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**AGENDA**  
**CUMBERLAND COUNTY BOARD OF COMMISSIONERS**  
**COURTHOUSE – ROOM 118**  
**FEBRUARY 17, 2009 (TUESDAY)**  
**6:45 PM**

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INVOCATION - Commissioner Billy R. King, Vice Chairman

PLEDGE OF ALLEGIANCE –

Morgan and Madison Jordan - E.E. Miller Elementary School - Kindergarten Class

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

Recognition of Miss Fayetteville 2009, Adrienne Leigh Core

Certificate of Appreciation – Dr. Robin Jenkins, Former Director of Communicare, Inc.

1. Presentation by Mr. Doug Peters, President & CEO of the Fayetteville-Cumberland County Chamber of Commerce.
2. Consent Agenda
  - A. Approval of minutes for the February 2, 2009 regular meeting and February 2, 2009 Special Planning Session.
  - B. Approval and Release of Closed Session Minutes for May 19, 2008.
  - C. Approval of the Proposed Federal Agenda for FY 2010.
  - D. Approval of Health Department Delinquent Accounts to be Written Off and/or Turned Over to Collection Agencies.
  - E. Approval of Proposed Environmental Health Fee for Agricultural and Irrigation Wells.
  - F. Approval of Lease with North Carolina Department of Agriculture and Consumer Services for Office Space at the Ag-Expo Center for the Department's Witchweed Program.

- G. Approval and Authorization of the Julius Davis License to Use Part of the Healy Property for Playground for His Children.
- H. Approval of a Proclamation Recognizing February as Human Relations Month.
- I. Approval of Proclamation Proclaiming February 22, 2009 as “Arbor Day” in Cumberland County and February 22-March 7, 2009 as “Arbor Weeks” in Cumberland County.
- J. Budget Revisions:
  - (1) Elections
    - a. Revision in the amount of \$271,590 to recognize HAVA grant received from the State. (B09-276A) **Funding Source – State**
    - b. Revision in the amount of \$89,000 to reverse a previous revision appropriating fund balance for equipment the State ended up purchasing. (B09-276B) **Funding Source – Fund Balance Appropriated**
  - (2) Flea Hill Drainage District
 

Revision in the amount of \$5,000 to appropriate fund balance to improve drainage and clean up the Beaver Dam. (B09-279) **Funding Source – Flea Hill Drainage District Fund Balance**
  - (3) Social Services
 

Revision in the amount of \$795,606 to recognize additional federal funds for the Energy and Crisis Intervention Programs. (B09-277) **Funding Source – Federal**
  - (4) Emergency Telephone System
 

Revision in the amount of \$13,045 to appropriate fund balance for software, training and service contract. (B09-275) **Funding Source – Emergency Telephone Fund Balance**
  - (5) General Government Other
 

Revision in the amount of \$74,900 to appropriate fund balance of \$60,000 to budget Time Warner funds received in FY2008 and an additional fund balance appropriation of \$14,900 to purchase and install broadcast equipment for the Commissioner’s Hearing Room. (B09-280) **Funding Source – Fund Balance Appropriated**

3. Public Hearings

**Contested Cases**

- A. Case P08-62. Rezoning of 31.20+/- acres from A1 Agricultural to R20 Residential, or to a more restrictive zoning district, located at 6185, 6189, & 6193 NC HWY 87 S, owned by Joan E. Humphrey Heirs.
- B. Case P08-63. Rezoning of 2.71+/- acres from R30 Residential to R30A Residential, or to a more restrictive zoning district, located at 1188 Cypress Lakes Road, owned by John Lee McArthur, Jr.

**Other Public Hearings**

- C. Public Hearing on Preliminary Assessment Roll – Lake Upchurch Dam Restoration Project.

Items of Business

4. Nominations to Boards and Committees

- A. Adult Care Home Community Advisory Committee (1 Vacancy)
- B. Equalization and Review Board (5 Vacancies)
- C. Nursing Home Advisory Board (1 Vacancy)

5. Appointments to Boards and Committees

- A. Cumberland County Juvenile Crime Prevention Council (3 Vacancies)

Nominees:

Person Under Age 21: Cheira Lathan-Snow

At-Large Representative: Doug Parrish  
Ruby McNair

- B. Joint Senior Citizens Advisory Commission (1 Vacancy)

Nominee: William J. Watson

C. Nursing Home Advisory Board (3 Vacancies)

Nominees: Dr. John Briggs (Reappointment)  
Hervenna Pannell (Reappointment)  
Elizabeth Deane

D. Workforce Development Board (2 Vacancies)

Nominees:

Private Sector: April Whittemore  
Sara Jean Hicks

Community Based Organization: Sara Hemingway

6. CLOSED SESSION: (If Needed)

**ADJOURN**

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

**MEETINGS:** March 2, 2009 (Monday) – 9:00 AM  
March 16, 2009 (Monday) - 6:45 PM



ITEM NO. 1

## COUNTY of CUMBERLAND

James E. Martin  
County Manager

Cliff Spiller  
Assistant County Manager


Juanita Pilgrim  
Deputy County Manager

Amy H. Cannon  
Assistant County Manager

*Office of the County Manager*

### MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF FEBRUARY 17, 2009

**TO:** BOARD OF COUNTY COMMISSIONERS

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

**DATE:** FEBRUARY 11, 2009

**SUBJECT:** PRESENTATION BY MR. DOUG PETERS, PRESIDENT & CEO OF THE  
FAYETTEVILLE-CUMBERLAND COUNTY CHAMBER OF COMMERCE

Mr. Doug Peters will be making a presentation at the February 17, 2009 Board of Commissioners meeting.

/ct

CM021109-2



## *Report to Cumberland County*

**Second Quarter FY 2008-09**

**December 31, 2008**



## KEY AREAS OF FOCUS AND OUR MISSION

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### *Economic Development*

Ensure that Fayetteville & Cumberland County have a positive business climate and the ability to support and accommodate economic growth and development opportunities.

### *Small Business*

Support and develop small and local business climate and entrepreneurial development.

### *Branding and Marketing*

Continue to reinforce the community brand and the “Have You Seen Us Lately?” theme to eliminate negative community stigma and to drive site selectors and other investors to the newly created website.

### *Benchmarking*

Establish annual economic development activity and output goals, implementing utilization of the Six Disciplines measurement system, and develop a detailed annual scorecard in association with an Annual report for our partners. Implement a ROI program that clearly identifies each project potential impact.

### *Military Relationship*

Continue to build upon the strong relationships with not only our military community but with the defense contractors that support them.

### *BRAC Readiness*

Lead process by which the Fayetteville-Cumberland County region maximizes opportunity brought by BRAC including investment in Real Estate; employment growth; infill development; tax base growth and redeployment of underutilized, existing property.

### *Correcting Incorrect Data/Perceptions*

Addressing and correcting inaccurate reporting of crime statistics and sensational news presentations that are detrimental to the true safety of our citizens and the true quality of life enjoyed by all.

### *Site Selection Relationships*

Maintaining a strong relationship with location consultants, developers and others who work with companies seeking expansion or a new location.

### *Positioning*

Ensure that the Fayetteville-Cumberland County brand is strategically placed and favorably received by media, the site selection community, associations of business, industry and technology sectors as well as developers and investors (both internal and external.)

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## **Economic Development & Workforce Development Efforts**

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### **Economic Development**

The second quarter found the nation facing unparalleled economic times. As financial institutions faced losses not seen since the Great Depression, obtaining loans for development became extremely difficult if not unavailable. The Cumberland County area of course experienced the tightening of credit but the more positive impacts of returning soldiers with large savings and bonuses due to their assignments in hazardous duty areas. This has softened the impact locally. We are experiencing a slowdown in a number of sectors due to the national credit situation but because of BRAC 2005 the opportunities with companies in the defense and homeland security industries continue strong interest.

#### **Focus Areas:**

- Recruit new business & Industry to provide jobs for citizens and increase tax base investments as well as bring new down stream impacts to the community.
- Support Existing Industry to retain their investment, tax base impacts and jobs that create numerous downstream impacts.
- Conduct a vibrant small business program encouraging entrepreneurs, assist companies through growth and sustainment.
- Working with educational institutions as well as area business and industry support as well as lead efforts to improve the workforce of today and better prepare the workforce for the next century.
- Prepare community for the impacts of BRAC 2005 by conducting community meetings and facilitating eleven modules addressing each of the key areas that will be impacted. These include: K-12 Education, Workforce and Higher Education, Transportation, Information & Communication, Public Safety and Emergency Services, Social Services and Child Care, Health Care, Hospitality, Cultural Resources, Land Use Planning, Housing, Water, Wastewater and Solid Waste, Marketing/Communication, Municipal Partnerships, Economic Development and Environmental.
- Added Implan software to assist with return-on-investment analysis that will allow the Chamber to provided elected officials with real numbers showing the impact of jobs and payroll on the local economy as well as the recirculation of dollars.

**Military Business Park** – ground breaking held October 2, 2008 was very well attended. All our Congressmen attended as well as State and Local officials or their representatives. The Chamber moved forward the agreement between the City, the County, PWC and the owner for the extension of infrastructure to the park from the south side of Santa Fe Drive allowing the use of the federal dollars awarded to the City & County through the efforts of the Ferguson Group. We are currently working to assist the developer regarding the



Transportation Impact Analysis (TIA) issue with local and state agencies in order to expedite the work to move forward with site selection, clearing and construction as soon as possible.

**2008 Direct Client Investment**-Investment by new and existing industry in the second quarter of FY 2008 exceeded \$5.7 million. Investments included those of K3, Inc. the first graduate of DSTA. K3 purchased the Sears facility on Cumberland Street and has begun the required upfit. From 3 employees when joining DSTA the company has 40 and plans to grow by another 45 over the next three years. A second company has closed on a downtown facility and an announcement will be made soon. RLM will soon begin the construction of 40,000 sf in the Spring Lake Business & Industry Center, bringing employment opportunities to Fayetteville and other area citizens.

**2008 Job Creation and Retention – *workforce growth detail***

The second quarter of FY 2008 saw companies commit to the creation of new jobs while the unemployment numbers grew by more than 900 persons and the employed labor pool dropped by nearly 2,400 (December numbers are not available). Goodyear continued to maintain jobs while adding approximately 50 new employees as the installation of new equipment continued.

While the local labor pool dropped during the 2<sup>nd</sup> quarter, estimates on unemployment show Fayetteville and Cumberland County performed better than the state on average and continues to track at a brisk pace despite economic conditions. The County rates nearly mirror those of Charlotte/Mecklenburg and track 2% points less than Raleigh during the entire year. While adjoining counties like Bladen and Robeson are in the 9% or better the County was .6 points below Harnett County to the north.

Cumberland County Labor Force 2008											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov
<b>Labor Force</b>	127,925	127,711	127,433	128,097	128,782	129,851	130,035	127,741	128,476	129,349	127,861
<b>Employed</b>	120,708	120,413	120,479	121,274	120,870	121,331	120,553	118,627	119,720	120,582	118,188
<b>Unemploy- ed</b>	7,212	7,298	6,954	6,823	7,912	8,520	9,482	9,114	8,756	8,767	9,673
<b>Rate</b>	5.5	5.7	5.5	5.3	6.1	6.6	7.3	7.1	6.8	6.8	7.6

Goodyear finalized its agreement with Cumberland County and is awaiting a public hearing on the agreement with the City of Fayetteville. The company has a deadline of 2012 for completion of the expansion of between \$200 and \$300 million. Significant progress has occurred on the Goodyear expansion to include an estimated additional \$50 million in investment at the site.

K3 and Strategic Solutions have both been awarded millions of dollars in contracts with the Department of Defense and Homeland Security Entities.

#### Existing Industry Program:

25 plant visits conducted. The information gathered through a one-hour interview with the plant's manager and then input into the Synchronist software program provides important information. The data will track labor force issues, industry growth and investment and overall health and satisfaction of existing industries. Implemented this year, the software will provide trend reports and other key data to aid in providing improved support to our companies and also statistically allow leverage of data to support initiatives needed to better support and recruit companies.

#### Key Pending Projects:

*Project Eric* - \$52 million investment, 150 jobs. Land purchased. Finalizing financials.

*Project Ice* - \$200 million investment, 800 jobs and with numerous additional suppliers. No decision to date based on economic conditions/environment.

17 other projects are being worked as well as 7 prospects. These projects carry with them in excess of 5,500 new jobs and over \$1 billion in total investments. The majority of our clients are visiting facilities located within the City limits of Fayetteville as their operations are more often conducted in flex like space with some office and some warehouse. The Fayetteville Business Park, Cliffdale Plaza and the Walmart on Ramsey were the most frequently visited.

A joint venture project is considering a recycling operation in the county. Their decision should be made shortly. The investment over two phases could exceed \$70 million and 106 jobs would be created.

We have several companies looking at the Shell Building for a maintenance operation should they win a \$200 million contract with the Department of Defense. In all approximately 15 companies are vying for the same project. At least five are existing companies already located in the area. The option on the Shell with Weston Corporation expires January 30, 2009.

## Workforce Development

### New Initiatives:

- Established relationship with the Gates Foundation to begin the introduction of STEM (Science, Technology, Engineering and Math) education components to begin building a 21<sup>st</sup> Century workforce. Cumberland County Schools were selected as one of three locations in NC that the Gates Foundation will work with in this pilot program.
- In coordination with the Cumberland County Education Foundation have set an Education Summit to be held January 27, 2009. The Chamber and Foundation are co-hosts.
- Held discussions across the region supporting the development of a regional workforce development program.

### Existing:

- Cathy Johnson is a Board member of the Cumberland County Workforce Development Board. In this capacity Ms. Johnson shares with the committee issues brought to her through plant visits by area plant managers. She also takes out to these companies information about the efforts being undertaken through this Board's efforts.
- Chamber Workforce Development Committee – Todd Lyden is staff for this committee and its members include the President/CEO Doug Peters, Cathy Johnson, Industry Human Resource Directors (HR), Cumberland County Schools personnel as well as a broad spectrum of persons concerned about the workforce and desiring to bring about change to improve it. Results to date from this committee include:
  - Committee met in December and developed a list of employers to shadow principles. They decided to look at a "grab bag" of high skill, high demand careers for this year's Principal's Shadowing instead of focusing on one occupational area. Careers being considered are as follows:
    - 1. Accountant
    - 2. Architect
    - 3. Computer Support Specialist
    - 4. Dental Hygienist
    - 5. Electrician
    - 6. Physical Therapist (or Physical Therapist Assistant)
    - 7. Physician Assistant
    - 8. Registered Nurse
    - 9. Surveyor (or Surveying Technician)
    - 10. Web Designer
  - Final plans to be made at the January 26, 2009 meeting.
  - Continued efforts with the Human Resources subcommittee to address issues in the work place.

- HR presentation on the need for area students to attain education beyond high school is being shared with new high school students across the school system.
- FTCC's Work Keys program was shared with all plants visited during the quarter.
- Concluded efforts with FTCC on the Construction Career Days 2008 event.
- Discussions continued regarding holding tours in the summer providing educators with first hand knowledge of area industries and the skills required of their employees.
- Worked with Robbie Johnson of FTCC on training needs identified during plant visits.
- Additional companies were referred to the Employment Security Commission and to FTCC for testing of applicants to determine math, reading, writing, computer skills and more.
- DSS Spring/Fall Into Work Partnership

**Key Chamber initiatives that are creating greater opportunity in the community for recruitment, thus growth in use of existing infrastructure:**

- “Pathways to Possibilities” Strategic planning effort redirected to better educate and involve the community regarding economic development and the realities of attraction and retention. This initiative will be parlayed into staging document for BRAC implementation in partnership with the City and FTCC.
- Creation of Foreign Trade Zone. Acquired proposals and met with operator of Raleigh FTZ.
- Creation of 501 c 3 foundation. Application to be filed by mid January 2009.
- Tax Increment Financing Districts discussions with City and County continued.
- Marketing program to reintroduce Fayetteville and dispel the perceptions locally and nationally that remain following the Vietnam era.
- Economic Impact Modeling software program purchased. Training of staff underway.

**Partnerships with entities created by the Chamber and spun off:**

**The Defense & Security Technology Accelerator (DSTA)** continues to grow and create positive results for the community and in particular companies in the early stage of development in the defense and homeland security industry. The first graduate, K3 Enterprises, purchased the Sears building as reported earlier and has grown from 3 to 40 employees with an additional 75 planned for over the next three years. A second company is finalizing its plans as it prepares to graduate and create 100 jobs.

DSTA has also strengthened its relationship to the NC Military Business Center (the first spin off of the Chamber). They are collaboratively working to improve the lines of communication on potential contracts for their companies.

The companies being served and assisted by DSTA added 73 new jobs during 2008 (149 total since creation) and these same companies were awarded 44 contracts for their services/products.

Overall in 2008 DSTA saw \$16,000,000 in revenue generated by client companies.

**The NC Military Business Center** continues to provide assistance to entrepreneurs and others seeking to apply for and win contracts in the defense and homeland security industries. The Center has clearly had an impact on the amount of defense dollars being earned in NC and on the number of companies who are able to win contracts.

Currently on MatchForce			
Current Contracts	Current Jobs	Businesses	Individuals
11,440	4,122	12,294	26,996

**Other Key Partnership and Alliances Continued and Sustained Include:**

The Plant Manager's Association to include Human Resources, Safety and Environmental and Transportation Committees

Military Affairs Council

The Downtown Alliance

The Women's Center

Dispute Resolution Board

Area Utility Providers:

PWC

South River Electric membership Corporation

Progress Energy

Norfolk Southern

Lumbee River EMC

A&R Rail Road

CSX Rail Road

Methodist University

Fayetteville State University

Fayetteville Technical Community College

Fayetteville Area Association of Realtors

Cumberland County Business Network

Member Workforce Development Board

Chamber Workforce Development Committee Partnership

### **Key Challenges to Economic Growth to Address:**

- Workforce
  - Education – Drop Out Rate
  - Skills Needed by 21<sup>st</sup> Century Companies
  - Pathfinders Report in 2006 Highlighted Key Areas
- Fayetteville and Cumberland County Image
- Overcoming negative perceptions and stereotypes
- Lack of Appropriate Space
- Class A Flex Space for Military Contractors
- Lack of Military Business Park progress
- Community appearance
- Crime – Statistics reported no longer reflective
- Population loss
- Cost of Living – Apparent inaccuracies
- Newspaper reporting Statistics used by Site Selectors that do not accurately reflect the current community. (The newly purchased software will help us address this.)

JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

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



MARSHA S. FOGLE  
Clerk to the Board

MARIE COLGAN  
Deputy Clerk

BOARD OF COMMISSIONERS

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

February 4, 2009

ITEM NO. 2B

AGENDA ITEM FOR FEBRUARY 17, 2009

TO: Board of Commissioners

FROM: Marsha Fogle, Clerk

RE: Release of Closed Session Minutes: May 19, 2008

BACKGROUND: John Ramsey, Fayetteville Observer, has requested that he review Closed Session Minutes relating to a meeting in the Summer of 2008 regarding MJ Soffe. The County Attorney has reviewed the Minutes and approved release.

ACTION: Open Closed Session Minutes of May 19, 2008.

*Celebrating Our Past... Embracing Our Future*

EASTONER - FALCON - FAYETTEVILLE - GODWIN - HOPE MILLS - LINDEN - SPRING LAKE - STEEDMAN - WADE





ITEM NO. 2C

## COUNTY of CUMBERLAND

James E. Martin  
County Manager

Cliff Spiller  
Assistant County Manager

Juanita Pilgrim  
Deputy County Manager

Amy H. Cannon  
Assistant County Manager

### *Office of the County Manager*

#### **MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF FEBRUARY 17, 2009**

**TO: BOARD OF COUNTY COMMISSIONERS**

**FROM: JUANITA PILGRIM, DEPUTY COUNTY MANAGER**

**DATE: FEBRUARY 11, 2009**

**SUBJECT: APPROVAL OF THE PROPOSED FEDERAL AGENDA FOR FY2010**

#### **BACKGROUND**

Representatives from the County, City and Fayetteville-Cumberland County Chamber in coordination with The Ferguson Group developed the attached FY 2010 Federal Agenda to be presented to our Congressional representatives.

#### **RECOMMENDATION/PROPOSED ACTION**

Approve the FY2010 Federal Agenda.

JP/cp  
JP021109-1



## City of Fayetteville/Cumberland County/Fayetteville - Cumberland County Chamber, NC 2009 (FY 2010) FEDERAL AGENDA

	PROJECT	DESCRIPTION OF REQUEST	FUNDING HISTORY
1	<b>Murchison Road</b>	\$30 million in Military Construction Appropriations, Department of the Army, for Fort Bragg Access Roads, Phase II	\$21.8 million in FY09 ( Phase I)
2	<b>Regional Public Safety</b>	\$2 million in Justice Appropriations, COPS Technology, to merge regional communications, including purchase of interoperable radios.	\$300,000 in FY06 and \$352,500 in FY08
3	<b>Sanitary Sewer System</b>	\$2 million in Energy and Water Appropriations, Corps of Engineers, Sec. 219, for sanitary sewer system. <ul style="list-style-type: none"> <li>Extend authority in Water Resources Development Act from \$6 million to \$20 million.</li> </ul>	\$6 million authorized by WRDA 2007
4	<b>Military Business Park (MBP)</b>	\$1 million in Transportation Appropriations (FHWA), Transportation, Community and System Preservation, for transportation improvements to the MBP.	\$600,000 in FY06 and \$147,000 in FY08
5	<b>Partnership for Defense Innovation (PDI)</b>	\$3.5 million for PDI Wi-Fi Test Lab, Defense Appropriations, Special Operations Advanced Technology Development, for completion, testing and validation of a Tactical Psychological Operations (PSYOP) Situational Awareness System (TPSS).	\$1.08 million FY07, \$2.7 million FY08, and \$2 million in FY09
6	<b>Clean Fuel Buses</b>	\$2 million in Transportation Appropriations and SAFETEA-LU, Bus and Bus Facilities, for the purchase of hybrid buses.	First year request
7	<b>Multimodal Center</b>	\$3 million in Transportation Appropriations and SAFETEA-LU, Bus and Bus Facilities, for Multimodal Transportation.	Fourth year requested
8	<b>Veterans Services</b>	\$200,000 in Health and Human Services Appropriations, Health Resources and Services Administration, for renovation and equipment for Cumberland County's veterans' services.	Second year requested
9	<b>Abandoned Home Removal</b>	\$1 million in HUD Appropriations, EDI, to transform vacant and blighted properties near Fort Bragg.	Fourth year requested
10	<b>Traffic Safety Cameras</b>	\$400,000 in Transportation Appropriations (FHWA) and SAFETEA-LU, Transportation, Community and System Preservation, for video surveillance cameras.	First year request
11	<b>Stimulus</b>	Work with City and County to effectively compete for stimulus funding.	
12	<b>Air Quality</b>	Pursue local, state and EPA agreement to reach attainment by 2011.	
13	<b>Homelessness</b>	Develop awareness of City's 10-Year Plan to end chronic homelessness and pursue funds for same.	
14	<b>Crime</b>	Support cops on the streets, gang resistance and education, and crime prevention funding.	
15	<b>Sidewalks</b>	Support Safe Route to Schools.	



ITEM NO. 2D

**DEPARTMENT OF PUBLIC HEALTH**

227 Fountainhead Lane • Fayetteville, North Carolina 28301  
(910) 433-3600 • Fax: (910) 433-3659

**MEMORANDUM**

TO: Board of County Commissioners

THRU: Mrs. Juanita Pilgrim, Deputy County Manager *Juanita Pilgrim*

FROM: Ms. Jane Stevens, Interim Health Director *Jane Stevens*

DATE: February 3, 2009

RE: Approval of Delinquent Accounts to Be Written Off and/or Turned Over to Collectors

**BACKGROUND**

At the Board of Health meeting on January 29, 2009, the Board approved writing off a total of \$41,120.01 as bad debts. Family Planning accounts in the amount of \$4,605.78 will be written off as bad debt, however cannot be sent to our collection agency, Professional Recovery Consultants, Inc. pursuant to North Carolina Division of Health and Human Services Guidelines. The amount to be sent to the collection agency will be \$36,514.23. This write-off of bad debts is in compliance with the Board of Health's recommendation to write-off bad debts every quarter.

**RECOMMENDATION/PROPOSED ACTION**

Management requests to have this item placed on the next County Commissioners' meeting agenda for their approval to write off bad debts in the amount of \$41,120.01 and to turn over to Professional Recovery Consultants, Inc. the amount of \$36,514.23 for collection.

/dwmc  
: Attachment

*Celebrating Our Past...Embracing Our Future*

**CUMBERLAND COUNTY DEPARTMENT  
OF PUBLIC HEALTH  
DELINQUENT ACCOUNTS TO BE TURNED OVER FOR COLLECTION  
BAD DEBT WRITE-OFF # 23  
January 20, 2009**

<b>PROGRAM</b>	<b>AMOUNT</b>
ADULT HEALTH	\$19,345.18
BCCCP	\$85.60
COMMUNICABLE DISEASE	\$0.00
CHILD HEALTH	\$4,621.81
DENTAL	\$2,704.68
FAMILY PLANNING	\$4,605.78
GYN/POSTPARTUM	\$7.40
IMMUNIZATIONS	\$6,487.06
MATERNITY	\$2,422.63
MEDICAL RECORDS	\$0.00
PAP	\$839.87
T.B.	\$0.00
<b>TOTAL</b>	<b>\$41,120.01</b>

\*\*\*\*\*Family Planning Accounts will adjusted (as Bad Debt) from the Accounts Receivable,  
however will not be sent to the Collection Agency pursuant to NC Division of Health  
and Human Services guidelines.

The above accounts are 90 days old or older as of January 1, 2009.



ITEM NO. 2E

DEPARTMENT OF PUBLIC HEALTH  
227 Fountainhead Lane • Fayetteville, North Carolina 28301  
(910) 433-3600 • Fax: (910) 433-3659

### Memorandum

To: Board of County Commissioners

Through: Ms. Juanita Pilgrim, Deputy County Manager *Juanita Pilgrim*

From: Jane Stevens, Interim Health Director *Jane Stevens*

Date: February 4, 2009

Subject: Approval of Proposed Environmental Health Fee for  
Agricultural and Irrigation Wells

#### Background

At the Board of Health meeting on January 29, 2009, the Board adopted a well rule governing irrigation and agricultural wells. The need for this new rule was based upon investigation, experience, and the scientific and expert opinion that the separation and construction requirements for agricultural and irrigation wells address a significant public health concern and are a public health necessity. At that same meeting the board approved a fee of \$275. for this service.

Attached is the estimated cost of permitting, inspecting and sampling *drinking* water wells. The fee charged for this service is 100% of the estimated cost (as are most Environmental Health fees with one exception being the cost of an improvement permit to repair a failing septic tank system).

To estimate the cost of permitting and inspecting *irrigation and agricultural wells*, the same base costs were used as were used to estimate the cost of a drinking water well with consideration to the following:

- Irrigation and Agricultural wells will not be sampled
- Permits for Irrigation and Agricultural wells usually are not in combination with permits for onsite wastewater systems; therefore, a visit is required for the sole purpose of locating the well site.

The estimated cost of permitting and inspecting an *irrigation or agricultural* well is \$275.

#### Recommendation/Proposed Action

The Board of Health respectfully requests to have this item placed on the next County Commissioners meeting agenda for approval to charge a fee of \$275. for each new agricultural or irrigation well installed in Cumberland County.

Attachment

*Celebrating Our Past... Embracing Our Future*

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

**Prepared 2008  
Drinking Water Wells**

New Well Permit, Inspection and Required Samples

Travel cost per round trip  
36 miles  
1 man hour

Cost for Sanitarian on site  
Visit 1 - locate well                      1.0 hour  
Visit 2 - well grout                        1.0 hour  
Visit 3 - well head inspection  
and sample collection                      0.25 hour

Cost for Management Support  
0.50 man hour

Other Cost  
Lab Fee                \$62  
Resample            \$47.

Other Considerations;  
50% require a trip to site well  
50% are sited soil evaluation is done  
20% require resample

**Average cost to permit, inspect, and sample new well**  
**= \$ 320.**

**User Fee Charged                      \$320.**

**Prepared 2009  
Irrigation and Agricultural Wells**

New Well Permit, Inspection and Required Samples

Travel cost per round trip  
36 miles  
1 man hour

Cost for Sanitarian on site  
Visit 1 - locate well                      1.0 man hour  
Visit 2 - well grout                        1.0 hour  
Visit 3 - well head inspection            0.25 hour

Cost for Management Support  
0.50 man hour

Other Cost  
None

Other Considerations;  
100% require a trip to site well

**Average cost to permit and inspect new well**  
**= \$ 275.**

**User Fee Recommended                \$275.**

**January, 2009**



ITEM NO. 2F

**OFFICE OF THE COUNTY ATTORNEY**

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

February 9, 2009

**MEMORANDUM FOR BOARD OF COMMISSIONERS' FEBRUARY 17 2009 AGENDA**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: HARVEY W. RAYNOR III, DEPUTY COUNTY ATTORNEY *7/10/09*

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

SUBJECT: APPROVAL OF LEASE WITH NORTH CAROLINA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES FOR OFFICE SPACE AT THE AG-EXPO CENTER FOR THE DEPARTRTMENT'S WITCHWEED PROGRAM

**BACKGROUND:**

The Department of Agriculture and Consumer Services requested the County lease the Department office space at the Ag-Expo Center to house its Witchweed program through 2011. County management has negotiated a \$4,416.00 annual lease for 368 square feet of office space at the Ag-Center.

**RECOMMENDATION AND PROPOSED ACTION:**

Approve the lease and authorize the Manager to execute on behalf of the County.

*Celebrating Our Past...Embracing Our Future*

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



STATE OF NORTH CAROLINA

LEASE AGREEMENT

COUNTY OF CUMBERLAND

THIS LEASE AGREEMENT, made and entered into this the \_\_\_\_ day of \_\_\_\_\_, 2009, by and between COUNTY OF CUMBERLAND, hereinafter referred to as LESSOR; and NORTH CAROLINA DEPARTMENT OF AGRICLTURE and CONSUMER SERVICES, hereinafter referred to as LESSEE;

W I T N E S S E T H:

THAT WHEREAS, CUMBERLAND COUNTY owns a building known as the Charlie Rose Ag-Expo Center located in Crown Coliseum Complex Fayetteville, North Carolina, hereinafter referred to as Ag-Expo Center; and

WHEREAS, the Ag-Expo Center is the location where the offices providing agricultural services to the citizens of Cumberland County is located in the County; and

WHEREAS, the LESSEE desires to rent office space and use the Ag-Expo Center to provide services under the Witchweed Program hereinafter referred to as Program; and

WHEREAS, the purpose of the Program is to protect North Carolina agriculture and its citizens from the invasion and spread of witchweed; and

WHEREAS, there is a need for this service in the County; and

WHEREAS, the Ag-Expo Center has office space available which can be used by the LESSEE to implement the Program in Cumberland County.

NOW, THEREFORE, in consideration of the premises and the promises contained in the terms and conditions hereinafter set forth, LESSOR does hereby rent, lease and demise unto the LESSEE for and during the term and under the terms and conditions hereinafter set forth, as follows:

1. TERM: The initial term of the lease shall be for three years commencing on the 1<sup>st</sup> day of January, 2009 or as soon thereafter as the parties may mutually agree and terminating on the 31st day of December, 2011.
2. RENT: LESSOR does hereby rent, lease and demise unto the LESSEE 368 square feet of space. The rent for the space shall be \$4,416.00 annually; payable in monthly installments of \$368.00 each; being due on or before the first day of each month beginning January, 2009.



3. The LESSOR shall provide during the lease term the following:
  - A. Heating and Air Conditioning, hot and cold water facilities, adequate lighting fixtures, electrical sockets, rest room facilities and proper ventilation.
  - B. All required fire extinguishers and servicing, pest control, and trash pick-up.
  - C. Janitorial and cleaning services and supplies.
  - D. Parking.
  - E. All utilities except telephone and internet service. Lessee shall be responsible for establishing and maintaining telephone and internet service in the leased premise.
4. It is understood and agreed that the County should keep the building in good repair and tenantable condition, to the end that all facilities are kept in a good and working order. Maintenance shall include, but not limited to, furnishing and replacing electrical light fixtures, air conditioning and ventilating equipment filter pads and broken glass. LESSEE shall be responsible for keeping its leased premises in good condition satisfactory to the LESSOR including any necessary repairs and painting caused by damaged of the LESSEE.
5. LESSEE shall have the right with the LESSOR's prior consent to make alterations, attach fixtures and erect additional structures or signs in or upon the leased premises. Such fixtures, additions, structures or signs so placed in or upon or attached to the leased premises under this lease shall be and remains the property of the LESSOR and shall be removed from the premises prior to the termination of this lease or within a reasonable time thereafter. If removal causes damage or injury to the premises, LESSEE will repair such damage or injury.
6. If said premises are destroyed by fire or other casualty, without fault of the LESSEE, this lease shall immediately terminate. In case of partial destruction or damage by fire or other casualty without fault of the LESSEE, so as to render the premises untenable in whole or in part, any rents due from the LESSEE shall be apportioned until the damage has been repaired.
7. LESSOR shall be liable to LESSEE for any loss or damages suffered by Lessee which are a direct result of the failure of LESSOR to perform an act required by this lease, and provided that LESSOR could reasonably have complied with said requirement. LESSEE shall be liable to LESSOR for any loss or damages suffered by LESSOR which are a direct result of the failure of LESSEE to perform an act required by this lease, and provided that LESSEE could reasonably have complied with said requirement to the extent allowed by law.
8. Upon termination of this lease, LESSEE will surrender the premises in good order and condition as when received, except for reasonable wear and tear, damage by fire, war, riots, insurrection, public calamity, by the elements, by act of God, or by other circumstances over which the LESSEE had no control or for which LESSOR is responsible pursuant to this lease.

9. All notices herein provided to be given or which may be given by either party to the other, shall be deemed to have been fully given when made in writing and deposited in the United States mail, certified and postage prepaid and addressed as follows:

**LESSOR**

**COUNTY OF CUMBERLAND**

c/o Juanita Pilgrim  
Deputy County Manager  
Post Office Box 1829  
Fayetteville, N.C. 28302-1829

**LESSEE**

**NC DEP'T. of AGRICULTURE  
and CONSUMER SERVICES**

c/o Kent Yelverton  
NC Dep't of Agriculture & Consumer Service  
2 West Edenton Street  
Raleigh, NC 27601

10. The LESSEE shall not assign this lease without the written consent of the LESSOR.
11. Any holding over after expiration of the said term or any renewal thereof, shall be construed to be a tenancy from month to month, and shall otherwise be on the terms and conditions herein specified, so far as applicable; however, either party shall give not less than sixty (60) days written notice to terminate this agreement.

IN TESTIMONY WHEREOF, the parties have executed this lease hereto, in duplicate originals, as of the date first above written.

**COUNTY OF CUMBERLAND**

[CORPORATE SEAL]

\_\_\_\_\_  
James E. Martin, County Manager

ATTEST:

\_\_\_\_\_  
MARSHA FOGLE, Clerk

**NORTH CAROLINA DEPARTMENT of AGRICULTURE and CONSUMER SERVICES**

\_\_\_\_\_  
Kent Yelverton, Director, Property & Construction Division

ATTEST:

\_\_\_\_\_  
1.



ITEM NO. 26

**OFFICE OF THE COUNTY ATTORNEY**

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

February 11, 2009

**MEMORANDUM FOR BOARD OF COMMISSIONERS' FEBRUARY 17 2009 AGENDA**

TO: BOARD OF COUNTY COMMISSIONERS

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

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

SUBJECT: APPROVAL AND AUTHORIZATION OF THE JULIUS DAVIS LICENSE TO  
USE PART OF THE HEALY PROPERTY FOR PLAYGROUND FOR HIS  
CHILDREN.

**BACKGROUND:**

At the May 13, 2008 meeting of the Facilities Committee the Committee by consensus authorized the County Attorney to prepare a document which would allow Mr. Davis to develop a playground on a portion of the Healy tract at the Industrial Park. This portion was to be 100 feet deep into the County property from Mr. Davis extended sidelines. The Committee directed that the matter did not have to return to them as long as legal and Mr. Davis were satisfied with the documentation. Legal prepared a License Agreement which would allow Mr. Davis to use the requested portion of the Healy property subject to the County's approval of any use or improvements and further subject to termination at any time upon a thirty day notice. The Davis' returned the executed document after the first of the year along with a request to clear the land.

**RECOMMENDATION / PROPOSED ACTION:**

Approve the License Agreement, authorize the Chair to execute on behalf of the County and authorize the Manager or his designee to administer the License on behalf of the County.

*Celebrating Our Past... Embracing Our Future*

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

LICENSE AGREEMENT

THIS LICENSE AGREEMENT (the "Agreement") is made as of 2<sup>nd</sup>, January, 2009 by and between CUMBERLAND COUNTY, a political subdivision of North Carolina, ("Licensor"), and Julius Davis and wife, Stephanie Davis ("Licensee").

STATEMENT OF PURPOSE

Licensor is the owner of that certain real property and related improvements located in Rockfish Township, Cumberland County, North Carolina and more particularly described in a Deed recorded in Book 5916 at Page 487 of the Cumberland County Registry and incorporated herein by reference. Licensee is the owner of certain real property and related improvements located adjacent to Licensor's Property in Rockfish Township, Cumberland County, North Carolina and more particularly described in a Deed recorded in Book 6424 at Page 163 of The Cumberland County Registry and incorporated herein by reference. Licensee desires to make improvements on the property of the Licensor, including construction of a shed, fencing, and other landscaping (the "Improvements"). Accordingly, the parties hereto desire to enter into an agreement to set forth their respective rights and obligations regarding (i) construction of the Improvements and (ii) use of, maintenance, and demolition of the Improvements.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties hereto do hereby agree as follows:

1. Property Description. This license shall extend to the Licensee's use of the Licensor's property which is adjacent to the Licensee's property and is 100 feet from the Licensee's back property line as described in the deed referenced above and within the Licensee's side property lines extended a distance of 100 feet.
2. Grant of License. Licensor hereby grants to Licensee, subject to all of the terms and conditions hereof, a license to make the Improvements upon and to have the right of ingress, egress and regress over and upon the unimproved portion of the Property for themselves and their invitees. However, Licensee does not have the rights granted herein to the exclusion of the rights of the Licensor to use the Property in any matter it wishes.
3. Personal License Only. It is agreed between Licensor and Licensee that this license is personal to Licensee and shall not inure to the successors or assigns of Licensee.
4. Licensee Has No Interest or Estate. Licensee agrees that they do not and shall not claim at any time any interest or estate of any kind or extent whatsoever in the Property, by virtue of this license or Licensee's occupancy or use hereunder and Licensor conveys no interest in the Property to Licensee by this Agreement.
5. Improvements. All of the Improvements to be made by Licensee shall be approved in writing by Licensor on a copy of a plan accurately showing the Improvements.
6. Maintenance of Improvements. The Improvements shall be maintained by Licensee, at their sole cost and expense. Any repairs or other changes made by Licensee shall require the prior consent of Licensor.
7. Indemnification. Licensee shall indemnify Licensor and hold Licensor harmless from any and all liability for personal injuries, property damage, or for loss of life or property resulting from, or in any way connected with, the condition or use of the Property by Licensee, or the Licensees' invitees or guests of the Licensee, or from the use by anyone of the Improvements or any means or ingress thereto or egress there from. Licensor shall not be liable to Licensee if for any reason

whatever Licensee's occupation or use of the Property hereunder shall be hindered or disturbed.

8. **Modification.** The terms, covenants, conditions and provisions of this Agreement may be extended, abrogated, modified, rescinded or amended in whole or in part only with the consent of Licensor and Licensee and only in writing.

9. **Applicable Law.** This Agreement shall be governed in all respects by the laws of the State of North Carolina.

10. **Notices.** Any notices or other communications to be given hereunder shall be in writing and shall be deemed to have been given if delivered in person or mailed by United States certified mail, postage prepaid, return receipt requested, to the parties at the following addresses, or to such other address as shall be given in writing by one party to the other:

As to Licensor: James Martin, County Manager, PO Box 1829, Fayetteville, NC 28303;

As to Licensee: Julius and/or Stephanie Davis, 1583 Sand Hill Road, Hope Mills, NC 28348.

11. **Recording.** Licensor and Licensee hereby agree to record this Agreement at the request and expense of Licensee.

12. **Waiver.** No waiver of any condition, covenant or restriction of this Agreement by either party shall be deemed to imply or constitute a further waiver of the same or any other condition or covenant of this Agreement.

13. **Captions.** The captions of the various paragraphs of this Agreement are for convenience only and are not a part of this Agreement and do not in any way limit or amplify the terms and provisions of this Agreement.

14. **Termination.** Licensor may terminate the license hereby given at any time by giving Licensee at least thirty days written notice of such termination, except that Licensor may, at its election, terminate the permission forthwith at any time if Licensee fails to comply with or abide by each and all of the provisions hereof or keep all and singular Licensee's promises herein. Upon termination of the license by Licensor and upon request of Licensor, Licensee must remove any and all of the Improvements from Licensor's Property. Failure of Licensee to do so within 45 days of such notice of termination shall entitle Licensor to remove such Improvements and recover all of its cost and expenses in doing so from Licensee.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, is executed by all Parties as of the day and year first above written.

COUNTY OF CUMBERLAND

ATTEST:

BY: \_\_\_\_\_  
MARSHA FOGLE, Clerk

BY: \_\_\_\_\_  
JEANNETTE M. COUNCIL, Chairman  
Board of Commissioners

(SEAL)

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, \_\_\_\_\_, a Notary Public in and for the State of North Carolina, certify that MARSHA FOGLE personally appeared before me this day and acknowledged that she is the Clerk to the Board of Commissioners; that JEANNETTE M. COUNCIL, is the Chairman of the Board of Commissioners; that the seal affixed to the foregoing Deed is the Official Seal of said Board; that said Deed was signed and sealed by said Chairman and attested by the said Clerk on behalf of said Board, all by its authority duly granted; and that said MARSHA FOGLE acknowledged the said Deed to be the act and deed of the said Board.

WITNESS my hand and seal this the \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires \_\_\_\_\_

Julius Davis  
Julius Davis

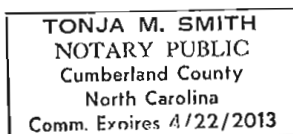
North Carolina  
Cumberland County

I certify that the following person(s) appeared before me this day, and I have seen satisfactory evidence of the principal's identity by a current state identification and with the principal's photograph in the form of Driver License; each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: \_\_\_\_\_.

Date 1-2-09

Tonja M. Smith  
NOTARY PUBLIC

(Seal)



My commission expires: 4-22-2013

Stephanie Davis  
Stephanie Davis

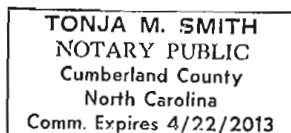
North Carolina  
Cumberland County

I certify that the following person(s) appeared before me this day, and I have seen satisfactory evidence of the principal's identity by a current state identification and with the principal's photograph in the form of Driver License; each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: \_\_\_\_\_.

Date 1-2-09

Tonja M. Smith  
NOTARY PUBLIC

(Seal)



My commission expires: 4-22-2013



ITEM NO. 24

**COMMUNITY DEVELOPMENT**

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

**MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA**  
**FEBRUARY 16, 2009**

**TO: BOARD OF COUNTY COMMISSIONERS**

**THRU: JUANITA PILGRIM, DEPUTY COUNTY MANAGER**

**FROM: THANENA S. WILSON, COMMUNITY DEVELOPMENT DIRECTOR**

**DATE: FEBRUARY 6, 2009**

**SUBJECT: PROCLAMATION RECOGNIZING FEBRUARY AS HUMAN RELATIONS MONTH**

**BACKGROUND**

The mission of the Fayetteville-Cumberland Human Relations Department is: "To protect civil rights and promote equal opportunity and positive community relations within the city of Fayetteville and its workforce, and to provide efficient and effective staff support of the Human Relations Commission." During the month of February, Human Relations Departments throughout North Carolina will be conducting various outreach activities to promote a spirit of goodwill, tolerance, and mutual respect among individuals, groups, races, and persons of differing social and economic status and religious beliefs.

Therefore, in keeping with our local annual effort, The Fayetteville-Cumberland Human Relations Department requests that the Cumberland County Board of Commissioners acknowledge and proclaim February 2009 as Human Relations Month in Cumberland County.

**RECOMMENDATION AND PROPOSED ACTION**

The Cumberland County Community Development and Fayetteville-Cumberland Human Relations Department recommend that the Board of Commissioners recognize February 2009 as Human Relations Month in Cumberland County.

Attachments – Cumberland County Proclamation

*Celebrating Our Past...Embracing Our Future*

## ***HUMAN RELATIONS MONTH PROCLAMATION***

*Whereas, Cumberland County believes in the dignity and worth of each individual person, regardless of any differences, including but not limited to, race, religion, creed, gender, marital status, national origin, or disabilities; AND*

*Whereas, Cumberland County promotes inclusion, community unity and dialogue while maintaining a spirit of goodwill, tolerance, and mutual respect among all citizens and individuals, groups, races, and persons of differing social-economic status and religious beliefs; AND*

*Whereas, the people of Cumberland County work daily to build stronger communities through diversity; AND*

*Whereas, Cumberland County wishes to express its gratitude to the many appointed commissioners of the Fayetteville-Cumberland Human Relations Commission for its many years of service to our citizens for the advancement of mutual understanding, fairness, justice, and equal opportunity for all;*

*Now Therefore We Proclaim That, Cumberland County joins the entire State of North Carolina in the annual observance of FEBRUARY as HUMAN RELATIONS MONTH and encourages all citizens to take time to reflect on the importance of good human relations in our communities;*

*Now Therefore I, Dr. Jeannette M. Council, by virtue of the authority vested in me as Chairman of the Cumberland County Board of Commissioners, do hereby proclaim:*

***February 2009***

***as***

***HUMAN RELATIONS MONTH***

*In Witness Whereof, I have hereunto set my hand and caused the seal of Cumberland County, to be affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2009.*

---

*Dr. Jeannette M. Council, Chairman*



*Office of the Board of Commissioners*

***PROCLAMATION***

***WHEREAS,*** *the County of Cumberland recognizes the importance of trees to the economic, aesthetic, and ecological well-being of our community; AND*

***WHEREAS,*** *it is recognized that planting and maintaining healthy trees in our ever-changing society are both desirable and necessary; AND*

***WHEREAS,*** *Arbor Day is a long-standing American tradition that represents an important element of our national heritage; AND*

***WHEREAS,*** *the Cape Fear Botanical Garden is a leader in the encouragement of environmental stewardship and is assisting with the planting of trees at our schools by the students ; AND*

***WHEREAS,*** *Cumberland County-Cooperative Extension is a community partner with the Cape Fear Botanical Garden in the effort to restore our trees; AND*

***WHEREAS,*** *individuals can act in this county to improve the environment by planting trees and ensuring that these trees are protected and receive proper maintenance in the years ahead;*

***NOW, THEREFORE, I, Dr. Jeannette M. Council, Chairman of the Board of Commissioners, Cumberland County, North Carolina, do hereby proclaim the weeks of February 22 to March 7, 2009 as Arbor Weeks and Sunday February 22, 2009 to be***

***Arbor Day in Cumberland County***

***AND urge our citizens to take an active part to ensure our community has a better quality of life by providing a clean environment with more trees.***

---

*Dr. Jeannette M. Council, Chairman, Board of Commissioners*

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B09-276A
Date Received	2/3/2009
Date Completed	

Fund No. 101 Agency No. 410 Organ. No. 4125  
 Organization Name: Elections

ITEM NO. 2 J(1)a

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4502	NC Board of Elections	0	271,590	271,590

271,590

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
1223	012	On call salaries	60,000	50,000	110,000
340E	013	Elections Grant	0	23,890	23,890
4503	013	Voting Booths and Equipment	0	197,700	197,700

Total 60,000 271,590 331,590

**Justification:**

Revision in the amount of \$271,590 to recognize HAVA grant received from the State to reimburse local Elections for personnel and supplies in the amount of \$61,700 and voting equipment and computers purchased by the State and sent directly to the County in the amount of \$209,890.

**Funding Source:**

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

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

**Fund Balance:**

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

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

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

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

Department Head

Reviewed By: Kelly C. C. C.

Date: 2.3.09

Finance

Reviewed By: Amy N. Cannon

Date: 2/11/09

Deputy/Assistant County Mgr

**Approved By:**

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

County Manager

Board of County  
Commissioners

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

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B09-276B
Date Received	2/3/2009
Date Completed	

Fund No. 101 Agency No. 410 Organ. No. 4125  
Organization Name: Elections

ITEM NO. 2 J(1)b

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance Appropriated		(89,000)	

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
2994	013	Miscellaneous Furniture and Equipment	89,000	(89,000)	-
Total			89,000	(89,000)	-

**Justification:**

Revision in the amount of \$89,000 to reverse previous revision B09-062 for the purchase of voting machines, with anticipation of receiving a grant from the state to reimburse the County. The State purchased the equipment without going through the County.

**Funding Source:**

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

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

**Fund Balance:**

County: \_\_\_\_\_ New: (89,000)  
Prior Year: \_\_\_\_\_

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

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

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

Reviewed By: Kelly Antrop  
Department Head  
Finance

Date: 2.3.09

Reviewed By: Amel Cannon  
Deputy/Assistant County Mgr

Date: 2/11/09

**Approved By:**

County Manager

Board of County Commissioners

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

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

COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST

Budget Office Use

Budget Revision No. B09-279

Date Received 8/4/09

Date Completed

Fund No. 460 Agency No. 450 Organ. No. 4513

Organization Name: FLEA HILL DRAINAGE DISTRICT

ITEM NO. 2J(2)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	FUND BALANCE APPROPRIATED	-	5,000.00	5,000.00

Total - 5,000.00 5,000.00

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3481		BEAVER CONTROL	-	5,000.00	5,000.00

Total - 5,000.00 5,000.00

Justification:

TO CLEAN UP THE BEAVER DAM TO IMPROVE DRAINAGE IN THE AREA

Funding Source:

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

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

Fund Balance:

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

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

Submitted By: Terry A. Gagnon  
Department Head

Date: 2/4/09

Reviewed By: Howard D. R...  
Finance

Date: 2/6/09

Reviewed By: Amy H. Cannon  
Deputy/Assistant County Mgr

Date: 2/11/09

Approved By:

County Manager

Board of County Commissioners

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

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

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use

Budget Revision No. 309-277

Date Received 2/3/09

Date Completed \_\_\_\_\_

Fund No. 101 Agency No. 437 Organ. No. 4365

Organization Name: SOCIAL SERVICES

ITEM NO. 2J(3)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
4335	NC ENERGY PROGRAM	76,568	109,260	185,828
4355	NC CRISIS INTERVENTION	908,684	686,346	1,595,030
Total		985,252	795,606	1,780,858

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3390	262	CONTRACTED SERVICES	188,417	109,260	297,677
4389	262	CRISIS INTERVENTION	908,684	686,346	1,595,030
Total			1,097,101	795,606	1,892,707

To recognize additional funding.

Funding Source:

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

Federal: 795,606  
Fees: \_\_\_\_\_

Fund Balance:

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

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

Submitted By: Brenda R. Jarr

Department Head

Date: 2-3-09

Reviewed By: Bob Tucker

Budget Analyst

Date: 2/3/09

Reviewed By: Amy Cannon

Deputy/Assistant County Mgr

Date: 2/11/09

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

Information Services

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

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

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

County Manager

Board of County  
Commissioners

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

COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST

Budget Office Use	
Budget Revision No.	809-275
Date Received	1-30-09
Date Completed	

Fund No. 104 Agency No. 450 Organ. No. 4595  
Organization Name: Emergency Telephone System

ITEM NO. 25(4)

REVENUE

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Budget
9901	Fund Balance Appropriated	361,690	13,045	374,735
Total		361,690	13,045	374,735

EXPENDITURES

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Budget
3474		Training	49,580	9,450	59,030
2995		Computer Software	89,064	3,354	92,418
3439		Maintenance & Repair Contract	103,547	241	103,788
Total			242,191	13,045	255,236

Justification:

To incorporate Emergency Dispatch (EMD/EFD and Police) Aqua Training, Equipment, Certifications & Maintenance

Funding Source: State: \_\_\_\_\_ Federal: \_\_\_\_\_ Fund Balance: County: \_\_\_\_\_ New: \_\_\_\_\_ Other: \_\_\_\_\_  
Other: \_\_\_\_\_ Fees: \_\_\_\_\_ Prior Year: 13,045

Submitted By: [Signature] Date: 1/22/09  
Department Head  
Reviewed By: [Signature] Date: 1-30-09  
Finance  
Reviewed By: [Signature] Date: 2/11/09  
Deputy Assistant County Mgr

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

**COUNTY OF CUMBERLAND  
BUDGET REVISION REQUEST**

Budget Office Use	
Budget Revision No.	B09-280
Date Received	2/6/2009
Date Completed	

Fund No. 101 Agency No. 412 Organ. No. 4195

Organization Name: General Government Other

ITEM NO. 2J(5)

**REVENUE**

Revenue Source Code	Description	Current Budget	Increase (Decrease)	Revised Budget
9901	Fund Balance		74,900	

Total

74,900

**EXPENDITURES**

Object Code	Appr Unit	Description	Current Budget	Increase (Decrease)	Revised Budget
3600	090	Audio/Visual Equipment	0	74,900	74,900
			0	74,900	74,900

**Justification:**

Revision to appropriate fund balance of \$60,000 to budget Time Warner funds received in FY2008 and an additional fund balance appropriation of \$14,900, total of \$74,900, to purchase and install broadcast equipment for the Commissioner's Hearing Room.

**Funding Source:**

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

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

**Fund Balance:**

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

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

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

Department Head

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

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

*Howard C. Abner*  
Finance Department

Date: 2/6/09

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

*Amy N. Cannon*  
Deputy Assistant County Mgr

Date: 2/11/09

**Approved By:**

County Manager

Board of County Commissioners

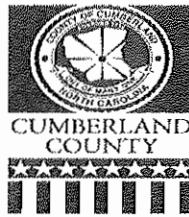
Date: \_\_\_\_\_

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

Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

Lori Epler,  
Vice-Chair  
Cumberland County

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



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

FEBRUARY 6, 2009

MEMO TO: Cumberland County Board of Commissioners

ITEM NO. 3A

FROM: Cumberland County Joint Planning Board

SUBJECT: Case P08-62. Rezoning of 31.20+/- acres from A1 Agricultural to R20 Residential or to a more restrictive zoning district located at 6185, 6189, & 6193 NC HWY 87 S, submitted by LuRan Investments, LLC, owned by Joan E. Humphrey Heirs.

ACTION: Members present at the December 16, 2008 meeting voted unanimously to recommend denial of R30 Residential and approval of R40 Residential.

**SITE INFORMATION:** **Frontage & Location:** 680.00'+/- on NC HWY 87 S; **Depth:** 2,500.00'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** Assemblies (religious outreach) & 2 single-family dwellings; **Initial Zoning:** A1 – March 1, 1994 (Area 17); **Nonconformities:** None; **Zoning Violation(s):** None; **Surrounding Zoning:** North: A1, R40, RR, & C1(P); East: A1 & R40A; South: A1, R40, R40A, & RR; West: A1, R40, & RR; **Surrounding Land Use:** Commercial (including food sales); residential (including manufactured homes and abandoned manufactured home); farmland and woodlands; **2010 Land Use Plan:** Farmland; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** Well/ Septic; nearest utilities are approximately 8,825 feet north of site; **Soil Limitations:** Yes, hydric: JT Johnston loam; **School Capacity/Enrolled:** Alderman Road Elementary: 750/761; Gray's Creek Middle: 495/622; Gray's Creek High: 1270/1159; **Subdivision/Site Plan:** A subdivision or group development review is required prior to development of subject property; **Sewer Service Area:** No; **Average Daily Traffic Count (2006):** 32,200 on NC HWY 87 S; 300 on SR 2245 (Thrower Road); **Highway Plan:** NC HWY 87 South is identified in the Highway Plan as a major thoroughfare. This proposal calls for a multi-lane facility (R-2562) with an adequate right-of-way of 90 feet. Road improvements are included in the 2009-2015 MTIP; however, road improvements for this segment of the project have been completed; **Notes:** **Density:** R40/R40A – 33 lots/34 units, R30/R30A – 45 lot/units, R20 – 67 lots/68 units **Density (minus 15% for r/w):** R40/R40A – 28 lots/29 units, R30/R30A – 38 lots/39 units, R20 – 57 lots/58 units.

#### MINUTES OF DECEMBER 16, 2008

Mr. Lloyd reviewed the site information and stated the staff recommends denial of the R20 Residential district, but recommends approval of R30 Residential district based on the following:

1. Although the requested zoning district is inconsistent with the 2010 Land Use Plan, which call for farmland at this location, the recommended R30 district not addressed in the text of the 2010 Land Use Plan, is consistent with the zoning and uses in the general area;
2. Approving the R20 district works against the stated objective of the County Commissioners to promote and establish countywide water; in that, allowing densities of 2.2 units per acre or



greater without public water dissuades the extension or provision of water in outlying areas in order to develop land at higher densities in areas outside any MIA or Sewer Service Area; and

3. Approving the R20 District is contrary to the philosophy of the negotiated MIA Agreement with the City of Fayetteville in that it would allow densities of 2.2 units per acre outside the MIA and/or Sewer Service area without the provision of public water.

Note: In the past, the Planning and Inspection Staff, as well as the Planning Board, has approved the R20 zoning classification without public water. This was prior to the MIA agreement and these recommendations were consistent with the Commissioners' stated goals at that time.

The R40 Residential district could also be considered suitable for this request.

The applicant has verbally agreed to the R30 Residential district.

Mr. Lloyd stated that originally when the staff considered this case for recommendation, the request was to R20 and that's how it was advertised, thus, we wrote our reasons for denying R20 and that's what's in your packet. At that time, staff did recommend that R30 or R30A district was suitable. Even though R30 has not been introduced into the area it is under 2.2 units per acre and staff felt that the R30 district, which is rarely used, would be an acceptable district in this area. For that reason staff recommended approval of the R30.

Vice-Chair Epler asked Mr. Lloyd how much of the area was in the Sewer Service Area.

Mr. Lloyd stated that it was a very small portion.

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

Mr. Thomas McLeod spoke in favor. Mr. McLeod stated that he just purchased the property and the only thing they want to do is build affordable housing. Mr. McLeod stated that there is an abundance of three hundred thousand dollar homes in the area, and they just want to put one hundred fifty thousand dollar homes in the area. Mr. McLeod plans to leave the existing store and the house that is on the front of the property and disturb a minimal amount of the woodlands. Mr. McLeod stated that R30 would be suitable for them.

Vice-Chair Epler asked Mr. McLeod if there were any dwellings on the property now.

Mr. McLeod stated yes, including the barn there are two dwellings, an old store, an apartment and the barn.

Vice-Chair Epler asked if there were people living in the dwellings.

Mr. McLeod stated no. The Gray's Creek Christian Center rents the store, they are in it right now, and have been in it for a number of years.

Vice-Chair Epler asked if the structures that are there right now would stay there.

Mr. McLeod stated that they would stay there.

Chair McLaurin asked which of the structures was a barn.

Mr. McLeod stated the barn that was behind the store would stay on the property.

Mr. Clark asked Mr. McLeod what size housing he was planning to build.

Mr. McLeod stated fifteen to seventeen hundred square foot housing, stick built.

Vice-Chair Epler stated that any decision made could not be based on that information.

Chair McLaurin restated that Mr. McLeod was not going to disturb much of the wooded area.

Mr. McLeod stated that was correct, much of what they wanted to do would be done in the cleared area on the property.

Chair McLaurin asked about how many acres were in the cleared area.

Mr. McLeod stated it was roughly between twenty-three and twenty-five acres.

Chair McLaurin stated that he was looking at about forty lots on twenty-three acres. With well and septic that would get him down to two houses per acre.

Vice-Chair Epler asked if a Conditional Use District was discussed or considered for this property, that way we know that the woodlands and hydric soils areas would be preserved.

Mr. McLeod said that he had considered that and they would be in favor of Density Development.

Vice-Chair Epler stated that the Board would not necessarily recommend approval for that, but in this area, with the density that is out there now, even R30 is a little high.

Chair McLaurin stated that his concern was at R30 trying to put approximately forty dwellings on twenty-three acres, that's getting pretty close to two dwellings per acre. Based on the policy that the County Commissioners have and the agreement with the City of Fayetteville over the Municipal Influence Area, that's getting close to what they were trying to avoid in a septic-well situation. It's been in the paper about the water and septic problems out that way. It's just close as far as density on well and septic, which is what our County Commissioners are presently trying to avoid.

Mr. McLeod asked if Density Development would help in the area that Chair McLaurin was describing.

Chair McLaurin stated that he didn't think it would, because generally with Density Development you need water and sewer, because the houses are closer together unless there's going to be a package type sewer and that hasn't even been tried in this County that he was aware of. Chair McLaurin stated that he was looking at a standpoint of this being in the County, and feels that that is a lot of density for the area with no water and sewer.

Mrs. Piland stated that she had a general question and wondered if maybe they had forgotten to add something to the MIA and Sewer Service Area guidelines; when we say "R30" then allow a development to be a zero lot line development, which defeats the purpose of the agreement to try and avoid the septic issue.

Mr. Lloyd stated that the septic issue would be more of a Health Department area, and they have already said that a half an acre is plenty throughout most of the County. As far as the well situation, most of those wells have to be dug deeper and deeper out there, but it's the same water that's going to be drawn from, whether it be a hundred or three hundred feet apart. The septic tank issue is left up to the Health Department, and they have always said that a half acre is fine.

Mr. James McRae spoke in opposition. Mr. McRae stated that he had appeared for many years before the Board since the area was initially zoned, and has watched it go from A1 to R40 and now it's being considered for R30. Mr. McRae stated that he would be opposed to the rezoning for the same reasons that the Board had stated. The concerns he has are the lack of water and sewer and the lack of infrastructure in the area. We have schools that are overcrowded and

inadequate law enforcement. For those reasons I am concerned that if we go down to R30 it contradicts what the County Commissioners have considered in the MIA areas and I would be opposed for those reasons. I understand that R40 has been recommended in that area, and I will leave that to the wisdom of the Board, but I think that R30 is too dense.

Mr. C.S. Melvin spoke in opposition. Mr. Melvin stated that he doesn't know Mr. McLeod and didn't come to make an enemy out of him. Mr. Melvin stated that the water is good in the area where he is and since the turn of the century there has been a good supply of water and several years ago the table lowered; at this time we have to go fifty-six feet to get water. Mr. Melvin recommended that the Board consider R40 zoning.

Mr. McLeod spoke in rebuttal and pointed out that they were only a mile from Food Lion and McDonald's. Mr. McLeod stated if the Board wouldn't approve R30 he would like the opportunity, if the Density Development would be more suitable, to put something together and present it again, before they rule on it.

Vice-Chair Epler stated that some of the things that the Commissioners and the Board are concerned about in areas like this that are still rural, are preserving woodlands and preserving the atmosphere that's there now. Density Development would allow that because you would have to set aside an open space and the area that's wooded now wouldn't be allowed to be disturbed. But from the conversation that we've had here that is not the only concern that we have on this particular piece of property for this rezoning case. The density is a bigger question to us than the preservation is, but it's certainly within Mr. McLeod's right to withdraw this and come back with a Density Development.

Mr. McLeod stated that he wasn't sure what is to be cleared, and didn't want to mislead the Board about knowing the exact amount of cleared acreage.

Mrs. Piland asked Mr. McLeod if he was at all interested in R40.

Mr. McLeod stated they would like R30.

Mrs. Piland stated that R40 seems to be more in keeping with the character of that area and it would also address some of the density issues and concerns that we have.

Mr. Clark stated that the Density Development wouldn't help because we're not talking about green space and open space; we're talking about well and septic.

Chair McLaurin stated that a Density Development would either have sewer and water or there would be community water and maybe a package sewer system on a piece of adjoining land so that the waste can be dealt with.

Mr. McLeod stated that was something he didn't want to do.

Chair McLaurin stated that if there were no zero lot line that would be one thing, but when you have a zero lot line all those areas that you don't want to use and can't use get pulled in then that makes the area that you are trying to use for well and septic even that much smaller. It's a matter of the well and septic on the amount of area that will be able to be used times the density that you would like to have.

Mr. McLeod asked if the Board takes into consideration whether the community will be a zero lot line community. In other words if it were not a zero lot line community would the Board be more apt to approve R30 zoning?

Chair McLaurin stated that it wasn't the Board's option, it was the applicant's option on whether or not to use a zero lot line.

Mr. Lloyd stated unless the applicant did a Conditional Use District and one of the conditions was that all lots have a minimum of thirty thousand square feet.

Vice-Chair Epler stated that if it were a Density Development you would have to preserve forty percent of that property, that means undeveloped. That would leave you with nineteen developable acres; when you take fifteen percent of that out for your streets, which can't be included in your density calculations, and you have to have a thirty thousand square foot lot that's going to cut you back, you would probably only be able to get twenty-five or twenty-seven lots out there. So you would be in the same position with a density development or a straight rezoning.

Public Hearing closed.

Mr. Lloyd stated that a Conditional Use District could be done without it being a Density Development CUD. Mr. Lloyd corrected his earlier statement and stated that none of this area is in the Sewer Service Area.

Chair McLaurin stated that none of it is in the Sewer Service Area but it would still go back to getting pretty close to the Commissioner's desire not to have the density at 2.2 or greater with well or septic. It's borderline on the problems with the County that the Commissioners are trying to alleviate.

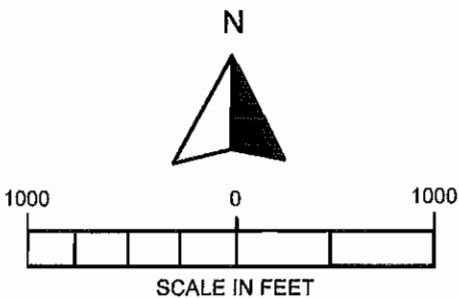
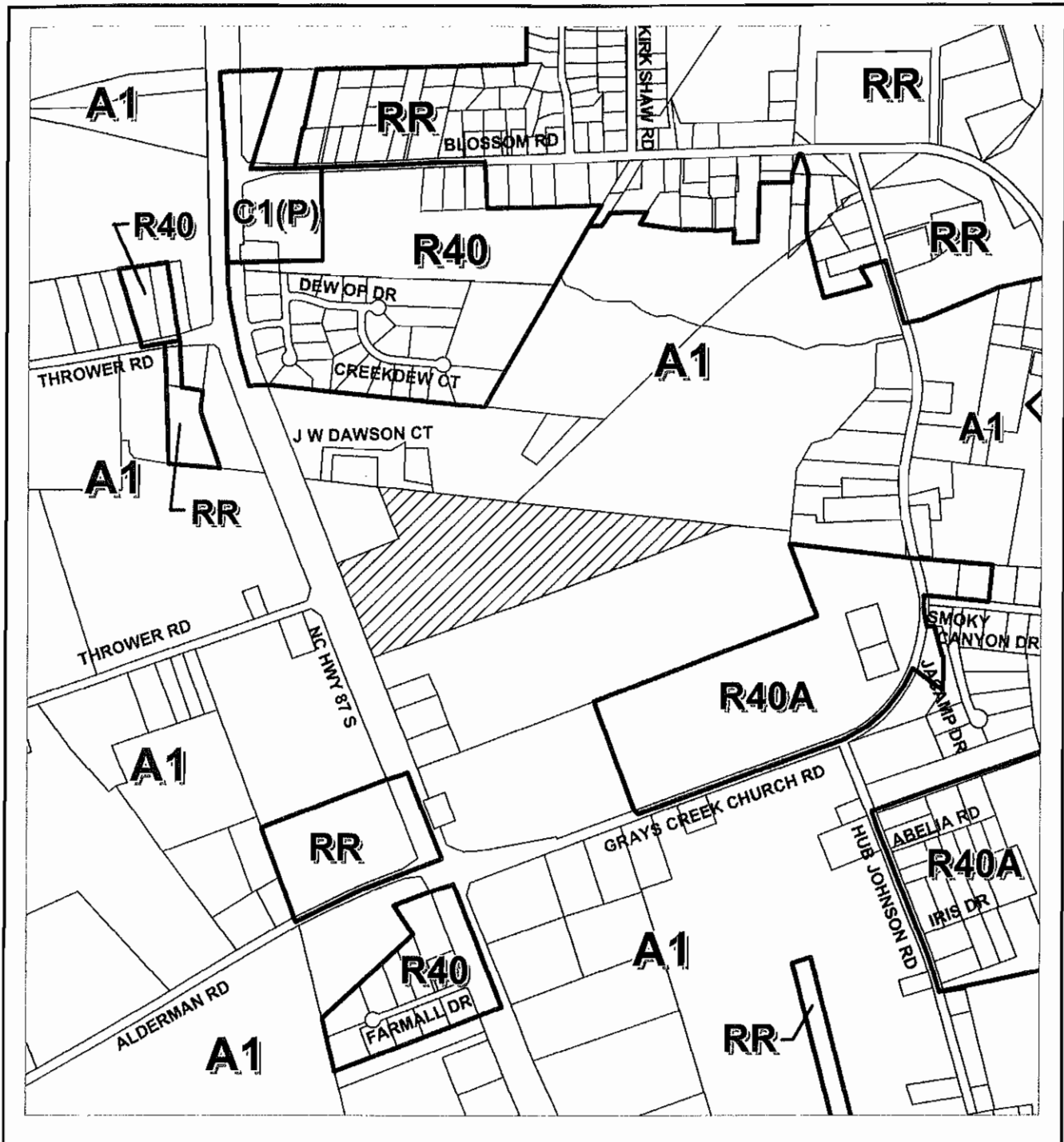
Mrs. Piland stated that the Sewer Service Area was established for a purpose and it is her hope to maintain the integrity of that.

Vice-Chair Epler stated that personally she feels that the density that has been requested and even the density that staff recommended at R30 is not appropriate at this time for this area. If they had water than it would be a different story. Vice-Chair Epler feels that R40 is much more desirable at this location.

Mrs. Piland stated that she agreed with Vice-Chair Epler.

Chair McLaurin stated that there was also a problem with the layout of the tract of the land and also the watershed with the pond on the adjoining property goes along with what Mrs. Epler said and adds more problems.

**Mr. Clark made a motion, seconded by Mrs. Piland to deny the request for R30 zoning and recommend approval of rezoning to R40 Residential. Unanimous approval**



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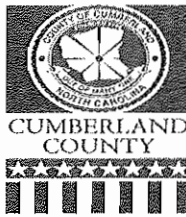
## REQUESTED REZONING A1 TO R20

ACREAGE: 31.2 AC. +/-		HEARING NO: P08-62	
ORDINANCE: COUNTY		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

Donovan McLaurin,  
Chair  
Wade, Falcon & Godwin

Lori Epler,  
Vice-Chair  
Cumberland County

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



## COUNTY of CUMBERLAND

### *Planning and Inspections Department*

Thomas J. Lloyd,  
Director

Cecil P. Combs,  
Deputy Director

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

Benny Pearce,  
Town of Eastover

FEBRUARY 6, 2009

MEMO TO: Cumberland County Board of Commissioners

ITEM NO. 3B

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P08-63:** Rezoning of 2.71+/- acres from R30 Residential to R30A Residential or to a more restrictive zoning district located at 1188 Cypress Lakes Road, submitted by J. Thomas Neville, Esquire, owned by John Lee McArthur, Jr.

ACTION: Members present at the December 16, 2008 meeting voted unanimously to recommend denial of R30A Residential district.

**SITE INFORMATION:** **Frontage & Location:** 410.00'+/- on SR 2239 (Cypress Lakes Road); **Depth:** 435.00'+/-; **Jurisdiction:** Cumberland County; **Adjacent Property:** No; **Current Use:** Residential; **Initial Zoning:** A1 – June 25, 1980 (Area 13); rezoned to R30 on August 20, 2007; **Nonconformities:** Yes, existing manufactured home on subject property is nonconforming; **Zoning Violation(s):** None; **Surrounding Zoning:** North: A1, R40, RR & M(P); East: A1, R40 & R10; South: R10/CU (Cypress Lakes Mixed Use); West: A1 & R10; **Surrounding Land Use:** residential (including manufactured home); **2010 Land Use Plan:** Low density residential; **Special Flood Hazard Area (SFHA):** None; **Water/Sewer Availability:** PWC/PWC; sewer is located approximately 200 feet south of subject property, extension required; **Soil Limitations:** None; **School Capacity/Enrolled:** Gallberry Farm Elementary: 900/1096; Gray's Creek Middle: 495/622; Gray's Creek High: 1270/1159; **Subdivision/Site Plan:** A subdivision or a group development review will be required prior to any permits being issued; **Sewer Service Area:** Yes; **Average Daily Traffic Count (2006):** 1,700 on SR 2239 (Cypress Lakes Road); **Highway Plan:** There are no road improvements/constructions specified for this area. This case has no impact on the current Highway Plan or Transportation Improvement Program; **Note: Density:** R30/R30A – 3 lots/4 units.

#### MINUTES OF DECEMBER 16, 2008

Mr. Lloyd reviewed the site information and stated the staff recommends approval of R30A Residential district based on the following:

1. The request is consistent with the 2010 Land Use Plan, which calls for low density residential at this location;
2. The request is consistent with the land uses currently allowed within the general area; and
3. Public utilities are available to the site.

There was one person to speak in favor and five people to speak in opposition.

Mr. Thomas Neville spoke in favor. Mr. Neville stated that he appreciated the opportunity to speak before the Board. Mr. Neville stated that prior to coming to the meeting he drove through the area and saw what was consistent with the different zoning areas, in that there are a variety of houses in the area. There are some houses whose values are in excess of three hundred thousand dollars; there are also a lot of smaller houses on this very road. As you pull onto Cypress Lakes Road, one of the first things you see on the left is what is commonly referred to as a Jim Walters home, if you look to the right pretty soon you will see what was originally a mobile home that was later bricked up on the sides, if you continue further down you will see my clients house which is a Class A manufactured home, if you go a little bit further you will see a true mobile home from some years ago still there, and intermingled within all of this you will see a number of very nice homes that appear to be well over a quarter million dollars. There's a little bit of everything out there, there are areas that were predominately agricultural. You take the good with the bad, of course the good and bad is not always defined by the same people and the definition is not always the same. What you do find is a consistent feeling or theory that one has a right to do with his property what he desires to do, as long as it is consistent with the area and it is not a detriment to his neighbors. What we propose to do is not a detriment to this area and it is consistent with the area and we believe it should be approved. Mr. Neville read the definition of a manufactured home to the Board. Mr. Neville stated that the reason he was reading this is because if you go through the area you see the smaller homes with small roof pitches and the Class A manufactured homes that are out there today, most couldn't tell the difference between these older homes, what was built in the forties, versus what you see in Class A manufactured homes today. Mr. Neville presented a use matrix which tells the permitted uses in a certain zoning classification. The only distinction Mr. Neville found between R30 and R30A is the Class A manufactured home. Mr. Neville stated that the essential issue before the Board is the Class A manufactured distinction. Mr. Neville stated that his client does not intend to just throw up two additional manufactured homes; he intends to do landscaping. Mr. Neville pointed out that the property is very well maintained and has nice landscaping and it is the intention to do the same with the additional homes he plans to add. Mr. Neville restated that the intended use is not a detriment to the neighborhood and it also serves a use that is needed, not everyone can afford to live in a home that is a quarter million dollars or more. There is a need for housing for everyone and that has been brought to light in the current economy.

Vice-Chair Epler asked Mr. Neville how long his client owned the property.

Mr. Neville stated that he would have to ask his client.

Vice-Chair Epler stated that the subject property was rezoned from A1 to R30 in August of 2007. Vice-Chair Epler asked if the owner requested that rezoning.

Mr. Neville stated that his client did request the rezoning.

Vice-Chair Epler asked if the manufactured home was on the property then and if it was conforming when the home was put there.

Mr. Lloyd stated that if the property is subdivided sewer will have to be extended.

Mr. Joseph Christopher spoke in opposition. Mr. Christopher stated that he was opposed to the rezoning to R30A because it is not consistent with the surrounding areas. Mr. McArthur had the property rezoned in August of last year, he agreed to R30 zoning and said he would place three stick built homes on this property. By allowing Mr. McArthur to rezone this property, the Board will allow him to place three manufactured homes there. In accordance with the zoning ordinance, page 18, a manufactured home park is defined as a multi-family development on any site or track of land with two spaces intended to be occupied by manufactured home regardless of whether a charge is made for such services, so we will in fact have a mobile home park there. The district that surrounds Mr. McArthur's property is R40 across the street, R10 to the rear, and A1 to the left and right. There are no manufactured homes in the immediate area, except for Mr. McArthur's. The manufactured home that the attorney referred to is bricked in and is not classified

as a manufactured home according to public records. The pitch of the roof is normal, the eaves are approximately twelve inches, and the electrical connection is consistent with a stick built home. The public record search showed that Mr. McArthur owns approximately four parcels of land and eleven manufactured homes, of which two are located in the Hellendale Mobile Home Park in Hope Mills. Mr. Christopher stated that if the rezoning is approved, Mr. McArthur will put trailers on the property.

Ms. Gizelle Rodriguez spoke in opposition. Ms. Rodriguez stated that she is opposed to the rezoning because she feels it will decrease the value of her property.

Mr. Brian T. Schneider spoke in opposition. Mr. Schneider stated that he is opposed to the rezoning because he feels Mr. McArthur will place manufactured homes on the subject property which will decrease his property values.

Ms. Kathleen Palmer spoke in opposition. Ms. Palmer stated that she and her husband will have owned their house for three years, and will probably have to move if a manufactured home park is behind their property and visible from the property. Ms. Palmer stated that she is certain that this will decrease her property values.

Mr. Harry Whisnant spoke in opposition. Mr. Whisnant stated he was in the area when there was nothing out there. It was a shock to see the mobile home across the street. Since it is already zoned R30, it should stay that way. If Mr. McArthur is going to sell the property, he should sell it as it is.

Mr. Neville spoke in rebuttal. Mr. Neville stated that under the guidelines the home his client is going to place on the property is a Class A manufactured home; it's not a mobile home or a trailer. There are specific guidelines and facts that distinguish the two. Class A manufactured does not fit under the parameters of a mobile home. There are mobile homes and Jim Walter homes on the same road that predate his client's house. The bottom line is when you move to a rural area in the country you have to accept what's there. Mr. Neville stated that his client has a right to improve his property, if his improvements are not consistent with the neighborhood that's one thing, but what he is proposing is consistent with the neighborhood. The issue isn't density, we're already at R30 the issue here is solely Class A manufactured homes.

Mr. Lloyd stated that a manufactured home park is not allowed in R30 or R30A and a manufactured home park would be three or more spaces on the same lot. The applicant did rezone one year ago and was asked if he knew what that meant and he stated yes and still agreed.

Vice-Chair Epler asked Mr. Neville if his client understood a year ago and agreed to R30, and if he has changed his mind.

Mr. Neville stated that his client agreed to R30 and a year later he is before you again saying this is what he would like to do with his property and asking that the Board rule on it again. What is important is that his Class A manufactured home was there in 1992; three trailers aren't being added, at the most two are being added and it is consistent with the area.

Mrs. Piland asked Mr. Neville what has changed now that would warrant rezoning to R30A in that area.

Mr. Neville stated that he wasn't here a year ago, so he isn't aware of what has changed.

Mr. Barrett rephrased the question for Mr. Neville "Are you aware of any change in circumstances in the area since the rezoning in 2007 that would require rezoning now?"

Mr. Neville stated that someone else could answer that better than he could. The only thing that appears is what he refers to as the Jim Walters home.

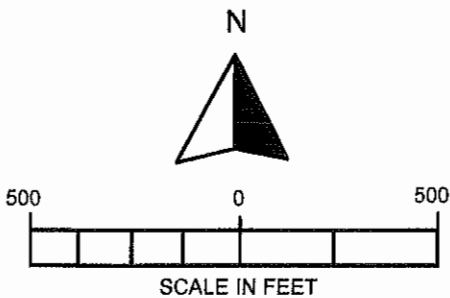
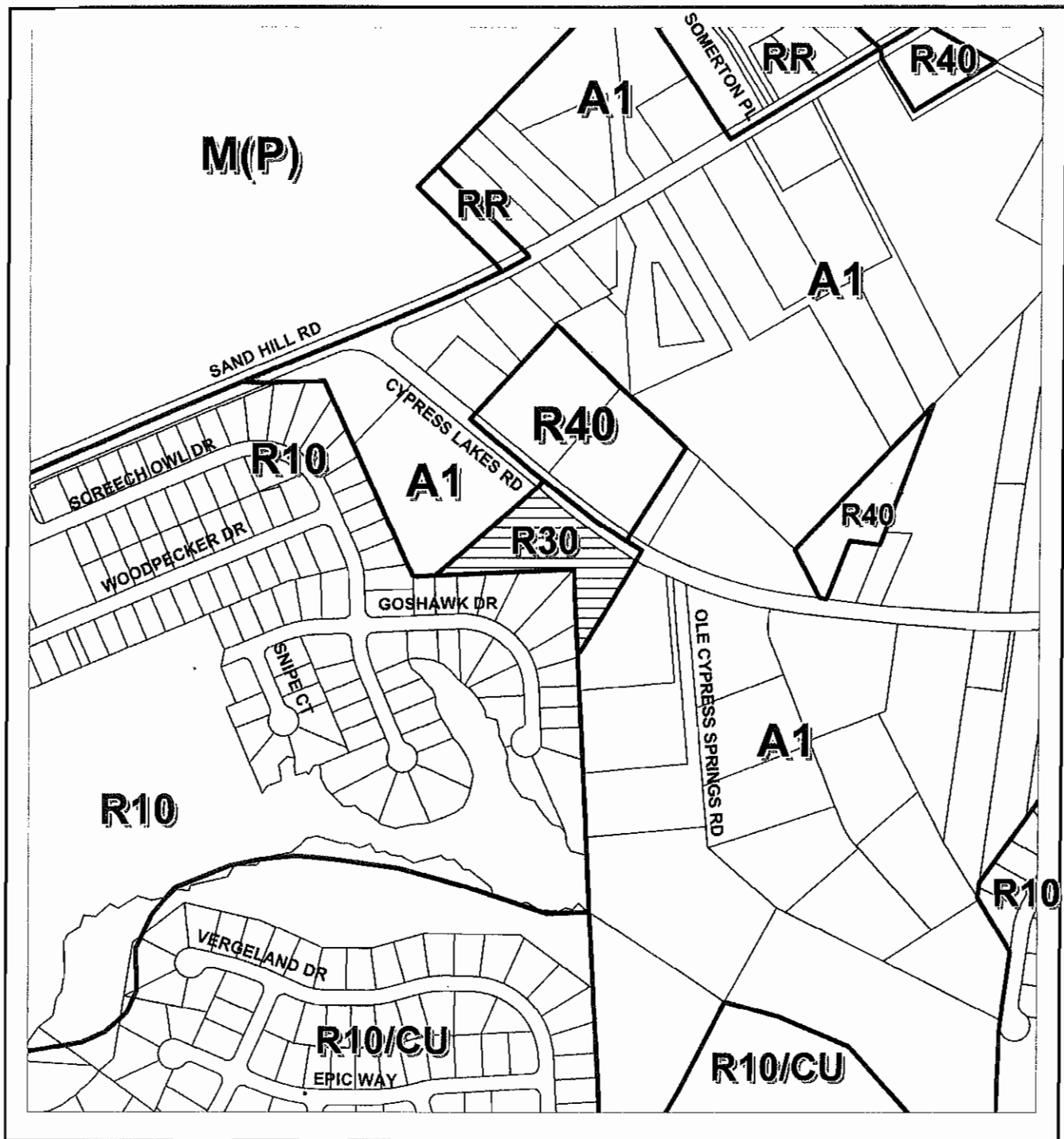


Public Hearing closed.

Vice-Chair Epler stated that she understands the feelings of the people in the area, they have stick built homes, they're in a neighborhood, and they don't want a trailer park behind their house. But this isn't a trailer park that we are talking about, these are Class A manufactured homes, there was a Class A manufactured home on the subject property when they purchased their property and adding two more. We can't make the determination that it will lower their property values, they are in a different neighborhood and there is a different entrance to their homes, but I understand where they are coming from. They have an investment there and they want to protect it. *The one thing that bothers me is that the applicant knew a year ago that he would not be allowed to keep a Class A manufactured home on that property if he agreed to R30, he could keep it but he couldn't add any additional homes. If anything happened to that Class A manufactured home he could not replace it with another manufactured home. He would have been better off at that time if he wanted to have his house conforming, to have left it A1. I can't speak for him, but in our experience, the different stance of our economy today has maybe precipitated him coming back and asking for rezoning. I certainly have sympathy for that, we have all felt it, but he made this decision a year and a half ago and I can't support rezoning to R30A.*

Chair McLaurin stated that there was no case of "trailer hate" going on. Chair McLaurin stated that he himself had lived in trailers before. *Where a person lives or the type of dwelling a person lives in has very little to do with the caliber of the person, as far as his experience goes. We have zoning and at the front of the ordinance it states that the ordinance is to provide for the public health, safety, and general welfare. Part of general welfare is financial welfare. Many years ago Mr. Al Prewitt went and started developing the Cypress Lakes area and looking at the things the way he did, he didn't worry about zoning, he was trying to have a golf and horse community, he was an avid horseman. He wanted everyone to have nice lots and he had a place out there where they could have horses. There are mobile homes and double wide trailers there now. But the general trend and the trend of the zoning in that area are stick built type houses. When everybody in this subdivision bought, this neighborhood was zoned R10 which led them to believe they would have a certain amount of protection from the general public. They relied on that as far as the type of construction that would be around them when they made their financial investment for part of their general welfare. People have moved into that area and they have moved in behind Mr. McArthur and as they moved in behind him, many of them military families, who made their investments, they looked over and saw R30 and they depended on this general public that designated this R30 for their financial protection while they are protecting us. As far as the Jim Walter type home that has been referred to, if somebody is going to live in it or keep living in it they had better be ready to spend a lot of money, because it's looking very dated out there. The general trend of this area is towards R10 and stick built homes. That's what people are depending on when they move out there, that the trend is stick built homes, they are looking for their investments to be protected. We keep hearing on the news that the value of homes is going down, and I don't think that we need to do anything that will disturb the general financial welfare of the people as it is now.*

**Mr. Clark made a motion, seconded by Vice-Chair Epler to deny the request for R30A rezoning. Unanimous approval**



PIN: 0432-19-5807

## REQUESTED REZONING R30 TO R30A

ACREAGE: 2.71 AC.+/-		HEARING NO: P08-63	
ORDINANCE: COUNTY		HEARING DATE	ACTION
STAFF RECOMMENDATION			
PLANNING BOARD			
GOVERNING BOARD			

AF

ROBERT N. STANGER, P.E.  
County Engineer



SAM LUCAS  
Engineering Technician II  
WAYNE DUDLEY, CFM  
Engineering Technician I

ENGINEERING DEPARTMENT

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

February 5, 2009

MEMORANDUM

ITEM NO. 3C

**TO: BOARD OF COUNTY COMMISSIONERS**  
**FROM: ROBERT N. STANGER, COUNTY ENGINEER** *Bob*  
**THROUGH: AMY H. CANNON, ASSISTANT COUNTY MANAGER**  
**SUBJECT: PUBLIC HEARING ON PRELIMINARY ASSESSMENT ROLL  
LAKE UPCHURCH DAM RESTORATION PROJECT**

BACKGROUND

The Board of Commissioners, at its February 2, 2009 meeting, adopted the Preliminary Assessment Roll for the Lake Upchurch Dam Restoration Project and set the time and date for the required Public Hearing at 7:00 PM, February 17, 2009. The Preliminary Assessment Roll lists all the property owners, Parcel Identification Number (PIN), land value, and the amount of the assessment. The scope of the project included construction of a new labyrinth spillway, repair of the earthen dam, backfill behind the earthen berm on property of Bay Shore Properties LLC, and modification/rehabilitation of the spillway gates at the existing primary and auxiliary spillways. The total cost of the project is \$2,604,003.88. In accordance with the Final Assessment Resolution for the Project, adopted by the Board on May 17, 2004, the basis of assessment is an equal rate per \$100 valuation of the unimproved land value as indicated on the County Tax Records. The assessment rate equates to \$72.45 per \$100 valuation. A copy of the Project History and the status reports that were mailed to all affected property owners is attached for your information.

The purpose of the Public Hearing is afford all property owners within the special assessment project area an opportunity to speak concerning the proposed assessments. The hearing is not intended to provide a forum for discussions on matters that have been previously decided by the Board, such as the basis of assessment or the delineation of the project area. At the conclusion of the public hearing, the Board may adopt the assessment roll as presented or make any modifications it deems appropriate.

RECOMMENDATION/PROPOSED ACTION

The recommendation of the County Engineer, County Attorney, and management is to consider the Preliminary Assessment Roll for the Lake Upchurch Dam Restoration Project and upon conclusion of the Public Hearing, adopt the roll as presented or instruct staff to make any modifications it deems appropriate.

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## LAKE UPCHURCH DAM RESTORATION PROJECT HISTORY OF EVENTS

- **May 27, 2003:** Lake Upchurch dam is breached subsequent to the failure of two smaller dams upstream of Lake Upchurch.
- **June 1, 2003:** Lake Upchurch Power, Inc., retains Jewell Engineering to provide engineering services to assess repairs required to restore the dam. Work includes topographic survey, geotechnical evaluations, site meetings with owners, regulatory agencies, and subconsultants.
- **June 30, 2003:** Lake Upchurch Power, Inc., dismisses Jewell Engineering and Schnabel Engineering South is retained to provide engineering services for the dam restoration project.
- **October 6, 2003:** In a letter to Lake Upchurch Power, Inc., FERC presented their concerns regarding the existing fuse plug and recommended that the Inflow Design Flood (IDF) be confirmed and that the activation frequency of the fuse plug be limited to events greater than the 100-year flood. The fuse plug consists of an area within the dam constructed of soils that will erode to a certain elevation in the event of overtopping. The fuse plug acts as an emergency spillway and is intended to prevent a total breach of the dam.
- **October 16, 2003:** Schnabel Engineering completed their initial hydrologic and hydraulic analyses to assess the magnitude of the storm that breached the dam, determine the magnitude of the IDF, and develop a cost-effective remediation alternative. The "Rainfall Return Frequency Study" prepared by Schnabel Engineering indicated the storm event that occurred prior to the dam breach corresponded to a 6-hour and 24-hour, 50 year return frequency. An IDF hydrograph for Lake Upchurch was developed that indicated the previously predicated IDF peak inflow of 29,000 cfs may be greater than the actual peak inflow.
- **January, 2004:** Schnabel Engineering developed three (3) conceptual designs for remediation of the lateral breach of the dam. Two of the concepts involved construction of auxiliary spillway systems in the lateral breach. The third concept consists of additional primary spillway capacity.
- **February 17, 2004:** The homeowners petitioned the Cumberland County Board of Commissioners to undertake a special assessment project to repair Lake Upchurch dam.
- **March 17, 2004:** Meeting with representatives from the homeowners and County to discuss the proposed special assessment project including the method of assessment and the logistics of constructing the improvements. The engineer's estimate of construction costs for the remedial repairs is \$400,000 to \$500,000.
- **May 17, 2004:** The Board of Commissioners adopted the Final Special Assessment Resolution for Lake Upchurch Dam Restoration Project following a public hearing. The Board instructed staff to proceed with the project. A budget of \$600,000 was established for the project based on the conceptual design proposed by Schnabel Engineering that

includes a 34-foot labyrinth crested chute spillway constructed in the lateral breach and improvements to the existing fuse plug.

- **May 26, 2004:** A meeting was held in Fayetteville, NC, with representatives from Schnabel Engineering, County Engineering Department and the Lake Upchurch Homeowners to review the conceptual design for the remedial repairs and discuss the terms of the engineering agreement between Schnabel and the County for design and construction administration services.
- **June 8, 2004:** A meeting was held in Greensboro, NC, with representatives of NCDENR, FERC, Lake Upchurch Power, Inc., Schnabel Engineering and Lake Upchurch Homeowners Association to review the draft inflow design flood analysis and conceptual design alternatives. FERC identified several additional issues to be addressed in the IDF analysis and in response to the proposed labyrinth spillway design requiring significantly more hydraulic modeling to be performed by the engineer.
- **September 30, 2004:** A meeting was held in Fayetteville, NC, with the regulatory agencies to review the additional hydraulic modeling. FERC indicated the need to calibrate the hydraulic model used to evaluate the remedial repair alternatives and determine the IDF.
- **November, 2004:** Schnabel Engineering submitted the revised Hydrologic & Hydraulics (H&H) Report to FERC and NCDENR.
- **January 19, 2005:** Schnabel Engineering received review comments from FERC and NCDENR regarding the H&H Report.
- **February 2 & 3, 2005:** Meetings were held in Greensboro, NC, with all concerned parties to evaluate the design options and come to a consensus on the best solution for repairing Lake Upchurch Dam. The recommended remedial design option consists of decommissioning the existing fuse plug and constructing a labyrinth spillway in its location, modifications to the auxiliary spillway, modifications to the existing gate lifts in the primary and auxiliary spillways, and engineered fill in the breached section of the dam. The regulatory agencies agreed to reduce the IDF from 30,000 cfs to 20,000 cfs. The scope of the repair work is significantly greater than initially contemplated. The labyrinth spillway width is now 120 feet. The construction cost is now estimated to be between \$1,100,000 and \$1,300,000.
- **February, 2005:** Contacted Lillette Granade with USCOE to discuss the repair of Lake Upchurch dam to determine if this project qualifies under the Nationwide Permit #3 as a dam maintenance activity.
- **March 8, 2005:** Written request is submitted to USCOE for a one year extension of the requirements in Nationwide Permit #3 due to funding not being secured for the project.
- **March 30, 2005:** A letter is mailed to all the affected property owners apprising them of the increased scope and cost of the project. The Board of Commissioners requested a survey of the property owners to determine if they wanted the County to proceed with the project or abandon the project.

- **April 15, 2005:** The results of the phone survey of the property owners was 60% in favor of proceeding with the project despite the increased costs. The property owners in favor of abandoning the project were not opposed to repairing the dam, however, they objected to the cost of the repairs. Restoration of the dam will not result in any increase in the normal pool elevation of Lake Upchurch.
- **June 20, 2005:** The Board of Commissioners, following a public hearing, adopted a revised special assessment resolution that extended the term of payments from 5 to 10 years. The Board budgeted additional funds for the project which is now estimated to cost \$1,626,000.
- **July, 2005:** Additional topographic survey work and geotechnical work (soil borings) is performed to assist the engineer with the design of the remedial dam repairs.
- **September, 2005:** Schnabel Engineering expects to complete the design plans and specifications and submit them to the regulatory agencies by the end of the month.
- **October 11, 2005:** Schnabel Engineering submits preliminary plans and specifications to FERC and NC Dam Safety for their review and comment.
- **October 14, 2005:** Letter from NCDENR acknowledging receipt of the application for repair of Lake Upchurch Dam.
- **November 1, 2005:** Pre-bid conference was held with interested contractors. The bid opening scheduled for November 10, 2005, was postponed due to not having review comments from the regulatory agencies regarding the plans and specifications. Tentative date for bid opening is December 6, 2005.
- **November 3, 2005:** Schnabel Engineering submits preliminary "Design Report" to FERC and NC Dam Safety for review and comment. County receives notification from USCOE granting a one year extension of the Nationwide Permit #3 conditions.
- **December 2, 2005:** Meeting in Atlanta at FERC offices to discuss review comments from FERC and NC Dam Safety.
- **January 3, 2006:** County receives bids for construction of the remedial repairs. Paul Howard Construction Company is the apparent low bidder in the amount of \$1,787,550. The bids are valid for 45 days. Tentative bid award is the January 17, 2006 meeting of the Board of Commissioners.
- **February 6, 2006:** Board of Commissioners award contract to Paul Howard Construction Company in the amount of \$1,787,550 and appropriate additional money from the Water & Sewer Fund Balance to fund the construction. (The bid award was delayed from January 17, 2006 to allow additional time for the engineer to resubmit the plans and specifications and the quality control inspection program to the regulatory agencies.) Board also approves Right-of-Entry agreements with property owners upon whose property the County must enter to make the improvements to the dam.
- **February 20, 2006:** Schnabel Engineer submits the "Quality Control Inspection Program" dated February 17, 2006, to the regulatory agencies for review and comment.

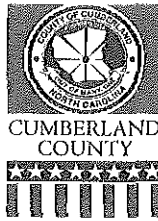
- **March 2, 2006:** Pre-Construction meeting held in the County Engineering Department. A copy of the attendee list is attached. FERC indicates that construction cannot commence until a written Permit to Construct has been issued concurrently by FERC and NCDENR. The engineer was advised that the final Design Report must be submitted that addresses the issues discussed in the December 2, 2005, review meeting.
- **March 7, 2006:** Receive fax copy of letter from Paul Howard Construction Company dated March 7, 2006, putting the County on notice that they may incur additional costs resulting from the delay in beginning construction by May 13, 2006 as planned.
- **March 23, 2006:** Receive e-mail notification from FERC that the final Design Report has been received by NCDENR and that the review and approval process could take 60 days from this date, however, they will attempt to expedite their review.
- **March 31, 2006:** Tentative site meeting with FERC is planned for April 13, 2006.
- **April 12, 2006:** County representatives met with owners of Bay Shore Properties LLC and other property owners in the project area to discuss work needed on berm that is part of the regulated dam. The property owners want to eliminate the berm by backfilling the property to elevation 125 MSL and will make a cash contribution of \$300k to \$350k for this work and any overage will become part of the special assessment. According to the regulatory agencies, this berm must be addressed prior to obtaining a permit to impound water. Subsequently, the Board adds this to the special assessment project.
- **April 28, 2006:** Project update mailed to all property owners advising them that construction of the labyrinth spillway will begin in May and that additional work will be required on the berm on Bay Shore Properties LLC and the primary and auxiliary spillway gates which will add costs to the special assessment project.
- **May 22, 2006:** Paul Howard Construction Company begins work on the labyrinth spillway.
- **September, 2006:** County Engineering Department and 4D Site Solutions prepares plans and specifications for Bay Shore Properties Dam Removal, Grading & Erosion Control Project (backfill behind berm). The project involves regrading the site to move soil from the north side to the south side to raise the ground elevation to 125 MSL which is the elevation of Lake Upchurch Dam.
- **October 19, 2006:** Bids were received for Bay Shore Properties project with the low bid submitted by Atwell Construction Company, Inc., in the amount of \$762,671. The budget established for this work is \$550,000.
- **November 22, 2006:** Storm event causes damage to a portion of the labyrinth spillway resulting in project delays and potentially increased costs. Contractor needs to remove silt/sediment from the spillway so that Schnabel may assess the damage and develop a remediation plan for approval by FERC and DENR.
- **December 4, 2006:** Board of Commissioners reject bids for the Bay Shore Properties project at the recommendation of the County Engineer and management.

- **January, 2007:** Schnabel submits remediation plan for the storm damage to the labyrinth spillway and adjacent earthen embankments that were eroded.
- **May 30, 2007:** Paul Howard Construction Company completes work on the labyrinth spillway. The final construction cost is \$2,016,684 which is a 12.8% increase over the initial contract sum.
- **June 28, 2007:** Settlement and Release Agreement between the County and Paul Howard Construction Company is approved by both parties to resolve the disputed claim by the contractor with regard to the storm damage to the labyrinth spillway.
- **July 5, 2007:** Project update mailed to all property owners in the project area advising them of the status of work completed and those items remaining to be completed which includes the gate modifications/rehabilitation, backfill behind berm on property of Bay Shore Properties LLC, and preparation/submission of an Enhanced Emergency Action Plan (EAP). Also advised property owners of the statutory procedures of the assessment process and that the estimated assessment rate would be about \$81.00 per \$100 valuation.
- **August, 2007:** County Engineering and 4D Site Solutions prepares revised plans and specifications for Bay Shore Properties Dam Removal, Grading & Erosion Control Project. Fill for backfill behind the berm will be removed from the lake-bed to reduce costs.
- **October 4, 2007:** Bids were received for Bay Shore Properties project with the low bid submitted by Sanford Contractors, Inc., in the amount of \$349,535.
- **October 15, 2007:** Board of Commissioners award contract to Sanford Contractors, Inc. In the amount of \$349,535 for the Bay Shore Properties Dam Removal, Grading & Erosion Control Project.
- **November 20, 2007:** Pre-Construction conference held with Sanford Contractors, County Engineering and F&R to review project requirements. F&R will conduct density testing of the fill material on a periodic basis to assure the contractor is achieving the required compaction.
- **October 31, 2007:** County enters into a service agreement with Lake Upchurch Power, Inc., to modify and rehabilitate primary and auxiliary spillway gates as agreed upon in the February 2004 meeting with the regulatory agencies.
- **December 3, 2007:** Sanford Contractors begin work on backfilling berm.
- **April, 2008:** Lake Upchurch Power completes work on gate modification and rehabilitation.
- **May, 2008:** Sanford Contractors completes work on backfilling the berm.
- **May 25, 2008:** Authorization to begin impounding water is received from the regulatory agencies.



- **June, 2008:** Water level in Lake Upchurch is restored, however, some erosion of the fill slope on Bay Shore Properties is occurring due to wave action and DENR-Land Quality is requiring corrective action be taken. In addition, erosion of the embankment on the north side of the new labyrinth spillway has occurred due to vandalism and seepage from the lake.
- **August, 2008:** Sanford Contractors completes change order work to correct erosion problems. Final cost of all work performed by Sanford Contractors is \$382,779.50 of which \$340,000 was paid from contributions from Bay Shore Properties LLC and others. The balance of \$42,779.50 is added to the special assessment project cost.
- **January, 2009:** County Engineering Department has prepared the Preliminary Assessment Roll. The final project cost is \$2,604,003.88 and the assessment rate is \$72.45 per \$100 valuation.
- **February 2, 2009:** The Board of Commissioners adopt the Preliminary Assessment Roll and set the date for the public hearing at 7:00 PM, February 17, 2009. Notice of Public hearing sent to Fayetteville Observer for publication on February 5, 2009. Notices mailed to property owners.

ROBERT N. STANGER, P.E.  
County Engineer



SAM LUCAS  
Engineering Technician

WAYNE DUDLEY, CFM  
Engineering Technician

ENGINEERING DEPARTMENT

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July 5, 2007

**MEMORANDUM**

**TO:** LAKE UPCHURCH PROPERTY OWNERS

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

**SUBJECT:** LAKE UPCHURCH DAM RESTORATION PROJECT UPDATE

Paul Howard Construction Company has completed the work on the new labyrinth spillway and repair of the breached area of the dam. The remaining work which must be done prior to receiving regulatory approval to impound water includes modification/rehabilitation of the primary and auxiliary spillway gates, backfill behind the regulatory berm on the property of Bayshore Properties LLC, and preparation and submission of an enhanced Emergency Action Plan (EAP). The County is currently preparing plans and specifications for the earthwork on the regulatory berm and I anticipate construction to begin in late August and be completed by early November. The County is working with Lake Upchurch Power Company regarding the gate modifications and EAP. In addition, Lake Upchurch Power intends to complete the restoration work on its power generation facilities while the lake is down. I am optimistic the lake can be restored before the end of the year barring any unforeseen circumstances.

Once the project is completed, the final cost determined, and the lake restored, the next step in the special assessment process is preparation of the Preliminary Assessment Roll. The assessment roll lists all the property owners, the land value of each parcel as shown on the tax records, and the proposed amount of the assessment. The roll will be mailed to each property owner together with a Notice of Public Hearing on the Preliminary Assessment Roll at which time all property owners are afforded an opportunity to speak before the Board of Commissioners regarding the proposed assessments. At the conclusion of the public hearing, the Board of Commissioners may adopt the roll as presented and instruct staff to publish confirmation of the roll in the local newspaper. There is a twenty (20) day period after confirmation of the roll is published in which property owners may appeal the assessments. After this period, the assessments become due under the terms of the Special Assessment Resolution. Assessments may be paid in full within 60 days without interest or payable over ten (10) years with eight percent (8%) interest.

Although the final project costs are yet to be determined, the most recent estimate is \$2,942,950. The total land value of all parcels subject to the special assessment, as determined from the current tax records with the lake drained, is \$3,628,802. This equates to a proposed assessment rate of \$81.10 per \$100 valuation. For a parcel valued at \$25,000, the proposed assessment would be \$20,275. Please keep in mind that these are estimates calculated with the best available information to date and the actual assessment rate will vary depending upon the land value on the tax records as of the date the assessment roll is prepared and the actual final project cost.

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# COUNTY of CUMBERLAND

## Engineering Department

ROBERT N. STANGER, P.E.  
County Engineer

April 28, 2006

### MEMORANDUM

**TO:** LAKE UPCHURCH PROPERTY OWNERS

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

**SUBJECT:** LAKE UPCHURCH DAM RESTORATION PROJECT UPDATE

The Board of Commissioners, at its February 6, 2006, meeting awarded a contract to Paul Howard Construction Company in the amount of \$1,787,550 for the Lake Upchurch Dam Restoration Project. The scope of work includes repairing the breached section of the earthen dam, removing the fuse plug component of the original dam and installing a concrete labyrinth spillway to increase the flow capacity of the dam. At the present time, the County has not received authorization from the Federal Energy Regulatory Commission (FERC) and NC Department of Environment and Natural Resources-Dam Safety Section (NCDENR) to begin construction. However, I am optimistic that this will be forthcoming in the next two to three weeks. The contractor has moved his construction office on site and is prepared to begin work as soon as he receives notification from the County.

In addition to the work under contract, there are two other components of the dam that must be addressed before the regulatory agencies will allow water to be impounded in the lake. These include repairs to the earthen berm located on property owned by Bayshore Properties LLC and repairs to the gated structures in the primary and auxiliary spillways. Although these components were not included in the construction plans and specifications prepared by Schnabel Engineering, the success of the project is dependent upon this additional work being accomplished in a timely manner. As such, the County will undertake the work as a part of the special assessment project. The net cost of the additional work is estimated to be \$200,000 to \$250,000 resulting in an increase in the assessment rate of \$5.70 to \$7.15 per \$100 valuation of unimproved land.

The contractor has six months to complete the work upon notification to proceed. If all goes well, the lake could be restored as early as December 2006.



# COUNTY of CUMBERLAND

## Engineering Department

ROBERT N. STANGER, P.E.  
County Engineer

March 30, 2005

### MEMORANDUM

**TO:** LAKE UPCHURCH PROPERTY OWNERS

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

**SUBJECT:** LAKE UPCHURCH DAM RESTORATION PROJECT UPDATE

The Board of Commissioners at its May 17, 2004, meeting adopted the final Special Assessment Resolution for the Lake Upchurch Dam Restoration Project. At that time, the project cost was estimated to be between \$500,000 and \$600,000 based on a remedial design concept proposed by the project engineer, Schnabel Engineering South, that included a 34-foot labyrinth crested chute spillway constructed in the breached section of the dam and improvements to the existing fuse plug.

Although the conceptual design had not been reviewed by the Federal Energy Regulatory Commission (FERC) or NC Dam Safety, it did incorporate FERC's concerns, as expressed in their letter dated October 6, 2003, regarding the hydraulic capacity, integrity and activation frequency of the existing fuse plug and the need to confirm the inflow design flood (IDF). On June 8, 2004, Schnabel presented their preliminary IDF analysis and conceptual remediation design to the regulatory agencies, however, it was not acceptable to FERC. In a letter dated June 18, 2004, FERC identified several additional issues to be addressed in the IDF analysis in response to the proposed labyrinth design including:

- Additional analysis to determine an acceptable Inflow Design Flood (IDF) which is critical to developing the final design for the remedial repairs to the dam.
- Additional evaluation of the hydraulic components of the dam with particular emphasis on the main and auxiliary spillway capacities and the existing fuse plug which appears to have a number of problems.
- Additional details of the conceptual labyrinth spillway design for the breached overbank area to allow for adequate review by the regulatory agencies.

Significantly more hydraulic modeling to assess the downstream impacts of the dam breach, determine an acceptable IDF, and evaluate additional remedial design alternatives was required

by the engineer. A revised Hydrologic & Hydraulics Report was submitted to FERC and NC Dam Safety in November, 2004 and review comments were received by the engineer on January 19, 2005. In February, 2005, a series of meetings were held with all concerned parties to evaluate the design options and come to a consensus on the best solution for the project. The recommended remedial design option consists of de-commissioning the existing fuse plug and constructing a labyrinth spillway in its location, modifications to the auxiliary spillway, modifications to the existing gate lifts in the primary and auxiliary spillways, and engineered fill in the breached section of the dam. The regulatory agencies agreed to reduce the IDF from 30,000 cfs to 20,000 cfs.

The project cost is currently estimated to be about \$1,350,000 based on the increased scope of the work. The engineer estimates that the time to prepare the construction plans and specifications, obtain regulatory approvals, let bids for construction and award a contract is on the order of 28 weeks. This would put start of construction in mid-September, 2005. Construction is estimated to take about 25 weeks which puts construction being completed in March, 2006.

The Board of Commissioners has been apprised of the status of this project and wants to ensure that you are informed about the increased cost. The estimated assessment rate at the time the Board adopted the Special Assessment Resolution was \$16.83 per \$100 valuation of the unimproved land. This equates to an average assessment of \$4,231 based on an average lot value of \$25,137. Given the increased project cost, the assessment rate would be \$37.86 per \$100 valuation which equates to an average assessment of \$9,517. Please understand that these amounts are only estimates and the actual assessment rate will be determined once the project is completed and all costs are known. In an effort to mitigate the financial impact to the property owners, the Board is willing to extend the term of the assessments from 5 years to 10 years.

The Board is willing to move forward with the project provided the property owners are still supportive of the project and recognize that the assessments will be significantly higher than originally anticipated. Given this, I have been instructed to poll the property owners and report my findings to the Board. I am requesting that you contact the Engineering Office at (910)678-7636 and indicate your desire to proceed with the project or abandon the project. Please contact my office no later than Wednesday, April 13, 2005. If there is no answer, please leave a voice mail with your name, address and preference to proceed or abandon the project.

## LAKE UPCHURCH DAM RESTORATION PROJECT - FINAL COSTS

PROJECT ENTITIES		FINAL COSTS	DESCRIPTION OF WORK
PAUL HOWARD CONSTRUCTION COMPANY	\$	2,016,683.99	Construction of labyrinth spillway and breach repair
SCHNABEL ENGINEERING	\$	309,000.00	Design and construction administration
4-D SITE SOLUTIONS	\$	26,319.00	Survey , grading plan and erosion control plan for Bayshore Properties LLC berm
SOILS & ENVIRONMENTAL CONCERNS	\$	736.40	Wetland consulting services
FROEHLING & ROBERTSON	\$	8,040.00	Geotechnical evaluation of existing dam & density testing on berm
THE ROSE GROUP	\$	3,500.00	Base map survey
GATE MODIFICATIONS	\$	75,000.00	Total rehabilitation of gates in primary and auxilliary spillways
W.J.JACKSON CONSTRUCTION	\$	1,944.99	Materials for erosion control work
SANFORD CONTRACTORS, INC.	\$	42,779.50	Backfill behind berm on Bayshore Properties LLC
CLAIMS SETTLEMENT	\$	120,000.00	Storm damage settlement with contractor
	\$	2,604,003.88	

**Project Assessment Base from County Tax Records as of 12/18/2008 = \$3,594,263**

**Project Assessment Rate = \$72.448897 per \$100 valuation**

Prepared by: RNS  
Date: January 26, 2009

Preliminary Assessment Roll  
Lake Upchurch Dam Restoration Project  
Assessment rate = \$72.448897 per \$100 valuation

OWNER NAME:	PIN:	LAND VALUE:	ASSESSMENT:
AUSTIN, EUNICE WOOD	9493-58-3681-	\$ 20,100.00	\$ 14,562.23
AUTRY, JOEL E & WIFE	9493-89-0063-	\$ 9,000.00	\$ 6,520.40
AUTRY, JOEL E & WIFE LOUISE M	9493-89-2058-	\$ 9,000.00	\$ 6,520.40
AUTRY, JOEL E & WIFE LOUISE M	9493-89-1065-	\$ 30,150.00	\$ 21,843.34
BARRETT, BILLY D & WIFE ZITA Y	9493-49-3496-	\$ 6,834.00	\$ 4,951.16
BAY SHORE PROPERTIES LLC	0403-09-0258-	\$ 167,279.00	\$ 121,191.79
BEASLEY, JOHN DOYLE	9493-68-2485-	\$ 29,880.00	\$ 21,647.73
BIDDIX, ROBERT H & WIFE	9493-78-3995-	\$ 45,225.00	\$ 32,765.01
BLANKS, JEREMY D & WIFE	9493-78-0876-	\$ 45,225.00	\$ 32,765.01
BONK, STEVEN S & WIFE	9493-89-6286-	\$ 30,150.00	\$ 21,843.34
BOWDEN, JAMIE & WIFE HEATHER	9493-48-2370-	\$ 20,100.00	\$ 14,562.23
BOYD, DERRELL ALLEN	9493-27-8954-	\$ 25,125.00	\$ 18,202.79
BRAMBLE, KELVIN	9493-18-5836-	\$ 4,000.00	\$ 2,897.96
BROOKS, YVETTE	9493-58-7721-	\$ 20,100.00	\$ 14,562.23
BROWN, J B	9493-27-1990-	\$ 100.00	\$ 72.45
BULLARD, DAYLE	9493-59-7687-	\$ 8,040.00	\$ 5,824.89
BULLOCK, JOHNNY	9493-37-1967-	\$ 25,628.00	\$ 18,567.20
CALHOUN, KRISTOPHER BRYAN &	9493-78-1889-	\$ 45,225.00	\$ 32,765.01
COMMISSION ON OUTDOOR &	9493-28-9488-	\$ 73,359.00	\$ 53,147.79
COX, BRUCE E & WIFE BETTY A	9493-68-6698-	\$ 37,688.00	\$ 27,304.54
DAVIS, DAVID NEIL & WIFE	9493-68-9779-	\$ 45,225.00	\$ 32,765.01
DAVIS, KAMA F & HUSBAND	9493-38-8240-	\$ 30,150.00	\$ 21,843.34
DAVIS, WILLIAM P	9493-38-9119-	\$ 10,050.00	\$ 7,281.11
DAVIS, WILLIAM P	9493-38-9179-	\$ 10,050.00	\$ 7,281.11
DEAN, LOUIS OVERTON JR &	9493-38-6128-	\$ 50,250.00	\$ 36,405.57
DEAN, ROY LEE JR & WIFE	9493-39-1578-	\$ 72,885.00	\$ 52,804.38
DEAN, ROY LEE JR & WIFE	9493-39-9448-	\$ 64,396.00	\$ 46,654.19
DEAN, WILLIAM KENT &	9493-59-0589-	\$ 6,030.00	\$ 4,368.67
DEERING, DIANE	9493-68-2801-	\$ 52,763.00	\$ 38,226.21
DEERING, THOMAS E & WIFE	9493-68-8784-	\$ 37,688.00	\$ 27,304.54
DOWLESS, CURRIE K	9493-18-6887-	\$ 13,400.00	\$ 9,708.15
EDGE, GRAHAM O	9493-09-4791-	\$ 178,749.00	\$ 129,501.68
EHLE, ELLIS E	9493-59-1589-	\$ 10,050.00	\$ 7,281.11
EHLE, ELLIS E	9493-49-6511-	\$ 8,040.00	\$ 5,824.89
EHLE, ELLIS E JR	9493-49-7503-	\$ 6,030.00	\$ 4,368.67
EHLE, KAREN	9493-48-5453-	\$ 3,000.00	\$ 2,173.47
ENGLE, CARL C JR & WIFE	9493-69-0881-	\$ 10,050.00	\$ 7,281.11
ENGLE, CARL CLYDE & WIFE	9493-59-9880-	\$ 3,000.00	\$ 2,173.47
FROEBA, RICKY P & WIFE	9493-58-9591-	\$ 29,880.00	\$ 21,647.73
GRAY, DONALD LEE	9493-48-9455-	\$ 20,100.00	\$ 14,562.23
GRAY, JAMES ALEXANDER JR &	9493-18-3776-	\$ 3,000.00	\$ 2,173.47
GRAY, JAMES ALEXANDER JR &	9493-18-2770-	\$ 4,000.00	\$ 2,897.96
GRIFFIN, LINWOOD A & WIFE	9493-78-6926-	\$ 37,688.00	\$ 27,304.54
GUIN, ESTELLE	9493-38-5018-	\$ 18,794.00	\$ 13,616.05

Preliminary Assessment Roll  
Lake Upchurch Dam Restoration Project  
Assessment rate = \$72.448897 per \$100 valuation

OWNER NAME:	PIN:	LAND VALUE:	ASSESSMENT:
GUIN, ESTELLE	9493-38-4036-	\$ 14,095.00	\$ 10,211.67
GUIN, ESTELLE	9493-37-4946-	\$ 12,766.00	\$ 9,248.83
HAUGHN, DAVID C & WIFE ANA F	9493-49-3329-	\$ 8,040.00	\$ 5,824.89
HAZOBBOY RENTAL CO	9493-27-9935-	\$ 10,050.00	\$ 7,281.11
HEATH, MARILYN S	9493-27-6839-	\$ 10,050.00	\$ 7,281.11
HESTER, WILLIAM DAN	9493-59-6558-	\$ 8,040.00	\$ 5,824.89
HESTER, WILLIAM F &	9493-59-7644-	\$ 7,500.00	\$ 5,433.67
HESTER, WILLIAM F &	9493-59-6692-	\$ 7,500.00	\$ 5,433.67
HESTER, WILLIAM F &	9493-59-7477-	\$ 3,015.00	\$ 2,184.33
HIPP, JIMMY CARSON	9493-27-6982-	\$ 10,050.00	\$ 7,281.11
HOOKS, BILLY R & WIFE	9493-17-9988-	\$ 25,125.00	\$ 18,202.79
HORTON, CHARLIE BURCHETT SR	9493-38-7148-	\$ 30,150.00	\$ 21,843.34
HULON, SHERWOOD W & WIFE	9493-27-4858-	\$ 20,100.00	\$ 14,562.23
HYDROTECH INC	9494-90-9114-	\$ 8,816.00	\$ 6,387.09
HYDROTECH INC	9494-90-9577-	\$ 2,883.00	\$ 2,088.70
IVEY, NATHAN L	9493-59-9725-	\$ 1,200.00	\$ 869.39
JOHNSON, RICHARD & WIFE	9493-48-7561-	\$ 10,050.00	\$ 7,281.11
JOHNSON, RICHARD & WIFE	9493-48-7511-	\$ 10,050.00	\$ 7,281.11
JOHNSON, RICHARD & WIFE	9493-48-8448-	\$ 22,110.00	\$ 16,018.45
** JOHNSON, ROBERT W & WIFE	9493-49-5604-	\$ 27,000.00	\$ 19,561.20
JONES, CLIFFORD WALTER	9493-58-5627-	\$ 20,100.00	\$ 14,562.23
JONES, CLIFFORD WALTER	9493-58-4654-	\$ 10,050.00	\$ 7,281.11
KOCHER, RONALD & WIFE RUBY S	9493-68-7780-	\$ 37,688.00	\$ 27,304.54
LAMBERT, ROBERT W	9493-48-1279-	\$ 25,125.00	\$ 18,202.79
LANCE, NEAL RAY & ROSE MARY	9493-58-1459-	\$ 22,110.00	\$ 16,018.45
LANDFALL PARTNERS L L C	9483-99-1201-	\$ 30,150.00	\$ 21,843.34
LANDFALL PARTNERS L L C	9483-99-1130-	\$ 30,150.00	\$ 21,843.34
LANDFALL PARTNERS L L C	9483-99-1050-	\$ 30,150.00	\$ 21,843.34
LANDFALL PARTNERS L L C	9483-98-2933-	\$ 30,150.00	\$ 21,843.34
LANDFALL PARTNERS L L C	9483-98-3816-	\$ 30,150.00	\$ 21,843.34
LANDFALL PARTNERS L L C	9483-98-7807-	\$ 30,150.00	\$ 21,843.34
LANDFALL PARTNERS L L C	9483-98-7980-	\$ 30,150.00	\$ 21,843.34
LANDFALL PARTNERS L L C	9483-98-6813-	\$ 30,150.00	\$ 21,843.34
LANDFALL PARTNERS L L C	9483-98-8867-	\$ 30,150.00	\$ 21,843.34
LANDFALL PARTNERS L L C	9483-98-4811-	\$ 30,150.00	\$ 21,843.34
LANDFALL PARTNERS L L C	9483-98-5821-	\$ 30,150.00	\$ 21,843.34
LANDFALL PARTNERS L L C	9483-98-9841-	\$ 30,150.00	\$ 21,843.34
LAWING, DWIGHT W JR & WIFE	9493-89-3142-	\$ 30,150.00	\$ 21,843.34
LEWIS, KENNETH E & WIFE	9493-27-7933-	\$ 3,000.00	\$ 2,173.47
LEWIS, KENNETH E & WIFE THELMA	9493-27-7983-	\$ 10,050.00	\$ 7,281.11
LEWIS, LEO NELSON SR & WIFE	9493-08-9627-	\$ 26,800.00	\$ 19,416.30
LEWIS, SAMUEL EUGENE	9493-58-2574-	\$ 30,150.00	\$ 21,843.34
LOCKLEAR, ALTON LIFE ESTATE	9493-59-8639-	\$ 8,040.00	\$ 5,824.89
LUCAS, ELBERT REX	9493-27-1938-	\$ 21,356.00	\$ 15,472.19



Preliminary Assessment Roll  
Lake Upchurch Dam Restoration Project  
Assessment rate = \$72.448897 per \$100 valuation

OWNER NAME:	PIN:	LAND VALUE:	ASSESSMENT:
MCKENZIE, CHARLOTTE G	9493-37-4910-	\$ 12,766.00	\$ 9,248.83
MCVICKERS, DANIEL MARK & WIFE	9493-78-2990-	\$ 45,225.00	\$ 32,765.01
MEHLICH, ADOLF LEONHARD	9493-78-8968-	\$ 37,688.00	\$ 27,304.54
MEHLICH, ADOLF LEONHARD	9493-78-7956-	\$ 37,688.00	\$ 27,304.54
MOHLER, JAMES E & WIFE DORIS S	9493-18-0653-	\$ 26,800.00	\$ 19,416.30
MUNSON, LES A & WIFE	9493-59-4529-	\$ 8,040.00	\$ 5,824.89
NARAMORE, JAMES C	9493-59-5529-	\$ 8,040.00	\$ 5,824.89
NEWTON, ROSINA RAUER	9493-49-9524-	\$ 15,540.00	\$ 11,258.56
NGUYEN, HONG T &	9493-58-8715-	\$ 37,688.00	\$ 27,304.54
NOBLIN, JOHN M & WIFE	9493-29-6482-	\$ 25,628.00	\$ 18,567.20
NORMAN, WILLIAM C & WIFE	9493-29-1286-	\$ 32,034.00	\$ 23,208.28
PENFIELD, DANIEL JOSEPH & WIFE	9493-58-6712-	\$ 20,100.00	\$ 14,562.23
PHIPPS, CATHERINE D	9493-49-8544-	\$ 6,030.00	\$ 4,368.67
PIERCE, WM KENT	9493-27-5858-	\$ 20,100.00	\$ 14,562.23
ROE, FRANKLIN D & WIFE	9493-58-9802-	\$ 30,150.00	\$ 21,843.34
ROE, FRANKLIN D & WIFE JUDITH	9493-68-0827-	\$ 30,150.00	\$ 21,843.34
SALEEBY, ELI L & ELAINE P	9493-89-8209-	\$ 22,613.00	\$ 16,382.87
SHELNUTT, LONA R	9493-28-2058-	\$ 7,538.00	\$ 5,461.20
SHEPARD, JOE M & BRENDA D	9493-18-1665-	\$ 26,800.00	\$ 19,416.30
SHOOK, CAROL	9493-69-1976-	\$ 1,800.00	\$ 1,304.08
SHOOK, CAROL S	9494-60-2043-	\$ 2,400.00	\$ 1,738.77
SHOOK, CAROL S	9493-69-1932-	\$ 1,800.00	\$ 1,304.08
SIMMONS, JAMES E & WIFE KIM T	9493-68-4526-	\$ 67,230.00	\$ 48,707.39
SLEDGE, GLENN W	9493-79-9061-	\$ 30,150.00	\$ 21,843.34
SLONE, EDWARD R & WIFE JUDY D	9493-89-4144-	\$ 30,150.00	\$ 21,843.34
SMITH, MARCIA M	9493-19-7180-	\$ 7,650.00	\$ 5,542.34
SMITH, MARCIA M	9493-19-9290-	\$ 32,034.00	\$ 23,208.28
STANLEY, CALLIE R	9494-70-7243-	\$ 112,554.00	\$ 81,544.13
STANLEY, CALLIE RATLEY	9493-68-5696-	\$ 37,688.00	\$ 27,304.54
STATEN, MICHAEL B SR & WIFE	9493-68-0672-	\$ 29,880.00	\$ 21,647.73
STONE, AUDREY LYNN	9493-59-3610-	\$ 8,040.00	\$ 5,824.89
STRICKLAND, JOHN TERELL	9493-18-8057-	\$ 20,100.00	\$ 14,562.23
STRICKLAND, JOHN TERELL	9493-17-8930-	\$ 51,085.00	\$ 37,010.52
STRICKLAND, JOHN TERRELL	9493-18-7197-	\$ 19,598.00	\$ 14,198.53
SWARTOUT, JOLINDA D	9493-27-2859-	\$ 20,100.00	\$ 14,562.23
SWARTOUT, JOLINDA D	9493-27-3857-	\$ 20,100.00	\$ 14,562.23
TARPLEY, EDWARD JOHN JR & WIFE	9493-68-1343-	\$ 36,180.00	\$ 26,212.01
TAYLOR, DONALD R & WIFE NAN O	9493-29-4305-	\$ 37,688.00	\$ 27,304.54
TAYLOR, PHILLIP R TRUSTEE	9493-78-5907-	\$ 45,225.00	\$ 32,765.01
TCJ INVESTMENTS INC	9493-48-4367-	\$ 20,100.00	\$ 14,562.23
TCJ INVESTMENTS INC	9493-48-3373-	\$ 20,100.00	\$ 14,562.23
TROTMAN, HARRY D III	9493-58-0464-	\$ 20,100.00	\$ 14,562.23
VENTERS, RANDY T & WIFE	9493-17-6796-	\$ 42,555.00	\$ 30,830.63
VENTERS, RANDY T & WIFE	9493-27-0402-	\$ 21,453.00	\$ 15,542.46

Preliminary Assessment Roll  
 Lake Upchurch Dam Restoration Project  
 Assessment rate = \$72.448897 per \$100 valuation

OWNER NAME:	PIN:	LAND VALUE:	ASSESSMENT:
VENTERS, RANDY T & WIFE	9493-17-3550-	\$ 5,863.00	\$ 4,247.68
VOSS, DAGMAR	9493-59-0517-	\$ 15,540.00	\$ 11,258.56
WAINGOLD, MICHAEL &	9493-49-7583-	\$ 6,030.00	\$ 4,368.67
WEBB, NORMAN R & WIFE GISELA	9493-18-7985-	\$ 6,700.00	\$ 4,854.08
WEST, MORRISON	9493-48-6426-	\$ 10,050.00	\$ 7,281.11
WEST, MORRISON P JR	9493-48-6478-	\$ 10,050.00	\$ 7,281.11
WIGGS, PATRICK V	9493-27-9985-	\$ 10,050.00	\$ 7,281.11
WIGGS, PATRICK V	9493-37-0935-	\$ 10,050.00	\$ 7,281.11
WILLIAMS, P M HEIRS	9493-29-5490-	\$ 25,628.00	\$ 18,567.20
WILLIFORD, DEBORAH L	9493-59-8773-	\$ 7,500.00	\$ 5,433.67
WILLIFORD, DEBORAH LYNN	9493-59-9532-	\$ 603.00	\$ 436.87
WINDON, LAWRENCE S & WIFE ANIT	9493-48-1206-	\$ 7,538.00	\$ 5,461.20
WINDON, LAWRENCE S & WIFE ANIT	9493-48-0242-	\$ 22,110.00	\$ 16,018.45
WINTERS, SCOTT W	9493-89-5261-	\$ 37,688.00	\$ 27,304.54
<b>TOTAL LAND VALUE</b>		<b>\$ 3,594,263.00</b>	<b>\$ 2,604,003.90</b>
**LAND VALUE IS FOR PINS:9493-49-5700 (\$15000)& 9493-49-5502 (\$12000) FOR TAX YEAR 2008			
PARCELS WERE RECOMBINED PB120 PG176 & NEW PIN:9493-49-5604 FOR 2009			
TERMS OF PAYMENT: The assessment will be payable in ten (10) annual installments and the first installment with interest will be due sixty (60) days after the date that the assessment roll is confirmed. One installment with interest is due on the anniversary date in each successive year until the assessment is paid in full. The interest rate shall be set at eight percent (8%) per annum. The assessment may be paid in full without interest anytime up to thirty (30) days after the confirmation of the assessment roll is published.			

JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

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



MARSHA S. FOGLE  
Clerk to the Board

MARIE COLGAN  
Deputy Clerk

**BOARD OF COMMISSIONERS**

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ITEM NO. 4A

February 9, 2009

**February 17, 2009 Agenda Item**

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

The Adult Care Home Community Advisory Committee has the following vacancy :

Stephanie Hodges – resigned due to work schedule and personal reasons. Fill the vacancy.

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

**PROPOSED ACTION: Make nomination to fill the vacancy.**

Attachments

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

*Celebrating Our Past...Embracing Our Future*

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE  
Initial Appointment 1 Year/Subsequent Term 3 Years

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Marian J. Hackett (B /F) 4184 Ferncreek Drive Fayetteville, NC 28314 323-3060/672-2129	4/08	Initial	Apr/09 4/30/09	Yes
Toney Edwards (B/M) 3622 Clearwater Drive Fayetteville, NC 28311 822-4261/864-6262	04/08	Initial	Apr/09 4/30/09	Yes
Mary Ann Brown-Jackson 1959B James Hamner Way Fayetteville, NC 28311 822-1311/893-8151 x330 (W)	1/09	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	6/06	1 <sup>st</sup>	June/09 6/30/09	Yes
Mexie Fields ( /F) 1815 Primrose Drive Fayetteville, NC 28301 488-8432	1/06	1 <sup>st</sup>	Jan/10 1/31/10	Yes
Yvonne Booth (B/F) 4568 Turquoise Road Fayetteville, NC 28311 488-7260	8/08	Initial	Aug/09 8/31/09	Yes
Brenda Douglas (B/F) 6109 Garden Court Fayetteville, NC 28311 717/0123/677-2965 (W)	5/08	Initial	May/09 5/31/09	Yes

Adult Care Home Community Advisory Committee, page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Dell Caramanno (W/F) 5578 Quietwood Place Fayetteville, NC 28304 423-2622	4/08	Initial	Apr/09 4/30/09	Yes
Stephanie Hodges (W/F) 3424 Harrisburg Road Fayetteville, NC 28306 429-9300/584-0358 (C)	10/06	1 <sup>st</sup>	Nov/09 11/30/09	Yes
Wynella A. Myers (B/F) 706 Sarazan Drive Fayetteville, NC 28303 822-5526/273-8483 (C)	8/07	1 <sup>st</sup>	Aug/10 8/31/10	Yes
Janet Pelley 18 Adams Street Ft. Bragg, NC 28307 497-4947	4/06	2 <sup>nd</sup>	April/09 4/30/09	No
John Poulos (W/M) 3025 Brechin Road Fayetteville, NC 28303 867-2622/424-4242(W)	6/06	2 <sup>nd</sup>	June/09 6/30/09	No
Teresa R. McNeill (B/F) 3518 Pickerel Street Fayetteville, NC 28306 480-0313/483-3648, Ext. 1109 (W)	2/08	1 <sup>st</sup>	Feb/11 2/28/11	Yes
Cassandra W. Haire (B/F) 515 Albany Street Fayetteville, NC 28301 728-0175	12/08	Initial	Dec/09 12/31/09	Yes
Kim Howard (F) 6018 Lakaway Drive Fayetteville, NC 28306 308-5974	4/08	1 <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, x 25, fax # 323-9330

MEETINGS: Quarterly: 3<sup>rd</sup> Monday (starting March) 10 am - various adult care homes

APPLICANTS FOR  
ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

<u>NAME/ADDRESS/TELEPHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
BRUNSON, FRANCES (B/F) 1308 DEEP CREEK ROAD FAYETTEVILLE, NC 28312 578-3825/671-5147 (W)	CASE MANAGER SOUTHEASTERN REGIONAL	LTC ASSISTED LIVING ADMIN. LICENSE, EMT
CASCASAN, RALPH T. (A/M) 910 ALEXWOOD DRIVE HOPE MILLS, NC 28348-1695 425-9704/433-1036 (W)	CIVILIAN CRASH INVESTIGATOR FAYETTEVILLE POLICE DEPT.	HS; SOME COLLEGE
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
RODRIQUEZ, DANIEL (H/M) 2634 FRANCISCAN DRIVE FAYETTEVILLE, NC 28306 425-2746/432-9701 (W)	OPERATIONS OFFICER US ARMY, FT BRAGG	BS – HEALTH SVS MS – HEALTH SVS ADMIN
TERRI THOMAS (B/F) 508 SPAULDING STREET FAYETTEVILLE, NC 28301 988-7672/485-4765 <b>**SERVES ON THE NURSING HOME ADVISORY BOARD**</b>	SELF EMPLOYED	BA – BUSINESS/ECONOMICS PURSUING MASTERS IN ENVIRONMENTAL & LIFE SCI.
WOLFE, JACQUELINE B. (W/F) 1812 MANCHESTER STREET FAYETTEVILLE, NC 28303 484-8588/484-5146 (W)	RETIRED - FAYETTEVILLE POSTAL CU	HS; SOME TECH COURSES

JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

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



MARSHA S. FOGLE  
Clerk to the Board

MARIE COLGAN  
Deputy Clerk

**BOARD OF COMMISSIONERS**

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February 6, 2009

ITEM NO. 43

**February 17, 2009 Agenda Item**

TO: Board of Commissioners  
FROM: Marie Colgan, Deputy Clerk *MC*  
SUBJECT: Equalization and Review Board

The Equalization and Review Board has the following vacancies as of March 31, 2009:

Businessman: David Dauria – completing unexpired term, but wishes to withdraw his name for consideration of reappointment. **George Turner** has been recommended to fill this vacancy.

Farmer: **Sherrill Jernigan** has been recommended to move to this position.

At Large: **David Mack** – completing first term. Eligible for reappointment.  
Fill the vacancy due to Sherrill Jernigan being moved to the Farmer slot. **Curt Alexander** has been recommended to fill this vacancy.

Home Builder: **Rodney Sherrill** – completing first term. Eligible for reappointment.

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

**PROPOSED ACTION**: Make nomination to fill the five (5) vacancies.

Attachments

pc: Aaron Donaldson, Tax Administrator

*Celebrating Our Past... Embracing Our Future*

## EQUALIZATION AND REVIEW BOARD

## 3 Year Term

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Appraiser</u>				
Steven A. Parsons (W/M) 3701 Clearwater Drive Fayetteville, NC 28311 822-4155/822-2000(W)	3/07	1 <sup>st</sup>	Mar/10 3/31/10	Yes
<u>At Large</u>				
David J. Mack (B/M) 5479 Lynbrook Court Fayetteville, NC 28314 867-1214	3/06	1 <sup>st</sup>	Mar/09 3/31/09	Yes
Sherrill Jernigan (W/M) 6717 Sisk Culbreth Road Godwin, NC 28344 (filling an unexpired term) 980-1698/237-5065	3/08	1 <sup>st</sup>	Mar/09 3/31/09	Yes
W. Carroll Beard, Jr. (W/M) 2524 Fordham Drive Fayetteville, NC 28304 (filling an unexpired term) 485-7050/818/9797	3/08	1 <sup>st</sup>	Mar/10 3/31/10	Yes
<u>Businessman</u>				
David Dauria ( /M) 6437 Pericat Drive Fayetteville, NC 28306 (filling an unexpired term) 425-5771/797-9688	6/08	1 <sup>st</sup>	Mar/09 3/31/09	Yes
<u>Farmer</u>				
David Miller Gillis (W/M) 2701 Gillis Hill Road Fayetteville, NC 28306 487-0684/867-2350(W)	3/06	1 <sup>st</sup>	Mar/09 3/31/09	Yes
<u>Home Builder</u>				
Rodney W. Sherrill (W/M) P.O. Box 53329 Fayetteville, NC 28305 263-0922/829-1010 (W)	3/06	1 <sup>st</sup>	Mar/09 3/31/09	Yes



Equalization and Review Board, Page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Industrialist</u>				
William E Holland (W/M) 1998 Dawnview Place Fayetteville, NC 28304 867-3284/678-1390 (W) (only eligible to serve one term as he served in the At-Large position)	3/07	1 <sup>st</sup>	Mar/10 3/31/10	No
<u>Real Estate Agent</u>				
Kathy Olsen (W/F) 854 S. Reilly Road Fayetteville, NC 28314-1820 867-4659/864-1459 (W)	3/08	1 <sup>st</sup>	Mar/11 3/31/11	Yes

Chairman: David Mack  
1st Vice Chairman: William "Bill" Holland  
2nd Vice Chairman: Carroll Beard, Jr.

Meetings: 2nd Wednesday of every month – 3:30 PM (except July)  
Courthouse – Room 15  
(No meetings in July)

APPLICANTS FOR  
EQUALIZATION AND REVIEW BOARD

<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
ALEXANDER, CURTIS (W/M) 1743 DAISY LANE FAYETTEVILLE, NC 28303 488-9537/977-9537 (W)	REAL ESTATE AGENT RE/MAX HOMEOWNERS	BS – BUSINESS MGT.
ARNOLD, KEN (B/M) 1005 OUR STREET FAYETTEVILLE, NC 28314 867-3114/222-2800 (W)	REALTOR KELLER WILLIAMS REALTY	WORKING ON AA DEGREE
COMPTON, BARBARA (_/F) 615 RAVENCROFT COURT FAYETTEVILLE, NC 28314 485-8248/391-6120	REALTOR REMAX PREMIER PROP.	2 YR –ARCHITECTURAL & DRAFTING
HARRIS, GLENDA PURDIE (B/F) 1874 GOLA DRIVE FAYETTEVILLE, NC 28301 488-2434/630-3041	COMPLIANCE OFFICER MAGBY ASSOCIATES	MASTER OF SCIENCE IN ADMINISTRATION
TURNER, GEORGE (W/M) 1012 CAIN ROAD FAYETTEVILLE, NC 28303 484-4069/867-2116 (W) <b>**SERVES ON THE CIVIC CENTER COMMISSION**</b>	REAL ESTATE BROKER REMAX HOMEOWNERS	SANDHILLS COMM COLL FTCC
WHITTEMORE, APRIL (I/F) 4823 REDWOOD DRIVE FAYETTEVILLE, NC 28304 977-7796	HUMAN RESOURCES NATIVE ANGELS	DOUBLE MASTERS – COUNSELING/HR
WILLIAMS, ARNOLD (W/M) 1610 HICKORY RIDGE COURT FAYETTEVILLE, NC 28304 864-5152	CONSULTANT RETIRED ARMY	AA – BUSINESS

JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

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



MARSHA S. FOGLE  
Clerk to the Board

MARIE COLGAN  
Deputy Clerk

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ITEM NO. 4C

February 9, 2009

**February 17, 2009 Agenda Item**

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

The Nursing Home Advisory Board has the following vacancy:

Stephanie Hodges – resigned due to work schedule and personal reasons. Fill the vacancy.

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

**PROPOSED ACTION: Make nomination to fill the vacancy.**

Attachments

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

*Celebrating Our Past... Embracing Our Future*

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

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Mandella Edwards ( /F) 7076 Candlewood Drive Fayetteville, NC 28314 429-0790(H)	4/07	1 <sup>st</sup>	April/10 4/30/10	Yes
Tom Lloyd (W/M) 1306 Berkshire Road Fayetteville, NC 28305 574-3177/678-7618(W)	8/08	1 <sup>st</sup>	Aug/11 8/31/11	Yes
Martha McKoy P.O. Box 42152 Fayetteville, NC 28309 423-0771	9/08	2 <sup>nd</sup>	Sept/11 9/30/11	No
Dr. John Briggs (W/M) 2910 Hybart Street Fayetteville, NC 28303 867-1493	2/08	Initial	Feb/09 2/28/09	Yes
Terri Thomas (B/F) 508 Spaulding Street Fayetteville, NC 28301 988-7672/485-4765(W)	1/09	Initial	Jan/10 1/31/10	Yes
Hervenna Pannell (B/F) 1821 Eichelberger Drive Fayetteville, NC 28303 822-8516/907-9355(W)	2/06	1 <sup>st</sup>	Feb/09 2/28/09	Yes
Clyde E. Hammond (W/M) 1802 Flintshire Road Fayetteville, NC 28304 425-2774	08/08	1 <sup>st</sup>	Aug/11 8/31/11	Yes
Teresa Rena McNeill (B/F) 3518 Pickerel Street Fayetteville, NC 28306 480-0313/483-3648 x2226 (W)	8/08	1 <sup>st</sup>	Aug/11 8/31/11	Yes
Toney Edwards (B/M) 3622 Clearwater Drive Fayetteville, NC 28311 822-4261/864-6262	1/09	1 <sup>st</sup>	Jan /12 1/31/12	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Stephanie Hodges (W/F) 3424 Harrisburg Road Fayetteville, NC 28306 429-9300/292-5651 (C)	6/08	1 <sup>st</sup>	June/11 6/30/11	Yes
Marilynn H. Montenegro 701 Emeline Avenue Fayetteville, NC 28303 678-8020/609-0639 (W)	12/08	Initial	Dec/09 12/31/09	Yes

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

Quarterly, 3<sup>rd</sup> Monday (March, June, September & December) at 1:00 PM - at various nursing homes in the county.

APPLICANTS FOR  
NURSING HOME ADVISORY BOARD

NAME/ADDRESS/TELEPHONE	OCCUPATION	EDUCATIONAL BACKGROUND
ADEYEMI, TOLUPE (-/M) 8118 FRENCH HORN LANE FAYETTEVILLE, NC 28314 583-9408/487-3959	US ARMY FT BRAGG	MASTERS – HEALTH ADMIN, PR, BS – ZOOLOGY, LIBERAL ARTS
BOOTH, YVONNE (B/F) 4568 TURQUOISE RD FAYETTEVILLE, NC 28311 488-7260	STUDENT	MEDICAL/ EDUC CNA MED TECH, PHLEBOTOMY TECH
<b>**SERVES ON THE ADULT CARE HOME ADVISORY BOARD**</b>		
EBRON, SANDRA (B/F) PO BOX 65306 FAYETTEVILLE, NC 28306 424-3932/(919) 922-9446 (C)	UTILIZATION MGT SPECIALIST MENTAL HEALTH – LUMBERTON	MASTERS – SOCIAL WORK
<b>**SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**</b>		
EDMONDS, SONYA M. (B/F) 709 COMMERCE STREET FAYETTEVILLE, NC 28305 485-1394/(919)566-4676	RESEARCH SCIENTIST WYETH VACCINES	BS – BIOLOGY MS – BIOTECHNOLOGY MGT.
HACKETT, MARIAN J. (B/F) 4184 FERNCREEK DRIVE FAYETTEVILLE, NC 28314 323-3060/672-2129	RN – LECTURER FSU	MASTER – NURSING
<b>**SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**</b>		
HAIRE, CASSANDRA W. (B/F) 515 ALBANY STREET FAYETTEVILLE, NC 28301 728-0175	SELF EMPLOYED	PURSuing MBA
<b>**SERVES ON THE ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE**</b>		
McLAUGHLIN, CENITRA (B/F) 6220 BIRCHBROOK DRIVE HOPE MILLS, NC 28348 868-4966/229-6441	REAL ESTATE AGENT WEICHERT REALTORS	HS; SOME COLLEGE
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
PAUL, ROBIN (B/F) 363 KIMBERWICKE DRIVE FAYETTEVILLE, NC 28311 424-2278/237-2829 (W)	SELF-EMPLOYED CARE FINDERS FIRST	MASTERS-TEACHING READING K-6
RODRIQUEZ, DANIEL (H/M) 2634 FRANCISCAN DRIVE FAYETTEVILLE, NC 28306 425-2746/432-9701 (W)	OPERATIONS OFFICER US ARMY, FT BRAGG	BS – HEALTH SVS MS – HEALTH SVS ADMIN

NURSING HOME ADVISORY BOARD, PAGE 2

<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

APPLICANTS FOR  
PARKS & RECREATION ADVISORY BOARD

JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

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



MARSHA S. FOGLE  
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MARIE COLGAN  
Deputy Clerk

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February 6, 2009

ITEM NO. 5A

**February 17, 2009 Agenda Item**

TO: Board of Commissioners

FROM: Marie Colgan, Deputy Clerk *MC*

SUBJECT: Cumberland County Juvenile Crime Prevention Council

BACKGROUND: On February 2, 2009, the Board of Commissioners nominated the following to fill three vacancies on the Juvenile Crime Prevention Council:

Person Under Age 21: **Cheira Lathan-Snow** (new appointment)

At Large Representative: **Doug Parrish** (new appointment)  
**Ruby McNair** (new appointment)

I have attached the current membership list for this council.

**PROPOSED ACTION: Appoint the above three (3) vacancies.**

Attachment

pc: Sarah Hemingway, CCJCPC Coordinator

*Celebrating Our Past... Embracing Our Future*



CUMBERLAND COUNTY  
JUVENILE CRIME PREVENTION COUNCIL  
(Two year terms)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Local School Superintendent or designee</u>				
Carol Hudson	1/99			
Cumberland County Schools				
P.O. Box 2357				
Fayetteville, North Carolina 28302				
Phone: 678-2495				
<u>Chief of Police or designee</u>				
Lt. Sherry Sparks	11/05			
Fayetteville Police Department				
467 Hay Street				
Phone: 433-1910				
<u>Local Sheriff or designee</u>				
Lt. Lynette Hodges	1/07			
Cumberland County Sheriff's Office				
131 Dick Street				
Fayetteville, North Carolina 28301				
Phone: 677-5474				
<u>District Attorney or designee</u>				
Cheri Siler-Mack	1/99			
Assistant District Attorney				
District Attorney's Office				
117 Dick Street, Suite 427				
Fayetteville, North Carolina 28301				
Phone: 678-2915				
<u>Chief Court Counselor or designee</u>				
Michael Strickland	08/07			
Department of Juvenile Justice				
P.O. Box 363				
Fayetteville, North Carolina 28302				
Phone: 678-2947				
<u>Director of Mental Health or designee</u>				
Debbie Jenkins	10/03			
Cumberland County Mental Health Center				
P.O. Box 3069				
Fayetteville, North Carolina 28302				
Phone: 323-0510				

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Director of Social Services or designee</u>				
Ms. Lee Roberts	1/99			
Child Protection and Placement Treatment Program Manager				
Cumberland County Department of Social Services				
P.O. Box 2429				
Fayetteville, North Carolina 28302-2429				
Phone: 677-2422				
<u>County Manager or designee</u>				
Juanita Pilgrim, Deputy Co. Mgr.	1/99			
Cumberland County Courthouse				
P.O. Box 1829				
Fayetteville, North Carolina 28302-1829				
Phone: 678-7726				
<u>Chief District Judge or designee</u>				
Judge Ed Pone	1/99			
P.O. Box 363				
Fayetteville, North Carolina 28302				
Phone: 678-2901				
<u>Health Director or designee</u>				
Archie Malloy	3/06			
Jail Health Administrator				
205 Gillespie Street				
Fayetteville, North Carolina 28301				
Phone: 672-5723				
<u>Parks and Recreation Representative</u>				
Melvin Lindsay	2/05			
City of Fayetteville				
Parks and Recreation Dept.				
433 Hay Street				
Fayetteville, North Carolina 28301				
Phone: 433-1547				
<u>County Commissioner</u>				
Billy R. King	1/99			
P.O. Box 1829				
Fayetteville, NC 28302-1829				
Phone: 678-7771				

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Substance Abuse Professional</u>				
Gregory Pitts	8/07	1 <sup>st</sup> full	Aug/09	Yes
CC Mental Health - TASC			8/31/09	
PO Box 3069 (filling unexpired term – eligible for 2 full terms)				
Fayetteville, NC 28302				
323-6136(W)				
<u>Member of Faith Community</u>				
Rev. Brian Thompson	5/07	1st	Aug/09	No
3942 Gaithersburg Lane			8/31/09	
Hope Mills, NC 28348 (5/07 – term extended to 8/31/07 and renewed to 8/09)				
436-2462/867-2708(W)				
<u>Person Under Age 21</u>				
vacant (vacated by Shakeema Burns)				
<u>Juvenile Defense Attorney</u>				
Beth A. Hall	8/08	2 <sup>nd</sup>	Aug/10	No
4508 Weaverhall Drive			8/31/10	
Fayetteville, NC 28314				
257-0847(Cell)				
<u>Member of Business Community</u>				
Gene Hallock	8/07	2 <sup>nd</sup>	Aug/09	No
173 Aloha Drive			8/31/09	
Fayetteville, NC 28311				
822-5409				
<u>United Way or Non-Profit</u>				
Patrick Hurley	8/08	1 <sup>st</sup>	Aug/10	Yes
2536 Vandemere			8/31/10	
Fayetteville, NC 28304				
484-3044				
<u>At Large Representatives</u>				
Henry Berry	8/07	1 <sup>st</sup>	Aug/09	Yes
1722 Eldridge Street			8/31/09	
Fayetteville, NC 28301				
396-5521 (W)				

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Shanessa Fenner 5710-08 Ivanhoe Court Fayetteville, North Carolina 28314 487-9603/483-4037 (W)	8/08	1 <sup>st</sup>	Aug/10 8/31/10	Yes
Dr. Polly Davis FTCC P.O. Box 35236 Fayetteville, North Carolina 28303 Phone: 678-8322	8/07	1st	Aug/09 8/31/09	No
Chris McLamb 5005 South River School Road Wade, North Carolina 28395 Phone: 483-0973/716-3039 (w)	2/08	1 <sup>st</sup> (serving an unexpired term)	Aug/09 8/31/09	Yes
Sue Thomas 3741 Harrisburg Drive Fayetteville, North Carolina 28306 Phone: 425-8868	8/07	1st	Aug/09 8/31/09	No
Geneva Mixon PO Box 1829 Fayetteville, North Carolina 28302 Phone: 323-3421(W)	8/07	1 <sup>st</sup>	Aug/09 8/31/09	Yes
Joan Blanchard 7230 Sandcastle Lane Linden, North Carolina 28356 Phone: 487-0510/322-9097 (C)	8/08	1 <sup>st</sup>	Aug/10 8/31/10	Yes

Non-Voting Member

Cindy Holmes  
DJJDP Regional Consultant  
108 N. Orange Street  
Dunn, North Carolina 28334  
Phone: 919-733-3388(W)

Meetings: Second Wednesday of each month at 8:00 AM. CC CommuniCare Conference Room – 711B  
Executive Place

Contact: Sarah Hemingway – Phone: 829-9017 - Fax: 485-4752

JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

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



MARSHA S. FOGLE  
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Deputy Clerk

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ITEM NO. 5B

February 6, 2009

**February 17, 2009 Agenda Item**

TO: Board of Commissioners  
FROM: Marie Colgan, Deputy Clerk *MC*  
SUBJECT: Joint Senior Citizens Advisory Commission

BACKGROUND: On February 2, 2009, the Board of Commissioners nominated the following to fill one vacancy on the Joint Senior Citizens Advisory Commission.

**William J. Watson** (new appointment)

I have attached the current membership list.

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

Attachment

pc: James McMillan, Special Projects Coordinator  
City of Fayetteville

*Celebrating Our Past...Embracing Our Future*

SENIOR CITIZENS ADVISORY COMMISSION  
(Joint Fayetteville/Cumberland County)  
2 Year Term  
(County Appointees)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Eleanora Ashby (B/F) 6529 Senator Drive Fayetteville, NC 28304 860-1017	2/07	1 <sup>st</sup>	Feb/09 2/28/09	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
Sara Jean Hicks(W/F) 2303 Morganton Rd. #2 Fayetteville, NC 28305 417-9072/483-8309 (W)	10/08	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
Annette Renteria (_/F) 7130 Ashwood Circle Fayetteville, NC 28303 964-5352 (C)/907-9705 (W)	9/08	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: James McMillan, Special Programs Supervisor, City of Fayetteville.  
Phone: 433-1560 - Fax: 433-1560 – Email: [jmcmillan@ci.fay.nc.us](mailto:jmcmillan@ci.fay.nc.us)  
Mary Brymer – Senior Citizens Center Director – Phone: 433-1574

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 & County agreed to expand from 10 to 20 members. The BOC had responsibility to appoint 2 new members to a 1 yr. term & 3 new members to a 2 yr. term.

JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

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



MARSHA S. FOGLE  
Clerk to the Board

MARIE COLGAN  
Deputy Clerk

**BOARD OF COMMISSIONERS**

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ITEM NO. 5C

February 6, 2009

**February 17, 2009 Agenda Item**

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

**BACKGROUND:** On February 2, 2009, the Board of Commissioners nominated the following to fill three vacancies on the Nursing Home Advisory Board:

**Dr. John Briggs** (reappointment)  
**Hervenna Pannell** (reappointment)  
**Elizabeth Deane** (new appointment)

I have attached the current membership list for this board.

**PROPOSED ACTION: Appoint the above three (3) vacancies.**

Attachment

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

*Celebrating Our Past...Embracing Our Future*



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

Name/Address	<u>Date</u> Appointed	Term	Expires	<u>Eligible For</u> Reappointment
Mandella Edwards ( /F) 7076 Candlewood Drive Fayetteville, NC 28314 429-0790(H)	4/07	1 <sup>st</sup>	April/10 4/30/10	Yes
Tom Lloyd (W/M) 1306 Berkshire Road Fayetteville, NC 28305 574-3177/678-7618(W)	8/08	1 <sup>st</sup>	Aug/11 8/31/11	Yes
Martha McKoy P.O. Box 42152 Fayetteville, NC 28309 423-0771	9/08	2 <sup>nd</sup>	Sept/11 9/30/11	No
Dr. John Briggs (W/M) 2910 Hybart Street Fayetteville, NC 28303 867-1493	2/08	Initial	Feb/09 2/28/09	Yes
Terri Thomas (B/F) 508 Spaulding Street Fayetteville, NC 28301 988-7672/485-4765(W)	1/09	Initial	Jan/10 1/31/10	Yes
Hervenna Pannell (B/F) 1821 Eichelberger Drive Fayetteville, NC 28303 822-8516/907-9355(W)	2/06	1 <sup>st</sup>	Feb/09 2/28/09	Yes
Clyde E. Hammond (W/M) 1802 Flintshire Road Fayetteville, NC 28304 425-2774	08/08	1 <sup>st</sup>	Aug/11 8/31/11	Yes
Teresa Rena McNeill (B/F) 3518 Pickerel Street Fayetteville, NC 28306 480-0313/483-3648 x2226 (W)	8/08	1 <sup>st</sup>	Aug/11 8/31/11	Yes
Toney Edwards (B/M) 3622 Clearwater Drive Fayetteville, NC 28311 822-4261/864-6262	1/09	1 <sup>st</sup>	Jan /12 1/31/12	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Stephanie Hodges (W/F) 3424 Harrisburg Road Fayetteville, NC 28306 429-9300/292-5651 (C)	6/08	1 <sup>st</sup>	June/11 6/30/11	Yes
Marilynn H. Montenegro 701 Emeline Avenue Fayetteville, NC 28303 678-8020/609-0639 (W)	12/08	Initial	Dec/09 12/31/09	Yes

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

Quarterly, 3<sup>rd</sup> Monday (March, June, September & December) at 1:00 PM - at various nursing homes in the county.

JEANNETTE M. COUNCIL  
Chairman

BILLY R. KING  
Vice Chairman

J. BREEDEN BLACKWELL  
KENNETH S. EDGE  
MARSHALL FAIRCLOTH  
JIMMY KEEFE  
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MARSHA S. FOGLE  
Clerk to the Board

MARIE COLGAN  
Deputy Clerk

**BOARD OF COMMISSIONERS**

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ITEM NO. 5D

February 6, 2009

**February 17, 2009 Agenda Item**

TO: Board of Commissioners  
FROM: Marie Colgan, Deputy Clerk *MC*  
SUBJECT: Workforce Development Board

**BACKGROUND:** On February 2, 2009, the Board of Commissioners nominated the following to fill three vacancies on the Workforce Development Board:

Private Sector: **April Whittemore** ( new appointment)  
**Sara Jean Hicks** (new appointment)

Community Based Organization: **Sarah Hemingway** (new appointment)

I have attached the current membership list for this board.

**PROPOSED ACTION:** Appoint the above two (2) vacancies.

Attachment

pc: Geneva Mixon, Director

*Celebrating Our Past...Embracing Our Future*

CUMBERLAND COUNTY WORKFORCE DEVELOPMENT BOARD  
(FORMERLY, PRIVATE INDUSTRY COUNCIL)  
3 Year Terms

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Private Sector:</u>				
Alicia R. McLean (B/F) Fayetteville Kidney Center 5058 Summer Ridge Drive Fayetteville, NC 28303 487-0390/323-5288 (W)	9/08	1 <sup>st</sup>	Sept/11 9/30/11	Yes
Gwen Holloman (B/F) VA Hospital 721 Edgehill Road Fayetteville, NC 28314 868-1691/822-7968 (W)	9/08	1 <sup>st</sup>	Sept/11 09/30/11	Yes
Loleta L. Wilkerson ( /F) Pentagon Federal Credit Union 1800 Skibo Road, Suite 320 Fayetteville, NC 28303 487-3404/868-5594(W)	10/08	2 <sup>nd</sup>	Oct/11 10/31/11	No
Rosie G. McMillan (B/F) FSU 1972 Culpepper Lane Fayetteville, NC 28304 864-0158/671-1105 (W)	9/08	1 <sup>st</sup>	Sept/11 09/30/11	Yes
Brad Loase (W/M) 815 Stamper Road Fayetteville, NC 28303 583-3682/437-5959 (W)	6/08	1 <sup>st</sup>	Feb/10 2/28/10	Yes
serving unexpired term				
Michael Karaman (W/M) 4424 Bragg Blvd. # 101 Fayetteville, NC 28303 860-1000	2/07	1 <sup>st</sup>	Feb/10 2/28/10	Yes
JoLeita Evans (W/F) 2974 Evans Dairy Road Fayetteville, NC 28312 483-9065/484-5972(W)	11/08	2 <sup>nd</sup>	Nov/11 11/30/11	No
Dina Simcox (W/F) 3628 Heatherbrooke Drive Fayetteville, NC 28306 717-2448/868-7668 (W)	4/08	1 <sup>st</sup>	Apr/11 4/30/11	Yes

Cumberland County Workforce Development Board, page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Wendall Troy (B/M) School Link, Inc. P.O. Drawer 36067 Fayetteville, NC 28303 223-2116, Ext. 101	2/06	2 <sup>nd</sup>	Feb/09 2/28/09	No
Charles A. Richter ( /M) Piedmont Natural Gas 1069 Wilkes Road Fayetteville, NC 28306 321-2982 (W) / 308-1168 (C)	10/08	2 <sup>nd</sup>	Oct/11 10/31/11	No
Mike Baldwin (W/M) 1337 Sawyer Court Hope Mills, NC 28348 323-9493/426-5000(W)	6/06	1 <sup>st</sup>	June/09 6/30/09	Yes
John Davidson (W/M) Carco Group, Inc. 674 Glenda Street Fayetteville, NC 28311 482-4338/308-3255	8/08	1 <sup>st</sup>	June/09 6/30/09	Yes
<u>Public Sector:</u>				
Social Services Representative: Richrd Everett (W/M) Dept. of Social Services 408 Mirror Lake Drive Fayetteville, NC 28303 484-0432/677-2360 (W)	9/08	1 <sup>st</sup>	Sept/11 9/30/11	Yes
<u>Rehabilitation:</u>				
Ellen Morales ( /F) North Carolina Department of Human Resources Division of Vocational Rehabilitation Services 1200 Fairmont Court Fayetteville, NC 28304	11/06	(unlimited term - replaced by state agency)		
<u>Community Based Organization:</u>				
Esther Acker (W/F) 301 Coolee Circle Fayetteville, NC 28311 488-1402/323-3192 x32 (W)	9/08	1 <sup>st</sup>	Sept/11 9/30/11	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Dr. Robin Jenkins (W/M) Communicare, Inc. P.O. Box 87830 Fayetteville, NC 28304-7830 433-1116	2/06	2 <sup>nd</sup>	Feb/09 2/28/09	No
J. Carl Manning (B/M) Kingdom CDC PO Box 1402 Fayetteville, NC 28302 630-1000/484-2722	5/08	1 <sup>st</sup>	May/11 5/31/11	Yes
<u>Economic Development:</u> Catherine Johnson (W/F) FCCCC 524 Deerpath Drive Fayetteville, NC 28311 822-4809/484-4242 x247 (W)	8/08	1 <sup>st</sup>	Aug/11 8/31/11	Yes
<u>Employment Service:</u> Glenn McQueen (B/M) Employment Security Comm. 414 Ray Avenue Fayetteville, NC 28301 486-1010	8/02	(unlimited term - replaced by state agency)		
<u>Labor:</u> Joseph M. Smith (W/M) Goodyear 6005 Loudon Circle Hope Mills, NC 28348 424-6238/488-9295 x321 (W)/578-9933 (C)	9/08	1 <sup>st</sup>	Sept/11 9/30/11	Yes
<u>Education:</u> Dr. Joe Mullis, ( /M) FTCC PO Box 35236 Fayetteville, NC 28303	8/07	1 <sup>st</sup>	Aug/10 8/31/10	Yes
Emily Dickens (-/F) Fayetteville State University 1200 Murchison Road Fayetteville, NC 28301 486-1141	11/08	1 <sup>st</sup>	Nov/11 11/30/11	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>County Representative:</u> Juanita Pilgrim Deputy County Manager P. O. Box 1829 Fayetteville, NC 28302 678-7726	7/93	N/A	N/A	N/A

Contact: Geneva Mixon, Director, CC Workforce Development Center (323-2498, X2126 or Lorria Troy X1225 – fax # 323-5755)

Regular Meetings: 2<sup>nd</sup> Tuesday, every other month, 12:00 noon, Job Link Career Center, 413 Ray Ave.  
(Name Changed to Cumberland County Workforce Development Board, November, 1995)