

CUMBERLAND COUNTY BOARD OF COMMISSIONERS

**SPECIAL MEETING NOTICE**

**REVISED**

The undersigned Chairman of the Board of Commissioners of Cumberland County hereby calls the following SPECIAL MEETING of the Board of Commissioners at the time, place, and for the purpose(s) set out below:

DATE: Monday, August 17, 2009

TIME: 5:30PM

PLACE: Cumberland County Courthouse, Room 564  
117 Dick Street, Fayetteville, NC

**PURPOSE:**

Meeting to discuss Recruitment Plan for County Attorney  
Vacancy

  
Jeannette Council  
Chairman

Certification: I certify that the above notice was published on the bulletin board, Cumberland County Courthouse, and delivered to each member of the Board or left at the usual place of each at least 48 hours before the meeting as required by NCGS 153A-40.

  
Clerk

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**AGENDA**  
**CUMBERLAND COUNTY BOARD OF COMMISSIONERS**  
**COURTHOUSE – ROOM 118**  
**AUGUST 17, 2009**  
**6:45 PM**

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INVOCATION - Commissioner Ed Melvin

Minister:

PLEDGE OF ALLEGIANCE – Joseph Bryce DeCarlo, 7th Grade - Village Christian School

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

Recognition of Retired County Employees:

Patricia Roop – Department of Social Services

Recognition of Outgoing Board Members:

Dennis Gould – Joint Stormwater Advisory Board

1. Presentation by Mark Culbreth from the Cumberland County School System on the Reading Rocks Program
2. Presentation by Lt. Jonathan Morgan, Cumberland County Sheriff's Office on the Gang Resistance Education and Training Program.
3. Consent Agenda
  - A. Approval of minutes for the August 3, 2009 regular meeting.
  - B. Approval of FY10 Tax Charge to the Tax Collector.
  - C. Approval of Tax Collector's Preliminary Report and Proposed Annual Settlement.
  - D. Approval of Correction to Minutes.

E. Budget Revisions:

(1) General Fund Debt Service

Revision in the amount of \$383,646 to reduce fund balance appropriated and to adjust debt service as a result of the 2009 Refunding General Obligation Bonds. (B10-032) **Funding Source – Refunding General Obligation Bonds**

(2) Sheriff Grant

Revision in the amount of \$1,043,441 to establish the Byrne 2009 Recovery Grant. (B10-038) **Funding Source – Grant**

(3) Workforce Development Statewide

Revision in the amount of \$4,200 to recognize additional state funding. (B10-041) **Funding Source - State**

(4) Social Services

Revision in the amount of \$18,794 to recognize additional funding to upgrade a part-time Income Caseworker I to full-time. (B10-043) **Funding Source – State and Other**

(5) Mid-Carolina Senior Transportation

Revision in the amount of \$171 to appropriate fund balance from unexpended fees to provide additional medical transportation services. (B10-031) **Funding Source – Fund Balance Appropriated**

(6) Rural Operating Assistance Program

Revision in the amount of \$79,410 adjust the ROAP budget to the State allocation. (B10-042) **Funding Source – State**

4. Public Hearings

- A. Public Hearing on Renaming an Unnamed Portion of NC Highway 87 S to Martin Luther King Jr Freeway.
- B. Public Hearing for the Purpose of Receiving Comments from the Property Owners in the Proposed Grays Creek Water & Sewer District and Approval of Adoption of a Resolution to Create the Grays Creek Water & Sewer District.

**Uncontested Rezoning Cases**

- C. Case P08-42. Rezoning of 2.01+/- acres from R6A Residential to C(P) Planned Commercial or more restrictive zoning district, located at 3378 Cumberland Road, owned by Kwang Yol and Ok Bun Lee.
- D. Case P09-21. Rezoning of .47+/- acres from R10 Residential to C2(P) Planned Service and Retail, or to a more restrictive zoning district, located at 4558 Cumberland Road, owned by Jerry E. Lanier.
- E. Case P09-28. Rezoning of .34+/- acres from R10 Residential to C1(P) Planned Local Business or to a more restrictive zoning district, located at 3709 Boone Trail, owned by Mark Fleischmann.
- F. Case P09-32. Rezoning of 1.01+/- acres from C3 Heavy Commercial to RR Rural Residential or to a more restrictive zoning district, located at 3830 Rocoso Place, owned by Elijah B. and Janice M. Young.

**Minimum Housing Code Enforcement**

- G. Case Number: MH5921-2009  
Property Owner: M.J.Marsh Farm, Inc., c/o V.B. Marsh  
Property Location: 3497 Shem Creek Drive, Fayetteville, NC  
Parcel Identification Number: 0452-37-9434
- H. Case Number: MH5922-2009  
Property Owner: M.J. Marsh Farm, Inc., c/o V.B. Marsh  
Property Location: Lot in front of 3163 Shem Creek Drive, Fayetteville, NC  
Parcel Identification Number: 0452-27-2136
- I. Case Number: MH5491-2008  
Property Owner: Monica Stebbings  
Property Location: 2445 Wilmington Highway, Fayetteville, NC  
Parcel Identification Number: 0445-34-5209

J.	Case Number:	MH5692-2008 Property Owner: Hattie W. Coptsias, c/o Julie Watson Property Location: 3709 Cumberland Road, Fayetteville, NC Parcel Identification Number: 0425-26-9358
K.	Case Number:	MH5777-2009 Property Owner: Eriqal McArthur Property Location: 6015 Acoma Court, Fayetteville, NC Parcel Identification Number: 0472-08-8660
L.	Case Number:	MH5734-2008 Property Owners: Malcolm D. Earwood and Lilly F. Earwood Property Location: 3720 Camden Road (Frame Structure), Fayetteville, NC Parcel Identification Number: 0425-26-7511
M.	Case Numbers:	MH5731, 5732 & 5733-2008 Property Owners: Malcolm D. Earwood and Lilly F. Earwood Property Location: Rear lot of 3720 Camden Road (Unit A, B & C) Fayetteville, NC Parcel Identification Number: 0425-26-7511
N.	Case Number:	MH5685-2008 Property Owner: Maria Bell Mobile Home Owner: Dennis R. Bell Property Location: 1352 Ringwood Road, Unit A, Fayetteville, NC Parcel Identification Number: 0458-62-2031
O.	Case Number:	MH5684-2008 Property Owner: Maria Bell Mobile Home Owner: Dennis R. Bell Property Location: 1352 Ringwood Road, Unit B, Fayetteville, NC Parcel Identification Number: 0458-62-2031
P.	Case Numbers:	MH5778-2009 Property Owner: Duane Max Bryant Property Location: 2643 Flamingo Drive, Fayetteville, NC Parcel Identification Numbers: 0415-45-4684

## Items of Business

5. Consideration of Public Utilities Matters:
  - A) Acceptance of Bids for the Construction of the Brooklyn Circle Water Line Extension.
  - B) Approval of Contract with the Engineering Firm of Marziano & McGougan for the Preliminary Design of the Grays Creek Water & Sewer District Water Distribution System, to Include the Application Document and Submittal for USDA Funding.
  - C) Accept the Preliminary Cumberland County Rural Water Feasibility Study and Direct the Engineer to Prepare the Final Report.
6. Consideration of Recommendations of the Cumberland County Policy Committee Regarding:
  - A) County's Participation for the Cedar Creek Road Water Extension Project.
  - B) Revisions to the Rules of Procedure for the Cumberland County Board of Commissioners.
7. Nominations to Boards and Committees
  - A. Board of Adjustment (1 Vacancy)
  - B. Cumberland County Finance Corporation and Cumberland County Industrial Facilities and Pollution Control Financing Authority (4 Vacancies)
  - C. Cumberland County Local Emergency Planning Committee (3 Vacancies)
  - D. Senior Citizens Advisory Board (2 Vacancies)
  - E. Southeastern Economic Development Commission (1 Vacancy)
8. Appointments to Boards and Committees
  - A. Adult Care Home Community Advisory Committee (1 Vacancy)  
Nominee: Alfonso Ferguson, Sr.

B. Criminal Justice Partnership Advisory Board (1 Vacancy)

Nominee:     At-Large Position:     Terresa Rogers

C. Cumberland County Local Emergency Planning Committee (4 Vacancies)

Nominees:     Print & Broadcast Media Representative:     Sally Shutt

Utilities Representative:     Jay Jackson

Operators of Facilities:     Antionette Barnes  
Gene Smith

D. Joint Appearance Commission (1 Vacancy)

Nominee:     Ken Arnold

9. Closed Session:     A)     Real Estate Matter  
Pursuant to NCGS 143-318.11(a)(5).

## **ADJOURN**

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

**MEETINGS:     September 8, 2009 (Tuesday) - 9:00 AM  
September 21, 2009 (Monday) - 6:45 PM**



OFFICE OF THE TAX ADMINISTRATOR

117 Dick Street, 5<sup>th</sup> Floor, New Courthouse • PO Box 449 • Fayetteville, North Carolina • 28302  
Phone: 910-678-7507 • Fax: 910-678-7582 • [www.co.cumberland.nc.us](http://www.co.cumberland.nc.us)

MEMORANDUM

TO: Board of County Commissioners

FROM: Aaron Donaldson, Tax Administrator *AD*

DATE: August 17, 2009

RE: FY10 Tax Charge to the Collector

**BACKGROUND:** In accordance with NCGS 105-321(b) before delivering the tax receipts to the Tax Collector in any year, the Board of County Commissioners shall adopt and enter into its minutes an order directing the Tax Collector to collect the taxes charged in the tax records and receipts.

**RECOMMENDATIONS:** A copy of the order must be delivered to the Collector at the time the tax receipts are delivered to him.

**PROPOSED ACTION:** That the Board approve the levy and charge the Collector with the responsibility to collect the taxes.

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2009-2010  
TAX LEVY

AUTHORITY	CC LEVY	LATE LIST	PUBLIC SERVICE	PUBLIC SERVICE LATE LIST	TOTAL CC LEVY, PS LEVY & LATE LIST
BEAVER DAM	111,880.69	104.68	-	-	111,985.37
BETHANY	168,837.64	140.98	-	-	168,978.62
BONNIE DOONE	2,107.06	-	-	-	2,107.06
COTTON	622,949.91	1,894.11	-	-	624,844.02
CUMBERLAND RD FD	402,365.27	260.23	-	-	402,625.50
EASTOVER FIRE	139,628.32	123.99	-	-	139,752.31
GODWIN-FALCON	64,001.51	87.21	-	-	64,088.72
GRAYS CREEK	556,423.70	507.57	-	-	556,931.27
LAFAYETTE	157.13	-	-	-	157.13
LAKE RIM	6,538.02	-	-	-	6,538.02
MANCHESTER	75,225.14	174.82	-	-	75,399.96
PEARCE'S MILL	647,938.85	638.77	-	-	648,577.62
SPECIAL FIRE	268,905.66	261.60	-	-	269,167.26
STEDMAN FIRE	116,760.87	95.68	-	-	116,856.55
STONEY POINT	722,408.13	210.27	-	-	722,618.40
VANDER FIRE	670,593.79	553.81	-	-	671,147.60
WADE FIRE	67,360.14	39.38	-	-	67,399.52
WESTAREA	1,001,584.68	421.79	-	-	1,002,006.47
<b>FIRE DIST SUBTOTAL</b>	<b>5,645,666.51</b>	<b>5,514.89</b>	-	-	<b>5,651,181.40</b>
EASTOVER	493,355.33	419.78	-	-	493,775.11
FALCON	19,413.04	9.98	-	-	19,423.02
FAYETTEVILLE	52,667,185.52	47,550.38	-	-	52,714,735.90
STORM WATER	1,702,140.00	-	-	-	1,702,140.00
FAYET STORM WATER	3,405,072.00	-	-	-	3,405,072.00
FAYET RECYCLING	2,257,998.00	-	-	-	2,257,998.00
REVITALIZATION	120,716.26	199.15	-	-	120,915.41
GODWIN	11,495.32	11.05	-	-	11,506.37
HOPE MILLS TOWN	3,131,584.09	1,219.18	-	-	3,132,803.27
HOPE MILLS REFUSE	856,980.00	-	-	-	856,980.00
HOPE MILLS STORM WAT	401,088.00	-	-	-	401,088.00
LINDEN TOWN	10,910.91	16.61	-	-	10,927.52
SPRING LAKE	2,324,794.37	1,734.37	-	-	2,326,528.74
SPRING LAKE REFUSE	458,236.00	-	-	-	458,236.00
SL STORM WATER	253,662.00	-	-	-	253,662.00
STEDMAN TOWN	205,481.31	51.95	-	-	205,533.26
WADE TOWN	63,439.83	58.85	-	-	63,498.68
<b>CITY SUB-TOTALS</b>	<b>68,383,551.98</b>	<b>51,271.30</b>	-	-	<b>68,434,823.28</b>
COUNTY WIDE	141,496,440.56	127,481.47	-	-	141,623,922.03
COUNTY PETS	337,678.00	-	-	-	337,678.00
RECREATION	2,745,269.05	2,654.68	-	-	2,747,923.73
HM RECREATION	401,486.09	156.37	-	-	401,642.46
SOLID WASTE	4,765,488.00	-	-	-	4,765,488.00
<b>SUB TOTAL</b>	<b>149,746,361.70</b>	<b>130,292.52</b>	-	-	<b>149,876,654.22</b>
<b>GRAND TOTAL</b>	<b>223,775,580.19</b>	<b>187,078.71</b>	-	-	<b>223,962,658.90</b>



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## M E M O R A N D U M

TO: Board of County Commissioners

FROM: Aaron Donaldson, Tax Administrator *ADW*

Date: August 3, 2009

RE: Action on Tax Collector's Preliminary Report and Proposed Annual Settlement

**BACKGROUND:** North Carolina General Statutes, Section 105-373 requires the Tax Collector of Cumberland County after the 1<sup>st</sup> day of July of each year to render a preliminary report to the Board of County Commissioners concerning persons whose tax liabilities remain unpaid and to propose an annual settlement of taxes charged to him for collection for the past year. The Tax Collector has submitted such preliminary report and proposed settlement. The preliminary report consists of (i) a list of persons owning real property whose taxes for the tax year of 2008-2009 remain unpaid, (ii) a list of the persons not owning real property whose taxes for the year 2008-2009 remain unpaid (the proposed insolvent list), and (iii) a statement under oath by the Tax Collector that he has made diligent efforts to collect such taxes. The proposed settlement consists of the amounts of taxes with which the Tax Collector has been charged for the year and the amounts of credits against such charges, the real and personal property tax balance is charged to the forthcoming tax year. See Exhibits A, B and C in the County Clerks Office.

**RECOMMENDATIONS:** The statute requires the Board to review the preliminary report, determine the insolvent list to be entered into the minutes, credit the Tax Collector with the insolvent list and make a settlement, i.e., approve or correct the proposed settlement. The Legal Department has reviewed for legal sufficiency.

**PROPOSED ACTION:** That the Board adopts the resolution attached as Exhibit D.

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## **EXHIBIT D**

Resolution accepting preliminary report of the Tax Collector, crediting the insolvent list, and approving proposed annual settlement.

Whereas, North Carolina General Statutes, Section 105-373, requires the Tax Collector of Cumberland County after the 1<sup>st</sup> day of July of each year to render a preliminary report to the Board of County Commissioners concerning persons whose tax liabilities remain unpaid and to propose an annual settlement of taxes charged to the Tax Collector for collection for the past ten years; and

Whereas, the Tax Collector has submitted such preliminary report and proposed settlement.

Now therefore, the Board of Commissioners of Cumberland County hereby resolves:

1. That the preliminary report of the Tax Collector of Cumberland County, consisting of (i) a list of persons owning real property whose taxes for the year 2008- 2009 remain unpaid and the principal amount owned by each person; (ii) a list of the persons not owning or who have not listed real property whose taxes for the tax year 2008 - 2009 remain unpaid and the principal amount owned by each person (the proposed insolvent list) and (iii) a statement under oath by the Tax Collector that he has made diligent efforts to collect such taxes, be and it hereby is, accepted;
2. That the Board hereby finds that the persons in the list of those that do not own or have not listed real property are insolvent as that term is used in G.S. 105-373, directs that the list of such person be entered into the minutes of the meeting of the Board as the insolvent list, and further directs that the amounts in such list be, and hereby are, credited to the Tax Collector in his annual settlement;
3. That the proposed settlement of the Tax Collector, appended hereto, for taxes in his hands for collection for the tax year 2008 - 2009, be and it hereby is, approved and that he be, and thereby is, charged with the amounts set forth in the settlement under the heading "Charges" and credited with the amounts set forth in the settlement under the heading "Credits".



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County Settlement  
June 30, 2009

**Charge:**

Real and Personal Charge 2008	\$	135,537,858.85
Vehicles Charge 2008	\$	19,322,009.95
Added Charge Real & Personal 2008	\$	1,054,366.02
Added Charge 2008 Vehicles	\$	42,795.74
Solid Waste 2008	\$	4,809,312.00
Added Solid Waste 2008	\$	2,688.00
Total Tax Interest	\$	1,000,285.45
Total Discount	\$	-
Added Charge 2008 Advertising Cost	\$	47,826.50
County Demolition Fee	\$	9,308.63
Interest Collected County Demolition	\$	757.38
Certified Mail Fee Collected	\$	8,144.71
Garnishment Fee Collected	\$	121,749.81
Return Check Processing Fee Collected	\$	12,766.24
Worthless Check Penalty Collected	\$	16,722.19
Prepared Food & Beverage Tax Collected	\$	5,011,624.79
Prepared Food & Beverage Tax Collected Interest & Penalty	\$	46,174.89
Room Occupancy Tax Collected	\$	4,230,431.92
Room Occupancy Tax Collected Interest & Penalty	\$	9,744.22
County Gross Receipts Vehicle Tax Current Year	\$	472,729.50
County Gross Receipts Vehicle Tax Interest & Penalty	\$	-
County Heavy Equipment Rentals	\$	25,184.46
County Heavy Equipment Rentals Interest	\$	263.58
Windridge Water Extension Project	\$	59,796.81
Windridge Water Extension Project Interest	\$	9,443.14
Lake Upchurch Dam Assessment	\$	948,662.60
Lake Upchurch Dam Assessment Interest	\$	14,002.84
Adjustment - Advertising Beginning Balance Booked	\$	38,560.63
	<b>\$</b>	<b>172,853,210.85</b>

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**Credits:**

Deposit with Finance	\$	164,585,498.74
Advertising Cost Deposited with Finance	\$	48,203.82
Interest Deposited with Finance	\$	1,080,671.50
Real & Personal Releases Allowed	\$	771,459.07
Vehicles Releases Allowed	\$	1,788,733.90
Solid Waste Releases Allowed	\$	42,592.00
Total Discount Allowed	\$	-
Real & Personal Balance	\$	1,136,408.24
Advertising Cost Balance	\$	38,183.31
Vehicle Balance	\$	3,299,856.90
Solid Waste Balance	\$	61,603.37
Adjustment		
	<b>\$</b>	<b>172,853,210.85</b>

**Charge:**

Real & Personal Balance 2007	\$	1,231,824.02
Vehicle Balance 2007	\$	3,325,106.17
Solid Waste Balance 2007	\$	66,259.97
County Gross Receipts Vehicle Tax 1st Year Prior	\$	-
Prepared Food & Beverage Tax All Prior	\$	45,272.65
Room Occupancy Tax Collected All Prior	\$	24,578.85
Real & Personal Balance 2006	\$	451,321.81
Vehicle Balance 2006	\$	704,864.39
Solid Waste Balance 2006	\$	17,168.11
Real & Personal Balance 2005 & Prior	\$	1,561,305.94
Vehicle Balance 2005 & Prior	\$	4,045,142.38
Solid Waste Balance 2005 & Prior	\$	29,675.58
1997 & Prior Taxes Collected After Being Barred	\$	1,372.45
	<b>\$</b>	<b>11,503,892.32</b>

**Credits:**

Real & Personal Collected 2007	\$	890,426.55
Vehicles Collected 2007	\$	2,251,573.71
Solid Waste Collected 2007	\$	52,779.61
County Gross Receipts Vehicle Tax 1st Year Prior	\$	-
Prepared Food & Beverage Tax All Prior	\$	45,272.65
Room Occupancy Tax Collected All Prior	\$	24,578.85
Real & Personal Collected 2006	\$	176,376.95
Vehicles Collected 2006	\$	96,609.06
Solid Waste Collected 2006	\$	10,093.95
Real & Personal Collected 2005 & Prior	\$	201,406.61
Vehicles Collected 2005 & Prior	\$	163,727.83
Solid Waste Collected 2005 & Prior	\$	11,356.85
Real & Personal Releases Allowed 2007	\$	27,126.86
Vehicle Releases Allowed 2007	\$	329,658.75
Solid Waste Releases Allowed 2007	\$	240.00
Real & Personal Releases Allowed 2006	\$	3,031.53
Vehicle Releases Allowed 2006	\$	27,868.18
Solid Waste Releases Allowed 2006	\$	-
Real & Personal Releases Allowed 2005 & Prior	\$	7,099.41
Vehicle Releases Allowed 2005 & Prior	\$	30,542.29
Solid Waste Releases Allowed 2005 & Prior	\$	-
1997 & Prior Taxes Collected After Being Barred	\$	1,372.45
	<b>\$</b>	<b>4,351,142.09</b>

**Taxes Barred by Statute: 1998**

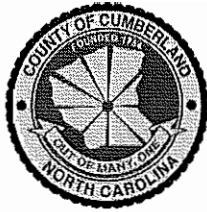
Real Property	\$	5,952.04
Personal	\$	71,752.84
Vehicles	\$	457,335.46
Public Service	\$	-
Solid Waste Fees	\$	477.18
Advertising	\$	306.00
Credit for Five Year & Prior Insolvents	\$	-
	\$	<u>535,823.52</u>

**Balance Prior Years Taxes:**

Real & Personal Balance 2007	\$	314,270.61
Vehicles Balance 2007	\$	743,873.71
Solid Waste Balance 2007	\$	13,240.36
Real & Personal Balance 2006	\$	271,913.33
Vehicles Balance 2006	\$	580,387.15
Solid Waste Balance 2006	\$	7,074.16
Real & Personal Balance 2005 & Prior	\$	1,274,789.04
Vehicles Balance 2005 & Prior	\$	3,393,536.80
Solid Waste Balance 2005 & Prior	\$	17,841.55
	\$	<u>6,616,926.71</u>

**TOTAL CREDITS:**

<b>\$</b>	<b><u>11,503,892.32</u></b>
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## Summary of 1998 Real/Personal & Vehicles Taxes to be Barred

	Vehicles	Personal	Real	Public Service	Fees	Total
County	457,335.46	70,598.35	5,952.04	-		533,885.85
County Pets					1,154.49	1,154.49
Fayetteville	128,331.00	12,282.39	628.80	-		141,242.19
Revit	50.25	7.42	-	-		57.67
Fayetteville Vehicle Fee	20,421.71					20,421.71
Hope Mills	5,777.45	896.51	52.44	-		6,726.40
Hope Mills Vehicle Fee	1,440.00					1,440.00
Hope Mills Pets					25.00	25.00
Spring Lake	11,741.48	455.95	-	-		12,197.43
Stedman	189.28	-	-	-		189.28
Stedman Vehicle Fee	60.00					60.00
Godwin	53.97	0.67	-	-		54.64
Wade	171.73	66.82	8.40	-		246.95
Falcon	86.82	-	-	-		86.82
Linden	120.99	1.65	-	-		122.64
Solid Waste User Fee					477.18	477.18
Storm Water Fee					191.29	191.29
Advertising Fee					306.00	306.00
Total	<u>625,780.14</u>	<u>84,309.76</u>	<u>6,641.68</u>	<u>0.00</u>	<u>2,153.96</u>	<u>718,885.54</u>
TA500 MR VEHICLES	625,780.14					
TA500 MR CC	93,105.40					
TA500 MR PS	<u>0.00</u>					
	718,885.54					

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JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

J. BREEDEN BLACKWELL  
KENNETH S. EDGE  
MARSHALL FAIRCLOTH  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
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. 3D

AGENDA ITEM FOR AUGUST 17, 2009 MEETING

MEMO TO: Board of Commissioners  
MEMO FROM: Marie Colgan, Clerk *MC*  
DATE: August 7, 2009  
RE: Approval of Correction to Minutes

BACKGROUND: On August 3, 2009, the Board approved release of sealed minutes. Please approve the correction to the following:

April 28, 2005 – Attorney Client – approve to correct date to April 18, 2005 in lieu of April 28, 2005.

August 1, 2005 – Attorney Client – approve to correct to Economic Development in lieu of Attorney Client.

RECOMMENDATION: Approve corrections to Release of Closed Session Minutes listing.

ACTION: Appoint a voting delegate.

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JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

J. BREEDEN BLACKWELL  
KENNETH S. EDGE  
MARSHALL FAIRCLOTH  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
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. 3D

AGENDA ITEM FOR AUGUST 17, 2009 MEETING

MEMO TO: Board of Commissioners

MEMO FROM: Marie Colgan, Clerk *Mc*

DATE: August 7, 2009

RE: Approval of Correction to Minutes

BACKGROUND: On August 3, 2009, the Board approved release of sealed minutes. Please approve the correction to the following:

April 28, 2005 – Attorney Client – approve to correct date to April 18, 2005 in lieu of April 28, 2005.

August 1, 2005 – Attorney Client – approve to correct to Economic Development in lieu of Attorney Client.

ACTION: Approve corrections to Release of Closed Session Minutes listing.

*Celebrating Our Past...Embracing Our Future*

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B10-032
Date Received	7/31/2009
Date Completed	

Fund No. 101 Agency No. 412 Organ. No. 4194

Organization Name: General Fund Debt Service

ITEM NO. 3E(1)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901 (101-999-9999)	Fund Balance Appropriated		(383,646)	
Total		0	(383,646)	-

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
5703	066	Principal - 1998 School Refunding G.O. Bonds	2,120,000	(2,120,000)	-
5704	066	Interest - 1998 School Refunding G.O. Bonds	354,430	(199,859)	154,571
5723	069	Principal - 1998 School G.O. Bonds	2,300,000	(2,300,000)	-
5724	069	Interest - 1998 School G.O. Bonds	1,384,800	(896,273)	488,527
5797	084	Principal - 2009 Refunding G.O. Bonds	0	4,485,000	4,485,000
5798	084	Interest - 2009 Refunding G.O. Bonds	0	647,486	647,486
Total			6,159,230	(383,646)	5,775,584

**Justification:**

To adjust FY2010 debt service budget as a result of the 2009 Refunding General Obligation Bonds issued July 8, 2009.

**Funding Source:**

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

**Fund Balance:**

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

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

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

Reviewed By: Bob Tucker Date: 7/31/09  
Finance Department

Reviewed By: Amy Munson Date: 8/3/09  
Assistant County Mgr

**Approved By:**

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

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

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>810-038</u>
Date Received	_____
Date Completed	_____

Fund No. 101 Agency No. 422 Organ. No. 4218  
 Organization Name: Sheriff's Grants

ITEM NO. 3E(2)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4043	Byrne 2009 Recovery Grant	0	1,043,441	1,043,441
Total		0	1,043,441	1,043,441

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
4012		Byrne 2009 Recovery Grant	0	334,465	334,465
4013		Fayetteville PD Byrne 2009 Recovery Grant	0	708,976	708,976
Total			0	1,043,441	1,043,441

**Justification:**

Recognize Revenue from US Dept of Justice Grant and establish related Expense Budget (Grant 2009-SB-B9-0936).

**Funding Source:**

State: \_\_\_\_\_ Federal: 1,043,441 County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

**Fund Balance:**

Submitted By: <u>Earl R. Butts</u> Department Head	Date: <u>8-2-09</u>	Approved By: _____  County Manager _____  Board of County Commissioners _____ Date: _____
Reviewed By: <u>Harold Brer</u> Budget Analyst	Date: <u>8/7/09</u>	
Reviewed By: <u>Amy A. Cannon</u> Deputy Assistant County Mgr	Date: <u>8/12/09</u>	
Reviewed By: _____ Information Services	Date: _____	

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B10-041</u>
Date Received	<u>8-10-09</u>
Date Completed	

Fund No. 133 Agency No. 450 Organ. No. 4541  
Organization Name: WDC Statewide

ITEM NO.	<u>3E(3)</u>
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PAGE 1 OF 1

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4525	Statewide Grant	210,937	4,200	215,137
Total		210,937	4,200	215,137

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3390	616	Contracted Services	108,784	4,200	112,984
Total			108,784	4,200	112,984

**Justification:**

Acceptance of Incumbent Worker Grant offered on behalf of RW Moore Equipment Company, Inc.

**Funding Source:**

State: 100%  
Other: \_\_\_\_\_

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

**Fund Balance:**

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

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

Submitted By: Geneva Mixon Date: 7/31/09  
Reviewed By: Kelly Outry Date: 8-10-09  
Reviewed By: Amy Cannon Date: 8/12/09  
Finance  
Deputy/Assistant County Mgr

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

WFD Budget Revision No 10-11

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	<u>B10 - 043</u>
Date Received	<u>8/10/09</u>
Date Completed	

Fund No. 101 Agency No. 437 Organ. No. 4365  
 Organization Name: SOCIAL SERVICES

ITEM NO. 3E(4)

REVENUE				
Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4304	NC FOOD STAMP ADMIN	2,775,696	9,397	2,785,093
6505	CAPE FEAR VALLEY HOSPITAL ELIG POS	7,988	9,397	17,385
Total		2,783,684	18,794	2,802,478

EXPENDITURES					
Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1210	261	SALARIES - REGULAR	22,229,124	23,406	22,252,530
1265	261	SALARIES - PART TIME	29,447	(11,703)	17,744
1810	261	FICA	1,721,786	894	1,722,680
1820	261	RETIREMENT	1,102,019	1,147	1,103,166
1824	261	401K COUNTY	224,891	234	225,125
1830	261	MEDICAL INSURANCE	3,582,250	4,792	3,587,042
1860	261	WORKER'S COMP	349,578	24	349,602
Total			29,239,095	18,794	29,257,889

To recognize additional funds to make parttime Income Maintenance Caseworker I position fulltime effective 8/31/09.

Funding Source: State: \_\_\_\_\_ Federal: 9,397 County: \_\_\_\_\_ New: \_\_\_\_\_ Other: 9,397  
 Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: \_\_\_\_\_

Submitted By: <u>Barbara W. Jackson</u> HCA <u>YES</u> Department Head	Date: <u>8/7/09</u>	Approved By:  _____ Date: _____ County Manager  Board of County Commissioners Date: _____
Reviewed By: <u>Bob Tucker</u> Budget Analyst	Date: <u>8/10/09</u>	
Reviewed By: <u>Amyl Cannon</u> Deputy Assistant County Mgr	Date: <u>8/12/09</u>	
Reviewed By: _____ Information Services	Date: _____	

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B10-031
Date Received	7/31/2009
Date Completed	

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

Organization Name: Mid-Carolina Senior Transportation

ITEM NO. 3E(5)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated	0	171	171
Total		0	171	171

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
336A	803	Transportation Medical	107,817	171	107,988
Total			107,817	171	107,988

**Justification:**

Revision in the amount of \$171 to appropriate fund balance (unexpended fees from prior fiscal year) to be used to provide additional medical transportation services.

**Funding Source:**

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

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

**Fund Balance:**

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

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

Submitted By: Thomas J. Ford  
Department Head

Date: 8/11/09

Reviewed By: Bob Tucker  
Finance Department

Date: 8/11/09

Reviewed By: Amyl Cannon  
Assistant County Mgr

Date: 8/12/09

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

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B10-042
Date Received	8/10/2009
Date Completed	

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

Organization Name: Rural Operating Assistance Program

ITEM NO. 3E(6)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4361	NC Employment Transportation Assistance	54,230	16,043	70,273
453D	Rural General Public Transportation	93,508	61,457	154,965
4545	NC Elderly & Handicapped Transportation	178,002	1,910	179,912
9110	Transfer from General Fund	12,500	0	12,500
Total		338,240	79,410	417,650

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3367	799	Taxi Transportation	165,233	15,132	180,365
4361	801	NC Employment Transportation Assistance	34,230	36,043	70,273
5035	799	Hope Mills Sunshine Center	6,053	994	7,047
5052	802	Rural General Public Transportation	113,508	41,457	154,965
5056	799	Cape Fear Adult Health	15,000	(15,000)	-
5064	799	Employment Source	4,216	784	5,000
Total			338,240	79,410	417,650

**Justification:**

To adjust the ROAP budget to match the formula allocation (\$241,811) and the supplemental allocation (\$193,774) less \$30,435 of NC Employment Transportation Assistance funds previously allocated to DSS. The ROAP budget also includes a \$12,500 contribution from the General Fund.

**Funding Source:**

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

**Fund Balance:**

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

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

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

*Thomas J. Smith*  
Department Head

Date: 8/11/09

Reviewed By: *Bob Incher*

Finance Department

Date: 8/11/09

Reviewed By: *Amy Cannon*

Assistant County Mgr

Date: 8/12/09

Approved By:

County Manager

Board of County Commissioners

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

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

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
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,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin  
Wade, Falcon, & Godwin

MEMO TO: JAMES MARTIN, COUNTY MANAGER

ITEM NO. 4A

FROM: MICHAEL OSBOURN, E911 PLANNING COORDINATOR  
Cumberland County Planning & Inspection Department

SUBJECT: CONSIDERATION OF RENAMING OF AN UNNAMED PORTION NC HWY 87 S  
TO MARTIN LUTHER KING JR FREEWAY

#### BACKGROUND:

A request from House of Representative Elmer Floyd submitted a request to continue the name of ***Martin Luther King Jr. Freeway*** on the unnamed portion of NC Hwy 87 S from the City Limits of Fayetteville to the I-95 Interchange. Staff recommends approving the request to rename this portion of NC Hwy 87 S since it is a logical extension of the name of the highway within the City Limits of Fayetteville.

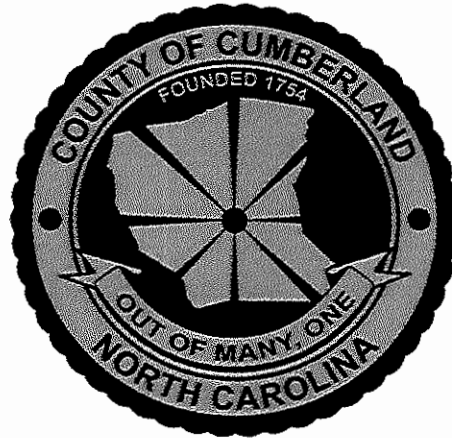
Property owners are being notified and given the opportunity for input on this case. Notifications will be posted at the local fire stations in the area and along the segment of highway in question.

#### CURRENT NAMES

UNNAMED PORTION OF NC HWY 87 S.

#### PROPOSED

MARTIN LUTHER KING JR FREEWAY



# NC HWY 87 South Renaming Case

From the City Limits of Fayetteville to the I-95  
Interchange

Requested name change  
of

NC HWY 87 South to Martin Luther King Jr  
Freeway



# Overview of Request

- Representative Floyd has requested through the Cumberland County Commissioners to rename the segment of Highway currently identified as NC HWY 87 South from the City Limits of Fayetteville to the I-95 interchange of NC HWY 87 South.
  - This portion is approximately 4.2 Miles long
  - Planning Staff does not have a record of any street address assignments on this portion of highway
  - Approximately 66 property owners whose land touches the right of way were mailed a letter informing them of a public hearing

# Overview Map of NC Hwy 87 S Case



Printed July 23, 2009  
Scale 1 in = NOT to Scale

 Section Considered for Renaming  
 Parcels Notified of Public Hearing

Cumberland County Planning Department  
130 Chatsworth Street Post Office Box 1829 Fayetteville, North Carolina 28302-1829 (910) 678-7500 Fax: (910) 678-7631

Maps can also be viewed online at [www.ccmapping.org](http://www.ccmapping.org)

All data is compiled from recorded deeds, plats and other public records and data. No warranty is made for the accuracy of the data. All information contained herein was used for the County's internal use. Cumberland County, its agents and employees shall not be held liable for any errors in the data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. This data cannot be construed to be a legal document. Any scale of this data is strictly prohibited in accordance with North Carolina General Statute 150-10.



North Carolina General Assembly  
House of Representatives

10: BUC  
FYI  
Jover  
CC: File  
Tom Lloyd  
COMMITTEES:

Representative Floyd's  
request for naming the  
portion of NC Hwy 87 S to  
Martin Luther King Jr  
Freeway

REPRESENTATIVE ELMER FLOYD  
43RD DISTRICT

OFFICE ADDRESS: ROOM 1311 LEGISLATIVE BUILDING  
16 W. JONES STREET  
RALEIGH, NC 27601-1096

TELEPHONE: (919) 733-5959  
(919) 754-3185 FAX

EMAIL: elmerf@ncleg.net

HOMELAND SECURITY, MILITARY, AND  
VETERANS AFFAIRS, VICE CHAIR  
APPROPRIATIONS  
APPROPRIATIONS SUBCOMMITTEE ON GENERAL  
GOVERNMENT  
COMMERCE, SMALL BUSINESS, AND  
ENTREPRENEURSHIP  
EDUCATION  
EDUCATION SUBCOMMITTEE ON COMMUNITY  
COLLEGES  
ENVIRONMENT AND NATURAL RESOURCES  
LOCAL GOVERNMENT II

May 26, 2009

James E. Martin, County Manager  
County Court House  
Cumberland County Managers Office  
117 Dick Street, Room 512  
Fayetteville, NC 28301

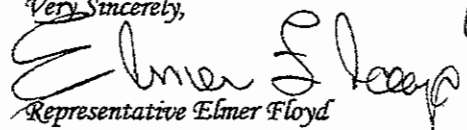
Dear Mr. Martin:

I am seeking through the Fayetteville Area Metropolitan Planning Organization and the Department of Transportation, the continuation of the unnamed portion of the MLK, Jr. Freeway. The portion I'm referencing is from Highway 87 to the Inter-Change of I-95 to bear his name.

If the County Commission has any concerns over this matter please do not hesitate to call my office at the above number.

Your response would be greatly appreciated.

Very Sincerely,

  
Representative Elmer Floyd  
North Carolina House, 43 District

# Property Owner Listing

Parcel #	Unique Owners name and address		
0438-71-0421-	ALLEN, CHARLES ANTHONY IV &	2233 WILMINGTON HWY	FAYETTEVILLE NC 283080
0435-87-0701-	ALLEN, CHARLES IV	2233 WILMINGTON RD	FAYETTEVILLE NC 283080
0445-08-3048-	ALLISON HOLDINGS VII	2804 FORT BRAGG RD	FAYETTEVILLE NC 283030
0445-07-8221-	ALTLAND, THOMAS D & WIFE	4157 EDWARDS HILL CHURCH	BEER CREEK NC 272070
0445-08-8810-	ANDERSON, RAYMOND	812 SHAKESPEARE DR	WILMINGTON NC 284050
0438-84-7037-	ANGEL, RICHARD	2328 SWANN STATION RD	SANFORD NC 273320
0445-15-1859-	BEVERLY, MERTYS BALLARD	2198 WILMINGTON HWY	FAYETTEVILLE NC 283080
0445-15-4583-	BEVERLY, TED LARUE & WIFE	2214 WILMINGTON HWY	FAYETTEVILLE NC 283080
0445-07-3589-	BLANCHARD, ED JR	103 ROXIE AVE	FAYETTEVILLE NC 283040
0438-75-8887-	CARROLL, VIRGINIA CORBETT	2404 MORGANTON RD	FAYETTEVILLE NC 28303-5039
0435-70-1215-	CITY OF FAYETTEVILLE	433 HAY ST	FAYETTEVILLE NC 28301-5537
0445-18-1410-	COATS, JO ANN WALTERS	2138 WILMINGTON HWY	FAYETTEVILLE NC 283080
0438-75-0865-	CUMBERLAND COUNTY	PO BOX 449	FAYETTEVILLE NC 28302-449
0445-23-2551-	DANIEL, GERALD LYNN & WIFE	2508 WILMINGTON HWY	FAYETTEVILLE NC 283080
0444-08-7988-	GARDNER, CHARLES T & WIFE	PO BOX 84078	FAYETTEVILLE NC 283080
0445-13-5880-	GRAHAM, LILLIE MAE	2929 WEDGEVIEW DR	FAYETTEVILLE NC 283080
0445-14-3083-	GUINN, SHERRY TOWERY	1218 SUGGS DR	FAYETTEVILLE NC 283080
0444-17-7189-	HALL, ALICE B HEIRS	2890 MAFFITT CT	FAYETTEVILLE NC 28303-5908
0444-38-3205-	HALL, RUSSELL ETAL	674 BLACKSTONE DR	MYRTLE BEACH SC 29577-8843
0438-90-3298-	JACKSON, RUTH R	725 MANLEY ST	FAYETTEVILLE NC 283080
0435-94-1577-	KEITH, FREDERICK R JR	3288 NW LARAMIE DR	ATLANTA GA 303390
0435-88-8035-	KEITH, THOMAS J	121 S COOL SPRING ST	FAYETTEVILLE NC 283010
0435-82-8531-	KEITH, THOMAS JOSEPH	121 S COOL SPRING ST	FAYETTEVILLE NC 283010
0435-88-7034-	KEITH, THOMAS JOSEPH, FRED JR	121 S COOL SPG ST	FAYETTEVILLE NC 283010
0435-98-3382-	KEITH, TOM	121 COOL SPRING ST	FAYETTEVILLE NC 28301-5723
0445-05-7442-	KEITH-PERRY LLC	210 LUTHER LN	SALISBURY NC 281440
0445-08-8888-	LIEBERS, EDWIN JOSEPH & WIFE	2082 WILMINGTON HWY	FAYETTEVILLE NC 283080
0438-78-8109-	MARSHALL, JACQUELYN BERNADINE	1030 WILMINGTON HWY	FAYETTEVILLE NC 28306-3887
0445-07-4478-	MCLAURIN, BOBBY JAMES & WIFE	2008 WILMINGTON HWY	FAYETTEVILLE NC 283050
0438-86-8167-	N C DEPT OF TRANSPORTATION	0 GILLESPIE ST	FAYETTEVILLE NC 000010
0445-07-4383-	NANTES, ERIC A	1980 WILMINGTON HWY	FAYETTEVILLE NC 283080
0438-91-2284-	NUNALEE, JOHN & PATRICIA	1438 PINE VALLEY LP	FAYETTEVILLE NC 283050
0438-91-4889-	PERRY, DALLAS L HEIRS	1810 NW VARNUM ST	WASHINGTON DC 200110
0438-82-3050-	PERRY, JOHN SINCLAIR HEIRS	5830 SW WARWOOD DR	ROANOKE VA 240180
0438-92-2380-	PERRY, M L HEIRS	1610 NW VARNUM ST	WASHINGTON DC 200110
0438-88-8058-	RAY, MITCHELL	388 EAST 27TH ST	PATTERSON NJ 07514-1812
0438-84-3273-	SHERMAN, WILLIAM D	312 DEVANE ST	FAYETTEVILLE NC 283050
0445-14-3882-	TOWERY, LILLIAN S	PO BOX 84248	FAYETTEVILLE NC 28308-248
0435-69-8288-	TREE FARMER LLC	121 S COOL SPRING ST	FAYETTEVILLE NC 283010
0438-85-2309-	TURNER, ALBERT THOMAS &	12702 HALYARD PL	FORT WASHINGTON MD 207440
0445-41-4071-	TYSON, NANCY BUTLER	5720 S NC 87 HWY	FAYETTEVILLE NC 283080
0445-15-5275-	VANN, BERNARD	PO BOX 84038	FAYETTEVILLE NC 283080
0445-24-0995-	WATTS, ROY JR & WIFE	2300 WILMINGTON HWY	FAYETTEVILLE NC 283080
0444-29-3182-	ZECH, JONATHAN & WIFE	1509 ZINNIA CT	FAYETTEVILLE NC 283080

# Sample Letter for Owner Notifications

Lesli Epler,  
Chair  
Cumberland County

Kay Turner,  
Vice-Chair  
Cumberland County

Gordon C. Houser,  
Town of Spring Lake  
Harvey Cain, Jr.,  
Town of Seaford  
Pamela Hall,  
Town of Hope Mills  
Charles C. Morris,  
Town of Lenoir



## COUNTY of CUMBERLAND

*Planning & Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Conner,  
Deputy Director

Walter Clark,  
Sara E. Plunk,  
Cumberland County

Benny Peters,  
Town of Eastover

Dorene McLendon,  
Wade, Talbot, & Godwin

HALL, ALICE B HEIRS  
2800 MAFFITT CT  
FAYETTEVILLE NC 28303 -5906  
Or Current Occupant

July 27, 2009

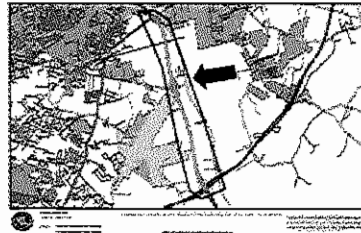
Dear Citizen:

A request to has been presented to our staff for the naming/re-naming of NC Hwy 87 S to of Martin Luther King Jr Freeway on the unnamed portion of NC Hwy 87 S from the municipal limits of the City of Fayetteville to the I-95 exchange. Our staffs has reviewed this request as it relates to E911 address assignments and have found that there are no addresses along this portion of NC Hwy 87 S. A small map of the request is included below.

If you have any comments or concerns, feel free to contact me at (910) 678-7665/910-678-7608.

Sincerely,

Sheryl D. Shelton  
Street Naming Coordinator





ITEM NO. 4B

**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

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

**MEMORANDUM**

**TO:** BOARD OF COMMISSIONERS

**FROM:** TOM COONEY, DIRECTOR *TBC*

**THROUGH:** JAMES MARTIN, COUNTY MANAGER  
HARVEY RAYNOR, INTERIM COUNTY ATTORNEY

**DATE:** AUGUST 7, 2009

**SUBJECT:** HOLD A PUBLIC HEARING FOR THE PURPOSE OF RECEIVING  
COMMENTS FROM THE PROPERTY OWNERS IN THE PROPOSED  
GRAYS CREEK WATER & SEWER DISTRICT. FOLLOWING THE PUBLIC  
HEARING ADOPTION OF A RESOLUTION TO CREATE THE GRAYS  
CREEK WATER & SEWER DISTRICT.

**BACKGROUND**

The Grays Creek Water & Sewer District, located in the southwest portion of Cumberland County has been identified as a feasible project in the recently completed *Cumberland County Rural Water Feasibility Study*.

The first step in this process is to hold a public hearing as required by North Carolina General Statute 162A-86 to receive comments pertaining to the creation of the Grays Creek Water & Sewer District. The Board of Commissioners, at their last meeting on August 3, 2009 set a public hearing date for August 17, 2009 at their scheduled meeting. Following the public hearing the Board of Commissioners may take action to adopt a resolution to create the Grays Creek Water & Sewer District.

**RECOMMENDATION:**

The County Public Utilities Director and Management recommend that the Board of Commissioners:

1. Adopt the resolution to create the Grays Creek Water & Sewer District.

Attachments: Map of the District

*Celebrating Our Past...Embracing Our Future*

**RESOLUTION CREATING GRAYS CREEK  
WATER AND SEWER DISTRICT**

WHEREAS, the Cumberland County Board of Commissioners (hereinafter "the Board") at its regular meeting on August 17, 2009, held a public hearing, pursuant to NCGS 162A-86 et.seq., to consider creation of the Grays Creek Water and Sewer District; and

WHEREAS, pursuant to NCGS 162A-86, prior to the August 17, 2009 public hearing a notice of public hearing was prepared stating the date, hour and place of the public hearing and its subject and setting forth a description of the territory to be included within the proposed Grays Creek Water and Sewer District; and

WHEREAS, pursuant to said NCGS 162A-86, the said notice of public hearing was published once a week for three weeks in a newspaper that circulated in the proposed district and was posted in at least three public places in the district. The notices of public hearing were posted and published the first time not less than twenty days before the hearing; and

WHEREAS, at the public hearing held at 6:45 p.m., August 17, 2009, in Room 118, Cumberland County Courthouse, 117 Dick Street, Fayetteville, North Carolina any taxpayer and all other interested persons were allowed to appear and be heard concerning the question of creating the Grays Creek Water and Sewer District; and

NOW, THEREFORE, the Board, following the public hearing, finds that:

1. There is a demonstrable need for providing in the district water and sewer services;
2. The residents of all the territory to be included in the district will benefit from the district's creation; and
3. It is economically feasible to provide the proposed service in the district without unreasonable or burdensome annual tax levies;

THEREFORE, the Board finds that the district shall be defined as set forth below;  
and

THEREFORE, the Board now desires to create the Grays Creek Water and Sewer District.

NOW, THEREFORE, BE IT RESOLVED by the Cumberland County Board of Commissioners as follows:

The Grays Creek Water and Sewer District is created and the said District is hereby described as follows:

The area that is known as Grays Creek located in the southwest corner of Cumberland County ..... The boundary of the proposed water and sewer district is more particularly described on a map available for inspection in the Office of the Public Utilities Department and titled Grays Creek Water and Sewer District

The Clerk to the Board is hereby authorized and directed to cause this Resolution to be published once in each of two successive weeks in the newspaper in which the notice of the public hearing was published, as well as the following statement, which shall be printed at the end of the Resolution: The foregoing resolution was adopted by the Cumberland County Board of Commissioners on August 17, 2009 and was first published on August \_\_\_, 2009.

Any action or proceeding questioning the validity of this resolution or the creation of the Grays Creek Water and Sewer District or the inclusion in the district of any of the territory described in the resolution must be commenced within 30 days after the first publication of the resolution.

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Clerk, Cumberland County Board of Commissioners

This resolution shall be effective upon its adoption as by law provided.

Adopted this 17<sup>th</sup> day of August, 2009.

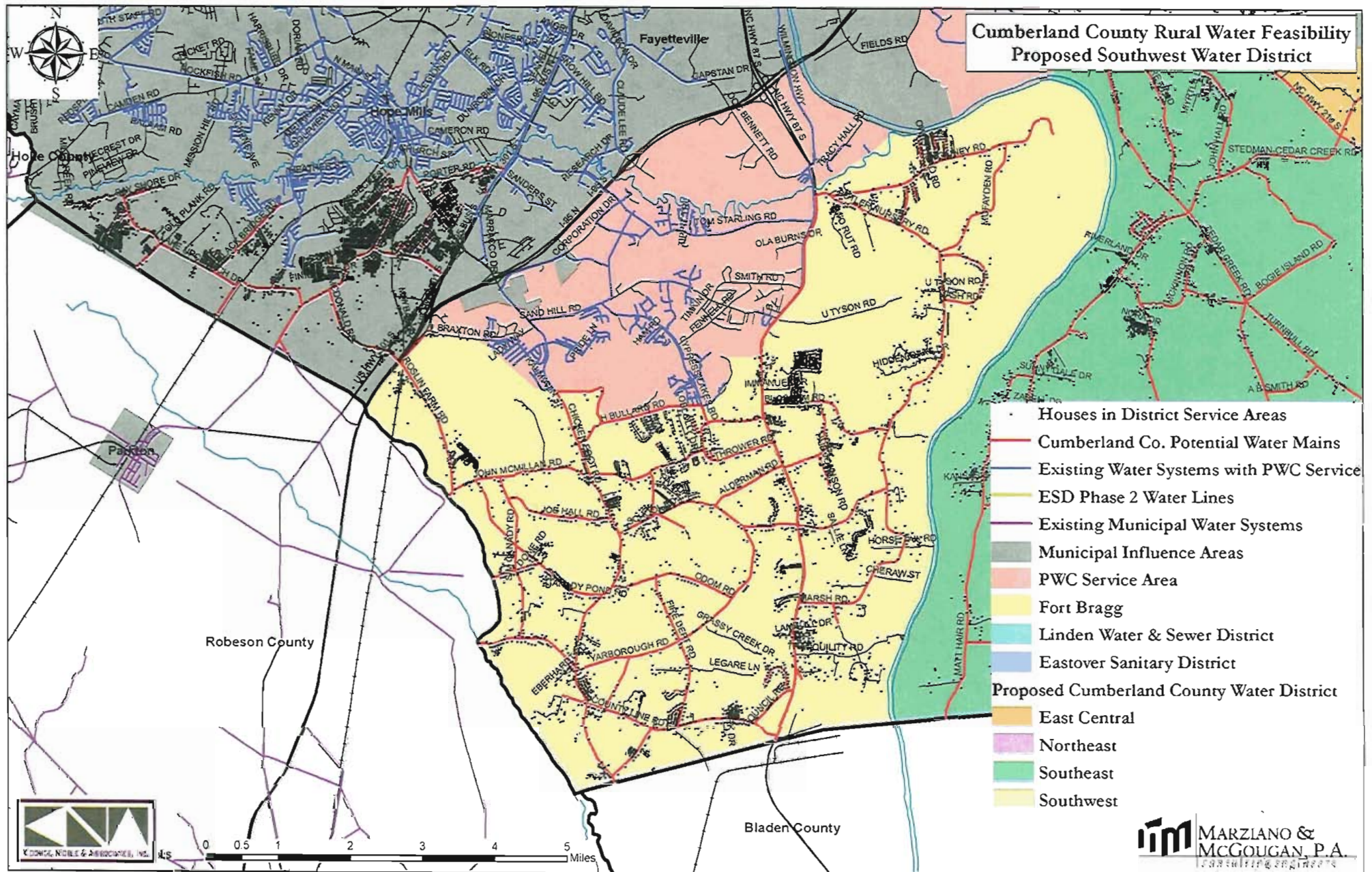
---

Jeannette M. Council  
Chairman

Attest:

---

Marie Colgan  
Clerk



Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
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,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

AUGUST 7, 2009

ITEM NO. 4C

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P08-42:** Rezoning of 2.01+/- acres from R6A Residential to C(P) Planned Commercial or more restrictive zoning district, located at 3378 Cumberland Road, submitted and owned by Kwang Yol and Ok Bun Lee.

ACTION: Members present at the July 21, 2009 meeting voted unanimously to recommend approval of the C(P) Planned Commercial district 310' from right-of-way, remainder to stay R6A Residential district.

**SITE INFORMATION:** **Frontage & Location:** 100.00'+/- on Cumberland Road; **Depth:** 73.91'+/- ; **Jurisdiction:** Cumberland County; **Adjacent Property:** Yes, front corner west of subject property; **Current Use:** Residential; **Initial Zoning:** R6A – August 1, 1975 (Area 3); **Nonconformities:** Yes, existing residential structure built in 1952 does not meet yard setback requirements; if rezoning is approved, the existing structure will become a nonconforming use and made more nonconforming for setbacks; **Zoning Violation(s):** None; **Surrounding Zoning:** North: R10, R6 & C1P (Fayetteville); East: R10, R6 (County/Fayetteville), R6A & C3; South: R10, R6A, C1(P), C3 & M2; West: R10, R6, R6A/CU (sewing business), C1(P), C1(P)/CU (operation of a carwash), C3, C(P)/CUD (motor vehicle body/repair shop) & M2 (County/Fayetteville); **Surrounding Land Use:** Commercial (including 2- motor vehicle sales, trade contractor, food sales/grocery stores & flower shop), day care facility, 2- open storage of motor vehicle/salvage and residential (including multi-family, 4-manufactured home parks & manufactured homes); **2030 Growth Vision Plan:** Urban area; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** PWC/Septic (new septic permit required); **Soil Limitations:** None; **School Capacity/Enrolled:** Cumberland Road High: 355/426; Ireland Drive Middle: 340/335; Douglas Byrd Middle: 600/677; Douglas Byrd High: 1,280/1,262; **Subdivision/Site Plan:** If approved, site plan review will be required prior to application for permits; **Municipal Influence Area:** City of Fayetteville; **Average Daily Traffic Count (2006):** 38,000 on Cumberland Road (SR 1141); **Highway Plan:** Cumberland Road is identified in the Highway Plan as a major thoroughfare. This is a multi-lane facility (U-2304) with an adequate right-of-way of 90 feet. Road improvements have been completed; **Notes:** 1. Applicant was informed if request is approved, the lot will have a 40-foot wide building envelope according to the C(P) setbacks; 2. Minimum Yard Setback Regulations: **R10:** Front yard: 25', Side yard: 10', Rear yard: 15', **C(P):** Front yard: 50', Side yard: 30', Rear yard: 30'; 3. CUD & Permit was explained as an option to applicant; and 4. Applicant advised to consult with Building Inspector if intent is to convert residential structure to commercial use.

## MINUTES OF JULY 21, 2009

The Planning & Inspections Staff recommends approval of the request for the C(P) Planned Commercial district but only to a depth of 310 feet from the right-of-way/property line, based on the following:

1. The recommendation is consistent with the 2030 Growth Vision Plan (urban area) and with the exception of public sewer availability, is consistent with the location criteria for the district requested as enumerated in the Land Use Policies Plan;
2. Cumberland Road is designated as a "primary business street" in the Land Use Policies Plan, which recognizes strip commercial as a viable part of commercial development and the recommendation for commercial is appropriate along this segment of road;
3. The recommendation allows for commercial development of a portion of the subject property to the same general extent of other commercial properties within the general area; and
4. The recommendation will prevent encroachment of commercial development into the immediately adjoining residential areas.

The C1(P) and C2(P) districts could also be considered suitable for this location.

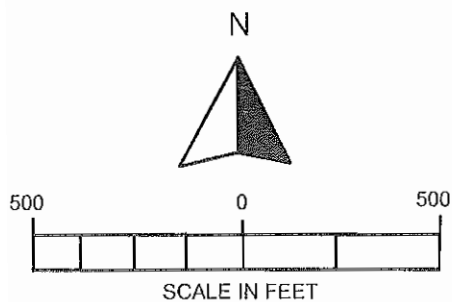
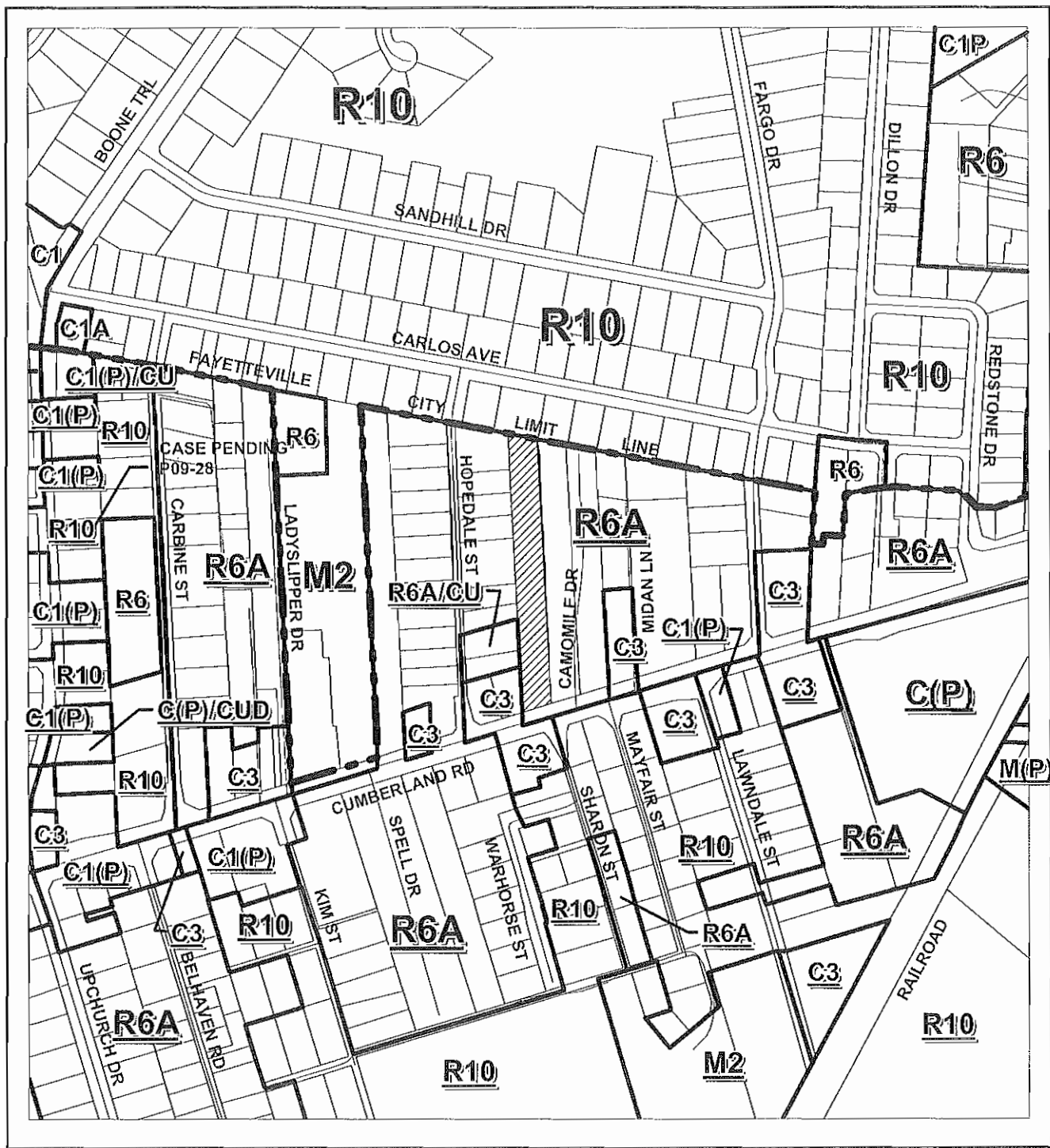
The applicants have verbally agreed via telephone conversation to the Staff recommendation.

There was no one present to speak for or against Case P08-42.

**A motion was made by Mr. McLaurin, seconded by Vice-Chair Turner, to follow the staff recommendation and approve case P08-42. Unanimous approval.**

### **First Class and Record Owners' Mailed Notice Certification**

*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.*



PIN: 0426-11-0019

## REQUESTED REZONING R6A TO C(P)

ACREAGE: 2.01 AC.+/-		HEARING NO: P08-42	
ORDINANCE: COUNTY		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
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,  
Sara E. Pitland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin,  
Wade, Falcon & Godwin

AUGUST 7, 2009

ITEM NO. 4D

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P09-21:** Rezoning of .47+/- acres from R10 Residential to C2(P) Planned Service and Retail or to a more restrictive zoning district, located at 4558 Cumberland Road, submitted and owned by Jerry E. Lanier.

ACTION: Members present at the June 16, 2009 meeting voted unanimously to recommend approval of the C2(P) Planned Service and Retail district.

**SITE INFORMATION:** **Frontage & Location:** 80.00'+/- on Cumberland Road; **Depth:** 280.00'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** Residential; **Initial Zoning:** R10 – August 1, 1975 (Area 3); **Nonconformities:** Yes, existing residential structure built in 1956 does not meet yard setback requirements; if rezoning is approved, the existing structure will become a nonconforming use and made more nonconforming for setbacks; **Zoning Violation(s):** None; **Surrounding Zoning:** North: R10, R6, P2, C1 & C10 (Fayetteville); East: R10, R6A, C3, C(P) & C(P)/CUD(permitted uses with exclusions) (County/Hope Mills); South: R10, R6A, C(P) & C3 (County/Hope Mills); West: C1(P) & C(P)(County/Hope Mills), R15, P2, C1 & C1P (Fayetteville); **Surrounding Land Use:** Offices (including post office, accounting, 2-medical clinics& insurance); Commercial (to including strip mall, 2- retail, vacant structure and bar & night club), religious worship activities, assembly and residential (including multi-family & manufactured homes); **2030 Growth Vision Plan:** Urban area; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** PWC/PWC; **Soil Limitations:** None; **School Capacity/Enrolled:** Sherwood Park Elementary: 540/603; Ireland Drive Middle: 340/335; Douglas Byrd Middle: 600/677; Douglas Byrd High: 1,280/1,262; **Subdivision/Site Plan:** If approved, site plan review will be required prior to application for permits; **Municipal Influence Area:** Town of Hope Mills; **Average Daily Traffic Count (2006):** 24,000 on Cumberland Road (SR 1141); **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; **Notes:** 1. Applicant was informed if request is approved, the lot will have an 18' wide building envelope according to the C2(P) setbacks; 2. Minimum Yard Setback Regulations: **R10:** Front yard: 30', Side yard: 10', Rear yard: 35'; **C2(P):** Front yard: 50', Side yard: 30', Rear yard: 30'; and 3. CUD& Permit was explained as an option to applicant.

#### MINUTES OF JUNE 16, 2009

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

1. The request is consistent with the 2030 Growth Vision Plan, which calls for "urban" development at this location; and

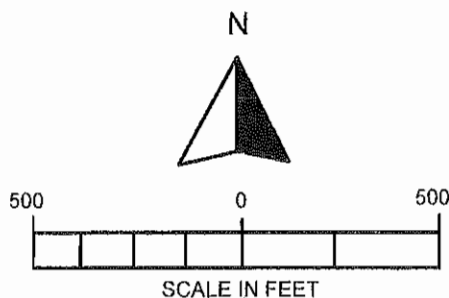
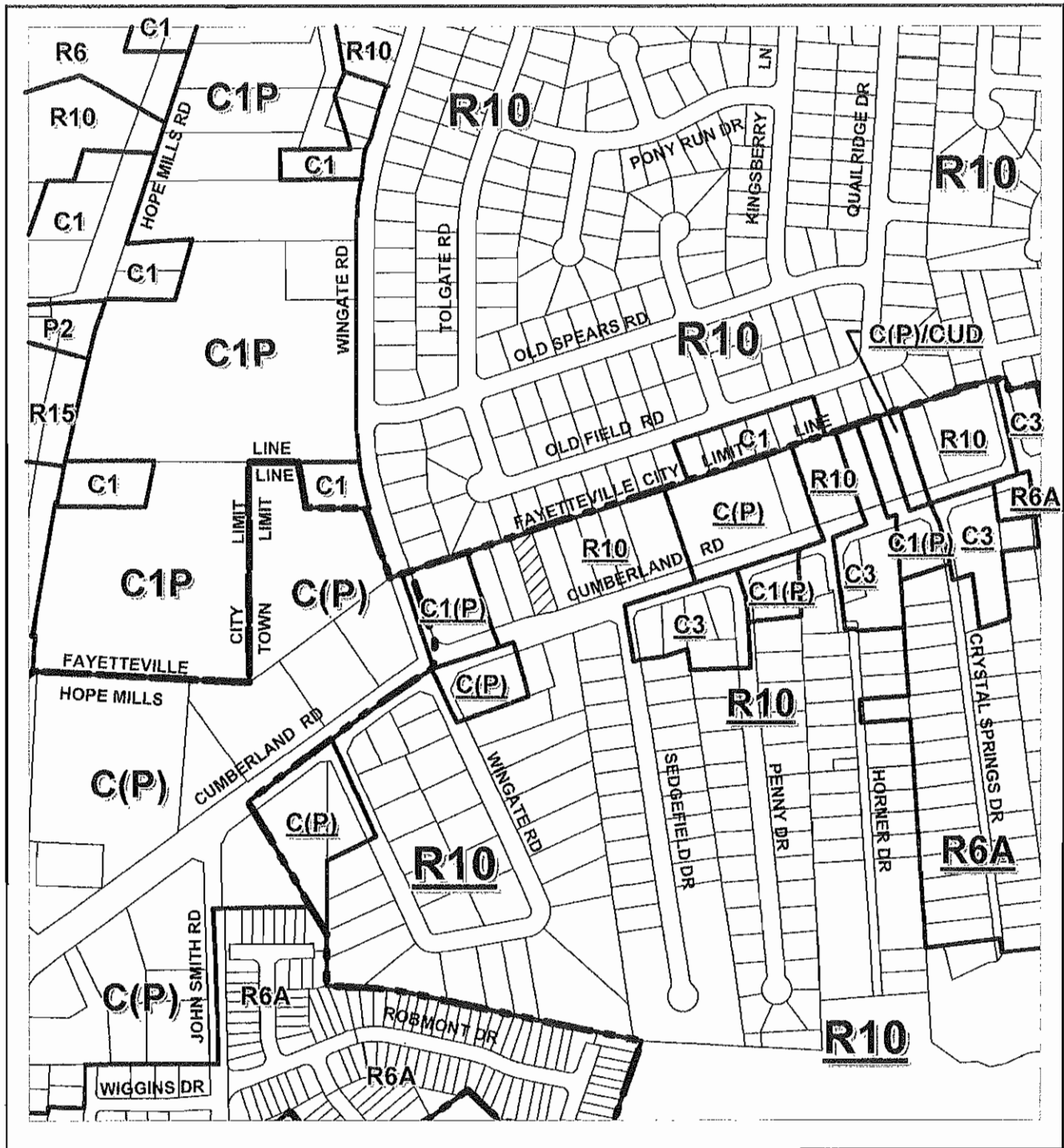
2. The subject property meets the location criteria for light commercial as recommended in the Land Use Policies Plan.

The C1(P) district could also be considered suitable for this location.

**A motion was made by Vice-Chair Epler, seconded by Mrs. Piland, to follow the staff recommendation and approve case P09-21. Unanimous approval**

**First Class and Record Owners' Mailed Notice Certification**

*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.*



PIN: 0415-18-5068

## REQUESTED REZONING R10 TO C2(P)

ACREAGE: 0.47 AC.+/-		HEARING NO: P09-21	
ORDINANCE: COUNTY		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
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,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin  
Wade, Falcon & Godwin

AUGUST 7, 2009

ITEM NO. 4E

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P09-28:** Rezoning of .34+/- acres from R10 Residential to C1(P) Planned Local Business or to a more restrictive zoning district, located at 3709 Boone Trail, submitted by Fay Fleischmann, owned by Mark Fleischmann.

ACTION: Members present at the July 21, 2009 meeting voted unanimously to recommend approval of the C1(P) Planned Local Business district.

**SITE INFORMATION:** **Frontage & Location:** 100.60' +/- on Boone Trail; **Depth:** 149.20' +/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** Residential; **Initial Zoning:** R10 – August 1, 1975 (Area 3); **Nonconformities:** Yes, if approved, the existing residential structure will become a nonconforming use (built 1952); **Zoning Violation(s):** None  
**Surrounding Zoning:** North: C1, C1(P), C1A & R10 (Fayetteville), C1(P) & C1(P)/CU; (operation of car wash); East: M2 (Fayetteville), R6 (County/Fayetteville), C3, R6A/CU (sewing contracting business) & R6A; South: C3, C(P), C(P)/CUD (motor vehicle repair, body work & other permitted uses with exclusions), C1(P), RR, R10 & R6A; West: C3, C1(P), C1(P)/CU (construction office & storage building), R10, R6 & R6A; **Surrounding Land Use:** Commercial (including motor vehicle washing, 2-barbering and hairdressing services/salons, retail store, 3-trade contractors & vacant commercial), mortgage office, religious worship activities and residential (including multi-family & 3-manufactured home parks); **2030 Growth Vision Plan:** Urban area; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** PWC/PWC; **Soil Limitations:** None; **School Capacity/Enrolled:** Cumberland Road Elementary: 355/426; Ireland Drive Middle: 340/335; Douglas Byrd Middle: 600/677; Douglas Byrd High: 1,280/1,262; **Subdivision/Site Plan:** If approved, site plan review will be required prior to permits; **Municipal Influence Area:** City of Fayetteville; **Average Daily Traffic Count (2006):** 8,700 on Boone Trail (SR 1149); **Highway Plan:** Boone Trail is identified in the Highway Plan as a minor thoroughfare. This proposal calls for a four lane, divided facility (U-4761) with a right-of-way of 110 feet. Road improvements are included in the 2009-2015 MTIP. This is a Priority #3 in the Highway Portion of the LRTP; **Notes:** 1. CUD & Permit was explained as an option to applicant; 2. Applicant was informed that a second hand store is not a permitted use in C1(P); 3. If rezoning is approved, the lot will have a building envelope of 5,940 square feet according to the C1(P) setbacks; 4. Applicant advised to consult Building Inspector regarding conversion of residential structure to commercial; and 5. **Minimum Yard Setback Regulations:** **R10:** Front yard: 30', Side yard: 10', Rear yard: 35', **C1(P):** Front yard: 45', Side yard: 15', Rear yard: 20'.

## MINUTES OF JULY 21, 2009

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

1. The request is consistent with the 2030 Growth Vision Plan (urban area) and with the location criteria for the district requested as listed in the Land Use Policies Plan;
2. Boone Trail is designated as a "limited business street" in the Land Use Policies Plan, which recognizes that the uses along this street are in transition from residential to non-residential and that light commercial is appropriate along this segment of the road; and
3. The request will allow for compatible uses with those uses currently predominant in the general area.

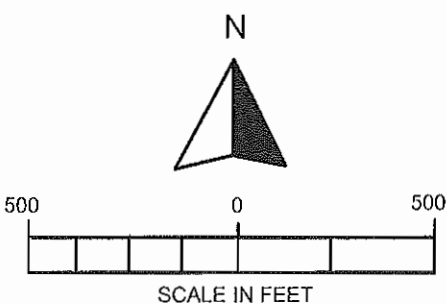
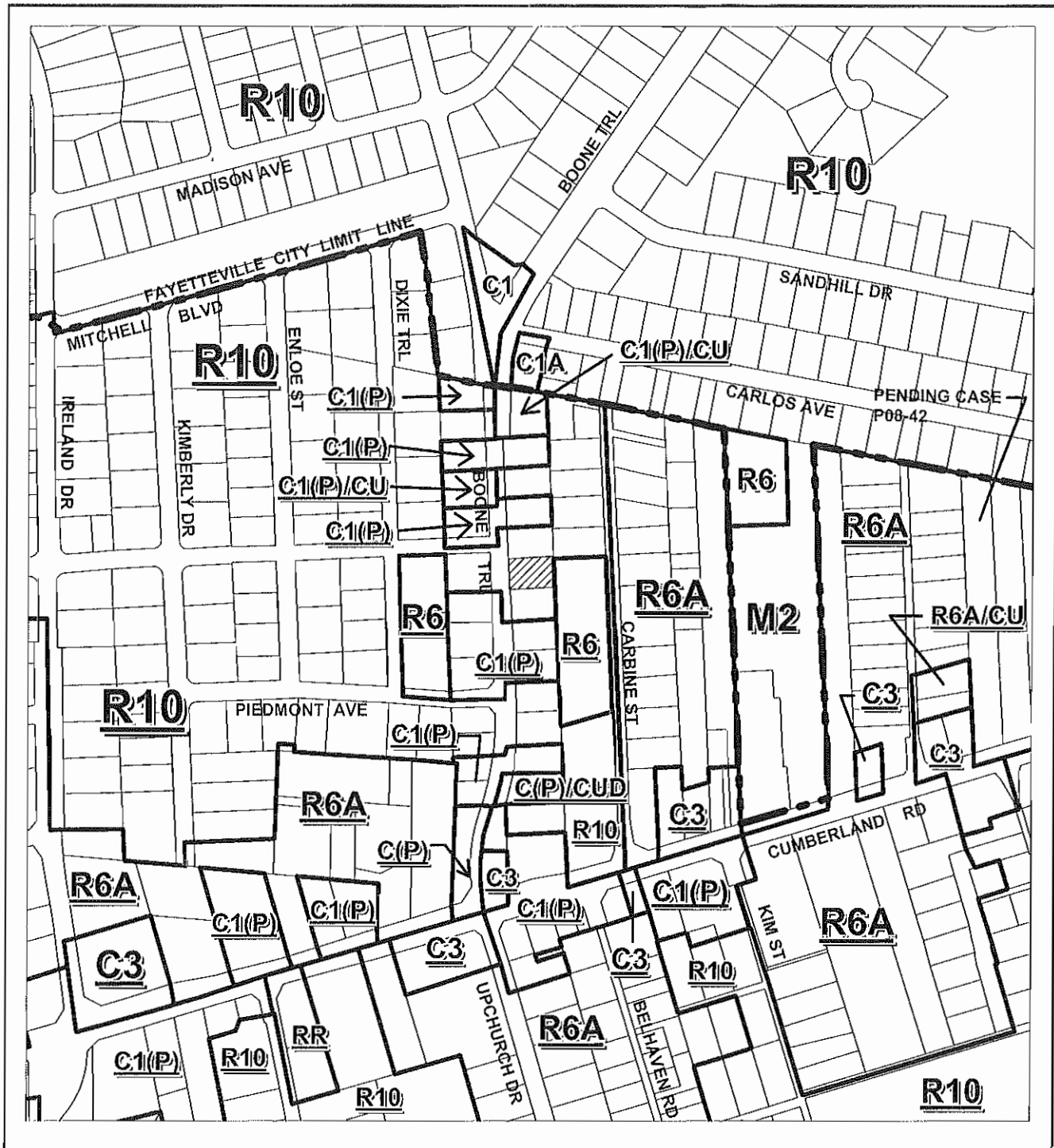
There are no other zoning districts to be considered suitable for this request.

There was no one present to speak for or against Case P09-28.

**A motion was made by Mr. McLaurin, seconded by Mr. Turner, to follow the staff recommendation and approve case P09-28. Unanimous approval.**

### **First Class and Record Owners' Mailed Notice Certification**

*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.*



PIN: 0416-91-5222

## REQUESTED REZONING R10 TO C1(P)

ACREAGE: 0.34 AC. +/-

HEARING NO: P09-28

ORDINANCE: COUNTY

HEARING DATE

ACTION

STAFF RECOMMENDATION

PLANNING BOARD

GOVERNING BOARD

Lori Epler,  
Chair  
Cumberland County

Roy Turner,  
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,  
Sara E. Piland,  
Cumberland County

Benny Pearce,  
Town of Eastover

Donovan McLaurin  
Wade, Falcon & Godwin

AUGUST 7, 2009

ITEM NO. 4F

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P09-32:** Rezoning of 1.01+/- acres from C3 Heavy Commercial to RR Rural Residential or to a more restrictive zoning district, located at 3830 Rocoso Place, submitted and owned by Elijah B. and Janice M. Young.

ACTION: Members present at the July 21, 2009 meeting voted unanimously to recommend approval of the RR Rural Residential district.

**SITE INFORMATION:** **Frontage & Location:** 100.00'+/- on Rocoso Place; **Depth:** 220.00'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** Yes, 2 tracts northeast and 2 tracts southwest of subject property; **Current Use:** Residential (manufactured home); **Initial Zoning:** RR – March 15, 1979 (Area 6); rezoned to C3, February 15, 1999; Special Use Permit (motor vehicle junk yard, approved 4/15/99, Case No. P99-08-C); **Nonconformities:** Yes, existing residential structure located in commercial district and across the property line (dwelling constructed in 1996); **Zoning Violation(s):** None; **Surrounding Zoning:** North: M(P) & RR; East & South: M(P), C3 & RR; West: C(P) & RR; **Surrounding Land Use:** Motor vehicle sales, motor vehicle wrecking yard/junk yard, motor vehicle storage yard, motor vehicle towing, residential (including manufactured homes) and woodlands; **2030 Growth Vision Plan:** Urban area; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Well/Septic; **Soil Limitations:** None; **School Capacity/Enrolled:** Alderman Road Elementary: 750/760; South View Middle: 900/884; South View High: 1,800/1,853; **Subdivision/Site Plan:** The subject property is a portion of two tracts created on 4/28/1989; lots required to be recombined prior to application for any new permits; Rocoso Place is an approved Class "C" private street (1/4/96); **Sewer Service Area:** Yes; **Airport Overlay District:** No impact; **Average Daily Traffic Count (2006):** 3,200 on SR 2341 (Claude Lee Road); **Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan; **Notes:** **Density:** RR – 2 lots/ units.

#### MINUTES OF JULY 21, 2009

The Planning & Inspections Staff recommends approval of the request for the RR Rural Residential district for the subject property, based on the following:

1. Although the request is not consistent with the 2030 Growth Vision Plan (urban area) and the location criteria for suburban density residential as listed in the Land Use Policies Plan (no direct public street access), the request is reasonable since, if approved, it will allow the current existing use of the property to be made conforming;
2. The RR Rural Residential district is identical to all other residentially-zoned properties within the general area; and

3. The record at the time the subject property was rezoned to C3 Heavy Commercial is not clear and the property owner states it was never their intent to have their home zoned commercial.

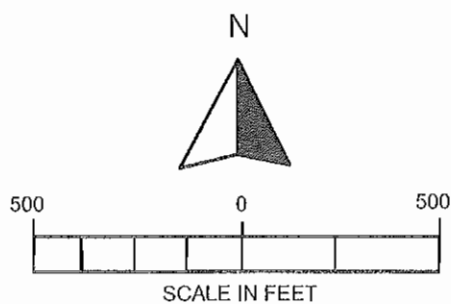
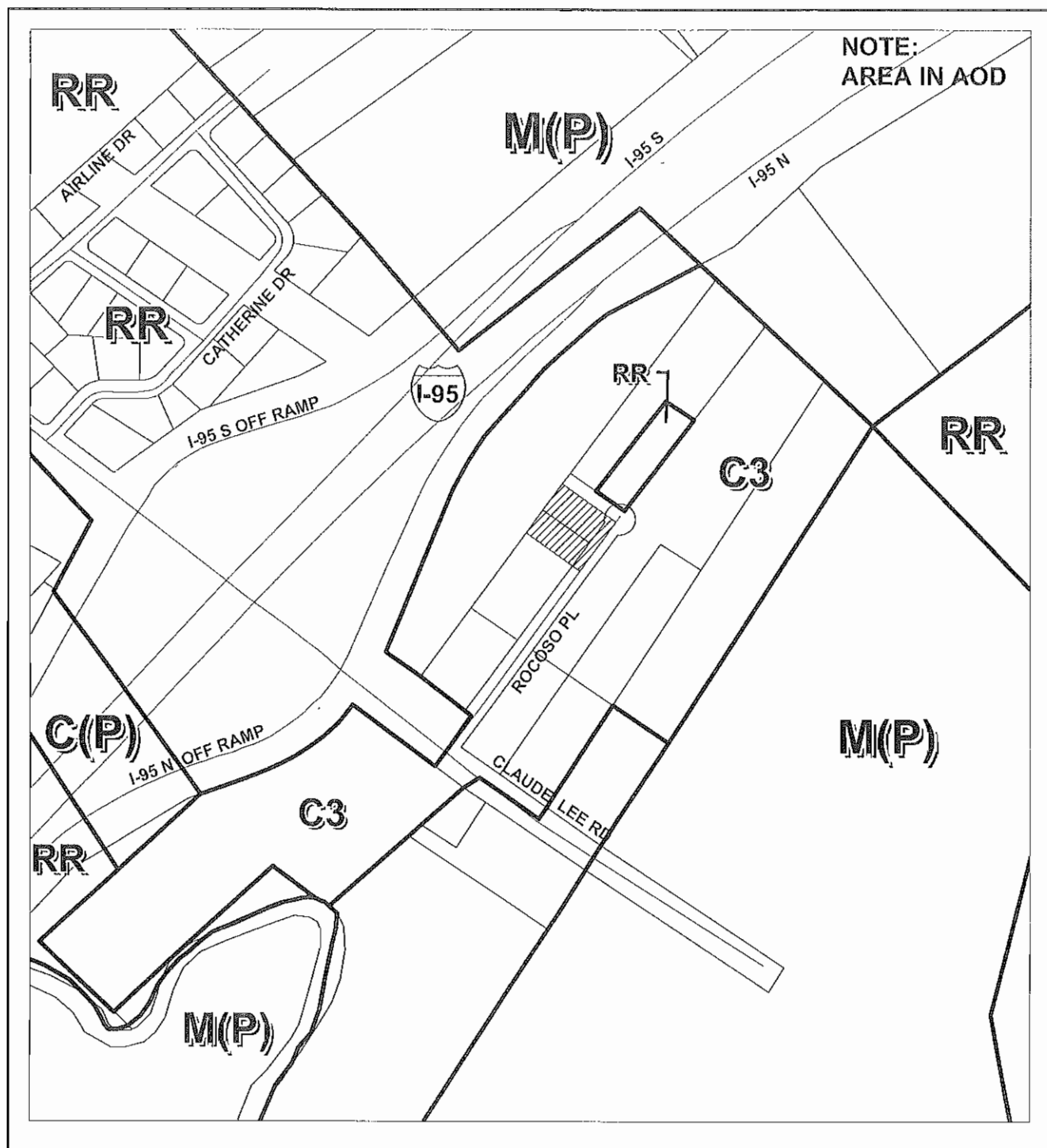
There are no other suitable zoning districts to be considered for this request.

There was no one present to speak for or against Case P09-32.

**A motion was made by Mr. McLaurin, seconded by Vice-Chair Turner, to follow the staff recommendation and approve case P09-32. Unanimous approval.**

**First Class and Record Owners' Mailed Notice Certification**

*A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.*



## REQUESTED REZONING C3 TO RR

ACREAGE: 1.01 AC.+/-		HEARING NO: P09-32	
ORDINANCE: COUNTY		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

PORT OF PIN: 0434-41-0195  
PORT OF PIN: 0434-41-2357

AF  
6/29/09

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 5921-2009.

Property Owner: M.J. Marsh Farm, Inc., C/O V.B. Marsh

Property Address: 3497 Shem Creek Drive, Fayetteville, NC

Tax Parcel Identification Number: 0452-37-9434

SYNOPSIS: This property was inspected on 4/21/2009. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 5/14/2009. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 7/14/2009. 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 8/7/2009 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

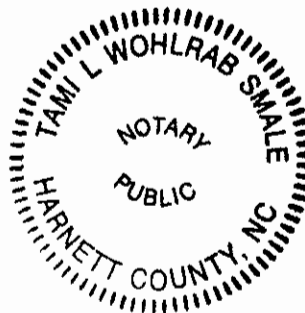
The estimated cost to repair the structure to a minimum standard for human habitation is \$15,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00 for salvageable materials. Attached is a map depicting the location of the property. (See Exhibit B.)

**RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT 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 7 day of August 2009.

Tami R. Wohlrab Smale  
Notary Public



My Commission Expires:  
My Commission Expires October 11, 2011

**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.

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Ken Sykes,  
Inspections Coordinator

Carol M. Post  
Planning and Inspections  
Office Support



## COUNTY of CUMBERLAND

*Planning & Inspections Department*

Kim Reeves,  
Inspector

Angela Perrier,  
Inspector

George Hatcher,  
Inspector

Charisse Brown,  
Inspector

Johnny H. Scott,  
Inspector

Joey Lewis,  
Inspector

### FINDINGS OF FACT AND ORDER

May 15, 2009

CASE #: MH 5921-2009

**TO:** M.J. Marsh Farm, Inc.  
C/O V.B. Marsh & Parties of Interest  
3267 Shem Creek Drive  
Fayetteville, NC 28306

**Property at:** 3497 Shem Creek Drive, 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 4/24/2009.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 5/14/2009 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, 4/22/2009. 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 5921-2009, dated 4/21/2009.
  - ☒ 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.

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

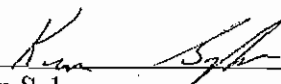
Findings and Facts of Order

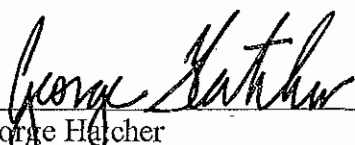
Case #: MH 5921-2009

Page 2

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 7/14/2009. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
  - ☐ b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
  - ☐ c. The structure shall be/remain secured.
  - ☐ d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after \_\_\_\_\_.
  - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 7/14/2009. The cost of said demolition will be assessed against the real property in the form of a lien.

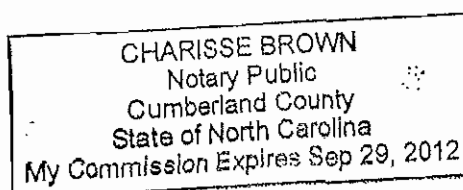
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.

  
Ken Sykes  
Hearing Officer

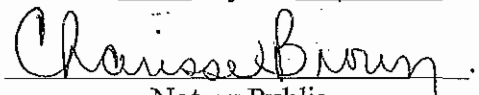
  
George Hatcher  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me  
this the 15<sup>th</sup> day of May, 2009

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

**PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER  
DATED 5/15/09 CASE NUMBER MH 5921-2009**

NORTH CAROLINA  
COUNTY OF CUMBERLAND

**RETURN TO:**

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

RE: M.J. MARSH FARM, INC. C/O V.B. MARSH  
Name of Violator

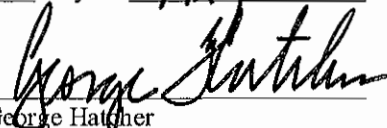
Case Number : MH 5921-2009

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

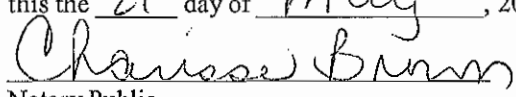
I, GEORGE HATCHER, a code enforcement officer with the Cumberland County Planning & Inspection Department, personally served M.J. MARSH FARM, INC. C/O V.B. MARSH,  
name of violator  
a copy of the FINDINGS OF FACT AND ORDER AND APPEALS PROCEDURES FORM, citing  
violations of Article IV, CHAPTER 4, of the Cumberland County Code by delivering said notice(s) to the violator  
at the address shown below:

130 GILLESPIE ST  
street name  
FAYETTEVILLE NC 28301  
city, state, zip

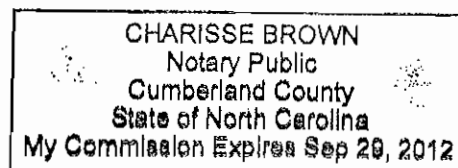
I further certify that said service was completed on this the 21 day of MAY, 2009.

  
George Hatcher  
Code Enforcement Officer

Sworn to and subscribed to before me

this the 21 day of may, 2009.  
  
Notary Public

My Commission Expires: 9/29/12



**EXHIBIT A**

**MAP DEPICTING LOCATION OF PROPERTY**

**Property Owner: MJ Marsh Farms, Inc. c/o VB Marsh**

**Lot in front of 3163 Shem Creek & 3497 Shem Creek, (Grays Creek) Fayetteville NC**

**MINIMUM HOUSING CASE # MH5921 & MH5922-2009**

**TAX PARCEL IDENTIFICATION NUMBER 0452-27-2136 & 0452-37-9434**

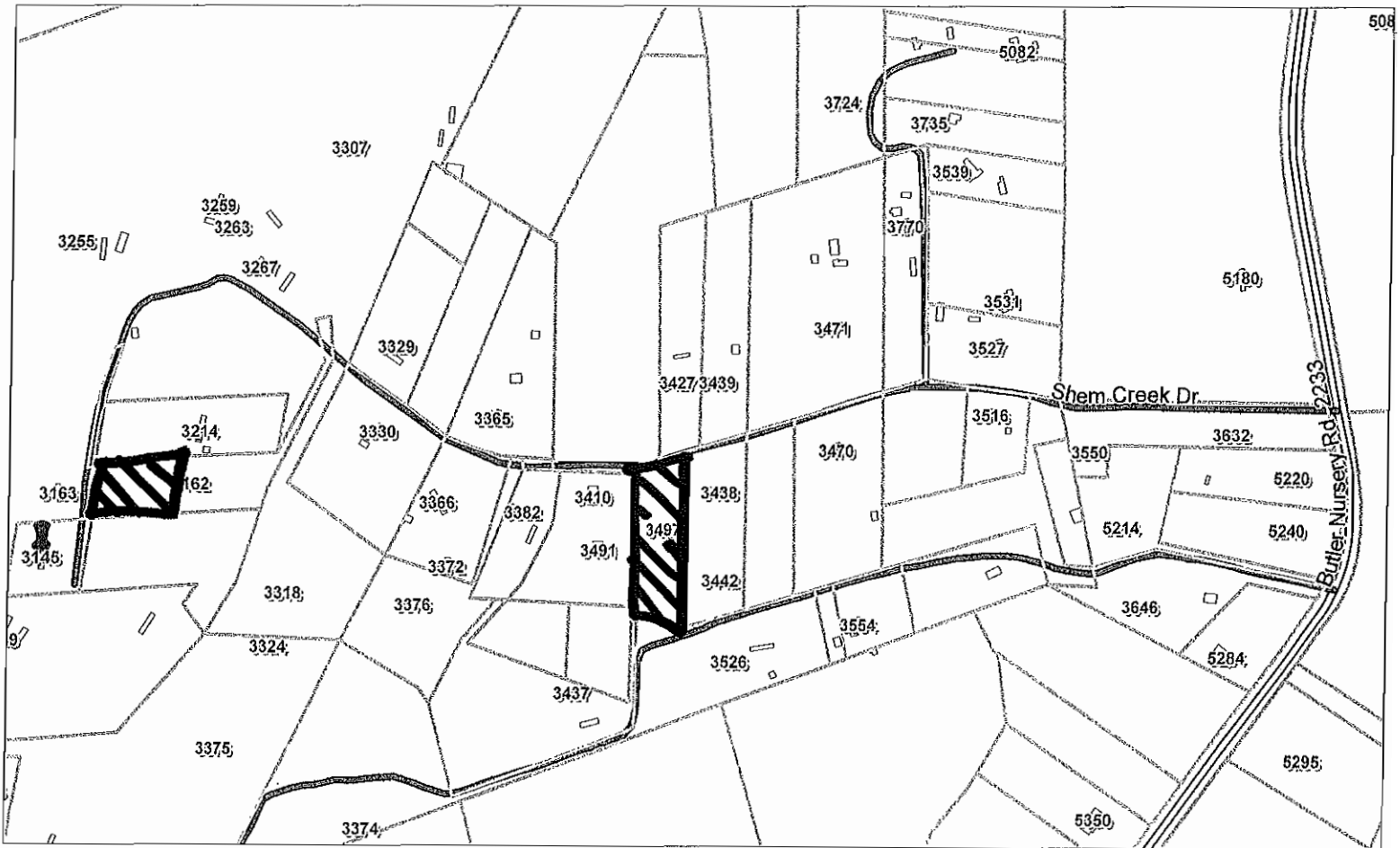


EXHIBIT "B"

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 5922-2009.

Property Owner: M.J. Marsh Farm, Inc., C/O V.B. Marsh

Property Address: Lot in front of 3163 Shem Creek Drive, Fayetteville, NC

Tax Parcel Identification Number: 0452-27-2136

SYNOPSIS: This property was inspected on 4/21/2009. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 5/14/2009. No one attended the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 7/14/2009. 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 8/7/2009 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$15,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00 for salvageable materials. Attached is a map depicting the location of the property. (See Exhibit B.)

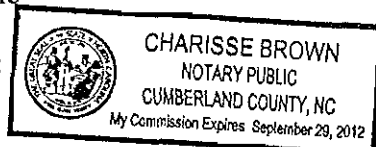
RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

George Hatcher  
Affiant  
Code Enforcement Officer  
County of Cumberland

Sworn to and Subscribed to by me this  
the 4 day of August 2009.

Charisse Brown  
Notary Public

My Commission Expires:



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

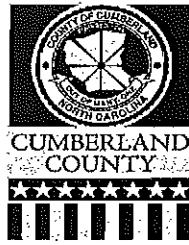
4. In addition there is imposed a civil penalty in the amount of \$ \_\_\_\_\_ per day (up to  
a maximum amount of \$3,000.00) for failure to comply with the terms of this Ordinance.

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

Ken Sykes,  
Inspections Coordinator

Carol M. Post  
Planning and Inspections  
Office Support



## COUNTY of CUMBERLAND

*Planning & Inspections Department*

Kim Reeves,  
Inspector

Angela Perrier,  
Inspector

George Hatcher,  
Inspector

Charisse Brown,  
Inspector

Johnny H. Scott,  
Inspector

Joey Lewis,  
Inspector

### FINDINGS OF FACT AND ORDER

May 15, 2009

CASE #: MH 5922-2009

**TO:** M.J. Marsh Farms, Inc.  
C/O V.B. Marsh & Parties of Interest  
3267 Shem Creek Drive  
Fayetteville, NC 28306

**Property at:** Lot in front of 3163 Shem Creek Drive, 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 4/24/2009.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 5/14/2009 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, 4/30/2009. 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 5922-2009, dated 4/21/2009.
  - ☒ 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.

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

EXHIBIT "A"

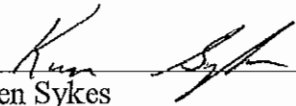
Findings and Facts of Order

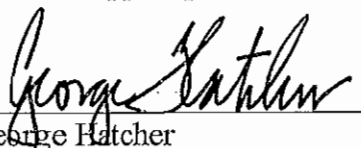
Case #: MH 5922-2009

Page 2

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 7/14/2009. **All required permits must be obtained. A copy of this order must be presented when obtaining permits.**
- ☐ b. The dwelling shall remain vacated until compliance with this order is completed and removed by the inspector, and the lot must be continuously maintained.
- ☐ c. The structure shall be/remain secured.
- ☐ d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after \_\_\_\_.
- ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 7/14/2009. The cost of said demolition will be assessed against the real property in the form of a lien.

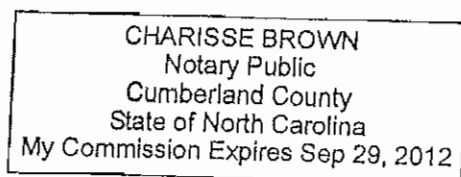
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.

  
Ken Sykes  
Hearing Officer

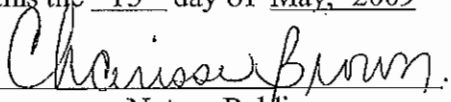
  
George Hatcher  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me  
this the 15<sup>th</sup> day of May, 2009

  
Notary Public  
My Commission Expires: 9/29/2012

**PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER  
DATED 5/15/09 CASE NUMBER MH 5922-2009**

NORTH CAROLINA  
COUNTY OF CUMBERLAND

**RETURN TO:**

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

RE: M.J. MARSH FARM, INC. C/O V.B. MARSH  
Name of Violator

Case Number : MH 5922-2009

**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 M.J. MARSH FARM, INC. C/O V.B. MARSH,  
name of violator  
a copy of the FINDINGS OF FACT AND ORDER AND APPEALS PROCEDURES FORM, 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:

130 GILLESPIE ST  
street name

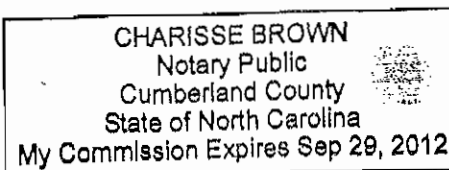
FAYETTEVILLE NC 28301  
city, state, zip

I further certify that said service was completed on this the 21 day of MAY, 2009.

George Hatcher  
George Hatcher  
Code Enforcement Officer

Sworn to and subscribed to before me

this the 21 day of may, 2009.  
Charisse Brown  
Notary Public



My Commission Expires: 9/29/12

**EXHIBIT A**

**Property Owner: MJ Marsh Farms, Inc. c/o VB Marsh**

MINIMUM HOUSING CASE # MH5921 & MH5922-2009



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 5491-2008.

Property Owner: Monica Stebbings

Property Address: 2445 Wilmington Highway, Fayetteville, NC

Tax Parcel Identification Number: 0445-34-5209

SYNOPSIS: This property was inspected on 4/10/2008. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 7/31/2008. 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 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.) An appeal was filed. The Housing Board of Appeals granted a 60 day extension of time with a final compliance date of 6/15/2009 (See Exhibit B). Upon my visit to the property on 8/7/2009 the corrective action had not been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$15,000.00. The Assessor for Cumberland County has the structure presently valued at \$500.00 for salvagable materials. Attached is a map depicting the location of the property. (See Exhibit C.)

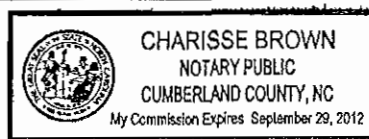
RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

George Hatcher  
Affiant  
Code Enforcement Officer  
County of Cumberland

Sworn to and Subscribed to by me this  
the 4 day of August 2009.

Charisse Brown  
Notary Public

My Commission Expires:



**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.

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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



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

#### FINDINGS OF FACT AND ORDER

July 31, 2008

CASE #: MH 5491-2008

**TO:** Raymond & Monica Stebbings & Parties of Interest  
2441 Wilmington Highway  
Fayetteville, NC 28306

**Property at:** 2445 Wilmington Highway, Fayetteville, NC

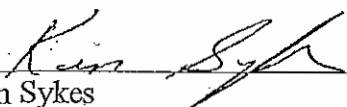
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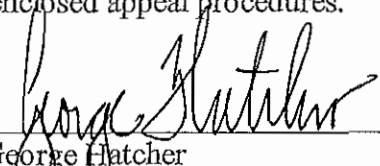
Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 7/31/2008 at 9:45:00 AM. The items identified below took place at the Hearing:

- ☒ 1. No owner or party of interest, or their agent, or representative appeared.
- ☐ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were:
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 7/10/2008. 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 5491-2008, dated 4/10/2008.
  - ☒ 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.

- ☒ 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.

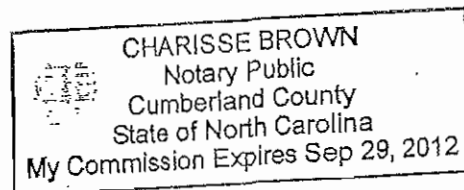
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.

  
Ken Sykes  
Hearing Officer

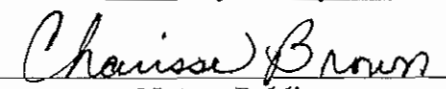
  
George Hatcher  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me  
this the 31<sup>th</sup> day of July, 2008

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

**PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER  
DATED 7/31/08 CASE NUMBER MH 5491-2008**

NORTH CAROLINA  
COUNTY OF CUMBERLAND

RETURN TO:

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

RE: RAYMOND & MONICA STEBBINGS  
Name of Violator

Case Number : MH 5491-2008 & MH 5492-2008

**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 RAYMOND & MONICA STEBBINGS, a copy of the  
name of violator

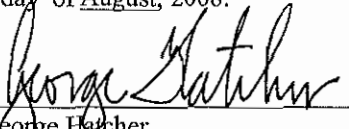
FINDINGS OF FACT AND ORDER & APPEALS PROCEDURES, citing violations of

Article IV, CHAPTER 4, of the Cumberland County Ordinance. Said notice(s) were in fact left with a person of suitable age and discretion, namely ANGELA REES, by delivering said notice(s) to the violator at the address shown below:

2441 WILMINGTON HIGHWAY  
street name

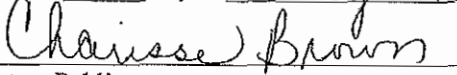
FAYETTEVILLE, NC 28306  
city, state, zip

I further certify that said service was completed on this the 6th day of August, 2008.

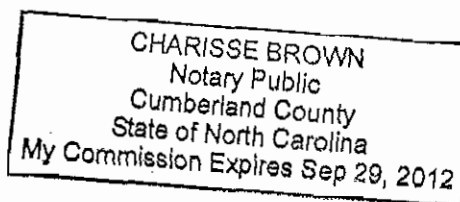
  
George Hatcher  
Code Enforcement Officer

Sworn to and subscribed to before me

this the 6<sup>th</sup> day of August, 2008.

  
Notary Public

My Commission Expires: 9/29/12



**EXHIBIT A**

Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

Lori Epler,  
Vice-Chair  
Cumberland County

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



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

## COUNTY of CUMBERLAND

### Planning & Inspections Department

91 7108 2133 3935 9463 7497

### NOTIFICATION OF HOUSING APPEALS BOARD DECISION

April 20, 2009

FILE NO: MH 5491 & 5492-2008

BOARD OF APPEALS MEETING DATE:

PROPERTY OWNER: Raymond & Monica Stebbings  
MAILING ADDRESS: 2441 Wilmington Highway  
Fayetteville, NC 28306

4/14/2009 6:30 P.M.

PROPERTY LOCATION: 2445 & 2441 Wilmington Highway, Fayetteville, NC,

OWNER/AGENT/  
OR REPRESENTATIVE(S) PRESENT: No one

#### DECISION RENDERED ON THE ABOVE CASE(S):

1. At the above referenced, the Board granted Raymond & Monica Stebbings a final 60 day extension to complete repairs on the property at 2445 & 2441 Wilmington Highway, Fayetteville, NC.
2. The new compliance date is 6/15/2009. The Inspector should be notified when the repairs are made and an inspection will be scheduled.
3. By authority of North Carolina General Statutes 14-4, violation of the county code is punishable as a Class 3 Misdemeanor in criminal court and failure to meet the new compliance date may result in the following action:
  - a. A \$50.00 per day civil penalty may be imposed for each day's continuing violation after the compliance date.
  - b. The County Planning & Inspections Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners. The cost of said demolition will be assessed against the real property in the form of a lien.
  - c. The County Planning & Inspections Department may start criminal proceedings in Environmental Court.

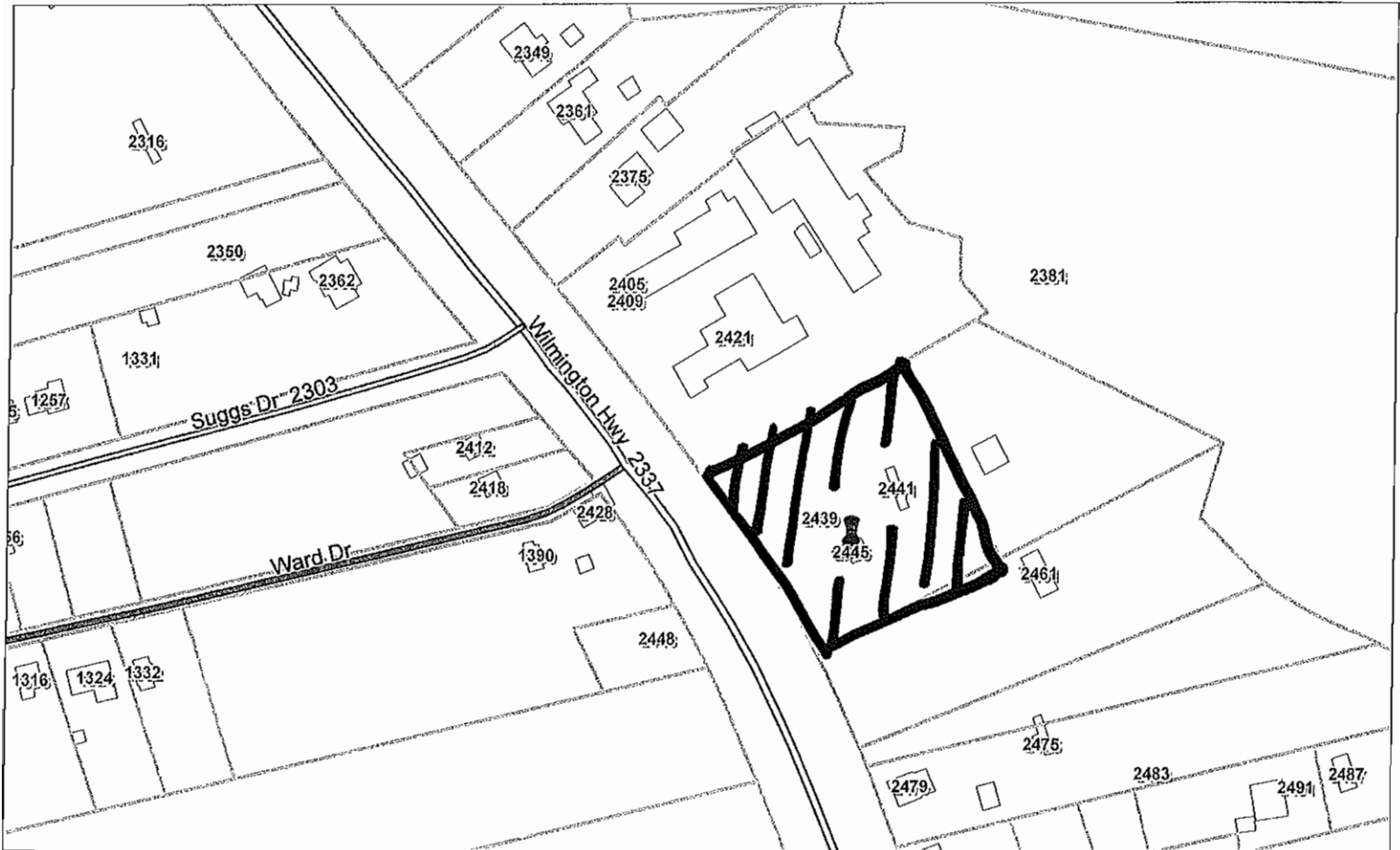
Carol M. Post  
Secretary  
Housing Board of Appeals

GH/cmp

130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 321-6636 · Fax: (910) 321-6637

EXHIBIT "B"

**MAP DEPICTING LOCATION OF PROPERTY**  
**Property Owner: Monica Stebbings**  
2445 Wilmington Hwy, Fayetteville NC  
MINIMUM HOUSING CASE # MH5491-2008  
TAX PARCEL IDENTIFICATION NUMBER 0445-34-5209



"EXHIBIT C"

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 5692-2008.

Property Owner: Hattie W. Coptsias C/O Julie Watson

Property Address: 3709 Camden Road, Fayetteville, NC

Tax Parcel Identification Number: 0425-26-9358

SYNOPSIS: This property was inspected on 10/14/2008. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 11/26/2008. Julie Watson attended the Hearing via telephone. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises by a date not later than 5/15/2009. 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 8/7/2009 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$15,000.00. The Assessor for Cumberland County has the structure presently valued at \$5,000.00.

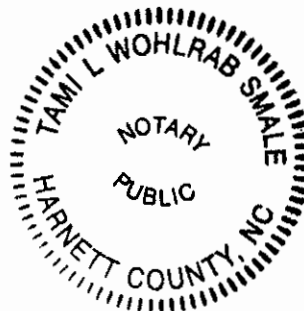
Attached is a map depicting the location of the property. (See Exhibit B.)

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 7 day of August 2009.

Tami L. Wohlrab Smale  
Notary Public



My Commission Expires:

My Commission Expires October 11, 2011

**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.

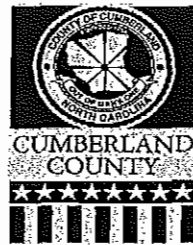
To delay a decision on the case until \_\_\_\_\_ (date) in order to give the owner  
or party of interest time to: \_\_\_\_\_

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



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

91 7108 2133 3935 9520 0287

### FINDINGS OF FACT AND ORDER

March 17, 2009

CASE #: MH 5692-2008

**TO:** Hattie W. Coptsias  
C/O Julie Watson & Parties of Interest  
PO Box 65012  
Fayetteville, NC 28306-5012

**Property at:** 3709 Camden Road, Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 11/19/2008.

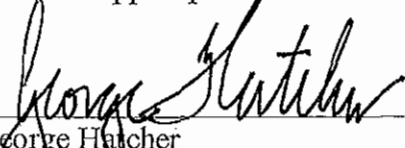
Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 11/26/2008 at 9:15:00 AM. The items identified below took place at the Hearing:

- ☐ 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 by phone were: Julie Watson.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 11/6/2008. 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 5692-2008, dated 10/14/2008.
  - ☒ 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.

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 5/15/2009. **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 secured to prevent entry by 12/15/2008 and shall remain secured.
  - ☐ d. By authority of North Carolina General Statutes 14-4, violation of the County code is punishable as a Class 3 Misdemeanor in criminal court and also subjects the violator to injunctive relief and/or a civil penalty of \$50.00 per day for each day's continuing violation after \_\_\_\_\_.
  - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 5/15/2009. The cost of said demolition will be assessed against the real property in the form of a lien.

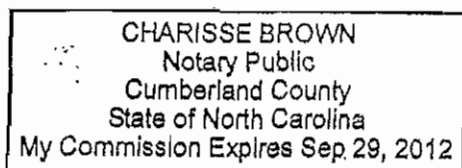
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.

  
Ken Sykes  
Hearing Officer

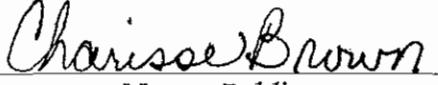
  
George Hatcher  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me  
this the 17<sup>th</sup> day of March, 2009

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

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## Track & Confirm

### Search Results

Label/Receipt Number: 9171 0821 3339 3595 2002 87  
Status: **Delivered**

Your item was delivered at 11:22 am on March 27, 2009 in FAYETTEVILLE, NC 28306. A proof of delivery record may be available through your local Post Office for a fee.

Additional information for this item is stored in files offline.

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Enter Label/Receipt Number.

[Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

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Equal Opportunity  
Statement



Accessibility  
Statement

**PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER  
DATED MARCH 17, 2009 CASE NUMBER MH 5692-2008**

**EXHIBIT A**

**Property Owner: Hattie W. Coptsias**

MINIMUM HOUSING CASE # MH 5692-2008

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 5777-2009.

Property Owner: Erica McArthur

Property Address: 6015 Acoma Court, Fayetteville (Cedar Creek), NC

Tax Parcel Identification Number: 0472-08-8660

SYNOPSIS: This property was inspected on 2/2/2009. The property owners and parties of interest were legally served with Notice of Violations and were afforded a Hearing on 3/5/2009. 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 4/1/2009. 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 8/7/2009 no corrective action had been made to the structure. The structure is presently vacant and unsecured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$15,000.00. The Assessor for Cumberland County has the structure presently valued at \$3,455.00.

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

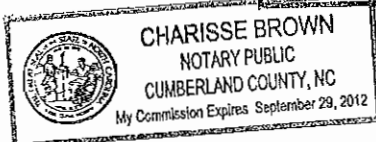
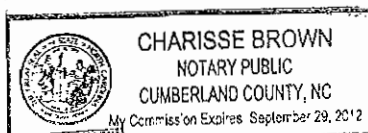
RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

George Hatcher  
Affiant  
Code Enforcement Officer  
County of Cumberland

Sworn to and Subscribed to by me this  
the 4 day of August 2009.

Charisse Brown  
Notary Public

My Commission Expires:



**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



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

## COUNTY of CUMBERLAND

### *Planning & Inspections Department*

91 7108 2133 3935 9520 0508

### FINDINGS OF FACT AND ORDER

March 13, 2009

CASE #: MH 5777-2009

TO: Erical McArthur & Parties of Interest  
3627 Gabe Smith Road  
Wade, NC 28395

Property at: 6015 Acoma Court, 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 2/14/2009.

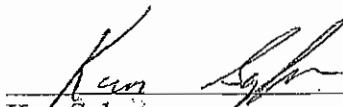
Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 3/5/2009 at 9:30:00 AM. The items identified below took place at the Hearing:

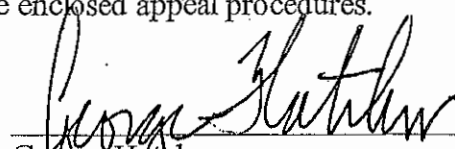
- ☒ 1. No owner or party of interest, or their agent, or representative appeared.
- ☐ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: \_\_\_\_\_.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 2/11/2009. 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 5777-2009, dated 2/2/2009.
  - ☒ 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.

☒ 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 4/1/2009. 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 4/1/2009. The cost of said demolition will be assessed against the real property in the form of a lien.

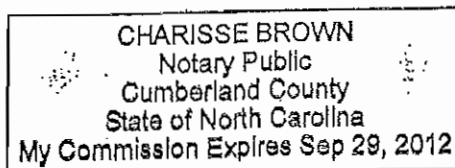
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.

  
Ken Sykes  
Hearing Officer

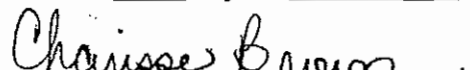
  
George Hatcher  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me  
this the 13<sup>th</sup> day of March, 2009

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



**UNITED STATES  
POSTAL SERVICE**

Date: 05/20/2009

g h:

The following is in response to your 05/20/2009 request for delivery information on your Certified Mail(TM) item number 7108 2133 3935 9520 0508. The delivery record shows that this item was delivered on 03/18/2009 at 12:53 PM in WADE, NC 28395. The scanned image of the recipient information is provided below.

Signature of Recipient:

Signature	Robert M. Arthur
Printed Name	ROBERT M. ARTHUR

Address of Recipient:

Address	3627 Hale Smith Rd
---------	--------------------

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service

**PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER  
DATED MARCH 13, 2009 CASE NUMBER MH 5777-2009**

EXHIBIT "A"

**Property Owner: Eriqal McArthur**

1605 Acoma Court, ( Cedar Creek) Fayetteville, NC

MINIMUM HOUSING CASE # MH 5777-2009

TAX PARCEL IDENTIFICATION NUMBER 0472-08-8660



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 5734-2008.

Property Owner: Malcolm Dale Earwood & Lilly Franklin Earwood

Property Address: 3720 Camden Road (frame structure), Fayetteville, NC

Tax Parcel Identification Number: 0425-26-7511

SYNOPSIS: This property was inspected on 12/17/2008. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 1/15/2009. Malcolm Earwood & Lily F. Earwood 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 4/15/2009. 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 Findings of Fact and Order.) No appeal was filed. Upon my visit to the property on 8/7/2009 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

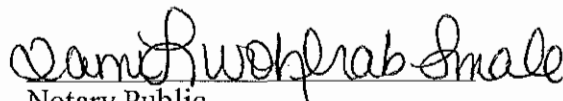
The estimated cost to repair the structure to a minimum standard for human habitation is \$28,000.00. The Assessor for Cumberland County has the structure presently valued at \$6,500.00.

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

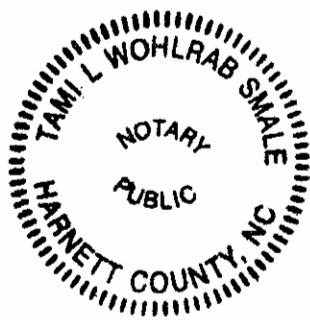
RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT THE STRUCTURE BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.

  
Affiant  
Code Enforcement Officer  
County of Cumberland

Sworn to and Subscribed to by me this  
the 7 day of August 2009.

  
Notary Public  
My Commission Expires:

**My Commission Expires October 11, 2011**



**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



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

## COUNTY of CUMBERLAND

### Planning & Inspections Department

91 7108 2133 3935 9471 1661 -marcoenis - Cert / 1st / post

91 7108 2133 3935 9471 1678 -Hiley - Cert / 1st / post

### FINDINGS OF FACT AND ORDER

January 23, 2009

CASE #: MH 5734-2008

**TO:** Malcolm Dale Earwood & Lilly Franklin Earwood & Parties of Interest  
3720 Camden Road  
Fayetteville, NC 28306

**Property at:** 3720 Camden Road, Fayetteville, NC


A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 12/22/2008.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 1/15/2009 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: Malcolm D. & Lilly Earwood.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 12/19/2008. 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 5734-2008, dated 12/17/2008.
  - ☒ 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.

- ☒ 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 4/15/2009. 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 4/15/2009. 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.

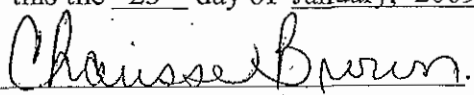
  
Ken Sykes  
Hearing Officer

  
George Blatcher  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:

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

Sworn to and Subscribed to by me  
this the 23<sup>th</sup> day of January, 2009  
  
Notary Public  
My Commission Expires: 9/29/2012

**PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER  
DATED 1/23/09 CASE NUMBER MH 5734-2008**

NORTH CAROLINA  
COUNTY OF CUMBERLAND

PLANNING/INSPECTIONS DEPARTMENT

RE: Malcolm Dale Earwood & Lily Franklin Earwood  
Name of Violator

MH 5734-2008  
Case Number

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

I, George Hatcher, Code Enforcement Officer, with the Cumberland County Inspections Department,  
(name & title)

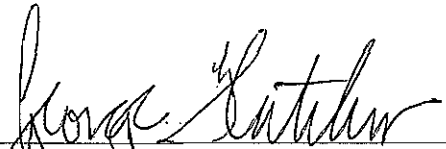
personally served Malcolm Dale Earwood & Lily Franklin Earwood, a copy of the FINDINGS OF FACT AND ORDER  
(name of violator)

AND APPEALS PROCEDURES, citing violations of Article IV, CHAPTER 4 of the Cumberland County Ordinance

By mailing said notice(s) via 1<sup>st</sup> class mail and certified mail to the following address:

3720 Camden Road, Fayetteville, NC 28306, and by posting at: 3720 Camden Road, Fayetteville, NC.

I further certify that said service was completed on this the 28th day of January, 2009.

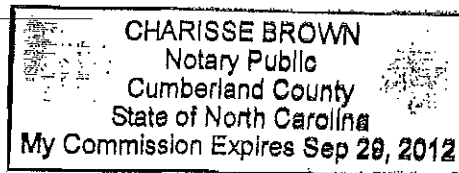
  
\_\_\_\_\_  
George Hatcher  
Code Enforcement Officer

Sworn to and subscribed to before me

this the 28th day of January, 2009.

Charisse Brown  
\_\_\_\_\_  
Notary Public

My Commission Expires: 9-29-12



**EXHIBIT A**

**Property Owner: Malcolm D. & Lily F. Earwood**

MINIMUM HOUSING CASE # MH 5731, 5732, 5734, 5734-2008

39

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

I, George Hatcher, Code Enforcement Officer for the County of Cumberland Planning & Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on Minimum Housing Case Numbers MH5731, 5732 & 5733-2009,

Property Owners: Malcolm Dale Earwood & Lilly Franklin Earwood

Property Address: Rear Lot of 3720 Camden Road (3 mobile homes) , Fayetteville, NC

Tax Parcel Identification Number: 0425-26-7511

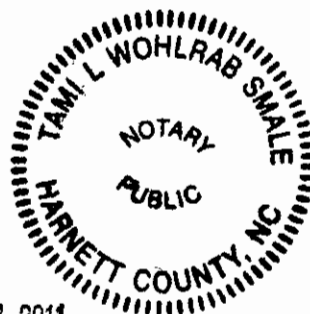
SYNOPSIS: This property was inspected on December 17, 2008. All property owners and parties of interest were legally served the Notice of Violations and afforded a Hearing on January 15, 2009. Malcom D. Earwood and Lilly F. Earwood **did attend** the Hearing. It was ordered that the structures be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than April 15, 2009. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) No Appeal was filed. Upon my visit to the property on August 7, 2009, no corrective action has been made to the structures. The structures are presently vacant and unsecured. In their present state, these structures constitute a fire, health, and safety hazard. The estimated cost to repair each structure to a minimum standard for human habitation is \$15,000.00 each. The Assessor for Cumberland County has these structures presently valued at \$500.00 each for salvageable material. Attached is a map depicting the location of the property. (See Exhibit B.)

**RECOMMENDATION: IT IS THE RECOMMENDATION OF THE PLANNING & INSPECTION DEPARTMENT THAT ALL THREE (3) STRUCTURES BE DEMOLISHED, AND THE DEBRIS REMOVED FROM THE LOT.**

George Hatcher  
George Hatcher, Affiant  
Code Enforcement Officer/County of Cumberland

Sworn to and Subscribed to by me this  
the 7 day of August 2009.

Tami L. Wohlrab Smale  
Notary Public



My Commission Expires: \_\_\_\_\_  
My Commission Expires October 11, 2011

**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



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

## COUNTY of CUMBERLAND

### Planning & Inspections Department

91 7108 2133 3935 9471 1616

91 7108 2133 3935 9471 1609

### FINDINGS OF FACT AND ORDER

muccams - cert / 1st / post  
heery - cert / 1st / post

January 23, 2009

CASE #: MH 5731-2008

**TO:** Malcolm Dale Earwood & Lily Franklin Earwood & Parties of Interest  
3720 Camden Road  
Fayetteville, NC 28306

**Property at:** Right & Rear of 3720 Camden Road, Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 12/22/2008.

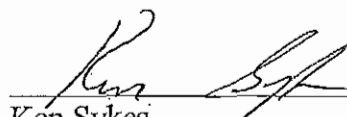
Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 1/15/2009 at 9:15:00 AM. The items identified below took place at the Hearing:

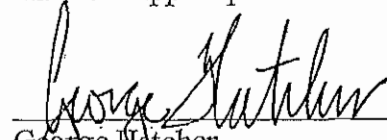
- ☐ 1. No owner or party of interest, or their agent, or representative appeared.
- ☒ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: Malcolm D. & Lilly Earwood.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 12/19/2008. 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 5731-2008, dated 12/17/2008.
  - ☒ 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.

☒ 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 4/15/2009. 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 4/15/2009. The cost of said demolition will be assessed against the real property in the form of a lien.

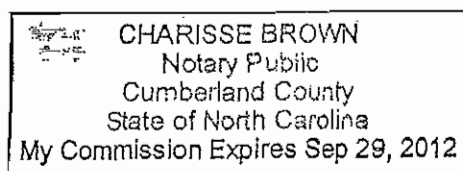
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.

  
Ken Sykes  
Hearing Officer

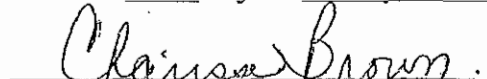
  
George Hatcher  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me  
this the 23<sup>th</sup> day of January, 2009

  
Notary Public  
My Commission Expires: 9/29/2012

**PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER  
DATED 1/23/09 CASE NUMBER MH 5731-2008**

NORTH CAROLINA  
COUNTY OF CUMBERLAND

PLANNING/INSPECTIONS DEPARTMENT

RE: Malcolm Dale Earwood & Lily Franklin Earwood  
Name of Violator

MH 5731-2008  
Case Number

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

I, George Hatcher, Code Enforcement Officer, with the Cumberland County Inspections Department,  
(name & title)


personally served Malcolm Dale Earwood & Lily Franklin Earwood, a copy of the FINDINGS OF FACT AND ORDER  
(name of violator)

AND APPEALS PROCEDURES, citing violations of Article IV, CHAPTER 4 of the Cumberland County

Ordinance by mailing said notice(s) via 1<sup>st</sup> class mail and certified mail to the following address:

3720 Camden Road, Fayetteville, NC 28306, and by posting at: Right & rear of 3720 Camden Road, Fayetteville, NC.

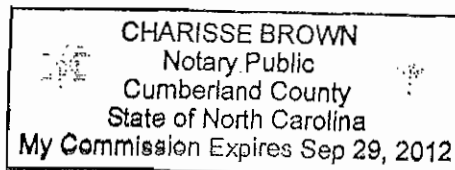
I further certify that said service was completed on this the 28th day of January, 2009.

  
\_\_\_\_\_  
George Hatcher  
Code Enforcement Officer

Sworn to and subscribed to before me

this the 28<sup>th</sup> day of January, 2009.  
Charisse Brown  
\_\_\_\_\_  
Notary Public

My Commission Expires: 9-29-12



**EXHIBIT A**

Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

Lori Epler,  
Vice-Chair  
Cumberland County

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



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

## COUNTY of CUMBERLAND

### Planning & Inspections Department

91 7108 2133 3935 9471 1630

91 7108 2133 3935 9471 1623

### FINDINGS OF FACT AND ORDER

January 23, 2009

CASE #: MH 5732-2008

**TO:** Malcolm Dale Earwood & Lilly Franklin Earwood & Parties of Interest  
3720 Camden Road  
Fayetteville, NC 28306

**Property at:** Left & Rear of 3720 Camden Road, Fayetteville, NC

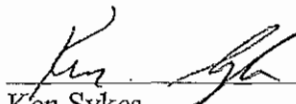
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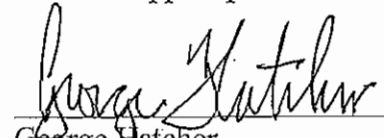
Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 1/15/2008 at 9:15:00 AM. The items identified below took place at the Hearing:

- ☐ 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: Malcolm D. & Lilly Earwood.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 12/19/2008. 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 5732-2008, dated 12/17/2008.
  - ☒ 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.

- ☒ 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 4/15/2009. All required permits must be obtained. A copy of this order must be presented when obtaining permits.
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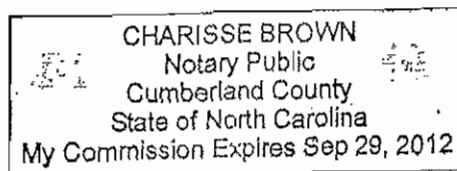
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Ken Sykes  
Hearing Officer

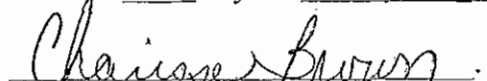
  
George Hatcher  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me  
this the 23<sup>th</sup> day of January, 2009

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

**PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER  
DATED 1/23/09 CASE NUMBER MH 5732-2008**

NORTH CAROLINA  
COUNTY OF CUMBERLAND

PLANNING/INSPECTIONS DEPARTMENT

RE: Malcolm Dale Earwood & Lily Franklin Earwood  
Name of Violator

MH 5732-2008  
Case Number

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

I, George Hatcher, Code Enforcement Officer, with the Cumberland County Inspections Department,  
(name & title)


personally served Malcolm Dale Earwood & Lily Franklin Earwood, a copy of the FINDINGS OF FACT AND ORDER  
(name of violator)

AND APPEALS PROCEDURES, citing violations of Article IV, CHAPTER 4 of the Cumberland County Ordinance

By mailing said notice(s) via 1<sup>st</sup> class mail and certified mail to the following address:

3720 Camden Road, Fayetteville, NC 28306, and by posting at: Left & rear of 3720 Camden Road, Fayetteville, NC.

I further certify that said service was completed on this the 28th day of January, 2009.

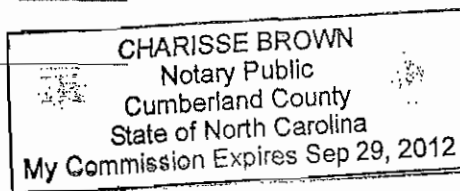
  
George Hatcher  
Code Enforcement Officer

Sworn to and subscribed to before me

this the 28<sup>th</sup> day of January, 2009.

Charisse Brown  
Notary Public

My Commission Expires: 9-29-12



Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

Lori Epler,  
Vice-Chair  
Cumberland County

Garland C. Hostetter,  
Town of Spring Lake  
Harvey Cain, Jr.,  
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Thomas J. Lloyd,  
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Deputy Director

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

Benny Pearce,  
Town of Eastover

## COUNTY of CUMBERLAND

### Planning & Inspections Department

91 7108 2133 3935 9471 1654 Malcolm's - cert / 1st / post

91 7108 2133 3935 9471 1647 Lilly's - cert / 1st / post

### FINDINGS OF FACT AND ORDER

January 23, 2009

CASE #: MH 5733-2008

**TO:** Malcolm Dale Earwood & Lilly Franklin Earwood & Parties of Interest  
3720 Camden Road  
Fayetteville, NC 28306

**Property at:** 3724 Camden Road, Fayetteville, NC

A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 12/22/2008.

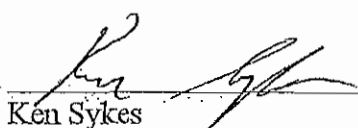
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- ☒ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: Malcolm D. & Lilly Earwood.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 12/19/2008. 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 5733-2008, dated 12/17/2008.
  - ☒ 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.

☒ 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 4/15/2009. **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 4/15/2009. The cost of said demolition will be assessed against the real property in the form of a lien.

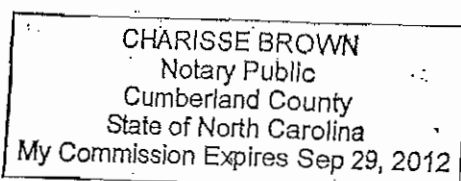
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.

  
Ken Sykes  
Hearing Officer

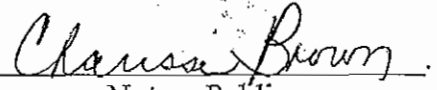
  
George Hatcher  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me  
this the 23<sup>th</sup> day of January, 2009

  
Notary Public  
My Commission Expires: 9/29/2012

**PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER  
DATED 1/23/09 CASE NUMBER MH 5733-2008**

NORTH CAROLINA  
COUNTY OF CUMBERLAND

PLANNING/INSPECTIONS DEPARTMENT

RE: Malcolm Dale Earwood & Lily Franklin Earwood  
Name of Violator

MH 5733-2008  
Case Number

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

I, George Hatcher, Code Enforcement Officer, with the Cumberland County Inspections Department,  
(name & title)

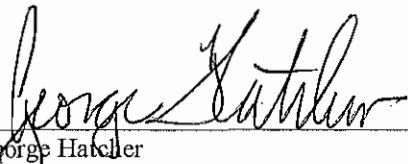
personally served Malcolm Dale Earwood & Lily Franklin Earwood, a copy of the FINDINGS OF FACT AND ORDER  
(name of violator)

AND APPEALS PROCEDURES, citing violations of Article IV, CHAPTER 4 of the Cumberland County Ordinance

By mailing said notice(s) via 1<sup>st</sup> class mail and certified mail to the following address:

3720 Camden Road, Fayetteville, NC 28306, and by posting at: 3724 Camden Road, Fayetteville, NC.

I further certify that said service was completed on this the 28th day of January, 2009.

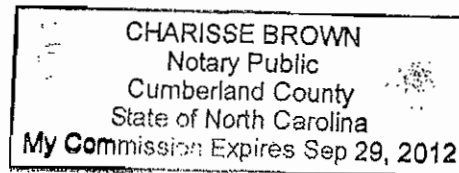
  
\_\_\_\_\_  
George Hatcher  
Code Enforcement Officer

Sworn to and subscribed to before me

this the 28th day of January, 2009.

Charisse Brown  
\_\_\_\_\_  
Notary Public

My Commission Expires: 9-29-12



**EXHIBIT A**

**Property Owner: Malcolm D. & Lily F. Earwood**

MINIMUM HOUSING CASE # MH 5731, 5732, 5734, 5734-2008

49

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 5685-2008.

Property Owner: Maria Bell

Home Owner: Dennis R. Bell

Property Address: 1352 Ringwood Road, Unit A, (singlewide manufactured home), Fayetteville, NC

Tax Parcel Identification Number: 0458-62-2031

SYNOPSIS: This property was inspected on 10/30/2008. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 11/20/2008. Dennis R. Bell & Ms. Martinez 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 2/20/2009. 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 Findings of Fact and Order.) An appeal was filed. The Housing Board of Appeals granted a 30 day extension of time, with a final compliance date of 5/14/2009 (see Exhibit B). Upon my visit to the property on 8/7/2009 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$15,000.00. The Assessor for Cumberland County has the structure presently valued at \$6,789.00.

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

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

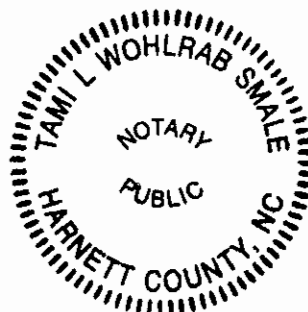
George Hatcher  
Affiant  
Code Enforcement Officer  
County of Cumberland

Sworn to and Subscribed to by me this  
the 7 day of August 2008.

Tami L. Wohlrab-Smale  
Notary Public

My Commission Expires:

My Commission Expires October 11, 2011



**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.

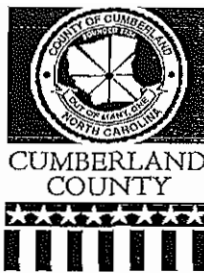
To delay a decision on the case until \_\_\_\_\_ (date) in order to give the owner  
or party of interest time to: \_\_\_\_\_

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



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

## COUNTY of CUMBERLAND

### Planning and Inspections Department

91 7108 2133 3935 5038 9125 Maria - Cert

#### FINDINGS OF FACT AND ORDER

91 7108 2133 3935 5038 9118 Dennis - Cert & 1st cl

November 24, 2008

copies to pest too

CASE #: MH 5685-2008

**TO:** Maria Bell & Parties of Interest  
206 Magpie Drive  
Pierce, FL 34947-4339

&

Dennis R. Bell & Parties Of Interest  
311 Chaffin Road  
Iva, SC 29655

**Property at:** 1352 Ringwood Road, Fayetteville, NC  
Unit A (Singlewide)


A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 11/6/2008.

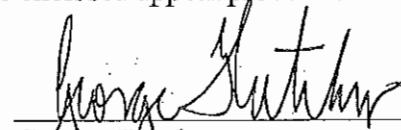
Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 11/20/2008 at 9:15:00 AM. The items identified below took place at the Hearing:

- ☐ 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 by phone were: Dennis R. Bell & Ms. Martinez, agent for Maria Bell.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 10/30/2008. 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 5685-2008, dated 10/30/2008.
  - ☒ 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.

- ☒ 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 2/20/2009. **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 2/20/2009.
  - ☒ 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 2/20/2009. The cost of said demolition will be assessed against the real property in the form of a lien.

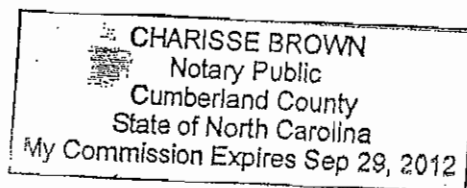
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.

  
Ken Sykes  
Hearing Officer

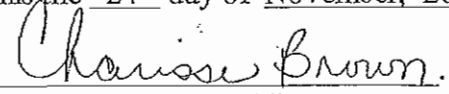
  
George Hatcher  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me  
this the 24<sup>th</sup> day of November, 2008

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

**PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER  
DATED 11/24/08 CASE NUMBER MH 5685-2008**

NORTH CAROLINA  
COUNTY OF CUMBERLAND

PLANNING/INSPECTIONS DEPARTMENT

RE: Maria Bell & Dennis R. Bell  
Name of Violator

MH 5685-2008  
Case Number

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

I, George Hatcher, Code Enforcement Officer, with the Cumberland County Inspections Department,  
(name & title)

personally served Maria Bell & Dennis R. Bell, a copy of the FINDINGS OF FACT AND ORDER AND,  
(name of violator)

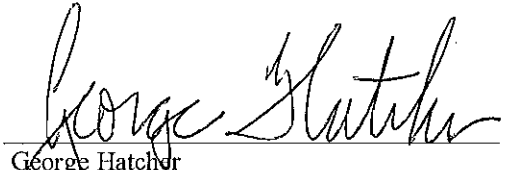
APPEALS PROCEDURES, citing violations of Article IV, CHAPTER 4 of the Cumberland County

Ordinance by mailing said notice(s) via 1<sup>st</sup> class mail and certified mail to the following addresses:

206 Magpie Drive, Pierce, FL 34947-4339 & 311 Chaffin Road, Iva, SC 29655, and by posting at:

1352 Ringwood Road, Fayetteville, NC.

I further certify that said service was completed on this the 25th day of November, 2008.

  
George Hatcher  
Code Enforcement Officer

Sworn to and subscribed to before me

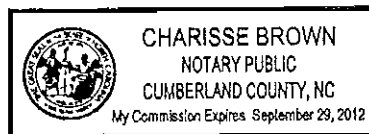
this the 25<sup>th</sup> day of November, 2009.

Charisse Brown

Notary Public

My Commission Expires:

9-29-12



**EXHIBIT A**

Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

Lori Epler,  
Vice-Chair  
Cumberland County

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



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

## COUNTY of CUMBERLAND

### Planning & Inspections Department

91 7108 2133 3935 9464 4525 *Maria*

91 7108 2133 3935 9464 4532 *Dennis*

### NOTIFICATION OF HOUSING APPEALS BOARD DECISION

April 21, 2009

FILE NO: MH 5684 & 5685-2008

BOARD OF APPEALS MEETING DATE:

PROPERTY OWNER: Maria Bell & Dennis R. Bell  
MAILING ADDRESS: 206 Magpie Drive 311 Chaffin Road  
Pierce, FL 34947-4339 Iva, SC 29655

4/14/2009 6:30 P.M.

PROPERTY LOCATION: 1352 Ringwood Road, Fayetteville, NC  
*UNIT A and B*

OWNER/AGENT/  
OR REPRESENTATIVE(S) PRESENT: No One

#### DECISION RENDERED ON THE ABOVE CASE(S):

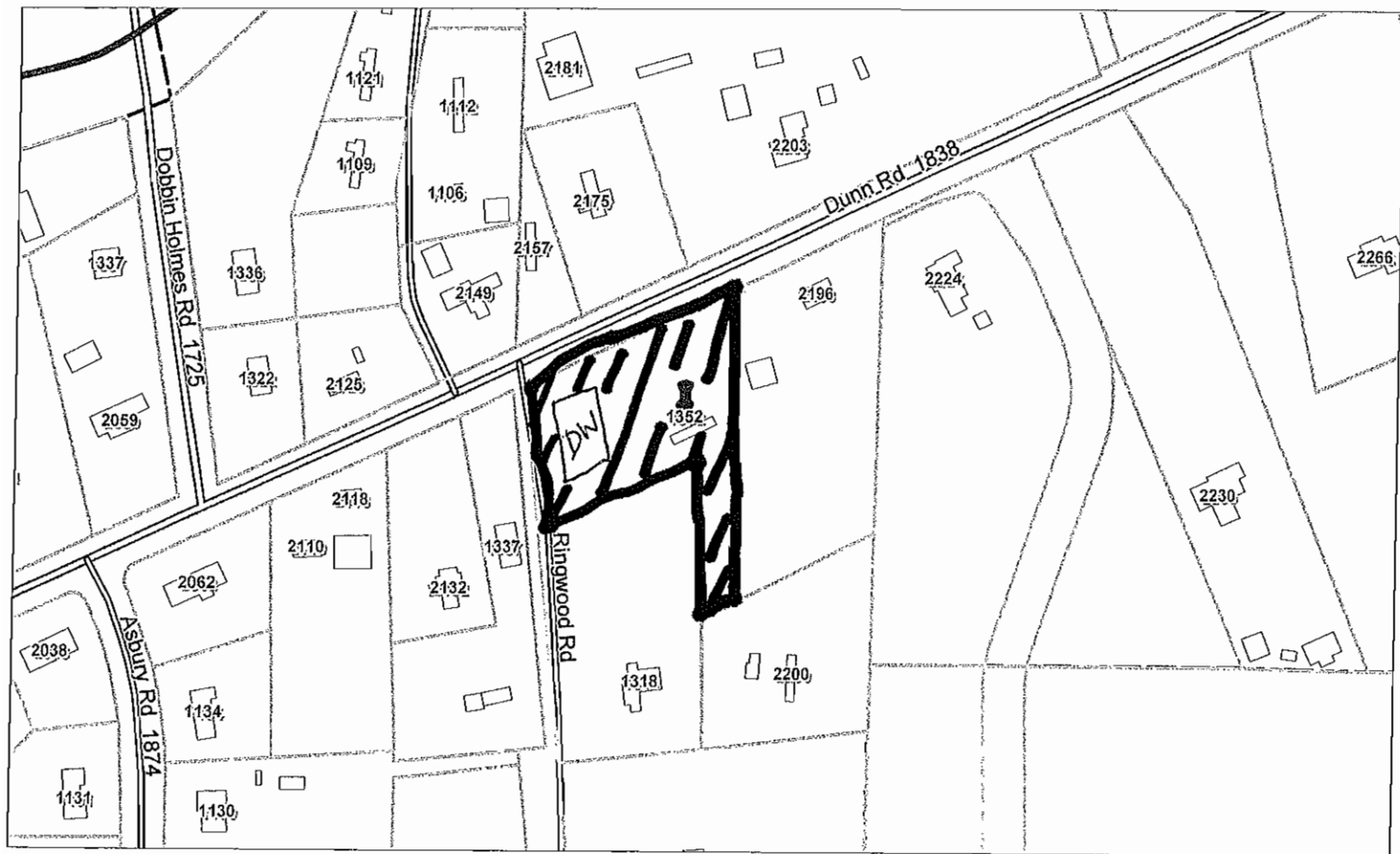
1. At the above referenced, the Board granted Maria Bell a 30 day extension to get the title issues fixed on the property at 1352 Ringwood Road, Fayetteville, NC.
2. The new compliance date is 5/14/2009. The Inspector should be notified when the repairs are made and an inspection will be scheduled.
3. By authority of North Carolina General Statutes 14-4, violation of the county code is punishable as a Class 3 Misdemeanor in criminal court and failure to meet the new compliance date may result in the following action:
  - a. A \$50.00 per day civil penalty may be imposed for each day's continuing violation after the compliance date.
  - b. The County Planning & Inspections Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners. The cost of said demolition will be assessed against the real property in the form of a lien.
  - c. The County Planning & Inspections Department may start criminal proceedings in Environmental Court.

Carol M. Post  
Secretary  
Housing Board of Appeals  
GH/cmp

130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 321-6636 · Fax: (910) 321-6637

EXHIBIT "B"

**MAP DEPICTING LOCATION OF PROPERTY**  
**Property Owner: Maria Bell**  
1352 Ringwood Dr, Eastover, NC  
MINIMUM HOUSING CASE # MH 5684 & MH5685-2008  
TAX PARCEL IDENTIFICATION NUMBER 0458-62-2031



"EXHIBIT C"

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 5684-2008.

Property Owner: Maria Bell

Home Owner: Dennis R. Bell

Property Address: 1352 Ringwood Road, Unit B, (doublewide manufactured home), Fayetteville, NC

Tax Parcel Identification Number: 0458-62-2031

SYNOPSIS: This property was inspected on 10/30/2008. The property owners and parties of interest were legally served with Notice of Violations and was afforded a Hearing on 11/20/2008. Dennis R. Bell & Ms. Martinez 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 2/20/2009. 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 Findings of Fact and Order.) An appeal was filed. The Housing Board of Appeals granted a 30 day extension of time, with a final compliance date of 5/14/2009 (see Exhibit B). Upon my visit to the property on 8/7/2009 no corrective action had been made to the structure. The structure is presently vacant and reasonably secured. In its present state, the structure constitutes a fire, health, and safety hazard.

The estimated cost to repair the structure to a minimum standard for human habitation is \$15,000.00. The Assessor for Cumberland County has the structure presently valued at Not Listed.

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

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

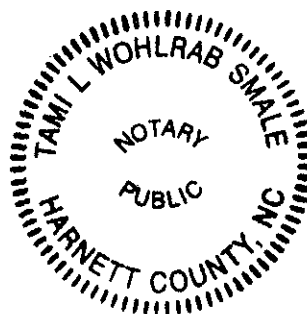
George Hatcher  
Affiant  
Code Enforcement Officer  
County of Cumberland

Sworn to and Subscribed to by me this  
the 7 day of August 2008.

Tami L. Wohlrab Smale  
Notary Public

My Commission Expires:

My Commission Expires October 11, 2011



**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

91 7108 2133 3935 5038 9125 - Maria - Cert  
**FINDINGS OF FACT AND ORDER**

91 7108 2133 3935 5038 9118 - Dennis - Cert & 1st C

November 24, 2008

Copies to Post

**CASE #: MH 5684-2008**

**TO:** Maria Bell & Parties of Interest  
206 Magpie Drive  
Pierce, FL, 34947-4339

&

Dennis R. Bell & Parties Of Interest  
311 Chaffin Road  
Iva, SC 29655

**Property at:** 1352 Ringwood Road, Fayetteville, NC  
UNIT B (Double wide)

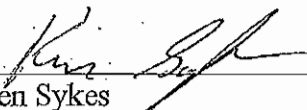
A Complaint, Notice of Hearing and Report of Inspection were legally served to the owner or owner's agent, and any party of interest. These documents were in fact received by the owner or owner's agent and party of interest on 11/6/2008.

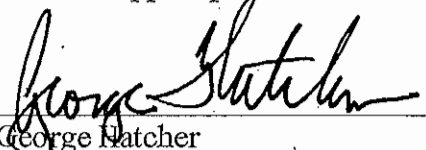
Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 11/20/2008 at 9:15:00 AM. The items identified below took place at the Hearing:

- ☐ 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 by phone were: Dennis R. Bell & Ms. Martinez, agent for Maria Bell.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 10/30/2008. 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 5684-2008, dated 10/30/2008.
  - ☒ 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.

- ☒ 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 2/20/2009. **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 2/20/2008.
- ☒ 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 2/20/2008. The cost of said demolition will be assessed against the real property in the form of a lien.

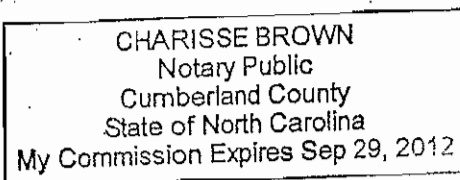
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.

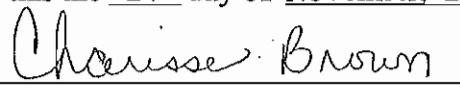
  
Ken Sykes  
Hearing Officer

  
George Hatcher  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me  
this the 24<sup>th</sup> day of November, 2008  
  
Charisse Brown  
Notary Public  
My Commission Expires: 9/29/2012

**PROOF OF SERVICE OF FINDINGS OF FACT AND ORDER  
DATED 11/24/08 CASE NUMBER MH 5684-2008**

NORTH CAROLINA  
COUNTY OF CUMBERLAND

PLANNING/INSPECTIONS DEPARTMENT

RE: Maria Bell & Dennis R. Bell  
Name of Violator

MH 5684-2008  
Case Number

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

I, George Hatcher, Code Enforcement Officer, with the Cumberland County Inspections Department,  
(name & title)

personally served Maria Bell & Dennis R. Bell, a copy of the FINDINGS OF FACT AND ORDER AND,  
(name of violator)


APPEALS PROCEDURES, citing violations of Article IV, CHAPTER 4 of the Cumberland County

Ordinance by mailing said notice(s) via 1<sup>st</sup> class mail and certified mail to the following addresses:

206 Magpie Drive, Pierce, FL 34947-4339 & 311 Chaffin Road, Iva, SC 29655, and by posting at:

1352 Ringwood Road, Fayetteville, NC.

I further certify that said service was completed on this the 25th day of November, 2008.

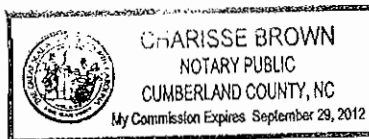
  
\_\_\_\_\_  
George Hatcher  
Code Enforcement Officer

Sworn to and subscribed to before me

this the 25<sup>th</sup> day of November, 2009.

Charisse Brown  
\_\_\_\_\_  
Notary Public

My Commission Expires: 9-29-12



**EXHIBIT A**

Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

Lori Epler,  
Vice-Chair  
Cumberland County

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



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

## COUNTY of CUMBERLAND

### Planning & Inspections Department

91 7108 2133 3935 9464 4525 Maria

91 7108 2133 3935 9464 4532 Dennis

### NOTIFICATION OF HOUSING APPEALS BOARD DECISION

April 21, 2009

FILE NO: MH 5684 & 5685-2008

BOARD OF APPEALS MEETING DATE:

PROPERTY OWNER: Maria Bell & Dennis R. Bell  
MAILING ADDRESS: 206 Magpie Drive 311 Chaffin Road  
Pierce, FL 34947-4339 Iva, SC 29655

4/14/2009 6:30 P.M.

PROPERTY LOCATION: 1352 Ringwood Road, Fayetteville, NC  
Unit A and B

OWNER/AGENT/  
OR REPRESENTATIVE(S) PRESENT: No One

#### DECISION RENDERED ON THE ABOVE CASE(S):

1. At the above referenced, the Board granted Maria Bell a 30 day extension to get the title issues fixed on the property at 1352 Ringwood Road, Fayetteville, NC.
2. The new compliance date is 5/14/2009. The Inspector should be notified when the repairs are made and an inspection will be scheduled.
3. By authority of North Carolina General Statutes 14-4, violation of the county code is punishable as a Class 3 Misdemeanor in criminal court and failure to meet the new compliance date may result in the following action:
  - a. A \$50.00 per day civil penalty may be imposed for each day's continuing violation after the compliance date.
  - b. The County Planning & Inspections Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners. The cost of said demolition will be assessed against the real property in the form of a lien.
  - c. The County Planning & Inspections Department may start criminal proceedings in Environmental Court.

Carol M. Post  
Secretary  
Housing Board of Appeals  
GH/cmp

130 Gillespie Street · Post Office Box 1829 · Fayetteville, North Carolina 28302-1829 · (910) 321-6636 · Fax: (910) 321-6637

EXHIBIT "B"

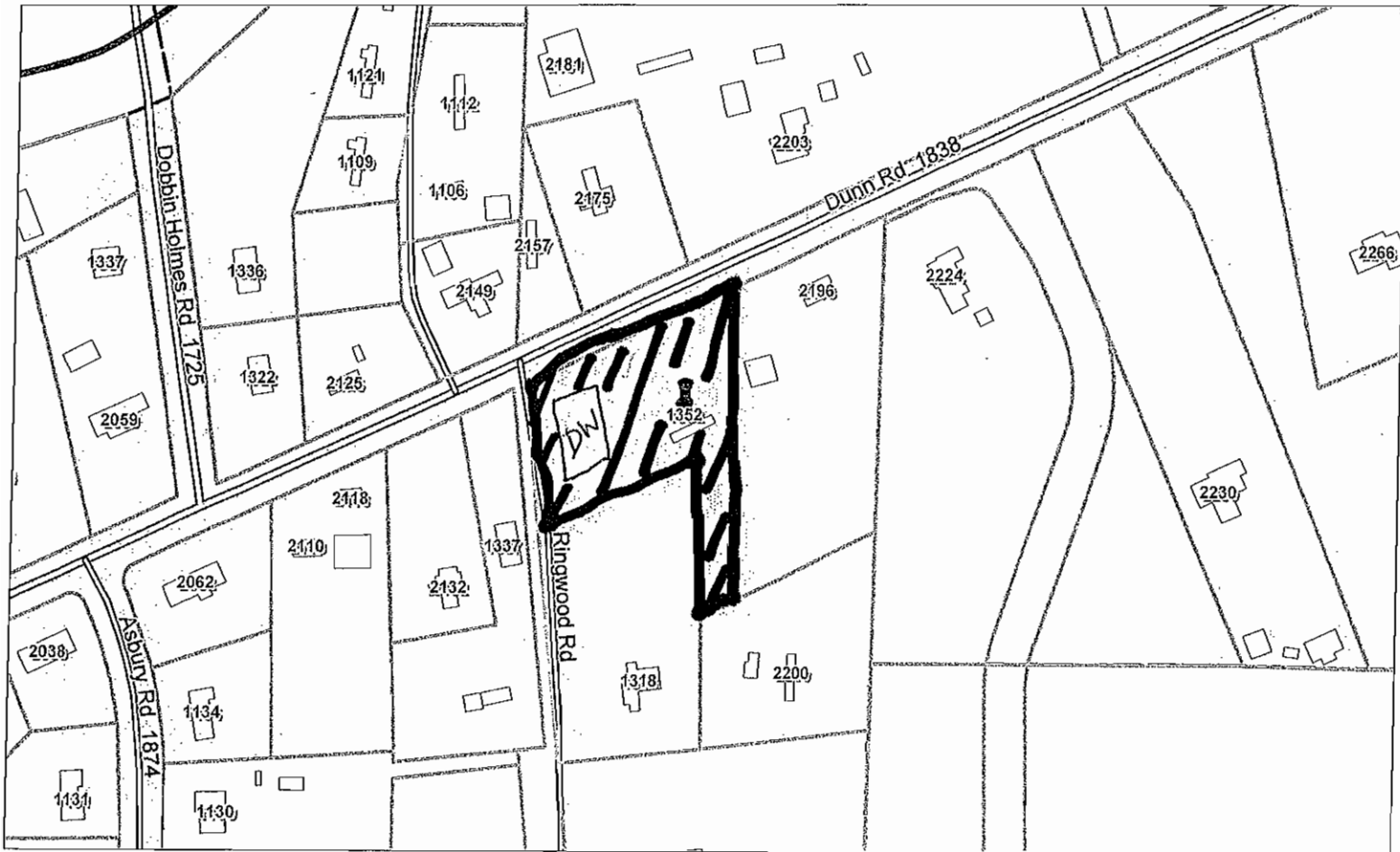
**MAP DEPICTING LOCATION OF PROPERTY**

**Property Owner: Maria Bell**

1352 Ringwood Dr, Eastover, NC

MINIMUM HOUSING CASE # MH 5684 & MH5685-2008

TAX PARCEL IDENTIFICATION NUMBER 0458-62-2031



"EXHIBIT C"

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

I, Joey Lewis, Code Enforcement Officer for the County of Cumberland Planning & Inspection Department, acting in my official capacity, being duly sworn, depose and say:

BACKGROUND: That the following is a report on Minimum Housing Case Number MH5778-2009

Property Owner: **Duane Max Bryant**

Property Address: 2643 Flamingo Drive, Fayetteville, NC

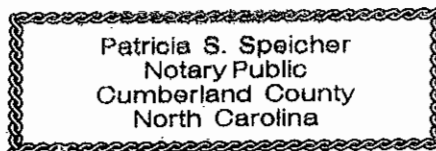
Tax Parcel Identification Number: **0415-45-4684**

SYNOPSIS: This property was inspected on January 28, 2009. All property owners and parties of interest were legally served the Notice of Violations and afforded a Hearing on March 4, 2009. The property owners and parties of interest **did not attend** the Hearing. It was ordered that the structure be repaired to a minimum standard for human habitation, or be demolished and the debris removed from the premises no later than June 4, 2009. The property owners and parties of interest were notified of the appeal procedures when they were served with the Findings of Fact and Order. (See Exhibit A for the Findings of Fact and Order.) No Appeal was filed. Upon my visit to the property on August 7, 2009, no corrective action has been made to the structure. The structure is presently vacant and unsecured. In it's present state, this structure constitutes a fire, health, and safety hazard. The estimated cost to repair the structure to a minimum standard for human habitation is \$30,000.00. The Assessor for Cumberland County has this structure presently valued at \$500.00 for salvageable material. Attached is a map depicting the location of the property. (See Exhibit B.)

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

Joey Lewis  
Joey Lewis, Affiant  
Code Enforcement Officer/County of Cumberland

State of North Carolina  
County of Cumberland  
Sworn to and Subscribed to by me this  
the 5th day of August 2009.



Patricia S. Speicher  
Notary Public Patricia S. Speicher

My Commission Expires: 9-26-11

**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



Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

## COUNTY of CUMBERLAND

### Planning & Inspections Department

91 7108 2133 3935 9467 6342

### FINDINGS OF FACT AND ORDER

March 6, 2009

CASE #: MH 5778-2009

TO: Duane Max Bryant & Parties of Interest  
438 Hughes Road  
Fayetteville, NC 28312

Property at: 2643 Flamingo Drive, 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 2/13/2009.

Pursuant of law, a Hearing was conducted in Room 101, of the old courthouse at 130 Gillespie Street, Fayetteville, NC on 3/4/2009 at 9:15:00 AM. The items identified below took place at the Hearing:

- ☒ 1. No owner or party of interest, or their agent, or representative appeared.
- ☐ 2. An answer was filed by owners and/or parties of interest. The answer was heard, read, and considered. Those present were: \_\_\_\_\_.
- ☒ 3. The undersigned inspector personally inspected the dwelling described in the Complaint and Notice of Hearing dated, 2/11/2009. 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 5778-2009, dated 1/28/2009.
  - ☒ b. Due to these findings, the dwelling are found to be in a substandard condition in accordance with the Cumberland County Ordinance.
  - ☒ c. The dwelling is unfit for human habitation.

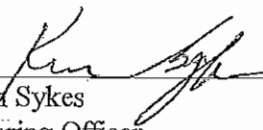
Findings and Facts of Order

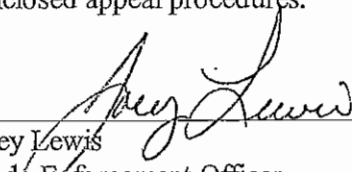
Case #: MH 5778-2009

Page 2

- ☒ 4. Due to facts presented above, the Hearing Officer orders as follows:
- ☒ a. The owners and/or parties of interest of the dwelling named above are required to bring such dwelling into compliance with the Cumberland County Housing Ordinance by either repairing, altering, and improving the dwelling up to a minimum standard or by demolishing the structure and then causing the debris to be removed from the premises by a date not later than 6/4/2009. 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 6/4/2009.
  - ☒ e. The County Planning/Inspection Department may immediately begin procedures to seek a demolition ordinance from the Cumberland County Board of Commissioners for failure to bring the property into compliance by 6/4/2009. The cost of said demolition will be assessed against the real property in the form of a lien.

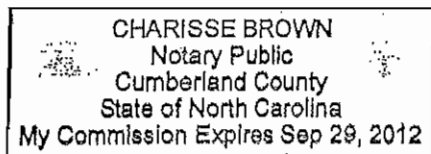
An appeal may be made to the Cumberland County Housing Board of Appeals. If an appeal is requested, it must be made in writing and within the time limits specified in the enclosed appeal procedures.

  
Ken Sykes  
Hearing Officer

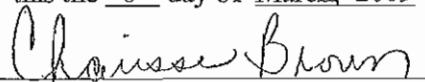
  
Joey Lewis  
Code Enforcement Officer

Enclosed: Appeals Procedures & Form

cc:



Sworn to and Subscribed to by me  
this the 6<sup>th</sup> day of March, 2009

  
Notary Public  
My Commission Expires: 9/29/2012

**PROOF OF LEGAL SERVICE OF FINDINGS OF FACT & ORDER**  
**DATED MARCH 6, 2009**  
**MINIMUM HOUSING CASE NUMBER: MH5778-2009**  
**PROPERTY OWNER: DUANE MAX BRYANT**

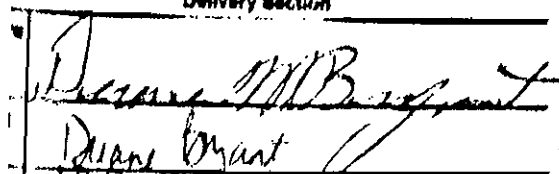


Date: 06/23/2009

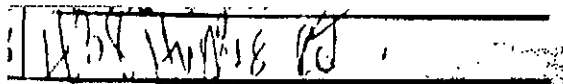
j lewis:

The following is in response to your 06/23/2009 request for delivery information on your Certified Mail(TM) item number 7108 2133 3935 9467 6342. The delivery record shows that this item was delivered on 03/11/2009 at 02:33 PM in FAYETTEVILLE, NC 28312. The scanned image of the recipient information is provided below.

Signature of Recipient:

**Delivery Section**  
A rectangular box containing a handwritten signature. The signature is written in dark ink and appears to read "Duane Max Bryant". Above the signature, the words "Delivery Section" are printed in a small, bold font.

Address of Recipient:

A rectangular box containing a handwritten address. The address is written in dark ink and appears to read "1108 1/2 St SE".

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

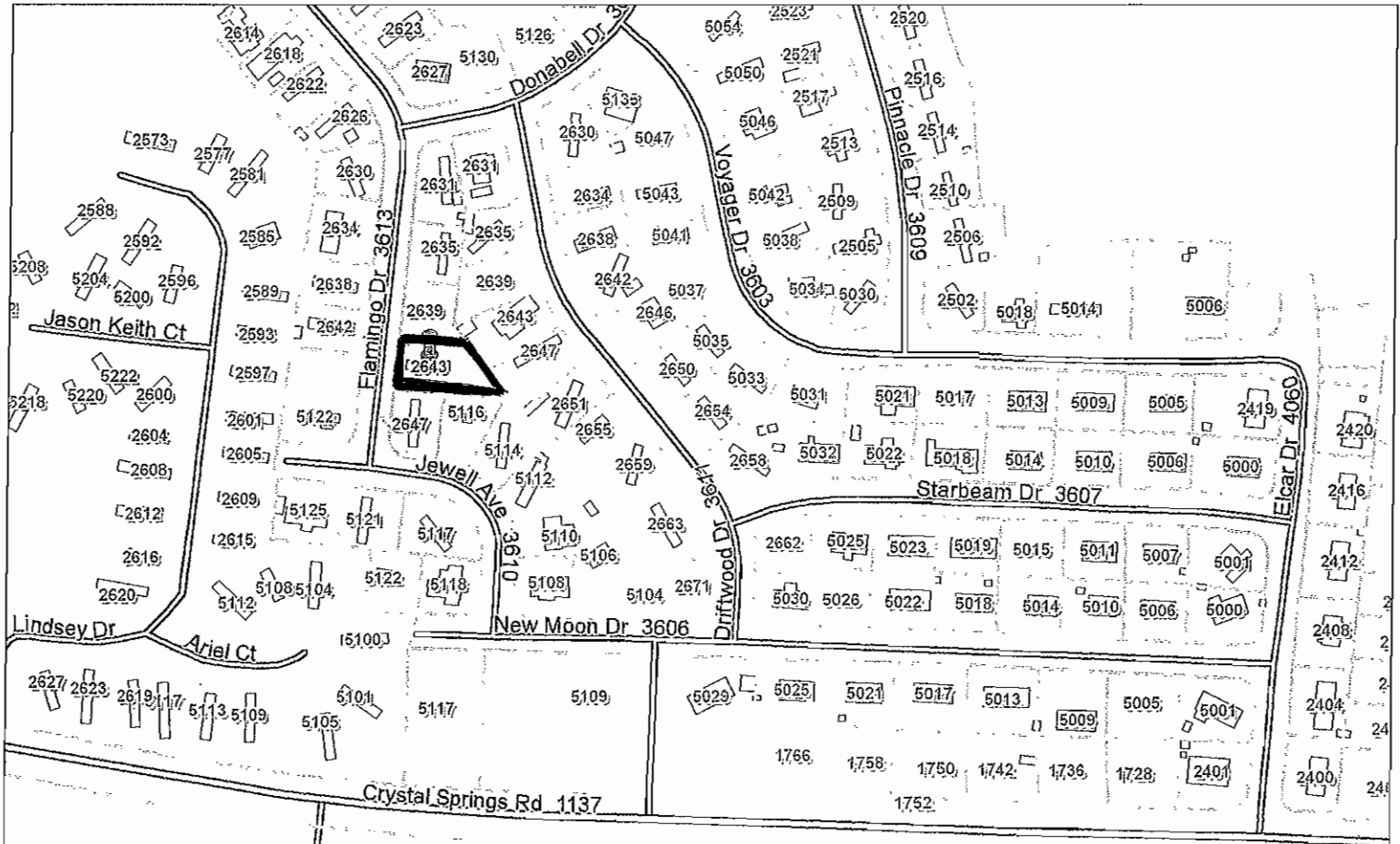
Sincerely,

United States Postal Service

EXHIBIT A

**MAP DEPICTING LOCATION OF PROPERTY**

**2643 FLAMINGO DRIVE, FAYETTEVILLE, NC**  
**OWNER: DUANE MAX BRYANT**  
**MINIMUM HOUSING CASE NUMBER: MH5778-2009**  
**PARCEL IDENTIFICATION #: 0415-45-4684**



**EXHIBIT B**



ITEM NO. 5A

**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

**TO: BOARD OF COMMISSIONERS**  
**FROM: TOM COONEY, DIRECTOR** *TPC*  
**THROUGH: JAMES E. MARTIN, COUNTY MANAGER**  
**DATE: AUGUST 7, 2009**  
**SUBJECT: ACCEPTANCE OF THE BIDS FOR THE CONSTRUCTION OF THE BROOKLYN CIRCLE WATER LINE EXTENSION.**

**BACKGROUND**

On Thursday, August 6, 2009 bids were received and opened for the construction of the Brooklyn Circle Water Line Extension. Attached is a copy of the bid tabulation and a discussion of the bids prepared by our project Engineers, Koonce Noble & Associates of Lumberton, North Carolina. The bid proposal includes all work for the construction of a potable water distribution system to residents along Brooklyn Circle whose wells have been contaminated with byproducts of a petroleum related release in southwestern Cumberland County. The low responsive bid submitted was from **Frank Horne Construction, Inc.** of Fair Bluff, North Carolina in the amount of \$ 73,787.00. There is an alternate to the Bid to relocate the line to the other side of Brooklyn Circle that would facilitate additional extension of the line in the future in the amount of \$ 5, 626.60. The original estimate for this project was close to \$ 100,000 and was prepared by the Engineer's. Funds are available in the Water & Sewer Fund (250) for this project. There will be some participation in this project from the Fayetteville PWC.

This project is needed due to the presence of petroleum related contaminants in the drinking wells. At the present time the County will participate up to 25% of the project cost. PWC will evaluate the bid and let us know shortly what their participation will be; the remainder will be assessed to the property owners.

**RECOMMENDATION**

The Public Utilities Director and County Management recommend that the Board of Commissioners:

1. Accept the bids for the construction of the Brooklyn Circle Water Line Extension.
2. Award a contract to the lowest responsive bidder, **Frank Horne Construction Inc.**, in the amount of \$73,787. Not accepting the alternate.
3. Authorize an Interlocal Agreement between the County and the PWC outlining the responsibilities of each party as well as the participation amounts.
4. Authorize the establishment of a project contingency line within the project budget, in the amount of \$5,000 ( 7%) as recommended by the Engineer, only to be disbursed with the approval of the County Manager.
5. Approve the attached budget revisions to establish the items listed above.

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

Attachments:

*Celebrating Our Past...Embracing Our Future*

**Koonce, Noble & Associates, Inc.**  
Consulting Engineers

August 7, 2009

Mr. Thomas B. Cooney, III, P. E.  
Public Utilities Director  
Cumberland County Public Utilities Department  
130 Gillespie Street, Room 215  
Fayetteville, North Carolina 28301

Dear Mr. Cooney:

**RE: WATER MAIN EXTENSION FOR  
THE COUNTY OF CUMBERLAND, NORTH CAROLINA  
BROOKLYN CIRCLE, SECONDARY ROAD 1126**

Sealed bids were received on the above-referenced project on Thursday, August 6, 2009. A certified tabulation of the bids received is enclosed for your files.

Ten bids were received on the project. The low bid on the base bid was submitted by Frank Horne Construction, Inc., of Fair Bluff, North Carolina, in the amount of \$73,787.00 and on the Alternative Bid in the amount of \$5,626. This bid was approximately Twenty Eight Thousand Dollars lower than our Opinion of Probable Cost. The alternative bid is to extend the water main to the south side of Brooklyn Circle where Brooklyn Circle switches to Porter Road. This extension will reduce the cost if the water main is later extended down Brooklyn Circle.

Frank Horne Construction has completed several projects on which we have provided engineering service. The work was completed in a timely manner, and our clients were satisfied with the work.

We have checked the bids submitted, and it is our recommendation that the contract be awarded to Frank Horne Construction based on the low bid on the base bid, and the alternative bid if the County would like to complete the alternative bid. Following award of the contract, we will prepare the necessary contract documents for execution by the contractor and the County.

Sincerely,

**KOONCE, NOBLE & ASSOCIATES, INC.**



Sam R. Noble, Jr., P. E.

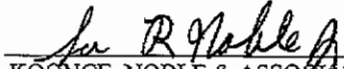
SRNjr/ftf

enclosure

**TABULATION OF BIDS**  
**WATER MAIN EXTENSION FOR THE COUNTY OF CUMBERLAND**  
**BROOKLYN CIRCLE - S. R. 1126**  
**BIDS RECEIVED THURSDAY, AUGUST 6, 2009; 2:00 P. M.**

	CONTRACTOR	TOTAL BASE BID	TOTAL ALTERNATIVE 1 BID
1	AUTRY GRADING, INC. HOPE MILLS, NC 28348-0368	\$85,718.85	\$5,848.30
2	BILLY BILL GRADING FAYETTEVILLE, NC 28311	\$85,150.00	\$5,607.00
3	BILLINGS AND GARRETT RALEIGH, NC 27658	\$105,953.00	\$5,981.00
4	COLT CONTRACTING COMPANY CLINTON, NC 28329	\$83,943.30	\$4,703.40
5	DIXON CONSTRUCTION COMPANY BENNETTSVILLE, SOUTH CAROLINA	\$95,044.00	\$5,497.00
6	ELLINGTON CONTRACTORS WAKE FOREST, NC 27587	NO	BID
7	FRANK HORNE CONSTRUCTION, INC. FAIR BLUFF, NC 28439	\$73,787.00	\$5,626.60
8	W. J. JACKSON CONST. CO. FAYETTEVILLE, NC 28306	NO	BID
9	LANIER CONSTRUCTION COMPANY, INC SNOW HILL, NC 28580	\$100,014.45	\$5,627.10
10	SANDHILLS CONTRACTORS, INC. SANFORD, NC 27331-0001	\$79,741.80	\$5,731.40
11	STATE UTILITY CONTRACTORS MONROE, NC 28111-5019	\$90,748.50	\$6,890.00
12	UTILITIES PLUS LINDEN, NC 28356	\$96,053.90	\$6,732.84

THIS IS TO CERTIFY THAT THIS TABULATION OF BIDS IS CORRECT.

  
 KOONCE, NOBLE & ASSOCIATES, INC.  
 SAM R. NOBLE, JR., P. E.  
 AUGUST 6, 2009



WATER MAIN EXTENSION FOR THE COUNTY OF CUMBERLAND

BROOKLYN CIRCLE - SECONDARY ROAD 1126

TABULATION OF BIDS - BIDS RECEIVED THURSDAY, AUGUST 6, 2009, 2:00 P. M.

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	AUTRY GRADING, INC.		BILLY BILL GRADING		BILLINGS AND GARRETT	
			UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
	<b>BASE BID</b>							
1	8" Ductile Iron Pipe w/neoprene gaskets, pressure class 350	2,097 l.f.	\$22.00	\$46,134.00	\$23.00	\$48,231.00	\$28.00	\$58,716.00
2	8" Ductile Iron Restrained Joint Pipe	100 l.f.	\$71.60	\$7,160.00	\$33.00	\$3,300.00	\$41.00	\$4,100.00
3	8" Gate Valves & Boxes	3 ea.	\$1,120.00	\$3,360.00	\$1,200.00	\$3,600.00	\$925.00	\$2,775.00
4	6" Gate Valves & Boxes	2 ea.	\$840.00	\$1,680.00	\$890.00	\$1,780.00	\$705.00	\$1,410.00
5	Fire Hydrants as specified to include 6" cast iron hydrant extension pipe, avg. length 15', complete with tie rods. Valves and fittings to be paid under other items.	2 ea.	\$2,500.00	\$5,000.00	\$2,950.00	\$5,900.00	\$2,697.00	\$5,394.00
6	Ductile Iron fittings	1,121 lbs.	\$2.85	\$3,194.85	\$4.00	\$4,484.00	\$4.00	\$4,484.00
7	1" House Service (Tapping on to 2", 4", 6" & 8" water lines) 15' avg. length, 1" copper pipe as shown on detail	7 ea.	\$525.00	\$3,675.00	\$650.00	\$4,550.00	\$800.00	\$5,600.00
8	1" House Service (Tapping on to 2", 4", 6" & 8" water lines) bored or jacked under pavement, 45' avg. length	10 ea.	\$750.00	\$7,500.00	\$950.00	\$9,500.00	\$1,845.00	\$18,450.00
9	Concrete Replacement	5 s.y.	\$93.00	\$465.00	\$56.00	\$280.00	\$220.00	\$1,100.00
10	Asphalt Replacement	25 s.y.	\$53.00	\$1,325.00	\$40.00	\$1,000.00	\$50.00	\$1,250.00
11	Concrete for Blocking	3 c.y.	\$275.00	\$825.00	\$175.00	\$525.00	\$220.00	\$660.00
12	2" Blowoff as Shown on Detail	2 ea.	\$1,200.00	\$2,400.00	\$1,000.00	\$2,000.00	\$1,007.00	\$2,014.00
	<b>TOTAL BASE BID</b>			\$82,718.85		\$85,150.00		\$105,953.00
	<b>ALTERNATIVE NO. 1</b>							
1	8" Ductile Iron Pipe	40 l.f.	\$22.00	\$880.00	\$23.00	\$920.00	\$28.00	\$1,120.00
2	8" Gate Valves & Boxes	1 ea.	\$1,120.00	\$1,120.00	\$1,200.00	\$1,200.00	\$925.00	\$925.00
3	Ductile Iron fittings	238 lbs.	\$2.85	\$678.30	\$4.00	\$952.00	\$4.00	\$952.00
4	Concrete for Blocking	1 c.y.	\$275.00	\$275.00	\$175.00	\$175.00	\$220.00	\$220.00
5	Asphalt Replacement	9 s.y.	\$55.00	\$495.00	\$40.00	\$360.00	\$50.00	\$450.00
6	2" Blowoff as Shown on Detail	2 ea.	\$1,200.00	\$2,400.00	\$1,000.00	\$2,000.00	\$1,007.00	\$2,014.00
	<b>TOTAL ALTERNATIVE BID</b>			\$5,848.30		\$5,607.00		\$5,681.00

THIS IS TO CERTIFY THAT THIS TABULATION OF BIDS IS CORRECT.



*Sam R. Noble, Jr.*  
 KOONCE, NOBLE & ASSOC., INC.  
 SAM R. NOBLE, JR., P. E.

WATER MAIN EXTENSION FOR THE COUNTY OF CUMBERLAND  
 BROOKLYN CIRCLE - SECONDARY ROAD 1126  
 TABULATION OF BIDS - BIDS RECEIVED THURSDAY, AUGUST 6, 2009, 2:00 P. M.

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	COLT CONTRACTING		DIXON CONSTRUCTION		FRANK HORNE CONST.	
			UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
	<b>BASE BID</b>							
1	8" Ductile Iron Pipe w/neoprene gaskets, pressure class 350	2,097 l.f.	\$25.00	\$52,425.00	\$28.00	\$58,716.00	\$19.40	\$40,681.80
2	8" Ductile Iron Restrained Joint Pipe	100 l.f.	\$38.00	\$3,800.00	\$38.00	\$3,800.00	\$30.00	\$3,000.00
3	8" Gate Valves & Boxes	3 ea.	\$900.00	\$2,700.00	\$1,075.00	\$3,225.00	\$1,070.00	\$3,210.00
4	6" Gate Valves & Boxes	2 ea.	\$600.00	\$1,200.00	\$765.00	\$1,530.00	\$798.00	\$1,596.00
5	Fire Hydrants as specified to include 6" cast iron hydrant extension pipe, avg. length 15', complete with tie rods. Valves and fittings to be paid under other items.	2 ea.	\$2,180.00	\$4,360.00	\$2,400.00	\$4,800.00	\$2,066.00	\$4,132.00
6	Ductile Iron fittings	1,121 lbs.	\$2.30	\$2,578.30	\$4.00	\$4,484.00	\$5.20	\$5,829.20
7	1" House Service (Tapping on to 2", 4", 6" & 8" water lines) 15' avg. length, 1" copper pipe as shown on detail	7 ea.	\$600.00	\$4,200.00	\$630.00	\$4,410.00	\$505.00	\$3,535.00
8	1" House Service (Tapping on to 2", 4", 6" & 8" water lines) bored or jacked under pavement, 45' avg. length	10 ea.	\$820.00	\$8,200.00	\$860.00	\$8,600.00	\$799.00	\$7,990.00
9	Concrete Replacement	5 s.y.	\$112.00	\$560.00	\$400.00	\$2,000.00	\$50.00	\$250.00
10	Asphalt Replacement	25 s.y.	\$64.00	\$1,600.00	\$55.00	\$1,375.00	\$43.00	\$1,075.00
11	Concrete for Blocking	3 c.y.	\$120.00	\$360.00	\$300.00	\$900.00	\$250.00	\$750.00
12	2" Blowoff as Shown on Detail	2 ea.	\$980.00	\$1,960.00	\$800.00	\$1,600.00	\$869.00	\$1,738.00
	TOTAL BASE BID			\$83,943.30		\$95,440.00		\$73,787.00
	<b>ALTERNATIVE NO. 1</b>							
1	8" Ductile Iron Pipe	40 l.f.	\$54.00	\$2,160.00	\$28.00	\$1,120.00	\$23.60	\$944.00
2	8" Gate Valves & Boxes	1 ea.	\$900.00	\$900.00	\$1,075.00	\$1,075.00	\$1,070.00	\$1,070.00
3	Ductile Iron fittings	238 lbs.	\$2.30	\$547.40	\$4.00	\$952.00	\$5.20	\$1,237.60
4	Concrete for Blocking	1 c.y.	\$120.00	\$120.00	\$300.00	\$300.00	\$250.00	\$250.00
5	Asphalt Replacement	9 s.y.	\$64.00	\$576.00	\$50.00	\$450.00	\$43.00	\$387.00
6	2" Blowoff as Shown on Detail	2 ea.	\$200.00	\$400.00	\$800.00	\$1,600.00	\$869.00	\$1,738.00
	TOTAL ALTERNATIVE BID			\$4,703.40		\$5,497.00		\$5,626.60

WATER MAIN EXTENSION FOR THE COUNTY OF CUMBERLAND  
 BROOKLYN CIRCLE - SECONDARY ROAD 1126  
 TABULATION OF BIDS - BIDS RECEIVED THURSDAY, AUGUST 6, 2009, 2:00 P. M.

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	LANIER CONSTRUCTION		SANDHILLS CONTRACTORS		STATE UTILITY CONTRACTORS	
			UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
	<b>BASE BID</b>							
1	8" Ductile Iron Pipe w/neoprene gaskets, pressure class 350	2,097 l.f.	\$30.00	\$62,910.00	\$21.00	\$44,037.00	\$28.00	\$58,716.00
2	8" Ductile Iron Restrained Joint Pipe	100 l.f.	\$35.25	\$3,525.00	\$35.51	\$3,551.00	\$37.00	\$3,700.00
3	8" Gate Valves & Boxes	3 ea.	\$1,030.00	\$3,090.00	\$925.00	\$2,775.00	\$930.00	\$2,790.00
4	6" Gate Valves & Boxes	2 ea.	\$715.00	\$1,430.00	\$635.00	\$1,270.00	\$635.00	\$1,270.00
5	Fire Hydrants as specified to include 6" cast iron hydrant extension pipe, avg. length 15', complete with tie rods. Valves and fittings to be paid under other items.	2 ea.	\$3,500.00	\$7,000.00	\$2,115.00	\$4,230.00	\$1,800.00	\$3,600.00
6	Ductile Iron fittings	1,121 lbs.	\$2.95	\$3,306.95	\$2.80	\$3,138.80	\$2.50	\$2,802.50
7	1" House Service (Tapping on to 2", 4", 6" & 8" water lines) 15' avg. length, 1" copper pipe as shown on detail	7 ea.	\$530.00	\$3,710.00	\$620.00	\$4,340.00	\$660.00	\$4,620.00
8	1" House Service (Tapping on to 2", 4", 6" & 8" water lines) bored or jacked under pavement, 45' avg. length	10 ea.	\$1,075.25	\$10,752.50	\$1,175.00	\$11,750.00	\$970.00	\$9,700.00
9	Concrete Replacement	5 s.y.	\$75.00	\$375.00	\$105.00	\$525.00	\$75.00	\$375.00
10	Asphalt Replacement	25 s.y.	\$45.00	\$1,125.00	\$50.00	\$1,250.00	\$30.00	\$750.00
11	Concrete for Blocking	3 c.y.	\$250.00	\$750.00	\$135.00	\$405.00	\$275.00	\$825.00
12	2" Blowoff as Shown on Detail	2 ea.	\$1,020.00	\$2,040.00	\$1,235.00	\$2,470.00	\$800.00	\$1,600.00
	TOTAL BASE BID			\$100,014.45		\$79,741.80		\$90,748.50
	<b>ALTERNATIVE NO. 1</b>							
1	8" Ductile Iron Pipe	40 l.f.	\$30.00	\$1,200.00	\$21.50	\$860.00	\$76.00	\$3,040.00
2	8" Gate Valves & Boxes	1 ea.	\$1,030.00	\$1,030.00	\$925.00	\$925.00	\$930.00	\$930.00
3	Ductile Iron fittings	238 lbs.	\$2.95	\$702.10	\$2.80	\$666.40	\$2.50	\$595.00
4	Concrete for Blocking	1 c.y.	\$250.00	\$250.00	\$135.00	\$135.00	\$275.00	\$275.00
5	Asphalt Replacement	9 s.y.	\$45.00	\$405.00	\$75.00	\$675.00	\$50.00	\$450.00
6	2" Blowoff as Shown on Detail	2 ea.	\$1,020.00	\$2,040.00	\$1,235.00	\$2,470.00	\$800.00	\$1,600.00
	TOTAL ALTERNATIVE BID			\$5,627.10		\$5,731.40		\$6,890.00

WATER MAIN EXTENSION FOR THE COUNTY OF CUMBERLAND

BROOKLYN CIRCLE - SECONDARY ROAD 1126

TABULATION OF BIDS - BIDS RECEIVED THURSDAY, AUGUST 6, 2009, 2:00 P. M.

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UTILITIES PLUS	
			UNIT PRICE	TOTAL PRICE
	<b>BASE BID</b>			
1	8" Ductile Iron Pipe w/neoprene gaskets, pressure class 350	2,097 l.f.	\$29.76	\$62,406.72
2	8" Ductile Iron Restrained Joint Pipe	100 l.f.	\$36.74	\$3,674.00
3	8" Gate Valves & Boxes	3 ea.	\$1,041.32	\$3,123.96
4	6" Gate Valves & Boxes	2 ea.	\$721.29	\$1,442.58
5	Fire Hydrants as specified to include 6" cast iron hydrant extension pipe, avg. length 15', complete with tie rods. Valves and fittings to be paid under other items.	2 ea.	\$2,117.26	\$4,234.52
6	Ductile Iron fittings	1,121 lbs.	\$4.50	\$5,044.50
7	1" House Service (Tapping on to 2", 4", 6" & 8" water lines) 15' avg. length, 1" copper pipe as shown on detail	7 ea.	\$525.40	\$3,677.80
8	1" House Service (Tapping on to 2", 4", 6" & 8" water lines) bored or jacked under pavement, 45' avg. length	10 ea.	\$858.38	\$8,583.80
9	Concrete Replacement	5 s.y.	\$115.70	\$578.50
10	Asphalt Replacement	25 s.y.	\$45.00	\$1,125.00
11	Concrete for Blocking	3 c.y.	\$175.00	\$525.00
12	2" Blowoff as Shown on Detail	2 ea.	\$818.76	\$1,637.52
	<b>TOTAL BASE BID</b>			<b>\$96,053.90</b>
	<b>ALTERNATIVE NO. 1</b>			
1	8" Ductile Iron Pipe	40 l.f.	\$63.57	\$2,542.80
2	8" Gate Valves & Boxes	1 ea.	\$1,041.32	\$1,041.32
3	Ductile Iron fittings	238 lbs.	\$4.50	\$1,071.00
4	Concrete for Blocking	1 c.y.	\$35.00	\$35.00
5	Asphalt Replacement	9 s.y.	\$45.00	\$405.00
6	2" Blowoff as Shown on Detail	2 ea.	\$818.86	\$1,637.72
	<b>TOTAL ALTERNATIVE BID</b>			<b>\$6,732.84</b>

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B10-046
Date Received	8/11/2009
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
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Total

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
340X	682	Brooklyn Circle Water Line Extension	0	78,787	78,787
3846	682	Water & Sewer Improvements	2,000,000	(78,787)	1,921,213

Total	2,000,000	-	2,000,000
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**Justification:**

Revision in the amount of \$78,787 to budget acceptance of construction bid for the Brooklyn Circle Water Line Extension Project in the amount of \$73,787 plus in-project contingency in the amount of \$5,000. Funds for this project are currently available in the County Water & Sewer Fund. The County anticipates recouping 75% of the cost of the project through a cost share arrangement with PWC (amount to be determined) and property owner assessments. (Revenue will be budgeted once funding agreements are in place).

**Funding Source:**

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

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

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

Reviewed By: Bob Tucker  
Finance Department

Date: 8/11/09

Reviewed By: Amy McCann  
Assistant County Mgr

Date: 8/12/09

**Approved By:**

County Manager

Board of County Commissioners

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

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



## 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

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

**TO:** BOARD OF COMMISSIONERS  
**FROM:** TOM COONEY, DIRECTOR *TBC*  
**THROUGH:** JAMES E. MARTIN, COUNTY MANAGER  
**DATE:** AUGUST 7, 2009  
**SUBJECT:** ACCEPTANCE OF THE BIDS FOR THE CONSTRUCTION OF THE BROOKLYN CIRCLE WATER LINE EXTENSION.

### BACKGROUND

On Thursday, August 6, 2009 bids were received and opened for the construction of the Brooklyn Circle Water Line Extension. Attached is a copy of the bid tabulation and a discussion of the bids prepared by our project Engineers, Koonce Noble & Associates of Lumberton, North Carolina. The bid proposal includes all work for the construction of a potable water distribution system to residents along Brooklyn Circle whose wells have been contaminated with byproducts of a petroleum related release in southwestern Cumberland County. The low responsive bid submitted was from **Frank Horne Construction, Inc.** of Fair Bluff, North Carolina in the amount of \$ 73,787.00. There is an alternate to the Bid to relocate the line to the other side of Brooklyn Circle that would facilitate additional extension of the line in the future in the amount of \$ 5, 626.60. The original estimate for this project was close to \$ 100,000 and was prepared by the Engineer's. Funds are available in the Water & Sewer Fund (250) for this project. There will be some participation in this project from the Fayetteville PWC.

This project is needed due to the presence of petroleum related contaminants in the drinking wells. At the present time the County will participate up to 25% of the project cost. PWC will evaluate the bid and let us know shortly what their participation will be; the remainder will be assessed to the property owners.

### RECOMMENDATION

The Public Utilities Director and County Management recommend that the Board of Commissioners:

1. Accept the bids for the construction of the Brooklyn Circle Water Line Extension.
2. Award a contract to the lowest responsive bidder, **Frank Horne Construction Inc.**, in the amount of \$73,787. Not accepting the alternate.
3. Authorize an Interlocal Agreement between the County and the PWC outlining the responsibilities of each party as well as the participation amounts.
4. Authorize the establishment of a project contingency line within the project budget, in the amount of \$5,000 ( 7%) as recommended by the Engineer, only to be disbursed with the approval of the County Manager.
5. Approve the attached budget revisions to establish the items listed above.

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

Attachments:

*Celebrating Our Past...Embracing Our Future*

**Koonce, Noble & Associates, Inc.**  
Consulting Engineers

August 7, 2009

Mr. Thomas B. Cooney, III, P. E.  
Public Utilities Director  
Cumberland County Public Utilities Department  
130 Gillespie Street, Room 215  
Fayetteville, North Carolina 28301

Dear Mr. Cooney:

**RE: WATER MAIN EXTENSION FOR  
THE COUNTY OF CUMBERLAND, NORTH CAROLINA  
BROOKLYN CIRCLE, SECONDARY ROAD 1126**

Sealed bids were received on the above-referenced project on Thursday, August 6, 2009. A certified tabulation of the bids received is enclosed for your files.


Ten bids were received on the project. The low bid on the base bid was submitted by Frank Horne Construction, Inc., of Fair Bluff, North Carolina, in the amount of \$73,787.00 and on the Alternative Bid in the amount of \$5,626. This bid was approximately Twenty Eight Thousand Dollars lower than our Opinion of Probable Cost. The alternative bid is to extend the water main to the south side of Brooklyn Circle where Brooklyn Circle switches to Porter Road. This extension will reduce the cost if the water main is later extended down Brooklyn Circle.

Frank Horne Construction has completed several projects on which we have provided engineering service. The work was completed in a timely manner, and our clients were satisfied with the work.

We have checked the bids submitted, and it is our recommendation that the contract be awarded to Frank Horne Construction based on the low bid on the base bid, and the alternative bid if the County would like to complete the alternative bid. Following award of the contract, we will prepare the necessary contract documents for execution by the contractor and the County.

Sincerely,

**KOONCE, NOBLE & ASSOCIATES, INC.**

  
Sam R. Noble, Jr., P. E.

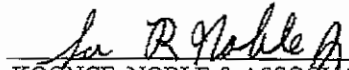
SRNjr/ff

enclosure

**TABULATION OF BIDS**  
**WATER MAIN EXTENSION FOR THE COUNTY OF CUMBERLAND**  
**BROOKLYN CIRCLE - S. R. 1126**  
**BIDS RECEIVED THURSDAY, AUGUST 6, 2009; 2:00 P. M.**

	CONTRACTOR	TOTAL BASE BID	TOTAL ALTERNATIVE 1 BID
1	AUTRY GRADING, INC. HOPE MILLS, NC 28348-0368	\$85,718.85	\$5,848.30
2	BILLY BILL GRADING FAYETTEVILLE, NC 28311	\$85,150.00	\$5,607.00
3	BILLINGS AND GARRETT RALEIGH, NC 27658	\$105,953.00	\$5,981.00
4	COLT CONTRACTING COMPANY CLINTON, NC 28329	\$83,943.30	\$4,703.40
5	DIXON CONSTRUCTION COMPANY BENNETTSVILLE, SOUTH CAROLINA	\$95,044.00	\$5,497.00
6	ELLINGTON CONTRACTORS WAKE FOREST, NC 27587	NO	BID
7	FRANK HORNE CONSTRUCTION, INC. FAIR BLUFF, NC 28439	\$73,787.00	\$5,626.60
8	W. J. JACKSON CONST. CO. FAYETTEVILLE, NC 28306	NO	BID
9	LANIER CONSTRUCTION COMPANY, INC SNOW HILL, NC 28580	\$100,014.45	\$5,627.10
10	SANDHILLS CONTRACTORS, INC. SANFORD, NC 27331-0001	\$79,741.80	\$5,731.40
11	STATE UTILITY CONTRACTORS MONROE, NC 28111-5019	\$90,748.50	\$6,890.00
12	UTILITIES PLUS LINDEN, NC 28356	\$96,053.90	\$6,732.84

THIS IS TO CERTIFY THAT THIS TABULATION OF BIDS IS CORRECT.

  
 KOONCE, NOBLE & ASSOCIATES, INC.  
 SAM R. NOBLE, JR., P. E.  
 AUGUST 6, 2009



WATER MAIN EXTENSION FOR THE COUNTY OF CUMBERLAND  
 BROOKLYN CIRCLE - SECONDARY ROAD 1126  
 TABULATION OF BIDS - BIDS RECEIVED THURSDAY, AUGUST 6, 2009, 2:00 P. M.

			AUTRY GRADING, INC.		BILLY BILL GRADING		BILLINGS AND GARRETT	
ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
	BASE BID							
1	8" Ductile Iron Pipe w/neoprene gaskets, pressure class 350	2,097 l.f.	\$22.00	\$46,134.00	\$23.00	\$48,231.00	\$28.00	\$58,716.00
2	8" Ductile Iron Restrained Joint Pipe	100 l.f.	\$71.60	\$7,160.00	\$33.00	\$3,300.00	\$41.00	\$4,100.00
3	8" Gate Valves & Boxes	3 ea.	\$1,120.00	\$3,360.00	\$1,200.00	\$3,600.00	\$925.00	\$2,775.00
4	6" Gate Valves & Boxes	2 ea.	\$840.00	\$1,680.00	\$890.00	\$1,780.00	\$705.00	\$1,410.00
5	Fire Hydrants as specified to include 6" cast iron hydrant extension pipe, avg. length 15', complete with tie rods. Valves and fittings to be paid under other items.	2 ea.	\$2,500.00	\$5,000.00	\$2,950.00	\$5,900.00	\$2,697.00	\$5,394.00
6	Ductile Iron fittings	1,121 lbs.	\$2.85	\$3,194.85	\$4.00	\$4,484.00	\$4.00	\$4,484.00
7	1" House Service (Tapping on to 2", 4", 6" & 8" water lines) 15' avg. length, 1" copper pipe as shown on detail	7 ea.	\$525.00	\$3,675.00	\$650.00	\$4,550.00	\$800.00	\$5,600.00
8	1" House Service (Tapping on to 2", 4", 6" & 8" water lines) bored or jacked under pavement, 45' avg. length	10 ea.	\$750.00	\$7,500.00	\$950.00	\$9,500.00	\$1,845.00	\$18,450.00
9	Concrete Replacement	5 s.y.	\$93.00	\$465.00	\$56.00	\$280.00	\$220.00	\$1,100.00
10	Asphalt Replacement	25 s.y.	\$53.00	\$1,325.00	\$40.00	\$1,000.00	\$50.00	\$1,250.00
11	Concrete for Blocking	3 c.y.	\$275.00	\$825.00	\$175.00	\$525.00	\$220.00	\$660.00
12	2" Blowoff as Shown on Detail	2 ea.	\$1,200.00	\$2,400.00	\$1,000.00	\$2,000.00	\$1,007.00	\$2,014.00
	TOTAL BASE BID			\$82,718.85		\$85,150.00		\$105,953.00
	ALTERNATIVE NO. 1							
1	8" Ductile Iron Pipe	40 l.f.	\$22.00	\$880.00	\$23.00	\$920.00	\$28.00	\$1,120.00
2	8" Gate Valves & Boxes	1 ea.	\$1,120.00	\$1,120.00	\$1,200.00	\$1,200.00	\$925.00	\$925.00
3	Ductile Iron fittings	238 lbs.	\$2.85	\$678.30	\$4.00	\$952.00	\$4.00	\$952.00
4	Concrete for Blocking	1 c.y.	\$275.00	\$275.00	\$175.00	\$175.00	\$220.00	\$220.00
5	Asphalt Replacement	9 s.y.	\$55.00	\$495.00	\$40.00	\$360.00	\$50.00	\$450.00
6	2" Blowoff as Shown on Detail	2 ea.	\$1,200.00	\$2,400.00	\$1,000.00	\$2,000.00	\$1,007.00	\$2,014.00
	TOTAL ALTERNATIVE BID			\$5,848.30		\$5,607.00		\$5,681.00

THIS IS TO CERTIFY THAT THIS TABULATION OF BIDS IS CORRECT.



*Sam R. Noble, Jr.*  
 KOONCE, NOBLE & ASSOC., INC.  
 SAM R. NOBLE, JR., P. E.

WATER MAIN EXTENSION FOR THE COUNTY OF CUMBERLAND  
 BROOKLYN CIRCLE - SECONDARY ROAD 1126  
 TABULATION OF BIDS - RIDS RECEIVED THURSDAY, AUGUST 6, 2009, 2:00 P. M.

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	COLT CONTRACTING		DIXON CONSTRUCTION		FRANK HORNE CONST.	
			UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
	<b>BASE BID</b>							
1	6" Ductile Iron Pipe w/neoprene gaskets, pressure class 350	2,097 l.f.	\$25.00	\$52,425.00	\$25.00	\$52,425.00	\$25.00	\$52,425.00
2	8" Ductile Iron Restrained Joint Pipe	100 l.f.	\$38.00	\$3,800.00	\$38.00	\$3,800.00	\$38.00	\$3,800.00
3	8" Gate Valves & Boxes	3 ea.	\$900.00	\$2,700.00	\$1,075.00	\$3,225.00	\$1,070.00	\$3,210.00
4	6" Gate Valves & Boxes	2 ea.	\$600.00	\$1,200.00	\$765.00	\$1,530.00	\$798.00	\$1,596.00
5	Fire Hydrants as specified to include 6" cast iron hydrant extension pipe, avg. length 15', complete with tie rods. Valves and fittings to be paid under other items.	2 ea.	\$2,180.00	\$4,360.00	\$2,400.00	\$4,800.00	\$2,066.00	\$4,132.00
6	Ductile Iron fittings	1,121 lbs.	\$2.30	\$2,578.30	\$4.00	\$4,484.00	\$5.20	\$5,829.20
7	1" House Service (Tapping on to 2", 4", 6" & 8" water lines) 15' avg. length, 1" copper pipe as shown on detail	7 ea.	\$600.00	\$4,200.00	\$630.00	\$4,410.00	\$505.00	\$3,535.00
8	1" House Service (Tapping on to 2", 4", 6" & 8" water lines) bored or jacked under pavement, 45' avg. length	10 ea.	\$820.00	\$8,200.00	\$860.00	\$8,600.00	\$799.00	\$7,990.00
9	Concrete Replacement	5 s.v.	\$112.00	\$560.00	\$400.00	\$2,000.00	\$50.00	\$250.00
10	Asphalt Replacement	25 s.v.	\$64.00	\$1,600.00	\$55.00	\$1,375.00	\$43.00	\$1,075.00
11	Concrete for Blocking	3 c.v.	\$120.00	\$360.00	\$300.00	\$900.00	\$250.00	\$750.00
12	2" Blowoff as Shown on Detail	2 ea.	\$980.00	\$1,960.00	\$800.00	\$1,600.00	\$869.00	\$1,738.00
	<b>TOTAL BASE BID</b>			\$83,943.30		\$95,440.00		\$73,787.00
	<b>ALTERNATIVE NO. 1</b>							
1	8" Ductile Iron Pipe	40 l.f.	\$54.00	\$2,160.00	\$28.00	\$1,120.00	\$23.60	\$944.00
2	8" Gate Valves & Boxes	1 ea.	\$900.00	\$900.00	\$1,075.00	\$1,075.00	\$1,070.00	\$1,070.00
3	Ductile Iron fittings	238 lbs.	\$2.30	\$547.40	\$4.00	\$952.00	\$5.20	\$1,237.60
4	Concrete for Blocking	1 c.v.	\$120.00	\$120.00	\$300.00	\$300.00	\$250.00	\$250.00
5	Asphalt Replacement	9 s.v.	\$64.00	\$576.00	\$50.00	\$450.00	\$43.00	\$387.00
6	2" Blowoff as Shown on Detail	2 ea.	\$200.00	\$400.00	\$800.00	\$1,600.00	\$869.00	\$1,738.00
	<b>TOTAL ALTERNATIVE BID</b>			\$4,703.40		\$5,497.00		\$5,626.60

WATER MAIN EXTENSION FOR THE COUNTY OF CUMBERLAND  
 BROOKLYN CIRCLE - SECONDARY ROAD 1126  
 TABULATION OF BIDS - BIDS RECEIVED THURSDAY, AUGUST 6, 2009, 2:00 P. M.

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	LANIER CONSTRUCTION		SANDHILLS CONTRACTORS		STATE UTILITY CONTRACTORS	
			UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
	<b>BASE BID</b>							
1	8" Ductile Iron Pipe w/neoprene gaskets, pressure class 350	2,097 l.f.	\$30.00	\$62,910.00	\$21.00	\$44,037.00	\$28.00	\$58,716.00
2	8" Ductile Iron Restrained Joint Pipe	100 l.f.	\$35.25	\$3,525.00	\$35.51	\$3,551.00	\$37.00	\$3,700.00
3	8" Gate Valves & Boxes	3 ea.	\$1,030.00	\$3,090.00	\$925.00	\$2,775.00	\$930.00	\$2,790.00
4	6" Gate Valves & Boxes	2 ea.	\$715.00	\$1,430.00	\$635.00	\$1,270.00	\$635.00	\$1,270.00
5	Fire Hydrants as specified to include 6" cast iron hydrant extension pipe, avg. length 15', complete with tie rods. Valves and fittings to be paid under other items.	2 ea.	\$3,500.00	\$7,000.00	\$2,115.00	\$4,230.00	\$1,800.00	\$3,600.00
6	Ductile Iron fittings	1,121 lbs.	\$2.95	\$3,306.95	\$2.80	\$3,138.80	\$2.50	\$2,802.50
7	1" House Service (Tapping on to 2", 4", 6" & 8" water lines) 15' avg. length, 1" copper pipe as shown on detail	7 ea.	\$530.00	\$3,710.00	\$620.00	\$4,340.00	\$660.00	\$4,620.00
8	1" House Service (Tapping on to 2", 4", 6" & 8" water lines) bored or jacked under pavement, 45' avg. length	10 ea.	\$1,075.25	\$10,752.50	\$1,175.00	\$11,750.00	\$970.00	\$9,700.00
9	Concrete Replacement	5 s.y.	\$75.00	\$375.00	\$105.00	\$525.00	\$75.00	\$375.00
10	Asphalt Replacement	25 s.y.	\$45.00	\$1,125.00	\$50.00	\$1,250.00	\$30.00	\$750.00
11	Concrete for Blocking	3 c.y.	\$250.00	\$750.00	\$135.00	\$405.00	\$275.00	\$825.00
12	2" Blowoff as Shown on Detail	2 ea.	\$1,020.00	\$2,040.00	\$1,235.00	\$2,470.00	\$800.00	\$1,600.00
	TOTAL BASE BID			\$100,014.45		\$79,741.80		\$90,748.50
	<b>ALTERNATIVE NO. 1</b>							
1	8" Ductile Iron Pipe	40 l.f.	\$30.00	\$1,200.00	\$21.50	\$860.00	\$76.00	\$3,040.00
2	8" Gate Valves & Boxes	1 ea.	\$1,030.00	\$1,030.00	\$925.00	\$925.00	\$930.00	\$930.00
3	Ductile Iron fittings	238 lbs.	\$2.95	\$702.10	\$2.80	\$666.40	\$2.50	\$595.00
4	Concrete for Blocking	1 c.y.	\$250.00	\$250.00	\$135.00	\$135.00	\$275.00	\$275.00
5	Asphalt Replacement	9 s.y.	\$45.00	\$405.00	\$75.00	\$675.00	\$50.00	\$450.00
6	2" Blowoff as Shown on Detail	2 ea.	\$1,020.00	\$2,040.00	\$1,235.00	\$2,470.00	\$800.00	\$1,600.00
	TOTAL ALTERNATIVE BID			\$5,627.10		\$5,731.40		\$6,890.00

WATER MAIN EXTENSION FOR THE COUNTY OF CUMBERLAND  
 BROOKLYN CIRCLE - SECONDARY ROAD 1126  
 TABULATION OF BIDS - BIDS RECEIVED THURSDAY, AUGUST 6, 2009, 2:00 P. M.

UTILITIES PLUS				
ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
<b>BASE BID</b>				
1	8" Ductile Iron Pipe w/neoprene gaskets, pressure class 350	2,097 l.f.	\$29.76	\$62,406.72
2	8" Ductile Iron Restrained Joint Pipe	100 l.f.	\$36.74	\$3,674.00
3	8" Gate Valves & Boxes	3 ea.	\$1,041.32	\$3,123.96
4	6" Gate Valves & Boxes	2 ea.	\$721.29	\$1,442.58
5	Fire Hydrants as specified to include 6" cast iron hydrant extension pipe, avg. length 15', complete with tie rods. Valves and fittings to be paid under other items.	2 ea.	\$2,117.26	\$4,234.52
6	Ductile Iron fittings	1,121 lbs.	\$4.50	\$5,044.50
7	1" House Service (Tapping on to 2", 4", 6" & 8" water lines) 15' avg. length, 1" copper pipe as shown on detail	7 ea.	\$525.40	\$3,677.80
8	1" House Service (Tapping on to 2", 4", 6" & 8" water lines) bored or jacked under pavement, 45' avg. length	10 ea.	\$858.38	\$8,583.80
9	Concrete Replacement	5 s.y.	\$115.70	\$578.50
10	Asphalt Replacement	25 s.y.	\$45.00	\$1,125.00
11	Concrete for Blocking	3 c.y.	\$175.00	\$525.00
12	2" Blowoff as Shown on Detail	2 ea.	\$818.76	\$1,637.52
TOTAL BASE BID				\$96,053.90
<b>ALTERNATIVE NO. 1</b>				
1	8" Ductile iron Pipe	40 l.f.	\$63.57	\$2,542.80
2	8" Gate Valves & Boxes	1 ea.	\$1,041.32	\$1,041.32
3	Ductile Iron fittings	236 lbs.	\$4.50	\$1,071.00
4	Concrete for Blocking	1 c.y.	\$35.00	\$35.00
5	Asphalt Replacement	9 s.y.	\$45.00	\$405.00
6	2" Blowoff as Shown on Detail	2 ea.	\$818.86	\$1,637.72
TOTAL ALTERNATIVE BID				\$6,732.84

**PUBLIC UTILITIES DEPARTMENT**

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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: AUGUST 7, 2009**

**SUBJECT: APPROVAL OF CONTRACT WITH THE ENGINEERING FIRM OF MARZIANO & MCGOUGAN FOR THE PRELIMINARY DESIGN OF THE GRAYS CREEK WATER & SEWER DISTRICT WATER DISTRIBUTION SYSTEM, TO INCLUDE THE APPLICATION DOCUMENTATION AND SUBMITTAL FOR USDA FUNDING.**

**BACKGROUND**

The Grays Creek Water & Sewer District, located in the southwest portion of Cumberland County has been identified as a feasible project in the recently completed *Cumberland County Rural Water Feasibility Study*.

The next step in this process is to find funding to allow for the construction of this water distribution system. At the present time the USDA has received a large amount of funding under the Federal Stimulus program. It is believed that this project will qualify for low interest loans to include zero interest and even some loan forgiveness funding (Grant). It is important that the County move quickly in an effort to apply for these funds, as they will be authorized on a first come first serve basis. Our Engineers, Marziano & McGougan have provided a cost proposal to perform the required work, with a cost not to exceed \$ 60,000.

Attached are copies of the proposal to perform the preliminary design and application process for the Grays Creek Water & Sewer District.

*Celebrating Our Past...Embracing Our Future*

## **RECOMMENDATION:**

The County Public Utilities Director and Management recommend that the Board of Commissioners:

1. Approve a Contract in the amount not to exceed \$60,000 with the firm of Marziano & McGougan for the preliminary design and USDA application process for the Grays Creek Water and Sewer District water distribution system.
2. Approve the attached budget revision. Funds are available in the Water & Sewer Fund for this phase of the project.

**PROJECT FEE ESTIMATE**

MARZIANO &amp; McGOUGAN, PA

Asheboro, North Carolina

Date:

8/7/2009

PROJECT NAME:

**CUMBERLAND FUNDING APPLICATION/PUBLIC PARTICIPATION/PWC COORDINATION  
FOR GRAYS CREEK WATER DISTRICT WATER SYSTEM**

TASK	Marziano	Sexton	Koonce	Technician	Clerical	Printing	Milage	Expense	TOTALS
<b><u>PER Phase</u></b>									
Prepare Study Memo w/EA Outline	2	1	1		1				5
Review Project Goals w/staff	4		2						6
Windshield Survey of WL Routes	1								1
Obtain Co. GIS Data for WL Routes	DONE								0
Develop Population Projection	DONE								0
Notify NCDOT for Prelim. Comments	1	4	4						9
Alternative Analysis	DONE								0
Preliminary Hydraulic Model	2	24		8					
Prepare Study Maps	2	4	4	8					18
PWC CONTRACT MTGS	16	4	8						
Write PER (Excerpt fr. Existing)	6	32	16		12	2			68
Present PER	2	2	2						6
Sub-Total:	36	71	37	16	13	2	0	0	113
<b><u>EA Phase</u></b>									
Obtain Wetland/Arch/Hist/Soils Data	2	2	8						12
Miscellaneous Research	2	8	8						18
Write EA	8	16	16		12	2			54
Present EA	2								2
Sub-Total:	14	26	32	0	12	2	0	0	86
<b><u>Application Phase</u></b>									
Prepare USDA Applications	16	8	8		16				48
USDA Initial Meeting	DONE				1				1
Submit Applications	2				1				3
Misc. USDA Meetings (3)	8	4	8		4				
Respond to EA & PER Comments	4	16	16		6				42
Sub-Total:	30	28	32	0	28	0	0	0	94
<b><u>Public Participation Phase</u></b>									
Initial Mtg w/Co & Citizens	4	8	8						20
Prepare Action Plan & Coordinate w/Co.	6	8	4						18
Identify Key Personnel & Hold Mtg.	8	2	2						12
Prepare Public Presentation of PER	4	16	8						28
Public Meetings (3)	24	8	8						40
Action Mtgs. w/Key Personnel (4)	16	8	8						32
Miscellaneous Assistance	4								4
Sub-Total:	66	50	38	0	0	0	0	0	154
TOTAL HOURS	146	175	139	16	53	4	0	0	447
Cost per hour	\$130	\$110	\$110	\$65	\$45	\$45	\$1	\$1	
TOTAL FEE NOT TO EXCEED	\$18,980	\$19,250	\$15,290	\$1,040	\$2,385	\$180	\$0	\$0	\$57,125

TOTAL FEE NOT TO EXCEED

**\$57,125****CONTRACT CAN BE HOURLY WITH A NOT TO EXCEED AMOUNT-PLEASE ADVISE**

Note: The above hourly rates include cost of milage, printing and normal out-of-pocket expenses.

Budget Office Use	
Budget Revision No.	B10-047
Date Received	8/11/2009
Date Completed	

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

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
New	682	Gray's Creek Water & Sewer District	0	60,000	60,000
3846	682	Water & Sewer Improvements	1,921,213	(60,000)	1,861,213
Total			1,921,213	-	1,921,213

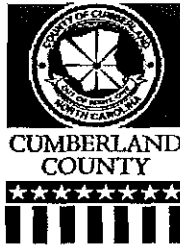
**Funding Source:** \_\_\_\_\_ **Fund Balance:** \_\_\_\_\_  
**State:** \_\_\_\_\_ **Federal:** \_\_\_\_\_ **County:** \_\_\_\_\_ **New:** \_\_\_\_\_ **Other:** \_\_\_\_\_  
**Other:** \_\_\_\_\_ **Fees:** \_\_\_\_\_ **Prior Year:** \_\_\_\_\_

Reviewed By: Bob Tucker Date: 8/11/09  
Finance Department  
Reviewed By: Amyl Cannon Date: 8/12/09  
Assistant County Mgr

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

County Manager

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



**PUBLIC UTILITIES DEPARTMENT**

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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:** AUGUST 7, 2009

**SUBJECT:** APPROVAL OF CONTRACT WITH THE ENGINEERING FIRM OF MARZIANO & MCGOUGAN FOR THE PRELIMINARY DESIGN OF THE GRAYS CREEK WATER & SEWER DISTRICT WATER DISTRIBUTION SYSTEM, TO INCLUDE THE APPLICATION DOCUMENTATION AND SUBMITTAL FOR USDA FUNDING.

**BACKGROUND**

The Grays Creek Water & Sewer District, located in the southwest portion of Cumberland County has been identified as a feasible project in the recently completed *Cumberland County Rural Water Feasibility Study*.

The next step in this process is to find funding to allow for the construction of this water distribution system. At the present time the USDA has received a large amount of funding under the Federal Stimulus program. It is believed that this project will qualify for low interest loans to include zero interest and even some loan forgiveness funding (Grant). It is important that the County move quickly in an effort to apply for these funds, as they will be authorized on a first come first serve basis. Our Engineers, Marziano & McGougan have provided a cost proposal to perform the required work, with a cost not to exceed \$ 60,000.

Attached are copies of the proposal to perform the preliminary design and application process for the Grays Creek Water & Sewer District.

*Celebrating Our Past...Embracing Our Future*

**RECOMMENDATION:**

The County Public Utilities Director and Management recommend that the Board of Commissioners:

1. Approve a Contract in the amount not to exceed \$60,000 with the firm of Marziano & McGougan for the preliminary design and USDA application process for the Grays Creek Water and Sewer District water distribution system.
2. Approve the attached budget revision. Funds are available in the Water & Sewer Fund for this phase of the project.

**PROJECT FEE ESTIMATE**

MARZIANO &amp; McGOUGAN, PA

Asheboro, North Carolina

Date:

8/7/2009

PROJECT NAME:

**CUMBERLAND FUNDING APPLICATION/PUBLIC PARTICIPATION/PWC COORDINATION  
FOR GRAYS CREEK WATER DISTRICT WATER SYSTEM**

TASK	Marziano	Sexton	Koonce	Technician	Clerical	Printing	Milage	Expense	TOTALS
<b><u>PER Phase</u></b>									
Prepare Study Memo w/EA Outline	2	1	1		1				5
Review Project Goals w/staff	4		2						6
Windshield Survey of WL Routes	1								1
Obtain Co. GIS Data for WL Routes	DONE								0
Develop Population Projection	DONE								0
Notify NCDOT for Prelim. Comments	1	4	4						9
Alternative Analysis	DONE								0
Preliminary Hydraulic Model	2	24		8					
Prepare Study Maps	2	4	4	8					18
PWC CONTRACT MTGS	16	4	8						
Write PER (Excerpt fr. Existing)	6	32	16		12	2			68
Present PER	2	2	2						6
Sub-Total:	36	71	37	16	13	2	0	0	113
<b><u>EA Phase</u></b>									
Obtain Wetland/Arch/Hist/Soils Data	2	2	8						12
Miscellaneous Research	2	8	8						18
Write EA	8	16	16		12	2			54
Present EA	2								2
Sub-Total:	14	26	32	0	12	2	0	0	86
<b><u>Application Phase</u></b>									
Prepare USDA Applications	16	8	8		16				48
USDA Initial Meeting	DONE				1				1
Submit Applications	2				1				3
Misc. USDA Meetings (3)	8	4	8		4				
Respond to EA & PER Comments	4	16	16		6				42
Sub-Total:	30	28	32	0	28	0	0	0	94
<b><u>Public Participation Phase</u></b>									
Initial Mtg w/Co & Citizens	4	8	8						20
Prepare Action Plan & Coordinate w/Co.	6	8	4						18
Identify Key Personnel & Hold Mtg.	8	2	2						12
Prepare Public Presentation of PER	4	16	8						28
Public Meetings (3)	24	8	8						40
Action Mtgs. w/Key Personnel (4)	16	8	8						32
Miscellaneous Assistance	4								4
Sub-Total:	66	50	38	0	0	0	0	0	154
<b>TOTAL HOURS</b>	146	175	139	16	53	4	0	0	447
Cost per hour	\$130	\$110	\$110	\$65	\$45	\$45	\$1	\$1	
<b>TOTAL FEE NOT TO EXCEED</b>	\$18,980	\$19,250	\$15,290	\$1,040	\$2,385	\$180	\$0	\$0	\$57,125

TOTAL FEE NOT TO EXCEED

\$57,125

**CONTRACT CAN BE HOURLY WITH A NOT TO EXCEED AMOUNT-PLEASE ADVISE**

Note: The above hourly rates include cost of milage, printing and normal out-of-pocket expenses.



ITEM NO. 50

**PUBLIC UTILITIES DEPARTMENT**

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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:** AUGUST 7, 2009

**SUBJECT:** ACCEPT THE PRELIMINARY CUMBERLAND COUNTY RURAL WATER  
FEASIBILITY STUDY AND DIRECT THE ENGINEER TO PREPARE THE  
FINAL REPORT.

**BACKGROUND**

For the past year the county has employed the service of a professional engineering firm (Marziano & McGougan) to prepare a rural water feasibility study in an effort to plan for providing a Countywide Water Distribution System. In June of 2009 there was a presentation of the preliminary report to a joint meeting of the Board of Commissioners, the PWC Board of Commissioners and members of the City Council as well as members of each agency's management and staff. Following the presentation it was requested of all present that any comments or correction be forwarded to the Public Utilities Department for inclusion into the report. There have only been a few minor change requests with everyone in agreement as to the general direction of the recommendation in the report. Those corrections will be included in the final edition of this report.

**RECOMMENDATION:**

The County Public Utilities Director and Management recommend that the Board of Commissioners:

1. Accept the Preliminary "Cumberland County Rural Water Feasibility Study" and direct the Engineer to prepare the final report for publication and presentation..

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**PUBLIC UTILITIES DEPARTMENT**

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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:** AUGUST 7, 2009

**SUBJECT:** CONSIDERATION OF COUNTY PARTICIPATION FOR THE CEDAR CREEK ROAD WATER EXTENSION PROJECT.

**BACKGROUND**

The Utilities Department has been working for the past several years in an effort to extend public water to the Cedar Creek Road residents just east of the railroad tracks adjacent to the former Monsanto facility. Efforts to obtain an easement through negotiation with the property owners failed. The property owner with the largest tract had sentimental reasons for not granting the easement and felt that his property would be adversely affected by the water line.

A second option to extend water along Cedar Creek Road which would require an easement and a bore under the railroad tracks would add approximately \$75,000 to the project cost. This cost would result in an increased assessment which is prohibitive to the property owners. I had proposed that the County share the cost of getting the water across the tracks with the PWC, then have the property owners pick up the rest of the project from there. This concept was approved by the Board of Commissioners in March. The PWC has determined that they will make a decision on participation in this project once PWC completes its strategy and develops a policy position on county-wide water. It will apply the policy retroactively to the Cedar Creek Road Project.

As a result, I am requesting that the Board of Commissioners consider covering the cost to extend the waterline along Cedar Creek Road to just south of the railroad tracks. The property owners will then be assessed the remainder of the project.

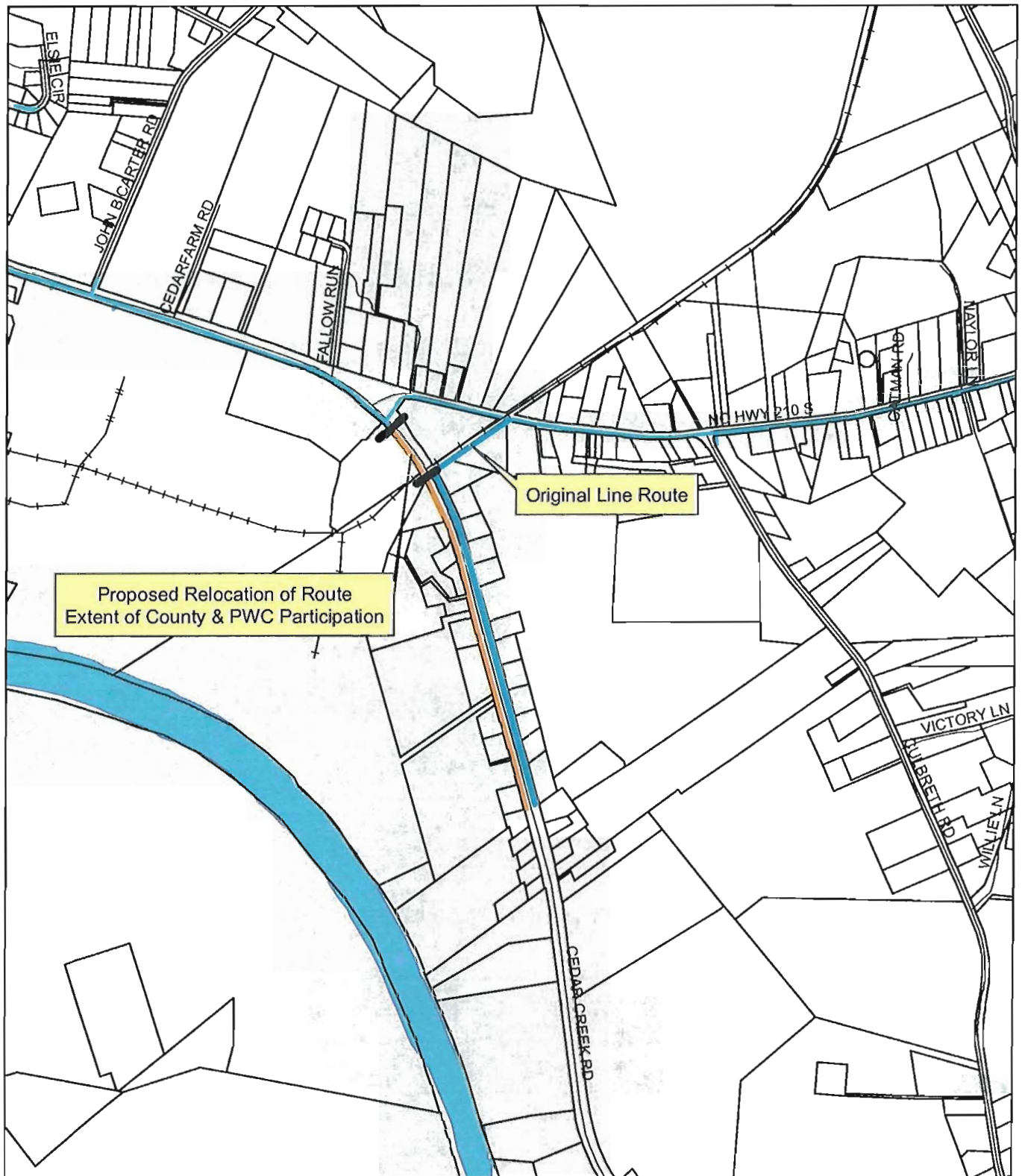
The Policy Committee reviewed this request and unanimously recommended approval of the County participating in this project.

**RECOMMENDATION**

The Public Utilities Director, Management and the Policy Committee recommend that the Board of Commissioners approve participation in this project by the County. It is estimated that the county's participation will not exceed \$75,000.

Attachments:

*Celebrating Our Past...Embracing Our Future*



## CEDAR CREEK ROAD PROJECT PROPOSED RE-ALIGNMENT

Prepared by  
Cumberland County Public Utilities Department

CUMBERLAND COUNTY POLICY COMMITTEE MEETING  
AUGUST 6, 2009, 9:00 AM

MEMBERS PRESENT: Commissioner Billy R. King, Chairman  
Commissioner Marshall Faircloth  
Commissioner Kenneth Edge  
OTHERS PRESENT: James Martin, County Manager  
Harvey Raynor, Interim County Attorney  
Tom Cooney, Public Utilities Director  
Tom Lloyd, Planning and Inspections Director  
Marie Colgan, Clerk to the Board  
Sally Shutt, Communications Manager  
Candice H. White, Deputy Clerk

Commissioner King called the meeting to order.

1. Approval of Minutes: May 7, 2009

MOTION: Commissioner Edge moved to approve.  
SECOND: Commissioner Faircloth  
VOTE: UNANIMOUS

2. Consideration of County Participation for the Cedar Creek Road Water Extension Project

James Martin, County Manager, advised the water extension project area is east of the former Monsanto facility and involves the crossing of the railroad track that serves the industrial property. Mr. Martin explained the County has been waiting on a commitment from the Public Works Commission (PWC) to assist with upsizing the line from the minimal eight inches to twelve inches, as recommended by consultants in order to allow for future use. Mr. Martin further explained the County was hoping the PWC would participate in the \$75,000 cost to run the lines under the railroad track to the east side. Mr. Martin stated the PWC agreed that they want to develop a policy position in order to work with the County on county-wide water and will apply the new policy retroactively to run the lines under the railroad tracks.

Mr. Martin stated when considering the time involved with the PWC, he would recommend that the Board of Commissioners consider covering the cost to extend the waterline along Cedar Creek Road to just south of the railroad tracks and that property owners just east of the railroad tracks then be assessed for the remainder of the project.

Commissioner King inquired whether costs would be reimbursed by the PWC. Mr. Martin responded it is not known at this time whether the PWC will reimburse costs and should there be a reimbursement, it would only be for partial costs. Mr. Martin stated the issue is whether the County is prepared to put up the funds regardless of

Ms. Colgan called attention to Rule 10 – Powers of the Chairman, and asked whether the Committee wanted to recommend the inclusion of any additional powers. No additional powers were recommended.

Mr. Martin called attention to Rule 26 – Public Hearings, and asked whether the Committee felt one speaker who was not representing a group should be given ten minutes to speak. A brief discussion followed regarding whether the time limit should be modified. Mr. Martin recommended that one speaker who was not representing a group be allowed five minutes to speak. Commissioner Edge reminded those present that a speaker's time could be extended at the discretion of the Chairman. Mr. Raynor asked whether the Committee wanted to add to Rule 10 – Powers of the Chairman, the discretion to extend the time of a public hearing speaker. Consensus was not to add to the powers of the Chairman and for one speaker not representing a group to use five minutes to speak.

Ms. Colgan called attention to Rule 30 – Changes to Rules of Procedure. Mr. Raynor stated current language to change the rules requires a two-thirds vote of the "members", which would be the entire board. Mr. Raynor recommended the addition of the word "entire" so it would state "entire membership" in order to further clarify. Mr. Raynor stated a second issue in Rule 30 dealt with suspending the rules of procedure. Mr. Raynor explained if two-thirds vote of the entire membership were to be required to suspend the rules, it would take an affirmative vote five of seven members; if one Commissioner was absent, it would take four of six members voting in the affirmative; and if two Commissioners were absent, it would still take four of five members voting in the affirmative.

Commissioner King asked for a scenario in which the rules might need to be suspended. Mr. Raynor responded he could not think of a specific example; however, should the Commissioners want to suspend the rules and one or more Commissioners were absent, the rules could not be suspended if a two-thirds vote of the entire membership was required to do so. A brief discussion followed regarding circumstances in which the Commissioners may wish to suspend the rules. Mr. Raynor advised the Commissioners could suspend the rules on a per issue basis.

Commissioner King asked whether the revisions being discussed would be brought before the entire board. Ms. Colgan responded the suggested revisions were being presented to the Committee for their input and would then be forwarded to the full board for a vote. Consensus was to forward a strikeout version to the full board.

Discussion returned to the vote required to suspend the rules. Commissioner Faircloth stated two-thirds of the members present ought to be allowed to suspend the rules. Commissioners King and Edge concurred. Consensus was for two-thirds vote of the members present to suspend the rules.

money going to the Arts Council, and the establishment of the Tourism Development Authority (TDA) to include the various membership categories contained therein. Mr. Martin also spoke to past efforts of the TDA to exert oversight and reporting for funds going to the Arts Council. Mr. Martin stated at the time the legislative authority was granted, the city and county engaged in discussions with the Arts Council and agreed to reduce their funding over a period of years from \$300,000 to \$100,000 in exchange for the new tax monies. Mr. Martin further stated the Arts Council received \$90,000 for fiscal year 2009-2010 and provides a report to the County for their funding, which may or may not be a full accounting of all the funds they receive. Mr. Martin concluding by stating that absent any real authority, the County could weigh in and attempt to facilitate matters.

Commissioner Faircloth referenced Hope Mills request to waive the landfill fees for the clearing out of Hope Mills Lake and stated that Mr. Martin had indicated it could be handled administratively if he received the request from the Town of Hope Mills.

Commissioner King provided an update of a Chamber dinner he attended for a prospective corporation that manufactures products from corn starch. Commissioner King stated the corporation is looking at the Shell Building and the Black and Decker building and will return on August 25<sup>th</sup> and August 26<sup>th</sup> for another visit to the area. Commissioner King further stated the corporation could provide one hundred fifty to two hundred jobs were it to locate to this area.

Commissioner King inquired about the transfer of child support funding to the County. Mr. Martin stated the transfer would become effective in July 2010 and figures he had obtained indicated the net cost funding gap could be between \$770,000 and \$1 million. Mr. Martin also stated the \$18 per day state prison inmate funding for inmates in Cumberland County jails is gone in perpetuity.

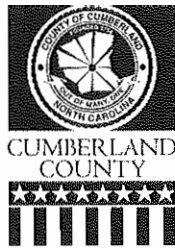
Commissioner King inquired regarding the \$8 million loss of funding to the school system. Mr. Martin stated the school system had received a \$2 million grant and \$3 million from the County. Commissioner Edge stated the school system had received \$27 million in categorical stimulus funding. Mr. Martin referenced the four year agreement with the school system and stated the County may wish to rethink its position.

MEETING ADJOURNED: 10:45 AM.

JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

J. BREEDEN BLACKWELL  
KENNETH S. EDGE  
MARSHALL FAIRCLOTH  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
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. 6B

AGENDA ITEM FOR AUGUST 17, 2009 MEETING

MEMO TO: Board of Commissioners

MEMO FROM: Marie Colgan, Clerk *mc*

DATE: August 7, 2009

RE: Consideration of Approval of Recommended Changes to the Rules of Procedure for the Cumberland County Board of Commissioners

**BACKGROUND:** In May, 2009, a review of the current Rules of Procedure which was adopted on October 15, 1990, was reviewed by County Attorney Grainger Barrett, Marsha Fogle (Clerk to the Board) and Marie Colgan (Deputy Clerk to the Board).

On August 6, 2009, the recommended changes were presented to the Policy Committee and the attached document reflects further recommendations.

**RECOMMENDATION:** Approve recommended revisions to the Rules of Procedure as presented.

*Celebrating Our Past...Embracing Our Future*

COUNTY SEAL

RULES OF PROCEDURE

For

THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS

Adopted - October 15, 1990  
*(Proposed Revisions - August 2009)*

***Strikethrough indicates deleted text***  
***Italicized indicates added text***

RULES OF PROCEDURE FOR THE  
BOARD OF COUNTY COMMISSIONERS  
OF CUMBERLAND COUNTY, NORTH CAROLINA

I. APPLICABILITY OF RULES

Rule 1      Applicability of Rules:

These rules apply to all meetings of the Board of Commissioners of Cumberland County at which the Board is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

II. OPEN MEETINGS

Rule 2      Meetings to be Open:

The public policy of North Carolina and of Cumberland County is that the hearings, deliberations and actions of ~~this Board~~ *the Cumberland County Board of Commissioners* and its committees be conducted openly.

Rule 3      Closed Sessions:

Notwithstanding the provisions of Rule 2, the Board may hold ~~an Executive Session~~ *a Closed Session* and ~~exclude the public~~ in accordance with G.S. 143-318.11.

The Board may go into ~~Executive Session~~ *Closed Session* only upon motion made and adopted at an open meeting. The motion shall state the general purpose of the ~~Executive Session~~ *Closed Session* and must be approved by a majority of ~~these Board members~~ *Commissioners* present and voting.

The County Manager, ~~and the County Attorney and County Clerk, and their immediate staff,~~ shall attend the ~~executive session~~ *Closed Session*, unless expressly excluded in the motion. Other persons shall not attend the ~~executive session~~ *Closed Session* unless expressly included in the motion or otherwise called into the ~~sSession~~.

### III. ORGANIZATION OF THE BOARD

#### Rule 4 Organizational Meeting

~~On the first Monday of December following a general election in which County officers are elected, the Board shall meet at the regular meeting time and place. The order of business shall be:~~

- ~~(a) The Board shall approve the minutes of its prior meeting.~~
- ~~(b) The Board shall retire the outgoing members and honor retired members and other designated persons.~~
- ~~(c) The newly elected members of the Board shall take and subscribe the oath of office.~~
- ~~(d) With the County Attorney or Clerk to the Board presiding, the Board shall elect a Chairman and a Vice-Chairman from its members.~~
- ~~(e) The new Board shall approve the bonds of the Register of Deeds and the Sheriff and, if appropriate, induct them into office.~~

*At the first regular meeting in December of the Board of Commissioners, the Board shall choose a Chairman and Vice Chairman.*

*At the first regular meeting in the month of December, following a general election in which county officers are elected, the Board shall conduct the following business:*

- Approve the Minutes of previous meeting(s);*
- Recognize outgoing Commissioners;*
- Administer oath of office to new Commissioners;*
- Elect Chairman and Vice Chairman*
- Recognize outgoing Chairman*
- Approve bonds for public officials;*
- Approve Consent Agenda items as well as any necessary items of business.*

#### Rule 5 Election of Chairman and Vice Chairman

The Chairman and Vice Chairman shall be elected annually for a term of one year and shall not be removed from ~~the office of~~

~~Chairman that office unless he/she becomes disqualified to serve as a Board member Commissioner or resigns from said position.~~

#### IV. REGULAR AND /SPECIAL /EMERGENCY MEETINGS

Rule 6 (a) Regular and Special Meetings: ~~The Board shall hold regular meetings as follows:~~

- First Monday of the Month at 9:00AM
- Third Monday of the Month at ~~7:30~~ 6:45PM
- ~~Fourth Tuesday of each Month at 7:30 PM~~

~~If a regular meeting day is falls on a holiday on which county offices are closed, the meeting shall be held on the next business day or such succeeding day as may be specified in the motion adjourning the immediately preceding regular meeting by the Board of Commissioners. Regular meetings are held in the Cumberland County Courthouse in Room 118. The Board may change or cancel the place or time of a particular regular meeting or of all regular meetings within a specified period by resolution adopted, posted and noticed at least seven days before the change takes effect. Such a resolution shall be filed with the Clerk to the Board and posted at or near the regular meeting place, and copies shall be sent to all persons who have requested notice of special meetings of the Board. (Note: The Board of Commissioners adopts its regular meeting schedule at its first regular meeting in December. The schedule is posted on the county website).~~

*A public comment period shall be the first item of business at the 3<sup>rd</sup> Monday of the month meeting. Comments shall be limited to three minutes per person, and the Board of Commissioners may adopt other rules for the conduct of the public comment period.*

*Meetings of the Board are held in Room 118, Cumberland County Courthouse, 117 Dick Street, Fayetteville, NC, unless otherwise specified by the Board of Commissioners.*

*The Board may change or cancel the time or place of a particular regular meeting by motion adopted and posted on the courthouse bulletin board on the lower level of the courthouse and on the front door of the courthouse at least seven days before the change takes place. Notice of change must be sent to the County Sunshine List.*

(b) Special Meetings

The Chairman or a majority of *the Board members of Commissioners* may at any time call a special meeting of the Board of Commissioners by signing a notice stating the time and place of the meeting and the subjects(s) to be ~~considered discussed~~. *Forty-eight hours notice must be given.*—The Clerk shall cause the notice to be posted on the *courthouse* bulletin board ~~in the basement of the courthouse~~ *on the lower level of the courthouse* and on the ~~door of the meeting room~~ *front door of the courthouse*, and delivered to the Chairman and all other Board members or left at the dwelling place of each Board member at least 48 hours before the meeting; *placed on the desk and/or emailed or faxed to each commissioner and mailed, e-mailed or faxed to the Sunshine List.* In addition, the notice shall be mailed or delivered to individual persons and news organizations who have requested such notice as provided in subsection (e) below. Only *the* items(s) of business specified in the notice *Special Meeting Notice* may be transacted at the special meeting, unless all members are present or those not present have signed waivers.

(e) Emergency Meetings

The Chairman or a majority of the Board of Commissioners may call an emergency meeting to deal with an unexpected circumstance requiring immediate consideration. The person or persons calling the emergency meeting shall cause notice of the meeting to be given to the other Board members *Commissioners* and the public *Sunshine List*. ~~Local news organizations, having requested notice of special meetings as provided in subsection (e), below, shall be notified of such emergency meetings by the same method used to notify Board members.~~ Only business connected with the emergency may be discussed at the meeting. *Notice shall be given either by telephone or by the same method used to notify commissioners and shall be given immediately after notice has been given to the commissioners. Only business connected with the emergency may be discussed at the meeting, pursuant to G.S. 143-318.12(b)(3).*

(d) Work Sessions, Retreats, and Committee Meetings

The Board may schedule work sessions, retreats, forums, conventions, ~~association and~~ committee meetings, ~~or~~ *and* other informal meetings of the Board or of a majority of its members at such times and concerning such subjects as may be established by ~~resolution or order~~ of the Board. A schedule of such meetings

held regularly shall be filed in the same place and manner as the schedule of regular meetings. Work sessions and other informal ~~official~~ Any meetings not held regularly are subject to the same notice requirements as special Board meetings considered to be special meetings and the 48-hour rule of notice applies and notice shall be given as for special meetings.

(e) Sunshine List

Any individual and/or newspaper, wire service, radio station and television station desiring notice of all special/emergency meetings of the Board shall file a written request with the Clerk to the Board of Commissioners on an annual basis (December of each year). Requests made by individuals persons other than the media are subject to a \$10.00 non-refundable annual fee. Requests by news organizations media are not subject to a fee. All requests shall be submitted annually not later than December 30<sup>th</sup> for the next calendar year.

All Meetings Within the County

(a) All meetings shall be held within the boundaries of Cumberland County, except as otherwise provided by statute or herein.

(b) A joint meeting with the Governing Board of any other political subdivision of this or any other state may be held within the boundaries of either subdivision as may be specified in the call of the meeting. At any such joint meeting, this Board reserves the right to vote separately on all matters coming before the joint meeting.

(e) A special meeting called for considering and acting on an order or resolution requesting members of the General Assembly representing all of any portion of this County to support or oppose any bill pending in the General Assembly or proposed for introduction therein may be held in Raleigh or other such place as stated in the call of the meeting.

(e) A special meeting called in connection with a retreat, forum, or similar gathering may be held solely for the purpose of providing members of the Board with general information relating to the performance of their public duties; provided, however, that members of the Board shall

~~not vote upon nor otherwise transact public business while in attendance at such a gathering.~~

- ~~(e) While in attendance at a convention, association meeting or similar gathering, a special meeting may be held; provided, however, that such meeting may be held solely to discuss or deliberate on the Board's position concerning convention resolutions, election of association officers and similar issues that are not legally binding upon the Board of Commissioners or its constituents.~~

#### Location of Meetings

*All meetings shall be held within the boundaries of Cumberland County, except as otherwise allowed by statute or herein.*

*A joint meeting with the governing board of any other political subdivision of this or any other state may be held within the boundaries of either subdivision as may be specified in the call of the meeting. Proper notice of the meeting shall be given. At any such joint meeting, the Board reserves the right to vote as a separate Board on all matters coming before the joint meeting.*

#### Rule 8

#### Broadcasting and /Recording of Meetings

- ~~(a) Except as provided in this rule, any radio or television station may broadcast all or any part of an official Board meeting required to be open to the public. Any person may photograph, film, tape record, or otherwise reproduce any part of a meeting required to be open.~~
- ~~(b) Any radio or television station wishing to broadcast any portion of an official Board meeting shall notify the County Manager no later than 2 business days before the meeting. If the number of requests or the quantity and size of the necessary equipment is such that the meeting cannot be accommodated in the designated meeting room and no suitable alternative site is available, the County Manager may require the news media to either pool equipment and personnel or to secure and pay the costs of an alternative meeting site mutually agreeable to the Board and the media representative.~~

*Regular commissioners' meetings are cablecast live on Time Warner Cable. In addition, any radio or television station may broadcast all or any part of an official Board meeting. The*

*County may adopt reasonable rules concerning the set up of these media in broadcasting or taping the meetings.*

## V. AGENDA

### Rule 9 Agenda

(a) The County Manager shall prepare the agenda for each regular, special, ~~and or~~ emergency meeting. A request to have an item of business placed on the agenda for a regular meeting ~~must~~ *should* be received by ~~the County Manager's Office by Monday noon the close of business of the second Friday of the week preceding the regular meeting day.~~ Any Board member Commissioner may, by a timely request, have an item placed on the agenda. ~~A request to place an item on the agenda from other than a Board member~~ *Other requests to place an item on the agenda shall be at the discretion of the County Manager.*

(b) The agenda packet shall include the agenda document, any proposed ordinances ~~or amendments to ordinances or resolutions~~ and supporting documentation and background information relevant to the items on the agenda. A copy of the agenda packet shall be made available to each Board member Commissioner ~~not no later than Friday Thursday of the week preceding the regular meeting day.~~ *In most cases the packet will be available on Wednesday after 3:00PM. Commissioners may pick up their packets in their office at the courthouse. If that is not possible the commissioner may call the Clerk or Deputy Clerk and request that it be delivered.*

(c) ~~The Board, by unanimous vote of the members present, add an item to the agenda.~~

(d) ~~The agenda shall be published in a newspaper of general circulation prior to the day of the scheduled regular meeting.~~

(e) The County Manager may propose a consent agenda as part of the main agenda. The consent agenda ~~shall contain~~ *may include* those routine items of business that do not normally involve debate; *to include but not limited to:* ~~The Board may transfer an item from the consent agenda to the main agenda upon a majority vote of the members present and voting. A motion to transfer should normally be made at the beginning of the meeting. The consent agenda may include, but is not limited to, the following routine items of business:~~

- ~~(1) Approval of Minutes from the prior meeting;~~
- ~~(2) Budget amendments/revisions. Approval of Budget Revisions;~~
- ~~(3) Disposition of surplus personal property to other governmental agencies. Approval of Declaration of Surplus Property;~~
- ~~(4) Granting to North Carolina Department of Transportation road right of way easements on County property. Approval of granting right-of-way easements to NC DOT on county owned properties; and~~
- ~~(5) Granting PWC utility easements on County real property.~~
- ~~(6) Resolutions of appreciation, support and recognition. Approval of Proclamations/Resolutions;~~
- ~~(7) Resolutions requesting road additions to the state highway secondary road system. Approval of adding streets to the NC DOT Road System for maintenance;~~
- *Other items as deemed appropriate by the County Manager.*

*Any member of the Board may ask questions about a consent agenda item or transfer it to the regular agenda.*

*The Board may by unanimous vote of all of the members present add an item to the agenda.*

*The agenda with packet information will be published on the County's website.*

*Actions taken by the Board and Minutes of Board meetings will be published on the website.*

## VI. CONDUCT OF DEBATE

### Rule 10

#### Powers of the Chairman

The Chairman shall preside at all Board meetings. In the absence of the Chairman, the Vice Chairman shall preside ~~at Board meetings. If the Vice Chairman is absent, In the absence of the Vice Chairman, members present the Board may appoint someone to Chair the meetings preside at the meeting. To address the Board, a member must be recognized by the Chairman.~~

The Chairman shall have the following powers:

- (a) ~~To~~ Rule on points of parliamentary procedure, including the right to rule out of order any motion offered for patently obstructive or dilatory purposes;
- (b) ~~To~~ Determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
- (c) ~~To~~ Call a brief recess at any time; and
- (d) ~~To~~ Adjourn in an emergency.

*The Chairman shall be a voting member of the Board. He/she may make and second a motion.*

Rule 11      Action by the Board

The Board shall proceed by motion. ~~Any member, including the Chairman, may make a motion.~~ *A second to the motion is required in order for discussion to ensue. A motion shall be ruled dead by the Chairman if a second is not received within a reasonable period of time.*

Rule 12      Second Required

~~A motion shall require a second. A motion shall be ruled dead by the Chairman if a second is not received within a reasonable time period.~~

Rule 13 12      One Motion at a Time

~~A member~~ Commissioner may make only one motion at a time.

Rule 14 13      Substantive Motion

A substantive motion is out of order while another substantive motion dealing with another subject ~~matter~~ is pending.

Rule 15 14      Substitute Motion

A substitute motion (~~an amendment~~) or amended motion dealing with the same subject matter as the original substantive motion is ~~in order and~~ shall be acted upon prior to action on the original motion. *A substitute motion must be germane to and may not be the opposite of the original motion.*

Rule 46 15 Debate

The Chairman shall state the motion and then open the floor to ~~debate~~ *for discussion, following a second to the motion.*

Rule 47 16 Adoption by Majority Vote

A motion shall be adopted if approved by a majority of the votes cast, ~~unless otherwise required by these rules or North Carolina laws.~~ *Votes shall be recorded in the Minutes.*

Rule 48 17 Procedural Motions

~~(a) In addition to substantive motions, the procedural motions listed in subsection (b) of this rule, below in order of priority, and no others, shall be in order.: Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.~~

~~(b) In order of priority, the procedures motions are:~~

- ~~1. Motion to adjourn.~~ *This motion may be made only at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter. A motion to adjourn is not debatable.*
- ~~2. Motion to recess.~~
- ~~3. To Call to Follow the Agenda.~~ *Motion to follow the agenda.* The motion must be made at the first reasonable opportunity or it is waived.
- ~~4. Motion to suspend the rules.~~ *The This motion requires a two-thirds (2/3) vote of the members present.*
- ~~5. To Divide a complex Motion~~ *Motion to divide a complex motion and consider it by paragraph sub-parts.*
- ~~6. Motion to defer consideration.~~ A substantive motion whose consideration has been deferred expires unless a motion to revive consideration is adopted within one hundred (100) days after deferral.
- ~~7. Motion to call the previous question.~~ *The This motion is not in order until there has been at least ten (10) minutes of debate and every member has had one opportunity to speak.*
- ~~8. Motion To postpone to a certain time and/or day.~~
- ~~9. Motion to refer to committee.~~ Sixty (60) days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire

Board, regardless of whether the committee has reported the matter back to the Board.

- ~~10. Motion~~ to amend. An amendment to a motion must be germane to the subject of the main motion, ~~but it may not achieve the opposite effect of the main motion. There may be only one amendment to the motion.~~ A motion to amend ~~shall~~ *must* ~~require~~ *receive* a second. Any amendment to a proposed ordinance ~~shall~~ *must* be ~~reduced to~~ *presented in* writing.
- ~~11. Motion~~ to revive consideration. ~~The~~ *This* motion is in order at any time within one hundred ~~(100)~~ days of a vote deferring consideration.
- ~~12. Motion~~ to reconsider. ~~The~~ *This* motion must be made at the same meeting where the original vote was taken and by a member who voted with the prevailing side. It cannot interrupt deliberation on a pending matter, but is in order any time before adjournment.
- ~~13. Motion~~ to prevent reconsideration for six months. ~~The~~ *This* motion shall be in order only immediately following the defeat of a substantive motion. It requires a vote equal to a quorum and is valid for six ~~(6)~~ months or until the ~~next~~ regular election of county commissioners, whichever ~~occurs~~ *comes* first.

Rule 19 ~~18~~     Renewal of Motion

A defeated motion may not be renewed at the same meeting.

Rule 20 ~~19~~     Withdrawal of a Motion

~~A motion may be withdrawn by the introducer any time before the Chairman puts the motion to a vote. The maker of a motion may withdraw it at any time before the Chairman puts it to a vote.~~

Rule 21 ~~20~~     Duty to Vote

~~(a)~~ It is the duty of each member to vote unless excused by a majority vote according to law. The Board may excuse members from voting on matters involving their own financial interest or official conduct. A member wishing to be excused from voting shall so inform the Chairman ~~prior to discussion on the issue.~~ ~~The Chairman~~ *who* shall take a vote of the remaining members. A member who fails to vote, not having been excused, shall be recorded as voting in the affirmative.

~~(b) Tie Vote.~~ The effect of a tie vote is that the motion did not *NOT* carry.

Rule 22 21 Prohibition of Secret Voting

No vote may be taken by secret ballot. The Clerk shall record the vote of each member in the minutes.

Rule 23 22 Action by Reference

The Board of Commissioners shall not deliberate, vote or otherwise act on any matter by reference to an agenda, or document number unless copies of the agenda or documents being referenced are available for public inspection at the meeting and are so worded that people at the meeting can understand what is being discussed or acted upon.

Rule 24 23 Introduction of Ordinances, Resolutions, and Orders.

A proposed ordinance shall be deemed introduced at the first meeting where it is on the agenda, regardless of whether it is actually considered by the Board, and its *the* introduction shall be recorded in the Minutes.

Rule 25 24 Adoption, Amendment, or Repeal of Ordinances

To be adopted at the meeting where it is first introduced, an ordinance or an action with the effect of an ordinance, or any ordinance amending or repealing an existing ordinance (except the budget ordinance, a bond order or another ordinance requiring a public hearing before adoption) must be approved adopted by all members of the Board of Commissioners UNANIMOUS vote with all members present. If the proposed measure is approved by a majority, but not by all members of the Board, or if the measure is not voted on at that meeting, it shall be considered at the next regular meeting of the Board. It is then or at any time thereafter within one hundred (100) days of its introduction receives a majority of the votes cast, the measure is adopted. If the ordinance is not approved unanimously it must come before the Board for a second reading anytime within 100 days of its introduction. It may then be adopted by majority vote. (EXCEPTION: A Budget Ordinance, Bond Order or any ordinance requiring a public hearing before adoption may be adopted at any meeting by majority vote at which a quorum is present). Note: A FRANCHISE ORDINANCE must be adopted at two regular meetings.

Rule 26 25     Quorum

A majority of the Board membership shall constitute a quorum. The number required for a quorum is not affected by vacancies. ~~If a member has withdrawn from a meeting without being excused by majority vote of the remaining members, he/she shall be counted as present for the purposes of determining whether a quorum is present. The Board may compel the attendance of an absent member by ordering the Sheriff to take the member into custody. A quorum is determined at the beginning of a meeting and is not broken by a Commissioner subsequently leaving.~~

Rule 27 26     Public Hearings Time Limits

~~(a) The time limits for speakers at zoning public hearings shall be ten (10) minutes for the proponent and ten (10) minutes for the opponent; the time may be apportioned among speakers for that side. The time limits for speakers at other public hearing shall be three minutes per speaker. The time limit for each speaker at public hearings shall be three minutes. Except, for public hearings on rezoning cases, the total time limit shall be ten minutes for the proponent side and ten minutes for the opponent side (broken up into three minutes for each speaker or five minutes for a speaker representing a group, and if there is only one speaker, he/she may use five minutes). Persons desiring to speak at a public hearing must register with the Clerk prior to commencement of the meeting.~~

~~(b) The Board of Commissioners reserves the right to limit the length of public hearings to avoid redundant or repetitive comment or testimony. After the County Manager announces the close of a public hearing, no member of the public may address the issue to the Board. (c) Persons desire to speak at a public hearing must register with the Clerk to the Board prior to the commencement of the meeting.~~

Rule 28. — Quorum at Public Hearings

~~A quorum of the Board must be present at all public hearings required by law.~~

Rule 27     Minutes

Minutes shall be kept of all board meetings *and all committee meetings.*

Rule 28      Appointments – a County Commissioner vacancy, a Register of Deeds vacancy and a vacancy in the Office of the Sheriff

The Board shall fill county commissioner vacancies in accordance with G.S. 153A-27. ~~The Board shall fill~~ A Register of Deeds vacancy *shall be filled* in accordance with G.S. 162-5. ~~and a Sheriff vacancy~~ *A vacancy in the Office of the Sheriff shall be filled* in accordance with G.S. 162-5.

Rule 29      Appointments – Boards/Committees

The Board *of Commissioners* ~~shall use the following procedure to make appointments to fill vacancies in other boards, Commissions, and Committees over which the Board has power of appointment~~ appoints citizens to serve on various boards/committees within the County. The procedure for making appointments shall be:

- ~~(a) Any citizen of Cumberland County is eligible to serve on appointed Boards/Commissions/Committees of the County where such appointment is not prohibited by state statute.~~ *All members appointed to a board/committee must maintain residence in Cumberland County;*
- ~~(b) All Board members must maintain residence in Cumberland County while serving on said Board.~~ *(c) All appointments must will be made in accordance to with the Statute or Ordinance that created the Board/Commission/Committee board or committee, if applicable;*
- ~~(d) No citizen may serve more than two appointed positions simultaneously or more than one appointive position if holding an elective position;~~
- ~~(e) No citizen may serve more than two consecutive terms on any Board/Committee/Commission board/committee (must be off at least one year before returning to board/committee).~~ *Note: the Board of Commissioners reserves the right to waive this requirement, based on special circumstances.*
- ~~(f) If a person is appointed to fill someone's unexpired terms serve an unexpired term, and serves less than half of a the full term, he/she shall be is eligible to serve two full terms. If the person serves more than half of the full term, that is considered to be one full term, and the person may only serve one additional full term.~~

(g) Unless otherwise provided by Statute, the Board of County Commissioners may remove any appointee for cause, which may include chronic non-attendance at board/committee meetings.

(h) Appointee must uphold County policies pertaining to the work of the Committee and uphold County Code of Ethics;

(i) Procedures for filling vacancies:

1. A list of Boards/Committees/Commissions shall be published in the local newspaper annually by the Clerk's Office with information on how to submit an application for appointment consideration.

2. Sixty days prior to terms expiring, the Clerk's Office shall notify the Chairman or contact person of said Board/Commission/Committee listing the upcoming vacancies. The Chairman or contact person will relay to the Clerk's Office information concerning the attendance record of person whose term is expiring and also will confirm whether or not the person would like to be considered for reappointment (if eligible).

3. At least 30 days prior to expiration of terms, the Clerk's Office shall place on the agenda "nominations for Expiring terms". Included in the packet material will be a list of members on the committee, term expiration date, attendance information, if necessary, and whether or not person wishes to be considered for a second term (if eligible). Also included will be a list of people who have applied and are interested in serving on said Board.

(j) Selection Process:

1. The Board shall nominate at one meeting and appoint at the next meeting.

2. The Board will accept recommendations from Board/Committee/Commission, however, the Board is under no obligation to follow recommendations.

3. The Board member making a nomination for consideration shall supply the Clerk's Office with address of nominee, telephone number, and place of employment, if nominee's name is not listed on applicant list.

- (k) Notification of Appointment
- 1. ~~The Clerk's Office shall notify said appointee of his appointment and forward to him/her any necessary information.~~
- 2. ~~Upon receipt of the appointee's acceptance, the Clerk's Office shall notify Board/Committee/Commission of appointment.~~
- (l) Applications.
- ~~Applications for vacancies shall be kept for one year and maintained in the Office of the Clerk to the Board. Applications are subject to public inspection. Application shall be destroyed after one year.~~
- *The Board of Commissioners will ordinarily nominate to fill vacancies at one meeting and appoint at the next meeting;*
- *The Board of Commissioners will accept recommendations for vacancies but is under no obligation to follow those recommendations;*
- *The Clerk's office maintains an applicant list for boards/committees; however, the Board may nominate/appoint someone who is not on the applicant list.*
- *Once the official appointment has been made, the Clerk's office will notify the person appointed, forwarding any necessary information to that person. Upon confirmation from the appointee of acceptance of the appointment, the Clerk's office will notify the board/committee of the appointment.*
- *Applications for appointment to boards/committees are available in the Clerk's office and also on the County's website – [co.cumberland.nc.us](http://co.cumberland.nc.us)*

## Rule 30

### Changes to Rules of Procedure

The Board may change these rules of procedure upon a vote of two-thirds (~~2/3~~) of the ~~members~~ *entire membership* of the Board. Changes shall be effective at the next regular meeting.

Suspension of the Rules shall require a two-thirds vote of the members present.

JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

J. BREEDEN BLACKWELL  
KENNETH S. EDGE  
MARSHALL FAIRCLOTH  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
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**BOARD OF COMMISSIONERS**

5th Floor, New Courthouse • P.O. Box 1829 • Fayetteville, North Carolina 28302-1829  
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August 7, 2009

ITEM NO. 7A

**August 17, 2009 Agenda Item**

TO: Board of Commissioners  
FROM: Candice H. White, Deputy Clerk  
SUBJECT: Board of Adjustment

The Board of Adjustment will have the following vacancy on September 30, 2009:

Steve Parsons – completing second term. Not eligible for reappointment.  
Recommendation is for alternate member **John Swanson** to fill the vacancy.

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

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

Attachments

pc: Tom Lloyd, Planning/Inspections Director

*Celebrating Our Past...Embracing Our Future*

BOARD OF ADJUSTMENT  
3 Year Term

Name/Address	<u>Date</u> Appointed	Term	Expires	<u>Eligible For</u> Reappointment
Joseph M. Dykes (B/M) PO Box 41604 Fayetteville, NC 28309 339-3079/813-4193 (C)	6/09	1 <sup>st</sup>	June/12 6/30/12	Yes
Oscar L. Davis, III (C/M) 3320 Rustburg Drive Fayetteville, NC 28303 867-2950/977-3101(W)	6/07	2 <sup>nd</sup>	June/10 6/30/10	No
Melree Hubbard Tart (W/F) 300 Andrews Road Fayetteville, NC 28311 488-1208/497-3712 (W)	6/07	1 <sup>st</sup>	Aug/10 8/31/10	Yes
Steve Parsons(W/M) 3701 Clearwater Drive Fayetteville, NC 28311 822-4155/822-2000(W)	9/06	2 <sup>nd</sup>	Sept/09 9/30/09	No
George Quigley (W/M) 618 Blawell Circle Stedman, NC 28391 485-2980/321-6882	6/09	2 <sup>nd</sup>	June/12 6/30/12	No
<u>Alternate Members:</u>				
Carrie Tyson-Autry ( /F) 5951 NC Hwy 87 South Fayetteville, NC 28306-379 483-0087	6/08	1 <sup>st</sup>	Aug/10 8/31/10	Yes
Horace Humphrey (- /M) 1852 Cascade Street Fayetteville, NC 28301 488-5143	01/08	1 <sup>st</sup>	Aug/10 8/31/10	Yes
(serving unexpired term)				
William Lockett Tally (W/M) 414 Vista Drive Fayetteville, NC 28305 489-3533/483-4175 (W)	11/08	1 <sup>st</sup>	June/10 6/30/10	Yes
(serving unexpired term)				

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
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Alternate Members Continued:

John R. Swanson (W/M) 6416 Coachman's Way Fayetteville, NC 28303 987-1972/822-2000 (W)	6/07  (filling unexpired term)	1 <sup>st</sup>	Jan/10 1/31/10	Yes
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Martin J. Locklear (I/M) 1611 Four Wood Drive Fayetteville, NC 28312 672-0323/893-7525(W)	8/06	1 <sup>st</sup>	Aug/09 8/31/09	Yes
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Meets 3<sup>rd</sup> Thursday of each month at 7:00 PM – Historic Cumberland County Courthouse, 130 Gillespie Street, Room 3

Contact: Tom Lloyd, County Planning Department - 678-7627

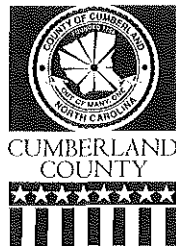
APPLICANTS FOR  
BOARD OF ADJUSTMENT

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
CHESTNUTT, A. JOHNSON (W/M) 578 MILDEN ROAD FAYETTEVILLE, NC 28314 484-6365/323-1040(W)	ACCOUNTANT FAIRCLOTH & CO.	BSBA
DONALDSON, ED (W/M) 4606 HOE COURT FAYETTEVILLE, NC 28314 484-3640	RETIRED JUDGE	LAW DEGREE POLITICAL SCIENCE
GAMBILL, DONALD W. (-/M) 822 MUSKEGON DRIVE FAYETTEVILLE, NC 28311 480-2337/396-1750 (W)	SAFETY SPECIALIST/ HEALTH PHYS. WOMACK	BS – MATHEMATICS/EDUC MA – POLITICAL SCIENCE
McHENRY, WINTON G. (W/M) 3648 LAKESHORE DRIVE HOPE MILLS NC 28348 429-1101/308-3987 (C)	VP OPERATIONS MGT. ROLANDS DANCE STUDIO	BIBLE COLLEGE, AIR FORCE INSTITUTE OF TECHNOLOGY EMERGENCY RESPONSE MARKET DRIVEN MGT
NEWSOME, RANDY A. (W/M) 232 CROYDON AVENUE FAYETTEVILLE, NC 28311 717-5754/436-0414 (W)	GENERAL MANAGER BEACON AUTOMOTIVE	BBA

JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

J. BREEDEN BLACKWELL  
KENNETH S. EDGE  
MARSHALL FAIRCLOTH  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
Deputy Clerk

**BOARD OF COMMISSIONERS**

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(910) 678-7771 • Fax: (910) 678-7770

August 7, 2009

ITEM NO. 7B

**August 17, 2009 Agenda Item**

TO: Board of Commissioners

FROM: Candice H. White, Deputy Clerk

SUBJECT: Cumberland County Finance Corporation and Cumberland County Industrial Facilities and Pollution Control Financing Authority

The Cumberland County Finance Corporation and Cumberland County Industrial Facilities and Pollution Control Financing Authority will have the following vacancies on September 30, 2009:

**Clifton McNeill, Sr.** – completing first term. Eligible for reappointment

**Timothy S. Richardson** – completing first term. Eligible for reappointment.

H. B. Smith, Jr. – completing second term. Not eligible for reappointment.

Robert L. White – completing second term. Not eligible for reappointment.

I have attached the current membership list.

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

Attachments

pc: Christy Tyndall, County Attorney's office  
Neil Yarborough

*Celebrating Our Past...Embracing Our Future*

CUMBERLAND COUNTY FINANCE CORPORATION  
(ALSO THE CUMBERLAND COUNTY INDUSTRIAL FACILITIES  
AND POLLUTION CONTROL FINANCING AUTHORITY)  
(same members on both Boards)  
6 Year Term

9/07

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Bobby Gleaton (W/M) P.O. Box 100 Hope Mills, NC 28348 425-5505	9/07	2 <sup>nd</sup>	Sept/13 9/30/13	No
Timothy S. Richardson (W/M) 125 Magnolia Avenue Fayetteville, NC 28305 484-8486/307-9110 (W)	9/08 (filling unexpired term)	1 <sup>st</sup>	Sept/09 9/30/09	Yes
Clifton McNeill, Sr. (W/M) 1404 Clifton McNeill Road Hope Mills, NC 28348 425-8671(H)	6/06 (to fill unexp. term)	1st	Sept/09 9/30/09	Yes
Annette C. Billie (B/F) 749 Edgehill Road Fayetteville, NC 28314	9/07	2 <sup>nd</sup>	Sept/13 9/30/13	No
H. B. Smith, Jr. (W/M) 5375 Cedar Creek Road Fayetteville, NC 28301 483-1043 (Auctioneer)	8/03	2nd	Sept/09 9/30/09	No
Robert L. White (B/M) P.O. Box 71523 Fort Bragg, NC 28307 423-8549/864-2236 (W) (Postal Employee)	8/03	2nd	Sept/09 9/30/09	No
Carol A. Downing (W/F) P.O. Box 11005 Fayetteville, NC 28303 867-8969/488-6010 (Secretary, Retired)	10/05	2nd	Sept/11 9/30/11	No

Contacts: Christy Tyndall – Co. Attorney’s Office &  
Neil Yarborough, Yarborough Law Firm, 115 E. Russell St, Fayetteville, NC 28301

Meetings: On Call

APPLICANTS FOR  
CUMBERLAND COUNTY FINANCE CORPORATION & CUMBERLAND COUNTY INDUSTRIAL  
FACILITIES & POLLUTION CONTROL FINANCING AUTHORITY

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ADEYEMI, TOLUPE (-/M) 8118 FRENCH HORN LANE FAYETTEVILLE, NC 28314 583-9408/487-3959 <b>**SERVES ON THE ANIMAL SERVICES BOARD**</b>	US ARMY FT BRAGG	MASTERS – HEALTH ADMIN, PR, BS – ZOOLOGY, LIBERAL ARTS
CEZAI, DR. JOAN (B/F) 737 MAXINE STREET FAYETTEVILLE, NC 28303 822-0759/672-1009 (W)	ASSISTANT PROFESSOR FSU	BBA; MBA; DOCTORATE
CROSBY JR., RONALD C. (B/M) 2829 MEADOW MONT LANE FAYETTEVILLE, NC 28306 425-6512/483-0458	ATTORNEY CROSBY LAW FIRM	JD
HICKS, SARA JEAN (W/F) 2303 MORGANTON RD #2 FAYETTEVILLE, NC 28305 417-9072/483-8309 (W) <b>**SERVES ON THE SENIOR CITIZENS ADVISORY BOARD and the WORKFORCE DEVELOPMENT BOARD**</b>	ACCOUNTANT ABERDEEN/ROCKFISH RAILROAD	BS/BA – ACCOUNTING MBA
McCALLUM, MARK W. (_/M) 7653 MAGGIE CIRCLE FAYETTEVILLE, NC 28314 635-3064	RETIRED	SOME COLLEGE
OKHOMINA, DR. DON A. (B/M) 494 DUNLOE COURT FAYETTEVILLE, NC 28311 868-1618/672-2148 (W)	ASST PROFESSOR OF MANAGEMENT FSU	BS – BUSINESS ADMIN MBA, PHD – MGT.

JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

J. BREEDEN BLACKWELL  
KENNETH S. EDGE  
MARSHALL FAIRCLOTH  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
Deputy Clerk

## BOARD OF COMMISSIONERS

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### MEMORANDUM

TO: Christy Tyndall, Senior Legal Assistant

FROM: Candice H. White, Deputy Clerk *cu*

DATE: July 15, 2009

RE: Upcoming Vacancies - Cumberland County Finance Corporation /  
Industrial Facilities and Pollution Control Financing Authority

Please be advised that the above board has the following four (4) upcoming vacancies. A request will be made on the August 17<sup>th</sup> Board of Commissioners' agenda for nominations.

<u>Board Member Name</u>	<u>Date of Vacancy</u>	<u>Eligible for Reappointment</u>
Clifton McNeill, Sr.	9-30-09	Yes
Timothy S. Richardson	9-30-09	Yes
H. B. Smith, Jr.	9-30-09	No
Robert L. White	9-30-09	No

Should you be aware that Mr. McNeill and/or Mr. Richardson are unable to serve another term, please advise no later than Monday, August 3rd.

Additionally, should this board have recommendations for the replacement of Mr. Smith and/or Mr. White, please let me know no later than Monday, August 3rd.

Should you have questions or need additional information, please call me at 678-7772.  
Thank you.

*Celebrating Our Past...Embracing Our Future*

APPLICANTS FOR  
CUMBERLAND COUNTY FINANCE CORPORATION & CUMBERLAND COUNTY INDUSTRIAL  
FACILITIES & POLLUTION CONTROL FINANCING AUTHORITY

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ADEYEMI, TOLULOPE (-/M) 8118 FRENCH HORN LANE FAYETTEVILLE, NC 28314 583-9408/487-3959 <b>**SERVES ON THE ANIMAL SERVICES BOARD**</b>	US ARMY FT BRAGG	MASTERS – HEALTH ADMIN, PR, BS – ZOOLOGY, LIBERAL ARTS
CEZAI, DR. JOAN (B/F) 737 MAXINE STREET FAYETTEVILLE, NC 28303 822-0759/672-1009 (W)	ASSISTANT PROFESSOR FSU	BBA; MBA; DOCTORATE
CROSBY JR., RONALD C. (B/M) 2829 MEADOW MONT LANE FAYETTEVILLE, NC 28306 425-6512/483-0458	ATTORNEY CROSBY LAW FIRM	JD
HICKS, SARA JEAN (W/F) 2303 MORGANTON RD #2 FAYETTEVILLE, NC 28305 417-9072/483-8309 (W) <b>**SERVES ON THE SENIOR CITIZENS ADVISORY BOARD and the WORKFORCE DEVELOPMENT BOARD**</b>	ACCOUNTANT ABERDEEN/ROCKFISH RAILROAD	BS/BA – ACCOUNTING MBA
McCALLUM, MARK W. (_/M) 7653 MAGGIE CIRCLE FAYETTEVILLE, NC 28314 635-3064	RETIRED	SOME COLLEGE
OKHOMINA, DR. DON A. (B/M) 494 DUNLOE COURT FAYETTEVILLE, NC 28311 868-1618/672-2148 (W)	ASST PROFESSOR OF MANAGEMENT FSU	BS – BUSINESS ADMIN MBA, PHD – MGT.

JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

J. BREEDEN BLACKWELL  
KENNETH S. EDGE  
MARSHALL FAIRCLOTH  
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EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
Deputy Clerk

**BOARD OF COMMISSIONERS**

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August 7, 2009

ITEM NO. 7C

**August 17, 2009 Agenda Item**

TO: Board of Commissioners

FROM: Candice H. White, Deputy Clerk

SUBJECT: Cumberland County Local Emergency Planning Committee

The Local Emergency Planning Committee will have the following vacancies on September 30, 2009:

Law Enforcement Representative

**Sgt. Erwin Montgomery** – completing first term. Eligible for reappointment.

**Charles F. Kimble** – completing first term. Eligible for reappointment.

Hospital Representative

Steve Schultz – completing second term. Not eligible for reappointment.  
Recommendation is for **Scott Tanner** to fill the vacancy.

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

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

pc: Kenny Currie, Emergency Services Director

Attachments

*Celebrating Our Past...Embracing Our Future*

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 <sup>st</sup> full	Aug/10 8/31/10	Yes
<b>VACANT</b> (vacated by S. VanderClute) CC Public Information Officer P.O. Box 1829 Fayetteville, NC 28302 Phone: 437-1921	8/07	2 <sup>nd</sup>	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 <sup>st</sup>	Nov/11 11/30/11	Yes
<b>VACANT</b> Univar, Inc. 420 Worth Street Fayetteville, NC 28304 483-2107/988-2801	9/03	1 <sup>st</sup>	Sept/06 9/30/06	Yes
Joel Blake Dupont 22828 NC Hwy 87W Fayetteville, NC 28306 424-4083/678-1285(W)	4/07	2 <sup>nd</sup>	Dec/09 12/31/09	No
<b>VACANT</b> (vacated by Scott Lester) Purolator Corp. 3200 Natal Road Fayetteville, NC 28306 423-5691/426-4283(W)	4/07	2 <sup>nd</sup>	Dec/09 12/31/09	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Law Enforcement Representative</u>				
Sgt. Erwin Montgomery NC Highway Patrol 2435 Gillespie Street (filling unexpired term) Fayetteville, NC 28306-3053 486-1334	6/08	1 <sup>st</sup>	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 <sup>st</sup>	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 <sup>st</sup>	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 <sup>st</sup>	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 <sup>nd</sup>	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 <sup>nd</sup>	Dec/09 12/31/09	No
<u>Health Representative</u>				
Jane Stevens Cumberland County Health Dept. 227 Fountainhead Lane Fayetteville, NC 28301-5417 433-3673(W)/987-2892(Cell)	1/09	2 <sup>nd</sup>	Jan/12 1/31/12	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Hospital Representative</u>				
Steve Schultz Cape Fear Valley Health System P.O. Box 2000 1638 Owen Drive Fayetteville, NC 28302-2000 Phone: 609-6170	9/06	2 <sup>nd</sup>	Sept/09 9/30/09	No
<u>Fire Fighting Representative</u>				
Assistant Chief Thomas M. Allen Fire/Emergency Management City of Fayetteville 433 Hay Street Fayetteville, NC 28301 433-1009	10/05	1 <sup>st</sup>	Dec/11 12/31/11	Yes
<u>First Aid Representative</u>				
<b>VACANT</b> (vacated by Wally Ainsworth)	11/07	1 <sup>st</sup>	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 <sup>st</sup>	Dec/09 12/31/09	Yes
Dawn O'Donnell 2072 Birchcreeft Drive Fayetteville, NC 28304 425-3619/864-2470(W)	8/07	2 <sup>nd</sup>	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 <sup>nd</sup>	Sept/09 9/30/09	No
<u>Utilities Representative</u>				
<b>VACANT</b> (vacated by J. Ezzelle) Public Works Commission 955 Old Wilmington Road Fayetteville, NC 28301 223-4116	9/06	1 <sup>st</sup>	Sept/09 9/30/09	Yes

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>
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 <sup>st</sup>	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, 4<sup>th</sup> Thursday in January, April, July & October at 10:00 am – PWC Office

APPLICANTS FOR  
EMERGENCY PLANNING COMMITTEE

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BERRY-CABAN, CRISTOBAL S. (H/M) 412 CITY VIEW LANE FAYETTEVILLE, NC 28301 (813) 451-3004/907-8844 (W)	CHIEF -CLINICAL INVESTIG. WOMACK	PhD; MA
BURGESS, PAUL F. 5620-C CHASON RIDGE DRIVE FAYETTEVILLE, NC 28314 864-2186	RETIRED MILITARY	AS – BUSINESS MGT AS – CRIMINAL JUSTICE
FOGLE, MARSHA (W/F) PO BOX 278 STEDMAN, NC 28391 483-9579 (H)	RETIRED COUNTY CLERK	NONE LISTED
GAINEY, CHERYL (W/F) 4685 VIRSALLI LOOPE HOPE MILLS, NC 28348 486-4351/672-1062 (W)	ACCTS PAYABLE, SUPERVISOR – FSU	MASTER OF DIVINITY
HERRINGDINE JR., LARRY (W/M) 3539 HARRISBURG DRIVE FAYETTEVILLE, NC 28306 425-1517/672-2066	OPS & LOGISTICS DIRECTOR FSU	BS – BUSINESS ADMIN WORKING ON MASTERS – PUBLIC ADMIN
HICKS, MARYBETH (W/F) 936 McKIMMON ROAD FAYETTEVILLE, NC 28303 229-3145/(614)595-3857 (C)	HOMEMAKER	SOME COLLEGE
KING, RICHARD A. (W/M) 658 GLENOLA STREET FAYETTEVILLE NC 28311 488-2492/977-3118 (W)	INSURANCE AGENT SELF EMPLOYED	AS – ENVIRONMENTAL SVS BS – MANAGEMENT
NEWMAN, RONALD H. (W/M) 1544 ROSSMORE DRIVE FAYETTEVILLE, NC 28314 494-0201	COMPUTER SERVICE TECH SELF-EMPLOYED	BS – BUSINESS MGT. AS – DIGITAL ELECTRONICS
ROGERS, TERRESA 313 HAMILTON STREET FAYETTEVILLE, NC 28301 822-4289 / 488-2120 ext. 7494 (W)	RN-VA MEDICAL CENTER	COLLEGE GRADUATE
SMITH, GENE D. ( /M) 6650 RAMSEY STREET FAYETTEVILLE, NC 28311 893-8213 (H) / 630-5678 (W)	GOODYEAR TIRE AND RUBBER ENVIRONMENTAL COORDINATOR	BS - OCCUPATIONAL SAFETY AND HEALTH

NAME/ADDRESS/TELEPHONE	OCCUPATION	EDUCATIONAL BACKGROUND
TANNER, SCOTT (W/M) 3001 MUIRFIELD AVENUE FAYETTEVILLE, NC 28306 315-4672 / 615-7914 (W)	MEDICAL CONTINGENCY PLANNER	BS, MA, MHA
TURNER, CASSANDRA (B/F) 5383 CLIPPER DRIVE HOPE MILLS, NC 28348 977-3099/425-4181 (W)	MANUFACTURING PUROLATOR FILTERS	HS; SOME COLLEGE
WILLIAMS, ARNOLD (W/M) 1610 HICKORY RIDGE COURT FAYETTEVILLE, NC 28304 864-5152	CONSULTANT RETIRED ARMY	AA – BUSINESS
WINFIELD, LEA 427 TRADEWINDS DRIVE FAYETTEVILLE, NC 28314 964-1640	MGT TRAINEE ENTERPRISE RENT A CAR	BS – PUBLIC RELATIONS WORKING ON MASTERS

JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

J. BREEDEN BLACKWELL  
KENNETH S. EDGE  
MARSHALL FAIRCLOTH  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
Deputy Clerk

**BOARD OF COMMISSIONERS**

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August 7, 2009

ITEM NO. 7D

**August 17, 2009 Agenda Item**

TO: Board of Commissioners  
FROM: Candice H. White, Deputy Clerk  
SUBJECT: Senior Citizens Advisory Board

The Senior Citizens Advisory Board will have the following vacancies on September 30, 2009:

E. C. (Chip) Modlin – completing second term. Not eligible for reappointment.

Dineen Morton – completing second term. Not eligible for reappointment.

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

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

pc: Mary Brymer, Director  
Senior Citizens Center

Attachments

*Celebrating Our Past... Embracing Our Future*

SENIOR CITIZENS ADVISORY COMMISSION  
(Joint Fayetteville/Cumberland County)  
2 Year Term  
(County Appointees)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
William J. Watson (B/M) 1881 Gola Drive Fayetteville, NC 28301 488-6600	2/09	1 <sup>st</sup>	Feb/11 2/28/11	Yes
Eleanor Ayers Hairr P.O. Box 220 Stedman, NC 28391 323-1892	11/08	2 <sup>nd</sup>	Nov/10 11/30/10	No
Rebecca Campbell (W/F) 7027 Darnell Street Fayetteville, NC 28314 487-1555/432-6393	10/08	1 <sup>st</sup>	Sept/10 9/30/10	Yes
Marlene Jacobs (W/F) 324 Glenburney Drive Fayetteville, NC 28303 484-5920	4/09  (serving unexpired term)	1st	Sept/10 9/30/10	Yes
George Hatcher, Sr.(C/M) 3534 A.B. Carter Road Fayetteville, NC 28312 483-5896/818-8263(Cell)	11/08	2 <sup>nd</sup>	Nov/10 11/30/10	No
E. C. (Chip) Modlin (W/M) 2811 Millbrook Road Fayetteville, NC 28303 485-5262(H)	9/07	2 <sup>nd</sup>	Sept/09 9/30/09	No
Dineen Morton 5835 Pettigrew Drive Fayetteville, NC 28314 635-9287(W)	9/07	2 <sup>nd</sup>	Sept/09 9/30/09	No
Mary W. Rizor (W/F) 734 Baywood Road Fayetteville, NC 28312 609-1743	3/00  (serving an unexpired term)	1st	Sept/10 9/30/10	Yes

Senior Citizens Advisory Commission, page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Carolyn Tracy (W/F) 718 Southview Circle Fayetteville, NC 28311 323-4191, x26 (W)	9/08	2 <sup>nd</sup>	Sept/10 9/30/10	No
Kristine Wagner (W/F) 130 Gillespie Street Fayetteville, NC 28301 436-0340/678-7624(W)	11/08	2 <sup>nd</sup>	Nov/10 11/30/10	No

Contact: Mary Brymer – Senior Citizens Center Director – Phone: 433-1574  
(Interoffice – Parks and Recreation)

Commissioner Liaison: Commissioner Marshall Faircloth

Regular Meetings: 2nd Tuesday of each month at 2:30 PM  
LaFayette Room – City Hall

\*NOTE: This Board was expanded in 2006. The City and County agreed to expand from 10 to 20 members. The BOC had responsibility to appoint 2 new members to a 1 year term and 3 new members to a 2 year term.

APPLICANTS FOR  
SENIOR CITIZENS ADVISORY BOARD

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ATKINSON, DEBORAH J. (B/F) 217 ANDOVER ROAD FAYETTEVILLE, NC 28311 822-5441/494-1288 (C) <b>**SERVES ON THE HOME AND COMMUNITY CARE BLOCK GRANT**</b>	RETIRED (STATE GOV'T)	BA – SOCIOLOGY MSW; MRC
BRIGGS, DR. JOHN G. (W/M) 2910 HYBART STREET FAYETTEVILLE, NC 28303 867-1493 <b>**SERVES ON THE NURSING HOME ADVISORY BOARD**</b>	RETIRED PLASTIC SURGEON	DR OF MEDICINE BS – BIOLOGY
BROWN, BRENDA (B/F) 1606 DOLPHIN DRIVE SPRING LAKE, NC 28390 497-9315 (H) / 866-6390 EXT. 21953 (W) / 818-1604 (C)	PUBLIC AFFAIRS SOCIAL SECURITY ADMINISTRATION	BA
BURGESS, PAUL F. 5620-C CHASON RIDGE DRIVE FAYETTEVILLE, NC 28314 864-2186	RETIRED MILITARY	AS – BUSINESS MGT AS – CRIMINAL JUSTICE
COGDELL, EDNA A. (B/F) 734 ASHBURTON DR FAYETTEVILLE, NC 28301 488-4582 <b>**SERVES ON THE JOINT APPEARANCE COMMISSION**</b>	RETIRED EDUCATOR	MASTERS – LIBRARY SCIENCE, BS – ENGLISH
DOUGLAS, BRENDA (B/F) 6109 GARDEN COURT FAYETTEVILLE, NC 28311 717-0123/677-2965 (W) <b>**SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**</b>	SOCIAL WORKER III DEPT. OF SOCIAL SERVICES	BA – PSYCHOLOGY
EBRON, SANDRA (B/F) PO BOX 65306 FAYETTEVILLE, NC 28306 424-3932/(919) 922-9446 (C) <b>**SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**</b>	UTILIZATION MGT SPECIALIST MENTAL HEALTH – LUMBERTON	MASTERS – SOCIAL WORK
HAIRE, CASSANDRA W. (B/F) 515 ALBANY STREET FAYETTEVILLE, NC 28301 <b>**SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**</b> 728-0175	SELF EMPLOYED	PURSUING MBA
LAVOIE, MARY ELLEN (W/F) PO BOX 53295 FAYETTEVILLE, NC 28305 257-5529	SOCIAL WORKER BIBLICAL COUNSELING	MSW – SOCIAL WORK
MORALES, OCTOBER R. (W/F) 1917 DAPHNE CIRCLE FAYETTEVILLE, NC 28304 (831) 601-7217/689-0150	ACTIVITIES DIRECTORS HAYMOUNT REHAB & NURSING CENTER	BA – MIDDLE EASTERN STUDIES

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
TOMLINSON-KNOELL, REV. NANETTE 609 TALLSTONE DRIVE FAYETTEVILLE, NC 28311 339-2201/489-2198	PASTOR	BA – ELEMENTARY EDUC. MASTER OF DIVINITY
<b>**SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**</b>		
WOLFE, JACQUELINE B. (W/F) 1812 MANCHESTER STREET FAYETTEVILLE, NC 28303 484-8588	RETIRED - FAYETTEVILLE POSTAL CU	HS; SOME TECH COURSES
<b>**SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**</b>		

JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

J. BREEDEN BLACKWELL  
KENNETH S. EDGE  
MARSHALL FAIRCLOTH  
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MARIE COLGAN  
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August 7, 2009

ITEM NO. 7E

**August 17, 2009 Agenda Item**

TO: Board of Commissioners

FROM: Candice H. White, Deputy Clerk

SUBJECT: Southeastern Economic Development Commission

**BACKGROUND:** The By Laws of the Southeastern Economic Development Commission (SEDC) indicate that "the membership is to be reflective of the minority population of the area served to comply with civil rights requirements of the Economic Development Administration (EDA)". The EDA considers minority to refer to "race" and not "gender".

The SEDC will have the following vacancy for a minority individual on September 30, 2009.

Juanita Pilgrim – completing second term. Not eligible for reappointment.

Recommendation is to waive term limits and to reappoint **Juanita Pilgrim** to serve an additional four-year term. (See attached.)

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

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

*Celebrating Our Past...Embracing Our Future*



103-A West Broad Street  
Post Office Box 921  
Elizabethtown, North Carolina 28337  
Phone 910.862.6985  
Fax 910.862.6986  
Email: [secdc@ec.nc.com](mailto:secdc@ec.nc.com)  
Home Page: [www.secdc.org](http://www.secdc.org)

## SOUTHEASTERN ECONOMIC DEVELOPMENT COMMISSION

August 11, 2009

Dr. Jeannette M. Council, Chairman  
Cumberland County Board of Commissioners  
Post Office Box 1829  
Fayetteville, North Carolina 28302

Dear Dr. Council:

The term of Mrs. Juanita Pilgrim on the Southeastern Economic Development Commission (SEDC) Board of Directors will expire on October 1, 2009. Mrs. Pilgrim has been representing Cumberland County serving as a minority representative on the Commission's full board and the Executive Committee.

In order to insure that Cumberland County has adequate representation on our Board at all times, and that the Commission meets requirements imposed by current legislation, we are requesting that the Cumberland County Board of Commissioners waive County Policy prohibiting an appointee to serve no more than two consecutive terms and reappoint Mrs. Pilgrim to serve a four-year term that would end on October 1, 2013.

Mrs. Pilgrim has served two terms as Chairman of the SEDC Board of Directors and one term as Vice Chairman, and currently serves on the Personnel Committee. She is very knowledgeable and active in the economic development activities of the Commission. As an active member of the Executive Committee, Mrs. Pilgrim helps to promote the mission of the SEDC, which endeavors to enhance the quality of life for all residents of its member counties.

Once action has been taken, please notify this office in writing. Should there be questions, please call me at 910.862.6985. Thank you.

Sincerely,

Pamela H. Bostic  
Executive Director

cc: Juanita Pilgrim, Deputy County Manager  
James Martin, County Manager

SOUTHEASTERN ECONOMIC DEVELOPMENT COMMISSION  
COUNTY APPOINTEES  
(4 year terms)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
*Juanita Pilgrim (B/F) Deputy County Manager P.O. Box 1829 Fayetteville, North Carolina 28302 678-7723	12/05	2 <sup>nd</sup>	Sept/09 9/30/09	No
Doug Peters (W/M) President, FCCCC 201 Hay Street, 4 <sup>th</sup> Floor Fayetteville, North Carolina 28301 424-4242 x 226	09/08	1 <sup>st</sup>	Sept/12 9/30/12	Yes
Ed Melvin (W/M) County Commissioner P.O. Box 1829 Fayetteville, North Carolina 28302 678-7771 or 678-7772	10/07	1 <sup>st</sup>	Oct/11 10/31/11	Yes
Jimmy Keefe (W/M) County Commissioner PO Box 1829 Fayetteville, NC 28302 678-7771 or 678-7772	02/09	1 <sup>st</sup>	Sept/10 09/30/10	Yes

(serving an unexpired term – eligible for 2 full terms)

\*Designated to serve on the Executive Committee.

Meets the 4<sup>th</sup> Tuesday at 10 am – Elizabethtown Airport, Airport Rd. (Commissioner Edge and Council only attends the annual meeting-usually in April)

Members appointed by the Board of Commissioners in November of 2001.

Terms were staggered initially when members were appointed on 11/5/01.

Contact: Juanita Pilgrim or Pamela Bostic (PO Box 921, Elizabethtown, NC 28337) – 862-6985 – Fax 862-6986

APPLICANTS FOR  
SOUTHEASTERN ECONOMIC DEVELOPMENT COMMISSION

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ADEYEMI, CHRISTIANA (-/F) 8118 FRENCH HORN LANE FAYETTEVILLE, NC 28314 583-9339/583-9408	COUNSELOR HEAD START/CCAP	MASTERS – INTER. LAW/ COUNSELING; BA – ENGLISH
COLEY, TIAWANNIA A. (B/F) 6115 LAKE TRAIL DRIVE FAYETTEVILLE, NC 28304 860-4872/321-6794 (W)	SUBSTANCE ABUSE COUNSELOR MENTAL HEALTH/TASC	BS – COMPUTER SCIENCE AA – MATHEMATICS WORKING ON MASTERS - MH COUNSELING
FLEMING JR., DR REV JOE (B/M) 7235 RYAN STREET FAYETTEVILLE, NC 28304 339-5648	CHURCH PASTOR CHURCH OF GOD	SOME COLLEGE
<b>**SERVES ON THE HUMAN RELATIONS COMMISSION**</b>		
MONTENEGRO, MARILYN H. (/F) 701 EMELINE AVENUE FAYETTEVILLE, NC 28303 678-8020/609-0639 (W)	ADVERTISING/MARKETING SERVICES MANAGER THE FAYETTEVILLE OBSERVER	BA/GENERAL STUDIES
<b>**SERVES ON THE NURSING HOME ADVISORY BOARD**</b>		
O'DONNELL, DAWN 2072 BIRCHCREFT DRIVE FAYETTEVILLE, NC 28304 425-3619/916-1207 (W)	RETIRED ARMY/TAX PREPARER H&R BLOCK	AA – ACCOUNTING
O'NEAL, VANESSA (B/F) PO BOX 27041 FAYETTEVILLE, NC 28314 764-0760/822-2628 (W)	DIRECTOR – FAY. COLLEGE OF ADULT & PROF. EDUC.	MPA – PUBLIC ADMIN.
PILSON, RONNIE (W/M) 625 MONTCLAIRE ROAD FAYETTEVILLE, NC 28314 619-2606	SELF EMPLOYED PILSON PROPERTIES, INC.	HS
SHELTON SR., MICHAEL TORAIN (-/M) 3529 THAMESFORD RD FAYETTEVILLE, NC 28311 482-4495/630-3830	TRAVEL AGENT SELF EMPLOYED	AS – BANKING/FINANCE
SYED, NADEEM (_/M) 525 ABBOTTLAND CIRCLE FAYETTEVILLE, NC 28314 587-3087 (W)	GENERAL CONTRACTOR	MASTERS – ACCOUNTING
TALLY, WILLIAM LOCKETT (W/M) 414 VISTA DRIVE FAYETTEVILLE, NC 28305 489-3533/483-4175	ATTORNEY TALLY & TALLY	BA-POLITICAL SCIENCE JD-SCHOOL OF LAW
<b>**SERVES ON THE BOARD OF ADJUSTMENT**</b>		

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
TYSON-AUTRY, CARRIER 5951 NC HWY 87 SOUTH FAYETTEVILLE, NC 28306-7379 483-0087	RETIRED TEACHER   <b>**SERVES ON THE BOARD OF ADJUSTMENT</b>	PhD, MA, BA & BS 1 YEAR LAW SCHOOL

JEANNETTE M. COUNCIL  
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August 7, 2009

ITEM NO. 8A

**August 17, 2009 Agenda Item**

TO: Board of Commissioners

FROM: Candice H. White, Deputy Clerk *(CW)*

SUBJECT: Adult Care Home Community Advisory Committee

BACKGROUND: On August 4, 2009, the Board of Commissioners nominated the following individual to fill one (1) vacancy on the Adult Care Home Community Advisory Committee:

**Alfonso Ferguson, Sr.** (new appointment)

I have attached the current membership list for this committee.

**PROPOSED ACTION:** Appoint the one (1) vacancy above.

Attachment

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

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## 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>
Terri Thomas (B/F) 508 Spaulding Street Fayetteville, NC 28301 485-4764/988-7672 (C)	4/09	Initial	Apr/10 4/30/10	Yes
Toney Edwards (B/M) 3622 Clearwater Drive Fayetteville, NC 28311 822-4261/391-7910 (C)	04/09	1 <sup>st</sup>	Apr/12 4/30/12	Yes
Mary Ann Brown-Jackson 1959B James Hamner Way Fayetteville, NC 28311 822-1311/893-8151 x330 (W)	1/09	2 <sup>nd</sup>	Jan/12 1/31/12	No
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	5/09	2 <sup>nd</sup>	June/12 6/30/12	No
Mexie Fields ( /F) 1815 Primrose Drive Fayetteville, NC 28301 488-8432	1/06	1 <sup>st</sup>	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
Daniel Rodriguez (H/M) 2634 Franciscan Drive Fayetteville, NC 28306 425-2746/432-9701 (W)	5/09	Initial	May/10 5/31/10	Yes

<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	4/00	1 <sup>st</sup>	Apr/12 4/30/12	Yes
Jacqueline Wolfe (W/F) 1812 Manchester Street Fayetteville, NC 28303 484-8588/818-2201 (C)	3/09	Initial	Mar/10 3/31/10	Yes
Wynella A. Myers (B/F) 706 Sarazan Drive Fayetteville, NC 28303 822-5526/273-8483 (C)	8/07	1 <sup>st</sup>	Aug/10 8/31/10	Yes
October Morales (W/F) 1917 Daphne Circle Fayetteville, NC 28304 (831)601-7217/689-0150 (W)	4/09	Initial	April/10 4/30/10	Yes
Ralph T. Cascasan (A/M) 910 Alexwood Drive Hope Mills, NC 28348-1695 425-9704/433-1039 (W)	5/09	Initial	June/10 6/30/10	Yes
<b>RESIGNED</b> (by Sonya M. Edmonds) 2/09 PO Box 58394 Fayetteville, NC 28305 485-1394/(919) 566-4676 (W)		Initial	Feb/10 2/28/10	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 <sup>st</sup>	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, ext. 25 – Fax: 323-9330  
MEETINGS: Quarterly: 3<sup>rd</sup> Monday (starting March) 10:00 am - various adult care homes

JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

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August 7, 2009

ITEM NO. 8B

**August 17, 2009 Agenda Item**

TO: Board of Commissioners  
FROM: Candice H. White, Deputy Clerk *cu*  
SUBJECT: Criminal Justice Partnership Advisory Board

BACKGROUND: On August 4, 2009, the Board of Commissioners nominated the following individual to fill one (1) vacancy on the Criminal Justice Partnership Advisory Board:

At Large Position: **Terresa Rogers** (new appointment)

I have attached the current membership list for this board.

**PROPOSED ACTION: Appoint the one (1) vacancy above.**

Attachment

pc: Callie Gardner, Day Reporting Center  
Elizabeth Keever, Chief District Court Judge

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## CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD

6/09

3-year terms

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Probation Officer/Assistant JDM</u> Jonette Quenum/(F) Div. of Community Corrections 412-A Russell Street Fayetteville, NC 28301 486-1890 (W)	6/08	2 <sup>nd</sup>	June/11 6/30/11	No
A. Wayne Marshburn, JDM Div. of Community Correction 412-A W. Russell Street Fayetteville, NC 28301 486-1161(W)	6/08	4 <sup>th</sup>	June/11 6/30/11	No
<u>Superior Court Judge</u> E. Lynn Johnson Cumberland County 117 Dick Street Fayetteville, NC 28301	6-07	1 <sup>st</sup>	June/10 6/30/10	Yes
<u>District Court Judge</u> Beth Kever (W/F) Cumberland County Courthouse 117 Dick Street Fay., NC 28301 678-2901(W)	6/09	6 <sup>th</sup>	June/12 6/30/12	No
<u>Police Chief or Designee</u> Captain Charles Kimble Fayetteville Police Department 467 Hay Street Fay., NC 28301 433-1861	5/09	1 <sup>st</sup>	Sept/10 9/30/10	Yes
<u>Sheriff or Designee</u> Major John McRaney Cumberland County Sheriff's Office Law Enforcement Center 131 Dick Street Fay., NC 28301 323-1500(W)	6/08	4 <sup>th</sup>	June/11 6/30/11	No

CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD PG. 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Community-Based Corrections Programs Representative</u>				
Sue Horne ( /F) Fayetteville Area Sentencing 310 Green Street, Suite 110 Fay., NC 28301 323-5852	4/09	2 <sup>nd</sup>	April/12 4/30/12	No
<u>District Attorney</u>				
Ed Grannis (W/M) Cumberland County Courthouse 117 Dick Street Fay., NC 28301 678-2915(W)	6/07	5 <sup>th</sup>	June/10 6/30/10	No
<u>Victim Services Programs Representative</u>				
Sharon Wright Hucks (B/F) Cumberland County District Attorney's Office Cumberland County Courthouse Fay., NC 28301 678-2915(W)	6/08	4 <sup>th</sup>	June/11 6/30/11	No
<u>At-Large</u>				
Leesa Jensen (W/F) 719 Ashfield Drive Fay., NC 28311 630-0253/433-1695(W)	6/07	1 <sup>st</sup>	June/10 6/30/10	Yes
Frederick H. Frimet (C/M) 1163 Bluebird Lane Fay., NC 28311 488-7486(H)	6/07	2 <sup>nd</sup>	June/10 6/30/10	No
Richard A. Hayes 332 Summertime Road Fay., NC 28303 484-0137/733-4564(W)	6/07	4 <sup>th</sup>	June/10 6/30/10	No
Carrie M. Heffney (B/F) 7665 Wilkins Drive Fay., NC 28311 488-0707/678-8351(W)	6/09	5 <sup>th</sup>	June/12 6/30/12	No

CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD PG. 3

<u>Name/Address</u>	<u>Date</u> <u>Appointed</u>	<u>Eligible For</u> <u>Term</u>	<u>Expires</u>	<u>Reappointment</u>
<u>At-Large</u>				
Kraig Brown (B/M) 2909 Wycliffe Court Fay., NC 28306 964-0503/424-7678 (W)	5/09	1 <sup>st</sup>	June/10 6/30/10	Yes
serving an unexpired term				
Kirk Nance 603 Pilot Avenue Fay., NC 28303 484-4140/323-3500(W)	6/06	2 <sup>nd</sup>	June/09 6/30/09	No
<u>Public Defender</u>				
Ron McSwain (W/M) Cumberland County Courthouse, Suite 307 117 Dick Street Fay., NC 28301 678-2918(W)	6/07	5 <sup>th</sup>	June/10 6/30/10	No
<u>County Commissioner</u>				
Marshall Faircloth (W/M) P.O. Box 1829 Fay., NC 28302 678-7771(W)	2/09	1 <sup>st</sup>	June/10 6/30/10	Yes
serving unexpired term				
<u>Substance Abuse Service Representative</u>				
James Miller (W/M) 6674 Sim Cannady Road Hope Mills, NC 28348 321-6793	6/08	5 <sup>th</sup>	June/11 6/30/11	No
<u>Criminal Defense Attorney</u>				
David Delaney 325 Green Street Fay., NC 28301 484-9696 (W)	6/07	1 <sup>st</sup>	June/10 6/30/10	Yes

CRIMINAL JUSTICE PARTNERSHIP ADVISORY BOARD PG. 4

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>County Manager or Designee</u> Juanita Pilgrim (B/F) P.O. Box 1829 Fay., NC 28302 678-7723(W)	6/00	N/A	N/A	Yes

Meetings: Second Tuesday (of the last month) of Each Quarter, 5:30 PM, Cumberland County Day Reporting Center, 412 W. Russell Street, Fayetteville, NC 28301-5548

Contact: Callie Gardner, Director of Day Reporting Center (or Lisa Greeno) 323-6126;  
fax 323-6133

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Chairman

BILLY R. KING  
Vice Chairman

J. BREEDEN BLACKWELL  
KENNETH S. EDGE  
MARSHALL FAIRCLOTH  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
Deputy Clerk

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August 7, 2009

ITEM NO. 8C

**August 17, 2009 Agenda Item**

TO: Board of Commissioners

FROM: Candice H. White, Deputy Clerk

SUBJECT: Cumberland County Local Emergency Planning Committee

BACKGROUND: On August 4, 2009, the Board of Commissioners nominated the following individuals to fill four (4) vacancies on the Cumberland County Emergency Planning Committee:

Print and Broadcast Media Representative: **Sally Shutt** (new appointment)

Utilities Representative: **Jay Jackson** (new appointment)

Operators of Facilities: **Antionette Barnes** (new appointment)

**Gene Smith** (new appointment)

I have attached the current membership list for this committee.

**PROPOSED ACTION: Appoint the four (4) vacancies above.**

Attachment

pc: Kenny Currie, Emergency Services Director

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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 <sup>st</sup> full	Aug/10 8/31/10	Yes
<b>VACANT</b> (vacated by S. VanderClute) CC Public Information Officer P.O. Box 1829 Fayetteville, NC 28302 Phone: 437-1921	8/07	2 <sup>nd</sup>	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 <sup>st</sup>	Nov/11 11/30/11	Yes
<b>VACANT</b> Univar, Inc. 420 Worth Street Fayetteville, NC 28304 483-2107/988-2801	9/03	1 <sup>st</sup>	Sept/06 9/30/06	Yes
Joel Blake Dupont 22828 NC Hwy 87W Fayetteville, NC 28306 424-4083/678-1285(W)	4/07	2 <sup>nd</sup>	Dec/09 12/31/09	No
<b>VACANT</b> (vacated by Scott Lester) Purolator Corp. 3200 Natal Road Fayetteville, NC 28306 423-5691/426-4283(W)	4/07	2 <sup>nd</sup>	Dec/09 12/31/09	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Law Enforcement Representative</u>				
Sgt. Erwin Montgomery NC Highway Patrol 2435 Gillespie Street (filling unexpired term) Fayetteville, NC 28306-3053 486-1334	6/08	1 <sup>st</sup>	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 <sup>st</sup>	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 <sup>st</sup>	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 <sup>st</sup>	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 <sup>nd</sup>	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 <sup>nd</sup>	Dec/09 12/31/09	No
<u>Health Representative</u>				
Jane Stevens Cumberland County Health Dept. 227 Fountainhead Lane Fayetteville, NC 28301-5417 433-3673(W)/987-2892(Cell)	1/09	2 <sup>nd</sup>	Jan/12 1/31/12	No

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Hospital Representative</u>				
Steve Schultz Cape Fear Valley Health System P.O. Box 2000 1638 Owen Drive Fayetteville, NC 28302-2000 Phone: 609-6170	9/06	2 <sup>nd</sup>	Sept/09 9/30/09	No
<u>Fire Fighting Representative</u>				
Assistant Chief Thomas M. Allen Fire/Emergency Management City of Fayetteville 433 Hay Street Fayetteville, NC 28301 433-1009	10/05	1 <sup>st</sup>	Dec/11 12/31/11	Yes
<u>First Aid Representative</u>				
<b>VACANT</b> (vacated by Wally Ainsworth)	11/07	1 <sup>st</sup>	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 <sup>st</sup>	Dec/09 12/31/09	Yes
Dawn O'Donnell 2072 Birchcreeft Drive Fayetteville, NC 28304 425-3619/864-2470(W)	8/07	2 <sup>nd</sup>	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 <sup>nd</sup>	Sept/09 9/30/09	No
<u>Utilities Representative</u>				
<b>VACANT</b> (vacated by J. Ezzelle) Public Works Commission 955 Old Wilmington Road Fayetteville, NC 28301 223-4116	9/06	1 <sup>st</sup>	Sept/09 9/30/09	Yes

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>
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 <sup>st</sup>	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, 4<sup>th</sup> Thursday in January, April, July & October at 10:00 am – PWC Office

JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

J. BREEDEN BLACKWELL  
KENNETH S. EDGE  
MARSHALL FAIRCLOTH  
JIMMY KEEFE  
EDWARD G. MELVIN



MARIE COLGAN  
Clerk to the Board

CANDICE WHITE  
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

August 7, 2009

ITEM NO. 8D

**August 17, 2009 Agenda Item**

TO: Board of Commissioners  
FROM: Candice H. White, Deputy Clerk *cu*  
SUBJECT: Joint Appearance Commission

BACKGROUND: On August 4, 2009, the Board of Commissioners nominated the following individual to fill one (1) vacancy on the Joint Appearance Commission.

**Ken Arnold** (new appointment)

I have attached the current membership list.

**PROPOSED ACTION: Appoint the one (1) vacancy above.**

Attachment

pc: Jimmy Teal, Chief Planning Officer  
City of Fayetteville

*Celebrating Our Past...Embracing Our Future*

JOINT APPEARANCE COMMISSION  
2-Year Terms

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible for Reappointment</u>
<b>RESIGNED</b> (by Edna Cogdell) 734 Ashburton Drive Fayetteville, NC 28301 488-4582	8/08	1 <sup>st</sup>	Aug/10 8/31/10	Yes
Gloston, Louis (B/M) 2000 Greendale Drive Fayetteville, NC 28304 867-5724/484-7869(W)	8/08	2 <sup>nd</sup>	Aug/10 8/31/10	No
Smith, Nancy W. (W/F) 5731 Christmasberry Court Fayetteville, NC 28312 487-1578/850-9398 (W)	8/07	1 <sup>st</sup>	Aug/09 8/31/09	Yes
McFadyen, William David (W/M) 7122 Hunters Point Drive Fayetteville, NC 28311 822-2362	8/07	1 <sup>st</sup>	Aug/09 8/31/09	Yes

Meetings: First Monday of Month – 5:15 PM – City Hall, 1<sup>st</sup> Floor, Cape Fear Room

Contact: Jimmy Teal  
City of Fayetteville