
AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
NOVEMBER 19, 2007
6:45 PM

INVOCATION - Commissioner Kenneth Edge, Chairman

PLEDGE OF ALLEGIANCE – Cordie Herring – 4th Grade – Gallberry Farm Elementary School

Special Recognition: Medal of Honor Recipient – Corporal Rodolfo Hernandez

Special Recognition: Cumberland County Cares - George Breece

Special Presentation to James Fleming

Recognition of Outgoing Board Members:

Willie McKoy, Minimum Housing Appeals Board

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

1. Consent Agenda

A. Approval of minutes for the November 5, 2007 regular meeting.

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

Oakridge Subdivision: Summerfield Lane

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

1) Case Number: MH 4736-2006
Property Owner: Bryan & Marilyn Taylor
Property Location: 5165 Back Street, Fayetteville, NC
Parcel Identification Number: 0405-85-0240

2) Case Numbers: MH4931, 4932 and 4933-2006
Property Owner: Sharon R. Walden and Brenda E. Furlong
Property Location: 2200 Crystal Springs Drive, Fayetteville, NC
Parcel Identification Number: 0415-16-4016

- D. Approval of Scheduling a Public Hearing and Consideration of Resolution of Intent to Close Gray Street in Carvers Creek Township.
- E. Approval of Grading Agreement for Bay Shore Dam Removal, Grading & Erosion Control Project – Lake Upchurch.
- F. Approval to Set a Public Hearing for December 17, 2007 on the Revised Flood Damage Prevention Ordinance and Revised Flood Insurance Rate Maps (FIRMs).
- G. Approval of Submission of Grant Application to North Carolina Housing Finance Agency for the Urgent Repair Program.
- H. Approval of Records Destruction Request for the Cumberland County Crown Coliseum.
- I. Approval of a Resolution Declaring the Month of November as Non-Profit Awareness Month in Cumberland County.
- J. Budget Revisions:
 - (1) School Capital Outlay Fund
 - a. Capital Outlay Buildings: Revision in the net amount of \$6,837,916 to reallocate budgeted revenue of \$329,708 and to appropriate fund balance in the amount of \$6,837,916 to budget various school projects. (B08-148) **Funding Source – Reallocation of Budgeted Revenue and Fund Balance Appropriated**
 - b. Capital Outlay Equipment: Revision to appropriate fund balance in the amount of \$1,521,000 to budget for school equipment. (B08-148A) **Funding Source –Fund Balance Appropriated**
 - c. Capital Outlay Vehicles: Revision to appropriate fund balance in the amount of \$92,000 to budget for vehicles. (B08-148B) **Funding Source –Fund Balance Appropriated**
 - d. Capital Outlay Lottery: Revision to appropriate fund balance in the amount of \$863,273; to budget \$2,035,160 of lottery proceeds and to approve bids and the associated capital project ordinance for classroom additions at Cliffdale and Glendale Acres Elementary Schools. (B08-148C) **Funding Source –Fund Balance Appropriated and Lottery Proceeds**

2. Public Hearings

Uncontested Cases

Rezoning

- A. Case P07-76. The rezoning of 71.0+/- acres from RR and CD to R7.5, or to a more restrictive zoning district, located north side of Camden Road, east of the County line, submitted by K. Douglas Barfield, Attorney.

Contested Cases

- B. Case P07-80. The rezoning of three parcels totaling 5.0+/- acres from A1 to R15, or to a more restrictive zoning district, south of Delancy Drive, west of South Forty Drive, submitted by McCoy, Weaver & Wiggins, Attorneys.

Minimum Housing Code Enforcement

- C. Case Number: MH5104-2007
Property Owners: M.J. Marsh Farms, Inc.; Mobile Home Owner: Raymond A. Wrench
Property Location: 5240 Butler Nursery Road, Fayetteville, NC
Parcel Identification Number: 0452-56-6929
- D. Case Number : MH5204-2007
Property Owners: Carl Bowden; Mobile Home Owner: Charlie S. Cain, Jr.
Property Location: 3941 & 3933 Dunn Road, Fayetteville, NC
Parcel Identification Numbers: 0469-51-2472
- E. Case Number: MH5196-2007
Property Owners: Carl Bowden; Mobile Home Owner: Charlie S. Cain, Jr.
Property Location: 3941 & 3933 Dunn Road, Fayetteville, NC
Parcel Identification Number: 0469-51-2301
- F. Case Number: MH5116-2007
Property Owner: Maurice & Wanda Jenkins
Property Location: Lot to right of 2620 J Herbert Road, Fayetteville, NC
Parcel Identification Number: 0478-59-5154
- G. Case Number: MH5153-2007
Property Owner: Melvin & Catherine Morgan
Property Location: 1075 Tower Drive, Hope Mills, NC
Parcel Identification Number: 0433-80-5293
- H. Case Number: MH5136-2007
Property Owner: Hattie McCall McIntosh & Maxine Longo
Property Location: 3610 Applegate Road, Fayetteville, NC
Parcel Identification Number: 0404-35-4659

- I. Case Number: MH5134-2007
Property Owner: Retha Blue Johnson
Property Location: 8155 Norris Road, Dunn, NC
Parcel Identification Number: 0594-52-7162

- J. Case Number: MH5295-2007
Property Owner: Muddy Waters Properties, LLC
Property Location: Mac's Mobile Home Park, Mac Drive, Unit #6003, 6004,
Block Utility Building & Vacant Lots Containing Debris
Parcel Identification Number: 0419-97-3509

- K. Case Number: MH5296-2007
Property Owner: Muddy Waters Properties, LLC
Property Location: Mac's Mobile Home Park, Mac Drive, Unit #6055, 6066,
6079, 6079A & Vacant Lots Containing Debris
Parcel Identification Number: 0419-97-3685

- L. Case Number: MH5297-2007
Property Owner: Muddy Waters Properties, LLC
Property Location: Mac's Mobile Home Park, Mac Drive, Unit #1052 & 1056
Charmain Street, Fayetteville, NC
Parcel Identification Number: 0419-97-4762

- M. Case Number: MH5272-2007
Property Owner: James B. Barnwell, Jr.
Property Location: 3380 Frank Street, Fayetteville, NC
Parcel Identification Number: 0425-15-3656

Items of Business

- 3. Nominations to Boards and Committees
 - A. Cape Fear Valley Hospital Board of Trustees (1 Vacancy)
 - B. Civic Center Commission (4 Vacancies)
 - C. Cumberland County Home & Community Care Block Grant Committee (3 Vacancies)
 - D. Fayetteville Area Convention & Visitors Bureau (2 Vacancies)
 - E. Mental Health Board (1 Vacancy)
 - F. Minimum Housing Appeals (1 Vacancy)
 - G. Nursing Home Advisory Board (1 Vacancy)

4. Appointments to Boards and Committees

A. Cumberland County Emergency Planning Committee (1 Vacancy)

Nominees: First Aid Representative: Wally Ainsworth

B. Transportation Advisory Board (7 Vacancies)

Nominees:

Mid-Carolina Council of

Governments Director or Designee: Carolyn Tracy (Reappointment)

County DSS Director or Designee: Crystal Black (Reappointment)

DSS Work First Representative: Ann Farrell (Reappointment)

Workforce Development Center Director or Designee: Geneva Mixon (Reappointment)

Aging Programs Representative: Catherine VanSickle (Reappointment)

County Mental Health Director or Designee: William Robinson

Sheltered Workshop Director: Betsy Torsell

5. Closed Session: A. Personnel Matter(s) Pursuant to
NCGS 143.318.11(a)(6).

ADJOURN

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

**MEETINGS: December 3, 2007 (Monday) - 9:00 AM
December 17, 2007 (Monday) - 6:45 PM**



ITEM NO. 1B

COUNTY of CUMBERLAND

James E. Martin
County Manager

Cliff Spiller
Assistant County Manager

Juanita Pilgrim
Deputy County Manager

Office of the County Manager

Amy H. Cannon
Assistant County Manager

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 19, 2007

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER 

DATE: NOVEMBER 7, 2007

SUBJECT: PROPOSED ADDITIONS TO THE STATE SECONDARY ROAD SYSTEM

BACKGROUND

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

Oakridge Subdivision: Summerfield Lane

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

RECOMMENDATION

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

PROPOSED ACTION

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

/ct
Attachments



cc: Cindy
for agenda

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

November 5, 2007

Division Six - District Two
Cumberland County

Mr. Kenneth S. Edge, Chairman
Cumberland County Board of Commissioners
Post Office Box 1829
Fayetteville, North Carolina 28302

Subject: Secondary Road Addition

Dear Mr. Edge,

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

Oakridge Subdivision

- Summerfield Lane

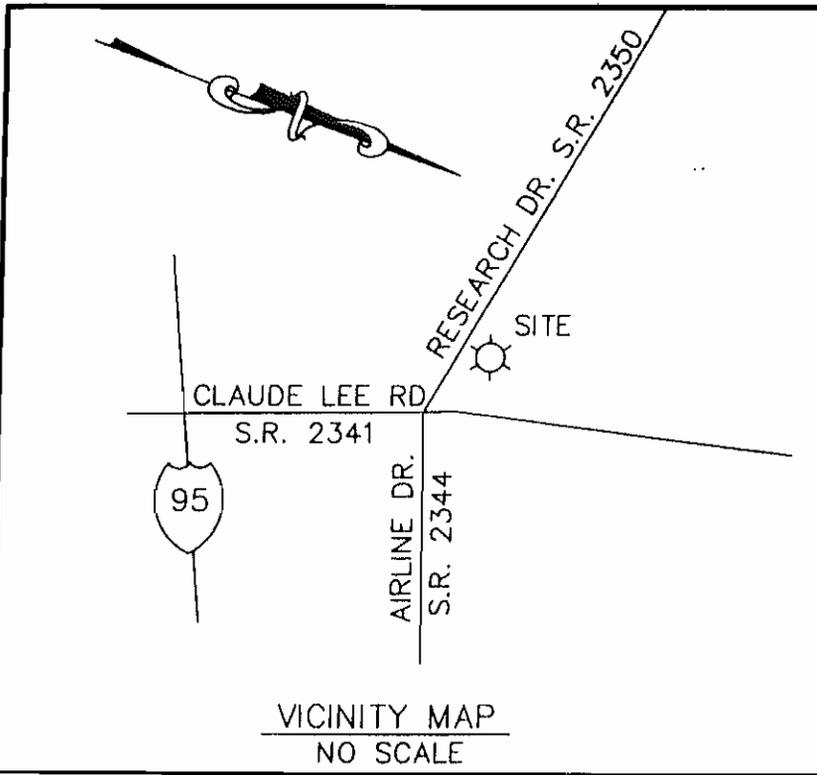
It is our recommendation that the above named street(s) be placed on the State's Secondary Road System. If you and your Board concur in our recommendation, please submit a resolution to this office.

Sincerely,

Christopher W. McGee, P.E.
District Engineer

CWM:rdp

601/H11



NOTES

1. THERE ARE WITHIN 200
2. ZONED: RR
3. SURVEYED:
4. REFERENCE

5. P.I.N. 0434
0434
0434
0434
0434
0434

6. 1.03 ACRES
NOT INCLUD
7. IRON STAKE
8. NONCONFOR
BY THIS SUI

9. THE LOTS IN
INDIVIDUAL S
WATER SERV



ITEM NO. 1C(1)/(2)

COUNTY of CUMBERLAND

James E. Martin
County Manager

Cliff Spiller
Assistant County Manager

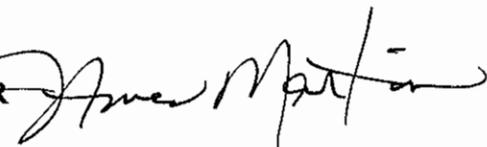
Juanita Pilgrim
Deputy County Manager

Amy H. Cannon
Assistant County Manager

Office of the County Manager

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 19, 2007

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER 

DATE: NOVEMBER 9, 2007

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

BACKGROUND

On February 20, 2007, the Board of County Commissioners enacted an ordinance directing that the structure(s) located at 2200 Crystal Springs Road, (Mobile Home #1, 2 & 3), Fayetteville, NC (PIN: 0415-16-4016) be demolished by the owner(s), Sharon R. Walden and Brenda E. Furlong. The owner(s) failed to comply with the demolition order within the specified time period and, accordingly, the Minimum Housing Inspector had the structure demolished as required by the ordinance at a cost of \$6,500.

In addition, on June 19, 2007, the Board of County Commissioners enacted an ordinance directing that the structure(s) located at 5165 Back Street, Fayetteville, NC (PIN: 0405-85-0240) be demolished by the owner, Bryan & Marilyn Taylor. The owner(s) failed to comply with the demolition order within the specified time period and, accordingly, the Minimum Housing Inspector had the structure demolished as required by the ordinance at a cost of \$2,500.

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

RECOMMENDATION/PROPOSED ACTION

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

/ct

CM110907-1

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

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on June 18, 2007, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Bryan and Marilyn Taylor located at 5165 Back Street, Fayetteville, NC, PIN: 0405-85-0240, said ordinance being recorded in Book 7628, page 720, of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$2,500.00.
- (3) There were no salable materials resulting from said work.

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

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$2,500.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated June 18, 2007, and in Section 160A-443(6) of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at 5165 Back Street, Fayetteville, NC, as described in Deed Book 7413, page 824, of the Cumberland County Registry and identified in County tax records as PIN 0405-85-0240.

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

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

* * * * *

I certify that the foregoing Ordinance was adopted and ordered by the Board of Commissioners of Cumberland County, North Carolina, this 19th day of November, 2007, at 6:45 p.m. o'clock.

Cumberland County Clerk

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

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on February 20, 2007, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Sharon R. Walden and Brenda E. Furlong, located at 2200 Crystal Springs Road, (Mobile Home #1,2 and 3), Fayetteville, NC, PIN: 0415-16-4016, said ordinance being recorded in Book 7516, page 838, of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$6,500.00.
- (3) There were no salable materials resulting from said work.

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

- (1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$6,500.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated February 20, 2007, and in Section 160A-443(6) of the General Statutes of North Carolina, the amount of the foregoing assessment be, and hereby does constitute, a lien against the real property upon which such costs were incurred, such property being more particularly described as follows:

The structure and premises located at 2200 Crystal Springs Road, Fayetteville, NC, as described in Deed Book 683, page 319, of the Cumberland County Registry and identified in County tax records as PIN 0415-16-4016.

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

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

* * * * *

I certify that the foregoing Ordinance was adopted and ordered by the Board of Commissioners of Cumberland County, North Carolina, this 19th day of November, 2007, at 6:45 p.m. o'clock.

Cumberland County Clerk

ITEM NO. 1D

COUNTY of CUMBERLAND

Office of the County Attorney

November 8, 2007

MEMORANDUM FOR COMMISSIONERS' AGENDA OF NOVEMBER 19, 2007

TO: BOARD OF COMMISSIONERS

FROM: GRAINGER R. BARRETT, COUNTY ATTORNEY 

SUBJECT: APPROVAL OF SCHEDULING A PUBLIC HEARING AND
CONSIDERATION OF RESOLUTION OF INTENT TO CLOSE
GRAY STREET IN CARVERS CREEK TOWNSHIP.

BACKGROUND: Property owner KAEGRAY PROPERTIES LLC has petitioned that Gray Street located off of the northern margin of Shaw Rd (formally Bonnie Doone Rd) in Carvers Creek Township be closed. Their petition is attached as Exhibit A. Two maps of the area are attached as Exhibits B and C.

The Department of Transportation confirms that Gray Street is not a State maintained road and has no objection to the abandonment. The Fire Marshall also does not object. The Planning Department recommends approval of the closing provided the following condition is complied with:

The property owner who will be titled as the owner of the land within the right-of-way must ensure that a "No Approval Required" recombination plat be approved by the Planning and Inspections Department and recorded in the Cumberland County Registry, thus absorbing the land area within the right-of-way to be closed into the adjoining properties.

Pursuant to G. S. 153A-241, if the Board desires to honor the request, the Board must declare its intent to close Gray Street and call for a public hearing on the matter. I have attached a resolution for your consideration. The resolution will (1) authorize the Board to set a public hearing to consider whether to close Gray Street, (2) direct that notice be published once a week for four successive weeks before the hearing, and (3) direct that a notice of the closing and public hearing be prominently posted in at least two places along the street during that time. Staff will also mail a copy of the notice to the other property owners adjoining Gray Street.

RECOMMENDATION AND PROPOSED ACTION: That the Board of Commissioners consider adoption of the attached resolution calling a public hearing to consider the petition to close Gray Street as located off of the northern margin of Shaw Rd (formally Bonnie Doone Rd) and declaring the Board's intent to consider the petition to close Gray Street.

RESOLUTION OF INTENT TO CLOSE PUBLIC ROAD
AND CALL FOR PUBLIC HEARING ON THE QUESTION

WHEREAS, KAEGRAY PROPERTIES LLC submitted a petition to the Cumberland County Board of Commissioners (the "Board") to close Gray Street located off of the northern margin of Shaw Rd. (formally Bonnie Doone Rd) in Carvers Creek Township, Cumberland County; and

WHEREAS, it appears that such public street is not under the control of the North Carolina Department of Transportation; that no person would be deprived of reasonable means of ingress and egress to his or her property by such closing; and that such closing would therefore not be contrary to the public interest;

WHEREAS, the Cumberland County Planning Department approves of the closing provided the following condition is complied with:

The property owner who will be titled as the owner of the land within the right-of-way must ensure that a "No Approval Required" recombination plat be approved by the Planning and Inspections Department and recorded in the Cumberland County Registry, thus absorbing the land area within the right-of-way to be closed into the adjoining properties.

NOW, THEREFORE, BE IT RESOLVED, that the Board will consider the issue of whether to close the following public street in accordance with North Carolina General Statute, Section 153A-241:

Beginning at the southwest corner of Lot 4 as shown on Plat Book 14, Page 9, entitled Property of Brooks Peele as recorded in the Cumberland County Registry; thence with the eastern most margin of Gray Street North 435.6 feet to the northeast corner of Lot 10 of said plat; thence in a northwestern direction 22 feet along the southern property line of Charles M. Dent property (Book 5178, Page 888) to the northeast corner of Lot 11 of said plat; thence with the western most margin of Gray Street South 435.6 feet to the southeast corner of lot 3 of said plat; thence with the northern margin of Bonnie Doone Road (now Shaw Rd) 22 feet east to the beginning.

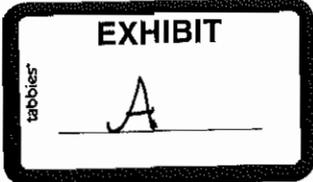
AND BE IT FURTHER RESOLVED, that the Board calls for and shall hold a public hearing on the question of the closing of such street on the 17th day of December, 2007 at 6:45 p.m. in the Commissioners Meeting Room (Room 118), First Floor, New Courthouse, 117 Dick Street, Fayetteville, North Carolina. The Board shall hear all interested persons who appear with respect to whether the closing would be detrimental to the public interest or to any individual's property rights.

AND BE IT FURTHER DIRECTED, that notice of consideration of whether to close said street and of the public hearing on such matter shall be published once week for four successive weeks before the hearing in a newspaper of general circulation in Cumberland County and posted in at least two places along the street during the time; and that a copy of this resolution shall be sent by mail to each owner as shown on the county tax records of property adjoining the public road or easement who did not join in the request to have the road or easement closed.

This the 19th day of November, 2007.

KENNETH S. EDGE, Chairman
Board of Commissioners

MARSHA FOGLE
Clerk to the Board



NORTH CAROLINA

COUNTY OF CUMBERLAND

PETITION REQUEST FOR CLOSING OF
GRAY ROAD/STREET

We the undersigned, being property owners on GRAY
Road/Street in Cumberland County, North Carolina do hereby request that the
Cumberland County Board of Commissioners close GRAY
Road/Street.

Description of the closing NO RIGHT-OF-WAY IS NEEDED
BECAUSE WE OWN ALL OF THE SURROUNDING PROPERTY

Name of Owner(s) KAEGRAY PROPERTIES LLC

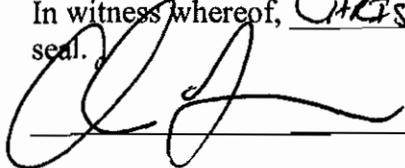
Address of Owner(s) 37A. McMEDE PLAZA
WHITEVILLE NC 28472

Address of Property 1135 STAW RD.

Contact Numbers  - CHRIS FRAZEE

PIN of Property 

In witness whereof, CHRIS FRAZEE, has hereunto set his/her hand
seal.

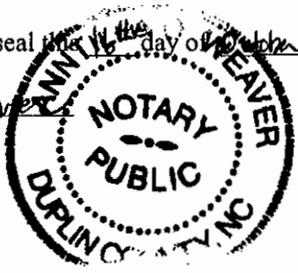
 (SEAL) _____ (SEAL)
_____ (SEAL)

NC (STATE)
Duplin COUNTY

I, Annitta Oweaver of this county do hereby certify that Chris Frazee,
grantor, personally appeared before me this day and acknowledged the
foregoing petition.

Witness my hand and official seal this 16 day of October, 2007.

Annitta Oweaver
Notary Public

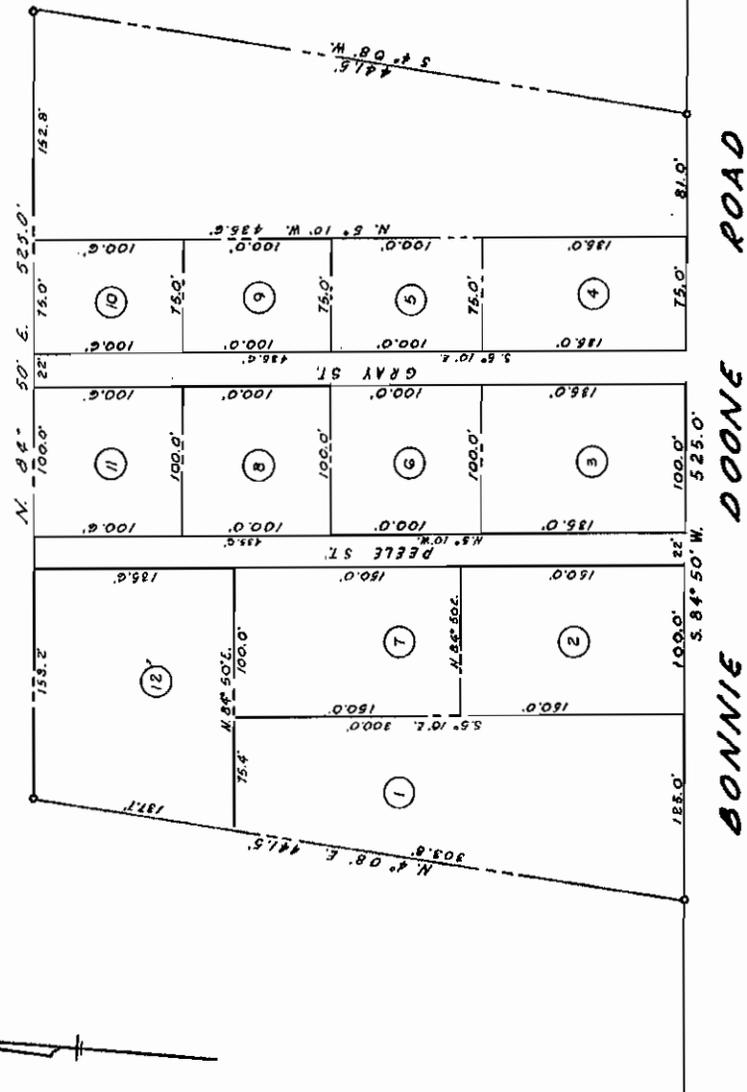


My Commission Expires 10-01-2008

tabbles
EXHIBIT
B

29
 11:30
 29
 11:30
 9
 plates
 J. W. Simpson

PROPERTY OF
BROOKS PEELE
 SHAW HEIGHTS BONNIE DOONE
 CUMBERLAND COUNTY N. C.
 SCALE 1" = 60' MAR. 1952



STATE OF NORTH CAROLINA
 COUNTY OF CUMBERLAND
 I, J. W. Simpson, Notary Public, do hereby certify that the foregoing plat was duly sworn to and filed for record in my office on this 29th day of March, 1952, at 11:30 A.M., and that the same is true and correct to the best of my information and belief.

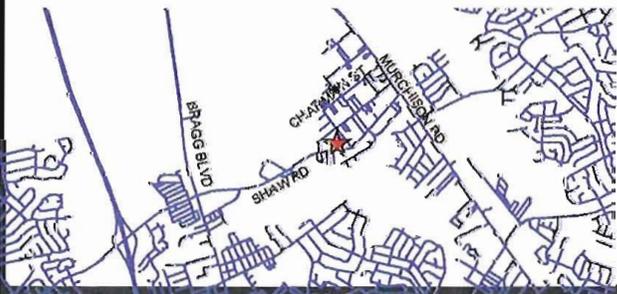
Witness my hand and seal of office this 29th day of March, 1952, at Shaw Heights, N. C.

J. W. Simpson
 Notary Public

My Comm. Expires: _____

14-9

tabbles
EXHIBIT
C



Site Map

CARVERS CREEK TOWNSHIP

100 0 100 Feet



THE COUNTY OF CUMBERLAND AND ITS DEPARTMENT OF PLANNING AND DEVELOPMENT'S PRODUCT IS PROVIDED AS A SERVICE WITHOUT WARRANTY. EXPRESS OR IMPLIED CONCERNING THE ACCURACY THEREOF. RESPONSIBILITY FOR INTERPRETATION AND APPLICATION OF THIS PRODUCT LIES WITH THE USER.

ROBERT N. STANGER, P.E.
County Engineer



ITEM NO. 1E

SAM LUCAS
Engineering Technician

WAYNE DUDLEY, CFM
Engineering Technician

ENGINEERING DEPARTMENT

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

November 6, 2007

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

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

THROUGH: AMY H. CANNON, ASSISTANT COUNTY MANAGER

SUBJECT: GRADING AGREEMENT FOR BAY SHORE DAM REMOVAL, GRADING
& EROSION CONTROL PROJECT - LAKE UPCHURCH

BACKGROUND:

Attached is the Grading Agreement with Bayshore Properties, LLC and others for access to the properties for construction of the grading work associated with the Lake Upchurch Dam restoration. The Board recently approved the award of contract with Sanford Contractors, Inc., for this project, however, prior to beginning construction, the County must obtain permission from the property owners to gain access to the site. The terms and conditions are specified in the agreement and include naming the property owners as additional insurers on the Certificate of Insurance required of the contractor. In addition, the property owners require assurance that the fill will be compacted to a sufficient density to support residential construction.

The agreement has been reviewed by the County Attorney's Office for legal sufficiency.

RECOMMENDATION/PROPOSED ACTION:

The recommendation of the County Engineer, County Attorney, and management is to approve the Grading Agreement with Bayshore Properties, LLC and others.

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

Celebrating Our Past...Embracing Our Future

NORTH CAROLINA

CUMBERLAND COUNTY

GRADING AGREEMENT

This Agreement made and entered this the ____ day of November, 2007 by and between the County of Cumberland, hereinafter, **County**, and Bayshore Properties, LLC, Callie R. Stanley, widow, and Eli L. Saleeby and wife, Elaine P. Saleeby, hereinafter, **Bayshore, Stanley and Saleeby**, for and in consideration of ten (\$10.00) dollars and other good and valuable consideration , receipt of which is hereby acknowledged, and the mutual covenants herein expressed agree to the following terms and conditions:

Scope of Project

1. The scope of this project is intended to raise the surface level of lands, approximately twelve (12) acres, owned by Bayshore lying behind the berm /dike/dam to a level denoted in the Bayshore Properties Dam Removal Site Grading & Erosion Plan, hereinafter, **grading plan**, and to provide access to Lake Upchurch Power both temporary and permanent to its property adjacent to the properties of Bayshore, Stanley and Saleeby.

Terms and Conditions of the Fill Portion of the Project

2. The County has agreed to oversee the implementation and completion of the project as provided in the grading plan and has contracted with Sanford Contractors, Inc., hereinafter **Contractor**, to complete the fill portion of the project.
3. Bayshore, Stanley and Saleeby agree to provide fill for the project out of the lake bed of Lake Upchurch and the County agrees to acquire all necessary permits for excavating said fill.
4. Bayshore has provided the County with a certified boundary line survey and wetlands delineation plan.
5. Bayshore has provided all its wetland permits from both the Corps of Engineers and the North Carolina Department of Environment and Natural Resources, hereinafter **DENR**, and agrees to assign said permits to the County or its designee upon the County's request.
6. Bayshore acknowledges it has reviewed and accepted the grading plan.
7. The County agrees it will provide a geo-technical engineer to periodically test the compaction for cut and redistributed fill to confirm that the required compaction on the property being filled meets or exceeds the compaction requirements for

residential construction. Bayshore will not be responsible for any structural compaction related to the dam.

8. The County will consult with DENR regarding the length of owner liability for erosion control maintenance and related work and conform the Contractor's performance bond accordingly.
9. Bayshore, Stanley and Saleeby shall be named as loss payee and/or an additional insured by all of the Contractor's underwriters for this project prior to commencement of work on the site by the contractor.
10. All dirt excavated, fill, etc. must be left properly graded. Fill material will be placed in lifts in a manner to meet ample compaction to support residential structures.
11. The Contractor shall provide the County with a payment and performance bond prior to beginning work on the site.
12. All work done on the project shall be in accordance with the specifics of the Grading Plan and any applicable local, State or Federal laws, regulations, rules or permits.
13. Garris Neil Yarborough, as escrow agent, shall deliver the three hundred forty thousand (\$340,000.00) dollars he holds in The Yarborough Law Firm, P.A. Trust Account to the County upon written request by the County Engineer or some other authorized representative of the County.

Access Portion of the Project

14. Bayshore, Stanley and Saleeby agree to grant permanent ingress and egress rights to Lake Upchurch Power across their property on an initial easement area, which shall be illustrated by an attachment to the final document implementing this agreement and shall have a contact point on State Road 3644, Bayshore Drive, and the property of Lake Upchurch Power. Said access rights, while perpetual in nature, may be relocated by Bayshore, its successors and assigns, as it relates to any newly designed development plans for the subject property. This relocation shall be at Bayshore, its successors' and assigns', expense. The route of the relocated easement shall be in the discretion of Bayshore, its successors or assigns; however, both ends of the relocated easement area shall be located at the same contact points to the State road and the Lake Upchurch Power property as were the contact points of the initial easement area and shall be in conformity with the designed development plans of Bayshore then existing.
15. Bayshore, Stanley and Saleeby grant to Lake Upchurch Power and the County and its agents, a temporary easement of ingress and egress during the period of the project described in this agreement, reconstruction of the dam and refill of the

lake from State Road 3644, Bayshore Drive, along the dirt path which is currently being used for access to the dam site.

WITNESS THIS OUR HANDS AND SEALS this the day and year first written above.

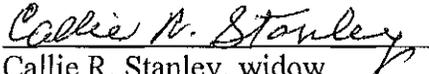
BAYSHORE PROPERTIES, LLC

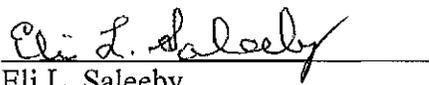
CUMBERLAND COUNTY

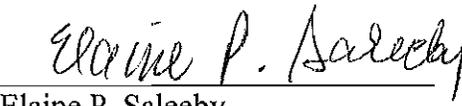
By: 
Manager/Member

by: _____
Chairman

ATTEST: _____
Clerk


Callie R. Stanley, widow


Eli L. Saleeby

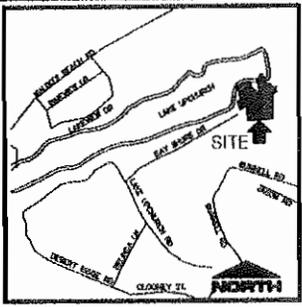

Elaine P. Saleeby

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

AMY CANNON
County Finance Officer

Approved for Legal Sufficiency
County Attorney's Office

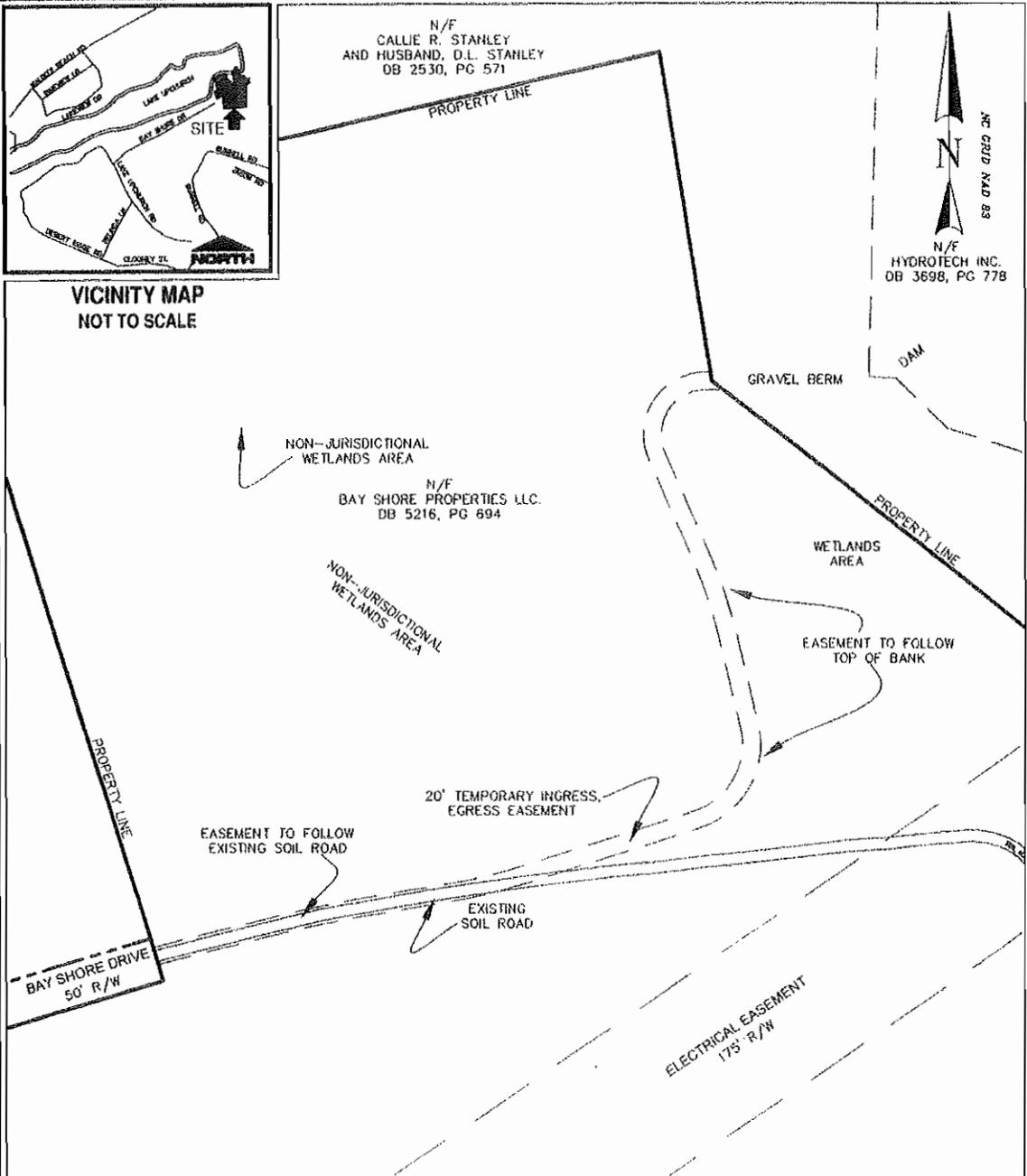

Nonrenewable



VICINITY MAP
NOT TO SCALE

N/F
CALLIE R. STANLEY
AND HUSBAND, D.L. STANLEY
DB 2530, PG 571

N/C GRID ROAD 88
N
N/F
HYDROTECH INC.
DB 3698, PG 778



LEGEND:
ERB-EXISTING REBAR
N/F-NOW OR FORMERLY
R/W-RIGHT OF WAY

REFERENCES:
DB 5216, PG 778
PD 49, PG 32

NOTES:
1. ALL DISTANCES ARE HORIZONTAL GROUND.
2. EXISTING AND PROPOSED CONTOURS ONLY TO SHOW CLARITY.

TEMPORARY INGRESS
EGRESS EASEMENT
EXHIBIT "A"

CLIENT: CUMBERLAND COUNTY
ADDRESS: 130 GILLESPIE STREET
ADDRESS: FAYETTEVILLE, NC 28302
SCALE: 1" = 150'

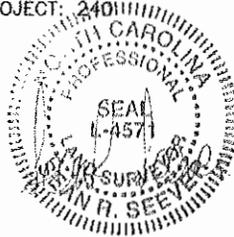
FAYETTEVILLE
NORTH CAROLINA
CUMBERLAND COUNTY
DATE: NOVEMBER 7, 2007

Scale: 1" = 150ft.



(IN FEET)

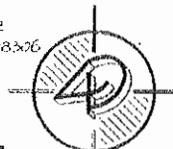
DRAWN BY: SEAN
PROJECT: 240



11-01-07

SEAN R. SEEVER PLS L-4571

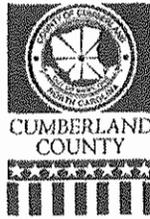
409 Chicago Drive - Suite 112
Fayetteville, North Carolina 28306
Phone (910) 426-6777
Fax (910) 426-5777



4D SITE
SOLUTIONS, INC.

THIS IS NOT A CERTIFIED SURVEY
AND HAS NOT BEEN REVIEWED BY A
LOCAL GOVERNMENT AGENCY FOR
COMPLIANCE WITH ANY APPLICABLE
LAND DEVELOPMENT REGULATIONS.

ROBERT N. STANGER, P.E.
County Engineer



SAM LUCAS
Engineering Technician 11

WAYNE DUDLEY, CFM
Engineering Technician

ENGINEERING DEPARTMENT

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

November 9, 2007

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

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

SUBJECT: APPROVAL TO SET PUBLIC HEARING FOR DECEMBER 17, 2007
FOR REVISED FLOOD DAMAGE PREVENTION ORDINANCE
AND REVISED FLOOD INSURANCE RATE MAPS (FIRMs)

BACKGROUND:

On October 16, 2006, the Board of Commissioners adopted a revised Flood Damage Prevention Ordinance and new Flood Insurance Rate Maps (FIRMs) for Cumberland County resulting from the North Carolina State 2001 Floodplain Mapping Program initiative. The revised ordinance and maps became effective on January 5, 2007.

Subsequent to this action, several errors in the FIRMs, which were identified during the public comment period prior to adoption, have now been corrected resulting in new FIRMs being published. The revisions of maps/indexes to the FIRMs include:

- Revised map index 37051CIND0B effective June 18, 2007, 37051CIND0C effective July 17, 2007, and 37051CIND0D effective December 18, 2007.
- Revised FIRMs map panels 3720044700K and 3720051300L effective June 18, 2007, 3710956000M effective July 17, 2007 and 3710956000L effective December 18, 2007.

The County's Flood Damage Prevention Ordinance does not have an automatic adoption clause for updates, therefore any changes to the FIRMs or ordinance requires that the FIRMs be readopted and that the ordinance be reapproved with the changes. Attached is a copy of the draft revised Flood Damage Prevention Ordinance. The ordinance has been revised to incorporate changes in the NC Model Flood Damage Prevention Ordinance developed by NCDem - Floodplain Management Branch in 2007 as well as to incorporate the map revisions. The significant changes are marked in bold typeface. NCDem recommends that communities use the model ordinance and tailor it to the specifics of the community.

Celebrating Our Past...Embracing Our Future

The County must adopt the revised ordinance and FIRMs on or before December 18, 2007. Failure to do so may result in suspension from the National Flood Insurance, revocation of all flood policies, and becoming ineligible for Federal and State disaster assistance.

In addition, to the County's requirements for amending our ordinances, there is a procedure from NCDEM and FEMA which must be followed that includes:

- Publication of the Notice of Public Hearing which must be no less than a one-half page notice in a newspaper with general circulation in the community. We intend to combine the notice for the unincorporated portion of the County together with the notice for the small municipalities (Falcon, Godwin, Linden, Stedman, Wade and Eastover (pending)) whose floodplain management programs we administer through interlocal agreement.
- Notice of Public Hearing must be posted throughout the community. We intend to post the notice at the Volunteer Fire Departments.
- Property Owners within the SFHA that do not reside in the community must be given notice by first class mail. The small towns will be responsible for any first class mailings required in their community.

The proposed schedule to complete these tasks is as follows:

- Present the draft ordinance to the Board of Commissioners at its November 19, 2007 meeting and request the date for the public hearing be set for December 17, 2007.
- Publish Notice of Public Hearing in the Fayetteville Observer on November 26, 2007.
- Post Notice of Public Hearing at volunteer fire departments during the week of November 26-30, 2007.
- Develop list of property owners in the SFHA that do not reside in the community and require notification by first-class mail. Notification of the public hearing will be mailed no later than November 30, 2007.
- Public Hearing on December 17, 2007 at which time the Board adopts the revised ordinance and FIRMs.

The revised ordinance has been reviewed by the County Attorney's Office for legal sufficiency.

RECOMMENDATION/PROPOSED ACTION:

The recommendation of the County Engineer, County Attorney and management is to set the date for the required public hearing on the proposed revisions to the Cumberland County Flood Damage Prevention Ordinance and FIRMs for 7:00 pm, December 17, 2007 and instruct staff to proceed with the tasks outlined above in the proposed schedule.

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

FLOOD DAMAGE PREVENTION

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

SECTION A. STATUTORY AUTHORIZATION.

Municipal: The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare.

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

SECTION B. FINDINGS OF FACT.

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

SECTION C. STATEMENT OF PURPOSE.

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

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

SECTION D. OBJECTIVES.

The objectives of this ordinance are to:

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

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

ARTICLE 2. DEFINITIONS.

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

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

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

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

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

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

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

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

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

“Building” see “Structure”.

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

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

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

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

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

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

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

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

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

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

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

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

“Flood Insurance” means the insurance coverage provided under the National Flood Insurance Program.

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

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

“Flood Prone Area” see “Floodplain”

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

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

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

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

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

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

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

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

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

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

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

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

“Historic Structure” means any structure that is:

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

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

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

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

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

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

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

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

“New Construction” means structures for which the “start of construction” commenced on or after the effective date of the original version of the community’s Flood Damage Prevention Ordinance **initial floodplain management regulations** and includes any subsequent improvements to such structures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

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

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

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Cumberland County, North Carolina (unincorporated areas) dated **December 18, 2007**, which are adopted by reference and declared to be a part of this ordinance.

The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date:

Cumberland County Unincorporated Area, dated February 17, 1982;

Town of Eastover, dated February 17, 1982;

Town of Falcon, dated January 05, 2007;

Town of Godwin, dated January 05, 2007;

Town of Linden, dated January 05, 2007;

Town of Stedman, dated January 05, 2007;

Town of Wade, dated January 05, 2007;

ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.

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

SECTION D. COMPLIANCE.

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

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

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

SECTION F. INTERPRETATION.

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

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

SECTION G. WARNING AND DISCLAIMER OF LIABILITY.

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

SECTION H. PENALTIES FOR VIOLATION.

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

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF FLOODPLAIN ADMINISTRATOR.

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

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

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

- (i) The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
- (ii) Openings to facilitate **automatic** equalization of hydrostatic flood forces on walls in accordance with Article 5, Section B(4)(c) when solid foundation perimeter walls are used in Zones A, AO, AE, and A1-30;
- (e) Usage details of any enclosed areas below the ~~regulatory flood protection elevation~~ **lowest floor**.
- (f) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
- (g) ~~Copies of Certification that all other Local, State and Federal permits required prior to floodplain development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)~~ **have been received.**
- (h) Documentation for placement of Recreational Vehicles and/or Temporary Structures, when applicable, to ensure **that the provisions of Article 5, Section B, subsections (6) and (7)** of this ordinance are met.
- (i) A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation.

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

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

(3) **Certification Requirements.**

- (a) Elevation Certificates

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

(b) Floodproofing Certificate

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

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

SECTION C. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.

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

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

- (6) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with Article 4, Section B(3).
- (7) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with **the provisions of** Article 4, Section B(3).
- (8) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with **the provisions of** Article 4, Section B(3).
- (9) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with **the provisions of** Article 4, Section B(3) and Article 5, Section B(2).
- (10) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas, **floodways, or non-encroachment areas** (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
- (11) When Base Flood Elevation (BFE) data has not been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with floodway data or non-encroachment area data available from a Federal, State, or other source, ~~including data developed pursuant to Article 5, Section D(2)(b),~~ in order to administer the provisions of this ordinance.
- (12) When Base Flood Elevation (BFE) data is provided but no floodway or non-encroachment area data has been provided in accordance with Article 3, Section B, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
- (13) When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.
- (14) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public ~~inspection.~~**inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.**
- (15) Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the floodplain administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the floodplain administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
- (16) Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the ~~floodplain administrator~~**Floodplain Administrator** may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing **or in charge of** the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
- (17) Revoke floodplain development permits as required. The Floodplain Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, ~~and~~ specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (18) Make periodic inspections throughout ~~all~~**the** special flood hazard areas within the jurisdiction of the community. The ~~floodplain administrator~~**Floodplain Administrator** and each member of his or her inspections department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.

- (19) Follow through with corrective procedures of Article 4, Section D.
- (20) Review, provide input, and make recommendations for variance requests.
- (21) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Article 3, Section B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
- (22) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

SECTION D. CORRECTIVE PROCEDURES.

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

SECTION E. VARIANCE PROCEDURES.

- (1) The Board of Adjustment as established by Cumberland County Board of Commissioners, hereinafter referred to as the "appeal board", shall hear and decide requests for variances from the requirements of this ordinance.
- (2) Any person aggrieved by the decision of the appeal board may appeal such decision to the Court, as provided in Chapter 7A of the North Carolina General Statutes.
- (3) Variances may be issued for:

- (a) the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.
 - (b) functionally ~~dependant~~**dependent** facilities if determined to meet the definition as stated in Article 2 of this ordinance, provided provisions of Article 4, Section E(9)(b), (c), and (e) have been satisfied, and such facilities are protected by methods that minimize flood damages- **during the base flood and create no additional threats to public safety.**
 - (c) any other type of development, provided it meets the requirements ~~stated inof this section.~~**Section.**
- (4) In passing upon variances, the appeal board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
- (a) the danger that materials may be swept onto other lands to the injury of others;
 - (b) the danger to life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location as defined under Article 2 of this ordinance as a functionally ~~dependant~~**dependent** facility, where applicable;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- (5) A written report from the applicant, addressing each of the above factors shall be submitted with the application for a variance.
- (6) Upon consideration of the factors listed above and the purposes of this ordinance, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purposes **and objectives** of this ordinance.
- (7) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the Base Flood Elevation increases risks to life and property, and that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.
- (8) The ~~floodplain administrator~~**Floodplain Administrator** shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.
- (9) Conditions for Variances:

- (a) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
- (b) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
- (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (d) Variances shall only be issued prior to development permit approval.
- (e) Variances shall only be issued upon:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(10) A variance may be issued for solid waste disposal facilities, **or sites**, hazardous waste management facilities, salvage yards, and chemical storage facilities that are located in Special Flood Hazard Areas provided that all of the following conditions are met.

- (a) The use serves a critical need in the community.
- (b) No feasible location exists for the use outside the Special Flood Hazard Area.
- (c) The reference level of any structure is elevated or floodproofed to at least the regulatory flood protection elevation.
- (d) The use complies with all other applicable Federal, State and local laws.
- (e) The County of Cumberland has notified the Secretary of the North Carolina Department of Crime Control and Public Safety of its intention to grant a variance at least thirty (30) calendar days prior to granting the variance.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

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

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

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

SECTION B. SPECIFIC STANDARDS.

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

- (1) **Residential Construction.** New construction and substantial improvement of any residential structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance.
- (2) **Non-Residential Construction.** New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Article 2 of this ordinance. Structures located in A, AE and A1-30 Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with

walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Floodplain Administrator as set forth in Article 4, Section B(3), along with the operational and maintenance plans.

(3) Manufactured Homes.

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

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

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

(5) Additions/Improvements.

- (a) Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - (ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.
- (b) Additions to post-FIRM structures with no modifications to the existing structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
- (c) Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (i) not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - (ii) a substantial improvement, both the existing structure and the addition and/or improvements must comply with the standards for new construction.

~~Where an independent perimeter load-bearing wall is provided between the addition and the existing building, the addition(s) shall be considered a separate building and only the addition must comply with the standards for new construction.~~

- (6) Recreational Vehicles. Recreational vehicles shall either:
 - (a) be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
 - (b) meet all the requirements for new construction.
- (7) Temporary Non-Residential Structures. Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the ~~floodplain administrator~~ **Floodplain Administrator** a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the ~~floodplain administrator~~ **Floodplain Administrator** for review and written approval:
 - (a) a specified time period for which the temporary use will be permitted. Time specified may not exceed three (3) months, renewable up to one (1) year;
 - (b) the name, address, and phone number of the individual responsible for the removal of the temporary structure;
 - (c) the time frame prior to the event at which a structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
 - (d) a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
 - (e) designation, accompanied by documentation, of a location outside the Special Flood Hazard Area, to which the temporary structure will be moved.
- (8) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are to be placed within a Special Flood Hazard Area, the following criteria shall be met:

- (a) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- (b) Accessory structures shall not be temperature-controlled;
- (c) Accessory structures shall be designed to have low flood damage potential;
- (d) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- (e) Accessory structures shall be firmly anchored in accordance with **the provisions of Article 5, Section A(1)**;
- (f) All service facilities such as electrical shall be installed in accordance with **the provisions of Article 5, Section A(4)**; and
- (g) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with **the provisions of Article 5, Section B(4)(c)**.

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

SECTION C. RESERVED.

SECTION D. STANDARDS FOR FLOODPLAINS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS.

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

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

SECTION E. RESERVED.

SECTION F. FLOODWAYS AND NON-ENCROACHMENT AREAS.

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

- (1) No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted ~~unless it has been demonstrated that:~~
 - (a) **it is demonstrated that** the proposed encroachment would not result in any increase in the flood levels during the occurrence of the base flood, based on hydrologic and hydraulic analyses performed in accordance with standard engineering practice ~~and presented to the floodplain administrator~~**Floodplain Administrator** prior to issuance of floodplain development permit, or
 - (b) a Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. A Letter of Map Revision (LOMR) must also be obtained upon completion of the proposed encroachment.
- (2) If Article 5, Section F(1) is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.

- (3) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
- (a) the anchoring and the elevation standards of Article 5, Section B(3); and
 - (b) the no encroachment standard of Article 5, Section F(1).

ARTICLE 6. LEGAL STATUS PROVISIONS.

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

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

The date of the initial flood damage prevention ordinance for each municipal jurisdiction within Cumberland County is as follows:

Cumberland County Unincorporated Area, dated February 1, 1982;
Town of Eastover, dated December 17, 2007;
Town of Falcon, dated May 01, 2000;
Town of Godwin, dated May 15, 2000;
Town of Linden, dated August 15, 2000;
Town of Stedman, dated April 06, 2000;
Town of Wade, dated April 11, 2000;

SECTION B. EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

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

SECTION C. EFFECTIVE DATE.

This ordinance shall become effective **December 17, 2007**

SECTION D. ADOPTION CERTIFICATION.

I hereby certify that this is a true and correct copy of the flood damage prevention ordinance as adopted by the Board of Commissioners of the County of Cumberland, North Carolina, on the 17th day of December, 2007.

WITNESS my hand and the official seal of the County of Cumberland, this the 17th day of December, 2007.

, Chairman



ITEM NO. 16

COMMUNITY DEVELOPMENT

245 Person Street, 2nd Floor - P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 323-6112 • Fax: (910) 323-6114

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA
NOVEMBER 19, 2007

TO: BOARD OF COUNTY COMMISSIONERS

THRU: JUANITA PILGRIM, DEPUTY COUNTY MANAGER

FROM: THANENA S. WILSON, COMMUNITY DEVELOPMENT DIRECTOR

DATE: NOVEMBER 9, 2007

**SUBJECT: NORTH CAROLINA HOUSING FINANCE AGENCY (NCHFA)
URGENT REPAIR PROGRAM**

BACKGROUND

The NCHFA has announced the availability of up to \$2.2 million under a new funding cycle for the Urgent Repair Program (URP08). Identified by NCHFA as an underserved area, Cumberland County is eligible to apply for funding up to \$75,000 to serve the citizens of our community. Through the Community Development Department, we have the technical capacity to manage such construction projects and would therefore propose to apply for the available funding. The proposed service area would be the existing participating jurisdiction for Community Development programs, which includes the Towns of Falcon, Godwin, Hope Mills, Linden, Spring Lake, Stedman, Wade, and the unincorporated areas of the County.

Recipient organizations will be able to provide grants up to \$5,000 for emergency repairs and modifications for elderly homeowners and other homeowners with special needs (including households with children who have elevated blood lead levels) whose household incomes do not exceed 50% of the area median income. Since Community Development currently administers an Emergency Repair Program (ERP) through the use of Community Development Block Grant (CDBG) funds, this URP grant would be a logical complement to our existing program. During our most recent program year (PY2006) we were able to assist 27 low-moderate income homeowners with emergency repairs.

Due to annexation by the City of Fayetteville, we anticipate a decrease in funding received by the County for its Community Development programs. Therefore, seeking other funding to continue to serve citizens in the County is crucial. The application deadline is 5:00 p.m., November 30, 2007.

RECOMMENDATION AND PROPOSED ACTION

Community Development requests that the Board of Commissioners approve submittal of an application requesting \$75,000 from the NCHFA for the URP08. In addition we request that the County Manager be authorized to sign the application and all related documents for submittal.

Celebrating Our Past...Embracing Our Future



ITEM NO. 14

COUNTY of CUMBERLAND

James E. Martin
County Manager

Cliff Spiller
Assistant County Manager

Juanita Pilgrim
Deputy County Manager

Office of the County Manager

Amy H. Cannon
Assistant County Manager

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF NOVEMBER 19, 2007

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER

DATE: NOVEMBER 14, 2007

**SUBJECT: APPROVAL OF RECORDS DESTRUCTION REQUEST
FROM THE CUMBERLAND COUNTY CROWN COLISEUM**

BACKGROUND

The Cumberland County Crown Coliseum has requested that the attached listing of certain records be destroyed as of January 1, 2008 and based on the guidelines specified by the North Carolina Department of Cultural Resources in the Records Retention and Disposition Schedule. The records are as follows:

1991-2002 Event Files	2002-December 2005 Cash Receipts
2003-2004 Ticket Stubs	1999-2001 Event Settlements
2001-2003 Calendars/Event Logs	2001-2003 Accounts Payable
1998-1999 Events / Community Concerts	7/2004-6/2005 Bank Statements/Credit Card Logs
1998-2000 Part-Time Applications	2002-2006 Travel Reimbursements
1992-June 2004 Show Income Reports	2001-2003 Time Cards

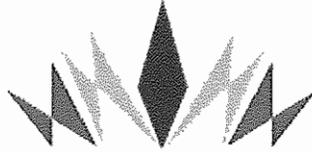
The destruction of these records is in accordance with the Records Retention and Disposition Schedule issued by the North Carolina Division of Archives and History and adopted by the Board of County Commissioners.

RECOMMENDATION/PROPOSED ACTION

Accept the report on disposition of records and include same in minutes of the November 19, 2007 Board of Commissioners' Meeting.

/ct

CM111407-1



CROWN CENTER

Coliseum • Expo Center • Arena • Theatre

**1960 Coliseum Drive
Fayetteville, NC 28306**
Phone: 910.438.4100 Fax: 910.323.0489
Email: anunnery@crowncoliseum.com

MEMORANDUM

TO: AMY CANNON, ASSISTANT COUNTY MANAGER - FINANCE
FROM: ANNETTE NUNNERY, ADMINISTRATIVE COORDINATOR *AN*
DATE: 11/5/2007
RE: RECORDS DESTRUCTION REQUEST

I am attaching a formal request for destruction of records currently stored at the Crown Center. The records have been reviewed and catalogued based on guidelines specified by the N.C. Department of Cultural Resources in the Records Retention and Disposition Schedule for County Management.

There are 45 boxes listed. My intent is to formalize an in-house records disposition schedule to eliminate excessive storage of Crown Center records in the future. We are requesting that the current accumulation of records be approved for destruction as of January 01, 2008.

If there is any other paperwork required please let me know.

**North Carolina Department of Cultural Resources
Division of Historical Resources
Government Records Branch**

REQUEST FOR DISPOSAL OF UNSCHEDULED RECORDS

TO Assistant Records Administrator
N.C. Division of Historical Resources
Government Records Branch
4615 Mail Service Center
Raleigh, NC 27699-4615

FROM Name Annette R. Nunnery
County Cumberland
Agency or department Crown Center
Phone number (910) 438-4100

In accordance with the provisions of G.S. 121 and 132, approval is requested for the destruction of records listed below. These records have no further use or value for official or administrative purposes.

RECORDS TITLE	DESCRIPTION	INCLUSIVE DATES	QUANTITY	MICROFILMED? (YES OR NO)	RETENTION PERIOD
EVENT FILES	event information, fees, records	1991 To 2002	21 boxes	NO	One year
TICKET STUBS	Ticket stubs by event	2003 to 2004	9 boxes	NO	Three years
CALENDARS/ EVENT LOGS	Staff notes on scheduled events	2001 to 2003	1 box	NO	One year
EVENTS – COMMUNITY CONCERTS	Individual event information, fees, notes	1998 and 1999	1 box	NO	One year
PART-TIME APPLICATIONS	Applications for employment	1998 to 2000	1 box	NO	none
SHOW INCOME REPORTS	Show receipts, payments	1992 to June '04	3 boxes	NO	Three years
CASH RECEIPTS	receipts	2002 to 12/05	3 boxes	NO	Two years
EVENT SETTLEMENTS	Show receipts, settlements	1999 to 2001	1 box	NO	Three years
ACCN'TS PAYABLE	Invoices, receipts	2001 to 2003	2 boxes	NO	Three years
BANK STATEMENTS/ CREDIT CARD LOG	Monthly bank statements and Credit card logs	July 2004 to June 2005	1 box	NO	Two years
TRAVEL REIMBURSEMENTS	Travel receipts, requests, reimb.	2002 - 2006	1 box	NO	One year
TIME CARDS	p/t employee time cards	2001 - 2003	1 box	NO	Four years

Requested by: Annette R. Nunnery Administrative Coordinator 11/05/2007
Signature Title Date

Approved by: _____ Head of Governing Board _____
Signature Date

Concurred by: _____ Assistant Records Administrator _____
(as indicated) Signature Date
NC Division of Historical Resources

**Cumberland County
Board of Commissioners
Resolution of Acknowledgement**

WHEREAS, the nonprofit community of Fayetteville/Cumberland County is comprised of one hundred and fifty two reporting agencies which provide diverse services to the community; and

WHEREAS, the nonprofit community of Fayetteville/Cumberland County is dedicated to the improvement of the quality of life for everyone in our community; and

WHEREAS, the nonprofit community of Fayetteville/Cumberland County is dedicated to the specific mission of their agencies which provide services to the community; and

WHEREAS, the nonprofit community of Fayetteville/Cumberland County has *annual expenditures in the community of more than \$130 million and total assets of more than \$208 million*; and

WHEREAS, the nonprofit community of Fayetteville/Cumberland County is committed to increasing public awareness of the valuable and diverse services provided to the community.

NOW, THEREFORE BE IT RESOLVED THAT THE BOARD OF COMMISSIONERS OF CUMBERLAND COUNTY, declares the month of November as Non-Profit Awareness Month and extends its sincere congratulations to the nonprofit community of Fayetteville/Cumberland County for their dedication and unselfish service to the community.

Adopted the 19th day of November, 2007

KENNETH S. EDGE, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B08-148
Date Received	11/9/2007
Date Completed	

Fund No. 106 Agency No. 470 Organ. No. 4704
 Organization Name: School C.O. Category I - Buildings

ITEM NO. 1 J(1)a

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4578	Lottery Proceeds	329,708	(329,708)	-
2512	Article 40 Sales Tax	2,315,292	329,708	2,645,000
9901	Fund Balance Appropriated (Sales Tax)	0	6,837,916	6,837,916

Total

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3836	406	School C.O. Category I	4,400,000	6,837,916	11,237,916

Total 4,400,000 6,837,916 11,237,916

Justification:

Revision to replace lottery revenue with sales tax revenue in the adopted budget (\$329,708) since there are no lottery approved projects budgeted against the lottery proceeds in the FY 2008 budget adopted by the School Board. In addition, fund balance (Sales Tax) is being appropriated in the amount of \$6,837,916 to budget additional Category I projects as approved by the Cumberland County Board of Education on November 13, 2007.

Funding Source:

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

Fund Balance:

Submitted By: _____ Date: _____
 Department Head
 Reviewed By: HGA Bob Sucher Date: 11/13/07
 Budget Analyst
 Reviewed By: Amy Cannon Date: 11/14/07
 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.	B08-148A
Date Received	11/9/2007
Date Completed	

Fund No. 106 Agency No. 470 Organ. No. 4706
 Organization Name: School C.O. Category II - Equipment

ITEM NO. 1 J(1) b

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated (Sales Tax)	0	1,521,000	1,521,000
Total		0	1,521,000	1,521,000

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3837	407	School Capital Outlay - Category II	3,315,000	1,521,000	4,836,000
Total			3,315,000	1,521,000	4,836,000

Justification:

Revision in the amount of \$1,521,000 to appropriate fund balance (Sales Tax) to fund additional Capital Outlay Category II expenditures as approved by the Cumberland County Board of Education on November 13, 2007.

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

Submitted By: _____ Date: _____
 Department Head
 Reviewed By: Bob Tucher Date: 11/13/07
 Budget Analyst
 Reviewed By: Amyl Cannon Date: 11/14/07
 Deputy/Assistant County Mgr
 Reviewed By: _____ Date: _____
 Information Services

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B08-148B
Date Received	11/9/2007
Date Completed	

Fund No. 106 Agency No. 470 Organ. No. 4708
 Organization Name: School C.O. Category III - Vehicles

ITEM NO. 15(i)c

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated (Sales Tax)	0	92,000	92,000
Total		0	92,000	92,000

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3838	408	School Capital Outlay - Category III	930,000	92,000	1,022,000
Total			930,000	92,000	1,022,000

Justification:

Revision in the amount of \$92,000 to appropriate fund balance (Sales Tax) to fund additional Capital Outlay Category III expenditures as approved by the Cumberland County Board of Education on November 13, 2007.

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

Submitted By: _____ Date: _____
 Department Head
 Reviewed By: Bob Tucher Date: 11/13/07
 Budget Analyst
 Reviewed By: Amy Cannon Date: 11/14/07
 Deputy/Assistant County Mgr
 Reviewed By: _____ Date: _____
 Information Services

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B08-148C
Date Received	11/9/2007
Date Completed	

Fund No. 106 Agency No. 470 Organ. No. 4718
 Organization Name: School C.O. - Lottery

ITEM NO. 1 J(1) d

REVENUE

pg 1 of 3

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated (Lottery)	0	863,273	863,273
4578	Lottery Proceeds	0	2,035,160	2,035,160
Total		0	2,898,433	2,898,433

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
383B	410	School Capital Outlay - Lottery	0	2,832,756	2,832,756
3903	410	Contingency	0	65,677	65,677
Total			0	2,898,433	2,898,433

Justification:

To appropriate fund balance (\$863,273) related to unused FY 2007 Lottery proceeds and to re-budget current lottery projects in the amount of \$797,596 with the balance going to Contingency (\$65,677). In addition, approve bids and the associated Capital Project Ordinances for two new lottery projects using FY 2008 lottery proceeds of \$2,035,160 (\$1,134,560 for classroom additions at Cliffdale Elementary School and \$900,600 for classroom additions at Glendale Acres Elementary School). These actions approved by the Cumberland County Board of Education on November 13, 2007.

Funding Source:

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

Fund Balance:

Submitted By: _____ Date: _____
 Department Head
 Reviewed By: Bob Incher Date: 11/13/07
 Budget Analyst
 Reviewed By: Amy Cannon Date: 11/14/07
 Deputy/Assistant County Mgr
 Reviewed By: _____ Date: _____
 Information Services

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

BOARD OF EDUCATION

CLIFFDALE ELEMENTARY SCHOOL CLASSROOM ADDITION
 CAPITAL PROJECT ORDINANCE
 LOTTERY PROCEEDS AND SALES TAX
 (November 19, 2007)

REVENUES	FY2006-07	FY2007-08	TOTAL
Lottery Proceeds		1,134,560	1,134,560
Sales Tax	<u>30,800</u>	<u>54,600</u>	<u>85,400</u>
TOTAL	<u><u>30,800</u></u>	<u><u>1,189,160</u></u>	<u><u>1,219,960</u></u>

EXPENDITURES	FY2006-07	FY2007-08	TOTAL
Cliffdale Elementary (Addition of 6 Classrooms)	<u>30,800</u>	<u>1,189,160</u>	<u>1,219,960</u>
TOTAL	<u><u>30,800</u></u>	<u><u>1,189,160</u></u>	<u><u>1,219,960</u></u>

Fund: 106
 Agency: 470
 Organization: 4718 (Lottery)
 4704 (Sales Tax)

BOARD OF EDUCATION

GLENDALE ACRES ELEMENTARY SCHOOL CLASSROOM ADDITION
 CAPITAL PROJECT ORDINANCE
 LOTTERY PROCEEDS AND SALES TAX
 (November 19, 2007)

REVENUES	FY2006-07	FY2007-08	TOTAL
Lottery Proceeds		900,600	900,600
Sales Tax	<u>23,450</u>	<u>40,950</u>	<u>64,400</u>
TOTAL	<u><u>23,450</u></u>	<u><u>941,550</u></u>	<u><u>965,000</u></u>

EXPENDITURES	FY2006-07	FY2007-08	TOTAL
Glendale Acres Elementary (Addition of 4 Classrooms)	<u>23,450</u>	<u>941,550</u>	<u>965,000</u>
TOTAL	<u><u>23,450</u></u>	<u><u>941,550</u></u>	<u><u>965,000</u></u>

Fund: 106
 Agency: 470
 Organization: 4718 (Lottery)
 4704 (Sales Tax)

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

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



CUMBERLAND
COUNTY



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

ITEM NO. 2A

NOVEMBER 9, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-76:** REZONING OF 71.0+/- ACRES FROM RR AND CD TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTH SIDE OF CAMDEN ROAD, EAST OF THE COUNTY LINE, OWNED BY HAROLD KIDD, JOSEPH GILLIS, AND DOUGLAS BARFIELD, SUBMITTED BY K. DOUGLAS BARFIELD, ATTORNEY.

ACTION: MEMBERS PRESENT AT THE OCTOBER 16, 2007 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE R7.5 RESIDENTIAL DISTRICT.

SITE INFORMATION: **Area:** 71.0 +/- acres; **Frontage & Location:** 1,000 feet on Camden Road; **Depth:** 3,300 feet; **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Undeveloped property; **Initial Zoning:** February 6, 1976 (Area 5); **Zoning Violation(s):** None
Surrounding Zoning: North-CD, RR, East-CD, RR, R10, South-CD, RR, R15, and West-CD, RR; **Surrounding Land Use:** Well lots (3), church, A.B. commercial, single family residential, woodland and vacant land; **2010 Land Use Plan:** Activity Node and Low Density Residential
Designated 100-Year Floodplain or Floodway: None; **Municipal Influence Area:** Hope Mills
Proposed Interchange or Activity Node: Activity Node; **Urban Services Area:** Yes;
Water/Sewer Availability: PWC / PWC; **Soil Limitations:** Yes – JT (Johnston loam); **School Capacity/Enrolled:** Stoney Point Elementary 865/916, John Griffin Middle 1274/1314, Jack Britt High 1870/1900; **Subdivisions:** A subdivision review will be required prior to development;
Highway Plan: Camden Road is identified as a Major Thoroughfare. The proposal calls for a multi-lane facility with a 100 foot right-of-way. Road improvements are included in the 2007-2013 MTIP. Right-of-Way-Unfunded, Construction-Unfunded. This property will be directly impacted by the Fayetteville Outer Loop, a Major Thoroughfare. The proposal calls for a multi-lane facility with a 250 foot right-of-way. Road improvements are included in the 2007-2013 MTIP. Planning/Design-In Progress, Mitigation-FFY 07, ROW Acquisition-FFY 06, 07, Post Years, Construction-08, 12, Post Years; **Average Daily Traffic Count (2004):** 4,400 on Camden Road;
Notes: 71.0 acres - 6.34 acres (area within Outer Loop Project) = 64.64+/- acres;
Density minus 20% for roads: RR – 112 lots Minus 10% for roads: 126 lots
(51.71 acres) R15 – 150 lots (58.18 acres) 168 lots
R7.5 – 300 lots 337 lots

MINUTES OF OCTOBER 16, 2007

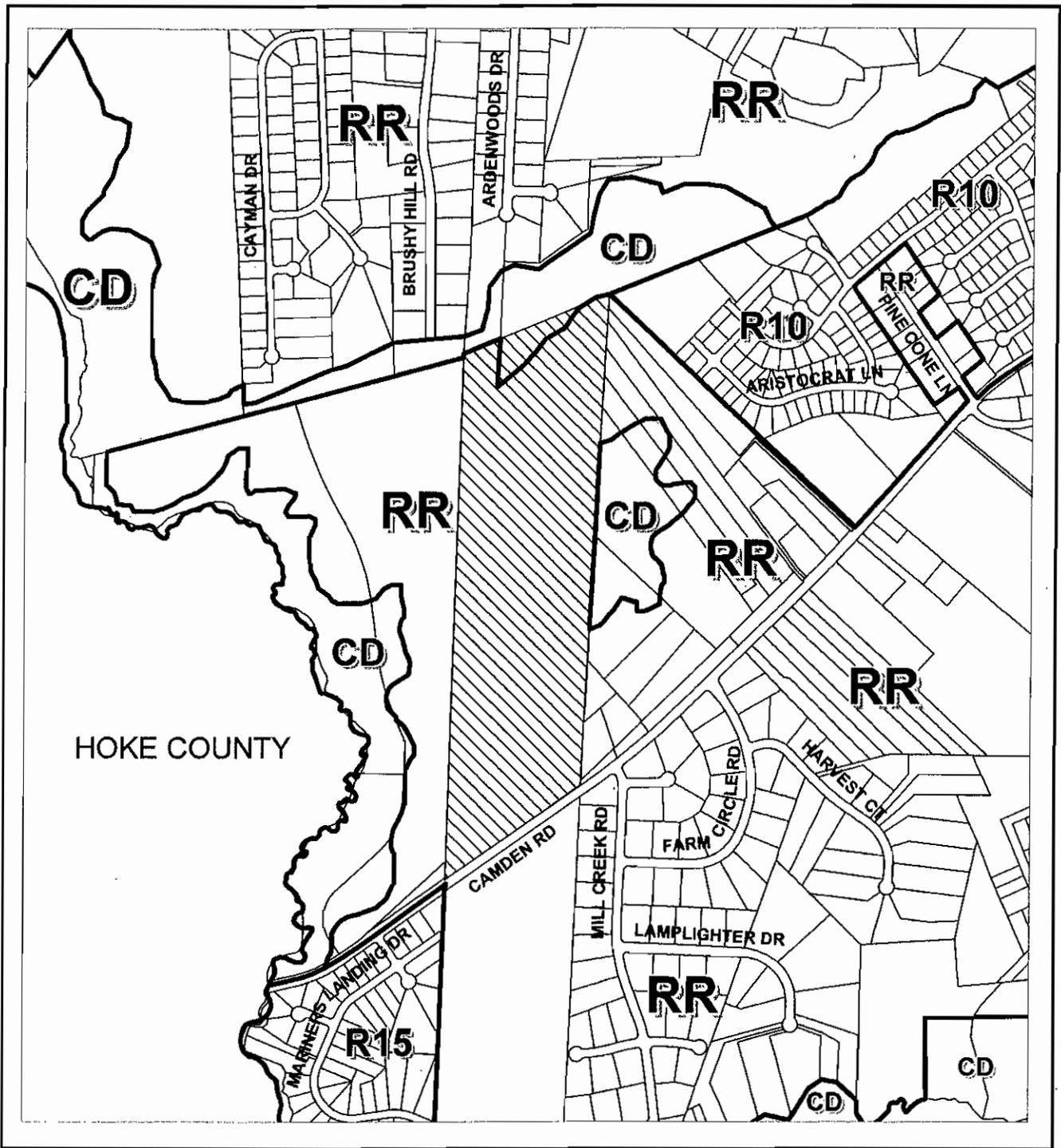
Case P07-76 continued

The Planning & Inspections Staff recommends 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. *Public utilities are available to the subject property.*

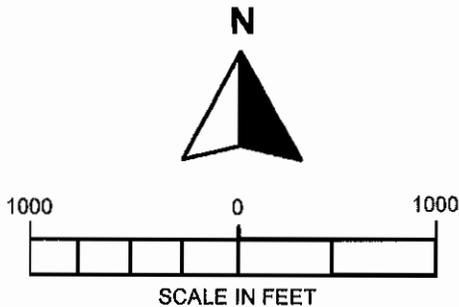
The R15 zoning district is the only other suitable zoning district to be considered for this site.

A motion was made by Mr. McNeill, seconded by Mr. Hostetter to follow the staff recommendation and approve case P07-76 as submitted. Unanimous approval, with Mr. Turner abstaining.



HOKE COUNTY

REQUESTED REZONING: RR & CD TO R7.5



ACREAGE: 71.0 AC.+/-		HEARING NO: P07-76	
ORDINANCE: COUNTY		HEARING DATE	ACTION
PLANNING BOARD			
GOVERNING BOARD			

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

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



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

ITEM NO. 23

NOVEMBER 9, 2007

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P07-80:** REZONING OF THREE PARCELS TOTALLING 5.0+/- ACRES FROM A1 TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, SOUTH OF DELANCY DRIVE, WEST OF SOUTH FORTY DRIVE, OWNED BY ROBERT AND STEPHANIE VAUGHN AND FRANKLIN R. FOWLER, SUBMITTED BY MCCOY, WEAVER, AND WIGGINS ATTORNEY'S.

ACTION: MEMBERS PRESENT AT THE OCTOBER 16, 2007 MEETING VOTED UNANIMOUSLY TO DENY THE STAFF RECOMMENDATION FOR R15 RESIDENTIAL DISTRICT.

SITE INFORMATION: **Area:** 5.0 +/- acres; **Depth:** 533 feet (average); **Jurisdiction:** County; **Adjacent Property:** No; **Current Use:** Undeveloped property; **Initial Zoning:** June 25, 1980(Area 13); **Zoning Violation(s):** None; **Surrounding Zoning:** North-A1, R40, R20, East-A1, RR, R15, South-RR, R15, R10, C1(P), and West-A1, R15, R10; **Surrounding Land Use:** Single family residential, woodland and vacant land; **2010 Land Use Plan:** Low Density Residential; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC / PWC sewer to be installed in the tract west of the site; **Soil Limitations:** None; **School Capacity/Enrolled:** Galberry Farm Elementary 886/1085, Gray's Creek Middle 495/590, Gray's Creek High 1270/1133; **Subdivisions:** A subdivision review will be required prior to any development; **Military Impact Area:** No; **Highway Plan:** No road improvements or new construction is specified for this area; **Notes:** 5.0 +/- acres - .54 acres (area within approved right-of-way) = 4.46+/- acres.

Density minus 20% for roads: (3.57 acres)	A1 - 1 lots R40 - 3 lots R30 - 5 lots R20 - 7 lots R15 - 10 lots	Minus 10% for roads: (4.01 acres)	A1 - 2 lots R40 - 4 lots R30 - 5 lots R20 - 8 lots R15 - 11 lots
--	--	--------------------------------------	--

MINUTES OF OCTOBER 16, 2007

Mr. Lloyd reviewed the site information and stated the staff recommends approval of the R15 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;

Case P07-80 Continued

2. The R15 zoning district is in character with the current zoning of the adjacent property; and
3. Public utilities are available to the subject property.

The R40, R30 and R20 zoning districts are the other suitable zoning districts to be considered for this site.

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

Public Hearing opened.

Robert Vaughn spoke in favor. Mr. Vaughn stated that they were looking at putting three hundred thousand dollar houses in this area. It's not going to be any little subdivision, there will be nice houses and it's going to be a nice subdivision. Mr. Vaughn requested that the Board approve the rezoning to R15.

Danny Smith spoke in opposition. Mr. Smith stated that he was opposed to the neighborhood for two reasons. The first reason is traffic; the roads in the neighborhood are not long enough or wide enough to handle the increased traffic. Secondly, Mr. Smith doesn't feel proper procedures were followed in the purchase of a house to obtain an easement for the right-of-way. Mr. Smith stated that the easement hasn't been approved but development of the neighborhood has progressed. These are the reasons Mr. Smith is opposed.

Jeanette Hales spoke in opposition. The house Ms. Hales lives in is located at the low point of the neighborhood. There was a development built behind her house on South Forty Drive. At that time it came before the Board, and the concerns about drainage were raised. The developer built drainage pits right behind Ms. Hale's house, and three or four houses affected by this were flooded. Ms. Hales stated that they receive all of the drainage and the pits are not sufficient enough to hold the water. Ms. Hales' yard was completely covered, and as a result her septic system failed. This is not just an imagined problem, this is real. Ms. Hales stated that the other large section has just been rezoned, and we're going to get the drainage from that, and now they want to do the ball field. Ms. Hales stated that every agency, every department, and every person has been called, and no one has been able to help. Ms. Hales stated that the Board can help, they can step up and do the right thing and help stop the developers from ruining their property.

Mr. McNeill asked Ms. Hales if the Department of Environment and Natural Resources (DENR) had been contacted.

Ms. Hales said that they had contacted everybody.

Mr. McNeill asked the question again if the DENR had been contacted.

Ms. Hales stated that yes they had contacted the DENR.

Mr. McNeill asked if DENR's response was that they couldn't help.

Ms. Hales stated that that was correct. Ms. Hales also stated that she was advised that if rezoning of the property continued she would have to file a lawsuit. It doesn't make sense that we should have to file a lawsuit to protect our property.

Chair McLaurin asked if the water that was coming into her yard was coming from the cul-de-sac.

Ms. Hales stated that they have made a drainage system, where all of the runoff from those neighborhoods comes to some drainage pits that were dug directly behind her house. Any time it

Case P07-80 Continued

rains, any moisture that we get is piped right to the back of her house. It's not just natural runoff; it's piped to the back of the house.

Vice-Chair Epler asked Ms. Hales if, before the subdivision was built and before the detention ponds were placed, she ever had standing water in her yard at any time.

Ms. Hales stated that when there was a really hard rain there would be some puddles that lasted several hours. If it was in the middle of the night, by the next morning the puddles would be gone. This water that ruined my septic system was on our backyard for an entire week. Then it would drain off and we would get more rain and we would be flooded again. The water went under my neighbor's house. It's been devastating.

Vice-Chair Epler asked if before the property was developed, did Ms. Hales receive drainage from that piece of property onto her lot.

Ms. Hales said not from the property, heavy rains would make puddles in our yard. I don't think it was draining off of that property.

Vice-Chair Epler asked if the storm water system coming off of those lots on Delancy Drive and Canasta Court has an open end pipe that comes out on your property from there.

Ms. Hales said it goes into the drainage pits behind her property that are not sufficient enough to hold the water.

Vice-Chair Epler asked if they overflow.

Ms. Hales stated yes they do, all the time.

Vice-Chair Epler asked if Department of Environment and Natural Resources came out to ensure that they were being maintained properly.

Ms. Hales said that this was after the pits were dug and they were fairly new.

Vice-Chair Epler stated that she was sure they were being maintained at that time. If they're not being maintained long term, which the homeowners are responsible for or whoever maintains those ponds, I hate to say this, but you will have to call the Department of Environment and Natural Resources to come out and inspect those to make sure they are being maintained.

Ms. Hales said that when her septic system failed, that was when they were brand new, they had just put in, and it still flooded us.

Vice-Chair Epler stated that they were not draining water over onto Ms. Hales' property; it's not being piped onto you.

Ms. Hales said it's piped into the drainage pits which can't hold the volume of water that comes into them. So basically, yes, they are piping it to my yard. It temporarily goes into the pit, but almost immediately, if they're full it goes right to my yard.

Neelis Smith spoke in opposition. Mr. Smith said he lives on the high end and when it rains hard, water stands in his yard. Mr. Smith said Canasta is built high and it runs down. Delancy is built low and it runs into people's yards. I have actually seen them with pumps in their backyards. It did not happen until KRB Builders started building in that neighborhood. I have also contacted several people. We get different stories; you don't know what to believe. Delancy is almost 20 feet across; school buses cannot go down that road. They want to build sixty seven more homes behind that, how are kids going to be safe coming out and walking? I know that this is just a hearing, and this has to go before the County Commissioners, I am going to take it up with a few

Case P07-80 Continued

of them also. South Forty, the main street is only 19 feet across, and it's hard enough for two vehicles to go down. I could care less about what kind of home goes in there. The concern is the traffic, how this came about. I don't think the Department of Transportation did their job. I don't think they went out and looked at the roads. If they did, they need some help. The traffic is what we're concerned about and the ponds, I think they did call someone out, and all they did was come out and dig the pond a little deeper. I know the ponds are not being maintained, but who maintains them. KRB should be the ones to maintain them. They're the one who built them, not the people in the subdivision. Our mistake is letting the Department of Transportation take over South Forty Drive. If we had taken it back and made it a private road, we wouldn't be having this discussion tonight. We failed to do that and we're just asking for help.

Mr. McNeill asked if all those roads are in the state system.

Mr. Smith stated that yes they are.

Scott Terry spoke in opposition. Mr. Terry stated that the builder tried to deed him the drainage ponds, so that he would be responsible for them. There are two of them, one feeds from Canasta and the other from Delancy. I'm glad I didn't, there are trees and bushes, a six foot privacy fence which was mandatory. The trees and bushes are over six feet and hanging over into my yard. I've talked to him about coming over and cleaning it up. Mr. Terry stated that when there is a good rain the water does come over. At the end of the cul-de-sac on Delancy there's a culvert where all the water is supposed to drain, I actually had to hire someone to come and build a berm around my yard on the end of that cul-de-sac to run the water to the drainage easement, because all of the water comes into my yard. My concern is who is going to build the houses.

Mr. Vaughn spoke in rebuttal. Mr. Vaughn stated that he does not represent KRB Builders. KRB Builders is not building on this property. It's my land and I have people who are going to build.

Vice-Chair Epler asked if this property was owned by Franklin Fowler also.

Mr. Vaughn stated that the road is owned by Mr. Fowler.

Vice-Chair Epler stated that she was asking because KRB Builders is Franklin Fowler's son-in-law.

Mr. Vaughn stated that that was correct and they do own the road that goes back to their property, but they will not be developing this tract.

Mr. McNeill asked if the road was going to remain in place for access to that property that was shown as R15. How is that individual going to get to their property?

Mr. Vaughn stated that that was a permanent road. We're only talking a maximum of 10 lots at the most.

Vice-Chair Epler asked Mr. Vaughn if he understood that if the little road going through there serves that larger tract of R15 it's not only your property and your ten lots that are going to be using that road, it's also going to be all the lots that go on that R15 tract. They will all have access to that new road across your property.

Mr. Vaughn said he was aware of that.

Mr. McNeill asked how the drainage would exit from that property.

Mr. Vaughn stated that right now on the southwest corner, which is the lowest part of the property, there is a drainage culvert that runs along there.

Case P07-80 Continued

Mr. McNeill asked if plans had been formulated for this development at this point.

Mr. Vaughn stated that they had.

Mr. McNeill asked if the plan calls for the drainage to go off as Mr. Vaughn indicated.

Mr. Vaughn said he wasn't sure.

Chair McLaurin asked Mr. Vaughn if the land was slanted in a way where the water would run off.

Mr. Vaughn said that the way it is now the water will run off into the field.

Vice-Chair Epler said that she finds it hard to believe that all of the lots on the south side of Delancy Drive drain north to the low spot. It's a natural low spot that people are still having a problem with, water has always gone there, it just didn't go with the velocity that it's going now. That happens because of development, and I understand that. But, I find it hard to believe that there's a crest along the back of those lots and none of your property is draining that way. If the north side of your property is high, what you're telling us is the south side of those lots and the north side of your lot is the high spot and everything on your property is coming back south. That's kind of hard to believe.

Mr. Vaughn said that he believed the northwest corner of his property is higher than their property.

Vice-Chair Epler said that was correct. That means your drainage is going towards them.

Mr. Vaughn said it's draining away from them.

Vice-Chair Epler said not if you're higher.

Public Hearing closed.

Mr. McNeill said that he is familiar with that land and it's a sand hill. I dare say there wasn't any runoff until the development started, and an impervious area will give you runoff. Unfortunately water is going to run downhill, and it's going to run to the lowest spot. There's nothing we can do about that. There are some problems over there. Mr. McNeill asked Mr. Lloyd since it's not deeded to any of the lots shouldn't another parcel be shown.

Mr. Lloyd said that usually with detention ponds, there's a homeowners association that takes care of the maintenance.

Mr. McNeill asked if there is a homeowners association or if there should be one.

Vice-Chair Epler said that she thinks the individual lots own the sediment ponds, they may have been sold with the lots.

Ms. Hales said that they didn't sign a form that said they would be responsible for the ponds. Ms. Hales said she called Mr. Vaughn and asked him to maintain the ponds, and he stated that it was his responsibility.

Vice-Chair Epler asked Ms. Hales if the pond was part of her property.

Ms. Hales stated that it is not a part of her property.

Mr. Barrett stated that one possibility that the drainage easement was obtained is that rather than a lot is that it would give the developer the right to control what's going on with the property.

Case P07-80 Continued

Mr. McNeill asked in that case would the assumption be that he is responsible, since he owns the rights to the easement.

Mr. Barrett said it would certainly be consistent.

Vice-Chair Epler asked Mr. Barrett if they purchased the lot and that pond is on that property that they purchased and there is a maintenance easement for that drainage structure they own that drainage structure am I correct.

Mr. Barrett stated that the ownership is irrelevant in this case. It is easy to draw a drainage maintenance easement for the developer to control.

Mr. Lloyd stated that the norm is that a homeowners association is created to maintain those ponds, most of the time.

Mr. McNeill stated that another agency to contact is Storm Water Utilities.

Mr. Barrett stated that Storm Water Utilities are run by the city. They deal with storm water flooding issues. Some of what I've heard is that some cases of sedimentation and erosion go to Department of Environment and Natural Resources.

Mr. McNeill said that Storm Water Utilities may be someone that people might want to try and contact.

Vice-Chair Epler said that she is familiar with the area. The houses on Delancy Drive and the houses on Canasta Court are nice houses, and I know the people on South Forty Drive have an investment in their property and they somewhat feel threatened. I have sympathy for that. That was always a natural drainage area out there; it has probably been escalated because of this development. The fact that those ponds aren't being maintained is one of the biggest problems. That needs to be corrected; however, I know most of the property to the south of those houses on South Forty Drive and Delancy Drive, the topography out there is such that some, if not all of that property I believe is still going to go in that direction and while that development is there, and there's nothing we can do about that today, I have a real reservation about putting ten more lots out there, not for the traffic reasons. Honestly ten lots on those streets, they are Department of Transportation maintained streets. Ten lots on those streets will not make or break them. However, that street is going to be going to that property that is now zoned R15, and I have a real reservation about sending that many lots, if we can get ten lots on this tract at R15, they can probably get at least twenty or thirty on that one. I don't like the idea of that property having access through this neighborhood. I understand those are narrow streets, I think the ten lots would probably not be too hard on that area, but that R15 traffic, if they're not able to get access somewhere else, all of that traffic is going to be coming through here. For that reason, I can't support this rezoning application.

Mr. Turner said that if the ponds can't take the water now, being a new pit, there's too much water running into it. I don't feel comfortable about that at all.

Mr. McNeill asked Mr. Vaughn if he would be interested in considering something less dense than the R15.

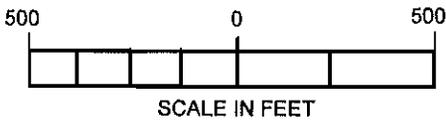
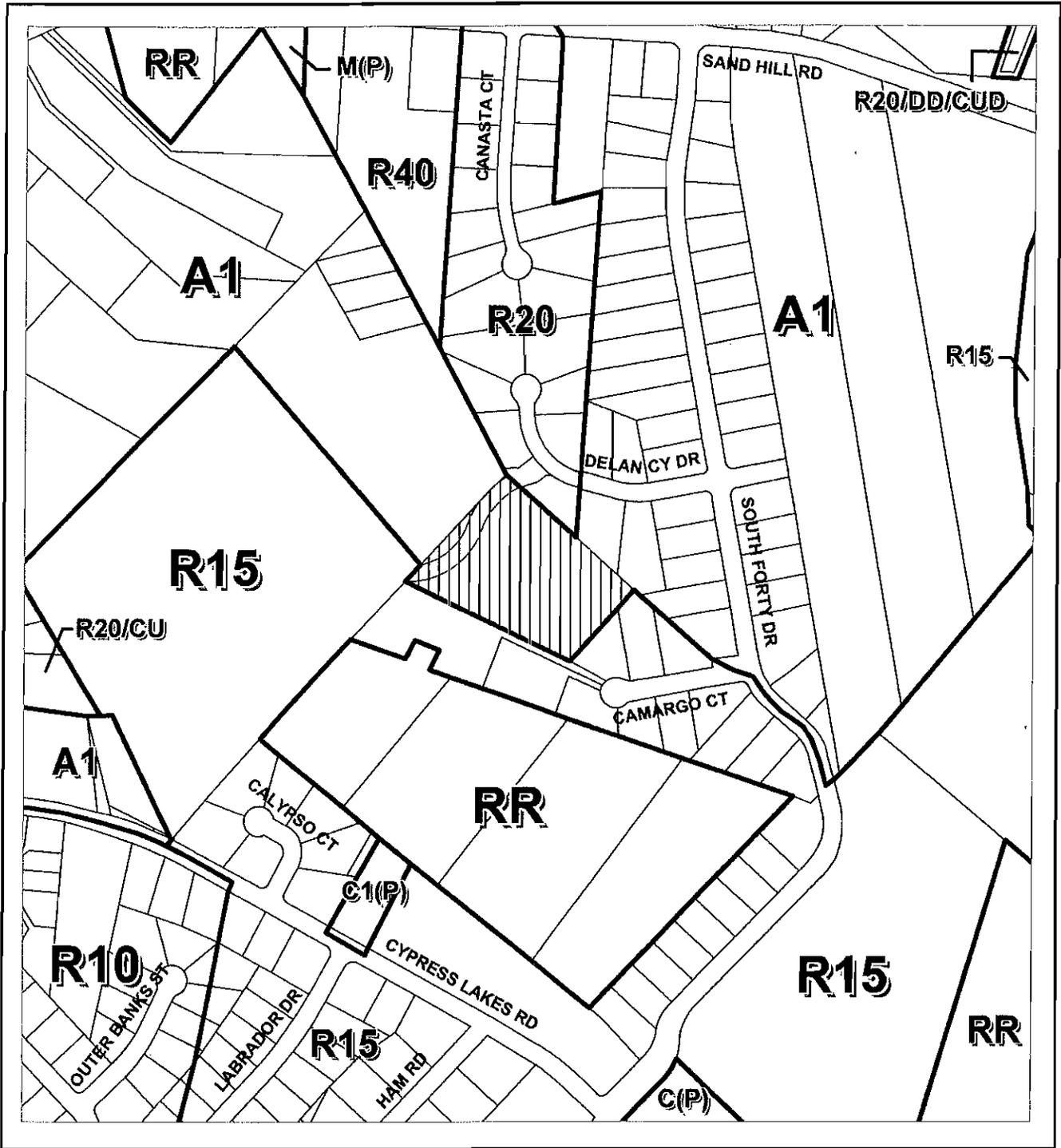
Mr. Vaughn responded not at this time.

Mr. McNeill said that he is not satisfied that some of the drainage is not going to go that way. I'd like to see some topo or something on it. If the water is coming the other way,

Case P07-80 Continued

perhaps the development of this would not further the problem that we've already got. Your best bet might be to withdraw this and come back with something that would show us some topo and some drainage, something to address these drainage issues. It's time that we proceeded with some caution on rezoning that is going to give us a lot of more impervious area and take some drainage issues into consideration.

A motion was made by Vice-Chair Epler, seconded by Mr. Cain to deny the staff recommendation for approval. Unanimous approval.



REQUESTED REZONING: A1 TO R15

ACREAGE: 5.0 AC.+/-		HEARING NO: P07-80	
ORDINANCE: COUNTY	HEARING DATE	ACTION	
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0433-50-3434
 PIN: 0433-50-1505
 PIN: 0433-50-1567

JJ
 9/20/07
 9/25/07
 10/09/07

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 5104-2007.

Property Owner: MJ Marsh Farms, Inc.
Home Owner: Raymond A. Wrench
Property Address: 5240 Butler Nursery Road, Fayetteville, NC

Tax Parcel Identification Number: 0452-56-6929

SYNOPSIS: This property was inspected on 12/29/2006. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 2/8/2007. V.B. Marsh attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 5/8/2007. 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 11/9/2007 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 \$35,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

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

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

George Hatcher
Affiant
Code Enforcement Officer
County of Cumberland

Sworn to and Subscribed to by me this
the 9th day of November 2007.

Charisse Brown
Notary Public

My Commission Expires: 9/29/12



**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: _____

4. In addition there is imposed a civil penalty in the amount of \$ _____ per day (up to
a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

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

Cecil P. Combs,
Deputy Director

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

FINDINGS OF FACT AND ORDER

February 15, 2007

CASE #: MH 5104-2007
Old Case #MH 5005-2007

TO: MJ Marsh Farms, Inc. & Parties of Interest & Raymond A Wrench & Parties of Interest
5284 Butler Nursery Road 5240 Butler Nursery Road
Fayetteville, NC 28306 Fayetteville, NC 28306

Property at: 5240 Butler Nursery Road

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 1/17/2007.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 2/8/2007 at 10:15:00 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: Vance B. Marsh, George Hatcher and Ken Sykes.
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, . 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 5104-2007, dated 1/11/2007.
 - b. Due to these findings, the dwelling is found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - c. The dwelling is unfit for human habitation.

EXHIBIT A

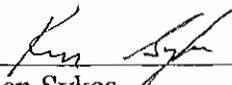
Findings and Facts of Order

Case #: MH 5104-2007 (Old Case #MH 5005-2007)

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 5/8/2007. **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. 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 5/8/2007. 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.



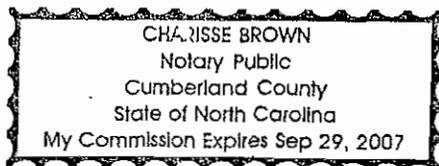
Ken Sykes
Hearing Officer



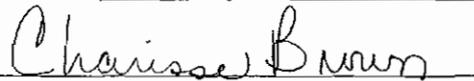
George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me
this the 15th day of February, 2007



Notary Public
My Commission Expires: 9/29/07

PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER
DATED 2/15/2007 CASE NUMBER MH 5104-2007

NORTH CAROLINA
COUNTY OF CUMBERLAND

PLANNING/INSPECTION DEPARTMENT

RE: V.B. Marsh
Name of Violator
MH 5104-07
Case Number

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

I, Charisse Brown Admin, with the Cumberland County Inspection Department,
(name & title)

personally served V.B. Marsh, a copy of the
(name of violator)

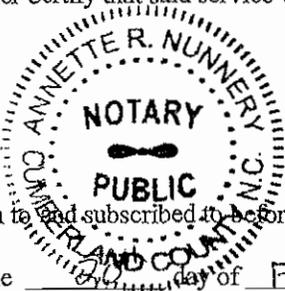
Findings of Fact and Order citing violations of
Article 4 Chapter 4

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

130 Gillespie Street
street name

Fayetteville, NC 28301
city, state, zip

I further certify that said service was completed on this the 20th day of February, 2007.



Charisse Brown
(signature)

Sworn to and subscribed to before me

this the 20 day of February, 2007.

Annette R Nunnery
Notary Public

My Commission Expires: ~~9/29/07~~ 10-21-07

**PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER
DATED 2/15/2007 CASE NUMBER MH 5104-2007**

NORTH CAROLINA
COUNTY OF CUMBERLAND

RETURN TO:

PLANNING/INSPECTION DEPARTMENT
OLD COURTHOUSE, ROOM 101
130 GILLESPIE STREET
FAYETTEVILLE, NC 28301

RE: RAYMOND A WRENCH
Name of Violator

Case Number : MH 5104 -07

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 RAYMOND A WRENCH
name of violator

a copy of the FINDINGS OF FACT & ORDER & APPEALS PROCEDURE
citing violations of Article IV CHAP 4 of the Cumberland County Code by
delivering said notice(s) to the violator at the address shown below:

539 BRAGG BLVD
street name

FAYETTEVILLE NC
city, state, zip

I further certify that said service was completed on this the 20th day of FEBRUARY, 2007.

George Hatcher
George Hatcher
Code Enforcement Officer

Sworn to and subscribed to before me

this the 20th day of Feb, 2007.

Charisse Brown
Notary Public

My Commission Expires: 9/29/07

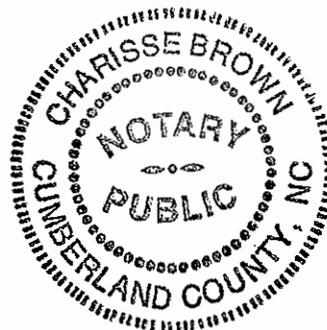


EXHIBIT A

MAP DEPLICITING LOCATION OF PROPERTY

5240 BUTLER NURSERY ROAD, FAYETTEVILLE NC (Owner: VB MARSH)

MINIMUM HOUSING CASE # MH 5104-2007

TAX PARCEL IDENTIFICATION NUMBER: 0452-56-6929

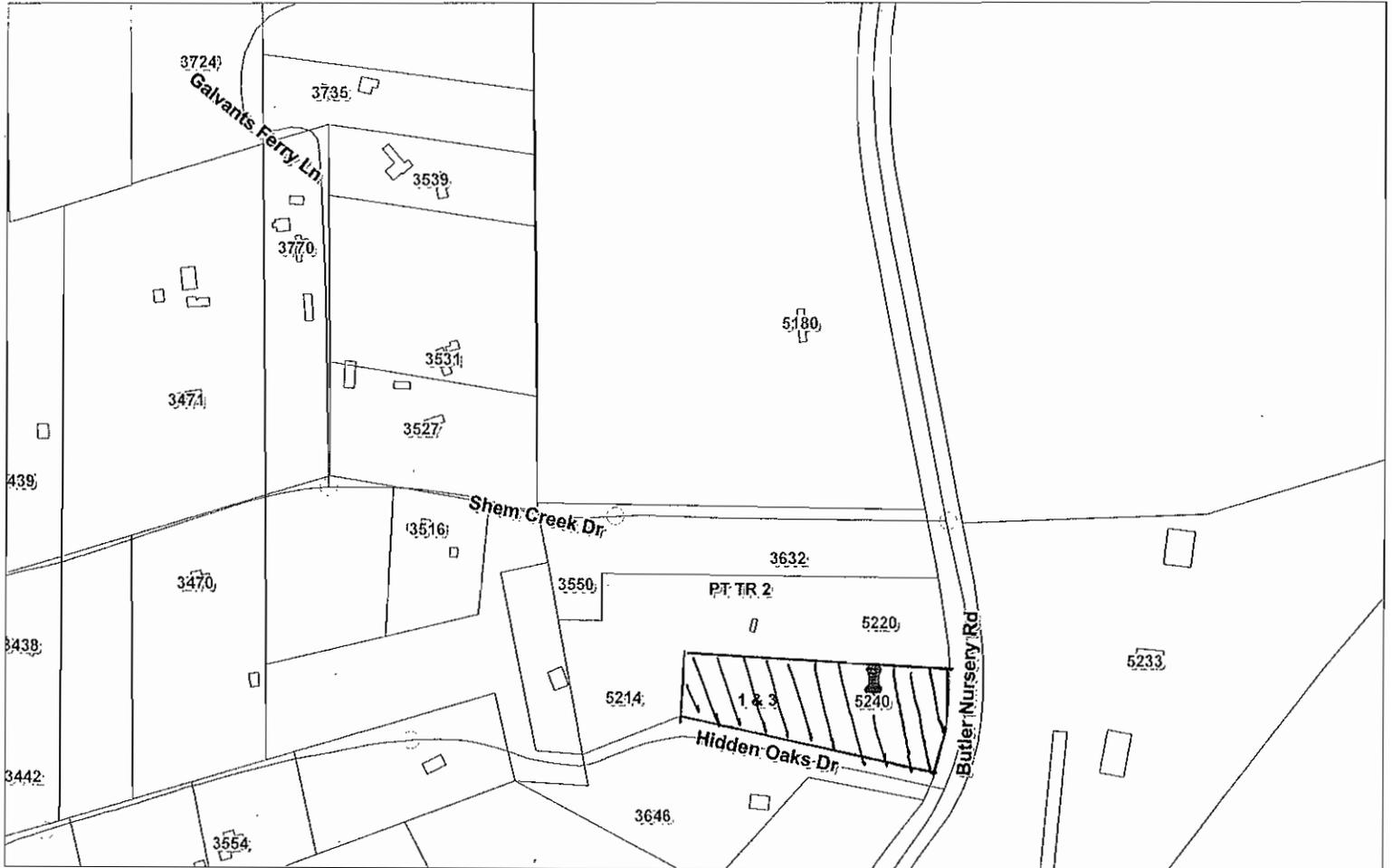


EXHIBIT B

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 5204-2007.

Property Owner: Carl Bowden

Property Address: 3941 Dunn Road, Fayetteville, NC

Tax Parcel Identification Number: 0469-51-2472

SYNOPSIS: This property was inspected on 4/24/2007. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 5/23/2007. Carl Bowden attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 7/13/2007. 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 11/9/2007 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 \$40,000.00. The Assessor for Cumberland County has the structure presently valued at \$4,500.00.

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

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

George Hatcher
Affiant
Code Enforcement Officer
County of Cumberland

Sworn to and Subscribed to by me this
the 9th day of November 2007.

Charisse Brown
Notary Public

My Commission Expires: 9/29/12



**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: _____

4. In addition there is imposed a civil penalty in the amount of \$ _____ per day (up to a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

EXHIBIT A



Charles C. Morris
Chair
Town of Linden

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

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

FINDINGS OF FACT AND ORDER

June 6, 2007

CASE #: MH 5204-2007

TO: Carl Bowden & Parties of Interest
2544 Ballpark Road
Fayetteville, NC 28301

Frederick Cain & Parties of Interest
3941 Dunn Road
Fayetteville, NC 28301

Property at: 3941 Dunn 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 5/4/2007 (Mr. Bowden) and 5/13/2007 (Mr. Cain)

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 5/23/2007 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: Carl Bowden, Frederick Earl Cain, Kim Reeves and George Hatcher.
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 5/1/2007. 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 5204-2007, dated 4/24/2007.
 - 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 5204-2007

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 vacating the dwelling by a date not later than 6/29/2007, and scheduling the required interior inspection by 7/13/2007, and by removing all rubbish, debris, refuse and open storage from the premises by 6/29/2007.
 - b. The dwelling shall remain vacated and secured 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 6/29/2007 for failure to vacate the dwelling and after 7/13/2007 for failure to grant an interior inspection.
 - 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 _____. The cost of said demolition will be assessed against the real property in the form of a lien.

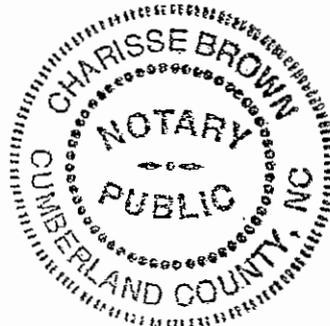
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.

Kim Reeves
 Kim Reeves
 Hearing Officer

George Hatcher
 George Hatcher
 Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me this the 6th day of June, 2007

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

PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER
DATED 6/6/07 CASE NUMBER MH 5196-2007 & MH5204-2007

NORTH CAROLINA
COUNTY OF CUMBERLAND

RETURN TO:

PLANNING/INSPECTION DEPARTMENT
OLD COURTHOUSE, ROOM 101
130 GILLESPIE STREET
FAYETTEVILLE, NC 28301

RE: CARL BOWDEN
Name of Violator

Case Number : MH 5196-07 / MH 5204-07

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 CARL BOWDEN
name of violator

a copy of the FINDINGS OF FACT & ORDER / APPEALS PROCEDURE
citing violations of Article IV CHAP 4 of the Cumberland County Code by
delivering said notice(s) to the violator at the address shown below:

2544 BALLPARK RD
street name

FAYETTEVILLE NC 28301
city, state, zip

I further certify that said service was completed on this the 8th day of JUNE, 2007.

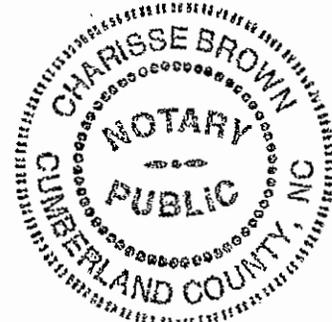
George Hatcher
George Hatcher
Code Enforcement Officer

Sworn to and subscribed to before me

this the 8th day of June, 2007.

Charisse Brown
Notary Public

My Commission Expires: 9/29/07



PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER
DATED 6/6/2007 CASE NUMBER MH 5204-2007

NORTH CAROLINA
COUNTY OF CUMBERLAND

PLANNING/INSPECTIONS DEPARTMENT

RE: FREDERICK CAIN
Name of Violator

MH 5204-07
Case Number

AFFIDAVIT OF RETURN OF SERVICE
(Personal Service to Individual)

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

personally served FREDERICK CAIN, a copy of the
(name of violator)

FINDINGS OF FACT & ORDER / APPEALS PROCEDURES
citing violations of

Article IV CHAP 4

of the Cumberland County Ordinance by mailing said notice(s) certified and 1st class mail to the address shown below,

3941 DUNN RD FAYETTEVILLE NC 28301

and by posting said notice(s) on the property located at 3941 DUNN RD

I further certify that said service was completed on this the 8th day of JUNE, 20 07

George Hatcher
Code Enforcement Officer

Sworn to and subscribed to before me

this the 8th day of June, 20 07

Charisse Brown
Notary Public

My Commission Expires: 9/29/07

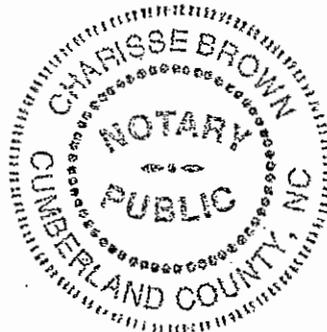
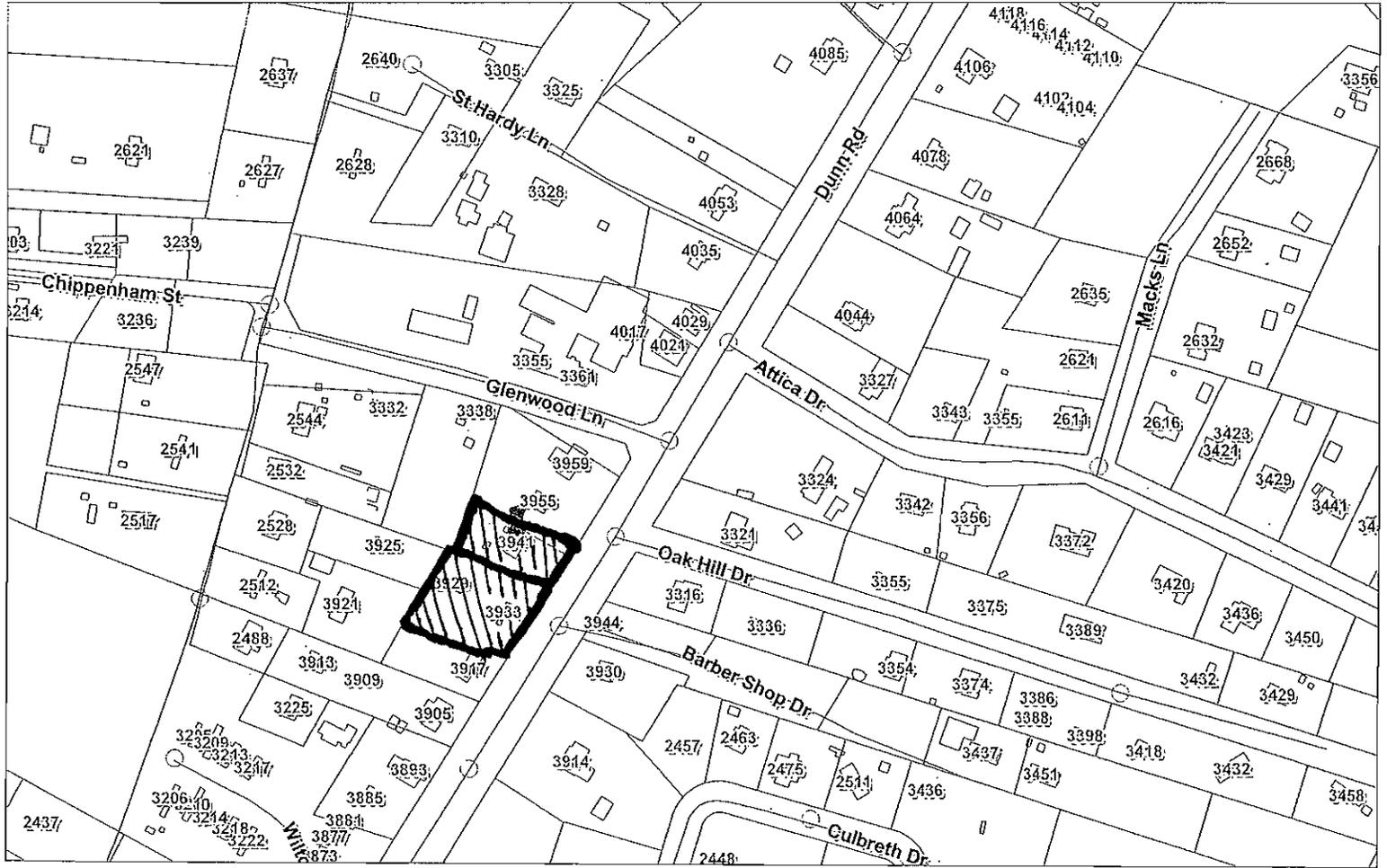


EXHIBIT A

MAP DEPLICITING LOCATION OF PROPERTY

3933 & 3941 DUNN ROAD, FAYETTEVILLE NC (Owner: Carl Bowden)
MINIMUM HOUSING CASE # MH 5196-2007 & MH 5204-2007
TAX PARCEL INDENTIFICATION NUMBER: 0469-51-2301 (3933 Dunn Rd)
0469-51-2472 (3941 Dunn Rd)



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 5196-2007.

Property Owner: Carl Bowden
Home Owner: Charlie S. Cain, Jr.
Property Address: 3933 Dunn Road, Fayetteville, NC

Tax Parcel Identification Number: 0469-51-2301

SYNOPSIS: This property was inspected on 4/24/2007. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 5/23/2007. Carl Bowden 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 8/23/2007. 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 11/9/2007 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 \$10,000.00. The Assessor for Cumberland County has the structure presently valued at \$1,500.00.

Attached is a map depicting the location of the property. (See Exhibit 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 9th day of November 2007.

Charisse Brown
Notary Public



My Commission Expires: 9/29/07 ^{12/06}

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: _____

4. In addition there is imposed a civil penalty in the amount of \$ _____ per day (up to
a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

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

Cecil P. Combs,
Deputy Director

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

FINDINGS OF FACT AND ORDER

June 6, 2007

CASE #: MH 5196-2007

TO: Carl Bowden & Parties of Interest
2544 Ballpark Road
Fayetteville, NC 28301

Charlie S. Cain, Jr. & Parties of Interest
3933 Dunn Road
Fayetteville, NC 28301

Property at: 3933 Dunn 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 5/12/2007 (Mr. Cain) and 5/4/2007 (Mr. Bowden).

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 5/23/2007 at 9:30:00 AM. The items identified below took place at the Hearing:

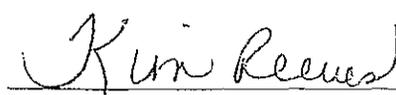
- 1. No owner or party of interest, or their agent, or representative appeared.
- 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: Carl Bowden, Frederick Earl Cain, Kim Reeves and George Hatcher.
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 5/1/2007. 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 5196-2007, dated 4/24/2007.
 - 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 5196-2007
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 8/23/2007. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
 - b. **The dwelling shall be vacated by 7/7/2007**, and remain vacant 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 7/7/2007 for failure to vacate the dwelling and after 8/23/2007 for failure to repair or demolish the dwelling.
 - 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 8/23/2007. 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.

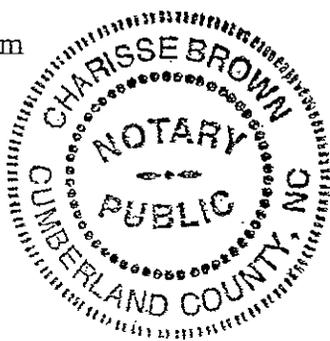


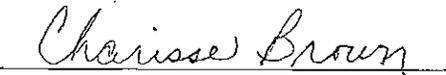
 Kim Reeves
 Hearing Officer



 George Hatcher
 Code Enforcement Officer

Enclosed: Appeals Procedures & Form



Sworn to and Subscribed to by me
 this the 4th day of June, 2007


 Notary Public
 My Commission Expires: 9/29/07

**PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER
DATED 6/6/07 CASE NUMBER MH 5196-2007 & MH5204-2007**

RETURN TO:

NORTH CAROLINA
COUNTY OF CUMBERLAND

PLANNING/INSPECTION DEPARTMENT
OLD COURTHOUSE, ROOM 101
130 GILLESPIE STREET
FAYETTEVILLE, NC 28301

RE: CARL BOWDEN
Name of Violator

Case Number : MH 5196-07 / MH 5204-07

**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 CARL BOWDEN
name of violator

a copy of the FINDINGS OF FACT & ORDER / APPEALS PROCEDURE
citing violations of Article IV CHAP 4 of the Cumberland County Code by
delivering said notice(s) to the violator at the address shown below:

2544 BALLPARK RD
street name

FAYETTEVILLE NC 28301
city, state, zip

I further certify that said service was completed on this the 8th day of JUNE, 2007.

George Hatcher
George Hatcher
Code Enforcement Officer

Sworn to and subscribed to before me
this the 8th day of June, 2007
Charisse Brown
Notary Public

My Commission Expires: 9/29/07



PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER
DATED 6/6/07 CASE NUMBER MH 5196-2007

NORTH CAROLINA
COUNTY OF CUMBERLAND

PLANNING/INSPECTIONS DEPARTMENT

RE: CHARLIE S CAIN JR
Name of Violator
MH 5196-07
Case Number

AFFIDAVIT OF RETURN OF SERVICE
(Personal Service to Individual)

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

personally served CHARLIE S CAIN JR, a copy of the
(name of violator)

FINDINGS OF FACT & ORDER / APPEALS PROCEDURE

citing violations of
Article IV CHAP 4

of the Cumberland County Ordinance by mailing said notice(s) certified and 1st class mail to the address shown below,

3933 DUNN RD FAYETTEVILLE NC 28301

and by posting said notice(s) on the property located at 3933 DUNN RD

I further certify that said service was completed on this the 8th day of JUNE, 2007

George Hatcher
Code Enforcement Officer

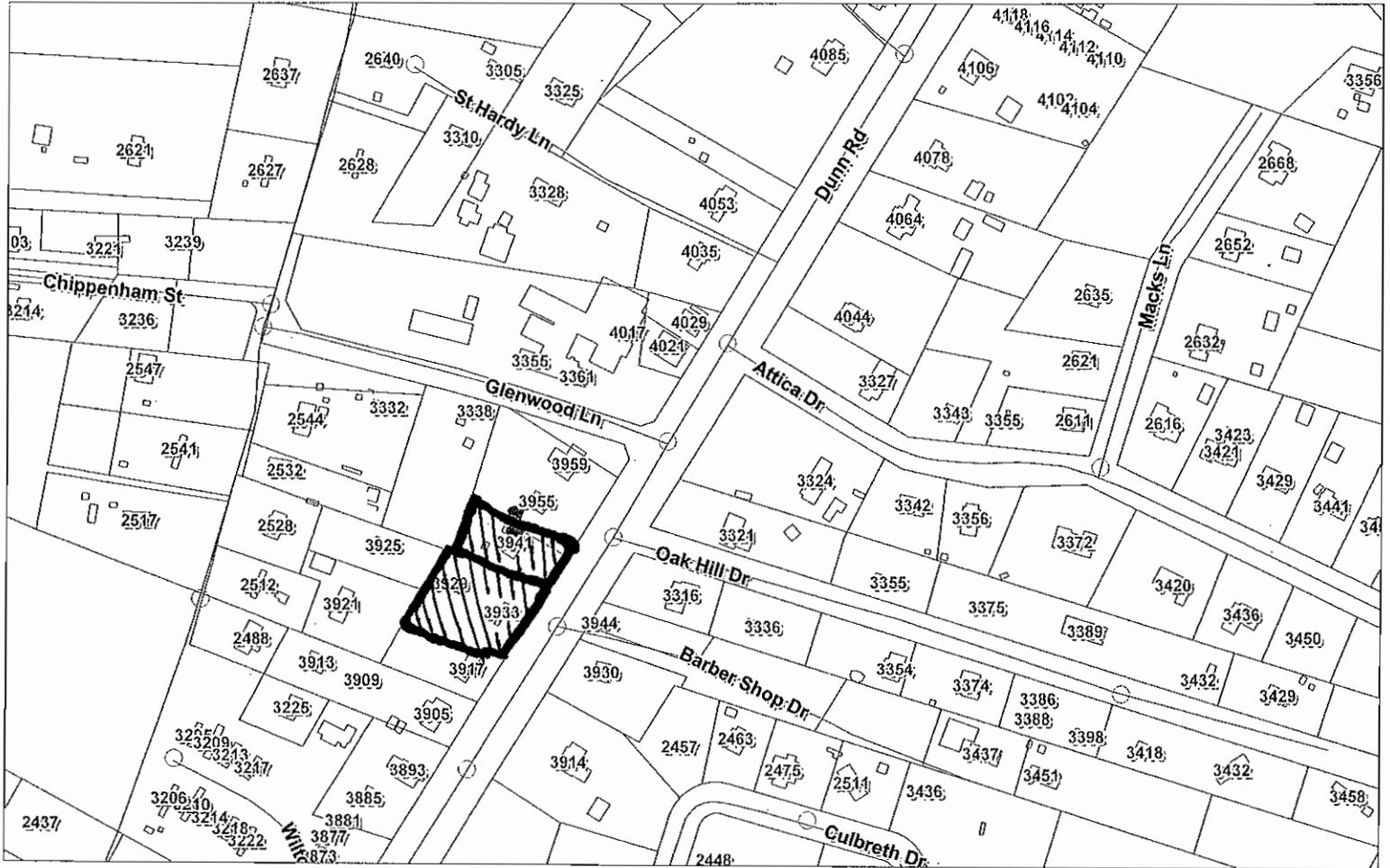
Sworn to and subscribed to before me
this the 8th day of June, 2007
Charisse Brown
Notary Public

My Commission Expires: 9/29/07



MAP DEPLICITING LOCATION OF PROPERTY

3933 & 3941 DUNN ROAD, FAYETTEVILLE NC (Owner: Carl Bowden)
MINIMUM HOUSING CASE # MH 5196-2007 & MH 5204-2007
TAX PARCEL IDENTIFICATION NUMBER: 0469-51-2301 (3933 Dunn Rd)
0469-51-2472 (3941 Dunn Rd)



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 5116-2007.

Property Owner: Maurice & Wanda Jenkins

Property Address: lot to the right of 2620 J Herbert Road

Tax Parcel Identification Number: 0478-59-5154

SYNOPSIS: This property was inspected on 1/8/2007. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 3/21/2007. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 6/21/2007. 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 11/9/2007 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. The Assessor for Cumberland County has the structure presently valued at \$500.00.

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

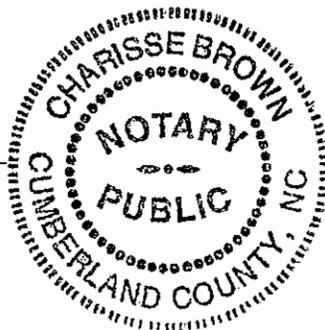
RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

George Hatcher
Affiant
Code Enforcement Officer
County of Cumberland

Sworn to and Subscribed to by me this
the 9th day of November 2007.

Charisse Brown
Notary Public

My Commission Expires: 9/29/07 ¹²⁰⁶



**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: _____

4. In addition there is imposed a civil penalty in the amount of \$ _____ per day (up to
a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

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

Cecil P. Combs,
Deputy Director

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

FINDINGS OF FACT AND ORDER

March 28, 2007

CASE #: MH 5116-2007

TO: Maurice & Wanda Jenkins & Parties of Interest
3810 Sarasota Drive
Fayetteville, NC 28311

Property at: lot to the right of 2620 J Herbert 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 2/21/2007.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 3/21/2007 at 9:15:00 AM. The items identified below took place at the Hearing:

- 1. No owner or party of interest, or their agent, or representative appeared.
- 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were:
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 2/19/2007. 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 5116-2007, dated 1/8/2007.
 - b. Due to these findings, the dwelling is found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - c. The dwelling is unfit for human habitation.

EXHIBIT A

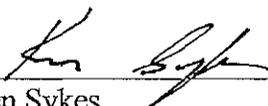
Findings and Facts of Order

Case #: MH 5116-2007

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 6/21/2007. **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. 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 6/21/2007. 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.



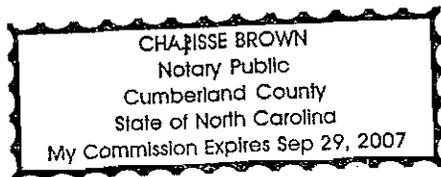
 Ken Sykes
 Hearing Officer



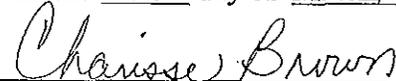
 George Hatcher
 Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me
 this the 28th day of March, 2007



 Notary Public
 My Commission Expires: 9/29/07

**PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER
DATED 3/28/07 CASE NUMBER MH 5116-2007**

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL
Cumberland Co. Inspection Dept

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

FOFO 1st CL
MH5116GH

MAURICE JENKINS & PARTIES OF INTEREST
3810 SAROSOTA DRIVE
FAYETTEVILLE, NC 28311

PS Form 3811, February 2004

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 1st CL
MH5116GH
MAURICE JENKINS & PARTIES OF INTEREST
3810 SAROSOTA DRIVE
FAYETTEVILLE, NC 28311

2. Article (Trans) 7003 0500 0004 7403 0511

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *Sonya McCoy* Agent Addressee

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

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

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

4. Restricted Delivery? (Extra Fee) Yes

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL
Cumberland Co. Inspection Dept

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

FOFO 1st CL
MH5116GH

WANDA JENKINS & PARTIES OF INTEREST
3810 SAROSOTA DRIVE
FAYETTEVILLE, NC 28311

PS Form 3811, February 2004

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 1st CL
MH5116GH
WANDA JENKINS & PARTIES OF INTEREST
3810 SAROSOTA DRIVE
FAYETTEVILLE, NC 28311

2. Article Number (Transfer from) 7003 0500 0004 7403 0504

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *Sonya McCoy* Agent Addressee

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

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

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

4. Restricted Delivery? (Extra Fee) Yes

MAP DEPLICITING LOCATION OF PROPERTY

Lot to the right of 2620 J HERBERT ROAD , FAYETTEVILLE NC
(Owner: Marice & Wanda Jenkins)
MINIMUM HOUSING CASE # MH 5116-2007
TAX PARCEL INDENTIFICATION NUMBER: 0478-59-5154

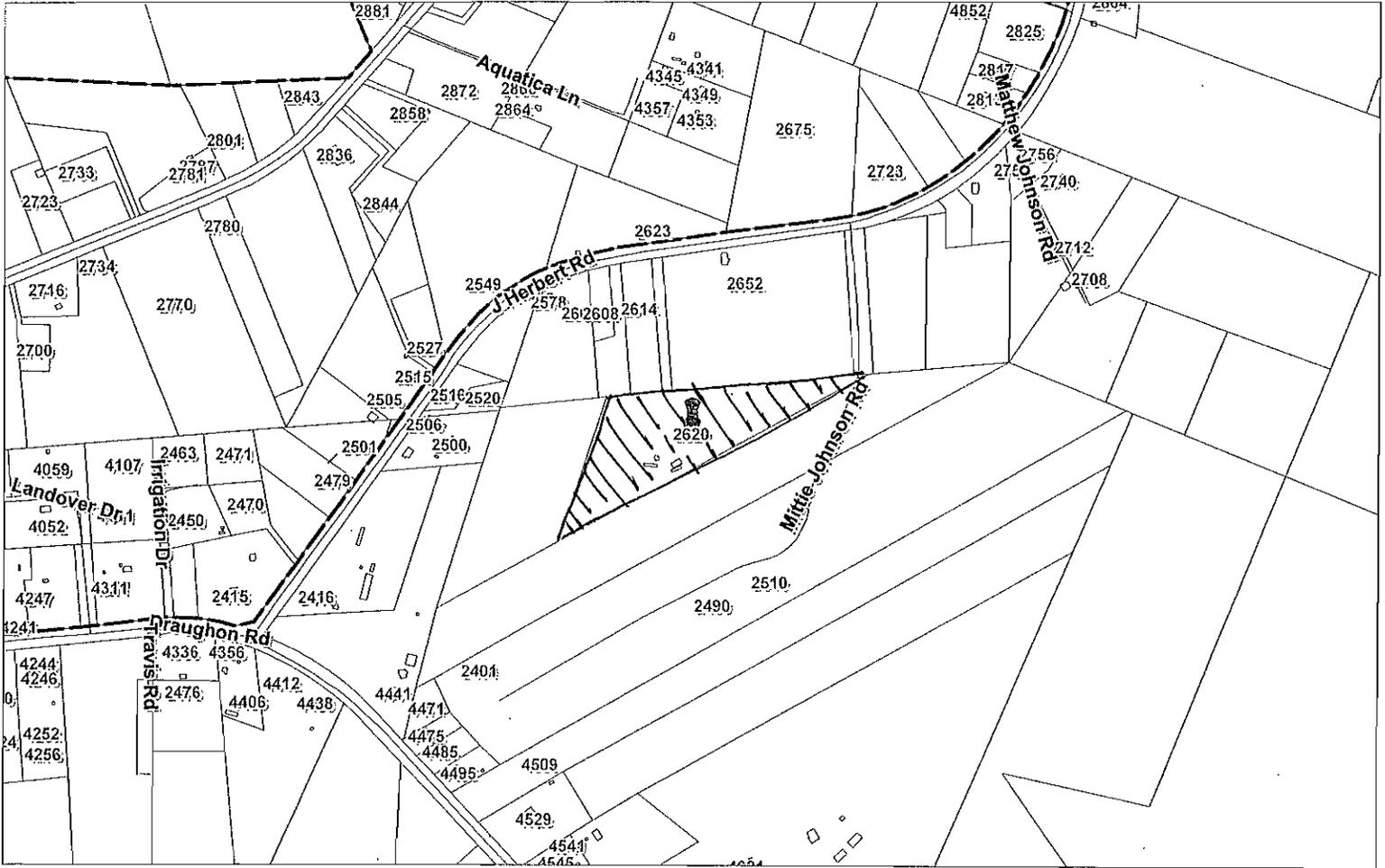


EXHIBIT B

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 5153-2007.

Property Owner: Melvin & Catherine Morgan

Property Address: 1075 Tower Drive, Hope Mills, NC

Tax Parcel Identification Number: 0433-80-5293

SYNOPSIS: This property was inspected on 3/27/2007. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 4/25/2007. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 7/25/2007. 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 11/9/2007 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 \$40,000.00. The Assessor for Cumberland County has the structure presently valued at \$1,500.00.

Attached is a map depicting the location of the property. (See Exhibit 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 9th day of November 2007.
Charisse Brown
Notary Public

My Commission Expires: 9/29/12



**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: _____

4. In addition there is imposed a civil penalty in the amount of \$ _____ per day (up to
a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

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

Cecil P. Combs,
Deputy Director

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

FINDINGS OF FACT AND ORDER

April 26, 2007

CASE #: MH 5153-2007

TO: Melvin & Catherine Morgan & Parties of Interest
1008 Fontana Street
Fayetteville, NC 28301

Property at: 1075 Tower 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 3/31/2007.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 4/25/2007 at 9:15:00 AM. The items identified below took place at the Hearing:

- 1. No owner or party of interest, or their agent, or representative appeared.
- 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: _____.
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 3/29/2007. 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 5153-2007, dated 3/27/2007.
 - 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 5153-2007

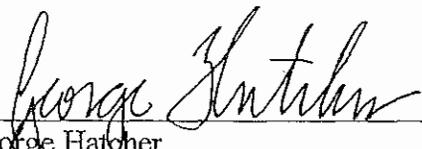
Page 2

- 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 7/25/2007. **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. 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 7/25/2007. 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.



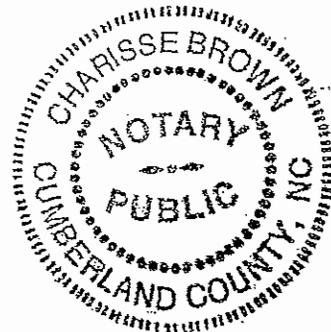
 Ken Sykes
 Hearing Officer



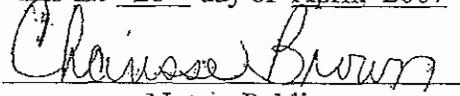
 George Hatcher
 Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me this the 26th day of April, 2007



 Notary Public
 My Commission Expires: 9/29/07

PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER
DATED 4/26/07 CASE NUMBER MH 5153-2007

NORTH CAROLINA
COUNTY OF CUMBERLAND

PLANNING/INSPECTIONS DEPARTMENT

RE: MELVIN & CATHERINE MORGAN
Name of Violator

MH 5153-07
Case Number

AFFIDAVIT OF RETURN OF SERVICE
(Personal Service to Individual)

I, GEORGE HATCHER CEO II, with the Cumberland County Inspections Department,
(name & title)

personally served MELVIN & CATHERINE MORGAN, a copy of the
(name of violator)

FINDINGS OF FACT & ORDER, APPEALS PROCEDURE
citing violations of

Article IV CHAP 4

of the Cumberland County Ordinance by mailing said notice(s) certified and 1st class mail to the address shown below,

1008 FONTANA ST FAYETTEVILLE NC 28301

and by posting said notice(s) on the property located at 1075 TOWER DR FAYETTEVILLE NC

I further certify that said service was completed on this the 26th day of JUNE, 20 07

George Hatcher
Code Enforcement Officer

Sworn to and subscribed to before me

this the 26th day of June, 20 07

Charisse Brown
Notary Public

My Commission Expires: 9/29/07



EXHIBIT A

MAP DEPLICITING LOCATION OF PROPERTY

1075 TOWER DRIVE, FAYETTEVILLE NC Owner:Melvin&CatherineMorgan
MINIMUM HOUSING CASE # MH 5153-2007
TAX PARCEL INDENTIFICATION NUMBER: 0433-80-5293

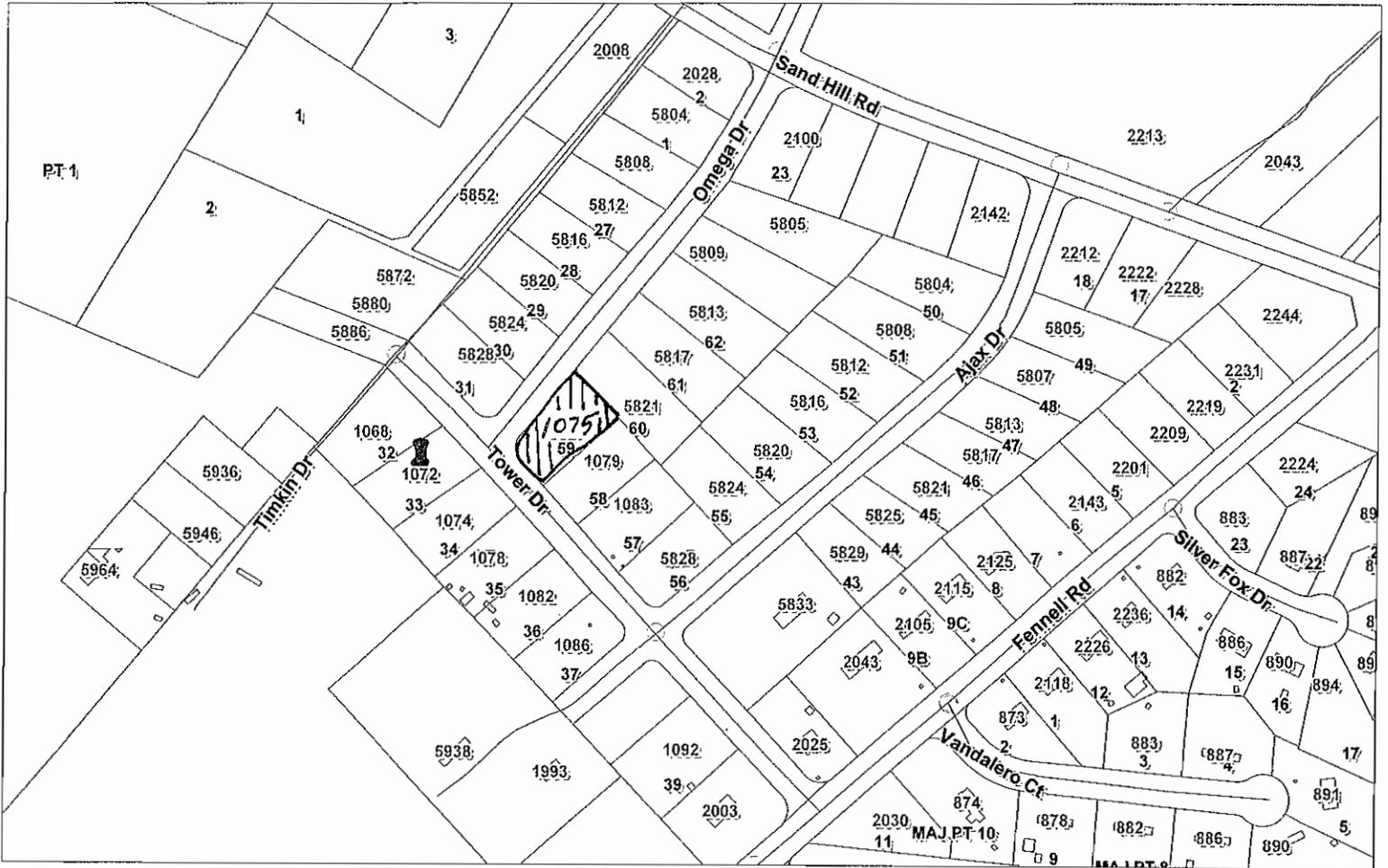


EXHIBIT B

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 5136-2007.

Property Owner: Hattie McCall McIntosh & Maxine Longo

Property Address: 3610 Applegate Road, Fayetteville, NC

Tax Parcel Identification Number: 0404-35-4659

SYNOPSIS: This property was inspected on 3/7/2007. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 4/11/2007. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 6/11/2007. 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 11/9/2007 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 \$35,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

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

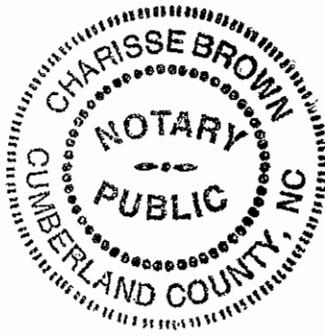
RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

George Hatcher
Affirm
Code Enforcement Officer
County of Cumberland

Sworn to and Subscribed to by me this
the 9th day of November 2007.

Charisse Brown
Notary Public

My Commission Expires: 9/29/07 ¹²⁰⁰



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.

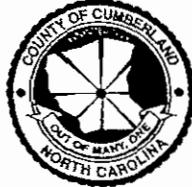
To delay a decision on the case until _____ (date) in order to give the owner
or party of interest time to: _____

4. In addition there is imposed a civil penalty in the amount of \$ _____ per day (up to
a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

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

Cecil P. Combs,
Deputy Director

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

FINDINGS OF FACT AND ORDER

April 12, 2007

CASE #: MH 5136-2007

TO: Hattie McCall McIntosh & Parties of Interest
375 S. Reynolds Street #1014
Alexandria, VA 22304

Property at: 3610 Applegate Road, 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 3/30/2007.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 4/11/2007 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, 3/14/2007. 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 5136-2007, dated 3/7/2007.
 - b. Due to these findings, the dwelling is found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - c. The dwelling is unfit for human habitation.

EXHIBIT A

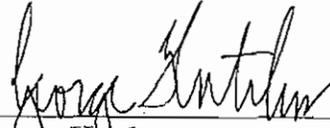
Findings and Facts of Order
Case #: MH 5136-2007
Page 2

- 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 6/11/2007. **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. 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 6/11/2007. 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.



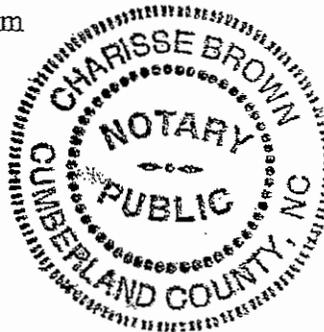
Ken Sykes
Hearing Officer



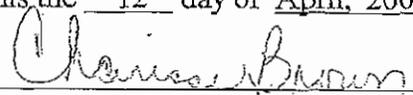
George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me
this the 12th day of April, 2007



Notary Public
My Commission Expires: 9/29/07

**PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER
DATED 4/12/2007 CASE NUMBER MH 5136-2007**

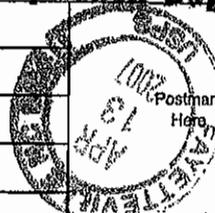
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Halter Kelly</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</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">FOFO 1ST CL MH5136GH</p> <p>HATTIE M MCINTOSH & PARTIES OF INTEREST 375 S. REYNOLDS STREET #1014 ALEXANDRIA, VA 22304</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. Ar 7003 0500 0004 7403 4366 <small>(Transfer from service label)</small></p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT**
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

Cumberland Co. Inspection Dept

Postage	\$	
Certified Fee		
Return Receipt Fee <small>(Endorsement Required)</small>		
Restricted Delivery Fee <small>(Endorsement Required)</small>		
Total Postage		



FOFO 1ST CL
MH5136GH

Send to: HATTIE M MCINTOSH & PARTIES OF INTEREST
 Street or P.O. Box: 375 S. REYNOLDS STREET #1014
 City: ALEXANDRIA, VA 22304

PS Form 3811, February 2004 See reverse for instructions

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 5134-2007.

Property Owner: Retha Blue Johnson

Property Address: 8155 Norris Road (dwelling), Dunn, NC

Tax Parcel Identification Number: 0594-52-7162

SYNOPSIS: This property was inspected on 3/8/2007. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 4/11/2007. Retha B. Johnson attended the Hearing (via telephone). 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 5/11/2007. 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 11/9/2007 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 \$40,000.00. The Assessor for Cumberland County has the structure presently valued at \$0.00.

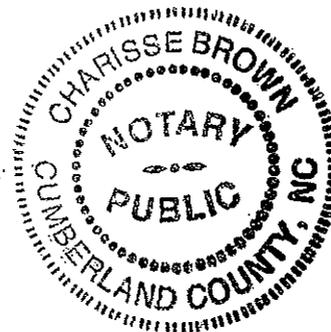
Attached is a map depicting the location of the property. (See Exhibit B.)

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 9th day of November 2007.

Charisse Brown
Notary Public



My Commission Expires: 9/29/12

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: _____

4. In addition there is imposed a civil penalty in the amount of \$_____ per day (up to
a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

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

April 12, 2007

CASE #: MH 5134-2007

TO: Retha Blue Johnson & Parties of Interest
8155 Norris Road
Dunn, NC 28334

Property at: 8155 Norris Road (dwelling)

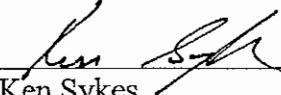
A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 3/20/2007.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 4/11/2007 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: Retha B. Johnson answered via telephone.
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 3/14/2007. 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 5134-2007, dated 3/8/2007.
 - b. Due to these findings, the dwelling is found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - c. The dwelling is unfit for human habitation.

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 5/11/2007. **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. 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 5/11/2007. 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.



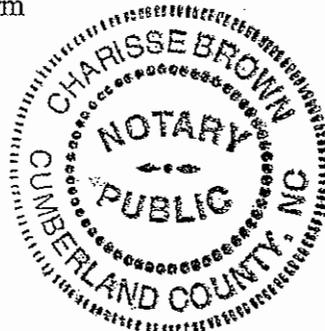
Ken Sykes
Hearing Officer



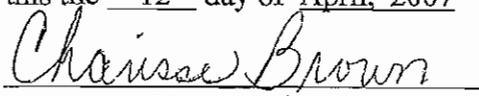
George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me
this the 12th day of April, 2007



Notary Public
My Commission Expires: 9/29/07

**PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER
DATED 13TH APRIL, 2007 CASE NUMBER MH 5133-5134-2007**

RETURN TO:

NORTH CAROLINA
COUNTY OF CUMBERLAND

PLANNING/INSPECTION DEPARTMENT
OLD COURTHOUSE, ROOM 101
130 GILLESPIE STREET
FAYETTEVILLE, NC 28301

RE: RETHA B JOHNSON
Name of Violator

Case Number : MH 5133 - 5134 - 07

**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 RETHA B JOHNSON
name of violator

a copy of the FINDINGS OF FACT & ORDER / APPEALS PROCEDURE
citing violations of Article IV CHAP 4 of the Cumberland County Code by
delivering said notice(s) to the violator at the address shown below:

8155 NORRIS ROAD
street name
DUNN NC 28334
city, state, zip

I further certify that said service was completed on this the 13th day of APRIL, 2007.

George Hatcher
George Hatcher
Code Enforcement Officer

Sworn to and subscribed to before me

this the 17th day of APRIL, 2007.

Charisse Brown
Notary Public

My Commission Expires: 9/29/07

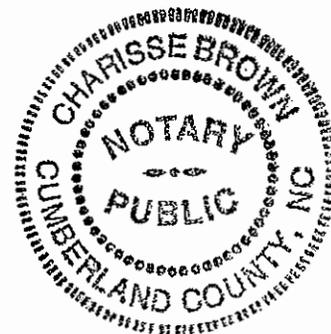


EXHIBIT A

MAP DEPLICITING LOCATION OF PROPERTY
8155 NORRIS ROAD, DUNN NC (Owner: Retha Blue Johnson)
MINIMUM HOUSING CASE # MH5134-2007
TAX PARCEL INDENTIFICATION NUMBER 0594-52-7162

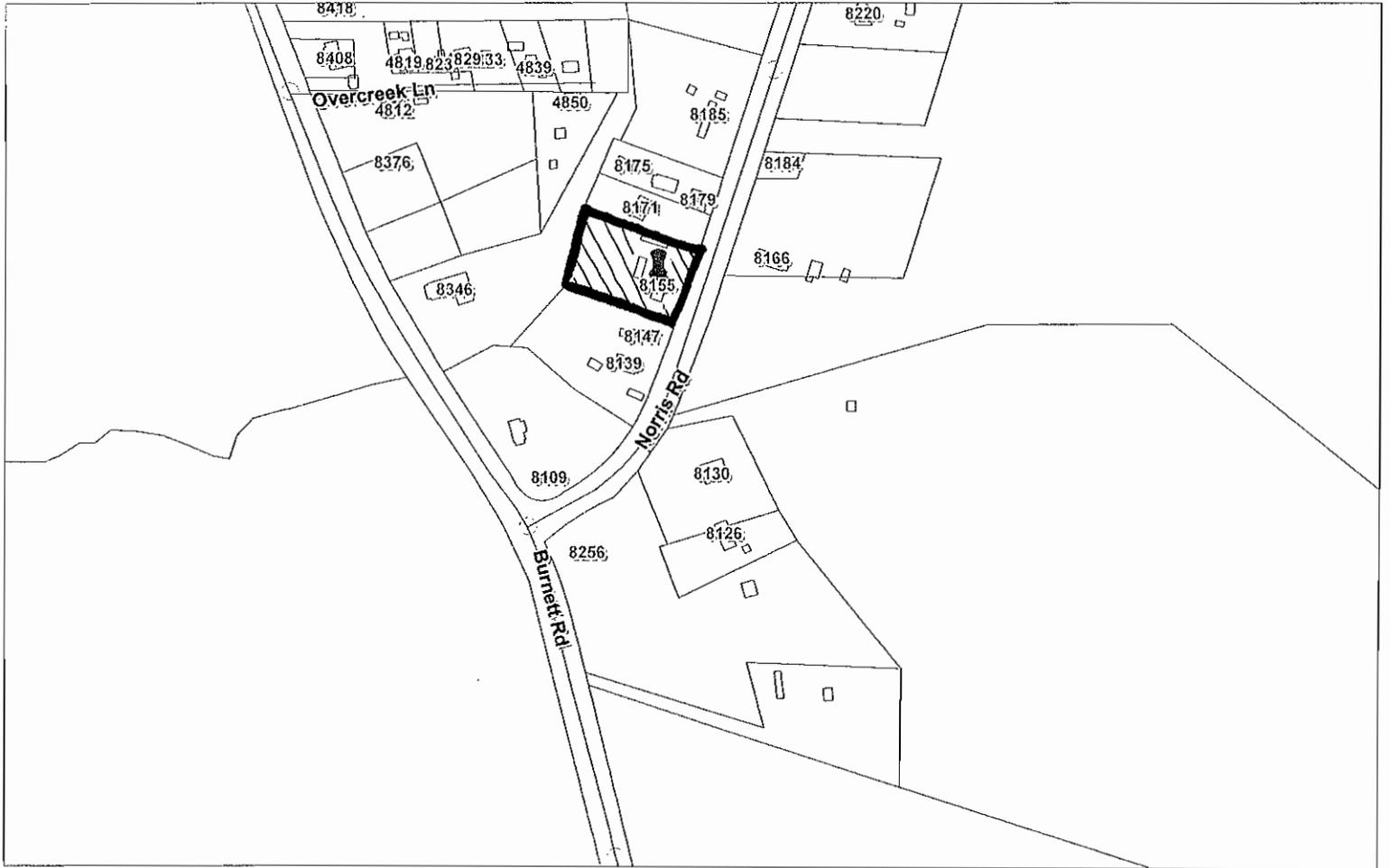


EXHIBIT B

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 Minimum Housing Case Number **MH5295-2007**

Property Owner: Muddy Waters Properties, LLC

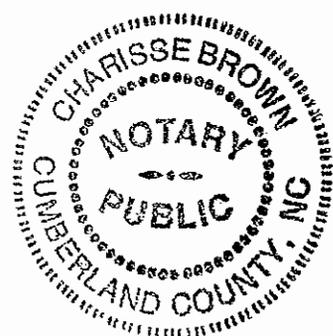
Property Address: Mac's Mobile Home Park, Mac Drive, Unit #6003, 6004, Block Utility Building & Vacant Lots
Containing Debris

Tax Parcel Identification Number: **0419-97-3509**

SYNOPSIS: This property consists of two (2) single wide mobile homes, a block utility building and debris scattered over vacant lots that was inspected on August 2, 2007. (Note: This property has been in violation since September 28, 2005, and the property was being cleaned; however, the unexpected death of the property owner on 4/12/07 halted the cleanup. This particular action began 8/2/07). All property owners and parties of interest were legally served with the Notice of Violations and afforded a Hearing on September 12, 2007. The Estate Attorney attended the Hearing. It was ordered that the structures be demolished and the debris removed from the premises no later than October 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 November 9, 2007, no corrective action has been made to these structures or the premises. The structures are presently vacant and unsecured. In their present state, the structures constitute a fire, health, and safety hazard. The estimated cost to repair the mobile homes to a minimum standard for human habitation is \$25,000.00 each. The estimated cost to repair the block utility building to a minimum standard is \$1,500.00. The Assessor for Cumberland County has the mobile homes presently valued at \$500.00 each for salvageable materials and the block building at \$392.00. Attached is a map depicting the location of the property. (See Exhibit B.)

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

Kim Reeves
Kim Reeves, Affiant
Code Enforcement Officer



Sworn to and Subscribed to by me
this the 9th day of November, 2007.
Charisse Brown
Notary Public

My Commission Expires 9/29/2012

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: _____

4. In addition there is imposed a civil penalty in the amount of \$_____ per day (up to
a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

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 17, 2007

CASE #: MH 5295-2007

TO: Muddy Waters Properties LLC & Parties of Interest
Algernon L. Butler, III, Attorney at Law
PO Box 38
Wilmington, NC 28402-0038

Property at: Mac's Mobile Home Park, Mac Drive, Fayetteville, NC
Unit #'s 6003, 6004, Block Utility Bldg. & vacant lots
Parcel Identification Number: 0419-97-3509

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 8/27/07 (Attorney Butler) and 8/18/07 (Attorney Bell and H. McLamb).

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 09/12/2007 at 9:30:00 AM. The items identified below took place at the Hearing:

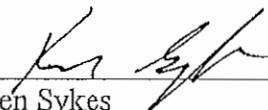
- 1. No owner or party of interest, or their agent, or representative appeared.
- 2. An answer was filed by telephone by owners and/or parties of interest; specifically, Attorney Algernon L. Butler, III and Hubert O. McLamb. The answer was heard, read, and considered.
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated August 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 dwellings in question are violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 5295-2007, dated 8/02/2007.
 - b. Due to these findings, the dwellings and premises are found to be in a substandard condition in accordance with the Cumberland County Ordinance.

EXHIBIT A

- c. The dwellings are unfit for human habitation.

- 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 dwellings into compliance with the Cumberland County Housing Ordinance by demolishing the structures and then causing the debris to be removed from the premises by a date not later than 10/12/2007.
 - b. The dwellings 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 10/12/2007.
 - 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 10/12/2007. 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.

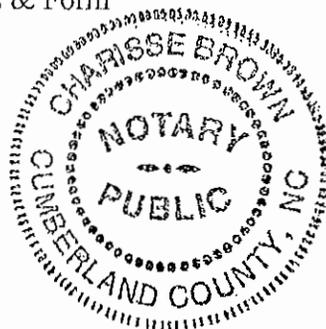


Ken Sykes
Hearing Officer

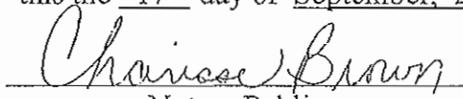


Kim Reeves
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

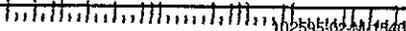


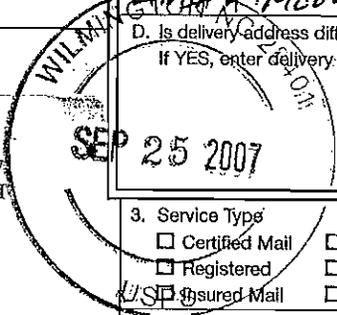
Sworn to and Subscribed to by me
this the 17th day of September, 2007



Notary Public
My Commission Expires: 9/29/07

**PROOF OF LEGAL SERVICE OF FINDINGS OF FACT & ORDERS
 SEPTEMBER 17, 2007 (MUDDY WATERS PROPERTIES, LLC)
 MINIMUM HOUSING CASE NUMBERS: MH5295, 5296 & 5297-2007**

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ 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. 	<p>A. Signature X <i>Gracie G. Moutjoy</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>GRACIE A. MOUNTJOY</i> C. Date of Delivery</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="center">FOFO KR MH5295-5297 ATTORNEY ALGERNON L BUTLER III PO BOX 38 WILMINGTON NC 28402-0038</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 checked="" 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 (Transfer from service label)</p>	<p align="center">7003 0500 0004 7402 2592</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt  102585-02-0001-1040</p>	



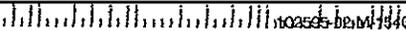
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature X <i>H.O. McLamb</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>H.O. McLamb</i> C. Date of Delivery <i>9-20-07</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>1. Article Addressed to:</p> <p align="center">FOFO KR MH 5295-9295 HUBERT O MCLAMB & PARTIES OF INTEREST 902 NORTH MALL STREET BENSON NC 27504</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 (Transfer from service label)</p>	<p align="center">7003 0500 0004 7402 2585</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt  102585-02-0001-1040</p>	

EXHIBIT A

BUTLER & BUTLER, L.L.P.

ATTORNEYS AT LAW

ALGERNON L. BUTLER, JR.
ALGERNON L. BUTLER, III*
*Board Certified Specialist In
Business & Consumer Bankruptcy

111 NORTH FIFTH AVENUE,
POST OFFICE BOX 38
WILMINGTON, NORTH CAROLINA 28402
September 28, 2007

TELEPHONE
(910) 762-1908
FACSIMILE
(910) 762-9441

Ms. Kim Reeves
Code Enforcement Officer
County of Cumberland Planning and Inspections Dept.
131 Gillespie Street
Old Courthouse, Room 101
Fayetteville, NC 28301

RE: Muddy Waters, LLC
Case Numbers MH5295-2007, MH5296-2007, MH5297-2007

Dear Ms. Reeves:

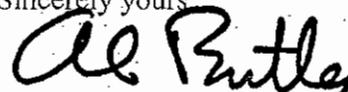
This is to confirm our telephone conversation of September 26, 2007 regarding the above-referenced matters and the Findings of Facts and Orders of September 17, 2007 in the above-referenced cases. As I indicated to you, in August 2007 I was appointed by the New Hanover Superior Court as Receiver for Muddy Waters Properties, LLC. I have consulted with demolition contractors, commercial real estate brokers, and an appraiser regarding this property and have been advised that the price for which the subject property could be sold is substantially less than the payoff of the mortgage against the property owed to Mr. Hubert McLamb. It would thus be in derogation of my fiduciary responsibility to the creditors of this estate to undertake substantial demolition costs when I know that the property will in all likelihood be surrendered to the lienholder Mr. McLamb.

I wish to confirm our discussion and your indication to me that, despite the terms of the Findings of Fact and Orders of September 17, 2007, your office will not seek to punish any violations as criminal misdemeanors, and further, that while you may seek to complete the demolition and assert a lien against the property for the recovery of your demolition costs, your department will not seek to recover against Muddy Waters Properties, LLC any civil penalty as a result of any continuing violations or failure to comply with any demolition ordinance.

Based expressly on this understanding, I will not seek an appeal of the findings of fact and orders and will not undertake any actions with regard to the demolition and clean-up of the property.

I wish to thank you for your advice and expertise with regard to this matter and your assistance to me in my administration of this case as Court-Appointed Receiver. If you have any questions, please do not hesitate to contact me.

Sincerely yours



Algernon L. Butler, III

ALBiii/md

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 Minimum Housing Case Number **MH5296-2007**

Property Owner: Muddy Waters Properties, LLC

Property Address: Mac's Mobile Home Park, Mac Drive, Unit #6055, 6066, 6079, 6079A & Vacant Lots
Containing Debris

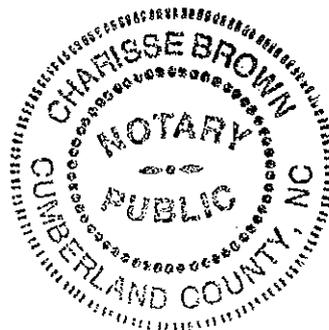
Tax Parcel Identification Number: 0419-97-3685

SYNOPSIS: This property consists of four (4) single wide mobile homes, and debris scattered over vacant lots that was inspected on August 2, 2007. (Note: This property has been in violation since September 28, 2005, and the property was being cleaned; however, the unexpected death of the property owner on 4/12/07 halted the cleanup. This particular action began 8/2/07). All property owners and parties of interest were legally served with the Notice of Violations and afforded a Hearing on September 12, 2007. The Estate Attorney **attended** the Hearing. It was ordered that the structures be demolished and the debris removed from the premises no later than October 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 November 9, 2007, no corrective action has been made to these structures or the premises. The structures are presently vacant and unsecured. In their present state, the structures constitute a fire, health, and safety hazard. The estimated cost to repair the mobile homes to a minimum standard for human habitation is \$25,000.00 each. The Assessor for Cumberland County has the mobile homes presently valued at \$500.00 each for salvageable materials. Attached is a map depicting the location of the property. (See Exhibit B.)

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

Kim Reeves

Kim Reeves, Affiant
Code Enforcement Officer



Sworn to and Subscribed to by me
this the 9th day of November, 2007.

Charisse Brown
Notary Public

My Commission Expires 9/29/2012

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: _____

4. In addition there is imposed a civil penalty in the amount of \$ _____ per day (up to
a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

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. Filand,
Cumberland County

FINDINGS OF FACT AND ORDER

September 17, 2007

CASE #: MH 5296-2007

TO: Muddy Waters Properties LLC & Parties of Interest
Algernon L. Butler, III, Attorney at Law
PO Box 38
Wilmington, NC 28402-0038

Property at: Mac's Mobile Home Park, Mac Drive, Fayetteville, NC
Unit #'s 6055, 6066, 6079, 6079A and vacant lots
Parcel Identification Number: 0419-97-3685

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 8/27/07 (Attorney Butler) and 8/18/07 (Attorney Bell and H. McLamb).

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 09/12/2007 at 9:30:00 AM. The items identified below took place at the Hearing:

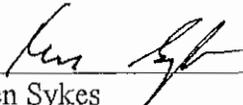
- 1. No owner or party of interest, or their agent, or representative appeared.
- 2. An answer was filed by telephone by owners and/or parties of interest; specifically, Attorney Algernon L. Butler, III and Hubert O. McLamb. The answer was heard, read, and considered.
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated August 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 dwellings in question are violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 5296-2007, dated 8/02/2007.
 - b. Due to these findings, the dwellings and premises are found to be in a substandard condition in accordance with the Cumberland County Ordinance.

EXHIBIT A

- c. The dwellings are unfit for human habitation.

- 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 demolishing the structures and then causing the debris to be removed from the premises by a date not later than 10/12/2007.
 - b. The dwellings 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 10/12/2007.
 - 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 10/12/2007. 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.

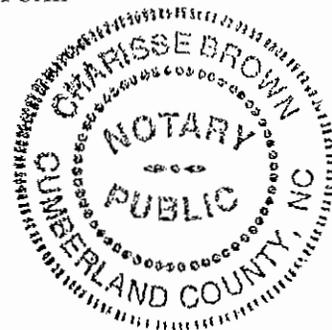


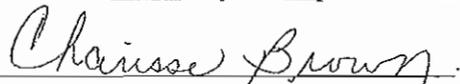
 Ken Sykes
 Hearing Officer



 Kim Reeves
 Code Enforcement Officer

Enclosed: Appeals Procedures & Form

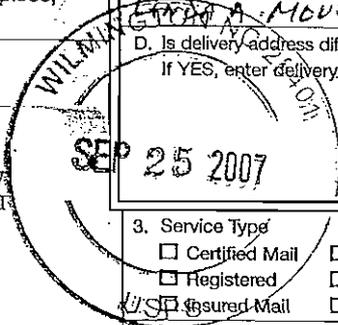


Sworn to and Subscribed to by me
 this the 17th day of September, 2007


 Notary Public
 My Commission Expires: 9/29/07

**PROOF OF LEGAL SERVICE OF FINDINGS OF FACT & ORDERS
 SEPTEMBER 17, 2007 (MUDDY WATERS PROPERTIES, LLC)
 MINIMUM HOUSING CASE NUMBERS: MH5295, 5296 & 5297-2007**

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> 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. 	A. Signature X <i>Gracie G. Mountjoy</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: FOFO KR MH5295-5297 ATTORNEY ALGERNON L BUTLER III PO BOX 38 WILMINGTON NC 28402-0038	B. Received by (Printed Name) GRACIE A. MOUNTJOY	C. Date of Delivery
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)	7003 0500 0004 7402 2592	
	PS Form 3811, February 2004 Domestic Return Receipt 102595 02 MAR 2004	
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 checked="" type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> 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. 	A. Signature X <i>H.O. McLamb</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: FOFO KR MH. 5295-9295 HUBERT O MCLAMB & PARTIES OF INTEREST 902 NORTH MALL STREET BENSON NC 27504	B. Received by (Printed Name) H.O. McLamb	C. Date of Delivery 9-20-07
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)	7003 0500 0004 7402 2585	
	PS Form 3811, February 2004 Domestic Return Receipt 102595 02 MAR 2004	
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.	4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

EXHIBIT A

BUTLER & BUTLER, L.L.P.

ATTORNEYS AT LAW

ALGERNON L. BUTLER, JR.
ALGERNON L. BUTLER, III*
*Board Certified Specialist In
Business & Consumer Bankruptcy

111 NORTH FIFTH AVENUE
POST OFFICE BOX 38
WILMINGTON, NORTH CAROLINA 28402
September 28, 2007

TELEPHONE
(910) 762-1908
FACSIMILE
(910) 762-9441

Ms. Kim Reeves
Code Enforcement Officer
County of Cumberland Planning and Inspections Dept.
131 Gillespie Street
Old Courthouse, Room 101
Fayetteville, NC 28301

RE: Muddy Waters, LLC
Case Numbers MH5295-2007, MH5296-2007, MH5297-2007

Dear Ms. Reeves:

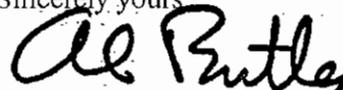
This is to confirm our telephone conversation of September 26, 2007 regarding the above-referenced matters and the Findings of Facts and Orders of September 17, 2007 in the above-referenced cases. As I indicated to you, in August 2007 I was appointed by the New Hanover Superior Court as Receiver for Muddy Waters Properties, LLC. I have consulted with demolition contractors, commercial real estate brokers, and an appraiser regarding this property and have been advised that the price for which the subject property could be sold is substantially less than the payoff of the mortgage against the property owed to Mr. Hubert McLamb. It would thus be in derogation of my fiduciary responsibility to the creditors of this estate to undertake substantial demolition costs when I know that the property will in all likelihood be surrendered to the lienholder Mr. McLamb.

I wish to confirm our discussion and your indication to me that, despite the terms of the Findings of Fact and Orders of September 17, 2007, your office will not seek to punish any violations as criminal misdemeanors, and further, that while you may seek to complete the demolition and assert a lien against the property for the recovery of your demolition costs, your department will not seek to recover against Muddy Waters Properties, LLC any civil penalty as a result of any continuing violations or failure to comply with any demolition ordinance.

Based expressly on this understanding, I will not seek an appeal of the findings of fact and orders and will not undertake any actions with regard to the demolition and clean-up of the property.

I wish to thank you for your advice and expertise with regard to this matter and your assistance to me in my administration of this case as Court-Appointed Receiver. If you have any questions, please do not hesitate to contact me.

Sincerely yours



Algernon L. Butler, III

ALBiii/md

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 Minimum Housing Case Number MH5297-2007

Property Owner: Muddy Waters Properties, LLC

Property Address: Mac's Mobile Home Park, Unit #1052 and 1056 Charmain Street, Fayetteville, NC

Tax Parcel Identification Number: 0419-97-4762

SYNOPSIS: This property consists of one frame and one brick single family dwelling that was inspected on August 2, 2007. (Note: This property has been in violation since February 5, 2007, and the structures were being repaired; however, the unexpected death of the property owner on 4/12/07 halted the cleanup. This particular action began 8/2/07). All property owners and parties of interest were legally served with the Notice of Violations and afforded a Hearing on September 12, 2007. The Estate Attorney **attended** the Hearing. It was ordered that the structures be repaired to a minimum standard for human habitation or demolished and the debris removed from the premises no later than October 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 November 9, 2007, no corrective action has been made to these structures. The structures are presently vacant and unsecured. In their present state, the structures constitute a fire, health, and safety hazard. The estimated cost to repair the structures to a minimum standard for human habitation is \$28,000.00, (frame structure) and \$36,000.00 (brick structure). The Assessor for Cumberland County has them presently valued at \$247.00 (frame structure) and \$2,307.00 (brick structure). Attached is a map depicting the location of the property. (See Exhibit B.)

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

Kim Reeves

Kim Reeves, Affiant
Code Enforcement Officer

CHARISSE BROWN
Notary Public
Cumberland County
State of North Carolina
My Commission Expires Sep 29, 2012

Sworn to and Subscribed to by me
this the 9th day of November, 2007.

Charisse Brown
Notary Public

My Commission Expires 9/29/2012

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: _____

4. In addition there is imposed a civil penalty in the amount of \$ _____ per day (up to
a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

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 17, 2007

CASE #: MH 5297-2007

TO: Muddy Waters Properties LLC & Parties of Interest
Algernon L. Butler, III, Attorney at Law
PO Box 38
Wilmington, NC 28402-0038

Property at: Mac's Mobile Home Park, Mac Drive, Fayetteville, NC
Unit #'s 1052 and 1056 (Charmain Street)
Parcel Identification Number: 0419-97-4762

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 8/27/07 (Attorney Butler) and 8/18/07 (Attorney Bell and H. McLamb).

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 09/12/2007 at 9:30:00 AM. The items identified below took place at the Hearing:

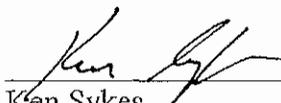
- 1. No owner or party of interest, or their agent, or representative appeared.
- 2. An answer was filed by telephone by owners and/or parties of interest; specifically, Attorney Algernon L. Butler, III and Hubert O. McLamb. The answer was heard, read, and considered.
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated August 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 dwellings in question are violative of the Cumberland County Housing Ordinance as per findings in the inspection report with an assigned case number of MH 5295-2007, dated 8/02/2007.
 - b. Due to these findings, the dwellings and premises are found to be in a substandard condition in accordance with the Cumberland County Ordinance.

EXHIBIT A

- c. The dwellings are unfit for human habitation.

- 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 dwellings into compliance with the Cumberland County Housing Ordinance by repairing the structures to a minimum standard for human habitation or demolishing the structures and then causing the debris to be removed from the premises by a date not later than 10/12/2007.
 - b. The dwellings 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 secured to prevent entry
 - 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 10/12/2007.
 - 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 10/12/2007. 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.

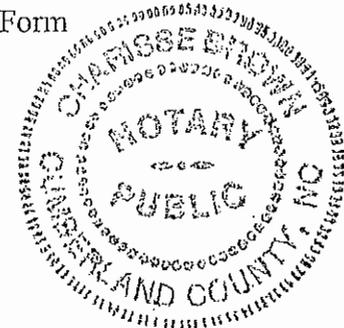


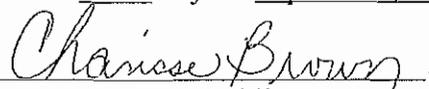
 Ken Sykes
 Hearing Officer



 Kim Reeves
 Code Enforcement Officer

Enclosed: Appeals Procedures & Form

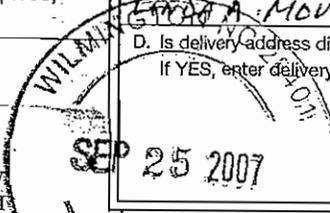


Sworn to and Subscribed to by me
 this the 17th day of September, 2007


 Notary Public
 My Commission Expires: 9/29/07

**PROOF OF LEGAL SERVICE OF FINDINGS OF FACT & ORDERS
 SEPTEMBER 17, 2007 (MUDDY WATERS PROPERTIES, LLC)
 MINIMUM HOUSING CASE NUMBERS: MH5295, 5296 & 5297-2007**

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ 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. 	<p>A. Signature X <i>Linda G. Moutsoy</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>LINDA A. MOUTSOY</i> C. Date of Delivery</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="center">FOFO KR MH5295-5297 ATTORNEY ALGERNON L BUTLER III PO BOX 38 WILMINGTON NC 28402-0038</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 (Transfer from service label)</p>	<p align="center">7003 0500 0004 7402 2592</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102555-02-11140</p>	



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ 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. 	<p>A. Signature X <i>H.O. McLamb</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>H.O. McLamb</i> C. Date of Delivery <i>9-20-07</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>1. Article Addressed to:</p> <p align="center">FOFO KR MH 5295-9295 HUBERT O MCLAMB & PARTIES OF INTEREST 902 NORTH MALL STREET BENSON NC 27504</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 (Transfer from service label)</p>	<p align="center">7003 0500 0004 7402 2585</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102555-02-11140</p>	

EXHIBIT A

BUTLER & BUTLER, L.L.P.

ATTORNEYS AT LAW

ALGERNON L. BUTLER, JR.
ALGERNON L. BUTLER, III*
*Board Certified Specialist In
Business & Consumer Bankruptcy

111 NORTH FIFTH AVENUE
POST OFFICE BOX 38
WILMINGTON, NORTH CAROLINA 28402
September 28, 2007

TELEPHONE
(910) 762-1908
FACSIMILE
(910) 762-9441

Ms. Kim Reeves
Code Enforcement Officer
County of Cumberland Planning and Inspections Dept.
131 Gillespie Street
Old Courthouse, Room 101
Fayetteville, NC 28301

RE: Muddy Waters, LLC
Case Numbers MH5295-2007, MH5296-2007, MH5297-2007

Dear Ms. Reeves:

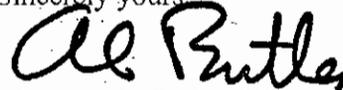
This is to confirm our telephone conversation of September 26, 2007 regarding the above-referenced matters and the Findings of Facts and Orders of September 17, 2007 in the above-referenced cases. As I indicated to you, in August 2007 I was appointed by the New Hanover Superior Court as Receiver for Muddy Waters Properties, LLC. I have consulted with demolition contractors, commercial real estate brokers, and an appraiser regarding this property and have been advised that the price for which the subject property could be sold is substantially less than the payoff of the mortgage against the property owed to Mr. Hubert McLamb. It would thus be in derogation of my fiduciary responsibility to the creditors of this estate to undertake substantial demolition costs when I know that the property will in all likelihood be surrendered to the lienholder Mr. McLamb.

I wish to confirm our discussion and your indication to me that, despite the terms of the Findings of Fact and Orders of September 17, 2007, your office will not seek to punish any violations as criminal misdemeanors, and further, that while you may seek to complete the demolition and assert a lien against the property for the recovery of your demolition costs, your department will not seek to recover against Muddy Waters Properties, LLC any civil penalty as a result of any continuing violations or failure to comply with any demolition ordinance.

Based expressly on this understanding, I will not seek an appeal of the findings of fact and orders and will not undertake any actions with regard to the demolition and clean-up of the property.

I wish to thank you for your advice and expertise with regard to this matter and your assistance to me in my administration of this case as Court-Appointed Receiver. If you have any questions, please do not hesitate to contact me.

Sincerely yours



Algernon L. Butler, III

ALBiii/md

MAP DEPICTING LOCATION OF PROPERTY

MAC'S MOBILE HOME PARK, MAC DRIVE, FAYETTEVILLE, NC

OWNER: MUDDY WATERS PROPERTIES, LLC

MINIMUM HOUSING CASE NUMBERS: MH5295, 5296 & 5297-2007

PARCEL IDENTIFICATIONS #: 0419-97-3509, 0419-97-3685 & 0419-97-4762

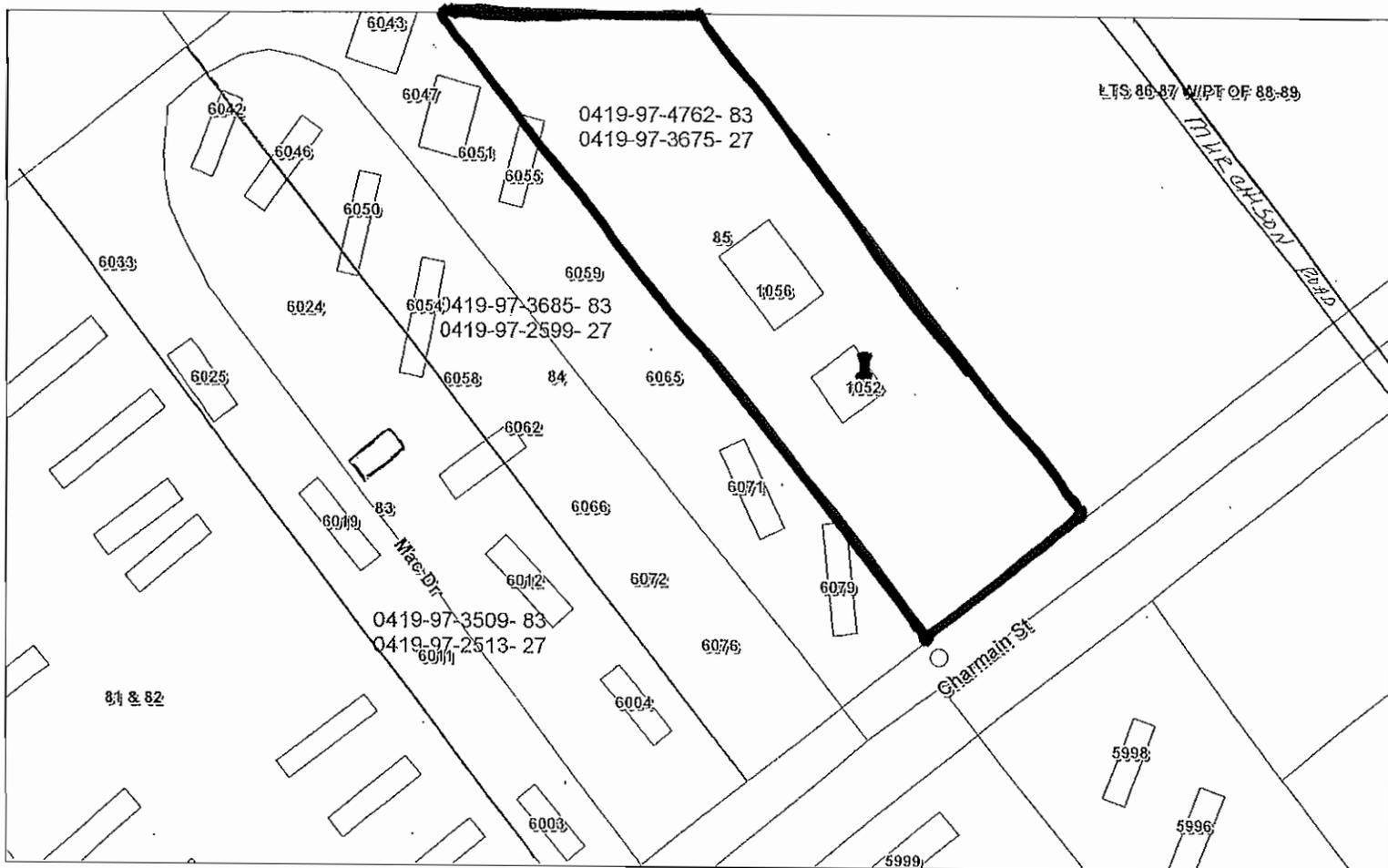


EXHIBIT B

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 MH5272-2007

Property Owner: James B. Barnwell, Jr.

Property Address: 3380 Frank Street, Fayetteville, NC

Tax Parcel Identification Number: 0425-15-3656

SYNOPSIS: This property consists of a partially demolished singlewide mobile home, all the debris remains on the premises, that was inspected on July 13, 2007. (Note: A separate mobile home on this lot was demolished and removed properly). All property owners and parties of interest were legally served with the Notice of Violations and afforded a Hearing on August 22, 2007. The property owners **attended** the Hearing. It was ordered that the demolition be completed and the debris removed from the premises no later than September 22, 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 November 8, 2007, no corrective action has been made to remove the debris. In it's present state, the collapsed structure constitutes a fire, health, and safety hazard. The estimated cost to remove the debris and frame from the premises is \$3,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00 for salvageable material. Attached is a map depicting the location of the property. (See Exhibit B.)

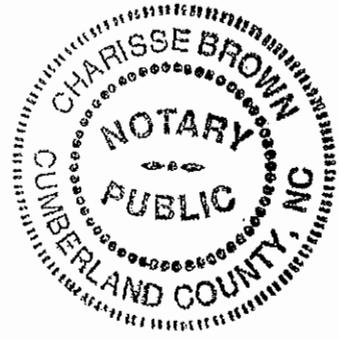
RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THIS MOBILE HOME FRAME AND DEBRIS BE REMOVED FROM THE LOT.

Kim Reeves
Kim Reeves, Affiant
Code Enforcement Officer/County of Cumberland

Sworn to and Subscribed to by me this
the 9th day of November 2007.

Charisse Brown
Notary Public

My Commission Expires: 09/29/2012.



**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: _____

4. In addition there is imposed a civil penalty in the amount of \$ _____ per day (up to
a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

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



CUMBERLAND
COUNTY



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

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

FINDINGS OF FACT AND ORDER

August 27, 2007

CASE #: MH 5272-2007

TO: James B. Barnwell, Jr. & Parties of Interest
3321 Walnut Creek Parkway, Apt. A
Raleigh, NC 27606

Property at: 3348 & 3380 Frank 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 8/10/2007.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 8/22/2007 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: James Barnwell, Jr. filed an answer via telephone.
- 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 8/6/2007. 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 5272-2007, dated 7/13/2007.
 - b. Due to these findings, the dwelling is found to be in a substandard condition in accordance with the Cumberland County Ordinance.
 - c. The dwelling is unfit for human habitation.

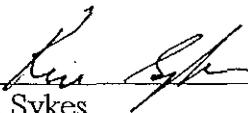
Findings and Facts of Order

Case #: MH 5272-2007

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 9/22/2007. **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. 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 9/22/07.
 - 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 9/22/2007. 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.



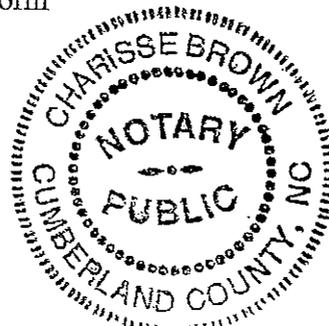
Ken Sykes
Hearing Officer



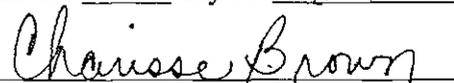
Kim Reeves
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me
this the 27th day of August, 2007



Notary Public
My Commission Expires: 9/29/07

**PROOF OF LEGAL SERVICE OF
FINDINGS OF FACT & ORDER DATED AUGUST 27, 2007
MINIMUM HOUSING CASE NUMBER: MH5272-2007**

7003 0500 0004 7402 9867

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
Cumberland Co. Inspection Dept.	
Postage \$	Postmark Here AUG 30 2007 FOFO MH5272KR
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total	
Sent to: JAMES B BARNWELL JR & PARTIES OF INTEREST 3321 WALNUT CREEK PARKWAY APT A RALEIGH NC 27606	
PS Form 3800, June 2002	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> 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. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery JAMES BARNWELL JR 8/27/07</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p align="center">FOFO MH5272KR</p> <p>JAMES B BARNWELL JR & PARTIES OF INTEREST 3321 WALNUT CREEK PARKWAY APT A RALEIGH NC 27606</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from): 7003 0500 0004 7402 9867</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

EXHIBIT A

MAP DEPICTING LOCATION OF PROPERTY

3380 FRANK STREET, FAYETTEVILLE, NC
OWNER: JAMES B. BARNWELL, JR.
MINIMUM HOUSING CASE NUMBER: MH5272-2007
PARCEL IDENTIFICATION #: 0425-15-3656

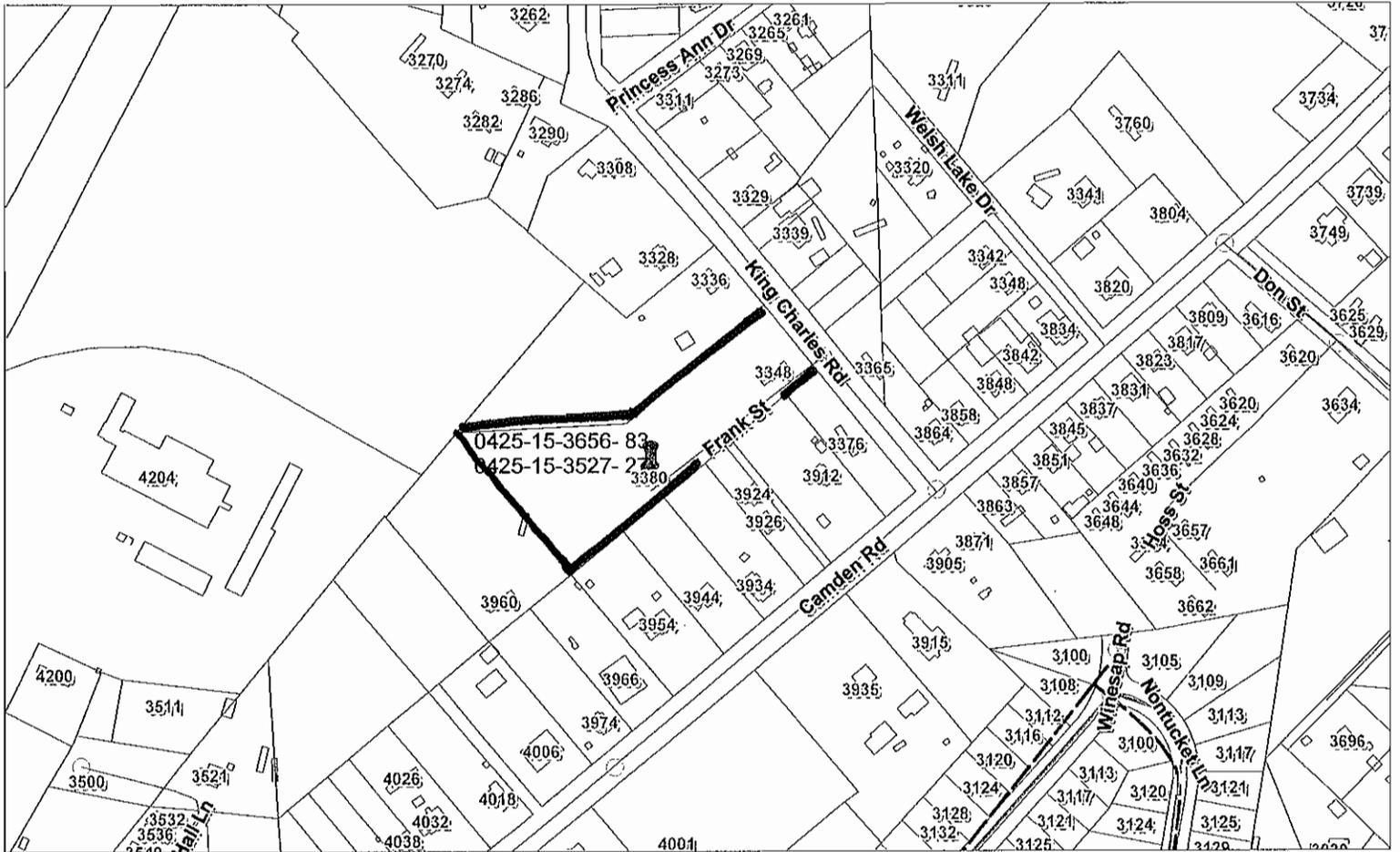


EXHIBIT B

KENNETH S. EDGE
Chairman

J. BREEDEN BLACKWELL
Vice Chairman

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



ITEM NO. 3A

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

November 5, 2007

November 19, 2007 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Cape Fear Valley Hospital Board of Trustees Vacancy (1)

Cape Fear Valley Hospital Board of Trustees will have the following vacancy on January 1, 2008:

General Public:

Dr. John Griffin, Jr. – Completes first term and is eligible for reappointment.

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

PROPOSED ACTION: Make nomination to fill the vacancy.

Attachment

pc: Joyce Korzen, Interim Chief Executive Officer

Celebrating Our Past... Embracing Our Future

CAPE FEAR VALLEY HEALTH SYSTEM
BOARD OF TRUSTEES

10/07

3 Year Term

<u>Name/Address</u>	<u>Date</u> <u>Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For</u> <u>Reappointment</u>
<u>Medical Society Rep.</u>				
Dr. Sanjay Shah, MD Sandhills Nephrology & Internal Med 1218 Walter Reed Road Fayetteville, NC 28304 323-1671	01/07			
<u>Chief of Staff</u>				
Dr. Rueben Rivers, MD Cumberland Internal Medicine 1314 Medical Dr., Suite 102 Fayetteville, NC 28304 323-2503	10/06			
<u>Chief Elect</u>				
Dr. David Schutzer, MD Highland OB/GYN, P.A. 911 Hay Street Fayetteville, NC 28305 485-1191	10/06			
<u>Medical Doctor</u>				
Dr. Rakesh Gupta (co. appointee) 1880 Quiet Cove Fayetteville, NC 28304 323-2477(W)	12/04 (10-16-07 extended one year to 1/1/09)	2nd	Jan/09 1/1/09	No
Dr. Dickson Schaefer (co. appointee) 3308 Melrose Road Fayetteville, NC 28304 484-3114	12/05	1st full	Jan/09 1/1/09	Yes
<u>R.N. Position</u>				
Katheryn Jenifer (W/F) 4608 Hoe Court Fayetteville, NC 28314 (term changed from 9/07 to 1/08 – see file) 487-9707/485-0555(W)	9/04	2nd	Jan/08 1/31/08	No
Mary G. Buie(W/F) (co. appointee) 2623 Westchester Drive Fayetteville, NC 28303 484-0898	01/04	2 nd	Jan/10 1/31/10	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>General Public (6)</u>				
Alice Stephenson (co. appointee) 464 Kingsford Road Fayetteville, NC 28314 864-2062/483-5009(W)	8/03	2 nd	Jan /10 1/31/10	No
Emmett Fogle (W/M) P.O. Box 278 Stedman, NC 28391 483-9579	12/05	2nd	Jan/09 1/1/09	No
Dr. Dudley Miller (/M) (co. appointee) 411 Forest Lake Road Fayetteville, NC 28305 484-8165	1/07	1 st	Jan/10 1/31/10	Yes
Ralph Mitchell (B/M) (co. appointee) 3149 Sids Mill Road Fayetteville, NC 28301 (term changed from 9/08 to 1/09 – see file) 485-7907/483-4116(W)	8/05	2nd	Jan/09 1/31/09	No
Don Porter (/M) (co. appointee) 1994 Penrose Drive Fayetteville, NC 28304 875-6113	1/07	1 st	Jan/10 1/31/10	Yes
Dr. John Griffin, Jr. (co. appointee) 3481 Thamesford Road Fayetteville, NC 28311 630-4346	12/04	1st	Jan/08 1/1/08	Yes

County Commissioners (7)

James Martin, County Manager - ex officio non-voting member (7/28/87)

Contact: Joyce Korzen, Interim Chief Executive officer

Regular Meeting: Last Wednesday of each month
Dinner at 6:15 PM
Meeting held in the Board Room - 7:00 PM

*Five (5) additional positions added to the board in December 1999 (2 Doctors, 1 Nurse and 2 General Public Reps.) Terms were staggered initially.

APPLICANTS FOR
CAPE FEAR VALLEY HEALTH SYSTEM BOARD OF TRUSTEES

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ANDERSON, LARRY D. (A/M) 7669 WILKINS DRIVE FAYETTEVILLE, NC 28311 488-6099/396-8991 (W)	PASTOR & CHEMICAL BS – BIOLOGICAL, NUCLEAR, & RADIOLOGICAL DEFENSE INSTRUCTOR	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
BERRY-CABAN, CRISTOBAL S. (H/M) 5739-01 IVANHOE COURT FAYETTEVILLE, NC 28314 (813) 751-3004/907-8844	MEDICAL STATISTICIAN	PhD – URBAN SOCIAL INST. MA – HISTORY & POLITICAL SCIENCE; BA – HISTORY
CHESTNUTT, A. JOHNSON (W/M) 578 MILDEN ROAD FAYETTEVILLE, NC 28314 484-6365/323-1040(W)	ACCOUNTANT	BSBA
FENNER, SHANESSA L. (B/F) 5710-08 IVANHOE COURT FAYETTEVILLE, NC 28314 487-9603/436-4381(W)	PRINCIPAL	BA – ELEM. EDUCATION MA – ELEM. EDUCATION MSA – SCHOOL ADMIN.
HALL, MACKY (W/M) 5420 McRAE STREET HOPE MILLS, NC 28348 424-4375	RETIRED	BS/MASTERS – EDUC. SPECIALIST
HARRIS, GLENDA PRUDIE (B/F) 1874 GOLA DRIVE FAYETTEVILLE, NC 28301 488-2434/630-3041(W)	COMPLIANCE OFFICER	MASTERS –ADMINISTRATION
JOHANNES, ULRICH (W/M) 516 THORNGATE DRIVE FAYETTEVILLE, NC 28303 864-0420/433-1718(W)	ASSOC. NETWORK ADMINISTRATOR	BACHELORS – INFORMATION TECHNOLOGY
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.

Cape Fear Valley Health System Board of Trustees Applicants, page 2

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
NIJHAWAN, INDER PAL (IA/) 3545 TURNBERRY CIRCLE FAYETTEVILLE, NC 28303 864-0351/672-1618(W)	PROFESSOR FSU	PhD
ROBERTSON, FREDDIE A. (B/M) 2335 ROSEHILL RD FAYETTEVILLE, NC 28301 630-6472/988-9781 (W)	COMPUTER INSTRUCTOR	BS – COMPUTER SCIENCE
SHORTER, FLOYD L. (AA/M) 6438 TOUCHSTONE DRIVE FAYETTEVILLE, NC 28311 822-6403/222-8915 (W) **SERVES ON THE CIVIC CENTER COMMISSION**	COLLEGE ADMINISTRATOR	BS – SCIENCE/ BUS
SPAIN, PHYLLIS M. (B/F) PO BOX 821 SPRING LAKE, NC 28390 484-4726/916-4974(W) **SERVES ON THE MENTAL HEALTH BOARD**	MINISTER/CHAPLAIN	DOCTORATE OF MINISTRY CLINICAL PASTORAL ED.
SUTTON, CARRIE (/F) 5422 SUMMER DUCK ROAD FAYETTEVILLE, NC 28314 864-5567/483-7695 (W)	REP – BUSINESS	COLLEGE DEGREE (UNKNOWN)
WATSON, LORA (W/F) 3509 GOLFVIEW DRIVE HOPE MILLS, NC 28348 485-3558/678-0700 (W) **SERVES ON NURSING HOME ADVISORY BOARD**	PROJECT COORDINATOR OFFICE MANAGER	AS –BUSINESS ADMIN OPERATIONS MGT
WIGGS, CECIL (W/M) 6213 STONEY POINT LOOP FAYETTEVILLE, NC 28306 425-8557	RETIRED SCHOOL TEACHER	MASTERS -EDUCATION

ITEM NO. 3B

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

November 5, 2007

November 19, 2007 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *me*
SUBJECT: Civic Center Commission Vacancies (4)

The Civic Center Commission will have the following vacancy on January 1, 2008:

Laurie Bondshu – Completes first term and is eligible for reappointment.

John Elliott – Completes first term and is eligible for reappointment.

Richard Player III – Completes first term and is eligible for reappointment.

Ralph Spivey – Completes first term and is eligible for reappointment.

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

PROPOSED ACTION: Make nominations to fill the vacancies (4).

Attachments

pc: Rick Reno

Celebrating Our Past... Embracing Our Future

CIVIC CENTER COMMISSION
3 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Alicia S. Chisolm (AA/F) 1855 Cascade Street Fayetteville, NC 28301 488-7820/488-5935(W)	02/07	1st	Jan/10 1/1/10	Yes
C. Bruce Armstrong (W/M) 5431 Thompson Circle Hope Mills, NC 28348 424-2581/433-2000(W)	12/04	2nd	Jan/08 1/1/08	No
Laurie Bondshu (W/F) 109 Lamb Street Fayetteville, NC 28305	12/04	1st full	Jan/08 1/1/08	Yes
Ken Lancaster Lancaster Real Estate 2413 Robeson Street, Unit 1 Fayetteville, NC 28305 323-2181(W)	1/04	2 nd	Jan/10 1/1/10	No
Dr. Jack Freeman 203 Chloe Drive Fayetteville, NC 28301 488-4744/672-1797(W)	01/04	2 nd	Jan/10 1/1/10	No
Richard L. Player, III (W/M) 2220 Bayview Drive Fayetteville, NC 28305 678-8772/868-2121(W)	12/04	1st	Jan/08 1/1/08	Yes
Ralph Spivey (W/M) 3113 Baker Street Fayetteville, NC 28303 867-3201	2/05	1st	Jan/08 1/1/08	Yes
William E. Tew, Jr. 6233 Loop Road Linden, NC 28356 980-0740(H)	12/05	2nd	Jan/09 1/1/09	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Ann Mitchell (B/F) P.O. Box 1808 Fayetteville, NC 28301	12/05	2nd	Jan/09 1/1/09	No
Floyd L. Shorter (AA/M) 6438 Touchstone Drive Fayetteville, NC 28311 822-6403/222-8915(W)	02/07	1 st	Jan/10 1/1/10	Yes
Elizabeth Varnedoe (W/F) 6028 Bartlett Court Fayetteville, NC 28314 864-5144	04/06 (to fill unexpired term)	1st	Jan/09 1/1/09	Yes
John L. Elliott (W/M) 6224 Kirkwall Road Fayetteville, NC 28311 822-4458/433-9379	12/04	1st	Jan/08 1/1/08	Yes
Bob Smith (W/M) 1100 Clarendon Street # 612 Fayetteville, NC 28305 423-6400/494-3900(W)	12/05	2nd	Jan/09 1/1/09	No
Jon Warren (W/M) 2603 N. Edgewater Drive Fayetteville, NC 28303 485-4363/892-6405(W)	12/05	2nd	Jan/09 1/1/09	No
<u>Restaurant Owner</u> Ronnie Matthews (W/M) 1046 Bragg Blvd. Fayetteville, NC 28301 980-1420/323-9700(W)	01/04	2 nd	Jan/10 1/1/10	No

Commissioner Liaisons: Diane Wheatley

Ex Officio Member: James Martin, County Manager

Meetings: 4th Tuesday of the month at 5:30 PM, Coliseum Board Room
 Contact: Rick Reno, CEO, Coliseum Complex (or Nancy Robles – 438-4102/Fax 323-8423)

APPLICANTS FOR
CIVIC CENTER COMMISSION

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCOUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
FADDIS, JAMES M. (W/M) 1871 WINDLOCK DRIVE FAYETTEVILLE, NC 28304 425-5739/396-6511 (W)	INFO TECH SUPERV. RETIRED ARMY	AS – ELECTRONICS TECH AA – GENERAL EDUCATION
FLEMING JR., REV. JOE B/M) 7235 RYAN STREET FAYETTEVILLE, NC 28314 868-1428/583-1695	MINISTER	16 YEARS
HIGHT, ROBERT K. (W/M) 3210 PLAYER AVENUE FAYETTEVILLE, NC 28304 322-2414/484-1151 X620 (W)	TEACHER	BA & MA – POLITICAL SCIENCE
HUMPHREY, HORACE (B/M) 1852 CASCADE STREET FAYETTEVILLE, NC 28301 488-5143/850-5170 (CELL)	RETIRED	BACHERLORS – SCIENCE
INGRAM, JAMES (B/M) PO BOX 87671 FAYETTEVILLE, NC 28304 257-1831/488-8415(W) **SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COUNCIL**	EDUCATION ADMIN.	BA/MA/ED.S
JAMES, THEADY E. (/) 3523 WORLEY STREET FAYETTEVILLE, NC 28311 480-0513	RETIRED (UNKNOWN)	HS GRAD, 1 YR-FTCC
JOHANNES, ULRICH (W/M) 516 THORNGATE DRIVE FAYETTEVILLE, NC 28303 864-0420/433-1718(W)	ASSOC. NETWORK ADMINISTRATOR	BACHELORS – INFORMA- TION TECHNOLOGY
KNIGHT, BOBBY L. (W/M) PO BOX 1842 FAYETTEVILLE, NC 28302 323-0023/624-5533(W) **SERVES ON ABC BOARD**	SEMI-RETIRED REAL ESTATE INVESTMENTS	HIGH SCHOOL
LANGLEY, MARGO (B/F) 974-3 STEWARTS CREEK DRIVE FAYETTEVILLE, NC 28314 864-1169/919-662-2800/919-856-5920(W)	DETENTION OFFICER	AA DEGREE + COURSES
LIVINGSTON, GEO M. (/M) 4192 SYCAMORE DAIRY ROAD FAYETTEVILLE, NC 28303 391-3559/487-5557(W)	HOTEL MANAGEMENT	2 YRS COLLEGE

CIVIC CENTER COMMISSION APPLICANTS, PAGE 2

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCOUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
MERCER, CARLON G. (W/M) 1846 WAYNE LANE FAYETTEVILLE, NC 28304 425-0243/624-4334 (C)	RETIRED	HS, CONTINUING EDUC COURSES
MURRAY, JEFFREY W. (W/M) 4743 DENTON COURT FAYETTEVILLE, NC 28306 425-7046/977-6180 (W)	CONSULTANT	MS/BS/AA
NIJHAWAN, INDER PAL (IA/) 3545 TURNBERRY CIRCLE FAYETTEVILLE, NC 28303 864-0351/672-1618(W)	PROFESSOR FSU	PhD
POOLE, ROBERT E. (W/M) 2700 BRIARCREEK PLACE FAYETTEVILLE, NC 28304 678-8197/483-1367(W)	PRESIDENT/MANAGER POOLE OFFICE INTERIORS	HS/40 YRS OF BUSINESS MANAGEMENT

KENNETH S. EDGE
Chairman

J. BREEDEN BLACKWELL
Vice Chairman

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



ITEM NO. _____

3C

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
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November 5, 2007

November 19, 2007 Agenda Item

TO: Board of Commissioners

FROM: Marie Colgan, Deputy Clerk *mc*

SUBJECT: Cumberland County Home and Community Care Block Grant
Committee Vacancies (3)

The Cumberland County Home and Community Care Block Grant Committee will have the following vacancy effective December 31, 2007:

Older Consumer:

Ethel Hennessee – completed first term and is eligible for reappointment.

Virginia Kelly – completed first term and is eligible for reappointment.

Aging Service Provider:

Toney McCray – completed first term and is eligible for reappointment.

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

PROPOSED ACTION: Make nomination to fill the vacancies (3).

Attachments

pc: Carolyn Tracy, Mid-Carolina Area Agency on Aging

Celebrating Our Past... Embracing Our Future

CUMBERLAND COUNTY
HOME AND COMMUNITY CARE BLOCK GRANT COMMITTEE
(PLANNING COMMITTEE FOR AGING SERVICES)
4 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Older Consumer</u> Elma Jorgensen 2321 Colgate Drive Fayetteville, NC 28305	1/07	1st	Dec/10 12/31/10	Yes
Janice Lucas P.O. Box 61 Falcon, NC 28342 980-1296	1/07	2nd	Dec/10 12/31/10	No
Mary Mack 5471 Maplewood Fayetteville, NC 28314 (filling an unexpired term) 867-9533	4/07	1 st	April/08 4/30/08	Yes
Edwin Deaver P.O. Box 127 Hope Mills, NC 28348	5/06	1st	May/10 5/31/10	Yes
Edith B. Melvin (B/F) 3016 Piney Mountain Drive Hope Mills, NC 28348 481-9951	4/05	1st	April/09 4/30/09	Yes
Gretta Reese 1721 Bridger Street Fayetteville, NC 28301 488-5909	5/04	2nd	April/08 4/30/08	No
Ethel Hennessee 647 Edgehill Road Fayetteville, NC 28314 (filling an unexpired term) 867-8910	04/07	1st	Dec/07 12/31/07	Yes
Virginia Kelly 615 Regina Avenue Spring Lake, NC 28390 497-0494	12/03	1st	Dec/07 12/31/07	Yes

Home and Community Care Block Grant Committee, page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Aging Service Provider</u>				
Karin Simkin Department of Social Services PO Box 2429 Fayetteville, NC 28302-2429	4/05	1st	April/09 4/30/09	Yes
Rosa Crowe PO Box 64526 Fayetteville, NC 28306 (filling an unexpired term) 424-2993	4/07	1 st	April/09 4/30/09	Yes
Sam Hutchison Senior Health Services 101 Robeson Street, Suite 202 Fayetteville, NC 28301	4/05	2nd	April/09 4/30/09	No
Toney McCray Bethel Adult Day Health Care 1065 Progress Street Fayetteville, NC 28306 484-8727	12/03	1st	Dec/07 12/31/07	Yes
Katherine VanSickle CCCCOA, INC. 339 Devers Street Fayetteville, NC 28303 484-0111	1/06	1st	Dec/09 12/31/09	Yes
Tina Dicke Legal Aid of NC PO Box 1268 (filling an unexpired term) Fayetteville, NC 28302	4/07	1st	April/09 4/30/09	Yes
Judy Dawkins RSVP 739 Blue Street Fayetteville, NC 28301 433-1136	1/07	2nd	Dec/10 12/31/10	No
Patricia Edwards Hope Mills Sunshine Center 3226 Davis Street Hope Mills, NC 28348	1/07	2nd	Dec/10 12/31/10	No

Home and Community Care Block Grant Committee, page 3

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Aging Service Provider</u>				
Kristine Wagner (W/F) 130 Gillespie Street Fayetteville, NC 28301 436-0340/678-7624 (W)	1/07	1st	Dec/10 12/31/10	Yes
<u>Civic Representative</u>				
Crystal McNair United Way of Cumberland Co. PO Box 303 Fayetteville, NC 28302-0303	11/03	1st	Nov/07 11/30/07	Yes
<u>Elected Official</u>				
Richard Higgins Town of Spring Lake 1309 Mack Street Spring Lake, NC 28390 497-1027	2/07	1st	Dec/10 12/31/10	Yes
<u>County Representatives</u>				
Amy Cannon Assistant County Manager PO Box 1829 Fayetteville, NC 28302-1829				
Juanita Pilgrim Deputy County Manager PO Box 1829 Fayetteville, NC 28302-1829				

Meets the 3rd Thursday, 2nd month of quarter, at 2 pm at various service providers within county
 Contact: Carolyn Tracy – 323-4191 x26; fax # 323-9330

APPLICANTS FOR
HOME AND COMMUNITY CARE BLOCK GRANT COMMITTEE

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
COLLIER, GARY (W/M) 6335 HACKBERRY HOPE MILLS, NC 28348 423-4853/323-0760, EXT.7138(W)	HOME HEALTH SERVICE PROVIDER	BACHELOR OF RELIGIOUS EDUCATION
HAIR, ANTHONY D. (B/M) 6344 MURPHY ROAD STEDMAN, NC 28391 323-9176/592-1575(W)	CONSUMER SOLUTIONS REPRESENTATIVE	BS 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



ITEM NO. 3D

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

November 5, 2004

November 19, 2007 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Fayetteville Area Convention & Visitors Bureau Vacancies (2)

The Fayetteville Area Convention and Visitors Bureau will have the following vacancies on December 31, 2007:

Hotels/Motels Under 100 Rooms Representative:

John Keefe – has completed his first term and is eligible for reappointment.

Hotels/Motels Over 100 Rooms Representative:

Charles R. Wellons, II - 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).

pc: John Meroski, FACVB

FAYETTEVILLE AREA CONVENTION AND VISITORS BUREAU
BOARD OF DIRECTORS
3 Year Terms

Name/Address	<u>Date</u> Appointed	Term	Expires	<u>Eligible For</u> Reappointment
<u>Hotel/Motels under 100 rooms Representatives:</u>				
Chintan Patel (I/M) Knight's Inn 2848 Bragg Boulevard Fayetteville, NC 28303 485-4163/978-8504(W)	08/06 (to fill unexpired term)	2nd	Dec/08 12/31/08	No
John Keefe (W/M) 5833 Woodhaven Circle Fayetteville, NC 28311 488-4165/309-6542(W)	01/05	1st	Dec/07 12/31/07	Yes
<u>Hotel/Motel over 100 rooms Representatives:</u>				
Cameron Stout (W/M) 1131 Longleaf Drive Fayetteville, NC 28305 323-5515/484-2662(W)/323-0111(Holiday Inn)	01/06	1st	Dec/08 12/31/08	Yes
Charles R. Wellons, II (W/M) 174 Ellerslie Fayetteville, NC 28303 864-4893/436-3131(W)	01/05	1st	Dec/07 12/31/07	Yes
<u>At Large</u>				
John Mitchell (B/M) 5901 Panelway Place Fayetteville, NC 28304 424-8381/624-2591(cell)	8/06	2nd	June/09 6/30/09	No

Representative, Hotel/Motel with meeting space in excess of 6,000 square feet

Board of Directors Appointee:

Vacant

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
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Hotel/Motel Representative

Board of Directors Appointee:

Subodh Thakur 7/97

Villager Lodge and Shangri La Motel

521 Ramsey Street

Fayetteville, NC 28301-4911

483-2621(W)

Chamber of Commerce Representative:

Henry Holt

Holt Oil

P. O. Box 53157

Fayetteville, NC 28303

Commissioner Liaison – Commissioner Blackwell

Ex-officio Members:

James Martin, County Manager

Rick Reno, CEO, Coliseum Complex Manager

Dale Iman, City Manager

Contact: John Meroski (or Tammy Johnson), Fayetteville Area Convention & Visitors' Bureau – 483-5311

Meetings: Second Thursday of every other month (starting in February) at 12:00 pm – Wellington's @ Holiday Inn - Bordeaux.

APPLICANTS FOR
FAYETTEVILLE AREA CONVENTION AND VISITORS BUREAU
BOARD OF TRUSTEES

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ANDREWS-McCALL, MAXINE (B/F) 5637 MUM CREEK LANE FAYETTEVILLE, NC 28304 423-1727/322-5800 (C)	RETIRED	DOCTORATE IN EDUC. ADMINISTRATION
NIJHAWAN, INDER PAL (IA/) 3545 TURNBERRY CIRCLE FAYETTEVILLE, NC 28303 864-0351/672-1618(W)	PROFESSOR FSU	PhD
SHELTON SR, MICHAEL TORAIN (/M) THAMESFORD ROAD FAYETTEVILLE, NC 28311 630-3830/482-4495 (W)	TRAVEL CONSULTANT	ACC (CLIA) CTA-TRAVEL 3529 INSTITUTE

KENNETH S. EDGE
Chairman

J. BREEDEN BLACKWELL
Vice Chairman

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



ITEM NO. 3E

MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

BOARD OF COMMISSIONERS

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November 8, 2007

November 19, 2007 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Mental Health Board Vacancy (1)

The Mental Health Board will have the following vacancy on December 31st:

Drug Abuse Rep. (Family Consumer)

William McDougal completes his first term and is eligible for reappointment. The Mental Health Board recommends his reappointment.

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

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

Attachments

pc: Hank Debnam, Mental Health Director

Celebrating Our Past...Embracing Our Future

MENTAL HEALTH BOARD

12/06

(Cumberland County Area Mental Health, Developmental Disabilities and Substance Abuse Board)

4 Year Term (for current members as of 6-06)

3 Year Term (for members appointed after 6-06)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Licensed Physician</u>				
Dr. Melvin L. Henderson (B/M) 132 Great Oaks Fayetteville, NC 28303 487-9785	11/02	1st	Dec/09 12/31/09	No
<u>Individual with Financial Expertise</u>				
Christopher Bostock (M) 424 Kingsford Road Fayetteville, NC 28314 864-6501/486-0415(W)	12/06	1st	Dec/09 12/31/09	Yes
Willie Cooper, Jr. (B/M) 5599 Ashgrove Drive Fayetteville, NC 28311 488-4037/829-9873 (W)	12/06	1 st	12/09 12/31/09	Yes
<u>Professional Rep. (Psychology, Social Work, Nursing, Religion)</u>				
Rev. Floyd Johnson, Jr. (B/M) 716 Amber Drive Fayetteville, NC 28311 822-0457	12/04	1st	Dec/08 12/31/08	Yes
<u>Representative with a Family Member or from a Citizen's Organization who Advocates for Persons with a Developmental Disability</u>				
Anna F. Finch (W/F) 3 Skye Place Fayetteville, NC 28303 485-1179	12/02	2 nd	Dec/09 12/31/09	No
<u>Drug Abuse Rep. (Family Consumer)</u>				
William H. McDougal (B/M) 661 Country Club Road Fayetteville, NC 28301 488-7311	05/04 to fill unexp. term	1st	Dec/07 12/31/07	Yes
<u>Developmental Disabilities (Family Consumer)</u>				
David Wendelken (/M) 818 Azalea Drive Fayetteville, NC 28301 677-0495/223-2417(W)	06/06	1st	June/10 6/30/10	Yes

Mental Health Board – page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Drug Abuse, Primary Consumer, Presently in Recovery</u>				
Gladys Hunt (I/F) 7158 Eagle Spring Drive Hope Mills, NC 28348 425-7409/483-8442(W) Mental Health Board, Page 2	1/06	1st full	Dec/09 12/31/09	Yes
<u>Mental Health Rep. from a Citizens Organization or Primary Consumer</u>				
Luis M. Collazo (H/M) 2051 Merrimac Drive Fayetteville, NC 28314 864-1818/433-1697(W)	12/04	1st	Dec/08 12/31/08	Yes
<u>Mental Health Rep. (Family Consumer)</u>				
Albert Bleakley (W/M) 3018 Ravenhill Drive Fayetteville, NC 28303 484-9406	12/04	2nd	Dec/08 12/31/08	No
<u>Alcoholism (Family Consumer)</u>				
Phyllis M. Spain (B/F) P.O. Box 821 Spring Lake, NC 28390 484-4726/916-4974(W)	06/06 to fill unexp. term	1st	Dec/09 12/31/09	Yes
<u>Alcoholism, Primary Consumer, Presently in Recovery</u>				
Nathan Taylor (B/M) 6819 Mangrove Drive Fayetteville, NC 28314 864-8742	11/04	2nd	Dec/08 12/31/08	No
<u>Individual with Management or Business Expertise</u>				
Michael Boose (W/M) 309 Farley Place Fayetteville, NC 28303 860-3889/486-9292 (W)	12/06	1st	Dec/09 12/31/09	Yes
<u>At Large Members</u>				
Evelyn O. Shaw (B/F) P.O. Box 1195 Fayetteville, NC 28302 488-3562/323-5303	05/04 to fill unexp. term	2 nd	Dec/09 12/31/09	No

Mental Health Board, page 3

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Individual Representing the Interest of Children</u>				
Pam McEvoy (W/F) PO Box 488 Fayetteville, NC 28302-0488 424-0117/486-9700(W)	12/06	1 st	Dec/09 12/31/09	Yes
<u>Openly Declared Consumer with Mental Illness</u>				
Nancy Capps (I/F) 1343 Devonshire Drive Fayetteville, NC 28304	12/02	2 nd	Dec/09 12/31/09	No

County Commissioner (2)* (Voting Members) - Billy R. King and Diane Wheatley
Contact: Hank Debnam, Mental Health Director, Ph # 222-6126, Fax # 323-0096
Meetings: 1st Wednesday of the month at 5:15 PM, 711 Executive Place, Board Room 124.

- Board expanded to 18 members 11-06-02.*
- Board terms changed to 3 year terms as of 6-06

APPLICANTS FOR
MENTAL HEALTH BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BURRIS, JR, CLAYTON OLIVER (C/M) 2026 FOREST HILLS DRIVE FAYETTEVILLE, NC 28303 822-2800	RETIRED DESIGN ENGR	DEGREE IN BUSINESS ADMIN/MGMT MAJOR
CARTER, JAMES M. (W/M) 1212 CASTLEROCK DRIVE FAYETTEVILLE, NC 28304 484-4550/678-9896 (W)	ART-TIME TEACHER MEDIA PRODUCTION	BS - COMMUNICATIONS MINOR IN ART CONTINUING EDUC.
CRAVER, ELYSE H. (W/F) 3606 LAKE SHORE DRIVE HOPE MILLS, NC 28348 425-3667/391-1210(W)	HOSPITAL CONSULTANT & BIOHAZARDOUS WASTE TRAINER	MA – HEALTH EDUCATION
GORE, ERNEST T. (W/M) BENNINGTON RD FAYETTEVILLE, NC 28303 822-5988/891-7062 (W)	CLINICAL DIRECTOR SUBSTANCE ABUSE PROG. COUNSELOR	MS - LICENSED PROF. 2724
HALL, BARBARA M. (W/F) 1305 SKYLINE DRIVE FAYETTEVILLE, NC 28314 495-0603/483-8970 (W)	EXECUTIVE DIRECTOR OF CONTACT	BA – SOCIOLOGY (2007) MS IN HUMAN SVS
MCCUNE, DAVID JR. (W/M) 4801 RESEARCH DRIVE FAYETTEVILLE, NC 28306 297-6034(H)	VICE PRESIDENT MCCUNE TECHNOLOGY	SOME COLLEGE
PARKER, LILIANA C. (W/H/F) P.O. BOX 58064 FAYETTEVILLE, NC 28305 433-0791/551-4611(W)	BUSINESS OWNER	BA MASS COMMUNICATIONS/ JOURNALISM; POST GRAD SOCIAL PROCESSES & PUBLIC OPINION; BUSINESS ADMINISTRATION & MGMT; INTERNATIONAL RELATIONS
SESSOMS, KARLA D . (B/F) 6624 JACOBS CREEK CIR FAYETTEVILLE NC 28306 425-7634(H); 426-2273(W)	RN HOME CAREGIVERS	ASSOC. APPLIED SCIENCE
SHARP, KRISTIN S. (B/F) 3434 LUBBOCK DRIVE HOPE MILLS, NC 28348 323-1046/678-8289(W) **Serves on the Adult Care Home Community Advisory Committee**	COUNSELOR	BS – PSYCHOLOGY MA – COUNSELING MA – HUMAN RESOURCE DEVELOPMENT
SMITH-COAXUM, JANICE(B/F) 617 BROMSWORTH TRAIL FAYETTEVILLE, NC 28311 488-0459/678-7048(W)	RETIRED EDUCATOR ADJUNCT PROFESSOR	Ed.D.-EDUC. LEADERSHIP MA-ADMIN/SUPERVISION MA-ELEM. EDUCATION BS

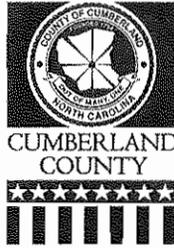
MENTAL HEALTH BOARD APPLICANTS, PAGE 2

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
VASILOPOULOS, NATALIE 1833 CAMELOT DRIVE FAYETTEVILLE, NC 28304 425-5116/(828) 467-9300 (C)	HOMEMAKER	BA – CRIMINAL JUSTICE
WIGGINS, ALLIE D. (A/F) 5222 BROOKFIELD ROAD FAYETTEVILLE, NC 28303 868-4219/988-4267(CELL) **Serves on the Community Child Protection/Fatality Prevention Team**	RETIRED CLINICAL SOCIAL WORKER	MA – SOCIAL WORK LICENSED CLINICAL SOCIAL WORKER
WIGGS, CECIL (W/M) 6213 STONEY POINT LOOP FAYETTEVILLE, NC 28306 425-8557	RETIRED SCHOOL TEACHER	MASTERS -EDUCATION
WILLIAMS, TYRONE A. (AM/M) THEOLOGY 3311 LAKE BEND DRIVE FAYETTEVILLE, NC 28311 670-9431/480-4841(W)	PRESIDENT, WHF, INC	BS –

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
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November 5, 2007

November 19, 2007 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Minimum Housing Appeals Board Vacancy (1)

The Minimum Housing Appeals Board will have the following vacancy as of December 31, 2007:

Alternate Members

Deborah Ann Dantzler will complete her first term and is eligible for reappointment.

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

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

pc: Charisse Brown, Planning/Inspections Department

Attachments

MINIMUM HOUSING APPEALS BOARD
3 Year Staggered Terms

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Charles Lewis (B/M) 3300 Morganton Road Fayetteville, NC 28303 224-8005	10/07	1st	Oct/10 10/31/10	Yes
I. J. McNeil(B/M) 821 Oakcrest Drive Fayetteville, NC 28301 822-3152	10/06	2 nd	Oct/09 10/31/09	No
Linda J. Miller 5815 Cherrystone Drive Fayetteville, NC 28311 480-0063/822-7923 (W)	10/07	1st	Oct/10 10/31/10	Yes
Clyde V. Vaughan (W/M) 126 West Circle Court Fayetteville, NC 28301 497-8237 or 8238	9/05	1 st	Oct/08 10/31/08	Yes
John Williams (B/M) 7712 Guinevere Court Fayetteville, NC 28314 864-9536/944-7612(W)	11/05	1st	Nov/08 11/30/08	Yes
<u>(Alternate Members)</u>				
Clayton O. Burris, Jr. (W/M) 2026 Forest Hills Drive Fayetteville, NC 28303 822-2800	10/07	1 st	Oct/10 10/31/10	Yes
Deborah Ann Dantzler (B/F) 421 Old Farm Road Fayetteville, NC 28314 487-2548/488-2120, ext. 7494(W)	8/05 to fill unexp. term	1st	Dec/07 12/31/07	Yes
Leesa Jensen (W/F) 719 Ashfield Drive Fayetteville, NC 28311 630-0253/308-0778 (C)	10/07	1 st	Oct/10 10/31/10	Yes

Minimum Housing Appeals Board, Page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Louis L. King (W/M) 1004 Greenhouse Drive Hope Mills, NC 28348 425-3732	12/05	1 st	Dec/08 12/31/08	Yes
Anthony L. Maccy (W/M) 2026 Poplar Drive Fayetteville, NC 28304 425-4989	10/05	1 st	Oct/08 10/31/08	Yes

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

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

APPLICANTS FOR
MINIMUM HOUSING APPEALS BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BRIGGS, BENITA Y. (B/F) 1116 BINGHAM DRIVE FAYETTEVILLE, NC 28304 822-1154/672-1294 (W) **SERVES ON THE ADULT CARE HOME ADVISORY BOARD**	OFFICE ASSISTANT IV	A IN HISTORY; 08 RAD – BA IN SOCIOLOGY
BURRISS, JR, CLAYTON OLIVER (C/M) 2026 FOREST HILLS DRIVE FAYETTEVILLE, NC 28303 822-2800	RETIRED DESIGN ENGR	DEGREE – BUSINESS ADMIN/MGMT MAJOR
JENSEN, LEESA (W/F) 719 ASHFIELD DRIVE FAYETTEVILLE, NC 28311 630-0253/433-1695(W) **SERVES ON THE CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD**	UMAN RELATIONS SPECIALIST	MASTERS: BUSINESS ADMINISTRATION
LOWE, CLABON RODELL (B/M) 512 KENTWELL COURT FAYETTEVILLE, NC 28303 864-7145/396-5710/5663(W)	US ARMY	2 YR DEGREE

ITEM NO. 3G

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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November 5, 2007

November 19, 2007 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Nursing Home Advisory Board Vacancy (1)

The Nursing Home Advisory Board will have the following vacancy on December 31, 2007:

Edgar F. Merritt – has completed his initial term and is eligible for reappointment to his first full term.

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

PROPOSED ACTION: Make nomination to fill the vacancy.

Attachments

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

Celebrating Our Past... Embracing Our Future

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

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Mandella Edwards (/F) 4151 Village Drive Fayetteville, NC 28304 429-0790(H)	4/07	1 st	April/10 4/30/10	Yes
Tom Lloyd (W/M) 1306 Berkshire Road Fayetteville, NC 28305 484-6762/678-7618(W)	9/07	Initial	Sept/08 9/30/08	Yes
Martha McKoy P.O. Box 42152 Fayetteville, NC 28309 423-0771	9/05	1st	Sept/08 9/30/08	Yes
Edgar F. Merritt (B/M) 1506 Boros Drive Fayetteville, NC 28303 822-2976/286-2552 (W)	12/06	Initial	Dec/07 12/31/07	Yes
William R. Nichols(W/M) 1240 Magnolia Church Road Stedman, NC 28391 483-3934/433-1924(W)	2/07	1 st	Feb/10 2/28/10	Yes
Hervenna Pannell (B/F) 1821 Eichelberger Drive Fayetteville, NC 28303 822-8516/907-9355(W)	2/06	1st	Feb/09 2/28/09	Yes
Clyde E. Hammond (W/M) 1802 Flintshire Road Fayetteville, NC 28304 425-2774	09/07	Initial	Sept/08 09/30/08	Yes
Teresa Rena McNeill (B/F) 3518 Pickerel Street Fayetteville, NC 28306 480-0313/483-3648 x1109 (W)	9/07	Initial	Sept/08 9/30/08	Yes
Barbara Randolph (W/F) P.O. Box 36113 Fayetteville, NC 28303 484-3602 (H)	4/06	1st	April/09 4/30/09	Yes

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

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

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

APPLICANTS FOR
NURSING HOME ADVISORY BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
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No applicants

KENNETH S. EDGE
Chairman

J. BREEDEN BLACKWELL
Vice Chairman

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



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BOARD OF COMMISSIONERS

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November 5, 2007

November 19, 2007 Agenda Item

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

BACKGROUND: On November 5, 2007 the Board of Commissioners nominated the following to fill one vacancy on the Cumberland County Emergency Planning Committee:

First Aid Representative: **Wally Ainsworth**

I have attached the current membership list for this committee.

PROPOSED ACTION: Appoint the above vacancy.

Attachment

pc: Doc Nunnery, Emergency Services Director

09/07

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

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

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Law Enforcement Representative</u>				
Sgt. Robert Kidd NC Highway Patrol 2435 Gillespie Street (filling unexpired term) Fayetteville, NC 28306-3053 486-1334	8/07	1 st	Sept/09 9/30/09	Yes
Capt. Larue Windham Cumberland Co. Sheriff's Office 131 Dick Street Fayetteville, NC 28301-5750 677-5412	8/07	2 nd	Aug/10 8/31/10	No
Charles Hunter Fayetteville Police Department 467 Hay Street Fayetteville, NC 28301 433-1792	9/06	1 st	Sept/09 9/30/09	Yes
<u>Emergency Management Representative</u>				
(vacated by Kenny Currie) Cumberland County Emergency Services 131 Dick Street Fayetteville, NC 28301 321-6736	9/07	1 st (full)	Sept/10 9/30/10	Yes
<u>Community Group Representative</u>				
Jeffrey Womble Fayetteville State University Office of Public Relations 1200 Murchison Road Fayetteville, NC 28301 Phone:	8/07	2 nd	Aug/10 8/31/10	No
<u>Transportation Representative</u>				
David Boyette 466 Baywood Road Fayetteville, NC 28301 485-2439/433-4468(W)/670-0954 (C)	4/07	2 nd	Dec/09 12/31/09	No
<u>Health Representative</u>				
Jane Stevens Cumberland County Health Dept. 227 Fountainhead Lane Fayetteville, NC 28301-5417 433-3673(W)/987-2892(Cell)	2/06	1 st	Jan/09 1/31/09	Yes

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 nd	Sept/09 9/30/09	No
<u>Fire Fighting Representative</u>				
Capt. Benjamin Major Fire/Emergency Management City of Fayetteville 433 Hay Street Fayetteville, NC 28301 433-1730	10/05	2 nd	Nov/08 11/30/08	No
<u>First Aid Representative</u>				
Scott Blecke Cumberland County EMS 610 Gillespie Street Fayetteville, NC 28306-1544 485-4191	8/04	1st	Aug/07 8/31/07	Yes
<u>At-Large Representative</u>				
Ruth Rice 7535A Overbook Drive Fayetteville, NC 28303 826-9025	4/07	2 nd	Dec/09 12/31/09	No
Dawn O'Donnell 2072 Birchcreeft Drive Fayetteville, NC 28304 425-3619/864-2470(W)	8/07	2 nd	Aug/10 8/31/10	No
<u>Local Environmental Representative</u>				
Hughie White NC Dept. of Environment, Health & Natural Resources 225 Green Street, Suite 714 Fayetteville, NC 28301-5043 486-1541	9/06	2 nd	Sept/09 9/30/09	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Utilities Representative</u>				
John Ezzelle Public Works Commission 955 Old Wilmington Road Fayetteville, NC 28301 223-4116	9/06	1 st	Sept/09 9/30/09	Yes
Steven Harris Attn: Environmental Branch HQ XVIII Airborne Corps Public Works Business Center Fort Bragg, NC 28307 396-7432	8/07	1 st	Aug/10 8/31/10	Yes

Ex-Officio Members

Elected Official Representative (Liaison)

Ed Melvin, County Commissioner

Emergency Management

Doc Nunnery, Cumberland County Emergency Services

Fayetteville Fire/Emergency Management

Bennie Nichols, Chief, Fayetteville Fire Department

Dale Iman, City Manager

James Martin, County Manager

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

APPLICANTS FOR
EMERGENCY PLANNING COMMITTEE

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

**** SERVES ON THE JOINT APPEARANCE COMMISSION**

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

November 5, 2007

November 19, 2007 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Transportation Advisory Board

BACKGROUND: On November 5, 2007 the Board of Commissioners nominated the following to fill seven vacancies on the Transportation Advisory Board:

- Mid-Carolina Council of Governments Director or Designee: **Carolyn Tracy** (reappointment)
- County DSS Director or Designee: **Crystal Black** (reappointment)
- DSS Work First Representative: **Ann Farrell** (reappointment)
- Workforce Development Center Director or Designee: **Geneva Mixon** (reappointment)
- Aging Programs Representative: **Catherine VanSickle** (reappointment)
- County Mental Health Director or Designee: **William Robinson** (new appointment)
- Sheltered Workshop Director: **Betsy Torsell** (new appointment)

I have attached a current membership list for this board.

PROPOSED ACTION: Appoint the above seven (7) vacancies.

Attachment

pc: Kristine Wagner, Transportation Program Coordinator

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

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>City of Fayetteville Representative</u>				
Victor Sharpe Community Development Director City of Fayetteville 433 Hay Street Fayetteville, NC 28301 433-1601	11/06	2nd	Nov/08 11/30/08	No
<u>Urban Transit Provider Representative</u>				
Vacant (not required by State)				
<u>Mid-Carolina Council of Governments Director or Designee</u>				
Carolyn Tracy Mid-Carolina Council of Governments P.O. Box 1510 Fayetteville, North Carolina 28302-1510	11/05	1st	Nov/07 11/30/07	Yes
<u>County DSS Director or Designee</u>				
Crystal Black Cumberland County DSS P.O. Box 2429 Fayetteville, North Carolina 28302-2429	11/05	1st	Nov/07 11/30/07	Yes
<u>DSS Work First Representative</u>				
Ann Farrell Cumberland County DSS P.O. Box 2429 Fayetteville, North Carolina 28302-2429	11/05	1st	Nov/07 11/30/07	Yes
<u>Workforce Development Center Director or Designee</u>				
Geneva Mixon Workforce Development Center 410 Ray Avenue Fayetteville, North Carolina 28301	11/05	1st	Nov/07 11/30/07	Yes
<u>Vocational Rehab Representative</u>				
Tammy Jackson Vocational Rehab – Independent Living 1200 Fairmont Court Fayetteville, NC 28304 486-1717	11/06	1 st	Nov/08 11/30/08	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Sheltered Workshop Director or Designee</u>				
Vacant				
<u>Aging Programs Representative</u>				
Catherine VanSickle Cumberland County Coordinating Council On Older Adults 339 Devers Street Fayetteville, North Carolina 28303	11/05	1st	Nov/07 11/30/07	Yes
<u>County Mental Health Director or Designee</u>				
Densie Lucas CC Area Mental Health Center 109 Bradford Avenue Fayetteville, North Carolina 28301-5496 323-0601(W)	11/06	2nd	Nov/07 11/30/07	No
<u>Emergency Medical Services Representative</u>				
Wally Ainsworth Cumberland County EMS 610 Gillespie Street Fayetteville, North Carolina 28306 609-5600 (W)	11/06	2nd	Nov/08 11/30/08	No
<u>County Representative</u>				
Juanita Pilgrim Deputy County Manager P.O. Box 1829 Fayetteville, North Carolina 28302-1829	12/02	2nd	N/A	No
<u>County Planning Department Director or Designee</u>				
Tom Lloyd Cumberland County Planning Department P.O. Box 1829 Fayetteville, North Carolina 28302-1829	11/06	2nd	Nov/08 11/30/08	No
<u>County Health Director or Designee</u>				
Sharon Stanley Cumberland County Health Dept. 227 Fountainhead Lane Fayetteville, North Carolina 28301	11/05	2nd	Nov/07 11/30/07	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>At-Large Representatives</u>				
Charles Luther, Jr. LaFayette Council of the Blind 1509 Cardiff Drive Fayetteville, NC 28304 867-5554	11/06	1 st	Nov/08 11/30/08	Yes
Dianne Grumelot Cumberland County Schools 1014 Gillespie Street Fayetteville, North Carolina 28306 678-2586	11/06	1st	Nov/08 11/30/08	Yes
Timothy Joel Strickland Mid-Carolina COG P.O. Drawer 1510 Fayetteville, NC 28302 323-4191, ext. 34(W)	11/06	1 st	Nov/08 11/30/08	Yes
Pam Presser Dept. of Social Services 1225 Ramsey Street Fayetteville, North Carolina 28301 677-2531	11/06	2nd	Nov/08 11/30/08	No

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

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

Location: Historic Courthouse, Courtroom #3

Contact: Kristine Wagner (Planning & Inspections) x7624, fax # 678-7601

(Terms must expire in November according to Bylaws.)

APPLICANTS FOR
TRANSPORTATION ADVISORY BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
COLLINS, RICKEY (W/M) 4876 US HWY 3015 HOPE MILLS, NC 28348 425-9990	RETIRED ELECTRICIAN NC	SOME COLLEGE ELEC. LICENSE
MATTHEWS, GEORGE (B/M) 6984 KINGS LYNN LOOP FAYETTEVILLE, NC 28304 487-3904/396-8169	GOVT. CONTRACT EMPLOYEE	BS – TECH. AERONAUTICS MS – HUMAN RELATIONS
McALLISTER, MEREDITH (B/F) 553 HOLLYBERRY LANE FAYETTEVILLE, NC 28314 867-8564/222-8751 (W)	CERTIFIED PERSONAL FINANCE COUNSELOR	BUSINESS – UNC AT CHAPELL HILL
MITCHELL, SANDRA (B/F) 121 MULLINS AVENUE FAYETTEVILLE, NC 28301 483-2978/323-2732 (W)	BUSINESS OWNER	HS; VOCATIONAL TRNG
PITTMAN, RONALD (WM) 813 KATIE STREET FAYETTEVILLE, NC 28306 485-1230/624-0754	REALTOR/BROKER	NOT LISTED
SANTIAGO, JOSEPH (B/M) 7935 LESTER DRIVE FAYETTEVILLE, NC 28311-7420 213-5345/670-4143 (W)	PAINT & BODY RESTORATION	NOT LISTED

ITEM NO. 5

CLOSED SESSION

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