
AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
AUGUST 18, 2008
6:45 PM

INVOCATION - Commissioner John Henley

PLEDGE OF ALLEGIANCE – Hannah Keiper, 3rd Grade, Honeycutt Elementary

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

Special Recognition:

Chancellor James A. Anderson, Fayetteville State University

Cumberland County Cares Award – Joanne Chavonne, Fayetteville Cares

Recognition of Outgoing Board Members:

Clifton McNeill, Jr. – Cumberland County Joint Planning Board
Thornton Rose – Fayetteville Technical Community College Board of Trustees

1. Consent Agenda

- A. Approval of minutes for the August 4, 2008 regular meeting.
- B. Approval of Appointment of Deputy Finance Officer for Department of Social Services.
- C. Approval of Selection of Engineering Group for the Evaluation and Development of a County Water System.
- D. Approval of Contract Amendment with Moorman, Kizer & Reitzel for Courthouse Plaza Renovation & Security Measures Project.
- E. Approval of Ordinance Assessing Property for the Cost of Demolition:

Case Number:	MH 5136-2007
Property Owner:	Hattie McCall McIntosh & Maxine Longo
Property Location:	3610 Applegate Road, Fayetteville, NC
Parcel Identification Number:	0404-35-4659

- F. Approval of Franchise Ordinance and Franchise Agreement to Marcella Thompson D/B/A Marcey's Garden to Provide Food Services at Mental Health Authority's Bradford Avenue Facility (2nd Reading).
- G. Approval of Franchise Ordinance and Franchise Agreement to Perkins Management System Company, Inc, to Provide Food Services at Mental Health Authority's Roxie Avenue Facility (2nd Reading).
- H. Approval of Calling a Public Hearing on Proposed Financing for Western Elementary School/Library.
- I. Budget Revisions:
- (1) Mental Health
- Revisions in the amount of \$47,431 to reallocate budgeted expenditures from NC Treatment Alternative to Street Crime to TASC Community Partnership and increase budgeted hours of a Substance Abuse Counselor from 25 to 35 hours per week. (B09-047 and B09-047A) **Funding Source – State**
- (2) Health
- Revisions in the total amount of \$12,911 to appropriate Health Department fund balance to increase salary of a Physician Extender II position. (B09-054 and B09-054A) **Funding Source – Health Fund Balance**
- (3) Tax Administration
- Revision in the amount of \$3,498 to appropriate fund balance to pay Tax Management Associated for audits. (B09-048) **Funding Source – Fund Balance Appropriated**
- (4) Day Reporting
- Revision in the amount of \$630 to reconcile the County budget to State allocations. (B09-058) **Funding Source – State**
- (5) Western Regional Library
- Revision in the amount of \$5,204,862 to establish the initial project budget for the new Western Regional Library. (B09-056) **Funding Source – Proceeds from COPS**

(6) Western Elementary School

Revision in the amount of \$19,515,826 to establish the initial project budget for the new Western Elementary School. (B09-057) **Funding Source – Proceeds from COPS**

(7) Water & Sewer Fund

Revision in the amount of \$80,000 to appropriate fund balance to provide additional funds to complete the Lake Upchurch Dam Project. (B09-064) **Funding Source – Fund Balance Appropriated- Water & Sewer**

(8) Industrial Development Inducement Fund

Revision in the amount of \$3,634 to appropriate fund balance to budget for wetland permitting for the Production Drive Extension and to delineate wetlands on the former Healy Property. (B09-055) **Funding Source – Fund Balance Appropriated- Industrial Development Fund**

2. **Public Hearings**

Uncontested Cases

- A. Case P08-21. The rezoning of 2.49 acres from \$10 Residential to C2(P) Planned Service and Retail, or to a more restrictive zoning district, located at 5827 Lakewood Drive and 7010 & 7032 Stoney Point Road, owned by Jack & Avy Offenhauser, Ronald M. Hall; Jean, Jean T and Michael Ockert & Melanie Moog.
- B. Case P08-24. The rezoning of 0.41 ± acres from R6A Residential to C1(P) Planned Local Business District, or to a more restrictive zoning district; located at 810 Chapel Hill Road, owned by Daniel J. Culliton.
- C. Case P08-27. The rezoning of 1.12 ± acres from R10 Residential and O&I(P) Planned Office and Institutional District to R5A Residential, or to a more restrictive zoning district, located northwest of Ramsey Street and southeast of McCloskey Road, owned by Sandra Harshberger, Mike Molina, Marsellis George & Fayetteville Longhill Pointe LLC.
- D. Case P08-29. The rezoning of 10.44 ± acres from A1 Agricultural to R40 Residential, or to a more restrictive zoning district; located at 2915 and 2923 County Line Road, owned by Edward Britt Riddle and J. Franklin Johnson, III.

Conditional Use Permit Cases

- E. Case P08-25. The rezoning of 1.29 ± acres from A1 Agricultural to RR Rural Residential/Conditional Use District (two residential units) and C(P)/CUD Planned Commercial/Conditional Use District (trade contractor activities with outside storage of equipment), or to a more restrictive zoning district and permit located at 5445 NC Hwy 210 South, owned by Eddie L. Naylor, Jr.

Revisions to Cumberland County Zoning Ordinance

- F. Case P08-26. Revision and amendment to the Cumberland County Zoning Ordinance, Article XVI. Board of Adjustment, Section 1606. Special Use Permits, Sub-Section E. Expiration of Permits and Section 1607. Hearings.
- G. Case P08-31. Revision and amendment to the Cumberland County Subdivision Ordinance, adopted July 1, 1970, including subsequent amendments to said ordinance.

Minimum Housing Code Enforcement

- | | | |
|----|-------------------------------|--|
| H. | Case Number: | MH 5395-2007 |
| | Property Owners: | James F. Baker and Thomas H. Baker |
| | Property Location: | 1712 Tom Starling Road, Fayetteville, NC |
| | Parcel Identification Number: | 0443-25-0313 |

Items of Business

3. Consideration of Recommendations of the Cumberland County Finance Committee Regarding:
- A) Proposed Increase in Health Department Environmental Fees.
- B) Request to Approve a Resolution of Tax-Exempt Loan from North State Bank to Stoney Point Volunteer Fire Department.

4. Nominations to Boards and Committees

- A. Community Child Protection Fatality Prevention Team (2 Vacancies)
- B. Nursing Home Advisory Board (1 Vacancy)
- C. Senior Citizens Advisory Board (3 Vacancies)
- D. Southeastern Economic Development Commission (1 Vacancy)
- E. Workforce Development Board (6 Vacancies)

5. Appointments to Boards and Committees

- A. Adult Care Home Community Advisory Committee (1 Vacancy)

Nominee: Yvonne Booth

- B. Animal Control Board (1 Vacancy)

Nominee: Patricia Rigsby

- C. Child Homicide Identification and Prevention (CHIP) Council (1 Vacancy)

Nominee:

A Representative of the Cumberland County Board of Commissioners: Diane Wheatley

- D. Joint Appearance Commission (1 Vacancy)

Nominee: Edna Cogdell

- E. Workforce Development Board (1 Vacancy)

Nominee: Catherine Johnson

ADJOURN

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

MEETINGS: September 2, 2008 (Tuesday) - 9:00 AM
September 15, 2008 (Monday) - 6:45 PM

JAMES E. MARTIN
County Manager

JUANITA PILGRIM
Deputy County Manager



ITEM NO. 1B

CLIFF SPILLER
Assistant County Manager


AMY H. CANNON
Assistant County Manager

OFFICE OF THE COUNTY MANAGER

5th Floor, New Courthouse • PO Box 1829 • Suite 512, • Fayetteville, North Carolina 28302-1829
(910) 678-7723 / (910) 678-7726 • Fax (910) 678-7717

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 18, 2008

TO: BOARD OF COUNTY COMMISSIONERS

FROM: AMY H. CANNON, ASSISTANT COUNTY MANAGER 

DATE: AUGUST 8, 2008

SUBJECT: APPOINTMENT OF DEPUTY FINANCE OFFICER FOR
DEPARTMENT OF SOCIAL SERVICES

BACKGROUND:

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

I recommend that Brenda Reid Jackson, be appointed to sign checks and conduct financial transactions for the Cumberland County Department of Social Services effective September 2, 2008.

RECOMMENDATION AND PROPOSED ACTION:

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

/Attachment (Resolution)

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FALCON - FAYETTEVILLE - GODWIN - HOPE MILLS - LINDEN - SPRING LAKE - STEDMAN - WADE

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

RESOLUTION

WHEREAS, due to the operation requirements unique to the Cumberland County Department of Social Services; and

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

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

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

NOW THEREFORE, to facilitate the operational requirement of the Cumberland County Department of Social Services, the Board of County Commissioners hereby RESOLVES that:

- Brenda Reid Jackson is appointed a Deputy Finance Officer and is authorized to sign the checks/drafts issued on the checking and savings accounts maintained by the Cumberland County Department of Social Services.
- The appointee will provide a faithful performance bond in the amount of \$20,000.00.

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ITEM NO. 10

PUBLIC UTILITIES DEPARTMENT

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

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

MEMORANDUM

TO: BOARD OF COMMISSIONERS

FROM: TOM COONEY, DIRECTOR

THROUGH: JAMES MARTIN, COUNTY MANAGER

DATE: AUGUST 11, 2008

**SUBJECT: APPROVAL OF SELECTION OF ENGINEERING GROUP FOR THE
EVALUATION AND DEVELOPMENT OF A COUNTY WATER
SYSTEM**

BACKGROUND

Due to recent issues related to the quality of the groundwater within Cumberland County, the County is re-evaluating the possibility of providing a county water distribution system. Based on recommendations by the Safe Water Task Force, the services of a qualified engineering firm with a background in successful projects, similar to those Cumberland County would like to accomplish, should be engaged.

Staff sought qualification statements from engineering firms with experience in the development of rural water systems and which have established working relationships with the various funding agencies that may be involved with our project. The County received qualification statements from eight (8) firms within the region.

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A selection committee comprised of County Manager, James Martin; Assistant County Manager, Amy Cannon; County Engineer, Bob Stanger; and Public Utilities Director, Tom Cooney reviewed all qualification statements and scored them based on a standard selection form. A meeting was held among the committee to evaluate the responses and narrow the search to four (4) firms invited to present a formal presentation to the committee as well as to address three (3) specific questions we had prepared for the firms.

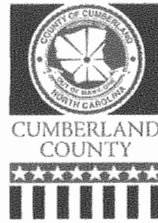
The committee then met with each of the finalist firms for a forty (40) minute presentation by the firm, followed by a ten (10) minute question and answer session. Shortly before the interview process one of the finalist firms, McKim & Creed, withdrew from consideration, due to scheduling conflicts. Following the interviews, the selection committee reviewed their assessments and unanimously recommended the selection of the firms of Marziano & McGougan of Asheboro and Koonce Noble & Associates of Lumberton who have created a working partnership for this project.

All of the firms who submitted qualification statements are excellent firms and are quite capable of performing the technical aspects of designing a water distribution system. The committee feels that the partnership of the engineering firms responsible for the development, maintenance and expansion of the water systems in Harnett County and Robeson County is the best selection.

RECOMMENDATION:

The Selection Committee unanimously recommends that the Board of Commissioners accept the recommendation of the Selection Committee to choose the firm of Marziano & McGougan, with Koonce Noble & Associates to function as the Engineers, to assist Cumberland County with the development of a county water distribution system. We also recommend that Board of Commissioners authorize staff to enter negotiations to develop a scope of services and a contract with the engineering firm of Marziano & McGougan to provide the services required for the development of a county water distribution system.

ROBERT N. STANGER, P.E.
County Engineer



ITEM NO. 1D

SAM LUCAS
Engineering Technician II

WAYNE DUDLEY, CFM
Engineering Technician I

ENGINEERING DEPARTMENT

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

August 11, 2008

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

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

THROUGH: CLIFF SPILLER, ASSISTANT COUNTY MANAGER

**SUBJECT: AMENDMENT #1 - ENGINEERING AGREEMENT
COURTHOUSE PLAZA RENOVATION & SECURITY MEASURES PROJECT**

BACKGROUND

The Board of Commissioners entered into an agreement with Moorman, Kizer & Reitzel, Inc., (MKR) in August 2005, to provide engineering and architectural services for the Courthouse Plaza Renovation & Security Measures Project. In December 2005, the Engineering Department requested MKR investigate the water leaks in the tunnel that connects the Courthouse and Law Enforcement Center and provide a proposal to include waterproofing of the tunnel as an additional service in our agreement. A fee of \$7,650 was negotiated for design and construction administration for the tunnel waterproofing, however, the agreement was never amended to include this scope of work. The tunnel waterproofing was constructed by Grahams Construction Company during the initial phase of the project.

Attached for the Board's consideration is Amendment #1 of the engineering agreement with MKR for the above referenced project. This amendment includes the design and construction administration of the tunnel waterproofing work as an additional service with compensation being a stipulated sum of \$7,650. Sufficient monies are available in the project budget to fund this amendment. The amendment has been reviewed by the County Attorney's Office for legal sufficiency.

RECOMMENDATION/PROPOSED ACTION

The recommendation of the County Engineer and management is to approve Amendment #1 to the Engineering Agreement with MKR for the Courthouse Plaza Renovation & Security Measures Project in the amount of \$7,650 and increase the total not-to-exceed contract amount from \$303,725 to \$311,375.

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

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AMENDMENT #1

DATE: AUGUST 18, 2008

The Agreement for engineering services for the Cumberland County Courthouse Plaza Renovations and Security Measures Project by and between the County of Cumberland and Moorman, Kizer & Reitzel, Inc., (MK&R) dated August 15, 2005, shall be amended as follows:

Add Article 8.2.3. to read:

8.2.3. The Engineer shall provide additional services for design and construction administration of waterproofing of tunnel between the Courthouse and Law Enforcement Center. Compensation for said services shall be a stipulated sum of \$7,650.00. The total not-to-exceed amount for engineering services for the Courthouse Plaza Renovations and Security Measures Project shall be increased from \$303,725.00 to \$311,375.00.

THIS AMENDMENT entered into as of the day and year first written above.

OWNER
COUNTY OF CUMBERLAND

ATTEST:

BY: _____
J. BREEDEN BLACKWELL, Chairman
Board of County Commissioners

Marsha Fogle, Clerk
Board of County Commissioners

ENGINEER
MOORMAN, KIZER & REITZEL, INC.

ATTEST:

BY: _____
JEFFREY B. REITZEL, Vice-President

Secretary

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

Approved for Legal Sufficiency
COUNTY ATTORNEYS OFFICE

AMY CANNON
County Finance Office

() Renewable () Non-Renewable
Expiration Date: _____



ITEM NO. 1E

COUNTY of CUMBERLAND

James E. Martin
County Manager

Cliff Spiller
Assistant County Manager

Juanita Pilgrim
Deputy County Manager

Amy H. Cannon
Assistant County Manager

Office of the County Manager

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 18, 2008

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER

DATE: AUGUST 12, 2008

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

BACKGROUND

On November 19, 2007, the Board of County Commissioners enacted an ordinance directing that the structure(s) located at 3610 Applegate road, Fayetteville, NC (PIN: 0404-35-4659) be demolished by the owner(s), Hattie McCall McIntosh and Maxine Longo. 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 \$1,400.

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

CM081208-1

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 November 19, 2007, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Hattie McCall McIntosh and Maxine Longo, located at 3610 Applegate Road, Fayetteville, NC, PIN: 0404-35-4659, said ordinance being recorded in Book 7755, page 57, of the Cumberland County Registry of Deeds;

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

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

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

- (1) Said work had been accomplished.
- (2) The cost of such work was \$1,400.00.
- (3) There were no salable materials resulting from said work.

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

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$1,400.00, 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 November 19, 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 3610 Applegate Road, Fayetteville, NC, Lot 4, David Dixon Land, as described in Deed Book 7518, page 465, of the Cumberland County Registry and identified in County tax records as PIN 0404-35-4659.

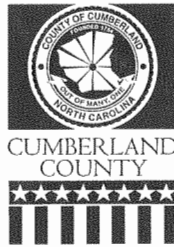
(3) That as further provided in Section 160A-443(6) of the General Statutes of North Carolina, such lien shall be filed, have the same priority, and be collected as the lien for special assessment provided in Article 10 of Chapter 160A of said General Statutes;

(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 18th day of August, 2008, at 6:45 p.m. o'clock.

Cumberland County Clerk



ITEM NO. IF

OFFICE OF THE COUNTY ATTORNEY

Courthouse, 117 Dick Street – Suite 551 • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 678-7762 • Fax: (910) 678-7758

August 11, 2008

MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA OF AUGUST 18, 2008:

TO: BOARD OF COMMISSIONERS

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

SUBJECT: SECOND READING OF FRANCHISE ORDINANCE AND FRANCHISE AGREEMENT TO MARCELLA THOMPSON D/B/A MARCEY'S GARDEN TO PROVIDE FOOD SERVICES AT MENTAL HEALTH AUTHORITY'S BRADFORD AVENUE FACILITY

Background: The Board of Commissioners approved on first reading at its August 4, 2008 meeting a franchise and franchise agreement between the Mental Health Authority and Marcella Thompson d/b/a Marcey's Garden to provide snack bar services at its Bradford Avenue facility for a term from July 1, 2008 through June 30, 2011 in consideration for a franchise fee of \$350 per month. The proposed franchise ordinance is before the Board on second reading.

Recommendation: Approve franchise ordinance and proposed franchise agreement with Marcella Thompson d/b/a Marcey's Garden in the form attached hereto.

Celebrating Our Past...Embracing Our Future

**AN ORDINANCE OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS
GRANTING A FRANCHISE TO MARCELLA THOMPSON D/B/A MARCEY'S GARDEN TO
PROVIDE FOOD SERVICES AT THE CUMBERLAND COUNTY MENTAL HEALTH
AUTHORITY'S BRADFORD AVENUE FACILITY**

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

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

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

Section 1. Purpose:

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

Section 2. Franchise Granted:

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

Section 3. Prior Franchises Rescinded:

All prior franchises to provide food services at the Mental Health Authority's Bradford Avenue Facility, Fayetteville, North Carolina are hereby rescinded and shall be of no further force or effect.

Section 4. Effective Date:

Upon its final adoption as by law provided, this ordinance shall be effective as of July 1, 2008.

Adopted by the Cumberland County Board of Commissioners this 4th day of August, 2008 and the 18th day of August, 2008.

J. BREEDEN BLACKWELL
Chairman

Clerk to the Board

ACORD**CERTIFICATE OF LIABILITY INSURANCE**DATE (MM/DD/YY)
7/18/08MB**PRODUCER**Strickland Insurance Brokers
400 Commerce Court
Goldsboro, NC 27534MARCELLA THOMPSON DBA
MARCYS GARDEN
109 BRADFORD AVE
FAYETTEVILLE NC 28301THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND
CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS
CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE
AFFORDED BY THE POLICIES BELOW.**INSURERS AFFORDING COVERAGE**

NAIC#

INSURER A: **ACCEPTANCE INSURANCE COMPANY**

INSURER B:

INSURER C:

INSURER D:

INSURER E:

THE POLICIES AND COVERAGE LISTED BELOW HAVE BEEN ISSUED TO THE NAMED FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY
CONDITIONS, EXCLUSIONS OR ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE IS ISSUED, THE COVERAGE
DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, CONDITIONS AND EXCLUSIONS SET FORTH IN THE POLICIES. COVERAGE MAY
HAVE BEEN REDUCED BY PAID CLAIMS.

INSR CTR	ADD'L INSUR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	COVERAGE
A		GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> GEN'L AGGREGATE LIMIT APPLIES PER <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/> UM/UM <input type="checkbox"/> SYMBOL GARAGE LIABILITY <input type="checkbox"/> ANY AUTO	CL00122014	7/18/08	7/18/09	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 1,000,000 PRODUCTS-COMP OP AGG \$ 1,000,000 COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) AUTO ONLY - EA ACCIDENT OTHER THAN AUTO ONLY EACH OCCURRENCE AGGREGATE WC STATUTORY LIMITS OTHER E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT
		EXCESS LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				
		WORKERS COMPENSATION AND EMPLOYER LIABILITY IN THE EVENT OF AN ACCIDENT, THE INSURER WILL DEFEND AND SETTLE ALL CLAIMS OF ANY MEMBER OF THE WORKING UNDER SPECIAL PROVISIONS below OTHER				

DESCRIPTION OF OPERATION/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
RESTAURANT**CERTIFICATE HOLDER**CUMBERLAND CO AREA MENTAL HEALTH,
DEVELOPMENTAL & SUBSTANCE ABUSE AUTHORITIES
PO BOX 3069
FAYETTEVILLE NC 28302
ATTN: VIRGINIA ROBERTS
910 485 7067**CANCELLATION**SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED
BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER
WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE
CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO
SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE
INSURER, ITS AGENTS OR REPRESENTATIVES.**AUTHORIZED REPRESENTATIVE***Alfred H. Cuddeback*

THIS AGREEMENT, made and entered into this ____ day of _____, 2008, by and between MARCELLA THOMPSON d/b/a MARCEY'S GARDEN, operating under the laws of North Carolina with its principal place of business located at 5052 Woodspring Drive, Hope Mills, North Carolina, hereinafter referred to as "FRANCHISEE", and the COUNTY OF CUMBERLAND, a body politic and corporate of North Carolina, hereinafter referred to as "COUNTY".

WITNESSETH:

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

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

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

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

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

1. **TERM:** The FRANCHISEE shall utilize said premises and equipment for the operation of a Snack Bar from July 1, 2008 through June 30, 2011, and, subject to the approval of the parties, shall renew thereafter for periods of three (3) years each.

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

3. SERVICES:

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

agents. The FRANCHISEE shall be responsible for the conduct of its employees and agents.

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

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

5. **FEES:** During the term of this Agreement, FRANCHISEE shall pay to the COUNTY Three Hundred Fifty Dollars (\$350.00) per month ("the Commission"). The Commission shall be paid monthly, by the 15th day of the following month (i.e.: the Commission payable for the month of July shall be paid by August 15). Payments shall be made by check payable to the "Cumberland County Mental Health Center". Monthly checks shall be mailed to: Cumberland County Mental Health Center, P.O. Box 3069, Fayetteville, NC 28302.

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

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

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

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

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

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

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

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

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

Marcella Thompson
d/b/a Marcey's Garden
5052 Woodspring Drive
Hope Mills, NC 28348

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

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

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

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

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

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

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

14. **MISCELLANEOUS:**

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

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

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

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

ATTEST:

COUNTY OF CUMBERLAND

BY: _____
MARSHA FOGLE, Clerk to the Board

BY: _____
J. BREEDEN BLACKWELL, Chairman
Board of Commissioners

[COUNTY SEAL]

WITNESS:

MARCELLA THOMPSON d/b/a MARCEY'S
GARDEN

BY: Virginia Roberts
VIRGINIA ROBERTS
Contracts Manager
Cumberland County Mental Health Center

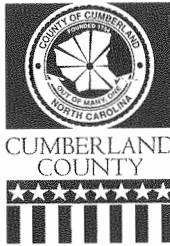
BY: Marcella Thompson
MARCELLA THOMPSON

Per G.S. 159-28, this Instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Approved for Legal Sufficiency.

AMY H. CANNON
Assistant County Manager

COUNTY ATTORNEY'S OFFICE
(X) Renewable
() Non-renewable
Expiration Date: 6/30/2011



ITEM NO. 16

OFFICE OF THE COUNTY ATTORNEY

Courthouse, 117 Dick Street – Suite 551 • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 678-7762 • Fax: (910) 678-7758

August 11, 2008

MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA OF AUGUST 18, 2008:

TO: BOARD OF COMMISSIONERS

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

SUBJECT: SECOND READING OF FRANCHISE ORDINANCE AND FRANCHISE AGREEMENT TO PERKINS MANAGEMENT SYSTEM COMPANY, INC. TO PROVIDE FOOD SERVICES AT MENTAL HEALTH AUTHORITY'S ROXIE AVENUE CENTER

Background: The Board of Commissioners approved on first reading at its August 4, 2008 meeting a franchise and franchise agreement between the Mental Health Authority and Perkins Management Services Company, Inc. to provide food services at the Mental Health Authority's Roxie Avenue facility for a term from July 1, 2008 through June 30, 2011. The proposed franchise ordinance is before the Board on second reading.

Recommendation: Approve franchise ordinance and proposed franchise agreement with Perkins Management Services Company, Inc. in the form attached hereto.

Celebrating Our Past...Embracing Our Future

**AN ORDINANCE GRANTING A FRANCHISE TO PERKINS MANAGEMENT SERVICES
COMPANY, INC. TO PROVIDE FOOD SERVICES AT THE CUMBERLAND COUNTY
MENTAL HEALTH AUTHORITY'S ROXIE AVENUE CENTER**

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

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

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

Section 1. Purpose:

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

Section 2. Franchise Granted:

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

Section 3. Prior Franchises Rescinded:

All prior franchises to provide food services at the Mental Health Authority's Bradford Avenue Facility, Fayetteville, North Carolina are hereby rescinded and shall be of no further force or effect.


Section 4. Effective Date:

Upon its final adoption as by law provided, this ordinance shall be effective as of July 1, 2008.

Adopted by the Cumberland County Board of Commissioners this 4th day of August, 2008 and the 18th day of August, 2008.

J. BREEDEN BLACKWELL
Chairman

Clerk to the Board

CERTIFICATE OF INSURANCE				ISSUE DATE		
PRODUCER GUF INS AGENCY 2223 MURCHISON ROAD SUITE A FAYETTEVILLE, NC 28301				THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND, OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.		
				COMPANIES AFFORDING COVERAGE		
INSURED PERKINS MANAGEMENT SERVICE COMPANY, INC C/O NICHOLAS PERKINS PO BOX 58522 FAYETTEVILLE, NC 28305				COMPANY LETTER	A NAUTILUS INSURANCE COMPANY	
				COMPANY LETTER	B N/A	
				COMPANY LETTER	C N/A	
				COMPANY LETTER	D N/A	
				COMPANY LETTER	E N/A	
COVERAGES THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES, LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.						
CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE	POLICY EXPIRATION DATE	LIMITS	
A	GENERAL LIABILITY	NC724760	10/31/2007	10/31/2008	GENERAL AGGREGATE	2,000,000
					PRODUCTS-COM/OP AGG.	1,000,000
					PERSONAL & ADV. INJURY	1,000,000
					EACH OCCURRENCE	1,000,000
					DAMAGE PREM RENTED TO YOU	50,000
					MED EXPENSE (Any one person)	5,000
B	PERSONAL LIABILITY				COMBINED SINGLE LIMIT	
					MEDICAL PAYMENTS TO OTHERS	
C	EXCESS LIABILITY				EACH OCCURRENCE	
					AGGREGATE	
D						
E	PROPERTY				BUILDING	
					CONTENTS	
					LOSS OF USE	
DESCRIPTION OF OPERATIONS / VEHICLES / SPECIALTY ITEMS Calers CUMBERLAND COUNTY AREA MENTAL HEALTH ARE NAMED AS ADDITIONAL INSURED AS RESPECTS TO GENERAL LIABILITY						
CERTIFICATE HOLDER CUMBERLAND COUNTY AREA MENTAL HEALTH DEVELOPMENTAL DISABILITIES SUBSTANCE ABUSE AUTHORITY PO BOX 3069 FAYETTEVILLE, NC 28302				Should any of the above described policies be cancelled before the expiration date, the company shall endeavor to mail 30 days written notice to the certificate holder named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents, or representatives.		
				AUTHORIZED SIGNATURE 		

6438

ACORD™ CERTIFICATE OF LIABILITY INSURANCEDATE (MM/DD/YY)
07/08/2008

PRODUCER

SURETY AGENCY, LLC
552-B NEW HAW CREEK ROAD
ASHEVILLE, NC 28805

828-236-1000

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION
ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE
HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR
ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

INSURED

PERKINS MANAGEMENT SERVICES COMPANY, INC.
2520 MURCHISON ROAD, SUITE 9A
ADDRESS
FAYETTEVILLE, NC 28301

INSURER A: AMERICAN INTERSTATE INSURANCE COMPANY

INSURER B:

INSURER C:

INSURER D:

INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING
ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR
MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH
POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO- JECT <input type="checkbox"/> LOC				EACH OCCURRENCE \$ FIRE DAMAGE (Any one fire) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMPOP AGG \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
	EXCESS LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	22104600	7/4/2008	7/4/2009	<input checked="" type="checkbox"/> WC STATU- TORY LIMITS <input type="checkbox"/> OTH- ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
	OTHER				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

CERTIFICATE HOLDER

ADDITIONAL INSURED; INSURER LETTER:

CANCELLATION

CUMBERLAND COUNTY AREA MENTAL HEALTH
DEVELOPMENTAL DISABILITIES & SUBSTANCE ABUSE
AUTHORITY
ATTN: CONTRACT OFFICIAL
P. O. BOX 3069
FAYETTEVILLE, NC 28302-3069SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION
DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN
NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL
IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR
REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Karen Beard

ACORD 25-S (7/97)

© ACORD CORPORATION 1988

email

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

FRANCHISE AGREEMENT FOR CUMBERLAND
COUNTY MENTAL HEALTH CENTER'S ROXIE
AVENUE CENTER

THIS AGREEMENT, made and entered into this _____ day of _____, 2008, by and between PERKINS MANAGEMENT SERVICES COMPANY, INC., a North Carolina corporation, with its principal place of business located at 3934 Village Drive, Fayetteville, North Carolina, hereinafter referred to as "FRANCHISEE", and the COUNTY OF CUMBERLAND, a body politic and corporate of North Carolina, hereinafter referred to as "COUNTY".

WITNESSETH:

WHEREAS, the COUNTY is desirous of granting a franchise to a food services company for the purpose of providing food services to the clients, employees, and visitors of the Cumberland County Mental Health Center's Roxie Avenue Center located at 1724 Roxie Avenue, Fayetteville, North Carolina, 28304; and,

WHEREAS, FRANCHISEE is a food services company and has expressed an interest in providing said food services at the Roxie Avenue Center ("the Roxie facility"); and,

WHEREAS, the Board of Commissioners of Cumberland County, North Carolina has granted the FRANCHISEE a franchise to use certain kitchen facilities and equipment located at the Roxie facility to provide food services to the clients, employees, and visitors of the Roxie facility;

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

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

1. **PURPOSE:** The COUNTY grants to the FRANCHISEE a franchise to provide food services at the Roxie facility located at 1724 Roxie Avenue, Fayetteville, North Carolina, 28304.

2. **TERM:** The FRANCHISEE shall use said premises and equipment from July 1, 2008 through June 30, 2011, and shall continue using said premises and equipment at the Roxie facility until its food service contract with the Cumberland County Mental Health Center is terminated.

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

4. **SERVICES:**

- a. During the term of this Agreement, the COUNTY agrees that the FRANCHISEE shall be authorized to provide food services at the Roxie facility located at 1724 Roxie Avenue, Fayetteville, North Carolina, 28304. The COUNTY licenses to the FRANCHISEE for these purposes the use of the kitchen facilities and equipment located at the Roxie facility.
- b. The FRANCHISEE will provide food services at the Roxie facility 365 days a year.
- c. The FRANCHISEE shall make all reasonable efforts to provide a high quality and enjoyable food services product for consumption by the clients, visitors, and employees of the Roxie facility. The FRANCHISEE shall employ adequate personnel to provide the needed food services and to render prompt, courteous service. The FRANCHISEE will keep the kitchen facilities and equipment clean and orderly and in compliance with all ordinances, regulations, codes, and laws.
- d. The FRANCHISEE shall not advertise or publicize to the general public its services rendered in said premises and shall not prepare food at said premises for service/delivery outside of said premises.

5. **PREMISES AND EQUIPMENT:** The FRANCHISEE shall make no alterations or changes in the present facility without the prior approval of the COUNTY. The FRANCHISEE shall maintain and leave said premises and equipment in substantially as good condition as when received by it, excepting reasonable wear and tear. Any additions, fixtures, or improvements placed or made by the FRANCHISEE in or upon the premises, which are permanently affixed to the leased premises and which cannot be removed without unreasonable damage to said premises, shall become the property of the COUNTY and remain upon the premises as a part thereof upon the termination of this Agreement. All other additions, fixtures, or improvements to include trade fixtures, office furniture and equipment, and similar items which can be removed without irreparable damage to the premises, shall be and remain the property of the FRANCHISEE and should be removed from the premises by the FRANCHISEE within thirty (30) days from the termination of this Agreement, provided that the FRANCHISEE shall bear the expense of any repairs of the premises, other than reasonable wear and tear, caused by such removal. If FRANCHISEE does not remove said items within thirty (30) days of termination, the COUNTY shall have the option to: (1) declare such fixtures abandoned and the COUNTY becomes the owner; (2) demand that FRANCHISEE remove the same at FRANCHISEE'S expense, returning the premises to the condition required herein; or (3) remove all items and clean the area, with FRANCHISEE being responsible for reimbursing the COUNTY for any expense incurred for the removal and cleaning.

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

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

- a. Bodily Injury \$ 500,000.00 for each occurrence, and
\$ 1,000,000.00 aggregate
- b. Property Damage \$ 100,000.00 for each occurrence, and
\$ 100,000.00 aggregate
- c. Product Liability \$ 1,000,000.00 minimum coverage
- d. To the extent required by law, the FRANCHISEE shall secure Worker's Compensation insurance covering any of the FRANCHISEE'S employees engaged in any work at the kitchen facilities of the Roxie facility. The coverage shall meet all statutory requirements.

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

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

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

Mr. Nicholas M. Perkins, President
Perkins Management Services Company, Inc.
3934 Village Drive
Fayetteville, NC 28304

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

Area Director
Cumberland County Mental Health Center
P. O. Box 3069
Fayetteville, NC 28302-3069

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

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

ATTEST:

COUNTY OF CUMBERLAND


BY: _____
MARSHA FOGLE, Clerk to the Board

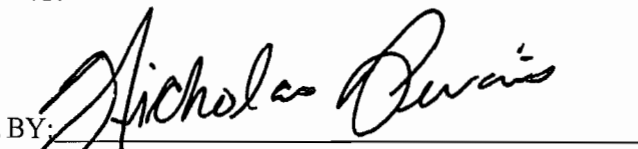
BY: _____
J. BREEDEN BLACKWELL, Chairman
Board of Commissioners

[COUNTY SEAL]

WITNESS:

PERKINS MANAGEMENT SERVICES COMPANY,
INC.

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

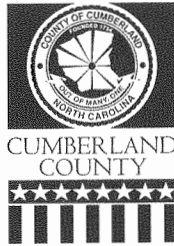
BY: 
NICHOLAS M. PERKINS, President

Per N.C.G.S. § 159-28, this Instrument has
Been pre-audited in the manner required by
the Local Government Budget and Fiscal
Control Act.

Approved for Legal Sufficiency.

AMY H. CANNON
Assistant County Manager

COUNTY ATTORNEY'S OFFICE
(X) Renewable
() Non-renewable
Expiration Date: 6/30/2011



ITEM NO. 14

OFFICE OF THE COUNTY ATTORNEY

Courthouse, 117 Dick Street – Suite 551 • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
(910) 678-7762 • Fax: (910) 678-7758

August 11, 2008

MEMORANDUM FOR BOARD OF COMMISSIONERS' AGENDA OF AUGUST 18, 2008:

TO: BOARD OF COMMISSIONERS

FROM: GRAINGER R. BARRETT, COUNTY ATTORNEY 

SUBJECT: APPROVAL OF CALLING PUBLIC HEARING ON CONTRACT TO ISSUE CERTIFICATES OF PARTICIPATION TO FINANCE NEW WESTERN ELEMENTARY SCHOOL AND WESTERN BRANCH LIBRARY, AND TO REFUND CERTIFICATES OF PARTICIPATION, SERIES 1998 AND INSTALLMENT PAYMENT REVENUE BONDS, SERIES 1998; MAKING FINDINGS REQUIRED BY G.S. 159-151; AND AUTHORIZING APPLICATION TO LOCAL GOVERNMENT COMMISSION

Background: The enclosed resolution would call a public hearing for September 2, 2008 on a proposed contract to issue certificates of participation to finance a new Western Elementary School and Western Branch Library, and to refund the County's Certificates of Participation, Series 1998 and Installment Payment Revenue Bonds, Series 1998. It also makes certain findings required by statute, and authorizes management to file an application for the financing with the Local Government Commission

Recommendation: Approve resolution.

Celebrating Our Past...Embracing Our Future

EASTOVER - FALCON - FAYETTEVILLE - GODWIN - HOPE MILLS - LINDEN - SPRING LAKE - STEDMAN - WADE

BOARD OF COMMISSIONERS
OF CUMBERLAND COUNTY

Excerpt of Minutes
of Meeting on
August 18, 2008

Present: Chairman Blackwell presiding, and

Commissioners: _____

Absent: _____

* * * * *

The following resolution was discussed and its title was read:

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF CERTIFICATES OF PARTICIPATION AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE § 160A-20, MAKING CERTAIN FINDINGS REQUIRED BY NORTH CAROLINA GENERAL STATUTE § 159-151, AND CALLING A PUBLIC HEARING ON THE PROPOSED FINANCING FOR SEPTEMBER 2, 2008, IN CONNECTION WITH A PROPOSED WESTERN ELEMENTARY SCHOOL AND LIBRARY BRANCH, AND REFUNDING OF CERTIFICATES OF PARTICIPATION, SERIES 1998, AND INSTALLMENT PAYMENT REVENUE BONDS, SERIES 1998.

WHEREAS, the Board of Commissioners of the County of Cumberland, North Carolina (the "County") has decided to pursue the financing of a new Western Elementary School and Library Branch (together with related infrastructure) (the "Project"), and of refunding the County's Certificates of Participation, Series 1998, and Installment Payment Revenue Bonds, Series 1998 with certificates of participation, (the "Refunding") as permitted under N.C.G.S. § 160A-20; and

WHEREAS, it is anticipated that portion of the cost the Project to be financed will be up to and not exceed \$26,000,000.00, including furniture and fixtures, information technology assets, and issuance expenses in connection with the financing, and the amount to be refunded will not exceed \$69,000,000.00; and

WHEREAS, financing of the Project pursuant to § 160A-20 must be approved by the North Carolina Local Government Commission (the “LGC”) and will only be approved if the findings of N.C.G.S. § 159-151(b) have been made; and

WHEREAS, financing of the Refunding must also be approved by the LGC;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners (“the Board”) of the County, as follows:

1. After consideration, the Board has determined that the most advantageous manner of financing the Project and the Refunding is by certificates of participation pursuant to Section 160A-20 of the General Statutes of North Carolina, as amended;

2. Pursuant to Section 160A-20, the Unit is authorized to finance the Project, by entering into certificates of participation and a deed of trust or other security instrument that creates a security interest in some or all of the property financed to secure repayment of the financing.

3. The proposed financing is necessary and expedient because of the pressing need to update and provide a more efficient health department facility for the County.

4. The proposed financing is preferable to general obligation bond financing for the same purposes because of the urgency of particular needs to be financed, the aggregate volume of financings to be accomplished, and the desirability of having available the alternative financing structures and repayment provisions possible in the proposed installment financing structure.

5. The cost of the proposed undertaking exceeds the amount of funds that can be prudently raised from currently available appropriations, unappropriated fund balances, and non-voted general obligation bonds that could be issued by the County in the fiscal year pursuant to Article V, Section 4, of the North Carolina Constitution. The Project is non-revenue producing so revenue bonds are not an option.

6. The cost of financing under the proposed financing will not be materially greater than the cost of issuing general obligation bonds.

7. The sums proposed to be provided under the financing are adequate and not excessive for the stated purposes of acquiring, constructing and equipping the Project.

8. The County’s debt management procedures and policies are good and have been carried out in strict compliance with law and will henceforth be so carried out.

9. There will be no tax increase to meet the sums due under the proposed financing.

10. The County is not in default in any of its debt service obligations.

11. The attorney for the County has rendered an opinion that the proposed Project and the projects funded by the Refunding are authorized by law and are purposes for which public funds may be expended pursuant to the Constitution and laws of the State of North Carolina.

12. The Chairman of the Board, the County Manager, the Finance Officer and other officers of the County are hereby authorized and directed to proceed with the Project and the Refunding.

13. The County Manager, the County Finance Director, and other appropriate officers of the County, are authorized and directed to prepare and submit to the North Carolina Local Government Commission an application for approval of such financing as described above for the Project in an amount not to exceed \$26,000,000.00, and for the Refunding in an amount not to exceed \$69,000,000.00, and the actions of the County Manager, County Finance Director and other officers of the County in connection therewith are hereby approved, ratified and confirmed.

14. The officers of the County are hereby directed to call a public hearing with respect to the proposed financing to be held on September 2, 2008, and to publish notice of such hearing not less than ten days prior to such date as required by § 160A-20.

15. All other acts of the Board and the officers of the County which are in conformity with the purposes and intent of this Resolution and in furtherance of the financing of the Project and of the Refunding are hereby ratified, approved and confirmed.

16. All Resolutions or parts thereof in conflict herewith are hereby repealed.

Commissioner _____ moved the passage of the foregoing Resolution and Commissioner _____ seconded the motion, and the Resolution was passed by the following vote:

Ayes: Commissioners _____

Nays: _____

Not Voting: _____

* * * * *

I, Marsha Fogle, Clerk for the Board of Commissioners for Cumberland County, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Board of Commissioners for said County at a regular meeting duly called and held August 18, 2008 as it relates in any way to the resolutions hereinabove set forth, and that said proceedings are recorded in Minute Book _____ of the minutes of said Board. Pursuant to N.C.G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Board of Commissioners for said County is on file in my office.

I DO HEREBY FURTHER CERTIFY that due notice of such meeting, stating its time and place and the subjects to be considered was posted, mailed or delivered as required by G. S. § 143-318.12(b)(2).

WITNESS my hand and the common seal of said County, this 18th day of August, 2008.

Clerk to the Board of Commissioners

(SEAL)

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B09.047</u>
Date Received	<u>8-5-08</u>
Date Completed	

Fund No. 112 Agency No. 43B Organ. No. 4337
 Organization Name: TASC Community Partnership

ITEM NO. 1 (I) 1

REVENUE

pg 1 of 2

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
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4263	ST CRIME NC	1,059,406.	47,431.	1,106,837.
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Total		1,059,406.	47,431	1,106,837.
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EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
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1210	450	Salaries	575,266.	7,820.	583,086.
1810	450	Fica Matching	44,556.	599.	45,155.
1820	450	Retirement	28,539.	384.	28,923.
1824	450	401K County	5,824.	79.	5,903.
1860	450	Worker Comp	1,382.	19.	1,401.
299A	451	Computer Hardware	2,500.	(2,500.)	
2994	451	Misc Furn/Eq	3,000.	(3,000.)	
2995	451	Computer Software	3,000.	(3,000.)	
3470	451	Travel	13,000.	(1,447.)	11,553.
3390	451	Contracted Services	1,018,484.	48,477.	1,066,961.

Total		1,695,551.	47,431.	1,742,982.
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Justification:

State Revenue being moved from 112-43B-4340 for contract expenditures. Increasing position M403255 from 25 hours to 35 hours per week.

Funding Source: State: 47,431 Federal: _____ County: _____ New: _____ Other: _____
 Other: _____ Fees: _____ Prior Year: _____

Submitted By: [Signature] Department Head

Date: 8/4/08

Reviewed By: [Signature] Finance

Date: 8/5/08

Reviewed By: [Signature] Deputy/Assistant County Mgr

Date: 8/13/08

Approved By:

Date: _____

County Manager

Board of County Commissioners

Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>807.047A</u>
Date Received	<u>8.5.08</u>
Date Completed	

Fund No. 112 Agency No. 43B Organ. No. 4340

Organization Name: NC Treatment Alternative to Street Crime

pg 2 of 2

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4263	ST CRIME NC	218,850.	(47,431.)	171,419
Total		218,850.	(47,431.)	171,419.

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1210	453	Salaries	255,171.	(37,025.)	218,146.
1810	453	Fica Matching	19,689.	(2,833.)	16,856.
1820	453	Retirement	12,609.	(1,814.)	10,795.
1824	453	401K County	2,573.	(370.)	2,203.
1830	453	Medical Insurance	37,100.	(5,300.)	31,800.
1860	453	Worker Comp	614.	(89.)	525.
Total			327,756	(47,431.)	280,325

Justification:

Abolish position M403527. State Revenue being moved to 112-43B-4337 to fund contract services.

Funding Source: State: -47,431 Federal: _____ County: _____ New: _____ Other: _____
Fund Balance: Fees: _____ Prior Year: _____

Submitted By: [Signature] Date: 8/4/08
 Department Head
 Reviewed By: [Signature] Date: 8/5/08
 Finance
 Reviewed By: [Signature] Date: 8/13/08
 Deputy/Assistant County Mgr

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B09.054</u>
Date Received	<u>8.6.08</u>
Date Completed	

Fund No. 101 Agency No. 431 Organ. No. 4323

Organization Name: FAMILY PLANNING CLINIC

ITEM NO. 1(I)2

REVENUE				
Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9903	FUND BALANCE - HEALTH	69,000	5,164	74,164
		69,000	5,164	74,164

EXPENDITURES					
Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1210		SALARY - REGULAR	429,762	4,483	434,245
1270		LONGEVITY	2,806	56	2,862
1810		FICA MATCH	33,091	347	33,438
1820		RETIREMENT	21,200	222	21,422
1824		401K COUNTY	4,324	45	4,369
1830		MEDICAL INSURANCE	59,996	0	59,996
1860		WORKERS COMPENSATION	3,477	11	3,488
Total			554,656	5,164	559,820

Justification:

THIS BUDGET REVISION REQUESTS TO BUDGET FUND BALANCE HEALTH IN ORDER TO FUND THE SALARY INCREASE FOR POSITION # PHD-1816.

State: _____ Federal: _____ Fund Balance: _____ County: _____ New: _____ Other: 5,164
Other: _____ Fees: _____ Prior Year: _____

Submitted By: <u>Maryne Raynor</u> Department Head	<u>7/21/08</u> Date:	<div>Approved By:</div> <div>Date: _____</div> <div>County Manager</div> <div>Board of County Commissioners</div> <div>Date: _____</div>
Reviewed By: <u>Kelly Crosby</u> Finance Department	<u>8.12.08</u> Date:	
Reviewed By: <u>Amel Cannon</u> Deputy Assistant County Mgr	<u>8/13/08</u> Date:	

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B09-054A</u>
Date Received	_____
Date Completed	_____

Fund No. 101 Agency No. 431 Organ. No. 4329

Organization Name: ADULT HEALTH CLINIC

pg 2 of 2

REVENUE				
Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9903	FUND BALANCE - HEALTH	19,000	7,747	26,747
		19,000	7,747	26,747

EXPENDITURES					
Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1210		SALARY - REGULAR	445,630	6,724	452,354
1270		LONGEVITY	3,535	84	3,619
1810		FICA MATCH	34,362	521	34,883
1820		RETIREMENT	22,010	334	22,344
1824		401K COUNTY	4,489	68	4,557
1830		MEDICAL INSURANCE	49,820	0	49,820
1860		WORKERS COMPENSATION	3,298	16	3,314
Total			563,144	7,747	570,891

Justification:

THIS BUDGET REVISION REQUESTS TO BUDGET FUND BALANCE HEALTH IN ORDER TO FUND THE SALARY INCREASE FOR POSITION # PHD-1816.

State: _____ Federal: _____ Fund Balance: _____ County: _____ New: _____ Other: 7,747
Other: _____ Fees: _____ Prior Year: _____

Submitted By: <u><i>Alayne Reyna</i></u> <u>7/21/08</u> Date: _____ Department Head	<div align="center">Approved By: _____ Date: _____</div> <div align="center">County Manager _____ Date: _____</div> <div align="center">Board of County Commissioners _____ Date: _____</div>
Reviewed By: <u><i>Kelly Centry</i></u> <u>8.12.08</u> Date: _____ Finance Department	
Reviewed By: <u><i>Amy N. Centry</i></u> <u>8/13/08</u> Date: _____ Deputy/Assistant County Mgr	

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B09.048</u>
Date Received	<u>8.5.08</u>
Date Completed	

Fund No. 101 Agency No. 410 Organ. No. 4152
 Organization Name: Tax Administration

ITEM NO. 1(I)3

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated		<u>3,498</u>	

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3101	<u>030</u>	Audit	0	3,498.	3,498

Total 0 3,498. 3,498

Justification:

Request a revision in the amount of \$3,498 to pay Tax Management Assoc. for audit bills that have been paid through 8/5/08, based upon additional taxes collected and received as a result of TMA Audits, per agreement signed the 26th day of March 1997.

Funding Source:

State: _____
 Other: _____

Federal: _____
 Fees: _____

Fund Balance:

County: _____ New: \$ 3,498.00
 Prior Year: _____

Other: _____

Submitted By: Caron Donaldson
 Department Head

Date: 8-5-08

Reviewed By: Kelly Autry
 Budget Analyst

Date: 8.5.08

Reviewed By: Amber Cannon
 Deputy Assistant County Mgr

Date: 8/13/08

Reviewed By: _____
 Information Services

Date: _____

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B09-058
Date Received	8/12/2008
Date Completed	

Fund No. 101 Agency No. 426 Organ. No. 4214
Organization Name: Day Reporting

ITEM NO. 1(I)4

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4514	NC Criminal Justice	207,078	630	207,708
		207,078	630	207,708

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1220	135	Utilities	6,110	383	6,493
2994	136	Departmental Supplies	300	(300)	-
2999	136	Audio Visual	300	(83)	217
349W	136	Special Offenders Projects	500	630	1,130
		Total	7,210	630	7,840

Justification:

Revision in the amount of \$630 to reconcile with State budget grant of \$207,708.

Funding Source:

State: 630
Other: _____

Federal: _____
Fees: _____

Fund Balance:

County: _____ New: _____
Prior Year: _____

Other: _____

Submitted By: _____

Date: _____

Reviewed By: Kelly Autrey
Department Head
Finance

Date: 8/12/08

Reviewed By: Amy Cannon
Deputy Assistant County Mgr

Date: 8/13/08

Approved By:

County Manager

Board of County Commissioners

Date: _____

Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B09-056
Date Received	8/12/2008
Date Completed	

Fund No. 016 Agency No. 440 Organ. No. 440A
 Organization Name: Western Regional Library

ITEM NO. 1 (I) 5

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9215	Proceeds from Sale of COPS	0	5,204,862	5,204,862
9110	Transfer from General Fund	402,962		402,962
Total		402,962	5,204,862	5,607,824

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
2994	QAB	Furniture & Fixtures	0	745,790	745,790
2996	QAB	Books & Periodicals	0	850,500	850,500
3630	QAC	Capital Outlay Land	0	105,610	105,610
3700	QAA	Architect/Engineering	402,962	0	402,962
3791	QAA	Construction	0	2,900,000	2,900,000
3880	QAD	Transfer to General Fund	0	402,962	402,962
3903	QAE	Contingency	0	200,000	200,000
Total			402,962	5,204,862	5,607,824

Justification:

Revision in the amount of \$5,204,862 to establish initial project budget for the new Western Regional Library based on the Capital Project Ordinance approved by the Board of Education on July 12, 2008 (\$3,608,572) and to budget additional expenditures necessary to furnish the new library (\$1,596,290). The budget will be adjusted to reflect actual sizing of the debt issue and related issuance costs when known. (Note: The Western Regional Library and the Western Elementary School were bid as one project, however, the County has established separate capital project funds to facilitate the accounting process).

Funding Source:

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

Fund Balance:

Submitted By: _____
 Department Head

Date: _____

Reviewed By: Barry Tucker
 Finance Department
 Reviewed By: Amy D. Cannon
 Assistant County Mgr

Date: 8/12/08

Date: _____

Approved By:

County Manager

Board of County Commissioners

Date: _____

Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use

Budget Revision No.	B09-057
Date Received	8/12/2008
Date Completed	

Fund No. 018 Agency No. 470 Organ. No. 4719
 Organization Name: Western Elementary School

ITEM NO. 1 (I) 6

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9215	Proceeds from Sale of COPS	0	19,515,826	19,515,826
Total		0	19,515,826	19,515,826

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3610	SAB	Capital Outlay Equipment	0	500,000	500,000
3700	SAA	Architect/Engineering	0	913,855	913,855
3719	SAA	Water & Sewer	0	500,000	500,000
3791	SAA	Construction	0	17,050,000	17,050,000
3903	SAC	Contingency	0	551,971	551,971
Total			0	19,515,826	19,515,826

Justification:

Revision in the amount of \$19,515,826 to establish initial project budget for the new Western Elementary School based on the Capital Project Ordinance approved by the Board of Education on July 12, 2008. The budget will be adjusted to reflect actual sizing of the debt issue and related issuance costs when known. (Note: The Western Elementary School and the Western Regional Library were bid as one project, however, the County has established separate capital project funds to facilitate the accounting process).

Funding Source:

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

Fund Balance:

Submitted By: _____
 Department Head

Date: _____

Reviewed By: Bob Tucher
 Finance Department

Date: 8/12/08

Reviewed By: Amy Cannon
 Assistant County Mgr

Date: 8/13/08

Approved By:

County Manager

Board of County
Commissioners

Date: _____

Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B09-064
Date Received	8/12/2008
Date Completed	

Fund No. 250 Agency No. 450 Organ. No. 4590
 Organization Name: Water & Sewer Fund

ITEM NO. 1(I)7

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	2,027,577	80,000	2,107,577
Total		2,027,577	80,000	2,107,577

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
344A	681	Lake Upchurch	27,577	80,000	107,577
Total			27,577	80,000	107,577

Justification:

Per request of the County Engineer, revision in the amount of \$80,000 to appropriate County Water & Sewer fund balance to provide additional funds to complete the Lake Upchurch Project.

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

Submitted By: _____ Date: _____
 Department Head

Reviewed By: Bob Suehr Date: 8/12/08
 Finance Department

Reviewed By: Amy Cannon Date: 8/13/08
 Assistant County Mgr

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use

Budget Revision No. B09-055

Date Received 8/11/2008

Date Completed _____

Fund No. 220 Agency No. 450 Organ. No. 4529

Organization Name: Industrial Development Inducement Fund

ITEM NO. 1(I)8

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	141,655	3,634	145,289

Total 141,655 3,634 145,289

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3154	646	Consultant	0	3,364	3,364

Total 0 3,364 3,364

Justification:

Per request of the County Engineer, revision in the amount of \$3,364 to appropriate fund balance to budget for wetland permitting at Production Drive Extension and to delineate wetlands on the former Healy Property.

Funding Source:

State: _____
Other: _____

Federal: _____
Fees: _____

Fund Balance:

County: _____ New: _____
Prior Year: _____

Other: _____

Submitted By: _____
Department Head

Date: _____

Reviewed By: Bob Sucher
Finance Department

Date: 8/11/08

Reviewed By: Angela Cannon
Assistant County Mgr

Date: 8/13/08

Approved By:

County Manager

Board of County
Commissioners

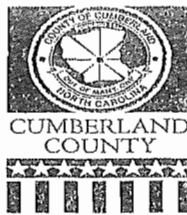
Date: _____

Date: _____

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

Walter Clark,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce
Town of Eastover

AUGUST 8, 2008

ITEM NO. 2A

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P08-21:** REZONING OF 2.49 ACRES FROM R10 RESIDENTIAL TO C2(P) PLANNED SERVICE AND RETAIL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 5827 LAKEWOOD DRIVE AND 7010 & 7032 STONEY POINT ROAD, SUBMITTED BY BLAINE LOVELAND, OWNED BY JACK & AVY OFFENHAUSER; RONALD M. HALL; JEAN, JEAN T., AND MICHAEL OCKERT & MELANIE MOOG.

ACTION: MEMBERS PRESENT AT THE JUNE 17, 2008 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE C2(P) PLANNED SERVICE AND RETAIL DISTRICT; EXCLUDING THE OCKERT TRACT.

SITE INFORMATION: **Frontage & Location:** 214.3' +/- on Lakewood Drive & 451.50' +/- on Rockfish Road; **Depth:** 368.9' +/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No, however, under contract with adjacent owner (MXD/CUD); **Current Use:** Residential; **Initial Zoning:** R10 – February 6, 1976 (Area 5); **Nonconformities:** None; if approved, current use would be nonconforming; **Zoning Violation(s):** None; **Surrounding Zoning:** North & West: R10 (Fayetteville); East: MXD/CUD; South: RR; **Surrounding Land Use:** Residential (including manufactured home), utility substation; public schools (2); woodlands; public recreation center
2010 Land Use Plan: Low density residential; **Special Flood Hazard Area (SFHA):** None; **Urban Services Area:** Yes; **Water/Sewer Availability:** PWC/PWC; connection required upon new development **NCDOT:** Developer will have to apply for a driveway permit; turn lane may be required; **Soil Limitations:** None; **School Capacity/Enrolled:** Stoney Point Elementary: 900/930; John Griffin Middle: 1340/1321; Jack Britt High: 1870/1895; **Subdivision/Site Plan:** If approved, site plan review required prior to permits; **Average Daily Traffic Count (2006):** 12,000 on Rockfish Road, 3,600 on King Road and 9,300 on Stoney Point Road; **Highway Plan:** Rockfish Road and Stoney Point Road are identified in the Highway Plan as a major thoroughfare. This proposal calls for widening to a multi-lane facility (4 lane-divided). This is a Priority Two Project under the LRTP.

MINUTES OF JUNE 17, 2008

This case was deferred from May 20, 2008 to the June 17, 2008 Planning Board Meeting. The applicant and property owner has requested the "Ockert Tract" (0.49 acres) be excluded from this request. The remaining acreage under consideration is 2.00 +/- acres.

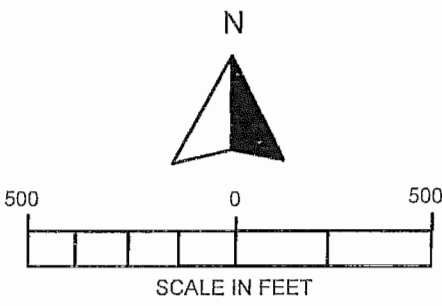
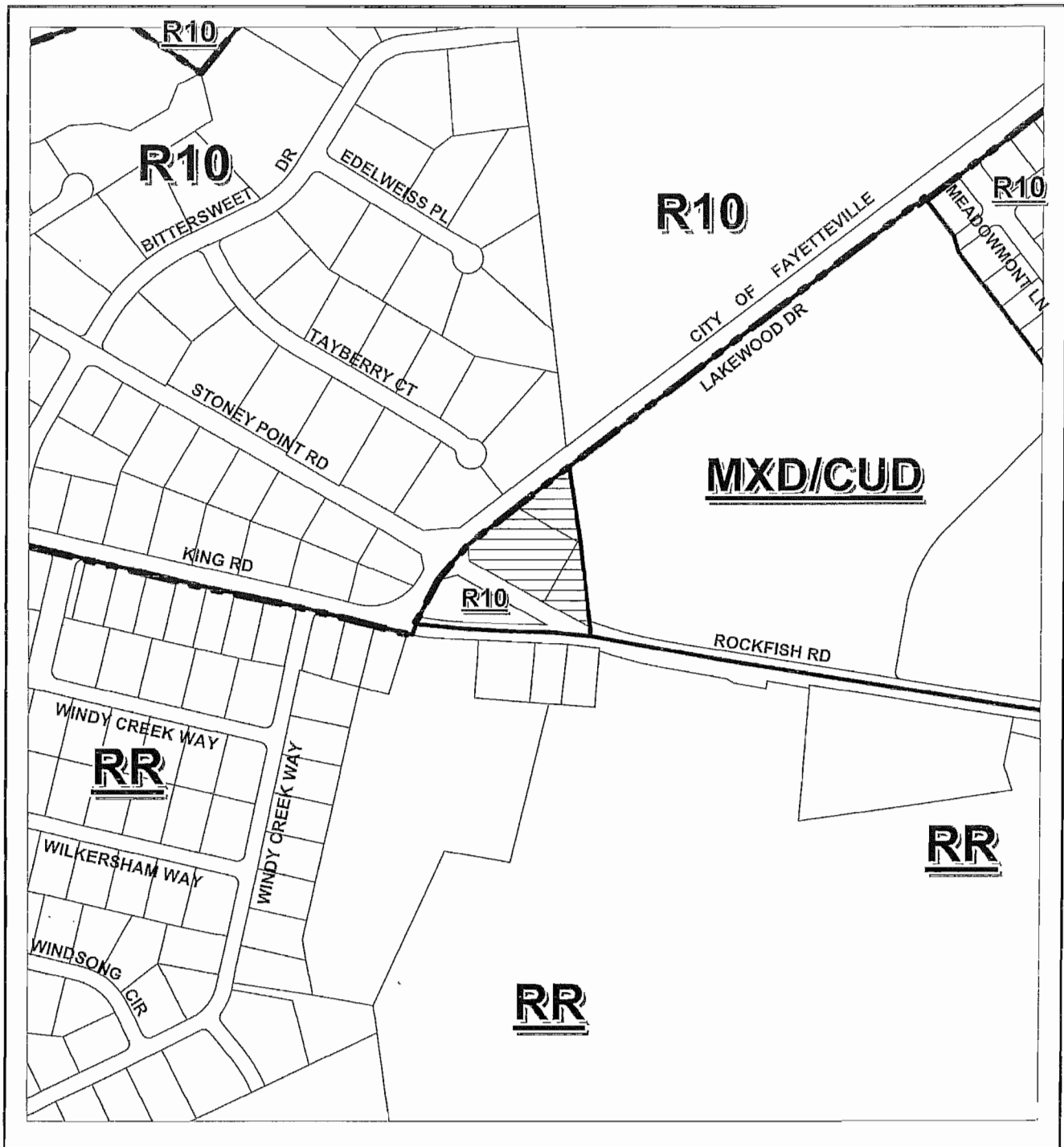
The Planning & Inspections Staff recommends approval of the request for C2(P) Planned Service and Retail district based on the following:

Case P08-21 Continued

1. Although the request is not consistent with the 2010 Land Use Plan, which calls for low density residential at this location, the requested district is in character with the approved uses in the immediate area;
2. The request is reasonable due to the immediate area transitioning to primarily non-residential uses at this location; and
3. The subject property is located on a Major Thoroughfare.

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

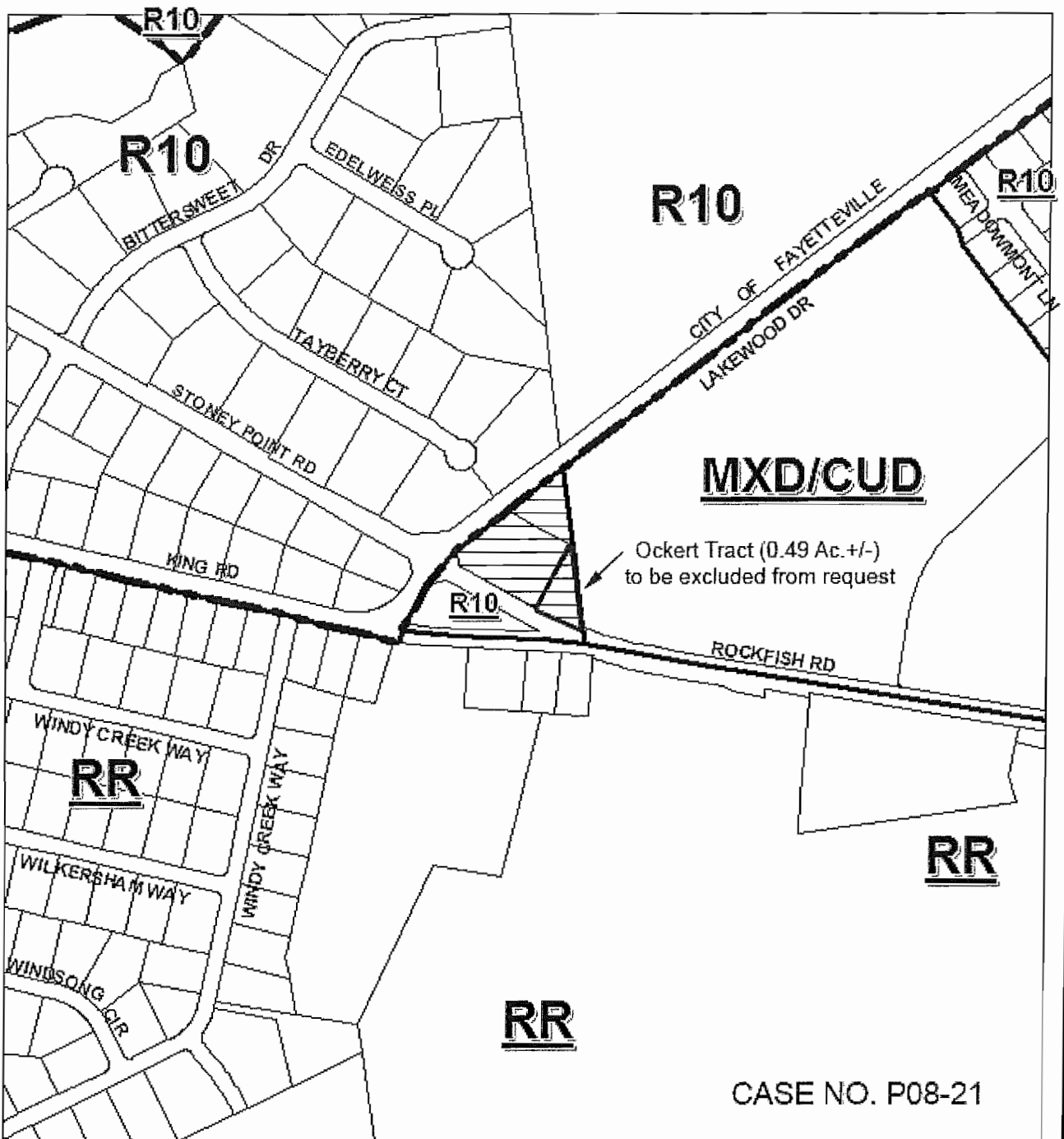
A motion was made by Mr. McNeill, seconded by Mr. Hostetter to follow the staff recommendation and approve case P08-21, excluding the Ockert tract. Unanimous approval.



PIN: 9494-58-4227, 3554, 2359

REQUESTED REZONING R10 TO C2(P)

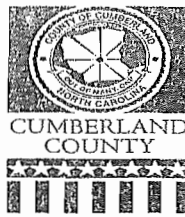
ACREAGE: 2.49 AC.+/-		HEARING NO: P08-21	
ORDINANCE: COUNTY		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			



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

Walter Clark,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce
Town of Eastover

AUGUST 8, 2008

ITEM NO. 2B

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P08-24:** REZONING OF 0.41+/- ACRES FROM R6A RESIDENTIAL TO C1(P) PLANNED LOCAL BUSINESS DISTRICT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 810 CHAPEL HILL ROAD, SUBMITTED AND OWNED BY DANIEL J. CULLITON.

ACTION: MEMBERS PRESENT AT THE JUNE 17, 2008 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE C1(P) PLANNED LOCAL BUSINESS DISTRICT.

SITE INFORMATION: **Frontage & Location:** 0.50'+/- on Chapel Hill Road; **Depth:** 361.00'+/- ; **Jurisdiction:** Cumberland County; **Adjacent Property:** Yes, two lots on the north side; **Current Use:** Commercial; **Initial Zoning:** R6A - January 7, 1977 (Area 11); **Nonconformities:** None; **Zoning Violation(s):** Contact letter sent notifying property owner they were in violation due to demolition without permit and debris being dumped on site; **Surrounding Zoning:** North: RR, R10, R10/CU(allow manufactured home), R6A, C3, & M(P); R10 & C3(Spring Lake); East: R10, R6A, C3, & C(P)(Spring Lake); South: R10, R6A, & C(P); R10, R6, R6A, R5A, C1, C3, & C(P)(Spring Lake); West: R10, R6A, & C1(P); R10 & R6(Spring Lake); **Surrounding Land Use:** Religious worship facility (2); shopping center, motor vehicle parts and accessories; hairdressing services; vacant commercial structure being demolished; residential (to include duplex, apartment buildings, and manufactured homes); woodlands; **Spring Lake Land Use Plan:** Low density residential; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Town of Spring Lake/Septic; public sewer approximately 1000 feet away (connection not mandatory); **Soil Limitations:** None; **School Capacity/Enrolled:** Manchester Elementary: 340/369; Spring Lake Middle: 700/480; Pine Forest High: 1750/1637; **Sewer Service Area:** Yes; **Military Impact Area:** Not located within an Accident Potential Zone (APZ) or critical noise area. Any structures, construction cranes, or communications towers of significant height associated with this case, applicant is advised to file FAA Form 7460-1 with the Federal Aviation Administration to determine any potential impact to Pope AFB/Ft Bragg flying operations; **Subdivision/Site Plan:** Recombination plat required for lot to be viable for development; **NCDOT:** Developer will have to apply for a driveway permit; **Average Daily Traffic Count (2006):** 20,000 on Lillington HWY; 4,100 on Chapel Hill Road; 1,300 on Pine Tree Lane; **Highway Plan:** Chapel Hill Road is identified in the Highway Plan as a major thoroughfare. The plan calls for widening to a multi-lane facility. This is a Priority #1 in the Highway Portion off the LRTP; **Notes:** Thelma Searles Road is not an approved private or public street; it is a trail named for "911" emergency purposes.

Case P08-24 Continued

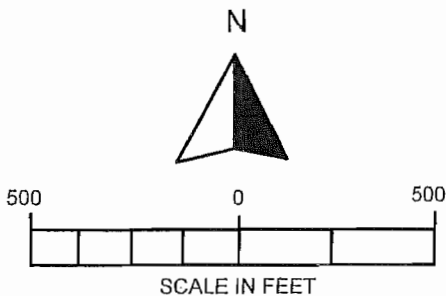
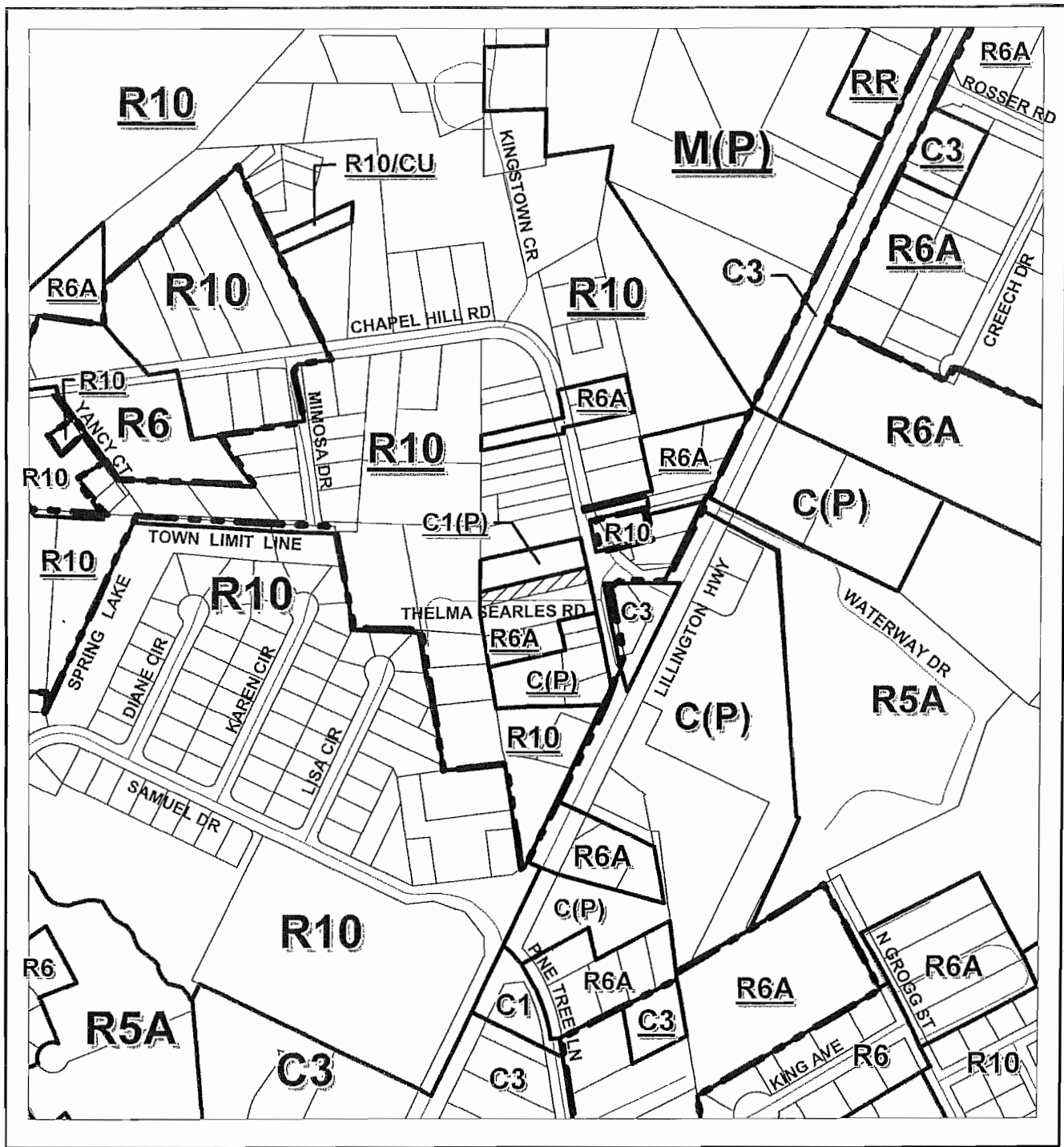
MINUTES OF JUNE 17, 2008

The Planning & Inspections Staff recommends approval of the request for C1(P) Planned Local Business district based on the following:

1. Although the request is not consistent with the Spring Lake Area Detailed Land Use Plan, which calls for low density residential at this location, rezoning the subject property is in character with the adjacent zoning and uses in the immediate area;
2. The subject property is adjacent to a Major Thoroughfare and commercial property.

The R6, R5, and R5A Residential district could also be found suitable for this area.

A motion was made by Mr. McNeill, seconded by Mr. Hostetter to follow the staff recommendation and approve case P08-24 as submitted. Unanimous approval.



PORT. OF PIN: 0502-91-9291

REQUESTED REZONING R6A TO C1(P)

ACREAGE: 0.41 AC.+/-

HEARING NO: P08-24

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

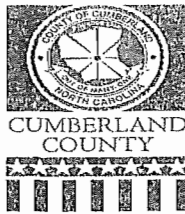
GOVERNING BOARD

AF

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

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



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce
Town of Eastover

AUGUST 8, 2008

ITEM NO. 2C

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P08-27:** REZONING OF 1.12+/- ACRES FROM R10 RESIDENTIAL AND O&I(P) PLANNED OFFICE AND INSTITUTIONAL DISTRICT TO R5A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED NORTHWEST OF RAMSEY STREET AND SOUTHEAST OF MCCLOSKEY ROAD, SUBMITTED BY NEIL YARBOROUGH, OWNED BY SANDRA HARSHBERGER, MIKE MOLINA, MARSELLIS GEORGE, AND FAYETTEVILLE LONGHILL POINTE LLC.

ACTION: MEMBERS PRESENT AT THE JUNE 17, 2008 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE R5A RESIDENTIAL DISTRICT.

SITE INFORMATION: **Frontage & Location:** 84.99'+/- on McCloskey Road; **Depth:** 30.00'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** Yes, north, south, and east sides in relation to subject property; **Current Use:** Garage and sheds; **Initial Zoning:** R10- July 3, 1972 & August 21, 1972 (Area 1); **Nonconformities:** None; **Zoning Violation(s):** None; **Watershed:** Yes, development subject to County Watershed Ordinance provisions; **Surrounding Zoning:** North: R10, R5A & C(P); East: R10, C(P), & M(P); South: County: R10, O&I(P), & C(P); City of Fayetteville: R10, PND, & C1(P); West: R5A & PND; **Surrounding Land Use:** Residential (to include multi-family); public school; woodlands (Fayetteville); **North Fayetteville Area Detailed Land Use Plan:** Primarily low density residential; small portion open space; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** PWC/PWC; extension/connection required; **Soil Limitations:** None; **School Capacity/Enrolled:** Raleigh Road Elementary: 220/249; Long Hill Elementary: 460/523; Pine Forest Middle: 820/820; Pine Forest High: 1750/1637; **Sewer Service Area:** Yes; **Military Impact Area:** Pope AFB has no objection to this case. Subject property is not located within an Accident Potential Zone (APZ) or critical noise area; applicant is advised to file FAA 7460-1 with the Federal Aviation Administration; **RLUAC:** No objection; encourage clustering of development to preserve forest and farming character; **Subdivision/Site Plan:** Review and approval required; 217 multi-family pending approval on the adjacent R5A property (Case No. 08-062); **Average Daily Traffic Count (2006):** 38,000 on Ramsey Street (US 401 N); 4,700 on Melstone Drive; **Highway Plan:** No impact on the current Highway Plan or Transportation Improvement Program; **Notes:** **Density:** R10 - 6 lots/7 units, R6 - 5 lots/6 units, R5A-11 lots/13 units.

MINUTES OF JUNE 17, 2008

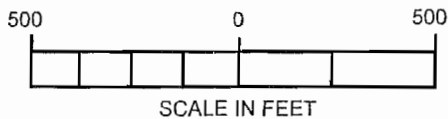
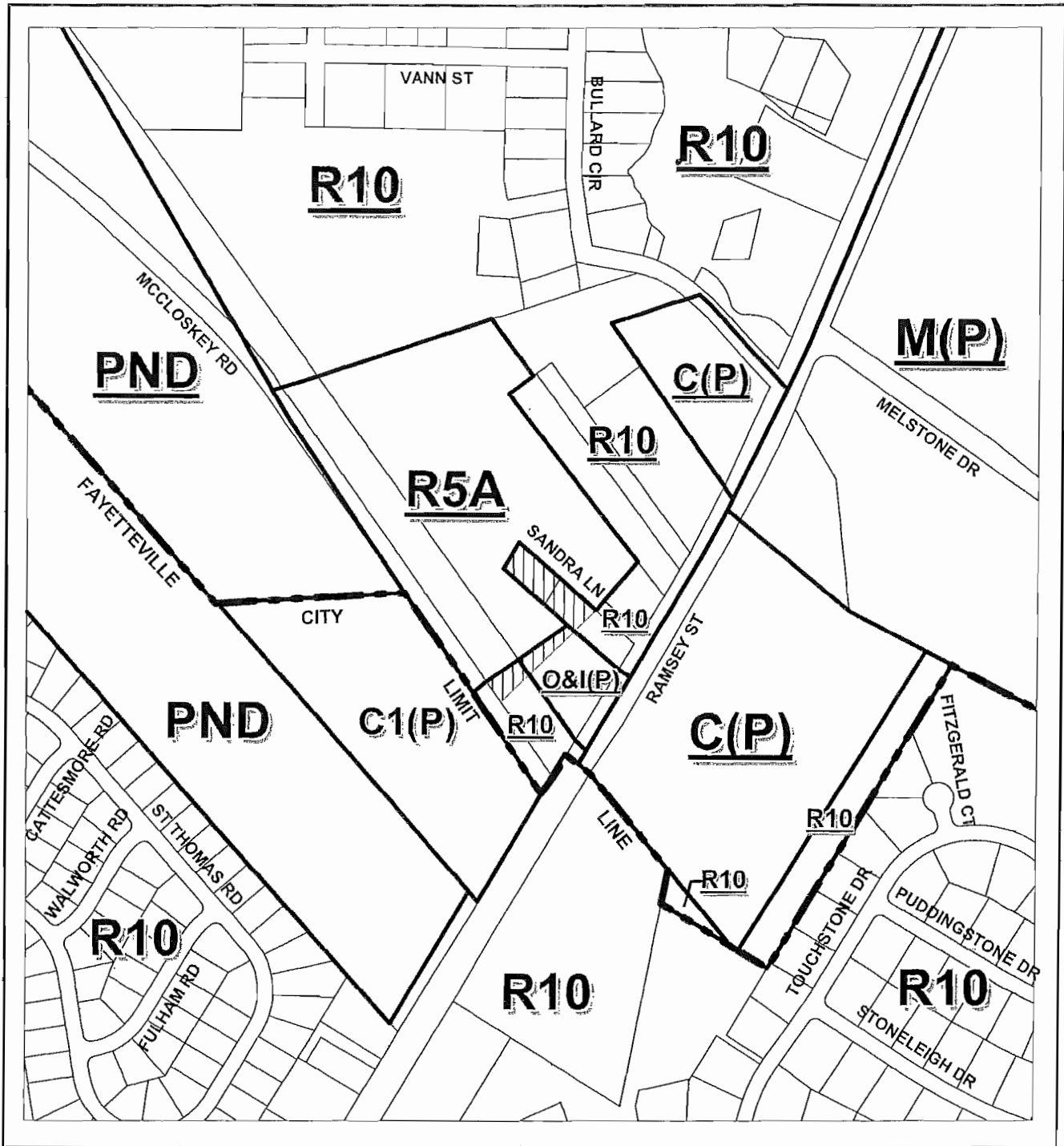
The Planning & Inspections Staff recommends approval of the R5A Residential district based on the following:

Case P08-27 Continued

1. Even though the request is not consistent with the North Fayetteville Area Detailed Land Use Plan which calls for low density and open space, the request is consistent with the zoning and land uses in the general area;
2. The existing infrastructure in the area can support the density allowed in the R5A district; and
3. Upon development, connection to public utilities will be required.

The R6 Residential district could also be considered suitable for this location.

A motion was made by Mr. McNeill, seconded by Mr. Hostetter to follow the staff recommendation and approve case P08-27 as submitted. Unanimous approval.



REQUESTED REZONING: R10 & O&I(P) TO R5A

ACREAGE: 1.12 AC.+/-

HEARING NO: P08-27

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

PIN: 0541-05-1321
PORT. OF PIN: 0541-05-3122, 0506,
0531-95-8239

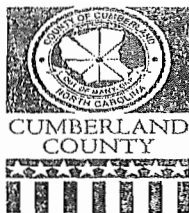
JM

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

AUGUST 8, 2008



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce
Town of Eastover

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P08-29:** REZONING OF 10.44+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 2915 AND 2923 COUNTY LINE ROAD; SUBMITTED BY JAMES A. MCLEAN, III, ATTORNEY; OWNED BY EDWARD BRITT RIDDLE AND J. FRANKLIN JOHNSON, III.

ACTION: MEMBERS PRESENT AT THE JULY 15, 2008 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE R40 RESIDENTIAL.

ITEM NO. 21

SITE INFORMATION: **Frontage & Location:** 681.00'+/- on County Line Road; **Depth:** 880'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** Yes, north and west sides of subject property; **Current Use:** Residential, accessory structure (private club house); **Initial Zoning:** A1 – June 25, 1980 (Area 13); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: A1 & R40; East: A1; South: A1, R40 & R40A; West: A1, A1/CU (home-based catering business) & R40; **Surrounding Land Use:** Residential (including manufactured homes and abandoned dwelling), farmland, woodlands, and water bodies; **2010 Detailed Land Use Plan:** Farmland; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Well/Septic; subject property is located outside the 1,000' radius of known ground water contamination; **Soil Limitations:** Yes, hydric: Johnston loam; **School Capacity/Enrolled:** Gray's Creek Elementary: 750/787; Gray's Creek Middle: 495/589; Gray's Creek High: 1270/1143; **Urban Service Area:** No; **Subdivision/Site Plan:** Plan review required for new development; **Average Daily Traffic Count (2006):** 730 on County Line Road; 610 on Rufus Johnson Road; **Highway Plan:** No impact on the current Highway Plan or Transportation Improvement Program; **Notes:** Density(minus 15% for r/w)*: A1 - 4 lots/5 units, A1A - 8 lots/9 units, R40 - 9 lots/10 units, * Maximum density may be less due to density allocation devoted to adjacent and nearby developments.

MINUTES OF JULY 15, 2008

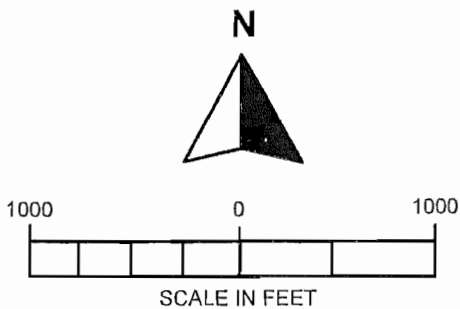
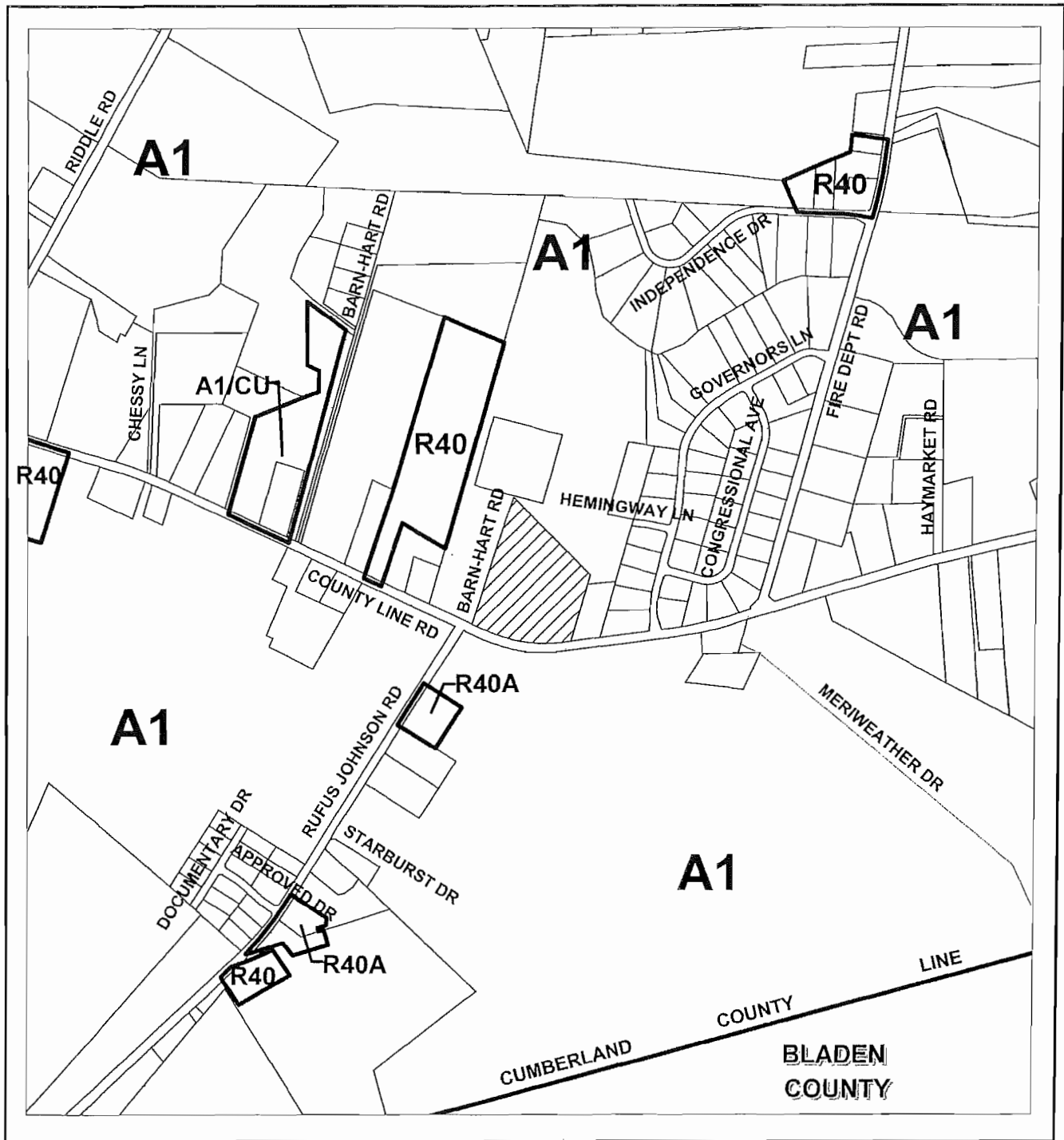
The Planning and Inspections Staff recommends approval of the request for R40 Residential based on the following:

1. The R40 district is consistent with the 2010 Land Use Plan, which calls for farmland at this location; and
2. The R40 district is in character with the current zoning of adjacent properties and is compatible with the lot sizes and land uses within the general area.

The R40A zoning district could also be considered suitable for this location.

Case P08-29 Continued

A motion was made by Mrs. Piland, seconded by Mr. Pearce, to follow the staff recommendation and approve case P08-29 as submitted. Unanimous approval.



REQUESTED REZONING: A1 TO R40

ACREAGE: 10.44 AC.+/-

HEARING NO: P08-29

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

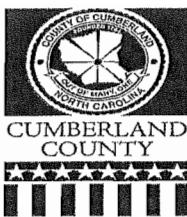
PLANNING BOARD

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
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Town of Linden



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce
Town of Eastover

AUGUST 8, 2008

ITEM NO. 2E

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P08-25:** REZONING OF 1.29+/- ACRES FROM A1 AGRICULTURAL TO RR RURAL RESIDENTIAL/CONDITIONAL USE DISTRICT (TWO RESIDENTIAL UNITS) AND C(P)/CUD PLANNED COMMERCIAL/CONDITIONAL USE DISTRICT (TRADE CONTRACTOR ACTIVITIES WITH OUTSIDE STORAGE OF EQUIPMENT) OR TO A MORE RESTRICTIVE ZONING DISTRICT AND THE PERMIT LOCATED AT 5445 NC HWY 210 SOUTH, SUBMITTED AND OWNED BY EDDIE L. NAYLOR, JR.

ACTION: MEMBERS PRESENT AT THE JUNE 17, 2008 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE RR RURAL RESIDENTIAL/CONDITIONAL USE DISTRICT AND PERMIT FOR TWO RESIDENTIAL UNITS AND C(P) PLANNED COMMERCIAL/CONDITIONAL USE DISTRICT AND PERMIT FOR TRADE CONTRACTOR ACTIVITIES WITH OUTSIDE STORAGE OF EQUIPMENT.

SITE INFORMATION: **Frontage & Location:** 165.00'+/- on NC HWY 210 S; **Depth:** 334.00'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** Front residential; rear vacant; **Initial Zoning:** A1 – September 3, 1996 (Area 20); **Nonconformities:** Yes, legal nonconforming lot and structures existed prior to zoning; **Zoning Violation(s):** None; **Surrounding Zoning:** North: A1, A1/CU (1 house & 2 manufactured homes on 4.20 acres), & A1/CU (2 manufactured homes on 0.93 acres on nonconforming lot); East: A1, R40 & A1/CU (allow placement of second manufactured home on 1.00 acre); South & West: A1; **Surrounding Land Use:** Religious worship facility; commercial farm; residential (including manufactured homes); farmland; and woodlands; **2010 Land Use Plan:** Farmland; **Special Flood Hazard Area (SFHA):** None; **Sewer Service Area:** No; **Water/Sewer Availability:** Well/Septic; **Soil Limitations:** None; **School Capacity/Enrolled:** J. W. Seabrook Elementary: 310/342; Mac Williams Middle: 1270/1162; Cape Fear High: 1425/1470; **Subdivision/Site Plan:** See attached "Ordinance-Related Conditions"; **Average Daily Traffic Count (2006):** 1900 on NC HWY 210 S **Highway Plan:** This case has no impact on the current Highway Plan or Transportation Improvement Program; **Notes:** 1. Contents of the application: Applicant has stated he is not dividing the property into two tracts. Requesting to continue using the existing front portion as residential with the rear portion to be approved for business (trade contractor); company vehicles will not be parked on site continuously, Requesting no buffer to rear, commercial farm adjacent to subject property, Days of Operation: Mon thru Fri, 6am to 8pm; 20 employees, If approved, the "Ordinance-Related Conditions" are attached; **Density (for requested residential portion 0.72 acres):** R40A – 0 lots (31,363 sq ft), R30A – 1 lot/1 unit, RR – 1 lot/2 units.

Case P08-25 Continued

MINUTES OF JUNE 17, 2008

The Planning & Inspections Staff recommends approval of the request for RR/CUD Rural Residential/Conditional Use District (two residential units) and C(P)/CUD Planned Commercial/Conditional Use District (trade contractor activities with outside storage of equipment) based on the following:

- Although the request is not consistent with the 2010 Land Use Plan which calls for farmland at this location, the uses requested for the rural residential and planned commercial districts are somewhat compatible with the surrounding uses in the general area.

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

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

1. The requested use will not materially endanger the public health and safety if located according to the site plan submitted;
2. The use will meet all required conditions and specifications if constructed according to County Zoning Ordinances, the requirements of which are attached to this recommendation; and
3. The location and character of the use, if developed according to the site plan as submitted, will be in harmony with the area in which it is to be located since several non-residential uses are existing in the general area.

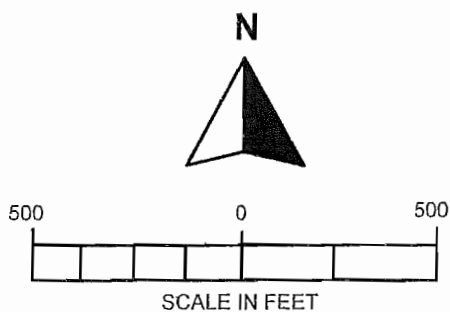
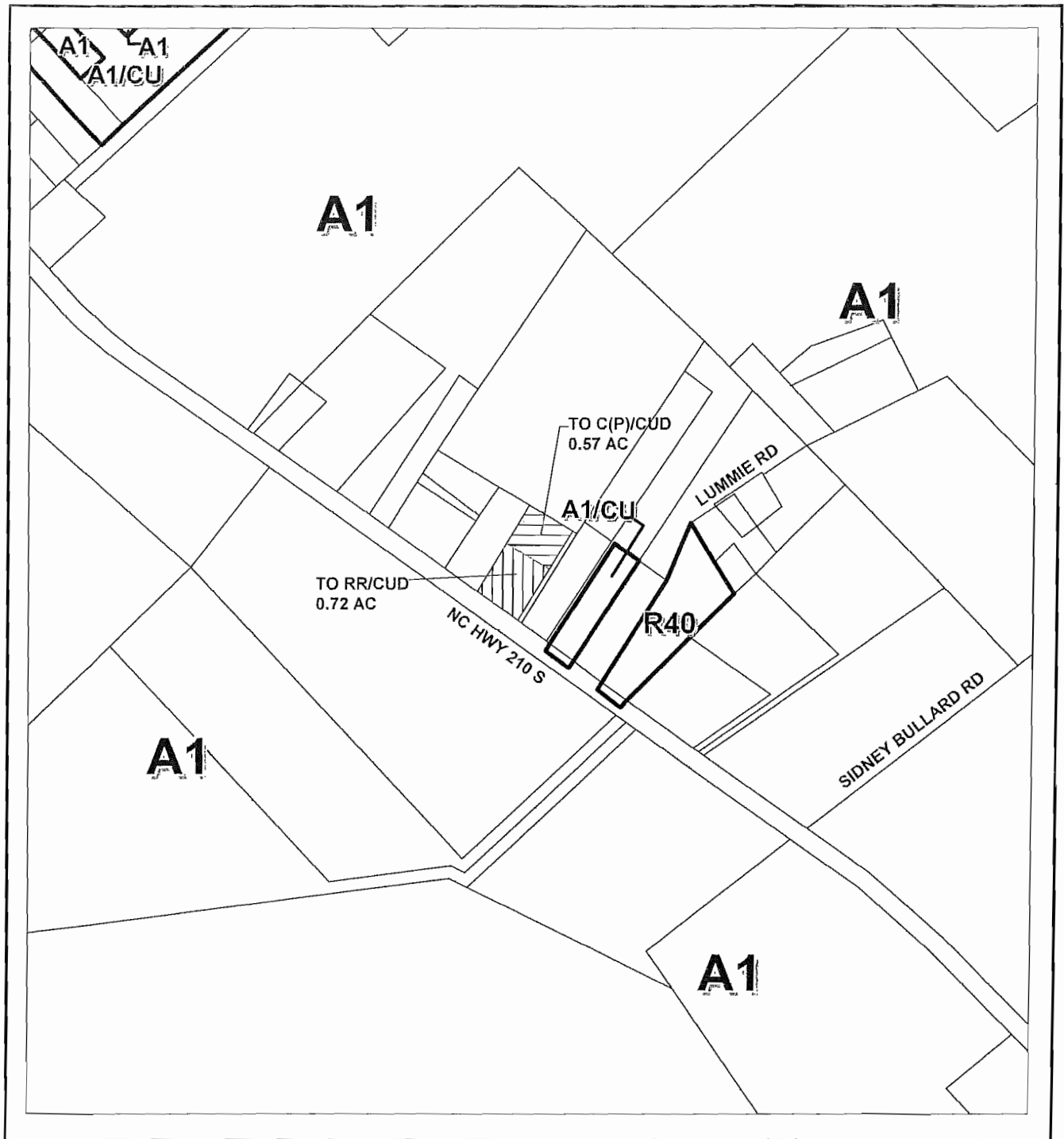
The Staff is also recommending:

1. That the applicant's request to "no rear buffer" be denied and that a buffer be provided between the two requested districts; and
2. The outdoor storage to be fenced and not more than ten vehicles are to be parked on site at any one time.

The applicant has verbally agreed to all the conditions in the "Ordinance-Related Conditions" and the staff recommendation.

A motion was made by Mr. McNeill and seconded by Vice-Chair Epler to follow the staff recommendations and approve RR Rural Residential/Conditional Use District and Permit for two residential units and C(P) Planned Commercial/Conditional Use District and Permit for trade contractor activities with outside storage of equipment because the application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest. Unanimous approval.

A motion was made by Mr. McNeill and seconded by Vice-Chair Epler to approve the Conditional Use Permit as recommended by the staff for two residential units and trade contractor activities with outside storage of equipment after finding that when completed, the proposal: 1) will not materially endanger the public health and safety; 2) will not substantially injure the value of adjoining or abutting property; 3) will be in harmony with the area in which it is to be located; and 4) will be in conformity with the land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners. Unanimous approval.

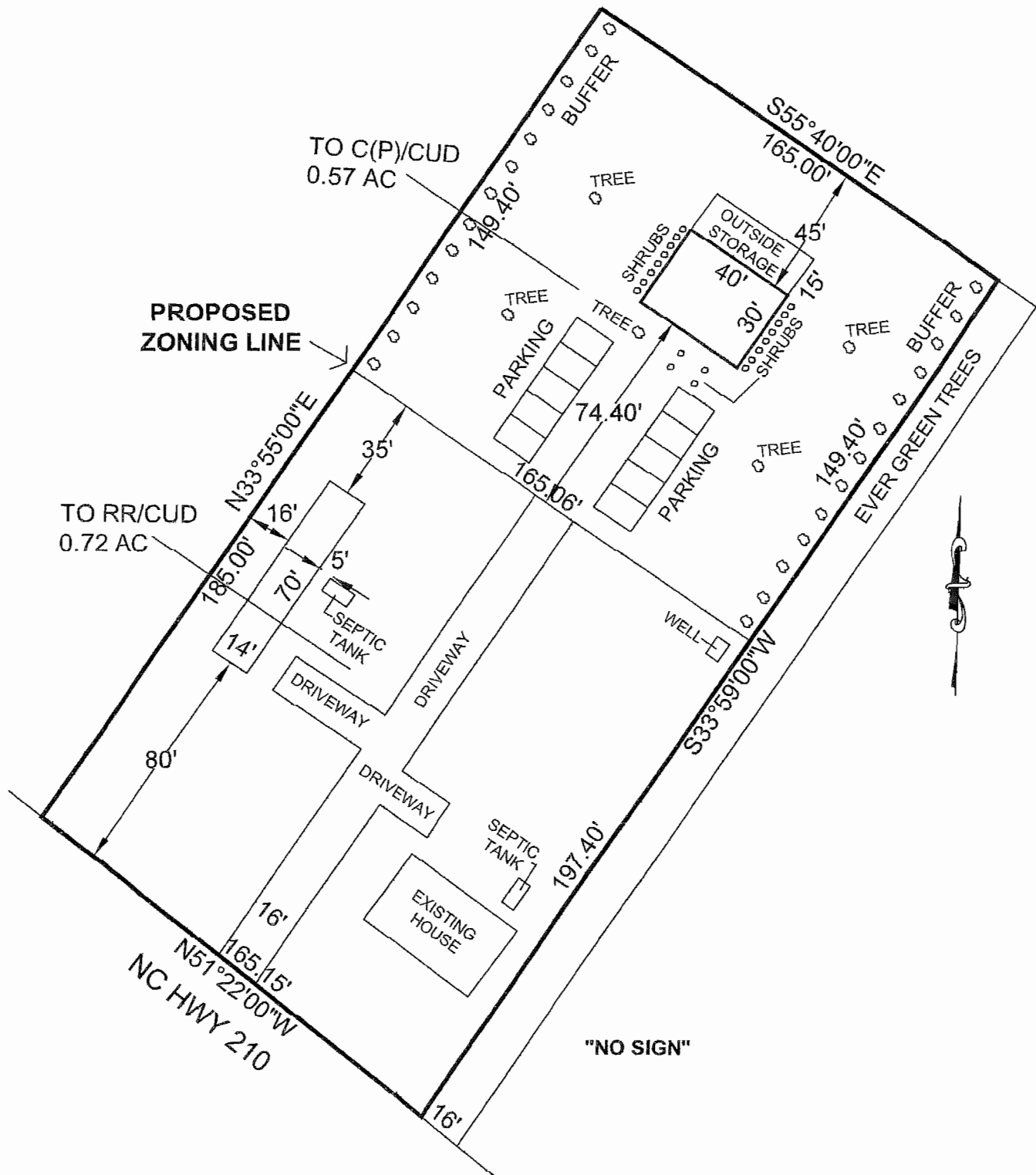


REQUESTED REZONING: A1 TO RR/CUD & C(P)/CUD

ACREAGE: 1.29 AC.+/-		HEARING NO: P08-25	
ORDINANCE: COUNTY		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PIN: 0474-98-7049

JM
6/5/08



CONDITIONAL USE DISTRICT AND PERMIT

REQUEST: TRADE CONTRACTOR ACTIVITIES WITH OUTSIDE STORAGE OF
EQUIPMENT & RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT

CASE: P08-25 ACREAGE: 1.29 ±

ZONED: A1 SCALE: 1"=50'

PARKING: AS SHOWN

NOTE: SITE PLAN AS SUBMITTED BY APPLICANT

6-10-08

Conditional Use District & Permit
Ordinance Related Conditions

Permit-Related:

1. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the County Zoning Ordinance and permits required to place any structure within this development from the County Code Enforcement Section, Room 101 in the Historic Courthouse at 130 Gillespie Street. For additional information, the developer should contact a Code Enforcement Officer.
2. The County Health Department must approve water and sewer plans prior to application for any permits. Site and soil evaluations must be conducted on the property by the County Environmental Health Department prior to application for permits. A copy of the Health Department approval must be provided to Code Enforcement at the time of application for any building/zoning permits. (Note: All Health Department requirements must be met prior to issuance of final permits.)
3. New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land is subject to the post-construction Stormwater Management Permitting Program (Phase II Stormwater Management Requirements) administered by the Division of Water Quality, North Carolina Department of Environment and Natural Resources. Prior to the issuance of any building/zoning permits for this site, a copy of the State's post-construction permit must be provided to County Code Enforcement.
4. The developer must/may have to provide the Code Enforcement Section with an approved NC Department of Environment and Natural Resources (NCDENR) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three (3) copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDENR approval must be provided to Code Enforcement at the time of application for any building/zoning permits.
5. The developer must provide a site-specific address and tax parcel number at the time of building/zoning permit application.
6. Landscaping must be provided as shown on the site plan or at a minimum, one ornamental tree and eight shrubs must be provided in the same general location as shown on the site plan. In addition:
 - a. Required plant materials shall be maintained by the property owner, including replacing dead or unhealthy trees and shrubs; and
 - b. All yard and planting areas shall be maintained in a neat, orderly, and presentable manner and kept free of weeds and debris.
7. The building final inspection cannot be accomplished until a Code Enforcement Officer inspects the site and certifies that the site is developed in accordance with the approved plans.

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Site-Related:

8. All uses, dimensions, setbacks and other related provisions of the County Subdivision & Zoning Ordinances, the contents of the application and conditions placed on the permit RR/CUD and the C(P)/CUD zoning districts must be complied with, as applicable.
9. This conditional approval is not approval of any freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval for the permit or the size, shape, or location of any signs.)
10. All applicable provisions of Section 3.21, "Group Developments", County Subdivision Ordinance, must be complied with.
11. "NC HWY 210" must be labeled as "NC HWY 210 S" on any future plans.
12. An adequate drainage system must be installed by the developer in accordance with the NC Department of Environment and Natural Resources' (NCDENR) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris.
13. Any new utilities, except for 25kv or greater electrical lines, must be located underground.
14. This conditional approval is not approval of any new driveways.
15. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
16. A solid buffer must be provided and maintained along the side yard property lines for the area zoned C(P)/CUD property lines in accordance with the provisions of Section 1102 G, Buffer Requirements, County Zoning Ordinance. (Note: The application contains a request for not being required to provide a buffer along the rear property line; therefore, this condition will be updated after the Board of Commissioners' ruling on the request.)
17. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.
18. Off-street parking for the non-residential use must be provided as shown on the site plan.
19. Open storage may not be placed on this site in any area other than the area shown on the site plan.
20. All notes and calculations as shown on the site plan are to be considered as a part of this conditional approval.

Other Relevant Conditions:

21. The applicant is advised to consult an expert on wetlands before proceeding with any development.

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22. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.

If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Patti Speicher at 910-678-7605; otherwise, contact the appropriate agency at the contact numbers below.

Contact Information (Area Code is 910 unless otherwise stated):

Subdivision/Site Plan/Plat	Ed Byrne	678-7609
Code Enforcement (Permits):	Ken Sykes	321-6654
County Health Department:	Danny Soles	433-3685
Ground Water/Public Utilities:	Tom Cooney	678-7682
Corp of Engineers (wetlands):	Ronnie Smith	(910) 251-4829
NCDENR (E&S):	Sally McKinney	433-3300
E911 Site-Specific Address:	Ron Gonzales	678-7616
Tax Parcel Numbers:		678-7549
NCDOT (driveways/curb-cuts):	Gary Burton	486-1496
NC Division of Water Quality	Mike Randall	(910) 733-5083 ext. 545

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

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

1. APPLICANT/AGENT: Eddie Naylor
2. ADDRESS: 4341 Swander Dr. ZIP CODE: 28312
3. TELEPHONE: (Home) 910 486 8974 (Work) 263 3041
4. Location of Property: 5445 Hwy - 210 S.
5. Parcel Identification Number (PIN #) of subject property: 0474-98-7049
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 1.29 Frontage: 165+ Depth: 334+
7. Water Provider: well
8. Septage Provider: septic
9. Deed Book 2866, Page(s) 333, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
10. Existing use of property: Front residential - rear vacant
11. Proposed use(s) of the property: Front residential - rear
electric company

NOTE: Be specific and list all intended uses.

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

TO: (select one)

- ☒ Conditional Use District, with an underlying zoning district of R/R / C/u - 721
CPCU - 545 AC
(Article V)
- ☐ Mixed Use/Conditional Use District (Article VI)
- ☐ Planned Neighborhood District/Conditional Use District (Article VII)
- ☐ Density Development/Conditional Use District, at the _____ Density
(Article VIII)

APPLICATION FOR
CONDITIONAL USE PERMIT

1. PROPOSED USE(S):

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

rear- Electrical Equipment / storage

Front - restrict to two residential units

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

RR / CU - 721 AC

N / A

CPCU - .545 AC

2. DIMENSIONAL REQUIREMENTS:

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

See site plan ~~NOA~~

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

See site plan ~~NOA~~

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

~~SEE SIGNAGE~~

N / A

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

see map

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

request no buffer to rear because adjacent
to commercial farm
Trees | see map

5. MISCELLANEOUS:

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

Mon thru Fri 6 am - 8 am

20 employees - business vehicle not to stay on site

4 - 150 watt Floods directed internally

Does not intend to divide property in two tracts. Intend +
NO new driveway to be added for property to
remain in one tract

6. SITE PLAN REQUIREMENTS:

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

7.

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

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

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

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

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

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

Eddie Naylor
NAME OF OWNERS (PRINT OR TYPE)

4341 Swindon Dr. Fog NC 28312

2633041
HOME TELEPHONE #

2633641
WORK TELEPHONE #

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

MOTIONS ON CONDITIONAL USE DISTRICT REZONING APPLICATIONS

IF TO APPROVE CONDITIONAL USE DISTRICT:

I MOVE THAT THE BOARD OF COMMISSIONERS FINDS THAT THIS CONDITIONAL USE DISTRICT APPLICATION IS REASONABLE, NEITHER ARBITRARY NOR UNDULY DISCRIMINATORY, AND IN THE PUBLIC INTEREST, AND THAT THE CONDITIONAL USE(S) BE APPROVED OR DELETED AS DESCRIBED IN THE STAFF AGENDA MEMORANDUM:

IF TO DENY CONDITIONAL USE DISTRICT:

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

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

IF TO APPROVE CONDITIONAL USE PERMIT:

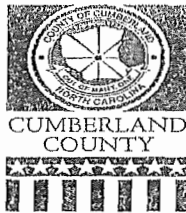
I MOVE THAT THE BOARD OF COMMISSIONERS FINDS THAT THIS CONDITIONAL USE PERMIT APPLICATION, IF COMPLETED AS PROPOSED AND SUBJECT TO THE CONDITIONS RECOMMENDED BY THE PLANNING BOARD:

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

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

Walter Clark,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce
Town of Eastover

AUGUST 8, 2008

ITEM NO. 2F

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P08-26:** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, ARTICLE XVI. BOARD OF ADJUSTMENT, SECTION 1606. SPECIAL USE PERMITS, SUB-SECTION E. EXPIRATION OF PERMITS AND SECTION 1607. HEARINGS.

ACTION: MEMBERS PRESENT AT THE JUNE 17, 2008 MEETING VOTED UNANIMOUSLY TO APPROVE THE REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE.

MINUTES OF JUNE 17, 2008

A motion was made by Mr. McNeill, seconded by Mr. Hostetter to follow the staff recommendation and approve case P08-26 as submitted. Unanimous approval.

P08-26
COUNTY ZONING ORDINANCE AMENDMENT

AMENDMENT

P08-26. REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY ZONING ORDINANCE, ARTICLE XVI. BOARD OF ADJUSTMENT, SECTION 1606 SPECIAL USE PERMITS SUB-SECTION E. EXPIRATION OF PERMITS AND SECTION 1607 HEARINGS.

AMEND Article XVI Board of Adjustment, Section 1606 Special Use Permits, Sub-section E Expiration of Permits, as indicated:

SECTION 1606 SPECIAL USE PERMITS

E. Expiration of Permits. Any Special Use granted becomes null and void if not exercised within the time specified in such approval, or if no date is specified, within one calendar year from the date of such approval. Furthermore, once the Certificate of Occupancy has been issued for a Special Use and then the Special Use ceases to exist for a time period of one calendar year or more, a resubmittal of the Special Use application for the same use may be required if there has been a material change in the ordinance standards ~~the Special Use Permit shall become void.~~

AMEND Article XVI Board of Adjustment, Section 1607 Special Use Permits, as indicated:

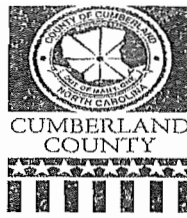
SECTION 1607 HEARINGS

Any variance or Special Use Permit application ~~case~~ considered by the Board of Adjustment requires a quasi-judicial public-hearing. All other applications considered by the Board shall be considered in the manner in which the governing regulation establishes. The Board shall fix a reasonable time for hearing and give public notice as well as due notice to the parties in interest. Each quasi-judicial ~~The hearing shall follow quasi-judicial requirements including sworn testimony, the reliance on competent evidence, the right to question witnesses, avoiding ex parte contact and bias and matching up evidence to findings of fact.~~ At the hearing, any person or party may appear in person or by agent or attorney. The Board shall take action on all matters within a reasonable time after the termination of the proceedings.

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,
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Walter Clark,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce
Town of Eastover

AUGUST 8, 2008

ITEM NO. 26

MEMO TO: CUMBERLAND COUNTY BOARD OF COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

SUBJECT: **P08-31:** REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY SUBDIVISION ORDINANCE, ADOPTED JULY 1, 1970, INCLUDING SUBSEQUENT AMENDMENTS TO SAID ORDINANCE.

ACTION: MEMBERS PRESENT AT THE JULY 15, 2008 MEETING VOTED UNANIMOUSLY TO FOLLOW THE STAFF RECOMMENDATION AND APPROVE.

Background Information: The County Subdivision Ordinance was originally adopted July 1, 1970 and has been amended from time to time but never completely updated. The original ordinance was never effectively enforced until August, 1984.

There are very few major changes to the requirements for development in this re-write; however, the entire ordinance has been re-organized so that related sections are located in the same area thus allowing the ordinance to be more user-friendly for the citizens, developers, other agencies and the County staff.

The proposed ordinance begins with "Article XX" (County Zoning Ordinance ends with Article XVIII) so that hopefully if a Unified Development Ordinance (UDO) is proposed for the future, minimal changes would have to occur. Several new definitions have been added primarily to ensure the subdivision ordinance is consistent with the existing County Zoning Ordinance. References to the zoning ordinance are also included making it clear that these development ordinances (subdivision and zoning) are interrelated.

The recently adopted *Municipal Influence Area* amendment along with references to "officially adopted interlocal agreements" has been incorporated into this re-write.

Major Changes:

1. The maximum length of streets ending with a cul-de-sac or other type of turnaround is proposed to be 1,400 feet – current ordinance maximum is 800 feet. (p. 27, Sec. 2304, 10. Street design, sub-section g.)
2. Provisions are proposed – referred to as the "75% Rule" to encourage developers to submit the application to NCDOT for acceptance to the state system for maintenance new public streets early in the development process. A system is setup so that after receiving final plat approval for any portion of a development with public streets and when permits have been issued on 50% of the lots included on the final plat, a warning letter will go to the developer reminding him to submit for NCDOT maintenance. Once 75% of the lots have permits issued,

Case P08-31 Continued

no additional permits may be issued until the application has been submitted to the NCDOT. (Note: This process has been coordinated with NCDOT, County Information Services, and the Planning and Inspections, including Central Permitting staff and is ready to go.) (p. 28, 2304, sub-section B.2)

3. The amount of land area (or equivalent fee) for parks, recreation and open space is proposed to be increased to 800 square feet per lot or unit regardless of type of land being utilized and the graduated amount for primarily non-developable land being devoted to satisfy this requirement has been deleted – current ordinance requires 500 square feet of land area per lot or unit and increases up to 2,000 square feet if water bodies are used. (p. 37, Section 2308, sub-section A)

MINUTES OF JULY 15, 2008

A motion was made by Vice-Chair Epler, seconded by Mr. Hostetter, to recommend approval of the Cumberland County Subdivision Ordinance in the current draft form and forward it to the Cumberland County Board of Commissioners. Unanimous approval.

COMPLETE RE-WRITE OF CUMBERLAND COUNTY SUBDIVISION ORDINANCE

Case Heading: REVISION AND AMENDMENT TO THE CUMBERLAND COUNTY SUBDIVISION ORDINANCE, ADOPTED JULY 1, 1970, INCLUDING SUBSEQUENT AMENDMENTS TO SAID ORDINANCE.

Background Information: The County Subdivision Ordinance was originally adopted July 1, 1970 and has been amended from time to time but never completely updated. The original ordinance was never effectively enforced until August, 1984.

There are very few major changes to the requirements for development in this re-write; however, the entire ordinance has been re-organized so that related sections are located in the same area thus allowing the ordinance to be more user-friendly for the citizens, developers, other agencies and the County staff.

The proposed ordinance begins with "Article XX" (County Zoning Ordinance ends with Article XVIII) so that hopefully if a Unified Development Ordinance (UDO) is proposed for the future, minimal changes would have to occur. Several new definitions have been added primarily to ensure the subdivision ordinance is consistent with the existing County Zoning Ordinance. References to the zoning ordinance are also included making it clear that these development ordinances (subdivision and zoning) are interrelated.

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3. The amount of land area (or equivalent fee) for parks, recreation and open space is proposed to be increased to 800 square feet per lot or unit regardless of type of land being utilized and the graduated amount for primarily non-developable land being devoted to satisfy this requirement has been deleted – current ordinance requires 500 square feet of land area per lot or unit and increases up to 2,000 square feet if water bodies are used. (p. 37, Section 2308, sub-section A)

RECENT CHANGES RECOMMENDED BY OUTSIDE PARTIES

1. p. 17, Sec. 2201, first sentence, delete: “including grading”
2. pp. 21 & 22, Sec. 2302, sub-sections A, B & C, add: references to exhibits for the MIA, SSA and Ft Bragg Special Interest Area Maps (Exhibits to be attached as an appendix to the ordinance.)
3. p. 31, Sec. 2304.C, Private Streets, sub-section b(1) Class “B” private streets: clarify the requirement for a “45 foot right-of-way”
4. p. 34, Sec. 2306, Utilities, sub-section c, Little Rockfish Creek Sewer Interceptor, delete entire sub-section (County Engineer says no longer necessary)
5. p. 34, Sec. 2306, Exception to public water & sewer extension/connection, delete (6) references the Little Rockfish Creek Sewer Interceptor – no longer necessary
6. p. 38, Sec. 2308, Parks, Rec and Open Space, sub-section B.7(a), delete entire sentence and re-number remaining sentences
7. p. 43, Sec. 2401, Group Developments, sub-section D, Street access, delete entire second sentence referencing “buildings being within 500 feet of access point
8. p. 44, Sec 2401, Group Developments, sub-section F, Off-street parking, change the off-street parking area setback from a right-of-way from 15 feet to 5 feet
9. p. 46, Sec. 2402, Zero Lot Line Developments, sub-section G, Declaration of covenants and restrictions, change the requirement for filing the covenants with the staff for submission to County Attorney prior to the submission for final plat approval as opposed to preliminary plan submission
10. p. 49, Sec 2403, Unit Ownership, sub-section C, change the final plan approval timeline from 30 days to one calendar year.

MAJOR CHANGES

DRAFT

SUBDIVISION ORDINANCE

CUMBERLAND COUNTY

NORTH CAROLINA

ORIGINALLY ADOPTED: JULY 1, 1970
AMENDED:
EFFECTIVE:



CUMBERLAND COUNTY JOINT PLANNING BOARD

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ARTICLE XX ADMINISTRATIVE PROVISIONS

SECTION 2001. PURPOSE.

The purpose of this ordinance is to establish regulations and procedures for the platting, recording and development of real property within Cumberland County. The Board of Commissioners of Cumberland County hereby finds these regulations and procedures are necessary in order to promote the orderly development of the County; provide for the coordination and dedication of streets and thoroughfares; provide for the reservation or dedication of land for other public purposes, as set forth herein; promote the proper installation of streets, public utilities and other community facilities, promote the eventual elimination of unsafe and unsanitary conditions arising from improper land subdivision and development; ensure proper description, identification, monumentation and recording of subdivision properties; and generally promote the public health, safety and general welfare.

State Statute Reference: N.C. GEN. STAT., Chapter 153A, Planning and Regulation of Development

SECTION 2002. TITLE.

This ordinance shall be known and may be cited as the "Cumberland County Subdivision Ordinance."

SECTION 2003. AUTHORITY AND ENACTMENT.

The Board of Commissioners of Cumberland County, pursuant to the authority conferred by Chapter 153A, Article 18, Part 2, Section 153A-330 *et seq.* of the General Statutes of North Carolina, does hereby ordain and enact into law these articles and sections.

SECTION 2004. JURISDICTION.

This ordinance shall control the subdivision of land, as defined herein, lying within the boundaries of Cumberland County, except to the extent of lawful subdivision regulations by any municipality in the County as authorized by law.

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SECTION 2005. APPLICATION.

All plats for the subdivision, as defined herein, of land shall conform to the requirements of this ordinance and the County Zoning Ordinance, and shall be submitted in accordance with the procedures and specifications established within the ordinances. Plans for manufactured home parks, group developments, or zero lot line, townhouse, and condominium developments shall be submitted in the same manner as other plans.

SECTION 2006. ORDINANCE ADMINISTRATOR.

The Board of Commissioners of Cumberland County, as permitted by N.C. GEN. STAT. § 153A-330 *et seq.*, delegates to the Cumberland County Planning & Inspections Director, or his/her designee, authority to grant preliminary plan and final plat approval in accordance with the provisions of this ordinance, with appeal of the Cumberland County Planning & Inspections Director's final decision to be heard and decided by the Cumberland County Planning Board.

SECTION 2007. PLANS/PLATS APPROVAL REQUIRED.

After the effective date of this ordinance, no subdivision plat of land, as defined herein, within the jurisdiction of this ordinance and the County Zoning Ordinance, shall be filed or recorded until it shall have been submitted to and approved by the Planning and Inspections Department as hereinafter provided; no permit shall be issued for development of any land until such time as a subdivision plat has been finally approved and recorded with the County Register of Deeds or until such time as the plan has received approval where a final plat is not required; and no land shall be sold or transferred by reference to a subdivision plat, except those recorded prior to the effective date of this ordinance, that has not been approved and recorded in accordance with the provisions of this ordinance.

SECTION 2008. FEES.

For each preliminary plan, final plat, every group development plan, and any site plan as required under the County Zoning Ordinance, the owner or agent of said property shall pay a nonrefundable filing fee to "Cumberland County" in accordance with a fee schedule recommended by the Planning Board and approved by the County Commissioners.

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ARTICLE XXI INTERPRETATIONS, CALCULATIONS AND DEFINITIONS

The interpretation of terms, methods of measurement, and definitions contained in this article shall be observed and applied when construing and applying this ordinance, except when the context clearly indicates otherwise. Words not otherwise defined shall be construed and applied given their customary and ordinary meaning.

SECTION 2101. INTERPRETATIONS OF COMMON TERMS AND WORDS.

For the purpose of interpreting certain words or terms contained within this ordinance and unless otherwise expressly stated, the following shall apply:

A. Words used in the present tense include the future tense. Words used in the singular tense include the plural, and words used in the plural tense include the singular, unless the natural construction of the wording indicates otherwise.

B. The word "shall" is always mandatory and not discretionary.

C. The word "may" is permissive.

D. The word "person" includes any firm, association, organization, partnership, corporation, trust or company, or any other legal entity, as well as an individual.

E. The word "lot" shall include the words "piece," "parcel," "tract" or "plot."

F. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for" and "occupied for."

G. Any reference to an "article" or "section" shall mean an article or section of this ordinance, unless otherwise specified.

SECTION 2102. METHODS OF CALCULATION.

The rules set out herein shall be used to enforce and apply this ordinance, unless such rules are inconsistent with specific criteria contained within an individual article or section. If a discrepancy arises between the following methods and any specific section elsewhere in this ordinance, the standards of the specific section shall prevail.

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A. *Fractional requirements.* When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit, and a fraction of less than one-half shall be disregarded. When the of the number of dwelling units permitted on a lot submitted for approval as a group development results in a fraction of a dwelling unit, a fraction of one-half or more shall be considered a dwelling unit, and a fraction of less than one-half shall be disregarded

B. *Computation of time.* The time within which an act is to be completed shall be computed by excluding the first day and including the last day; if the last day is a Saturday, Sunday or legal holiday recognized by the County, that day shall also be excluded.

C. *Calculation of measurement.* The spatial separations required by this ordinance shall be calculated as follows:

1. Distance is calculated by drawing a straight line from the closest point on the perimeter of the exterior wall of the site being measured to the closest point of the property line in question.

2. Separation of structures is calculated by drawing a straight line from the closest point on the perimeter of the exterior wall, structure or bay to another exterior wall, structure, bay, well, or septic, as applicable.

3. Separation of uses is calculated by drawing a straight line from the closest point of the property boundary to the nearest property boundary line, which contains the use requiring the separation.

4. Area is calculated by applying the standard mathematical formulas, applying common conversion factors as necessary.

SECTION 2103. DEFINITIONS OF SPECIFIC TERMS AND WORDS.

In further amplification and for clarity of interpretation of the context, the following definitions of word usage shall apply:

Abutting/Contiguous: Having property or district lines in common, i.e., two lots are abutting if they have any portion of any property line in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street, alley, railroad right-of-way, navigable stream or other water source.

Access: A means of approaching/entering or exiting/leaving a property. Access also includes ingress, the right to enter and egress, and the right to leave.

DRAFT

Alley: A private right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on a street and is not intended for general traffic.

Alter: To make any change, addition or modification in construction, occupancy or use.

Apartment: A room or suite of rooms intended for use as a residence by a single household or family. Such a dwelling unit may be located in an apartment house, duplex, or as an accessory use in a single home or a commercial building.

Berm: Any elongated earthen mound designed or constructed to separate, screen or buffer adjacent land uses.

Board of Commissioners or Commissioners: The Cumberland County Board of Commissioners.

Buffer: An opaque fence, wall, berm, hedge or other natural planting, or a combination thereof, restricting the view from adjoining streets and/or abutting properties thus providing a functional and/or visual separation of uses of property.

Buildable Area (Buildable Envelope): The space remaining on a lot after the minimum open space requirements (yards, setbacks, etc.) have been met.

Building: Any structure enclosed and isolated by exterior walls constructed or used for residence, business, industry or other public or private purposes, or accessory thereto, including tents, lunch wagons, dining cars, trailers, manufactured homes and attached or unattached structures consisting of roof and supporting members, and similar structures whether stationary or movable.

Building Footprint: The portion of a lot's area that is enclosed by the foundation of buildings, plus any cantilevered upper floor, stoops, porches, chimneys, decks, etc.

Building, Principal (Main): A building in which the principal use is conducted for the lot on which it is situated.

Building, Setbacks: The minimum distance from all property and/or right-of-way lines to the closest projection of the exterior face of buildings, walls or other forms of construction (i.e. decks, landings, terraces, and porches, etc.).

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Building Site: A building site shall be that property intended for conveyance to a fee simple owner after the construction thereon of a single-family residence or business, and shall be sufficient in size to contain the structure to be constructed thereon and any other proposed components of the property that are to be conveyed.

Cemetery: As defined in Chapter 65, Article 9, of the General Statutes of North Carolina, any one or a combination of more than one of the following in a place used or to be used and dedicated or designed for cemetery purposes:

- A. Grave spaces or burial park for earth interment;
- B. Mausoleum; and
- C. Columbarium.

Cemetery Grave Space: A space of ground in a cemetery intended to be used for the interment in the ground of the remains of a deceased person.

Certificate of Occupancy: Official certification that a premise conforms to the provisions of this ordinance, the County Zoning Ordinance and N.C. Building Code and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied, but a certificate may be issued for a portion of a structure ready for occupancy, such as separate dwelling or commercial units in a structure with multiple units.

Common Area: Land and any other portion of a development not individually owned or dedicated for public use, which is designed and intended for the use or enjoyment of the residents of the development.

Condominium (Unit Ownership) Development: A project, governed by the Unit Ownership provisions of this ordinance and regulated by the *NC Unit Ownership Act*, N. C. GEN. STAT. 47A-1, *et seq.*, consisting of multiple individually owned units in a multi-unit structure with jointly owned undivided interest in common of the land on which the structure(s) stand and other shared areas and facilities (common area).

Conservancy: Any legally established incorporated entity, whether for profit or nonprofit, whose organization is dedicated to the protection of the environment and natural resources.

County: Cumberland County.

DRAFT

Crosswalk: A right-of-way dedicated to public use, which cuts across a right-of-way to facilitate pedestrian access to adjacent streets and properties.

Dedication: A gift from by the owner of property to another party without any consideration being given for the transfer. Since a transfer of property is involved, the dedication shall be accomplished by written instrument and is completed with an acceptance.

Density: The average number of families, persons, housing units or buildings per unit of land.

Driveway: A private access way, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel in which it is located.

Dwelling: A building or portion thereof designed, arranged or used for permanent living quarters. The term "dwelling" shall not be deemed to include a travel trailer, recreational vehicle, motel, hotel, tourist home or other structures designed for transient residence.

Dwelling, Multiple-Family: A residence designed for or occupied by two or more families with separate housekeeping and cooking facilities for each.

Dwelling, Single-Family: A detached residence designed for or occupied by one family only.

Easement: A right given or reserved by the owner of land for specific limited use of the owner's land.

Farmland Protection Area: An area defined and adopted by the Board of Commissioners as denoted on the Land Use Plan Map for protection of the agricultural industry; the rural character; and the preservation of farmland.

Group Development: A group of two or more principal uses, structures, or dwelling units occupying, built on, or intended to occur on a single lot, tract, or parcel of land.

Health Department: The Cumberland County Public Health Department.

High Voltage Line: Any electrical line 25kv or greater.

Highway Plan: A plan, formally known as "Fayetteville Area Metropolitan Planning Organization Highway Plan," that provides and defines a functional system of streets permitting travel from origins to destinations with directness, ease and safety. Different streets in this system are designed and called on to perform specific functions, thus minimizing the traffic and land service conflict.

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Land Area, Gross: The square footage of an entire site included within the external boundary of the property to be developed.

Land Area, Net: The square footage of an entire site, excluding public and private rights-of-way, required to meet the minimum zoning district dimensional provisions as required by the County's Zoning Ordinance, for which the property is zoned.

Lot: A parcel of land occupied or intended for occupancy, by a principal structure or group of principal structures together with any accessory structures, including such yards, open spaces, width, and area as are required by this ordinance and the County Zoning Ordinance, either shown on a plat of record or described by metes and bounds and recorded with the County Register of Deeds.

Lot, Corner: A lot abutting the intersection of two or more streets, or a lot abutting a curved street or streets, which streets have an angle of intersection of not more than 135 degrees.

Lot, Depth: The depth of a lot is the average distance between the front and back lot lines excluding street rights-of-way.

Lot, Flag: A lot where the main body of the lot is separated from the street giving access to the property, but which has an included strip of land at least 20 feet in width connecting the lot to the street, thus providing lot access.

Lot, Frontage: The linear feet of property measured along the property line that abuts a public street. On a private street, the distance is measured along the right-of-way line adjoining the street.

Lot, Interior: A lot other than a corner or periphery lot.

Lot Lines: The lines bounding a lot; where a lot of record includes a public right-of-way, the lot lines are presumed not to extend into the right-of-way.

Lot, Periphery: A lot with one or more property line(s) comprising at least a portion of the boundary of the property to be subdivided or developed.

Lot, Through: A lot, other than a corner lot, having frontage on two parallel or approximately parallel streets or a corner lot having frontage on three or more streets.

Lot Width: The straight-line distance between the points where the building setback line intersects two side lot lines.

DRAFT

Lot of Record: A part of a subdivision or development, a plat of which has been recorded in the office of the County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds and, if applicable, meets all requirements of the this ordinance.

Manufactured Home: A structure designed to be used as a dwelling unit, which has been constructed and labeled indicating compliance with the U.S. Department of Housing and Urban Development (HUD) administered *National Manufactured Housing Construction and Safety Standards Act of 1974*, as amended.

Manufactured Home, Class A: A dwelling unit constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development (HUD) that were in effect at the time of construction and that satisfies the following additional criteria:

A. The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis;

B. The pitch of the roof of the manufactured home has a minimum vertical rise of 2.2 feet for each 12 feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction;

C. All roof structures shall provide an eave projection of no less than six inches, which may include a gutter;

D. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint) or wood or hardboard siding, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;

E. The manufactured home is set up in accordance with the standards set by the N.C. Department of Insurance (NCDOI) and a continuous permanent masonry foundation, or permanent masonry curtain wall, un-pierced except for required ventilation and access, is installed under the manufactured home;

F. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the N. C. Department of Insurance (NCDOI), attached firmly to the primary structure and anchored securely to the ground; and

DRAFT

G. The moving hitch, wheels and axles, and transporting lights have been removed.

Manufactured Home, Class B: A dwelling unit constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development (HUD) that were in effect at the time of construction, but that does not satisfy all of the criteria necessary to qualify the dwelling unit as a Class A manufactured home.

Manufactured Home, Class C: Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.

Manufactured Home Park: Any site or tract of land with more than two spaces intended to be occupied or occupied by manufactured homes, regardless of whether a charge is made for such services. Manufactured home parks may include recreational facilities and other incidental structures necessary to support the residents of the park

Manufactured Home Space: A plot of land within a manufactured home park designed for the accommodation of a single manufactured home.

Municipal Influence Area: An area within the County's jurisdiction, and outside any municipalities' corporate limits, that is assigned by the County Commissioners to a specific municipality where that municipality's development standards shall be applicable. The official *Municipal Influence Area Map* for each municipality shall be filed with the appropriate Town Clerk and the Clerk to the County Board of Commissioners, and shall be maintained by the Planning and Inspections Department.

N. C. Department of Transportation (NCDOT): The local district office of the North Carolina Department of Transportation.

Open Space: The land used for recreation, natural resource protection, amenities and/or buffer areas. Open space may include, but is not limited to, un-improved walkways, recreation areas, playgrounds, wooded areas, greenways and watercourses.

Ordinance: This document, the Cumberland County Subdivision Ordinance, including any amendments thereto and whenever the effective date of the ordinance is referred to, the reference includes the effective date and the effective date of any amendments.

Parks and Recreation Director: The individual charged with overseeing the Fayetteville-Cumberland Parks and Recreation Department within a specific area; this definition also includes a designee of the Parks and Recreation Director, or where there is no Parks and Recreation Department,

DRAFT

the official designated for the purpose by that affected jurisdiction's governing board.

Parks and Recreation Master Plan: The officially adopted document that is the vision of what the County's parks and recreation program and facilities could be in the future, as well as, a plan to make the initiatives written in the plan happen based upon available resources at any given time.

Planning Board (also known as "Joint Planning Board"): A planning and advisory board established by the County Board of Commissioners, comprised of appointed members, who make recommendations to the Board of County Commissioners and other governing bodies on planning and land use matters. The board's official title is "Cumberland County Joint Planning Board".

Planning and Inspections Department: The department established by the County Board of Commissioners, responsible for and tasked with planning and land use matters for the County.

Planning and Inspections Director: The individual responsible for the leadership of the Cumberland County Planning and Inspections Department, and who serves as advisor to the Cumberland County Joint Planning Board.

Planning and Inspections Staff: The staff members assigned to the Planning and Inspections Department who, under the supervision of the Planning and Inspections Director, supports the Cumberland County Joint Planning Board and the County on planning and land use matters.

Plat/Plan: A preliminary or final map, usually of land which is to be or has been subdivided or developed, showing the location, boundaries, and ownership of properties; the location, bearing and length of every street and alley line, lot line and easement boundary line; and such other information as may be necessary to determine whether a proposed subdivision or development meets all required standards of this ordinance and other applicable rules and regulations of the County.

Premises: A lot and the structure or structures located on it or the use or uses occurring on it.

Principal Structure/Principal Use: The primary building(s), purpose(s) or function(s) that a parcel or structure serves or is intended to serve.

Private Water System: Any water system that is not public and does not meet the definition for "Public Water Supply" below.

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Public Water/Sewer Systems: Includes any municipal, county, sanitary district, community, and privately owned water and/or sewer systems as regulated and controlled by the N. C. State Utilities Commission and the Health Department.

Public Water Supply: A water provider that has 15 or more connections or serves more than 25 customers and is regulated by the State of North Carolina.

A. *Community water.* Serves 15 or more connections or serves more than 25 year round residents (example: rest home).

B. *Non-community water.* Serves 25 of the same individuals six or more months out of the year (example: school or day care facility).

C. *Transient non-community water.* Serves 25 or more individuals at least 60 days out of the year, not necessarily by the same individuals.

D. *Purchased water system.* Water purchased from a public water supply.

Public Way: Any street, alley or similar parcel of land, which is deeded, dedicated or otherwise permanently appropriated to the citizens for their use.

Reservation: A reservation of land does not involve any transfer of property rights; it simply constitutes an obligation to keep property free from development for a period of time for a specific purpose..

Right-of-Way: An area owned and maintained by the County, any municipality, the State of North Carolina, the Federal government, a public utility, a railroad or a private entity or individual for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities or railroads.

Rural density: Residential development having density equal to or less than two dwelling units per acre.

Setback: The required distance between every structure with other structures, whether on the same or separate lots, and every structure and the lot lines of the lot on which it is located.

Site Plan: A scaled drawing depicting uses and structures proposed for a parcel of land as required by this ordinance. It includes such things as lot lines, streets, building sites and setbacks, means of access, parking, reserved open space, buildings, major landscape features—both natural and manmade—and, depending on requirements, the locations of proposed utility

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lines. The specific criteria for site plans are found in County Zoning Ordinance.

Sidewalk: An improved pedestrian surface that is typically located adjacent to a roadway and/or is intended to facilitate pedestrian access from one point to another.

Street: A public or private right-of-way, which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other right-of-way.

Street, Private: Any road, street, or alley that is not publicly owned and maintained and is used for access by the occupants of the development, their guests, and the general public. (This does not include neighborhood public roads, cart paths and ingress/egress easements.)

Street, Public: A right-of-way maintained by a public entity and intended for vehicular traffic. The word "street" includes, but is not limited to, "road, freeway, expressway and thoroughfare." The Highway Plan and N. C. Department of Transportation classify streets as follows:

A. Freeways and expressways. The primary function of freeways and expressways is to move large volumes of inter-urban, inter-county and interstate traffic. They are not intended to serve the abutting property and, therefore, should provide limited access with grade separations at all intersections. They should be at least four-lane divided facilities permitting as high an average operation speed as legal and should connect the major economic, recreation and population centers of the county with those of the state and nation.

B. Major thoroughfares. Primarily for the movement of heavy volumes of traffic, major thoroughfares should form connections with the industrial, commercial and population centers within the County and with the major roads in neighboring in the surrounding areas. Depending upon anticipated traffic volumes and adjacent development, they may be two-lanes, four-or-more lanes undivided, or four-or-more-lanes divided facilities with either limited or controlled access and with major intersections separated. Though their primary function is to serve traffic, they may also serve abutting property with controlled access.

C. Minor thoroughfares (collectors): The main function of the minor thoroughfares is to collect traffic from the local roads and carry it to the major thoroughfares. They should be designed to serve a limited area with no access control or grade separation.

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D. *Local street*. A local service street designed primarily for access to abutting properties.

E. *Cul-de-sac or hammerhead*. A local street permanently terminated by a turn-around.

F. *Marginal access street (service road)*. A local street that parallels and is immediately adjacent to a major thoroughfare, freeway or expressway, and which provides access to abutting property and protection from through traffic.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in a permanent manner.

Subdivision: For the purpose of this ordinance, "subdivision" shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) on or after August 22, 1984 and shall include all divisions of land involving the dedication of a new street or a change in existing streets; however, the following shall not be included within this definition nor be subject to the regulations authorized by this ordinance:

A. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in its subdivision regulations.

B. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved.

C. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.

D. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in its subdivision regulations.

E. The platting of individual grave spaces within a cemetery.

However, plats in categories "A" and "D" above shall have the Planning Board's stamp "No Approval Required" before filing in the County Register of Deeds' office inasmuch as a determination must be made as to whether or

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not the resultant lots are equal to or exceed the standards set forth in this ordinance.

Suburban Density: Residential development having a density of less than five and more than two dwelling units per acre.

Townhouse Development: A project, governed by the *Unit Ownership* provisions of this ordinance, consisting of attached units in conjunction with a separate lot or lots of common ownership, regardless of whether it is designed for residence, office, the operation of any industry or business, or for any other type of independent use, and wherein each unit has at least one vertical wall extending from ground to roof dividing it from adjoining units, and each unit is separately owned, with the owner of such unit having title to the land on which it sits.

Urban Density: Residential development having a density of five or more dwelling units per acre.

Voluntary Agricultural District: A North Carolina program in which an owner of farmland may on their own initiative apply to participate in and is designed to preserve and protect farmland from non-farm development, recognizing the importance of agriculture to the economic and social well being of the State.

Yard, Front: An area of which the width is measured the entire length of the front property line between the side property lines; and the depth is measured as the distance between the street right-of-way or property line and the required front setback line.

Yard, Rear: An area of which the width is measured the entire length of the rear property line between the side property lines; and the depth is measured as the distance between the property line and the required rear setback line.

Yard, Side: An area extending from the required front setback to the required rear setback, or to the front or rear property lines where no front or rear setback is required by the provisions of this ordinance, the minimum and average dimensions of which are determined by the standards of property development of the zoning district in which such lot is located.

Zero Lot Line Development: A development including, but not limited to, patio houses, town houses and businesses including one or more structures comprising at least two single-family residences or businesses, whether attached or detached, intended for separate ownership.

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ARTICLE XXII PRELIMINARY DEVELOPMENT PLAN APPROVAL

SECTION 2201. PRE-APPLICATION.

Whenever a development is proposed to be made and before any improvements shall be made, ~~including grading,~~ the developer shall cause a preliminary plan to be prepared. The preliminary plan shall comply fully with this ordinance and with the health, zoning and other applicable regulations in effect at the time the plan is submitted for preliminary approval. Before filing a preliminary plan for review, the developer is encouraged to submit a pre-application sketch plan to the Planning & Inspections Department, hereinafter: Department, for comments and suggestions.

SECTION 2202. PRELIMINARY PLAN SUBMISSION.

A. The preliminary plan in such form as required by Section 2203 and in such number of copies deemed sufficient by the Planning & Inspections Director, hereinafter "Director," shall be submitted, with the appropriate completed application, to the Department .

B. The Department shall distribute the preliminary plans to the various land-use related agencies as determined by the Director, and shall review the preliminary plan to determine its compliance with the provisions of this ordinance and other officially adopted regulations, plans and policies. The Department may negotiate for such other changes as may be found desirable.

C. After such review and negotiations, the Department may approve the plan and state the conditions of such approval, if any, or shall disapprove the plan and state its reasons therefore. Except where extenuating circumstances exist and where additional information is required for review of the plan, the Department shall issue its final ruling within 12 working days from date of submittal of the preliminary plan.

D. In addition to approving waivers, the Planning Board shall decide all conditions of approval where the Director and developer cannot reach agreement - see Section 2601.

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SECTION 2203. PRELIMINARY PLAN AND SUPPORTING DATA.

The preliminary plan shall be drawn to scale of not less than 200 feet to the inch nor more than 20 feet to the inch. It should be superimposed on a topographic map with contour lines shown at one- or two-foot intervals. In addition, the preliminary plan shall include the following:

A. *Title data.* Development name, the names and addresses of the owner(s) or the designer of the plan, the scale, date and north point.

B. *Vicinity sketch.* A key map or vicinity sketch showing the subject property's general location in relation to an area of the County.

C. *Existing data.* Location of existing and platted property; total acreage of proposed development; existing structures, culverts, bridges, watercourses, railroads, political boundary lines, zoning district lines, parks, location of easements and name of easement holder; right(s)-of-way name and width, whether public or private, on and adjoining the land proposed for development; and the names of adjoining property owners.

D. *Data relating to proposed development.* The names, locations and dimensions of proposed streets, alleys, crosswalks, lots, easements, building setback lines, *Special Flood Hazard areas*, parks, playgrounds and other open spaces.

E. *Data relating to surrounding area.* Where the preliminary plan submitted includes only a part of the developer's tract, an overall sketch showing the prospective future street system, proposed public open spaces and other features for the development of the entire tract shall accompany the preliminary plan.

F. *Utility plans.* The preliminary plan shall contain a statement as to the type of intended water and sewer service. Where public water and/or sewer is not to be provided, the preliminary plan shall contain a statement as to the proposed method of water supply and/or sewage disposal.

G. *Street cross sections.* When required by this ordinance, typical cross sections of proposed streets shall be drawn, showing width and proposed construction of roadways at a scale of not less than 30 feet to the inch.

H. *Other improvements.* At the discretion of the Director, where other improvements are required or are to be provided in the development, appropriate plans shall accompany or shall be incorporated into the preliminary plan.

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SECTION 2204. EFFECT OF PRELIMINARY PLAN APPROVAL.

Where preliminary plan approval is granted, the developer may then proceed to construct improvements in accordance with the requirements of this ordinance, the County Zoning Ordinance and other applicable regulations, and to submit the final plat for approval for recordation. Where approval is granted, the preliminary plan shall be approved or conditionally approved initially for a period of time not to exceed two calendar years. Extensions may be approved for subsequent two calendar year time periods provided that a request for extension is made prior to the expiration of the approval and provided that substantial progress is made or is being made toward the completion of the development.

SECTION 2205. CONTRACTS TO SELL OR LEASE REFERENCING APPROVED PRELIMINARY PLAN.

The terms of this ordinance shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plan for which a final plat has not yet been properly approved provided that the provisions of N. C. GEN. STAT. § 153A-334 are complied with.

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ARTICLE XXIII DEVELOPMENT IMPROVEMENT AND DESIGN STANDARDS

SECTION 2301. GENERAL.

A. *Conformity.* All proposed developments, whether a subdivision, special development, or other development regulated by the provisions of this ordinance or the County Zoning Ordinance, shall comply with the provisions of this ordinance, the County Zoning Ordinance, other applicable local, State and Federal regulations.

B. *Reasonable relationship.* Any proposed development subject to the provisions of this ordinance shall also be so planned as to facilitate the most advantageous development of the entire community and shall bear a reasonable relationship to existing or amended plans and written adopted policies of the Planning Board and the Board of Commissioners.

C. *Recorded plat.* A final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance and the County Zoning Ordinance, prior to any subdivision of land and prior to commencement of the placement of any structure or construction on or conveyance of any portion of any subdivision lot.

SECTION 2302. AREA-SPECIFIC STANDARDS.

A. *Municipal Influence Areas.* The Board of Commissioners by interlocal agreement may approve and establish a *Municipal Influence Area* (MIA) for a municipality. All development located within a municipality's MIA shall be developed in accordance with the subdivision design standards officially adopted by the municipality, except as provided in any interlocal agreement adopted by the affected governing bodies. The development standards for each municipality are attached to this ordinance as "Exhibit 5.4" and entitled *MIA Development Standards*. The official MIA map – see Exhibit 4 – shall be maintained by the Planning and Inspections Department and kept on file with the office of the Clerk to the County Board of Commissioners.

B. *Sewer Service Area.* The Board of Commissioners may approve and establish a *Sewer Service Area* (SSA). The SSA sets forth an area within which development should be served by sanitary sewer and shall otherwise be developed according to the provisions of any officially adopted interlocal agreement. Any proposed development inside the boundary of the SSA shall comply with the pertinent provisions governing extension of sanitary sewer and other development criteria specifically addressed within any officially adopted interlocal agreement.

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C. *Fort Bragg Special Interest Area*. Because of the location of known habitat and forage areas of the protected Red-cockaded Woodpecker on the properties in and around the military reservations, the community, including the military, has a special interest in any development that occurs on the privately owned properties in close proximity to the military bases. The official *Fort Bragg Special Interest Area* map, hereby adopted as part of this ordinance, shall be maintained by the Planning and Inspections Department and kept on file with the Clerk to the County Board of Commissioners – see Exhibit 6. Upon submission of any development subject to review under this ordinance and located within the *Fort Bragg Special Interest Area*, the Planning and Inspections Staff shall forward a copy of the preliminary plan to the military planner assigned to the affected military base and to the local office of the U.S. Fish and Wildlife Service, in addition to the other agencies involved in the review process. The military planner and the Fish and Wildlife representative will then assist the developer in identifying areas where trees should be maintained. While the owner is not obligated, the intent is to encourage clustering of developments in accordance with the special development provisions of this ordinance or the County Zoning Ordinance, thus protecting the endangered woodpecker.

D. *School sites*. Where the Land Use Plan specifies an area with a specific location and size of a school site that has been approved jointly by the Board of Commissioners and the County Board of Education as a proposed school site and the proposed school site lies wholly or partially within an area being proposed for development, the land area for the school site shall be reserved if the Board of Education wishes the site to be reserved. The Planning and Inspections Department shall immediately notify the Board of Education upon the submission of a preliminary plan for review and approval under the provisions of this ordinance or the County Zoning Ordinance. If the Board of Education wishes the site to be reserved, the preliminary plan may not be approved without the reservation of the specific area for the school site. The Board of Education must acquire the site within 18 months after the date the site is reserved; if the site has not been acquired by the Board of Education within the 18 month period, the developer may treat the land as freed of the reservation.

State statute reference: N. C. GEN. STAT. § 153A-331

E. *Public park and recreation sites*. Where the Fayetteville-Cumberland Parks and Recreation Master Plan specifies an area with a specific location and size of a site that has been approved jointly by the County Board of Commissioners and the Fayetteville-Cumberland Parks and Recreation Department as a proposed public park or recreation site; hereinafter, *park site*; and the proposed park site lies wholly or partially within an area being proposed for development, the land area for the park site shall be reserved if the Fayetteville-Cumberland Parks and Recreation Department wishes the site to be reserved. The Planning and Inspections Department shall

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immediately notify the Fayetteville-Cumberland Parks and Recreation Department upon the submission of a preliminary plan for review and approval under the provisions of this ordinance or the County Zoning Ordinance. If the Fayetteville-Cumberland Parks and Recreation Department wishes the site to be reserved, the preliminary plan may not be approved without the reservation of the specific area for the park site. The Fayetteville-Cumberland Parks and Recreation Department must acquire the site within 18 months after the date the site is reserved; if the site has not been acquired by the Fayetteville-Cumberland Parks and Recreation Department within the 18 month period, the developer may treat the land as freed of the reservation.

State statute reference: N. C. GEN. STAT. § 153A-331

F. *Planned public rights-of-way.* Where any portion of a proposed development lies within the proposed right-of-way of any public street or road included in an officially adopted *Highway Plan* of the County, or in the event the proposed development is located within any municipality's *Municipal Influence Area*, within any municipality's officially adopted street/highway plans, the right-of-way shall be dedicated or reserved in the location and at the width as adopted in the official plan; provided that no dedication wider than 80 feet shall be required, and provided that no dedication shall be required where right of direct access from abutting property is denied. If the development is such that a final plat is required to be recorded prior to any development on the site, the dedication and reservation shall be accomplished on the final plat, with the bearings and distances of the required dedication and reservation lines shown; otherwise, a reservation of the property shall be shown on the preliminary plan prior to the plan receiving preliminary approval. Any right-of-way required to be dedicated or reserved shall not be included in the calculation of land area for district dimensional requirements for the zoning district in which the proposed development is located.

State statute reference: N. C. GEN. STAT. § 153A-331

G. *Voluntary Agricultural District.* The *Voluntary Agricultural District* (VAD) is intended to promote agricultural and environmental values and the general welfare of the County and, more specifically, increase identity and pride in the agricultural community and its way of life, encourage the economic health of agriculture, and increase protection from non-farm development and other negative impacts on properly managed farms. Approved applications for placement of property within the VAD shall be kept on file at the Planning and Inspections Department and notice of a proposed subdivision or other change any property lines for property located within the VAD shall be made to the Cooperative Extension Office immediately upon its submission for approval for recordation.

State statute reference: N. C. GEN. STAT. § 106-744

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SECTION 2303. MINIMUM LOT STANDARDS.

A. *Compliance with County Zoning Ordinance.* Any lot or development created subject to the terms of this ordinance is subject to and shall comply with all applicable provisions of the County Zoning Ordinance.

B. *On-site water and sewer systems.* Lots not served by public water and/or sewer systems shall be large enough and of such physical character to meet County Health Department minimum standards for onsite water and/or sewer systems.

C. *Street frontage.* Except as otherwise provided for in Section 2401, every lot shall abut a public street or private street approved under the terms of this ordinance for at least 20 feet, such frontage (abutting) to be continuous from the property line to building setback line.

D. *Access to certain classified streets.* Direct access shall not be allowed for any single-family residential lot located along any street as defined or classified by the Highway Plan or locally adopted Collector/Feeder Street Plan as major or minor thoroughfare, arterial, collector or feeder street, where feasible and sufficient land depth exists.

E. Easements.

1. *Utility.* To provide for existing or future service poles, underground electric and communication lines, public utilities, conduits, drainage facilities, water and sewer lines, an easement not less than ten feet wide, five feet on each side of the common rear lot line or in other locations where necessary, shall be provided. No building or other permanent obstruction, not including fences, shall be erected on any such easement.

2. *Drainage.* Where property to be subdivided is traversed by a watercourse, drainage way, canal or stream, there shall be provided a drainable easement for channel improvement which conforms substantially with the center line of such watercourse, drainage way, canal or stream. Such drainage easement shall be a minimum of 20 feet wide (not necessarily centered) but in no case shall it be required to exceed 20 feet from the top of the bank (natural stream channel) on either side of the watercourse, drainage way, canal or stream. In the event that the subdivision includes a man-made lake, such drainage easement shall conform to the original stream or watercourse where known or a note added to the plat to read as follows: "In the event that the lake(s) shown on this plat is drained or otherwise lowered to the natural stream level, a public drainage easement for the purpose of channel improvement is hereby dedicated at a minimum width of 20 feet but not to exceed 20 feet from the top of the bank on either side of the natural stream course."

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F. *Lots intended for commercial and industrial uses.* Commercial and industrial lots may be arranged in convenient units of width and to a depth that is appropriate to the development contemplated, provided that the minimum requirements for lots, blocks and zoning are met.

G. *Lots subject to flooding.* Improvements of any lot, street or common area shall not be commenced in a subdivision or other development, or section thereof, subject to this ordinance or the County Zoning Ordinance, unless the developer, builder, landowner or other appropriate permittee has complied with the provisions of the County Flood Damage Prevention Ordinance. The preliminary plans and final plats of subdivisions or other developments, or sections thereof, in which there are areas of special flood hazard, shall have a line or lines drawn thereon delineating the boundaries of such areas within the subdivision or other development. Each such boundary line shall be the same as the boundary line(s) of the *Special Flood Hazard Area*, as defined in the County Flood Damage Prevention Ordinance, and as shown on the official flood maps of Cumberland County, the Flood Insurance Rate Map (FIRM). Any interpretation by the County Engineer may be appealed pursuant to the County Flood Damage Prevention Ordinance.

The preliminary plans and final plats of a subdivision or other development, or section thereof, subject to the provisions of this section, shall be annotated with the following notice when the plan/plat is a depiction of property that is located within the *Special Flood Hazard Area*:

"Notice: Any improvement within the *Special Flood Hazard Area*, or any subsequent revision thereof, is subject to the provisions of the Cumberland County Flood Damage Prevention Ordinance and may be limited or precluded thereby."

SECTION 2304. STREETS.

A. *General criteria.* All subdivision lots shall abut a street designated as either public or private and all public or private streets shall be built to the standards of this ordinance, other applicable standards of the County, and the North Carolina Department of Transportation (NCDOT). Public streets shall be designed in accordance with the standards of this ordinance, the NCDOT, or, if the development is located within a municipality's *Municipal Influence Area*, to that municipality's standard (see Exhibit 1, MIA Development Standards). Public streets shall be constructed in such a manner to be eligible for acceptance into the State highway system and shall be put on such system. Private streets shall be developed in accordance with the terms of this ordinance and other applicable Federal, State, and local regulations. The following provisions apply to all streets, whether public or private:

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1. *Relation of proposed streets to adjoining street system.* The proposed street system shall extend existing or proposed streets at the same or greater width, but in no case less than the required minimum width, provided that no extension wider than 80 feet shall be required.

2. *Through traffic.* Minor residential streets shall be laid out so as to discourage through traffic.

3. *Access to adjacent property.* The proposed street system shall be designed to provide for the dedication of access to and not to impose undue hardship upon adjacent property adjoining the proposed subdivision or development. Reserve strips adjoining street right-of-way for the purpose of preventing access to adjacent property shall not be permitted.

4. *Access to parks, schools, etc.* Streets shall be designed or walkways dedicated to assure convenient access to adjacent parks, playgrounds, schools, and other public places. Dedicated walkways shall not be less than ten feet in width.

5. *Circulation requirements.* The minimum circulation requirements for all development shall be the standards outlined in the *NC Department of Transportation Policy on Street and Driveway Access to North Carolina Highways*.

6. *Marginal access streets.* When a tract of land to be subdivided adjoins a limited access highway, the subdivider may be required to provide a marginal access street parallel to the highway or reserve frontage on an interior street for the lots being proposed that are adjacent to the highway.

7. *Street names.* Proposed street names shall not duplicate nor closely approximate phonetically the name of any street anywhere within Cumberland County. Where proposed streets are extensions of existing streets, the existing street names shall be used except where a new name can reasonably be used to avoid further street name duplication.

8. *Street signs.* All streets within a development shall be marked with a street name sign of a design specification and location in accordance with the *Cumberland County Street Sign Specifications Manual*, and approved by the Planning & Inspections Department.

9. *Half streets.* Whenever an existing half street is adjacent to a tract of land to be subdivided, the other half of the street shall be dedicated or shown as an easement for conditional future dedication within the new subdivision. New half streets are prohibited except when essential to the reasonable development of the subdivision in conformity with the other

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requirements of these regulations and where it will be practicable to require the dedication of the other half when the adjoining property is subdivided.

10. *Street design.*

a. *Right-of-way.* Proposed street right-of-way shall be of sufficient width to meet the requirements of the specifications of the NCDOT.

b. *Median strips.* Where a subdivider elects to construct a street divided with a median strip, the right-of-way width shall not be less than 70 feet, and no median strip shall be less than ten feet wide.

c. *Corner radii.* Property lines at street intersections shall be rounded with a radius of 25 feet.

d. *Intersecting streets.* Streets shall be laid out so as to intersect as nearly as possible at right angles.

e. *Street offsets.* Where there is an offset in the alignment of a street across an intersection, the offset of the center lines shall not be less than 125 feet.

f. *Block lengths.* Block lengths generally shall not be longer than 1,800 feet; provided that where a longer block will result in less traffic through residential developments from adjoining businesses or areas, the Planning and Inspections Director may approve block lengths in excess of 1,800 feet.

g. *Street ending.* All streets not stubbed to adjacent properties for future development shall be ended with either a cul-de-sac or a hammerhead ("t-type") turnaround. Streets ended with a cul-de-sac or hammerhead shall not be longer than 1,400 feet. Culs-de-sac shall be designed at the closed end with a circular turnaround having an outside roadway diameter of at least 70 feet and a right-of-way line diameter of at least 100 feet. Hammerheads shall be designed at the closed end with a "t-type" turnaround having a minimum outside dimension of 50 feet by 100 feet and a roadway dimension of 20 feet by 70 feet. A 15 foot radius is required at the intersecting lines of the "t-type" ending. Other types of turnarounds as approved by the NCDOT may be approved if the design provides for adequate maneuvering of emergency and other public use vehicles.

h. *Alleys.* A reservation or easement for an alley to the rear of proposed lots may be approved provided that the developer can produce satisfactory evidence at the time of the preliminary plan submission to show that the alleys will be functional and be designed in such a manner as to allow for public services to be accomplished. When serving four or less residences, any alley proposed shall provide a minimum width of 12 feet.

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When serving five or more residences and/or non-residential uses, any alley proposed shall provide a minimum alley width of 20 feet. The Planning and Inspections Staff shall review development plans that include alleys for vehicular safety. Alleys shall be approved and maintained the same as common areas within a development and require the County Attorney's approval of owners' association documents and covenants with respect to maintenance and liability of any alley.

B. Public streets.

1. *Construction.* All public streets shall be constructed according to the standards and specifications of the NCDOT and this ordinance.

2. *NCDOT Approval and Acceptance.* All public streets shall be certified by the NCDOT as being acceptable for future maintenance by the State, provided that other conditions for acceptance and maintenance are met. Until such time that the NCDOT accepts the public street for maintenance, the developer and subsequent purchasers shall be responsible for maintenance and for securing final acceptance by the NCDOT.

It shall be the responsibility of the developer to formally notify the NCDOT's District Engineer and initiate the process of transferring the responsibility of road maintenance. If application to the District Engineer has not been formally submitted by the time the County has issued building permits for 75% of the lots shown on the platted portion of the development, the County shall not issue any more building permits until the District Engineer formally notifies the Planning and Inspections Department of the NCDOT's receipt of such application.

If all roads within the subdivision have not been applied for the NCDOT's consideration for addition to the State system by the time at which building permits have been issued for 75% of the lots of the platted portion of the development, the developer may post a surety performance bond or an equivalent security as authorized in Section 2502. Should this alternative be used, the method of payment chosen shall be equal to 1.25 times the cost of installing all remaining required improvements according to the standards required by the NCDOT. Within 30 days after the Planning and Inspections Department receives formal notice of acceptance of the roads by the NCDOT, the County shall release any unused portion of the securities posted through this procedure.

For purposes of this ordinance, "road maintenance" shall mean that the public streets are kept in a good state of repair and that the streets are able to be used for their intended purpose without any impediments. The developer shall not install or allow to be installed any items within the right-of-way which will have to be removed prior to the acceptance of the roads by the NCDOT.

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Such items include but are not limited to fences, masonry mailbox supports, shrubbery, and driveway markers.

3. *Gradient, curves and alignment.* Street gradient, reverse curves and horizontal alignment shall be in accordance with the standards and specifications of the NCDOT.

4. *Curbs and gutters.* Unless otherwise regulated by this ordinance, curb and gutter is required as follows:

a. Developments with a proposed density of five or more units per acre, concrete curb and gutter is required;

b. Developments with a proposed density of more than two but less than five units per acre, concrete or asphalt rolled curb and gutter is required;

c. Developments with a proposed density of two units or less per acre, curb and gutter requirements, if any, must meet NCDOT standards.

All curbs and gutters installed shall meet the NCDOT approved standards and specifications and any rolled concrete curb and gutter, if required by this ordinance, shall not be less than 24 inches.

C. *Private streets.* Private streets will be permitted to serve as access within developments; however, dedication of public streets and other rights-of-way or easements may be required if such are indicated on the official plans as adopted by the County Board of Commissioners, a governing body of a municipality in Cumberland County or the Planning Board. Public streets and/or other rights-of-way or easements or public access over private streets will be required where the Planning Board, the NCDOT, or public utility agency determines that such are necessary in order to promote the continuity of existing streets or utility systems or otherwise protect and promote the public health, safety and welfare.

1. *NCDOT specifications.* Unless otherwise approved, the developer shall reserve enough area along all private streets to meet NCDOT specifications for right-of-way width requirements on secondary roads. Such area as is required to be reserved may not be used toward lot area requirements or be included in any required yard space.

2. *Access to government agency.* In any development where private streets are provided, the developer shall prepare for Planning and Inspections Department approval and record in the County Register of Deeds, a plat of such development indicating all private streets. It shall be indicated on such plat that any governmental agency or personnel or equipment thereof shall be

DRAFT

granted perpetual access over all such private streets to accomplish or fulfill any service or function for which the agency is responsible and that any agency or organization designated by a governmental agency to perform a designated function shall also retain access the same as any governmental agency. It shall be indicated on such plat that any agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, rights-of-way or easements.

3. *Upgrading street classification.* If a division of the same or adjacent lands previously approved under this Section occurs which could change the status of the street to A or B classifications, then the entire street must be upgraded to the applicable higher standard. The individual desiring to create the additional divisions of land shall be responsible for the upgrading of the streets to the higher classification after giving notice to and receiving agreement from the affected property owners.

4. *Minimum design specifications.* The following specifications shall be the minimum accepted for private streets and must be completed, or guaranteed to be completed in accordance with Section 2502, prior to submission for final plat approval. In all developments, minimum asphalt paving and/or base construction is required at least to the minimum standards of the NCDOT for residential streets.

a. *Class "A" private street specifications:*

(1) All street construction, surfacing and drainage standards shall meet or exceed the NCDOT's design specifications for residential streets;

(2) No area of any lot shall be included in rights-of-way;

(3) Street(s) shall be maintained by an established owners' association, as approved by the County Attorney and supported by recorded legal documentation addressing a street maintenance agreement;

(4) No limit to the number of lots to be served by this street classification;

(5) Clearing and grubbing shall be completed five feet of each edge of the surfaced travel way; and

(6) When curb and gutter sections are omitted, 45 foot right-of-way must be provided.

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b. *Class "B" private street specifications:*

- (1) All street construction and drainage standards shall meet or exceed the design specifications of the NCDOT for residential streets with a rural cross-section and with the appropriate amount of either "crush and run" or gravel as certified by a professional engineer and shall provide a minimum of a 45 foot right-of-way;
- (2) Property lines shall be included in the street easement or if to be held in common and an owners' association is established and made responsible for maintenance, the property lines must not be in the right-of-way;
- (3) All such private streets shall connect to a state maintained road or an approved Class A private street;
- (4) Clearing and grubbing shall be completed five feet of each edge of the travel way;
- (5) May serve a maximum of seven lots; and
- (6) Group developments as approved under the terms of this ordinance shall be limited to a maximum of two units per lot.

c. *Class "C" private street specifications:*

- (1) A minimum passable travel way 20 feet wide shall be provided within a 30 foot easement;
- (2) An adequate drainage system shall be constructed in accordance with the storm drainage plan submitted to and approved by the County Engineer;
- (3) All such private streets must directly connect to a state maintained road or a Class A private street;
- (4) May serve a maximum of four lots;
- (5) Group developments as approved under the terms of this ordinance shall be limited to a maximum of two units per lot;
- (6) Property lines shall be included in the street easement;
- (7) Clearing and grubbing will be completed five feet of each edge of the travel way;

DRAFT

(8) The County Engineer shall approve the storm drainage plans only to the extent that the plans are deemed adequate to maintain the private street as originally constructed. Since there are no maintenance requirements for such private streets for any government agency, there shall be no liability on the County, County Engineer or other County employee after such review and this shall be so stated on the final plat.

5. *Maintenance.* Upon determination by the Planning and Inspections Director that such private streets as approved are not in a proper state of maintenance, the Director may, in addition to other remedies, prevent re-occupancy of any structure to which such streets provide access until such streets are in a proper state of maintenance as determined by the Director.

6. *Flag lots.* For Class "B" and "C" private streets, flag lots into the street right-of-way to the public street shall still count as a lot being served for access purposes by such private street.

7. *Class "A" and "B" certification of construction.* Upon completion of construction of Class "A" and "B" private streets and the related facilities including drainage ways, the developer shall provide for an inspection of all such facilities by a registered surveyor or engineer, who shall provide in writing a statement that all private streets and related facilities are constructed in accordance with the provisions of this ordinance and that all such facilities are adequate to serve the development. Such statement shall be affixed with the engineer's seal and submitted to the Planning and Inspections Department and approved prior to the recording of the final plat or release of any construction guarantees as required under Section 2502.

8. *Private street deed disclosure.* Every deed created for a lot served by a private street within the jurisdiction of this ordinance and to be filed with the County Register of Deeds shall include the following disclosure: "It is hereby acknowledged that a *Subdivision Streets Disclosure Statement* has been executed in accordance with N. C. GEN. STAT. § 136-102.6."

SECTION 2305. SIDEWALKS.

A. Sidewalks shall be required to be constructed in the following instances:

1. *Urban density.* When a residential development is proposing lots or units at a density of five or more lots/units per acre, sidewalks are required on one side of all streets and along any abutting minor thoroughfare or higher classification street;

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2. *Suburban density.* When a residential development is proposing lots or units at a density that is less than five lots/units per acre but greater than two lots/units per acre, sidewalks are not required internally within the development; however, sidewalks shall be constructed along any abutting minor thoroughfare or higher classification street;

3. When any development proposed is adjacent to an existing public school or public park property, the developer shall construct and dedicate to the affected public agency a walkway (sidewalk) not less than ten feet in width in such a location as to facilitate direct convenient access to the adjacent school or park; and

4. When a non-residential development is proposed along a minor thoroughfare or higher classification street, sidewalks are required along the affected thoroughfare or higher classification street;

B. All required sidewalks shall be constructed with concrete or other approved surface material and shall comply with the provisions of the *Americans with Disabilities Act* standards. The required sidewalks shall be constructed with a minimum width of 36 inches, a minimum of four inches thickness for areas subject to pedestrian traffic, a minimum of seven inches thickness for areas subject to vehicular traffic, joints spaced every three feet, and a minimum 3,000 PSI compressive strength.

SECTION 2306. UTILITIES.

A. *Water and sewer.* Where water and/or sewer systems are to be installed as part of the development improvements, such systems shall be designed and installed in accordance with the standards and specifications of the Health Department and/or the provider responsible for the approval of such systems.

1. Public water and sewer systems.

a. *Generally.* Where the installation of public water and/or sewer systems is prerequisite to approval of lot sizes and standards, such systems shall be installed and certified prior to final plat approval or assured to be installed in accordance with the provisions of Section 2502.

b. *Connection to public water and sanitary sewer required.* Where any portion of a subdivision or other development submitted for approval under the terms of this ordinance or the County Zoning Ordinance proposes two to ten lots or units is within 300 feet of public water or sewer, the public utilities shall be extended. Where any portion of ten to twenty lots or units is within 500 feet of public water or sewer, the public utilities shall be extended.

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For more than twenty lots or units proposed within the Sewer Service Area and/or and where density is greater than two lots or units per acre, the extension of public water and sewer service is required. Sanitary sewer service outside of the Sewer Service Area requires approval in accordance with the terms of any interlocal agreement officially adopted by the Board of Commissioners.

~~c. Little Rockfish Creek-Bones Creek Sanitary Sewer Interceptor System. Where any portion of a subdivision or other development is within 1,000 feet of the Little Rockfish Creek-Bones Creek Sanitary Sewer Interceptor System that was funded by the County of Cumberland or is required to connect to this system based on any of the above regulations, the public utility shall be extended. Prior to all connections to the Little Rockfish Creek-Bones Creek Sanitary Sewer Interceptor System and prior to issuance of any zoning/building permits, a connection fee must be made to the County of Cumberland to be administered by the County Engineering Department.~~

c.d. Exception to public water and sewer extension/connection.
The Planning Board may make exceptions to the above requirements for connection to a public water and/or sewer system when any of the following conditions warrant:

(1) Public sanitary sewer is within a different drainage basis or sub basin;

(2) The public utility is located beyond the jurisdiction of the Planning Board, and the public utility provider will not agree to extend service;

(3) Crossings of Rockfish Creek, Lower Little River, South River, Cape Fear River, controlled access highways such as Interstate 95, Business 95 and the Fayetteville Outer Loop;

(4) Extensions exceeding 2,000 feet from existing public services;

(5) Property is located outside of municipal governments' approved master plan.

~~(6) When determined by the County Engineer that the extension is not feasible, the County may accept a connection fee and waive the Little Rockfish Creek-Bones Creek Sanitary Sewer Interceptor System 1,000-foot extension requirement. The County Engineer shall submit his written recommendation to the Planning Board prior to the board's consideration.~~

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2. *On-site water and sewer systems.* When proposing lots or units to be served by on-site private water and/or sewer systems, the lot shall be of sufficient size to accommodate the utilities and providing for adequate building area. When either or both of such systems are proposed to be used, every plat must have a certification or disclosure as required by in Section 2504. Every deed created for a lot or unit to be served by an on-site water and/or sewer system within the jurisdiction of this ordinance and to be filed with the County Register of Deeds shall include the following disclosure: "Public water and/or sewer services are not available, as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the Health Department."

B. *Fire hydrants.* Fire hydrants are required when a subdivision or other development subject to this ordinance or the County Zoning Ordinance is served by a public water system where the provider is capable of supplying sufficient water pressure to operate the hydrants. The following are the minimum standards for hydrant installation:

1. Fire hydrants shall be located no more than 1,000 feet apart and at a maximum of 500 feet from any lot or unit;

2. Each fire hydrant shall have the minimum main supply line as required by the provider to adequately provide the appropriate amount of pressure to the hydrant;

3. Fire hydrants shall be maintained by the entity supplying water thereto; and

4. Standard hydrant design (National Standard Thread, 4½-inch steamer, (2) 2½-inch discharge connections, etc.) and proper maintenance shall be utilized.

C. *Underground utilities required.* All development shall have utilities placed underground where practical. High voltage electrical lines as defined are exempt from this requirement.

D. *Stormwater.* New development that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land is subject to the Post-Construction Stormwater Management Permitting Program administered by the Division of Water Quality, N. C. Department of Environment and Natural Resources (NCDENR).

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SECTION 2307. OTHER REQUIREMENTS.

A. *Required drainage.* Drainage systems shall be installed by the developer in accordance with the NC Carolina Department of Transportation (NCDOT) standards and specifications and in accordance with the NC Department of Environmental and Natural Resources' (NCDENR) *Manual on Best Management Practices* (BMP).

B. *Monuments.* Monuments of a permanent material shall be installed in accordance with the N. C. GEN. STAT. § 39-32.1 *et seq.*, and at such points as may be consistent with good surveying/engineering practices.

C. *Removal of rubbish.* All cut or fallen trees, stumps or rubbish shall be completely removed from the development site.

D. *Watercourse protection.* During the construction, preparation, arrangement, and installation of improvements and facilities in developments located at or along a watercourse, the developer shall maintain the watercourse in an unobstructed state and shall remove from the channel and banks of the watercourse all debris, logs, timber, junk and other accumulations of nature that would, in time of flood, clog or dam the passage of waters in their downstream course; provided that installation of appropriately sized stormwater drains, culverts, bridges, levee systems or closure structures in a levee system shall not be constructed as obstructions in the stream.

SECTION 2308. PARKS, RECREATION AND OPEN SPACE.

Every residential dwelling unit shall provide a portion of land for the purpose of providing park, recreation and open space areas. For purposes of this Section, the terms "recreation area" includes park, recreation and/or open space areas.

Whenever this section provides for the exercise of discretion by the Planning & Inspections Director, the Parks and Recreation Director, or an affected jurisdiction, such discretion shall be exercised consistent with the facts, policies and objectives set forth in the officially adopted Parks and Recreation Master Plan as it affects from time to time.

Any portion of a development that lies within an area designated in the officially adopted Parks and Recreation Master Plan or other officially adopted open space/greenway plan (not exceeding the amount required to be dedicated) shall be included as part of the area set aside to satisfy the recreation area requirements of this Section. This area shall be dedicated to public use.

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A. *Amount of land.* The amount of park, recreation or open space area shall be 800 square feet per dwelling. The affected governing body must approve water bodies offered to a public entity for meeting these requirements. The recreation area may include a combination of land above the SFHA, land in the SFHA, water bodies within the development. Land area offered that contains five acres or more and is consistent with the adopted Parks and Recreation Master Plan must be accepted by the affected jurisdiction.

Recreation areas shall be of such dimensions as to be functionally useable and maintainable. Developments that would require less than 25,000 square feet of recreation area may pay a fee in lieu of and be exempt from providing on-site recreation area when the Parks and Recreation Director determines that:

1. The onsite recreation area cannot be combined with such areas serving adjacent property to form a functionally usable and maintainable area; or

2. The recreation needs of the development can be adequately met by existing or planned public recreation areas. In determining the size of a development for purposes of this section, the Planning and Inspections Staff shall consider the entire project developed on a single tract or contiguous multiple tracts under common ownership, regardless of whether the development is constructed in phases or sections. The developer of any development that is exempt from providing on-site recreation area shall pay a fee to the affected jurisdiction in lieu thereof to be used to acquire recreation areas for any park type listed in the Parks and Recreation Master Plan to benefit the residents of the general area.

B. *Standards for recreation areas.* All recreation areas shall meet the standards established in the Parks and Recreation Master Plan unless waived by the Planning Board with a recommendation from the Planning & Inspections Director. These standards are as follows:

1. *Unity.* The dedicated land shall be a single parcel of land, whether or not the development is developed in phases or sections, except if the Planning & Inspections Director determines with a recommendation from the Parks and Recreation Director, that multiple parcels would better serve the residents of the development and the public.

2. *Usability.* A maximum of one-half of the recreation area may be water. When one-half of the area offered is water, the remaining land must be useable land for a park. The usability of recreation area shall be determined by the Planning & Inspections Director, with a recommendation

DRAFT

from the Parks and Recreation Director. The governing body of the affected jurisdiction shall make the final decision.

3. *Shape.* The area not water or wetland shall be of such shape to be usable for recreation facilities, including, but not limited to, tennis courts, swimming pools, clubhouses, athletic fields, basketball courts, swings, slides, play apparatus, open play areas or picnicking, etc.

4. *Location.* The offered land shall be located to reasonably serve the recreation area needs of the residents within the development. The Planning & Inspections Director, with a recommendation from the Parks and Recreation Director, may require that the recreation area be located on the periphery of the development in order to allow its enlargement by combining the recreation area with that of adjacent developments; when adjacent property is publicly owned; or when there are officially adopted plans that identify the area as future recreation area to be acquired by the affected jurisdiction. The affected jurisdiction's Parks and Recreation Director, with final approval from its governing body, may negotiate the location of the land or fee when it is deemed in the best interest of the immediate residents and that jurisdiction's long-range parks and recreation plan. This may include exchanging larger, more economical tracts of land offsite from the development for the tract in the development. This shall only be allowed when there is sufficient park and recreation area to meet the needs of the affected development's residents.

5. *Access.* All dwelling units in the development shall have free, easy and convenient ingress and egress to and from recreation area within the development via streets or public walkways or trails, with one access being a minimum width of 20 feet. Recreation area shall be accessible from a public street. Rights-of-way for this access shall be shown on the preliminary plan. Recreation areas that do not have frontage on a public street but are adjacent to an existing public recreation area that has such access shall be exempt from this requirement.

6. *Landscaping.* Recreation areas shall have a sufficient natural or manmade buffer or screen to minimize negative impacts on adjacent residents.

7. *Additional minimum standards for public dedication of land.* In addition, all land area dedicated to the public must meet the following:

~~(a) Must have a minimum average slope of three percent and a maximum average slope of 15 percent;~~

(a) Must not be a former site of or contain any remains of hazardous materials; and

DRAFT

(b) If the recreation area is to contain a developed facility, the facility and the recreation area must be approved by the affected governing body.

C. Procedures for the dedication of recreation areas.

1. *Designation of land to be dedicated.* The developer, on its submitted residential preliminary plan, shall indicate at that time its intent to dedicate land for public use, convey land to an owners' association or pay a fee in lieu thereof. The developer shall also designate on its preliminary plan the area or areas to be dedicated for recreation. If the developer intends to convey the recreation area to an owners' association, the area(s) to be designated shall also be labeled as "common area" on the preliminary plan and final plat.

2. *Review of land to be dedicated.* The Planning and Inspections Staff shall submit a copy of the preliminary plan to the affected jurisdiction's Parks and Recreation Director. The Parks and Recreation Director shall submit recommendations concerning the land to be dedicated or conveyed, to the Planning and Inspections Staff within five working days after receipt of a preliminary plan proposing less than 50 lots or units. Where the preliminary plan proposes 50 or more lots or units, the response time for the Parks and Recreation Director is to be ten working days.

3. *Ownership.* The developer shall designate the entity owning land to be used for recreation area subject to approval from the Planning Board. Such entities may include, but shall not be limited to, the following:

(a) The County of Cumberland for use by the Fayetteville-Cumberland Parks and Recreation Department, subject to approval and acceptance by the County Board of Commissioners;

(b) Any municipality having jurisdiction over the tract, whether within its boundary or not, subject to acceptance by the governing body of the municipality;

(c) Other public jurisdictions or agencies, or nonprofit organizations, subject to agreement of the governing body; and

(d) Owners', condominium or cooperative associations or organizations.

4. *Required conditions of owners' associations.* Owners' associations or comparable legal entities that own and maintain recreation areas shall be established so that:

DRAFT

(a) The association or comparable entity is established prior to any lot or unit in the development being sold or any building being occupied. All legal documents regarding the association, such as incorporation documents, by-laws, and covenants shall be approved by the County Attorney prior to final plat approval of any portion of a development approved under this section;

(b) Membership must be mandatory for each lot or unit owner and successors in interest;

(c) The association shall be responsible for providing liability insurance, if any, and maintenance of the common areas;

(d) Any sums levied by the association that remain unpaid shall become a lien on the applicable lot or unit owner's property;

(e) If all or any portion of the common area held by the association is disposed of or if the association is dissolved, the recreation areas shall be first offered to the affected public jurisdiction or to any entity described in "Ownership" (sub-section 3) above; and

(f) The right to use the recreation area shall be an easement appurtenant in favor of each lot or unit owner, and their respective invitees, of the development in good standing with the owners' association.

5. *Maintenance of areas.* The entity described in "Ownership" (sub-section 3) above shall be responsible for the continuing upkeep and proper maintenance of the recreation area.

6. *Provisions for payment in lieu of dedication.* When the Planning & Inspections Director determines that the recreation area needs of a development can be met by existing or proposed public community, regional or other park type classified in the Parks and Recreation Master Plan the Planning and Inspections Director with a recommendation from the affected jurisdiction's Parks and Recreation Director may allow the developer to pay a fee to the affected jurisdiction in lieu of dedication. The Planning and Inspections Director may also allow, with a recommendation from the affected jurisdiction's Parks and Recreation Director, a combination dedication/conveyance and partial payment in lieu of dedication when he or she determines that it would be in the best interest of the residents of the development and the public. The affected jurisdiction's governing body shall make the final decision.

(a) *Procedure.* The developer shall indicate on its preliminary plan application its request to make a payment in lieu of dedication. Upon receipt of the preliminary plan, the Planning and Inspections Director shall submit a

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copy of the preliminary plan to the affected jurisdiction's Parks and Recreation Director. The Parks and Recreation Director shall submit a recommendation to the Planning and Inspections Staff within five working days after receipt of a preliminary plan proposing less than 50 lots or units. Where the preliminary plan contains 50 or more lots or units, the response time for the Parks and Recreation Director is to be ten working days.

(b) *Amount of payment.* The fee in lieu of dedication shall be based on the required acreage in square feet) times the raw land value as assessed for property tax purposes. If the developer disagrees with the Planning and Inspections Director's findings, the developer may appeal to the Planning Board for final disposition.

(c) *Use of payments in lieu of dedication.* All monies received as fees in lieu of dedication shall be used only for the acquisition or development of the closest un-purchased recreation area for any park type as recommended in the officially adopted Parks and Recreation Master Plan that will serve the residents of the development.

(d) *Required payment in lieu of dedication.* If land offered as required recreation area is inconsistent with the long-range plans for recreation space serving the needs of residents of the development and the general area, as reflected in the officially adopted Parks and Recreation Master Plan or policies, the Planning and Inspections Director, with a recommendation from the affected Parks and Recreation Director, may require payment in lieu of dedication or conveyance. The Planning and Inspections Director may also require a fee in lieu of dedication or conveyance when the area offered is less than one-half acre in size, with the recommendation of the affected jurisdiction's Parks and Recreation Director.

(e) *Time of payment.* A payment in lieu of dedication must be made with or prior to submission for final plat approval. If the development is constructed in phases or sections, a payment relating to each phase or section must be made with or prior to submission for final plat approval for each phase or section.

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ARTICLE XXIV SPECIAL DEVELOPMENTS

SECTION 2401. GROUP DEVELOPMENTS.

The site plan for group developments shall show the locations and sites of buildings, streets, drives, alleys, parking, recreation areas, signs, loading berths, yards and other open spaces, and shall be in accordance with the following specifications:

A. *Lot area.* The plot area per dwelling unit, excluding the area of publicly dedicated rights-of-way within the development, shall be as permitted by the County Zoning Ordinance.

B. *Yard setbacks.* Each building on the periphery of a group development shall observe the minimum yard setback requirements for the district in which the development occurs. The judgment of the Planning Board as to what constitutes the front, rear and side yards of each building in the group development shall be final.

C. *Building separation.* Buildings within group developments under single ownership shall be separated by a minimum distance of 20 feet plus ten feet for each story above two stories. In no case shall any part of a principal residential building be located closer than 20 feet to any part of another principal building.

D. *Street access.* The property to be developed must have a boundary line or lines contiguous with and giving direct vehicular access to and from one or more public streets, or private streets with public access approved in accordance with Section 2304. ~~All portions of every building shall be located within 500 feet of some portion of one or more said access points, except when it can be demonstrated that adequate provisions can be made for fire protection, garbage collection, law enforcement and other public services, and the local street system is completed as necessary.~~ Group developments in the form of apartment complexes or unit ownership (i.e., condominium or townhouse) developments with owners' associations legally obligated to maintain vehicular access and circulation drives shall not be subject to the private street standards specified in Section 2304.

E. *Dedication/Reservation of right-of-way.* Where official plans show future streets or thoroughfares or where reasonable access to adjoining property is required, the development will be designed so as to provide right-of-way for such future streets or thoroughfares and to give access to such properties by means of a public street dedication, if the development is such that requires a final plat to be prepared and recorded, or where no final plat is

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required, the land area within the right-of-way shall be reserved. No portion of the land area contained within the reserved or dedicated right-of-way may be used to satisfy calculation for density.

F. *Off-street parking.* Parking shall be provided in accordance with applicable zoning regulations. At least three-fourths of the required parking spaces shall be located on the development in off-street parking lots, no part of which shall be located closer than five 45 feet to any existing or proposed street right-of-way line in accordance with the adopted Highway Plan or locally adopted Collector/ Feeder Street Plan. Each space shall be not less than nine feet by 20 feet in area. Compact car spaces may be utilized within a development in accordance with the provisions of the County Zoning Ordinance. Isles adjacent to the compact car spaces shall be standard width, and all compact car spaces shall be clearly marked. One-fourth of the required parking spaces may be in parking bays on minor public streets which are entirely within the development, provided that no space shall be in the turn-around portion of culs-de-sac. Bays shall not be longer than 80 feet along such street lines and each bay shall be separated from any other bay by a distance of not less than one-half the combined width of both bays. No more than one-third of the total frontage of any such street shall be devoted to parking bays. Each off-street parking space for any residential building shall be located within 200 feet of said building.

G. *Swimming pools.* Swimming pools which are constructed within a multi-family development shall be located not less than 50 feet from any boundary of the project, including a public street. All swimming pools shall comply with the provisions of the County Zoning Ordinance.

H. *Recreation/Open space areas.* In residential group developments designated recreation/open space areas and facilities shall be provided on-site in accordance with the provisions of Section 2308 unless the developer can show, and the Parks and Recreation Director agrees, that the surrounding community has adequate public recreation area available. In the event that adequate public recreation is existing within the surrounding community, the developer shall pay a fee in lieu of providing on-site recreation as allowed in Section 2308. Areas within the required yard setbacks can be counted as part of the required recreation area provided they are developed, which would include tennis and basketball courts, jogging trails, etc. These facilities shall not consist of over ten percent of the required recreation/open space area. On-site amenities outside the setback area such as indoor recreation centers and clubhouses may be counted to satisfy the provisions of this sub-section. Recreation/open space areas dedicated to the public sector shall be subject to all the requirements in Section 2308.

I. *Screening.* All dumpster and utility areas shall be located on concrete slabs and at a minimum, fenced around three fenced sides. Chain link

DRAFT

fencing may be utilized, but it must be accompanied with vegetative plantings so planted to effectively screen the dumpster and utility areas

J. All applicable provisions of the County Zoning Ordinance, to include buffers, signage, etc. is to be complied with and evidenced on the site plan.

SECTION 2402. ZERO LOT LINE DEVELOPMENTS.

Zero lot line developments shall comply with all the requirements of group developments when not specified herein and for the purposes of determining compliance with this ordinance and the County Zoning Ordinance, such development plan shall be considered a group development. Zero lot line developments shall be exempt from the minimum lot size provisions of Section 1104 of the County Zoning Ordinance provided that the overall average density of the zoning district in which the development is located is not exceeded. In addition to the provisions for Section 2401 above, the following shall be complied with:

A. *Site plans.* Site plans for zero lot line developments shall show the locations of buildings and/or building sites, streets, drives, alleys, walks, parking, on-site recreation areas (if proposed), yards, the boundary of the development, maintenance easements and all common area.

B. *Building sites.* A building site shall be that property intended for conveyance to a fee simple owner after the construction thereon and shall be sufficient in size to contain the structure proposed and any other proposed components of the property that are to be conveyed. Each building site shall abut and have direct access to a public street, private street or private drive, as permissible by this ordinance.

C. *Building yards.* Building sites, buildings, and accessory buildings thereon, are exempt from all zoning district dimensional requirements of the County Zoning Ordinance for lot width, front yard, side yard, rear yard, and building area except:

1. Buildings have direct access to a public street must meet the front yard and/or corner lot provisions of the applicable zoning district.

2. Buildings on the periphery of the development plan must meet all setback requirements of the zoning district in which the development is located. The judgment of the Planning Board as to what constitutes front, rear and side yard of each building on the periphery shall be final.

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3. A minimum of ten foot separation between structures shall be provided for buildings on separate lots within developments that are creating individual "for sale" lots and seeking approval under this section.

D. *Density.* The total number of residential building sites created shall not exceed the density standard for such developments as stated in the district dimensional requirements for the zoning district in which the development is located, excluding public right-of-way and that public right-of-way which is dedicated and/or reserved.

E. *Owners association.* Establishment of an owners' association shall be mandatory when any portion of the development is to be held in common.

F. *Common areas.* All areas of the site plan, other than individual "for sale" lots/units and public rights-of-way shall be shown and designated as "common area", the fee simple title to which shall be conveyed by the developer to the owners' association. All common area and shall not be further subdivided, developed or conveyed by the owners association, except where approved under the provisions of this ordinance and the County Zoning Ordinance. This stipulation shall be so stated in the declarations and noted on the final plat.

G. *Declaration of covenants and restrictions.* The developer shall file prior to submission for final plat approval of any portion of a development, along with the application for preliminary plan approval, a declaration of covenants and restrictions governing the common areas, the owners' association and the building sites. The declaration of covenants and restrictions shall be approved by the County Attorney prior to recording of such documents, and prior to final plat approval for any portion or phase of the development. The restrictions shall contain, but not be limited to, provisions for the following as necessary:

1. The owners' association shall be organized and in legal existence prior to the sale of any lot or unit within the development.

2. Membership in the owners' association shall be mandatory for each original purchaser and each successive purchaser of a lot or unit

3. The owners' association shall be responsible for the provisions of liability insurance, any taxes, and maintenance of recreation area and other facilities located on the common area, payment of assessments for public and private capital improvements made to or for the benefit of the common area located within the development. It shall be further provided that upon default by the owners' association in the payment to the governmental authority entitled thereto of any ad valorem taxes levied against the common area or assessments for public improvements to the common area, which default

DRAFT

shall continue for a period of six months, each owner of a lot or unit in the development shall become personally obligated to pay to the County Tax Assessor a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due by the total number of lots or units in the development. If such sum is not paid by the owner within thirty days following receipt of notice of the amount due, then such sum shall become a continuing lien on the lot or unit of the then owner(s), the owner(s)' heirs, devisees, personal representatives and assigns, and the County Tax Assessor may either bring an action at law against the owner personally obligated to pay the same or may elect to foreclose the lien against the property of the owner.

4. The owners association shall be empowered to levy assessments against the owners of lots or units within the development for payment of expenditures made by the owners association for the items set forth in the preceding paragraph, and any such assessments not paid by the owner against whom such are assessed shall constitute a lien on the lot or unit of the owner.

5. Easements over the common areas for access, ingress and egress from and to public streets and walkways, and easements for enjoyment of the common area and for parking areas shall be granted to each owner of any lot or unit within the development, unless expressly stated otherwise and classified as "limited common areas and facilities" with the declaration.

6. Common walls between any unit shall be party walls, and provisions for the maintenance thereof, including restoration in the event of destruction or damage, shall be established within the covenants.

H. *Proof of subordinate mortgage.* The developer shall submit, along with the final plat, documents showing proof that any mortgage on the property or facility is subject to all easements or rights which may be transferred to the individual lot or unit owner or to the owners' association.

I. *Final plat.* A final plat shall be prepared in accordance with Article XV and also include the following:

(1) All building sites (lots/units) numbered with bearings and distances shown for their respective boundaries.

(2) All "common area" labeled as such with the facilities thereon indicated.

(3) Any notes as required under this section, including maintenance easements when required.

DRAFT

(4) An indication as to the location (book and page number) of the covenants and restrictions governing the recorded plat.

J. *Compliance with state law.* In addition to the above requirements, all zero lot line developments shall comply with the pertinent provisions of Chapter 47A of the N.C. General Statutes, as if the applicable provisions of Chapter 47A were incorporated herewith.

SECTION 2403. UNIT OWNERSHIP (CONDOMINIUM DEVELOPMENTS).

Before a declaration establishing a condominium development may be recorded in the office of the County Register of Deeds as prescribed in the *N. C. Unit Ownership Act* (N. C. GEN. STAT. § 47A-1 *et seq.*), the declaration and plan shall be approved by the Planning and Inspections Department. Such declaration and plan shall conform to applicable subdivision or development requirements as set forth in this ordinance and the County Zoning Ordinance. In addition, the following requirements shall be complied with:

A. The declaration shall be a complete legal document prepared strictly in accordance with the *N. C. Unit Ownership Act* (N. C. GEN. STAT. § 47A-1 *et seq.*) and shall be submitted in final form in three copies to the Planning and Inspections Department at least ten days prior to the submission of the final plat.

B. The final plan of the proposed development shall contain the following particulars:

1. The unit designation of each unit and a statement of its location, approximate area, number of rooms, and/or immediate common area to which it has access and any other data necessary for its proper identification;

2. Description of the general common areas and facilities as defined in the *N. C. Unit Ownership Act* (N. C. GEN. STAT. § 47A-1 *et seq.*) and the proportionate interest of each unit owner therein;

3. Description of boundary lines between portions of the structures designed for different ownership;

4. Description of all garages, balconies, patios, etc., which form a part of any unit;

5. Description of any special common areas and/or facilities stating what units shall share the same and in what proportion; and

DRAFT

6. Statement of the purpose for which the building and each of the units are intended and restricted as to use.

C. The recordation of the declaration and plan shall be completed by the developer within one calendar year ~~30 days~~ after approval by the Planning and Inspections Department.

SECTION 2404. MANUFACTURED HOME PARKS.

A. *Purpose.* The purpose of this section is to establish regulations and procedures for the initial construction and continued use of manufactured home parks, which is found to be necessary in order to protect the health, safety and welfare of the residents of the manufactured home park.

B. *Application of chapter.* The provisions contained herein are the minimum provisions every manufactured home park plan must comply with prior to allowing for the inhabitation of any manufactured home within the manufactured home park.

C. *Permits required.* It shall be unlawful for any person to construct, maintain or use any lot or other parcel of land within the jurisdiction of Cumberland County for a manufactured home park until application has been made and a permit has been issued by the Code Enforcement Coordinator. No on-site improvements may be made until after a permit has been granted by the Code Enforcement Coordinator in accordance with an approved manufactured home park site plan.

D. *Site plans.* Site plans for manufactured-home parks in addition to all items required in Article 2203 for preliminary plans shall show the location of all proposed structures; pedestrian paths, type and location of the perimeter buffer, electric lighting plans, off-street parking areas, drainage facilities, and all other required provisions of this section.

E. *Dimensional criteria.*

1. *Lot area.* The minimum lot area for a manufactured home park shall be one acre, excluding publicly dedicated or reserved right-of-way for streets, and floodplain areas.

2. *Density.* The maximum density of individual manufactured home units within a manufactured home park shall be eight per acre excluding publicly dedicated or reserved right-of-way for streets.

3. *Location of manufactured home spaces.* Each proposed manufactured home proposed to be located within a manufactured home park

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must be located within a designated manufactured home space as approved on the manufactured home park site plan and every manufactured home space shall comply with the following minimum yard space provisions:

a. All manufactured home spaces shall be designed in such a manner that will allow for each manufactured home space to be a minimum of 25 feet apart longitudinally, 15 feet apart end-to-end or corner-to-corner, and when spaces are designed in such a manner that one space is angled toward another space, 20 feet apart;

b. All manufactured home spaces shall be located a minimum of 25 feet from any permanent building located within the manufactured home park;

c. All manufactured home spaces and structures, including buildings within the manufactured home park shall be located no closer than 25 feet of a public street right-of-way; and

d. All manufactured home spaces shall be located no closer than five feet of the internal drive within the manufactured home park.

F. *Street access.* All manufactured home parks shall have direct access to a public right-of-way. Direct access to any public right-of-way shall not be permitted for any single manufactured home space within the manufactured home park; all manufactured home spaces must be served internally by means of a private drive. Street access and entrance area designs shall conform to the *NC Department of Transportation Policy on Street and Driveway Access to North Carolina Highways* guidelines.

G. *Improvements.* In addition to all applicable improvements required by Article XXIII and the County Zoning Ordinance, the following improvements shall be constructed or implemented prior to application for the final building/park inspection:

1. *Parking.* Off-street parking spaces shall be provided in accordance with the applicable zoning district regulations; however, in no case shall there be less than two off-street parking spaces for each manufactured home space. Parking shall not be permitted on or along the internal drives in manufactured home parks.

2. *Internal drives.* All drives and courts shall be designed with a minimum 30 foot right-of-way and a minimum 20 foot paved traffic area which is adequately drained. Every dead end drive more than 100 feet in length or serving more than four manufactured home spaces shall be provided with a paved turn-around having a radius of not less than 40 feet for a traffic surface.

DRAFT

3. *Drainage.* The manufactured home park spaces shall be situated on ground that is not designated as a *Special Flood Hazard Area* and designed and graded with drainage facilities installed to transport runoff to an appropriate outfall in such a manner as to comply with the N.C. Department of Environment and Natural Resources' *Manual of Best Management Practices* (BMP) for storm water control. When manufactured home parks abut an existing public drainage system, connection to the public system is mandatory.

4. *Water and sewer.* Every manufactured home space shall be provided with water and sewer services to meet providing agency's standards, if public, or County Public Health Department requirements, and all such plans shall be approved by the appropriate agencies.

5. *Underground utilities.* All wiring serving new or remodeled manufactured home parks shall be placed underground, except as outlined in Section 2306 D.

6. *Lighting.* All interior drives and off-street parking areas within the manufactured home park shall be lighted and in compliance with Section 1102 M, County Zoning Ordinance. The plans for lighting and all other electrical hookups and wiring shall be approved by a County Electrical Inspector.

7. *Trash receptacles/dumpsters.* All manufactured home parks shall provide trash and garbage storage receptacles for each manufactured home space that complies with the standards of the County Department of Solid Waste Management. The manufactured home park owner is responsible for proper storage, collection and disposal of the trash.

8. *Screening.* All dumpster and utility areas shall be located on concrete slabs and at a minimum, fenced around three fenced sides. Chain link fencing may be utilized, but it must be accompanied with vegetative plantings so planted to effectively screen the dumpster and utility areas.

9. *Recreation and open space.* Each manufactured home park shall provide on-site recreation/open space areas to service the needs of the residents of the park complying with the provisions of Section 2308. Irregular shaped areas will be judged for usefulness considering the intent of this ordinance. Each recreation/open space area shall be delineated on the site plan. Areas within the yard setbacks can be counted as part of the required recreation/open space area provided these areas are developed, which could include such items as tennis and basketball courts, jogging trails, etc. These facilities shall not consist of over ten percent of the required recreation/open space area. No portion of the fifteen-foot perimeter buffer/landscaped area, required below, shall be counted as part of the required recreation/open

DRAFT

space area. On-site amenities outside of the yard setbacks, such as indoor recreation centers, clubhouses, etc. may be utilized for calculation to satisfy the recreation/open space area requirements.

10. *Perimeter buffer.* All manufactured home parks shall have a minimum fifteen-foot wide natural or landscaped buffer area around the perimeter of the park, excluding entrance drives within which no temporary or permanent structures shall be permitted. All manufactured home parks shall have a physical barrier (i.e. fencing, hedge, etc.) defining the boundaries of the park. Additionally, if earth berms, fences or walls are located within the buffer area, the buffer width shall not be reduced.

11. *Fire protection.* Fire protection standards shall be provided in accordance with the rules and regulations of the fire district in which they are located. All manufactured home park plans shall be submitted and approved by the County Fire Marshal prior to occupancy.

12. *Pedestrian circulation.* All manufactured home parks shall contain and maintain minimum three-foot wide internal pedestrian paths to central facilities, such as pools, office areas, laundry facilities, recreation areas, bus stops, etc. These paths, at a minimum, shall consist of a top layer of sand, crushed gravel or similar approved material. The location of these paths shall be shown on the site plan. No building/park final inspection can be accomplished until these paths are installed.

H. *Highway Plan.* Any manufactured home park site impacted by a proposed right-of-way shall reserve (or dedicate, if final plat required) the right-of-way up to 80 feet in width. Until the reservation is utilized, the developer is allowed to use the area for manufactured home park development. However, this area shall be designated so that it can exist independently from the remainder of the manufactured home park so that when the roadway construction commences, it will have little impact on the rest of the park.

I. *Manufactured home classification.* All manufactured home park spaces developed and approved after July 1, 1996 shall be restricted to Class A and Class B manufactured homes, as defined by this ordinance.

J. *Replacement homes.* When manufactured home park owners intend to replace a manufactured home, they shall first notify the Code Enforcement Coordinator and stake out the site of the new manufactured home showing the required setbacks, buffers and separation areas.

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ARTICLE XV FINAL APPROVAL

SECTION 2501. FINAL APPROVAL – GENERALLY.

A. *Installation/Construction of improvements required.* Before any plat shall be eligible for final approval, the improvements proposed by the developer and required by this ordinance must have been installed or assured to be installed in accordance with the provisions of Section 2502. In addition, improvements meeting or exceeding those standards required by this ordinance and the County Zoning Ordinance shall be installed in accordance with the standards and requirements for acceptance of the N. C. Department of Transportation (NCDOT), the standards of the Public Health Department, the standards of the Planning Board, or the officially adopted standards of other public agencies, whichever is applicable.

B. *Final plat.* The final plat shall conform to the preliminary plat as approved. The developer may submit as a final plat that portion of the approved preliminary plan which he proposes to develop immediately, provided that, such action on the preliminary plan by the Planning & Inspections Department (hereinafter "Department") shall expire and be of no further effect unless the final plat is submitted to the Department for final approval within two years from the date on which preliminary plan approval was granted, or within two years from the date an extension of the preliminary plan approval was obtained.

C. *Final approval required with no final plat required.* For developments not requiring final plat approval, the preliminary approval shall expire and be of no further effect if the development has not been completed within two years from the date on which preliminary approval was granted by the Department, or within two years from the date an extension of the preliminary plan approval was obtained.

SECTION 2502. FINAL PLAT - GUARANTEES OF IMPROVEMENTS.

Developers must satisfy one of the following guarantees of improvements prior to submission for final plat approval of any portion of an approved preliminary plan:

A. All required improvements have been installed by the subdivider in accordance with the requirements of this ordinance; or

B. A surety bond or certified check has been posted by the developer, payable to the County, and against which the County may draw upon default

DRAFT

in the installation of all required improvements. The surety bond or certified check along with a sealed estimate of the cost of improvements submitted by a certified engineer or a licensed contractor shall be submitted to the Department. Upon receipt of the surety bond or certified check and the estimate of cost of construction, the Department will submit the surety bond or certified check to the County Attorney for approval of legal sufficiency and to the County Engineer for approval of the estimate. The subdivider and the Planning & Inspections Director (hereinafter "Director") shall set a reasonable time within which the improvements are to be installed and completed. Unless an extension of that time is granted by the Director and a new estimated date of completion approved, in case of default the County shall cause the improvements to be completed, making use of the certified check or calling upon the surety of the bond; or

C. An irrevocable letter of credit issued by a bank or other lending institution reasonably satisfactory to the County, or a deposit of funds into escrow, may be accepted in lieu of a bond or check subject to the same terms as "b" above; or

D. The Department may approve the initial and succeeding sections of an approved preliminary plan, submitted as a final plat, without installation of improvements or financial guarantee of improvements, but final plat approval of any other section of the development will be withheld until required improvements have been installed as required by this ordinance and the County Zoning Ordinance. Final plats approved under this procedure shall be limited to a maximum of 25 lots or 50 percent of the total number of building lots of the approved preliminary plan remaining prior to submission, whichever is less.

A final plat of the final section of a development submitted under this procedure or a final plat constituting an entire subdivision/development may be of any size and shall be granted final approval only under (a), (b) or (c) above.

SECTION 2503. FINAL PLAT – SUBMISSION AND APPROVAL.

The final plat shall be submitted to the Department in such a form as required below. The Director, or the Director's designee, shall review the final plat for compliance with the provisions of this ordinance, the County Zoning ordinance and other conditions of approval of the preliminary plan. The final plat shall not be approved until the improvements required by the preliminary plan approval or required by this ordinance or the County Zoning Ordinance have been installed or guaranteed to be installed in accordance with Section 2502. The following must be shown on the final plat:

DRAFT

A. *General.* The final plat shall conform to the approved preliminary plan and to the requirements of North Carolina General Statute 47-30.

B. *Map form.* The final plat shall be submitted as a reproducible map, either original ink on polyester film (mylar), or a reproduced drawing, transparent and archival (as defined by the American National Standards Institute); shall be drawn to a scale of not larger than 20 feet to the inch, and not less than 200 feet to the inch; and shall have an outside margin size of either 18 by 24 inches or 24 by 36 inches. Where size of land areas require, maps may be shown on two or more sheets with appropriate match lines and each section shall contain a key map showing the location of the sections.

C. *Surveyor's certificate.* There shall appear on each final plat a certificate by the person under whose supervision the survey or final plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references and any other recorded data shown thereon; and the ratio of precision before any adjustments. Any lines on the final plat not actually surveyed be clearly indicated and a statement included indicating the source of information. Where a final plat consists of more than one sheet, only one sheet need contain the certification but all other sheets shall be signed and sealed.

This certificate shall indicate the source of information for the survey and data indicating the ratio of precision of the survey before adjustments and shall be in substantially the following form:

"I, _____, certify that this plat was drawn under my supervision from actual survey made under my supervision (deed description recorded in Book ____, Page____; Book____, Page____; etc.) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page____; that the ratio of precision as calculated is 1:____; that this plat was prepared in accordance with N.C. GEN. STAT. 47-30 as amended. Witness my hand and seal this ____day of _____, A.D., ____."

(Seal or Stamp)

Surveyor
Registration No.:

Nothing in this section shall prevent the recording of a final plat that was prepared in accordance with a previous version of N.C. GEN. STAT. 47-30 as amended, properly signed and notarized, pursuant to the statutes applicable at the time of the signing of the final plat. However, it shall be the responsibility of the person presenting the final plat to prove that the final plat was so prepared and signed.

DRAFT

D. *Certificate of ownership and dedication.* The following notarized owner certificate shall appear on the final plat along with the owner(s) signature:

"The undersigned hereby acknowledges that the land shown on this plat is within the subdivision regulation jurisdiction of the County of Cumberland and that this plat and allotment is (my or our) free act and deed and that (I or we) do hereby dedicate to public use as (streets, parks, playgrounds, school site, open spaces and easements) forever all areas so shown or indicated on said plat."

Owner's Signature(s)

E. *Director's certificate of approval.* The following certificate shall appear on the final plat with the signature of the Director prior to submission of the final plat to the Plat Review Officer:

"Approved by the Cumberland County Planning & Inspections Department on the _____ day of _____, _____."

Signed: _____ (seal)
Planning & Inspections Director

F. *Plat Review Officer certification.* The Plat Review Officer shall certify the final plat, if it complies with all statutory requirements for recording, with the following certificate on the face of the final plat:

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

"I, _____, Plat Review Officer of Cumberland County, certify that the plat to which this certificate is affixed meets all statutory requirements for recording.

Signed: _____ (seal)
Plat Review Officer

Date: _____

G. *Certificate of registration.* Space shall be provided on the final plat for the certificate of registration by the Cumberland County Register of Deeds as required by law.

DRAFT

SECTION 2504. DISCLOSURES REQUIRED.

A. *Disclosure of private street status.* The following disclosures shall appear on any final plat containing a private street as approved under the provisions of Section 2304, if applicable:

1. *All Private Streets.*

"No public agency is presently responsible for maintenance of the private street(s) shown on this plat. Private streets are for the use of all owners of property within this development and their guests; any governmental agency or personnel or equipment thereof granted perpetual access over all such private streets to accomplish or fulfill any service or function for which the agency is responsible; any agency or organization designated by a governmental agency to perform a designated function shall also be granted access the same as that government agency. Any governmental agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, rights-of-way, or easements."

2. *Class "C" private streets.*

"All current and future owners of the tracts served by and having access to the Class "C" private street(s) shown on this plat are responsible for the maintenance of the Class "C" private street(s)."

3. *Class "B" or "C" private streets, if applicable.*

"All current and future owners of the tracts served by and having access to the Class "B" or "C" private street(s) shown on this plat shall not be permitted to further divide the tracts without upgrading the Class "B" or "C" private street(s) to _____ standards."

B. *Farmland Protection Area disclosure.* All final plats for developments located within a designated *Farmland Protection Area*, as defined in the Land Use Plan in effect at the time of recordation, and depicted on the Land Use Plan map, or subsequent comparable officially adopted plan and map, shall contain a disclosure notice that states:

"This property or neighboring property may be subject to inconvenience, discomfort and the possibility of injury to property and health, arising from normal and accepted farming and agricultural practices and operations, including but not limited to noise, odors, dust, the operation of any kind of machinery, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides."

DRAFT

C. *On-site water and/or sewer disclosure.* The following statement shall be on any final plat for property not served by public water and/or sewer, as applicable:

"Individual lots shown on this plat do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private water wells as of the date of this recording."

D. *Nonconforming structure disclosure.* All structures existing on the subject property at the time of the recording shall be shown on the final plat or the final plat shall include the following certification signed by the owner(s):

"Nonconforming structures have not been created by this subdivision/development/plat."

SECTION 2505. APPROVAL OF PLAT NOT ACCEPTANCE OF DEDICATION.

The approval of a plat pursuant to this ordinance shall not be deemed to constitute or effect the acceptance by the County, other public agency or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.

SECTION 2506. FINAL PLAT – RECORDING.

The developer or the developer's agent shall record the final plat in the Cumberland County Registry within one year after approval of the final plat by the Director. Failure of the developer or the developer's agent to record the final plat in the Cumberland County Registry within one year after the final approval shall cause such final approval to be null and void and of no further force or effect.

DRAFT

ARTICLE XVI LEGAL PROVISIONS

SECTION 2601. WAIVERS.

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

A. Because of the size of the tract to be subdivided, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and

B. The public purposes of this ordinance and the County Zoning Ordinance would be served to an equal or greater degree, and

C. The property owner would not be afforded a special privilege denied to others.

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

SECTION 2602. PENALTY.

From and after the effective date of this ordinance, any person who being the owner, or agent of the owner, of land located within the platting jurisdiction of this ordinance as established in Section 2004, thereafter transfers or sells such land by reference to a plat showing a subdivision of land before such plat has been properly approved under the terms of this ordinance and recorded in the office of the Register of Deeds shall be guilty of a misdemeanor. The description of metes and bounds in the instrument of transfer, or other document used in the process of selling or transfer, shall not exempt the transaction from such penalties. The County, through its County Attorney or other official designated by the Board of Commissioners, may enjoin such illegal transfer or sale by action for this jurisdiction.

State statute reference: N. C. GEN. STAT. § 153A-334.

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SECTION 2603. VALIDITY.

If any article, section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Commissioners hereby declares that it would have passed this ordinance and each article, section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more article, section, sub-section, sentence, clause, or phrase be declared invalid.

SECTION 2603. RESPONSIBILITY OF THE REGISTER OF DEEDS.

From and after the adoption of this ordinance, or any amendment thereto, by the Board of Commissioners and the filing of a copy with the Register of Deeds, no subdivision plat of land within the County's subdivision regulation jurisdiction shall be filed or recorded until it shall have been submitted to and approved by the Planning and Inspection Department and until such approval shall have been entered on the face of the plat in writing, by the Director of the Planning and Inspections Department. The Register of Deeds shall not file a plat of subdivision land located within the territorial jurisdiction of Cumberland County as defined in Section 2103, which has not been approved in accordance with these provisions nor shall the Clerk of Superior Court order or direct the recording of a plat where such recording would be in conflict with this section.

SECTION 2604. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of Cumberland County this the ____ day of _____, 2008.

APPENDIXES

- Exhibit 1: Subdivision / Site Plan Application
- Exhibit 2: Fee Schedule
- Exhibit 3: Group Development / Site Plan Example
- Exhibit 4: Municipal Influence Area / Sewer Service Area [MIA/SSA]
- Exhibit 5: MIA Development Standards
- Exhibit 6: Fort Bragg Special Interest Area
- Exhibit 7: Request for Wavier

Disclaimer: The material contained with the appendixes is for general reference, informational and illustrative purposes only and is not to be construed or used in place of the officially adopted regulations, policies or plan nor does it replace any officially adopted regulations, policies or plans. While the information contained herein is believed to be accurate, the County of Cumberland does not assume any responsibility for the information and the users of this manual should contact the County Planning & Inspections Department to verify the contents prior to relying on this information.

**CUMBERLAND COUNTY JOINT PLANNING BOARD
SUBDIVISION AND SITE PLAN SUBMISSION FORM**

TYPE REVIEW	DATE	BILL AMT	RECEIPT
PRELIMINARY			
FINAL			
EXTENSION/ADDITION			
REVISION			
PARKS & OPEN SPACE FEE			
COPIES			

Case Number: _____
 Date Received: _____
 Received By: _____
 Planning/Town Board
 Meeting Date: _____

NOTE: See Fee Schedule \$

12 Working Days Required for all reviews

Submit 16 Copies of a Site Plan Required for ALL Developments

Name of Development: _____

Location: _____

Parcel Identification Number(s): _____

Number of Lots/ Use of Property
 Units to be Approved: _____ (Be Specific): _____

Submission Type: (Subdivision/Group Development/Commercial): _____

Type of Water Facility (existing or proposed): Well _____ PWC _____ Comm.(Specify) _____

Type of Sewer Facility (existing or proposed): Septic _____ PWC _____ Other (Specify) _____

Owner/Developer: _____
 Mailing Address: _____

 Telephone umber(s): _____
 FAX Number: _____
 EMAIL: _____

Engineer/Surveyor: _____
 Mailing Address: _____

 Telephone Number(s): _____
 FAX Number: _____
 EMAIL: _____

Contact Person: _____ Telephone No.: _____

Do you wish the County to install street signs at a fee if required? YES _____ NO _____

Signature: _____ Date: _____

ADDRESSING/STREET NAME SECTION MUST SIGN EVERY SUBMITTAL FORM PRIOR TO SUBMISSION FOR STREET NAME VERIFICATION. Street Name/Address Signature Approval: _____

"IF WAIVER IS REQUESTED, ATTACH REQUEST FOR WAIVER FORM."

"FOR ANY QUESTIONS, CALL: ED BYRNE 678-7609, JEFF BARNHILL 678-7765 or PATRICIA SPEICHER 678-7605 "

OFFICIAL USE ONLY

Industrial Park	____ Yes ____ No	Military 5/mi	____ Yes ____ No	
Watershed	____ Yes ____ No	Airport Area	____ Yes ____ No	
Sewer Service Area	____ Yes ____ No	Utilities Other:	____ Yes ____ No	Verified by: _____
Averasboro Battlefield	____ Yes ____ No	Town Limits		Date: _____
NORCRESS	____ Yes ____ No	Municipal Influence Area:	_____	
		Zoning:	_____ Zoning Area: _____	

NOTE: THE APPLICANT IS RESPONSIBLE FOR ENSURING EASEMENTS WHICH MAY EXIST ON THE SUBJECT PROPERTY ARE "ACCOUNTED FOR AND SHOWN ON THE PLAN, NOT ENCUMBERED AND THAT NO PART OF THIS DEVELOPMENT IS VIOLATING THE" RIGHTS OF THE EASEMENT HOLDER.

Revised 06-16-08

SUBDIVISION FEE SCHEDULE

SUBDIVISION FEES:

<OR = 5 LOTS

>5 LOTS

PRELIMINARY SUBDIVISIONS	\$100	\$200
SUBDIVISION REVISION AND EXTENSIONS	\$ 25	\$ 50

GROUP DEVELOPMENTS FEE:

<OR = 5 LOTS

>5 LOTS

PRELIMINARY GROUP DEVELOPMENT	\$25	\$50
GROUP DEVELOPMENT REVISION AND EXTENSION	\$25	\$50

SITE PLANS AND FINAL PLAT FEES:

COMMERCIAL AND INDUSTRIAL SITE PLANS	\$50
SITE PLAN REVISIONS AND EXTENSIONS	\$25
FINAL PLATS	\$25

REQUEST FOR WAIVER (PENDING):

\$200

REQUIREMENTS FOR GROUP DEVELOPMENT SITE PLAN REVIEW

1. Drawing done to engineering scale

2. Drawing will reflect:

- *metes and bounds of entire site with adjoining street right-of-way shown and name or state road number of that street or road;*
- *foot print of all existing and/or proposed buildings or additions with dimensions and square footage indicated;*
- *location and size of all existing and/or proposed curbcuts and indicate such on the plan;*
- *parking plan to include the location of all proposed spaces (standard size is 9' by 20'), parking isle width and traffic circulation scheme;*
- *existing or proposed location and drain field area of wells and/or septic tanks;*
- *existing or proposed fencing;*
- *setbacks of all existing and/or proposed buildings or additions from all other building and from all property lines-
Note: If setbacks shown are not in accordance with the minimum setbacks of the zoning district of the property, then attach a letter requesting any such variance with a reasonable explanation or justification as to why the variance is necessary in order to develop the site;*
- *Any easements which may exist on the subject property are accounted for and shown on the plan, not encumbered and that no part of the development is violating the rights of the easement holder;*
- *Location, type and size of all freestanding signs;*
- *Location of buffer with the type and size indicated;*
- *Location of landscaping and types of plantings.*

3. Vicinity map to show location of property or site within the City or County

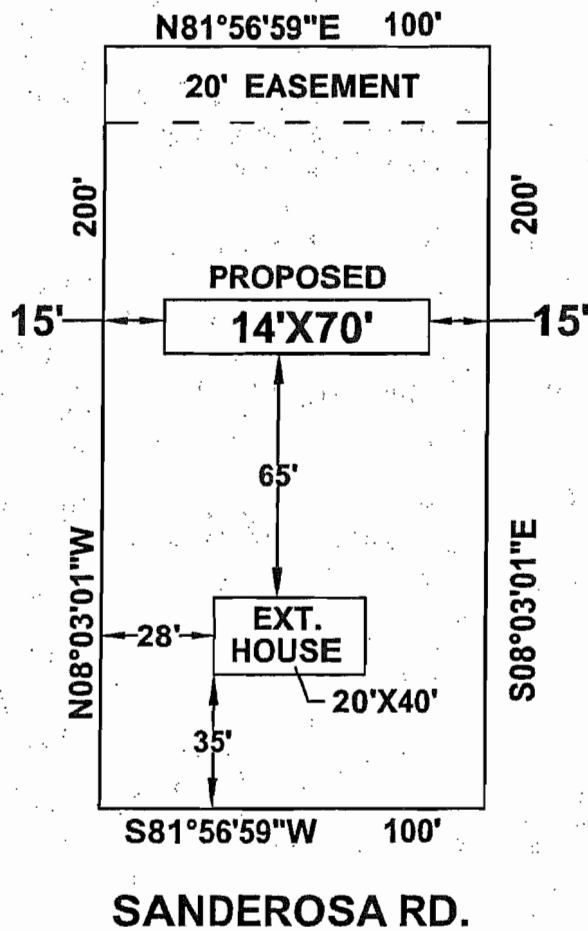
4. Correct north arrow

5. Data block to reflect the following:

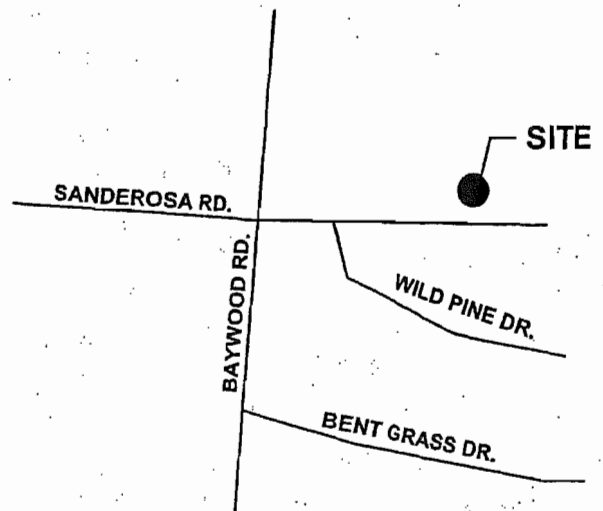
- *name of development*
- *owner*
- *zoning of property*
- *acreage of site*
- *scale of drawing*
- *proposed building or addition square footage*
- *number of off-street parking spaces (to include handicapped spaces)*

6. If split zoning, zoning lines must be shown on the preliminary

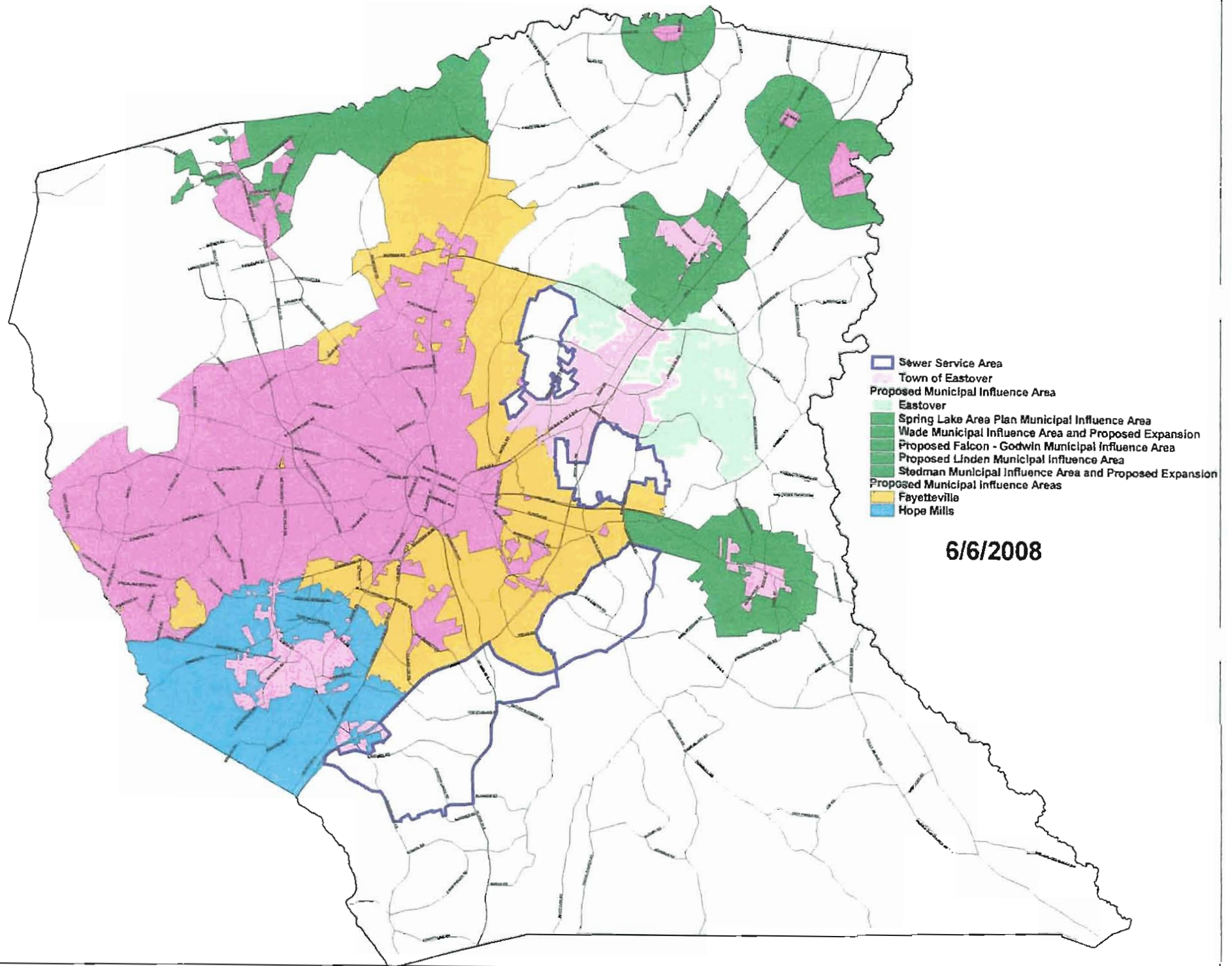
SAMPLE MAP SITE PLAN REVIEW



LOCATION MAP



PROPERTY OF: _____
 ZONED: _____ SCALE: 1"=50'
 PIN#: _____
 _____ COUNTY, NC



6/6/2008

Exhibit 1 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Parks, Recreation & Open Space Areas (PROSA)	Land area per residential unit*: 1. 500 sq ft if outside SFHA; 2. 1000 sq ft if within SFHA; 3. 2000 sq ft if water body *May pay fee in lieu (Sec. 25-33)	Land area per residential unit*: 1. 1/35 acre if outside SFHA; 2. W/in SFHA & slopes greater than 15%, 1/20 acre 3. Water bodies must be approved by the Town *May pay fee in lieu Also see "Group Developments" below (Sec. 86-129)	Land area per residential unit*: 500 sq ft unit; cannot include any land area subject to flooding or land area used to satisfy any other regulation *No fee in lieu Also see "Group Developments" below [§155.67(H)]	Pending – currently same as County	Land area per residential unit*: 1. 500 sq ft if outside SFHA; 2. 1000 sq ft if within SFHA; 3. 2000 sq ft if water body *May pay fee in lieu (Sec. 3.13.1) Also see "Group Developments" below	Land area per residential unit*: 1. 500 sq ft if outside SFHA; 2. 1000 sq ft if within SFHA; 3. 2000 sq ft if water body *May pay fee in lieu (Sec. 3.13.1) Also see "Group Developments" below	Not applicable	Land area per residential unit*: 1. 500 sq ft if outside SFHA; 2. 1000 sq ft if within SFHA; 3. 2000 sq ft if water body *May pay fee in lieu (Sec. 3.13.1) Also see "Group Developments" below	Land area per residential unit*: 1. 500 sq ft if outside SFHA; 2. 1000 sq ft if within SFHA; 3. 2000 sq ft if water body *May pay fee in lieu (Sec. 3.13.1) Also see "Group Developments" below
All Streets (Public or Private)	NCDOT – more restrictive standard applies Minor & residential streets: 50' min right-of-way width Concrete curbs and gutters [Sec. 25-31(2)]	Town standards & specifications (Sec. 86-122) Local streets, min width of 50' Cul-de-sac: 800' max length; 40' min width; turnaround radius, 50'	Town standards & specifications Local streets, min width of 50' Cul-de-sac: 800' max length; 40' min width; turnaround radius, 50'	Pending – currently same as County	Town Engineer approval required Minor T-fare (collector) min width: 60' Minor T-fare (residential) min width: 50'	NCDOT standards Minimum width: 50' Cul-de-sac: 800' max length; 40' min width; turnaround radius, 50' (Sec. 3.17) Block lengths, max of 1800'	Not applicable	NCDOT standards (Sec. 4.1) Minimum width: 50' Cul-de-sac: 800' max length; 40' min width; turnaround radius, 50' (Sec. 3.17) Block lengths, max of	NCDOT standards (Sec. 4.1) Minimum width: 50' Cul-de-sac: 800' max length; 40' min width; turnaround radius, 50' (Sec. 3.17)

Exhibit 1 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
All Streets (Public or Private), <i>continued</i>		(Sec. 86-79) Block lengths, max of 1800' (Sec. 86-82)	Streets must be certified by Town as being acceptable for future maintenance (§155.50) Block lengths, max of 1800' (§155.51)		Cul-de-sac: 800' max length; 40' min width; turnaround radius, 50' Driveways comply w/ storm water requirements, pipe min inside diameter 15" w/ 1'cover (Sec. 3.17) Block lengths, 1800' (Sec. 3.18)	(Sec. 3.18)		1800' (Sec. 3.18)	Block lengths, max of 1800' (Sec. 3.18)
Public Streets	NCDOT standards more stringent than Fayetteville's, NCDOT standards apply	Pavement widths: 40' minimum for collector and 30' minimum for minor streets (Sec. 86-122) Greater than 2 units per acre, concrete curb & gutter; equal to 2 units per acre, concrete or rolled asphalt curb &	Roadway base to Town required width, roadway surfacing not required but encouraged, if surfaced must be standards of the Town (§155.66)	Pending – currently same as County	NCDOT Subdivision Roads, Min Construction Standards compliance (Sec. 3.17) Surfacing required (Sec.4.1.c) Concrete curb & gutter, all	Approved by the Town Roadway surface 2" of I-2 asphalt with a min. width of 20' Asphalt curbs and gutters (Sec. 4.1)	Not applicable	NCDOT standards, approved by the Town (Sec. 4.1)	NCDOT standards, approved by the Town (Sec. 4.1)

Exhibit 1 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Public Streets, <i>continued</i>		gutter; less than 2 units per acre, NCDOT standards [Sec 86-128(c)]			new streets – 2 ft rolled or valley types for residential streets and 2 ft, 6 in 90 degree vertical high back for non-residential [Sec. 4.1(e)]				
Private Streets	Class A and Class B per County/NCDOT standards; Class C (dirt) not permitted			Pending – currently same as County		Paved private allowed for residential developments only 60' minimum r/w w/ 20' pavement Asphalt curbs & gutters No property lines in r/w (Sec. 4.2)	Not applicable	NCDOT standards w/ asphalt curb & gutter Minimum width, 60' with a 20' travel way Owners' association mandatory No property lines in r/w (Sec. 4.2)	NCDOT standards w/ asphalt curb & gutter Minimum width, 60' with a 20' travel way Owners' association mandatory No property lines in r/w (Sec. 4.2)
Utilities	Same as County [Sec. 25-31(10)]	Same as County [Sec. 86-128(b)]		Pending – currently same as County	Same as County (Sec. 4.3i)	Same as County (Sec. 4.3.g)	Not applicable	Same as County (Sec. 4.3.g)	Same as County (Sec. 4.3.g)
Utility Easements	20' (10' each side of rear lot line) in residential; and nonresidential if deemed necessary by City Engineer [Sec. 25-31(5)]	10' (5' each side of rear lot line or other location where necessary (Sec. 86-72)	10' (5' each side of rear lot line or other location where necessary (§155.45)	Pending – currently same as County	10' (5' each side of rear lot line or other location where necessary (Sec. 3.11)	10' (5' each side of rear lot line or other location where necessary (Sec. 3.11)	Not applicable	10' (5' each side of rear lot line or other location where necessary (Sec. 3.11)	10' (5' each side of rear lot line or other location where necessary (Sec. 3.11)

Exhibit 1 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Water/Sewer Extension	Same as County w/in MIA (Per interlocal agreement – within SSA, public water for 2.2 units per acres, i.e., R20; public water and public sewer, greater than 2.2 units per acre)	Mandatory when existing w/in 2,000' (Sec. 86-76)	Mandatory when existing w/in 200'	Pending – currently same as County; except if w/in ESD, any subdivision w/in 2,000' of existing line must extend and connect		Same as County (Sec. 4.3.d)	Not applicable	Same as County (Sec. 4.3.d)	Same as County (Sec. 4.3.d)
Fire Hydrants	Same as County	Same as County [Sec. 86-128(a)]		Pending – currently same as County ESD water cannot support hydrants for fire suppression	Same as County (Sec. 4.3.f)	Same as County (Sec.4.3.f)	Not applicable	Same as County (Sec.4.3.f)	Same as County (Sec.4.3.f)
Storm Drainage	In compliance with NCDENR <i>Manual for Best Management Practices</i>	In compliance with NCDENR <i>Manual for Best Management Practices</i>	In compliance with NCDENR <i>Manual for Best Management Practices</i>	Pending – currently same as County	In compliance with NCDENR <i>Manual for Best Management Practices</i>	In compliance with NCDENR <i>Manual for Best Management Practices</i>	Not applicable	In compliance with NCDENR <i>Manual for Best Management Practices</i>	In compliance with NCDENR <i>Manual for Best Management Practices</i>
Sidewalks (complying w/ ADA standards)	One side of all streets w/in development; Along existing collector or arterial	Density equal to or greater than 2 units per acre, both sides of all streets – required only	One side of street, location determined by Town Building Inspector	Pending – currently same as County	4' wide along all streets whether proposed (new) or	4' paved sidewalks on one side of all new streets adjacent to curb and gutter (Sec.4.1.h)	Not applicable; however, sidewalks cannot be located over		

Exhibit 1 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Sidewalks (complying w/ ADA standards), <i>continued</i>	street adjacent to development [Sec. 25-61(5)] [Per interlocal agreement, in SSA on one side of collector streets (serves/intended to serve at least 100 dwelling units) and both sides of all thoroughfares]	when curb & gutter type street cross-section exists. [Sec. 86-122(g)]	[§155.67(F)]		existing, except cul-de-sac serving 8 or less lots/units When adjacent to parking area, 6' wide (Sec. 4.3.g)		Town-owned water lines & Town will not accept existing system with sidewalks over lines		
Group Development Provisions	Same as County	Min. size of tract 40,000 sq ft; Setbacks comply with zoning of site 40' access point 1/35 acre per unit on site recreation area, BOC can accept fee in lieu One access point for each 60 parking spaces Parking space size: 9'x20' Compact spaces allowed (Sec. 86-86)	Min. size of tract 40,000 sq ft; Setbacks comply with zoning of site 40' access point 500 sq ft of recreation area per unit on site One access point for each 60 parking spaces Parking space size: 9'x20'	Pending – currently same as County	Same as County (Sec. 3.21)	Same as County (Sec. 3.21)	Not applicable	Same as County (Sec. 3.21)	Same as County (Sec. 3.21)

Exhibit 1 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
ZLL Provisions	Same as County	Same as County (Sec. 86-88)	Same as County	Pending – currently same as County	Same as County (Sec. 3.24)	Same as County (Sec. 3.21.1)	Not applicable	Same as County (Sec. 3.21.1)	
MHP Provisions	Same as County	Yes, same as County except plan must also be approved by Fire Department (Sec. 86-89)	Min of one acre and min of 8 MHs Min 3,000 sq ft MH space for each unit Drives: min of 30' wide w/ paving min 20' Min 60' frontage w/ direct access on public street Min 140 sq ft concrete or hard surface patio with min 30" wide concrete or hard surface walkway (Chpt 153)	Pending – currently same as County		Same as County (Sec. 3.23)	Not applicable	Same as County (Sec. 3.23)	Same as County (Sec. 3.23)
Guarantee of Improvements	Same as County	Improvements in, bond, certified check, or letter of credit (Sec. 86-36)	Same as County (§155.23)	Pending – currently same as County	Same as County (Sec. 2.6)	Same as County (Sec. 2.6)	Not applicable	Same as County (Sec. 2.6)	Same as County (Sec. 2.6)
Lot Frontage	Same as County	35' minimum	35' minimum	Pending –	20' minimum	20' minimum	Not applicable	20' minimum	20' minimum

MIA Table
Cumberland County Subdivision Ordinance, Sec. 2302.A
May 19, 2008

E5 - f

Exhibit 1 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
		[Sec. 86-83(3)]	[\$155.52(C)]	currently same as County	(Sec. 3.20.c)	(Sec. 3.20)		(Sec. 3.20)	(Sec. 3.20)
Development Access Points		Two separate access points (Sec. 86-63)		Pending – currently same as County			Not applicable		
School, Parks Public Access		NLT 10' walkways dedicated (Sec. 86-74)	NLT 10' walkways dedicated (\$155.47)	Pending – currently same as County	NLT 10' walkways dedicated (Sec. 3.13)	NLT 10' walkways dedicated (Sec. 3.13)	Not applicable	NLT 10' walkways dedicated (Sec. 3.13)	NLT 10' walkways dedicated (Sec. 3.13)
Subdivision Definition	Same as County	Same as County (Sec. 86-1)	Similar as County except: 5 acre tracts (as opposed to 10 acres) where no right of way dedication (\$155.06)	Pending – currently same as County	Same as County (Sec. 1.8)	Same as County (Sec. 1.8)	Not applicable	Same as County (Sec. 1.8)	Same as County (Sec. 1.8)
Streetscape Landscaping – subdivisions/group developments		When off-street parking required, street yard along the width of public right-of-way – widths vary dependant upon zoning district, typically 6': 1 lg tree or 3 sm trees every 50' and 6 shrubs every 50'; can be combination of both. Parking areas, 1 tree & 6 shrubs every 15 spaces	Streetscape landscaping required when development along "Entrance Corridor" – 6' planting strip adjacent to right-of-way: 1 lg tree every 50' or 2 sm trees every 50'. Parking lots w/12 or greater spaces: 1 lg or 2 sm trees each 12 spaces (\$156.088)		Street trees: 1 tree per 50 linear ft of street frontage and no more than 50' separation Located between back of curb and sidewalk (Sec. 4.3.h)				

MIA Table
Cumberland County Subdivision Ordinance, Sec. 2302.A
May 19, 2008

E5 - g

Exhibit 1 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
		(Art. XIV)							
Greenway Standards					Compliance w/ <i>Greenway Plan</i> (Sec. 3.13.2)				
Tree Preservation		Permit required prior to removal of any trees (Sec. 102-428)	Encouraged and can be credited toward landscaping provisions (§156.088.8)						
Exceptions w/in MIA			Sewer extension and/or connection: Per interlocal agreement	Sewer extension and/or connection: Per interlocal agreement	Concrete curb & gutter not required when 3 or less lots out of same parent and where new street not being constructed or existing street w/o concrete curb & gutter being extended Greenway standards not applicable where residential does not abut designated Greenway	Sewer extension and/or connection: Per interlocal agreement		Sewer extension and/or connection: Per interlocal agreement	Sewer extension and/or connection: Per interlocal agreement

Exhibit 1 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Exceptions w/in MIA, <i>continued</i>					<p>Corridor and where 3 or less contiguous lots from the same parent</p> <p>Sidewalks not required if 3 or less lots from the same parent abutting street w/o existing sidewalks and a new street not being constructed (Sec. 3.1.1)</p>				

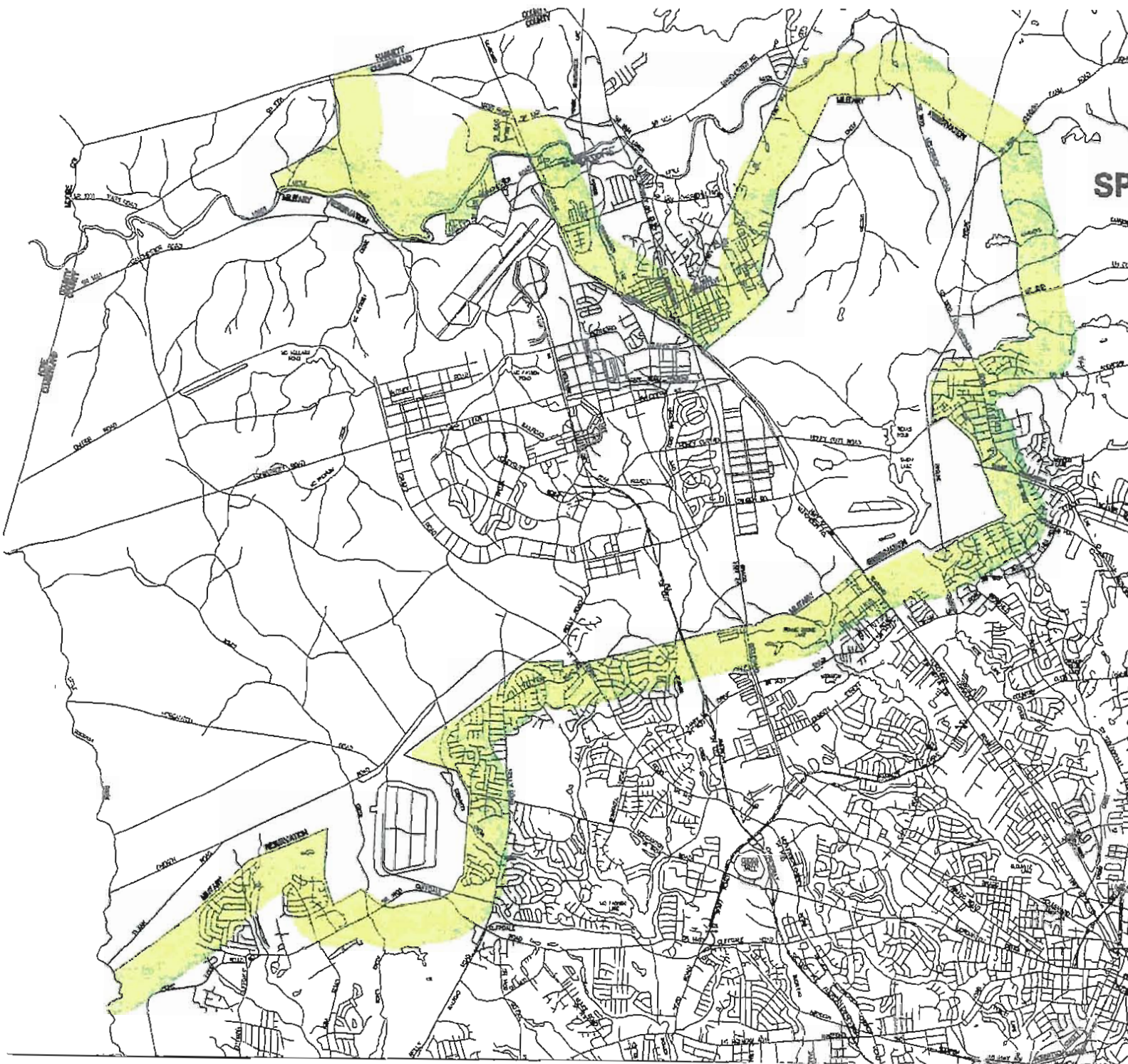
Exhibit 1 - MIA Development Standards

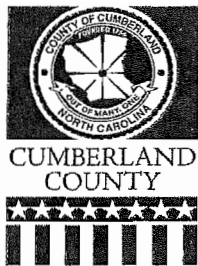
Disclaimer: The material contained within this document, Exhibit 1, *Development Standards of All Municipalities within Cumberland County*, is intended to reflect and summarize applicable municipal subdivision design standards and is provided for general reference and informational purposes only and is not to be construed or used in place of the officially adopted development standards for any municipality, nor does it replace any officially adopted development standard of any municipality. While, the information contained herein is believed to be accurate and the County will make every effort to maintain current information in this Exhibit, users of this exhibit should contact the County Planning & Inspections Department to verify the contents before application for any permits.

FORT BRAGG SPECIAL INTEREST AREA



1/2 Mile from Military
Reservation





Date Request Submitted: _____

Planning Board Meeting Date: _____

Received by: _____

Cumberland County Subdivision Ordinance

Request for Waiver

Case No.: _____ Case Name: _____

Related Ordinance Section Number(s): _____

Summary of Request: _____

Section 2601 of the County Subdivision Ordinance governs the Planning Board's authority to waiver provisions of the Subdivision Ordinance. This section reads as follows:

Section 2601. Waivers

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

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

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

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

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

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

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

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

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

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

Printed Name of Applicant/Agent

Signature of Applicant/Agent

Daytime Phone Number

Date Signed

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

I, George Hatcher, 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 MH5395-2007

Property Owner: **James F. Baker and Thomas H. Baker**

Property Address: 1712 Tom Starling Road, Fayetteville, NC

Tax Parcel Identification Number: **0443-25-0313**


SYNOPSIS: This property was inspected on November 15, 2007. All property owners and parties of interest were legally served the Notice of Violations and afforded a Hearing on December 19, 2007. The property owners and parties of interest did not **attend** the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than March 19, 2008. 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 August 15, 2008, no corrective action has been made to the structure. The structure is presently vacant and unsecured. In it's present state, these structures constitute a fire, health, and safety hazard. The estimated cost to repair the structure to a minimum standard for human habitation is \$19,000.00. The Assessor for Cumberland County has this structure presently valued at \$750.00 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 STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

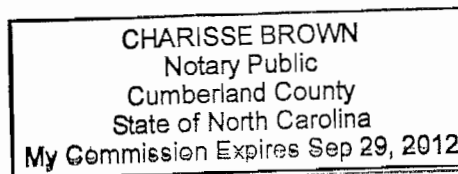

George Hatcher, Affiant

Code Enforcement Officer/County of Cumberland

Sworn to and Subscribed to by me this
the 6th day of Aug. 2008.


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: _____

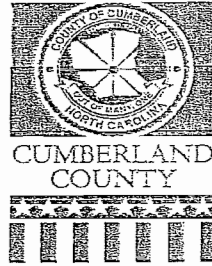
4. In addition there is imposed a civil penalty in the amount of \$_____ per day (up to
a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

EXHIBIT A

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

FINDINGS OF FACT AND ORDER

December 19, 2007

CASE #: MH 5395-2007

TO: James F. & Thomas Harvey Baker & Parties of Interest
PO Box 149
Raeford, NC 28376

Property at: 1712 Tom Starling 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 11/23/2007.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 12/19/2007 at 10:00:00 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, 11/21/2007. 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 5395-2007, dated 12/19/2007.
 - ☒ 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.

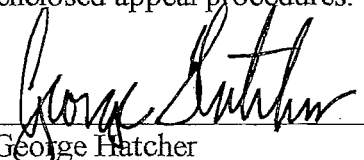
EXHIBIT A

Findings and Facts of Order
Case #: MH 5395-2007
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 3/19/2008. **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 3/19/2008. The cost of said demolition will be assessed against the real property in the form of a lien.

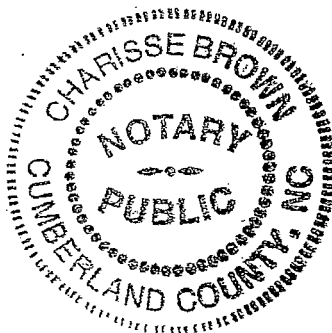
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.


Ken Sykes
Hearing Officer

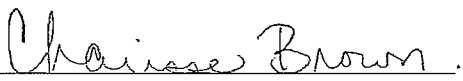

George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me
this the 19th day of December, 2007


Notary Public
My Commission Expires: 9/29/2012

**PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER
DATED 12/19/07 CASE NUMBER MH 5395-2007**

**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 Inspection Dept.

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

Sent _____
Street or P.O. Box _____
City _____
State _____
Zip+4 _____

Postmark Here

FOFO
MH5395GH

PS Form 3811, February 2004 See Reverse for Instructions

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
MH5395GH

JAMES F BAKER & PARTIES OF INTEREST
PO BOX 149
RAEFORD NC 28376

2. Article Number (Transit) 7007 0710 0000 4526 6821

COMPLETE THIS SECTION ON DELIVERY

A. Signature *X James F Baker* Agent
B. Received by (Printed Name) *James F Baker* Address *PO BOX 149*
C. Date of Delivery *DEC 24 2007*
D. Is delivery address different from item 1? ☒ Yes ☐ No
If YES, enter delivery address below: _____

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-15

**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 Inspection Dept.

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

Sent _____
Street or P.O. Box _____
City _____
State _____
Zip+4 _____

Postmark Here

FOFO
MH5395GH

PS Form 3800, August 2006 See Reverse for Instructions

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
MH5395GH

THOMAS HARVEY BAKER & PARTIES OF INTEREST
PO BOX 149
RAEFORD NC 28376

2. Article Number (Transit) 7007 0710 0000 4526 6944

COMPLETE THIS SECTION ON DELIVERY

A. Signature *X James F Baker* Agent
B. Received by (Printed Name) *James F Baker* Address *PO BOX 149*
C. Date of Delivery *DEC 24 2007*
D. Is delivery address different from item 1? ☒ Yes ☐ No
If YES, enter delivery address below: _____

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-15

MAP DEPICTING LOCATION OF PROPERTY
Property Owner: James F and Thomas H Baker
1712 TOM STARLING ROAD , FAYETTEVILLE, NC
MINIMUM HOUSING CASE # MH 5395-2007
TAX PARCEL IDENTIFICATION NUMBER: 0443-25-0313

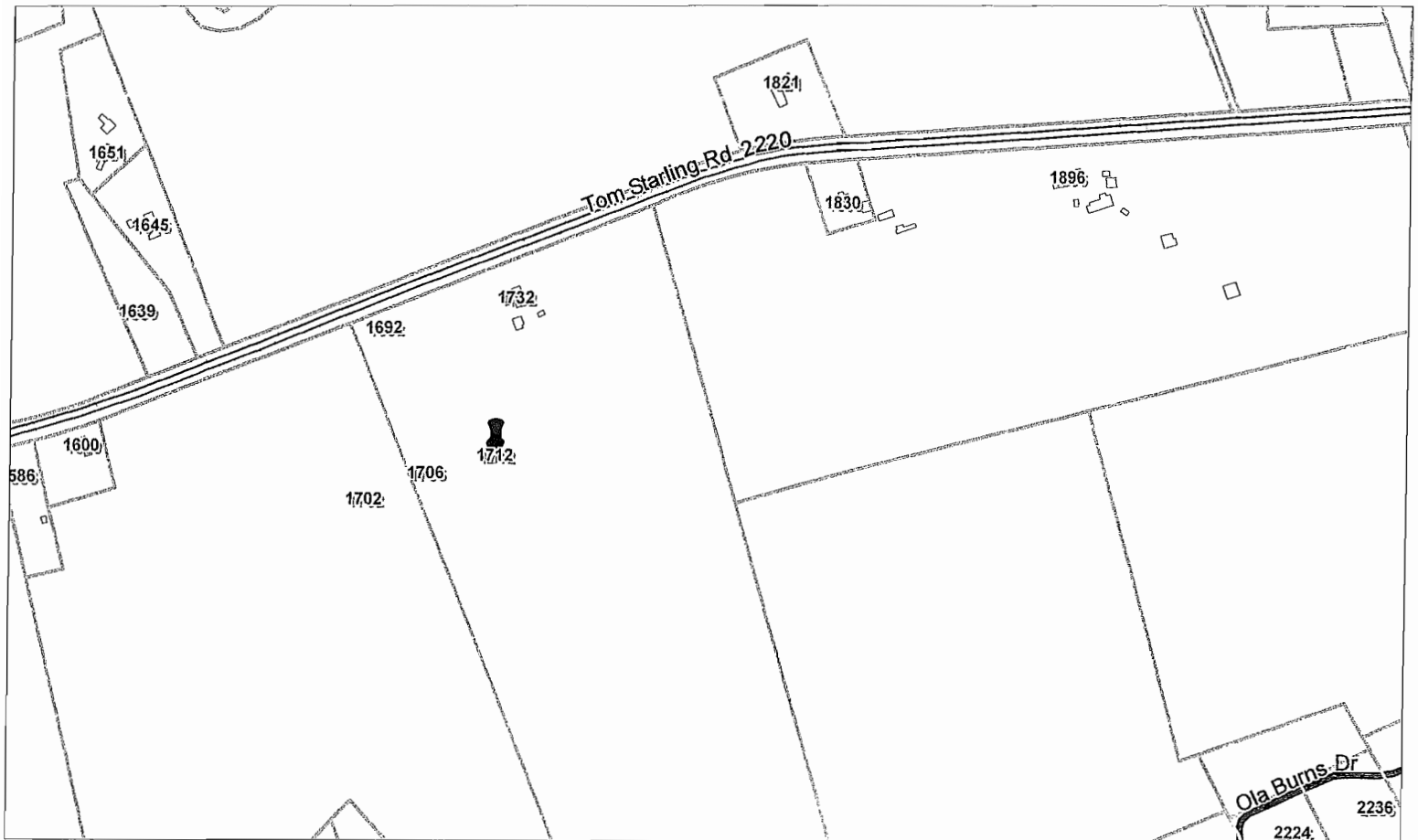


EXHIBIT B



ITEM NO. 3

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 AUGUST 18, 2008

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER

DATE: AUGUST 13, 2008

SUBJECT: CONSIDERATION OF CUMBERLAND COUNTY FINANCE COMMITTEE RECOMMENDATIONS

BACKGROUND

The Finance Committee will have a special meeting at 4:00 PM on Monday, August 18, 2008. Commissioner Kenneth Edge, Finance Committee Chairman will provide information regarding the Finance Committee recommendations on the following:

- A) Proposed Increase in Health Department Environmental Fees.
- B) Request to Approve a Resolution of Tax-Exempt Loan from North State Bank to Stoney Point Volunteer Fire Department.

Minutes for the August 18, 2008 Special Finance Committee Meeting will be provided at a later date.

RECOMMENDATION/PROPOSED ACTION

Consider recommendations of the Finance Committee.

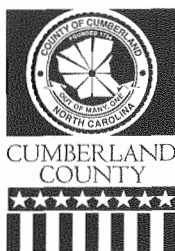
/ct

CM081308-1

J. BREEDEN BLACKWELL
Chairman

JEANNETTE M. COUNCIL
Vice Chairman

KENNETH S. EDGE
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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ITEM NO. 4A

August 11, 2007

August 18, 2007 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Community Child Protection Fatality Prevention Team Vacancies (2)

The Cumberland County Community Child Protection Fatality Prevention Team has the following vacancies:

EMS Provider or Firefighter Position – **Barry Childers** – completing first term. Eligible for reappointment.

At-Large Position – Dr. David Smith – completing second term. Not eligible for reappointment.

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

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

Attachments

pc: Gail Rios, Review Coordinator, CCPFPT

Celebrating Our Past... Embracing Our Future

CUMBERLAND COUNTY 5/07
COMMUNITY CHILD PROTECTION/FATALITY PREVENTION TEAM
(County Commissioner Appointees)

3 Year Terms

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Law Enforcement Officer Position</u>				
<u>Sheriff's Office:</u>				
Melody Farnham CC Sheriff's Office 131 Dick Street Fayetteville, NC 28301 677-5475	4/07	1st	Apr/10 4/30/10	Yes
<u>Fayetteville City Police Department:</u>				
Bill Mitrison Fayetteville Police Dept. 467 Hay Street Fayetteville, NC 28301 433-1855	4/07	1st	Apr/10 4/30/10	Yes
<u>EMS Provider or Firefighter Position</u>				
Barry Childers 4823 Belford Road (filling unexpired term) Fayetteville, NC 28314-0833 609-5600 x0	5/07	1st	Sept/08 9/30/08	Yes
<u>Parent of a Child Who Died Before Reaching Their 18th Birthday Position</u>				
Tonya Vetter 5505 Country Place #2A Hope Mills, NC 28348 476-9746/323-5535 (W)	5/07	1 st	May/10 5/31/10	Yes
<u>At-Large Positions</u>				
Allie D. Wiggins 5222 Brookfield Road Fayetteville, NC 28303 868-4219/988-4267(Cell)	11/06	1st full	Nov/09 11/30/09	Yes
Maxine Anders 3209 Elms Thorpe Drive Fayetteville, NC 28312 (filling unexpired term) 433-2483	5/07	1st	Nov/09 11/30/09	Yes
Dr. David Smith 210 West Summerchase Drive Fayetteville, NC 28311 822-1766/609-4341(W)	9/05	2nd	Sept/08 09/30/08	No

Contact: Jean Harrington (DSS) – 677-2619 (Fax: 677-2091)
Meets the 3rd Thursday of each month at 3:15 pm – DSS, 4th Floor, Room 440

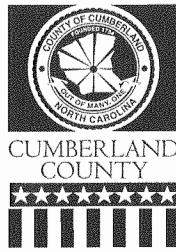
APPLICANTS FOR
CUMBERLAND COUNTY COMMUNITY CHILD PROTECTION/FATALITY PREVENTION TEAM

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BERRY-CABAN, CRISTOBAL S. (H/M) 5739-01 IVANHOE COURT FAYETTEVILLE, NC 28314 (813) 751-3004/907-8844	MEDICAL STATISTICIAN WOMACK ARMY MED CTR	PhD – URBAN SOCIAL INST. MA – HISTORY & POLITICAL SCIENCE; BA – HISTORY
BETHEA, BOBBIE HILL (W/F) 4916 SHORT JESTERS COURT HOPE MILLS, NC 28348 339-1234/677-2046	DATA ENTRY OPERATOR DEPT. OF SOCIAL SERVICES	SOME COLLEGE
CARTER, JAMES M. (W/M) 1212 CASTLEROCK DRIVE FAYETTEVILLE, NC 28304 484-4550/678-9896 (W)	PART-TIME TEACHER MEDIA PRODUCTION FTCC	BS - COMMUNICATIONS MINOR IN ART CONTINUING EDUC.
GRIFFIN, TRACE S. (W/M) 2915 DARK BRANCH ROAD FAYETTEVILLE, NC 28304 484-1284/609-7169 (W)	ACCOUNTANT CAPE FEAR VALLEY	BS – ACCOUNTING MBA -HEALTHCARE FOCUS
JAMES, THEADY E. (/) 3523 WORLEY STREET FAYETTEVILLE, NC 28311 339-5312	RETIRED (UNKNOWN)	HS GRAD, 1 YR-FTCC
McLEAN, ALICIA RENEE (B/F) 5058 SUMMER RIDGE DRIVE FAYETTEVILLE, NC 28303 487-0390/323-5288 (W)	DIALYSIS TECHNICIAN FAY. KIDNEY CENTER	BS – PSYCHOLOGY
McMILLAN, ROSIE G. (B/F) 1972 CULPEPPER LANE FAYETTEVILLE, NC 28304 864-0158/672-1105 (W)	PROJECT COORDINATOR FSU	BS – CRIMINAL JUSTICE M.A. – SOCIOLOGY
WARREN, JOHNETTA (B/F) 411 HALCYON CIRCLE FAYETTEVILLE, NC 28306 868-4002/261-3735 (C)	WORK FIRST PROGRAM	GED

J. BREEDEN BLACKWELL
Chairman

JEANNETTE M. COUNCIL
Vice Chairman

KENNETH S. EDGE
JOHN T. HENLEY, JR.
BILLY R. KING
EDWARD G. MELVIN
DIANE WHEATLEY



MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

BOARD OF COMMISSIONERS

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August 11, 2008

ITEM NO. 4B

August 18, 2008 Agenda Item

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

The Nursing Home Advisory Board will have the following vacancy as of September 30, 2008:

Martha McKoy – completing first term. Eligible for reappointment.

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)

Name/Address	<u>Date</u> Appointed	Term	Expires	<u>Eligible For</u> Reappointment
Mandella Edwards (/F) 7076 Candlewood Drive Fayetteville, NC 28314 429-0790(H)	4/07	1 st	April/10 4/30/10	Yes
Tom Lloyd (W/M) 1306 Berkshire Road Fayetteville, NC 28305 574-3177/678-7618(W)	8/07	Initial	Aug/08 8/31/08	Yes
Martha McKoy P.O. Box 42152 Fayetteville, NC 28309 423-0771	9/05	1st	Sept/08 9/30/08	Yes
Dr. John Briggs (W/M) 2910 Hybart Street Fayetteville, NC 28303 867-1493	2/08	Initial	Feb/09 2/28/09	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	08/07	Initial	Aug/08 8/31/08	Yes
Teresa Rena McNeill (B/F) 3518 Pickerel Street Fayetteville, NC 28306 480-0313/483-3648 x1109 (W)	8/07	Initial	Aug/08 8/31/08	Yes
Toney Edwards (B/M) 3622 Clearwater Drive Fayetteville, NC 28311 822-4261/864-6262	1/08	Initial	Jan /09 1/31/09	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Stephanie Hodges (W/F) 3424 Harrisburg Road Fayetteville, NC 28306 429-9300/292-5651 (C)	6/08	1 st	June/11 6/30/11	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 1:00 PM on the 3rd Thursday - at various nursing homes in the county.

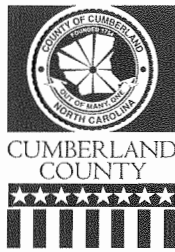
APPLICANTS FOR
NURSING HOME ADVISORY BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BOOTH, YVONNE (B/F) 4568 TURQUOISE RD FAYETTEVILLE, NC 28311 488-7260	STUDENT	MEDICAL/ EDUC CNA MED TECH, PHLEBOTOMY TECH
CARAMANNO, DELL (W/F) 5578 QUIETWOOD PLACE FAYETTEVILLE, NC 28304 423-2622 **SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**	RETIRED	SOME COLLEGE
HACKETT, MARIAN J. (B/F) 4184 FERNCREEK DRIVE FAYETTEVILLE, NC 28314 323-3060/672-2129 **SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**	RN – LECTURER FSU	MASTER – NURSING
HOMER, MARILYN (/F) 701 EMELINE AVENUE FAYETTEVILLE, NC 28303 678-8020/609-0639 (W)	ADVERTISING/MARKETING SERVICES MANAGER THE FAYETTEVILLE OBSERVER	BA/GENERAL STUDIES
PAUL, ROBIN (B/F) 363 KIMBERWICKE DRIVE FAYETTEVILLE, NC 28311 424-2278/237-2829 (W)	SELF-EMPLOYED CARE FINDERS FIRST	MASTERS-TEACHING READING K-6
TOMLINSON-KNOELL, REV. NANETTE 609 TALLSTONE DRIVE FAYETTEVILLE, NC 28311 339-2201/489-2198 **SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**	PASTOR	BA – ELEMENTARY EDUC. MASTER OF DIVINITY
WOLFE, JACQUELINE B. (W/F) 1812 MANCHESTER STREET FAYETTEVILLE, NC 28303 484-8588/484-5146 (W) **SERVES ON THE ADULT CARE HOME COMMUNITY ADV. BOARD**	MEMBER SERVICES REP FAYETTEVILLE POSTAL CU	HS; SOME TECH COURSES

J. BREEDEN BLACKWELL
Chairman

JEANNETTE M. COUNCIL
Vice Chairman

KENNETH S. EDGE
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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(910) 678-7771 • Fax: (910) 678-7770

ITEM NO. 4C

August 13, 2008

August 18, 2008 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Senior Citizens Advisory Board Vacancies (3)

The Senior Citizens Advisory Board will have the following vacancies as of September 30, 2008:

Tom Cain – completing first term. Eligible for reappointment.
Annette Renteria – completing first term. Eligible for reappointment.
Carolyn Tracy – completing first term. Eligible for reappointment.

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

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

pc: James McMillan, Special Projects Coordinator
City of Fayetteville

Attachments

Celebrating Our Past... Embracing Our Future

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

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Eleanora Ashby (B/F) 6529 Senator Drive Fayetteville, NC 28304 860-1017	2/07	1 st	Feb/09 2/28/09	Yes
Eleanor Ayers Hairr P.O. Box 220 Stedman, NC 28391 323-1892	11/06	1 st	Nov/08 11/30/08	Yes
Rhonda Batten(W/F) 1811 McGougan Road Fayetteville, NC 28303 483-4388/678-2920(W)/583-0392(Cell)	10/06	2 nd	Sept/08 9/30/08	No
Tom Cain 2786 Baywood Road Fayetteville, NC 28312 630-3970(H)	10/06	1 st	Sept/08 9/30/08	Yes
George Hatcher, Sr.(C/M) 3534 A.B. Carter Road Fayetteville, NC 28312 483-5896/818-8263(Cell)	11/06	1 st	Nov/08 11/30/08	Yes
E. C. (Chip) Modlin (W/M) 2811 Millbrook Road Fayetteville, NC 28303 485-5262(H)	9/07	2 nd	Sept/09 9/30/09	No
Dineen Morton 5835 Pettigrew Drive Fayetteville, NC 28314 635-9287(W)	9/07	2 nd	Sept/09 9/30/09	No
Annette Renteria (_/F) 7130 Ashwood Circle Fayetteville, NC 28303 964-5352 (C)/907-9705 (W) (filling unexpired term)	1/08	1 st	Sept/08 9/30/08	Yes

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

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

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

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

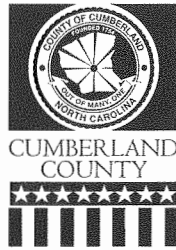
APPLICANTS FOR
SENIOR CITIZENS ADVISORY BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BRIGGS, DR. JOHN G. (W/M) 2910 HYBART STREET FAYETTEVILLE, NC 28303 867-1493 **SERVES ON THE NURSING HOME ADVISORY BOARD**	RETIRED PLASTIC SURGEON	DR OF MEDICINE BS – BIOLOGY
BURGESS, PAUL F. (??) 5620-C CHASON RIDGE DRIVE FAYETTEVILLE, NC 28314 864-2186	RETIRED MILITARY	AS – BUSINESS MGT AS – CRIMINAL JUSTICE
CAMPBELL, REBECCA (W/F) 7027 DARNELL STREET FAYETTEVILLE, NC 28314 487-1555/432-6393 (W)	DIRECTOR, FT BRAGG DEPT OF EDUC AND LIBRARIES	Ed.D – SPECIAL EDUC.
CARAMANNO, DELL (W/F) 5578 QUIETWOOD PLACE FAYETTEVILLE, NC 28304 423-2622 **SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**	RETIRED	SOME COLLEGE
COGDELL, EDNA A. (B/F) 734 ASHBURTON DR FAYETTEVILLE, NC 28301 488-4582	RETIRED EDUCATOR	MASTERS – LIBRARY SCIENCE, BS – ENGLISH
DOUGLAS, BRENDA (B/F) 6109 GARDEN COURT FAYETTEVILLE, NC 28311 717-0123/677-2965 (W) **SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**	SOCIAL WORKER III DEPT. OF SOCIAL SERVICES	BA – PSYCHOLOGY
HICKS, SARA JEAN (W/F) 2303 MORGANTON RD #2 FAYETTEVILLE, NC 28305 417-9072/483-8309 (W)	ACCOUNTANT ABERDEEN & ROCKFISH RAILROAD	BS/BA – ACCOUNTING MBA
LAVOIE, MARY ELLEN (W/F) PO BOX 53295 FAYETTEVILLE, NC 28305 257-5529	SOCIAL WORKER BIBLICAL COUNSELING	MSW – SOCIAL WORK
TOMLINSON-KNOELL, REV. NANETTE 609 TALLSTONE DRIVE FAYETTEVILLE, NC 28311 339-2201/489-2198 **SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**	PASTOR	BA – ELEMENTARY EDUC. MASTER OF DIVINITY
WATSON, WILLIAM J. (B/M) 1881 GOLA DRIVE FAYETTEVILLE, NC 28301 488-6600	RETIRED TEACHER	BS & MASTERS – SCIENCE

J. BREEDEN BLACKWELL
Chairman

JEANNETTE M. COUNCIL
Vice Chairman

KENNETH S. EDGE
JOHN T. HENLEY, JR.
BILLY R. KING
EDWARD G. MELVIN
DIANE WHEATLEY



MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

BOARD OF COMMISSIONERS

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August 11, 2008

ITEM NO. 4D

August 18, 2008 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *mc*
SUBJECT: Southeastern Economic Development Commission Vacancy (1)

The Southeastern Economic Development Commission will have the following vacancy effective September 30, 2008:

Erik Wells – Completed second term. Not eligible for reappointment.

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

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

Celebrating Our Past...Embracing Our Future

SOUTHEASTERN ECONOMIC DEVELOPMENT COMMISSION
COUNTY APPOINTEES
(4 year terms)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
*Juanita Pilgrim (B/F) Deputy County Manager P.O. Box 1829 Fayetteville, North Carolina 28302 678-7723	12/05	2 nd	Sept/09 9/30/09	No
Erik Wells (W/M) Chief Executive Officer, Schoollink 3641 Sycamore Dairy Road Fayetteville, North Carolina 28303 223-2116 ext. 104	09/04	2 nd	Sept/08 9/30/08	No
Ed Melvin (W/M) County Commissioner P.O. Box 1829 Fayetteville, North Carolina 28302 678-7771 or 678-7772	10/07	1 st	Oct/11 10/31/11	Yes
Jeannette Council (B/F) County Commissioner P.O. Box 1829 Fayetteville, North Carolina 28302 678-7771 or 678-7772	09/06	1 st	Sept/10 9/30/10	Yes

*Designated to serve on the Executive Committee.

Meets the 4th Tuesday at 10 am – Elizabethtown Airport, Airport Rd. (Commissioner Edge and Council only attends the annual meeting-usually in April)

Members appointed by the Board of Commissioners in November of 2001.

Terms were staggered initially when members were appointed on 11/5/01.

Contact: Juanita Pilgrim or Pamela Bostic (PO Box 921, Elizabethtown, NC 28337) – 862-6985/fax # 862-6986

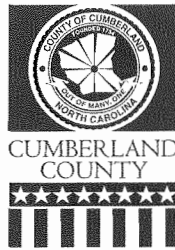
APPLICANTS FOR
SOUTHEASTERN ECONOMIC DEVELOPMENT COMMISSION

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
COLEY, TIAWANNIA A. (B/F) 6115 LAKE TRAIL DRIVE FAYETTEVILLE, NC 28304 860-4872/321-6794 (W)	SUBSTANCE ABUSE COUNSELOR MENTAL HEALTH/TASC	BS – COMPUTER SCIENCE AA – MATHEMATICS WORKING ON MASTERS - MH COUNSELING
FLEMING JR., DR REV JOE (B/M) 7235 RYAN STREET FAYETTEVILLE, NC 28304 339-5648	CHURCH PASTOR CHURCH OF GOD	SOME COLLEGE
HOMER, MARILYN (/F) 701 EMELINE AVENUE FAYETTEVILLE, NC 28303 678-8020/609-0639 (W)	ADVERTISING/MARKETING SERVICES MANAGER THE FAYETTEVILLE OBSERVER	BA/GENERAL STUDIES
O'DONNELL, DAWN 2072 BIRCHCREFT DRIVE FAYETTEVILLE, NC 28304 425-3619/916-1207 (W)	RETIRED ARMY/TAX PREPARER H&R BLOCK	AA – ACCOUNTING
SYED, NADEEM (/M) 525 ABBOTTLAND CIRCLE FAYETTEVILLE, NC 28314 587-3087 (W)	GENERAL CONTRACTOR	MASTERS – ACCOUNTING
TALLY, WILLIAM LOCKETT (W/M) 414 VISTA DRIVE FAYETTEVILLE, NC 28305 489-3533/483-4175	ATTORNEY TALLY & TALLY	BA-POLITICAL SCIENCE JD-SCHOOL OF LAW
THOMPSON-PINCKNEY, TERESA (AA/F) 472 BRANDERMILL ROAD FAYETTEVILLE, NC 28314 867-7409	ADMINISTRATOR FSU	BA-CRIMINOLOGY & CRIMINAL JUSTICE MA-SOCIOLOGY
TYSON-AUTRY, CARRIER (??) 5951 NC HWY 87 SOUTH FAYETTEVILLE, NC 28306-7379 483-0087	RETIRED TEACHER **SERVES ON THE BOARD OF ADJUSTMENT	PhD, MA, BA & BS 1 YEAR LAW SCHOOL

J. BREEDEN BLACKWELL
Chairman

JEANNETTE M. COUNCIL
Vice Chairman

KENNETH S. EDGE
JOHN T. HENLEY, JR.
BILLY R. KING
EDWARD G. MELVIN
DIANE WHEATLEY



MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

BOARD OF COMMISSIONERS

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August 12, 2008

ITEM NO. 4E

August 18, 2008 Agenda Item

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

The Workforce Development Board will have the following vacancies as of September 30, 2008:

Private Sector

Bob Dickerson – completing second term. Not eligible for reappointment.

Annie Hasan – completing second term. Not eligible for reappointment.

Kathy Olsen - The Workforce Development Board has requested that she be replaced as she has been unable to attend meetings.

Labor

Damita Rucker-Ash – completing second term. Not eligible for reappointment.

Public Sector

Vivian Tookes – completing second term. Not eligible for reappointment. The Workforce Development Board has requested that **Richard Everett** be appointed to this slot.

Community Based Organization

Patricia Tyson – completing second term. Not eligible for reappointment.

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

PROPOSED ACTION: Make nomination to fill the six (6) vacancies.

Attachments

pc: Geneva Mixon, Director
Workforce Development

Celebrating Our Past... Embracing Our Future

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

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Private Sector:</u>				
Kathy Olsen (W/F) Olsen Realty 854 S. Reilly Road Fayetteville, NC 28314 964-1459	9/05	1 st	Sept/08 9/30/08	Yes
Bob Dickerson (W/M) Tire Battery Corporation 107 Tom Starling Road, Suite 101 Fayetteville, NC 28306	9/05	2 nd	Sept/08 09/30/08	No
Loleta L. Wilkerson (/F) Pentagon Federal Credit Union 1800 Skibo Road, Suite 320 Fayetteville, NC 28303 487-3404/868-5594(W)	10/05	1 st	Oct/08 10/31/08	Yes
Annie Hasan (B/F) Children's World Creative School 408 Spring Avenue Spring Lake, NC 28390 497-8770	9/05	2 nd	Sept/08 09/30/08	No
Brad Loase (W/M) 815 Stamper Road Fayetteville, NC 28303 583-3682/437-5959 (W)	6/08	1 st	Feb/10 2/28/10	Yes
serving unexpired term				
Michael Karaman (W/M) 4424 Bragg Blvd. # 101 Fayetteville, NC 28303 860-1000	2/07	1 st	Feb/10 2/28/10	Yes
JoLeita Evans (W/F) 2974 Evans Dairy Road Fayetteville, NC 28312 483-9065/484-5972(W)	11/05	1 st	Nov/08 11/30/08	Yes
Dina Simcox (W/F) 3628 Heatherbrooke Drive Fayetteville, NC 28306 717-2448/868-7668 (W)	4/08	1 st	Apr/11 4/30/11	Yes

Cumberland County Workforce Development Board, page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Wendall Troy (B/M) School Link, Inc. P.O. Drawer 36067 Fayetteville, NC 28303 223-2116, Ext. 101	2/06	2 nd	Feb/09 2/28/09	No
Charles A. Richter (/M) NCNG 235 N. McPherson Church Rd. – Ste. 203 Fayetteville, NC 28303 401-6063	10/05	1 st	Oct/08 10/31/08	Yes
Mike Baldwin (W/M) 1337 Sawyer Court Hope Mills, NC 28348 323-9493/426-5000(W)	6/06	1 st	June/09 6/30/09	Yes
John Davidson (W/M) Carco Group, Inc. 674 Glenda Street Fayetteville, NC 28311 482-4338/308-3255	8/08	1 st	June/09 6/30/09	Yes
<u>Public Sector:</u>				
Social Services Representative: Vivian Tookes(B/F) Dept. of Social Services P. O. Box 2429 Fayetteville, NC 28302 323-1540	9/05	2 nd	Sept/08 9/30/08	No
<u>Rehabilitation:</u>				
Ellen Morales (/F) North Carolina Department of Human Resources Division of Vocational Rehabilitation Services 1200 Fairmont Court Fayetteville, NC 28304	11/06	(unlimited term - replaced by state agency)		
<u>Community Based Organization:</u>				
Patricia Tyson(W/F) Consumer Credit Counseling Service 316 Green Street Fayetteville, NC 28301 323-3192	9/05	2 nd	Sept/08 9/30/08	No

Cumberland County Workforce Development Board, page 3

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Dr. Robin Jenkins (W/M) Communicare, Inc. P.O. Box 30 Fayetteville, NC 28302 433-1116	2/06	2 nd	Feb/09 2/28/09	No
J. Carl Manning (B/M) Kingdom CDC PO Box 1402 Fayetteville, NC 28302 630-1000/484-2722	5/08	1 st	May/11 5/31/11	Yes
<u>Economic Development:</u> (vacant) Cumberland Co. Business Council P. O. Box 9 Fayetteville, NC 28302 484-4242, ext. 228	11/06	2 nd	Nov/09 11/30/09	No
<u>Employment Service:</u> Glenn McQueen (B/M) Employment Security Comm. 414 Ray Avenue Fayetteville, NC 28301 486-1010	8/02	(unlimited term - replaced by state agency)		
<u>Labor:</u> Damita Rucker-Ash(B/F) United Steelworkers of America 5839 Corner Oaks Drive Hope Mills, NC 28348 423-8479	9/05	2 nd	Sept/08 9/30/08	No
<u>Education:</u> Dr. Joe Mullis, (/M) FTCC PO Box 35236 Fayetteville, NC 28303	8/07	1 st	Aug/10 8/31/10	Yes
(vacant) Fayetteville State University 1200 Murchison Road Fayetteville, NC 28301 486-1141	1/05	1 st	Jan/08 1/31/08	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>County Representative:</u> Juanita Pilgrim Deputy County Manager P. O. Box 1829 Fayetteville, NC 28302 678-7726	7/93	N/A	N/A	N/A

Contact: Geneva Mixon, Director, CC Workforce Development Center (or Linda Morrison – 323-2498, X2126 – fax # 323-5755)

Regular Meetings: 1st Tuesday, every other month, noon, Job Link Career Center
(Name Changed to Cumberland County Workforce Development Board, November, 1995)

APPLICANTS FOR
WORKFORCE DEVELOPMENT BOARD

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BRIGGS, BENITA Y. (B/F) 1116 BINGHAM DRIVE FAYETTEVILLE, NC 28304 822-1154/672-1294 (W) **SERVES ON THE ADULT CARE HOME ADVISORY BOARD**	OFFICE ASSISTANT IV FSU	BA IN HISTORY; 08 GRAD – BA IN SOCIOLOGY
COLEY, TIAWANNIA A. (B/F) 6115 LAKE TRAIL DRIVE FAYETTEVILLE, NC 28304 860-4872/321-6794 (W)	SUBSTANCE ABUSE COUNSELOR- MENTAL HEALTH/TASC	BS – COMPUTER SCIENCE AA – MATHEMATICS WORKING ON MASTERS -
EVERETT, RICHARD (W/M) 408 MIRROR LAKE DRIVE FAYETTEVILLE, NC 28303 484-0432/677-2360 (W)	ASSISTANT DIRECTOR SOCIAL SERVICES	BA
HICKS, SARA JEAN (W/F) 2303 MORGANTON RD #2 FAYETTEVILLE, NC 28305 417-9072/483-8309 (W)	ACCOUNTANT ABERDEEN/ROCKFISH RAILROAD	BS/BA – ACCOUNTING MBA
HOLLOMAN, GWEN (B/F) 721 EDGEHILL ROAD FAYETTEVILLE, NC 28314 868-1691/822-7968 (W)	HIGH PERFORMANCE DEVELOPMENT COORD. VA HOSPITAL	RHIA/M.Ed
JOHNSON, CATHERINE (W/F) 524 DEERPATH DRIVE FAYETTEVILLE, NC 28311 822-4809/484-4242 X247 (W)	EXISTING INDUSTRY MGR FAY-CC CHAMBER	ASSOCIATE – BUS. ADMIN.
MARSHALL, BARBARA SUMMEY (B/F) 7640 WILKINS DRIVE FAYETTEVILLE, NC 28311 488-2615/977-2303 (W) **SERVES ON BOARD OF HEALTH**	VOLUNTEER/ADVOCATE RETIRED MILITARY	MASTERS - RELIGIOUS EDUCATION
McALLISTER, MEREDITH (B/F) 553 HOLLYBERRY LANE FAYETTEVILLE, NC 28314 867-8564/222-8751 (W)	CERTIFIED PERSONAL FINANCE COUNSELOR CONSUMER EDUCATION SERVICES, INC.	BUSINESS – UNC AT CHAPEL HILL
McCUNE SR, DAVID (_/M) 4801 RESEARCH DRIVE FAYETTEVILLE, NC 28306 476-2976/424-2978 (W)	OWNER/PRESIDENT McCUNE TECHNOLOGY	NOT LISTED

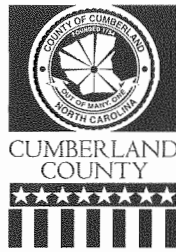
WORKFORCE DEVELOPMENT BOARD, PAGE 2

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
McLEAN, ALICIA RENEE (B/F) 5058 SUMMER RIDGE DRIVE FAYETTEVILLE, NC 28303 487-0390/323-5288 (W)	DIALYSIS TECHNICIAN FAY. KIDNEY CENTER	BS – PSYCHOLOGY
OKHOMINA, DR. DON A. (B/M) 494 DUNLOE COURT FAYETTEVILLE, NC 28311 868-1618/672-2148 (W)	ASST PROFESSOR OF MANAGEMENT FSU	BS – BUSINESS ADMIN MBA, PHD – MGT.
TALLY, WILLIAM LOCKETT (W/M) 414 VISTA DRIVE FAYETTEVILLE, NC 28305 489-3533/483-4175	ATTORNEY TALLY & TALLY	BA-POLITICAL SCIENCE JD-SCHOOL OF LAW
WHITTEMORE, APRIL (I/F) 4823 REDWOOD DRIVE FAYETTEVILLE, NC 28304 977-7796	HUMAN RESOURCES NATIVE ANGELS	DOUBLE MASTERS – COUNSELING/HR

J. BREEDEN BLACKWELL
Chairman

JEANNETTE M. COUNCIL
Vice Chairman

KENNETH S. EDGE
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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ITEM NO. 5A

August 11, 2008

August 18, 2008 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Adult Care Home Community Advisory Committee

BACKGROUND: On August 4, 2008, the Board of Commissioners nominated the following to fill one vacancy on the Adult Care Home Community Advisory Committee:

Yvonne Booth (new appointment)

I have attached the current membership list for this committee.

PROPOSED ACTION: Appoint the above vacancy.

Attachment

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

Celebrating Our Past...Embracing Our Future

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

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Marian J. Hackett (B /F) 4184 Ferncreek Drive Fayetteville, NC 28314 323-3060/672-2129	4/08	Initial	Apr/09 4/30/09	Yes
Toney Edwards (B/M) 3622 Clearwater Drive Fayetteville, NC 28311 822-4261/864-6262	04/08	Initial	Apr/09 4/30/09	Yes
Mary Ann Brown-Jackson 1959B James Hamner Way Fayetteville, NC 28311 822-1311/893-8151 x330 (W)	1/06	1 st	Jan/09 1/31/09	Yes
Rev. Nanette Tomlinson-Knoell (W/F) 10/07 609 Tallstone Drive Fayetteville, NC 28311 339-2201/489-2198(W)		Initial	Feb/09 2/28/09	Yes
Herma Jean Bradley (/F) 714 Topeka Street Fayetteville, NC 28301 822-3689	6/06	1 st	June/09 6/30/09	Yes
Mexie Fields (/F) 1815 Primrose Drive Fayetteville, NC 28301 488-8432	1/06	1 st	Jan/10 1/31/10	Yes
James Ingram (B/M) P.O. Box 87671 Fayetteville, NC 28304 257-1831/488-8415(W)	1/05	1 st	Jan/10 1/31/10	Yes
Brenda Douglas (B/F) 6109 Garden Court Fayetteville, NC 28311 717/0123/677-2965 (W)	5/08	Initial	May/09 5/31/09	Yes

Adult Care Home Community Advisory Committee, page 2

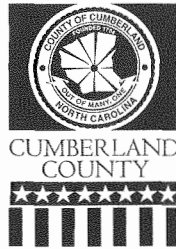
<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Dell Caramanno (W/F) 5578 Quietwood Place Fayetteville, NC 28304 423-2622	4/08	Initial	Apr/09 4/30/09	Yes
Stephanie Hodges (W/F) 3424 Harrisburg Road Fayetteville, NC 28306 429-9300/584-0358 (C)	10/06	1 st	Nov/09 11/30/09	Yes
Wynella A. Myers (B/F) 706 Sarazan Drive Fayetteville, NC 28303 822-5526/273-8483 (C)	8/07	1 st	Aug/10 8/31/10	Yes
Janet Pelley 18 Adams Street Ft. Bragg, NC 28307 497-4947	4/06	2 nd	April/09 4/30/09	No
John Poulos (W/M) 3025 Brechin Road Fayetteville, NC 28303 867-2622/424-4242(W)	6/06	2 nd	June/09 6/30/09	No
Teresa R. McNeill (B/F) 3518 Pickerel Street Fayetteville, NC 28306 480-0313/483-3648, Ext. 1109 (W)	2/08	1 st	Feb/11 2/28/11	Yes
Dr. Claudett Tompkins (B/F) 260 Old Farm Road Fayetteville, NC 28314 864-5336/424-4797(W)	9/06	2 nd	Aug/09 8/31/09	No
Kim Howard (_/F) 6018 Lakaway Drive Fayetteville, NC 28306 308-5974	4/08	1 st	Apr/11 4/30/11	Yes

CONTACT: Andrea Wright-Valdez, Regional Ombudsman, Mid-Carolina Area Agency on Aging,
P. O. Box 1510, Fayetteville, NC 28302. Phone: 323-4191, x 25, fax # 323-9330
MEETINGS: Quarterly: March, June, September, December 3rd Thursday of Particular Month,
10:00 AM, Blue Street Senior Center

J. BREEDEN BLACKWELL
Chairman

JEANNETTE M. COUNCIL
Vice Chairman

KENNETH S. EDGE
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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ITEM NO. 58

August 11, 2008

August 18, 2008 Agenda Item

TO: Board of Commissioners

FROM: Marie Colgan, Deputy Clerk *Mc*

SUBJECT: Animal Control Board

BACKGROUND: On August 4, 2008, the Board of Commissioners nominated the following to fill a vacancy on the Animal Control Board:

City of Fayetteville Resident Position: **Patricia Rigsby** (new appointment)

I have attached the current membership list for this board.

PROPOSED ACTION: Appoint the above vacancy.

Attachment

pc: Larry Philpott, Interim Animal Control Director

Celebrating Our Past...Embracing Our Future

ANIMAL CONTROL BOARD
3 Year Term
(Terms extended from 2 to 3 years on 8/5/02.)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Knowledge & Experience in Dog Behavior and/or Handling Position</u>				
Paula Thomason 1660 River Road Fayetteville, North Carolina 28312 483-9213	5/06	2nd	June/09 6/30/09	No
<u>Promoting Goals of the Animal Protection Society or the Humane Society or Another Such Broadly- Based and Representative Organization Interested in the Care and Protection of Animals Position</u>				
Tommy Griffin 530 Lennox Drive Fayetteville, North Carolina 28303 868-4242	5/06	2nd	June/09 6/30/09	No
<u>Ex-Officio, The Veterinarian on Contract to the Animal Control Department Position</u>				
Dr. John Lauby (W/M) East Fayetteville Veterinary Clinic 118 Cedar Creek Road Fayetteville, North Carolina 28312 323-5845	6/07	4 th	June/10 6/30/10	
<u>At-Large Positions</u>				
Dr. Kimberly Luddington (W/F) 5429 Kentucky Lane Hope Mills, NC 28348 425-0720	8/07	1 st	June/10 6/30/10	Yes
Wallace Owens 1888 Cascade Street Fayetteville, North Carolina 28301 488-9064	6/07	2 nd	June/10 6/30/10	No
<u>City of Fayetteville Resident Positions</u>				
Rose Marie Bonavia (_/F) 7338 Pebblebrook Drive Fayetteville, North Carolina 28314 487-4790	6/08	1 st	June/11 6/30/11	Yes
Linda Hardy Lewis (resigned) 411 Lakeshore Drive Fayetteville, North Carolina 28305 485-4960	5/06	2nd	June/09 6/30/09	No

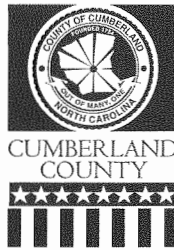
Board was Established by Ordinance adopted on January 4, 1999.

Meetings: Bi monthly – 1st Monday, 6:00PM -4704 Corporation Dr- Contact: Larry Philpott 321-6851

J. BREEDEN BLACKWELL
Chairman

JEANNETTE M. COUNCIL
Vice Chairman

KENNETH S. EDGE
JOHN T. HENLEY, JR.
BILLY R. KING
EDWARD G. MELVIN
DIANE WHEATLEY



MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

BOARD OF COMMISSIONERS

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August 11, 2008

ITEM NO. 50

August 18, 2008 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Child Homicide Identification and Prevention (CHIP) Council

BACKGROUND: On August 4, 2008, the Board of Commissioners nominated the following to fill one vacancy on the CHIP Council:

A Representative of the Cumberland County Board of Commissioners – Diane Wheatley

I have attached the current membership list for this committee.

PROPOSED ACTION: Appoint the above vacancy.

Attachment

pc: Dr. Sharon Cooper

Celebrating Our Past...Embracing Our Future

CHILD HOMICIDE IDENTIFICATION AND PREVENTION (CHIP) COUNCIL

3 Year Term

(1, 2, 3 year initial terms set. After initial terms are served, all terms are for 3 years)

Name/Address	Date Appointed	Term	Expires	Eligible For Reappointment
<u>A Representative of the Medical Community Whose Specialty is Children</u> Dr. Sharon Cooper PO Box 72929 Ft. Bragg, NC 28307-2929 488-9304	05/07 (3-year term)	1 st	05/10 05/31/10	Yes
<u>A Representative of the Business Council Board</u> Chairman (or designee) PO Box 9 Fayetteville, NC 28302 484-4242 x223	05/07 (2-year term)	1 st	05/09 05/31/09	Yes
<u>A Representative of the Military Community</u> Thomas M. Hill Family Advocacy Program Army Community Service ATTN: IMSE-BRG-MWA 2175 Reilly Road, Stop A Ft. Bragg, NC 28310-5000 907-3491/303/5306	02/08 (2-year term)	1 st	02/10 02/28/10	Yes
<u>A Representative from District Court</u> Judge Beth Keever PO Box 363 Fayetteville, NC 28302 678-2901	05/07 (3-year term)	1 st	05/10 05/31/10	Yes
<u>A Representative of the Fayetteville Cumberland County Ministerial Association</u> Dr. Allen McLaughlin Cumberland County Ministerial Council 1430 Hoke Loop Road Fayetteville, NC 28314-6489 867-0443	05/07 (2-year term)	1 st	05/09 05/31/09	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>A Representative of Primary Care</u> Dr. Eugene Wright 101 Robeson Street, Suite 400 Fayetteville, NC 28301 829-1705	05/07 (2-year term)	1 st	05/09 05/31/09	Yes
<u>A Representative of Cumberland County Department of Social Services</u> Rosemary Zimmerman, Director Cumberland County Department of Social Services PO Box 2429 Fayetteville, NC 28302 677-2035	05/07 (3-year term)	1 st	05/10 05/31/10	Yes
<u>A Representative of the General Public</u> Louis Hackett 4184 Ferncreek Drive Fayetteville, NC 28314 323-3060/322-5324 (c)	05/07 (2-year term)	1 st	05/09 05/31/09	Yes
Lois A. Kirby 112 N. Churchill Drive Fayetteville, NC 28303 484-6055	02/08 (2-year term)	1 st	02/10 02/28/10	Yes
<u>A Representative of Methodist University School of Social Work</u> Mary Deyampert-McCall 1220 Wild Pine Drive Fayetteville, NC 28312 630-7698	02/08 (3-year term)	1 st	02/11 02/28/11	Yes
<u>A Representative of the Cumberland County Mental Health Center</u> Debbie Jenkins Cumberland County Mental Health Center PO Box 787 Fayetteville, NC 28302	02/08 (3-year term)	1 st	02/11 02/28/11	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>A Representative of Health Education</u> Wendy Breeden Cape Fear Valley Medical Center PO Box 2000 Fayetteville, NC 28302 609-6060	02/08	1 st	02/10 02/28/10	Yes
	(2-year term)			
<u>A Representative of Law Enforcement</u> Detective Lynette Hodges Cumberland County Sheriff's Dept. 131 Dick Street Fayetteville, NC 28301 677-5433	02/08	1 st	02/10 02/28/10	Yes
	(2-year term)			
<u>A Representative of the Legal Community</u> Joanna Shober 2018 Ft. Bragg Road, Suite 116A Fayetteville, NC 28303 488-8600	02/08	1 st	02/10 02/28/10	Yes
	(2-year term)			
<u>A Representative of the Cumberland County School System</u> Natasha Scott, Social Work Dept. Cumberland County Schools PO Box 2357 Fayetteville, NC 28302 678-2419	02/08	1 st	02/10 02/28/10	Yes
	(2-year term)			
<u>A Representative of the Cumberland Interfaith Hospitality Network</u> Denise Giles Cumberland Interfaith Hospitality Network 101 Stein Street Fayetteville, NC 28303 826-2454	02/08	1 st	02/10 02/28/10	Yes
	(2-year term)			

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>A Representative of Womack Army Medical Center</u> Gladys Cartwright Department of Social Work Womack Army Medical Center WAMC Stop A 4-2817 Reilly Road, MCXC Ft. Bragg, NC 28310-7301 907-7869	02/08 (2-year term)	1 st	02/10 02/28/10	Yes
<u>A Representative of the Local Media</u> Charles Broadwell Fayetteville Observer Times 458 Whitfield Street Fayetteville, NC 28306 486-3501	02/08 (2-year term)	1 st	02/10 02/28/10	Yes
<u>A Representative of Fayetteville State University School of Social Work</u> Densie Lucas FSU, School of Social Work 1200 Murchison Road Fayetteville, NC 28301 672-2287	02/08 (3-year term)	1 st	02/11 02/28/11	Yes
<u>A Representative of the Cumberland County Board of Commissioners</u> Commissioner Diane Wheatley Board of Commissioners PO Box 1829 Fayetteville, NC 28302 678-7772	05/07 (1-year term)	1 st	05/08 05/31/08	Yes

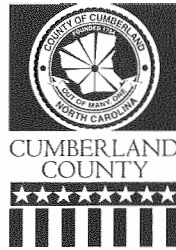
Contact: Dr. Sharon Cooper – 488-9304

Meetings: Meets every other month (beginning in February), 6 pm, Police Dept Assembly Room, 1st Floor

J. BREEDEN BLACKWELL
Chairman

JEANNETTE M. COUNCIL
Vice Chairman

KENNETH S. EDGE
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August 11, 2008

ITEM NO. 5D

August 18, 2008 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *mc*
SUBJECT: Joint Appearance Commission

BACKGROUND: On August 4, 2008, the Board of Commissioners nominated the following to fill a vacancy on the Joint Appearance Commission:

Edna Cogdell (New Appointment)

I have attached the current membership list.

PROPOSED ACTION: Appoint the above vacancy.

Attachment

pc: Jimmy Teal, Chief Planning Officer
City of Fayetteville

Celebrating Our Past...Embracing Our Future

JOINT APPEARANCE COMMISSION
2-Year Terms

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible for Reappointment</u>
Allen, Cindy(W/F) 2233 Wilmington Highway Fayetteville, NC 28306 483-3213/323-8811(W)	9/06	1 st full	Aug/08 8/31/08	Yes
Gloston, Louis (B/M) 2000 Greendale Drive Fayetteville, NC 28304 867-5724/484-7869(W)	9/06	1 st	Aug/08 8/31/08	Yes
Smith, Nancy W. (W/F) 5731 Christmasberry Court Fayetteville, NC 28312 487-1578/850-9398 (W)	8/07	1 st	Aug/09 8/31/09	Yes
McFadyen, William David (W/M) 7122 Hunters Point Drive Fayetteville, NC 28311 822-2362	8/07	1 st	Aug/09 8/31/09	Yes

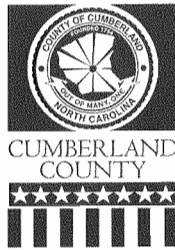
Meetings: First Monday of Month – 5:15 PM – City Hall, 1st Floor, Cape Fear Room

Contact: Jimmy Teal
City of Fayetteville

J. BREEDEN BLACKWELL
Chairman

JEANNETTE M. COUNCIL
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August 11, 2008

ITEM NO. 5E

August 18, 2008 Agenda Item

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

BACKGROUND: On August 4, 2008, the Board of Commissioners nominated the following to fill one vacancy on the Workforce Development Board:

Economic Development: **Catherine Johnson** (new appointment)

I have attached the current membership list for this board.

PROPOSED ACTION: Appoint the above vacancy.

Attachment

pc: Geneva Mixon, Director

Celebrating Our Past...Embracing Our Future

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

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Private Sector:</u>				
Kathy Olsen (W/F) Olsen Realty 854 S. Reilly Road Fayetteville, NC 28314 964-1459	9/05	1 st	Sept/08 9/30/08	Yes
Bob Dickerson (W/M) Tire Battery Corporation 107 Tom Starling Road, Suite 101 Fayetteville, NC 28306	9/05	2 nd	Sept/08 09/30/08	No
Loleta L. Wilkerson (/F) Pentagon Federal Credit Union 1800 Skibo Road, Suite 320 Fayetteville, NC 28303 487-3404/868-5594(W)	10/05	1 st	Oct/08 10/31/08	Yes
Annie Hasan (B/F) Children's World Creative School 408 Spring Avenue Spring Lake, NC 28390 497-8770	9/05	2 nd	Sept/08 09/30/08	No
Brad Loase (W/M) 815 Stamper Road Fayetteville, NC 28303 583-3682/437-5959 (W)	6/08	1 st	Feb/10 2/28/10	Yes
serving unexpired term				
Michael Karaman (W/M) 4424 Bragg Blvd. # 101 Fayetteville, NC 28303 860-1000	2/07	1 st	Feb/10 2/28/10	Yes
JoLeita Evans (W/F) 2974 Evans Dairy Road Fayetteville, NC 28312 483-9065/484-5972(W)	11/05	1 st	Nov/08 11/30/08	Yes
Dina Simcox (W/F) 3628 Heatherbrooke Drive Fayetteville, NC 28306 717-2448/868-7668 (W)	4/08	1 st	Apr/11 4/30/11	Yes

Cumberland County Workforce Development Board, page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Wendall Troy (B/M) School Link, Inc. P.O. Drawer 36067 Fayetteville, NC 28303 223-2116, Ext. 101	2/06	2 nd	Feb/09 2/28/09	No
Charles A. Richter (/M) NCNG 235 N. McPherson Church Rd. – Ste. 203 Fayetteville, NC 28303 401-6063	10/05	1 st	Oct/08 10/31/08	Yes
Mike Baldwin (W/M) 1337 Sawyer Court Hope Mills, NC 28348 323-9493/426-5000(W)	6/06	1 st	June/09 6/30/09	Yes
Jean Harrison (/F) Cape Fear Valley Medical Center P.O. Box 2000 Fayetteville, NC 28302-2000	6/06	1 st	June/09 6/30/09	Yes
<u>Public Sector:</u>				
Social Services Representative: Vivian Tookes(B/F) Dept. of Social Services P. O. Box 2429 Fayetteville, NC 28302 323-1540	9/05	2 nd	Sept/08 9/30/08	No
<u>Rehabilitation:</u>				
Ellen Morales (/F) North Carolina Department of Human Resources Division of Vocational Rehabilitation Services 1200 Fairmont Court Fayetteville, NC 28304	11/06	(unlimited term - replaced by state agency)		
<u>Community Based Organization:</u>				
Patricia Tyson(W/F) Consumer Credit Counseling Service 316 Green Street Fayetteville, NC 28301 323-3192	9/05	2 nd	Sept/08 9/30/08	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Dr. Robin Jenkins (W/M) Communicare, Inc. P.O. Box 30 Fayetteville, NC 28302 433-1116	2/06	2 nd	Feb/09 2/28/09	No
J. Carl Manning (B/M) Kingdom CDC PO Box 1402 Fayetteville, NC 28302 630-1000/484-2722	5/08	1 st	May/11 5/31/11	Yes
<u>Economic Development:</u> (vacant) Cumberland Co. Business Council P. O. Box 9 Fayetteville, NC 28302 484-4242, ext. 228	11/06	2 nd	Nov/09 11/30/09	No
<u>Employment Service:</u> Glenn McQueen (B/M) Employment Security Comm. 414 Ray Avenue Fayetteville, NC 28301 486-1010	8/02	(unlimited term - replaced by state agency)		
<u>Labor:</u> Damita Rucker-Ash(B/F) United Steelworkers of America 5839 Corner Oaks Drive Hope Mills, NC 28348 423-8479	9/05	2 nd	Sept/08 9/30/08	No
<u>Education:</u> Dr. Joe Mullis, (/M) FTCC PO Box 35236 Fayetteville, NC 28303	8/07	1 st	Aug/10 8/31/10	Yes
(vacant) Fayetteville State University 1200 Murchison Road Fayetteville, NC 28301 486-1141	1/05	1 st	Jan/08 1/31/08	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>County Representative:</u> Juanita Pilgrim Deputy County Manager P. O. Box 1829 Fayetteville, NC 28302 678-7726	7/93	N/A	N/A	N/A

Contact: Geneva Mixon, Director, CC Workforce Development Center (or Linda Morrison – 323-2498, X2126 – fax # 323-5755)

Regular Meetings: 1st Tuesday, every other month, noon, Job Link Career Center
(Name Changed to Cumberland County Workforce Development Board, November, 1995)