Board and stated that a staff member, Ms. Collins, had called him last week and advised that he would need a conditional use district and permit on the property and asked the Board to defer his case for 60 days to allow him to speak with staff.

Chair Morris advised Mr. McArthur that the staff request was inappropriate in that they were using the existing zoning ordinance to try to correct violations over which they did not have the authority to address. He further stated that if the petitioner wanted to proceed with the original request, the

Board would hear it at this time. Mr. McArthur stated that he was just following Ms. Collins' advice and that he would do whatever he needed to.

Vice-Chair McLaurin asked if the petitioner planned to build stick-built homes on the property. Mr. McArthur stated that he was planning only stick-built housing.

Chair Morris advised him that R30 would serve his purposes without allowing the placement of manufactured homes. Mr. McArthur stated that he did want that but staff had told him he could not request R30, but would have to ask for R30A. Ms. Speicher told the Board that Ms. Collins advised R30A due to an existing mobile home on the property that would become non-conforming under R30.

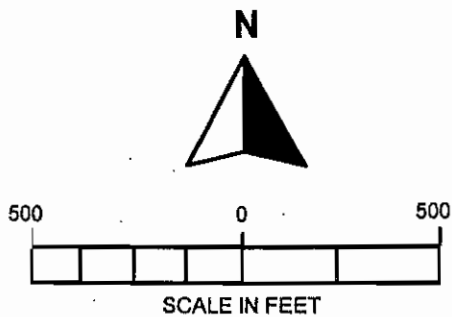
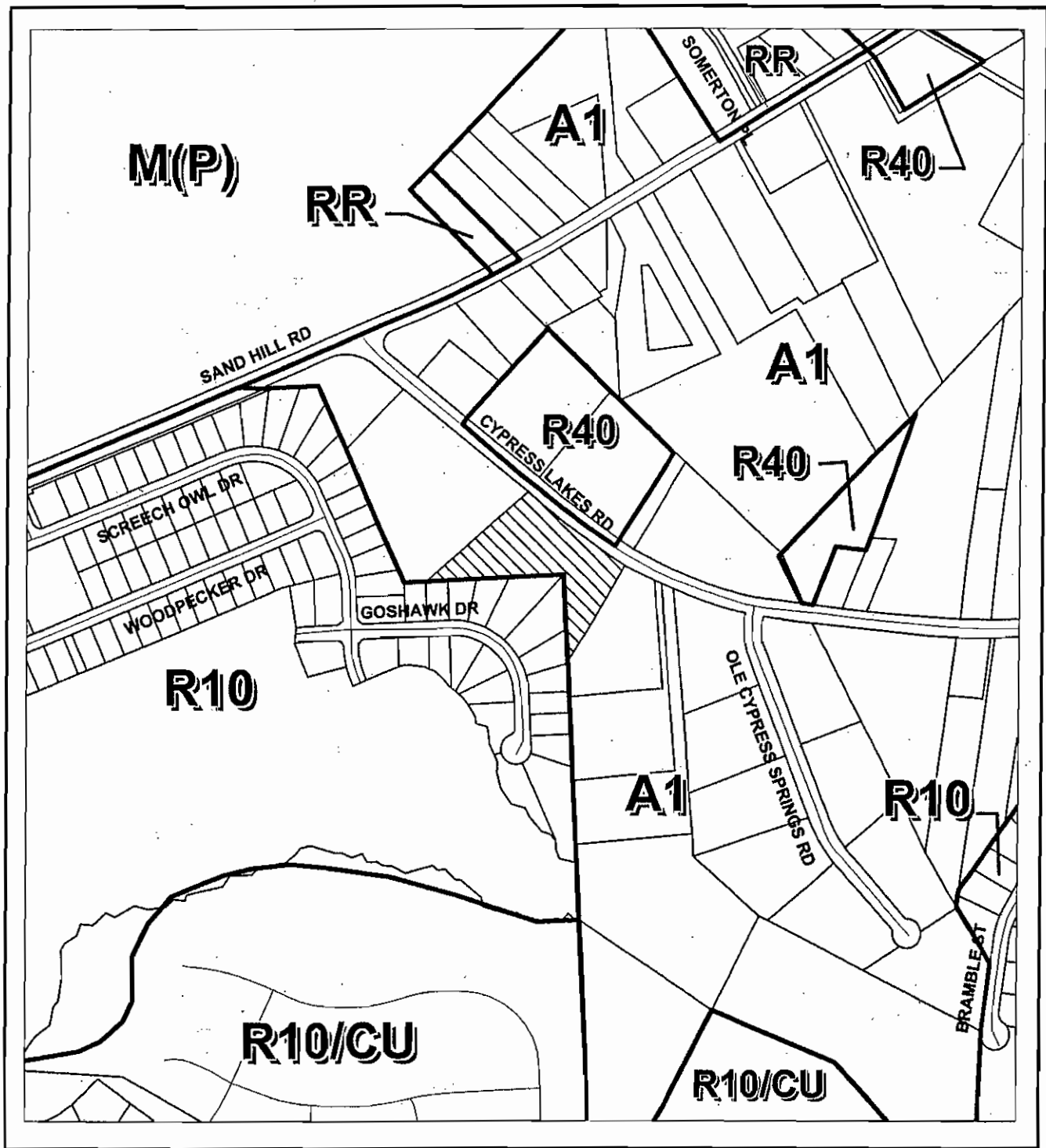
Chair Morris advised Mr. McArthur that the existing manufactured home would be allowed to remain but if it were destroyed by more than 50% then it could not be replaced with another manufactured home. Mr. McArthur stated that he understood and accepted that.

Mr. McArthur asked the Board to consider deferring his case for 60 days to allow him time to speak to staff and consider his options.

Joseph Christopher appeared in opposition to a 60 day deferral. He is a neighbor and will be out of the country at that time. He stated that his objection is to an R30A request but that he would accept R30.

Mike Axelrod appeared in opposition and stated that he wants to preserve the existing woodlands on the property. He is not opposed to a deferral but asked that the Board consider the environmental aspect of the request when they hear the case again.

The Public Hearing closed. **There being no opposition, Chair Morris deferred the case for 60 days.**



REQUESTED REZONING: A1 TO R30A

ACREAGE: 2.71 AC.+/-		HEARING NO: P07-31	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris
Town of Linden



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

ITEM NO. 10

AUGUST 10, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-47: REZONING OF TWO PORTIONS OF A 20.26 ACRE TRACT, CONSISTING OF 9.43 ACRES AND 4.20 ACRES FROM M2 TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED SOUTH OF CHURCH STREET, EAST OF FREEDOM LANE, SUBMITTED BY JOSEPH H. GILLIS SR, OWNED BY GILLIS AND GILLIS INC.**

ACTION: THE MEMBERS PRESENT AT THE JUNE 19, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE AS SUBMITTED.

SITE INFORMATION: Area: 13.63 acres; **Frontage & Location:** 30 feet on Church Street; **Depth:** 430feet; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Vacant; **Initial Zoning:** November 17, 1975 (Area 4); **Zoning Violation(s):** None; **Surrounding Zoning:** North-R10, R10/CU, Hope Mills Town limit-R10, R6, C1(P), East-R10, R6, R6A, town limit-R10, South-R10, R6A, town limit-R10, and West-town limit-R10, R6; **Surrounding Land Use:** Single family residential and woodland; **2010 Land Use Plan:** Low Density Residential and Open Space; **Designated 100-Year Floodplain or Floodway:** Yes – There exists a small amount of Special Flood Hazard Area on the larger portion to be rezoned; **Municipal Influence Area:** Hope Mills; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / PWC; **Soil Limitations:** Yes (Johnston loam); **School Capacity/Enrolled:** Ed V. Baldwin Elementary 790/615, Hope Mills Middle 686/781, South View High 1800/1866; **Subdivisions:** Subdivision review is contingent upon rezoning for 61 lots on 25.08 acres, #06-205 on 1-16-07; **Military Impact Area:** No; **Highway Plan:** No road improvements or new construction specified for this area; **Notes:** Density minus 20% for roads: R7.5 – 94 lots (entire tract)

MINUTES OF JUNE 19, 2007:

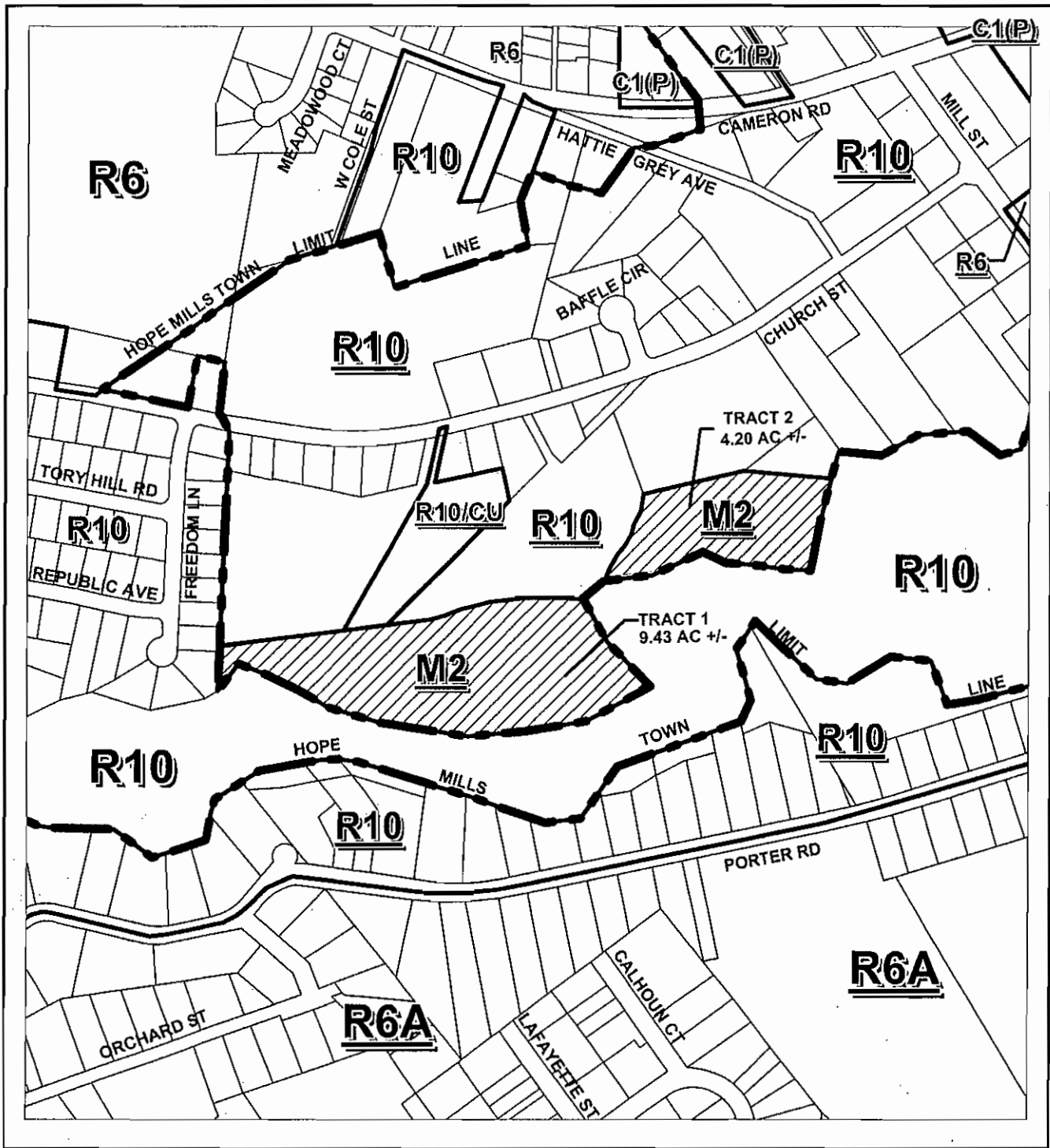
The Planning & Inspections Staff recommends approval of the R7.5 district based on the following:

1. The request is partially consistent with the 2010 Land Use Plan, which calls for Low Density Residential and Open Space at this location;
2. The request is consistent with the existing zoning in the area; and
3. Public utilities are available to the subject property.

There are no other suitable zoning districts to be considered for this site.

P07-47 Continued

A motion was made by Mrs. Epler, seconded by Mrs. Piland, to follow the staff recommendation and approve case P07-47 as submitted. Unanimous approval.



REQUESTED REZONING M2 TO R7.5

ACREAGE: 13.63 AC.+/-

HEARING NO: P07-47

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris
Town of Linden



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

AUGUST 10, 2007

ITEM NO. 15

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-48: REZONING OF A .92 ACRE PORTION OF A 5.5 ACRE TRACT FROM C(P) TO O&I(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3551 DUNN ROAD, SUBMITTED BY CHUCK FURR, OWNED BY EASTOVER DEVELOPMENT PARTNERS, LLC.**

ACTION: THE MEMBERS PRESENT AT THE JUNE 19, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE AS SUBMITTED.

SITE INFORMATION: Area: .92 acres; **Frontage & Location:** 259 feet on Dunn Road; **Depth:** 155 feet; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Professional office; **Initial Zoning:** December 14, 1979 (Area 10); **Zoning Violation(s):** None; **Surrounding Zoning:** North-A1, RR, R6A, C(P), East-RR, R10, C(P), South-A1, RR, RR/CU, HS(P), C(P), and West-A1, RR, C(P); **Surrounding Land Use:** Professional plaza, health care company, single family residential and farmland; **Eastover Study Area Detailed Land Use Plan:** Heavy Commercial; **Designated 100-Year Floodplain or Floodway:** No Flood; **Watershed Area:** No; **Urban Services Area:** Yes; **Water/Sewer Availability:** ESD – upon development, connection will be required; **Soil Limitations:** None; **Subdivisions:** Site plan review will be required for any new development; **Military Impact Area:** No; **Highway Plan:** Dunn Road is identified as a Major Thoroughfare. The plan calls for widening to a multi-lane facility (Priority 3). No road improvements are included in the 2007-2013 MTIP; **Average Daily Traffic Count (2004):** 7500 on Dunn Road, 1600 on Middle Road.

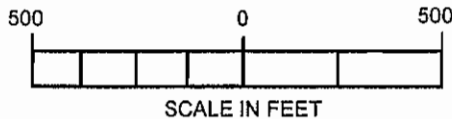
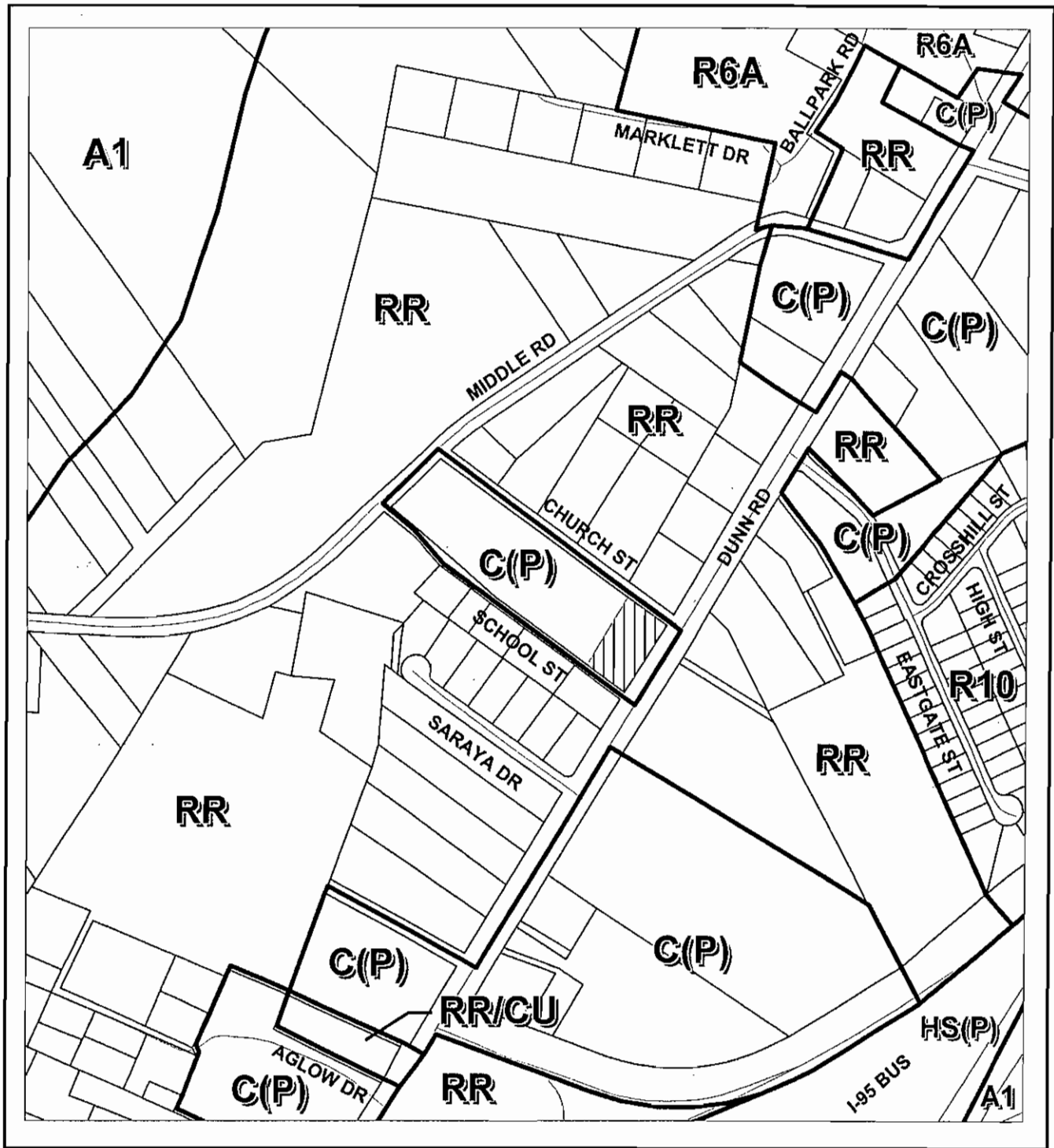
MINUTES OF JUNE 19, 2007:

The Planning & Inspections Staff recommends approval of the O&I(P) district based on the following:

1. Although the request is not consistent with the Eastover Study Area Detailed Land Use Plan, which calls for Heavy Commercial at this location, the request is more restrictive; and
2. The subject property is located on a Major Thoroughfare.

There are no other suitable zoning districts to be considered for this site.

A motion was made by Mrs. Epler, seconded by Mrs. Piland, to follow the staff recommendation and approve case P07-48 as submitted. Unanimous approval.



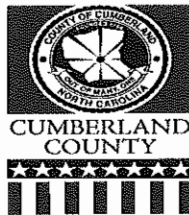
REQUESTED REZONING: C(P) TO O&I(P)

ACREAGE: 0.92 AC.+/-		HEARING NO: P07-48	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

Dnovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris
Town of Linden



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

ITEM NO. 1E

AUGUST 10, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-49: REZONING OF A .50 ACRE PORTION OF A 1.33 ACRE TRACT FROM R10 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3209 CEDAR CREEK ROAD, OWNED BY RICHARD W. AND LAURA R. KING.**

ACTION: THE MEMBERS PRESENT AT THE JUNE 19, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE AS SUBMITTED.

SITE INFORMATION: **Area:** .50 acres; **Frontage & Location:** 100 feet on Cedar Creek Road; **Depth:** 215 feet; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Gas Station; **Initial Zoning:** September 14, 1979 (Area 9); **Zoning Violation(s):** None; **Surrounding Zoning:** North-A1, R10, East-A1, RR, R10, South-A1, R10, R10/CU, M(P) and West-A1, RR, R20/DD/CUD, C3, M(P); **Surrounding Land Use:** Association Lodge, apartments (3), gas station/bar, DAK business, single family residential and woodland; **2010 Land Use Plan:** Low Density Residential; **Urban Services Area:** No; **Water/Sewer Availability:** PWC / Septic - PWC sewer is approximately 4200 feet west; **Soil Limitations:** Yes - Woodington loamy sand (Wo); **Subdivisions:** A C(P) site plan review will be required prior to development and a subdivision review may be required if the lot is to be cut out of the parent tract; **Military Impact Area:** No; **Highway Plan:** Cedar Creek Road is identified as a Major Thoroughfare. The plan calls for widening to a multi-lane facility with a 120 foot right-of-way (Priority 1). Road improvements are included in the 2007-2013 MTIP. Right-of-Way and Construction: Unfunded. **Average Daily Traffic Count (2004):** 5000 on Cedar Creek Road

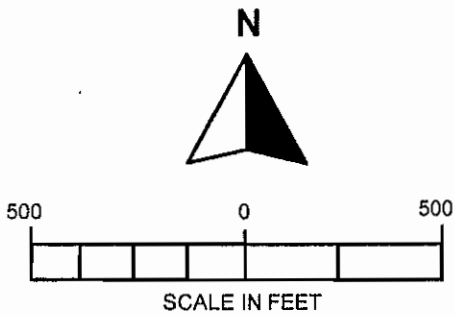
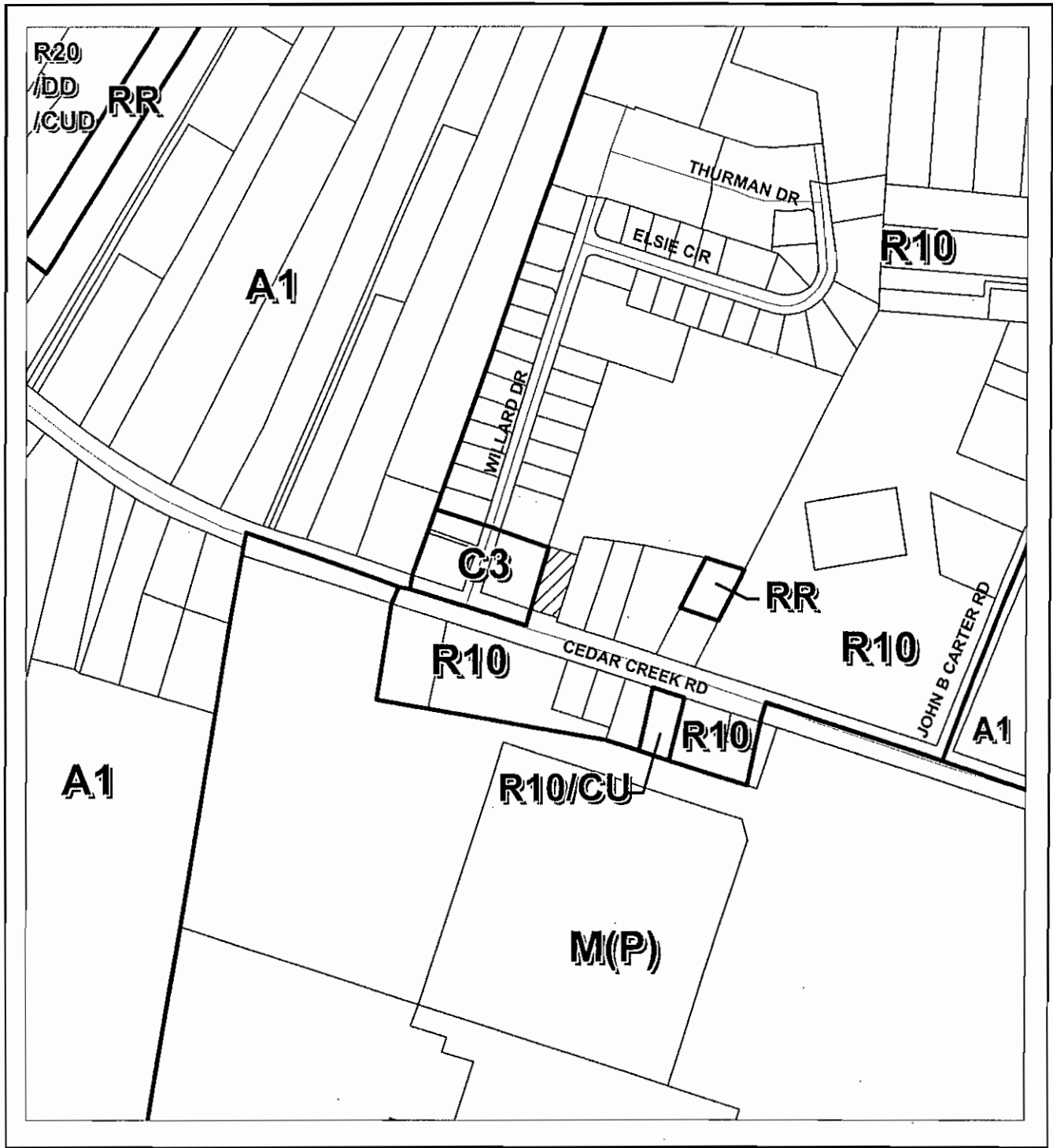
MINUTES OF JUNE 19, 2007:

The Planning & Inspections Staff recommends approval of the C(P) district based on the following:

1. Although the request is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location, the remaining portion of this parcel is currently zoned commercial and approval of the request will allow for the entire tract to be zoned as consistently as possible; and
2. Cedar Creek Road is identified as a Major Thoroughfare.

There are no other suitable zoning districts to be considered for this site.

A motion was made by Mrs. Epler, seconded by Mrs. Piland, to follow the staff recommendation and approve case P07-49 as submitted. Unanimous approval.



REQUESTED REZONING: R10 TO C(P)

ACREAGE: 0.50 AC.+/-

HEARING NO: P07-49

ORDINANCE: COUNTY

HEARING DATE

ACTION

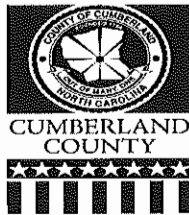
PLANNING BOARD

GOVERNING BOARD

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
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Town of Linden



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

ITEM NO. IF

AUGUST 10, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-51: REZONING OF 3 PARCELS TOTALING 6.71 ACRES FROM A1A TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE WEST SIDE OF HAWKINS ROAD, EAST OF MCBRYDE STREET, SUBMITTED BY MICHAEL J. ADAMS, OWNED BY MARY A. WILSON.**

ACTION: THE MEMBERS PRESENT AT THE JUNE 19, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE APPLICANT'S AMENDED REQUEST AND APPROVE A1 AGRICULTURAL DISTRICT.

SITE INFORMATION: Area: 6.71 acres; **Frontage & Location:** 82 feet (total) on Hawkins Road; **Depth:** 1,934 feet; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Residential; **Initial Zoning:** December 17, 2001 (Area 16); **Zoning Violation(s):** None; **Surrounding Zoning:** North and East-A1, South-A1, R40A, and West-A1, R40A, C(P); **Surrounding Land Use:** Single family residential, farmland and woodland; **2010 Land Use Plan:** Farmland; **Urban Services Area:** Yes; **Water/Sewer Availability:** Well / Septic; **Soil Limitations:** Yes; **School Capacity/Enrolled:** Raleigh Road Elementary 258/238, Long Hill Elementary 452/517, Pine Forest Middle 763/761, Pine Forest High 1750, 1659; **Subdivisions:** The lots were created as a Zero Lot Line subdivision of 3 lots with one of the 3 lots approved for 2 units, #06-059 on 7/18/06; **Military Impact Area:** No; **Highway Plan:** No road improvements or new construction specified for this area; **Average Daily Traffic Count (2004):** 260 on Hawkins Road; **Notes:** The subject properties were rezoned from A1 to A1A, #P06-35 on June 19, 2006; **Density:** A1 – 3 lots / units, A1A – 6 lots / 7 units, R40A – 7 lots / 7 units

MINUTES OF JUNE 19, 2007

The Planning & Inspections Staff recommends approval of the R40A district based on the following:

1. The request is consistent with the 2010 Land Use Plan, which calls for "farmland" at this location; and
2. The request is consistent with the zoning within the general area and the current use of the property.

There are no other suitable zoning districts to be considered for this site.

Mr. Lloyd stated there was one person to speak in favor and one person to speak in opposition.

Public Hearing opened.

Michael J. Adams, the applicant stated that he was here because of a misunderstanding about zoning. The applicant stated that they applied for the wrong zoning last year and asked that zoning be changed to R40A. He stated that his client did not understand exactly what a Class A mobile home was.

Michelle Messer appeared before the Board in opposition. Ms. Messer stated that she feels if the zoning is graded down to R40A that would cause a decrease in property values by allowing Class B mobile homes. She also stated that rezoning should not be used to correct zoning violations. Ms. Messer stated that the request was not compatible with the surrounding area which consisted of one home on large lots. Ms. Messer feels that R40A zoning is not in the best interest of the community of Linden.

Mr. Ken Wilson spoke in rebuttal; Mr. Wilson and his wife are the owners of the property. Mr. Wilson stated that at the time of the survey he was not aware that mobile homes with metal roofs were not approved. All he is trying to do is get zoning changed back to A1.

Vice Chair McLaurin asked Mr. Wilson if the original zoning district was suitable for him.

Mr. Wilson stated that it was fine with him.

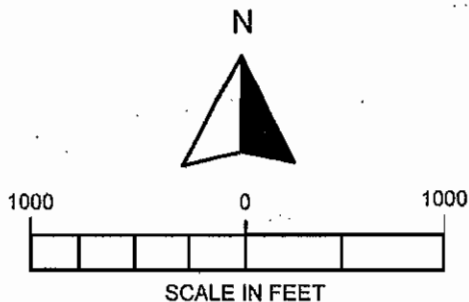
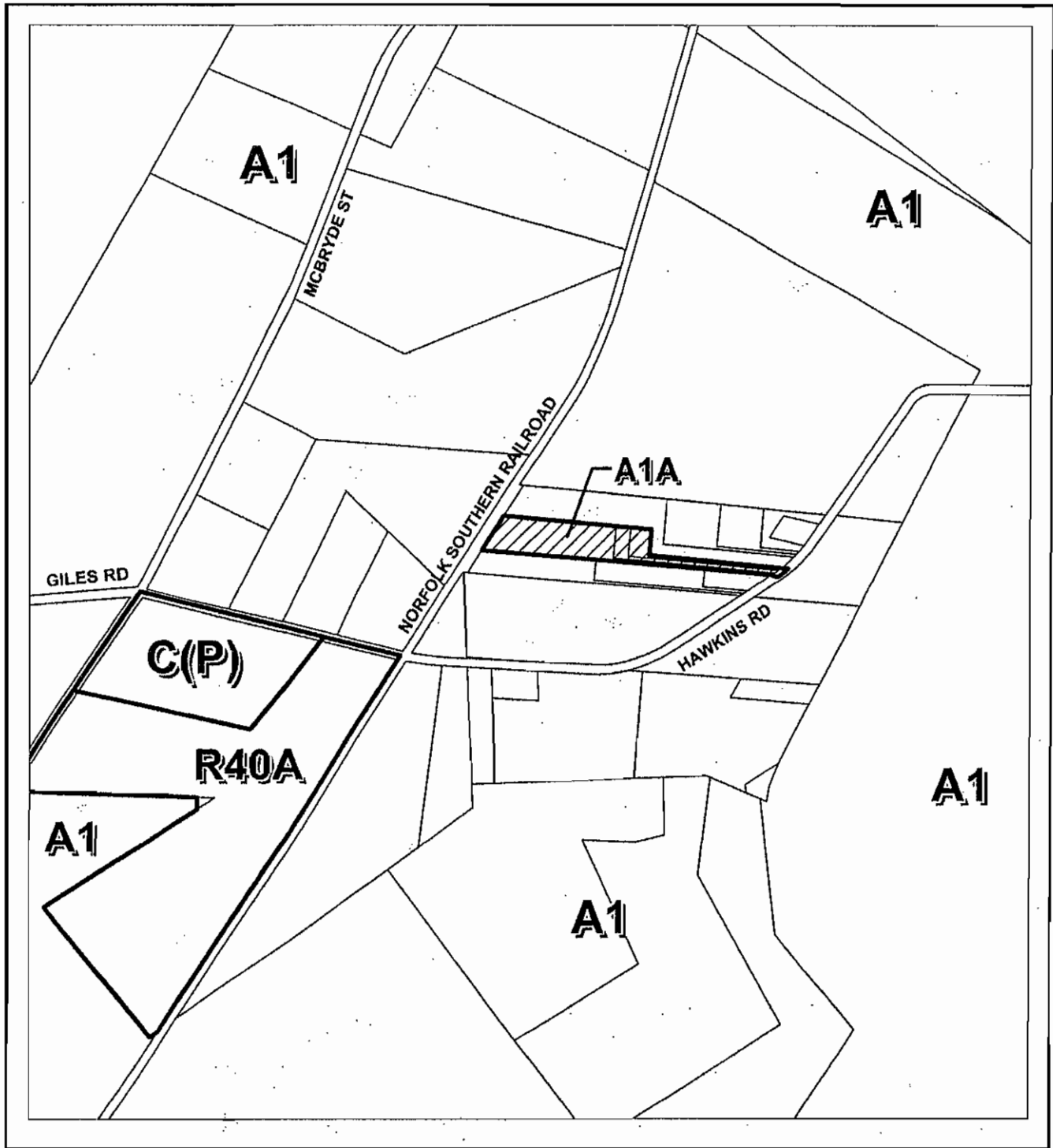
Mr. Lloyd questioned Mr. Wilson to clarify that he understood that A1 would only allow 3 units total, two acres per unit.

Mr. Wilson said he understood and they were willing to amend the application to A1 zoning.

Public Hearing closed.

Chair Morris clarified for Ms. Messer that the applicant was requesting the original zoning A1 which will only allow him to have 3 structures on the property.

A motion was made by Vice Chair McLaurin to deny the request for R40A and approve A1 zoning for case P07-51, seconded by Mrs. Epler. Unanimous approval.



REQUESTED REZONING A1A TO R40A

ACREAGE: 6.71 AC.+/-		HEARING NO: P07-51	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0573-26-4949
PIN: 0573-26-8888
PIN: 0573-36-0829

AF

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris
Town of Linden



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

ITEM NO. 1 G

AUGUST 10, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-57: REZONING OF .33 ACRES FROM R6 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE SOUTH SIDE OF OWEN DRIVE, EAST OF COPE STREET, OWNED BY EDMON AND KATHRYN MONSOUR.**

ACTION: THE MEMBERS PRESENT AT THE JULY 17, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATIONS AND APPROVE C(P)/PLANNED COMMERCIAL DISTRICT.

SITE INFORMATION: **Area:** .33 acres; **Frontage & Location:** 94 feet on Owen Drive; **Depth:** 229 feet; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Vacant land; **Initial Zoning:** November 17, 1975 (Area 4); **Zoning Violation(s):** None; **Surrounding Zoning:** North-city limits-R6, P2, C3, M1, M2, East-R6, O&I(P), C3, city limits-C1, C1(P), C3, South-R6, R6A, C3, M(P), city limits-C1(P), C3, M2, and West-R6, R6/CU, R6A, C1(P), C(P), C3, M2; **Surrounding Land Use:** Auto parts store, gas station, youth center, pipe shop, tattoo parlor, church, salon, unknown commercial, day care facility, bingo parlors (2), real estate company, and single family residential; **2010 Land Use Plan:** Heavy Commercial; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / PWC sewer available 300 +/- feet west (mandatory connection to sewer most likely cannot be required); **Soil Limitations:** None; **Subdivisions:** Site plan review will be required prior to any development; **Military Impact Area:** No; **Highway Plan:** Owen Drive is identified as a Major Thoroughfare. This is a multi-lane facility with a current adequate 150 foot right-of-way. No road improvements are included in the MTIP; **Average Daily Traffic Count (2004):** 49,000 on Owen Drive.

MINUTES OF JULY 17, 2007

The Planning & Inspections Staff recommends approval of the C(P) district based on the following:

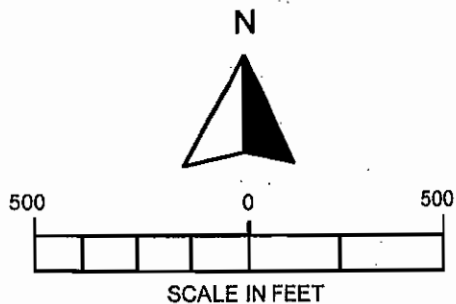
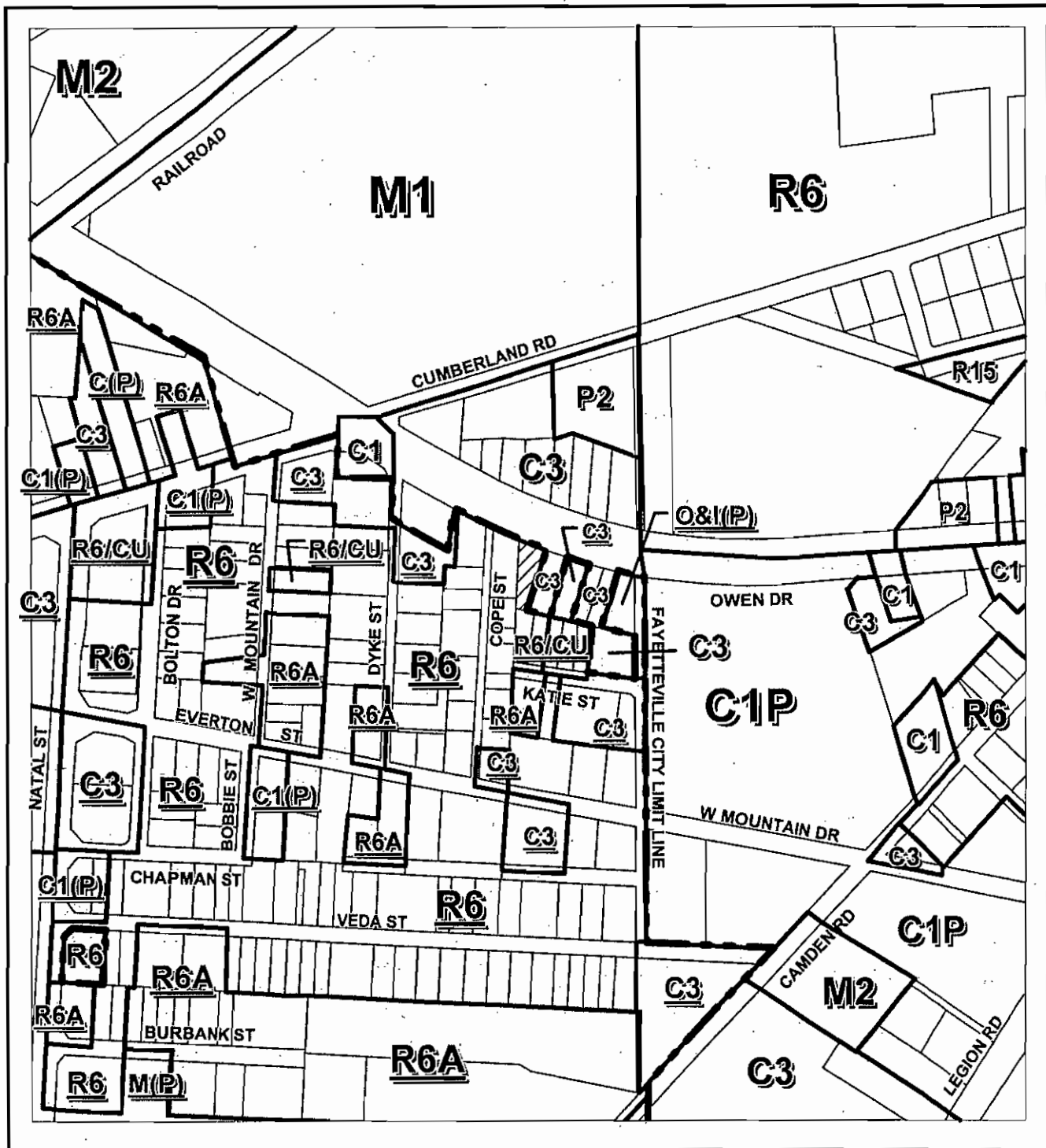
1. The request is consistent with the 2010 Land Use Plan, which calls for Heavy Commercial at this location;
2. The subject property is located on a Major Thoroughfare; and
3. This parcel is adjacent to commercial property.

The O&I(P) and C1(P) are the only other suitable zoning districts to be considered for this site.

Case P07-57 Continued

NOTE: Due to the subject property being contiguous to the city limits and the nature of the surrounding area, the Planning & Inspections Staff recommends this parcel be considered for annexation into the City of Fayetteville.

A motion was made by Vice-Chair Epler, seconded by Mr. Morris, to follow the staff recommendation and approve case P07-57 as submitted. Unanimous approval.



REQUESTED REZONING R6 TO C(P)

ACREAGE: 0.33 AC.+/-		HEARING NO: P07-57	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0426-51-8387

AF
06/25/07
07/10/07

Doilovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris
Town of Linden



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

ITEM NO. 14

AUGUST 10, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-58: REZONING OF ONE PARCEL AND A PORTION OF A SECOND PARCEL TOTALING 14.99 ACRES FROM O&I(P) AND R10 TO R5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE NORTH QUADRANT OF RAMSEY STREET AND MCCLOSKEY ROAD, SUBMITTED BY G. NEIL YARBOROUGH, OWNED BY JAMES AND EVA SINGLETARY AND TONYA CLARK, TRUSTEE.**

ACTION: THE MEMBERS PRESENT AT THE JULY 17, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATIONS AND APPROVE R5A RESIDENTIAL DISTRICT.

SITE INFORMATION: Area: 14.99 acres; **Frontage & Location:** 158+/- feet on Sandra Lane; **Depth:** 423 feet (average); **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Vacant; **Initial Zoning:** August 21, 1972 (Area 1); **Zoning Violation(s):** None; **Surrounding Zoning:** North-R10, PND, C(P), M(P), East-R10, C(P), M(P), city limit-R10, South-R15, R10, R6, C(P), city limit-R10, C1(P), and West-PND, R10, city limit-R10, C1(P); **Surrounding Land Use:** Union association, tire company, electric company, day care facility, barber shop, school, single family residential and vacant land; **North Fayetteville Area Detailed Land Use Plan:** Low Density Residential and Open Space; **Watershed Area:** Yes; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / PWC; **Soil Limitations:** Yes - Coxville loam; **School Capacity/Enrolled:** Raleigh Road Elementary 258/238, Long Hill Elementary 452/517, Pine Forest Middle 763/761, Pine Forest High 1750/1659; **Subdivisions:** A recombination plat will be required prior to any development; **Military Impact Area:** No; **Highway Plan:** US Hwy 401 is identified as a Major Thoroughfare. The proposal calls for a multi-lane facility with a 120 foot right-of-way. Road improvements are included in the 2007-2013 MTIP. Right-of-Way and Construction: Unfunded; **Average Daily Traffic Count (2004):** 17,000 on Ramsey Street; **Notes:** The O&I(P) portion was rezoned from R10 on 9/18/06, Case P06-40; Density minus 20% for roads: R7.5 - 69 lots / 87 units, R6 - 87 lots / 161 units, R5A - 104 lots / 216 units, R5 - 104 lots / 429 units.

MINUTES OF JULY 17, 2007

The Planning & Inspections Staff recommends denial of the R5 district and approval of the R5A district based on the following:

1. The request is not consistent with the North Fayetteville Area Detailed Land Use Plan, which calls for Low Density Residential and Open Space at this location; and

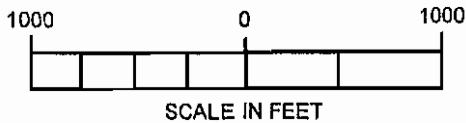
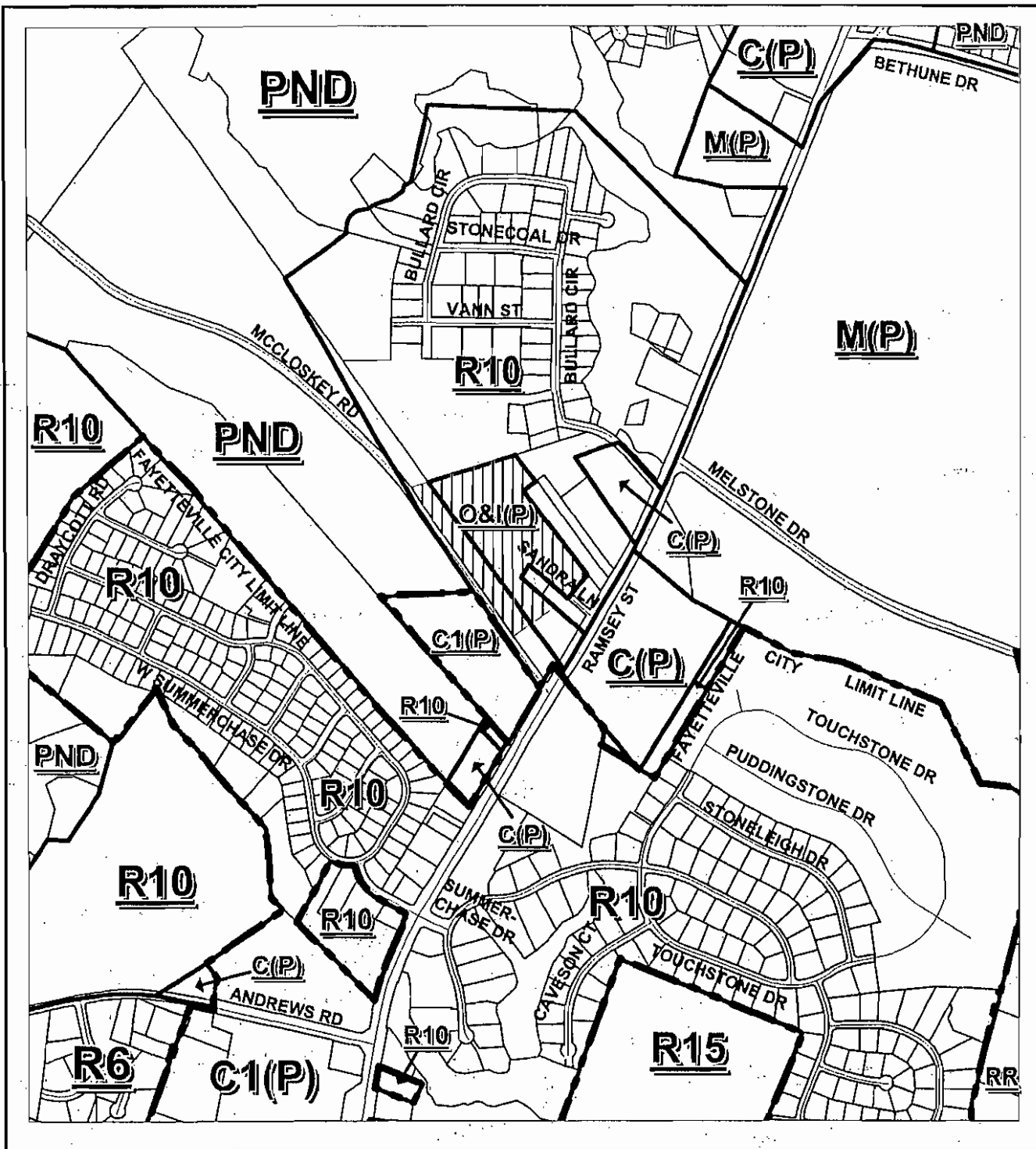
Case P07-58 Continued

2. The existing infrastructure in the area can support the density allowed in the R5A district.

The R7.5 and R6 zoning districts are the only other suitable zoning districts to be considered for this site.

The applicant gave a verbal agreement to the staff recommendation.

A motion was made by Vice-Chair Epler, seconded by Mr. Morris, to follow the staff recommendation and approve case P07-58 for the R5A zoning district. Unanimous approval.



REQUESTED REZONING O&I(P) & R10 TO R5

ACREAGE: 14.99 AC.+/-		HEARING NO: P07-58	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

Dohovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris
Town of Linden



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

ITEM NO. 11

AUGUST 10, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-61: REZONING OF A 21.86 ACRE PORTION OF A 51.33 ACRE TRACT FROM RR TO O&I(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF CLINTON ROAD, WEST OF MOBIUS ROAD, OWNED BY CUMBERLAND COUNTY.**

ACTION: THE MEMBERS PRESENT AT THE JULY 17, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATIONS AND APPROVE O&I(P) PLANNED OFFICE AND INSTITUTIONAL DISTRICT.

SITE INFORMATION: Area: 21.86 acres; **Frontage & Location:** 360 +/- feet on Clinton Road; **Depth:** 1290 +/- feet; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Woodland; **Initial Zoning:** September 3, 1996 (Area 20); **Zoning Violation(s):** None; **Surrounding Zoning:** North-A1, RR, R6, East-A1, RR, HS(P), HS(P)/CU, South-A1, RR, and West-RR, RR/CU, C1(P), C3; **Surrounding Land Use:** Schools(2), library, single family residential, farmland and woodland; **2010 Land Use Plan:** Suburban Density Residential **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / PWC sewer available 700 +/- feet west; **Soil Limitations:** Yes – Stallings loamy sand and Woodington loamy sand; **Subdivisions:** Site plan review will be required prior to any development and a subdivision review if the property is to be divided; **Military Impact Area:** No; **Highway Plan:** NC Hwy 24 and Clinton Road are identified as Major Thoroughfares. The proposal calls for NC Hwy 24 to be a multi-lane facility with a 250 foot right-of-way. Road improvements are included in the 2007-2013 MTIP. Planning and Design: In Progress, Mitigation: 09. There are no road improvements or new construction specified for Clinton Road; **Average Daily Traffic Count (2004):** 5500 on Clinton Road.

MINUTES OF JULY 17, 2007

The Planning & Inspections Staff recommends approval of the O&I(P) district based on the following:

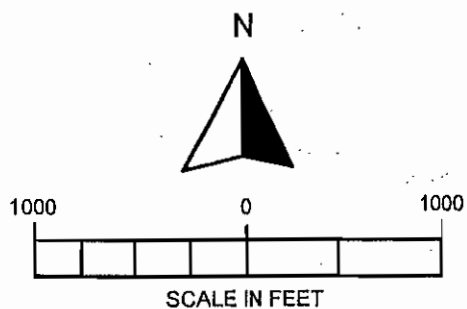
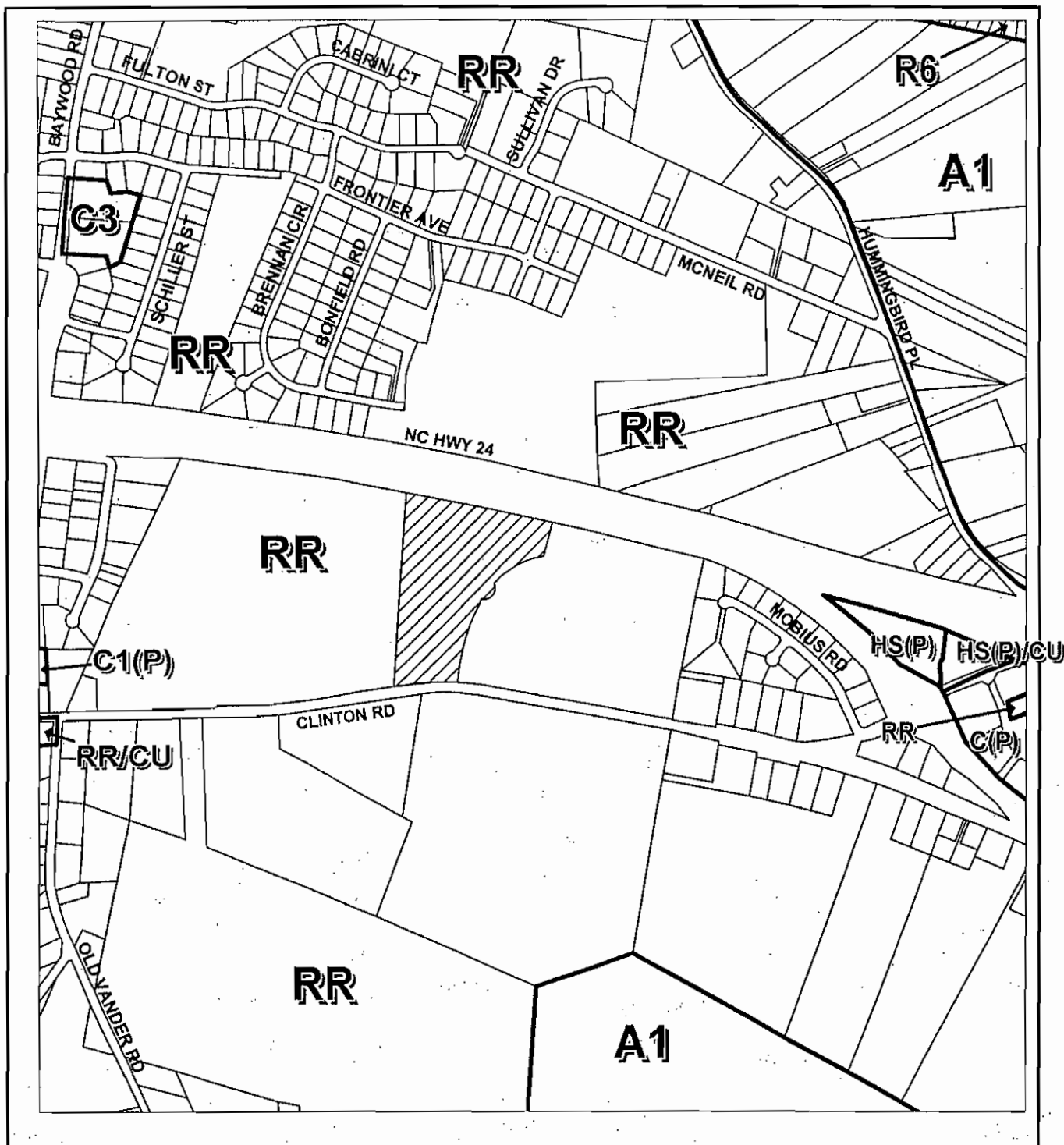
1. Although the request is not consistent with the 2010 Land Use Plan, which calls for Suburban Density Residential at this location, the subject property is located between two Major Thoroughfares; and
2. The subject property is located in an area that currently consists of other public entities.

The Staff also suggests the applicant consider submitting the remainder of this tract for rezoning to O&I(P).

There are no other suitable zoning districts to be considered for this site.

Case P07-61 Continued

A motion was made by Vice-Chair Epler, seconded by Mr. Morris, to follow the staff recommendation and approve case P07-61 as submitted. Unanimous approval.



REQUESTED REZONING RR TO O&I(P)

ACREAGE: 21.86 AC.+/-

HEARING NO: P07-61

ORDINANCE: COUNTY

HEARING DATE

ACTION

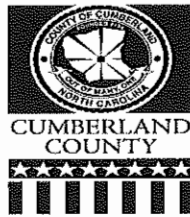
PLANNING BOARD

GOVERNING BOARD

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Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
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Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris
Town of Linden



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

ITEM NO. 15

AUGUST 10, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-45:** REZONING OF A 2.68 ACRE PORTION OF A 49.87 ACRE TRACT FROM A1 TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED EAST OF LANCELOT COURT, NORTH OF PALESTINE ROAD, SUBMITTED BY 4D SITE SOLUTIONS, OWNED BY JOHN C. CULBRETH.

ACTION: THE MEMBERS PRESENT AT THE JUNE 19, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE R20 RESIDENTIAL DISTRICT.

SITE INFORMATION: Area: 2.68 acres; **Frontage & Location:** 50 feet on Lancelot Court; **Depth:** 410 feet; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Undeveloped land; **Initial Zoning:** December 17, 2001 (Area 15); **Zoning Violation(s):** None; **Surrounding Zoning:** North-A1, RR, R20, R15, C3, East-A1, RR, C(P), South-A1, R40, R40A, R20, PND, and West-A1, R40, R15, PND/CU; **Surrounding Land Use:** Single family residential, woodland and borrow source operation; **2010 Land Use Plan:** Farmland; **Designated 100-Year Floodplain or Floodway:** No Flood; **Watershed Area:** No; **Urban Services Area:** No; **Water/Sewer Availability:** Linden Water / Septic tank; **Soil Limitations:** Yes – Johnston loam (JT); **School Capacity/Enrolled:** Raleigh Road Elementary 258/238, Long Hill Elementary 452/517, Pine Forest Middle 763/761, Pine Forest High 1750, 1659; **Subdivisions:** Subdivision review conditioned upon rezoning for 3 lots, #07-052 on 5/8/07; **Military Impact Area:** Yes; **Highway Plan:** No road improvements or new construction specified for this area; **Average Daily Traffic Count (2004):** 1500 on Palestine Road; **Notes:** Density minus 20%: A1 – 1 lot, R40 – 2 lots, R30 – 3 lots, R20 – 4 lots, R15 – 6 lots

MINUTES OF JUNE 19, 2007:

The Planning & Inspections Staff recommends denial of the R15 district and approval of the R20 district based on the following:

1. Although the request is not consistent with the 2010 Land Use Plan, which calls for "farmland" at this location, the R20 zoning district is in character with the residential zoning adjacent to the subject property;
2. Town of Linden water is available and upon development, extension will be required to serve the subject property; and
3. R20 zoning is more consistent with the tentative measures included in the draft 2030 Land Use Plan for this area when public water is available.

P07-45 Continued

The A1A, R40, and R30 zoning districts are the only other suitable zoning districts to be considered for this site.

Mr. Lloyd stated that there was one person in favor to speak and one person to speak in opposition.

Public Hearing opened.

Chris Manning, the applicant, stated that they just wanted to finish off their subdivision with the entire development having the same zoning. They currently have 105 lots and only want three more, they were originally approved for R15 a few years ago. He feels that the recommendation for anything other than R15 is wrong.

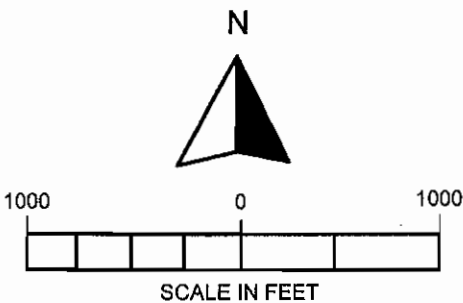
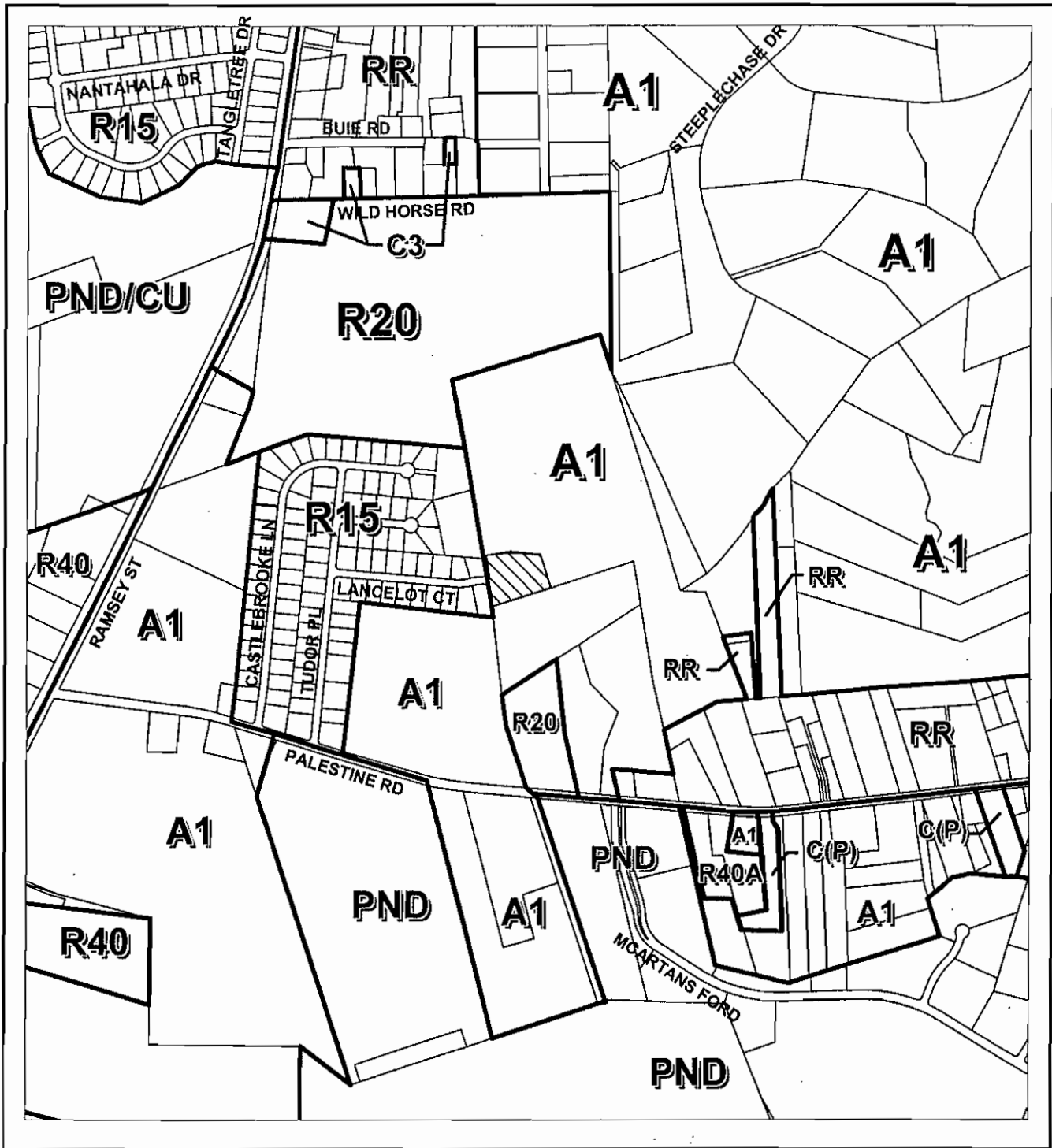
John Streit spoke before the Board in opposition. Mr. Streit stated that he agrees with the staff recommendations for R20 zoning. He feels that the adjacent properties need to be protected and R20 zoning will do that by keeping the properties larger in size.

Public Hearing closed.

Mr. Lloyd explained that the staff recommendations for R20 zoning will accommodate the applicant's stated desire to only add three more lots. Staff is concerned about allowing R15 to encroach into the agricultural area.

Mrs. Piland stated that she agrees with the staff concerns, and the concerns are valid.

A motion was made by Mr. McNeill, seconded by Mrs. Piland, to follow the staff recommendation and approve case P07-45 for R20. Unanimous approval.



REQUESTED REZONING A1 TO R15

ACREAGE: 2.68 AC.+/-		HEARING NO: P07-45	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris
Town of Linden



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

ITEM NO. 1K

AUGUST 10, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-59: REZONING OF 1.38 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2670 JOHN SMITH ROAD, OWNED BY DEAN H. & DAWN SMELCER, JR.**

ACTION: THE MEMBERS PRESENT AT THE JULY 17, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATIONS AND DENY C(P) PLANNED COMMERCIAL DISTRICT.

SITE INFORMATION: **Area:** 1.40 acres; **Frontage & Location:** 201 feet on John Smith Road; **Depth:** 321 feet; **Jurisdiction:** County; **Adjacent Property:** None; **Current Use:** Residential; **Initial Zoning:** November 17, 1975 (Area 4); **Zoning Violation(s):** None; **Surrounding Zoning:** North-R10, R6A, Hope Mills city limit-R6A, C3, East-RR, R10, R6A, M2, South-R10, M2, city limit-R10, R6A, C1(P), C(P), C3, and West-R6A, city limit-R6A, C3, C(P); **Surrounding Land Use:** Car wash, alteration shop, barber shop, strip mall, automotive shop (2), knife shop, woodworking business, no name commercial, contractor's yard, vacant commercial, and single family residential; **2010 Land Use Plan:** Medium Density Residential; **Municipal Influence Area:** Hope Mills; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / PWC; **Soil Limitations:** None; **Subdivisions:** A recombination plat and site plan approval will be required prior to any development; **Military Impact Area:** No; **Highway Plan:** There are no road improvements or new construction specified for this area; **Average Daily Traffic Count (2004):** 2000 on John Smith Road.

MINUTES OF JULY 17, 2007

The Planning & Inspections Staff recommends denial of the C(P) district based on the following:

1. The request is not consistent with the 2010 Land Use Plan, which calls for Medium Density Residential at this location;
2. Rezoning is not in character with the zoning in the general area; and
3. Approval of the request will encourage the encroachment of non-residential zoning into an area intended for residential use.

There are no other suitable zoning districts to be considered for this site.

Public Hearing opened.

Harold Smelcer spoke in favor. Mr. Smelcer stated that all he wanted to do was place an office on the property. He stated that he has cleaned up the property and put up fencing and a 10 foot border. Mr. Smelcer presented pictures of the surrounding area. Mr. Smelcer stated that the staff recommended that he apply for this zoning. Mr. Smelcer said that he had been turned down for three things and he didn't know what the 2010 Land Use Plan is and didn't know anything about it.

Mrs. Epler asked Mr. Smelcer if all of the photos were of the subject property.

Mr. Smelcer said that the picture Mrs. Epler was asking about was the commercial property behind him.

Mrs. Epler asked what the proposed use is for this area in relation to 2030 plan.

Mr. Lloyd stated that it would be residential. Mr. Lloyd also said that there are a lot of businesses in this area, but they front on Hope Mills Road.

Mr. Smelcer showed more pictures of what is in the area. He stated that he's not trying to destroy the area; he just wants to put his office there and carry on. He stated again that staff recommended C(P) zoning.

Mrs. Epler stated that if conversation does not look promising that he get what he is requesting tonight, if staff feels that O&I zoning would be agreeable, to defer his case for 30 days and amend his application to an O&I District. Mrs. Epler went on to explain O&I zoning. Mrs. Epler asked if Mr. Smelcer was under a timetable and could afford a thirty day wait.

Mr. Smelcer said that what he applied for is what the planning staff recommended. He doesn't feel that what he has applied for is a major thing.

Mrs. Epler said that she understands but the zoning that he is applying for allows so many uses that the Board doesn't feel that they are appropriate for this particular piece of property at this time. O&I zoning is the best zoning for this property.

Anthony Sykes Bigham spoke in opposition. Mr. Bigham showed a photograph of how close his house is to the applicant's fence line. Mr. Bigham feels that neighbor's rights should be considered. Mr. Bigham stated that he feels that if the rezoning is approved pretty soon there will be trucks on the property. He stated that ditches are already dug, junk trucks already on the property, part of the fence already up, water and power, and a big street light in the backyard. Mr. Bigham stated that he would like to be able to retire in his house without a lot of noise that this business would cause. He would like to keep this business out of his neighborhood. Mr. Bigham doesn't see the area as a place for business.

Judith Riley spoke in opposition. Ms. Riley stated that she lives directly across the street from the subject property. Her home has been in the family for a long time. There are children in the area and the subject property draws different types of elements related to the subject's business, big trucks in the neighborhood and people in and out. Ms. Riley stated that the streets that the applicant named McKnight and the other street are not on John Smith Road, the man with the horses is a private residence and his property is fenced in. Ms. Riley feels that this would be detrimental to the residents that live there and want to stay there. She would like to see the neighborhood stay the way it is.

Pam Bigham spoke in opposition. Ms. Bigham stated that if you go by the applicant's house on Boone Trail on a Thursday or Friday, that office is his home, you will always see trucks there. When he first bought that property one of the first things he did was bulldoze all the property which now looks desolate. The residents have managed to keep a natural wooded area around their homes. If it were just going to be an office why not keep it pretty. Ms. Bigham stated that the applicant moved some of his workers into the home and there was a problem with drugs and someone died in the home. Mrs. Bigham called Ken Sykes two years ago and told him what was

being told to them about the business being moved into the home and Mr. Sykes said that could never happen. Now two years later and here she is. Mrs. Bigham presented the Board with pictures of the subject property. Mrs. Bigham feels that this would be destructive and intrusive. Mrs. Bigham stated that Mr. Smelcer never lived in the house; he just bought it and rented it out.

Bill Maynard spoke in opposition. Mr. Maynard stated that he works out of his home making knives. He stated that they didn't want to deny anyone the use of their house, but he feels that the applicant's business will bring noise to the neighborhood.

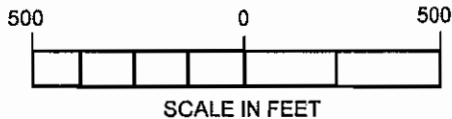
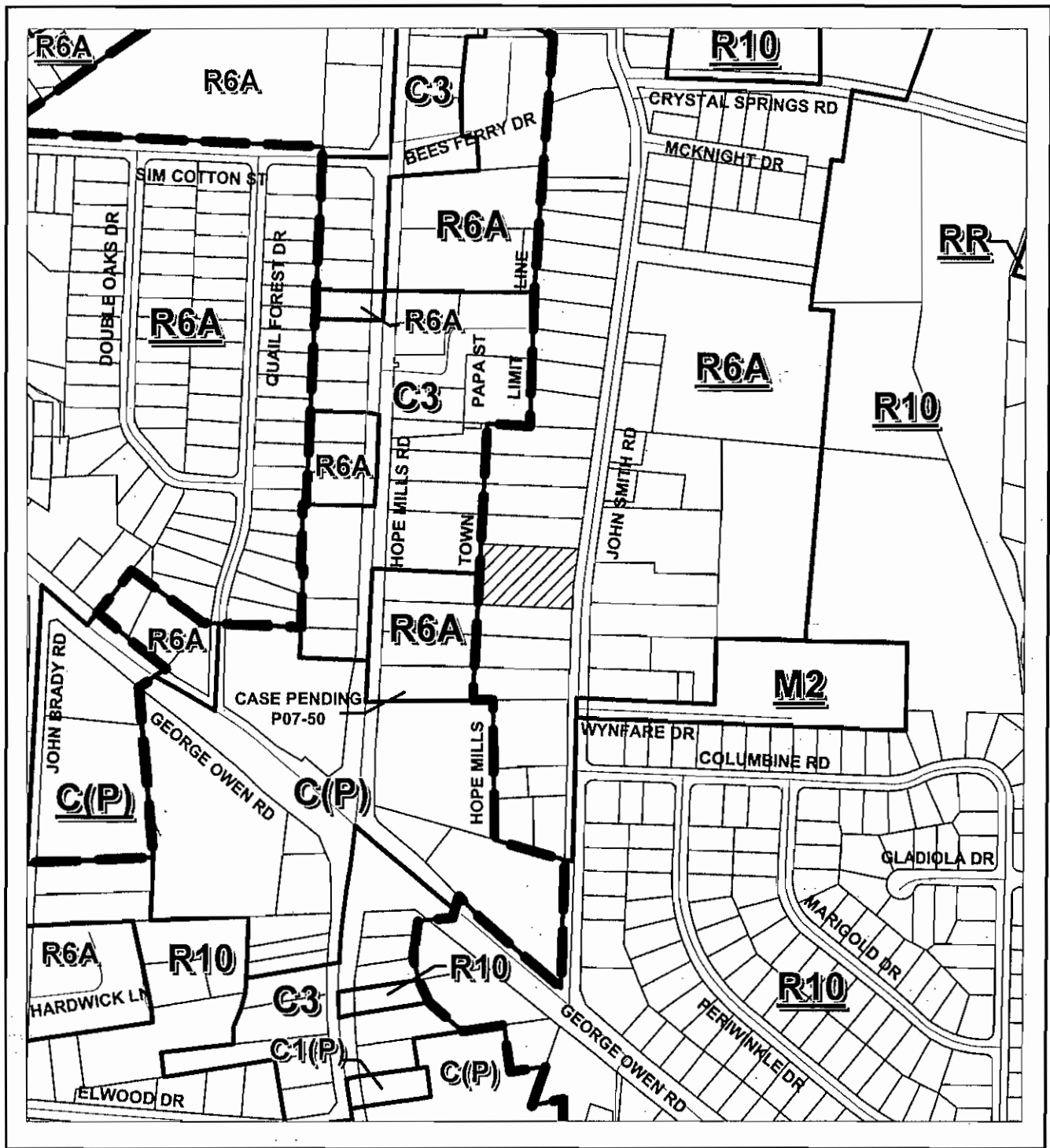
Blake Smelcer spoke in rebuttal. Mr. Smelcer stated the trucks have to use John Smith Road. Mr. Smelcer presented photographs that showed the handmade knives that had a sign like a business and another one for a woodworks business. Mr. Smelcer stated that all they wanted to do was put a fence around the property and they will leave the buffer. They completely renovated the house. They are not trying to make a fence company there, they just want to move an office there.

Public Hearing closed.

Mrs. Epler stated that Mr. Smelcer said that he was comfortable with O&I and a 30 day deferral.

Mr. Morris stated that for the Board to go beyond the commercialization of the Hope Mills Road would not be in the best interest of neighbors or the County. The other businesses are home type businesses.

A motion was made by Mr. Morris, seconded by Mrs. Piland to deny case P07-59 for C(P). Unanimous approval.



REQUESTED REZONING: R6A TO C(P)

ACREAGE: 1.38 AC.+/-

HEARING NO: P07-59

ORDINANCE: COUNTY

HEARING DATE

ACTION

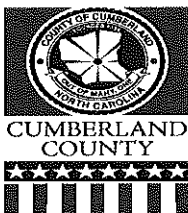
PLANNING BOARD

GOVERNING BOARD

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris
Town of Linden



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

ITEM NO. 1L

AUGUST 10, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-22: REZONING OF 2.2 ACRES FROM A1 TO R20 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 871 REMELEY COURT, OWNED BY BRIAN DAIGNEAULT.**

ACTION: MEMBERS PRESENT AT THE JUNE 19, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATIONS AND DENY R40/CONDITIONAL USE DISTRICT

SITE INFORMATION: Area: 2.2 acres; **Frontage & Location:** 320 feet on Remley Court; **Depth:** 302 feet; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Vacant; **Initial Zoning:** June 24, 1980 (Area 13); **Zoning Violation(s):** None; **Surrounding Zoning:** Primarily CD and A1 with A1A and R40A to the East; **Surrounding Land Use:** Single family residential and farmland; **2010 Land Use Plan:** Farmland; **Urban Services Area:** No; **Water/Sewer Availability:** Well / Septic; **Soil Limitations:** None; **School Capacity/Enrolled:** Grays Creek Elementary 708/764, Grays Creek Middle 614/495, Grays Creek High 1087/1280; **Military Impact Area:** No; **Highway Plan:** No road improvements or new construction specified for this area; **Notes:** Density (1.98 ac. after right-of-way): A1 – 1 lot, A1A – 2 lots, R40 – 2 lots, R30 – 2 lots, R20 – 4 lots

Application Conditions:

1. Restricting the property to a stick-built house, greater than 1600 square feet on Lot 2.
2. Requesting waiver for 8th lot on a Class "C" private street (street approved in 1990 when 7 lots were allowed).

MINUTES OF JUNE 19, 2007

The Planning & Inspections Staff recommends denial of the R40/Conditional Use District for two lots at this location even though the request is consistent with the Land Use Plan based on the following:

1. Consideration of the R40 district for this tract is arbitrary, not compatible with the uses in the neighboring districts, and is not a use that could be extended to every property owner in the immediate area;
2. Granting the use would not serve a viable public interest;
3. In its present state the subject property cannot meet the ordinance standards;

Case P07-22 Continued

4. Allowing this use along an un-improved private right-of-way qualifies this request as being unreasonable.

The Planning & Inspections Staff also recommends denial of the Conditional Use Permit based on the following:

1. The use if approved could materially endanger the public safety, in that allowing an excessive number of lots along un-improved streets having no set criteria for maintenance would be prohibitive to emergency response vehicles;
2. In its current state the use cannot meet all required conditions and specifications;
3. The use will not maintain or enhance the value of adjoining or abutting properties and is not a public necessity;
4. The location and character of the use, if developed according to the plan as submitted and recommended, will not be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Land Use Plan and adopted planning policies.
5. The degree of difference in the specific use requested as related to the allowable existing surrounding uses makes this request unreasonable.

Inherent with this recommendation of denial of the rezoning request, the Staff recommends denial of the waiver request to allow an eighth lot on the existing Class "C" private street. The Staff is of the opinion that once the street is upgraded and paved to NCDOT standards, the rezoning application would most likely receive a more favorable recommendation.

There are no other suitable districts to be considered for this request.

Mr. Lloyd stated there was one person to speak in favor and no one to speak in opposition.

Mr. McNeill and Chair Morris had ex parte communication with the petitioner but there was no discussion about the case.

Public Hearing opened.

Brian Daigneault appeared before the Board and Ms. Speicher read a statement that he had prepared. The statement described the maintenance of the dirt street, the adjacent properties and that the petitioner had amended his original request and now only wanted to be approved for two lots. The statement also asked the Board for their approval.

Mr. Grainger asked the petitioner if the evidence presented was what he wrote and if it was authentic.

Mr. Daigneault said it was to the best of his knowledge.

Public Hearing closed.

Chair Morris stated that they have had the discussion about fire and rescue. When you go to eight lots, safe streets need to be provided and adequate for emergency vehicles. If this case is approved the Board would be creating an exception to their own rules.

Mr. McNeill stated that he believed an unpaved road approved today could only accommodate four lots. If a fifth lot is added, gravel is required, and anything above seven lots the road would need to be paved to State standards. Mr. McNeill could not take the position to grant any kind of

Case P07-22 Continued

waiver, because they have worked hard to get the standards to what they are now. Mr. McNeill agrees with the staff recommendations.

Mrs. Epler in response to the written statement Mr. Daigenault provided each Board member at the April 17th meeting, stated that she was employed by Larry King and Associates and does not own that company. Her company did survey, engineer and help construct Lynn Meadow Subdivision (south of the subject property), but Lynn Meadow Subdivision is not like anything that the petitioner is proposing. Mrs. Epler's work on Lynn Meadow Subdivision had no bearing on her decision as a Board member on the petitioner's case.

A motion was made by Mr. McNeil and seconded by Vice Chair McLaurin to follow the staff recommendations and deny R40/Conditional Use District based on the finding that the Joint Planning Board failed to find that this Conditional Use District application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest. Unanimous denial.

Mr. Lloyd stated that there was something left out of the petitioner's statement when it was read. There was a request that if the case was denied would the Board consider a deferral for the petitioner to amend his request again; this time so the Board could consider allowing the applicant approval of two units on one lot and that he agreed to not subdivide the property until the road is upgraded.

Chair Morris stated that the petitioner was asked if the statement was accurate by the County Attorney and the petitioner said that it was. Chair Morris advised that the case would go before the County Commissioners at the next meeting.

MINUTES OF APRIL 17, 2007:

Mr. Combs reviewed the site information and stated that staff recommends denial of the R20 zoning district and recommends that the applicant submit for a Conditional Use District and Permit based on the finding that

Remley Court is a Class "C" Private Street, in which the Planning & Inspections Staff could ensure through a Conditional Use Permit that the streets are brought up to current standards prior to any subdivision. There are no other suitable zoning districts to be considered for this request.

The Public Hearing opened.

Brian Daigneault addressed the Board in favor of the request. He asked that a written statement be submitted for the file. He advised the Board that NC DOT had just taken over Remley Court and that it would now be a state maintained road. He stated that he further wants to amend his request to R40. He stated his purpose was to place a stick-built home on the extra lot. He further stated that he felt approval of the request would increase property values in the area.

The Public Hearing closed.

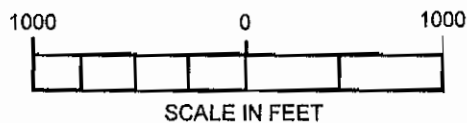
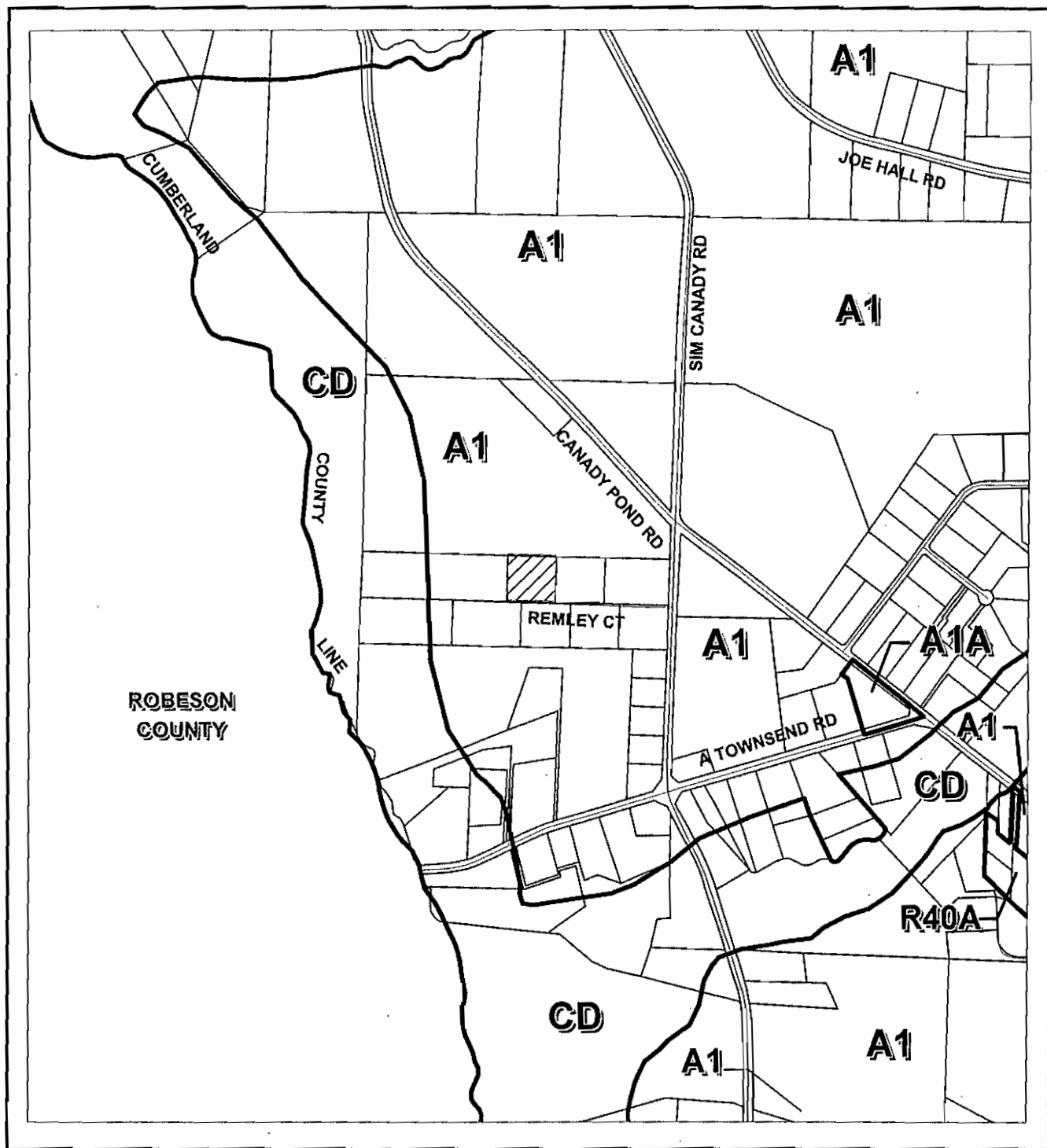
Chair Morris asked staff to verify the number of lots served by the existing Remley Court. Staff responded that there were 7 lots. Chair Morris asked if the property lines ran to the middle of the street and if so, how was it possible for the state to take the road? Staff responded that the property lines were accurate as shown and that they had received no verification from NC DOT. Staff further stated that this was a major reason for the staff's request to recommend denial of the original request and for the petitioner submit for a conditional use on the property.

Chair Morris explained the ordinance requirements pertaining to the number of lots served by a class "C" street to the petitioner. He asked Mr. Daigneault if would agree to a deferral for the

Case P07-22 Continued

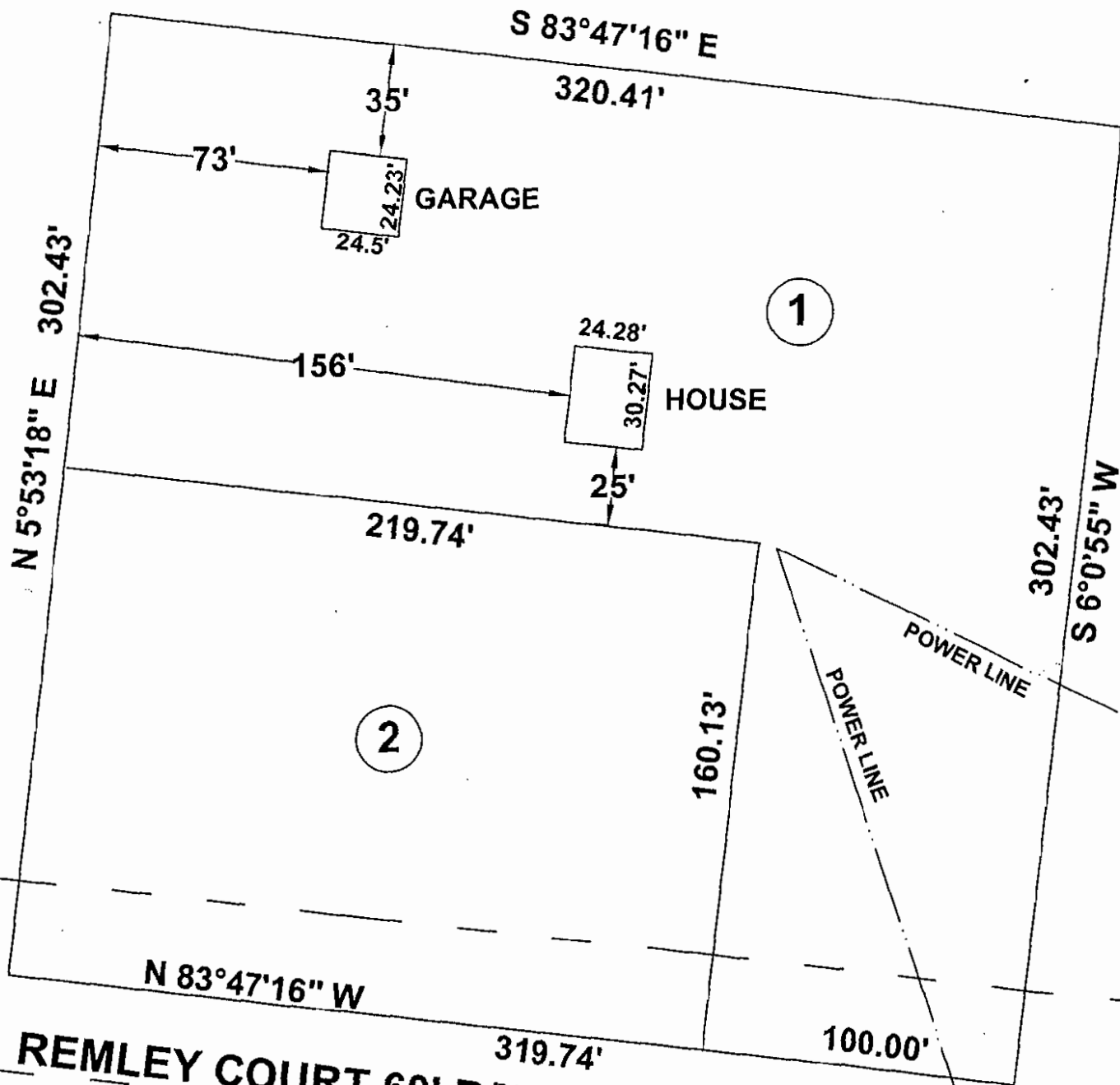
purpose of verification from NC DOT or to explore an R40 conditional use and permit. Mr. Daigneault agreed to the deferral.

There being no objection, Chair Morris deferred Case P07-22 for 30 days.



REQUESTED REZONING: A1 TO R40/CUD

ACREAGE: 2.20 AC.+/-		HEARING NO: P07-22	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			



REMLEY COURT 60' R/W (PRIVATE SOIL STREET)
CLASS "C" PRIVATE STREET

CONDITIONAL USE DISTRICT AND PERMIT
REQUEST: TO ALLOW AN EIGHTH LOT ON A CLASS "C"
PRIVATE STREET & A MINIMUM 1600 SF STRUCTURE ON LOT 2

CASE: P07-22 ACREAGE: 2.20 ACS +/-

SCALE: NTS

TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE BOARD OF
COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:

I (We), the undersigned, hereby submit this application, and petition the County Commissioners to amend and to change the zoning map of the County of Cumberland as provided for under the provisions of the County Zoning Ordinance. In support of this petition, as hereinafter requested, the following facts are submitted:

1. APPLICANT/AGENT: _____
2. ADDRESS: _____ ZIP CODE: _____
3. TELEPHONE: (Home) _____ (Work) _____
4. Location of Property: _____
5. Parcel Identification Number (PIN #) of subject property: _____
(also known as Tax ID Number or Property Tax ID)
6. Acreage: _____ Frontage: _____ Depth: _____
7. Water Provider: _____
8. Septage Provider: _____
9. Deed Book _____, Page(s) _____, Cumberland County
Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: _____
11. Proposed use(s) of the property: 1 R40 Restricted to stick
built house 1600 sq ft.

NOTE: Be specific and list all intended uses.

12. It is requested that the foregoing property be rezoned FROM: A1

TO: (select one)

- ☒ Conditional Use District, with an underlying zoning district of R40
(Article V)
- ☐ Mixed Use/Conditional Use District (Article VI)
- ☐ Planned Neighborhood District/Conditional Use District (Article VII)
- ☐ Density Development/Conditional Use District, at the _____ Density
(Article VIII)

APPLICATION FOR
CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

- A. List the use(s) proposed for the Conditional Use Permit. (Use of the underlying district will be restricted only to the use(s) specified in this application.)

R 40 1 Acre Lot

Restricted to stick-built house
greater than 1600 sq ft.

- B. Density: List the amount of acreage that will be residential, commercial, and/or open space, and the number of lots and/or dwelling units proposed, and the square footage of the non-residential units.

1. Acre residential Lot

1. Stick built house, greater than 1600 sq ft.
(Restricted)

2. DIMENSIONAL REQUIREMENTS:

- A. Reference either the dimensional requirements of the district, Sec. 1104 or list the proposed setbacks.

- ~~B. Off-street parking and loading, Sec. 1202: List the number of spaces, type of surfacing material and any other pertinent information.~~

3. SIGN REQUIREMENTS:

~~Reference the district sign regulations proposed from Article XIII.~~

4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number and type of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number and type of shrubs (Sec. 1102N). **NOTE: All required landscaping must be included on the site plan.**
- B. Indicate the type of buffering and approximate location, width and setback from the property lines.

5. MISCELLANEOUS:

List any information not set forth above, such as the days and hours of the operation, number of employees, exterior lighting, noise, odor and smoke, emission controls, etc.

6. SITE PLAN REQUIREMENTS:

The application shall include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan shall be of sufficient detail to allow the Planning and Inspections Staff and the Planning Board to analyze the proposed uses and arrangement of uses on the site. It shall also include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

7. ACKNOWLEDGEMENT:

It is understood by the undersigned that the official zoning map, as originally adopted and subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment (change) rests with the petitioner.

It is the responsibility of the petitioner (personally or by agent) to submit to the Planning and Inspections Department a valid request, not incompatible with existing neighborhood zoning patterns.

In order for the Planning Board to offer a favorable recommendation, and for the Board of Commissioners to approve, any Conditional Use District and Permit they must find from the evidence presented at their respective public hearing that:

- A. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended;
- B. The use meets all required conditions and specifications;
- C. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and
- D. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Comprehensive Land Use Plan and adopted planning policies.

I further understand I must voluntarily agree to all conditions proposed for the Conditional Use Permit.

The undersigned hereby acknowledge that the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

x Brian Daianeault
NAME OF OWNERS (PRINT OR TYPE)

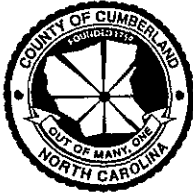
871 Remley Ct Hopewills NC
ADDRESS OF OWNER(S)

(910) 429-5892
HOME TELEPHONE #

WORK TELEPHONE #

Brian Daianeault
SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)



Date Request Submitted: _____

Planning Board Meeting Date: _____

Received by: _____

Cumberland County Subdivision Ordinance

Request for Waiver

Case No.: P07-22 Case Name: Brian Daigneau, LLC

Related Ordinance Section Number(s): _____

Summary of Request: privat dirt rd. Conditional use District
& permit.

Section 6.1 of the County Subdivision Ordinance governs the Planning Board's authority to waiver provisions of the Subdivision Ordinance. This section reads as follows:

Section 6.1. Waivers

The Planning Board may waive the requirements of this Ordinance where it finds by resolution that:

- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and*
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and*
- c. The property owner would not be afforded a special privilege denied to others.*

In granting waivers, the Planning Board may require such conditions as will secure, in so far as practicable, the objectives of the requirements waived. Any waiver, thus granted, is required to be entered in writing in the minutes of the Planning Board and the reasoning upon which departure was justified set forth.

The applicant is strongly encouraged to read the above provisions and relate the written waiver request as closely as possible to the criteria contained within. All supporting documentation for the request shall be submitted along with this request for waiver. For example, if the request is based on topography or soils, the applicant is the responsible

party to submit as evidence 'topo' and/or soils maps or if the request is based on the "condition or nature of adjoining property", the applicant will be required to submit evidence supporting this as basis for the request.

My request should receive favorable consideration by the Planning Board based on the following summary of the basis for this request:

1. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, problems of access, or the existence of other unusual physical conditions (at least one of the preceding basis must be addressed in this request), strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, due to:

For you because the street is well
maintain, and you I would be resposible
to pave the street.

2. The public purposes of the County Subdivision and County Zoning Ordinances would be served to an equal or greater degree and the applicant agrees to:

~~bring up the property wants and tax base, stick~~
built house. I and my neighbors are wanting
the Rd.

3. The property owner would not be afforded a special privilege denied to others, because:

Public is not resposible for the
mantase of the Rd.

By signing this request, the applicant is signifying that all statements contained within this request are accurate and true to the best of their knowledge.

Bridon Daigneault
Printed Name of Applicant/Agent

(910) 429-5892
Daytime Phone Number

Bridon Daigneault
Signature of Applicant/Agent

Date Signed



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY,
GOVERNOR

LYNDO TIPPETT
SECRETARY

April 16, 2007

Cumberland County
Division Six - District Two

Mr. Brian Daigneault
871 Remley Court
Hope Mills, N. C. 28348

SUBJECT: Petition for Addition - Remley Court off of
SR 2248 in Cumberland County.

Dear Mr. Daigneault:

We have completed our investigation of your request to provide state maintenance on Remley Court in Cumberland County. There are several conditions a subdivision road must meet to qualify for state maintenance. The Department of Transportation considers the addition of roads, which have a right-of-way, dedicated, recorded, or that have preliminary approval from a county planning board dated prior to September 30, 1975 under our "Old Subdivision Policy". Roads, which fall under this policy, can be added for maintenance as an unpaved road. Roads, which were established after September 30, 1975, must be paved to be considered for State maintenance. Your road was established after September 30, 1975. It was recorded on June, 15 1990 as a private street.

In order for the State to take over maintenance of Remley Court the right-of-way would have to be dedicated and recorded as public right-of-way, and the road would have to be paved to NCDOT standards. I regret that we could not give you a more favorable response to your petition.

If I may provide additional information regarding this matter, please advise and refer to petition # 07-044-02.

Yours very truly,

A handwritten signature in black ink, appearing to read "Christopher W. McGee".

Christopher W. McGee, P.E.
District Engineer

CWM:gab

MOTIONS ON CONDITIONAL USE DISTRICT REZONING APPLICATIONS

IF TO APPROVE CONDITIONAL USE DISTRICT:

I MOVE THAT THE BOARD OF COMMISSIONERS FINDS THAT THIS CONDITIONAL USE DISTRICT APPLICATION IS REASONABLE, NEITHER ARBITRARY NOR UNDULY DISCRIMINATORY, AND IN THE PUBLIC INTEREST, AND THAT THE FOLLOWING CONDITIONAL USE(S) BE APPROVED [OR, IN THE ALTERNATIVE, DELETED]:

PLANNING STAFF TO NAME USES TO BE APPROVED OR, IN ALTERNATIVE, DELETED

IF TO DENY CONDITIONAL USE DISTRICT:

I MOVE THAT THE BOARD OF COMMISSIONERS FAILS TO FIND THAT THIS CONDITIONAL USE DISTRICT APPLICATION IS REASONABLE, NEITHER ARBITRARY NOR UNDULY DISCRIMINATORY, AND IN THE PUBLIC INTEREST, AND THAT IT THEREFORE BE DENIED.

[****IF CONDITIONAL USE DISTRICT IS DENIED, DO NOT MAKE ANY MOTION ON CONDITIONAL USE PERMIT].

IF TO APPROVE CONDITIONAL USE PERMIT:

I MOVE THAT THE BOARD OF COMMISSIONERS FINDS THAT THIS CONDITIONAL USE PERMIT APPLICATION, IF COMPLETED AS PROPOSED AND SUBJECT TO THE CONDITIONS RECOMMENDED BY THE PLANNING BOARD:

- (I) WILL NOT MATERIALLY ENDANGER THE PUBLIC HEALTH AND SAFETY, AND
- (II) WILL NOT SUBSTANTIALLY INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY, AND
- (III) WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS TO BE LOCATED, AND
- (IV) WILL BE IN CONFORMITY WITH THE LAND USE PLAN, THOROUGHFARE PLAN OR OTHER PLAN OFFICIALLY ADOPTED BY THE BOARD OF COMMISSIONERS.

Doñovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris
Town of Linden



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

ITEM NO. IM

AUGUST 10, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-44:** REZONING OF 2.7+/- ACRES FROM R5 TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE WEST QUADRANT OF MURCHISON ROAD AND CHARMAIN STREET, SUBMITTED BY BRAD YOUNG, OWNED BY ALBERT AND SHIRLEY NORTON.

ACTION: THE MEMBERS PRESENT AT THE JULY 17, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE C(P) PLANNED COMMERCIAL DISTRICT/CONDITIONAL USE DISTRICT.

SITE INFORMATION: **Area:** 2.7 acres; **Frontage & Location:** 169 feet on Murchison Road, 383 feet on Charmain Street; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Billboard and vacant; **Initial Zoning:** September 16, 1973 (Area 2A); **Zoning Violation(s):** None; **Nonconformities:** The existing billboard is located in a residentially zoned district. **Surrounding Zoning:** North-C(P), C3, C3/CU, M(P), East-C3, M1(P), M(P), City limit-R6, M1, South-R6, R6A, C3, and West-R6A, R6A/CUO, C3; **Surrounding Land Use:** Manufactured home parks (7), automotive sales (2), vacant commercial businesses (2), tire shop, rental business, electric company, construction company, apartments, and lawn care business; **2010 Land Use Plan:** Activity Node; **Watershed Area:** Yes; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / Septic tank – PWC sewer available on Tammy Street; **Military Impact Area:** Yes; **Ft Bragg/Pope AFB:** Pope AFB has no objections to this case; **Highway Plan:** Murchison Road is identified as a Major Thoroughfare. It has a current 100 foot right-of-way. The proposal calls for a multi-lane facility with an ultimate 110 foot right-of-way. Road improvements are included in the 2007-2013 MTIP. **Right-of-Way:** Unfunded, Construction: Unfunded; **Average Daily Traffic Count (2004):** 15,000 on Murchison Road

Application Conditions:

1. Uses to be excluded: Bars/nightclubs, club or lodge, hazardous waste storage/disposal facility, massage and bodyworks therapy, and sexually oriented businesses.
2. Hours of Operation: 7 days per week, 10 hours per day.
3. Number of employees: 23 (currently) approximately 40 total
4. Equipment: Light service poles, supplies, and 50 trucks and lift vehicles (estimated).

Conditional Use District & Permit (Ordinance Related Requirements):

Watershed-Related:

1. An application for a Watershed "No Approval Required" plat must be submitted to the Watershed Review Officer and must be approved by the Watershed Review Officer prior to NAR plat approval and prior to application for any building permits, site plan approval is required.

Permit-Related:

2. Prior to application for any permits, plans must be submitted to the Planning & Inspections Staff for site plan approval.
3. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
4. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
5. Connection to public water is required, the Public Works Commission (PWC) must approve water plans prior to application for any permits.
6. The developer may have to provide the Code Enforcement Section with an approved state sedimentation and erosion control plan (S&E) prior to any application for permits. If any retention/ detention basins are required for state approval of this plan, then five copies of a revised plan showing the location of the basin(s) must be submitted and approved by Planning & Inspections prior to application for any permits.

Site-Related:

7. Only those uses, dimensions, and setbacks requested in the Conditional Use District and the Permit will be permitted on this site; also, all other related provisions of the County Subdivision and Zoning Ordinances for the C(P) zoning district must be complied with.
8. The developer must obtain driveway permits from the NC Department of Transportation (NCDOT).
9. The NC Department of Transportation (NCDOT) may require turn lanes to be installed.
10. The location and size of any proposed freestanding sign(s) must be included on the site plan when submitted for Staff review.
11. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
12. Upon development, lateral access to the adjacent non-residential lots may be required as a condition of the site plan approval.
13. Upon development, a solid buffer must be provided and maintained in accordance with the provisions of Section 1102 G, County Zoning Ordinance, along the entire rear property line. The type of buffer, location and width must be noted on the site plan when submitted for Staff approval.

Case P07-44 Continued

14. Upon development, the developer will be required to include the required landscaping on the site plan. The minimum landscape requirements are:
 - a. One large shade tree or two small ornamental trees will be required on this tract along the length of the right-of-way of NC HWY 210 (Murchison Road);
 - b. One ornamental tree for every 50 linear feet and two shrubs for every 10 linear feet of any building length or width fronting on NC HWY 210 (Murchison Road) will be required within the building front yard area;
 - c. One large shade trees or two small ornamental trees for every 20 spaces will be required within any parking area having 20 or more spaces;
15. All notes and calculations as shown on the site plan and contained within the application are to be considered as a part of this conditional approval.

Plat-Related:

16. Prior to or along with submission for site plan approval, a recombination plat (also known as a "No Approval Required" or "NAR") recombining the existing lots must be submitted for review and approval for recording with the County Register of Deeds and must be recorded prior to application for any permits. (Note: The developer may submit for "Zero Lot Line" approval with their adjacent lot, if desired – contact the Land Use Codes Staff for more information regarding this note.)
17. Dedication of 10 feet and reservation of 10 feet of right-of-way of right-of way along NC HWY 210 (Murchison Road) is required and the metes and bounds for dedication must be shown on the NAR and/or reflected on any future site plans. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate (reservation) right-of-way line. **Note:** This condition will require the front yard setback line to be relocated a total of 70 feet from the right-of-way/property line and the revised setback must be reflected on any site plan submitted for this tract.
18. Any/All easements shall be reflected on the NAR and labeled as to type of easement, reference number for the document creating the easement, and the name of the agency, individual, etc., who holds the easement.
19. The NC Department of Transportation (NCDOT) stamp must be affixed to the NAR prior to submission for approval for recordation.
20. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the NAR recombination plat when submitted for final approval.

Plat-Required Statement:

21. All/Any structures (including the billboard) must be shown on the NAR or the NAR must reflect the following statement:

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

Other Relevant Conditions:

22. The owner/developer be aware that every deed created for a lot being served by an on-site sewer system must contain the following disclosure when filed with the County Register of Deeds:

"Public sewer services are not available as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the County Health Department."

23. This conditional approval is not approval of the location of the existing billboard; if the billboard is destroyed by more than 50%, the developer will not be able to replace this billboard under current standards.

MINUTES OF JULY 17, 2007

The Planning & Inspections Staff requested deferral of this case at the June 19, 2007 Planning Board meeting due to an unforeseen change to information that had been provided. After having reviewed the information, the recommendation of the Planning & Inspections Staff has not changed (see below).

This case was heard by the Planning Board on May 15, 2007. The Board requested the case be deferred to give the applicant time to consider submission of a Conditional Use District and Permit application. The applicant agreed to the deferral.

Originally, the Planning & Inspections Staff reviewed this case on May 8, 2007 and recommended approval of the C(P) District. Upon review of the amended application, the Staff is recommending approval of the C(P)/Conditional Use District for all uses currently allowed in the C(P) zoning district except: Bars/Nightclubs, Club or Lodge, Hazardous Waste Storage/Disposal Facility, Massage and Bodyworks Therapy, and Sexually Oriented Businesses. This recommendation is based on:

1. The request is reasonable and consistent with the existing zoning and land uses within the general area; and
2. The request is consistent with the 2010 Land Use Plan which calls for an "activity node" at this location.

The Staff recommends approval of the Conditional Use Permit based on:

1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended – the standards of the County development regulations will be complied with to ensure public health and safety are protected;
2. The use meets all required conditions and specifications – site plan review at Staff level will be required prior to any permit application of the site as an assurance that the development will meet or exceed the minimum standards for non-residential development within the County;
3. The use will maintain or enhance the value of adjoining or abutting properties – the developer owns a long lasting, well-established business on the adjacent property and since the subject property is essentially vacant, containing only a billboard, the development of this tract will aid in enhancing the values of adjacent properties;
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Land Use Plan and adopted planning policies – as stated above, the request is consistent with the Land Use Plan and is also within keeping of the character of the general area.

The owner/applicant has been given a copy of this recommendation with attachments and has agreed to all ordinance-related conditions.

There are no other suitable zoning districts to be considered for this site.

A motion was made by Vice-Chair Epler and seconded by Mr. McNeill to follow the staff recommendations and approve C(P)/Conditional Use District for all uses currently allowed in the C(P) zoning district except: Bars/Nightclubs, Club or Lodge, Hazardous Waste Storage/Disposal Facility, Massage and Bodyworks Therapy, and Sexually Oriented Businesses because the application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest. The motion passed unanimously.

A motion was made by Vice-Chair Epler and seconded by Mr. McNeill to approve the Conditional Use Permit after finding that when completed, the proposal: 1) will not materially endanger the public health and safety; 2) will not substantially injure the value of adjoining or abutting property; 3) will be in harmony with the area in which it is to be located; and 4) will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners. The motion passed unanimously.

MINUTES OF MAY 15, 2007

Mr. Lloyd reviewed the site information and stated that the staff recommended approval of the C(P) District based on the following:

1. The C(P) zoning district is consistent with the 2010 Land Use Plan, which calls for an Activity Node at this location;
2. The subject property is located on a Major Thoroughfare which is due to be expanded to a multi-lane facility; and
3. The C(P) zoning district is consistent with the current zoning of the immediate area.

The C1(P) zoning district is also a suitable zoning district for this site.

Mr. Lloyd stated that there was one person in opposition to speak. Chair Morris asked if the petitioner was present and asked if he wanted to address the Board.

Public Hearing opened.

Mr. Brad Young, the applicant, explained that this would be the best zoning for the property and would be happy to answer any questions from the Board.

Mr. Joseph Tolley, appeared before the Board in opposition and stated that he lived down the street from this property and owned 20 acres in the area. He told the Board he was not opposed to the commercial development, but would like the owners to submit a conceptual plan for the site. He informed the Board that strip clubs and bars had been closed down in the area and was concerned what this zoning would allow.

Mr. Albert Norton appeared in rebuttal and informed the Board that he owned Skan Electric Company and intended to build a construction facility with a showroom in the area. He told the Board he had been operating in the area for 20 years and will to continue to invest in the area. He said he also does not want bars and adult entertainment in the area either.

Public Hearing closed.

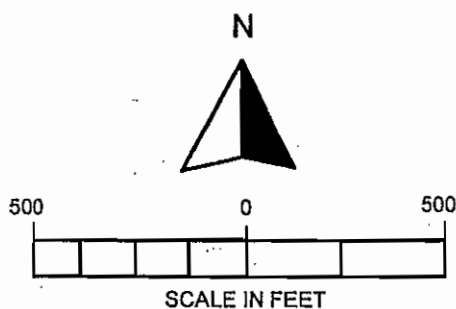
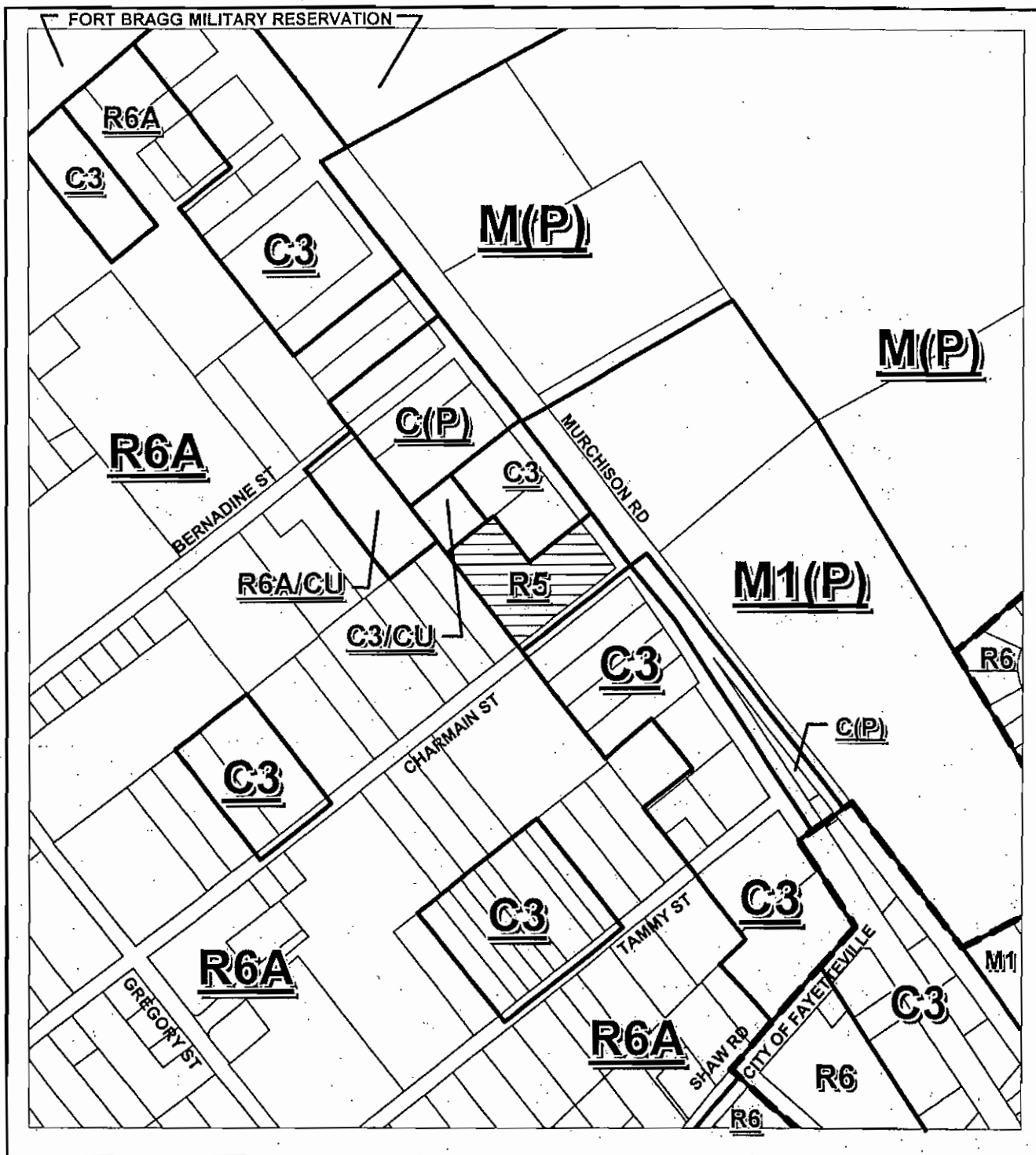
Mrs. Epler said that he was requesting C(P) zoning and asked if he considered any other commercial zoning for the property that would exclude uses opposed by the residents. Mr. Norton explained that the property that he owns is zoned C(P).

Mr. Lloyd explained that for the type of use proposed that C(P) zoning was required. Mrs. Epler asked if a Conditional Use application could be submitted excluding bars and adult entertainment.

Case P07-44

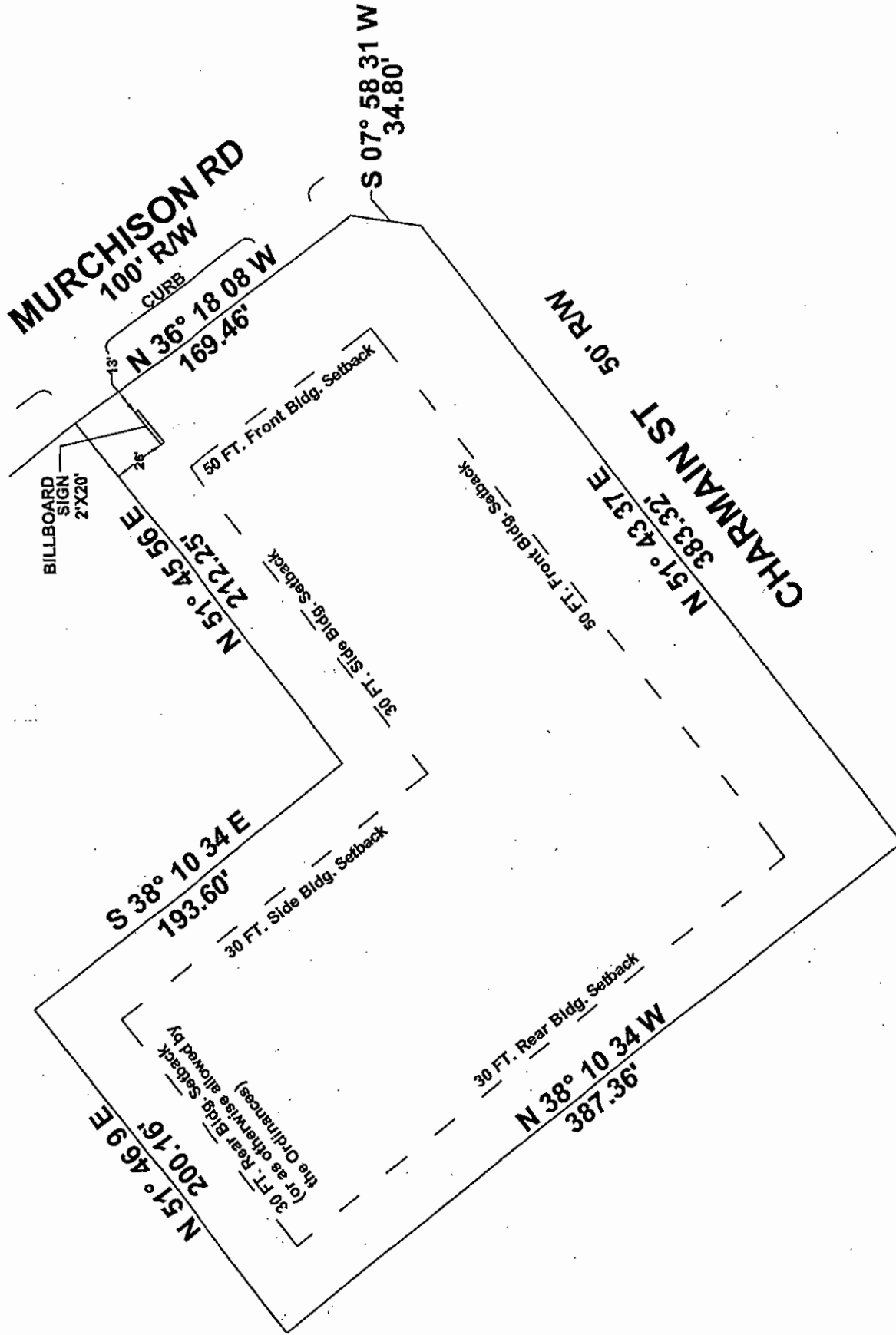
Mr. Lloyd stated that a C(P)/Conditional Use application could be done. Mrs. Epler said she would like this to be deferred so a C(P)/Conditional Use application could be submitted.

Chair Morris said this case would be deferred to the next meeting to allow time for the applicant to meet with the staff. The applicant had no objection.



REQUESTED REZONING R5 TO C(P)/CUD

ACREAGE: 2.70 AC. +/-		HEARING NO: P07-44	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			



CONDITIONAL USE DISTRICT & PERMIT
REQUEST: TO ALLOW PERMITTED USES WITH EXCLUSIONS
CASE: P07-44 ACREAGE: 2.70±
SCALE: NTS

06-11-07
06-21-07

TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND BOARD OF
COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:

The undersigned submit application and petition the County Commissioners to
amend and change the Cumberland County zoning map as provided for in the
Zoning Ordinance, Section 12.5. In support of this, the following is submitted:

Requested Rezoning from R-5 to CP

Address of Property
Sought to be Rezoned 6011 MURCHISON RD
Street Address or Route and Box # and Zip Code

Located on CORNER OF MURCHISON ROAD AND CHAMBERLIN ST.
General Directions to Site

Parcel Identification Number 0419 - 97 - 6871
(Obtain from Tax Receipt or Office of the Tax Administrator - (910) 678-7567)

^{86, 87}
Lot(s) # 88, 89 Frontage 170 feet Depth 383 feet Acreage 2.7039

Existing Use of Property (Residential, commercial, etc.) - VACANT

HAS AN EXISTING BILLBOARD ON IT

^{+ YARD}
Proposed Use of Property ELECTRICAL CONTRACTING w/ SHOW ROOM

Water Provider: Well PWC X Other (name)

Septage Disposal Provider: Septic Tank X PWC

Do you own any property adjacent to or across the street from this property?

Yes No X If yes, where?

Has a violation been issued on this property? Yes No X

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If
the area is a portion of a parcel, a written legal description by metes and bounds
must accompany the deed and/or plat. If more than one zoning classification is
requested, a correct metes and bounds legal description of each bounded area
must be submitted.

TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE BOARD OF
COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:

I (We), the undersigned, hereby submit this application, and petition the County Commissioners to amend and to change the zoning map of the County of Cumberland as provided for under the provisions of the County Zoning Ordinance. In support of this petition, as hereinafter requested, the following facts are submitted:

1. APPLICANT/AGENT: _____
2. ADDRESS: _____ ZIP CODE: _____
3. TELEPHONE: (Home) _____ (Work) _____
4. Location of Property: _____
5. Parcel Identification Number (PIN #) of subject property: _____
(also known as Tax ID Number or Property Tax ID)
6. Acreage: _____ Frontage: _____ Depth: _____
7. Water Provider: _____
8. Septage Provider: _____
9. Deed Book _____, Page(s) _____, Cumberland County
Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: _____
11. Proposed use(s) of the property: _____

NOTE: Be specific and list all intended uses.

12.

It is requested that the foregoing property be rezoned FROM: R-5

TO: (select one)

- ☒ Conditional Use District, with an underlying zoning district of CLP
(Article V)
- ☐ Mixed Use/Conditional Use District (Article VI)
- ☐ Planned Neighborhood District/Conditional Use District (Article VII)
- ☐ Density Development/Conditional Use District, at the _____ Density
(Article VIII)

APPLICATION FOR
CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

* (A.)

^{to be excluded}
List the use(s) ^{District} ~~proposed~~ for the Conditional Use Permit. ~~(Use of the underlying district will be restricted only to the use(s) specified in this application.)~~

B. Density: List the amount of acreage that will be residential, commercial, and/or open space, and the number of lots and/or dwelling units proposed, and the square footage of the non-residential units.

IAW Zoning Ord

2. DIMENSIONAL REQUIREMENTS:

A. Reference either the dimensional requirements of the district, Sec. 1104 or list the proposed setbacks.

as per site plan

B. Off-street parking and loading, Sec. 1202: List the number of spaces, type of surfacing material and any other pertinent information.

IAW Zoning Ord

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

IAW Zoning Ord

4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number and type of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number and type of shrubs (Sec. 1102N). **NOTE: All required landscaping must be included on the site plan.**

IAW zoning Ord
(this will be required to be included
on individual site plans for staff
review)

- B. Indicate the type of buffering and approximate location, width and setback from the property lines.

same as "A"

5. MISCELLANEOUS: if applicable

List any information not set forth above, such as the days and hours of the operation, number of employees, exterior lighting, noise, odor and smoke, emission controls, etc.

23 current employees - per AI approx 40 total 6-11-07
Approx. 10 pole lights in service storage yard
- operation 7 days per week - 8 hours / day approx. per AI 6-11-07
- estimated 50 trucks and lift vehicles and supplies

6. SITE PLAN REQUIREMENTS:

The application shall include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan shall be of sufficient detail to allow the Planning and Inspections Staff and the Planning Board to analyze the proposed uses and arrangement of uses on the site. It shall also include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

Revised: 10-16-06

Page 5 of 10

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

Revised: 10-16-06

Page 6 of 10

Albert E. Norton, Jr and Shirley R. Norton
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

2936 George Owen Rd - Fayetteville NC 28306
ADDRESS OF AGENT, ATTORNEY, APPLICANT

910 822 0082 (424.6419) 910-822-0082
HOME TELEPHONE # WORK TELEPHONE #

Albert E. Norton Jr Shirley R. Norton
~~Albert E. Norton Jr~~ Shirley R. Norton
SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

- * ALL record property owners must sign this petition.
- * The contents of this application, upon submission, becomes "public record."

CUMBERLAND COUNTY ZONING ORDINANCE
FEE SCHEDULE

REQUESTED ZONING DISTRICTS ¹	LESS THAN 5 ACRES	5 TO 50 ACRES	50 TO 100 ACRES	100+ ACRES
CONDITIONAL USE DISTRICTS ² RESIDENTIAL DD/CUD	\$500	\$500	\$500	\$500
CONDITIONAL USE DISTRICTS ¹ NONRESIDENTIAL PND/CUD MXD/CUD	\$700 - 400 pd = 300.00 due	\$800	\$800	\$800

- 1 If more than one zoning district is requested in the same application, the highest fee for the district requested will apply.
- 2 If a general rezoning is requested and based on recommendations of the Planning Board or County Commissioners, the applicant desires to submit a Conditional Use District and Permit application, the original application fee will be credited towards the Conditional Use District and Permit application fee.

MOTIONS ON CONDITIONAL USE DISTRICT REZONING APPLICATIONS

IF TO APPROVE CONDITIONAL USE **DISTRICT**:

I MOVE THAT THE BOARD OF COMMISSIONERS FINDS THAT THIS CONDITIONAL USE DISTRICT APPLICATION IS REASONABLE, NEITHER ARBITRARY NOR UNDULY DISCRIMINATORY, AND IN THE PUBLIC INTEREST, AND THAT THE FOLLOWING CONDITIONAL USE(S) BE APPROVED [OR, IN THE ALTERNATIVE, DELETED]:

PLANNING STAFF TO NAME USES TO BE APPROVED OR, IN ALTERNATIVE, DELETED

IF TO DENY CONDITIONAL USE **DISTRICT**:

I MOVE THAT THE BOARD OF COMMISSIONERS FAILS TO FIND THAT THIS CONDITIONAL USE DISTRICT APPLICATION IS REASONABLE, NEITHER ARBITRARY NOR UNDULY DISCRIMINATORY, AND IN THE PUBLIC INTEREST, AND THAT IT THEREFORE BE DENIED.

[**IF CONDITIONAL USE DISTRICT IS DENIED, DO NOT MAKE ANY MOTION ON CONDITIONAL USE PERMIT].**

IF TO APPROVE CONDITIONAL USE **PERMIT**:

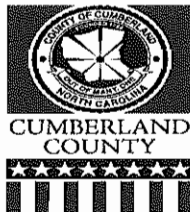
I MOVE THAT THE BOARD OF COMMISSIONERS FINDS THAT THIS CONDITIONAL USE PERMIT APPLICATION, IF COMPLETED AS PROPOSED AND SUBJECT TO THE CONDITIONS RECOMMENDED BY THE PLANNING BOARD:

- (I) WILL NOT MATERIALLY ENDANGER THE PUBLIC HEALTH AND SAFETY, AND
- (II) WILL NOT SUBSTANTIALLY INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY, AND
- (III) WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS TO BE LOCATED, AND
- (IV) WILL BE IN CONFORMITY WITH THE LAND USE PLAN, THOROUGHFARE PLAN OR OTHER PLAN OFFICIALLY ADOPTED BY THE BOARD OF COMMISSIONERS.

Dónovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris
Town of Linden



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

ITEM NO. IN

AUGUST 10, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-56:** REZONING OF .94 ACRES FROM C1(P) AND R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2972 DUNN ROAD, SUBMITTED BY KIMBERLY AND MICHAEL FOUST, OWNED BY VIVIAN LEWIS, ET AL.

ACTION: THE MEMBERS PRESENT AT THE JULY 17, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATIONS AND APPROVE C(P) PLANNED COMMERCIAL DISTRICT/CONDITIONAL USE DISTRICT.

SITE INFORMATION: **Area:** .94 acres; **Frontage & Location:** 195 feet on Dunn Road; **Depth:** 210 feet; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Vacant buildings; **Initial Zoning:** April 26, 1979 (Area 8); **Zoning Violation(s):** None; **Nonconformities:** The structures will become more nonconforming due to dimensional requirements. The applicant has specified all structures will be removed; **Surrounding Zoning:** North-A1, RR, R6A, R6A/CU, HS(P), C1(P), C(P), East-A1, R6A, HS(P), C(P), South-A1, RR, HS(P)/CU, and West-A1, RR, R6A **Surrounding Land Use:** Duplex, manufactured home park, wholesale business, vacant commercial, rest homes (2), single family residential and vacant land; **2010 Land Use Plan:** Medium Density Residential; **Urban Services Area:** Yes; **Water/Sewer Availability:** ESD / ESD-Sewer available within 12 months; **Soil Limitations:** Yes – Johnston loam; **Subdivisions:** Site plan approval will be required prior to development; **Military Impact Area:** No **Highway Plan:** There are no road improvements or new construction specified for this area. **Average Daily Traffic Count (2004):** 7500 on Dunn Road

Conditions of the Application

1. Hours of Operation: Mon-Fri, 7:30am-7:30pm
2. Employees: 20 (13 currently)
3. Structure: 5,775sq ft
4. Permitted Uses to be Excluded: Alcoholic Beverage Control Sales, Bars & Night Clubs, Bus Station Activities, Cemetery, Crematorium, Dwelling-Single & Multiple Family, Funeral Home Golf Courses, Hotel/Motel, Manufactured Home Sales, Massage & Bodyworks Therapy, Motor Vehicle Service Station Operations, Sexually Oriented Businesses, Theater Productions-Indoor, and Theater Productions-Outdoor.
5. Special Uses to be Excluded: Billboards
6. Conditional Uses to be Excluded: Detention Facilities/Prisons and Quarry

Conditional Use District & Permit

Ordinance Requirements:

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for building/zoning permit. **(Note: Public sewer provided by the Eastover Sanitary District is expected to become available within 12 to 18 months; if public sewer is available prior to building/zoning permit application, connection to public sewer will be required.)**
3. Connection to public water is required; the Eastover Sanitary District (ESD) must approve water plans prior to application for any permits. A copy of the ESD approval must be provided to Code Enforcement at the time of application for building/zoning permit.
4. The existing structures on this site must be completely removed and properly disposed of prior to any permits being issued for the proposed development.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

Site-Related:

7. At the time of any change in use on the subject property, the developer will be required to submit for site plan review and approval by the Planning & Inspections Staff prior to application for any permits and/or prior to commencement of the change in use.
8. All uses indicated within the application, and all dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the C(P)/CUD zoning district must be complied with in addition to any condition of the permit.
9. The signage for this development shall be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
10. The developer must obtain driveway permit(s) from the NC Department of Transportation (NCDOT).
11. The NC Department of Transportation (NCDOT) may require turn lanes to be installed.
12. All required parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the final building inspection. A minimum of one off-street space for each vehicle used directly in the

Case P07-56 Continued

conduct of the use, plus two additional spaces for each three employees on the largest shift are required for this development.

13. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
14. A solid buffer must be provided and maintained along both sides and the rear of the subject property in accordance with the provisions of Section 1102 G, County Zoning Ordinance. The open storage area must be buffered from view from the street and surrounding residential areas.)
15. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
16. The site must be landscaped as shown on the site plan prior to the building final inspection. In addition:
 - a. All required plant materials shall be maintained by the property owners, including replacing dead or unhealthy trees and shrubs. Trees shall be maintained in a vertical position at all times;
 - b. All planting areas shall be kept free of weeds and debris;
 - c. Healthy existing trees may be used to meet the landscaping requirements; and
 - d. Trees may be clustered.
17. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.

Other Relevant Conditions:

18. The open storage may only consist of materials related to the approved use as stated in the application, or any change in use approved in the future.

MINUTES OF JULY 17, 2007

The applicant originally submitted an application requesting the C(P) zoning district. Since then, she amended her request to a C(P)/Conditional Use District and Permit to allow a Heating and Air Conditioning Business and other Permitted Uses.

The Planning & Inspections Staff recommends approval of the C(P)/Conditional Use District excluding: Alcoholic Beverage Control Sales, Bars & Night Clubs, Bus Station Activities, Cemetery, Crematorium, Dwelling-Single & Multiple Family, Funeral Home, Golf Courses, Hotel/Motel, Manufactured Home Sales, Massage & Bodyworks Therapy, Motor Vehicle Service Station Operations, Sexually Oriented Businesses, Theater Productions-Indoor, Theater Productions-Outdoor, Billboards, Detention Facilities/ Prisons and Quarry, based on the following:

- Although the request is not consistent with the 2010 Land Use Plan, which calls for Medium Density Residential at this location, the subject property is located on a Major Thoroughfare and in an area that is transitioning to, and suitable for, non-residential uses.

The Planning & Inspections Staff also recommends approval of the Conditional Use Permit based on the following:

1. The use will not materially endanger the public health and safety if located according to the plan submitted;

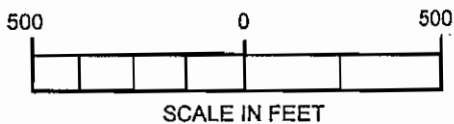
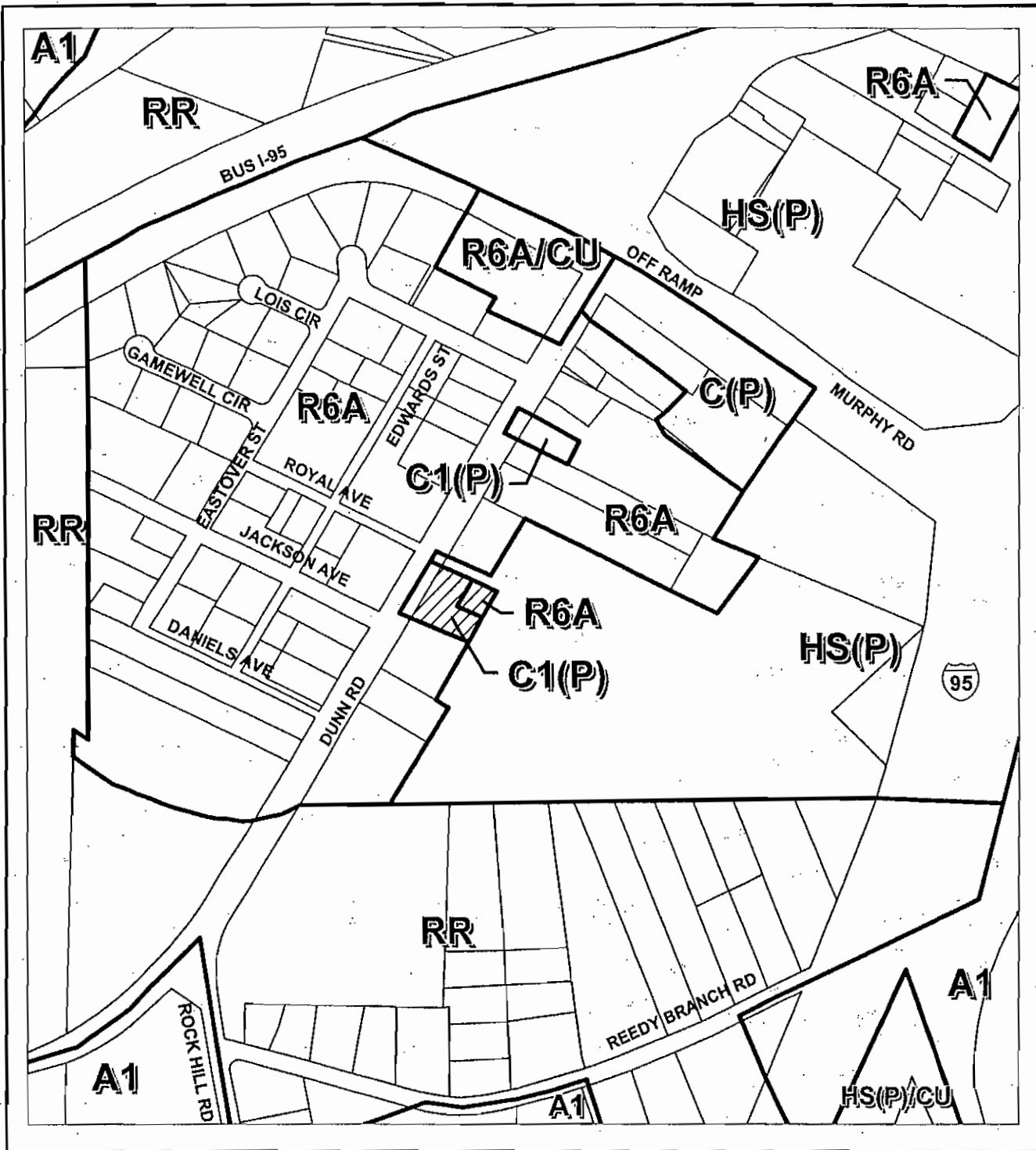
2. The use will meet all required conditions and specifications if constructed according to all federal and state mandates, and the County Zoning and Subdivision Ordinances, the requirements of which are attached to this recommendation;
3. The use will maintain or enhance the value of adjoining or abutting properties; and
4. The location and character of the use, if developed according to the plan as submitted, will be in harmony with the area in which it is to be located.

There are no other suitable zoning districts to be considered for this site.

The applicant has been given a copy of this recommendation and has verbally agreed to all Ordinance Related Conditions.

A motion was made by Vice-Chair Epler and seconded by Mr. McNeill to follow the staff recommendations and approve C(P)/Conditional Use District excluding: Alcoholic Beverage Control Sales, Bars & Night Clubs, Bus Station Activities, Cemetery, Crematorium, Dwelling-Single & Multiple Family, Funeral Home, Golf Courses, Hotel/Motel, Manufactured Home Sales, Massage & Bodyworks Therapy, Motor Vehicle Service Station Operations, Sexually Oriented Businesses, Theater Productions-Indoor, Theater Productions-Outdoor, Billboards, Detention Facilities/ Prisons and Quarry, because the application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest. The motion passed unanimously.

A motion was made by Vice-Chair Epler and seconded by Mr. McNeill to approve the Conditional Use Permit after finding that when completed, the proposal: 1) will not materially endanger the public health and safety; 2) will not substantially injure the value of adjoining or abutting property; 3) will be in harmony with the area in which it is to be located; and 4) will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners. The motion passed unanimously.



REQUESTED REZONING: C1(P) & R6A TO C(P)/CUD

ACREAGE: 0.94 AC.+/-

HEARING NO: P07-56

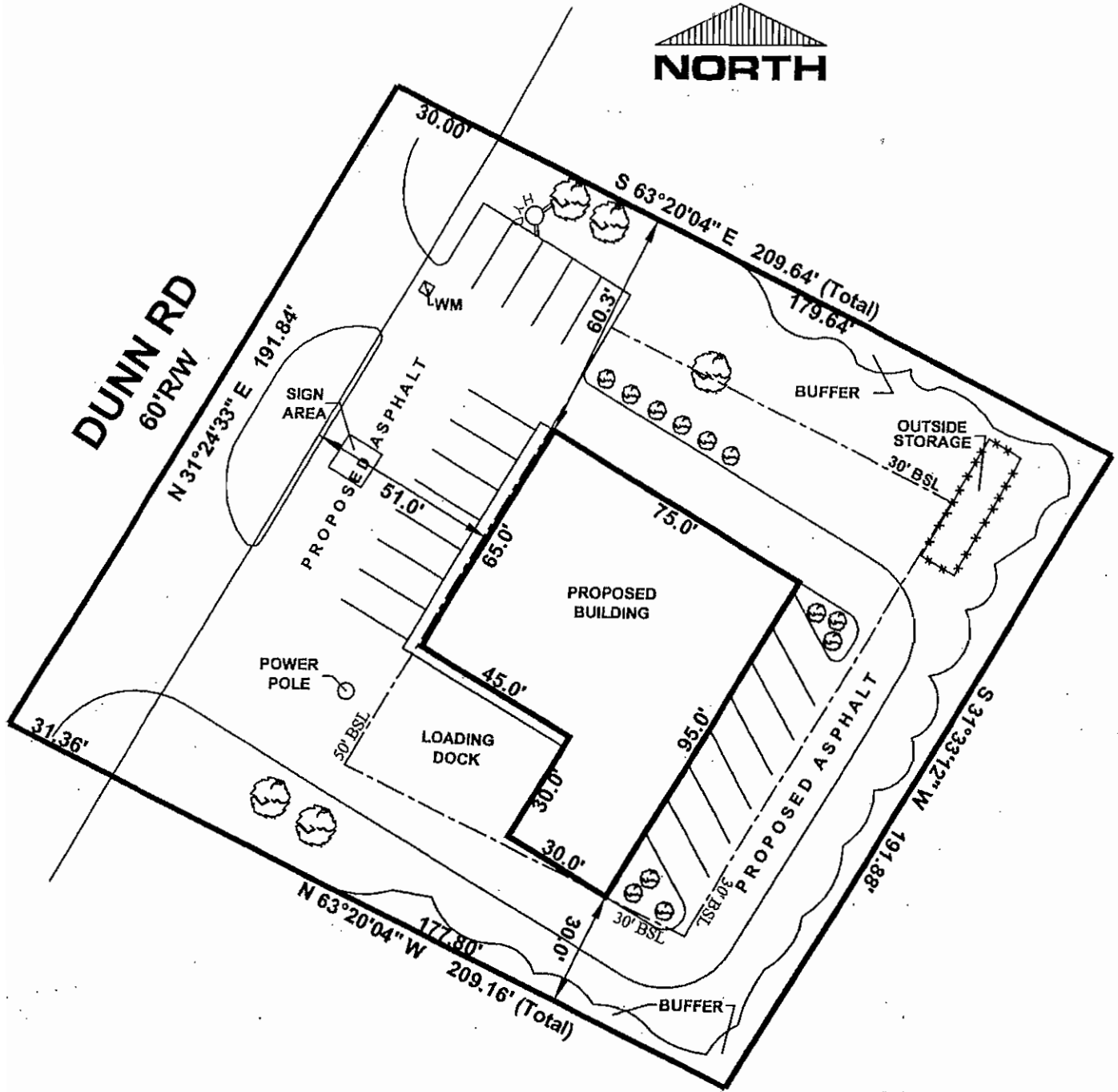
ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD



C(P)/CONDITIONAL USE PERMIT

REQUEST: HEATING AND AIR CONDITIONING BUSINESS
AND OTHER PERMITTED USES

CASE: P07-56 ACREAGE: 0.92±

SCALE: 1'=40" PARKING: 19 SPACES SHOWN

TO THE CUMBERLAND COUNTY JOINT PLANNING BOARD AND THE BOARD OF
COUNTY COMMISSIONERS OF CUMBERLAND COUNTY, NC:

I (We), the undersigned, hereby submit this application, and petition the County Commissioners to amend and to change the zoning map of the County of Cumberland as provided for under the provisions of the County Zoning Ordinance. In support of this petition, the following facts are submitted:

1. Requested Rezoning from C-1 - R6A to CP Amended to CCP / CUD & P
7-9-07
pss
2. Address of Property to be Rezoned: 2972 Dunn Road
3. Location of Property: Legal description: Draughton Lots Cont 94 ac
4. Parcel Identification Number (PIN #) of subject property: 0468-15-7044
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 94/100 Frontage: 195.36 Depth: 209.88
6. Water Provider: Well ☒ PWC _____ Other (name) _____
8. Septage Provider: Septic Tank ☒ PWC _____
06194 _____ 00132 03036 - 00169
9. Deed Book 03056, Page(s) 03 02854-0639, Cumberland County
Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: vacant - was at one time a Restaurant / Bunce's / Able Heating & Air Conditioning
11. Proposed use(s) of the property: to remove existing buildings
and build a new building for a Heating & Air Conditioning Company / Fun fitness and exercise
12. Do you own any property adjacent to or across the street from this property?
Yes _____ No ☒ If yes, where? the trailer → Also a Residence
13. Has a violation been issued on this property? Yes _____ No ☒

A copy of the recorded deed(s) and/or recorded plat map(s) must be provided. If the area is a portion of a parcel, a written legal description by metes and bounds, showing acreage must accompany the deed and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.

The Planning and Inspections Staff is available for advice on completing this application; however, they are not available for completion of the application.

APPLICATION FOR
CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

- A. List the use(s) proposed for the Conditional Use Permit. (Use of the underlying district will be restricted only to the use(s) specified in this application.)

See attached matrix. Initially to be Frost Heating and Air Conditioning.

- B. Density: List the amount of acreage that will be residential, commercial, and/or open space; and the number of lots and/or dwelling units proposed, and the square footage of the non-residential units.

no larger than 5775 sqft

2. DIMENSIONAL REQUIREMENTS:

- A. Reference either the dimensional requirements of the district, Sec. 1104 or list the proposed setbacks.

IAW Siteplan

- B. Off-street parking and loading, Sec. 1202: List the number of spaces, type of surfacing material and any other pertinent information.

per site plan

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

In accordance with section 13.06 paragraph B3
in area shown on site plan.

LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number and type of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number and type of shrubs (Sec. 1102N). **NOTE: All required landscaping must be included on the site plan.**

IAW site plan

- B. Indicate the type of buffering and approximate location, width and setback from the property lines.

Vegetative buffer

5. MISCELLANEOUS:

List any information not set forth above, such as the days and hours of the operation, number of employees, exterior lighting, noise, odor and smoke, emission controls, etc.

Normal hours of operation are Monday through Friday from 07:30 AM until 7:30 PM, but may vary depending on work load. All lighting will be directed externally. Currently we have thirteen employees, but may expand to twenty.

6. SITE PLAN REQUIREMENTS:

The application shall include a site plan drawn to the specifications of Sec. 1402. If the proposed uses involve development subject to the County Subdivision Ordinance, the site plan required may be general in nature, showing a generalized street pattern, if applicable, and the location of proposed uses. If the proposed uses include development not subject to the Subdivision Ordinance, the site plan shall be of sufficient detail to allow the Planning and Inspections Staff and the Planning Board to analyze the proposed uses and arrangement of uses on the site. It shall also include the footprints of all buildings (proposed and existing), the proposed number of stories, location and number of off-street parking and loading spaces, proposed points of access to existing streets and internal circulation patterns. In addition, the location of all proposed buffers and fences and landscaping shall be included on the site plan.

The undersigned understands that the official zoning map, as originally adopted and subsequently amended, is presumed to be appropriate to the property involved and that the burden of proof for a zoning amendment (change) rests with the petitioner.

The undersigned hereby acknowledge the Planning and Inspections Staff has conferred with the petitioner or assigns, and the application as submitted is accurate and correct.

+ Tax Listing owner is Ruby West (deceased)

Land and House has been willed to → Vivian Lewis - Margaret Sablan - Thomas I Williams Jr.

NAME OF OWNERS (PRINT OR TYPE)

Vivian Lewis's address and phone number

5701 Percy Strickland Rd Godwin, NC 28344

ADDRESS OF OWNER(S)

980-1714

HOME TELEPHONE #

425-8151

WORK TELEPHONE #

Kimberly Foust Kimberly W Foust + Michael C Foust
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

2208 Tom Geddie Road Fayetteville NC 28312

ADDRESS OF AGENT, ATTORNEY, APPLICANT

Fax: 484-5843

323-2653

HOME TELEPHONE #

323-0587

WORK TELEPHONE #

Margaret A. Sablan

SIGNATURE OF OWNER(S)

Kimberly Foust
Kimberly W Foust + Michael C Foust

SIGNATURE OF AGENT, ATTORNEY
OR APPLICANT

Thomas Ivey Williams Jr.

SIGNATURE OF OWNER(S)

Vivian Lewis

The contents of this application, upon submission, becomes "public record."

PLEASE CONTACT ALSO -

MOTIONS ON CONDITIONAL USE DISTRICT REZONING APPLICATIONS

IF TO APPROVE CONDITIONAL USE DISTRICT:

I MOVE THAT THE BOARD OF COMMISSIONERS FINDS THAT THIS CONDITIONAL USE DISTRICT APPLICATION IS REASONABLE, NEITHER ARBITRARY NOR UNDULY DISCRIMINATORY, AND IN THE PUBLIC INTEREST, AND THAT THE FOLLOWING CONDITIONAL USE(S) BE APPROVED [OR, IN THE ALTERNATIVE, DELETED]:

PLANNING STAFF TO NAME USES TO BE APPROVED OR, IN ALTERNATIVE, DELETED

IF TO DENY CONDITIONAL USE DISTRICT:

I MOVE THAT THE BOARD OF COMMISSIONERS FAILS TO FIND THAT THIS CONDITIONAL USE DISTRICT APPLICATION IS REASONABLE, NEITHER ARBITRARY NOR UNDULY DISCRIMINATORY, AND IN THE PUBLIC INTEREST, AND THAT IT THEREFORE BE DENIED.

[*IF CONDITIONAL USE DISTRICT IS DENIED, DO NOT MAKE ANY MOTION ON CONDITIONAL USE PERMIT].**

IF TO APPROVE CONDITIONAL USE PERMIT:

I MOVE THAT THE BOARD OF COMMISSIONERS FINDS THAT THIS CONDITIONAL USE PERMIT APPLICATION, IF COMPLETED AS PROPOSED AND SUBJECT TO THE CONDITIONS RECOMMENDED BY THE PLANNING BOARD:

- (I) WILL NOT MATERIALLY ENDANGER THE PUBLIC HEALTH AND SAFETY, AND
- (II) WILL NOT SUBSTANTIALLY INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY, AND
- (III) WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS TO BE LOCATED, AND
- (IV) WILL BE IN CONFORMITY WITH THE LAND USE PLAN, THOROUGHFARE PLAN OR OTHER PLAN OFFICIALLY ADOPTED BY THE BOARD OF COMMISSIONERS.

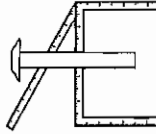
Case P07-54 - Withdrawn

Averette Engineering Co., P.A.

CIVIL ENGINEERING • LAND SURVEYING • PLANNING

ITEM NO. 10

Address:
712 E. Lake Ridge Road
Raeford, NC 28376



Phone: (910) 488-5656
Fax: (910) 488-0181
Web: www.averette-eng.com

July 25, 2007

*Request For
Withdrawal
P07-54*

Ms. Patti Speicher
Cumberland County Planning Department
130 Gillespie Street
Fayetteville, North Carolina 28302

Subject: Scotsdale Subdivision
Hummingbird Place (S.R. 1885)
Near Fayetteville, North Carolina
~~Case No.: 06-074~~

Dear Patti,

Enclosed please find five copies of the revised preliminary plan for subject project for your review and comment. Per our conversation, we have removed the stub out street and therefore meet the density requirements for 40 lots. We hereby request that the rezoning application be rescinded and the fee returned. We would like to record this plat sometime next week. All improvements should be complete in the next few days.

Thank you for your assistance with this project. If you have any questions or need additional information, please let me know.

Sincerely,

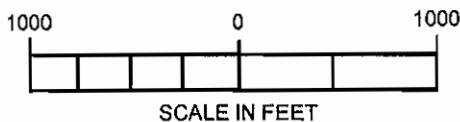
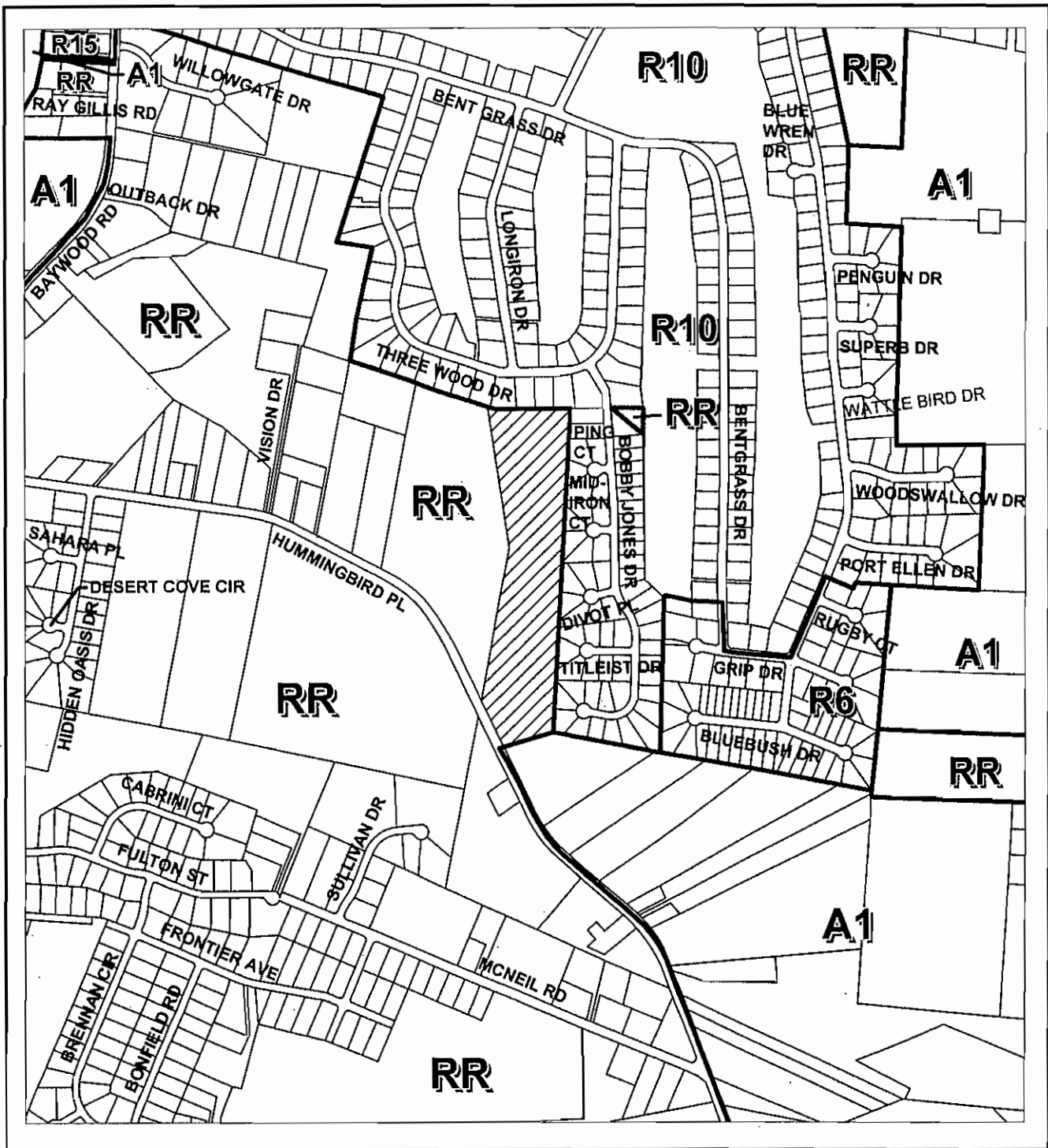
Charles D. Averette, P.E., F.NSPE, P.L.S.
Consultant to the President

CDA/kaj

enclosures

cc: Mike Williams, Owner

Case No. P07-54



REQUESTED REZONING: RR TO R7.5

ACREAGE: 20.54 AC.+/-

HEARING NO: P07-54

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD



OFFICE OF THE TAX ADMINISTRATOR

117 Dick Street, 5th Floor, New Courthouse • PO Box 449 • Fayetteville, North Carolina • 28302
Phone: 910-678-7507 • Fax: 910-678-7582 • www.co.cumberland.nc.us

MEMORANDUM

TO: Board of County Commissioners

FROM: Aaron Donaldson, Tax Administrator *AD*

DATE: August 20, 2007

RE: FY08 Tax Charge to the Collector

BACKGROUND: In accordance with NCGS 105-321(b) before delivering the tax receipts to the Tax Collector in any year, the Board of County Commissioners shall adopt and enter into its minutes an order directing the Tax Collector to collect the taxes charged in the tax records and receipts.

RECOMMENDATIONS: A copy of the order must be delivered to the Collector at the time the tax receipts are delivered to him.

PROPOSED ACTION: That the Board approve the levy and charge the Collector with the responsibility to collect the taxes.

2007-2008 LEVY

AUTHORITY	CURRENT CO LEVY	LATE LIST	CURRENT PUBLIC SERVICE	CO LEVY PS LEVY	TOTAL CO LEVY PS LEVY & LATE LIST
BEAVER DAM	84,337.08	138.50		84,337.08	84,475.58
BETHANY	122,048.03	173.74		122,048.03	122,221.77
BONNIE DOONE	1,549.96	1.73		1,549.96	1,551.69
COTTON	464,858.97	946.38		464,858.97	465,805.35
CUMBERLAND RD FD	296,133.32	677.97		296,133.32	296,811.29
EASTOVER FIRE	104,966.71	229.60		104,966.71	105,196.31
GODWIN-FALCON	51,648.23	94.21		51,648.23	51,742.44
GRAYS CREEK	375,489.05	689.19		375,489.05	376,178.24
LAFAYETTE	133.75	0.03		133.75	133.78
LAKE RIM	4,083.16	0.12		4,083.16	4,083.28
MANCHESTER	62,970.65	141.38		62,970.65	63,112.03
PEARCE'S MILL	530,754.45	973.16		530,754.45	531,727.61
SPECIAL FIRE	199,278.11	284.87		199,278.11	199,562.98
STEDMAN FIRE	83,562.87	93.88		83,562.87	83,656.75
STONEY POINT	492,809.96	291.29		492,809.96	493,101.25
VANDER FIRE	518,120.30	670.30		518,120.30	518,790.60
WADE FIRE	50,650.34	83.38		50,650.34	50,733.72
WESTAREA	740,179.31	508.59		740,179.31	740,687.90
FIRE DIST SUBTOTAL	4,183,574.25	5,998.32	-	4,183,574.25	4,189,572.57
EASTOVER	350,080.86	246.03		350,080.86	350,326.89
FALCON	15,528.67	84.93		15,528.67	15,613.60
FAYETTEVILLE	47,007,158.48	43,988.49		47,007,158.48	47,051,146.97
FAYET STORM WATER	3,322,896.00	-		3,322,896.00	3,322,896.00
REVITALIZATION	73,754.70	296.36		73,754.70	74,051.06
GODWIN	6,053.13	4.46		6,053.13	6,057.59
HOPE MILLS TOWN	2,784,600.39	1,692.12		2,784,600.39	2,786,292.51
HOPE MILLS REC	302,674.95	183.93		302,674.95	302,858.88
HOPE MILLS REFUSE	669,888.00	-		669,888.00	669,888.00
LINDEN TOWN	8,432.18	16.45		8,432.18	8,448.63
SPRING LAKE	1,867,286.22	1,825.80		1,867,286.22	1,869,112.02
SPRING LAKE REFUSE	411,264.00	-		411,264.00	411,264.00
SL STORM WATER	230,604.00	-		230,604.00	230,604.00
STEDMAN TOWN	146,897.74	52.90		146,897.74	146,950.64
WADE TOWN	36,717.88	78.95		36,717.88	36,796.83
CITY SUB-TOTALS	57,233,837.20	48,470.42	-	57,233,837.20	57,282,307.62
COUNTY WIDE	123,342,830.24	133,683.61		123,342,830.24	123,476,513.85
COUNTY PETS	356,598.00	-		356,598.00	356,598.00
RECREATION	2,026,586.47	2,911.11		2,026,586.47	2,029,497.58
SOLID WASTE	4,738,752.00	-		4,738,752.00	4,738,752.00
STORM WATER	2,264,694.00	-		2,264,694.00	2,264,694.00
SUB TOTAL	132,729,460.71	136,594.72	-	132,729,460.71	132,866,055.43
GRAND TOTAL	194,146,872.16	191,063.46	-	194,146,872.16	194,337,935.62



ITEM NO. 2C

COUNTY of CUMBERLAND

James E. Martin
County Manager

Cliff Spiller
Assistant County Manager


Juanita Pilgrim
Deputy County Manager

Amy H. Cannon
Assistant County Manager

Office of the County Manager

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 20, 2007

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER 

DATE: AUGUST 9, 2007

SUBJECT: APPROVAL OF ORDINANCE ASSESSING
PROPERTY FOR THE COST OF DEMOLITION

BACKGROUND

On February 20, 2007, the Board of County Commissioners enacted an ordinance directing that the structure(s) located at 2334 George Owen Road, Fayetteville, NC (PIN: 0405-84-0477) be demolished by the owner, Paul P. and Angela A. Virtue. The owner(s) 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 \$2,200.

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

RECOMMENDATION/PROPOSED ACTION

Adopt the attached ordinance assessing the abovementioned properties for the cost of demolition.

/ct

CM080907-1

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 20, 2007, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Paul P. and Angela A. Virtue, Jr. located at 2334 George Owen Road, Fayetteville, NC, PIN: 0405-84-0477, said ordinance being recorded in Book 7516, page 850, 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 \$2,200.00.
- (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 \$2,200.00, 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 20, 2007, 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 2334 George Owen Road, Fayetteville, NC, as described in Deed Book 4989, page 116, of the Cumberland County Registry and identified in County tax records as PIN 0405-84-0497.

(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 20th day of August, 2007, at 6:45 p.m. o'clock.

Cumberland County Clerk



ITEM NO. 21

COUNTY of CUMBERLAND

Office of the County Attorney

August 14, 2007

MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA OF AUGUST 20, 2007:

TO: BOARD OF COMMISSIONERS

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

SUBJECT: SECOND READING OF FRANCHISE ORDINANCE AND FRANCHISE AGREEMENT TO CAROLINA RESIDENTIAL SERVICES, INC. TO PROVIDE FOOD SERVICES AT MENTAL HEALTH AUTHORITY'S BRADFORD AVENUE FACILITY

Background: The Mental Health Authority proposes to contract with Carolina Residential Services, Inc. to provide snack bar services at its Bradford Avenue facility. The enclosed ordinance and franchise agreement would grant a franchise to and authorize Carolina Residential Services, Inc. to provide those snack bar services for a term from July 1, 2007 through June 30, 2010, in consideration for a franchise fee of 5% of net sales or \$350 per month, whichever is greater. The Board approved the proposed franchise on first reading at its August 6, 2007 meeting. It is now before the Board on second reading.

Recommendation: Approve franchise ordinance on second reading and proposed franchise agreement with Carolina Residential Services, Inc., in the form attached hereto.

**AN ORDINANCE GRANTING A FRANCHISE TO CAROLINA RESIDENTIAL SERVICES,
INC. TO PROVIDE FOOD SERVICES AT THE CUMBERLAND COUNTY MENTAL HEALTH
AUTHORITY'S BRADFORD AVENUE FACILITY**

WHEREAS, the County of Cumberland has certain property on Bradford Avenue, Fayetteville, North Carolina used by the Cumberland County Mental Health, Developmental Disabilities and Substance Abuse Authority (the "Mental Health Authority");

WHEREAS, the Board of Commissioners wishes to grant a franchise to provide food services at the Mental Health Authority's Bradford Avenue facility.

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

Section 1. Purpose:

The purpose of this ordinance is to grant a franchise to Carolina Residential Services, Inc. to provide food services at the Mental Health Authority's Bradford Avenue Facility, Fayetteville, North Carolina and to ensure such use contributes to the general welfare of the citizens of this County.

Section 2. Franchise Granted:

The Board of Commissioners hereby grants a franchise to Carolina Residential Services, Inc. to provide food services at the Mental Health Authority's Bradford Avenue Facility, Fayetteville, North Carolina. The terms and conditions of such franchise shall be set forth in a Franchise Agreement by and between said franchisee and the County of Cumberland and such terms and conditions are hereby incorporated by this reference into this ordinance. An executed original of such Agreement shall be on file at the Mental Health Authority during the term of the Agreement.

Adopted by the Cumberland County Board of Commissioners this 6th day of August, 2007 and the 20th day of August, 2007.

KENNETH S. EDGE
Chairman

Clerk to the Board

THIS AGREEMENT, made and entered into this ____ day of August, 2007, by and between CAROLINA RESIDENTIAL SERVICES, INC., a North Carolina corporation, with its principal place of business located at 1202 Benson Road, Garner, North Carolina, hereinafter referred to as "FRANCHISEE", and the COUNTY OF CUMBERLAND, a body politic and corporate of North Carolina, hereinafter referred to as "COUNTY".

WITNESSETH:

WHEREAS, the COUNTY is desirous of granting a franchise to a food services vendor for the purpose of operating a Snack Bar to provide food services to the visitors and staff of the Cumberland County Mental Health Center's facility located at 109 Bradford Avenue, Fayetteville, North Carolina, 28301;

WHEREAS, FRANCHISEE is a food services vendor and has expressed an interest in operating a Snack Bar to provide said food services at the 109 Bradford Avenue facility; and

WHEREAS, the Board of Commissioners of Cumberland County, North Carolina has granted the FRANCHISEE a franchise to use certain kitchen facilities and equipment located at the 109 Bradford Avenue facility to operate a Snack Bar; and

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

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

1. **TERM:** The FRANCHISEE shall utilize said premises and equipment for the operation of a Snack Bar from July 1, 2007 through June 30, 2010, and, subject to the approval of the parties, shall renew thereafter for periods of three (3) years each.

2. **AGENCY AND AUTHORITY:** The COUNTY hereby designates the Area Director of the Cumberland County Mental Health Center as its exclusive agent with respect to this Agreement. The Area Director is authorized, on behalf of the COUNTY, to negotiate directly with the FRANCHISEE on all matters pertaining to this Agreement. The FRANCHISEE agrees that all of its dealings with the COUNTY in respect to the terms and conditions of this Agreement shall be exclusively with the Area Director. Further, the FRANCHISEE specifically agrees that it shall not implement any requested modifications in the specifications of any of the services subject to this Agreement except in the manner described in the paragraph entitled MODIFICATION.

3. SERVICES:

- a. During the term of this Agreement, COUNTY agrees that the FRANCHISEE shall be authorized to operate a Snack Bar for the purpose of providing food services at the Cumberland County Mental Health Center's 109 Bradford Avenue facility, Fayetteville, North Carolina 28301. The COUNTY licenses to the FRANCHISEE for these purposes the use of the kitchen facilities and equipment located at the 109 Bradford Avenue facility.
- b. Food and drink items which are sold at the Snack Bar shall be palatable and of high quality. Prices charged for food and drink shall be approved by the Area Director of the Cumberland County Mental Health Center with the understanding that the prices shall be no higher than that charged for similar merchandise in other similarly situated local places of business. Said prices are subject to reasonable, periodic adjustments by the FRANCHISEE in order to maintain reasonable profit margins in the operation of the Snack Bar. If FRANCHISEE deems it necessary to make other changes in any of said prices, (except those reasonable, periodic changes mentioned above), FRANCHISEE may submit a request for change to the Area Director of the Cumberland County Mental Health Center who shall review said request and will accept or reject any such change, or will negotiate with FRANCHISEE the amount of said change.
- c. The hours of operation for the FRANCHISEE to provide food services at the 109 Bradford Avenue facility shall be weekdays from 7:30 a.m. until 2:00 p.m., closed Saturdays and Sundays and COUNTY-designated holidays. The FRANCHISEE will operate a Snack Bar during such hours to provide food services to customers. In any event, the hours of operation of the Snack Bar are subject to the approval of the Cumberland County Mental Health Center Area Director.
- d. The FRANCHISEE shall make all reasonable efforts to provide a high quality and enjoyable food services product for use by visitors and staff of the 109 Bradford Avenue facility. The FRANCHISEE shall employ adequate personnel to provide the needed food services and render prompt, courteous service. The FRANCHISEE will keep the kitchen facilities and equipment clean and orderly.
- e. A limited dry storage area will be available to the FRANCHISEE for use by the Snack Bar in an area so designated by the COUNTY. Said storage will be accessible to the FRANCHISEE between the hours of 7:00 a.m. and 7:30 p.m., Monday through Friday, except for County-designated holidays.
- f. Trash disposal services, convenient to the Snack Bar, shall be provided by the COUNTY.
- g. The FRANCHISEE shall operate the Snack Bar as an independent business enterprise, and shall hire and pay the wages and compensation of all its employees and agents. The FRANCHISEE shall be responsible for the conduct of its employees and

agents.

- h. The FRANCHISEE shall be permitted to utilize the Snack Bar and its equipment in the preparation of food for its catering services.
- i. The FRANCHISEE shall not use or occupy, nor permit the Snack Bar or any part thereof to be used or occupied for any unlawful business use or purpose deemed disreputable or extra hazardous or which will constitute a public or private nuisance or which is in any way detrimental, harmful, or prejudicial to the COUNTY, or is in violation of any laws, regulations, ordinances or codes, present or future.
- j. If the COUNTY shall deem the performance of the FRANCHISEE and the operation of the Snack Bar as unsatisfactory for any reason, COUNTY shall notify the FRANCHISEE in writing, providing details of said unsatisfactory performance. FRANCHISEE will have fifteen (15) days to eliminate any deficiencies. Failure to eliminate the deficiencies may result in termination.
- k. In its operation of the Snack Bar, FRANCHISEE shall maintain a Grade "A" Health Inspection Rating issued by the North Carolina Department of Health and Natural Resources, Division of Environmental Health.
- l. Only those foods that have been properly inspected by U.S. Government agencies, and maintained according to Cumberland County Health Department standards, may be utilized by the Snack Bar.

4. **MAINTENANCE OF RECORDS:** The FRANCHISEE agrees to keep its books, documents, and records relating to the provision of food services under this Agreement for a minimum of one year after the expiration of this franchise and a maximum of three years or as provided by law.

5. **FEES:** During the term of this Agreement, FRANCHISEE shall pay to the COUNTY five percent (5%) of the net sales and any catering sales generated by the Snack Bar ("the Commission"), or THREE HUNDRED AND FIFTY DOLLARS (\$350.00) per month, whichever is greater. The term "net sales" shall mean the gross receipts of the Snack Bar, to include on-premises sales, catering, and outside sales, less sales tax and discounts. The Commission shall be paid monthly, by the 15th day of the following month (i.e.: the Commission payable for the month of July shall be paid by August 15). FRANCHISEE shall provide proof of sales to the Cumberland County Mental Health Center, in the form of a copy of its "Monthly Business Report", along with a copy of cash register tapes, invoices, or other documentation as required by the Area Director. Payments shall be made by check payable to the "Cumberland County Mental Health Center". Monthly checks and reporting information shall be mailed to: Cumberland County Mental Health Center, P.O. Box 3069, Fayetteville, NC 28302.

6. **TAXES:** The FRANCHISEE agrees to pay all sales tax, food and beverage tax, and any other taxes or fees as required by local, state, or federal law.

7. **UTILITIES:** The COUNTY shall provide, at its own expense, to the FRANCHISEE power and water utilities appropriate for the operation of the Snack Bar contemplated hereby, to include the provision of potable water, all lighting, heating, cooling, and ventilation requirements for the operation of the Snack Bar. The COUNTY shall provide electrical and/or natural gas service for all equipment and outlets at the Snack Bar.

8. **EQUIPMENT:** The FRANCHISEE shall maintain and leave said premises and equipment in substantially as good condition as when received by it, excepting reasonable wear and tear.

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

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

- a. Bodily Injury \$ 500,000.00 for each occurrence, and
 \$1,000,000.00 aggregate
- b. Property Damages \$ 100,000.00 for each occurrence, and
 \$ 100,000.00 aggregate
- c. Product Liability \$1,000,000.00 minimum coverage
- d. Workmen's Compensation insurance covering all of the FRANCHISEE's
employees who are engaged in any work at the Snack Bar. The coverage
shall meet all statutory requirements.

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

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

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

Derek G. Wilson, Director of Operations
Carolina Residential Services, Inc.
P.O. Box 1669
Garner, NC 27529-1669

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

Hank Debnam, Area Director
Cumberland County Mental Health Center
Post Office Box 3069
Fayetteville, NC 28302-3069

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

12. **ASSIGNMENT:** The FRANCHISEE shall not assign its contract rights under this Agreement or any part thereof, nor delegate any performance hereunder, nor subcontract without first obtaining the COUNTY'S written approval.

13. **TERMINATION:** This Agreement may be terminated immediately by the COUNTY, or the COUNTY may pursue any other remedy recognized in law or equity, for violation of any of the terms of the contract. Either party may terminate the contract upon thirty (30) days notice in writing to the other party.

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

Upon termination or expiration of this Agreement, FRANCHISEE will immediately remove all equipment, food products, etc., owned by FRANCHISEE from the Snack Bar or any other area at the Cumberland County Mental Health Center controlled by FRANCHISEE.

14. **MISCELLANEOUS:**

- a. The parties hereto, for themselves, their agents, officials, employees, and servants agree not to discriminate in any manner on the basis of race, color, creed, handicap, disability, gender, or national origin in the course of fulfilling any obligation, duty, or service that arises as a result of this Agreement. More specifically, FRANCHISEE shall comply with Title VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (ADA), and all requirements imposed by Federal regulations, rules, and guidelines issues

pursuant to these Titles for both personnel employed and customers served.

- b. The FRANCHISEE will make no alterations or changes in the present facilities without prior approval of the Area Director of the Cumberland County Mental Health Center.

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

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

ATTEST:

COUNTY OF CUMBERLAND

BY: _____
MARSHA FOGLE, Clerk to the Board

BY: _____
KENNETH S. EDGE, Chairman
Board of Commissioners

[COUNTY SEAL]

WITNESS:

CAROLINA RESIDENTIAL SERVICES, INC.

BY: _____
MARILI S. MELCHIONNE
Processing Assistant IV
Cumberland County Mental Health Center

BY: _____
DEREK G. WILSON
Director of Operations

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

Approved for Legal Sufficiency.

AMY H. CANNON
Assistant County Manager

COUNTY ATTORNEY'S OFFICE
(X) Renewable
() Non-renewable
Expiration Date: 6/30/2010



ITEM NO. 2E

COUNTY of CUMBERLAND

James E. Martin
County Manager

Cliff Spiller
Assistant County Manager

Juanita Pilgrim
Deputy County Manager

Amy H. Cannon
Assistant County Manager

Office of the County Manager

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 20, 2007

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER

DATE: JANUARY 10, 2007

**SUBJECT: APPROVAL OF CUMBERLAND COUNTY
FINANCE COMMITTEE REPORT**

BACKGROUND

The Finance Committee met on Thursday, August 2, 2007 to discuss the Sheriff's request regarding positions within the Sheriff's Office. The Finance Committee recommends that one (1) of the five (5) positions approved in the FY08 budget be reclassified from a Deputy I position to a Deputy III (Detective) position and that an additional Deputy III (Detective) position be approved by the Cumberland County Board of Commissioners.

The Budget Revision associated with this request is included in this agenda as Item 2G(1).

RECOMMENDATION/PROPOSED ACTION

Accept and approve the recommendations of the Finance Committee.

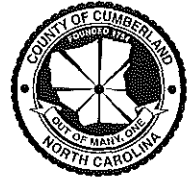
Attachment: Minutes

/ct

CM081507-2

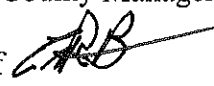


EARL R. BUTLER, SHERIFF
CUMBERLAND COUNTY SHERIFF'S OFFICE



An Internationally Accredited Law Enforcement Agency

July 20, 2007

MEMO FOR: Mr. James E. Martin, County Manager
FROM: Earl R. Butler, Sheriff 
SUBJECT: Cases Originating in Spring Lake and Hope Mills

The District Attorney has requested that the Sheriff's Office assume jurisdiction over certain crimes and cases originating in the towns of Hope Mills and Spring Lake. The reason for this is the limited number of staff of those police departments and the growing complexity of cases involving child abuse/child sexual abuse/special victims, felony crimes against persons, and homicides.

It is unrealistic to expect a small law enforcement department to perform dozens of varied tasks each day—from patrolling and maintaining neighborhood watches, pursuing speeding vehicles, intervening in volatile domestic situations, conducting undercover drug investigations, to expertly and sensitively conduct child abuse investigations, to perform skilled and time-consuming homicide investigations, to mention just a few examples. The citizens, victims, and defendants deserve the best possible investigation.

This issue has received considerable publicity. The DA feels more confident with the specialized training of Sheriff's Office Deputies performing these time-consuming and exacting investigations. Accordingly, instructions from the Chief District Court Judge have restricted warrants that can be issued upon request of those Departments.

These special victims cases from Hope Mills/Spring Lake added to the Sheriff's Office in a 10 week period from late March through June 4, 2007 totaled 26. To work these cases, I will move one unfrozen Deputy to the Special Victims Section.

The transfer of felony crimes against persons is scheduled to take place in October, and I will move two unfrozen Deputy positions to the Major Crimes Section.

While the DA is also restricting homicide cases originating in Spring Lake, this projected workload is able to be handled within the present staffing of the Homicide Section.

This move of three positions will not completely alleviate the need for Detectives. The complexity of the cases and the burden of properly investigating them is not decreasing. I request two Deputy III positions be added effective September 16, 2007.

Thank you for your support.

CUMBERLAND COUNTY FINANCE COMMITTEE
AUGUST 2, 2007, 8:30AM
REGULAR MEETING

PRESENT: Commissioner Jeannette Council, Chair
Commissioner Breeden Blackwell
Commissioner John T. Henley, Jr.
James Martin, County Manager
Amy Cannon, Asst. County Manager
Cliff Spiller, Asst. County Manager
Grainger Barrett, County Attorney
Cuyler Windham, Sheriff's Office
Marsha Fogle, Clerk

Chairman Council called the meeting to order.

1. Approval of Minutes: April 5, 2007

MOTION: Commissioner Blackwell moved to approve.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

2. Consideration of a request from the Sheriff's Office for two new detective positions to handle crimes against persons

Sheriff Butler has requested two new positions (Deputy III, Detective positions) in response to a court order from District Court Judge Beth Keever that the Sheriff's Office take over the investigation of felony crimes against persons in Spring Lake. Her order was issued based on the District Attorney's assessment that the workload, expertise and capabilities of the Spring Lake Police Department. The order is effective October 1, 2007, although the Sheriff's Office has been handling juvenile cases out of Spring Lake and Hope Mills since this spring, and is in the process of assuming investigation of homicides from Spring Lake.

The Board of Commissioners reinstated 5 deputy positions in the FY08 budget that had been frozen in the FY07 budget.. The Sheriff has designated three of these positions as Deputy III, Detective positions. He is requesting two new Deputy III positions to assist in the investigations in Spring Lake.

MOTION: Commissioner Blackwell moved to go into Closed Session to discuss reports on criminal investigations in the Spring Lake area.

SECOND: Commissioner Henley

VOTE: UNANIMOUS

MOTION: Commissioner Henley moved to come back into Open Session.
SECOND: Commissioner Blackwell
VOTE: UNANIMOUS

The County Attorney reported that the Town of Spring Lake has hired a consultant to review its procedures in the handling of criminal cases. Once the report has been received by Spring Lake it intends to take steps to resolve issues that need to be addressed. The District Attorney, however, has not indicated that this transfer of duties will be temporary, so it must be assumed it will continue for the foreseeable future.

In the meantime, the Sheriff's Office indicates it will need some additional detectives to take over the additional investigations in Spring Lake, effective October 1, 2007.

MOTION: Commissioner Henley moved that the Sheriff designate one more position of the five that he received in the current fiscal year as a Deputy III Detective position and that the County approve one new Deputy III position. (Note: This will give the Sheriff a total of five Deputy III (Detectives) positions (four from the five positions reinstated this fiscal year plus one additional).

SECOND: Commissioner Blackwell
VOTE: UNANIMOUS

3. Other matters of concern

The Manager reviewed some financial information regarding the State approved Medicaid Swap. The Medicaid swap approved in the budget does a couple of things. The State will assume the Medicaid costs over a three year period, but also will take some of the counties' sales tax funds and other revenues. In order to allow counties to recoup some of their losses the State will allow counties to hold a referendum on a land transfer tax and ¼ cent sales tax. If the referendum passes on either, the Board of Commissioners may enact the land transfer tax or the sales tax, but not both. Note: NCACC estimates that the land transfer tax will produce \$5.9 million and the sales tax, \$8.1 million. The County Manager estimates that Medicaid relief for this fiscal year could result in a savings to the county of approximately \$673,000, based on current assumptions.

The Committee recommends that the Board of Commissioners hold a Special Meeting to discuss issues related to Medicaid and options the County may pursue. Note: If a referendum is to be held in November of this year, the County will have to notify the Board of Elections by the end of August.

The Committee has suggested the Board hold a special meeting on August 20, 2007 at 5:00PM to consider its options. The Manager's Office will provide information regarding Medicaid savings/losses over the next three years and capital need projects that the County will be addressing during that timeframe.

Amy Cannon, Assistant County Manager for Finance, indicated she would be bringing some issues to the Finance Committee in September relating to changes in the Governmental Accounting Standards that will affect all counties:

- (1) Audit
- (2) Post Employment Benefits
- (3) Financial Advisor

Ms. Cannon indicated would like to send out requests for proposals for a financial advisor to assist the county when it goes to the bond market for some of our capital projects.

MEETING ADJOURNED

ROBERT N. STANGER, P.E.
County Engineer



SAM LUCAS
Engineering Technician

WAYNE DUDLEY, CFM
Engineering Technician

ENGINEERING DEPARTMENT

Historic Courthouse, 130 Gillespie Street • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
Telephone (910) 678-7636 • Fax (910) 678-7635

August 15, 2007

ITEM NO. 2F

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS
FROM: ROBERT N. STANGER, COUNTY ENGINEER *RNS*
THROUGH: AMY H. CANNON, ASSISTANT COUNTY MANAGER
SUBJECT: BID AWARD COURTHOUSE COOLING TOWER REPLACEMENT PROJECT

BACKGROUND

Bids were received on July 19, 2007, for replacement of the cooling towers at the Courthouse. The existing towers, installed in 1991, are in a state of disrepair and have reached their useful service life. The scope of work includes removal of the existing cooling towers from the Courthouse roof, installation of new energy efficient cooling towers, piping, controls and ancillary equipment. Attached is the certified bid tabulation together with the project engineer's letter of recommendation. The low bid was submitted by Johnson Controls, Inc., in the amount of \$405,767.00. Johnson Controls has successfully completed work on prior County projects. In addition to the bid amount, a 2.5% contingency in the amount of \$10,150 is recommended for this project. There are sufficient monies in the Designated Fund Balance - 9905 for maintenance and renovation projects to fund this project.

This information was presented to the County Facilities Committee at its August 14, 2007 meeting at which time the committee unanimously approved the staff's recommendation as outlined below.

RECOMMENDATION/PROPOSED ACTION:

The recommendation of the County Engineer, Dibble & Pledger, and management is to:

1. Accept the bids for the Courthouse Cooling Tower Replacement Project and award a contract to Johnson Controls, Inc., in the amount of \$405,767.00.
2. Establish a project contingency in the amount of \$10,150 for justifiable changes in the scope of the project recommended by the project engineer and approved by the County Manager.
3. Approve the attached budget revision.

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

Celebrating Our Past...Embracing Our Future

OFFICE PHONE (252) 946-3320
(252) 946-0511

DIBBLE & PLEDGER, P.A.

CONSULTING ENGINEERS
ELECTRICAL, MECHANICAL, & PLUMBING
P. O. BOX 1885
WASHINGTON, NORTH CAROLINA 27889

FAX (252) 946-5160
E-mail dibbleandpledger@earthlink.net

July 20, 2007

Mr. Bob Stanger, PE
Cumberland County
Engineering Department
130 Gillespie Street
Post Office Box 1829
Fayetteville, NC 28302

Re: Cumberland County
Courthouse Cooling Tower Replacement

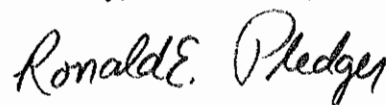
Dear Bob:

The bid opening for this project was held in the Room 214 in the Historic Courthouse located at 130 Gillespie Street, on Thursday, July 19, 2007 at 2:00 PM. A certified bid tabulation is attached. There were six bidders present. The bids were therefore opened. Johnson Controls was the apparent low bidder with a bid of \$405,767.00. Johnson Controls submitted MBE Affidavit "A" with their bid with a listing of Good Faith Effort. Johnson Controls also had their bid bond.

We would recommend awarding a contract to Johnson Controls for \$405,767.00 for this project. If Cumberland County agrees, I will forward them a contract and request them to provide their insurance certificates and MBE backup.

If you have any questions, please give me a call.

Sincerely,

A handwritten signature in black ink that reads "Ronald E. Pledger". The signature is written in a cursive, flowing style.

Ronald E. Pledger, PE

#939 Pledger
REP:jto

**CUMBERLAND COUNTY
COURTHOUSE COOLING TOWER REPLACEMENT**

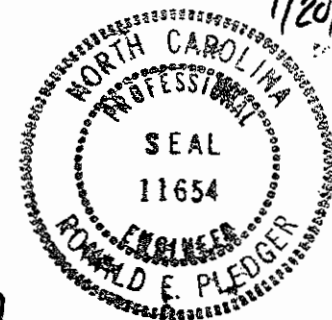
Time: 2:00 p.m.

Date: July 19, 2007

Contractors	License Number	Addenda Received	Total Bid
Ivey Mechanical	10838	Yes	\$450,000.00
TR Driscoll			
Bass A/C	01387	Yes	\$571,797.00
Southern Piping	2108	Yes	\$465,000.00
Hargett Mechanical	17463	Yes	\$414,934.00
Boiler Master	10313	Yes	\$409,000.00
Edwards, Inc.			
Johnson Controls	32814	Yes	\$405,767.00
Simmons Heat & Air			

I, Ronald E. Pledger, PE, certify that I have reviewed this bid tabulation and find it correct to the best of my knowledge and belief.

Ronald E. Pledger



Budget Office Use	
Budget Revision No.	<u>B08-022</u>
Date Received	<u>8/1/2007</u>
Date Completed	

FYI - Proposed Revision
for 8/20/07 Agenda

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9905 (101-999-9999)	Fund Balance Appropriated - Repairs & Maint.		415,917	
	Total		415,917	

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3650	090	Capital Outlay Other Improvements	260,000	415,917	675,917
Total			260,000	415,917	675,917

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

Approved By:

_____ **Date:** _____

County Manager

Board of County Commissioners

Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B08-022
Date Received	8/1/2007
Date Completed	

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

Organization Name: General Government Other

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
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9905 (101-999-9999)	Fund Balance Appropriated - Repairs & Maint.		415,917	
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Total			415,917	
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EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
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3650	090	Capital Outlay Other Improvements	260,000	415,917	675,917
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Total			260,000	415,917	675,917
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Justification:

Revision in the amount of \$415,917 to award contract to Johnson Controls to replace the cooling towers at the Courthouse (\$405,767) and to establish a project contingency (\$10,150).

Funding Source:

State: _____
Other: _____

Federal: _____
Fees: _____

Fund Balance:

County: _____ New: _____
Prior Year: _____

Other: _____

Submitted By: _____

Date: _____

Reviewed By: Bob Tucker
Department Head

Date: 8/6/07

Reviewed By: Amy Cannon
Finance Department
Assistant County Mgr

Date: 8/10/07

Approved By:

Date: _____

County Manager

Board of County
Commissioners

Date: _____

CUMBERLAND COUNTY FACILITIES COMMITTEE
August 14, 2007 – 8:30 AM
REGULAR MEETING

PRESENT: Commissioner Diane Wheatley
Commissioner Billy King
Commissioner John Henley
James Martin, County Manager
Juanita Pilgrim, Deputy County Manager
Cliff Spiller, Assistant County Manager
Amy Cannon, Assistant County Manager
Grainger Barrett, County Attorney
Harvey Moore, Assistant County Attorney
Sara VanderClute, Public Information Officer
Bob Stanger, County Engineer
Al Brunson, Director of Electrical & Mechanical
Wayne Raynor, Public Health Director
Eddie Beale, Public Health
Jeff Reitzel, Moorman, Kizer & Reitzel, Inc.
Bob Peters, Landscape Architect
Andrew Barksdale, Reporter – The Fayetteville Observer
Marie Colgan, Deputy Clerk

Commissioner Henley called the meeting to order at 8:40 AM. Chairman King arrived at 8:42 a.m.

1. Approval of Minutes: June 12, 2007

MOTION: Commissioner Wheatley moved to approve.
SECOND: Commissioner Henley
VOTE: Unanimous

2. Closed Session: Attorney-Client Matter NCGS 143-318.11 (a) (3)

MOTION: Commissioner Henley moved to go into Closed Session for the above noted item.
SECOND: Commissioner Wheatley
VOTE: Unanimous

MOTION: Commissioner Henley moved to go back into Open Session.
SECOND: Commissioner Wheatley
VOTE: Unanimous

MOTION: Commissioner Henley moved to defer action on the bids for the Courthouse Plaza renovations until further information is received regarding this item.
SECOND: Commissioner Wheatley
VOTE: Unanimous

Bids on Courthouse Plaza Renovations (Item # 6)

Project Engineer Jeff Reitzel reviewed components of the low bid received for the project.

Mr. Stanger advised that the bids received for this project are good for 60 days. Mr. Reitzel reviewed the different phases of the bid for the project: total site work cost \$1,825,695; total landscaping cost is \$1,369,453, making a total project cost of \$3,195,148. Commissioner Wheatley voiced concern with the project being over budget and discussion ensued regarding how to bring the project back to within the budgeted amount.

3. Presentation of Final Schematic Design of Public Health Building

Mr. Mullins, project architect, stated that an earlier presentation showed the conceptual design of the new Public Health building. This presentation is for the final schematic plan with some additional tweaking that will be needed. As a reminder to members, initially the gross area was 100,000 square feet; building cost of \$18,000,000; and project cost of \$22,474,000. County Manager Martin interjected that this does not include the \$2M cost that has been discussed for information technology additions. Mr. Mullins added that the \$22,474,000 figure contains a 10% contingency plan for unforeseen items. Commissioner Wheatley questioned why the building could not be downsized by eliminating some of the areas, particularly the conference room areas and coordinating with the Department of Social Services for joint use of their meeting rooms. Mr. Raynor explained that the conference rooms can later be converted to more usable space as "surge space" when needed in the future. Mr. Mullins stressed that the building has been planned to be flexible for future change needed for expansion. The current project schematic design numbers are projected at 103,367 square feet of gross area; \$17,960,016 as estimated building cost; and \$23,197,114 total project cost (exclusive of IT hardware and software). Mr. Mullins noted that the project is so far on time and under budget. Deputy County Manager Pilgrim questioned why this building could not be similar to the Social Services building with regard to design and color. Mr. Mullins explained that the building materials which are being used are lightweight and more economical than the materials used for the DSS building, but that the building will be durable. It was agreed that the coloring of the building should complement the coloring of the DSS building.

Mr. Mullins advised that another update on the design development will probably be given in late October or early November. Commissioner King questioned whether there would be space at this campus for Mental Health as envisioned in earlier years. Mr. Raynor advised that there could be co-location of some functions to some extent.

Mr. Mullins advised that some discussion has taken place about adding another 1,500 to 3,000 square feet on top of one end of the 2nd floor, making additional space on the third floor

ACTION: By consensus of the Committee, it was agreed to move forward with the Public Health building project.

4. Bids for the New Courthouse Cooling Towers Replacement

Mr. Stanger referred members to their handout and presented background information on this item. He further stated that the recommendation is to accept the bids for the Courthouse Cooling Tower Replacement Project and award a contract to Johnson Controls, Inc., in the amount of \$405,767; to establish a project contingency in the amount of \$10,150 for justifiable changes in the scope of the project recommended by the project engineer and approved by the County Manager and to approve the budget revision for this project.

MOTION: Commissioner Wheatley moved to approve the recommendation as presented and to forward this recommendation to the full Board..
SECOND: Commissioner Henley
VOTE: Unanimous

5. Temporary Parking During Courthouse Renovations

County Manager Martin advised that initial parking lot plans for South Kennedy Street and Person Street were estimated at \$100,000 for temporary parking during the construction period at the Courthouse, but a permanent plan with paving could be considered at \$500,000. Mr. Stanger reviewed the different locations being used for temporary parking and advised that under the current plan, the County will be losing 75 parking spaces with the changes to the Courthouse parking. Committee members agreed that discussion on this item can be included in the information brought back to the Commissioners' first meeting in September on the Courthouse Plaza renovation bid.

MOTION: Commissioner Henley moved to refer this item and item #6 to the full Board without a recommendation but for the staff to make every attempt to pare the bid on the Courthouse Plaza renovations to bring it much closer to the estimated project budget figure.
SECOND: Commissioner Wheatley
VOTE: Unanimous

Mr. Stanger advised that he will discuss cost ideas with management before approaching the contractor about changes and will check to see if there is a possibility that the bid date can be extended so that the information can be brought back to the next Facilities Committee in order for it to be taken to the mid September Commissioners' meeting.

6. Bids on Courthouse Plaza Renovations

See Item # 2 for discussion and motion.

7. Other Matters of Concern – none stated.

MEETING ADJOURNED: 10:15 AM

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B08-023/023A
Date Received	8/9/2007
Date Completed	

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

Organization Name: Sheriff's Office

ITEM NO. 2G(1)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
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Total

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1210	111	Salaries	12,782,830	42,502	12,825,332
1810	111	FICA	993,708	3,250	996,958
1820	111	Retirement	628,728	4,617	633,345
1830	111	Medical	1,571,075	4,925	1,576,000
1860	111	Workers Compensation	337,290	1,297	338,587
B08-023A 101-412-4195 General Government Other					
3903	088	Contingency	750,000	(56,591)	693,409
			17,063,631	-	17,063,631

Justification:

Revision to reallocate budgeted expenditures to fund the upgrade of a Deputy I position to Deputy III and to fund a new Deputy III position. These two positions will be assigned to investigate major crimes committed by or on juveniles.

Funding Source:

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

Submitted By: _____

Date: _____

Reviewed By: Howard O. Bone

Date: 8/15/07

Reviewed By: Amy N. Cannon

Date: 8/15/07

Deputy Assistant County Mgr

Approved By:

County Manager

Board of County
Commissioners

Date: _____

Date: _____

COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST

Budget Office Use	
Budget Revision No.	<u>B08-024</u>
Date Received	<u>8/13/07</u>
Date Completed	

Fund No. 101 Agency No. 437 Organ. No. 4365
Organization Name: Social Services

ITEM NO. 2G(2)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4368	WORK FIRST DEMO GRANT	44,585	455,415	500,000

Total 455,415

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
4368	262	WORK FIRST DEMO GRANT	0	455,415	455,415

Total 0 455,415 455,415

Justification:

To recognize grant funding received for SFY 07-08.

Funding Source: State: _____ Federal: 455,415 County: _____ New: _____ Other: _____
Other: _____ Fees: _____ Prior Year: _____

Submitted By: [Signature] Date: 8-13-07

Department Head

Reviewed By: [Signature] Date: 8/13/07

Budget Analyst

Reviewed By: [Signature] Date: 8/15/07

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.	<u>B08-026</u>
Date Received	<u>8-13-07</u>
Date Completed	

Fund No. 101 Agency No. 431 Organ. No. 432M
 Organization Name: SOUTH CENTRAL PARTNERSHIP FOR PUBLIC HEALTH

ITEM NO. 26(3)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4154	SOUTH CENTRAL PARTNERSHIP FOR PUBLIC HEALTH	0	136,665	136,665
Total		0	136,665	136,665

EXPENDITURES

Object Code	APRs Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
4154		SOUTH CENTRAL PARTNERSHIP FOR PUBLIC HEALTH	0	136,665	136,665
Total			0	136,665	136,665

Justification:

THIS BUDGET REVISION REQUESTS TO BUDGET FOR FUNDING TO BE RECEIVED FOR THE SOUTH CENTRAL PARTNERSHIP FOR PUBLIC HEALTH INCUBATOR PROJECT FOR FISCAL YEAR 2008.

State: _____ Federal: _____ Fund Balance: _____ County: _____ Other: 136,665
 Other: _____ Fees: _____ Prior Year: _____

Submitted By: _____ Date: _____
 Department Head
 Reviewed By: Kelly Ostry Date: 8-13-07
 Budget Analyst
 Reviewed By: Amyn Cannon Date: 8/13/07
 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.	B08-027
Date Received	8/14/2007
Date Completed	

Fund No. 101 Agency No. 426 Organ. No. 4214

Organization Name: Day Reporting

ITEM NO. 2G(4)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated		(255)	

0 (255)

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3480	136	Utilities	28,607	(255)	28,352

Total 28,607 (255) 28,352

Justification:

Revision in the amount of \$255 to reduce budget to balance with State Grant of \$230,231. Increase in county budget due to COLA 4% with a \$1,000 floor.

Funding Source:

State: _____
Other: _____

Federal: _____
Fees: _____

Fund Balance:

County: _____ New: _____
Prior Year: _____

Other: _____ (255)

Submitted By: _____

Date: _____

IPH Department Head

Reviewed By: *Kelly Aubrey*
Finance Department

Date: 8-14-07

Reviewed By: *Amy Lamm*
Deputy Assistant County Mgr

Date: 8/15/07

Approved By:

County Manager

Board of County Commissioners

Date: _____

Date: _____



ITEM NO. 3

COUNTY of CUMBERLAND

James E. Martin
County Manager

Juanita Pilgrim
Deputy County Manager

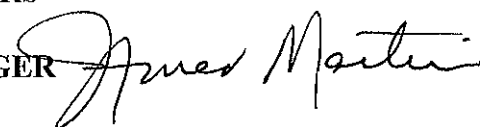
Office of the County Manager

Cliff Spiller
Assistant County Manager

Amy H. Cannon
Assistant County Manager

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 20, 2007

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER 

DATE: AUGUST 10, 2007

**SUBJECT: CONSIDERATION OF RECOMMENDATION OF THE EASTOVER
SANITARY DISTRICT BOARD FOR THE BOARD OF
COMMISSIONERS TO APPOINT MRS. HELEN CRUMPLER TO THE
EASTOVER SANITARY DISTRICT BOARD**

BACKGROUND

Mr. Morgan Johnson, Eastover Sanitary District Board Chairman has informed the County that Mr. Benny Pearce has resigned his position at the Eastover Sanitary District Board.

The Eastover Sanitary District Board voted to nominate Mrs. Helen Crumpler to the Board of Commissioners for appointment to the unexpired term of Mr. Pearce which ends in December 2009.

RECOMMENDATION/PROPOSED ACTION

To approve the Eastover Sanitary District Board's recommendation to appoint Mrs. Helen Crumpler to replace Mr. Benny Pearce for his unexpired term.

/ct

CM081001-1

EASTOVER SANITARY DISTRICT

1610 Beard Road, Wade, NC 28395

Phone 910-323-3973

August 10, 2007

Chairman Kenneth Edge
Cumberland County Board of Commissioners

Re: Appointment to Eastover Sanitary District Board

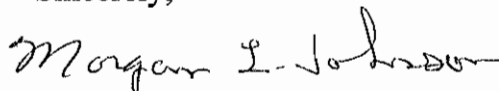
Dear Mr. Edge:

It is with great pleasure to learn that the state of North Carolina created the Town of Eastover. However, it also brought sadness to the Eastover Sanitary District (ESD). As you know, state statutes do not allow an individual to hold two elected offices at the same time. Benny Pearce has been appointed to the Eastover Interim Town Council. His resignation from the ESD Board is attached.

ESD has been honored to have a highly qualified and respected resident of Eastover to agree to serve Benny's unexpired term. The members of the Eastover Sanitary District Board are pleased to request that the County Commissioners appoint Mrs. Helen Crumpler to replace Mr. Pearce, whose term expires in December 2009.

Mrs. Crumpler is a long time resident of Eastover and is very active in community and church work. As a member of the Eastover Civic Club, she was instrumental in the formation of the Town of Eastover, which the Commissioners supported. She comes highly recommended by community leaders, to include Judge Talmadge Baggett, and Mr. Benny Pearce. The ESD Board would be pleased to work with Mrs. Crumpler.

Sincerely,


Morgan L. Johnson, Chairman

July 24, 2007

Mr. Morgan Johnson, Chairman
Eastover Sanitary District

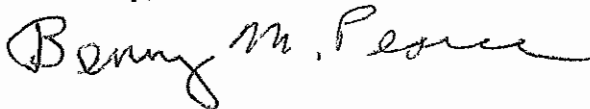
Dear Chairman Johnson:

With the impending Incorporation of the Town of Eastover, NC, and with my prior agreement with the Progress Eastover Committee that I would serve on the Eastover Interim Town Council as an Interim Council Member if Eastover is incorporated as a town, it is imperative that I resign my elected position on the Eastover Sanitary District Board. I have been advised that the statutes of the State of North Carolina prohibit a person from serving in two elective positions at the same time.

In recognition of the illegality of dual office holding in elective positions, I, therefore, resign my position on the Eastover Sanitary District Board, effective at the end of the day, July 31, 2007.

I have enjoyed my service on the Eastover Sanitary District Board and please be assured that it is my wish that this Board continue to prosper as it seeks to provide services to the citizens of the Eastover Sanitary District. My thoughts and prayers will continue to be with you and the Eastover Sanitary District Board.

Sincerely,

A handwritten signature in cursive script that reads "Benny M. Pearce". The signature is written in dark ink and is positioned above the typed name and address.

Benny M. Pearce
1850 Middle Road
Fayetteville, NC 28312

Morgan Johnson
Chairman
Eastover Sanitary District

Re: Serving remaining term of Bennie Pearce

Dear Mr. Johnson:

Thank you for the opportunity to serve the remaining term of ESD Board Member, Bennie Pearce. With your help, and that of Liz Reeser, I will try to fill the position and carry out the duties to the best of my abilities.

I have been married to my husband Stan for 33 years. We have one son, Christopher, who is married and lives in Apex.

I am 57 years old and have lived in Eastover for the last 32 years. The Crumpler family has been living in Eastover for at least 150 years or more. We live in the old home place on the Dunn Road.

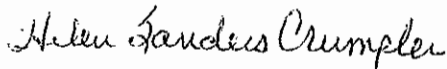
I graduated from Fayetteville High School in 1968 and graduated from Worth Business College in 1971. I worked at UNC Law School for a short time while my husband attended UNC School of Pharmacy.

We attend Salem United Methodist Church in Eastover where I have served as a Trustee for the last two years. I am a member of the United Methodist Women and have served as President and co-President of the Ruth Patterson Group at Salem.

I also serve on the Executive Board of the Eastover Civic Club and served on the Progress Eastover Committee.

I appreciate your confidence and look forward to working with you and the Eastover Sanitary District to bring much needed water and sewer lines to the people in Eastover and surrounding areas.

Sincerely,



Helen Sanders Crumpler
2569 Dunn Road
Fayetteville, N. C. 28312
(910-483-6087)



ITEM NO. 4

COUNTY of CUMBERLAND

James E. Martin
County Manager

Cliff Spiller
Assistant County Manager

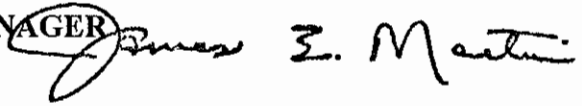
Juanita Pilgrim
Deputy County Manager

Amy H. Cannon
Assistant County Manager

Office of the County Manager

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 20, 2007

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER 

DATE: AUGUST 9, 2007

SUBJECT: CONSIDERATION OF REFERRAL OF THE TOWN OF EASTOVER
REQUEST FOR A MUNICIPAL INFLUENCE AREA

BACKGROUND

The Town of Eastover has requested through their attorney for the Cumberland County Board of Commissioners to consider granting to Eastover a Municipal Influence Area (MIA).

RECOMMENDATION/PROPOSED ACTION

Management would recommend that this matter be referred to the 2030 Planning Committee and thereafter to the Cumberland County Joint Planning Board for recommendations to the Board of Commissioners.

/ct

CM080907-2

THE YARBOROUGH LAW FIRM, P.A.

115 E. Russell Street
Fayetteville, North Carolina 28301

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

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

August 7, 2007

Cumberland County Board of Commissioners
ATTN: James Martin, County Manager
Cumberland County Courthouse
117 Dick Street, Room 512
Fayetteville, North Carolina 28301

Re: Municipal Influence Area
Town of Eastover

Dear Commissioners:

The Town of Eastover respectfully requests that the Board of Commissioners for Cumberland County consider granting to Eastover a Municipal Influence Area ("MIA").

It is the Town of Eastover's desire that their MIA boundary be as generally granted to other towns with comparable population numbers. We would respectfully request that the one mile requested area between the Town of Eastover and Town of Wade be reduced to one-half of the distance that lies between those towns so as to not interfere with the Town of Wade's wishes as to their MIA. Also, we would ask that property owned by the City of Fayetteville be excluded from our MIA.

The Town anticipates passing a resolution adopting the Cumberland County Land Use Planning regulations and to adopt the 2030 Land Use Plan and, even though the Town is prohibited by its Charter from annexation within some of the one mile area, it is felt that since the Town of Eastover will utilize County planning standards until the City of Fayetteville actually annexes into that area, that the County Standards would allow a reasonable buffer and transitional zone between development standards used by the City of Fayetteville and those authorized by the application of County planning standards.

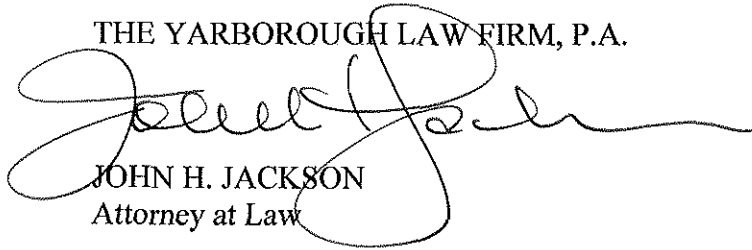
We believe that this approach to maintaining a more rural living standard can best be maintained by the application of development standards allowed by the County. We feel that the wishes of the Eastover community and Town will be best preserved and maintained using the current County Land Use Development Standards. We also feel that this is totally compatible with the 2030 plan.

Cumberland County Commissioners
August 7, 2007
page two

Thank you for your consideration. We would be happy to clarify or justify our boundary request when needed.

Sincerely Yours,

THE YARBOROUGH LAW FIRM, P.A.

A handwritten signature in black ink, appearing to read "John H. Jackson", written over the printed name and title.

JOHN H. JACKSON
Attorney at Law

JHJ:stl



ITEM NO. 5

COUNTY of CUMBERLAND

James E. Martin
County Manager

Juanita Pilgrim
Deputy County Manager

Office of the County Manager

Cliff Spiller
Assistant County Manager

Amy H. Cannon
Assistant County Manager

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 20, 2007

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER

DATE: AUGUST 15, 2007

SUBJECT: CONSIDERATION OF BOARD OF EDUCATION'S REQUEST FOR ACQUISITION OF REAL PROPERTY

BACKGROUND

The Board of Education approved the acquisition of approximately 91 acres of real property at their Board meeting on August 14, 2007. The property is located on Century Circle in the Rockfish Township as a site for a planned elementary school. The Board of Education is requested approval from the Cumberland County Board of Commissioners in order to proceed with the acquisition of real property from the Gillis Family. The total cost is approximately \$2,707,500, which the school system has budgeted using sales tax and lottery proceeds.

The Option Agreement is enclosed which identifies a 78.91 acre tract of land. The property to be purchased is partial acreage of two tracts of land. A recent survey provided the correct acreage of the property, which is 90.93 acres.

RECOMMENDATION/PROPOSED ACTION

Consider the Board of Education's request for the acquisition of the real property from the Gillis Family.

/ct

CM081001-2



Cumberland County Schools

FRANK K. BARRAGAN, CHAIRMAN
LARY LANCASTER, VICE CHAIRMAN
HELEN H. FARRIOR
KIM FISHER
MACK Y HALL

P.O. Box 2357
Fayetteville, North Carolina 28302
910-678-2300

DONALD W. LAHUFFMAN
MARY EMILY ROYAL
GREG WEST
MAC WILLIAMS

WILLIAM C. HARRISON, Ed.D.
SUPERINTENDENT

August 15, 2007

Mr. James Martin, County Manager
County of Cumberland P. O. Drawer
1829 Fayetteville, NC 28302

Dear Mr. Martin:

Re: Acquisition of Real Property

During their meeting August 14, 2007, the Cumberland County Board of Education approved the acquisition of approximately 91 acres of real property located on Century Circle in the Rockfish Township as a site for a planned elementary school. On behalf of the Board of Education, I am requesting approval from the County Commissioners to proceed with the acquisition of real property from the Gillis Family. The total cost is approximately \$2,707,500, which the school system has budgeted using sales tax and lottery proceeds.

I am enclosing a copy of the Option Agreement, which identifies a 78.91 acre tract of land. The property to be purchased is partial acreage of two tracts of land. A recent survey provided the correct acreage of the property, which is 90.93 acres. Contact me at your convenience if you have any questions.

Sincerely,

Tim H. Kinlaw, Associate Superintendent
Auxiliary Services
Cumberland County Schools

THK/bm
Attachment: Option Agreement

Cc: Board Members
William Harrison, Superintendent

NORTH CAROLINA

CUMBERLAND COUNTY

OPTION

THIS OPTION AGREEMENT, made and entered into this the 10th day of April, 2007, by and between, of JOHN MCNATT GILLIS, JR. et ux, RUTH F. GILLIS; ROY TURNER et ux, JANE GILLIS TURNER; JAMES D. GILLIS, Unmarried; JOSEPH H. GILLIS et ux, BETTY H. GILLIS; MALCOLM D. GILLIS, Unmarried; and JUDY GILLIS DIBACCO, Widow; P. O. Box 736, Fayetteville, North Carolina, 28302; hereinafter referred to as "Seller"; and CUMBERLAND COUNTY BOARD OF EDUCATION, P. O. Box 2357, Fayetteville, North Carolina, 28302, hereinafter referred to as "Buyer";

WITNESSETH;

That for and in consideration of the sum of \$10,000.00, paid by the Buyer to the Seller, the receipt of which is hereby acknowledged, said Seller does hereby give and grant unto Buyer the right and option to purchase from Seller a 78.91 acre tract of land located on the southern margin of Century Circle, Rockfish Township, Cumberland County, North Carolina, and being partial acres of two tracts of land (109.24 acre tract and 77.18 acre tract) which are described as "Description Of Subject Property" on page "3" of the appraisal prepared by Tom J. Keith & Associates, Inc. for Tim H. Kinlaw & Cumberland County Schools on September 26, 2006, attached hereto as Exhibit "A" and incorporated herein by reference.

The terms and conditions of this option are as follows:

1. PURCHASE PRICE: The purchase price shall be TWENTY-EIGHT THOUSAND (\$28,000.00) DOLLARS per acre and shall be paid as follows:

a. EARNEST MONEY DEPOSIT: \$10,000.00. Earnest money deposit by check to be deposited and held in escrow by Seller until the sale is closed at which time it will be credited to Buyer or until this contract is otherwise terminated. In the event any of the conditions hereto are not satisfied then all earnest monies shall be returned to the Buyer. In the event of breach of this Option by Seller, upon Buyer's request, all earnest monies shall be returned to Buyer, but such return shall not affect any other remedies available to Buyer for such breach.

b. BALANCE of the purchase price paid by certified check at closing.

2. CONDITIONS:

- a. This option shall exist and continue to and including the 1st day of September, 2007.
- b. The Buyer may exercise the option herein by giving written notice to the Seller at his above listed address by certified mail and such mail must be posted with the post office within the period of the option.
- c. The Seller must be able to convey marketable title to the land free from defect by record title or defect by survey, and the determination as to marketability of title rests in the sole discretion of Buyer's attorney. At any time within the period of the Option or closing, which shall be not later than 30 days after the option period, Seller will make, execute and deliver to said Buyer a good and

sufficient deed for said land in fee simple and general warranty and free from encumbrances upon the payment by said Buyer of the said purchase price in the sum and manner set out.

- d. The Seller further agrees to offer any additional acreage adjacent to Strickland Bridge Road, (in addition to the 78.91+- acreage herein identified in this option), that may be required by Buyer in order to perfect a right of way for ingress, egress and regress to Strickland Bridge Road at the same price of \$28,000.00 per acre.

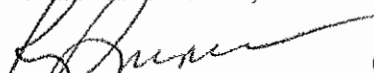
Upon the exercise of this option by Buyer, Seller agrees to use his best efforts to deliver to Buyer as soon as reasonably possible after the acceptance of this offer, copies of all title information in possession of or available to Seller, including but not limited to: title insurance policies, attorneys opinions on title, surveys, covenants, deeds, notes and deeds of trust and easements relating to the property.


- f. Buyer may come upon said property to perform such tests, surveys, or inspections as it deems appropriate; however, if transaction does not close, Buyer shall compensate Seller for any damage incurred thereby.


IN TESTIMONY WHEREOF, said Seller and Buyer have hereunto set their hand and seals, in duplicate originals, one of which is retained by each the parties, the day and year first above written.

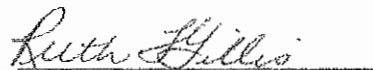
SELLER:

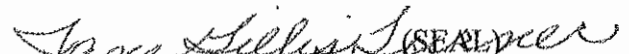
 (SEAL)
John McNatt Gillis, Jr.

 (SEAL)
Roy Turner


 (SEAL)
James D. Gillis

 (SEAL)
Joseph M. Gillis

 (SEAL)
Ruth F. Gillis

 (SEAL)
Jane Gillis Turner

 (SEAL)
Malcolm D. Gillis

 (SEAL)
Betty H. Gillis

 (SEAL)
Judy Gillis DiBacco

BUYER:

CUMBERLAND COUNTY BOARD OF EDUCATION

By: 
Tim Kinlaw

NORTH CAROLINA

CUMBERLAND COUNTY

I, Wayne T. Yountz, a Notary Public in and for said county and state do hereby certify that John McNatt Gillis, Jr. and wife, Ruth F. Gillis; Roy Turner and wife, Jane Gillis Turner; James D. Gillis, Unmarried; Joseph H. Gillis and wife, Betty H. Gillis; Malcolm D. Gillis, Unmarried; and Judy Gillis DiBacco, Widow, all personally appeared before me this day, and (I have personal knowledge of the identity of the principal(s) ~~(I have seen satisfactory evidence of the principal's identity, by a current state or federal identification and with the principal's photograph in the form of _____)~~ (a credible witness has sworn to the identity of the principal(s)); and each acknowledged the due execution of the foregoing Option for the purposes therein stated.

WITNESS my hand and Notarial Seal, this 2nd day of April, 2007.



Wayne T. Yountz
(Official Signature of Notary)

Wayne T. Yountz, Notary Public
(Printed name of Notary)

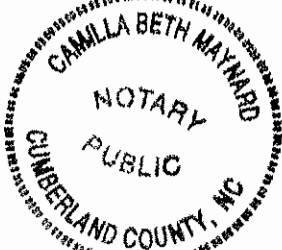
My Commission Expires: Nov. 15, '09

NORTH CAROLINA

CUMBERLAND COUNTY

I, Camilla Beth Maynard, a Notary Public in and for said county and state do hereby certify that Tim Kinlaw, personally appeared before me this day, and I have personal knowledge of the identity of the principal; and acknowledged the due execution of the foregoing Option for the purposes therein stated.

WITNESS my hand and Notarial Seal, this 16th day of April, 2007.



Camilla Beth Maynard
(Official Signature of Notary)

Camilla Beth Maynard, Notary Public
(Printed name of Notary)

My Commission Expires: 9/16/2008

EXHIBIT "A"

DESCRIPTION OF SUBJECT PROPERTY

The 78.91 Acre site is located on the southern margin of Century Circle. The subject parent parcels are identified as two adjoining parcels divided by Century Circle west of Strickland Bridge Road. The western parcel contains 109.24 acres and is divided into four sections laterally by Century Circle and vertically by the Aberdeen Rockfish Railroad. The eastern Parcel contains 77.18 acres and is divided into two sections by Century Circle (based on the enclosed tax records acreage). The parcels are located in the Rockfish Township, Cumberland County, North Carolina. The western tract is identified as PIN# 9485-59-5680 and the eastern tract is identified as PIN# 9485-89-9682 by the Cumberland County Tax Department. *It should be noted that the I-295 corridor will dissect and cut off access to Strickland Bridge Road and Century Circle will dead end at I-295 and only have access on Stoney Point Road.*

The proposed subject site is an irregular parcel taken from the parent parcels listed above. The southwestern quadrant of the PIN# 9485-59-5680 contains 60.44 acres, is bounded on the west by the Aberdeen Rockfish Railroad and on the north by Century Circle. This portion of the subject property has 2000 feet of frontage along the southern margin of Century Circle. The eastern portion of the subject property adjoins the previous parcel along its eastern border and is taken from the parent PIN# is 9485-89-9682. This parcel is where the I-295 corridor is planned to cross. After deducting the area for the I-295 corridor, this portion of the subject will have approximately 18.47 acres and approximately 346 feet of road frontage along the southern margin of century circle. The proposed subject tract will contain approximately 78.91 acres and have approximately 2,346 feet of road frontage along the southern margin of Century Circle.

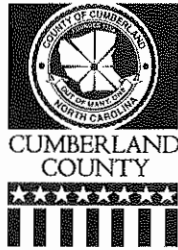
The western parcel is zoned AR-Agricultural Residential District and the eastern parcel is zoned R-10 Residential District. Most of both of the proposed subject parcels have a mild topography except for the northwest corner which drops sixteen feet to the Aberdeen Rockfish Railroad. The soils are listed by descending amounts as WaB Wagram loamy sand; Ly Lynchburg sandy loam; NoA Norfolk loamy sand, 0-2% slopes; Ra Rains sandy loam, Coxville loam; and BaD Blaney loamy sand, 8-15% slopes.

The site has no improvements.

KENNETH S. EDGE
Chairman

J. BREEDEN BLACKWELL
Vice Chairman

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



ITEM NO. 6A

MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

BOARD OF COMMISSIONERS

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

August 9, 2007

August 20, 2007 Agenda Item

TO: Board of Commissioners

FROM: Marie Colgan, Deputy Clerk *MC*

SUBJECT: Criminal Justice Partnership Advisory Board Vacancy (1)

The Criminal Justice Partnership Advisory Board will have the following vacancies on September 30, 2007:

Police Chief or Designee

Lieutenant Michael Calfee will be unable to continue to serve in this slot. The Criminal Justice Board has asked that **Capt. David Houpp** replace him.

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

PROPOSED ACTION: Make nominations to fill the vacancy.

Attachments

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

Celebrating Our Past...Embracing Our Future

CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD

6/07

3-year terms

<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> E. Lynn Johnson Cumberland County 117 Dick Street Fayetteville, NC 28301	6-07	1 st	June/10 6/30/10	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)	6/07	5th	June/10 6/30/10	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>				
Leesa Jensen (W/F) 719 Ashfield Drive Fay., NC 28311 630-0253/433-1695(W)	6/07	1st	June/10 6/30/10	Yes
Frederick H. Frimet (C/M) 1163 Bluebird Lane Fay., NC 28311 488-7486(H)	6/07	2 nd	June/10 6/30/10	No
Richard A. Hayes 332 Summertime Road Fay., NC 28303 484-0137/733-4564(W)	6/07	4 th	June/10 6/30/10	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> <u>Appointed</u>	<u>Eligible For</u> <u>Term</u>	<u>Expires</u>	<u>Reappointment</u>
<u>At-Large</u> William David McFadyen (W/M) 7122 Hunters Point Drive Fay., NC 28311 822-2362	6/07	1 st	June/10 6/30/10	Yes
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)	6/07	5th	June/10 6/30/10	Yes
<u>County Commissioner</u> Diane Wheatley (W/F) P.O. Box 1829 Fay., NC 28302 678-7771(W)	6/07	1 st	June/10 6/30/10	Yes
Jeannette Council (B/F) P.O. Box 1829 Fay., NC 28302 678-7771(W)	10/06 (to fill unexpired term)	1st	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> David Delaney 325 Green Street Fay., NC 28301 484-9696 (W)	6/07	1st	June/10 6/30/10	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 the last month) of Each Quarter, 5:30 PM, Cumberland County Day Reporting Center, 412 W. Russell Street, Fayetteville, NC 28301-5548

Contact: Callie Gardner, Director of Day Reporting Center (or Lisa Greeno) x6126

KENNETH S. EDGE
Chairman

J. BREEDEN BLACKWELL
Vice Chairman

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



MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

BOARD OF COMMISSIONERS

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

August 9, 2007

August 20, 2007 Agenda Item

TO: Board of Commissioners

FROM: Marie Colgan, Deputy Clerk *MC*

SUBJECT: Cumberland County Finance Corporation and Cumberland County Industrial Facilities & Pollution Control Financing Authority – Vacancies (2)

The above boards will have the following vacancies on September 30, 2007:

Bob Gleaton will have completed his first term and is eligible for reappointment.

Annette C. Billie will have completed her first term and is eligible for reappointment.

I have attached the current membership list. There are no applicants for this board at this time.

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

pc: Christy Tyndall, County Attorney's office

Attachments

CUMBERLAND COUNTY FINANCE CORPORATION
(ALSO THE CUMBERLAND COUNTY INDUSTRIAL FACILITIES
AND POLLUTION CONTROL FINANCING AUTHORITY)
(same members on both Boards)
6 Year Term

6/06

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Bobby Gleaton (W/M) P.O. Box 100 Hope Mills, NC 28348 425-5505	5/05 (to fill unexp. term)	1st	Sept/07 9/30/07	Yes
James L. Fleming (B/M) 477 Slocumb Road Fayetteville, NC 28311 488-5097 (Educator)	8/03	2nd	Sept/09 9/30/09	No
Clifton McNeill, Sr. (W/M) 1404 Clifton McNeill Road Hope Mills, NC 28348 425-8671(H)	6/06 (to fill unexp. term)	1st	Sept/09 9/30/09	Yes
Annette C. Billie (B/F) 749 Edgehill Road Fayetteville, NC 28314	1/02	1st	Sept/07 9/30/07	Yes
H. B. Smith, Jr. (W/M) 5375 Cedar Creek Road Fayetteville, NC 28301 483-1043 (Auctioneer)	8/03	2nd	Sept/09 9/30/09	No
Robert L. White (B/M) P.O. Box 71523 Fort Bragg, NC 28307 423-8549/864-2236 (W) (Postal Employee)	8/03	2nd	Sept/09 9/30/09	No
Carol A. Downing (W/F) P.O. Box 11005 Fayetteville, NC 28303 867-8969/488-6010 (Secretary, Retired)	10/05	2nd	Sept/11 9/30/11	No

Contacts: Christy Tyndall – Co. Attorney’s Office &
Neil Yarborough, Yarborough Law Firm, 115 E. Russell St, Fayetteville, NC 28301

Meetings: On Call

ITEM NO.

6C

KENNETH S. EDGE
Chairman

J. BREEDEN BLACKWELL
Vice Chairman

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



MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

BOARD OF COMMISSIONERS

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August 9, 2007

August 20, 2007 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Local Emergency Planning Committee Vacancy (1)

The Local Emergency Planning Committee has the following vacancy:

Emergency Management Representative

Kenney Currie has completed his first term and is eligible for reappointment.

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

PROPOSED ACTION: Make nomination to fill the vacancy.

pc: Doc Nunnery, Emergency Services Director

Attachments

Celebrating Our Past... Embracing Our Future

04/07

CUMBERLAND COUNTY
EMERGENCY PLANNING COMMITTEE
3 Year Term
(Staggered Terms Initially)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Print and Broadcast Media Representative</u>				
Doug Hewett, Director City of Fayetteville Management Services 433 Hay Street Fayetteville, NC 28301 Phone: 433-1978	4/07	1 st	Aug/07 8/31/07	Yes
(filling unexpired term)				
Sarah VanderClute CC Public Information Officer P.O. Box 1829 Fayetteville, NC 28302 Phone: 437-1921	8/04	1 st	Aug/07 8/31/07	Yes
<u>Operators of Facilities Representative</u>				
(vacant) Safety Manager Hexion Specialty Chemicals 1411 Industrial Drive Fayetteville, NC 28301 485-9270	10/05	2 nd	Nov/08 11/30/08	No
(vacant) Univar, Inc. 420 Worth Street Fayetteville, NC 28304 483-2107/988-2801	9/03	1 st	Sept/06 9/30/06	Yes
Joel Blake Dupont 22828 NC Hwy 87W Fayetteville, NC 28306 424-4083/678-1285(W)	4/07	2 nd	Dec/09 12/31/09	No
(vacant) Purolator Corp. 3200 Natal Road Fayetteville, NC 28306 423-5691/426-4283(W)	4/07	2 nd	Dec/09 12/31/09	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Law Enforcement Representative</u>				
Sgt. Vincent Terry NC Highway Patrol 2435 Gillespie Street Fayetteville, NC 28306-3053 486-1334	9/06	1 st	Sept/09 9/30/09	Yes
Capt. Larue Windham Cumberland Co. Sheriff's Office 131 Dick Street Fayetteville, NC 28301-5750 677-5412	8/04	1 st	Aug/07 8/31/07	Yes
Charles Hunter Fayetteville Police Department 467 Hay Street Fayetteville, NC 28301 433-1792	9/06	1 st	Sept/09 9/30/09	Yes
<u>Emergency Management Representative</u>				
Kenny Currie Cumberland County Emergency Services 131 Dick Street Fayetteville, NC 28301 321-6736	4/07 (filling unexpired term)	1 st	Sept/07 9/30/07	Yes
<u>Community Group Representative</u>				
Jeffrey Womble Fayetteville State University Office of Public Relations 1200 Murchison Road Fayetteville, NC 28301 Phone:	8/04	1 st	Aug/07 8/31/07	Yes
<u>Transportation Representative</u>				
David Boyette 466 Baywood Road Fayetteville, NC 28301 485-2439/433-4468(W)	4/07	2 nd	Dec/09 12/31/09	No
<u>Health Representative</u>				
Jane Stevens Cumberland County Health Dept. 227 Fountainhead Lane Fayetteville, NC 28301-5417 433-3673(W)/987-2892(Cell)	2/06	1 st	Jan/09 1/31/09	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Hospital Representative</u>				
Steve Schultz Cape Fear Valley Health System P.O. Box 2000 1638 Owen Drive Fayetteville, NC 28302-2000 Phone: 609-6170	9/06	2 nd	Sept/09 9/30/09	No
<u>Fire Fighting Representative</u>				
Capt. Benjamin Major Fire/Emergency Management City of Fayetteville 433 Hay Street Fayetteville, NC 28301 433-1730	10/05	2 nd	Nov/08 11/30/08	No
<u>First Aid Representative</u>				
Scott Blecke Cumberland County EMS 610 Gillespie Street Fayetteville, NC 28306-1544 485-4191	8/04	1 st	Aug/07 8/31/07	Yes
<u>At-Large Representative</u>				
Ruth Rice 7535A Overbook Drive Fayetteville, NC 28303 826-9025	4/07	2 nd	Dec/09 12/31/09	No
Dawn O'Donnell 2072 Birchcreeft Drive Fayetteville, NC 28304 425-3619/864-2470(W)	8/04	1 st	Aug/07 8/31/07	Yes
<u>Local Environmental Representative</u>				
Hughie White NC Dept. of Environment, Health & Natural Resources 225 Green Street, Suite 714 Fayetteville, NC 28301-5043 486-1541	9/06	2 nd	Sept/09 9/30/09	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Utilities Representative</u>				
John Ezzelle Public Works Commission 955 Old Wilmington Road Fayetteville, NC 28301 223-4116	9/06	1 st	Sept/09 9/30/09	Yes
Danny F. Terry Public Works Business Center Department of the Army, Installation Management Agency HQ Ft Bragg Garrison Command (Airborne) Fort Bragg, NC 28310 396-7432/263-2955(Cell)	8/04	1 st	Aug/07 8/31/07	Yes

Ex-Officio Members

Elected Official Representative (Liaison)

Ed Melvin, County Commissioner

Emergency Management

Doc Nunnery, Cumberland County Emergency Services

Fayetteville Fire/Emergency Management

Bennie Nichols, Chief, Fayetteville Fire Department

Dale Iman, City Manager

James Martin, County Manager

Meets quarterly, 4th Thursday in January, April, July & October at 10:00 am – PWC Bldg.

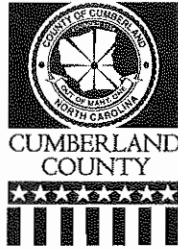
APPLICANTS FOR
EMERGENCY PLANNING COMMITTEE

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ANDERSON, LARRY D. (AA/M) 7669 WILKINS DRIVE FAYETTEVILLE, NC 28311 488-6099/396-8991 (W)	PASTOR & CHEMICAL BIOLOGICAL, NUCLEAR, & RADIOLOGICAL DEFENSE INSTRUCTOR	BS – PSYCHOLOGY MPA- ENVIRONMENTAL MANAGEMENT
FRANKLIN, BETTY (W/F) 6499 PERICAT DRIVE FAYETTEVILLE, NC 28306 425-0008/323-3418(W)	OFFICE ADMINISTRATOR	HS, SALES & NEGOTIATING COURSES
JOHNSON, JASON N. (B/M) 8436 UMSTEAD ROAD FAYETTEVILLE, NC 28304 864-3999	UNEMPLOYED	BA – POLITICAL SCIENCE (RECENT COLLEGE GRAD)
LEONARD, JOHN (JAY) (W/M) 3999 SANDEROSA ROAD FAYETTEVILLE, NC 28312 483-7873/237-3519 (W)	CAPT-FAY FIRE DEPARTMENT SELF EMPLOYED –JTL SERVICES	HS GRADUATE; STATE OF NC HAZARDOUS MATERIALS SPECIALIST
MCFADYEN, WILLIAM DAVID (W/M) 7122 HUNTERS POINT DRIVE FAYETTEVILLE, NC 28311 822-2362	RETIRED PART-TIME COURIER	ASSOCIATE DEGREE: BUSINESS ADMIN.

KENNETH S. EDGE
Chairman

J. BREEDEN BLACKWELL
Vice Chairman

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



BOARD OF COMMISSIONERS

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ITEM NO.

6D

MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

August 9, 2007

August 20, 2007 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk
SUBJECT: Senior Citizens Advisory Board Vacancies (2)

The Senior Citizens Advisory Board will have the following vacancies on September 30, 2007.

E. C. Modlin has completed his first term and is eligible for reappointment

Deneen Morton-Tarpley has completed her first term and is eligible for reappointment.

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

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

pc: James McMillan, Special Projects Coordinator
City of Fayetteville

Celebrating Our Past...Embracing Our Future

SENIOR CITIZENS ADVISORY COMMISSION
(Joint Fayetteville/Cumberland County)
2 Year Term
(County Appointees)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Eleanora Ashby (B/F) 6529 Senator Drive Fayetteville, NC 28304 860-1017	2/07	1 st	Feb/09 2/28/09	Yes
Eleanor Ayers P.O. Box 220 Stedman, NC 28391 323-1892	11/06	1 st	Nov/08 11/30/08	Yes
Rhonda Batten(W/F) 1811 McGougan Road Fayetteville, NC 28303 483-4388/678-2920(W)/583-0392(Cell)	10/06	2nd	Sept/08 9/30/08	No
Tom Cain 2786 Baywood Road Fayetteville, NC 28312 630-3970(H)	10/06	1st	Sept/08 9/30/08	Yes
George Hatcher, Sr.(C/M) 3534 A.B. Carter Road Fayetteville, NC 28312 483-5896/818-8263(Cell)	11/06	1 st	Nov/08 11/30/08	Yes
E. C. (Chip) Modlin (W/M) 2811 Millbrook Road Fayetteville, NC 28303 485-5262(H)	10/06	1st	Sept/07 9/30/07	Yes
Deneen Morton-Tarpley Advantage Hospice & Home Care 1710 Owen Drive Fayetteville, NC 28304 689-0373(W)/624-0499 (Cell)	10/06	1st	Sept/07 9/30/07	Yes
Joe Potts (W/M) 1200 Goodview Avenue Fayetteville, NC 28305 484-6506/818-3783 (Cell)	10/06	2nd	Sept/08 9/30/08	No

Senior Citizens Advisory Commission, page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Carolyn Tracy (W/F) 718 Southview Circle Fayetteville, NC 28311 323-4191, x26 (W)	10/06	1st	Sept/08 9/30/08	Yes
Kristine Wagner (W/F) 130 Gillespie Street Fayetteville, NC 28301 436-0340/678-7624(W)	11/06	1 st	Nov/08 11/30/08	Yes

Contact: James McMillan, Special Programs Supervisor, City of Fayetteville.
Phone: 433-1560 - Fax: 433-1560 – Email: jmcmillan@ci.fay.nc.us
Mary Brymer – Senior Citizens Center Director – Phone: 433-1574
Commissioner Liaison: John Henley, Jr.

Regular Meetings: 2nd Tuesday of each month at 2:30 PM
LaFayette Room – City Hall

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

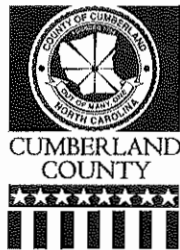
APPLICANTS FOR
SENIOR CITIZENS ADVISORY BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
CAMPBELL, REBECCA (W/F) 7027 DARNELL STREET FAYETTEVILLE, NC 28314 487-1555/432-6393 (W)	DIRECTOR, FT BRAGG DEPT OF EDUC AND LIBRARIES	Ed.D – SPECIAL EDUC.
COLLIER, GARY (W/M) 6335 HACKBERRY HOPE MILLS, NC 28348 423-4853/323-0760, EXT. 7138(W)	HOME HEALTH SERVICE PROVIDER	BACHELOR OF RELIGIOUS EDUCATION
LANGLEY, MARGO (B/F) 974-3 STEWARTS CREEK DRIVE FAYETTEVILLE, NC 28314 864-1169/919-662-2800/919-856-5920(W)	DETENTION OFFICER	AA DEGREE + COURSES
MACK, DAVID J. (B/M) 5479 LYNBROOK COURT FAYETTEVILLE, NC 28314 867-1214	RETIRED SCHOOL ADMINISTRATOR	MS – SCHOOL ADMIN.
SERVES ON THE EQUALIZATION & REVIEW BOARD		
McNEILL, TERESA RENA (B/F) 3518 PICKEREL STREET FAYETTEVILLE, NC 28306 480-0313/483-3648 x1109 (W)	RE-EXAM TECH HOUSING AUTHORITY	HS; SOME TECH COLLEGE
SERVES ON THE ADULT CARE HOME COMMUNITY ADV. BOARD		
NIJHAWAN, INDER PAL (IA/) 3545 TURNBERRY CIRCLE FAYETTEVILLE, NC 28303 864-0351/672-1618(W)	PROFESSOR FSU	PhD
WHITMEYER, LOIS G. (W/F) 3002 HAMMERFEST CIRCLE FAYETTEVILLE, NC 28306 423-2350	RETIRED	SOME COLLEGE

KENNETH S. EDGE
Chairman

J. BREEDEN BLACKWELL
Vice Chairman

JEANNETTE M. COUNCIL
JOHN T. HENLEY, JR.
BILLY R. KING
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BOARD OF COMMISSIONERS

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August 8, 2007

August 20, 2007 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Air Quality Stakeholders' Committee

BACKGROUND: On August 6, 2007, the Board of Commissioners nominated the following to fill one vacancy on the Air Quality Stakeholders' Committee:

Town of Spring Lake Stakeholder: **Mayor Pro-Tem James O'Garra** (new appointment)

I have attached the current membership list for this committee.

PROPOSED ACTION: Appoint the above vacancy.

Attachment

pc: Tom Lloyd, Planning & Inspections Director

AIR QUALITY STAKEHOLDERS COMMITTEE

<u>NAME</u>	<u>STAKEHOLDER</u>	<u>DATE APPT'D</u>	<u>TERM</u>	<u>EXPIRES</u>	<u>ELIGIBLE FOR REAPPOINT.</u>
Commissioner Eleanor Ayers PO Box 220 Stedman, NC 28391 323-1892	Town of Stedman	4/06	2 nd	4/09 4/30/09	No
Councilman Keith Bates 5404 Chesapeake Road Fayetteville, NC 28311 494-2256 Kbates05@nc.rr.com	City of Fayetteville	1/07	1 st	12/09 12/31/09	Yes
Alderwoman Jami Sheppard 107 S. 5 th Street Spring Lake, NC 28390 391-4870 jamisheppard@aol.com	Town of Spring Lake	2/07	1 st	2/10 2/28/10	Yes
Commissioner Jerry Legge Town of Hope Mills PO Box 367 Hope Mills, NC 28348 424-8821/424-4555/527-7497 pcregister@town.hope-mills.nc.us	Town of Hope Mills	2/07	1 st	2/10 2/28/10	Yes
Colonel Gregory Bean Director of Public Works Bldg 3-1631, Butner Road Fort Bragg, NC 28310-5000 396-4009 beangg@bragg.army.mil	Fort Bragg	4/06	2 nd	4/09 4/30/09	No
Steven Blanchard, CEO Public Works Commission 8768 Coats Road Linden, NC 28356 223-4002 steve.blanchard@faypwc.com	PWC	4/06	2 nd	4/09 4/30/09	No
George Breece PO Box 2801 Fayetteville, NC 28302 484-5430(H); 484-5431(Fax) george@breece.com	Citizen	4/06	2 nd	4/09 4/30/09	No
Mayor Edwin S. Deaver 5770 Rockfish Road Hope Mills, NC 28348 424-4554; 424-2384(H) pcregister@town.hope-mills.nc.us	Citizen	4/06	2 nd	4/09 4/30/09	No
Scott Peters Goodyear Tire & Rubber Company 6655 Ramsey Street Fayetteville, NC 28311	Major Industry	4/06	1 st	4/09 4/30/09	Yes

AIR QUALITY STAKEHOLDERS COMMITTEE – Page 2

<u>DATE NAME</u>	<u>ELIGIBLE FOR STAKEHOLDER</u>	<u>APPT'D</u>	<u>TERM</u>	<u>EXPIRES</u>	<u>REAPPOINT.</u>
Joseph Follet, MD Lafayette Clinic 1756 Metromedical Drive Fayetteville, NC 28304	Medical Rep.	4/06	2 nd	4/09 4/30/09	No
Michael Green P.O. Drawer 510 Fayetteville, NC 28302 483-1371 mgreen6592@aol.com	Cohen & Green	4/06	2 nd	4/09 4/30/09	No
Henry Holt 1709 Clinton Road Fayetteville, NC 28301 483-5137 hwhwork@netquick.net	Petroleum Distributor	4/06	2 nd	4/09 4/30/09	No
Karl Legatski 122 Magnolia Avenue Fayetteville, NC 28305 484-8684(H) 867-8675 karl@celtechinc.net	Citizen	4/06	2 nd	4/09 4/30/09	No
William A. Martin Cumberland Co. Business Council P.O. Box 9 Fayetteville, NC 28302 484-4242	CCBC	4/06	2 nd	4/09 4/30/09	No
Dr. Harold Maxwell 227 Fountainhead Lane Fayetteville, NC 28301 433-3600 hamaco@nc.rr.com	Board of Health	4/06	2 nd	4/09 4/30/09	No
Donovan McLaurin PO Box 97 Wade, NC 28395 484-0116; 428-6066(fax) mclaurin@outdrs.net	Homebuilders Association	4/06	2 nd	4/09 4/30/09	No
Joe Levister, Jr. FTCC PO Box 35236 Fayetteville, NC 28303 678-8321	FTCC	4/06	1 st	4/09 4/30/09	Yes
Denise Sykes Planning/Inspections Department 130 Gillespie Street Fayetteville, NC 28301 678-7629 dsykes@co.cumberland.nc.us	Towns of Wade Falcon, Godwin	4/06	2 nd	4/09 4/30/09	No

AIR QUALITY STAKEHOLDERS COMMITTEE – Page 3

<u>DATE NAME</u>	<u>ELIGIBLE FOR STAKEHOLDER</u>	<u>APPT'D</u>	<u>TERM</u>	<u>EXPIRES</u>	<u>REAPPOINT.</u>
Stephen C. Waters, Sr. 4377 Ferncreek Drive Fayetteville, NC 28314 485-2135 scwaters@ashland.com	APAC aka Crowell Construction	4/06	2 nd	4/09 4/30/09	No
Jeannette Council Board of Commissioners PO Box 1829 Fayetteville, NC 28302 488-0691	County of Cumberland	12/06	2 nd	4/09 4/30/09	No

Original appointments made March 17, 2003.

Committee will be active for about 3 years.

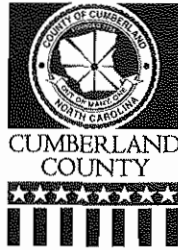
Contact/Staff: Rick Heicksen and Maurizia Chapman – Planning Department – x7615 (fax 678-7638)

Meetings: Quarterly (Jan, Apr, July, Oct) 2nd Thursday at 6 pm.

KENNETH S. EDGE
Chairman

J. BREEDEN BLACKWELL
Vice Chairman

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



BOARD OF COMMISSIONERS

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ITEM NO. 7B

MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

August 8, 2007

August 20, 2007 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *mc*
SUBJECT: Cumberland County Juvenile Crime Prevention Council

BACKGROUND: On August 6, 2007, the Board of Commissioners nominated the following to fill one vacancy on the Juvenile Crime Prevention Council:

At Large Representative: **Henry Berry** (new appointment)

I have attached the current membership list for this council.

PROPOSED ACTION: Appoint the above vacancy.

Attachment

pc: Sarah Hemingway, CCJCPC Coordinator

Celebrating Our Past... Embracing Our Future

CUMBERLAND COUNTY
JUVENILE CRIME PREVENTION COUNCIL
(Two year terms)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Local School Superintendent or designee</u>				
Carol Hudson Cumberland County Schools P.O. Box 2357 Fayetteville, North Carolina 28302 Phone: 678-2495	1/99			
<u>Chief of Police or designee</u>				
Lt. Sherry Sparks Fayetteville Police Department 467 Hay Street Phone: 433-1910	11/05			
<u>Local Sheriff or designee</u>				
Lt. Lynette Hodges Cumberland County Sheriff's Office 131 Dick Street Fayetteville, North Carolina 28301 Phone: 677-5474	1/07			
<u>District Attorney or designee</u>				
Cheri Siler-Mack Assistant District Attorney District Attorney's Office 117 Dick Street, Suite 427 Fayetteville, North Carolina 28301 Phone: 678-2915	1/99			
<u>Chief Court Counselor or designee</u>				
Joan Blanchard Department of Juvenile Justice P.O. Box 363 Fayetteville, North Carolina 28302 Phone: 678-2947	11/03			
<u>Director of Mental Health or designee</u>				
Debbie Jenkins Cumberland County Mental Health Center P.O. Box 3069 Fayetteville, North Carolina 28302 Phone: 323-0510	10/03			

Cumberland County Juvenile Crime Prevention Council Page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Director of Social Services or designee</u>				
Ms. Lee Roberts	1/99			
Child Protection and Placement Treatment Program Manager Cumberland County Department of Social Services P.O. Box 2429 Fayetteville, North Carolina 28302-2429 Phone: 677-2422				
<u>County Manager or designee</u>				
Juanita Pilgrim, Deputy Co. Mgr.	1/99			
Cumberland County Courthouse P.O. Box 1829 Fayetteville, North Carolina 28302-1829 Phone: 678-7726				
<u>Chief District Judge or designee</u>				
Judge Ed Pone	1/99			
P.O. Box 363 Fayetteville, North Carolina 28302 Phone: 678-2901				
<u>Health Director or designee</u>				
Archie Malloy	3/06			
Jail Health Administrator 205 Gillespie Street Fayetteville, North Carolina 28301 Phone: 672-5723				
<u>Parks and Recreation Representative</u>				
Melvin Lindsay	2/05			
City of Fayetteville Parks and Recreation Dept. 433 Hay Street Fayetteville, North Carolina 28301 Phone: 433-1547				
<u>County Commissioner</u>				
Billy R. King	1/99			
P.O. Box 1829 Fayetteville, NC 28302-1829 Phone: 678-7771				

Cumberland County Juvenile Crime Prevention Council, Page 3

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Substance Abuse Professional</u>				
Gregory Pitts CC Mental Health - TASC PO Box 3069 (filling unexpired term – eligible for 2 full terms) Fayetteville, NC 28302 323-6136(W)	6/07	1st	Aug/07 8/31/07	Yes
<u>Member of Faith Community</u>				
Rev. Brian Thompson 3942 Gaithersburg Lane Hope Mills, NC 28348 (5/07 – term extended to 8/31/07 and renewed to 8/09) 436-2462/867-2708(W)	5/07	1st	Aug/09 8/31/09	No
<u>Person Under Age 21</u> vacant (vacated by Shakeema Burns)				
<u>Juvenile Defense Attorney</u>				
Beth A. Hall 4508 Weaverhall Drive Fayetteville, NC 28314 257-0847(Cell)	9/06	1st full	Aug/08 8/31/08	Yes
<u>Member of Business Community</u>				
Gene Hallock 173 Aloha Drive Fayetteville, NC 28311 822-5409	8/05	1st	Aug/07 8/31/07	Yes
<u>United Way or Non-Profit</u>				
Margarita Dostall CC Schools P.O. Box 2357 Fayetteville, NC 28302 678-2300	2/06	2nd	Jan/08 1/31/08	No
<u>At Large Representatives</u> vacant (vacated by Henry Berry)				

Cumberland County Juvenile Crime Prevention Council, Page 4

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
John Clark Juvenile Assessment Center 121 Lamon Street Fayetteville, North Carolina 28301 Phone: 323-5070/433-1116	9/06	1st full	Aug/08 8/31/08	Yes
Dr. Polly Davis FTCC P.O. Box 35236 Fayetteville, North Carolina 28303 Phone: 678-8322	6/05	1st	Aug/07 8/31/07	Yes
Ron Snyder 7008 Hounds Ear Court Fayetteville, North Carolina 28311 Phone: 488-1388	6/05	2nd	Aug/07 8/31/07	No
Sue Thomas 3741 Harrisburg Drive Fayetteville, North Carolina 28306 Phone: 425-8868	6/05	1st	Aug/07 8/31/07	Yes
Patrick Hurley, Director Workforce Development Center P.O. Box 1829 Fayetteville, North Carolina 28302 Phone: 484-3044/323-3421(W)	8/05	2nd	Aug/07 8/31/07	No
Krista Hancock 4H Agent – Cooperative Extension 301 E. Mountain Drive Fayetteville, North Carolina 28306 Phone: 321-6867	4/06	2nd	Apr/08 4/30/08	No

Non-Voting Member

Cindy Holmes
DJJDP Regional Consultant
108 N. Orange Street
Dunn, North Carolina 28334
Phone: 919-733-3388(W)

Meetings: Second Wednesday of each month at 8:00 AM. CC CommuniCare Conference Room – 711B Executive Place

Contact: Sarah Hemingway – Phone: 829-9017 - Fax: 485-4752

KENNETH S. EDGE
Chairman

J. BREEDEN BLACKWELL
Vice Chairman

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



BOARD OF COMMISSIONERS

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ITEM NO. 7C

MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

August 8, 2007

August 20, 2007 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *mc*
SUBJECT: Cumberland County Emergency Planning Committee

BACKGROUND: On August 6, 2007 the Board of Commissioners nominated the following to fill one vacancy on the Cumberland County Emergency Planning Committee:

Law Enforcement Representative: **Sgt. Robert Kidd** (new appointment)

I have attached the current membership list for this committee.

PROPOSED ACTION: Appoint the above vacancy.

Attachment

pc: Doc Nunnery, Emergency Services Director

Celebrating Our Past... Embracing Our Future

04/07

CUMBERLAND COUNTY
EMERGENCY PLANNING COMMITTEE
3 Year Term
(Staggered Terms Initially)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Print and Broadcast Media Representative</u>				
Doug Hewett, Director City of Fayetteville Management Services 433 Hay Street Fayetteville, NC 28301 Phone: 433-1978	4/07	1 st	Aug/07 8/31/07	Yes
(filling unexpired term)				
Sarah VanderClute CC Public Information Officer P.O. Box 1829 Fayetteville, NC 28302 Phone: 437-1921	8/04	1 st	Aug/07 8/31/07	Yes
<u>Operators of Facilities Representative</u>				
(vacant) Safety Manager Hexion Specialty Chemicals 1411 Industrial Drive Fayetteville, NC 28301 485-9270	10/05	2 nd	Nov/08 11/30/08	No
(vacant) Univar, Inc. 420 Worth Street Fayetteville, NC 28304 483-2107/988-2801	9/03	1 st	Sept/06 9/30/06	Yes
Joel Blake Dupont 22828 NC Hwy 87W Fayetteville, NC 28306 424-4083/678-1285(W)	4/07	2 nd	Dec/09 12/31/09	No
(vacant) Purolator Corp. 3200 Natal Road Fayetteville, NC 28306 423-5691/426-4283(W)	4/07	2 nd	Dec/09 12/31/09	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Law Enforcement Representative</u>				
Sgt. Vincent Terry NC Highway Patrol 2435 Gillespie Street Fayetteville, NC 28306-3053 486-1334	9/06	1 st	Sept/09 9/30/09	Yes
Capt. Larue Windham Cumberland Co. Sheriff's Office 131 Dick Street Fayetteville, NC 28301-5750 677-5412	8/04	1 st	Aug/07 8/31/07	Yes
Charles Hunter Fayetteville Police Department 467 Hay Street Fayetteville, NC 28301 433-1792	9/06	1 st	Sept/09 9/30/09	Yes
<u>Emergency Management Representative</u>				
Kenny Currie Cumberland County Emergency Services 131 Dick Street Fayetteville, NC 28301 321-6736	4/07 (filling unexpired term)	1 st	Sept/07 9/30/07	Yes
<u>Community Group Representative</u>				
Jeffrey Womble Fayetteville State University Office of Public Relations 1200 Murchison Road Fayetteville, NC 28301 Phone:	8/04	1 st	Aug/07 8/31/07	Yes
<u>Transportation Representative</u>				
David Boyette 466 Baywood Road Fayetteville, NC 28301 485-2439/433-4468(W)	4/07	2 nd	Dec/09 12/31/09	No
<u>Health Representative</u>				
Jane Stevens Cumberland County Health Dept. 227 Fountainhead Lane Fayetteville, NC 28301-5417 433-3673(W)/987-2892(Cell)	2/06	1 st	Jan/09 1/31/09	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Hospital Representative</u>				
Steve Schultz Cape Fear Valley Health System P.O. Box 2000 1638 Owen Drive Fayetteville, NC 28302-2000 Phone: 609-6170	9/06	2 nd	Sept/09 9/30/09	No
<u>Fire Fighting Representative</u>				
Capt. Benjamin Major Fire/Emergency Management City of Fayetteville 433 Hay Street Fayetteville, NC 28301 433-1730	10/05	2 nd	Nov/08 11/30/08	No
<u>First Aid Representative</u>				
Scott Blecke Cumberland County EMS 610 Gillespie Street Fayetteville, NC 28306-1544 485-4191	8/04	1 st	Aug/07 8/31/07	Yes
<u>At-Large Representative</u>				
Ruth Rice 7535A Overbook Drive Fayetteville, NC 28303 826-9025	4/07	2 nd	Dec/09 12/31/09	No
Dawn O'Donnell 2072 Birchcreeft Drive Fayetteville, NC 28304 425-3619/864-2470(W)	8/04	1 st	Aug/07 8/31/07	Yes
<u>Local Environmental Representative</u>				
Hughie White NC Dept. of Environment, Health & Natural Resources 225 Green Street, Suite 714 Fayetteville, NC 28301-5043 486-1541	9/06	2 nd	Sept/09 9/30/09	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Utilities Representative</u>				
John Ezzelle Public Works Commission 955 Old Wilmington Road Fayetteville, NC 28301 223-4116	9/06	1 st	Sept/09 9/30/09	Yes
Danny F. Terry Public Works Business Center Department of the Army, Installation Management Agency HQ Ft Bragg Garrison Command (Airborne) Fort Bragg, NC 28310 396-7432/263-2955(Cell)	8/04	1 st	Aug/07 8/31/07	Yes
<u>Ex-Officio Members</u>				
<u>Elected Official Representative (Liaison)</u>				
Ed Melvin, County Commissioner				
<u>Emergency Management</u>				
Doc Nunnery, Cumberland County Emergency Services				
<u>Fayetteville Fire/Emergency Management</u>				
Bennie Nichols, Chief, Fayetteville Fire Department				
Dale Iman, City Manager				
James Martin, County Manager				

Meets quarterly, 4th Thursday in January, April, July & October at 10:00 am – PWC Bldg.

ITEM NO. 7D

KENNETH S. EDGE
Chairman

J. BREEDEN BLACKWELL
Vice Chairman

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



MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

BOARD OF COMMISSIONERS

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August 8, 2007

August 20, 2007 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *mc*
SUBJECT: Nursing Home Advisory Board

BACKGROUND: On August 6, 2007, the Board of Commissioners nominated the following to fill four (4) vacancies on the Nursing Home Advisory Board:

Tiffany Adams (new appointment)
Clyde Hammond (new appointment)
Tom Lloyd (new appointment)
Teresa McNeill (new appointment)

Jacqueline Wolfe as an alternate in case one of the above individuals are unable to serve.

I have attached the current membership list for this board.

PROPOSED ACTION: Appoint the above four (4) vacancies.

Attachment

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

Celebrating Our Past... Embracing Our Future

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

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Mandella Edwards (/F) 4151 Village Drive Fayetteville, NC 28304 429-0790(H)	4/07	1 st	April/10 4/30/10	Yes
Rev. Dr. Joe Fleming (B/M) 7235 Ryan Street Fayetteville, NC 28314 864-9084/257-7323(W)	6/06	1st	June/09 6/30/09	Yes
Martha McKoy P.O. Box 42152 Fayetteville, NC 28309 423-0771	9/05	1st	Sept/08 9/30/08	Yes
Edgar F. Merritt (B/M) 1506 Boros Drive Fayetteville, NC 28303 822-2976/286-2552 (W)	12/06	Initial	Dec/07 12/31/07	Yes
William R. Nichols(W/M) 1240 Magnolia Church Road Stedman, NC 28391 483-3934/433-1924(W)	2/07	1 st	Feb/10 2/28/10	Yes
Hervenna Pannell (B/F) 1821 Eichelberger Drive Fayetteville, NC 28303 822-8516/907-9355(W)	2/06	1st	Feb/09 2/28/09	Yes
Robert Pringle (B/M) 1835 Cascade Street Fayetteville, NC 28301 483-7547	10/04	2nd	Oct/07 10/31/07	No
Dr. Kathleen Radcliff(W/F) P.O. Box 53004 Fayetteville, NC 28305 484-4895/868-8153(W)	1/06	1st	Jan/09 1/31/09	Yes
Barbara Randolph (W/F) P.O. Box 36113 Fayetteville, NC 28303 484-3602 (H)	4/06	1st	April/09 4/30/09	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Stephanie Hodges (W/F) 3424 Harrisburg Road Fayetteville, NC 28306 429-9300/292-5651 (C)	6/07	Initial	June/08 6/30/08	Yes
**serves on Adult Care Home Community Advisory Committee				
Lora L. Watson 1516 Chedington Road Hope Mills, NC 28348 485-3558/824-0993	4/07	2 nd	April/10 4/30/10	No

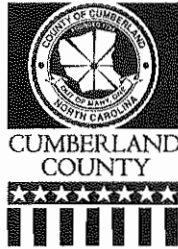
CONTACT: Andrea Wright-Valdez, Mid-Carolina Area Agency on Aging
P. O. Box 1510, Fayetteville, NC 28302, (Phone: 323-4191, ext. 25)

Quarterly, (March, June, September & December) at 10:00 AM on the first Wednesday - at various nursing homes in the county.

KENNETH S. EDGE
Chairman

J. BREEDEN BLACKWELL
Vice Chairman

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



ITEM NO. 7E

MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

BOARD OF COMMISSIONERS

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August 8, 2007

August 20, 2007 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *mc*
SUBJECT: Tourism Development Authority

BACKGROUND: On August 6, 2007 the Board of Commissioners nominated the following to fill one vacancy on the Tourism Development Authority:

Hotel/Motel Under 100 rooms Representative: **Jimmy Keefe** (new appointment)

I have attached the current membership list for this Board

PROPOSED ACTION: Appoint the above vacancy.

Attachment

Celebrating Our Past... Embracing Our Future

TOURISM DEVELOPMENT AUTHORITY
3 Year Terms

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Commissioner Appointees:</u>				
<u>Hotel/Motels under 100 rooms Representatives:</u>				
Daniel E. Roberts 3555 Braddy Road Fayetteville, NC 28306 426-1416/826-9200 (W)	4/07	1 st	April/10 4/30/10	Yes
Vacant (as of 3/31/07 – vacated by Katherine Jensen)				
<u>Hotel/Motel over 100 rooms Representatives:</u>				
Vivek Tandon (A/M) 2857 Skye Drive Fayetteville, NC 28303 323-9070/436-1900(W)	4/07	1 st	March/10 3/31/10	No
William S. Wellons, Jr. (W/M) P.O. Box 766 Spring Lake, NC 28390 868-5425/436-3131(W)	3/05	2 nd	March/08 3/31/08	No
<u>Member of the Public Not Affiliated with Travel/Tourism</u>				
Gwen Holloman (B/F) 721 Edgehill Road Fayetteville, NC 28314 868-1691/488-2120(W)	3/05	2 nd	March/08 3/31/08	No

Others:

President of the Fayetteville Area Chamber of Commerce (ex officio)

Bill Martin
Cumberland County Business Council
P.O. Box 9
Fayetteville, NC 28302

Cumberland County Manager (ex officio)

James Martin
P.O. Box 1829
Fayetteville, NC 28302

Authority was created by the Board of Commissioners on January 28, 2002.

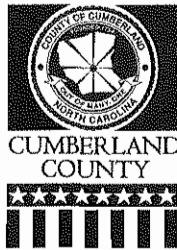
Board was appointed on March 11, 2002.

Meetings: Quarterly – 4th Wednesday – 8:00 AM – Room 564

KENNETH S. EDGE
Chairman

J. BREEDEN BLACKWELL
Vice Chairman

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



BOARD OF COMMISSIONERS

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ITEM NO. 7F

MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

August 8, 2007

August 20, 2007 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *mc*
SUBJECT: Workforce Development Board

BACKGROUND: On August 6, 2007, the Board of Commissioners nominated the following to fill one vacancy on the Workforce Development Board:

Education: **Dr. Joe Mullis** (new appointment)

I have attached the current membership list for this board.

PROPOSED ACTION: Appoint the above vacancy.

Attachments

pc: Patrick Hurley, Workforce Development Center

Celebrating Our Past...Embracing Our Future

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

3 Year Terms

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Private Sector:</u>				
Kathy Olsen (W/F) Olsen Realty 854 S. Reilly Road Fayetteville, NC 28314 964-1459	9/05	1 st	Sept/08 9/30/08	Yes
Bob Dickerson (W/M) Tire Battery Corporation 107 Tom Starling Road, Suite 101 Fayetteville, NC 28306	9/05	2 nd	Sept/08 09/30/08	No
Loleta L. Wilkerson (/F) Pentagon Federal Credit Union 1800 Skibo Road, Suite 320 Fayetteville, NC 28303 487-3404/868-5594(W)	10/05	1 st	Oct/08 10/31/08	Yes
Annie Hasan (B/F) Children's World Creative School 408 Spring Avenue Spring Lake, NC 28390 497-8770	9/05	2 nd	Sept/08 09/30/08	No
Michael E. Axelrod (W/M) 5144 Goshawk Drive Hope Mills, NC 28348	2/07	1 st	Feb/10 2/28/10	Yes
Michael Karaman (W/M) 4424 Bragg Blvd. # 101 Fayetteville, NC 28303 860-1000	2/07	1 st	Feb/10 2/28/10	Yes
JoLeita Evans (W/F) 2974 Evans Dairy Road Fayetteville, NC 28312 483-9065/484-5972(W)	11/05	1 st	Nov/08 11/30/08	Yes

Cumberland County Workforce Development Board, page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Tim Owen (W/M) Owen Garden Center 5995 Clifdale Road Fayetteville, NC 28304 864-2905	8/04	2 nd	Aug/07 8/31/07	No
Wendall Troy (B/M) School Link, Inc. P.O. Drawer 36067 Fayetteville, NC 28303 223-2116, Ext. 101	2/06	2 nd	Feb/09 2/28/09	No
Charles A. Richter (/M) NCNG 235 N. McPherson Church Rd. – Ste. 203 Fayetteville, NC 28303 401-6063	10/05	1 st	Oct/08 10/31/08	Yes
Mike Baldwin (W/M) 1337 Sawyer Court Hope Mills, NC 28348 323-9493/426-5000(W)	6/06	1 st	June/09 6/30/09	Yes
Jean Harrison (/F) Cape Fear Valley Medical Center P.O. Box 2000 Fayetteville, NC 28302-2000	6/06	1 st	June/09 6/30/09	Yes
<u>Public Sector:</u>				
Social Services Representative: Vivian Tookes(B/F) Dept. of Social Services P. O. Box 2429 Fayetteville, NC 28302 323-1540	9/05	2 nd	Sept/08 9/30/08	No
<u>Rehabilitation:</u>				
Ellen Morales (/F) North Carolina Department of Human Resources Division of Vocational Rehabilitation Services 1200 Fairmont Court Fayetteville, NC 28304	11/06	(unlimited term - replaced by state agency)		

Cumberland County Workforce Development Board, page 3

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Community Based Organization:</u>				
Patricia Tyson(W/F) Consumer Credit Counseling Service 316 Green Street Fayetteville, NC 28301 323-3192	9/05	2 nd	Sept/08 9/30/08	No
Dr. Robin Jenkins (W/M) Communicare, Inc. P.O. Box 30 Fayetteville, NC 28302 433-1116	2/06	2 nd	Feb/09 2/28/09	No
Suzanne Peper (/F) Employment Source 600 Ames Street Fayetteville, NC 28301 485-4341	1/05	1 st	Jan/08 1/31/08	Yes
<u>Economic Development:</u>				
William A. Martin (W/M) Cumberland Co. Business Council P. O. Box 9 Fayetteville, NC 28302 484-4242, ext. 228	11/06	2 nd	Nov/09 11/30/09	No
<u>Employment Service:</u>				
Glenn McQueen (B/M) Employment Security Comm. 414 Ray Avenue Fayetteville, NC 28301 486-1010	8/02	(unlimited term - replaced by state agency)		
<u>Labor:</u>				
Damita Rucker-Ash(B/F) United Steelworkers of America 5839 Corner Oaks Drive Hope Mills, NC 28348 423-8479	9/05	2 nd	Sept/08 9/30/08	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
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Education:

Vacant

Chancellor T. J. Bryan (B/F) Fayetteville State University 1200 Murchison Road Fayetteville, NC 28301 486-1141	1/05	1 st	Jan/08 1/31/08	Yes
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County Representative:

Juanita Pilgrim Asst. County Manager P. O. Box 1829 Fayetteville, NC 28302 678-7726	7/93	N/A	N/A	N/A
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Contact: Patrick Hurley, Director, CC Workforce Development Center (or Linda Morrison – 323-2498, X2126 – fax # 323-5755)

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

**KELLY HILLS/SLOCOMB ROAD WATER & SEWER DISTRICT
GOVERNING BOARD AGENDA
SPECIAL MEETING
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
AUGUST 20, 2007
6:45 PM**

INVOCATION

1. Items of Business
 - A. Approval of minutes for the May 21, 2007 special meeting.
 - B. Approval of Budget Revision B08-012 for annual maintenance & repair funds.

**ADJOURN THE AUGUST 20, 2007 SPECIAL MEETING OF THE KELLY HILLS/
SLOCOMB ROAD WATER & SEWER DISTRICT GOVERNING BOARD.**

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B08-012
Date Received	7/27/2007
Date Completed	

Fund No. 255 Agency No. 450 Organ. No. 450F

Organization Name: Kelly Hills Water & Sewer

ITEM NO. 1B

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
6689	Maintenance & Repair Water/Sewer	0	1,400	1,400
9901	Fund Balance Appropriated	0	24,000	24,000
Total		0	25,400	25,400

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3435	700	Maintenance/Repair Other	0	25,400	25,400
Total			0	25,400	25,400

Justification:

Budget the annual maintenance & repair funds for the Kelly Hills Water & Sewer project.

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

Submitted By: _____ Date: _____
Reviewed By: [Signature] Department Head Date: 7/27/07
Reviewed By: [Signature] Finance Date: 8/1/07
Reviewed By: _____ Deputy Assistant County Mgr

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

ITEM NO. 8A

CLOSED SESSION

**Real Property Matter(s) Pursuant
to NCGS 143-318.11(a)(5)**

ITEM NO. 86

CLOSED SESSION

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