
AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
COURTHOUSE – ROOM 118
DECEMBER 15, 2008
6:45 PM

INVOCATION - Commissioner Edward G. Melvin

PLEDGE OF ALLEGIANCE –

Certificate of Appreciation:

Mr. Joe H. Johnson, 37 Years as a County Ranger with the NC Forestry Service

Special Recognition:

John David Gillis, Sr. - Cumberland County Agricultural Hall of Fame
Collins Bullard - 2008 Cumberland County Young Farmer of the Year

Special Recognition to Brenda Reid Jackson and Shirley Harris as Recipients for the North Carolina Association of County Directors of Social Service Best Practice Award

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

1. Presentation of the FY 2008 Annual Audit by Michelle Loyd Thompson, CPA, Partner, Cherry, Bekaert and Holland, L.L.P.
2. Presentation of the Cumberland County NACo Prescription Drug Program by Deputy County Manager, Juanita Pilgrim.
3. Consent Agenda
 - A. Approval of minutes for the December 1, 2008 regular meeting.
 - B. Approval of Proposed Ordinance Amending Article XI of the Cumberland County Code and Consideration of Approval of Administrative Procedures for the Collection of the Gross Receipts Tax on Heavy Equipment.
 - C. Approval of Purchase of Trommel Screen Machine by Solid Waste and Approval of Associated Budget Revision.

- D. Approval of Destruction of Finance Department Records.
- E. Approval of Extension of Carolina Residential Services Lease for 226 Bradford Avenue.
- F. Approval of Ordinance Assessing Property for the Cost of Demolition:
- 1) Case Number: MH 5488-2008
Property Owners: Vimala Patel, Manoj Patel and
GIMAG Project Development, LTD.
Property Location: 935 Hollywood Boulevard, Fayetteville, NC
Parcel Identification Number: 0447-77-4640 and 0447-77-6665
 - 2) Case Number: MH 5245-2007
Property Owners: Isaac and Emily Byrd
Property Location: 9403 Hillsboro Street, Linden, NC
Parcel Identification Number: 0574-65-8342
- G. Budget Revisions:
- (1) Emergency 911

Revision in the amount of \$150,000 to appropriate fund balance to purchase new workstations for emergency dispatchers. (B09-228) **Funding Source – Emergency 911 Fund Balance**
 - (2) Health

Immunization Clinic - Revision in the amount of \$3,000 to recognize additional state funding. (B09-229) **Funding Source - State**
 - (3) Grays Creek Fire District #18

Revision in the amount of \$150 to increase expenditure line to cover unanticipated refunds to taxpayers. (B09-230) **Funding Source – Grays Creek Fire District #18 Tax**
 - (4) Federal Forfeiture - Justice

Revision in the amount of \$229,890 to appropriate fund balance for continued funding of cadets in training. (B09-233) **Funding Source – Federal Forfeiture Fund Balance**

(5) Cooperative Extension

Revision in the total amount of \$3,500 to recognize a \$1,500 Baby Think it Over grant and \$2,000 of miscellaneous revenue to used to purchase baby simulators. (B09-234) **Funding Source – Grant and Miscellaneous Revenue**

(6) Soil Conservation District

a. Revision in the total amount of \$3,540 to budget a State grant of \$1,960 and \$1,580 of in-kind services for pet waste disposal stations at various parks. (B09-236) **Funding Source – State Grant and In-kind**

b. Revision in the amount of \$2,616 to re-budget the net profit from prior year fund raisers. (B09-237) **Funding Source – Miscellaneous**

4. Public Hearings

Uncontested Cases

Rezoning

A. Case P08-58. Rezoning of 2.06+/- acres from R6A Residential to C1(P) Planned Local Business or to a more restrictive zoning district, located at 2944 & 2960 Cumberland Road, owned by Shirley Dees & J.L. Trogdon.

Contested Cases

B. Case P08-56. Rezoning of 1.11+/- acres from CD Conservancy District & R10 Residential to RR Rural Residential or to a more restrictive zoning district; located on the north side of SR 1122 (Woodington Road), west of SR 1123 (Monticello Avenue); owned by Glenn and Sandra Dew.

Other Public Hearings – Minimum Housing Code Enforcement

C. Case Number: MH 5560-2008
Property Owner: John W. Mace
Property Location: 388 Stephanie Street, Linden, NC
Parcel Identification Number: 0543-58-9569

D. Case Number: MH 5516-2008
Property Owner: Mary Elmore
Property Location: 437 E. Jenkins Street, Fayetteville, NC
Parcel Identification Number: 0436-43-4172

JAMES E. MARTIN
County Manager

JUANITA PILGRIM
Deputy County Manager



ITEM NO. 1

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 DECEMBER 15, 2008

TO: BOARD OF COUNTY COMMISSIONERS

FROM: AMY H. CANNON, ASSISTANT COUNTY MANAGER *AHC*

DATE: NOVEMBER 26, 2008

SUBJECT: PRESENTATION OF THE FY2008 AUDIT

BACKGROUND

The annual audit has been completed by the independent certified public accounting firm of Cherry, Bekaert and Holland. Ms. Michelle Loyd Thompson, Partner, with Cherry, Bekaert & Holland is prepared to present the results of the annual audit to the Board of County Commissioners at the December 15, 2008 Commissioners' Meeting.

RECOMMENDATION

Recommend that the Board of County Commissioners accept the independent auditor's report.

AHC:cas

Celebrating Our Past...Embracing Our Future

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



ITEM NO. 2

COUNTY of CUMBERLAND

James E. Martin
County Manager

Cliff Spiller
Assistant County Manager


Juanita Pilgrim
Deputy County Manager

Amy H. Cannon
Assistant County Manager

Office of the County Manager

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF DECEMBER 15, 2008

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JUANITA P. PILGRIM, DEPUTY COUNTY MANAGER 

DATE: DECEMBER 10, 2008

**SUBJECT: PRESENTATION OF THE CUMBERLAND COUNTY/NACO
PRESCRIPTION DRUG PROGRAM**

Cumberland County, through its membership in the National Association of Counties and partnership with CVS Caremark, is making available drug discount cards that offer average savings of 20% off the retail price of commonly prescribed drugs.

The cards, which will be available by the 16th of December at many locations throughout the county, may be used by all county residents, regardless of age, income, or existing health coverage. A national network of more than 59,000 participating retail pharmacies will honor it.

There is no cost to county taxpayers for NACO and Cumberland County to make these money-saving cards available to residents. Cards will be available in many of our departments and throughout the county. An announcement will be made that will specify where and how residents may obtain the cards. Cards will be available in English and Spanish.

Using the discount card is easy. Cardholders will simply present it at a participating pharmacy. There is no enrollment form, no membership fee and no restrictions or limits on frequency of use. Cardholders and their family members may use the card any time their prescriptions are not covered by insurance.

The discount card program is administered by CVS Caremark. For more information on the program, call 1-877-321-2651 or visit www.caremark.com/naco. Information can also be accessed by signing into the County's website www.co.cumberland.nc.us.

JP/cp

JP121008-1

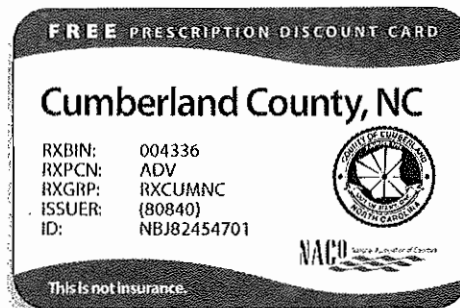
Cumberland County Prescription Discount Program

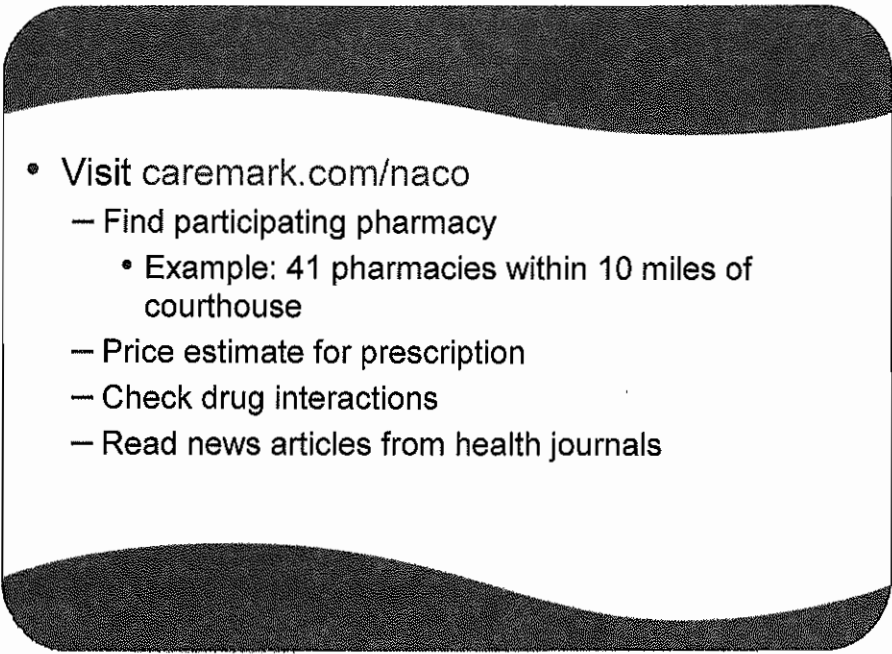


- Joint Effort of Cumberland County and the National Association of Counties (NACo)
- FREE enrollment for residents
- Use it any time your prescription is not covered by insurance
- No income requirements
- No limits or restrictions on how many times you may use the card

- No age requirements
- Do not need to be a Medicare or Medicaid beneficiary to enroll
- Family covered
- Save an average of 20% on prescription medicine from participating retail pharmacy

- 9 out of 10 pharmacies nationwide accept the card



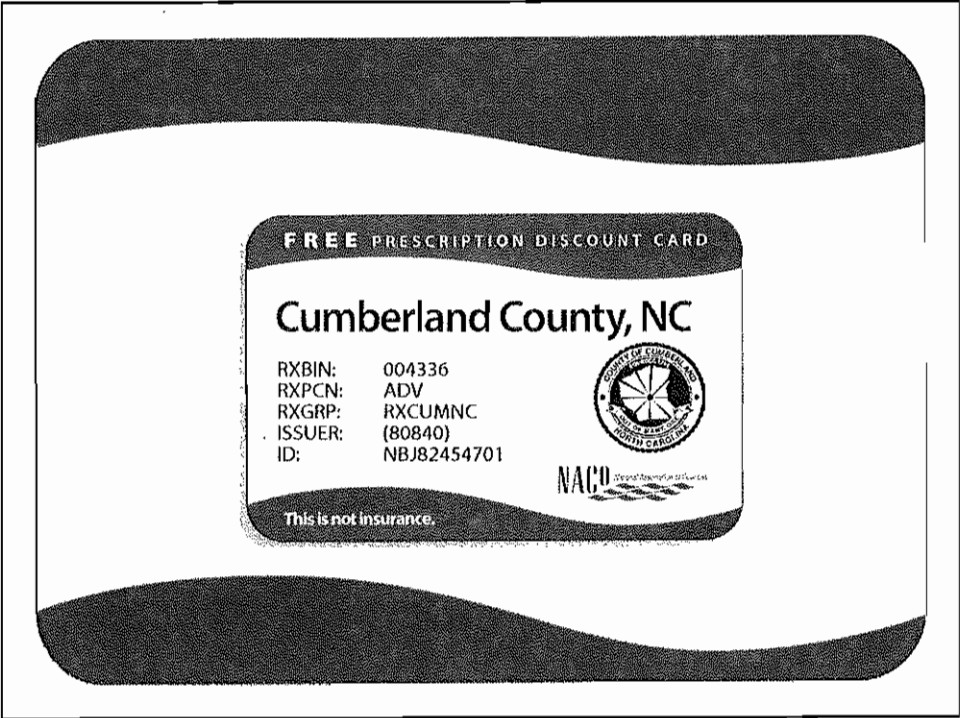
- 
- Visit caremark.com/naco
 - Find participating pharmacy
 - Example: 41 pharmacies within 10 miles of courthouse
 - Price estimate for prescription
 - Check drug interactions
 - Read news articles from health journals



It's Easy

No Limits

20% Average
Savings





ITEM NO. 3B

OFFICE OF THE TAX ADMINISTRATOR

5th Floor, New Courthouse • PO Box 449 • Suite 527 • Fayetteville, North Carolina 28302-0449
(910) 678-7507 • Fax (910) 678-7581 • www.co.cumberland.nc.us

December 5, 2008

MEMORANDUM FOR BOARD OF COMMISSIONERS' DECEMBER 15, 2008 AGENDA

TO: Board of County Commissioners

FROM: Aaron Donaldson, Tax Administrator *AD*

THRU: Harvey W. Raynor III, Deputy County Attorney *HW Raynor III*
Grainger R. Barrett, County Attorney *GRB*

SUBJECT: Proposed Ordinance Amending Article XI of the Cumberland County Code and
Consideration of Approval of Administrative Procedures for the Collection of the Gross
Receipts Tax on Heavy Equipment

BACKGROUND:

Session Law 2008-144, Bill 1852, and N.C.G.S. §105-275(42a) entitled "An Act to Resolve Problems with Applying Property Tax to Heavy Equipment Rented on a Short-Term Basis by Replacing the Property Tax on this Equipment with a Tax on the Gross Receipts from Renting the Equipment" was signed into law on August 2, 2008. This legislation removes certain heavy equipment from the property tax base and provides a means to replace lost revenues through a gross receipts tax. Effective October 20, 2008, the Cumberland County Board of Commissioners adopted a resolution imposing a tax of one and two-tenths percent (1.2%) on the gross receipts derived from the short-term lease or rental of heavy equipment. The resolution authorizes the Cumberland County Tax Collector to assess and collect this tax; however, the resolution does not specify the provisions regarding administration, enforcement and penalties. I am recommending approval of administrative procedures to outline these provisions.

In conformance with an Ordinance enacted on June 19, 2000, Article XI, known as "Gross Receipts Tax", was added to the Cumberland County Code. The Article solely addresses the tax on gross receipts derived from retail short-term motor vehicle leases or rentals. Attached for your consideration is a proposed resolution authorizing revision of the codification of the Article to include the gross receipts tax for the short-term lease or rental of heavy equipment.

RECOMMENDATION/PROPOSED ACTION:

Approve the Ordinance amending Article XI of the Cumberland County Code and approval of the Administrative Procedures for the Collection of the Cumberland County Heavy Equipment Tax. A copy of the current Article XI of the Cumberland County Code (Exhibit 1) and the proposed, revised Article XI of the Cumberland County Code (Exhibit 2) are attached for your review.

Celebrating Our Past...Embracing Our Future

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

**AN ORDINANCE OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS
AMENDING ARTICLE XI OF CHAPTER 7 OF THE CUMBERLAND COUNTY CODE,
TO REVISE THE GROSS RECEIPTS TAX IN CUMBERLAND COUNTY**

The Cumberland County Board of Commissioners, in regular session, duly assembled on December 15, 2008, do hereby ordain as follows:

WHEREAS, North Carolina Session Law 2008-144 and N.C.G.S. §105-275(42a) authorized the County of Cumberland to impose and levy a gross receipts tax on heavy equipment as more particularly set forth in such legislation; and,

WHEREAS, such tax is imposed, levied, and administered pursuant to the provisions of Article XI of the Cumberland County Code; and,

WHEREAS, the Board of Commissioners finds that certain amendments are necessary to effectuate the intent of the legislation set forth above:

NOW, THEREFORE, the Board of Commissioners ordains that Article XI of Chapter 7 of the Cumberland County Code is amended as follows:

1. That the Cumberland County Code is hereby amended by adding Subtitle "I. VEHICLES" prior to Section 7-381.
2. That Section 7-384 of the Cumberland County Code is hereby amended by re-codification to Section 7-389, which said section reads as follows: "In case of failure or refusal to file a return for a period of 30 days after the time required for filing the return, there shall be an additional tax, as a penalty, of five percent of the tax due, with an additional tax of five percent for each additional month or fraction thereof until the tax is paid, not exceeding twenty-five percent or five dollars, whichever is greater. In case of failure or refusal to pay the tax due for a period of 30 days after the time required for paying the tax due, there shall be an additional tax, as a penalty, of 10 percent of the tax due or five dollars, whichever is greater. The county board of commissioners for good cause shown may compromise or forgive any penalty or additional tax imposed hereunder. (Ord. of 6-19-2000, § 4; Res. of 10-20-2008)".
3. That Section 7-386 of the Cumberland County Code is hereby amended by re-codification to section 7-384.
4. That Section 7-385 of the Cumberland County Code is hereby amended by re-codification to Section 7-390.
5. That the Cumberland County Code is hereby amended by adding Subtitle "II. HEAVY EQUIPMENT" prior to Section 7-385.
6. That the Cumberland County Code is hereby amended by adding a section, to be numbered Section 7-385 entitled "Tax on gross receipts derived from retail short-term heavy equipment leases or rentals.", which said section reads as follows: "The county hereby imposes and levies a

tax of one and two-tenths percent of the gross receipts from the short-term lease or rental of heavy equipment by a person whose business is the short-term lease or rental of heavy equipment at retail to the general public. (Res. of 10-20-2008, § 2)”

7. That the Cumberland County Code is hereby amended by adding a section, to be numbered Section 7-386 entitled “Administration.”, which said section reads as follows: “The county will administer and collect from operators of leasing and rental establishments the taxes levied hereby and the county may promulgate additional rules and regulations necessary for implementation of the taxes. (Res. of 10-20-2008, § 3)”.
8. That the Cumberland County Code is hereby amended by adding a section, to be numbered Section 7-387 entitled “Payment of taxes and filing of returns.”, which said section reads as follows: “The taxes levied hereby are due and payable to the county in quarterly installments on or before the last day of the month following the end of the calendar quarter in which the tax accrues. Every taxable establishment required to collect the tax shall, on or before the last day of the month following the end of the calendar quarter, prepare and render a return to the county. The county shall design, print, and furnish to all taxable establishments the necessary forms for filing returns and instructions to insure the full collection of the tax. A return filed for this purpose is not a public record as defined by G.S. Section 132-1 and may not be disclosed except as required by law. (Res. of 10-20-2008)”.
9. That the Cumberland County Code is hereby amended by adding a section, to be numbered Section 7-388 entitled “Effective Date.”, which said section reads as follows: “The short-term rental or lease of heavy equipment gross receipts tax levied herein shall become effective January 1, 2009. (Res. of 10-20-2008, § 2)”.
10. That the Cumberland County Code is hereby amended by adding Subtitle “III. PENALTIES” prior to Section 7-389.
11. Any ordinance, resolution, or other provision having the force or effect of an ordinance or resolution that is in conflict with this ordinance is, to the extent of such conflict, hereby repealed.

This the 15th day of December, 2008.

COUNTY OF CUMBERLAND

BY:

DR. JEANNETTE M. COUNCIL, Chairman
Board of County Commissioners

ATTEST

BY:

MARSHA FOGLE, Clerk

ADMINISTRATIVE PROCEDURES FOR THE COLLECTION OF THE CUMBERLAND COUNTY HEAVY EQUIPMENT TAX

On October 20, 2008, the Cumberland County Board of Commissioners adopted the "Resolution Imposing a Gross Receipts Tax on Heavy Equipment In Lieu Of Property Tax" pursuant to Session Law 2008-144 and N.C.G.S. §105-275(42a). The tax so levied is a one and two-tenths percent (1.2%) tax of the gross receipts from the short-term lease or rental of heavy equipment by a person whose principal business is the short-term lease or rental of heavy equipment at retail. The legislation designates the qualified heavy equipment as a special class of property which is exempted from property taxation and shall not be listed, appraised, assessed or taxed after January 1, 2009.

N.C.G.S. §160A-215.2 authorizes a municipality to levy a gross receipts tax in the amount of eight tenths percent (0.8%). This is in addition to the privilege taxes authorized by N.C.G.S. §160A-211. The Cumberland County Tax Collector will assess and collect this tax for any municipality in Cumberland County with which there is a contract for collection of taxes, which has adopted a comparable resolution taxing gross receipts from short-term lease or rental of heavy equipment.

The Cumberland County Tax Collector hereby publicizes the following procedures for enforcement of the Cumberland County Heavy Equipment Tax Resolution and directs all persons subject to the tax imposed by the resolution and all persons entrusted with the enforcement of the resolution to comply with such procedures.

GENERAL ADMINISTRATION

The Cumberland County Tax Collector shall administer and collect the taxes levied from every person whose primary business is the short-term rental or lease of heavy equipment at retail. The levy and collection of the tax shall be administered in the same manner as the sales and use tax as provided in Article 5 of Chapter 105 of the General Statutes.

DETERMINATION OF PERSONS SUBJECT TO THE TAX

The Tax Collector or designated representative thereof shall compile a list of persons, firms, corporations, and associations subject to collect the heavy equipment tax. Such list shall be compiled from any and all reliable sources of information; including, but not limited to, names, addresses and other identifying information obtained from various advertising or other informational media or sources of persons, firms, corporations and associations which hold themselves out as entities engaged in the primary business of short-term rental or leasing of heavy equipment to the general public in Cumberland County and who are determined to potentially be subject to the tax pursuant to N.C.G.S. §105-164.4(a)(2).

All persons, firms, corporations, or associations requesting designation of property as a special class excluded from the tax base in accordance with N.C.G.S. §105-275(42a) must make application annually during the regular listing period pursuant to the provisions of N.C.G.S. §105-282.1. An application must contain a complete and accurate statement of the facts that entitle the property to the exclusion and must indicate the municipality, if any, in which the property is located. Upon determination that a person, firm, corporation or association is subject to the heavy equipment tax, a heavy equipment tax account shall be created for the taxpayer to which tax payments shall be credited and to which debits shall be deducted.

DEFINITIONS

The following definitions apply in the collection of the Heavy Equipment Tax:

CUSTOMER shall mean any person that leases or rents heavy equipment on a short-term lease or rental basis.

GROSS RECEIPTS shall mean the amount that is or would be reported as gross receipts on a business' state income tax return, or on the federal income tax return filed with the state income tax return if the state return does not separately state gross receipts for the most recently completed tax year. Taxes collected hereunder are not subject to the tax imposed and are not included in gross receipts. Rental charges of the heavy equipment and all accessories, attachments and miscellaneous administration fees (i.e. maintenance agreements, fuel charges, etc.)

The following items are not part of the gross receipts derived from the lease or rental of heavy equipment and are not subject to the heavy equipment tax:

1. Any allowance for heavy equipment taken in trade as partial payment on the lease or rental amount.
2. Returned check fees which the lessor bills separately to the lessee.
3. Penalties charged for late or delinquent lease payments which the lessor bills separately to the lessee.
4. Insurance premiums paid by the lessee directly to the insurer, or to the lessor as agent for the insurer, when the premium amounts are separately stated from the lease or rental charges.
5. Optional maintenance agreements.

HEAVY EQUIPMENT shall mean earthmoving, construction, or industrial equipment that is mobile, weighs at least 1,500 pounds, and is either:

1. A self-propelled vehicle that is not designed to be driven on a highway; or
2. Industrial lift equipment, industrial material handling equipment, industrial electrical generation equipment, or a similar piece of industrial equipment. The term includes an attachment for heavy equipment, regardless of the weight of the attachment. [N.C.G.S. §160A-215.2(a)(1)]

LEASE OR RENTAL shall mean a transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. The term does not include any of the following:

1. A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments.
2. A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price that does not exceed the greater of one hundred dollars (\$100.00) or one percent (1%) of the total required payments.
3. The providing of tangible property along with an operator for a fixed or indeterminate period of time if the operator is necessary for the equipment to perform as designed. For the purpose of this subparagraph, an operator must do more than maintain, inspect, or set up the tangible personal property. [N.C.G.S. § 105-164.3(17)]

LONG TERM LEASE OR RENTAL shall mean a lease or rental made under a written agreement to lease or rent property to the same person for a period of at least three hundred sixty-five (365) continuous days. [N.C.G.S. §105-187.1(3)]

RESOLUTION shall mean the “Resolution Imposing a Gross Receipts Tax on Heavy Equipment In Lieu Of Property Tax” adopted by the Cumberland County Board of Commissioners on October 20, 2008.

SHORT TERM LEASE OR RENTAL shall mean any lease or rental that is not a long-term lease or rental. [N.C.G.S. §160A-215.2(a)(2) and N.C.G.S. §105-187.1(7)]

TAXPAYER shall mean any person liable for the taxes imposed by the Resolution.

COLLECTION OF THE TAX

Every person whose principal business is the short-term lease or rental of heavy equipment at retail shall collect, at the time of the lease or rental, or at the time of the payment of the consideration therefore, the gross receipts tax on heavy equipment. A person is not considered to be in the short-term lease or rental business if the majority of the person’s lease and rental gross receipts are derived from leases and rentals to a person who is a related person as defined under N.C.G.S. §105-163.010.

The tax collected shall be placed in a segregated account, and thereafter remitted to the Cumberland County Tax Collector in accordance with these Administrative Procedures. The taxpayer shall include a provision in each retail short-term lease or rental agreement, or other documentation evidencing the transaction, stating that the percentage amount enacted by the Resolution of the total lease or rental price, excluding sales tax, is being charged as a tax on gross receipts. The amount of the tax shall be stated separately from the lease or rental and shown separately on the taxpayer’s records. The tax shall be paid by the customer to the taxpayer as trustee for and on account of Cumberland County and any municipality in Cumberland County with which there is a contract for collection of taxes, which has adopted a comparable resolution.

The taxpayer shall be liable for the collection of the heavy equipment tax and for its payment to the Cumberland County Tax Collector and the taxpayer’s failure to charge or to collect said tax from the customer shall not affect such liability.

REPORT AND PAYMENT OF TAX

Taxes levied under the Resolution are due and payable when a return is required to be filed. Returns are due to the Cumberland County Tax Collector by the last day of the month following the end of the calendar quarter in which the tax accrues. Every taxpayer shall, within the time specified, submit a return to the Cumberland County Tax Collector on the form prescribed by the collector. A return must be signed by the taxpayer or the taxpayer’s agent.

The return may be filed by personal delivery to the office of the Tax Collector or by mail to the Cumberland County Tax Collector, PO Box 449, Fayetteville, NC 28302-0449. Returns submitted by mail shall be deemed to be filed as of the date shown on the postmark affixed by the United States Postal Service. If no date is shown on the postmark, or if the postmark is not affixed by the United States Postal Service, the return shall be deemed to be filed when received in the office of the Tax Collector.

As provided in N.C.G.S. §160A-208.1, a return shall not be considered a public record and information contained in a return may be disclosed only in accordance therewith.

TAXPAYER TO KEEP RECORDS

The taxpayer shall keep and preserve suitable records of the gross receipts received by such taxpayer in the conduct of business and such other books or accounts as may be necessary to determine the amount of

the tax for which such taxpayer is liable under the provisions of the Resolution. It shall be the duty of the taxpayer to keep and preserve for a period of three years all such records of gross receipts and other books and accounts described. All records, books and accounts herein described shall be open for examination at all reasonable hours during the day by the Cumberland County Tax Collector or the Tax Collector's duly authorized agent.

TAX COLLECTOR TO PROVIDE FORMS

The Cumberland County Tax Collector shall design, prepare, print and make available to all taxpayers operating within the boundaries of Cumberland County, forms and instructions for filing returns to insure a full collection of, and an accounting for, taxes due. The failure of any taxpayer to obtain or receive forms shall not relieve such taxpayer from the payment of the tax at the time and in the manner provided.

SITUS

Gross receipts from the short-term lease or rental of heavy equipment are subject to the tax imposed by the Resolution if the place of business from which the heavy equipment is delivered is located within Cumberland County. The transaction giving rise to the tax levied shall be deemed to have occurred at the location of the person from whom the customer takes delivery of the heavy equipment. [N.C.G.S. §160A-215.2(b)]

PENALTIES, INTEREST AND REMEDIES

The provisions with respect to penalties and collection remedies that apply to the payment of sales and use taxes under Article 5 of Chapter 105 of the General Statutes shall be applicable in like manner to the tax authorized to be levied and collected under the Resolution, to the extent that the same are not inconsistent with the provisions hereof. The Cumberland County Tax Collector may exercise any power the Secretary of Revenue may exercise in imposing these penalties and remedies. [N.C.G.S. §160A-215.2(d)]

Any taxpayer who fails to file a return on the date it is due shall pay a penalty equal to five percent (5%) of the amount of the tax if the failure to file is for not more than one month, with an additional five percent (5%) for each additional month, or fraction thereof, during which the failure continues, not exceeding twenty-five percent (25%) in the aggregate, or \$5.00, whichever is greater.

Any taxpayer who fails to pay the tax levied herein when due, without intent to evade the tax, shall pay a penalty equal to ten percent (10%) of the tax, except that the penalty shall in no event be less than \$5.00.

Taxes shall be payable at par if paid on or before the filing date as set forth above. Taxes paid after the filing date will be delinquent and shall be subject to interest charges. Interest shall accrue at the rate of three-fourths percent (3/4%) a month, or fraction thereof, until the principal amount of the taxes, the accrued interest, and penalties are paid.

If a check is returned for insufficient funds on deposit, a service charge in the amount authorized by N.C.G.S. §105-357 shall be added to the amount of tax due, and a processing fee in the amount authorized by N.C.G.S. §25-3-512 shall be added to the amount of the tax due.

Any taxpayer who willfully attempt, or any person who aids or abets any taxpayer to attempt in any manner to evade or defeat a tax imposed herein or its payment, shall, in addition to other penalties provided by law, be guilty of a Class H felony.

Any taxpayer required to collect, withhold, account for, and pay over any tax who willfully fails to collect or truthfully account for and pay over the tax shall, in addition to other penalties provided by law, be guilty of a Class I misdemeanor.

Any taxpayer required to pay any tax, to make a return, to keep any records, or to supply any information, who willfully fails to pay the tax, make the return, keep the records, or supply the information, at the time or times as required by law, or rules issued pursuant thereto, shall, in addition to other penalties provided by law, be guilty of a class I misdemeanor.

The Cumberland County Tax Collector shall have the rights of attachment and garnishment as set forth in N.C.G.S. §105-242 and N.C.G.S. §105-368 in enforcing the collection of taxes imposed by the Resolution, and any other remedies authorized by law.

ASSESSMENT PROCEDURE

If the Cumberland County Tax Collector discovers that any return or tax is due from a taxpayer, the taxpayer shall be notified in writing of the failure to file and of the proposed assessment, if known. The assessment may be made on the best information of the Tax Collector. A proposed assessment is presumed to be correct. The notice shall be delivered either in person or by the United States Postal Service sent to the taxpayer's last known address. The notice is presumed to have been received by the taxpayer unless the taxpayer makes an affidavit to the contrary within 90 days after the notice was mailed. If the taxpayer makes this affidavit, the time limitations for a request for hearing as hereafter provided apply as if the notice had been delivered on the date the taxpayer makes the affidavit.

A taxpayer who objects to the proposed assessment or to the requirement to file a return is entitled to a hearing upon written request within 30 days after the date the notice was mailed, or within 30 days after the date of personal delivery. If no request for a hearing is timely made, the proposed assessment becomes final without further notice.

If a taxpayer files a timely request for hearing, the Cumberland County Tax Collector shall set a hearing date within 90 days, and notify the taxpayer at least 10 days prior to the hearing date. Within 90 days after the hearing, the Tax Collector shall notify the taxpayer of the final decision. The taxpayer may then appeal the decision as set forth in the Appeals section of these Administrative Procedures. The Cumberland County Tax Collector shall have no authority to waive or compromise any interest or penalty imposed by these Administrative Procedures.

APPEALS

The Cumberland County Board of Commissioners, exercising the powers of the Secretary of Revenue in collecting sales and use taxes, designates the Cumberland County Manager, or their designee, to act as deputy for the purpose of compromising or forgiving for good cause shown any penalty or additional tax imposed herein, and for conducting any hearings and making decisions to determine the validity of a tax imposed by the Cumberland County Tax Collector. If a taxpayer claims that a tax, additional tax, penalty or interest is excessive, a notice of appeal must be filed by the taxpayer within 30 days after the final notice of the Tax Collector is mailed or personally delivered to the taxpayer as provided above. The final decision of the deputy shall be made and mailed or delivered to the taxpayer within 30 days after the hearing. The taxpayer shall pay the tax, additional tax, penalty or interest without prejudice to any defense the taxpayer has. The taxpayer may file suit for a refund in the Superior Court of Cumberland County pursuant to the provisions of Section 1, Article 9 of Chapter 105 of the North Carolina General Statutes.

EFFECTIVE DATE

The effective date of these Administrative Procedures shall be January 1, 2009.

Approved this 15th day of December, 2008.

COUNTY OF CUMBERLAND

BY: _____
DR. JEANNETTE M. COUNCIL, Chairman
Board of County Commissioners

ATTEST

BY: _____
MARSHA FOGLE, Clerk

ARTICLE XI. GROSS RECEIPTS TAX*

***Editor's note:** Ord. of June 19, 2000 did not specify manner of codification, hence; inclusion of these provisions as §§ 7-381--7-385 was at the discretion of the editor.

Sec. 7-381. Tax on gross receipts derived from retail short-term motor vehicle leases or rentals.

The county hereby imposes and levies a tax of one and one-half percent of the gross receipts from the short-term lease or rental of vehicles at retail to the general public.

(Ord. of 6-19-2000, § 1)

Sec. 7-382. Administration.

The county will administer and collect from operators of leasing and rental establishments the taxes levied hereby and the county may promulgate additional rules and regulations necessary for implementation of the taxes.

(Ord. of 6-19-2000, § 2)

Sec. 7-383. Payment of taxes and filing of returns.

The taxes levied hereby are due and payable to the county in monthly installments on or before the fifteenth day of each month in which the tax accrues. Every taxable establishment required to collect the tax shall, on or before the fifteenth day of each month, prepare and render a return to the county. The county shall design, print, and furnish to all taxable establishments the necessary forms for filing returns and instructions to insure the full collection of the tax. A return filed for this purpose is not a public record as defined by G.S. Section 132-1 and may not be disclosed except as required by law.

(Ord. of 6-19-2000, § 3)

Sec. 7-384. Penalties.

In case of failure or refusal to file a return or pay the tax for a period of 30 days after the time required for filing the return or paying the tax, there shall be an additional tax, as a penalty, of five percent of the tax due, with an additional tax of five percent for each additional month or fraction thereof until the tax is paid. The county board of commissioners for good cause shown, may compromise or forgive any penalty or additional tax imposed hereunder.

(Ord. of 6-19-2000, § 4)

Sec. 7-385. Misdemeanor for willful violation.

Any person, firm, corporation or association who willfully attempts in any manner to evade a tax imposed herein or who willfully fails to pay the tax or make and file a return shall, in addition to the penalties provided by law and herein, be guilty of a misdemeanor punishable as provided by law.

(Ord. of 6-19-2000, § 5)

Sec. 7-386. Effective date.

The short-term rental or leased vehicle gross receipts tax levied herein shall become effective July 1, 2000.

(Ord. of 6-19-2000, § 6)

ARTICLE XI. GROSS RECEIPTS TAX

I. VEHICLES

Sec. 7-381. Tax on gross receipts derived from retail short-term motor vehicle leases or rentals.

The county hereby imposes and levies a tax of one and one-half percent of the gross receipts from the short-term lease or rental of vehicles at retail to the general public.

(Ord. of 6-19-2000, § 1)

Sec. 7-382. Administration.

The county will administer and collect from operators of leasing and rental establishments the taxes levied hereby and the county may promulgate additional rules and regulations necessary for implementation of the taxes.

(Ord. of 6-19-2000, § 2)

Sec. 7-383. Payment of taxes and filing of returns.

The taxes levied hereby are due and payable to the county in monthly installments on or before the fifteenth day of each month in which the tax accrues. Every taxable establishment required to collect the tax shall, on or before the fifteenth day of each month, prepare and render a return to the county. The county shall design, print, and furnish to all taxable establishments the necessary forms for filing returns and instructions to insure the full collection of the tax. A return filed for this purpose is not a public record as defined by G.S. Section 132-1 and may not be disclosed except as required by law.

(Ord. of 6-19-2000, § 3)

Sec. 7-384. Effective Date.

The short-term rental or leased vehicle gross receipts tax levied herein shall become effective July 1, 2000.

(Ord. of 6-19-2000, § 6)

II. HEAVY EQUIPMENT

Sec. 7-385. Tax on gross receipts derived from retail short-term heavy equipment leases or rentals.

The county hereby imposes and levies a tax of one and two-tenths percent of the gross receipts from the short-term lease or rental of heavy equipment by a person whose business is the short-term lease or rental of heavy equipment at retail to the general public.

(Res. of 10-20-2008, § 2)

Sec. 7-386. Administration.

The county will administer and collect from operators of leasing and rental establishments the taxes levied hereby and the county may promulgate additional rules and regulations necessary for implementation of the taxes.

(Res. of 10-20-2008, § 3)

Sec. 7-387. Payment of taxes and filing of returns.

The taxes levied hereby are due and payable to the county in quarterly installments on or before the last day of the month following the end of the calendar quarter in which the tax accrues. Every taxable establishment required to collect the tax shall, on or before the last day of the month following the end of the calendar quarter, prepare and render a return to the county. The county shall design, print, and furnish to all taxable establishments the necessary forms for filing returns and instructions to insure the full collection of the tax. A return filed for this purpose is not a public record as defined by G.S. Section 132-1 and may not be disclosed except as required by law.

(Res. of 10-20-2008)

Sec. 7-388. Effective Date.

The short-term rental or lease of heavy equipment gross receipts tax levied herein shall become effective January 1, 2009.

(Res. of 10-20-2008, § 2)

III. PENALTIES

Sec. 7-389. Penalties.

In case of failure or refusal to file a return for a period of 30 days after the time required for filing the return, there shall be an additional tax, as a penalty, of five percent of the tax due, with an additional tax of five percent for each additional month or fraction thereof until the tax is paid, not exceeding twenty-five percent or five dollars, whichever is greater. In case of failure or refusal to pay the tax due for a period of 30 days after the time required for paying the tax due, there shall be an additional tax, as a penalty, of 10 percent of the tax due or five dollars, whichever is greater. The county board of commissioners for good cause shown, may compromise or forgive any penalty or additional tax imposed hereunder.

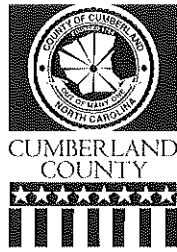
(Ord. of 6-19-2000, § 4; Res. of 10-20-2008)

Sec. 7-390. Misdemeanor for willful violation.

Any person, firm, corporation or association who willfully attempts in any manner to evade a tax imposed herein or who willfully fails to pay the tax or make and file a return shall, in addition to the penalties provided by law and herein, be guilty of a misdemeanor punishable as provided by law.

(Ord. of 6-19-2000, § 5)

THELMA S. MATTHEWS
Purchasing Accounts Manager
(910) 678-7743



ITEM NO. 3C

DEBBIE H. MILLER
Buyer
(910) 678-7746

FINANCE DEPARTMENT
PURCHASING DIVISION

4th Floor, Courthouse • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829 • Fax (910) 323-6120

Date: December 9, 2008
To: James Martin, County Manager
From: Debbie Miller, Buyer ^{DM}
Subject: Purchase of Trommel Screen Machine by Solid Waste

Formal Bid procedures were used to request bids for rental with the option to purchase a Trommel Screen Machine for the Solid Waste Management Department on October 2, 2008.

As required, an ad appeared in the Legal section of the Fayetteville Observer on October 6, 2008. The Purchasing Department requested bids from the following vendors:

Doorstadt US
Powerscreen Mid Atlantic, Inc.
Screen Tec, LLC

Neither Doorstadt, US nor Powerscreen Mid Atlantic, Inc. responded to our request.

Screen Tec, LLC did respond to the bid request. They proposed to provide a McCloskey 621 RE Screener at \$10,000.00 per month rental which they will apply to the purchase price of \$235,000.00.

There is currently \$162,000.00 approved and available in the budget for this purchase. There is also \$648,974.00 available for paving the landfill roads which Mr. Howard requests be reduced by \$73,000.00 to use toward this purchase.

Purchasing has reviewed Mr. Howard's memo and supports his request.

/dhm

Celebrating Our Past...Embracing Our Future



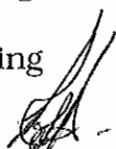
COUNTY of CUMBERLAND

Office of Solid Waste Management

DATE: October 23, 2008

TO: James Martin, County Manager

THRU: Thelma Matthews, Purchasing

FROM: Robert L. Howard, Director 

SUBJECT: Approval To Purchase Trommel Screen Machine

Request permission to purchase Model 621RE Trommel Screen, serial number 12874, which we have been renting from Screen-Tech LLC for \$10,000 per month, for the last two months. Per Bid 09-17-SW (F) all rental monies will be applied at 100% resulting in a \$20,000 reduction on the cost of the machine. See attached quote.

There were no other bidders.

Monies were budgeted under capital outlay for this equipment in the amount of \$162,000; as this is not enough to cover the cost, we would like to use \$73,000 of the \$648,974 that was budgeted for paving the landfill roads (which we do not anticipate doing this year) to equal the \$235,000 needed to purchase the Trommel Screen. See attached budget revision.

Attachments

SCREEN-TEC, LLC

PO Box 37165
Rock Hill, SC 29732
Telephone (803) 329-5164
Fax (803) 329-5165

EQUIPMENT RENTAL AGREEMENT

This agreement made this 13th day of November 20 08 Between SCREEN-TEC
hereinafter called Supplier and
Person to call Robert Howard Tel. No. 910 921 6913
COUNTY County of Cumberland STATE NC
CITY 698 HNW St.
ZIP Fayetteville NC 28304 CUST. NO. 771 Wilkes Rd.

Via: Customer Pick-up ☐ SCREEN-TEC to arrange ☐ Equipment F.O.B. ☐

For the purpose of: (Application) Mulch

State Sales Tax Extra ☐, or Exempt ☐.

Insurance to be placed by Customer (See Condition 11 on Reverse) Customer's Agent: _____

Value of Equipment for Insurance \$ 235,000

Witnesseth, that the Supplier agrees to let and the Customer agrees to hire, subject to the terms and conditions hereof, the following described machinery and equipment, including standard attachments (hereinafter called the equipment); subject to the general conditions printed on reverse side of this sheet.

QTY.	MAKE	MODEL	TYPE	SERIAL NO.	TO BE USED AT OR NEAR
		621 RE	Trommel	12874	771 Wilkes Rd.
COMPLETED WITH:					
STOCK NO. CUSTOMER'S PURCHASE ORDER NO.					

For a guaranteed minimum rental period of _____ month(s) (initial) and a maximum rental period of 1 month(s) (initial)

which said period is referred to as the term of this agreement at a rate of \$ 10,000^{nm} monthly, overtime rate \$ _____

BASED ON A MAXIMUM OF 100 HRS PER MONTH AS PER CLAUSE 2(A) AND (D) ON THE REVERSE HEREOF. RENTAL PAYMENTS UNDER THIS AGREEMENT SHALL BE PAID MONTHLY IN ADVANCE, with the initial payment payable before delivery of the equipment to the Customer or his (th) agent or carrier.

Rental rate will apply for the specified minimum and maximum rental term, any partial monthly period of rental beyond the minimum term but within the maximum term will be calculated at a rate of 1/20 (one twentieth) of the monthly rate, for each day until returned to the Supplier. Any period in excess of three weeks, but not more than four weeks, shall be deemed to be one month. At expiry of the maximum term of this contract, the agreement shall be terminated. If a rental is to continue the agreement shall be re-negotiated using current rates at time of re-negotiation.

Rental rate for rubber tire and track equipment includes an amount per month, per machine, for single shift operation to allow for normal wear and tear.

The customer shall place with the Supplier a security deposit in the amount of \$ 0. On completion of the rental, any excessive wear and tear and/or damage will be the responsibility of the customer, at the replacement value and will be deducted from the said security deposit.

During the term of this agreement maintenance, repair and/or replacement of bolts and rollers, and wearable parts will be the responsibility of the customer.

The Customer further has the "right of first refusal" to purchase. ☐ MCB1621 RE (initial). The said equipment provided that all of the rentals during the term of this agreement are paid in full at, and for, a total price of \$ 235,000 including tree if applicable based on the purchase price with 75% of the rentals paid to apply on account of the said purchase price and with interest to be charged at a rate of 1 1/2% per month of the decreasing balance computed from the commencement of the term hereof and calculated monthly thereafter. The said purchase and sale to be further on the following terms and conditions:

Rental monies applied at 10090 for 2 mths
paid in full at end of 30 days.

It is hereby understood and agreed that no property or title is acquired by the Customer in the said equipment until the total purchase price is paid in full, to include such interest and carrying charges as shown.

The Customer is responsible for all expenses of operation including all necessary repairs, maintenance, and replacements, and shall not incur for the Supplier's account or liability and expense therefor without the Supplier's written consent.

This Agreement is subject to the terms and conditions on the back hereof.

All terms and conditions of this Agreement are hereby confirmed, in witness whereof the parties hereto have set their hands and seals the day and year first above written.

SALESMAN _____

SCREEN-TEC, LLC.

Accepted By _____

Title _____

Authorized Customer
Signature Robert J. Howard

Full Name (In Block)

Title Solid Waste Director

Cumberland County Solid Waste
Bid #09-17-SW (F)
Trommell Screen Machine

BID TABULATION

	<u>Rental Fee</u>	<u>Purchase Price</u>
Screen-Tec	\$10,000 monthly**	\$235,000.00
Dooptadt US	no response	
Powerscreen Mid Atlantic	no response	

** Rental fee will be applied toward purchase of machine if applicable.



422 Corporate Blvd.
Rock Hill, SC 29732
Phone: 803-329-5164 - Fax: 803-329-5165
Email: screentec@comporium.net
Website: www.screentecllc.com

Wednesday, October 08, 2008

Thelma S. Matthews
PO Box 1829
Fayetteville, NC 28302-1829
Phone: 910-678-7746 Fax: 910-323-6120

Subject: Bid No: 09-17-SW (F)

Enclosed is our bid to the County of Cumberland for a Trommel Screen Machine.

Per your specifications Screen-Tec, LLC can provide a McCloskey 621RE Screener for \$10,000 monthly. Purchase price is \$235,000 with 100% of rental applied towards purchase. Demonstration will be scheduled for October 22, 2008 at 771 Wilkes Road, Fayetteville, NC. As requested, listed below are three references.

- 1) Company Name: American Soil & Mulch
Contact Person: Rus Tarleton
Phone / Fax: 919-851-3746 / 919-460-4723
- 2) Company Name: Eastern Compost
Contact Person: Jason Smith
Phone / Fax: 252-446-3636 / 252-446-2431
- 3) Company Name: G L Hutchens Sand & Stone
Contact Person: Greg Hutchens
Phone: 336-969-5441

Technical data is provided in the attached brochure.

If you have any questions please call me at 704-305-0934 or 803-329-5164.

Regards,

Troy Russell



ITEM NO. 3D

COUNTY of CUMBERLAND

James E. Martin
County Manager

Cliff Spiller
Assistant County Manager

Juanita Pilgrim
Deputy County Manager

Office of the County Manager

Amy H. Cannon
Assistant County Manager

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF DECEMBER 15, 2008

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER

DATE: DECEMBER 1, 2008

SUBJECT: DESTRUCTION OF FINANCE DEPARTMENT RECORDS

BACKGROUND

Pursuant to a resolution adopted by the Board of County Commissioners on February 4, 1985, the County Manager has authorized destruction of certain Finance Department records (see attachment).

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

RECOMMENDATION/PROPOSED ACTION

Accept the report on disposition of records and include same in minutes of the December 15, 2008 Board of Commissioners' Meeting.

/cas

Attachment

JAMES E. MARTIN
County Manager

JUANITA PILGRIM
Deputy County Manager



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

December 1, 2008

MEMORANDUM

TO: JAMES E. MARTIN, COUNTY MANAGER

FROM: AMY H. CANNON, ASSISTANT COUNTY MANAGER 

SUBJECT: DESTRUCTION OF FINANCE DEPARTMENT RECORDS

Pursuant to the resolution adopted by the Board of County Commissioners on February 4, 1985, authorization is requested to destroy Finance Department records noted below. The destruction of these records is in accordance with the Records Retention and Disposition Schedule issued by the North Carolina Division of Archives and History which was previously adopted by the Board of County Commissioners.

1. Records with three-year retention requirement (dated prior to July 1, 2005).
 - a. Fiscal correspondence/memorandums.
 - b. Bank statements, canceled checks. Deposit slips, and reconciliation file.
 - c. Purchasing – request for proposals for purchase contracts, purchase orders, and requisitions.
 - d. Cash receipt report files.
 - e. Check registers.
 - f. Investment records.
 - g. Journal vouchers.
 - h. LGC financial statements.
 - i. Invoices.
 - j. Employee Earnings Record File – Local government retirement system monthly reports.
Payroll file – salaries paid and deductions file.
2. Records with two-year retention requirement (dated prior to July 1, 2006).
 - a. Employee benefits register file.
3. Records with one-year retention requirement (dated prior to July 1, 2007).
 - a. Daily journal and ledger printouts
 - b. Monthly detail reports, **except June 30 which is permanent.**
4. Records that have been superseded or obsolete.
 - a. Property and equipment inventory files.

Celebrating Our Past...Embracing Our Future



ITEM NO. 3E

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

December 10, 2008

MEMORANDUM FOR BOARD OF COMMISSIONERS' DECEMBER 15, 2008
AGENDA

TO: BOARD OF COUNTY COMMISSIONERS

FROM: HARVEY W. RAYNOR III, DEPUTY COUNTY ATTORNEY *HW Raynor III*

THRU: GRAINGER R. BARRETT, COUNTY ATTORNEY *GR Barrett*

SUBJECT: CONSIDERATION OF EXTENTION OF LEASE WITH CAROLINA
RESIDENTIAL SERVICES, INC. FOR 226 BRADFORD AVENUE.

BACKGROUND:

Carolina Residential is a psychosocial rehabilitation provider which contracts with Cumberland County Mental Health to provide client services.

In April, 2007 the County leased to Carolina Residential the facility on Bradford Avenue formerly known as the Sunflower Center for a six-month period. That lease was extended in November, 2007 till December 31, 2008 under the same terms and conditions.

Under the terms of the lease the tenant is required to provide all routine maintenance which Carolina Residential has failed to do. In November Carolina Residential acknowledged that it had not maintained the facility as contemplated in the lease and agreed to continue the lease in 2009 on a month to month basis on the same terms and conditions except with regards to maintenance, and further agreed to pay the County an additional \$500.00 per month in rent to compensate the County for maintenance service.

RECOMMENDATION:

Staff recommends the Board approve an extension of the present lease with the County providing routine maintenance on a month to month basis at a rental rate of \$5,496.00 per month.

Celebrating Our Past... Embracing Our Future

Ms. Barbara Fanning, President
Carolina Residential Services, Inc
PO Box 1669
Garner, NC 27529

Re: Cumberland County lease of 226 Bradford Avenue, Fayetteville, NC

Dear Ms. Fanning:

Per an agreement reached with Carolina Residential's Interim Director, Susan Kincaide, at meeting on November 3, 2008, I will be presenting a proposal on Monday, December 15th to the Board of Commissioners to extend the lease on the above referenced property under the same terms and conditions with the following exceptions: the lease will be on a month to month basis beginning January 1, 2009: Carolina Residential will not be responsible for routine maintenance but the County will be, the lease can be terminated without cause by either party upon thirty (30) days written notice and the monthly rent will increase to \$ 5,496.00 with the first payment due on or before January 5, 2009.

Please sign the enclosed copy and return it to me along with a Certificate of Good Standing from the Secretary of State and a current Certificate of Insurance, as provided last December, prior to year end.

Feel free to call me at 910/678-7502 if you have any questions or comments.

Very Truly Yours,

Harvey W. Raynor III
Deputy County Attorney

Carolina Residential Services, Inc.

AGREED: _____
Barbara Fanning, President

NORTH CAROLINA
CUMBERLAND COUNTY

LEASE

This Lease, made and entered into this 30th day of November, 2007, by and between CUMBERLAND COUNTY (hereinafter referred to as "Landlord"); and CAROLINA RESIDENTIAL SERVICES, INC., a corporation duly organized and existing under the laws of the State of North Carolina (hereinafter referred to as "Tenant");

WITNESSETH:

That for and in consideration of the rental hereinafter reserved and the covenants and agreements herein contained, Landlord has agreed to lease and does hereby demise and lease unto Tenant, and Tenant has agreed to take and lease and does hereby lease from Landlord, the premises located at 226 Bradford Avenue, Fayetteville, North Carolina 28301, being a commercial building containing approximately 4,996 square feet of interior space together with the parking area and driveways adjacent to the building, consisting of approximately .75 acres located at the corner of Bradford Avenue and Branson Street in the City of Fayetteville.

1. TERM OF LEASE:

The term of this Lease shall be for a period of thirteen months, commencing November 1, 2007, and ending December 31, 2008.

2. RENTAL:

The rental shall be \$12 per square foot per annum, payable in equal monthly installments of \$4,996. Rent shall be paid on or before the 5th day of each month to Landlord at Cumberland County Finance Office, PO Box 1829, Fayetteville, NC 28302-1829.

3. UTILITIES:

Tenant shall pay all charges for all utilities used, rendered, or supplied upon or in connection with the leased property, and shall indemnify the Landlord against any liability or damages on such account. Tenant shall be solely liable for the costs of changing, deleting, adding, connecting to or disconnecting from any utility services to the premises.

4. PROPERTY TAXES AND ASSESSMENTS:

4.1. The leased real property is exempt from ad valorem property taxes as long as it is owned by Landlord or another unit of government. The leasehold interest created by this lease is intangible personal property consisting of a leasehold interest in exempted real property as defined by N.C.G.S. § 105-273(8) and is subject to ad valorem property taxation pursuant to N.C.G.S. § 105-276. Landlord agrees that this leasehold interest shall not be assessed for ad valorem taxation prior to January 1, 2008. Tenant agrees that it will list its business personal property used on the

leased premises, as well as, the leasehold interest in the premises in accordance with the listing requirements of N.C.G.S. § 105-285 and shall pay the taxes imposed or assessed thereon.

4.2. Landlord shall pay all municipal assessments for general services or improvements to the property imposed on the leased property and all other similar situated properties serviced by the same general services or improvements.

5. ALTERATIONS:

Tenant shall not make any alterations, additions or changes to the premises except upon obtaining Landlord's permission to do so in writing. Tenant has proposed all known alterations, additions or changes to the premises that it may make to Landlord in writing prior to execution of this lease and Landlord's execution of this lease constitutes approval of the same. Landlord shall not unreasonably deny Tenant's requests to make further alterations, additions or changes to the premises over time as Tenant finds necessary or desirable and convenient for its purposes and which do not materially alter the use of the premises. All alterations, additions, or changes shall be at Tenant's sole cost and expense.

6. ASSIGNMENT AND SUBLETTING:

Tenant or its successors shall have the right to assign or sublet the leased premises in whole or in part upon the conditions that:

6.1. Any assignment or sublease shall only be for substantially the same use as the use by Tenant; and

6.2. Tenant herein shall continue to remain liable notwithstanding such assignment or sublease for the continued performance of all of the terms, covenants, and conditions of this Lease.

7. RESTRICTIONS ON USE OF PROPERTY:

This lease is conditioned upon and restricted to Tenant's use of the leased property as a facility to provide psychosocial rehabilitation services to adults who are residents of Cumberland County. Services may be provided to residents of other counties provided that the provision of services to such non-residents does not impair the provision of services to Cumberland County residents.

8. INSURANCE:

8.1. Tenant shall at all times during the term hereof, at its own expense, maintain and keep in force a policy or policies of general and premises liability insurance against claims for bodily injury, death or property damage occurring in, on, or about the demised premises in a coverage amount of no less than \$500,000 per occurrence and naming Landlord as an additional named insured.

8.2. Tenant shall provide at its sole cost and expense, such fire and extended coverage and vandalism and malicious mischief insurance covering the contents of the demised premises as Tenant deems prudent.

8.3. Landlord, at its sole cost and expense, shall be responsible for insuring the building and any other insurable property deemed to be real property against loss or damage by fire or other casualty with such extended coverage as Landlord deems prudent.

9. DAMAGE OR DESTRUCTION:

If the leased premises be damaged or destroyed in whole or in part at any time during the term of this Lease by fire or other casualty, Landlord will within thirty (30) days of the destruction or damage to the property notify the Tenant in writing whether it elects to restore the property or to terminate the Lease. If the Landlord elects not to restore the demised premises, then this Lease shall thereupon terminate and become null and void. However, should the Landlord elect to restore the premises to the condition existing before the damage or destruction, then in that event, rent shall be abated according to the amount of square footage available to the Tenant for use to conduct business in while the repair and/or restoration takes place.

10. CONDEMNATION:

10.1. In the event that all of the leased premises shall be taken in condemnation proceedings or by exercise of any right of eminent domain, this Lease shall terminate as of the date of said taking, and all unearned rent and all other charges paid in advance shall be refunded to the Tenant and the Tenant shall surrender possession of the leased premises to Landlord. The award for such taking shall belong to Landlord.

10.2. Tenant shall be entitled to make claim in its own name to the condemning authorities for the value of any personal property or loss of use belonging to Tenant and not forming part of the real estate, or for the cost of moving all of the same, and any such award made directly to Tenant shall belong entirely to Tenant.

10.3. In the event that a portion of, but not all, of the leased premises shall be taken in condemnation proceedings or by exercise of any right of eminent domain and, if as a result of such partial taking, the ground floor area of the building on the leased premises remaining after the taking is less than eighty (80) percent of the ground floor area of said building prior to the taking, or if the parking area, after the taking, is less than eighty (80) percent of the parking area prior to the taking, then in such event, Tenant shall have the right to terminate this Lease provided Tenant shall give notice of its intent to terminate to Landlord within thirty (30) days after knowledge by Tenant of such taking. Whereupon, Tenant shall be liable only for the rent up to the time of such taking or the date when Tenant shall vacate the leased premises, whichever date is later, and Tenant shall be entitled to refund of any advanced rentals paid by it for the period subsequent to the latter of such dates.

10.4. In the event that Tenant does not exercise its election to cancel this Lease pursuant to Section 10.3, then and in that event this Lease shall continue in full force and effect at the full rental.

11. REPAIRS AND MAINTENANCE:

11.1. Landlord will keep the roof and the exterior walls of the demised premises and the parking lot in proper repair, provided that Tenant shall give Landlord prior written notice of the necessity of any such repairs.

11.2. Tenant will provide all routine maintenance and upkeep for the interior of the demised premises, including but not limited to, all the electrical, plumbing, heating, air conditioning, other mechanical installations therein, and all doors and windows. Routine maintenance is intended to include normal interior cleaning, replacing broken glass in windows and doors, changing filters in heating and air conditioning system, replacing all electrical bulbs and blown fuses, repairing small plumbing leaks, and unclogging stopped drain lines. Tenant shall maintain the interior of the demised premises and the electrical, plumbing, heating, air conditioning, other mechanical installations, and windows and doors in good repair, normal wear and tear excepted. Landlord shall be responsible for all major repairs or replacements of the electrical, plumbing, heating, air conditioning, or other mechanical installations caused by normal use and wear and tear over time or by the malfunction of any of these components.

11.3. Tenant shall maintain the landscaping and keep all grass, shrubbery and other plantings appropriately trimmed at all times.

11.4. Tenant shall surrender the demised premises at the expiration or earlier termination of this Lease in as good a condition as when received, excepting only deterioration caused by ordinary wear and tear and damage by fire or other casualty of the kind insured against in standard policies of fire insurance and extended coverage.

13. FIXTURES:

Any fixtures installed by Tenant in the demised premises shall remain as part of the demised premises upon expiration or termination of this lease. Such fixtures may be removed by Tenant only upon the terms of a written consent given by Landlord.

14. NOTICES:

Either party may notify the other party as to any matter concerning this lease by mailing written notice to the following:

For Landlord: Juanita Pilgrim
 Deputy County Manager
 PO Box 1829
 Fayetteville, NC 28302-1829

For Tenant: Barbara Fanning
President
Carolina Residential Services, Inc.
PO Box 1669
Garner, NC 27529

15. RENEWALS:

Landlord shall consider extensions of this lease for successive terms of one year upon Tenant giving Landlord notice of its desire to extend at least 60 days prior to the expiration of the then-current lease term. The Lease shall be upon such terms and conditions as the parties may agree upon in writing signed by both at that time. It is anticipated that the only modifications for additional terms shall be adjustments in the rent.

16. BANKRUPTCY OR DISSOLUTION OF TENANT:

If at any time during the term of this Lease Tenant should file a petition in bankruptcy, make any assignment of its assets for the benefit of creditors, be voluntarily or involuntarily placed into receivership, voluntarily file articles of dissolution, be administratively or judicially dissolved, or have its corporate charter or authorization to do business revoked or suspended, this Lease shall automatically terminate and Landlord shall be entitled to immediate possession of the leased premises.

17. NO AGENCY ESTABLISHED:

Nothing herein shall be construed to create any association, agency or joint venture between Landlord and Tenant for any purpose whatsoever; nor shall Landlord be liable for any debts incurred by Tenant in the conduct of its business on the leased premises or otherwise. The relationship of the parties during the term of this Lease shall at all times be only that of Landlord and Tenant.

18. INDEMNIFICATION:

Tenant will indemnify Landlord and save it harmless from and against any and all claims, actions, damages, liability and expense in connection with loss of life, personal injury or damage to property occurring in or about, or arising out of, the demised premises, and occasioned wholly or in part by any act or omission of Tenant, its agents, licensees, concessionaires, customers or employees. In the event Landlord shall be made a party to any litigation, commenced by or against Tenant, its agents, licensees, concessionaires, customers or employees, then Tenant shall protect and hold Landlord harmless and shall pay all costs, expenses and reasonable attorneys' fees incurred or paid by Landlord in connection with such litigation, unless such litigation arises out of an injury or injuries claimed as a result of some defective condition existing on the premises for which Landlord has responsibility to maintain or repair under the terms of this lease and to which Landlord has been put on notice by Tenant.

19. MISCELLANEOUS:

19.1. This agreement shall be binding upon the parties and their assigns and successors in interest.

19.2 This agreement may be executed in one or more counterparts each of which shall be deemed to be an original.

In Witness Whereof, the parties have hereunto set their hands and seals, the day and year first above written.

CUMBERLAND COUNTY, LANDLORD

Affix Seal

by: James E. Martin
James E. Martin, County Manager

Attest:

Maie Colgan
Deputy Clerk to the Board

CAROLINA RESIDENTIAL SERVICES, INC.,
TENANT

Affix Seal

by: Barbara Fanning
Barbara Fanning, President

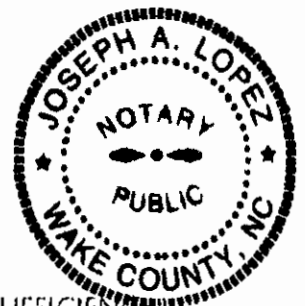
Attest:

(Asst.) Secretary

Joseph Lopez
Notary public

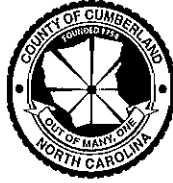
My commission expires: May 1st 2010

S:\LEASES\MH\Carolina Residential Lease - Nov '07 - Dec '08.doc



APPROVED FOR LEGAL SUFFICIENCY

BY: Harvey W. Raynor III
County Attorney's Office



ITEM NO. 3F(1)

COUNTY of CUMBERLAND

James E. Martin
County Manager

Cliff Spiller
Assistant County Manager

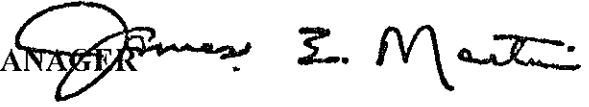
Juanita Pilgrim
Deputy County Manager

Office of the County Manager

Amy H. Cannon
Assistant County Manager

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF DECEMBER 15, 2008

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER 

DATE: DECEMBER 8, 2008

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

BACKGROUND

On September 15, 2008, the Board of County Commissioners enacted an ordinance directing that the structure(s) located at 935 Hollywood Boulevard, Fayetteville, NC (PIN: 0447-77-4640 and 0447-77-6665) be demolished by the owner(s), Vimala Patel, Manoj Patel and GIMAG Project Development, Ltd. 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 \$17,500.

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

RECOMMENDATION/PROPOSED ACTION

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

/ct

CM120808-1

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 September 15, 2008, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Vimala Patel, Manoj Patel and GIMAG Project Development, LTD., located at 935 Hollywood Boulevard, Fayetteville, NC, Lot 7-8 and 8A, Block F, Hollywood Subdivision, Town and Country Motel & Restaurant, PIN: 0447-77-4640 and 0447-77-6665, said ordinance being recorded in Book 7986, page 426, 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 \$17,500.00.
- (3) There were no salable materials resulting from said work.

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

(1) That the real property on which the work was performed be, and it hereby is, assessed in the amount of \$17,500.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated September 15, 2008, 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 935 Hollywood Boulevard, Fayetteville, NC, Lots 7-8, and 8A, Block F, Hollywood Subdivision, Town & Country Motel and Restaurant, as described in Deed Book 7575, page 570, of the Cumberland County Registry and identified in County tax records as PIN 0447-77-4640 and 0447-77-6665.

(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 15th day of December, 2008, at 6:45 p.m. o'clock.

Cumberland County Clerk



ITEM NO. 3 F(2)

COUNTY of CUMBERLAND

James E. Martin
County Manager

Cliff Spiller
Assistant County Manager

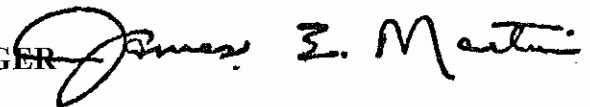
Juanita Pilgrim
Deputy County Manager

Office of the County Manager

Amy H. Cannon
Assistant County Manager

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF DECEMBER 15, 2008

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JAMES E. MARTIN, COUNTY MANAGER 

DATE: DECEMBER 8, 2008

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

BACKGROUND

On February 19, 2008, the Board of County Commissioners enacted an ordinance directing that the structure(s) located at 9403 Hillsboro Street, Linden, NC (PIN: 0574-65-8342) be demolished by the owner(s), Isaac and Emily Byrd. 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 \$1,700.

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

CM120808-2

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

WHEREAS, the Board of County Commissioners of Cumberland County, North Carolina, on February 19, 2008, enacted an ordinance directing the demolition by the owner(s) of the structure(s), Isaac and Emily Byrd, located at 9403 Hillsboro Street, Linden, NC, PIN: 0574-65-8342, said ordinance being recorded in Book 7818, page 416, 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 \$1,700.00.
- (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 \$1,700.00, said sum being the unpaid balance of the cost of the work set forth in the Inspector's Report;

(2) That as provided in the Ordinance of Cumberland County dated February 19, 2008, 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 9403 Hillsboro Street, Linden, NC, as described in Deed Book 3604, page 804, of the Cumberland County Registry and identified in County tax records as PIN 0574-65-8342.

(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 15th day of December, 2008, at 6:45 p.m. o'clock.

Cumberland County Clerk

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>309.228</u>
Date Received	<u>11.25.08</u>
Date Completed	

Fund No. 107 Agency No. 450 Organ. No. 4575
 Organization Name: Emergency 911

ITEM NO. 3G(1)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	223,950	150,000	373,950
Total		223,950	150,000	373,950

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3610	<u>412</u>	Capital Outlay Equipment	188,000	150,000	338,000
Total			188,000	150,000	338,000

Justification:

Revision in the amount of \$150,000 to appropriate fund balance for purchase of workstations.

Funding Source: State: _____ Federal: _____ Fund Balance: County: _____ New: _____ Other: _____
 Other: _____ Fees: _____ Prior Year: 150,000

Submitted By: [Signature]
 Department Head

Date: 11/25/08

Reviewed By: [Signature]
 Finance

Date: 11.25.08

Reviewed By: [Signature]
 Deputy/Assistant County Mgr

Date: 12/9/08

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

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>809.229</u>
Date Received	<u>12-2-08</u>
Date Completed	

Fund No. 101 Agency No. 431 Organ. No. 4311

Organization Name: IMMUNIZATION CLINIC

ITEM NO. 3 G (2)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4109	N.C. IMMUNIZATION ACT	146,804	3,000	149,804
		146,804	3,000	149,804

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
2994	174	MISCELLANEOUS FURNITURE / EQUIPMENT	0	3,000	3,000

Total - 3,000 3,000

Justification:

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

State: 3,000 Federal: _____ Fund Balance: _____ County: _____
Other: _____ Fees: _____ New: _____ Other: _____
Prior Year: _____

Submitted By: [Signature] Date: 11/26/08
Department Head

Reviewed By: [Signature] Date: 12-2-08
Finance Department

Reviewed By: [Signature] Date: 12/4/08
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.	B09-230
Date Received	12/2/2008
Date Completed	

Fund No. 482 Agency No. 429 Organ. No. 4274

Organization Name: Grays Creek Fire District #18

ITEM NO. 3 G(3)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
1000	Taxes Current Year	204,965	150	205,115
Total		204,965	150	205,115

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
4027	844	Tax Refunds	1,386	150	1,536
Total			1,386	150	1,536

Justification:

Increase expenditure line to cover unanticipated refunds to taxpayers.

Funding Source:

State: _____ Federal: _____ Fund Balance: _____ County: _____ New: _____ Other: _____
Other: 150 Fees: _____ Prior Year: _____

Submitted By: _____

Date: _____

Reviewed By: Kelly Centry Department Head

Date: 12/2/08

Reviewed By: Amy Cannon Finance

Date: 12/9/08

Reviewed By: Amy Cannon Deputy 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. 309-233

Date Received _____

Date Completed _____

Fund No. 230 Agency No. 422 Organ. No. 422P

Organization Name: Federal Forfeiture--Justice

ITEM NO. 3G(4)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	217,130	229,890	447,020

Total

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1210	651	Salary Regular	119,520	169,000	288,520
1810	651	Social Security	9,140	12,930	22,070
1820	651	Retirement	5,810	8,210	14,020
1824	651	401-K County 1%	1,200	1,690	2,890
1826	651	401-K Law Enf	5,980	8,450	14,430
1830	651	Med Insurance	18,020	24,460	42,480
1860	651	Worker's Comp	2,460	5,150	7,610

Total 162,130 229,890 392,020

Justification:

Appropriate Fund Balance to pay Basic Law Enforcement cadets while undergoing classroom and field training. Class begins Jan 2009. This continues funding for positions 575, 576, 577, 578, 579, 920, 921, 922, 923, and 924.

Funding Source:

State: _____

Federal: _____

Fund Balance:

County: _____

New: _____

Other: 229,890

Other: _____

Fees: _____

Prior Year: _____

Submitted By: _____

Earl R. Butler
Department Head

Date: 12-8-08

Reviewed By: _____

Howard R. R...
Budget Analyst

Date: 12/8/08

Reviewed By: _____

Amy D. Cannon
Deputy Assistant County Mgr

Date: 12/4/08

Reviewed By: _____

Information Services

Date: _____

Approved By:

County Manager

Board of County
Commissioners

Date: _____

Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B09-234
Date Received	12/8/2008
Date Completed	

Fund No. 101 Agency No. 450 Organ. No. 4506

Organization Name: Cooperative Extension

ITEM NO. 3G(S)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4667	Baby Think It Over	0	1,500	1,500
7670	Miscellaneous Revenue	0	2,000	2,000
Total		0	3,500	3,500

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
340P	340	Baby Think It Over	16,000	3,500	19,500
Total			16,000	3,500	19,500

Justification:

Revision in the amount of \$3,500 to purchase a 5-pack of baby simulators to supplement the current Baby Think It Over Program. The funding sources for this purchase are a \$1,500 Community Assistance Program Fund grant from the Junior League of Fayetteville and proceeds generated from the sale of obsolete baby simulators.

Funding Source:

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

Submitted By: [Signature]
Department Head

Date: 12/10/08

Reviewed By: Bob Tucker
Finance Department

Date: 12/10/08

Reviewed By: Amy Cannon
Assistant County Mgr

Date: 12/10/08

Approved By:

County Manager

Board of County Commissioners

Date: _____

Date: _____

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B09-236
Date Received	12/9/2008
Date Completed	

Fund No. 101 Agency No. 450 Organ. No. 4509
 Organization Name: Soil Conservation District

ITEM NO. 3G(b)a

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4509	Miscellaneous Soil Conservation Grants	0	1,960	1,960
6698	Inkind Services	0	1,580	1,580
Total		0	3,540	3,540

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
4509	380	Miscellaneous Soil Conservation Grants	0	1,960	1,960
3411	380	Inkind Services	0	1,580	1,580
Total			0	3,540	3,540

Justification:

Revision in the amount of \$3,540 to budget a Section 319 Non Point Source Pollution Control Grant from the NC Department of Environment and Natural Resources to be used to install Pet Waste Disposal Stations in various public parks including the new dog park. The grant is intended to mitigate the negative affects on water quality that occur as a result of stormwater carrying pet waste into area streams, creeks, and rivers.

Funding Source:

State: 1,960
 Other: 1,580

Fund Balance:

Federal: _____
 Fees: _____

County:

New: _____
 Prior Year: _____

Other: _____

Submitted By: _____
 Department Head

Date: _____

Reviewed By: Bob Tucker
 Finance Department

Date: 12/9/08

Reviewed By: Amyl Cannon
 Assistant County Mgr

Date: 12/9/08

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

COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST

Budget Office Use	
Budget Revision No.	B09-237
Date Received	12/9/2008
Date Completed	

Fund No. 101 Agency No. 450 Organ. No. 4509
Organization Name: Soil Conservation District

ITEM NO. 3 G (6) b

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
7757	Fundraisers	0	2,616	2,616
Total		0	2,616	2,616

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
2757	366	Fundraisers	0	2,616	2,616
Total			0	2,616	2,616

Justification:

Revision in the amount of \$2,616 to carry forward the net profit from prior year fund raisers.

Funding Source: State: 1,960 Federal: _____ Fund Balance: County: _____ New: _____ Other: _____
Other: 1,580 Fees: _____ Prior Year: _____

Submitted By: _____
Department Head

Date: _____

Reviewed By: Bob Tucker
Finance Department

Date: 12/9/08

Reviewed By: Amyd Cannon
Assistant County Mgr

Date: 12/9/08

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

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostettler,
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

DECEMBER 5, 2008

ITEM NO. 4A

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P08-58:** Rezoning of 2.06+/- acres from R6A Residential to C1(P) Planned Local Business or to a more restrictive zoning district, located at 2944 & 2960 Cumberland Road, submitted and owned by Shirley Dees & J.L. Trogdon.

ACTION: Members present at the November 18, 2008 meeting voted unanimously to recommend approval of C1(P) Planned Local Business district.

SITE INFORMATION: **Frontage & Location:** 183.00' +/- on Cumberland Road; **Depth:** 489.00' +/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** Residential & vacant lot; **Initial Zoning:** R6A - August 1, 1975 (Area 3); **Nonconformities:** Yes, structure is currently nonconforming and will continue to be if request approved; use will become nonconforming if request is approved; **Zoning Violation(s):** None; **Surrounding Zoning:** North: R10, R6, R5A, C3, C1P, M2 & M1 (Fayetteville); East: R6, P2, C3, C1, C1(P) & M1 (Fayetteville/County); South: R10, R6, R6/CU (upholstery shop and residence); , R6A, O&I(P), C3, C1(P), M1(P) & M(P) (Fayetteville/County); West: R6, R6A, C3, C1(P), C(P) & M1(P) (Fayetteville/County); **Surrounding Land Use:** Industrial to include utility substation; 2- day care facilities; Commercial to include (2- Upholstering or furniture refinishing shops, cabinet making and other woodworking, motor vehicle parts and accessories, convenience retail with gasoline sales & vacant lot) and residential (including manufactured homes, abandoned manufactured home and abandoned dwelling); **2010 Land Use Plan:** Heavy commercial; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** PWC/ Septic (current); PWC water & sewer is available and connection required for any new development; **Soil Limitations:** None **Subdivision/Site Plan:** Lots need to be recombined and a site plan review will be required prior to application for permits; **Municipal Influence Area:** City of Fayetteville; **Average Daily Traffic Count (2006):** 79,000 on SR 1007 (Owen Drive); 28,300 on SR 1141 (Cumberland Road); **Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program; **Note:**

<u>District</u>	<u>Minimum Yard Setback</u>
R6A -	25 feet (front yard) 10 feet (side yard) 15 feet (rear yard)
C1(P) -	45 feet (front yard) 15 feet (side yard) 20 feet (rear yard)

P08-58 Continued

MINUTES OF NOVEMBER 18, 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 inconsistent with the 2010 Land Use Plan, which calls for heavy commercial at this location, the requested district is in character with the current zoning and uses of the adjacent properties;
2. The request is also consistent with previous rezonings in the area; and
3. The subject property is located on a major thoroughfare.

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

A motion was made by Vice-Chair Epler, seconded by Ms. Hall, to follow the staff recommendation and approve case P08-58. Unanimous approval.

Conovan 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

DECEMBER 5, 2008

ITEM NO. 4B

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P08-56:** Rezoning of 1.11+/- acres from CD Conservancy District & R10 Residential to RR Rural Residential or to a more restrictive zoning district; located on the north side of SR 1122 (Woodington Road), west of SR 1123 (Monticello Avenue); submitted and owned by Glenn and Sandra Dew.

ACTION: Members present at the November 18, 2008 meeting voted to recommend denial of RR Rural Residential district and approval of R40A Residential district.

SITE INFORMATION: **Frontage & Location:** 147.00'+/- on SR 1122 (Woodington Road); **Depth:** 235.00'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** Yes, parent tract; **Current Use:** Vacant; **Initial Zoning:** R10 & CD February 3, 1977 (Area 7); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: CD, RR, R10, R6A & C(P); East: R6A & C3; South: RR; West: RR, R10 & C(P); **Surrounding Land Use:** Residential (including manufactured homes), vacant commercial, open storage of junk and woodlands; **2010 Land Use Plan:** Open space; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Well/Septic; **Soil Limitations:** Yes, hydric: JT Johnston loam; **Subdivision/Site Plan:** Group development will be required prior to addition of any new structure; **Municipal Influence Area:** Hope Mills; **Average Daily Traffic Count (2006):** 1,400 on SR 1122 (Woodington Road); 6,200 on SR 1118 (Parkton Road); **Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program; **Density:** RR – 2 lots/units

MINUTES OF NOVEMBER 18, 2008

Mr. Lloyd reviewed the site information and stated the staff recommends approval of the request for RR Rural Residential district based on the following:

1. Although the request is inconsistent with the 2010 Land Use Plan which calls for open space at this location, the requested district is consistent with the zoning and approved uses in the immediate area; and
2. The request is reasonable and in character with the adjacent properties.

For this request, the R40A Residential zoning district could also be found suitable at this location.

There was one person present to speak in favor and one person to speak in opposition.

Mr. Morris stated that the subject property doesn't appear on any flood map.

P08-56 Continued

Mr. Lloyd stated that that was correct. This CD was based on elevation. The zoning cases that we have now; if there is CD on the subject property we rezone the CD back to the actual elevation.

Mr. Morris stated that CD traditionally follows the one year flood line.

Mr. Lloyd stated yes.

Vice-Chair Epler asked Mr. Lloyd if the front part of the subject property was currently zoned as R10.

Mr. Lloyd stated yes.

Mr. Harold Dew spoke in favor. Mr. Dew stated that he only wanted rezoning for one manufactured home, one small doublewide manufactured home to help a family member.

Vice-Chair Epler asked Mr. Dew if R40A zoning would be suitable for him.

Mr. Dew stated that that would be fine with him if that was the only option available.

Ms. Doretha Browning spoke in opposition. Ms. Browning submitted photographs and handouts to the Board members. The handouts contained a letter opposing the rezoning and the reasons for the opposition. The map shows the homes in the area that have well water. Ms. Browning stated that there is no well water in the area. The community is dependent on any water that is there. The dots on the handout represent the people that oppose the rezoning. Ms. Browning read the letter to the Board. The letter stated that when Mr. Dew bought the property he knew it was zoned CD Conservancy District, he has already used it any way he desired, he has cut trees and shrubs and filled in the land. Several houses have been moved and stored on this property, and no one has seen them moved out. Hopefully they are not part of the landfill there. There is an apartment on the subject property with unapproved sewer and water in one of the buildings already there. The apartment is in the CD and there are tenants living there. The land involved in the rezoning has been inspected by the Health Department and has been approved for a septic system. Although this is possible at this time, we have been in a drought for 2 years and the water table may still be low where they perked. There is an overspill from the lake across the road and it's built up, and seems sturdy, but even the dam in Hope Mills broke, and in one of the pictures you will see the pipe coming out of the lake. If this broke, it could go across and any septic system around it could be affected. The land is in a low gully with runoff water from the properties high above. Ms. Browning stated that the crime rate is high in the area, which is attributed to absent landlords who rent mobile homes and do not live in the area. Mr. Dew has a nice home in Hope Mills and would not live here to monitor his property. If the rezoning is approved Mr. Dew could put several mobile homes on the land.

Ms. Hall asked if someone was living there now.

Ms. Browning stated yes.

Vice-Chair Epler pointed out the tract that Mr. Dew was asking to be rezoned, and asked Ms. Browning if the residence was on that piece of property.

Ms. Browning stated that there was no residence on that tract.

Chair McLaurin asked Ms. Browning how long she lived in the area.

Ms. Browning stated that she bought her land in the early 1990's.

P08-56 Continued

Chair McLaurin asked if the property was in the same condition as it is now.

Ms. Browning stated that there were a lot more trees and a lot more brush. For a while a lot of old houses.

Mr. Clark asked about Ms. Browning's comment about fill being brought in on the property.

Ms. Browning stated that she couldn't prove it.

Mr. Clark asked Ms. Browning if she saw any fill operation on the subject property.

Ms. Browning stated no.

Mr. Dew spoke in rebuttal. Mr. Dew stated that he didn't know where Ms. Browning was getting her information from. He did store a few houses on the property which were moved at a later date. There has never been a mobile home there and he has not cleared any land.

Mr. Clark asked if there were renters on the property.

Mr. Dew stated that there are renters, but they are not on the subject property.

Public Hearing closed.

Mr. Morris stated that in the past CD zoning had no restrictions whatsoever on it. When the ordinance was revised two years ago restrictions were placed on CD zoning. It was policy that the CD follows the 100 year flood plain. This leads to two questions, should the CD be there at all? And the second question is: are we looking at R10 rezoning or RR rezoning?

Vice-Chair Epler stated that Mr. Morris was right; we have in the past moved the CD line to the one hundred year flood line. Vice-Chair Epler stated that she doesn't have a problem doing that on the property that the applicant is requesting for rezoning. Vice-Chair Epler doesn't feel that the entire tract should be removed from the CD unless the applicant decides to come back and ask for that rezoning at a later date.

Mr. Morris stated that he wasn't suggesting that.

Vice-Chair Epler stated that the applicant is essentially asking that the CD zoning be moved from the front portion of the property.

Mr. Morris stated that there are two actions: move the CD and determine the underlying zoning.

Vice-Chair Epler stated that she understands Ms. Browning's concerns and understands what happens to a neighborhood when you get property owners and it turns into rental property. However, this area is what it is and there are already double wide mobile homes out there, this property owner could have asked to have the whole piece of property rezoned if he wanted to. He only wants to put one manufactured home there. There is RR zoning across the way from him, to the north of him and to the west of him. R6A is even less restrictive than the RR, it will allow a mobile home park. Vice-Chair Epler stated that she felt Mr. Dew's request is reasonable and if the rezoning was granted he wouldn't be getting anything that the people around him hadn't already taken advantage of.

Chair McLaurin stated that he did not know that it has been, but from all indications a lot of this area has been filled. As far as the area today, the property has gum trees, maple trees, and there is a

P08-56 Continued

good stream of water running through there. Everything that has been said is true about the zoning in the area. If Mr. Dew wants to put one dwelling there, the zoning would be appropriate.

Mr. Clark made a motion, seconded by Vice-Chair Epler to deny the request for RR zoning and approve R40A rezoning. The motion passed with seven voting in favor and Mr. Morris opposed.

Mr. Morris stated if we pick R40A it will be the only R40A on the map, and it looks like spot zoning. Ms. Hall agreed with Mr. Morris. Mr. Morris stated that if we go that route it needs to be made clear that that option was not previously available.

Mr. Lloyd stated for clarification that spot zoning occurs if it affords the property owner special use of the property that other property owners in the area wouldn't be able to do, and with the RR and R6A in the area they would be able to do what they can do in the RR.

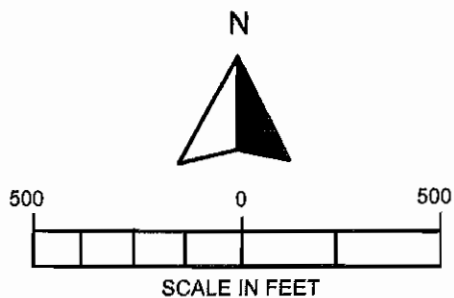
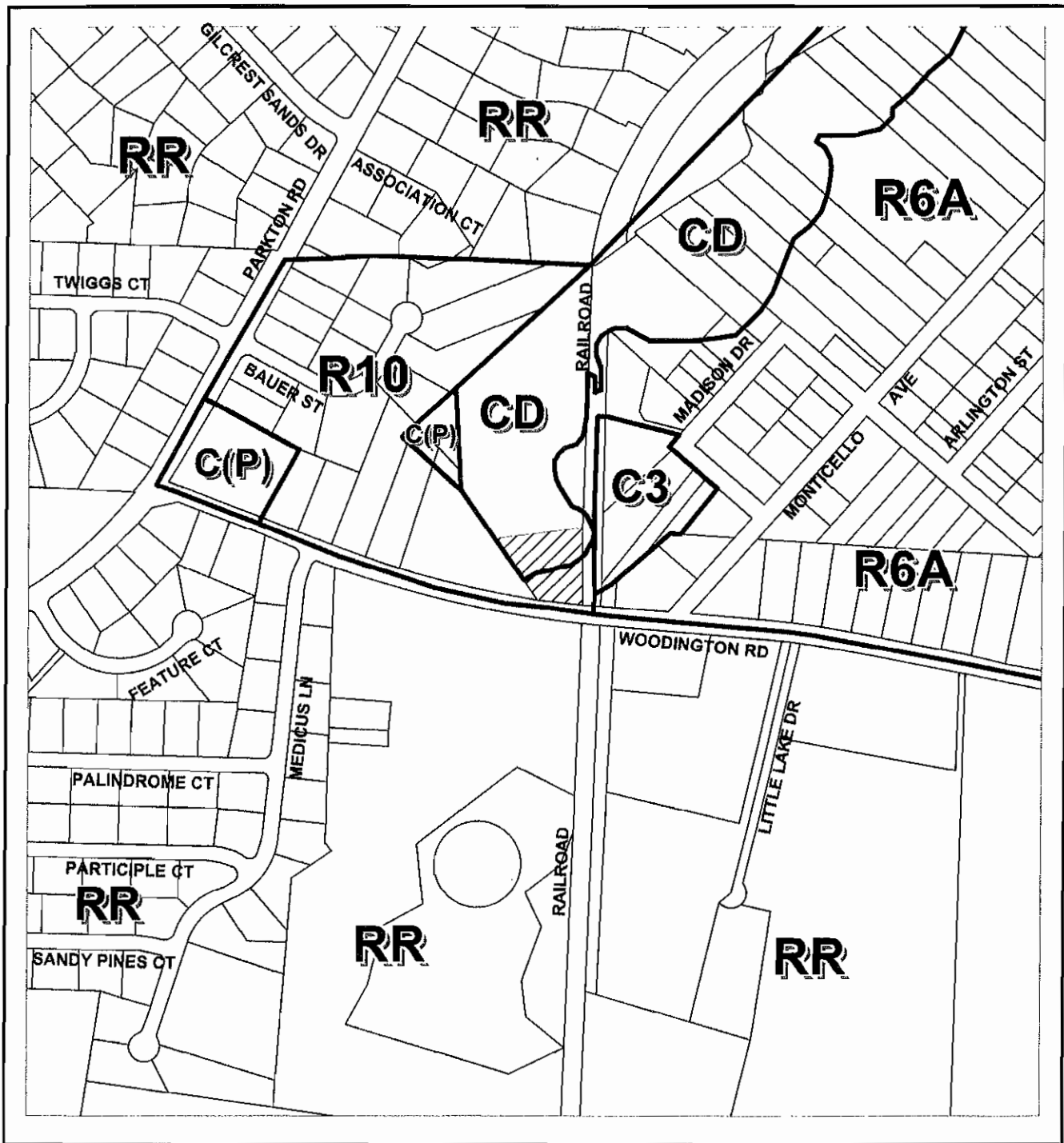
Mr. Morris stated that he agrees, but feels that R40 will stick out, and the record should be clear that with initial zoning in this area R40A was not available.

Vice-Chair Epler stated that when the ordinance was revised with the new zoning R40A, by Mr. Morris's definition, spot zoning would occur no matter what piece of property is zoned with R40A.

Mr. Barrett stated that maybe Mr. Morris meant to say that we were introducing a new zoning that is not out there yet. By introducing a new zoning, he is asking you to think about the future effect of that in the area.

Chair McLaurin stated that most of the area is RR or R6A, if I was in this area I would want it to cascade to R40A.

Mr. Morris stated that we just need to be careful and look at the future. Mr. Morris stated that he didn't disagree with the motion.



PORT. OF PIN: 0413-54-4783

REQUESTED REZONING CD & R10 TO RR

ACREAGE: 1.11 AC.+/-		HEARING NO: P08-56	
ORDINANCE: COUNTY		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

AF

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 5560-2008.

Property Owner: **John W. Mace**

Home Owner:

Property Address: **388 Stephanie Street, Linden, NC**

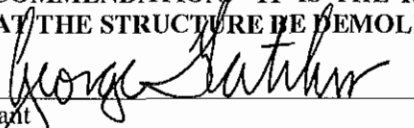
Tax Parcel Identification Number: 0543-58-9569

SYNOPSIS: This property was inspected on 7/2/2008. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 7/31/2008. Stephanie Mace (via telephone) attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 10/31/2008. 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 12/2/2008 no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitute a fire, health, and safety hazard.

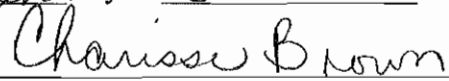
The estimated cost to repair the structure to a minimum standard for human habitation is \$15,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

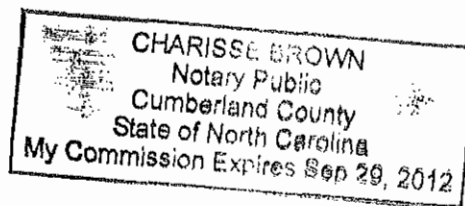
Attached is a map depicting the location of the property. (See Exhibit B.)

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


Affiant
Code Enforcement Officer
County of Cumberland

Sworn to and Subscribed to by me this
the 2nd day of Dec. 2008.


Notary Public



My Commission Expires: September 29, 2012

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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

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

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

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

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

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

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

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

To order the property owner to rehabilitate the property within _____ days.

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

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

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

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

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

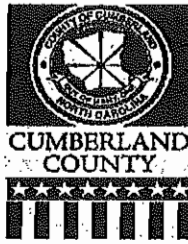
To delay a decision on the case until _____ (date) in order to give the owner
or party of interest time to: _____

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

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

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



COUNTY of CUMBERLAND

Planning & 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

FINDINGS OF FACT AND ORDER

August 21, 2008

CASE #: MH 5560-2008

TO: John W. Mace & Parties of Interest
1135 Bill Shaw Road
Spring Lake, NC 28390

Property at: 388 Stephanie Street, Linden, 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 7/31/2008.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 7/31/2008 at 9:15:00 AM. The items identified below took place at the Hearing:

- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those answering were: Stephanie Mace via telephone.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 7/08/2008. 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 5560-2008, dated 7/2/2008.
 - ☒ 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

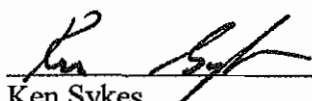
Findings and Facts of Order

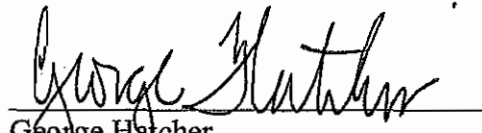
Case #: MH 5560-2008

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 **10/31/2008**. **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 **10/31/2008**. The cost of said demolition will be assessed against the real property in the form of a lien.

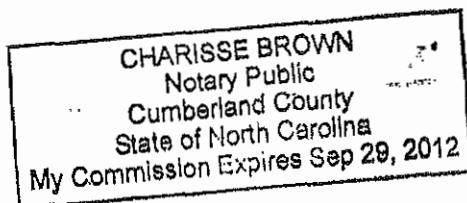
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.


Ken Sykes
Hearing Officer

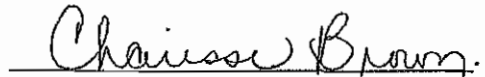

George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me
this the 21th day of August, 2008


Notary Public
My Commission Expires: 9/29/2012

PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER
DATED 8/21/2008 CASE NUMBER MH 5560-2008

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits. <div style="border: 1px solid black; padding: 5px; min-height: 100px;">1. Article Addressed to: <div style="text-align: right; margin-top: 10px;">FOFO MH5560GH</div> JOHN W MACE & PARTIES OF INTEREST 1135 BILL SHAW ROAD SPRING LAKE, NC 28390</div>	<div style="border: 1px solid black; padding: 5px;"><div style="display: flex; justify-content: space-between;"><div>A. Signature <div style="text-align: center;"><div style="border: 1px solid black; border-radius: 50%; width: 20px; height: 20px; line-height: 20px; margin: 0 auto;">X</div></div></div><div><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</div></div><div style="display: flex; justify-content: space-between;"><div>B. Received by (Printed Name) JOHN MACE</div><div>C. Date of Delivery 8/23/08</div></div><div>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</div></div>
2. Article Number (Transfer from service label)	3. Service Type <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail</div><div><input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> C.O.D.</div></div>
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
7007 0710 0000 4526 4834	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

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

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

Cumberland Co. Inspection Dept.

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

Sent To

Street, Apt. No.,
or PO Box No. JOHN W MACE & PARTIES OF INTEREST
1135 BILL SHAW ROAD
City, State, ZIP+4 SPRING LAKE, NC 28390

RATED
2008
AUG 22
NOV 10

Postmark
Here

FOFO
MH5560GH

PS Form 3800, August 2006 See reverse for instructions

EXHIBIT A

MAP DEPICTING LOCATION OF PROPERTY
Property Owner: John W. Mace
388 STEPHANIE STREET, LINDEN, NC
MINIMUM HOUSING CASE # MH 5560-2008
TAX PARCEL IDENTIFICATION NUMBER: 0543-58-9569

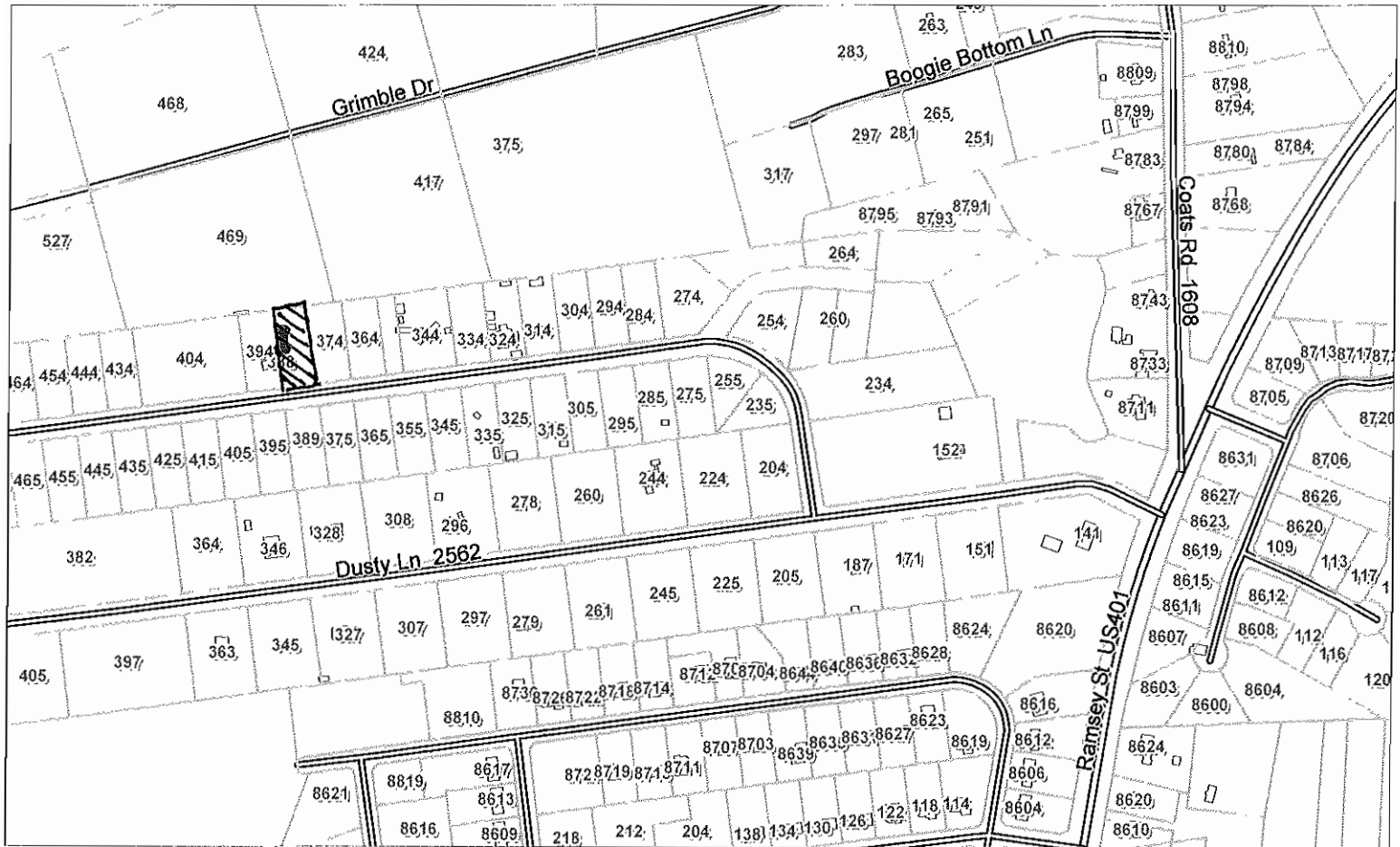


EXHIBIT B

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 5516-2008.

Property Owner: **Mary Elmore**

Home Owner:

Property Address: **437 E. Jenkins Street, Fayetteville, NC**

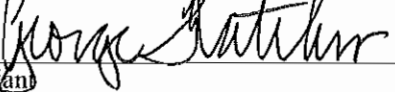
Tax Parcel Identification Number: 0436-43-4172

SYNOPSIS: This property was inspected on 4/30/2008. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 6/11/2008. No One attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 9/11/2008. 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 12/2/2008 the corrective action has not been made to the accessory building. The structure is presently vacant and unsecured. In its present state, the structure constitute a fire, health, and safety hazard.

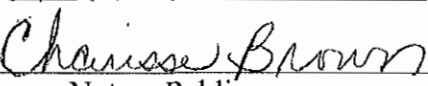
The estimated cost to repair the structure to a minimum standard for human habitation is \$2,500.00. The Assessor for Cumberland County has the structure presently valued at \$0.00.

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

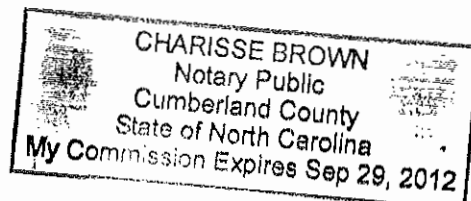
RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.


Affiant
Code Enforcement Officer
County of Cumberland

Sworn to and Subscribed to by me this
the 2nd day of Dec., 2008.


Notary Public

My Commission Expires: September 29, 2012



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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

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

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

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

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

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

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

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

To order the property owner to rehabilitate the property within _____ days.

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

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

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

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

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

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

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

Donovan M. Laurin,
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

June 12, 2008

CASE #: MH 5516-2008

TO: Mary Elmore & Parties of Interest
433 E. Jenkins Street
Fayetteville, NC 28306

&

Bruce Wayne Elmore
507 Wilkes Road
Fayetteville, NC 28306

Property at: 437 E. Jenkins Street, Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 5/22/2008.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 6/11/2008 at 9:15:00 AM. The items identified below took place at the Hearing:

- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: _____.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 5/22/2008. 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 5516-2008, dated 4/30/2008.
 - ☒ 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

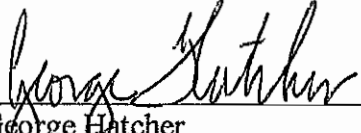
Case #: MH 5516-2008

Page 2

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 9/11/2008. **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 9/11/2008. The cost of said demolition will be assessed against the real property in the form of a lien.

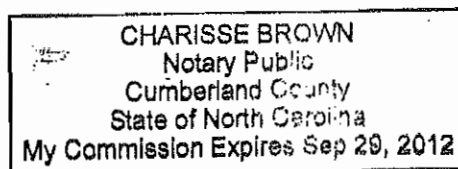
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.


Ken Sykes
Hearing Officer

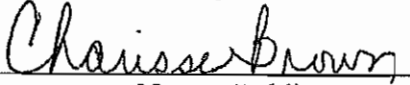

George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc: Bruce Wayne Elmore



Sworn to and Subscribed to by me
this the 12th day of June, 2008


Notary Public
My Commission Expires: 9/29/2012

**PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER
DATED 6/12/2008 CASE NUMBER MH 5516-2008**

RETURN TO:

NORTH CAROLINA
COUNTY OF CUMBERLAND

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

RE: MARY ELMORE & BRUCE WAYNE ELMORE
Name of Violator

Case Number : MH 5516-2008

**AFFIDAVIT OF RETURN OF SERVICE
(Personal Service to Individual)**

I, JOEY LEWIS, a code enforcement officer with the Cumberland County Planning &

Inspection Department, personally served MARY ELMORE AND BRUCE WAYNE ELMORE,
name of violator

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

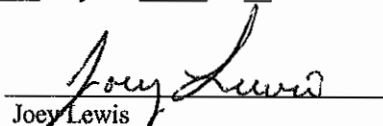
507 WILKES ROAD

street name

FAYETTEVILLE, NC 28306

city, state, zip

I further certify that said service was completed on this the 3RD day of JULY, 2008.


Joey Lewis
Code Enforcement Officer

Sworn to and subscribed to before me

this the 3rd day of July, 2008.

Charisse Brown
Notary Public

My Commission Expires: 9/29/12

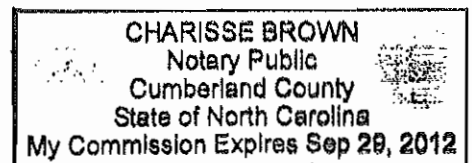


EXHIBIT A

MAP DEPICTING LOCATION OF PROPERTY
Property Owner: Mary Elmore
437 E JENKINS STREET, FAYETTEVILLE, NC
MINIMUM HOUSING CASE # MH 5516-2008
TAX PARCEL IDENTIFICATION NUMBER: 0436-43-4172

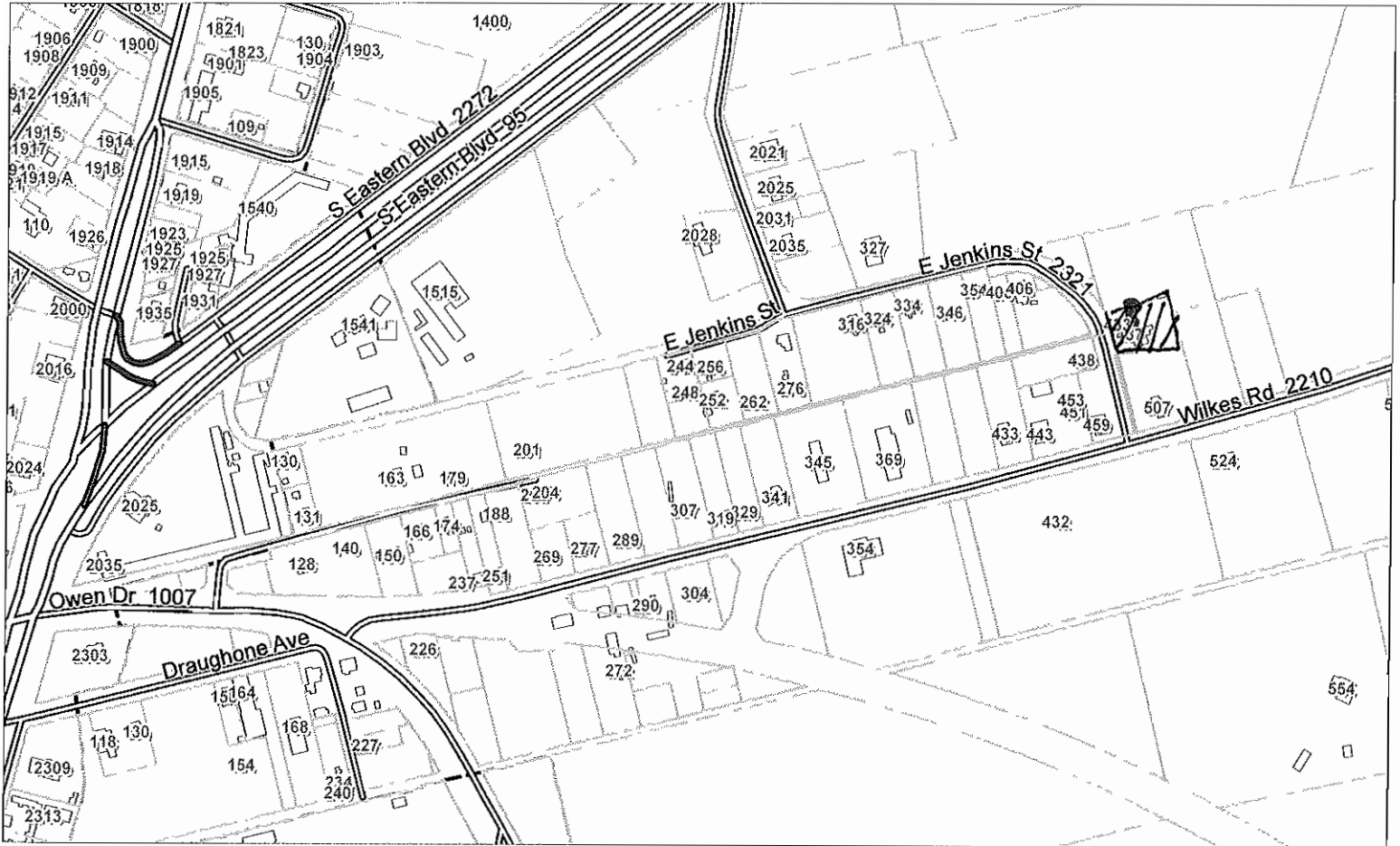


EXHIBIT B

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

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

BACKGROUND: That the following is a report on Minimum Housing case number MH 5531-2008.

Property Owner: **Joseph E. & Patricia M. Hall**
Home Owner: **Michael Jordon**
Property Address: **4008 Limestone Street, Fayetteville, NC**

Tax Parcel Identification Number: 0469-45-2433

SYNOPSIS: This property was inspected on 5/8/2008. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 6/25/2008. Michael Jordon attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 9/25/2008. 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 12/2/2008 no corrective action had been made to the structure. The structure is presently occupied and reasonably secured. In its present state, the structure constitute a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$20,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00.

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

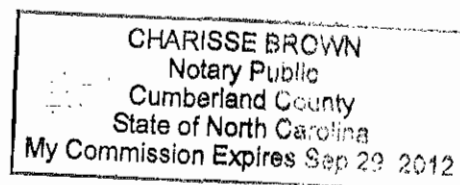
RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

George Hatcher
Affiant
Code Enforcement Officer
County of Cumberland

Sworn to and Subscribed to by me this
the 2nd day of Dec 2008.

Charisse Brown
Notary Public

My Commission Expires: September 29, 2012



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

Name(s) of Owner(s)

Appearances:

Inspection Dept. Case No.:

BOARD OF COUNTY COMMISSIONERS MOTION:

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

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

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

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

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

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

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

To order the property owner to rehabilitate the property within _____ days.

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

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

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

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

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

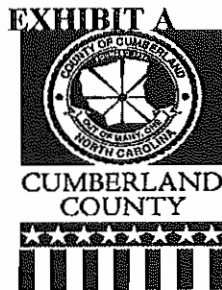
To delay a decision on the case until _____ (date) in order to give the owner
or party of interest time to: _____

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

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

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



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

June 25, 2008

CASE #: MH 5531-2008

TO: Joseph E. & Patricia M. Hall & Parties of Interest & Michael Jordan
5301 Chickenfoot Road 4008 Limestone Street
St. Pauls, NC 28384 Fayetteville, NC 28301

Property at: 4008 Limestone Street, Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 5/31/2008 and 6/3/2008.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 6/25/2008 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: Michael Jordan.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 5/27/2008. 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 5531-2008, dated 5/8/2008.
 - ☒ 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

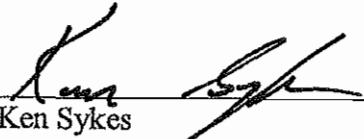
Findings and Facts of Order

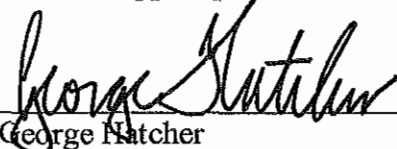
Case #: MH 5531-2008

Page 2

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 9/25/2008. Title to mobile home and proof of tax listing must be obtained by 7/25/2008. Licensed, engineered drawings and required building permits must be obtained by 8/04/2008. 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 7/25/2008, 08/04/2008 and 9/25/2008 respectively.
- ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 9/25/2008. The cost of said demolition will be assessed against the real property in the form of a lien.

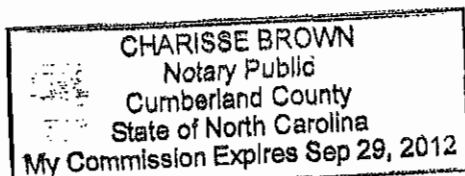
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.


Ken Sykes
Hearing Officer

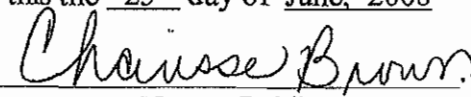

George Hatcher
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me
this the 25th day of June, 2008


Charisse Brown
Notary Public
My Commission Expires: 9/29/2012

131 Gillespie Street, Old Courthouse, Room 101 - Fayetteville, North Carolina 28301 - Telephone (910) 321-6643 - Fax (910) 321-6637

EXHIBIT A

PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER
DATED 6/25/2008 CASE NUMBER MH 5531-2008

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to:</p> <p style="text-align: right; margin-right: 50px;">FOFO MH5531GH</p> <p>PATRICIA M HALL & PARTIES OF INTEREST 5301 CHICKENFOOT ROAD ST PAULS NC 28384</p>	<p>A. Signature X <i>Crystal Hall</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery <i>7/2/08</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7003 2260 0000 4728 7884</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits. <p>1. Article Addressed to:</p> <p style="text-align: right; margin-right: 50px;">FOFO MH5531GH</p> <p>JOSEPH E HALL & PARTIES OF INTEREST 5301 CHICKENFOOT ROAD ST PAULS NC 28384</p>	<p>A. Signature X <i>Crystal Hall</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery <i>7/2/08</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label) 7003 2260 0000 4728 7891</p>	
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

EXHIBIT A

PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER DATED 6/25/2008
EXHIBIT A

NORTH CAROLINA
COUNTY OF CUMBERLAND

RETURN TO:

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

RE: MICHAEL JORDAN
Name of Violator

Case Number : MH 5531-2008

AFFIDAVIT OF RETURN OF SERVICE
(Personal Service to Individual)

I, GEORGE HATCHER a code enforcement officer with the Cumberland County Planning &
Inspection Department, personally served MICHAEL JORDAN
name of violator

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

4008 LIMESTONE ST
street name
FAYETTEVILLE NC
city, state, zip

I further certify that said service was completed on this the 26th day of JUNE, 200 8.

George Hatcher
George Hatcher
Code Enforcement Officer

Sworn to and subscribed to before me

this the 26 day of June, 200 8.

Charisse Brown
Notary Public

My Commission Expires: 9/29/12

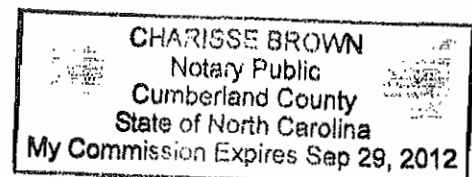


EXHIBIT A

MAP DEPICTING LOCATION OF PROPERTY
Property Owner: Joseph E. & Patricia M. Hall
4008 LIMESTONE ST, EASTOVER, NC
MINIMUM HOUSING CASE # MH 5531-2008
TAX PARCEL IDENTIFICATION NUMBER: 0469-45-2433

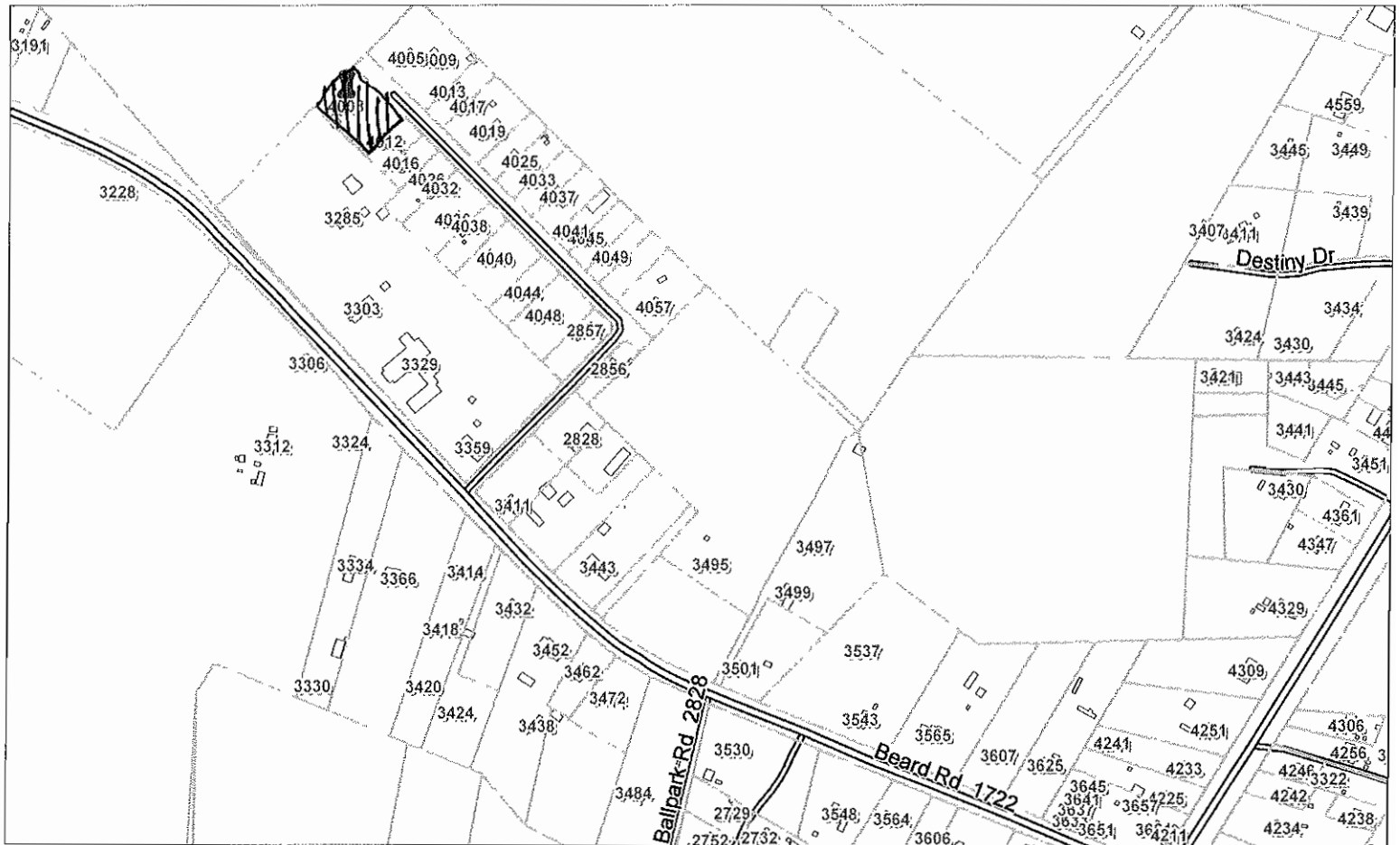


EXHIBIT B



ITEM NO. 5

PUBLIC UTILITIES DEPARTMENT

Historic Courthouse, 130 Gillespie Street • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829
Telephone (910) 678-7682 • Fax (910) 678-7635

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

MEMORANDUM

TO: BOARD OF COMMISSIONERS
FROM: TOM COONEY, DIRECTOR *TBC*
THROUGH: JAMES MARTIN, COUNTY MANAGER
DATE: DECEMBER 5, 2008
SUBJECT: APPROVAL OF A CONTRACT WITH KOONCE, NOBLE & ASSOCIATES FOR THE DESIGN & BID OF THE WATER SYSTEM TO SERVE THE SOUTHPOINT AREA OF THE COUNTY.

BACKGROUND

The Safe Water Task Force (SWTF) has been evaluating the options to serve the Southpoint and Chicken Foot/ County Line Road area with potable public water due to the existence of groundwater contamination discovered in this area. Several options have been considered and are discussed in detail in the Preliminary Engineering Report prepared by the Engineering Consulting firm of Koonce, Noble & Associates of Lumberton. The options considered are:

1. Take no action.
2. Extend PWC's water line from the Windridge subdivision on Chicken Foot Road.
3. Extend water from Robeson County's system along Yarborough Road.
4. Extend Water from Bladen County's system along Chicken Foot Road.
5. Install a well and serve the community.

The Engineers recommendation is to connect to the Robeson County system, it is more expensive than the option to Bladen County but will provide service to more customers to help pay back the cost of the system extension and at the time of the evaluation, Bladen County could not provide us with water due to problems with their system in this area. The total cost of this project is estimated to be \$648,300. Funding for the entire project has not been established at this time and will be undertaken by a subcommittee of the SWTF. It is important to keep moving forward with this project due to the issues associated with contaminated well water in this area. This is the next step in this process. It is expected that this project could be bid in early or mid March of 2009.

Celebrating Our Past...Embracing Our Future

RECOMMENDATION

The Safe Water Task Force, the Public Utilities Director, and Management recommend proceeding with this project using the recommendation by the Engineer to extend water to this area from the Robeson County System.

- Authorize that the project be undertaken by the Public Utilities Department
- Authorize a Contract with the Engineer in the amount of \$47,000 to prepare the Design and Bid Documents.
- Approve the attached budget revision.

Attachments: Preliminary Engineering Report from Koonce, Nobles & Associates
Site Map
Engineers opinion of probable costs for the project.

Alternative No. 2 Connection To Robeson County

8" PVC Water Main	16,710	I.f.	@	\$13.00	=	\$217,230.00
6" PVC Water Main	6,640	I.f.	@	\$10.00	=	\$66,400.00
10" HDPE	200	I.f.	@	\$125.00	=	\$25,000.00
16" Steel Casing Pipe	60	I.f.	@	\$150.00	=	\$9,000.00
8" X 8" Tapping Sleeve & Valve	1	Ea.	@	\$2,500.00	=	\$2,500.00
8" Gate Valve & Box	12	Ea.	@	\$1,000.00	=	\$12,000.00
6" Gate Valve & Box	27	Ea.	@	\$750.00	=	\$20,250.00
Fire Hydrants	17	Ea.	@	\$2,600.00	=	\$44,200.00
Ductile Iron Fittings	5,110	lbs.	@	\$5.00	=	\$25,550.00
Master Meter	1	Ea.	@	\$30,000.00	=	\$30,000.00
3/4" Short Residential Service	59	Ea.	@	\$600.00	=	\$35,400.00
3/4" Long Residential Service	54	Ea.	@	\$700.00	=	\$37,800.00
Concrete Blocking	16.4	C.Y.	@	\$250.00	=	\$4,100.00

Total Construction	\$529,430.00
--------------------	--------------

Total Construction	\$530,000.00
--------------------	--------------

Design	\$47,000.00
--------	-------------

Construction Observation	\$18,300.00
--------------------------	-------------

Contingency	\$53,000.00
-------------	-------------

Total Project Cost	\$648,300.00
--------------------	--------------

KOONCE, NOBLE & ASSOC., INC.
CONSULTING ENGINEERS
LUMBERTON, NC 28358
NOVEMBER 24, 2008

**COUNTY OF CUMBERLAND
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B09-235
Date Received	12/8/2008
Date Completed	

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

REVENUE

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

Total

EXPENDITURES

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

372B	682	Southpoint Water Project	0	47,000	47,000
3846	682	Water & Sewer Improvements	2,260,000	(47,000)	2,213,000

Total	2,260,000	-	2,260,000
-------	-----------	---	-----------

Justification:

Revision in the amount of \$47,000 to budget contract with Koonce, Nobles & Associates for preparation of design and bid documents for the proposed extension of water lines from the Robeson County water system to the Southpoint and Chicken Foot / County Line Road area of Cumberland County. The design and bid work will be funded with monies already budgeted for Clean Water Task Force projects.

Funding Source:

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

Submitted By: _____
 Department Head

Date: _____

Reviewed By: Hert Bob Tucker
 Finance Department

Date: 12/8/08

Reviewed By: Amy Cannon
 Assistant County Mgr

Date: 12/9/08

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

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

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

ITEM NO. 6

October 30, 2008

AGENDA ITEM FOR DECEMBER 15, 2008 MEETING

TO: Board of Commissioners

FROM: Marsha Fogle, Clerk

RE: Designation of Voting Delegate for the Legislative Goals Conference – January 15-16, 2009, Raleigh, NC

BACKGROUND: The NCACC Legislative Goals Conference will be held January 15-16, 2009 at the Sheraton Raleigh Hotel. The Board will need to appoint a voting delegate to represent Cumberland County.

ACTION: Appoint a voting delegate.

Celebrating Our Past...Embracing Our Future



Memorandum

RETURN FORM BY JANUARY 5, 2009

VOTING DELEGATE DESIGNATION FORM LEGISLATIVE GOALS CONFERENCE JANUARY 15-16, 2009

NOTE: Please place this action on your board meeting agenda.

Each Board of County Commissioners is hereby requested to designate a commissioner or other official as a voting delegate. Each voting delegate should complete and sign the following statement and **RETURN IT TO THE ASSOCIATION NO LATER THAN JANUARY 5, 2009.**

I, _____, hereby certify that I am the duly designated voting delegate for _____ County at the North Carolina Association of County Commissioners Legislative Goals Conference at the Sheraton Raleigh Hotel in Raleigh, North Carolina.

Signed: _____

Title: _____

Article VI, Section of the Association's Constitution provides:

"On all questions, including the election of officers, each county represented shall be entitled to one vote, which shall be the majority expression of the delegates of that county. The vote of any county in good standing may be cast by any one of its County Commissioners who is present at the time the vote is taken; provided, if no commissioner be present, such vote may be cast by another county official, elected or appointed, who holds elective office or an appointed position in the county whose vote is being cast and who is formally designated by the Board of County Commissioners. These provisions shall likewise govern district meetings of the Association. A county in good standing is defined as one which has paid the current year's dues."

JEANNETTE M. COUNCIL
Chairman

BILLY R. KING
Vice Chairman

J. BREEDEN BLACKWELL
KENNETH S. EDGE
JOHN T. HENLEY, JR.
EDWARD G. MELVIN
DIANE WHEATLEY



MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

BOARD OF COMMISSIONERS

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

ITEM NO. 7A

December 8, 2008

December 15, 2008 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Adult Care Home Community Advisory Committee

The Adult Care Home Community Advisory Committee will have the following vacancy on January 31, 2009:

Mary Ann Brown-Jackson – Completing first term. Eligible for reappointment.

I have attached the current membership and applicant list 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

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
Sandra Ebron (B/F) PO Box 65306 Fayetteville, NC 28306 424-3932/922-9446(C)	12/08	Initial	Dec/09 12/31/09	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
Yvonne Booth (B/F) 4568 Turquoise Road Fayetteville, NC 28311 488-7260	8/08	Initial	Aug/09 8/31/09	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
Cassandra W. Haire (B/F) 515 Albany Street Fayetteville, NC 28301 728-0175	12/08	Initial	Dec/09 12/31/09	Yes
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

APPLICANTS FOR
ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
TERRI THOMAS (B/F) 508 SPAULDING STREET FAYETTEVILLE, NC 28301 988-7672/485-4765	SELF EMPLOYED	BA – BUSINESS/ECONOMICS PURSUING MASTERS IN ENVIRONMENTAL & LIFE SCI.

JEANNETTE M. COUNCIL
Chairman

BILLY R. KING
Vice Chairman

J. BREEDEN BLACKWELL
KENNETH S. EDGE
JOHN T. HENLEY, JR.
EDWARD G. MELVIN
DIANE WHEATLEY



MARSHA S. FOGLE
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MARIE COLGAN
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BOARD OF COMMISSIONERS

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ITEM NO. 7B

December 8, 2008

December 15, 2008 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Cape Fear Valley Health System Board of Trustees

The Cape Fear Valley Health System Board of Trustees will have the following vacancies on January 31, 2009:

Medical Doctor:

Dr. Rakesh Gupta – Completing second term. Not eligible for reappointment. A request has been received that he be replaced with **Rueben N. Rivers, MD** (see attached).

Dr. Dickson Schaefer – Completing first term. Eligible for reappointment.

General Public:

Ralph Mitchell – Completing second term. Not eligible for reappointment. A request has been received that he be replaced with **Denise Mahone Wyatt, PhD** (see attached).

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

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

Attachments

pc: Mike Nagowski, Chief Executive Officer

Celebrating Our Past...Embracing Our Future

BEHAVIORAL HEALTH CARE
BLADEN COUNTY HOSPITAL
CAPE FEAR VALLEY
MEDICAL CENTER
CAPE FEAR VALLEY
REHABILITATION CENTER
HEALTH PAVILION NORTH
HIGHSMITH-RAINEY
SPECIALTY HOSPITAL

BLOOD DONOR CENTER
CANCER CENTER
CARELINK
CAPE FEAR VALLEY
HOMECARE & HOSPICE, LLC
CUMBERLAND COUNTY EMS
FAMILY BIRTH CENTER
HEART & VASCULAR CENTER
HEALTHPLEX
LIFELINK
CRITICAL CARE TRANSPORT
PRIMARY CARE PRACTICES
SLEEP CENTER

November 26, 2008

To: Marsha Fogle, Clerk the Board
Board of Commissioners

From: Anita Melvin, Assistant to CEO

Subj: Recommendations from the Nominating Committee
of the Board of Trustees of Cape Fear Valley Health System

Marsha, the Board's Nominating Committee would like to recommend the Board of Commissioners' consideration for the following upcoming vacancies on the Health System's Board:

- Rueben N. Rivers, MD to replace **Rakesh Gupta, MD**
- Denise Mahone Wyatt, PhD to replace **Wrathel (Ralph) Mitchell**
- W. Dickson Schafer, MD to be **reappointed to a second term**

It is my understanding that these appointments/reappointments will begin February 1, 2009 and run through January 31, 2012.

If you have any questions or need additional information, please let me know.

:adm

c: Rakesh Gupta, MD, Board Chairman

CAPE FEAR VALLEY HEALTH SYSTEM
BOARD OF TRUSTEES

1/08

3 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Medical Society Rep.</u> Dr. David Goodman, MD Ferncreek General Surgery, PA 4140 Ferncreek Drive, Suite 601 Fayetteville, NC 28314 485-3880 (W)	01/08			
<u>Chief of Staff</u> Dr. Rueben Rivers, MD Cumberland Internal Medicine 1314 Medical Dr., Suite 102 Fayetteville, NC 28304 323-2503	10/06			
<u>Chief Elect</u> Dr. David Schutzer, MD Highland OB/GYN, P.A. 911 Hay Street Fayetteville, NC 28305 485-1191	10/06			
<u>Medical Doctor</u> Dr. Rakesh Gupta (co. appointee) 1880 Quiet Cove (10-16-07 extended one year to 1/1/09) Fayetteville, NC 28304 323-2477(W)	12/04	2 nd	Jan/09 1/31/09	No
Dr. Dickson Schaefer (co. appointee) 3308 Melrose Road Fayetteville, NC 28304 484-3114	12/05	1 st full	Jan/09 1/31/09	Yes
<u>R.N. Position</u> Mary B. Dickey (_ /F) 1002 Brook Street Fayetteville, NC 28305 484-4795/672-2182 (W)	1/08	1 st	Jan/11 1/31/11	Yes
Mary G. Buie(W/F) (co. appointee) 2623 Westchester Drive Fayetteville, NC 28303 484-0898	01/04	2 nd	Jan/10 1/31/10	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>General Public (6)</u>				
Alice Stephenson (co. appointee) 464 Kingsford Road Fayetteville, NC 28314 864-2062/483-5009(W)	8/03	2 nd	Jan /10 1/31/10	No
Emmett Fogle (W/M) P.O. Box 278 Stedman, NC 28391 483-9579	12/05	2 nd	Jan/09 1/31/09	No
Dr. Dudley Miller (/M) (co. appointee) 411 Forest Lake Road Fayetteville, NC 28305 484-8165	1/07	1 st	Jan/10 1/31/10	Yes
Ralph Mitchell (B/M) (co. appointee) 3149 Sids Mill Road Fayetteville, NC 28301 (term changed from 9/08 to 1/09 – see file) 485-7907/483-4116(W)	8/05	2 nd	Jan/09 1/31/09	No
Don Porter (/M) (co. appointee) 1994 Penrose Drive Fayetteville, NC 28304 875-6113	1/07	1 st	Jan/10 1/31/10	Yes
Dr. John Griffin, Jr. (co. appointee) 3481 Thamesford Road Fayetteville, NC 28311 630-4346	12/07	2 nd	Jan/11 1/31/11	No

County Commissioners (7)

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

Contact: Mike Nagowski, Chief Executive Officer (Anita Melvin – 609-6702)

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

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

APPLICANTS FOR
CAPE FEAR VALLEY HEALTH SYSTEM BOARD OF TRUSTEES

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ANDERSON, LARRY D. (A/M) 7669 WILKINS DRIVE FAYETTEVILLE, NC 28311 488-6099/396-8991 (W)	PASTOR/NEW CALVARY CHURCH; CHEMICAL BIOLOGICAL, RADIOLOGY DEFENSE INSTRUCTOR/FT. BRAGG	BS – PSYCHOLOGY MPA- ENVIRONMENTAL MANAGEMENT
ANDREWS-McCALL, MAXINE (B/F) 5637 MUM CREEK LANE FAYETTEVILLE, NC 28304 423-1727/322-5800 (C)	RETIRED	DOCTORATE IN EDUC. ADMINISTRATION
BARAN SR., DAVID (W/M) 220 PINECREST DRIVE FAYETTEVILLE, NC 28305 485-4240/396-1936	ARCHITECT (HEALTHCARE DESIGNS) FT BRAGG	BA
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
CHESTNUTT, A. JOHNSON (W/M) 578 MILDEN ROAD FAYETTEVILLE, NC 28314 484-6365/323-1040(W)	ACCOUNTANT FAIRCLOTH & CO.	BSBA
CRAWLEY, JOHN C. (W/M) 1803 KELLY STREET FAYETTEVILLE, NC 28305 484-6097/670-5148 (W)	PHYSICIAN ASSISTANT THREE RIVERS MEDICAL	BA; MSPH
CROSBY JR., RONALD C. (B/M) 2829 MEADOW MONT LANE FAYETTEVILLE, NC 28306 425-6512/483-0458	ATTORNEY CROSBY LAW FIRM	JD
FENNER, SHANESSA L. (B/F) 5710-08 IVANHOE COURT FAYETTEVILLE, NC 28314 487-9603/483-4037(W) **SERVES ON THE CC JUVENILE CRIME PREVENTION COUNCIL	PRINCIPAL IRELAND DRIVE MIDDLE	BA – ELEM. EDUCATION MA – ELEM. EDUCATION MSA – SCHOOL ADMIN.
HARRIS, GLENDA PURDIE (B/F) 1874 GOLA DRIVE FAYETTEVILLE, NC 28301 488-2434/630-3041	COMPLIANCE OFFICER MAGBY ASSOCIATES	MASTER OF SCIENCE IN ADMINISTRATION
GAUTAM, DR. SID (I/M) 267 COURTYARD LANE FAYETTEVILLE, NC 28303 867-0070/630-7642 (W)	PROFESSOR METHODIST UNIVERSITY	PhD

Cape Fear Valley Health System Applicants, page 2

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
HOLLOMAN, GWEN (B/F) 721 EDGEHILL ROAD FAYETTEVILLE, NC 28314 868-1691/822-7968 (W) **SERVES ON THE WORKFORCE DEVELOPMENT BOARD**	HIGH PERFORMANCE DEVELOPMENT COORD. VA HOSPITAL	RHIA/M.Ed
LEWIS, BOB (W/M) 3011 BANKHEAD DRIVE FAYETTEVILLE, NC 28306 426-6999	RETIRED EDUCATOR	BS, MASTERS
LEWIS, SHERYL J. (W/F) 3011 BANKHEAD DRIVE FAYETTEVILLE, NC 28306 426-6999	RETIRED EDUCATOR	BA, MA, ED.S.
OXENDINE, LAVERN S. (I/M) 2361 WILMINGTON HIGHWAY FAYETTEVILLE, NC 28306-3119 618-3834/739-6624 (W)	PUBLIC RELATIONS; MGT PSYCHIATRIC AND ADDICTION SERVICES FAMILY ALTERNATIVES, INC	MASTERS – SOCIAL WORK
SHORTER, FLOYD L. (AA/M) 6438 TOUCHSTONE DRIVE FAYETTEVILLE, NC 28311 822-6403/222-8915 (W) **SERVES ON THE CIVIC CENTER COMMISSION**	COLLEGE ADMINISTRATOR FSU	BS – SCIENCE/ BUS
WATSON, LORA (W/F) 3509 GOLFVIEW DRIVE HOPE MILLS, NC 28348 485-3558/678-0700 (W) **SERVES ON NURSING HOME ADVISORY BOARD**	PROJECT COORDINATOR OFFICE MANAGER ABC BUILDING CONCEPTS	AS –BUSINESS ADMIN OPERATIONS MGT
WHEATLEY, DIANE (W/F) 9774 RAMSEY STREET LINDEN, NC 28356 980-0161/728-7126 (C)	NURSE	(NOT LISTED)
WIGGS, CECIL (W/M) 6213 STONEY POINT LOOP FAYETTEVILLE, NC 28306 425-8557	RETIRED CC SCHOOL TEACHER	MASTERS -EDUCATION

JEANNETTE M. COUNCIL
Chairman

BILLY R. KING
Vice Chairman

J. BREEDEN BLACKWELL
KENNETH S. EDGE
JOHN T. HENLEY, JR.
EDWARD G. MELVIN
DIANE WHEATLEY



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MARIE COLGAN
Deputy Clerk

BOARD OF COMMISSIONERS

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ITEM NO. 7C

December 8, 2008

December 15, 2008 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk
SUBJECT: Local Emergency Planning Committee

The Local Emergency Planning Committee will have the following vacancy on January 31, 2009:

Health Representative:

Jane Stevens - 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 vacancy.

pc: Kenny Currie, Emergency Services Director

Attachments

Celebrating Our Past...Embracing Our Future

APPLICANTS FOR
EMERGENCY PLANNING COMMITTEE

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ANDERSON, LARRY D. (AA/M) 7669 WILKINS DRIVE FAYETTEVILLE, NC 28311 488-6099/396-8991 (W)	PASTOR/NEW CALVARY CHURCH; CHEMICAL BIOLOGICAL, RADIOLOGY DEFENSE INSTRUCTOR/FT. BRAGG	BS - PSYCHOLOGY MPA- ENVIRONMENTAL MANAGEMENT
BURGESS, PAUL F. (??) 5620-C CHASON RIDGE DRIVE FAYETTEVILLE, NC 28314 864-2186	RETIRED MILITARY	AS - BUSINESS MGT AS - CRIMINAL JUSTICE
LEONARD, JOHN (JAY) (W/M) 3999 SANDEROSA ROAD FAYETTEVILLE, NC 28312 483-7873/237-3519 (W)	CAPT-FAY FIRE DEPARTMENT SELF EMPLOYED -JTL SERVICES	HS GRADUATE; STATE OF NC HAZARDOUS MATERIALS SPECIALIST
NEWMAN, RONALD H. (W/M) 1544 ROSSMORE DRIVE FAYETTEVILLE, NC 28314 494-0201	COMPUTER SERVICE TECH SELF-EMPLOYED	BS - BUSINESS MGT. AS - DIGITAL ELECTRONICS
WILLIAMS, ARNOLD (W/M) 1610 HICKORY RIDGE COURT FAYETTEVILLE, NC 28304 864-5152	CONSULTANT RETIRED ARMY	AA - BUSINESS

11/08

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

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Print and Broadcast Media Representative</u>				
Doug Hewett, Director City of Fayetteville Management Services 433 Hay Street Fayetteville, NC 28301 Phone: 433-1978	8/07	1 st full	Aug/10 8/31/10	Yes
Sarah VanderClute CC Public Information Officer P.O. Box 1829 Fayetteville, NC 28302 Phone: 437-1921	8/07	2 nd	Aug/10 8/31/10	No
<u>Operators of Facilities Representative</u>				
Catherine Grazioli Safety Manager Hexion Specialty Chemicals 1411 Industrial Drive Fayetteville, NC 28301 485-9269	11/08	1 st	Nov/11 11/30/11	Yes
(vacant) Univar, Inc. 420 Worth Street Fayetteville, NC 28304 483-2107/988-2801	9/03	1 st	Sept/06 9/30/06	Yes
Joel Blake Dupont 22828 NC Hwy 87W Fayetteville, NC 28306 424-4083/678-1285(W)	4/07	2 nd	Dec/09 12/31/09	No
(vacant) Purolator Corp. 3200 Natal Road Fayetteville, NC 28306 423-5691/426-4283(W)	4/07	2 nd	Dec/09 12/31/09	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Law Enforcement Representative</u>				
Sgt. Erwin Montgomery NC Highway Patrol 2435 Gillespie Street (filling unexpired term) Fayetteville, NC 28306-3053 486-1334	6/08	1 st	Sept/09 9/30/09	Yes
Lt. Charles Parker Cumberland Co. Sheriff's Office 131 Dick Street Fayetteville, NC 28301-5750 (filling unexpired term) 677-5412	5/08	1 st	Aug/10 8/31/10	Yes
Lt. Charles F. Kimble Fayetteville Police Department 467 Hay Street (filling unexpired term) Fayetteville, NC 28301 433-1850	6/08	1 st	Sept/09 9/30/09	Yes
<u>Emergency Management Representative</u>				
Greg Phillips Cumberland County Emergency Services 131 Dick Street Fayetteville, NC 28301 (filling unexpired term) 321-6736	5/08	1 st	Sept/10 9/30/10	Yes
<u>Community Group Representative</u>				
Jeffrey Womble Fayetteville State University Office of Public Relations 1200 Murchison Road Fayetteville, NC 28301 Phone:	8/07	2 nd	Aug/10 8/31/10	No
<u>Transportation Representative</u>				
David Boyette 466 Baywood Road Fayetteville, NC 28301 485-2439/433-4468(W)/670-0954 (C)	4/07	2 nd	Dec/09 12/31/09	No
<u>Health Representative</u>				
Jane Stevens Cumberland County Health Dept. 227 Fountainhead Lane Fayetteville, NC 28301-5417 433-3673(W)/987-2892(Cell)	2/06	1 st	Jan/09 1/31/09	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Hospital Representative</u>				
Steve Schultz Cape Fear Valley Health System P.O. Box 2000 1638 Owen Drive Fayetteville, NC 28302-2000 Phone: 609-6170	9/06	2 nd	Sept/09 9/30/09	No
<u>Fire Fighting Representative</u>				
Capt. Benjamin Major Fire/Emergency Management City of Fayetteville 433 Hay Street Fayetteville, NC 28301 433-1730	10/05	2 nd	Nov/08 11/30/08	No
<u>First Aid Representative</u>				
Wally Ainsworth Cumberland County EMS 610 Gillespie Street Fayetteville, NC 28306-1544 609-5600	11/07	1 st	Nov/10 11/30/10	Yes
<u>At-Large Representative</u>				
Bill Cross 2086 Tailwinds Road Fayetteville, NC 28312 (filling unexpired term) 222/8893/429-4217	6/08	1 st	Dec/09 12/31/09	Yes
Dawn O'Donnell 2072 Birchcreeft Drive Fayetteville, NC 28304 425-3619/864-2470(W)	8/07	2 nd	Aug/10 8/31/10	No
<u>Local Environmental Representative</u>				
Hughie White NC Dept. of Environment, Health & Natural Resources 225 Green Street, Suite 714 Fayetteville, NC 28301-5043 486-1541	9/06	2 nd	Sept/09 9/30/09	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Utilities Representative</u>				
John Ezzelle Public Works Commission 955 Old Wilmington Road Fayetteville, NC 28301 223-4116	9/06	1 st	Sept/09 9/30/09	Yes
Suzanne Rohrs Attn: Environmental Branch HQ XVIII Airborne Corps Public Works Business Center (filling unexpired term) Fort Bragg, NC 28307 396-7432	6/08	1 st	Aug/10 8/31/10	Yes

Ex-Officio Members

Elected Official Representative (Liaison)

Ed Melvin, County Commissioner

Emergency Management

Kenny Currie, Cumberland County Emergency Services

Fayetteville Fire/Emergency Management

Bennie Nichols, Chief, Fayetteville Fire Department

Dale Iman, City Manager

James Martin, County Manager

Contact: Kenny Currie, Director – Emergency Services – x7688 or Gloria Simms

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

JEANNETTE M. COUNCIL
Chairman

BILLY R. KING
Vice Chairman

J. BREEDEN BLACKWELL
KENNETH S. EDGE
JOHN T. HENLEY, JR.
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BOARD OF COMMISSIONERS

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December 8, 2008

ITEM NO. 7D

December 15, 2008 Agenda Item

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

The Mental Health Board will have the following vacancies on December 31, 2008:

Mental Health Rep (Family Consumer):

Albert Bleakley – Completing second term. Not eligible for reappointment. The Mental Health Board recommends that he be replaced with **Dr. Mary A. Hale** (see attached).

Alcoholism, Primary Consumer, Presently in Recovery:

Nathan Taylor – Completing second term. Not eligible for reappointment. The Mental Health Board recommends that he be replaced with **Ernest Gore** (see attached).

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

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

Attachments

pc: Hank Debnam, Mental Health Director

Celebrating Our Past... Embracing Our Future



MENTAL HEALTH CENTER

P.O. Box 3069 • 711 Executive Place, Fayetteville, NC 28302-3069
(910)323-0601 • Fax: (910) 323-0096

Hank Debnam, M.P.H., Area Director

MEMORANDUM

TO: Marie Colgan, Deputy Clerk
Board of Commissioners

FROM: Yvette Lofton, Clerk to the Area Board

DATE: December 4, 2008

RE: Cumberland County Mental Health, Developmental Disabilities and Substance Abuse Services Area Board Recommendations for Appointment

At its December 3, 2008 meeting, the Cumberland County Mental Health, Developmental Disabilities and Substance Abuse Services Area Board unanimously approved the recommendation of Dr. Mary A. Hale for the upcoming vacant position of *Mental Health Representative(Family Consumer)* and Ernest Gore for the upcoming vacant position of *Alcoholism, Primary Consumer, Presently in Recovery* to the Mental Heath Board.

I would like to request that these recommendations be presented to the Commissioners for their consideration at the December 15, 2008 County Commissioners' meeting, if possible.

If you have any questions, please contact me at 222-6133. Thank you.

cc: Hank Debnam, Area Director

MENTAL HEALTH BOARD 8/08
 (Cumberland County Area Mental Health, Developmental Disabilities and Substance Abuse Board)
 4 Year Term (for current members as of 6-06)
 3 Year Term (for members appointed after 6-06)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Licensed Physician</u>				
Dr. Zane Walsh, Jr. (-/M) 2810 Huntington Road Fayetteville, NC 28303 484-3436/323-9010 (W)	8/08	1 st	Dec/09 12/31/09	Yes
(serving unexpired term, eligible for 2 additional full terms)				
<u>Individual with Financial Expertise</u>				
Christopher Bostock (M) 424 Kingsford Road Fayetteville, NC 28314 864-6501/486-0415(W)	12/06	1 st	Dec/09 12/31/09	Yes
Willie Cooper, Jr. (B/M) 5599 Ashgrove Drive Fayetteville, NC 28311 488-4037/829-9873 (W)	12/06	1 st	Dec/09 12/31/09	Yes
<u>Professional Rep. (Psychology, Social Work, Nursing, Religion)</u>				
Rev. Floyd Johnson, Jr. (B/M) 716 Amber Drive Fayetteville, NC 28311 822-0457	12/04	1 st	Dec/08 12/31/08	Yes
<u>Representative with a Family Member or from a Citizen's Organization who Advocates for Persons with a Developmental Disability</u>				
Anna F. Finch (W/F) 3 Skye Place Fayetteville, NC 28303 485-1179	12/02	2 nd	Dec/09 12/31/09	No
<u>Drug Abuse Rep. (Family Consumer)</u>				
William H. McDougal (B/M) 661 Country Club Road Fayetteville, NC 28301 488-7311	12/07	2 nd	Dec/10 12/31/10	No
<u>Developmental Disabilities (Family Consumer)</u>				
Annie A. Owens (B/F) 186 Wolfpoint Drive Fayetteville, NC 28311 488-2028/483-0153 (W)	08/08	1 st	June/10 6/30/10	Yes
(serving unexpired term)				

Mental Health Board – page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Drug Abuse, Primary Consumer, Presently in Recovery</u>				
Gladys Hunt (I/F) 7158 Eagle Spring Drive Hope Mills, NC 28348 425-7409/483-8442(W) Mental Health Board, Page 2	1/06	1 st full	Dec/09 12/31/09	Yes
<u>Mental Health Rep. from a Citizens Organization or Primary Consumer</u>				
Luis M. Collazo (H/M) 2051 Merrimac Drive Fayetteville, NC 28314 864-1818/433-1697(W)	12/04	1 st	Dec/08 12/31/08	Yes
<u>Mental Health Rep. (Family Consumer)</u>				
Albert Bleakley (W/M) 3018 Ravenhill Drive Fayetteville, NC 28303 484-9406	12/04	2 nd	Dec/08 12/31/08	No
<u>Alcoholism (Family Consumer)</u>				
Phyllis M. Spain (B/F) P.O. Box 821 Spring Lake, NC 28390 484-4726/916-4974(W)	06/06 to fill unexp. term	1 st	Dec/09 12/31/09	Yes
<u>Alcoholism, Primary Consumer, Presently in Recovery</u>				
Nathan Taylor (B/M) 6819 Mangrove Drive Fayetteville, NC 28314 864-8742	11/04	2 nd	Dec/08 12/31/08	No
<u>Individual with Management or Business Expertise</u>				
Liliana C. Parker (W//H/F) PO Box 58064 Fayetteville, NC 28305 433-0791/551-4611 (W)	11-07 filling unexpired term	1 st	Dec/09 12/31/09	Yes
<u>At Large Members</u>				
Evelyn O. Shaw (B/F) P.O. Box 1195 Fayetteville, NC 28302 488-3562/323-5303	05/04 to fill unexp. term	2 nd	Dec/09 12/31/09	No

Mental Health Board, page 3

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

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

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

APPLICANTS FOR
MENTAL HEALTH BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
CARTER, JAMES M. (W/M) 1212 CASTLEROCK DRIVE FAYETTEVILLE, NC 28304 484-4550/678-9896 (W)	ART-TIME TEACHER MEDIA PRODUCTION FTCC	BS - COMMUNICATIONS MINOR IN ART CONTINUING EDUC.
DAURIA, DAVID (_/M) 6437 PERICAT DRIVE FAYETTEVILLE, NC 28306 425-5771/797-9688 **SERVES ON THE EQUALIZATION AND REVIEW BOARD	INSTRUCTOR FTCC	ASSOCIATE OF SCIENCE HEATING & AIR
DIBB, JENNIFER (W/F) 6500 JACOBS CREEK CIRCLE FAYETTEVILLE, NC 28306 423-5622/797-1342 (W)	SPEECH PATHOLOGIST THERAPY PLAYGROUND, INC	MASTERS IN COMMUNICATION DISORD.
FLOM, DR. JONATHAN (-/-) 3425 MELROSE ROAD FAYETTEVILLE, NC 28304	PSYCHIATRIST BEHAVIORAL HEALTHCARE OF CAPE FEAR VALLEY	B.A. & M.D. – RESIDENCY IN PSYCHIATRY
GORE, ERNEST (W/M) 2729 BENNINGTON ROAD FAYETTEVILLE, NC 28303 822-5988/891-7062	MENTAL HEALTH/ SUBSTANCE ABUSE PROFESSIONAL – PRI	MS – CHILD DEVELOPMENT
HALES, DR. MARY A. (B/F) 3490 HASTINGS DRIVE FAYETTEVILLE, NC 28311 482-3390/822-2570	CC SCHOOLS - ADMINISTRATOR	BS – PSYCHOLOGY MA – ELEM. EDUCATION MS – SCHOOL ADMIN. Ed.D – EDUC. LEADERSHIP
HALL, BARBARA M. (W/F) 1305 SKYLINE DRIVE FAYETTEVILLE, NC 28314 495-0603/483-8970 (W)	EXECUTIVE DIRECTOR OF CONTACT CRISIS HELPLINE	BA – SOCIOLOGY (2007) MS IN HUMAN SVS
KIZER, MARYMELDA HALL (W/F) 214 WOODCREST ROAD FAYETTEVILLE, NC 28305 484-0508/868-5131 (W)	LIBRARIAN	BA, MAT ENGLISH
LAVOIE, MARY ELLEN (W/F) PO BOX 53295 FAYETTEVILLE, NC 28305 257-5529	SOCIAL WORKER BIBLICAL COUNSELING	MSW – SOCIAL WORK
LESICA, CATHERINE (W/F) 2910 SWIFTCREEK DRIVE FAYETTEVILLE, NC 28303 867-7784/323-1425 (W)	ATTORNEY MCLEOD LAW FIRM	BS; JD
VASILOPOULOS, NATALIE 1833 CAMELOT DRIVE FAYETTEVILLE, NC 28304 425-5116/(828) 467-9300 (C)	HOMEMAKER	BA – CRIMINAL JUSTICE

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
WIGGS, CECIL (W/M) 6213 STONEY POINT LOOP FAYETTEVILLE, NC 28306 425-8557	RETIRED CC SCHOOL TEACHER	MASTERS -EDUCATION

JEANNETTE M. COUNCIL
Chairman

BILLY R. KING
Vice Chairman

J. BREEDEN BLACKWELL
KENNETH S. EDGE
JOHN T. HENLEY, JR.
EDWARD G. MELVIN
DIANE WHEATLEY



MARSHA S. FOGLE
Clerk to the Board

MARIE COLGAN
Deputy Clerk

BOARD OF COMMISSIONERS

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December 8, 2008

ITEM NO. 7E

December 15, 2008 Agenda Item

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

The Nursing Home Advisory Board has the following vacancies:

William Nichols – Has been inactive and a request has been received to replace him with **Terri Thomas** (see attached)

A vacancy will also occur on January 31 2009 – **Toney Edwards** – completing initial term. Eligible for reappointment for first term.

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

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

Attachments

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

Celebrating Our Past...Embracing Our Future

Marie Colgan

From: Andrea Valdez [andrea@mccog.org]
Sent: Monday, December 08, 2008 12:17 PM
To: Marie Colgan
Subject: Re: Sandra Ebron - yes

Marie,

William Nichols (Nursing Home) has been inactive for over a year. I would like to suggest he be replaced with **Terri Thomas**.

Spoke to Teresa McNeill. She stated she is now in school full-time and working full-time and cannot continue with the Committees. She would like to step-down from both Cumberland Co. Nursing Home and Adult Care Home. Once **Sonya Edmonds** is appointed, I would like to suggest she replace Ms. Teresa McNeil on the Nursing Home Committee only if no one is ahead of her for nominations.

Andrea

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

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Mandella Edwards (/F) 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)	8/08	1 st	Aug/11 8/31/11	Yes
Martha McKoy P.O. Box 42152 Fayetteville, NC 28309 423-0771	9/08	2 nd	Sept/11 9/30/11	No
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	1 st	Feb/09 2/28/09	Yes
Clyde E. Hammond (W/M) 1802 Flintshire Road Fayetteville, NC 28304 425-2774	08/08	1 st	Aug/11 8/31/11	Yes
Teresa Rena McNeill (B/F) 3518 Pickerel Street Fayetteville, NC 28306 480-0313/483-3648 x2226 (W)	8/08	1 st	Aug/11 8/31/11	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 **SERVES ON THE ADULT CARE HOME ADVISORY BOARD**	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
EBRON, SANDRA (B/F) PO BOX 65306 FAYETTEVILLE, NC 28306 424-3932/(919) 922-9446 (C)	UTILIZATION MGT SPECIALIST MENTAL HEALTH – LUMBERTON	MASTERS – SOCIAL WORK
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
HAIRE, CASSANDRA W. (B/F) 515 ALBANY STREET FAYETTEVILLE, NC 28301 728-0175	SELF EMPLOYED	PURSuing MBA
HOMER, MARILYN (/F) 701 EMELINE AVENUE FAYETTEVILLE, NC 28303 678-8020/609-0639 (W)	ADVERTISING/MARKETING SERVICES MANAGER THE FAYETTEVILLE OBSERVER	BA/GENERAL STUDIES
McLAUGHLIN, CENITRA (B/F) 6220 BIRCHBROOK DRIVE HOPE MILLS, NC 28348 868-4966/229-6441	REAL ESTATE AGENT WEICHERT REALTORS	HS; SOME COLLEGE
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
TERRI THOMAS (B/F) 508 SPAULDING STREET FAYETTEVILLE, NC 28301 988-7672/485-4765	SELF EMPLOYED	BA – BUSINESS/ECONOMICS PURSUING MASTERS IN ENVIRONMENTAL & LIFE SCI.
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

NURSING HOME ADVISORY BOARD, PAGE 2

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
WOLFE, JACQUELINE B. (W/F) 1812 MANCHESTER STREET FAYETTEVILLE, NC 28303 484-8588/484-5146 (W)	RETIRED - FAYETTEVILLE POSTAL CU	HS; SOME TECH COURSES
SERVES ON THE ADULT CARE HOME COMMUNITY ADV. BOARD		

JEANNETTE M. COUNCIL
Chairman

BILLY R. KING
Vice Chairman

J. BREEDEN BLACKWELL
KENNETH S. EDGE
JOHN T. HENLEY, JR.
EDWARD G. MELVIN
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ITEM NO. 8A

December 3, 2008

December 15, 2008 Agenda Item

TO: Board of Commissioners
FROM: Marie Colgan, Deputy Clerk *MC*
SUBJECT: Civic Center Commission

BACKGROUND: On December 1, 2008, the Board of Commissioners nominated the following to fill five vacancies on the Civic Center Commission:

Nominees: **Elizabeth Varnedoe** (reappointment)
Olivia Chavis (new appointment)
Pat Williford (new appointment)
Ramona Moore (new appointment)
Wayne Beard, Sr. (new appointment)

I have attached the current membership list.

PROPOSED ACTION: **Appoint the five (5) vacancies.**

Attachment

pc: CEO, Civic Center

Celebrating Our Past...Embracing Our Future

CIVIC CENTER COMMISSION
3 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Alicia S. Chisolm (AA/F) 1855 Cascade Street Fayetteville, NC 28301 488-7820/488-5935(W)	02/07	1 st	Jan/10 1/1/10	Yes
Ryan C. Aul (W/M) 163 S. Churchill Drive Fayetteville, NC 28303 487-1000/321-7772 (W)	1/08	1 st	Jan/11 1/1/11	Yes
George Turner (W/M) 1012 Cain Road Fayetteville, NC 28303 977-3228, 867-1100/867-2116 (W)	1/08	1 st	Jan/11 1/1/11	Yes
Ken Lancaster Lancaster Real Estate 2413 Robeson Street, Unit 1 Fayetteville, NC 28305 323-2181(W)	1/04	2 nd	Jan/10 1/1/10	No
Dr. Jack Freeman 203 Chloe Drive Fayetteville, NC 28301 488-4744/672-1797(W)	01/04	2 nd	Jan/10 1/1/10	No
Richard L. Player, III (W/M) 2220 Bayview Drive Fayetteville, NC 28305 678-8772/868-2121(W)	12/07	2 nd	Jan/11 1/1/11	No
Ralph Spivey (W/M) 3113 Baker Street Fayetteville, NC 28303 867-3201	12/07	2 nd	Jan/11 1/1/11	No
William E. Tew, Jr. 6233 Loop Road Linden, NC 28356 980-0740(H)	12/05	2nd	Jan/09 1/1/09	No

Name/Address	Date Appointed	Term	Expires	Eligible For Reappointment
Ann Mitchell (B/F) P.O. Box 1808 Fayetteville, NC 28301	12/05	2nd	Jan/09 1/1/09	No
Floyd L. Shorter (AA/M) 6438 Touchstone Drive Fayetteville, NC 28311 822-6403/222-8915(W)	02/07	1 st	Jan/10 1/1/10	Yes
Elizabeth Varnedoe (W/F) 6028 Bartlett Court Fayetteville, NC 28314 864-5144	04/06 (to fill unexpired term)	1st	Jan/09 1/1/09	Yes
John L. Elliott (W/M) 6224 Kirkwall Road Fayetteville, NC 28311 822-4458/678-2257	12/07	2 nd	Jan/11 1/1/11	No
Bob Smith (W/M) 1100 Clarendon Street # 612 Fayetteville, NC 28305 423-6400/494-3900(W)	12/05	2nd	Jan/09 1/1/09	No
Jon Warren (W/M) 2603 N. Edgewater Drive Fayetteville, NC 28303 485-4363/892-6405(W)	12/05	2nd	Jan/09 1/1/09	No
<u>Restaurant Owner</u> Ronnie Matthews (W/M) 1046 Bragg Blvd. Fayetteville, NC 28301 980-1420/323-9700(W)	01/04	2 nd	Jan/10 1/1/10	No

Commissioner Liaisons: Diane Wheatley & Kenneth Edge

Ex Officio Member: James Martin, County Manager

Meetings: 4th Tuesday of the month at 5:30 PM, Coliseum Board Room

Contact: Paul Beard, CEO, Coliseum Complex (or Annette Nunnery – 438-4102/Fax 323-8423)

JEANNETTE M. COUNCIL
Chairman

BILLY R. KING
Vice Chairman

J. BREEDEN BLACKWELL
KENNETH S. EDGE
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ITEM NO. 88

December 3, 2008

December 15, 2008 Agenda Item

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

BACKGROUND: On December 1, 2008, the Board of Commissioners nominated the following to fill one vacancy on the above Committee:

Fire Fighting Representative: **Assistant Chief Thomas "Mike" Allen** (new appointment)

I have attached the current membership list for this committee.

PROPOSED ACTION: Appoint the above vacancy.

Attachment

pc: Kenny Currie, Emergency Services Director

Celebrating Our Past...Embracing Our Future

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

11/08

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

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Print and Broadcast Media Representative</u>				
Doug Hewett, Director City of Fayetteville Management Services 433 Hay Street Fayetteville, NC 28301 Phone: 433-1978	8/07	1 st full	Aug/10 8/31/10	Yes
Sarah VanderClute CC Public Information Officer P.O. Box 1829 Fayetteville, NC 28302 Phone: 437-1921	8/07	2 nd	Aug/10 8/31/10	No
<u>Operators of Facilities Representative</u>				
Catherine Grazioli Safety Manager Hexion Specialty Chemicals 1411 Industrial Drive Fayetteville, NC 28301 485-9269	11/08	1 st	Nov/11 11/30/11	Yes
(vacant) Univar, Inc. 420 Worth Street Fayetteville, NC 28304 483-2107/988-2801	9/03	1 st	Sept/06 9/30/06	Yes
Joel Blake Dupont 22828 NC Hwy 87W Fayetteville, NC 28306 424-4083/678-1285(W)	4/07	2 nd	Dec/09 12/31/09	No
(vacant) Purolator Corp. 3200 Natal Road Fayetteville, NC 28306 423-5691/426-4283(W)	4/07	2 nd	Dec/09 12/31/09	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Law Enforcement Representative</u>				
Sgt. Erwin Montgomery NC Highway Patrol 2435 Gillespie Street (filling unexpired term) Fayetteville, NC 28306-3053 486-1334	6/08	1 st	Sept/09 9/30/09	Yes
Lt. Charles Parker Cumberland Co. Sheriff's Office 131 Dick Street Fayetteville, NC 28301-5750 (filling unexpired term) 677-5412	5/08	1 st	Aug/10 8/31/10	Yes
Lt. Charles F. Kimble Fayetteville Police Department 467 Hay Street (filling unexpired term) Fayetteville, NC 28301 433-1850	6/08	1 st	Sept/09 9/30/09	Yes
<u>Emergency Management Representative</u>				
Greg Phillips Cumberland County Emergency Services 131 Dick Street Fayetteville, NC 28301 (filling unexpired term) 321-6736	5/08	1 st	Sept/10 9/30/10	Yes
<u>Community Group Representative</u>				
Jeffrey Womble Fayetteville State University Office of Public Relations 1200 Murchison Road Fayetteville, NC 28301 Phone:	8/07	2 nd	Aug/10 8/31/10	No
<u>Transportation Representative</u>				
David Boyette 466 Baywood Road Fayetteville, NC 28301 485-2439/433-4468(W)/670-0954 (C)	4/07	2 nd	Dec/09 12/31/09	No
<u>Health Representative</u>				
Jane Stevens Cumberland County Health Dept. 227 Fountainhead Lane Fayetteville, NC 28301-5417 433-3673(W)/987-2892(Cell)	2/06	1 st	Jan/09 1/31/09	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Hospital Representative</u>				
Steve Schultz Cape Fear Valley Health System P.O. Box 2000 1638 Owen Drive Fayetteville, NC 28302-2000 Phone: 609-6170	9/06	2 nd	Sept/09 9/30/09	No
<u>Fire Fighting Representative</u>				
Capt. Benjamin Major Fire/Emergency Management City of Fayetteville 433 Hay Street Fayetteville, NC 28301 433-1730	10/05	2 nd	Nov/08 11/30/08	No
<u>First Aid Representative</u>				
Wally Ainsworth Cumberland County EMS 610 Gillespie Street Fayetteville, NC 28306-1544 609-5600	11/07	1 st	Nov/10 11/30/10	Yes
<u>At-Large Representative</u>				
Bill Cross 2086 Tailwinds Road Fayetteville, NC 28312 (filling unexpired term) 222/8893/429-4217	6/08	1 st	Dec/09 12/31/09	Yes
Dawn O'Donnell 2072 Birchcreeft Drive Fayetteville, NC 28304 425-3619/864-2470(W)	8/07	2 nd	Aug/10 8/31/10	No
<u>Local Environmental Representative</u>				
Hughie White NC Dept. of Environment, Health & Natural Resources 225 Green Street, Suite 714 Fayetteville, NC 28301-5043 486-1541	9/06	2 nd	Sept/09 9/30/09	No

Cumberland County Emergency Planning Committee, page 4

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Utilities Representative</u>				
John Ezzelle Public Works Commission 955 Old Wilmington Road Fayetteville, NC 28301 223-4116	9/06	1 st	Sept/09 9/30/09	Yes
Suzanne Rohrs Attn: Environmental Branch HQ XVIII Airborne Corps Public Works Business Center (filling unexpired term) Fort Bragg, NC 28307 396-7432	6/08	1 st	Aug/10 8/31/10	Yes

Ex-Officio Members

Elected Official Representative (Liaison)

Ed Melvin, County Commissioner

Emergency Management

Kenny Currie, Cumberland County Emergency Services

Fayetteville Fire/Emergency Management

Bennie Nichols, Chief, Fayetteville Fire Department

Dale Iman, City Manager

James Martin, County Manager

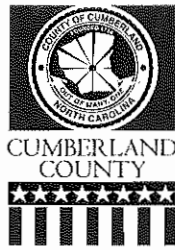
Contact: Kenny Currie, Director – Emergency Services – x7688 or Gloria Simms

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

JEANNETTE M. COUNCIL
Chairman

BILLY R. KING
Vice Chairman

J. BREEDEN BLACKWELL
KENNETH S. EDGE
JOHN T. HENLEY, JR.
EDWARD G. MELVIN
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MARSHA S. FOGLE
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Deputy Clerk

BOARD OF COMMISSIONERS

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ITEM NO. 8C

December 3, 2008

December 15, 2008 Agenda Item

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

BACKGROUND: On December 1, 2008 the Board of Commissioners nominated the following to fill one vacancy on the Transportation Advisory Board:

County Health Director or Designee:
Terresio Pope (new appointment)

I have attached a current membership list for this board.

PROPOSED ACTION: **Appoint the above vacancy.**

Attachment

pc: Kristine Wagner, Transportation Program Coordinator

Celebrating Our Past...Embracing Our Future

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

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>City of Fayetteville Representative</u>				
Victor Sharpe Community Development Director City of Fayetteville 433 Hay Street Fayetteville, NC 28301 433-1601	11/06	2 nd	Nov/08 11/30/08	No
<u>Urban Transit Provider Representative</u>				
Vacant (not required by State)				
<u>Mid-Carolina Council of Governments Director or Designee</u>				
Carolyn Tracy Mid-Carolina Council of Governments P.O. Box 1510 Fayetteville, North Carolina 28302-1510	11/07	2 nd	Nov/09 11/30/09	No
<u>County DSS Director or Designee</u>				
Crystal Black Cumberland County DSS P.O. Box 2429 Fayetteville, North Carolina 28302-2429	11/07	2 nd	Nov/09 11/30/09	No
<u>DSS Work First Representative</u>				
Ann Farrell Cumberland County DSS P.O. Box 2429 Fayetteville, North Carolina 28302-2429	11/07	2 nd	Nov/09 11/30/09	No
<u>Workforce Development Center Director or Designee</u>				
Geneva Mixon Workforce Development Center 410 Ray Avenue Fayetteville, North Carolina 28301	11/07	2 nd	Nov/09 11/30/09	No
<u>Vocational Rehab Representative</u>				
Tammy Jackson Vocational Rehab – Independent Living 1200 Fairmont Court Fayetteville, NC 28304 486-1717	11/08	2 nd	Nov/10 11/30/10	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Sheltered Workshop Director or Designee</u>				
Betsy Torsell Employment Source 600 Ames Street Fayetteville, NC 28301	11/07	1 st	Nov/09 11/30/09	Yes
<u>Aging Programs Representative</u>				
Catherine VanSickle Cumberland County Coordinating Council On Older Adults 339 Devers Street Fayetteville, North Carolina 28303	11/07	2 nd	Nov/09 11/30/09	No
<u>County Mental Health Director or Designee</u>				
William H. Robinson CC Area Mental Health Center 109 Bradford Avenue Fayetteville, North Carolina 28301-5496 323-0601(W)	11/07	1 st	Nov/09 11/30/09	Yes
<u>Emergency Medical Services Representative</u>				
Wally Ainsworth Cumberland County EMS 610 Gillespie Street Fayetteville, North Carolina 28306 609-5600 (W)	11/06	2 nd	Nov/08 11/30/08	No
<u>County Representative</u>				
Vacant (not required)				
<u>County Planning Department Director or Designee</u>				
Tom Lloyd Cumberland County Planning Department P.O. Box 1829 Fayetteville, North Carolina 28302-1829	11/06	2 nd	Nov/08 11/30/08	No
<u>County Health Director or Designee</u>				
(vacant) Cumberland County Health Dept. 227 Fountainhead Lane Fayetteville, North Carolina 28301	11/05	2 nd	Nov/07 11/30/07	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>At-Large Representatives</u>				
Charles Luther, Jr. LaFayette Council of the Blind 1509 Cardiff Drive Fayetteville, NC 28304 867-5554	11/08	2 nd	Nov/10 11/30/10	No
Dianne Grumelot Cumberland County Schools 1014 Gillespie Street Fayetteville, North Carolina 28306 678-2586	11/08	2 nd	Nov/10 11/30/10	No
Timothy Joel Strickland Mid-Carolina COG P.O. Drawer 1510 Fayetteville, NC 28302 323-4191, ext. 34(W)	11/08	2 nd	Nov/10 11/30/10	No
Ifetayo Farrakhan Dept. of Social Services 1225 Ramsey Street Fayetteville, North Carolina 28301 677-2531	11/08	1 st	Nov/10 11/30/10	Yes

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

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

Location: Historic Courthouse, Courtroom #3

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

(Terms must expire in November according to Bylaws.)