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**AGENDA**  
**CUMBERLAND COUNTY BOARD OF COMMISSIONERS**  
**COURTHOUSE – ROOM 118**  
**JUNE 18, 2007**  
**6:45 PM**

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INVOCATION - Commissioner Edward Melvin

PLEDGE OF ALLEGIANCE –

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

Recognition of Retired County Employee: Elizabeth Ramos, Mental Health Department

Recognition of Outgoing Board Member: Harry F. Shaw, FTCC Board of Trustees

Special Presentation to Larry Norris, President, Fayetteville Technical Community College

1. Presentations

- A. Joint Presentation on the Educational Channel Consortium and Time Warner Cable by Mr. Joe Alley, FTCC Director of Media Services, Mr. Eric Collins, Time Warner Cable Government/Public Affairs and Ms. Vicki Villines, FTCC Programming Coordinator.
- B. Presentation by Laura McClettie, Partnership and Data Specialist, US Census Bureau, on 2008 Census Dress Rehearsal.
- C. Presentation of Government Finance Officer's Association Award- Certificate of Achievement for Excellence in Financial Reporting to Ms. Amy Cannon, Assistant County Manager.

2. Consent Agenda

- A. Approval of minutes for the June 4, 2007 regular meeting and approval of the minutes of the May 29, 2007 Budget Public Hearing and the May 31, 2007 special budget work session meeting.
- B. Approval of Consideration of Sending Rezoning Case P06-40 Back to the Planning Board.
- C. Approval of Cumberland County Policy Committee Report and Recommendation of a Rate Increase for Sewer Service for the NORCRESS Sanitary Sewer System.

- D. Approval of Towing Service Code Revisions (Amendments to the Fee Schedule for Rotation Wreckers).
- E. Approval of Change Order No. 3 for M & E Contracting to increase contract for Eastover Central Recreation Center.
- F. Approval of an Interlocal Agreement with the Town of Hope Mills for Emergency Back-Up Animal Control Services.
- G. Approval to continue ROAP Grant Transportation Services based upon current service levels until approval of the FY 2008 Grant Funds.
- H. Approval of Recommendation of Facilities Committee to Authorize renovations to Fayetteville Area Convention and Visitors Bureau space and Extension of Lease.
- I. Approval of Settlement of Claim of McKean County Prison, McKean County, Pennsylvania, for Medical Expenses of Prisoner David Davis.
- J. Approval of Sale of Surplus-County Owned Real Property Acquired by Tax Foreclosure:
  - 1) Lots 37-40 John Holmes Sub  
(Located on Pinpoint Rd. off Sunnyside School Rd.)  
PIN 0456-08-1680; Cedar Creek Township
- K. Approval of Sale of Surplus-County Owned Real Property Acquired by Tax Foreclosure:
  - 1) Lot 107 Ellerslie Sec 3  
(Located on Amesbury Road Off Elliott Bridge Rd.)  
PIN 0543-06-5780; Carvers Creek Township
  - 2) Lot 108 Ellerslie Sec  
(Located on Amesbury Road off Elliott Bridge Rd.)  
PIN 0543-06-5861; Carvers Creek Township
  - 3) Lot 6 Foxfire Sec 7 Rev.  
(Located on Sundown Drive off Bonanza Drive)  
PIN 0408-83-4694; Seventy-First Township

L. Budget Revisions:

(1) Mid-Carolina Senior Transportation Fund

Revision in the amount of \$971 to budget passenger contributions received. (B07-358)  
**Funding Source – Fees**

(2) NORCRESS Project

Revision in the amount of \$128 to reduce budget for tap fees to reflect the actual receipts less refunds and to approve the associated capital project ordinance. (B07-370) **Funding Source – Fees**

(3) Tourism Development Authority

Revision in the amount of \$792,000 to budget additional Occupancy Tax collected and to appropriate fund balance for expenditures approved by the TDA Board. (B07-367)  
**Funding Source – Tourism Development Authority Fund Balance and Taxes**

(4) Juvenile Crime Prevention Programs

Revision in the amount of \$52,619 to adjust budget to the revised state budget. (B07-369) **Funding Source – State**

(5) Group Health Insurance

Revision in the amount of \$500,000 to appropriate fund balance to budget for the year end accrual of the “Incurred but not Recorded” health claims. (B07-373) **Funding Source – Group Health Insurance Fund Balance**

(6) Mental Health

- a. Adult Contracts - Revision in the amount of \$141,201 to budget state start up funds for crisis services. (B07-361) **Funding Source – State**

- b. Developmental Disability Contracts – Revision in the amount of \$20,000 to recognize additional state brain injury funds for clients. (B07-362) **Funding Source – State**
- c. Developmental Disability Contracts – Revision in the amount of \$70,000 to increase budget for Medicaid funded supplies due to additional clients. (B07-363) **Funding Source – Fees**
- d. Comprehensive Treatment Service Program Alternate Family Living – Revision in the amount of \$675,000 to increase contract due to higher utilization than expected. (B07-364) **Funding Source – Fees**
- e. Partial Hospitalization – Revision in the amount of \$796 to appropriate fund balance to pay for FAST bus passes from FY2006. (B07-371) **Funding Source – Mental Health Fund Balance**

(7) Animal Control

Revision in the amount of \$1,460 to appropriate fund balance to cover spay/neuter and rabies charges for prior years and remainder of current fiscal year. (B07-375) **Funding Source – General Fund Fund Balance**

(8) School Capital Outlay / School Bond Projects

Revision in the amount of \$1,780,000 to move certain budgeted expenditures from the School Capital Outlay Fund to the School Bond Project Funds in order to reclassify the source of revenue from sales taxes to bond proceeds to facilitate the closing of the School Bond Project Funds. (B07-376, B07-376A and B07-376B and B07-376C) **Funding Source – Bond Proceeds**

3. Public Hearings

**Uncontested Cases**

**Rezoning**

- A. Case P07-26. The rezoning of a .24 acre portion of a 26.18 acre tract, from A1 to R15, or to a more restrictive zoning district, located south of Sand Hill Road, west of Tower Road, owned by Terry Spell Land Development LLC. **[NOTE: This case was deferred from the May 21, 2007 Board of Commissioners Meeting]**



- B. Case P07-25. The rezoning of 1.0 acre from R6A/Conditional Use to C(P), or to a more restrictive zoning district, at 1227 Shaw Road, owned by Rodney S. Garrett.
- C. Case P06-29. The rezoning of 3.80 acres from R6A to C(P), or to a more restrictive zoning district, at 4848 South Main Street, owned by William K. and Patricia W. Gautier.
- D. Case P07-34. The rezoning of .55 acres from R6/Conditional Use to R6, at 137 New Street, owned by Stanley and Lisa Simmons.
- E. Case P07-37. The rezoning of 1.0 +/- acre from M(P) to R7.5, or to a more restrictive zoning district, located north of Gray Goose Loop, south of Previs Drive, owned by Huff-Caviness, LLC.
- F. Case P07-40. The rezoning of 3.27 acres from A1 to R40A, or to a more restrictive zoning district, located at the Southeast Quadrant of Sanderosa and Ben McNatt Roads, owned by Wanda F. Lane.
- G. Case P07-41. The rezoning of 2.0+/- acres from A1 to R40A, or to a more restrictive zoning district, at 4454 Huckleberry Road, owned by Charlie Harris.

#### **Contested Cases**

- H. Case P07-33. The rezoning of 2.9 acres from R40A to R30A, or to a more restrictive zoning district, at 804 Magnolia Church Road, owned by Betty A. Autry.

#### **Conditional Use District and Permit**

- I. Case P07-32. The rezoning of 59.71 acres from R10 to Mixed Use/Conditional Use District and Permit, or to a more restrictive zoning district, located on the north side of Rockfish Road, east side of Lakewood Drive, owned by Lillie M. Pate and HCC Investments, LLC.
- J. Case P07-42. The rezoning of a 13.66 acre portion of a 203 acre tract from A1 to A1/Conditional Use District and Permit to expand a quarry, located north of I-295, east of River Road, owned by William Gillis.

#### **Minimum Housing Code Enforcement**

- K. Minimum Housing Code Enforcement
  - 1) Case Number: MH 4937-2006  
 Property Owner: Terry L. & Debra Lynn Hall  
 Property Location: 1760 Ava Road, Autryville, NC  
 Parcel Identification Number: 1404-25-8635

- 2) Case Number: MH 4843-2006  
Property Owner: Janice Chavis Locklear  
Property Location: Lot to the rear of 433 Redhawk Drive, Stedman, NC  
Parcel Identification Number: 0466-66-7821
- 3) Case Number: MH4840-2006  
Property Owner: Janice Chavis Locklear  
Property Location: Lot to the left of 433 Redhawk Drive, Stedman, NC  
Parcel Identification Number: 0466-66-8729
- 4) Case Number MH4736-2006  
Property Owner: Bryan and Marilyn Taylor  
Property Location: 5165 Back Street, Fayetteville, NC  
Parcel Identification Number: 0405-85-0240
- 5) Case Number: MH5072-2006  
Property Owner: Gene and Sandra Maynor, Sr.  
Property Location: 5730 Gregory Street, Fayetteville, NC  
Parcel Identification Number: 0419-95-2499

#### Items of Business

4. Nominations to Boards and Committees
  - A. Adult Care Home Community Advisory Committee (1 Vacancy)
  - B. Animal Control Board (1 Vacancy)
  - C. Board of Adjustment (2 Vacancies)
  - D. Cumberland County Juvenile Crime Prevention Council (6 Vacancies)
  - E. Fayetteville Technical Community College Board of Trustees (1 Vacancy)
  - F. Joint Appearance Commission (2 Vacancies)
  - G. Local Emergency Planning Committee (7 Vacancies)
  - H. Mid-Carolina Aging Advisory Committee (5 Vacancies)
  - I. Workforce Development Board (1 Vacancy)

5. Appointments to Boards and Committees

A. Board of Adjustment (3 Vacancies)

Nominees: Melree Hubbard Tart

Alternate Members: James Ingram  
John Swanson

B. Criminal Justice Partnership Advisory Board (3 Vacancies)

Nominees: At-Large Member: Richard A. Hayes (Reappointment)

Criminal Defense Attorney: David Delaney

Superior Court Judge: E. Lynn Johnson

C. Department of Social Services Board (1 Vacancy)

Nominee: Marvin Rouse

**RECESS THE BOARD OF COMMISSIONERS' MEETING.**

**CONVENE THE NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD MEETING (SEE SEPARATE AGENDA) / ADJOURN**

**RECONVENE THE REGULAR BOARD OF COMMISSIONERS MEETING.**

6. Closed Session:
- A. Economic Development Matters  
Pursuant to NCGS 143-318.11(a)(4).
  - B. Attorney- Client Matters  
Pursuant to NCGS 143-318.11(a)(3).
  - C. Hear a Report on Investigations of  
Criminal Matter(s) Pursuant to  
NCGS 143-318.11(a)(7).

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

**\*\*\*NOTE\*\*\***

**\*\*\*THERE IS NO BOARD OF COMMISSIONERS MEETINGS IN JULY\*\*\***

**MEETINGS:** August 6, 2007 - (Monday) – 9:00 AM  
August 20, 2007 - (Monday) - 6:45 PM  
September 4, 2007 – (Tuesday) – 9:00 AM



ITEM NO. 1A

## 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 JUNE 18, 2007

**TO: BOARD OF COUNTY COMMISSIONERS**

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

**DATE: JUNE 13, 2007**

**SUBJECT: FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE AND TIME WARNER CABLE JOINT PRESENTATION ON THE EDUCATIONAL CHANNEL CONSORTIUM**

#### BACKGROUND

Mr. Joe Alley, FTCC Director of Media Services, Mr. Eric Collins, Time Warner Cable Government Public Affairs and Ms. Vicki Villines, FTCC Programming Coordinator will be making a joint presentation on the Educational Channel Consortium.

#### RECOMMENDATION/PROPOSED ACTION

Accept the report as presented.

/ct

CM061307-1



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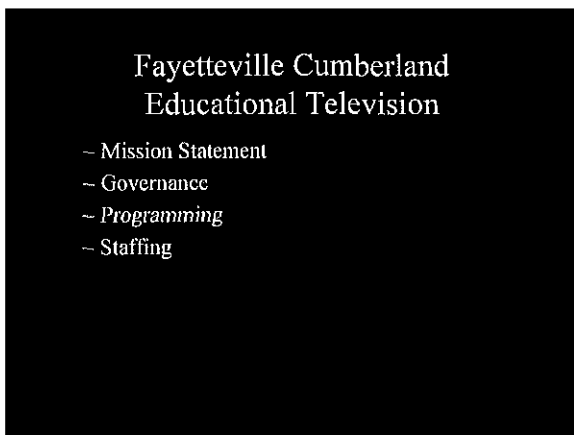
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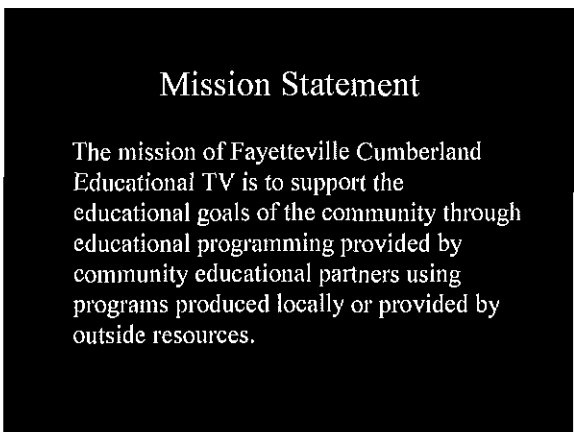
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## Governance

- Board of Directors appointed by:
  - County Commissioners
  - City Council
  - Ft. Bragg Garrison Commander
  - Pope AFB Commanding Officer
  - President, FTCC
  - Superintendent, Cumberland County Schools
  - Time Warner Cable

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## Educational Partners

Cumberland County Schools  
Fayetteville Technical Community College  
*Fayetteville State University*  
Ft. Bragg Schools  
Methodist University  
Private K-12 Schools  
Charter Schools

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## Technical Partner

- Time Warner Cable

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## Types of Programming

### Telecourses

- Complete and integrated instructional systems
- Generally include television programs and web sites
- Generally include a textbook

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## Locally Produced

- Cumberland County Schools
  - Sporting events
  - Theater productions
  - Staff development
  - Emergency announcements
  - General information of interest to a variety of citizens.

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## Locally Produced

- Fayetteville State University
  - Concert Series
  - Theater productions
  - Staff development
  - Emergency announcements
  - General information of interest to a variety of citizens.

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## Locally Produced

- Fayetteville Technical Community College
  - Current video conferencing classroom instruction
  - Staff development programs
  - Huskins courses to the high schools

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## Satellite and Other Resources

- Satellite Resources
  - DeutscheWelle
  - Classic Arts Showcase
  - Spanish Language
  - Annenberg Channel
- Other Resources
  - Department of Public Instruction

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## Staffing

Educational Access Channel Programming  
Coordinator – Jointly paid by FTCC and  
CCSS

Educational partners will be providing  
program production crew as needed

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ITEM NO. 13

## COUNTY of CUMBERLAND

James E. Martin  
County Manager

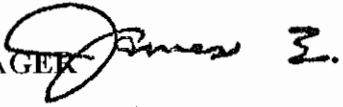
Cliff Spiller  
Assistant County Manager

Juanita Pilgrim  
Deputy County Manager

*Office of the County Manager*

Amy H. Cannon  
Assistant County Manager

### MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 18, 2007

TO: BOARD OF COUNTY COMMISSIONERS  
FROM: JAMES E. MARTIN, COUNTY MANAGER   
DATE: JUNE 13, 2007  
SUBJECT: PRESENTATION FROM THE LOCAL US CENSUS BUREAU

#### BACKGROUND

Ms. Laura McClettie, Partnership & Data Specialists, US Census Bureau will be available to make a presentation on the 2008 Local Census Dress Rehearsal.

#### RECOMMENDATION/PROPOSED ACTION

Accept the report as presented.

/ct

CM061307-2

**BILLY R. KING  
CUMBERLAND COUNTY COMMISSIONER**

**MEMORANDUM**

**To: The County Board of Commissioners**

**From: Billy R. King, Commissioner**

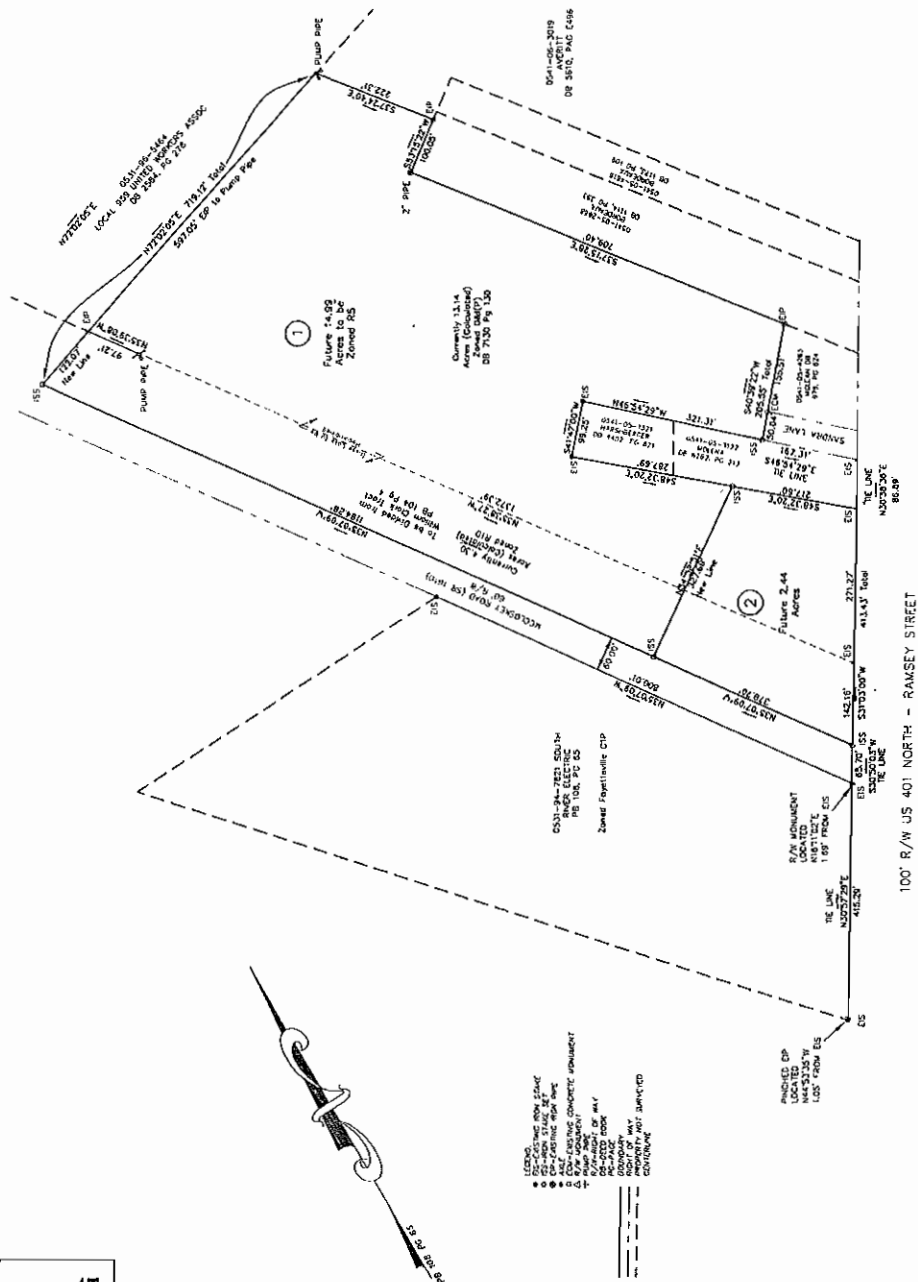
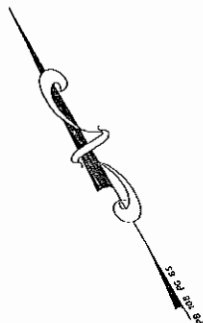
**Re: Down Zoning**

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In September of 2006, we rezoned a parcel of land on Ramsey Street owned by James and Eva Singletary from R-10 (residential) to O & I (Office and Institutional). In that case (P06-40), no one appeared in opposition at the Planning Board Meeting or at the County Commissioners Meeting.

The owners of the property have now found a purchaser who, through combination with another tract, can use this property for multifamily residential instead of Professional Office purposes. However, we have a provision in our zoning ordinance that the owners cannot apply for a rezoning (even a down zoning) within a year of a rezoning, unless the rezoning is "initiated" by the Board of Commissioners. As I remember it, this provision was originally meant to prevent unsuccessful zoning applicants from constantly repetitoning the Board for rezoning. This is not the case here.

I would like for the Board to "initiate" this rezoning for consideration by the Planning Board at its July meeting. If the Board does this, the owners, through their agent, will file a formal rezoning application and pay all normal fees. Furthermore, the owners of this property understand that the Board's action would in no way be an indication of the ultimate outcome of this rezoning effort, but understand this Board of Commissioner action only gives them a chance to make their case to the Planning Board and, eventually, the Commissioners, on a more timely basis.



ORIGIN: BIC	JEP	PROJECT
CHECKED BY:	MDA	DIC NAME: MCCLOSKEY
DATE: 5-30-07		SHEET 1 OF 1

Project's Reference:  
 PK: 0341-03-0506  
 PK: 0341-87-1221 ~  
 PK: 0341-87-1222 ~  
 PK: 29 R4330  
 PK: 104 PG 4



ITEM NO. 2C

**PUBLIC UTILITIES DEPARTMENT**

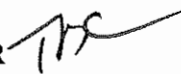
Historic Courthouse, 130 Gillespie Street • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829  
Telephone (910) 678-7682 • Fax (910) 678-7682

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THOMAS B. COONEY III, P.E.  
Public Utilities Director

**MEMORANDUM FOR BOARD OF COMMISSIONERS**  
**AGENDA OF JUNE 18, 2007**

**TO: BOARD OF COMMISSIONERS**

**FROM: TOM COONEY, PUBLIC UTILITIES DIRECTOR** 

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

**DATE: JUNE 8, 2007**

**SUBJECT: APPROVAL OF A RATE INCREASE FOR SEWER SERVICE FOR THE NORCRESS  
SANITARY SEWER SYSTEM.**

**BACKGROUND**

After reviewing the operational costs of the NORCRESS sewer system for the past year, it has revealed that the present rate of collections for sewer service is not meeting the costs being incurred by the system for operations and maintenance. The rate structure was established by the Design Engineer, Kevin Lindsay, P.E., of Hobbs, Upchurch & Associates. The rate that was established at the time was based on estimated users and the rate that the PWC was going to charge at the time. Since we have begun operations, I have found that we did not take into account the cost of the electricity to run the lift stations nor the costs of any chemical additions to offset the long residence time of the waste in the force mains. This long residence time and low flow rates have resulted in some very obnoxious odors and harmful conditions to the collection system in Wade. The high levels of hydrogen sulfide that we are experiencing not only smell terrible they are very destructive to the pipes and manholes. In addition to these issues the PWC will be raising their rates an additional 5% again next January.

There was a meeting of the NORCRESS Advisory Board on April 17, 2007 to discuss this issue and to make a recommendation to increase the rates. One major concern of the advisory Board was that there may be a problem with some infiltration or inflow into the system. The Engineer Mr. Lindsay does not feel that this in fact is an issue, and has not yet provided an acceptable plan for resolving the questions that have led us to believe there is a problem in the first place. If Mr. Lindsay does not meet the requirements of our request within the next 120 days, I will undertake the necessary steps to evaluate the system by visual inspection, as well as, possible smoke testing of the system myself. The PWC is requiring a written plan of action to address this issue prior to allowing any additional connections to our system.

On June 7, 2007 the Policy Committee of the Board of Commissioners met and reviewed the necessity for a rate increase. Due to the reasons previously stated they unanimously recommended approval.

*Celebrating Our Past...Embracing Our Future*

Attached are copies of spreadsheets showing the monthly costs associated with the operation of the system, as well as, revenue requirements to meet these costs. In order for NORCRESS to cover the costs as they are being incurred, the new rate should be \$4.50 per 1,000 gallons of waste water or higher. The average residential customer uses between 2,000 and 4,000 gallons of water per month.

Using an average of 3,500 gallons per month (seen in the Town of Wade) the difference between the existing rate and the new rate will amount to an increase of \$1.64 per month to the overall bill.

3,500 gallons at the present NORCRESS rate of \$4.03/1,000 gals =	\$ 14.11
3,500 gallons at the present City rate of \$4.20/1,000 gals =	\$ 14.70 (diff \$ 0.59/mo)
3,500 gallons at the proposed rate of \$4.50/1,000 gals =	\$ 15.75 (diff \$ 1.64/mo)

### **RECOMMENDATION**

The Public Utilities Director, the NORCRESS Advisory Board, Management and the Policy Committee recommend that the Board of Commissioners (NORCRESS Governing Board) approve an increase in the NORCRESS sewer usage rate to \$ 4.50 / 1,000 gallons and amend the FY '08 adopted NORCRESS Budget to reflect the new rate structure.



PUBLIC UTILITIES DEPARTMENT

Historic Courthouse, 130 Gillespie Street • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829  
Telephone (910) 678-7682 • Fax (910) 678-7682

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THOMAS B. COONEY III, P.E.  
Public Utilities Director

May 31, 2007

Mayor Huell Aekins  
TOWN OF WADE  
P.O. Box 127  
Wade, NC 28395

Subject: Requirement for an increase in the rate structure for the NORCRESS system.

Dear Mayor Aekins:

This correspondence is in response to the request by the members of the NORCRESS Advisory Board at the last meeting to detail the need for a rate increase, as well as, outline the steps that are going to be taken to resolve the question that relates to a possible problem of infiltration and inflow (I&I) into the NORCRESS collection system.

As I outlined at the Advisory Board meeting on April 17, 2007, the present rate of collections for sewer service is not meeting the costs being incurred by the system for operations and maintenance. The rate structure was established by the Design Engineer, Kevin Lindsay, P.E., of Hobbs, Upchurch & Associates. The rate that was established at the time was based on estimated users and the rate that the PWC was going to charge at the time. Since we have begun operations I have found that we did not take into account the cost of the electricity to run the lift stations nor the costs of any chemical additions to offset the long residence time of the waste in the force mains. This long residence time and low flow rates have resulted in some very obnoxious odors and harmful conditions to the collection system in Wade. The high levels of hydrogen sulfide that we are experiencing not only smell terrible they are very destructive to the pipes and manholes. In addition to these issues the PWC will be raising their rates an additional 5% again next January.

There is also an apparent problem with some infiltration or inflow into the system. The Engineer Mr. Lindsay does not feel that this in fact is an issue, and has not yet provided an acceptable plan for resolving the questions that have led us to believe there is a problem in the first place. If Mr. Lindsay does not meet the requirements of our request within the next 120 days, I will undertake the necessary steps to evaluate the system by visual inspection, as well as, possible smoke testing myself. The PWC is requiring written plan of action to address this issue prior to allowing any additional connections to our system.

*Celebrating Our Past...Embracing Our Future*

Attached are copies of spreadsheets showing the monthly costs associated with the operation of the system, as well as, revenue requirements to meet these costs. In order for NORCRESS to cover the costs as they are being incurred, the new rate should be \$4.50 per 1,000 gallons of waste water or higher. The average residential customer uses between 2,000 and 4,000 gallons of water per month. Using an average of 3,500 gallons per month (seen in the Town of Wade) the difference between the existing rate and the new rate will amount to an increase of \$1.64 per month to the overall bill.

3,500 gallons at the present NORCRESS rate of \$4.03/1,000 gals =	\$ 14.11
3,500 gallons at the present City rate of \$4.20/1,000 gals =	\$ 14.70 (diff \$ 0.59)
3,500 gallons at the proposed rate of \$4.50/1,000 gals =	\$ 15.75 (diff \$ 1.64)

I am recommending a rate of \$ 4.50 / 1,000 gallons which should be at the break even point. This rate will not allow for any additional revenue to be captured for use as an operational contingency fund for repairs and small extensions of the system. This is an issue that should be considered at some point in the near future.

I hope that this letter helps clarify this issue and meets the needs of your request. Please contact me at your convenience at [tcooney@co.cumberland.nc.us](mailto:tcooney@co.cumberland.nc.us) or 910/678-7682.

Respectfully,



Thomas B. Cooney III, P.E., Director  
Cumberland County Public Utilities Department

*Celebrating Our Past...Embracing Our Future*

**NORCRESS ADVISORY BOARD MEETING  
TUESDAY, APRIL 17, 2007  
WADE TOWN HALL**

**Present:**

Mayor Huell Aekins, Town of Wade  
Mayor Wayne Lucas, Town of Falcon  
Mayor Deborah Tew, Town of Godwin

**Others Present:**

Tom Cooney, County Public Utilities Department  
Amy Hall, County Public Utilities Department

**1. Call to Order.**

The meeting was called to order by Advisory Board Chairman, Mayor Huell Aekins at 6:30 P.M.

**2. Approval of the January 18, 2005 NORCRESS Advisory Board Meeting Minutes.**

The minutes were approved.

**3. Sewer Rates.**

Mr. Cooney stated that with this past year being our first full year operating the NORCRESS Sewer System the rates that were set are not able to cover the electric bills nor the sewer treatment bills. Mr. Cooney is suggesting to the Board that the rates be increased to \$4.50 per MGAL instead of the \$4.03 per MGAL that we are currently collecting to cover the amount of the bills that are being paid out.

Mayor Aekins, Mayor Lucas and Mayor Tew asked for Mr. Cooney to get a justification for the rate increase to show that the rate increase is needed to cover expenses.

Mayor Aekins, Mayor Lucas and Mayor Tew asked if the \$1.00 fee that the Town charges could be increased to cover the increased expenses that the Towns have incurred. Mr. Cooney stated that they could be increased with the approval of the NORCRESS Advisory Board and the NORCRESS Board of Governors.

**4. Other issues/questions/comments.**

Mayor Tew stated that there are still wells in Godwin that have not been closed out that need to be.

Mayor Lucas asked Mr. Cooney if there could possibly be an infiltration and inflow (I&I) problem in the system and Mr. Cooney stated that he has spoke with Mr. Kevin Lindsay, Design Engineer, and that Mr. Lindsay does not feel that there is an I&I problem. Mr. Cooney stated that he has sent Mr. Lindsay a letter requesting that Mr. Lindsay provide an acceptable plan for resolving these issues. Mr. Cooney stated that if Mr. Lindsay does not respond in 120 days that Mr. Cooney will then evaluate the system himself to see if there is an I&I problem.

**Meeting Adjourned at 7:30 pm.**



## Actual NORCRESS Revenue and Costs

NORCRESS

FY-07

Bills	2006 July	2006 August	2006 September	2006 October	2006 November	2006 December	2007 January	2007 February	2007 March	2007 April	2007 May	2007 June	Totals
Progress Energy 6820 Lucas St FALCON	\$ 301.50	\$ 318.24	\$ 373.02	\$ 345.25	\$ 307.82	\$ 371.88	\$ 358.35	\$ 515.44	\$ 386.17	\$ 345.52	\$ 314.72		\$ 3,937.91
Progress Energy 6568 Main St WADE	\$ 185.24	\$ 185.72	\$ 216.30	\$ 230.58	\$ 199.09	\$ 326.72	\$ 270.71	\$ 405.13	\$ 231.22	\$ 187.69	\$ 152.27		\$ 2,590.67
Progress Energy 7500 River Rd WADE	\$ 94.20	\$ 130.15	\$ 158.29	\$ 301.04	\$ 148.25	\$ 264.97	\$ 222.56	\$ 343.38	\$ 192.74	\$ 139.76	\$ 112.78		\$ 2,108.12
South River Sisk Culbreth Rd GODWIN	\$ 91.93	\$ 92.96	\$ 141.23	\$ 188.41	\$ 198.78	\$ 149.21	\$ 209.90	\$ 329.50	\$ 190.01	\$ 167.49			\$ 1,759.42
Falcon Water Bill	\$ 23.60	\$ 16.86	\$ 35.32	\$ 16.60	\$ 14.00	\$ 14.00	\$ 14.00	\$ 14.00	\$ 14.00	\$ 14.00			\$ 176.38
Total Electric & Water Paid	\$ 696.47	\$ 743.93	\$ 924.16	\$ 1,081.88	\$ 867.94	\$ 1,126.78	\$ 1,075.52	\$ 1,607.45	\$ 1,014.14	\$ 854.46	\$ 579.77	\$ -	\$ 10,572.50
PWC - Sewer Usage	\$ 7,460.50	\$ 7,472.84	\$ 10,496.53	\$ 7,324.74	\$ 8,540.39	\$ 13,079.66	\$ 10,241.38	\$ 9,760.37	\$ 7,517.78	\$ 9,327.14			\$ 91,221.33
Checks Received													
Town of Wade	\$ 2,224.80	\$ 2,301.34	\$ 2,056.76	\$ 1,857.47	\$ 2,007.78	\$ 2,370.90	\$ 2,254.04	\$ 1,937.88	\$ 2,448.58				\$ 19,459.55
Town of Falcon	\$ 5,230.41	\$ 5,112.73	\$ 5,728.65	\$ 5,849.73	\$ 5,557.44	\$ 3,936.18	\$ 5,520.85	\$ 4,792.78					\$ 41,728.77
Town of Godwin			\$ 1,971.61										\$ 1,971.61
District 7 School			\$ 83.52	\$ 218.02	\$ 193.04	\$ 120.09	\$ 204.72	\$ 195.46	\$ 200.90	\$ 136.33	\$ 200.90		\$ 1,552.98
Total Usage Received	\$ 7,455.21	\$ 7,414.07	\$ 9,840.54	\$ 7,925.22	\$ 7,758.26	\$ 6,427.17	\$ 7,979.61	\$ 6,926.12	\$ 2,649.48	\$ 136.33	\$ 200.90	\$ -	\$ 63,159.93
Difference = Usage Received Minus Bills Paid	\$ (701.76)	\$ (802.70)	\$ (1,580.15)	\$ (481.40)	\$ (1,650.07)	\$ (7,779.27)	\$ (3,337.29)	\$ (4,441.70)	\$ (5,882.44)	\$ (10,045.27)	\$ (378.87)	\$ -	\$ (37,080.92)

NORCRESS

## Rate Adjustment Worksheet

FY-07

	2006 July	2006 August	2006 September	2006 October	2006 November	2006 December	2007 January	2007 February	2007 March	2007 April	2007 May	2007 June	Totals
Gallons (per 1,000's) PWC Charged	2,418	2,422	3,402	2,374	2,768	4,106	3,215	3,064	2,360	2,928			23,76
Wade Gallons Reported	928	685	744	745	655	717	698	701	818				5,87
Falcon Gallons Reported	1,281	1,273	1,407	1,453	1,374	1,121	1,622	1,360					10,89
Godwin Gallons Reported													
District 7 School Gallons Reported			21	54	48	30	51	49	50	34			25
Total Gallons Used	2,209	1,958	2,172	2,252	2,077	1,868	2,371	2,110	818	34	-	-	17,01
Difference of Gallons	209	464	1,230	122	691	2,238	844	954	1,542	2,894	-	-	6,75
Electric & Water Bills	\$ 696	\$ 744	\$ 924	\$ 1,082	\$ 868	\$ 1,127	\$ 1,076	\$ 1,608	\$ 1,014	\$ 854			\$ 8,12
Revenue's Collected at Current Rate of \$4.03/1,000 gal	\$ 8,902	\$ 7,891	\$ 8,753	\$ 9,076	\$ 8,370	\$ 7,528	\$ 9,555	\$ 8,503	\$ 3,297	\$ 137			\$ 68,57
Revenue's at a Rate of \$4.20/1,000 gal	\$ 9,278	\$ 8,224	\$ 9,122	\$ 9,458	\$ 8,723	\$ 7,846	\$ 9,958	\$ 8,862	\$ 3,436	\$ 143	\$ -	\$ -	\$ 71,47
Difference	\$ 376	\$ 333	\$ 369	\$ 383	\$ 353	\$ 318	\$ 403	\$ 359	\$ 139	\$ 6	\$ -	\$ -	\$ 3,03
Surplus or Deficit	\$ (321)	\$ (411)	\$ (555)	\$ (699)	\$ (515)	\$ (809)	\$ (673)	\$ (1,249)	\$ (875)	\$ (848)	\$ -		\$ (5,23
												Average	\$ (1,11)
Revenue's at a Rate of \$4.25/1,000 gal	\$ 9,388	\$ 8,322	\$ 9,231	\$ 9,571	\$ 8,827	\$ 7,939	\$ 10,077	\$ 8,968	\$ 3,477	\$ 145	\$ -	\$ -	\$ 72,32
Difference	\$ 486	\$ 431	\$ 478	\$ 495	\$ 457	\$ 411	\$ 522	\$ 464	\$ 180	\$ 7	\$ -	\$ -	\$ 3,74
Surplus or Deficit	\$ (210)	\$ (313)	\$ (446)	\$ (586)	\$ (411)	\$ (716)	\$ (554)	\$ (1,144)	\$ (834)	\$ (847)	\$ -		\$ (4,38
												Average	\$ (1,14)
Revenue's at a Rate of \$4.50/1,000 gal	\$ 9,941	\$ 8,811	\$ 9,774	\$ 10,134	\$ 9,347	\$ 8,406	\$ 10,670	\$ 9,495	\$ 3,681	\$ 153	\$ -	\$ -	\$ 76,57
Difference	\$ 1,038	\$ 920	\$ 1,021	\$ 1,058	\$ 976	\$ 878	\$ 1,114	\$ 992	\$ 384	\$ 16	\$ -	\$ -	\$ 7,99
*Surplus or Deficit*	\$ 342	\$ 176	\$ 97	\$ (23)	\$ 108	\$ (249)	\$ 38	\$ (616)	\$ (630)	\$ (838)	\$ -		\$ (12
*Staff recommendation*												Average	\$ (1
Revenue's at a Rate of \$4.75/1,000 gal	\$ 10,493	\$ 9,301	\$ 10,317	\$ 10,697	\$ 9,866	\$ 8,873	\$ 11,262	\$ 10,023	\$ 3,886	\$ 162	\$ -	\$ -	\$ 80,83
Difference	\$ 1,590	\$ 1,410	\$ 1,564	\$ 1,621	\$ 1,495	\$ 1,345	\$ 1,797	\$ 1,519	\$ 589	\$ 24	\$ -	\$ -	\$ 12,25
Surplus or Deficit	\$ 894	\$ 666	\$ 640	\$ 540	\$ 627	\$ 218	\$ 631	\$ (89)	\$ (425)	\$ (830)	\$ -		\$ 4,12
												Average	\$ (1,51

Rate Adjustment Worksheet

	Monthly Average
Gallons (per 1,000's) PWC Charged	2,971
Wade Gallons Used	734
Falcon Gallons Used	1,361
Godwin Gallons Used	
District Seven School	42
<b>Total Gallons Used</b>	<b>2,127</b>
<b>Difference of Gallons</b>	<b>844</b>
<b>Electric &amp; Water Bills</b>	<b>\$ 1,016</b>
Revenue's Collected at Current Rate of \$4.03/1,000 gal	\$ 8,572
Revenue's Collected at Current Rate of \$4.20/1,000 gal	\$ 8,934
<b>Difference</b>	<b>\$ 362</b>
<b>Surplus or Deficit</b>	<b>\$ (654)</b>
Revenue's Collected at Current Rate of \$4.25/1,000 gal	\$ 9,040
<b>Difference</b>	<b>\$ 468</b>
<b>Surplus or Deficit</b>	<b>\$ (548)</b>
Revenue's Collected at Current Rate of \$4.50/1,000 gal	\$ 9,572
<b>Difference</b>	<b>\$ 1,000</b>
<b>*Surplus or Deficit*</b>	<b>\$ (16)</b>
<b>*Staff recommendation*</b>	
Revenue's Collected at Current Rate of \$4.75/1,000 gal	\$ 10,104
<b>Difference</b>	<b>\$ 1,532</b>
<b>Surplus or Deficit</b>	<b>\$ 516</b>

Notes: Columns that are shaded in are NOT included in the totals nor the monthly averages since we have not received all of the revenues for those months. Usage has not been received from the Town of Godwin from July 2006 through February 2007, therefore there are no numbers to be calculated.

Difference includes the sewer usage and the electric and water bills.

CUMBERLAND COUNTY POLICY COMMITTEE  
June 7, 2007 – 8:30 AM  
REGULAR MEETING

PRESENT: Commissioner Diane Wheatley  
Commissioner Jeannette Council  
Commissioner Ed Melvin  
James Martin, County Manager  
Juanita Pilgrim, Deputy County Manager  
Cliff Spiller, Assistant County Manager  
Amy Cannon, Assistant County Manager  
Grainger Barrett, County Attorney  
Sara VanderClute, Public Information Officer  
Tom Cooney, Public Utilities Director  
Amy Hall, Administrative Assistant – Public Utilities  
Andrew Barksdale, Reporter – The Fayetteville Observer  
Marie Colgan, Deputy Clerk

Commissioner Wheatley called the meeting to order at 8:35 AM

1. Approval of Minutes: March 1, 2007

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

2. Discussion Regarding Noise Ordinance

County Attorney Grainger Barrett referred members to the handout and explained that concerns had been voiced by Ms. Georgina Burris, who lives on Nobie Street, regarding the noise which comes from a club which is located behind her residence. Her home is located in the City of Fayetteville, but the club is located in the unincorporated, commercially-zoned area of the County so the County's noise ordinance therefore applies. The Sheriff's Office has responded numerous times to her complaints, but each time the club was found to be in compliance with the decibel limits as set forth in the County Code. Attorney Barrett advised that the County's noise ordinance is the same as the City's. A decibel standard is used as it is an objective standard and Attorney Barrett stated that he recommends that the County stay with this standard and has concern about dropping the decibel level standard. Discussion ensued regarding concerns with trying to change the decibel level, even at the lower frequency scale. Members agreed to take this information under advisement.

3. Consideration of Policy on Disposal of Surplus Vehicles

County Attorney Grainger Barrett advised that he had been asked by Commissioner Wheatley to draft a policy on disposal of surplus vehicles in order to have some consistency for this process. County Attorney Barrett went over the draft policy stating that the only difference in the current process and the proposed one is that a list of surplus vehicles slated for disposal would be generated and the information would be placed on the County's website. Management explained the current process and feels that the process works well as it stands as the Commissioners vote on vehicles when they are purchased as well as their disposal to non-profit agencies. Commissioner Wheatley voiced her concern about other agencies not being made aware that vehicles are going to be available as she feels that everyone should have the same opportunity to make a request for a vehicle and that the County is missing an opportunity to

recoup some of the cost of the vehicle when they are transferred to outside agencies. Discussion ensued regarding how some vehicles have been disposed of in the past and current requests for surplus vehicles.

The consensus of the Committee was for the County Attorney to eliminate or revise item # 6 of the draft policy, to continue to work on the draft policy with management's input, and bring the document back to this Committee when complete.

#### 4. Review and Consideration of DENR Document

County Attorney Grainger Barrett explained that an update will be given to the Committee about the status of stormwater Phase I and II regulations. Attorney Barrett reminded members of the prior discussion regarding Phase I and Phase II of the Stormwater regulations. Phase II begins July 1 and discussions had been held with the Board of Commissioners regarding a request to be released from Phase I. However, the request is still in limbo at DENR. The Division of Water Quality does not seem to be enthusiastic about the request and has asked the County to submit a detailed justification for the request. As long as the County is under Phase I regulations, Phase II regulations do not need to be applied. Tom Cooney, Public Utilities Director, added that a consultant to the joint stormwater utility has drafted a justification outlining the reasons why the County should be released from Phase I and placed in Phase II with all the other counties.

#### 5. Consideration of Increasing the Sewer Rate for Norcross

Mr. Tom Cooney, Public Utilities Director, advised that the Norcross facility has been operating for a year and four months and that the revenues being collected are not meeting the cost being charged by PWC. Several factors have caused the request for an increase: (1) consultant did not taken into account the cost of the electricity for the lift stations nor the costs of any chemical additions to offset the long resident time of the waste in the force mains (the need of chemicals needed due to the facility being closed on weekends); (2) there appears to be water coming into the system without going through the meters (design of the system is being checked); and (3) collection of revenues. Mr. Cooney referred members to the spread sheet which shows a deficit of \$37,080.92 (does not include revenue from March, April and May). Commissioner Wheatley questioned whether it would be more cost effective to run the system on weekends in lieu of purchasing chemicals. Mr. Cooney stated that it would not be less expense as PWC will be paying for the chemicals and that would be less than its per gallon charge if water was used on weekends to maintain flow. The new rate being requested is \$4.50 per 1,000 gallons of waste water (an average increase of \$1.64) which should help create an operating reserve fund for expected and unexpected expenses. Mr. Martin agreed that a rate increase is needed.

By consensus of the Committee, it was agreed to request that a Closed Session be added to the agenda.

**MOTION:** Commissioner Council moved to go into Closed Session under Attorney-Client Matter – GS 143-318.11 (a) (3)

**SECOND:** Commissioner Melvin

**VOTE:** UNANIMOUS

**MOTION:** Commissioner Council moved to return to Open Session.

**SECOND:** Commissioner Melvin

**VOTE:** UNANIMOUS

**MOTION:** Commissioner Wheatley moved to recommend the rate increase for Norcross as presented and to send the recommendation to the next full Board meeting.  
**SECOND:** Commissioner Council  
**VOTE:** UNANIMOUS

6. Other Matters of Concern

Commissioner Wheatley advised that she would like to have discussion on consideration of a policy on how monies are appropriated to non-profits. Commissioner Wheatley voiced concern that monies are automatically placed in the budget for non-profits based on the prior year without some type of review process (looking at how monies are spent and ensuring how much of the money goes back into the community for delivery of services rather than administration). County Manager Martin explained the process for the budget, stating that the Commissioners make the decision as to adding new agencies and making increases, with the exception of his recommendation for additional funds to the Botanical Gardens this year. Discussion continued and Commissioner Wheatley questioned whether Rape Crisis was funded through the County and if the County was in some way responsible for the monies being cut this year to them based on the County's cut to Mental Health in 2001. The initial response from management was that the recent reduction in Rape Crisis Center funds from Mental Health was not due to the County but was a discretionary decision by the Mental Health Board. Management will look into the matter and provide further detail.

By consensus, the Committee agreed to consider a policy on appropriations to non-profits agencies at a future time.


MEETING ADJOURNED: 10:03 AM

ITEM NO. 2D**COUNTY of CUMBERLAND***Office of the County Attorney*

June 7, 2007

**MEMORANDUM FOR BOARD OF COMMISSIONERS' JUNE 18, 2007 MEETING**

TO: BOARD OF COMMISSIONERS

FROM: DOUGLAS E. CANDERS, ASSISTANT COUNTY ATTORNEY 

SUBJECT: TOWING SERVICE CODE REVISIONS

**BACKGROUND:** The Cumberland County Towing Service Code was amended, to bring it in line with the Fayetteville City Towing Ordinance, after public hearings, in May of 2002. The changes established identical equipment requirements in both jurisdictions, and allowing recognition of city inspections to satisfy County safety inspections instead of imposing a double inspection requirement for the same standards. Fees were also standardized to harmonize compliance before the Wrecker Review Board.

The City of Fayetteville revised its fees last fall after consideration of increased maintenance and fuel costs. The Board of Commissions is asked to amend the fee schedule to be consistent with the City's revised schedule. By adopting an identical fee schedule to the city's, standards of enforcement and fee requirements will again be harmonized in both jurisdictions, thereby eliminating the difficulty of determining which fee applies to the transaction, location or enforcement actions. The amended fee schedule will insure that wreckers responding to the public are equipped with the technology and design to meet the public's needs.

The fee schedule as proposed is:

**FEE SCHEDULE FOR ROTATION WRECKERS**

<u>TYPE OF SERVICE</u>	<u>AMOUNT</u>
Towing service call, 24-hours a day	\$130.00
Use of dollies	\$50.00
Labor charge for a recovery	\$37.50 per ¼ hour
*Starts after the first ¼ hour upon arriving on scene	

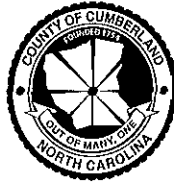
<u>TYPE OF SERVICE</u>	<u>AMOUNT</u>
Use of Speedi-Dry or other absorbent	\$25.00
Recharge fire extinguisher	\$25.00
Vehicle storage inside building or under shelter	\$35.00 per day
Vehicle storage outside	\$25.00 per day
Wait charge (Does not include hook-up. Time starts 10 minutes after hook-up is completed.)	\$ 1.50 per minute
After hours lot charge (Access to lot after hours)	\$50.00
<u>Fees Charged to Wrecker and Towing Services</u>	
Initial application and inspection	\$100.00
Annual inspection and license renewal	\$50.00
Administrative/Dispatch fee paid by towing customer to City of Fayetteville. (Collected by towing firm on each rotation call.)	\$5.00

The former schedule is attached as Exhibit B.

The Wrecker Review Board adopted the amendments subject to the action of the City Council and the Board of Commissioners. The local wrecker operators who are members of the rotation wrecker list support the fee change. Sheriff's Office Senior Sergeant Stanley Flyth, Cumberland County Wrecker Inspector, after reviewing current wrecker maintenance and fuel cost issues, recommends that the fees be changed to the level authorized in the amended schedule.

**RECOMMENDATION:** The County Attorney Staff and the Cumberland County Sheriff's Office recommend that the Board of Commissioners amends the Fee Schedule for Wrecker Services as shown above.





ITEM NO. 2E

## COUNTY of CUMBERLAND

James E. Martin  
County Manager

Cliff Spiller  
Assistant County Manager

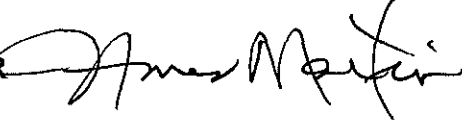
Juanita Pilgrim  
Deputy County Manager

Amy H. Cannon  
Assistant County Manager

### Office of the County Manager

#### MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF JUNE 18, 2007

**TO: BOARD OF COUNTY COMMISSIONERS**

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

**DATE: JUNE 12, 2007**

**SUBJECT: APPROVAL OF CHANGE ORDER NO. 3 FOR M&E CONTRACTING TO INCREASE CONTRACT FOR EASTOVER CENTRAL RECREATION CENTER**

#### BACKGROUND

The 13,565 sf Eastover Central Recreation Center has been completed. It is the last major component of Cumberland County's 1995 Parks & Recreation Master Plan. It was constructed on the Eastover Central School Campus, which is centrally located to the northeast region of the county. It will serve all of Cumberland County but is primarily intended for residents living in the unincorporated area of northeast Cumberland County; the Eastover and South River communities; and the towns of Falcon, Godwin and Wade.

While performing the final inspections with the County Fire Marshall, several items were required before a permanent certificate of occupancy could be acquired. The attached documents outline the scope of work that was necessary to comply with the code. The total cost for this change order is \$3,029.02.

#### RECOMMENDATION/PROPOSED ACTION

The Fayetteville-Cumberland Parks and Recreation Department's Planning and Development Manager recommends approval of Change Order # 3 in the amount of \$3,029.02. This will increase the contract from \$2,007,504.26 to \$2,010,533.28. Money is available in the project contingency to pay for this request.

/cps  
CM061207-1

# Fayetteville Cumberland

## PARKS & RECREATION

June 8, 2007

To: James E. Martin, County Manager

From: Larry Philpott, Fayetteville-Cumberland Parks and Recreation

LS

Ref: Eastover-Central Recreation Center – Change Order # 3

**Background:** The 13,565 sf Eastover-Central Recreation Center has been completed. It is the last major component of Cumberland County's 1995 Parks and Recreation Master Plan. It was constructed on the Eastover-Central School Campus, which is centrally located to the northeast region of the county. It will serve all of Cumberland County but is primarily intended for residents living in the unincorporated area of northeast Cumberland County; the Eastover and South River communities; and the towns of Falcon, Godwin, Wade.

While performing the final inspections with the County Fire Marshall, several items were required before a permanent certificate of occupancy could be acquired. The attached documents outline the scope of work that was necessary to comply with the code. The total cost for this work was \$3,029.02.

**Recommended Action:** The Fayetteville-Cumberland Parks and Recreation Department's Planning and Development Manager recommends approval of change order #3. It will increase the contract from \$1,987,257.78 to \$2,010,533.28. Money to pay for this work is available in the project contingency.

Cc: Robert Barefoot, Parks, Recreation and Maintenance Director

Attachments: Change Order # 3

*An Equal Opportunity Employer*

121 LAMON STREET • FAYETTEVILLE, NC 28301-4953  
910.433.1547 • FAX 910.433.1762  
www.fcpr.us

**AIA DOCUMENT G701-2000****Change Order***(Instructions on reverse side)***PROJECT:***(Name and address)*

Eastover Central Recreation Center  
 Dunn Road  
 Eastover, NC

**CHANGE ORDER NUMBER:**

03

**DATE:**

05-17-07

**ARCHITECT'S PROJECT NUMBER:**

04NRRC

**CONTRACT DATE:**

11-01-05

**CONTRACT FOR:**

Single Prime

OWNER ☐ARCHITECT ☐CONTRACTOR ☐FIELD ☐OTHER ☐**TO CONTRACTOR:***(Name and address)*

M&E Contracting  
 PO Box 25100  
 Fayetteville, NC 28314

**THE CONTRACT IS CHANGED AS FOLLOWS:***(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives.)***REFER TO ATTACHED DOCUMENTATION: add \$3,029.02**The original (Contract Sum) ~~XXXXXXXXXXXX~~ was \$ 1,966,292.00The net change by previously authorized Change Orders \$ 41,212.26The (Contract Sum) ~~XXXXXXXXXXXX~~ prior to this Change Order was \$ 2,007,504.26The (Contract Sum) ~~XXXXXXXXXXXX~~ will be (increased) ~~(decreased)~~(XXXXXXXX) by this Change Order in the amount of \$ 3,029.02The new (Contract Sum) ~~XXXXXXXXXXXX~~ including this Change Order will be \$ 2,010,533.28The Contract Time will be ~~XXXXXX~~ ~~(XXXXXX)~~ (unchanged) by -0- ( ) days.The date of Substantial Completion as of the date of this Change Order therefore is unchanged

**NOTE:** This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive for which the cost or time are in dispute as described in Subparagraph 7.3.3 of AIA Document A201.

Not valid until signed by the Architect, Contractor and Owner.

Thomas Goetz  
 Architect, PA

M&E Contracting  
 Incorporated

Cumberland County

**ARCHITECT (Typed name)****CONTRACTOR (Typed name)****OWNER (Typed name)***(Signature)**(Signature)**(Signature)*

BY

BY

BY

05.17.07

DATE

DATE

DATE



© 2000 AIA®  
 AIA DOCUMENT G701-2000  
 CHANGE ORDER

**M & E CONTRACTING, INC.  
COST BREAKDOWN SUMMARY SHEET**

CHANGE ORDER REQUEST NO: 28

DATE: May 17, 2007

PROJECT: EASTOVER CENTRAL RECREATION CENTER

ARCHITECT'S PROJECT #: 04NRRC

DESCRIPTION: Add heat sensors and monitor of backflow per Fire Marshal

1.	<u>Materials</u> (Total direct cost) (Attach list with quantity, item, unit \$, unit mh, total mh, OT mh, Total \$)	\$	I
2.	Overhead and Profit on Item 1 <u>(7.5 % max. inc. small tools &amp; consumables)</u>	\$	2
3.	Sales Tax	\$	A
4.	Shipping and transportation	\$	3
	<b>MATERIAL SUBTOTAL:</b>	\$	4
5.	<u>Labor</u> (Include time sheets if requested) Total man hours: _____ @ _____	\$	B
6.	Overhead & Profit on Item 5 <u>(O&amp;P includes supervisor's time)</u> <u>(10% maximum on straight labor cost, not premium portion)</u>	\$	5
7.	Payroll Taxes & insurance @ _____ %	\$	C
	<b>LABOR SUBTOTAL:</b>	\$	6
8.	<u>Equipment Rental:</u> (Include quotes and pick-up / delivery tickets)	\$	D
9.	Overhead & Profit on Item 8 <u>(5% maximum)</u>	\$	7
	<b>EQUIPMENT RENTAL SUBTOTAL:</b>	\$	8
10.	<u>Subcontractors:</u> (Include quotes with material and equipment backup)	\$ 2,735.62	E
11.	Overhead & Profit on Item 10 <u>(7.5% maximum)</u>	\$ 205.17	9
	<b>SUBCONTRACTOR SUBTOTAL:</b>	\$	
	<b>PROPOSAL SUBTOTAL:</b>	\$ 2,940.79	
12.	<u>Bonds:</u> 3 % of Subtotal of Proposal:	\$ 88.22	
	<b>TOTAL OF CHANGE ORDER PROPOSAL:</b>	\$ 3,029.02	

- TIME EXTENSION REQUEST: \_\_\_\_\_ DAYS
- Schedule Activity # Affected: \_\_\_\_\_

Contractor's Signature: \_\_\_\_\_

Date: 5-17-02

Include all back up documentation to substantiate costs.\*Provide detailed description and justification for time extension requested. Include activities affected and how these are impacted.

P. O. BOX 25100  
FAYETTEVILLE, NC 28314-5100  
PHONE: (910) 867-8708 FAX: (910) 867-8908

**M & E CONTRACTING, INC.**

**Fax**

**To:** Goetz Architects

**From:** Ron W. Ellis

**Attn:** Tom

**Pages:** 5

**Fax:** 323-3911

**Date:** May 17, 2007

**Re:** Eastover Central Recreation Center

**CC:** Dick Detter 485-5883; file

☐ **Urgent**

☐ **For Review**

☐ **Please Comment**

☐ **Please Reply**

☒ **For Your Info**

---

**Comments:**

Here is a revise quote on change order from AMECO that saves \$454.26

\* Revised  
Change Order

# American Mechanical Electrical Company, Inc.

## AMECO

P.O. Box 1947, Lumberton, NC 28359

Phone: (910) 738-3533

Fax: (910) 738-4738

To: M &amp; E Contracting, Inc.

AMECO Request No: \_\_\_\_\_

P.O. Box 25100

Fayetteville, NC 28302

Requested Amount: \$2,736.00

ATTN: Mr. Ron Ellis

Date: 05-16-2007Project: Eastover Central Recreation Ctr

Description of Work: Change Order to add 1-flow monitoring module, 1 smk det. in fire alarm panel room and 1 smk det. in fire pump room.

Time Extension Required: \_\_\_\_\_

### BREAKDOWN

Material Cost:		<u>\$155.40</u>
Sales Tax:	<u>7.00%</u>	<u>\$10.88</u>
Freight:	<u>1.00</u> Trips at <u>\$0.00</u>	<u>\$0.00</u>
Direct Man Hours:	<u>28.83</u> hrs. at <u>\$16.00</u>	<u>\$477.28</u>
Pro-Rate Supt.	<u>0.00</u> hrs. at <u>\$22.00</u>	<u>\$0.00</u>
Overtime Premium:	hrs. at _____	<u>\$0.00</u>
Labor Payroll Taxes, Insurance, and Equipment expense at:	<u>30.00%</u>	<u>\$143.18</u>
Special Equipment Rental:	(Trench was HAND DUG)	<u>\$0.00</u>
SUBCONTRACT:	Add 1-Monitor Module & 2-Smk Det. w/base	<u>\$1,524.00</u>
	Subtotal	<u>\$2,310.74</u>
Overhead at:	<u>10.00%</u>	<u>\$231.07</u>
Profit at:	<u>5.00%</u>	<u>\$127.09</u>
	Subtotal	<u>\$2,668.90</u>
Bond Premium:	<u>2.50%</u>	<u>\$66.72</u>
Permit/License:		<u>\$0.00</u>
	TOTAL	<u>\$2,735.62</u>

05/17/2007 08:38 9107394738

FROM

AMECO  
REU/MAT TO 2007 05 17 08:38 PAGE 03



Champion Systems Inc

## FAX COVER SHEET

DATE: 5-16-07  
TO: CARLOS TUCKER  
FROM: Joe Bartach  
Champion Systems, Inc.  
RE: Eastover Rec. Center  
CC: File  
TIME:  
PHONE: 910.739.3333  
FAX: 910.739.4738  
PHONE: 336.885.2441  
FAX: 336.454.2378

Number of pages including cover sheet: 2

### Message:

Carlos,

This is a revised quote; Dick Dettler seemed to have a problem with the cost of the last change order.

This is the best I can do; we actually had more time than I had on the first quote.

Call me if you have any questions.

Thanks

Joe Bartach

CHAMPION SYSTEMS, INC.  
205 Hillstone Drive, Jamestown, NC 27282  
Voice: 336.885.2441 Fax: 336.454.2378  
Email: jbartach@championssystemsinc.com







ITEM NO. 2F

## COUNTY of CUMBERLAND

*Office of the County Attorney*

June 11, 2007

**MEMORANDUM FOR BOARD OF COMMISSIONERS' JUNE 18, 2007 AGENDA:**

**TO: BOARD OF COMMISSIONERS**

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

**SUBJECT: APPROVAL OF INTERLOCAL AGREEMENT WITH TOWN OF HOPE MILLS FOR EMERGENCY BACK-UP ANIMAL CONTROL SERVICES**

**BACKGROUND:** Animal Control Director Sue Nicholson has negotiated an agreement for the County Animal Control Department to provide emergency back-up animal control services to the Town of Hope Mills during off-duty hours, for emergency cases, and during disasters. The Hope Mills Board of Commissioners has approved the agreement.

**RECOMMENDATION AND PROPOSED ACTION:** Approve Interlocal Agreement with Town of Hope Mills for the County Animal Control Department to provide emergency back-up animal control services to the Town.

Attachment



# TOWN OF HOPE MILLS

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

## MEMORANDUM

TO: Police Captain John Smith

FROM: Town Clerk Phyllis C. Register *PCR*

SUBJECT: Interlocal Agreement with Cumberland County for emergency Animal Control services

DATE: May 23, 2007

Enclosed are two executed copies of the above-subject Interlocal Agreement. Please forward this to your POC and ask that the Clerk's Office receive a fully executed copy for the Town's official records after approval by the County. Thanks.

Enclosures

cc: Town Manager Randy R. Beeman  
Police Chief John Hodges

**Interlocal Agreement with Town of Hope Mills, North Carolina**

State of North Carolina  
County of Cumberland

**Contract for Interlocal Undertaking**

THIS CONTRACT FOR INTERLOCAL UNDERTAKING, made and entered into this 21st day of May, 2007, by and between the TOWN OF HOPE MILLS, NORTH CAROLINA, a municipality duly incorporated under the laws of North Carolina (hereinafter referred to as CITY), and CUMBERLAND COUNTY, a body politic and corporate of the State of North Carolina (hereinafter referred to as COUNTY);

**RECITALS:**

WHEREAS, the governing bodies of both parties wish to enter into this undertaking for the purpose of providing emergency back-up animal control services within the TOWN in the interests of the public health, safety, and welfare of both the CITY and COUNTY;

NOW THEREFORE, for and in consideration of the mutual covenants herein contained and of the mutual benefits to result there from, the parties agree as follows:

- I. To ensure the public safety and the safety of animal control officers, Hope Mills Animal Control and County Animal Control will assist one another during off-duty hours, emergency cases, and in the event of disaster. The TOWN and the COUNTY further find that it is in the public interest and will promote public safety for County Animal Control to provide "emergency back-up animal control services" from time to time, when and to the extent that the TOWN does not have qualified personnel available to respond to emergency animal control incidents within the city limits of the town.
- II. Emergency Response: County Animal Control will provide to Hope Mills Animal Control, with copy to the Hope Mills Chief of Police, its policy as in effect from time to time identifying situations/incidents that constitute "emergency response" to animal control incidents, which policy as in effect from time to time is incorporated by reference as if fully set forth. During identified coverage times the same policy response guidelines will apply within the city limits of Hope Mills. When and to the extent the TOWN does not have qualified personnel available to respond to emergency response animal control incidents, County Animal Control will respond as set forth in such policy within the TOWN limits to emergency calls and emergency apprehension of animals. It shall be the responsibility of the Hope Mills Police Department to enforce any and all citations.

Continuation...

- III. For purposes of this agreement, County Animal Control normal duty hours are from 8:00 am – 5:00 pm, Monday – Friday. County Animal Control late call hours are from 5:00 pm – 8:00 am, Monday – Friday. County Animal Control provides twenty-four hour coverage weekends and holidays but it accepts only emergency calls during late call hours.
- IV. The TOWN shall use its best efforts to provide County Animal Control a two-week prior notice for scheduled assistance and coverage when its qualified personnel will be unavailable because of training or vacation. In other instances, the TOWN shall use its best efforts to provide notification within one hour of the start day of County Animal Control normal duty hours and, during off-duty hours immediately upon becoming aware of the animal control incident requiring emergency response.
- V. The parties agree that County Animal Control shall comply with state law and Cumberland County's Animal Control ordinance, Chapter 3 of Cumberland County Code, when acting pursuant to this agreement within the TOWN limits. For purposes of this agreement, the TOWN's Board of Commissioners shall adopt the Cumberland County Animal Control Ordinance to be effective within the TOWN limits.
- VI. This agreement may be amended at any time, by mutual agreement between the parties in writing and duly ratified by the governing bodies of the TOWN and the COUNTY. Such amendment shall be effective upon adoption.
- VII. This contract may be terminated by either party upon one hundred eighty (180) days prior written notice duly authorized by its governing body to the other party.
- VIII. This agreement does not require the purchase, acquisition, or disposition of real property by either party during its term.

TOWN OF HOPE MILLS

By: Eddie Dees  
EDDIE DEES, Mayor

ATTEST:  
Phyllis C. Register  
Town Clerk

APPROVED FOR LEGAL SUFFICIENCY:  
William R. Davis  
Town Attorney

COUNTY OF CUMBERLAND

By: \_\_\_\_\_  
KENNETH EDGE, Chairman

ATTEST:  
\_\_\_\_\_  
Marsha Fogle, Clerk to the Board

[Signature]  
County Attorney

Tom Lloyd  
Chairman

Victor Sharpe, AICP  
Vice Chairman



ITEM NO. 26

Kristine Wagner  
Transportation Coordinator

180 Gillespie Street  
Fayetteville, NC 28301  
910-678-7624  
Fax: 910-678-7601  
kwagner@co.cumberland.nc.us

CUMBERLAND COUNTY  
TRANSPORTATION ADVISORY BOARD

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June 12, 2007

**MEMORANDUM**

TO: Cumberland County Board of Commissioners  
THROUGH: Juanita Pilgrim, Deputy County Manager *Juanita Pilgrim*  
FROM: Kristine Wagner, Transportation Program Coordinator  
SUBJECT: FY 2008 ROAP Grant Funds

The FY 2008 ROAP Grant application was distributed by NCDOT- Public Transportation Division on June 11, 2007.

It will not be possible to hold a public hearing and approve the grant application/funding until the August 6, 2007 Board of Commissioners meeting.

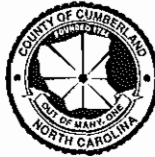
The ROAP Grant includes EDTAP, Work First, and RGP funds. Below is a breakdown of the FY 2008 funding for the ROAP Grant.

	FORMULA	SUPPLEMENTAL
FY 08 FUNDS WORKFIRST	\$45,435	\$45,435
FY 08 FUNDS ROUTE 40	\$91,649	\$60,573
FY 08 EDTAP FUNDS	\$112,954	\$67,402
<b>FY 08 ROAP FUNDS</b>	<b>\$250,038</b>	<b>\$173,410</b>

We have an opportunity to apply for supplemental funds from the state, however, these funds are not yet guaranteed as the General Assembly has not yet approved them.

I am requesting that the Board of Commissioners approve transportation using our FY 2008 Formula ROAP Grants for a total of \$250,038, until the FY 2008 ROAP Grant is approved. Any transportation provided before the application is approved would be reimbursed by the state once the application is approved. It is imperative that we maintain transportation, as the residents of Cumberland County rely on it.

If you should have any questions, please feel free to contact me at 910-678-7624.



ITEM NO. 24

## COUNTY of CUMBERLAND

*Office of the County Attorney*

June 12, 2007

**MEMORANDUM FOR BOARD OF COMMISSIONERS' JUNE 18, 2007 AGENDA:**

**TO: BOARD OF COMMISSIONERS**

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

**SUBJECT: APPROVAL OF RECOMMENDATION OF FACILITIES COMMITTEE  
TO AUTHORIZE RENOVATIONS TO FACVB SPACE AND EXTENSION  
OF LEASE**

**BACKGROUND:** The Facilities Committee at its meeting of June 12, 2007 recommended approval of a request from the FACVB Board of Directors to authorize renovations to the FACVB space on the first floor of 245 Person Street and an extension of FACVB's lease for a nine year term. The renovation would improve access for patrons, make more efficient use of existing space, and convert space to work stations. The FACVB would pay the estimated cost of \$110,000. In consideration for the improvements the County would grant the FACVB a nine year lease at an annual rental of \$12,000, with a CPI rent escalator clause. The FACVB currently pays \$11,000 annually.

**RECOMMENDATION AND PROPOSED ACTION:** Approve recommendation of Facilities Committee to authorize renovations to the FACVB space on the first floor of 245 Person Street and an extension of FACVB's lease for a nine year term at an annual rental of \$12,000, with a CPI rent escalator clause. Authorize Chairman to sign lease extension on behalf of County.

CUMBERLAND COUNTY FACILITIES COMMITTEE  
June 12, 2007 – 8:30 AM  
REGULAR MEETING

PRESENT: Commissioner Diane Wheatley  
Commissioner John Henley (via conference call)  
James Martin, County Manager  
Juanita Pilgrim, Deputy County Manager  
Cliff Spiller, Assistant County Manager  
Amy Cannon, Assistant County Manager  
Grainger Barrett, County Attorney  
Bob Stanger, County Engineer  
Wayne Raynor, Public Health Director  
David Mullins, Calloway, Johnson, Moore & West  
Al Brunson, Director of Electrical & Mechanical  
John Merowski, Fayetteville Area Convention & Visitors' Bureau  
Andrew Barksdale, Reporter – The Fayetteville Observer  
Marie Colgan, Deputy Clerk

Commissioner Wheatley called the meeting to order at 8:45 AM

1. Approval of Minutes: March 13, 2007

**MOTION:** Commissioner Henley moved to approve.  
**SECOND:** Commissioner Wheatley  
**VOTE:** UNANIMOUS

2. Update on Schematic of the Health Department Plans

Mr. Bob Stanger, County Engineer, introduced Mr. David Mullins with Calloway, Johnson, Moore & West to give a presentation on the conceptual and schematic design that is in process for the Department of Public Health's new building. Mr. Mullins gave a power point presentation on the current design of the building and provided the following information:

Currently working on the second round of schematics for approval.

The building is projected at 100,000 gross square feet (3 floors) of space, with building footprint of 47,850 square feet.

\$18,000,000 budgeted project cost for building (not including site). An 8% increase in inflationary cost is anticipated and included.

\$23,474,000 is the total project cost. (This amount does not include information technology hardware.)

This will be a state-of-the art building, which includes wiring for electronic medical records.

There will be one main public entrance which will guide visitors to the reception area. (WIC area has own entrance, Epidemiology has own entrance and staff has own entrance with service delivery area)

City code requires 280 parking spaces (currently there is in excess of 104 spaces)

Mr. Mullins advised that the following schedule has been set:

Department manager's schematic review – June 19<sup>th</sup> – 20<sup>th</sup>

Schematic design costing – June 22<sup>nd</sup> – July 9<sup>th</sup>

Department manager's comments and design review – July 2<sup>nd</sup> and 3<sup>rd</sup>

Finalization of schematic design and commencement of design development – week of July 9<sup>th</sup>  
Scheduled to be completed, tentatively, December 21<sup>st</sup>

In answer to questions, Mr. Mullins advised that the roof will not be completely flat and will have internal roof drains, the entire building will have a sprinkler system, the stair towers will be within 300 feet of any point within the building, employees will use ID cards that are coded for entrance, and there will be a limited number of tablet computers which will primarily be available to doctors for access to patients' charts, etc.

Commissioner Henley questioned whether consideration had been given to purchasing houses (five or six) on the DSS side of the entry road. County Manager Martin advised that only general discussion has taken place. After further discussion, County Manager Martin advised that the incoming Deputy County Attorney will be tasked with pursuing the feasibility of this. The area where these houses are located is the last possible location for additional parking.

3. Consideration of Fayetteville Area Convention & Visitors Bureau's Request for County Approval of Renovations to the County Building at 245 Person Street

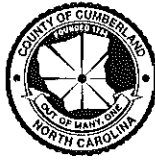
County Manager Martin noted the County owns the building at 245 Person Street and has a lease with the Fayetteville Area Convention & Visitors' Bureau (FACVB) for the first floor; Community Development occupies the second floor. FACVB CEO Merowski advised that renovations to the first floor are being considered at a cost of approximately \$110,000 by using existing space to be more efficient, converting some space to work stations, by changing the entrance area, and reorganizing the reception area. County Manager Martin advised that discussions have been held by the FACVB Board and it will pay the cost, but are asking that the County give them an extension of 9 years on their lease. The cost of their rent would be \$1,000 per month with a CPI escalator.

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

4. Other Matters of Concern – none noted

MEETING ADJOURNED: 9:30 AM





ITEM NO. 21

## COUNTY of CUMBERLAND

*Office of the County Attorney*

June 7, 2007

### **MEMORANDUM FOR BOARD OF COMMISSIONERS' JUNE 18, 2007 MEETING**

TO: BOARD OF COMMISSIONERS

FROM: DOUGLAS E. CANDERS, ASSISTANT COUNTY ATTORNEY *AK*

THRU: GRAINGER R. BARRETT, COUNTY ATTORNEY *ARB*

SUBJECT: APPROVAL OF SETTLEMENT OF CLAIM OF MCKEAN COUNTY PRISON, MCKEAN COUNTY, PENNSYLVANIA, FOR MEDICAL EXPENSES OF PRISONER DAVID DAVIS

**BACKGROUND:** David Davis was seriously injured while attempting to escape from the McKean County Prison Unit in McKean County, Pennsylvania while he was pending extradition pursuant to a request of extradition filed by Sheriff Earl Butler. He incurred medical expenses in excess of \$100,000, which, under Pennsylvania law, are the responsibility of the requesting agency.

The Federal Extradition Act requires that the requesting agency, in this case, Cumberland County, pay reasonable expenses of the detained prisoner pending the extradition process. The Governor's extradition office's staff echoes the provision of the Uniform Extradition Act.

The County of McKean negotiated through its risk management consultant a reduction in the price of all medical expenses (i.e., County, hospital, ambulance service, doctors), which pays all the providers a total amount of \$60,650.00, of which McKean County has agreed to pay half and Cumberland County would pay the other half.

The Board of Commissioners has approved settlement of this claim for \$30,250.00 in exchange for a release and waiver of all claims from all parties.

**RECOMMENDATION:** The County Attorney's Office recommends that the Board of Commissioners authorize the payment of half of the negotiated amount, \$30,325.00 in full settlement of all claims in exchange for a release and waiver of all claims from all parties.



ITEM NO. 25(1)

## COUNTY of CUMBERLAND

*Office of the County Attorney*

June 11, 2007

**MEMORANDUM FOR BOARD OF COMMISSIONERS' JUNE 18, 2007 AGENDA:**

TO: BOARD OF COMMISSIONERS

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

SUBJECT: APPROVAL OF SALE OF SURPLUS-COUNTY OWNED REAL  
PROPERTY ACQUIRED BY TAX FORECLOSURE

LOTS 37-40 JOHN HOLMES SUB  
(LOCATED ON PINPOINT RD. OFF SUNNYSIDE SCHOOL RD.)  
PIN 0456-08-1680; CEDAR CREEK TOWNSHIP

**BACKGROUND:** On or about April 3, 2006, the County acquired by tax foreclosure the above property. The amount currently owed on the foreclosure judgment including interest and cost for the property is \$8,013.55.

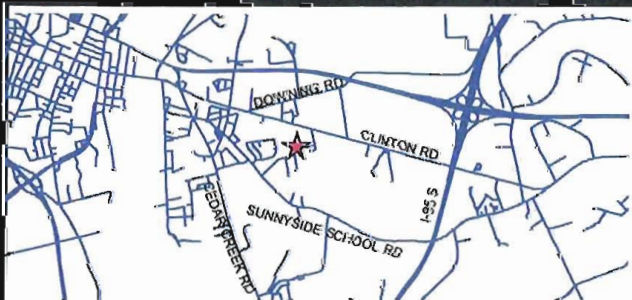
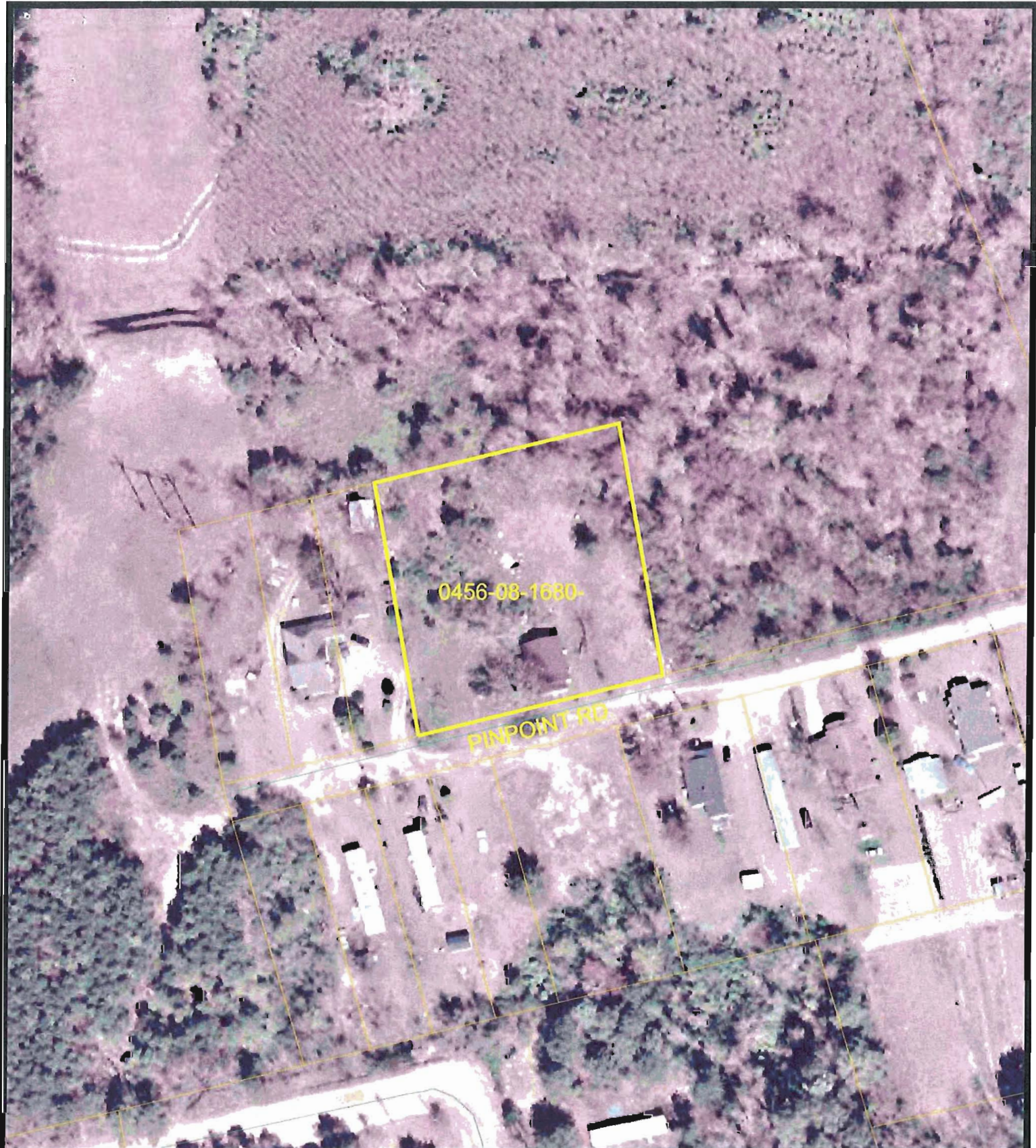
Mr. Lonnie D. Evans was the last and highest bidder offering to purchase the County's interest in the property for **\$8,013.55** and has deposited \$801.35 in the Finance Office. The tax value of the property is \$23,951.00.

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

**RECOMMENDATION AND PROPOSED ACTION:** That the Board of Commissioners consider whether to accept the offer of Mr. Evans to purchase the above property for the sum of **\$8,013.55**, plus costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

GRB/hnw  
Attachment





## Site Map

CEDAR CREEK TOWNSHIP  
2201 PINPOINT RD

100 0 100 Feet



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ITEM NO. 2 K(1-3)

## COUNTY of CUMBERLAND

*Office of the County Attorney*

June 11, 2007

**MEMORANDUM FOR BOARD OF COMMISSIONERS' JUNE 18, 2007 AGENDA:**

TO: BOARD OF COMMISSIONERS  
FROM: GRAINGER R. BARRETT, COUNTY ATTORNEY *GRB*  
SUBJECT: APPROVAL OF SALE OF SURPLUS-COUNTY OWNED REAL  
PROPERTY ACQUIRED BY TAX FORECLOSURE

LOT 107 ELLERSLIE SEC 3  
(LOCATED ON AMESBURY ROAD OFF ELLIOT BRIDGE RD)  
PIN 0543-06-5780; CARVERS CREEK TOWNSHIP

LOT 108 ELLERSLIE SEC 3  
(LOCATED ON AMESBURY ROAD OFF ELLIOT BRIDGE RD)  
PIN 0543-06-5861; CARVERS CREEK TOWNSHIP

LOT 6 FOXFIRE SEC 7 REV.  
(LOCATED ON SUNDOWN DRIVE OFF BONANZA DRIVE)  
PIN 0408-83-4694; SEVENTY-FIRST TOWNSHIP

**BACKGROUND:** On or about May 1, 2006, the County acquired by tax foreclosure the above property. The amount currently owed on the foreclosure judgment including interest and costs for the three properties is \$5,064.91.

Ms. Syeda Chowdhury Gainey was the last and highest bidder offering to purchase the County's interest in the property for **\$16,105.10** and has deposited \$1,611.00 in the Finance Office.

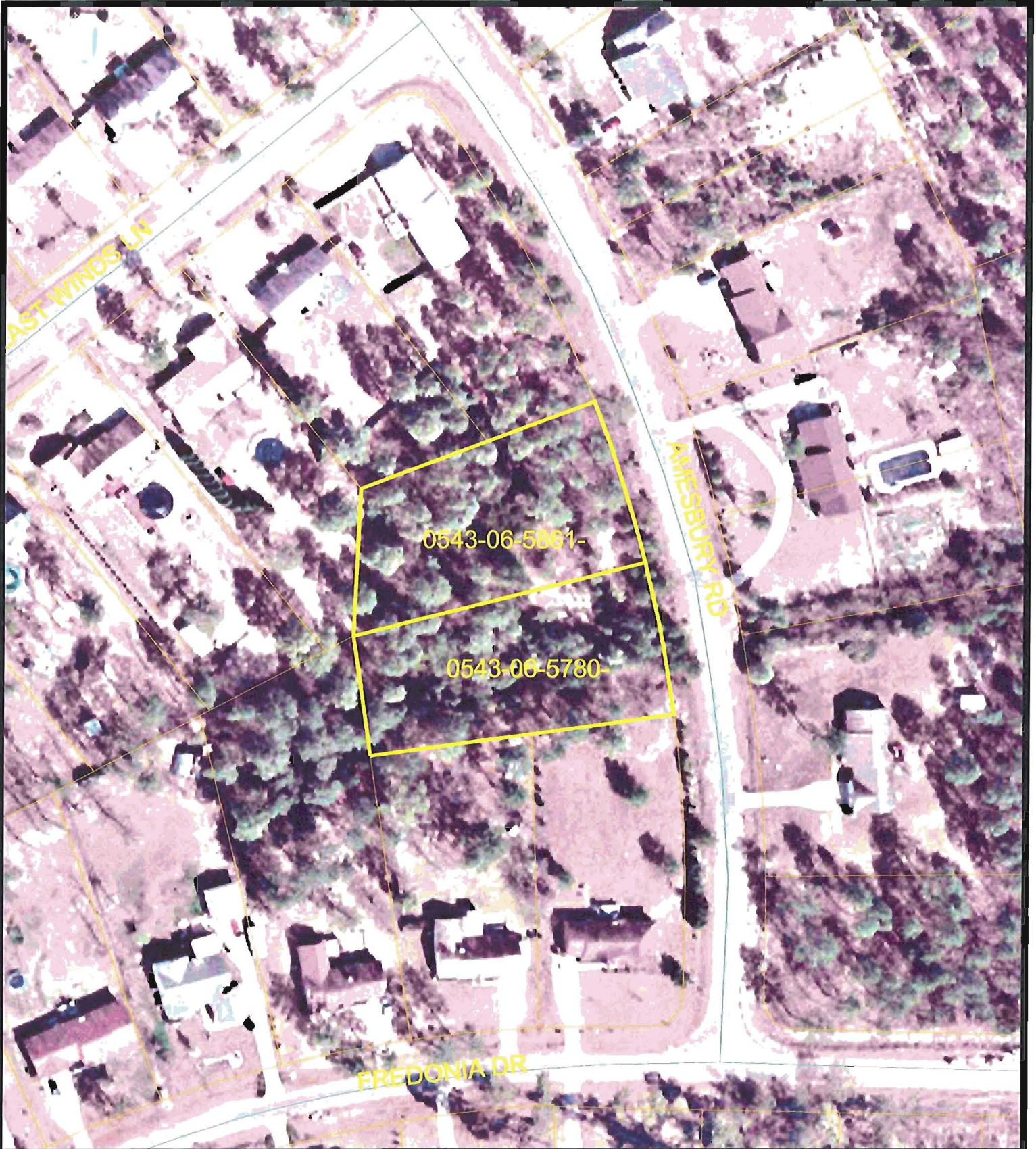
PROPERTY DESCRIPTION:	Lot 107 Ellerslie Sec 3 (Located on Amesbury Road off Elliot Bridge Rd) PIN 0543-06-5780; Carvers Creek Township
VALUE:	\$15,000.00
	Lot 108 Ellerslie Sec 3 (Located on Amesbury Road off Elliot Bridge Rd) PIN 0543-06-5861; Carvers Creek Township
VALUE:	\$15,000.00
	Lot 6 Foxfire Sec 7 Rev. (Located on Sundown Drive off Bonanza Drive) PIN 0408-83-4694; Seventy-First Township
VALUE:	\$7,000.00

This property is surplus to the needs of the County and, according to N.C.G.S. 153A-176 and N.C.G.S. 105-376, the County has the authority to sell such property. Management has reviewed this offer and it is now being submitted for the Board to consider whether or not to accept Ms. Gainey's bid. The property has been advertised and has received several bids; however, Ms. Gainey was the final and highest bidder. The bid period is now closed.

**RECOMMENDATION AND PROPOSED ACTION:** That the Board of Commissioners consider whether to accept the offer of Ms. Syeda Chowdhury Gainey to purchase the above property for the sum of **\$16,105.10**, plus costs, and authorize the Chairman to execute a deed upon receipt of the balance of the purchase price.

GRB/hnw  
Attachment





## Site Map

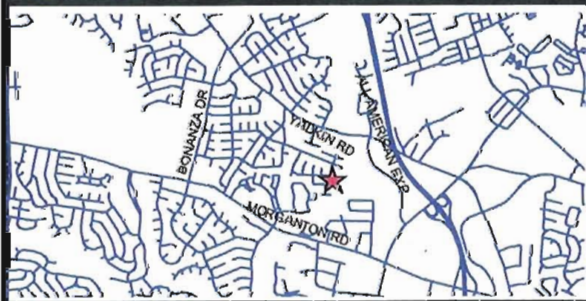
CARVERS CREEK TOWNSHIP

100 0 100 Feet



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## Site Map

SEVENTY FIRST TOWNSHIP

100 0 100 Feet



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**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B07-358
Date Received	5/30/2007
Date Completed	

Fund No. 454 Agency No. 450 Organ. No. 457D

Organization Name: Mid-Carolina Senior Transportation

ITEM NO. 2 L(1)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
6030	General Fees (Contributions)	0	971	971
Total		0	971	971

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
336A	824	Transportation Medical	78,147	971	79,118
Total			78,147	971	79,118

**Justification:**

Revision in the amount of \$971 to budget voluntary passenger contributions received.

**Funding Source:**

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

**Fund Balance:**

Submitted By: Thomas J. Floyd Date: 5/30/07  
Department Head

Reviewed By: Bob Tucker Date: 5/31/07  
Budget Analyst

Reviewed By: Amber Cannon Date: 6/12/07  
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	NORCRESS #19
Budget Revision No.	B07-370
Date Received	6/6/2007
Date Completed	

Fund No. 009 Agency No. 450 Organ. No. 450A

Organization Name: NORCRESS Project

ITEM NO. 2 L(2)

REVENUE <span style="float: right;">Pg 1 of 2</span>				
Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4008	USDA Rural Development Grant	4,140,000	0	4,140,000
453E	NC Rural Center Grant	2,688,781	0	2,688,781
4677	Cumberland County Schools Co-Sponsor	325,000	0	325,000
4678	Facility Investment Fee	500,000	0	500,000
4679	Community Development Co-Sponsor	603,366	0	603,366
6681	Tap Fees	72,320	(128)	72,192
9134	Transfer from Fund 250 (Co. Water & Sewer)	204,629	0	204,629
9296	Bond Anticipation Notes	1,250,000	0	1,250,000
Total		9,784,096	(128)	9,783,968

EXPENDITURES					
Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3110	NAA	Legal	30,000	0	30,000
3630	NAB	C.O. Land (easements, right of way)	47,125	0	47,125
3747	NAC	Engineering	797,052	0	797,052
3757	NAD	Facility Investment Fee	500,000	0	500,000
3758	NAE	Eastover Approach Main	576,969	0	576,969
379A	NAK	Construction - North Wade	2,026,614	0	2,026,614
379B	NAL	Construction - South Wade	1,682,594	0	1,682,594
379C	NAM	Construction - Falcon	1,507,373	0	1,507,373
379D	NAN	Construction - Godwin	1,609,140	0	1,609,140
379E	NAP	Construction - Pump Station	876,627	0	876,627
3809	NAG	Capitalized Interest	18,700	0	18,700
3419	NAQ	Miscellaneous	50,602	(128)	50,474
389T	NAR	Transfer to Fund 253	61,300	0	61,300
Total			9,784,096	(128)	9,783,968

**Justification:**

Revision in the amount of \$128 to reduce budget for Tap Fees to reflect the actual tap fees received net of refunds. In addition, a revised Capital Project Ordinance dated June 18, 2007 is submitted for approval.

**Funding Source:**

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

**Fund Balance:**

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

Reviewed By: HeA Department Head

Reviewed By: Bob Tucker Budget Analyst

Reviewed By: Amyd Cannon Assistant County Mgr

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

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

Date: 6/6/07

Date: 6/12/07

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

Approved By: \_\_\_\_\_

County Manager

Board of County Commissioners

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

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

REVISED CAPITAL PROJECT ORDINANCE  
NORTH CUMBERLAND REGIONAL SEWER SYSTEM PROJECT (NORCRESS)  
June 18, 2007

REVENUES	FY2002-03	FY2003-04	FY2004-05	FY2005-06	FY2006-07	TOTAL
USDA Rural Development Grant			3,933,000	45,947	161,053	4,140,000
NC Rural Center Grant	338,700	81,237	1,763,605	505,239		2,688,781
Cumberland County Schools Co-Sponsor			325,000			325,000
Facility Investment Fee			500,000			500,000
Community Development Co-Sponsor	34,000	191,272	278,094	100,000		603,366
Tap Fees		42,344			29,848	72,192
Transfer from County Water & Sewer (Fund 250)			185,137		19,492	204,629
Bond Anticipation Notes			1,250,000			1,250,000
<b>TOTAL</b>	<b>\$372,700</b>	<b>\$314,853</b>	<b>\$8,234,836</b>	<b>\$651,186</b>	<b>\$210,393</b>	<b>\$9,783,968</b>

EXPENDITURES	FY2002-03	FY2003-04	FY2004-05	FY2005-06	FY2006-07	TOTAL
Legal			\$11,295	\$10,320	\$8,385	\$30,000
Capital Outlay Land (easements, right of way)	11,750	23,000	9,095		3,280	47,125
Engineering	360,950	70,118	312,307	28,000	25,677	797,052
Facility Investment Fee			500,000			500,000
Eastover Approach Main			480,896	66,005	30,068	576,969
Construction - North Wade			1,903,719	122,895		2,026,614
Construction - South Wade		190,892	1,491,702			1,682,594
Construction - Falcon			1,188,587	194,046	124,740	1,507,373
Construction - Godwin		14,918	1,483,612	110,610		1,609,140
Construction - Pump Station		15,925	853,623	7,079		876,627
Capitalized Interest				18,700		18,700
Miscellaneous				32,231	18,243	50,474
Transfer to Fund 253 (NORCRESS Admin)				61,300		61,300
<b>TOTAL</b>	<b>\$372,700</b>	<b>\$314,853</b>	<b>\$8,234,836</b>	<b>\$651,186</b>	<b>\$210,393</b>	<b>\$9,783,968</b>

Fund: 009  
Agency: 450  
Organization: 450A

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B07-367
Date Received	6/5/2007
Date Completed	

Fund No. 824 Agency No. 450 Organ. No. 4599  
Organization Name: Tourism Development Authority

ITEM NO. 24(3)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
2602	Room Occupancy Tax	3,199,000	500,000	3,699,000
9901	Fund Balance Appropriated	0	292,000	292,000

Total 3,199,000 792,000 3,991,000

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
349R	931	FACVB	1,300,000	294,000	1,594,000
349T	931	Discretionary	204,000	308,000	512,000
349S	931	Arts Council	800,000	88,000	888,000
350H	931	Civic Center	800,000	88,000	888,000
4021	931	Tax Collection Fee	96,000	14,000	110,000

Total 3,200,000 792,000 3,992,000

**Justification:**

Revision to budget additional Occupancy Tax collected and to appropriate fund balance for expenditures approved by the TDA Board.

**Funding Source:**

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

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

Department Head

Reviewed By: Howard A. Baer Date: 6/5/07

Budget Analyst

Reviewed By: Amy D. Cunnison Date: 6/12/07

Deputy Assistant County Mgr

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

**Approved By:**

County Manager

Board of County  
Commissioners

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B07-369
Date Received	6/5/2007
Date Completed	

Fund No. 430 Agency No. 438 Organ. No. 4385  
 Organization Name: Juvenile Crime Prevention Programs

ITEM NO. 2L(4)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
438A	NC JCP Find-A-Friend	51,911	25,000	76,911
669A	Find-A-Friend In-Kind	59,152	24,619	83,771
4382	NC Dispute Resolution	56,449	3,000	59,449
Total		167,512	52,619	220,131

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
438A	771	JCP Find-A-Friend	61,568	25,000	86,568
348D	771	Find-A-Friend In-Kind	59,152	24,619	83,771
5018	771	Dispute Resolution	71,090	3,000	74,090
Total			191,810	52,619	244,429

**Justification:**

Revision to adjust the county budget to the revised state budget.

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

Submitted By: \_\_\_\_\_ Date: \_\_\_\_\_  
 Department Head  
 Reviewed By: Howard R. Bar Date: 6/5/07  
 Budget Analyst  
 Reviewed By: Amy N. Cannon Date: 6/12/07  
 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.	B07-373
Date Received	6/8/2007
Date Completed	

Fund No. 115 Agency No. 412 Organ. No. 4191

Organization Name: Group Health Insurance

ITEM NO. 24(5)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	0	500,000	500,000

Total 0 500,000 500,000

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1842	704	PPO Medical	8,751,531	350,000	9,101,531
1851	704	PPO Medical	1,944,785	150,000	2,094,785

Total 10,696,316 500,000 11,196,316

**Justification:**

Adjust the budget to allow for the year-end accrual of the "Incurred But Not Recorded" claims estimate by an actuary for the annual audit. The actual report by the actuary will not be available until after the fiscal year-end during the audit process.

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

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

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

Approved By: \_\_\_\_\_

Reviewed By: [Signature] Department Head

Date: 6/8/07

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

Reviewed By: [Signature] Finance  
Deputy/Assistant County Mgr

Date: 6/12/07

County Manager

Board of County Commissioners

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

COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST

Budget Office Use	
Budget Revision No.	<u>B07.361</u>
Date Received	<u>6.4.07</u>
Date Completed	

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

ITEM NO. 24(6)a

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4228	NC Emergency Services	0	141,201	141,201
Total		0	141,201	141,201

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3360	598	Other Services	0	141,201	141,201
Total			0	141,201	141,201

Justification:

State funds to start up crisis services per State plan.

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

Submitted By: Donald H. Hines Date: 6-6-07  
Department Head  
Reviewed By: Kelly Autry Date: 6.4.07  
Budget Analyst  
Reviewed By: Amy D. Cannon Date: 6/12/07  
Deputy Assistant County Mgr  
Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Information Services

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

COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST

Budget Office Use	
Budget Revision No.	<u>B01-362</u>
Date Received	<u>6-4-07</u>
Date Completed	

Fund No. 112 Agency No. 43C Organ. No. 4343

Organization Name: MH - Devel. Disability Contracts

ITEM NO. 2 L (6) b

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4281	Adult Devel. Disability Brain Injury	0	20,000	20,000
Total		0	20,000	20,000

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3390	573	Contracted Services	828,320	20,000	848,320
Total			828,320	20,000	848,320

Justification:

Utilize additional state brain injury funds for client services.

Funding Source:

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

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

Fund Balance:

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

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

Submitted By: Donald Harner  
Department Head

Date: 6-6-07

Reviewed By: Kelly Cutler  
Budget Analyst

Date: 6-4-07

Reviewed By: Amy Cannon  
Deputy Assistant County Mgr

Date: 6/2/07

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

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

Approved By:

County Manager

Board of County Commissioners

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

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

COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST

Budget Office Use	
Budget Revision No.	<u>BO-363</u>
Date Received	<u>6.4.07</u>
Date Completed	

Fund No. 112 Agency No. 43C Organ. No. 4343

Organization Name: MH - Devel. Disability Contracts

ITEM NO. 2 L(6)C

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
6206	Community Alternative Program Fees	111,500	70,000	181,500
Total		111,500	70,000	181,500

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
2992	573	Departmental Supplies	114,000	70,000	184,000
Total			114,000	70,000	184,000

Justification:

Increase budget for medicaid funded supplies due to additional clients.

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

Submitted By: Donald Hannon Date: 6-6-07  
Department Head  
Reviewed By: Kelly Autrey Date: 6-4-07  
Budget Analyst  
Reviewed By: Amey Cannon Date: 6/12/07  
Deputy Assistant County Mgr  
Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Information Services

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



**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>307.364</u>
Date Received	<u>6.4.07</u>
Date Completed	

Fund No. 112 Agency No. 434 Organ. No. 436M  
Organization Name: Mental Health - CTSP-Alternative Family Living

ITEM NO. 2 L(6)d

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
6252	Child & Youth Fees	1,801,578	675,000	2,476,578
Total		1,801,578	675,000	2,476,578

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3360	634	Other Services	734,000	675,000	1,409,000
Total			734,000	675,000	1,409,000

**Justification:**

Increase contract budget supported by fees due to higher utilization than expected.

**Funding Source:**

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

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

**Fund Balance:**

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

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

Submitted By: Donald Hannon Date: 6-6-07  
Department Head  
Reviewed By: HeA Kelly Autry Date: 6-4-07  
Budget Analyst  
Reviewed By: Amber Cannon Date: 6/12/07  
Deputy Assistant County Mgr  
Reviewed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Information Services

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

Budget Office Use	
Budget Revision No.	307.374
Date Received	6.7.07
Date Completed	

ITEM NO. 2L(6)e

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
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Total	1,915	796	2,711
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Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
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Total	500	796	1,296
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**Funding Source:** \_\_\_\_\_ **Fund Balance X**  
**State:** \_\_\_\_\_ **Federal:** \_\_\_\_\_ **County:** \_\_\_\_\_ **New:** \_\_\_\_\_ **Other:** \_\_\_\_\_  
**Other:** \_\_\_\_\_ **Fees:** \_\_\_\_\_ **Prior Year:** \_\_\_\_\_

**Approved By:**

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

**County Manager**

**Board of County Commissioners**

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

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B07-375
Date Received	6/12/2007
Date Completed	

Fund No. 101 Agency No. 424 Organ. No. 4250

Organization Name: Animal Control

ITEM NO. 24(7)

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

9901	Fund Balance Appropriated		1,460	
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EXPENDITURES					Total
Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget

3333	127	Spay/Neuter	28,000	1,460	29,460
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Total			28,000	1,460	29,460
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**Justification:**

Revision in the amount of \$1,460 to appropriate fund balance to cover spay/neuter and rabies charges for prior years and remainder of current fiscal year.

<b>Funding Source:</b>	<b>Fund Balance:</b>	
State: _____	Federal: _____	County: _____
Other: _____	Fees: _____	New: <u>1,460.00</u>
		Prior Year: _____
		Other: _____

Submitted By: _____	Date: _____
Reviewed By: <u>Keely Clinty</u>	Date: <u>6-12-07</u>
Reviewed By: <u>Amyd Cannon</u>	Date: <u>6/12/07</u>
Reviewed By: _____	Date: _____

Department Head  
Budget Analyst  
Deputy/Assistant County Mgr  
Information Services

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

<b>Budget Office Use</b>	
<b>Budget Revision No.</b>	B07-376
<b>Date Received</b>	6/13/2007
<b>Date Completed</b>	

ITEM NO. 24(8)

EXPENDITURES					
Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3836	458	School Capital Outlay - Category I	14,812,340	(740,000)	14,072,340
Total			14,812,340	(740,000)	14,072,340

Revision in the net amount of \$740,000. Budgeted expenditures in the amount of \$1,780,000 will be moved to Fund 004 (\$1,200,000) and Fund 013 (\$580,000) thus reclassifying the funding source for these expenditures from sales taxes to bond proceeds. This will facilitate the closing of Fund 004 (1998 School Bonds) and Fund 013 (2004 School Bonds). In addition, \$1,040,000 of Capital Outlay Category I expenditures are being budgeted using appropriated sales tax revenue.

Submitted By: _____ Department Head	Date: _____	<div>Approved By:</div>  <div>Date: _____</div> <div>County Manager</div> <div>Board of County Commissioners</div> <div>Date: _____</div>
Reviewed By: <u>Bob Tucker</u> Budget Analyst	Date: <u>6/13/07</u>	
Reviewed By: <u>Amy Cannon</u> <del>Deputy</del> Assistant County Mgr	Date: <u>6/13/07</u>	
Reviewed By: _____ Information Services	Date: _____	

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B07-376A
Date Received	6/13/2007
Date Completed	

Fund No. 013 Agency No. 470 Organ. No. 4716

Organization Name: 2004 Local School Bond Projects

**REVENUE**

*pg 2 of 4*

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
7002	Interest Income	103,243	119,583	222,826
9901	Fund Balance Appropriated	0	7,573	7,573
Total		103,243	127,156	230,399

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
385S	RAB	School Renovations / Repairs	0	580,000	580,000
3419	RAA	Miscellaneous	233,660	(233,660)	-
385U	RAB	Westarea Elementary Classroom Additions	1,020,000	(69,996)	950,004
386G	RAB	Hall Elementary Classroom Additions	1,260,000	8,521	1,268,521
386L	RAB	Souders Elementary Classroom Additions	1,080,000	(72,311)	1,007,689
386R	RAB	Cashwell Elementary Classroom Additions	1,200,000	(54,386)	1,145,614
386S	RAB	Collier Elementary Classroom Additions	1,200,000	(8,006)	1,191,994
386U	RAB	Rockfish Elementary Classroom Additions	1,380,000	(23,006)	1,356,994
Total			7,373,660	127,156	7,500,816

**Justification:**

Revision to budget \$580,000 previously budgeted in Fund 106. The expenditures will be moved from Fund 106 to Fund 013 thus reclassifying the source of funding for these expenditures from sales taxes to bond proceeds. This will facilitate the closing of Fund 013 (2004 School Bonds). Also, budgeted expenditures are being reallocated as needed.

**Funding Source:**

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

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

**Fund Balance:**

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

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

Submitted By: \_\_\_\_\_  
Department Head

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

Reviewed By: Beth Tucker  
Budget Analyst

Date: 6/13/07

Reviewed By: Amy Cannon  
Assistant County Mgr

Date: 6/13/07

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

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

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

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B07-376B
Date Received	6/13/2007
Date Completed	

Fund No. 004 Agency No. 470 Organ. No. 4710

Organization Name: 1998 Local School Bond Projects

REVENUE				
Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
7002	Interest Income	6,605,776	56,284	6,662,060
7683	Contractor Sales Tax	2,087,338	12,618	2,099,956
9901	Fund Balance Appropriated	0	100,870	100,870
Total		8,693,114	169,772	8,862,886

pg 3 of 4

EXPENDITURES					
Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3848	GAA	Alarms / Security	0	600,000	600,000
385J	GAA	Deferred Maintenance	27,306,953	600,000	27,906,953
384B	GAA	Cumberland High (Gray's Creek)	10,343,100	11,947	10,355,047
384F	GAA	Nick Jeralds Elementary	500,000	(39,793)	460,207
384H	GAA	District 7 Media Center	549,542	(360)	549,182
3489	GAA	Seabrook Elementary	650,000	(5,394)	644,606
385H	GAA	Equipment/ Furniture/Technology	5,359,964	(18,789)	5,341,175
385N	GAA	Ponderosa Elementary	725,043	(314)	724,729
3856	GAA	Gray's Creek 02	104,210	(18,602)	85,608
3859	GAA	Gallberry Farms Elementary	879,873	(12,137)	867,736
386N	GAA	Alma Eason Elementary	338,690	(23,873)	314,817
386V	GAA	Gray's Creek Classroom Addition	444,762	(444,762)	-
3864	GAA	Raeform Road Elementary	9,968,405	(48,861)	9,919,544
3110	GAB	Legal	79,000	(4,831)	74,169
3114	GAB	Trustee Fees	5,000	(2,500)	2,500
3152	GAB	Financial Consultant	16,000	(151)	15,849
3401	GAB	Advertising	2,000	1,137	3,137
3419	GAB	Miscellaneous	12,185	(4,727)	7,458
3806	GAB	Bond Rating Charge	65,000	11,074	76,074
3903	GAC	Contingency	429,292	(429,292)	-
Total			57,779,019	169,772	57,948,791

**Justification:**

Revision to budget \$1,200,000 previously budgeted in Fund 106. Expenditures will be moved from Fund 106 to Fund 004 to reclassify the source of funding for these expenditures from sales taxes to bond proceeds. This will facilitate the closing of Fund 004 (1998 School Bonds). Also, budgeted expenditures are being reallocated as needed.

**Funding Source:**

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

**Fund Balance:**

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

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

Department Head

Reviewed By: Bob Tucker

Date: 6/13/07

Budget Analyst

Reviewed By: Amy Cannon

Date: 6/13/07

Assistant County Mgr

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

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

Information Services

Approved By:

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

County Manager

Board of County

Commissioners

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

Budget Office Use	
Budget Revision No.	B07-376C
Date Received	6/13/2007
Date Completed	

REVENUE				
Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	1,423,897	175,000	1,598,897
	Total	1,423,897	175,000	1,598,897

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3837	460	School Capital Outlay - Category II	4,238,897	175,000	4,413,897
Total			4,238,897	175,000	4,413,897

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

Approved By: \_\_\_\_\_

County Manager \_\_\_\_\_ Date: \_\_\_\_\_

Board of County  
Commissioners \_\_\_\_\_ Date: \_\_\_\_\_

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  
Patricia Hall,  
Town of Hope Mills



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

ITEM NO.

3A

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

#### DUPLICATE COPY- DEFERRED FROM 5-21-07 BOC MEETING (ADDITIONAL INFORMATION ATTACHED)

JUNE 8, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-26: REZONING OF A .24 ACRE PORTION OF A 26.18 ACRE TRACT, FROM A1 TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED SOUTH OF SAND HILL ROAD, WEST OF TOWER ROAD, OWNED BY TERRY SPELL LAND DEVELOPMENT LLC.**

ACTION: THE MEMBERS PRESENT AT THE APRIL 17, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE R15 RESIDENTIAL DISTRICT

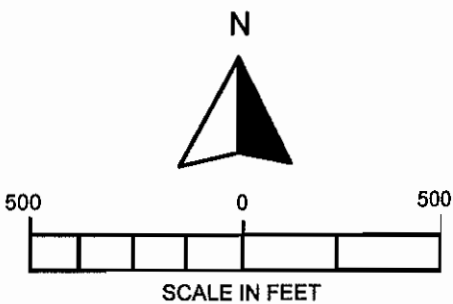
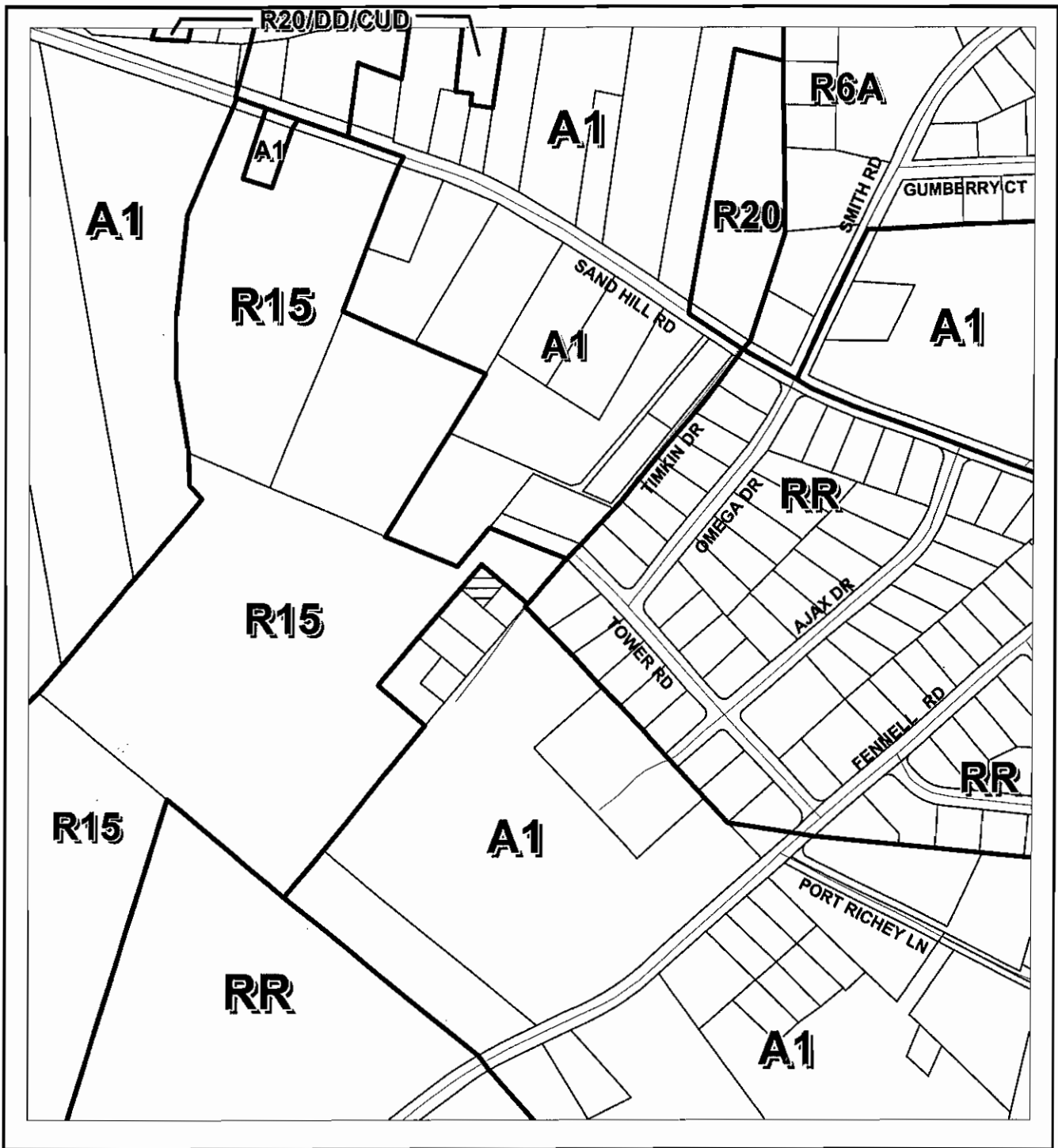
**SITE INFORMATION:** Area: .24 acres; Depth: 105 feet; Jurisdiction: County; Adjacent Property: Yes; Current Use: Woodland; Initial Zoning: June 24, 1980 (Area 13); Zoning Violation(s): None; Surrounding Zoning: North-A1, R20, R20/DD/CUD, R15, R6A, East-A1, RR, South-A1, RR, R15, and West-A1, R15; Surrounding Land Use: Welding company, single family residential, vacant and woodland; 2010 Land Use Plan: Low Density Residential; Urban Services Area: Yes; Water/Sewer Availability: PWC water available on South Forty Drive/Sewer not available; Soil Limitations: None; School Capacity/Enrolled: Gray's Creek Elementary 708/764, Gray's Creek Middle 614/495, Gray's Creek High 1087/1270; Subdivisions: This is a small portion of subdivision case 07-028 with preliminary subdivision approval; Military Impact Area: No; Highway Plan: No road improvements or new construction specified for this area; Notes: This staff-initiated rezoning is due to the .24 acre portion being inadvertently omitted from case P06-37.

#### MINUTES OF APRIL 17, 2007

Mr. Combs reviewed the case information and stated that staff recommended approval of the R15 district based on the findings that the R15 zoning district is consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location; and rezoning this property will place the entire tract under one zoning classification. The rezoning of this property would rectify a staff mistake on Case P06-37. The other suitable zoning districts to be considered for this site are R40, R40A, R30, R30A, R20, and RR.

**Mrs. Piland made a motion, seconded by Vice-Chair McLaurin, to follow the staff recommendation and approve case P07-26 as submitted. Unanimous approval.**





## REQUESTED REZONING A1 TO R15

ACREAGE: 0.24 AC.+/-

HEARING NO: P07-26

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

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  
Patricia Hall,  
Town of Hope Mills



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

May 31, 2007

Ms. Brenda Pone  
3011 W Cabot St  
Philadelphia PA 19121

SUBJECT: Cumberland County Rezoning Case No. P07-26  
Clarification of Ownership of Subject Property

Dear Ms. Pone,

At the May 21, 2007 Cumberland County Board of Commissioners meeting, your mother, Ms. Irene Spearman relayed your concern regarding the ownership of a piece of property that was being considered for rezoning – believing that the property may be yours. The Commissioners deferred taking action on the rezoning application until such time that the ownership of the parcel being considered for rezoning was verified.

According to the County Tax Office, the records reflect that you own a parcel that is immediately adjacent to the property submitted for rezoning, not the parcel being considered. The rezoning request will not change the current zoning of your property. The property being considered for rezoning is listed under the name of "Terry Spell Land Development."

A sketch map is attached showing the location of your property and the "subject property" (the parcel being considered for rezoning). I am also attaching the first page of your deed and the current tax sheet for your property.

Please contact me by phone or email as soon as possible if you still have questions regarding the rezoning request and/or where it is in relation to your property, or any other planning-related matter. My phone number is 910-678-7605 and my email address is: [pspeicher@co.cumberland.nc.us](mailto:pspeicher@co.cumberland.nc.us).

Sincerely,

*Patti Speicher*

Patti Speicher  
Land Use Codes

#### Attachments

cc: Ms. Irene Spearman, 3216 Vardaman Ave, Hope Mills NC 28348  
Cumberland County Board of Commissioners  
Mr. James Martin, County Manager  
Mr. Thomas Lloyd, CCP&I Director  
Mr. Cecil Combs, CCP&I Deputy Director

BK3861 PG0835

47144

109702

RECEIVED

92 OCT 20 PM 2:36

GEORGE E. TATUM  
REGISTER OF DEEDS  
CUMBERLAND CO., N.C.

TITLE NOT CERTIFIED

Excise Tax None

Recording Time, Book and Page

Tax Lot No. .... Parcel Identifier No. ....  
 Verified by ..... County on the ..... day of ..... 19.....  
 by .....

Mail after recording to Richard M. Lewis, Jr., Reid, Lewis, Deese & Nance, P.O. Drawer 1358,  
 Fayetteville, North Carolina 28302

This instrument was prepared by Mr. Richard M. Lewis, Jr.

Brief description for the Index

### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 19<sup>th</sup> day of October 1992, by and between

GRANTOR

GRANTEE

Irene Spearman and husband,  
 Wade C. Spearman

Brenda S. Pone  
 3011 W. Cabot Street  
 Philadelphia, PA 19121

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

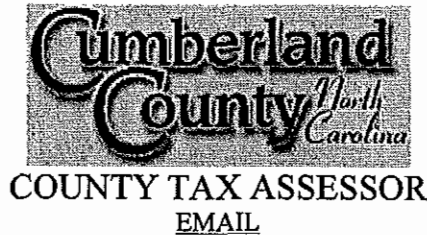
The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of ..... Gray's Creek Township, Cumberland ..... County, North Carolina and more particularly described as follows:

All that piece, parcel or lot of land lying and being in the County of Cumberland, State of North Carolina:

BEGINNING at a stake in Alice Fennell's line, Luther White's corner of a one (1) acre survey and runs as his line North 46 degrees West 105 feet to a point in said line; thence North 44 degrees East 105 feet to a stake in the northeast line of a one-half acre survey of which this is a part; thence as that line South 46 degrees East 105 feet to a stake in Alice Fennell's line; thence as her line South 44 degrees 105 feet to the point of BEGINNING, containing one-fourth acre, more or less.

90 800



## Property Information Mini-Sheet

[Click for Tax Sheet](#)

[Tax Records](#) | [General Info](#) | [Phone Numbers](#) | [Real Estate](#) | [Personal](#) | [County](#)

Date: 05/31/2007

COUNTY OF CUMBERLAND Tax Year: 2007

Time: 14:04:15

**Parcel ID:** 0433-80-0149- **TaxYear:** 2007

**Owner Name(s):** PONE, BRENDA S

**Owner Address:** 3011 W CABOT ST PHILADELPHIA PA 19121-4419

**Situs Address:** 000000 ? N/A N/A

**Taxing District:** 0091 GRAYS CREEK

**Tax Bill Number:** 2632585

**Old Parcel ID:** 0433-70-9172-

**Property Class:** RESIDENTIAL

**Neighborhood:** 9500

**Zoning:** A1 -AGRI DIST

**Frontage:** 105.00 **Depth:** 105.00

**Map & Sheet:** 0433-04

**Plat Book & Page:** N/A -N/A

**Legal Description:** 1/4 ACRE LD VAC

### Parcel Taxable Value: (REVALUATION 2003)

	Total	Land	Building	Misc.	Date
<b>Appraised:</b>	3,825.00	3,825.00	0.00	0.00	07/29/2002

### Land Assessment:

Land Use	Land Units	Land Type	Land Rate	Land Value
RURAL LOT	0.50	LT	7,650.00	3,825.00

(A max of 5 sales can be shown)

### Sale History Data:

Deed Book	Deed Page	Sale Date	Sale Price
03861	00835	10/20/1992	0.00
02159	00150	07/01/1984	0.00

(A max of 10 improvements can be shown)

### Miscellaneous Improvements:

Description	Type	Unit	Number of Units
NO DATA FOND			

Choose the Building to Display: 00

### Building Characteristics

**Building #:**  
**Improvement Type:**  
**Quality Grade:**  
**Actual Year Built:**

00 OF 00  
NO DATA FOUND

# of Stry

**Foundation:**  
**Heat Method:**  
**Roof Type:**

**Exterior:**  
**Heat Source:**  
**Cover:**

<b>5-Fix Baths:</b>	<b>4-Fix Baths:</b>	<b>3-Fix Baths:</b>	<b>2-Fix Baths:</b>	<b>Extra Fix:</b>
<b>Bedrooms:</b>	<b>Fireplaces:</b>	<b>Air Cond:</b>	<b>Condition:</b>	

[Click for Tax Sheet](#)

Personal Property Search for PONE, BRENDA S

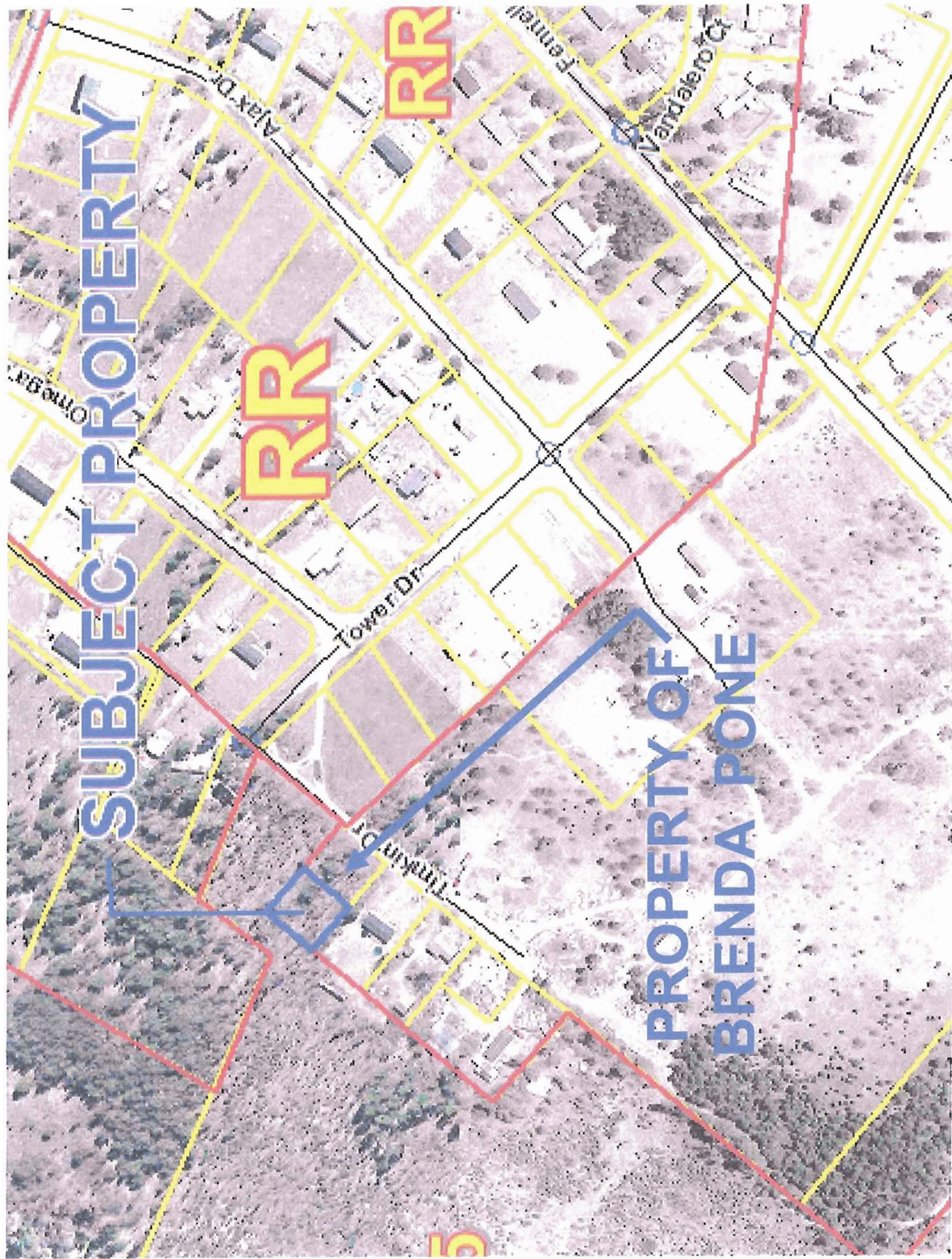
[Tax Records](#) | [General Info](#) | [Phone Numbers](#) | [Real Estate](#) | [Personal](#) | [County](#)

**Disclaimer:**

The public information contained herein is furnished as a public service by the Cumberland County Treasurer's Office. The Cumberland County Treasurer's Office makes **no warranties**, either expressed or implied, concerning the accuracy, completeness, reliability, or suitability of the information for any other particular use. Furthermore, the Cumberland County Treasurer's Office assumes **no liability** associated with the use or misuse of said information.

NO-FUNC



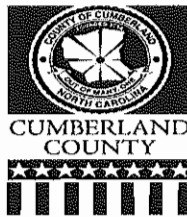




Charles C. Morris,  
Chair  
Town of Linden

Donovan McLaurin,  
Vice-Chair  
Wade, Falcon & Godwin

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



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

ITEM NO. 3B

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

JUNE 8, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-25: REZONING OF 1.0 ACRES FROM R6A/CONDITIONAL USE TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 1227 SHAW ROAD, OWNED BY RODNEY S. GARRETT.**

ACTION: THE MEMBERS PRESENT AT THE MAY 15, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE C(P) PLANNED COMMERCIAL DISTRICT/CONDITIONAL USE DISTRICT AND PERMIT.

**SITE INFORMATION:** **Area:** 1.0 acres; **Frontage & Location:** 100 feet on Shaw Road; **Depth:** 436 feet; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Residential with a greenhouse/plant husbandry approved as a Conditional Use Overlay (Case P93-82); **Initial Zoning:** September 16, 1973 (Area 2A); **Zoning Violation(s):** None; **Surrounding Zoning:** North-R6A, East-PND, R6, R6A, R6A/CU, C1, South-R6, R6A, C1(P), Fayetteville city limits-R10, and West-R6A, city limits-R10; **Surrounding Land Use:** Churches (2), apartments (2), manufactured home parks (10), duplex, auto repair shop, tire shop, single family residential and vacant land; **2010 Land Use Plan:** Medium Density Residential; **Watershed Area:** Yes; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / Septic Tank; **Soil Limitations:** None; **Military Impact Area:** Yes; **Ft Bragg/Pope AFB:** 1-mile buffer area / Pope AFB has no objections to this case; **Highway Plan:** Shaw Road is identified as a Major Thoroughfare. This proposal calls for interconnection and a multi-lane facility (Priority 1). Road improvements are included in the 2007-2013 MTIP; **Average Daily Traffic Count (2004):** 15,000 on Shaw Road.

#### Conditions of the Application

Permitted Uses to be Excluded: Alcoholic Beverage Control Sales, Bars & Night Clubs, and Sexually Oriented Businesses

#### Conditional Use District & Permit

Ordinance related conditions:

#### Watershed-Related:

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

**Permit-Related:**

2. The owner/developer(s) of this lot must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
3. The County Health Department must approve sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
4. Connection to public water is required, the Public Works Commission (PWC) must approve water plans prior to application for any permits.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. The *Certificate of Occupancy* will not be issued until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

**Site-Related:**

7. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the C(P) zoning district must be complied with, as applicable. (Note: This applies only to any new structures/uses for this site.)
8. The signage for this development shall be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)
9. Off-street parking shall be provided as noted on the site plan - meeting all applicable provisions of Section 1202, County Zoning Ordinance - and all parking spaces, measuring 9' x 20', shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the *Certificate of Occupancy* for each individual structure and/or phase of the development. For use as a nursery and greenhouse operation, a minimum of one off-street space for each vehicle used directly in conduct of the use, plus two additional spaces for each three employees on the largest shift are required for this development.
10. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
11. Reservation of 15 feet of right-of way along Shaw Road is required and the reservation area must be reflected on any future site plans. The location of all improvements, required or otherwise, and all building setback lines are to be measured from the ultimate right-of-way line.
12. An on-site solid buffer must be provided and maintained along both sides and the rear of this site in accordance with the provisions of Section 1102 G, County Zoning Ordinance.
13. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.



**Other-Related Conditions:**

14. Conversion of the existing "stick-built" home on this site to an office must comply with the standards of the State Building Code.
15. Residential manufactured homes used for any purpose other than residential must comply with the State Building Code. An excerpt from the Code concerning *Conversion of Manufactured Home to Occupancy other than Single Family Dwelling* is attached.
16. Included with this conditional approval, the Planning Board is approving alternate yards for the existing structures on this site. This is not to be construed as "blanket approval" for any new structures.

**MINUTES OF MAY 15, 2007**

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

Although the request is not consistent with the 2010 Land Use Plan, which calls for Medium Density Residential at this location, the district requested is reasonable and consistent with the current use of the property and compatible with the surrounding area.

The Planning & Inspections Staff recommends approval of the Conditional Use Permit with the added condition of limiting the use to only nursery operations/plant husbandry/greenhouse and an office, based on the following:

1. The use will not materially endanger the public health or safety if located according to the plan submitted since the use is existing and only an office is to be added;
2. The use will meet all required conditions and specifications as evidenced by the application and site plan. The applicant has been mailed a copy of the Ordinance requirements for this development;
3. The use will maintain or enhance the value of adjoining or abutting properties, in that the current property owner has cleaned up this site and the use has been in existence at this location for numerous years;
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Comprehensive Land Use plan and adopted planning policies.

There are no other suitable zoning districts for this site.

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

Rodney Garrett, the applicant, stated that he has complied with all of the requests that were asked of him, including applying for a Conditional Use Permit which would exclude adult entertainment.

The Public Hearing closed.

Chair Morris stated that he was concerned about the traffic count already at 15,000 and with Bragg Blvd. closing that would increase traffic coming through this area.

Mr. Lloyd stated that the Planning Department has been asked to try and come up with a Mixed Use Plan for the Shaw Heights area.

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

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

#### MINUTES OF APRIL 17, 2007

Mr. Combs reviewed the site information and stated that staff recommends denial of the C(P) district based on the findings that the C(P) zoning district is not consistent with the 2010 Land Use Plan, which calls for Medium Density Residential at this location; and rezoning this parcel would introduce commercial zoning into a primarily residential district. There are no other suitable zoning districts to be considered for this request.

Ms. Speicher advised the Board that a conditional use overlay was approved on this property in 1993 for a greenhouse/plant husbandry operation and explained the overlay concept. She advised the Board that the petitioner now wants to add an office for his business on the site.

Mr. Barrett stated that this C(P) request would require the Board to consider all allowable uses in that district.

The Public Hearing opened.

Rodney Garrett spoke in favor of the request and stated that he wanted to remodel an existing building to allow him to operate an office for the business. He stated that all of his neighbors were in favor of this and that he felt the change would improve the neighborhood.

No one appeared in opposition. The Public Hearing closed.

Chair Morris reviewed the high traffic count in the area and stated that the existing number of abandoned mobile homes in the area makes it clear that the area is transitioning away from residential uses.

Vice-Chair McLaurin asked if the applicant was aware of the possibility of a conditional use. Ms. Speicher stated that the applicant had been informed of that and had received an application but that he preferred a straight rezoning request at this time.

Mr. Garrett stated that he felt sure his request would improve the area and that all he wanted was an office to conduct his existing business in. Chair Morris clarified for Mr. Garrett that the Board's hesitation centered on the other allowable uses within the C(P) zoning. Discussion followed on what the petitioner could ask for and the possibility of exploring a conditional use on the property to exclude undesirable uses.

**Mr. McLaurin made a motion, seconded by Mr. Cain, to defer case P07-25 for 30 days to allow the petitioner time to consider submitting a Conditional Use application. Unanimous approval.**

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

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

Requested Rezoning from R6A/CU to CCP *per Mr. Barrett*

Address of Property

Sought to be Rezoned 1227 Shaw Road Fay, NC 28311

Street Address or Route and Box # and Zip Code

Located on Take Bragg Blvd going towards Fort Bragg - At intersection with a light  
take R onto Shaw Rd property on left hand side

General Directions to Site

Parcel Identification Number 0419 - 84 - 1533 -  
(Obtain from Tax Receipt or Office of the Tax Administrator - (910) 678-7567)

Lot(s)# 1 Frontage 100 feet Depth 300 feet Acreage 1

Existing Use of Property (Residential, commercial, etc.) Residential  
with special circumstances

Proposed Use of Property Commercial

Water Provider: Well        PWC ☒ Other (name)       

Septage Disposal Provider: Septic Tank yes <sup>New</sup> PWC       

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

Yes        No ☒ If yes, where?       

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

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

X

APPLICATION FOR  
CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

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

Landscaping and other uses.

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

N/A

2. DIMENSIONAL REQUIREMENTS:

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

per site plan

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

site plan

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

I.A.W zoning ordinance

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

N/A

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

5. MISCELLANEOUS:

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

6. SITE PLAN REQUIREMENTS:

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

7. ACKNOWLEDGEMENT:

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

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

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

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

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

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

Rodney Garrett  
NAME OF OWNERS (PRINT OR TYPE)

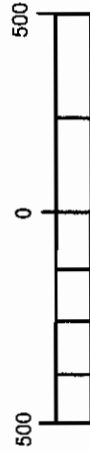
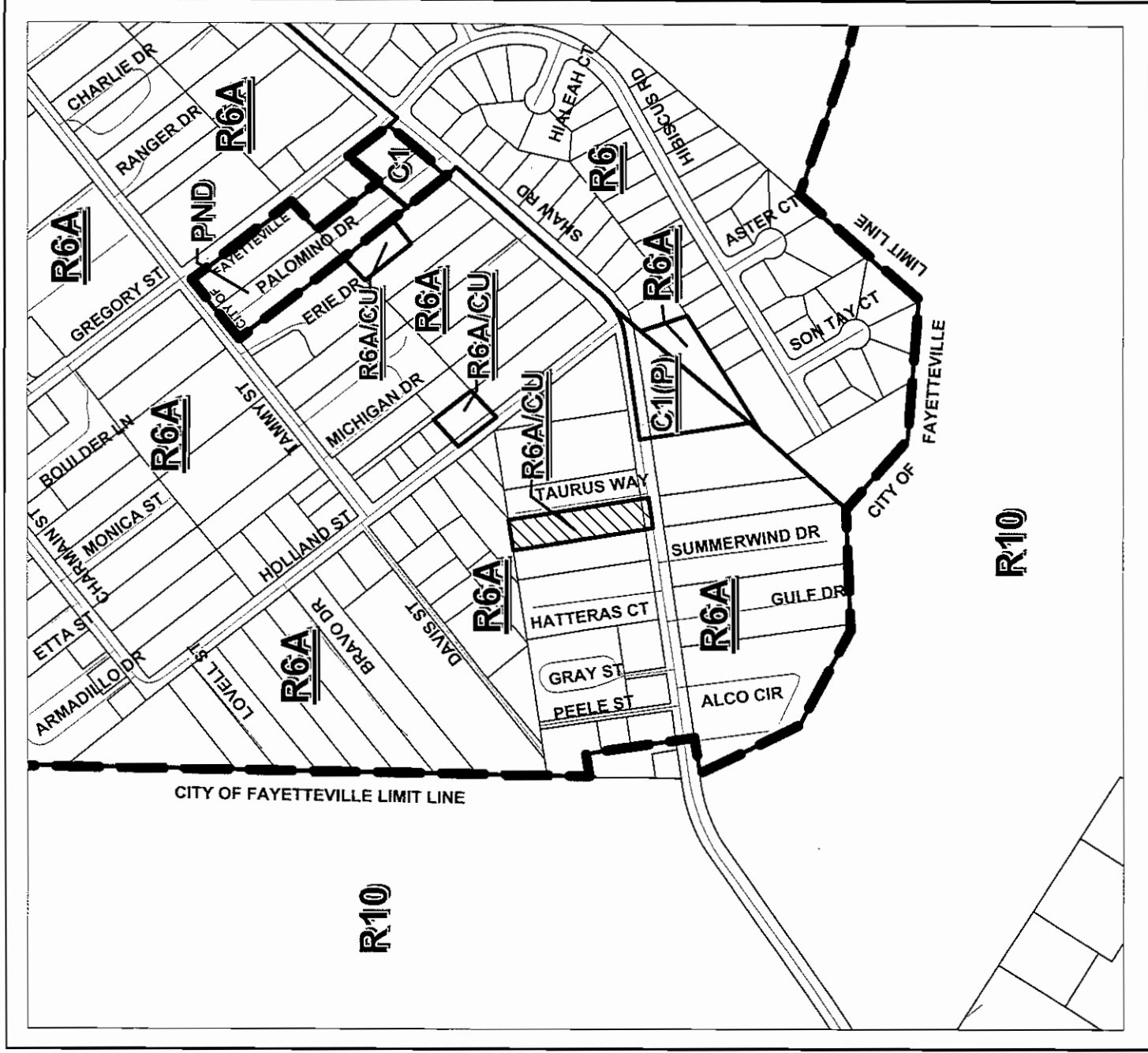
514 Creek Farm Rd. Parkton 28376  
ADDRESS OF OWNER(S)

(910) 848 2244  
HOME TELEPHONE #

(910) 850-6815  
WORK TELEPHONE #

Rodney Garrett  
SIGNATURE OF OWNER(S)

\_\_\_\_\_  
SIGNATURE OF OWNER(S)



SCALE IN FEET

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

ACREAGE: 1.00 AC. +/-	HEARING NO: P07-25
ORDINANCE: COUNTY	HEARING DATE
PLANNING BOARD	ACTION
GOVERNING BOARD	

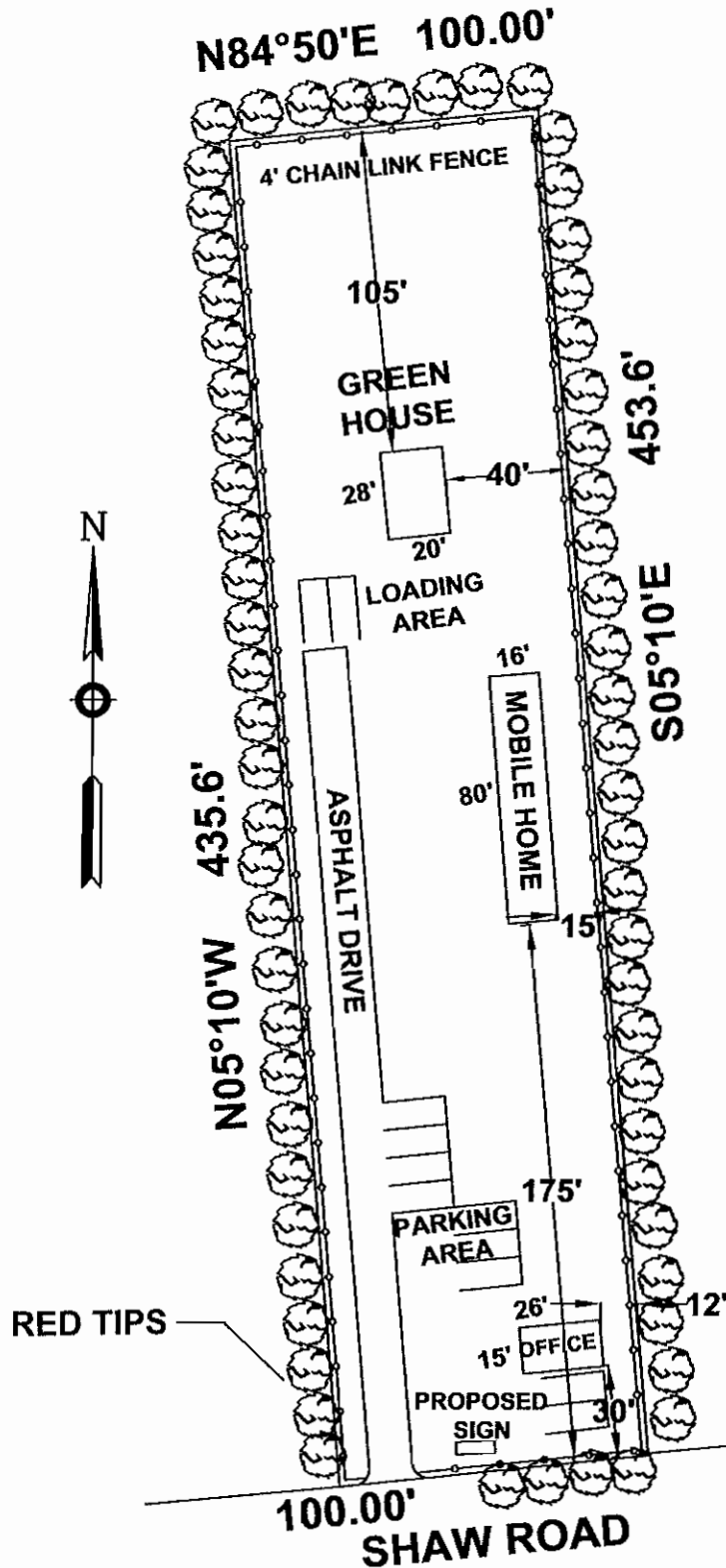
# CONDITIONAL USE DISTRICT & PERMIT

REQUEST: TO ALLOW PERMITTED USES WITH EXCLUSIONS.

CASE: P07-25 ACREAGE: 1.00+/-

ZONED: R6A/CU SCALE: NTS

PARKING: SPACES AS SHOWN





Charles C. Morris,  
Chair  
Town of Linden

Donovan McLaurin,  
Vice-Chair  
Wade, Falcon & Godwin

Gariand C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

ITEM NO.

3C

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

JUNE 8, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-29: REZONING OF 3.80 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4848 SOUTH MAIN STREET, OWNED BY WILLIAM K. AND PATRICIA W. GAUTIER, SUBMITTED BY VANCE JOHNSON PLUMBING COMPANY, INC.**

ACTION: THE MEMBERS PRESENT AT THE MAY 15, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE C(P) PLANNED COMMERCIAL DISTRICT/CONDITIONAL USE DISTRICT AND PERMIT.

**SITE INFORMATION:** Area: 3.80 acres; **Frontage & Location:** 200 feet on S. Main Street; **Depth:** 834 feet; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Residential **Initial Zoning:** February 3, 1977 (Area 7); **Zoning Violation(s):** None; **Surrounding Zoning:** North-R6A, R6A/CU, C3, East-R6A, C1(P), C(P), C3, M2, South-R6A, R6A/CU, C1(P), C(P) and West-CD, R6A; **Surrounding Land Use:** MHP, church, duplex, auto sales, and single family residential; **2010 Land Use Plan:** Medium Density Residential; **Municipal Influence Area:** Hope Mills; **Urban Services Area:** Yes; **Water/Sewer Availability:** Well / Septic Tank; **Soil Limitations:** None; **Military Impact Area:** No; **Highway Plan:** S. Main Street is identified as a Major Thoroughfare. This proposal calls for a multi-lane facility (Priority 1). Road improvements are not included in the 2007-2013 MTIP; **Average Daily Traffic Count (2004):** 14,000 on S. Main Street.

#### Conditions of the Application

1. Proposed Use: Plumbing company office w/no outside storage
2. Hours of Operation: Monday-Saturday, 7:00 am to 7:00 pm
3. Number of Employees: 50
4. Buffering: Planted hedge around the business
5. Service Vehicles: 10

#### Conditional Use District & Permit

#### Ordinance Requirements

**Permit-Related:**

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
3. The developer must provide the Code Enforcement Section with an approved state sedimentation and erosion control plan (S&E) prior to any application for permits. If any
4. retention/detention basins are required for state approval of this plan, then five copies of a revised plan showing the location of the basin(s) must be submitted and approved by Planning & Inspections prior to application for any permits.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. A demolition permit and/or moving permits must be obtained from the Code Enforcement Section prior to removal of the existing structures on this site.
7. The *Certificate of Occupancy* will not be issued until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

**Site-Related:**

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the C(P) zoning district must be complied with, as applicable.
9. The small stream standards set forth in Section 6.5-44, County Flood Damage Prevention Ordinance, shall be complied with during construction and upon completion of development within this subdivision as enforced by the County Engineer's Office.
10. The signage for this development shall be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
11. The developer must obtain driveway permits from the NC Department of Transportation (NCDOT).
12. The NC Department of Transportation (NCDOT) may require turn lanes to be installed.
13. Off-street parking shall be provided as noted on the site plan - meeting all applicable provisions of Section 1202, County Zoning Ordinance - and all parking spaces, measuring 9' x 20', shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the *Certificate of Occupancy*.
14. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
15. A solid buffer must be provided and maintained in accordance with the provisions of Section 1102 G, County Zoning Ordinance

16. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
17. The developer must submit a revised plan to Land Use Codes for review and approval prior to any permit application with the minimum landscaping standards shown on the plan. The following are the minimum standards required for landscaping this site:
  - a. Four large shade trees or eight small ornamental trees are required on this tract along the length of the right-of-way of NC Hwy 59 (S. Main Street);
  - b. One small ornamental trees or three shrubs are required within the building setback area;
  - c. Four large shade trees or eight small ornamental trees are required within the parking area;
  - d. All required plant materials shall be maintained by the property owners, including replacing dead or unhealthy trees and shrubs. Trees shall be maintained in a vertical position at all times;
  - e. All planting areas shall be kept free of weeds and debris;
  - f. Healthy existing trees may be used to meet the landscaping requirements; and
  - g. Trees may be clustered.
18. All notes and calculations as shown on the site plan and application are to be considered as a part of this conditional approval.

**Municipal Influence Area Requirements:**

19. Because the subject property is located within the Hope Mills Municipal Influence Area, the following standards must be complied with:
  - a. All utility lines, except for 25kv or greater electrical lines, shall be placed underground [§86-128(b)]; and
  - b. All drainage ways must be cleared and kept free of debris (§86-125).

**MINUTES OF MAY 15, 2007:**

The Planning & Inspections Staff recommended approval of the C(P)/Conditional Use District based on the following:

1. Although the request is not consistent with the 2010 Land Use Plan, which calls for Medium Density Residential at this location, the request is reasonable and consistent with the existing uses and zoning in the general area; and
2. The area is in transition from residential to commercial-type uses.
3. The subject property has direct access to a Major Thoroughfare.

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

1. The use will not materially endanger the public health or safety if located according to the site plan as submitted;
2. The use will meet all required conditions and specifications if constructed according to the County Zoning and Subdivision Ordinance, the requirements of which are attached to this recommendation - the owner has verbally agreed to all conditions;
3. The use will maintain or enhance the value of adjoining or abutting properties. This area is becoming blighted and this development will spur increased interest in the area; and

4. The location and character of the use, if developed according to the plan as submitted, will be in harmony with the area in which it is to be located because this is a quality development that is to be landscaped, buffered, etc., and the proposed use will compliment the area.

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

There was no one present in favor or in opposition to the request.

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

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

MINUTES OF APRIL 17, 2007

Mr. Combs asked that P07-29 be deferred until May 15, 2007.

**A motion was made by Vice-Chair McLaurin, seconded by Mrs. Piland, to accept the adjustments and deferrals to the agenda. Unanimous approval.**

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

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

Requested Rezoning from R-6 A to CP

Address of Property Sought to be Rezoned 4648 S. Main St. Hope Mills, NC 28348  
Street Address or Route and Box # and Zip Code

Located on Hope Mills Rd - very close to Hwy 301  
General Directions to Site

Parcel Identification Number 0413 - 96 - 3002  
(Obtain from Tax Receipt or Office of the Tax Administrator - (910) 678-7567)

Lot(s)# 1 Frontage 200 feet Depth 834 feet Acreage 3.8

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

Proposed Use of Property Plumbing business (office)

Water Provider: Well ☒ PWC ☐ Other (name) \_\_\_\_\_

Septage Disposal Provider: Septic Tank ☒ PWC ☐

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

Yes \_\_\_\_\_ No ☒ If yes, where? \_\_\_\_\_

Has a violation been issued on this property? Yes \_\_\_\_\_ No ☒

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

2584 -  
369

APPLICATION FOR  
CONDITIONAL USE PERMIT

1. PROPOSED USE(S): Plumbing Co.

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

Plumbing Co. ( office )

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

n/a

2. DIMENSIONAL REQUIREMENTS:

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

Ref site plan

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

Ref site plan

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

Ref zoning ordinance

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

Rev Site plan

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

Planted hedge buffer around business.

5. MISCELLANEOUS:

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

Exterior lighting pointed inward, security fence  
Monday - Saturday 7 A.M. to 7 P.M.  
There will not be outdoor storage.  
Approx. 50 employees.

6. SITE PLAN REQUIREMENTS:

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

7. ACKNOWLEDGEMENT:

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

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

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

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

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

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

Don't Johnson  
NAME OF OWNERS (PRINT OR TYPE)

\_\_\_\_\_  
ADDRESS OF OWNER(S)

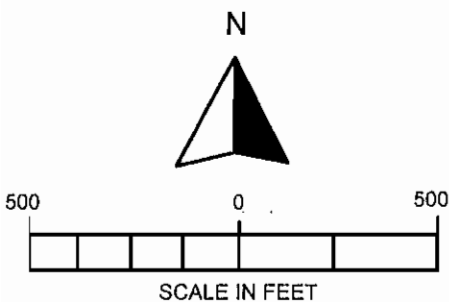
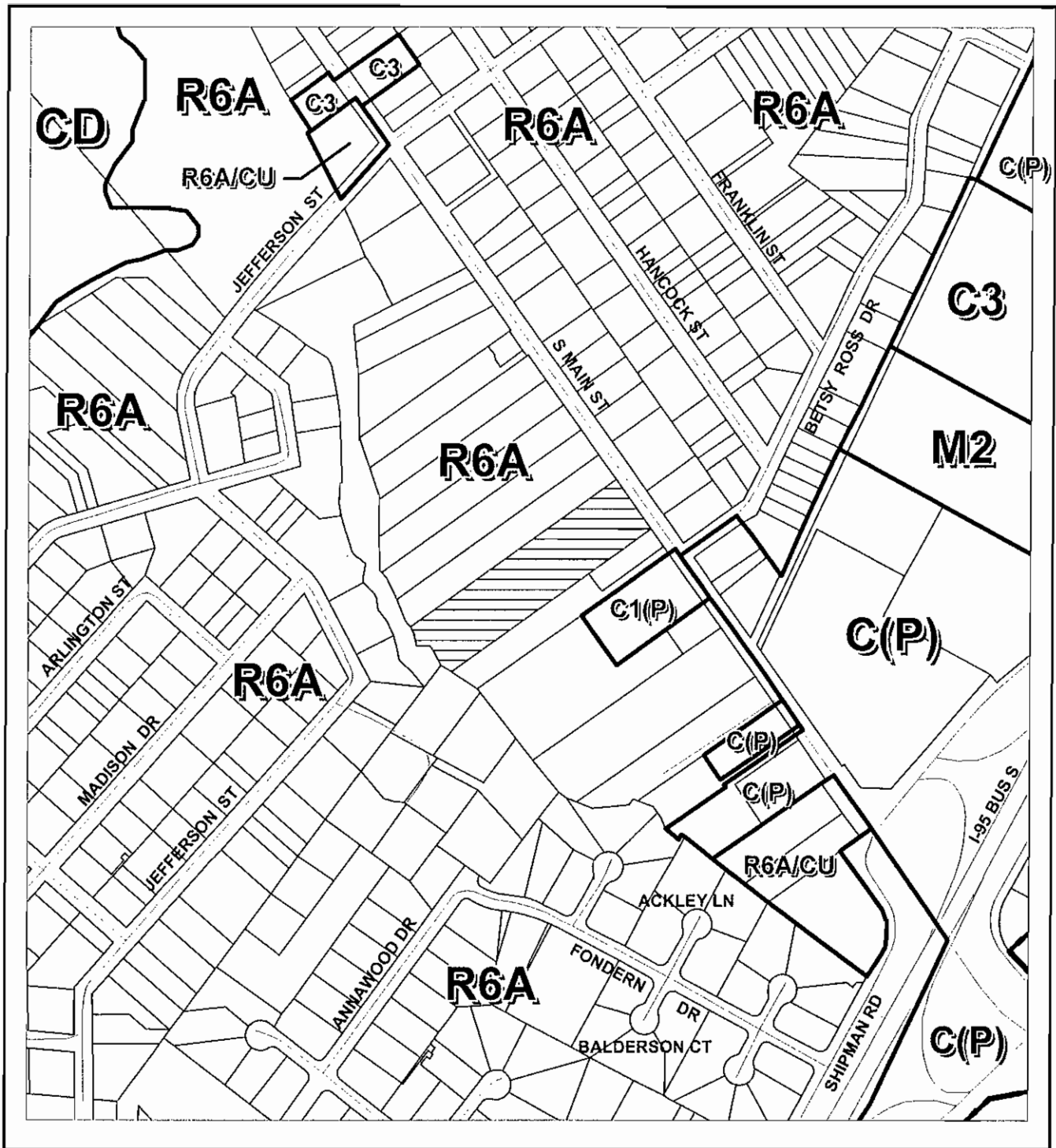
\_\_\_\_\_  
HOME TELEPHONE #

(Tim) 273-5016  
WORK TELEPHONE #

Tim Jones  
SIGNATURE OF OWNER(S)

[Signature]  
SIGNATURE OF OWNER(S)





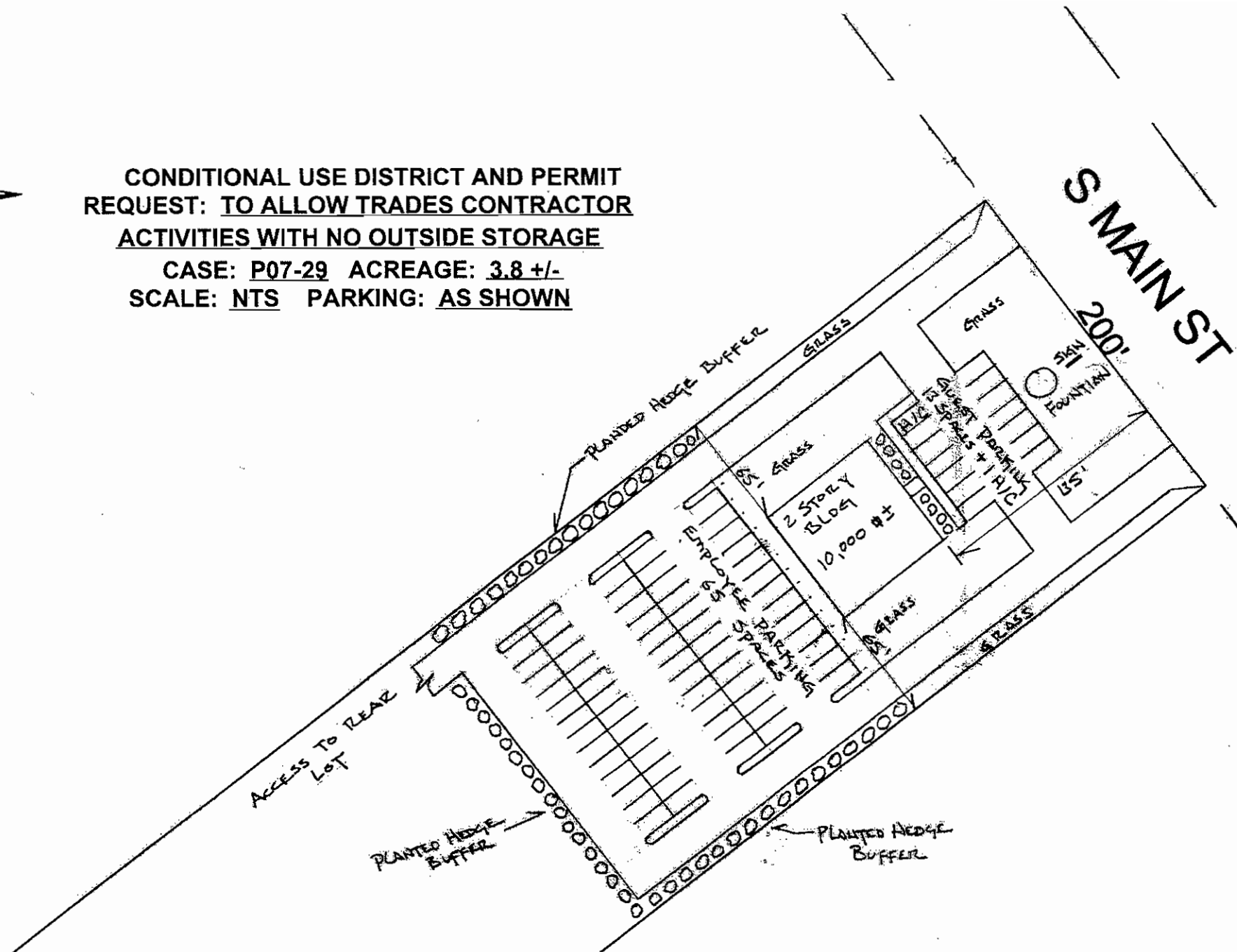
## REQUESTED REZONING R6A TO C(P)/CUD

ACREAGE: 3.8 AC.+/-		HEARING NO: P07-29	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			



CONDITIONAL USE DISTRICT AND PERMIT  
REQUEST: TO ALLOW TRADES CONTRACTOR  
ACTIVITIES WITH NO OUTSIDE STORAGE

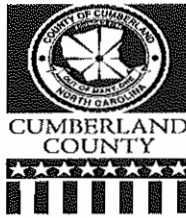
CASE: P07-29 ACREAGE: 3.8 +/-  
SCALE: NTS PARKING: AS SHOWN



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  
Patricia Hall,  
Town of Hope Mills



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

ITEM NO. 3D

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

JUNE 8, 2007

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

**FROM:** CUMBERLAND COUNTY JOINT PLANNING BOARD

**SUBJECT:** **P07-34:** REZONING OF .55 ACRES FROM R6/CONDITIONAL USE TO R6, AT 137 NEW STREET, OWNED BY STANLEY AND LISA SIMMONS.

**ACTION:** MEMBERS PRESENT AT THE MAY 15, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATIONS AND APPROVE R6 RESIDENTIAL DISTRICT.

**SITE INFORMATION:** **Area:** .55 acres; **Frontage & Location:** 177 feet on New Street; **Depth:** 165 feet; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Vacant – Conditional Use Overlay to allow trades contractor activities excluding outside storage; **Initial Zoning:** January 7, 1977 (Area 11); **Zoning Violation(s):** None; **Nonconformities:** Yes – the existing structure is legal, non-conforming (built in 1950); **Surrounding Zoning:** North-R6, Spring Lake Town limit-CD, R10, R6, R6A, R5A, C1, C3, M1, East-R6/CU, R6A, C3, town limit-R10, R6, R6A, R5, South-R6, town limit-PND, R6, R5A, C(P), C3, and West-R10, R5, C(P), C3; **Surrounding Land Use:** Fast food restaurants (4), realty office, garage, auto parts and accessories, grocery store, electric supply store, retail store, manufactured home park, motel, insurance company, single family residential and woodland; **Spring Lake Area Detailed Land Use Plan:** Planned Commercial; **Municipal Influence Area:** Spring Lake; **Urban Services Area:** Yes; **Water/Sewer Availability:** Town of Spring Lake utilities; **Soil Limitations:** None; **School Capacity/Enrolled:** Mae Rudd Williams 75/58, Manchester Elementary 349/340, Spring Lake Middle 706/530, Pine Forest High 1750/1659; **Subdivisions:** These lots will need to be recombined prior to any development of the property; **Military Impact Area:** Yes; **Ft Bragg/Pope AFB:** Pope AFB has no objections to this case; **Highway Plan:** No road improvements or new construction specified for this area; **Notes:** Density: 3 lots / 5 units

#### MINUTES OF MAY 15, 2007

The Planning & Inspections Staff recommended approval of the R6 district based on the following:

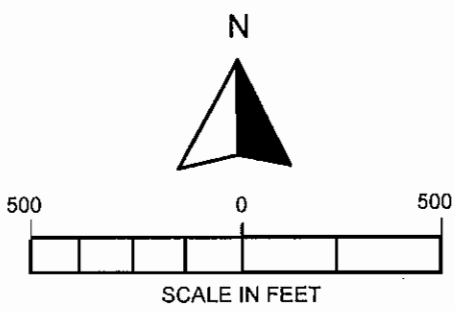
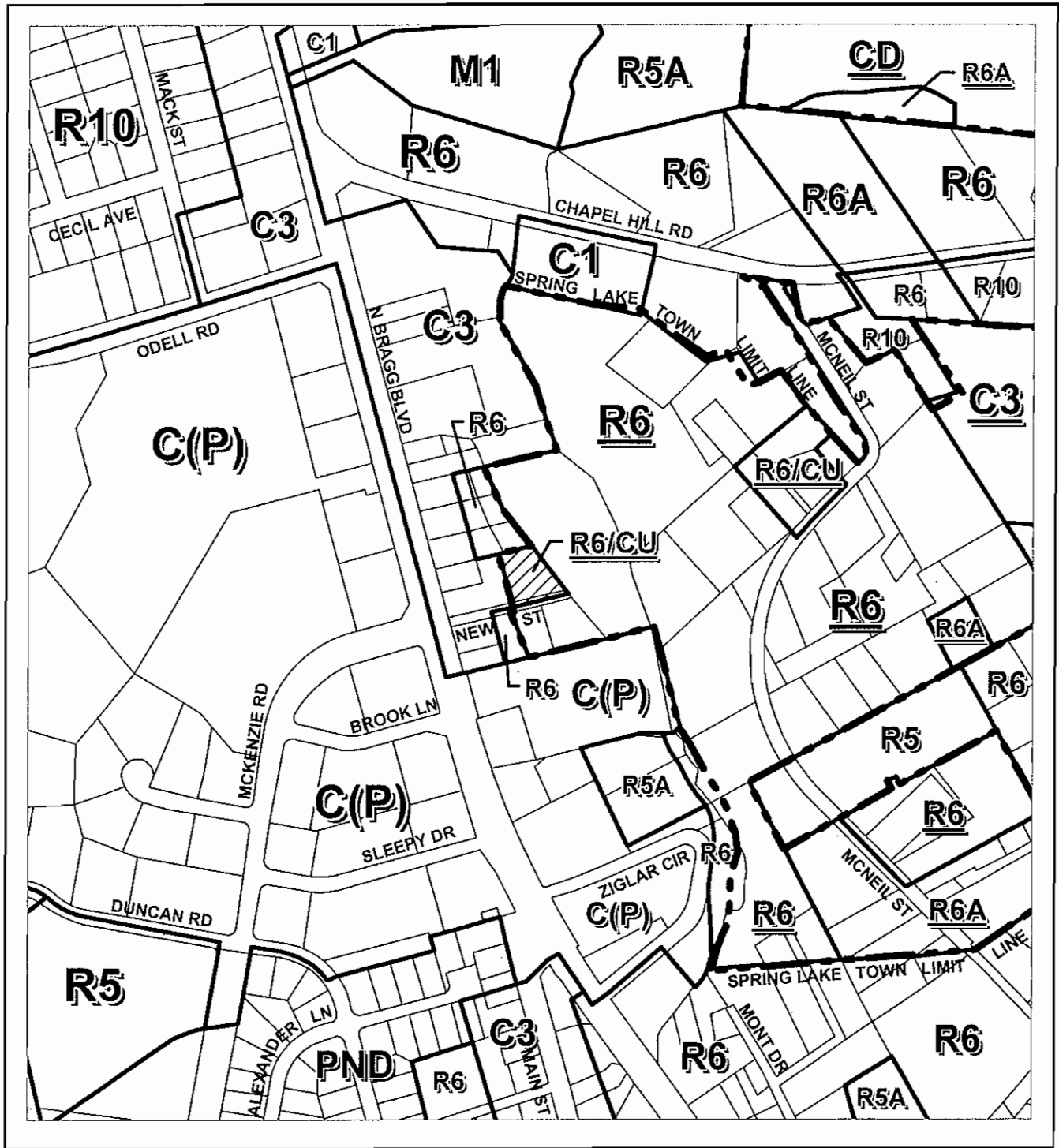
1. Although the request is not consistent with the Spring Lake Area Detailed Land Use Plan, which calls for Planned Commercial at this location, the R6 zoning district is in character with the residential zoning surrounding the subject property on three sides; and
2. Spring Lake utilities are available to the subject property.

3. The request, if approved, will allow for removing the nonconforming status of the existing residential structure on the site.

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

There was no one present in favor or in opposition to the request.

**A motion was made by Mrs. Epler, seconded by Mrs. Piland, to follow the staff recommendation and approve case P07-34 as submitted. Unanimous approval.**



## REQUESTED REZONING R6/CU TO R6

ACREAGE: 0.55 AC.+/-

HEARING NO: P07-34

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

GOVERNING BOARD

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  
Patricia Hall,  
Town of Hope Mills



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

ITEM NO. 3E  
Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

JUNE 8, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-37: REZONING OF 1.0+/- ACRE FROM M(P) TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTH OF GRAY GOOSE LOOP, SOUTH OF PREVIS DRIVE, SUBMITTED BY MOORMAN, KIZER AND REITZEL, INC, OWNED BY HUFF-CAVINESS, LLC.**

ACTION: THE MEMBERS PRESENT AT THE MAY 15, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE R7.5 RESIDENTIAL DISTRICT.

**SITE INFORMATION:** Area: 1.0 +/- acres; Depth: 292 feet; Jurisdiction: County; Adjacent Property: Yes; Current Use: Vacant; Initial Zoning: November 17, 1975 (Area 4); Zoning Violation(s): None; Surrounding Zoning: North-RR/CU, R10, R10/CU, R5A, East-R10, R6A, M(P), South-R10, R6, R6A, C(P), M(P), and West-R10, R10/CU, R6, R6A; Surrounding Land Use: Single family residential and woodland; 2010 Land Use Plan: Low Density Residential; Urban Services Area: Yes; Water/Sewer Availability: PWC / PWC – an extension will be required to serve the entire lot; Soil Limitations: None; School Capacity/Enrolled: Cumberland Mills Elementary 519/614, Ireland Drive Middle 343/348, Douglas Byrd Middle 765/723, Douglas Byrd High 1280/1237; Subdivisions: This is part of the preliminary subdivision plan Case 03-239; Military Impact Area: No; Highway Plan: No road improvements or new construction specified for this area; Notes: Density: R7.5 – 5 lots

MINUTES OF MAY 15, 2007:

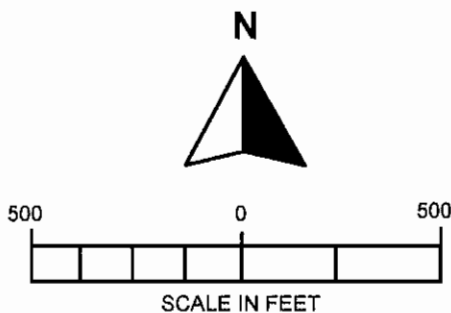
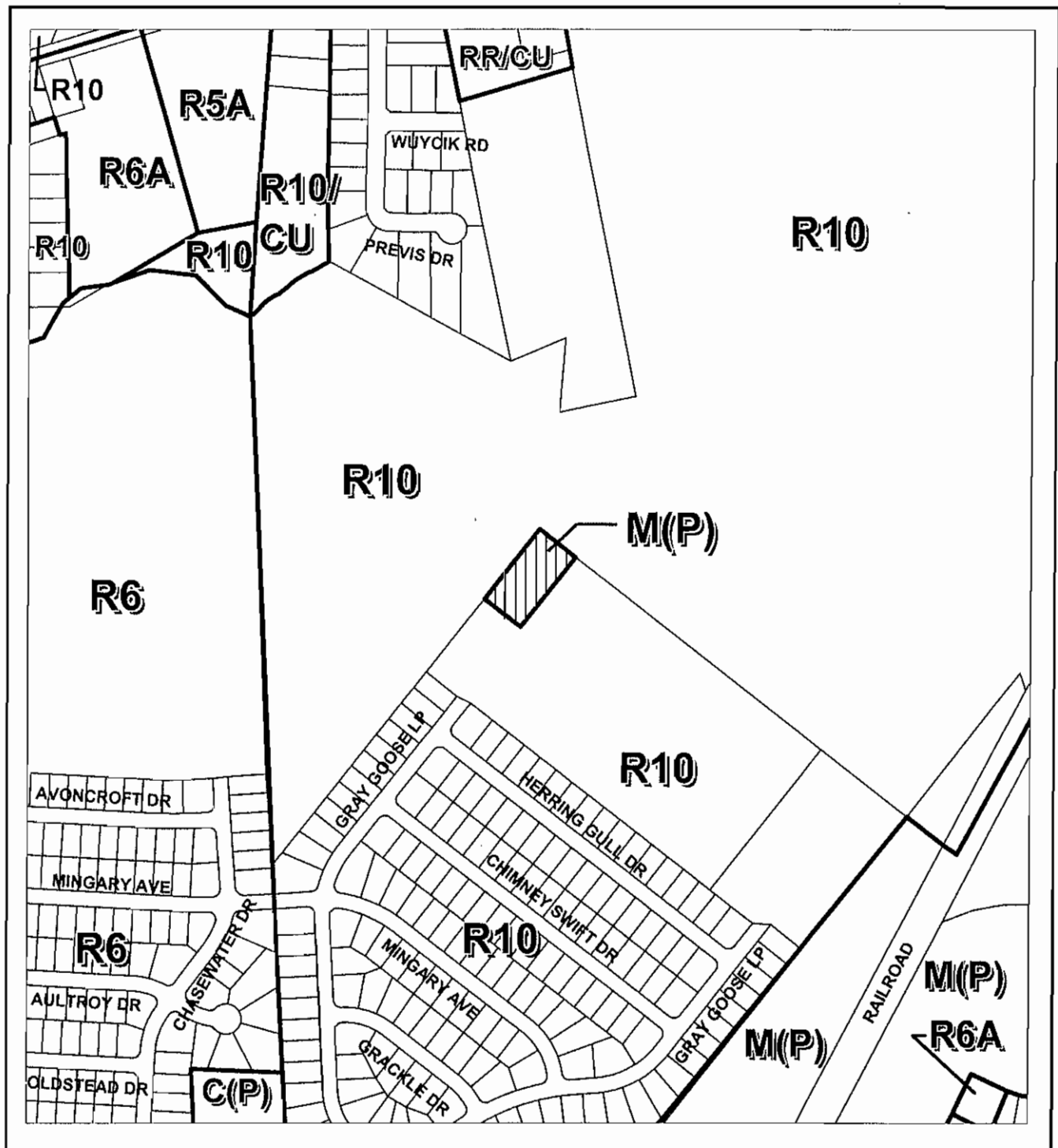
The Planning & Inspections Staff recommended approval of the R7.5 district based on the following:

1. The request is consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location; and
2. This request is consistent with the zoning of the surrounding area.

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

There was no one present in favor or in opposition to the request.

**A motion was made by Mrs. Epler, seconded by Mrs. Piland, to follow the staff recommendation and approve case P07-37 as submitted. Unanimous approval.**



## REQUESTED REZONING: M(P) TO R7.5

ACREAGE: 1.00 AC. +/-

HEARING NO: P07-37

ORDINANCE: COUNTY

HEARING DATE

ACTION

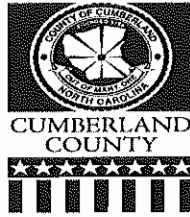
PLANNING BOARD

GOVERNING BOARD

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  
Patricia Hall,  
Town of Hope Mills



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

ITEM NO.

3F

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

JUNE 8, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-40: REZONING OF 3.27 ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT THE SOUTHEAST QUADRANT OF SANDEROSA AND BEN MCNATT ROADS, SUBMITTED BY ROBERT MCNATT, OWNED BY WANDA F. LANE.**

ACTION: THE MEMBERS PRESENT AT THE MAY 15, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE R40A RESIDENTIAL DISTRICT.

**SITE INFORMATION:** Area: 3.27 acres; **Frontage & Location:** 353 feet on Sanderosa Road; **Depth:** 339 feet; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Residential and farming; **Initial Zoning:** April 24, 1979 (Area 8); **Zoning Violation(s):** None; **Surrounding Zoning:** North-A1, RR, R6A, HS(P), C(P), East and South-A1, R40A, RR, and West-A1, R40, RR, R6A, HS(P), C1(P); **Surrounding Land Use:** Welding company, church, single family residential and farmland; **Eastover Study Area Detailed Land Use Plan:** One-Acre Residential **Urban Services Area:** Yes; **Water/Sewer Availability:** Well / Septic Tank; **Eastover Sanitary District:** Recommend request be denied. This area is mostly A1 and should remain that way. More mobile homes will create a slum/blight area. R40A is not allowed by the Land Use Plan in this area; **Soil Limitations:** Yes – St (Stallings loamy sand); **School Capacity/Enrolled:** Armstrong Elementary 436/437, Mac Williams Middle 1274/1162, Cape Fear High 1400/1489; **Subdivisions:** A subdivision or group development review will be required prior to any development of this property; **Military Impact Area:** No; **Highway Plan:** No road improvements or new construction specified for this area; **Average Daily Traffic Count (2004):** 750 Sanderosa Road; **Notes:** Density: A1 – 1 lot, A1A – 3 lots, R40A – 3 lots; Ben McNatt Road is a platted Class "C" Private Street

MINUTES OF MAY 15, 2007:

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

1. The request is consistent with the Eastover Study Area Detailed Land Use Plan, which calls for One-Acre Residential at this location; and
2. This request is consistent with the zoning and uses within the general area.

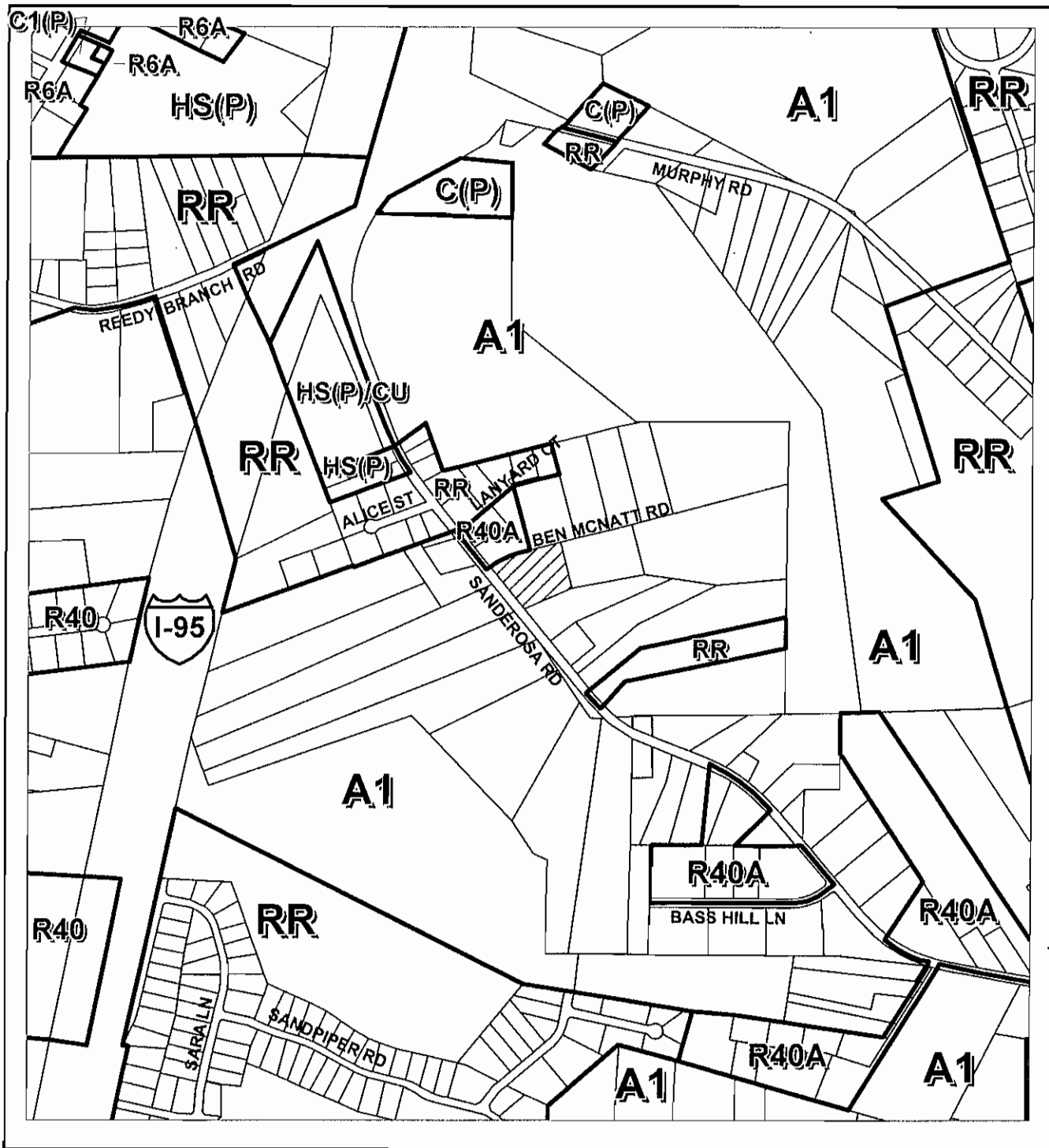


Case P07-40 Continued

The A1A and R40 zoning districts are also other suitable zoning districts to be considered for this site.

There was no one present in favor or in opposition to the request.

**A motion was made by Mrs. Epler, seconded by Mrs. Plland, to follow the staff recommendation and approve case P07-40 as submitted. Unanimous approval.**



## REQUESTED REZONING A1 TO R40A

ACREAGE: 3.27 AC.+/-

HEARING NO: P07-40

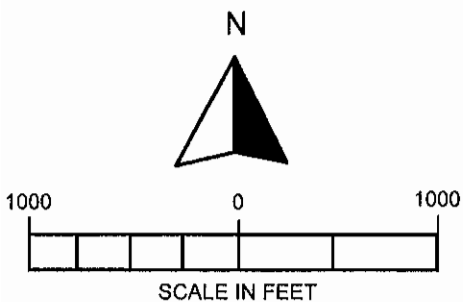
ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

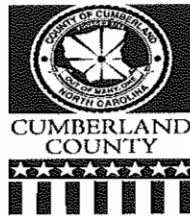
GOVERNING BOARD



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  
Patricia Hall,  
Town of Hope Mills



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

ITEM NO. 36

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

JUNE 8, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-41: REZONING OF 2.0+/- ACRES FROM A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4454 HUCKLEBERRY ROAD, OWNED BY CHARLIE HARRIS.**

ACTION: THE MEMBERS PRESENT AT THE MAY 15, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE R40A RESIDENTIAL DISTRICT.

**SITE INFORMATION:** Area: 2.0 acres; **Frontage & Location:** 325 feet on Huckleberry Road; **Depth:** 213 feet; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Residential; **Initial Zoning:** April 25, 1979 (Area 8); **Zoning Violation(s):** None; **Surrounding Zoning:** North-A1, R40A, RR, R15, East-A1, RR, R15, R10, South-A1, A1A, RR, and West-A1, R40A, RR; **Surrounding Land Use:** Open storage and dump truck repair, single family residential and woodland; **Eastover Study Area Detailed Land Use Plan:** One-acre residential; **Urban Services Area:** Yes; **Water/Sewer Availability:** Well / Septic tank; **Eastover Sanitary District:** Recommend request be denied. This area is mostly A1 and should remain that way. More mobile homes will create a slum/blight area. R40A is not allowed by the Land Use Plan in this area; **Soil Limitations:** None; **School Capacity/Enrolled:** Armstrong Elementary 436/437, Mac Williams Middle 1274/1162, Cape Fear High 1400/1489; **Subdivisions:** A group development or subdivision review will be required on this property prior to any development; **Military Impact Area:** No; **Highway Plan:** No road improvements or new construction specified for this area. **Average Daily Traffic Count (2004):** 470 on Huckleberry Road; **Notes:** Density: A1 – 1 lot, A1A – 2 lots, R40A – 2 lots

MINUTES OF MAY 15, 2007:

The Planning & Inspections Staff recommended denial of the R40A district and approval of the A1A district based on the following:

1. The A1A zoning district is more consistent with the Eastover Study Area Detailed Land Use Plan, which calls for One-Acre Residential at this location; and
2. A1A is more consistent with the current zoning and character of the general area.

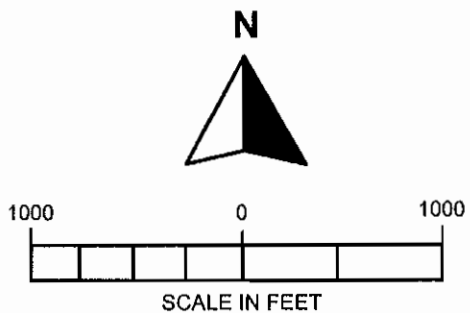
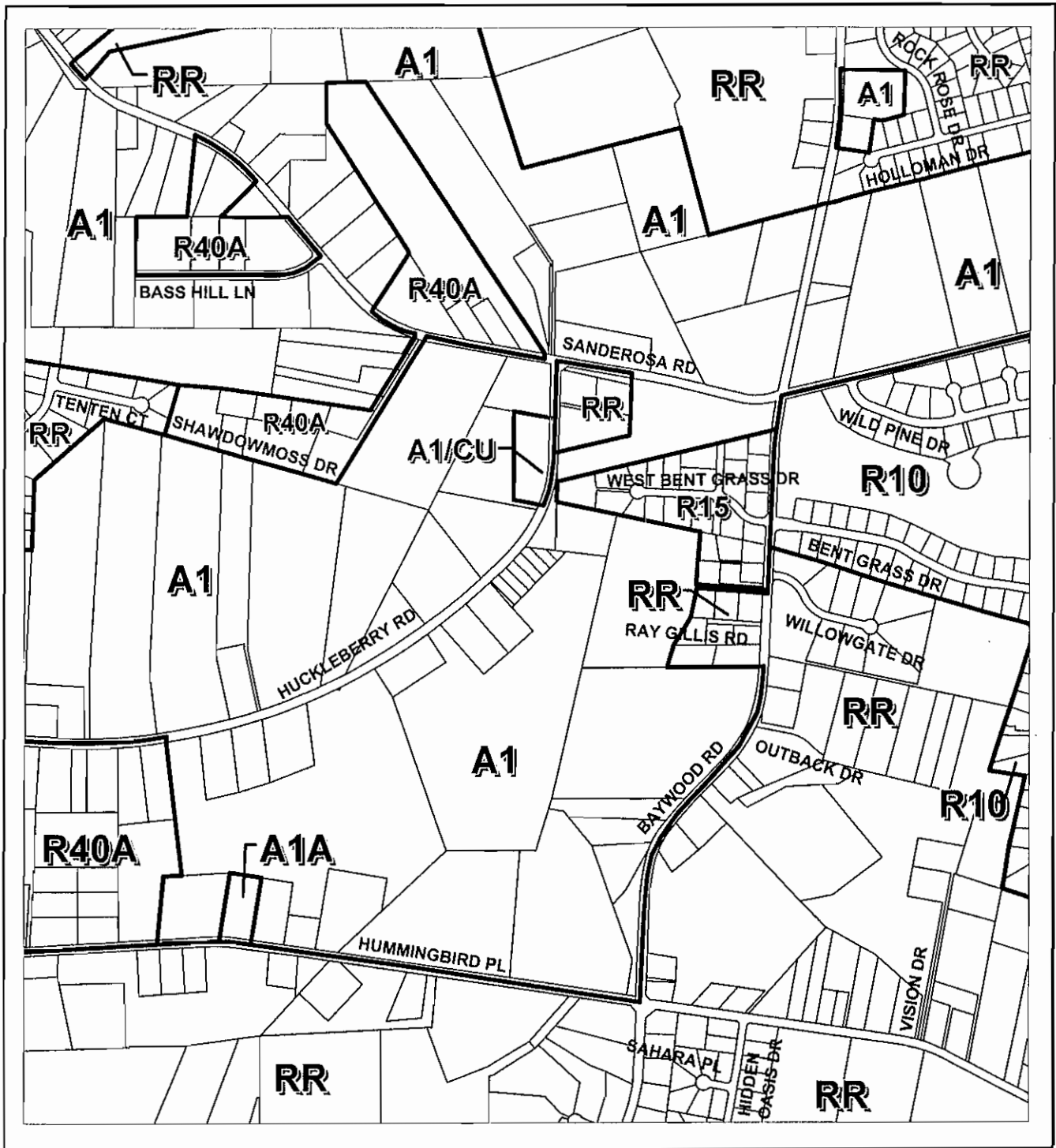
The applicant has verbally stated his approval to the A1A zoning district and has been given a copy of the standards for a Class "A" Manufactured Home.

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

Case P07-41 Continued

There was no one present in favor or in opposition to the request.

**A motion was made by Mrs. Epler, seconded by Mrs. Piland, to follow the staff recommendation and approve case P07-41 as submitted. Unanimous approval.**



## REQUESTED REZONING: A1 TO R40A

ACREAGE: 2.00 AC.+/-

HEARING NO: P07-41

ORDINANCE: COUNTY

HEARING DATE

ACTION

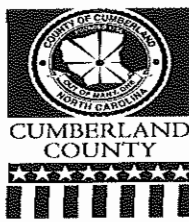
PLANNING BOARD

GOVERNING BOARD

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  
Patricia Hall,  
Town of Hope Mills



**COUNTY of CUMBERLAND**  
*Planning and Inspections Department*

ITEM NO. 34  
Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

JUNE 8, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-33: REZONING OF 2.9 ACRES FROM R40A TO R30A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 804 MAGNOLIA CHURCH ROAD, SUBMITTED BY KATHY BUNCE, OWNED BY BETTY A. AUTRY.**

ACTION: THE MEMBERS PRESENT AT THE MAY 15, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND DENY THE REQUEST FOR REZONING.

**SITE INFORMATION:** Area: 2.9 acres; **Frontage & Location:** 298 feet on Magnolia Church Road; **Depth:** 446 feet (average); **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Residential; **Initial Zoning:** September 2, 1996 (Area 20); **Zoning Violation(s):** None; **Surrounding Zoning:** North-A1, R40A, East-A1, South-A1, R40, R40A, C(P), and West-A1, R20, Stedman Town limit-R15; **Surrounding Land Use:** Manufactured home park, single family residential, farmland and woodland; **Stedman Study Area Detailed Land Use Plan:** Farmland **Municipal Influence Area:** Stedman; **Urban Services Area:** No; **Water/Sewer Availability:** Well / Septic; **Soil Limitations:** Yes – Ly (Lynchburg sandy loam); **School Capacity/Enrolled:** Stedman Primary 136/139, Stedman Elementary 303/287, Mac Williams Middle 1274/1162, Cape Fear High 1400/1489; **Subdivisions:** Subdivision review, Case 07-011, approval contingent upon rezoning; **Military Impact Area:** No; **Highway Plan:** No road improvements or new construction for this area; **Average Daily Traffic Count (2004):** 13,000 on Magnolia Church Road; **Notes:** Density: R40A – 3 units, R30A – 4 units, This parcel was rezoned on January 28, 1997 from A1 to R40A (requested RR).

MINUTES OF MAY 15, 2007

Mr. Lloyd reviewed the site information and stated that the staff recommended denial of the R30A district based on the following:

1. The R30A district is not consistent with the 2010 Land Use Plan, which calls for "farmland" at this location; and
2. The current zoning is consistent with the character of the general area.

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

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

Kathy Bunce, the applicant, stated that she just wants her son to be able to place a new manufactured home on the property. She was advised that she had to have the land surveyed and put into three lots which she has done. All she wants to do is

keep the land in the family and have her son put his house there. Ms. Bunce said that the old mobile home is being used for storage right now and has been there for years.

Chair Morris asked if there was already a house and two mobile homes already there.

Ms. Bunce stated that she was advised with the current zoning the existing mobile home would need to be turned into a storage unit or removed.

Vice-Chair McLaurin asked that all she basically wanted to do was remove the old mobile home to place the new one there.

Ms. Bunce stated that her sister wants to keep it because she is using the mobile home for storage and can't afford to have it removed.

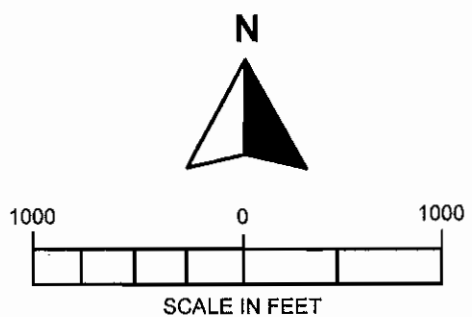
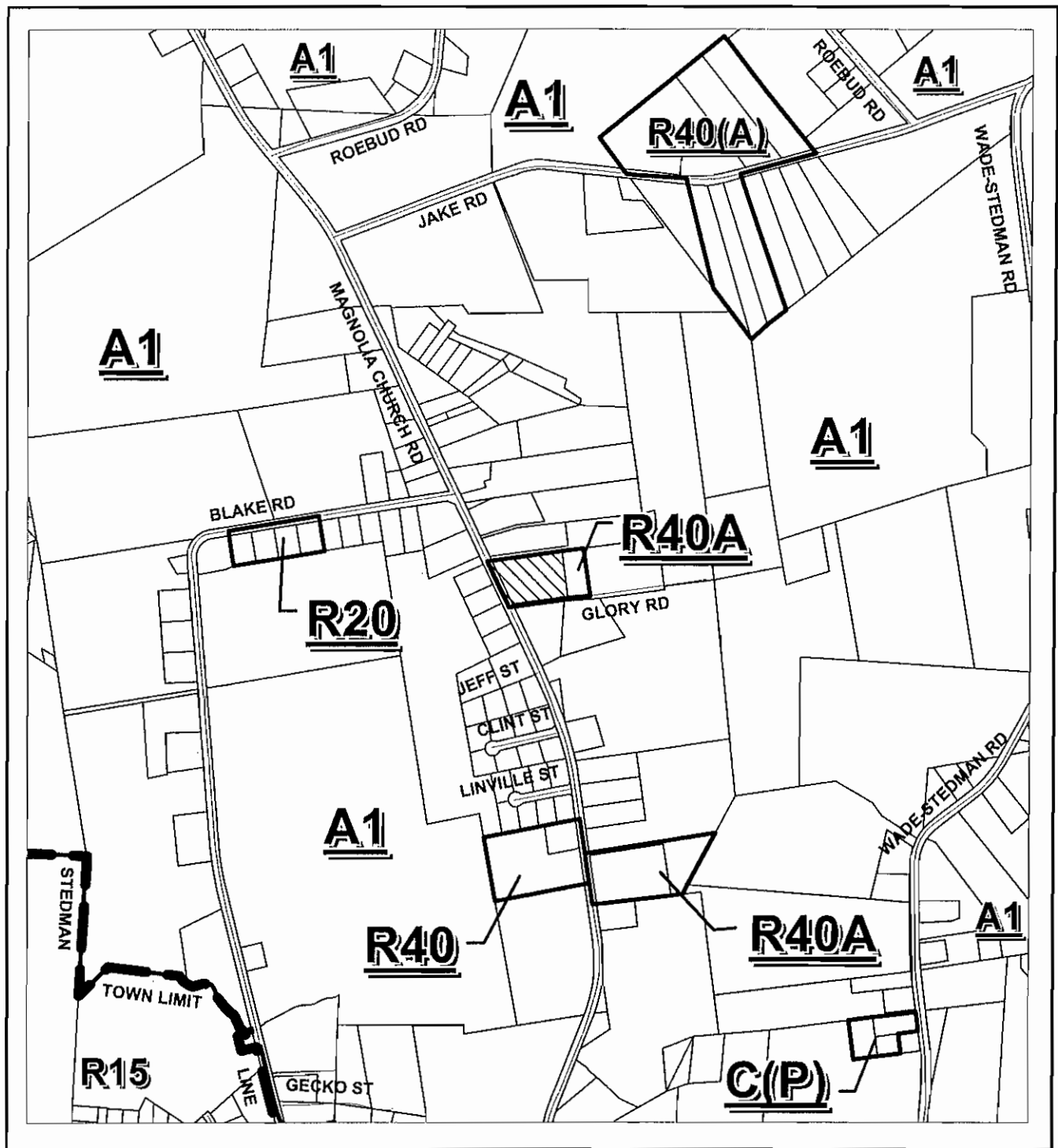
Mr. McNeil asked if the mobile home was hooked up to a septic tank and if there was any power. He also asked what made it a residence instead of a storage building.

Ms. Bunce replied that she was advised that she had to meet certain building codes to use the mobile home for storage.

The Public Hearing closed.

Chair Morris stated that if any rezoning cases came before the Board, any code violations should be resolved ahead of time.

**A motion was made by Chair Morris, seconded by Vice-Chair McLaurin to deny the request for rezoning. Unanimous approval.**



## REQUESTED REZONING: R40A TO R30A

ACREAGE: 2.90 AC.+/-

HEARING NO: P07-33

ORDINANCE: COUNTY

HEARING DATE

ACTION

PLANNING BOARD

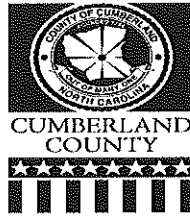
GOVERNING BOARD



Charles C. Morris,  
Chair  
Town of Linden

Donovan McLaurin,  
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Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman  
Patricia Hall,  
Town of Hope Mills



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

JUNE 8, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-32: REZONING OF 59.71 ACRES FROM R10 TO MIXED USE/CONDITIONAL USE DISTRICT AND PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF ROCKFISH ROAD, EAST SIDE OF LAKEWOOD DRIVE, SUBMITTED BY MICHAEL TACKETT, OWNED BY LILLIE M. PATE AND HCC INVESTMENTS, LLC.**

ACTION: THE MEMBERS PRESENT AT THE MAY 15, 2007 MEETING VOTED 7 TO 2 TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE MIXED USE/CONDITIONAL USE DISTRICT AND PERMIT. THE MOTION INCLUDES THE ADDITION OF SIDEWALKS ALONG LAKEWOOD AND ROCKFISH ROADS.

**SITE INFORMATION:** **Area:** 59.71 acres; **Frontage & Location:** 1,455 feet on Lakewood Drive, 2,360 feet on Rockfish Road; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Vacant; **Initial Zoning:** February 6, 1976 (Area 5); **Zoning Violation(s):** None; **Surrounding Zoning:** North- RR, R5A, Fayetteville city limit-R10, East-CD, RR, R20, R10, R5A, South-RR, R10, R6A, and West-RR, city limit-R10; **Surrounding Land Use:** Schools, single family residential, farmland and woodland; **2010 Land Use Plan:** Low Density Residential; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / PWC – extensions will be required to serve the entire site; **Soil Limitations:** Yes; **School Capacity/Enrolled:** Stoney Point Elementary 865/840, John Griffin Middle 1274/1294, Jack Britt High 1870/1869; **Military Impact Area:** No; **Highway Plan:** Rockfish Road is identified as a Major Thoroughfare and Lakewood Drive is identified as a Minor Thoroughfare. The proposals call for multi-lane facilities (Both are Priority 1). Road improvements are not included in the 2007-2013 MTIP; **Average Daily Traffic Count (2004):** 8,000 on Lakewood Drive, 12,000 on Rockfish Road;

#### Conditions of Application

1. Open space: 12.67 acres (21%)
2. Commercial/retail: 23.34 acres (39%)
3. Residential: 23.70 acres (39%) - 72 Townhouse units, 300 Condominiums
4. Parking: Commercial 1,203 spaces, Residential 728 spaces

#### Mixed Use Development/Conditional Use District & Permit

Ordinance Requirements:

**Permit-Related:**

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits.
3. The developer must provide the Code Enforcement Section with an approved state sedimentation and erosion control plan (S&E) prior to any application for permits. If any retention/detention basins are required for state approval of this plan, then five copies of a revised plan showing the location of the basin(s) must be submitted and approved by Planning & Inspections prior to application for any permits.
4. The developer is required to hook up to sewer services and a fee is required to be paid to the County Engineer's Office prior to permit application. These fees are assessed to each lot or structure that hooks up to the "Little Rockfish Interceptor", please contact the County Engineer's Office for fee amount and method of payment.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. *Certificate of Occupancies* will not be issued until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

**Site-Related:**

7. The developer is required to submit to Land Use Codes, three copies of the legal documents specifically designating responsibility for maintenance and upkeep of all common area, private drives, common areas and recreational facilities through an owners' association for this development. **These documents must be approved by the County Attorney prior to any permit application and/or the sale of or submission for final plat approval of any lot or unit within this development.**
8. All "uses" within this development are restricted to those uses listed in Section 603, County Zoning Ordinance. Prior to application for permits for any non-residential use within this development, the individual site plans for the non-residential uses must be submitted for review and approval by Staff.
9. The signage for this development shall be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.)
10. Sections 4.1.c, "Curbs and Gutters"; 4.1.d, "Required Drainage"; 4.1.e, "Sidewalks"; 4.3.g, "Fire Hydrants", and 4.3.h, "Underground Utilities", of the County Subdivision Ordinance must be adhered to. **(Note: In addition to the sidewalks shown on the site plan, sidewalks are to be installed along Rockfish and Lakewood Roads with the cost of sidewalk installation along these two roads shared on a fifty-fifty basis between the developer and the County.)**
11. All streets/drives are required to be constructed to NC Department of Transportation (NCDOT) standards for secondary roads.

12. The developer must obtain driveway permits from the NC Department of Transportation (NCDOT).
13. The NC Department of Transportation (NCDOT) may require turn lanes to be installed.
14. SR 1112 (Rockfish Road) is identified in the Highway Plan as a "Major Thoroughfare". This proposal calls for a multi-lane facility (4-lane, divided). Road improvements are not included in the 2007-2013 MTIP.
15. SR 1108 (Lakewood Drive) is identified in the Highway Plan as a "Minor Thoroughfare". This proposal calls for a multi-lane facility (4-lane, divided). Road improvements are not included in the 2007-2013 MTIP.
16. Off-street parking shall be provided as noted on the site plan - meeting all applicable provisions of Section 1202, County Zoning Ordinance - and all parking spaces, measuring 9' x 20', shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the *Certificate of Occupancy* for each individual structure and/or phase of the development.
17. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
18. A solid buffer must be provided and maintained as shown on the site plan and noted in the application in accordance with the provisions of Section 1102 G, County Zoning Ordinance.
19. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
20. The developer will be required to show landscaping on the site plan for each non-residential use when the individual site plans are submitted to Staff for review and approval. The minimum landscaping standards are in Section 1102 N, County Zoning Ordinance.
21. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.

**Plat-Related:**

22. A 10' x 70' sight distance easement shall be required for each street and/or drive where they intersect with SR 1112 (Rockfish Road) and SR 1108 (Lakewood Drive), and shall be reflected on the final plat.
23. The developer must contact the Street Naming Section and receive street name approval prior to submission for final plat approval of any portion of this development.
24. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact E911 Street Naming/Signs for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). Land Use Codes must receive notice of agreement with the Street Naming & Addressing Section for sign installation or of satisfactory inspection prior to the approval of the final plat.
25. "Lakewood Drive" must also be labeled as "SR 1108" on the final plat.
26. "Rockfish Road" must also be labeled as "SR 1112" on the final plat.
27. Any/All easements shall be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.

28. All units within this development must be served internally and the final plat must reflect a "no access" easement on the subject property along SR 1108 (Lakewood Drive) and SR 1112 (Rockfish Road).
29. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat.
30. The NC Department of Transportation (NCDOT) stamp must be affixed to the final plat prior to submission of any phase of this development for final plat approval by Land Use Codes.
31. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval.
32. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2.6 b, c, or d, County Subdivision Ordinance.
33. (Note: Once the improvements are in place, the developer is responsible for contacting Peggy Jennings to schedule an inspection of the improvements.)
34. The final plat must be submitted to Land Use Codes for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.

**Plat-Required Statement:**

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

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

**MINUTES OF MAY 15, 2007**

Mr. Lloyd reviewed the site information and stated that the staff recommended approval of the Mixed Use/Conditional Use District based on the following:

Although the request is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location, the request is reasonable and consistent with the growth and development trends within the general area.

The Planning & Inspections Staff recommends approval of the Conditional Use Permit with one exception. The Staff cannot support the curb-cuts for the drive area located closest to the intersection of and having access to Rockfish Road and Lakewood Drive. The Staff recommendation is based on the following:

1. The use will not materially endanger the public health or safety if located according to the plan submitted with the elimination of the curb-cuts referenced above. The Staff strongly disagrees with the developer on this one point and notes that with both curb-cuts being located in close proximity to the intersection and directly across from a school an unsafe traffic situation would be created and the design, as proposed, will encourage "cut-through" traffic;
2. The use will meet all required conditions and specifications if developed according to the site plan and application – a copy of the ordinance provisions pertaining to this site are attached;

3. The use will maintain or enhance the value of adjoining or abutting properties in that this is a quality, well planned development that, if approved, will compliment the area in which it is proposed; and
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general conformity with Cumberland County's most recent Comprehensive Land Use plan and adopted planning policies.

There are no other suitable zoning districts for this site.

Mr. Lloyd stated that there was one person in favor to speak and many to speak in opposition. Chair Morris advised the petitioner that this was a quasi-judicial hearing and had him take the oath.

Public Hearing opened.

Jackie Hairr, the applicant, stated that he tried to design a suitable neighborhood to ease traffic flow. Mr. Lloyd stated the applicant agreed not to tie into adjoining neighborhood and to provide a buffer in the area.

Richard Long appeared before the Board in opposition and stated that this is a rural area and wants to keep it that way. He feels that with the addition of multi-family dwellings and commercial facilities the area will become too urban. He would like for the developer to continue with what he was doing and keep building single family homes.

Scott Kobida appeared before the Board in opposition and recited some statistics that he found on over population, school overcrowding, increase in violence, and increase in traffic in relation to increased residential development. Mr. Kobida asked the Board to step in and not allow the rezoning.

Marianne Thomas appeared before the Board in opposition and stated that she agreed with the previous speakers. Ms. Thomas stated that her concern was about the appearance of the neighborhood and would like to see something more exact about the facilities to be built in the area.

Natalie Cox appeared before the Board in opposition and stated that she agreed with the previous speakers. Ms. Cox stated that she is opposed to a mixed use development. She wanted to know what kind of demographic survey had been done. Ms. Cox also stated that she feels the addition of condominiums and townhomes will reduce property values in the area.

Jay Dowdy appeared before the Board in opposition and stated that his main concern was about the cut through traffic, he doesn't want temporary berms. Mr. Dowdy stated that he wants something permanent to prevent an increase in traffic. Mr. Dowdy would also like the noise level protected in the neighborhood.

John Lewis appeared before the Board in opposition and stated that this plan does not concur with the 2010 Land Use Plan which calls for Low Density Residential. He stated that he would like to see the Board stick to the plan and not deviate from it.

Jackie Hairr appeared before the Board in rebuttal and informed the Board that the traffic course would eliminate any outside traffic going into the current neighborhood. Mr. Hairr stated that R10 zoning density would allow him to place five hundred more units, more than what he is proposing now. He stated that he has done extensive demographic research.

Mr. McNeil asked if there were any provisions for set asides for future right of way. His concerns are traffic and possibilities of a four lane divided highway and buffers for the surrounding areas. Mr. Lloyd stated that if there were any provisions it would be in the conditions of the application.

Mrs. Piland stated that her concerns are with traffic, and wanted to know about any conversations with the two schools directly across from the area in question about the safety of children with the increase in the traffic.

Mr. Lloyd stated that there has been conversation but no assurances that there would be a light put in, but hoping that a light will be put in.

The Public Hearing closed.

Mr. Lloyd stated that another issue would be sidewalks for safe roads to school. Sidewalks should be along Rockfish and Lakewood. The County cannot be committed to fifty percent of the cost.

Mrs. Piland stated that with twenty five hundred students between the two schools we should really be concerned about the impact this development will have on their safety.

Mrs. Hall commented on the safety of the children at the schools and the traffic. Mrs. Hall stated that this is a rural area that is becoming urban. At the possibility of this area becoming annexed by Hope Mills or Fayetteville, sidewalks would be required. Mrs. Hall stated if sidewalks were required it would decrease traffic and crossing guards would be provided so children could walk to school rather than get driven.

Chair Morris stated that infill was a large part of the 2030 plan. If the services are there they should be utilized. Chair Morris stated this is all a part of planning and development and it should be considered wisely. Chair Morris stated that if the petitioner accepts the conditions that sidewalks be required, than it should be considered.

Mr. McNeil stated in this particular case that sidewalks would be a good idea. He also likes the concept of a mixed use development. Mr. McNeil stated that he is in favor of adding sidewalks in this location as a condition.

Mrs. Piland stated that she likes the Conditional Use District but still has safety concerns.

Mr. Morris asked Mr. Hairr if he would eliminate the two stubs and if he had any objection to placing sidewalks on Lakewood and Rockfish. It was added as a condition.

Mr. Hair agreed to all, but would like to get the County to try and participate.

**A motion was made by Mr. McNeil and seconded by Vice Chair McLaurin to follow the staff recommendations and approve Mixed Use/Conditional Use District because the application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest. The motion passed with Mr. Turner and Mrs. Piland voting in opposition to the motion.**

**A motion was made by Mr. McNeil and seconded by Mr. Hostetter to approve the Conditional Use Permit after finding that when completed, the proposal: 1) will not materially endanger the public health and safety; 2) will not substantially injure the value of adjoining or abutting property; 3) will be in harmony with the area in which it is to be located; and 4) will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners. The motion passed with Mr. Turner and Mrs. Piland voting in opposition to the motion. The motion includes addition of sidewalks along Lakewood and Rockfish Roads.**

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

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

1. APPLICANT/AGENT: HCC Investments LLC
2. ADDRESS: 3077 N Main St, Hope Mills NC ZIP CODE: 28348
3. TELEPHONE: (Home) \_\_\_\_\_ (Work) 426-0867
4. Location of Property: Int of Lakewood Rd & Rockfish Rd
5. Parcel Identification Number (PIN #) of subject property: 9494-68-2619 & 9494-78-2248  
(also known as Tax ID Number or Property Tax ID)
6. Acreage: ~~59.7~~ 59.7 Frontage: ~~300~~ 4376 Depth: 1490
7. Water Provider: PWC
8. Septage Provider: PWC
9. Deed Book 7458 <sup>586-</sup> Page(s) 610-612 <sup>84</sup>, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: undeveloped land
11. Proposed use(s) of the property: Commercial & retail

**NOTE: Be specific and list all intended uses.**

12. It is requested that the foregoing property be rezoned FROM: R10

TO: (select one)

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

APPLICATION FOR  
CONDITIONAL USE DISTRICT AND PERMIT

1. PROPOSED USE(S):

- A. List the use(s) proposed for the Conditional Use District and Permit. (Use of the underlying district will be restricted only to the use(s) specified in this application.) *Retail stores, restaurants, multi family housing*

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

*Commercial - 205,000 SF of Bldgs - 29.62 AC w/ 6.28<sup>AC</sup> open space  
Residential - 372 units - 30.09 AC's w/ 6.39 AC open space  
open space - 12.67 AC's total*

2. DIMENSIONAL REQUIREMENTS:

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

*IAW Zoning Regulations*

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

*IAW Zoning Regulations*

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Sec. 1306.

*IAW Zoning Regulations*



4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number of shrubs (Sec. 1102N).

**NOTE: All required landscaping must be included on the site plan.**

*IAW Zoning Regulations*

- B. Indicate the type of buffering and approximate location.

*50' buffer between new commercial and existing residential, with existing trees & new landscaping.*

*30' buffer with trees between multi-family and existing residential*

5. MISCELLANEOUS:

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

6. SITE PLAN REQUIREMENTS:

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

7. ACKNOWLEDGEMENT:

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

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

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

Lillie M. Pate

HCC Investments, LLC

NAME OF OWNERS (PRINT OR TYPE)

519 Rosemeade Ct., Spartanburg, SC 29301

3077 N. Main St., Ste 201, Hope Mills, NC 28348

ADDRESS OF OWNER(S)

854-587-9022

910-426-0867

HOME TELEPHONE #

WORK TELEPHONE #

Sandhills Engineering & Services Attn: Michael Tackett

NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

2504 Raeford Rd., Fayetteville, NC 28305

ADDRESS OF AGENT, ATTORNEY, APPLICANT

910-483-3200

HOME TELEPHONE #

WORK TELEPHONE #

SIGNATURE OF OWNER(S)

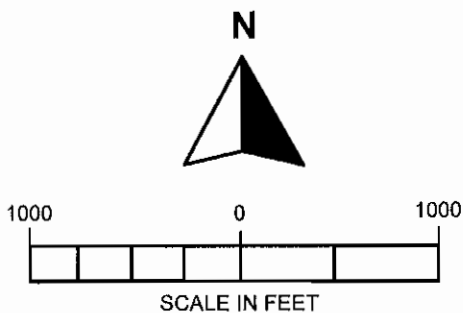
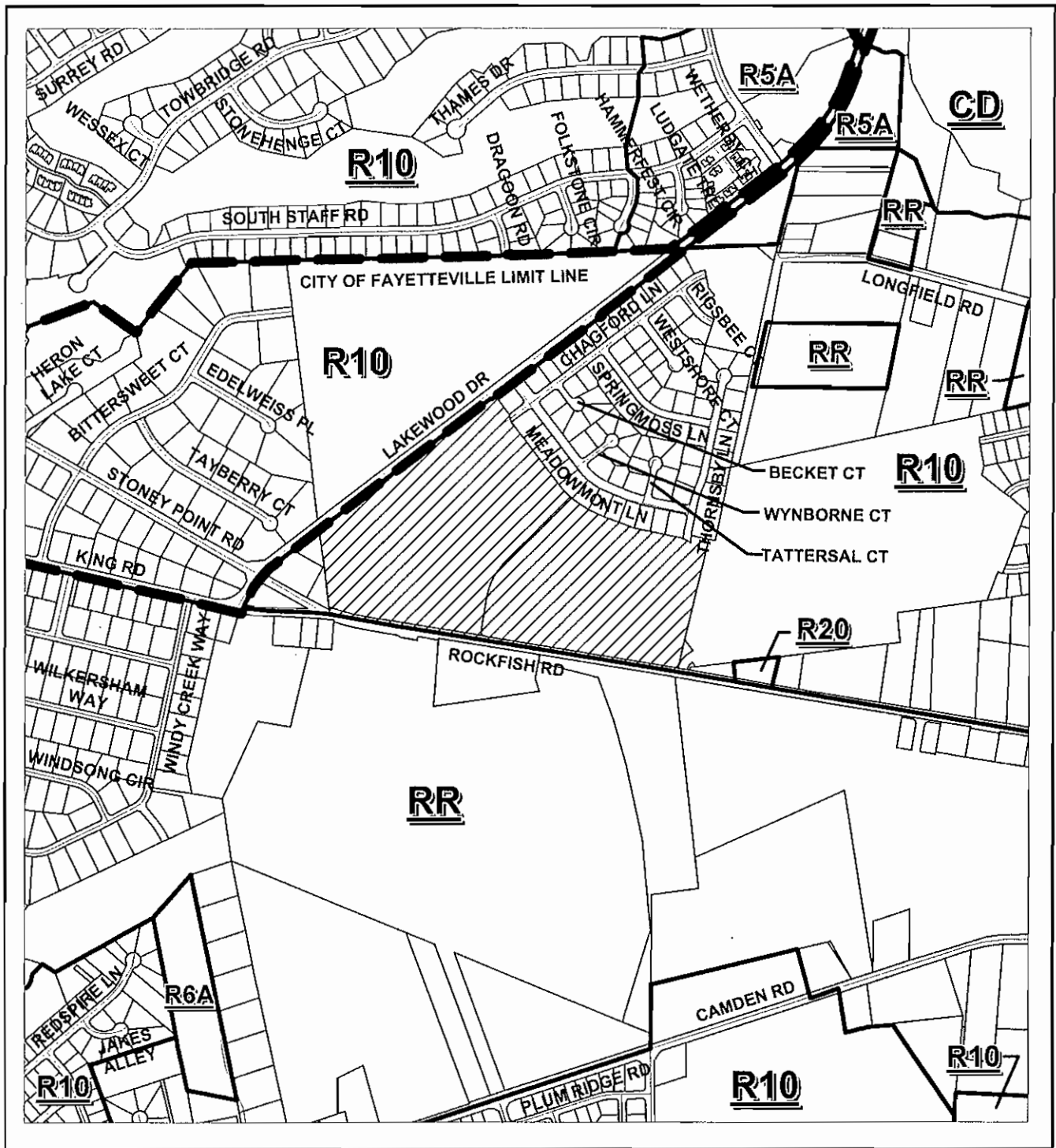
Jackie Hairr, Managing Member

SIGNATURE OF AGENT, ATTORNEY  
OR APPLICANT

SIGNATURE OF OWNER(S)

Lillie M. Pate, Owner

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



## REQUESTED REZONING: R10 TO MXD/CUD

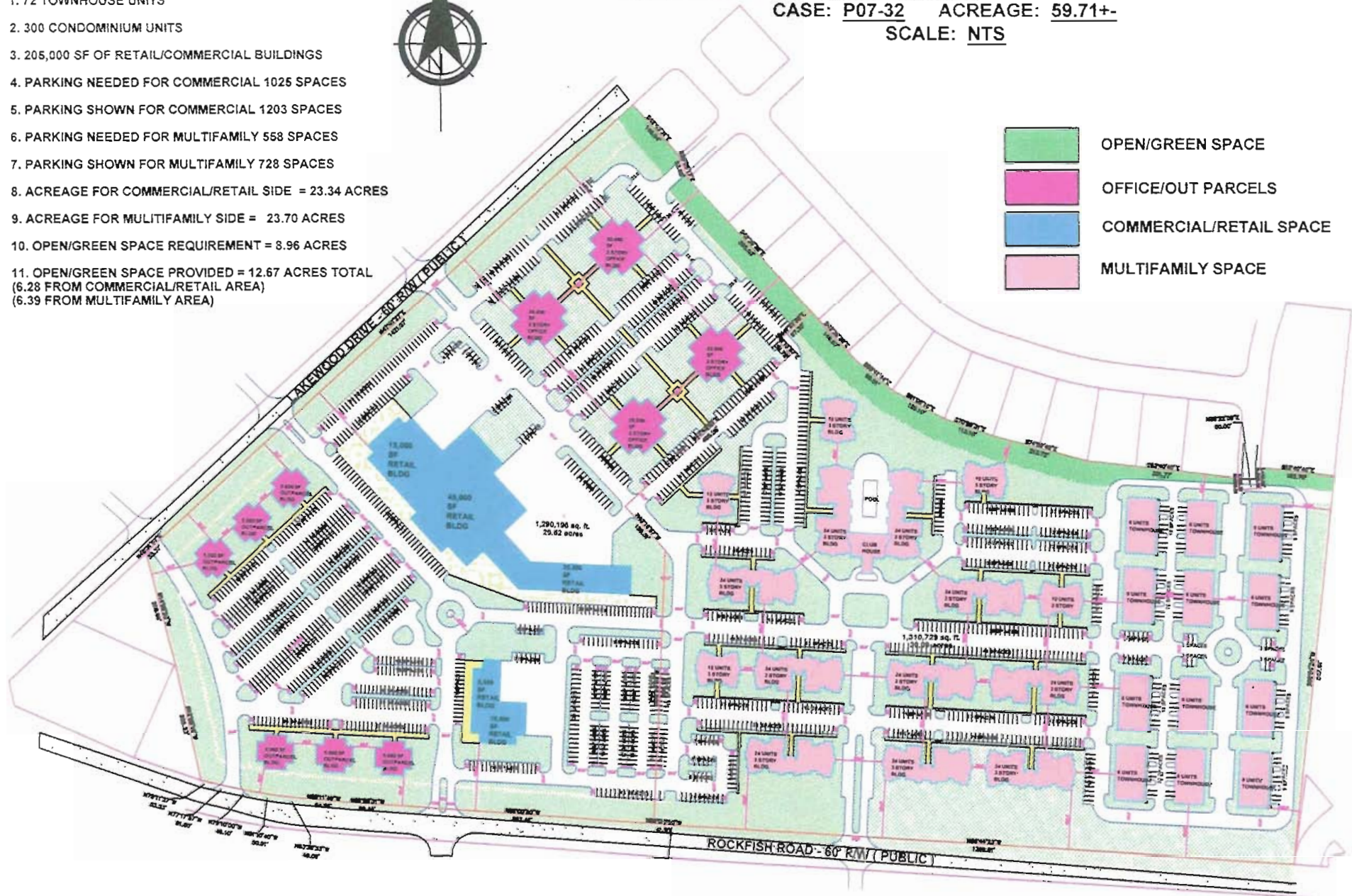
ACREAGE: 59.71 AC.+/-		HEARING NO: P07-32	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

1. 72 TOWNHOUSE UNITS
2. 300 CONDOMINIUM UNITS
3. 205,000 SF OF RETAIL/COMMERCIAL BUILDINGS
4. PARKING NEEDED FOR COMMERCIAL 1025 SPACES
5. PARKING SHOWN FOR COMMERCIAL 1203 SPACES
6. PARKING NEEDED FOR MULTIFAMILY 558 SPACES
7. PARKING SHOWN FOR MULTIFAMILY 728 SPACES
8. ACREAGE FOR COMMERCIAL/RETAIL SIDE = 23.34 ACRES
9. ACREAGE FOR MULTIFAMILY SIDE = 23.70 ACRES
10. OPEN/GREEN SPACE REQUIREMENT = 8.96 ACRES
11. OPEN/GREEN SPACE PROVIDED = 12.67 ACRES TOTAL  
(6.28 FROM COMMERCIAL/RETAIL AREA)  
(6.39 FROM MULTIFAMILY AREA)



CASE: P07-32      ACREAGE: 59.71+-

SCALE: NTS



## **MOTIONS ON CONDITIONAL USE DISTRICT REZONING APPLICATIONS**

### **IF TO APPROVE CONDITIONAL USE DISTRICT:**

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

---

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

### **IF TO DENY CONDITIONAL USE DISTRICT:**

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

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

### **IF TO APPROVE CONDITIONAL USE PERMIT:**

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

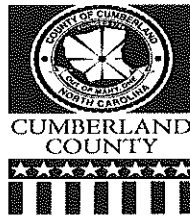
- (I) WILL NOT MATERIALLY ENDANGER THE PUBLIC HEALTH AND SAFETY, AND
- (II) WILL NOT SUBSTANTIALLY INJURE THE VALUE OF ADJOINING OR ABUTTING PROPERTY, AND
- (III) WILL BE IN HARMONY WITH THE AREA IN WHICH IT IS TO BE LOCATED, AND
- (IV) WILL BE IN CONFORMITY WITH THE LAND USE PLAN, THOROUGHFARE PLAN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



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  
Patricia Hall,  
Town of Hope Mills



**COUNTY of CUMBERLAND**  
*Planning and Inspections Department*

ITEM NO.

3J

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

JUNE 8, 2007

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

**FROM:** CUMBERLAND COUNTY JOINT PLANNING BOARD

**SUBJECT:** **P07-42:** REZONING OF A 13.66 ACRE PORTION OF A 203 ACRE TRACT FROM A1 TO A1/CONDITIONAL USE DISTRICT AND PERMIT TO EXPAND A QUARRY, LOCATED NORTH OF I-295, EAST OF RIVER ROAD, SUBMITTED BY PAT SHILLINGTON, OWNED BY WILLIAM GILLIS.

**ACTION:** THE MEMBERS PRESENT AT THE MAY 15, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE A1 AGRICULTURAL DISTRICT/CONDITIONAL USE DISTRICT AND PERMIT.

**SITE INFORMATION:** **Area:** 13.66 acres; **Depth:** 3,500 feet; **Jurisdiction:** County; **Adjacent Property:** Yes; **Current Use:** Agricultural; **Initial Zoning:** October 23, 1990 (Area 18); **Zoning Violation(s):** None; **Surrounding Zoning:** Primarily A1 with some RR to the southeast; **Surrounding Land Use:** Woodland; **Wade Study Area Detailed Land Use Plan:** One-acre residential; **Watershed Area:** Yes; **Proposed Interchange or Activity Node:** Yes, but not on the requested portion; **Urban Services Area:** No; **Water/Sewer Availability:** Well / Septic **Soil Limitations:** Yes – Ro (Roanoke and wahee loams) and Wmb (Wickham fine sandy); **Military Impact Area:** Yes; **Ft Bragg/Pope AFB:** Pope AFB has no objections to this case; **Highway Plan:** No road improvements or new construction specified for this area; **Average Daily Traffic Count (2004):** 3,700 on I-295 and 1,600 on River Road

**Conditions of the Application**

1. Setbacks: 50 feet from each property line
2. Parking: None
3. Signage: None
4. Buffering: 50 foot undisturbed buffer

**Conditional Use District & Permit**

Requirements of the Ordinances

**Watershed-Related:**

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

**Permit-Related:**

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
3. If applicable, the County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
4. The developer must provide the Code Enforcement Section with an approved state sedimentation and erosion control plan (S&E) prior to any application for permits
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.

**Site-Related:**

6. All uses, dimensions, setbacks and other related provisions of the County Subdivision and Zoning Ordinances for the M(P) zoning district must be complied with.
7. Any temporary structures necessary to this use must comply with the district dimensional requirements of the M(P) zoning district.
8. This conditional approval is not approval of any freestanding signs. The signage for this development shall be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.)
9. The NC Department of Transportation (NCDOT) approve any new driveway(s) and if driveways are changed or added, a permit must be obtained.
10. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
11. A solid buffer must be provided and maintained in accordance with the provisions of Sections 1102 G & 919 I, County Zoning Ordinance.
12. All notes and calculations as shown on the site plan, application and reclamation plan are to be considered as a part of this conditional approval.

**Other Relevant Conditions:**

13. If the depth of the quarry operation is to be at a level of five feet or more below the adjacent properties, then the site must either be surrounded by a earthen mound at least six feet in height with double row of quick growing vegetative landscaping or enclosed with a chain link fence six feet in height in
14. accordance with Section 919 G of the County Zoning Ordinance. (Note: The developer must provide to the Planning & Inspection Department the proposed depth of the quarry operation in relation to the adjacent property.)

15. The developer must follow through with the reclamation plan and comply with the requirements of Section 919 J, of the County Zoning Ordinance.
16. All access ways or drives within the premises are required to be maintained in a dust-free condition through surfacing or such other treatment as may be necessary.
17. All equipment and structures must be removed within three months of the completion of the extraction of materials.
18. The developer must provide a copy of the approved permit from the North Carolina Department of Environment and Natural Resources to the Code Enforcement Section at the time of local permit application.
19. All conditions from Case P04-46 must be complied with..

MINUTES OF MAY 15, 2007:

The Planning & Inspections Staff recommended approval of the A1/Conditional Use District based on the following:

Although the request is not consistent with the Wade Study Area Detailed Land Use Plan, which calls for One-Acre Residential at this location, the district requested is reasonable and consistent with the land use of the immediate area.

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

1. The use will not materially endanger the public health and safety if located according to the plan submitted;
2. The use will meet all required conditions and specifications if constructed according to all federal and state mandates, and the County Zoning and Subdivision Ordinances, the requirements of which are attached to this recommendation;
3. The use will maintain or enhance the value of adjoining or abutting properties due to this being an expansion of an existing mine; and
4. The location and character of the use, if developed according to the plan as submitted, will be in harmony with the area in which it is to be located.

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

There was no one present in favor or in opposition to the request.

**A motion was made by Mrs. Epler and seconded by Mrs. Piland to follow the staff recommendations and approve A1/Conditional Use District because the application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest. The motion passed unanimously.**

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



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

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

1. APPLICANT/AGENT: William Gillis
  2. ADDRESS: 2851 Gillis Hill Rd ZIP CODE: 28306
  3. TELEPHONE: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_
  4. Location of Property: between River Rd. & Rich Walker Rd.  
north of I-295
  5. Parcel Identification Number (PIN #) of subject property: 0551-40-9787  
(also known as Tax ID Number or Property Tax ID)
  6. Acreage: 13.66 Frontage: 0 Depth: 0
  7. Water Provider: n/a
  8. Septage Provider: n/a
  9. Deed Book 00449, Page(s) 00316, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
  10. Existing use of property: Agricultural
  11. Proposed use(s) of the property: proposed expansion of adjacent  
mine by 13.66 acres.
- NOTE: Be specific and list all intended uses.
12. It is requested that the foregoing property be rezoned FROM: A1

TO: (select one)

- ☒ Conditional Use District, with an underlying zoning district of A-1  
(Article V)
- \_\_\_\_\_ Mixed Use/Conditional Use District (Article VI)
- \_\_\_\_\_ Planned Neighborhood District/Conditional Use District (Article VII)
- \_\_\_\_\_ Density Development/Conditional Use District, at the \_\_\_\_\_ Density  
(Article VIII)

APPLICATION FOR  
CONDITIONAL USE DISTRICT AND PERMIT

1. PROPOSED USE(S):

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

Approximately 13.66 acres is proposed for disturbance.

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

13.66 acres will be used for quarry operations

2. DIMENSIONAL REQUIREMENTS:

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

50ft setbacks from property line

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

No off street parking & loading to be provided.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Sec. 1306.

No sign provided.

4. LANDSCAPE AND BUFFER REQUIREMENTS:

- A. For all new non-residential and mixed use development abutting a public street, indicate the number of large or small ornamental trees used in the streetscape, yard space, and/or parking areas, plus the number of shrubs (Sec. 1102N).

**NOTE: All required landscaping must be included on the site plan.**

50 ft buffer from each property line.

- B. Indicate the type of buffering and approximate location.

50 ft undisturbed buffer

5. MISCELLANEOUS:

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

N/A

6. SITE PLAN REQUIREMENTS:

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

7. ACKNOWLEDGEMENT:

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

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

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

William Gillis  
NAME OF OWNERS (PRINT OR TYPE)

2851 Gillis Hill Rd Fayetteville, NC 28306  
ADDRESS OF OWNER(S)

910 308 0980 910 867 5803  
HOME TELEPHONE # WORK TELEPHONE #

Pat Shillington Engineering & Environmental Science Co.  
NAME OF AGENT, ATTORNEY, APPLICANT (by assign) (PRINT OR TYPE)

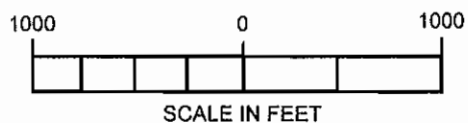
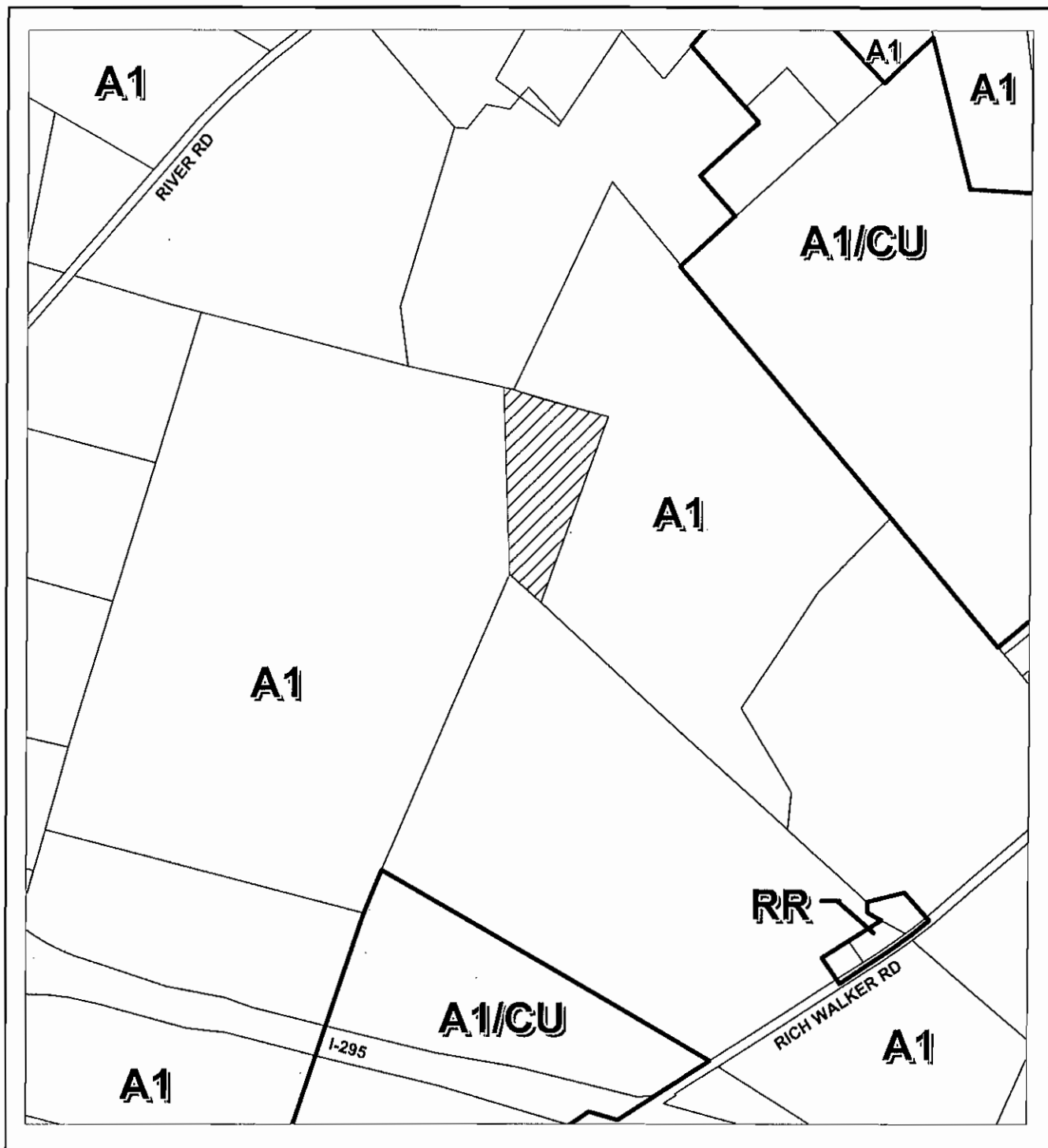
3008 Anderson Dr Ste 102 Raleigh, NC 27601  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

919 781 7798 same  
HOME TELEPHONE # WORK TELEPHONE #

John D. Gillis Pat Shillington  
SIGNATURE OF OWNER(S) SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

\_\_\_\_\_  
SIGNATURE OF OWNER(S)

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



## REQUESTED REZONING: A1 TO A1/CUD

ACREAGE: 13.66 AC.+/-

HEARING NO: P07-42

ORDINANCE: COUNTY

HEARING DATE

ACTION

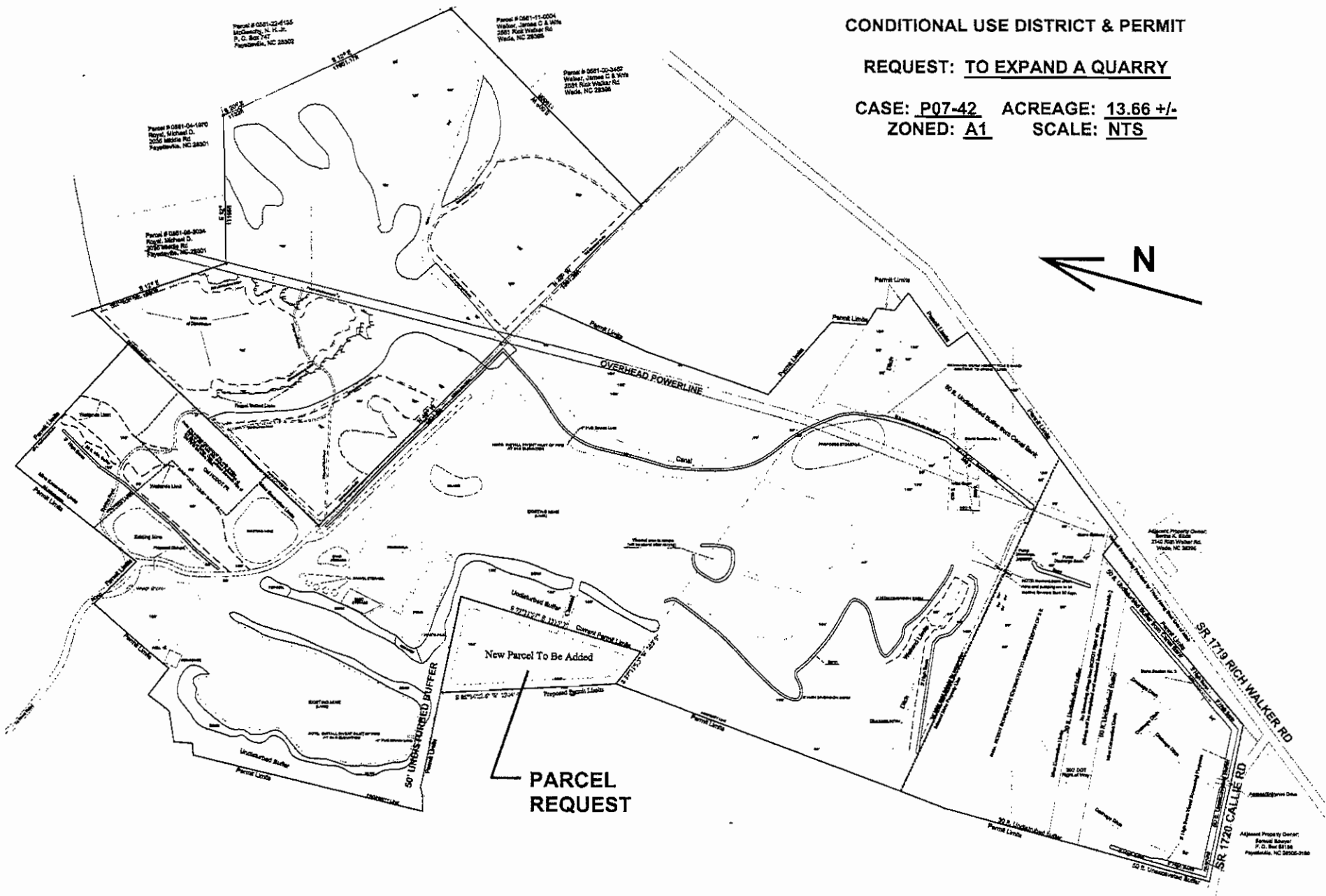
PLANNING BOARD

GOVERNING BOARD

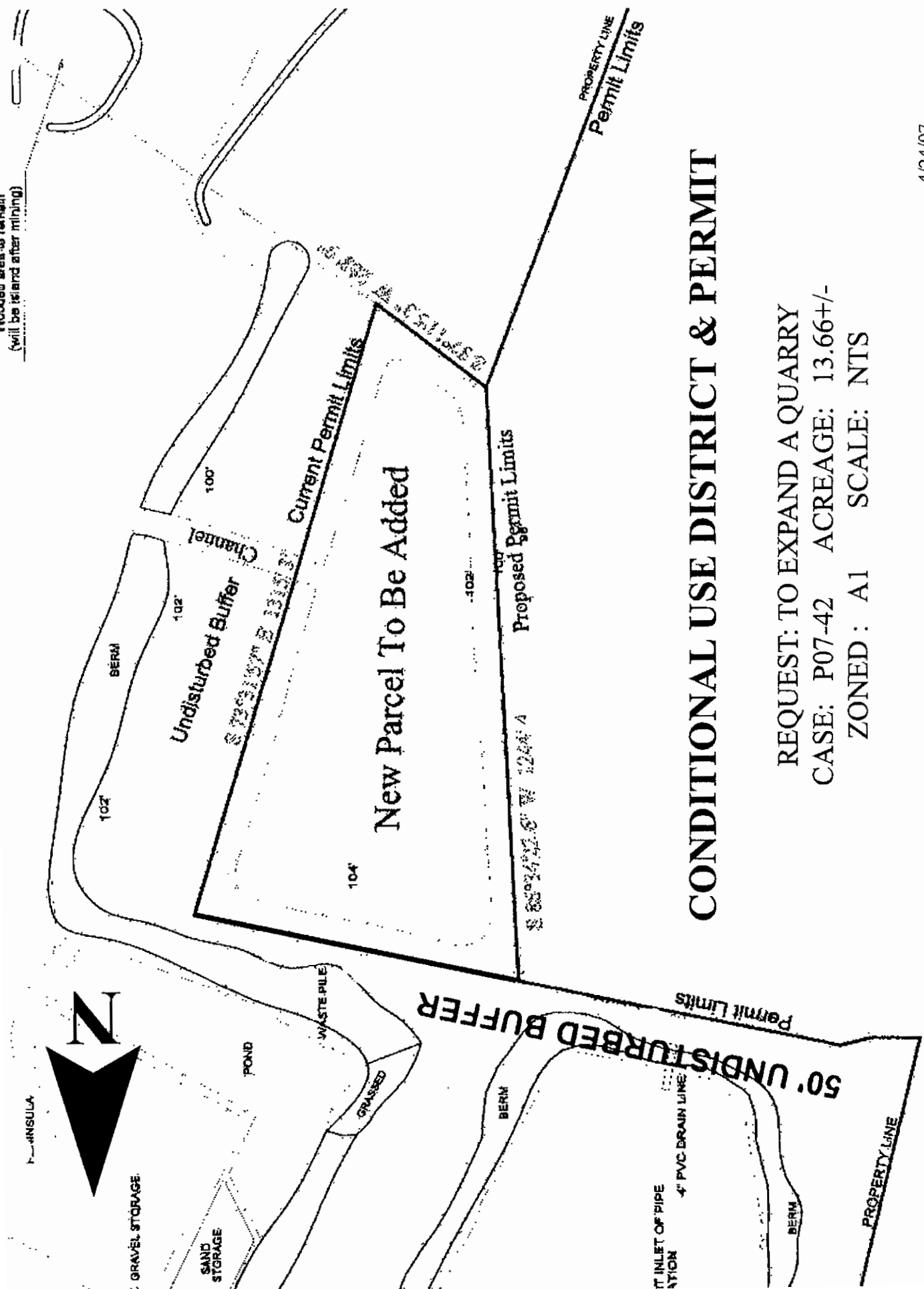
CONDITIONAL USE DISTRICT & PERMIT

REQUEST: TO EXPAND A QUARRY

CASE: P07-42 ACREAGE: 13.66 +/-  
ZONED: A1 SCALE: NTS



Wooded area to remain  
(will be island after mining)



## CONDITIONAL USE DISTRICT & PERMIT

REQUEST: TO EXPAND A QUARRY

CASE: P07-42 ACREAGE: 13.66+/-

ZONED: A1 SCALE: NTS

4/24/07

## MOTIONS ON CONDITIONAL USE DISTRICT REZONING APPLICATIONS

### IF TO APPROVE CONDITIONAL USE DISTRICT:

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

---

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

### IF TO DENY CONDITIONAL USE DISTRICT:

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

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

### IF TO APPROVE CONDITIONAL USE PERMIT:

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

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



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

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on Minimum Housing case number MH 4937-2006.

Property Owner: Terry L. Hall & Debra Lynn Hall

Property Address: 1760 Ava Road, Autryville, NC

Tax Parcel Identification Number: 1404-25-8635

SYNOPSIS: This property was inspected on 7/26/2006. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 8/31/2006. Terry L. Hall, Debra L. Hall and David Mason attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 12/1/2006. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 6/1/2007 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$15,000.00. The Assessor for Cumberland County has the structure presently valued at \$3,884.00.

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

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

George Hatcher  
Affiant  
Code Enforcement Officer  
County of Cumberland

Sworn to and Subscribed to by me this  
the 8<sup>th</sup> day of June 2007.

Charisse Brown  
Notary Public

My Commission Expires: 9/29/07



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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

**BOARD OF COUNTY COMMISSIONERS MOTION:**

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

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

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

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

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

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

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

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

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

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

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

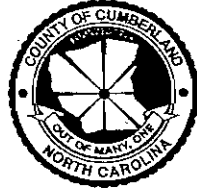
3. If the Board wishes to delay action on the case, the Board's motion should be:

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

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

Charles C. Morris  
Chair  
Town of Linden

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



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

### FINDINGS OF FACT AND ORDER

September 1, 2006

CASE #: MH 4937-2006

**TO:** Terry L. Hall & Parties of Interest & Debra Lynn Hall & Parties of Interest  
8475 Beaverdam Road 1760 Ava Road  
Autryville, NC 28318 Autryville, NC 28318

**Property at:** 1760 Ava Road

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 8/5/2006.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 8/31/2006 at 9:45:00 AM. The items identified below took place at the Hearing:

- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: Terry & Debra Hall, David Mason, George Hatcher and Ken Sykes.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 7/31/06. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
  - ☒ a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 4937-2006, dated 7/26/2006.
  - ☒ b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
  - ☒ c. The dwelling is unfit for human habitation.

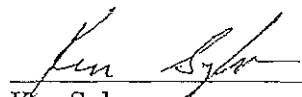
Findings and Facts of Order


Case #: MH 4937-2006

Page 2

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 12/1/2006. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
- ☒ b. The dwelling must be vacated by 9/30/2006 and remain vacated by until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
- ☒ c. The structure shall be secured.
- ☒ d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after 9/30/2006 for failure to vacate the premises.
- ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 12/1/2006. The cost of said demolition will be assessed against the real property in the form of a lien.

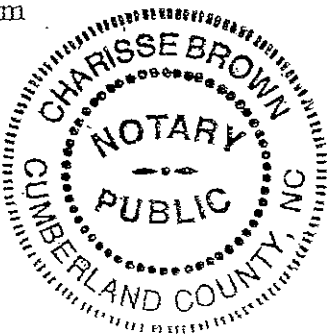
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.

  
Ken Sykes  
Hearing Officer

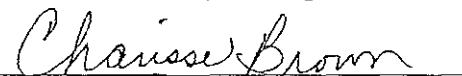
  
George Hatcher  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



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

  
Notary Public  
My Commission Expires: 9/29/07

PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER  
DATED 9/1/2006 CASE NUMBER MH 4937-2006

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)  
For delivery information visit our website at [www.usps.com](http://www.usps.com)

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

Postmark Here  
2006  
FOFO  
MH4937GH

Sent To  
TERRY L HALL & PARTIES OF INTEREST  
8475 BEAVERDAM ROAD  
AUTRYVILLE NC 28318

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

FOFO  
MH4937GH  
TERRY L HALL & PARTIES OF INTEREST  
8475 BEAVERDAM ROAD  
AUTRYVILLE NC 28318

2. Article (Trace) 7003 0500 0004 7403 1204

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent  
☒ Addressee  
B. Received by (Printed Name) C. Date of Delivery  
D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

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

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)  
For delivery information visit our website at [www.usps.com](http://www.usps.com)

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

Postmark Here  
2006  
FOFO  
MH4937GH

Sent To  
DEBRA LYNN HALL & PARTIES OF INTEREST  
1760 AVA ROAD  
AUTRYVILLE NC 28318

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

FOFO  
MH4937GH  
DEBRA LYNN HALL & PARTIES OF INTEREST  
1760 AVA ROAD  
AUTRYVILLE NC 28318

2. Article (Trace) 7003 0500 0004 7403 1211

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent  
☒ Addressee  
B. Received by (Printed Name) C. Date of Delivery  
D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

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

MAP DEPLICITING LOCATION OF PROPERTY  
1760 Ava Road  
Autryville, NC

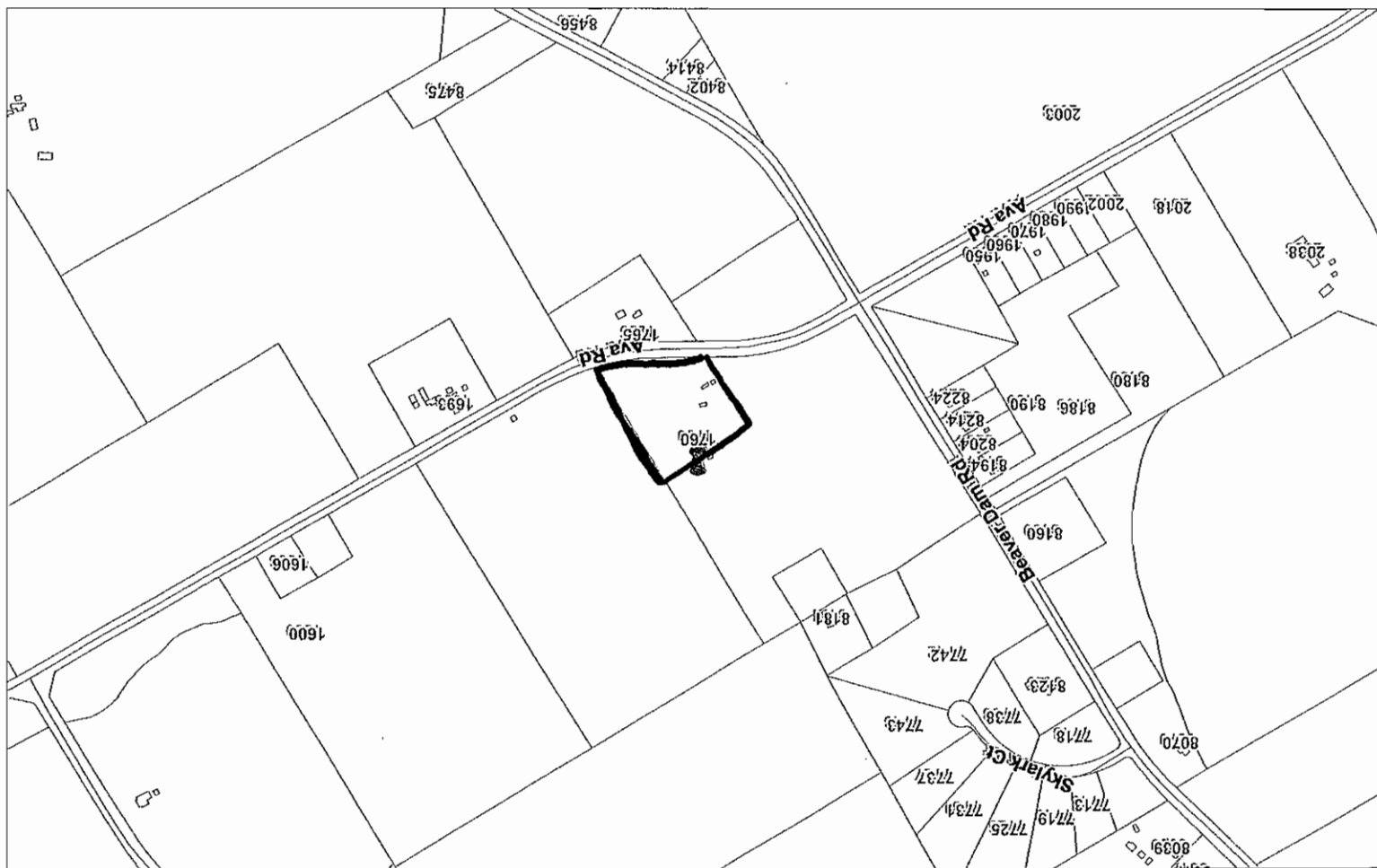


Exhibit B

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

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on Minimum Housing case number MH 4843-2006.

Property Owner: Janice Chavis Locklear

Property Address: lot to rear of 433 Redhawk Drive, Fayetteville, NC

Tax Parcel Identification Number: 0466-66-7821

SYNOPSIS: This property was inspected on 3/16/2006. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 8/31/2006. Janice Locklear attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 12/1/2006. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order and an appeal was filed. The Housing Appeals Board granted a 90 day extension of time with a final compliance date of April 9, 2007. (See Exhibit A & B for the Findings of Fact and Order and the Housing Appeals Board Decision.) Upon my visit to the property on 6/8/2007 no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health, and safety hazard.

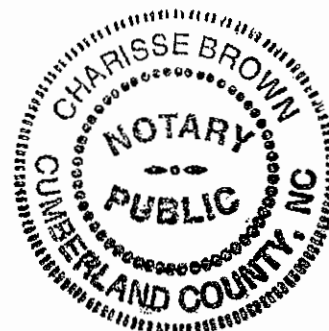
The estimated cost to repair the structure to a minimum standard for human habitation is \$40,000.00. The Assessor for Cumberland County has the structure presently valued at \$0.00.

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

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

George Hatcher  
Affiant

Code Enforcement Officer  
County of Cumberland



Sworn to and Subscribed to by me this  
the 8<sup>th</sup> day of June 2007.

Charisse Brown

Notary Public

My Commission Expires: 9/29/07

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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

**BOARD OF COUNTY COMMISSIONERS MOTION:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Charles C. Morris  
Chair  
Town of Linden

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



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

### FINDINGS OF FACT AND ORDER

September 1, 2006

CASE #: MH 4843-2006

TO: Janice Chavis Locklear & Parties of Interest  
433 Redhawk Drive  
Fayetteville, NC 28301

Property at: lot to rear of 433 Redhawk Drive

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 3/27/2006.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 8/31/2006 at 9:15:00 AM. The items identified below took place at the Hearing:

- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: Janice C. Locklear, George Hatcher and Ken Sykes.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 8/8/06. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
  - ☒ a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 4843-2006, dated 3/16/2006.
  - ☒ b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
  - ☒ c. The dwelling is unfit for human habitation.

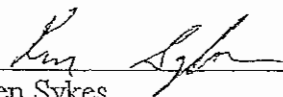
Findings and Facts of Order


Case #: MH 4843-2006

Page 2

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 12/1/2006. All required permits must be obtained. A copy of this order must be presented when obtaining permits.
  - ☒ b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
  - ☒ c. The structure shall be/remain secured.
  - ☐ d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after \_\_\_\_.
  - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 12/1/2006. The cost of said demolition will be assessed against the real property in the form of a lien.

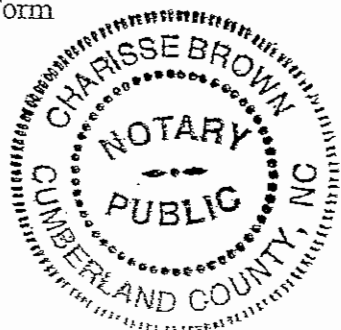
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.

  
Ken Sykes  
Hearing Officer

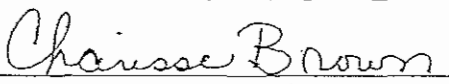
  
George Hatcher  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



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

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

PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER  
DATED 9/1/2006 CASE NUMBER MH 4840-4843-2006

NORTH CAROLINA  
COUNTY OF CUMBERLAND

RETURN TO:

PLANNING/INSPECTION DEPARTMENT  
OLD COURTHOUSE, ROOM 101  
130 GILLESPIE STREET  
FAYETTEVILLE, NC 28301

RE: JANILE CHAVIS LOCKLEAR  
Name of Violator

Case Number: MH 4840, MH 4843, JV 4843, ZN 4843

AFFIDAVIT OF RETURN OF SERVICE  
(Personal Service to Individual)

I, GEORGE HATCHER a code enforcement officer with the Cumberland County Planning &  
Inspection Department, personally served JANILE CHAVIS LOCKLEAR  
name of violator

a copy of the FINDINGS OF FACT & ORDER, APPEALS PROCEDURE REPORT OF INSP JV 4843  
NTC OF VIOLATION ZN 4843 CHAP 9 ART 117  
citing violations of Article 4 CHAP 4, CHAP 9 ART 117 of the Cumberland County Code by

delivering said notice(s) to the violator at the address shown below:

433 RED HAWK DR  
street name  
FAYETTEVILLE NC 28301  
city, state, zip

I further certify that said service was completed on this the 8<sup>TH</sup> day of SEPTEMBER, 2006.

George Hatcher  
George Hatcher  
Code Enforcement Officer

Sworn to and subscribed to before me

this the 8<sup>TH</sup> day of September, 2006.

Charisse Brown  
Notary Public

My Commission Expires: 9/29/07

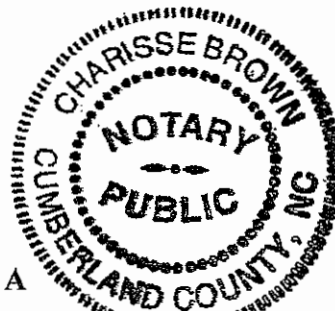
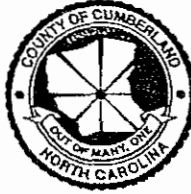


EXHIBIT A

Charles C. Morris  
Chair  
Town of Linden

Donovan McLaurin  
Vice-Chair

Wade, Falcon & Godwin  
Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman



## COUNTY of CUMBERLAND

### Planning and Inspections Department

Thomas J. Lloyd,  
Director  
Planning/Inspections

Cecil P. Combs,  
Deputy Director

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

## NOTIFICATION OF HOUSING APPEALS BOARD DECISION

January 10, 2007

FILE NO: MH 4840 & 4843-2006

BOARD OF APPEALS MEETING DATE:  
1/9/2007 6:30 P.M.

PROPERTY OWNER: Janice Chavis Locklear  
MAILING ADDRESS: 433 Redhawk Drive  
Fayetteville, NC 28301

PROPERTY LOCATION: lot to left and rear of 433 Redhawk Drive, Fayetteville

OWNER/AGENT/  
OR REPRESENTATIVE(S) PRESENT: NONE

### DECISION RENDERED ON THE ABOVE CASE(S):

1. At the above referenced, the Board granted Janice Chavis Locklear a final 90 day extension to complete the repairs to the structures at lot to left and rear of 433 Redhawk Drive.
2. The new compliance date is April 9, 2007. Inspector should be notified when the repairs are made and an inspection will be scheduled.
3. By authority of North Carolina General Statutes 14-4, violation of the county code is punishable as a Class 3 Misdemeanor in criminal court and failure to meet the new compliance date may result in the following action:
  - a. A \$50.00 per day civil penalty may be imposed for each day's continuing violation after the compliance date.
  - b. The County Planning & Inspections Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners. The cost of said demolition will be assessed against the real property in the form of a lien.
  - c. The County Planning & Inspections Department may start criminal proceedings in Environmental Court.

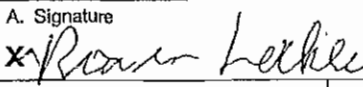
Charisse Brown  
Secretary  
Housing Board of Appeals

GH/cb

cc:

EXHIBIT B

**PROOF OF SERVICE OF HOUSING BOARD OF APPEALS DECISION  
DATED 1/10/2007 CASE NUMBER MH 4840-4843-2006**

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p align="right">HBA GH DEC. MH4840 4843</p> <p>JANICE C LOCKLEAR &amp; PARTIES OF INTEREST 433 REDHAWK DRIVE FAYETTEVILLE, NC 28301</p>	<p>A. Signature   <input type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee         </p> <p>B. Received by (Printed Name) _____</p> <p>C. Date of Delivery <u>1-12-07</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number          (Transfer from serv) <u>7003 0500 0004 7403 2485</u></p>	<p>3. Service Type  <input type="checkbox"/> Certified Mail    <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered    <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail    <input type="checkbox"/> C.O.D.         </p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**U.S. Postal Service<sup>TM</sup>**  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**Carroll County Inspection Dept.**

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

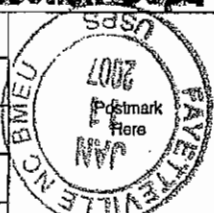
5942 E042 4000 0050 E002

To: \_\_\_\_\_

HBA GH DEC.  
MH4840 4843

See  
Sfr  
or  
Cit

JANICE C LOCKLEAR & PARTIES OF INTEREST  
433 REDHAWK DRIVE  
FAYETTEVILLE, NC 28301



111

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

I, George Hatcher, Inspector for the County of Cumberland Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on Minimum Housing case number MH 4840-2006.

Property Owner: Janice Chavis Locklear

Property Address: lot to left of 433 Redhawk Drive, Fayetteville, NC

Tax Parcel Identification Number: 0466-66-8729

SYNOPSIS: This property was inspected on 3/16/2006. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 8/31/2006. Janice Locklear attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 12/1/2006. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order and an appeal was filed. The Housing Appeals Board granted a 90 day extension of time with a final compliance date of April 9, 2007. (See Exhibit A & B for the Findings of Fact and Order and the Housing Appeals Board Decision.) Upon my visit to the property on 6/8/2007 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$30,000.00 each.

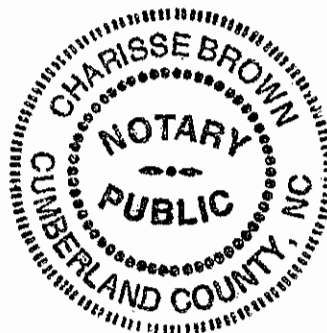
The Assessor for Cumberland County has the structure presently valued at \$500.00 each.

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

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

George Hatcher  
Affiant

Code Enforcement Officer  
County of Cumberland



Sworn to and Subscribed to by me this  
the 8<sup>th</sup> day of June 2007.  
Charisse Brown  
Notary Public  
My Commission Expires: 9/29/07

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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

**BOARD OF COUNTY COMMISSIONERS MOTION:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Charles C. Morris  
Chair  
Town of Linden

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



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

### FINDINGS OF FACT AND ORDER

September 1, 2006

CASE #: MH 4840-2006

**TO:** Janice Chavis Locklear & Parties of Interest  
433 Redhawk Drive  
Fayetteville, NC 28301

**Property at:** lot to left of 433 Redhawk Drive

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 3/27/2006.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 8/31/2006 at 9:15:00 AM. The items identified below took place at the Hearing:

- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: Janice C. Locklear, George Hatcher and Ken Sykes.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 8/8/06. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
  - ☒ a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 4840-2006, dated 3/16/2006.
  - ☒ b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
  - ☒ c. The dwelling is unfit for human habitation.

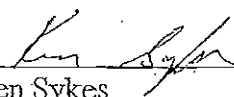
Findings and Facts of Order

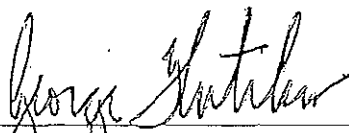
Case #: MH 4840-2006

Page 2

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 12/1/2006. All required permits must be obtained. A copy of this order must be presented when obtaining permits.
  - ☒ b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
  - ☒ c. The structure shall be/remain secured.
  - ☐ d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after \_\_\_\_\_.
  - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 12/1/2006. The cost of said demolition will be assessed against the real property in the form of a lien.

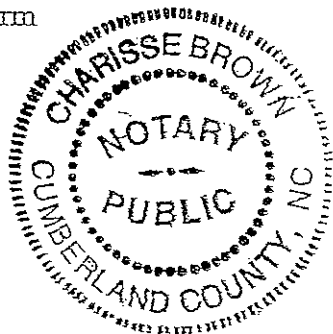
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.

  
Ken Sykes  
Hearing Officer

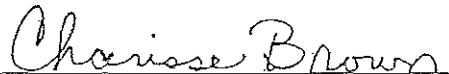
  
George Hatcher  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



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



Notary Public

My Commission Expires: 9/29/07

PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER  
DATED 9/1/2006 CASE NUMBER MH 4840-4843-2006

NORTH CAROLINA  
COUNTY OF CUMBERLAND

RETURN TO:

PLANNING/INSPECTION DEPARTMENT  
OLD COURTHOUSE, ROOM 101  
130 GILLESPIE STREET  
FAYETTEVILLE, NC 28301

RE: JANILE CHAVIS LOCKLEAR  
Name of Violator

Case Number: MH 4840, MH 4843, JV 4843, ZN 4843

AFFIDAVIT OF RETURN OF SERVICE  
(Personal Service to Individual)

I, GEORGE HATCHER a code enforcement officer with the Cumberland County Planning &  
Inspection Department, personally served JANILE CHAVIS LOCKLEAR  
name of violator

a copy of the FINDINGS OF FACT & ORDER, APPEALS PROCEDURE REPORT OF INSP JV 4843  
NTC OF VIOLATION ZN 4843 CHAP 9 ART 117  
citing violations of Article 4 CHAP 4, CHAP 9 ART III of the Cumberland County Code by

delivering said notice(s) to the violator at the address shown below:

433 RED HAWK DR  
street name

FAYETTEVILLE NC 28301  
city, state, zip

I further certify that said service was completed on this the 8<sup>th</sup> day of SEPTEMBER, 2006.

George Hatcher  
George Hatcher  
Code Enforcement Officer

Sworn to and subscribed to before me

this the 8<sup>th</sup> day of September, 2006.

Charisse Brown  
Notary Public

My Commission Expires: 9/29/07

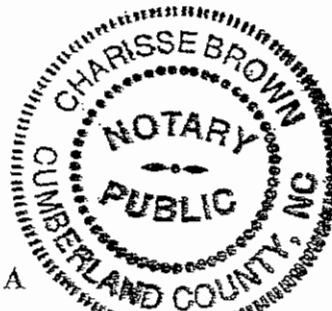
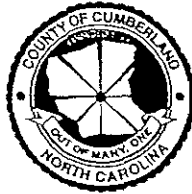


EXHIBIT A

Charles C. Morris  
Chair  
Town of Linden

Donovan McLaurin  
Vice-Chair

Wade, Falcon & Godwin  
Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman



## COUNTY of CUMBERLAND

### Planning and Inspections Department

Thomas J. Lloyd,  
Director  
Planning/Inspections

Cecil P. Combs,  
Deputy Director

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

## NOTIFICATION OF HOUSING APPEALS BOARD DECISION

January 10, 2007

FILE NO: MH 4840 & 4843-2006

BOARD OF APPEALS MEETING DATE:

PROPERTY OWNER: Janice Chavis Locklear  
MAILING ADDRESS: 433 Redhawk Drive  
Fayetteville, NC 28301

1/9/2007 6:30 P.M.

PROPERTY LOCATION: lot to left and rear of 433 Redhawk Drive, Fayetteville

OWNER/AGENT/

OR REPRESENTATIVE(S) PRESENT: NONE

### DECISION RENDERED ON THE ABOVE CASE(S):

1. At the above referenced, the Board granted Janice Chavis Locklear a final 90 day extension to complete the repairs to the structures at lot to left and rear of 433 Redhawk Drive.
2. The new compliance date is April 9, 2007. Inspector should be notified when the repairs are made and an inspection will be scheduled.
3. By authority of North Carolina General Statutes 14-4, violation of the county code is punishable as a Class 3 Misdemeanor in criminal court and failure to meet the new compliance date may result in the following action:
  - a. A \$50.00 per day civil penalty may be imposed for each day's continuing violation after the compliance date.
  - b. The County Planning & Inspections Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners. The cost of said demolition will be assessed against the real property in the form of a lien.
  - c. The County Planning & Inspections Department may start criminal proceedings in Environmental Court.

Charisse Brown  
Secretary  
Housing Board of Appeals

GH/cb

cc:

EXHIBIT B

**PROOF OF SERVICE OF HOUSING BOARD OF APPEALS DECISION  
DATED 1/10/2007 CASE NUMBER MH 4840-4843-2006**

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature    <input type="checkbox"/> Agent  <input checked="" type="checkbox"/> Addressee         </p> <p>B. Received by (Printed Name) _____</p> <p>C. Date of Delivery  <u>1-12-07</u> </p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes            If YES, enter delivery address below: <input type="checkbox"/> No         </p>
<p>1. Article Addressed to:</p> <p align="right">HBA GH DEC. MH4840 4843</p> <p>JANICE C LOCKLEAR &amp; PARTIES OF INTEREST 433 REDHAWK DRIVE FAYETTEVILLE, NC 28301</p>	<p>3. Service Type</p> <p> <input type="checkbox"/> Certified Mail    <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered       <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail      <input type="checkbox"/> C.O.D.         </p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number <u>7003 0500 0004 7403 2485</u></p> <p>(Transfer from serv)</p>	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**U.S. Postal Service™**

**CERTIFIED MAIL™ RECEIPT**

*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

Postage \$ \_\_\_\_\_

Certified Fee \_\_\_\_\_

Return Receipt Fee (Endorsement Required) \_\_\_\_\_

Restricted Delivery Fee (Endorsement Required) \_\_\_\_\_

To: \_\_\_\_\_

City: \_\_\_\_\_

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

Zip: \_\_\_\_\_

Address: JANICE C LOCKLEAR & PARTIES OF INTEREST  
433 REDHAWK DRIVE  
FAYETTEVILLE, NC 28301

HBA GH DEC.  
MH4840 4843

**EXHIBIT B**

MAP DEPLICITING LOCATION OF PROPERTY  
433 Red Hawk Drive  
Fayetteville, NC

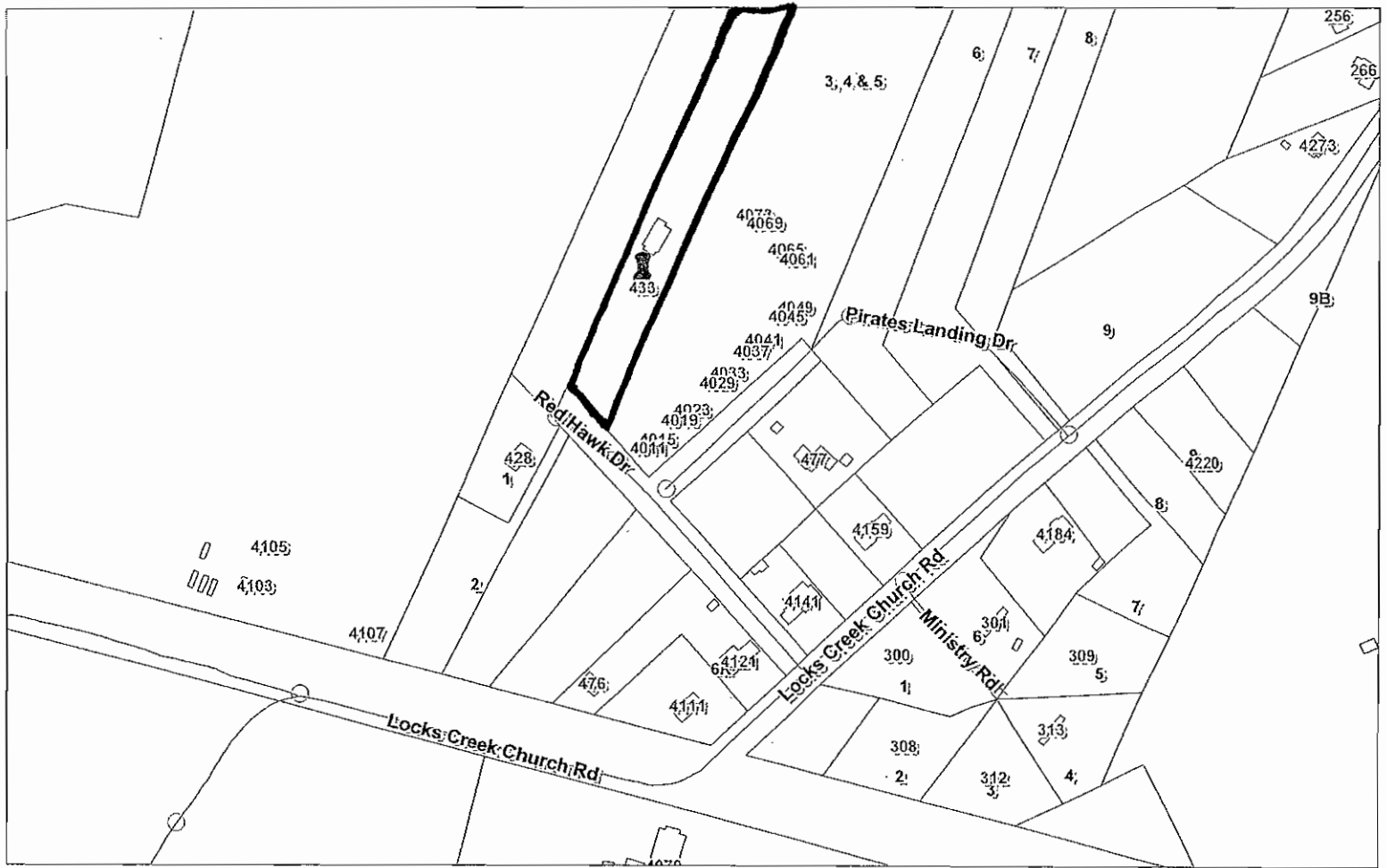


Exhibit C

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

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

BACKGROUND: That the following is a report on case numbers **MH4736-2006**

Property Owner: **Bryan and Marilyn Taylor**

Property Address: **5165 Back Street, Fayetteville, NC**

Tax Parcel Identification Number: 0405-85-0240.

SYNOPSIS: This property consists of a single family dwelling that was inspected on March 23, 2006. All property owners and parties of interest were legally served with the Notice of Violations and afforded a Hearing on May 17, 2006. The property owners **did attend** the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than August 17, 2006. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. An Appeal was filed. The Housing Appeals Board granted a 90 day extension of time with a final compliance date of April 9, 2007. (See Exhibit A & B for the Findings of Fact & Order and Housing Appeals Board Decision). Upon my visit to the property on June 7, 2007, no corrective action has been made to the structure. The structure is presently vacant and reasonably secured. In it's present state, the structure constitutes a fire, health, and safety hazard. The estimated cost to repair this structure to a minimum standard for human habitation is \$42,000.00. The Assessor for Cumberland County has the structure presently valued at \$2,590.00. Attached is a map depicting the location of the property. (See Exhibit C.)

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

*Kim Reeves*

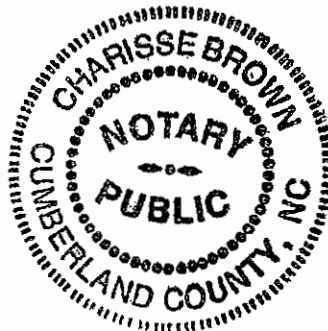
Kim Reeves, Affiant  
Code Enforcement Officer/County of Cumberland

Sworn to and Subscribed to by me this  
the 8<sup>th</sup> day of June 2007.

*Charisse Brown*

Notary Public

My Commission Expires: 9-29-07 *CB.*



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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

**BOARD OF COUNTY COMMISSIONERS MOTION:**

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

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

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

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

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

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

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

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

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

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

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

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

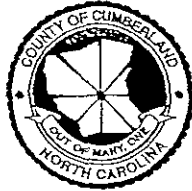
To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

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



Charles C. Morris  
Chair  
Town of Linden

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



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

Thomas J. Lloyd,  
Director  
Planning/Inspections

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

### FINDINGS OF FACT AND ORDER

May 24, 2006

CASE #: MH 4736-2006

TO: Brian & Marilyn Taylor & Lee, Wayne & Carleen Rich & Parties of Interest  
1006 Eagles Nest Road P.O Box 48311  
Dudley, NC 28333 Cumberland, NC 28331

Property at: 5165 Back Street, Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 5/5/2006 and 5/11/06 (Taylors).

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 5/17/2006 at 9:45:00 AM. The items identified below took place at the Hearing:

- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: Wayne & Carleen Rich, Kim Reeves and Ken Sykes.  
Mr. Brian Taylor filed an answer by telephone.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 4/28/06. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
  - ☒ a. The dwelling in question is/are violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 4736-2006, dated 3/23/2006.
  - ☒ b. Due to these findings, the dwelling is/are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
  - ☒ c. The dwelling is/are unfit for human habitation.

### EXHIBIT A

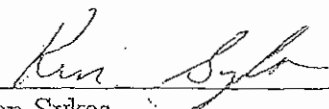
Findings and Facts of Order

Case #: MH 4736-2006

Page 2

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or party(ies) of interest of the dwelling(s) named above are required to bring such dwelling(s) into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling(s) up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 8/17/2006. All required permits must be obtained. A copy of this order must be presented when obtaining permits.
  - ☒ b. The dwelling(s) shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
  - ☒ c. The structure shall be/remain secured.
  - ☐ d. A violation is punishable as a misdemeanor and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after \_\_\_\_.
  - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 8/17/2006. The cost of said demolition will be assessed against the real property in the form of a lien.

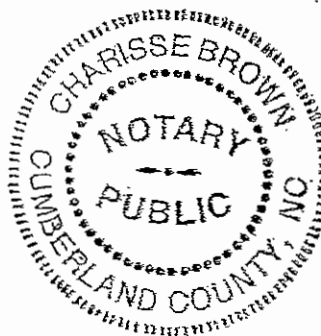
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.

  
Ken Sykes  
Hearing Officer

  
Kim Reeves  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me this  
the 24<sup>th</sup> day of May, 2006



Notary Public

My Commission Expires: 9/29/07

EXHIBIT A

**PROOF OF LEGAL SERVICE OF FINDINGS OF FACT & ORDER**  
**DATED MAY 24, 2006**  
**MINIMUM HOUSING CASE NUMBER: MH4736-2006**

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>1. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>2. Print your name and address on the reverse so that we can return the card to you.</p> <p>3. Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>Article Addressed to:</p> <p align="center">FOFO MH4736 KR.</p> <p>BRIAN TAYLOR &amp; PARTIES OF INTEREST 1006 EAGLES NEST RD DUDLEY NC 28333</p>	<p>A. Signature: <u>X Brian Taylor</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name): <u>Brian Taylor</u> C. Date of Delivery: <u>5-26-06</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	<p>1. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>2. Print your name and address on the reverse so that we can return the card to you.</p> <p>3. Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>Article Addressed to:</p> <p align="center">FOFO MH4736 KR</p> <p>MARILYN TAYLOR &amp; PARTIES OF INTEREST 1006 EAGLES NEST RD DUDLEY NC 28333</p>	<p>A. Signature: <u>X Brian Taylor</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name): <u>Brian Taylor</u> C. Date of Delivery: <u>5-26-06</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
7005 0390 0006 0047 7961		7005 0390 0006 0047 7909	
S Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540		PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>1. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>2. Print your name and address on the reverse so that we can return the card to you.</p> <p>3. Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>Article Addressed to:</p> <p align="center">FOFO MH4736KR</p> <p>LEE RICH &amp; PARTIES OF INTEREST PO BOX 48311 CUMBERLAND NC 28331 8311</p>	<p>A. Signature: <u>X Carleen Rich</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name): <u>Carleen Rich</u> C. Date of Delivery: <u>MAY 30 2006</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	<p>1. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>2. Print your name and address on the reverse so that we can return the card to you.</p> <p>3. Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>Article Addressed to:</p> <p align="center">FOFO MH4736KR</p> <p>WAYNE RICH &amp; PARTIES OF INTEREST PO BOX 48311 CUMBERLAND NC 28331 8311</p>	<p>A. Signature: <u>X Carleen Rich</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name): <u>Carleen Rich</u> C. Date of Delivery: <u>MAY 30 2006</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
7005 0390 0006 0047 7848		7005 0390 0006 0047 7855	
S Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540		PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>1. Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>2. Print your name and address on the reverse so that we can return the card to you.</p> <p>3. Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>Article Addressed to:</p> <p align="center">FOFO MH4736KR</p> <p>CARLEEN RICH &amp; PARTIES OF INTEREST PO BOX 48311 CUMBERLAND NC 28331 8311</p>	<p>A. Signature: <u>X Carleen Rich</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name): <u>Carleen Rich</u> C. Date of Delivery: <u>MAY 30 2006</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
2. Article 7005 0390 0006 0047 7916 (Transfer from service label)	
PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540	

EXHIBIT A

Charles C. Morris  
Chair  
Town of Linden

Donovan McLaurin  
Vice-Chair

Wade, Falcon & Godwin  
Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Stedman



## COUNTY of CUMBERLAND

### Planning and Inspections Department

Thomas J. Lloyd,  
Director  
Planning/Inspections

Cecil P. Combs,  
Deputy Director

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

### NOTIFICATION OF HOUSING APPEALS BOARD DECISION

January 10, 2007

FILE NO: MH 4736-2006

PROPERTY OWNER: Brian & Marilyn Taylor  
MAILING ADDRESS: 1006 Eagles Nest Road  
Dudley, NC 28333

BOARD OF APPEALS MEETING DATE:  
1/9/2007 6:30 P.M.

PROPERTY LOCATION: 5165 Back Street, Fayetteville, NC,

OWNER/AGENT/  
OR REPRESENTATIVE(S) PRESENT: None

#### DECISION RENDERED ON THE ABOVE CASE(S):

1. At the above referenced, the Board granted Brian & Marilyn Taylor a 90 day extension to complete 25% of the repairs to the structure at 5165 Back Street and return to the Board for further evaluation.
2. The new compliance date is 4-9-07 for the completion of 25% of the repairs. The Inspector is to be kept informed of the progress.
3. By authority of North Carolina General Statutes 14-4, violation of the county code is punishable as a Class 3 Misdemeanor in criminal court and failure to meet the new compliance date may result in the following action:
  - a. A \$50.00 per day civil penalty may be imposed for each day's continuing violation after the compliance date.
  - b. The County Planning & Inspections Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners. The cost of said demolition will be assessed against the real property in the form of a lien.
  - c. The County Planning & Inspections Department may start criminal proceedings in Environmental Court.

Charisse Brown  
Secretary  
Housing Board of Appeals

KR/cb

#### EXHIBIT B

**PROOF OF LEGAL SERVICE OF HOUSING APPEALS BOARD DECISION**  
**DATED JANUARY 10, 2007**  
**MINIMUM HOUSING CASE NUMBER: MH4736-2006**

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p align="right">HBA KR Dec MH4736</p> <p>BRIAN TAYLOR &amp; PARTIES OF INTEREST 1006 EAGLES NEST ROAD DUDLEY, NC 28333</p>	<p>A. Signature X <i>[Signature]</i> <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p>B. Received by (Printed Name) <i>[Signature]</i> C. Date of Delivery <i>1-12-07</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p> <p align="center">7003 0500 0004 7403 2409</p>	<p>3. Service Type  <input type="checkbox"/> Certified Mail    <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered       <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail      <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>PS Form 3811, February 2004      Domestic Return Receipt      102595-02-M-1540</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p align="right">HBA KR Dec MH4736</p> <p>MARILYN TAYLOR &amp; PARTIES OF INTEREST 1006 EAGLES NEST ROAD DUDLEY, NC 28333</p>	<p>A. Signature X <i>[Signature]</i> <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p>B. Received by (Printed Name) <i>[Signature]</i> C. Date of Delivery <i>1-12-07</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p> <p align="center">7003 0500 0004 7403 2416</p>	<p>3. Service Type  <input type="checkbox"/> Certified Mail    <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered       <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail      <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>PS Form 3811, February 2004      Domestic Return Receipt      102595-02-M-1540</p>	

EXHIBIT B

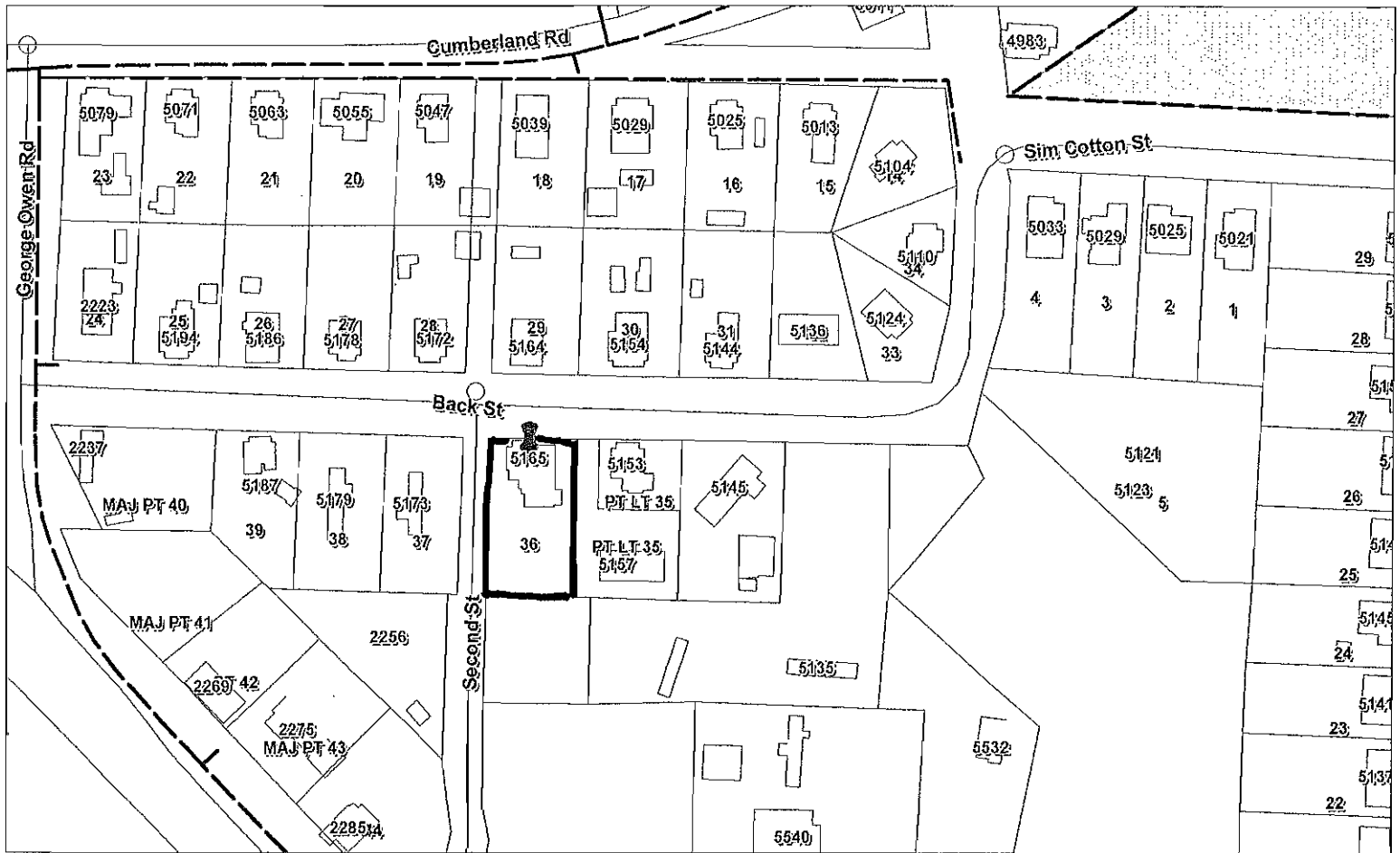
**MAP DEPICTING LOCATION OF PROPERTY**

**5165 BACK STREET, FAYETTEVILLE, NC**

**OWNER: BRYAN & MARILYN TAYLOR**

**MINIMUM HOUSING CASE # MH4736-2006**

**TAX PARCEL IDENTIFICATION NUMBER 0405-85-0240**



**EXHIBIT C**

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

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

BACKGROUND: That the following is a report on case numbers **MH5072-2006**

Property Owner: **Gene Maynor, Sr., and wife Sandra Maynor**

Property Address: **5730 Gregory Street, Fayetteville, NC**

Tax Parcel Identification Number: 0419-95-2499

SYNOPSIS: This property consists of a single family dwelling that was inspected on November 28, 2006. All property owners and parties of interest were legally served with the Notice of Violations and afforded a Hearing on March 14, 2007. The property owners **did not attend** the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than May 12, 2007. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) No Appeal was filed. Upon my visit to the property on June 8, 2007, no corrective action has been made to the structure. The structure is presently vacant and reasonably secured. In it's present state, the structure constitutes a fire, health, and safety hazard. The estimated cost to repair this structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has the structure presently valued at \$2,448.00. Attached is a map depicting the location of the property. (See Exhibit B.)

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

Kim Reeves

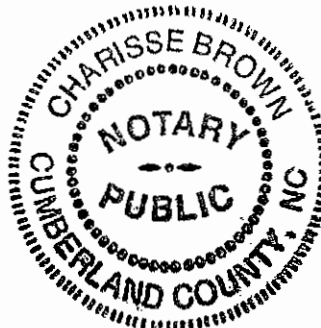
Kim Reeves, Affiant  
Code Enforcement Officer/County of Cumberland

Sworn to and Subscribed to by me this  
the 8<sup>th</sup> day of June 2007.

Charisse Brown

Notary Public

My Commission Expires: 9-29-07  
10/21/07 *CA*



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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

**BOARD OF COUNTY COMMISSIONERS MOTION:**

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

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

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

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

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

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

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

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

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

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

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

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

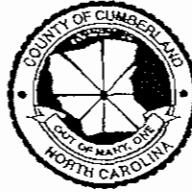
To adopt the order and report of the Minimum Housing Inspector as the true facts in this case.

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



Charles C. Morris  
Chair  
Town of Linden

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



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

### FINDINGS OF FACT AND ORDER

March 15, 2007

CASE #: MH 5072-2006

TO: Gene & Sandra Maynor, Sr. & Parties of Interest  
4508 Tango Drive  
Fayetteville, NC 28301

Property at: 5730 Gregory Street, Fayetteville, NC (PIN 0419-95-2499)

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 2/23/2007.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 3/14/2007 at 9:30:00 AM. The items identified below took place at the Hearing:

- ☒ 1. No owner or party of interest, or their agent, or representative appeared.
- ☐ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: \_\_\_\_.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 2/16/2007. Upon the record and all of the evidence offered and contentions made, the undersigned Hearing Officer does thereby find the following fact:
  - ☒ a. The dwelling in question is violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 5072-2006, dated 11/28/2006.
  - ☒ b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
  - ☒ c. The dwelling is unfit for human habitation.

### EXHIBIT A

Findings and Facts of Order


Case #: MH 5072-2006

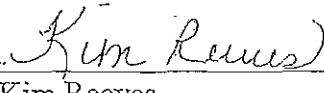
Page 2

☒ 4. Due to facts presented above, the Hearing Officer orders as follows:

- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 5/12/2007. All required permits must be obtained. A copy of this order must be presented when obtaining permits.
- ☒ b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
- ☒ c. The structure shall be/remain secured.
- ☒ d. Violation of the County code is punishable as a Class 3 Misdemeanor in criminal court by authority of North Carolina General Statutes 14-4.
- ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 5/12/2007. The cost of said demolition will be assessed against the real property in the form of a lien.

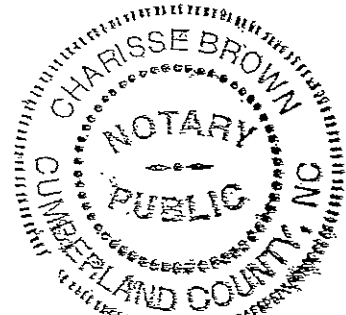
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.

  
Ken Sykes  
Hearing Officer

  
Kim Reeves  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc: Beneficial, Attn: Bankruptcy Dept., Acct # 601 735 00527157  
961 Weigel Drive, Elmhurst, IL 60126  
Stephen G. Iman (Attny) 2517 Raeford Road, Fayetteville, NC 28305



Sworn to and Subscribed to by me  
this the 15<sup>th</sup> day of March, 2007

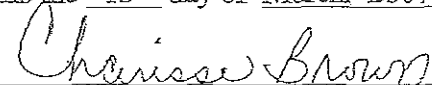
  
Notary Public  
My Commission Expires: 9/29/07

EXHIBIT A

**PROOF OF LEGAL SERVICE OF FINDINGS OF FACT & ORDER**  
**DATED MARCH 15, 2007**  
**MINIMUM HOUSING CASE NUMBER: MH5072-2006**

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <u>GENE MAYNOR JR</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>GENE MAYNOR JR</u> C. Date of Delivery <u>17 MAR 07</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>1. Article Addressed to:</p> <p align="center">FOFO MH5072KR</p> <p>SANDRA MAYNOR, &amp; PARTIES OF INTEREST 4508 TANGO DRIVE FAYETTEVILLE, NC 28301</p>		<p>3. Service Type  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (for transfer fee) <u>7003 0500 0004 7403 0474</u></p>			
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>			

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
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<p>1. Article Addressed to:</p> <p align="center">FOFO MH5072KR</p> <p>GENE &amp; MAYNOR, SR. &amp; PARTIES OF INTEREST 4508 TANGO DRIVE FAYETTEVILLE, NC 28301</p>		<p>3. Service Type  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (for transfer fee) <u>7003 0500 0004 7403 0467</u></p>			
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>			

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <u>W. W. CHARLEY</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>W. W. CHARLEY</u> C. Date of Delivery <u>MAR 15 2007</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>1. Article Addressed to:</p> <p align="center">FOFO KR MAYNOR</p> <p>ATTN: BANKRUPTCY DEPARTMENT BENEFICIAL 961 WEIGEL DRIVE ELMHURST IL 60126</p>		<p>3. Service Type  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (for transfer fee) <u>7003 0500 0004 7403 0429</u></p>			
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>			

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<p>1. Article Addressed to:</p> <p align="center">FOFO KR MAYNOR</p> <p>STEPHEN G INMAN &amp; PARTIES OF INTEREST 2517 RAEFORD RD FAYETTEVILLE NC 28305</p>		<p>3. Service Type  <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number (for transfer fee) <u>7003 0500 0004 7403 0344</u></p>			
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>			

EXHIBIT A

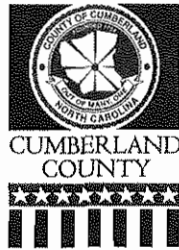
**5730 GREGORY STREET, FAYETTEVILLE, NC**  
**OWNERS: GENE MAYNOR, SR. & WIFE, SANDRA MAYNOR**  
**MINIMUM HOUSING CASE NUMBER: MH5072-2006**  
**PARCEL IDENTIFICATION #: 0419-95-2499**



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

June 7, 2007

**June 18, 2007 Agenda Item**

TO: Board of Commissioners  
FROM: Marie Colgan, Deputy Clerk *MC*  
SUBJECT: Adult Care Home Community Advisory Committee Vacancy (1)

The Adult Care Home Community Advisory Committee will have the following vacancy as of August 31, 2007:

**Wynella A. Myers** – has completed her initial appointment and is eligible for reappointment.

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

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

Attachments

cc: Andrea Wright-Valdez  
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>
Ernestine Mack ( /F) 6916 Kizer Drive Fayetteville, NC 28314 717-4229	2/07	Initial	Feb/08 2/28/08	Yes
Lonnie E. Johnson (B/M) 5206 Landmark Drive Fayetteville, NC 28311 488-8372/224-4841(C)	02/07	Initial	Feb/08 02/28/08	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	1 <sup>st</sup>	Jan/10 1/31/10	Yes
James Ingram (B/M) P.O. Box 87671 Fayetteville, NC 28304 257-1831/488-8415(W)	1/05	1 <sup>st</sup>	Jan/10 1/31/10	Yes
Benita Briggs 1116 Bingham Drive Fayetteville, NC 28304 822-1154/672-1294	5/07	1 <sup>st</sup>	May/08 5/30/08	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Jacqueline S. Wolfe (W/F) 1812 Manchester Street Fayetteville, NC 28303 484-8588/484-5146 (W)	2/07	Initial	Feb/08 2/28/08	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	2 <sup>nd</sup>	April/09 4/30/09	No
John Poulos (W/M) 3025 Brechin Road Fayetteville, NC 28303 867-2622/424-4242(W)	6/06	2 <sup>nd</sup>	June/09 6/30/09	No
Teresa R. McNeill (B/F) 3518 Pickerel Street Fayetteville, NC 283068 480-0313/483-3648, Ext. 1109 (W)	2/07	Initial	Feb/08 2/28/08	Yes
Dr. Claudett Tompkins (B/F) 260 Old Farm Road Fayetteville, NC 28314 864-5336/424-4797(W)	9/06	2 <sup>nd</sup>	Aug/09 8/31/09	No
Kim Howard (W/F) 6018 Lakaway Drive Fayetteville, NC 28306 308-5974	4/07	Initial	Apr/08 4/30/08	Yes

CONTACT: Andrea Wright-Valdez, Regional Ombudsman, Mid-Carolina Area Agency on Aging,  
P. O. Box 1510, Fayetteville, NC 28302. Phone: 323-4191, x 25, fax # 323-9330  
MEETINGS: Quarterly: March, June, September, December 1st Thursday of Particular Month,  
10:00 AM, 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
PAUL, ROBIN (B/F) 363 KIMBERWICKE DRIVE FAYETTEVILLE, NC 28311 424-2278/237-2829 (W)	SELF-EMPLOYED CARE FINDERS FIRST	MASTERS-TEACHING READING K-6
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>		



KENNETH S. EDGE  
Chairman

J. BREEDEN BLACKWELL  
Vice Chairman

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

June 11, 2007

**June 18, 2007 Agenda Item**

TO: Board of Commissioners  
FROM: Marie Colgan, Deputy Clerk  
SUBJECT: Animal Control Board Vacancy (1)

The Animal Control Board will have the following vacancy on June 30, 2007:

**At-Large Positions**

Edwin A. Hamblin – Completing first term. Due to work commitments, Mr. Hamblin is unable to continue to serve. The Animal Control Board requests that **Kimberly Luddington** be appointed to fill his unexpired term.

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

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

cc: Sue Nicholson, Animal Control Director

ANIMAL CONTROL BOARD  
3 Year Term  
(Terms extended from 2 to 3 years on 8/5/02.)

<u>Name/Address</u>	<u>Date</u> <u>Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For</u> <u>Reappointment</u>
<u>Knowledge &amp; Experience in Dog Behavior and/or Handling Position</u>				
Paula Thomason 1660 River Road Fayetteville, North Carolina 28312 483-9213	5/06	2nd	June/09 6/30/09	No
<u>Promoting 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 Position</u>				
Tommy Griffin 530 Lennox Drive Fayetteville, North Carolina 28303	5/06	2nd	May/09 5/31/09	No
<u>Ex-Officio, The Veterinarian on Contract to the Animal Control Department Position</u>				
Dr. John Lauby (W/M) East Fayetteville Veterinary Clinic 118 Cedar Creek Road Fayetteville, North Carolina 28312 323-5845	6/07	4 <sup>th</sup>	June/10 6/30/10	
<u>At-Large Positions</u>				
Edwin A. Hamblin (W/M) 6653 Rockfish Road Fayetteville, North Carolina 28306 425-0170	6/04	1 <sup>st</sup> full	June/07 6/30/07	Yes
Wallace Owens 1888 Cascade Street Fayetteville, North Carolina 28301 488-9064	6/07	2 <sup>nd</sup>	June/10 6/30/10	No
<u>City of Fayetteville Resident Positions</u>				
Carol Langdon P.O. Box 35541 Fayetteville, North Carolina 28303 868-4038	6/05	2nd	June/08 6/30/08	No
Linda Hardy Lewis 411 Lakeshore Drive Fayetteville, North Carolina 28305 485-4960	5/06	2nd	June/09 6/30/09	No

Board was Established by Ordinance adopted on January 4, 1999.

Meetings: Bi monthly – 1<sup>st</sup> Monday, 6:00PM (Courthouse) - Contact: Sue Nicholson 321-6851

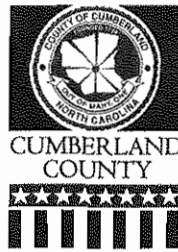
APPLICANTS FOR  
ANIMAL CONTROL BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
FLEMING, JOE (B/M) 7235 RYAN STREET FAYETTEVILLE, NC 28314 868-1428/257-7323 <b>**SERVES ON THE NURSING HOME ADVISORY BOARD**</b>	RETIRED	16 YEARS
HURLEY, MICHELE (W/F) 4216 BARTLET GLEN LANE FAYETTEVILLE, NC 28306 425-2793/904-7407 (W)	PHYSICAL THERAPIST	BS – SPORTS MED BS – PHY THERAP
LUDDINGTON, KIMBERLY, DVM 5429 KENTUCKY LANE HOPE MILLS, NC 28348 425-0720	VETERINARIAN	DOCTOR OF VETERINARY MED.
WILLIAMS, ENNIS V. (B/M) 2036 WHEELING STREET FAYETTEVILLE, NC 28303 867-2248/578-1877 (W)	VETERNARIAN	BS – MICROBIO DOCTOR OF VET MEDICINE

KENNETH S. EDGE  
Chairman

J. BREEDEN BLACKWELL  
Vice Chairman

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



BOARD OF COMMISSIONERS

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

ITEM NO. 4C

MARSHA S. FOGLE  
Clerk to the Board

MARIE COLGAN  
Deputy Clerk

June 7, 2007

**June 18, 2007 Agenda Item**

TO: Board of Commissioners  
FROM: Marie Colgan, Deputy Clerk *MC*  
SUBJECT: Board of Adjustment Vacancies (2)

The Board of Adjustment will have the following vacancies on August 31, 2007:

Alternate Members:

**Steve Burnett** has completed his first term and is eligible for reappointment.

**Joseph Dykes** has completed his first term and is eligible for reappointment.

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

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

Attachments

pc: Tom Lloyd, Planning/Inspections Director

*Celebrating Our Past... Embracing Our Future*

BOARD OF ADJUSTMENT  
3 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
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 28303 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	2 <sup>nd</sup>	Jan/10 1/31/10	No
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

Meets 3<sup>rd</sup> Thursday of each month at 7:00 PM – Historic Courthouse, Room 3

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) <b>**SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COUNCIL**</b>	ASST. PRINCIPAL	POST GRADUATE
JOHNSON, JASON N. (B/M) 8436 UMSTEAD ROAD FAYETTEVILLE, NC 28304 864-3999	UNEMPLOYED	BA – POLITICAL SCIENCE (RECENT COLLEGE GRAD)
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



BOARD OF COMMISSIONERS

5th Floor, New Courthouse • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829  
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ITEM NO. 4-D

MARSHA S. FOGLE  
Clerk to the Board

MARIE COLGAN  
Deputy Clerk

June 7, 2007

**June 18, 2007 Agenda Item**

TO: Board of Commissioners  
FROM: Marie Colgan, Deputy Clerk *mc*  
SUBJECT: Cumberland Co. Juvenile Crime Prevention Council Vacancies (6)

The Cumberland County Juvenile Crime Prevention Council will have the following vacancies as of August 31, 2007:

Substance Abuse Professional

**Gregory T. Pitts** will have completed an unexpired term and is eligible for reappointment to his first full term.

Member of Business Community

**Gene Hallock** will have completed his first term and is eligible for reappointment.

At-Large Representative

**Dr. Polly Davis** will have completed her first term and is eligible for reappointment.  
Ron Snyder will have completed his second term and is not eligible for reappointment.  
The Juvenile Crime Prevention Council requests that **Bernard Condlin** be appointed.  
**Sue Thomas** will have completed her first term and is eligible for reappointment.  
Patrick Hurley will have completed his second term and is not eligible for reappointment.  
The Juvenile Crime Prevention Council requests that **Geneva Mixon** be appointed.

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

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

Attachments

pc: Sarah Hemingway, CCJCPC Coordinator

*Celebrating Our Past...Embracing Our Future*



CUMBERLAND COUNTY  
JUVENILE CRIME PREVENTION COUNCIL  
(Two year terms)

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

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

Cumberland County Juvenile Crime Prevention Council, Page 3

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Substance Abuse Professional</u>				
Lynett Shakeel CC Mental Health 109 Bradford Avenue Fayetteville, NC 28301 222-6093(W)	8/05	1st	Aug/07 8/31/07	Yes
<u>Member of Faith Community</u>				
Rev. Brian Thompson 3942 Gaithersburg Lane Hope Mills, NC 28348 436-2462/867-2708(W)	5/07	1st	Aug/09 8/31/09	No
(5/07 – term extended to 8/31/07 and renewed to 8/09)				
<u>Person Under Age 21</u>				
vacant (vacated by Shakeema Burns)				
<u>Juvenile Defense Attorney</u>				
Beth A. Hall 4508 Weaverhall Drive Fayetteville, NC 28314 257-0847(Cell)	9/06	1st full	Aug/08 8/31/08	Yes
<u>Member of Business Community</u>				
Gene Hallock 173 Aloha Drive Fayetteville, NC 28311 822-5409	8/05	1st	Aug/07 8/31/07	Yes
<u>United Way or Non-Profit</u>				
Margarita Dostall CC Schools P.O. Box 2357 Fayetteville, NC 28302 678-2300	2/06	2nd	Jan/08 1/31/08	No
<u>At Large Representatives</u>				
vacant (vacated by Henry Berry)				

Cumberland County Juvenile Crime Prevention Council, Page 4

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

Non-Voting Member

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

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

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

APPLICANTS FOR  
JUVENILE CRIME PREVENTION COUNCIL

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ABERCROMBIE, KALISHA (B/F) 3804 CASPER STREET HOPE MILLS, NC 28348 797-2537/864-7230(W) <b>**SERVES ON THE COMMUNITY CHILD PROTECTION FATALITY PREVENTION TEAM**</b>	DIRECT CARE PROVIDER AT RESIDENTIAL GROUP HOME	WORKING ON ASSOCIATE DEGREE
BAPTISTE, OSIRIS ( /M) 15 N. BRENDA STREET SPRING LAKE, NC 28390 496-3222/518-330-6560	RETIRED US ARMY	CRIMINAL JUSTICE
BRIGGS, BENITA Y. (B/F) 1116 BINGHAM DRIVE FAYETTEVILLE, NC 28304 822-1154/672-1294 (W)	OFFICE ASSISTANT IV	BA IN HISTORY; 08 GRAD – BA IN SOCIOLOGY
BROWN, KRAIG A. (B/M) 2909 WYCLIFFE COURT FAYETTEVILLE, NC 28306 426-3885/964-0503 (W)	ARMY	BS – CRIMINAL JUSTICE MA – CRIMINAL JUSTICE
CARTER, JAMES M. (W/M) 1212 CASTLEROCK DRIVE FAYETTEVILLE, NC 28304 484-4550/678-9896 (W)	PART-TIME TEACHER MEDIA PRODUCTION	BS - COMMUNICATIONS MINOR IN ART CONTINUING EDUC.
CONDLIN, BERNARD (W/M) 309 PERSON STREET FAYETTEVILLE, NC 28301	ATTORNEY	UNKNOWN
DAVIS, CHRISTOPHER (W/M) 7441 WILKINS DRIVE FAYETTEVILLE, NC 28311 482-4106/433-1825	POLICE OFFICE	BS, CRIMINAL JUSTICE M.P.A. – PUBLIC ADMIN
DILLON, MARY E. ( /F) 3209 MCCHOEN DRIVE FAYETTEVILLE, NC 28301 822-2045/678-8348(W)	BASIC SKILLS INSTRUCTOR	BS – ELEM. EDUCATION
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.
FLEMING JR., REV. JOE B/M) 7235 RYAN STREET FAYETTEVILLE, NC 28314 868-1428/583-1695 <b>**SERVES ON THE NURSING HOME ADVISORY BOARD**</b>	MINISTER	16 YEARS
HAIR, ANTHONY D. (B/M) 6344 MURPHY ROAD STEDMAN, NC 28391 323-9176/592-1575(W)	CONSUMER SOLUTIONS REPRESENTATIVE	BS EDUCATION

JUVENILE CRIME PREVENTION COUNCIL APPLICANTS, PAGE 2

EDUCATIONAL

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>BACKGROUND</u>
INGRAM, JAMES (B/M) PO BOX 87671 FAYETTEVILLE, NC 28304 257-1831/488-8415(W) <b>**SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COUNCIL**</b>	ASST. PRINCIPAL	POST GRADUATE
JACKSON, CRYSTAL EVE (B/F) 6422 KINCROSS AVENUE FAYETTEVILLE, NC 28304 426-3351	SITTER FOR THE ELDERLY	EXPECTED BA 12/07 IN CRIMINAL JUSTICE
JENSEN, LEESA (W/F) 719 ASHFIELD DRIVE FAYETTEVILLE, NC 28311 630-0253/433-1695(W)	HUMAN RELATIONS SPECIALIST	MASTERS: BUSINESS ADMINISTRATION
KELLER, BEVERLY N. (B/F) 7721 DUNDENNON DRIVE FAYETTEVILLE, NC 28306 867-7009/485-8326(W)	REALTOR/BROKER	STUDENT: MAJOR CRIMINAL JUSTICE
MACK, DAVID J. (B/M) 5479 LYNBROOK COURT FAYETTEVILLE, NC 28314 867-1214 <b>**SERVES ON THE EQUALIZATION &amp; REVIEW BOARD**</b>	RETIRED SCHOOL ADMINISTRATOR	MS – SCHOOL ADMIN.
MARSHALL, BARBARA SUMMEY (B/F) 7640 WILKINS DRIVE FAYETTEVILLE, NC 28311 488-2615/977-2303(W) <b>**SERVES ON THE BOARD OF HEALTH**</b>	NAVY RESERVE CHAPLAIN	BA – PSYCHOLOGY MA – RELIGIOUS ED. DR. OF MINISTRY
MATTHEWS, GEORGE (B/M) 6984 KINGS LYNN LOOP FAYETTEVILLE, NC 28304 487-3904/396-8169	GOVT. CONTRACT EMPLOYEE	BS – AERONAUTICS MA – HUMAN RELATIONS
MIXON, GENEVA (B/F) PO BOX 1829 FAYETTEVILLE, NC 28302 323-3421 (W)	PROGRAM MANAGER	UNKNOWN
MOORE, SYLVIA L. (B/F) 1115 LANDAU ROAD FAYETTEVILLE, NC 28311 822-4493/584-4553 (C)	RETIRED TEACHER	BS/MASTER – ELEMENTARY EDUCATION
MURRAY, JEFFREY W. (W/M) 4743 DENTON COURT FAYETTEVILLE, NC 28306 425-7046/977-6180 (W)	CONSULTANT	MS/BS/AA
PAUL, ROBIN (B/F) 363 KIMBERWICKE DRIVE FAYETTEVILLE, NC 28311 424-2278/237-2829 (W)	SELF-EMPLOYED CARE FINDERS FIRST	MASTERS-TEACHING READING K-6

JUVENILE CRIME PREVENTION COUNCIL APPLICANTS, PAGE 3

EDUCATIONAL

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>BACKGROUND</u>
POPE, RITA J. (B/F) 679 BARTON'S LAND PL #4 FAYETTEVILLE, NC 28314 864-4993	RETIRED JAILER	SOME COLLEGE
SALLEY, LUKE (B/M) 104 UNIVERSITY AVENUE FAYETTEVILLE, NC 28301 364-8505/483-0121 (W)	RETIRED CORRECTIONAL CAPTAIN	BA – ECONOMICS & ACCOUNTING
SULLIVAN, JOSEPH (Joe) (W/M) 2906 HIGH PLAINS DRIVE HOPE MILLS, NC 28348 717-1619/723-9227 (C)	SUBSTITUTE – RETIRED TEACHER	2 YR MASTERS
THOMPSON-PINCKNEY, TERESA (AA/F) 472 BRANDERMILL ROAD FAYETTEVILLE, NC 28314 867-7409	HIGH EDUCATION ADMINISTRATOR	BA-CRIMINOLOGY & CRIMINAL JUSTICE MA-SOCIOLOGY
WEBB, BERNARD ( /M) P.O. BOX 70398 FT. BRAGG, NC 28307 630-3282/(336)402-1197	CITY LETTER CARRIER	AA – GENERAL STUDIES BS – PSYCHOLOGY MA – HRD
WIGGS, CECIL (W/M) 6213 STONEY POINT LOOP FAYETTEVILLE, NC 28306 425-8557	RETIRED SCHOOL TEACHER	MASTERS -EDUCATION

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

June 7, 2007

**June 18, 2007 Agenda Item**

**MEMORANDUM**

TO: Board of Commissioners

FROM: Marie Colgan, Deputy Clerk *MC*

SUBJECT: Fayetteville Technical Community College Board of Trustees  
Vacancy (1)

The Fayetteville Technical Community College Board of Trustees will have the following vacancy on June 30, 2007.

Harry F. Shaw has resigned effective June 30, 2007. Fill the vacancy.

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

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

cc: Dr. Larry Norris



FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE  
BOARD OF TRUSTEES  
(County Appointees)  
4 Year Terms

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Lula Crenshaw (B/F) 878 Sunbury Drive Fayetteville, NC 28311 488-5549	5/06	2nd	June/10 6/30/10	No
William S. Wellons, Jr. (W/M) P.O. Box 766 Spring Lake, NC 28390 868-5435/436-3131(W)	5/03	1st	June/07 6/30/07	Yes
Thornton W. Rose (W/M) 2614 Mirror Lake Drive Fayetteville, NC 28303 484-9060	5/04	2nd	June/08 6/30/08	No
Harry F. Shaw (W/M) 1225 Haymount Court Fayetteville, NC 28305 484-6737	6/05	1st	June/09 6/30/09	Yes

Contact person: Betty Shackelford 678-8222  
PO Box 35236, Fay NC 28303  
Fax # 678-8269  
e-mail: shackelb@faytechcc.edu

Meetings: Board has been meeting the 3rd Monday of each month at 12:45 pm. No meetings in July or December. (Once each quarter required by bylaws) -written notification sent for all regularly-called meetings.

\* Terms extended by the General Assembly.

APPLICANTS FOR  
FTCC BOARD OF TRUSTEES

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ALLEN, CHARLES (W/M) 2233 WILMINGTON HIGHWAY FAYETTEVILLE, NC 28306 483-3213/323-8811(W)	OWNER- LANDSCAPING COMPANY	NURSERY & HORTICULTURE STUDIES
ANDERSON, LARRY D. (AA/M) 7669 WILKINS DRIVE FAYETTEVILLE, NC 28311 488-6099/396-8991 (W)	PASTOR & CHEMICAL BIOLOGICAL, NUCLEAR, & RADIOLOGICAL DEFENSE INSTRUCTOR	BS – PSYCHOLOGY MPA- ENVIRONMENTAL MANAGEMENT
ANDREWS-McCALL, MAXINE (B/F) 5637 MUM CREEK LANE FAYETTEVILLE, NC 28304 423-1727/322-5800 (C)	RETIRED	DOCTORATE IN EDUC. ADMINISTRATION
CHAVIS, DR. ANNIE M. (B/F) 3454 THORNDIKE DRIVE FAYETTEVILLE, NC 28311 488-9555/672-1852(W)	COLLEGE PROFESSOR	
CHESTNUTT, A. JOHNSON (W/M) 578 MILDEN ROAD FAYETTEVILLE, NC 28314 484-6365/323-1040(W)	ACCOUNTANT	BS/BA
CHISOLM, ALICIA S. (AA/F) 1855 CASCADE STREET FAYETTEVILLE, NC 28301 488-7820/488-5935 (W) <b>**SERVES ON THE CIVIC CENTER COMMISSION**</b>	SELF EMPLOYED RETIRED DOA CIVILIAN	MBA & BS – BUSINESS ADMIN/MGT
GABRIEL, GRANT (W/M) 3690 RAEBURN COURT FAYETTEVILLE, NC 28314 678-8995/907-0203 (W)	EDUCATOR ADMINISTRATOR	BS, MS, M. ED, ED. D
IGUNBOR, GABRIEL, ESQ. (B/M) 1607 RAMSEY STREET FAYETTEVILLE, NC 28301 480-3007/635-5145(W)	CRIM. JUSTICE INSTRUCTOR	MASTER OF LAWS
JOHANNES, ULRICH (W/M) 516 THORNGATE DRIVD FAYETTEVILLE, NC 28303 864-0420/433-1718(W)	ASSOC. NETWORK ADMINISTRATOR	BACHELORS – INFORMA- TION TECHNOLOGY
LEE, DELMAR T. (B/M) 7112 AVILA DRIVE FAYETTEVILLE, NC 28314 864-5482	RETIRED SUBSTITUTE TEACHER	AS – AVIONICS BS/MS/EDUCATION

FTCC BOARD OF TRUSTEES APPLICANTS, PAGE 2

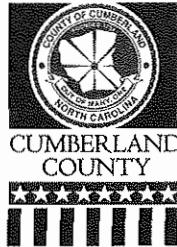
EDUCATIONAL

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>BACKGROUND</u>
LEWIS, BOB (W/M) 3011 BANKHEAD DRIVE FAYETTEVILLE, NC 28306 426-6999	RETIRED EDUCATOR	BS, MASTERS
LEWIS, SHERYL J. (W/F) 3011 BANKHEAD DRIVE FAYETTEVILLE, NC 28306 426-6999	RETIRED EDUCATOR	BA, MA, ED.S.
MATTHEWS, GEORGE E. (B/M) 6984 KINGS LYNN LOOP FAYETTEVILLE, NC 28304 487-3904/396-8169/2227	GOVT. CONTRACT EMPLOYEE	BS – AERONAUTICS MA – HUMAN RELATIONS
MCCUNE, DAVID JR. (W/M) 4801 RESEARCH DRIVE FAYETTEVILLE, NC 28306 297-6034	VICE PRESIDENT MCCUNE TECHNOLOGY	SOME COLLEGE
MURRAY, JEFFREY W. (W/M) 4743 DENTON COURT FAYETTEVILLE, NC 28306 425-7046/977-6180 (W)	CONSULTANT	MS/BS/AA
SALLEY, LUKE (B/M) 104 UNIVERSITY AVENUE FAYETTEVILLE, NC 28301 364-8505/483-0121 (W)	RETIRED CORRECTIONAL CAPTAIN	BA – ECONOMICS & ACCOUNTING
THOMPSON-PINCKNEY, TERESA (AA/F) 472 BRANDERMILL ROAD FAYETTEVILLE, NC 28314 867-7409	HIGH EDUCATION ADMINISTRATOR	BA-CRIMINOLOGY & CRIMINAL JUSTICE MA-SOCIOLOGY
WADDLE, ROBERTA (W/F) 3941 GAINES ROAD FAYETTEVILLE, NC 28306 484-7936	SEMI RETIRED	BS –BIOLOGY ED. MS – BOTANY ASSOC – EDP
WENDELKEN, DAVID ( /M) 818 AZALEA DRIVE FAYETTEVILLE, NC 28301 677-0495/223-2417(W)	CONSULTANT	BA – POLITICAL SCIENCE
<b>**SERVES ON THE MENTAL HEALTH BOARD**</b>		
WILLIFORD, P. (PAT)(W/M) 951 S. MCPHERSON CHURCH ROAD FAYETTEVILLE, NC 28303 223-0223/484-2168 (W)	CPA	BS/BA

KENNETH S. EDGE  
Chairman

J. BREEDEN BLACKWELL  
Vice Chairman

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



**BOARD OF COMMISSIONERS**

5th Floor, New Courthouse • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829  
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ITEM NO. 4F

MARSHA S. FOGLE  
Clerk to the Board

MARIE COLGAN  
Deputy Clerk

June 7, 2007

**June 18, 2007 Agenda Item**

TO: Board of Commissioners  
FROM: Marie Colgan, Deputy Clerk *MC*  
SUBJECT: Joint Appearance Commission Vacancies (2)

The Joint Appearance Commission will have the following vacancies as of August 31, 2007.

Elizabeth B. Moore and Dianne Howard Sheppard have completed their second term and are not eligible for reappointment.

I have attached the membership list and applicant list for this commission.

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

Attachments

pc: Jimmy Teal, Chief Planning Officer  
City of Fayetteville

*Celebrating Our Past... Embracing Our Future*

JOINT APPEARANCE COMMISSION  
2-Year Terms

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible for Reappointment</u>
Allen, Cindy(W/F) 2233 Wilmington Highway Fayetteville, NC 28306 483-3213/323-8811(W)	9/06	1 <sup>st</sup> full	Aug/08 8/31/08	Yes
Glostons, Louis (B/M) 2000 Greendale Drive Fayetteville, NC 28304 867-5724/484-7869(W)	9/06	1 <sup>st</sup>	Aug/08 8/31/08	Yes
Moore, Elizabeth B.(W/F) 3316 Quarry Drive Fayetteville, NC 28303 867-2036/309-2394	8/05	2 <sup>nd</sup>	Aug/07 8/31/07	No
Sheppard, Dianne Howard(W/F) P.O. Box 1 Spring Lake, NC 28390 497-3405/977-1246(Cell)	8/05	2 <sup>nd</sup>	Aug/07 8/31/07	No

Meetings: First Monday of Month – 5:15 PM – City Hall, 1<sup>st</sup> Floor, Cape Fear Room

Contact: Jimmy Teal  
City of Fayetteville

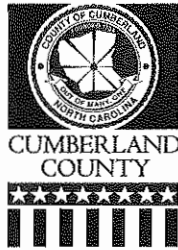
APPLICANTS FOR  
JOINT APPEARANCE COMMISSION

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ALLEN, CHARLES (W/M) 2233 WILMINGTON HIGHWAY FAYETTEVILLE, NC 28306 483-3213/323-8811(W)	OWNER – LANDSCAPING COMPANY	NURSERY & HORTICULTURE STUDIES
MCFADYEN, WILLIAM DAVID(W/M) 7122 HUNTERS POINT DRIVE FAYETTEVILLE, NC 28311 822-2362	RETIRED PART-TIME COURIER	ASSOCIATE DEGREE: BUSINESS ADMIN.
SMITH, NANCY W. (W/F) 5731 CHRISTMASBERRY CT. FAYETTEVILLE, NC 28312 487-1578/850-9398 (W)	OWNER/PRESIDENT AGRI SUPPLY	NURSING DEGREE HORTICULTURE

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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June 7, 2007

## June 18, 2007 Agenda Item

TO: Board of Commissioners  
FROM: Marie Colgan, Deputy Clerk *MC*  
SUBJECT: Local Emergency Planning Committee Vacancies (7)

The Local Emergency Planning Committee will have the following vacancies as of August 31, 2007:

### Print and Broadcast Media Representative

**Doug Hewett** will have completed an unexpired term and is eligible for reappointment.  
**Sarah VanderClute** will have completed her first term and is eligible for reappointment.

### Law Enforcement Representative

**Capt. Larue Windham** will have completed his first term and is eligible for reappointment.

### Community Group Representative

**Jeffrey Womble** will have completed his first term and is eligible for reappointment.

### First Aid Representative

**Scott Blecke** will have completed his first term and is eligible for reappointment.

### At-Large Representative

**Dawn O'Donnell** will have completed her first term and is eligible for reappointment.

### Utilities Representative

Danny F. Terry will have completed his first term, but is unable to continue to serve. The Emergency Planning Committee has asked that he be replaced with **Steven Harris** as Ft. Bragg's representative.

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

**PROPOSED ACTION:** Make nominations to fill the seven (7) vacancies.

pc: Doc Nunnery, Emergency Services Director  
Attachments

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04/07

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

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Print and Broadcast Media Representative</u>				
Doug Hewett, Director City of Fayetteville Management Services 433 Hay Street Fayetteville, NC 28301 Phone: 433-1998	4/07	1 <sup>st</sup>	Aug/07 8/31/07	Yes
(filling unexpired term)				
Sarah VanderClute CC Public Information Officer P.O. Box 1829 Fayetteville, NC 28302 Phone: 437-1921	8/04	1 <sup>st</sup>	Aug/07 8/31/07	Yes
<u>Operators of Facilities Representative</u>				
(vacant) Safety Manager Hexion Specialty Chemicals 1411 Industrial Drive Fayetteville, NC 28301 485-9270	10/05	2 <sup>nd</sup>	Nov/08 11/30/08	No
(vacant) Univar, Inc. 420 Worth Street Fayetteville, NC 28304 483-2107/988-2801	9/03	1 <sup>st</sup>	Sept/06 9/30/06	Yes
Joel Blake Dupont 22828 NC Hwy 87W Fayetteville, NC 28306 424-4083/678-1285(W)	4/07	2 <sup>nd</sup>	Dec/09 12/31/09	No
(vacant) Purolator Corp. 3200 Natal Road Fayetteville, NC 28306 423-5691/426-4283(W)	4/07	2 <sup>nd</sup>	Dec/09 12/31/09	No



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

Cumberland County Emergency Planning Committee, page 3

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

Cumberland County Emergency Planning Committee, page 4

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

Ex-Officio Members

Elected Official Representative (Liaison)

Ed Melvin, County Commissioner

Emergency Management

Doc Nunnery, Cumberland County Emergency Services

Fayetteville Fire/Emergency Management

Bennie Nichols, Chief, Fayetteville Fire Department

Dale Iman, City Manager

James Martin, County Manager

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

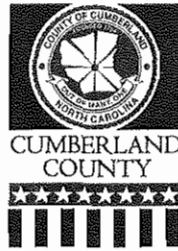
APPLICANTS FOR  
EMERGENCY PLANNING COMMITTEE

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

KENNETH S. EDGE  
Chairman

J. BREEDEN BLACKWELL  
Vice Chairman

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



MARSHA S. FOGLE  
Clerk to the Board

MARIE COLGAN  
Deputy Clerk

# BOARD OF COMMISSIONERS

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June 7, 2007

## June 18, 2007 Agenda Item

TO: Board of Commissioners

FROM: Marie Colgan, Deputy Clerk *MC*

SUBJECT: Mid-Carolina Aging Advisory Committee Vacancies (5)

Mid-Carolina Aging Advisory Committee will have the following vacancies as of August 31, 2007.

### Volunteers

Bonnie Ammons will have completed her second term and is not eligible for reappointment.

**David V. McMillan** will have completed an unexpired term and is eligible for reappointment.

**Patty McArdle** will have completed her first term and is eligible for reappointment.

### Consumers

**Daniel DeCriscio** will have completed his first term and is eligible for reappointment

**Eleanor Ayers** will have completed her first term and is eligible for reappointment.

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

**PROPOSED ACTION:** Make nominations to fill the vacancies (5).

Pc: Carolyn Tracy, Aging Administrator  
Mid-Carolina Area Agency on Aging

*Celebrating Our Past...Embracing Our Future*

MID-CAROLINA AGING ADVISORY COMMITTEE  
3 Year Term

4/07

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Volunteers</u>				
Bonnie Ammons (W/F) 205 Bobbie Street Fayetteville, NC 28306 425-8657/483-8442(W)	9/04	2 <sup>nd</sup>	Aug/07 8/31/07	No
David V. McMillan (M) 632 Tokay Drive Fayetteville, NC 28301 (filling unexpired term, eligible for 2 additional terms) 488-7643	4/07	1 <sup>st</sup>	Aug/07 8/31/07	Yes
Patty McArdle (W/F) 820-12 Sage Creek Lane Fayetteville, NC 28305 483-2060/261-5744(Cell)	9/04	1 <sup>st</sup>	Aug/07 8/31/07	Yes
<u>Consumers</u>				
Daniel DeCriscio (M) 3604 Crampton Road Hope Mills, NC 28348 (filling unexpired term, eligible for 2 additional terms) 425-6365	4/07	1 <sup>st</sup>	Aug/07 8/31/07	Yes
Eleanor Ayers (W/F) 6750 Clinton Road Stedman, NC 28391-8836 483-1875	9/04	1 <sup>st</sup>	Aug/07 8/31/07	Yes
<u>Elected Official</u>				
Huell Aekins (B/M) Mayor, Town of Wade P. O. Box 232 Wade, NC 28395 485-3502	12/05	2 <sup>nd</sup>	Dec/08 12/31/08	No

Veterans Hospital Rep.  
vacant (vacated by Nina Davis)

Contact: Mid-Carolina Council of Governments (Carolyn Tracy, 323-4191 x26) – F # 323-9330  
Meetings: 1<sup>st</sup> Tuesday, 2:00 PM, Various Locations  
Meetings are held the last month of each quarter.

APPLICANTS FOR  
MID-CAROLINA AGING ADVISORY COMMITTEE

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
COLLIER, GARY (W/M) 6335 HACKBERRY HOPE MILLS, NC 28348 423-4853/323-0910, EXT.7135(W)	HOME HEALTH SERVICES 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
OWENS, CAROLYN (W/F) 2508 COLGATE DRIVE FAYETTEVILLE, NC 28304 485-4902	RETIRED – CHILD NUTRITION SUPERVISOR	BS/MA – HOME ECONOMICS
PAUL, ROBIN (B/F) 363 KIMBERWICKE DRIVE FAYETTEVILLE, NC 28311 424-2278/237-2829 (W)	SELF-EMPLOYED CARE FINDERS FIRST	MASTERS-TEACHING READING K-6
WOLFE, JACQUELINE B. (W/F) 1812 MANCHESTER STREET FAYETTEVILLE, NC 28303 484-8588/484-5146 (W) <b>**SERVES ON THE ADULT CARE HOME COMMUNITY ADV. BOARD**</b>	MEMBER SERVICES REP	HS; SOME TECH 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  
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Deputy Clerk

**BOARD OF COMMISSIONERS**

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June 7, 2007

**June 18, 2007 Agenda Item**

TO: Board of Commissioners  
FROM: Marie Colgan, Deputy Clerk *MC*  
SUBJECT: Workforce Development Board Vacancy (1)

The Workforce Development Board will have the following vacancy as of August 31, 2007:

Private Sector Representative

Tim Owen will have completed his second term and is not eligible for reappointment.

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

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

Attachments

pc: Patrick Hurley, Workforce Development Center



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

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

Cumberland County Workforce Development Board, page 2

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

Cumberland County Workforce Development Board, page 3

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

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Education:</u>				
Dr. Edward Jackson (W/M) Fayetteville Technical Community College P. O. Box 35236 Fayetteville, NC 28303	8/03	1 <sup>st</sup>	July/06 7/31/06	Yes
Chancellor T. J. Bryan (B/F) Fayetteville State University 1200 Murchison Road Fayetteville, NC 28301 486-1141	1/05	1 <sup>st</sup>	Jan/08 1/31/08	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 (or Linda Morrison – 323-2498, X2126 – fax # 323-5755)

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

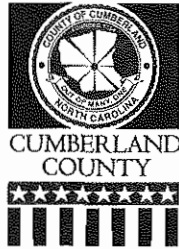
APPLICANTS FOR  
WORKFORCE DEVELOPMENT BOARD

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BRIGGS, BENITA Y. (B/F) 1116 BINGHAM DRIVE FAYETTEVILLE, NC 28304 822-1154/672-1294 (W)	OFFICE ASSISTANT IV	BA IN HISTORY; 08 GRAD – BA IN SOCIOLOGY
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
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



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

June 6, 2007

**June 18, 2007 Agenda Item**

TO: Board of Commissioners  
FROM: Marie Colgan, Deputy Clerk *MC*  
SUBJECT: Board of Adjustment

BACKGROUND: On June 4, 2007 the Board of Commissioners nominated the following to fill three vacancies on the Board of Adjustment:

**Melree Hubbard Tart** (new appointment)

**Alternate Members**

**James Ingram** (new appointment)

**John Swanson** (new appointment)

I have attached the current membership list for this Board.

**PROPOSED ACTION: Appoint the above three vacancies.**

Attachment

pc: Tom Lloyd, Director  
Planning/Inspection Department

*Celebrating Our Past... Embracing Our Future*

BOARD OF ADJUSTMENT  
3 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
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 28303 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	2 <sup>nd</sup>	Jan/10 1/31/10	No
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

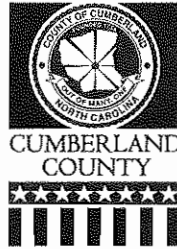
Meets 3<sup>rd</sup> Thursday of each month at 7:00 PM – Historic Courthouse, Room 3



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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June 6, 2007

**June 18, 2007 Agenda Item**

TO: Board of Commissioners

FROM: Marie Colgan, Deputy Clerk *MC*

SUBJECT: Criminal Justice Partnership Advisory Board

BACKGROUND: On June 4, 2007 the Board of Commissioners nominated the following to fill three vacancies on the Criminal Justice Partnership Advisory Board:

At-Large: **Richard A. Hayes** (reappointment)

Criminal Defense Attorney: **David Delaney** (new appointment)

Superior Court Judge: **E. Lynn Johnson** (new appointment)

I have attached the current membership list for this board.

**PROPOSED ACTION: Appoint the above three (3) vacancies.**

Attachment

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

## CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD

6/07

3-year terms

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

CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD PG. 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Community-Based Corrections Programs Representative</u>				
Sue Horne ( /F) Fayetteville Area Sentencing 310 Green Street, Suite 110 Fay., NC 28301 323-5852	4/06	1st	April/09 4/30/09	Yes
<u>District Attorney</u>				
Ed Grannis (W/M) Cumberland County Courthouse 117 Dick Street Fay., NC 28301 678-2915(W)	6/07	5th	June/10 6/30/10	Yes
<u>Victim Services Programs Representative</u>				
Sharon Wright Hucks (B/F) Cumberland County District Attorney's Office Cumberland County Courthouse Fay., NC 28301 678-2915(W)	8/05	3rd	June/08 6/30/08	Yes
<u>At-Large</u>				
Leesa Jensen (W/F) 719 Ashfield Drive Fay., NC 28311 630-0253/433-1695(W)	6/07	1st	June/10 6/30/10	Yes
Frederick H. Frimet (C/M) 1163 Bluebird Lane Fay., NC 28311 488-7486(H)	6/07	2 <sup>nd</sup>	June/10 6/30/10	No
Richard A. Hayes 332 Summertime Road Fay., NC 28303 484-0137/733-4564(W)	6/04	3rd	June/07 6/30/07	No
Carrie M. Heffney (B/F) 7665 Wilkins Drive Fay., NC 28311 488-0707/678-8351(W)	6/06	4th	June/09 6/30/09	Yes

CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD PG. 3

<u>Name/Address</u>	<u>Date</u> <u>Appointed</u>	<u>Eligible For</u> <u>Term</u>	<u>Expires</u>	<u>Reappointment</u>
<u>At-Large</u> William David McFadyen (W/M) 7122 Hunters Point Drive Fay., NC 28311 822-2362	6/07	1 <sup>st</sup>	June/10 6/30/10	Yes
Kirk Nance 603 Pilot Avenue Fay., NC 28303 484-4140/323-3500(W)	6/06	2nd	June/09 6/30/09	No
<u>Public Defender</u> Ron McSwain (W/M) Cumberland County Courthouse, Suite 307 117 Dick Street Fay., NC 28301 678-2918(W)	6/07	5th	June/10 6/30/10	Yes
<u>County Commissioner</u> Diane Wheatley (W/F) P.O. Box 1829 Fay., NC 28302 678-7771(W)	6/07	1 <sup>st</sup>	June/10 6/30/10	Yes
Jeannette Council (B/F) P.O. Box 1829 Fay., NC 28302 678-7771(W)	10/06 (to fill unexpired term)	1st	June/09 6/30/09	Yes
<u>Substance Abuse Service Representative</u> James Miller (W/M) RR 1, Box 340 Hope Mills, NC 28348 485-6953	8/05	4th	June/08 6/30/08	Yes
<u>Criminal Defense Attorney</u> Sherry Miller 108 Hay Street Fay., NC 28301 485-5004(W)	6/04	1st	June/07 6/30/07	Yes

CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD PG. 4

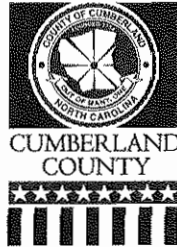
<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>County Manager or Designee</u>				
Juanita Pilgrim (B/F) P.O. Box 1829 Fay., NC 28302 678-7723(W)	6/00	N/A	N/A	Yes

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

KENNETH S. EDGE  
Chairman

J. BREEDEN BLACKWELL  
Vice Chairman

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



**BOARD OF COMMISSIONERS**

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

ITEM NO. 5C

MARSHA S. FOGLE  
Clerk to the Board

MARIE COLGAN  
Deputy Clerk

June 6, 2007

**June 18, 2007 Agenda Item**

TO: Board of Commissioners  
FROM: Marie Colgan, Deputy Clerk *mc*  
SUBJECT: Social Services Board

BACKGROUND: On June 4, 2007, the Board of Commissioners nominated Marvin Rouse to fill one (1) vacancy on the Social Services Board.

NOMINEE: Marvin Rouse (new appointment)

I have attached a current membership list of this board.

**PROPOSED ACTION:** Appoint the above vacancy.

Attachment

pc: William Scarlett, Social Services Director

*Celebrating Our Past...Embracing Our Future*

SOCIAL SERVICES BOARD  
3 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Chet Oehme ( /M) P.O. Box 36333 Fayetteville, NC 28303 864-3257/391-1231(Cell)	6/05	1st	June/08 6/30/08	Yes
Patrick J. Koehne (W/M) 2614 W. Edgewater Drive Fayetteville, NC 28303 484-2756/977-3901(W)	5/04	1st	June/07 6/30/07	Yes
<u>Social Services Board Appointee</u>				
Lyn Green ( /F) 3339 Quarry Road Fayetteville, NC	6/06	1st	June/09 6/30/09	Yes
<u>State Social Services Commission Appointee</u>				
George Hendricks 5713 Dobson Drive Fayetteville, NC 28311 822-1410	6/05	1 <sup>st</sup>	June/08 6/30/08	
<u>State Social Services Commission Appointee</u>				
Mary Deyampert McCall (B/F) 621 Bromsworth Trail Fayetteville, NC 28301 630-7698(W)	6/04	2nd	June/07 6/30/07	

Commissioner Liaison: Billy King

Contact: Sandra Pittman, DSS

Meeting Date: Last Wednesday of each month at 1:00 PM, Board Room, DSS Building

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**NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD AGENDA**  
**SPECIAL MEETING**  
**CUMBERLAND COUNTY BOARD OF COMMISSIONERS**  
**COURTHOUSE – ROOM 118**  
**JUNE 18, 2007**  
**6:45 PM**

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INVOCATION

1. Items of Business
  - A. Approval of minutes for the September 18, 2006 regular meeting.
  - B. Approval of Budget Revision B07-370 to recognize tap fee revenue and to Revise the Capital Project Ordinance.
  - C. Approval of Cumberland County Policy Committee Report and Recommendation of a Rate Increase for Sewer Service for the NORCRESS Sanitary Sewer System.

**ADJOURN THE JUNE 18, 2007 SPECIAL MEETING OF THE NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD.**

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



**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	NORCRESS #19
Budget Revision No.	B07-370
Date Received	6/6/2007
Date Completed	

Fund No. 009 Agency No. 450 Organ. No. 450A

Organization Name: NORCRESS Project

ITEM NO. 13

**REVENUE**

pg 1 of 2

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4008	USDA Rural Development Grant	4,140,000	0	4,140,000
453E	NC Rural Center Grant	2,688,781	0	2,688,781
4677	Cumberland County Schools Co-Sponsor	325,000	0	325,000
4678	Facility Investment Fee	500,000	0	500,000
4679	Community Development Co-Sponsor	603,366	0	603,366
6681	Tap Fees	72,320	(128)	72,192
9134	Transfer from Fund 250 (Co. Water & Sewer)	204,629	0	204,629
9296	Bond Anticipation Notes	1,250,000	0	1,250,000
Total		9,784,096	(128)	9,783,968

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3110	NAA	Legal	30,000	0	30,000
3630	NAB	C.O. Land (easements, right of way)	47,125	0	47,125
3747	NAC	Engineering	797,052	0	797,052
3757	NAD	Facility Investment Fee	500,000	0	500,000
3758	NAE	Eastover Approach Main	576,969	0	576,969
379A	NAK	Construction - North Wade	2,026,614	0	2,026,614
379B	NAL	Construction - South Wade	1,682,594	0	1,682,594
379C	NAM	Construction - Falcon	1,507,373	0	1,507,373
379D	NAN	Construction - Godwin	1,609,140	0	1,609,140
379E	NAP	Construction - Pump Station	876,627	0	876,627
3809	NAG	Capitalized Interest	18,700	0	18,700
3419	NAQ	Miscellaneous	50,602	(128)	50,474
389T	NAR	Transfer to Fund 253	61,300	0	61,300
Total			9,784,096	(128)	9,783,968

**Justification:**

Revision in the amount of \$128 to reduce budget for Tap Fees to reflect the actual tap fees received net of refunds. In addition, a revised Capital Project Ordinance dated June 18, 2007 is submitted for approval.

**Funding Source:**

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

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

**Fund Balance:**

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

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

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

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

Department Head

Reviewed By: Bob Tucker

Date: 6/6/07

Budget Analyst

Reviewed By: Amey Cannon

Date: 6/12/07

Assistant County Mgr

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

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

Information Services

**Approved By:**

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

County Manager

Board of County

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

**REVISED CAPITAL PROJECT ORDINANCE  
NORTH CUMBERLAND REGIONAL SEWER SYSTEM PROJECT (NORCRESS)**

June 18, 2007

REVENUES	FY2002-03	FY2003-04	FY2004-05	FY2005-06	FY2006-07	TOTAL
USDA Rural Development Grant			3,933,000	45,947	161,053	4,140,000
NC Rural Center Grant	338,700	81,237	1,763,605	505,239		2,688,781
Cumberland County Schools Co-Sponsor			325,000			325,000
Facility Investment Fee			500,000			500,000
Community Development Co-Sponsor	34,000	191,272	278,094	100,000		603,366
Tap Fees		42,344			29,848	72,192
Transfer from County Water & Sewer (Fund 250)			185,137		19,492	204,629
Bond Anticipation Notes			1,250,000			1,250,000
<b>TOTAL</b>	<b><u>\$372,700</u></b>	<b><u>\$314,853</u></b>	<b><u>\$8,234,836</u></b>	<b><u>\$651,186</u></b>	<b><u>\$210,393</u></b>	<b><u>\$9,783,968</u></b>

EXPENDITURES	FY2002-03	FY2003-04	FY2004-05	FY2005-06	FY2006-07	TOTAL
Legal			\$11,295	\$10,320	\$8,385	\$30,000
Capital Outlay Land (easements, right of way)	11,750	23,000	9,095		3,280	47,125
Engineering	360,950	70,118	312,307	28,000	25,677	797,052
Facility Investment Fee			500,000			500,000
Eastover Approach Main			480,896	66,005	30,068	576,969
Construction - North Wade			1,903,719	122,895		2,026,614
Construction - South Wade		190,892	1,491,702			1,682,594
Construction - Falcon			1,188,587	194,046	124,740	1,507,373
Construction - Godwin		14,918	1,483,612	110,610		1,609,140
Construction - Pump Station		15,925	853,623	7,079		876,627
Capitalized Interest				18,700		18,700
Miscellaneous				32,231	18,243	50,474
Transfer to Fund 253 (NORCRESS Admin)				61,300		61,300
<b>TOTAL</b>	<b><u>\$372,700</u></b>	<b><u>\$314,853</u></b>	<b><u>\$8,234,836</u></b>	<b><u>\$651,186</u></b>	<b><u>\$210,393</u></b>	<b><u>\$9,783,968</u></b>

Fund: 009  
Agency: 450  
Organization: 450A



ITEM NO. 1C

**PUBLIC UTILITIES DEPARTMENT**

Historic Courthouse, 130 Gillespie Street • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829  
Telephone (910) 678-7682 • Fax (910) 678-7682

THOMAS B. COONEY III, P.E.  
Public Utilities Director

**MEMORANDUM FOR NORCRESS WATER & SEWER DISTRICT GOVERNING BOARD**  
**AGENDA OF JUNE 18, 2007**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: TOM COONEY, PUBLIC UTILITIES DIRECTOR** TC

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

**DATE: JUNE 8, 2007**

**SUBJECT: APPROVAL OF A RATE INCREASE FOR SEWER SERVICE FOR THE NORCRESS  
SANITARY SEWER SYSTEM.**

**BACKGROUND**

After reviewing the operational costs of the NORCRESS sewer system for the past year, it has revealed that the present rate of collections for sewer service is not meeting the costs being incurred by the system for operations and maintenance. The rate structure was established by the Design Engineer, Kevin Lindsay, P.E., of Hobbs, Upchurch & Associates. The rate that was established at the time was based on estimated users and the rate that the PWC was going to charge at the time. Since we have begun operations, I have found that we did not take into account the cost of the electricity to run the lift stations nor the costs of any chemical additions to offset the long residence time of the waste in the force mains. This long residence time and low flow rates have resulted in some very obnoxious odors and harmful conditions to the collection system in Wade. The high levels of hydrogen sulfide that we are experiencing not only smell terrible they are very destructive to the pipes and manholes. In addition to these issues the PWC will be raising their rates an additional 5% again next January.

There was a meeting of the NORCRESS Advisory Board on April 17, 2007 to discuss this issue and to make a recommendation to increase the rates. One major concern of the advisory Board was that there may be a problem with some infiltration or inflow into the system. The Engineer Mr. Lindsay does not feel that this in fact is an issue, and has not yet provided an acceptable plan for resolving the questions that have led us to believe there is a problem in the first place. If Mr. Lindsay does not meet the requirements of our request within the next 120 days, I will undertake the necessary steps to evaluate the system by visual inspection, as well as, possible smoke testing of the system myself. The PWC is requiring a written plan of action to address this issue prior to allowing any additional connections to our system.

On June 7, 2007 the Policy Committee of the Board of Commissioners met and reviewed the necessity for a rate increase. Due to the reasons previously stated they unanimously recommended approval.

*Celebrating Our Past...Embracing Our Future*

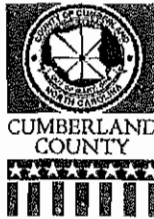
Attached are copies of spreadsheets showing the monthly costs associated with the operation of the system, as well as, revenue requirements to meet these costs. In order for NORCRESS to cover the costs as they are being incurred, the new rate should be \$4.50 per 1,000 gallons of waste water or higher. The average residential customer uses between 2,000 and 4,000 gallons of water per month.

Using an average of 3,500 gallons per month (seen in the Town of Wade) the difference between the existing rate and the new rate will amount to an increase of \$1.64 per month to the overall bill.

3,500 gallons at the present NORCRESS rate of \$4.03/1,000 gals =	\$ 14.11
3,500 gallons at the present City rate of \$4.20/1,000 gals =	\$ 14.70 (diff \$ 0.59/mo)
3,500 gallons at the proposed rate of \$4.50/1,000 gals =	\$ 15.75 (diff \$ 1.64/mo)

### **RECOMMENDATION**

The Public Utilities Director, the NORCRESS Advisory Board, Management and the Policy Committee recommend that the NORCRESS Governing Board approve an increase in the NORCRESS sewer usage rate to \$4.50 / 1,000 gallons and amend the FY '08 adopted NORCRESS Budget to reflect the new rate structure.



PUBLIC UTILITIES DEPARTMENT

Historic Courthouse, 130 Gillespie Street • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829  
Telephone (910) 678-7682 • Fax (910) 678-7682

---

THOMAS B. COONEY III, P.E.  
Public Utilities Director

May 31, 2007

Mayor Huell Aekins  
TOWN OF WADE  
P.O. Box 127  
Wade, NC 28395

Subject: Requirement for an increase in the rate structure for the NORCRESS system.

Dear Mayor Aekins:

This correspondence is in response to the request by the members of the NORCRESS Advisory Board at the last meeting to detail the need for a rate increase, as well as, outline the steps that are going to be taken to resolve the question that relates to a possible problem of infiltration and inflow (I&I) into the NORCRESS collection system.

As I outlined at the Advisory Board meeting on April 17, 2007, the present rate of collections for sewer service is not meeting the costs being incurred by the system for operations and maintenance. The rate structure was established by the Design Engineer, Kevin Lindsay, P.E., of Hobbs, Upchurch & Associates. The rate that was established at the time was based on estimated users and the rate that the PWC was going to charge at the time. Since we have begun operations I have found that we did not take into account the cost of the electricity to run the lift stations nor the costs of any chemical additions to offset the long residence time of the waste in the force mains. This long residence time and low flow rates have resulted in some very obnoxious odors and harmful conditions to the collection system in Wade. The high levels of hydrogen sulfide that we are experiencing not only smell terrible they are very destructive to the pipes and manholes. In addition to these issues the PWC will be raising their rates an additional 5% again next January.

There is also an apparent problem with some infiltration or inflow into the system. The Engineer Mr. Lindsay does not feel that this in fact is an issue, and has not yet provided an acceptable plan for resolving the questions that have led us to believe there is a problem in the first place. If Mr. Lindsay does not meet the requirements of our request within the next 120 days, I will undertake the necessary steps to evaluate the system by visual inspection, as well as, possible smoke testing myself. The PWC is requiring written plan of action to address this issue prior to allowing any additional connections to our system.

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Attached are copies of spreadsheets showing the monthly costs associated with the operation of the system, as well as, revenue requirements to meet these costs. In order for NORCRESS to cover the costs as they are being incurred, the new rate should be \$4.50 per 1,000 gallons of waste water or higher. The average residential customer uses between 2,000 and 4,000 gallons of water per month. Using an average of 3,500 gallons per month (seen in the Town of Wade) the difference between the existing rate and the new rate will amount to an increase of \$1.64 per month to the overall bill.

3,500 gallons at the present NORCRESS rate of \$4.03/1,000 gals =	\$ 14.11
3,500 gallons at the present City rate of \$4.20/1,000 gals =	\$ 14.70 (diff \$ 0.59)
3,500 gallons at the proposed rate of \$4.50/1,000 gals =	\$ 15.75 (diff \$ 1.64)

I am recommending a rate of \$ 4.50 / 1,000 gallons which should be at the break even point. This rate will not allow for any additional revenue to be captured for use as an operational contingency fund for repairs and small extensions of the system. This is an issue that should be considered at some point in the near future.

I hope that this letter helps clarify this issue and meets the needs of your request. Please contact me at your convenience at [tcooney@co.cumberland.nc.us](mailto:tcooney@co.cumberland.nc.us) or 910/678-7682.

Respectfully,



Thomas B. Cooney III, P.E., Director  
Cumberland County Public Utilities Department

*Celebrating Our Past...Embracing Our Future*

**NORCRESS ADVISORY BOARD MEETING  
TUESDAY, APRIL 17, 2007  
WADE TOWN HALL**

**Present:**

Mayor Huell Aekins, Town of Wade  
Mayor Wayne Lucas, Town of Falcon  
Mayor Deborah Tew, Town of Godwin

**Others Present:**

Tom Cooney, County Public Utilities Department  
Amy Hall, County Public Utilities Department

**1. Call to Order.**

The meeting was called to order by Advisory Board Chairman, Mayor Huell Aekins at 6:30 P.M.

**2. Approval of the January 18, 2005 NORCRESS Advisory Board Meeting Minutes.**

The minutes were approved.

**3. Sewer Rates.**

Mr. Cooney stated that with this past year being our first full year operating the NORCRESS Sewer System the rates that were set are not able to cover the electric bills nor the sewer treatment bills. Mr. Cooney is suggesting to the Board that the rates be increased to \$4.50 per MGAL instead of the \$4.03 per MGAL that we are currently collecting to cover the amount of the bills that are being paid out.

Mayor Aekins, Mayor Lucas and Mayor Tew asked for Mr. Cooney to get a justification for the rate increase to show that the rate increase is needed to cover expenses.

Mayor Aekins, Mayor Lucas and Mayor Tew asked if the \$1.00 fee that the Town charges could be increased to cover the increased expenses that the Towns have incurred. Mr. Cooney stated that they could be increased with the approval of the NORCRESS Advisory Board and the NORCRESS Board of Governors.

**4. Other issues/questions/comments.**

Mayor Tew stated that there are still wells in Godwin that have not been closed out that need to be.

Mayor Lucas asked Mr. Cooney if there could possibly be an infiltration and inflow (I&I) problem in the system and Mr. Cooney stated that he has spoke with Mr. Kevin Lindsay, Design Engineer, and that Mr. Lindsay does not feel that there is an I&I problem. Mr. Cooney stated that he has sent Mr. Lindsay a letter requesting that Mr. Lindsay provide an acceptable plan for resolving these issues. Mr. Cooney stated that if Mr. Lindsay does not respond in 120 days that Mr. Cooney will then evaluate the system himself to see if there is an I&I problem.

**Meeting Adjourned at 7:30 pm.**

## Actual NORCRESS Revenue and Costs

NORCRESS

FY-07

Bills	2006 July	2006 August	2006 September	2006 October	2006 November	2006 December	2007 January	2007 February	2007 March	2007 April	2007 May	2007 June	Totals
Progress Energy 6820 Lucas St FALCON	\$ 301.50	\$ 318.24	\$ 373.02	\$ 345.25	\$ 307.82	\$ 371.88	\$ 358.35	\$ 515.44	\$ 386.17	\$ 345.52	\$ 314.72		\$ 3,937.91
Progress Energy 6568 Main St WADE	\$ 185.24	\$ 185.72	\$ 216.30	\$ 230.58	\$ 199.09	\$ 326.72	\$ 270.71	\$ 405.13	\$ 231.22	\$ 187.69	\$ 152.27		\$ 2,590.67
Progress Energy 7500 River Rd WADE	\$ 94.20	\$ 130.15	\$ 158.29	\$ 301.04	\$ 148.25	\$ 264.97	\$ 222.56	\$ 343.38	\$ 192.74	\$ 139.76	\$ 112.78		\$ 2,108.12
South River Sisk Culbreth Rd GODWIN	\$ 91.93	\$ 92.96	\$ 141.23	\$ 188.41	\$ 198.78	\$ 149.21	\$ 209.90	\$ 329.50	\$ 190.01	\$ 167.49			\$ 1,759.42
Falcon Water Bill	\$ 23.60	\$ 16.86	\$ 35.32	\$ 16.60	\$ 14.00	\$ 14.00	\$ 14.00	\$ 14.00	\$ 14.00	\$ 14.00			\$ 176.38
Total Electric & Water Paid	\$ 696.47	\$ 743.93	\$ 924.16	\$ 1,081.88	\$ 867.94	\$ 1,126.78	\$ 1,075.52	\$ 1,607.45	\$ 1,014.14	\$ 854.46	\$ 579.77	\$ -	\$ 10,572.50
PWC - Sewer Usage	\$ 7,460.50	\$ 7,472.84	\$ 10,496.53	\$ 7,324.74	\$ 8,540.39	\$ 13,079.66	\$ 10,241.38	\$ 9,760.37	\$ 7,517.78	\$ 9,327.14			\$ 91,221.33
Checks Received													
Town of Wade	\$ 2,224.80	\$ 2,301.34	\$ 2,056.76	\$ 1,857.47	\$ 2,007.78	\$ 2,370.90	\$ 2,254.04	\$ 1,937.88	\$ 2,448.58				\$ 19,459.55
Town of Falcon	\$ 5,230.41	\$ 5,112.73	\$ 5,728.65	\$ 5,849.73	\$ 5,557.44	\$ 3,936.18	\$ 5,520.85	\$ 4,792.78					\$ 41,728.77
Town of Godwin			\$ 1,971.61										\$ 1,971.61
District 7 School			\$ 83.52	\$ 218.02	\$ 193.04	\$ 120.09	\$ 204.72	\$ 195.46	\$ 200.90	\$ 136.33	\$ 200.90		\$ 1,552.98
Total Usage Received	\$ 7,455.21	\$ 7,414.07	\$ 9,840.54	\$ 7,925.22	\$ 7,758.26	\$ 6,427.17	\$ 7,979.61	\$ 6,926.12	\$ 2,649.48	\$ 136.33	\$ 200.90	\$ -	\$ 63,159.93
Difference = Usage Received Minus Bills Paid	\$ (701.76)	\$ (802.70)	\$ (1,580.15)	\$ (481.40)	\$ (1,650.07)	\$ (7,779.27)	\$ (3,337.29)	\$ (4,441.70)	\$ (5,882.44)	\$ (10,045.27)	\$ (378.87)	\$ -	\$ (37,080.92)



**FY-07**

[illegible]

Rate Adjustment Worksheet

Gallons (per 1,000's) PWC Charged	Monthly Average
	2,971
Wade Gallons Used	734
Falcon Gallons Used	1,361
Godwin Gallons Used	
District Seven School	42
Total Gallons Used	2,127
Difference of Gallons	844
Electric & Water Bills	\$ 1,016
Revenue's Collected at Current Rate of \$4.03/1,000 gal	\$ 8,572
Revenue's Collected at Current Rate of \$4.20/1,000 gal	\$ 8,934
Difference	\$ 362
Surplus or Deficit	\$ (654)
Revenue's Collected at Current Rate of \$4.25/1,000 gal	\$ 9,040
Difference	\$ 468
Surplus or Deficit	\$ (548)
Revenue's Collected at Current Rate of \$4.50/1,000 gal	\$ 9,572
Difference	\$ 1,000
*Surplus or Deficit*	\$ (16)
*Staff recommendation*	
Revenue's Collected at Current Rate of \$4.75/1,000 gal	\$ 10,104
Difference	\$ 1,532
Surplus or Deficit	\$ 516

Notes: Columns that are shaded in are NOT included in the totals nor the monthly averages since we have not received all of the revenues for those months. Usage has not been received from the Town of Godwin from July 2006 through February 2007, therefore there are no numbers to be calculated.

Difference includes the sewer usage and the electric and water bills.

CUMBERLAND COUNTY POLICY COMMITTEE

June 7, 2007 – 8:30 AM

REGULAR MEETING

PRESENT: Commissioner Diane Wheatley  
Commissioner Jeannette Council  
Commissioner Ed Melvin  
James Martin, County Manager  
Juanita Pilgrim, Deputy County Manager  
Cliff Spiller, Assistant County Manager  
Amy Cannon, Assistant County Manager  
Grainger Barrett, County Attorney  
Sara VanderClute, Public Information Officer  
Tom Cooney, Public Utilities Director  
Amy Hall, Administrative Assistant – Public Utilities  
Andrew Barksdale, Reporter – The Fayetteville Observer  
Marie Colgan, Deputy Clerk

Commissioner Wheatley called the meeting to order at 8:35 AM

1. Approval of Minutes: March 1, 2007

**MOTION: Commissioner Melvin moved to approve.**

**SECOND: Commissioner Council**

**VOTE: UNANIMOUS**

2. Discussion Regarding Noise Ordinance

County Attorney Grainger Barrett referred members to the handout and explained that concerns had been voiced by Ms. Georgina Burris, who lives on Nobie Street, regarding the noise which comes from a club which is located behind her residence. Her home is located in the City of Fayetteville, but the club is located in the unincorporated, commercially-zoned area of the County so the County's noise ordinance therefore applies. The Sheriff's Office has responded numerous times to her complaints, but each time the club was found to be in compliance with the decibel limits as set forth in the County Code. Attorney Barrett advised that the County's noise ordinance is the same as the City's. A decibel standard is used as it is an objective standard and Attorney Barrett stated that he recommends that the County stay with this standard and has concern about dropping the decibel level standard. Discussion ensued regarding concerns with trying to change the decibel level, even at the lower frequency scale. Members agreed to take this information under advisement.

3. Consideration of Policy on Disposal of Surplus Vehicles

County Attorney Grainger Barrett advised that he had been asked by Commissioner Wheatley to draft a policy on disposal of surplus vehicles in order to have some consistency for this process. County Attorney Barrett went over the draft policy stating that the only difference in the current process and the proposed one is that a list of surplus vehicles slated for disposal would be generated and the information would be placed on the County's website. Management explained the current process and feels that the process works well as it stands as the Commissioners vote on vehicles when they are purchased as well as their disposal to non-profit agencies. Commissioner Wheatley voiced her concern about other agencies not being made aware that vehicles are going to be available as she feels that everyone should have the same opportunity to make a request for a vehicle and that the County is missing an opportunity to

recoup some of the cost of the vehicle when they are transferred to outside agencies. Discussion ensued regarding how some vehicles have been disposed of in the past and current requests for surplus vehicles.

The consensus of the Committee was for the County Attorney to eliminate or revise item # 6 of the draft policy, to continue to work on the draft policy with management's input, and bring the document back to this Committee when complete.

#### 4. Review and Consideration of DENR Document

County Attorney Grainger Barrett explained that an update will be given to the Committee about the status of stormwater Phase I and II regulations. Attorney Barrett reminded members of the prior discussion regarding Phase I and Phase II of the Stormwater regulations. Phase II begins July 1 and discussions had been held with the Board of Commissioners regarding a request to be released from Phase I. However, the request is still in limbo at DENR. The Division of Water Quality does not seem to be enthusiastic about the request and has asked the County to submit a detailed justification for the request. As long as the County is under Phase I regulations, Phase II regulations do not need to be applied. Tom Cooney, Public Utilities Director, added that a consultant to the joint stormwater utility has drafted a justification outlining the reasons why the County should be released from Phase I and placed in Phase II with all the other counties.

#### 5. Consideration of Increasing the Sewer Rate for Norcross

Mr. Tom Cooney, Public Utilities Director, advised that the Norcross facility has been operating for a year and four months and that the revenues being collected are not meeting the cost being charged by PWC. Several factors have caused the request for an increase: (1) consultant did not taken into account the cost of the electricity for the lift stations nor the costs of any chemical additions to offset the long resident time of the waste in the force mains (the need of chemicals needed due to the facility being closed on weekends); (2) there appears to be water coming into the system without going through the meters (design of the system is being checked); and (3) collection of revenues. Mr. Cooney referred members to the spread sheet which shows a deficit of \$37,080.92 (does not include revenue from March, April and May). Commissioner Wheatley questioned whether it would be more cost effective to run the system on weekends in lieu of purchasing chemicals. Mr. Cooney stated that it would not be less expense as PWC will be paying for the chemicals and that would be less than its per gallon charge if water was used on weekends to maintain flow. The new rate being requested is \$4.50 per 1,000 gallons of waste water (an average increase of \$1.64) which should help create an operating reserve fund for expected and unexpected expenses. Mr. Martin agreed that a rate increase in needed.

By consensus of the Committee, it was agreed to request that a Closed Session be added to the agenda.

<b>MOTION:</b>	<b>Commissioner Council moved to go into Closed Session under Attorney-Client Matter – GS 143-318.11 (a) (3)</b>
<b>SECOND:</b>	<b>Commissioner Melvin</b>
<b>VOTE:</b>	<b>UNANIMOUS</b>
<b>MOTION:</b>	<b>Commissioner Council moved to return to Open Session.</b>
<b>SECOND:</b>	<b>Commissioner Melvin</b>
<b>VOTE:</b>	<b>UNANIMOUS</b>

**MOTION:** Commissioner Wheatley moved to recommend the rate increase for Norcross as presented and to send the recommendation to the next full Board meeting.  
**SECOND:** Commissioner Council  
**VOTE:** UNANIMOUS

6. Other Matters of Concern

Commissioner Wheatley advised that she would like to have discussion on consideration of a policy on how monies are appropriated to non-profits. Commissioner Wheatley voiced concern that monies are automatically placed in the budget for non-profits based on the prior year without some type of review process (looking at how monies are spent and ensuring how much of the money goes back into the community for delivery of services rather than administration). County Manager Martin explained the process for the budget, stating that the Commissioners make the decision as to adding new agencies and making increases, with the exception of his recommendation for additional funds to the Botanical Gardens this year. Discussion continued and Commissioner Wheatley questioned whether Rape Crisis was funded through the County and if the County was in some way responsible for the monies being cut this year to them based on the County's cut to Mental Health in 2001. The initial response from management was that the recent reduction in Rape Crisis Center funds from Mental Health was not due to the County but was a discretionary decision by the Mental Health Board. Management will look into the matter and provide further detail.

By consensus, the Committee agreed to consider a policy on appropriations to non-profits agencies at a future time.

MEETING ADJOURNED: 10:03 AM

ITEM NO. 6A

# CLOSED SESSION

**Economic Development Matter(s)  
Pursuant to NCGS 143-318.11(a)(4)**

ITEM NO. 6B

# CLOSED SESSION

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

ITEM NO. 6C

# CLOSED SESSION

**To Hear a Report Concerning Investigations of  
Criminal Matter(s) Pursuant  
to NCGS 143-318.11(a)(7)**