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**AGENDA**  
**CUMBERLAND COUNTY BOARD OF COMMISSIONERS**  
**COURTHOUSE – ROOM 118**  
**JANUARY 16, 2007 (TUESDAY)**  
**6:45 PM**

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INVOCATION - Commissioner Diane Wheatley

PLEDGE OF ALLEGIANCE – Brooke Reynolds

1. Presentation by Mr. Tim Kinlaw of the Cumberland County Board of Education on School Facility Needs and:
  - A) Consideration of Pre-Development Interim Finance Agreement Between Cumberland County Board of Education and Firstfloor K-12 Cumberland LLC for New Western Elementary School.
  - B) Consideration of Calling a Public Hearing on Issuance of Certificates of Participation (COPS) in the Principal Amount of \$55 Million Dollars.
2. Presentation of Report on Child Homicide Identification and Prevention Task Force.
3. Consent Agenda
  - A. Approval of minutes for the January 2, 2007 regular meeting.
  - B. Approval of Change Order ACC-2 Animal Control Center Project and Change Order STC-2 Sheriff's Training Center Project.
  - C. Approval of Report of the Cumberland County Policy Committee Meeting.
  - D. Approval of Report and Recommendation of the Cumberland County Finance Committee.
  - E. Approval of Report on the Disposal of Surplus Property Pursuant to N.C.G.S. 160A-226(a).
  - F. Approval of Destruction of Governing Body Public Records.
  - G. Approval of Destruction of Planning & Inspection Public Records.

H. Approval of Revisions to Animal Control Ordinance Including Addition of Aggressive Dog Category.

I. Budget Revisions:

(1) Eastover Sewer Project

Revision in the amount of \$130,429 to budget Eastover Approach Main allocation fees received. (B07-205) **Funding Source – Fees**

(2) Health

Revision in the amount of \$18,938 to recognize additional state funds for the immunization clinic. (B07-206) **Funding Source- State**

(3) Industrial Development Inducement Fund

Revision in the amount of \$400,000 to budget funding received from NC Department of Transportation for its share of the Cedar Creek Business Park road construction. (B07-212) **Funding Source – State**

(4) Sheriff

a. Revision in the amount of \$82,376 to eliminate four security positions Cape Fear Valley Medical Center. (B07-210) **Funding Source – Fees**

b. School Law Enforcement: Revision in the amount of \$135,000 to budget grant received for Gang Resistance program. (B07-194) **Funding Source – Federal Grant**

c. Byrne Justice Assistance Grant 2006: Revision in the amount of \$58,252 to recognize grant received in prior year. (B07-213) **Funding Source – Federal Grant**

(5) Planning and Inspections

Revision in the amount of \$8,200 to re-budget contract with NCDENR (\$6,250) and appropriate fund balance for additional expenses (\$1,950) for an air quality awareness program. (B07-214) **Funding Source – State and General Fund Fund Balance**

(6) Civic Center

- a. Revision in the amount of \$5,600 to appropriate fund balance to fund additional repairs needed in the Crown Theatre. (B07-200) **Funding Source – Civic Center Fund Balance**
- b. Revision in the amount of \$26,216 to appropriate fund balance to fund unexpected major repairs on the chiller and cooling tower. (B07-201) **Funding Source – Civic Center Fund Balance**

(7) Library

Revision in the amount of \$10,621 to reallocate budgeted expenditures by eliminating one part time position and reclassifying another part time position to full time due to the difficulty in keeping positions filled. (B07-204) **Funding Source – Reallocate Budgeted Expenditures**

4. Public Hearings

**Uncontested Cases**

**Rezoning**

- A. Case P06-88. The rezoning of two parcels totaling 3.09 acres from R6A to C(P), or to a more restrictive zoning district, at 3944 Camden Road and 3380 King Charles Road, owned by James B. Barnwell, Jr.
- B. Case P06-89. The rezoning of a 25.38 +/- acre portion of a 54.86 acre tract from R10 (R7.5) to R5A, or to a more restrictive zoning district, located on the north side of Hope Mills Bypass, northwest of Camden Road, owned by Katherine McGeachy Ward, Ann Warren and Joseph Neill.

- C. Case P06-90. The rezoning of 2.10 acres from A1 to R40A, or to a more restrictive zoning district, at 1649 A Townsend Road, owned by David G. Sr., and Betty L. Hobbs.
- D. Case P06-91. The rezoning of 6.0 acres from A1 to R40, or to a more restrictive zoning district, at 623 Magnolia Church Road, owned by Bruce J. and Wanda L. Teets.

Other Planning Matters

- E. Consideration of Request by Ms. Kacey Shupe to Reconsider Zoning of .47 Acres at 4721 Camden Road from O&I(P) to C(P).

Items of Business

- 5. Consideration of Appointment of a Commissioner as a Legislative Liaison to the NCACC.

- 6. Nominations to Boards and Committees

- A. Adult Care Home Community Advisory Committee (2 Vacancies)
- B. Civic Center Commission Vacancies (5 Vacancies)
- C. Senior Citizens Advisory Board (1 Vacancy)
- D. Workforce Development Board (2 Vacancies)

- 7. Appointments to Boards and Committees

- A. Board of Adjustment (1 Vacancy)

Nominee: Melree Hubbard Tart

- B. Board of Health (5 Vacancies)

<u>Nominees:</u>	<u>Veterinarian:</u>	Dr. Ennis V. Williams (Reappointment)
	<u>Dentist:</u>	Dr. Walter S. Scott, III
	<u>Registered Nurse:</u>	Kim S. McDonald
	<u>General Public Representative:</u>	Carol E. Schaeffer Barbara S. Marshall





ITEM NO. 1A/1B

## COUNTY of CUMBERLAND

Office of the County Attorney

January 9, 2007

**MEMORANDUM FOR BOARD OF COMMISSIONERS' MEETING OF JANUARY 16, 2007**

**TO: BOARD OF COMMISSIONERS**

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

**SUBJECT: CONSIDERATION OF BOARD OF EDUCATION SCHOOL CAPITAL REQUESTS**

**1) Pre-Development Interim Finance Agreement Between Cumberland County Board of Education and Firstfloor K-12 Cumberland LLC for New Western Elementary School.**

**2) Consideration of Calling a Public Hearing on Issuance of Certificates of Participation (COPS) in the Principal Amount of \$55 Million Dollars.**

**BACKGROUND:** The Board of Education has approved and asks the Board of Commissioners to approve a Pre-Development Interim Finance Agreement to begin preliminary design work and site selection for a new Western Elementary School.

The agreement would be between the Cumberland County Board of Education and Firstfloor K-12 Cumberland LLC and contemplates future consideration by the Board of Education of a capital lease between the parties to finance construction and operation of that school. Any future capital lease would require public notice of intent to enter into it and a finding by the Board of Education that the capital lease is in the best interests of the school system under all the circumstances. The pre-development agreement does not commit the Board of Education to enter into any capital lease.

These agreements are authorized by Chapter 232 of the 2006 Session Laws. The pre-development agreement and any capital lease require Board of Commissioners' approval.

The Board of Education also requests that the Board of Commissioners begin the process of authorizing issuance of \$55 million in certificates of participation ("COPs") for school capital projects. Any issuance would, of course, require approval of the Local Government Commission. The enclosed resolution authorizes filing of an application with the LGC for COPs in the principal amount of approximately \$55 million, plus issuance costs, and calls a public hearing on

the proposed financing for March 19, 2007. The school system would propose to open bids and sell the COPs in mid- to late- summer.

At its meeting of January 4, 2007, the Finance Committee requested that the Board of Education make a public presentation at the Board of Commissioners' January 16, 2007 meeting describing the projects proposed to be financed from the proposed COPs issue and the need for those projects. Chairman Frank Barragan and Associate Superintendent Tim Kimlaw will attend on behalf of the Board of Education; Superintendent Harrison has a prior commitment out of state for an education conference.

**RECOMMENDATION:** Consider whether to approve (a) Pre-Development Interim Finance Agreement between the Cumberland County Board of Education and Firstfloor K-12 Cumberland LLC, and (b) resolution authorizing an application with the LGC for COPs in the principal amount of approximately \$55 million, plus issuance costs, and calling a public hearing on the proposed financing for March 19, 2007.

The Board of Commissioners should also consider whether to authorize appointment of Hunton and Williams (Wally McBride) and The Charleston Group as the County's Co-Bond Counsel, and Citigroup Global Markets Inc. as the underwriter for the proposed financing.

Encl.



ITEM NO. 2

## COUNTY of CUMBERLAND



*Office of the County Manager*

James E. Martin  
County Manager

Cliff Spiller  
Assistant County Manager

Juanita Pilgrim  
Deputy County Manager

Amy H. Cannon  
Assistant County Manager

### MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JANUARY 16, 2007

**TO:** BOARD OF COUNTY COMMISSIONERS

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

**DATE:** JANUARY 10, 2007

**SUBJECT:** PRESENTATION OF REPORT ON CHILD HOMICIDE  
IDENTIFICATION AND PREVENTION TASK FORCE

#### BACKGROUND

The Cumberland County Board of Social Services is legally mandated by North Carolina statute to study the community's social conditions and to take steps to address conditions that may adversely affect the health of its families. The Institute of Government, Chapel Hill, North Carolina, issues guidance to Boards of Social Services describing this duty.

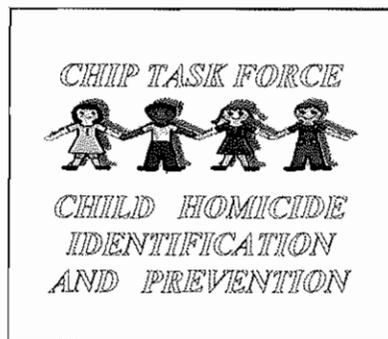
The attached material is the result of this study.

#### RECOMMENDATION/PROPOSED ACTION

Accept the report as presented.

/ct

CM011007-4



## PREFACE

*This report is dedicated to the memory of the fifty-five children who were murdered in Cumberland County in the twenty years from 1985 through 2004.*

*Every one of the fifty-five children who were killed by the parents or caretakers could have been saved; every death was preventable. This report provides the opportunity to mobilize individuals, agencies, churches and other resources across our County.*

*While the safety and wellbeing of children is first the responsibility of parents, family wellbeing is a community responsibility that can only be met by comprehensive and coordinated strategies.*

*The CHIP Task Force appreciates the assistance provided by Kay Sanford, Director of the Epidemiology Unit of the NC Division of Public Health Injury and Violence Prevention Branch, and Brant Goode, a Center for Disease Control and Prevention epidemiologist liaison assigned to the NC Division of Public Health Epidemiology Section. Ms. Sanford and Mr. Goode assisted the CHIP Task Force with data analysis and made recommendations for continued exploration of risk factors associated with child homicides.*

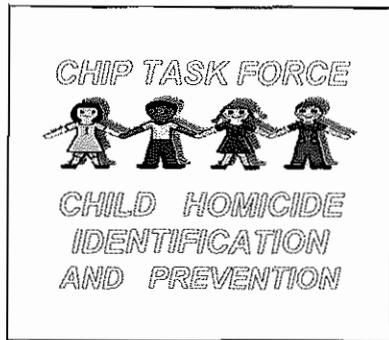
*and*

*Dr. Robin Jenkins, Director of Cumberland County CommuniCare, assisted in the development of the collection instrument, provided guidance, and evaluated our initial report.*

### *The CHIP Task Force*

*Col. Al Aycock  
Dr. J. C. Basnight  
Dr. Sharon Cooper  
Mary Deyampert-McCall  
Denise Giles  
Debbie Jenkins  
Billy King  
Dr. Howard Loughlin  
Wayne Raynor  
Bill Scarlett  
Kara Hodges  
Maxine Anders*

*January 5, 2007*



## **INITIAL REPORT**

North Carolina General Statutes §108A-9 (2) establish the duties and responsibilities of the County Board of Social Services.

**"To advise county and municipal authorities in developing policies and plans to improve the social conditions of the community;..."**

The Cumberland County Board of Social Services is legally mandated by North Carolina statute to study the community's social conditions and to take steps to address conditions that may adversely affect the health of its families. The Institute of Government, Chapel Hill, NC, issues guidance to Boards of Social Services describing this duty.

Cumberland County has large numbers of children reported to and substantiated by the Department of Social Services (DSS) as abused and/or neglected each year. For the fiscal year ending June 30, 2006, 8,450 children were reported to DSS as abused and/or neglected. This represents a duplicate count of reported children (abuse and neglect can be reported by more than one person or for more than one incident in any calendar year). Twenty-four percent (24%) or 2013 of these 8,450 children were substantiated as being abused and/or neglected. Homicide is the most severe manifestation of child abuse or neglect. Cumberland County had the highest rate of children murdered by parents or caretakers in North Carolina from 1985 through 2000. The study by the North Carolina Child Advocacy Institute published in September 2004 determined that Cumberland County had twice the rate of children who died as a result of abuse and/or neglect. Cumberland County had 4.6 child homicides per 100,000 children per year compared to North Carolina's rate of 2.2 children per 100,000. This problem continues.

While the Department of Social Services and the Cumberland County Board of Social Services is strengthening its response to families, it is evident that the problem extends beyond our Department and our resources. Child homicides at the hands of their parents or other caretakers are a community problem that requires a community response. Therefore, it is imperative that a united leadership provide the basis for strengthening existing resources and developing community interventions to prevent child homicides.

### **PURPOSE**

The Board of Social Services, at its meeting January 26, 2005, voted unanimously to create the Child Homicide Identification and Prevention (CHIP) Task Force. The action grew out of the Department of Social Services' and Cumberland County Board of Social Services' long standing concerns regarding the large numbers of children reported and substantiated for abuse and/or neglect and children dying from abuse and neglect. In response, the Cumberland County Board of Social Services established the CHIP Task Force to examine the problem.

The creation and establishment of the CHIP Task Force was formalized on March 8, 2005. Community partners joined together to study child homicides by parents or other caretakers to address the conditions that adversely affect the health and safety of families and children in Cumberland County to eliminate child homicides in our community.

The Department of Social Services' Board Chairman was selected to lead the CHIP Task Force. The Task Force was directed to:

- (a) examine existing relevant data;
- (b) obtain additional data regarding child homicides committed by parents or caretakers in Cumberland County; and
- (c) provide a report to the Board of Social Services, Board of County Commissioners and the Cumberland County community that identifies actions to address the problem.

The work of the CHIP Task Force was concentrated in two major areas of inquiry. The first major area of inquiry involved the examination and assessment of Cumberland County's demographics in order to better understand the context in which our families live and in which child maltreatment occurs, and to determine if and how Cumberland County is different from other counties in North Carolina as a possible explanation of how these differences could be contributing factors to our county's higher than expected rate of child abuse and neglect homicides.

The second major area of inquiry involved the collection of data from multiple sources concerning the fifty-five children who were the victims of homicide by a parent or caretaker from 1985 through 2004 in Cumberland County. The data included information about the victim, the person or persons who committed the homicide, the parents, and family.

## TASK FORCE MEMBERS

The composition of the CHIP Task Force reflects broad diverse representation from our community:

Ft. Bragg	Col. Al Aycock, Garrison Commander
Work First Planning Committee	Dr. J. C. Basnight, Vice-President FTCC
Forensic Pediatrician	Dr. Sharon Cooper, Ft. Bragg Womack Army Medical Center
Social Services Board	Mary Deyampert-McCall, Chair
Family Advisory Board	Denise Gíles
Child Protection Fatality Prevention Team	Debbie Jenkins, Chair
Commissioners	Billy King, Chairman
Child Advocacy Center	Dr. Howard Loughlin (Child Medical Examiner)
Health Department	Wayne Raynor, Director
Department of Social Services	Bill Scarlett, Director
District Attorney	Kara Hodges, Assistant District Attorney
School Social Worker	Maxine Anders, past member of DSS Board and retired School Social Worker

## TASK FORCE OBJECTIVES

The CHIP Task Force objectives included:

- Identifying characteristics of the parent or caretaker
- Identifying characteristics of the child
- Identifying characteristics of the family
- Identifying characteristics of the community
- Identifying families and children at high risk
- Recommending and developing actions
- Targeting services to high risk families

The Task Force met fifteen (15) times beginning with the first meeting on March 8, 2005. Members have served with dedication, commitment, passion and devotion for the betterment of our families and community.

# FIRST MAJOR AREA OF INQUIRY

## EXAMINATION OF DEMOGRAPHIC AND OTHER SOCIO-ECONOMIC DATA

The CHIP Task Force reviewed current socio-economic-demographic information concerning Cumberland County. Data collected and analyzed included demographics (such as socio-economic factors, rates of unemployment, poverty, mobility, stability of living arrangement, education level, age, race, sex); rates of abuse and neglect; rates of child abuse and neglect substantiations; percentage of the population that is military, etc. This information was compared to similar size communities in North Carolina, our State as a whole, and, in a few instances, national data. The data help to explain the context in which child maltreatment occurs. Our goal is to better understand our community, to determine how our community is different from other North Carolina communities and to consider how these differences might contribute to or protect our children from homicide, the severest form of child abuse and neglect.

**1. Cumberland County has a diverse population with over 80 different cultures.**  
(Metro Visions 2005)

The way we raise and discipline our children – or the way we judge the appropriateness of the way others raise and discipline their children - is often deeply rooted in the norms and customs of the cultures in which we were raised. In contrast to the demographic makeup of most counties in North Carolina, Cumberland County's population reflects a rich diversity of races, ethnicities and cultures, thus potentially complicating the development and implementation of universally acceptable prevention strategies that reduce the amount of child abuse and neglect that results in homicide.

**2. Cumberland County has a large military population.**

Adults aged 18 through 64 in Cumberland County:

- 204,495 adults aged 18 through 64 reside in Cumberland County (100%)
  - 132,475 are civilian (65%)
  - 36,572 are current military (18%)
    - Many active military are single adults living in barracks or private living arrangements
    - The other largest counties (Wake, Mecklenburg, Guilford, Forsyth, and Durham) have less than 1% adults who are active military.
  - 35,448 are former military (17%)

Significant differences of opinion exist concerning the relationship between military service and child maltreatment. Some studies indicate a link between military service and child maltreatment. Other studies indicate that military families have added protection through military involvement; examples are health insurance, housing, and stable income. Other studies show mixed findings; for example, one study shows lower rates of child maltreatment by military families except following returns from deployment. The findings of these studies are inconclusive.

**3. Economically, Cumberland County has a large service economy. Service occupations generally provide less income.**

Percentage of Employed Civilians Over 16 with Service Occupations

Cumberland	16.7%
Durham	13.4%
Forsyth	13.9%
Guilford	12.6%
Mecklenburg	12.0%
Wake	11.0%

(2000 Census Bureau)

*\* Comparisons are made to Durham, Forsyth, Guilford, Mecklenburg and Wake counties throughout this document because they are the other five other largest counties in North Carolina.*

**4. Cumberland County is the most populous of the forty-one counties in eastern North Carolina.**

The population of a county is an important factor in assessing the amount of child homicides in any one time period which is why it is important to not only look at the number of deaths, but the death rates that take into consideration the number of deaths compared to the number of deaths that could have occurred. Because Cumberland County has the highest population in eastern North Carolina, it is not unexpected that the number of child homicides is higher than in adjacent counties. However, what is notable is that the homicide rate of children under age 18 is also higher than in any of the counties in eastern North Carolina or for the state, overall.

(Eastern North Carolina Digital Library East Carolina University)  
(2000 US Census Bureau)

**5. Families separated from extended family, friends, and other familiar support are at higher risk for child maltreatment than families that have a social network that can support them in times of stress.**

Parents and caretakers who lack the support of family, friends and community are more likely to mistreat children. Cumberland County has an unusually mobile population. When compared to the five other largest counties in North Carolina (Wake, Mecklenburg, Guilford, Forsyth, Durham), our families are 50% more likely to have lived in another state 5 years earlier; 2 ½ times more likely when compared to all U. S. citizens.

- 23% of our population lived in a different state 5 years earlier
- 28% lived in a different county

(2000 US Census Bureau)

**6. Cumberland County has an unusually high young adult population.**

**Young adults are more likely than older adults to have young families (therefore creating a greater population base in which child maltreatment could occur).**

Young Adults Between the ages of 18 & 29		
	NORTH CAROLINA	CUMBERLAND COUNTY
Total Population	8,049,313	302,963
Young Adults between the age of 18 and 29	1,439,047	68,686

- Young Adults Under the Age of 30
  - While Cumberland County has 3.8% of North Carolina's population
  - Cumberland County had 4.8% of young adults between 18 and 29
  - Cumberland County has 26% more young adults between 18 and 29 than would be expected of a county our size

(U. S. Census)  
(Office of State Planning)

**7. Cumberland County has many families in which single mothers and their children are living in poverty.**

**Poverty is a recognized risk factor for child maltreatment and for homicide.**

- Cumberland County has 37% more single mother families living in poverty than would be expected for a county of our size.

Families in Poverty with Female  
Head of Household  
(with related children under age 18)

	NORTH CAROLINA	CUMBERLAND COUNTY
Total Population	8,049,313	302,963
Families in poverty with female head of house	90,854	4,690

(2000 US Census Bureau)

While Cumberland County has 3.8% of the State's total population, Cumberland County has 5.2% of the North Carolina families in poverty with female heads of households and children under the age of 18.

8. **The income of families with children with a female head of household in Cumberland County is less when compared to the other five largest counties in North Carolina (Wake, Durham, Mecklenburg, Guilford, Forsyth).**

Low income and female (single) head of household has often been identified as a risk factor for many poor public health outcomes. The average income in 2000 for families in Cumberland County was \$17,712. The average income of female head of household families with children under 18 is less than the average reported for each of the state's five other counties with the highest populations, as well as 28.4% less than the average income (\$22,744) in these five counties combined (Wake, Durham, Mecklenburg, Guilford, Forsyth).

**Female Head of Household  
Families with Own Children under 18**

Durham	\$21,655
Forsyth	\$20,456
Guilford	\$20,970
Mecklenburg	\$25,339
Wake	\$25,300
Average	\$22,744

(2000 US Census Bureau)

9. **The average income of all families with children in Cumberland County is less than the income of families in the five other largest counties (Durham, Forsyth, Guilford, Mecklenburg, and Wake).**

The average income in Cumberland County lags behind the average income for North Carolina and for the other five largest counties in the state. The average annual family income was \$54,679 in the five largest counties in North Carolina. The average family income was \$38,114 in Cumberland County, or 43.5% less in Cumberland County than the average of Durham, Forsyth, Guilford, Mecklenburg and Wake counties. Annual income is not only a marker of general public health risk, but helps to explain the inability of some families to obtain such family support services as day care or temporary caretakers for very young children. Average income is also a major factor to be considered when designing affordable intervention programs to reduce child maltreatment.

**Families with Own  
Children under 18**

Durham	\$48,251
Forsyth	\$50,029
Guilford	\$50,219
Mecklenburg	\$58,417
Wake	\$66,479
Average	\$54,679

(2000 US Census Bureau)

**10. Cumberland County families lack access to affordable, safe child care.**

Insufficient funding for subsidized day care is a problem in Cumberland County and in many other North Carolina counties. The North Carolina Division of Child Development estimates 15,827 children in Cumberland County are eligible and in need of child day care services subsidized by State and Federal funds; however, approximately only one-third of these children receive subsidized child day care services.

(NC Child Development Center SFY '06-'07 Subsidized Child Care Allocation Chart)

**11. Cumberland County's average unemployment rate of 5.13 consistently exceeds the average unemployment rate of the other five large counties (Durham, Forsyth, Guilford, Mecklenburg, and Wake) from 1990 through 2004. Cumberland's rate is 25% higher than the average of the other large counties.**

Unemployment (and under employment) is a well-known marker of poverty and therefore a surrogate indicator of high risk for poor public health outcomes, particularly concerning child wellbeing.

	<b>AVERAGE</b>
Durham	3.37
Forsyth	3.95
Guilford	4.21
Mecklenburg	3.83
Wake	2.87
Average	3.85

(U.S. Department of Labor – Bureau of Statistics)

## SECOND MAJOR AREA FOR INQUIRY

### THE COLLECTION AND ANALYSIS OF ALL AVAILABLE RECORDS OF THE CHILD VICTIM AND THEIR FAMILIES

The CHIP Task Force developed a standardized risk assessment tool (Attachment A) to gather specific information regarding each child homicide that occurred from 1985 through 2004. A draft instrument was created and edited by CHIP Task Force members, as well as by members of the Cumberland County Child Protection Fatality Prevention Team. The tool identifies risk and protective factors that the Task Force believes are correlated with positive and negative outcomes for children and families. The Fatality Prevention Team and members of the Task Force agreed to use this tool in reviewing all available records on each child who was murdered by a parent or caretaker, the child's family and the person accused of killing the child (subsequently referred to as the perpetrator). In this report, the use of the terms "(child) maltreatment" and "child abuse and/or neglect" are used interchangeably.

### CHILD AND FAMILY RECORDS EXAMINED

Fifty-five children were the victims of homicides in Cumberland County by parents or caretakers from 1985 through 2004. Many sources of information were reviewed and abstracted to help build a more detailed description of the victims, perpetrators, circumstances and weapons involved in each murder of a child between birth through age 17.

- ✓ Cumberland County Emergency Medical Services
- ✓ Cumberland County Mental Health
- ✓ Cumberland County Head Start
- ✓ Southern Regional Area Health Education Center
- ✓ District Attorney Office
- ✓ Cumberland County Schools
- ✓ Guardian Ad Litem
- ✓ Cumberland County Health Department
- ✓ Cumberland County Sheriff's Department
- ✓ Cumberland County Department of Social Services
- ✓ The Fayetteville Observer
- ✓ Child Medical Examiner Records
- ✓ Death Certificates

All available records were examined by review teams comprised of members of the Child Protection/Fatality Prevention Team and CHIP Task Force. The risk assessment tool was completed on each of the 55 children. Significantly more data was available and abstracted from the records of children whose homicide occurred in more recent years; data were missing for many older cases. The absence of significant amounts of data limited some findings and conclusions. However, the CHIP Task Force believes that the data are sufficient to provide our community with recommendations and to provide the basis for future planning. Each finding in the next section includes information that identifies the number of cases in which the multiple data sources contained no information. This information is provided for the reader to assess the strength of the finding.

## FINDINGS

## THE CHILDREN:

- **Total number of children killed by a parent or caretaker in Cumberland County, NC from 1985 through 2004**

→ 55 children from 55 separate families were killed during this 20 year period

- **Age of the 55 children who died from maltreatment:**

→ The median age at death was 17 months

→ Child homicides decreased as the child's age increased

- 40% of the children were less than six months of age at death;
- 65.5% were less than two years old

→ The median age for females was younger than males who were murdered:

- 13 months for females
- 20 months for males

<u>AGE IN MONTHS</u>	<u>FREQUENCY</u>	<u>%</u>	<u>CUMULATIVE%</u>
0 - 6	22	40.0%	40.0%
7 - 12	2	3.6%	43.6%
13 - 18	5	9.1%	52.7%
19 - 24	7	12.7%	65.5%
25 - 30	2	3.6%	69.1%
31 - 36	3	5.5%	74.5%
36 - 48	4	7.3%	81.8%
49 or more	10	18.2%	100%
<b>TOTAL</b>	<b>55</b>	<b>100%</b>	

→ Children under age one were at the greatest risk of death from a parent or caretaker compared to other children under age 18 who were murdered.

- **Race of the 55 children who died from child abuse or neglect:**

→ The current racial profile of all Cumberland County Children:

- 38% African American
  - 45% White
  - 17% Other
- (May 2006 Action for Children Data Card)

→ Half of the 55 child victims who were killed from 1985 through 2004 were African American

- 50.9% African American
- 43.6% white
- 5.5% unknown

→ While the racial make-up of our total population of children has varied over time, current data suggest a significant over-representation of African American children among the child victims.

→ Data relating to ethnicity (i.e., Hispanic vs. Non-Hispanic alone or by race) were missing in fifty-four of the fifty-five records.

→ Ethnicity is now more routinely reported on death certificates (although its validity has not been evaluated) and may be available in future analyses.

➤ **Gender of the 55 children:**

- Male children were almost twice as likely to be the victims of child homicides compared to female children
  - 65.5% male
  - 34.5% female

➤ **Manner of injury for the 55 child homicide victims:**

- Over three-quarters (77%) of the fatal injuries were the result of blunt force or shaking

<u>TYPE OF INJURY</u>	<u>COUNT</u>	<u>%</u>	
Blunt Force*	30	55	*Blunt force is an injury where the child was struck by/against with a personal weapon (hands, feet, fists) or an object(s) lacking a sharp edge.
Shaking	12	22	
Firearm	3	5	
Neglect	2	4	
Strangulation/Suffocation	2	4	
Unknown	2	4	
Abortion	1	2	
Burn	1	2	
Drown	1	2	
Sharp instrument	1	2	

➤ **Prior Allegations of Abuse and/or Neglect:**

- Of the 55 families whose records were reviewed, there was no information in the records of 20 children who were murdered confirming the existence or the absence of child maltreatment
- Of the 35 families where information was in the records, 13 verified no previous allegations
- Of the 22 families where there were previous allegations, 12 were substantiated for abuse and/or neglect

<u>55 families</u>	20 families No information regarding prior abuse/neglect allegations	
	35 families Information was available regarding prior abuse/neglect allegations	13 families had no previous reports
		22 families had previous reports
		12 families had substantiated allegations

➤ **Siblings:**

- 41 of the 55 children whose records were reviewed contained information about siblings
  - 27 records reported one or more siblings
  - 14 records indicated no siblings
- 14 records had no information about siblings

**FINDINGS**

**THE PARENTS  
AND  
OTHER CARETAKERS:**

*"Caretaker" is defined in North Carolina General Statutes (NCGS 7B-101) (3) as: "Any person other than a parent, guardian, or custodian who has the responsibility for the health and welfare of a juvenile in a residential setting. A person responsible for a juvenile's health and welfare means a step-parent, foster parent, an adult member of the juvenile's household, an adult relative entrusted with the juvenile's care, any person such as a house parent or cottage parent who has primary responsibility for supervising a juvenile's health and welfare in a residential child care facility or residential educational facility, or any employee or volunteer of a division, institution, or school operated by the Department of Health and Human Services. "Caretaker" also means any person who has the responsibility for the care of a juvenile in a child care facility as defined in Article 7 of Chapter 110 of the General Statues and includes any person who has the approval of the care provider to assume responsibility for the juveniles under the care of the care provider."*

- In 53% of the children's records, the mother was identified as the primary person responsible for the child's health and welfare; the father was identified in 7% of the records reviewed; and, both parents were identified in 25% of the records.

<u>Primary Caretaker</u>	<u>Frequency</u>	<u>%</u>
Mother	29	53
Parents	14	25
Father	4	7
Mother & Step-Father	3	5
Father & Girlfriend	1	2
Great Grandmother	1	2
Mother & Boyfriend	1	2
Unknown	2	4
<b>TOTAL</b>	<b>55</b>	<b>100</b>

- The records of 33% of the child victims indicated the child's family had recently moved.  
(Note: Recent is not defined. Move is defined as any change of address.)

Recently Moved	18	33%
Did not move recently	6	11%
Unknown	31	56%

# FINDINGS

## THE PERPETRATORS:

- Perpetrators are individuals identified as accused of committing the child homicide (differs from judicial findings of guilt).
- There was more than one perpetrator in some child homicides.
  - The records of the 55 children identified 63 perpetrators.
- Individuals who committed the child homicides were age thirty or less in 74% of the records reviewed.
- 54 out of the 55 children whose records were reviewed contained information identifying the gender of the perpetrator; 65% of the perpetrators were male.

<u>Gender</u>	<u>Number</u>	<u>%</u>
Male	41	65
Female	21	33
Unknown	1	2
<b>TOTAL</b>	<b>63</b>	<b>100</b>

- A biological parent was identified as the individual committing the homicides in 60% of the records reviewed.

	FEMALE		MALE		UNKNOWN		TOTAL	
	#	%	#	%	#	%	#	%
Biological Parents	17	27%	21	33%	0	0%	38	60%
Step-parent	0	0%	4	6%	0	0%	4	6%
Girl/boy friend of parent	1	2%	14	22%	0	0%	15	24%
Other	0	0%	2	3%	0	0%	2	3%
Caregiver	3	5%	0	0%	0	0%	2	5%
Unknown	0	0%	0	0%	1	2%	1	2%
<b>TOTAL</b>	<b>21</b>	<b>34%</b>	<b>41</b>	<b>64%</b>	<b>1</b>	<b>2%</b>	<b>63</b>	<b>100%</b>

- Of the 63 adults identified as perpetrators:
  - 19 adults (30.2%) were civilian
  - For 18 adults (28.6%) the records did not provide employment information
  - In six instances (9.5%) the records revealed former military service; however, the length of military service was not identified
  - In 20 instances (31.7%) the perpetrator was in the military at the time of the homicide; however, the length of military service was not identified

# RECOMMENDATIONS

The CHIP Task Force gathered, analyzed, and discussed significant amounts of information concerning the number of deaths and the risk factors associated with child homicides by parents or caretakers in the time period from 1985 through 2004. However, because child maltreatment deaths continue to occur in Cumberland County and documentation of child homicides has improved greatly over the past 20 years, the CHIP Task Force has concluded, supported by the NC Division of Public Health Injury and Violence Prevention Branch, that more information and continued work is necessary to better understand the causes and circumstances surrounding child homicides in order to better develop, implement and evaluate more effective community-based responses to reduce and eliminate child homicides in Cumberland County.

1. Establish a CHIP Council:

The problem and the solutions are so important that the body elected by the citizens of Cumberland County to protect the safety and to ensure the wellbeing of its people should be directly involved. The CHIP Task Force recommends that our Cumberland County Board of County Commissioners establish a permanent Council chaired by a member of the Board of County Commissioners to continue the work of the Child Homicide Identification and Intervention Task Force.

The Council should include civilian and military professionals who have respect and standing in the community to increase the chances of positive outcomes for children and their families. The first function of the Council should be to oversee the implementation of the CHIP Task Force recommendations.

2. There are many possible explanations for the higher number of child homicides in Cumberland County including an over-representation of single parent households, poverty, unemployment, high mobility, cultural and racial factors, a younger population, and military population factors. Continue exploring the risk factors associated with child homicides committed by parents and caretakers. A report should be made annually to the Board of County Commissioners.
- A. Use the data collection instrument developed by the CHIP Task Force with consideration given to:
- Adding additional data fields that document the co-existence of domestic violence;
  - Adding additional information concerning military deployments;
  - Documenting "near homicides";
  - Capturing degrees of family stress;
  - Identifying levels of family support;
  - Developing where appropriate assessment scales for current or new data elements;
  - Add any key missing information to the new review instrument.
- B. Identify a group of individuals in and beyond our community with the skills and expertise to determine what valid conclusions can be drawn from the data about risk factors associated with child homicides committed by parent or caretakers in Cumberland County. Individuals from our academic centers should be included. The State Division of Public Health including the state Child Fatality Prevention Team at the Office of the State Medical Examiner, the Child Fatality Task Force, the Centers for Disease Control and Prevention and other resources should continue their involvement with data analysis. This group of individuals would serve in an advisory capacity to the Council.
- C. Data should be collected on each child homicide as soon after the fatality as possible using the amended data collection instrument. This task should be delegated to the Cumberland County Child Protection/Fatality Prevention Team who will provide the data to the CHIP Council. The Child Protection/Fatality Prevention Team should ensure a seamless review of all child homicides both civilian and military.

3. Increase preventive efforts through public awareness.

The data that addresses the uniqueness of Cumberland County and information concerning the 55 children who have died as a result of homicides by parents or caretakers from 1985 through 2004 should result in increased efforts to prevent other children from dying. Prevention should become the focus.

The CHIP Task Force commends all of the existing efforts being made in Cumberland County to provide services and support to our families. Churches, other faith based organizations, private agencies, public agencies, neighborhood groups and others provide services and support ranging from prevention to treatment of child maltreatment. Prevention efforts must be increased.

- A. Our community should be informed about how we are different; different in wonderful ways with incredible opportunities and also significant challenges, e.g. over-representation of young children, young parents, mobile families, single parents, families living in poverty, etc.

Educate our community about the preventability of young child victims dying of violent trauma through the use of:

- Billboards;
- Public service announcements;
- Newspaper inserts;
- Saturate our community with short effective communications:
  - "Children are Fragile"
  - "Handle with Care"
  - "Never, Never Shake a Baby"
  - "Never slap, kick or hit a baby"

Educate the professional community about child abuse and neglect

- Provide training for clergy, day care professionals, law enforcement, judges, medical care providers, etc., to recognize and report the signs and symptoms of child abuse and neglect.
- Provide training for our judges and medical care providers regarding risk factors for severe child abuse.

- B. The report identifies factors that increase risks for children and their families. Target those families and provide specific information about how they can act to reduce the risks and provide information about available resources.

- Provide a universal parental education program in pre-natal classes and postpartum/well baby visits for both parents on abusive head injury, crying infants, and babysitting selections;
- Provide focused parental education and anger management training as a universal option for both mothers and fathers;
- Target geographic areas (neighborhoods) in Cumberland with an over-representation of child maltreatment and provide information concerning risk factors and prevention strategies;
- Target prevention information to sites where high risk individuals in our community are served, e.g. domestic violence offender programs, the public health department clinics, mental health services, Department of Social Services (Medicaid eligibility services for pregnant women, child day care, child protective services, domestic violence center, Economic Independence Programs), probation offices, and the courthouse.

4. Identify effective preventive actions that have been successful in this and other communities. Choose actions that can be effectively carried out, i.e. not cost prohibitive and will be accepted and sustained by the community. These preventive actions are in addition to the universal and specific provision of information and education in the community already identified.

- A. Provide a safe site for brief respite child care that is available twenty-four hours each day, seven days a week on Fort Bragg and in Cumberland County. The respite child care will be directed to families who have specific risk factors for child maltreatment. (This respite may be provided through existing child day care centers.) The respite may be provided by appointment or without appointment in urgent situations. For example, appointments would be made by families in need of a two-hour break to shop for groceries; urgent respite without appointment for parents who fear acting out toward children in ways that may harm them.
  - B. Establish Shaken Baby Syndrome Prevention and Blunt Trauma education programs in local hospitals for all families prior to discharge for the birth of an infant.
  - C. Provide increased community support for parents with mental health and substance abuse concerns.
  - D. Increase home visitation and enhanced post-partum and medical care services coordination for families with special needs infants and toddlers and other high risk families.
  - E. Continuously monitor actions to identify success stories and highlight these through local media.
  - F. Establish an advisory panel of family members who will advise the Council regarding the effective implementation of preventive actions that will be accepted by high risk families.
  - G. Families throughout our community are already providing informal help and support to families in their neighborhoods. Determine what (additional) resources are required by these families to increase the informal help they provide to families and how other families can provide this informal help and support.
5. Crimes against children should receive equal punishment compared to similar crimes against adults, e.g. child homicides vs. adult homicides. Prosecution of child homicides will be strengthened through first responder and law enforcement training.
  6. Cumberland County's legislative delegation has been very responsive to our community's need for increased child day care funding to subsidize families who need day care for their children. Cumberland County has a disproportionate number of children requiring day care associated with child protective services and child welfare. Additional funds are needed.
  7. Continue collaborating with Fort Bragg to assess if there are possible association(s) between child maltreatment and military enlistment, deployment, return from deployment, and discharge. Increase the implementation and evaluation of current and newly designed strategies to prevent child abuse and neglect of military personnel living on and off the base.
  8. The goal that the Chip Task Force recommends to the Boards of Social Services and County Commissioners and to our entire community is that we begin taking actions today that will end child homicides by their parents or caretakers in Cumberland County. Our goal must be NO child; we cannot settle for anything less.

This work will take decades to complete but begins today. The existing support of families that is ongoing in many sectors of our community must continue. Those interventions that are most effective must continue to be identified and increased. Missing interventions must be identified and provided. The people in our community who are already committed to strengthening our families will help us.

Success will require champions and successors to these champions because it will take a long time. Patience is required; however, one child saved will provide the energy to continue this work.

Child Name \_\_\_\_\_

Case #: \_\_\_\_\_

### CHILD ABUSE HOMICIDE CASE REVIEW DATA REPORT

#### Victim Information:

Child's Full Name: \_\_\_\_\_

Child's Date of Birth (use dd/mm/yy format): \_\_\_\_\_ Age at Death: \_\_\_\_\_

Date of Death: \_\_\_\_\_ Child's Race: \_\_\_\_\_ Ethnicity: \_\_\_\_\_

#### Circumstances of Death:

Perpetrator's Name: \_\_\_\_\_

Perpetrator's Age: \_\_\_\_\_ Relationship to Child: \_\_\_\_\_

General Description of How Child Died (including Location): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Recent Allegations of Abuse/Neglect?  Yes  No      Substantiations?  Yes  No

If Prior Substantiations, How Many? \_\_\_\_\_ Most Recent Substantiation (date) \_\_\_\_\_

Prior Reports to Law Enforcement?  Yes  No      If So, Date of Most Recent Report (not counting event that caused death) \_\_\_\_\_

Prior Child Fatalities:  Yes  No      Is yes, date and cause of fatality if known: \_\_\_\_\_

#### Victim's Family Information:

List All Who Resided in the Home w/the Child Prior to Death and conditions of the living environment: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Child Name \_\_\_\_\_

Case #: \_\_\_\_\_

Who Was the Primary Caretaker for the Child: \_\_\_\_\_

Income Level of the Family (underline one): \$0.00 -- \$10,000.00      \$10,001.00 - \$15,000.00  
 \$15,001.00 - \$20,000.00    \$20,001 - \$25,000.00    \$25,001.00 - \$30,000.00    \$30,001.00 - \$35,000.00  
 \$35,001.00 - \$40,000.00    \$40,001 - \$50,000.00    \$50,001.00 - \$60,000.00    \$60,001.00 - \$70,000.00  
 \$70,001.00 - \$80,000.00    \$80,001 - \$90,000.00    \$90,001.00 - \$100,000.00    > \$100,000.00

Note if parents are biological or step parents in responding to the following questions.

Parents Married?  Yes  No

Parents Living Together?  Yes  No

Single Parent Home?  Yes  No

Father's Employment (write 'none' if unemployed): \_\_\_\_\_

Father Military?  Yes  No    If 'Yes', Rank: \_\_\_\_\_

Assignment History including Deployment History (last 5 years -- list where assigned and length of assignment/deployment for each): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Combat Exposure During Any Prior Deployment?  Yes  No (if yes, state where, when and how long in combat environment): \_\_\_\_\_  
 \_\_\_\_\_

Father's Age: \_\_\_\_\_ Father's Educational Level: \_\_\_\_\_

Mother's Employment (write 'none' if unemployed): \_\_\_\_\_

Mother Military?  Yes  No    If 'Yes', Rank: \_\_\_\_\_

Assignment History including Deployment History (last 5 years -- list where assigned and length of assignment/deployment for each): \_\_\_\_\_  
 \_\_\_\_\_

Child Name \_\_\_\_\_

Case #: \_\_\_\_\_

Combat Exposure During Any Prior Deployment?  Yes  No (if yes, state where, when and how long in combat environment): \_\_\_\_\_  
\_\_\_\_\_

Mother's Age: \_\_\_\_\_ Mother's Educational Level: \_\_\_\_\_

Siblings in the Home (if 'yes', list how many and their ages): \_\_\_\_\_  
\_\_\_\_\_

Siblings Placed Outside of Home (if 'yes', list who, ages, and reasons for placement)? \_\_\_\_\_  
\_\_\_\_\_

Recent Moves By Family?  Yes  No (If yes, briefly describe) \_\_\_\_\_  
\_\_\_\_\_

Family/Caretaker Substance Abuse History?  Yes  No (if 'yes', list who, diagnosis if known, and brief treatment history including medications): \_\_\_\_\_  
\_\_\_\_\_

Mental Health History Involving Family/Caretaker?  Yes  No (if 'yes', list who, diagnosis if known, and brief treatment history including medications): \_\_\_\_\_  
\_\_\_\_\_

Developmental Disabilities Involving Parents/Caretakers?  Yes  No (if 'yes', note type, severity, and needs for intervention or special care): \_\_\_\_\_  
\_\_\_\_\_

Domestic Violence History Involving Family/Caretakers?  Yes  No (if 'yes', describe including any arrests or convictions): \_\_\_\_\_  
\_\_\_\_\_

Child Name \_\_\_\_\_

Case #: \_\_\_\_\_

Firearms Kept or Found in the Home?  Yes  No (if 'yes', briefly describe): \_\_\_\_\_

List Criminal History of Any Family / Caretaker Member Residing in the Home including information on law enforcement incidents: \_\_\_\_\_

Briefly Outline the Family's Support System in the Area (presence of absence of relatives, other significant friends, church, military or other support groups and/or systems): \_\_\_\_\_

Child Care Supports – Adequate for Child/Victim and Siblings if Present?  Yes  No (if 'no', describe problems or issues w/adequacy of child care): \_\_\_\_\_

Parenting Skills/Issues (describe any known / documented concerns or issues with developmental expectations, parenting challenges, parenting deficits, etc.): \_\_\_\_\_

Other Family Stressors (known or suspected to have potentially created a significant impact on child maltreatment): \_\_\_\_\_

**Perpetrator Information:**

Perpetrator Name: \_\_\_\_\_ Perp. Age: \_\_\_\_\_

Relationship to Child: \_\_\_\_\_

(NOTE: IF THE FOLLOWING INFORMATION IS CAPTURED IN AN EARLIER SECTION,  
SIMPLY NOTE THE PERPETRATOR BY NAME AND RELATIONSHIP AND LEAVE THE  
RELEVANT BLANKS EMPTY)

Employed?  Yes  No (if 'yes', with whom?) \_\_\_\_\_

Educational Level: \_\_\_\_\_

Perpetrator in the Military?  Yes  No If 'Yes', Rank: \_\_\_\_\_

Assignment History including Deployment History (last 5 years – list where assigned and length of  
assignment/ deployment for each): \_\_\_\_\_  
\_\_\_\_\_

Combat Exposure During Any Prior Deployment?  Yes  No (if yes, state where, when and how  
long in combat environment): \_\_\_\_\_  
\_\_\_\_\_

Perpetrator Substance Abuse History?  Yes  No (if 'yes', list who, diagnosis if known, and brief  
treatment history including medications): \_\_\_\_\_  
\_\_\_\_\_

Mental Health History Involving Perpetrator?  Yes  No (if 'yes', list who, diagnosis if known,  
and brief treatment history including medications): \_\_\_\_\_  
\_\_\_\_\_

Perpetrator has/had Developmental Issues?  Yes  No (if 'yes', describe): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OTHER CHILD VICTIM INFORMATION THAT MAY BE RELEVANT**

List other child victim issues or factors that are of interest in this case (e.g., low birth weight, persistent or important medical problems of the child, developmental delays or congenital conditions, behavioral or mental problems, drug/alcohol use or abuse, attention deficit and/or hyperactivity, history of prior documented abuse/neglect/dependency, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Was Child Victim Enrolled in School?  Yes  No (if 'yes', list school, grade and brief description of performance academically and behaviorally)

School \_\_\_\_\_ Grade: \_\_\_\_\_

School Performance: \_\_\_\_\_

Were There Any Concerns About the Adequacy of the Supervision of the Child:  Yes  No (If yes, explain): \_\_\_\_\_  
\_\_\_\_\_

Were There Prior Documented Maltreatment Episodes Involving the Child Victim?  Yes  No (if 'yes', provide the relevant details): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Child Name \_\_\_\_\_

Case #: \_\_\_\_\_

Does Perpetrator Have a History of Being Victimized (victim of prior abuse?):  Yes  No (if 'yes', describe): \_\_\_\_\_

Perpetrator Own Firearms?  Yes  No Were Firearms Used in the Homicide?  Yes  No

Does Perpetrator Have a Criminal History?  Yes  No (if 'yes', describe): \_\_\_\_\_

Does Perpetrator Have a History of Law Enforcement Incident Reports, Particularly Related to Domestic Violence or Assault or Other:  Yes  No (if 'yes', describe): \_\_\_\_\_

Briefly Outline the Perpetrator's Support System in the Area (presence of absence of relatives, other significant friends, church, military or other support groups and/or systems): \_\_\_\_\_

Were Drugs and/or Alcohol Suspected or Documented as a Factor in the Homicide?  Yes  No (if 'yes' briefly describe): \_\_\_\_\_

Was the Perpetrator Caring for the Child Victim (babysitting, parenting) at the Time of the Homicide?  Yes  No (if 'yes', tell what role the perpetrator was in): \_\_\_\_\_



ITEM NO. 3B

## COUNTY of CUMBERLAND

### *Engineering Department*

ROBERT N. STANGER, P.E.  
County Engineer

January 5, 2007

#### MEMORANDUM

**TO:** BOARD OF COUNTY COMMISSIONERS

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

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

**SUBJECT:** CHANGE ORDER ACC-2 ANIMAL CONTROL CENTER PROJECT  
CHANGE ORDER STC-2 SHERIFF'S TRAINING CENTER PROJECT

#### BACKGROUND:

Attached are copies of Change Order ACC-2 and STC-2 for Bordeaux Construction Company for the Animal Control Center and Sheriff's Training Center. The purpose of the change orders is to deduct the landscaping and remaining irrigation system allowances in the contract so that these monies can be used by the County to purchase and install the landscape materials on the project. Change Order ACC-2 is a deduct of \$18,597.70. Change Order STC-2 is a deduct of \$11,000.00. Jeff DeVore, County Landscaping/Grounds Manager, developed the landscaping plan in conjunction with the project architect, LSV Partnership, which when priced by the contractor far exceeded the monies available in their allowance. Mr. DeVore recommends the County delete the landscaping from Bordeaux Construction's contract and allow the County Landscape Department to purchase and install the landscape materials which he believes can be done within the budget established for this work.

The change orders have been reviewed by the County Attorney's Office for legal sufficiency.

#### RECOMMENDATION/PROPOSED ACTION:

The recommendation of the County Engineer, Landscaping/Grounds Manager, LSV Partnership, and management is to:

1. Approve Change Order ACC-2 deducting \$18,597.70 and Change Order STC-2 deducting \$11,000.00 from the contract with Bordeaux Construction Company for the Animal Control Center and Sheriff's Training Center respectively. The revised contract amounts are \$4,121,882.30 for Animal Control and \$3,269,347.00 for Sheriff's Training Center.
2. Allow County Landscaping Department to provide the site landscaping using the monies deducted from the contract with Bordeaux Construction Company.

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

# CHANGE ORDER

Distribution To:  
 OWNER   
 ENGINEER   
 CONTRACTOR   
 FIELD   
 OTHER

**PROJECT:** Cumberland County  
 Animal Control Center  
 Fayetteville, North Carolina

**CHANGE ORDER NUMBER:** ACC-2

**INITIATION DATE:** January 4, 2007

**TO:** Bordeaux Construction Company, Inc.  
 P.O. Box 2935  
 Durham, NC 27715-2935

**ARCHITECT'S PROJECT NO:** 0311-ACC

**CONTRACT FOR:** General Construction

**CONTRACT DATE:** October 18, 2005

You are directed to make the following changes in this Contract:

Delete the entire allowance for landscaping and the remaining allowance for irrigation from the contract. The contractor shall not be responsible for installation of landscaping materials on the project.  
 Ten percent (10%) Overhead and Profit per Specifications

**DEDUCT:** (\$ 16,907.00)  
**DEDUCT:** (\$ 1,690.70)  
**TOTAL DEDUCT:** (\$18,597.70)

Through the acceptance of this Change Order, the Contractor acknowledges that he has reviewed the status of the work to date and that this Change Order represents the final and complete payment for the above stated additional work on the Cumberland County Animal Control Center Project and includes any and all costs for delays, claims or demands against the Owner and The LSV Partnership. The Contractor by accepting the Change Order agrees to indemnify The LSV Partnership, the Owner and all other parties associated with this project forever from liens or claims from the Contractor or any other person directly or indirectly acting for, through, or under the Contractor.

Not valid until signed by the Owner, the Architect and the Construction Manager.  
 Signature of the Contractor indicates agreement herewith, including any adjustment in the Contract Sum or the Contract Time.

The original (Contract Sum) ( <del>Guaranteed Maximum Cost</del> ) was.....	\$ 4,081,772.00
Net change by previously authorized Change Orders.....	\$ 58,708.00
The (Contract Sum) ( <del>Guaranteed Maximum Cost</del> ) prior to this Change Order was.....	\$ 4,140,480.00
The (Contract Sum) ( <del>Guaranteed Maximum Cost</del> ) will be (increased) (decreased) (unchanged) by this Change Order.....	(\$ 18,597.70)
The new (Contract Sum) ( <del>Guaranteed Maximum Cost</del> ) including this Change Order will be.....	\$ 4,121,882.30
The Contract Time will be (increased) (decreased) (unchanged) by.....	(--0--) Days
The Date of Substantial Completion as of the date of this Change Order therefore is unchanged.	

The LSV Partnership  
 ENGINEER

Bordeaux Construction Co., Inc.  
 CONTRACTOR

County of Cumberland  
 OWNER

P.O. Box 53713  
Fayetteville, NC 28305

P.O. Box 2935  
Durham, NC 27715

P.O. Box 1829  
Fayetteville, NC 28302

By: \_\_\_\_\_  
 Walter Vick, AIA

By: \_\_\_\_\_  
 David W. Bordeaux, Vice Pres.

By: \_\_\_\_\_  
 Kenneth Edge, Chairman  
 Board of County Commissioners

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

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

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

# CHANGE ORDER

Distribution To:  
 OWNER   
 ENGINEER   
 CONTRACTOR   
 FIELD   
 OTHER

**PROJECT:** Cumberland County  
 Sheriff's Training Center  
 Fayetteville, North Carolina

**CHANGE ORDER NUMBER:** STC-2

**INITIATION DATE:** January 4, 2007

**TO:** Bordeaux Construction Company, Inc.  
 P.O. Box 2935  
 Durham, NC 27715-2935

**ARCHITECT'S PROJECT NO:** 0312-STC

**CONTRACT FOR:** General Construction

**CONTRACT DATE:** October 18, 2005

You are directed to make the following changes in this Contract:

Delete the entire allowance for landscaping from the contract.  
 The contractor shall not be responsible for installation of landscaping materials on the project.  
 Ten percent (10%) Overhead and Profit per Specifications

**DEDUCT:** (\$ 10,000.00)  
**DEDUCT:** (\$ 1,000.00)

**TOTAL DEDUCT:** (\$11,000.00)

Through the acceptance of this Change Order, the Contractor acknowledges that he has reviewed the status of the work to date and that this Change Order represents the final and complete payment for the above stated additional work on the Cumberland County Sheriff's Training Center Project and includes any and all costs for delays, claims or demands against the Owner and The LSV Partnership. The Contractor by accepting the Change Order agrees to indemnify The LSV Partnership, the Owner and all other parties associated with this project forever from liens or claims from the Contractor or any other person directly or indirectly acting for, through, or under the Contractor.

Not valid until signed by the Owner, the Architect ~~and the Construction Manager~~.  
 Signature of the Contractor indicates agreement herewith, including any adjustment in the Contract Sum or the Contract Time.

The original (Contract Sum) ( <del>Guaranteed Maximum Cost</del> ) was.....	\$ 3,182,844.00
Net change by previously authorized Change Orders.....	\$ 97,503.00
The (Contract Sum) ( <del>Guaranteed Maximum Cost</del> ) prior to this Change Order was.....	\$ 3,280,347.00
The (Contract Sum) ( <del>Guaranteed Maximum Cost</del> ) will be ( <del>increased</del> ) (decreased) ( <del>unchanged</del> ) by this Change Order.....	(\$ 11,000.00)
The new (Contract Sum) ( <del>Guaranteed Maximum Cost</del> ) including this Change Order will be.....	\$ 3,269,347.00
The Contract Time will be ( <del>increased</del> ) ( <del>decreased</del> ) (unchanged) by	(--0--) Days
The Date of Substantial Completion as of the date of this Change Order therefore is unchanged	

The LSV Partnership  
 ARCHITECT

Bordeaux Construction Co., Inc.  
 CONTRACTOR

County of Cumberland  
 OWNER

P.O. Box 53713

100 East Britania Ave.

P.O. Box 1829

Fayetteville, NC 28305

Durham, NC 27704

Fayetteville, NC 28302

By: Walter Vick, AIA

By: David W. Bordeaux, Vice Pres.

By: Kenneth Edge, Chairman  
Board of County Commissioners

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

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

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



ITEM NO. 3C

## COUNTY of CUMBERLAND

James E. Martin  
County Manager

Cliff Spiller  
Assistant County Manager

Juanita Pilgrim  
Deputy County Manager

*Office of the County Manager*

Amy H. Cannon  
Assistant County Manager

### MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JANUARY 16, 2007

**TO: BOARD OF COUNTY COMMISSIONERS**

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

**DATE: JANUARY 10, 2007**

**SUBJECT: APPROVAL OF CUMBERLAND COUNTY POLICY  
COMMITTEE REPORT AND RECOMMENDATION**

#### BACKGROUND

The Policy Committee met on Thursday, January 4, 2007 for an update on the upcoming Phase II Stormwater Management requirements. The Committee voted unanimously to refer this matter to the Board of Commissioners Planning Session which will be held on January 19, 2007.

#### RECOMMENDATION/PROPOSED ACTION

Accept and approve the Policy Committee report and recommendations.

Attachment: Minutes

/ct

CM011007-2



# COUNTY of CUMBERLAND

Office of the County Attorney

December 28, 2006

**MEMORANDUM FOR BOARD OF COMMISSIONERS' POLICY COMMITTEE**  
**MEETING OF JANUARY 4, 2007**

**TO: POLICY COMMITTEE**

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

*GRB*

**SUBJECT: CONSIDERATION OF UPDATE ON PHASE II STORMWATER REGULATIONS**

**BACKGROUND: Phase II:** Cumberland County has been included, jointly with the City of Fayetteville, since the mid-1990s as the only county subject to federal Phase I stormwater regulations. The General Assembly has now passed legislation implementing federal Phase II stormwater management requirements. These Phase II stormwater management requirements apply to many more municipalities in the state, including Hope Mills and Spring Lake, and to about one-third of the counties. All of the unincorporated area of Cumberland County will be subject to Phase II requirements. The Phase II regulations take effect July 1, 2007.

Under the state legislation, S.L. 2006 Chapter 246, unincorporated areas of the County will have to comply with the post-construction best management practices requirements found in Section 9. That section basically applies to projects that disturb an acre or more of land under a "common plan of development or sale." That phrase is to be interpreted consistent with a Division of Water Quality guidance memorandum dated July 24, 2006.

According to Section 4(a), covered development must comply with the Section 9 requirements beginning July 1, 2007. Section 12 provides that a regulated entity, which would include the County to the extent included, must implement its post-construction program (i.e., Section 9 BMPs, etc.) no later than 24 months from date of Phase II permit issuance.

Those BMPs will require, among other provisions, that all built-upon areas shall be at least 30 feet landward of all perennial and intermittent streams. Those BMPs will also require recorded deed restrictive and protective covenants that ensure development activities maintain projects consistent with approved plans. Section 11(a) provides that a county regulatory program, through the Board of Adjustment, *may* grant an "exception" from those particular BMP requirements if the application meets the fairly strict conditions of Section 11(a)(1), and an exception *shall* be granted in the instances set forth in Section 11(a)(2). If the County did not participate in a Phase II program, then DENR would process exception applications.

Section 10 authorizes joint programs; a certified copy of the approving resolutions must be filed with the Environmental Management Commission. If the County were not to participate in a joint program, then the Environmental Management Commission would implement and enforcement the standards for development in regulated coverage areas. Section 13 provides that the Environmental Management Commission shall have jurisdiction, to the exclusion of local governments, to issue NPDES permits for stormwater management to a federal or state agency. If the state or federal agency does not have a Phase I or Phase II permit for the project, then the project is subject to the stormwater management requirements of the act as implemented by the Commission or the county. This section also states that the provisions of G.S. 153A-347 apply to the act. That section provides that the zoning Part of Chapter 153A is applicable to the erection, construction and use of buildings by the State and its political subdivisions.

Section 17(a) provides express authority for the Board of Commissioners to adopt and enforce a stormwater management control ordinance to protect water quality and control water quantity. A federal, state or local government project shall comply with any such adopted ordinance unless the agency has a NPDES permit that applies to the project.

**Phase I:** DENR has been discussing and negotiating proposed renewal Phase I NPDES permits with the Phase I jurisdictions over the past year. It circulated proposed final draft permits in mid-December, which it expects to post on its website on January 17, 2007 for public comment.

Interestingly, DENR's proposed draft renewal Phase I permit names only the City of Fayetteville and does not mention Cumberland County (see enclosed Greg Caison email dated December 22, 2006). As noted above, Cumberland County was the only County considered a Phase I jurisdiction in the mid-1990s and, for that reason, created a joint stormwater utility with, and operated by, the City of Fayetteville. The City had previously raised with DENR the issue of whether Cumberland County even continues to meet criteria for continued inclusion as a Phase I jurisdiction. The City's stormwater engineering consultant has maintained that the County does not, and the City apparently has continued to present that option in discussions with County staff as well as in meetings with DENR staff.

If the County were not to continue as a Phase I jurisdiction, there would be no continuing necessity to participate in a joint stormwater utility with the City (but could discretionary under a stormwater management control ordinance), the interlocal agreement could be terminated or re-drawn, the stormwater fee levied in the unincorporated areas could be re-evaluated, and presumably the City would have greater flexibility to administer its own Phase I and stormwater quantity management projects.

**RECOMMENDATION:** Consider whether to recommend to Board of Commissioners to assume implementation of Phase II stormwater regulations, with or without other jurisdictions, or whether to defer implementation of BMPs and other administrative activities to DENR. Also, consider whether to make any recommendation to full Board of Commissioners and to DENR regarding continued participation in Phase I NPDES permit.

Encl.

## Grainger Barrett

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**From:** Greg Caison [GCaison@ci.fay.nc.us]  
**Sent:** Friday, December 22, 2006 2:59 PM  
**To:** Grainger Barrett  
**Cc:** James Martin; Robert Stanger; Amanda Briggs; Karen McDonald; Bobby Teague; Kyle Sonnenberg; Rick Moorefield  
**Subject:** draft NPDES Stormwater permit  
**Attachments:** Draft Permit NCS000246 Fayetteville 121306.doc



Draft Permit  
ICS000246 Fayette..

Attached is a copy of the latest revised draft NPDES Stormwater permit with DENR changes incorporated from the December 11 Raleigh meeting. DENR plans to post the draft permits for all Phase I permittees on their website January 17, 2007 for public comment.

Prior to your arrival at the Dec 11 meeting, there was some discussion around the table concerning MS4 (drainage system) ownership. I indicated that *Cumberland County does not* own the system. Interestingly, Mike Randall (DENR) has written this permit draft to apply only to the City of Fayetteville apparently excluding the County. At this point, I don't know if they are planning for the County to be in, or out, or handled in some other manner. Evidently, the ownership issue is making some difference in their thought process.

I plan to talk with Mike Randall next week or no later than early the following week in order to have a better understanding of DENR's position prior to the County's January 4 Policy Committee meeting.

Greg

<<Draft Permit NCS000246 Fayetteville 121306.doc>>

CUMBERLAND COUNTY POLICY COMMITTEE  
JANUARY 4, 2007 – 9:30 AM  
REGULAR MEETING

PRESENT: Commissioner Diane Wheatley  
Commissioner Jeannette Council  
Commissioner Ed Melvin  
Commissioner Kenneth Edge  
James Martin, County Manager  
Juanita Pilgrim, Deputy County Manager  
Amy Cannon, Assistant County Manager  
Grainger Barrett, County Attorney  
Sara VanderClute, Public Information Officer  
Bob Stanger, County Engineer  
Tom Lloyd, Planning & Inspections Deputy Director  
Tom Cooney, Public Utilities Director  
Greg Caison, Storm Water Services Manager  
Bobby Teague, City Director of Engineering  
John Fersner, Storm Water Consultant  
Andrew Barksdale, Reporter – The Fayetteville Observer  
Marsha Fogle, Clerk  
Marie Colgan, Deputy Clerk

Commissioner Wheatley called the meeting to order at 10:10 AM

1. Election of Chairman for 2007

**MOTION: Commissioner Council moved to appoint Commissioner Wheatley.**  
**SECOND: Commissioner Melvin**  
**VOTE: UNANIMOUS**

2. Selection of 2007 Meeting Dates

**The Committee agreed to remain with the 1<sup>st</sup> Thursday of each month at 9:30 a.m.**

3. Approval of Minutes: October 12, 2006

**MOTION: Commissioner Melvin moved to approve.**  
**SECOND: Commissioner Council**  
**VOTE: UNANIMOUS**

4. Update on Upcoming Phase II Stormwater Management Requirements

Grainger Barrett, County Attorney, advised members that their packets include consideration of upcoming Phase II Stormwater management regulations, as well as recent developments on the renewal of the County's Phase I permit. Mr. Barrett reminded members that the County has jointly been in a program with the City of Fayetteville since the 1990's and was the only county in North Carolina subject to Phase I Stormwater regulations and joined with the City of Fayetteville to create a joint stormwater utility. The legislature has now adopted the Phase II regulations effective July 1, 2007. Cumberland County will be in the Phase II stormwater coverage area and Best Management Practices will be required. The issue is whether to allow the State, DENR, to run the Phase II program in Cumberland County or whether the County wants to implement Phase II regulations locally.

According to discussions with the State by Mr. Caison, the State now is actively considering whether the County needs to be included in the Phase I permit renewal. A policy decision will also need to be made on whether the County wants to remain in Phase I. Mr. Caison explained to members that if they continue to run Phase I as is, the cost associated with the program may need to be increased above the current \$1.00 per month. If the County drops back to Phase II, then there is an opportunity to do something with the current fee. If the fee is continued, it can be used to help with other stormwater problem areas in the County. Responding to a question from Commissioner Wheatlery, Mr. Caison stated that if the State runs the Phase II program, there will be zero cost to the County. Mr. Barrett stated that over the last several years, the public has expressed support and demanded flood water type activities and if we drop out of Phase I and allow the State to run Phase II, the County would not actively addressing flooding concerns in the unincorporated areas of the County. Commissioner Council questioned whether the current fee would make a significant difference and how projects would be prioritized. Commissioner Council asked for the staff's opinion. Discussion ensued and Mr. Barrett clarified that if the County continues to be included in the Phase I program, there is a 5-year commitment tied to the renewal permit and the majority of those dollars would be used for water quality. Commissioner Wheatley stated that the public is concerned that the severe flooding problems are not being addressed and that all residents do not use water from the County. Mr. Barrett noted that the primary focus of the permit is for water quality, with excess funds used for minor maintenance and repair. Lately there has not been any left over dollars and if the County stays with Phase I, there still would not be enough dollars to address repairs or flooding problems with the fee at the current rate. Therefore, Phase I is now primarily only a water quality program.

Mrs. Pilgrim questioned how rapidly DENR would come in if administering Phase II requirements and who would pay for it if it is turned over to the State. Mr. Barrett stated that they will come in and require developers of one acre (or more) tracts to implement Best Management Practices, but nothing regarding flood prevention. Commissioner Edge advised that there have been complaints regarding DENR's administering of erosion and sedimentation control program and questioned whether the County should do it locally. Mr. Lloyd stated that if it is not handled by the State, there will be more pressure at the local level. After further discussion, it was noted that even if the State is allowed to take over the program, the County's stormwater/flooding problems would still remain. Mr. Martin reminded members that this Committee approved a request to the Stormwater Advisory Board last year to select a qualified engineering firm to do a study of the Locks Creek district and to determine a cost for the study. This is still pending and no funding has been identified, but the information will come back to this committee. Commissioner Wheatley requested that the staff make a recommendation on these matters and include justification for the Committee's consideration. Mr. Barrett advised that a decision on Phase I needs to be made by early February. Mr. Caison informed members that there will be an EPA audit of the Phase I program in a year or two and there will be chances for fines and lawsuits if the County stays in the Phase I program (if the State does not require them to do so).

**MOTION:** Commissioner Melvin moved that discussion on this matter be referred to the Commissioners' planning retreat.  
**SECOND:** Commissioner Council  
**VOTE:** UNANIMOUS

5. Other Matters of Concern  
None stated.

MEETING ADJOURNED: 10:53 AM



ITEM NO. 3D

## COUNTY of CUMBERLAND

James E. Martin  
County Manager

Cliff Spiller  
Assistant County Manager

Juanita Pilgrim  
Deputy County Manager

Office of the County Manager

Amy H. Cannon  
Assistant County Manager

### MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JANUARY 16, 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, January 4, 2007 to discuss: 1) a Pre-Development Interim Finance Agreement between the Cumberland County Board of Education and Firstfloor K-12 Cumberland LLC and 2) a resolution authorizing an application with the LGC for COPs in the principal amount of approximately \$55 million, plus issuance costs and calling a public hearing on the proposed financing for March 19, 2007. The Finance Committee also discussed whether to authorize appointment of Hunton & Williams (Wally McBride) and the Charleston Group as the County's Co-Bond Counsel, and Citigroup Global Markets Inc. as the underwriter for the proposed financing.

In addition, the Cumberland County Finance Committee also discussed issues regarding the County's Health Insurance Plan CIGNA.

#### RECOMMENDATION/PROPOSED ACTION

Accept and approve the Finance Committee report.

Attachment: Minutes

/ct

CM011007-3

CUMBERLAND COUNTY FINANCE COMMITTEE  
JANUARY 4, 2007, 8:30AM  
REGULAR MEETING

Members Present: Commissioner Jeannette Council  
Commissioner John Henley  
Others: Commissioner Kenneth S. Edge  
Commissioner Diane Wheatley  
Commissioner Ed Melvin  
James Martin, County Manager  
Juanita Pilgrim, Deputy County Manager  
Amy Cannon, Asst. County Manager  
Grainger Barrett, County Attorney  
Carla Loney, Risk Management  
NCACC Staff  
CIGNA Staff  
Marie Colgan, Deputy Clerk  
Marsha Fogle, Clerk

1. Election of Chair

Commissioner Jeannette Council was elected Chair of the Finance Committee

2. Set regular meeting date (currently the first Thursday of each month at 8:30AM)

The Committee kept the current regular meeting date.

3. Approval of Minutes: December 7, 2006

MOTION: Commissioner Henley moved to approve.  
SECOND: Chairman Council  
VOTE: UNANIMOUS

4. Report on Insurance (CIGNA)

Ed Wooters, NCACC, introduced Susan Klakoff, NCACC Risk Management Services, who responded to some issues raised at the December 7, 2006 meeting.

ISSUES

- OB-GYN VISITS: Blue Cross Blue Shield allowed OB-GYN visits to be paid under the Primary Care level co-pay. CIGNA has required visits to be paid under the Specialty Care co-pay level. Listed below are options that can address this issue:

**Option 1:** CIGNA will set up the system to pay all OB-GYN services at the Primary Care level;

**Option 2:** CIGNA will set up the system to pay 100% of Preventive Care with OB-GYN services, to include prostate exams for men.

- INDEMNITY VISION PROGRAM – CIGNA’s contracted ophthalmologists and optometrists list is not as large as BCBS, the previous vendor. CIGNA will create a network program which more closely resembles the plan offered through the prior vendor. There is an additional cost for the program of \$0.40 per member per month, but the NCACC is willing to absorb the cost for the County through the remainder of the policy year. Note: Employees will receive a separate “vision” insurance card.
- UP-TO-DATE LISTING OF CONTRACTED PROVIDERS: All Cumberland county employees did not receive a “welcome kit” which contained the provider information. Employees will receive a hard copy listing the contracted providers during mandatory meetings with CIGNA. In addition, updates to the provider list can be found on CIGNA’s website.
- NEW SUMMARY PLAN DESCRIPTIONS: Employee meetings about the change in insurance carriers from BCBS to CIGNA were not mandatory and employees were not clear about coverage. Summary plan descriptions were mailed to county employees prior to this Finance Committee meeting. Note: Mandatory meetings will be held at which time employees may ask questions regarding their plan.

Other issues discussed at this meeting:

- Grant funds may be available to assist the county in expanding its wellness program.
- Over the counter prescriptions: Over-the-counter prescriptions (used as a substitute for a RX) were discussed as a Tier 1 level co-pay. Example: If you currently take Nexium and your doctor indicates it is acceptable for you to switch to Prilosec, an over the counter medication, you will pay for your Prilosec at the Tier 1 level.
- Mail order prescriptions: Employees need to be educated regarding how to take advantage of mail-order prescriptions.
- Disease Management Program – Valarie Scott, CIGNA, told the Committee that employees are automatically enrolled in this program, unless he/she opts out. Dr. Scott T. Josephs, Chief Medical Officer, CIGNA HealthCare, Southeast Region, reviewed high claimant report information. He noted that out of the 18 top claimants, 14 were actively managed either inpatient,

complex case management, disease management or some combination. He noted the importance of using the Health Risk Assessment tool. Osteoarthritis stood out as one of the County's high risk issues.

- The County will continue to receive quarterly reports. Commissioner Henley thanked NCACC and CIGNA for providing valid information regarding health care expenditures.

**ACTIONS TAKEN BY THE FINANCE COMMITTEE:**

**MOTION:** Commissioner Henley move to recommend to the Board of Commissioners that Option 2 (CIGNA will pay 100% of preventative care to include prostate exams for men), be approved for OB-GYN services.

**SECOND:** Commissioner Council

**VOTE:** UNANIMOUS

Commissioner Wheatley suggested that the initial committee formed to discuss health insurance changes be included in discussions regarding health insurance issues.

Commissioner Henley noted that the Provider list needs to be updated as some of the physicians listed are no longer practicing in this area and/or may be deceased.

James Martin, County Manager, noted that the County would require employees to attend health insurance meetings that will be coming up in the future.

**5. Consideration of Board of Education School Capital Requests**

- (a) Pre-development Interim Finance Agreement between Cumberland County Board of Education and Firstfloor K-12 Cumberland LLC for a new Western Elementary School.

Grainger Barrett, County Attorney, noted that the Board of Education has approved and asks for Board of Commissioners approval for a Pre-development Interim Finance Agreement to begin preliminary design work and site selection for a new Western Elementary School. This agreement contemplates future consideration and would require future approval by the Board of Education of a capital lease between the parties to finance construction and operation of that school. Any future capital lease would require public notice of intent to enter into it and a finding by the Board of Education that the capital lease is in the best interests of the school system under all the circumstances. The pre-development agreement does NOT commit the Board of Education to enter into any capital lease. Note: This school is included in the \$55 million COPS funding request.

**MOTION:** Commissioner Henley moved that the Finance Committee recommend approval of this agreement to the Board of Commissioners.

**SECOND:** Commissioner Council

**VOTE:** UNANIMOUS

(b) Consideration of calling a Public Hearing on Issuance of Certificates of Participation (COPS) in the principal amount of \$55 million.

Following some discussion regarding the COPS and additional funding for schools that will be needed in several years, the following motion was offered:

MOTION: Commissioner Henley moved that the Finance Committee defer action on this item and request the Board of Education to come to the Commissioners' meeting on January 16 to make a presentation on the projects included in and the need for the COPS. At that time the full Board can take action on the request.

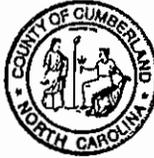
SECOND: Commissioner Council

VOTE: UNANIMOUS

MEETING ADJOURNED AT 10:05AM.

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Clerk



ITEM NO. 3E

JAMES E. MARTIN  
COUNTY MANAGER

JUANITA PILGRIM  
DEPUTY COUNTY MANAGER

# COUNTY of CUMBERLAND

*Office of the County Manager*

CLIFF SPILLER  
ASSISTANT COUNTY MANAGER

AMY H. CANNON  
ASSISTANT COUNTY MANAGER

December 28, 2006

## MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CLIFF SPILLER, ASSISTANT COUNTY MANAGER 

SUBJECT: REPORT ON THE DISPOSAL OF SURPLUS PROPERTY PURSUANT TO N.C.G.S.160A-226(a)

### **BACKGROUND**

On June 15, 1998, the Board adopted a resolution founded in the statutes allowing the Assistant County Manager to dispose of certain "personal property, worth less than \$5000 per item or group of similar items, which have become obsolete, unusable, economically unrepairable, or otherwise surplus to the needs of the county".

The resolution stipulated further that the Assistant County Manager "shall render semi-annual reports to the Board of County Commissioners summarizing disposals between the preceding July 1 and December 31st". Accordingly, attached herewith is that report.

### **RECOMMENDATION**

That the Board accept and approve the attached report of personal county property disposed of by the Assistant County Manager.

### **PROPOSED ACTION**

That the Board adopts the attached report and that the report be duly recorded in the official minutes.

/do

Attachments:

ITEM NO.	RECEIVED DATE	DESCRIPTION OF PROPERTY	DEPARTMENT	RENDERING METHOD	LOCATION	NO. RECEIVED	DATE	DESCRIPTION OF PROPERTY	DEPARTMENT	RENDERING METHOD	LOCATION
224	12/20/2006	MONITORS	PUBLIC LIBRARY	LANDFILL	ANN STREET	14					
225	12/20/2006	PRINTER LASERS	PUBLIC LIBRARY	LANDFILL	ANN STREET	4					
226	12/20/2006	SCANNER BARCODE	PUBLIC LIBRARY	LANDFILL	ANN STREET	1					
227	12/20/2006	SCANNER FLATBEDS	PUBLIC LIBRARY	LANDFILL	ANN STREET	4					
228	12/20/2006	CHAIRS	PUBLIC LIBRARY	LANDFILL	ANN STREET	8					
229	12/20/2006	VACUUM CLEANER	PUBLIC LIBRARY	LANDFILL	ANN STREET	1					
230	12/20/2006	DESK TOP	PUBLIC LIBRARY	LANDFILL	ANN STREET	1					
231	12/20/2006	DESK LIGHT	PUBLIC LIBRARY	LANDFILL	ANN STREET	1					
232	12/20/2006	TABLE	PUBLIC LIBRARY	LANDFILL	ANN STREET	1					
233	12/20/2006	DESK	PUBLIC LIBRARY	LANDFILL	ANN STREET	1					
234	12/20/2006	CABINET	PUBLIC LIBRARY	LANDFILL	ANN STREET	1					
235	12/20/2006	DVD/CD PLAYER	PUBLIC LIBRARY	LANDFILL	ANN STREET	1					
236	12/20/2006	VCRS	PUBLIC LIBRARY	LANDFILL	ANN STREET	3					
<p>REPORT ON THE DISPOSAL OF SURPLUS COUNTY PROPERTY</p> <p>JULY 1, 2006 - DECEMBER 31, 2006</p> <p>REPORT NO. 34</p> <p>PAGE 8 OF 8</p>											
<p>CLIFF SPILLER, ASSISTANT COUNTY MANAGER</p> <p>DATE: Jan. 8, 2007</p>											

ITEM	DATE	DESCRIPTION	QTY	RENDERING	METHOD	LOCATION
1	7/3/2006	TABLES	2	REGISTER OF DEEDS	LANDFILL	ANN STREET
2	7/11/2006	CHAIRS	6	REGISTER OF DEEDS	LANDFILL	ANN STREET
3	7/14/2006	COPIER	1	PLANNING & INSPECTIONS	TRADE-IN	
4	7/5/2006	TELEPHONES	11	PUBLIC BLDGS. (OTHER)	PHONE ROOM	
5	7/19/2006	RED INK CARTRIDGES (MODEL #626-1)	4	COMMUNICATIONS CENTER		CLERK OF COURT
6	7/20/2006	MONITORS	23	DSS	LANDFILL	ANN STREET
7	7/21/2006	PRINTERS	3	DSS	LANDFILL	ANN STREET
8	7/21/2006	DESK	1	PLANNING (FAMP0)	LANDFILL	ANN STREET
9	7/21/2006	CHAIRS	3	PLANNING (FAMP0)	LANDFILL	ANN STREET
10	7/21/2006	MONITORS	3	PLANNING (FAMP0)	LANDFILL	ANN STREET
11	7/21/2006	FILE CABINET	1	PLANNING (FAMP0)	LANDFILL	ANN STREET
12	7/21/2006	CHAIRS	2	ADMINISTRATION	LANDFILL	ANN STREET
13	8/2/2006	CPUS	6	WORKFORCE DEVELOPMENT	LANDFILL	ANN STREET
14	8/2/2006	MONITORS	8	WORKFORCE DEVELOPMENT	LANDFILL	ANN STREET
15	8/2/2006	KEYBOARDS	4	WORKFORCE DEVELOPMENT	LANDFILL	ANN STREET
16	8/2/2006	PRINTERS	3	WORKFORCE DEVELOPMENT	LANDFILL	ANN STREET
17	8/2/2006	SCANNER/PRINTER/FAX	1	WORKFORCE DEVELOPMENT	LANDFILL	ANN STREET
18	8/8/2006	TYPEWRITER	1	TAX ADMINISTRATION	LANDFILL	ANN STREET
19	8/8/2006	PRINTERS	2	TAX ADMINISTRATION	LANDFILL	ANN STREET
20	8/8/2006	MONITORS	2	TAX ADMINISTRATION	LANDFILL	ANN STREET
21	8/9/2006	CPUS	11	TAX ADMINISTRATION	LANDFILL	ANN STREET
22	8/9/2006	MONITORS	5	TAX ADMINISTRATION	LANDFILL	ANN STREET
23	8/9/2006	TELEVISIONS	2	TAX ADMINISTRATION	LANDFILL	ANN STREET
24	9/8/2006	MONITORS	5	EXTENSION SERVICES	LANDFILL	ANN STREET
25	9/8/2006	TERMINALS	11	EXTENSION SERVICES	LANDFILL	ANN STREET
26	8/10/2006	AC COIL	1	BMF STORAGE	LANDFILL	ANN STREET
27	8/10/2006	AIR HANDLER	2	BMF STORAGE	LANDFILL	ANN STREET
28	8/10/2006	AIR TANKS	15	BMF STORAGE	LANDFILL	ANN STREET
29	8/10/2006	BOOKCASE	1	BMF STORAGE	LANDFILL	ANN STREET
30	8/10/2006	VOTING BOOTHS/METAL	23	BMF STORAGE	LANDFILL	ANN STREET
31	8/10/2006	BOX	2	BMF STORAGE	LANDFILL	ANN STREET

REPORT ON THE DISPOSAL OF SURPLUS COUNTY PROPERTY  
 JULY 1, 2006 - DECEMBER 31, 2008

SOLD TO/GIVEN TO

REPORT ON THE DISPOSAL OF SURPLUS COUNTY PROPERTY  
 JULY 1, 2006 - DECEMBER 31, 2006

ITEM NO.	DATE RECEIVED	DESCRIPTION OF PROPERTY	QTY	RENDERING DEPARTMENT	METHOD OF DISPOSAL	LANDFILL LOCATION	SOLD TO/GIVEN TO
32	8/10/2006	ELECTRIC BREAKER	1	BMF STORAGE	LANDFILL	ANN STREET	
33	8/10/2006	BULLETIN BOARDS	5	BMF STORAGE	LANDFILL	ANN STREET	
34	8/10/2006	CABINETS	24	BMF STORAGE	LANDFILL	ANN STREET	
35	8/10/2006	CARPET	5 ROLLS	BMF STORAGE	LANDFILL	ANN STREET	
36	8/10/2006	HAND CART	2	BMF STORAGE	LANDFILL	ANN STREET	
37	8/10/2006	CHAIR/TABLE	1	BMF STORAGE	LANDFILL	ANN STREET	
38	8/10/2006	CHAIRS	226	BMF STORAGE	LANDFILL	ANN STREET	
39	8/10/2006	CHAULK BOARD	1	BMF STORAGE	LANDFILL	ANN STREET	
40	8/10/2006	COMPUTER TABLES	7	BMF STORAGE	LANDFILL	ANN STREET	
41	8/10/2006	COMPUTER TRAYS	2	BMF STORAGE	LANDFILL	ANN STREET	
42	8/10/2006	CONDENSING UNIT	1	BMF STORAGE	LANDFILL	ANN STREET	
43	8/10/2006	COUNTER TOP	1	BMF STORAGE	LANDFILL	ANN STREET	
44	8/10/2006	COUNTER TOP W/CABINETS	1	BMF STORAGE	LANDFILL	ANN STREET	
45	8/10/2006	CREDENZAS	2	BMF STORAGE	LANDFILL	ANN STREET	
46	8/10/2006	DESKS	90	BMF STORAGE	LANDFILL	ANN STREET	
47	8/10/2006	DRY DUPLICATOR UNIT	1	BMF STORAGE	LANDFILL	ANN STREET	
48	8/10/2006	FAN	1	BMF STORAGE	LANDFILL	ANN STREET	
49	8/10/2006	FILING CABINETS	3	BMF STORAGE	LANDFILL	ANN STREET	
50	8/10/2006	SHEETS OF GLASS	3	BMF STORAGE	LANDFILL	ANN STREET	
51	8/10/2006	HOT PLATE	1	BMF STORAGE	LANDFILL	ANN STREET	
52	8/10/2006	ICE MAKER	1	BMF STORAGE	LANDFILL	ANN STREET	
53	8/10/2006	"L" FOR DESK	5	BMF STORAGE	LANDFILL	ANN STREET	
54	8/10/2006	LOVE SEAT	1	BMF STORAGE	LANDFILL	ANN STREET	
55	8/10/2006	MIRRORS	2	BMF STORAGE	LANDFILL	ANN STREET	
56	8/10/2006	PAPER CUTTER	1	BMF STORAGE	LANDFILL	ANN STREET	
57	8/10/2006	PARTITIONS	87	BMF STORAGE	LANDFILL	ANN STREET	
58	8/10/2006	PICTURE	1	BMF STORAGE	LANDFILL	ANN STREET	
59	8/10/2006	PLASTIC CHAIR COVERS	4 BOXES	BMF STORAGE	LANDFILL	ANN STREET	
60	8/10/2006	PODIUM	1	BMF STORAGE	LANDFILL	ANN STREET	
61	8/10/2006	WATER PUMP	1	BMF STORAGE	LANDFILL	ANN STREET	
62	8/10/2006	RACKS	2	BMF STORAGE	LANDFILL	ANN STREET	
63	8/10/2006	HAND RADIOS W/CHARGERS	275	BMF STORAGE	LANDFILL	ANN STREET	
64	8/10/2006	ROCKER	1	BMF STORAGE	LANDFILL	ANN STREET	
65	8/10/2006	SAFE	1	BMF STORAGE	LANDFILL	ANN STREET	

REPORT ON THE DISPOSAL OF SURPLUS COUNTY PROPERTY  
JULY 1, 2006 - DECEMBER 31, 2006

ITEM NO.	DATE RECEIVED	DESCRIPTION OF PROPERTY	QTY	RENDERING DEPARTMENT	METHOD OF DISPOSAL	LANDFILL LOCATION	SOLD TO/GIVEN TO
66	8/10/2006	MOVIE SCREEN	1	BMF STORAGE	LANDFILL	ANN STREET	
67	8/10/2006	VINYL SHEETROCK	112 sheets	BMF STORAGE	LANDFILL	ANN STREET	
68	8/10/2006	SHELVES	2	BMF STORAGE	LANDFILL	ANN STREET	
69	8/10/2006	SHELVING UNIT	1	BMF STORAGE	LANDFILL	ANN STREET	
70	8/10/2006	SOFA	1	BMF STORAGE	LANDFILL	ANN STREET	
71	8/10/2006	TABLES	22	BMF STORAGE	LANDFILL	ANN STREET	
72	8/10/2006	TABLE TOPS	4	BMF STORAGE	LANDFILL	ANN STREET	
73	8/10/2006	ELECTRIC TRANSFORMER	1	BMF STORAGE	LANDFILL	ANN STREET	
74	8/10/2006	WATER FOUNTAIN	1	BMF STORAGE	LANDFILL	ANN STREET	
75	8/10/2006	FOAM INSULATION	19 sheets	BMF STORAGE			COUNTY SCHOOLS
76	8/10/2006	SHEETROCK	27 sheets	BMF STORAGE			COUNTY SCHOOLS
77	8/10/2006	DOOR JAMS W/HEADER	5	BMF STORAGE			COUNTY SCHOOLS
78	8/10/2006	FLUORESCENT BULBS	36 cases	BMF STORAGE			COUNTY SCHOOLS
79	8/10/2006	DOORS	4	BMF STORAGE			COUNTY SCHOOLS
80	8/10/2006	CEMENT	11 bags	BMF STORAGE			COUNTY SCHOOLS
81	8/10/2006	CEILING TILES	8 cases	BMF STORAGE			COUNTY SCHOOLS
82	8/10/2006	CASTERS	14	BMF STORAGE			COUNTY SCHOOLS
83	8/10/2006	AIR VENTS	2	BMF STORAGE			COUNTY SCHOOLS
84	8/10/2006	LIGHT BULBS	10	BMF STORAGE			COUNTY SCHOOLS
85	8/10/2006	BLOCKS	150	BMF STORAGE			COUNTY SCHOOLS
86	8/10/2006	SHINGLES	3 bundles	BMF STORAGE			COUNTY SCHOOLS
87	8/16/2006	PRINTERS	2	TAX ADMINISTRATION	LANDFILL	ANN STREET	
88	8/18/2006	DESKS	5	BOARD OF ELECTIONS	LANDFILL	ANN STREET	
89	8/22/2006	PRINTER	1	INFORMATION SERVICES	LANDFILL	ANN STREET	
90	8/25/2006	COMPUTERS	20	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
91	8/25/2006	LAPTOP	1	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
92	8/25/2006	MONITORS	17	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
93	8/25/2006	PRINTERS	9	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
94	8/25/2006	TERMINALS	3	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
95	8/26/2006	LABEL WRITER/PRINTER	1	COUNTY ATTORNEY	LANDFILL	ANN STREET	
96	8/26/2006	COMPUTER TRAYS	7	COUNTY ATTORNEY	LANDFILL	ANN STREET	

REPORT ON THE DISPOSAL OF SURPLUS COUNTY PROPERTY  
 JULY 1, 2006 - DECEMBER 31, 2006

ITEM NO.	DATE RECEIVED	DESCRIPTION OF PROPERTY	QTY	RENDERING DEPARTMENT	METHOD OF DISPOSAL	LANDFILL LOCATION	SOLD TO/GIVEN TO
97	8/26/2006	PAPERPORT SCANNERS	3	COUNTY ATTORNEY	LANDFILL	ANN STREET	
98	8/26/2006	DOCUMENT HOLDERS	4	COUNTY ATTORNEY	LANDFILL	ANN STREET	
99	8/26/2006	CALENDAR HOLDERS	6	COUNTY ATTORNEY	LANDFILL	ANN STREET	
100	8/26/2006	TYPEWRITER	7	COUNTY ATTORNEY	LANDFILL	ANN STREET	
101	8/26/2006	COAT RACKS	8	COUNTY ATTORNEY	LANDFILL	ANN STREET	
102	8/30/2006	PRINTERS	17	MENTAL HEALTH	LANDFILL	ANN STREET	
103	8/30/2006	MONITORS	21	MENTAL HEALTH	LANDFILL	ANN STREET	
104	8/30/2006	COMPUTERS	5	MENTAL HEALTH	LANDFILL	ANN STREET	
105	8/30/2006	LAPTOP COMPUTERS	4	MENTAL HEALTH	LANDFILL	ANN STREET	
106	8/30/2006	ELECTRICAL SWITCHES	5	MENTAL HEALTH	LANDFILL	ANN STREET	
107	8/30/2006	HUBS	9	MENTAL HEALTH	LANDFILL	ANN STREET	
108	9/8/2006	CHAIR	1	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
109	9/8/2006	REFRIGERATORS	3	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
110	9/8/2006	CENTERFUGES	2	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
111	9/8/2006	OVEN	1	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
112	9/8/2006	ROTATER	1	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
113	9/8/2006	LIGHTENING BOX	1	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
114	9/8/2006	BAR CODE READER	1	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
115	9/8/2006	WEIGHT SCALE	1	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
116	9/8/2006	HOT PLATE STIRRER	1	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
117	9/8/2006	PH METER	1	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
118	9/8/2006	URINE ANALYZER	1	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
119	9/8/2006	DISPENSERS	2	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
120	9/11/2006	MOSQUITO SPRAYER	2	HEALTH DEPARTMENT	LANDFILL	ANN STREET	
121	9/11/2006	BOAT/ 2 PADDLES	1	HEALTH DEPARTMENT			PARKS AND RECREATION
122	9/11/2006	TV	1	WORKFORCE DEVELOPMENT	LANDFILL	ANN STREET	
123	9/11/2006	COMPUTER	1	WORKFORCE DEVELOPMENT	LANDFILL	ANN STREET	
124	9/11/2006	CHAIR	1	WORKFORCE DEVELOPMENT	LANDFILL	ANN STREET	
125	9/11/2006	FOLDING CHAIRS	21	WORKFORCE DEVELOPMENT	LANDFILL	ANN STREET	
126	9/11/2006	PRINTER	1	WORKFORCE DEVELOPMENT	LANDFILL	ANN STREET	
127	9/12/2006	WOODEN PIECES OF CHAIRS		CLERK OF COURT	LANDFILL	ANN STREET	

ITEM NO.	DATE RECEIVED	DESCRIPTION OF PROPERTY	QTY	RENDERING DEPARTMENT	METHOD OF DISPOSAL	LANDFILL LOCATION	SOLD TO/GIVEN TO
REPORT ON THE DISPOSAL OF SURPLUS COUNTY PROPERTY							
JULY 1, 2006 - DECEMBER 31, 2006							
128	9/13/2006	CHAIRS	13	SHERIFF'S DEPARTMENT	LANDFILL	ANN STREET	
129	9/13/2006	CABINETS	2	SHERIFF'S DEPARTMENT	LANDFILL	ANN STREET	
130	9/13/2006	DESKS	4	SHERIFF'S DEPARTMENT	LANDFILL	ANN STREET	
131	9/13/2006	SHelf UNIT	1	SHERIFF'S DEPARTMENT	LANDFILL	ANN STREET	
132	9/13/2006	BULLETIN BOARD	1	SHERIFF'S DEPARTMENT	LANDFILL	ANN STREET	
133	9/21/2006	PRINTER RIBBONS	18	COMMUNICATIONS CENTER	LANDFILL	ANN STREET	
134	10/3/2006	VCR	1	SHERIFF'S DEPARTMENT	LANDFILL	ANN STREET	
135	10/3/2006	FAX MACHINES	2	SHERIFF'S DEPARTMENT	LANDFILL	ANN STREET	
136	10/3/2006	COMPUTER TOWERS	4	SHERIFF'S DEPARTMENT	LANDFILL	ANN STREET	
137	10/3/2006	COMPUTER MONITORS	5	SHERIFF'S DEPARTMENT	LANDFILL	ANN STREET	
138	10/3/2006	PRINTER	1	SHERIFF'S DEPARTMENT	LANDFILL	ANN STREET	
139	10/3/2006	KEYBOARDS	3	SHERIFF'S DEPARTMENT	LANDFILL	ANN STREET	
140	10/3/2006	MOUSE	4	SHERIFF'S DEPARTMENT	LANDFILL	ANN STREET	
140	10/3/2006	BOX OF CORDS	1	SHERIFF'S DEPARTMENT	LANDFILL	ANN STREET	
142	10/3/2006	PROJECTION SCREEN	1	SHERIFF'S DEPARTMENT	LANDFILL	ANN STREET	
143	10/3/2006	CHAIRS	2	SHERIFF'S DEPARTMENT	LANDFILL	ANN STREET	
144	10/3/2006	DESKS	2	SHERIFF'S DEPARTMENT	LANDFILL	ANN STREET	
145	10/3/2006	WHITE BOARDS	1	SHERIFF'S DEPARTMENT	LANDFILL	ANN STREET	
145	10/10/2006	MONITORS	3	SHERIFF'S DEPARTMENT	LANDFILL	ANN STREET	
145	10/10/2006	PRINTER	17	DSS	LANDFILL	ANN STREET	
148	10/16/2006	FAX MACHINE	1	DSS	LANDFILL	ANN STREET	
149	10/16/2006	TYPEWRITERS	1	DSS	LANDFILL	ANN STREET	
150	10/16/2006	COPIER	12	DSS	LANDFILL	ANN STREET	
151	10/18/2006	DESKS	8	DSS	LANDFILL	ANN STREET	
152	10/18/2006	TABLES	6	CLERK OF COURT	LANDFILL	ANN STREET	
153	10/18/2006	CHAIRS	16	CLERK OF COURT	LANDFILL	ANN STREET	
154	10/18/2006	DESKS W/HUTCH	4	CLERK OF COURT	LANDFILL	ANN STREET	
155	10/18/2006	BOOKCASE	1	CLERK OF COURT	LANDFILL	ANN STREET	
156	10/18/2006	CHAIRS	59	CLERK OF COURT	LANDFILL	ANN STREET	
157	10/18/2006	TABLES	27	CLERK OF COURT	LANDFILL	ANN STREET	
158	10/18/2006	DESKS	32	CLERK OF COURT	LANDFILL	ANN STREET	
159	10/18/2006	CABINET	1	CLERK OF COURT	LANDFILL	ANN STREET	





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

January 2, 2007

ITEM NO. 3F

AGENDA ITEM FOR JANUARY 16, 2007 MEETING

TO: James Martin, County Manager  
FROM: Marsha Fogle, Clerk  
RE: Destruction of Records

BACKGROUND: Pursuant to a Resolution adopted by the Board of Commissioners at its February 4, 1985 meeting, authorization is requested to destroy Governing Body records as noted below.

The destruction of these records is in accordance with the Records Retention Schedule issued by NC Division of Archives & History and adopted by the Board of Commissioners.

COMMISSIONERS PACKETS	2002
CORRESPONDENCE FILES	2002

*Celebrating Our Past... Embracing Our Future*

Charles C. Morris  
Chair  
Town of Linden

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



## COUNTY of CUMBERLAND

*Planning and Inspections Department*

Thomas J. Lloyd  
Director

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

ITEM NO. 36

### MEMORANDUM

**To:** JAMES MARTIN, COUNTY MANAGER  
**From:** THOMAS J. LLOYD, PLANNING & INSPECTIONS DIRECTOR  
**Via:** JUANITA PILGRIM, DEPUTY COUNTY MANAGER  
**Date:** December 28, 2006  
**Re:** DESTRUCTION OF PLANNING & INSPECTION DEPARTMENT RECORDS

In accordance with the Records Retention and Disposition Schedule dated April 1, 2006, I request permission to destroy records dated prior to January 1, 2001, on or before January 30, 2007. The longest time period we are required to maintain records is six years. This request will allow me to destroy records that are no longer useful. Records to be destroyed are as follows:

1. Permit Files: Included are Applications for Building, Electrical, Plumbing, Mechanical Insulation, Demolition, Relocation, and Zoning Permits, Permits Issued, Work Tickets, Certificates of Occupancy, Blueprints and Specifications and related correspondence.
2. Minimum Housing and Junk Vehicle Files.
3. Monthly Reports: This file consists of information compiled for the U.S. Bureau of the Census, reports of money collected for permit fees, inspections performed, and permits issued.
4. Correspondence/Memorandums.

Exceptions:

- A. Any record required to be retained permanently or for the life of the structure.
- B. Records, if any, related to any ongoing litigation.

I request that this item be placed on the Commissioners Agenda at your earliest convenience. Thank you for your time in this matter. Let me know if you need any additional information.



ITEM NO. 34

# COUNTY of CUMBERLAND

*Office of the County Attorney*

January 9, 2007

**MEMORANDUM FOR BOARD OF COMMISSIONERS' MEETING OF JANUARY 16, 2007**

**TO: BOARD OF COMMISSIONERS**

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

**SUBJECT: APPROVAL OF REVISIONS TO ANIMAL CONTROL ORDINANCE, INCLUDING ADDITION OF AGGRESSIVE DOG CATEGORY**

**BACKGROUND:** The Animal Control Director has proposed and the Animal Control Board has unanimously approved revisions to the Animal Control Ordinance, including addition of a category of "aggressive dog." An aggressive dog is one that, on or off the keeper's property, inflicts serious injury on domestic animals or livestock. This fills in a gap in the current ordinance, under which a dog could not be determined to be potentially dangerous if it inflicted injury while on its keeper's property. A provision has been added that a dog determined to be vicious must be removed from Cumberland County or surrendered to Animal Control. Another new provision makes it a violation to hide, remove or fail to surrender a vicious, dangerous or potentially dangerous dog. The revisions also require micro-chipping of animals determined to be nuisance animals or public hazard dogs.

The new provisions are set forth in italics for reference.

**RECOMMENDATION:** The Animal Control Director and the Animal Control Board recommend approval of the revisions to the Animal Control Ordinance.

Encl.

**AN ORDINANCE OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
MAKING REVISIONS TO CHAPTER 3, ANIMAL CONTROL, OF THE CODE OF  
ORDINANCES OF THE COUNTY OF CUMBERLAND, NORTH CAROLINA**

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WHEREAS, the Cumberland County Board of Commissioners adopted a revised County Animal Control Ordinance in August, 2000, *and has amended it from time to time*; and

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WHEREAS, the Board of Commissioners wishes to make certain specific amendments to the County Animal Control Ordinance *as recommended by the Animal Control Director and the Animal Control Board*; and

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WHEREAS, the Board of Commissioners wishes to revise the Cumberland County Animal Control Ordinance as set forth below, and finds the same to be in the public interest and to promote the public health, safety and welfare,

NOW, THEREFORE, BE IT ORDAINED by the Cumberland County Board of Commissioners that:

Section 1. Chapter 3, Animal Control, of the Code of Ordinances of the County of Cumberland, North Carolina, is hereby repealed in its entirety, and the following substituted in lieu thereof:

**CHAPTER 3**

**ANIMALS**

- Art. I. Administration
- Art. II. General Provisions
- Art. III. Dangerous Dogs.
- Art. IV. Rabies and Animal Bites
- Art. V. Licenses and Permits for Kennels, Keeping Large/Small Animals
- Art. VI. Licensing of Dogs and Cats
- Art. VII. Public Hazard Dogs
- Art. VIII. Injured Animal Stabilization Fund
- Art. IX. Miscellaneous
- Art. X. Enforcement

**ARTICLE I. ADMINISTRATION**

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**Sec. 3-1. Animal Control Department – established.**

There is hereby established in the government of the County an Animal Control Department.

**Sec. 3-2. Animal Control Director.**

The Animal Control Department shall be supervised by the Animal Control Director, who shall be the director of that department, appointed by the county manager.

**Sec. 3-3. Functions of Animal Control Department**

The Animal Control Department shall have and perform the duties and responsibilities set forth herein, shall enforce the provisions of this chapter and of state law relating to animal control and animal welfare, shall administer and enforce an animal control program within such municipalities within the county as be interlocal agreement may contract with the contract for such services, and shall maintain and operate the county animal shelter.

**Sec. 3-4. Animal Control Board Established.**

- (a) There is established the Cumberland County Animal Control Board.
- (b) The Animal Control Board shall be composed of seven (7) members to be appointed by the Board of Commissioners. Of the seven members. Two shall be residents of the City of Fayetteville appointed by the Board of Commissioners from among the names of four persons nominated by the Fayetteville City Council, that is, two nominations for each set. At least one member shall be a person with knowledge and experience in dog behavior and/or handling, one member shall be ex officio the veterinarian on contract to the Animal Control Department, one member shall have an interest in promoting the goals of the Animal Protection Society or the Humane Society or another such broadly-based and representative organization interested in the care and protection of animals, and the other members shall represent the public at large. The members shall serve staggered two-year terms; four members shall have terms that expire on June 30 in even-numbered years following the year of their initial appointment and three members shall have terms that expire on June 30 of odd-numbered years.
- (c) The powers and duties of the Animal Control Board shall include:
  - (i) Hearing appeals from determinations of the Animal Control Director (or his designee) concerning potentially dangerous, dangerous or vicious dogs;
  - (ii) Hearing any other appeals provided for this Chapter concerning determinations of the Animal Control Department;
  - (iii) Providing advice and information to the Animal Control Department;

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- (iv) Upon coordination with the Animal Control Director, making recommendations to the Board of Commissioners or the Fayetteville City Council, as appropriate, for the betterment of the County's animal control program;
- (v) In conjunction with the Animal Control Department and the County's Public Information Director, providing for a program of public education, information and outreach concerning responsible pet ownership, animal cruelty, and the County's animal control program.
- (vi) Selecting officers of the board, including a chairperson, and adopting rules of procedure; a majority of the board shall constitute a quorum for the transaction of business.

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(d) The Animal Control Board shall adopt a schedule of regular meetings and post and file it with the Clerk to the Board of Commissioners and otherwise as required by the Open Meetings Law. The Animal Control Board shall schedule as least four quarterly regular meetings annually, at which meetings the Animal Control Director or his delegate shall appear and participate. In addition, the Animal Control Board may hold such special or emergency meetings, upon the call of the chairperson or any three members, as may be appropriate in the circumstances, subject to compliance with the Open Meeting Law.

**ARTICLE II. GENERAL PROVISIONS.**

**Sec. 3-5. Definitions**

A. As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

1. "Abandon" means to cease providing for the care, control or maintenance of an animal without the transfer of ownership of such animal.
2. *Aggressive Dog means any dog that attacks a domestic animal or livestock, whether on or off the owner or keeper's property, causing death, debilitating and permanent injury, or injuries, requiring hospitalization, above and beyond minor injuries treatable by first aid.*
3. "Altered" means any cat or dog, which has been neutered or spayed.
4. "Animal Shelter" means the premises operated by the Animal Control Department for the purposes of impounding, sheltering or caring for animals or any other premises operated by another entity with which the county contracts for such purposes.

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5. "Animal Control Department" means the Cumberland County Animal Control Department.

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6. "Animal Control Director" means the Director from time to time of the Animal Control Department, or his designee.

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7. "Animal Control Officer" means the person or persons employed by the Animal Control Department as its enforcement officer[s] in the impoundment of animals, controlling of animals running at large, and as otherwise provided or required in this chapter.

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8. "At large" or "running at large" means any animal which is not confined on the property of its owner, the leashed premises of the animal's owner, or under the actual physical control of a competent person, other than a licensed, currently privilege tax paid, hunting dog under supervision while engaged in a lawful actual or simulated hunt.

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9. "Confinement" means to secure an animal in a locked house, run, enclosure or fenced yard within the boundaries of the owner's, leaseholder's, or keeper's property (i.e., house, fenced yard).

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10. "County Manager" shall mean the duly appointed County Manager of the County of his/her designee.

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11. "Cruelty" means to endanger by any act of omission or commission the life, health or safety of an animal,

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Destructive Dog means any dog that has been determined to have killed or inflicted severe injury upon a domesticated animal when not on the real property of the owner of the dog

12. "Exposed to rabies" means any animal that has been bitten by or exposed in a manner proven to be able to transmit rabies, to any other animal known to have been infected with rabies or any other animal reasonably suspected of being infected with rabies that is not available for laboratory diagnosis.

13. "Fee Schedule" means any schedule of fees related to the administration of this chapter, which may be adopted from time to time by the Board of Commissioners.

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"Fowl" means chickens, guineas, geese, ducks, pigeons, and other avian animals,

14. Harboring means regularly feeding, sheltering or caring for an animal,

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15. "Impoundment" means any person, acting in the capacity of the owner or at the owner's request, who is responsible for the care, welfare and maintenance of the animal.

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16. "Keeper" means any person, acting in the capacity of the owner, or at the owner's request, who is responsible for the care, welfare and maintenance of the animal.
17. "Kennel" means any place where any combination of eight (8) or more dogs or cats more than six (6) months of age are sheltered, fed and watered.
18. "Neuter" means to render a male dog or cat unable to reproduce.
19. *"Livestock" includes, but is not limited to, equine animals, bovine animals, sheep, goats, llamas and swine.*
20. "Nuisance" means the conduct or behavior resulting from any act of omission or commission by the owner or keeper of any small or large animal, cat or dog which molests passersby or passing vehicles, damages private or public property; barks, whines, howls, crows or makes other noises in an habitual or continuous fashion which annoys the comfort, repose, health or safety of the people in the community; unconfined in season; habitually defecates on the property of someone other than the owner; habitually eats or otherwise destroys the plants, shrubs or similar landscaping on the property of someone other than the owner.
21. "Owner" shall mean anyone taking care of having custody of an animal, such as by providing food, water, shelter or medical care, but shall not include taking care or having custody of the animal for compensation.
22. "Permit" means a permit issued by the Animal Control Department or similar agency of any applicable governmental unit having jurisdiction.
23. "Provoke" or "Provocation" means, with respect to an attack by an animal, the animal was hit, kicked or agitated by **teasing or struck** by a person with an object or part of a person's body or that any part of the animal's body is pulled, pinched or squeezed by a person.
24. "Public Hazard Dog" shall mean a dog that, off its owner's property (or a stray or abandoned dog) and not restrained, approaches a person so as to put such person in reasonable fear of the threat of an imminent attack, when such dog has the apparent ability to carry out such an attack and inflict injury on such person, whether or not it is demonstrated that such dog had an actual intent to attack such person.
25. "Rat-proof" means the state of being constructed so as to effectively prevent entry of rats.
26. "Restraint" means that an animal is actually physically controlled by leash or tether held by a competent person or within any vehicle, trailer or other

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conveyance being driven, pulled or parked on the street or confined within the property limits of its owner or keeper.

27. *"Run"* means an area used to confine a dog or dogs of a size that complies with Section 3-42 hereof.

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28. *"Sanitary"* means any condition of good odor and cleanliness, which precludes the probability of disease transmission and insect breeding and which preserves the health of the public.

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29. *"Spay"* means to remove the ovaries of a female dog or cat in order to render the animal unable to reproduce.

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30. *"Stray"* means any animal reasonably presumed to have any owner, including but not limited to an animal running at large or not under restraint.

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31. *"Vaccination"* means an injection of United States Department of Agriculture approved rabies vaccine administered by a licensed veterinarian or certified rabies vaccinator as defined in G.S. 130A-186.

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32. *"Vicious Dog"*, *"Potentially Dangerous Dog"*, and *"Dangerous Dog"* shall have the meanings set forth in Section 3-25 hereof.

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33. *"Transfer"* means to convey or change ownership from one person to another with or without the exchange of money or other consideration.

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34. *"Unaltered"* means any cat or dog which has not been spayed or neutered.

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B. All other words or phrases used herein shall be defined and interpreted according to their common usage.

#### **Sec. 3-6. Applicability of state laws to custody of animals.**

No person owning or having in his custody any animal shall violate any laws, rules, or regulations of the state applicable thereto. The provisions of this chapter shall govern where the provisions of the rules and regulations of the state are less restrictive than the provisions of this chapter.

#### **Sec. 3-7. Injuring, poisoning or trapping animals prohibited.**

A. A person who accidentally or otherwise strikes an animal with an automobile and injures it shall promptly notify the Animal Control Department or any law enforcement agency having jurisdiction.

- B. No person shall knowingly expose or give to any animal any poisonous substance, whether mixed with food or not. This provision, however, does not apply to the eradication or population control of certain species of rodents.
- C. No person shall set or expose an open jaw type trap, leg hold trap, snare trap or any type trap which would likely cause physical harm or injury to any animal. This provision shall not apply to persons who are licensed by the state to trap animals, to Animal Control Officers or to persons using humane live capture traps.

**Sec. 3-8.      Diseased animals, injured or sick animals.**

- A. Every person owning or having any animal under his charge which he knows or suspects to be sick or injured shall isolate the animal from other animals, shall obtain or provide appropriate treatment for such animal within two business days or may have the animal humanely euthanized; or
- B. Any animal which comes into possession of the animal shelter which is terminally injured, sick or *exhibiting symptoms of contagious disease* may be humanely euthanized by the animal shelter personnel without waiting for the expiration of the period in which such animal may be placed for adoption. Provided, however, that before such sick, diseased or injured animal is euthanized, the animal shelter personnel shall contact the owner, if known, of such animal to determine the disposition of such animal. If the owner indicates that the animal will be reclaimed but fails to reclaim the animal within two business days of such notification, or if the owner of such animal is not known, the sick or injured animal shall be euthanized by the animal shelter personnel. The animal shelter supervisor shall keep a record of such animal, to include breed and sex of the animal, when the animal came into possession of the animal shelter, the type of injury, *disease* or sickness of such animals, the date the animal was destroyed, and any other information relevant to the health, condition and description of such animal.

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**Sec. 3-9.      Property owner may impound animal.**

- A. Any person who finds an animal on his property to his injury or annoyance may:
  - 1. Take such animal to the animal shelter except that stray animals shall be handled as provided by law; or
  - 2. Retain possession of such animal or fowl and, *within one business day*, notify the Animal Control Department of this custody, giving a description of the animal and the owner's name, if known. The animal shall be removed from such property in such a manner so as not to cause injury to the animal.
- B. It shall be an offense for any person to knowingly and intentionally harbor, feed or keep in possession by confinement or otherwise any stray animal which does not

belong to him, unless he shall have within one business day from the time such animal came into his possession notified the Animal Control Department of his intention either to (1) surrender the animal to the animal shelter or (2) advertise for five (5) consecutive days such stray animal in the local newspaper with the greatest average daily circulation in the community. If the person possessing such stray animal elects to so advertise and the owner thereof shall not have responded by the tenth (10) day after the date of the first publication, the person so advertising shall be presumed the legal owner of such animal. If the advertisement shall not have been first published within seventy-two (72) hours after so notifying the Animal Control Department, that department shall require that such animal is surrendered to it and it shall be unlawful in such circumstance for any person to refuse to so surrender any such animal.

**Sec. 3-10. Nuisance animals; complaint procedure for animals which disturb or are a nuisance.**

No person shall keep any animal which causes a nuisance as defined herein. Any violation of this section is declared to be a nuisance and as such may be abated by any Animal Control Officer after written notice to the owner and the owner's failure to remedy the same within three (3) business days. This remedy of abatement shall be in addition to any other remedy set forth in this ordinance. *Any animal determined to be a nuisance animal will be required to be micro-chipped by Animal Control at the owner's expense. The owner will be required to transport the animal to the Department of Animal Control within 48 hours of the nuisance declaration.*

**Sec. 3-11. Animal fighting prohibited.**

No person shall permit or conduct any dog fights, cock fights or other combat between animals or between animal and human. **The Animal Control Director shall levy a fine of \$1000 per animal for each violation of this section and shall** confiscate any animals kept for or involved in such fighting.

**Sec. 3-12. Keeping of wild or exotic animals.**

- A. For the purpose of this section, a wild or exotic animal means an animal which is usually not a domestic animal and which can normally be found in the wild state, including, but not limited to lions, tigers, leopards, panthers, wolves, foxes, lynxes or any hybrid of like animals, alligators, crocodiles, apes, foxes, elephants, rhinoceroses, bears, all forms of poisonous snakes, raccoons, skunks, monkeys, bats and like animals.
- B. It is unlawful to keep or harbor or breed or sell or trade any wild or exotic animal as a pet, for display or for exhibition purposes, whether gratuitously or for a fee, except as may be licensed by the state Wildlife Resources Commission under its regulations pertaining to wildlife rehabilitators.

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- C. This section shall not apply to circuses that perform in Cumberland County for not more than seven (7) days. If a circus is scheduled to be in Cumberland County for more than seven (7) days, then the circus may apply to the Animal Control Director for an extension permit for a period not to exceed an additional seven (7) days, on such terms as the Animal Control Director shall determine will protect the public health, safety and welfare.

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- D. The penalty for a violation of this Section 3-12 shall be a \$1,000 fine. Upon receiving a citation or notice of violation for violation of this section, the owner or possessor of any such animal shall remove it from Cumberland County's within thirty (30) days. Failure to remove such animal after such citation or notice of violation shall have been served shall subject the owner or possessor to a \$500 fine for each subsequent day of violation after such thirty (30) day period, and the Animal Control department shall be authorized to obtain an administrative search warrant, to seize any such animal[s], and remove it or them from Cumberland County. The owner or possessor shall liable to the County for reimbursement of any expenses incurred by the County in enforcing this section by causing such animal[s] to be removed from Cumberland County.

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**Sec. 3-13. Vaccination required; certificate of vaccination.**

- A. No person shall own, keep or harbor any dog or cat unless such dog or cat four (4) months of age or older is vaccinated for rabies by a licensed veterinarian.
- B. Every dog or cat that is adopted from the animal shelter shall be vaccinated by a licensed veterinarian.

**Sec. 3-14. Tag and collar required; removal, nontransferable, inspection, offense.**

- A. The owners of all dogs and cats four (4) months of age or older shall have the dogs or cats vaccinated against rabies with an approved vaccine administered by a licensed veterinarian. The veterinarian shall issuer the owner of the animal a vaccination certificate and such owner shall retain such certificate until the vaccination is renewed. At the time of the vaccination, a metal tag shall be issued by the veterinarian showing the information required by G.S. 130A-190.
- B. Every owner of a dog or cat shall affix the tag issued by a licensed veterinarian for rabies vaccination to a collar to be worn by the dog or cat at all times while off its owner's premises. It shall be unlawful for any person other than the owner to remove the collar from the dog or cat.
- C. No person shall use a rabies tag or veterinarian certificate or receipt for any dog or cat other than for that dog or cat to which the rabies tag, veterinarian certificate or receipt was issued.

- D. Any Animal Control Officer or any law enforcement officer may at any reasonable time require an owner to provide proof of rabies vaccination for any animals required so to be vaccinated. Any owner not possessing a current rabies tag, certificate or receipt for such dog or cat over four (4) months of age may be cited by the *Animal Control Officer or law enforcement officer*.

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**Sec. 3-15. Control of animals required, at large, strays, confinement in season.**

- A. It is unlawful for any owner or person to:
1. Perform, do or carry out any inhumane or cruel treatment against any animal;
  2. Keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal or animals which by reason of noise, odor or sanitary conditions become offensive to a reasonable and prudent person of ordinary tastes and sensibilities or which constitute or become a health hazard as determined by the Animal Control director, the Inspections Director or the Cumberland County Environmental Health Supervisor, as appropriate; or
  3. Permit or negligently allow any domestic animal or livestock to run at large. Any such animal found running at large shall be wither:
    - a. *Impounded by an Animal Control Officer; such animal shall be kept at the animal shelter and may be reclaimed as provided in this chapter; or*
    - b. In the discretion of the Animal Control Officer, an animal found at large which is licensed by the county and vaccinated for rabies, except a vicious, dangerous dog or a potentially dangerous dog, as those terms are defined in this chapter, may be released to the custody of the owner. Provided, further, before the animal is released, the owner or a competent person shall agree to and shall sign a release holding the county harmless and assuming full responsibility, at no cost to the county, its officials, agents, or employees for the complete and humane care, feeding and housing of such an animal.
- B. No impounded animal shall be returned to its owner until any applicable animal impoundment and boarding, vaccination and/or microchipping fees or costs and any penalties are paid.
- C. Stray animals shall be treated in the manner provided in this chapter.

- D. Every female dog or cat in season (heat) shall be kept confined in such a manner that such female dog or cat cannot come in contact with other animals, except for controlled breeding purposes. Female animals picked up by the Animal Control Department which are in season (heat) shall be kept separate from male animals at all times.

**Sec. 3-16. Running at large; owners cited.**

Any dog or cat that is not confined as provided in this chapter, and not under the actual physical control or restraint of its owner, leaseholder, or keeper shall be presumed to be running at large. Any Animal Control Officer shall impound such animal at the animal shelter. It shall be a violation of this ordinance for any dog or cat running at large off its owner's or keeper's property to bite any person so as to break such person's skin. A first offense shall subject such owner or keeper to a civil penalty of \$250.00. A second offense shall subject such owner or keeper to a civil penalty of \$500.00. A third offense shall subject such owner or keeper to a civil penalty of \$1,000.00.

**Sec. 3-17. Dogs prohibited from park trails.**

- A. Dogs are prohibited, whether running at large or restrained, from the jogging trails at any county or city park which has an established jogging trail. Dogs may be walked in such parks when on a leash under the control of a competent person.
- B. When dogs are found on the jogging trails at any county or city park as prohibited by subsection A of this section and their ownership is known to the authorized representatives of the county, dogs need not be impounded; but the Animal Control Officer may, at his discretion, issue the owner a notice of violation.

**Sec. 3-18. Impoundment, records, disposition of animals, adoption, licensing of dogs and cats.**

- A. Any dog or cat or other small animal kept as a house pet and found running at large shall be picked up and immediately impounded in the animal shelter and there confined in humane manner. Dogs and cats and other small animals not claimed by their owner after a three day holding period, exclusive on Sundays and county-observed holidays, shall become the property of the animal shelter and shall be humanely disposed of at the discretion of the animal shelter.
- B. Small unvaccinated animals, other than dogs or cats, shall be impounded when found running at large and humanely disposed of in accordance with the provisions of this chapter.
- C. An Animal Control Officer, upon receiving any animal for impoundment, shall record or cause to be recorded the description, breed, color and sex of the animal and whether or not it is licensed and the date and time of impoundment. If the animal is licensed or if the owner is known, the officer shall enter the name and

address of the owner or the county license or rabies tag number as may be shown on the impoundment records. If the owner is known, the Animal Control Department shall telephone the owner or, if unsuccessful in attempting to telephone such owner, shall mail notice at the address shown on the Department's records to notify the owner that unless reclaimed in accordance with this code within seventy-two (72) hours after impoundment, Sundays and county-observed holidays excluded, the animal will be humanely disposed of by the animal shelter. Attempts to contact the owner will be recorded on the reverse of the impoundment record.

- D. At the end of the period prescribed in this section, animals that have not been reclaimed by the owner thereof shall be adopted or otherwise disposed of in a humane manner and as required by law. Any animal which is eligible for adoption may be adopted or humanely disposed of at any time more than seventy-two hours after the statutory holding period. Provided, however, in the discretion of the Animal Control Director, a healthy animal that has been well maintained may be retained for an additional period for the purpose of adoption or transferred to an approved local animal adoption or rescue agency.
- E. Before any dog or cat is released for adoption from the animal shelter, the adopting party shall pay such fee(s) as may be prescribed therefore in any fee schedule adopted from time to time by resolution by the board of commissioners. Such dog or cat also shall be issued any required city or county license, as provided for in this chapter, if such dog or cat has not previously been licensed, and vaccinated for rabies, if not affirmatively shown to have a current vaccination.
- F. No employee may adopt an animal from the animal shelter, nor may any employee of the shelter adopt, give away, or sell any animal from the animal shelter except as provided in this chapter, provided, however, any employee may adopt one cat and one dog per employee in any calendar year and such number of other animals as the Animal Control Director may by uniform written policy prescribe.
- G. There is hereby established a grace period of five (5) days beginning on the day of adoption and ending at the close of business of the fifth (or the first business day which falls after the fifth day if such fifth day is a Sunday or legal holiday) day thereafter, during which period an animal adopted from the animal shelter may be returned to the animal shelter without refund for a replacement animal, conditioned solely upon the presentation of written certification of a licensed veterinarian that the adopted animal is in poor health.

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**Sec. 3-19. Redemption of impounded animals; licensing of dogs and cats.**

- A. An owner shall be entitled to resume possession of his impounded dog or cat or other small animal kept as a house pet, upon compliance with the vaccination provisions of

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this code and payment of any applicable impoundment or boarding fees, as well as of any applicable vaccination or microchipping fees. Such dog or cat also shall be issued any required city or county license, as provided for in this chapter, if such dog or cat has not previously been licensed, vaccinated for rabies, if not already micro-chipped. Owners of unvaccinated animals returned to them after impoundment shall have three (3) business days from the time the animal reaches the age of four (4) months in which to have the animal vaccinated against rabies by a licensed veterinarian and return proof of same to the animal shelter. New owners of adopted animals shall have three (3) business days from the time that the animal reaches the age of four (4) months, in which to have the animal vaccinated against rabies and return the proof to the animal shelter. Any owner failing to comply with this provision shall be guilty of an offense.

- B. When a law enforcement officer effects an arrest of a person in possession of an animal, who is taken into custody, and no other competent person is immediately present at the scene to take care of an animal, the animal will be impounded for its welfare. The animal will be impounded at the animal shelter until contact can be made with the animal's owner and an appropriate disposition of the animal determined. Once an Animal Control Officer makes contact with the owner, the owner will have seventy-two (72) hours to arrange for the appropriate disposition of the animal. After the seventy-two (72) hour period expires, the animal shall become the property of the animal shelter and may be humanely disposed of as provided in this chapter.

**Sec. 3-20. Spaying or neutering as condition for release of dogs and cats; extension of time; spaying or neutering required; sterilization agreement; deposits required; use of forfeited deposits; penalty.**

- A. No dog or cat may be released from the animal shelter unless said animal has been surgically spayed or neutered. Provided, however, an animal may be released without being spayed or neutered to an animal rescue group meeting qualifications set by the Animal Control Director, which qualifications shall include a requirement that any such animal rescue group have such animal spayed or neutered prior to adoption from that rescue group.
- B. Upon a written report from a licensed veterinarian stating that the life or health of an adopted animal may be jeopardized by surgery, the animal shelter supervisor shall grant a thirty (30) day extension of the period within which the spay or neuter surgery would otherwise be required. Further extensions may be granted upon additional veterinary reports establishing the necessity for such extensions.

**Sec. 3-21. Keeping of animals; mistreatment, abandonment prohibited; care; restraining of dogs; exercise area for dogs.**

- A. All dogs, cats and other small animals kept as house pets shall be housed, fed and protected from the weather in such a manner as not to create a nuisance.

B. No person shall willfully or negligently:

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1. Torture, cruelly beat, injure, maim, mutilate or without good cause destroy or kill any animal belonging to himself or to another;
2. Deprive any animal of food, drink or shelter;
3. Without good cause administer any poison or noxious drug or substance to any animal;
4. Without good cause expose any drug or substance with the intent that the same shall be taken by an animal, whether such animal be the property of that owner or another person; or
5. Cause any other person to do any of the above acts.

C. If an animal is found by any Animal Control Officer to be in one of the above described conditions, the officer may issue a notice of violation to the offender and if he does not, shall issue a notice to the offender warning him that if the animal's condition is not corrected, a citation will be issued. If the Animal Control Officer determines that a confined animal's life is in immediate danger or has been abandoned, the Animal Control Officer shall seize such animal if such seizure is not prohibited by applicable law. The Animal Control Officer shall leave a notice for the owner advising why the animal has been taken, and shall issue a notice of violation to the owner. Upon issuance of a citation, the penalty for a violation of this section shall be One Hundred Dollars (\$100.00) for a first violation or for a violation more that twelve (12) months after a previous violation. For subsequent violations within twelve-months of a previous violation, the penalty shall be Two Hundred Fifty Dollars (\$250.00) for a second violation, and Five Hundred dollars (\$500.00) for a third subsequent violation within a twelve-month period of the first violation.

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- D. No dog, cat or other small animal shall be confined within or on a motor vehicle under such conditions as may endanger the health or well-being of the animal, including, but not limited to, dangerous temperature, lack of food or water.
- E. No person shall abandon or cause or be abandoned any dog, cat or any other type of animal.
- F. Owners and keepers of dogs, cats and other small animals shall provide food, shelter and medical attention to such animals, including but not limited to the following:
1. Sufficient wholesome food that is nutritious for the species;

2. Fresh, potable drinking water;
3. Medical attention to relieve such animals from suffering;
4. Provide shade from the sun; and
5. Shelter to allow the animal to remain dry and protected from the elements. Such shelter shall be fully enclosed on three (3) sides, roofed and have a solid floor. The entrance to the shelter shall be flexible to allow the animal's entry and exit, and sturdy enough to block entry of wind or rain. The shelter shall be small enough to retain the animal's body heat and large enough to allow the animal to stand and turn comfortably. The enclosure shall be structurally sound and in good repair.

G. In addition to the foregoing provisions of this section, it shall be unlawful and constitute a public nuisance for any person to (1) willfully or maliciously overdrive, overload, torture, destroy or kill, or cruelly beat or injure, maim or mutilate any animal in subjugation or captivity, whether wild or tame, and whether belonging to himself or to another, or (2) deprive any such animal of necessary food, drink or shelter; or (3) cause, procure or permit any such animal to be so overdriven, overloaded, tortured, destroyed or killed, or cruelly beaten or injured, maimed or mutilated, or deprived of necessary food, drink or shelter; or (4) willfully initiate, instigate, engage in or in any way further any act of cruelty to any animal, or any act tending to produce such cruelty. Any law enforcement officer or Animal Control Officer finding an animal so maltreated or abused shall impound the animal, and the charges shall be assessed against the violator as a cost of abatement.

H. No person shall, at any time, fasten, chain or tie dog or cause such dog to be fastened, chained or tied, in such a manner as to cause or threaten to cause injury to such dog, while such dog is on the dog owner's property or on the property of the dog owner's landlord, unless authorized by an Animal Control Officer or the Animal Control Director, which authorization shall only be granted for good cause and shall not be permanent.

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I. No person shall permit a dog owned by such person or under the custody of such person to be off that person's property or leased premises unless such dog is restrained by a leash. Such leash shall be used to control the dog and to prevent the dog from running at large.

J. Any dog confined within a fenced yard or run must have an adequate space for exercise. Provided, further that where dogs are kept or housed on property without a fenced yard and such dogs are kept in an enclosure or run, such enclosure or run shall provide adequate space for exercise. Such an enclosure or run shall be constructed of chain link or similar type of materials with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping from

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such enclosure. The top of such enclosure shall be sufficiently covered to provide the dog with adequate shade and protection from the elements.

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**Sec. 3-22. Dead animal pickup; fees.**

- A. Dead animals may be picked up from residences by waste/ sanitation haulers as provided by the Cumberland County Solid Waste Department's policies as in effect from time to time.
- B. Owners may drop off an animal at the animal shelter provided an impoundment card is signed releasing custody of the animal to the animal shelter. Once the animal is released to the animal shelter, the animal shall become the property of the animal shelter and may be adopted or humanely disposed of as provided in this chapter.
- C. Animals will be placed for adoption or humanely disposed of at an owner's request by the animal shelter provided the owner signs an impoundment card releasing custody of the animal to the animal shelter.

**Sec. 3-23. Apprehension of wild dogs running loose.**

If the Animal Control Director shall determine that:

- (a) a dog or dogs are running wild in any unincorporated area; such dogs are feral and do not have an owner, keeper or custodian; such dogs appear not to have been vaccinated for rabies because such dogs are not wearing current and valid rabies tags; such dogs are substantially interfering with the use and enjoyment of property or business, or are harassing or threatening persons; and that such dogs cannot after extraordinary effort be apprehended, or
- (b) a wild animal or animals are running wild and appear to be rabid or terminally diseased, present an imminent threat to any person or to livestock or domestic pets, or are harassing and threatening persons, and cannot be apprehended without extraordinary effort,

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then the Director shall be authorized to cause deadly force to be used to humanely euthanize said dogs or wild animals. Prior to making such a determination, in case of wild dogs, the Animal Control Director shall have documented that persistent and repeated efforts to apprehend such dogs through use of traps, baited food, and tranquilizer darts have been ineffective. After making such a determination, the Animal Control Director (i) may authorize any Animal Control Officer, that has received the same training and certification in firearms as is required of certified law enforcement officers by the State of North Carolina, and has maintained as current and renewed such certification as may be required of such law enforcement officers, to apply such deadly force or (ii), in the alternative, he shall be authorized to request assistance from the Sheriff or from appropriate municipal police authorities in order that the application of deadly force shall be effected by a sworn law enforcement officer that has a marksman rating and/or qualification.

If such deadly force is proposed to be effected, the Animal Control Director shall take every precaution to assure the safety of persons and property in the area within which the dogs or animals are running wild.

**Sec. 3-24. Reserved.**

### **ARTICLE III. DANGEROUS DOGS**

**Sec. 3-25. Definitions.**

For the purposes of this article, the following words and phrases shall have the following meanings:

\* *Attack by a dog:* any assault or battery by a dog upon a person or domestic animal, to include biting, felling or toppling, tearing or clothing, provoking flight to escape attack, or any other act which could reasonably cause physical injury to the person or domestic animal.

*Bite by a dog:* Any seizing, gripping or grasping, no matter how slight or momentary by a dog between its jaws of the body parts of a person or domestic animal, so as to cause physical injury to such person or domestic animal.

*Dangerous dog:* Any of the following dogs:

- (1) A dog that without provocation has killed or inflicted severe injury on a person; or
- (2) A dog that has been determined as provided herein to be potentially dangerous.
- (3) A dog that is owned or harbored primarily or in part for the purpose of dog fighting, or a dog trained for dog fighting,

† *Dog:* A domesticated animal (canis familiaris) of the Canidae family; provided that no wild-specie of the Canidae family, such as a wolf, fox, coyote, shall be considered a domesticated animal, even though raised by humans in domestic surroundings.

*Guard dog:* A dog trained by a skilled trainer to recognized security industry or other reasonable standards and presently used under the control of trained handlers to protect persons and property.

*Law enforcement dog:* A dog, trained for police work to recognized law enforcement standards and presently used by and under the control of a law enforcement officer to carry out the law enforcement officer's official duties.

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*Lawful hunt:* A hunt for lawful game conducted on private or public property with the consent of the owner or custodian of the property by a person with a valid license (if required) during the lawful season for the game concerned using dogs customarily employed and suitable for such game.

*Owner:* Any person or legal entity that has a possessory property right in a dog, including the harbinger or keeper of a dog with the consent of the owner or of a dog that has been abandoned by or escaped the custody of its owner.

*Owner or keeper's real property:* Any real property owned or leased by the owner or keeper of the dog, not including any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

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*Potentially dangerous dog:* A dog that had been determined, as provided herein, to have:

(1) Inflicted a bite on a person that required medical care more than first aid, resulted in broken bones or disfiguring lacerations, or required cosmetic surgery or hospitalization; or

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(2) A dog that has previously been declared aggressive, and which subsequently causes serious injury to a domestic animal when not on its owner's or keeper's real property; or

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(2) Killed or inflicted severe injury upon a domestic animal when not on the real property of the owner of the dog; or

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(3) Attacked a person or approached a person in an area of the keeper's property open and accessible to invitees, or when not on the owner's property, in a vicious or terrorizing manner in an apparent attitude of attack.

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*Severe injury:* Any physical injury that results in broken bones or disfiguring lacerations or requires cosmetic surgery or hospitalization.

*Territorial jurisdiction of Cumberland County:* All territory within the boundaries of the County of Cumberland, North Carolina, except the incorporated area of a municipality, unless such municipality has consented to the application and enforcement of this article in such areas.

*Vicious dog:* A dangerous dog, as defined herein, that after having once committed an act making it a dangerous, or potentially dangerous dog, or having been determined hereunder to be a dangerous dog, commits a subsequent attack on a person or domestic animal.

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### **Sec. 3-26. Application of ordinance; exceptions.**

The provisions of this ordinance do not apply to:

(1) A law enforcement dog or guard dog being used by a law enforcement officer or bona fide professional security guard's official duties or professional responsibilities;

- (2) A dog being used in a lawful hunt;
- (3) A dog where the injury or damage inflicted by the dog was sustained by a domestic animal while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under control of its owner, keeper or harbinger, and the damage or injury was to a species or type domestic animal appropriate to the work of the dog; or
- (4) A dog where the injury inflicted by the dog was sustained by a person who at the time of the injury, was tormenting, abusing, or assaulting the dog, had tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

**Sec. 3-27. Reporting requirements.**

- A. *Reporting required:* (i) An owner, keeper or harbinger of a dangerous or vicious dog or a dog that has attacked or bitten a person or domestic animal; (ii) a victim of or person witnessing such an attack or biting; (iii) a veterinarian treating a domestic animal for such an attack or biting; or (iv) a health care professional treating a person for such an attack or biting, shall report the following events to the Animal Control Department within three (3) business days after the event has occurred:
  - (1) Any attack or biting by a dog upon any person or domestic animal, or
  - (2) The transfer, gift, sale or other conveyance of ownership or possession of a potentially dangerous, dangerous or vicious dog, its confinement in a veterinary facility, its removal from the territorial jurisdiction of the county, or its death.
- B. *Report data required:* The data required in the report and the format thereof shall be as set forth in administrative procedures promulgated by the Animal Control Director.

**Sec. 3-28. Determination that a dog is dangerous, potentially dangerous or vicious.**

- A. *Generally.* Upon a complaint, or when he has reasonable suspicion, that a dog is potentially dangerous, dangerous or vicious, the Animal Control Director or his designee shall make a determination whether or not such dog is dangerous, potentially dangerous or vicious. Any determination that a dog is potentially dangerous, dangerous or vicious shall be made in a writing which summarizes the available evidence and which shall be delivered or mailed certified mail, return receipt requested, to the owner. If the determination is made that the suspect dog is dangerous, potentially dangerous, or vicious, the written determination shall order compliance with the appropriate provisions of this ordinance and the Director may impose reasonable conditions to maintain the public health and safety. The Director or his designee shall assess appropriate civil penalties if he determines that violations of this article have been established and may elect to pursue other remedies authorized by law. *During the Director's investigation,*

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*the Director may require that the suspect animal be impounded at the Department's shelter until completion of the investigation and any appeal,*

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B. *Appeals from determinations.*

- (1) Any party having a direct interest in the matter and aggrieved by any determination as provided in this chapter may within three (3) business days of receiving such determination appeal such determination in writing, within three (3) business days to the Animal Control Board. The ruling of Animal Control Board shall be final, subject only to such appeal or certiorari proceeding as may be provided by law to the Superior Court for Cumberland County, *filed within ten (10) days of the date of the final determination by the Animal Control Board.*
- (2) Any determination of the Animal Control Director under Section 3-28(A) may be appealed to the Animal Control Board by filing written objections with the Chairman of the Animal Control Board within three (3) business days after such determination. *The Animal Control Board shall schedule a hearing on such appeal within ten (10) days of the filing of the written objections. The Animal Control Board shall render its decision as expeditiously as possible after the hearing. It shall deliver it to the parties and any person appearing at the hearing and requesting notice thereof, certified mail – return receipt requested, and file it concurrently with the Animal Control Director and the Officer of the Cumberland County Attorney. Any decision of the Animal Control Board concerning any appeal provided for in this Chapter other than under Section 3-28(A) shall be final.*
- (3) Any appeal hearing before the Animal Control Board shall be conducted as follows:
  - (i) The hearing shall be subject to the Open Meetings Law, and the notice required thereunder shall be posed and given as applicable;
  - (ii) The parties may appear pro se or be represented by an attorney;
  - (iii) *Any person adversely affected by the appeal may appear and participate fully in the proceeding;*
  - (iv) Participants may make any statements, present any evidence, or offer any witnesses on their behalf, on any relevant issue;
  - (v) Participants shall be entitled to the right of cross examination;
  - (vi) The hearing shall be quasi-judicial in nature and all testimony shall be under oath;

- (vii) Any participant shall be entitled to transcribe the proceeding at his own cost;
- (viii) The Animal Control Board may affirm, deny, or affirm with conditions the determination appealed from. Any conditions imposed by the Animal Control Board shall be reasonable, shall be relevant to the issues in the matter, and shall have the effect of promoting the public health, safety and welfare.
- (ix) The Animal Control Board shall announce its decision at an open meeting and render it in writing as expeditiously as possible at or following the hearing. Its decision shall contain findings of fact and conclusions in support of its decision.

**Sec. 3-29. Registration required.**

- A. *Generally.* Any person owning, keeping, or harboring a dog determined as set forth above to be ~~aggressive~~, dangerous, potentially dangerous, or vicious shall register such dog with the Animal Control Department within five (5) days of such determination or may, in lieu of any hearing, register such dog voluntarily, which such voluntary registration shall constitute an admission and determination that the dog is ~~aggressive~~, dangerous, potentially dangerous, or vicious.
- B. *Relief from civil penalty.* Voluntary registration of a dangerous, potentially dangerous, or vicious dog by the owner, keeper or harborer thereof prior to a determination that a dog is dangerous or vicious, or within (5) days (1) of an event establishing reasonable cause to believe that a dog is potentially dangerous, dangerous or vicious, or (II) of the acquisition of a potentially dangerous, dangerous or vicious dog, whichever later occurs, shall relieve such person from assessment of a civil penalty for any violation of this article occurring between such date, event or acquisition and the date of registration.
- C. *Permanent identification mark required.* Each dog registered as set forth shall be assigned a registration number by the Animal Control Department, which shall be affixed to the dog by permanent chip implant, tattoo or some other permanent means by or at the expense of the owner, keeper or harborer of the dog. No person shall remove such identification mark once it is assigned and affixed.

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**Sec. 3-30. Permit required.**

- A. *Generally.* After registration of a potentially dangerous, dangerous or vicious dog, or after a determination that such dog is potentially dangerous, dangerous or vicious, no person shall own, keep or harbor such dog thereafter within the territorial jurisdiction of

this chapter without applying for and obtaining a permit from the Animal Control Department.

- B. *Issuance of permit.* The Animal Control Department shall issue a permit for a potentially dangerous, dangerous or vicious dog only upon submission of a complete, verified application, payment of the permit fee and a finding by the director or his designee that required arrangements for housing of the dog and other public health and safety provisions are in effect, and that each dog for which a permit is issued does not pose an unreasonable threat to the public health, safety and general welfare if the permittee shall comply with the provisions of this article and the conditions of the permit. Each permit shall be conditioned on continued compliance with the provisions of this chapter and other provisions of law, on continued compliance with and maintenance of the arrangements for housing and safety set forth in the permit application, and any special conditions the Director may deem reasonably necessary to protect the public health, safety and welfare in view of the particular circumstances and history of the dog concerned.
- C. *Temporary permits.* Following the registration of a potentially dangerous, dangerous or vicious dog or the impoundment of such a dog, upon application therefore and for good cause, the Director may issue a temporary permit allowing the owner, keeper or harbinger of a registered potentially dangerous ~~or dangerous dog,~~ to retain possession of such dog or to confine such dog at a veterinary facility or kennel approved by the Director. A temporary permit also may be issued to allow the transport of a potentially dangerous, dangerous or vicious dog from the territorial jurisdiction if this ordinance. A temporary permit shall be issued subject to the same conditions to which a regular permit is subject and to any other conditions the Director may deem necessary to protect the public health, safety and welfare consistent with the provisions of this ordinance. A temporary permit shall be valid only until the earlier of its expiration, revocation or the issuance or denial of a permit under the provisions of subparagraph (B).
- D. *Term of permits and renewal thereof.* No permit shall be issued under subparagraph (B) for a term of more than three (3) years but may in the Director's discretions be issued for a shorter period. Permits may be renewed, subject to the same terms and conditions required for initial permits.
- E. *Revocation of permits.* The Director may, upon notice and hearing and for good cause shown, revoke any permit or modify ant terms, conditions or provisions thereof. If the Director deems it necessary to protect the public health or safety from any imminent threat or danger thereto, he may, without hearing, suspend any permit or any portion thereof for not more than thirty (30) days. Good cause for revocation or modification of a permit shall include, without limitation, violation of or failure to comply with any provision of this article or with any term, condition or provision of a permit.
- F. *Inspections.* The Director shall cause periodic inspections to be made of the premises of a permittee to assure compliance with the provisions of this article and the applicable permit.

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G. *Insurance.* Every person owning, keeping or harboring a dog that has been declared dangerous, potentially dangerous or vicious shall purchase and maintain a policy of liability insurance covering any injury or property damage caused by the dog. Minimum policy limits shall be one hundred thousand dollars (\$100,000.00) personal injury or property damage, per occurrence. Such person shall cause a certificate or declaration of insurance to be furnished to the Director annually. Every calendar day that the required insurance is not in full force and effect shall constitute a violation of this ordinance article.

**Sec. 3-31. Regulation of aggressive, potentially dangerous, dangerous and vicious dogs; security and restraint requirements.**

No person shall own, keep or harbor ~~an aggressive~~, dangerous, potentially dangerous, or a vicious dog except in compliance with all provisions of this ordinance, including:

(1) Aggressive dogs shall be subject to the following regulations:

a. While on the real property of the person owning, keeping or harboring it such dogs shall be kept, secured and restrained only in a secured kennel or housing that ensures the dog may not leave the property of the person owning, keeping or harboring the animal.

b. Such dog may be taken off the property of the person owning, keeping or harboring only if muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals and while under the affirmative control of a responsible adult maintaining control of the dog.

c. A dog determined to be aggressive may not be used or sold for breeding and ownership may not be transferred.

(2) Dangerous dogs and potentially dangerous dogs. Dangerous dogs and potentially dangerous dogs shall be subject to the following regulations:

a. Such dog shall be kept, secured and restrained while on the real property of the person owning, keeping or harboring it only in the following ways:

1. In a building with doors, windows and other exits securely fastened shut under the supervision and control of a responsible adult person capable of such supervision and control.

2. Securely kept in a locked enclosure which has secure sides, top and bottom and is constructed out of materials and in a manner which will preclude escape by the dog and prevent entry by small children.

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and control when off the property.\*

Muzzled at all times when off the property of the person owning, keeping or harboring the said animal.\*

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3. While outside a building or enclosure described above, securely leashed with a leash no longer than four (4) feet in length in the hands of and under the control of a responsible competent person capable of such control and muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
- b. No person owning, keeping or harboring such a dog shall remove such a dog from the real property of such person except to bring such dog to a veterinarian or to the shelter, to remove such dog permanently from the territorial jurisdiction of this ordinance, or to provide bona fide exercise necessary for the dog's continued good health. In the event of such removal, such dog shall be securely restrained or enclosed as set forth above for dogs being maintained outside buildings.
  - c. Notwithstanding the foregoing, no person shall keep or harbor within the territorial jurisdiction of this ordinance a dangerous dog that has killed a person, except as follows:
    1. In the care and custody of a veterinarian for the purposes of treatment or quarantine or pending appeal as herein provided of the determination that the dog is vicious, in which case the dog shall be kept and secured by the veterinarian as provided herein for a dangerous dog.
    2. In the custody of the animal shelter pending disposition in accordance with the provisions of this ordinance or lawful instructions of the person owning or previously keeping or harboring such animal, or
    3. Pending appeal as herein provided of the determination that the dog is dangerous, in which case the dog shall be kept and secured by the animal shelter as provided herein.
- (3) *Vicious dogs.* No person shall keep or harbor a vicious dog within the territorial jurisdiction of this ordinance, except as follows:
- a. In the care and custody of a veterinarian for the purposes of treatment or quarantine or pending appeal as herein provided of the determination that the dog is vicious, in which case the dog shall be kept and secured by the veterinarian as provided herein for a dangerous dog.
  - b. In the custody of the animal shelter pending disposition in accordance with the provisions of this ordinance or lawful instructions of the person owning or previously keeping or harboring such animal.
  - c. Pending appeal as herein provided of the determination that the dog is vicious, in which case the dog shall be kept and secured by the animal shelter as provided herein for a dangerous dog.

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~~d. If the Animal Control Board upholds a vicious dog determination, the animal shall be permanently removed from Cumberland County or ownership released to the Department within 24 hours of such final determination.~~

- (4) *Signage.* Any owner of a dangerous, potentially dangerous, or vicious dog shall erect a sign (2' x 2') on the enclosure housing said dog which shall read:

BEWARE OF DOG  
THIS DOG IS DANGEROUS  
STAY AWAY!

**Sec. 3-32. Impoundment of potentially dangerous, dangerous and vicious dogs.**

A. *Apprehension and surrender.* Upon an initial determination or upon registration of a dog to be dangerous, potentially dangerous, or vicious or if the Director has reasonable suspicion to believe that a dangerous, potentially dangerous, or vicious dog is being kept or harbored within the territorial jurisdiction of this ordinance in violation of it or of a permit issued hereunder, Animal Control Officers and law enforcement officers of Cumberland County and of any municipality subject to this ordinance shall impound such dog. It shall be a violation of this ordinance to fail or refuse to surrender such dog to such officers upon their lawful demand. The officer impounding such a dog shall deliver the same to the animal shelter.

B. *Surrender. Hiding, removing or failing to surrender a vicious, dangerous, or potentially dangerous dog, or impeding any investigation concerning the same shall be a violation of this ordinance.*

C. *Confinement.* A dog impounded by or surrendered to an Animal Control Officer or law enforcement officer as provided herein shall be confined in the animal shelter or, upon request of the owner, keeper or harbinger of the dog, or a permittee hereunder, and as such person's expense, at a private veterinary facility or kennel approved by the Director, subject to the following conditions:

(1) *Costs of impoundment.* Impoundment shall be at the expense of the owner, keeper or harbinger of the dog, or of the permittee. Costs of impoundment at the animal shelter shall be paid by the person liable therefore at the daily rate therefore. The costs of impoundment at a veterinary facility or kennel shall be paid by the person liable therefore pursuant to the terms of the agreement between such person and the proprietor of such facility or kennel. In no event shall Cumberland County or any municipality subject to this ordinance be liable for or pay for impoundment at such private facility or kennel.

(2) *Release from impoundment.* No such dog shall be released from impoundment as provided herein except upon registration of such dog and issuance as provided herein of a permit or temporary permit allowing such release. No such dog shall

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be released from the animal shelter until costs of confinement of such dog, any registration and permit fees for such dog, and any civil penalties assessed in connection with such dog have been paid in full.

(3) *Disposition of unclaimed or abandoned dogs.* The following dogs impounded at the animal shelter pursuant to this article shall be deemed abandoned and disposed of in accordance with the provisions of this ordinance and the rules and regulations of the animal shelter:

- a. Any dog which remains unclaimed by its owner, keeper or harborer or permittee thereof for a period more than ten (10) days or a period of lawful quarantine, whichever is longer.
- b. Any dog claimed by its owner, keeper or harborer, which is confined for a period in excess of ten (10) days, or a period of lawful quarantine, whichever is longer, during which no application has been made for a permit or temporary permit; provided, however, the Director shall extend such time upon a showing of justifiable delay in such action by the owner, keeper, harborer or permittee thereof.

**Sec. 3-33. Violations, penalties and other remedies.**

A. *Violations.* Each act or conduct prohibited by this article and each failure to comply with a mandatory provision hereby and each day's continuing failure to comply shall constitute a separate and distinct offense. Violations shall subject the violator to civil penalties and to other remedies allowed by law. For the purposes of assessing civil penalties, violations of this ordinance are classified as follows:

(1) *Class I violations:*

- a. Failure to report an event for which a report is required.
- b. Failure to register a potentially dangerous, dangerous or vicious dog as required.
- c. Any other violation not otherwise classified in this section.

(2) *Class II violations:*

- a. Keeping or harboring a vicious dog within the territorial jurisdiction of this ordinance in violation of this article.
- b. Keeping or harboring a dangerous dog within the territorial jurisdiction of this ordinance in violation of terms, conditions and

provisions of a permit or of the housing and restraint requirements of this article.

- c. Failure to surrender a potentially dangerous or dangerous dog to an Animal Control Officer or law enforcement officer for impoundment as required by this article.
- d. Willfully or negligently allowing a potentially dangerous, dangerous or vicious dog to leave the premises where it is required to be kept or harbored.

(3) *Class III violations:*

- a. Willfully or negligently allowing a potentially dangerous, dangerous or vicious dog to leave the premises where it is required to be kept or harbored, when such dog has thereafter committed an attack or a biting.
- b. Refusal to surrender a vicious dog to an Animal Control Officer or law enforcement officer for impoundment as required by this article.
- c. Failure to maintain insurance as required herein.

B. *Civil Penalties.* The following civil penalties shall be assess for each class of violation:

(1) *Class I violations:*

- a. One hundred dollars (\$100.00) for the first day of a violation.
- b. Twenty-five dollars (\$25.00) for each subsequent day of a continuing violation.
- c. A maximum of one thousand dollars (\$1,000.00) for each continuing violation.

(2) *Class II violations:*

- a. Two hundred fifty dollars (\$250.00) for the first day of a violation.
- b. One hundred dollars (\$100.00) for each subsequent day of a continuing violation.
- c. A maximum of three thousand dollars (\$3,000.00) for each continuing violation.

- (3) *Class III violations:*
  - a. Five hundred dollars (\$500.00) for the first day of a violation.
  - b. Two hundred fifty dollars (\$250.00) for each subsequent day of a continuing violation.
  - c. A maximum of seven thousand five hundred dollars (\$7,500.00) for each continuing violation.
- C. *Other remedies.* In addition to assessment of civil penalties, this article may be enforced by any one or more of the remedies set forth in Chapter 160A or 153A, as applicable, of the North Carolina General Statutes.
- D. *State law violations.*
  - (1) Nothing in this ordinance shall be constructed to prevent an Animal Control Officer or any other person from pursuing remedies under Chapter 67, Article 1A, of the North Carolina General Statutes.
  - (2) The Director or his designee is designated as the person responsible for making the determination required under Section 67-4.1(c) of the North Carolina General Statutes. In making such determinations, the Director or his designee shall follow the procedure set forth herein for determinations.
  - (3) The Animal Control Board is designated as the appellate board to hear appeals of determinations made pursuant to N.C.G.S., Section 67-4.1(c).

**Sec. 3-34. Administrative provisions.**

- A. *Responsibility.* The Director shall administer and enforce this article and shall promulgate rules and regulations for such administration and enforcement as may be necessary or desirable to such end.
- B. *Citations assessing civil penalties.* The Director or any Animal Control Officer shall have authority to investigate alleged or suspected violations of this article and upon the determination by such person, based on observation or other evidence, that a violation has occurred, each such person shall have the authority to issue a written citation for violation of this article and to assess a civil penalty in the amount due. Such citation shall be mailed the violator by an Animal Control Officer, a law enforcement officer, certified mail, return receipt requested, addressed to the last known address of the violator, or shall be personally delivered to the violator or to some responsible person at the violator's residence. Service shall be complete upon personal delivery as provided herein or upon execution of a receipt for the certified mail by the violator or his agent in the event of such service. If a civil penalty duly

assessed is not paid when due, the Director shall initiate an action in a court of competent jurisdiction to collect such amount due.

C. *Authority to enter upon premises.* Animal Control Officers shall have authority to enter into and inspect any premises, dwellings, rooming units, barns and other outbuildings any part of the curtilage thereof, or any yard or other enclosure to (I) conduct any investigation of a dog alleged or suspected of being potentially dangerous, dangerous or vicious, or (II) apprehend a dog determined to be potentially dangerous, dangerous or vicious or as which there is reasonable suspicion to believe is potentially dangerous, dangerous or vicious, or (III) to investigate any violation of this article, or (IV) to serve a citation upon a person for violation of this article. Notwithstanding for foregoing, and Animal Control Officer shall only make such entry upon consent, pursuant to an administrative search warrant under G.S. 15-27.2. or otherwise as authorized by law.

D. *Authority to immobilize or kill a dangerous or vicious dog.*

(1) If in the course of investigating, apprehending or otherwise taking custody a potentially dangerous, dangerous or vicious dog, or a dog as to which there is reasonable suspicion to believe is potentially dangerous, dangerous or vicious, such dog is not securely restrained and an Animal Control Officer or a law enforcement officer has reasonable cause to believe the dog poses an imminent risk of serious physical injury or death to any person or domestic animal, said officer shall have authority to render such dog immobile by means of tranquilizers or other safe drugs or, if that is not safely or timely possible under the circumstances, then the officer may humanely dispose of said dog.

(2) If a potentially dangerous, dangerous or vicious dog impounded in the animal shelter cannot be cared for or handled without risk of serious physical injury or death to persons caring for or handling such dog or to other animals, and Animal Control Officer shall have the authority to render such dog immobile by means of tranquilizers or other safe drugs or, if that is not safely or timely possible under the circumstances, then the officer may humanely dispose of said dog.

(3) An Animal Control Officer may humanely dispose of any dog being investigated under the provisions of this article at the request of or with the consent of its owner, keeper or harborer.

#### **ARTICLE IV. RABIES AND ANIMAL BITES**

##### **Sec. 3-35. Rabies control.**

A. *Enforcement authority.* The Animal Control Director and the Cumberland County Health Director are authorized to enforce the rabies control provisions in Part 6 of Chapter 130A of the North Carolina General Statutes.

- B. *Procedures.* The Animal Control Director and the Cumberland County Health Director are also authorized to implement any reasonable administrative procedures necessary to enforce said law locally.
- C. *Impoundment term.* The impoundment period for animals held pursuant to this section shall be seventy-two (72) hours, excluding Sundays and legal holidays.
- D. *Compliance with rabies law.* It shall be unlawful for any animal owner or other person to fail to comply with the state laws relating to the control of rabies.
- E. *Provisions supplementary to state law.* It is the purpose of this section to supplement the state laws by providing a procedure for the enforcement of state laws relating to rabies control, in addition to the crime penalties provided by the state.
- F. *Vaccination required.* It shall be unlawful for an owner or keeper to fail to provide current vaccination against rabies (hydrophobia) for any dog or cat four (4) months of age or older. Should the County Health Director deem it necessary that other pets be vaccinated in order to prevent a threatened rabies epidemic or control an existing rabies epidemic, it shall be unlawful for an owner or keeper to fail to provide vaccination for that pet.
- G. *Vaccination schedule.* A rabies vaccination shall be deemed current for a dog or cat if the first two (2) doses of vaccine are administered twelve (12) months apart and each subsequent booster dose of vaccine is administered according to the manufacturer's recommended schedule.
- H. *Persons to administer.* All rabies vaccines shall be administered by a licensed veterinarian or a certified rabies vaccinator.
- I. *Owner or keeper to be issued rabies tag.* Upon vaccination pursuant to this section, the owner or keeper of the dog or cat that has been vaccinated shall be issued a rabies tag stamped with a number and the yard for which issued and a rabies vaccination certificate.
- J. *Unlawful for dog or cat not to wear rabies tag.* It shall be unlawful for any dog or cat owner or keeper to fail to provide the dog or cat with a collar or harness to which a current rabies tag issued under this section is securely attached. The collar or harness, with the attached tag, must be worn at all times.
- K. *Untagged dog or cat such to impoundment.* In addition to all other penalties prescribed by law, a dog or cat may immediately be impounded in accordance with the provisions of this section if it is found not wearing a currently valid rabies tag.
- L. *Unlawful to switch rabies tag.* It shall be unlawful for any person to use for any animal a rabies vaccination tag issued for an animal other than the one using the tag.

- M. *Dogs or cats brought into County.* All dogs or cats shipped or otherwise brought into the territorial jurisdiction of this ordinance, except for exhibition purposes where the dogs or cats are confined and not permitted to run at large, shall be securely confined and vaccinated within one (1) week after entry, and shall remain confined for two (2) additional weeks after vaccination, unless accompanied by a certificate issued by a licensed veterinarian showing the said dog or cat is apparently free from rabies and has not been exposed to rabies and that said dog or cat has received a proper dose of rabies vaccine not more than six (6) months prior to the date of issuing the certificate.
- N. *Animals bitten by rabid animal.* Animals not vaccinated against rabies which are **exposed to rabies** shall be immediately destroyed, unless the owner or keeper agrees to strict isolation of the animal at a veterinary hospital for a period of six (6) months at the owner's or keeper's expense. If the animal has a current rabies vaccination, it shall be revaccinated and returned to the owner or keeper who shall pay for the rabies vaccination in addition to any civil penalties which are imposed.
- O. *Health Director may declare quarantine.* When reports indicate a positive diagnosis of rabies, to the extent that the lives of persons are endangered, the County Health Director may declare a county-wide quarantine for such period of time as he deems necessary. Once such emergency quarantine is declared, no dog or cat may be taken or shipped from the county without written permission of the County Health Director. During such quarantine, the County Health Director, the Animal Control Director, law enforcement officers, or other persons duly authorized by the County Health Director or Animal Control Director may seize and impound any dog or cat running at large in the county. During the quarantine period the County Health Director shall be empowered to provide for a program of mass immunization by the establishment of temporary emergency rabies vaccination facilities strategically located throughout the county. If additional confirmed cases of rabies occur during the quarantine period, the County Health Director in his discretion may extend the quarantine period.
- P. *Shipment of head to State lab.* If an animal dies while under observation for rabies, the head of such animal shall be submitted to the County Health Department for shipment to the laboratory section of the North Carolina Division of Health Services for rabies diagnosis.
- Q. *Carcass to be surrendered to Health Department.* The carcass of any animal suspected of dying of rabies shall be surrendered to the County Health Department. The head of such animal shall be shipped to the laboratory section of the North Carolina Division of Health Services for rabies diagnosis.
- R. *Unlawful to kill or release animal under observation.* It shall be unlawful for any person to kill or release any animal under observation for rabies, any animal under observation for biting a human, or to remove such animal from the county without written permission from the County Health Director, provided that a licensed veterinarian or the County Health Director or other person duly authorized by the County Health Director, may authorize any animal to be killed for rabies diagnosis.

- S. *Unlawful to fail to surrender animal.* It shall be unlawful for any person to fail or refuse to surrender any animal for confinement or destruction as required in this section, when demand is made therefore by the County Health Director of the Animal Control Director.
- T. *Unlawful to fail to provide proof of vaccination.* It shall be unlawful for any person to fail or refuse to provide proof of rabies vaccination for any animal that they own or control when request is made therefore by the Animal Control Director or his designee, the County Health Director or his designee, or any sworn law enforcement officer.
- U. *Animals subject to impoundment.* Any animal which appears to be lost, stray, unwanted, not wearing a currently valid tax tag or a currently valid rabies vaccination tag as required by state law or this section., or not under restraint in violation of this section, may be seized, impounded and confined in a humane manner in an animal shelter. Any dog or cat that has bitten or scratched a human must be quarantined for ten days, either at the home of the dog or cat's owner or keeper, if an Animal Control Officer determines that the public health and safety shall be reasonably maintained by such quarantine, or otherwise in a veterinary hospital at such owner or keeper's expense. If such dog or cat is quarantined at its owner's or keeper's home and escapes from its owner's or keeper's property, any Animal Control Officer shall impound such dog or cat and impound it at the animal shelter for ten days; and such owner or keeper shall be subject to a \$250.00 civil penalty.
- V. *Owner liable.* Impoundment of such animal shall not relieve the owner/keeper thereof from any penalty which may be imposed for violation of this section.
- W. *Civil penalty.* In addition to any criminal penalties or injunctive relief allowed by law, a violation of this section of the ordinance shall subject the person violating the section to a civil penalty in the amount of one hundred dollars (\$100.00) violation.

**Sec. 3-36. Killing or removing rabid animal prohibited.**

- A. No person shall fail or refuse to surrender any animal for quarantine or destruction, or the carcass of an animal exposed to rabies, when demand is made by an Animal Control Officer or law enforcement officer. Such refusal shall be a violation of this ordinance.
- B. The County Health Director shall direct the disposition of any animal found to be infected with rabies.

**Sec. 3-37. Reports of bite cases; report by veterinarian.**

- A. Every physician, veterinarian or other health practitioner shall report to the Animal Control Director the names and addresses of persons treated for bites and scratches

that break the skin inflicted by animals, together with such other information as will be helpful in rabies control.

- B. Every licensed veterinarian shall report to the Animal Control Director his diagnosis of any animal observed by him to be a suspect rabid animal.

**Sec. 3-38. Records.**

The Animal Control Director shall keep or cause to be kept:

1. An accurate and detailed record of the licensing, impounding and disposition of all live animals, fowl and domestic birds coming into his custody and any dead dogs or cats picked up that possess rabies tags or county license; and
2. An accurate and detailed record of all bite cases reported to him, with a complete report of the investigation or disposition of each case.

**Sec. 3-39. Exemptions from article.**

- A. Hospitals, clinics, other premises operated by licensed veterinarians for the care and treatment of animals and animal shelters are exempt from the provisions of this article, except where duties are otherwise expressly stated.
- B. The licensing requirements of this article shall not apply to any dog or cat belonging to a nonresident of the county and kept within the county for less than thirty (30) days; provided all such dogs or cats shall at all times, while in the county, be kept within a building, enclosure or vehicle, or under restraint by the owner.

**Sec. 3-40. Interference.**

No person shall interfere with, hinder, delay obstruct or molest any Animal Control Officer or authorized representative of the county in the performance of any duty under this ordinance of such person, or seek to release any animal in the custody of the Animal Control Department or the animal shelter, except as provided by law.

**ARTICLE V. KENNELS; PET SHOPS**

**Sec. 3-41. Kennels; sanitary conditions; exception.**

- A. No person shall own, maintain or operate a kennel unless such kennel meets the standards herein provided.
- B. Any person maintaining a kennel, whether for profit or not, shall maintain such kennel in a sanitary condition and shall be subject to the provisions of this chapter. *Nonconforming kennels shall be deemed a public nuisance.*

**Sec. 3-42. Facility standards, space requirements, exceptions.**

A. All kennels shall meet the following minimum standards:

1. The kennel floor shall be solid and durable with a washable foundation of a suitable material, with a smooth surface which shall have one-quarter (1/4) inch of slope per foot of fall for drainage. The drainage shall slope to a cleanout gutter, and all drains shall be connected to the sanitary sewage line.
2. Each cage shall have sleeping quarters, a lounging area and access to an exercise area with a minimum size as follows: for animals 50 pounds and under, 50 square feet; for animals over 50 pounds but less than 75 pounds, 75 square feet; for animals over 75 pounds up to 125 pounds, 100 square feet; and animals over 125 pounds, 150 square feet. Sleeping quarters for the animals shall be protected from the weather, and each lounging area shall be individually enclosed by chain link material of at least ten-fourteen (10-14) gauge, and shall have the following minimum dimensions for the number of animals to be accommodated:

Length	Height
12ft.	6ft.
6ft.	3ft.

However cat cages shall be completely enclosed.

3. At least one cage must be completely enclosed to house female dogs in heat.

B. The provisions of this section shall not apply to kennels operated and maintained by licensed veterinarians. To commercial pet stores where all animals are kept within the establishment, or to animal shelters.

**Sec. 3-43. Right of entry for inspection.**

Any Animal Control Officer or law enforcement officer shall be permitted at all reasonable times or in the case of exigent circumstances to inspect all kennels and animals therein to the fullest extent allowed by law.

**Sec. 3-44. Owners of animals not to create public health or safety nuisance.**

Every owner of any animal shall maintain and operate the housing and care of such animals so as not to create a public safety nuisance, as may be determined by an Animal Control Officer.

**Sec. 3-45. Keeping of large or small animals.**

A. Every owner of any domesticated animal[s] or livestock other than dogs or cats shall:

1. Confine the same in an enclosure sufficient to prevent their running at large. Such enclosure shall be maintained in a clean and sanitary condition at all times, and an approved insecticide shall be used as often as deemed necessary by an Animal Control Officer or designee of the Health Director;
2. Provide a shelter or area of a size sufficient to be conducive to good sanitation practices, and adequate and sanitary drainage for the shelter or area;
3. Cause the litter and droppings in any stall or enclosure to be collected daily in a container or receptacle of such a type that, when closed it is ratproof and flytight, and after each such collection shall cause such container or receptacle to be kept closed. At least twice each week, each such keeper shall cause all litter and droppings so collected to be disposed of in a way as not to permit the presence of fly larvae; and
4. Cause all feed provided to be stored and kept in a ratproof, flytight building, box, container or receptacle.

B. The premises where any such animals are kept shall be subject to inspection by an Animal Control Officer or law enforcement officer at any reasonable hour of the day.

**Sec. 3-46. Regulations applicable to institutions, hospitals, pet shops and animal shelters.**

Animals kept in medical laboratories or educational institutions for medical research, or in veterinary hospitals for treatment, or in animal shelters shall be kept under the same sanitary conditions prescribed by section 3-45 of this article.

**Sec. 3-47. Pet shop standards.**

A. All pet shops, as defined herein, including pet shops run in conjunction with another holding facility, shall, in addition to the other requirements of this chapter, comply with the minimum standards of this section. Willful failure of the owner or operator to meet these standards shall be grounds for denial or revocation of a license and shall be unlawful.

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B. Standards:

1. *Water.* There shall be available hot water for washing cages and disinfecting them in accordance with American Veterinary Medical Association standards, and cold water easily accessible to all parts of the shop. Fresh water will be available to all species at all times. Containers are to be cleaned and

- disinfected each day. All water containers shall be mounted to the animal cannot turn them over, and be removable for cleaning.
2. *Room temperature.* The room temperature of the shop shall be maintained at a level that is healthful for every species of animal kept in the shop, in accordance with regulations of the North Carolina Department of Agriculture.
  3. *Cages and enclosures.* All gates and enclosures are to be of a nonporous material for easy cleaning and disinfecting with no mesh floors unless provision is made for a resting surface/shelf. Each cage must be of sufficient size that any animal will have room to stand, turn and stretch out to its full length.
  4. *Feeding.* All animals under three (3) months old are to be fed at least three (3) times per twenty-four (24) hours. Food for all animals shall be served in a clean dish so mounted that the animals cannot readily tip it over or defecate or urinate therein.
  5. *Birds.* Each bird must have sufficient room to sit on a perch. Perches shall be placed horizontal to each other in the same cage. Cages must be cleaned every day and cages must be disinfected when birds are sold. Parrots and other large birds shall have separate cages from smaller birds.
  6. *Bedding.* There shall be sufficient clean, dry bedding to meet the needs of each individual animal.
  7. *Fish.* The temperature of water in which fish are kept shall be maintained at a constant temperature that is healthful.

C. All animals must be fed, watered and cages cleaned every day, including Sundays and holidays.

**Sec. 3-48. Cumulative effect of article.**

This article shall be cumulative of all other sanitary ordinances or regulations of the County unless in express conflict with the terms of such other ordinances or regulations, in which case the terms of this ordinance shall apply.

**Sec. 3-49 – 3-57. Reserved.**

**ARTICLE VI. LICENSING OF DOGS AND CATS**

**Sec. 3-58. License for dogs and cats.**

- A. It shall be unlawful for any person to own, possess or have under his control three (3) or less dogs or cats, or any combination thereof, over four (4) months of age, without obtaining an annual privilege license for each such animal from the Cumberland

County Tax Administrator. Every person owning, possessing or having under their control any dog or cat shall properly list such dog or cat annually with the Cumberland County Tax Administrator during the period January 1 through January 31. Before February 1 in each year, each such animal shall be listed with and the appropriate license obtained from the Cumberland County Tax Administrator. Failure to list as provided herein shall be a violation of this ordinance and shall subject the offender to a civil penalty in the amount of \$100.00 per dog or cat not listed annually as provided herein. Each privilege license issued shall cover the period January 1 through December 31 each year. The Tax Administrator may delegate authority to issue such licenses to the Animal Control Department or to licensed veterinarians within the County duly registered for such purpose with the Tax Administrator upon such terms and conditions, including payment of a processing fee, as he deems advisable.

B. It shall be unlawful for any person to own four (4) or more but not more than seven (7) dogs or cats, or any combination thereof, over four (4) months of age without paying the annual fee as provided in the fee schedule adopted from time to time by the Board of Commissioners. Each privilege license issued shall cover the period January 1 through December 31 each year. Provided, however, in any zoning district where the provisions of the Cumberland County Zoning Ordinance limit the number of pets to three or less at a residence, the provisions of said Zoning Ordinance shall control.

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C. It shall be unlawful for any person to own eight (8) or more dogs or cats, or any combination thereof, over four (4) months of age without paying the annual fee as provided in the fee schedule adopted from time to time by the Board of Commissioners. Each privilege license issued shall cover the period January 1 through December 31 each year. Provided, however, in any zoning district where the provisions of the Cumberland County Zoning Ordinance limit the number of pets to three or less at a residence, the provisions of said Zoning Ordinance shall control.

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**Sec. 3-59. Terms of license; exemption.**

- A. The license issued under this article shall be renewed every year, upon proof of rabies vaccination.
- B. County residents who are sixty-five (65) years of age or older may obtain a permanent license for up to three cats or dogs at no cost. **County residents may obtain a permanent license at no cost for a bona fide seeing eye or aid dog.**

**Sec. 3-60. Issuance of records.**

- A. Upon issuance of a license, a tag shall be issued for each dog and cat so licensed. The tag shall be of durable material and shall be designed to be easily fastened or riveted to the animals' collar or harness. The tag shall bear a number registered with the Tax Administrator or the Animal Control department.

- B. The County shall maintain records of licensed dogs and cats and such records shall be open to public inspection.

**Sec. 3-61. Fastening of tags to collar or harness.**

Each person who owns or maintains a dog or cat that is primarily kept, kenneled or otherwise located in the county shall affix to such dog or cat the following identification:

- (1) A durable tag securely affixed to a collar or harness which is securely buckled or otherwise securely joined so that it cannot be removed unless unbuckled or unjoined; the tag shall contain the name and address of the owner of the dog or cat or a number registered with the Animal Control Department; or
- (2) A legible tattoo permanently imprinted into the skin of the dog or cat at a place on the animal's body that is not obscured by hair; the tattoo shall consist of the number of the permanent North Carolina driver's license held by the owner of the dog or cat or number registered with the Animal Control Department, or
- (3) An implanted computer chip capable of being scanned by a chip reader.

**Sec. 3-62. License fee in addition to other fees.**

The license fee shall be in addition to any fee in the fee schedule under this chapter and any other fines enforced by a court of competent jurisdiction.

**Sec. 3-63. Use of revenues collected from license fees.**

The revenues collected for the licensing or adoption of dogs and cats shall be specifically expended for physical improvements to the animal shelter or the equipment of the Animal Control Department, for the cost of administration and enforcement of this chapter, and for costs associated with public education programs and activities.

**Sec. 3-64. Transfer of cats and dogs.**

- A. When ownership of a dog or cat is transferred within the county's jurisdiction, the new owner will have thirty days to obtain a new privilege license for the animal.
- B. When ownership of a vicious, dangerous or potentially dangerous dog is transferred within the county's jurisdiction, the previous owner shall within three(3) business days notify the Animal Control Department and provide the name and address of the new owner.
- C. The new owner shall:

1. Immediately register the dog with the Animal Control Department.
2. Ensure the requirements of this chapter for maintaining a vicious, dangerous or potentially dangerous dog are complied with prior to the dog being relocated to the new owner's property.

**Sec. 3-65. Nonapplicability of article.**

The provisions of this article shall not apply to cats or dogs in the custody of a veterinarian, or whose owners are non-residents visiting in the county for a period not exceeding thirty (30) consecutive days.

**Sec. 3-66 – 3-69. Reserved.**

**ARTICLE VII. PUBLIC HAZARD DOGS**

**Sec 3-70. Definitions.**

Any terms used in this Article and not defined herein that are defined in Section 3-5 of this chapter shall have the meanings respectively set forth therein.

**Sec. 3-71. Public hazard dog a violation.**

It shall be a violation of this Article for any dog to engage in acts, conduct or behavior coming within the definition of a public hazard dog.

**Sec. 3-72. Impoundment of public hazard dog.**

Any Animal Control Officer shall impound any dog, after investigation and notice to the owner of such dog with an opportunity for the owner to be heard, which he or she determines to have engaged in acts, conduct or behavior coming within the definition of a public hazard dog. The Director or his designee shall issue a notice of impoundment to the owner of such public hazard dog, which shall set forth the facts upon which the Director or his designee has determined the dog to be a public hazard dog, that the owner can reclaim the dog after three days impoundment upon payment of the applicable fees and on such reasonable conditions as the Director may impose to maintain the public health and safety, and that the owner may appeal such determination as set forth in this Article. Such determination shall become a final determination if not appealed as provided in this Article.

**Sec. 3-73. Appeal of Animal Control Department Director determination.**

Any person adversely affected by a determination by the Animal Control Director or his designee regarding a dog alleged to be a public hazard dog may appeal such determination as follows:

1. Any person interested adversely affected by a determination that a dog is a public hazard dog may by written notice given within three (3) business days of such decision appeal such decision to the Animal Control Board. Such written notice shall state the basis for the appeal. The Animal Control Board shall meet as soon as practicable but in no event later than fifteen (15) days following receipt of notice of appeal. Any interested party may appear before the Animal Control Board and present evidence and be heard. The appealing party shall have the burden of proof on any appeal to the Animal Control Board.
2. On appeal, the Animal Control Board may by majority vote affirm, reverse or affirm with conditions the determination of the Director or his designee. If the Animal Control Board affirms, or affirms with conditions, the determination that the dog is a public hazard dog, the owner shall be required to be securely confined on the owner's property and would have to be leashed when off the owner's property. The Animal Control Board may impose reasonable and flexible conditions to assure the public health, safety and welfare.
3. During any period of appeal following the initial decision of the Animal Control Director or his designee, the owner of any dog or that the Director or his designee has determined to be a public hazard dog shall confine and keep custody of such dog in all respects as required by the Article for public hazard dogs.

**Sec. 3-74. Application to rescind public hazard dog determination.**

An owner of a dog that has been determined to be a public hazard dog may apply to the Animal Control Board after **six months** from the effective date of the Animal Control Board's decision to have the public hazard dog determination rescinded. The Animal Control Board shall hold a hearing on such application on notice to all appropriate parties, including interested parties who appeared at the initial hearing. The Animal Control Board shall not rescind such public hazard dog determination unless it shall find that: (i) the owner has spayed/neutered the dog, (ii) the dog has successfully concluded a socialization and handling course conducted by a certified dog trainer, (iii) the owner or keeper knows, understands, has complied with and continues to comply with all applicable provisions of this Chapter, and (iv) the dog shall not have engaged in any further "public hazard dog" acts, conduct or behavior.

**Sec. 3-75. Animal Control Board decision final.**

Any decision of the Animal Control Board under this Article shall be a final decision.

**Sec. 3-76** – *Any animal identified as a Public Hazard Dog shall be micro-chipped by Animal Control at the owner's expense. The owner will be required to transport the dog to Animal Control for micro-chipping by Department of Animal Control personnel within 48 hours of the declaration.*

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Sec. 3-77.     **Reserved.**

**ARTICLE VIII. INJURED ANIMAL STABILIZATION FUND**

**Sec. 3-78.     Control of injured animals; stabilization fund.**

- A. Any Animal Control Officer or law enforcement officer is authorized to take possession of any seriously injured dog, cat, wildlife, livestock, bird or other animal which has suffered a painful and potentially mortal injury and which is found in any location open or accessible to the public, any public or private vehicular right of way, or apparently off the property of its owner. Any such animal which does not have a current rabies tag or identification tag shall be conclusively presumed abandoned for purposes of this section.
  
- B. Any Animal Control Officer or law enforcement officer finding any such animal shall make reasonable efforts to locate the owner of any such animal. If the owner is promptly located, such owner shall immediately undertake to take possession of such animal and provide reasonable veterinary care of the animal or shall authorize such officer to humanely euthanize such animal. Any such owner failing to do so shall be subject to a civil penalty in the amount of one hundred dollars (\$100.00). if the owner cannot be promptly located or contacted, such animal officer shall be authorized, in his or her discretion, to (i) humanely euthanize such animal in an emergency situation where safe, humane transport of the animal is not possible, or (ii) promptly transport such animal to a veterinarian participating in the Injured Animal Stabilization Fund for stabilization of such animal's injuries. Every owner of any animal so found shall conclusively be presumed to have irrevocably appointed any such officer, or veterinarian participating in the Injured Animal Stabilization Fund, his or her authorized agent for purposes of any such officer or veterinarian taking action under this section. Every such owner also shall be deemed to have released any such officer, or veterinarian participating in the Injured Animal Stabilization Fund, from any cause or action or claim arising out of a related to any action such officer or veterinarian may take under this section, except for actions which constitute gross negligence.
  
- C. Each Animal Control Officer or law enforcement officer acting under this section shall within a reasonable time report to the Animal Control Department the nature and extent of the injuries of each such animal and of his or her disposition thereof. The Animal Control Department shall maintain a record of the nature and extent of each such animal's injuries and of the disposition thereof.
  
- D. There is hereby established the Cumberland County Injured Animal Stabilization Fund, to which contributions, grants, donations, or restitution may be made for the purpose of reimbursing veterinarians agreeing to participate with the Fund in stabilizing the injuries of injured animals transported to them for such stabilization under this section. *The Director may solicit or raise funds for such Fund.* Such Fund shall be administered by a committee which shall include the Cumberland County Finance Officer or his or her designee and a veterinarian designated by the

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Cumberland County Animal Control Board. Funds shall be disbursed from the Fund by the Finance Officer from time to time under guidelines which shall be mutually agreed-upon from time to time by the said committee and the Cumberland County Veterinarians Association.

- E. Any Animal Control Officer or law enforcement officer, or any veterinarian to which an injured animal may be transported under this section for stabilization of injuries, shall be deemed to be an authorized agent of and acting on behalf of Cumberland County and its Animal Control Department pursuant to the authority of this section. Any such officer or veterinarian acting pursuant to this section shall be entitled to all the defenses, immunities and rights afforded by law or available to Cumberland County and its officers, employees or agents.
- F. If any owner of an animal transported under this section to a veterinarian participating in the Injured Animal Stabilization Fund shall subsequently be identified by the Animal Control Department, he or she shall make restitution to such Fund of the amount disbursed by it to such veterinarian or shall otherwise be subject to a civil penalty in the amount of one hundred dollars (\$100.00).

**Sec. 3-79 – 3-82. Reserved.**

#### **ARTICLE IX. MISCELLANEOUS**

**Sec. 3-83. Keeping chickens or rabbits – Sanitation requirements.**

It shall be unlawful to keep, house or pen chickens or rabbits on premises which fail to meet sanitary standards approved by the Cumberland County Board of Health.

**Sec. 3-84. Stables to be kept clean.**

Every stable or other place where cattle, horses or animals are kept shall be maintained at all times in a clean and healthful condition.

**Sec. 3-85. Grazing animals.**

It shall be unlawful for any owner or stake or graze any cow, horse or other animal in any park, cemetery or other public place or near any public sidewalk.

This section shall not apply to horses used by any law enforcement agency for mounted patrol.

**Sec. 3-86. Disposition of dead animals.**

The owner of any dying from any cause within the jurisdiction of the county shall cause the same to promptly be buried in a sanitary manner within 24 hours after such owner has knowledge of such death.

**Sec. 3-87 Selling live animals in public rights of way and other public property prohibited.**

It is unlawful for anyone to sell, auction, trade, barter, and display for commercial purposes or give away any live animal within the right of way of any public highway, public vehicular area, public sidewalk, public property or street within Cumberland County. Anyone who violates this ordinance may be issued a citation for civil penalties or may be cited for criminal misdemeanor violation of this ordinance. The Animal Control Department may immediately take custody of and impound any live animals found being sold in violation of this section. This section shall not apply to any animal welfare organization or humane society qualified under Section 501(c)(3) of the Internal Revenue Code acting pursuant to a no-cost permit issued by the Animal Control Director, which permit may be conditioned on reasonable conditions to assure the health, welfare and safety of the animals being sold, auctioned, traded, bartered, displayed or given away.

**Sec. 3-88 – 3-96. Reserved.**

**ARTICLE X. ENFORCEMENT**

**Sec. 3-97. Enforcement, generally.**

- A. The primary responsibility for the enforcement of this Chapter shall be vested the Animal Control Department.
- B. (1) Any person authorized to enforce this ordinance may do so by issuing a notice of violation or civil penalty citation, or by applying to the General Court of Justice for a temporary restraining order, a preliminary injunction, a permanent injunction or an order to abate a nuisance, as may be appropriate in the circumstances.  
  
(2) Upon information made known to or complaint lodged with the Animal Control Department that any owner, possessor, or custodian of any dog or animal is in violation of this chapter, an Animal Control Officer may issue a notice violation (citation) requiring the owner, possessor or custodian of this dog or animal to pay any stated civil penalty and abate the nuisance specified.
- C. If the owner, possessor or custodian of any dog or animal is not known and this dog or animal is upon the public streets, alleys, sidewalks, school ground or other public places or premises, or another's property without that property owner's permission, in violation of this chapter, the dog or animal shall be impounded in accordance with sections 3-16 through 3-19.
- D.

**Sec. 3-98. Penalties for violations.**

- A. Any violation of this chapter shall subject the offender to a civil penalty to be recovered by the Animal Control Department in a civil action in the nature of a debt, to include the cost of abating a public nuisance, if the offender does not pay the penalty and the abatement cost within seven (7) days of issuance of a notice of violation. Each day's continuing violation shall be a separate and distinct offense.
- B. A notice of violation shall specify the nature of the violation and the provisions of this chapter violated, and further notify the offender that the civil penalty specified therein shall be paid to the Animal Control Director at the Animal Shelter within seven (7) days.
- C. Unless otherwise provided in this chapter, the penalty for a violation of this chapter, except for a public nuisance or where specifically stated otherwise, shall be fifty dollars (\$50.00) for a first violation or for a violation more than twelve (12) months after a previous violation. For subsequent violations within twelve-months of a previous violation, the penalty shall be one hundred dollars (\$100.00) for a second violation, and three hundred dollars (\$300.00) for a third subsequent violation within a twelve-month period of the first violation. The penalty for a public nuisance shall be one hundred dollars (\$100.00).

**Sec. 3-99. Severability.**

*If any section, sentence, clause or phase of this chapter is, for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.*

**Section 2. The Board of Commissioners directs that the Animal Control Department use its best efforts to implement a pilot test eighteen (18) month program to purchase microchips for pet identification and related scanning equipment, to encourage the microchipping of pets by owners and of animals adopted or released from the Animal Control Shelter, and to educate the public of the benefits of microchipping. The Board further directs the County Manager, the Animal Control Director, and the Cumberland County Animal Control Board to evaluate the Animal Control Department's experience with such pilot test program, the costs and benefits thereof, and report the results thereof back to the Board together with any recommendations which they may deem appropriate.**

Section 3. The Board of Commissioners intends, and it hereby ordains, that the provisions of this ordinance shall become and be made part of the Code or Ordinances, Cumberland County, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

Section 4. This ordinance shall become effective upon final adoption as by law provided.

Adopted this 16th day of January, 2007.

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CUMBERLAND COUNTY, N.C.

Kenneth S. Edge, Chairman  
Board of Commissioners

**Deleted:** LEE WARREN, JR.

ATTEST:

MARSHA FOGLE, Clerk to the Board

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Any animal identified as a Public Hazard Dog will be required to be micro-chipped by Animal Control at the owners expense. The owner will be required to transport the dog to Animal Control for micro-chipping by Department of Animal Control personnel within 48 hours of the declaration..

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B07-205
Date Received	12/22/2006
Date Completed	

Fund No. 012 Agency No. 450 Organ. No. 450C  
 Organization Name: Eastover Sewer Project

ITEM NO. 3I(1)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
6688	Eastover Approach Main Allocation	0	130,429	130,429
Total		0	130,429	130,429

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
350J	MBH	Eastover Approach Main Allocation	0	130,429	130,429
Total			0	130,429	130,429

**Justification:**

Budget revision in the amount of \$130,429 to budget Eastover Approach Main allocation fees received (\$130,428.80) from customers through 12/22/06. (100,000 gallons per day capacity in the Eastover Approach Main will be purchased from PWC using \$108,000 of these proceeds).

**Funding Source:**

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

**Fund Balance:**

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

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

Submitted By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Department Head  
 Reviewed By: Bob Sucher Date: 12/22/06  
 Budget Analyst  
 Reviewed By: Amber Channon Date: 1/10/07  
 Assistant County Mgr  
 Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Information Services

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

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	307.206
Date Received	12.27.06
Date Completed	

Fund No. 101 Agency No. 431 Organ. No. 4311  
 Organization Name: IMMUNIZATION CLINIC

ITEM NO. 3I(2)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4109	N.C IMMUNIZATION ACT	146,804	18,938	165,742
Total		146,804	18,938	165,742

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
4102	171	MCV4 VACCINE INITIATIVE	0	18,938	18,938
Total			0	18,938	18,938

**Justification:**

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

State: 18,938 Federal: \_\_\_\_\_ Fund Balance: \_\_\_\_\_ County: \_\_\_\_\_  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: 16,000 Other: \_\_\_\_\_

Submitted By: [Signature] Date: 12/20/06  
 Department Head  
 Reviewed By: [Signature] Date: 12.27.06  
 Budget Analyst  
 Reviewed By: [Signature] Date: 1/10/06  
 Deputy Assistant County Mgr  
 Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Information Services

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

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B07-212
Date Received	1/5/2007
Date Completed	

Fund No. 220 Agency No. 450 Organ. No. 4529  
 Organization Name: Industrial Development Inducement Fund

ITEM NO. 3I(3)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4508	NC DOT Access	0	400,000	400,000
9901	Fund Balance Appropriated	3,032,787	(400,000)	2,632,787

Total

**EXPENDITURES**

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

0

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**Justification:**

Revision to budget \$400,000 received from the NC Department of Transportation for its share of the cost of road construction at the Cedar Creek Business Park.

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

Submitted By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Department Head  
 Reviewed By: Bob Tucher Date: 1/5/07  
 Budget Analyst  
 Reviewed By: Arnold Cannon Date: 1/10/07  
 Assistant County Mgr  
 Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Information Services

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

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>807-210</u>
Date Received	<u>11/3/07</u>
Date Completed	

Fund No. 101 Agency No. 422 Organ. No. 4200  
 Organization Name: Sheriff

ITEM NO. 3 I (4) a

REVENUE				
Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
6420	Security--Cape Fear Valley	185,000	(82,376)	102,624
Total		185,000	(82,376)	102,624

*pg 1 of 2*

EXPENDITURES					
Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1210	99	Salary Regular	12,206,833	(60,360)	12,146,473
1810	99	Social Security	948,898	(4,801)	944,097
1820	99	Retirement	592,370	(2,998)	589,372
1824	99	401-K County 1%	123,713	(628)	123,085
1826	99	401-K Law Enf	498,930	(3,138)	495,792
1830	99	Medical Insur	1,460,984	(8,544)	1,452,440
1860	99	Worker's Comp	322,544	(1,907)	320,637
Total			16,154,272	(82,376)	16,071,896

**Justification:**

Reduce Sheriff's Office by 4 Deputy I positions, based on ending Deputy at Cape Fear Valley Medical Center emergency room, effective Dec 1, 2006. Positions 435, 493, 495, and 498.

**Funding Source:**

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

**Fund Balance:**

Submitted By: <u>Earl R. Butler</u> Date: <u>1-3-07</u> Department Head	Approved By:  _____ Date: _____ County Manager  Board of County Commissioners Date: _____
Reviewed By: <u>Howard H. Hara</u> Date: <u>11/3/07</u> Budget Analyst	
Reviewed By: <u>Amey C. Cannon</u> Date: <u>11/10/07</u> Deputy/Assistant County Mgr	
Reviewed By: _____ Date: _____ Information Services	

<u>Position #</u>	<u>Title &amp; Grade</u>	<u>Current Budget</u>	<u>Increase (decrease)</u>	<u>Revised Budget</u>
CS00435	Deputy II - L102	\$32,500	(13,860)	-0-
CS00493	Deputy II - L102	33,292	(15,366)	-0-
CS00495	Deputy II - L102	32,500	(13,860)	-0-
CS00498	Deputy II - L102	32,500	(17,274)	-0-
			<u>(60,360)</u>	

James E. Johnston  
1/8/07

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B07-194</u>
Date Received	<u>11/28/06</u>
Date Completed	

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

ITEM NO. 3I(4)6

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4021	Gang Resistance Educ & Training Grant		135,000	135,000
Total		0	135,000	135,000

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
299A	107	Computer Hardware	0	30,000	30,000
2992	107	Dept Supplies	5,499	19,000	24,499
2994	107	Misc Furn & Equipment	650	73,000	73,650
3470	107	Travel	22,762	13,000	35,762
Total			28,911	135,000	163,911

**Justification:**

Recognize Grant Revenue for teaching Gang Resistance (GREAT) program to school students. Increase related Expense budget.

**Funding Source:**

State: \_\_\_\_\_ Federal: 135,000 County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

**Fund Balance:**

Submitted By: <u>Earl R. Butts</u> Department Head	Date: <u>11-28-06</u>	Approved By:  _____ Date: _____ County Manager  Board of County Commissioners Date: _____
Reviewed By: <u>Howard Chner</u> Budget Analyst	Date: <u>11/11/06</u>	
Reviewed By: <u>Amy Cannon</u> <del>Deputy</del> Assistant County Mgr	Date: <u>1/10/07</u>	
Reviewed By: _____ Information Services	Date: _____	

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B07-213</u>
Date Received	<u>1/5/07</u>
Date Completed	

Fund No. 101 Agency No. 422 Organ. No. 422II  
 Organization Name: Byrne Justice Assistance Grant 2006

ITEM NO. 3I(4)C

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4039	Byrne Justice Assistance Grant 2006		58,252	
Total			58,252	

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
4003		Police Info Net		58,252	58,252
Total			0	58,252	58,252

**Justification:**

Recognize Revenue from US Dept of Justice Grant received in prior year. Establish related Expense Budget. Grant 2006-DJ-BX-0840

**Funding Source:**

State: \_\_\_\_\_ Federal: \_\_\_\_\_ County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: 58,252

**Fund Balance:**

Submitted By: *[Signature]* Date: 1/5/07  
 Department Head

Reviewed By: *[Signature]* Date: 1/8/07  
 Budget Analyst

Reviewed By: *[Signature]* Date: 1/10/07  
 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.	B07-214
Date Received	1/9/2007
Date Completed	

Fund No. 101 Agency No. 450 Organ. No. 4502  
 Organization Name: Planning & Inspections

ITEM NO. 3 I (5)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4593	NC DENR Air Quality	0	6,250	6,250
9901 (101-999-9999)	Fund Balance Appropriated		1,950	
Total			8,200	

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
4593	379	NC DENR Air Quality	0	8,200	8,200
Total			0	8,200	8,200

**Justification:**

Revision in the amount of \$8,200 to re-budget contract (\$6,250) with the NC Dept of Environment and Natural Resources (NCDENR) to produce printed outreach materials to raise air quality awareness in the Fayetteville area and to appropriate County Fund Balance (\$1,950) to cover anticipated additional costs. Contract was budgeted in April 2006 (Budget Revision B06-315), however no expenditures were incurred in FY 2006. Funding from NCDENR will be capped at \$6,250 and the County will be required to fund any additional costs which are estimated to be a maximum of \$1,950. Any County funds used will be submitted for reimbursement at 80% by the U.S. DOT 104(f) Grant.

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

Submitted By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Department Head  
 Reviewed By: Bob Sucher Date: 1/9/07  
 Budget Analyst  
 Reviewed By: Amy Cannon Date: 1/10/07  
 Assistant County Mgr  
 Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Information Services

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

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B07-200</u>
Date Received	<u>12/20/06</u>
Date Completed	

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

ITEM NO. 3I(6)a

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	966,905	5,600	972,505
				-
				-
				-
				-
	Total	966,905	5,600	972,505

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3430	857	Maintenance & Repair - Buildings	286,778	5,600	292,378
					-
					-
					-
					-
		Total	286,778	5,600	292,378

**Justification:**

Budget revision in the amount of \$5,600 to appropriate fund balance to fund the additional cost to patch and paint the ceilings and walls in the Crown Theatre. Budget revision B07-063 originally budgeted \$25,000, but the actual cost was \$30,600.

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

Submitted By: [Signature] Date: 12/19/06  
 Department Head  
 Reviewed By: [Signature] Date: 12/20/06  
 Budget Analyst  
 Reviewed By: [Signature] Date: 1/10/07  
 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.	<u>B07-201</u>
Date Received	<u>12/20/06</u>
Date Completed	

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

ITEM NO. 3I(6)b

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	972,505	26,216	998,721
				-
				-
				-
				-
	Total	972,505	26,216	998,721

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3430	857	Maintenance & Repair - Buildings	292,378	26,216	318,594
					-
					-
					-
					-
		Total	292,378	26,216	318,594

**Justification:**

Budget revision in the amount of \$26,216 to appropriate fund balance to fund unexpected major repairs on the chiller and cooling tower.

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

Submitted By: Lisa Jost Date: 12/19/06  
 Department Head  
 Reviewed By: Bob Sucher Date: 12/20/06  
 Budget Analyst  
 Reviewed By: Amynd Cannon Date: 1/10/07  
 Deputy/Assistant County Mgr  
 Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Information Services

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



RECEIVED

DEC 27 2006

Pg. 2 of 2

<u>Position #</u>	<u>Title &amp; Grade</u>	<u>Current Budget</u>	<u>Increase (decrease)</u>	<u>Revised Budget</u>
LIB0187	Library Associate II-63	\$13,870	(10,621)	\$ 3,249
LIB0171	Library Associate II-63	\$14,952	7,627	\$22,579

James E. Lamson  
1/9/07

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



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

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

## COUNTY of CUMBERLAND

*Planning and Inspections Department*

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

JANUARY 5, 2007

ITEM NO. 4A

**MEMO TO:** CUMBERLAND COUNTY BOARD OF COMMISSIONERS

**FROM:** CUMBERLAND COUNTY JOINT PLANNING BOARD

**SUBJECT:** **P06-88:** REZONING OF TWO PARCELS TOTALING 3.09 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3944 CAMDEN RD AND 3380 KING CHARLES ROAD, OWNED BY JAMES B. BARNWELL, JR.

**ACTION:** THE MEMBERS PRESENT AT THE DECEMBER 19, 2006 MEETING VOTED UNANIMOUSLY TO APPROVE THE C(P) PLANNED COMMERCIAL DISTRICT ON THE PARCEL FRONTING CAMDEN ROAD AND DENY C(P) BUT APPROVE O&I(P) PLANNED OFFICE & INSTITUTIONAL FOR THE BACK PORTION OF THE PARCEL.

**SITE INFORMATION:** **Area:** 3.09 acres; **Frontage & Location:** 158 feet on King Charles Road and 100 feet on Camden Road; **Depth:** 629 feet and 300 feet; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Residential; **Initial Zoning:** November 17, 1975 (Area 4); **Zoning Violation(s):** None; **Surrounding Zoning:** North-RR, RR/CU, R10, R6A, East-RR, R10, R6A, R6A/CU, C(P), South-RR, R10, R10/CU, R6A, R6A/CU, C1(P), C(P), and West-RR, R10, R6A, C(P), M(P); **Surrounding Land Use:** Industrial business, garage, steel sales, welding company, machine auto business, sweep and striper company, auto body shop, church, and single family residential; **2010 Land Use Plan:** Low Density Residential; **Urban Services Area:** Yes; **Water/Sewer Availability:** Well / Septic tank – PWC Water and sewer are available on Winesap Road (610 feet to the Southeast); **Soil Limitations:** Yes - Johnston loam (JT); **Subdivisions:** A site plan review will be required prior to any development; **Military Impact Area:** No; **Highway Plan:** Camden Road is identified as a Major Thoroughfare. The proposal calls for a multi-lane facility with a 100 foot right-of-way. Road improvements are included in the 2006-2012 MTIP: Planning/Design-In Progress, Mitigation-FFY07, Right-of-Way-FFY06, Construction-FFY08, 09, and Post Years; **Average Daily Traffic Count (2004):** 17,000 on Camden Road.

### MINUTES OF DECEMBER 19, 2006:

Mr. Lloyd reviewed site plans and case information and stated that Staff recommends approval of the C(P) district for the tract fronting on Camden Road, but denial of the parcel fronting on King Charles Road based on the findings that although the C(P) district is not consistent with the Land Use Plan for the Camden Road tract, the request is reasonable because the properties on each side of this tract are zoned C(P) and is compatible with the current use of the properties fronting on Camden Road in this area; the current zoning of R6A is also not consistent with the Land Use Plan; however, the subject property was initially zoned to this district and the properties along King Charles Road remain residentially zoned; and King Charles Road is a residential street and not designed to handle commercial traffic. There are no other suitable zoning districts to be considered for this request.

The Public Hearing opened.

Pastor James Barnwell, Jr., addressed the Board. He stated that his congregation wants to build a new sanctuary on this property and the approval of this rezoning will allow them the ability to offer more land as collateral for a loan. Mrs. Epler asked Pastor Barnwell if an appraiser had been consulted to determine the value of the land and if this rezoning request was the appraiser's recommendation. Pastor Barnwell stated that his appraiser and the bank had both suggested that the C(P) request would give the most beneficial value for his loan need.

Mr. Robert McMillian addressed the Board. He stated that he and the congregation support the request and the Pastor's efforts to build the new sanctuary. He urged the Board to favorably consider the request. The Public Hearing closed. No one appeared to speak in opposition.

Mr. McNeill asked for verification that the church could be built on the existing parcel as currently zoned. Mr. Lloyd stated that the current zoning would allow for that building. Mr. McNeill requested clarification that this request was being presented to allow for a higher loan amount at the advice of the appraiser and the bank. Mr. Lloyd stated that this was his understanding based on Pastor Barnwell's statement.

Mrs. Epler stated that she believed O&I(P) would suffice for the needs of this request. She further stated that she had taken the liberty of contacting an appraiser, who stated that a rezoning of O&I(P) would increase the land value to match the requested C(P) value.

**Mrs. Epler made a motion, seconded by Mrs. Piland, to approve C(P) for the tract fronting Camden Road, and O&I(P) for the back portion of the tract.**

The floor opened for discussion. Mr. Lloyd stated that O&I(P) would be a good transition zoning for this area, because of current surrounding uses and for a buffering district between commercial and industrial and existing residential. Staff had discussed this possibility and determined that they would approve O&I(P) on the rear portion of the tract. He stated that the basis for approval, if the Board chose, would be for good planning, as stated above, and not for increased valuation.

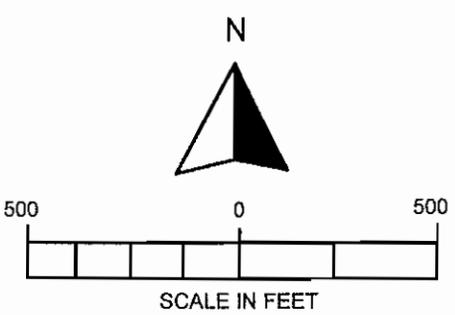
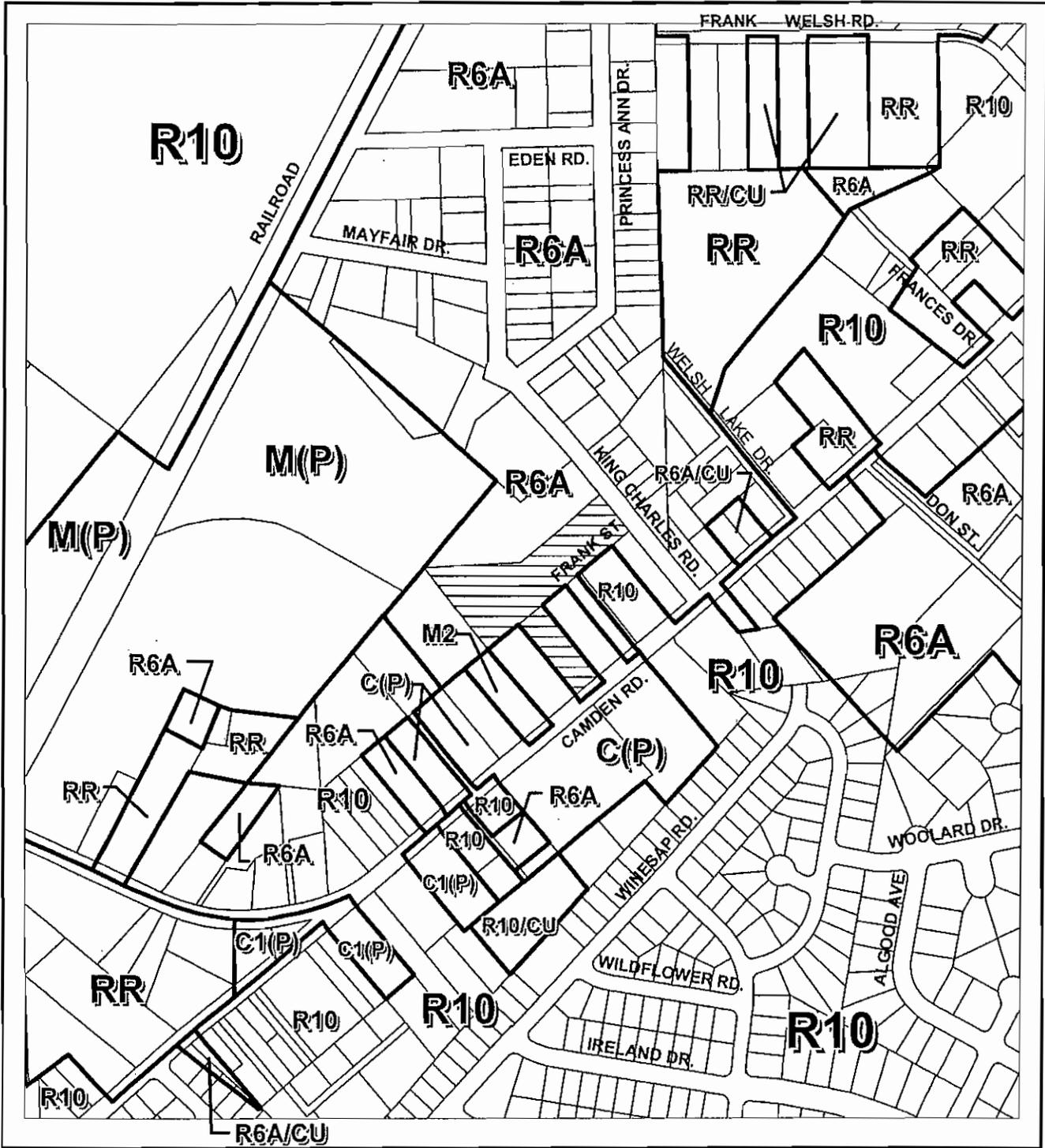
Mrs. Piland asked if the petitioner was agreeable to this change. Pastor Barnwell stated that he appreciated the Board's efforts to explore other possibilities. He stated that the church was agreeable to any rezoning that would give them the highest potential property value and allow them to obtain the necessary loan to meet their development needs.

Vice-Chair McLaurin stated to Pastor Barnwell that sometimes roadblocks are thrown in the way of our best plans for reasons unknown to us. If, for some reason, the new sanctuary was not built and the land was placed on the market, the Planning Board is concerned with some of the uses the C(P) allows, such as adult entertainment and the sale of alcohol, which would be allowed on the King Charles Road portion of the property because of its residential zoning. The Planning Board is also concerned with the inability of the streets to handle commercial traffic. He further stated that he knew Pastor Barnwell would also be sympathetic to those concerns and that the O&I(P) would be more compatible for this area.

Mrs. Piland asked if the church would be able to secure the loan amount needed with the O&I(P) rezoning. The Pastor stated that if the appraiser's opinion was correct, the required loan amount could be secured. Mrs. Epler reminded Pastor Barnwell that the appraiser's opinion was just an estimate and one opinion and that he should verify that with another appraiser. She further stated that he had the option to defer this request to allow time to consult with his lender and an appraiser to determine the property value or he could proceed with the Board's recommendation and investigate the issue of the value prior to the case being heard before the Commissioners.

Mr. Barrett advised the petitioner that the County Commissioners would have final approval of this request. He stated that if the petitioner chose to proceed with the Board recommendation of O&I(P) on the rear portion of the lot and they voted to approve it, then the petitioner would have time prior to the January Commissioner's meeting to explore the land value and financing. The petitioner would still have the right to revise his zoning request at that meeting if his research shows that the O&I(P) will not suffice.

**The motion was returned to the floor for a vote and received unanimous approval.**



## REQUESTED REZONING R6A TO C(P)

<b>ACREAGE: 3.09 AC.+/-</b>	<b>HEARING NO: P06-88</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

PIN: 0425-15-3656  
 PIN: 0425-15-4462

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



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

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

## COUNTY of CUMBERLAND

### Planning and Inspections Department

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

JANUARY 5, 2007

ITEM NO. 4B

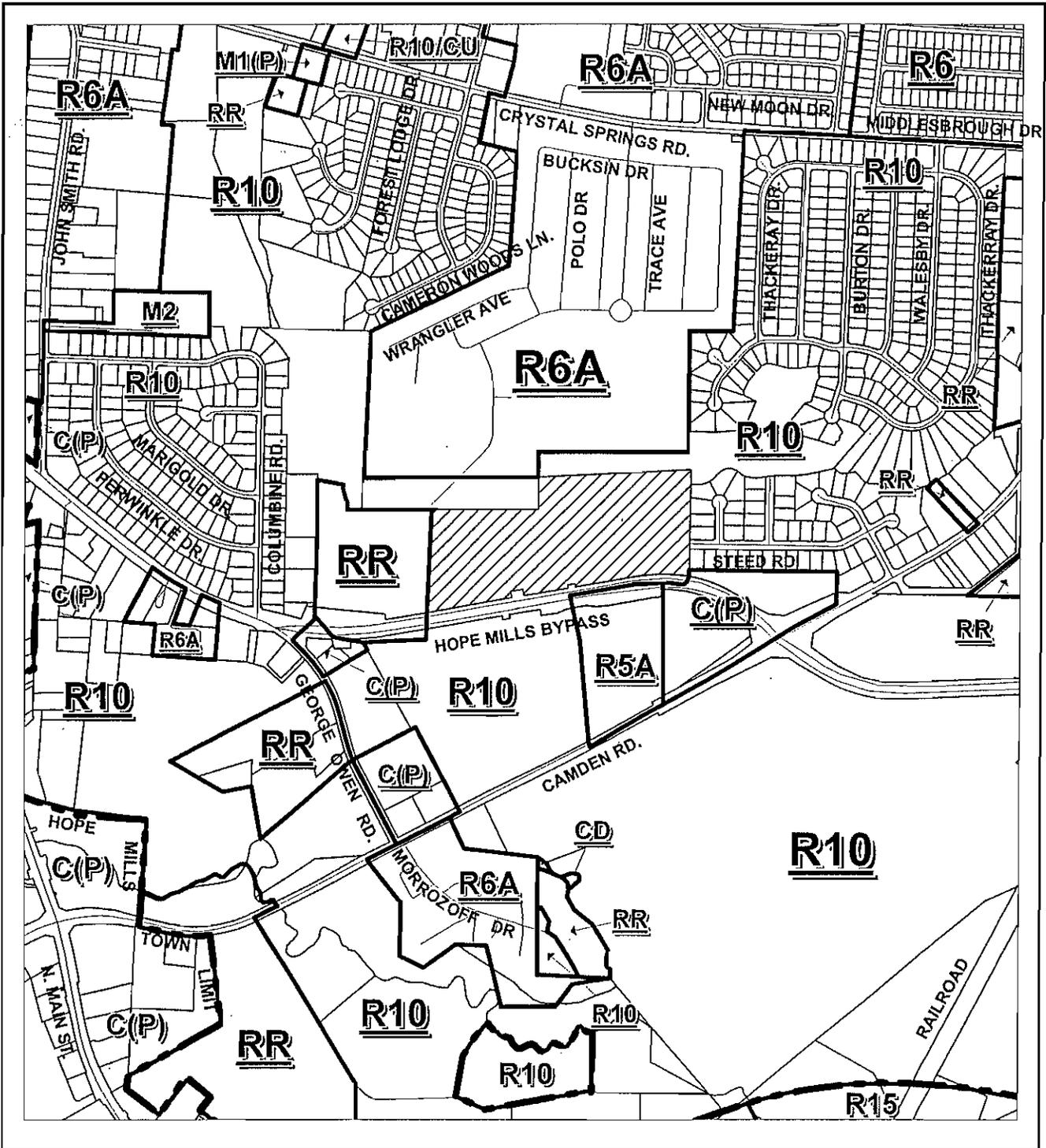
**MEMO TO:** CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
**FROM:** CUMBERLAND COUNTY JOINT PLANNING BOARD  
**SUBJECT:** **P06-89:** REZONING OF A 25.38+/- ACRE PORTION OF A 54.86 ACRE TRACT FROM R10 (R7.5) TO R5A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF HOPE MILLS BYPASS, NORTHWEST OF CAMDEN ROAD, SUBMITTED BY JACKIE HAIRR, OWNED BY KATHERINE MCGEACHY WARD, ANN WARREN AND JOSEPH NEILL.  
**ACTION:** THE MEMBERS PRESENT AT THE DECEMBER 19, 2006 MEETING VOTED UNANIMOUSLY TO APPROVE THE R5A RESIDENTIAL DISTRICT.

**SITE INFORMATION:** **Area:** 25.38 +/- acres; **Frontage & Location:** 1604 feet on Hope Mills Bypass; 60 feet on Steed Road; **Depth:** 683 feet; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Agricultural and forest; **Initial Zoning:** November 17, 1975 (Area 4); **Zoning Violation(s):** None; **Surrounding Zoning:** North-RR, R10, R10/CU, R6, R6A, M1(P), East-RR, R10, C(P), South-CD, RR, R10, C(P), Hope Mills city limit-R15, R10, C(P), and West-RR, R10, R6A, C(P); **Surrounding Land Use:** Manufactured home park, computer business, vacant commercial, daycare, and single family residential; **2010 Land Use Plan:** Low Density Residential; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / PWC – PWC Water connection on George Owen Road-required upon development; **Soil Limitations:** Yes – Johnston loam (JT) and Torhunta Lynn Haven (TR); **School Capacity/Enrolled:** Cumberland Mills Elementary 519/615, Ireland Drive Middle 343/347, Douglas Byrd Middle 765/722, Douglas Byrd High 1280/1222; **Subdivisions:** A subdivision or group development review will be required prior to any development; **Military Impact Area:** No; **Highway Plan:** Hope Mills Bypass is identified as a Major Thoroughfare. This proposal calls for a multi-lane facility with a 100 foot right-of-way. Road improvements are included in the 2006-2012 MTIP: Construction-FFY06, under construction. **Notes:** Density: R7.5 – 147 units / 117 lots; R6 – 275 units / 147 lots; R5A – 367 units / 176 lots.

#### MINUTES OF DECEMBER 19, 2006:

Mr. Lloyd stated that staff recommends approval of the R5A district based on the findings that although the request is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location, the request meets the criteria for the R5A zoning classification; the subject property is located on a Major Thoroughfare; and public water and sewer are available to the subject property and connection will be required upon development of the site. The R6 zoning district is the only other suitable zoning district to be considered for this request.

**Mrs. Epler made a motion, seconded by Mr. Cain, to follow the staff recommendations and approve P06-89 as submitted. Unanimous.**



## REQUESTED REZONING R10 (R7.5) TO R5A

**ACREAGE: 25.38 AC.+/-**

**HEARING NO: P06-89**

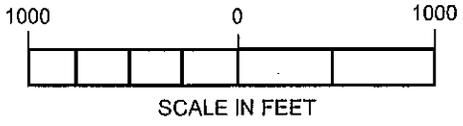
ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD



PORT. OF PIN: 0415-31-8668

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



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

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

## COUNTY of CUMBERLAND

### Planning and Inspections Department

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

JANUARY 5, 2007

ITEM NO. 4C

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P06-90: REZONING OF 2.10 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1649 A TOWNSEND ROAD, OWNED BY DAVID G., SR. AND BETTY L. HOBBS.**

ACTION: THE MEMBERS PRESENT AT THE DECEMBER 19, 2006 MEETING VOTED UNANIMOUSLY TO DENY THE R40A RESIDENTIAL DISTRICT AND APPROVE THE A1A AGRICULTURAL DISTRICT.

**SITE INFORMATION:** Area: 2.10 acres; **Frontage & Location:** 499 feet on A. Townsend Road; **Depth:** 318 feet; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Residential; **Initial Zoning:** June 25, 1980 (Area 13); **Zoning Violation(s):** None; **Surrounding Zoning:** North-A1, East and South-CD, A1, R40, R40A, and West-CD and A1; **Surrounding Land Use:** Farmland and single family residential; **2010 Land Use Plan:** Farmland; **Urban Services Area:** No; **Water/Sewer Availability:** Well / Septic tank; **Soil Limitations:** None; **School Capacity/Enrolled:** Grays Creek Elementary 764/736, Grays Creek Middle 495/612, Grays Creek High 1270/1077; **Subdivisions:** A group development and/or subdivision review will be required prior to any structure being placed on the property; **Military Impact Area:** No; **Highway Plan:** No road improvements or new construction are specified for this area. **Notes:** Density: A1 – 1 lots; A1A – 2 lots; R40A – 2 lots.

#### MINUTES OF DECEMBER 19, 2006:

Mr. Lloyd reviewed the case information and stated that Staff recommends denial of the R40A district and approval of the A1A district based on the findings that although the R40A request is consistent with the Land Use Plan, the A1A district is designed for tracts of land less than ten acres located within agricultural areas; and the A1A district is in keeping with the current use, character and zoning of the general area. There are no other suitable zoning districts to be considered for this request.

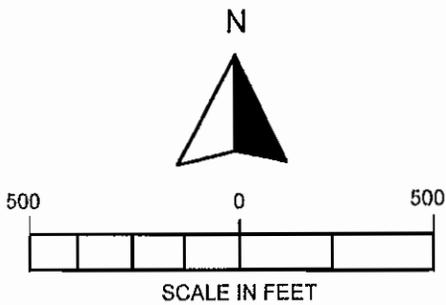
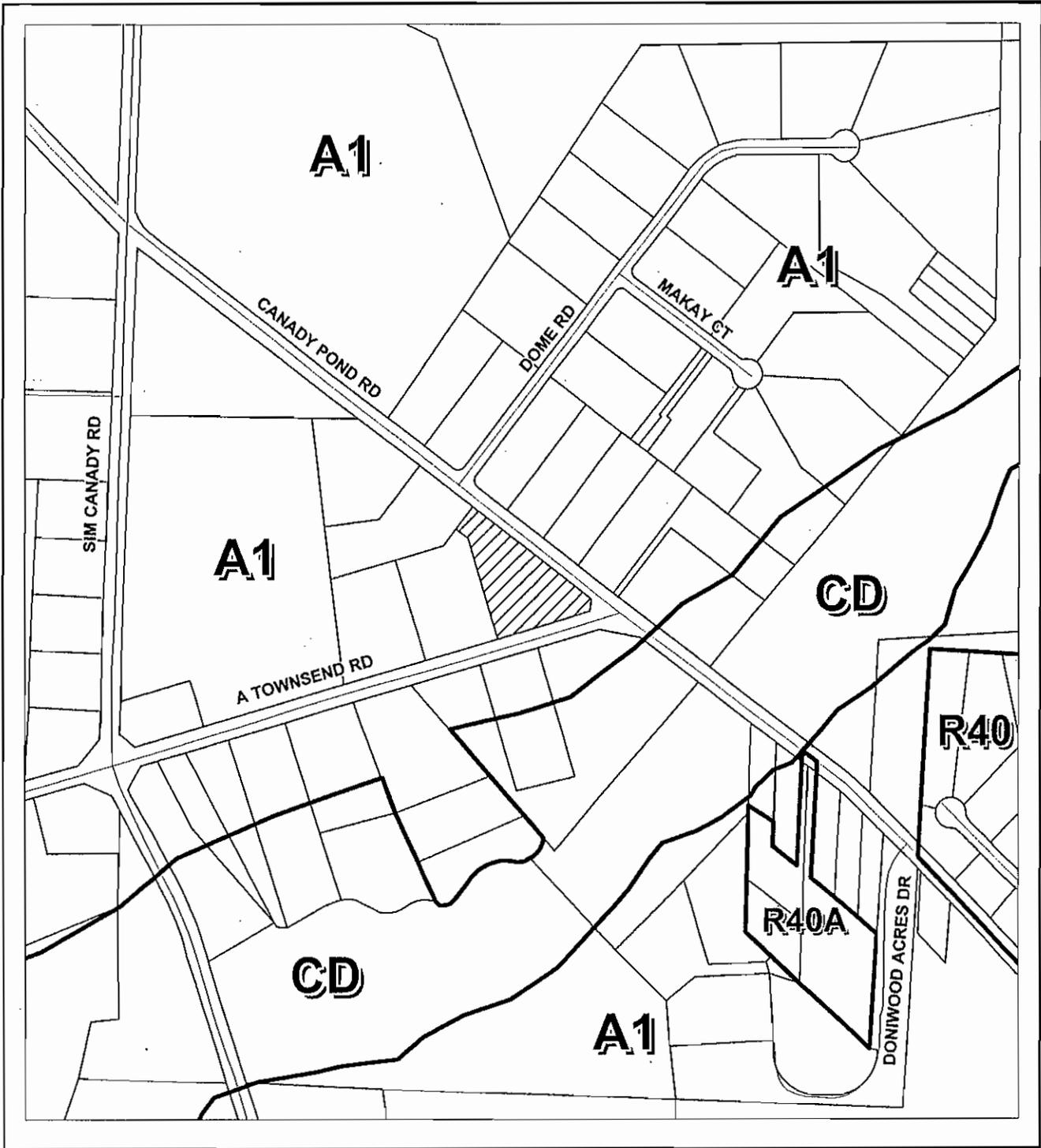
The Public Hearing opened. Ms. Betty Hobbs, owner, advised the Board that she wants to rezone this property to allow for the placement of a mobile home for her daughter and grandchildren to live in.

Vice-Chair McLaurin advised the petitioner that A1A would require placement of a Class A manufactured home. Ms. Hobbs stated that she had no problems with that requirement and would accept any rezoning that would allow her to accomplish her goal.

Mr. David Hobbs, owner, addressed the Board and stated that rezoning and subdividing his property would still allow road frontage for both lots. He further stated that a Class A manufactured home was more agreeable to him because of the higher resale value involved.

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

**Mr. McNeill made a motion, seconded by Mrs. Piland, to follow the staff recommendation to deny the R40A and approve A1A. Unanimous approval.**



## REQUESTED REZONING A1 TO R40A

<b>ACREAGE: 2.10 AC.+/-</b>	<b>HEARING NO: P06-90</b>	
<b>ORDINANCE: COUNTY</b>	<b>HEARING DATE</b>	<b>ACTION</b>
<b>PLANNING BOARD</b>		
<b>GOVERNING BOARD</b>		



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

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

## COUNTY of CUMBERLAND

*Planning and Inspections Department*

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

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

JANUARY 5, 2007

ITEM NO. 4D

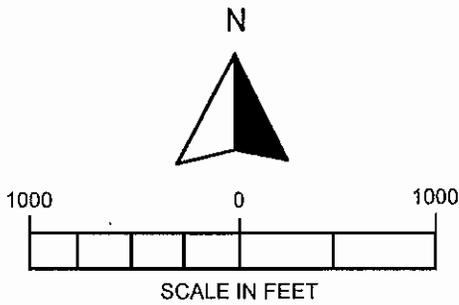
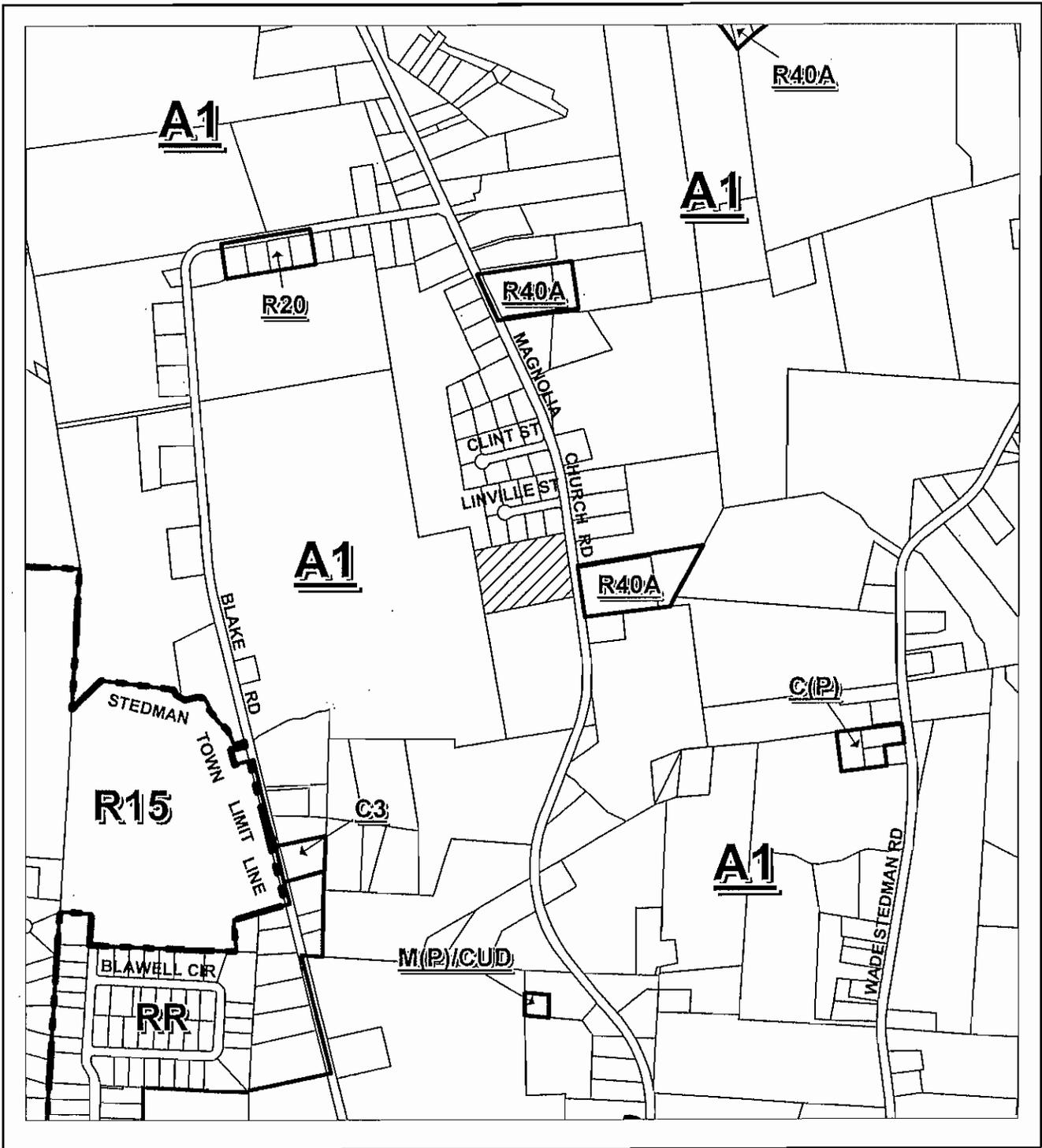
MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS  
FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD  
SUBJECT: **P06-91: REZONING OF 6.0 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 623 MAGNOLIA CHURCH ROAD, OWNED BY BRUCE J. AND WANDA L. TEETS.**  
ACTION: THE MEMBERS PRESENT AT THE DECEMBER 19, 2006 MEETING VOTED UNANIMOUSLY TO APPROVE THE R40 RESIDENTIAL DISTRICT.

**SITE INFORMATION:** Area: 6.0 acres; **Frontage & Location:** 430 feet on Magnolia Church Road; **Depth:** 602 feet; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Vacant land; **Initial Zoning:** September 3, 1996 (Area 20); **Zoning Violation(s):** None; **Surrounding Zoning:** North-A1, R40A, R20, East-A1, R40A, C(P), South-A1, RR, C3, M(P)/CUD, West-A1, Stedman town limit-R15; **Surrounding Land Use:** Manufactured home park, single family residential and farmland; **Stedman Study Area Detailed Land Use Plan:** Farmland; **Urban Services Area:** No; **Water/Sewer Availability:** Well / Septic tank; **Soil Limitations:** Yes – Lynchburg sandy loam (Ly); **School Capacity/Enrolled:** Stedman Primary 136/163, Stedman Elementary 303/290, Mac Williams Middle 1274/1170, Cape Fear High 1400/1439; **Subdivisions:** A subdivision or group development review will be required prior to any development; **Military Impact Area:** No; **Highway Plan:** No road improvements or new construction are specified for this area; **Average Daily Traffic Count (2004):** 13,000 on Magnolia Church Road. **Notes:** Density minus 20% for roads: A1 – 2 lots; A1A – 4 lots; R40 – 5 lots.

### MINUTES OF DECEMBER 19, 2006:

Mr. Lloyd stated that staff recommends approval of R40 district based on the findings that: the R40 zoning district is consistent with the Stedman Study Area Detailed Land Use Plan which calls for "farmland" at this location; and the R40 zoning district is consistent with the current zoning, lot sizes and character of the general area. There are no other suitable zoning districts to be considered for this request.

**Mrs. Epler made a motion, seconded by Mr. Cain, to follow the staff recommendations and approve P06-91 as submitted. Unanimous.**



## REQUESTED REZONING A1 TO R40

<b>ACREAGE: 6.00 AC.+/-</b>	<b>HEARING NO: P06-91</b>	
ORDINANCE: COUNTY	HEARING DATE	ACTION
PLANNING BOARD		
GOVERNING BOARD		

ITEM NO. 4E

# COUNTY of CUMBERLAND

*Office of the County Attorney*

January 9, 2007

**MEMORANDUM FOR BOARD OF COMMISSIONERS' MEETING JANUARY 16, 2007**

**TO: BOARD OF COMMISSIONERS**

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

**SUBJECT: CONSIDERATION OF REQUEST BY MS. KACEY SHUPE TO RE-CONSIDER ZONING OF .47 ACRES AT 4721 CAMDEN ROAD FROM O&I(P) TO C(P)**

**BACKGROUND:** The Board of Commissioners re-zoned this property from R10 to O&I(P) at its December 18, 2006 meeting. The owner, Ms. Kacey Shupe, had initially requested rezoning to (C )P. At the Planning Board public hearing, Ms. Shupe had advised that the property can no longer be rented as residential property because of development along Camden Road. She indicated that she thought it would be a good location for, as an example, a doctor's office and clinic. The minutes of the Planning Board's November 21, 2006 meeting reflect that when Ms. Epley suggested that O&I(P) would allow for professional offices and would be appropriate for this property, Ms. Shupe was agreeable to amending her request to O&I(P).

While Ms. Shupe was present at the Board of Commissioners' December 18, 2006 meeting, she arrived somewhat late because she had to drive here from out of state. She was not present, therefore, when the Clerk indicated that persons wishing to speak would have to sign up. For that reason, Ms. Shupe was present when the zoning cases were considered but did not have a chance to speak on her case. She has advised she would have requested that the Board consider the (C )P zone for this property.

Because of legal constraints, the Board cannot simply re-open this case, hear Ms. Shupe, and either re-affirm its decision or make a new decision. It may, however, allow Ms. Shupe to present a request that this case be reconsidered for (C )P zoning and allow her to present her arguments to the Board. If the Board then wishes to reaffirm its decision of December 18, 2006 to rezone this property as O&I(P), no further action would be necessary. If the consensus of the Board were to be that the (C )P zoning district would likely be appropriate, then the Board could refer the matter to the Planning staff and Planning Board for re-consideration as a new case.

**RECOMMENDATION:** The County Attorney recommends considering Ms. Shupe's request, and allowing her to speak on her reasons for it, but granting it only if there is a consensus on the Board that, after legally-required re-advertising, consideration by the Planning Board, and returning to this Board for final action, zoning this property as (C )P rather than O&I(P) would likely be appropriate. If the Board wishes to grant her request, refer it to the Planning staff and Planning Board for advertisement, hearing and recommendation to the Board.

Encl.

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



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

## COUNTY of CUMBERLAND

### Planning and Inspections Department

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

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

DECEMBER 8, 2006

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

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

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

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

MINUTES OF NOVEMBER 21, 2006:

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

The Public Hearing opened.

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

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

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

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

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

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

The Public Hearing closed.

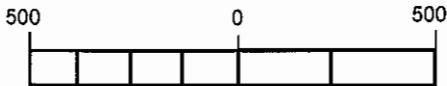
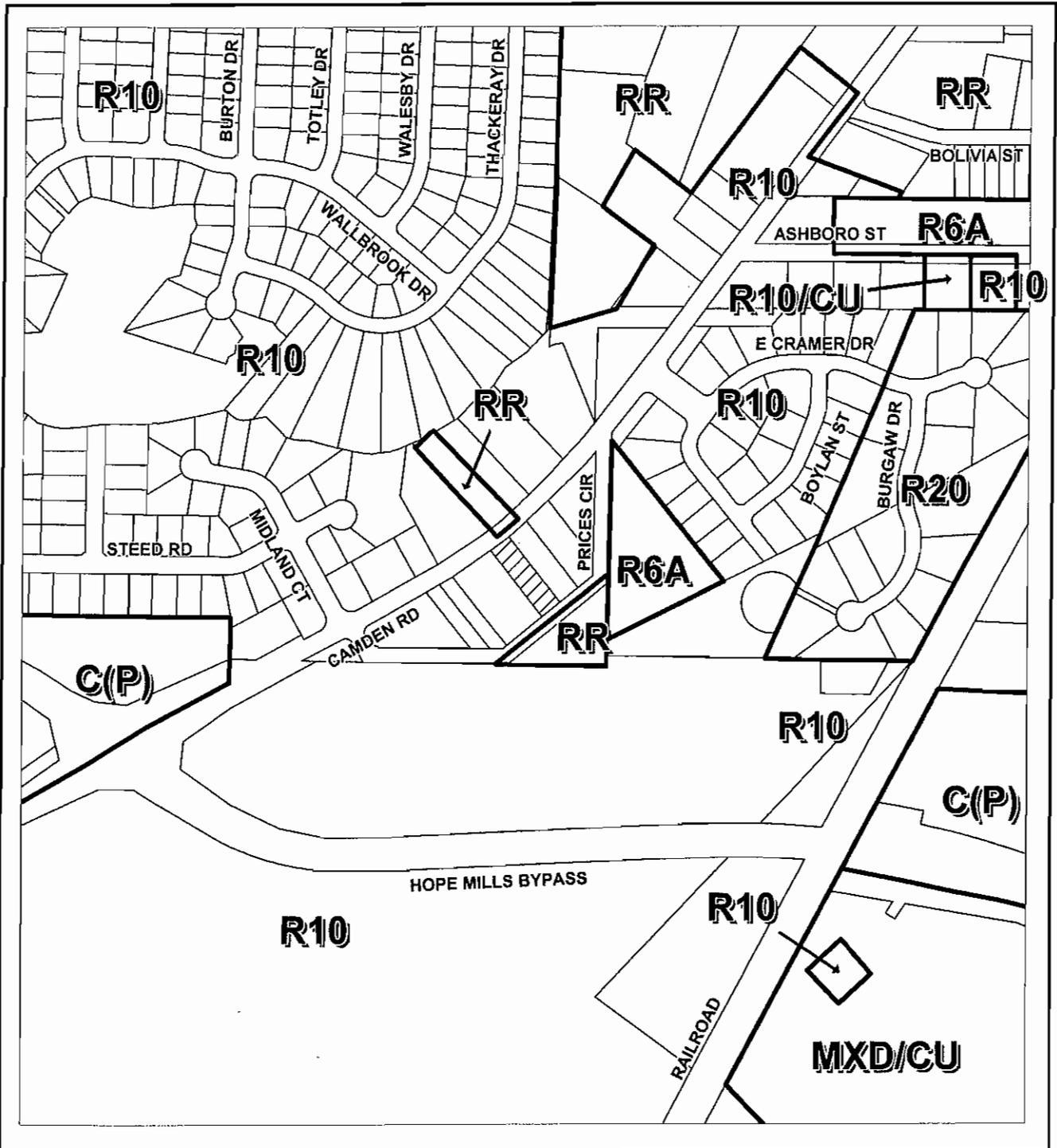
Commissioner Wheatley asked Mr. Lloyd to review the existing surrounding zoning. Mr. Lloyd highlighted those areas and stated that there were currently 5 residences located in the proposal area. He further stated that the 2030 Plan denoted this area as a commercial node due to the existence of the proposed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

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

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

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

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



SCALE IN FEET

## REQUESTED REZONING: R10 TO C1(P)

ACREAGE: 0.47 AC.+/-

HEARING NO: P06-86

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

11-21-06

App'd

\*

GOVERNING BOARD

12-18-06

App'd

\*

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



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

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

## COUNTY of CUMBERLAND

*Planning and Inspections Department*

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

December 8, 2006

Kacey Shupe  
1112 Phoenixville Pike  
West Chester PA 19380

Dear Ms. Shupe,

The Cumberland County Board of Commissioners scheduled a public hearing for 6:45 p.m. on Monday, December 18, 2006 in the Commissioners' Room at the New Courthouse at 117 Dick Street to hear the following:

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

The County Commissioners' policy for public participation at hearings is that in order to speak during the consideration of an Agenda item, speakers must sign up prior to the beginning of the meeting.

You or your representative should be present at the hearing. If you have questions regarding Planning Board recommendations on your case, please call 678-7603. Other questions should be directed to 678-7772.

Sincerely,

  
Patti Speicher, Supervisor  
Land Use Codes Section

cc: Adjacent Property Owners

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS**  
**DECEMBER 18, 2006, 6:45PM**  
**REGULAR/REZONING MEETING**

**PRESENT:** Kenneth S. Edge, Chairman  
J. Breeden Blackwell, Vice Chairman  
Commissioner Jeannette M. Council  
Commissioner John T. Henley, Jr.  
Commissioner Billy R. King  
Commissioner Ed Melvin  
Commissioner Diane Wheatley  
James Martin, County Manager  
Juanita Pilgrim, Deputy County Manager  
Cliff Spiller, Asst. County Manager  
Amy Cannon, Asst. County Manager  
Grainger Barrett, County Attorney  
Tom Lloyd, Planning/Inspections Director  
Marsha Fogle, Clerk to the Board  
Marie Colgan, Deputy Clerk to the Board

**INVOCATION** - Commissioner Breeden Blackwell

**PLEDGE OF ALLEGIANCE** – Noah and Eli Blashford

**PUBLIC COMMENT PERIOD (6:45 PM – 7:00 PM) – NO SPEAKERS**

**ADDITIONS TO AGENDA: Closed Session: Economic Development, Pursuant to NCGS 143-318.11(a)(4).**

**MOTION:** Commissioner King moved to add the above item to the Agenda.  
**SECOND:** Commissioner Henley  
**VOTE:** UNANIMOUS

1. Consent Agenda

**MOTION:** Commissioner Henley moved to follow staff recommendations on the items on the Consent Agenda.  
**SECOND:** Commissioner King  
**VOTE:** UNANIMOUS

A. Approval of minutes for the December 4, 2006 regular meeting.

**ACTION:** Approve

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

**VOTE: UNANIMOUS**

Rezoning

- A. Case P06-82. The rezoning 2.24 acres from A1 to R40A, or to a more restrictive zoning district, at 6554 Oak Grove Church Road, owned by James E. Griffin and Rodney E. Griffin.

The Planning Board recommends approval of R40A.

- B. Case P06-84. The rezoning of 1.46 acres from RR to R10 (now R7.5), or to a more restrictive zoning district, located on the southeast side of Clinton Road, east of Bladen Circle, owned by Dennis J. and Julie A. Byrd.

The Planning Board recommends denial of R10 (now R7.5) and approval of R15.

- C. Case P06-85. The rezoning of 1.03 acres from R6A/CU to C(P), or to a more restrictive zoning district, at 2970 Cumberland Road, owned by Bruce D. and Rhonda H. Bright.

The Planning Board recommends approval of C(P).

- D. Case P06-86. The rezoning of .47 acres from R10 (now R7.5) to C1(P), or to a more restrictive zoning district at 4721 Camden Road, owned by Kacey Shupe.

The Planning Board recommends denial of C1(P) and approval of O&I(P).

Contested Cases

- E. Case P06-83. The rezoning of 3.0 acres from A1 to A1A, at 5116 Berry Tree Lane, owned by Chang Ye Thompson.

The Planning Board recommends denial of the A1A.

**SPEAKERS:** Franz Lohr – Mr. Lohr asked the Board to deny the rezoning request. He noted the water in the area is bad and the land won't support a septic tank.

**MOTION:** Commissioner Wheatley moved to follow the recommendation of the Planning Board and deny the rezoning request.

**SECOND:** Commissioner King

**VOTE: UNANIMOUS**

- F. Case P06-87. The rezoning of two parcels totaling 16.45 acres from A1 to R40, or to a more restrictive zoning district at 2602 and 2608 John McMillan Road owned by Robert J. Williams IV.

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

January 5, 2007

ITEM NO. 5

TO: Board of Commissioners  
FROM: Marsha Fogle, Clerk  
RE: Appointment of a Legislative Liaison to the NCACC

**BACKGROUND:** The NCACC is requesting that all 100 counties appoint one commissioner as its Legislative Liaison. This liaison will serve as a conduit of information between the Association (via District 6 Director) and the Board of Commissioners.

Responsibilities will include:

- Ensure other commissioners are aware of legislative developments concerning issues of importance to other counties;
- Place items of state-wide importance on Commissioners' agenda to generate discussion and elevate public awareness;
- Provide a local voice that local media can rely upon for information on legislative issues;
- Setting up or making sure regular meetings with local legislators are taking place;
- Provide feedback to the District Director on what local legislators, fellow board members, other elected officials and the general public are saying about bills and issues, and what issues are elevated in our county.

The NCACC will provide counties with regular agenda items and provide the Legislative Liaisons with talking points and education materials that can be used to boost media and public awareness of legislation that impacts counties. The Legislative Liaisons initiative is one part of the NCACC's strategic goal to enhance the ability of county officials to represent counties and the NCACC on local and state-wide issues.

**ACTION:** Appoint a commissioner.

*Celebrating Our Past... Embracing Our Future*

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

January 8, 2007

ITEM NO. 6A

**January 16, 2007 Agenda Item**

TO: Board of Commissioners  
FROM: Marie Colgan, Deputy Clerk *MC*  
SUBJECT: Adult Care Home Community Advisory Committee Vacancies (2)

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

**Mexie Fields** – Completed first term. Eligible for reappointment.

**James Ingram** – Completed first term. Eligible for reappointment.

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

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

Attachments

cc: Andrea Wright  
Mid-Carolina Area Agency on Aging

*Celebrating Our Past...Embracing Our Future*

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

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

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

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

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

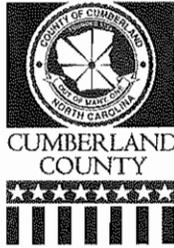
APPLICANTS FOR  
ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
EDWARDS, MANDELLA ( /F) 4151 VILLAGE DRIVE FAYETTEVILLE, NC 28304 429-0790	FULL TIME STUDENT	
	<b>**SERVES ON THE NURSING HOME ADVISORY BOARD**</b>	
LLOYD, TOM (W/M) 1306 BERKSHIRE RD FAYETTEVILLE, NC 28305 484-6762/678-7618(W)	PLANNING DIRECTOR	BA/MA – GEOGRAPHY/ PLANNING MINOR – PSYCHOLOGY & STATISTICS
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
THOMAS, NAVY (B/F) 7208 REEDYCREEK DRIVE FAYETTEVILLE, NC 28314 867-4531/483-2222(W)/224-1332(CELL)	MAINTENANCE TECH.	2 YR TECH. COLLEGE
	<b>**SERVES ON THE NURSING HOME ADVISORY BOARD**</b>	
WOLFE, JACQUELINE B. (W/F) MANCHESTER STREET FAYETTEVILLE, NC 28303 484-8588/484-5146 (W)	MEMBER SERVICES REP	HS; SOME TECH 1812 1812 COURSES

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

ITEM NO. 6B

BOARD OF COMMISSIONERS

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

January 2, 2007

**January 16, 2007 Agenda Item**

TO: Board of Commissioners  
FROM: Marie Colgan, Deputy Clerk *me*  
SUBJECT: Civic Center Commission Vacancies (5)

The Civic Center Commission has the following vacancy:

Geo Livingston – Did not accept appointment and moved out of county. Fill the vacancy.

**Ken Lancaster** – Completes first term on January 1, 2007. Eligible for reappointment.

**Dr. Jack Freeman** – Completes first term on January 1, 2007. Eligible for reappointment.

Susan Jones Monroe – Completes term on January 1, 2007. Not eligible for reappointment.

Restaurant Owner

**Ronnie Matthews** – Completes first term on January 1, 2007. Eligible for reappointment.

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

**PROPOSED ACTION:** Make nominations to fill the vacancies (5).

Attachments

cc: Rick Reno

*Celebrating Our Past...Embracing Our Future*

CIVIC CENTER COMMISSION  
3 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Geo Livingston ( /M) 4192 Sycamore Dairy Road (to fill unexpired term) Fayetteville, NC 28303 391-3559/487-5557(W)	08/06	1st	Jan/07 1/1/07	Yes
C. Bruce Armstrong (W/M) 5431 Thompson Circle Hope Mills, NC 28348 424-2581/433-2000(W)	12/04	2nd	Jan/08 1/1/08	No
Laurie Bondshu (W/F) 109 Lamb Street Fayetteville, NC 28305	12/04	1st full	Jan/08 1/1/08	Yes
Ken Lancaster Lancaster Real Estate 2413 Robeson Street, Unit 1 Fayetteville, NC 28305 323-2181(W)	1/04	1st full	Jan/07 1/1/07	Yes
Dr. Jack Freeman 203 Chloe Drive Fayetteville, NC 28301 488-4744/672-1797(W)	01/04	1st	Jan/07 1/1/07	Yes
Richard L. Player, III (W/M) 2220 Bayview Drive Fayetteville, NC 28305 678-8772/868-2121(W)	12/04	1st	Jan/08 1/1/08	Yes
Ralph Spivey (W/M) 3113 Baker Street Fayetteville, NC 28303 867-3201	2/05	1st	Jan/08 1/1/08	Yes
William E. Tew, Jr. 6233 Loop Road Linden, NC 28356 980-0740(H)	12/05	2nd	Jan/09 1/1/09	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Ann Mitchell (B/F) P.O. Box 1808 Fayetteville, NC 28301	12/05	2nd	Jan/09 1/1/09	No
Susan Jones Monroe (B/F) Cumberland Regional Improvement Corp. P.O. Box 1567 Fayetteville, NC 28302 483-6439(W)	01/04	2nd	Jan/07 1/1/07	No
Elizabeth Varnedoe (W/F) 6028 Bartlett Court Fayetteville, NC 28314 864-5144	04/06 (to fill unexpired term)	1st	Jan/09 1/1/09	Yes
John L. Elliott (W/M) 6224 Kirkwall Road Fayetteville, NC 28311 822-4458/433-9379	12/04	1st	Jan/08 1/1/08	Yes
Bob Smith (W/M) 1100 Clarendon Street # 612 Fayetteville, NC 28305 423-6400/494-3900(W)	12/05	2nd	Jan/09 1/1/09	No
Jon Warren (W/M) 2603 N. Edgewater Drive Fayetteville, NC 28303 485-4363/892-6405(W)	12/05	2nd	Jan/09 1/1/09	No
<u>Restaurant Owner</u> Ronnie Matthews (W/M) 1046 Bragg Blvd. Fayetteville, NC 28301 980-1420/323-9700(W)	01/04	1st	Jan/07 1/1/07	Yes

Commissioner Liaisons: Diane Wheatley

Ex Officio Member: James Martin, County Manager

Meetings: 4th Tuesday of the month at 5:30 PM, Coliseum Board Room  
Contact: Rick Reno, CEO, Coliseum Complex, Phone: 323-5088

APPLICANTS FOR  
CIVIC CENTER COMMISSION

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCOUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
FLEMING JR., REV. JOE B/M) 7235 RYAN STREET FAYETTEVILLE, NC 28314 868-1428/583-1695	MINISTER	16 YEARS
<b>**SERVES ON THE NURSING HOME ADVISORY BOARD**</b>		
HUMPHREY, HORACE (B/M) SCIENCE 1852 CASCADE STREET FAYETTEVILLE, NC 28301 488-5143/850-5170 (CELL)	RETIRED	BACHERLORS –
INGRAM, JAMES (B/M) PO BOX 87671 FAYETTEVILLE, NC 28304 257-1831/488-8415(W)	EDUCATION ADMIN.	BA/MA/ED.S
<b>**SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COUNCIL**</b>		
JOHANNES, ULRICH (W/M) 516 THORNGATE DRIVE FAYETTEVILLE, NC 28303 864-0420/433-1718(W)	ASSOC. NETWORK ADMINISTRATOR	BACHELORS – INFORMA- TION TECHNOLOGY
KNIGHT, BOBBY L. (W/M) PO BOX 1842 FAYETTEVILLE, NC 28302 323-0023/624-5533(W)	SEMI-RETIRED REAL ESTATE INVESTMENTS	HIGH SCHOOL
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
LIVINGSTON, GEO M. (/M) 4192 SYCAMORE DAIRY ROAD FAYETTEVILLE, NC 28303 391-3559/487-5557(W)	HOTEL MANAGEMENT	2 YR COLLEGE
MERCER, CARLON G. (W/M) 1846 WAYNE LANE FAYETTEVILLE, NC 28304 425-0243/624-4334 (C)	RETIRED	HS, CONTINUING EDUC COURSES
MURRAY, JEFFREY W. (W/M) 4743 DENTON COURT FAYETTEVILLE, NC 28306 425-7046/977-6180 (W)	CONSULTANT	MS/BS/AA

NIJHAWAN, INDER PAL (IA/ )  
3545 TURNBERRY CIRCLE  
FAYETTEVILLE, NC 28303  
864-0351/672-1618(W)

PROFESSOR FSU                      PhD

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

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

SHORTER, FLOYD L. (AA/M)  
6438 TOUCHSTONE DRIVE  
FAYETTEVILLE, NC 28311  
822-6403/222-8915 (W)

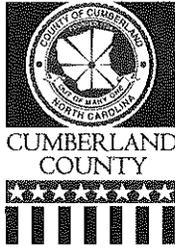
COLLEGE  
ADMINISTRATOR

BS – SCIENCE/ BUS MGT

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

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ITEM NO. 6C

January 10, 2007

**January 16, 2007 Agenda Item**

TO: Board of Commissioners  
FROM: Marie Colgan, Deputy Clerk *MC*  
SUBJECT: Senior Citizens Advisory Board Vacancy (1)

In accordance with approved expansion in 2006, The Senior Citizens Advisory Board has one vacancy for a two-year term.

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

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

cc: James McMillan, Special Projects Coordinator  
City of Fayetteville

*Celebrating Our Past...Embracing Our Future*

JOINT FAYETTEVILLE/CUMBERLAND COUNTY  
SENIOR CITIZENS ADVISORY COMMISSION

2 Year Term  
(County Appointees)

<u>Name/Address</u>	<u>Date</u> <u>Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For</u> <u>Reappointment</u>
Eleanor Ayers P.O. Box 220 Stedman, NC 28391 323-1892	11/06	1 <sup>st</sup>	11/30/08 Nov/08	Yes
Rhonda Batten(W/F) 1811 McGougan Road Fayetteville, NC 28303 483-4388/678-2920(W)/583-0392(Cell)	10/06	2nd	9/30/08 Sept/08	No
Tom Cain 2786 Baywood Road Fayetteville, NC 28312 630-3970(H)	10/06	1st	9/30/08 Sept/08	Yes
George Hatcher, Sr.(C/M) 3534 A.B. Carter Road Fayetteville, NC 28312 483-5896/818-8263(Cell)	11/06	1 <sup>st</sup>	11/30/08 Nov/08	Yes
E. C. (Chip) Modlin (W/M) 2811 Millbrook Road Fayetteville, NC 28303 485-5262(H)	10/06	1st	9/30/07 Sept/07	Yes
Deneen Morton-Tarpley Advantage Hospice & Home Care 1710 Owen Drive Fayetteville, NC 28304 689-0373(W)/624-0499 (Cell)	10/06	1st	9/30/07 Sept/07	Yes
Joe Potts (W/M) 1200 Goodview Avenue Fayetteville, NC 28305 484-6506/818-3783 (Cell)	10/06	2nd	9/30/08 Sept/08	No
Carolyn Tracy (W/F) 718 Southview Circle Fayetteville, NC 28311 323-4191, x26 (W)	10/06	1st	9/30/08 Sept/08	Yes

Senior Citizens Advisory Commission

Page 2

Kristine Wagner (W/F) 130 Gillespie Street Fayetteville, NC 28301 436-0340/678-7624(W)	11/06	1 <sup>st</sup>	11/30/08 Nov/08	Yes
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Contact: James McMillan, Special Programs Supervisor, City of Fayetteville.  
Phone: 433-1560 - Fax: 433-1560 – Email: [jmcmillan@ci.fay.nc.us](mailto: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  
Senior Citizens Service Center, 739 Blue Street (Conference Room)

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

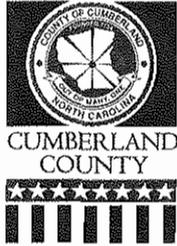
APPLICANTS FOR  
SENIOR CITIZENS ADVISORY BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ASHBY, ELEANORA M. (B/F) 6529 SENATOR DRIVE FAYETTEVILLE, NC 28304 860-1017	RETIRED – RN	BS DEGREE – RN
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.
<b>**SERVES ON THE EQUALIZATION &amp; REVIEW BOARD**</b>		
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
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  
EDWARD G. MELVIN  
DIANE WHEATLEY



MARSHA S. FOGLE  
Clerk to the Board

MARIE COLGAN  
Deputy Clerk

**BOARD OF COMMISSIONERS**

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January 8, 2007

ITEM NO. 6D

**January 16, 2007 Agenda Item**

TO: Board of Commissioners  
FROM: Marie Colgan, Deputy Clerk *MC*  
SUBJECT: Workforce Development Board Vacancies (2)

The Workforce Development Board has the following vacancies:

Private Sector Representative

Leesa Jensen - Completed second term. Not eligible for reappointment. Request for **Mike Axelrod** as replacement.

W. G. McHenry -Completed second term. Not eligible for reappointment. Request for **Michael Kozaman** as replacement

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

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

pc: Patrick Hurley, Workforce Development Center

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

CUMBERLAND COUNTY WORKFORCE DEVELOPMENT BOARD

Page 2

<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	2nd	Aug/07	No
Wendall Troy(B/M) School Link, Inc. P.O. Drawer 36067 Fayetteville, NC 28303 223-2116, Ext. 101	2/06	2nd	Feb/09	No
Charles A. Richter ( /M) NCNG 235 N. McPherson Church Rd. – Ste. 203 Fayetteville, NC 28303 401-6063	10/05	1st	Oct/08	Yes
Mike Baldwin (W/M) 1337 Sawyer Court Hope Mills, NC 28348 323-9493/426-5000(W)	6/06	1st	June/09	Yes
Jean Harrison ( /F) Cape Fear Valley Medical Center P.O. Box 2000 Fayetteville, NC 28302-2000	6/06	1st	June/09	Yes
<u>Public Sector:</u>				
Social Services Representative:				
Vivian Tookes(B/F) Dept. of Social Services P. O. Box 2429 Fayetteville, NC 28302 323-1540	9/05	2nd	Sept/08	No
<u>Rehabilitation:</u>				
Ellen Morales ( /F) North Carolina Department of Human Resources Division of Vocational Rehabilitation Services 1200 Fairmont Court Fayetteville, NC 28304	11/06			

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	2nd	Sept/08	No
Dr. Robin Jenkins (W/M) Communicare, Inc. P.O. Box 30 Fayetteville, NC 28302 433-1116	2/06	2nd	Feb/09	No
Suzanne Peper ( /F) Employment Source 600 Ames Street Fayetteville, NC 28301 485-4341	1/05	1st	Jan/08	Yes
<u>Economic Development:</u>				
William A. Martin (W/M) Cumberland Co. Business Council P. O. Box 9 Fayetteville, NC 28302 484-4242, ext. 228.	11/06	2nd	Nov/09	No
<u>Employment Service:</u>				
Glenn McQueen (B/M) Employment Security Comm. 414 Ray Avenue Fayetteville, NC 28301 486-1010	8/02			
<u>Labor:</u>				
Damita Rucker-Ash(B/F) United Steelworkers of America 5839 Corner Oaks Drive Hope Mills, NC 28348 423-8479	9/05	2nd	Sept/08	No

CUMBERLAND COUNTY WORKFORCE DEVELOPMENT BOARD

Page 4

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

Contact: Patrick Hurley, Director, CC Workforce Development Center

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

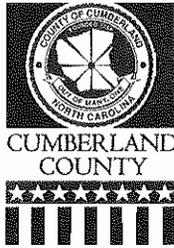
APPLICANTS FOR  
WORKFORCE DEVELOPMENT BOARD

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>BACKGROUND</u>
AXELROD, MICHAEL E. (W/M) 5144 GOSHAWK DRIVE HOPE MILLS, NC 28348 778-9819 / (636) 699-5555(Cell)	GENERAL MANAGER	HS, SOME COLLEGE
CORBETT, PAM 6305 CHAGRIN ROAD FAYETTEVILLE, NC 28311 488-9505/483-2853 X114 (W)	DIRECTOR OF OPERATIONS	SOME COLLEGE
FRANKLIN, BETTY (W/F) 6499 PERICAT DRIVE FAYETTEVILLE, NC 28306 425-0008/323-3418(W)	OFFICE ADMINISTRATOR	HS, SALES & NEGOTIATING COURSES
KAZAMAN, MICHAEL (W/M) 4424 BRAGG BLVD #101 FAYETTEVILLE, NC 28303 860-1000	PRESIDENT	4 YRS UNDERGRAD WESTPOINT
LEACH, JACQUELINE (AA/F) 5520 MARCIA STREET FAYETTEVILLE, NC 28303 868-4897/677-2977(W)	VISTA VOLUNTEER AMERICORP	ACCOUNTING DEGREE
LEE, DELMAR T. (B/M) 7112 AVILA DRIVE FAYETTEVILLE, NC 28314 864-5482	RETIRED SUBSTITUTE TEACHER	AS – AVIONICS BS/MS/EDUCATION
NIXON, GREGORY (B/M) 713 HOPE MILLS RD # 242 FAYETTEVILLE, NC 28304 826-4745/527-4745 (W)	OWNER – CLEANING BUSINESS	3 YRS OF COLLEGE

KENNETH S. EDGE  
Chairman

J. BREEDEN BLACKWELL  
Vice Chairman

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



CUMBERLAND  
COUNTY



MARSHA S. FOGLE  
Clerk to the Board

MARIE COLGAN  
Deputy Clerk

**BOARD OF COMMISSIONERS**

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ITEM NO. 7A

January 2, 2007

**January 16, 2007 Agenda Item**

TO: Board of Commissioners  
FROM: Marie Colgan, Deputy Clerk <sup>MC</sup>  
SUBJECT: Board of Adjustment

**BACKGROUND:** On January 2, 2007 the Board of Commissioners nominated the following to fill one (1) vacancy on the Board of Adjustment (Alternate Member):

- **Melree Hubbard Tart**

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

**PROPOSED ACTION:** Appoint the above.

cc: Tom Lloyd, Director  
Planning/Inspection Department

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BOARD OF ADJUSTMENT  
3 Year Term

Name/Address	<u>Date</u> Appointed	Term	Expires	<u>Eligible For</u> Reappointment
Joe Potts(C/M) 1200 Goodview Avenue Fayetteville, NC 28305 484-6506/818-3783(Cell)	6/06	1st full	June/09 6/30/09	Yes
Oscar L. Davis, III (C/M) 3320 Rustburg Drive Fayetteville, NC 283053 867-2950/977-3101(W)	6/04	1st	June/07 6/30/07	Yes
Sean Scott Fincher (W/M) 1822 Bondwood Street Fayetteville, NC 28301 484-9947/483-3027(W)/237-3565(Cell)	8/04	1st	Aug/07 8/31/07	Yes
Steve Parsons(W/M) 3701 Clearwater Drive Fayetteville, NC 28311 822-4155/822-2000(W)	9/06	2nd	Sept/09 9/30/09	No
George Quigley (W/M) 618 Blawell Circle Stedman, NC 28391 485-2980/321-6882	6/06	1st	June/09 6/30/09	Yes
<u>Alternate Members:</u>				
Steve Burnett (W/M) 438 Grape Arbor Drive Fayetteville, NC 28312-7205 486-9325/485-2100(W)	8/04	1st	Aug/07 8/31/07	Yes
Joseph Dykes (B/M) 5764 Pepperbush Drive Fayetteville, NC 28304 423-5255/322-0602(W)	11/05 to fill unexp. term	1st	Aug/07 8/31/07	Yes
Johnnie Lee Council(B/M) 3429 Sandystone Circle Fayetteville, NC 28311 488-0379(H)	8/05 to fill unexp. term	1 <sup>st</sup>	June/07 6/30/07	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Alternate Members Continued:</u>				
Melree Hubbard Tart(W/F) 300 Andrews Road Fayetteville, NC 28311 488-1208/497-3712(W)	1/04	1 <sup>st</sup>	Jan/07 1/31/07	Yes
Martin J. Locklear (I/M) 1611 Four Wood Drive Fayetteville, NC 28312 672-0323/893-7525(W)	8/06	1 <sup>st</sup>	Aug/09 8/31/09	Yes

APPLICANTS FOR  
BOARD OF ADJUSTMENT

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
CHESTNUTT, A. JOHNSON(W/M) 578 MILDEN ROAD FAYETTEVILLE, NC 28314 484-6365/323-1040(W)	ACCOUNTANT	BSBA
FRANKLIN, BETTY (W/F) 6499 PERICAT DRIVE FAYETTEVILLE, NC 28306 425-0008/323-3418(W)	OFFICE ADMINISTRATOR	HS, SALES & NEGOTIATING COURSES
INGRAM, JAMES (B/M) PO BOX 87671 FAYETTEVILLE, NC 28304 257-1831/488-8415(W)	ASST. PRINCIPAL	POST GRADUATE
JOHNSON, JASON N. (B/M) 8436 UMSTEAD ROAD FAYETTEVILLE, NC 28304 864-3999	UNEMPLOYED (RECENT COLLEGE GRAD)	BA – POLITICAL SCIENCE
LEACH, JACQUELINE (AA/F) 5520 MARCIA STREET FAYETTEVILLE, NC 28303 868-4897/677-2977(W)	VISTA VOLUNTEER AMERICORP	ACCOUNTING DEGREE
SWANSON, JOHN R. (W/M) 6416 COACHMAN'S WAY FAYETTEVILLE, NC 28303 987-1972/822-2000(W)	CERTIFIED RESIDENTIAL APPRAISER/BROKER	BA – CRIM. JUSTICE MPA – PUBLIC ADMIN.
WINSTEAD, SUSAN (C/F) 3204 BROADVIEW DRIVE FAYETTEVILLE, NC 28301 306-0148/630-1587(W)	BUSINESS CONSULTANT TECHNOLOGY MANAGER	BA – POLITICAL SCIENCE MS – BUSINESS ADMIN.

KENNETH S. EDGE  
Chairman

J. BREEDEN BLACKWELL  
Vice Chairman

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



CUMBERLAND  
COUNTY

BOARD OF COMMISSIONERS

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MARSHA S. FOGLE  
Clerk to the Board

MARIE COLGAN  
Deputy Clerk

ITEM NO. 7B

January 2, 2007

**January 16, 2007 Agenda Item**

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

BACKGROUND: On January 2, 2007, the Board of Commissioners nominated the following to fill five positions on the Board of Health:

Nominee: Veterinarian: **Dr. Ennis V. Williams** (reappointment)  
Dentist: **Dr. Walter S. Scott, III**  
Registered Nurse: **Kim S. McDonald**  
General Public Representative: **Carol E. Schaeffer  
Barbara S. Marshall**

**PROPOSED ACTION:** **Appoint the above.**

Attachments

cc: Wayne Raynor, Health Director

*Celebrating Our Past... Embracing Our Future*

BOARD OF HEALTH  
3 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Veterinarian</u>				
Dr. James L. Williams(W/M) 627 Bonanza Drive Fayetteville, NC 28303 864-8354/864-1535(W)	01/04	2nd	Jan/07 1/1/07	No
<u>Physician</u>				
Dr. Christopher Barnes(W/M) 3308 Melrose Road Fayetteville, NC 28304 867-6284/484-3114(W)	12/05	1st full	Jan/09 1/1/09	Yes
<u>Dentist</u>				
Dr. Harold E. Maxwell(W/M) 340 Summertime Road Fayetteville, NC 28303 485-3445/672-0111(W)	01/04	2nd	Jan/07 1/1/07	No
<u>Registered Nurse</u>				
Annette E. Lanier(B/F) VA Medical Center 2300 Ramsey Street Fayetteville, NC 28311 482-5183/488-5989(W)	01/04	2nd	Jan/07 1/1/07	No
<u>Optometrist</u>				
Dr. William C. Philbrick(W/M) 321 Springbrooke Place Fayetteville, NC 28305 485-4580/484-6178(W)	12/04	2nd	Jan/08 1/1/08	No
<u>Pharmacist</u>				
Catherine S. Roach (W/F) 3890 Cedar Creek Road Fayetteville, NC 28312 437-5149/609-1172(W)	12/05	1st	Jan/09 1/1/09	Yes
<u>Engineer</u>				
Jeff Reitzel (W/M) 331 E. Loch Haven Fayetteville, NC 28314 864-1218/484-5191(W)	12/04	2nd	Jan/08 1/1/08	No

Board of Health, continued

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>General Public Reps.</u>				
Cureton L. Johnson (AA/M) 1909 Bellemeade Road Fayetteville, NC 28303 485-3025/483-6505(W)	12/05	1st	Jan/09 1/1/09	Yes
Dr. Ennis V. Williams (B/M) 2036 Wheeling Street Fayetteville, NC 28303 867-2248/578-1877(W)	05/05 (to fill unexp. term)	1st	Jan/07 1/1/07	Yes
W. Lee Utley (W/M) 1509 Raeford Road Fayetteville, NC 28305 484-7030/484-5555(W)	01/04	2nd	Jan/07 1/1/07	No

COMMISSIONER APPOINTEE: John Henley

Contact: Wayne Raynor, Health Director  
Chris Wilder, Secretary  
Phone: 433-3720  
Fax: 433-3659

Meetings: 3rd Tuesday of the month 6:00 PM, Board Room, Health Department

APPLICANTS FOR  
BOARD OF HEALTH

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
HARRIS, GLENDA PURDIE(B/F) 1874 GOLA DRIVE FAYETTEVILLE, NC 28301 488-2434/630-3041(W)	COMPLIANCE OFFICER	MASTERS:ADMINISTRATION BACHELOR OF SCIENCE
JENSEN, LEESA (W/F) 719 ASHFIELD DRIVE FAYETTEVILLE, NC 28311 630-0253/433-1695(W)	HUMAN RELATIONS SPECIALIST	MASTERS: BUSINESS ADMINISTRATION
MARSHALL, BARBARA SUMMEY (B/F) 7640 WILKINS DRIVE FAYETTEVILLE, NC 28311 488-2615/977-2303(W)	NAVY RESERVE CHAPLAIN	BA – PSYCHOLOGY MA – RELIGIOUS ED. DR. OF MINISTRY
McDONALD, KIM S. 3489 THORNDIKE DRIVE FAYETTEVILLE, NC 28311 822-9703/482-5262 (W)	RN	BSN
PAQUETTE, OMER E., DDS (C/M) 506 HILLIARD DRIVE FAYETTEVILLE, NC 28311-2677 822-2512	RETIRED ARMY DENTAL OFFICER	DDS – DIPLOMATE AMERICAN BOARD OF GEN. DENTISTRY
ROBERTSON, FREDDIE A. (B/M) 2335 ROSEHILL RD FAYETTEVILLE, NC 28301 630-6472/988-9781 (W)	COMPUTER INSTRUCTOR	BS – COMPUTER SCIENCE
SCHAEFFER, CAROL E. (W/F) 1704 CHEROKEE DRIVE FAYETTEVILLE, NC 28303 223-3030/483-1437(W)	CERTIFIED PUBLIC ACCT.	BS – ACCOUNTING
SPAIN, PHYLLIS M. (B/F) PO BOX 821 SPRING LAKE, NC 28390 484-4726/916-4974(W)	MINISTER/CHAPLAIN	DOCTORATE OF MINISTRY CLINICAL PASTORAL ED.

**\*\*SERVES ON THE MENTAL HEALTH BOARD\*\***

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

ITEM NO. 7C

January 2, 2007

**January 16, 2007 Agenda Item**

TO: Board of Commissioners  
FROM: Marie Colgan, Deputy Clerk *MC*  
SUBJECT: Cape Fear Valley Health System Board of Trustees

**BACKGROUND:** On January 2, 2007, the Board of Commissioners nominated the following to fill five vacancies on the Cape Fear Valley Health System Board of Trustees:

Nominees: Registered Nurse (1 position): **Mary G. Buie** (reappointment)  
General Public (3 positions): **Alice Stephenson** (reappointment)  
**Floyd L. Shorter**  
**Dr. Dudley Miller**  
**Don Porter**

**PROPOSED ACTION:** Appoint four of the above.

Attachments

c: Richard Parks, Chief Executive Officer

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CAPE FEAR VALLEY HEALTH SYSTEM  
BOARD OF TRUSTEES

02/06

3 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Medical Society Rep.</u>				
Dr. Sanjay Shah, MD Sandhills Nephrology & Internal Med 1218 Walter Reed Road Fayetteville, NC 28304 323-1671	01/07			
<u>Chief of Staff</u>				
Dr. Rueben Rivers, MD Cumberland Internal Medicine 1314 Medical Dr., Suite 102 Fayetteville, NC 28304 323-2503	10/06			
<u>Chief Elect</u>				
Dr. David Schutzer, MD Highland OB/GYN, P.A. 911 Hay Street Fayetteville, NC 28305 485-1191	10/06			
<u>Medical Doctor</u>				
Dr. Rakesh Gupta (co. appointee) 1880 Quiet Cove Fayetteville, NC 28304 323-2477(W)	12/04	2nd	Jan/08 1/1/08	No
Dr. Dickson Schaefer (co. appointee) 3308 Melrose Road Fayetteville, NC 28304 484-3114	12/05	1st full	Jan/09 1/1/09	Yes
<u>R.N. Position</u>				
Katheryn Jenifer (W/F) 4608 Hoe Court Fayetteville, NC 28314 487-9707/485-0555(W)	9/04	2nd	Sept/07 9/30/07	No
Mary G. Buie(W/F) (co. appointee) 2623 Westchester Drive Fayetteville, NC 28303 484-0898	01/04	1st	Jan/07 1/30/07	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>General Public (6)</u>				
Alice Stephenson (co. appointee) 464 Kingsford Road Fayetteville, NC 28314 864-2062/483-5009(W)	8/03	1st	Jan /07 1/31/07	Yes
Emmett Fogle (W/M) P.O. Box 278 Stedman, NC 28391 483-9579	12/05	2nd	Jan/09 1/1/09	No
Dr. Sid Gautam (I/M) (co. appointee) 267 Courtyard Lane Fayetteville, NC 28303 867-0070/630-7000(W)	8/05	2nd (term extended)	Jan/07 1/31/07	No
Ralph Mitchell (B/M) (co. appointee) 3149 Sids Mill Road Fayetteville, NC 28301 485-7907/483-4116(W)	8/05	2nd	Sept/09 9/30/09	No
Donald W. LaHuffman (B/M) 616 McAlphin Drive (co. appointee) Fayetteville, NC 28301 488-7391/678-8274(W)	8/03	2nd	Jan/07 1/31/07	No
Dr. John Griffin, Jr. (co. appointee) 3481 Thamesford Road Fayetteville, NC 28311 630-4346	12/04	1st	Jan/08 1/1/08	Yes

## County Commissioners (7)

James Martin, County Manager - ex officio non-voting member (7/28/87)

Contact: Richard Parks, Administrator/CEO

Regular Meeting: Last Wednesday of each month  
Dinner at 6:15 PM  
Meeting held in the Board Room - 7:00 PM

\*Five (5) additional positions added to the board in December 1999 (2 Doctors, 1 Nurse and 2 General Public Reps.) Terms were staggered initially.

APPLICANTS FOR  
CAPE FEAR VALLEY HEALTH SYSTEM BOARD OF TRUSTEES

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ANDREWS-McCALL, MAXINE (B/F) 5637 MUM CREEK LANE FAYETTEVILLE, NC 28304 423-1727/322-5800 (C)	RETIRED	DOCTORATE IN EDUC. ADMINISTRATION
CHESTNUTT, A. JOHNSON (W/M) 578 MILDEN ROAD FAYETTEVILLE, NC 28314 484-6365/323-1040(W)	ACCOUNTANT	BSBA
FENNER, SHANESSA L. (B/F) 5710-08 IVANHOE COURT FAYETTEVILLE, NC 28314 487-9603/436-4381(W)	PRINCIPAL	BA – ELEM. EDUCATION MA – ELEM. EDUCATION MSA – SCHOOL ADMIN.
HALL, MACKY (W/M) 5420 McRAE STREET HOPE MILLS, NC 28348 424-4375	RETIRED	BS/MASTERS – EDUC. SPECIALIST
HARRIS, GLENDA PRUDIE (B/F) 1874 GOLA DRIVE FAYETTEVILLE, NC 28301 488-2434/630-3041(W)	COMPLIANCE OFFICER	MASTERS –ADMINISTRATION
JOHANNES, ULRICH (W/M) 516 THORNGATE DRIVE FAYETTEVILLE, NC 28303 864-0420/433-1718(W)	ASSOC. NETWORK ADMINISTRATOR	BACHELORS – INFORMATION TECHNOLOGY
NIJHAWAN, INDER PAL (IA/ ) 3545 TURNBERRY CIRCLE FAYETTEVILLE, NC 28303 864-0351/672-1618(W)	PROFESSOR FSU	PhD
ROBERTSON, FREDDIE A. (B/M) 2335 ROSEHILL RD FAYETTEVILLE, NC 28301 630-6472/988-9781 (W)	COMPUTER INSTRUCTOR	BS – COMPUTER SCIENCE
SPAIN, PHYLLIS M. (B/F) PO BOX 821 SPRING LAKE, NC 28390 484-4726/916-4974(W)	MINISTER/CHAPLAIN	DOCTORATE OF MINISTRY CLINICAL PASTORAL ED.
<b>**SERVES ON THE MENTAL HEALTH BOARD**</b>		
SUTTON, CARRIE (/F) 5422 SUMMER DUCK ROAD FAYETTEVILLE, NC 28314 864-5567/483-7695 (W)	REP – BUSINESS	COLLEGE DEGREE (UNKNOWN)
WIGGS, CECIL (W/M) 6213 STONEY POINT LOOP FAYETTEVILLE, NC 28306 425-8557	RETIRED SCHOOL TEACHER	MASTERS -EDUCATION

ITEM NO. 8

# CLOSED SESSION

**Economic Development Matter  
Pursuant to NCGS 143-318.11(a)(4)**